

'Year of the Juror' Aims to Foster Understanding and Participation

By Lorraine Boyd
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Governor Dave Heineman will sign a joint proclamation in his office this morning at 9 a.m. with Nebraska Supreme Court Justice John Hendry and Nebraska State Bar Association President William Dittrick, declaring 2006 *The Year of the Juror*.

The proclamation signing marks the launching of a statewide campaign to educate and encourage jury service among Nebraskans.

While it is hoped that the campaign will increase juror participation among all Nebraskans, the campaign will target the more diverse counties within the state: Douglas, Lancaster, Hall, Madison, Scottsbluff, and Dawson.

Liz Neeley, project director with the University of Nebraska Public Policy Center for the Minority and Justice Implementation Committee, said the campaign will begin in Hall County in February. "We will be enlisting the help of local judges, as well as minority groups. We see it as an opportunity for community outreach."

She noted that the written materials, which have not been updated for many years, are being revamped. The jury information booklet has incorporated a national theme: "It isn't fair if you're not there." Neely said the materials will be widely distributed, especially targeting high school civics classes and citizenship classes. Radio advertisements, created by Bozell & Jacobs in Omaha, will also run, emphasizing that participating in the jury process is a civic duty of citizens every bit as much as voting. "We want to show that everyone can and should be part of the judicial process." Ads in Spanish are also being prepared to run on Spanish-speaking stations.

The assurance that a defendant will receive a trial by a representative group of his or her peers is a fundamental element of the jury system. If juries are perceived as biased or unrepresentative, public trust and confidence in the legal system will decline.

Why is the perception of a fair process so important? Attitudes towards the courts can affect the way individuals perceive their role in the justice system. When people believe that the justice system is fair it increases their willingness to comply with laws, report crimes, file legal suits, and so on. In short, a positive public perception of the courts is "critical to the maintenance and operation of the judicial system."

While the majority of Nebraskans believe that it is important that juries reflect the racial and ethnic makeup of the community, data gathered by Nebraska's Minority and Justice Task Force (2002) suggest that juries may not be representative of their communities.

The Minority and Justice Implementation Committee is currently involved in efforts to ensure that there are not systemic barriers that exclude racial and ethnic minorities from participating on juries. For example, when the Task Force learned that several counties had not updated their jury pool lists in 15 to 20 years, thereby excluding the increasing diversity of the counties, they pushed for the passage of LB 19 in 2003, which requires that jury pool lists be updated on an annual basis. More recently, the Committee was able to pass LB 105 which allows for an investigation of the current system of jury compilation, to ensure that it does not systematically exclude racial and ethnic minorities from service.

While the Committee is actively addressing systemic barriers, testimony collected through statewide public hearings and discussions with district court clerks, jury commissioners and minority community leaders suggests that minority under-representation on juries is in part due to a general distrust and/or unfamiliarity with the justice system, resulting in non-response to jury summonses. For instance, many new Americans may come from countries with corrupt justice systems or without a jury system of justice. Receiving a letter from the court often incites feelings of suspicion or fear, especially if the summons is served by local law enforcement.

The campaign was developed by the Nebraska Minority and Justice Implementation Committee, a joint initiative of the Nebraska State Bar Association and the Nebraska Supreme Court to address issues and perceptions of racial and ethnic bias in the court system. The MJIC has partnered with district court clerks, jury commissioners, and representatives from the Nebraska Commission on Indian Affairs, the Nebraska Mexican American Commission and the Urban League of Nebraska and the Nebraska Racial Justice Initiative in developing a three-pronged campaign consisting of meetings with minority communities, dissemination of written materials, and a targeted radio campaign.

Because LB 105 now allows the Court access to jury records for the purposes of research, the Committee will be able to collect baseline data on the diversity of Nebraska's jury pools.

Following the educational campaign they will be able to track any significant impacts the project has on the "non-response" rate counties have in regards to jury summonses and to what extent the campaign has increased the participation of racial and ethnic minorities on jury pools. The results of this evaluation will be used to inform and make policy recommendations to the Administrative Office of the Courts to increase juror participation and encourage minority representation on juries.

Currently, non-response to jury summonses in many counties exceeds 20 percent. Research will be able to determine the reasons for non-response (i.e. incorrect address information, language barriers, etc.)

The results of the evaluation, coupled with the qualitative comments obtained at meetings with minority community groups, will be used to inform and make recommendations to the Administrative Office of the Courts and local community groups about adopting long term policies to increase juror participation and encourage minority representation on juries. For instance, if the results find that non-response to jury summonses can be attributed to incorrect address information, it may be recommended that the Administrative Office of the Courts obtain the services of an address updating agency. On the other hand, if the study reveals that non-response to jury summonses is primarily due to factors such as concerns with parking or transportation availability or economic burdens of jury service, the Administrative Office of the Courts may be asked to implement policies used by other states, such as on-site daycare, parking vouchers, or transportation vouchers.

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