



PENNSYLVANIA INTERBRANCH COMMISSION FOR GENDER, RACIAL, AND ETHNIC FAIRNESS

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MEMORANDUM

TO: Pilot Program Participants - Erie (6), Cumberland (9), Lehigh (31), and Beaver (36)

FROM: Lisette M. McCormick, Executive Director

DATE: March 6, 2012

RE: Description and Update of Pilot Program - Tracking Juror Race, Ethnicity, Gender and Age

I. Description of Pilot Program

Generally: As a means of implementing recommendations from Chapters 2 and 3 of the Final Report of the Supreme Court Committee on Racial and Gender Bias in the Justice System (“Final Report”), the Jury Service Committee of the Pennsylvania Interbranch Commission for Gender, Racial, and Ethnic Fairness (the “Commission for Fairness”) sought your participation in a pilot program to track the race, ethnicity, gender and age of jurors within your Judicial District (the “Pilot Program”). The goal of the project is to increase diversity and public participation on juries throughout the Commonwealth.

Participants: The Commission for Fairness will ask six (6) Judicial Districts to participate in the Pilot Program: Philadelphia (1), Erie (6), Cumberland (9), Lehigh (31), Delaware (32), and Beaver (36) (hereinafter “Pilot Program Participants”). These

Judicial Districts were selected on the basis of: (1) their expressed interest on a recent survey in participating in such a program; (2) their reputation for proficiency in court administration matters; (3) the geographic location of the Judicial District and (4) the racial and ethnic composition of the Judicial District.

Duration of Pilot Program: The Commission for Fairness recommends that each of the Pilot Program Participants track juror information for a minimum period of twelve (12) consecutive months.

Purpose: The purpose of the Pilot Program is for each of the Pilot Program Participants to work with the Commission for Fairness and the other Pilot Program Participants to perfect a standardized system for successfully tracking the race, ethnicity, gender and age of those individuals: (1) *summoned* for jury service; (2) who *appear in court* in response to a summons; and (3) who are *selected* for jury duty within their Judicial Districts (“Standardized Juror Tracking System”). This will be accomplished through the use of an additional set of questions on the original juror questionnaire.

Implementation: To implement the Pilot Program, the Pilot Program Participants are being asked to collaborate both internally and externally. Internally, the Pilot Program Participant (including the President Judge, Court Administrator, IT personnel and other relevant personnel within the Judicial District) is being asked to collaborate to implement and utilize the two tools described below:

- **“Race/Ethnicity/Gender/Age Insert” (Appendix A)** within the Judicial District’s existing questionnaires to record the relevant information for those individuals *summoned* for jury service; and
- **“Survey Tabulation Worksheet” (Appendix B)** used to track the same information for the same individuals as they *appear in court* in response to a summons and are *selected* for jury duty.¹

Externally, the Pilot Program Participant is being asked to appoint one individual as a contact person to relay information to the Commission for Fairness -- as well as other Pilot Program Participants, when necessary -- regarding the status of the Pilot Program.

Long Term Goals: Upon successful conclusion of the Pilot Program, the Commission for Fairness will address the long term goals set forth below. Each goal is supported by specific recommendations set forth in the Final Report.

¹ The worksheet was recommended by the National Center for State Courts and will be slightly amended to conform to the Pilot Program’s use.

- Make the Standardized Juror Tracking System available to all Judicial Districts throughout the Commonwealth;
- Use the data derived from the Standardized Juror Tracking System to create a baseline to determine the extent of any underrepresentation problems within the Judicial Districts (“Baseline”); and
- Use the Baseline to determine whether certain initiatives designed for juror inclusion -- such as the use of the Pennsylvania Statewide Juror list -- are succeeding.

II. Status of Pilot Program

Status of Meetings with Judicial Districts: The Commission for Fairness has met with the following four (4) Judicial Districts regarding the implementation of the Pilot Program: Erie (6), Cumberland (9), Lehigh (31), and Beaver (36). We plan to meet personally with the following two (2) Judicial Districts in March: Philadelphia (1) and Delaware (32). Ms. Lynn Marks, Chair of the Jury Service Committee and Co-Chair of the Commission for Fairness, plans to be in attendance at those meetings, along with Executive Director, Lissette M. McCormick.

Response from Invited Judicial Districts: Thus far, each of the four (4) Judicial Districts we have invited to participate in the Pilot Program has agreed to participate in it. Some Districts have even given us some helpful suggestions for placement of the additional questions on the juror questionnaire, and for making simple changes to the tracking form from the National Center for State Courts. Some of the Districts have already begun the process of making the changes to their questionnaires. We have not yet set a date for the official start of the program, but will do so as soon as we have met with the final two invited Districts. We hope to have the program up and running by late spring.