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Jury Diversity: A Survey of Washington State Trial Courts Analysis of Court Demographic Data Collection and Juror Accommodations



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June 10, 2021

A Report by Rhaelynn Givens, and Emilie Maddison
University of Washington

This report was developed under Project Grant number SJI-18-N-029 from the State Justice Institute. The points of view expressed are those of the author and do not necessarily represent the official position or policies of the State Justice Institute.

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Jury Diversity: A Survey of Washington State Trial Courts

Analysis of Court Demographic Data Collection and Juror Accommodations

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Introduction

Having representative and diverse juries promotes fairness in the jury system.¹ An impartial jury pulled from a fair cross-section of the community is a right guaranteed by the sixth and fourteenth amendments and further established in *Taylor v. Louisiana* and the Jury Selection Service Act (JSSA).²⁻⁵ However, research points to underrepresentation in jury pools of Black, Indigenous, and People of Color (BIPOC), and in particular Black, Indigenous, and other Women of Color.⁶

There are several steps in the juror selection process.⁷ At each of these stages, there is potential for biases, under-sampling, and inequitable barriers that ultimately explain the lack of diversity in jury pools and juries.⁶

Underrepresentation is problematic at a national and state level. A recent study by Peter Collins and Brooke Gialopsos evaluated jury pools from 33 courts in Washington State.^{*6} Data were collected from people who presented for jury service over a one-year period. The study found that underrepresentation of American Indians/Alaska Natives, as well as Asian, Black, and Hispanic people exists in Washington.⁶

Text box 1. The Juror Selection Process

1. Master jury lists must be created from lists of eligible citizens
2. Jury summons must be sent
3. Citizens must then respond to those summonses
4. Citizens then present themselves to court
5. Peremptory challenges and for-cause excusals remove potential jurors from the jury pool
6. The final jury is then selected by the judge and attorneys

When looking at the intersection of gender and race, underrepresentation of Black, Indigenous and other Women of Color was also reported.⁶ These findings show disparities between white and BIPOC juror pool representation, which was determined by comparing survey results to population data from the American Community Survey from each jurisdiction.⁶ Empirical data demonstrates underrepresentation of Black, Indigenous, and People of Color in all but one of 33 courts, with representation ratios of just 0.48, 0.52, and 0.58 for Asian, American Indian/Alaska Native, and Black/African American people respectively.⁶ A 1.00

* "Collection and analysis of these data was done through a partnership between the researchers, the Washington State Supreme Court Minority and Justice and Gender and Justice Commissions, and the Washington Pattern Instructions (WPI) Committee."

represents a representative ratio, while ratios less than 1 indicate underrepresentation and ratios greater than 1 indicate overrepresentation. Women in general are not underrepresented in jury pools; however, Black, Indigenous and other Women of Color are underrepresented. It is unknown how the Lesbian, Gay, Bisexual, Transgender, Queer, and Others (LGBTQ+) community is represented in these pools, since there were limited population-level statistics detailed enough to properly evaluate the question.⁶

The ability to achieve representative juries is complicated by several factors, starting with the way master jury lists are created using official records (e.g., driver licenses, voter registrations), which represent incomplete subsets of the jury-eligible population.⁸ In addition, peremptory challenges have the potential to perpetuate racism, sexism and other biases. The size of juries vary which has been put forth as a problem for maintaining representativeness.¹ Finally, demographic data on selected and potential jurors is not collected systematically across courts.¹ The only way to determine if a jury has been pulled from a fair cross-section of the community is to compare the jury pool to the census records (or similar population data) of the specific community.^{9,10}

There are several proposed solutions to underrepresentation in juries and jury pools, including structural changes to how master jury lists are created, efforts to reduce barriers to responding to jury summons and participating in jury service, and outreach to communities on the importance of civic participation. More technical solutions include jural districting or similar sampling algorithms, which could oversample specific populations for jury summons in order to improve the composition of the jury pool.¹¹

In Washington State, courts pull potential jurors from a wide range of sources, including voter registration lists, DMV records, and state ID card holders. Also, the state's expansive voter registration laws mean the jury pool Washington courts can pull from is large, and by proxy, hopefully more representative.¹² However, pulling from only these sources still exclude those citizens who do not participate in any of those systems, which leads to disproportionate representation.¹³

In comparison to Washington State, New York State is the only state that requires the collection of demographic data for jury pools: this was established through the Jury Pool Fair Representation Act of 2009-2010.¹⁴ Its purpose is to determine if jury pools match a fair cross-section of the community. People who present for jury service are provided with an information card with demographic questions on gender identity, sexual orientation, race, ethnicity, and employment category. The courts then produce annual reports based on their findings.¹⁴

The lack of demographic information available at each stage of jury selection—from jury summons to impaneled juries—makes it difficult to determine if representative juries are actually being formed. Jury representativeness is a key issue for ensuring a fair trial. Evidence shows diverse juries consider more facts, make fewer errors, and discuss racism more often than all-white juries.^{6,15} One way to evaluate if representative juries are being formed is to compare jury pools to the larger population of each community.^{9,10} While capturing demographic data is necessary to measure jury representation, understanding the barriers to service and what courts

can do to accommodate jurors is also key to improving representative juries that are a fair cross section of the community.

The Jury Diversity Survey is part of the Gender Justice Study, which is a multi-year project examining impacts of gender bias and how that affects access to justice.¹⁶ Both the survey and the Gender Justice Study are examples of work the Washington State Supreme Court Gender and Justice Commission does to ensure gender equality for all in Washington Courts (see text box 2).

The intent of the Jury Diversity Survey is to collect primary data about the type of demographic data collected and accommodations offered to jurors in Washington Trial Courts, and the barriers courts experience in collecting demographic data and providing accommodations. The key findings from the Jury Diversity Survey are presented in this technical report.

Text box 2. The mission of the Gender and Justice Commission¹⁷

The mission of the Gender and Justice Commission is to identify concerns and make recommendations regarding the equal treatment of all parties, attorneys, and court employees in the State courts, and to promote gender equality through researching, recommending, and supporting the implementation of best practices; providing educational programs that enhance equal treatment of all parties; and serving as a liaison between the courts and other organizations in working toward communities free of bias.

Methods

The Survey

The survey was designed to evaluate what kind of demographic data Washington Trial courts collect, what accommodations they typically provide, and what barriers they encounter in collecting data and providing accommodations. It was designed through a collaborative process between experts in the courts and social science researchers. The research team shared a draft of the survey tool with representatives from the various trial court levels and the County Clerks' Offices to gather feedback on the tool and the survey dissemination plan.

The survey was distributed via SurveyMonkey to Court Administrators, Jury Administrators, and Superior Court Clerks in 209 courts.[†] The survey was open for three weeks in April of 2021. Of the 209 courts who received the survey, 85 responses were recorded from 76 courts,[‡] representing 35 of the 39 Washington counties. The proportion of courts who

[†] We estimated the number of total courts that received the survey using lists available from the Washington Courts website. Only courts with websites were counted from the Superior, District and Municipal courts. Juvenile courts, courts specifying family/mediation services, and court directory listings designated for probation services were excluded as they did not receive the survey.

[‡] Although there were 85 initial responses, only 76 courts are represented since some courts had multiple respondents. For the purpose of calculating the total number of courts that responded to the

responded to the survey is 36%. Respondents were asked to identify their court name and select one of four options: “my court currently collects demographic data,” “my court does not collect demographic data,” “my court historically collected demographic data but does not anymore,” or “I’m not sure if my court collects demographic data.” After the initial selection, the survey led respondents through the appropriate set of questions relative to what selection they indicated for their court’s demographic data collection status. The survey asked each respondent who indicated their court does collect data (or has historically collected data) to report on demographic variables their court collects at each stage of the jury selection process.[§] In this survey, the demographic variables of interest included Gender or Sex; Age or Year of Birth, Race or Ethnicity, and Occupation. If respondents indicated their courts do not currently collect data, they were asked to name barriers to collecting this data.

Respondents were also asked to identify accommodations commonly made for jurors and barriers to service for a variety of populations: breastfeeding people, pregnant people, non-binary and transgender people, and people with disabilities. We also asked about barriers to service for “women, women of color, parents, or other underrepresented groups.” In addition, we asked about barriers that courts themselves experience in making juror accommodations, and how courts alert jurors to the types of accommodations courts typically make.

Table 1. Number of Responses by Court Jurisdiction and Number of Courts Represented in Analysis. This table shows the breakdown of total respondents by jurisdiction, as well as the total number of courts represented in the data analysis.

Number of Respondents by Court Jurisdiction				
Municipal	District	Superior	Superior Court Clerk	Total Responses
27	17	25	13	82
Number of Courts Represented in Responses				
76	Responses from Superior Courts and Superior Court Clerks’ Offices affiliated with the same court were counted once for the purpose of calculating the total number of courts who responded to the survey.			

survey and the response rate, respondents from a Superior Court and its affiliated Superior Courts Clerk’s Office were counted only once.

[§] There are six stages in the jury selection process: summons sent, summons response, excusal for hardship, excusal by peremptory challenge, excusal for cause, and impaneled juries.

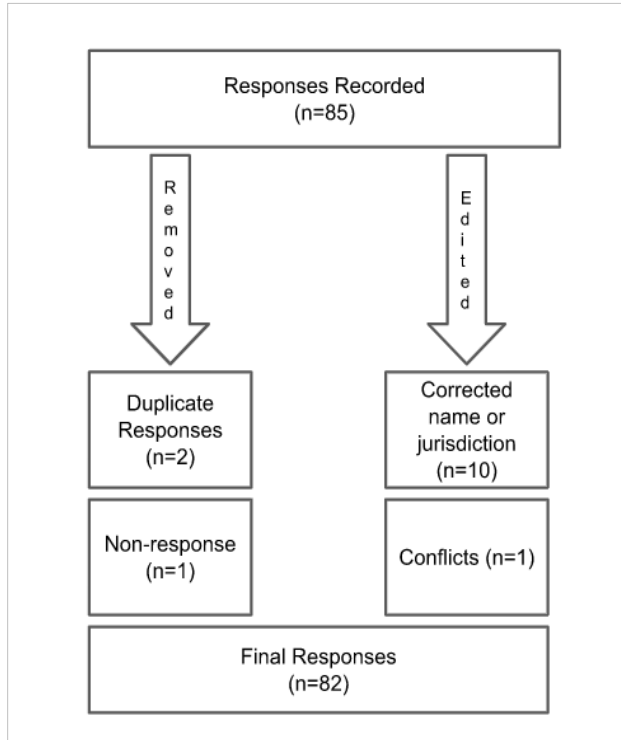


Figure 1. Decision Tree for Exclusions and Inclusions of Survey Responses

Data cleaning and coding

Figure 1 shows 85 responses were recorded using SurveyMonkey and provided for review. The data was reviewed in Microsoft Excel for duplicates,** unclear court names and jurisdictions, and inconsistencies in respondents' answers. Duplicate responses and responses with no information were removed, and court names and jurisdictions were clarified by consulting with the survey administrator. There was only one conflict found, where respondents from a Superior Court and the affiliated Superior Court Clerk's Office answered differently (yes and no) to whether they had a standard juror questionnaire. The questionnaire was uploaded with the survey response; thus, the conflict was resolved. There are 82 responses included in the analysis. Two researchers analyzed survey responses separately and collaborated throughout the

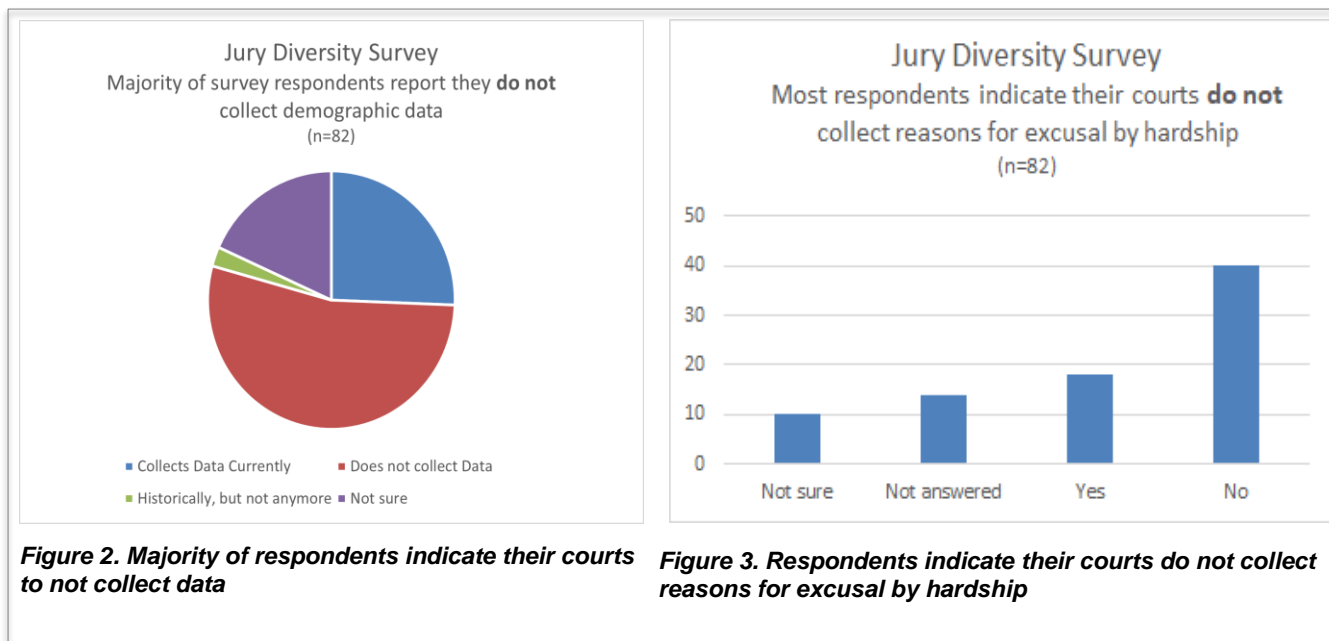
process to ensure consistency. Researcher (RG) was responsible for the demographic data collection section while researcher (EM) was responsible for the accommodations section. They used Microsoft Excel and the statistical analysis program R version 4.0 to analyze and report findings. Both researchers coded qualitative open-ended response questions, then grouped similar responses by theme.

Part 1 Analysis/Results: Demographic Data

Demographic Data Collection Status

The proportion of survey respondents reporting data collection status is shown in Figure 2. Of the 82 respondents, 54% (n=44) indicated they do not collect data; 26% (n=21) indicated they do; 18% (n=15) reported they were not sure, and 2% (n=2) historically collected data but do not anymore. In trying to understand why courts are not collecting data, the survey asked respondents to identify barriers that prevent courts from doing so. Of the 82 respondents, 49% (n=40) indicated their courts also do not collect information on excusals for juror hardships. This is represented in Figure 3.

** Duplicates are when the same person responded more than once.



Demographic data collection occurs most often in the response phase of the juror selection process. While there are a number of courts collecting different demographic variables, “Age or Year of Birth” and “Occupation” are the variables collected most often across all stages of the juror selection process (Figure 4). Although the survey asked about historic data collection, there were only two respondents who indicated their courts had historically collected demographic data but no longer do. The demographic variables collected by these courts were consistent with the variables tracked by courts currently collecting data. Although the variables were consistent with the courts that do collect data, the stage at which these variables were collected differed. One court in the historic respondent category only reported collecting data on impaneled jurors, which is inconsistent with data collection efforts reported by other courts at each stage. Of the 21 courts currently collecting data, 76% (n=16) collected demographic information at the response stage. Only five courts collected data at every stage of the juror selection process.

Demographic Data and Gender Variables

Of the 21 courts currently collecting data, only one court indicated they include non-binary and transgender as options for Gender or Sex.

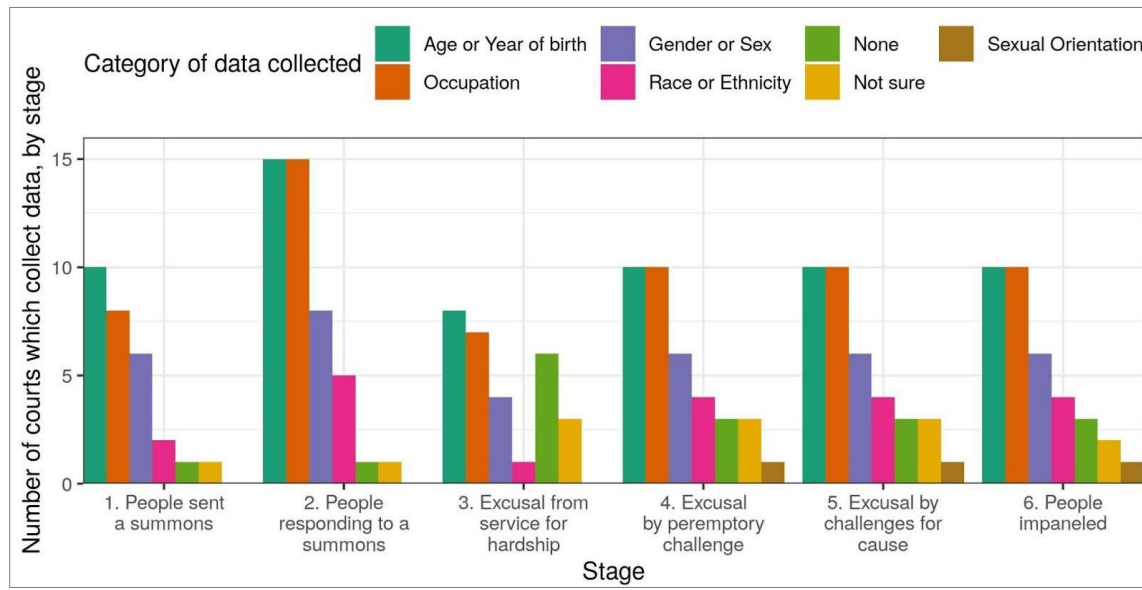


Figure 4. Courts collecting demographic data in the jury selection process (n=21). The category “none” is included in this figure to show courts actively identifying that they do not collect the demographic variables listed. Non-responses are not pictured.

Data Storage

Respondents whose courts currently collect data (n=21) were asked to identify how data is stored and when data collection began. 62% (n=13) of respondents who indicated their courts collect data stated collection began before 2020, but did not recall the exact date. Some courts did report specific time periods for storing data, but 62% (n=13) did not know how long the data are stored. Time periods for data storage were represented by four categories: 0-6 months, 6 months-1 year, more than 1 year, and unknown. Two courts indicated they store data for more than 1 year, and one of those courts stores data indefinitely. Respondents were also asked to identify data storage methods. These methods were also represented by four categories: paper only, electronic only, both paper and electronic, and unknown.

Table 2. Data collection storage methods

Storage Method	Number of Respondents (n=21)
Paper only	6
Electronic only	5
Paper and Electronic	2
Unknown	8

Table 2 shows the frequencies of different data collection storage methods. Of the five courts who collect data in all phases of the juror selection process, as reported previously, there were no consistent storage-method patterns identified: two respondents indicated their courts used paper storage methods, one used electronic storage methods, one used a mix of both electronic and paper, and one was not able to be determined from the open-ended response.

Barriers to Collecting Demographic Data

The 54% (n=44) of respondents indicating their courts do not collect data were asked to identify barriers for why they do not collect this information. A few respondents reported more than one barrier. The percentages are representative of the number of times the barriers were reported across all respondents (n=49). The two barriers respondents most commonly reported in collecting demographic data were 1) available resources and 2) compliance. The resource category was defined broadly and included respondents' references to time, available staff, available funding, and limited technology. Compliance refers to responses indicating there was no compulsory requirement to collect data, or responses noting it was not important.

From the resource category the most cited reason for not collecting demographic data was available staff and time. Figure 5 represents the barriers indicated by respondents and are reported by category (e.g. resources, compliance, no barriers, other, unknown and did not respond). Although Resources and Compliance represent the most commonly reported barriers, responses categorized as "other" revealed barriers of interest which, in a larger sample, might occur more frequently. Two such barriers are juror resistance and a juror's privacy preference. In another response classified as "other," a municipal court reported their larger, county court supplies jurors; therefore, they do not participate in data collection.

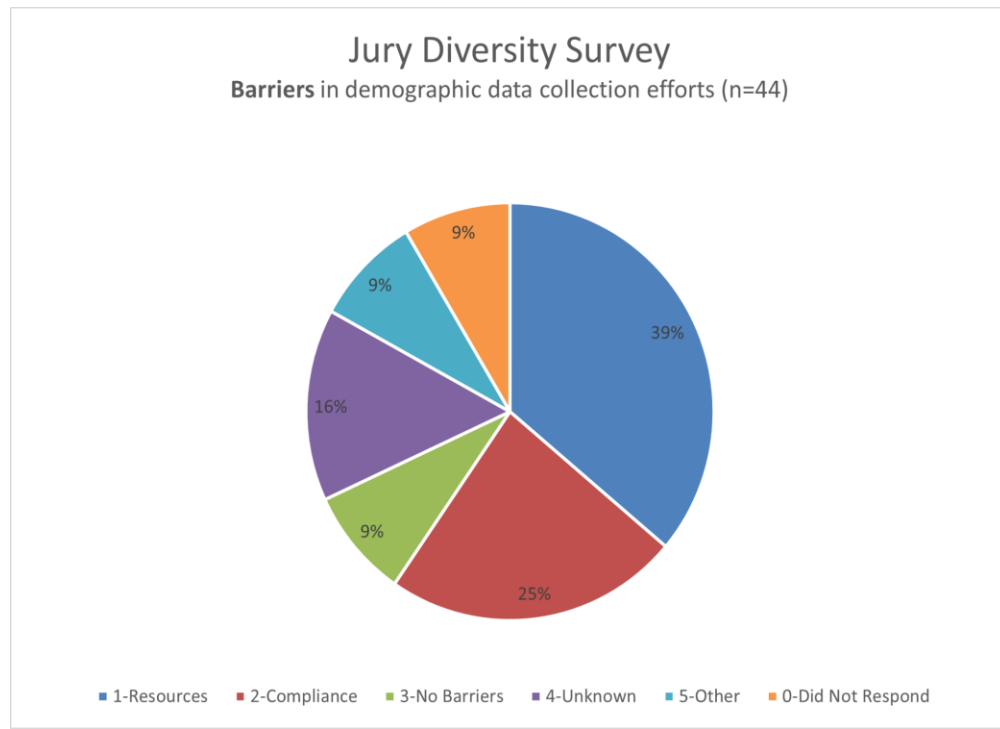


Figure 5. Survey respondents and barriers reported to collecting demographic data

Historical Data Collection

Although the survey asked about historic data collection at each stage of the jury process, only two respondents indicated they historically collected data, but no longer do. Given the limited response size, findings from this category are inconclusive. The two respondents indicated different reasons. One respondent reported stopping data collection because of discontinued trials due to COVID-19, which suggests that this court might begin collecting data again when jury trials resume. The other respondent reported stopping data collection because of lack of staffing and available resources. Barriers reported by the second court are consistent with barriers reported by courts that are not collecting data. Understanding historical data collection and reasons for stopping will inform recommendations for future data collection efforts. The current sample size, however, is insufficient to do so.

Part II Analysis/Results: Accommodations

Accommodations

For all the questions on accommodations, the overarching theme of the responses was that courts would fulfill any juror requests that were feasible. However, these questions used open-ended responses. Therefore, the frequency of responses should not be interpreted as the actual frequency with which these accommodations are provided, only the frequency with which respondents thought of each accommodation in their response.

56% of respondents (n=46) report making accommodations for pregnant jurors. Of those, the most commonly mentioned accommodations made for pregnancy were additional breaks (n=15, 33%), excusal from jury service (n=11, 24%), rescheduled jury service (n=8, 17%), and additional bathroom breaks (n=5, 11%) (see Figure 6). 20% (n=16) said they were not sure if they provided, and 7% (n=6) said they did not provide accommodations for pregnant jurors. 17% (n=14) did not respond to the question.

For breast-feeding jurors, 49% of respondents (n=40) report making accommodations. Respondents predominantly mentioned lactation rooms (n=27, 68%), with three respondents (8%) also mentioning providing refrigeration space. 20% mentioned additional breaks (n=8), 18% mentioned excusing jury service (n=7), and 10% mentioned rescheduling jury service (n=4) (see Figure 7). 22% (n=18) responded "I'm not sure", 12% (n=10) responded that they did not provide accommodations, and 18% (n=15) did not respond to the question.

Courts generally do not provide childcare services. 71% (n=58) of respondents reported their court does not provide any accommodations for childcare; only 5% (n=4) reported making accommodations for jurors with childcare needs: two (50%) reported excusal, one (25%) reported rescheduling, and one (25%) reported providing walk-in daycare.

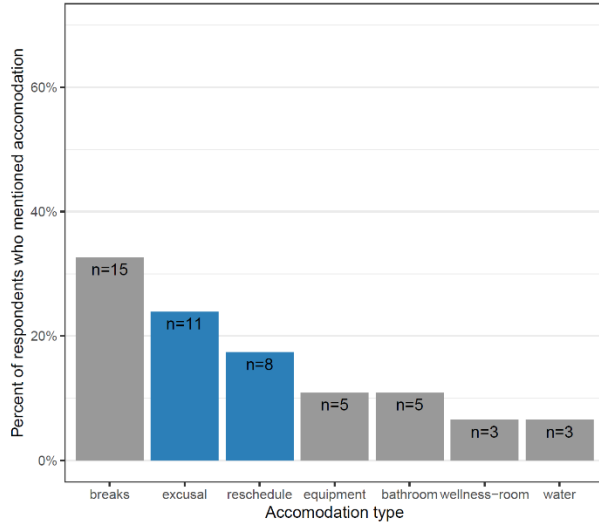


Figure 6. Top accommodations made for pregnancy (n=50). Accommodations described by at least 5% of respondents.

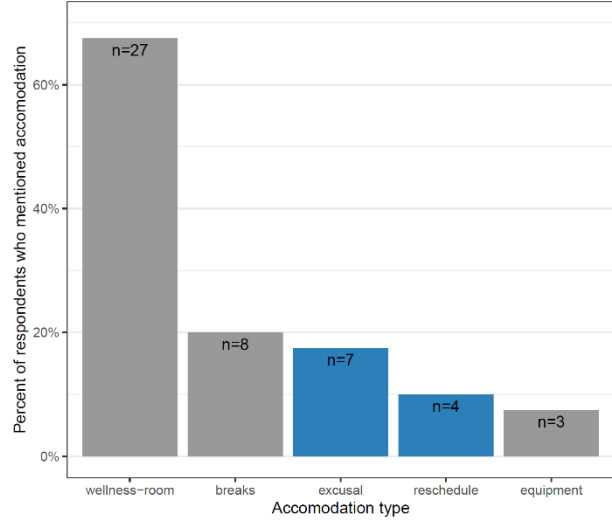


Figure 7. Top accommodations made for breastfeeding (n=49). Accommodations described by at least 5% of respondents.

The highest number of respondents (n=58, 71%) report making accommodations for disabilities compared to the previous questions; 9% responded “I’m not sure” (n=7) and 21% (n=17) did not respond. No court responded that they did not accommodate jurors with disabilities. This is not surprising, since discrimination against jurors based on disability violates the Americans with Disabilities Act (the ADA). The overwhelming majority of respondents describe assisted listening devices as one accommodation courts make (n=40, 69%). 52% of respondents (n=30) also describe physical access accommodations, such as ramps and elevators. 24% of respondents (n=14) mention ASL interpreters or text transcribers. Only a few respondents mention excusal as an accommodation for jurors with disabilities (n=4, 7%), compared to the higher rates of excusal for pregnant or breast-feeding jurors (24% and 18%, respectively).

32% of respondents (n=26) report taking steps to remove barriers for jurors whose gender identity is non-binary or who are transgender. 85% of respondents (n=22) describe offering single-stall or gender-neutral bathrooms, and 31% (n=8) describe using forms with gender-neutral language or forms that do not ask the person’s gender. Only one respondent (4%) noted that they ask for jurors’ preferred pronouns. One respondent (4%) mentioned that the historic building the court occupies cannot accommodate family or gender-neutral bathrooms. In contrast to other questions in the survey, this one provided examples of accommodations. The question reads, “Does your court take steps to reduce barriers for jurors whose gender identity is non-binary or who are transgender (for example, gender neutral or family restrooms, forms that include options other than male and female, etc.)?” Other questions did not provide those kinds of examples, which may have influenced the responses provided.

Table 2. Kinds of accommodations available to jurors in Washington courts. This is not a comprehensive list of all accommodations that can be made for jurors, only a sample of the kinds of accommodations that have historically been made, based on open-ended responses to the Jury Diversity Survey.

Reason for accommodation	Type of accommodation
I'm pregnant	<ul style="list-style-type: none"> - Additional bathroom breaks - Additional, or longer, breaks - Allowed to stand in the jury box - Allowed to sit out-of-order in the jury box - An ergonomic chair can be provided in the jury box - A footrest/backrest can be provided in the jury box - Snacks and water allowed in the jury box - Rescheduling or excusing jury service, if necessary - <i>Other accommodations as requested</i>
I'm breastfeeding	<ul style="list-style-type: none"> - Additional, or longer, breaks - A lactation room or other private room for pumping - Refrigeration for breastmilk - Rescheduling or excusing jury service, if necessary - <i>Other accommodations as requested</i>
I am the primary caregiver for a child	<ul style="list-style-type: none"> - Childcare is available to jurors - Rescheduling or excusing jury service, if necessary - <i>Other accommodations as requested</i>
I have a disability	<ul style="list-style-type: none"> - Additional, or longer, breaks - Assisted listening devices - Realtime transcription (CART) - ASL interpreters - Note-takers - Visual or reading assistance - Personal assistance - Service animals are allowed in court - Wheelchair accommodations - Wheelchair-accessible bathrooms - Elevators - An ergonomic chair can be provided in the jury box - A footrest/backrest can be provided in the jury box - A bariatric chair can be provided in the jury box - Allowed to stand and stretch in the jury box - Disabled parking is available - <i>Other accommodations as requested</i>
I have other needs	<ul style="list-style-type: none"> - Family bathrooms/gender-neutral bathrooms are available - Transportation vouchers are available - We reimburse mileage to and from the court - We try to dismiss jurors by 5pm - <i>Other accommodations as requested</i>

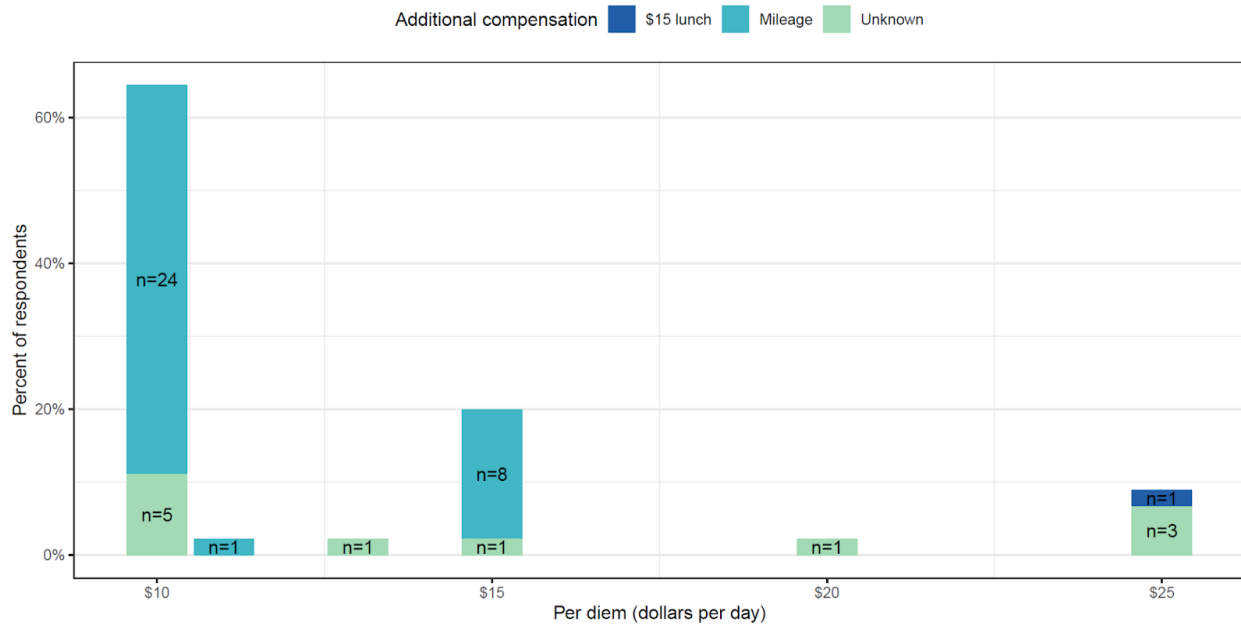
Women, Women of Color, Parents, and Other Underrepresented Groups

We also asked about barriers specific to “women, women of color, parents, or any other underrepresented group.” The majority of respondents mentioned childcare (n=32, 50%), followed by financial burdens such as lost income (n=21, 40%). 11% (n=6) mentioned the English-language requirement is also a barrier. 9% of respondents (n=5) reported a mix of either 1) they believe there are no barriers or do not know what barriers these groups would experience 2) believe all jurors were treated equally and without discrimination.

Regarding additional steps courts take to reach these populations, 36% (n=16/44) stated that they take no particular steps to address barriers to jury service for women, women of color, parents, or other underrepresented groups, although another 14% (n=6) of respondents said they would make accommodations as necessary. 7% (n=3) stated that they treat everyone equally and with respect. One court (2%) mentioned doing community outreach, especially outreach to youth to encourage jury service.

Juror Pay

Figure 8. The frequency of per diem rates for jurors, with additional compensation (n=45). The survey did not ask specifically about mileage or lunch reimbursement, but respondents described these in their open-ended responses. The ‘unknown’ category represents those responses that mention only juror pay, without additional compensation.



Courts pay between \$10-25 per day of jury service, and sometimes reimburse mileage as well. Of the 45 respondents (55%) who provided per diem rates, 64% of them (n=29) reported paying \$10 per day, 24% (n=11) reported paying between \$11-15 per day, 2% (n=1) reported paying \$20 per day, and 9% (n=4) reported paying \$25 per day. The highest per diem is \$25 per day plus \$15 for lunch. 33 of the 45 (73%) respondents mention reimbursing mileage.

Since the survey did not specifically ask about them, mileage reimbursement and paid lunch may be more prevalent than this. If jurors were paid the Washington State minimum wage (\$13.69), the per-diem would be at least \$109.52, which would require a 5-to-10-fold increase in court budgets for juror pay.

Barriers for Courts

The two biggest barriers respondents reported their courts face in making accommodations for jurors center on questions of resources and building access. Of the 20 respondents that described barriers, 35% (n=7) mentioned a lack of money, staffing, or time to make accommodations. 20% of respondents (n=4) described limitations to the physical court building, often in relation to historic facilities making it difficult to accommodate individuals with physical disabilities. One respondent (5%) mentioned that a lack of childcare leads to mothers being excused, one (5%) mentioned that the court building is unable to provide gender-neutral bathrooms, and one (5%) mentioned a lack of ASL interpreters. Two different courts (10%) mentioned that they have difficulty obtaining enough jurors for trials.

The overwhelming majority of survey respondents gave answers that suggest accommodations are juror-led—that is to say, no specific information about possible accommodations is provided to potential jurors—it is instead the job of the potential juror to request accommodations. Only 14 respondents answered this question. Of those, 43% (n=6) responded that jurors can contact jury coordinators, court administrators, or court managers with requests for accommodations. 29% (n=4) mentioned that information is provided on their website. 21% (n=3) mentioned that written notice is given on the actual jury summons. These responses, and the large number of non-responses, suggest that systems are not in place to advertise the kinds of accommodations courts routinely make for jurors.

Discussion

Demographic Data Collection

Most respondents indicated their courts do not collect demographic data, or that they did not know whether they did. Some courts echoed what literature points to, reminding us there is no formal compulsory requirement to collect demographic data.¹⁰ Courts are, however, required to produce data demonstrating satisfactory evidence that a fair cross-section violation has not occurred in the event of a challenge.¹⁰ It is therefore not surprising that the findings from the Jury Diversity Survey point to variation among courts in data collection methods, demographic variables, and storage methods.

To improve jury diversity, courts need to be able to measure demographic information about potential jurors. If those who are seated as jurors are not representative of the population, we jeopardize the rights of those being served by a trial of their peers. There are several recommendations researchers in this field have made, including standardizing the ways data is collected, and re-evaluating ways by which jury pools are formed.^{10,11} As referenced earlier, there is a lack of juror representation from Black, Indigenous, and People of color, in

Washington State jury pools.⁶ However, this Washington-specific research was limited to jury pools, so there is a lack of data about other stages of the jury selection process.

This Jury Diversity Survey provides information about which courts are currently collecting demographic information. This information is a valuable first step in being able to analyze jury representativeness at each stage of the jury selection process. If the lack of consistency between courts in demographic data collection persists, underrepresentation is also likely to persist. Demographic data collection is a way to measure the problem, but the barriers preventing diversity in jury pools and final juries must be addressed so resources can be appropriately and equitably distributed.

Accommodations and Barriers to Service

Generally, respondents said they would make any accommodations they could for jurors in their courts. There was a wide range of answers to the kinds of accommodations provided, although the overarching sentiment was that if the court was able to make a requested accommodation, they would.

However, questions about the steps courts take to address specific underrepresented groups, steps to inform jurors of potential accommodations, and barriers the courts themselves experience, suggest that courts are not taking an active role in ensuring jurors are provided with the accommodations they need to make jury service more feasible. It is generally the juror's responsibility to request accommodations, which makes sense, since each individual has different needs. However, if jurors are not aware they can request accommodations, they may be hesitant to respond to a jury summons.

One recommendation would be to improve communications to potential jurors about how they can request accommodations and about the specific kinds of accommodations courts typically make, so that jurors are better informed before advocating for themselves. Since many people who are called for jury service have not participated in a jury before, and likely do not have experience in the court system, they are navigating a new environment with limited information about the court's capacity to accommodate their needs. Table 4 provides an example of information that could be provided to potential jurors to alert them to common accommodations that Washington courts make.

Limitations

This survey was conducted in April 2021, and distributed to 209 courts, 76 of which responded. While this is a reasonable response rate for this kind of survey, and encompasses 35 out of 39 counties, it still does not capture a large portion of the courts in Washington state, especially courts operating at the municipal level. The court-level response rate is also an estimate based on courts that have websites. We do not believe this is a meaningful limitation and are confident that most courts operating in Washington have websites. It should be noted for future surveys.

In addition, the frequency of empty responses, and of “I’m not sure” responses, suggest the survey did not fully capture court behavior with regards to collecting demographic information and making accommodations for jurors.

However, the write-in response nature of many questions allowed respondents to express a variety of responses to our questions, giving us a broad but surface level understanding of the topic. The frequency of responses reported here should not be interpreted as representative of all Washington Trial Courts. Future surveys could use the data collected here to refine survey questions, allowing us to capture a more complete picture of individual court behaviors.

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Appendix A: Categorical definitions

Category	Description (according to respondents)		Category	Description (according to respondents)
Breaks	<i>Jurors are provided longer, or more frequent breaks</i>		Childcare (barrier)	<i>Jurors need to take care of children</i>
Excusal	<i>Jurors are excused from jury service</i>		Financial (barrier - jurors)	<i>Jurors cite loss of income or financial burdens</i>
Rescheduling	<i>Jurors are rescheduled for a later date</i>		Financial (barrier - courts)	<i>Time, staffing, or money constraints</i>
Equipment	<i>Jurors are provided with chairs, backrests, footrests etc. in the juror box</i>		English	<i>Jurors do not speak English</i>
Bathroom	<i>Jurors are provided additional bathroom breaks</i>		None	<i>Respondent said there were no barriers</i>
Wellness-room	<i>Jurors have access to a private room</i>		Transport	<i>Jurors have issues with transportation to court</i>
Water	<i>Jurors are allowed to bring water into the jury box</i>		Respect	<i>Respondent said the court treats jurors with respect</i>
Hearing	<i>Jurors are provided with assisted listening devices</i>		Resources	<i>Courts have other resource constraints</i>
Access	<i>Jurors have access to the building through ramps or elevators, etc.</i>		Building-access	<i>Courts have issues with building access accommodations</i>
Interpreter	<i>Jurors are provided with an ASL interpreter</i>		Unknown	<i>The respondent did not know of any barriers or accommodations</i>
Assistance	<i>Jurors are provided with personal, visual, or reading assistance</i>		Quorum	<i>The court has problems reaching a quorum of jurors</i>

Appendix B: Questionnaire

Draft Jury Service Data Survey Questions

Survey Recipients: AOC's list serv of jury and court administrators

SECTION 1

1. What is your first and last name?

2. Which court do you work for?

3. Please indicate whether your court currently collects, has historically collected, or has never collected demographic data on jurors/potential jurors (e.g. gender or sex, sexual orientation, race or ethnicity, age or year of birth, occupation).

- My court currently collects demographic data. *[skip to section 2]*
- My court has historically collected demographic data, but no longer collects these data. *[skip to section 3]*
- No, my court has never collected demographic data. *[skip to section 4]*
- I'm not sure *[skip to section 5]*

SECTION 2 [if "My court currently collects demographic data" to Q3 skip to SECTION 2]

4. Please indicate the type of demographic data your court currently collects for each of the following groups of people (For each item, please mark the appropriate column):

	Gender or sex	Sexual Orientation	Race or ethnicity	Age or year of birth	Occupation	None	Not Sure
People sent a jury summons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People responding to the summons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People excused from jury service for hardship	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People excused using peremptory challenges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

People excused based on challenges for cause	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People impaneled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Does your court currently collect any demographic data for jurors/potential jurors other than those just listed (gender or sex, sexual orientation, race or ethnicity, age or year of birth, occupation)?

- Yes. Please list the other information collected: _____
- No
- I'm not sure

6. If your court currently collects data on gender or sex of jurors/potential jurors, does your court include the following options as possible responses? [If your court does not collect data on gender or sex, skip this question]

	Yes	No	Not sure
Non-binary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. When did you begin collecting these data on potential jurors?

8. In what format are the data, how are the data stored, and for how long?

SECTION 3 [if "My court has historically collected demographic data, but no longer collects these data." to Q3 skip to SECTION 3]

9. Please indicate the type of demographic data your court historically collected for each of the following groups of people (For each item, please mark the appropriate column):

	Gender or sex	Sexual Orientation	Race or ethnicity	Age or year of birth	Occupation	None	Not Sure
People sent a jury summons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
People responding to the summons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

People excused from jury service for hardship	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
People excused using peremptory challenges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
People excused based on challenges for cause	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
People impaneled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

10. Did your court historically collect any demographic data for jurors/potential jurors other than those just listed (gender or sex, sexual orientation, race or ethnicity, age or year of birth, occupation)?

- Yes. Please list the other information collected: _____
- No
- I'm not sure

11. If your court historically collected data on gender or sex of jurors/potential jurors, did your court include the following options as possible responses? [If your court never collected data on gender or sex, skip this question]

	Yes	No	Not sure
Non-binary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. When did you begin collecting demographic data on jurors/potential jurors?

13. When did you stop collecting demographic data on jurors/potential jurors?

14. What are the barriers preventing your court from collecting these demographic data currently?

15. In what format are the data, how are the data stored, and for how long?

SECTION 4: [if “No, my court has never collected demographic data.” to Q3 skip to SECTION 4]

16. What are the barriers preventing your court from collecting these demographic data?

SECTION 5:

SECTION 5: [all respondents will be directed to this section regardless of response to Q3]

17. Does your court have a standard jury questionnaire that is provided to attorneys as part of voir dire?

- Yes
- No
- I'm not sure

18. [If yes to Q17] Please copy and paste a copy of your court's standard juror questionnaire here.

19. Does your court currently collect data on the reasons for hardship releases from jury duty?

- Yes
- No
- I'm not sure

20. Does your court provide accommodations for jurors who are pregnant?

- Yes
- No
- I'm not sure

21. [if yes to Q20] What accommodations does your court provide for jurors who are pregnant?

22. Does your court provide accommodations for jurors who are breastfeeding?

- Yes
- No
- I'm not sure

23. [if yes to Q22] What accommodations does your court provide for jurors who are breastfeeding?

24. Does your court provide accommodations to assist jurors with childcare?

- Yes
- No
- I'm not sure

25. [if yes to Q24] What accommodations does your court provide to assist jurors with childcare?

26. Does your court provide accommodations for jurors with disabilities?

- Yes
- No
- I'm not sure

27. [if yes to Q26] What accommodations does your court provide for jurors with disabilities?

28. Does your court take steps to reduce barriers for jurors whose gender identity is non-binary or who are transgender (for example, gender neutral or family restrooms, forms that include options other than male and female, etc.)?

- Yes
- No
- I'm not sure

29. [if yes to Q28] What steps does your court take to reduce barriers for jurors whose gender identify is non-binary or who are transgender?

30. In your opinion, what are the most common barriers to jury service for women, women of color, parents, or any underrepresented groups?

31. Does your court take any other steps to reduce barriers to jury service for women, women of color, parents, or other underrepresented groups that you would like to share?

32. What challenges or barriers does your court encounter when trying to make accommodations for jurors or reduce barriers to jury service?

33. If your court provides accommodations to reduce barriers to jury service, how are potential jurors made aware of them? *[If your court does not provide accommodations to reduce barriers to jury service, skip this question]*

34. How much does your court/county pay for jury service?

35. If you marked “I’m not sure” or “Not sure” to any of the previous questions please provide the name(s) and email address(es) for others in your court who may be able to provide that information.