

# Who's in the jury pool and why judges may want to know how they got there?

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IMPACT OF JURY SYSTEM MANAGEMENT ON JURY POOL DIVERSITY

JANUARY 30, 2025

NJLJ WINTER SEMINAR

# Objectives of Effective Jury Management

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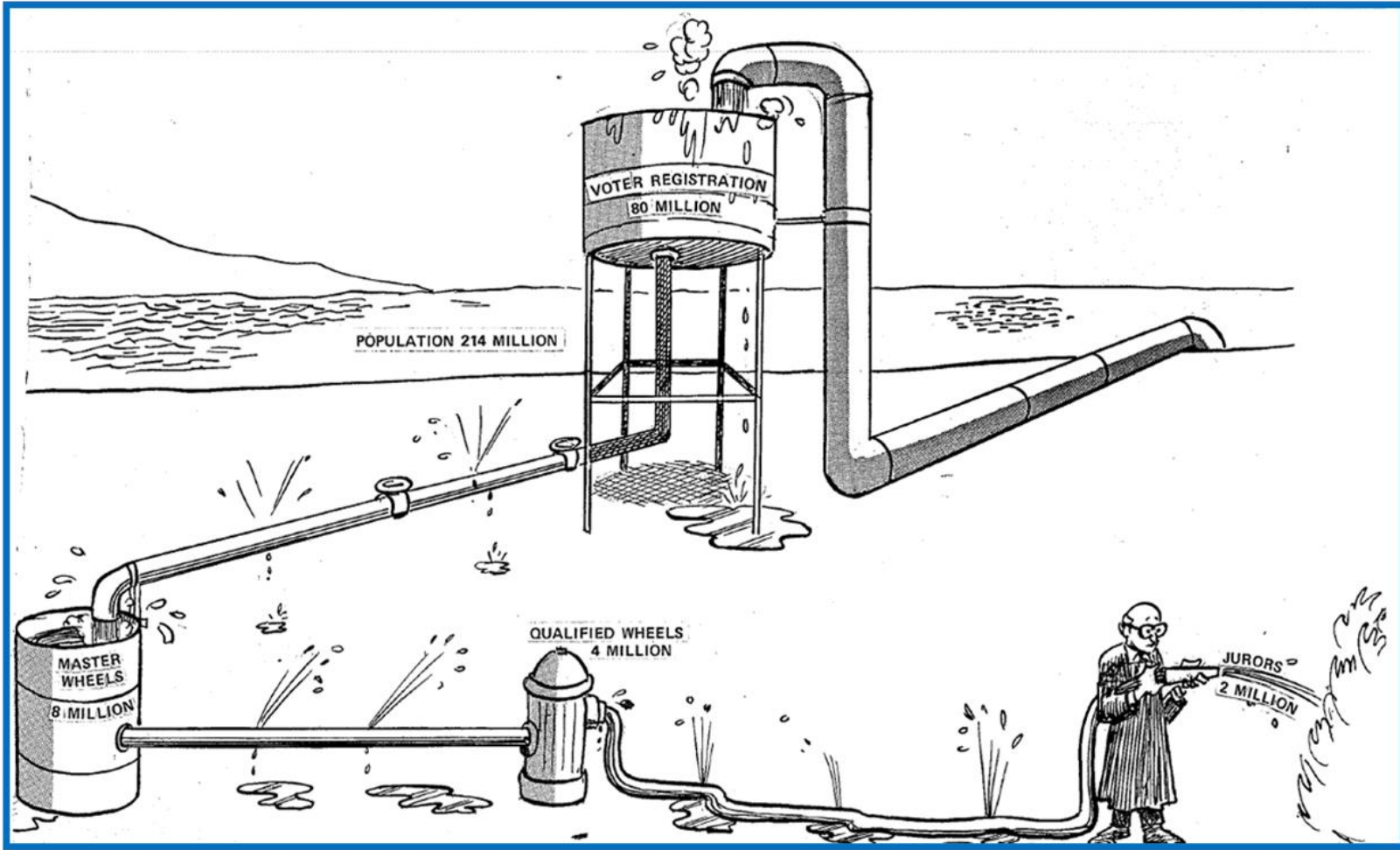


Secure the presence of a sufficient number of jury-eligible citizens to empanel juries

Ensure that the jury pool reflects a fair cross section of the community

Operate the jury system in a cost-effective manner

Treat jurors with appropriate dignity and respect

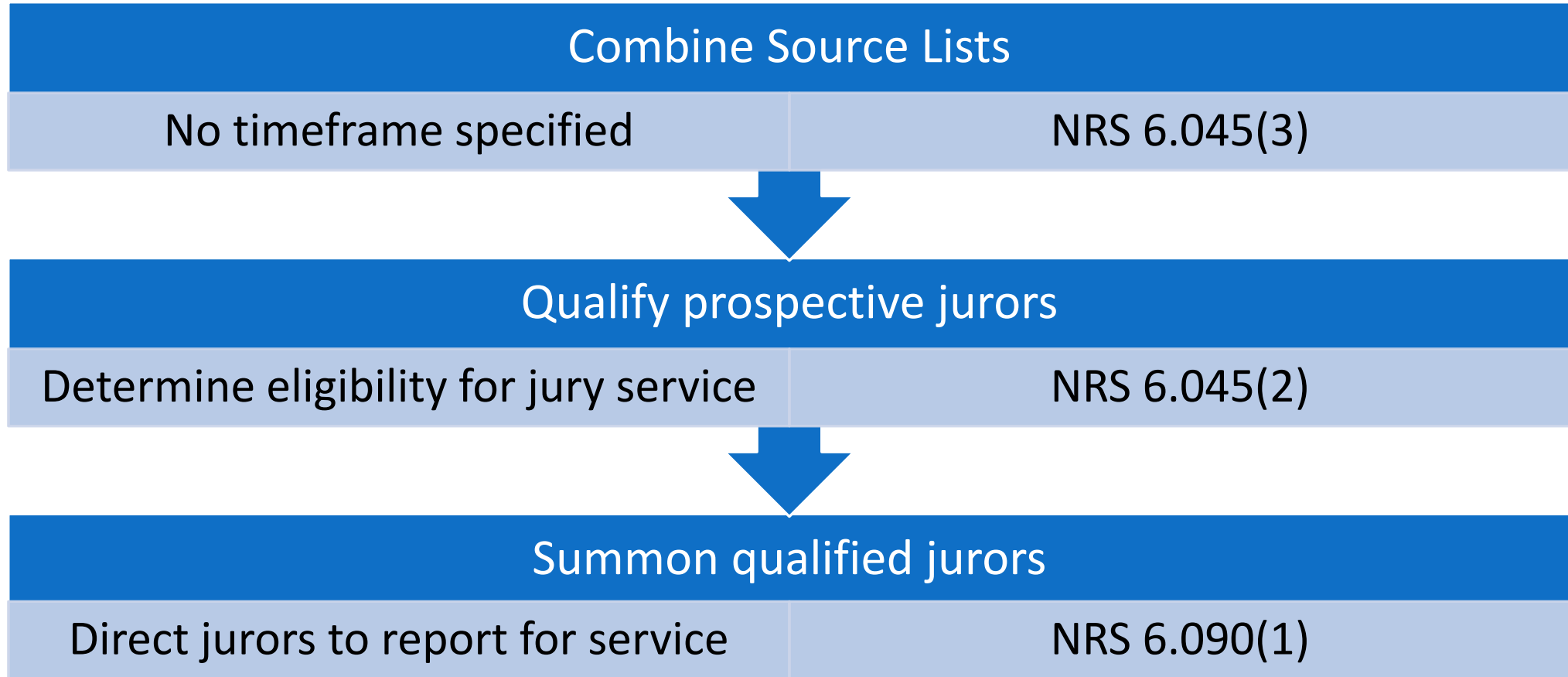


Does your jury system look like this?

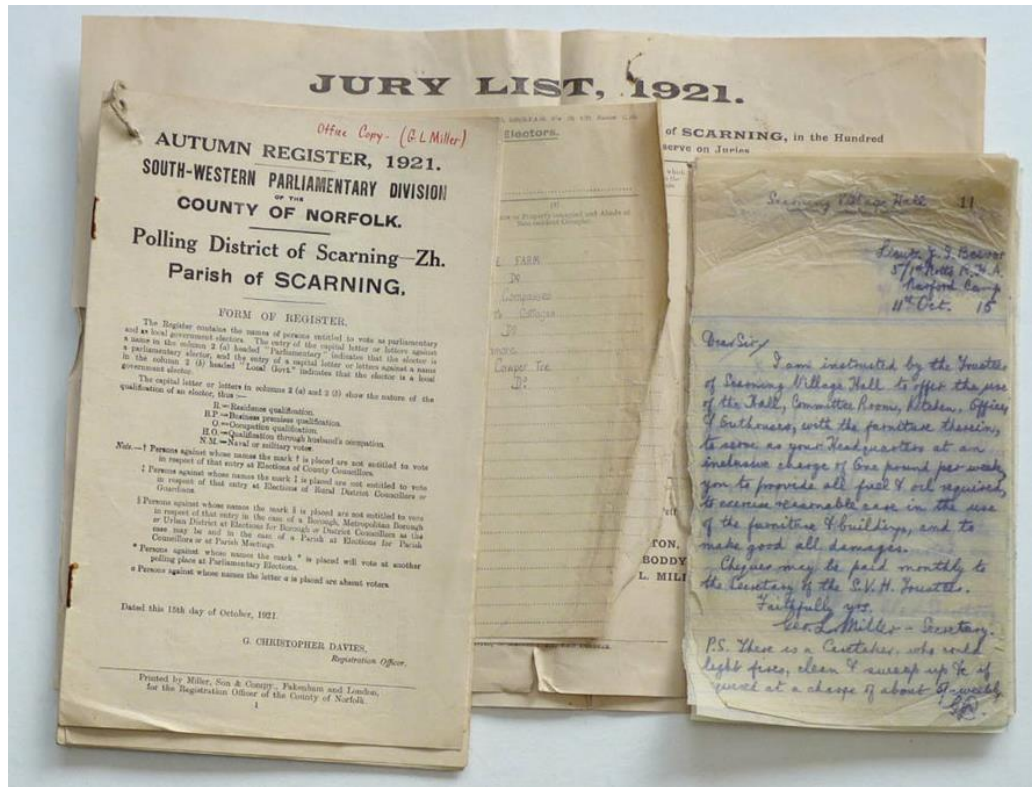
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# Nevada Jury Selection

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# Master Jury List



Nevada Source Lists (NRS 6.045):

Registered Voters

Licensed Drivers and State ID Card Holders

Unemployment Compensation Recipients

Public Utilities Account Holders

Public Assistance Recipients



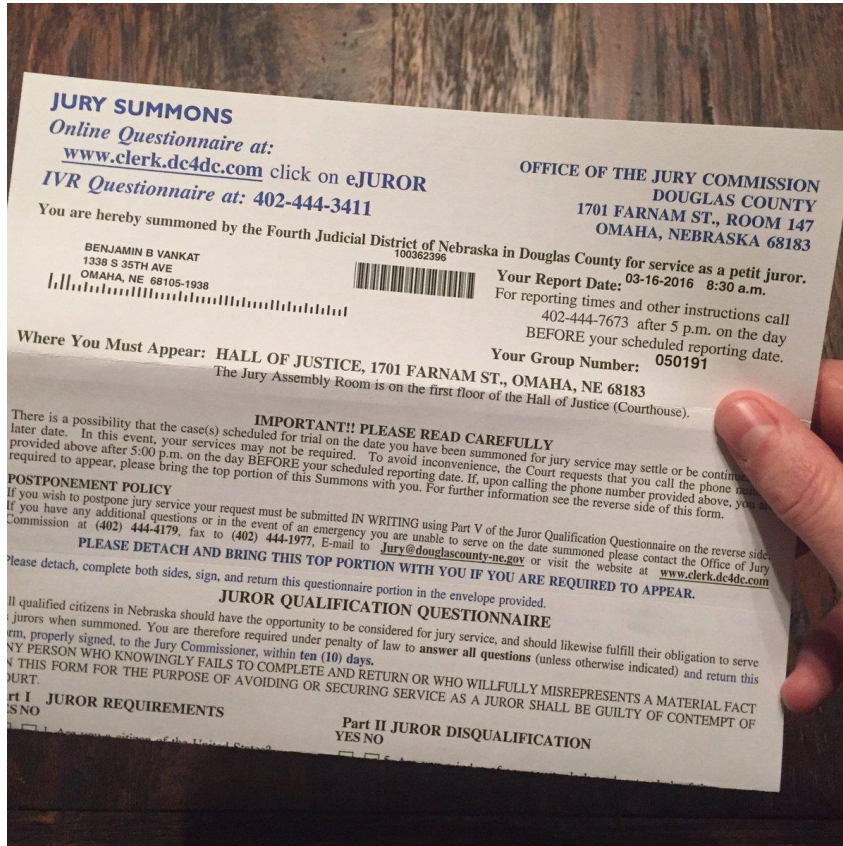
# 2-Step versus 1-Step Jury Operations

Both systems permitted

Jury yield in Nevada compared to state courts nationally

- 1-Step: 28% versus 45%
- 2-Step: 32% versus 29%

# What is the result of mailing juror qualification questionnaires and summonses?



Returned Undeliverable

Nonresponse / Failure to Appear

Disqualified

Exempt

Excused

Postponed

Qualified/Available

Why  
jury  
diversity  
matters

Higher quality deliberations

Less biased verdicts

Increased public confidence





How much  
underrepresentation  
violates the  
Constitution?

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Sixth Amendment:

*In all criminal prosecutions,  
the accused shall enjoy the  
right to a speedy and  
public trial, by an impartial  
jury of the State and  
district wherein the crime  
shall have been  
committed...*

*Duren v.  
Missouri, 439  
US 357 (1979)*

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Three-prong test to establish a prima facie violation of the fair cross section requirement:

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1. The group excluded is “distinctive”;
  2. Representation is “not fair and reasonable” in relation to the number of persons in the community; and
  3. Under-representation is due to systematic exclusion.
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If all three prongs are satisfied, burden shifts to State to show a compelling justification for the exclusion.

# First Prong

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“Distinctive” groups ...

- See themselves as distinct;
- Others see them as distinct;
- They hold values not necessarily held by other groups.

Group characteristics are “immutable” – that is, they cannot be changed

- Mostly refers to race, ethnicity, or gender
- In rare instances, religion and national origin

# Second Prong: Representation is not 'fair and reasonable'

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## ABSOLUTE DISPARITY

Measures the actual difference between the proportion of the distinctive group in the community and the proportion of that group in the jury pool

In *Duren*:

- 54% women in the community
- 16% women in the jury pool
- 38% absolute disparity

## COMPARATIVE (AKA RELATIVE) DISPARITY

Measures the decreased likelihood that members of an under-represented group will be reflected in the jury pool

In *Duren*:

38% absolute disparity = 70% comparative disparity  
54% women in the community



# Third Prong

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## Systematic exclusion

- Does not have to be invidious (evil intended), simply systematic
- Is a function of the process or system
- Is due to some internal factor within the court's control
- Does not occur by random chance

Where is the line between systematic exclusion and an external factor?

# Some closing thoughts ...

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Jury management a COURT responsibility, shared by the Clerks and judges.

Meaningful data collection can:

- Confirm whether the jury system is operating as intended;
- Identify gaps in performance; and
- Formulate plausible strategies for addressing those gaps.

Effective jury system management aligns operational practices with fundamental values of the justice system.





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Questions?