

MASSACHUSETTS JURY DUTY - YOU MAKE A DIFFERENCE

With Heidi Reed, Commissioner for Massachusetts Commission for
the Deaf and Hard of Hearing

And Denise Martinez, Sign Language Interpreter

And Pam Wood, Jury Commission Commissioner

By the Massachusetts Judicial Branch

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Donna Holmes Dominguez

1 CAPTION: Jury Duty, Michael Ryan, Host

2 MICHAEL RYAN, BNN LIVE HOST: Hello. My name is Mike Ryan.
3 The name of the show is Jury Duty: You Make a Difference on
4 BNN, the show that should answer all your questions about the
5 one day, one trial jury system.

6 HOST RYAN: Our guest today is Heidi Reed who is the
7 Commissioner for the Mass Commission for the Deaf and the Hard
8 of Hearing.

9 Welcome, Heidi.

10 MS. REED: Thank you, Mike. And thanks for having us.

11 HOST RYAN: Thank you for being on the show.

12 We also have Denise Martinez, who is one of the 23 legally
13 trained ASL interpreters who hopefully will go out in the
14 future and work with deaf jurors.

15 Heidi is a proud graduate of William Smith College, and she
16 is, received her Master's Degree from Gallaudet University.

17 She is pre-lingually deaf and, deaf and has worked at deaf
18 nonprofit agencies in New Orleans and in Boston and became the
19 Commissioner in 2002.

20 So today, we'd like to talk about the deaf juror project.
21 How did that come about?

22 MS. REED: The deaf juror project is really a partnership
23 between Mass Commission for the Deaf and Hard of Hearing and
24 the Jury Commission here in Massachusetts.

25 We partnered together because we really wanted to make sure

1 that deaf people who could serve on the jury would be able to
2 get the appropriate and qualified American Sign Language
3 Interpreters, allowing them to have full access to the process
4 and serve on the jury.

5 HOST RYAN: And this is a three year project?

6 MS. REED: We are now in the third year of the three year
7 project. We're in the process of testing all fourteen
8 counties across the Commonwealth, and this is our final year.

9 HOST RYAN: And you've been in nine counties, correct, out
10 of the fourteen?

11 MS. REED: We have. That's correct. And this coming fall,
12 we'll be testing in Barnstable County.

13 HOST RYAN: All right. You'll be down in Cape Cod.

14 And Denise, you're one of the 23 legally trained
15 interpreters.

16 MS. MARTINEZ: Yes, I am.

17 HOST RYAN: How does one become a legally trained ASL
18 interpreter?

19 MS. REED: In the State of Massachusetts, they have a
20 specific training program that they are offering through the
21 Trial Courts and in conjunction with the Massachusetts
22 Commission for the Deaf and Hard of Hearing.

23 There's a specific number of training hours, and then a
24 specific number of mentoring hours.

25 And then they are qualified through the Commission for the

1 Deaf and Hard of Hearing to interpret in the State of
2 Massachusetts.

3 HOST RYAN: So sometime in the future, you'll be working
4 with deaf jurors when they report for jury duty?

5 MS. MARTINEZ: Yes.

6 HOST RYAN: And, Commissioner, it's believed that about 400
7 deaf jurors are called for jury duty every year, is that
8 correct?

9 MS. REED: That's correct. And the challenge for us is to
10 know that we have 400 people who will be qualified to serve.
11 How do we assure that communication is accessible to them and
12 to, to match the qualified sign language interpreters
13 necessary for them to come and appear for jury duty, and
14 that's the reason for our partnership.

15 HOST RYAN: What is the protocol when a deaf juror reports
16 for jury duty? In other words, what, what should we expect?

17 MS. REED: Well, deaf people who will receive their summons
18 for duty, for jury duty, will then be in touch with the Jury
19 Commissioner. And a deaf person is in touch with the Jury
20 Commission to confirm the date that they will serve. And then
21 the Jury Commission contacts us at the Mass Commission for the
22 Deaf and Hard of Hearing, and we provide the appropriate
23 qualified interpreters for that service.

24 HOST RYAN: So a deaf juror, just like any juror, will go
25 through, they'll check in. They'll submit their confidential

1 juror questionnaire, watch the jury movie, and then wait to go
2 to the courtroom.

3 MS. REED: That's correct. It's exactly the same process.

4 A deaf person arrives. And we make sure, through the
5 testing process, we just make sure that the interpreters will
6 be there. The deaf person arrives to check in, and through
7 the organization, the jury duty officer will be there and
8 welcome them just like anyone else. The Judge will provide a
9 welcome message. And during the process, the interpreters
10 will be interpreting all of that process for the deaf juror
11 all the way through.

12 HOST RYAN: I didn't realize that signing is physically
13 demanding, and that periodically the sign, the signers have to
14 switch off from time to time?

15 MS. REED: Yes. Actually both intellectually and physically
16 demanding. And sign language interpreters are attending in a
17 very deep consecutive level one language to complete into a
18 complete other language.

19 So it involves concentration, auditorally, visually, and
20 your, your mind to process the information.

21 Plus then the production of the signs uses facial
22 expressions, body, and your arms and hands. And so we require
23 them to work in a team of two individuals, and they alternate
24 approximately every 20 to 30 minutes to ensure that the
25 interpreters are able to do their job and work without mental

1 or physical fatigue or injury.

2 HOST RYAN: So you were one of the first, yourself, to do
3 jury duty?

4 MS. REED: Yes, I was. My experience happened in Boston at
5 the Brooke Courthouse. And it was really a great experience.

6 I went through the entire process and I really had a, a
7 serious appreciation of what it requires to be a juror and all
8 that's done.

9 It was interesting also because during the process, we were
10 able to work together with the Court staff and, as well as the
11 Judge. And I noticed that there were many challenges that
12 need to be considered in terms of confidentiality, in terms of
13 communication, and we learned for example that the analysis
14 about, in terms of where the best place for the interpreters
15 to be standing is.

16 We also learned that when the Judge called me to go
17 actually to have a, individual discussion, we had to consider
18 how to provide some kind of screening and shielding so that no
19 one else who knew sign language would be able to see that
20 conversation that I'm having in private with the Judge.

21 So we learned a tremendous amount. It was a great
22 experience, and it allowed us to develop a good process on how
23 we can make the communication happen during the time that a
24 deaf person serves on the jury.

25 HOST RYAN: So you were a, sort of an explorer that, because

1 you had to find out where the interpreters would be located,
2 you mentioned also if a deaf juror went to sidebar, evidently
3 now they're supposed to put screens up so that no one in the
4 audience can see any signing during the sidebar?

5 MS. REED: That's correct. Exactly. And that's why the
6 pilot project was so crucial because we had to go through the
7 process of analysis to figure out the best placement and the
8 best preparation for the whole process.

9 HOST RYAN: Now, you got all the way into the jury box,
10 correct?

11 MS. REED: That's correct. I was selected. I was seating,
12 seated in the box.

13 The kind of case was a very serious situation. It was a
14 criminal case. And the Judge called me to approach and ask me
15 some questions. And I then returned to the box, but there
16 was, I was not called to go to the gallery. I was released.

17 HOST RYAN: But you were close. You were close.

18 MS. REED: I was very, very close to being selected, yes.

19 HOST RYAN: And were you, were you disappointed that you
20 didn't sit on a jury?

21 MS. REED: I was just fully so appreciative of the whole
22 process of going in and being able to participate fully and
23 understand everything that was going on. I was appreciative
24 of that.

25 The questions that were asked of me, the procedure, it was

1 very clear for me, and it was evident that there was a strong
2 team of interpreters there that made this all possible for a
3 deaf person to fully participate.

4 Yes, I would have loved the opportunity to serve on the
5 jury, but I was also aware that that doesn't always happen for
6 everyone.

7 But just being there and going through the process is, is
8 extremely valuable and a great responsibility that you have as
9 a citizen.

10 HOST RYAN: And because of your experience then, that sort
11 of became a template on how other deaf jurors would come and
12 report for service?

13 MS. REED: That's correct. That's correct. And then during
14 the pilot process, one deaf person did actually become
15 selected to serve on the jury during the process, and we were
16 very proud of that fact and all the work that we've been doing
17 to set up the appropriate procedures obviously made it work
18 and made it happen.

19 HOST RYAN: So you, so one person has been picked for jury.
20 I think it's in Lynn Court, Lynn District Court?

21 MS. REED: That's correct. That's absolutely correct. I
22 think that everyone really benefits from that experience,
23 being able to have the Courts being fully accessible and
24 qualified jurors being selected, including deaf jurors there.
25 And it's a tremendous strength that we have at this time.

1 HOST RYAN: Now, why, why was it a problem for deaf people
2 to serve on a jury before the project?

3 MS. REED: Well, before the project started, deaf people
4 would be contacted by the Jury Commission, and the Jury
5 Commission would contact us, the Mass Commission for the Deaf
6 and Hard of Hearing, and we knew we had a very small pool of
7 qualified legal interpreters.

8 And that pool of legal interpreters needed to serve the
9 entire Commonwealth. And they would go to Courts all over the
10 state and provide interpreter services for deaf people who
11 were there as a witness or as a defendant or as a complaint,
12 as a, being prosecuted.

13 And so all over the, all over the State of Massachusetts,
14 we needed to provide service for them. And there was an, that
15 was an urgent situation where we needed to absolutely provide
16 the communication access for these individuals.

17 And it became challenging for us to be able to provide
18 interpreters for the jury situation when an emergency
19 situation would come up with the police or with the Courts.

20 And so we had to figure out how to serve all of those
21 situations at the same time. And that's when we have now 23
22 legal interpreters. Before, we did not have 23. And more
23 have been trained. And we have the partnership with the, with
24 the partnership with the Courts has made this possible, and so
25 we have a larger pool of people to draw from.

1 It's been a huge challenge before because of the small pool
2 of interpreters we had. And there were so many situations
3 demanding of their time, and people that needed access to the
4 legal system and to the Courts.

5 HOST RYAN: So it was really a numbers game. There just
6 weren't enough interpreters at the time to accommodate the
7 number of requests by deaf jurors to serve jury duty?

8 MS. REED: That's correct. We've also developed a system
9 where we believe will work very, very effectively, and give us
10 a plan of action, and will allow us to coordinate the process
11 into a way to assure that those deaf people who are called
12 every year will have the opportunity to serve. And we can
13 accommodate the schedule with interpreters and they can
14 participate in jury service.

15 HOST RYAN: Denise, have you worked in the Courts
16 interpreting?

17 MS. MARTINEZ: I have.

18 HOST RYAN: And what kind of, what kind of things would you
19 do interpreting in the Court system?

20 MS. MARTINEZ: I've interpreted for trials, criminal and
21 civil. I've interpreted in the Superior Courts and the
22 District Courts.

23 And it ranges depending on arraignments, all the way up
24 until --

25 HOST RYAN: Victims? Witnesses?

1 MS. MARTINEZ: Victim, witnesses, various trials.

2 HOST RYAN: And --

3 MS. MARTINEZ: I've worked a lot in the Court systems.

4 HOST RYAN: So is it very exhausting? Are you interpreting
5 for like the whole length of a Court day?

6 MS. MARTINEZ: The Commission would assign two interpreters.

7 HOST RYAN: Sure.

8 MS. MARTINEZ: We would work in tandem together to ensure
9 accuracy for the record and to seek clarification if we needed
10 it.

11 And it alleviates fatigue and reduces the amount of errors
12 that are made for the record if we have two interpreters.

13 HOST RYAN: Oh, very good.

14 So we've had one juror picked for jury service in
15 Massachusetts. So that's something that's really exciting.

16 What else does the Commission do, just briefly? What, what
17 can you tell us what the Mass Commission for the Deaf and the
18 Hard of Hearing does?

19 MS. REED: Well, the Commission was established by the
20 Massachusetts State Association to do a wide range of services
21 and support that deaf people, hard of hearing individuals, can
22 access and have opportunity for.

23 We also provide technical assistance and training and
24 support for other providers and their services and programs,
25 and so that they can be accessible for deaf and hard of

1 hearing people as well.

2 In addition to the qualified legal interpreters, we have a
3 state referral service which refers interpreters and also
4 captioners.

5 And we, we provide, we have a children specialist, a case
6 management services for deaf individuals, and we also do a
7 very specific kind of technical assistance where we assist
8 people, assist people in understanding their options for
9 communication access and using technology.

10 HOST RYAN: And you have quite a few offices, correct?

11 MS. REED: We, our main office is here in Boston. We also
12 have a very small office in Worcester and one in Springfield
13 and one in Plymouth and Pittsfield, and that statewide
14 presence is important for us to be able to connect with
15 service providers for deaf and hard of hearing people all
16 across the Commonwealth.

17 HOST RYAN: So hopefully we can look forward in the future
18 for having more deaf jurors report for jury service and
19 hopefully being, eventually being selected on trial.

20 MS. REED: We are committed to make that happen, absolutely.

21 HOST RYAN: And what, what advice would you say to anybody
22 who was hearing impaired and got called for jury duty? What
23 advice would you give them?

24 MS. REED: Well, I think that it's a very, it's very good
25 information on our website from the Jury Commission, that they

1 could print that, it's very clear, and it would give them in,
2 information.

3 There are videos, like this program, really are very
4 helpful to allow people to see what is in, what is available.
5 There's the website as well.

6 And for people, they can just contact the Jury Commission
7 automatically, we'll be sent and scheduled interpreters for
8 their service.

9 The important part of the process is scheduling, just
10 making sure that the timelines line up for the interpreters
11 and for the deaf jurors who, so that everyone has access to
12 communication.

13 It's an amazing experience, and I am, have much more
14 appreciation and much more understanding for the severity and,
15 and the, the importance of serving as a juror.

16 And everyone should be aware of that and should look
17 forward to participating,

18 HOST RYAN: And you would --

19 MS. REED: -- as I did.

20 HOST RYAN: And you would encourage people who are deaf to
21 re, try to report for jury service?

22 MS. REED: Absolutely, absolutely.

23 HOST RYAN: I'd like to thank our guests from the Deaf Juror
24 Project, Commissioner Heidi Reed for being on the show.

25 We'll take a quick break and we'll come back and talk to

1 Commissioner Pam Wood about jury public outreach.

2 (Break Taken.)

3 HOST RYAN: Hi. During this segment, we'd like to talk
4 about the jury public outreach program.

5 I'm joined by Jury Commissioner Pam Wood. Thank you for
6 being on the show.

7 MS. WOOD: Thank you for having me, Mike.

8 HOST RYAN: Pam, why was the jury public outreach program
9 created?

10 MS. WOOD: Well, a couple of reasons. It's in the statute.
11 There's, the, the statute, Chapter 234A of the Mass General
12 Laws, which is our jury statute, encourages public education.

13 And then in 1994, the Supreme Judicial Court formed a task
14 force to examine racial and ethnic bias in the Courts.

15 And one of the recommendations was that the Office of Jury
16 Commissioner, my office, create a formal public outreach
17 program to try to educate a broad segment of the population.

18 HOST RYAN: What are the goals of the program?

19 MS. WOOD: Well, primarily we want to educate people about
20 the jury system and de-mystify the process for them.

21 A lot of people, when they're first called for jury
22 service, are worried that it's going to be a big time
23 commitment or that they're not going to be equal to the task
24 of, of deciding the cases.

25 And it's a building block of citizenship to perform jury

1 service, and we want people to have a, a positive and
2 enriching experience.

3 About 90 percent of people are done with their jury service
4 in one day. So it's a very quick and easy experience. And
5 for many people, particularly those who get put on a jury,
6 it's a very rewarding experience.

7 We want them to have an opportunity to learn about the
8 third branch of government, to understand how easy it is to
9 participate and respond and to avoid delinquency, avoid
10 becoming a delinquent by failing to respond to your jury
11 summons.

12 HOST RYAN: Okay. And what are some of the examples of jury
13 public outreach?

14 MS. WOOD: Well, we have, we have live presentations as you
15 well know --

16 HOST RYAN: Yes.

17 MS. WOOD: -- because you are our, one of our primary
18 outreach presenters.

19 I also will go out and speak to groups and, and
20 organizations and visitors who want to learn more about our
21 jury system.

22 We also have a very strong online presence for people who
23 just want to noodle around themselves on the internet and
24 learn more about the jury system.

25 So we have a website that has historical information. It

1 has all the jury forms that anyone might need can be
2 downloaded off our website.

3 Our video, our jury orientation video which was honored by
4 the National Center for State Courts, is available for viewing
5 on our website, as is this entire series of cable shows that
6 you've been hosting for us.

7 And then of course we have live presentations. And, and
8 you will, you go out into the, the schools, primarily, and
9 some civic groups as well. And, and I'll make presentations
10 as well.

11 HOST RYAN: What's that address for the website?

12 MS. WOOD: The website is MAJury.Gov. So.

13 HOST RYAN: MAJury.Gov.

14 MS. WOOD: Massachusetts Jury.Gov is what it stands for,
15 but the letters are MAJury.Gov.

16 HOST RYAN: And we've gone out to hundreds of groups. We've
17 gone to, as you said, school and civic groups, well over
18 100,000 people, many presentations.

19 And like when I go out, I talk to, you know, public
20 schools, private schools, parochial schools, usually from
21 middle school all the way up through college.

22 And you go out to a lot of civic groups yourself?

23 MS. WOOD: Yes. I've, I've, I speak to basically anyone who
24 is interested in, in the justice system, the jury system.

25 I've spoken to the League of Women Voters. I've spoken at

1 colleges as well. I often meet with foreign visitors.

2 There are many, most people don't realize that America is
3 one of the only countries that has a jury system, and there
4 are many, many countries that are very envious of that. And
5 they come here to study our jury system and try to figure out
6 if there's some way that they can create a jury system or
7 emulate it in some way so as to create greater public
8 confidence in the justice system.

9 That's one of the main benefits of our jury system, is that
10 people have confidence in judicial decisions because they know
11 that they, the people themselves, have, have acted in that
12 role as well.

13 HOST RYAN: You've had visitors from several countries that
14 just started jury, correct?

15 MS. WOOD: Yes. In fact, we were very, we've had visitors
16 from Japan which have, has created what's known as the Sybon
17 Inn System.

18 I've spoken with people from Chile.

19 I've had the great honor to visit China, which is trying to
20 establish a jury system and has made some preliminary
21 experiments in that regard much to our surprise and delight.

22 So it's very interesting for me as well.

23 Turkey, Peru, people from all over the world come here and
24 invite us to go visit them to learn more about our jury
25 system.

1 HOST RYAN: Now, like when I go out to schools, I do a, a
2 free multimedia presentation. And it's very quick, very fast
3 paced, talk about the history of jury, talk about the history
4 of jury from say the, the Greeks, the Magna Carta, the
5 Declaration of Independence, the Mass Constitution, Federal
6 Constitutions, excuse me, and then I talk a little about, you
7 know, contemporary criminal cases that people are aware about,
8 but to show what happens when somebody sits on a trial and
9 whether somebody has a positive or negative verdict.

10 Talk a little bit about civic, civil cases because too
11 often, I think you, you and I agree that, you know, people are
12 so fixated on a murder case or a criminal case, they forget we
13 need them to resolve civil and private disputes.

14 I talk a little bit about what not to wear and what's the
15 best thing to wear for jury duty.

16 MS. WOOD: Business casual is what we tell people.

17 HOST RYAN: Business casual, and we've had some people
18 across the country who wore some colorful attire that got them
19 into trouble, so we warn jurors not to copy their fashion
20 statement, talk a little about social media, and we have
21 posters in our pools, correct?

22 MS. WOOD: We do, we do.

23 But I think the best thing about your programs, and the
24 reason they're so very popular and people invite you back
25 again and again is that you really make it fun for, for the

1 students, and that's, and the letters that come in about the
2 great job that you've done, they always talk about the games
3 you play and the jokes, and, and the mock trial and things.

4 HOST RYAN: Yeah. It's, yeah, some of the worst jokes
5 probably ever recorded in history.

6 But like you mention too, we, we do a little thing on jury
7 jeopardy, and that's followed by a discussion of what happens
8 if you go to a country that doesn't have trial by jury, where
9 you might have very grave consequences for you, talk a little
10 about jury delinquency and our jury delinquency program, what
11 are the disqualifications.

12 And then if I have the time, certain schools have long
13 blocks, 75, 90 minute blocks, I'm able to put on a, not
14 myself, the kids put on a roll play where they actually go
15 through the procedure of coming to jury duty, speaking to a
16 Judge if they have a hardship, and then putting one of the
17 students on trial.

18 You know, the kids play the Judge, the clerk, the two
19 lawyers, jurors, and witnesses, and I think it's a, it's a
20 real hit with them with the students.

21 So how do people contact us about jury public outreach?

22 MS. WOOD: Well, anybody who's interested in a presentation
23 can either call us at 1-800-THE-JURY, or they can go online
24 and make a request at MAJury.GOV, or on our, on our email line
25 at Juror Help at JUD.State.MA.US.

1 It's, it's, it's a mouthful.

2 Just go on MAJury.Gov, and you'll find the links.

3 HOST RYAN: Now, and as I say, I occasionally go out and I
4 speak to civic groups like yourself, like rotary or Kiwanis,
5 anybody who needs a speaker during the day.

6 So we hope by either calling the, going online at
7 MAJury.Gov or calling us toll free at 1-800-THE --

8 MS. WOOD: JURY.

9 HOST RYAN: -- JURY, 1-800-843-5879, you'll take advantage
10 of this program.

11 Thank you.

12 MS. WOOD: Thank you.

13 HOST RYAN: Thank you, Pam.

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1 For More Information Visit our Website JuryDuty.MAjury.gov or
2 call 1-800-THE-JURY, 1-800-843-5879

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