

OFFICE OF THE JURY COMMISSIONER
FOR THE COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS JURY DUTY – YOU MAKE A DIFFERENCE
TRANSCRIPT

SEASON 01 – EPISODE 12

OFFICE OF JURY COMMISSIONER

"Jury Duty: You Make A Difference"

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Begin Transcript.

Title Card: MASSACHUSETTS JURY DUTY, YOU MAKE A DIFFERENCE

With Jury Census Manager and Webmaster Gregory W.R. Fulchino

Audio Video Recording produced by the Office of the Jury Commissioner in association with the Boston Neighborhood Network

Title Card: Jury Duty, Michael Ryan, Host

MICHAEL RYAN, BNN LIVE HOST: Hello. My name is Mike Ryan. The name of the show is Jury Duty: You Make a Difference on BNN, the show that should

answer all your questions regarding the one day, one trial jury system.

HOST RYAN: Our guest today is Greg Fulchino, Jury Census Manager and Webmaster for the Office of Jury Commissioner.

Welcome, Greg.

MR. FULCHINO: Thank you.

HOST RYAN: Thanks very much for being on the show.

MR. FULCHINO: My pleasure.

HOST RYAN: Your...Greg has worked at the Office of Jury Commissioner for 30 years, and today we'd like to talk about jury selection and what better person to ask than you, Greg.

So how are jurors selected in Mass?

MR. FULCHINO: It's magic.

HOST RYAN: It's magic. Okay.

Title Card: Jury Duty, Gregory WR. Fulchino, Jury Census Manager and Webmaster, Office of the Jury Commissioner

MR. FULCHINO: No. They're randomly chosen from master juror lists created for each one of the 14 counties in Massachusetts. And we create a new set of these 14 lists every year.

Every year, every, each one of the 351 cities and towns across the Commonwealth is required to perform an annual census. We're the only state in the country that does that. And they have to list all of their residents as of January 1st of that particular calendar year.

So we take that list of, they got everybody. We ask for everybody 17 years of age or older, and we take that list and from that eventually will come a master juror list.

HOST RYAN: So if I don't sign up to vote, that makes no difference. I can still get called for jury duty?

MR. FULCHINO: Not at all. You can still get called for jury duty.

Most states, because they don't have an annual census, will use the voting list or the Registry of Motor Vehicles list. A lot of states do a combination where it's hunting licenses or the voting list plus something else, plus, and maybe the tax records.

But since we have...we're very lucky that we have an annual census. We can get probably the most all-inclusive list in the country.

HOST RYAN: Is Mass the only one that uses this list?

MR. FULCHINO: That's correct.

HOST RYAN: That is correct. And so the only person who might escape, might escape jury service might be somebody without a residence?

MR. FULCHINO: That's correct. That's correct.

HOST RYAN: So where do you get the data from the master juror list?

MR. FULCHINO: We get it on or before June 1st of every year. Each one of the 351 cities and towns has to submit us that list of 18...people 18 years of

age...17 years of age and older. And we take that list.

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Oftentimes, we, we delay it a little to give them more time to update their lists so we have the freshest list possible. And we take that list and perform a series of tests on the data.

HOST RYAN: So you don't just take, take what they give you and just send out jury summonses?

MR. FULCHINO: No. We don't run with what they give us. We first, we check to make sure that the data's in the correct format. We have a specific format we need, and specific information such as last name, first name, mailing address, not street address, mailing address, date of birth, sex, occupation, things like that, and so we make sure it's in the correct format.

We go through every single name. It's approximately 4 to 6 million names that we could get potentially.

HOST RYAN: A lot of names.

MR. FULCHINO: But it's around 4 million people 18 years of age and older.

And we look for bad data that may have gotten in there.

Most of the data is hand entered on computer by the city or town. So, you know, mistakes can be made, characters can be hit accidentally that the system doesn't like. So we eliminate that kind of thing.

And we eliminate duplicate resident records. We do a very specific match on that. And we check the population totals that have been submitted against previous years' submissions to make sure that it hasn't gone up too much or gone down too much.

If it has, we call the town and find out what's going on, and most of the time, it's that a new Clerk's come in and they're cleaning up the list.

We look for any major problems with the data, such as nonhuman names being included on the list.

HOST RYAN: Non-human names?

MR. FULCHINO: Yes. Non-human names.

HOST RYAN: Such as?

MR. FULCHINO: Businesses.

HOST RYAN: Yeah

MR. FULCHINO: Some towns also use their list to maintain their property tax records.

Now, those records should be flagged, but once again, human error may mean that it wasn't flagged. So we'll get "Joe's Garage", first name "Joe", last name "Garage".

HOST RYAN: "Garage".

MR. FULCHINO: So we look for things like that and eliminate it. And...

HOST RYAN: So you're pretty much dependent on how vigilant each of the 351 cities and towns are in their census collection?

**Title Card: Jury Duty, Gregory WR. Fulchino, Jury
Census Manager and Webmaster, Office of the Jury
Commissioner**

MR. FULCHINO: Exactly. And I am so...I've been doing this now, out of my 30 years with the office, I've been involved in the census collection for our office for about 29 of those years, and I've been in charge of it since 2000. And I can tell you that we have never had such a better group of city and town clerks who are, who, their diligence is, is quite amazing.

HOST RYAN: So when do you start summonsing for the next calendar year?

MR. FULCHINO: We have to do it twelve weeks in advance, so on or around October 1st, we'll start summonsing for the first week in January where there are jurors called for.

HOST RYAN: Now, people I think too they, they're not only randomly selected, but they're randomly assigned to a...to a courthouse that may not be convenient to, for them?

MR. FULCHINO: That's correct.

HOST RYAN: What's the rationale behind that?

MR. FULCHINO: At every courthouse in a particular county, we want to have a...what they call a "fair cross section" of people from all over the county, because we're talking here protecting the right to trial by jury of one's peers.

So who are one's peers? Historically, legally, it's everybody that lives in the same area as you in the same county, is what they, you have to pick a boundary.

Title Card: Jury Duty, Michael Ryan, Host

HOST RYAN: Yeah. So that's...

MR. FULCHINO: And so the boundary is the county.

So if you're in Middlesex County or Suffolk County, you may get summonsed all the way across the county to the other end of the county, but that's to ensure that we have the cross section.

HOST RYAN: So then if people who lived in the immediate vicinity came to that particular courthouse that may diminish their objectivity because they might know some of the cases?

MR. FULCHINO: That's possible.

HOST RYAN: Some of the participants?

MR. FULCHINO: That's possible. It, it's more the diversification of the jury pool. You want the, the most diverse aspects of the community, but you want every part of the community represented.

HOST RYAN: If I don't have transportation and I get randomly assigned to a courthouse far away from my house, can I apply to transfer my location?

MR. FULCHINO: Yes. You can apply for what's called a "hardship transfer", and you have to tell us the reason. And you know, we make a decision whether or not it's reasonable, and you know, we do everything to accommodate the juror.

Not too many jurors do it.

HOST RYAN: So, but not inconvenience. That's not a hardship?

MR. FULCHINO: Inconvenience is not a hardship. It's more like you live in a, a town that's out in a rural area and you've been summoned to a city and,

but there's a courthouse that's closer. There's no public transportation. What are you going to do? You could walk to maybe the courthouse or get a ride to the local courthouse.

So sure, we would transfer you.

HOST RYAN: Can I postpone my jury service?

MR. FULCHINO: Yes. You can postpone your jury service to any day up to one year from your original day, and if during the course of the postponed period you find that, "oh, I can't even make it on that other day", you should call us, and we'll try and work with you to get you in.

But you do have to serve within a year of being summoned.

HOST RYAN: Is there any way that I can...my name can be removed from the prospective juror list?

MR. FULCHINO: Well, during the course of creating the master juror list, we do remove some names, but they're for very specific reasons.

If you've served within the past three years, that disqualifies you from serving on a jury. So why send out a summons to somebody again?

Title Card: Jury Duty, For More Information Call 1-800-THE-JURY, 1-800-843-5879

So we maintain a list of everybody who's served within the past three years, and we take all the names and bang it up against our list of people who have served and eliminate those people who have served.

We maintain a list of soldiers who have been killed in combat, and sometimes their names, for whatever reason, may, may have stayed on the census list for the new one that came in, and we want to make sure that we don't bother the families on that.

People can also obtain a permanent medical disqualification because they have a condition that means in, in their doctor's opinion, it means that they can never serve on a jury. And so we put them on the permanent medical disqualification list, and so we bang up the names against that and eliminate them so we don't bother them. They've, they've got, they've gone through all the process and

they've gotten the doctor's letter. We don't want to bother them.

If it's been reported that somebody has passed away, we keep a list of that. And once again, human error when a city or town clerk is putting in data or deleting data, they may forget to delete a particular person who has passed away or they passed away since the time they sent us the list and since the time we've summonsed.

We also now contact every nursing home and facility for the mentally disabled in the state. And since they often get listed on the census because they are residents, the people that are living there who are in these unfortunate circumstances, we, we don't want to bother them.

They're...if a doctor is willing to say that, "look, everybody in this facility at 325 Main Street is the kind of person who cannot meet the conditions for serving on a jury by law, please don't summons them". So we will not summons them.

And then we maintain a list of everybody who is, who is summoned, and at the time they were summoned, they were 70 years of age or older, and they chose not to serve. So we don't bother them

again because it, when you're 70 or older and you do get summonsed, it is voluntary at that point.

HOST RYAN: So even though those people may have declined, theoretically, they're still on the list?

MR. FULCHINO: They could be.

HOST RYAN: Yeah.

MR. FULCHINO: They, you know, they're going to be on the census list for the local city or town, so why bother them?

The nice thing is that if...we just had a case of a doctor who at the time he was summoned I believe he was 71 or something like that and he still had a full practice going so he asked for the 70 age exemption, and so we gave it to him.

But now, he's retired. He's 75, and he wants to serve. So we can put him back. We can take him off that elimination list.

HOST RYAN: So people could ask to come back in?

MR. FULCHINO: If they're 70 or older and have been disqualified, they can certainly ask to come

back in. We've had that people who, when they were summonsed, were ill, and instead of having to go through getting a doctor's letter, they just put, oh, I'm 72, please, you know, disqualify me.

So they will not become permanent disqualified anymore.

Title Card: Jury Duty, Michael Ryan, Host

HOST RYAN: If, if I served jury duty this year, and I, and I am ineligible for the following three years, could I possibly have been summoned by mistake? And why would that happen?

Title Card: Jury Duty, Gregory WR. Fulchino, Jury Census Manager and Webmaster, Office of the Jury Commissioner

MR. FULCHINO: You can, yes. You can, you may not get eliminated in our check of those records. If your particular census record has changed.

HOST RYAN: So if my name changed?

MR. FULCHINO: If your name changed.

HOST RYAN: Or my address?

MR. FULCHINO: Right. Because we only, to be on the conservative side, we don't want to eliminate anybody, eliminate anybody from the list who shouldn't be eliminated, so we play it very conservatively. So it has to be an exact match of your last name, your first name, your town which is no problem because we do it by code, but also your address.

Now, if on the new census you added in an apartment number or you took off an apartment number or you moved, but still within the same town, you're not going to, you're not going to get matched.

HOST RYAN: So people would be wise to keep their copy of their juror service certificate?

MR. FULCHINO: They would be wise to keep a copy of their service certificate, and if they've received a permanent medical disqualification, to keep a copy of that permanent medical disqualification because names can slip through.

The same...for any of these eliminations we do, if the name has changed on the census, you're not going to get caught in, and eliminated.

So I would...I say to people keep any, any time you're disqualified, keep...it doesn't matter what kind of disqualification, keep it, and even though it may not be valid the next time you get summonsed, call us, we'll tell you, but it may be.

HOST RYAN: Now occasionally on the news, the Office of Jury Commissioner is taken to task for summoning children under the age of 18. Why would that happen?

MR. FULCHINO: That can happen if the record comes in without a date of birth.

Once again, playing it conservatively, we, if some, if a record comes in without a date of birth, we're going to leave that record on there. We're not going to eliminate it because they don't have a date of birth.

So if when you're filling out your annual census you forget to put the dates of birth of your children on there, they could get summoned. And there's nothing we can do about that.

HOST RYAN: And how do, how should a parent respond in, in that situation?

MR. FULCHINO: Well, I would recommend before going to the press, to contact us and we'll guide them through the procedure which is very easy. In fact, they can actually do it online for their child since they're the guardian for the child.

HOST RYAN: Now, you mentioned nonhumans possibly being called. Every once in a while, you read perhaps a dog or a cat gets called for jury duty. How does that happen?

MR. FULCHINO: Well, that's a...that's interesting. It may happen because, as a joke, a citizen may list on their census form, when they get their annual census form, they may list themselves, their, their wife, their son or daughter, and their pet. And they even give them a date of birth sometimes, and, and not a real date of birth, you know. So that can happen.

Or most cities and towns, if you don't respond to your initial census letter, if you don't return the form, often visit the house. And the census taker, if you're not home, and they, they don't have the funds or whatever to be able to come back, they may just look at the mailbox and take the names off

the mailbox, and some people put their pets' names on the mailbox.

So that's how we've summonsed cats, dogs. I think we summonsed a ferret once.

HOST RYAN: Oh, a ferret? Nice.

MR. FULCHINO: Yeah.

HOST RYAN: Interesting.

So what happens when you finishing processing all the lists? Now, you, you have a...do you have a schedule of events that have to occur before you start summonsing?

MR. FULCHINO: That's correct. What we do is once we've, you know, processed the data, made sure it's okay, done the eliminations I mentioned, we then group the 351 cities and towns by county because that's the way jurors are summonsed in Massachusetts is by county.

So there are 14 counties, so there will end up being 14 master juror lists.

Each county's list is then randomly sorted. I...the, the example I like to use is consider each city or town a deck of cards. It's a separate deck of cards. All right. So you take all the - like Suffolk is a great example because it's a small number to deal with. There are four cities and towns in Suffolk County.

You take the four decks of cards, stack them on top of each other, but they're still separate, they're separate decks. And then you act as if, though, as if they're one big deck of cards and you start shuffling them and you have a random order.

What actually happens is the data gets put through a...an algorithm developed by MIT, called the Marsaglia algorithm that does the random sorting of the list.

HOST RYAN: We have to thank MIT for random selection in Mass.

MR. FULCHINO: Yes. And Marsaglia is probably the most popular randomization algorithm in the world, and we were one of the first, I think, to employ it.

And then once that's done, the master juror list is created, and the records are in order from one to the end. They're given a number.

So the first random record is called one. The second random record is called two.

And then what we do is when we start summonsing, we start dealing off the top of the deck and just keep going down in order.

HOST RYAN: Now, what do you do about ensuring the accuracy of juror addresses?

CAPTION: Jury Duty, Gregory WR. Fulchino, Jury Census Manager and Webmaster, Office of the Jury Commissioner

MR. FULCHINO: Every quarter, I gather all of the potential jurors to be summonsed for that quarter for that county, put them in a big pile, and shoot them off to what's called NCOA, National Change of Address, and that is a database maintained by the post office of all those change of address forms that people file when they move, or if their address is wrong and the, or they want their mail to go someplace different.

So it's a big, huge database of current and former mailing addresses.

So we subject the data to that and update it. And that, that has a number of benefits, the biggest one being that we have the most accurate list for our, when we send out a summons, so it's more than likely to get delivered.

The other point is that it saves money because the post office, if you do that, will give you a discount.

Title Card: Jury Duty, Michael Ryan, Host

HOST RYAN: You also have designed the jury website, the first and the second version of that. What is, what is available?

MR. FULCHINO: MAJury.Gov.

HOST RYAN: MAJury.Gov.

MR. FULCHINO: Yes.

HOST RYAN: So what can jurors find on the OJC website?

MR. FULCHINO: Oh, they can find a lot there, Mike.

HOST RYAN: Okay. Tell us. What, what could be on there, Greg?

MR. FULCHINO: By the way, if you don't remember this address, MAJury.Gov, just type in Massachusetts jury system or Massachusetts jury duty in any search engine, and it will take you right there.

HOST RYAN: Okay. So what, what kind of goodies can you find on the website?

MR. FULCHINO: Well, the biggest is that once you, if you get a summons in the mail, and we still have to send them out by mail, you can respond online to that summons. You don't have to fill out the forms there, you know, by hand, and pop it in the mail and hope it gets there.

You can do it right online. And that also has the benefit of you can sign up with an email address, give us your email address which we keep confidential, it doesn't go anywhere, it's not sold.

HOST RYAN: You don't sell it to real, retail stores?

MR. FULCHINO: And we don't give it to any other government agency.

And you can receive your notices, you know, about your status via email. And it, we're looking in the future to doing it, you know, maybe via other electronic methods.

You can fill out and print the confidential juror questionnaire on the website so that you don't have to try and fill in the little boxes with your hand, and so you, it looks nice and typed, and all you have to do is print it out and sign it.

And that information you fill out on that confidential juror questionnaire is literally confidential online because as soon as you hit print, it erases, and we don't keep a copy of it.

But it's just a little feature we figured might make it easier for, for the people out there.

So the website will guide you through how to respond to your summons online.

And there are two sections to the site. There's an informational section and the interactive section where you can...

HOST RYAN: So you can go from...

MR. FULCHINO: Postpone.

HOST RYAN: The interactive, from the, from the first, first page when you go MAJury.gov?

MR. FULCHINO: Yup. You'll...one thing about the informational website which is where you get taken first is you'll see icons all over the place saying respond to your summons, respond to your summons. You can't miss it.

HOST RYAN: User friendly.

MR. FULCHINO: Very user friendly.

And once you get over to the interactive site, we think it's very user friendly.

If it's not, let us know.

But on the informational side, we will guide you through, if you decide you don't want to respond online and you'd rather call in or do it manually by hand and send it via snail mail, it will guide you through the process of doing that.

It will also explain to you the reasons you can be disqualified from juror service, how jurors are

compensated in the Commonwealth depending on your situation.

If you failed to appear for juror service and you received a delinquency letter saying you're a delinquent, how to resolve that.

Our, our biggest thing is we want you to serve. We don't want to, you know, punish you.

HOST RYAN: Right.

Title Card: Jury Duty, Gregory WR. Fulchino, Jury Census Manager and Webmaster, Office of the Jury Commissioner

MR. FULCHINO: We want you to serve.

Also there's a, there's a section that's available anywhere when you're on the site to get map and directions.

HOST RYAN: To the jury location?

MR. FULCHINO: To the courthouse you're going to. Yes.

And the great thing about the mapping is that I believe it's still Google mapping, but it's a mapping service. So you can put in your address and where you're going, and it will guide you right there.

We also have a, much information for disabled jurors and it, we, we're working now to make every one of our forms and publications handicap friendly, in other words so that readers for the blind can read the documents, various things, large-type additions. We're, we're working and we've made some good progress on that.

And also there's a - for like students and such - there's a history of the Massachusetts jury system there. There's a fuller explanation of what I explained earlier in the show about how the process is done for creating the master juror list.

There's a lot of information there.

If you're a doctor and you have to write a letter - you know, jurors ask you to write a letter - you can go there and we'll guide you through the steps of doing it properly. And we actually have some forms, you know, that you could print out and the language you need to use.

So there's, there's a lot there. Frequently asked questions section. Our, all of our publications, pamphlets, everything are up there.

There's a section on how to get in touch with you [Mike Ryan] to do our, to get advantage of our public outreach program.

The juror orientation video is up there. These [BNN] shows are going to be up there.

And there's a lot more we're planning with social media and such.

HOST RYAN: So it should answer everything you've needed to know about jury duty?

MR. FULCHINO: Everything you wanted to know - hopefully.

HOST RYAN: Would you say that, since you are responsible for putting out the master juror list, that everybody should respond to every summons whether or not they're qualified or not?

Title Card: Jury Duty, Gregory WR. Fulchino, Jury Census Manager and Webmaster, Office of the Jury Commissioner

MR. FULCHINO: Oh, absolutely. Absolutely you should respond. It's a very serious matter. We're engaged in a very serious action by summonsing someone for jury duty.

It's, it's one of the few areas where a citizen can get directly involved in governing because juries decide guilt or innocence or whether, in civil trials, you know, whether the weight of the facts is for one side or the other.

It's helping to bring justice, and it's one of the few areas where a citizen can get directly involved in administrating justice.

So by all, yes, please respond.

Title Card: Jury Duty, Michael Ryan, Host

HOST RYAN: Well, we've run out of time. We'd like to thank you for joining us today on *Jury Duty: You Make a Difference* on BNN.

Just remember, if you have any questions regarding your juror service, you can always call us at our toll free number 1-800-THE-JURY, that's 1-800-843-5879, and also online at,

MR. FULCHINO: MAJury.Gov.

HOST RYAN: So just remember, you do make a difference. Please serve when called. It's important to all of us.

Thank you, Greg.

MR. FULCHINO: You're welcome.

HOST RYAN: And thank you at home.

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