

OFFICE OF THE JURY COMMISSIONER
FOR THE COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS JURY DUTY – YOU MAKE A DIFFERENCE
TRANSCRIPT

SEASON 01 – EPISODE 03

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 Deputy Jury Commissioner John W.
Cavanaugh, By the Massachusetts Judicial Branch

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

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

Title Card: JURY DUTY, Michael Ryan, Host

Our special guest today is Deputy Jury Commissioner John Cavanaugh.

Thanks, John, for coming on.

MR. CAVANAUGH: Thank you for having me, Mike.

HOST RYAN: John is a proud Graduate of the University of Oregon. He started with the Office of Jury Commissioner more than 31 years ago, first as an operations manager, and became the Deputy Jury Commissioner in 2004.

So today, we'd like to talk about how jurors are used and what's meant by jury utilization.

Title Card: JURY DUTY, John W. Cavanaugh, Deputy Jury Commissioner, Office of the Jury Commissioner

MR. CAVANAUGH: Well, jury utilization is a measure of how efficiently the Courts operate using the jurors as a resource. In other words, we're trying to bring in the minimum number of jurors required for the Court to conduct its business. It's, jury utilization's basically a mathematical formula. It's the percentage of those jurors who appear that are

either challenged, excused, or seated during the voir dire process.

HOST RYAN: And how are jurors selected, John, in Massachusetts?

MR. CAVANAUGH: Jurors are summoned from a list, the master juror list, that's compiled from the annual, annual municipal census as its source. The jurors are summoned at random. The summonses are mailed 12 weeks in advance of the appearance date.

And on the jurors summons, the, the juror will have options to defer their service, postpone to another date of their choosing within a year.

They can change locations if they have a hardship. They can indicate a reason that they may not be qualified to serve, if they're, you know, not a U.S. citizen, don't speak English, have served in the previous three years, reasons like that.

HOST RYAN: What's the minimum age for jury duty?

MR. CAVANAUGH: You have to be 18 years old in order to serve.

HOST RYAN: So I could be in high school, I could be in college and be called for jury duty?

MR. CAVANAUGH: Yes. Students are called and, and serve. There are no occupational exemptions. Once you're 18, you're eligible to serve.

HOST RYAN: Now, what about on the other end? Is there a cut off as far as age?

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MR. CAVANAUGH: It's not the same at the other end. If you're over 70 years old, you can choose not to serve. You can ask to be disqualified, but you can serve if you'd like. It's the juror's option once they reach 70.

HOST RYAN: And do you encourage those people over 70 to come to jury duty?

MR. CAVANAUGH: Many find it a rewarding experience, and so we do, we encourage those, those. I mean it's their choice. They can serve if they want. They're not required to, but if they have

an interest in it, and, you know, we're glad to accommodate them.

HOST RYAN: Now, how many jury locations are there in Massachusetts?

MR. CAVANAUGH: Currently, there are 66 Courts around the Commonwealth that are receiving jurors on various different schedules, some five days a week, some as little as two days a month.

HOST RYAN: And what about, where are the jury locations in Suffolk County?

MR. CAVANAUGH: In Suffolk, there are seven jury locations, the largest being the Suffolk Superior Court in Government Center.

There's also the Edward Brooke Courthouse in the Haymark, Haymarket section of downtown Boston.

And then there are Boston Municipal Court locations in Dorchester, Roxbury, Brighton, and West Roxbury, and then there's a District Court location in Chelsea.

The, the West Roxbury location's currently, their jury session is suspended due to a large construction

project going on around the courthouse that has limited the parking.

HOST RYAN: Now, do I go, am I assigned to a courthouse near my house?

MR. CAVANAUGH: Not necessarily. You could be summoned to any Court in your county. The Court assignments are random.

Jurors who have a hardship appearing at the location to which they've been summoned, they can request a transfer to another location within their county that may be more convenient.

A hardship would be if you have young children that you have to get on the bus in the morning, if you have a medical condition that prevents you from driving long distances, if you don't have a car and the Court you've been summoned to doesn't have access to public transportation, reasons like that.

HOST RYAN: You said that jurors can postpone. Do I need to give a reason for postponing?

MR. CAVANAUGH: No. Anyone summoned has the right to one postponement for as long as a year. No reason is required.

We will reschedule jurors more than once if, if it's necessary during the year. We encourage people not to take the full year's postponement all at once. You never know what's going to happen. Circumstances may change and if you elect, when you get your summons to postpone it for the full year and circumstances do change and it becomes difficult for you to serve, you really don't, you're out of options at that point.

You do have to serve within a year of the date you're originally summoned.

HOST RYAN: Now, if I get a jury summons in the mail, how do I, how do I respond to the jury summons?

MR. CAVANAUGH: You have several options. With the summons, there is a postage paid postcard that you would return. You can request disqualification, indicate whether or not you're qualified, request postponement. There's a demographic survey to fill out. You could request a transfer.

You could also visit our website MAJury.gov, and you have all that same functionality available to you on the website that is provided by the card.

The third option is you could call, and we have operators standing by to take those calls, and they can assist anyone who's received a jury summons, provide information, or take your response to the summons, and that is at 1800-THE-JURY.

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

HOST RYAN: 1-800-843-5879?

MR. CAVANAUGH: That's right.

HOST RYAN: Very good.

And about how many people annually receive a jury summons?

MR. CAVANAUGH: Well, the last few years we've been pretty consistently summoning between 650 and 700,000 people per year. That's down from a peak in the late '90s, early 2000s of as many as a million or 1.1 million in, I think was the probably the highest we ever went.

HOST RYAN: And of those people who receive a jury summons, approximately how many people physically show up for jury duty?

MR. CAVANAUGH: Well, about 35 percent of the people summoned actually come in to serve.

About 65, 66 percent of the people summoned schedule their service, they're qualified, they have a date. Many of those aren't needed. They're scheduled far in advance, and as the date gets closer, some of the cases scheduled for that day may have resolved, you know, either through a plea or a settlement in a civil case.

So not all of the jurors scheduled are required each day, and some portion of them may be randomly selected and cancelled while others are told that they must report.

HOST RYAN: Now, how do you determine how many jurors are assigned to each particular jury location?

MR. CAVANAUGH: It depends on the, the number and the nature of the sessions at that courthouse.

You know, there are busy criminal sessions that would require more jurors.

And if, you know, there are more Judges working at a courthouse, then you would need more jurors.

We also look at historical data, how they've utilized jurors in the past. If it's a Court that requires a lot of jurors to get a jury for their cases, they would have a larger number of jurors appearing.

HOST RYAN: If each of these Jury Courts have their target number exceeded, what happens next?

MR. CAVANAUGH: Well, we would, we would make periodic adjustments. We would look at the number of jurors appearing based on the needs of that Court, how many of those jurors are utilized.

If we have instances where impanelments are running over to a second day frequently, we would increase the number of jurors appearing.

If we have examples of Courts where not all of the jurors are being utilized, a large percentage of, percentage are not utilized, we would reduce the number appearing.

HOST RYAN: Now, you mentioned cancelled. How are jurors cancelled?

MR. CAVANAUGH: They can be cancelled by, really by two ways.

About ten to fourteen days before a juror's scheduled appearance date, we typically send a mailing, the last mailing in, for jurors who are scheduled to appear, and usually it takes the form of a reminder notice that includes a map and directions and other practical information.

At that time, some jurors may all, also receive a mailed cancellation notice.

Usually, that's as a result of us having received a, a better result from the summonses than anticipated. We have more jurors scheduled than needed. And we'll randomly select a few of those and tell, tell them that they don't have to appear.

Title Card: JURY DUTY, John W. Cavanaugh, Deputy Jury Commissioner, Office of the Jury Commissioner

On other occasions, the jurors are scheduled to appear as, and then they, part of those instructions are to call a phone number the night before at the Court, the juror information line. And there will be recorded messages telling some jurors or all of the

jurors they must appear, or it may say that some jurors or all of the jurors have been cancelled due to the changing needs of the Court.

Jurors who have provided us with an email address also receive that information by email.

Title Card: JURY DUTY, Michael Ryan, Host

HOST RYAN: So in the instance of where we had such a lovely winter, that's where jurors would be commonly cancelled?

MR. CAVANAUGH: Yes. And we do provide severe weather, inclement weather instructions on that reminder notice. In cases of inclement weather, jurors are advised that they may call the morning of their service to see if the circumstances have changed, if because of weather, there are any cancellations.

We also send emails messages in the event, and the, the information is usually broadcasted on local media outlets as well.

HOST RYAN: If I'm cancelled, what does that mean? Am, am I exempt from jury duty, duty for three years?

MR. CAVANAUGH: No. It means that you've fulfilled your obligation under the summons, but unlike someone who has come to the Court and appeared for service, there is no exemption period that goes with a cancellation.

The following year, your name is back on the list. You may or may not be summoned. Some people may be summoned the following year. Some may wait ten years before they get another summons.

But the next time you are summoned, you would be qualified.

HOST RYAN: Any advice for jurors coming to jury duty in Suffolk County for the first time?

MR. CAVANAUGH: In the two downtown locations, we strongly advise jurors to use public transportation. There are no parking facilities at those courthouses. Parking in that area you pay a premium for.

So we strongly encourage people to take public transportation.

HOST RYAN: And what else should, what else should jurors do prior to arriving at the courthouse?

MR. CAVANAUGH: The reminder notice that comes the ten days before, on the back of it is a confidential juror questionnaire. And that should be filled out by jurors before they appear. It will speed the check in process. And the information provided there is used by the, the Judge and the parties in a case to, to determine if it's appropriate for that individual to serve as a juror.

Those questionnaires are confidential as the name suggests. The information on there is not stored in any way. And at the, the end of the voir dire, the, for jurors who have not been selected for the case, the questionnaires are collected from all the parties and destroyed.

HOST RYAN: And jurors should be truthful on the questionnaires?

MR. CAVANAUGH: It is very important be, to be truthful. You may be called to sidebar to answer questions. The Judge may have other questions. You may be questioned by an attorney in the case.

In all those instances, it's very important to provide truthful, truthful responses.

HOST RYAN: Now, if I come to jury duty, what should I, what should I wear?

MR. CAVANAUGH: There is no dress code per say, but this is a serious occasion. The people who are at the Court to have their cases heard expect that jurors are taking their responsibility seriously, and their dress should reflect that.

HOST RYAN: Now, you mentioned about selecting juries, what actually is the source list? Is it the voting list?

MR. CAVANAUGH: No. In Massachusetts, we're very fortunate in that we have, the only state in the country that has a, a mandatory annual municipal census.

That means each city and town each year usually in January through March conducts a census of all the residents of the town, and they compile what's called a street listing, usually with the assistance of the Secretary of State's Office.

And a copy of that list or a copy of all people over 18 on the list is provided to our office each year, usually sometime over the summer. And we'll spend much of the month of September preparing that list for use in summoning of jurors for the following year.

HOST RYAN: And do you do any sort of way to check, how many lists do you compile every year?

MR. CAVANAUGH: Well, we compile a list for each county, so that's fourteen lists for our use for summoning jurors in Massachusetts.

We also, as a service to the Federal Courts here in Massachusetts, provide lists for them for the three federal judicial districts.

HOST RYAN: Do you do anything with these lists? Do you run a battery of tests? Do you check names or,

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MR. CAVANAUGH: Yeah. We do a number of integrity checks on the list when we first receive them. We look for duplicates, names that are

missing first or last names, things that are clearly nonhuman names like public library or municipal garage, and we remove those from the list.

HOST RYAN: And occasionally, people put, put their pets on the census?

MR. CAVANAUGH: It has happened. It has happened. We've had people list pets with first and last name and the date of birth. If that date of birth indicates that the pet is over 18, there's no way of us knowing that it's a pet, and we have occasionally sent summonses.

HOST RYAN: Now, if families have minors, kids under 18, they occasionally end up on the census.

MR. CAVANAUGH: Yes. On occasion, there will be, there will be a mistake in the census taking process, and, you know, someone who is under 18 years old, their name will appear on the census.

There is a disqualification on the summons for anyone who is not 18 years of age, and that response can come to us, as I said, in any one of the three ways, either by phone, by returning the post card, or on the website.

HOST RYAN: So when I'm coming to jury duty, what, can I bring anything with me? Can I bring food? Can I bring my cell phone? What can I bring?

MR. CAVANAUGH: Most Courts have rules about what is allowed in and what is, is allowed. There, and it's not standardized across the state.

So if there are items that are restricted, it is usually on the phone recording that you call the night before you appear. They would usually list those items.

Obviously, there are items that are not allowed in any courthouse like weapons and things like that.

But there are varying policies on electronic devices, and there are policies on food and, and beverage that may vary from location to location depending upon what's available in the courthouse or in the, the courthouse neighborhood.

And any restrictions on those kinds of things would be in the tape recording that, message that you would hear the night before you serve.

HOST RYAN: If I report for jury duty, how long should I expect to be there?

MR. CAVANAUGH: It can vary greatly. Some Courts, you know, they have, they have a short list of cases that they can get through and resolve early in the day, you may be released from juror service before lunch.

Other Courts, it takes longer for them to get through the business. They have a longer list or a long impanelment may take place, and it may be the end of the day.

Jurors should plan on being there until 4:30. That's the end of the Court business day and you should plan on being there until then, and you may get out earlier.

You may have to come back on the following day or, or two days after if you're impaneled on a case.

HOST RYAN: Now, are there any exemptions from jury service?

MR. CAVANAUGH: Not exemptions per say. There are disqualifications. There are ten disqualifications listed on the summons. Those disqualifications are statutory.

If you don't fit one of the disqualifications and you feel there's a, that there is a reason that you cannot serve, you will have a chance to speak with a Judge to be heard before you're selected to be a juror. And the Judge would have, would be making the decision as to whether you should be excused. That would be a hardship excuse at the discretion of the Judge.

There isn't, there are no exemptions.

Other jurisdictions may have exemptions for people in various circumstances, some occupations, parents of small children, things like that.

Massachusetts does not.

HOST RYAN: So Judges, doctors, lawyers, teachers, Deputy Jury Commissioners?

Title Card: JURY DUTY, John W. Cavanaugh, Deputy Jury Commissioner, Office of the Jury Commissioner

MR. CAVANAUGH: They all serve.

HOST RYAN: Now, you,

MR. CAVANAUGH: We all serve.

HOST RYAN: Have you been, have you gone to jury yourself?

MR. CAVANAUGH: I've served twice. One time I was actually, I was seated in the box, in the jury box, and challenged by the attorney for one of the parties.

On the second occasion that I went, all of the cases scheduled for that day were resolved without a jury trial, settled or, or pled out.

Title Card: JURY DUTY, Michael Ryan, Host

HOST RYAN: So people from all walks of life, it doesn't matter race, creed, color, occupation, religion, if, if you're eligible, you must come?

MR. CAVANAUGH: That's what we're looking for. We're looking for jury pools that reflect the diversity of our community, that all different walks of life are represented, and that the, the best justice is that delivered by people with a variety of life experiences. And then they get together in the deliberation room and, having listened to the evidence, they apply their own experiences to that to determine the outcome.

HOST RYAN: Now, you mentioned Grand Jury. What is the, the connection with the federal jury?

MR. CAVANAUGH: The Grand Jury is different than, than trial juror service. And trial jury, if selected, you serve for the duration of one trial.

Grand Jurors, the term is generally three months, and the Grand Jury will hear evidence on a number of different cases that the DA has, brings before them, and they determine if there's sufficient evidence for that case to go forward.

The Grand Jury is actually a protection for citizens against unnecessary harassment, you know, and it's there to protect people.

And so it's very important. They serve a very important function.

HOST RYAN: How many people sit on a Grand Jury?

MR. CAVANAUGH: Generally 23.

HOST RYAN: And is Grand Jury, you mentioned three months. Is that every day for three months?

MR. CAVANAUGH: That depends on the, the district, the county that you live in. Some it is pretty much every day, four to five days a week for the three month period.

In other counties that aren't as busy, the Courts aren't as busy, then the, it can be shorter than that, you know, one day a week or even less.

There are other special Grand Juries that are empaneled for longer terms, some seat, sit for four months, some for as long as a year or more.

HOST RYAN: Now, you mentioned about the federal, federal jury itself. What's the State Commission for jury connection with federal jury?

MR. CAVANAUGH: We have a close relationship with them. They, we provide their jury list, their source list each year. They summon from the same list that we do, and it's, every once in a while, people will get summoned from, from both Courts.

The, if you're summoned to, to serve in a State Court and you've served in any Federal or State Court or are currently scheduled to serve in any State or Federal Court and prior service in the

previous three years, then you're not required to serve again.

HOST RYAN: But if, if I get Federal jury, will they accept State jury previous service?

MR. CAVANAUGH: They sometimes will disqualify you. It depends on the term of your service and the, and, and the State Court. If it's I think three days or more, then they won't require you to serve again.

Any less than, than that, they will require you to serve.

HOST RYAN: Now, you mentioned about that, the possibility some jurors may get dismissed earlier in the day. If I go to jury duty, and I don't step into the courtroom, have I done my jury service?

MR. CAVANAUGH: Yes. By appearing in Court, able and willing to serve, you fulfill your obligation. You get a three year exemption period after that that's three calendar years.

So 365 times three, and then you're eligible to serve again.

HOST RYAN: So if I don't go in the courtroom, what was going on that did not allow me to go into the courtroom?

MR. CAVANAUGH: Well, the cases scheduled for that day, while you're waiting in the jury pool, the parties are discussing the case, making various offers as a way to settle the case, resolve it short of a jury trial.

In many instances, if neither party is particularly motivated to, to go to a jury trial, I remember being present in a jury pool once and the Judge came down to greet the jurors, to welcome them, and he told the jury pool, he said that I'm going to go and, and talk to the parties now, and I'm going to tell them this is your last chance to decide your own fate. If you, if I bring the jury in here and we start this case, then you're turning over that resolution to people you don't know.

So this, you know, you can settle it now and you can decide what the outcome is going to be, or you can take your shot with the jury and have that uncertainty, not knowing what the outcome will be.

HOST RYAN: Is it fair to say just the presence of jurors in the jury pool lead to a lot of cases resolved without going to trial?

MR. CAVANAUGH: It does. It's, you know, sometimes having those jurors in the building is the impetus that the parties require to come to that, that mutual understanding of, you know, this is the way that we want to resolve this case.

They're not forced to face that reality to make that decision until they know that jurors are available in the building. And if they don't make the decision now then the jury trial is going forward.

HOST RYAN: Now, is the goal of jury utilization to ensure that there's enough jurors for each Court but that they're not wasted?

Title Card: JURY DUTY, John W. Cavanaugh, Deputy Jury Commissioner, Office of the Jury Commissioner

MR. CAVANAUGH: Yes. That's, our ideal goal would be, as a former chair of the Jury Management Advisory Committee said, that when you seat that last juror, then, whether it's the seventh or the fourteenth juror, and you look out into the gallery in the back of the courtroom, there are no jurors left.

Now, obviously this is a, not a science. It's a, somewhat of an art. You're, you never know exactly how many jurors are going to be required to impanel a case. You could have two cases that seem identical, but in one of them, you know, say the, you know one of the parties is a longstanding member of the community, well-known, and, and the other party if someone, you know, the, someone in the similar role and the other case is, you know, no one knows them, they just moved to, just moved to town, you know, you're going to need more, more jurors probably to, to get a jury in that first case.

But we don't want to bring any more people in than are required for the Court to do its business.

We understand that jurors are making a sacrifice to be there. They're rearranging their lives, that in many case their employers are making a sacrifice. They don't have that employee's services available to them for that day.

And so we don't try to bring in any more people than are absolutely necessary for the Court to do its business.

Title Card: JURY DUTY, Michael Ryan, Host

HOST RYAN: And pretty much most people on average are wrapping up after one day of service?

MR. CAVANAUGH: Yes. About 90 percent of the people that serve in Massachusetts serve just one day.

HOST RYAN: So thus one day or one trial?

MR. CAVANAUGH: One day or one trial.

HOST RYAN: Well, we've run out of time. I'd like to thank you at home for tuning into Jury Duty: You Make a Difference on BNN.

Just remember, if you have any questions regarding your jury service, you can always give us a call at our toll free number,

**Title Card: JURY DUTY, For More Information Call,
1-800-THE-JURY, 1-800-843-5879**

MR. CAVANAUGH: 1-800-THE-JURY.

HOST RYAN: 1-800-843-5879.

You can always get us on the web at
JuryDuty.MAJury.gov. [MAJury.gov]

Just remember, when, you do make a difference
when you come. It's important to all of us.

Thank you, John.

MR. CAVANAUGH: Thank you.

HOST RYAN: And thank you at home.

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