

OVERHAUL OF JURY SYSTEM COMING IN JULY

For Immediate Release

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A major overhaul of Georgia's jury system is coming in July and, according to F. Barry Wilkes, Clerk of the Superior Court of Liberty County, one of the biggest changes will be expansion of the local jury pool to include every citizen who is legally eligible for jury service.

"I want to get the word out to every resident of Liberty County who is 18 years of age or older that, on and after July 1st, they are apt to be summoned for jury duty, regardless. Because we will be using new jury lists that do not reflect all historical information about jurors and their service record, persons who have been permanently excused from jury service for medical and other legal reasons may be inadvertently summoned for jury duty. We hope everyone will be patient with us during this transitional period. My staff and I will do everything we can to prevent problems from happening but I can not promise that snafus won't occur. Any time changes of this magnitude are required, there is likelihood for some error. A call to my staff or me is all that is necessary for us to begin corrective measures," Wilkes explained.

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Georgia was the only state remaining that required 'forced balancing' of jury pools as a means for ensuring that, as jury pools were created by local jury commissions in the state's 159 counties, the pools were not skewed according to gender or race so as to impede the rights of litigants to a trial by a jury of their peers. The new system is designed to eliminate any opportunity for discrimination on any grounds since, after July 1, every citizen of the county who votes or has a driver's license will be eligible for jury duty.

The methodology currently used for selecting grand jurors will also change. Legislators, district attorneys and judges had concerns about this divergence since duties of grand jurors include oversight for the process for indicting and binding over for trial persons charged with committing felonious criminal acts and for oversight over local governmental officials and agencies.

"Essentially, we will only have one jury pool consisting of persons who may be summoned for service as jurors for jury trials and grand jury," Wilkes noted. "This is a radical change since, for over 200 years, only the names of persons deemed by jury commissioners to be the 'most intelligent, most experienced and most upright citizens' of

the county were placed in the grand jury pool. How this translates for local citizens is that they are subject to be summoned for service as either a grand or trial juror.”

Wilkes explained that the idea of creating an ‘all-inclusive’ jury pool resulted from a committee he served on in 2002 during the Georgia Jury Summit, a conference sponsored by the Supreme Court of Georgia for the purpose of bringing court officials, stakeholders and agencies together to improve the perception and reality of jury service in the state’s civil and criminal court system. He was selected by the chief justice of the state’s highest court to represent superior court clerks at the summit.

“In the 28 years I have served as clerk of the Superior Court and State Court of Liberty County (the two local courts where cases are tried by juries), I always had a hard time explaining to citizens why a large number of residents who are otherwise eligible for jury duty must be excluded from jury service when others are required to serve. So, during the summit in Augusta, I voiced concerns that our system for comprising jury lists in the state was discriminatory on its face since it required local jury commissions to pare down lists and exclude persons from jury service for no reason other than achieving an arbitrary statistical balance. Numerous other participants joined me in advocating that Georgia, being the only state that required forced balancing of jury pools, should simply do what other states have done for years: create a system that includes every citizen eligible for jury service unless he or she is disqualified legally from serving. I used local circumstances as a prime example of the systemic flaw in our longstanding system. Locally, 2,000 to 3,000 (and, at one time, even more) citizens had to be excluded by jury commissioners from our grand and trial jury pools in order to achieve the statistical balance required by law and rules established by the Supreme Court. That was common across the state. So, as a result, the report from the Jury Summit included a vehement recommendation for abandoning the current system in exchange for a system that promotes across-the-board inclusion in local jury pools the names of all ‘prima facie’ eligible for jury service. Everyone participating in the summit agreed but it still took almost ten years of study and hard work to finally promote legislative changes necessary for adoption of the new system since everyone wanted to be certain that whatever changes were made safeguarded civil rights while, at the same time, provided a system of arraying juries that could withstand any legal challenge,” Wilkes said.

Wilkes drafted legislation in 2005 that eventually was adopted by the Supreme Court’s Jury Composition Committee and later enacted as HB 415, the Jury Reform Act of 2011. The bill mandated creation of a statewide jury pool created and maintained by the Council of Superior Court Clerks of Georgia. Effective July 1, each county of the state will begin using the master jury list provided to it by the council from drivers’ license lists obtained from the Georgia Department of Driver Services and from voters’ lists provided by the Secretary of State’s Elections Division. Wilkes and four other members of the Council of Superior Court Clerks’ Jury Composition Committee began working on development of the statewide jury project immediately after Governor Nathan Deal signed the enabling legislation into law on May 3, 2011.

“Our council was selected by legislators to develop and run the statewide jury project because of the great successes we have had with other projects of this enormity, particularly the Georgia Superior Court Clerks’ Cooperative Authority which we created in 1993 to develop and operate the nation’s only statewide systems real estate and personal property. They knew we created the Authority without using any tax dollars, so they readily entrusted us with this project. Once again, no immediate funding was provided, which makes a project of this scope and magnitude more challenging. We’ve proceeded at break-neck, yet deliberate, speed in order to meet our legislative mandate requiring us to have the project ready to go live on July 1. Each member of the committee and every superior court clerk in the state realize that, if the system is not fully functional by that date, no court in the state can have jury trials. I am confident that we have fulfilled our statutory obligation and that the new system we have developed provides a comprehensive automated system for creating and providing the state’s master list and each county’s local jury lists,” Wilkes said.

Wilkes, who has served as Clerk of the Superior Court of Liberty County for seven four-year terms of office, is also required by law to serve also as the clerk of the county’s jury commission. After July 1, the role of the jury commission will be ultimately to approve jurors’ requests for permanent excusal from jury service. By law, those reasons include death, non-residency and permanent medical and/or mental infirmities attested to by a medical doctor and/or psychologist or psychiatrist. Persons who are convicted felons and who have not had their civil rights restored are automatically disqualified from jury service.

Wilkes and clerk’s office staff that performs jury management duties may be contacted at 912.369.JURY (5879). He may also be contacted via email at clerkofcourts@libertyco.com. Other information about current laws, policies and procedures concerning jury service and the duties of the clerk is available on the Clerk’s Office website at www.libertyco.com.

Wilkes also serves as clerk of the State Court, Juvenile Court and Magistrate Court of Liberty County. He is currently the chairperson of the Georgia Superior Court Clerks’ Cooperative Authority.

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