

HOW YOU ARE SUMMONED FOR JURY SERVICE

One of the most important statutory jobs that the clerk of superior court has is custodianship of the county's jury lists. Ultimately, the clerk is charged by law with protecting and preserving grand and trial jury lists so that no one can alter them or do anything to them that would give anyone an unfair advantage during jury selection for civil or criminal cases.

Until 2011, Georgia law provided for a jury commission consisting of six persons in every county of the state. Jury commissioners were required to scour the county, identifying persons *prima facie* (at first glance) eligible for jury service, and adding their names to the county's lists of trial (petit) jurors, grand jurors, or both. A person deemed *prima facie* eligible to serve as a trial juror had to be "an intelligent and upright" citizen of the county, while only a percentage of names of persons considered by jury commissioners as "the most intelligent, most upright, and most experienced" citizens of the county were added to the county's grand jury pool. All persons eligible for trial or grand jury service must be 18 years of age or older, a resident of Liberty County, and a citizen of the United States. Persons convicted of a felony criminal offense are ineligible for jury service unless they have subsequently had their civil rights restored.

Jury commissioners were legally required to balance both jury lists so that statistically there was no greater than 5% disparity by gender or race in the percentage of persons on jury lists and the percentage of the county's population for each category, as reported by the latest decennial census of the county. A large number of males in the U.S. Army live in Liberty County but retain their residency in their "home of record", meaning that they are not eligible for jury service locally. Thus, to balance lists by gender and race, jury commissioners had to exclude a large number of persons (as many as 4,000) otherwise eligible for jury service—particularly females of all races. Georgia was the only state remaining that required 'forced balancing' of jury pools as a means for ensuring that jury 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 idea of creating an 'all-inclusive' jury pool resulted from a committee I served on in 2002 during a conference sponsored by the Supreme Court of Georgia for the purpose of bringing court officials, stakeholders and agencies together to improve the state's civil and criminal court system. I always had a hard time explaining to citizens why a large number of residents who were otherwise eligible for jury duty were excluded from jury service when others were required to serve. So, during the

summit, I voiced concerns that Georgia's system for comprising jury lists was discriminatory on its face because 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. Others joined me in advocating that Georgia 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. It took almost ten years more study and hard work to finally promote legislative changes necessary for adoption of a new system since everyone from the Supreme Court down wanted to be certain that whatever changes were made safeguarded constitutional rights while, at the same time, provided a system of arraying juries that could withstand any legal challenge.

Legislation I wrote in 2005 was eventually adopted by the Supreme Court's Jury Composition Committee and enacted by the Georgia General Assembly as the *Jury Reform Act of 2011*. The bill mandated creation of a statewide jury pool by the Council of Superior Court Clerks of Georgia (Council). On July 1, 2011, each county of the state began using the master jury list provided to it by the Council from drivers' license lists obtained from the Georgia Department of Driver Services and voters' lists provided by the Secretary of State. Our council was selected by legislators to develop and run the statewide jury project because of our great success with other projects of this enormity, particularly high-level projects under the auspices of the Georgia Superior Court Clerks' Cooperative Authority, which we created in 1993 to develop and operate the nation's only statewide real estate and personal property information systems.

The new jury system minimizes opportunities for discrimination on any grounds, with every citizen of the county who votes or has a driver's license eligible for jury duty. The methodology currently used for selecting grand jurors changed also. Counties now have one jury pool consisting of persons who may be summoned for service as jurors for jury trials and grand jury. There is no longer a jury commission.

Jurors are selected for jury service by the Clerk's Office's automated jury management system. The selection process is purely random and is designed to prevent tampering so that, at no time, anyone can cause a person to be selected for service for a specific jury selection date. I, as clerk of the courts, approve or deny jurors' requests for permanent excusal from jury service on the basis of reasons permitted by law and local court rules. 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 still automatically disqualified from jury service.

Other information about current laws, policies and procedures concerning jury service and the duties of the clerk is available at www.libertyco.com/jury/JuryServiceInformation.html on the Clerk's Office website.

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