

**CITY OF BALTIMORE
COUNCIL BILL 09-0168R
(Resolution)**

Introduced by: Councilmembers Conaway, Cole, Middleton, Welch, Kraft, Clarke, Curran,
Young, Spector
Introduced and read first time: October 26, 2009
Assigned to: Judiciary and Legislative Investigations Committee

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Investigative Hearing – The Jury Service Selection Process in Baltimore City**

3 FOR the purpose of requesting the Executive Director of the Department of Judicial Information
4 Systems, the Jury Commissioner, and the Jury Judge of the Baltimore City Circuit Court to
5 report to the City Council on the jury selection process in Baltimore City; to explain the
6 genesis of lists of City residents qualified for jury duty; to authenticate the timeliness and
7 accuracy of the lists; and to address the assertions that some citizens are called upon
8 repeatedly to serve as jurors while others are not ever or are rarely called upon to perform
9 their civic duty.

10 **Recitals**

11 Baltimore City Circuit Court jurors are selected from a list of registered voters, licensed
12 drivers, and persons with an MVA identification card, as provided by the Maryland Judicial
13 Information Systems. In Baltimore City, jurors are required to serve for the length of 1 trial if
14 selected, and if not selected they are dismissed from jury duty at the end of the day on which
15 they are summoned. Persons who are not City residents, who have been convicted of a felony,
16 or who have a matter pending in Circuit Court may not serve. For residents over the age of 70,
17 jury service is optional.

18 The *Maryland Judiciary* holds that “the keystone of the justice system in the United States is
19 the right to trial by jury. Jurors determine the facts of evidence in the case presented to them.
20 Jury duty is an opportunity to serve the community”. The Chief Judge asserts “Your service as a
21 juror is what makes our justice system the finest in the world. On behalf of the Maryland
22 Judiciary, I offer our thanks to those of you who have served, and will serve, as jurors.”

23 Despite the high regard the American judiciary purports to hold for citizens who have
24 performed this civic duty, *Jury Service in the 21st Century*, Maryland Bar Journal, May/June,
25 2009 reports: “For two centuries, average citizens have fulfilled their civic responsibility,
26 adhered to rigid judicial tradition, and supported jury service. Now, there is a growing number
27 of citizens who are reluctant to show up and serve when summoned for jury service, so this
28 stalwart institution is undergoing a “juror-friendly” 21st century facelift to attract today’s citizens
29 who live in a fast-paced, high tech world.”

30 In the same article, the Chair of the Maryland Judiciary’s Jury Use and Management
31 Committee offered insight into jury service in Maryland, concluding that while people here

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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1 believe the jury system is important they are “seldom thrilled when summoned for jury duty
2 because it places a hardship on them. This is the greatest challenge facing the justice system.
3 There is so much pressure and so many demands on the average American’s time today that jury
4 service can sink them. Between commute times for work, child care, elder care, and people
5 working two jobs, the time commitments are extraordinary. In some cases jury duty can be the
6 straw that breaks the camel’s back.”

7 The American Bar Association (ABA) reports that while 1 million people serve as jurors
8 every year, 5 million American citizens actually report for jury duty. But millions more are no-
9 shows – unfortunately for every citizen who shows up when summoned, many more do not. An
10 estimated 15% of those summoned across the country are no-shows. In Maryland, the no-show
11 juror rate varies from county to county.

12 At roughly 60%, Baltimore City tops the state no-show rate. The ABA found that Baltimore
13 City has been plagued with a high number of no-show jurors for years due to its dwindling and
14 transient population, the disqualification of many residents for criminal convictions, and for bad
15 addresses. Others encounter employment compensation issues, and many more simply do not
16 want to serve at all.

17 The impact of no-serve and no-show jurors on the dutiful citizens who do serve is
18 exacerbated by a juror selection service that is flawed. According to a recent press release by the
19 Clerk of the Baltimore City Circuit Court, for years citizens have complained about a system that
20 results in some being “summoned every year, while others are never summoned.” Based in part
21 on a preliminary examination of the jurors list, the Clerk of Courts has concluded that serious
22 flaws exist in the database used to select City residents for jury duty.

23 Several test comparisons done by the Clerk’s office have turned up dozens of names in the
24 juror pool that have no match on the voter registration rolls, duplicate entries for the same name,
25 as well as names generated solely from MVA records. “The accumulation of duplicates, MVA
26 addresses, and other issues also indicate that the juror list could have twice the number of entries
27 in the system as there are eligible residents, roughly 400,000 in the city.”

28 A review and revamp, if necessary, of the juror selection process in Baltimore City will
29 sustain the integrity of our justice system in the Courts and in our communities. Each citizen
30 who performs his or her civic duty is reminded of his or her vested interest in the quality of life
31 of our City as a whole.

32 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
33 Executive Director of the Department of Judicial Information Systems, the Jury Commissioner,
34 and the Jury Judge of Baltimore City Circuit Court are requested to report to the City Council on
35 the jury selection process in Baltimore City; to explain the genesis of lists of City residents
36 qualified for jury duty; to authenticate the timeliness and accuracy of the lists; and to address the
37 assertions that some citizens are called upon repeatedly to serve as jurors while others are not
38 ever or are rarely called upon to perform their civic duty.

39 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Mayor, the
40 Executive Director of the Department of Judicial Information Systems, the Jury Commissioner,
41 the Jury Judge, and the Clerk of Court of the Baltimore City Circuit, and the Mayor’s Legislative
42 Liaison to the City Council.