

MEMORANDUM

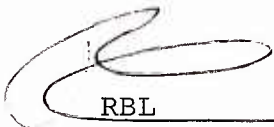
Richard B. Latham, Judge

March 3....., 19 83

To: Dee Van Nest-Maryland State Law Library

Subject: Jury Study Committee to the Maryland Judicial Conference-1980-81

The attached report was adopted by the Maryland Judicial Conference at the Spring meeting in 1981 with one minor change. As to Item No. 3, Use of Alternate Jurors, the following language was incorporated - "except that provisions as to the number of alternate jurors should be left to the trial judge".


RBL

MARYLAND JUDICIAL CONFERENCE
209-2141



Executive Secretary
William H. Adkins, II



FINAL REPORT OF THE

JURY STUDY COMMITTEE TO THE

1980-81 MARYLAND JUDICIAL CONFERENCE

At the request of the Conference of Circuit Court Judges on December 18, 1979, the Executive Committee of the Maryland Judicial Conference adopted a resolution to appoint a special committee of the Judicial Conference to conduct a comprehensive study on all aspects of the jury system in Maryland. Included within the scope of this study, the Jury Study Committee was requested to study, among other things, the following areas: The selection process; length of jury service; exemptions and excuses from jury service; costs of the jury system; minority representation on juries; possible use of six-person juries; possible use of six-person juries in the District Court; methods for effective use of alternate jurors and limitations of the common law right to jury trial in criminal cases in a trial court of general jurisdiction.

On January 26, 1980, the Committee met to decide on what procedures to follow in order to conduct the study. It was agreed that the Committee should consult with members of the Bar, the legislature, the Judiciary and other parties who expressed an

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interest in jury system improvements. Early in the process, it was recognized that because of limited resources all of the subtopics could not be studied as in-depth as the Committee would have desired. An example of this was with the question of minority representation on jury trials. The Committee felt that in order to adequately study this question, sufficient time and resources would have to be allocated to actually sample the make-up of petit juries as to race, age, sex, etc., in each jurisdiction of the State before any valid conclusions could be made with regards to adequacy of representation. The Committee decided to focus its attention on those problems which could be readily identified and addressed particularly on a statewide basis. Some topics it was felt were by their very nature inter-related. Reducing length of service for instance may have a positive effect of increasing minority representation.

The Committee met on eight different occasions and held extensive discussions with the following individuals or organizations:

Honorable Robert F. Sweeney, Chief Judge of the District Court
 Members of the State Bar Association's Subcommittee of
 Judicial Administration Section studying methods to reduce
 cost, delays and litigation, co-chaired by the Honorable
 Howard S. Chasanow and the Honorable Bess B. Lavine
 Members of the General Assembly of Maryland
 National Center for Jury Studies, McLean, Virginia
 State Administrative Board of Election Laws
 State Department of Transportation
 Judicial Information Systems, Administrative Office of the
 Courts

After extensive discussions and research as to the "state of the art" in jury selection and management, the Committee is prepared to make seven individual recommendations. The Committee recognizes that these recommendations are not meant to be an exhaustive list of all possible solutions on how to improve the operation of our jury systems. Rather, these are areas which stood out as needing attention and which the Committee felt could be best addressed on a state-wide basis.

(1) Six-Person Juries in the Circuit Courts (and Supreme Bench).

Much has been written about the advantages and disadvantages of six-person juries. Generally, the decision to switch to a system of six-person juries, can be reduced to two issues. On one side of the question is a depreciation in the number of minority representation and on the other side is the question of efficiency and cost savings to constituents. Most authors would agree that when you change from a system of twelve person juries to six person juries, statistically there may be less minority members serving. It was thought this would be most visually recognized in jurisdictions which have a minority population of less than 16 percent (or one out of every six jurors). The Committee felt on the whole, however, reducing the number of jurors was not regarded as having tremendous impact on the chances of having less minorities serve on juries. Rather, this was seen to be more directly related to the individual preferences of attorneys. In terms of cost savings, a reduction to six person juries would not

mean a fifty percent saving in costs. Unless accompanied by other changes such as the reduction in the number of peremptory challenges or reduction in panel sizes, most authorities agree that the reduction would more than likely be about twenty percent. This would mean in Maryland, where the compensation costs to jurors is approximately two million dollars, that somewhere between two and four hundred thousand dollars could be saved yearly depending upon the type of trials in which six person juries are allowed. (See Appendix A.)

Other research studies have not led to any conclusive evidence one way or the other as to whether six person juries cause wider discrepancy in verdicts or lead to greater awards in damages. The Committee recognized that the most persuasive argument against the use of six person juries would be less representation of minorities in some jurisdictions. The Committee however felt that if a court had a representation problem that the size of the jury does not have a cause and effect relationship to this deficiency. Rather, other efforts should be considered in order to correct underrepresentation such as making it more convenient for minority jurors to serve (reducing the term of service) or exploring other source lists from which to draw minority groupings.

In terms of what other states require for the size of jury trials, Appendix B lists each state requirements as of 1977. Only seven states (including Maryland) require twelve person unanimous

decisions for civil trials and seventeen states (including Maryland) require the same for the trial of criminal misdemeanors. The overwhelming majority of states mandate unanimous twelve person decisions for felony cases. While the states show a great deal of variation as to size and the rate required for jury verdict, the overall trend appears that twelve person juries are required in felony cases and that some number less than twelve is used with civil and criminal misdemeanors. In addition, the Federal District Courts have been using six person juries for civil cases for a number of years and it is now estimated that about ninety percent of Federal Districts use six person juries.

In light of successful use of six person juries throughout the nation, and in light of the savings which could result in both voir dire time and costs to compensate jurors, the Committee recommends the use of six person juries for misdemeanor and civil trials. The Committee does not recommend any change in the size of juries for felony cases.

RECOMMENDATION: THE COMMITTEE RECOMMENDS THAT IF NECESSARY, A CONSTITUTIONAL AMENDMENT BE PURSUED TO AUTHORIZE LESS THAN TWELVE PERSON JURIES. IF THAT IS ACCOMPLISHED, THEN IT IS RECOMMENDED THAT EITHER BY STATUTE OR RULE, SIX PERSON JURIES BE SPECIFICALLY REQUIRED FOR MISDEMEANOR AND CIVIL TRIALS AND THAT A SEPARATE PROVISION BE MADE ALLOWING TWELVE PERSON JURIES IN THOSE CASES WHERE A PETITION HAS BEEN FILED PRIOR TO TRIAL DATE REQUESTING SUCH

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ACTION FOR GOOD CAUSE SHOWN. ALL FELONY CASES, UNLESS OTHERWISE AGREED UPON, WOULD BE TRIED BY A JURY OF TWELVE.

(2) Peremptory Challenges.

Maryland Rule 753 and Section 8-301 of the Courts and Judicial Proceedings Article provide ten peremptory challenges for the State and twenty peremptory challenges for the defense in trials in which the defendant is subject to a sentence of death, life imprisonment or twenty years or more imprisonment (except common law offenses). In all other cases, each party is permitted four peremptory challenges.

The Committee had two basic concerns regarding the present law and rule concerning peremptory challenges. First, there appeared to be no rational basis as to why the defense should be afforded more peremptory challenge over the State. Approximately two thirds of the country allow an equal amount of peremptory challenges for both parties and the trend has been in that direction in recent years. (See Appendix C.) The second concern of the Committee was the high number of peremptory challenges allowed the defense in felony trials. Maryland is the highest in the country with twenty, followed by fifteen in New York. The majority of states allow six or less for felony cases according to statistics maintained by the National Center for State Courts.

Several advantages were seen in reducing peremptory challenges. First and perhaps foremost, was the convenience factor

for jurors. One of the primary contacts citizens have with the judicial system is through jury duty. It is important that this initial contact be meaningful and not envisioned as a wasteful or inefficient process. Reducing peremptory challenges in certain instances would therefore reduce waiting time and also the number of jurors needed for panel size. A certain amount of cost saving would result in that the court would not be required to call in as many jurors on a regular basis. Most judges on the Committee felt that peremptory challenges were not always fully used particularly in the more ordinary felony cases. Statistics were not available on this usage within the State but the National Center for Jury Studies reports that only about one-third of peremptory challenges are usually taken. A final advantage would be the natural reduction in voir dire time.

The Committee recognized the need to maintain an adequate number of peremptory challenges for cases involving the death penalty. It was thought that since there were so few of these cases each year and that since they were of a serious nature, it was agreed that both the State and the defense should have twenty peremptory challenges. With regards to all other cases (misdemeanors and civil trials), it was agreed that the number should remain at four.

RECOMMENDATIONS: THE COMMITTEE RECOMMENDED THAT STATUTE AND RULE CHANGES BE PURSUED TO ALLOW FOR THE FOLLOWING PEREMPTORY CHALLENGES: TWENTY PEREMPTORY CHALLENGES FOR BOTH THE STATE AND

DEFENSE IN THOSE CASES IN WHICH A MOTION HAS BEEN FILED FOR THE DEATH PENALTY; EIGHT PEREMPTORY CHALLENGES EACH IN ALL OTHER FELONY CASES INCLUDING THOSE WHERE THE MOTION FOR THE DEATH PENALTY HAS NOT BEEN FILED; AND FOUR PEREMPTORY CHALLENGES EACH FOR ALL MISDEMEANOR AND CIVIL CASES.

(3) Use of Alternate Jurors.

Maryland Rule 543 b sets out the general provisions of the use of alternate jurors. The Committee discussed a concept which is used in Detroit, Michigan, and in other areas of the country where prior to trial, thirteen jurors are selected with no particular designation as to who would be the foreperson or alternate juror. The selection instead is accomplished after the trial, allowing one juror to be excused and another to be selected as foreperson. The benefit to a procedure of this type would be to encourage greater attentiveness on the part of jurors. It was the general consensus of the Committee that jurors for the most part were very attentive in fulfilling their civic responsibilities and there was no need to change to a system as used in Detroit. If a juror is going to be attentive, he will do so regardless of whether he is designated the primary or alternate juror before or after the trial. As to a subsequent foreperson selection, the Committee perceived this to be a matter of preference of the individual judge.

RECOMMENDATION: EXISTING PROCEDURES REGARDING USE AND SELECTION OF ALTERNATE JURORS IN MARYLAND ARE CONSIDERED SATISFACTORY AND REQUIRE NO CONTEMPLATED CHANGES AT THIS TIME.

(4) Use of Six-Person Juries in the District Court.

In 1978, an extensive study was conducted in Baltimore City on the impact of requests for jury trials in cases originating from the District Court. The study, which was entitled the Report of the Special Committee to Study Supreme Bench Caseload Increase of District Court Warrant Cases and De Novo Appeals, indicated that a significant portion of the Supreme Bench workload was taken up with cases which originally was within the jurisdictional framework of the District Court. Since the time of that study, jury trial prayers have not diminished, in fact, significant increases have occurred as shown in the following chart.

Jury Trials Prayed From the District Court
Filed in the Circuit Courts/Supreme Bench

	<u>FY 78</u>	<u>FY 79</u>		<u>FY 80</u>	
Statewide	11,999	15,358	(+27.99%)	16,787	(+9.30%)
Baltimore City	8,795	11,569	(+31.54%)	11,723	(+1.33%)
Anne Arundel Co.	243	298	(+22.63%)	281	(-5.70%)
Baltimore Co.	478	718	(+50.20%)	1,034	(+44.01%)
Montgomery Co.	475	399	(-16.00%)	522	(+30.82%)
Prince George's Co.	692	704	(+1.73%)	962	(+36.64%)
All Other Counties	1,316	1,670	(+26.89%)	2,265	(+35.62%)

Historically, de novo appeals have not constituted the major portion of the District Court cases coming to the circuit courts. Rather, the major portion of the problem appears to be with cases in which a request has been made for a jury trial. In Baltimore City alone 11,723 of these requests were made in Fiscal 1980.

This represents about 53.71 percent of the entire criminal caseload and about 84.87 percent of the cases coming from the District Court. Numerous proposals have been considered to limit the common law right to a jury trial in the court of general jurisdiction. Some have suggested to provide jury trials in the District Court in the first instance. This alternative is considered to be cost prohibitive because of the fear that many would elect this process and would require the summoning of large numbers of jurors to the District Court locations. Another alternative which the Committee considered is known as the Massachusetts Plan. This allows for a bench trial in the first instance regardless whether the defendant requests a jury trial or not. If the defendant appeals or requests a jury trial, the case is still heard in the District Court but would be before a six person jury, de novo, with a separate District Court judge presiding. Another provision of the Massachusetts law allows that even though a six person jury may be the statutory provision for an appeal, there is also the right to waive the trial by jury and have it heard solely by a judge. Approximately 90 percent of the cases are reportedly waived in Massachusetts, thus negating the need for extensive use for jurors. Statistics in Massachusetts indicated that the appeal rate decreased by 50 percent after the new plan went into effect.

The Committee realized that there were numerous ways which could be devised to address the problem of jury trial prayers. Whatever process that was finally agreed upon, would of course

require a policy decision by the legislature. Therefore, it was agreed that the problem would have to be further studied by a group larger than just a Judicial Conference committee.

RECOMMENDATION: A BROAD STUDY GROUP COMPRISED OF JUDGES, LAWYERS AND LEGISLATORS BE CREATED TO FURTHER STUDY IN GREATER DETAIL THE QUESTION OF SIX PERSON JURIES IN THE DISTRICT COURT.

(5) Exemptions and Excuses.

Under the present law, Section 8-209 of the Courts and Judicial Proceedings Article, three groups of people may be exempt from jury duty: members of organized militia, citizens 70 years or older who have made a request for exemption and jurors who have served within a three year period. (The latter applies only to those who are required to serve. Therefore, if one was called twice within a three year period and still wished to serve, they would not have to be automatically eliminated under the provisions of the Code.) The Committee concluded that the existing law was sufficient regarding exemptions and that there was no pressing need to establish any new classification or group which should be exempt. As to changes in excuse policies, the Committee thought that it was almost impossible to create a list of acceptable guidelines which could be considered comprehensive in all situations. This was recognized to be within the discretion of the trial judge and the Committee generally discouraged the use of liberal excuse policies in favor of shortening the length of service.

RECOMMENDATION: NO FORMAL CHANGES SHOULD BE CONSIDERED AT THIS TIME WITH REGARDS TO STATUTORY PROVISIONS GOVERNING EXEMPTION OR EXCUSES FOR JURY DUTY.

(6) Length of Jury Service.

In Maryland, petit jury duty ranges anywhere between one day to six months with the average juror serving somewhere between ten to twenty days. The Committee felt that wherever feasible this responsibility should be shortened as much as possible. In smaller jurisdictions it was recognized that if jurors were called on a more frequent basis that problems could occur with a depletion of names on the source list. This could be avoided by carefully planning ahead of time as to how many jurors would be needed.

Several advantages were envisioned in having shorter service. First, less requests for excuses generally result from shorter service meaning greater representation of minorities, professionals, skilled laborers and those of poorer economic background who are not always able to afford the time to serve. Secondly, jurors who serve less time generally mean jurors who are more content and less resentful. This interprets into a more positive impression of the court system and a greater confidence of government overall.

Recently, in Maryland, several jurisdictions have or are already planning a system of one day/one trial. This means a juror has to serve at least one day or one trial whichever is longer. It

has met with tremendous success not only in Maryland but around the country and it has not resulted in any exorbitant award of damages or deviation in verdicts. The Committee recommends that metropolitan counties consider changing to systems such as one day/one trial or at least to the extent that shorter terms of service are available to its citizens.

RECOMMENDATION: METROPOLITAN COUNTIES OF THE STATE SHOULD CONSIDER IMPLEMENTING ONE DAY/ONE TRIAL SYSTEMS AND IN OTHER AREAS OF THE STATE, WHEREVER FEASIBLE, IT IS RECOMMENDED THAT PETIT JURORS BE CALLED FOR SHORTER PERIODS OF TIME.

(7) Merging Additional Source Lists to Voter Registration Lists.

Section 8-104 of the Courts and Judicial Proceedings Article provides in part that "the jury commissioner or the clerk of the court shall select the names of prospective jurors from among those persons 18 years old or older whose names appear on the voter registration lists, and from such additional sources permitted by a plan under §8-201." This section provides the statutorial latitude to select jurors from lists in addition to those names which are on the voter registration roles.

Several advantages were envisioned by the Committee in using additional source lists. First, it was thought a greater representation of the community could be achieved because voter lists have been long recognized as not being totally reflective of

jurisdictional make-up. Secondly, it was anticipated that multi-source lists would make present listings more current and could provide a greater pool of people from which to call. This last point becomes important in those jurisdictions which are reducing terms of service, i.e., one day/one trial where it may be necessary to have an additional surplus of jurors available.

The National Center for Jury Studies reports that in order to justify merging additional source lists to voter registration lists, an eleven percent increase in names should result. Thus, any percentage less than this increase would not be considered cost beneficial. The Committee looked into the population of licensed drivers lists and resident tax returns and statewide it appears that about a 25 percent higher yield would be realized from these listings (Appendix D). The Committee met with representatives from the Maryland Department of Transportation, the Motor Vehicle Administration and the State Board of Election Laws and it was concluded that within the next several years after the State had finished converting to a different computer system, it would be feasible to merge driver registration lists. Details of costs to the Judiciary were not available but the Committee thought this should be explored more fully at a later point in time.

RECOMMENDATION: IF COST FEASIBLE, THE STATE SHOULD CONSIDER A PROGRAM OF MERGING DRIVER REGISTRATION LISTS TO VOTER REGISTRATION

LISTS FOR THE OVERALL PURPOSE OF PROVIDING A GREATER SOURCE FROM WHICH TO CALL CITIZENS FOR JURY DUTY.

Respectfully submitted,

Hon. Richard B. Latham, Chairman
Hon. Mary Arabian
Hon. Clayton C. Carter
Hon. William M. Cave
Hon. Walter R. Haile
Hon. Nathaniel W. Hopper
Hon. Stanley Klavan
Hon. I. Sewell Lamdin
Hon. William H. McCullough
Hon. Vern J. Munger, Jr.
Hon. Vernon L. Neilson
Hon. James A. Perrott
Hon. Basil A. Thomas
Staff: Mr. Peter J. Lally
Ms. Gloria S. Wilson

County/Jurisdiction	Jury Employment	Length of Term of Service		Compensation Per Day of Service	Total of Jury Expenses			Number of Jury Trials	Estimated Cost Per Jury Trial
		Months	Weeks		Salary	Travel	Meals		
Allegany	Jury Commissioner	2 Terms of Court 6 Months 6 Months		\$15 Mileage Allowance - 13 cents per mile limited to those living outside of Countyland No Overtime	15,425.00	1,475.00	17,261.18	63	337.42
Anne Arundel	Jury Commissioner	3 Terms of Court 4 Weeks 6 Months		\$15 No Mileage Allowance No Overtime	34,850.00	13,430.00	110,312.00	174	350.73
Baltimore City	Jury Commissioner	3 Terms of Court 4 Weeks 4 Months		\$10 No Mileage Allowance No Overtime	570,450.00	30,135.00	602,585.00	602	251.18
Baltimore County	Jury Commissioner	3 Terms of Court 4-5 Weeks 4 Months		\$15 Mileage Allowance - 13 cents per mile No Overtime	263,122.00	34,432.92	297,554.92	187	664.77
Baltimore	Clerk	3 Terms of Court 3 Months 6 Months		\$15 plus an additional \$5 expense money if juror's service extends past 6:00 p.m. and a second additional \$5 paid after 9:00 no jury day	15,625.00	2,125.00	17,750.00	17	517.25
Caroline	Jury Clerk	3 Terms of Court 5 Months 7 Months 7 Months 3 Months		\$15 Mileage Allowance - 14 cents per mile No Overtime	1,767.00	66.00	1,577.00	34	435.90
Carroll	Jury Commissioner	4 Terms of Court 3 Months 6 Months		\$15 No Mileage Allowance No Overtime	14,500.00	2,445.00	30,985.00	39	649.13
Cecil	Jury Clerk	4 Months 4 Months		\$15 Mileage Allowance - 15 cents per mile limited to over 3 miles	28,764.00	6,365.40	33,210.20	86	299.43
Charles	Assignment Clerk	3 Terms of Court 6 Months 6 Months		Jury Service extends past 6:00, an additional day's pay No Overtime	28,230.00	7,335.00	35,565.00	64	441.60
Dorchester	Clerk/Jury Clerk	2 Terms of Court 3 Months 6 Months 7 Months		\$15 No Mileage Allowance No Overtime	16,810.00	690.00	17,500.00	29	379.63
Frederick	Clerk/Jury Clerk	2 Terms of Court 4 Weeks 6 Months 5 Weeks		\$15 Mileage Allowance - 17 cents per mile No Overtime	16,154.94	1,154.40	17,311.34	54	486.25
Gaithersburg	Jury Commissioner	3 Terms of Court 6 Months 6 Months		\$15 Mileage Allowance - 13 cents per mile No Overtime	7,335.00	2,326.12	10,355.81	13	395.83
Harford	Jury Commissioner	3 Terms of Court 3 Months 3 Months 3 Months 3 Months 4 Months 4 Months		\$15 No Mileage Allowance No Overtime	64,637.23	8,673.16	74,354.36	30	771.43
Howard	Jury Clerk	3 Terms of Court 3 Months 6 Months		\$15 No Mileage No Overtime	41,146.00	1,134.00	44,473.00	184	315.65
Island	Clerk	3 Terms of Court 6 Months 6 Months		\$15 plus an additional day's pay for service past 6:00 on jury day Mileage Allowance - 15 cents limited to those outside of Chesapeake	7,896.89	5,167.10	15,263.99	36	354.84
Jenny	Jury Commissioner	One Day 6 Months One Trial		\$15 plus an additional \$5 expense money if juror's service extends past 6:00 No Mileage Allowance	300,000.00	17,000.00	317,000.00	257	1,167.33
Prince George's	Jury Commissioner	2 Terms of Court 2 Weeks 6 Months		\$10 plus an additional \$5 expense money for juror's service past 6:00 and a second additional \$5 for service past 9:00	207,640.00	11,960.00	219,600.00	643	468.43
Queen Anne's	Clerk	2 Terms of Court 5 Months 6 Months 7 Months		\$15 plus an additional day's pay if service extends past 6:00 Mileage Allowance - 15 cents per mile	12,985.83	1,700.00	14,685.83	23	344.60
St. Mary's	Jury Commissioner	2 Terms of Court 6 Months 6 Months		\$15 plus an additional \$5 expense money for service past 6:00 and a second additional \$5 for service past 9:00	27,415.00	4,465.00	31,900.00	28	1,378.75
Towson	Clerk	3 Terms of Court 6 Months 6 Months		\$15 No Mileage Allowance No Overtime	18,170.00	750.00	11,070.00	23	448.60
Talbot	Clerk	3 Terms of Court 6 Months 6 Months		\$10 No Mileage Allowance No Overtime	12,130.00	1,470.00	13,730.00	23	327.30
Washington	Jury Commissioner	2 Terms of Court 3 Months 6 Months		\$15 plus an additional \$5 for service past 6:00 Mileage Allowance - 17 cents per mile	30,538.03	5,454.06	35,944.18	35	532.97
Wicomico	Jury Clerk	3 Terms of Court 6 Months 6 Months		\$15 No Mileage Allowance No Overtime	14,373.00	1,440.00	23,813.00	48	501.77
Worcester	Jury Clerk	2 Terms of Court 7 Months 6 Months 5 Months		\$15 Mileage Allowance - 15 cents per mile after first 3 miles No Overtime	11,463.00	1,605.35	14,768.35	38	224.74

NOTE: *Information concerning jury systems was gathered from interviews conducted with various court personnel-jury commissioners, jury clerks, clerks of court and court administrators statewide.

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SIZE OF TRIAL JURIES AND VOTE REQUIRED FOR A JURY VERDICT (IN PARENTHESES)

State	Criminal Trials		Civil Trials
	Felonies	Misdemeanors	
Alabama	12 (U)	12 (U)	12 (U)
Alaska	12 (U)	6 (U)	12; 6 if the amount in controversy is less than \$3,000 (5/6)
Arizona	12 in capital cases and if the potential punishment is 30 years or more; 8 in all other cases (U)	8 (U)	8 (3/4); 6 in courts not of record (5/6)
Arkansas	12 (U)	12; 6 in Justice-of-the-Peace courts (U)	12 (3/4)
California	12 (U)	12 (U)	12 (3/4)
Colorado	12 (U)	12 in the most serious misdemeanors; 6 in all others (U)	6 in district courts; 3 in county courts (controversy concerns less than \$500) (U)
Connecticut	12 in capital cases or if the potential punishment is life imprisonment; 6 in all other cases (U)	6 (U)	6 (U)
Delaware	12 (U)	12 (U)	12 (U)
Dist. of Columbia (and Federal Courts generally)	12 (U)	12 (U)	6 (U)
Florida	12 in capital cases; 6 in all others (U)	6 (U)	6 (U)
Georgia	12 (U)	5 to 12 depending on the county (U)	12 (U)
Hawaii	12 (U)	12 (U)	12 (5/6)
Idaho	12 (U)	6 (5/6)	12; 6 if the amount in controversy is \$500 or less (3/4)
Illinois	12 (U)	12 (U)	12 (U)
Indiana	12 (U)	12 (U)	12; 6 if the amount in controversy is \$500 or less (U)
Iowa	12 (U)	12; 6 in municipal courts which have jurisdiction over crimes punishable by one year or less or \$500 fine or both (U)	12; 6 if the amount in controversy is \$500 or less (U)
Kansas	12 (U)	12; 6 in magistrate courts (U)	12; 6 if the amount in controversy is \$3,000 or less (U)
Kentucky	12 (U)	12; 6 in inferior courts with jurisdiction over crimes punishable by one year or \$500 fine (U)	12 (3/4); 6 in inferior courts that have jurisdiction over controversies of \$500 or less (5/6)
Louisiana	12 (capital crimes: U; other felonies: 3/4)	5 (U)	12 (3/4)
Maine	12 (U)	12 (U)	6 (3/4)
Maryland	12 (U)	12 (U)	12 (U)
Massachusetts	12 in superior courts; 6 in district courts (trials de novo) (U)	12 in superior courts; 6 in district courts (trials de novo) (U)	12 (5/6)
Michigan	12 (U)	12 (U)	6 (5/6); but 12 in cases involving civil commitment (U)
Minnesota	12 (U)	12 for "gross misdemeanors"; 6 for others (U)	6 (A 5/6 verdict can be accepted, but only after 6 hours of deliberation)
Mississippi	12 (U)	6 if punishable in county jail; otherwise 12 (U)	12; 6 if amount in controversy is less than \$200 (3/4)
Missouri	12 (U)	12 (U, except for courts not of record: 2/3)	12 (courts of record: 3/4; courts not of record: 2/3)
Montana	12 (U)	12; 6 in Justice-of-the-Peace courts or police courts (2/3)	12; 6 if matter in controversy is less than \$10,000 (2/3)
Nebraska	12 in district courts; 6 in county courts (U)	12 in district courts; 6 in county courts and police magistrate's courts—maximum punishment of 6 months in jail (U)	12 in district courts; 6 in county courts—less than \$2,000 in controversy (5/6 verdict can be accepted, but only after 6 hours of deliberation)
Nevada	12 (U)	12 (U)	8 (3/4)
New Hampshire	12 (U)	12; 6 if no prison term over one year can result from conviction (U)	12 (U)
New Jersey	12 (U)	12 (U)	12 (5/6)
		12; 6 in magistrate's courts—maximum punishment of 6 months in jail (U)	12 (5/6)

State	Criminal Trials		
	Felonies	Misdemeanors	Civil Trials
New York	12 (U)	6 (U)	6 (5/6)
North Carolina	12 (U)	12; 6 in justices' courts (U)	12; 6 in justices' courts (U)
North Dakota	12 (U)	12 (U)	12; 6 if amount in controversy is \$200 or less (U)
Ohio	12 (U)	8 (U)	8; 6 in municipal and county courts (3/4)
Oklahoma	12 (U)	12; 6 for violations of city ordinances (3/4)	12; 6 if amount in controversy is less than \$2,500 (3/4)
Oregon	12; 6 in district and county courts—maximum punishment of one year or less (1st degree murder: U, all others: 5/6)	12; 6 in district and county courts—maximum punishment of one year or less (5/6)	12; 6 in district and county courts (3/4)
Pennsylvania	12 (U)	12 (U)	12; 6 before Justices of the Peace (5/6)
Puerto Rico	12 (3/4)		
Rhode Island	12 (U)	12 (U)	12 (U)
South Carolina	12 (U)	12; 6 in magistrate's courts which have jurisdiction over crimes with a potential punishment of less than 30 days in jail or \$100 fine (U)	12; 6 in county courts—which have jurisdiction over controversies involving \$1,000 or less (U)
South Dakota	12 (U)	12; 6 in matters before Justices of the Peace (U)	12 (5/6); 6 in matters before Justices of the Peace (3/4)
Tennessee	12 (U)	6 (U)	6 (U)
Texas	12 (U)	12 in district courts; 6 in county courts (3/4)	12; 6 in matters before Justices of the Peace (3/4)
Utah	12 in capital cases; 8 in all others (U)	8; 4 in inferior courts (U)	8; 4 in inferior courts (3/4)
Vermont	12 (U)	12; 6 in justices' courts (U)	12; 6 in justices' courts (U)
Virginia	12 (U)	5 (U)	12 in "special" cases; 7 in most others; 5 if the amount in controversy is less than \$300 (U)
Washington	12 (U)	12; 6 in Justice-of-the-Peace courts—maximum punishment of 6 months in jail (U)	12; 6 in Justice-of-the-Peace courts—\$3,000 or less (5/6)
West Virginia	12 (U)	12 (U)	12; 6 in Justice-of-the-Peace courts (U)
Wisconsin	12 (U)	12 (U)	12 (5/6)
Wyoming	12 (U)	12 in district courts; 6 in county courts (U)	12 in district courts; 6 in county courts (U)

*The information in parentheses refers to the vote required for a jury verdict; U means that a unanimous vote is needed for verdict.

Note: In many states, the number of jurors listed here can be reduced by agreement of all the parties involved in the litigation.

APPENDIX C

Source: John M. Van Dyke
Jury Selection
Procedures, 1977

TOTAL PEREMPTORY CHALLENGES FOR THE DEFENSE IN CRIMINAL AND CIVIL CASES

CAPITAL		States	FELONIES		States	MISDEMEANORS		States	DEFENSE		States
Number of	Number of		Number of	Number of		Number of	Number of		Number of	Number of	
Peremptories	States		Peremptories	States		Peremptories	States		Peremptories	States	
1	1	California	20	1	Maryland	13	1	California	8	2	California
1	1	Connecticut	15	1		12	1	Georgia			North Carolina
11	11	Delaware			New York	10	2	New Jersey	6	1	Georgia
		Georgia						New York			Indiana
		Illinois	12	2	Georgia	8	1	Alabama			Louisiana
		Indiana			Louisiana	6	10	Delaware			Nebraska
		Maine	10	11	Alaska			Idaho			New Jersey
		Maryland			Colorado, California			Louisiana			North Dakota
		Michigan			Illinois			Mississippi			Texas
		Missouri			Indiana			North Carolina			Vermont
		New Hampshire			New Jersey			North Dakota	5	2	Illinois
		New Jersey			North Dakota			Oregon			New Mexico
		New York			South Carolina			Pennsylvania	4	12	Alabama
		Pennsylvania	8	8	South Dakota, Texas			Vermont			Arizona
		South Dakota			Alabama			West Virginia			Colorado
	5	Colorado			Arkansas, Kentucky	5	6	Illinois			Idaho
		Minnesota			Maine			Michigan			Maine
		North Dakota			Missouri			Minnesota			Maryland
		Tennessee			Pennsylvania			New Mexico			Massachusetts
		Texas			Tennessee			South Carolina			Mississippi
14	1	North Carolina	6	15	Wyoming			Texas			Nevada
12	12	Arkansas			Arizona	4	10	Kansas			Pennsylvania
		Hawaii			Connecticut			Maine			South Carolina
		Kansas			Delaware			Maryland			Tennessee
		Louisiana			Florida			Massachusetts	3	22	West Virginia
		Massachusetts			Idaho			Missouri			Alaska
		Mississippi			Kansas			Montana			Arkansas
		Missouri			Mississippi			Nevada			Connecticut
		Nebraska			Montana			Ohio			Delaware
		New Mexico			Nebraska			Wisconsin			Florida
		Oregon			North Carolina			Wyoming			Hawaii
		Washington			Oregon	3	17	Alaska			Iowa
		Wyoming			Vermont			Arkansas			Kansas
20	7	Alaska	5	4	Washington, W. VA			Colorado			Kentucky
		Arizona			Michigan			Connecticut			Michigan
		Florida			Minnesota			Florida			Missouri
		Idaho			New Mexico			Hawaii			New Hampshire
		Montana	4	7	Oklahoma			Indiana			New York
		South Carolina			Iowa			Kentucky			North Dakota
		Utah			Massachusetts			Nebraska			Oklahoma
9	1	Oklahoma			Nevada			New Hampshire			Oregon
8	4	Alabama			Ohio			Oklahoma, Rhode Island			South Dakota
		Town, Kentucky			Utah			South Dakota			Utah
		Nevada			Virginia			Tennessee			Virginia
6	4	Ohio	3	3	Wisconsin			Utah			Washington
		Vermont			Hawaii			Virginia			Wisconsin
		West Virginia			New Hampshire			Washington			Wyoming
		Wisconsin			Rhode Island	2	2	Arizona	2	2	Minnesota
		Virginia						Iowa			Montana
1	1	Rhode Island							1 (1 out of 4)	1	Rhode Island

Source: Jon H. Van Dyke
Jury Selection
Procedures, 1977

TOTAL PEREMPTORY CHALLENGES FOR THE STATE IN CRIMINAL CASES AND FOR THE PLAINTIFF IN CIVIL CASES

CAPITAL		FELONIES			MISDEMEANORS			PLAINTIFF			
Bar of	Number of	States	Number of	Number of	Number of	Number of	States	Number of	Number of	States	
States	States	States	Peremptories	States	States	Peremptories	States	Peremptories	States	States	
	1	California	15	1	New York	13	1	California	8	2	California
	1	Connecticut				10	2	New Jersey			North Carolina
	5	Illinois	12	1	Louisiana			New York	6	8	Georgia
		Indiana	10	9	Colorado, California,	6	8	Delaware			Indiana
		New York			Illinois			Georgia			Louisiana
		Pennsylvania			Indiana			Idaho			Nebraska
	6	South Dakota			Maryland			Louisiana			New Jersey
		Colorado			New Jersey			Mississippi			North Dakota
		Michigan			North Dakota			North Dakota			Texas
		Missouri			South Dakota			Pennsylvania			Vermont
		North Dakota, Tennessee			Texas			Vermont	5	2	Illinois
	9	Texas	8	4	Maine	5	4	Illinois			New Mexico
		Delaware			Pennsylvania, Tenn.			Michigan	4	13	Alabama
		Hawaii			Wyoming			South Carolina			Arizona
		Kansas	6	14	Alaska			Texas			Colorado
		Louisiana			Arizona	4	12	Alabama			Idaho
		Massachusetts			Arkansas			Kansas			Maine
		Mississippi			Connecticut			Maine			Maryland
		New Jersey			Delaware			Maryland			Massachusetts
		Washington			Florida			Massachusetts			Mississippi
	12	Wyoming			Georgia			Missouri			Nevada
		Arizona			Idaho			Montana			Pennsylvania
		Arkansas			Kansas			Nevada			South Carolina
		Florida			Mississippi			North Carolina			Tennessee
		Georgia			Montana			Ohio			West Virginia
		Idaho			Nebraska			Wisconsin	3	22	Alaska
		Maine			Vermont			Wyoming			Arkansas
		Maryland			Washington	3	20	Alaska			Connecticut
		Minnesota	5	4	Kentucky			Arkansas			Delaware
		Montana			Michigan			Colorado			Florida
		Nebraska			Oklahoma			Connecticut			Hawaii
		New Hampshire			South Carolina			Florida			Iowa
		Utah	4	11	Alabama			Hawaii			Kansas
	1	Minnesota, North Carolina			Iowa			Indiana			Kentucky
		Oklahoma			Massachusetts			Kentucky			Michigan
	3	Iowa			Missouri			Minnesota			Missouri
		Nevada			Nevada			Nebraska			New Hampshire
	7	New Mexico			North Carolina			New Hampshire			New York
		Alaska			Ohio			New Mexico			Ohio
		Ohio			Tennessee			Oklahoma			Oklahoma
		Oregon			Utah			Oregon, Rhode Island			Oregon
		Tennessee			Virginia			South Dakota			South Dakota
		Vermont, W. Virginia			Wisconsin			Tennessee			Utah
	2	Wisconsin	3	6	Hawaii			Utah			Virginia
		Kentucky			Minnesota			Virginia			Washington
		South Carolina			New Hampshire			Washington			Wisconsin
	2	Alabama			New Mexico	2	3	Arizona			Wyoming
		Virginia			Oregon, Rhode Island			Iowa	2	2	Minnesota
	1	Rhode Island	2	1	West Virginia			West Virginia			Montana
									1 (1 out of 4)	1	Rhode Island

LICENSED DRIVERS AND TAXPAYERS IN THE STATE OF MARYLAND

APPENDIX D

<u>Jurisdiction</u>	<u>Total Population 18 & Over*</u>	<u>Total No. Reg. Voters 18 & Over **</u>	<u>Yield Rate I</u>	<u>Total No. Lic. Drivers 18 & Over***</u>	<u>Yield Rate II</u>	<u>Difference in Yield Rate I & II</u>	<u>Total Number of Resident Tax Returns Filed****</u>	<u>Yield Rate III</u>	<u>Difference Yield Rate I & III</u>
Allegany	59,170	36,503	62.0	50,672	86.0	+24.0	44,874	76.0	+14.0
Anne Arundel	244,420	141,661	58.0	234,046	96.0	+38.0	218,527	89.4	+31.4
Baltimore City	573,230	396,310	69.1	362,207	63.1	- 6.0	436,441	76.1	+ 7.0
Baltimore County	466,840	327,401	70.1	433,508	93.0	+22.9	406,365	87.0	+16.9
Calvert	28,180	11,641	41.3	20,860	74.0	+32.7	19,110	68.0	+26.7
Caroline	15,600	8,026	51.4	14,759	95.0	+43.6	13,063	84.0	+32.6
Carroll	61,260	33,066	54.0	62,204	101.5	+47.5	57,189	93.3	+39.3
Cecil	36,950	22,539	61.0	36,454	99.0	+38.0	32,282	87.3	+26.3
Charles	40,400	23,072	57.1	42,053	104.0	+46.9	38,312	95.0	+37.9
Dorchester	22,310	12,918	58.0	18,945	85.0	+27.0	18,645	83.5	+25.5
Frederick	71,210	41,145	58.0	70,055	98.0	+40.0	67,450	95.0	+37.0
Garrett	17,370	10,575	61.0	14,923	86.0	+25.0	13,643	78.5	+17.5
Harford	96,530	56,761	59.0	91,863	95.2	+36.2	84,872	88.0	+29.0
Howard	74,690	55,100	74.0	78,653	105.3	+31.3	72,406	97.0	+23.0
Kent	11,980	7,903	66.0	11,300	94.3	+28.3	9,543	80.0	+14.0
Montgomery	403,590	307,948	76.3	415,192	102.8	+26.5	383,965	95.1	+18.8
Prince George's	462,990	224,850	49.0	410,817	89.0	+40.0	395,087	85.3	+36.3
Queen Anne's	16,300	10,370	64.0	16,127	99.0	+35.0	14,933	92.0	+28.0

<u>Jurisdiction</u>	<u>Total Population 18 & Over*</u>	<u>Total No. Reg. Voters 18 & Over**</u>	<u>Yield Rate I</u>	<u>Total No. Lic. Drivers 18 & Over***</u>	<u>Yield Rate II</u>	<u>Difference in Yield Rate I & II</u>	<u>Total Number of Resident Tax Returns Filed****</u>	<u>Yield Rate III</u>	<u>Difference Yield Rate I & III</u>
St. Mary's	34,160	20,453	60.0	31,899	93.0	+33.0	28,780	84.2	+24.2
Somerset	14,300	9,231	65.0	11,458	80.1	+15.1	10,737	75.0	+10.0
Talbot	19,290	11,184	58.0	18,007	93.3	+35.3	17,039	88.3	+30.3
Washington	77,800	45,381	58.3	68,996	89.0	+30.7	67,939	87.3	+29.0
Wicomico	43,110	24,490	57.0	40,880	95.0	+38.0	37,336	87.0	+30.0
Worcester	19,930	12,037	60.3	20,108	100.8	+40.5	18,925	95.0	+34.7
Statewide	2,911,610	1,850,565	64.0	2,575,986	89.0	+25.0	2,507,463	86.3	+22.3

*Source: Maryland Center for Health Statistics, Population Estimates, July 1, 1977.

**Source: Maryland State Board of Elections, 1980.

***Maryland Department of Motor Vehicle Administration Statistics, January 1, 1980.

****Source: Maryland Income Tax Division, 1978 Summary Report. These figures represent the total number of single, joint, combined separate and married taxpayers filing Maryland income tax returns in fiscal year 1979.