



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion 16573

Proposed No. 2023-0348.1

Sponsors Barón

1 A MOTION acknowledging receipt of superior court's
2 report in response to 2023-24 Biennial Budget Ordinance,
3 Ordinance 19546, Section 32, Proviso P1.

4 WHEREAS, the 2023-24 Biennial Budget Ordinance, Ordinance 19546,
5 Section 32, Proviso P1, states that \$400,000 of funds appropriated to superior court shall
6 not be expended or encumbered until superior court transmits a report showing plans for
7 how the county can increase juror participation and diversity and a motion that should
8 acknowledge receipt of the report and a motion acknowledging receipt of the report is
9 passed by the council, and

10 WHEREAS, King County superior court has transmitted to the council the
11 required report, and

12 NOW, THEREFORE, BE IT MOVED by the Council of King County:

Motion 16573

- 13 The council acknowledges receipt of the Superior Court Jury Participation
14 and Diversity Report, Attachment A to this motion.

Motion 16573 was introduced on 1/16/2024 and passed by the Metropolitan King County Council on 5/7/2024, by the following vote:

Yes: 9 - Balducci, Barón, Dembowski, Dunn, Mosqueda, Perry, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

E76CE01F07B14EF...

Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...

Melani Hay, Clerk of the Council

Attachments: A. Superior Court Juror Participation and Diversity Report

Attachment A



Superior Court Jury Participation and Diversity Report

2023-24 Superior Court Budget

Jury Proviso

Ordinance 19546

Prepared in response to Superior Court Budget, page 35, Section 32, Proviso P1

September 29, 2023

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Superior Court Jury Participation and Diversity Report

Prepared in response to Superior Court Budget, page 35, Section 32, Proviso P1

I. Introduction

On November 15, 2022, Ordinance 19546 adopting the 2023-2024 Biennial Budget for King County Superior Court included a proviso regarding the creation of a jury participation and diversity report detailing how the county can promote increased juror participation and diversity. (Ordinance 19546, Sec 32, P1). This proviso directs Superior Court to create a report which includes descriptions of current jury methods, jury and demographic data, data on trials, recommendations to increase juror participation and diversity as well as a summary of recommendations from the Washington State Minority and Justice Commission’s Jury Diversity Taskforce report which may prove beneficial in King County. The development of this report is to include input from court stakeholders as well as community groups.

The full proviso language is provided in [Section III](#).

II. Recommendations Summary

After review of the information collected and reviewed for this report, and consideration given to potential funding challenges, the court has determined that the following recommendations are potential areas of focus which may improve juror participation and diversity. [Section VIII](#) of this report provides additional detail for each recommendation.

- Conduct a post-pandemic review of the court’s summoning and jury selection process. (Defer action on this recommendation pending the decision of the Washington State Supreme Court on current remote practices, estimated to occur within the next six months)
- Analyze the juror rate of pay to determine feasibility of King County to fund an increase and the scope of any increase.
- In collaboration with King County, develop a public service announcement campaign promoting and educating the public about jury service/civic duty in partnership with other county community service communications.
- Explore other juror benefits beyond the daily rate increase, such as the feasibility of paid parking, which may encourage participation when summonsed to serve.

III. Background

Proviso Text – Page 35, Section 32, Superior Court Budget

P1 PROVIDED THAT:

Of this appropriation, \$400,000 shall not be expended or encumbered until the superior court transmits a jury participation and diversity report showing plans for how the county can increase juror participation and diversity and a motion that should acknowledge receipt of the report and a motion acknowledging

receipt of the report is passed by the council. The motion should reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion.

Superior court shall work with the executive, district court, department of judicial administration, office of the prosecuting attorney, department of public defense, office of equity and social justice, the King County Bar Association and representatives from community groups to develop a report that provides recommendations to increase juror participation and to encourage greater diversity in juror pools.

The report shall include, but not be limited to:

- A. A description of the current methods of summoning potential jurors, including information on the methods used by the superior court and district courts, information about virtual jury selection, language access, and the use of north and south jury pools, and a description of national best practices for establishment of jury pools:
- B. Data showing, if available, the demographic composition of the population of potential jurors in King County as identified by the county demographer. The report should also provide data, if available, showing the demographic composition of the persons summoned for jury duty, the demographic composition of the persons that appear for jury service, and the demographic composition of the persons called to serve on juries by age, gender, geographic location of residency, race, and ethnicity. In addition, the report should provide data on employment status of the population of potential jurors in the county as a whole, as available from the county demographer; the persons summoned for jury duty; and the persons who appear for jury service with information on employer size if available. If any of the demographic or employment data are unavailable, the report should identify how each of the missing types of data could be collected in the future;
- C. Data showing, if available, the number of criminal trials in both the superior and district court that had juries;
- D. Recommendations for increasing juror participation and diversity, considering factors such as juror compensation, child care, and transit options; and
- E. A summary of any relevant recommendations from the Washington State Minority and Justice Commission's Jury Diversity Taskforce report that might be of specific benefit to King County.

Superior court should electronically file the report and motion required by this proviso no later than October 1, 2023, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the law, justice, health and human services committee or its successor.

Proviso Input Solicited

In addressing the Superior Court proviso described in the previous section, Superior Court solicited input from court stakeholders, various King County agencies, and community organizations on the topic of jury services and specifically asked for their ideas and recommendations to increase juror participation and to encourage greater diversity in juror pools. Over 400 stakeholders were invited by direct invitation from Presiding Judge Patrick Oishi to provide their insights on this important topic. All feedback was collected

over several weeks and was reviewed by court leadership along with Jury management staff. It was then sorted into related categories and ranked by frequency for inclusion in this report.

Input for this report was solicited from the following King County agencies, court stakeholders and community groups:

- Superior Court
- District Court
- Municipal Court
- Private Counsel
- Executive Branch
- Department of Judicial Administration
- Prosecuting Attorney's Office
- Department of Public Defense
- Office of Equity and Social Justice/King County Equity Cabinet
- King County Bar Association
- Somali Community Services of Seattle
- El Centro de la Raza
- Centro Cultura Mexicano
- Freedom Project
- Black Prisoners Caucus
- POCAAN
- Skyway Coalition
- Urban League Young Professionals
- Mockingbird Society
- Seattle Indian Health Board
- United Indians of All Tribes

Responses received from King County agencies and court stakeholders:

Topic	Responses	Top Comments
Summoning Practice/Response Rates	17 of the 23 received responses were responsive.	<ul style="list-style-type: none"> • Outdated method of summoning (postcards) • Increase digital communication options. • Refresh the juror master list more frequently.
Transportation	21 of the 23 received responses were responsive.	<ul style="list-style-type: none"> • Convenient and free parking at courthouses • Reimbursement for Uber/Lyfts/cabs • Maintain Zoom proceedings and remote jury selection.
Employment/Childcare Support	20 of the 23 received responses were responsive.	<ul style="list-style-type: none"> • Providing education to employers about jury duty • Ensuring there is a method for hourly employees to be compensated. • Provide childcare at the courthouse or a reimbursement/stipend for childcare.

Topic	Responses	Top Comments
Juror Compensation	22 of the 23 received responses were responsive.	<ul style="list-style-type: none"> • Increase the current rate of juror compensation. • Rate of juror compensation should be at least minimum wage.
Use of Technology	12 of the 23 received responses were responsive	<ul style="list-style-type: none"> • Broaden technology available throughout the county such as public portals at libraries. • Provide additional technology support in advance of service. • Belief that remote jury selection has led to more diverse jury pools.
Other suggestions to increase response rates and diversity of jurors	Some of the responses included the benefit of remote jury selection, the need for increased compensation, providing interpreters for jurors, providing public service messaging on jury service at local schools, modify the summons, and explore targeted summoning to zip codes with low response rates.	

Responses received from community groups:

Input was sought from various community groups, but unfortunately very limited feedback was received for inclusion in this report. Court leadership and staff met with members of the Office of Equity, Racial and Social Justice team for their suggestions on outreach to community organizations and the court was provided a list of twelve separate community group contacts for this report. The Jury Department manager initially reached out by email to these groups and followed up by phone and with additional emails. She received a response from one organization and was able to attend a meeting with the Urban League to discuss jury participation and diversity.

Some of the issues they highlighted at that meeting which may be obstacles to juror participation include:

- Possible past traumas with the justice system – courts seen as negative.
- Need for transparency with the process – timelines need to be given.
- Per diem is only \$10.00
- Remote selection can also be a limitation.
- Acknowledgment that the court system needs work.

Some ideas they provided to promote diversity include:

- Education to highlight the importance of this civic duty and understand accountability.
- New booklet or workshops on jury service.
- Active participation with high schools and community event to build relationships.
- Use of newsletters.
- Testimonies of those juror that have served in the past.

The court also sent an email questionnaire to community organizations on jury service so that feedback could be provided anonymously but unfortunately, we did not receive any additional input.

Input data can be found in [Appendix 1](#).

IV. Current Methods

1. Summoning methods under existing state law

The methodology and standards set for the creation of the jury source list are pursuant to [RCW 2.36.054](#) unless otherwise specified by supreme court rule. Each year the annual source list is created using data received from the Department of Licensing (DOL) and the Secretary of State (SOS). The name and address information of all registered voters and driver's license/identification card holders who are, or will be, eighteen years of age or older during the jury term, reflecting a King County address are included. Once the state endorsed agency has eliminated duplicates as part of their validation process, the information is forwarded to each jurisdiction. At King County Superior Court, the jury department works with the vendor of our jury system to prepare the new source list update. The vendor merges new names with existing data, removes names that are no longer valid and conducts a final search to remove duplicates and runs the entire source list through the National Change of Address Registry (NCOA) before loading the new source list into the jury management system for use during the new jury term.

[RCW 2.36.055](#) requires superior courts to annually compile a new source list from all registered voters and list of licensed drivers and identicaid holders residing in that county. Expansion of the reference sources beyond those specified in [RCW 2.36.054](#), would require a statutory change or "unless otherwise specified by rule of the supreme court." It is also in this section of the statute which allows counties with more than one superior court facility, and a separate case assignment area for each court facility, to divide the jury assignment areas consistent with the jurors in those areas such as the case with King County Superior Court.

The current methods for jury summoning are governed under [RCW 2.36](#) (Appendix 2). Per [RCW 2.36.065](#), judges of the superior court are to ensure random selection of the master jury list and jury panels. However, "nothing in this chapter shall be construed as requiring uniform equipment or method throughout the state, so long as fair and random selection of the master jury list and jury panels is achieved." A change to a one day/one trial term, for instance, could be done without being in conflict of the existing law whereas efforts to increase representation from particular zip codes through increased summoning to those areas would be in conflict with the duty to ensure a random selection process.

The qualification of jurors per [RCW 2.36.070](#) are as follows:

A person shall be competent to serve as a juror in the state of Washington unless that person:

- (1) Is less than eighteen years of age;*
- (2) Is not a citizen of the United States;*
- (3) Is not a resident of the county in which he or she has been summoned to serve;*
- (4) Is not able to communicate in the English language; or*

(5) *Has been convicted of a felony and has not had his or her civil rights restored.*¹

The fifth qualification regarding restoration of civil rights for individuals who have been convicted of a felony proved somewhat confusing to jurors and has likely been applied inconsistently throughout the state. Because of this, potential jurors may have incorrectly been deemed ineligible to serve. To assist in a proper application of the statutory qualifications, recent legislation was passed to reduce confusion regarding [RCW 2.36.070 \(5\)](#) by creating a definition for the phrase “civil rights restored” under [RCW 2.36.010 \(1\)](#) and clearly stating that the right to vote is automatically restored as long as the person is not serving a sentence of total confinement under the jurisdiction of the department of corrections as per [RCW 29A.08.520 \(1\)](#).

During the 2023 legislative session a new section was added to RCW 2.36 that requires the Administrative Office of the Courts to provide all courts with a method to collect data on a juror’s race, ethnicity, age, sex, employment status, educational attainment, and income as well as other data approved by order of the Chief Justice of the Washington Supreme Court. Per [RCW 2.36.180](#), this data collection must be conducted and reported in a manner that preserves juror anonymity and AOC shall publish an annual report with this demographic data. The effective date for this legislation is July 23, 2023.

[RCW 2.36.180](#)

Demographic data-Collection-Reports

The administrative office of the courts shall provide all courts with a method to collect data on a juror’s race, ethnicity, age, sex, employment status, educational attainment, and income, as well as any other data approved by order of the chief justice of the Washington state supreme court. Data collection must be conducted and reported in a manner that preserves juror anonymity. The administrative office of the courts shall publish this demographic data in an annual report to the governor.

Links to referenced RCWs are in [Appendix 2](#).

2. Summoning - King County Superior & District Court

Jury Services, through a random selection process used by the court’s jury management system, creates monthly summonses to meet the juror needs of the court. Notification of jury service is provided by mail on a 5.75 x 4.25 postcard. From these summonses, juror pools are created for each Monday, Tuesday and Wednesday in which court is in session. The length of service is 1 Day or 1 Trial. Prior to the pandemic, jurors from these mailings were also utilized by District Court in the downtown courthouse and the Maleng Regional Justice Center. Additional Thursday pools are created to address holiday weeks and special pools are used for lengthy or high-profile trials that anticipate a need of more than 250 panelists; these were typically scheduled for Fridays. All individual summons mailings are run through the NCOA to ensure that updated address information is being used.

¹ Legislative change SB 5162- Provides a definition of "civil rights restored," for purposes of chapter 2.36 RCW (juries), as follows: A person’s right to vote has been provisionally or permanently restored before reporting for jury service. Effective July 29, 2019.

a. King County Superior Court

Due the unprecedented COVID-19 pandemic, there have been several necessary changes to jury practices so that jury trials could safely resume. As jury practices may remain in a state of flux for some time, the following will outline jury summoning practices both pre and post pandemic.

Pre-pandemic:

Prior to March 2020, Superior Court managed juror needs for both courthouses in addition to those of District Court within those facilities as permitted by [RCW 2.36.052](#). Approximately 130,000 summonses were mailed annually and nearly 1,000 citizens reported to these two locations each week. The jury management system created random jury pools and assigned report dates and group numbers and prepared summons data for use by the vendor in preparing bulk mailings. The system also handled several administrative functions associated with jury operations. At that time, as part of the Trial Court Coordination Council, Superior Court also created random summons files for six municipal courts.

King County Superior Court summonses juror candidates for two locations; King County Courthouse in Seattle and the Maleng Regional Justice Center in Kent. Prior to the pandemic, given space constraints unique to each location, the targeted summons numbers varied between the two locations. In Seattle, the number of summonses mailed for the week anticipated a participation target of 200 candidates on Monday, 175 on Tuesday and 150 on Wednesday. In Kent, the target participation of 150 candidates was consistent throughout the week. Summonses were mailed each month with a 4 to 8-week notice of the service reporting date. All candidates were allowed to defer their jury duty start date twice, up to a year each time, so that jurors could select a time which worked best with their work and personal obligations. Juror candidates received email reminders two weeks prior to service date and again the day prior. In the 4th quarter of 2019 Superior Court implemented SMS/text message reminders as well.

Per [RCW 2.36.072](#) each court must establish a process to preliminarily determine whether the summonsed jurors meet eligibility in advance of their appearance at court to serve. The mailed summons instructed candidates to login to the eResponse portal to respond to their summons. This provides jurors the opportunity to attest to their qualification to serve, select a new date or request excusal on the basis of undue hardship. A dedicated telephone line is also in place to provide information on how to note disqualification or request excusal by mail. Candidates can also leave voicemail messages to defer to later dates.

Prior to the pandemic, those summonsed were instructed to check the court's juror webpage or call the evening before their service is scheduled to begin. Trials scheduled for a particular week may not go forward for reasons such as a request to continue, settlement or plea or due to unavailability of the parties. Jury Services would evaluate the actual juror needs for the next day and bring in enough jurors to meet that need and, using a call-off system, release the others. This method demonstrated our commitment to being respectful to our jurors' time by avoiding an unnecessary trip to the courthouse and saved money in juror fees for the court.

Post-pandemic:

Starting in August of 2020, King County Superior Court's Jury Department developed new processes using the existing jury management system, which allowed trials to resume in King County using remote voir dire (jury selection). To resume jury trials in the summer of 2020, an entire modification of our summoning practices was needed.

Summons numbers were greatly increased to reflect the high number of postponements due to the pandemic. Several summons groups of 800 jurors are randomly created in the system. This number was determined as one that would yield approximately 125 jurors; a number sufficient to impanel a jury given current events. Summons were modified so that no reporting location is identified, and jurors are asked to wait for instructions from the courtroom rather than reporting to court.

Using only those jurors who have confirmed in the system, the jury manager forwards the confirmed jurors from a summoning group to create a pool for a court. As the system cannot be used for this process, the list is sent to a courtroom via an excel spreadsheet. Care is used at each junction of this process to maintain randomization of the pool. Tracking is now largely being done via spreadsheet. Upon receiving the spreadsheet, bailiffs will communicate with jurors via email, send out questionnaires and handle scheduling of the remote jury selection schedule. Ongoing communication between the courts and the jury department is necessary to facilitate accurate payment of jurors.

Since the court has moved to remote voir dire, approximately 6,700 summonses are sent each week. These summonses provide sufficient jurors for both the Seattle and Kent courthouses. Although jurors are instructed not appear in-person unless specifically instructed to do so, jury staff are inundated with email and phone calls due to the large number of summonsed jurors. However, this method has allowed the court to send out many more trials than would have been possible with our previous method. At this time, it is unclear what methods of jury selection will be permitted by the Washington State Supreme Court once all emergency orders have been lifted.

Rather than have jurors check online or call to see if their group has been excused, the court asks that jurors not report to court on their service date but to wait for instructions from the bailiff. If they have not been contacted by their date of service, they are released from the service requirement.

During the 2023 legislative session, additions and changes have been made to the statutes concerning jurors. [RCW 2.36.054](#) (b)(i) and (ii) after July 1, 2024, allows for those applying for a driver's license or identicard, or when registering to vote, to opt in to allow those departments to share the person's email address for the purpose of electronically receiving jury summons and other communications related to jury service. However, both provisions are subject to appropriation.

b. King County District Court

Pre-pandemic:

Per [RCW 2.36.050](#), courts of limited jurisdiction rely on the master jury list developed by the superior court of their jurisdiction. Once in receipt of the updated master jury list, District Court uploaded the data into their ACCESS data base. District Court staff would generate monthly summons files for six District Court locations: Auburn², Bellevue, Burien, Issaquah, Redmond, and Shoreline. Each individual location handled processing and communication with their jurors.

District Court obtains juror source lists from both King and Pierce County Superior Courts. As the city of Auburn is in both King and Pierce counties, the Auburn Courthouse will summons jurors from Pierce County when an alleged crime occurred in the Pierce County part of the city and King County jurors are summonsed when the crime is alleged to have occurred in the King County part of Auburn.

Outlying District Court locations provided the District Court Jury Services team their jury trial schedule yearly. Jurors were randomly pulled from the District Court's jury management system two months in advance of the trial week and the jury lists were uploaded to the contracted vendor who printed and mailed the summonses. The summonses were returned to District Court Jury Services to process the confirmed summons, reschedule requests and excusals.

Prior to the pandemic the volume for District Court was up to 1,500 summons each month for all outlying locations. Of the 1,500-summons sent, the court received approximately 245 confirmed jurors. The length of service varied from one to seven days. Jurors were instructed to call a designated jury phone line for updated information and the Jury Service team would also call off jurors depending on the circumstances.

Outlying District Court locations would verify and submit the mileage and per diem for reporting jurors to the Jury Service team who would process the information via a smart spreadsheet to King County Finance.

Jurors that serve on King County District Court trials held at the King County Courthouse and the Maleng Regional Justice Center were part of the pools created by King County Superior Court.

Post-pandemic:

Per [RCW 2.36.050](#), courts of limited jurisdiction rely on the master jury list developed by the superior court of their jurisdiction. Once in receipt of the updated master jury list, District Court has their jury systems vendor, Jury Systems Inc. (JSI), upload the data into the District Court jury data base. The District Court jury administrative assistant generates weekly summons files for their eight locations: Auburn, Bellevue, Burien, Issaquah, Maleng Regional Justice Center, Redmond, Seattle, and Shoreline. Processing jury summons and communication with jurors are jointly handled by the jury administrative assistant and the individual court locations.

District Court obtains juror source lists from both King and Pierce County Superior Courts. As the cities of Auburn and Pacific span both King and Pierce counties, the Auburn Courthouse (for the City of Auburn) and the Maleng Regional Justice Center (for the City of Pacific) will summons

² Residents of Pierce County are also regularly summonsed for KCDC trials held in Auburn. Auburn straddles the county line and some infractions/crimes occur in Pierce County and these juries require Pierce County residents. District Court summons Pierce County jurors for only a limited # of zip codes: 98092, 98390 and 98391.

jurors from Pierce County when an alleged crime occurred in the Pierce County part of the city and from King County when an alleged crime occurred in the King County part of the city.

The individual District Court locations will provide the District Court jury administrative assistant their jury trial schedule yearly. Jurors are randomly selected from District Court's jury management system one month in advance of a trial week. The jury lists are uploaded to the contracted vendor who prints and mails the summonses. Jury responses are entered into the online District Court jury portal by the jurors. Jurors who are not able to access the internet or the District Court jury portal can call, write, and/or email the jury administrative assistant for assistance in submitting their response.

Each month, for all eight locations, District Court summons up to 7,000 potential jurors. For each 10-summons sent, on average, the court receives one confirmed juror. The length of service varies from one to seven days. Jurors are instructed to call a designated jury phone line for current information regarding their service. Each location is also responsible for notifying jurors of changes in service.

The District Court jury administrative assistant will run the mileage and per diem payment report weekly for each location (as needed). After the locations confirm the accuracy of the report, the jury administrative assistant will process the jury payments via King County Finance's Axway portal.

3. Virtual Jury Selection

King County Superior Court's existing jury management system provides for online advance confirmation of eligibility to serve, as is statutorily required, but beyond this confirmation feature, one that allows a juror to postpone service to a later date, and request excusal, the existing system's functionality did not allow for an easy move to the remote jury selection we required. The system was designed to rely on in-person reporting which then allows for the use of other essential features such as creating randomized pools, tracking status so that jurors could be sent out on more than one pool, and for payment purposes. Through developed workarounds for these features the summoning and deployment of jurors to individual courts for remote voir dire was possible. However, the modification of jury operations was only one side of the equation. The other key component to implementing virtual voir dire was the creation of new processes on the courtroom side, which became the responsibility of the courtroom bailiffs. The coordination of work done by the jury department and that of the bailiffs became essential.

In-person jurors are checked in by staff who also inquire as to their transportation method and makes entries so that mileage or bus, train, ferry fare is included along with the juror fee in their compensation payment. Due to the pandemic, jurors were instructed to view orientation videos online regarding implicit bias prior to their service date. Prior to the pandemic these videos were part of the onsite orientation which was completed by jury staff. Once orientation was completed, staff would begin the process of creating jury panels and sending these panels to the courtrooms. After the pandemic, jurors were assigned to courts before they appeared remotely or in-person.

Prior to the pandemic, the creation of panels was done using the jury management software, panelists were selected randomly³ from among those that checked-in to begin service that day. These panelists were then sent to courtrooms to begin the jury selection process. The typical panel size was over 50 candidates to select a jury of 12 and one or two alternates, with the remaining excused from the trial. The unselected panelists were instructed to return to the jury room for possible selection to another trial. Those who have not been selected by the close of business would be excused from further participation until randomly summonsed again. Those that are still in jury selection at the end of the day will be provided with reporting information from their judge or bailiff.

As outlined previously, due to the pandemic, the process of having jurors report to court prior to courtroom assignment was stopped for safety reasons. However, this process change also allowed for the use of remote jury selection and our ability to send many more cases to trial as we can summons as many jurors as needed.

Prior to the pandemic, the payment process was more efficient as jury staff checked in all jurors and would simply process payment data for jurors each Friday. This information was forward to the county administration accounts payable staff who would issue and send warrants for payment. Through the eResponse portal, jurors were also able to download a proof of service letter which notes the days they served as a juror/candidate. Our current remote jury process has provided many benefits, but it also has required the use of several side systems and the tracking of participation for payment is labor intensive and requires constant communication with all courts with jury trials in process.

Once juror panels are forwarded to court bailiffs, questionnaires are sent by email to jurors and jury selection schedules are made for groups of jurors to appear via Zoom. Bailiffs will place phone calls to those jurors who have not provided an email address so that arrangements can be made for them to participate in another manner. Attorneys are then provided access to returned questionnaires and Zoom voir dire is done in batches, the number of juror candidates per session is determined by the judge. During these remote sessions juror hardships are addressed and customary jury selection questioning takes place remotely. Once a jury is impaneled, 12-16 jurors would report in-person to courtrooms for the trial. However, during the height of the pandemic, many civil trials were also conducted completely by video, both for voir dire and the actual trial.

Due to the side systems mentioned previously, when jurors are excused by the court, bailiffs must keep the jury department informed regarding juror Zoom attendance for voir dire as well as daily attendance for those impaneled to ensure that accurate, timely payment is made.

Currently the future of remote jury selection remains unclear. The Washington State Supreme Court is considering a proposed general rule change which would allow remote jury selection to continue once the remaining emergency orders are lifted. We will need to wait for the outcome of that proposed rule prior to proposing any significant changes to jury practices which rely on the continued use of remote jury selection.

³ Candidates excused from panels may return to the jury room for possible selection to a second panel. The process is primarily random, as all candidates will be selected once before any candidate is selected to a second panel.

4. Language Access

Per [RCW 2.36.070](#), to serve as a juror in Washington state a juror must meet all five requirements. The ability to communicate in English is required to serve. Requests for an American Sign Language interpreter are addressed through the court's ADA accommodation process.

5. North & South Jury Pools

In compliance with [RCW 2.36.055](#), King County Superior Court divides the jury source list according to each assignment area corresponding to court filings in the downtown Seattle courthouse and the Maleng Regional Justice Center in Kent.

Each week a predetermined number of summonses are sent for each location based on trial court needs. In special circumstances, a judge may determine to select jurors from the entire county and a special mailing will be done based on a random selection of jurors including both north and south designations.

6. National Best Practices

Materials available through the National Center of State Court Center for Jury Studies highlight several jury management best practices. The following list of best practices was also confirmed with Paula Hannaford-Agor, Director of the Center for Jury Studies at the National Center for State Courts.

Practices such as:

- 1 Day/1 Trial term
- Liberal deferral (postponement) policy
- 1 Step qualification process
- Research and resend of undeliverable summonses.
- Follow-up on those who fail to appear as summoned.
- Postcard summonses with online responses
- Create and maintain an accurate and inclusive master source list.

The Center has several articles available online (<http://www.ncsc-jurystudies.org/>) which address various topics concerning jury management and enhancing jury service.

In addition, from the state of Michigan, the State court Administrative Office in March of 2019, released a Jury Management Best Practices Manual which detailed nineteen (19) suggested best practices in jury management for their state. According to this document, their recommendations are based upon national standards and principals developed by the American Bar Association (ABA) and the National Center for State Courts (NCSC). That report can be found at the following link: [jurybestpractices.pdf \(michigan.gov\)](#)

V. King County Demographic Data

1. Composition of the King County population of potential jurors From King County's Demographer

- Current population of King County is 2,317,700 (Office of Financial Mangement, 2022)
- 2020 Census population by 2,269,675 (Demographer, 2022)
- 2020 Census population by age: (Demographer, 2022)
 - 17 years and under = 449,200 20%
 - 18 to 64 years = 1,482,600 67%
 - 65 years & over = 293,200 13%
- 2020 Census population by Race and Ethnic Categories: (Demographer, 2022)
 - Non-Hispanic White: 1,230,600 54%
 - Black or African American 147,800 7%:
 - Asian: 449,700 20%
 - Native Hawaiian and Pacific Islander: 19,400 1%
 - Native American and races not listed: 25,300 1%
 - Hispanic and Latinx: 243,000 11%
 - Multiracial: 153,800 7%
- Employment and Income (Demographer, 2022)
 - 2021 Workplaces: 66,000
 - 2020 Total Jobs: 1,430,900
 - Construction/Resources: 77,000
 - Whsle, Trsnp, Utils: 115,400
 - Manufacturing: 101,000
 - Retail: 163,500
 - Fin, Ins, Real Est: 69,600
 - Services: 727,300
 - Government: 96,300
 - Education: 80,200
 - 2021 Average Annual Wage: \$135,700 (Washington Employment Security)
 - King County Median Household Income: 65,290
 - 2020 American Community Survey Median Household Income: \$99,200
 - 2018 Households by Income Category -King County
 - 0-50% 188,000 22%
 - 50-80% 88,900 10%
 - 80-100% 75,100 9%
 - 100%+ 495,300 58%
 - Total Households 847,400

[\(Appendix 3\)](#)

2. Composition of persons summoned for King County Superior Court jury duty

King County Superior Court Statistics

Age	2020 Census		Responded Summoned (2022)		Available to Serve (2022)	
18-24	196,189	9%	9,686	8.8%	5,346	55.1%
25-44	756,654	33%	46,565	42.1%	25,991	56.1%
45-64	554,425	24%	36,151	34.1%	21,883	59.1%
65+	306,202	13%	16,935	16%	7,737	45.1%

2022:

Total Summonses Mailed: 327,374

Originally summoned: 297,271

Schedule changed: 30,103

King County Superior Court has more than one court facility which requires a separate case assignment area for each location. These numbers reflect the breakdown of the total summoned by assignment area. [Local General Rule 18](#) details the method for identifying zip codes included in each assignment area. ([Appendix 4](#))

	North Summons Area	South Summons Area
Summoned (2022)	175,926	151,448
	54.0%	46.0%

3. Demographic composition of persons that appear for jury service cannot be determined due to adaptive methods used to facilitate remote jury selection.

The following is demographic data available on those summoned for duty, but who may not have actually served.

Total Possible Summoned by gender:		Total Possible Summoned by age:	
Male	53,087	18-24	9,686
Female	56,601	25-44	46,565
No Information	1,005	45-64	37,117
		65+	17,325

4. Demographic composition of persons called to serve by age, gender, geographic location of residency, race, and ethnicity.

King County Superior Court participated in data collection survey administered by the Washington State Administrative Office of the Courts (AOC) from February 2022 to April of 2023. During this collection period, 131,126 of King County Superior Court’s summonsed jurors responded to a survey related to their race, ethnicity, age, sex, employment stats, educational attainment, and income. The collection of data, analysis and final report was conducted by researchers at the Seattle University. Surveys were done electronically and sent directly to Seattle University. Per [RCW 2.36.180](#), the Administrative Office of the Courts is now responsible for collecting this data and providing it to the governor in the form of an annual report.

The below tables are created from the King County Superior Court data collected during the above-described project. A link to the full project report is provided in [Appendix 5](#).

Table 30: Race & Ethnicity

Table 31: Age

Table 32: Employment Status

Table 33: Combined Annual Household Income

Table 34: Highest Education Attained

Table 35: Gender

Table 36: Gender & Race-Ethnicity Detailed Data

Table 37: Sexual Orientation

Table 38: Reported Barriers to Attending Jury Duty

Race & Ethnicity

Table 30. Race & Ethnicity: King County Superior.

Census Category (Non-Hispanic, Latino/a/x)	Freq. Survey	Survey %	CVAP %	% Diff.	S:C Ratio
White Alone	11,860	85.4	89.0	-3.7	0.96
Black or African American Alone	235	1.7	1.9	-0.2	0.89
American Indian/AK Native	67	0.5	0.5	0.0	0.94
Asian Alone	832	6.0	4.5	1.5	1.34
Native Hawaiian/Other Pacific Islander	83	0.6	0.5	0.1	1.31
Some Other Race	40	0.3	-	-	-
American Indian or AK Native & White	143	1.0	1.2	-0.2	0.83
Asian & White	231	1.7	0.9	0.8	1.94
Black or African American & White	161	1.2	0.8	0.4	1.46
Am. Indian or AK Native & Black or AA	-	-	-	-	-
Remainder of Two or More Responses	240	1.7	0.7	1.0	2.49
Total	13,892	100			
Not Hispanic or Latino/a/x	13,892	93.0	94.4	-1.3	0.99
Hispanic or Latino/a/x	1,041	7.0	5.6	1.3	1.23
Total	14,933	100			

Notes: - represents a sample size below 10 for the referenced category, and due to concerns surrounding data quality and representation and potential juror anonymity, these figures are not reported.

Age

Table 31. Age: King County Superior.

Measure	Result
N	124,032
Missing	7,094
Mean	45.8
Median	44
Mode	32
Std. Deviation	16.2
Range	83
Minimum	18
Maximum	101

Employment

Table 32. Employment Status: King County Superior.

Employment Category	Frequency	%
Employed Full Time	74,701	58.8
Employed Part Time	6,775	5.3
Furloughed Due to COVID-19	60	0.0
Military Active Duty	133	0.1
Homemaker	4,198	3.3
Retired	15,390	12.1
Self-Employed	6,733	5.3
Student	4,429	3.5
Unable to Work	1,383	1.1
Unemployed, Looking for Work	2,768	2.2
Unemployed, Not Looking for Work	1,075	0.8
A Category Not Listed	1,331	1.0
Multi-Category Selection	8,114	6.4
Total	127,090	100

Notes: Estimated Unemployment Rate: 2.2 (NSA, 2022).

Combined Annual Household Income

Table 33. Combined Annual Household Income: King County Superior.

Income Category	Frequency	%
Less than \$10,000	4,257	4.3
\$10,000 - \$19,999	2,570	2.6
\$20,000 - \$29,999	3,399	3.5
\$30,000 - \$39,999	4,370	4.4
\$40,000 - \$49,999	5,036	5.1
\$50,000 - \$59,999	5,433	5.5
\$60,000 - \$69,999	5,159	5.2
\$70,000 - \$79,999	5,128	5.2
\$80,000 - \$89,999	4,701	4.8
\$90,000 - \$99,999	4,865	4.9
\$100,000 - \$149,999	18,573	18.9
More than \$150,000	34,793	35.4
Total	98,284	100

Notes: Household Median Income: \$118,664 (OFM, 2022).

Education

Table 34. Highest Education Attained: King County Superior.

Education Category	Frequency	%
Some High School	3,002	2.4
High School Degree/GED	11,500	9.4
Trade School	2,790	2.3
Some College, No Degree	18,226	14.8
Associate	8,837	7.2
Bachelor	45,753	37.3
Master	23,490	19.1
Doctorate	7,432	6.1
A Category Not Listed	1,715	1.4
Total	122,745	100

Notes: King County BA degree and up: 56.2% (ACS 1-Year Estimates Subject Tables 2021, only population 25 years old and higher used).

Gender

Table 35. Gender: King County Superior.

Gender Category	Frequency	%
Agender	81	0.1
Gender Queer or Fluid	329	0.3
Men	57,915	46.5
Non-Binary	738	0.6
Questioning	143	0.1
Trans Men	124	0.1
Trans Women	143	0.1
Women	64,131	51.5
An Identity Not Listed	110	0.1
Multi-Category Response	798	0.6
Total	124,512	100

Detailed Gender by Race & Ethnicity

Table 36. Gender & Race-Ethnicity Detailed Data: King County Superior.

Non-Latino/a/x, Hispanic	White	%	Non-White	%	Total
Women	36,607	51.2	19,897	52.6	56,504
Men	33,348	46.6	17,371	45.9	50,719
Gender Non-Conforming	1,588	2.2	545	1.4	2,133
Total	71,543	100	37,813	100	109,356
Latino/a/x, Hispanic	White	%	Non-White	%	Total
Women	1,176	52.1	2,863	51.1	4,039
Men	1,029	45.6	2,590	46.2	3,619
Gender Non-Conforming	54	2.4	152	2.7	206
Total	2,259	100	5,605	100	7,864

Notes: Gender Non-Conforming category includes: agender, gender queer or fluid, non-binary, questioning, trans men/women, an identity not listed, or multi-category response.

Sexual Orientation

Table 37. Sexual Orientation: King County Superior.

Category	Frequency	%
Asexual	73	0.5
Bisexual	425	2.8
Gay	158	1.0
Heterosexual	14,211	92.2
Lesbian	140	0.9
Pansexual	125	0.8
Queer	63	0.4
Questioning	40	0.3
An Identity Not Listed	50	0.3
Multi-Category	122	0.8
Total	15,407	100

Barriers to Jury Service

Table 38. Reported Barriers to Attending Jury Duty: King County Superior.

Conflict or Hardship Category Selected	Frequency	%
Work Related	21,473	26.7
Financial	1,569	2
Dependent Care	6,947	8.6
Transportation	2,086	2.6
Disability, Health, Mental Health Related	3,436	4.3
Other	17,394	21.7
COVID-19 Related	1,208	1.5
Multiple Categories Selected	26,228	32.6
Total	80,341	100

Notes: Total reporting any barrier = 61.3% (N = 131,126). Categories are mutually exclusive here (only one answer per respondent).

5. Data on employment status of the population of King County potential jurors

Superior Court does not have data available on employment other than that has been provided by King County Demographer in #1 of this section and that listed in #4 from the Statewide AOC Survey.

6. Data on employment status of jurors who appear including employer size:

This information is unknown. Although some employment information is provided during voir dire, this information is not collected or retained in our juror database. Some data is available from the Statewide AOC Survey noted in #4 of this section.

7. Future methods to collect currently unavailable data:

Depending on the size of the jurisdiction, daily collection of this information from reporting jurors followed by data entry may be possible. However, given the high number of juror candidates required by Superior Court on a weekly basis, data collection in this manner is not feasible. Collection of demographic information through the Administrative Office of the Court will likely continue and may present the best solution to data collection. The legislature enacted [RCW 2.36.180](#) which requires the Administrative Office of the Court to collect this information and publish it each year in an annual report to the governor.

VI. King County Criminal Trial Data

1. Superior Court – 2020-2022

2020 KCSC Criminal Jury Trials – 20

2021 KCSC Criminal Jury Trials – 99

2022 KCSC Criminal Jury Trials – 116

These numbers reflect the total criminal trials started although resolution may have been reached prior to a jury verdict.

2. District Court - 2018

(More recent data not available)

Case Type	KCCH & MRJC	Other DC locations
Criminal	65	38
Civil	6	13

VII. Washington State Minority and Justice Commission’s Report

Following the May 24, 2017, Supreme Court Symposium on the topic of jury diversity, Chief Justice Mary Fairhurst, requested the Minority and Justice Commission (MJC) further explore the recommendations brought forth that day. The MJC created the Jury Diversity Task Force as a subcommittee of the commission. The task force objective was to “Examine a range of proposals that might have the effect of increasing minority representation on Washington State juries, and make recommendations to MJC about which approaches, if any, to pursue.” The taskforce examined the following six elements which have been identified as factors associated with minority underrepresentation on juries. These factors include: Source Lists, Economic Hardship, Eligibility, Felon Disenfranchisement, Summons Processes and Data Collection. At the conclusion of their work, the Minority and Justice Commission Jury Diversity Task Force 2019 Interim Report was released.

The 2019 MJC Diversity Task Force report identified high-priority recommendations for the Minority and Justice Commission to consider and determine which will be moved forward to the

Board of Judicial Administration (BJA) for approval or other action. The following is a summary of the six recommendations forward to the full commission.

1. Source List Expansion and Frequency
 - Determine other sources to supplement the current source list which is created from voter registration and driver's license and state ID cards.
 - Examination of other potential source list additions for statutory limitations, duplication of address and other obstacles.
 - Research costs of more frequent source list updates (2 or 4 x year)
2. Ensuring Adequate Juror Compensation and Job Security
 - Increase juror compensation statewide
 - Research feasibility of tax credits or deductions for jury service
3. Providing Childcare for Potential Jurors
 - Concept of court provided childcare favored by the taskforce with further research as to operational cost and funding of the existing childcare located at the King County Superior Court at the Maleng Regional Justice Center to determine if a similar model could be replicated in other state courts across Washington.
4. Felon Disenfranchisement
 - Pursue amendment to RCW 2.36.070 to define the phrase "civil rights restored."
 - Education campaign to courts by AOC or MJC to change juror qualification questionnaire phrasing regarding the qualification pertaining to felony convictions.
5. Summons Streamlining and Follow-up
 - Use of a one-step summons process
 - System of reminders for jurors (calls, texts & emails)
 - Should methods to summons other than paper be allowed and what statutory changes are needed to do so?
 - AOC, local courts, and court associations develop statewide summoning best practices.
6. Data Collection
 - Collect juror demographic data on permanent, statewide basis.
 - Collect all juror demographic information at each stage of jury selection process (hardships, challenges for cause, peremptory challenges by demographic factor)

MJC Recommendations Benefiting King County

1. Source List Expansion and Frequency

The expansion of the source list with additional sources may be beneficial to increasing the number of eligible jurors in King County. However, the responsibility and cost of the source list creation belongs to the state and is dictated by statute ([RCW2.36.054](#)). The benefits to additional sources must be carefully weighed against the risks to random selection by creating an unacceptable number of duplicate candidates on the juror source list. However,

these risks can be reduced by adding only those new sources which contain sufficient data points to aid in the discovery and removal of duplicate candidates.

2. Ensuring Adequate Juror Compensation and Job Security

An increase of juror compensation for a county the size of King County would require a significant budget increase to the judicial branch. It is unclear what specific daily fee for jurors would impact their decision to serve. An increase from \$10.00 per day to \$20.00 a day would double the current juror fees and may not have any impact on increasing participation or diversity of the reporting candidates.

The availability for employer tax credits for deductions for jury service would require extensive data collection and research to predict the total cost to the state in lost revenue in the support of this program. King County has several large employers who are currently covering jury service for their employees without these tax benefits. Total reductions in revenue from these companies and others who currently do not provide jury service days to their employers would need to be determined. A report by the National Center State Courts titled “Increasing the Jury Pool: Impact of the Employer Tax Credit” from August of 2004⁴ utilized a Juror Compensation Survey as part of their study concerning the viability of California implementing a tax credit to address financial hardships issues associated with jury service is demonstrative of the financial impact such a program would have although the net benefits remain unknown. A thorough analysis would be necessary at the state level to determine costs and the application of such a program in Washington state.

3. Providing Childcare for Potential Jurors

The King County Superior Court at the Maleng Regional Justice Center’s childcare facility closed in June 2020 after almost 25 years of serving court customers while attending matters at the Kent courthouse. This drop-in center was created to address the needs of parents attending to court business of a sensitive nature such as dissolution and protection order hearings, or dependency and child support matters. Jurors were not permitted to use the facility except under very limited conditions. Impaneled jurors were allowed to use the childcare facility up to two times in response to an emergency. Their use was also subject to availability at the center.

Due to licensing considerations, the number of children permitted at any given time was conditioned on the ages of the children present and the staff to child ratio that day. Because of this, the center was operated on a “first come, first serve” basis. Given the number of jurors used by Superior Court on a weekly basis, permitting jurors to use the drop-in center daily for a full day of jury service would not have been workable as the number of required slots would be difficult to predict with sufficient time needed to address licensing ratios and it would likely eliminate availability for the children of court litigants.

The center was operated by the Children’s Home Society of Washington (CHS-WA) who staffed and operated the center. The operating costs for this center were funded solely through local foundations, grants, and individual donors. Superior Court jurors from both

⁴ https://www.courts.ca.gov/documents/tax_credit_report.pdf

locations routinely donated their juror fees in support of the Kent childcare center. Funding for CHS-WA came through the Seattle Foundation, a 501(c)3, who managed the grants and donations associated with the center. The court will be seeking a new partnership to reestablish a childcare center when feasible.

Given the complexities of space, licensing, funding and management of a daycare center, the new legislation added to RCW 2.36 from the 2023 session ([2SSB 5128, Chapter 316, Laws of 2023](#)), which requires the Administrative Office of the Court to create a work group to make recommendations for creating a childcare assistance program, is very timely for addressing the need and possible strategies for creating this type of resource for jurors. One of our King County Superior Court judges will be serving on this workgroup. Work group findings and recommendations are due by December 1, 2024.

4. Felon Disenfranchisement

The amendment to [RCW 2.36.070](#) to define the phrase “civil rights restored” became effective on July 28, 2019. Although an education campaign by AOC or MJC may benefit other Washington courts. King County Superior Court has addressed this concern by limiting the online qualifications to those of age, residency, US citizenship and ability to communicate in the English language. This prevents candidates from misunderstanding the question regarding felony convictions and assuming a disqualification without further inquiry.

5. Summons Streamlining and Follow-up

King County Superior Court utilizes a one-step process for summoning juror candidates and has instigated a process of email reminders. At this time, other non-paper methods for summoning are not available, however, for those jurors who defer service it may be possible soon to utilize email when sending the new summons for the deferred to date. Statutory changes for summoning would not be useful until the source list information contained other reliable methods of contact such as email addresses for all candidates.

The creation of statewide best practices may prove challenging given the varied sizes of the jurisdictions. Although there may be some practices that can be consistently applied, best practice for a court with two judges versus one with fifty-four will be significantly different based on court needs and resources.

6. Data Collection

The ongoing collection of juror demographic data in King County is beneficial and it is fortunate that the state will now be responsible to the collection of this important data. The inclusion of demographics from the original source data received from the state level would be most helpful and useful to King County. Should this information be available to counties at the time of the download of the annual source list, additional collection and data entry at the court level would not be necessary. However, implications of adding this information to voter registration, driver’s license or identification cards make this unlikely and ill-advised from an equity and social justice perspective.

Consequently, the collection, data entry and tracking of juror demographics represents a significant amount of administrative work we are not appropriately staffed to collect in a jurisdiction the size of King County. However, with the recent creation of a state managed electronic survey provided during online juror confirmations, the consistent collection of this data is now possible although it may not be complete due to those jurors who prefer to not answer demographic questions or to confirm qualifications online. For similar reasons, the collection of juror demographic information at each stage of the jury selection process is not currently possible given current processes, volume, and limits of jury management technology.

VIII. Recommendations for Increasing Juror Participation & Diversity

The input that was received from stakeholders and other court partners as well as the other information collected for this proviso, was considered in the development of the proviso's final recommendations. This document identifies the current jury methods employed by King County Superior and District Court, outlines the current statutory framework regarding jury service and explores several potential strategies to increase juror participation and encourage greater diversity of reporting jurors in King County. Given the anticipated budgetary impact associated with many of these strategies, and a level of uncertainty as to the benefits each strategy would yield, additional consideration would need to be given prior to implementing change so that any increase in juror yield or diversity can be associated with a particular strategy.

1. Conduct a post-pandemic review of the court's summoning and jury selection processes.

Superior Court has consistently incorporated all jury service best practices which are feasible for a jurisdiction of our size. Examples include methods such as the use of a postcard summons with online responses, utilizing a one-step qualification process, a liberal postponement policy and a 1 Day/1 Trial term.

In compliance with the state statute regarding the annual source list updates, Superior Court works with its vendor to update the jury management system with the new source list each year and utilizes the National Change of Address Registry (NCOA) prior to each summons mailing to ensure the most up to date addresses are being used. In many states, the juror source list is comprised of other data sources in addition to those used in Washington state, such as state tax records or utility records. However, sufficient data points must be present to confirm the appropriate removal of duplicate records and, of equal importance, the exclusion of individuals from an opportunity to serve. Similarly, due to the need for jury selection to remain random at each level of the process, efforts to target specific groups or communities would be inconsistent with the requirement for randomization.

Considering the many changes made to jury practices during the pandemic, a full review of our processes of summoning and jury selection would be beneficial to determining what processes should remain and explore the ability to incorporate new best practices in our post-pandemic environment. However, as stated in this report, the court is waiting for a final decision by the Washington State Supreme Court as to the future of remote jury selection. This recommendation

could proceed once a decision has been made by the Supreme Court which we anticipate within the next six months.

2. Analyze the juror rate of pay to determine feasibility of King County to fund an increase and the scope of any increase.

As the largest jurisdiction in the state of Washington and one of the largest nationally, King County Superior Court utilizes thousands of jurors each year. The jury selection process requires enough jurors to seat 12-15 jurors for some of the most difficult criminal cases and most complex civil cases in our state. Most cases require approximately 75-100 jurors to conduct voir dire and the more difficult or high-profile cases will require many more. Per [RCW 2.36.150](#), jurors shall receive up to twenty-five dollars a day but in no case less than ten dollars. The current rate of pay for jurors in our court of \$10.00 per day is insufficient to cover lost wages, however, any increase in this rate would have a significant impact on juror costs to the county.

Some jurisdictions have looked at other methods to address the hardship the rate of juror pay creates such as tax credits to employers so that wages are paid to jurors who serve, funds which jurors can apply to for financial assistance while serving on a trial or differentiated rates of pay based on the length of service. Additional research would be needed on these types of solutions and much of that work would need to occur at the state level to implement such a change.

The use of remote jury selection has proved beneficial in continuing trial work during a pandemic, but it has also proved beneficial to jurors by minimizing the inconvenience and disruption to their daily lives. In June 2022, a final report was produced titled “The Response of the King County Superior Court to the COVID-19 Pandemic: Lessons Learned and Recommendations”⁵ This was a project funded by the State Justice Institute (SJI) and led by PRAXIS consultant Dr. Brenda Wagenknecht-Ivey and the report represented an 18-month assessment of the court’s operations during the pandemic. It included a summary of new practices implemented, internal assessment of the impact of those practices, and outreach to stakeholder for their evaluation of selected practices and whether they should be continued as part of the court’s permanent business model.

The court’s new virtual jury selection was one of the three practices/processes selected for the SJI project. As part of that review, surveys were administered from August-September 2021 to 797 prospective juror that participated in virtual jury selection between March -May 2021 and a 32% response rate was reached. Attorneys and staff were also surveyed regarding this remote process. The Likert-scaled survey questions were grouped into the following categories: 1) Access, Convenience, and Safety/Experience of Jurors, 2) Ease of Use, 3) Court/Staff Assistance, 4) Environment, 5) Timeliness/Effectiveness, 6) Trust and Confidence/Future Recommendations, 7) Overall Experience and 8) Impact on Work/Staff. Prospective juror responses were favorable about the court participant experience and indicated that the use of Zoom made it easy to

⁵ Executive summary: https://cdn.kingcounty.gov/-/media/courts/superior-court/docs/KCSC-Covid19-Response-Report-Executive-Summary_SJI-21-P-002.ashx / Full report [KCSC-Covid19-Response-Report_SJI-21-P-002.ashx \(kingcounty.gov\)](#)

participate in jury duty, was convenient, saving time and money, and offering this remote option was effective to keeping all participants healthy and safe.

Modest adjustments to the juror rate of pay may not produce an increase in participation or juror diversity. Determining what rate of pay would impact a prospective juror's willingness to appear as summonsed would need to be investigated further as well as the ability for the county to fund such an amount. There may be solutions at the state level which can be explored but this will take time and have implications for the entire state. The use of technology to lessen the inconvenience to prospective jurors in performing their civic duty is a helpful option and one that has been positively received. Feedback received for this report indicated that loss of work is a contributing factor for those not wishing to serve. Remote jury selection provides an option that is less disruptive to individual schedules and addresses the continued concerns raised regarding safety at the downtown courthouse.

Assuming the Washington State Supreme Court continues to approve the use of remote jury selection, allowing juror to participate from home, work or other location and saving them the time and expense of commuting is beneficial while the matter of juror pay can be further explored.

3. Produce a King County public service announcement on jury duty.

In collaboration with King County, Superior and District Court might develop a public service announcement on jury duty which highlights the importance of this civic duty and provides information on the process of jury selection. This effort could be in partnership with other county public service communications to save money and expand the reach of this message.

Because jury duty is a random selection process, it is difficult to create targeted messages that will influence behavior, which is not, and may not be required, close to the time of this messaging. Collaboration with other important community messaging on safety, resources, and opportunities may be a way to provide ongoing information on the importance of this critical civic duty. Public service announcement can also help to explain the jury selection process as most individuals do not know what to expect when coming to court. The recent KCTV⁶ story on remote jury selection is an excellent example of educating the public on the process and giving them a preview, which may assist in removing some of the anxiety they may have about jury duty.

4. Explore other more immediate juror benefits.

As additional encouragement to jurors to perform their civic duty when served, providing parking validation at the Goat Hill Parking structure or a \$10.00 a day subsidized parking option close by would be beneficial. Superior Court continues to receive complaints from jurors about serving at the downtown location due to well publicized safety issues around the court campus. Providing parking for jurors who are required to appear in-person at court would assist in supporting their participation.

⁶ <https://youtu.be/AeVnj5wbDYQ>

Continued support for remote technology also encourages participation. When a juror does not have technology to appear remotely, the court accommodates them by providing a quiet place at the courthouse to participate in jury service along with the other jurors. If remote jury selection is permitted to continue, the development of community remote sites for jury selection such as libraries could also assist those who do not have the needed technology. As stated previously, action on this recommendation would need to be postponed until the Washington State Supreme Court has issued its decision.

Appendix 1. Increasing Jury Participation and Diversity: Suggestions for Improvements

The survey was provided to courts partners and member of the bar from August 10-18, 2023, as part of the 2023-2024 King County Superior Court budget and proviso. Over 400 stakeholders were invited by direct invitation from Presiding Judge Patrick Oishi to complete the survey and provide their insight into opportunities to increase diversity in King County.

During the survey period, 23 responses were received. Below is a compilation of the comments.

Question 1. Summoning Practice / Response Rates

KC Superior Court summons postcards are mailed approximately 6 weeks prior to the service date. Respondents are encouraged to reply via the online juror portal. Both the portal link and a phone number are provided.

Per RCW 2.36.095(1) Persons selected to serve on a petit jury, grand jury, or jury of inquest shall be summoned by mail or personal service, or electronically.

17/23 of the comments were responsive.

The top comments (at least 5/17) for this prompt were the outdated method of summoning (postcards), increasing digital communication options, and refreshing the master list more frequently.

Other repeated comments included providing more information on the postcard, sending out reminders of service and changing the window in which summons are sent (in addition to issues addressed in other questions).

Send text to phone number rather than postcard.
Can give more advance notice so that employment arrangements can be made.
Send out summons electronically, in addition to postcards. Postcards often get mixed in with junk mail and are easy to miss. Making the postcards a brighter color and printing them on thicker paper may help distinguish them from junk mail.
If there is a phone number on file to the jury room, I think that setting up an automated voice message service to the phone number closer to the date of the summons to remind people to access the portal and that they have been summonsed would be helpful.
I don't know enough about the summoning practice, but I would think that we should start with getting a more accurate source of potential jurors than DOL/voter registration. With apartments increasing the cost of rent every year, a lot of people move so often that I would expect DOL's information to be outdated for a lot of folks. I also think that if we could use methods of communication that are more widely used (i.e. electronic communication), that might help get folks to respond.
Send summons only a month in advance so people do not lose track

<p>The summons should include more information such as: compensation and parking options so that jurors can go into the process with some of their doubts cured.</p>
<p>The process worked extremely well for me. I appreciated the opportunity to reschedule my service using the online portal. I did think the dual electronic and physical communications were a little bit confusing (did the postcard mean I didn't do the online thing right? which came first?). But overall, it worked well for me.</p>
<p>I endorse the task force recommendations of more frequent refreshing of the eligibility lists, and reminder calls. I also think that the summons should be more clear about juror eligibility, especially for jurors who have been convicted of a crime but are no longer on DOC supervision.</p>
<p>Offer people 2-3 different time frames to serve</p>
<p>Reminder postcard mailed two weeks prior. Option to opt-in for text reminders/updates. Include instructions for transportation and how to notify employers (i.e. help mitigate burden of attending).</p>
<p>Email notification corresponding with mail notification. The online portal could provide an opportunity to add or update an email address for jury service purposes.</p>
<ul style="list-style-type: none"> • More time for jury questionnaires. Send juror questionnaire out at least 8 weeks instead. • Notification to portal link sooner. • Postcards can be mistaken for junk mail. More noticeable summons letter. • Attention grabbing font color to emphasize important note/dates for jury notice. • Text messaging reminders closer to the date to appear. • Perhaps supply additional information re: brief summary of jury process including timeline of jury service. I think setting expectations in advance would help. • We might get better participation rates if jury selection was commonly done more in advance of the trial or hearing date. if people had even one or two weeks of lead time between being selected for a jury and the beginning of in person service so that they could clear their work schedules, arrange childcare, etc., I believe that would vastly improve participation rates. Most people do not expect to get selected for the jury, so even knowing that they need to report for jury selection does not give most people enough information to make those arrangements, causing us to lose more potential jurors to hardships. • Providing as much information in the postcard summons as possible so that jurors know what to expect • I suggest that the only thing that will improve juror responses is to increase the pay jurors receive for their service—See #4 below. When jurors realize that nothing happens if they don't respond, there is no incentive to respond. Accordingly, we get jurors who have employers that will continue to pay the juror their regular salary (i.e, predominately social media companies, Boeing, etc. • It is my understanding that the mailing lists are updated at either the end of a calendar year, or at the beginning of a calendar year. So, if people move during the year, that information does not get updated in real time. I recommend that there be a more frequent address updating process. Quarterly?
<p>Postcards often look like junk mail. Perhaps a more formal Summons will encourage a greater response?</p>
<p>WDTL thinks remote voir dire is great, however that is accomplished.</p>
<p>I believe the panels will be more diverse if a higher percentage of jurors were summonsed from zip codes that had a more diverse population. Also, the poor rate of pay for jurors limits participation opportunities for jurors of limited means which results in pools being skewed to higher incomes</p>

The Court should offer the resources discussed below (transportation, quality childcare, more compensation, etc.) and should highlight those changes both through community education and prominently on the juror summons postcards.

Question 2. Transportation

KC Superior Court jury selection process is primarily facilitated remotely at pre-scheduled times; however, some in-person jury selection occurs at the discretion of the judge. Jury trial service is most often in-person at the courthouse, unless designated to be virtual by the Court.

RCW 2.36.150 indicates juror mileage reimbursement by the state at the rate determined under RCW 43.03.060.

21/23 comments were responsive.

11/21 comments referenced convenient and free parking at all courthouse locations, specifically the downtown courthouse.

Other repeated comments focused on reimbursement for Uber/Lyfts/cabs and the inefficiency and time required to travel on public transit.

Zoom proceedings and remote voir dire and hearings are also endorsed by at least seven respondents to alleviate transportation issues.

All voir dire should be remote.

Continue Zoom trials for civil cases.

Public transportation around KCCH is not a safe option. Jurors who have to report in person should be given direction, or the address for, Goat Hill Parking and directions on how to get to KCCH from Goat Hill. Multiple jurors have delayed the start of trial and called the bailiff confused on how to get in to KCCH from Goat Hill.

Jury selection should remain primarily remote.

In the past year, I have heard a lot of concerns about safety and jurors not wanting to commute due to the surrounding area of the courthouse and the difficulty of using public transport to get to court. I am not sure what the fix for this is right now, it's a city and county-wide issue. I do think laying out clear options and allowing for nearby parking relieves a lot of the stress of coming to the courthouse.

Pay for uber/lift to take jurors from home to court and back.

Very little. Public transportation in King County is not always easily accessible depending on where you live and creates an additional burden on jurors, especially jurors who have children in school. My old apartment in Renton is a 19-minute drive to the MRJC but according to Google Maps, it would take 1 hour 14 minutes - 1 hour 34 minutes to take public transportation to get there. I just checked to see how long it would take via public transit from an apartment in Federal Way and an apartment in Auburn and it also adds about 40 minutes - 1 hour to the commute. It's not reasonable to expect jurors to spend 2-3 hours commuting to and from jury duty via public transit.

Pay for transportation other than mileage, such as bus passes, taxi vouchers, parking, etc.
I'm not sure if parking is currently free for jurors. It should be if it isn't. Having this and explaining it up front would be helpful. Even if its free, the parking is not very convenient at the downtown courthouse. I'm not sure how to remedy this problem.
Provide public transportation passes up front and/or a stipend for rideshare. Not everyone has a vehicle or the ability to wait for a reimbursement.
Support efforts to increase mileage reimbursement to ensure realistic compensation in light of rising transportation costs. In addition, providing increased virtual voir dire opportunities may ensure more equitable access to participation in the jury process.
For Seattle jurors - parking, parking, parking. The reimbursement rate doesn't pay for one day of parking downtown. Also ensure that transit options are available and accessible - for instance the light rail in Seattle is only somewhat accessible, especially considering the lack of maintenance for escalators and elevators. And for other outlying courthouses, the transit options are burdensome.
Provide free parking.
Cover cost of public transit fees. Validate parking in nearby lots or provide parking in an open lot and shuttle to the courthouse.
Free parking
Shuttles from a central location would alleviate the burden to sit in traffic and find parking. On a more case-by-case basis, certain trial activity could be done remotely. For example, if witnesses are testifying remotely by Zoom or pre-recorded deposition, there's little reason they should have to travel into the courtroom.
<ul style="list-style-type: none"> • Rideshare location: specific to the jury. • Only seat SE King County residents to MRJC. • Orca card issued or temporary parking pass provided. • Provide transportation options-public transit or rideshare. • Keeping the selection process remote, making sure resources are provided for those that do not have the same access to technology, allow use of rideshare, uber/lyft reimbursement. • When I read this question, I did a quick search for information about mileage reimbursement and transportation options for jurors in King County, but I struggled to find this information. I would suggest making that more prominent on the King County website pages about jury service. I am not personally aware of how easy or difficult the process of mileage reimbursement is for jurors, so I cannot comment on that. If there was funding available, I think it would be helpful to offer compensation for rideshare services like Lyft and Uber for jurors that do not have easy public transportation options available. • Absent a change in state law, there probably isn't a lot that can be done. Public transportation is great, but when it takes two or three buses to get to the juvenile justice center, many jurors opt out. The mileage rate is minimal reimbursement. • Provide transportation for jurors who leave in remote areas and allow jurors who must commute more than 1hour.30mins to 2hours to appear virtual. • Bus passes should be a standard option for people who are selected as a juror. Possible reserved spots at park and rides, so public transportation is a viable option. <p>Absent of changing the state law, provide ride opportunities (public transportation) up front. So that jurors know they have transportation to get to their designated courthouse. The juror badges could</p>

serve as a ride-free card on any public transportation or rideshare service. Getting compensated/reimbursed on the back-end is a hardship for some.
Providing parking or reimbursement for parking. Many people are hesitant to ride public transportation for health and safety concerns. Improving security around the courthouse is a must. Many improvements have been made but it still does not feel safe on 3rd Avenue at the downtown Courthouse.
Remote juries and voir dire.
Free bus and train passes. Designated parking at all (including downtown) courthouse
Jurors who must be present at the courthouse must be assisted in travelling. Because of historical structural inequality, BIPOC and other marginalized groups have less wealth and are less likely to own a reliable private vehicle, resulting in systemic exclusion of those groups. No-cost transportation options through county vehicles or vouchers for private transportation options should be developed.
<p>Bifurcation/transportation</p> <p>It is tragic that jurors in Seattle cases are overwhelmingly very upper economic class and tend to be non Black and Brown, especially due to gentrification.</p> <p>Similarly, it is too bad that jurors in Kent are overwhelmingly--seemingly not very upper economic class.</p> <p>When Judge Fox lobbied for the rule to bifurcate the jury, Uber and the light rail were not in place. King County could pay Uber or give light rail tickets to jurors, or organize rideshares in either part of the county, aiding in diversifying the economic class and races of jury's in North and South King County making for a fairer more diverse jury on both sides of I-90. The current set-up encourages race and class segregation and thus an unfair and unrepresentative jury for all. Again, gentrification.</p>

Question 3. Employment / Childcare Support

All candidates are allowed to defer their jury duty start date twice, up to a year each time, to select a time that works best with their personal work and personal obligations. Juror candidates can also be excused by staff in some instances or for hardship by a judge (RCW 2.36.100).

20/23 comments were responsive.

Regarding employment, 6/20 respondents commented on educating employers about jury duty, communicating an employer's obligation and ensuring there is a method for hourly employees to be compensated.

Regarding childcare support, 11/20 comments related to either providing childcare at the courthouse or providing reimbursement/stipend for childcare.

Employer incentives to pay their employees for their time as a juror.
Continue Zoom trials for civil cases.
Jurors don't seem to have a good understanding of what constitutes a hardship. Having easier access to this information with examples might help. Also having a point of contact that jurors can direct their employers to if they have questions/concerns may help.
More education and enforcement broadly of the employment protections for jurors. Many have

expressed that they are concerned about losing their jobs if they serve because their employers disregard protections around this.
A daycare.
Not much.
We need to have childcare available at both courthouses. That said - that only helps with kids that are preschool-aged. For anyone who has kids in school who rely on their parent for pick-up after school/drop off to sports/at-home care, there's really nothing the Court can do about that unless the Court started subsidizing childcare which I don't expect will happen anytime soon.
Employer concerns could potentially be alleviated by sending jurors with a notice along with their summons for them to provide to potential employers reminding employers of their obligations to allow employees to participate in jury service.
For employers, there should be information on the summons that says an employer is required to give time off for jury service. Jurors should be provided with information to give to their employers informing the employer of this requirement.
Childcare is harder in my opinion. I think many jurors would not be comfortable leaving their children with a childcare provider at the downtown courthouse in Seattle. There is not enough trust in the current setup due to just how dangerous 3rd avenue is.
Schedule service in a way that is consistent with the school day. If I'm serving until 4 or 5PM, but my child gets out of school at 2:40PM, that's going to be a challenge. Consider allowing parents of young children to defer for 5 years or until their youngest child achieves school age. Reimburse or provided a stipend for childcare. Find a way to facilitate remote jury service.
Increased juror compensation may improve the ability of potential jurors to afford child or eldercare costs while serving.
I endorse the suggestion of providing childcare for jurors at each court house, although this is a complex issue and this suggestion won't address the concerns of parents with children in school, for instance. I also endorse the idea of trying shorter trial days to accommodate parents - perhaps 9 - 2:30, 5 days a week, with a lunch hour of 60 minutes instead of 90 minutes.
offer reimbursement for childcare costs up to 100 dollars per day. Offer eligible employees 100 dollars per day to avoid financial hardship
Provide childcare.
Increase the daily amount that we pay jurors during their jury service
Paying jurors an adequate wage, offering childcare services at the courthouse, and standardized instructions for employers of jurors.
<ul style="list-style-type: none"> • Stipend for childcare or on-site childcare. • Provide daycare options for those with young children in the courthouse buildings. • Give jurors more time between being selected for a jury and beginning in person service. Some other ideas would be to reopen/provide childcare at the courthouses, • Employment as a reason for deferral. Employment deferrals are difficult to deny if a potential juror is an hourly worker without benefits or a small business owner. By not including those two types of jurors there is an absence of young people, an absence of professional people (think dentists) and a dearth of solo small business owners (think land scape designers, mom and pop grocery stores, and in home care givers). • It might be helpful to give small business owners more time to respond for jury service so they can work on their schedules. • A voucher could not substitute for their personal care another option should exist. Perhaps the

statute could excuse people from jury service if they have unique needs to provide personal care to a family member.

- Provide greater compensation for jury service (which would be especially for securing jurors who work hourly jobs or are self-employed).
- Childcare – reimburse for childcare a juror pays because they are serving as a juror (not for childcare the juror regularly pays when working/in school). Re-open the MRJC Child Care Center. Provide free childcare at the other courthouses for jurors.
- Employers – make sure jurors know that the jury room or bailiff is willing to provide letters to employers about jury service.
- The courts may want to do a “first cut” of voir dire over Zoom. I am not an advocate of an all Zoom voir dire, but if the court/parties agree, it might be helpful to create a list of those potential jurors who would be screened out for hardship/medical reasons and another list of those potential jurors who are identified as not qualified due to bias. The jurors who might be biased could be part of a zoom voir dire for the parties/court to determine if they should be included in the in-person voir dire. See, RCW 2.36.100

Without requiring employers to continue paying hourly employees for jury service, I am not sure how you alleviate that concern.

Remote voir dire.

Court should pay for child care or provide child care for jurors in all courthouses

Potential jurors should be provided free quality childcare at the courthouse to which they are summoned. Juror compensation, discussed below, must be increased so that those of limited financial means are not functionally excluded from jury duty.

Childcare

King County could allow stipends for reliable child care, especially for long trial. Or, King County could provide reliable child care on site for jurors, especially for long trials.

Technology

Truly, not everyone has email, do not know how to navigate computers, do not have internet or have very basic technology capability--they do not have a reliable computer or a computer at all, or live in an internet desert or do not have reliable internet in their area. Of course, the potential jurors most likely to be at risk of lack of access or reliable access to technology are community members who are in a more depressed economic class. It is a shame if our processes do not take this into account thereby, not relying on technology for convenience as we do over a fair trial. If we cannot provide equal computer access and ability and internet reliability, we perhaps should not rely on technology as much.

Question 4. Juror Compensation

Per RCW 2.36.150 Jurors' compensation rates are limited to no more than \$25 and no less than \$10 per day, excluding mileage reimbursement.

22/23 comments were responsive.

All but three comments focused on increasing the current compensation of \$10 per day, with many suggesting it should be at least minimum wage.

Employer incentives.

Continue Zoom trials for civil cases.
Jurors need to be paid significantly more. They are asked to take time off work, which impacts them and their families, and getting such a little amount is not feasible for many people, especially hourly employees.
YES. This is the single biggest thing we can do to increase diversity in the panels. We need to pay people more for this important civic duty. For goodness sake, we pay people a min. wage of \$15/hour in Seattle and we cannot even give that to people in Seattle sitting on a jury, deciding very important matters.
They should at least be paid the minimum wage.
Compensation that is more commensurate with jurors' actual salaries. The only people who don't experience a financial hardship from jury service are folks who are retired or folks who get paid jury duty from their employers.
Increase the compensation for jurors who work hourly wage jobs and lose wages during jury service.
To me, this is the biggest issue. Compensation should be much higher. I think it should be at least 100\$ a day. That would be more meaningful for many people.
Should be at least minimum wage.
Aligning juror compensation with minimum wage may expand the ability to serve to those who financially cannot afford it.
Compensation needs to be increased drastically, enough for people who are self-employed to support their family at a minimal level for the number of days of jury service. Tax credits or other offsets are not helpful for those at the edge of indigency, and would only increase the gaps of those who can afford to participate and those who can't.
100 dollars per day (sliding scale based on need.)
We need to pay way more. Arizona for long trials pays \$300 a day. We should do the same.
Expand to minimum wage, at least.
To increase jury participation by hourly employees or self-employed persons, the daily compensation rate must be increased.
Jurors absolutely need to be paid a living wage for the county in which they serve.
<ul style="list-style-type: none"> • Full coverage of wages lost and travel time. • Providing meals or a meal per diem could help jurors for whom buying lunch everyday is an undue burden. • Increase daily compensation to something more livable. • The current reimbursement scheme does not even compensate jurors at the minimum wage rate. If budget is an issue, perhaps additional funding for jurors could be made needs-based. • Let jurors know ahead of time that they will be reimbursed for mileage. Provide free parking. For those who do not drive, provide access to a Public Transportation expert (partner with Metro?) to help jurors plan the best route to the courthouse where they will be serving as a juror. • Treat jury duty like employment where jurors will be compensated for the serious and important work that they do. As a result, receipt of a jury summons would be met with joy instead of dread. • First, a stable funding source would need to be created. It could be started as a pilot project in a small court system to analyze the results. Jurors would be selected in the usual fashion without the court or the parties having any idea about a potential juror's income so that people would not be excluded for budgetary reasons. There would be administrative costs for determining the payment to a juror. As a starting point, jurors could be paid what they make at their current income level. • I do not believe that paying jurors \$25 or even \$50 a day will adequately cover the cost of jury service—especially for people who are not compensated by their employer for jury service. • Compensation – for jurors who are not paid by their employers while serving on a jury, increase juror compensation to minimum wage for eight hours per day. Lobby for legislation that requires employers to pay employees who are serving as a juror (no idea if that is possible/legal) • It is absurd that we pay jurors so little for their

services. Jurors should at least receive minimum wage. That probably will never happen---but something more than \$10 per day is warranted.
Obviously, increasing pay is necessary but decreasing the cost of serving on the jury is also necessary. Meaning parking reimbursements, etc.
Remote juries and voir dire.
Juror compensation shoul'd equate to minimum wage at the minimum. Current juror compensation is offensive and results in panels that are not economically diverse, which is unfair to those groups and to defendant's alike
The greatest barrier to jury service is financial, and the extent to which we fund juror service in order to achieve a fair cross section is the true measure of our commitment to the issue. • San Francisco just released the results of a year-long project increasing juror pay from \$15 to \$100 per day for those under a certain income threshold. “The one-year evaluation shows that the program has a sustained impact on increasing economic and racial diversity in jury pools in San Francisco.” More than 1,000 jurors participated in the program, and more than 80% indicated they “could not have served without the [] stipend.” Unique Program to Increase Juror Pay Proves Impactful in Expanding Racial and Economic Diversity in San Francisco Jury Pools, according to One-Year Evaluation https://sftreasurer.org/unique-program-increase-juror-pay-proves-impactful-expanding-racial-and-economic-diversity-san
Particularly, I would like to see the court and county do more to accommodate low income families who cannot afford to take time off work, and especially for long trials, due to no jury duty pay even for one day of trial. I would like to see the county pay the up to \$25 allowance per day for jurors. Also, if the courts, prosecutor, and defense bar could testify at the legislature about allowing minimum wage, per hour of jury duty per day. With this allowance, community members who do not get paid by their job for jury duty, or only are paid for a certain number of days, could participate in jury duty without financial hardship.

Question 5. Use of Technology

KC Superior Court's online juror portal allows for an expedited summons response and video technology enables prospective jurors to participate in the video jury selection process during a scheduled block of time from a location of their choosing. The Court provides online instruction and staff support for summons response and remote jury selection practices. A limited number of iPads are available for use and in-person (non-technical) processes are fully supported.

12/23 comments were responsive.

At least four responses indicated the jury pool is more diverse.

Other comments focused on broadening technology available throughout the county (portals at local libraries) and the need for additional technology support ahead of time.

I have noticed much more diverse jury pools since the implementation of remote jury selection. The process is more accessible to many more people who can not afford to take a whole day to come to KCCH. Many more young people, students, stay at home parents, etc. are able to participate because this means of jury selection is much more accessible.
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I think it is clear no trial attorneys or former trial attorneys were consulted when the technology was placed in the courtroom. The position of the TVs, microphones, monitors is all wrong. Someone needs to revamp this so the TVs and visual access devices are closer to the jury
The use of technology to allow remote jury selection is the single most important change in the process in terms of accessing a more diverse pool of prospective jurors. Alas, the roadblock to a broader pool of jurors, rather than prospective jurors, is that so many people simply cannot afford to be absent from work for a week. I understand that the compensation for jurors has not increased since the 1950s. It is a major hurdle to broadening the base of jurors.
None, I think it works well
This part doesn't really matter to me as much. We can have jurors come participate in voir dire over Zoom but the second they are told they have to come in-person for the trial, then we're back to square one if they have transportation/childcare/financial issues. I, personally, have been leaning towards trying to do in-person voir dire again because it is less time-consuming and helps move these trials along quicker so I would prefer to avoid zoom voir dire since they're going to have to come in for the trial anyway.
I think this part has been working. Most jurors are able to participate easily on zoom jury selection in my experience. I actually believe anecdotally that that we have been seeing more diversity in our panels by allowing people to participate electronically in jury selection.
Providing localized portals for individuals to participate in the virtual jury process may improve accessibility. Exploring partnerships with libraries or similar community accessible organizations may improve geographically diverse service opportunities.
The option of at least part of the voir dire process to occur remotely has been helpful, which I found surprising. But more helpful still has been the use of expanded juror questionnaires, especially to allow jurors to self-identify their race or ethnicity. This provides better data for assessing the disproportionate representation in individual panels. But it also has made it clear that POC are disproportionately affected by financial hardships. In the last 2 jury panels I selected, I lost at least one of the black male jurors (in one panel he was the only black juror) to legitimate financial hardship.
Is there someone who can help with tech needs ahead of time? Can they troubleshoot or help find a location for remote participation (e.g. room reservation at local library)?
I think King County has done a marvelous of employing technology to minimize travel and hardship of jurors during COVID, and should continue along the same lines.
<ul style="list-style-type: none"> • In person selection for jury trials • Prefers the online selection process from home prior to coming in. • Choose juror portal only or email only. It gets too confusing using both. Some information was contradicting. • Voire Dire via Zoom. • Technology – take a look at what the Federal courts did during the pandemic or maybe still are doing – I believe they delivered iPads/tablets to prospective jurors. I’m not sure how they got the tablets back. Perhaps this is already the process in King County - use a platform that is easily accessible on a smart phone, in case someone does not have a • I think that technology can increase access, especially with younger potential jurors. But the use of technology has to be balanced against the fact that some parts of our community do not have access to technology. During the pandemic we saw how those without technology had less access to the courts. Perhaps apps could be developed because more people have a cell phone and could access juror information using an app. • Tablet or laptop. A one-click process to enter the jury room/courtroom would probably be best, if it can still be secure.

We have anecdotally that remote juries are very diverse and inclusive of younger folks.

Question 6. Please share your other suggestions on how King County Superior Court might increase jury summons response rates, jury participation, and encourage greater diversity in juror pools.

If more likely to be remote process more likely to get a response.

Don't focus so much on race that you lose the big picture. Diversity is bringing different perspectives to the jury panel which is not dependent upon race.

I'm not sure what causes this, but many jurors will say they have been summoned multiple times in the past few years while others have never been summoned before. Making sure that summons are being sent to new people, rather than repeatedly summoning the same people, may encourage more diversity.

1) judges should allow panels smaller than 20 people and more time for voir dire. Most people called to jury duty have opinions and they want to feel included, but are nervous to share. It is hard to share when you are just a tiny little person on a screen full of strangers.

Remote jury selection and remote service on juries works well for civil matters.

I think that the only thing that would help us keep people of color in our panels would be some sort of financial assistance (whether for childcare or to cover loss of income). I don't expect the Courts to have that type of funding available, however, so I'm not entirely sure what more we can do than try to maximize our efforts in summoning, reminding people of their service, providing people with transportation assistance if they are willing to take public transportation, and communicating with jurors better about time commitments.

Having done SAU Trials for the last 2 years, I also think that the ways in which we make jurors come in, answer deeply personal questions (especially for people who themselves were victims of something traumatic), and then send them on their way without addressing the trauma they are reliving in front of our very eyes is inhumane and if I were a juror, I wouldn't want to come back after an experience like that. I had one juror who was sobbing while describing (without going into detail) that she had been the victim of a prior sexual assault and she felt like she was having a panic attack and had previously had suicidal ideations and it felt AWFUL to just sit there as the judge thanked and excused her and we didn't have anyone take a break or have anyone check in on her to make sure she was leaving this courthouse in a mentally healthy space. I realize this is not a comment on the diversity issue, necessarily, but I felt a strong need to communicate that I've had many experiences such as the one I just described and I do think the Courts owe it to jurors to treat them better than that and ensure that they are ok when they are leaving our courthouse in tears due to trauma that we are making them re-live.

The compensation is the biggest piece. Jurors would be enthusiastic about service if they were well compensated. This would increase diversity, motivation, and participation. Jury service is too important of a job for our system for compensation to be so low.

Ask questions in these post-service survey about barriers to service, whether folks felt welcomed/safe/respected and address the pain points revealed. Also survey those that don't end up serving.

<p>I believe the court should provide interpreters so that otherwise eligible jurors can participate, especially if that language barrier is based upon a disability like deafness. Judges and attorneys use the language barrier as an easy way to excuse jurors who are almost all POC.</p>
<p>Offer higher pay, reimbursement for child care costs, free or reduced parking, greater options on when someone could serve.</p>
<p>King County should continue to use online voir dire.</p>
<p>I am a BIPOC woman and have only once been summoned despite living in Seattle for two decades. What algorithm keeps missing me?</p>
<p>I think this largely comes down to financial incentives for people for whom jury service truly presents a financial hardship. If there was a fund of money to make up for the loss of hourly wages, the costs of transportation to and from the courthouse and the cost of back up childcare or elderly parent care, I think we would see greater participation from diverse jury candidates.</p>
<p>I agree with the recommendations in the Task Force report. I think the court system deserves more funding and jurors deserve a living wage. The cost of childcare is so high right now that jurors who are not paid during service cannot afford to serve, which excludes a large number of prospective jurors.</p>
<ul style="list-style-type: none"> • SE King County residents should only be seated for MRJC • Give upfront time estimates • Do pre-screening so people do not have to wait in-person • Card games, icebreakers made available for jurors during breaks could be good to get casual conversations going. • Provide information sessions at both high school, community colleges/universities on the importance and honor of being a juror in the United States. It may not be a perfect system but is an amazing justice system compared to other countries. Could be taught in a civil/government class. • Another approach would be to inspire a strong civics curriculum in schools. If people had a better understanding of the importance of jury service, there may be a greater interest in jury service. <p>Jury summons response rates, jury participation and encouraging greater diversity is as best as you can get when you do not put forth the effort to garner more participation. Social media is a viable tool to change the culture of jury summons as something of a chore. Make it exciting! Change the narrative that is perpetuated, especially for the younger generation.</p>
<p>The original contact should look more like an actual Summons and not just a postcard.</p>
<p>Virtual voir dire would increase participation globally, as it addresses the need for additional time, lost compensation, and potentially child care. The use of Zoom for voir dire in King County has vastly increased the participation and we would be interested in knowing how that has impacted the response of diverse jurors. While we know access to reliable internet is an issue (particularly in areas outside King County), most jurors in larger counties have a device from which they can participate in remote voir dire.</p>
<p>Both the problem and solution are almost entirely resourced based. A significant segment of the population—particularly communities of color—are functionally excluded from jury service because they are financially unable to travel to court, arrange childcare, and pay their bills for the duration of a trial.</p>
<p>The court should also use targeted re-summons, based on zip codes with lower return rates.</p>

Question 7. Please briefly describe your experience or knowledge of King County Superior Court's jury summons and/or jury selection process.

Most respondents identified as attorneys.

I have tried 10 remote trials since 2020.
We have had plenty of jurors to choose from for multiple trials recently.
I have no experience with the summons process, other than being summoned before. I have participated in remote jury selection 8 times overall, 5 times in 2023.
I am extremely familiar with this process as I have been doing ZOOM jury selection since July 2020 and had the first criminal trial to go to jury while the jury selection process was being figured out. I have also done more criminal trials during the pandemic than almost any other attorney in our office; I have seen many judges and attorneys do jury selection and I have trained others on the process and procedure many times. I am comfortable with ZOOM, in person, remote, the motions that accompany the process.
I have participated in remote and in person trials. Remote jury selection works well.
I've been a DPA with the KCPAO for over 6 years and in trial rotations for 5 of those years.
I've served as a Deputy Prosecuting Attorney for 7.5 years for King County and completed 30-40 jury trials. I've done them in the old in person system and the new one. I've done approximately 15 trials since we have been doing jury selection remotely.
35 years of experience trying cases in King County, mostly Superior Court but also some district court and municipal court cases. In addition I have tried a handful of cases in other counties (Island County and Yakima)
Trial Lawyer
Lawyer
I have been a trial attorney in King County for 25 years. I am less familiar with the summons process but am very familiar with the jury selection process.
I have been practicing in civil litigation in King County for 14 years, and have closely followed the developments of jury summons and selection during COVID.
<ul style="list-style-type: none"> • Our knowledge of jury summons and selection process – most members of the Inquest Program team are quite familiar with the jury selection process from working as staff in the court system, being a former judge, working at the PAO or DPD. So we are aware of how to request a jury, where the panels are selected from, how to start and complete the selection process, and our obligations once we have a seated jury. Some members of our team may not have been aware that the summonses go out approximately six weeks prior to the service date. Some of us recently had a conversation about this and were wondering how much notice jurors had. Some of us may also not have known that a juror can reschedule twice, for up to a year each, so that was interesting information to learn. • Member of the superior court jury committee for several years. All of the questions were issues we tried to address during this time. Historically there is a large number of individuals who request hardship releases due to age, mobility, financial impact of serving (i.e. their employers do not pay for jury service, or only cover 3-5 days, or they are self-employed and do not receive compensation if they do not work, or work in a business where they are strictly hourly and will not get paid if they don't work), their childcare responsibilities or caring for an elderly or disabled person. We tried to trouble shoot many of these issues without success. Financially the court is unable to cover childcare

costs, increase jury pay (there was some discussion about a juror receiving minimum wage for jury service), even parking costs at the downtown courthouse is a barrier for many.
I have been summoned myself and that process went smoothly. I am a trial lawyer and so often interact with the jury. It is obvious that without increasing pay for jurors or requiring employers to pay employees who serve on juries, we will not have the diversity we need on juries. Generally, we have salaried employees or retired people with few exceptions, in my experience.
I personally pre-pandemic was summons and appeared for jury selection. My firm and colleagues at WDTL have done remote voir dire.
I have done dozens of jury trials in King County Superior Court.
Longtime public defender, most of my experience has been in Superior Court.

Appendix 2. Chapter [2.36](#) RCW JURIES

Sections

2.36.010	Definitions.
2.36.020	Kinds of juries.
2.36.050	Juries in courts of limited jurisdiction.
2.36.052	Courts of limited jurisdiction—Performance of jury management activities by superior court authorized.
2.36.054	Jury source list—Master jury list—Creation.
2.36.055	Jury source list—Jury assignment areas—Master jury list—Compilation.
2.36.057	Expanded jury source list—Court rules.
2.36.0571	Jury source list—Master jury list—Adoption of rules for implementation of methodology and standards by agencies.
2.36.063	Compilation of jury source list, master jury list, and selection of jurors by electronic data processing.
2.36.065	Judges to ensure random selection—Description of process.
2.36.070	Qualification of juror.
2.36.072	Determination of juror qualification—Written or electronic declaration.
2.36.080	Selection of jurors—State policy—Exclusion on account of membership in a protected class or economic status prohibited.
2.36.093	Selection of jurors—Length and number of terms—Time of service.
2.36.095	Summons to persons selected.
2.36.100	Excuse from service—Reasons—Assignment to another term—Summons for additional service—Certification of prior service.
2.36.110	Judge must excuse unfit person.
2.36.130	Additional names.
2.36.150	Juror expense payments—Reimbursement by state—Pilot projects.

[2.36.165](#) Leave of absence from employment to be provided—Denial of promotional opportunities prohibited—Penalty—Civil action.

[2.36.170](#) Failure of juror to appear—Penalty.

[2.36.180](#) Demographic data – Collections - Reports

RCW [2.36.180](#)

Demographic data—Collection—Reports.

The administrative office of the courts shall provide all courts with a method to collect data on a juror's race, ethnicity, age, sex, employment status, educational attainment, and income, as well as any other data approved by order of the chief justice of the Washington state supreme court. Data collection must be conducted and reported in a manner that preserves juror anonymity. The administrative office of the courts shall publish this demographic data in an annual report to the governor.

Appendix 3. King County Demographics Data

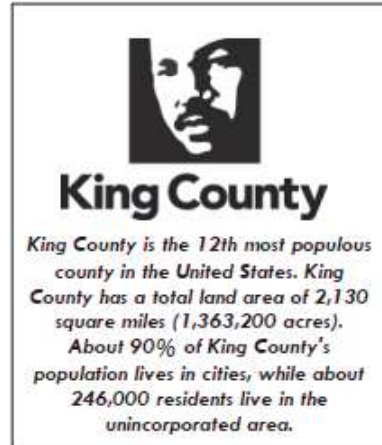
Statistical Profile on: KING COUNTY

DEMOGRAPHICS

POPULATION	
1990	1,507,305
2000	1,737,046
2010	1,931,249
2020 Census	2,269,675

Population Growth, 1990-2000: 15%
 Population Growth, 2000-2010: 11%
 Population Growth, 2010-2020: 18%
 Households, 2020 Cen.: 917,800
 Avg. Household Size, 2020 Cen.: 2.42

Housing Growth Target
 for 2019-2044: 308,700



2020 ACS Age Structure:

17 and under	449,200	20%
18 - 64	1,482,600	67%
65 and over	293,200	13%

2020 Census Race and Ethnicity:

Non-Hispanic White:	1,230,600	54%
Black and African American:	147,800	7%
Asian:	449,700	20%
Native Hawaiian and Pacific Islander	19,400	1%
Native American and races not listed:	25,300	1%
Hispanic and Latinx*:	243,000	11%
Multiracial:	153,800	7%

EMPLOYMENT AND INCOME

2021 Workplaces: 66,000

Median Household Income:

1999 (2000 Census):	\$65,290
2020 (ACS):	\$99,200

Households by Income Category, 2018:

0 - 50%	188,000	22%
50 - 80%	88,900	10%
80 - 100%	75,100	9%
100% +	495,300	58%
Total Households	847,400	

2020 Total Jobs:	1,430,900
Construction/Resources:	77,700
Wholesale, Transp, Utils	115,400
Manufacturing:	101,000
Retail:	163,500
Fin, Ins, RealEst:	69,600
Services:	727,300
Government:	96,300
Education:	80,200

HOUSING

2020 Housing Unit Estimate: 969,234

**Single Family 55%
 Multifamily 45%

2000 Census Median House Value: \$240,000
 2020 ACS Survey Median House Value: \$601,100

2000 Census Median 2-Bdrm. Rental: \$790
 2020 ACS Median 2-Bdrm. Rental: \$1,770

2020-21 Total New Residential Units: 15,220

**Single Family 2,200
 Multifamily 13,030

SOURCES

2010 and 2000 US Census of Population and Housing; US Census Bureau American Community Survey, 2016-20;

US Dept. of Housing and Urban Development, CHAS data 2014-18;

WA Office of Financial Management April 1st Population & Housing Estimates, 2021

Puget Sound Regional Council tally of jobs covered by state unemployment insurance, from Washington State Employment Security Dept.

* Persons of Hispanic/Latinx ethnicity can be of any race. **Single Family includes mobile homes.

Appendix 4. KCSC Local General Rule 18. Jury Assignment Area

Local General Rule

(e) Location for Jury Assignment Areas for Civil and Criminal Cases Filed in King County.

(1) Designation of Jury Assignment Areas. The jury source list shall be divided into a Seattle jury assignment area and a Kent jury assignment area that consist of registered voters and licensed drivers and identicard holders residing in each jury assignment area. The area within each jury assignment area shall be identified by zip code and documented on a list maintained by the chief administrative officer for the court.

(2) Where Jurors Report. Individuals receiving a jury summons shall report for service to the Court facility in the jury assignment area identified on the face of the summons.

(3) Adjustment of Jury Assignment Area Boundaries. The jury assignment areas contained in this rule may be adjusted by the administrative office of the courts based on the most current United States census data at the request of the majority of the judges of the superior court when required for the efficient and fair administration of justice.

Comment

This rule implements [RCW 2.36.055](#), which allows the jury source list in King County to be divided into jury assignment areas that consist of registered voters and licensed drivers and identicard holders residing in each jury assignment area. The purpose of the statute and this rule is to lessen the burdens borne by jurors in traveling long distances to attend court proceedings by narrowing the geographic area from which jurors are drawn while maintaining a random and proportionate jury pool.

[Adopted effective September 1, 2007; amended effective April 1, 2008; May 27, 2009.]

Appendix 5. Statewide Juror Summons Demographic Survey Project: An Analysis of Selected County Data (2023 Final Report)



July 6, 2023

The Administrative Office of the Courts and Washington State Supreme Court’s Minority and Justice Commission is pleased to share with you the Final Report for the Washington State Juror Summons Demographic Survey 2023.

In total, findings from more than a quarter-million responses are included in the report. Jurors of color, particularly Black and Native jurors, remained underrepresented in jury pools throughout the state, and face greater barriers to jury service. Work-related and financial barriers to serving on juries, which disproportionately impact working parents and people of color, remain an issue. In addition to the data on respondents to jury summons, the report features a deeper look into Pierce County demographics throughout the jury selection process.

[Statewide Juror Summons Demographic Survey Project 2023.pdf \(wa.gov\)](#)

For more information and questions about the report, please contact Frank Thomas, Sr. Court Program Analyst, at Frank.Thomas@courts.wa.gov.

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	gavin.muller@kingcounty.gov
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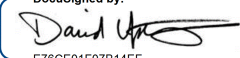
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dave.upthegrove@kingcounty.gov
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melani.hay@kingcounty.gov
Clerk of the Council
King County Council
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Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
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Notary Events	Signature	Timestamp

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