

Minutes
Connecticut Judicial Branch Jury Selection Task Force
September 4, 2020
1:00 pm
Meeting held remotely using Microsoft Teams

The meeting was also available for live streaming on the Judicial Branch YouTube Channel.

Members in attendance: Hon. Chase T. Rogers (Co-Chair), Hon. Omar A. Williams (Co-Chair), Hon. James W. Abrams, Hon. Joan K. Alexander, Hon. David P. Gold, Hon. Joette Katz, Hon. Douglas Lavine, State Rep. Matthew Blumenthal, Atty. Richard J. Colangelo, Jr Atty. Tais C. Ericson, Prof. Neal Feigenson, Ms. Esther Harris, Atty. Claire M. Howard, Atty. James J. Healy, Hannah Kogan, Atty. Erik T. Lohr, Atty. Charleen E. Merced Agosto, Atty. Christine Perra Rapillo, Atty. Preston Tisdale, Atty. Harry Weller, Atty. Paul D. Williams, Mr. Tobeckukwu L. Umeugo, Atty. Anna Van Cleave

Also in attendance: Ms. Krista Hess, Atty. Daniel Krisch, Hon. Robin L. Wilson

- I. **Welcome:** Justice Rogers welcomed the Task Force members. She reminded the members of the December deadline, which was set to coincide with the legislative session in anticipation that there may be recommendations for statutory changes. Members are encouraged to contact the Co-Chairs with any concerns about meeting that deadline. If any subcommittees will be proposing legislation, it would be very helpful to provide a rough draft of the language.

The minutes of the July 14, 2020 meeting were approved.

- II. **Data, Statutes & Rules Subcommittee Update:** Attorney Claire M. Howard reported that this subcommittee is reviewing juror demographic data collection. Professor Pandya of UCONN School of Law recently presented to the subcommittee on an algorithm he developed which looks at criminal jury data on attorneys' use of peremptory challenges in order to try and predict bias. Currently, the juror questionnaire asks an optional question about the juror's race; the subcommittee is discussing ways to frame the question to encourage completion. Other topics of discussion have included changes to timelines on the retention of non-personally identifying information. The subcommittee will next review how other states collect this data and the potential expansion of these questions to include ethnicity or other categories that are *Batson* protected. Attorney Weller raised the idea of separating personal identifying information on the juror information sheet from the other data, and also including language that indicates it is being collected for data purposes.
- III. **Jury Summoning Process Subcommittee Update:** Attorney Harry Weller reported that the subcommittee has identified areas of inquiry and assigned members to their areas of interest. They have discussed *State v. Gibbs* and are exploring disqualifications and excusals such as those on the basis of age, prior service, lack of citizenship, and non-residents such as students. They are also reviewing juror "no shows" and undeliverable mail, with plans to review zip code data for undeliverable mail. They are exploring factors that may prevent people from serving such as transportation or child care and are reviewing the summoning process in Connecticut, reviewing the National Center for

State Courts best practices and learning how other states summon jurors. Jury Administration is working on a PSA regarding jury service.

- IV. **Implicit Bias in the Jury Selection Process & Batson Challenges Subcommittee Update:** Judge Lavine reported that the members have read many law review and other scholarly articles. They have formed three workgroups: Peremptory Challenges, Batson, and Model Jury Instructions. The Peremptory Challenges Workgroup is discussing the number of peremptory challenges in Connecticut. Connecticut gives a unique constitutional right to peremptory challenges. Connecticut is also on the low end in terms of the number given. Their preliminary conclusion is not to change the number. They are also discussing whether judges should preside over civil voir dire. The Batson Workgroup discussions have been driven by Washington's Rule 37. The Model Jury Instructions Workgroup noted that only Connecticut and eight other states have model jury instructions addressing bias. They are discussing potential language changes, at what point(s) in the case the instructions should be given, and whether the instructions also should be given in civil cases.
- V. **Juror Outreach and Education Subcommittee Update:** Judge Alexander reported that this subcommittee is focusing on how to effectively partner with community organizations to encourage jury service. They are reviewing all of the documents/brochures currently in use and seeking ways to make the process more approachable, discussing the potential use of QR codes and ensuring documents are cell phone friendly. They are discussing expanding the use of social media and seeking ways to draw more people to the website, including having links on other state agencies' sites and adding juror testimonials. Other topics of discussion include how to target outreach efforts to minority communities, what role community colleges and universities can play in educating about jury service, outreach to younger students, and addressing community groups and creating PSAs.
- VI. **Adjourn:** Judge Williams thanked the members for the work being done. Meeting adjourned at 2:08pm.