

Are Hung Juries a Flaw in Our Jury System?

National Center for State Courts Examines Causes and Effects of Hung Juries

An increase of hung juries in recent years raised concern about their impact on the courts and society and prompted a study by the National Center for State Courts. The four-year project, which was completed in September 2002 under a grant from the National Institute of Justice, explores the frequency and causes of hung juries and outlines solutions. This is the first such study of deadlocked juries, which are considered a social and monetary cost to the court system, to the involved parties, and ultimately to the community.

From their findings, National Center researchers conclude that implementing a nonunanimous verdict rule would significantly reduce the number of hung juries. Researchers cautioned, however, that this approach treats only the symptoms of juror disagreement and not the causes. With that in mind, they recommend better preparation and case selection by attorneys, improved methods to help jurors better understand the evidence and the law, and increased guidance for jurors about deliberations.

Researchers conducted the study using three methods:

- a broad-based survey of hung jury rates in state and federal courts
- a jurisdictional study of four courts on nearly 400 felony trials that compared juries that were able to agree on a verdict to juries that deadlocked on one or more charges
- a case study of hung juries from the jurisdictional study

In examining the data, researchers found one or more of the following traits consistent in a hung jury compared to one that reaches a verdict:

- weak evidence
- problematic deliberations
- jurors' perception of unfairness

The final project report "Are Hung Juries a Problem?" is available at www.ncsconline.org/wc/publications/res_juries_hungjuriespub.pdf. 

New JMI Manual Assesses Court Record-Making Operations

A new study conducted by the Justice Management Institute, with funding from the National Court Reporters Foundation, may help court systems assess how they are carrying out record-making responsibilities and assist them in making improvements. The findings are included in a two-volume manual that focuses on practical ways to improve the record-making process: *How to Conduct an Assessment of Your Court's Record-Making Operations*.

The manual will help judges and court managers identify a full range of issues regarding making a record of proceedings. For example, what should be considered in addition to costs? What is the best mix of technologies (court reporting, digital audio, video) for making the record in a court or state court system?

The study team observed technologies at Courtroom 21, a joint project of the College of William and Mary Law School and the National Center for State Courts in Williamsburg, Virginia, and in several trial courts, and conducted numerous interviews with judges, court administrators, court clerks, trial and appellate lawyers, court reporters, and communications technology experts.

A free copy of the Executive Summary is available at <http://www.ncraonline.org/foundation/jmi/index.shtml>. A paper copy of the executive summary or full manual can be ordered by calling (800) 272-6272. The Justice Management Institute is a national, nonprofit court improvement organization with offices in Denver and San Francisco. 