

Western District of New York – Project to Expand Jury Diversity

In the Western District of New York, Chief Judge Frank Paul Geraci Jr., with the assistance of various court personnel and legislators, recently completed a program to increase jury diversification in the Court that involved a change in New York law and implanting that change with various New York State agencies. This brief note summarizes that effort.

Chief Judge Geraci came to the federal bench after spending many years as a state court judge, from 1992 to 1998 he was a judge of the Rochester City Court, and from 1999 to 2012 he served as a judge on the Monroe County Court in Rochester. While sitting on the bench in state court, he noticed the same issue he saw on the federal bench, a lack of diversity in the jury pool, so much so that jurors, interviewed after trials, commented on it. But the Judge also saw that in state court, the number of agencies from which potential juror information is pulled was greater than in federal court, and included the Department of Motor Vehicles, voter registration data, Department of Taxation, Department of Social Services and the Department of Labor. The Western District of New York was only using data from the Department of Motor Vehicles and voter registration data. He decided to see if the pool from which juror information is drawn in federal court could be expanded.

The main obstacle to accomplishing this goal was that New York State law regulates the ability of state agencies to share this sort of information, and it did not permit the broader sharing Chief Judge Geraci envisioned. Fortunately, Judge Jonathan W. Feldman, also of the Western District of New York, had earlier identified this same concern and had taken active steps to try and remediate the problem by drafting legislation to remedy it. The legislation had worked its way through the New York State Assembly in the past, but had not been put up for a vote. Chief Judge Geraci happened to know Assemblyman Joseph D. Morelle, a member of the New York State Assembly. Assemblyman Morelle took up the cause and almost immediately brought the legislation to the floor of the Assembly for a vote, where it passed without difficulty.

With the legislation passed, the task of implementing it rested with Patrick J. Healey, Chief Deputy Clerk of the Western District of New York. The new legislation gave the Court access to data from the Department of Labor Unemployment Insurance lists, the Office of Temporary & Disability Assistance and the Department of Taxation. Obtaining the data from each of these agencies presented its own set of logistical and technical issues, among the most significant of which was making sure appropriate data protection precautions were taken. But with that problem solved, the focus became on transmitting the data, cleaning it up and making it useful in the format the Western District of New York was accustomed to using, and for this process, Mr. Healey worked with an outside vendor who had helped the Court in the past to create its juror notification lists.

All told, it took about 6 months for the Court to obtain and process the data, and it has now been used a few times to draw additional jurors into the pool. Initial signs are that the data improved the diversity of the pool, and it can surely only help in this regard, but it will take a few more months to fully assess the full extent to which the new legislation improved the diversity of the jury pool.