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OF THE  
JUDICIAL CONFERENCE OF THE UNITED STATES

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March 25, 2014

MEMORANDUM

To: Judges, United States District Courts

From: Judge Julie A. Robinson   
Chair, Committee on Court Administration and Case Management

RE: AMENDMENTS TO JUROR QUALIFICATION QUESTIONNAIRE  
(INFORMATION)

This memorandum describes recent changes to the judiciary's juror qualification questionnaire endorsed by the Judicial Conference at its September 2013 and March 2014 meetings. The amendments modify Question 4, pertaining to English language proficiency, both to track the language of the Jury Act and to ensure proper review of jurors' responses to that question. The amendments also modify Questions 10 and 11 to encourage an increased response rate to questions regarding race and ethnicity. Finally, the new form no longer includes questions regarding marital status and education, which are unrelated to initial juror qualification.

Question 4 asks jurors about their English language proficiency, which is a requirement for juror qualification. In addition to now stating the requirements of the Jury Act verbatim, the revisions add a subpart to Question 4, asking potential jurors to indicate whether they included a qualifying remark on the back of the form regarding their English language abilities. This subpart is necessary to enable courts to quickly identify those paper questionnaires requiring judicial review of answers to Question 4.<sup>1</sup>

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<sup>1</sup> These concerns were identified by the Ninth Circuit Court of Appeals in its opinion in *United States v. Hernandez-Estrada*, 704 F.3d 1015 (9th Cir. 2012), *reh'g granted on other grounds*, 729 F.3d 1224 (9th Cir. 2013) (en banc).

Question 10 on the old form was in two parts, and asked potential jurors to first identify race (Asian, Black/African American, White, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, and/or Other) and then ethnicity (Hispanic/Latino). Because a sizable portion of jurors failed to answer the ethnicity portion of the question, ethnicity and race inquiries are now asked separately. Question 10 on the new form asks potential jurors to identify ethnicity first. New Question 11 then asks potential jurors to identify race as summarized above. The Conference endorsed reversing the order of the race and ethnicity inquiries to increase response rates.

Questions 13 and 15 regarding education and marital status were eliminated on the form because they are not required to be asked under the Jury Act for purposes of juror qualification. The remaining questions were renumbered and unnecessary preliminary instructions were deleted to make additional space on the form. Finally, other minor changes were made to encourage potential jurors to complete the form electronically, including a notice at the top of the form, "Save time and money by completing this form on the court's website." The Judicial Conference urges courts to encourage potential jurors to answer the new juror questionnaire electronically, if possible, to ensure that the form will be answered in full, and to save costs both in terms of staff time and postage.

The revised form should be available to courts on paper and through eJuror in June 2014 following final software testing and a monitored live operations pilot in several courts. A draft of the new questionnaire is attached. If you have any questions or concerns, please contact [Edward Juel@ao.uscourts.gov](mailto:Edward_Juel@ao.uscourts.gov) by email or by phone at (202) 502-1434.

Attachment

cc: District Court Executives  
Clerks, United States District Court  
Jury Administrators