

Jury Representation: Are Minnesota Counties Ensuring a Jury of Your Peers? Madison E. Weyker

Abstract

The Equal Protection Clause of the Fourteenth Amendment states that the defendant in the courtroom is meant to have a jury that is largely representative of the local community in which the trial is held. This raises the question of whether juries are representative of the population in which they reside. In order to analyze this question, I compare the demographics of the 87 counties in Minnesota gather and analyze data from the Minnesota Judicial Branch's Committee of Equality and Justice (Wahi et al., 2021). The results show that there are discrepancies at each stage of the jury process. Additionally, they show that though the jury pools are somewhat representative of their population, the seated juries are typically not. The analysis raises more questions as to why these discrepancies occur, whether it be racially motivated elimination during the voir dire process or exemptions from jury duty due to disqualifications

(e.g., language barriers, residency).

Literature

- Deitch, B. L. (2018). The Unconstitutionality of criminal jury selection. *William & Mary Bill Rights Law Review*, 26, 23.
- Rose, M. R., Casarez, R. S., & Gutierrez, C. M. (2018). Jury pool underrepresentation in the modern era: Evidence from federal courts. *Journal of Empirical Legal Studies*, 15(2), 378–405. <https://doi.org/10.1111/jels.12182>
- Wahi, R. M., Bendewald, E., Kantola, M., & Jaszewski, K. (2021). *2020-2021 Committee for Equality and Justice Study on probation ...* Minnesota Judicial Branch. Retrieved November 10, 2022, from https://www.mncourts.gov/mncourtsgov/media/scao_library/CEJ/2020-2021-CEJ-Study-on-Probation-Revocations-and-Recommendations.pdf

Hypothesis

1. In a comparison of Minnesota counties, the counties with a higher population will be more likely to have a predominantly white jury than those with a lower population.
2. In a comparison of Minnesota counties, the counties with a larger percentage of nonwhites in the population will have seated juror populations that are less representative of the population.
3. In a comparison of Minnesota counties, those with a higher minority population will have more diverse jury pools but will have less representation in the seated jury.

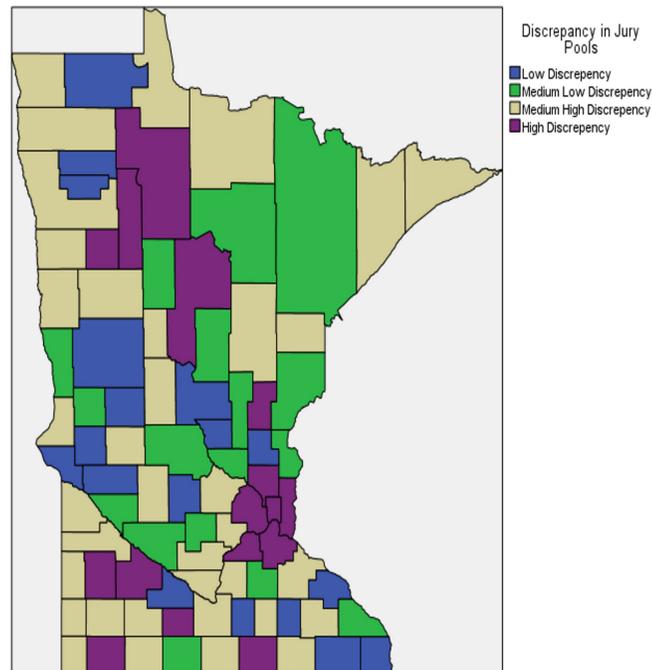
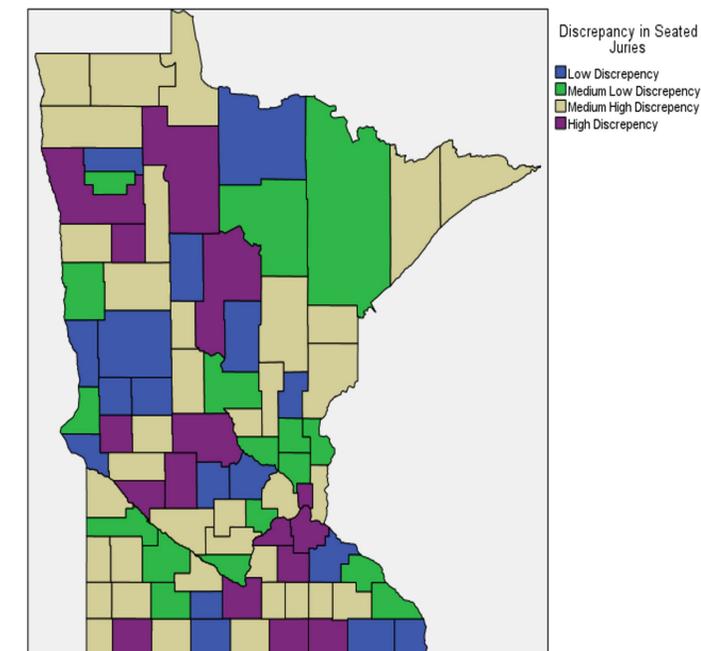


Table 3: Discrepancy In Jury Selection Process Between Non-White Population Percentage

Discrepancy in Jury Pool	Pearson Correlation
Discrepancy in Jury Pool	.546**
Discrepancy in Voir Dire Population	0.322**
Discrepancy In Seated Jury Population	0.741**

*. Correlation is significant at the 0.05 level (2-tailed).
**. Correlation is significant at the 0.01 level.



Results & Discussion

- I utilized data provided by the Access and Fairness Subcommittee of the Committee of Equality and Justice and Minnesota Compass Data to create my own data set. I used the raw numbers and converted them into percentages, then proceeded to create new variables utilized in my study.
- There are discrepancies within the population of the counties and each stage of the jury selection process: jury pool, voir dire, and sworn jurors. The question now is at what stage does the discrepancy occur? I would hypothesize that the discrepancy happens in the voir dire stage, based on the research I have conducted.
- Some outliers within the analysis I completed: Nobles, Mahnommen, Watonwan, Ramsey, and Hennepin. Each of these counties could have multiple explanations such as high populations of minorities, larger populations as a whole, and immigration.
- I subtracted the percentage of the non-white jury pool from the percentage of the nonwhite population to achieve the discrepancy between these variables. I did this conversion for the non-white voir dire population percentage, as well as the non-white seated jury population percentage. The larger Pearson's Correlation is, the bigger the discrepancy is between the stages of the jury selection process and the population of the county. The bigger the discrepancy was, the less representative of the population the jurors are.
- **Minnesota Jury Qualifications:** Forbids discrimination based on race, ethnicity, faith, religion, sex, national origin, relationship status, disabilities, age, occupation, sexual orientation, and economic status. Citizen of the US, 18 + years of age, resident of the county, communicates English, physical and mental capability to serve, restored rights.