

6.1 Scope of Chapter

This chapter discusses the mix of constitutional and statutory requirements governing the composition of the jury pool from which grand jurors and trial (petit) jurors are ultimately selected. (Jury selection is addressed in Chapter 7 of this manual.) The fair cross-section requirement—grounded in the Sixth Amendment and article I, sections 24 and 26 of the North Carolina Constitution—requires that juries reflect the demographic composition of the surrounding communities. State and federal constitutional guarantees of equal protection protect against the race-based exclusion of people from jury service and selection as grand jury forepersons. This chapter describes the evidence required to establish those claims, reviews studies analyzing jury composition issues, and discusses the role of expert assistance in analyzing data. The chapter also discusses statutory requirements for the creation of a jury pool. Section 6.7 includes a glossary of terms used in North Carolina jury formation, as well as a flowchart illustrating the stages of the jury formation process.

Whatever the basis of a jury composition challenge, the starting place for exploring the viability of a potential claim is a request for discovery and a factual investigation of the policies, practices, and outcomes of the jury composition process in your county and judicial district. Because of the evidence necessary to litigate and sustain a fair cross-section, equal protection, or statutory challenge in the jury composition context, your factual investigation must begin well before the potential jurors enter the courtroom on your client's trial date. The types of information that you will need to support the claims discussed in this chapter include, among other things, procedures used to assemble the master jury list and to summon jurors; standards used to rule on hardship excusals; and the demographics of previous jury panels in your county. *See infra* § 6.5B, Mechanics of Challenging Jury Formation.