

**Nancy Mayer-Whittington Oral History**  
**Interview Session III**  
**February 18, 2011**

Ms. Woodbury: Good morning. This is the continued interview of Nancy Mayer-Whittington, formerly Clerk of the Court for the United States District Court for the District of Columbia. Today is Friday, February 18, 2011. When we broke with the interview last time, Nancy was talking about applying for the position of assistant in the Jury Office for the Federal Court here in the District of Columbia and I'll ask Nancy, What was the result of your application? Did you get that job?

Ms. Mayer-Whittington: Yes, I did get that job.

Ms. Woodbury: What year did you start working at the Court?

Ms. Mayer-Whittington: 1977. September 12, 1977

Ms. Woodbury: What exactly was your job when you started in the Jury Office and what was that office like?

Ms. Mayer-Whittington: It was a two person office. There was a jury supervisor and a jury deputy clerk and I was the deputy clerk. My supervisor was Joe Burgess, who actually still works for the court. The Jury Office's primary responsibilities were to do juror orientations, assign jurors to panels, record and track jury information, and prepare vouchers for juror payments. At that time the Jury Office did not do any of the work qualifying jurors. Staff from the office of the Jury Commission had the responsibility of determining juror qualifications. The Jury Commission was located in an office next door to our Jury Office. The Jury Commission was an independent office with three jury commissioners one of whom was in charge of the Commission. There was also a staff of three persons who supported the

office. Because we shared the same jury pool of prospective jurors with the D.C. Superior Court, the Jury Commission qualified all the jurors for service on both courts. Staff from the information technology section of Superior Court maintained and processed the database of prospective and qualified jurors. The Jury Commission would send a request to the Superior Court when we needed names to be pulled from the source lists to create a master wheel. From the master wheel, names were pulled to create a qualified wheel of prospective jurors.

Ms. Woodbury: Nancy, when you say that the Jury Commission qualified the jurors; what does that mean?

Ms. Mayer-Whittington: A qualification questionnaire would be mailed to all the prospective jurors who were randomly drawn from, at that time, the Motor Vehicle registration list and the list of registered voters in the District of Columbia. The completed questionnaires would be returned to the Jury Commission. The Jury Commission would make sure that each juror was qualified to serve in the District and that meant that they had to be 18 years of age or older, had resided in the District for at least 6 months, could read, write and speak the English language and had not had a felony conviction that would have precluded their service as a juror. After determining the qualifications, the Jury Commission would send a list of qualified jurors to Superior Court. Superior Court would maintain this "Qualified Wheel" from which they would draw on a monthly or as needed basis. The Jury Office had a standing order to draw a certain number of names each month from the qualified wheel. A summons would then be sent to each of these prospective

jurors. With the summons, there would be an information card that needed to be completed and returned to the Jury Office. Our office would then review the information and make sure the person was still qualified to serve. Since there was always a time gap between the original qualification process and the actual summoning, there was the possibility a juror had moved out of D.C. or taken some other action that could disqualify them from service.

In addition to re-qualifying those who responded, we also reviewed requests for temporary deferrals. Those requests came from prospective jurors because they either had pre-paid travel plans or they had health problems that conflicted with their ability to serve or some other reason that made it necessary for them to ask to have their service deferred to another time. The Chief Judge delegated authority to our office for all requests for temporary deferrals. Joe Burgess and I would take all of the information cards that were returned by the jurors and we would mark the master list as to whether they were ultimately qualified and could serve or if they were qualified but were deferred. We also had a percentage of people who did not respond, who either ignored the summons or, as we found out later when we studied this issue, had moved to another place in the District, but we didn't have a new address for them.

Ms. Woodbury: Nancy, do you remember what percentage of the people didn't respond at all?

Ms. Mayer-Whittington: I think that it was in the 25 - 30% range.

Ms. Woodbury: Once you had people who had responded and were able to serve, what was your role?

Ms. Mayer-Whittington:

Our role was, on a daily basis, to draw randomly from the information cards which meant literally putting the deck of cards into your hand and shuffling them and dealing out how many jurors you needed for a jury panel. If you had a criminal case you would need 30-35 prospective jurors and in a civil case you would have 18-20. The civil cases at that time impaneled 6 jurors plus 2 alternates. Criminal cases had 12 jurors plus 2 alternates. In both selections, the plaintiff's attorney or the government's attorney and the defendant's attorney could have jurors stricken from the jury by using peremptory challenges or challenges for cause. So 30-35 was a reasonable number in order to get a jury and accommodate all of the strikes on a criminal case. We would draw names for the jury panel and then we would put the juror's name on a recorded message. Jurors were instructed to call in the evening after 5:00 to find out if they were scheduled to report the following day. Once the jurors reported, if it was their first day of service, we would do an orientation to let them know a little bit about their service, answer questions and show a film that talked about the responsibilities of a juror. Then we would type a list of jurors for each panel and would wait for the call from the courtroom that jurors were needed to go to court. When the call came, we would announce the names of the jurors who needed to report and then send them to the courtroom for voir dire. There was always a lot of waiting time for the jurors. In the jury assembly room, we would have magazines and provide the opportunity to watch television so that they would have something to do while they waited.

Ms. Woodbury:

Did you personally deal with the jurors who were called in to potentially

serve on pending cases?

Ms. Mayer-Whittington: I'm not sure what you mean?

Ms. Woodbury: Was it part of your job to give the orientation, how did you split that?

Ms. Mayer-Whittington: Well initially, since I didn't know what I was doing because I was new and Joe had all the experience, he would conduct all of the orientations. I did more of the typing and the filing until I got comfortable with the actual orientations, and then we would literally take turns. You wouldn't have to do orientation every day because jurors were on call for a two week period. Whenever a new set of jurors came in we would do the orientation, but that would usually happen on the first three or four days of the two week period. You wouldn't have to do the orientation again until you had the next panel that would come in for the second two week term of the month.

Ms. Woodbury: Prior to you taking this position, had you ever been called to serve on a jury -- you were living in Maryland then?

Ms. Mayer-Whittington: I was living in Maryland then and no. I had not been called to serve on a jury. I had no idea what they did. In fact, I remember the first time Joe did the jury orientation; I sat there just like the jurors absorbing everything he had to say. When Joe started the orientation film, I sat and watched it and took notes. I was learning with them because I didn't know anything about the role of a juror other than what I had seen on television.

Ms. Woodbury: Once the juror was called to be on a panel did you follow through with that process? Did you go into the courtroom or was your job ended at the time the panels went to the various judges?

Ms. Mayer-Whittington:

It ended in one sense, in that we handed the jurors over to the courtroom deputy, who was assigned to that judge, and they would shepherd them through the actual selection and service on a trial. On occasion we would walk the jury to the courtroom, but for the most part we would tell them where the courtroom was located and they would go there. We would ask everyone to form a line as their name was called and then go as a group to the courtroom. Some judges requested that the jurors file into court in the order in which they were listed on the panel sheet, so the courtroom deputy would meet them outside the courtroom to make sure they were all in order. Other judges just let them walk in and sit as a group and go through the voir dire process that way. As the jury was selected, jurors who were excused would return one at a time to the Jury Office. Once the selection was completed, the jury panel sheet would be returned to the Jury Office and it would show who had been selected, who had been stricken peremptorily by either the plaintiff or the defendant, who had been stricken for cause and any jurors who were not needed. Our responsibility for jurors selected was to track attendance for that jury panel and prepare vouchers for payment. The courtroom deputy's responsibility was to call us every day of the trial and let us know that all of the jurors had reported for duty.

Ms. Woodbury:

And if a juror didn't show up? Was it your responsibility to follow through with them?

Ms. Mayer-Whittington:

Yes, we had all the contact information for the jurors. If a juror did not appear we would give them a call. Most often we did not get an answer because the juror was just stuck in traffic or public transportation had taken longer than

they thought. This was the time before cell phones or email. On occasion we would call and a juror would say they were ill and that they hadn't called in because they were too sick. For the most part, we did not have very many cases where a juror forgot to come back the next day or arbitrarily decided not to come back. By far, most jurors took their roles very seriously and were very conscientious about their jury service.

Ms. Woodbury: Was the only follow up contact with jurors who were chosen to be on a jury, the responsibility of the courtroom deputy?

Ms. Mayer-Whittington: Yes and no. On occasion, we would have a juror who was disruptive or was arriving late most of the time. Sometimes the judge would ask us to speak with the juror and remind them how important their jury service was to the court and to the parties in the case. Sometimes the judge didn't want their deputy involved in that. Other times the courtroom deputy took on that role. But, once the jury was deliberating the responsibility was strictly with the courtroom deputy and the judge because you didn't want any kind of outside influence on the jury.

Ms. Woodbury: During the time you served as the Deputy in the Jury Office, were there any changes in the procedure that you described?

Ms. Mayer-Whittington: Yes, the jury pool was expanded to include more people. The Department of Motor Vehicles issued ID's to D.C. residents who needed some form of official identification but did not want a driver's license. Those names were added to the source lists for selecting potential jurors in an effort to enlarge the number of prospective jurors for selection. Unfortunately, the D.C. Superior Court added the names without notifying our Court. We had to amend our jury

plan retroactively and remind them that every time they decided to make any changes in the way jurors were being selected, we needed to know so we could discuss the change and make the necessary changes to our jury plan. Every time they decided to do something a little bit differently than what we had agreed to we had to remind them that we had a statute that we had to follow. The other thing that changed was that we were able to start setting a fee for public transportation. When I first got there we had a map of the District of Columbia and there were seven concentric circles drawn around the courthouse. The innermost circle represented the area that was within a one mile radius of the courthouse. Each additional circle represented another mile. The last and biggest circle represented the area that was within seven miles of the courthouse. In other words, the longest distance any juror had to travel from their home to the courthouse was seven miles. The problem was the jury statute which set the reimbursement amount for jurors allowed us to pay each juror \$.10 per mile for transportation expenses. This meant if you lived within a mile of the courthouse you would receive a total of \$.20 to cover your roundtrip transportation. Even if you lived in the outermost areas of D.C. you would receive a total of \$1.40 for transportation. This amount did not cover the cost of a bus trip or subway ride to and from the courthouse. Since we had no onsite parking except a few spaces for jurors who were disabled, we had to encourage jurors to use public transportation. It was hard to explain to the jurors during orientation, that unless they walked to and from the courthouse, they were going to lose money in an effort to fulfill their jury duty. We worked hard with our judicial representative on the Judicial

Conference Committee that handled juror matters to change the reimbursement rates. They finally did amend the statute to allow us to pay the minimum of public transportation. This was a huge victory for the jurors and it reduced our workload at the same time. No longer did we have to take a list of the addresses for each juror then go to the map and find the circle in which their address was located. Instead, we just paid every juror a set amount that covered the maximum cost of public transportation from the areas that were the longest distance from the courthouse. At that time we paid \$4.00 a day and even though the jurors who lived closer to the courthouse were reimburse slightly more than their actual costs, making it uniform saved money in workload costs. That was a big administrative change for us and the first time we lobbied successfully with a Judicial Conference Committee for a change that had national implications as the statute was amended to allow for all courts to cover the maximum cost of public transportation for juror travel. Since the money for reimbursement of juror expenses was centrally held at the Administrative Office, the courts did not have to budget for this change.

Ms. Woodbury:

And when you refer to the "Administrative Office," specifically what are you referring to?

Ms. Mayer-Whittington:

There is something called the Administrative Office of the U.S. Courts, and the Director of the Administrative Office is the Secretary to the Judicial Conference. The Judicial Conference is the primary rule making and legislative body for the judiciary. The Administrative Office was created to centrally manage the administrative support to the courts. The Director and the Deputy

Director in charge of the financial section of the Administrative Office would appear with the judge who was head of the Budget Committee of the Judicial Conference before Congress to put forth our budget and explain the Judiciary's spending plan. Initially when I started working for the court everything went through the Administrative Office. If you wanted to hire somebody you had to request the position, defend your need for the position, send your request up to them and they would approve it or deny it. Then they would set the salary for the position. If you wanted to buy paper you had tell them why you need paper and how much you needed, and they would let you buy it and they would pay the bill. That sort of thing. So they paid all the jury money. All the jury money came out of the Administrative Office.

Ms. Woodbury:

Nancy, when you say that you needed approval for a position or for supplies was that the Jury Office itself that, rather than going through the Clerk of the Court's office, you would go directly to the Administrative Office of the U.S. Courts for those things.

Ms. Mayer-Whittington:

No. The Clerk would do all of that. The Clerk of the Court dealt with the Administrative Office. The system was very arbitrary and subjective. There were no uniform standards. It was based on how well you wrote your request, whether or not you had a good relationship with the person who would approve or deny your request and how much funding was available. The really savvy Clerks of Court invested time in forming relationships, documenting their requests and getting the request in early in the fiscal year when the funding was still plentiful. The Clerks of Court called it the "Mother may I" approach since

the system was more about how you made your request and to whom than it was about the legitimacy of your request. That was the way it was back in 1977 when I first started there.

Ms. Woodbury:

Nancy, when you were hired as the Deputy in the Jury Office who approved your hiring? Was it just the Jury Office or was that done by the Clerk of the Court?

Ms. Mayer-Whittington:

The Clerk did all the hiring at that time. He had not delegated hiring authority to anybody. He did all the hiring. In his defense, that was the system he inherited. His secretary was the human resource liaison. She would prepare the paperwork that would go up to the Administrative Office. Then the person who headed the Personnel Office, at the time it was Glen Johnson, would sign off on that paperwork and approve those positions. So the Clerk did the recruiting, interviewing and made the request on behalf of the Court, but the Administrative Office could say "Yes" or "No".

Ms. Woodbury:

When you were in the Jury Office did you have contacts with the other parts of the U.S. District Court other than the individual judges that needed jurors?

Ms. Mayer-Whittington:

You mean did I have contact with employees?

Ms. Woodbury:

Other employees, other divisions or departments within the court?

Ms. Mayer-Whittington:

Yes. We worked primarily with what used to be called the Courtroom Division. Every judge had a courtroom deputy and one of the duties of the courtroom deputy was to fill out a form each day that let us know the number of jurors they needed. It had to be filled out by 11:00 in the morning for the next

day. If they checked off that they were starting a criminal case, we would bring in thirty jurors. And if they wanted a larger panel than that they would have to make a request at least six weeks in advance because we had to summoned additional jurors. So a lot of our contact was with the courtroom deputies. We also had contact with the judges' secretaries because in some cases the judges' secretaries were fairly involved with the cases and they were the primary contacts for the judge. If we had a question and the courtroom deputy wasn't available, we would talk to the judge's secretary. On occasion we would get in touch with the judges' law clerks. Usually, a law clerk was assigned to each case and we would have some contact with them as well. The other office that we had primary contact with was our Financial Office because they produced the checks for the jurors and they produced the 1099s forms for tax purposes for jurors. Those were the two offices that were our primary contacts in the Clerk's Office.

Ms. Woodbury:

Did you have any dealings or contact with the person who was the Clerk of Court at that time?

Ms. Mayer-Whittington:

Yes. The Clerk of Court at the time was Jim Davey. The Clerk's Office was composed of two major divisions – the Docketing Division and the Courtroom Division. The rest of the office was made up of three smaller sections, the Jury Office, the Finance Office and the Property and Procurement Office. The head of each of these offices reported directly to the Clerk. When I became head of the Jury Office, I would meet with the Clerk once a week to keep him apprised of what was going on in the office and to set and then track the goals and objectives for the office. Also when jurors requested to be excused

from jury service and the nature of the excuse was not covered by the Chief Judge's delegation of authority, I would discuss this with the Clerk. So, I did have regular contact with the Clerk of Court. I also had regular contact with the Chief Judge and would meet with the Chief several times a month to discuss the requests for excuse that I just mentioned and to discuss administrative matters related to our grand juries.

Ms. Woodbury:

What was the court facility like when you started working at the federal court? Was it air conditioned? Were the facilities nice, were there...

Ms. Mayer-Whittington:

Yes, the courthouse was air conditioned. The Clerk's Office was fairly modern and functional. There were more cubicles than offices and the two major offices – Docketing and the Courtroom Division – had an open floor plan as was in keeping in the late 70's with government offices that were open to the public. The jury assembly room had these blue and green chairs that were box shaped and arranged in three-sided squares. Though color wise they were visually attractive they were not designed to be comfortable so jurors wouldn't fall asleep while waiting to serve. In addition to being uncomfortable, they were hard to get in and out of because they were too low to the floor. We had a little office, Joe and I, in the middle of the jury assembly room so that we were with the jurors all of the time. They could come up to talk to us if they needed to and we would do all of our work there. The main room had magazines and books for jurors to read to keep them occupied while they were there. There were also 6 to 8 tables for jurors to sit and play cards or work puzzles. Off of the main room there were several smaller rooms. The largest of these rooms was the TV room. We had

one big television and we could only get 4 stations. It was also the smoking room. The station that the television was tuned into relied on the honor system. Ultimately, I learned there is no honor where soap operas are concerned. I can't tell you how many times I went into the room to settle a dispute between groups of jurors. They had absolutely no problem with arbitrarily walking in and changing the station no matter who was watching the show. They called the soaps their "stories" and felt like they were being cut off from their families! Finally, we had to post a sign in the room that said Monday is channel 4 day, Tuesday is channel 5 day, and so on. We had to rig the TV so no one could change the station without our master key. That not only saved our sanity but helped us not succumb to second hand smoke because the room was always so smoky. The courthouse didn't become smoke-free until the early 80's. Anyway, there was another room that had some vending machines with snacks and sodas for the jurors and a refrigerator so the jurors could bring in their lunches. And finally, there was a quiet room with tables and chairs so if the jurors wanted to bring some work with them, they could do it in that room in a quiet atmosphere. At the time, the 1970s, people weren't bringing in their laptops or anything, but the room was supposed to give jurors some choices and thus make their service more palatable.

Ms. Woodbury: Nancy, how long did you stay in your first position as Assistant in the Jury Office?

Ms. Mayer-Whittington: About a year.

Ms. Woodbury: And then what did you do?

Ms. Mayer-Whittington: Well, Joe Burgess, my boss decided that he wanted to advance up the ranks in the courthouse and the only way you could really do that was to become a courtroom deputy. The courtroom deputy position went up to Grade 11. The jury supervisor was a Grade 8 position and I was hired as a Grade 4. So, if you wanted a career path that paid you more money you needed to become a Courtroom Deputy. Any position higher than Grade 11 was a management position and there were limits to the number of managers that were in the Clerk's Office at the time.

Ms. Woodbury: Did each courtroom deputy work for, I guess work for is not the right word... but were they assigned to a specific judge.

Ms. Mayer-Whittington: Yes.

Ms. Woodbury: Did Joe Burgess become a Courtroom Deputy?

Ms. Mayer-Whittington: He did, but what he had to do was to learn operations, learn docketing first because that was the entry way into the operations side of the Clerk's Office. You had to learn how to process a case and learn how to process all the papers that came in to support a case. After doing this for a period of time, then you got to apply for the courtroom deputy training program. Then, if you got selected for the program, you got to be a courtroom trainee for a period of time. When an opening came for a courtroom deputy position, you could apply and be considered for that position.

Ms. Woodbury: When he moved out of the Jury Office did you take over his position?

Ms. Mayer-Whittington: Yes, but I had to apply for that position and go for a formal interview. It wasn't just automatic. Clearly, I had more experience -- even though I had only

been there a year -- than anyone else in the Clerk's Office because I knew the day to day operations and I could run the office fairly well at that point. But that didn't prevent other people in operations from applying as well because they were looking to advance. I think they also thought it would be an easy job. It was funny. We were located on the fourth floor and the rest of the Clerk's Office was located on the first floor. We had vending machines in our office in the jury assembly room so people from the different offices would come in there to get snacks and sodas from the machines. If it was the afternoon and all of our jury selections had been completed in the morning, they would say.... "Oh, it's so nice and quiet up here. I would love to work up here". I would tell them how hectic it was in the morning with 200 jurors in attendance and Joe and I scrambling around to fill all the panels, but that didn't convince them that the job had any stress or pressure. The isolation worked both ways. I did not have much contact with the rest of the Clerk's Office. I didn't know all the ins and outs of some of the operations of the other offices. Some of the problems that other people were talking about at our monthly Clerk's Office meetings that they were seeing in the different offices, I didn't have any knowledge of these issues. I literally would leave the jury office in the morning to go pick up the jury request sheets and, on occasion, go over to the Finance Office to drop off a voucher for a juror. I got to know by name the people in those offices and I would say hello to them, but the contact was limited. I did not know whether they were good workers or not because I wasn't familiar with their work. And, I didn't know how complicated or stressful their work was because I didn't know exactly what they did.

Ms. Woodbury: Nancy, do you remember approximately how many people were employed at the court in the late seventies?

Ms. Mayer-Whittington: I think we had about eighty.

Ms. Woodbury: When you applied to take over as the head of Jury Office were you aware of the other people who were applying for that job?

Ms. Mayer-Whittington: Not specifically. I think I had heard that a couple of people from operations were applying, but back then everything was very hush, hush as to who put their names in and there was no public announcement. Personnel matters were considered very private. No one talked openly about it and, you didn't ask questions. The organization was pretty top down and there wasn't a free exchange of information or ideas. At least that is how it appeared from my perspective at that time. So as a result, information was passed along informally. Someone would say: "I think so and so applied."

Ms. Woodbury: You heard it through the grapevine. Nothing official.

Ms. Mayer-Whittington: Exactly.

Ms. Woodbury: Was it your understanding or was it a fact that the Clerk of the Court would be making the decision?

Ms. Mayer-Whittington: It was a policy that the Clerk would make all the hiring decisions at that point. A few years later, he delegated hiring authority for positions that were a Grade 9 or below.

Ms. Woodbury: Were you interviewed by... was it Jim Davey who was the Clerk of the Court at that point?

Ms. Mayer-Whittington: Yes.

Ms. Woodbury: Were you interviewed by him for this position?

Ms. Mayer-Whittington: Yes

Ms. Woodbury: And did you receive the appointment?

Ms. Mayer-Whittington: Yes, I did.

Ms. Woodbury: And how long did you stay as Head of the Jury Office?

Ms. Mayer-Whittington: I think another four years. I think it was in all a total of about five years in the Jury Office.

Ms. Woodbury: Where there any changes in the way that office was run or the relationship between that office and the other offices within the court during the time you were the head of the Jury Office?

Ms. Mayer-Whittington: Yes, I'm pretty sure that there were; I have to think this out. The Jury Commission eventually went away and its functions were absorbed by the District Court. The jury statute had always allowed for a Jury Commission or for the Court to take on this authority. Because we shared the pool of jurors with Superior Court, the decision was made to have a Jury Commission. In the early 80's, the Superior Court implemented its own jury plan to get out from under our federal statutes. The decision was made to separate the qualification process for each court and at that time, the jury office in our Court took on the process of qualifying jurors.

Ms. Woodbury: Were the Jury Commissioners appointed?

Ms. Mayer-Whittington: Yes.

Ms. Woodbury: By whom, do you know?

Ms. Mayer-Whittington: I think by the Court of Appeals because they had the appointment power

for several positions including Bankruptcy Judges. The jury statute said that if you were going to have a Jury Commission you had to have three commissioners and only two could be of the same political party. Kind of interesting ...

Ms. Woodbury: What was your title when you were the head of the jury office?

Ms. Mayer-Whittington: Jury Supervisor.

Ms. Woodbury: During that period of time, were you living in Maryland?

Ms. Mayer-Whittington: Yes.

Ms. Woodbury: And you were commuting in by public transportation?

Ms. Mayer-Whittington: I started commuting by public transportation for the first few years that I worked and then I car pooled with my dad, who worked at the Federal Trade Commission which was right down the street. He had a car pool at one point of four men and then one moved to New York and he was down to three people and so I rode with him, because he had a parking space at the Federal Trade Commission.

Ms. Woodbury: By the time you had worked at the court for a few years did you feel like you wanted to make a career of it?

Ms. Mayer-Whittington: Not really... I just wanted to learn more about it and to get more involved in things. Right around the time that I became the Jury Supervisor I decided that I wanted to try to get on some committees that were a part of the Clerk's Office. There was a Performance Awards Committee and a Training Committee. I wanted to serve on one of those committees to learn more about that aspect of the court and to get to know my colleagues in the Clerk's Office. At the same time, I was thinking that I might want to get an advanced degree at some point. Mostly

because I did miss school. I liked being in a learning environment, but I didn't know exactly what classes I wanted to take. I remember thinking I wanted to learn as much about the rest of the court as I could. My parents stressed to us that we should always be "learning and growing." Although I hadn't decided if I wanted to have a career with the Court, I did want to learn as much as I could. Not just about the operations of the Court but about how people interacted and what made them want to make the office successful. One thing I did learn while I was getting to know more about the operations of the Court was that I didn't ever want to be a Courtroom Deputy.

Ms. Woodbury: Say that again.

Ms. Mayer-Whittington: I didn't ever want to be a Courtroom Deputy.

Ms. Woodbury: You said that to yourself?

Ms. Mayer-Whittington: Yes. As the Jury Supervisor, I would sometimes go to the courtroom at the request of the judge and sit in on the voir dire. This was much more likely to occur if the trial was a notorious case; the judge might say "Do you mind hanging around in case we have any problems?" The problems he was talking about ranged from a juror forgetting their jury number and/or attorneys asking about the qualification and random selection process that was used to get the jurors to court. As I observed the courtroom procedures, I couldn't help but notice all the down time. I thought I couldn't sit in a courtroom for so long with little to do. I couldn't do that. Some people loved it. But most of the cases were not all that exciting.

Ms. Woodbury: Right.

Ms. Mayer-Whittington: And it was just like.... "No, I don't think I want to do that." So I didn't know what I wanted to do exactly, but I was kind of ruling out some of the things I didn't want to do.

Ms. Woodbury: Did anyone within the court encourage you to get further education, to get a Master's degree?

Ms. Mayer-Whittington: Yes. Ultimately Jim Davey did. As I moved up in the Court, he told me that if I ever had any thoughts about becoming Chief Deputy or Clerk of Court, I would need an advanced degree. But at the time I was Jury Supervisor there was a woman who was hired to do a special project, and I do not remember exactly what the project entailed. Her name was Helene Beale and she was young, married, and pregnant with her first child. She and I would talk regularly. I think we both felt a little like we were outsiders. I felt that way because of my physical location in the Clerk's Office and Helene felt that way because the work she was doing was not a part of the mainstream operations of the office. When I expressed to Helene my uncertainty about my career path she would say "You need to go back and get some more education because that'll help you. You'll be able to do more and have lots more choices and that will help you decide."

Ms. Woodbury: Nancy, you said you were interested in serving on committees and learning more about the court. I think the committees you mentioned were performance awards and training.

Ms. Mayer-Whittington: Yes. There was a performance awards committee, and there was a training committee.

Ms. Woodbury: What did the performance awards committee do?

Ms. Mayer-Whittington: It would recognize people who went above and beyond the call of duty. Now this is before there was any monetary compensation. This was just an internal thing that Jim Davey had come up with as an incentive to employees to recognize them for all their efforts.

Ms. Woodbury: What was the training committee's function?

Ms. Mayer-Whittington: The training committee was primarily trying to decide what type of training would benefit the office. It was not on-the-job training and not specialized training. It was more like would the office benefit from some communication classes or stress management classes, or organizational skills classes. That sort of thing.

Ms. Woodbury: Was that a committee that Jim Davey had also established?

Ms. Mayer-Whittington: Yes.

Ms. Woodbury: Did you find your work on those committees valuable in terms of learning about the court?

Ms. Mayer-Whittington: Yes, mostly because I got to interact with people I didn't normally get to actually sit across the table from.

Ms. Woodbury: At what point did you decide to go back to school?

Ms. Mayer-Whittington: It was 1980, 1981 that is when I thought I had really mastered my job as Jury Supervisor. I had been in the jury office for three years, one as the deputy and two as the supervisor. I'd done some different things there and I liked it a lot, but I didn't know where I wanted to go next. I needed a new challenge and thought that graduate school would provide this. I had done my own research and I had talked to Jim and Helene and to some other people. For a little bit of

time I was toying with the idea of going to law school. But I thought I didn't feel like I had that in me. I had more of a management focus, so I thought maybe public administration. At that point I could see myself having a government career not necessarily at the court, but a government career. I was intrigued by learning how to manage in an organization that didn't make a profit. I would have to draw on other ways to motivate people and to measure their success. Once I decided that I was going to study public administration, I then decided that I wanted to concentrate in human resources.

Ms. Woodbury: Human resources?

Ms. Mayer-Whittington: Yes. In the public administration graduate programs I researched, you could concentrate in budget and finance, or human resources or facilities management. I thought that human resources sounded like something I wanted to learn more about, and I thought that concentration was broad enough that it would not restrict me to a career at the courthouse. At that time, there was an institute in Denver for people interested in pursuing court management where you could get a degree that focused entirely on court administration. But I thought that that was too limiting. I wasn't sure if that's really where I wanted to be.

Ms. Woodbury: So you were looking for an educational opportunity where a position in different governmental entities was still open?

Ms. Mayer-Whittington: Right, or a position elsewhere in the nonprofit sector. I wanted to get more education, and I didn't know exactly where I wanted to end up.

Ms. Woodbury: At this point in your life, were your parents still in an influence in terms of encouraging you to get more education or about what you wanted to do in

terms of your career?

Ms. Mayer-Whittington:

Yes. I mean we are very close. We were always close in my family, and yes, we talked about that kind of thing not on a daily basis, but on a fairly regular basis. My dad always (especially at that point in my life when we were carpooling) would say.... "How is it going?" That was my opportunity to let him know how I was feeling about my work at the court and what I was thinking in the way of the future. I remember him saying this is a good opportunity since I was single and could devote the time to more schooling. He knew I felt I had mastered my job and he was a strong proponent of education. My mom was the one who always told all of us that we could do whatever we set out to do so the sky's the limit. They were both very positive and encouraging.

Ms. Woodbury:

And so, was it 1981 that you started or applied to graduate school

Ms. Mayer-Whittington:

I found out that I had to take the GRE, the Graduate Record Exam, in order to get into graduate school so I had to find out how to do that. I took that exam and then I was looking around and the two places that had public administration degrees where it looked like their schedules would fit my schedule were the University of Maryland - University College and the George Washington University. As a Maryland alum, I really wanted to continue my education there. But, what tipped the balance, even though GW was more expensive than Maryland, was the ability to drive from work down to the campus - GW is located a couple of miles from the courthouse - or take the subway down there and not have to get out to College Park all the time.

Ms. Woodbury:

Did GW have a program that enabled you to both study and continue with

your work?

Ms. Mayer-Whittington: Yes, I don't think any of my class started before 4:00 p.m. It wasn't like I was taking them during the day. From the beginning of my time at the courthouse they had a flexible work schedule. That was something other courts did not have. I'm not sure if it was available in the other branches of the federal government at that time.

Ms. Woodbury: Was the flexible schedule something that Jim Davey had started?

Ms. Mayer-Whittington: Yes. He started it I think in 1976, right before I came. It was not nearly as flexible then as it ultimately became in later years. Basically, you could begin your day at the office at seven, seven-thirty, eight or eight-thirty, but you had to work around certain parameters. You couldn't start at ten because the court opened to the public at nine. So you had to work around the core hours that the court was open. But the starting and ending times that you worked were flexible. There was a history at that courthouse in particular, under Jim Davey's predecessor, where if you were scheduled to start at, let's say, 7:30 and you got there at 7:35 and you would have to sign in at 8:30, and they would make you put in a leave slip for an hour of annual leave. But, you still had to start working right away at 7:35 so that those 55 minutes you were working were really a gift to the government since you were putting in an hour's worth of leave. It might have been more tolerable for the employees if you got to sign in at 8:00 and only put in a leave slip for thirty minutes but you were forced to take an hour of annual leave because you were not allowed to use half hour increments. As you can imagine, employees started to rebel against the unfairness and would say "If I have to put

in an hour of leave, I'm going down to the cafeteria and have my coffee and a cigarette." The result of this was the office was short staffed in the mornings which were always our busiest times. The underlying problem was that one of the main reasons people were late was due to traffic problems. As you know, the Courthouse is located at 3<sup>rd</sup> and Constitution Avenues, right in the heart of D.C.. Traffic was very unpredictable and very heavy, especially in the mornings. Employees were constantly worried when they got stuck in traffic. When Jim Davey came on board he said he wanted to try a new system that would provide some flexibility to the beginning and ending of the day. Basically he said that if you are scheduled to begin work at 7:30 but you don't get here one day until twenty of eight, you can do whatever you want until 8:00. At 8:00 you would sign in but then you would need to stay a half hour later that day to make up the thirty minutes you were missing. That was the first attempt at flexibility. Shortly after this was introduced, the flexibility was broadened to allow you the opportunity to make up time you were missing any time during the pay period. When I had to leave for a four o'clock class I could start work at 7:00 and make up the time. So I didn't have to put in for leave to go to take my class, and that was huge benefit.

Ms. Woodbury:

At that point did the court or any of the federal government agencies subsidize people's continuing education or have any kind of grant program?

Ms. Mayer-Whittington:

Yes. There's an agency called the Federal Judicial Center. They are the training and education branch of the courts, and they would reimburse you up to, I think, \$200 if you wanted to take a class. But the class had to be work related.

You had to show job benefits and you had to write an evaluation of the class.

You could not take classes for the sole intent of obtaining a degree. So if I took a class that was not specifically work related, they wouldn't pay for that class.

When I took my first class, Introduction to Public Administration, they wouldn't pay for that.

Ms. Woodbury: It was required for your degree but they didn't think it was work related?

Ms. Mayer-Whittington: They couldn't make an association between that and the work I was doing in the Jury Office. But then some of the other general classes, like developing presentation skills, working in the public sector; those would be okay because I doing presentations in the Jury Office and of course I worked in the public sector. Jim was helpful about wording the request for reimbursement so that the Federal Judicial Center would see the connection and would approve it. But it had to be work related. It was much easier to make the connection that most of my classes were work related when I took my next position as Supervisor of Administrative Services. In that position I was responsible for finance, records management, jury, and property and procurement and court reporters. My work wasn't as narrowly focused in this position as it had been in the Jury Office.

Ms. Woodbury: Nancy, how did you find graduate school and how did you find time to both work full time and be a graduate student too?

Ms. Mayer-Whittington: Well initially I was still working in the Jury Office where as I said I was pretty comfortable with what I was doing, and I was looking for an outlet to expand my horizons and to learn more. That's what graduate school provided for me. It let me step back away from the nitty gritty of what I did on a daily basis,

and start looking at an office as a part of a larger organization. That was very interesting to me and so it really was not very difficult to keep up with the work load. I only took one or two classes a semester because it was very expensive and when I did receive financial assistance from the Federal Judicial Center, it only covered one third of the tuition. I was responsible for the rest. At this point in time, I was living in an apartment and had a car and had other expenses so, I didn't have the luxury financially to take more than two classes at a time. At around this time, Jim Davey decided to reorganize the court and I applied for the position of Supervisor of Administrative Services.

Ms. Woodbury:

When did he decide to reorganize the court?

Ms. Mayer-Whittington:

It was probably in 1981. Jim was always very well connected with other District Courts throughout the country. He had a really good network with other Clerks of Courts. He also had more of a management background and I think he could see that a lot of his time was spent working with five or six different supervisors in fairly small offices. This was not the best use of his time. So I think he looked around and found out that some courts had started organizing what they would consider the non-operations, administrative aspects of the court into a single area. This was also the time that technology was being introduced in the courts. As an aside, our courthouse housed all of what they called the mainframe computers that supported the entire courthouse system of the country. We leased space in our court to the Administrative Office and they managed the mainframe computer system. On a daily basis, each court would input data about the numbers of cases they had filed, the types of cases and party information.

The courts would use the telephone systems to transmit the data to these mainframe computers located in our court. Jim could see that the IT world was going to start growing down the road and that it would be another fairly significant draw on his time. So the decision was made to reorganize the Clerk's Office and put together a plan to incorporate all of those administrative, non-operational offices under the control of a newly created position, Supervisor of Administrative Services.

Ms. Woodbury: Was this just Jim Davey or were there others involved?

Ms. Mayer-Whittington: Jim was the mastermind but he had the assistance of his chief deputy, Herb Haller. So they worked together and I think they talked to the Administrative Office about it too. Jim was always very well prepared when he was going to pitch his case. He would do his research and he knew how the courts in New York and Los Angeles managed their workload. He would say "We don't have the volume of cases they have but certainly we have a bigger variety of complex cases and different types of administrative activities."

Ms. Woodbury: Nancy, just to go back a bit. When you were the head of the Jury Office, did you have any contact with the other district courts in the United States about how they ran parallel offices?

Ms. Mayer-Whittington: Yes.

Ms. Woodbury: And what was the source of your contacts? How did you have those contacts?

Ms. Mayer-Whittington: The Federal Judicial Center would hold annual or bi-annual meetings of clerks' office staff who held similar positions. As a result, they had a jury

conference once a year. Going to those conferences was where I met other jury administrators from across the country. It was interesting because you ended up gravitating to the ones who were trying to resolve issues that our jury office faced on a regular basis, those courts who were dealing with similar challenges. After a few years of attending these meeting, I was selected to serve on the Jury Committee, the national Jury Committee that was sponsored by the Federal Judicial Center. One of the goals of the Committee was to write a jury manual that could be used by all courts because at that point each court was developing their own procedures.

Ms. Woodbury:

Procedures for the jury offices?

Ms. Mayer-Whittington:

Yes. And also tips for handling certain situations because we found when we got together at the annual meetings, there were some problems in South Carolina that were similar to problems that the court in Chicago was experiencing. Those particular issues centered about the postal system. The post office had certain requirements that affected the delivery of jury summonses but there was not a uniform means of communicating that information to the courts. By working with jury staff from other courts, the Committee could figure out ways to reduce postage costs or streamline the delivery of jury mail for all the courts. The annual meetings afforded us the opportunity to share ideas and effective management procedures and the Jury Committee would document these ideas so that all courts could benefit from the information. I remember at one meeting a jury administrator told me that their local post office would send them, on a monthly basis, all the magazines that had been returned to them because of

bad addresses and thing such as that. The court did not have a budget for magazines for jurors so having the post office donate to the court new magazines that would normally have been discarded was a big benefit for the jurors. When we had called our local post office, they said "No we don't do that. It does not belong to you and were not giving them to you." We were able to get the post office branch that was making the donations to the other court to call our local post office branch and work out the same arrangement for our jurors. That was just one of the many benefits of the annual meetings.

Ms. Woodbury:

Things that you wouldn't find out about unless somebody else had the experience?

Ms. Mayer-Whittington:

Right. The Federal Judicial Center was responsible for facilitating the meetings as part of their focus on training and education. The Administrative Office had more of narrow focus. They were primarily concerned with making sure each court followed the jury statutes. I loved my jury job. That was my favorite job at the courthouse because you dealt with the public every day and they were so appreciative of everything you did. I would bring in treats sometimes or release them a little early for lunch so they could get ahead of the crowd in the cafeteria and they couldn't thank me enough. Even just providing information, something so basic, made them feel like we cared about them and their service. The jurors would be sitting in the assembly room for a while, and then I would go out and say: "I don't have any updates on this particular case, but I do want you to know that this judge usually breaks early for lunch so I will probably release you around 11:30." The jurors would let me know that they

appreciated being updated with any information available. They didn't want to sit for long periods of time with no contact. It made them feel as if we had forgotten they were there. Of course we didn't forget about them; but we couldn't tell them about the case. But we could tell them that we still knew they were there and that we really appreciated what they're doing. Or I would say: "I just talked to the courtroom deputy and they're saying it is going to be another hour before they need you, so if anybody would like to leave and go outside it's a beautiful day, as long as you're back here in 45 minutes, that's fine". And they would say "really?" It didn't take much to make them feel included, just little things like that.

Ms. Woodbury:

Did you ever get any suggestions from people serving in the jury pool on things you could do to make the experience better for them?

Ms. Mayer-Whittington:

Yes. We had an exit questionnaire that we gave to all the jurors at the end of their service and, on average about 30% would fill it out. Most jurors were very complimentary, they would write in that we did a great job. One juror made a specific suggestion that helped fill the time spent waiting and accomplished a good deed as well. She wrote "Wouldn't it be nice if for during all the down time we could work on something. I would be willing to donate scraps of material, stuffing and patterns that jurors could sew together to make some soft dolls for Children's Hospital or some little stuffed animals." We followed up with her and she did as she suggested and donated all the materials. When we did our orientation, we would hold up some examples of the work of previous jurors – showing an elephant or small cloth doll – and tell the jurors that if anyone was

interested in helping out, they could work on this project. We never failed to get a few people interested and Children's Hospital appreciated the gifts. The jurors asked if we could have a telephone for them, because they weren't allowed to use our phones. They asked for an outside line so they could make calls as needed. We did this after making sure to have a line installed that wouldn't allow long distance calls. This was before cell phones and jurors needed to keep in touch with their families or jobs. The phone line was a big hit. It was always nice to implement an idea that a juror suggested. After all, they were the ones who knew best what would make their jury service more manageable.

Ms. Woodbury: Little things that improved their experience?

Ms. Mayer-Whittington: Yes. They were the ones who were having the experience, so they were in a position to tell you what was needed. I got the first distinguished service award from the Director of the Administrative Office for the work I did improving the experience and morale of grand jurors.

Ms. Woodbury: Oh really?

Ms. Mayer-Whittington: I was just thinking about this now. With the petit jurors, I was in more of a position to help improve their term of service. But with the grand jurors, it was different. They would report for service and we would do an orientation. Then we would send them to the courtroom of the Chief Judge who would meet with them in go into more depth about the nature of the role they would fill as grand jurors. Then they would be sworn in and the Chief Judge would appoint a foreperson and deputy foreperson. After this, the jurors would be turned over to the United States Attorney's Office where an assistant U.S. Attorney would take

charge of their service. Grand jurors usually met once to twice a week for several months. Shortly after I became the jury supervisor, our office started receiving complaints from grand jurors because they were spending a lot of time at the courthouse waiting for testimony to be presented to them. Too often they would report in the morning for service and then, they would sit in the grand jury room and wait and wait. Eventually, somebody would come in and say "Okay you can go to lunch." Sometimes they would spend the whole day waiting without anything being presented to them. In the exit questionnaires we received from the grand jurors, the number one complaint was that they spent far too much time doing nothing. As a result the majority said they really disliked having to serve on a grand jury and that they would never want to serve again. I thought that was such a black mark on the court because it was completely out of our hands and in the hands of the U.S. Attorneys' Office. So I talked to Jim Davey, and then Jim and I talked to the Chief about it. I told him: "I think that if we had better communication with the U.S. Attorneys' Office, it would make the experience so much better for the jurors. Chief Judge Robinson said "Absolutely. Look into it." So I came up with some ideas for improving the grand jurors' experiences. We started tracking their utilization rates. We would track not only the hours they were at the courthouse but also the hours that were spent actually listening to testimony. It was incredibly eye opening. Out of the six hours they were at the courthouse, they only spent, on average, one hour engaged in their responsibilities as grand jurors. When I started meeting with some of the attorneys who were in charge of the various grand jury investigations, their first

reactions were, "This is none of your business... the grand jury proceeding is secret. There are all these reasons why you shouldn't be talking to the grand jurors." I wasn't discussing anything about the nature of the investigations, I was just tracking hours of service and collecting comments that grand jurors made relative to the way they felt they were being treated. I tried to explain this to the attorneys but they were not interested in my data. I knew the three people in the U.S. Attorney's Office who were the liaisons to the three major divisions in the grand jury section. The three divisions were major crimes, fraud and the street crimes section. From them I learned that several of the attorneys who handled grand jury investigations were very arrogant and treated not only the jurors poorly but they treated everyone poorly. One attorney in particular regularly requested that the grand jurors report for service at 9:00 a.m. while he regularly arrived for work at 11:00 a.m. With the help of the three liaisons and the reports I had compiled on the actual utilization of the jurors and the comments on the exit questionnaires, I went back to Chief Judge Robinson. He was visibly angry at how poorly the grand jurors were being treated and he said he would set up a meeting with me and Stan Harris who was, at that time, the United States Attorney. It was a little intimidating meeting with the U.S. Attorney, but I met with him, gave him the background on how this report came about and then gave him a summary of our findings. We had kept records for the last year and on average the grand jurors were being used less than 20% of the time. In some cases the poor utilization could be attributed to the bad habits of a specific assistant U.S. attorney; in other cases it was just across the board in that section.

I shared the jury comments that reflected how much they hated their time serving on the grand jury and how they said they weren't treated very well and that they were spoken down to. Stan Harris was very quiet for a few minutes and then he said: "What the hell's going on here these days?" I told him that I wasn't sure but that I thought we could do some things to improve the experience of the jurors. He promised that he would speak with all the assistants in charge of grand juries and let them know they had better make changes or they wouldn't be working with grand jurors anymore. He called Chief Judge Robinson while I was there and apologized for the situation and said there were going to be some major changes. Stan Harris did exactly what he said he would do and the utilization of the grand jurors improved. Stan Harris eventually became a judge on our court and we ended up being good friends. He was the son of Bucky Harris a well-known and long-time manager of the Washington Senators baseball team. I love baseball so we had some good talks where he shared some great stories about his dad. We had a little rocky beginning but I was glad he was the U.S. Attorney when we had the problems with the utilization of the grand jurors. I might not have been as successful with another U.S. Attorney.

Ms. Woodbury: Was this all under the office or control of the U.S. Attorneys?

Ms. Mayer-Whittington: Yes.

Ms. Woodbury: Nancy, do you know if that was true in the other district courts as well?

Ms. Mayer-Whittington: It varied. In every court the U.S. Attorney's Office oversees the grand juries. In some courts, there is some overlap between the U.S. Attorney's Office and the court, especially, as is the case in our Court, where the grand jury

sessions are held at the courthouse. In other courts, the grand jury sessions are held at the U.S. Attorney's Office and thus the court's jury office has no contact with the jurors once they are impaneled. If our grand jury sessions had not been held at the courthouse, we would not have received the verbal complaints of the grand jurors relative to their service. That got the ball rolling and we followed up on the complaints. Ultimately, our work on improving the utilization of grand jurors resulted in the judiciary saving a lot of money and even better, it improved the experience of our grand jurors who felt they were valued when they were utilized better and treated better. Our system for tracking grand juror utilization was adopted by the Administrative Office and sent out to all the courts. Chief Judge Robinson and I did workshops for other courts. It was interesting working with the Chief who was known as a "no nonsense" Chief and someone who wasn't shy about expressing his views. At the workshops, sometimes a Chief Judge from another court would say "If I told my U.S. Attorney that he couldn't have a grand jury if he didn't use them properly, he'd indict me." To which Chief Judge Robinson would reply, "Well then you've got bigger problems than this." It was important that he was there to talk to the Chief Judges who came to our sessions because they would listen to him – he was great at getting his point across. But by far the biggest reaction from the courts who attended the workshops was the fact that they had never even looked at the grand jury system and the utilization of the jurors. It was a very interesting project. I learned a lot and I ended up getting an award for my work.

Ms. Woodbury:

For your work on this?

Ms. Mayer-Whittington:

Yes, for my work on improving grand jury utilization. Many courts made modifications to their grand jury systems. Up to this point the grand jury was just off to the side and nobody paid any attention to them. But when they started looking into them, courts realized they could do some things differently. We were constantly trying to improve the utilization of petit jurors. But grand jurors had never really been studied. Speaking of petit jury utilization, our statistics would be good until we got a high profile or notoriety case. We would be doing a good job making sure that we were utilizing our trial jurors efficiently and then we would get a John Hinkley case.... actually that's not a good example because Judge Parker did a really good job of jury utilization in that selection. We would get an Abscam case or a Marion Barry case and our statistics would go through the roof. You bring all these potential jurors in for selection and they sit for hours and hours and only half of the jurors would be needed to select the panel. But, because you brought in a large number and you have to pay them for their service it impacts your court's utilization statistics.

Ms. Woodbury:

When you said you get charged with those statistics, you mean jurors who are called for those big pools go into your general jury utilization statistics?

Ms. Mayer-Whittington:

Yes. We had a monthly figure that we had to report to the Administrative Office that showed our jury utilization index. The goal was to keep it around 33%. We were always a little over 50%.

Ms. Woodbury:

Explain what that statistic was. What numbers were used to determine the jury utilization statistic?

Ms. Mayer-Whittington:

Every time we brought in a panel of jurors for selection in a civil or

criminal case, we had to fill out a form that showed what happened to each juror. The form was divided into three main categories. These categories were jurors selected on a panel, jurors who were not selected because of a peremptory challenge or challenge for cause and jurors who were not used either because they were a part of a panel that went into a courtroom for selection but the jury was selected before their name was reached or because the entire panel was not used due to a last minute plea or settlement. The jury utilization index was focused on this last group. The percentage of jurors who reported for service but were not actually used. The lower this number was the better the utilization rate. Actually, the stat should have been called the jury non-utilization index.

Ms. Woodbury:

Okay.

Ms. Mayer-Whittington:

To keep this number to a minimum required good communication between the jury staff and the courtroom deputies. It also meant we had to pool our jurors. We couldn't bring in all the jurors the judges requested. I could talk about jury utilization for hours. We had to develop a formula that allowed us to bring in enough jurors to select a jury for each case that was scheduled but contemplated staggering the selections throughout the morning. For example, if we had four criminal cases scheduled on one day and each case required a panel of 30 from which to select a 14 member jury, we would not bring in 120 jurors. Instead, we would bring in 80 jurors and this would allow two panels to be selected at a time. We would send 30 jurors to Judge A and another 30 jurors to Judge B. After both judges make their selections they would each return 16 jurors to us for a total of 32 returned jurors. Since we had 80 jurors in our

original pool and we sent 60 to courtrooms for selection, this meant we had 20 jurors available who were waiting in the jury assembly room for an overall total of 56 jurors. We would then send 30 to Judge C and after selection was completed, 16 jurors would be returned to us. Judge D would get their panel of jurors from these 16 and the 26 who were still available in the jury assembly room. We had to tinker with the formula from time to time especially if all the cases scheduled for selection were criminal cases because sometimes a juror would be excused from a criminal case and the judge would tell us not to send them in for selection in any subsequent criminal case due to the nature of their circumstances. Since the success of the formula depended on our ability to "recycle" jurors, we had to allow for the possibility that a percentage of jurors might not be able to be "recycled" and plan accordingly.

Ms. Woodbury:

Kind of a rule of thumb you developed for using the people who are called to be on juries?

Ms. Mayer-Whittington:

Right. Our utilization statistics were usually better on days where there were multiple selections. If you had a day where only one jury was scheduled for selection and for some reason the case did not go forward, then the not used statistic was 100%. That number really impacts your monthly utilization rate which as I mentioned earlier is really the non-utilization rate. We did everything we could to prevent jurors from reporting unnecessarily but it had to be a joint effort. The courtroom deputy needed to stay in close contact with the attorneys on the case to make sure that if a plea or settlement was being discussed the court would get timely notification in order to call off a jury panel. We had a local rule



of the proceedings that they didn't want to worry about jury utilization.

Ms. Woodbury: So a little bit of this is educating new judges?

Ms. Mayer-Whittington: Yes.

Ms. Woodbury: To what it takes to meet their needs?

Ms. Mayer-Whittington: Yes and to recognize that the court as a whole had made a decision to commit to better utilization of jurors, so each judge needed to do their part. Fortunately, our court had an established Jury Committee that I could go to when I needed some help persuading a judge to follow the formula or the practices of the court. Sometimes, it takes a judge to tell another judge that they are out of line.

Ms. Woodbury: What was this Jury Committee that you just referred to?

Ms. Mayer-Whittington: Our court had several standing committees that worked to help the Chief Judge manage some of the policy areas of court management. We had a Local Rules Committee, a Criminal Justice Act Committee and a Calendar Committee, to name a few. When I first came to the courts, every district court had to have a Jury Committee. This was due to the fact that the GAO did a study in the mid 70's about the jury system and found several areas that needed improvement. So they had already kind of...

Ms. Woodbury: Laid the ground work...

Ms. Mayer-Whittington: Right, laid the ground work. Our Jury Committee helped to develop the formula we used for the number of juror we would bring in for multiple selection days and would help educate the judges as to the reasoning behind the formula. The Committee would review the summaries of the exit questionnaires and look

to specific suggestions that jurors made as to how to streamline jury selections and how to make service on a jury more meaningful for jurors. The Committee would look at the practices of individual judges and ask them to share effective strategies for good utilization of jurors. We would propose things to the Committee based on our experience and we would discuss the possible implementation. For example, if a judge had a civil or criminal selection scheduled but was aware that there was a good possibility that the case would settle or enter a plea, we wanted to put the potential jurors on standby for selection. This meant that we would notify the jurors that they might be needed the following day for selection and that they should call the recorded message the following morning and, if they were needed, they should be available to report within an hour of calling the recording. We wanted to take advantage of the fact that most of our jurors lived or worked within an hour of the courthouse. If a plea or settlement occurred late at night or early in the morning, we could notify the panel in the morning not to come in thus saving them the unnecessary travel to the court and save the Court the expense of bring the jurors in. On the occasion where we had such a case and the judge involved was not willing to be a team player I would go to the Committee.

Ms. Woodbury: Like going to the principal office? Who was on the Jury Committee; was that judges or...

Ms. Mayer-Whittington: Yes, three judges and me.

Ms. Woodbury: And this was when you were the head of the Jury Office or...

Ms. Mayer-Whittington: Yes.

Ms. Woodbury: Okay.

Ms. Mayer-Whittington: To this day there's a Jury Committee at the court, even though we are no longer required to have one. When the committees were first formed, a circuit judge was required to serve on the committee and report back to the circuit on the activities of the committee. Our circuit representative was Judge Ken Starr. He was very nice and very attentive but he would always say that he didn't have any idea about juries and did not think we needed a circuit representative on a committee that was so clearly focused on matters relating to the district court. The requirement to have a jury committee was lifted at some point but our court has chosen to continue to have the committee but without any circuit involvement.

Ms. Woodbury: Nancy, you said that at some point you went from being the head of the Jury Office to head of the Administrative Services

Ms. Mayer-Whittington: Yes.

Ms. Woodbury: Was that your title?

Ms. Mayer-Whittington: My title was Administrative Services Supervisor.

Ms. Woodbury: What year was that?

Ms. Mayer-Whittington: '82

Ms. Woodbury: And so you went directly from being the head of the Jury Office to that position.

Ms. Mayer-Whittington: Right.

Ms. Woodbury: In that position which of departments or operations were you responsible for?

Ms. Mayer-Whittington: I was responsible for the Records Office, the Finance Office, the Property and Procurement Office, the Court Reporters and Court Interpreters, and I was the GSA liaison for facility maintenance. I'm trying to think...

Ms. Woodbury: And the jury office was part of that?

Ms. Mayer-Whittington: The Jury Office also, right.

Ms. Woodbury: At the time you took over this position, had you any experience with these other divisions or departments that you were now responsible for?

Ms. Mayer-Whittington: No, other than interacting with the Finance Office because they processed our jury vouchers, I did not have any other experience. When Jim Davey advertised the position, he made it a requirement that the person who was the successful candidate would have had expertise in one of the areas. Hopefully more than one, but at least one area.

Ms. Woodbury: Were you aware of other people who also applied for that position?

Ms. Mayer-Whittington: Oh yes. The woman who was the head of our Finance Office who was a pretty good friend of mine, she was also applying for the position.

Ms. Woodbury: Were there any people outside the court who were applying for the positions?

Ms. Mayer-Whittington: No. They made it an internal applicant pool only.

Ms. Woodbury: Internal?

Ms. Mayer-Whittington: Yes, the reasoning behind keeping the position internal was because we did not have a new position available. Because the applicants needed to have expertise in at least one of the areas that made up the new division, it was contemplated that the selection would be internal. Once a selection was made,

then a decision would be made as to converting the vacated position to the new position or requesting a new position from the Administrative Office.

Ms. Woodbury: Nancy, at the time you took over this new role, were you still going to school to get your graduate degree?

Ms. Mayer-Whittington: Yes.

Ms. Woodbury: Did you continue with school when you took your new position or did you take a break?

Ms. Mayer-Whittington: I ended up taking a break. It was going to take me a bit of time to learn all my new responsibilities. One of the ways I was learning about the new job was by visiting other courts around the country so I could see what they were doing and hopefully take some "best practices" back to our court. So I was traveling a lot and that made it difficult to continue to take classes.

Ms. Woodbury: Had other courts around the country consolidated responsibility in a position similar to the one you were then assuming?

Ms. Mayer-Whittington: Yes a few courts had done this. But, I was also visiting courts to see how their records office was handled because we did not have a very good records section. This part of the office had consistently performed poorly for a variety of reasons. The main reason had to do with some of the personnel in the office. When I took over, there were so many stories, so many skeletons hidden in closet. I will tell you a little bit about what it was like. When I was selected for the position, I went down to the office to be officially introduced to the staff in the records section. Prior to this, I had very little interaction with the office but I remembered some of the people from my days at the *Washington Law Reporter*.

When I worked for *The Law Reporter*, I would occasionally go to the records section to get case information. I usually dealt with the supervisor, Annabelle Dickens, an elderly woman who was so kind and sweet, but she had a crew of people who worked for her that were unbelievable. So there I am several years later in the records section being introduced to the staff. Jim Davey introduced me and said "This is Nancy. She is going to be the new supervisor of Administrative Services. She won't be moving down from the jury office for a few weeks while we get her new office ready. If you need to get in touch with her call her on her jury office line." At that point one of the staff members named Fred Juggins said, "What the hell do I want her number for? She doesn't know anything about what we do. Why would I need to ask her anything?" It was not a great start to my new job. Fred did this in front of everyone and the whole room got so quiet. Fred had a long history of being a malcontent. He didn't like Jim Davey and he was not shy about letting everyone know that. He was mad because when Jim first started working for the court he had the job of assessing the various offices and making suggestions for improvement. In addition, Jim was asked to assess the way staff was being used to see if there were any practices that should be modified or eliminated. At that time, Fred and several of his friends used to play pinochle for a couple of hours every afternoon down in the basement of the court. This tradition had been going on for several years. When Jim found out about it, he recommended that the card playing stop. When Jim told them they couldn't do that anymore, Fred never forgave him. He basically blamed Jim for ruining his times with his friends. He never got over it



when you opened up the case file it started with the complaint right on top and the most recent pleadings in the back. When I traveled to another court, they said that they had reversed this procedure and took the front cover off of the file jacket and placed the most current pleading in the front. They had found that most people who were requesting to look at files were most interested in the most recent pleadings in the case. In addition, when staff from the records section were filing pleadings in a case jacket, under the system we used, you were more likely to file the pleading in the wrong jacket as you were not looking at the front of the other pleadings in the case where the case number is easily available. This was a way to prevent papers being misfiled. There were many things about the files room that were antiquated because things had been done a certain way for a long time and they didn't want to change.

Ms. Woodbury: And at that time, had there been any movement toward introducing technology in the records department?

Ms. Mayer-Whittington: No. There had been no movement in that direction at all. It was a little early for that.

Ms. Woodbury: Right.

Ms. Mayer-Whittington: There were a few good people in the records office such as Annabelle, Stanley Johnson and George Williams. George was a character but in a very good way. He was one of my favorite people in the records office. He was a former bailiff who ran his own dry cleaning business on the side. He took care of all of the judge's dry cleaning. He was a very nice man. He would come to me regularly at the end of the day and say you "Now don't you worry about Fred.

