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**REPORT ON JUROR COMPENSATION ISSUES**

**MINNESOTA JUROR COMPENSATION WORKGROUP**

**Minnesota Supreme Court and Conference of Chief Judges**

**12/21/99**

**Completed Pursuant to Laws 1999, chap. 71**

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## **I. EXECUTIVE SUMMARY**

The 1999 Legislature requested that the Supreme Court, in consultation with the Conference of Chief Judges,

"...study and make recommendations regarding the juror compensation system. The study should address: (1) per diem rates of compensation; (2) reimbursement for special expenses such as child care and travel; (3) payment of jurors by employers; (4) special compensation for jurors who serve on longer trials; and (5) other compensation issues identified by the court." Laws 1999, Chap. 71.

In the summer of 1999, the Supreme Court appointed a Juror Compensation Workgroup and contracted with the National Center for State Courts (NCSC) to evaluate the current state of jury management in Minnesota. The Juror Compensation Workgroup reviewed the NCSC findings and recommendations, further explored the topics delineated in the legislation, and through this report, makes recommendations for improvement.

The Supreme Court also announced its intention to establish a Jury Reform Task Force with the responsibility of conducting a comprehensive evaluation of the jury system in Minnesota, including such issues as in-court treatment of jurors, efficient and effective use of jurors' time, juror privacy, jury system management, voir dire, and juror sequestration. The Task Force will be established in early 2000.

### **National Center for State Courts Study**

G. Thomas Munsterman, Director of the NCSC Center for Jury Studies, and Paula L. Hanaford, NCSC Senior Research Analyst, conducted Minnesota's evaluation. Courts throughout the country recognize Mr. Munsterman as the leading national expert on jury management. In addition to conducting studies and providing technical assistance to jurisdictions throughout the United States, Mr. Munsterman served as staff to the American Bar Association's Committee to develop Standards Relating to Juror Usage and Management.

NCSC staff examined existing statutes, court rules, and caselaw and met with judges, court staff, attorneys, and others knowledgeable about jury management to assess the current operations of jury service in Minnesota and to identify areas that might be improved. NCSC findings and recommendations are contained in a report submitted to the State Court Administrator's Office, The State of Jury Management in Minnesota (October 12, 1999)<sup>1</sup>.

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<sup>1</sup> A copy of The State of Jury Management in Minnesota (October 12, 1999) is on file with the Court Services Division, Office of State Court Administration, and is available upon request.

**Overall, NCSC staff found that Minnesota is a national leader in jury management. Exemplary efforts cited by NCSC include:**

- Relatively high compensation for jurors compared to other jurisdictions. **Minnesota has one of the highest flat rate juror per diem fees in the nation (\$30/day). Only the federal government and New York State have a higher per diem rate (\$40/day);**
- Attention to the needs of jurors who incur day care expenses for jury service. **Minnesota is the only state to reimburse jurors for day care expenses;**
- Follow-up with jurors who fail to respond to summons. **Minnesota has a lower than average "failure to appear" (FTA) rate for jurors,** compared to other jurisdictions;
- Attention to issues of minority and ethnic representation on source lists. **Minnesota was one of the first states to merge multiple source lists on a statewide basis and provide the merged list to the district courts.** Minnesota is the only state that has fully documented its source list merge process and made the documentation available to the district courts for use in defending the jury system against challenges;
- Adoption and implementation of the ABA Standards Relating to Juror Use and Management. **Minnesota was one of the first states to adopt the standards** and to implement those and other reforms statewide; and
- Individual district improvements in jury facilities. For example, both **Hennepin and Ramsey Counties have significantly improved their facilities to meet the physical and work needs of jurors.** The Hennepin County jury assembly room features a Juror Business Center that includes computer access, telephone and facsimile availability. The Ramsey County Juror Business Center includes individual workstations equipped with phone lines and electrical outlets for computer use in addition to a printer, copier, fax machine and two computers.

**Juror Compensation Workgroup**

The Juror Compensation Workgroup reviewed the NCSC Report and background materials, reviewed reform efforts from other states, reviewed information on current jury compensation practices in Minnesota and conducted a survey of over 1,900 jurors who reported for jury duty during the fall of 1999.

Throughout the Workgroup deliberations it was recognized that juror compensation should not be viewed in isolation. Rather, the larger issue of juror satisfaction with the entire jury service process must be examined. It is anticipated that the Jury Reform Task Force, to be established in early 2000, will continue an examination of jury compensation issues as they relate to reducing the burden associated with jury service. As a result, several Workgroup recommendations call for additional analysis by the Jury Reform Task Force.

### **Juror Compensation Survey**

The Workgroup determined that juror satisfaction with the current reimbursement process was valuable information upon which to make recommendations. A Juror Compensation Survey was distributed to all jurors who reported for service in late October and early November 1999. Thirty-four counties participated in the survey. The survey instrument and complete results are found in Appendix A. Highlights of the results are as follows:

Total Jurors: 1,946

- **84% of the jurors surveyed are employed**
- **79% reported that jury service does not pose a financial hardship**
- **67% receive the equivalence of salary while serving as a juror** (Either the employer pays and the juror keeps the fee; the employer pays and the juror gives the fee to the employer; or the juror keeps the fee and the employer pays the difference.)
- **29% would donate their jury service fee to help pay for jurors with financial hardships**
- **27% would donate their jury service fee to a charity**
- **72% think that employers should be required by law to pay jurors' salaries during jury service.**

## **SUMMARY OF RECOMMENDATIONS**

Based on the recommendations of the NCSC and the results of the juror survey, the Juror Compensation Workgroup makes the following recommendations:

### **A. Per Diem Rates**

1. Because Minnesota already has one of the highest flat rate jury fees in the nation, and because nearly 8 out of 10 surveyed jurors feel jury service poses no financial hardship, no adjustments to the current juror per diem of \$30 per day are necessary.

### **B. Reimbursement for Expenses**

1. Minnesota is the only statewide jurisdiction that reimburses jurors for day care and support for this practice is very high. At this time, no changes to current day care reimbursement documentation protocol are necessary.
2. However, Jury Management staff should encourage people seeking day care reimbursement to submit claims in a timely fashion; and
3. Jury Management staff should review current childcare and other juror service reimbursement procedures to insure that payments are processed in the most efficient manner possible.

### **C. Employer Compensation**

1. Employers should be encouraged, but not mandated, to compensate employees who are summoned for jury service. Employees are protected by state law from termination of employment, or threat of termination for lawfully responding to a summons for jury service. Furthermore, two-thirds of surveyed jurors already receive the equivalent of a day's salary for each day they report for jury duty.

### **D. Special Compensation for Long Trials**

1. The number of jury trials lasting more than 2 weeks represent only 2% of the total number of jury trials in Minnesota. In addition, the type of financial hardship experienced by 3 of the 12 jurors in the *Minnesota v. Philip Morris* trial can be avoided by a judge's proper use of protocols during jury selection for long trials, where juror questionnaires ascertain potential hardship. Because very few jury trials are sufficiently lengthy to warrant special payment provisions, relatively few jurors suffer financially and financial hardships can be avoided by the presiding judge, no changes to the current juror per diem fee paid to jurors who serve on lengthy trials are necessary.
2. However, judges and administrators should receive training on procedures and protocols to be used during jury selection for long trials;
3. A resource center should be established to provide judges and administrators timely access to information on jury selection for long trials; and

4. The Conference of Chief Judges should be responsible for monitoring whether additional procedures and protocols are needed to address the financial hardship experienced by jurors in lengthy trials. The Conference should report to the Supreme Court on December 1, 2000 on any needed changes to the current system.

**E. Other Compensation Issues**

1. The Jury Reform Task Force should explore implementation of the One Day/One Trial Jury system as recommended by the NCSC. The implementation of such a system would materially reduce the hardship and inconvenience to most jurors. However, the fiscal impact on state and local government must be determined and addressed before such a system could be implemented.
2. Each county should include language on the jury summons that describes the option to defer jury service in lieu of a request for excusal from service. The Ramsey County Jury Summons language should be reviewed as a model.
3. Upon full implementation of the new Jury Plus software, jury management staff should be trained to effectively utilize the jury reports produced by the system. Jury staff should be required to periodically review applicable reports to insure that jurors are used in an efficient and effective manner.

**THE FUTURE:**

***JURY REFORM TASK FORCE TO MEET IN EARLY 2000, CONSIDER OTHER NCSC RECOMMENDATIONS:***

The NCSC also found that Minnesota could continue its leadership role by considering other jury system reform issues. The Jury Reform Task Force, which will convene in early 2000, will consider:

- Official encouragement and increased judicial education about in-court techniques designed to enhance juror performance and comprehension of trial evidence (e.g., note-taking, permitting jurors to submit questions to witnesses, limits on motions or sidebar conferences);
- Adoption of improved voir dire procedures and protocols;
- Use of sequestration in trials;
- Post-verdict debriefing and protocols to address juror stress;
- Consideration of juror privacy rules amendments;
- Establishment of clear and uniform excusal policies;



- Jury management technological applications;
- Jury assembly room improvements; and
- Improved juror utilization.

## **II. RECOMMENDATIONS & DISCUSSION**

### **A. PER DIEM RATES**

- 1. No adjustments should be made to the current juror per diem of \$30 per day.**

There are a variety of methods used throughout the United States for the payment of juror per diem fees. Thirty-four states, including Minnesota, pay a flat rate for each day of service. In addition to the flat rate Minnesota reimburses jurors for travel, childcare, and parking expenses. At \$30 per day, Minnesota has one of the highest flat rate jury fees in the nation. Only the federal government and New York State pay a higher per diem at \$40 per day. A chart depicting the per diem rate for each state can be found at Appendix B.

Other states use a graduated payment system that is based on the number of days served or whether the juror sits on a trial. Figures 1 and 2 depict these graduated payment systems.

**Figure 1. Flat Payment Rate Based on Days of Service<sup>2</sup>**

<b>Flat Rate Based on Days of Service</b>		
	<b>Initial Rate</b>	<b>Graduated Rate</b>
Colorado*+ ++	\$0	\$50 after three days
Connecticut*+	\$0	\$50 after three days
Delaware	\$0	\$20 after first day
Florida*++	\$0	\$30 after three days
Louisiana	\$0	\$12 after first day
Massachusetts*+	\$0	\$50 after three days
Nevada	\$0	\$50 after three days
North Carolina	\$12	\$30 after five days
Pennsylvania*	\$9	\$25 after three days
Wyoming	\$0	\$50 after four days

\* = Employ One Day/One Trial system.

+ = Employer must compensate jurors.

++ = If unemployed, juror receives jury fee for first three days; CO \$50; FL \$15.

<sup>2</sup> The national data found in this and subsequent tables are excerpted from the National Center for State Courts State of Jury Management in Minnesota report.

**Figure 2. Variable Payment Rate Based on Impanelment**

Variable Rate Based on Impanelment		
	Initial Rate	Impanelment Rate
Arkansas	\$5	\$20
Indiana	\$15	\$40
Montana	\$12	\$25
Nevada	\$9	\$15 <sup>3</sup>
South Dakota	\$10	\$50 <sup>max</sup> (varies by county)

The Workgroup concluded that a variable rate per diem system is most effective when implemented in conjunction with a one-day/one trial system or a mandatory employer compensation system. At this time the Workgroup recommends that further analysis is necessary before either system could be considered for implementation in Minnesota. Therefore, the Workgroup recommends no changes to the current flat rate payment system.

#### **B. REIMBURSEMENT FOR EXPENSES**

- 1. No changes should be made to current day care reimbursement documentation protocol.**
- 2. Jury Management staff should encourage people seeking day care reimbursement to submit claims in a timely fashion.**
- 3. Jury Management staff should review current childcare and other juror service reimbursement procedures to insure that payments are processed in the most efficient manner possible.**

Minnesota is the only statewide jurisdiction that reimburses jurors for day care expenses. A few other states have local jurisdictions with programs that address childcare needs. Boise, Idaho reimburses for childcare; Lake County, Illinois and Washington D.C. Superior Court have in-court childcare services; Colorado, Connecticut, and Massachusetts reimburse expenses of jurors who are unemployed, including childcare expenses.

Within Minnesota, reimbursement is limited to those situations in which a person who would not normally incur daycare expenses for the day(s) the individual reports for jury duty. Income is not a factor for determining eligibility for day care reimbursement. The daily reimbursement rate is \$50 for use of a licensed provider or \$40 for a non-licensed provider. Jury managers estimate that approximately 5% of the jury pool submit reimbursement requests for day care expenses.

<sup>3</sup> Rate increases to \$30 a day after five days of service.

The NCSC report noted that juror support for childcare reimbursement is very high. This assessment was based on the answers of jurors who participated in a 1996 Minnesota State Bar Association (MSBA) focus group on jury service.<sup>4</sup> In addition, the NCSC reported that the only juror complaint about the child care reimbursement program involved documentation of childcare expenses, which jury managers note is somewhat cumbersome for jurors. Jurors submitting reimbursement requests are required to provide a receipt from the provider, or a signed verification that childcare expenses were rendered by the provider.

The Juror Compensation Workgroup concluded that it is not advisable to change current reimbursement verification procedures. Jury managers are custodians of the public funds used for childcare reimbursement and some level of proof is necessary to facilitate sound financial management of these funds. Instead, court administrators should carefully explain the need for reimbursement verification and should encourage jurors to submit the claims as soon as possible after completing juror duty.

The Workgroup also considered other changes to the day care reimbursement procedure, including the imposition of income eligibility restrictions and changing reimbursement amounts to permit payments based on the number of children placed in day care. More in-depth analysis of current reimbursement costs and current costs of securing day care services is necessary before any recommendations for changes can be made.

The Workgroup also began a review of alternative methods of payment to jurors. As was reported by the NCSC, in Colorado, jurors with minimal childcare expenses (e.g., less than \$10) were paid in cash prior to leaving the courthouse, from a petty-cash fund administered by the court. This method of payment has since been discontinued for administrative reasons. A few courts (Orange County, California, Washington, D.C.) have installed automatic teller machines to generate payroll checks directly to jurors before they leave the courthouse.<sup>5</sup> In 1995 the State Justice Institute (SJI) conducted an evaluation of Phase I of the Washington, D.C. system.<sup>6</sup> In general, the evaluation found that the experience was favorable. A majority of the jurors expressed their appreciation for the fast and convenient payment system. Furthermore, administrative costs associated with juror payments decreased by 31 %. It was anticipated that administrative costs would decrease even more when the ATMs were programmed to also dispense the per diem payments.<sup>7</sup> Additional analysis is required to adequately

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<sup>4</sup> The State of Jury Management in Minnesota, National Center for State Courts, (October 1999),

5.

<sup>5</sup> Id. at 6.

<sup>6</sup> At the time the ATM system was implemented, jurors received a \$30 juror per diem fee and a \$2 per day transportation stipend. Phase I of the project entailed ATM dispensation of the \$2 transportation stipend.

<sup>7</sup> Automated Teller Machines for Juror Payment, State Justice Institute, (1995), 12.

examine the potential use of ATMs in Minnesota. The Jury Reform Task Force is encouraged to continue this exploration.

Until changes in current procedures are made, however, court administrators should review all juror per diem and expense reimbursement procedures to insure that such claims are processed in a timely fashion. For example, jurisdictions with terms of service longer than two weeks should consider processing claims more than once during a juror's term of service.

### **C. EMPLOYER COMPENSATION**

#### **1. Employers should be encouraged, but not mandated, to compensate employees who are summoned for jury service.**

Minnesota employers are not required by state law to compensate employees who are summoned for jury service. However, employees are protected by state law from termination of employment, or threat of termination for lawfully responding to a summons for jury service.<sup>8</sup> Jurisdictions that require employers to compensate jurors include the following:

- Alabama
- Colorado (first three days)
- Connecticut (first five days)
- Louisiana (first day only)
- Massachusetts (first three days)
- Nebraska
- New York (employers with more than 10 full-time employees)
- Tennessee (employers with more than 5 full-time employees)

To assess the impact of requiring payment by employers, the Juror Satisfaction Survey asked jurors to report on what they did with their \$30 per day jury service fee<sup>9</sup>. As was previously noted, 67% of the jurors receive the equivalent of a day's salary for each day they report for jury duty.

The Workgroup was concerned with the impact that mandatory payment of salary would have on farmers, small businesses, sole proprietary businesses and on persons who depend on a sales commission salary payment system. It is suggested that the Jury Reform Task Force explore the impact before recommending any changes in the current payment system. Time did not permit the Workgroup to explore this issue in greater detail. In the meantime, employers should be encouraged, but not mandated, to compensate employees who are summoned for jury service.

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<sup>8</sup> Minn. Stat. §593.50 (1998).

<sup>9</sup> Jurors were asked to designate what they did with their \$30 per day jury service fee: (a) Give it to employer, employer pays salary; (b) Keep it, employer pays salary; (c) Keep it, employer does not pay salary; or (d) Keep it, employer pays the difference.

**D. SPECIAL COMPENSATION FOR LONG TRIALS**

- 1. No change should be made to the current juror per diem fee paid to jurors who serve on lengthy trials.**
- 2. Judges and administrators should receive training on procedure and protocols to be used during jury selection for long trials.**
- 3. A resource center should be established to provide judges and administrators timely access to information on jury selection for long trials.**
- 4. The Conference of Chief Judges should be responsible for monitoring whether additional procedures and protocols are needed to address the financial hardship experienced by jurors in lengthy trials. The Conference should report to the Supreme Court on December 1, 2000 on any needed changes to the current system.**

A major impetus for the creation of the Juror Compensation Workgroup and the NCSC evaluation was concern for the degree of financial hardship experienced by citizens serving as jurors. This concern was further highlighted by the extreme hardship experienced by three jurors who served in *Minnesota v. Philip Morris et al.*, which received substantial attention in the media and by the Minnesota Legislature. "Although all 3 jurors indicated during jury selection that service in a lengthy trial would cause them financial hardship, they were not excused from service as requested, and the trial judge made no apparent accommodation for their growing financial hardship as the trial progressed. In a law pertaining to claims against the state, the Minnesota Legislature reimbursed these jurors for the losses they incurred as a result of jury service. Laws 1999, ch. 169, sec. 5."<sup>10</sup>

The NCSC determined that the *Minnesota v. Philip Morris* trial was an extraordinarily unique situation, and that the financial hardships experienced by those jurors were mainly the failure of the trial judge to excuse them from jury service.<sup>11</sup> The NCSC concludes that procedures for augmenting juror compensation in lengthy trials is unnecessary given that very few jury trials would be sufficiently lengthy to warrant special payment provisions for jurors.<sup>12</sup> The state of Texas is the only state known to provide additional juror compensation through a direct assessment on the parties, so long as all parties consent. Texas has no data to determine how often this provision is used.

<sup>10</sup> The State of Jury Management in Minnesota, (1999), 6.

<sup>11</sup> Id. at 6 and 7.

<sup>12</sup> Id. at 7.

NCSC's conclusion is bolstered by information provided by each judicial district regarding the number of lengthy trials over the past 2 years. As can be seen in Figure 3, in both FY '98 and FY '99, the number of jury trials lasting more than 2 weeks, 46 and 48 respectively, represent only 2% of the total number of jury trials held that year. Furthermore, there was only 1 jury trial over 2 month in FY '98, representing .03% of jury trials held that year. There were no jury trials longer than 2 months in FY '99.

**Figure 3. FY '98 & FY '99 Lengthy Jury Trials**

District	FY '98			FY '99		
	Trials Over 2 Weeks	Trials Over 2 Months	Total Jury Trials	Trials Over 2 Weeks	Trials Over 2 Months	Total Jury Trials
1	4	0	238	4	0	242
2	6	1	349	7	0	287
3	2	0	166	1	0	159
4	21	0	667	19	0	682
5	1	0	121	1	0	136
6	2	0	318	4	0	333
7	1	0	195	3	0	204
8	1	0	85	2	0	74
9	6	0	215	6	0	222
10	2	0	310	1	0	316
<b>TOTAL</b>	46 (2%)	1 (.03%)	2664	48 (2%)	0	2655

The Juror Compensation Workgroup recognizes, however, that some jurors on lengthy trials might incur extraordinary expenses if they do not receive compensation from their employers. The need for extraordinary reimbursement opportunities is diminished, however, if the trial judge uses sound procedures and protocols during jury selection for long trials. The type of financial hardship experienced by 3 of the 12 jurors in the *Minnesota v. Philip Morris* trial can be avoided by a judge's proper use of protocols during jury selection for long trials, where juror questionnaires ascertain potential hardship. Because very few jury trials are sufficiently lengthy to warrant special payment provisions, relatively few jurors suffer financially and the presiding judge can avoid financial hardships. For example, a judge recently completed jury selection for *First State Insurance, et.al. v. 3M*, the statewide Breast Implant trial, that is anticipated to last 4 – 5 months. Sixty prospective jurors completed a detailed questionnaire. The results were shared between the judge and the attorneys. Eighteen jurors were immediately excused for hardship/conflict reasons based on the judge's and the attorneys' review of the questionnaire. Over the course of voir dire 15 additional jurors were excused for cause, 12 for preemptory strikes, and only 3 were not utilized or reached. The anticipated trial started within the week the jurors were originally given the questionnaire. An additional effective tool used by the trial

judge was to distribute a trial calendar for the remainder of 1999. This provides ample opportunity for jurors to plan their other obligations around the trial, and enabled them to provide pertinent information to employers as to their availability during the trial.

In contrast, 203 jurors reported and completed a questionnaire in the Tobacco trial. The trial judge excused 21 jurors, primarily for health reasons, after the questionnaire was completed and reviewed by the judge. The questionnaires were not shared with the attorneys. The remaining 182 jurors were assigned in groups of 25 for voir dire over what was scheduled to be 8 days. The 12 person jury was chosen after day 4 and after only 37 jurors were interviewed for voir dire. The 12 jurors learned that they were chosen for the trial when they were brought in and immediately sworn in as the panel.

The Juror Compensation Workgroup also recognizes that judges should be provided continuing education opportunities and resource tools to enable them to conduct jury selection in an effective and efficient manner. Sessions on jury selection can be offered at appropriate judicial education seminars. Likewise, administrators can benefit from continuing education opportunities to address juror selection procedures.

A resource center should be established, affording judges and administrators access to model procedures and protocols (such as were used in the Implant cases), as well as relevant reference materials. This will enable the judicial system to more effectively manage the jury management issues that arise during complex and lengthy litigation. This resource center could be posted on CourtNet, the Judiciary's internal network. State Court Administration staff should be responsible for facilitating education opportunities, posting information on the resource site and for making sure that judges and administrators are aware of the site's availability.

The Conference of Chief Judges should be responsible for monitoring whether jurors in lengthy trials experience financial hardship and for making appropriate recommendations for change at a later date. The Conference of Chief Judges is encouraged to design and execute an exit survey for jurors in long trials to assist in monitoring the need for additional reforms in this area.

The issue of juror stress, particularly in long trials, was a concern of the Workgroup. Judicial and court administration continuing education sessions on this topic will be conducted over the next six months. Information on this topic should also be included in the materials maintained by the Jury Resource Center. The Jury Reform Task Force should address this issue more fully.



## E. OTHER COMPENSATION ISSUES

1. **The Jury Reform Task Force should explore implementation of the One Day/One Trial Jury system, including the fiscal impact on state and local government of a one day/one trial system and the need to change the term of service for persons who are called to jury service.**

The American Bar Association's Standards for Juror Usage and Management defines a One Day/One Trial System as one under which "an individual's term of service is completed upon serving either for the duration of one trial or for one day if he or she is not selected to serve as a juror. Those individuals who either are challenged at voir dire or are not selected for a voir dire panel are dismissed at the end of their first day. When the voir dire process for a particular trial cannot be completed in one day, the members of the panel who have not been removed for cause may be required to return on succeeding days until the jury has been selected. Although a few courts excuse prospective jurors after one voir dire, most courts bring them back to the jury pool and reuse them on other panels for the remainder of the day."<sup>13</sup>

Forty percent of the United States population lives in jurisdictions operating under One Day/One Trial systems.<sup>14</sup> In some jurisdictions the system is statutorily mandated, while other jurisdictions have adopted One Day/One Trial systems voluntarily:

**Figure 4. Jurisdictions Using One Day/One Trial System**

<b>Statutorily Mandated Statewide Systems</b>	<b>Voluntary Systems</b> (Includes all or most counties in the states listed)
California	Arizona
Colorado	Michigan
Connecticut	New York
Florida	North Dakota
Massachusetts	Pennsylvania
	Houston
	Dallas
	Chicago
	Atlanta
	Washington, D.C.
	Salt Lake City

<sup>13</sup> Standards Relating to Juror Usage and Management, American Bar Association, (1983), 55.

<sup>14</sup> State of Jury Management in Minnesota, 9.

The American Bar Association's Standards Relating to Juror Use and Management recommends that jurisdictions reduce, to the shortest extent possible, the time spent by jurors at the courthouse. Standard 5 specifically encourages the adoption of a one-day or one trial jury system. The National Center for State Courts identifies the following advantages to a One Day/One Trial system:

- The burden of jury service is redistributed across a larger population;
- Jury panels may be more representative and inclusive of the community as more people are called to service;
- The juror yield is increased because the proportion of citizens who are unable to serve for one trial or one day is significantly smaller than those who would be unable to serve for longer terms; and
- Calendaring practices may improve to make the most efficient use of the more transient population of prospective jurors.

A shortened term of service would minimize the inconvenience and hardship experienced by jurors as well as frustration on the part of jurors and their dissatisfaction with the jury system in particular, and with the judicial system in general. According to the ABA, "...a shortened jury term encourages more efficient use of jurors, which in turn reduces the amount of time they spend waiting to be used. This recognizes that citizens are making an important contribution and that their time is valuable. As a result, juror dissatisfaction is minimized and the willingness of individuals to serve when summoned is increased. Furthermore, improving individual's attitudes toward jury service and the judicial system has the corollary effect of reducing requests for excuse from service and thereby increasing representativeness and inclusiveness of jury panels."<sup>15</sup>

Jury system managers in Minnesota have been receptive to the possible implementation of the One Day/One Trial system if certain impediments are removed. Jurisdictions that use the One Day/One Trial system must summon 2 –3 times as many jurors as were previously summoned<sup>16</sup>. Many administrators are concerned that this increased number may result in a county running out of names to summon for jury service. In addition, state and local governments must appropriate sufficient funds to offset administrative costs associated with summoning increased numbers of jurors. An in-depth analysis of the increased administrative burden must be undertaken before the concept can be seriously considered for implementation in Minnesota.

In addition, two other issues should be examined. The length of time during which a person is eligible to serve on a jury should probably be shortened to accommodate the increased number of jurors to be summoned. Minnesota

<sup>15</sup> Standards Relating to Juror Usage and Management, 56.

<sup>16</sup> State of Jury Management in Minnesota, 10.

Rules of General Practice, Rule 808 (b)(7) provides that a juror is not eligible to serve if that juror has served on a state or federal grand or petit jury in the past four years. Jurisdictions with One Day/One Trial systems generally have a shorter time period for such service eligibility, as depicted on the next page.

**Figure 5. Service Eligibility for One Day/One Trial Jurisdictions**

ONE DAY/ONE TRIAL SYSTEM – By Statute	SERVICE ELIGIBILITY
California	1 year
Colorado	1 year - if serve 5+ days
Connecticut	3 years (upon request) If the number of jurors available for service has been exhausted, then a juror who has already served may be recalled after three months (Stat. 51-232b)
Florida	1 year
Massachusetts	3 years (except Nantucket and Dukes counties where it is 2 years) – when serve

ONE DAY/ONE TRIAL SYSTEM – VOLUNTARY	SERVICE ELIGIBILITY
Arizona (By Bench Order)	Service is for 1 year; however, actual practice is for 18 months. If juror actually serves, s/he may <u>ask</u> to be exempt for 2 years. Statute provides a term of service of 120 days.
Michigan (Statute gives counties option to follow system – 600.1372.)	1 year (Some counties handle their jury lists differently and will use a list for two years, thereby extending the time before someone is called back into service.)
New York (System is county driven – some follow a two day/one trial system, etc.)	4-12 years
North Dakota	2 years
Pennsylvania (By Statute)	1 year (Serve 1-2 days) 3 years (Serve 3+ days)
Georgia: Atlanta (By Informal Judicial Agreement)	2-3 years
Illinois: Chicago	1-2 years
Texas: Dallas Houston*	*3 years (list recycled after third year; if served in third year of list, you could conceivably be called back the next yr.)
Utah: Salt Lake City	2 years – when report up to 5 days or serve on trial 1 Day/1 Trial in practice = if do not serve, then placed at end of list and could be called in again (30 to 180 days)
Washington D.C.	2 years (although they need to closely monitor and improve yield rate in order to stick to this time frame)

In addition, the definition of jury service should be examined. Minnesota State Court System Administrative Policy 30 defines jury service as "a person is considered to have served as a juror once he or she is qualified and reports or is available to report when requested." Under a one day/one trial system, jury service usually means that the prospective juror actually reports to the courthouse for service.

2. **Each county should include language on the jury summons that describes the option to defer jury service in lieu of a request for excusal from service. The Ramsey County Jury Summons language should be reviewed as a model.**
3. **Upon full implementation of the new Jury Plus software, jury management staff should be trained to effectively utilize the jury reports produced by the system. Jury staff should be required to periodically review applicable reports to insure that jurors are used in an efficient and effective manner.**

Jurors should be encouraged to defer jury service if the proposed time for services poses a significant conflict for them. The jury summons should be designed to inform jurors of the option for deferral. Ramsey County's jury summons contains clear, user friendly information on the deferral process. It is suggested that all other counties include such language on the summons.

One of the most lasting and negative impressions a juror can take away from jury service is the feeling that his or her time has been wasted.

"The perception of wasted time is undoubtedly magnified by the uncertainty associated with jury service. There may be uncertainty about how many days a juror must appear at court to be available, uncertainty about how much time will be spent in jury selection where there is a significant chance of not being used, and uncertainty about how long a trial may last if chosen. There is probably nothing more demoralizing for a prospective juror than being told to show up at the jury assembly room at 8:30 a.m. and then waiting around until 3:00 p.m. without being used, only to be told to return the next day"<sup>17</sup>

During FY '00 the Minnesota Judiciary is undertaking an ambitious project to implement a Windows based version of "Jury+" jury management software<sup>18</sup> on a

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<sup>17</sup> Report of the Blue Ribbon Commission on Jury System Improvement, California Judicial Council, et.al., (May 1996), 38.

<sup>18</sup> 58 counties throughout the state have utilized a DOS based version of Jury+ for the past several years.

statewide basis. This software contains several management reports which will enable jury managers to track juror utilization and make modifications as appropriate to ensure that courts make jury service an efficient and effective process. It is anticipated that "Jury+" will be implemented in all 87 counties by April 2000. It is therefore appropriate that, in the fall of 2000, jury management staff receive training and technical assistance on how to best utilize the management reports available.

The Conference of Chief Judges should be responsible for monitoring the use of jury management reports and for insuring that appropriate steps are undertaken to implement improvements to jury utilization practices.

### **III. CONCLUSION**

The National Center for State Courts (NCSC) concluded that Minnesota continues to be a leader in terms of jury management reforms. NCSC also recommends several issues that could be addressed by Minnesota to further advance this leadership position.

The Juror Compensation Workgroup reviewed the recommendations of the NCSC and reviewed Minnesota and national information on juror compensation management systems. In the short time frame given for its deliberations, the Workgroup attempted to identify and recommend changes that would increase juror satisfaction with the jury service process. The recommendations should not, however, be viewed as the only improvements that can be made to the compensation system. As noted in this report, several other jury reform measures to be addressed by the Jury Reform Task Force will also address improvements to the juror compensation system.

## APPENDIX A

### JUROR COMPENSATION SURVEY

Jurors who reported for service during the last week in October through the third week in November were asked to complete a survey on juror compensation. The results of the survey were used to aid the Juror Compensation Workgroup in its deliberations. Thirty-four (34) counties participated in the survey:

Becker	Faribault	LeSueur	Olmsted	Stevens
Brown	Freeborn	Lyon	Ramsey	Steele
Chisago	Goodhue	McLeod	Renville	Wadena
Clay	Itasca	Meeker	Rice	Washington
Crow Wing	Hennepin	Morrison	Scott	Watsonwan
Dakota	Kanabec	Mower	Sibley	Wright
Douglas	Kandiyohi	Nicollet	St. Louis (Hibbing)	

The questions posed and the response tabulations are found on page 2 of Appendix A.

**TOTAL COUNTIES: 34**

**TOTAL JURORS SURVEYED: 1,946**

1. Is jury service posing a financial hardship on you? **T = 1,946**  
a. Yes **396 (20%)**      b. No **1,538 (79%)**      c. N/A **12 (1%)**
2. If available, would you donate your jury service fee to help pay expenses for jurors with financial hardship? **T = 1,946**  
a. Yes **573 (29%)**      b. No **1,345 (69%)**      c. N/A **28 (2%)**
3. If available, would you donate your jury service fee to a charity? **T = 1,946**  
a. Yes **528 (27%)**      b. No **1,360 (70%)**      c. N/A **58 (3%)**
4. What is the status of your employment? **T = 1,946**  
(a) Employed (skip to question 6) **1,615 (84%)**  
(b) Not employed (skip to question 9) **124 (6%)**  
(c) Retired (skip to question 9) **161 (8%)**  
(d) No response **46 (2%)**
5. Please indicate your type of employer. **T = 1,628**  
(a) Self-employed **272 (17%)**  
(b) Public sector (government, schools, etc.) **311 (20%)**  
(c) Private business (less than 100 employees) **381 (23%)**  
(d) Private business (100 employees or more) **631 (38%)**  
(e) No response **33 (2%)**
6. What will you do with your \$30 per day jury service fee? **T = 1,628**  
(a) Give it to employer, employer pays salary **451 (28%)**  
(b) Keep it, employer pays salary **369 (24%)**  
(c) Keep it, employer does not pay salary **453 (28%)**  
(d) Keep it, employer pays the difference **244 (15%)**  
(e) No response **111 (7%)**
7. Do you keep your mileage reimbursement or do you give it to your employer? **T = 1,644**  
a. Keep it **1,362 (83%)**      b. Give it to employer **160 (10%)**      c. N/A **122 (7%)**
8. Should employers be required by law to pay jurors' salaries during jury service? **T = 1,946**  
a. Yes **1,409 (72%)**      b. No **476 (24%)**      c. N/A **61 (3%)**



## APPENDIX B

### NATIONAL COMPARISON JUROR REIMBURSEMENT RATES

STATE	REIMBURSEMENT RATE
Alabama	\$10 a day Employer required to compensate jurors.
Alaska	\$12.50 per half day
Arizona	\$12 a day except Phoenix & Tucson which operate under One Day – One Trial System. In these two counties a juror is paid for mileage for first day and \$12 a day thereafter if impaneled.
Arkansas	\$15 a day; \$35 a day if impaneled.
California	Varies by county \$5 - \$20 a day. One Day/One Trial System statewide
Connecticut	\$0 for first 5 days, then \$50 a day. Employer must pay for first five days. One Day/One Trial System statewide
Colorado	\$0 for first three days, then \$50 a day. Up to \$50 expenses a day paid for unemployed jurors. Employer must pay for first three days. One Day/One Trial System statewide
Delaware	\$0 for first day, then \$20 a day One Day/One Trial System statewide
Florida	\$0 for 1 <sup>st</sup> 3 days if employer pays juror (optional), if not then \$15 a day. \$30 per day for remaining days.
Georgia	Varies by county \$5 - \$25 a day
Hawaii	\$30 a day
Idaho	\$10 per half day
Illinois	Varies by county \$4 - \$15 a day
Indiana	\$15 a day; \$40 if impaneled
Iowa	\$10 a day
Kansas	\$10 a day
Kentucky	\$12.50 a day
Louisiana	Employer must pay for first day, then \$12 a day
Maine	\$10 a day
Maryland	\$15 a day
Massachusetts	\$0 for first three days, then \$50 a day. Employer must pay for first three days.

STATE	REIMBURSEMENT RATE
	One Day/One Trial System statewide
Michigan	\$7.50 a day Most counties use One Day/One Trial System
Minnesota	\$30 a day
Mississippi	\$30 a day
Missouri	\$6 a day
Montana	\$12 a day; \$25 a day if impaneled.
Nebraska	\$10 a day for unemployed. Employer required to compensate jurors.
Nevada	\$9 a day; \$15 a day if impaneled; \$30 a day after five days of service.
New Hampshire	\$10 for half day
New Jersey	\$5 a day
New Mexico	\$5.15 an hour
New York	\$0 if employer pays; \$40 a day if employer does not pay. Most counties use One Day/One Trial System Employer must compensate jurors if there are 10+ employees.
North Carolina	\$12 a day for first 5 days, then \$30 a day
North Dakota	\$25 a day Most counties use One Day/One Trial System
Ohio	Varies by county \$5 - \$40 per day
Oklahoma	\$20 a day
Oregon	\$10 a day
Pennsylvania	\$9 a day for first 3 days, then \$25 a day Most counties use One Day/One Trial System
Rhode Island	\$15 a day
South Carolina	\$10 a day
South Dakota	\$10 a day; \$50 a day if impaneled.
Tennessee	\$10 a day for unemployed Employer required to compensate jurors.
Texas	Varies by county \$6 - \$30 a day
Utah	\$17 a day
Vermont	\$30 a day
Virginia	\$30 a day
Washington	Varies by county \$10 - \$25 a day
West Virginia	\$15 a day
Wisconsin	Varies by county Minimum of \$16 a day
Wyoming	\$30 a day
Federal Courts	\$40 a day