

REPORT NO. 11408

**STATE OF FLORIDA
OFFICE OF THE AUDITOR GENERAL**



**PERFORMANCE AUDIT
OF THE
PETIT JURY MANAGEMENT ACTIVITIES
OF THE
STATE COURTS SYSTEM**

**ADMINISTERED BY THE
SUPREME COURT OF FLORIDA**

APRIL 25, 1990

PETIT JURY MANAGEMENT ACTIVITIES

PURPOSE AND SCOPE

This audit reviews the State petit jury management activities of the State Courts System administered by the Supreme Court of Florida. This audit was conducted as part of the Auditor General's 10-year schedule of performance audits, as directed by Ch. 86-217, Laws of Florida.

The primary focus of our audit was to examine the cost efficiency of juror management practices of the State's local court systems. Specific objectives of our audit were to determine:

- Whether the Supreme Court has instituted standards and procedures for monitoring circuit and county court systems to ensure that these courts use efficient jury management practices;
- Whether circuit and county courts use efficient jury management practices; and
- The potential cost savings to the State if the State Courts System used efficient jury management practices.

The scope of our audit included an assessment of the jury management practices followed by circuit and county courts in each of the State's 67 counties. The scope of our analysis of potential cost savings was limited to juror costs funded by the State; we did not attempt to determine the cost savings that could accrue to county governments if improved jury management practices were implemented. The scope of our audit was limited to the procedures used by the State Courts System to manage petit (trial) juror usage. We did not examine the procedures used to manage grand jury operations.

To conduct our audit, we reviewed relevant sections of the Florida Constitution, Florida Statutes, operating procedures of the Supreme Court and Rules of Judicial Administration. We also surveyed all Clerks of Circuit Courts and County and Circuit Judges, and conducted site visits to courts in ten counties. Our fieldwork was conducted from March through August 1989.

BACKGROUND

Florida's Constitution guarantees that any person accused of committing a crime in the State has the right to a jury trial. In certain court actions a jury trial is an established right. In order for individuals to exercise this right it is necessary that the State courts develop and maintain a system to provide jurors for trials. These jury management systems in Florida include selecting potential jurors from voter registration rolls, summoning jurors, and screening jurors for use at trials. In addition, jury management systems include compensating citizens who serve on juries. In Florida, persons reporting for jury duty are authorized to receive \$10 per day (or fractional part of a day) for their service and 14 cents a mile traveled to attend court regardless of whether they are selected to serve on a jury. Payment is made by Clerks of Circuit Court with monies drawn from the State's General Revenue Fund. In fiscal year 1988-89, approximately 138,086 citizens of Florida reported for jury service throughout the State, and served 561,888 days of jury duty. The State expended approximately \$7.6 million in juror per diem and mileage fees.

Jury trials convene at circuit and county courts in the State's 67 counties or 20 Judicial circuits. These circuit and county courts must operate under Rules of Judicial Administration established by the Florida Supreme Court. Within the Supreme Court, the Office of the State Courts Administrator assists in the jury management activities of the State Courts System. This Office monitors jury administration in circuit and county courts through collecting and reporting data on juror usage, and providing technical assistance services to court staff. The Chief Judge of each circuit is responsible for overseeing the administration of the circuit courts and county courts in the circuit. In each county, the Clerk of Circuit Court or the Circuit Court Administrator for the circuit assists the Chief Judge in implementing the jury system.

RESULTS IN BRIEF

The petit jury management activities of the State Courts System are not as cost-efficient as they could be. The Supreme Court has recommended, but not required, that circuit and county courts follow jury management practices that have been shown to reduce juror costs and inconvenience of jury duty to the public. Jury management practices are directly related to cost efficiency and focus on three points: determining how many jurors are

EXECUTIVE SUMMARY

needed; notifying jurors when to report; and using jurors efficiently after they report for service. However, most circuit and county courts have not implemented these practices. If the jury management practices recommended by the Supreme Court had been followed the State could have saved approximately \$7.3 million in juror costs during fiscal years 1984-85 through 1988-89. In addition, citizens would not have spent approximately 730,000 days serving jury duty.

FINDINGS

Research studies conducted by organizations such as the National Center for State Courts have identified a number of management practices that have been shown to reduce the cost of providing jurors for trials and the inconvenience of jury duty to the public. These practices are directly related to cost efficiency and focus on three points: determining how many jurors are needed; notifying jurors when to report; and using jurors efficiently after they report for service. While the Supreme Court has recommended that circuit and county courts follow these practices, it has not required that the practices be used. Our surveys of Judges and Clerks of Circuit Court showed that most courts are not using the recommended jury management practices. However, local courts that are using these practices have lower juror costs.

Statewide, the average cost of providing jurors to start and hold trials are significantly higher than the Supreme Court's juror cost goals. These average costs have increased over the past five years as the cost-efficiency of court jury management has declined. In fiscal year 1988-89, the Statewide average juror costs to start trials was 73 percent above the Supreme Court's juror cost goal, while the average juror costs to hold trials was 34 percent above the Supreme Court's goal. The State could have realized a potential savings of approximately \$1.4 million during fiscal year 1988-89 if the State Courts System had achieved the Supreme Court's cost goals for jury management. In addition, over 140,000 days of jury service could have been avoided during that year. While jury service is a civic duty, it can be an inconvenience to the public and can be a financial hardship to persons who are self-employed or whose employers do not grant leave for jury duty.

RECOMMENDATIONS

To improve the cost-efficiency of juror management activities of the State Courts System, we recommend that:

- The Supreme Court establish Rules of Judicial Administration governing jury management in local court systems. These Rules should require the local courts to implement jury management programs which are based on the jury management practices currently recommended but not mandated by the Office of the State Courts Administrator. However, the Rules should allow some flexibility so that local court systems can adapt the practices to meet local needs;
- The Office of the State Courts Administrator monitor the compliance of local court systems with jury management practice requirements, and conduct detailed studies of court systems that fail to attain the Supreme Court's designated juror cost goals. The Chief Judges of circuits that fail to attain these cost goals should be required to submit written annual reports to the Chief Justice of the Supreme Court explaining the reasons for the non-attainment of the cost goals and detailing corrective action plans. The Chief Justice should take appropriate enforcement action if he determines that the stated reasons for not attaining the cost goals are not justified; and
- The Chief Justice submit an annual report to the Legislature as a part of the Supreme Court's Legislative Budget Request, on the cost-efficiency performance of the State Courts System's petit jury management activities. This would allow the Legislature to consider the level of efficiency in the State Courts System's jury management activities

EXECUTIVE SUMMARY

when determining the level of funds to be appropriated for these activities and State compensation of jurors.

AGENCY RESPONSE

The Chief Justice of the Supreme Court, through the State Courts Administrator, provided us a written response to our preliminary and tentative findings and recommendations. The State Courts Administrator indicated that he generally agreed with the process by which we used the goals and data from the petit jury management system. He also stated his belief that additional factors must be considered and addressed when considering some of our findings concerning juror system performance and potential cost savings. He agreed with us that jury management practices to be employed by the courts will vary from circuit to circuit and county to county and that there are a number of circuit and county courts that have yet to consider or systematically employ some of the procedures recommended by the Supreme Court. He also wrote that the Supreme Court would consider our findings when determining whether additional rules are needed to effectuate changes that would result in improved performance of local jury management systems.