



SUPREME COURT OF FLORIDA  
TALLAHASSEE  
32399-1925

LEANDER J. SHAW, JR.  
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M E M O R A N D U M

TO: Chief Judges of the Circuit Courts  
Trial Court Administrators

FROM: Leander J. Shaw, Jr. *LJS Jr*

RE: Jury Management Efficiency Program

DATE: August 14, 1990

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I am pleased to inform you that the State Courts System was able to obtain authorization in the FY 1990-91 General Appropriations Act for up to 20 staff positions for the trial courts, for work on jury management. These positions are to be assigned to assist in the implementation of jury management procedures directed at: (1) reducing the expenditure of state dollars for juror compensation and (2) reducing juror inconvenience. In addition, up to five positions were authorized for the Office of the State Courts Administrator to provide coordination of oversight, training, and technical assistance for the project.

As you are aware, the Auditor General recently issued a performance audit report detailing a number of deficiencies in the jury management practices of the State Courts System. The Auditor General concluded that we could save as much as 25 percent of our total juror appropriation, if certain management efficiency measures were implemented uniformly across the state. In our response to the audit report, we agreed that savings could be achieved, but only if additional staff resources in the trial courts and the OSCA were authorized to address the problem. Based on this assertion, the Legislature agreed to fund new positions, contingent upon our realizing sufficient savings to offset their costs.

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Provided in Attachment I is a preliminary allocation of positions for this project. The allocations are based on an assessment of each circuit's performance during calendar year 1989, in terms of the standard jury management indices supported by data from the Quarterly Jury System Management Reports (JSMR). Attachment II provides definitions of the indices and a detailed analysis of performance for each county in your circuit. Attachment III is a compilation of JSMR data for calendar year 1989, comparing the performance of the various circuits and counties.

Since the new positions are to be funded from monies appropriated for juror compensation, the focus of our efforts will be on those circuits with the greatest potential for savings. This is consistent with the proviso language in the General Appropriations Act controlling the expenditure of dollars for the project, which follows:

From the funds provided in Specific Appropriation 1258B, up to 5 positions may be established in the Supreme Court and up to 20 positions may be established in Circuit Courts to implement the recommendations of the Auditor General for improving the management of jurors. The Office of the State Courts Administrator shall develop policy, provide technical assistance and provide training on jury management. The classification and allocation of positions among the circuits shall be based on the relative need for improvement of jury management operations in each circuit. Any funds not expended for this program shall be used to reimburse Specific Appropriation 1262.

It is recognized that a number of counties have instituted jury management procedures that have resulted in substantial savings in state expenditures for juror per diem. Duval County was specifically mentioned in the Auditor General's report as being the most efficient county in the state. Other counties have implemented proven jury management procedures and are in compliance with recommended national standards as well. Unfortunately, because of the limitation on the total amount of funds available for the project and the intent of the proviso language, we cannot, at this time, allocate positions for work in such counties or other circuits where the JSMR data indicates little potential for cost savings. However, please note that we have held four staff positions in reserve for purposes of

minimizing the annualized cost of the jury management project. It may be possible to allocate these positions later in the year, based on continued strong performance of these counties and circuits over the next six to eight months.

The remaining circuits, which are comprised of counties with sufficient potential to offset the costs of the new positions, are eligible to receive a position effective October 1, 1990. As a condition of the establishment of a position, each recipient circuit will be required to take specific, immediate steps to reduce the number of jurors called and used, in two stages. First, we are asking that a minimum reduction be made in the number of jurors called during the month of September but no later than October 1. Second, we will require that each participating circuit prepare a detailed jury management plan for implementation no later than January 1, 1991, which envisions further reductions in costs.

The required percentage reductions in juror utilization for each county, in circuits that are eligible for the assignment of a new position, are included in Attachment IV. The calculations are based on the performance of the various counties in calendar year 1989 in terms of compliance with the recommended national standards for costs of a jury trial, which are:

- Three hundred dollars for a six person trial; and
- Five hundred dollars for a twelve person trial.

Attachment IV shows reductions that would be necessary, effective October 1, 1990, and January 1, 1991, for participating courts. Attachment V presents an estimate of the potential savings that would accrue, by circuit, if the required reductions in expenditures are accomplished.

Meeting these proposed cost reduction targets will require each participating circuit/county to modify its existing jury management practices. Some counties will have to make substantial changes in the manner in which they operate their jury systems. Again, eligibility to obtain staff resources referred to above depends on each court making a formal commitment to meet the cost reduction goals. The failure of a participating circuit to achieve the established cost reductions may result in the loss of the position(s).

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The major focus of the staff assigned to the OSCA will be to provide training and on-site technical assistance to judges, trial court administrators and their staff, and clerks, related to proven methods of reducing the costs and inconvenience of juror participation in the judicial process. It is anticipated that a series of regional training workshops will be conducted during the month of October and November. Experts within Florida and outside of the state will participate in these workshops, describing successful experiences they have had in improving juror management efficiency. They will provide advice on the nuts and bolts of how new procedures may be implemented without disruption of the regular judicial process.

Additionally, OSCA staff will be providing support to a project steering committee which I will appoint immediately. The committee -- which is to be comprised of judges, trial court administrators and clerks -- will recommend a statewide administrative order and/or rule of judicial administration on jury management. The OSCA staff will also develop refinements in the JSMR system; monitor the performance of participating counties and circuits; prepare detailed analyses of jury management system performance, on a county-by-county basis; develop model administrative orders and local procedures; and coordinate on-site visits necessary to assist participating courts in the implementation of their plans. The Eighth Judicial Circuit will be used as a proving ground, or pilot, for many of the refinements in jury management policy we hope to implement.

It is clear that in order to make the necessary reductions in the number of jurors called and paid, required by October 1, 1990, participating courts must act immediately to reduce the number of jurors called for service and improve the efficiency with which they are managed once they report to the courthouse. Accordingly, we are asking each court wishing to participate in the project to advise us of its interest as soon as possible. Staff from the OSCA will be contacting the trial court administrators in each circuit regarding project participation and to answer any questions they may have concerning the project. A timetable for the entire jury management project is presented in Attachment VI.

The OSCA is still negotiating with the Executive Office of the Governor regarding the formal establishment of the positions. A brief outline of the possible duties and responsibilities that may be assigned to these positions is included as Attachment VII. OSCA staff will consult by telephone with trial court administrators in circuits wishing to participate in the project

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regarding the final classification of the positions. The senior positions have been allocated to larger circuits or those with greater potential for cost savings.

In sum, achievement of the goals of this project cannot be realized without the cooperation of all chief judges, all judges hearing jury trials, trial court administrators and their staffs, and clerks offices. We look forward to your participation and appreciate your support for what we consider to be a most challenging initiative.

Any questions you may have regarding the project may be referred to Mike Bridenback (904/922-5094, SunCom 292-5094), Peggy Horvath (904/488-6569, SunCom 278-6569), or Ken Palmer (904/922-5082, SunCom 292-5082).

LJS:KRP:dgh:m-jury

Attachments

cc: Judge Clarence Johnson  
Peggy Horvath  
Mike Bridenback