

Summary Report

The Effectiveness of Current Jury Management Practices

Introduction

On July 31, 2001 the Trial Court Budget Commission (TCBC) adopted a proposal (See Appendix A) directing staff from the Office of the State Courts Administrator (OSCA) to “[c]onduct a review to evaluate the effectiveness of current jury management practices.” The primary measure of effectiveness was established in the proposal as adherence to standard panel sizes. The goal of the review was to determine any potential monetary savings.¹

Additionally, the proposal referenced many of the reports, orders, and activities in Florida over the last decade associated with effective jury management practices. Among these are included:

- Auditor General Report 11408 dated April 25, 1990;
- Auditor General Report 11422 dated May 16, 1990;
- Administrative Order signed by then Chief Justice Shaw on October 8, 1990;
- Administrative Order signed by then Chief Justice Grimes on March 22, 1995;
- Affirmation of the standard panel sizes by the Jury Innovations Committee in their final report dated May 2001;
- Statutory changes reducing the term of service and altering juror compensation;
 - The 1992 Florida Legislature passed HB 134;
 - Governor Chiles signed the legislation into law on July 2, 1992; and
- Additional extensive OSCA and trial court staff work and data collection.

Findings

1. Only two counties are adhering to the standards.
2. A substantial amount of savings would be realized if counties adhered to the standards.

Data

Two sources of data are available and were used in the review of current jury management practices.

The first source of data is provided monthly to the OSCA by either the clerks of the circuit courts or the circuit court administrators on the jury management report. Relevant variables included in the reports are the number of people reporting daily for jury service and the number of six-person and twelve-person trials. The data is reported separately for each county.

The second source of data is maintained by staff in the Finance and Accounting section of the OSCA. Variables in this data set include the actual jury per diem expenses distributed to each county. Data is maintained separately for each county.

Method

The method adopted for the review utilized data for the last five calendar years (1997-2001) from both data sources. Using data for a five year period allows for the control of annual fluctuations.

While standards for panel sizes are available, the available data does not allow for a comparable measurement of actual panel sizes. However, both standards and a comparable measurement are available for the number of persons brought in per trial (PBI) and jury days per trial (JDPT).

Of the two measures (PBI and JDPT), PBI represents a measure more comparable across counties. Therefore, PBI was used to operationalize the concept of standard panel size.²

The actual number of PBI for each county was calculated using the data provided monthly to the OSCA by the clerks of the circuit courts or the circuit court administrators and based on the following formula:

$$\text{PBI} = \text{Number of Jurors Reporting Daily} / (\text{Six-Person Trials} + \text{Twelve-Person Trials}).^3$$

The standards for PBI adopted by the Florida Supreme Court and recently affirmed by the Jury Innovations Committee are 18.3 for each six-person trial and 30.5 for each twelve-person trial.

Findings

For the last five year period, **a comparison of the above standards for PBI against actual PBI for each county returns a finding of noncompliance for 65 of the 67 counties.**

Additionally, a comparison of the estimated cost for each county at standard PBI versus the actual cost indicates **a substantial amount of savings would be realized if we were adhering to the standards.**

Recommendation

The finding that 65 of 67 counties are noncompliant with the current standards for PBI, raises the question of the applicability of these standards. The impact of the changes in the jury source list from the voter registration list to the driver's license list is one factor impacting PBI that might explain this level of noncompliance.

Given this level of noncompliance and these changes in the source list, **a more detailed review of the current standards is recommended prior to forwarding any specifics regarding the effectiveness of current jury management practices or any potential monetary savings.**

Recommendation

1. Recommend to the Supreme Court a more detailed review of current standards for panel sizes.

It is further recommended this more detailed review be structured to address whether the current standards are appropriate, and if not, what are the new standards that should be advanced for consideration. Such a review may best be conducted by experienced criminal and civil judges

from the circuit and county courts.

1. The proposal adopted by the TCBC was one part of an overall budget reduction package. Additional information can be found at http://www.flcourts.org/osca/divisions/ArticleV/summaries7_30and31.html.

2. This methodology was based on definitions and formulas adopted and/or promulgated as part of the Jury Management Efficiency Program described in the August 14, 1990 memorandum from then Chief Justice Shaw to all circuit court chief judges and circuit court administrators.

3. See note 2.

Appendix A

Activity: JURY OPERATIONS AND EXPENSES

Location: Administered Funds

Authority: Chapter 40, Florida Statutes

Legislative Intent:

Description: Standard jury panel sizes were implemented by the Supreme Court in response to an Auditor General performance audit of the Florida State Courts System which indicated that significant numbers of excess prospective jurors were being summoned in relation to the actual number of trials. The implementation of standard panel sizes, combined with a reduction in the term of service and a statutory change in the payment of jurors, have saved the State Courts System approximately \$18 million in unnecessary juror per diem costs and days over the past decade.

However, data submitted to the Office of the State Courts Administrator indicate that in some circuits there has been a gradual increase in the number of people summoned and reporting for jury duty. The data suggests that the standard panel sizes are being exceeded for various reasons. Therefore the possible beneficial effects of standard panel sizes both in relation to juror utilization and monetary savings are not currently being fully realized.

Proposed Action: Conduct a review to evaluate the effectiveness of current jury management practices.

TCBC: Approved Proposed Action