

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES
Fees of Jurors and Commissioners
SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS

Fiscal Year 2019 Assumed Appropriation	\$ 50,750,000
Fiscal Year 2020 Requested Appropriation	\$ 51,851,000
Requested Increase from Fiscal Year 2019 Assumed Appropriation	1,101,000

APPROPRIATION LANGUAGE

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

FEEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), [\$50,750,000]\$51,851,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

(H.R. 6147 - Financial Services and General Government Appropriations Act, 2019, updated to reflect the judiciary's fiscal year 2019 assumed appropriation)

**SUMMARY OF REQUEST
FEES OF JURORS AND COMMISSIONERS
FISCAL YEAR 2020
(Dollar amounts in thousands)**

Fiscal Year 2019 Resource Requirements:

	<u>FTEs</u>	<u>Amount</u>
Fiscal Year 2019 Assumed Obligations.....	-	\$51,750
Carryforward balances and prior year recoveries.....	-	(1,000)
Fiscal Year 2019 Assumed Appropriation.....	-	\$50,750

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A. Adjustments to Base:

6.10	1. Inflationary adjustments		-	
	a. Grand Jurors.....		-	169
	b. Petit Jurors.....		-	319
6.10	2. Adjustment to base for requirements in FY 2019.....		-	1,051
6.10	3. Projected change in available jurors			
	a. Grand Jurors.....		-	(192)
	b. Petit Jurors.....		-	(246)
	Subtotal, Adjustments to Base to Maintain Current Services.....		-	1,101
	Total Current Services Appropriation Required.....		-	51,851
	Total Fiscal Year 2020 Appropriation Required.....		-	51,851
	Total Appropriation Change, Fiscal Year 2019 to Fiscal Year 2020.....		-	1,101

Financing the Fiscal Year 2020 Request:

	Total Appropriation Required.....		-	51,851
6.11	4. Anticipated carryforward from FY 2019 and prior years into FY 2020.....		-	1,000
	Estimated Obligations, Fiscal Year 2020.....		-	52,851

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES
FEES OF JURORS AND COMMISSIONERS
Obligations by Activity (\$000)

Activity	Fiscal Year 2018 Actual	FY 2019 Assumed Obligations/ Appropriation	Fiscal Year 2020 Request
Comparison by activities:			
<i>Land commissioners</i>	12	100	100
<i>Grand Jurors</i>	14,966	17,625	17,548
<i>Petit Jurors</i>	35,287	34,025	35,203
Total Obligations	50,265	51,750	52,851
Unobligated Balance, start of year	(78)	(1,593)	(1,000)
Prior Year Recoveries	(836)	(407)	-
Unobligated Balance, end of year	1,593	1,000	-
Appropriation	50,944	50,750	51,851

Obligations by Budget Object Class (\$000)

Description	Fiscal Year 2018 Actual	Fiscal Year 2018 Assumed Obligations	Fiscal Year 2020 Request
11 Personnel compensation	23,094	24,279	23,887
12 Personnel benefits	1	1	1
21 Travel	22,476	21,482	22,462
23 Rent, communications and utilities	2,375	2,423	2,643
25 Other services	1,016	2,236	2,431
26 Supplies and materials	1,303	1,329	1,427
Total obligations	50,265	51,750	52,851

**COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES
FEES OF JURORS AND COMMISSIONERS**

Relation of Obligations to Outlays (\$000)

	FY 2018 Actual	FY 2019 Assumed Obligations	FY 2020 Request	Difference (+) or (-)
Obligations incurred, net	50,265	51,750	52,851	1,101
Obligated balance, start of year	2,337	2,828	3,754	926
Obligated balance, end of year	(2,828)	(3,754)	(3,918)	(164)
Change in prior year balances	(576)	-	-	-
Net Outlays	49,198	50,824	52,687	1,863

GENERAL STATEMENT AND INFORMATION

This appropriation provides for the statutory fees and allowances of grand and petit jurors, and for the compensation of jury and land commissioners. In addition to reimbursement for daily travel to and from court, expenses allowed include meals and lodging furnished to sequestered jurors, and transportation to view evidence or crime scenes offsite. Budgetary requirements depend largely upon the volume and the length of jury trials demanded by parties to both civil and criminal actions and the number of grand juries convened by the courts at the request of United States Attorneys. All these factors are outside the control of the judiciary.

The fiscal year (FY) 2020 request of \$51,851,000 for the Fees of Jurors and Commissioners account will support all projected requirements for petit and grand jurors and land commissioners.

Petit Jurors

A petit jury may be called to hear a trial in a criminal or civil action. A criminal trial normally has a 12-person jury and a civil trial typically has a 7- to 9-person jury. Criminal juries decide whether the defendant committed the crime as charged. In a civil trial, the jury's responsibility is to decide whether the defendant injured or otherwise failed to fulfill a legal obligation to the plaintiff and to determine what the compensation should be. Petit jurors are entitled to a daily attendance fee of \$50 for each day of their jury service. In FY 2018, Congress approved the judiciary's request to increase the daily petit juror attendance fee from \$40 to \$50.

The number of jurors called on any given day to serve in a petit jury pool is related to the number and type of cases in which a jury trial is requested. Moreover, under rules of criminal procedure, criminal trials are allowed additional peremptory challenges compared to civil trials because of the jury size. This means that the court must take these challenges into account when determining the number of potential jurors in a criminal jury pool. However, a correspondingly larger number of prospective jurors in the criminal pool will not be selected to serve on the trial due in part to the additional peremptory challenges. Thus, when compared to civil jury selections, the total number of prospective jurors completing jury service during jury selection is greater in criminal trials.

In FY 2018, the total number of available petit jurors¹ increased by 2.5 percent to 357,004, ending a 10-year decline in available petit jurors. Available petit jurors are projected to decrease to 353,000 in FY 2019 and further decrease to 339,000 in FY 2020. This trend is driven largely by fewer filed cases proceeding to a jury trial. Similarly, trial days are estimated to decrease in FY 2019 and

¹ An available petit juror is one that is present for selection or serving following selection.

FY 2020. Table 6.1 on page 6.7 provides a historical pattern of the number of juror days, number of jurors called, and the related costs of those jurors' expenses.

Grand Jurors

A grand jury is a jury of inquiry whose duty is to receive complaints and accusations in criminal cases, hear the evidence presented on the part of the Government, and find bills of indictment in cases where the jurors are satisfied that the evidence presented is sufficient to warrant filing an indictment and bringing the case to trial. The number of grand juries convened by district courts varies depending on such factors as the number of criminal cases, the type of criminal activity, and the number of places in which court is held. Grand juror activity is measured by the number of sessions convened, jurors in session, and total jurors in attendance. Grand jurors are entitled to a daily attendance fee of \$50 for each day of their jury service. Like petit jurors, in FY 2018, Congress approved the judiciary's request to increase the daily grand juror attendance fee from \$40 to \$50.

In FY 2018, the total number of available grand jurors² increased by 1.5 percent to 179,740. Available grand jurors are projected to continue to increase in FY 2019 to 180,100 and then decrease again in FY 2020 to 178,100. Overall, the downward trend of criminal case filings is reflected in the decline of grand jury sessions convened. Table 6.2 on page 6.8, provides further detail on grand jury activity.

FISCAL YEAR 2019 APPROPRIATIONS ASSUMPTION

In the absence of enacted full year FY 2019 appropriations, the judiciary made assumptions to construct a FY 2020 budget request. The judiciary built the FY 2020 budget request for the Fees of Jurors and Commissioners appropriation assuming the FY 2019 re-estimate of \$50,750,000. This amount funds FY 2019 standard inflationary adjustments.

After full year FY 2019 appropriations are enacted, the judiciary will re-estimate its FY 2020 budget request and transmit to the Appropriations Committees any changes to FY 2020 appropriations requirements.

For bill language, the judiciary used the language from H.R. 6147, the House-passed FY 2019 Financial Services and General Government (FSGG) appropriations bill, updated with the assumed funding level as described above, as the closest approximation of eventual enacted FY 2019 appropriations language.

² An available grand juror is one that is either selected to serve or serving during a convened grand jury session.

Table 6.1 Petit Juror Activity

		Petit Jury Trial Days				Available Jurors		Cost	
	<u>Fiscal Year</u>	<u>Criminal</u>	<u>Civil</u>	<u>Total</u>	<u>Percent Change</u>	<u>Jurors</u>	<u>Percent Change</u>	<u>Fees & Expenses</u>	<u>Percent Change</u>
Actual	2010	13,088	10,825	23,913	-5.7%	483,293	-7.5%	\$47,006,000	3.4%
	2011	12,714	11,222	23,936	0.1%	469,199	-2.9%	\$37,909,000	-19.4%
	2012	12,679	10,099	22,778	-4.8%	451,989	-3.7%	\$38,956,000	2.8%
	2013	12,730	9,207	21,937	-3.7%	448,329	-0.8%	\$39,398,000	1.1%
	2014	11,506	9,214	20,720	-5.5%	417,285	-6.9%	\$37,762,000	-4.2%
	2015	9,609	9,947	19,556	-5.6%	376,723	-9.7%	\$34,002,000	-10.0%
	2016	9,327	9,179	18,506	-5.4%	368,639	-2.1%	\$33,898,000	-0.3%
	2017	8,892	8,628	17,520	-5.3%	348,259	-5.5%	\$32,209,000	-5.0%
	2018	9,401	7,911	17,312	-1.2%	357,004	2.5%	\$35,287,000	9.6%
Estimated	2019	8,900	7,600	16,600	-1.1%	353,000	-1.1%	\$34,025,000	-3.6%
	2020	8,500	7,100	15,700	-4.0%	339,000	-3.9%	\$35,203,000	3.5%

Table 6.2 Grand Jury Activity

	Total Number of Grand Jurors					Available Jurors			Cost	
	<u>Fiscal Year</u>	<u>Sessions Convened</u>	<u>Percent Change</u>	<u>Jurors in Session</u>	<u>Percent Change</u>	<u>Hours in Session</u>	<u>Jurors</u>	<u>Percent Change</u>	<u>Fees & Expenses</u>	<u>Percent Change</u>
Actual	2010	9,257	-1.1%	186,194	-0.2%	44,676	203,160	-0.4%	\$15,755,000	0.2%
	2011	9,277	0.2%	186,020	-0.1%	44,845	203,435	0.1%	\$17,642,000	12.0%
	2012	9,083	-2.1%	182,106	-2.1%	43,083	200,362	-1.5%	\$16,288,000	-7.7%
	2013	8,923	-1.8%	179,076	-1.7%	41,477	196,540	-1.9%	\$16,097,000	-1.2%
	2014	8,230	-7.8%	164,856	-7.9%	36,719	181,437	-7.7%	\$14,406,000	-10.5%
	2015	8,087	-1.8%	161,493	-2.0%	36,098	177,720	-2.0%	\$14,495,000	0.1%
	2016	8,249	2.0%	164,733	2.0%	36,621	180,709	1.7%	\$14,608,000	0.8%
	2017	8,124	-1.5%	161,759	-1.8%	35,823	177,027	-2.0%	\$13,888,000	-4.9%
	2018	8,258	1.6%	163,859	1.3%	36,458	179,740	1.5%	\$14,966,000	7.8%
Estimated	2019	8,200	-0.7%	164,700	0.5%	36,200	180,100	0.2%	\$17,625,000	17.8%
	2020	8,100	-1.2%	163,000	-1.0%	35,600	178,100	-1.1%	\$17,548,000	-0.4%

<u>Fiscal Year</u>	Average Number of			Total Number of Grand Juries		
	<u>Jurors per Session</u>	<u>Hours per Session</u>		<u>In Existence at the beginning of the Fiscal Year</u>	<u>Impaneled</u>	<u>Discharged</u>
2010	20.1	4.80		450	334	265
2011	20.0	4.70		458	341	263
2012	20.1	4.60		462	321	247
2013	20.0	4.60		460	318	267
2014	20.0	4.50		440	323	242
2015	15.9	3.60		439	312	255
2016	20.0	4.40		417	326	248
2017	19.9	4.40		433	322	240
2018	19.8	4.40		440	315	217

Land Commissioners

The responsibility of land commissioners is to determine the issue of just compensation arising from the deprivation of private property for public use. Under the Federal Rules of Civil Procedure, a district court may use its discretion to order that compensation for condemned property be determined by a commission of three persons appointed by the court. The determination of compensation is based on evidence presented during the exercise of trial procedures and evidentiary rulings. This delegation of the judicial function requires close judicial supervision and requires that actions taken by the commission be fully documented to permit full review by the district or appellate courts. This system ensures due process of law to the litigants.

Land commissioners are compensated based on the daily equivalent of the highest rate payable under 5 U.S.C. § 5332. They are also eligible for locality pay amounts that apply to their locality pay areas which are payable in addition to their basic pay. The annual adjusted pay rate (i.e., basic pay plus locality pay) for land commissioners is limited to the rate of pay for level III of the Executive Schedule, currently \$174,500.

JUSTIFICATION OF CHANGES

The FY 2020 appropriation request for Fees of Jurors and Commissioners totals \$51,851,000, which represents an increase of \$1,101,000, or 2.2 percent, above the FY 2019 assumed appropriation of \$50,750,000. The amount requested is for adjustments to base to maintain current services.

A. ADJUSTMENTS TO BASE TO MAINTAIN CURRENT SERVICES

1. Inflationary adjustments

a. Grand Jurors

Requested Increase: \$169,000

An increase of \$169,000 is requested for inflationary adjustments associated with grand juror costs, including travel allowances (mileage, parking, tolls), meals and lodging for sequestered jurors, and other miscellaneous juror expenses.

b. Petit Jurors

Requested Increase: \$319,000

An increase of \$319,000 is requested for inflationary increases associated with petit juror costs, including travel allowances (mileage, parking, tolls), meals and lodging for sequestered jurors, and other miscellaneous juror expenses.

2. Adjustment to base to requirements in FY 2019

Requested Increase: \$1,051,000

An increase of \$1,051,000 is requested to reflect a base adjustment to FY 2019 requirements in the petit juror program. The FY 2019 assumed level funds these requirements at a lower level than actual petit juror activity and revised, projected caseload anticipated in FY 2019.

3. Projected change in available jurors

a. Grand Jurors

Requested Decrease: (\$192,000)

A decrease of \$192,000 is the result of a projected decline in the estimated number of available grand jurors from FY 2019 to FY 2020.

b. Petit Jurors

Requested Decrease: (\$246,000)

A decrease of \$246,000 is the result of the projected decline in the estimated number of available petit jurors from FY 2019 to FY 2020.

FINANCING THE FY 2020 REQUEST

4. Anticipated carryforward from FY 2019 and prior years into FY 2020

Estimated funds available: \$1,000,000

The judiciary projects \$1,000,000 will be available through anticipated savings to carry forward from FY 2019 and prior years into FY 2020 to offset the FY 2020 appropriations request for the Fees of Jurors program. The judiciary will advise the appropriations subcommittee staffs of changes to this estimate.