

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

Fiscal Year 2021 Enacted Appropriation	\$ 32,517,000
Fiscal Year 2022 Requested Appropriation	\$ 53,690,000
Requested Increase from Fiscal Year 2021 Assumed Appropriation	21,173,000

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)), [\$32,517,000]\$53,690,000, 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.

(P.L. 116-260 - Financial Services and General Government Appropriations Act, 2021)

**SUMMARY OF REQUEST
FEES OF JURORS AND COMMISSIONERS
FISCAL YEAR 2022
(Dollar amounts in thousands)**

Fiscal Year 2022 Resource Requirements:

	<u>FTEs</u>	<u>Amount</u>
Fiscal Year 2021 Assumed Obligations.....	-	\$52,364
Carryforward balances	-	(19,847)
Fiscal Year 2021 Enacted Appropriation.....	-	\$32,517

No. A. Adjustments to Base:

6.10	1. Inflationary adjustments		
	a. Grand Jurors.....	-	274
	b. Petit Jurors.....	-	370
6.10	2. Projected change in available jurors		
	a. Grand Jurors.....	-	1,551
	b. Petit Jurors.....	-	(1,983)
6.10	3. Increase in appropriation to fund current services.....	-	20,961
	Subtotal, Adjustments to Base to Maintain Current Services.....	-	21,173
	Total Current Services Appropriation Required.....	-	53,690
	Total Fiscal Year 2022 Appropriation Required.....	-	53,690
	Total Appropriation Change, Fiscal Year 2021 to Fiscal Year 2022.....	-	21,173

Financing the Fiscal Year 2022 Request:

	Total Appropriation Required.....	-	53,690
6.11	4. Anticipated carryforward from FY 2021 and prior years into FY 2022.....	-	3,000
	Estimated Obligations, Fiscal Year 2022.....	-	56,690

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

Activity	Fiscal Year 2020 Actual	FY 2021 Assumed Obligations/ Appropriation	Fiscal Year 2022 Request
Comparison by activities:			
<i>Land commissioners</i>	7	100	100
<i>Grand Jurors</i>	11,483	16,318	19,082
<i>Petit Jurors</i>	21,027	35,946	37,508
Total Direct Obligations	32,517	52,364	56,690
Unobligated Balance, start of year	(161)	(19,847)	(3,000)
Transfer to the Salaries and Expenses Account	2,677	-	-
Anticipated Financial Plan Savings	-	(2,847)	-
Prior Year Recoveries	(1,335)	(153)	-
Unobligated Balance, end of year	19,847	3,000	-
Appropriation	53,545	32,517	53,690

Obligations by Budget Object Class (\$000)

Description	Fiscal Year 2020 Actual	Fiscal Year 2021 Assumed Obligations	Fiscal Year 2022 Request
11 Personnel compensation	15,763	23,368	26,972
21 Travel	13,527	23,321	23,929
23 Rent, communications and utilities	1,880	2,825	2,881
25 Other services	372	1,448	1,477
26 Supplies and materials	975	1,403	1,431
Total obligations	32,517	52,364	56,690

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

Relation of Obligations to Outlays (\$000)

	FY 2020 Actual	FY 2021 Assumed Obligations	FY 2022 Request
Obligations incurred	32,517	52,364	56,690
Obligated balance, start of year	3,050	1,941	1,185
Adjustment to prior year activity	(799)	(1,287)	(1,393)
Obligated balance, end of year	(1,941)	(1,185)	(1,283)
Total Outlays	32,827	51,833	55,199
Less Offsets	(537)	(864)	(935)
Net Outlays	32,290	50,969	54,264

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) 2022 request of \$53,690,000 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.

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 (i.e., exclusions of jurors from the pool without a stated reason) 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 2020, the overall number of jurors decreased sharply due to the impact of the COVID-19 pandemic. The total number of available petit jurors¹ in FY 2020 decreased by 47.8 percent from 349,852 to 182,691. Going forward, however, available petit jurors are projected to increase to 358,000 in FY 2021 and then decrease again slightly to 352,000 in FY 2022. This trend is driven largely

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

by an estimated increase in jury trial days in FY 2021 and then a decline in FY 2022. 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.

As stated above, the overall number of jurors decreased sharply in FY 2020 due to the impact of the COVID-19 pandemic. In FY 2020, the total number of available grand jurors² decreased by 35.8 percent from 183,196 to 117,549. Going forward, available grand jurors are projected to increase in FY 2021 to 186,000 and then continue to increase in FY 2022 to 188,000. Table 6.2 on page 6.8 provides further detail on grand jury activity.

FISCAL YEAR 2021 APPROPRIATIONS

The judiciary built the FY 2022 discretionary budget request for the Fees of Jurors and Commissioners appropriation on the FY 2021 enacted appropriation of \$32,517,000. This amount takes into consideration the carryforward balances in the Jurors account at the close of FY 2020 and when added to the enacted appropriation would maintain current services in FY 2021 for this account. For bill language, the judiciary used the language from P.L. 116-260, Financial Services and General Government Appropriations Act, 2021.

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	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%
	2019	9,373	7,150	16,523	-4.6%	349,852	-2.0%	\$36,516,000	3.5%
	2020	4,889	3,574	8,463	-48.8%	182,691	-47.8%	\$21,027,000	-42.4%
Estimated	2021	8,900	7,100	16,000	89.1%	358,000	96.0%	\$38,972,000	85.3%
	2022	8,600	6,600	15,200	-5.0%	352,000	-1.7%	\$37,508,000	-3.8%

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	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%
	2019	8,374	1.4%	167,310	2.1%	36,706	183,196	1.9%	\$16,948,000	13.2%
	2020	5,449	-34.9%	107,489	-35.8%	24,940	117,549	-35.8%	\$11,483,000	-32.2%
Estimated	2021	8,000	46.8%	168,400	57.6%	35,100	186,000	58.2%	\$17,406,000	51.6%
	2022	7,900	-1.3%	171,100	1.0%	34,500	188,000	1.1%	\$19,082,000	9.6%

Fiscal Year	Average Number of		Total Number of Grand Juries		
	Jurors per Session	Hours per Session	In Existence at the beginning of the Fiscal Year	Impaneled	Discharged
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
2019	20.0	4.40	434	315	213
2020	19.7	4.60	448	203	173

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 \$183,300.

JUSTIFICATION OF CHANGES

The FY 2022 appropriation request for Fees of Jurors and Commissioners totals \$53,690,000, which represents an increase of \$21,173,000, or 65.1 percent, above the FY 2021 enacted appropriation of \$32,517,000. 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: \$274,000

An increase of \$274,000 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: \$370,000

An increase of \$370,000 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. Projected change in available jurors

a. Grand Jurors

Requested Increase: \$1,551,000

An increase of \$1,551,000 is the result of a projected increase in the estimated number of available grand jurors from FY 2021 to FY 2022.

b. Petit Jurors

Requested Decrease: (\$1,983,000)

A decrease of \$1,983,000 is the result of the projected decrease in the estimated number of available petit jurors from FY 2021 to FY 2022.

3. Increase in appropriation needed to fund current services

Requested Increase: \$20,961,000

The FY 2021 financial plan was financed in part with the historically large carryforward balances from FY 2020 due to the COVID-19 pandemic, as well as some prior year recoveries. In FY 2021, an assumption was made that juror activity would likely be less than the forecasted; therefore, additional savings in this account were factored into the final financial plan. The judiciary requests an increase in appropriated funds in FY 2022 to replace these non-appropriated funds in order to maintain the same level of service provided in FY 2021.

FINANCING THE FISCAL YEAR 2022 REQUEST

4. *Anticipated carryforward from FY 2021 and prior years into FY 2022*

Estimated funds available: \$3,000,000

The judiciary projects \$3,000,000 will be available through anticipated savings to carry forward from FY 2021 and prior years to offset the FY 2022 appropriations request for the Fees of Jurors account. The judiciary will advise the appropriations subcommittee staff of any changes to this estimate.