

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

Fees of Jurors and Commissioners

SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS

Fiscal Year 2023 Enacted Appropriation	\$ 58,239,000
Fiscal Year 2024 Requested Appropriation	\$ 59,902,000
Requested Increase from Fiscal Year 2023 Enacted Appropriation	1,663,000

APPROPRIATION LANGUAGE

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

FEES 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)), [\$58,239,000]\$59,902,000, 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 117-328 - Financial Services and General Government Appropriations Act, 2023)

**SUMMARY OF REQUEST
FEES OF JURORS AND COMMISSIONERS
FISCAL YEAR 2024
(Dollar amounts in thousands)**

Fiscal Year 2024 Resource Requirements:

	<u>FTEs</u>	<u>Amount</u>
Fiscal Year 2023 Assumed Obligations.....	-	\$59,565
Carryforward balances	-	(1,326)
Fiscal Year 2023 Enacted Appropriation.....	-	\$58,239

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A. Adjustments to Base:

6.10	1. Inflationary adjustments			
	a. Grand Jurors.....		-	160
	b. Petit Jurors.....		-	434
6.10	2. Projected change in available jurors			
	a. Grand Jurors.....		-	113
	b. Petit Jurors.....		-	630
6.10	3. Increase in appropriation to fund current services.....		-	326
	Subtotal, Adjustments to Base to Maintain Current Services.....		-	1,663
	Total Current Services Appropriation Required.....		-	59,902
	Total Fiscal Year 2024 Appropriation Required.....		-	59,902
	Total Appropriation Change, Fiscal Year 2023 to Fiscal Year 2024.....		-	1,663

Financing the Fiscal Year 2024 Request:

	Total Appropriation Required.....		-	59,902
6.11	4. Anticipated carryforward from FY 2023 and prior years into FY 2024.....		-	1,000
	Estimated Obligations, Fiscal Year 2023.....		-	60,902

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

Activity	Fiscal Year 2022 Actual	Fiscal Year 2023 Assumed	Fiscal Year 2024 Request
Comparison by activities:			
<i>Land commissioners</i>	-	100	100
<i>Grand Jurors</i>	13,317	15,759	15,807
<i>Petit Jurors</i>	38,340	43,706	44,995
Total Direct Obligations	51,657	59,565	60,902
Unobligated Balance, start of year	(18,812)	(1,326)	(1,000)
Transfer to the Salaries and Expenses Account	-	-	-
Anticipated Financial Plan Savings	(1,333)	-	-
Prior Year Recoveries	(235)	(1,000)	-
Unobligated Balance, end of year	1,326	1,000	-
Appropriation	32,603	58,239	59,902

Obligations by Budget Object Class (\$000)

Description	Fiscal Year 2022 Actual	Fiscal Year 2023 Assumed	Fiscal Year 2024 Request
11 Personnel compensation	24,676	27,565	29,320
21 Travel	21,207	23,237	25,625
23 Rent, communications and utilities	2,812	3,584	2,965
25 Other services	1,844	2,897	1,520
26 Supplies and materials	1,118	2,282	1,472
Total Obligations	51,657	59,565	60,902

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

Relation of Obligations to Outlays (\$000)

	FY 2022 Actual	FY 2023 Assumed	FY 2024 Request
Obligations incurred	51,657	59,565	60,902
Obligated balance, start of year	2,380	2,914	3,360
Adjustment to prior year activity	(448)	(517)	(528)
Obligated balance, end of year	(2,914)	(3,360)	(3,436)
Total Outlays	50,675	58,602	60,299
Less Offsets	(353)	(407)	(417)
Net Outlays	50,322	58,195	59,883

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) 2024 request of \$59,902,000 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 is guilty of 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 the appropriate compensation. 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 2022, the overall number of jurors increased significantly over FY 2021, and the number of jurors is now trending back towards the historic average since more cases are being called following the COVID-19 pandemic. The total number of available petit jurors¹ in FY 2022 increased by 83.0 percent from 185,565 to 339,615. Going forward, available petit jurors are projected to increase to 374,300 in FY 2023 and then continue increasing back to pre-pandemic levels of 417,700 in FY 2024. This trend is driven largely by

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

an estimated increase in jury trial days in FY 2023 and FY 2024. 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.

In FY 2022, the total number of available grand jurors² increased by 8.4 percent from 124,187 to 134,637. Although this is still much lower than the historic average, it reflects a significant rebound as more courts resumed normal jury operations following the COVID-19 pandemic. Going forward, available grand jurors are projected to increase further in FY 2023 to 144,200 and then continue to increase in FY 2024 to 152,600. Table 6.2 on page 6.8 provides further detail on grand jury activity.

FISCAL YEAR 2023 APPROPRIATIONS

The judiciary built the FY 2024 budget request for the Fees of Jurors and Commissioners appropriation on the FY 2023 enacted appropriation, which is \$58,239,000. For bill language, the judiciary used the language from P.L. 117-328, Financial Services and General Government Appropriations Act, 2023.

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	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%
	2021	5,402	3,422	8,824	4.3%	185,565	1.6%	\$21,507,000	2.3%
	2022	9,569	7,019	16,588	88.0%	339,615	83.0%	\$38,340,000	78.3%
Estimated	2023	10,600	7,300	17,900	7.9%	374,300	10.2%	\$43,706,000	14.0%
	2024	12,200	7,900	20,100	12.3%	417,700	11.6%	\$44,995,000	2.9%

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	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%
	2021	5,686	4.3%	110,954	3.2%	27,086	124,187	5.6%	\$12,340,000	7.5%
	2022	6,348	11.6%	123,770	11.6%	26,932	134,637	8.4%	\$13,317,000	7.9%
Estimated	2023	6,800	7.1%	132,200	6.8%	28,200	144,200	7.1%	\$15,759,000	18.3%
	2024	7,200	5.9%	139,900	5.8%	29,400	152,600	5.8%	\$16,966,000	7.7%

<u>Fiscal Year</u>	<u>Average Number of</u>		<u>Total Number of Grand Juries</u>		
	<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>
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
2021	19.5	4.80	379	319	222
2022	19.5	4.20	373	276	155

Land Commissioners

Land commissioners are responsible for determining 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 \$187,300.

JUSTIFICATION OF CHANGES

The FY 2024 appropriation request for Fees of Jurors and Commissioners totals \$59,902,000, which represents an increase of \$1,663,000, or 2.9 percent, above the FY 2023 enacted appropriation of \$58,239,000. 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: \$160,000

An increase of \$160,000 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: \$434,000

An increase of \$434,000 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: \$113,000

An increase of \$113,000 is the result of a projected increase in the estimated number of available grand jurors from FY 2023 to FY 2024.

b. Petit Jurors

Requested Increase: \$630,000

An increase of \$630,000 is the result of a projected increase in the estimated number of available petit jurors from FY 2023 to FY 2024.

3. Increase in appropriation needed to fund current services

Requested Increase: \$326,000

In FY 2023, \$1.3 million in balances from FY 2022 and prior years is available to finance FY 2023 requirements. The judiciary expects to obligate all of this funding in FY 2023. Because the judiciary anticipates having \$0.3 million less in carryforward funding in FY 2024, it requests \$0.3 million more to maintain current services.

FINANCING THE FISCAL YEAR 2024 REQUEST

4. *Anticipated carryforward from FY 2023 and prior years into FY 2024*

Estimated funds available: \$1,000,000

The judiciary projects \$1,000,000 will be available through anticipated savings to carry forward from FY 2023 and prior years to offset the FY 2024 appropriations request for the Fees of Jurors account. The judiciary will advise the appropriations subcommittee staff of any changes to this estimate.