

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 3

In Support of Fair, Impartial, and Inclusive Jury Service

WHEREAS, trial by jury is a cornerstone of the American justice system and is enshrined in state and federal Constitutions; and

WHEREAS, trial by jury provides citizens with an opportunity to participate in the administration of justice; and

WHEREAS, trial by jury safeguards individual rights and liberty; and

WHEREAS, trial by jury ensures the fair and equal application of the law; and

WHEREAS, the experience of serving as a trial juror promotes public trust and confidence in the justice system; and

WHEREAS, the jury system is best able to perform its role when juries broadly reflect their communities; and

WHEREAS, one-third of prospective jurors experience financial hardship as a result of jury service;¹ and

WHEREAS, an average of 8 percent of prospective jurors are excused from the jury pool;² and

WHEREAS, an additional 5 percent are excused during jury selection due to hardship, and this proportion increases substantially for longer trials;³ and

WHEREAS, the proportion of prospective jurors excused for hardship decreases significantly as juror compensation increases;⁴ and

¹ PAULA HANNAFORD-AGOR, INCREASING THE JURY POOL: IMPACT OF THE EMPLOYER TAX CREDIT 7 (Aug. 2004) (*hereinafter* INCREASING).

² GREGORY E. MIZE, PAULA HANNAFORD-AGOR & NICOLE L. WATERS, STATE-OF-THE-STATES SURVEY OF JURY IMPROVEMENT EFFORTS 24 (April 2007) (*hereinafter* STATE-OF-THE-STATES SURVEY).

³ INCREASING, *supra* note 1.

⁴ STATE-OF-THE-STATES SURVEY, *supra* note 2, at 24.

WHEREAS, juror fees in state courts are, on average, less than one-fifth of the daily per capita income in the United States;⁵ and

WHEREAS, empaneled juries most closely reflect the demographic and socioeconomic characteristics of their communities in states that either mandate employer-paid leave for jury service⁶ or compensate jurors for lost income;⁷ and

WHEREAS, approximately one-third of employers do not provide paid leave for jury service;⁸ and

WHEREAS, citizens should not be economically disadvantaged by serving as trial jurors;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators requests the National Center for State Courts to convene a Task Force to develop strategies to reduce economic barriers to jury service for all persons summoned.

Adopted as proposed by the Conference of Chief Justices and Conference of State Court Administrators Public Engagement, Trust, and Confidence Committee at the 2020 Annual Meeting on July 30, 2020.

⁵ The U.S. Census Bureau reports that per capital income was \$32,621 (2018 inflation adjusted), which is \$130.12 based on a 260-day work year. U.S. CENSUS BUREAU, American Community Survey, Table B19301 (ACS 2018 5-Year-Average). The average juror fee is \$22 per day in states that compensate jurors a flat fee; in states that compensate jurors on a graduated fee basis, the average juror fee is \$32 beginning the second day or later of service. STATE-OF-THE-STATES SURVEY, *supra* note 2, at 11-13.

⁶ Eight states and the District of Columbia require employer-paid leave for jury service. The states are Alabama (ALA. CODE § 12-6-8(c); Colorado (COLO. REV. STAT. § 13-71-126); Connecticut (CONN. GEN. STAT. § 51-247(a); Georgia (Attorney General Unofficial Opinion # U 89-55, Attorney General Official Opinion 95-13); Massachusetts (MASS. GEN. LAWS ch. 234A § 48; Nebraska (NEB. REV. STAT. § 25-1640); New York (N.Y. JUD. LAW Art. 16 § 521); and Tennessee (TENN. CODE ANN. § 22-4-108(B)(1)). *Id.* at n. 23.

⁷ Paula Hannaford-Agor, *Jury News: The Arizona Lengthy Trial Fund – A Ten-Year Success Story*, 29(2) CT. MGR. 52 (2013).

⁸ INCREASING, *supra* note 1, at 4.