

**FY 2008
ARIZONA
LENGTHY TRIAL FUND
REPORT**

Arizona Supreme Court
Administrative Office of the Courts
Court Services Division
February 2009

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FY 2008 Arizona Lengthy Trial Fund Report

I. INTRODUCTION

In July 2004, Arizona became the first state in the nation to supplement or replace employment income lost by jurors who serve on longer trials. Reimbursement for lost earnings is made from the Arizona Lengthy Trial Fund. The impetus for creation of the fund was, in part, stimulated by a national jury reform effort which resulted in the drafting of model legislation known as the Jury Patriotism Act.

This report is submitted in compliance with A.R.S. § 21-222(E), which requires the Supreme Court to report annually to the joint legislative budget committee “on the amount of monies collected and disbursed from the [lengthy trial] fund and the number of jurors who received monies from the fund.”

II. THE FUND

The goal of the Arizona Lengthy Trial Fund is to lessen a juror’s concern of lost earnings which may result from serving on a jury and thereby allow a greater cross-section of the community to serve on longer trials. The fund reimburses jurors who lose earnings while serving as a juror, up to a maximum of \$300 per day. Jurors who are unemployed or who earn less than \$40 per day are eligible for a \$40 per day minimum payment. Jurors must serve more than five days to be eligible to participate in the fund. However, once a juror is determined eligible for reimbursement, payment is retroactive to the fourth day of trial.

Revenue for the lengthy trial fund is generated, pursuant to A.R.S. § 12-115, by a \$15.00 filing fee applied to civil complaints, answers to civil complaints, and motions to intervene filed in superior court.

The process of reimbursement to jurors requires the counties to make payment to eligible jurors when the jury commissioner approves the juror’s claim. The jury commissioner then seeks reimbursement from the fund through the Administrative Office of the Courts (AOC). Administrative expenses for operation of the fund are limited by statute to 3% of the monies in the fund.

The Supreme Court adopted Arizona Code of Judicial Administration § 5-109 which governs the fund, and the AOC developed an instructional brochure for jurors and jury commissioners that explains the program. The AOC also created a juror claim form that is completed by jurors and an Arizona lengthy trial fund reimbursement request form that is completed by the jury commissioner. The AOC reviews all reimbursement requests and issues reimbursement to the county as appropriate.

III. FINANCIAL

Arizona Lengthy Trial Fund FY 2008 Revenue and Reimbursements				
	Revenue Received		Reimbursement To Courts	
County Name	Revenue	% of Total	Reimbursement	% of Total
Apache	\$ 5,301.50	0.6%	\$ -	
Cochise	\$ 11,110.51	1.3%	\$ -	
Coconino	\$ 9,812.36	1.2%	\$ -	
Gila	\$ 4,998.14	0.6%	\$ 4,100.00	0.8%
Graham	\$ 2,166.39	0.3%	\$ -	
Greenlee	\$ 470.55	0.1%	\$ -	
La Paz	\$ 1,980.75	0.2%	\$ 4,298.44	0.8%
Maricopa	\$ 471,911.30	56.5%	\$ 376,962.99	72.7%
Mohave	\$ 33,058.18	4.0%	\$ 7,520.89	1.5%
Navajo	\$ 9,319.61	1.1%	\$ 8,731.92	1.7%
Pima	\$ 131,574.00	15.7%	\$ 59,298.30	11.4%
Pinal	\$ 29,361.03	3.5%	\$ -	
Santa Cruz	\$ 7,446.95	0.9%	\$ 1,492.00	0.3%
Yavapai	\$ 24,164.04	2.9%	\$ 10,099.15	1.9%
Yuma	\$ 14,577.18	1.7%	\$ 25,414.47	4.9%
Interest Earned	\$ 78,568.52	9.4%		
Administrative			\$ 20,354.63	3.9% ¹
Total:	\$835,821.01	100.0%	518,272.79	100%

IV. STATISTICS BASED ON TRIALS HELD IN FY 2008

Reimbursement by Number and Percentage of Jurors

Throughout FY 2008, 2,626 sworn jurors served on trials that lasted more than five days where a request for reimbursement was submitted, making these jurors potentially eligible for participation in the fund. Of the 2,626 sworn jurors, 760 or 29 percent were actually eligible and were paid under the fund. Jurors from Maricopa and Pima Counties accounted for 82 percent of the 760 jurors paid: Maricopa, 482; and Pima, 141.

¹ The \$20,354.63 in administrative expenses represents 3.9 percent of total expenditures, whereas A.R.S. § 21-222 (B) authorizes an administrative expense of 3 percent of monies available in the fund.

Reimbursement by Case Type

The 760 jurors reimbursed under the fund served on 211 trials. For every three jurors serving on a civil case who were reimbursed, seven jurors serving on a criminal case were reimbursed. Criminal cases accounted for 72 percent of the jurors reimbursed for jury service. In criminal cases, 545 or 27 percent of 2,013 sworn jurors were reimbursed under the fund, while in civil trials 215 or 35 percent of 613 sworn jurors were reimbursed under the fund.

However, 3,726 more juror days were reimbursed for criminal trials than for civil trials. Of the 6,418 total juror days reimbursed under the fund in FY 2008, 5,072 days were reimbursed for criminal trials and 1,346 days were reimbursed for civil trials.

The total amount reimbursed to jurors under the fund was \$518,273. Jurors serving on criminal trials were reimbursed \$412,597 or 80 percent of total juror payments, and jurors serving on civil trials were reimbursed \$105,676 or 20 percent of total juror payments. These juror reimbursement figures include administrative costs as set forth below.

On average, the eligible jurors serving on a criminal trial where a request for reimbursement was made were reimbursed for 9.3 days at \$79.43 per day. Therefore, the average juror serving on an eligible criminal trial was reimbursed \$738.70 for the trial. The eligible jurors serving on a civil trial where a request for reimbursement was made were reimbursed an average of \$76.67 per day. However, jurors serving on an eligible civil trial served an average of 6.3 days and therefore were reimbursed \$483.02 per trial.

Administrative costs reimbursed

Counties are paid \$18 from the fund for each juror claim processed. The eight counties who submitted requests for reimbursement in FY 2008 received \$14,400 for these administrative expenses. An additional \$20,355 was expended by the AOC pursuant to A.R.S. § 21-222(B) for administrative expenses.

V. MONIES SWEPT

As a result of the FY09 budget crisis, the Arizona State Legislature swept monies from the fund as follows:

- FY 2009 - \$207,000
- FY 2009 - \$750,000
- FY 2008 - \$1,000,000

VI. CONCLUSION

Jury commissioners throughout the state have reported that the lengthy trial fund is a welcome reform that has allowed a number of citizens to serve on juries who would not have been financially able to serve without reimbursement or supplementation of lost earnings offered by the fund.