



2022 Annual Jury Program Report

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Waukesha County Circuit Court 2022 Jury Program Report

The right to a trial by jury is the cornerstone of American democracy, guaranteed by both the state and federal constitutions. The decisions made by juries affect people's rights and freedom. The willingness of all who are summoned to serve is essential to ensure representative, impartial juries. Even those who do not eventually serve on a jury help maintain the judicial system by reporting for jury service.

Jury service is a duty of citizenship similar to paying taxes and voting. By employing effective techniques and best practices, Waukesha County strives to administer a fiscally responsible and efficient jury system while continuously working to improve the nature and quality of the services request by and provided for our citizens. We also strive to ensure that our judges, the lawyers, the litigants, and the public have confidence in the fairness and impartiality of the impaneled juries, and that jurors have appropriate tools during trials and deliberations with which to render informed and fair judgments.

Wisconsin Supreme Court Rules require each judicial circuit to analyze the performance of the jury system annually to determine the following:

1. If the department list or master list is representative and inclusive of the population of the circuit;
2. The effectiveness of the summoning and qualification procedures;
3. The responsiveness of prospective jurors to their summonses for jury duty;
4. If jurors and prospective jurors are used efficiently; and
5. The cost-effectiveness of the jury system.

The following report includes specific information related to this criteria. It also provides the details related to the Jury Program operations and highlights many improvements that have been made to the Waukesha County Jury Program over the past several years.

Waukesha County Circuit Courts is dedicated to administering a Jury Program that is efficient and fiscally responsible. We continually look for ways to improve the quality, efficiency and cost-effectiveness of our jury system, and this report highlights these efforts.



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Development of a Prospective Jury List

Every resident in Waukesha County who is at least 18 years of age, a U.S. citizen, and able to understand the English language is qualified to serve as a juror unless that resident has been convicted of a felony and has not had his or her civil rights restored. The annual selection of Waukesha County jurors begins with a request for a specific number of records from the Wisconsin Department of Transportation (DOT). The DOT provides a source list of valid licensed drivers and identification card holders. The table below represents three years of data involved in developing a list of Waukesha County citizens available to serve as a juror:

	2022	2021	2020
# of records on Waukesha County DOT listing	318,146	318,146	318,146
# of Waukesha County records requested from DOT	18,000	13,500	11,500
# of DOT records not loaded into the CCAP database for the following reasons: deceased, previous permanent excusal, four year disqualification, under the age of 18	1,762 (10%)	1,352 (10%)	1,635 (14%)
# of prospective jurors	16,238	12,148	9,865

Note: Due to census data issues, last years data is being used for the 2022 jury evaluation. The data is from the Intercensal Population Estimate 2020 and is identified as the source year used.

Balance and Inclusiveness

The Wisconsin Supreme Court Rules require that this source list be representative and inclusive of the population of the county. Data from the U.S. census for the county for persons 18 years of age and older by race and gender are compared to the master list to ensure fair representation and inclusiveness exists. The following comparison data confirms the master list and prospective jury list are representative and inclusive of the population of Waukesha County for persons 18 years or older in all areas measured.

Persons 18+ Years Old		Census Year		Jury Year Master List		Prospective Jury List	
		#	%	#	%	#	%
<u>Gender</u>	Male	154,725	48.63%	154,447	49.12%	7,926	48.81%
	Female	163,421	51.37%	160,000	50.88%	8,312	51.19%
		318,146		314,447		16,238	
<u>Age</u>	18-24	31,022	9.75%	31,941	10.16%	1,730	10.65%
	25-44	93,418	29.36%	94,894	30.18%	4,965	30.58%
	45-64	116,155	36.51%	109,975	34.97%	5,540	34.12%
	65+	77,551	24.38%	77,637	24.69%	4,003	24.65%
	Unknown	0	0.00%	0	0.00%	0	0.00%
			318,146		314,447		16,238
<u>Race</u>	Hispanic	12,996	4.08%	6,787	2.16%	426	2.62%
	Amer Indian/Alaska Native	797	0.25%	629	0.20%	54	0.33%
	Asian/Pacific Islander	11,893	3.74%	9,152	2.91%	531	3.27%
	Black/African American	5,160	1.62%	5,138	1.63%	276	1.70%
	White/Caucasian	287,300	90.30%	270,179	85.92%	14,289	88.00%
	Other/Unknown	0	0.00%	22,562	7.18%	662	4.08%
			318,146		314,447		16,238

Qualification and Summoning

Waukesha County uses a one-step qualification and summoning system. Upon receipt of the qualification questionnaire and jury summons, prospective jurors are instructed to complete an online or paper qualification questionnaire and return it to the court. Based on the results of the questionnaires, some citizens may be disqualified, excused, or permanently excused and are notified by court staff. If a citizen does qualify for jury service, they follow the instruction they receive with the summons.

On a weekly basis, court staff determines the number of jurors needed to appear for jury selection based upon a variety of factors. Generally the type of case or the charges and the anticipated length of a jury trial will determine the number of jurors summoned and brought in for jury selection in addition to other factors such as the number of jurors who may not be qualified. For example, a specified number of jurors are required to appear for a criminal misdemeanor trial, but a different number of jurors are summoned for a termination of parental rights or a criminal felony sexual assault trial. While there are general guidelines applied, each case is also examined carefully for its own unique needs such as the nature of the crime(s), the complexity of the dispute, whether it is a high profile case and many other factors to ensure the proper number of jurors are available for the jury selection process. The table below depicts the number of individuals who received a qualification questionnaire and jury summons and our juror usage in the past three years:

	2022 Jury Year		2021 Jury Year		2020 Jury Year	
	#	%	#	%	#	%
# of Qualification Questionnaire & Summons Sent	14,753	-	10,473		8,906	-
Questionnaires Returned	14,020	95%	9,879	94%	8,377	94%
Returned Online	9,720	69%	6,512	66%	5,758	69%
Returned Via USPS	4,300	31%	3,367	34%	2,619	31%
Jurors Ineligible/Unavailable	3,843	27%	2,845	29%	2,523	30%
Qualified Jurors	10,177	73%	7,034	71%	5,854	70%
# of Qualified Citizens Postponed	3,702	36%	2,903	41%	1,817	31%
Online Postponement	2,761	75%	2,003	69%	1,269	70%
Postponement Via USPS	941	25%	900	31%	548	30%
Text Reminders Sent	29,891		20,373		12,371	
Email Reminders Sent	31,282		20,816		10,790	
Jurors Required To Report	3,166	31%	3,011	43%	1,235	21%
Jurors Sent to Voir Dire	2,559	81%	2,544	84%	1,100	89%
Jurors Questioned in Voir Dire	1,886	74%	1,900	75%	689	63%
Jurors Not Questioned in Voir Dire	673	26%	644	25%	411	37%
Jurors Sworn	954	30%	964	32%	354	29%
Jurors Who Reported and Not Used	607	19%	467	16%	135	11%

Jury Trial Information

In 2022, there were 100 jury trials in which jurors were called to report in for service. Status conferences are held before each jury trial for the purpose of determining whether the case is “trial ready.” Occasionally, cases settle, are dismissed, or are adjourned on trial day despite our best attempts to take care of matters at the status conference. While the judicial system is designed to avoid this once jurors appear, there are many factors that result in cases not proceeding to jury trials. In 2022, twenty-five (25) cases did not proceed to a jury trial as follows: six (6) trials were adjourned; thirteen (13) trials did not begin because a plea was entered by the defendant; and three (3) trials did not proceed because the cases were dismissed. Finally, three (3) trials were resolved or adjourned after the jury was sworn; one (1) being an agreement reached by parties, one (1) being a plea entered by the defendant and one (1) being adjourned due to state witness issues. The following is a breakdown of the trial activity for the past three years:

	<u>2022</u>			<u>2021</u>			<u>2020</u>		
	# of Jury Trials Tried To Verdict	# of Jury Trials that did not begin, or began but ended with a dismissal, a plea, a hung jury, or an adjournment	Total Trial Days	# of Jury Trials Tried To Verdict	# of Jury Trials that did not begin, or began but ended with a dismissal, a plea, a hung jury, or an adjournment	Total Trial Days	# of Jury Trials Tried To Verdict	# of Jury Trials that did not begin, or began but ended with a dismissal, a plea, a hung jury, or an adjournment	Total Trial Days
<u>CRIMINAL/ TRAFFIC</u>									
Felony	49	14	154	37	18	116	13	4	59
Crim Misd	4	3	8	3	2	5	2	2	4
Crim Traffic	5	2	9	7	3	13	4	0	5
Traffic	1	1	2	1	1	3	1	0	2
Forfeiture	0	0	0	0	0	0	0	0	0
SUBTOTAL	59	20	173	48	24	137	20	6	70
<u>CIVIL</u>									
Large Claim	14	2	49	18	3	53	2	0	5
Small Claim	0	0	0	0	0	0	0	0	0
SUBTOTAL	14	2	49	18	3	53	2	0	5
<u>PROBATE</u>									
Guardianship	0	0	0	0	0	0	0	0	0
Probate	0	0	0	0	0	0	0	0	0
SUBTOTAL	0	0	0	0	0	0	0	0	0
<u>JUVENILE</u>									
Commitment	2	1	3	2	1	3	1	0	1
Juvenile	0	0	0	0	0	0	0	0	0
TermParRght	0	2	2	1	0	3	1	0	4
SUBTOTAL	2	3	5	3	1	6	2	0	5
TOTAL	75	25	227	69	28	196	24	6	80

Jury Program Costs

Over the years, Waukesha County has implemented several significant changes to the Jury Program. Best practices are developed from national trends, research in jury program operations and internally to create efficiencies in program management through the use of technology. These program enhancements can have a beneficial impact on program expenses.

Year-to-year expenses for the Jury Program are impacted by the number of trials and number of trial days each year. The most significant expenses in the program are the daily juror per diem and travel fee. Juror supplies such as beverages are provided in the Jury Assembly Room and all jury deliberation rooms. Meals are provided to jurors during trial deliberations. Other program expenses include printing, postage and Civilian Jury Bailiffs. The cost of sworn officers providing security in the courtrooms is not included in the Jury Program expenses. Below is the three year history of program expenses:

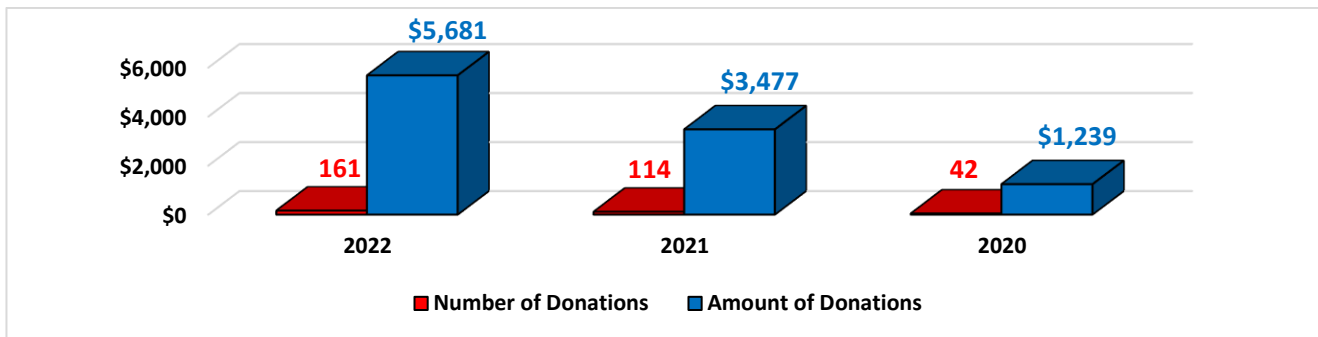
	<u>2022</u>	<u>2021</u>	<u>2020</u>
Miscellaneous*	\$10,190 (4%)	\$4,922 (3%)	\$3,443 (4%)
Postage	\$17,662 (7%)	\$10,165 (6%)	\$8,128 (10%)
Civilian Jury Bailiffs	\$44,514 (19%)	\$24,286 (14%)	\$11,697 (14%)
Food	\$11,749 (5%)	\$4,804 (3%)	\$1,802 (2%)
Travel Fee	\$33,352 (14%)	\$30,107 (17%)	\$12,985 (15%)
Juror Per Diem	\$120,356 (51%)	\$98,147 (57%)	\$47,031 (55%)
Annual Cost	\$237,823	\$172,431	\$85,086
Total Jury Days	227	196	80
Trial Day Cost	\$1,048	\$880	\$1,064
Costs Assessed to Party**	\$4,050	\$1,028	\$660

*Miscellaneous cost includes beverages, periodicals, printing, and office supplies. Court security expenses provided by the Waukesha Sheriff's Department are not included in this summary of jury expenses.

**Costs assessed by the court due to trial settling/ adjourned the morning of trial. The assessed costs include jury fee and civilian bailiff fees.

Voluntary Juror Donation Program

Waukesha County's Voluntary Juror Donation Program allows jurors to voluntarily donate their jury pay and/or travel fee back to the Jury Program. The donated funds cannot be used to offset Jury Program operating expenses, but instead are to be used for improvements to the Jury Program such as snacks for the deliberation rooms. Below is a three year summary of voluntary juror donations:



*Since the inception of the Voluntary Juror Donation Program in 2010, a total of **1,370** donations have been made and **\$40,970** has been received.*

Online Juror Exit Survey

The Voluntary Juror Exit Survey is available on the court’s website, the jury assembly room, and the jury deliberation rooms. All jurors are encouraged to provide feedback regarding their jury service experience. 1074 jurors voluntarily completed the survey in 2022 and provided numerous comments about their experience. The results of the 2022, 2021 and 2020 surveys are shown below:

Please rate the following by selecting the word that best describes your opinion:										
	2022				2021			2020		
	Strongly Agree/ Agree	Neither Agree or Disagree	Strongly Disagree/ Disagree	N/A Blank	Excellent	Good/ Average	Below Average/ Poor	Excellent	Good/ Average	Below Average/ Poor
Summons, Brochure or Materials Provided	95%	1%	1%	4%	55%	44%	0%	57%	43%	0%
Telephone Call-in System	94%	1%	0%	5%	69%	28%	1%	74%	26%	0%
Jury Website	61%	9%	0%	29%	38%	47%	2%	44%	56%	0%
Text/Email	92%	2%	0%	6%	N/A	N/A	N/A	N/A	N/A	N/A
Physical Safety	92%	3%	1%	4%	61%	33%	4%	69%	29%	2%
Treatment by Jury Staff	95%	0%	0%	5%	84%	14%	0%	89%	11%	0%
Jury Video	87%	6%	1%	6%	41%	51%	2%	44%	54%	2%
Juror Orientation	91%	2%	1%	6%	69%	30%	1%	69%	29%	2%
JAR Physical Comforts	88%	4%	3%	5%	N/A	N/A	N/A	N/A	N/A	N/A
Treatment by Courtroom Staff	84%	0%	0%	15%	79%	17%	0%	81%	18%	1%
Treatment by Civilian Bailiff	81%	1%	0%	19%	N/A	N/A	N/A	N/A	N/A	N/A
Courtroom Comforts	75%	3%	4%	18%	N/A	N/A	N/A	N/A	N/A	N/A
Deliberation Room Comforts	61%	2%	1%	36%	N/A	N/A	N/A	N/A	N/A	N/A
Your overall opinion of jury service	83%	8%	1%	7%	46%	44%	3%	70%	29%	1%

In February of 2022 our Juror Exit Questionnaire was updated to solicit feedback and process improvement from jurors. The information received is analyzed to identify improvements and juror comfort. One of the most relevant pieces of data captured through this survey is the overall opinion of jury service. Of the 1,074 jurors who completed the 2022 survey, 83% agreed their experience was better than expected. The feedback is very helpful to program management as we are continuously looking for ways to improve. Responses are reviewed carefully and changes are often made to address the expressed concerns. Samples of some comments we have received follow:

- You all are doing a great job. Very service minded. You go out of your way to make the experience engaging, despite knowing most of us would have rather been somewhere else. :-) I appreciate how you spiced up the presentations with jokes -- although I suspect you get tired of delivering them every week LOL! I have a low expectation of service from government officials, but you all are exceptional!!! I am proud to live in Waukesha County and appreciate the work you do that is often thankless. :-)
- I did not end up serving on a jury, but I can't think of any improvements to the pre trial portion. I served in Milwaukee County previously and believe me when I came to Waukesha I thought I had died and gone to heaven. Thank you for making it as painless as possible.
- Every professional associated with my jury duty experience was excellent! Keep up the great work...thank you!
- Nothing comes to mind. This was my first time serving and it was a very positive experience. Bailiff (Mike) and Judge went out of their ways to be helpful and educational.
- Thank you for the positivity and empathy displayed by the entire team. We all upended our lives to make jury duty happen and it was helpful to feel appreciated for this.
- Get snacks in deliberation room. Get better technology in court. Jury box monitors were laggy at best, when they worked. Could not bring video evidence into deliberation room and speak freely. Lack of smoking accommodations while deliberation. The smoker got more aggravated as time moved on. Let them have their "fix".
- Everything went as explained, no surprises, very organized. Bailiff Mike explained everything each step of the way. Made everyone feel very comfortable and was very knowledgeable!
- The juror selection process was quick, efficient and faster than I expected. I enjoyed the juror experience and found it to be very interesting. Judge Bohren came in the jury deliberation room after the trial to talk with us, see if we had any questions and thank us for our service. That was very nice of him to do that.
- Very organized and well run. Mike, our civilian bailiff gets 20* out of 10-he is beyond professional, courteous and informative- OUTSTANDING! He is an asset to the entire process and made the experience a good one! The technology in the courtroom could be improved it is very slow connections and not on all of the jurors monitors.
- I don't think it can. I really enjoyed my time being a juror. I wish I could do it more often. I felt very valued by Judge Schimel and I know my job was extremely important. Seriously. This was a great learning experience for me. Loved it.
- Overall great experience, everyone very professional and helpful to make sure we were comfortable and understanding of the process, keep up the great work.
- All was good, but if I had to offer one improvement suggestion: the audio/video for jury could be better - it took a long time each time to switch display in the jury box, and when we wanted to see an evidence video the remote display was ad-hoc, requiring telephone tag with bailiff and seeming difficulty navigating the video. In the end we were able to see evidence OK, just (perhaps the usual) annoyance with digital media delays.

- Cup holders in the court room for the people on the Jury, hard to hold your drink or keep bending over to take a drink.
- Audio in the courtroom was too soft at times.
- Mike and Ken were very helpful. It could be cooler in the courtroom. Chocolate snacks in the jury deliberation room.
- The jury box doesn't offer a lot of legroom, especially with the screens on front of the jury. I'm 6'-0; a taller person would have had some difficulty. It's also difficult to move in and out due to the tight clearances.
- If there was some way to improve navigation from place to place when we weren't lined up and marched down the hall.
- Some of us weren't sure how to leave the building when we were dismissed.
- For excused jurors it would have been helpful to have an employee escort back to assembly room. We were wandering for awhile.

2023/2024 Jury Program Updates & Initiatives

SECURE ADDITION: Due to courthouse construction, the courts will continue to modify logistics for transitioning jurors from the jury assembly area to the proper jury trial courtroom in the secure addition, while continuing to ensure a consistent high level of customer service to everyone we serve.

COURTHOUSE RENOVATION: In 2023, renovation of the existing courthouse structure is expected to begin, updating aging mechanical systems, creating efficient floorplan layouts and increasing public accessibility. One piece of data captured yearly through the Voluntary Jury Exit Survey is the physical comforts of jurors. Therefore space, seating and furniture are being examined in an effort to increase juror satisfaction.

CASELOAD BACKLOG: Court officials are continuing to aggressively settle matters for resolution, prioritizing cases ready for jury trial to resolve matters.

JURY ASSEMBLY ROOM: Beginning July of 2023, jury assembly will be held out of G-55 and the cafeteria in the administration center due to courthouse construction.

JUROR SUMMONS: The Juror Summons has been updated to include the new location of jury assembly and other important information regarding the impacts of construction.

JUROR EXIT SURVEY: In February of 2022 the online Juror Exit Survey was redesigned to solicit feedback and process improvement from jurors. The paper copies placed in the jury assembly room have garnered more individuals to submit once their service is complete. The data is analyzed to identify what improvements can be made to the Jury Program. Comments have been collected from the courthouse tower and will be considered in the courthouse renovation.