



2020 Annual Jury Program Report

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Waukesha County Circuit Court 2020 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 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 asked 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 criterion. 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:

	2020	2019	2018
# of records on Waukesha County DOT listing	318,146	316,377	313,549
# of Waukesha County records requested from DOT	11,500	11,500	12,500
# 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	1,635 (14%)	1,003 (9%)	916 (7%)
# of prospective jurors	9,865	10,497	11,584

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%	152,837	49.12%	*4,844	49.13%
	Female	163,421	51.37%	158,323	50.88%	*5,016	50.87%
		318,146		311,160		*9,860	
<u>Age</u>	18-24	31,022	9.75%	32,070	10.31%	1,061	10.76%
	25-44	93,418	29.36%	94,039	30.22%	2,890	29.30%
	45-64	116,155	36.51%	112,815	36.26%	3,594	36.43%
	65+	77,551	24.38%	72,236	23.22%	2,316	23.48%
	Unknown	0	0.00%	0	0.00%	4	0.04%
			318,146		311,160		9,865
<u>Race</u>	Hispanic	12,996	4.08%	6,629	2.13%	249	2.52%
	Amer Indian/Alaska Native	797	0.25%	690	0.22%	26	0.26%
	Asian/Pacific Islander	11,893	3.74%	8,912	2.86%	295	2.99%
	Black/African American	5,160	1.62%	4,779	1.54%	151	1.53%
	White/Caucasian	287,300	90.30%	281,793	90.56%	8,940	90.62%
	Other/Unknown	0	0.00%	8,357	2.69%	204	2.06%
			318,146		311,160		9,865

*The number of prospective jurors in the "Gender" section above is not accurate. This is a result of individuals not identifying a gender, or if they did, the information did not import properly into CCAP. The total number of prospective jurors in 2020 was 9,865.

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 qualification questionnaire or complete a paper questionnaire and return it to the court by mail. Based on the results of the questionnaires, some citizens may be disqualified, excused, or permanently excused and will be 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:

	2020 Jury Year		2019 Jury Year		2018 Jury Year	
	#	%	#	%	#	%
# of Qualification Questionnaire & Summons Sent	8,906	-	8,946	-	10,218	-
Questionnaires Returned	8,377	94%	8,413	94%	9,449	92%
Returned Online	5,758	69%	6,209	74%	6,858	73%
Returned Via USPS	2,619	31%	2,204	26%	2,591	27%
Jurors Ineligible/Unavailable	2,490	30%	2,263	27%	2,806	30%
Qualified Jurors	5,887	70%	6,150	73%	6,643	70%
# of Qualified Citizens Postponed	1,817	31%	2,371	39%	2,749	41%
Online Postponement	1,269	70%	1,835	77%	2,162	79%
Postponement Via USPS	548	30%	536	23%	587	21%
Text Reminders Sent	12,371		15,215		17,302	
Email Reminders Sent	10,790		16,377		17,419	
Jurors Required To Report	1,235	21%	1,819	30%	2,649	40%
Jurors Sent to Voir Dire	1,100	89%	1,730	95%	2,077	78%
Jurors Questioned in Voir Dire	689	63%	1,271	73%	1,385	67%
Jurors Not Questioned in Voir Dire	411	37%	459	27%	692	33%
Jurors Sworn	354	29%	682	37%	731	28%
Jurors Who Reported and Not Used	135	11%	89	5%	572	22%

Jury Trial Information

In 2020, there were 30 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 2020, four cases did not proceed to a jury trial as follows: Two trials were adjourned; and two trials did not begin because a plea was entered by the defendant. Additionally, two trials began, ending in a mistrial. The following is a breakdown of the trial activity for the past three years:

	<u>2020</u>			<u>2019</u>			<u>2018</u>		
	# of Jury Trials Tried To Verdict	# of Jury Trials that did not begin, or began but ended with a dismissal, a plea, or a hung jury	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, or a hung jury	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, or a hung jury	Total Trial Days
<u>CRIMINAL/ TRAFFIC</u>									
Felony	13	4	59	26	3	54	25	10	73
Crim Misd	2	2	4	5	0	7	5	6	12
Crim Traffic	4	0	5	5	1	8	8	4	15
Traffic	1	0	2	1	0	1	4	0	4
Forfeiture	0	0	0	0	0	0	0	0	0
SUBTOTAL	20	6	70	37	4	70	42	20	104
<u>CIVIL</u>									
Large Claim	2	0	5	15	0	38	17	1	43
Small Claim	0	0	0	0	0	0	0	0	0
SUBTOTAL	2	0	5	15	0	38	17	1	43
<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	1	0	1	2	0	2	3	1	4
Juvenile	0	0	0	0	0	0	0	0	0
TermParRight	1	0	4	1	0	4	0	0	0
SUBTOTAL	2	0	5	3	0	6	3	1	4
TOTAL	24	6	80	55	4	114	62	22	151

Jury Program Costs

Over the years, Waukesha County has continuously 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.

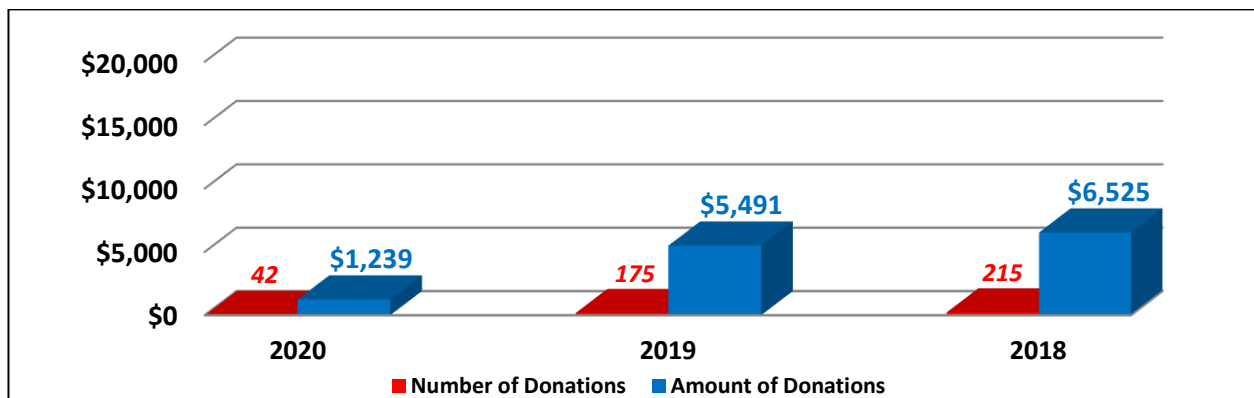
Year-to-year expenses for the Jury Program are impacted by the number of trials and number of trial days each year. The most significant expenses in the program are the daily juror per diem and travel fee. Juror supplies such as beverages and reading materials are provided in the Jury Assembly Room and 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>2020</u>	<u>2019</u>	<u>2018</u>
Miscellaneous*	\$2,698 (3%)	\$4,306 (4%)	\$5,672 (4%)
Postage	\$8,128 (10%)	\$6,995 (7%)	\$8,071 (6%)
Civilian Jury Bailiffs	\$11,697 (14%)	\$15,997 (16%)	\$19,881 (15%)
Food	\$1,802 (2%)	\$3,468 ** (3%)	\$3,187 (2%)
Travel Fee	\$12,985 (15%)	** \$17,710 (17%)	\$24,831 (18%)
Juror Per Diem	\$47,031 (56%)	** \$53,278 ** (52%)	\$72,699 (54%)
Annual Cost	\$84,341	**\$101,754	\$134,341
Total Jury Days	80	114	151
Trial Day Cost	\$1,054	**\$893	\$890

*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. ******Previous year data in the table has been revised.

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. Below is a three year summary of voluntary juror donations:



*Since the inception of the Voluntary Juror Donation Program in 2010, a total of **1,095** donations have been made and **\$31,812** has been received.*

Online Juror Exit Survey

A Voluntary Juror Exit Survey is available on the court’s website and all jurors are encouraged to provide feedback regarding their jury service experience. Jury Program staff hands out Jury Program business cards when jurors assemble for jury trials. The business cards include the link to our website and a quick response (QR code) which quickly takes jurors to our Juror Exit Survey. 265 jurors voluntarily completed the online survey in 2020 and provided numerous comments about their experience. The results of the 2020, 2019 and 2018 surveys are shown below:

Please rate the following by selecting the word that best describes your opinion:									
	2020			2019			2018		
	Excellent	Good/ Average	Below Average/ Poor	Excellent	Good/ Average	Below Average/ Poor	Excellent	Good/ Average	Below Average/ Poor
Summons, Brochure or Materials Provided	57%	43%	0%	60%	40%	0%	61%	39%	0%
Telephone Call-in System	74%	26%	0%	76%	24%	0%	75%	25%	0%
Jury Website	44%	56%	0%	46%	52%	2%	45%	54%	1%
Juror Orientation	69%	29%	2%	81%	19%	0%	78%	22%	0%
Jury Video	44%	54%	2%	48%	49%	3%	50%	48%	2%
Physical Safety	69%	29%	2%	71%	28%	1%	71%	28%	1%
Treatment by Jury Staff	89%	11%	0%	88%	12%	0%	87%	13%	0%
Treatment by Courtroom Staff	81%	18%	1%	81%	16%	3%	80%	20%	0%
Physical Comforts	35%	61%	4%	33%	63%	4%	38%	61%	1%
Your opinion of jury service <i>before</i> serving?	41%	59%	0%	33%	63%	4%	35%	54%	11%
Your opinion of jury service <i>after</i> serving?	70%	29%	1%	66%	33%	1%	65%	34%	1%

One of the most relevant pieces of data we capture each year through this survey is the opinion of jurors before they serve versus after they serve. Of the 265 jurors who completed a survey in 2020, just 41% had an excellent opinion of jury service before they served. After service, 70% had an excellent opinion of jury service, an increase of 29%. This shift is most likely a result of the thorough juror orientation and the overall positive treatment jurors experience by program and courtroom staff, reflected by the very high ratings in the survey. This data is consistent year-after-year.

The feedback from the Voluntary Juror Exit Survey is very helpful to program management as we are continuously looking for ways to improve the program. Responses are reviewed carefully and changes that can be made to address issues are being made. Samples of some comments we have received follow:

Juror Summons, Juror Brochure or Materials Provided

- Gave clear instructions on what I needed to do.
- Detailed instructions on where to park, what to bring, how to postpone if necessary.

Telephone Call-In System

- Very clear and friendly.
- Convenient and easy to use.
- No call in line for being sick.

Jury Website

- Had more information than the brochure including typical questions that other people have asked.
- Could be clearer on location.
- Every question I had was answered before I asked it.
- I didn't know there was a jury website?
- Didn't use it.

Juror Orientation in Jury Assembly Room

- She kept us informed about next steps. Clear instructions.
- She was thorough and friendly.
- I really felt like she was friendly and enjoyed what she did. I thought that both her and Judge Arahamian cared about their jobs and us, wanting us to really understand what was happening and why we mattered in the process. I never felt like anyone was "on autopilot" or just going through the motions.

Jury Service in Wisconsin video

- Went through a lot of information that many people do not know. Very informative! I liked that there were many speakers on the video which kept it from being monotonous. Also, liked that it was shown on multiple TVs.
- The video was really interesting and informative. It kept my attention.
- A little outdated, but all the info needed.
- Ended up being a bit repetitive. Wasn't really needed.
- The video seemed dated, so perhaps a new video with current people?

Physical Safety

- Security at front entrance and in court room.
- I did not feel unsafe at any point.
- COVID preparedness.

Treatment by Jury Staff

- Tom was an outstanding bailiff.
- Everyone seemed to like their jobs—they were all kind. The bailiff especially was very professional and nice.
- Everyone was really friendly and engaging.
- Excellent attention to jury needs.

- Everyone was polite. The lady sheriff's deputy was amazing and was very diligent to keep us safe and to support us. She was fabulous.

Treatment by Courtroom Staff

- Very respectful and appreciative.
- Judge was very informative, down to earth.
- Everyone was friendly and approachable.
- Orderliness.

Physical Comforts

- Considering the times, we were very comfortable.
- Providing us drinks and being able to walk around or going to the cafeteria while waiting was helpful.
- Coffee and snacks were nice; the chairs were fine; restrooms and vending machines were readily accessible.
- Jury room was very cramped.
- A bit more room in assembly rooms.

General Comments

- I think Judge Lau did a very good job on a pretty difficult case and situation.
- Judge Lazar and our jury bailiff Tom were outstanding!!!!
- I was not chosen for juror service because my number was high, but it was a very positive experience. This was my very 1st jury service and a very nice one! Thank you.
- My whole opinion of "Jury Duty" changed. I enjoyed almost every aspect of this experience (except the long periods of sitting on the hard bench). I definitely won't dread it the next time I am summoned. Thanks to all!!
- Although I wasn't selected this time, I was impressed by the process Waukesha has put in place. It is much nicer than the county (another state) I was previously in. Thanks for the professional and caring way you prepare our citizens to carry out their civic duty. You probably don't get thanked enough for the work you do, so THANK YOU!!
- I was really impressed by everyone we interacted with! Laura, Judge Aprahamian, Tom, and Judge Maxwell. I actually felt like they cared about us and our role and our experience.
- Besides the video, the appearance of one of the judges to talk to us about jury service was helpful.

2021/2022 Jury Program Updates & Initiatives

SECURE ADDITION: The construction of the eight courtroom secure addition is in progress and is scheduled for completion in early fall of 2021. The courts continue to plan the logistics for transitioning jurors from the existing courthouse to the proper jury trial courtroom in the new secure addition, while ensuring we consistently provide a very high level of customer service to everyone we serve. In 2022, planning for the 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. Over the past three years, an average of only 35% of jurors had an excellent opinion in this category. Therefore, in the design phases of both projects, space, seating and furniture are being examined in an effort to increase juror satisfaction. Additionally, careful planning and coordination is ongoing to modify existing facilities, making certain an appropriate number of secure courtrooms and jury deliberation rooms are available for jury trials during renovation.

COVID-19: In March of 2020, local and federal officials declared a public health emergency in Waukesha County in connection with the Coronavirus (COVID-19) pandemic. Waukesha County suspended in-person proceedings, jury trials and courthouse offices were closed to the public. These measures were put in place until an operational plan for the safe resumption of in-person proceedings and jury trials was drafted and approved. It is important to note during this time that nearly every week, a committee of county employees, justice partners and community representatives met to discuss each stage of the jury process from summoning, to reporting for duty, participating in voir dire and deliberation. The goal was to ensure jury trials resumed in a meaningful way through policy implementation to prevent the risk of infection for jurors and other members of the court.

Jury trials resumed in July 2020. To prepare for the increase in traffic, tables in the Jury Assembly Room were removed and chairs were appropriately spaced apart to maintain social distancing. In addition, alternative areas were identified to be utilized for jurors as needed. Court officials and court staff continued to practice social distancing and other health recommendations as outlined by county policies and Supreme Court orders. We also enacted a number of mitigation efforts to ensure that all participants of jury trials remain as safe and healthy as possible. Jurors must wear face coverings and maintain adequate social distancing. Courtrooms identified for jury trial use have been outfitted with Plexiglas and air purifiers. Likewise, great care has been put into placing additional hand sanitizer dispensers in court-related areas, providing necessary cleaning supplies and personal protective equipment for public and employees alike.

In addition, a jury precautions video was finalized to showcase the commitment of the Waukesha court system to the health and safety of all as it relates to the resumption of jury trials. The video illustrates the above-related efforts and provides a virtual tour for jurors upon entry to the courthouse, highlighting the various stages a juror may encounter during the term of their service. The court will continue to take appropriate precautions.

BROCHURE: The Chief Judge, Clerk of Court, and Jury Coordinator collaborated with Health and Human Services to create a brochure labeled “Supporting the Well-being of Jurors During and After Jury Service.” Should a juror experience issues with physical, emotional, behavioral and/or cognitive functioning the brochure provides them with coping strategies, next steps and resources to assist them. Our jury services website will be updated to include a link to this brochure.