



# 2018 Annual Jury Program Report

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## **Waukesha County Circuit Court 2018 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 end up 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 continually working to improve the nature and quality of the services asked of 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 will highlight 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:

	<b>2018</b>	<b>2017</b>	<b>2016</b>
# of records on Waukesha County DOT listing	313,549	311,351	308,783
# of Waukesha County records requested from DOT	12,500	14,500	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	916 (7%)	1,393 (10%)	1,494 (13%)
# of prospective jurors	11,584	13,107	10,006

### 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	152,332	48.58%	150,778	49.16%	*5,657	48.85%
	Female	161,217	51.42%	155,910	50.84%	*5,924	51.15%
		313,549		306,688		*11,581	
<u>Age</u>	18-24	31,524	10.05%	32,578	10.62%	1,273	10.99%
	25-44	90,272	28.79%	92,396	30.13%	3,478	30.02%
	45-64	119,374	38.07%	114,842	37.45%	4,359	37.63%
	65+	72,379	23.08%	66,872	21.80%	2,472	21.34%
	Unknown	<u>0</u>	0.00%	<u>0</u>	0%	<u>2</u>	0.02%
			313,549		306,688		11,584
<u>Race</u>	Hispanic	12,139	3.87%	6,313	2.06%	264	2.28%
	Amer Indian/Alaska Native	774	0.25%	702	0.23%	32	0.28%
	Asian/Pacific Islander	11,178	3.56%	8,549	2.79%	342	2.95%
	Black/African American	4,741	1.51%	4,585	1.50%	178	1.54%
	White/Caucasian	284,717	90.80%	286,536	93.43%	10,645	91.89%
	Other/Unknown	<u>0</u>	0.00%	<u>3</u>	0.00%	<u>123</u>	1.06%
			313,549		306,688		11,584

\*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 2018 was 11,584.

## 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 form 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 will be required to appear for a criminal misdemeanor trial, but a different number of jurors will be called in 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:

	2018 Jury Year		2017 Jury Year		2016 Jury Year	
	#	%	#	%	#	%
<b># of Qualification Questionnaire &amp; Summons Sent</b>	<b>10,218</b>	<b>-</b>	<b>*11,562</b>	<b>-</b>	<b>9,312</b>	<b>-</b>
<b>Questionnaires Returned</b>	<b>9,449</b>	<b>92%</b>	<b>10,607</b>	<b>*92%</b>	<b>8,680</b>	<b>93%</b>
<b>Returned Online</b>	<b>6,858</b>	<b>73%</b>	<b>7,488</b>	<b>71%</b>	<b>6,323</b>	<b>73%</b>
<b>Returned Via USPS</b>	<b>2,591</b>	<b>27%</b>	<b>3,119</b>	<b>29%</b>	<b>2,357</b>	<b>27%</b>
<b>Jurors Ineligible/Unavailable</b>	<b>2,806</b>	<b>30%</b>	<b>*3,060</b>	<b>*29%</b>	<b>*2,416</b>	<b>*28%</b>
<b>Qualified Jurors</b>	<b>6,643</b>	<b>70%</b>	<b>*7,547</b>	<b>*71%</b>	<b>*6,264</b>	<b>*72%</b>
<b># of Qualified Citizens Postponed</b>	<b>2,749</b>	<b>41%</b>	<b>*3,011</b>	<b>*40%</b>	<b>2,382</b>	<b>*38%</b>
<b>Online Postponement</b>	<b>2,162</b>	<b>79%</b>	<b>*2,205</b>	<b>*73%</b>	<b>2,180</b>	<b>92%</b>
<b>Postponement Via USPS</b>	<b>587</b>	<b>21%</b>	<b>*806</b>	<b>*27%</b>	<b>202</b>	<b>8%</b>
<b>Text Reminders Sent</b>	<b>17,302</b>		<b>16,160</b>		<b>13,551</b>	
<b>Email Reminders Sent</b>	<b>17,419</b>		<b>16,158</b>		<b>14,293</b>	
<b>Jurors Required To Report</b>	<b>2,649</b>	<b>40%</b>	<b>2,662</b>	<b>*35%</b>	<b>2,402</b>	<b>*38%</b>
<b>Jurors Sent to Voir Dire</b>	<b>2,077</b>	<b>78%</b>	<b>2,177</b>	<b>82%</b>	<b>1,895</b>	<b>79%</b>
<b>Jurors Questioned in Voir Dire</b>	<b>1,385</b>	<b>67%</b>	<b>1,593</b>	<b>73%</b>	<b>1,306</b>	<b>69%</b>
<b>Jurors Not Questioned in Voir Dire</b>	<b>692</b>	<b>33%</b>	<b>584</b>	<b>27%</b>	<b>589</b>	<b>31%</b>
<b>Jurors Sworn</b>	<b>731</b>	<b>28%</b>	<b>742</b>	<b>28%</b>	<b>739</b>	<b>31%</b>
<b>Jurors Who Reported and Not Used</b>	<b>572</b>	<b>22%</b>	<b>485</b>	<b>18%</b>	<b>507</b>	<b>21%</b>

\*Previous year data in the table has been revised. The revisions are a result of discovering a more accurate data query.

### Jury Trial Information

In 2018, there were eighty-four 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.” Cases can, and occasionally do, settle, are dismissed, or are adjourned on trial day despite our best attempts to take care of matters at the status conference. While the system is designed to avoid this once jurors appear, there are many factors that result in cases not proceeding to jury trials. In 2018, nineteen cases did not proceed to a jury trial and were resolved or adjourned the morning the trial was set to begin. Additionally, three trials began and did not conclude with a verdict as follows: one trial ended with a hung jury; one trial ended with a plea entered by the defendant; and one trial ended in the court dismissing the case. The following is a breakdown of the trial activity for the past three years:

	<u>2018</u>			<u>2017</u>			<u>2016</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 mistrial	Total Trial Days
<b><u>CRIMINAL/ TRAFFIC</u></b>									
Felony	25	10	73	25	10	67	19	7	55
Crim Misd	5	6	12	5	3	8	9	7	18
Crim Traffic	8	4	15	9	0	14	10	4	19
Traffic	4	0	4	4	1	5	1	1	2
Forfeiture	0	0	0	0	0	0	1	0	1
<b>SUBTOTAL</b>	<b>42</b>	<b>20</b>	<b>104</b>	<b>43</b>	<b>14</b>	<b>94</b>	<b>40</b>	<b>19</b>	<b>95</b>
<b><u>CIVIL</u></b>									
Large Claim	17	1	43	17	3	50	17	2	39
Small Claim	0	0	0	0	1	1	0	0	0
<b>SUBTOTAL</b>	<b>17</b>	<b>1</b>	<b>43</b>	<b>17</b>	<b>4</b>	<b>51</b>	<b>17</b>	<b>2</b>	<b>39</b>
<b><u>PROBATE</u></b>									
Guardianship	0	0	0	0	0	0	0	0	0
Probate	0	0	0	0	0	0	1	0	3
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>3</b>
<b><u>JUVENILE</u></b>									
Commitment	3	1	4	2	0	2	2	0	2
Juvenile	0	0	0	0	1	2	0	0	0
TermParRght	0	0	0	0	0	0	0	0	0
<b>SUBTOTAL</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>TOTAL</b>	<b>62</b>	<b>22</b>	<b>151</b>	<b>62</b>	<b>19</b>	<b>149</b>	<b>60</b>	<b>21</b>	<b>139</b>

## 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 and research in jury program operations, and some are developed internally to create efficiencies in program management through the use of technology. These program enhancements can have a beneficial impact on the program expenses.

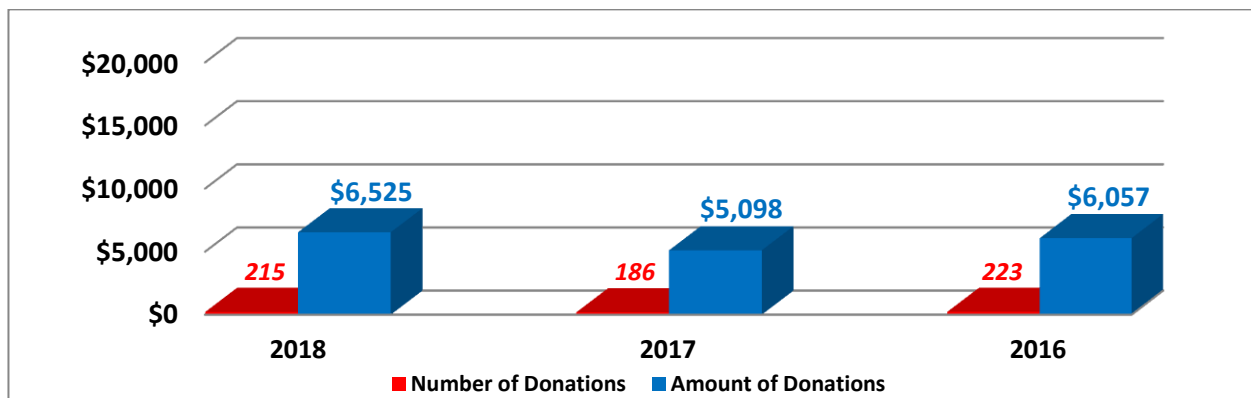
Year-to-year expenses for the Jury Program are impacted by the number of trials and number of trial days each year. The most significant expenses in the program are the daily juror per diem and travel fee. Juror supplies such as beverages and reading materials are provided in the Jury Assembly Room and 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>2018</u>	<u>2017</u>	<u>2016</u>
Miscellaneous*	\$5,672 (4%)	\$7,994 (5%)	\$4,293 (4%)
Postage	\$8,071 (6%)	\$11,429 (8%)	\$7,051 (6%)
Civilian Jury Bailiffs	\$19,881 (15%)	\$21,421 (14%)	\$16,660 (14%)
Food	\$3,187 (2%)	\$10,333 (7%)	\$1,698 (1%)
Travel Fee	\$24,831 (18%)	\$23,919 (16%)	\$23,779 (20%)
Juror Per Diem	\$72,699 (54%)	\$73,689 (50%)	\$68,187 (56%)
Annual Cost	<b>\$134,341</b>	<b>\$148,785</b>	<b>\$121,668</b>
Total Jury Days	<b>151</b>	<b>149</b>	<b>139</b>
Trial Day Cost	<b>\$890</b>	<b>\$999</b>	<b>\$875</b>

\*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.

## 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 **878** donations have been made and **\$25,082** 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. Five hundred twelve jurors voluntarily completed the online survey in 2018, an increase of 13% from 2017. The increase is likely a result of staff handing 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. The results of the 2018, 2017 and 2016 surveys are shown below:

<b>Please rate the following by selecting the word that best describes your opinion:</b>									
	<b>2018</b>			<b>2017</b>			<b>2016</b>		
	<b>Excellent</b>	<b>Good/ Average</b>	<b>Below Average/ Poor</b>	<b>Excellent</b>	<b>Good/ Average</b>	<b>Below Average/ Poor</b>	<b>Excellent</b>	<b>Good/ Average</b>	<b>Below Average/ Poor</b>
<b>Summons, Brochure or Materials Provided</b>	61%	39%	0%	67%	33%	0%	57%	39%	4%
<b>Telephone Call-in System</b>	75%	25%	0%	78%	21%	1%	75%	24%	1%
<b>Jury Website</b>	45%	54%	1%	52%	46%	2%	39%	60%	1%
<b>Juror Orientation</b>	78%	22%	0%	87%	13%	0%	83%	16%	1%
<b>Jury Video</b>	50%	48%	2%	61%	37%	2%	-	-	-
<b>Physical Safety</b>	71%	28%	1%	76%	23%	1%	74%	24%	2%
<b>Treatment by Jury Staff</b>	87%	13%	0%	92%	8%	0%	90%	9%	1%
<b>Treatment by Courtroom Staff</b>	80%	20%	0%	85%	14%	1%	80%	18%	2%
<b>Physical Comforts</b>	38%	61%	1%	37%	61%	2%	33%	65%	2%
<b>Your opinion of jury service <i>before</i> serving?</b>	35%	54%	11%	21%	71%	8%	8%	70%	22%
<b>Your opinion of jury service <i>after</i> serving?</b>	65%	34%	1%	64%	35%	1%	47%	49%	3%

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 five hundred twelve jurors who completed a survey in 2018, just 35% had an excellent opinion of jury service before they served. After service, 65% had an excellent opinion of jury service, an increase of 30%. This shift is most likely a result of the thorough juror orientation and the overall treatment jurors experience by program and courtroom staff which is reflected by the very high ratings in these areas of 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**

- All information/instructions were explained and FAQ's were very informative and relevant.
- Clear. Included barcode link to the website. A nice blend of paper and current technology.
- Simplicity and clarity. The summons was easy to read and clear and concise.
- The entire information package was detailed and easily understood.
- Some of the language is a bit confusing; eg. "Pool Number" vs. "Juror Number."

### **Telephone Call-in System**

- Gave enough details to ensure I could meet my civic duty.
- I knew when to call and what to expect. Very clear, specific directions. LOVED the text reminders as well.
- The information given was very precise, easy to understand and specific.
- Perhaps the daily messages can be posted on the website too?
- Maybe directly text or e-mail if you are in the pool needed. Calling in does seem a bit outdated.

### **Jury Website**

- Easy to follow, didn't have to search around to figure out what to do.
- Juror Handbook was helpful and information regarding parking on website was helpful.
- I did not know there was a jury website.
- It seemed a bit out of date.
- Option to locate pool number.

### **Juror Orientation in Jury Assembly Room**

- Friendly, professional and informative.
- Friendly, very clear. Useful video. No worry about expectations. Orderly. Expressed gratitude often.
- Laura did an excellent job providing us with all the information we needed. She was very friendly and approachable.
- The judge who spoke to the group before we watched the video was excellent. He gave an accurate description of what we could expect. Appreciated his time.
- The sound system needs to be updated. When you have over 90 jurors at one time, it was hard to hear.

### **Jury Service in Wisconsin Video**

- The video was informative and helped me understand the process.
- Explained the entire process, especially to someone like me who has never done it before.
- Having seen these videos in different states, I thought this updated version was far better than the other 6 I've sat through.
- I am not sure the video is really necessary. The judge who came in for a few minutes to talk about the importance of jury duty was more informative than the video.
- Nothing if legally required. Otherwise scrap it and stay with the coordinator and the judge.

### **Physical Safety**

- Knowing the civilian bailiff and sheriffs were available and present.
- Reassurance, great relationship with Steve, Civilian Jury Bailiff. Officers to escort us to our vehicles.
- I liked they had screeners, a metal detector, a visible police presence, and a scanner for bags.

- The people in charge were aware of the “rally” across the street in the courthouse parking lot. They provided lunch to be sure we could get back in time.
- Have a different entrance to the courthouse for jurors and defendants. It made me uncomfortable to see the defendant in the case as I was entering the building.

### **Treatment by Jury Staff**

- Civilian Jury Bailiff Steve was great! Very attentive and ensuring we were all ok.
- Dave the Civilian Jury Bailiff, kept us informed about what was going on and did it in a friendly, professional manner.
- Was very impressed by the effort to help citizens to understand the process and be grateful for service. Appreciated Gina M. Colletti being present; we seldom see the Clerk of Circuit Court other than name on ballot.
- Everyone was very attentive and explained things as they went along. Very much appreciated the bailiff's assistance as well as the judge's speaking with the jury and responding to questions following the trial.
- Jury was treated with the utmost respect.

### **Treatment by Courtroom Staff**

- The judge's explanation of his expectations of his role, that of the attorneys, jurors and standby jurors was detailed and easily understandable. The judge was friendly and respectful.
- For the jurors in the back of the room, attention was paid by the judge and although not chosen to sit for the case, I felt included in the process.
- Everyone made jurors feel like an important, valued part of the system. The judge was amiable, and put people at ease.
- The judge was phenomenal. Everything was clearly explained, we were thanked thoroughly. I felt as though I had complete control over my decision.
- Judge Ramirez answered questions, treated all with respect, and was very professional in his words and deeds.

### **Physical Comforts**

- Bathrooms and room were clean and easy to access. Plenty of water, coffee and soda always available.
- Seats in the deliberation room were very comfortable and the room was set up to allow for good discussion.
- Coffee and soda was an unexpected bonus in the jury assembly area. Thank you!
- Jury room too crowded with insufficient airflow for 14 people.
- Jury room was cramped and difficult to navigate around in.

### **General Comments**

- Many thanks to everyone involved. It was a long week, but I always felt respected. I never had to worry about who to speak with if troubles or questions came up. I felt very prepared for each day.
- I had such a great experience, especially being a 20 year old. I believe all young people should get to see how fair our legal system is. I have gained so much more respect for the legal system, and those involved it in. A thank you for turning what I was dreading into an amazing educational experience.
- Can't say enough about the staff at the Courthouse. It was an honor to serve as a juror.
- Judge Aprahamian and Bailiff Lindemann were excellent both in service and with keeping us informed.
- I was nervous about this experience before coming (I am only recently a Wisconsin resident), but felt more supported and able to participate in this civic duty after having served. Many thanks for a system that works well.

## **2019/2020 Jury Program Initiatives**

After a culmination of years of strategic planning and budgeting by Waukesha County, construction of the new 62,000 square-foot, four-story, eight-courtroom secure addition is now underway. This project will occur in two steps to expand and modernize the facilities. Construction of the addition is expected to be complete in 2021 and in 2022, planning and renovation will begin on the existing courthouse structure to update aging mechanical systems, create a more efficient layout, and increase accessibility. With the demolition and re-programming of approximately 52,000 square feet of our current space, careful planning and coordination to modify existing facilities is ongoing to ensure an appropriate number of secure courtrooms and jury deliberation rooms are available for jury trials.

The new facility will feature improved security and prisoner transport to courtrooms. Members of the public will also gain improved access to the new courtrooms through efficient facility layout. The planning and logistics for getting jurors from the existing courthouse to the right courtroom in the new secure addition will also continue to ensure we provide a very high level of customer service to everyone we serve.

One piece of data we capture each year through the Voluntary Jury Exit Survey is the physical comforts of jurors. Over the past three years, an average of only 36% of jurors had an excellent opinion in this category. Therefore, space, seating and furniture will be carefully examined in the design phase in both steps of the project in an effort to increase satisfaction in this area.

Additionally, in response to juror exit survey data, the Jury Program will participate in Waukesha County's LEAN Continuous Improvement Program to redesign the juror information brochure and jury services website to improve efficiency and effectiveness and provide the best services to our citizens. Jurors will be able to find the information they are seeking more quickly and reduce their need to contact the Clerk of Court's office to obtain necessary information.

***The Waukesha County Circuit Court Judges, Clerk of Circuit Court,  
and the court employees want to recognize and thank every prospective and sworn juror  
and say "thank you" for your contributions to our justice system.***

