



2023 Annual Jury Program Report

Prepared by
Lauren Kozlowski
Waukesha County Jury Coordinator

Monica Paz
Clerk of Circuit Court
Waukesha County, Wisconsin
515 W. Moreland Blvd., C108
Waukesha, WI 53187
262-896-8525

Waukesha County Circuit Court 2023 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.



Table of Contents

Development of a Prospective Jury List.....	4
Balance and Inclusiveness.....	4
Qualification and Summoning.....	5
Jury Trial Information.....	6
Jury Program Costs.....	7
Voluntary Juror Donation Program	7
Online Juror Exit Survey.....	8-9
2024/2025 Jury Program Updates & Initiatives.....	10

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:

	2023	2022	2021
# of records on Waukesha County DOT listing	325,452	318,146	318,146
# of Waukesha County records requested from DOT	16,500	18,000	13,500
# 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	2,228 (14%)	1,762 (10%)	1,352 (10%)
# of prospective jurors	14,272	16,238	12,148

Note: Due to census data issues, 2021 data was 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	160,585	49.34%	155,768	49.01%	6,936	48.60%
	Female	164,867	50.66%	162,073	50.99%	7,336	51.40%
		325,452		317,841		14,272	
<u>Age</u>	18-24	31,265	9.61%	32,142	10.11%	1,579	11.06%
	25-44	96,738	29.72%	95,331	29.99%	4,270	29.92%
	45-64	113,019	34.73%	108,855	34.25%	4,834	33.87%
	65+	84,430	25.94%	81,513	25.65%	3,589	25.15%
	Unknown	0	0.00%	0	0.00%	0	0.00%
			325,452		317,841		14,272
<u>Race</u>	Hispanic	14,793	4.55%	7,009	2.21%	436	3.05%
	Amer Indian/Alaska Native	759	0.23%	620	0.20%	36	0.25%
	Asian/Pacific Islander	12,660	3.89%	9,423	2.96%	420	2.94%
	Black/African American	5,593	1.72%	5,345	1.68%	242	1.70%
	White/Caucasian	288,349	88.60%	268,456	84.46%	12,433	87.11%
	Other/Unknown	3,298	1.01%	26,988	8.49%	705	4.94%
			325,452		317,841		14,272

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:

	2023 Jury Year		2022 Jury Year		2021 Jury Year	
	#	%	#	%	#	%
# of Qualification Questionnaire & Summons Sent	11,069	-	14,753	-	10,473	
Questionnaires Returned	10,655	96%	14,020	95%	9,879	94%
Returned Online	7,344	69%	9,720	69%	6,512	66%
Returned Via USPS	3,311	31%	4,300	31%	3,367	34%
Jurors Ineligible/Unavailable	2,860	27%	3,843	27%	2,845	29%
Qualified Jurors	7,795	73%	10,177	73%	7,034	71%
# of Qualified Citizens Postponed	2,687	34%	3,702	36%	2,903	41%
Online Postponement	2,060	77%	2,761	75%	2,003	69%
Postponement Via USPS/Phone	627	23%	941	25%	900	31%
Text Reminders Sent	24,498		29,891		20,373	
Email Reminders Sent	24,693		31,282		20,816	
Jurors Required To Report	2,866	37%	3,166	31%	3,011	43%
Jurors Sent to Voir Dire	2,413	84%	2,559	81%	2,544	84%
Jurors Questioned in Voir Dire	1,898	79%	1,886	74%	1,900	75%
Jurors Not Questioned in Voir Dire	515	21%	673	26%	644	25%
Jurors Sworn	1,033	36%	954	30%	964	32%
Jurors Who Reported and Not Used	453	16%	607	19%	467	16%

Jury Trial Information

In 2023, there were 104 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 2023, twenty two (22) cases did not proceed to a jury trial as follows: Eleven (11) trials were adjourned; six (6) trials did not begin because a plea was entered by the defendant; one (1) trial did not begin because the defendant waived his right to a jury and a trial to the court was held; and one (1) trial did not proceed because the case was dismissed. Finally, three (3) trials were resolved or dismissed after the jury was sworn; one (1) being a plea entered by the defendant and two (2) being dismissed by the court. The following is a breakdown of the trial activity for the past three years:

	<u>2023</u>			<u>2022</u>			<u>2021</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	53	12	139	49	14	154	37	18	116
Crim Misd	9	7	19	4	3	8	3	2	5
Crim Traffic	3	1	4	5	2	9	7	3	13
Traffic	3	1	4	1	1	2	1	1	3
Forfeiture	0	0	0	0	0	0	0	0	0
SUBTOTAL	68	21	166	59	20	173	48	24	137
<u>CIVIL</u>									
Large Claim	13	0	28	14	2	49	18	3	53
Small Claim	0	0	0	0	0	0	0	0	0
SUBTOTAL	13	0	28	14	2	49	18	3	53
<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	0	0	0	2	1	3	2	1	3
Juvenile	0	0	0	0	0	0	0	0	0
TermParRght	1	1	4	0	2	2	1	0	3
SUBTOTAL	1	1	4	2	3	5	3	1	6
TOTAL	82	22	198	75	25	227	69	28	196

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:

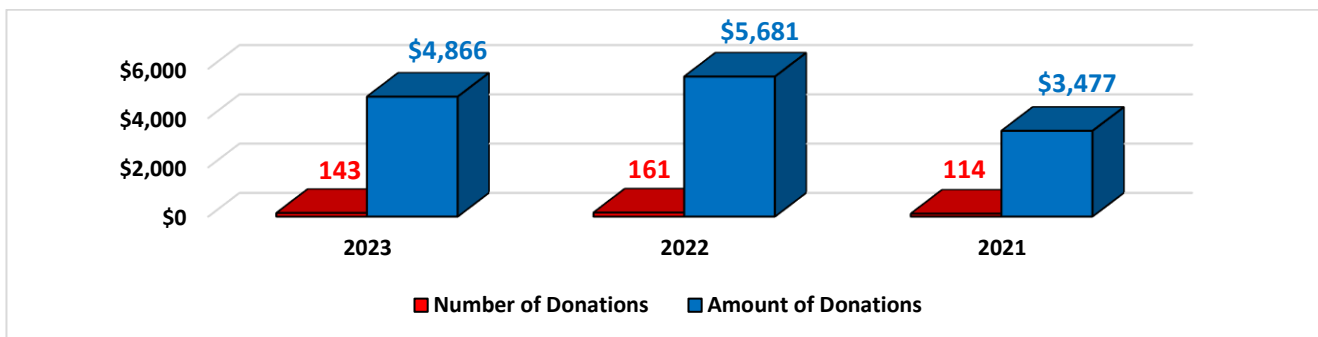
	<u>2023</u>	<u>2022</u>	<u>2021</u>
Miscellaneous*	\$4,682 (3%)	\$10,190 (4%)	\$4,922 (3%)
Postage	\$12,342 (7%)	\$17,662 (7%)	\$10,165 (6%)
Civilian Jury Bailiffs	\$41,670 (22%)	\$44,514 (19%)	\$24,286 (14%)
Food	\$5,239 (3%)	\$11,749 (5%)	\$4,804 (3%)
Travel Fee	\$27,776 (15%)	\$33,352 (14%)	\$30,107 (17%)
Juror Per Diem	\$93,516 (50%)	\$120,356 (51%)	\$98,147 (57%)
Annual Cost	\$185,225	\$237,823	\$172,431
Total Jury Days	198	227	196
Trial Day Cost	\$935	\$1,048	\$880
Costs Assessed to Party**	\$2,352	\$4,050	\$1,028

*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 fees and civilian bailiff fees for 2022 and 2021 and only jury fees for 2023.

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 **1513** donations have been made and **\$45,836** 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. 1081 jurors voluntarily completed the survey in 2023 and provided numerous comments about their experience. The results of the 2023, 2022 and 2021 surveys are shown below:

Please rate the following by selecting the word that best describes your opinion:											
	2023 (1081 Surveys)				2022 (1074 Surveys)				2021 (714 Surveys)		
	Strongly Agree/ Agree	Neither Agree or Disagree	Strongly Disagree/ Disagree	N/A Blank	Strongly Agree/ Agree	Neither Agree or Disagree	Strongly Disagree/ Disagree	N/A Blank	Excellent	Good/ Average	Below Average/ Poor
Summons, Brochure or Materials Provided	98%	1%	1%	0%	95%	1%	1%	4%	55%	44%	0%
Telephone Call-in System	98%	1%	0%	1%	94%	1%	0%	5%	69%	28%	1%
Jury Website	64%	9%	1%	26%	61%	9%	0%	29%	38%	47%	2%
Text/Email	98%	1%	0%	1%	92%	2%	0%	6%	N/A	N/A	N/A
Physical Safety	96%	2%	1%	1%	92%	3%	1%	4%	61%	33%	4%
Treatment by Jury Staff	98%	1%	0%	1%	95%	0%	0%	5%	84%	14%	0%
Jury Video	91%	7%	1%	2%	87%	6%	1%	6%	41%	51%	2%
Juror Orientation	94%	4%	0%	2%	91%	2%	1%	6%	69%	30%	1%
JAR Physical Comforts	90%	5%	2%	2%	88%	4%	3%	5%	N/A	N/A	N/A
Treatment by Courtroom Staff	88%	1%	0%	11%	84%	0%	0%	15%	79%	17%	0%
Treatment by Civilian Bailiff	86%	1%	0%	12%	81%	1%	0%	19%	N/A	N/A	N/A
Courtroom Comforts	80%	4%	3%	13%	75%	3%	4%	18%	N/A	N/A	N/A
Deliberation Room Comforts	65%	2%	1%	32%	61%	2%	1%	36%	N/A	N/A	N/A
Your overall opinion of jury service	84%	10%	1%	4%	83%	8%	1%	7%	46%	44%	3%

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 1081 jurors who completed the 2023 survey, 8% 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:

- I was surprised at how smoothly everything went. This was my first experience with the process and had a great experience.
- I can not think of any way to improve the experience. I am so impressed with the staff at every point of my service - every single person was kind, friendly and helpful; the culture is exceptional. Thank you.
- I couldn't see the 12 year old witness. Also, sometimes there was a big delay for the jury box screens to show images and they didn't wait for our screens to appear
- Jury box should be deeper. Snacks should have a gluten free options.
- Awful- I mean A-W-F-U-L!!! Leg room in the jury box :(. Also, heavy equipment operating directly (within inches) of our window- deliberation room.
- Due to construction we assembled in a makeshift jury assembly room and the AV equipment did not work and the backup AV equipment failed. We only saw a portion of the jury video.
- Slightly more room needed between rows of seats in the courtroom. I am average size and could see it being difficult for a larger person to enter the seats.
- It was perfect...we were treated with respect and all jury needs were met. Our bailiff (Jury Mom) was the BEST!
- I think they were very organized during the construction going on. So this may not be an issue in the future however I did not like going outdoors to get to the courtrooms. Also kudos to everyone that accommodated people with special needs.
- The entire process was very professional and well presented. I was disappointed that I was not chosen.
- Our bailiff was amazing, and I enjoyed my time more than I thought I would. Thank you for making it a pleasant experience.
- Overall the process was much better than I expected. The snacks and drinks available to the jurors were very nice. The staff was very friendly and welcoming, they made the process more enjoyable. I did not end up having to actually serve on a jury so I only spent a few hours there, but overall it was much better than what I imagined it to be. It was interesting to learn about how everything works.
- The website should include info about what we can/can't bring (electronics, food, etc.) in an accessible place.
- Ken was my civilian bailiff. Ken ensure my comfort and safety. Extremely professional and most pleasant part of the jury experience
- I think those selected to serve on the trial should be paid more. We are making about \$4 an hour to completely interrupt our lives and sit through a gruesomely boring trial.
- The complete experience was very positive, and it made me proud of what my County does to help the jurors understand the process, what is expected of us, what help or accommodations are available & also to get us revved up & proud about fulfilling our civic duty system. Though the case that day was a very sad one for all parties concerned, I left also with a sense of pride in being there to fulfill my civic duty. The staff & everyone were great, very helpful & friendly. The extra seat cushions to take in the court rooms were VERY necessary & appreciated! (Without those extra cushions, the courtroom benches would have been very hard & uncomfortable). Please give my THANKS to all of the courtroom personnel who made this a positive experience for the jurors.

2024/2025 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 began, 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.

JURY ASSEMBLY ROOM: In July of 2023, jury assembly was moved to G-55 and the cafeteria in the administration center due to courthouse construction. G-55 is reserved Monday- Friday for Jury due to the increase in jury trials and non-Monday starts.

JUROR SUMMONS: The Juror Summons continues to be updated as to 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 data is analyzed to identify what improvements can be made to the Jury Program. Comments have been collected from the courthouse tower and are being considered in the courthouse renovation.