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Statement of
David J. Cynamon, Chair, Court Improvements Committee
of the Council for Court Excellence
before the
Committee on the Judiciary,
Council of the District of Columbia

Bill 16-700
Jury Trial Improvements Act of 2006

October 12, 2006



COUNCIL FOR COURT EXCELLENCE

Good morning, Chairman Mendelson and members of the committee. My name is David Cynamon. I am an attorney in private practice with the firm of Pillsbury Winthrop Shaw Pittman, LLP. I also chair the Court Improvements Committee of the Council for Court Excellence and serve on its Executive Committee. It is in this capacity that I testify today. I should also make clear that no judicial member of CCE participated in the formulation of this testimony.

The Council for Court Excellence is a local nonpartisan civic organization founded in 1982 to improve the administration of justice in the courts and related justice agencies in the District of Columbia. For almost 25 years, CCE has been a unique resource that brings together members of the civic, legal, business, and judicial communities to work in common purpose to identify and promote court reforms, improve public access to justice, and increase public understanding and support of our justice system.

CCE has worked closely with the DC Council and the Committee on the Judiciary on many issues, including the 1994 Probate Reform Act, the Office of Administrative Hearings Establishment Act of 2001 and subsequent amendments, as well as on a number of sentencing related matters. In June 2005, we testified before the Judiciary Committee in joint hearings with the Committee on Health regarding persons with mental health diagnoses in the DC Jail and Correctional Treatment Facility. And in April 2006, we offered testimony on the "Criminal Record Expungement Act of 2006."

Bill 16-700 is an outgrowth of the 1998 *Juries for Year 2000 and Beyond* report, which made 32 recommendations to improve the DC Superior Court petit jury system. (The DC jury study recommendations were similar to those made in earlier New York and California studies. Subsequent studies have been conducted in 33 other states.)



The report was sponsored by the Council for Court Excellence and resulted from work performed by more than 40 jurists, court administrators, prosecutors, defense attorneys and former jurors. Several of the 1998 jury study recommendations have been implemented, mostly on an ad hoc basis by individual DC Superior Court judges: for example, 22 now allow jurors to ask written questions of witnesses; all but one permit juror note-taking. However, a number of the 32 recommendations require legislative action. The Jury Trial Improvements Act of 2006 is designed to continue the implementation effort of the 1998 jury study.

CCE fully supports this public hearing as an opportunity to discuss jury service in the District of Columbia. The importance of jury service as a civic duty is too-often unrecognized. In 2004, the percent of citizens who were summoned and appeared for jury duty was only 13%, though this percentage increased to 20% in 2005 due to the implementation of better list-management techniques adopted by the DC Superior Court through a CCE-sponsored study. Though an improvement, there is still much that can be done, including by this Council, to increase the public's confidence that the jury system continues to work as it should, and that efforts be made to ensure that the responsibility of jury service not be distributed among a small percentage of the District population.

Below we describe CCE's qualified support for Bill 16-700 section-by-section.

Section 2. Lengthy Trial Fund.

The Lengthy Trial Fund provision proposes to provide financial support to jurors serving on cases lasting more than ten days who demonstrate financial "need" was caused by their lengthy service. The provision aims to make jury service more inviting and less burdensome.



The model for the lengthy trial fund was the “Jury Patriotism Act,” promulgated by the American Legislative Exchange Council (ALEC), an organization associated with court reform and which has a legislative network around the country. Portions of the “Jury Patriotism Act” have been enacted in Arizona; other states now have enacted pieces of it as well.

CCE supports the policy underlying this provision but recommends further fact-finding by the DC Council to determine the fiscal impact of this provision and to clarify the manner in which the Lengthy Trial Fund would be implemented.

CCE’s major concern regarding this provision is cost. This provision could cause an unfunded mandate upon the court if the number of citizen requests for financial supports turns out to be large. We believe that if the number of trials that last longer than ten days is relatively few, the fiscal impact upon the court is more palatable. A notable example of another jurisdiction with an established lengthy trial fund is the state of Arizona. In their experience, 2% of jury trials last more than 10 days and that 1/3 of jurors serving on these lengthy jury trials request financial assistance.¹ It is unknown what percentage of civil and criminal jury trials in the DC Superior Court exceed 10 days, nor is it known how many prospective jurors may request financial assistance. The Arizona experience may suggest a methodology to guide the DC Council in calculating fiscal impact here. For your reference, we attach to this testimony a 6-page report describing the Arizona experience with a lengthy trial fund, and statistics from the federal courts about lengthy trials.

In addition, there are questions about the practicalities of implementing such a Lengthy Trial Fund that need to be examined. For example, if jurors do not know whether they would be eligible for reimbursement until after they complete their jury service, the Fund might not serve

¹ Munsterman, G. Thomas and Cary Silverman. “Jury Reforms in Arizona: The First Year.” The Judges’ Journal. Winter 2006. Volume 45, number 1, page 20.



the purpose of encouraging potential jurors to serve on lengthy trials. These and other practical questions should be examined before the provision is adopted.

Section 3. Confidentiality of Certain Information Developed During Jury Selection.

This provision proposes sealing the information of potential jurors who have served on a case after jury selection, but provides for expanded juror information to be provided to the Court.

CCE supports this provision, with the caveat that it is intended to expand the information about potential jurors that is made available to litigants for purposes of jury selection, and not intended to restrict information that is currently publicly available about actual jurors.

The information currently provided about potential jurors in the DC Superior Court is limited to name, age and a very general job description (e.g. “office worker”); a situation that is the cause of general frustration among judges and lawyers. The goal of this provision is to remedy this practical frustration. CCE also recommends slightly clarifying the language of the provision because currently the provision does not allow any particular juror to voluntarily disclose his or her own information. Finally, CCE recommends clarifying the language to reflect that the provision is not intended to change current practice with respect to information about persons who are selected to serve on juries.

Section 3. District of Columbia Government Agency Source Lists.

The goal of this provision is to improve the source list of potential jurors called for jury service. CCE fully supports this provision as a good government measure.



Section 4. Reduction of Peremptory Challenges

This provision reduces the number of peremptory challenges in felony cases from ten to three, equalizing the number of peremptory challenges allowed in felony cases with the number currently allowed for civil and misdemeanor cases.

CCE recommends that the Council approve this provision, but only upon the clarification and possible expansion of “for cause” strikes of jurors by the DC Superior Court. CCE’s recommendation is consistent with the Recommendation #19 of the DC Jury Project’s *Juries for the Year 2000 and Beyond* report. In order for CCE – and indeed likely the prosecutors and the defense bar - to support a reduction of peremptory challenges in criminal cases from ten to three it would be necessary for the courts to clarify and possibly expand the acceptable reasons for striking jurors for cause. Furthermore, it may be advisable for the courts to allow for a greater use of questionnaires during jury selection. Both of these court-focused recommendations were originally what brought the DC Jury Project together and enabled a majority of that committee to support a reduction of peremptory strikes.

Thank you for the opportunity to testify. I would be happy to answer any questions you may have.

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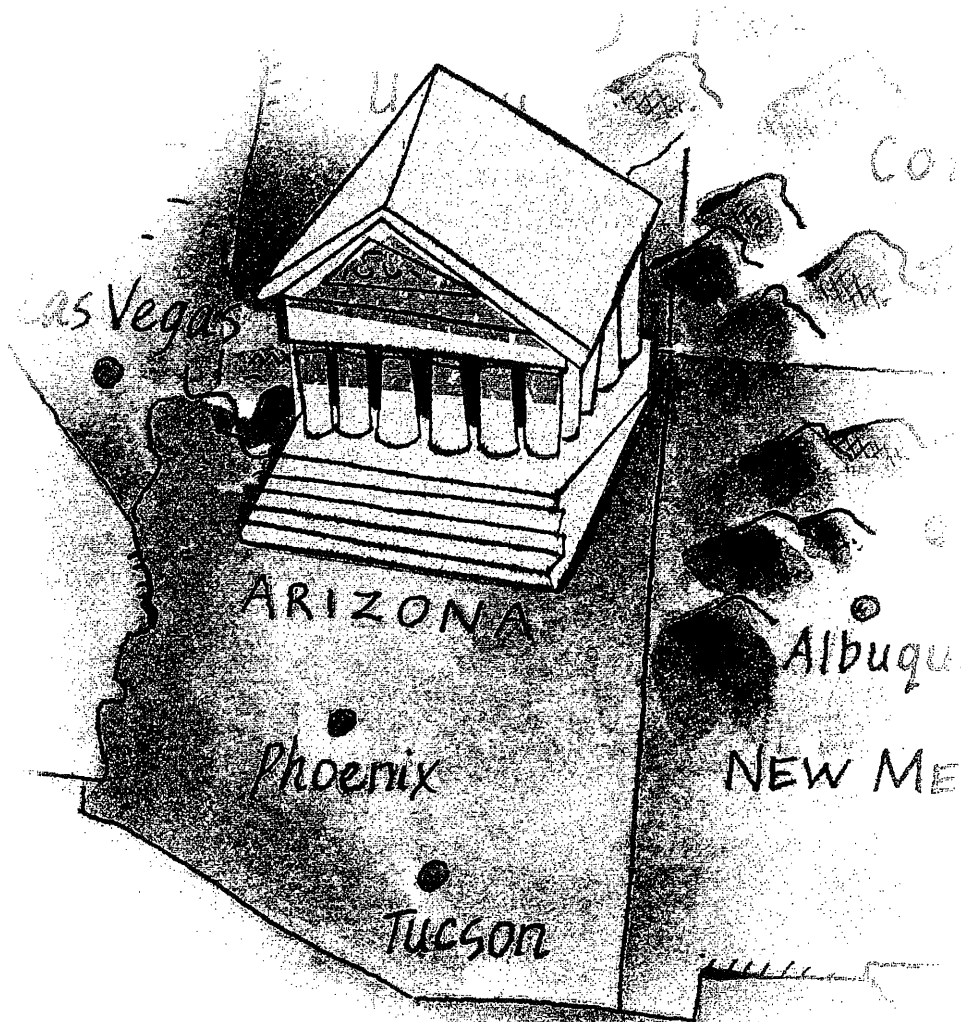
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Also Inside:

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Jury Reforms in Arizona



The First Year

By G. Thomas Munsterman and Cary Silverman

On January 1, 2004, legislation based on the Jury Patriotism Act (JPA),¹ a model act developed by the American Legislative Exchange Council, went into effect in Arizona, a state long considered a leader in improving jury services. Both the Arizona legislation and the JPA seek to promote jury service by alleviating the inconvenience and financial burden on those called to serve while making it more difficult for people to escape from jury service without showing true hardship. Since passage of the legislation in Arizona, nine other states have also enacted legislation modeled on the JPA, most recently Alabama and New Mexico. The JPA also helped create momentum for enacting jury service improvement legislation in Maryland and Texas during 2005, and other state legislatures are considering similar measures in 2006.

The JPA has been endorsed by the Council of State Governments and is supported by a wide range of organizations, including the National Association of Manufacturers, the National Black Chamber of Commerce, the U.S. Hispanic Chamber of Commerce, and the National Workrights Institute. Most of its provisions are not new. Rather, they represent a compendium of the best practices found in the jury practice arena throughout the fifty states. Indeed, the American Bar Association's Principles for Juries and Jury Trials, adopted in 2005, include several provisions that appear in the JPA, such as its elimination of automatic exemptions, one-time automatic postponement system, employment and leave time protection, and the one-day/one-trial term of service—recognized as the “gold standard” of jury service practices.² In addition, and perhaps a more revolutionary change, the JPA includes an entirely new provision for a lengthy trial fund (LTF) that seeks to address the lack of available compensation to those for whom jury service results in the

greatest financial sacrifice.³ Arizona, Louisiana, Oklahoma, and Mississippi have enacted forms of the LTF, while Texas increased juror compensation from \$6 per day to \$40 after the first day of service through a similar mechanism in June 2005.

After a year of implementation, we discussed Arizona's legislation based on the JPA with court administrators in that state, paying particular attention to how the LTF has worked in practice. The assumptions that were used to estimate funding for the LTF can now be examined to provide guidance to other states considering the adoption of these types of jury reform. This subject and others related to the Arizona legislation comprise the bulk of this article and allow us to ascertain the initial success or failure of these jury initiatives.

Increasing Juror Compensation

Inadequate juror compensation has been and remains a serious issue across the nation because it appears to have a direct effect on jury participation and low juror turnout. Faced with restrictive budgets, many states have not increased juror pay in decades. While it is true that most large employers pay their employees during jury service, many smaller businesses cannot afford to do so. Moreover, those who are self-employed and many hourly wage earners must serve without pay beyond the minimal state-paid rate. As a result, these citizens simply cannot afford to serve on juries for more than a few days. They are often excused from jury duty altogether, negatively affecting representation within the venire, or serve at considerable financial loss.

To address this problem, Arizona became the first state to implement fully the LTF, in July 2004.⁴ We found in our conversations with Arizona court administrators that the response from judges and jurors to the additional compensation made available by the fund has been overwhelmingly positive.

Before this legislation, Arizona jurors received no more than \$12 per day plus reimbursement for miles traveled between the juror's residence and the courthouse to which they were summoned. As adopted, the LTF provides additional compensation to jurors when a trial lasts more than ten days. Upon the eleventh day of jury service, the LTF compensates unemployed jurors at a rate of at least \$40 per day from the fourth day to the completion of jury service. Of that \$40, \$12 is allocated from the usual per diem and \$28 comes from the LTF if a juror petitions the court for disbursement of those funds. The law provides that jurors who are unemployed are eligible to receive this \$40 per day payment even if they receive income in the form of spousal maintenance, pensions, retirement, unem-



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The authors would like to acknowledge the assistance of Dave Byers, Supreme Court of Arizona; Jennifer Greene and Humberto Cisneros, Administrative Office of the Supreme Court of Arizona; Katherine Braure, Arizona Superior Court, Pima County; and Bob James, Trial Courts of Arizona, Maricopa County.

ployment compensation, disability benefits, or other similar income. Jurors not receiving their usual income during jury service are eligible to receive up to \$100 per day of reimbursement between the fourth and tenth days of service and up to \$300 per day thereafter. After a trial has continued past the tenth day, jurors are paid retroactively to the fourth day of jury service. Jurors who are employed but cannot demonstrate any loss from their jury service receive nothing from the LTF.

The new law, as implemented by the Arizona Supreme Court, finances the LTF by means of a \$15 fee on attorneys filing complaints, answers, and interventions in civil cases only at the general jurisdiction level of courts in Arizona.⁵ Courts began collecting the new filing fee in January 2004, and jurors began receiving compensation from the LTF for trials that started on or after July 1, 2004.

Judges have commented that jurors who would otherwise be excused for financial hardship can now take part in jury service on lengthy trials. According to an Arizona Supreme Court Administrative Office of the Courts (AOC) report to the legislature, "Anecdotal evidence indicates the LTF 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 the extra pay offered by the LTF."⁶

Data from the AOC indicate that during its first full year in operation—from July 2004 to June 2005—the LTF provided approximately \$130,000 in additional compensation to 172 jurors on forty lengthy trials.⁷ While these lengthy trials represent about 2 percent of the annual total jury trials in Arizona, the availability of supplemental compensation can make a significant difference for those who are selected to serve on these trials. From an individual juror's perspective, receiving supplemental compensation averaging \$750 over the course of a

trial can mean the difference between not being able to serve and completing jury service without enduring severe financial hardship.

Approximately one out of three jurors on trials lasting more than ten days requested supplemental compensation from the LTF. Jurors benefiting from LTF compensation served on twenty-five civil cases, fourteen criminal cases, and one juvenile case. Reimbursement to jurors on criminal cases accounted for 58 percent of the total expenditures (\$75,172), and civil cases accounted for 42 percent (\$54,281). One logical explanation for this is that, on average, the length of criminal trials exceeded the length of civil trials. After reviewing this data, Arizona court administrators believed that the \$300 limit on maximum payouts was justified and was set at an appropriate level. Administrative expense reimbursement to the trial courts, set by the AOC at \$18 for each claim processed, totaled \$3,126.⁸

The filing fee has provided more than sufficient revenue for additional juror compensation and to finance the administrative cost of operating the LTF. In calendar year 2004, the Arizona judiciary collected \$613,571 in filing fees to support the LTF. This fee has generated a similar revenue

stream in 2005 and provides the Arizona judiciary with the option of reducing the fee. Alternatively, the legislature could expand eligibility for payment from the LTF to place more money in the hands of jurors. This could be accomplished by lowering the number of days of service before a juror is eligible to receive compensation from the LTF or by eliminating the \$100 limit applicable from the fourth through the tenth days of service. This \$100 limit affected sixteen jurors, and the \$300 per day maximum did not affect any jurors requesting additional compensation. In January 2006, a bipartisan group of Arizona legislators introduced a bill that would expand the LTF to make jurors eligible for supplemental compensation of up to \$300 after three days of service, and eliminate the \$100 limit.⁹ As of the publication deadline, the legislation had passed both state houses, and Governor Janet Napolitano signed the bill into law April 21, 2006.

The AOC developed a form to streamline the process of applying for compensation from the LTF by jurors. In most cases, to determine a person's usual income, tax returns and/or pay stubs must be provided to the court. When a person files jointly with a spouse, administrators look at the

Online Resources

The following sites contain further information about the Jury Patriotism Act, the current state of jury reform generally, and various forms and information gleaned from Arizona's experience in reforming jury practice in the past year.

- Jury Patriotism Act: www.alec.org/meSWFiles/pdf/0309.pdf
 - ABA Principles for Juries and Jury Trials: www.abanet.org/juryprojectstandards/principles.pdf
 - Arizona Supreme Court order implementing the LTF: www.supreme.state.az.us/orders/admorder/Orders03/2003-100.pdf
 - Arizona LTF statute: www.azleg.state.az.us/ars/21/00222.htm
 - Arizona LTF claim form: www.supreme.state.az.us/jury/JurorClaimForm.pdf
 - Arizona LTF court reimbursement request: www.supreme.state.az.us/jury/ReimbReqForm.pdf
-

individual's IRS Form 1040 or multiple pay stubs to determine the income attributed to the juror. In some cases, an appropriate compensation rate was arranged by having the jury administrator interview a juror seeking payment. This was especially true when the juror was an independent contractor or self-employed, or worked on commission—that is, in situations where income varied from day to day. Thus far, no juror has challenged the compensation level set by the administrator. Should a disagreement arise, the presiding judge could intervene.

Some critics of the LTF initially questioned whether it would be fair to provide differing amounts of compensation to jurors serving on the same lengthy trials. Court administrators in Arizona, based on their experience, tend not to support this view and regard the LTF as helping to remedy the already unequal situation in which some jurors are paid by their employers during jury service while others are not. Arizona judges and court administrators carefully explain the purpose of the LTF to jurors serving on lengthy trials to correct any misconceptions.

Service Flexibility Provisions

Other less novel provisions of the JPA were implemented, for the most part, without much ado in Arizona. For example, Arizona law formerly permitted a term of jury service as long as 120 days. The new law implemented a variation of the one-day/one-trial term of service statewide. Under the new law, a citizen's jury service is over when he or she completes one of the following provisions:

1. serves on one trial;
2. appears in court but is not assigned to trial by the end of one day;
3. is assigned on one day to a trial division for jury selection and serves through the completion of jury selection or is excused;

4. complies with a request to telephone a court or check a court's Web site to determine whether to report on a particular day, for four days within a thirty-day period; or
5. provides the court with a telephone number and stands ready to serve that day, for two days.¹⁰

Previously, some larger counties had adopted these practices, but counties with small or dispersed populations had seemingly been hesitant to adopt a shorter term of service. All Arizona jurors now benefit from the new practice. The AOC report noted that the one-day/one-trial term of service was implemented statewide as of December 1, 2004.¹¹

Arizona's new law also limits the frequency of jury service for people impaneled as sworn jurors to no more than once every two years¹² and prohibits employers from requiring employees to use leave time during their service.¹³

In addition, as enacted in 2003, Arizona's new jury service law provided all jurors with the opportunity to twice postpone their jury service within three months of the date of the summons. Court administrators found that the three-month period did not provide sufficient time for students, teachers, seasonal employees, or those who may have been traveling on business to reschedule their service. The JPA suggests a six-month window to reschedule service. Last year, the Arizona legislature amended the new jury legislation to eliminate the maximum period for a postponement, providing court administrators and jurors with more flexibility in rescheduling service.¹⁴

Delay and Avoidance of Service

Before the new legislation, Arizona citizens who failed to respond to a summons faced a maximum fine of \$100. The new provisions significantly increased the potential fine for no-

shows, allowing judges to impose a penalty of up to \$500.¹⁵ This increase, combined with a new procedure for following up with those who fail to appear in Maricopa County, has doubled the number of jurors complying with their summonses. According to court administrators, these reforms have allowed the court to send out 50,000 fewer jury summonses, a benefit for jurors and a cost saving for the courts.¹⁶

The Arizona legislation based on the JPA also eliminated the catchall provision that had allowed courts to excuse any juror for "undue hardship," a term previously undefined in the statute. This comports with the sentiments of the drafters of the model JPA, who felt that such broad language, which appears in the statutes of many states, could allow people to avoid jury service for reasons other than true hardship. Arizona's new law addressed this issue by enumerating four instances of "undue or extreme physical or financial hardship":

1. where jury service would require abandoning a person under the juror's care and it is not possible to find a substitute caregiver;
2. where the juror would incur costs that would have a substantial adverse impact on daily living expenses for the juror or his or her family or employees;
3. where jury service would result in illness or disease; or
4. where the juror cannot understand the English language.¹⁷

The new law also required persons requesting excusal from service to submit documentation supporting the request. For those requesting a health-related excuse, a letter from a licensed physician is required. The confidentiality of these materials is protected under the legislation.¹⁸

The new hardship provision caused some problems during implementation.

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Jury Reforms in Arizona

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Seniors, long accustomed to being excused from jury service upon request, were surprised to find that they now needed medical documentation.¹⁹ In addition, because of a technical oversight, the law permitted medical documentation only from a licensed physician; it did not allow materials from other health care professionals. Court administrators also had difficulty finding a basis to excuse jurors based on their lack of transportation when they lived a great distance from the courthouse or were out of town for an extended period and rescheduling of service was not a viable option. Arizona therefore enacted provisions in April 2005 that made minor modifications to the excuse statute to address each of these state-specific issues.²⁰ Now, jurors who are seventy-five years of age or older can request to be excused from their summons, or from all future summoning by an Arizona court.²¹ Likewise, excuses can be granted for a lack of transportation and for those who are temporarily outside of the jurisdiction of the court.²²

Final Thoughts

Arizona's experience with implementing the Jury Patriotism Act has been encouraging in many ways. While its initial operation was not entirely seamless, the problems encountered certainly were not beyond normal expectations when a system moves from a theoretical construct to actual practice. The filing fee used to support the LTF has provided more than sufficient revenue to substantially increase juror compensation on trials longer than ten days. When asked whether the time and effort necessary to collect the filing fee,

determine individual compensation levels, and pay the supplemental compensation is worth it, we need only consider the perspective of those jurors who would otherwise have sacrificed hundreds or thousands of dollars to fulfill their civic duty to arrive at a resounding yes. Overall, the new law has reduced the inconvenience of jury service; expanded the opportunity for people to participate, particularly on lengthy trials; and increased juror turnout rates. As additional states consider adopting legislation based on the model act, legislators should work closely with court administrators to develop a proposal tailored to the needs of their state's jurors and court system.

Endnotes

1. H.B. 2520, 46th Leg., 1st Reg. Sess. (Ariz. 2003), as amended by H.B. 2305, 47th Leg., 1st Reg. Sess. (Ariz. 2005).
2. See AMERICAN BAR ASS'N, PRINCIPLES FOR JURIES AND JURY TRIALS, Principles 10(C)(1), 10(C)(3), 2(C), & 2(F) (2005).
3. This fund provides one means of fulfilling the American Bar Association's goal of encouraging courts "to increase the amount of the fee for persons serving on lengthy trials." See *id.*, Principle 2(F)(1).
4. See ARIZ. REV. STAT. § 21-222.
5. Arizona's legislation did not set an amount for the filing fee that supports the LTF. Rather, the legislature authorized the court to establish an additional fee on each filing, appearance, and answer for the purpose of funding it. See ARIZ. REV. STAT. § 12-115; In the matter of Implementation of Lengthy Trial Fund, Admin. Order No. 2003-100 (Ariz. Sup. Ct., Nov. 12, 2003) (establishing LTF and filing fee).
6. ARIZ. SUP. CT., ADMIN. OFFICE OF THE CTS., CT. SERVS. DIV., 2004 ARIZONA LENGTHY TRIAL FUND REPORT 4 (Feb. 2005).
7. These amounts reflect claims received and paid by the AOC through June 30, 2005. Additional claims have since been received for jurors serving on trials that ended before July 1, 2005.
8. Arizona's legislation provides that the judiciary may use up to 3 percent of LTF resources to reimburse courts for expenses relating to the administration of the fund, such as the cost of processing individual juror claims for supplemental compensation. See ARIZ. REV. STAT. § 21-222(B).
9. See H.B. 2133, 47th Leg., 2d Reg. Sess. (Ariz. 2006).
10. ARIZ. REV. STAT. § 21-336.01(A).
11. ARIZONA LENGTHY TRIAL FUND REPORT,

supra note 6, at 1.

12. ARIZ. REV. STAT. § 21-335(A).
13. ARIZ. REV. STAT. § 21-236(A).
14. H.B. 2305, 47th Leg., 1st Reg. Sess. (Ariz. 2005) (codified at ARIZ. REV. STAT. § 21-336).
15. ARIZ. REV. STAT. § 21-334.
16. See Bob James, *Jury System Changes May Impact Trials*, MARICOPA LAW., Sept. 2004, at 1.
17. H.B. 2520, § 2, 46th Leg., 1st Reg. Sess. (Ariz. 2003) (codified as amended at ARIZ. REV. STAT. § 21-202(B)(4)).
18. See *id.*
19. See, e.g., Joel Landau, *Seniors Rail at Jury Crackdown*, NAT'L L.J., Aug. 23, 2004, at 4.
20. See H.B. 2305, 47th Leg., 1st Reg. Sess. (Ariz. 2005).
21. ARIZ. REV. STAT. § 21-202(C).
22. ARIZ. REV. STAT. § 21-202(B)(6).

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**Table C-8.
U.S. District Courts—Lengths of Civil and Criminal Trials Completed, by District,
During the 12-Month Period Ending September 30, 2005**

Circuit and District	Total All Trials	Civil Trials						Criminal Trials							
		Total	1 Day	2 Days	3 Days	4 to 9 Days	10 to 19 Days	20 Days or More	Total	1 Day	2 Days	3 Days	4 to 9 Days	10 to 19 Days	20 Days or More
TOTAL	12,771	5,294	2,240	800	657	1,367	194	36	7,477	3,662	1,308	924	1,270	227	86
DC	145	46	13	4	9	16	-	4	99	25	12	17	37	5	3
1ST	459	213	64	34	24	73	14	4	246	85	41	32	62	19	7
ME	60	15	6	4	3	2	-	-	45	20	10	7	8	-	-
MA	221	103	28	11	10	42	9	3	118	37	19	12	36	11	3
NH	31	16	5	2	2	6	1	-	15	9	2	3	1	-	-
RI	51	25	6	4	4	9	2	-	26	9	6	7	2	1	1
PR	96	54	19	13	5	14	2	1	42	10	4	3	15	7	3
2ND	954	550	215	70	56	182	26	1	404	132	35	46	136	40	15
CT	120	88	22	11	14	40	1	-	32	11	2	3	11	4	1
NY,N	67	42	12	4	4	20	2	-	25	10	5	2	6	1	1
NY,E	233	141	73	21	12	32	3	-	92	16	7	19	38	7	5
NY,S	417	245	97	30	25	77	15	1	172	50	16	15	62	22	7
NY,W	96	26	9	2	-	11	4	-	70	38	4	5	18	5	-
VT	21	8	2	2	1	2	1	-	13	7	1	2	1	1	1
3RD	977	525	199	70	55	175	22	4	452	182	55	72	107	24	12
DE	81	53	14	3	3	29	4	-	28	14	6	4	3	1	-
NJ	170	103	37	13	9	34	8	2	67	17	2	8	24	8	8
PA,E	335	195	73	30	18	66	7	1	140	29	20	37	42	9	3
PA,M	168	83	37	13	14	19	-	-	85	59	10	6	10	-	-
PA,W	195	86	37	10	9	26	3	1	109	55	15	11	21	6	1
VI	28	5	1	1	2	1	-	-	23	8	2	6	7	-	-
4TH	1,144	382	209	57	41	63	10	2	762	435	140	80	80	19	8
MD	192	78	37	9	9	19	3	1	114	51	15	13	20	10	5
NC,E	73	19	12	2	1	4	-	-	54	22	17	8	7	-	-
NC,M	82	15	5	4	1	5	-	-	67	42	17	5	3	-	-
NC,W	83	21	8	4	3	6	-	-	62	13	21	17	11	-	-
SC	218	106	71	7	13	13	1	1	112	65	11	11	22	2	1
VA,E	274	74	34	18	8	12	2	-	200	144	26	13	11	4	2
VA,W	90	35	19	10	4	1	1	-	55	28	16	5	3	3	-
WV,N	35	14	8	2	1	-	3	-	21	10	5	5	1	1	-
WV,S	97	20	15	1	1	3	-	-	77	60	12	3	2	-	-

Table C-8. (September 30, 2005—Continued)

Circuit and District	Total All Trials	Civil Trials							Criminal Trials						
		Total	1 Day	2 Days	3 Days	4 to 9 Days	10 to 19 Days	20 Days or More	Total	1 Day	2 Days	3 Days	4 to 9 Days	10 to 19 Days	20 Days or More
5TH	1,891	733	380	127	105	107	14	-	1,158	698	222	112	109	11	6
LA,E	138	87	37	26	13	8	3	-	51	30	12	4	5	-	-
LA,M	149	46	27	8	8	2	1	-	103	97	5	1	-	-	-
LA,W	106	58	31	8	9	10	-	-	48	22	11	6	8	1	-
MS,N	65	26	11	6	6	3	-	-	39	23	6	7	3	-	-
MS,S	106	58	26	17	7	7	1	-	48	25	11	3	6	1	2
TX,N	344	129	69	15	19	23	3	-	215	154	29	11	18	3	-
TX,E	171	95	47	12	14	20	2	-	76	44	16	5	10	1	-
TX,S	480	135	77	22	14	19	3	-	345	192	75	40	32	3	3
TX,W	332	99	55	13	15	15	1	-	233	111	57	35	27	2	1
6TH	1,078	435	182	64	65	100	16	8	643	326	111	91	100	13	2
KY,E	52	20	4	3	6	7	-	-	32	14	6	4	7	-	1
KY,W	99	30	14	7	4	5	-	-	69	50	7	7	5	-	-
MI,E	163	87	25	19	16	20	4	3	76	20	18	18	16	4	-
MI,W	88	29	14	4	5	5	1	-	59	36	8	6	8	1	-
OH,N	114	56	32	6	3	14	1	-	58	17	10	11	17	3	-
OH,S	165	60	23	7	7	16	5	2	105	62	14	11	15	2	1
TN,E	146	47	29	5	4	7	-	2	99	53	28	9	8	1	-
TN,M	134	65	31	8	11	13	2	-	69	46	7	7	8	1	-
TN,W	117	41	10	5	9	13	3	1	76	28	13	18	16	1	-
7TH	866	387	173	70	35	91	14	4	479	248	70	52	92	14	3
IL,N	279	143	36	26	15	52	10	4	136	34	19	22	51	8	2
IL,C	107	35	23	3	4	4	1	-	72	55	8	3	5	1	-
IL,S	107	55	31	8	5	11	-	-	52	36	4	2	7	3	-
IN,N	133	36	22	3	4	5	2	-	97	66	12	5	12	1	1
IN,S	141	71	46	15	4	6	-	-	70	48	12	4	5	1	-
WI,E	56	17	6	6	-	4	1	-	39	4	11	13	11	-	-
WI,W	43	30	9	9	3	9	-	-	13	5	4	3	1	-	-
8TH	906	395	152	76	61	95	10	1	511	209	101	78	109	11	3
AR,E	115	67	18	20	12	14	3	-	48	30	9	4	3	2	-
AR,W	42	37	10	10	10	7	-	-	5	3	1	1	-	-	-
IA,N	71	15	5	3	-	5	2	-	56	12	12	11	19	-	2
IA,S	96	17	7	2	5	3	-	-	79	48	9	11	11	-	-
MN	109	60	24	7	4	22	2	1	49	4	10	11	19	5	-
MO,E	120	79	40	17	11	10	1	-	41	12	10	5	10	3	1
MO,W	135	59	28	9	9	12	1	-	76	43	11	9	13	-	-
NE	112	35	12	2	8	12	1	-	77	32	14	8	23	-	-
ND	36	8	2	-	-	6	-	-	28	6	11	4	6	1	-
SD	70	18	6	6	2	4	-	-	52	19	14	14	5	-	-

Table C-8. (September 30, 2005—Continued)

Circuit and District	Total All Trials	Civil Trials							Criminal Trials						
		Total	1 Day	2 Days	3 Days	4 to 9 Days	10 to 19 Days	20 Days or More	Total	1 Day	2 Days	3 Days	4 to 9 Days	10 to 19 Days	20 Days or More
9TH	1,893	618	192	94	74	206	46	6	1,275	579	256	163	230	33	14
AK	24	8	1	1	1	5	-	-	16	6	3	2	5	-	-
AZ	213	59	18	11	6	23	1	-	154	53	31	24	41	2	3
CA,N	140	72	17	8	8	21	17	-	68	25	8	-	30	3	2
CA,E	108	47	9	10	5	19	2	2	61	22	12	8	11	7	1
CA,C	358	176	54	19	18	72	12	1	182	55	22	24	64	16	1
CA,S	371	35	10	7	7	5	5	1	336	169	92	44	28	-	3
HI	41	9	4	-	-	4	1	-	32	22	3	1	5	-	1
ID	41	15	9	4	-	2	-	-	26	12	3	6	4	1	-
MT	126	14	2	3	4	5	-	-	112	59	35	13	5	-	-
NV	89	46	20	10	6	8	2	-	43	8	15	11	7	2	-
OR	126	70	31	10	11	17	1	-	56	38	12	2	4	-	-
WA,E	132	19	8	3	2	4	2	-	113	75	14	15	7	2	-
WA,W	111	46	8	5	5	21	3	1	65	31	4	11	16	-	3
GUAM	10	2	1	-	1	-	-	-	8	4	2	2	-	-	-
NMI	3	-	-	-	-	-	-	-	3	-	-	-	3	-	-
10TH	983	382	142	54	60	115	11	-	601	337	115	63	74	8	4
CO	182	115	44	15	20	32	4	-	67	30	18	5	11	1	2
KS	222	63	23	10	6	23	1	-	159	114	13	14	14	2	2
NM	225	65	24	6	10	23	2	-	160	88	35	23	13	1	-
OK,N	110	43	19	5	6	13	-	-	67	40	12	4	11	-	-
OK,E	43	22	15	4	1	2	-	-	21	8	7	1	4	1	-
OK,W	57	30	6	3	10	8	3	-	27	6	11	4	5	1	-
UT	98	32	10	8	6	7	1	-	66	34	17	10	4	1	-
WY	46	12	1	3	1	7	-	-	34	17	2	2	12	1	-
11TH	1,475	628	319	80	72	144	11	2	847	406	150	118	134	30	9
AL,N	162	65	23	17	15	8	2	-	97	67	14	7	5	1	3
AL,M	82	44	27	6	2	9	-	-	38	24	8	4	2	-	-
AL,S	117	24	12	5	2	5	-	-	93	84	5	2	2	-	-
FL,N	124	14	10	-	2	2	-	-	110	75	21	10	3	-	1
FL,M	322	173	107	12	15	34	4	1	149	56	37	21	28	5	2
FL,S	362	153	46	22	20	61	4	-	209	40	36	50	67	14	2
GA,N	180	94	60	8	9	15	1	1	86	23	17	18	19	8	1
GA,M	77	40	17	8	6	9	-	-	37	21	4	4	8	-	-
GA,S	49	21	17	2	1	1	-	-	28	16	8	2	-	2	-

NOTE: THIS TABLE INCLUDES TRIALS CONDUCTED BY DISTRICT AND APPELLATE JUDGES ONLY. ALL TRIALS CONDUCTED BY MAGISTRATE JUDGES AND SENTENCING HEARINGS ARE EXCLUDED. THIS TABLE INCLUDES TRIALS OF MISCELLANEOUS CASES, HEARINGS ON TEMPORARY RESTRAINING ORDERS AND PRELIMINARY INJUNCTIONS, HEARINGS ON CONTESTED MOTIONS, AND OTHER CONTESTED PROCEEDINGS IN WHICH EVIDENCE IS INTRODUCED.