

**COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES**  
***Fees of Jurors and Commissioners***  
**SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS**

<b>Fiscal Year 2022 Assumed Appropriation</b>	<b>\$ 35,157,000</b>
<b>Fiscal Year 2023 Requested Appropriation</b>	<b>\$ 45,677,000</b>
<b>Requested Increase from Fiscal Year 2022 Assumed Appropriation</b>	<b>10,520,000</b>

**APPROPRIATION LANGUAGE**

**COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES**

**FEES OF JURORS AND COMMISSIONERS**

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), [~~\$35,157,000~~]~~\$45,677,000~~, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

(H.R 4502 - Financial Services and General Government Appropriations Act, 2022)

**SUMMARY OF REQUEST  
FEES OF JURORS AND COMMISSIONERS  
FISCAL YEAR 2023  
(Dollar amounts in thousands)**

**Fiscal Year 2023 Resource Requirements:**

	<u>FTEs</u>	<u>Amount</u>
Fiscal Year 2022 Assumed Obligations.....	-	\$53,957
Carryforward balances .....	-	(18,800)
<b>Fiscal Year 2022 Assumed Appropriation.....</b>	<b>-</b>	<b>\$35,157</b>

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**A. Adjustments to Base:**

6.10	1. Inflationary adjustments			
	a. Grand Jurors.....	-	167	
	b. Petit Jurors.....	-	299	
6.10	2. Projected change in available jurors			
	a. Grand Jurors.....	-	(954)	
	b. Petit Jurors.....	-	(4,792)	
6.10	3. Increase in appropriation to fund current services.....	-	15,800	
	<b>Subtotal, Adjustments to Base to Maintain Current Services.....</b>	<b>-</b>	<b>10,520</b>	
	<b>Total Current Services Appropriation Required.....</b>	<b>-</b>	<b>45,677</b>	
	<b>Total Fiscal Year 2023 Appropriation Required.....</b>	<b>-</b>	<b>45,677</b>	
	<b>Total Appropriation Change, Fiscal Year 2022 to Fiscal Year 2023.....</b>	<b>-</b>	<b>10,520</b>	

**Financing the Fiscal Year 2023 Request:**

	<b>Total Appropriation Required.....</b>			<b>45,677</b>
6.11	4. Anticipated carryforward from FY 2022 and prior years into FY 2023.....	-	3,000	
	<b>Estimated Obligations, Fiscal Year 2023.....</b>	<b>-</b>	<b>48,677</b>	

**COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES  
FEES OF JURORS AND COMMISSIONERS  
Obligations by Activity (\$000)**

Activity	Fiscal Year 2021 Actual	FY 2022 Assumed Obligations/ Appropriation	Fiscal Year 2023 Request
<b>Comparison by activities:</b>			
<i>Land commissioners</i>	22	100	100
<i>Grand Jurors</i>	21,001	17,458	16,671
<i>Petit Jurors</i>	12,340	36,399	31,906
<b>Total Direct Obligations</b>	<b>33,363</b>	<b>53,957</b>	<b>48,677</b>
Unobligated Balance, start of year	(19,457)	(18,812)	(3,000)
Transfer to the Salaries and Expenses Account	1,626	-	-
Anticipated Financial Plan Savings	(1,383)	(1,988)	-
Prior Year Recoveries	(444)	(1,000)	-
Unobligated Balance, end of year	18,812	3,000	-
<b>Appropriation</b>	<b>32,517</b>	<b>35,157</b>	<b>45,677</b>

**Obligations by Budget Object Class (\$000)**

Description	Fiscal Year 2021 Actual	Fiscal Year 2021 Assumed Obligations	Fiscal Year 2023 Request
11 Personnel compensation	16,609	25,368	22,972
21 Travel	13,527	22,914	19,916
23 Rent, communications and utilities	1,880	2,825	2,881
25 Other services	372	1,448	1,477
26 Supplies and materials	975	1,403	1,431
<b>Total obligations</b>	<b>33,363</b>	<b>53,957</b>	<b>48,677</b>

**COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES  
FEES OF JURORS AND COMMISSIONERS**

**Relation of Obligations to Outlays (\$000)**

	<b>FY 2021 Actual</b>	<b>FY 2022 Assumed Obligations</b>	<b>FY 2023 Request</b>
Obligations incurred	33,363	53,957	48,677
Obligated balance, start of year	1,941	2,380	485
Adjustment to prior year activity	(901)	(1,457)	(1,315)
Obligated balance, end of year	(2,380)	(485)	(438)
<b>Total Outlays</b>	<b>32,023</b>	<b>54,395</b>	<b>47,410</b>
Less Offsets	(537)	(868)	(783)
Net Outlays	31,486	53,527	46,627

## **GENERAL STATEMENT AND INFORMATION**

This appropriation provides for the statutory fees and allowances of grand and petit jurors, and for the compensation of jury and land commissioners. In addition to reimbursement for daily travel to and from court, expenses allowed include meals and lodging furnished to sequestered jurors, and transportation to view evidence or crime scenes offsite. Budgetary requirements depend largely upon the volume and the length of jury trials demanded by parties to both civil and criminal actions and the number of grand juries convened by the courts at the request of United States Attorneys. All these factors are outside the control of the judiciary.

The fiscal year (FY) 2023 request of \$45,677,000 for the Fees of Jurors and Commissioners account will support all projected requirements for petit and grand jurors and land commissioners.

### **Petit Jurors**

A petit jury may be called to hear a trial in a criminal or civil action. A criminal trial normally has a 12-person jury, and a civil trial typically has a 7- to 9-person jury. Criminal juries decide whether the defendant is guilty of the crime as charged. In a civil trial, the jury's responsibility is to decide whether the defendant injured or otherwise failed to fulfill a legal obligation to the plaintiff and to determine the appropriate compensation. Petit jurors are entitled to a daily attendance fee of \$50 for each day of their jury service.

The number of jurors called on any given day to serve in a petit jury pool is related to the number and type of cases in which a jury trial is requested. Moreover, under rules of criminal procedure, criminal trials are allowed additional peremptory challenges (i.e., exclusions of jurors from the pool without a stated reason) compared to civil trials because of the jury size. This means that the court must take these challenges into account when determining the number of potential jurors in a criminal jury pool. However, a correspondingly larger number of prospective jurors in the criminal pool will not be selected to serve on the trial due in part to the additional peremptory challenges. Thus, when compared to civil jury selections, the total number of prospective jurors completing jury service during jury selection is greater in criminal trials.

In FY 2021, the overall number of jurors increased slightly over FY 2020, however, they remain still much lower than the historic average due to the impact of the ongoing COVID-19 pandemic. The total number of available petit jurors<sup>1</sup> in FY 2021 increased by 1.6 percent from 182,697 to 185,565. Going forward, available petit jurors are projected to increase significantly to 338,800 in FY 2022 and then decrease to 325,200 in FY 2023. This trend is driven largely by an estimated increase in jury trial days in FY 2022 and

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<sup>1</sup> An available petit juror is one that is present for selection or serving following selection.

then a decline in FY 2023. Table 6.1 on page 6.7 provides a historical pattern of the number of juror days, number of jurors called, and the related costs of those jurors' expenses.

### **Grand Jurors**

A grand jury is a jury of inquiry whose duty is to receive complaints and accusations in criminal cases, hear the evidence presented on the part of the Government, and find bills of indictment in cases where the jurors are satisfied that the evidence presented is sufficient to warrant filing an indictment and bringing the case to trial. The number of grand juries convened by district courts varies depending on such factors as the number of criminal cases, the type of criminal activity, and the number of places in which court is held. Grand juror activity is measured by the number of sessions convened, jurors in session, and total jurors in attendance. Grand jurors are entitled to a daily attendance fee of \$50 for each day of their jury service.

In FY 2021, the total number of available grand jurors<sup>2</sup> increased by 5.7 percent from 117,549 to 124,187, still much lower than the historic average. Going forward, available grand jurors are projected to increase in FY 2022 to 158,700 and then decrease in FY 2023 to 150,600. Table 6.2 on page 6.8 provides further detail on grand jury activity.

### **FISCAL YEAR 2022 APPROPRIATIONS**

In the absence of an enacted FY 2022 appropriation, the judiciary built the FY 2023 discretionary budget request for the Fees of Jurors and Commissioners account on an assumed FY 2022 appropriation of \$35,157,000. This amount takes into consideration the carryforward balances in the Fees of Jurors account at the close of FY 2021 and, when added to the assumed appropriation, would maintain the FY 2022 current services level.

For bill language for this account, the judiciary used the relevant language from H. R. 4502, which includes the House-passed version of the Financial Services and General Government Appropriations Act, 2022, as the closest approximation of eventual enacted FY 2022 appropriations language, updated with the assumed funding level described above.

After full-year FY 2022 appropriations are enacted, the judiciary will re-estimate its FY 2023 budget request and transmit to the Appropriations Committees any changes to FY 2023 appropriation requirements and bill language.

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<sup>2</sup> An available grand juror is one that is either selected to serve or serving during a convened grand jury session.

**Table 6.1 Petit Juror Activity**

		Petit Jury Trial Days				Available Jurors		Cost	
	<u>Fiscal Year</u>	<u>Criminal</u>	<u>Civil</u>	<u>Total</u>	<u>Percent Change</u>	<u>Jurors</u>	<u>Percent Change</u>	<u>Fees &amp; Expenses</u>	<u>Percent Change</u>
<b>Actual</b>	2012	12,679	10,099	22,778	-4.8%	451,989	-3.7%	\$38,956,000	2.8%
	2013	12,730	9,207	21,937	-3.7%	448,329	-0.8%	\$39,398,000	1.1%
	2014	11,506	9,214	20,720	-5.5%	417,285	-6.9%	\$37,762,000	-4.2%
	2015	9,609	9,947	19,556	-5.6%	376,723	-9.7%	\$34,002,000	-10.0%
	2016	9,327	9,179	18,506	-5.4%	368,639	-2.1%	\$33,898,000	-0.3%
	2017	8,892	8,628	17,520	-5.3%	348,259	-5.5%	\$32,209,000	-5.0%
	2018	9,401	7,911	17,312	-1.2%	357,004	2.5%	\$35,287,000	9.6%
	2019	9,373	7,150	16,523	-4.6%	349,852	-2.0%	\$36,516,000	3.5%
	2020	4,889	3,574	8,463	-48.8%	182,691	-47.8%	\$21,027,000	-42.4%
	2021	5,402	3,422	8,824	4.3%	185,565	1.6%	\$21,507,000	2.3%
<b>Estimated</b>	2022	9,000	6,700	15,800	79.1%	338,800	82.6%	\$36,399,000	69.2%
	2023	8,700	6,200	14,900	-5.7%	325,200	-4.0%	\$31,906,000	-12.3%

**Table 6.2 Grand Jury Activity**

	Total Number of Grand Jurors					Available Jurors			Cost	
	<u>Fiscal Year</u>	<u>Sessions Convened</u>	<u>Percent Change</u>	<u>Jurors in Session</u>	<u>Percent Change</u>	<u>Hours in Session</u>	<u>Jurors</u>	<u>Percent Change</u>	<u>Fees &amp; Expenses</u>	<u>Percent Change</u>
<b>Actual</b>	2013	8,923	-1.8%	179,076	-1.7%	41,477	196,540	-1.9%	\$16,097,000	-1.2%
	2014	8,230	-7.8%	164,856	-7.9%	36,719	181,437	-7.7%	\$14,406,000	-10.5%
	2015	8,087	-1.8%	161,493	-2.0%	36,098	177,720	-2.0%	\$14,495,000	0.1%
	2016	8,249	2.0%	164,733	2.0%	36,621	180,709	1.7%	\$14,608,000	0.8%
	2017	8,124	-1.5%	161,759	-1.8%	35,823	177,027	-2.0%	\$13,888,000	-4.9%
	2018	8,258	1.6%	163,859	1.3%	36,458	179,740	1.5%	\$14,966,000	7.8%
	2019	8,374	1.4%	167,310	2.1%	36,706	183,196	1.9%	\$16,948,000	13.2%
	2020	5,449	-34.9%	107,489	-35.8%	24,940	117,549	-35.8%	\$11,483,000	-32.2%
	2021	5,686	4.3%	110,954	3.2%	27,086	124,187	5.6%	\$12,340,000	7.5%
<b>Estimated</b>	2022	7,300	28.4%	150,200	35.4%	34,500	158,700	27.8%	\$17,458,000	41.5%
	2023	7,100	-2.7%	147,900	-1.5%	34,400	150,600	-5.1%	\$16,671,000	-4.5%

<b>Fiscal Year</b>	<b>Average Number of</b>		<b>Total Number of Grand Juries</b>		
	<b>Jurors per Session</b>	<b>Hours per Session</b>	<b>In Existence at the beginning of the Fiscal Year</b>	<b>Impaneled</b>	<b>Discharged</b>
2011	20.0	4.70	458	341	263
2012	20.1	4.60	462	321	247
2013	20.0	4.60	460	318	267
2014	20.0	4.50	440	323	242
2015	15.9	3.60	439	312	255
2016	20.0	4.40	417	326	248
2017	19.9	4.40	433	322	240
2018	19.8	4.40	440	315	217
2019	20.0	4.40	434	315	213
2020	19.7	4.60	448	203	173
2021	19.5	4.80	379	319	222



## **Land Commissioners**

The responsibility of land commissioners is to determine the issue of just compensation arising from the deprivation of private property for public use. Under the Federal Rules of Civil Procedure, a district court may use its discretion to order that compensation for condemned property be determined by a commission of three persons appointed by the court. The determination of compensation is based on evidence presented during the exercise of trial procedures and evidentiary rulings. This delegation of the judicial function requires close judicial supervision and requires that actions taken by the commission be fully documented to permit full review by the district or appellate courts. This system ensures due process of law to the litigants.

Land commissioners are compensated based on the daily equivalent of the highest rate payable under 5 U.S.C. § 5332. They are also eligible for locality pay amounts that apply to their locality pay areas which are payable in addition to their basic pay. The annual adjusted pay rate (i.e., basic pay plus locality pay) for land commissioners is limited to the rate of pay for level III of the Executive Schedule, currently \$187,300.

## JUSTIFICATION OF CHANGES

The FY 2023 appropriation request for Fees of Jurors and Commissioners totals \$45,677,000, which represents an increase of \$10,520,000, or 29.9 percent, above the FY 2022 assumed appropriation of \$35,157,000. The amount requested is for adjustments to base to maintain current services.

### **A. ADJUSTMENTS TO BASE TO MAINTAIN CURRENT SERVICES**

#### ***1. Inflationary adjustments***

##### **a. Grand Jurors**

**Requested Increase: \$167,000**

An increase of \$167,000 is requested for inflationary adjustments associated with grand juror costs, including travel allowances (mileage, parking, tolls), meals and lodging for sequestered jurors, and other miscellaneous juror expenses.

##### **b. Petit Jurors**

**Requested Increase: \$299,000**

An increase of \$299,000 is requested for inflationary increases associated with petit juror costs, including travel allowances (mileage, parking, tolls), meals and lodging for sequestered jurors, and other miscellaneous juror expenses.

#### ***2. Projected change in available jurors***

##### **a. Grand Jurors**

**Requested Decrease: (\$954,000)**

A decrease of \$954,000 is the result of a projected decrease in the estimated number of available grand jurors from FY 2022 to FY 2023.

##### **b. Petit Jurors**

**Requested Decrease: (\$4,792,000)**

A decrease of \$4,792,000 is the result of the projected decrease in the estimated number of available petit jurors from FY 2022 to FY 2023.

#### ***3. Increase in appropriation needed to fund current services***

**Requested Increase: \$15,800,000**

In FY 2022, \$15.8 million in balances from FY 2021 and prior years is available to finance FY 2022 requirements. The judiciary expects to obligate all of this funding in FY 2022. Because the judiciary anticipates having \$15.8 million less in carryforward funding in FY 2023, it requests \$15.8 million more to maintain current services.

## FINANCING THE FISCAL YEAR 2023 REQUEST

### 4. *Anticipated carryforward from FY 2022 and prior years into FY 2023*

**Estimated funds available: \$3,000,000**

The judiciary projects \$3,000,000 will be available through anticipated savings to carry forward from FY 2022 and prior years to offset the FY 2023 appropriations request for the Fees of Jurors account. The judiciary will advise the appropriations subcommittee staff of any changes to this estimate.