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JUROR COMPENSATION

Since 1993, citizens in Nevada are paid \$9 per day for appearing in response to a jury summons.³⁰ If selected, a juror is paid \$15 for the first five days of service and \$30 per day thereafter.³¹ If a citizen is seated as a juror on the first day, he or she receives \$15, rather than \$9.

Some businesses continue to pay their employees' salaries during jury service either voluntarily or pursuant to a collective bargaining agreement. The Commission applauds those employers and encourages others to do the same. Unfortunately, many summoned for jury duty lose all or most of their wages while they serve. While this responsibility of citizenship necessarily involves sacrifice and inconvenience, a reasonable level of compensation is necessary to soften the financial impact of service.

One man testified that when he served during a lengthy trial he used his vacation and sick leave days to maintain his income level, but still had to serve several days with his only compensation being the jury fees. He emphasized that despite the hardship, he would do it again if he were summoned. While this commendable dedication is common among former jurors, the Commission believes that such sacrifices should be minimized.

The Commission recognizes that the present jury fee structure and level of compensation is not adequate, especially for jury service that lasts more than two or three days. On the other hand, the Commission is mindful that county governments pay the jury fees in criminal cases, and a large increase could adversely impact their budgets.

The Commission believes the \$9 appearance fee provides neither meaningful compensation nor even minimal motivation to appear. The jury commissioners and clerks who were resources for this report stated that many prospective jurors are surprised to receive any compensation at all for their initial appearances.

The \$15 fee paid the first five days of service is also insignificant and insufficient to either address the impact of lost wages or to pay child care expenses for parents

³⁰ NRS 6.150(1).

³¹ NRS 6.150(2).

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responsible for the care of small children. The \$30 fee paid after five days of jury duty, while more substantial, is still inadequate.

Although many states compensate jurors at a poor rate, those states that have reviewed their jury compensation levels have recommended substantial increases. Leading the increases are New York at \$40 a day, and Colorado, Connecticut and Massachusetts at \$50 per day.³² New Mexico pays the minimum wage of \$5.15 per hour, making that jury fee schedule one of the highest if jurors serve eight-hour days.³³

The Commission believes that \$40 per day is the minimum amount for jury service and the minimum amount that should be paid to a person sitting on a jury in Nevada.

To reduce the fiscal impact on the counties, payment should not begin until a juror has begun hearing the case or until after a prospective juror has spent two days at the courthouse without being selected, whichever occurs first. Jurors who are selected to serve on a jury should receive \$40 per day, as should any prospective juror who must come to the courthouse for more than two days for jury selection.

Because the \$9 appearance compensation is inconsequential and the administrative costs to disburse these checks are high, the Commission recommends that appearance compensation be abolished.

This proposal's financial impact on most counties is charted on the following page.

Whatever rate of jury compensation the Legislature sets, it would be wise to periodically review and adjust it. Any new legislation affecting juror compensation ought to include a provision for regularly scheduled legislative review.

³² G. Thomas Munsterman, What Should Jurors be Paid?, 16 The Court Manager 2, 12.

³³ Id.

TABLE 1

JURY FEES: Statistics and Projected Impact (1)

County	Trials	Total Jury Fees Paid	Appearance Fees Paid	Fees Paid to Selected Jurors	Projected Fees at \$40 (2)	Projected Savings (3)	Projected Costs (4)
Clark	254	\$482,695	\$385,640	\$97,055	\$259,136	\$223,559	
Washoe	97	\$102,339	\$49,338	\$53,001	\$141,512		\$39,173
Carson City	9	\$7,956	\$2,961	\$4,995	\$13,336		\$5,380
Churchill	3	\$2,061	\$1,710	\$351	\$937	\$1,124	
Douglas	5	\$11,307	\$8,172	\$3,135	\$8,370	\$2,937	
Elko	19	\$34,703	\$9,750	\$16,293	\$43,502		\$8,799
Esmeralda	1	\$1,022	\$695	\$327	\$873	\$149	
Eureka	0						
Humboldt	4	\$3,006	\$1,233	\$1,773	\$4,733		\$1,727
Lander	0						
Lincoln	1	\$993	\$603	\$390	\$1,041		\$48
Lyon	6	\$11,073	\$7,117	\$3,955	\$10,559	\$514	
Mineral	1	\$627	\$432	\$195	\$520	\$107	
Nye	13	\$7,963	\$4,453	\$3,510	\$9,371		\$1,408
Pershing	1	\$1,787	\$1,319	\$466	\$1,244	\$543	
Storey	2	\$1,954	\$768	\$1,039	\$2,774		\$820
White Pine	10	\$7,705	\$4,340	\$3,364	\$8,981		\$1,276
TOTALS	426	\$677,191	\$478,531	\$189,849	\$506,889	\$228,933	\$58,631

TOTAL ESTIMATED SAVINGS - \$170,302 (5)

- (1) All figures from fiscal year 2000-01, provided by court/county clerks
- (2) Calculated by multiplying the "Fees Paid to Selected Jurors" by 2.67 to establish the difference between the \$15 per day currently paid and the \$40 per day fee recommended by the Jury Improvement Commission. The Commission also recommends abolishing appearance fees (currently \$9 per day until a summoned citizen is seated on a jury or dismissed and sent home) for two days of the jury selection process. While jurors are paid \$30 per day after serving five days, the \$15 level was used to demonstrate the most adverse impact the proposed change might have.
- (3) The counties that are projected to realize savings in jury fees and the amounts saved if the recommended increase in jury fees to \$40 per day and abolition of appearance fees for two days had been in effect.
- (4) The counties that are projected to face additional costs in jury fees and the amounts if the recommended increase in jury fees to \$40 per day and abolition of appearance fees for two days had been in effect.
- (5) Total jury fees paid minus projected jury fees at \$40

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STATISTICS ARE FOR BROAD COMPARISONS ONLY

The projected figures reflect what the cost and impact on counties would have been had the Commission's recommendations been in place during fiscal year 2000-01. They are calculated at the highest level possible to ensure there is no likelihood of underestimating the impact. Specifically, the projection assumes all jurors in that fiscal year were paid at the \$15 per day rate when, in reality, a portion of the jurors were compensated at the \$30 per day rate because they served more than five days. All jury fees are reflected, even though jurors' compensation in civil trials is the responsibility of the parties.

The figures in the statistical evaluation are offered for broad comparisons only since there are many variables in the system, such as the number and length of trials, number of alternate jurors, last minute settlements that result in summoned citizens being sent home, number of jurors summoned and whether the trials are civil or criminal.³⁴ The greatest variable involves the number of jury trials held in rural judicial districts. Although the number of trials in Clark and Washoe counties remained relatively constant, the number of trials (and consequently the number of citizens summoned to jury duty) can and do increase or decrease dramatically from year to year.

Despite these variables and the projection of fiscal impact at the highest rate, it is clear that adopting the Commission's recommendations would have a minor negative impact on about half the counties and cause a fiscal savings in the other half. While it would have cost Washoe County a few thousand dollars had the recommended jury fee reforms had been enacted, Clark County would have saved nearly a quarter of a million dollars.³⁵

³⁴ Civil Trials have eight jurors plus alternates, if any, while criminal trials have 12 jurors plus alternates, if any.

³⁵ See Table 3: Jury and Mileage Fees: Projected Impact.

TABLE 2

MILEAGE FEES: Statistics and Projected Impact

County	Mileage Fees Paid (1)	% of Jurors From Beyond 65 Miles (2)	% and Costs For 65-mile Jurors (3)	Projected Mileage Fees (4)	Projected Savings (5)	Projected Costs (6)
Clark	\$181,710	3.4%	7% or \$12,500	\$22,812	\$158,898	
Washoe (7)	\$24,458	-0-	-0-	-0-	\$24,458	
Carson City (8)	-0-	-0-	-0-	-0-	-0-	
Churchill (7)	\$352	-0-	-0-	-0-	\$352	
Douglas (7)	\$3,127	-0-	-0-	-0-	\$3,127	
Elko	\$8,432	9%	62% or \$4,835	\$8,823		\$391
Esmeralda	\$180	39%	47% or \$84	\$153	\$27	
Eureka (9)	-0-	-0-	-0-	-0-	-0-	
Humboldt	\$520	2.5%	25% or \$130	\$237	\$283	
Lander (9)	-0-	-0-	-0-	-0-	-0-	
Lincoln	\$689	14%	58% or \$402	\$733		\$44
Lyon	\$3,018	2.5%	8% or \$241	\$440	\$2,578	
Mineral (7)	\$198	-0-	-0-	-0-	\$198	
Nye	\$1,426	10%	91% or \$1,297	\$2,367		\$941
Pershing	\$509	19.5%	83% or \$422	\$770		\$261
Storey	\$577	3%	2% or \$11	\$21	\$556	
White Pine	\$369	7%	20% or \$74	\$135	\$234	
TOTALS	\$225,565	11% (10)	40%(10) or \$19,996	\$36,491	\$190,711	\$1,637

TOTAL ESTIMATED SAVINGS - \$189,074

- (1) The actual mileage fees paid in fiscal year 2000-01.
- (2) Estimated percentage of those persons called to jury duty who must travel more than 65 miles one way.
- (3) Estimates by county officials of the percentages of mileage fees and corresponding dollar amounts paid to citizens who traveled more than 65 miles one way in response to jury summons.
- (4) Estimates of the amounts that would have been paid had the Commission recommendations been in place limiting mileage fees to citizens who must travel more than 65 miles one way in response to jury summons; raising the rate to 36.5 cents per mile rather than the current statutory rate of 20 cents per mile.
- (5) The estimated amount it would have saved had the recommendations been in place. This does not include the administrative savings from not having to create and process mileage checks or vouchers for citizens traveling less than 65 miles one way.
- (6) The estimated amount it would have cost had the recommendations been in place. This does not reflect the administrative savings from not having to create and process mileage checks or vouchers for citizens traveling less than 65 miles one way.
- (7) No jurors summoned from beyond 65 miles.
- (8) Carson City pays no mileage fees to citizens summoned to jury duty.
- (9) No jury trials were held in the county during fiscal year 2000-01.
- (10) Average among counties that summon jurors from beyond 65 miles.
- (11) Total fees paid in fiscal year 2000-01 minus projected fees.

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TABLE 3**JURY AND MILEAGE FEES: Projected Impact (1)****COMBINED TOTALS**

County	Total Fees Paid (2)	Projected Fees (3)	Projected Savings (4)	Projected Costs (5)
Clark	\$664,405	\$281,948	\$382,457	
Washoe	\$126,797	\$141,512		\$14,715
Carson City	\$7,956	\$13,336		\$5,380
Churchill	\$2,413	\$937	\$1,476	
Douglas	\$14,434	\$8,370	\$6,064	
Elko	\$43,135	\$52,325		\$9,190
Esmeralda	\$1,202	\$1,026	\$176	
Eureka (6)	-0-	-0-		
Humboldt	\$3,526	\$4,970		\$1,444
Lander (6)	-0-	-0-		
Lincoln	\$1,682	\$1,774		\$92
Lyon	\$14,091	\$10,999	\$3,092	
Mineral	\$825	\$520	\$305	
Nye	\$9,389	\$11,738		\$2,349
Pershing	\$2,296	\$2,014	\$282	
Storey	\$2,531	\$2,795		\$264
White Pine	\$8,074	\$9,116		\$1,042
<u>TOTALS</u>	\$902,756	\$543,380	\$393,852 (7 counties)	\$34,476 (8 counties)

TOTAL ESTIMATED SAVINGS - \$359,376 (7)

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- (1) Figures from fiscal year 2000-01 or projections based on those figures. Combines jury fees and mileage fees reflected individually in Tables 1 and 2.
- (2) Combined Jury and Mileage Fees paid during fiscal year 2000-01 (See: Tables 1 and 2).
- (3) Projected Jury and Mileage Fees combined, had Commission recommendations been in place to increase jury fees to \$40 per day while eliminating appearance fees for two days and eliminating mileage fees for citizens traveling less than 65 miles while increasing the mileage rate to 36.5 cents per mile from the statutory rate of 20 cents per mile.
- (4) Projected total savings to the indicated counties that would have resulted had Commission recommendations been in place.
- (5) Projected costs to the indicated counties that would have resulted had Commission recommendations been in place.
- (6) No trials were held in the county during fiscal year 2000-01.
- (7) Total fees paid in fiscal year 2000-01 minus projected fees.

MILEAGE FEES

Currently, jurors receive mileage compensation at a rate of 20 cents per mile.³⁶

Since jury service is a duty of citizenship which necessarily imposes a burden upon citizens, the Commission recommends that those summoned should not be compensated for mileage unless long distance travel is involved. The Commission recommends mileage compensation when a citizen summoned must travel more than 65 miles one way. This kind of extended travel is often necessary in rural counties where the population is spread out over a vast area.

Provision for mileage compensation also ought to be made, without regard to the distance involved, when the individuals summoned and selected are disadvantaged persons for whom the financial burden of transportation would constitute an undue hardship.

The Commission also believes that when mileage is paid, the rate should be the same as is paid to state employees: 36.5 cents per mile in 2002. This proposed mileage fee increase would likely be more than offset by the elimination of mileage fees for travel of less than 65 miles one way.

³⁶NRS 6.150(3). Carson City does not pay mileage expenses to jurors.

Juror Compensation

RECOMMENDATIONS

1. NRS 6.150(1) should be amended to abolish the \$9 per day appearance fee for those summoned but not selected.
2. NRS 6.150(2) should be amended to establish a rate of \$40 per day for each sworn juror for every day of service and for any prospective juror after the second day of jury selection.
3. NRS 6.150(3) should be amended to abolish mileage fees except for travel over 65 miles one way.
4. NRS 6.150(3) should be amended to pay jurors at the state employee compensation rate (currently 36.5 cents per mile).
5. Employers are encouraged to continue paying their employees while they are serving on jury duty.
6. Unions are encouraged to bargain for wage compensation for their members during the time they are serving as jurors.