

ADMINISTRATIVE OFFICE OF THE COURTS
SUPREME COURT OF ARKANSAS

J. D. GINGERICH, DIRECTOR



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To: County Judges and Circuit Clerks
From: J. D. Gingerich *JDG*
Re: Reimbursement of Jury Costs, Act 1033 of 2007
Date: October 29, 2007

During the 2007 session of the General Assembly legislation was adopted which will revise the levels of compensation paid to persons who are called and selected to serve as members of petit and grand juries. Funds were also appropriated to the Administrative Office of the Courts to reimburse counties for a portion of the costs paid to jurors by the county. The legislation (Act 1033 of 2007, codified at A.C.A. 16-34-103-106) becomes effective January 1, 2008. The purpose of this memorandum is to answer questions you may have about the legislation and establish procedures for the certification of jury compensation, the reporting of monthly expenditures, and the quarterly reimbursement of a portion of the costs.

Who is eligible to be paid by the county for jury service?

The Act revises the previous statutory language as to who may receive payment for jury service. There are three basic requirements:

- 1) the person must have received official notice that he or she has been selected as a prospective juror and summoned to appear;
- 2) the person must actually appear at the location to which they were summoned; and
- 3) their attendance must be noted (in writing) by the circuit clerk.

What are the new rates of pay for jury service?

The Act divides persons eligible for payment into one of two groups - (1) those who are actually selected to serve as a member of a grand or petit jury (the official jurors plus alternates, if any) and (2) everybody else.

During the consideration of the legislation in the 2007 legislative session, information was received by the General Assembly which indicated that there was inconsistency from county to county as to when jurors would be paid the minimum or higher rates of compensation. Some counties pay a higher rate for attendance at jury orientation; others pay jurors who are present for voir dire a higher rate, even if they are not seated on the jury. The new law does not allow for

these distinctions. Persons who are chosen to serve "in the box" as a member of the jury are paid at the new rate of \$50 per day; all others are paid a lower rate, with that rate to be set by county ordinance.

For those serving on the jury and as alternates, the rate of compensation is fifty dollars (\$50) per day. This is a mandatory rate - the Act does not allow the county to set a lower or higher rate. All counties will pay the same rate.

For all other persons who are summoned and appear but who do not, for any reason, serve on the jury the rate is a minimum of fifteen dollars (\$15) per day. A county may, by ordinance, set a higher rate of compensation. Many counties have, in the past, set a higher rate than the state minimum - counties may continue to set a higher rate.

May jurors be reimbursed for mileage?

Under current law, the county is required to pay mileage reimbursement to all persons who were summoned as jurors but not selected to serve. The new law changes this provision in several ways. First, the mileage reimbursement is optional - to be paid, the quorum court must authorize the payment by ordinance. Second, if authorized, it is payable to all persons, whether selected to serve on the jury or not, but only if they reside outside of the city limits of the city where the court is located. Finally, the rate of the mileage reimbursement is set by the county (under current law it is the same as the rate for state employees).

For what expenses can the county be reimbursed by the state?

A county may request reimbursement, on a quarterly basis, for all payments made to persons who are summoned and who actually serve as a member of a grand or petit jury. In other words, only the cost of payments to those persons who are paid at the mandatory fifty dollar (\$50) rate are eligible for reimbursement. The costs of payments to jurors who do not serve as members or alternates, the costs of mileage payments, or the costs of other payments (such as meals) paid to jurors will not be reimbursed by the state.

How does a county receive reimbursement?

The Act requires that the Administrative Office of the Courts develop a system for the certification of costs and reimbursement of eligible expenses. We have worked with the Division of Legislative Audit to establish this process. We have also been asked by members of the General Assembly to acquire the baseline data to calculate the full costs of the jury system for our state. In order to accomplish these purposes we have developed two forms, which are attached.

The first is a Certification of Jury Compensation for Calendar Year 2008. As described earlier in this memorandum, there are two areas of jury compensation which must be established by the county through the adoption of an ordinance. The first is the rate of compensation for prospective jurors which is either \$15 per day or a higher amount as set by the county. The second is the approval of mileage reimbursement and, if approved, the rate of pay. Each county will need to make a decision about these payments and adopt an appropriate ordinance before December 31, 2007. After a decision has been made, the county must complete the attached Certification form and return it to our office by January 15, 2008.

I have also attached the Report of Jury Expenditures and Request for Reimbursement of Jury Costs for the first quarter of 2008. Pursuant to the Act, we must receive your report of jury

expenditures for the months of January, February and March on or before May 1, 2008. Upon receipt of your report we will promptly issue payment for that portion of the costs which were the result of the payment of \$50 per day for persons who served as members of grand or petit juries during the period. A report form which will cover the second quarter of 2008 will be distributed after the first of the year.

Should you have questions about the provisions of the Act or about the reporting forms please feel free to contact me. We are pleased to have the opportunity of working with you in the administration of this new legislation.

JDG/pk

cc: Circuit Judges

Division of Legislative Audit

Association of Arkansas Counties

Senator Jim Luker

Representatives David Johnson, Will Bond, Ernest Brown, Steve Harrelson,

Mark Pate, Robbie Wills and Jeff Wood

attachments

Certification of Jury Compensation for Calendar Year 2008
Pursuant to Act 1033 of 2007

1. Actual Jurors and Alternates. Section 2(b)(1) of Act 1033 of 2007 provides that persons who are eligible to receive jury compensation and who are actually chosen to serve as a member or alternate of a grand or petit jury will be paid \$50 per day. This is the statutory rate - no action need be taken by the county.

2. Prospective Jurors. Section 2(b)(2) of Act 1033 of 2007 provides that persons who are eligible to receive jury compensation and who are excused or for other reasons do not serve as a member or alternate of a grand or petit jury, are entitled to a minimum of \$15 per day. The quorum court may, by ordinance, set a higher level of compensation. (Many counties, for example, currently pay at a rate of \$20 per day. To continue that practice, you should set that amount through the adoption of an ordinance and check the first box below, indicating your rate at \$20 per day.)

Please check one:

- For 2008 our county has adopted an ordinance which sets the rate of compensation under Section 2(b)(2) of Act 1033 at \$_____ per day.

- For 2008 our county will pay the statutory minimum of \$15 per day.

3. Mileage Reimbursement. Section 3 of Act 1033 of 2007 provides that a county may adopt an ordinance to provide payment of mileage reimbursement for jurors or prospective jurors whose primary residence is located outside of the city limits of the location of the court at a rate set by the county.

Please check one:

- For 2008, our county has adopted an ordinance which authorizes a mileage reimbursement under Section 3 of Act 1033 of 2007 at a rate of _____ per mile.

- For 2008, our county will not provide a mileage reimbursement for jurors or prospective jurors.

I hereby certify that this report accurately reflects the compensation rates for jurors who will serve in our county for calendar year 2008, signed this _____ day of _____, 200____.

Signature of County Judge

Name of County

* Return this form by January 15, 2008 to the Administrative Office of the Courts, 625 Marshall Street, Little Rock, AR 72201

Report of Jury Expenditures and
Request for Reimbursement of Jury Costs
Act 1033 of 2007

	January 2008	February 2008	March 2008	TOTAL FOR QUARTER
*Payments to Persons Who Actually Serve as a Member of a Grand or Petit Jury at \$50 per day	*\$ _____ *	**\$ _____ *	**\$ _____ *	**\$ _____ *
Payments to Persons who are Summoned and Appear but do not Actually Serve as a Grand or Petit Juror at \$15 per day or such higher amount as set by the county	\$ _____	\$ _____	\$ _____	\$ _____
Payments of Mileage Reimbursement to Jurors, If Authorized by the County	\$ _____	\$ _____	\$ _____	\$ _____
Other costs, such as meals, provided for or paid to jurors	\$ _____	\$ _____	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____	\$ _____	\$ _____

* Note that only these costs are eligible for reimbursement from the state.

I hereby certify that this report reflects the true and accurate expenditures for jury costs for the time period indicated above.
Signed this _____ day of _____, 200__.

Signature of Authorized County Official

Name of County