

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Proposal Cover Sheet

§ 5-109: Lengthy Trials

1. **Effect of the proposal:** The code section will replace AO 2003-100 which establishes the fee on certain superior court filings to fund the Arizona Lengthy Trial Fund (ALTF) and AO 2004-41 which authorizes the administrative director to issue procedures and forms to implement the fund.
2. **Significant new or changed provisions:** Establishes a deadline by which jurors are to submit the juror claim form and by which jury commissioners are to submit a request for reimbursement to the AOC.
3. **Committee actions and comments:** The following entities reviewed the schedule:
 - Superior Court Clerks/Jury Commissioners; Bob James, Director of Jury Management, Trial Courts of Arizona in Maricopa County; Kathy Brauer; Jury Commissioner, Pima County (1/10/07)
 - Superior Court Administrators (1/19/07)
 - Presiding Judges will receive the code section at their March 2007 meeting

(See attached table of comments.)
4. **Controversial issues:** None.
5. **Recommendation:** It is recommended that ACJA § 5-109: Lengthy Trials be adopted and become effective immediately.

**Comments and Responses to
ACJA Section 5-109: Lengthy Trials**

PARAGRAPH	COMMENT	SUBMITTED BY	RESPONSE
E(5)	My county finance is balking at taking this information and sending out the 1099. They think that it should be the jury commissioner's responsibility.	Clerk/Jury Commissioner	Not incorporated. Jury commissioners will need to advise the county of any payments of \$600 or more to any juror in the same year.
F(3)	<p>The only concern we regretfully need to express relates to the proposed subsection labeled F(3), which would require a time limit to be imposed for courts to submit Arizona Lengthy Trial Fund (ALTF) reimbursement requests to your office.</p> <p>The proposal does not account for situations beyond the control of the trial courts. Since A.R.S. 21-222 does not require a juror to submit their ALTF request within the duration of the trial, any juror can submit their request, and if eligible, must be paid by the trial court according to that statute.</p> <p>May we suggest the following alternatives to consider:</p> <p>a) Set the deadline to be at the end of a designated time period after the last juror submits their completed claim form for a given trial.</p> <p>b) Retain your idea of setting the deadline from the end of the juror's service, but increase the timeframe from 60 days to 120 days and allow courts to amend their reimbursement request if claim forms are submitted on or after that deadline.</p>	Jury Management Director	Modified. Jury commissioners must require jurors to submit a claim form within 30 days of the end of the juror's service. This will enable the jury commissioner to submit a request to the AOC for reimbursement within 60 days of the end of the juror's service.

PARAGRAPH	COMMENT	SUBMITTED BY	RESPONSE
E(2)	<p>Breaking the formula down into separate steps makes much more sense, i.e.:</p> $(A - \$12) - B = C$ $C \times D = E$ $E + (\$12 \times D) = F$ <p>As a mathematical formula, all the equivalences in the draft formula were causing me problems of interpretation. I guess if you wanted to use one big formula it would look something like this:</p> $F = ((A - 12 - B) * D) + (12 * D)$ <p>where A and B are dollars, and you no longer need C and E. But if you need C and E for accounting purposes, and I assume you do, then you would want to use the intermediate steps of the three separate formulas.</p>	Automation Specialist	Incorporated. The one long formula has been broken down into three separate formulas.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 5: Court Operations
Chapter 1: Funding
Section 5-109: Lengthy Trials

A. Purpose. A.R.S. § 21-222 establishes the Arizona lengthy trial fund (ALTF) to pay full or partial earnings replacement or supplementation to jurors who serve as petit jurors for more than five days and who receive less than full compensation from their employers. This section includes procedures for paying eligible jurors and for seeking reimbursement from the ALTF.

B. Program Administration. The Administrative Office of the Courts (AOC) shall administer the ALTF.

C. Filing Fee. A filing fee of \$15.00 is established pursuant to A.R.S. § 12-115. The clerk of the superior court shall collect the fee on civil complaints, answers to civil complaints, and motions to intervene in civil cases filed in superior court. The fee shall be deposited in the ALTF and used to reimburse lengthy trial payments to jurors.

D. Program Eligibility.

1. Days of service. Jurors whose service exceeds five days are eligible for payment from the ALTF. Jury service shall include every day or partial day of service that the court requires of jurors in response to the jury summons, including voir dire and the trial.
2. Juror's eligibility. Jurors who serve on a trial that lasts more than five days and who do not receive their normal earnings during that time may apply to the jury commissioner for additional juror compensation of up to \$300 per day from the ALTF. Jurors who are unemployed or who earn less than \$40 per day are eligible for a \$40 per day minimum payment.
3. Notice. When the court anticipates a lengthy trial, jurors shall be informed that they may qualify for additional juror compensation. Jury commissioners shall determine when the jurors shall submit claims and notify them accordingly, provided that all claims shall be submitted no later than 30 days after jury service is complete. Jurors requesting compensation for a lengthy trial shall submit a completed juror claim form, a statement from the juror's employer and any additional information and documentation required by the jury commissioner necessary to process the claim. If the court makes interim payments to jurors throughout the trial, the jury commissioner shall request an initial juror claim form upon the juror's sixth day of service. Jurors shall submit an updated juror claim form in the event of a change in the juror's financial circumstances.

E. Payment Calculation.

1. Jury commissioners shall pay each juror determined to be eligible for additional juror compensation at least \$40 per day, which includes the \$12 juror fee paid pursuant to

A.R.S. § 21-221, for each day after the third day of jury service. For those who qualify for more than \$40 per day, payment shall not exceed \$300 per day.

2. Jury commissioners shall use the following formula to determine the amount due each juror:

$$(A - \$12) - B = C$$

$$C \times D = E$$

$$E + (\$12 \times D) = F$$

A = Juror's normal gross daily earnings. If this amount is less than \$40, use \$40.

B = Juror's daily earnings actually received during jury service.

C = Daily amount due to the juror from the lengthy trial fund, not to exceed \$300.

D = Number of days of jury service for which payment is due.

E = Total ALTF payment due the juror.

F = Total payment to juror, excluding mileage reimbursement.

3. Jury commissioners shall base the calculation on the juror's normal gross earnings before any deductions for taxes, social security, insurance and other benefits. Using the verified earnings information the juror provides, the jury commissioner shall deduct any gross earnings the juror received during the juror's term of service from the amount the juror would have earned had the juror not been serving.
4. Jury commissioners shall require jurors who earn commissions only, are self-employed, are temporarily employed, or are employed as contractors, to provide sufficient reliable documentation to identify with reasonable certainty the amount they would have earned on the days of jury service for which they are eligible for ALTF compensation.
5. Jury commissioners shall advise the county of any payments of \$600 or more to any juror in the same year for filing Form 1099 with the Internal Revenue Service.
6. Jury commissioners shall adopt procedures to ensure that confidential and personal financial information provided in support of an ALTF claim is not disclosed to the public pursuant to law.
7. A juror who does not agree with the decision of the jury commissioner regarding payment may request that the presiding judge or their designee review the decision.

F. Reimbursement Procedures.

1. To request reimbursement for lengthy trial payments, the jury commissioner shall submit a completed reimbursement request form. The jury commissioner shall complete a separate form for each jury panel to be paid.
2. The request may include an administrative fee of \$18 per juror, provided that the fee may be requested and paid only once for each juror.

3. Jury commissioners must submit a reimbursement request form within 60 days of the last day of jury service to allow the AOC sufficient opportunity to issue reimbursement within the same fiscal year it accrued. Failure to submit a timely request may result in the denial of the request for reimbursement or withholding of all or any portion of future ALTF funds to which the court may be entitled.
4. Reimbursement request forms shall be submitted to:

Court Services Division
Administrative Office of the Courts
1501 W. Washington, Suite 410
Phoenix, AZ 85007
Fax: (602) 452-3659
Ph: (602) 452-3453

G. Forms. The juror claim form and reimbursement request form can be accessed on the supreme court internet site at: <http://supreme.state.az.us/nav2/jury.htm> or by contacting the court services division.