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ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

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WASHINGTON, D.C. 20544

September 11, 1990

MEMORANDUM TO MR. MECHAM
MR. MACKLIN

THRU: RAYMOND KARAM *RK*

SUBJECT: Judicial Impact Statement for Amendments to S. 591 and
S. 592, the Criminal and Civil Voir Dire Demonstration
Acts of 1990

Attached for your information is the Judicial Impact Statement for amendments to S. 591 and S. 592, the Criminal and Civil Voir Dire Demonstration Acts of 1990. These amendments establish a 4-year demonstration program in four districts providing a minimum of 30 minutes to defendants or their attorneys and prosecutors to conduct oral examination of prospective jurors. The Judicial Conference, in consultation with the AO and FJC, is required to submit a report to Congress by June 1, 1995 on the results of the demonstration program.

The cost of the demonstration program is not expected to exceed \$593,544 and 1 1/2 staff years over the four year period. \$422,152 of this would be absorbed without the need for additional appropriations, and \$171,392 would be new budget costs.

The estimates for this impact statement were developed in coordination with the Statistics Division, Defender Services Division, and the General Counsel's Office in the AO and the Research Division in the FJC.

Nancy Potok
Nancy Potok

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JUDICIAL IMPACT STATEMENT

AMENDMENTS TO S. 591 AND S. 592
THE CRIMINAL AND CIVIL VOIR DIRE
DEMONSTRATION ACTS OF 1990

PREPARED BY:

THE ADMINISTRATIVE OFFICE OF THE
U.S. COURTS

SEPTEMBER 11, 1990

JUDICIAL IMPACT STATEMENT
 CRIMINAL AND CIVIL VOIR DIRE DEMONSTRATION ACT
 OF 1990 S. 591 AND S. 592

Senator Heflin has offered amendments to the Criminal and Civil Voir Dire Demonstration Acts of 1990 (S. 591 and S. 592) that establish 4-year demonstration programs in four districts providing a minimum of 30 minutes to defendants or their attorneys and prosecutors to conduct oral examination of prospective jurors. The court may deny permission for this upon finding that the interests of justice require otherwise. The court may also provide additional time at its discretion. In cases with multiple defendants, an additional 10 minutes is granted for each defendant, not to exceed a total of one hour per side.

The Judicial Conference, in consultation with the AO and FJC, is required to submit a report to Congress by June 1, 1995 on the results of the demonstration program.

Impact on the Judiciary

The resource cost to the Judiciary is not expected to exceed \$593,544 and 1 1/2 staff years over the four year period. The budget cost (resource costs that would not be absorbed within the existing Judiciary budget) is not expected to exceed \$171,392. The cost of the demonstration program is about \$110,886 per year, and the cost of the study is estimated not to exceed \$150,000 and 1 1/2 staff years. The cost of the additional trial time for voir dire is projected to be absorbed by the Judiciary, except for some costs for court appointed attorneys. Funding for the study needs to be added to the budget.

	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u>	<u>YEAR 4</u>
Extra Trial Time.....	\$110,886	\$110,866	\$110,886	\$110,886
Report to Congress.....	50,000	25,000	25,000	50,000
TOTAL	<u>\$160,886</u>	<u>\$135,866</u>	<u>\$135,886</u>	<u>\$160,886</u>
Staff Years.....	.50	.25	.25	.50

Analytical Assumptions

The cost to the Judiciary of a jury trial is about \$235 per hour. This includes the salaries of judges and support staff, space, other overhead, and juries. The analysis assumed that S. 591 and S. 592 would add one hour to each jury trial. Although judges now spend approximately 15 minutes on judge-conducted voir dire (adding only 45 minutes per trial if attorney time were substituted for judge time), the amendments allow the judge to grant additional time over 1/2 hour per side, particularly in multi-defendant cases.

During the year ended June 1990, there were 10,019 federal jury trials, 4,863 civil and 5,156 criminal. The analysis assumed that the number of jury trials will stay the same over the four year period and that the districts in the demonstration program will have a pro rated share of jury trials. Therefore, the legislation would result in an additional 106 hours of jury trial time in each of the four districts. This would cost about \$24,910 per district. However, this cost would be absorbed by the courts, because the costs of the trial are already included in the judiciary budget. That is, the judges' salaries, overhead, etc. would still be paid at the same rate even if trial times varied by one hour. The estimated cost per district would increase if the demonstration districts had a heavier than average jury trial caseload. Also, the assumptions do not take into account any future increase in judgeships, which would increase the number of jury trials.

The legislation results in an increase in costs for court appointed attorneys, assuming that these attorneys handle 75% of the criminal caseload. This would add a cost of \$10,696 per district per year. \$1,337 of this is billable hours for panel attorneys that would need to be added to the budget, assuming panel attorneys handle 50 percent of the criminal jury trials assigned under the Criminal Justice Act and are paid an average of \$65 per hour. The costs for Federal Public Defenders would be absorbed in their annual salaries. Also, although jurors are paid by the day (adding no extra budgetary cost for another hour of trial time) juries will begin to deliberate later than before, causing them to adjourn a day later in some cases. This cost was not factored in because there was no data on which to base a cost estimate.

A firm estimate on the cost of a study was not possible, because the study has not been designed yet, so a rough estimate of \$150,000 was used. This includes salaries, travel, and other associated costs. The cost was assumed to be spread over the four years, with higher costs in the first and fourth years to set up and evaluate data collection. It was assumed that either existing staff at the AO and FJC would conduct the study or a contractor would be used. If existing staff conducted the study, their time would necessarily be diverted from other projects.

No time or cost was added to account for data collection activities on the part of court staff, because the extent of this activity is unknown until the study is designed.