



# 2019 Jury Report

OZAUKEE COUNTY  
CLERK OF CIRCUIT COURT

Mary Lou Mueller | Clerk of Circuit Court | March 2020

## Greetings,

The right to a trial by jury is the cornerstone of American democracy, guaranteed by both the state and federal constitutions. The decisions made by juries affect people's rights and freedom. The willingness of all who are summoned to serve is essential to ensure representative, impartial juries. Even those who do not eventually end up on a jury help maintain the system by reporting for jury service. Jury service is a duty of citizenship similar to paying taxes and voting. By employing effective techniques and best practices, Ozaukee County strives to administer a fiscally responsible and efficient jury system while continually working to improve the nature and quality of the services asked of our citizens. We also strive to ensure that our judges, the lawyers, the litigants, and the public have confidence in the fairness and impartiality of the impaneled juries, and that jurors have appropriate tools during trials and deliberations with which to render informed and fair judgments. Wisconsin Supreme Court Rules require each judicial circuit to analyze the performance of the jury system annually to determine the following:

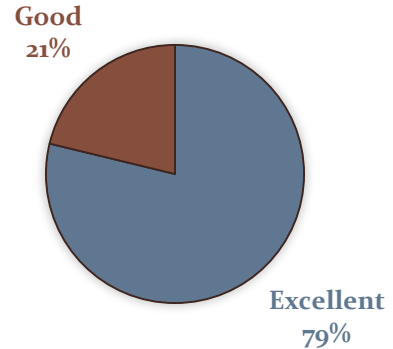


1. If the department list or master list is representative and inclusive of the population of the circuit;
2. The effectiveness of the summoning and qualification procedures;
3. The responsiveness of prospective jurors to their summonses for jury duty;
4. If jurors and prospective jurors are used efficiently; and
5. The cost-effectiveness of the jury system.

The following report includes specific information related to this criterion. It also provides the details related to the Jury Program operations and highlights many improvements made to the Ozaukee County Jury Program over the past several years. Ozaukee County Circuit Courts is dedicated to administering a Jury Program that is efficient and fiscally responsible. We continually look for ways to improve the quality, efficiency and cost-effectiveness of our jury system and this report will highlight these efforts.

## THE JURORS SPEAK FIRST

Of the 361 jurors sworn for jury trials in 2019, the following graphs represent how jurors reported their experience being a juror in Ozaukee County. When asked to rate their experiences in multiple areas, jurors were offered the following response options: Excellent, Good, Adequate, and Poor. All jurors responded positively towards their treatment, personal safety and physical comfort.



Treatment by Court Personnel received an evaluation no lower than good. This is a testament to Deputy Clerks Marilyn Baunoch and Nicole Jozwowski. Their ability to coordinate large groups of people to carry out effectively the demands of the court, the requests of the jurors and litigants is outstanding. Clerk of Court staff received the following comments,

*I thought the process was very interesting and well run. Juror 21*

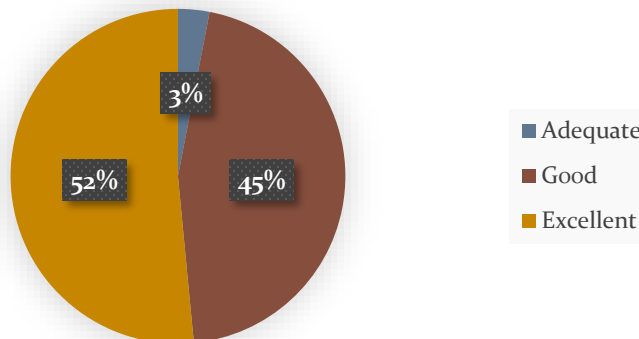
*The treatment of the Jurors was exceptional, esp. by Judge Sandy Williams and Clerk, Mary Lou Mueller, Juror 759*

*I felt jury members were treated very well - water, drinks and treats were much appreciated. Special needs were met (nursing mom). We were kept well informed. Juror 996*

*Everything was great. Juror 2086*

*I enjoyed the experience. Thought everyone was great to work with!! Juror 47*

## Physical Comforts



## Personal Safety

Jurors felt overwhelmingly safe within the Justice Center with 94% of jurors rating their safeness at good or excellent within our building and parking lot.

A few jurors had a few comments regarding their safety:

*When I called the jury line the night before to see if I had to report, I did not like my name being read off on a list of peoples names. I think the Juror Number should be used.*  
Juror 882

*Some members, not all, were intimidated by walking past the group of accused friends standing in the parking lot as they went to lunch. Just looks and glares from them, no talk.* Juror 28

*Do not allow contact with jury following service,* Juror Unknown

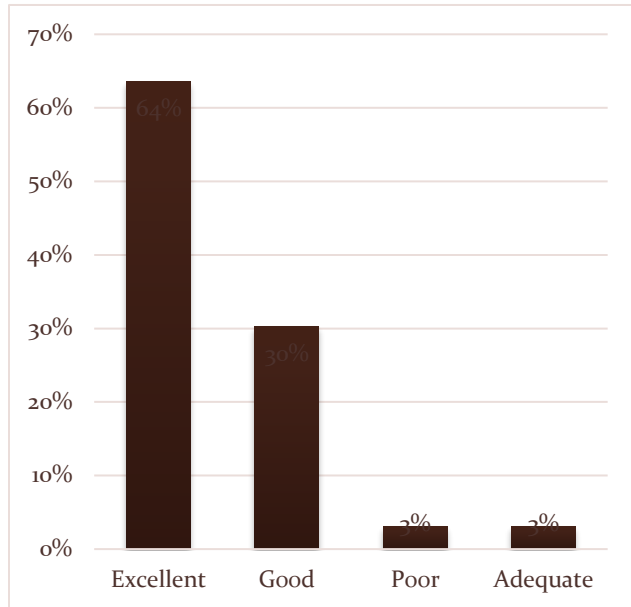
Jurors did have a few suggestion for improvements:

*I guess I would have liked to have the opportunity to be on a jury. When I was called in, my number was 28, so I did not even have a chance to be selected for a jury. Improvement may be to have less people come in, OR, to actually ask potential jurors, if they would like to sit on a jury. If they would like to sit on the jury, give these potential jurors numbers 1-20.* Juror 1323

*Well the selection by alphabetic order I find it a little unfair, as it means I would never be able to serve as a juror and I really wish I could. My last name starts with "W" and I did not even get passed first selection :(* Juror 21

*Would like to know the hours expected to be in court house on a daily basis and length of lunch a head of time so can plan accordingly.* Juror 1518

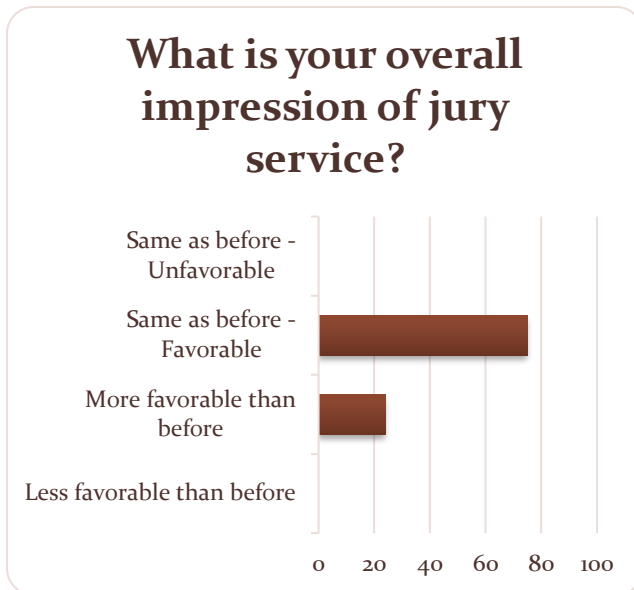
*When I called the jury line the night before to see if I had to report, I did not like my name being read off on a list of peoples names. I think the Juror Number should be used. I also think the jurors or the selected juror to chair should be given a list of rules such as no side conversations while discussing the case, do not talk over the top*



*of people, make sure everyone gets a chance to speak and not just a few taking over the conversation. This was a very rude group of jurors. Juror 882*

*Jury Box should be handicapped accessible. Jury room bathrooms should not indicate specific gender. Juror 996*

Overall, the well-run Ozaukee County Circuit Court Jury System has a few issues to be addressed in 2020 to improve the juror experience.



- Remodeling of the two smaller jury rooms into one large jury room. To allow for greater comfort of jurors.
- Increase communication by jury clerks to jurors regarding the possibility of attorneys calling them after a trial as attorneys often seek feedback from jurors after the trial. This activity often surprises the jurors. Some jurors are comfortable, but many are not. After the jurors return their verdict and are dismissed by the judge,

they are free to go about their normal affairs. They are under no obligation to speak to any person about the case and may refuse all requests for interviews or comments.

- Inform jurors in the randomization of the jury paneling and the need for large jury pools. Jurors are not sent to the jury box in alphabetical order.
- Utilize electronic communication after jury trial to increase jury survey participation.

Sincere appreciation to Ozaukee Circuit Court Judges; Honorable Paul V. Malloy, Branch 1, Honorable Steven M. Cain, Branch 2 and Honorable Sandy A. Williams, Branch 3 for their guidance, support and dedication to creating a positive juror experience.

Respectfully submitted,

Ozaukee County Clerk of Courts

## Basic Jury System Evaluation Report

County	Ozaukee	Jury Year	2019	Term of Service	4	# of Judges	3
Completed By	Marilyn Baunoch	Date	03-09-2020	Daily Fee	\$50.00	Mileage Rates (Flat/Juror)	0.00/0.510
Sent to DCA (date)	03-09-2020	Notes					

### 1-Step County

### Section 1: Representative and Inclusive Source List

**Reports/Statistics:**

Census Report: 2018 U.S. Census

Demographics Import Report, Juror Demographics

Note: Use Juror Demographic Yields to evaluate demographic results at all stages of the jury process.

	Census Year		Jury Year Master List		Prospective Juror List <sup>1</sup>		
	Number	Percentage	Number	Percentage	Number	Percentage	
<b>Persons 18+ Years Old</b>							
Gender							
	Male	34074	48.57%	33980	48.88%	1315	48.49%
	Female	36078	51.43%	35537	51.12%	1397	51.51%
		70152		69517		2712	
Age							
	18-24 yrs	7802	11.12%	7279	10.47%	314	11.58%
	25-44 yrs	18912	26.96%	20016	28.79%	779	28.72%
	45-64 yrs	25835	36.83%	25588	36.81%	968	35.69%
	65+ yrs	17603	25.09%	16634	23.93%	651	24.00%
	Unknown	0	0.00%	0	0.00%	0	0.00%
		70152		69517		2712	
Race							
	Black/African-Amer	1154	1.64%	1185	1.70%	50	1.84%
	Amer Indian / Alaska Native	187	0.27%	142	0.20%	8	0.29%
	Asian / Pacific Islander	1842	2.63%	1478	2.13%	55	2.03%
	White / Caucasian	65170	92.90%	65606	94.37%	2530	93.29%
	Hispanic <sup>2</sup>	1799	2.56%	806	1.16%	38	1.40%
	Other <sup>3</sup>	0	0.00%	300	0.43%	25	0.92%
	Unknown	0	0.00%	0	0.00%	6	0.22%
		70152		69517		2712	

Notes:

<sup>1</sup> Use List after imported when Exception List removed

<sup>2</sup> See Page 6 of Guide for discussion on counting Hispanic names

<sup>3</sup> DOT does not provide a category that matches the US Census category of 'two or more races'.

Analysis: The examination of demographic information of the master list and census report show that Ozaukee County jurors' import is within the range of the 2018 U.S. Census estimates. The list of prospective jurors is also inclusive of the county population percentages.

**Section 2: Effective Qualification and Summoning**

**Section 3: Responsiveness of Jurors**

**Reports/Statistics:**

Juror Yields

**Qualification Yield**

Potential Available	Number	Ineligible/Unavailable	Number	%
A. Question-Summons Sent	<u>3015</u>	B. Undeliverable	<u>153</u>	<u>5.07%</u>
		C. Deceased	<u>21</u>	<u>0.70%</u>
		D. Disqualified	<u>267</u>	<u>8.86%</u>
		E. Exc Jury Year	<u>115</u>	<u>3.81%</u>
		F. Perm Excused	<u>209</u>	<u>6.93%</u>
		G. Postponed	<u>215</u>	<u>7.13%</u>
		H. Final No Response	<u>2</u>	<u>0.07%</u>
		I. Final FTA	<u>6</u>	<u>0.20%</u>
		(to get total add B thru I)		
		J. Total Not Available	<u>988</u>	<u>32.77%</u>
K. Total Eligible and Available	<u>2027</u> (A - J)			
L. Qualification Yield (%)	<span style="border: 1px solid black; padding: 2px;">67.23%</span> [(K / A) x 100]	M. Total Cancelled / Called Off	<u>1299</u>	
		N. Percentage Cancelled / Called Off	<u>64.08%</u> [(M / K) x 100]	

**Overall Yield**

Overall Yield % (Measures => 60%) 67.23% (L)

Analysis: Based on the CCAP jury management reports, Ozaukee County has an overall yield ratio of 67.23% for 2019, which exceeds the 60% standard. 153 of the jurors (or 5.07%) were un-deliverable in the initial mailing from the list given by State Court Operations. The un-deliverable rate is slightly higher than last year's 4.74% rate.

**Section 2: Effective Qualification and Summoning**

**Section 3: Responsiveness of Jurors**

**Reports/Statistics:**

Follow-up Activity sections on Juror Yields

**Effectiveness of Follow-up Actions**

Follow-up Actions Used:  
(i.e., calls, letters, OSC)

1. For jury qualification questionnaires, jurors are sent an order to show cause by regular mail. If no response to first order to show cause, a second one is issued and is served by the sheriff's department. Failure to respond to an order to show cause, a capias may be ordered by the court. 2. Failure to appear for a trial date includes a telephone call or letter to juror. Jurors are rescheduled for a different week for service and are notified by regular mail. 3. If a juror fails to appear the second time for jury service after being rescheduled, an order to show cause is served by the sheriff's department to appear before the judge.

**Non-response to Questionnaires**

	Number		
Total NRF Codes	0		
Total SNRF Codes	221		
Total Jurors with NRF or SNRF	221		
Results of follow-up			
	Jurors with NRF & SNRF		
	Number	%	
Number ineligible/unqualified	52	23.53%	Of Total with NRF & SNRF
Number qualified (postponed & became available)	166	75.11%	Of Total with NRF & SNRF
Number final no response	3	1.36%	Of Total with NRF & SNRF

**Failure to appear when summoned**

	Number		
Total FTA and SFTA Codes	33		
Total FTA Jurors with FTAF	34		
Results of follow-up			
	Jurors with FTAF		
	Number	%	
Number ineligible/unqualified	0	0.00%	Of Total with FTAF
Number became eligible/available (subsequent service)	6	17.65%	Of Total with FTAF
Number postponed to later term	27	79.41%	Of Total with FTAF
Number final FTA	1	2.94%	Of Total with FTAF

Analysis: Procedure is followed in contacting the jurors who fail to return questionnaires or fail to appear for jury trials with an excellent ratio in placing jurors in subsequent service.



## Basic Jury System Evaluation Report

### Section 4: Efficient Use of Jurors

#### Reports/Statistics:

Juror Yields, Jury Summary by Case (Totals on detail page), Daily Juror Use Summary (Totals)

	Number	Report/Location
Days Jurors Reported for Selection	33	Daily Juror Use Summary "New/Report for Selection"
New/Reporting for Selection	819	Daily Juror Use Summary "New/Report for Selection"
Not Used	19	Daily Juror Use Summary "Not Used"
Number of Voir Dires Begun	33	Daily Juror Use Summary "Voir Dires Begun"
No Trial Start Days	2	Daily Juror Use Summary "New/Report for Selection"
Sent to Voir Dire	832	Jury Summary by Case "Sent to Voir Dire"
Questioned in Voir Dire	658	Jury Summary by Case "Quest. Voir Dire"
Not Questioned in Voir Dire	174	Jury Summary by Case "Not Quest. Voir Dire"
Sworn Jurors	361	Jury Summary by Case "Sworn Jurors"
Trial Days	50	Jury Summary by Case "Trial Days"
Cancelled / Called Off	1299	Juror Yields "Cancelled/Called Off"

Measures	Percent	Goal
% Sent to Jury Selection (# Sent to Voir Dire / # New/Reporting for Selection)	101.59%	(Measures => 90%)
% Selected as Jurors (# Sworn Jurors / # New/Reporting for Selection)	44.08%	(Measures => 30%)
% Used in Voir Dire (# Questioned in Voir Dire / # Sent to Voir Dire)	79.09%	(Measures => 80%)
% No Trial Start Days (# No Trial Start Days / # Days Jurors Reported for Selection)	6.06%	(Measures =< 10%)

Analysis: The percentage of jurors sent to jury selection exceeds the 90% standard. The jurors selected percentage is 44.08%, which exceeds the 30% standard. No trial start dates was 6.06%, below the 10% standard. The jurors used in voir dire was 79.09%, the closest the County has been to the 80% norm in the past 10 years. The County will continue to work to improve the ratio to the standard. The number of jurors cancelled or called off has increased due to the necessity of having the minimum number of jurors available weekly for potential civil commitment jury trials under Wis. Stat. 51.20(11) which can be a shorter time period than the notice requirements for a juror and also due to weekly panels sometimes with more than one branch utilizing them during that time period. Ozaukee County has also implemented a new request from the judges that any juror that has served on a case in a week will not be called in to serve on another case in that same week, sometimes necessitating the calling in of additional jurors.

**Section 5: Cost Effectiveness**

**Reports/Statistics:**

Jury Expense Summary, Jury Summary by Case, and local budget

**Primary Analysis**

			<b>Report/Location</b>
Total Expenses	\$55,583.17	/	Jury Expense Summary "Total (\$)"
Trial Days	50	=	
Trial Days	\$1,111.66	(total expenses / # trial days = cost per trial day)	

**Secondary Analysis (optional)**

All Associated Costs <sup>4</sup>	\$55,583.17	/	
# of Questionnaires Sent	3015	=	
Administrative Cost/Juror	\$18.44	(all costs / total # questionnaires sent = administrative cost per juror)	

<sup>4</sup> Associated costs include the total expenses on Jury Expense Summary, plus salaries, printing, postage and any other expenses related to the jury system.

Analysis: All associated costs include juror's wages, mileage, meals/jury groceries, bailiff's wages, witness fees associated on cases and postage for mailings. The administrative cost was \$18.44 per juror. The per juror increase was almost twice the number from last year due to the increase in cost of healthier lunches/dinners served the juries due to deliberations falling during the mealtime and additional supplies needed.

## Basic Jury System Evaluation Report

### Addendum: Inclusiveness & Representativeness

Inclusiveness	Census Year	Jury Year Master List	Inclusiveness	
Persons 18+ Years Old	70152	69517	99.09%	(Measures => 85%)

Absolute Disparity	Census Year		Jury Year Master List		Absolute Disparity
Race	Number	Percentage	Number	Percentage	Percentage
Black/African-Amer	1154	1.64%	1185	1.70%	0.06%
Amer Indian / Alaska Native	187	0.27%	142	0.20%	-0.06%
Asian / Pacific Islander	1842	2.63%	1478	2.13%	-0.50%
White / Caucasian	65170	92.90%	65606	94.37%	1.48%
Hispanic <sup>1</sup>	1799	2.56%	806	1.16%	-1.41%
Other <sup>2</sup>	0	0.00%	300	0.43%	0.43%
Unknown	0	0.00%	0	0.00%	0.00%
	70152		69517		

Comparative Disparity	Census Year		Jury Year Master List		Comparative Disparity
Race	Number	Percentage	Number	Percentage	Percentage
Black/African-Amer	1154	1.64%	1185	1.70%	3.62%
Amer Indian / Alaska Native	187	0.27%	142	0.20%	-23.37%
Asian / Pacific Islander	1842	2.63%	1478	2.13%	-19.03%
White / Caucasian	65170	92.90%	65606	94.37%	1.59%
Hispanic <sup>1</sup>	1799	2.56%	806	1.16%	-54.79%
Other <sup>2</sup>	0	0.00%	300	0.43%	0.00%
Unknown	0	0.00%	0	0.00%	0.00%
	70152		69517		

Notes:

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