

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

Fees of Jurors and Commissioners

SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS

Fiscal Year 2025 Appropriation	\$ 58,239,000
Fiscal Year 2026 Requested Appropriation	\$ 19,108,000
Requested Decrease from Fiscal Year 2025 Appropriation	(39,131,000)

APPROPRIATION LANGUAGE

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1 (h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1 (h)), [\$58,239,000]\$19,108,000 , to remain available until expended: *Provided* , That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

Based on enactment of the FY 2025 Full-Year Continuing Appropriations and Extensions Act (P.L. 119-4), the judiciary's starting point for developing its FY 2026 budget request reflects bill language and appropriations levels enacted in the FY 2024 Financial Services and General Government appropriations bill (division B, title III, P.L. 118-47).

**SUMMARY OF REQUEST
FEES OF JURORS AND COMMISSIONERS
FISCAL YEAR 2026
(Dollar amounts in thousands)**

Fiscal Year 2026 Resource Requirements:

	<u>FTEs</u>	<u>Amount</u>
Fiscal Year 2025 Obligations.....	-	\$49,096
Estimated FY 2025 Obligations from Prior Year Carryforward.....	-	(20,011)
Unencumbered FY 2025 Balances Set Aside for FY 2026.....	-	26,254
Proposed Appropriation Transfer to Other Account(s).....	-	2,900
Fiscal Year 2025 Appropriation.....	-	\$58,239

Page

No.

Adjustments to Base to Maintain Current Services:

6.10	1. Inflationary Adjustments		
	a. Grand Jurors.....	-	151
	b. Petit Jurors.....	-	328
6.10	2. Projected Change in Available Jurors.....	-	(3,213)
6.10	3. Change in Appropriation to Maintain Current Services.....	-	(36,397)
	Subtotal, Adjustments to Base to Maintain Current Services.....	-	(39,131)
	Total Appropriation Change, Fiscal Year 2025 to Fiscal Year 2026.....	-	(39,131)

Financing the Fiscal Year 2026 Request:

	Total Appropriation Required.....	-	19,108
6.10	4. Anticipated Carryforward from FY 2025 into FY 2026.....	-	27,254
	Estimated Obligations, Fiscal Year 2026.....	-	46,362

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES
FEES OF JURORS AND COMMISSIONERS
Obligations by Activity (\$000)

Activity	FY 2024 Actual	FY 2025 Enacted	FY 2026 Request
Comparison by Activities:			
Land Commissioners	-	100	100
Grand Jurors	14,356	14,540	14,811
Petit Jurors	36,071	34,456	31,451
Total Direct Obligations	50,427	49,096	46,362
Unobligated Balance, Start of Year	(10,300)	(20,011)	(27,254)
Transfer to the Salaries and Expenses Account	-	2,900	-
Financial Plan Savings	(1,000)	-	-
Prior Year Recoveries	(899)	(1,000)	-
Unobligated Balance, End of Year	20,011	27,254	-
Appropriation	58,239	58,239	19,108

Obligations by Budget Object Class (\$000)

Description	FY 2024 Actual	FY 2025 Enacted	FY 2026 Request
11.8 Special Personal Services Payment	22,188	20,264.0	19,804
21.0 Travel and Transportation of Persons (jurors)	21,482	21,933.1	19,514
23.3 Communications, Utilities, and Misc. Charges	2,980	3,042.6	3,106
25.2 Other Services	2,081	2,124.7	2,169
26.0 Supplies and Materials	1,696	1,731.6	1,768
Total Obligations	50,427	49,096	46,362

**COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICE
FEES OF JURORS AND COMMISSIONERS**

Relation of Obligations to Outlays (\$000)

	FY 2024 Actual	FY 2025 Enacted	FY 2026 Request
Direct Obligations	50,427	49,096	46,362
Obligated Balance, Start of Year	2,798	3,928	3,824
Adjustment to Prior Year Activity	(866)	(843)	(796)
Obligated Balance, End of Year	(3,928)	(3,824)	(3,611)
Total Outlays	48,431	48,357	45,778
Less Offsets	(1,032)	(1,005)	(949)
Net Outlays	47,399	47,352	44,830

GENERAL STATEMENT AND INFORMATION

This appropriation provides for the statutory fees and allowances of grand and petit jurors, and for the compensation of jury and land commissioners. In addition to reimbursement for daily travel to and from court, expenses allowed include meals and lodging furnished to sequestered jurors, and transportation to view evidence or crime scenes offsite. Budgetary requirements depend largely upon the volume and the length of jury trials demanded by parties to both civil and criminal actions and the number of grand juries convened by the courts at the request of United States Attorneys. All these factors are outside the control of the judiciary.

The fiscal year (FY) 2026 request of \$19,108,000 for the Fees of Jurors and Commissioners account will support all projected requirements for petit and grand jurors and land commissioners.

Petit Jurors

A petit jury may be called to hear a trial in a criminal or civil action. A criminal trial normally has a 12-person jury, and a civil trial typically has a seven- to nine-person jury. Criminal juries decide whether the defendant is guilty of the crime as charged. In a civil trial, the jury's responsibility is to decide whether the defendant injured or otherwise failed to fulfill a legal obligation to the plaintiff and determine the appropriate compensation. Petit jurors are entitled to a daily attendance fee of \$50 for each day of jury service.

The number of jurors called on any given day to serve in a petit jury pool is related to the number and type of cases in which a jury trial is requested. Moreover, under rules of criminal procedure, criminal trials are allowed additional peremptory challenges (i.e., exclusions of jurors from the pool without a stated reason) compared to civil trials because of the jury size. This means that the court must take these challenges into account when determining the number of potential jurors in a criminal jury pool. However, a correspondingly larger number of prospective jurors in the criminal pool will not be selected to serve on the trial due in part to the additional peremptory challenges. Thus, when compared to civil jury selections, the total number of prospective jurors completing jury service during jury selection is greater in criminal trials.

The number of petit jurors decreased in FY 2024 and is projected to continue declining in both FY 2025 and FY 2026. The total number of available petit jurors¹ in FY 2024 decreased by 7.7 percent from 322,430 to 297,689. Going forward, available petit jurors are projected to decrease further to 284,300 in FY 2025 and then decrease again to 277,400 in FY 2026. Although a decline in petit juror days is projected, prosecutorial priorities of the new administration and changes in civil litigation filings could reverse this

¹An available petit juror is one that is present for selection or serving following selection.

downward trend. Table 6.1 on page 6.7 provides historical data on the number of juror days, number of jurors called, and the related costs of those jurors' expenses.

Grand Jurors

A grand jury is a jury of inquiry whose duty is to receive complaints and accusations in criminal cases, hear the evidence presented on the part of the government, and find bills of indictment in cases where the jurors are satisfied that the evidence presented is sufficient to warrant filing an indictment and bringing the case to trial. The number of grand juries convened by district courts varies depending on such factors as the number of criminal cases, the type of criminal activity, and the number of places in which court is held. Grand juror activity is measured by the number of sessions convened, jurors in session, and total jurors in attendance. Grand jurors are entitled to a daily attendance fee of \$50 for each day of their jury service.

In FY 2024, the total number of available grand jurors² decreased by 2.4 percent from 144,477 to 141,048. Going forward, available grand jurors are projected to decrease in FY 2025 to 140,800 and to 138,600 in FY 2026. Similar to petit jurors above, the prosecutorial priorities of the new administration could cause grand juror activity to increase above these projections. Table 6.2 on page 6.8 provides further detail on grand jury activity.

FISCAL YEAR 2025 APPROPRIATIONS

Based on enactment of the FY 2025 Full-Year Continuing Appropriations and Extensions Act (P.L. 119-4), the judiciary's starting point for developing its FY 2026 budget request reflects bill language and appropriations levels enacted in the FY 2024 Financial Services and General Government appropriations bill (division B, title III, P.L. 118-47). The FY 2025 enacted level was \$9.1 million higher than the judiciary's FY 2025 request.

²An available grand juror is one that is either selected to serve or serving during a convened grand jury session.

Table 6.1 Petit Juror Activity

		Petit Jury Trial Days				Available Jurors		Cost	
	<u>Fiscal Year</u>	<u>Criminal</u>	<u>Civil</u>	<u>Total</u>	<u>Percent Change</u>	<u>Jurors</u>	<u>Percent Change</u>	<u>Fees and Expenses</u>	<u>Percent Change</u>
Actual	2016	9,327	9,179	18,506	-5.4%	368,639	-2.1%	\$33,898,000	-0.3%
	2017	8,892	8,628	17,520	-5.3%	348,259	-5.5%	\$32,209,000	-5.0%
	2018	9,401	7,911	17,312	-1.2%	357,004	2.5%	\$35,287,000	9.6%
	2019	9,373	7,150	16,523	-4.6%	349,852	-2.0%	\$36,516,000	3.5%
	2020	4,889	3,574	8,463	-48.8%	182,691	-47.8%	\$21,027,000	-42.4%
	2021	5,402	3,422	8,824	4.3%	185,565	1.6%	\$21,507,000	2.3%
	2022	9,569	7,019	16,588	88.0%	339,615	83.0%	\$38,340,000	78.3%
	2023	9,075	6,526	15,601	-6.0%	322,430	-5.1%	\$36,514,000	-4.8%
	2024	8,626	5,853	14,479	-7.2%	297,689	-7.7%	\$36,071,000	-1.2%
Estimated	2025	8,600	5,700	14,300	-1.2%	284,300	-4.5%	\$34,456,000	-4.5%
	2026	8,400	5,500	13,900	-2.8%	277,400	-2.4%	\$31,452,000	-8.7%

Table 6.2 Grand Jury Activity

	Total Number of Grand Jurors					Available Jurors			Cost	
	<u>Fiscal Year</u>	<u>Sessions Convened</u>	<u>Percent Change</u>	<u>Jurors in Session</u>	<u>Percent Change</u>	<u>Hours in Session</u>	<u>Jurors</u>	<u>Percent Change</u>	<u>Fees and Expenses</u>	<u>Percent Change</u>
Actual	2016	8,249	2..0%	164,733	2.0%	36,621	180,709	1.7%	\$14,608,000	0.8%
	2017	8,124	-1.5%	161,759	-1.8%	35,823	177,027	-2.0%	\$13,888,000	-4.9%
	2018	8,258	1.6%	163,859	1.3%	36,458	179,740	1.5%	\$14,966,000	7.8%
	2019	8,374	1.4%	167,310	2.1%	36,706	183,196	1.9%	\$16,948,000	13.2%
	2020	5,449	-34.9%	107,489	-35.8%	24,940	117,549	-35.8%	\$11,483,000	-32.2%
	2021	5,686	4.3%	110,954	3.2%	27,086	124,187	5.6%	\$12,340,000	7.5%
	2022	6,348	11.6%	123,770	11.6%	26,932	134,637	8.4%	\$13,317,000	7.9%
	2023	6,650	4.8%	130,757	5.6%	27,244	144,477	7.3%	\$14,357,000	7.8%
	2024	6,388	-3.9%	126,048	-3.6%	26,177	141,048	-2.4%	\$14,356,000	0.1%
Estimated	2025	6,300	-1.4%	124,400	-1.3%	25,600	140,800	-0.2%	\$14,540,00	1.3%
	2026	6,200	-1.6%	122,500	-1.5%	25,100	138,600	-1.6%	\$14,810,000	1.9%

	Average Number of			Total Number of Grand Juries		
Fiscal Year	Jurors per Session	Hours per Session		In Existence at the Beginning of the Fiscal Year	Impaneled	Discharged
2014	20.0	4.50		440	323	242
2015	15.9	3.60		439	312	255
2016	20.0	4.40		417	326	248
2017	19.9	4.40		433	322	240
2018	19.8	4.40		440	315	217
2019	20.0	4.40		434	315	213
2020	19.7	4.60		448	203	173
2022	19.5	4.20		373	276	155
2023	19.7	4.10		382	325	187
2024	19.7	4.10		391	345	200

Land Commissioners

Land commissioners are responsible for determining the issue of just compensation arising from the deprivation of private property for public use. Under the Federal Rules of Civil Procedure, a district court may use its discretion to order that compensation for a condemned property be determined by a commission of three persons appointed by the court. The determination of compensation is based on evidence presented during the exercise of trial procedures and evidentiary rulings. This delegation of the judicial function requires close judicial supervision and requires that actions taken by the commission be fully documented to permit full review by the district or appellate courts. This system ensures due process of law to the litigants.

Land commissioners are compensated based on the daily equivalent of the highest rate payable under 5 U.S.C. § 5332 (plus any applicable locality pay). The annual adjusted pay rate (i.e., basic pay plus locality pay) for land commissioners is limited to the rate of pay for level III of the Executive Schedule, currently \$207,500 for 2025.

JUSTIFICATION OF CHANGES

The FY 2026 appropriation request for Fees of Jurors and Commissioners totals \$19,108,000, which represents a decrease of \$39,131,000, or 67.2 percent, below the FY 2025 appropriation of \$58,239,000. The amount requested is for adjustments to base to maintain current services.

A. ADJUSTMENTS TO BASE TO MAINTAIN CURRENT SERVICES

1. Inflationary adjustments

a. Grand Jurors

Requested Increase: \$151,000

An increase of \$151,000 is requested for inflationary adjustments associated with grand juror costs, including travel allowances (mileage, parking, tolls), meals, and lodging for sequestered jurors, and other miscellaneous juror expenses.

b. Petit Jurors

Requested Increase: \$328,000

An increase of \$328,000 is requested for inflationary increases associated with petit juror costs, including travel allowances (mileage, parking, tolls), meals, and lodging for sequestered jurors, and other miscellaneous juror expenses.

2. Projected change in available jurors

Requested Decrease: (\$3,213,000)

A decrease of \$3,213,000 is the result of a projected decrease in the estimated number of jurors from FY 2025 to FY 2026.

3. Decrease in appropriation needed to maintain current services

Requested Decrease: (\$36,397,000)

Due to the overfunding of this account in FY 2025 and normal fluctuations in the usage of prior year carryforward balances, the judiciary expects to have \$36.4 million more in available resources for this account in FY 2026 than requirements would dictate. Therefore, a base reduction of \$36.4 million is included to realign appropriations with requirements.

FINANCING THE FISCAL YEAR 2026 REQUEST

4. Anticipated carryforward from FY 2025 into FY 2026

Estimated funds available: \$27,254,000

The judiciary projects \$27.3 million will be available through anticipated carryforward from FY 2025 to offset the FY 2026 appropriations request for the Fees of Jurors account. The judiciary will advise the appropriations subcommittee staff of any changes to this estimate.