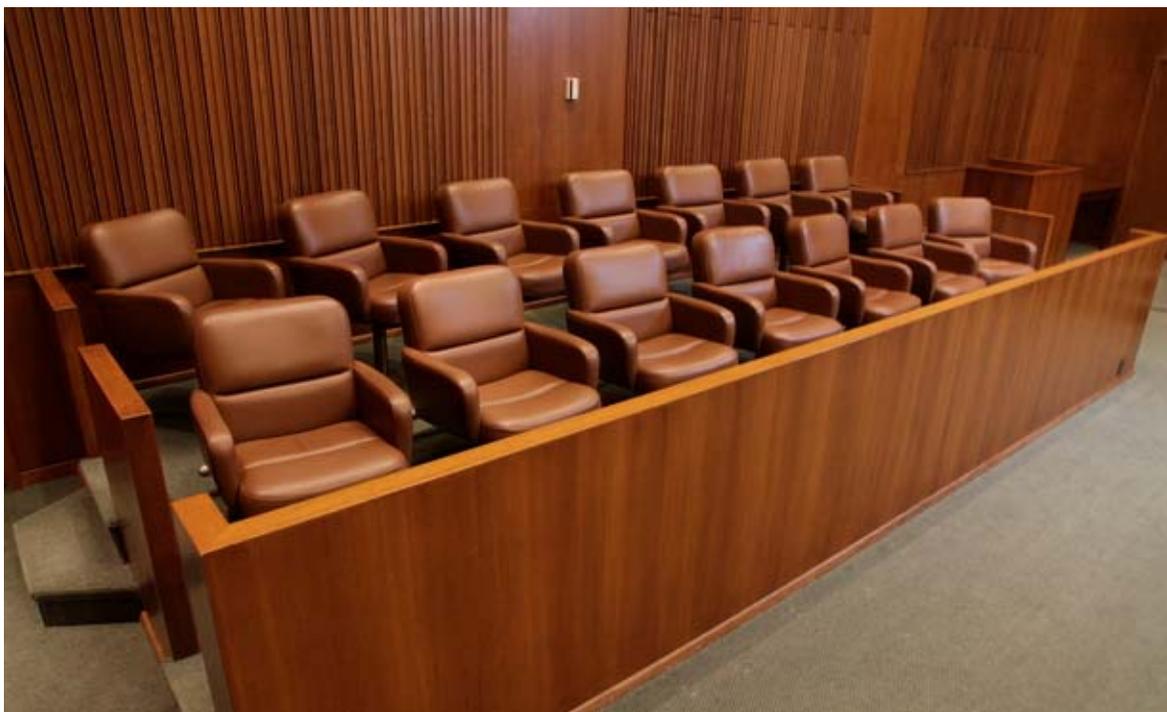


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FJD to Address Low Juror Turnout With 'Scofflaw Court'



In an effort to remedy a steadily decreasing response rate from Philadelphia citizens summoned for jury duty, the First Judicial District is re-implementing a penalty court that it phased out roughly 13 years ago, court officials said.

A revived "scofflaw court," said Philadelphia Court of Common Pleas Administrative Judge John W. Herron, is in response to a decline in returned jury summonses over the last two years.

Jury Commissioner Daniel Rendine said that of the 596,121 citizens summoned for jury duty last year, 376,817 returned summonses. The yield rate, or those who walked through the courthouse door, Rendine said, was 13.8 percent, or 78,756 people. That number represents a slight decrease from 2012's 14 percent yield rate.

"It's our feeling that this is a last-ditch effort," Herron said. "We do not feel that punishing citizens is a role that the court enjoys or wants to initiate, but when we have such rampant disregard for summonses we need to take these measures."

The low number of responses is so severe, Herron said, that the court had to modify the size of jury panels.

"We are so concerned with the decrease of compliance, that we have implemented a policy of decreasing the panels of criminal and civil juries by 10," Herron said. Panels for civil cases are down to 30, homicide to 50, death penalty to 60 and felonies to 40.

The punishments that are to be meted out by the court consist of fines of up to \$500, 10 days in prison, or both.

The court, which is tentatively set to begin in April, will meet four times a year with Herron and three other judges presiding, Rendine said. He added that because the court will meet only four times a year, it is not expected to interfere with judicial economy or spread court resources thin.

Rendine said that potential jurors are given two chances to respond to summonses; first with an initial summons and then a follow-up reminder. Herron added that a list of noncompliant jurors is currently being assembled.

"This inadequate response by citizens takes place in all jurisdictions; this is not an unusual event," Herron said. However, "one of the pressures in our system that is not present in other systems is that we are running two investigating grand juries and two indicting grand juries. We are summoning a considerable amount of jurors."

The previous scofflaw court, which met four times from 2000 to 2001, was handled by Herron and then-President Judge Alex Bonavita. Herron said that its implementation produced a dramatic increase in yield rates.

Joseph L. Messa Jr., founding partner of Messa & Associates, said, "Frankly, there are probably fewer jury trials today than there were 30 years ago. But juries being there to render a decision in a case often drive the resolution in a case."

Messa said that jailing noncompliant jurors is truly a last resort, "but other than utilizing the resources of a sheriff to bring someone in, I'm not sure there's any other way to encourage people not to ignore their summons."

The only other preemptive option, Messa said, is to better educate citizens via advertising campaign on the importance of jury service.

"A lot of the general public doesn't get that information if they haven't been in for jury service," Messa said.

Lynn Marks, executive director of Pennsylvanians for Modern Courts, said in an email to The Legal that she recognizes the court system's need for a sufficient amount of jurors, but also realizes the burden jury service can place on a person.

The message that the scofflaw court should convey, Marks said, should be that "when people receive a summons they shouldn't throw them in the trash. Jury service is one of the few responsibilities of citizenship. People should respond to the court and if necessary, explain why it would be a hardship to serve and not just ignore the summons."

However, she added, "Juror compensation is horribly low and hasn't been raised in decades: \$9 for the first three days, then \$25 per day. Of course, people shouldn't make a profit from serving their civic duty. But they shouldn't have to lose much either. Taking even a day off from work has real consequences for many, particularly those with child or elder care responsibilities or who are hourly or day workers."

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