

To: Harris County Commissioners Court

Through: Marilyn Burgess, Harris County District Clerk

Prepared By: Araceli Carrizales, Financial Services Administrator, Harris County District Clerk

Subject: Requesting approval for Juror Pay Increase for the duration of the pandemic to \$50.00 for the first day and \$80.00 for subsequent days, funding for juror pay increase awareness campaign and provide free parking at 1401 Congress Parking Garage for jurors selected to serve. The recommendations are in an effort to increase and diversify citizen participation in jury service. (Budget Form 3. Goals and Objectives, Goal #G2)

Project ID (If applicable): N/A

Purpose and Request:

Requesting approval to increase Juror Pay for the duration of the pandemic to \$50 for the first day and \$80 for subsequent days. This would require an additional budget appropriation for Fiscal Year 21-22 of \$1,819,946.00 to be effective 05/03/2021, to coincide with the beginning of Jury Appreciation Week. Secondly, it is being requested to fund and allocate a budget of \$200,000.00 to publicize the juror pay increase to the citizens of Harris County. In addition, the District Clerk is also asking that Harris County provide free parking at 1401 Congress Parking Garage to individuals who are selected to serve on a jury.

Background and Discussion:

Please find attached a COVID-19 Agenda Item for Commissioners Court Meeting 03/30/2021 requesting approval to implement in FY 21-22 a juror pay increase to \$50.00 for the first day and \$80.00 for subsequent days in an effort to increase and diversify citizen participation in jury service during the pandemic. We also request providing free parking for jurors selected to serve at 1401 Congress Parking Garage. If approved the District Clerk's Office will engage in an extensive awareness campaign to make sure Harris County residents are made aware of the changes. The District Clerk's Office will monitor the impact the changes have on appearance and diversity, and present a report to the Court in January 2022 with a recommendation as to whether the changes should be adopted on a permanent basis. (Budget Form 3. Goals and Objectives, Goal #G2)

Fiscal Impact:

We propose implementation for FY 21-22 and the fiscal impact will be directly to the Harris County District Clerk's Juror Payments for Fiscal Year March 1, 2021 – February 28, 2022.

Fiscal Summary				
Expenditures	FY 20-21	FY 21-22 Projected	Future Years Projected [3 additional years. Projection based on implementation of e-Juror System]	Future Years Projected [3 additional years. Projection based without implementation of e-Juror System]
Service Impacted: <i>Juror Payments for Fiscal Year March 1, 2021 – February 28, 2022.</i>	<u>\$2,250,000.00</u>	<u>\$1,779,254.00</u>	<u>\$18,154,740.00</u> (if adopted permanently <u>\$6,051,580.00</u> annually)	<u>\$23,271,240.00</u> (if adopted permanently <u>\$7,757,080.00</u> annually)
Existing Budget	<u>\$2,250,000.00</u>	<u>\$1,779,254.00</u>		
Additional Appropriation Requested		<u>\$2,019,946.00</u> (Above includes <u>\$200,000.00</u> allocation for juror pay increase awareness campaign)		
Total Expenditures	<u>\$426,904.00 *</u>	<u>0</u>		
Funding Sources				
Existing Department Budget	<u>\$38,978,000.00</u>	<u>\$40,197,507.00</u>		
Please Identify Funding Source (General Fund, PIC, Special Revenue, Grant, Etc.)	<u>General Fund</u>	<u>General Fund</u>		
Total Sources				

*Due to the COVID-19 pandemic, jury calls were largely suspended in FY 20-21

Alternatives:

RAISING JUROR PAY

Based on 2019 juror data

Juror Pay Options		First Day Cost (124,110 appeared)	Total Cost to County (includes 33,730 subsequent days of service)	e-Juror First Day Cost (estimate 90,000 to appear)	e-Juror Total Cost to County (includes 33,730 subsequent days of service)
	Current: \$6.00 on day 1, \$40.00 for subsequent days (State reimbursement of \$34 after day one)	\$744,660.00	\$947,040.00	\$540,000.00	\$742,380.00
1	\$40.00 for all days	\$4,964,400.00	\$5,166,780.00	\$3,600,000.00	\$3,802,380.00
2	\$50.00 on day 1, \$80.00 for subsequent days	\$6,205,500.00	\$7,757,080.00	\$4,500,000.00	\$6,051,580.00
3	\$60.00 for all days	\$7,446,600.00	\$8,323,580.00	\$5,400,000.00	\$6,276,980.00
4	\$80.00 for all days	\$9,928,800.00	\$11,480,380.00	\$7,200,000.00	\$8,751,580.00

Alignment with Strategic Objective:

Department Strategic Objectives aligned SO1, SO6, SO7, SO8, SO22 (found under Budget Form 3. Goals and Objectives).

Attachments:

The attachments include the District Clerk COVID-19 Agenda Item Letter for Commissioners Court Meeting 03/30/2021, District Judges Letter, and Houston Chronicle Editorial.



Marilyn Burgess

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 |

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COVID-19 Agenda Item

March 22, 2021

Honorable County Judge
& Commissioners
1001 Preston, 9th Floor
Houston, Texas 77002

Dear Honorable Judge and Commissioners:

In the United States, our justice system requires active involvement from the people as a jury of one's peers is a key cornerstone of our system. Harris County is one of the most diverse counties in the country and jury panels should reflect that diversity to ensure fair and equitable outcomes. Therefore, increasing jury participation as a whole, and making juries more diverse, are important goals of my administration. However, this is a tall order because Harris County's jury participation rates have historically been very low hovering in the low 20s percent.

Currently, the Caucasian and Asian communities are overrepresented in juror appearance rates, while the African American and Hispanic communities are underrepresented. The Caucasian community appearances rates between 2018 and 2020 averaged 55.1% while they represent 40% of the eligible Harris County population. In contrast, Hispanic appearance rates in the same time frame averaged 19.1% while they represent 29.1% of eligible citizens who can serve.

The overall appearance rate in Harris County is below the optimal amount, but I would like to point out that ZIP Codes in precincts One and Two are those with the highest potential for improvement, given that appearance rates in some of these areas are as low as 9%.

Without increased jury participation, the county risks poor representation of our whole community in the justice system. By contrast, the public's confidence in the justice system increases if they see the diversity of the county reflected in jury pools and, by participating, they become vested in the system and our community. Furthermore, everyone brings different perceptions based on their life experience and their place in society to the deliberation process. The District Clerk's Office feels strongly that diverse juries can contribute to making our justice system more fair and equitable.

Last fall, the District Clerk's Office contracted with January Advisors, a data science company that has worked for other county agencies and organizations such as United Way, to conduct a countywide survey about jury service. January Advisors surveyed close to 2,000 county residents and conducted two focus groups to look into which factors motivate them to serve as jurors and which barriers prevent them from showing up.

Here are some highlights of the survey:

- 73% of respondents said they would more likely participate in jury service if the juror pay was increased starting the first day.



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- 82% of Hispanic/Latinx respondents said they would be more inclined to show up for jury service if they were paid \$40 on the first day.
- 74% of African Americans gave the same response. Currently, Harris County jurors are paid \$6 for the first day of service and \$40 for the subsequent days if they are selected to serve on a jury.

After carefully analyzing the results of the survey and calculating different options to maximize the benefits of a juror pay increase, the District Clerk's Office (DCO) is asking that you increase juror pay to \$50 for the first day and \$80 for subsequent days. We ask that this new juror pay goes into effect on May 3, 2021, to make it coincide with the beginning of Jury Appreciation Week.

In addition, the DCO is also asking that you allocate a budget of \$200,000 to publicize the juror pay increase. It is critical we get the word out to the citizens of Harris County of any increase in juror pay. It can have no benefit if those called are unaware of the new pay rates.

We propose implementing the increased pay for the duration of the pandemic and through the end of Fiscal Year 2022. My office will track the impact of any changes and report back to you in January 2022. Of the total jurors summoned, less those disqualified, exempted and undeliverable, we hope to achieve a 70% participation rate.

During the COVID-19 pandemic, jury trials have decreased significantly. We expect the volume to increase somewhat in the coming months, but not to normal levels. Assuming that we have 50% of the normal volume of jury trials for the remainder of FY 22, the total estimated cost of raising the juror pay, after the state reimbursement, would be \$3,599,200. Given that our approved budget for juror pay is \$1,779,254, we would need only an additional \$1,819,946 to implement the measure for FY 22.

In addition to the pay increase, we are also asking that Harris County provide free parking to individuals who are selected to serve on a jury. Free parking was one of the main demands made by focus group participants. The Harris County Parking Coordinator has determined there would be no lost revenue this year and, in future years, lost revenue is estimated at \$300,000.

Although it is not part of our request, we want to tell the Court that we strongly believe full implementation of the e-Juror system to be developed by our office would result in savings for the county that would help offset the cost of raising the juror pay. Our IT Department has built the first phase of the system and is ready and able to proceed with the final phase upon approval by the District Court Judges. With full implementation, e-Juror would enable our office to get much closer to summoning only the number of jurors needed to form the requested panels. The District Clerk's Office estimates that, with the system in place, the juror dismissal rate could be lowered from the current 37% to 10%, thus generating savings and improving the juror experience significantly. Full implementation of e-Juror is subject to approval by the Board of Harris County District Judges and our office is confident that support from Commissioners Court will be helpful in obtaining that approval.



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Lastly, we want to note that our current juror pay rate increase has the support of the District Judges and of several regional and national civic leaders. In addition, on February 16th, the Houston Chronicle published an editorial in favor of our proposal.

If you have any questions or need additional information, please contact me personally at (832) 517-2164.

Thank you very much for your consideration.

Sincerely,

Marilyn Burgess
Harris County District Clerk

MB:ao
Attachments

Administrative Office of the District Courts
Harris County, Texas

Robert K. Schaffer
LOCAL ADMINISTRATIVE DISTRICT JUDGE

1200 Franklin, 7th Floor
Houston, Texas 77002

March 1, 2021

County Judge Lina Hidalgo &
Harris County Commissioners
1001 Preston Street
Houston, Texas 77002

Re: Support for Increase in Juror Pay

Dear Judge Hidalgo and Commissioners Ellis, Garcia, Ramsey and Cagle:

I am writing to you as the local administrative judge for the district courts of Harris County, Texas. I understand that Harris County District Clerk Marilyn Burgess has an item before you seeking an increase in juror pay.

In October of 2020, the Board of District Court Judges passed a resolution supporting an increase in juror pay to \$60.00 a day. The Board of District Judges believes, as does Harris County District Clerk Marilyn Burgess, that an increase in pay is not only overdue but more importantly will increase jury participation from all Harris County communities.

As Judges, we stress to the public the importance of jury service and we support efforts to make our justice system more fair and balanced. The Board of District Judges whole-heartedly supports the requested increase in juror pay.

Sincerely,



Robert K. Schaffer

cc: Administrative Judge, Harris County Courts at Law
Marilyn Burgess, District Clerk

EDITORIAL

Justice for all

Harris County district clerk’s campaign helps diversify jury pools, meaning fairer trials.

In just 42 seconds, the public service announcement from the Harris County District Clerk’s Office deftly outlines the importance of serving on a jury. “It doesn’t matter if you are rich or poor, Black or white,” intones a narrator. “What matters is that you show up to make the system work for everyone.”

If equal justice under law is one of this nation’s core values, the spot reasons, then having a jury that “looks like you” is essential to turning that ideal into reality. To drive home the point, the ad features a diverse array of people: Black, white and Latino, of varying ages, some holding up a hand as if to swear an oath.

The message – part of District Clerk Marilyn Burgess’ “Stand for Justice” campaign to increase jury participation rates – is on target and much needed. So are her efforts to convince Harris County Commissioners Court to address the financial and practical barriers that may keep people from turning up for jury duty.

Nearly 80 percent of county residents who received jury summons failed to report for jury service in 2018-19, according to the clerk’s office. The number of no-shows was higher in ZIP codes that are predominantly Black and Latino, where many people simply can’t afford to lose a day’s pay to go through the selection process.

As a result, even though 60 percent of Harris County residents eligible to serve on juries are non-white, there is a troubling lack of diversity in the county’s jury pools. Black and Latino residents are underrepresented, while white and Asian residents are overrepresented, Burgess told the editorial board. If the pool from which lawyers pick jurors is not diverse, then neither will the juries themselves be.

That, in turn, makes for a less equitable justice system. In fact, studies have shown that “diverse juries had longer deliberations, discussed more case facts, made fewer inaccurate statements, and were more likely to correct inaccurate statements.”

That is why we applaud Burgess for launching the “Stand for Justice” campaign, which includes PSAs, social media posts and billboards in areas to boost participation.

But outreach alone is not enough to increase and diversify the jury pool. We also urge commissioners to follow Burgess’ recommendations to increase juror compensation, cover expenses such as parking and provide rideshare vouchers.

In a poll of 2,000 Harris County residents, many respondents cited those factors as major barriers to participating in a jury. Twice as many Latino respondents pointed to loss of income as an obstacle compared with white respondents.

Currently, the county pays \$6 a day for jury service; beginning on the second day, the state chips in \$34 to bring the daily pay to \$40.

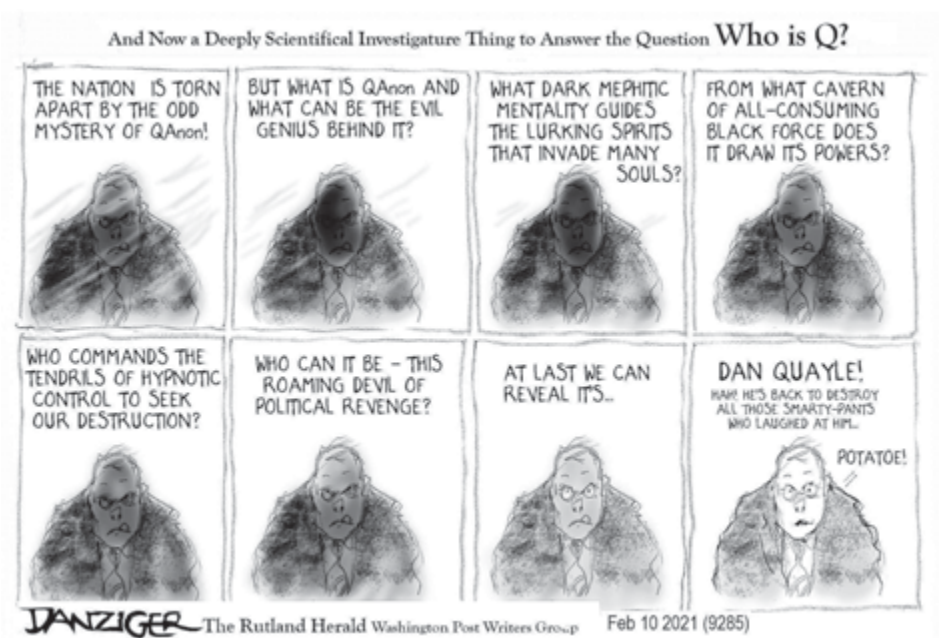
For potential jurors who live paycheck to paycheck and might lose a day’s wages for appearing for jury duty, the rock-bottom compensation presents a major obstacle to answering a summons to serve. Simply raising the first day’s compensation to \$40 and arranging free parking for jurors would help offset that financial strain and encourage more people to show up.

Even small steps like these would go a long way toward ensuring that Harris County juries reflect the community in which we live and upholding the promise of the Sixth Amendment, which guarantees all of us a jury of our peers.



Steve Gonzales / Staff photographer

Harris County District Clerk Marilyn Burgess launches an outreach campaign Feb. 8 to increase jury participation in Harris County.



LETTERS

Texans lose heart and soul

Farewell, J.J.

Regarding “J.J. Watt’s Texans tenure” (Feb. 12): I heard J.J. Watt’s farewell to Houston. He was the heart and the soul of the Texans. Of course that means the Texans no longer have a heart or a soul. The McNairs better get used to the fact that they’re going to have to sell the team or face a boycott by the fans.

Chris Zeller, Houston

Saving Texan lives

Regarding “TSU site hopes to even vaccination inequities,” (A1, Feb. 12): According to the Centers for Disease Control and Prevention, Texas has an abysmal 9.8 percent COVID-19 vaccination rate – and that’s only for the first shot. In order to see improvements in vaccination rates, Congress needs to pass the Health Force and Resilience Force Act (S.3606), a bill that establishes programs to bring on individuals to perform public health functions such as contact tracing and vaccine administration. Texas senators like John Cornyn need to agree that saving Texan lives is non-negotiable.

Nia Sampson, Houston

Outraged, disappointed

Regarding “Leaders demand Baytown lake be renamed,” (A1, Feb. 9): Words cannot express the outrage and disappointment I felt when I saw the story about the existence of a lake in Baytown, some 30 miles from Houston, called “Negrohead Lake.” Outraged, because it exists, and disappointed, because nothing has been done to remove that name and others like it in Texas, even though a law exists to remove these disgusting names.

This is personal for me, because as a

Black kid growing up in the 1950s and ’60s in Dallas – I am a 40-plus-year resident of Houston now – I was confronted when I went to grocery stores in my Oak Cliff-area home with seeing a product on the shelves called “Negro Head Oysters.” The makers of that product had the gall to place on one side of the cans a picture of an oyster juxtaposed against one on the other side of a profile of an elderly Black man.

For many kids my age, such an image was, perhaps, unnoteworthy, but for me, the son of a civil rights activist who fought to eliminate “Negro Day” at the Texas State Fair and alongside Justice Thurgood Marshall to desegregate the Dallas public schools, seeing this was totally outrageous. I had thought that by now such vile racist images were gone, but I see they aren’t.

As a third-generation Texan and first-generation Houstonian, I applaud my friend and fellow LBJ School of Public Affairs graduate and roommate, Commissioner Rodney Ellis, for taking up the challenge to see this vile name and others like it throughout our beloved state removed and sent to history books or become the subject of internet searches where it belongs. It, along with other images like Aunt Jemima, Uncle Ben, Buckwheat (he was not a character created by Eddie Murphy for a “Saturday Night Live” skit) and Confederate statues don’t deserve to be publicly displayed.

Crawford B. Bunkley III, Cypress

BIBLE VERSE

Anyone who loves to quarrel loves sin; anyone who trusts in high walls invites disaster.

Proverbs 17:19

Changes in the polar vortex can load the dice

By Zachary Lawrence and Amy Butler

At the start of February 2021, a major snowstorm hit the northeast United States, with some areas receiving well over two feet of snow. Just a few weeks earlier, Spain experienced a historic and deadly snowstorm and dangerously low temperatures. Northern Siberia is no stranger to cold, but in mid-January 2021, some Siberian cities reported temperatures below -70 degrees.

Media headlines hint that the polar vortex has arrived, as if it were some sort of ice tornado that wreaks wintry havoc wherever it strikes.

As atmospheric scientists, we cringe when the term polar vortex is used to loosely refer to blasts of cold weather.

The actual polar vortex can’t put snow in your backyard, but changes in the polar vortex can load the dice for wintry weather – and this year, the dice rolled Yahtzee.

The winds of winter

The polar vortex is an enormous, three-dimensional ring of winds that surrounds the North and South poles during each hemisphere’s winter. These winds are located about 10 to 30 miles above Earth’s surface, in the layer of the atmosphere known as the stratosphere. They blow from west to east with sustained speeds easily exceeding 100 mph. In the darkness of the winter polar night, temperatures within the polar vortex can easily get lower than -110 degrees.

Fortunately for everyone, the stratospheric polar vortex itself won’t appear outside your front door. The polar vortex does influence winter weather, but it is more like a domino – when it is knocked over, it can start a chain of events that later result in wild weather.

The strength of the polar vortex can vary widely during winter, and these variations can lead to shifts in the strength and position of the jet stream, the fast-flowing river of air in the troposphere beneath the polar vortex. When the jet stream changes,

it affects the movement of weather systems, causing different parts of the world to see much warmer or colder, or much wetter or drier conditions.

The domino effect

The polar vortex is interconnected with the weather that moves around the Earth at lower altitudes. Normal variations in the jet stream and weather can disturb the structure of the vortex in the stratosphere. Like an elastic band, the vortex usually rebounds back to its normal shape and size, maintaining its strong winds and low temperatures.

But sometimes, these weather and jet stream variations can knock the polar vortex off balance, causing significant wobbles in its shape, location, temperatures and winds. When this happens, the structural integrity of the polar vortex begins to break down. If this happens often enough over a period of time, everything can go haywire with the polar vortex as the winds break down and the vortex warms up.

On Jan. 5, the polar vortex was completely thrown out of whack by an event called a sudden stratospheric warming, the technical name for these violent disturbances that severely distort and weaken the vortex, knocking it off of the pole or even ripping it apart. When this happens, temperatures in the normally cold polar stratosphere explosively rise by as much as 90 degrees over the span of a few days – hence the name of these events.

At this point, the domino has tipped over: Eventually the jet stream feels the effects of the weakened polar vortex above, and it can begin to undulate. When the jet stream gets wavy, it can dip farther south, bringing cold air and winter storms with it.

It can take weeks or months for the polar vortex to recover from something like this. While the vortex pieces itself back together, the undulating, curvy jet stream can bring frigid Arctic air and winter storms to the U.S. and Europe while allowing unusually warm weather to get into



Jon Cherry / Getty Images

A city worker clears ice off of the sidewalk Thursday in Louisville, Ky. The National Weather Service credits the disruptive weather to the polar vortex.

the far north.

Warmer weather, too

Calling any blast of cold air a polar vortex is wrong.

The behavior of the polar vortex doesn’t just portend colder weather – it can also foreshadow much warmer weather.

Most of the time the polar vortex has little influence on winter weather.

But forecasting and monitoring huge

disturbances to the polar vortex allows us to anticipate the chain of events that may leave feet of snow and frigid weather at your doorstep.

Lawrence is a research scientist at the University of Colorado, Boulder. Butler is a chemistry and climate processes research scientist with the National Oceanic and Atmospheric Administration. This piece was published in The Conversation.

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JACK SWEENEY, Chairman | jack.sweeney@chron.com

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MARIA REEVE, Managing Editor/Content | maria.reeve@chron.com

MARK LORANDO, Managing Editor/Audience | mark.lorando@chron.com

LISA FALKENBERG, VP / Editor of Opinion | lisa.falkenberg@chron.com

MICHAEL LINDENBERGER, Deputy Opinion Editor | michael.lindenberger@chron.com

Send letters to the editor:

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