



The Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness

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The Honorable Rob W. Kauffman
Chair, House Judiciary Committee
312 Main Capitol Building
P.O. Box 202089
Harrisburg, PA 17120-2089

March 16, 2022

Re: Support for House Bill (“HB”) 791, Supporting Pennsylvania’s Jurors

Dear Chairman Kauffman,

On behalf of the Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness (the “Commission”), we write to convey our support for HB 791, while also suggesting one key amendment. HB 791 would require court officials in each county to provide free parking to jurors for the duration of their duty. On March 8, 2021, HB 791 was referred to the House Judiciary Committee for consideration. However, to date, the bill has not been considered by the Committee. For the following reasons, we respectfully urge the Judiciary Committee to consider HB 791 and take the appropriate measures to move it through Committee, facilitating its passage.

In Pennsylvania, an individual may be excused from jury duty if they can demonstrate “undue hardship or extreme inconvenience.”¹ As the 2003 Pennsylvania Supreme Court study on racial and gender bias in the justice system found, the vast majority of Pennsylvania’s judicial districts accept economic hardship as fitting within this excusal category.² The study also determined that while some judicial districts in the Commonwealth provide free parking and public transportation for jurors, many others do not.³

Groups in Pennsylvania and other states have documented and crafted recommendations designed to reduce the financial burdens borne by individuals selected as jurors. The Commission published its own study in 2016, which found that “jury service . . . imposes economic hardships which

¹ 42 Pa.C.S. § 4503(a)(3) (2015).

² Pa. Interbranch Comm’n for Gender, Racial and Ethnic Fairness, *Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System* 1, 59, available at <https://pa-interbranchcommission.com/wp-content/uploads/2022/01/FinalReport.pdf>.

³ *Id.* at 60.

significantly reduce juror participation rates.”⁴ Because economic hardships tend to disproportionately affect minority populations, excusals are more frequently granted to members of those populations, driving down juror diversity.⁵ The Commission also participated in the First Judicial District’s 2017 Juror Participation Initiative, whose published report recommended that the legislature provide economic support to jurors by requiring the issuance of parking vouchers and transportation reimbursements.⁶ The Supreme Court of Ohio’s Task Force on Jury Service, which analyzed jurors’ experience in Ohio courts, concurs. It concluded that, because “jury service is an obligation, all barriers to service – including the . . . impact of out-of-pocket expenses – should be removed.”⁷ The Task Force recommended that “courts provide free parking,” and that courts “arrange for a bus pass or tokens for . . . jurors during . . . jury service.”⁸

HB 791 is responsive to the recommendations of these studies: it would provide free parking for all Pennsylvania citizens summoned for jury duty. This change would summarily extinguish the expense of and complexity in finding a parking space near a court facility that many Pennsylvanians are visiting for the first time. Although that burden may appear small, the cost of parking can be prohibitive for low-income individuals, especially in metropolitan areas and because compensation for performing jury service in Pennsylvania is comparatively low to begin with.⁹

Although HB 791 would provide free parking for jurors, it does not offer free public transportation. Public transportation is a necessary alternative for those jurors who do not own a car or do not wish to drive to the courthouse. Moreover, many individuals without a vehicle likely do not own one precisely because they cannot afford one. Therefore, because the economic burden of transportation disproportionately falls on lower-income individuals, access to free public transportation is just as important as the legislation’s provision of free parking. Thus, we recommend that HB 791 be amended to include access to free public transportation for jurors.

Overall, in its amended form, HB 791 would assist in vitiating the economic squeeze felt by many potential jurors who ultimately cite undue hardship or extreme inconvenience to avoid jury duty. By providing free parking and public transportation to summoned jurors, the bill would unify the policies of Pennsylvania’s judicial districts and make jury service more feasible for minority and indigent

⁴ Pa. Interbranch Comm’n for Gender, Racial and Ethnic Fairness, *Best Practices for Jury Selection and Service in Pennsylvania* 1, 18 (Sept. 2016), available at <https://pa-interbranchcommission.com/best-practices-for-jury-selection-and-service-in-pennsylvania/> [hereinafter, *Best Practices*].

⁵ *Id.*

⁶ The First Jud. Dist. of Pa., *FJD Juror Participation Initiative* 1, 11 (2018), available at <https://pa-interbranchcommission.com/fjd-juror-participation-initiative/>.

⁷ Supreme Ct. of Ohio Task Force on Jury Serv., *Report and Recommendations of the Supreme Court of Ohio Task Force on Jury Service* 1 (Feb. 2004), available at https://www.supremecourt.ohio.gov/Publications/juryTF/jurytf_proposal.pdf.

⁸ *Id.* at 26.

⁹ *Best Practices*, *supra* note 4, at 18.

populations. In turn, this would help judicial districts to comply with the constitutional guarantee to an impartial jury selected from a representative cross-section of the community.¹⁰

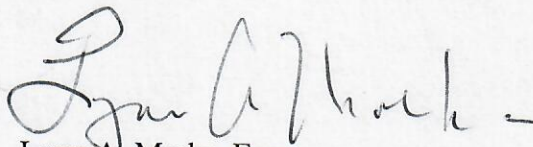
Thank you for your consideration. We would welcome the opportunity to provide testimony on HB 791 should the Judiciary Committee convene a hearing thereon. If you have any questions or comments, we would be happy to discuss them at your convenience.

Respectfully,



Lisette McCormick, Esq.

Executive Director



Lynn A. Marks, Esq.

Chair, Jury Service Committee

cc: Hon. Tim Briggs, Prime Sponsor, HB 791
Timothy Clawges, Executive Director, House Judiciary Committee
Members of the House Judiciary Committee
Pennsylvania Interbranch Commission Members
Jury Service Committee Members, Interbranch Commission

¹⁰ Taylor v. Louisiana, 419 U.S. 522, 528 (1975).