

MINUTES  
*(Unofficial until approved)*  
Jury Standards Committee  
Supreme Court Front Conference Rm/ Conference Call, Bismarck  
October 24, 2014

Members Present

Judge Steven Marquart, Chair  
Judge Cynthia Feland  
Sally Holewa  
Judge James Hovey  
Robin Huseby  
Judge Gary Lee  
Rod Olson  
Lois Scharnhorst  
Michael Waller

Members Absent

Birch Burdick  
Monte Rogneby

Others Present

Judge Robin Schmidt  
Scott Johnson

Chair Marquart called the meeting to order at 12 Noon and drew Committee members' attention to the minutes of the August 22 meeting (meeting material, pp. 1-5).

**It was moved by Sally Holewa, seconded by Michael Waller, and carried that the minutes be approved.**

Juror Compensation - Update

Chair Marquart summarized the Committee's previous discussion regarding possible changes to the juror compensation rate and its recommendation to the Supreme Court of a rate of \$50 per day, with draft legislation. He drew attention to an email from Penny Miller [meeting material, p.6] advising that the Supreme Court had reviewed the recommendation and did not approve the increased rate and would not seek legislative action regarding compensation.

Judge Lee reiterated that when juror questionnaires are received by the court, the comment most often received is that juror pay is insufficient.

Jury Selection Issues - Expanding Source Lists

Chair Marquart summarized the Committee's earlier discussion about difficulties in summoning a sufficient number of prospective jurors, particularly in McKenzie County. He said one possible method of enhancing the jury pool size that was discussed was the possible inclusion of utility customers in the source lists from which prospective jurors are summoned. He said utility providers were contacted by Sally Holewa to determine the interest in and feasibility of obtaining utility customer lists. He drew attention to responses received from the Association of Rural Electric

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Cooperatives, MDU Resources, and McKenzie Electric Cooperative (meeting material, pp.7-13). He said the responses indicate a general reluctance to provide customer lists based on a variety of concerns, including confidentiality of customer information and doubts that the lists would be of significant assistance due, in part, to the number of non-residents included in the lists and the fact that customers sometimes have utility bills sent to an address other than the residence occupied.

Judge Schmidt said she understands the concerns of the utility providers. She welcomed any other ideas Committee members may have to increase the number of prospective jurors that a summoned.

In response to a question from Judge Marquart, Judge Schmidt said that some follow-up action in her area has resulted in fewer problems but the problems, in general, persist. She said there is an on-going concern that the jury pool will, nevertheless, be exhausted. She said she would talk with Sally Holewa about additional measures that might be pursued to improve the summoning process and increase the size of the jury pool.

There being no further business, the meeting was adjourned at 12:10 p.m.

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Jim Ganje, Staff