

Higher jury pay, more trials, — who pays?

By Tim Richard
staff writer

An Oakland County panel is wondering whether to support legislation to double jurors' pay and allow more jury trials.

"Where do we get the money?" asked commissioner Robert Fage, R-Birmingham, as the county board's general government committee Monday came to no firm conclusions.

Both legislative bills, if enacted, would cost hundreds of thousands of dollars in Oakland County alone, plus more in the other 82 counties. But the question is whether the state treasury or county government would pick up the tab.

THE BILLS WOULD:

- Double jurors' pay from \$15 a day plus mileage to \$30 — the first increase for jurors since 1968. Senate Bill 221 is in the Judiciary Committee and unlikely to move until next year.
- Allow prosecutors to demand jury trials in criminal cases. House Bill 4534 has been reported out by

the Judiciary Committee and is headed to the House floor.

OAKLAND'S CIRCUIT Judges favor doubling jurors' pay, said Joan Young, court administrator.

"There is a question whether the Headline Amendment would apply," Young told the panel. That 1978 amendment to the state constitution requires state government to pay for any new services demanded of local governments.

The committee took no position on the bill, instead asking the court to quiz jurors for 90 days as to whether pay is a problem.

"How many is it a hardship for?" asked commissioner John Calandro, R-Novi. "Most companies pay the difference between jury pay and salary."

But mothers who have to pay for child care while they serve on juries might find it a hardship, Calandro said.

"IT IS A hardship," said commissioner Ruel McPherson, D-Hazel Park.

"Small business owners have a

The Senate bill would double jurors' daily pay to \$30. The House bill would allow prosecutors to demand jury trials in criminal cases.

problem serving on juries. Many people don't register to vote (because jurors' names are drawn from registered voter lists).

"Put yourself in the position of a person without a car from South Lyon or Hazel Park. Can they afford to get transportation and lunch for \$15 (to serve in Pontiac)?"

"You don't want a juror mad or with a chip on their shoulder. They might not be impartial," McPherson said.

OAKLAND HAS a two-day, one-trial policy. That is, a person called for jury duty would be expected to show up for two days for calls, and then be asked to serve no more than one trial.

Last year more than 10,100 Oakland residents were called for jury duty, 4,300 actually served on juries, and the remaining 5,800 sat in the pool.

In a letter, Chief Circuit Judge Richard Kuhn told commissioners

that jury costs would rise an expected \$300,000 if the bill were enacted.

"We feel the increase (in pay) is not only justified but also long overdue," Kuhn said.

PROSECUTORS such as Oakland's L. Brooks Patterson generally support the House bill whose effect would be to permit them, as well as defendants, to demand jury trials in criminal cases.

The general government committee voted only to "receive and file" the matter, in effect dropping it.

"Our concern," said court administrator Young, "is that an increase in the number of jury trials would increase the cost of trials. You should be cognizant of those costs."

Such a law might require another circuit judge — with courtroom, staff, benefits and records space

needs, she said. Oakland has 14 circuit judges.

Most non-jury trials last less than two days, Young said.

Jury trials last an average of 2 1/2 days in non-capital cases and 3 1/2 days in capital (murder) cases.

LAST YEAR Oakland held 230 jury trials in criminal cases and 149 non-jury trials, court officials said.

County commissioners didn't know in what percentage of the 149 the prosecutor might ask a jury trial.

Under Michigan's constitution, a defendant in a criminal case has an automatic right to a jury trial but may waive it.

The House bill technically would allow the prosecutor to veto the defendant's waiver. Michigan is among a minority of states that doesn't allow prosecutors this option.

Drug project honored

Oakland County's Senior Citizens Substance Abuse Prevention project was cited as one of 20 programs in the nation that are "effective examples of community projects that work."

The National Association of State Alcohol and Drug Abuse Directors

and the National Prevention Network presented the award in Washington to Kay Pochodylo, public health educator for the county health division.

The program aims to prevent medicine and alcohol misuse and reduce its adverse effects among the elderly.

"We are fortunate to have such an important local program that has benefited our senior citizens by informing them of safe drug-taking methods," said county executive Daniel T. Murphy.

Lawyers study alimony, taxes

Lawyers will hold a seminar on alimony and qualified domestic relation orders under sponsorship of the Family Law Section of the State Bar of Michigan.

It is set for 4-6 p.m. Tuesday, Dec. 8, in the Michigan Inn, 16400 J.L. Hudson Drive, Southfield.

Fee for Family Law Section members will be \$35; non-members, \$40; judges, free, according to chairman Richard S. Victor. He has further information at 616-7177.

"Learn the laws dealing with alimony, when it is tax deductible and when not; when it is modifiable and when not; as well as how to pay property or attorney fees as deductible alimony," he said.

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Oakland gets crime fight cash

Some \$817,000 in state money will help Oakland County fight urban crime.

The Board of Commissioners last week approved a contract under which Prosecutor L. Brooks Patterson's office will be reimbursed \$515,000 by the Michigan Department of Social Services.

The county will put up \$154,000, or about one-fourth of the total \$669,000.

The "cooperative reimbursement program," as it's called, will pay 18 people and cover costs of expert witnesses, blood tests for paternity, extradition expenses, office and investigation materials.

The board also approved a 100 percent state grant of \$301,000 from the Automobile Theft Prevention Authority to fight auto thefts in Southfield, Farmington, Farmington Hills and Novi.

That fund was born during a state Legislature debate over regulation of auto insurance rates. Revenue

comes from a surcharge on auto insurance policies.

The grant will be administered by Sheriff John Nichols. The budget calls for addition of one sergeant to the Sheriff's department, salaries, professional services, vehicles and supplies.

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Artist

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