

# Reversing the Decline of the Civil Jury Trial

By Joe Palazzolo

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If you've been to a federal courthouse lately, you might have been struck by the pin-drop silence. Fewer than 1% of federal civil cases are resolved by juries these days, down from 5.5% in the 1960s.

## Trial by Jury, a Hallowed American Right, is Vanishing

By BENJAMIN WEISER Aug. 7, 2016

The criminal trial ended more than two and a half years ago, but Judge Jesse M. Furman can still vividly recall the case. It stands out, not because of the defendant or the subject matter, but because of its rarity: In his four-plus years on the bench in Federal District Court in Manhattan, it was his only criminal jury trial.

He is far from alone.

Judge J. Paul Oetken, in half a decade on that bench, has had four criminal trials, including one that was repeated after a jury deadlocked. For Judge Lewis A. Kaplan, who has handled some of the nation's most important terrorism cases, it has been 18 months since his last criminal jury trial.

## The Vanishing Trial

In 1962, 11.5 percent of federal civil cases were disposed of by trial. By 2002, that figure had plummeted to 1.8 percent.

# U.S. Courts Statistics: 2015

**Table C-4A.**  
**U.S. District Courts—Civil Cases Terminated, by District and Action Taken,**  
**During the 12-Month Period Ending September 30, 2015**

| Circuit and District | Total   | No Court Action | Court Action |                 |                          |                       |         |       |
|----------------------|---------|-----------------|--------------|-----------------|--------------------------|-----------------------|---------|-------|
|                      |         |                 | Total        | Before Pretrial | During or After Pretrial | During or After Trial |         |       |
|                      |         |                 |              |                 |                          | Total                 | Nonjury | Jury  |
| TOTAL                | 274,362 | 56,848          | 217,514      | 185,008         | 29,538                   | 2,968                 | 877     | 2,091 |

Percent Reaching Trial: 1.1%

**Table D-4.**  
**U.S. District Courts—Criminal Defendants Disposed of, by Type of Disposition and Offense,**  
**During the 12-Month Period Ending September 30, 2015**

| Offense | Total Defendants | Not Convicted |           |              |            | Convicted and Sentenced |                |              |            |
|---------|------------------|---------------|-----------|--------------|------------|-------------------------|----------------|--------------|------------|
|         |                  | Total         | Dismissed | Acquitted by |            | Total                   | Plea of Guilty | Convicted by |            |
|         |                  |               |           | Bench Trial  | Jury Trial |                         |                | Bench Trial  | Jury Trial |
| Total   | 81,024           | 7,899         | 7,610     | 85           | 204        | 73,125                  | 71,330         | 145          | 1,650      |

Percent Reaching Trial: 2.6%

FIGURE 1: CIVIL TRIALS FROM ADMINISTRATIVE OFFICE  
TABLE C-423

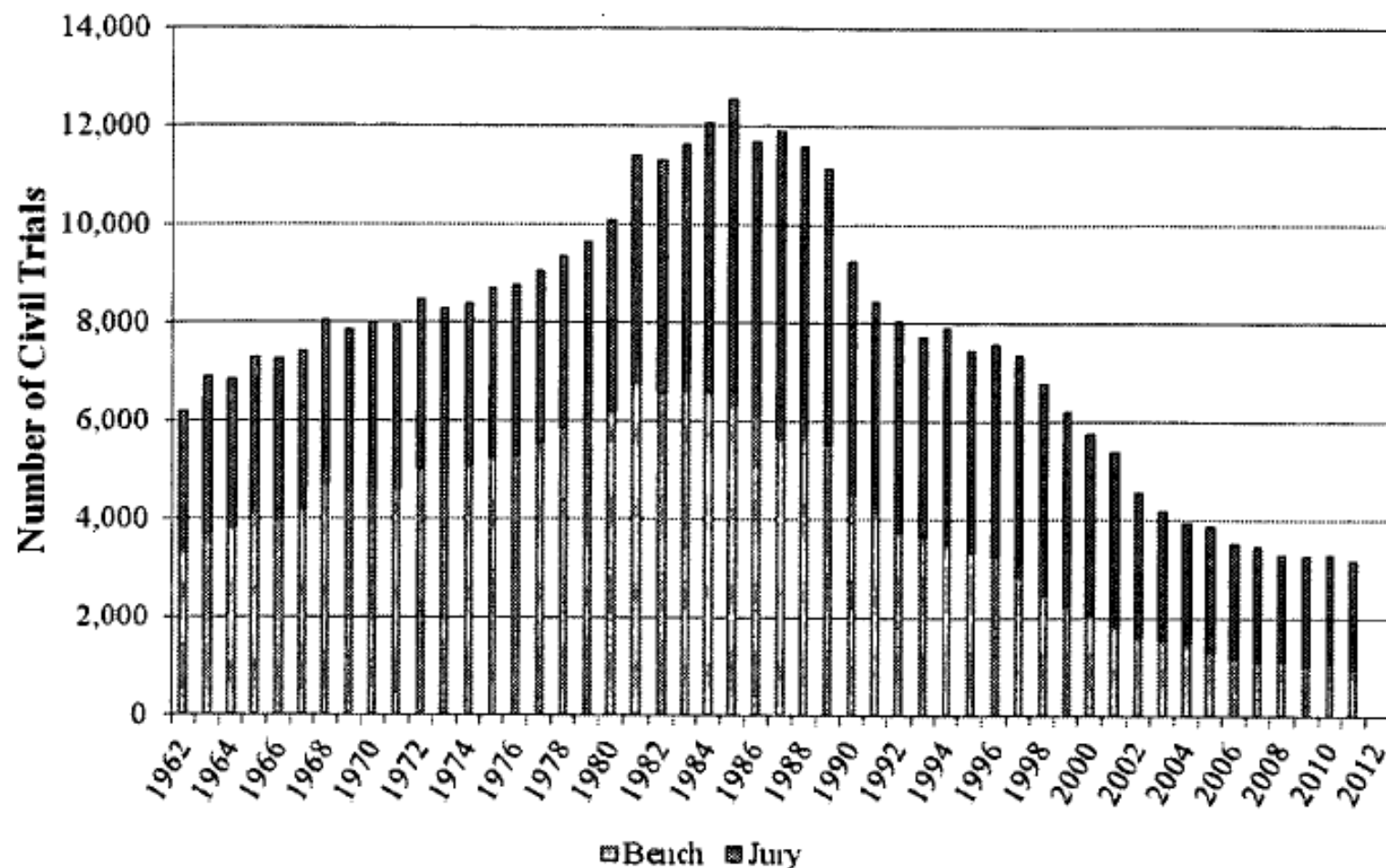


FIGURE 2: CRIMINAL TRIALS FROM ADMINISTRATIVE OFFICE  
TABLE D-4<sup>24</sup>

