

**3.00.00 JURIES AND JURY SERVICE**

(Effective January 1, 1994)

**3.00.01 COMMON JURY PANEL**

A. Any court in either the South Lake Tahoe area or the Western Slope area may use a jury panel summoned by another court in the same area.

B. Venire persons for trial juries in El Dorado County shall be summoned from the supervisorial district which is geographically proximate to the court within which the trial shall be held, as well as from residents of other immediately adjacent supervisorial districts, or portions thereof, as may be determined by the Jury Commissioner. In the interest of justice, the Court may order a countywide venire.

When a countywide venire is utilized, a prospective juror shall have the option of selecting whether he or she wishes to serve in the South Lake Tahoe or Placerville Session of court. Such selection shall, in the ordinary case, be determined by the mileage between the Juror's residence and the City of Placerville or the City of South Lake Tahoe.

(Revised, January 1, 1994)

**3.00.02 DEMAND FOR JURY IN CIVIL ACTION; PAYMENT OF FEES**

A. A party who has made a timely demand for a jury trial in the Superior Court shall deposit with the clerk at least twenty-five days prior to the date set for trial or at least five days before the date set for trial in an unlawful detainer action the required fee.

Thereafter, at the beginning of the second and each successive day of trial, the Courtroom Clerk shall request from the party or parties who demanded the jury a sum equal to one day's fee of the jury and the accrued mileage and transportation, if any. The clerk's request shall be honored on the day on which it is made. If the party or parties upon whom the request is made fail to honor the request on the day it is made, that party or parties will be deemed to have waived trial by jury and the remaining parties shall be promptly notified of the waiver by the Courtroom Clerk.

B. Failure of a party demanding trial by jury to timely deposit jury fees prior to or during trial, as prescribed by applicable statutes and these Local Rules, shall be deemed a waiver of trial by jury as to that party. The remaining parties to the action shall be promptly notified of a party's failure to timely deposit the required jury fees.

C. A party who has demanded trial by jury and later decides to waive the demand shall promptly give written notice of the waiver to the Clerk of the Court and all parties to the action.

D. When the party who has demanded trial by jury waives the jury demand or is deemed to have waived the demand pursuant to these Rules, any remaining party shall then have a period not exceeding five days following receipt of Notice of Waiver to serve and file a demand for trial by jury and to deposit the required fee.

If the waiver occurs during the trial or within five days of the commencement of trial, any

remaining party demanding trial by jury shall make the demand and deposit the jury fee on the first trial day following notice of waiver.

E. If, following Notice of Waiver by a party demanding trial by jury, no remaining party timely makes a demand for trial by jury or fails to deposit the jury fee as required by these Rules, the case will be tried by the Court sitting without a jury.

F. Notwithstanding any other provision of these rules, upon a showing of good cause, the Court may order that the deposit of jury fees take place at any time prior to trial. In the event the Court orders the deposit to take place under this Rule, the party seeking trial by jury shall be entitled to such trial, provided the deposit is made pursuant to the terms of the court order.

G. If, after jury fees have been deposited in any action or proceeding, all parties agree to waive trial by jury or the action or proceeding has been settled or dismissed, the jury fees shall not be returned to the party demanding trial by jury but shall be deposited into the State Trial Court Trust Fund, pursuant to Government Code § 68085.  
(Revised January 1, 1999)

### **3.00.03 DUTY OF CITIZENSHIP**

Jury service, unless excused by law, is a responsibility of citizenship. The Court and its staff should employ all necessary and appropriate means to assure that citizens fulfill this important civic responsibility.  
(Effective January 1, 1994)

### **3.00.04 POLICY FOR GRANTING EXCUSES FROM JURY SERVICE**

Pursuant to Code of Civil Procedure § 204 and § 218, the criteria for granting excuses from jury service on the ground of undue hardship include:

A. No class or category of persons will be automatically excluded from jury duty except as provided by law.

B. A statutory exemption from jury service will be granted only when an eligible person claims it.

C. Deferring jury service shall be preferred to excusing a prospective juror for a temporary or marginal hardship for a period not to exceed ninety (90) days.

D. Inconvenience to a prospective juror or an employer is not an adequate reason to be excused from jury duty, although it may be considered a ground for deferral.  
(Revised January 1, 2007)

### **3.00.05 REQUESTS TO BE EXCUSED**

All requests to be excused from jury service that are granted for undue hardship shall be in

writing from the prospective juror, or placed on the court's record. The prospective juror shall support the request with facts specifying the hardship and a statement why the circumstances constituting the undue hardship cannot be avoided by deferring the prospective juror's service. (Effective January 1, 1994)

**3.00.06 GROUNDS CONSTITUTING UNDUE HARDSHIP**

An excuse on the ground of undue hardship may be granted for any of the following reasons:

- A. The prospective juror has no reasonably available means of public or private transportation.
- B. The prospective juror must travel a distance exceeding one and one-half hours from the prospective juror's home.
- C. The prospective juror will bear an extreme financial burden.

In determining whether to excuse the prospective juror, consideration should be given to:

- (1) The source of the prospective juror's household income;
  - (2) The availability and extent of income reimbursement;
  - (3) The expected length of service; and
  - (4) Whether service can reasonably be expected to compromise that person's ability to support himself or herself or his or her dependents, or so disrupt the economic stability of any individual as to be against the interests of justice.
- D. The prospective juror will bear an undue risk of material injury to or destruction of property of the prospective juror, where it is not feasible to make alternative arrangements to alleviate the risk. In determining whether to excuse the prospective juror, consideration shall be given to:
- (1) The nature of the property;
  - (2) The source and duration of the risk;
  - (3) The probability that the risk will be realized;
  - (4) The reason why alternative arrangements to protect the property cannot be made; and
  - (5) Whether material injury to or destruction of the property will so disrupt the economic stability of any individual as to be against the interests of justice.

E. The prospective juror has a physical or mental disability or impairment, not affecting that person's competence to act as a juror, which would expose the potential juror to undue risk of mental or physical harm. In an individual case, except where the person is aged seventy (70) years or older, the prospective juror must furnish verification or a method of verification of the disability or impairment, its probable duration, and the particular reasons for the person's inability to serve as a juror.

F. The prospective juror's services are immediately needed for the protection of the public health and safety, and it is not feasible to make alternative arrangements to relieve the person of these responsibilities during the period of service as a juror without substantially reducing essential public services.

G. The prospective juror has a personal obligation to provide actual and necessary care to another, including sick, aged, or infirm dependents, or a child who requires the prospective juror's personal care and attention, and no comparable substitute care is either available or practical without imposing an undue economic hardship on the prospective juror or the person cared for. Where the request to be excused is based on care provided to a sick, disabled, or infirm person, the prospective juror may be required to furnish verification or a method of verification that the person being cared for is in need of regular and personal care.  
(Effective January 1, 1994)

### **3.00.07 PRIOR JURY SERVICE**

A prospective juror who served on a grand or trial jury or was summoned and appeared for jury service in any state or federal court during the immediately preceding twelve (12) months, shall be excused from jury service on request for a period of one (1) year from the date of that jury service.  
(Effective January 1, 1994)

### **3.00.08 PERSONS QUALIFIED TO SERVE AS JURORS**

The following persons are qualified to serve as jurors:

- A. A citizen of the United States;
  - B. At least eighteen (18) years of age;
  - C. A resident of the County of El Dorado; and
  - D. Able to understand, read, and speak the English language.
- (Effective January 1, 1994)

### **3.00.09 PERSONS DISQUALIFIED FROM JURY SERVICE**

The following persons are disqualified from jury service:

- A. Persons who do not possess the above qualifications;
- B. Have been convicted of a felony and whose civil rights have not been restored, malfeasance in office or other high crime;
- C. Persons presently serving as a Grand Juror in any state or federal court;
- D. A person is exempt from jury service if currently a peace officer as defined in Penal Code, sections 830.1 and 830.2(a).  
(Effective January 1, 1994)

**3.00.10 EXAMPLES OF VALID REASONS FOR A PROSPECTIVE JUROR TO BE EXCUSED**

Upon written request, the Jury Commissioner or the Court is empowered to excuse from jury service persons for which jury service would entail an undue hardship as defined in Rule 3.00.06.

No person may be excused because of a loss or impairment of sight or hearing or because of a lack of mobility alone. In addition to one of these conditions, there must be present some additional hardship. The following conditions are examples of such additional hardship permitting a prospective juror to be excused:

- A. A serious illness, if a request to be excused is accompanied by a letter from the attending physician, unless the prospective juror is seventy (70) years of age or older;
- B. A chronic illness that requires that the prospective juror be bedridden, if the request to be excused is accompanied by a letter from the attending physician;
- C. One of the types of undue hardship described in Rule 3.00.06.  
(Effective January 1, 1994)

**3.00.11 EXAMPLES OF VALID REASONS FOR A PROSPECTIVE JUROR TO BE DEFERRED**

Upon written request, the Jury Commissioner is empowered to postpone the jury service of a person for a period not to exceed ninety (90) days for the following reasons:

- A. A temporary illness, e.g., flu;
- B. A scheduled vacation which involves prepaid commitments or cannot otherwise be conveniently rescheduled;
- C. An important business demand of a nonrecurring nature which cannot be conveniently rescheduled;

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D. A work hardship, i.e., there is no one available to take the place of that particular employee at the time he or she is summoned for jury service;

E. Childcare responsibilities;

F. A full time student for whom jury service would jeopardize his or her academic standing;

G. Any other legitimate temporary hardship not expressly defined that, in the opinion of the Jury Commissioner, would justify the temporary deferment of jury service.

All persons whose jury service has been postponed may be called to jury service when the reason for the postponement no longer exists.

(Effective January 1, 1994)