

2011 FEE PROPOSAL ~ CIVIL JURY TRIALS

Submitted by Kristin Greenaway ~ AOC

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A current fee proposal is being discussed and we would appreciate feedback regarding the possible impact to jury administration. The proposal being discussed is to make advance jury fee deposits in civil actions nonrefundable and that the advance jury fee deposit shall be made on or before the date scheduled for the initial case management conference in the action. The questions we are being asked with regard to how this might impact jury administration are the following:

1. Does the jury office rely on the current deposit of advanced fees to schedule jury trials?
2. Does the jury office rely on the deposit of advanced fees in estimating the size of the jury pool?

1	Diane Collins	What I would like to see is for civil jury trial jurors get paid for the first day, unlike criminal jury trial jurors. Why do civil trial attorneys get that first day free?
2	Donald Lewin	Sonoma County has direct assignment for all civil cases and the assigned Judge schedules the jury trials as requested at case management conferences. Our local rules provide that a flat deposit of \$ 150.00 be made 25 days before the trial (5 days if an unlawful detainer proceeding). Our response is "No" to both your inquiries.
3	Debbie Jurevich	San Benito County follows the same 25 day rule as Sonoma County with regard to the jury deposit requirements. With this said, we do think that the proposal would be beneficial and would also alleviate a lot of work for refunds within the civil department, finance department etc. As for the questions, our court is a small one and our jury trial system does not rely on either one of the questions. Our answers are no. On a different note, I agree with Diane Collins regarding the civil trial juror pay on the first day. I would also like to add that our court charges parties in a civil trial for government employees. I know most courts do not, however our theory is the parties should not be allowed to have free jurors especially with financial situation our government is in.
4	Angela Braun	Santa Barbara – the answers to your questions for Santa Barbara County is no. These changes would have no impact on the Jury office
5	Kathleen Shambaugh	Contra Costa follows that statute CCP 631 (attached) controls the civil jury trials deposit. Is there a proposal to revise the legislation on this issue? We do not rely on information about civil jury trials to schedule jurors.
6	Richard Goldner	Ventura is as Contra Costa County
7	Bea Gin	Same for San Joaquin County
8	Rose Hamblin	The answer to both questions is no for Kings County
9	Shelly Long	Fresno County is the same as Sonoma County, to include the "no" to both questions.
10	Julie Griffith	The answer to both questions is no for Kern County
11	Dolores Curiel	Same for Merced

12	Melannie Looper	The answer to both questions is no for Placer County
13	Patty Baker - Georgia	No for both in Cherokee.
14	Shana Simpson	The answer to both questions is no for Sacramento
15	Arlene Cervantes	For Riverside, the answer to both questions is "no". This is not a factor for reserving jurors for a civil trial. Our court follows CCP 631 for scheduling civil jury trials
16	Diana Gifford-Tuggle	The answer for your questions for Shasta County is no. We also follow CCP 631
17	Jennifer Bolin	The answer from Imperial County is no.
18	Lynda Pierini	The answer to both questions from Madera County is no
19	Desire Leard	Mariposa Court follows the Code of Civil Procedure Section 631-636. 1. Does the jury office rely on the current deposit of advanced fees to schedule jury trials? NO 2. Does the jury office rely on the deposit of advanced fees in estimating the size of the jury pool? NO
20	Edwina Harper	Yolo, the answer to both questions is no. We also follow CCP 631 for scheduling civil jury trials
21	Therese Phelps	The answer to your questions for Plumas County is no. We also follow CCP 631

CCP 631. (a) The right to a trial by jury as declared by Section 16 of Article I of the California Constitution shall be preserved to the parties inviolate. In **civil** cases, a jury may only be waived pursuant to subdivision (d).

(b) Each party demanding a jury trial shall deposit advance jury fees with the clerk or judge. The total amount of the advance jury fees may not exceed one hundred fifty dollars (\$150) for each party. The deposit shall be made at least 25 calendar days before the date initially set for trial, except that in unlawful detainer actions the fees shall be deposited at least five days before the date set for trial.

(c) The parties demanding a jury trial shall deposit with the clerk or judge, at the beginning of the second and each succeeding day's session, a sum equal to that day's fees and mileage of the jury, including the fees and mileage for the trial jury panel if the trial jury has not yet been selected and sworn. If more than one party has demanded a jury, the respective amount to be paid daily by each party demanding a jury shall be determined by stipulation of the parties or by order of the court.

(d) A party waives trial by jury in any of the following ways:

- (1) By failing to appear at the trial.
- (2) By written consent filed with the clerk or judge.
- (3) By oral consent, in open court, entered in the minutes.
- (4) By failing to announce that a jury is required, at the time the cause is first set for trial, if it is set upon notice or stipulation, or within five days after notice of setting if it is set without notice or stipulation.
- (5) By failing to deposit with the clerk, or judge, advance jury fees as provided in subdivision (b).
- (6) By failing to deposit with the clerk or judge, at the beginning of the second and each succeeding day's session, the sum provided in subdivision (c).

(e) The court may, in its discretion upon just terms, allow a trial by jury although there may have been a waiver of a trial by jury.