

# INSUFFICIENT ENGLISH

Submitted by: Kathleen Shambaugh, Contra Costa

Who makes the initial determination of whether or not a potential juror has sufficient English language ability to serve as a juror. Is it made by jury staff when people call in before their service date OR do you call everyone in and then the judge makes the determination as part of the voir dire process?

1	Diane Collins	Mendocino County's summons has a "disqualified" portion that includes a selection that says "I am able to read and understand English". Choices are either true or false. Requests for disqualification or excuse must be received in writing so they must mark the form and mail it in. Since they are signing under penalty of perjury we must accept what they send in. We also use this choice for people who cannot read or write. Excuses them for about two years. If they come into the office I tell them that the court will expect them to speak English when they get another summons.
2	Fran Johnson	Los Angeles County uses this process also.
3	Bridget Carley	Calaveras Superior Court lets the juror make the determination and as long as they check the disqualification that they do not speak or understand the English language and sign under penalty of perjury, we excuse them.
4	Edwina Harper	Yolo County is the same as Orange County So would Yolo!
5	Rebecca Hayes	Monterey processes these requests the same. If there is any question, the judicial officer decides based upon the nature of the case during voir dire in the courtroom.
6	Sherry Spears	Fresno lets the juror make the determination and as long as they check the disqualification that they do not speak or understand the English language and sign under penalty of perjury, we excuse them. For a time we interviewed jurors using specific questions but the court continued to have problems with jurors assigned that did not speak English well enough to understand, so our bench adopted this policy where we let the jurors self determine.
7	Shana Simpson	Sacramento has the same business practice as Fresno. Sacramento excises for 18 months.
8	Joe Yniquez	Stanislaus has the same policy as Orange. Unfortunately, we don't leave it up to jurors to determine their qualifications in regards to language. We get them all the time with occupations such as engineers, nurses that have requested to be excused due to language that we've denied.
9	Nellie Jaime	San Bernardino County has the same policy as Orange and Stanislaus
10	Diana Gifford-Tuggle	Shasta we allow jurors to check the "I do not have sufficient knowledge of the English language" box and sign the excuse form under penalty of perjury. 2 <sup>nd</sup> answer to this "we use the "language" excuse which will defer service for approximately two years. Some jurors are able to better understand English after that time period.
11	Tammy Boragnine	Amador county excuses as "no English" for 1 year.

## FLAGGING INSUFFICIENT ENGLISH JURORS

1	Diane Collins	I have asked JSI if there is a way to track people who request to be excused because of language. I would like to be able to have those flagged and when they request again an excuse for the same reason the flag pops up, something similar to that. Maybe if enough of us request that kind of report JSI could set it up for us.
2	Debra Cravea	Napa would be very interested in a Flag also
3	Kathleen Shambaugh	Contra Costa would be interested. Others?

4	Carol Sharek	Tehama is very interested in some way of tracking them. Thanks Carol Sharek
5	Robert Parrot	<p>What we are hoping for in Mendocino is a message box that pops up in the middle of the screen when the Juror Activity History C095 screen is displayed. Popping up a message box, rather than referring to a printed report or having the note displayed somewhere on the one of the juror information screens, would make the warning more obvious. The Juror Activity History screen is what we often work from when we have contact with a juror.</p> <p>The message box could be activated in one of two ways:</p> <ol style="list-style-type: none"> <li>1. When a Juror Activity History screen is displayed, the Activity/Reason description for the Service End code would be displayed in a message box. For example, if the defendant was disqualified for insufficient English, (Type DQ Code LG in our system) a message box would appear showing "Language Barrier." You either click OK or hit Enter to make the box go away. A checkbox would need to be added to the Service End Reason screen and database. If checked, the message box pops up showing the description. <p>If there were multiple Service End records, each one that has been marked would be listed in the same message box. For example if a person has been disqualified twice before as a caregiver and once for service as a Grand Juror, and we have these reason codes marked, all three of the reason descriptions would show in the message box.</p> </li> <li>2. Unique text can be entered for each person using the Juror Comment screen. A checkbox, unique to each comment entered, would be added to indicate the comment should be displayed as a message. When the juror record is selected, a message box pops up showing the description.</li> </ol> <p>Either of these methods would satisfy our court's desire to be notified when a juror has been disqualified previously for language issues. We would prefer the first method, as once it is set up, it causes no extra work for jury staff, and can be applied to any excusal or disqualification reason code. The second method will also work, however, it requires the text of the comment to be typed for each juror. While not our preferred solution for this request, it could be very helpful for other situations where we would need a custom message to appear when a juror record is selected. We find both of these proposed features valuable in their own way.</p>