

ONE DAY/ONE TRIAL

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We are a small court. In one courthouse we have two departments and in another courthouse we have one. When we call in a jury panel, they are already assigned to a department with a trial. We have no assembly rooms. Once the jury is seated, after orientation, the Judge goes through hardships. Once he has reviewed them, he may defer service for some, anywhere from 30 days to 6 months.

It has brought up the question as to what exactly is one day/one trial? My interpretation of the rules of court is that the Judge is correct for deferring their service. They have not been discharged and they have not sat through the entire jury selection. They are already assigned to a department.

I would like to hear from other members on what your take is and how your court handles this.

1. Do you defer jurors on the day of service?
2. Is there other code sections to reference?

1	Sherry Spears	In Fresno many of our judges will instruct jurors to postpone because they were only available for one-day and not one-trial. Most of these postponements are on their first day and we will remove their attendance in JSI and reschedule them. Occasionally we'll have a juror that is postponed by the court on the 2 nd day and we will leave their attendance in when this happens.
2	Rebecca Hayes	In Monterey, if a juror is sent to a trial department on a panel and is excused because the time estimate of the trial prohibits them from serving, they would get sent back to the pool and sent to another courtroom if necessary. We only defer service of jurors who do report, prior to them being put on a panel and being sent to a courtroom. We interpret CRC 2.1002(b) One trial, and (c) One-day/one-trial to include jurors who report, are sent to a courtroom and are sworn. Example, if we only have 1 jury trial proceeding and send a panel – any juror who couldn't serve because of the length would be excused (not deferred) because we wouldn't have any other trials that day to send panels to.
3	Diane Collins	In Mendocino County after they are sent to the courtroom we consider that their service, except when a long trial is starting. If they are not able to serve for the length of that trial they are sent back to the assembly room, attendance is deleted for that day and they are postponed to a different day. Most of our trials are 2-3 days so on the longer trials the judges(me) don't want to lose the service of too many jurors.
4	Deborah Preston	In Marin, if the juror is sent to court but states during voir dire that he/she is unable to serve due to scheduling conflicts, the judge will often reschedule. However, in the Jury office we encourage jurors to change their service date ahead of time if there's a schedule conflict.