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Economy & Efficiency Commission Presentation

Editorial Note: Although every effort has been made to insure the accuracy of the material in this presentation, the scope of the material covered and the discussions undertaken lends itself to the possibility of minor transcription misinterpretations.

**PRESENTATIONS BY
Ms. Gloria Gomez
Director of Juror Services, Los Angeles County Superior Court
Los Angeles County**

November 5, 2009

OVERVIEW OF THE LOS ANGELES COUNTY SUPERIOR COURT, JUROR SERVICES

Chairman Barcelona greeted Gloria Gomez, Director, Juror Services, and welcomed her while turning it over for Ms. Gomez to speak to the Economy and Efficiency Commission.

Juror Services Overview

Ms. Gomez stated that the response rate for jury duty has improved tremendously. She stated that while nearly two-thirds of the potential jury pool either ignores the summonses or cannot be located for service, more than 1 million people have responded. This number represented a significant increase over the single digit response rates of the mid-1990s before the one-trial system was gradually implemented statewide.

Ms. Gomez stated that efforts to reach everyone eligible for jury services are hampered by a high proportion of address changes. Of the 3 million in this fiscal year, about 15.5 percent were undeliverable and 33.7% simply did not respond. Only about 50 percent of Jurors responded to the summonses.

Ms. Gomez stated that the selection of Jurors come from a Master List which is provided by DMV and the Registrar-Recorder's Office. She stated that summonses are sent to prospective jurors approximately six weeks prior to the month of service. Ms Gomez stated that the prospective juror is requested to complete the Juror Information Form and return it immediately. She also stated that the California Code of Civil Procedures (CCCP) 191 states that "the Legislature recognizes that trial by jury is a cherished constitutional right, and that jury service is an obligation of citizenship." She stated that Jury duty is a responsibility that all qualified citizens must share. Ms. Gomez stated that without the support from all eligible citizens they could not maintain their jury pool, and thus, the high quality of our judicial system.

Ms. Gomez stated that failure to report to service on the day instructed on the summonses may subject a person to a fine of up to \$1,500. Ms. Gomez stated that if one is asked to report for service and he or she is not selected on any case on the day of reporting, his or her term of service is complete. But if one is selected to serve on a trial, the term of service will be the length of that trial. She stated that the average trial lasts

from 5 to 7 business days.

Ms. Gomez stated that the California State law and court policy establish the legal grounds for excuse from jury duty. Each request for excuse is reviewed circumspective on an individual basis by the Jury Commissioner or his or her staff based on the law and court policy. She stated that many reasons for jurors to request to be excused are based upon medical, financial, or educational hardships. She stated that a written note detailing the "undue hardship, extreme inconvenience, or public necessity" is required for all hardship requests. Ms. Gomez stated that medical excuses are closely reviewed and this hardship requires a medical note from a physician and the excuse is usually only good for one year. Ms Gomez stated that if the Court location deterred someone from serving then he or she may requests to change the service court location to which originally summoned, but a legally sufficient reason in writing indicating why one is unable to report to the courthouse to which one was randomly summoned must be provided. She stated that only a true hardship is grounds for a transfer. She stated that this is also a matter closely reviewed by the Jury Commissioner and his or her staff. She also stated that financial hardship requires a statement in writing from the employer regarding the company's policy to pay (or not pay) regular wages during jury duty. Educational hardships require a copy of the class schedule showing the time of day that conflict. Ms. Gomez stated that if one has a hardship that prevents him or her from serving on jury duty, the court's preference is to reschedule him or her to a different day, week, or month within a 6 month period. However, the court recognizes that sometimes hardships are more complicated, and jury duty is sometimes excused.

Ms Gomez stated that one is only obligated to serve jury duty once every 12 months. She stated that if one receives a summons for jury service but has already served within the year then he or she will still need to complete the summons as requested and then requests to be excused based on his or her previous service (Section B, No. 13 on the jury summons).

Questions

Commissioner Soteras stated that his sister still receives a summons every other year even after she moved to Greece about 30 years ago. Ms. Gomez replied that the DMV and the Registrar-Recorder are the court's source list. Ms. Gomez also stated the reason that she continued to receive a court summons could be because she never changed her address with DMV or even reported a permanent address change.

Commissioner Soteras asked whether those that do not qualified for Juror Service are removed from the list. Ms Gomez replied that they still remain on the list. She further stated that the reason of not qualifying could be because of citizenship reasons and if one is not a citizen this year, he or she may apply next year and become a citizen and by law the court can not exclude you.

Commissioner Fuhrman asked that since a record of the 477,000 residents came back undeliverable this year, does her office send them out again next year. Ms Gomez replied that if an address is undeliverable from three master files in a row then her Department will remove that address permanently.

Commissioner Cox asked whether there is a follow up to the 49,000 records of "failure to appear." Ms. Gomez replied that every person that fails to appear after they the court that they are able to serve receive several notices by mail until the court does hear from them. Ms. Gomez stated that the non-responders are a different group all together. She stated that this group of people receive an affidavit and just fail to respond. She stated that most people do not realized that it is a court order to respond to a summons. She also stated that there are two programs to address the non-responders. The first program is called the sanction program. She stated that her Department selects a group of individuals that are not responding and send them 3 different notifications and the last one is an order to show cause and come before a judge to explain why they failed to respond to the summons and notices. Ms. Gomez went on to say that if the judge is not satisfied with the explanation there will be a fine starting at \$250.00 for the first offense and could go up to \$1500.00 for the third offense. Anything after that offense one will be fined an additional \$1500.00 per offense. She stated that these fees are mandatory to pay, and if one fails to show up or do not pay then it goes to a collection agency. The second program is called a non-response postcard.

Commissioner Fuhrman asked that among the non responders, how many are in the compliance program and

how many are in the postcard program. Ms. Gomez replied about 10 percent are in the compliance program and the postcard program has its own statistics.

Commissioner Otto asked in what month her Department generates the mailing for summonses. Ms. Gomez replied that the mailing for summonses are done on a weekly basis and not always done at the beginning of the fiscal year but that her Department tries to began as close to the fiscal year as possible. She stated that they take at least 45,000 to 50,000 people from the master file randomly every week.

Commissioner Otto asked whether someone can be called twice in a year since the master list is done on a random basis. Ms. Gomez replied that someone could possibly be called twice but he or she only has to serve once in a twelve month period. She stated that the system receives names from the Registrar Recorder's Voters list and the Department of Motor Vehicle drivers or identification card holders list. If for any reason that a name, address, or date of birth varies (.e. John Doe vs. John A. Doe) on either list, the computer program would not recognize that the records may be the same person. She stated that in such situations someone may receive two summonses.

Commissioner Cox asked what impact if any has the furlough had on the Superior Court Juror Services Division. Ms. Gomez replied if it had not been for the technology that her Department has invested in Juror Services there would have been serious problems. She also stated that her Department may be the only one that is not having problems with the curtailments or furloughs.

Chairman Barcelona expressed his appreciation to Ms. Gomez for coming to speak to the EEC and the Commissioners applauded.

[Return to Top of Presentation](#)

[Return to Agenda](#)



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