

# Judicial Council of California • Administrative Office of the Courts

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## INVITATION TO COMMENT

### SPR11-25

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Title	Action Requested
Civil Trials: <i>Juror Questionnaire for Expedited Jury Trial</i>	Review and submit comments by June 21, 2011
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Approve new form MC-003	January 1, 2012
Proposed by	Contact
Civil and Small Claims Advisory Committee Hon. Dennis M. Perluss, Chair	Anne Ronan Office of the General Counsel 415-865-8933 phone <a href="mailto:anne.ronan@jud.ca.gov">anne.ronan@jud.ca.gov</a>

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### Issue

The Expedited Jury Trial Act (Assem. Bill 2284 [Evans]; Stats. 2010, ch. 674) (AB 2284) went into effect on January 1, 2011, as did new rules of court to implement court procedures for the shorter trials. In order to speed up jury selection in expedited jury trials, Cal. Rules of Court, rule 3.1548 was adopted, limiting voir dire time allotted to each side and encouraging parties to submit a joint form questionnaire to be used with prospective jurors. A proposed optional juror questionnaire form has been developed to be used in such cases.

### Discussion

The goal of the new expedited jury trial procedures is to complete a trial in a single court day, if possible. The rules adopted by the Judicial Council include limitations on the time to be spent in selecting a jury, with each side limited to 15 minutes of voir dire. The rule also encourages the use of a form juror questionnaire with prospective jurors in order to expedite the voir dire process. (Cal. Rules of Court, rule 3.1549.) The parties are encouraged to agree in advance to the content of such a questionnaire and to submit it to the court as part of the pretrial submissions to be considered by the court at the pretrial conference. (Rule 3.1548(b)(5) and (f)(7).) The proposed juror questionnaire, with only a single page of questions, has been developed to assist parties in this process.

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

The first page of the proposed questionnaire, introduction and instructions for the jurors, is based on the instruction page in *Juror Questionnaire for Civil Cases* (form MC-001, page A).

The second page, the one-page questionnaire itself, differs in length and detail from the general civil questionnaire, which is four pages long, with an additional page for use in personal injury cases. The questionnaire seeks information regarding the prospective juror's age, residence, number of children, if any, and type of car owned. It asks for occupation and place of employment for the prospective juror and any adults living with him or her. The form inquires into the educational background of the juror. It also asks if the prospective juror has served on a jury before, been involved in a lawsuit, or has experience in areas that might involve lawsuits (claims evaluation, law, law enforcement, accident reconstruction, or medicine). It asks how the juror gets news and information.

At the bottom of the form there is a verification and signature line, using the same language as in *Juror Questionnaire for Civil Cases* (form MC-001, page E).

# JUROR QUESTIONNAIRE

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## Introduction and Instructions

Thank you for coming to court as a potential juror. Before the case can start, a jury must be selected. The judge and the people involved in the case need to know something about you in order to select jurors who can be fair to both sides.

Everyone has attitudes and opinions that are shaped by their life experiences. Sometimes these experiences can make it difficult to look at a certain issue in an unbiased and unemotional way. As a juror, you must return a verdict based on the law and on the facts proved in court, not on emotion or on other views not supported by the evidence. The judge will give you instructions on the law and on how you should go about deciding the case. You must listen to and follow the judge's instructions.

The questions on this form are designed to help the court and the lawyers learn something about your background and your views on issues that may be related to this case. The questions are asked not to invade your privacy, but to make sure that you can be a fair and impartial juror. If there is any reason why you might not be able to give both sides a fair trial in this case, it is important that you say so.

The judge has decided to use this form to save time and to give you a chance to tell the court and the lawyers about yourself.

If there is anything you do not want to talk about in open court, please circle the question number. After you have finished the questionnaire, let the clerk know that you have circled one or more question numbers.

Do not write on the back of any page. Use an additional sheet of paper.

If you are called to the jury box, your answers to this questionnaire become a matter of public record, just as if you had answered the questions aloud in the courtroom.

If you have trouble reading, understanding, or filling out this form, please let the court clerk know.

**PLEASE REMEMBER THAT YOU ARE ANSWERING THESE QUESTIONS UNDER PENALTY OF PERJURY. YOUR ANSWERS MUST BE TRUE AND COMPLETE. THANK YOU FOR YOUR HELP IN SELECTING A FAIR JURY.**

# JUROR QUESTIONNAIRE

PLEASE PRINT ALL ANSWERS LEGIBLY

FULL NAME: \_\_\_\_\_

**General Information**

1.1 Age: \_\_\_\_\_

1.2 Area, neighborhood, or community in this county where you generally live *(do not give your street address)*:  
\_\_\_\_\_

House       Apartment       Own       Rent

1.3. Do you have children? Yes  No

If yes, how many? \_\_\_\_\_ Ages: \_\_\_\_\_

1.4. Do you have a motor vehicle? Yes  No  If yes, Own  Lease

Vehicle description *(year, make, and model)*: \_\_\_\_\_

**Employment**

2.1. Are you employed? Yes  No  If yes, occupation: \_\_\_\_\_

Current employer: \_\_\_\_\_

**Relationship Information**

3.1. Are there other adults in your household?  Yes  No

If yes, their occupations: \_\_\_\_\_

**Education**

4.1. High school graduate: Yes  No

4.2. College graduate: Yes  No  If yes, degree obtained: \_\_\_\_\_

4.3. Post-graduate degree: Yes  No  If yes, degree obtained: \_\_\_\_\_

**Prior Jury Service**

5.1. Have you served on a jury before? Yes  No  If yes: Civil  Criminal

**Other Experience**

6.1. Have you, a relative, or a close friend been a plaintiff or defendant in a lawsuit? Yes  No

If yes, describe: \_\_\_\_\_

6.2. Do you or anyone close to you have training or expertise in any of the following areas *(check all that apply)*:

- Evaluating claims for loss or damage       Law Enforcement
- Law       Accident reconstruction or biomechanics
- Medicine       Specialized training in \_\_\_\_\_

**Information Source**

8.1 From where do you get the latest news? *(check all that apply)*:  
 Television       Newspapers       Internet  
 Radio       Magazines       Other

**I declare under penalty of perjury under the laws of the State of California that the responses I have given on this Juror Questionnaire and on any attached sheets are true and correct to the best of my knowledge and belief.**

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(SIGNATURE)

## Item SPR11-25 Response Form

**Title:** Civil Trials: Jury Questionnaire for Expedited Jury Trials (approve form MC-003)

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: \_\_\_\_\_

\_\_\_\_\_

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**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

- Commenting on behalf of an organization**

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

### **To Submit Comments**

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

Internet: [www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm)

Email: [invitations@jud.ca.gov](mailto:invitations@jud.ca.gov)

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<b>DEADLINE FOR COMMENT: 5:00 p.m., Monday, June 20, 2011</b>
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*Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.*