APPENDIX C

Laws Pertaining to Jury Service

I. Juror Obligations

Code of Civil Procedure section 191

"The Legislature recognizes that trial by jury is a cherished constitutional right, and that jury service is an obligation of citizenship. It is the policy of the State of California that all persons have . . . an obligation to serve as jurors when summoned for that purpose . . ."

California Rules of Court, rule 2.1008(a)

"Jury service, unless excused by law, is a responsibility of citizenship. The court and its staff must employ all necessary and appropriate means to ensure that citizens fulfill this important civic responsibility."

II. Hardship Excuses

California Rules of Court, rule 2.1008(b)(4)

"Inconvenience to a prospective juror or employer is not an adequate reason to be excused from jury duty, although it may be considered a ground for deferral."

III. Contempt Punishment

Code of Civil Procedure section 209(a)

"Any prospective trial juror who has been summoned for service, and who fails to attend as directed or to respond to the court or jury commissioner and to be excused from attendance, may be attached and compelled to attend. Following an order to show cause hearing, the court may find the prospective juror in contempt of court, punishable by fine . . . as otherwise provided by law."

Code of Civil Procedure section 1209(a)(5) and (10)

"The following acts or omissions in respect to a court of justice, or proceedings therein, are contempts of the authority of the court:

> 5. Disobedience of any lawful judgment, order, or process of the court;
> 10. When summoned as a juror in a court, neglecting to attend or serve as such . . ."

Code of Civil Procedure section 1218(a)

Punishment for contempt of court is a fine up to $1,000 for each finding of

contempt.

IV. Employer Retaliation

Labor Code section 230(a)

"An employer may not discharge or in any manner discriminate against an employee for taking time off to serve as required by law on an inquest jury or trial jury, if the employee, prior to taking such time off, gives reasonable notice to the employer that he or she is required to serve."

Labor Code section 230(e)

"Any employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated or retaliated against in the terms and conditions of employment by his or her employer because the employee has taken time off [to serve on an inquest jury or trial jury] shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by the acts of the employer. Any employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure or hearing authorized by law is guilty of a misdemeanor."

Labor Code section 230(f)(1)

"Any employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated or retaliated against in the terms and conditions of employment by his or her employer because the employee [has taken time off to serve on an inquest jury or trial jury] may file a compliant with the Division of Labor Standards Enforcement of the Department of Industrial Relations pursuant to Section 98.7."