



## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

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March 3, 2006

Hon. Alan Nakanishi  
Member of the Assembly  
State Capitol, Room 5175  
Sacramento, California 95814

Subject: AB 1993 (Nakanishi), as introduced - Oppose

Dear Assembly Member Nakanishi:

The Judicial Council opposes AB 1993, which exempts a person who holds an active license as a registered nurse from jury service. Jury service, unless excused by law, is a responsibility of citizenship. Statutorily exempting from jury duty broad categories of persons reduces the number of available jurors, makes it more difficult to select representative juries, and unfairly increases the burden of jury service on other segments of the population. Categorical exemptions are unnecessary because existing law and rules of court authorize courts to accommodate prospective jurors' schedules or grant a hardship excuse in appropriate circumstances.

Many individuals are willing to serve, but have work-related scheduling problems, or must find substitutes or replacements for their work to continue. The Judicial Council adopted a rule of court last year directing jury commissioners to accommodate a prospective juror's schedule without requiring a court appearance. (*See California Rules of Court, rule 858.*) Accommodating those scheduling or work issues by, for instance, allowing the juror to select a date certain on which to appear, will ensure that jurors are inconvenienced as little as possible and used most efficiently. In 2000, the Judicial Council adopted a rule of court requiring all courts to implement a one-day/one-trial system of jury service. All courts have done so. Under this system, jurors are frequently able to fulfill their civic responsibility in one day. (*See California Rules of Court, rule 861.*) Under existing hardship rules, lack of transportation, personal obligation to provide care for another, and the fact that a prospective juror's services are immediately needed for the protection of the public health and safety are all grounds constituting undue hardship. (*See California Rules of Court, rule 860.*)

Opposition to AB 1993 is consistent with council action on similar bills over the last several years. In 2004, bills were introduced granting categorical exemption from jury duty to harbor port police (AB

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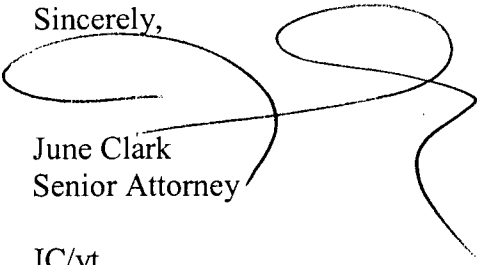
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270), single mothers of children under age 6 (AB 1978), people 75 years or older (AB 2253), and parole, probation, and correctional peace officers (AB 2271). In 2000, a bill was introduced exempting the self-employed from jury duty (SB 1864). While these bills failed passage, they indicate the danger of carving out segments of the population in a piecemeal way. Adequate tools exist under current law to address an individual prospective juror's scheduling needs.

For these reasons, the Judicial Council opposes AB 1993.

Sincerely,



June Clark  
Senior Attorney

JC/yt