



DRAFT

**Uniform Local Rules
of the
Marin County Superior Court**

July 1, 2022

SUPERIOR COURT OF CALIFORNIA
County of Marin



NOTICE

**Revision of the Uniform Local Rules of Court
for July 2022**

(California Rule of Court 10.613)

The Judges of the Marin County Superior Court have approved a draft set of proposed Local Court Rules. As authorized under CRC 10.613, they are posted on the internet at the following web page address of the Court:

<http://www.marincourt.org/data/PDFs/ULRD.pdf>

Should an individual or organization not have access to the internet, a printed copy of the local rules of court may be obtained at a cost of \$40.00 by writing the Court at:

Marin County Superior Court
Court Executive Officer
Attn: Local Rules of Court
P.O. Box 4988
San Rafael, CA 94913-4988
administration@marincourt.org

Written comments or proposed changes should be submitted to the above no later than **Monday, May 16, 2022 by 4:00 p.m.**

Should you need additional information regarding the proposed revisions, please call Court Administration at (415) 444-7020, or email administration@marincourt.org.

March 30, 2022

1.17 JUROR QUALIFICATION AND SELECTION

A. Jury Commissioner. The Court Executive Officer is appointed as the Jury Commissioner and is designated as the "attaché" of the Court to perform all functions set forth in the Trial Jury Selection and Management Act (Code of Civil Procedure § 190 et seq.). Said functions may be performed by such Deputy Jury Commissioner as may be designated by the Court Executive Officer.

B. Source Lists. All persons selected for jury service shall be selected at random, from a source or sources inclusive of a representative cross section of the population of the area served by the court. Marin County Superior Court will use the list of registered voters, ~~and~~ the Department of Motor Vehicle's list of licensed drivers and identification card holders, and the list of resident state tax filers from the Franchise State Tax Board.

These ~~two-three~~ source lists are combined for use in the computer; using predetermined matching criteria, the computer then compares the names on the ~~two-three~~ lists and eliminates any duplicates which results in a single merged file list. In addition, the following process will occur in order to create a master file list and to generate a master list.

1. *Elimination of Deceased and Disqualified Names.* The merged list will be compared to the most recent list of death certificates provided by the Local Registrar of Births and Deaths. Any duplicates will be automatically purged from the merged list by the computer. The names and service records of jurors who served during the past 24 months will also be prepared for input and then compared with those in the merged file. The computer will be programmed to skip the name of a citizen who has served within 24 months of the date for which names are drawn.

2. *National Change of Address System.* Once the master list file is created it will be compared to the United States postal National Change of Address (NCOA). This is a file containing 113+ million permanent change of address records. This will assist in eliminating additional inconsistencies and duplications in the master list and remove all those potential jurors no longer living in Marin County.

3. *Master List Generation.* After the source lists are combined, duplicates eliminated, and disqualified individuals purged, as set forth in this rule, a master list will be produced by using the complete randomization technique and shall be generated at least once each year.

C. Qualification and Summoning. Qualifying and summoning prospective jurors from the master list will be performed as one integrated process. This is also known as a "one-step process". On a daily basis, one month prior to each jury term, the jury clerk will determine the number of potential jurors to summon, based on the usual summons yield and the anticipated calendar load. The correct number of names from the master list will be input and a summons/questionnaire will print for the individuals selected.

1. *Randomization – Method of Selection.* Before the selection process is begun each month, the master list will be updated. No new names will be added to the file, but deletions will be made on the list where required. The names of those persons whose deferred service date falls within the month for which selection is being made, and is more than thirty (30) days from their initial service date, will be added to the list of jurors for

that date. The names of these jurors will be distinguished on the list from those selected at random.

The selection process, using the complete randomization technique, will be performed by the computer drawing names from the master list. This selection method implies that each name from the combined source list is assigned or already has associated with it a number which is matched to a computerized random number generator or to a random number table as a means of selecting a subset or sample.

2. *Specifications of Forms.* The qualification/summoning forms generated by the computer will include:

a. A summons and response form for juror use in reporting disqualification or requesting excuse by mail. The summons forms will instruct the prospective juror to telephone a special number or use the Court's online juror system (http://www.marincourt.org/jury_services.htm) between the hours of 5:00 p.m. of the evening prior to his/her service date and 8:00 a.m. that morning, in order to find out if they need to report or not.

b. Information on jury duty including the date, time, and a map showing the location of the jury assembly room, telephone numbers to call, and a brief outline of his/her duties.

All forms will elicit only information necessary to determine the qualification of the prospective juror and will not be made public until he/she has been summoned and has appeared at the courthouse.

3. *Delivery and Follow-up.* The specified summons and qualification forms will be sent by first-class mail. As provided by CCP § 209, any prospective trial juror who has been summoned for service, and who fails to attend upon the court as directed or to respond to the court or jury commissioner and to be excused from attendance, may be arrested and, following an order to show cause hearing, the court may find the prospective juror in contempt of court, punishable by fine, incarceration, or both, as otherwise provided by law.

D. Disqualification, Exemption, Excuse and Postponement Policy.

1. *Disqualification.* All persons are eligible and qualified to be prospective trial jurors with the exception of those described in Code of Civil Procedure § 203.

2. *Exemptions.* In accordance with Code of Civil Procedure § 204, no eligible person shall be exempt from service as a trial juror by reason of occupation, race, color, religion, sex, national origin, or economic status, or for any other reason. Any request for a permanent excuse or exemption due to medical or other reasons, requires approval and authorization by the Jury Commissioner or designee.

3. *Excuses.* Please see California Rule of Court 2.1008(d) for reasons that allow a juror to be excused from jury service. Excuses may only be requested after a person has been summoned for jury duty.

4. *Postponement.* A potential juror may request postponement of jury service for up to ninety (90) days. Postponements may be obtained by calling Jury Services or using the Court's online juror system (http://www.marincourt.org/jury_services.htm).

E. Term of Service. The term of service is one trial/one day and is considered fulfilled when he or she has:

1. Served on one trial until discharged.
2. Been assigned to a trial department for jury selection and served until excused by the Deputy Jury Commissioner.
3. Attended court but was not assigned to a trial department for selection of a jury before the end of that day.
4. Served one day on call with same day notice to appear in court.

[Rule 8.17 adopted effective 5/1/98; amended 7/1/19; renumbered as Rule 1.17 effective 1/1/22]

7.35 REMOTE APPEARANCES IN DOMESTIC VIOLENCE RESTRAINING ORDER HEARINGS

Pursuant to California Family Code section 6308, a party or witness may appear remotely at a hearing on a petition for a domestic violence restraining order. Instructions and procedures for remote appearances in such cases can be found on the Court's website at: [hyperlink](#).