

June 25, 2002

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne Brathwaite Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

REPORT ON JURY SUMMONS

On April 2, 2002, the Board approved a motion from Supervisor Molina instructing my office, in conjunction with the Registrar-Recorder/County Clerk, the Presiding Judge of the Superior Court, and the Executive Officer/Clerk of the Superior Court's Jury Services Administrator, to:

- Investigate all options to reduce or eliminate the occasions on which Jury Summons are sent to the former addresses of deceased people;
- Reduce or eliminate the burden on families of the deceased people to whom the summons are sent;
- Report back with options that include: a) changing the Jury Summons excuses questionnaire to include a box to inform the Jury Commissioner that the potential juror is deceased and to provide the date of death; b) providing electronic access or transfer of the death certificate information from the Registrar-Recorder/County Clerk to the Executive Officer/Clerk of the Superior Court's Jury Services Administrator; and
- Include in the report how the Jury Summons may be revised to inform citizens how and under what circumstances they may obtain permanent medical excuses from jury service.

Issues

On April 16, 2002, my staff met with representatives from the Juror Services Division of the Superior Court (JSD) and the Registrar-Recorder/County Clerk (RR/CC). The following issues were identified and discussed:

- **The Potential Jurors List Contains Canceled and Inactive Voters**

The JSD annually receives the Registered Voters File from the RR/CC and the Licensed Drivers File and Identification Card holders list from the Department of Motor Vehicles to create the master list of potential jurors. The JSD then removes the records of deceased voters, drivers, and identification card holders by matching them against the Department of Health Services' (DHS) Death File. Deceased persons whose death records do not yet appear on the DHS' Death File will remain on the master list and will be summoned for jury service. When a deceased resident is summoned and a copy of a death certificate is provided to the JSD by the family of the decedent, the person is permanently removed from future master lists of jurors.

- **The Handling of Deceased/Canceled Voters**

The Court is aware that the RR/CC has the capacity to delete deceased voters from the Voter File before providing it to the Court. However, in as much as the Court has strict legal requirements to show any and all potential jurors who are included or excluded during the formation of a master list and due to California Code of Civil Procedures, Section 203 which provides strict guidelines on jury service exclusions, the JSD has continued to request the entire Voter File from the RR/CC, which includes deceased/canceled voters.

- **Timing of Information Received and the Creation of the Potential Juror List (List)**

Since the List is created annually, regardless of the mechanism used to exclude the deceased, deaths that occur after the creation of the master list will not be updated. Those deceased persons will, therefore, remain on the master list as potential jurors. When the potential juror is summoned and the JSD receives official notification from the family that the potential juror is deceased, his or her record will be permanently excluded in future master lists.

Proposed Solutions And Other Related Options

In response to the Board's requests, the RR/CC and the JSD collaborated in developing the following solutions:

- **Reduce or Eliminate Jury Summons Sent to the Deceased**

The JSD has agreed to explore other options, including updating the master list after it is created. JSD and DHS have agreed to share the death file updates and apply them against the juror master list every month to eliminate as many records of the deceased as possible. This will greatly reduce the occasions on which Jury Summons are sent to deceased persons by reducing the names of deceased people appearing on the List. This process went into effect in May.

- **Reduce or Eliminate the Burden on Families of the Deceased**

Presently, the Jury Summons provides a place to indicate if the potential juror is deceased, and it requests a copy of the death certificate (Attachment 1, Section F). To further ease the burden on the families of the deceased, the JSD has agreed to modify the current Jury Summons to include the following: 1) name of the decedent as it appears on the death certificate; 2) date of birth; 3) date of death; and 4) place of death.

Family members will have the option of submitting a copy of the death certificate, as required by the current Jury Summons, or may simply provide the above information. Once the information is received, the JSD will research the RR/CC Vital Records Index System and, assuming that the deceased's record is in that system, will permanently remove the deceased person's name from the current and future master lists.

- **Electronic Access to Death Certificate Information**

The RR/CC has agreed to establish access for the JSD death information through their Vital Records Index System. With the additional information provided by the families on the modified Jury Summons, the JSD will be able to search the system and validate the death information. The estimated completion date of the on-line access is June 28, 2002. Additionally, the RR/CC has agreed to provide training to JSD staff on the use of the system.

- **Addressing Summonses sent to Former Residents of the County**

An additional program that has been instituted by the JSD is to permanently remove those whose names appear on the master list of jurors upon receipt of official proof that the former resident has moved permanently outside the County. This program was placed into operation in May. Jurors who call the Court to indicate that they have permanently relocated are now advised to provide documentation such as a copy of a utility bill, driver's license, or vehicle registration.

The current summons already permits jurors to advise the Court if they have moved. In the near future, the summons will request the jurors to provide official proof, as indicated above, to permit permanent removal from the jury rolls.

- **How and When to Obtain Permanent Medical Excuses**

The current Jury Summons contains two Sections, D and E (Attachment 1), for citizens to request medical excuses. For citizens over 70 years of age, a medical reason needs to be provided. For citizens under 70 years of age, a tending physician's statement is needed. The JSD staff reviews these sections, and if the information is determined to warrant possible permanent removal from jury service, the JSD will send out a "Request for Permanent Excuse from Juror Service" form (Attachment 2) requesting that the juror consider applying for the Permanent Excuse Program. This program applies only to those jurors with the severest and most extreme medical problems.

The Court has indicated that this procedure is the most appropriate method to legitimately remove those jurors who qualify for the program and minimize public confusion. The medical excuse that is typically requested on the summons form, when granted, excuses the juror for only a 12-month period. In order to further avoid potential confusion, the Court has agreed to provide an explanation on the summons form indicating that if the medical excuse is granted by the Court, the juror will only be excused for a 12-month period.

In addition, by using an invitation-only process the Court ensures that the Court and other County, City, State, and Federal entities and elected officials are not overburdened by a large number of unqualified requests for permanent exemption from jury service.

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Conclusion

The aforementioned solutions should greatly reduce the frequency of Jury Summons being sent to deceased people and the burden on the families who must respond to the summons. It will not, however, completely eliminate the occurrence if the original summons was not responded to. My staff will continue to work with the JSD and monitor the progress of the proposed solutions.

Please call me if you have any questions or need additional information, or your staff may contact Cindy Lee of my staff at (213) 974-6807.

DEJ:DL
WW:CYL:ljp

Attachments

c: Executive Officer, Board of Supervisors
Brian Center, First District
Alisa Katz, Third District
Conny McCormack, Registrar-Recorder/County Clerk
Gloria Gomez, Superior Court

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