

**Yolo Superior Court  
Failure to Appear for Jury Service  
Policy and Procedures**

**I. STATUTORY AUTHORITY.**

This policy is promulgated in accordance with California Code of Civil Procedure section 209 and California Rule of Court 2.1010.

**II. PURPOSE.**

The purpose of this Failure to Appear (“FTA”) policy is to implement an effective plan that will increase the number of people appearing for jury duty by reducing the number of jurors who fail to appear or respond to their jury summons.

**III. FIRST FAILURE TO APPEAR - DELINQUENCY NOTICE.**

On a juror’s first unexcused failure to appear, the Court will mail a delinquency notice to the juror. The notice will be mailed after the passage of fourteen calendar days from the date specified on the summons. The notice will inform the juror that the juror failed to appear for jury service and will direct the juror to contact Jury Services by no later than a specified date. A sample of the delinquency notice is attached as **Exhibit A**.

**IV. SECOND FAILURE TO APPEAR - SECOND SUMMONS.**

If the juror fails to contact the Court after receipt of a delinquency notice or is not excused from appearance, the Court may issue a second summons to appear for jury service to the delinquent juror after ninety (90) days have passed from the initial failure to appear. If the juror contacts the Court, the juror will be given a new date to appear for jury service.

**V. THIRD FAILURE TO APPEAR - FAILURE TO APPEAR NOTICE/ORDER TO SHOW CAUSE.**

If the juror fails to appear in response to the second summons, the Court may issue a failure to appear notice that informs the juror that the failure to respond may result in the imposition of money sanctions. (Code Civ. Proc., § 209, subd. (b).) The failure to appear notice will designate a date by which the juror must contact the Court. A sample of the failure to appear notice is attached as **Exhibit B**. If the prospective juror does not contact the Court by the date directed in the failure to appear notice, the Court may issue an order to show cause (“OSC”). (*Ibid.*) A sample of the OSC is attached as **Exhibit C**. The Court will serve the OSC by first-class mail. The OSC will include: (a) the time, date, and department in which the juror is required to appear and

demonstrate reasons for not imposing sanctions; (b) a description of the monetary sanctions which may be imposed; and (c) the date the juror initially missed jury service, the date the delinquency notice was mailed, the date the second jury summons was mailed, the date the failure to appear notice was mailed; and (d) a date by which the juror must contact Jury Services to arrange a new date for service. If the juror contacts the court by this date, the OSC will be vacated and a hearing will not be held.

#### **VI. ORDER TO SHOW CAUSE HEARING.**

OSC hearings will be held once a month. At the hearing, the juror will have the opportunity to explain why he or she did not appear for jury service. The judicial officer will determine whether to grant the juror an excuse or impose a monetary sanction. The monetary sanctions imposed may not exceed two hundred fifty dollars (\$250) for the first violation, seven hundred fifty dollars (\$750) for the second violation, and one thousand five hundred dollars (\$1,500) for the third and any subsequent violation. (Code Civ. Proc., § 209, subd. (c)(B)(2).) The Court will provide a copy of California Rule of Court 2.1010 to any juror against whom sanctions have been imposed. If the juror appears for service within forty-five (45) days of the date the OSC hearing is held, the Court may vacate any sanction imposed, upon request of the juror to the Court. The granting of such a request is within the discretion of the Court. If the juror does not appear for service, the Court will send the juror's account to Collections. If the sanction is not paid, the Court will cause the sanction to be reflected on the juror's DMV record.

#### **V. FAILURE TO APPEAR AT OSC HEARING.**

If a juror does not appear for the OSC hearing, the judicial officer may impose a monetary sanction on the absent juror. The Court will mail a notice to the juror informing the juror of the amount imposed and where to pay the sanction.

#### **VI. REQUESTS TO SET ASIDE MONETARY SANCTIONS IMPOSED BY DEFAULT.**

Requests to set aside monetary sanctions imposed by default are governed by California Rule of Court 2.1010. A prospective juror against whom sanctions have been imposed by default under section 209 may move to set aside the default. The motion must be brought no later than 60 days after sanctions have been imposed. A motion to set aside sanctions imposed by default may be made by completing and filing *Juror's Motion to Set Aside Sanctions and Order* (Judicial Council form MC-070). The Court may decide the motion with or without a hearing. If the motion demonstrates good cause, the Court must set aside sanctions imposed against a prospective juror.