

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
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Report

TO: Members of the Judicial Council

FROM: Administrative Office of the Courts
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DATE: November 17, 2009

SUBJECT: Jury Service: Technical Amendment to Sanctions for Failure to Appear Rule (amend Cal. Rules of Court, rule 2.1010) (Action Required)

Issue Statement

Code of Civil Procedure section 209 allows courts to impose monetary sanctions for failure to appear in response to a jury summons. Rule 2.1010 of the California Rules of Court implements the statute by providing a procedure that prospective jurors must use to set aside sanctions imposed by default for failure to respond to a jury summons. Both section 209 and rule 2.1010 had sunset provisions of January 1, 2010. Senate Bill 319 eliminated the sunset provision in the statute. The rule should be amended accordingly.

Recommendation

Administrative Office of the Courts staff recommend that the Judicial Council, effective January 1, 2010, amend California Rules of Court, rule 2.1010 to delete a sunset provision of January 1, 2010.

The text of the amended rule is attached at page 3.

Rationale for Recommendation

The proposed amendment would remove rule 2.101's sunset provision, which originally was included for consistency with the sunset provision of Code of Civil Procedure section 209. Section 209 sets forth the process that courts must use to impose sanctions for failure to respond to a jury summons. Although section 209 was set to be repealed on January 1, 2010, the Legislature removed the repeal provision. (Sen. Bill 319 [Harman], Stats. 2009, ch. 44.)

Because the statute will remain in existence, so should the rule which sets forth the procedure that prospective jurors must use to set aside sanctions imposed by default under section 209.

Alternative Actions Considered

The proposed action is necessary to make the rule consistent with the statutory change. No alternative actions were considered.

Comments From Interested Parties

This proposal was not circulated for public comment because it is a noncontroversial, technical revision and is therefore within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Implementation Requirements and Costs

The proposed revisions will result in standard reproduction costs.

Attachments

Rule 2.1010 of the California Rules of Court is amended, effective January 1, 2010, to read:

1 **Rule 2.1010. Juror motion to set aside sanctions imposed by default**

2

3 **(a)–(g) * * ***

4

5 **~~(h) Sunset date~~**

6

7 ~~This rule is effective until January 1, 2010.~~