

Emergency Local Rule: Discretion to Excuse Jurors for Undue Hardship (Modification of Local Rule 11.1)

1. **Authorization for Adoption of Emergency Local Rule.** This local rule has been adopted in response to the COVID-19 pandemic and is authorized by Rule 2.1008 of the California Rules of Court. In order to protect the health and safety of the public, including prospective jurors and court staff, the jury commissioner or their designee shall have the authority and discretion to excuse prospective jurors seeking an excuse from jury service on a ground of undue hardship as set forth in Rule 2.1008, subdivision (d)(2), (3), or (4), and such requests need not be submitted in person to the judicial officer hearing the case, as previously required by Solano County Local Rule 11.1(c).

2. **Modification of Current Local Rule.** This Emergency Local Rule serves to modify existing Local Rule 11.1, Discretion to Excuse Jurors for Undue Hardship, subdivisions (a), (b), and (c) (adopted effective July 1, 2018.).

3. **Delegation of Authority.** The jury commissioner or their designee shall have the authority and discretion to excuse prospective jurors for reasons of undue hardship pursuant to California Rules of Court, rule 2.1008, subdivisions (d)(1 – 7).

4. Discretion to Grant Excuses for Undue Hardship.

The jury commissioner or their designee may grant an excuse from jury services to a prospective juror on a ground of undue hardship as follows:

1. If the prospective juror has no reasonably available means of public or private transportation to the court, the excuse may be granted upon the prospective juror submitting sufficient verification to the court in the manner set forth below.

2. If the prospective juror must travel an excessive distance (a travel time that exceeds one-and-one-half hours from the prospective juror's home to the court) the excuse may be granted upon the prospective juror submitting sufficient verification to the court in the manner set forth below.

3. If the prospective juror will bear an extreme financial burden, the excuse may be granted upon the prospective juror submitting sufficient verification to the court in the manner set forth below. In determining whether to excuse the prospective juror for this reason, consideration must be given to:

(A) The sources of the prospective juror's household income;

(B) The availability and extent of income reimbursement;

(C) The expected length of service; and

(D) Whether service can reasonably be expected to compromise the prospective juror's ability to support himself or herself or his or her dependents, or so disrupt the economic stability of any individual as to be against the interest of justice.

4. If the prospective juror will bear an undue risk of material injury to or destruction of the prospective juror's property or property entrusted to the prospective juror, and it is not feasible to make alternative arrangements to alleviate the risk, the excuse may be granted upon the prospective juror submitting sufficient verification to the court in the manner set forth below. In

determining, whether to excuse the prospective juror for this reason, consideration must be given to:

- (A) The nature of the property;
- (B) The source and duration of the risk;
- (C) The probability the risk will be realized;
- (D) The reason alternative arrangements to protect the property cannot be made; and
- (E) Whether material injury to or destruction of the property will so disrupt the economic stability of any individual as to be against the interests of justice.

5. If the prospective juror has a physical or mental disability or impairment, not affecting that person's competence to act as a juror that would expose the potential juror to undue risk of mental or physical harm, the excuse may be granted upon the prospective juror submitting sufficient verification to the court in the manner set forth below. If the prospective juror is under the age of 70, the jury commissioner or their designee may also require that the prospective juror furnish verification or a method of verification of the disability or impairment, its provable duration, and the particular reasons for the person's inability to serve as a juror.

6. If the prospective juror's services are immediately needed for the protection of the public health and safety, and it is not feasible to make alternative arrangements to relieve the person of those responsibilities during the person of service as a juror without substantially reducing essential public services, the excuse may be granted upon the prospective juror submitting sufficient verification to the court in the manner set forth below.

7. If the prospective juror has a personal obligation to provide actual and necessary care to another, including sick, aged, or infirm dependents, or a child who requires the prospective juror's personal care and attention, and no comparable substitute is either available or practical without imposing an undue economic hardship on the prospective juror or person cared for, the excuse may be granted upon the prospective juror submitting sufficient verification to the court in the manner set forth below. If the request to be excused is based on care provided to a sick, disabled, or infirm person, the jury commissioner or their designee may require the prospective juror to furnish verification or a method of verification that the person being cared for is in need of regular and personal care.

5. Verification of Undue Hardship. In order to provide the Court with the required verification of the undue hardships described above, prospective jurors may access and submit an online juror hardship questionnaire at www.solano.courts.ca.gov.

6. Sunset of Rule. This rule will remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Solano County Superior Court.