



Do Californians Answer the Call to Serve on a Jury?

A Report on California Rates of Jury Service Participation

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California Citizens Against Lawsuit Abuse

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Introduction

Jurors play an integral part of the American justice system. Because a jury consists of several people with different backgrounds and experiences, a jury can arrive at a better verdict than one individual can. That's why jury service, along with paying taxes, voting, and obeying the law, is one of the duties of citizenship.

Serving on a jury offers ordinary citizens an opportunity to protect individual rights and promote the common good.

Unfortunately, too many Californians are failing to participate when called to serve on a jury, and it is harming our system of justice. Without citizens willing to serve as jurors, our system of justice does not work.

This report analyzes the participation rate among summoned jurors in California across 15 California counties. The counties chosen are the most populous in California, and combined they account for 82% of the population of California.¹

While this report is not an exhaustive examination of jury service participation in California, its results are clear: an unacceptably large portion of Californians are not completing their jury service when they are called to serve. This report also identifies some areas of concern that, if addressed, may allow counties to increase participation.

¹California Department of Finance Demographic Research,
<http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

Methodology

In order to examine the rate of jury service participation, Public Records Act (PRA) requests were made on behalf of California Citizens Against Lawsuit Abuse (CALA) to County Superior Courts in the following 15 California counties:

- Alameda County
- Contra Costa County
- Fresno County
- Kern County
- Los Angeles County
- Orange County
- Riverside County
- Sacramento County
- San Bernardino County
- San Diego County
- San Francisco County
- San Joaquin County
- San Mateo County
- Santa Clara County
- Ventura County

The weighted average of summoned jurors who were “no-shows” was 20.43 percent.

Demographic data from the California Department of Finance release by the Department on May 1, 2015, show that these counties are the fifteen most populous counties in California and combined represent 82 percent of the state's population.

County	Total Population		
		% of State	Cumulative %
Los Angeles	10,054,852	26.21%	26.21%
San Diego	3,192,457	8.32%	34.54%
Orange	3,114,209	8.12%	42.66%
Riverside	2,280,191	5.94%	48.60%
San Bernardino	2,084,151	5.43%	54.03%
Santa Clara	1,868,038	4.87%	58.90%
Alameda	1,574,497	4.10%	63.01%
Sacramento	1,456,230	3.80%	66.81%
Contra Costa	1,089,219	2.84%	69.65%
Fresno	963,375	2.51%	72.16%
Kern	868,610	2.26%	74.42%
Ventura	842,385	2.20%	76.62%
San Francisco	834,903	2.18%	78.79%
San Mateo	745,635	1.94%	80.74%
San Joaquin	708,678	1.85%	82.59%
California	38,357,121	100%	100%

Standardized categories were determined and provided to each County Superior Court. Specifically, the categories provided to each county were as follows:

- Total number of juror summons mailed
- Total number of summons that were returned or undeliverable
- Total number of jurors that failed to appear
- Total number of jurors postponing service
- Total number of jurors excused, disqualified, or exempt
- Total number of jurors that responded and were eligible/participating
- Total number of jurors that served jury duty

Data was requested for 2012, 2013, and 2014.

Additionally, the PRA request submitted to each county also contained the explanation below regarding the relationship between the categories. This was done in an attempt to obtain consistent types of information from each county to allow for a more accurate comparison.

For purposes of this request, this is the methodology used in order to standardize information between counties. For purposes of this request "Eligible/Participating Jurors" who represent those individuals that not only respond to a jury summons, but are eligible to be placed on a jury, should their service be needed (i.e. they did not postpone service, were not excused from service, were not disqualified from service, or were not exempt from service). The total number of jurors that served is then a subset of the "Eligible/Participating Jurors" that show jurors who were actually placed on a jury.

For purposes of this request, "Eligible/Participating Jurors" therefore can be determined as follows:

Total Summons Mailed – [Summons Returned/Undeliverable – Failed to Appear – Postpone – Disqual/Exempt/Excused] - Eligible/Participating Jurors

Conversely, total summons mailed equals the sum of all the other categories, not including the number of jurors that served jury duty.

For this report, the above categories were used as a base point with some additional analysis added. Despite the instructions some of the information provided by several counties did not exactly fit the above construct and the standardized categories.

For purposes of this report "Eligible/Participating Jurors" includes jurors that responded by phone and completed their jury service, but were never required to appear at the courthouse.

In general, all the counties were very responsive, responded in a timely manner and were willing and able to answer questions. However, additional clarification is still needed from one county.

Santa Clara County provided individual numbers for each courthouse. Although overall the numbers appeared to not have any issues, the individual numbers for one of the courthouses during one year seemed to stand out. However, after initial calls to the county and further review this discrepancy does not appear to have a statistically significant effect on the "Participation Rate." The county is conducting further research into this issue.

Summary of Jury Service Rates

The percentage of “no-shows” - jurors who failed to appear for jury duty and whose summons were not returned as undeliverable - varies greatly between counties, from a low of 3.9 percent in San Joaquin County to a high of 45.66 percent in Ventura County. Because Kern County provided data based on fiscal years, ending with the 2012 - 2013 fiscal year, information about the number of “no-shows” for 2014 was not available. **Across the 14 remaining counties, the weighted average of summoned jurors who were “no-shows” was 20.43 percent.**

County	Total Population	Total Summons Mailed in 2014	Jurors who “Failed to Appear” in 2014	Ratio of Jurors who “Failed to Appear” to Total Summons Mailed	Weighted Average of “Failed to Appear” Ratio
Alameda	1,574,497	945,824	95,392	10.09%	0.52%
Contra Costa	1,089,219	100,316	13,691	13.65%	0.48%
Fresno	963,375	167,880	12,941	7.71%	0.24%
Kern*	N/A	N/A	N/A	N/A	N/A
Los Angeles	10,054,852	2,010,439	600,154	29.85%	9.74%
Orange	3,114,209	690,382	122,794	17.79%	1.80%
Riverside	2,280,191	474,096	39,884	8.41%	0.62%
Sacramento	1,456,230	310,129	23,171	7.47%	0.35%
San Bernardino	2,084,151	928,032	173,235	18.67%	1.26%
San Diego	3,192,457	792,501	244,791	30.89%	3.20%
San Francisco	834,903	287,124	27,641	9.63%	0.26%
San Joaquin	708,678	141,849	5,531	3.90%	0.09%
San Mateo	745,635	214,154	16,185	7.56%	0.18%
Santa Clara	1,868,083	259,645	18,540	7.14%	0.43%
Ventura	842,385	215,941	98,604	45.66%	1.25%
14-County Sample	30,808,820	7,538,312	1,492,554		20.43%

As previously mentioned, “Participation” was calculated as eligible jurors divided by the total summons mailed in order to capture a number that could be compared across counties.

The chart below shows the participation rates for 2012 - 2014 for each county that responded to the PRA request. Also included is the 2014 population for each county, discussed above, that was obtained from the California Department of Finance. Alameda County only provided data for 2014 because data for prior years was incomplete.

County	Total Population	“Participation Rate”		
		2012	2013	2014
Alameda	1,574,497	N/A	N/A	12.32%
Contra Costa	1,089,219	55.78%	54.19%	57.09%
Fresno	963,375	43.05%	44.32%	49.66%
Kern	868,610	27.03%	31.07%	N/A
Los Angeles	10,054,852	20.07%	21.48%	21.52%
Orange	3,114,209	42.64%	44.33%	43.88%
Riverside	2,280,191	57.08%	58.68%	56.12%
Sacramento	1,456,230	43.80%	43.74%	44.19%
San Bernardino	2,084,151	45.63%	32.61%	31.34%
San Diego	3,192,457	27.43%	26.67%	25.45%
San Francisco	834,903	44.97%	45.87%	44.63%
San Joaquin	708,678	47.02%	45.32%	48.14%
San Mateo	745,635	62.49%	62.58%	57.96%
Santa Clara	1,868,083	40.24%	45.57%	46.32%
Ventura	842,385	29.57%	30.75%	27.23%

*Alameda’s “Participation Rate” was calculated at 12.32% before “Jurors Not Asked to Report for Service” - individuals who were summoned but not subsequently asked to report - were counted. This raises the county’s “Participation Rate.”

The following table shows the 2014 weighted average of participation for the fourteen counties that provided data for 2014 - which collectively account for about 80% of the state's population according to the California Department of Finance.

Note that Kern County was not included because as previously mentioned the county did not provide data for 2014.

Therefore, the weighted average participation rate for these 14 counties in 2014 was **33.93%**.

County	Total Population	2014 Participation Rate	Weighted Average
Alameda	1,574,497	12.32%	0.63%
Contra Costa	1,089,219	57.09%	2.02%
Fresno	963,375	49.66%	1.55%
Kern*	868,610	N/A	N/A
Los Angeles	10,054,852	21.52%	7.02%
Orange	3,114,209	43.88%	4.44%
Riverside	2,280,191	56.12%	4.15%
Sacramento	1,456,230	44.19%	2.09%
San Bernardino	2,084,151	31.34%	2.12%
San Diego	3,192,457	25.45%	2.64%
San Francisco	834,903	44.63%	1.21%
San Joaquin	708,678	48.14%	1.11%
San Mateo	745,635	57.96%	1.40%
Santa Clara	1,868,083	46.32%	2.81%
Ventura	842,385	27.23%	0.74%
14-County Sample	30,808,820		33.93%

Discussion

Jury service participation rates rarely grab headlines, but the weighted average of more than one-fifth of citizens summoned simply failing to appear for jury service is indicative of a widespread problem of citizens shirking jury service.

Further, this research shows that, on average, only about a third of jurors who are summoned for jury duty actually participate in jury service. This means that, on average, each county has to ask three times more people to appear for jury service than are needed in order to fill a jury because of prospective jurors' excuses, disqualification, and postponements.

Further highlights from the research include:

- Citizens failing to respond to jury summonses is a major issue statewide but is a bigger issue in some counties than others.
 - In Ventura County, more than 45 percent of summoned jurors simply do not appear for jury service.
 - In Los Angeles and San Diego Counties, approximately 30 percent of prospective jurors fail to appear for jury service.
 - In San Diego County, the number of jurors that failed to appear in 2014 was 244,791 which was higher than the 201,701 jurors that were "Eligible/Participating."
 - Of the other counties included in this study, only Contra Costa, Orange and San Bernardino Counties had "failure to appear" rates higher than 10 percent.
 - The county with the lowest "failure to appear rate" was San Joaquin County, at 3.9 percent.
- More than 7.5 million summonses were mailed in fourteen counties in 2014 (data was not provided for 2014 for Kern County).
 - Of these 982,196 summons were returned or undeliverable.
 - Another 1,492,554 individuals failed to appear or respond to the summons.
- Alameda and Los Angeles Counties had the lowest two "Participation Rates," at 12.9 percent and 21.52 percent, respectively.
 - However, Alameda counts "Jurors Not Asked to Report for Service" - individuals who were summoned but not subsequently asked to report - in a separate bucket. Once counted, this raises the county's "Participation Rate" to nearly 32%, leaving Los Angeles County as the County with the lowest "Participation Rate" in the state.
 - Several counties had "Participation Rates" near or above 50 percent, with the highest rate being in San Mateo County at nearly 58% participation.
 - Although the "Participation Rates" varied among counties, in general the rates were fairly consistent year-to-year in each county.

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Concerns about low jury service participation rates:

- In Alameda County, a study conducted by the American Civil Liberties Union of Northern California found that low jury summons response rates are creating juries not reflective of

community diversity.

- The study examining juries in 11 criminal cases in 2009 found that, on average, blacks and Latinos each made up only 8 percent of a jury while the two racial groups constituted 18 percent and 12 percent, respectively, of the county's population. Meanwhile, whites made up, on average, 54 percent of juries and Asians constitute 26 percent, while Whites constituted 54 percent of the county's population and Asians made up 15 percent.

Opportunities to improve jury service participation rates:

- The number of jury service notices that are returned or undeliverable appears to have an effect on the "Participation Rates" in most of the counties examined. Correcting this may be one way for counties to increase participation.
 - In San Bernardino County, the number of summons returned undeliverable County has increased from 146,124 in 2012 to 267,918 in 2014.
- Cracking down on citizens who fail to appear for jury duty can be effective in increasing jury participation rates.
 - In 2002, only 36 percent of citizens of Los Angeles County appeared for service. The County fined more than 3,200 individuals who failed to appear \$15,000, and fined more than 29,000 \$250 each in an effort to increase response rates. By 2007, 62 percent of individuals summoned for jury service completed their service.
 - In 1997, Riverside County sheriff's deputies began delivering second jury summons notices to prospective jurors who failed to respond to their first summons. Failure to respond to jury summonses dropped from nearly 80 percent to 19 percent.
 - San Joaquin County began fining individuals who failed to appear for jury service in 1998. Fines range between \$350 and more than \$1,000. The no-show rate in San Joaquin County dropped from 13 percent in 1998 to five percent in 2004.
- Allowing jurors to delay jury duty online and schedule it themselves may increase response rates.
 - In 2006, Orange County launched its eJuror program, which allowed jurors to postpone service up to three times per year and get new service dates based on their schedules.

Jury Participation Data for Each of the 15 Counties

Alameda County

	2012	2013	2014
Total Summons Mailed	N/A	N/A	945,824
Jurors Not Asked to Report for Service	N/A	N/A	581,731
Summons Returned/ Undeliverable	N/A	N/A	56,918
Failed to Appear	N/A	N/A	95,392
Postponed Service	N/A	N/A	16,574
Disqual/Exempt/Excused	N/A	N/A	150,338
Eligible/Participating Jurors	N/A	N/A	44,871
Jurors that Served Jury Duty	N/A	N/A	2,836
"Participation" (Eligible jurors/[Total Summons Mailed - Jurors Not Asked to Report for Service])	N/A	N/A	12.32%

Note that Alameda counts "Jurors Not Asked to Report for Service" - individuals who were summoned but not subsequently asked to report - in a separate category. Including these individuals in the calculation yields a "Participation Rate" of 31.99 percent.

The percentage of "Participation," as discussed above for Alameda County, was calculated slightly differently, given the additional category provided by the county of "Jurors Not Asked to Report for Service." For Alameda County "Participation" was calculated as "Eligible Jurors" divided by the sum of "Total Summons Mailed" minus "Jurors Not Asked to Report for Service."

Contra Costa County

	2012	2013	2014
Total Summons Mailed	83,536	94,363	100,316
Summons Returned/ Undeliverable	4,424	5,035	4,766
Failed to Appear	11,895	13,808	13,691
Postponed Service	3,906	5,062	4,382
Disqual/Exempt/Excused	16,214	18,998	19,956
Unaccounted for Jurors	503	325	251
Eligible/Participating Jurors	46,594	51,135	57,270
Jurors that Served Jury Duty	N/A	N/A	N/A
"Participation" (Eligible jurors/(Total Summons Mailed - Jurors Not Asked to Report for Service))	55.78%	54.19%	57.09%

Fresno County

	2012	2013	2014
Total Summons Mailed	174,453	176,063	167,880
Summons Returned/ Undeliverable	11,738	12,313	10,971
Failed to Appear	15,271	14,641	12,941
Postponed Service	27,634	26,803	20,383
Disqual/Exempt/Excused	44,576	44,305	40,169
Unaccounted for Jurors	136	(22)	48
Eligible/Participating Jurors	75,098	78,023	83,368
Jurors that Served Jury Duty	N/A	N/A	N/A
"Participation" (Eligible jurors/(Total Summons Mailed))	43.05%	44.32%	49.66%

Kern County

	2012	2013	2014
Total Summons Mailed	163,931	179,390	N/A
Summons Returned/ Undeliverable	13,289	14,872	N/A
Failed to Appear	40,104	47,926	N/A
Postponed Service	7,306	5,956	N/A
Disqual/Exempt/Excused	64,024	58,676	N/A
Unaccounted for Jurors	(5,109)	(3,783)	N/A
Eligible/Participating Jurors	44,317	55,743	N/A
Jurors that Served Jury Duty	3,899	3,864	N/A
"Participation" (Eligible jurors/(Total Summons Mailed)	27.03%	31.07%	N/A

Los Angeles County

	2012	2013	2014
Total Summons Mailed	2,324,163	1,978,032	2,010,439
Summons Returned/ Undeliverable	428,013	332,462	361,117
Failed to Appear	680,385	575,005	600,154
Postponed Service	88,581	90,508	102,136
Disqual/Exempt/Excused	660,619	555,193	514,482
Eligible/Participating Jurors	466,565	424,864	432,550
Jurors that Served Jury Duty	N/A	N/A	N/A
"Participation" (Eligible jurors/(Total Summons Mailed)	20.07%	21.48%	21.52%

Orange County

	2012	2013	2014
Total Summons Mailed	694,660	688,632	690,382
Summons Returned/ Undeliverable	55,558	49,956	42,620
Failed to Appear	119,535	116,811	122,794
Postponed Service	69,569	63,329	68,213
Disqual/Exempt/Excused	153,774	153,291	153,818
Eligible/Participating Jurors	296,224	305,245	302,937
Jurors that Served Jury Duty	12,857	13,219	13,793
"Participation" (Eligible jurors/(Total Summons Mailed)	42.64%	44.33%	43.88%

Riverside County

	2012	2013	2014
Total Summons Mailed	620,546	541,680	474,096
Summons Returned/ Undeliverable	78,160	73,897	57,241
Failed to Appear	43,474	41,002	39,884
Postponed Service	17,326	10,394	16,882
Disqual/Exempt/Excused	127,363	98,520	94,014
Eligible/Participating Jurors	354,223	317,867	266,075
Jurors that Served Jury Duty	85,598	75,678	71,027
"Participation" (Eligible jurors/(Total Summons Mailed)	57.08%	58.68%	56.12%

Sacramento County

	2012	2013	2014
Total Summons Mailed	308,114	303,724	310,129
Summons Returned/ Undeliverable	30,491	29,515	27,156
Failed to Appear	22,335	24,041	23,171
Postponed Service	14,351	14,852	12,539
Disqual/Exempt/Excused	105,980	102,447	109,225
Eligible/Participating Jurors	134,957	132,839	137,038
Jurors that Served Jury Duty	130,461	126,956	132,344
"Participation" (Eligible jurors/(Total Summons Mailed)	43.80%	43.74%	44.19%

San Bernardino County

	2012	2013	2014
Total Summons Mailed	995,502	940,055	928,032
Summons Returned/ Undeliverable	146,124	257,324	267,918
Failed to Appear	173,154	175,435	173,235
Postponed Service	59,781	53,237	52,472
Disqual/Exempt/Excused	162,217	147,526	143,538
Eligible/Participating Jurors	454,226	306,533	290,869
Jurors that Served Jury Duty	9,419	7,704	7,911
"Participation" (Eligible jurors/(Total Summons Mailed)	45.63%	32.61%	31.34%

San Diego County

	2012	2013	2014
Total Summons Mailed	859,423	833,729	792,501
Summons Returned/ Undeliverable	83,372	79,449	75,319
Failed to Appear	225,421	235,463	244,791
Postponed Service	36,797	34,615	31,558
Disqual/Exempt/Excused	308,209	295,043	272,209
Unaccounted for Jurors	(30,142)	(33,234)	(33,077)
Eligible/Participating Jurors	235,766	222,393	201,701
Jurors that Served Jury Duty	54,450	55,922	56,816
"Participation" (Eligible jurors/(Total Summons Mailed)	27.43%	26.67%	25.45%

San Francisco County

	2012	2013	2014
Total Summons Mailed	286,752	290,345	287,124
Summons Returned/ Undeliverable	29,253	23,920	22,700
Failed to Appear	26,169	26,839	27,641
Postponed Service	31,625	34,084	32,792
Disqual/Exempt/Excused	70,739	72,315	75,847
Eligible/Participating Jurors	128,966	133,187	128,144
Jurors that Served Jury Duty	5,543	5,225	4,302
"Participation" (Eligible jurors/(Total Summons Mailed)	44.97%	45.87%	44.63%

San Joaquin County

	2012	2013	2014
Total Summons Mailed	147,471	143,519	141,849
Summons Returned/ Undeliverable	15,506	13,623	12,224
Failed to Appear	5,315	5,056	5,531
Postponed Service	2,897	5,747	4,793
Disqual/Exempt/Excused	54,413	54,047	51,011
Eligible/Participating Jurors	69,340	65,046	68,290
Jurors that Served Jury Duty	2,392	2,280	2,206
"Participation" (Eligible jurors/(Total Summons Mailed)	47.02%	45.32%	48.14%

San Mateo County

	2012	2013	2014
Total Summons Mailed	266,780	265,388	214,154
Summons Returned/ Undeliverable	14,237	13,577	11,161
Failed to Appear	7,796	8,141	16,185
Postponed Service	10,852	10,917	8,930
Disqual/Exempt/Excused	67,175	66,669	53,754
Eligible/Participating Jurors	166,720	166,084	124,124
Jurors that Served Jury Duty	16,240	17,694	18,239
"Participation" (Eligible jurors/(Total Summons Mailed)	62.49%	62.58%	57.96%

Santa Clara County

	2012	2013	2014
Total Summons Mailed	242,980	267,160	259,645
Summons Returned/ Undeliverable	16,829	19,264	19,170
Failed to Appear	16,397	17,200	18,540
Postponed Service	48,343	44,852	41,650
Disqual/Exempt/Excused	50,344	57,252	54,318
Unaccounted for Jurors	13,299	6,845	5,690
Eligible/Participating Jurors	97,768	121,747	120,277
Jurors that Served Jury Duty	N/A	N/A	N/A
"Participation" (Eligible jurors/(Total Summons Mailed)	40.24%	45.57%	46.32%

Ventura County

	2012	2013	2014
Total Summons Mailed	210,901	213,317	215,941
Summons Returned/ Undeliverable	15,340	13,970	12,915
Failed to Appear	85,320	86,623	98,604
Postponed Service	N/A	N/A	N/A
Disqual/Exempt/Excused	47,877	47,122	45,624
Eligible/Participating Jurors	62,364	65,602	58,798
Jurors that Served Jury Duty	61,760	64,281	56,563
"Participation" (Eligible jurors/(Total Summons Mailed)	29.57%	30.75%	27.23%