

FEDERAL COURT vs STATE COURT REQUIREMENTS FOR SERVING

Submitted by Edwina Harper, Yolo

January 25, 2011

I need clarification on an issue that has just occurred. I have a juror who received a summons from this court and appeared for service on Monday, January 10th. Although he was not selected as a seated juror, he did make a physical appearance. He also received a summons from the District Court with an appearance date requirement of February 2nd. When he received this summons, he attached a copy of the proof of service he received from us and requested to be excused from this appearance since according to the Judge presiding over the trial he was part of, "... his service was complete and he is exempt from Jury service for one year."

The District Court sent our juror a letter denying his request. The juror brought in this letter from the District Court's Jury administrator so we called her. We were told that a juror would be exempt from service on the local level if they served in the district court, but they are never exempt from Federal service.

Is this true? I have never heard of this before. I was under the impression that a juror is only required to serve once in a 12 month period no matter what court they served in as long as they provided proof of service.

1	Sherry Spears	Fresno – True! We have a Federal Court not far from our court in Fresno and we communicate frequently with the jury administrator there. Federal jury duty exempts from State but not vice versa. We just had a juror report today that is summoned for Federal Court sometime in February and so she can serve both; here today and later there.
2	Joe Yniquez	Stanislaus - We do excuse pursuant to CRC, Rule 2.1008(e) but only if they appeared and served in federal court. However, federal court will not excuse if you served in a state court.
3	Lynda Pierini	Madera - It has always been my understanding that if you serve in Federal Court you are exempt from serving in any court for one year. It does not work the other way around, if they serve in Superior Court, the federal court does not recognize this as having served.