

# Jury Instructions and the Juror Experience

Hon. Adrienne M. Grover, Chair, Advisory Committee on Civil Jury Instructions  
Hon. Jeffrey S. Ross, Chair, Advisory Committee on Criminal Jury Instructions  
Mr. Darrel E. Parker, Chair, Court Executives Advisory Committee

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Judicial Council Meeting  
April 25, 2025



# The Judicial Council's Mission

- Improve the administration of justice. (*Art. VI, § 6.*)
- Deliver the highest quality of justice and service to the public . . . and effect programs and strategies to ensure that court procedures and processes are fair and understandable.  
(*Judicial Branch Strategic Plan, Goal IV.*)
- Work to remove all barriers to access and fairness and:
  - Achieve procedural fairness in all types of cases.
  - Prevent bias and the appearance of bias in the judicial branch and its operations. (*Judicial Branch Strategic Plan, Goal I.*)

*Trial by jury is one of the fundamental ideals of our American justice system . . . It is one of the most important ways you can directly participate in the decisions of our government.*

*— Chief Justice Patricia Guerrero*

# The Judicial Council & Juries

Plain language pattern jury instructions

Programs to enhance the juror experience

# Task Force on Jury Instructions

- Created by the Judicial Council in 1997
- Drafted legally accurate, easily understandable jury instructions
- Provided clear instructions to ensure correct application of the law
- Circulated for public comment

# Official Judicial Council Jury Instructions

Judicial Council approves

- Plain language civil jury instructions (CACI) in 2003
- Plain language criminal jury instructions (CALCRIM) in 2005

# Plain Language

Earlier instruction:

*"Failure of recollection is common. Innocent misrecollection is not uncommon." (CALJIC No. 2.21.1)*

Plain language instruction:

*"People often forget things or make mistakes in what they remember." (CALCRIM No. 226)*

# Plain Language

## Earlier instruction:

*"The amount of caution required of a person whose physical faculties are impaired is the care which a person of ordinary prudence with similarly impaired faculties would use under circumstances similar to those shown by the evidence."*

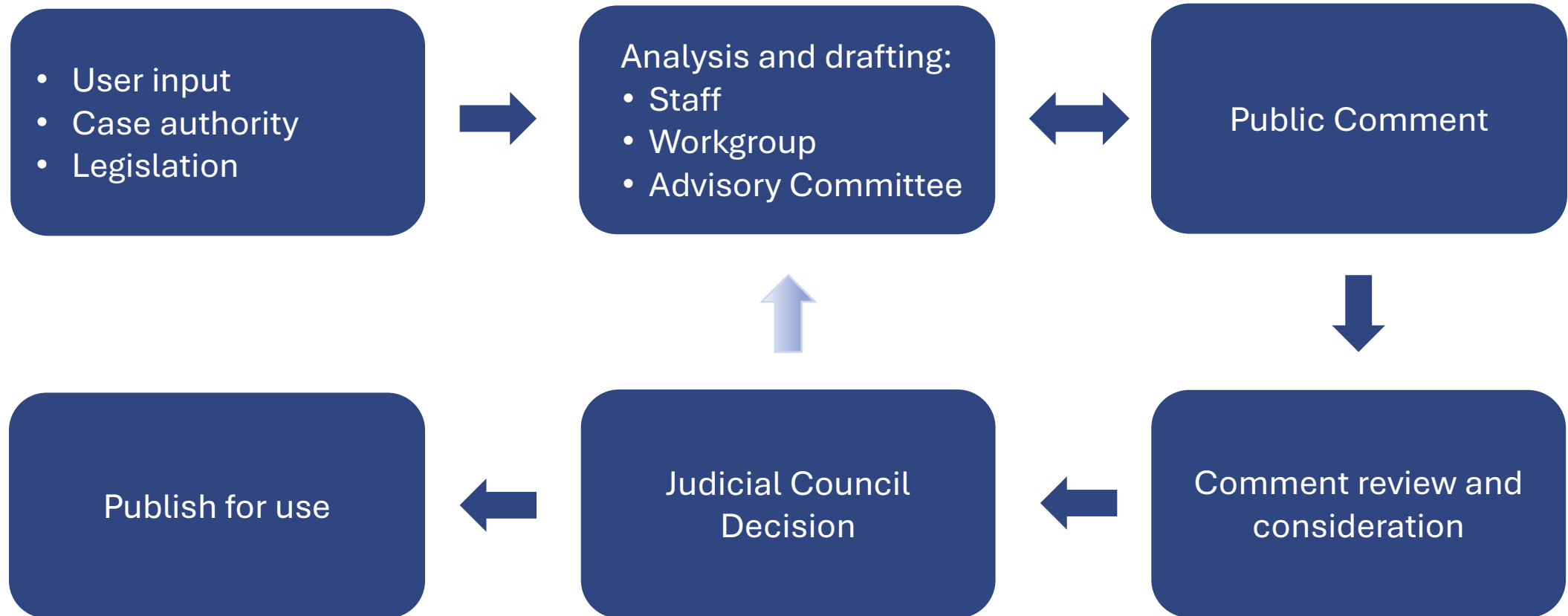
*(BAJI No. 2.21)*

## Plain language instruction:

*"A person with a physical disability is required to use the amount of care that a reasonably careful person who has the same physical disability would use in the same situation." (CACI No. 403)*



# How Jury Instructions Are Made



# CACI & CALCRIM Today

- CACI covers 50 subject areas with over 1100 instructions
- CALCRIM covers 24 subject areas with over 750 instructions
- Available on the court's website at no cost
- Funds from publication sales used for improvement of the jury system (*Gov. Code, § 77209*)

# New Implicit Bias Instructions

- In 2023, both CALCRIM and CACI added new pattern instructions to help jurors consider and address unconscious bias in their decisionmaking
- "In your role as a juror, you must not let bias influence your assessment of the evidence or your decisions...."

*(CALCRIM No. 209 & CACI No. 5030, Implicit or Unconscious Bias.)*

# New Aggravating Factors Sentencing Instructions

- Senate Bill 567 amended Penal Code to shift responsibility to juries to make findings for upper terms
- California Rules of Court, rule 4.421 outlines aggravating factors for sentencing
- New pattern jury instructions on aggravating factors approved in March 2023 implemented these changes (CALCRIM Nos. 3224–3234)

# Improving the Juror Experience

- Brief history of jury improvement
- Juror orientation videos
- AB 1981 Jury Pilot Program
- Selection of court innovations

# Foundations of Modern Jury Improvement Efforts

- Blue Ribbon Commission on Jury System Improvement
- Task Force on Jury System Improvements

# Jury Summons Comparison

## Summons for Jury Service

BRING ENTIRE FORM WHEN YOU REPORT

### JUROR BADGE

### SUMMONS

You are summoned to appear for **JURY SERVICE** on the date and at the time and place indicated in this summons. Bring this summons with you.

**Failure to respond to this summons will subject you to a fine, a jail term, or both.**

### JURY SERVICE INSTRUCTIONS

**Court-specific information is included in this area.** This can include things like reporting time and location, parking instructions, ADA compliance notification, etc.

▶ Visit our websites for more information.  
LOCAL COURT WEBSITE:

CALIFORNIA COURTS WEBSITE:  
[www.courts.ca.gov/jury-service.htm](http://www.courts.ca.gov/jury-service.htm)

R. ☐ I have a physical or mental disability or impairment.  
*If you are age 70 or over, please describe your disability or impairment:*

S. ☐ My services are needed for the protection of public health and safety.  
OCCUPATION: \_\_\_\_\_  
DESCRIBE JOB: \_\_\_\_\_

T. ☐ I have a full-time, nonprofessional obligation to provide care for a child or an elderly, sick, or disabled person, and alternative arrangements are not possible during court hours. (California Rules of Court, rule 86.0(d)(7)(3))  
AG(ES) OF PERSON(S) CARE FOR: \_\_\_\_\_  
YOUR RELATIONSHIP TO PERSON(S) CARED FOR: \_\_\_\_\_  
TYPE OF CARE YOU PROVIDE: \_\_\_\_\_

I certify under penalty of perjury, under the laws of the State of California, that the information on this form is true and correct. (Code of Civil Procedure section 2015.5.)  
If the person signing is not the prospective juror, please indicate your relationship to the prospective juror next to your signature.

Signature: \_\_\_\_\_ City/State: \_\_\_\_\_

Courts typically use this area to include maps to the courthouse, driving directions, and return address information.

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**One-Day or One-Trial**

California has a one-day or one-trial term of jury service. This means that a trial juror serves for one day or for the duration of one trial. Statelwide, the majority of jurors serve for just one day. Most trials are completed within one week.

### EMPLOYER RETALIATION

State law prohibits discrimination or retaliation against an employee for taking time off to serve as a juror. (Labor Code section 230(a).)

## RESPONSE FORM

Please complete the sections below only if you are requesting a postponement or an excuse or are not qualified. Text along the perforation and insert this form, along with any attachments, in the envelope provided. A relative or caretaker may complete this form for you if you are unable to do so.

**JUROR INFORMATION—Complete the following:**  
Phone: Home ( ) Work ( )  
Email: \_\_\_\_\_  
Employer: \_\_\_\_\_ Occupation: \_\_\_\_\_  
I work full-time part-time \_\_\_\_\_  
My employer pays for jury service: ☐ Yes ☐ No If yes, number of days: \_\_\_\_\_  
I am a government employee: ☐ Yes ☐ No  
☐ This person is deceased.

**NAME OR ADDRESS CHANGE—Complete the following information ONLY if different from the preprinted name and address on this summons.**  
First Name: \_\_\_\_\_ Middle: \_\_\_\_\_  
Last: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**REQUEST FOR POSTPONEMENT**  
Turn page over to find out how to request a postponement by phone or online.  
A. ☐ I request a postponement of jury service to the following date (may request up to 6 months from summons date): \_\_\_\_/\_\_\_\_/\_\_\_\_  
B. ☐ I am a mother who is breastfeeding a child and I request a postponement of jury service to the following date (may request up to 5 years from summons date (Cal. Rules of Court, rule 85.0)). \_\_\_\_/\_\_\_\_/\_\_\_\_  
**NOT QUALIFIED—I am not qualified to serve as a juror because:**  
C. ☐ I do not have sufficient knowledge of the English language.  
LANGUAGE SPOKEN: \_\_\_\_\_ YEARS IN THE U.S.: \_\_\_\_\_  
Turn page over or see above and follow directions.  
D. ☐ I am not a citizen of the United States. I am a citizen of: \_\_\_\_\_  
E. ☐ I am not 18 years of age or older. Date of birth: \_\_\_\_/\_\_\_\_/\_\_\_\_  
F. ☐ I am not domiciled in the State of California.  
Provide photocopy of military order or other document specifying domicile.  
G. ☐ I am not a resident of this county.  
Complete address change above, sign on reverse, and return in enclosed envelope.  
H. ☐ I have fulfilled my service obligations as a Grand juror or Trial juror in the past 12 months or am currently serving or already scheduled to serve as a Grand juror or Trial juror.  
COURT NAME: \_\_\_\_\_ SERVICE DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
I. ☐ I have been convicted of malfeasance in office and my civil rights have not been restored.  
COURT NAME: \_\_\_\_\_  
J. ☐ I am now under conservatorship.  
COURT NAME: \_\_\_\_\_  
K. ☐ I am incarcerated in prison or jail.  
NAME OF PRISON OR JAIL: \_\_\_\_\_

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SUPERIOR COURT  
COUNTY OF SAN DIEGO, CA

# SUPERIOR COURT COUNTY OF SAN DIEGO, CA

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## JUROR

# JURY SUMMONS

Pursuant to CCP §209, any prospective juror who has been summoned for jury service and who fails to appear as directed, or who fails to respond to the Court, may be found in contempt of court and may be placed in custody and/or fined.

BADGE #: 0123456789  
Report: Sept 15, 2023 Group: 0311



Visit: [gonctd.com](http://gonctd.com)

000001

John Smith  
555 Main Street  
Carlsbad, CA 92101




## JUROR

*Please bring this postcard with you when you report*



# Juror Educational Videos

- Juror Orientation
  - *Justice For All*
- Jury Service History
  - *A More Perfect Jury*





# Juror Compensation (Assembly Bill 1981)

- Does greater juror compensation increase diversity and participation?
- Pilot courts: Alameda, El Dorado, Fresno, Imperial, Monterey, San Bernardino, and Shasta
- Per diem increases: from \$15/day to \$100/day and mileage from \$0.34/mile to \$0.67/mile
- Data points: demographics, education, attitudes, and barriers

# Selection of Court Innovations in Jury

- Staggered juror reporting times
- Online jury portals
- Juror self-service kiosks
- New e-payment platform for juror per diems
- Jury virtual public counter
- Juror public transit reimbursement
- New jury assembly room facilities
- Juror mental health brochures

# Questions?

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