



# TUCKER ELLIS LLP

CLIENT ALERT

JULY 2012

## CALIFORNIA TAXES DESIRE FOR A JURY TRIAL

At the end of the 2011-2012 Legislative Session, on June 27, 2012, California lawmakers passed and Governor Jerry Brown signed Senate Bill 1021, the Public Safety Omnibus Trailer Bill. Part of the package of bills constituting the Budget Act of 2012-2013, the new law focuses on court operations and fees and the operations of the Department of Corrections, and imposes funding cuts and new court fees to combat the ongoing fiscal crisis.

An obscure provision of the bill is expected to generate an estimated \$11.9 million per year for the Trial Court Trust Fund. The provision changes the timing for posting jury fees, declares the failure to post jury fees a waiver of the right to a jury trial, and makes deposited jury fees non-refundable. The new law was immediately effective and all jury deposits made after enactment are non-refundable.

Specifically, S.B. 1021 changed Section 631 of the Code of Civil Procedure, including the addition of a new subdivision (c), which advances the timing for the depositing of the \$150.00 jury fee. Subdivision (c) provides:

- Advance jury fees shall be deposited on or before the date scheduled for the initial case management conference.

- If no case management conference is scheduled, advance jury fees shall be deposited no later than 365 calendar days after the filing of the initial complaint.
- If the party has not appeared before the initial case management conference or has appeared more than 365 calendar days after the filing of the initial complaint, the deposit shall be made in accordance with existing timing rules – at least 25 days before the initial trial date.
- The failure to deposit jury fees as required shall constitute a waiver of the right to a jury.

*Those who desire a jury trial would be wise to deposit the fees as soon as possible.*

Because S.B. 1021 failed to address pending cases for which initial case management conferences have already been held, it is unclear as to when jury fees in those cases must be posted. Those who desire a jury trial would be wise to deposit the fees as soon as possible.

Under the new law, trial courts retain the discretion to relieve a party from a jury waiver; however, because of budget cuts, we anticipate that the courts will grant waivers in fewer and fewer cases in the future.

### ADDITIONAL INFORMATION

For more information regarding civil trial practice and the impact of the new rules on trial setting, please contact:

**Matthew I. Kaplan**  
(213) 430-3309  
[matthew.kaplan@tuckerellis.com](mailto:matthew.kaplan@tuckerellis.com)

**Daniel J. Kelly**  
(415) 617-2203  
[daniel.kelly@tuckerellis.com](mailto:daniel.kelly@tuckerellis.com)

This Client Alert has been prepared by Tucker Ellis LLP for the use of our clients. Although prepared by professionals, it should not be used as a substitute for legal counseling in specific situations. Readers should not act upon the information contained herein without professional guidance.

© 2012 Tucker Ellis LLP. All rights reserved.

CLEVELAND

COLUMBUS

DENVER

LOS ANGELES

SAN FRANCISCO

[www.tuckerellis.com](http://www.tuckerellis.com)