

### Statutory Considerations

- Statutes governing issues in jury selection can be found in the California Code of Civil Procedure beginning with CCP §§190-237. Certain provisions are worth discussing now.

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### Statutory Considerations

- CCP §203 – Eligibility
  - Citizen of the United States
  - Must be 18 or older
  - No physical or mental disability which impairs ability to sit as a juror
  - Sufficient knowledge of the English language
  - Must not be convicted of malfeasance in office or a felony
  - Must live in the jurisdiction

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### Statutory Considerations

- CCP § 206 – Discussion with Jurors after Discharge
  - Judge must inform jurors prior to discharge from service that they are not obligated to discuss the case, and that any contact from either party must be with their consent and at a reasonable time
  - Report issues to the court

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### Statutory Considerations

- CCP § 220 – Numbers of Jurors
  - In a criminal case, 12 jurors shall constitute a jury, unless in a misdemeanor case the parties agree to a number less than 12
- CCP § 230 – Challenges for Cause
  - General disqualification – not competent
  - Implied bias – facts elicited which evince bias toward or against either party *indicating the prospective juror cannot be fair*
  - Actual bias – statements indicating the juror cannot act with complete impartiality

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### Statutory Considerations

- CCP § 234 – Peremptory Challenges Alternates
  - Each side is entitled to 1 peremptory challenge for the total number of alternates to be seated on the case.

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### Statutory Considerations

- CCP § 223 – Voir Dire in Criminal Cases by Court & Counsel
  - Court conducts *voir dire* except upon a showing of good cause, the parties may supplement the questioning as the court deems proper. (E.g., any unique or complex elements, legal or factual, which may evince attitudes inconsistent with suitability to serve as a fair and impartial juror)
  - NOTE: *Examination of prospective jurors shall be conducted only in aid of the exercise of challenges for cause.*

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