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Practice Tip: File on pleading paper.

[Attorney name, bar number]

[Address and telephone number]

[Email address and fax number if available]

Attorney for Defendant and Petitioner *[client's name]*

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF *[NAME]*

[Client's name],

Petitioner,

v.

THE PEOPLE OF THE STATE OF CALIFORNIA,

Respondent.

Court of Appeal No. *[number]*

Superior Court No. *[number]*

**PETITION TO UNSEAL IDENTIFYING INFORMATION
FOR JUROR NO. *[NUMBER]*,
UNDER CODE OF CIVIL PROCEDURE SECTION 237**

TO THE HONORABLE *[NAME]*, JUDGE PRESIDING, AND TO THE DISTRICT ATTORNEY OF *[NAME]* COUNTY:

Petitioner, *[name]*, through counsel, *[name]*, respectfully applies to this court for an order unsealing information related to Juror No. *[number]* to ensure vindication of petitioner's right to effective assistance of counsel, a unanimous verdict, and a fully

participating jury, as guaranteed by the Sixth and Fourteenth Amendments of the United States Constitution and article I, section 16 of the California Constitution.

This petition is made under the authority of California Code of Civil Procedure section 237 and is based on the attached Memorandum of Points and Authorities, the declaration of petitioner's counsel, *[name]*, and relevant portions of the reporter's transcript. Petitioner has not set a motion date in this petition because section 237, subdivision (b), states that this court shall determine, upon review of this petition, whether setting a hearing on the petition is appropriate.

Dated: *[insert date]*

Respectfully submitted,

[Appellate counsel's name]
State Bar No. *[number]*
Attorney for Defendant *[name]*

MEMORANDUM OF POINTS AND AUTHORITIES

A. SECTION 237 REQUIRES DISCLOSURE OF JUROR'S IDENTIFYING INFORMATION WHERE GOOD CAUSE APPEARS AND DISCLOSURE WILL NOT POSE A THREAT OF PHYSICAL HARM TO THE JUROR

Section 237 of the Code of Civil Procedure provides in relevant part:

(a)(1) The names of qualified jurors drawn from the qualified juror list for the superior court shall be made available to the public upon request unless the court determines that a compelling interest, as defined in subdivision (b), requires that this information should be kept confidential or its use limited in whole or in part.

(b) Any person may petition the court for access to these records. The petition shall be supported by a declaration that includes facts sufficient to establish good cause for the release of the juror's personal identifying information. The court shall set the matter for hearing if the petition and supporting declaration establish a prima facie showing of good cause for the release of the personal juror identifying information, but shall not set the matter for hearing if there is a showing on the record of facts that establish a compelling interest against disclosure. A compelling interest includes, but is not limited to, protecting jurors from threats or danger of physical harm. If the court does not set the matter for hearing, the court shall by minute order set forth the reasons and make express findings either of a lack of a prima facie showing of good cause or the presence of a compelling interest against disclosure.

B. GOOD CAUSE EXISTS FOR THE COURT TO ORDER DISCLOSURE IN THAT *[SUMMARIZE]*

Good cause requires disclosure of Juror No. *[number]*'s identity and contact information. *[Provide facts establishing need to contact juror, issues sought to be investigated, potential remedy defendant might seek, etc. Cite to record. Provide relevant authorities.]*

Disclosure of the juror's identity and contact information is necessary to resolve these matters and ensure that petitioner receives meaningful appellate and collateral review of his trial.

C **THERE IS NO COMPELLING INTEREST AGAINST DISCLOSURE**

There is no compelling interest justifying denial of disclosure within the meaning of Code of Civil Procedure section 237, subdivision (a). Subdivision (b) of section 237 recognizes “protecting jurors from threats or danger of physical harm” as the most typical “compelling interest” justifying denial of disclosure. (§ 237, subd. (b).)

In the case at bar, there would be no threat or danger of physical harm if the juror’s identity is disclosed to counsel. Disclosure will be to counsel, not to petitioner. *[Provide other facts tending to show lack of danger. Cite to record and authorities as needed.]*

D. **CONCLUSION**

For all of these reasons, petitioner respectfully requests this court to disclose the identity and contact information of Juror No. *[number]* to permit meaningful appellate and collateral review of petitioner’s trial.

Dated: *[insert date]*

Respectfully submitted,

[Appellate counsel’s name]
Attorney For Defendant and Petitioner

DECLARATION OF *[appellate counsel's name]*

I, *[appellate counsel's name]*, declare as follows:

1. I am appointed appellate counsel for *[name]* in the Fourth District Court of Appeal, Division *[number]*, Case No. *[number]*.
2. I have reviewed the appellate record filed in this case. The facts provided in the MEMORANDUM OF POINTS AND AUTHORITIES are an accurate summary of the facts in the record relevant to this petition.
3. Additional facts pertinent to this request but not in the appellate record include: *[Summarize or detail off-record information supporting the petition, such as talks with trial counsel or review of trial counsel's file.]*
4. I am investigating the legal and factual issues described in this petition and intend to bring them before the Court of Appeal if the investigation shows them to be viable points that could reasonably provide relief to my client. *[Elaborate if needed and provide authorities as appropriate.]*
5. Code of Civil Procedure section 237 requires that an application be made to the trial court in the first instance when a party seeks to unseal juror identifying information. To justify disclosure, a party must show good cause to unseal juror identifying information. Petitioner's counsel cannot fully evaluate the merits of the potential state and federal constitutional violations described here without contacting the juror. If such information is not made available, petitioner will be denied meaningful appellate and collateral review of his trial. Petitioner therefore respectfully requests this court unseal the identity of the juror and provide petitioner's counsel with the necessary contact information.

I declare under penalty of perjury of the laws of California that the foregoing is true.

[date]

[Attorney name]
State Bar No. *[number]*
Attorney for Defendant *[name]*

PROOF OF SERVICE