

JURY 101

WHERE DO I START?

Petit Juries	Government Code chapters 61 and 62, and CCP art. 35
Grand Juries	Code of Criminal Procedure art. 19
Other	Texas Rules of Civil Procedure, Rule 216, <i>et seq</i>

THE BASICS

District Courts – 12 person jury (serve on 1 case, jury decides own foreman)(Gov't Code §62.201)

CCL/Constitutional – 6 person jury (serve on 1 case; jury decides own foreman)(Gov't Code §62.301)

Grand Jury – 12 empanelled jurors, up to 4 alternates, judge decides foreman, hear multiple cases to determine if probably cause for continuing case/indictment)(CCP 19.34)

Civil – must make a jury demand and pay the \$40 fee (Rule 216 and GC §51.604)

JURY PLAN

Per Gov't Code §62.011 a county may adopt a jury plan. The plan will be more specific to the processes and procedures of summoning and processing for jury service.

PAY

Jurors get paid for showing up. A county may choose to pay more, but the minimum is \$6 for the first day of service and \$40 for each additional day of service. (Gov't Code §61.001) Commissioners Court can approve organizations for which jurors can donate jury pay. (Gov't Code §61.003). The county can be reimbursed \$34/day from the state (quarterly submission). (Gov't Code §61.0015).

Some counties have cash available to pay people who were not selected. Others, the Treasurer will mail out checks.

SUMMONS

Review chapter 61 and your jury plan. A form Petit and Grand Jury summons are available from the OCA at www.txcourts.gov/rules-forms/forms. You do not have to follow the format, but they are a good reference to make sure you have everything correctly set out in your summons.

QUALIFICATIONS AND EXEMPTIONS

Petit – Gov't Code §62.102 and 62.106

Grand Jury – CCP art. 19.08 and 19.25

OATHS

Civil: Texas Rules of Civil Procedure, Rule 226

Criminal: Code of Criminal Procedure art. 35.02

GETTING FROM POINT A TO POINT B

Talk with your judges, prosecutors, and local attorneys. What do they like or not like about how a jury is seated in your county. Remember that from the attorney's perspective, they want the jury questionnaires as soon as possible so they can prepare for voir dire.

If you do not have forms with a seating chart, consider creating a spreadsheet that you can use with your jury software or quickly type in names. It will make for an easy to read seating chart for the judge and attorneys.

WHAT'S NEXT

After voir dire, the clerk (or the judge) will accept the strike sheets from the attorneys. On your list of jurors who are seated, first cross out any that the judge excuses or that he grants a party's motion to strike for cause. The attorneys will then hand you their lists on which they exercise their peremptory strikes. Cross those names off of your list. From the remaining list, you will call out the first 12 (or 6) to be seated as the jurors.

PEREMPTORY CHALLENGES

Civil – TRCP 233: 6 in District, 3 in County

Criminal – CCP art. 35.15: non-capital felony 10; misdemeanor 5

A FEW NOTES ON GRAND JURY

Names only – you can give a list of the grand jury to the public, but not their personal information (CCP 19.42)

Presentment – the grand jury presents the indictments to the clerk or judge (CCP 20.21)

Indicted but not arrested – the indictment is not public (CCP 20.22)

PROOF OF SERVICE/WORK EXCUSES

Consider a document you can give to the pool and the selected jury members that reflects their dates of service and pay. They may need it for proof of jury service with their employers.

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