

IADC NATIONAL JURY TRIAL INNOVATIONS PROJECT

Updated 08.08.2005

Texas Jury Innovations

1. Note Taking

N/A

2. Juror Handbooks/Notebooks

Uniform Jury Handbook; Contents

(a) The state bar shall publish a uniform jury handbook that:

- (1) informs jurors in lay terminology of the duties and responsibilities of a juror;
- (2) explains basic trial procedures and legal terminology; and
- (3) provides other practical information relating to jury service.

(b) The state bar shall review and update the uniform jury handbook annually. A Spanish language version of the handbook shall be published and made available.

Tex. Gov't Code § 23.202 (2004)

3. Juror Questions and Questioning of Witnesses

N/A

4. Juror Pay/Compensation

Reimbursement of Expenses of Jurors

(a) Each grand juror or petit juror in a civil or criminal case in a district court, criminal district court, county court, county court at law, or justice court is entitled to receive as reimbursement for travel and other expenses an amount not less than \$ 6 nor more than \$ 50 for each day or fraction of each day served as a juror.

(b) Except as provided by Subsection (d), a person who responds to the process of a court but is excused from petit jury service by the court for any cause after the person's voir dire examination is entitled to receive as reimbursement for travel and other expenses an amount not less than \$ 6 nor more than \$ 50 for each day or fraction of each day in attendance in court in response to the process.

(c) The commissioners court of each county shall determine annually the daily reimbursement of expenses for jurors. Except as provided by

Subsection (d), the reimbursement must be within the minimum and maximum amounts prescribed by this section and paid out of the jury fund of the county. The commissioners court may set different daily reimbursements for:

(1) grand and petit jurors; or

(2) different petit jurors based on:

(A) whether a juror serves in a justice, county, or district court; or

(B) any other reasonable criteria determined by the commissioners court.

(c-1) In a specific case, the presiding judge, with the agreement of the parties involved or their attorneys, may increase the daily reimbursement for jurors in that case to an amount not to exceed the maximum amount prescribed by this section. The difference between the usual daily reimbursement and the reimbursement for jurors in a specific case shall be paid, in equal amounts, by the parties involved in the case.

(d) The commissioners court of a county may reduce or eliminate the daily reimbursement prescribed by this section for persons who attend court for only one day or a fraction of one day. The funds retained by a county as a result of reducing or eliminating reimbursement as provided by this subsection may only be used to increase the daily reimbursement prescribed by this section for jurors and for persons who attend court for more than one day.

(e) A check drawn on the jury fund by the district clerk of the county may be transferred by endorsement and delivery and is receivable at par from the holder for all county taxes.

(f) A reimbursement for expenses under this section is not a property right of a juror or prospective juror for purposes of Chapters 72 and 74, Property Code. If a check or other instrument representing a reimbursement under this section is not presented for payment or redeemed before the 90th day after it is issued:

(1) the instrument is considered forfeited and is void; and

(2) the money represented by the instrument may be placed in the county's jury fund, the county's general fund, or any other fund in which county funds can be legally placed, at the discretion of the commissioners court.

Tex. Gov't Code § 61.001 (2004)

5. Alternate Jurors

Alternate Jurors

(a) In district court, the judge may direct that not more than four jurors in addition to the regular jury be called and impaneled to sit as alternate jurors.

(b) In county court, the judge may direct that not more than two jurors in addition to the regular jury be called and impaneled to sit as alternate jurors.

(c) Alternate jurors shall be drawn and selected in the same manner as regular jurors. An alternate juror must meet the same qualifications, is subject to the same examination and challenges, shall take the same oath, has the same functions, powers, and privileges, and shall be accorded the same facilities and security as a regular juror.

(d) In the order in which they are called, alternate jurors shall replace jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable or disqualified to perform their duties. An alternate juror who does not replace a regular juror shall be discharged after the jury retires to consider its verdict.

(e) Each side is entitled to one peremptory challenge in addition to those otherwise allowed by law or by rule if one or two alternate jurors are to be impaneled. Each side is entitled to two peremptory challenges in addition to those otherwise allowed by law or by rule if three or four alternate jurors are to be impaneled. The additional peremptory challenges may be used against an alternate juror only, and the other peremptory challenges allowed by law or by rule may not be used against an alternate juror.

Tex. Gov't Code § 62.020 (2004)

6. Discussions pre-deliberation

N/A

7. Deliberation

Judge to Caution Jury

If permitted to separate, either during the trial or after the case is submitted to them, the jury shall be admonished by the court that it is their duty not to converse with, or permit themselves to be addressed by any other person, on any subject connected with the trial.

Tex. R. Civ. P. 284 (2005) Note: Court Order May Amend this Rule

Jury Kept Together

The jury may either decide a case in court or retire for deliberation. If they retire, they shall be kept together in some convenient place, under the charge of an officer, until they agree upon a verdict or are discharged by the court; but the court in its discretion may permit them to separate temporarily for the night and at their meals, and for other proper purposes.

Tex. R. Civ. P. 282 (2005)

Note: Court Order May Amend this Rule

Meals During Jury Deliberation

(a) In a county in which the commissioners court has approved payment by the county for meals for jurors who are serving on a jury in a civil case, a district judge may keep the jurors together for deliberation to expedite the final disposition of a civil case in the district court instead of dismissing the jurors for meals.

(b) The district judge may draw a warrant on the jury fund or other appropriate fund of the county in which the civil case is tried to cover the cost of buying and transporting the meals to the jury room. Not more than \$ 3 per meal may be spent for a juror serving on a jury in a civil case.

Tex. Gov't Code § 62.202 (2004)

8. Length of Service

N/A

9. Length of Time Restrictions on Trials

N/A

10. Judge's Responses to Jury Questions

N/A

11. Jury Size

Number of Jurors

The jury in a district court is composed of 12 persons, except that the parties may agree to try a particular case with fewer than 12 jurors.

Tex. Gov't Code § 62.201 (2004)

12. Number of Jurors Needed to Return a Verdict

N/A

13. Juror Admonition

Judge to Caution Jury

If permitted to separate, either during the trial or after the case is submitted to them, the jury shall be admonished by the court that it is their duty not to converse with, or permit themselves to be addressed by any other person, on any subject connected with the trial.

Tex. R. Civ. P. 284 (2005) Note: Court Order May Amend this Rule

14. Jury Nullification

N/A

15. The Use of Plain English

N/A

16. Absence of the Jury

N/A

17. Jury Instructions

Jury May Receive Further Instructions

After having retired, the jury may receive further instructions from the court touching any matter of law, either at their request or upon the court's own motion. For this purpose they shall appear before the judge in open court in a body, and if the instruction is being given at their request, they shall through their presiding juror state to the court, in writing, the particular question of law upon which they desire further instruction. The court shall give such instruction in writing, but no instruction shall be given except in conformity with the rules relating to the charge. Additional argument may be allowed in the discretion of the court.

Tex. R. Civ. P. 286 (2005)

Note: Court Order May Amend this Rule

Instructions to Jury Panel and Jury

The court must give instructions to the jury panel and the jury as prescribed by order of the Supreme Court under this rule.

Tex. R. Civ. P. 226a (2005)

Note: Court Order May Amend this Rule

Jury Submissions

Either party may present to the court and request written questions, definitions, and instructions to be given to the jury; and the court may give them or a part thereof, or may refuse to give them, as may be proper. Such requests shall be prepared and presented to the court and submitted to opposing counsel for examination and objection within a reasonable time after the charge is given to the parties or their attorneys for examination. A request by either party for any questions, definitions, or instructions shall

be made separate and apart from such party's objections to the court's charge.

Tex. R. Civ. P. 273 (2005)

Note: Court Order May Amend this Rule

Submission to the Jury

In all jury cases the court shall, whenever feasible, submit the cause upon broad-form questions. The court shall submit such instructions and definitions as shall be proper to enable the jury to render a verdict.

Inferential rebuttal questions shall not be submitted in the charge. The placing of the burden of proof may be accomplished by instructions rather than by inclusion in the question.

In any cause in which the jury is required to apportion the loss among the parties the court shall submit a question or questions inquiring what percentage, if any, of the negligence or causation, as the case may be, that caused the occurrence or injury in question is attributable to each of the persons found to have been culpable. The court shall also instruct the jury to answer the damage question or questions without any reduction because of the percentage of negligence or causation, if any, of the person injured. The court may predicate the damage question or questions upon affirmative findings of liability.

The court may submit a question disjunctively when it is apparent from the evidence that one or the other of the conditions or facts inquired about necessarily exists.

The court shall not in its charge comment directly on the weight of the evidence or advise the jury of the effect of their answers, but the court's charge shall not be objectionable on the ground that it incidentally constitutes a comment on the weight of the evidence or advises the jury of the effect of their answers when it is properly a part of an instruction or definition.

Tex. R. Civ. P. 277 (2005)

Note: Court Order May Amend this Rule

18. Child-Care for Jurors

N/A

19. Jury Room

N/A

20. Accommodation

N/A

21. Juror's Bill of Rights

N/A

22. Materials Permitted in Possession of the Jury

Papers Taken to Jury Room

The jury may, and on request shall, take with them in their retirement the charges and instructions, general or special, which were given and read to them, and any written evidence, except the depositions of witnesses, but shall not take with them any special charges which have been refused. Where part only of a paper has been read in evidence, the jury shall not take the same with them, unless the part so read to them is detached from that which was excluded.

Tex. R. Civ. P. 281 (2005)

Note: Court Order May Amend this Rule

23. Various Rules

Excuse of Juror for Religious Holy Day

(a) In this section:

(1) "Religious organization" means an organization that meets the standards for qualification as a religious organization under Section 11.20, Tax Code.

(2) "Religious holy day" means a day on which the tenets of a religious organization prohibit its members from participating in secular activities, such as court proceedings.

(b) If a prospective juror is required to appear at a court proceeding on a religious holy day observed by the prospective juror, the court or the court's designee shall release the prospective juror from jury service entirely or until another day of the term. If the court determines that a term of a court proceeding may extend to cover a day on which a religious holy day is observed by the prospective juror, the court or the court's designee shall release the prospective juror from jury service entirely or until another day of the term.

(c) A prospective juror who seeks to be released from jury service may be required to file with the court an affidavit stating:

(1) the grounds for the release; and

(2) that the juror holds religious beliefs that prohibit him from taking part in a court proceeding on the day for which the release from jury duty is sought.

Tex. Gov't Code § 62.112 (2004)

24. Various Recommendations

N/A