



STATE BAR of TEXAS

JURY SERVICE TOOLKIT

A public education resource for lawyers

Welcome to the State Bar of Texas Jury Service Toolkit!

The U.S. and Texas Constitutions both guarantee the right to an impartial trial by a jury of one's peers. We cannot overstate the importance of this fundamental right to the preservation of our civil liberties. In our democratic society, the jury system puts justice in the hands of the people.

While most lawyers recognize the importance of a jury, many of our fellow citizens may not realize just how important their role in jury service truly is. Many people may see jury service as an onerous duty they hope to avoid. There are also some common fears – possibly losing one's job, insufficient compensation for serving, lack of transportation to or parking at the courthouse, etc. Additionally, the trial process can be intimidating, even with all the seeming familiarity thanks to movies and TV shows. Even more intimidating for some is the responsibility of deciding a person's fate.

One thing we can do as attorneys is to help educate the public about jury service. In doing so, we hope to ease their concerns and provide them with resources to be better prepared when summoned as a potential juror. There are numerous ways you can help. One way is to use this toolkit that the State Bar of Texas has developed. It includes fact sheets and answers to frequently asked questions that can be provided to the public along with a list of resources for finding additional information.

In addition to providing written information, you can take an active role in educating the public about the importance of jury service. Some ideas for doing this include visiting local civic organizations or houses of worship and initiating discussion about the importance of jury service to our communities, our state, and our country. You might also connect with schools and develop ways to help inspire future jurors by helping them to be better informed and more enthusiastic about having an opportunity to serve their country and fellow citizens. You will find in this toolkit sample talking points and even a sample speech you could use if you choose.

Finally, you might consider writing a letter to your local paper or writing a blog post about the importance of jury service. The tool kit has a sample letter that could get you started.

QUALIFICATIONS FOR JURY SERVICE

You must have the following qualifications:

- Be at least 18 years of age.
- Be a citizen of the United States.
- Reside in the county of jury service.
- Be qualified to vote in the county of jury service, even if you are not registered to vote.
- Be able to read and write.
- Be of sound mind and good moral character.

You cannot serve on a jury if:

- You have served as a juror for six days during the preceding three months in county court or during the preceding six months in district court.
- You have been convicted of a felony or of any type of theft.
- You are under indictment or criminal charges for a felony or any type of theft, including being on pretrial diversion or deferred adjudication.

RESCHEDULING

- You must contact the clerk's office to reschedule. With some exceptions, you will be allowed to reschedule once a year for any reason but subsequent postponements will be granted for emergencies only.
- You will be allowed to reschedule if the jury service will include a holy day that you observe.

EXEMPTIONS FROM JURY SERVICE

If you request, you will be excused from jury service if:

- You are more than 70 years of age.
- You have legal custody of a child under 12 years of age and jury service would leave the child unsupervised.
- You are a high school student or you are a college student actually attending classes.
- You are an officer or employee of the Texas Legislature or an agency in the legislative branch of government.
- You are the caretaker of someone who is unable to care for himself or herself.
- You have a physical or mental impairment that makes it impossible or very difficult to serve on a jury.
- You cannot comprehend or communicate in English.
- You are active duty military deployed away from your home county.
- You were selected to serve on a jury in the previous two or three years, depending on the county population.

PENALTIES

- If you fail to answer a jury summons or knowingly provide false information in a request for exemption or excuse, you may be fined between \$100 and \$1,000.
- If you are picked for jury service but fail to attend court without a reasonable excuse or file a false exemption claim, you may be fined between \$100 and \$500.

WHAT TO EXPECT YOUR FIRST DAY

- Arrive on time. Bring your jury summons with you. Instructions about where to report should be included with the information you received. If you have any questions, contact the district clerk's office or visit the court's website for more information.
- Dress respectfully and appropriately for court. Keep in mind that certain attire may be restricted, such as shorts, cutoffs, sleeveless shirts, hats and sandals. Because some courtrooms may be chilly, you might bring a light jacket or sweater.
- Some locations provide free parking in specific places for prospective jurors. If yours does not, you will need to pay to park. If possible, try to avoid parking in metered spots since you do not know how long you will be in jury service. In some counties, metered spots are the only option.
- Although parking costs may be reimbursed, you should bring cash with you in case you have to pay up front to park. You also may wish to buy snacks during breaks. Check with the courthouse for information on availability.
- Expect to pass through a metal detector and have your items scanned when entering the courthouse. Trying to enter a courthouse with a prohibited weapon is against the law; anything that can be considered a weapon, even items like pocket knives and knitting needles, will be confiscated.
- You may bring reading material with you for downtime. Check with your courthouse regarding Internet access, Wi-Fi availability, charging stations, and rules regarding cellphone use.
- You should receive a brief orientation in the courtroom or jury assembly room regarding jury service. Be sure to pay attention to instructions given by court personnel or the judge.
- Don't worry! Court personnel will be available to assist you and answer any questions.

JURY SERVICE: THE TRIAL PROCESS

Congratulations! You have been selected to serve on a jury. You should have received instructions from the judge regarding when to arrive, the schedule for the day, and the rules of juror conduct, such as not discussing the case with anyone, etc.*

You may be wondering, though, about what you should expect during the trial. Here is a basic outline of the trial process.

1. **Opening Statements** — Both civil and criminal cases begin with opening statements in which the attorneys for each side outline the case, discuss the evidence they will present, and pinpoint the issues the jury will be deciding. These statements are not evidence and should not be considered as evidence during deliberations.
2. **Presenting the Evidence** — During the trial, the attorneys will present any physical evidence and call witnesses to testify in support of their case and/or to challenge evidence presented by the other side. It is important that you pay close attention. As the jury, you will have the opportunity to examine any exhibits presented to the court, and, depending on the judge's instructions, you may be able to take notes during the trial.
3. **Rulings by the Judge** — The judge may need to rule on questions of law as the trial progresses. Sometimes, jurors may be asked to exit the courtroom until these rulings are made.
4. **Instructions to the Jury** — After all of the evidence has been presented, the judge will provide jurors with the Charge of the Court, which includes the questions regarding the key issues of the trial that the jurors must answer in their deliberations.
5. **Closing Arguments** — Before the jury is released to deliberate, each side will be given the opportunity to summarize their case. While this is a chance for the attorneys to try to persuade the jury to decide in their favor, the statements made during closing arguments are not evidence and should not be considered as such during deliberations. Jurors should not make up their minds until they undergo thorough deliberations regarding the facts of the case.
6. **Jury Deliberations and Verdict** — The jury will be sent to the jury room to consider the questions the judge presented and to decide a final verdict.

* The Texas Supreme Court Rule of Civil Procedure 226a, regarding juror conduct, is available at <http://www.txcourts.gov/rules-forms/rules-standards.aspx>

FREQUENTLY ASKED QUESTIONS

Why is jury service important?

Jury service is one of the most essential responsibilities of citizenship. It is a way for each citizen to participate in upholding the rule of law. Jury duty can also be an educational experience as jurors learn more about the legal process.

What is my duty as a juror?

You are entrusted to fairly and impartially listen to the evidence presented and, with your fellow jurors, review and weigh that evidence to arrive at a just verdict.

Is there a right to a trial by jury in every case?

No. There are some civil cases in which there is no right to a jury trial. However, the Sixth Amendment to the U.S. Constitution provides the right to a trial by a public jury in criminal cases. All parties are considered equal before the law and are entitled to a fair and impartial trial.

What is a juror's role in a criminal case?

In a criminal case, the state, represented by the district or county attorney, presents evidence at trial in an attempt to prove that the defendant, or person accused of committing a crime, has committed the charges against him or her "beyond a reasonable doubt." Jurors consider all of the evidence and determine if the defendant is guilty. For a valid guilty verdict, jurors must reach a unanimous decision.

What is a juror's role in a civil case?

Civil cases usually involve disputes between two or more parties regarding money or property. Based on the testimony and evidence, jurors must evaluate the questions surrounding the disputed facts of the case to arrive at a verdict. In civil trials, an agreement of five-sixths of the jurors is needed for a valid verdict.

What are the types of courts in Texas?

Texas has six types of trial courts: justice of the peace (JP) courts, municipal courts, statutory probate courts,

constitutional county courts, statutory county courts, and district courts. As all of these courts allow jury trials, you could be summoned to serve in any of these courts.

JP and municipal courts are at the local or city level. JP courts handle small claims, Class C (fine-only) criminal misdemeanors, and magistrate functions. Municipal courts oversee Class C criminal misdemeanors and municipal ordinance criminal cases.

County-level courts include the constitutional county courts, statutory county courts, and statutory probate courts. County courts handle various cases, including civil actions, Class A and B misdemeanors, some probate matters, and possibly juvenile matters, depending on the county. Statutory county courts also handle appellate actions from JP or municipal. Probate courts are limited primarily to probate matters.

The state district courts handle civil and criminal matters, though certain district courts may specialize in civil, criminal, juvenile, or family law cases.

Is it true that I will not be summoned for jury duty if I have not registered to vote?

This is a common belief that is not correct. You may be summoned if registered to vote or if you have a valid Texas driver's license or personal identification card, even if you are not registered to vote.

I received a jury summons. What do I do now?

Depending on which county you live in, the summons will have specific instructions for you. Follow these instructions and call the clerk's office if you have questions.

Can I go online to answer my jury summons?

Some counties do allow you to respond to your summons via the Internet. Information to that effect should be included with your summons.

FREQUENTLY ASKED QUESTIONS

What if I am unavailable on the date(s) in the summons?

Call the clerk's office, or go online if available in your county, to reschedule. You can typically do so once per year (in some counties the period may be longer) for any reason. Subsequent rescheduling may be granted by the clerk's office if there is a good reason.

What should I do if I believe I am not legally qualified to serve as a juror?

You are not permitted to serve as a juror if you do not meet the legal qualifications, such as living in the county and not having certain criminal convictions. If you believe you are not qualified under the law to serve as a juror, you should contact the clerk's office as soon as possible before the date you are required to appear.

What should I do if I would like to claim a valid exemption?

If you meet certain criteria, such as you are over 70 or are attending college classes, you are entitled to be excused from jury duty if you request it. However, you are not required to claim the exemption if you do not wish to. If you have a valid exemption you would like to claim, you should contact the clerk's office as soon as possible before the date you are scheduled to appear. This will give you the opportunity to provide all required information to the court and hopefully eliminate the need to travel to the courthouse.

How are juries selected?

Receiving a jury summons does not automatically mean you will serve on a jury. If you are summoned, you will become part of the jury pool — a large group of prospective jurors. From this group, you will be assigned to a jury panel and will be questioned by the lawyers for both sides. This is called "voir dire" or "to speak the truth." After voir dire, if you are picked to serve, you will be placed on a jury.

How much work will I miss if I am selected?

It depends. The jury selection process can take only a few hours up to a full day. If you do get selected, a trial can last from a few days to several months. In most cases, though, you can expect a trial to last about one week.

Does my employer have to pay me while I'm serving jury duty?

No, your employer is not required to pay you for the days you serve on a jury. However, your employer cannot fire you while you are serving. Jurors will receive a work excuse upon their release for the day.

What kind of compensation do I get for serving on a jury?

As reimbursement for travel and expenses, you will be paid not less than \$6 for the first day of jury service and not less than \$40 for the second and each subsequent day of service. The payment is made for each day or part of day that you are required to appear. Some counties may choose to pay more than the statutory minimum.

What if I have an emergency or special need after I have been selected?

Tell the bailiff of the court if you have an emergency or special need arise.

How is the jury foreperson chosen?

You and your fellow jurors will select the foreperson before juror deliberations begin.

Is it okay to discuss the case after the trial is over?

After you are discharged from jury service, you are no longer bound by the obligation of secrecy. You are then free to discuss the case, if you wish.

IDEAS FOR SPEAKING TO CIVIC ORGANIZATIONS

Jury duty is considered by many people to be a burden and something to get out of doing. Talk about the apprehensions and misunderstandings people may have about jury service. Do people have to know anything about the judicial system or legal process?

Ask who has served on a jury and find out their opinions of the process: What did they like or dislike about serving? How did jury duty improve their understanding of the justice system? What advice do they have for those who have never served?

Next to voting, jury service is our most important civic duty. Juries potentially hold the power to decide the fate of a person's life. Talk about the responsibility jury service entails and how potential jurors can better educate themselves about the judicial system.

Talk about why providing your fellow citizens with a jury of one's peers is so important. Pose the question: Wouldn't you want someone like you on the jury if you were on trial?

Walk people through the jury selection process: What do you do when you receive a jury summons? Are juries always 12 people? What is voir dire? Are there differences in jury service for civil and criminal cases? (*See the FAQ in this toolkit for more discussion ideas.*)

Provide a "day in the life" look at jury service. Discuss juror conduct and court procedures.

Is there such a thing as an ideal juror? Talk about what lawyers look for in potential jurors.

IDEAS FOR SPEAKING TO CLASSROOMS OR YOUTH GROUPS

Most people's perceptions of trials and juries come from TV and movies. Pick a popular legal television show or movie and discuss how a trial is portrayed. Is it more fact or fiction?

Discuss what a "jury of one's peers" means. Have juries always been a true representation of "one's peers" and why would that be important to the person on trial?

Stage a mock voir dire, where student "lawyers" can pick a jury based on the particulars of their "case" and on the various "juror" profiles.

Talk about the "due process of law" and a jury's role in it.

Hold a mock jury deliberation. Present case facts from both sides, then ask a student "jury" to weigh the evidence and arrive at a verdict. Discuss why they made the decision they did.

SAMPLE LETTER TO THE EDITOR

Use this sample letter to the editor to craft your own letter regarding the importance of jury service and submit it to your local paper. Think about these questions: How would you address people's concerns about serving? What key points would you want to make regarding the jury process?

EDUCATING JURORS

To the Editor:

Jury duty in Texas does not enjoy a very good reputation. Turnout by those summoned remains low, and there are several reasons for this. While pay for the second and subsequent days has increased, the first day remains at \$6. The wait can be long during the selection process, especially for those ultimately not chosen. Additionally, the legal process itself can be intimidating.

A juror is called upon to listen objectively, analyze the facts of the case, and determine a just verdict that will directly impact the life of a fellow citizen. This is a major responsibility, but it's one all of us as Texans and Americans should be proud to undertake. Other than voting, jury service is our most important civic duty. Remember, the U.S. and Texas Constitutions both guarantee the right to an impartial trial by jury. Jurors help make the system work.

As a lawyer, I understand the concerns potential jurors have. In fact, we lawyers probably represent one of the more intimidating facets of the process. Better juror education is central to combating the misconceptions or concerns people may have about serving.

Resources are available — and they don't cost a thing except a little time. The State Bar of Texas offers a pamphlet, *Texas Uniform Jury Handbook*, available at texasbar.com. The Texas Young Lawyers Association has an information-packed website called the American Juror (americanjuror.org), and Texas Courts Online provides comprehensive information not only on jury service but also on the entire Texas courts system (txcourts.gov).

If you don't have online access at home, visit your local library for access or to obtain information about your local courts. The (can insert your local bar association name here) is also available to help. You can contact us at (*provide local bar contact information*).

Sincerely, (Name)

If a member of a local bar association, you can add:

President/Officer/Member

_____ Bar Association

SAMPLE SPEECH OR OP-ED

Using the text below as a starting point, develop your own thoughts about the importance of jury service in our society to prepare your own speech or op-ed piece. Incorporate your legal knowledge to provide your audience with a greater understanding of the process.

“I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution.”

—Thomas Jefferson

You receive a jury summons in the mail. What’s your initial reaction? Be honest. Are you annoyed? Are you thinking, “I don’t have time for this?” Are you hoping you won’t be chosen? Those reactions are fairly normal, but should they be?

Shouldn’t our reaction be one of excitement, even anticipation? Next to voting, jury service is one of our most important civic duties. This is your opportunity to actively participate in the American judicial system — an opportunity that should not be taken for granted. We are fortunate that both our national and state Constitutions guarantee each citizen the right to an impartial trial by a jury of our peers. Many places in this world are still not afforded such a right. And, not so long ago, not all citizens of this country were afforded that basic right.

Jury service has evolved over the centuries, with its beginnings dating back as far as ancient Greece and Egypt. But our present jury system derives from the writing of the Magna Carta in England in 1215. That important document included the following statement: “No freeman shall be taken or imprisoned . . . unless by the lawful judgment of his peers, or by the law of the land.” This concept of a trial by jury took root in England and was transferred here with the establishment of the American colonies.

Of course, we must remember that a trial by jury at the time extended only so far, so a true “jury of one’s peers” didn’t apply to certain segments of our society until fairly recently. Even with the end of slavery, African-Americans did not reg-

ularly serve on juries until after the Civil Rights Act. Similarly with women. Even though women gained the right to vote in 1920, women were not regularly seen on juries until the 1960s. Persons with disabilities also face challenges to their ability to participate in the jury process. The process — and those participating in the justice system — must continue to evolve to allow full participation by all citizens.

Our justice system is not perfect. Regardless, it is looked upon as an ideal by many parts of the world. We, the people, in a true expression of democracy, have the opportunity to impart justice on our fellow citizens. We, the people, act as a check on our justice system by ensuring a fair trial. The verdict doesn’t rest with a solitary judge, tribunal, or military junta.

But for our system to work, we must participate. That means, when you receive that jury summons, fill out the questionnaire and go to the courthouse for the selection process. Put aside the annoyance of having to rearrange your schedule for a few days and participate in this important civic process. Granted, there are those who face legitimate barriers to serving, but the court does provide certain remedies and exemptions for these instances.

Jurors who serve gain an appreciation for the American justice system and their role in it. Some even enjoy the experience. So, when you receive your call to serve, do so with pride knowing your participation in the justice system does count.

GENERAL

State Bar of Texas Let's Do Justice for Texas

Public education initiative

www.texasbar.com/justicefortexas

TYLA's American Juror: The Decision is Yours

<http://www.tyla.org/tyla/index.cfm/projects/american-juror/>

The Texas Young Lawyers Association has created an excellent reference for first-time jurors. The site includes a juror Q&A video, a glossary of legal terminology, and a fact vs. fiction segment for jurors.

Texas Courts Online — Juror Information

<http://www.txcourts.gov/about-texas-courts/juror-information/jury-service-in-texas.aspx>

A useful and informative resource for all prospective jurors in Texas.

Commission on the American Jury Project

http://www.americanbar.org/groups/judicial/american_jury.html

Part of the American Bar Association website, this page provides jury resource links and downloads.

American Judicature Society — Edmund N. "Ned" Carpenter II Jury Center

<https://www.ajs.org/judicial-administration/jury-center/>

Includes numerous resources that can be used to learn about jury service.

STUDENTS

Texas Law-Related Education, Inc.

<http://www.texaslre.org/>

This website has information about the legal system and games students can play to learn more.

One game is the interactive "Pick Twelve Game," in which students can select a jury. Another is the "All Rise Game," which teaches students more about the different courts.

Constitutional Rights Foundation

<http://www.crf-usa.org/judiciary/educating-about-the-judiciary.html>

This site includes a variety of resources that can be used to educate students about the jury system and all aspects of the court system.