



STATE BAR *of* TEXAS

# JUROR INFORMATION GUIDE

*A public education resource*

## **Welcome to the State Bar of Texas Juror Information Guide**

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.

Figuring out what to do when you have been summoned for jury duty can be confusing and frustrating. This guide gives you the information you need when you have been called for jury duty and directs you to additional resources that can explain the court system and jury process.

We hope you find this information beneficial.

## 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.

# 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.

## GENERAL

### State Bar of Texas Let's Do Justice for Texas

Public education initiative

[www.texasbar.com/justicefortexas](http://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](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 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.