



## The Mechanics of Impaneling a Jury

Texas Municipal Courts  
Education Center

Fall 2009

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### OBJECTIVES

Participants will be able to:

Identify the statutes and authorities pertaining to the impaneling of a jury;

Discuss different methods to comply with the laws and establish an efficient process; and

Summarize methods to properly summons and impanel a jury.

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Are you feeling like this.....



About Impaneling a Jury?

Don't Worry - Be Happy!!!

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**What do you need to know?**

**When is the jury trial to be held?**

**Does the defendant have an attorney?**



**Do you summons a jury panel manually or is it an automated process?**



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**Article 1.24, C.C.P.**

**The proceedings in all courts shall be public.**



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**Article 1.05, C.C.P.**

**Defendants have a right to a speedy, public trial by an impartial jury.**

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**Article 1.12, C.C.P.**

**The right to a jury trial shall be inviolate.**

**(may not be violated)**



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**Section 62.501, Government Code**

**To be eligible to serve on a municipal court jury, including a municipal court of record, a person must be a resident of the municipality for which the court is established.**

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**SUMMONING PROSPECTIVE JURORS**

**Writ of venire Judge signs writ of venire random selection of jurors manually or electronically**

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**PROSPECTIVE JUROR SOURCES**



**Voter registration,  
Property tax listing,  
Driver's licenses,  
Utility billing account listing,  
Combination, thereof.**

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**Print juror summons**

**juror questionnaire requesting  
certain personal information**

**Print and Keep a List of the venire  
panel**

**Regular Mail – 3 to 4 weeks before  
date**



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**In the meantime.....**

- Review Case file**
- Prepare Complaint**
- Mail a copy of Complaint to**
- Defendant or Attorney**

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**In the meantime.....**

**Make a copy of case file for prosecutor, including complaint**

**Pull or have prosecutor pull necessary reports**

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**Section 62.0142, Government Code**

**A person summoned for jury duty may request a postponement by contacting the clerk in person, in writing, or by telephone before the date of the trial.**

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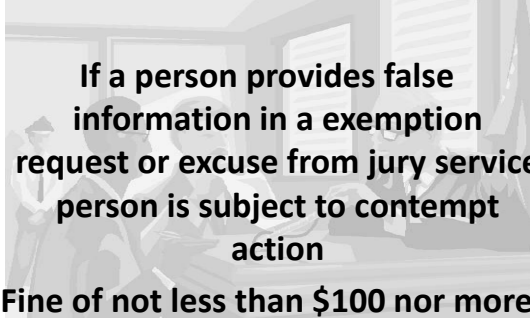
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**Section 61.0141, Government Code**

**If a person provides false information in a exemption request or excuse from jury service person is subject to contempt action**

**Fine of not less than \$100 nor more than \$1000**



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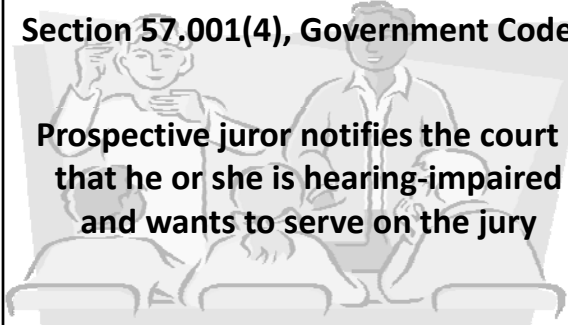
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**HEARING IMPAIRED**

**Section 57.001(4), Government Code**

**Prospective juror notifies the court  
that he or she is hearing-impaired  
and wants to serve on the jury**



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***The clerk must.....***

**Notify the judge**

**Appoint an interpreter**

**Or**

**Provide some type of auxiliary  
equipment**

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***ON PRINTED LIST OF THE VENIRE  
PANEL.....***

**Mark out the names of the jurors  
claiming:**

**Exemptions**

**Returns due to bad addresses or just  
returned**

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**Clerk must also keep a list of prospective jurors, names and addresses, who claim an exemption because of lack of residence in the county**

**Send copy to the County voter registrar on a monthly basis**

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**PREPARE:**

**Excuse letters to be handed out after jury service for jurors to take back to work**

**Copy the juror information forms for the prosecution, defense, judge and courtroom clerk, if mailed in**

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**PREPARE:**

**List of jurors for prosecution, defense, judge and courtroom clerk**

**Prepare a verdict form**

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**Trial Day .....**

**Have the final draft of the prospective jurors you expect to see come in to serve**

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**Trial day.....**

**Have jurors sign in**



**Assign a seat to each juror**

**give to each juror the information handout – this is required reading**

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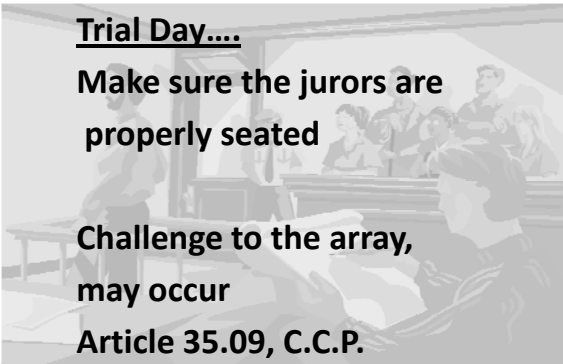
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**Trial Day....**

**Make sure the jurors are properly seated**

**Challenge to the array, may occur**

**Article 35.09, C.C.P.**



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**Trial day.....**

**A jury shuffle may be requested –  
one time  
Article 35.11, C.C.P.**

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**Trial Day.....**

**Judge, Clerk or Bailiff may  
administer oath to prospective  
juror panel**

**Voir dire**



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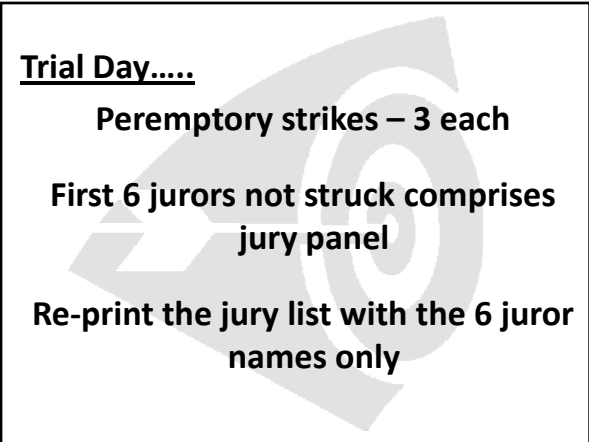
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**Trial Day.....**

**Peremptory strikes – 3 each**

**First 6 jurors not struck comprises  
jury panel**

**Re-print the jury list with the 6 juror  
names only**



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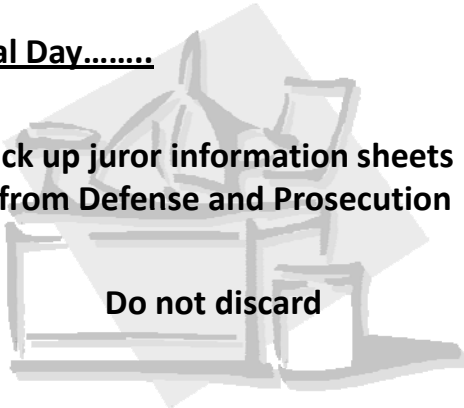
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**Trial Day.....**

**Pick up juror information sheets  
from Defense and Prosecution**

**Do not discard**



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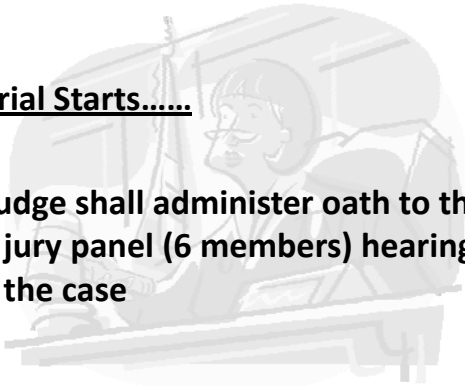
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**Trial Starts.....**

**Judge shall administer oath to the  
jury panel (6 members) hearing  
the case**



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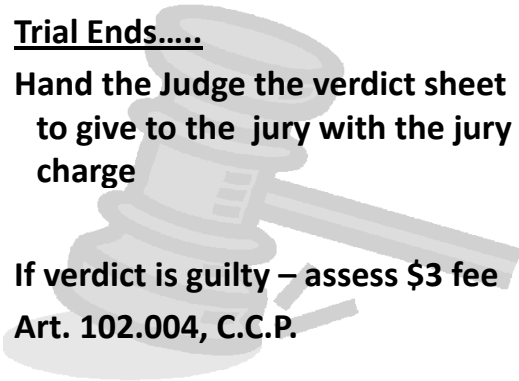
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**Trial Ends.....**

**Hand the Judge the verdict sheet  
to give to the jury with the jury  
charge**

**If verdict is guilty – assess \$3 fee  
Art. 102.004, C.C.P.**



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**Trial Ends.....**



**If you pay the jurors, no statutory requirement to do so, verify names and addresses before they leave**



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**Trial Ends.....**



**Process payment for jurors**

**Court or finance processes checks**

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**Trial Ends.....**

**Judge needs to make a decision whether or not to hold jurors who fail to appear for jury duty in contempt**

**Fine up to \$100  
Article 45.027, C.C.P.**

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**Trial Ends.....**

**Summons jurors in to court  
may reschedule them  
or  
assess contempt  
Article 45.027, C.C.P.**

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**COMPLETE PAPERWORK.....**

**Collect all jury information**

**Include venire lists,  
Information and reply forms  
Returned and undeliverable jury  
summons**

**Retention period - 1 year**

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**Where to find:**

***Juror Information handout* – State Bar of  
Texas**

**Provided Free of charge**

***Sample Forms:***

**TMCEC forms Book –**

**[www.tmcec.com](http://www.tmcec.com)**

**Network with other courts**

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## Questions and Answers



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