

419th District Court, Travis County
Procedure and Jury Instructions Regarding
Allowing Jurors to Ask Questions of Witnesses

Jury Instructions

1. Instruct jurors that they will be allowed to ask questions of each witness but are not required to.
2. Instruct jurors that they are to **write** questions on their notepad as questions occur to them during the examination of the witness by the attorneys.
3. Instruct jurors to word the questions as though they were asking the witness the questions because the Court will read the questions verbatim.
4. Instruct jurors not to worry about whether their question is a proper question or not.
5. Instruct jurors that the Court will determine whether the question can be asked or not based upon the rules the Court must follow.
6. Instruct jurors not to wonder why a question was not asked if it was not asked.
7. Instruct jurors that those questions asked and answers given are evidence that can be considered by the jury.
8. Instruct jurors that juror questions **not** asked are not evidence and cannot be discussed.

Procedure

1. Explain procedure to attorneys during pretrial.
2. Explain procedure to jurors before opening statements.
3. After both attorneys have finished with their examination of the witness the Court will ask the Jury if they have any questions, hand in your written questions to the Bailiff.
4. The Court next excuses the jury to the jury room and excuses the witnesses from the courtroom.
5. The Court reads the questions to the attorneys and allows legal objections to be made.
6. The Court rules on the admissibility of the questions.
7. After all the questions have been dealt with, the Court brings both the jury and witnesses back into the courtroom and the Court reads the questions verbatim to the witness.
8. After the witness has answered the jurors questions, the attorneys are given an opportunity to re-examine the witness limited to the scope of the questions and answers given.

419th District Court, Travis County
Taking Notes Instruction to the Jury

Before we begin the trial, I need to give you a few additional instructions.

1. Notes
 - a. You will be allowed to take notes during the trial and take them back into the jury room with you during your deliberations at the end of the trial. You must, however, follow these instructions:
 - (1) The notes are not considered evidence.
 - (2) They may not be used to settle disputes among you as to the evidence.
 - (3) You should not compare notes.
 - (4) The notes should be used only for the individual purposes of the person making the notes.
 - (5) What is written in the notes should not be considered any more accurate than the memory of a juror not making notes.
 - (6) Your note taking should not interfere with your ability to pay attention to the evidence.
 - (7) You should not be writing notes on non-related matters, such as what you need to do when you get back to the office.
 - b. The COO (Court Operations Officer) has provided for each of you a note pad and pen to use in taking notes.
 - (1) During the mid-morning and mid-afternoon breaks you may leave your notes face down on your chairs.
 - (2) At the noon break and at the end of the day, please attach your name badge and pen to your note pad if you are going out of the courthouse for lunch and give your note pads with your badge and your pen to the COO.
 - (3) No one will look at your notes during the breaks, and at noon and at the end of the day, they will be locked up.
 - (4) At the end of the trial, please leave the note pad and pen with the COO.
 - (5) Leave your notes, and your notes will be shredded.

JUDGE:

JUROR #:

TEXAS DL/VOTER #: Texas DL

Dear Prospective Juror: You are hereby summoned for jury service as set out below:

Option 1 - Register online by 1/5/2009 : www.co.travis.tx.us/jury**Option 2 - Report in person to the Jury Office located at: 5501 Airport Blvd., North Entrance, Room 204 Monday - Friday between 8:00 AM - 4:00 PM. Please register by the deadline date of 1/5/2009.**

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TO:



AUSTIN TX 78746-7810



- You may answer this summons online at www.co.travis.tx.us/jury or by following the instructions below:
- You must report for jury service online or at the location listed above unless you (1) claim an exemption; (2) are disqualified; or (3) contact the Jury Office to change your report date (i.e., postpone your scheduled jury service).
- To claim an Exemption: check the exemption(s) that you claim; sign the form, and mail or take the form to the District Clerk's office at the address below. NOTE: You do not have to claim an exemption and may instead choose to serve.
- If you are Disqualified: check the qualification(s) that you do not meet, sign the form, and mail or take the form to the District Clerk's office at the address below. NOTE: If you claim to be disqualified because you are not a Texas citizen or a resident of this county, you may become ineligible to vote in this county.
- To postpone or schedule your service: Contact the District Clerk's office at www.co.travis.tx.us/jury or at the address below before the report date listed above.
- To request a medical excuse from the judge, use the reverse side of this summons or the online form at www.co.travis.tx.us/jury and you will not have to appear for jury service unless the Jury Office notifies you otherwise.
- Questions or Special Accommodations: Please contact the District Clerk's office at the address below.

Amalia Rodriguez-Mendoza, Travis County District Clerk

Jury Office

1000 Guadalupe St., Room 104

P.O. Box 679005

Austin, TX 78767

PHONE: 854-8669 FAX: 854-4457 TDD (DEAF): 854-4925 EMAIL: ljury@co.travis.tx.us**JUROR RIGHTS AND RESPONSIBILITIES:**

RIGHT TO REEMPLOYMENT: A private employer may not terminate the employment of a permanent employee because the employee serves as a juror. An employee whose employment is terminated in violation of this section is entitled to return to the same employment that the employee held when summoned for jury service if the employee, as soon as practical after release from jury service, gives the employer actual notice that the employee intends to return. (Civil Practice and Remedies Code, Section 122.001).

FAILURE TO ANSWER SUMMONS AND PROVISION OF FALSE INFORMATION: A person who fails to comply with this summons, or knowingly provides false information in a request for an exemption or to be excused from jury service, is subject to a contempt action punishable by a fine of not less than \$100 nor more than \$1000. (Government Code, Section 62.0141). Additionally, a person shall be fined not less than \$10 nor more than \$100 if the person (1) fails to attend court in obedience to this notice without reasonable excuse; or (2) files a false claim of exemption from jury service. (Government Code, Section. 62.111).

PROPER CLOTHING REQUIRED: All persons entering the courtroom should be dressed in clothing reasonably befitting the dignity and solemnity of the court proceedings.

Qualifications for Jury Service (Texas Gov't. Code, section 62.102)

To be qualified to serve as a juror you must:

Q1. be at least 18 years of age.	<input type="checkbox"/> I am under 18 years of age.
Q2. be a citizen of this state and a resident of the county or city in which you are to serve as a juror (Travis County or the City of Austin).	<input type="checkbox"/> a: I am not a citizen <input type="checkbox"/> b: I do not live in Travis County or the City of Austin <input type="checkbox"/> c: I have not lived here at least 30 days.
Q3. be qualified under the Constitution and laws to vote in the county or city in which you are to serve as a juror (Note: you DO NOT have to be registered to vote to be qualified to vote).	<input type="checkbox"/> Q3: I am not eligible to vote.
Q4. be of sound mind and good moral character.	<input type="checkbox"/> Q4: I am not of sound mind or good moral character (please attach an explanation or a medical excuse to be reviewed by the judge)
Q5. be able to read and write.	<input type="checkbox"/> Q5: I cannot read and write. Name of person assisting with this form:
Q6. not have served as a juror for six days during the preceding three months in the county court or during the preceding six months in the district court.	<input type="checkbox"/> Q6: I have served six days as a juror in district court within the last 6 months or in county court within the last 3 months.
Q7. not have been convicted of theft or any felony.	<input type="checkbox"/> I have a felony conviction and am currently on probation or served time in prison.
Q8. not be under indictment or other legal accusation of a misdemeanor theft, felony theft, or any other felony charge.	<input type="checkbox"/> I have a pending misdemeanor theft or felony charge.

Exemptions from Jury Service (Texas Gov't Code, Section 62.106)

You may be exempted from jury service if:

E1. You are over 70 years of age.	<input type="checkbox"/> I am over 70 years old (Check here <input type="checkbox"/> if you wish to make this a permanent exemption)
E2. You have legal custody of a child or children younger than 10 years of age and service on the jury would require leaving the child or children without adequate supervision (NOTE: if your child is in daycare or stays with a sitter, you do not qualify for this exemption).	<input type="checkbox"/> I have a child under 10 and care for this child during normal business hours
E3. You are a student at a public or private high school. E4. You are enrolled and in actual attendance at an institution of higher education (NOTE: this does not apply to night school).	<input type="checkbox"/> I attend high school or college (list what hours you attend class)
E5. You are an officer or an employee of the senate, the house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government (NOTE: applies only to legislative employees and State Auditor).	<input type="checkbox"/> I am a legislative employee (list name of agency you work for):
E6. You are the primary caretaker of a person who is an invalid unable to care for himself or herself. (NOTE: This exemption does not apply to health care workers).	<input type="checkbox"/> I care for an invalid on a daily basis and am not a health care worker
E7. You have served as a juror in the county during the 24-month period prior to the date you are required to appear for this summons. E8. You have been summoned for service in a county with a population of at least 250,000 and you have served as a petit juror in the county during the two year period preceding the date you are to appear for jury service.	<input type="checkbox"/> In the last 24 months I was a juror: <input type="checkbox"/> in Travis County/Austin <input type="checkbox"/> in another county with a population of at least 250,000
E9. You are member of the United States military forces serving on active duty and deployed to a location away from the person's home station and out of the person's county of residence.	<input type="checkbox"/> I am serving on active military duty away from Travis County/Austin

EXCUSE CERTIFICATION

- I certify that I am exempt or disqualified from service for the reason checked above and that the information provided is true and correct.
- I am requesting a medical/disability excuse (requires a statement from health care provider be attached).
- I am requesting a special excuse (explanation attached). NOTE: Work or economic excuses cannot be considered at this time. You must be assigned to a jury panel to present work or financial excuses before the judge and attorneys. (Texas Gov't. Code Sec. 61.110(c)).

Daytime phone # (required): Work Home _____ Email address: _____

SIGNATURE:

DATE