



VS

CIVIL JURY TRIAL

A. INTRODUCTION

Ladies and Gentlemen of the Jury Panel:

Thank you for being here. We are here to select a jury in a civil case. Six of you will be chosen for the jury.

Before we begin: Turn off all phones and other electronic devices. While you are in the courtroom, do not communicate with anyone through any electronic device. For example, do not communicate by phone, text message, email message, chat room, blog, or social networking websites or apps.

If you are selected as a juror, I will give you a number where others may contact you in case of an emergency. Do not record or photograph any part of these court proceedings, because it is prohibited by law.

If you are chosen for the jury, your role as jurors will be to decide the disputed facts in this case. My role will be to ensure that this case is tried in accordance with the rules of law.

Opening statements and testimony will begin on _____.

The trial should conclude by _____.

Courtroom hours vary, but are normally from 9:00 a.m. to 5:00 p.m.

At this time let me introduce my staff:

My court coordinator is *Amenda Henderson*.

My court clerk is *Jessica Pierce*.

My court reporter is *Tina Young*.

My bailiff is *Brandon Bobbit*. If you are selected to be on this jury, he will be the person you report to each morning and after every break. He will be the one who you relay any requests to the court during your deliberation—No one else may talk with you except him during the trial if you are chosen.

Now I will introduce the parties to this case:

The plaintiff is _____.
Representing the plaintiff is _____.

The defendant is _____.
Representing the defendant is _____.

B. OATH

Now, at this time, I will administer the first oath:

Do you and each of you solemnly swear or affirm that you will make true and correct answers to such questions as may be propounded to you by the Court, under its directions, and by the attorneys, touching on your service and qualifications as a juror?"

C. QUALIFICATIONS

The law requires that each of you must possess certain **qualifications** before you can sit on a jury. These qualifications are set out in statute, and you must meet each one. Please, listen carefully to the qualifications that I am going to read to you. After I have read them to you, I will ask you to raise your placard if you believe you do not meet all the qualifications. Ladies and gentlemen, it is very important that if you are not qualified you let the court know. If you do not, and I or the attorneys discover that you are not qualified after you are seated as a juror in this case, the case will have to be retried, and you may be held in contempt of court and placed in jail for up to 180 days and fined up to \$500.

Now please listen carefully to the following 8 qualifications that a juror must possess:

1. You must be 18 years of age or older;
2. You must be a citizen of the State of Texas and of this county;
3. You are qualified to vote in Hunt County;
4. You must be of sound mind and of good moral character;
5. You must be able to read and write the English language;

6. You must not have served as a juror for six days in the preceding three months in a county court, or six days in the preceding six months in a district court;
7. You must not have ever been convicted of theft or any felony; and
8. You must not currently be under indictment or legal accusation, or on deferred adjudication for theft or any felony;

At this time, anyone who does not believe that they meet all of the qualifications, please raise your placard and keep your placard raised until I identify you and instruct you to lower your placard. After I have identified each of you, I will call you up individually to discuss the issues concerning your qualifications in private here at the bench.

[Bench conference on qualifications: _____.]

D. EXEMPTIONS

In addition to the qualifications, there are certain **exemptions** that you may claim which will excuse you from jury service if you wish to claim the exemption. After I have gone over all the exemptions, I will ask you to raise your placard if you wish to claim one of the exemptions and be excused from jury service. Only raise your placard after I have gone over all the exemptions, and only if you: (1) qualify for an exemption and (2) wish to be excused for jury service. There are 7 exemptions. You may claim an exemption from jury service if:

1. You are 75 years of age or older;
2. You have legal custody of a child or children under the age of 12 years **and** jury service would require you to leave the child or children without adequate supervision;
3. You are a student in a public or private secondary school;
4. You are enrolled and in actual attendance at an institution of higher education;
5. You are an officer or employee of the senate, the House of Representatives, or any department, commission, board, office or other agency in the legislative branch of state government;

6. You are primary caretaker of a person who is an invalid unable to care for himself or herself; or
7. You are a member of the United States military forces serving on active duty and deployed to a location away from your home station and out of your county of residence.

At this time, please raise your placard if you wish to claim an exemption and be excused from jury service. Please keep your placard raised until I identify you and instruct you to lower your placard. After I have identified each of you, I will call you up individually to discuss your exemption in private here at the bench.

[Bench conference on exemptions: _____.]

E. OTHER REASONS NOT TO SERVE

At this time, I will hear from anyone who has **any other reason** why you believe that you cannot or should not serve. Some good examples are premade travel plans, medical issues, or medical appointments. There is no disqualification or exemption that permits you to be excused because you are just: (1) too busy or (2) not interested in serving.

Those that wish to state reason or issue why they believe they cannot serve, please raise your placard and keep your placard raised until I identify you and instruct you to lower your placard. After I have identified each of you, I will call you up individually to discuss your reason in private here at the bench.

[Bench conference on "any other reason": _____.]

F. CERTIFY

[Certify jury]: At this time the court certifies that the jury has been duly qualified.

G. INSTRUCTIONS

Before we begin voir dire the process where the parties, through their attorneys, have the right to ask you questions about your background, experiences, and attitudes, I must first give you some instructions.

Please listen carefully. Every member of the panel must obey these instructions. You may be called into court to testify about any violations of these instructions. If you do not follow these instructions, you will be guilty of juror misconduct, and I might have to order a new trial and start this process over again. This would waste your time and the parties' money and would require the taxpayers of this county to pay for another trial.

These are the instructions. Listen carefully:

1. To avoid looking like you are friendly with one side of the case, do not mingle or talk with the lawyers, witnesses, parties, or anyone else involved in the case. You may exchange casual greetings like “hello” and “good morning.” Other than that, do not talk with them at all. They have to follow these instructions too, so you should not be offended when they follow the instructions.
2. Do not accept any favors from the lawyers, witnesses, parties, or anyone else involved in the case, and do not do any favors for them.
3. Do not discuss this case with anyone, even your spouse or a friend, either in person or by any other means including by phone, text message, email message, chat room, blog, or social networking websites. Do not allow anyone to discuss the case with you or in your hearing. If anyone tries to discuss the case with you or in your hearing, tell me immediately. We do not want you to be influenced by something other than the evidence admitted in court.
4. The parties, through their attorneys, have the right to ask you questions about your background, experiences, and attitudes. They are not trying to meddle in your affairs. They are just being thorough and trying to choose fair jurors who do not have any bias or prejudice in this particular case.

5. Remember that you took an oath that you will tell the truth, so be truthful when the lawyers ask you questions, and always give complete answers. If you do not answer a question that applies to you, that violates your oath. Sometimes a lawyer will ask a question of the whole panel instead of just one person. If the question applies to you, raise your placard and keep it raised until you are called on.

Do you understand these instructions? If you do not, please tell me now.

G. VOIR DIRE

Each side will have ____ minutes for voir dire.

[Plaintiff Voir Dire]: Plaintiff may begin.

[Defendant Voir Dire]: Defendant may begin.

[Bench Conference]: Attorneys approach. Any challenges for cause? ☐ Yes ☐ No

[If challenges for cause]: [_____]

At this time, we will take a brief break to enable the attorneys to exercise their challenges in this case. During this break, you are instructed not to discuss this case with anyone or to remain within hearing of anyone discussing this case.

Please return to the doors outside the courtroom at _____ and wait for the bailiff to allow you back inside the courtroom.

The following jurors please remain in the courtroom: _____.

H. JURY SELECTION AND RELEASE OF PANEL

Let the record reflect the panel is not in the courtroom. Attorneys have ____ minutes to submit their signed strike list to the court clerk.

The court will be in recess for ____ minutes.

[Review Strike List and Jury List with attorneys]: Objections to the jury chosen? ☐ Yes ☐ No

[Bring the jury in]: Back on the record the jury chosen is in the box. To those that did not make the jury, thank you for your service, you are released. If you need a jury excuse, you may obtain it from the bailiff on your way out.

Ladies and Gentlemen of the jury please raise your right hand and take the following oath:

Do You and each of you, do solemnly swear or affirm that in all cases between parties which shall be to you submitted, you will a true verdict render, according to the law, as it may be given you in the charge by the court, and to the evidence submitted to you under the rulings of the court?

Because of the oath you have taken and your selection for the jury, you become officials of this court and active participants in our justice system.

[Hand out the written instructions]: You have each received a set of written instructions. I am going to read them with you now. Some of them you have heard before and some are new.

1. Turn off all phones and other electronic devices. While you are in the courtroom and while you are deliberating, do not communicate with anyone through any electronic device. [For example, do not communicate by phone, text message, email message, chat room, blog, or social networking websites such as Facebook, Twitter (X) or Myspace.] [I will give you a number where others may contact you in case of an emergency.] Do not post information about the case on the Internet before these court proceedings end and you are released from jury duty. Do not record or photograph any part of these court proceedings, because it is prohibited by law.
2. To avoid looking like you are friendly with one side of the case, do not mingle or talk with the lawyers, witnesses, parties, or anyone else involved in the case. You may exchange casual greetings like “hello” and “good morning.” Other than that, do not talk with them at all. They have to follow these instructions too, so you should not be offended when they follow the instructions.

3. Do not accept any favors from the lawyers, witnesses, parties, or anyone else involved in the case, and do not do any favors for them. This includes favors such as giving rides and food.
4. Do not discuss this case with anyone, even your spouse or a friend, either in person or by any other means [including by phone, text message, email message, chat room, blog, or social networking websites such as Facebook, Twitter, or Myspace]. Do not allow anyone to discuss the case with you or in your hearing. If anyone tries to discuss the case with you or in your hearing, tell me immediately. We do not want you to be influenced by something other than the evidence admitted in court.
5. Do not discuss this case with anyone during the trial, not even with the other jurors, until the end of the trial. You should not discuss the case with your fellow jurors until the end of the trial so that you do not form opinions about the case before you have heard everything. After you have heard all the evidence, received all of my instructions, and heard all of the lawyers' arguments, you will then go to the jury room to discuss the case with the other jurors and reach a verdict.
6. Do not investigate this case on your own. For example, do not:
 - a. try to get information about the case, lawyers, witnesses, or issues from outside this courtroom;
 - b. go to places mentioned in the case to inspect the places;
 - c. inspect items mentioned in this case unless they are presented as evidence in court;
 - d. look anything up in a law book, dictionary, or public record to try to learn more about the case;
 - e. look anything up on the Internet to try to learn more about the case; or
 - f. let anyone else do any of these things for you.

This rule is very important because we want a trial based only on evidence admitted in open court. Your conclusions about this case must be based only

on what you see and hear in this courtroom because the law does not permit you to base your conclusions on information that has not been presented to you in open court. All the information must be presented in open court so the parties and their lawyers can test it and object to it. Information from other sources, like the Internet, will not go through this important process in the courtroom. In addition, information from other sources could be completely unreliable. As a result, if you investigate this case on your own, you could compromise the fairness to all parties in this case and jeopardize the results of this trial.

7. Do not tell other jurors about your own experiences or other people's experiences. For example, you may have special knowledge of something in the case, such as business, technical, or professional information. You may even have expert knowledge or opinions, or you may know what happened in this case or another similar case. Do not tell the other jurors about it. Telling other jurors about it is wrong because it means the jury will be considering things that were not admitted in court.
8. Do not consider attorneys' fees unless I tell you to. Do not guess about attorneys' fees.
9. Do not consider or guess whether any party is covered by insurance unless I tell you to.
10. During the trial, if taking notes will help focus your attention on the evidence, you may take notes using the materials the court has provided. Do not use any personal electronic devices to take notes. If taking notes will distract your attention from the evidence, you should not take notes. Your notes are for your own personal use. They are not evidence. Do not show or read your notes to anyone, including other jurors.

You must leave your notes in the jury room or with the bailiff. The bailiff is instructed not to read your notes and to give your notes to me promptly after collecting them from you. I will make sure your notes are kept in a safe, secure location and not disclosed to anyone.

You may take your notes back into the jury room and consult them during deliberations. But keep in mind that your notes are not evidence. When you

deliberate, each of you should rely on your independent recollection of the evidence and not be influenced by the fact that another juror has or has not taken notes. After you complete your deliberations, the bailiff will collect your notes.

When you are released from jury duty, the bailiff will promptly destroy your notes so that nobody can read what you wrote.

11. I will decide matters of law in this case. It is your duty to listen to and consider the evidence and to determine fact issues that I may submit to you at the end of the trial. After you have heard all the evidence, I will give you instructions to follow as you make your decision. The instructions also will have questions for you to answer. You will not be asked and you should not consider which side will win. Instead, you will need to answer the specific questions I give you.

Every juror must obey my instructions. If you do not follow these instructions, you will be guilty of juror misconduct, and I may have to order a new trial and start this process over again. This would waste your time and the parties' money, and would require the taxpayers of this county to pay for another trial.

Do you understand these instructions? If you do not, please tell me now.

A copy of these instructions will be left in the jury room. If anyone does not follow these instructions, let me know.

E. TRIAL

[Invoke Rule]: The court invokes Rule 614. Attorneys advise your client and your witnesses.

[Opening Statements]: Each side has _____ minutes.

[Plaintiffs Case]: Call your first (next) witness.

[Respondents Case]: Call your first (next) witness.

[Conclusion of Evidence]: Do both sides rest and close? ☐ Yes ☐ No

[Prepare Charge]: Ladies and gentlemen of the jury, all the evidence is now before you. However, you have not yet been given the law in the court's charge and heard closing arguments from each side. We are going to take a brief recess at this time to allow me to prepare the charge and give the attorneys an opportunity to review it before it is read to you. All of the instructions that I give you at the beginning of the case still apply. You are not to discuss the case amongst yourselves or with anyone, or to remain within hearing of anyone discussing this case. Be back outside the courtroom doors at _____.

[Review Charge]: Let the record reflect that the attorneys are present in the courtroom at this time. The jury is not present. The Court has prepared and submitted its charge to the attorneys. Having had a reasonable time to review the charge, does either party have any objections or requested submissions?

[Read Charge]:

[Closing Argument]: Each side has ____ minutes for closing arguments.

[Deliberation]: Ladies and Gentlemen of the Jury, at this time all of the evidence, the Court's charge, and the closing arguments of the attorneys are before you. I am going to hand the bailiff the Charge together with a verdict form. They will be left with you in the jury room. Once all of the members of the jury are present and assembled in the jury room, the case is formally submitted to you and you may begin your deliberations. Please step down from the jury box and accompany the bailiff to the jury room.

[Verdict]: Thank you for your verdict. I have told you that the only time you may discuss the case is with the other jurors in the jury room. I now release you from jury duty. Now you may discuss the case with anyone. But you may also choose not to discuss the case; that is your right.

After you are released from jury duty, the lawyers and others may ask you questions to see if the jury followed the instructions, and they may ask you to give a sworn statement. You are free to discuss the case with them and to give a sworn statement. But you may choose not to discuss the case and not to give a sworn statement; that is your right.