

An Analysis of the Effective Use of Jurors in Lubbock County

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Abstract

Lubbock County is located in the heart of West Texas in an area known as the South Plains. Located approximately 300 miles west-northwest of the Dallas-Fort Worth metroplex, it is the largest city in West Texas, excluding El Paso, with an estimated population of 250,638.¹ The Lubbock County judicial system consists of three levels of trial courts that can hear jury trials. The six District Courts are constitutionally created general jurisdiction courts that have general jurisdiction over felony criminal cases, civil suits with over \$200 or \$500 in controversy,² domestic relations cases and juvenile matters. The three County Courts at Law are statutorily created courts that have limited jurisdiction over misdemeanor criminal cases where liberty is at stake, civil suits with between \$200 and \$100,000 in controversy, and probate matters. The Lubbock County Courts at Law have been given statutory concurrent jurisdiction with the District Court over domestic relations cases. The four Justice Courts are constitutionally created limited jurisdiction courts that have jurisdiction over misdemeanor criminal cases where liberty is not at stake, small claims matters, and civil suits with less than \$5,000 in controversy. All of these courts hear jury trials in the matters listed above.³

The Lubbock County jury system has never been systematically evaluated to determine its effectiveness. Because of the large number of jurors that are summoned each year in Lubbock County, it is crucial that jurors be summoned and utilized in the best possible way. Not only would the most efficient jury system save money for

¹ Texas Data Center, 2006, Table 1.

² The amount of minimum jurisdiction in civil cases is currently unclear statutorily.

³ As Aikman (2007, p. 39) points out, in Texas “each judge is elected to a specific courtroom and has a judicial district or county court number assigned to that courtroom. Judges share courthouses and some administrative staff, but each judge is a ‘court.’” (i.e. there is only one judge of the 72nd District Court), rather than multiple judges per district. Such is the case also with the justice courts.

Lubbock County and the State of Texas, but more importantly it would be most considerate of jurors' time. Therefore, the focus of this project was on analyzing the jury system in Lubbock County to determine in which areas Lubbock County's jury system could be improved. Specifically, the project focused on the juror yield and utilization of jurors once they had appeared for service.

The project used CourTool 8, Effective Use of Jurors, part of the newly-released CourTools measurements from the National Center for State Courts. Automated data from the Jury Management System was used to calculate the juror yield, along with the component variables within this measurement. Data from the Jury Selection Lists were manually compiled to calculate juror utilization measurements, as well as suggested panel sizes.

The study showed a fairly inefficient jury system as a whole. Specifically, the overall juror yield was 25.8 percent. This low rate was in part caused by a high summons undeliverable rate, exemption rate and postponement rate. The study did show that there was a positive impact made by the increase of juror compensation in January 2006. The juror utilization portion of the study revealed that the courts were selecting only 12.3 percent of the jurors present for jury duty, sending only 49.7 percent of the jurors for jury selection, and utilizing only 65.5 percent of the jurors sent to a courtroom. In turn, the juror utilization calculations showed a need for standard panel sizes, which were calculated for each level of court.

The report concludes with twelve specific recommendations made to improve the efficiency of the jury system in Lubbock County. The critical recommendations are that the jury system should seek to develop a better method for predicting the number of

jurors needed for duty and to allow those jurors to report electronically, to update addresses in the source list on a monthly basis to diminish undeliverable summons, to have the Texas Legislature eliminate all automatic exemptions and excusals from jury duty, to utilize the standard panel sizes as identified, and to institutionalize the collection and analysis of juror yield and juror utilization data for future analysis.

Introduction

Lubbock County is located in the heart of West Texas in an area known as the South Plains. Located approximately 300 miles west-northwest of the Dallas-Fort Worth metroplex, it is the largest city in West Texas, excluding El Paso, with an estimated population of 250,638.⁴ The county is a perfect square with the county being thirty miles by thirty miles. The nearest cities with over 100,000 in population are Midland and Amarillo, both located approximately 140 miles away. The majority of Lubbock County is made up of the City of Lubbock, with the rest of the county being rural.

The Lubbock County judicial system consists of three levels of trial courts that can hear jury trials. The District Court is a constitutionally created general jurisdiction court in Texas that has jurisdiction over felony criminal cases, civil suits with over \$200 or \$500 in controversy⁵, domestic relations cases and juvenile matters. The County Court at Law is a statutorily created court that has jurisdiction over misdemeanor criminal cases where liberty is at stake, civil suits with between \$200 and \$100,000 in controversy, and probate matters. The Lubbock County Court at Law has been given statutory concurrent jurisdiction with the District Court over domestic relations cases. The Justice Court is a constitutionally created limited jurisdiction court in Texas that has jurisdiction over misdemeanor criminal cases where liberty is not at stake, small claims matters, and civil suits with less than \$5,000 in controversy. A Court Structure Chart prepared by the Texas Office of Court Administration detailing the jurisdiction and structure of the courts in Texas is shown in Appendix A.

⁴ Texas Data Center, *op. cit.*

⁵ The amount of minimum jurisdiction in civil cases is currently unclear statutorily.

Lubbock County currently has six district courts, three statutory county courts at law, and four justice courts.⁶ While all of the District Courts and County Courts at Law have countywide jurisdiction to hear all of the case types described above, the courts have assumed specialized case type dockets. The 72nd, 99th and 237th District Courts hear the civil matters filed in the District Courts, while the 137th, 140th and 364th District Courts hear the criminal matters filed in the District Courts. While any of the District Courts can hear juvenile jury trials, one judge is selected by the other District Judges to be the Juvenile Judge, who hears the juvenile jury trials.⁷ County Court at Law Number One and County Court at Law Number Two hear the criminal matters filed in the County Courts at Law, while County Court at Law Number Three hears the civil and probate matters filed in the County Courts at Law. All of the District Courts and County Courts at Law hear the domestic relations cases. All four Justice Courts hear all matters for which they are granted jurisdiction under the constitution. However, the Justice Court jurisdiction is limited to the geographic boundaries assigned to that Justice Court.

In Texas, a party has a right to a jury trial in any matter before a court⁸. This right is secured in a criminal case as a matter of course, unless waived by the defendant. The right to a jury trial in all other cases is secured by requesting such. In the non-criminal cases, a jury fee of between four and twenty-two dollars is required to be paid unless the party is determined to be indigent.

⁶ See footnote 3.

⁷ The Judge of the 99th District Court is currently the Juvenile Judge.

⁸ The Texas Constitution guarantees the right to a jury trial in Article 1, Section 15 (“The right of trial by jury shall remain inviolate.”) Section 10 also specifically guarantees the right to a jury trial in criminal prosecutions (“In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury.”)

Lubbock County has adopted a Jury Plan that prescribes how the jury process should occur.⁹ The plan details the way jurors are summoned. Texas law provides that a jury wheel should be established in each county containing “the names of all persons on the current voter registration lists from all of the precincts in the county and all names...of citizens of the county who hold a valid Texas driver’s license or a valid personal identification card.”¹⁰ These names are obtained from the Texas Secretary of State who is required under law to collect this information from the various agencies that originally hold the information.

An Annual Calendar of the District Courts is published each year listing the weeks where the courts will schedule jury trials (See Appendix C). It is this calendar that the Central Jury Pool uses to determine when to summon jurors. On weeks where there is not a Lubbock County holiday on Monday, the Central Jury Pool summons jurors on Monday and Wednesday (See Appendix D for a copy of the Lubbock County Holidays for 2005 and 2006). On weeks when there is a Lubbock County holiday on Monday, the Central Jury Pool summons jurors on Tuesday. Jurors are not summoned on any other days of the week unless specifically requested by the judge for a high-profile trial or other specific reason.

Four weeks prior to a particular summons date, the Jury Manager requests a pool of names of potential jurors listed in the source list, also known as the jury wheel, to be drawn for summons. The list is sent to a contractor where printing and mailing of the summons to the potential jurors occurs (See Appendix E for a sample summons).

⁹ See Appendix B for a copy of the current Lubbock County Jury Selection Plan.

¹⁰ TX Govt § 62.001(a)

Texas law provides for the qualifications for an individual to serve on a jury as follows:

A person is disqualified to serve as a petit juror unless the person:

- (1) is at least 18 years of age;*
- (2) is a citizen of this state and of the county in which the person is to serve as a juror;*
- (3) is qualified under the constitution and laws to vote in the county in which the person is to serve as a juror;*
- (4) is of sound mind and good moral character;*
- (5) is able to read and write;*
- (6) has not served as a petit juror for six days during the preceding three months in the county court or during the preceding six months in the district court;*
- (7) has not been convicted of misdemeanor theft or a felony; and*
- (8) is not under indictment or other legal accusation for misdemeanor theft or a felony.¹¹*

In addition, there are a number of exemptions from jury service provided by Texas law. Those exemptions are as follows:

(a) A person qualified to serve as a petit juror may establish an exemption from jury service if the person:

- (1) is over 70 years of age;*
- (2) has legal custody of a child younger than 10 years of age and the person's service on the jury requires leaving the child without adequate supervision;*
- (3) is a student of a public or private secondary school;*
- (4) is a person enrolled and in actual attendance at an institution of higher education;*
- (5) is 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;*
- (6) is summoned for service in a county with a population of at least 200,000, unless that county uses a jury plan under Section 62.011 and the period authorized under Section 62.011(b)(5) exceeds two years, and the person has served as a petit juror in the county during the 24-month period preceding the date the person is to appear for jury service;*
- (7) is the primary caretaker of a person who is an invalid unable to care for himself;*

¹¹ TX Govt § 62.102

(8) except as provided by Subsection (b), is summoned for service in a county with a population of at least 250,000 and the person has served as a petit juror in the county during the three-year period preceding the date the person is to appear for jury service; or
(9) is a 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.¹²

There are other exemptions and allowable excuses codified in the statute. A copy of the entire statute governing jury service in Texas is attached as Appendix F.

Citizens who are summoned to appear for jury duty are given a date and time to appear on the summons they receive. Once the summons date arrives, all of the jurors who appear report to the Central Jury Pool. Jurors who appear to the Central Jury Pool are required to fill out the juror information sheet that is attached to the bottom of their summons. The jury manager collects the juror information sheets and uses them to record basic juror information in the Jury Management System.

The Central Jury Pool is the location where all of the jurors for all of the courts convene and are distributed to each of the courts. A District Judge is assigned to the Central Jury Pool each week to qualify the jurors and hear any excuses from them.¹³ After a brief introduction by the District Judge including the qualifications and exemptions from jury service, the judge allows jurors wishing to claim an exemption or to notify the Court of their disqualification to approach the bench. Jurors wishing to be excused from jury service also approach the bench at this time. The judge hears all of the exemptions, requests for excusal, and disqualifications and grants or denies the requests. All of the remaining jurors are administered an oath by the judge.

¹² TX Govt § 62.106

¹³ The District Judge assigned to the Central Jury Pool each week is noted with “Jury Pool” on the calendar in Appendix C.

All of the courts are required to request a jury panel using the form shown in Appendix G. The jury panel request form shows the date and time the panel is needed, the court for which the panel is needed, and the number of jurors that are needed for the panel. There are no suggested standard panel sizes, so the panel sizes vary significantly from court to court. The number of courts requesting jury panels or the total number of jurors needed for all of the panels is not usually known until the morning of the jury pool, even though the jury panel request form indicates that the form should be submitted at least seven days prior to the summons date. Therefore, the jury manager requests the same number of jurors each week regardless of the need for jurors.

Once the jurors are qualified by the judge, the jury manager takes the list of the courts needing jurors and randomly assigns the jurors to the specific panel. The Lubbock County Board of Judges has ordered that individual courts will receive their panels as follows:

1. District Courts hearing criminal cases
2. District Courts hearing civil cases
3. County Courts at Law hearing criminal cases
4. County Courts at Law hearing civil cases
5. Justice Courts.

If there are insufficient jurors to satisfy all of the requests, the courts with the highest priority receive their jurors, while the other courts must wait for jurors not selected in the previous panels to be reused to constitute a panel for the lower priority courts. Most jurors serve under the one day, one trial method of jury selection and are released from the original panel to which they are assigned.

In April 2005, the District Judges who have the responsibility of overseeing the Central Jury Pool became concerned with the jury pool situation when there were multiple weeks where there were insufficient jurors reporting to cover the needs of the courts. Therefore, the court began a public education campaign whereby the court sought to enforce jury summons. Absentee jurors were sent a letter encouraging them to call and reschedule their jury service or face sanctions from the Court. Many jurors responded to the first letter; however, those who did not respond were sent orders to show cause requiring the absentee juror to appear before the Court and explain why he or she had failed to respond to the Court's summons and letter. Media outlets were informed of the enforcement activities and multiple news stories appeared. The result was that the Central Jury Pool received numerous phone calls from jurors who had received summonses and failed to appear. The courts also received numerous letters returned undeliverable by the United States Postal Service. Many times the letters from the Court were returned prior to the summonses. Only a handful of the "no show" jurors appeared for the show cause hearings. At these hearings, the Court lectured the citizens on the importance of their appearance and rescheduled the jurors for a future date. This process brought to light that there may be numerous issues impacting the Lubbock County jury system.

In the 79th Regular Legislative Session (2005), the Texas Legislature passed Senate Bill (SB) 1704 that revised the way that jurors in Texas are paid. Prior to the enactment of the legislation, jurors in Texas were paid according to a schedule adopted individually by each of Texas' 254 counties. In Lubbock County, jurors were not paid on their first day of service and received twenty-five dollars for each additional day that they

served. Prior to the new legislation, counties were required to pay all costs of jury pay. Under SB 1704, jurors in Texas are paid six dollars for their first day of service and forty dollars for each additional day of service. The state reimburses thirty-four of the forty dollars per day that jurors receive, while the counties are responsible for paying six dollars per day to each juror.

Even though states and courts across the United States have begun doing so,¹⁴ the Lubbock County jury system has never been systematically evaluated to determine its effectiveness. Because of the large number of jurors that are summoned each year in Lubbock County, it is crucial that jurors be summoned and utilized in the best possible way. Not only would the most efficient jury system save money for Lubbock County and the State of Texas, but more importantly it would be most considerate of jurors' time. Therefore, the focus of this project was on analyzing the jury system in Lubbock County to determine in which areas Lubbock County's jury system can be improved. Specifically, the project focused on the juror yield and utilization of jurors once they have appeared.

What follows are four sections of the report: the Literature Review Section, the Methods Section, the Findings Section, and the Conclusions and Recommendations Section. The Literature Review section provides a historical perspective of other research that has been conducted on the issue of jury system effectiveness. The Methods section provides a review of how this project was conducted. The Findings section provides the presentation and analysis of the data collected in the project. Finally, the Conclusions and Recommendations section frames the previous section with what the

¹⁴ American Bar Association, 2005, p. 30; Munsterman, 2002, para. 1.

findings tell about how the jury system can be modified for improvement. This section also includes recommendations for how to achieve the improvements identified.

Literature Review

Along with a movement in 1970 for more effective and professional court administration came the beginnings of studies on the jury system in America's courts. Prior to 1970, little was published showing courts across the country how to effectively manage one of the most important aspects of the judicial system: juries. Since that date, many studies and scholarly publications have been written to assist courts in this area.

Some of the first studies to review the jury system in the United States came from the federal courts. A review of the juror selection and management techniques used by selected United States District Courts was published in 1970.¹⁵ The study identified multiple problem areas and addressed how further study could assist courts in improving their systems. The study focused on the fact that the courts needed a systematic method for predicting the demand for jurors.

Continuing with a review of jury management in the federal courts, the American Bar Association published a report during the same year which studied the jury management system of the United States District Court, Western District of Missouri.¹⁶ The focus of the Missouri study was on how jurors were utilized in the court, the costs associated with that usage, and the inconvenience and attitudes of jurors in the jury process. The study found that the jurors

“tended to adopt a more negative attitude concerning the pleasantness and usefulness of his service if he (1) did not have an opportunity to participate in rendering a verdict, (2) sat on a case which ended before

¹⁵ Westinghouse, 1970.

¹⁶ Merrill and Schrage, 1970.

verdict, (3) spent more than 20 percent of his time waiting, (4) was challenged at least once, or (5) reported for service and was sent home without being seated on a jury.”¹⁷

The Federal Judicial Center (FJC) provided more analysis for the jury management discussion in 1970 in an unpublished article concerning the United States District Court, Southern District of New York.¹⁸ This compilation of jury records reviewed the efficiency of jury management process including the juror yield and jury utilization during 1969. The findings showed that jurors were not being utilized effectively in the court. The FJC contributed a prediction table method for determining proper panel sizes in the court. On the heels of the FJC study in the Southern District of New York was an article that provided recommendations for improving the jury management in that same District Court.¹⁹ Key among the findings was that the number of jurors called into court daily was almost always larger than those needed, largely due to cancellations by the courts.

All of the studies in the federal courts led to a publication by the Federal Judicial Center in 1972 of guidelines to assist the federal courts with jury management.²⁰ The guidelines introduced the concept of the determination of an acceptable risk that a panel provided might not be large enough for the entire voir dire. The suggestion was that the risk should not be zero but small. The FJC Guidelines stated that such a determination would result in significant savings in juror time and cost. Furthermore, the FJC publication suggested that courts establish model panel sizes for civil and criminal voir

¹⁷ Ibid.

¹⁸ Federal Judicial Center, 1970.

¹⁹ Stoever, 1971.

²⁰ Federal Judicial Center, 1972.

dire separately but that categorizing the suggested panel sizes by specific offense and types of suit were not worthwhile efforts.

After the studies in the federal courts and the culmination of those efforts with the 1972 FJC guidelines, the literature on jury management remained quiet for a number of years, until the National Center for State Courts began reviewing jury systems in the state courts. One of the first published jury management reviews in the state courts was a lengthy report to the California Judicial Council meant to address concerns about numerous issues that existed in the California jury system.²¹ Specifically, the publication addressed 13 aspects of the system including the juror source lists, master jury lists, random selection, summoning, telephone systems, panel sizes, pooling jurors, compensation, length of service, facilities, ways of measuring system efficiency, dissemination of information to courts and statutory consolidation. While the recommendations of the report are too numerous to discuss here, the National Center's suggestions were revolutionary for state courts nationwide in that it began a process of looking at state court jury systems much like the federal courts had already done.

Later in 1978, the National Center for State Courts continued its quest for state court jury management review in the Seventh Judicial Circuit in Rapid City, South Dakota, with two additional studies contributing to the revamping of jury systems nationwide.²²

At the same time the review of state court jury systems were developing, likely the most significant contribution to jury system management was being developed by G.

²¹ National Center for State Courts, 1978, April.

²² National Center for State Courts, 1978, December, and Bremson, 1979.

Thomas Munsterman.²³ Munsterman's book was the first publication to establish measures in twelve key areas that allowed courts to determine the effectiveness and efficiency of the jury system locally. The twelve measurement elements identified were:

1. Jury System Management Plan
2. Source Lists
3. Qualification/Summoning
4. Exclusions
5. Orientation
6. Term of Service
7. Jury Utilization
8. Standard Panel Sizes
9. Calendar Coordination
10. Standby Jurors
11. Voir Dire
12. Monitoring and Control

Each of these elements has become crucial to evaluating jury systems in the state courts and many of the elements will be incorporated heavily in this report, just as they have been incorporated in numerous standards that will be discussed below. Besides setting out the protocols for measuring these elements, the book provides national suggested standards for many of the areas. For example, the book suggests that the juror yield should be 40 percent.²⁴ As part of the measurement system, Munsterman goes on to offer suggestions for improving the jury management system by providing specific techniques for a more efficient system.

Upon the release of the Munsterman's book, individual courts across the country began measuring the local jury management systems and publicizing reports showing that

²³ Munsterman, 1996. The book was originally titled *Methodology Manual for Jury Systems*. When the book was revised in 1996, the title was changed to *Jury System Management*.

²⁴ *Ibid*, at xv.

identifying the problem areas and making targeted improvements led to remarkable improvement.²⁵

The Trial Court Performance Standards (TCPS)²⁶ provided another significant development in the measurement of jury system management. Standard 3.2 of the TCPS, while not specifically addressing juror yield or juror utilization, provides three measures of jury representativeness.

A recent development in the literature was spurred by the American Bar Association's publication focusing on the American jury system.²⁷ The ABA's American Jury Project met in October 2004 to revise and consolidate existing jury management principles that had been developed in 1993. The resulting nineteen principles set out by the ABA allow courts to develop best practices that are in line with what practicing attorneys and judges suggest should be standards.

The last and likely the most significant contributor to this study was the development of the CourTools measures.²⁸ The CourTools measures were the result of efforts to consolidate the Trial Court Performance Standards into a system of performance measures that were easier to measure and interpret. As a result of these efforts, CourTools Measure 8 entitled "Effective Use of Jurors" provides the majority of the basis of this project.

It is important to note the relevant literature regarding studies of the jury system in Texas. There is only one published study that can be found where courts in Texas

²⁵ Center for Jury Studies, 1980. Anderson, 1984. Kowitz, 2000. Florida Supreme Court, 2006.

²⁶ Diggs, 1997.

²⁷ American Bar Association, op. cit.

²⁸ National Center for State Courts, 2005.

have looked at jury management.²⁹ While the Task Force was charged with studying “the jury system in Texas and mak[ing] recommendations both to the Supreme Court and the Legislature on needed reforms,” the majority of the study was focused on representativeness of jury panels, pay for jurors, minimizing inconvenience for jurors, and limiting the length of trials. Limited discussion and no specific guidelines were given to address issues related to juror yield and juror utilization. A subsequent Task Force on Jury Assembly and Administration was appointed in July 2006 to study similar issues, specifically those related to ABA Principle 10 (Representativeness of Jury Pool). The chair stated that “our study was limited to the jury process from the time citizens are summoned for jury duty to the time they are sent to a courtroom for jury selection in a case. We were not asked to deal with jury selection procedures in the courtroom, and so we did not go there.” The report of the latest Task Force was released on February 2, 2007.³⁰ In the report, several recommendations are made including revising the way the Secretary of State compiles the source list for Texas counties and requiring the Secretary of State to update the list quarterly and to keep it current. The rest of the report recommends some strategies that the Task Force each county in Texas would have to consider individually, rather than on a statewide level. Most of these other recommendations had to do with juror comforts and certain other possible reforms.

²⁹ Supreme Court of Texas, 1997.

³⁰ The full report can be accessed at www.supreme.courts.state.tx.us/pdf/JTF_report_02.02.07.pdf.

Methodology

The research design for this project followed traditional jury analysis designs. There were two distinct parts of the design: 1) juror yield data collection and analysis; and 2) juror utilization data collection and analysis.

Juror yield Data Collection and Analysis

The National Center for State Courts' CourTool 8 measure (Effective Use of Jurors) was primarily used to as a guide in the collection of the data necessary to perform the analysis of juror yield and usage. Data needed for Part A of the measure (juror yield) was obtained from the data available in the Lubbock County Jury Management System. Using the format of the Juror Yield Computation Worksheet³¹ in CourTool 8, the Lubbock County Information Services Department extracted data for the period in question. The data collection took just over three weeks to establish the programming necessary to pull the correct data, as well as to run the query.

Juror yield data was collected for the entire year of 2005 and from January 1, 2006, to June 30, 2006. The data was separated for each day that jurors were scheduled to appear in Lubbock County. Generally, that meant that data was pulled for every Monday and Wednesday. Data was pulled for Tuesdays in weeks where the Monday of that week was a County holiday. A report totaling all dates in 2005 and the first half of 2006 was prepared by summing up the totals from the individual jury dates.

Because of the fact that data was available electronically for all dates during the period, no sample was used. Rather, the entire population of data was included in the collection and later analysis.

³¹ See Appendix K.

Data in the Jury Management System had been coded previously by members of the District Clerk's Office Jury staff. Jury staff code every summons that is sent out using one of the following codes:

- 01: Complete Service - *automatically entered when juror information sheet scanned on the day of reporting*
- 02: No Show
- 03: Excused by Judge
- 04: Transfer - *transfer date must be entered and reason for transfer*
- 05: Returned Mail
- 06: Deceased - *permanent exemption automatically entered*
- 10: Non-Citizen Disqualification
- 11: Over 70 Exemption
- 12: Student Exemption
- 13: Children under 10 Exemption
- 14: Primary Caregiver Exemption
- 15: Prior Service Exemption
- 16: Non-Resident Disqualification
- 17: Military Exemption
- 18: Theft Disqualification
- 19: Felon Disqualification
- 20: Illiterate Disqualification
- 24: Medical / Mental Exemption

Juror summonses are numbered by week followed by a randomly assigned number. For example, a juror summoned during week one would be assigned a number of 01-xxxx. Therefore, the total number of summonses sent was determined utilizing the week that the juror was summoned.

The data element "postponed to serve this period" was determined using the transfer code from above when that code was entered previously and the new summons date was during the period in question.

It is common practice in Lubbock County never to tell jurors not to report. There is not a procedure available for doing such, and therefore it does not happen. The data element "told not to report" was therefore assumed to equal zero in all time periods.

The data element “no show” was determined by summing the total number of juror summonses coded 02 – No Show in the Jury Management System for the period in question.

The data element “undeliverable” was determined by summing the total number of juror summonses coded 05 - Returned Mail in the Jury Management System for the period in question.

The data element “disqualified” was determined by summing the total number of juror summonses coded 10 – Non-Citizen Disqualification, 16 – Non-Resident Disqualification, 18 – Theft Disqualification, 19 – Felon Disqualification, or 20 – Illiterate Disqualification in the Jury Management System for the period in question.

The data element “excused” was determined by summing the total number of juror summonses coded 11 – Over 70 Exemption, 12 – Student Exemption, 13 – Children under 10 Exemption, 14 – Primary Caregiver Exemption, 15 – Prior Service Exemption, 17 – Military Exemption, or 25 – Medical/Mental Exemption in the Jury Management System for the period in question.

The data element “postponed to future” was determined by summing the total number of juror summonses coded 04 – Transfer in the Jury Management System for the period in question.

All data elements were entered into a spreadsheet form as shown in Appendix I.

Juror Utilization Data Collection and Analysis

The National Center for State Courts’ CourTool 8 (Effective Use of Jurors) was primarily used as a guide for the collection of the data necessary to perform the juror

utilization analysis. The data elements required to calculate the juror utilization measure are jurors selected in completed jury service, jurors challenged in completed jury selection, jurors not selected or challenged in completed jury service, jurors utilized in incomplete jury service, jurors never assigned and jurors actually utilized. Unfortunately, the Lubbock County Jury Management System does not capture any of the data elements necessary to perform the Juror Utilization Analysis as described in Part B of CourTool 8. However, the elements were found to be available in the Jury Pay Records. The Central Jury staff maintains hard copy records of each jury panel that is sent to a courtroom. When a jury panel is sent to a courtroom, the jury manager prepares a list of the names of the jurors who are sent to the courtroom that is referred to as the Jury Selection List. The bailiff or court deputy in each court where jury selection is occurring is responsible for recording what happens to the jury panel on the Jury Selection List. For example, if the case for which the panel was sent to the courtroom settles, the bailiff or court deputy notates this on the Jury Selection List and returns the form to the jury manager. If a jury is selected and sworn, the bailiff or court deputy circles the names of the jurors who were selected on the Jury Selection List, records how many days each juror served and returns the form to the jury manager. All of the lists are combined into the Jury Pay Report. During September and October 2006, data from the Jury Selection Lists was retrieved and recorded.

Jury Pay Reports for the entire year of 2005 and from January 2006 to June 2006 were retrieved from the Central Jury Pool. Each Jury Selection List was reviewed to calculate the necessary data elements.

The data element “total sent to Voir Dire Room (Sent for Jury Selection)” was calculated by summing the total number of jurors listed on the Jury Selection Lists for all courts on each jury date in question.

The data element “selected in completed jury service” was calculated by summing the total number of jurors listed on the Jury Selection Lists who were picked for a jury and completed that service during the period in question.

The data element “challenged in completed jury selection” was calculated by summing the total number of jurors who were eliminated from the panel by peremptory challenges or challenges for cause as indicated on the Jury Selection Lists.

The data element “not selected or challenged in completed jury service” was calculated by subtracting the total number of jurors selected in completed jury service and the total jurors challenged in completed jury service from the total sent for jury selection.

The data element “utilized in incomplete jury service” was calculated by summing the number of jurors listed on Jury Selection Lists where it was notated on the List that a jury was not sworn.

The data element “never assigned” was calculated by subtracting the total number of jurors available to serve on the date in question from the total number who were sent for jury selection.

The data element “jurors actually utilized” was calculated by summing the number of jurors selected in completed jury selection, challenged in completed jury selection and utilized in incomplete jury selection.

All data elements were entered into a spreadsheet worksheet developed by the National Center for State Courts for use in analyzing CourTool 8 (Effective Use of Jurors). The worksheet is available on the CourTools website (www.courtools.org) and a sample is shown in Appendix J.

Problems Encountered During Data Collection

There were some problems encountered during the data collection process. As stated above, most of the data necessary for the data collection process was automated and captured in the Jury Management System. However, at first glance, the programmers developing the database to collect the required data elements realized that the Jury Management System did not record the date that the jurors were required to report for jury duty in the historical database. The only information listed in the historical database was on which day of the week the juror was scheduled to report. If this was the case, there would be no way to tell which summonses were sent for which dates. After some discussion with the jury manager, it was determined that together with the day of the week the juror was scheduled to report, the summons date could be retrieved from the summons number. For example, the juror summonses are numbered in the following format: 01-12659 where the first two numbers (i.e. 01 in this case) represent the jury week. The weeks of the year are numbered 01 to 52 and correspond to the calendar week. The first week of January is 01 and the last week of December is 52. Using this information along with the day of the week that the juror was scheduled to appear, the programmers were able to determine on which dates the jurors were scheduled to appear. A secondary concern with the data collection process was the fact that the data element

“no show” is currently not manually entered into the Jury Management System. Rather, the data element is automatically determined by the Jury Management System by subtracting all of the other data elements that are manually coded into the system and those coded as appearing for service from the total number of summonses sent. While it is highly likely that this method of determining “no shows” is accurate, since the number is not manually recorded by jury staff who take notice of jurors who did not respond to their summons, there is a possibility of inaccuracy in this number.

Lending credence to the concern that some of the “no show” calculation could be off were twenty-two summons dates that had to be excluded because of suspect data.³² Each of these dates revealed data from the Jury Management System that was impossible (i.e. negative numbers of no shows, negative jury yields, greater than one hundred percent jury yield). It is hypothesized that these anomalies were created due to clerical error in data entry; however, no firm explanation was apparent.

In addition, the CourTool 8 Data Analysis Worksheet template released by the National Center for State Courts was initially calculating multiple variables incorrectly. Specifically, the worksheet calculated “Not Selected or Challenged in Completed Jury Selection,” “Never Assigned,” “Jurors Actually Utilized,” and “Percent Sent to Courtroom and Utilized” incorrectly. This error was brought to the attention of researchers at the National Center for State Courts, who agreed that the calculations were inaccurate. The National Center for State Courts is now in the process of correcting the Data Analysis Worksheet template.

³² The summons dates excluded due to suspect data were: 1/4/05, 4/4/05, 5/4/05, 5/11/05, 5/25/05, 6/8/05, 8/17/05, 8/24/05, 8/31/05, 12/21/05, 1/10/06, 1/16/06, 1/18/06, 1/26/06, 2/27/06, 3/6/06, 3/8/06, 3/29/06, 4/19/06, 5/1/06, 5/17/06 and 5/30/06.

Findings

The findings of this project will be presented in two parts: Juror Yield and Juror Utilization

Juror Yield

CourTool 8 (Effective Use of Jurors) prescribes a method for collecting the data necessary to calculate the jury yield for a given period. Further, the National Center for State Courts' has released a worksheet (see Appendix K) that provides for a structure to guide the collection of all of the required data elements necessary to determine the juror yield: summonses sent, postponed to serve this period, told not to report, no show, undeliverable, disqualified, exempt, excused, postponed to future. However, since an automated worksheet from the National Center for State Courts was not released at the beginning of the data collection piece and since the Lubbock County Jury Management System captures all of the required data elements and programming could be established to capture the data, a project-specific worksheet was established to capture the data. Using the formula provided in CourTool 8, the juror yield could be calculated by dividing the total number of jurors available to serve by the total number of jurors who would have potentially been available had all of the jurors appeared who were summoned and transferred into the period. The total number of jurors available to serve is calculated by subtracting the number of jurors not available to serve from the total number of jurors potentially available to serve. Below is a reflection of the data collected during this phase of the project for the entire reporting period of January 1, 2005 to June 30, 2006.

Table 1: Juror Yield Computation Worksheet for All Days during the period from January 1, 2005 to June 30, 2006

DATA ELEMENT	TOTAL ON MONDAYS	TOTAL ON TUESDAYS	TOTAL ON WEDNESDAYS	TOTAL - ALL DAYS
Summonses Sent	42,510	5,747	21,219	71,226
Postponed to Serve this Period	6,648	1,156	3,328	11,370
Told Not to Report	0	0	0	0
No Show	6,745	1,111	3,296	11,764
Undeliverable	9,143	1,094	4,566	15,040
Disqualified	4,042	501	2,019	6,697
Exempt	8,911	1,180	4,370	14,742
Excused	142	17	140	308
Postponed to Future	7,621	1,127	3,699	12,759
Total Potentially Available to Serve	49,158	6,903	24,547	82,596
Total Not Available to Serve	36,613	5,030	18,090	61,310
Total Serving	12,554	1,873	6,457	21,286
Juror Yield	25.5%	27.1%	26.3%	25.8%
<i>Standard Deviation</i>	<i>7.02%</i>	<i>8.08%</i>	<i>6.41%</i>	<i>6.84%</i>

Overall Character of Yield Data

Table 1 above shows the juror yield for Mondays, Tuesdays and Wednesdays for the period from January 2005 to June 2006, as well as the overall data for the entire period.³³ Having this information available allows comparison to see if certain days of the week have a lower juror yield.

As can be seen in the table, there is very little difference in the juror yield between Mondays, Tuesdays and Wednesdays. All of the days are within 1.3 percent of the average juror yield for the entire period and within 1.6 percent of each other.

Factoring out Tuesdays, which represents a very small sample of the entire number of

³³ There were no dates during the reporting period from January 2005 to June 2006 where jurors were summoned on a Thursday or Friday.

days that were reported,³⁴ reveals that the juror yields are with one half of a percent of the average.

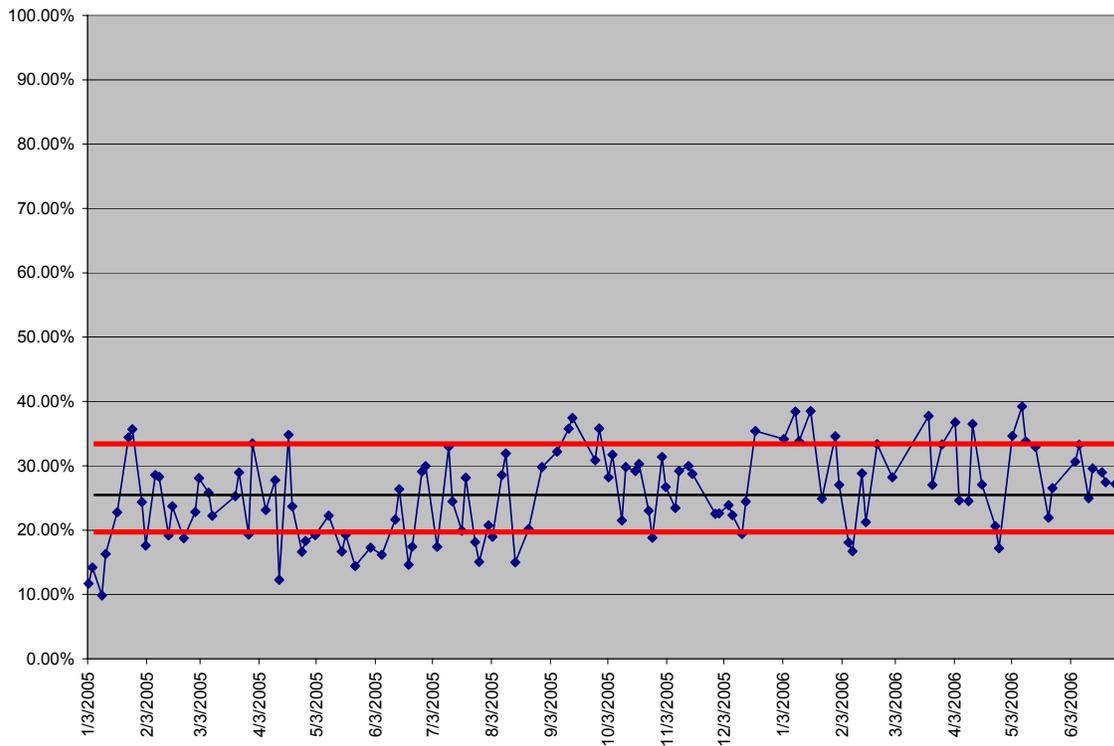
Reviewing the data in the previous table reveals important information for the court to consider. First, the juror yield is well below the suggested standard of forty percent.³⁵ Secondly, and possibly surprising, the day of the week does not affect the juror yield as some have suggested. Rather, the juror yield remains relatively constant no matter which day of the week citizens are summoned to appear.

The next level of analysis that is raised is whether or not the juror yield varies during certain weeks or months during the year. While the standard deviations in the juror yield for each of the days in question is relatively low ($\leq 8.08\%$), there still may be certain times when the juror yield drops or raises. In order to determine whether a variance is present during certain weeks or months, the juror yields for each juror summons date were plotted on a line graph. A line representing the average was placed on each graph, as well as two red lines representing the standard deviation high and lows. Points within the standard deviation are not considered to have varied significantly. Points outside the standard represent significant variance. The data is plotted below in Illustration 1, representing all summons dates consecutively.

³⁴ There were only eleven Tuesdays during the reporting period where jurors were summoned to appear out of the 142 total days where jurors were required to appear. Three of the Tuesday reporting days, as well as sixteen other reporting days, were rejected for suspect data. Therefore, only 6.5% of the reporting days were Tuesdays.

³⁵ Munsterman, 1996, at xv; National Center for State Courts, 2005 at para. 4.

Illustration 1: Line Graph representing the Juror Yield for All Juror Summons Days during the period from January 2005 to June 2006



It is apparent from Illustration 1 that there are relatively few summons dates that fall below the lower standard deviation line.³⁶ It should be noted that of the twenty-three dates that fall below the lower deviation line, twelve (52%) are paired together into weeks (one of the dates on Monday and the other on Wednesday of that same week). There does not appear to be any other consistencies among the dates below the lower deviation line.

On the other hand, there are twenty-three dates where the juror yield is above the upper standard deviation line.³⁷ Once again, there are four pair of dates that fall during

³⁶ The following dates fall below the lower standard deviation line: 1/3/05, 1/5/05, 1/10/05, 1/12/05, 2/2/05, 2/22/05, 4/25/05, 4/27/05, 5/16/05, 5/23/05, 5/31/05, 6/6/05, 6/20/05, 6/22/05, 7/5/05, 7/25/05, 7/27/05, 8/15/05, 10/26/05, 12/19/05, 2/6/06, 2/8/06 and 4/26/06. The number of dates outside of the standard deviation (23) represents 19.3% of the total summons dates during the period in question.

³⁷ The following dates fall above the upper standard deviation line: 1/24/05, 1/26/05, 3/30/05, 4/18/05, 7/11/05, 9/12/05, 9/14/05, 9/28/05, 1/3/06, 1/9/06, 1/11/06, 1/17/06, 1/30/06, 2/21/06, 3/20/06, 3/27/06, 4/3/06, 4/12/06, 5/3/06, 5/8/06, 5/10/06, 5/15/06, and 6/7/06.

the same week. Other than the fact that some of the dates fall during the same week, there is no apparent consistency among the dates that are above the upper deviation line.

Impact of Jury Pay Increase

Interestingly enough, there are fourteen dates below the lower deviation line during the first six months of 2005 versus only three during the first six months of 2006. There are four dates in the first six months of 2005 and fifteen dates in the first six months of 2006 that are above the upper deviation line. Coupled with the differences in the dates during the first six months of each year below the lower deviation line, it appears that the pay increase associated with SB 1704 has had a positive impact upon the juror yield in Lubbock County. The average juror yield prior to the enactment of SB 1704 was 24.12% and the average juror yield subsequent to the enactment of the law was 29.27%.

Impact of Summons Enforcement Campaign

Since it is apparent that the increase in juror pay had a positive impact on juror yield, the next consideration is whether the enforcement of juror summons also has a positive impact on juror yield. As discussed previously, the Lubbock County District Judges began a summons enforcement campaign in April 2005. If the summons enforcement campaign was effective, one would suspect to see an increase in the juror yield. Calculating the juror yield prior to the summons enforcement campaign reveals a juror yield of 23.44% versus a juror yield rate of 26.39% post-enforcement campaign. At first glance, it might appear that the campaign had a positive impact on the juror yield by increasing the yield by almost three percent. However, when the positive impact of SB 1704 discussed above is eliminated by limiting the period in question to dates prior to

January 1, 2006, the juror yield appears to be unaffected by the enforcement campaign. Specifically, the average juror yield rate between April 2005 and December 2005 was 24.46%, a mere one percent difference in yield. Based upon the data available at this time, it does not appear that the enforcement campaign had a significant impact on the juror yield.

Impact of Postponement Policy Change

Reviewing the graph in Illustration 1 above does reveal an unexpected shift in jury yield in August 2005. The average juror yield prior to August 2005 was 22.29% versus an average juror yield of 28.58% after August 2005. Even factoring out the SB 1704 effect discussed above, the juror yield increased to 27.66 percent. The increase in August 2005 does not negate the increase seen with the enactment of SB 1704, as the average juror yield still increases 1.6% after January 2006. Part of SB 1704 was made effective September 1, 2005, which may have had some positive impact on the jury yield. The bill revised the statute to make jury service postponement more difficult. Whether this change had a positive impact on juror yield is difficult to gauge; however, it would appear that its relative proximity to the date that the juror yield began to increase may indicate a relation between the two events.

Causes of Low Jury Yield Rate

Having reviewed the trends in the juror yield over time, it now becomes crucial to focus on the causes for the low juror yield rate. In order to determine the percentage of potentially available jurors who were eliminated due to various reasons, the number of jurors unavailable for each reason will be divided by the total number of potentially

available jurors. The table below reports the percentages that resulted from this calculation.

Table 2: Reasons for Juror Unavailability during the period from January 1, 2005 to June 30, 2006

DATA ELEMENT	TYPICAL NATIONAL VALUE	% OF AVAILABLE – MONDAYS	% OF AVAILABLE - TUESDAYS	% OF AVAILABLE – WEDNESDAYS	% OF AVAILABLE – ALL DAYS
No Show	10%	14.1% SD=9.8%	16.4% SD=10.2%	14.6% SD=9.6%	14.5% SD=9.8%
Undeliverable	10%	18.5% SD=4.5%	16.0% SD=6.8%	18.1% SD=4.7%	18.2% SD=4.8%
Disqualified	10%	8.2% SD=2.1%	7.3% SD=2.5%	8.1% SD=1.9%	8.1% SD=2.0%
Exempt	5%	18.0% SD=3.2%	17.2% SD=5.0%	17.6% SD=3.0%	17.8% SD=3.3%
Excused	35%	0.3% SD=0.5%	0.2% SD=0.1%	0.5% SD=0.9%	0.4% SD=0.7%
Postponed to Future	5%	15.4% SD=2.4%	16.2% SD=2.9%	15.2% SD=2.4%	15.4% SD=2.4%

Note: In this table, SD means standard deviation.

As shown in Table 2 above, there are significant differences in the percentages reported in the date range in question and the typical value in most courts around the United States. Taking each data element separately by day of the week provides further insight. The data elements do not remain static over the reporting period. In fact, the large standard deviation for most of the data elements reflects a wildly fluctuating element. The fluctuation makes it very difficult to try to determine a specific cause for each issue; however, each element will be dissected below to determine if there are issues that can be addressed.

No Show Jurors

The number of citizens who do not show up for jury duty when summoned and do not contact the Central Jury Pool to request an exemption, excuse or transfer is significant in Lubbock County. While the 14.24 percent of no shows during the reporting period from January 2005 to June 2006 is not incredibly alarming, it is a statistic to note. The no

show rate is slightly above the typical national value of 10 percent, representing a total of 3,504 no shows over the typical value during the entire reporting period. This total represents an average of twenty-nine citizens who did not respond to the summons on each summons date.

It should be noted that the no show rate was slightly higher on Tuesday summons dates (16.4% versus 14.1% and 14.6% on Monday and Wednesday summons dates, respectively). Tuesday summons dates are generally the day after a holiday. This could be the explanation for the slightly higher no show rate.

However, non-response to a summons does not automatically mean that a juror is ignoring the summons.³⁸ Rather, it may be for any of the following reasons:

- The citizen is not qualified for jury service, but does not realize that he or she needs to still respond to the summons;
- The citizen is simply forgetful;
- The citizen is supporting of jury service, but the reporting date is particularly inconvenient;
- The citizen has moved and never received the summons;
- The citizen did not understand the summons itself; or
- The citizen is truly a jury scofflaw.

According to the same text, the “single biggest predictor of [failure to appear] rates was whether prospective jurors believed that failing to appear would result in negative consequences.”³⁹ This was generally the case found when the Lubbock County District Judges began the summons enforcement campaign in early 2005. There were very few actual non-responders, but more inaccurate addresses and citizens who did not understand the summons. Those who did notify the Court about their failure to respond

³⁸ Giddings, 1993. Munsterman, Hannaford-Agor & Whitehead (2006).

³⁹ Ibid, at 47.

to the summons generally listed one of the reasons above as an excuse for their unresponsiveness.

Undeliverable

The number of undeliverable summons in Lubbock County during the reporting period is almost double the typical value in most courts throughout the United States.⁴⁰ The average cost of each summons sent out to a citizen seeking their appearance for jury duty is fifty cents. This cost figure includes printing, envelopes, and postage. The summons issuance is contracted out to a private company and does not include internal staff costs, as this is not necessary. Taking into consideration the number of summonses that are returned undeliverable results in substantial monetary loss to Lubbock County as follows:

$$15,040 \text{ summons undeliverable} \times \$0.50 \div 1.5 \text{ years} = \$5,013.33 \text{ loss per year}^{41}$$

The number of undeliverable summons is often directly related to the quality of the source lists that are being used and the class of mail through which the summonses are sent.⁴² Because of the fact that citizens move quite frequently, source lists that contain old information can be out-of-date and result in large numbers of undeliverable summonses. In fact, Munsterman suggests that undeliverable summonses will increase by 5 percent per year when using the same source list year after year.⁴³ Illustration 2 and 3 below show the undeliverable summons for Monday and Wednesday, respectively, in Lubbock County over the reporting period.

⁴⁰ Munsterman, op. cit., at 46.

⁴¹ The equation is divided by 1.5 years due to the fact that the number of summons that were undeliverable is cumulative over one and one half years. Dividing by the 1.5 years allows one to estimate the actual cost per year. Also, The monetary loss does not include the staff costs associate with having to process the returned mail.

⁴² Ibid, at 50.

⁴³ Ibid.

Illustration 2: Undeliverable summonses on Monday summons dates from January 2005 to June 2006

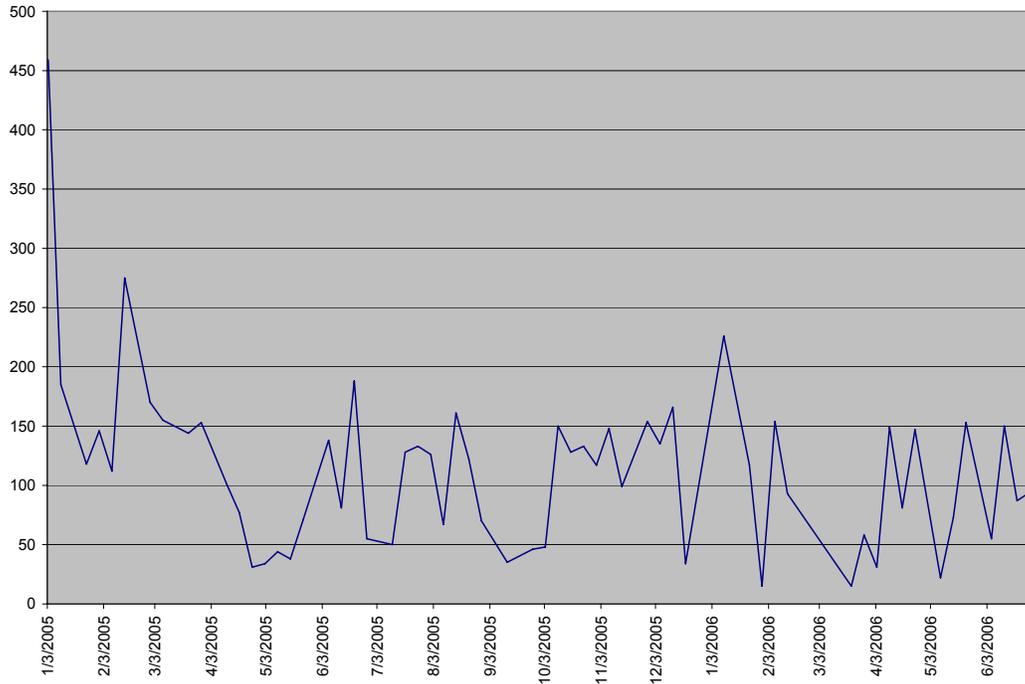
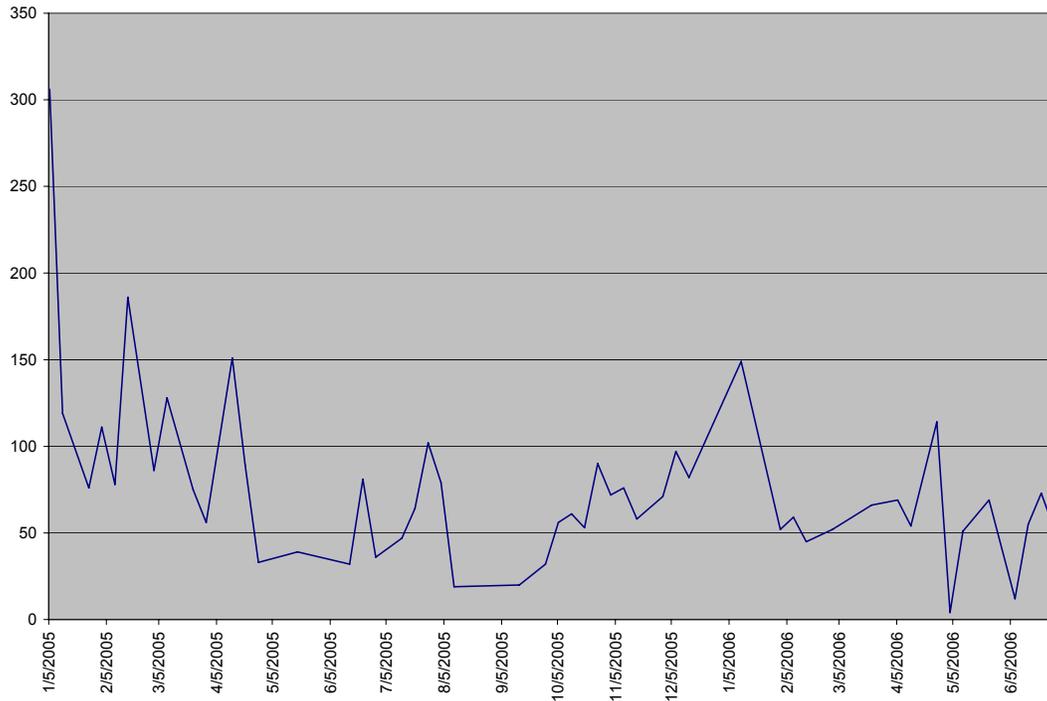


Illustration 3: Undeliverable summonses on Wednesday summons dates from January 2005 to June 2006



At first glance there does not appear to be any useful information on Illustration 2 and 3. However, taking into account that the Lubbock County Jury Management System source list was updated in April 2005 and again quarterly thereafter using the United States Postal Service's National Change of Address (NCOA) database brings new information to light. Specifically, it appears that the number of deliverable summonses on both Monday and Wednesday summons dates generally decreased in May 2005, August 2005, February 2006 and May 2006. The decreases coincided with NCOA address updated in the Jury Management System. During the period of time between these drops, the number of undeliverable summons generally tends to increase. NCOA updates can substantially reduce the undeliverable rate, resulting in increased yields and decreased administrative costs.⁴⁴ Based upon this information, it appears that using the National Change of Address system is helping to reduce the number of undeliverable summonses in Lubbock County.

Disqualified

As discussed in the introduction above, there are a number of statutory reasons why a potential juror can be disqualified. Any juror not meeting the qualifications listed is considered disqualified. There is very little that a local court can do to reduce the number of disqualifications from jury service since the juror qualifications are set by the legislative branch. In Lubbock County there does not appear to be a significant issue caused by the number of potential jurors who are disqualified. During the reporting period, only 8.1% of potential jurors were eliminated due to their disqualification. This is slightly below the typical value in most courts throughout the United States. The reason why this number may be so low is related to the statutory requirement that the source list

⁴⁴ Munsterman, Hannaford-Agor & Whitehead, op. cit., at 49.

exclude any individual disqualified for jury service due to the potential juror's age, criminal history, or residency. Because of the low disqualification rate, more analysis does not appear to be necessary at this time.

Exemptions

Texas law provides a number of possible exemptions from jury duty. Those exemptions were listed above in the Introduction section. It is solely up to the potential juror whether he or she will claim the exemption. Under the law, if the exemption is claimed and the potential juror meets the criteria for exemption, the Court must grant the exemption. During the reporting period, 17.8 percent of the total number of jurors potentially available for service were released due to exemptions. This is in contrast to the five percent that is typical of most courts in the United States. This high number of exemptions has an obvious impact on the ability to increase juror yield to acceptable levels.

Excusal

The number of excusals permitted in the Lubbock County jury system appears to be extremely low. During the period in question from January 2005 to June 2006, only 308 jurors were excused from jury duty. This represents only 0.4% of the potential jurors available for service and is significantly below the typical value of thirty-five percent for courts in the United States. This is likely due to the unwritten court policy that jurors should serve, even if that requires making accommodations to meet the needs of the prospective juror requesting an excuse. It is also likely due to the fact that most excuses are handled by the Jury Manager, which allows for consistency.

Postponed to Future

Where the unusually low excusal rate likely has a dramatic impact is in the category of postponed to future. The Lubbock County postponement rate during the reporting period from January 2005 to June 2006 was 15.4 percent. This is almost three times the typical value of courts in the United States (five percent). As discussed above, Senate Bill 1704 revised the statute that allowed for jury duty postponement effective September 1, 2005. To determine if the change in the law had such an impact, Illustration 4 and 5 below show the number of postponements for Monday and Wednesday, respectively, during the period in question.

Illustration 4: Undeliverable summonses on Wednesday summons dates from January 2005 to June 2006

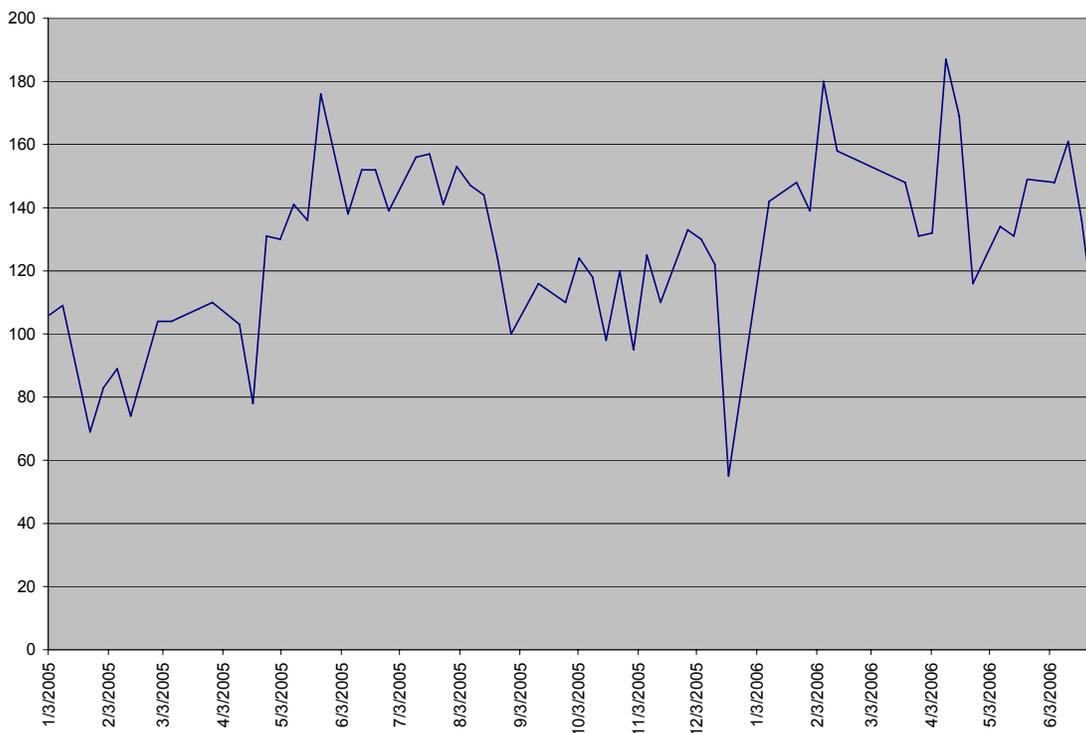
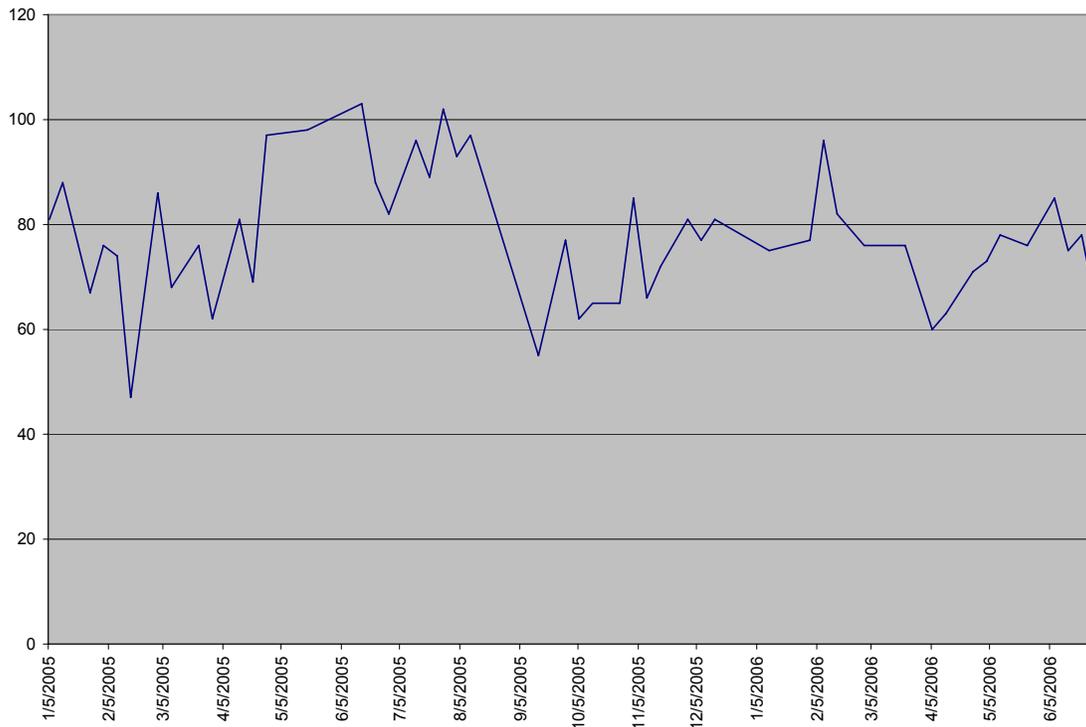


Illustration 5: Postponements on Wednesday summons dates from January 2005 to June 2006



Reviewing Illustration 4 and 5 above, show that the change in postponement policy may have had an impact on the number of postponements of jury duty. However, if it did have an impact, it appears to have been short-lived. While there was a decrease between September and December 2005, the number of potential jurors postponing their service appears to regain its pre-SB 1704 levels beginning in January 2006. It is important to note that there is not two years worth of data available to compare the affect of summer postponements, which are likely with family vacations during those months. Armed with two years worth of data, one might be able to rule out any positive impact of SB 1704 on the postponement rate.

Total Not Available to Serve

Combining all of the possible reasons discussed above provides a better picture of the total number of jurors not available to serve. While the percentage of potential jurors

not available to serve in Lubbock County during the period in questions was close to the typical value of other courts in the nation (74.23 percent versus 75 percent), the value would need to drop to sixty percent in order to meet the suggested juror yield standard of forty percent. It is highly unlikely that any one area discussed above will, if improved, make such a difference to drop the level to the suggested sixty percent. Thus, it is crucial to focus on all of the areas identified above as reasons why potential jurors might be unavailable to serve.

Juror Usage

While jury yield and all of the issues involved in producing a high yield rate may seem to be the most important part of effective jury management, a potentially greater focus should be on the court's use of jurors once they arrive and are qualified. Part II of CourTool 8 (Effective Use of Jurors) provides a method by which the data necessary to calculate juror utilization can be collected. The data elements are: jurors selected in completed jury selection, jurors challenged in completed jury selection, jurors not selected or challenged in completed jury selection, jurors utilized in incomplete jury selection and jurors appearing but never assigned to a courtroom. While the originally released version of CourTool 8 did not provide a worksheet for recording the required data elements to determine juror utilization, the National Center for State Courts has since released an automated worksheet which does allow one to summarize the data. The automated worksheet has two additional data elements not included in the originally released version of CourTool 8: total number of jurors sent to voir dire selection and number of jurors actually utilized.

There were 279 jury trials in all court levels during the period in question from January 2005 to June 2006.⁴⁵ Utilizing the Jury Selection List for each of the jury selections held during this period, it was possible to collect the aggregate data elements shown in Table 3 below.⁴⁶

Table 3: Juror Utilization Computation Worksheet for All Days during the period from January 1, 2005 to June 30, 2006

DATA ELEMENT	NUMBER
Total Serving (from Juror Yield calculation)	21,286
Total sent to voir dire selection	10,546
Selected in completed jury selection	2,626
Challenged in completed jury selection	3,940
Not selected or challenged in completed jury selection	3,456
Utilized in incomplete jury selection	524
Never assigned	10,740
Jurors actually utilized	7,090

In order to determine whether there is a significant difference between the juror utilization on different summons dates, Table 4 below reports the utilization data for Monday, Tuesday and Wednesday summons dates.

⁴⁵ 35 jury trials in the Justice Courts, 80 jury trials in the County Courts at Law, 146 jury trials in the District Courts and 18 Grand Juries selected.

⁴⁶ For a listing of individual trials with juror utilization data, please see Appendix L.

Table 4: Juror Utilization Computation Worksheet during the period from January 1, 2005 to June 30, 2006

DATA ELEMENT	NUMBER ON MONDAYS	NUMBER ON TUESDAYS	NUMBER ON WEDNESDAYS
Total Serving (from Juror Yield calculation)	12,554	1,873	6,457
Total sent to voir dire selection	7,132	873	2,541
Selected in completed jury selection	1,746	248	632
Challenged in completed jury selection	2,603	338	999
Not selected or challenged in completed jury selection	2,461	287	708
Utilized in incomplete jury selection	322	0	202
Never assigned	5,422	1,000	3,916
Jurors actually utilized	4,671	586	1,833

The data shown in Table 4 allows for the calculation of three specific measures that allow the court to see how well jurors are being utilized. Those measures are: 1) Percent Selected as Jurors, 2) Percent Sent for Jury Selection, and 3) Percent Sent to the Courtroom and Utilized.

The percent selected as jurors is calculated by dividing the number of jurors selected in completed jury selection by the total number of jurors serving. The suggested goal for this measure is 50 percent.^{47 48}

While earlier jury management scholars suggested it would be preferable to send every juror appearing for service to a courtroom, most have come to the realization that it is virtually impossible to have this occurrence at every summons date.⁴⁹ The percent sent for jury selection is calculated by dividing the total number of jurors sent to voir dire

⁴⁷ National Center for State Courts, 2005.

⁴⁸ It should be noted that CourTool 8, when originally released stated that the suggested goal for percent selected as jurors was 30 percent. However, the National Center for State Courts CourTool 8 automated worksheet, as well as Munsterman (1996), list 50 percent as the suggested goal.

⁴⁹ Munsterman, *op. cit.*, at 86. Munsterman, Hannaford-Agor and Whitehead, *op. cit.*, at 45.

selection by the total number of jurors serving. The suggested goal for this measure is 90 percent.⁵⁰

The Percent Sent to the Courtroom and Utilized is a direct reflection on the court’s ability to request an appropriate number of jurors for each voir dire panel. This measure is calculated as follows:

$$\frac{(\text{Selected in Completed Jury Selection} + \text{Challenged in Completed Jury Selection})}{(\text{Selected in Completed Jury Selection} + \text{Challenged in Completed Jury Selection} + \text{Not Selected or Challenged in Completed Jury Selection})}$$

The suggested goal for percent sent to the courtroom and utilized is 90 percent.⁵¹

Percent Selected as Jurors

Applying the calculation used to determine the percent selected as jurors to the data shown in Table 4 above provides the following percentages:

Table 5: Percentage Selected during the period from January 2005 to June 2006.

	All Days	Monday	Tuesday	Wednesday
Percentage Selected as Jurors	12.3%	13.9%	13.2%	9.8%
Significant Difference	8.65%	8.35%	9.90%	7.22%

Monday summons dates are the first summons day of the week and are always followed by a Wednesday summons date. Tuesday summons dates are only used when Monday is a Lubbock County holiday and are not followed by a second summons date during that week. Reviewing the percentages above, it is apparent that a higher percentage of potential jurors are selected and sworn on summons dates that are the first summons days of the week. Wednesday summons dates have a particularly low

⁵⁰ National Center for State Courts, 2005.

⁵¹ Ibid.

percentage selected as jurors. However, reviewing the significant difference levels shows that the percent selected as jurors is not consistent and varies for each summons date.

Since all levels of courts utilize a central jury pool and the total serving is aggregated among the courts, it is impossible to differentiate the percentage selected as jurors between the various courts.

Percent Sent for Jury Selection

In order to further illuminate the analysis discussed above, the percent sent for jury selection for the period in question from January 2005 to June 2006 is shown below.

Table 6: Percentage Sent for Jury Selection during the period from January 2005 to June 2006.

	All Days	Monday	Tuesday	Wednesday
Percentage Sent for Jury Selection	49.7%	56.8%	46.6%	33.8%
Significant Difference	37.36%	35.36%	38.91%	33.96%

As discussed above, the percent sent for jury selection is a direct reflection on the courts' ability to accurately summon the needed number of jurors. Each of the summons days during the period, along with the calculation for all days, falls significantly below the suggested goal of 90 percent. Once again, Wednesday summons dates are much lower than either Monday or Tuesday, suggesting that the courts utilize Wednesday summons dates much less efficiently than Monday or Tuesday summons dates. However, there is a wide variance in the percentages sent for jury selection on each of the summons days indicating very little consistency in the utilization of jurors who appear for jury duty.

Taking another look at the data for the individual summons dates reveals a common occurrence of zero days. Zero days are dates in which potential jurors are

summoned to appear and none are needed because all of the cases fold.⁵² The suggested goal is to have less than ten percent of the total summons dates be zero days.

The data for the period in question from January 2005 to June 2006 uncovers fourteen zero days as shown below:

Table 7: Zero days from January 2005 to June 2006.

Date	Day of the Week	Number of Potential Jurors Appearing
February 2, 2005	Wednesday	88
March 30, 2005	Wednesday	168
April 13, 2005	Wednesday	62
April 25, 2005	Monday	117
June 29, 2005	Wednesday	152
August 3, 2005	Wednesday	97
August 10, 2005	Wednesday	163
September 14, 2005	Wednesday	192
November 9, 2005	Wednesday	149
November 16, 2005	Wednesday	149
April 12, 2006	Wednesday	188
April 24, 2006	Monday	187
April 26, 2006	Wednesday	88
June 21, 2006	Wednesday	143
TOTAL		1943

The fourteen zero days represents 11.76 percent of the total 119 summons dates. This is only slightly over the suggested goal; however, it does represent a total of 1,943 individuals who had to report to jury duty unnecessarily. It should be noted that twelve of the zero days, or 10.08 percent of the total summons dates, were on Wednesday. Based upon the inconvenience caused to the potential jurors who report without need, as well as the inconvenience caused to the jury staff, it is important to stay below the suggested goal of ten percent.

⁵² Munsterman, op. cit., at 83.

Taking the percent selected as jurors, the percent sent for jury selection and the number of zero days into account altogether provides insight into some of the problems with the current Lubbock County jury system. First, it is apparent from the percent sent for jury selection that there is an inability for the Central Jury Pool to accurately summon the correct number of jurors to appear for jury duty on any day of the week. During the reporting period from January 2005 to June 2006, Lubbock County summoned in over twice as many jurors as needed and even summoned jurors when none were needed. Secondly, the court should focus on Wednesday summons dates, as it appears that they are less frequently used from the two calculations and the number of Wednesday zero days.

Percent Sent to Courtroom and Utilized

The third calculation that must be considered when analyzing juror utilization is the percentage of potential jurors who are sent to a courtroom and utilized. While the previous two calculations reflect the court’s ability to request the appropriate number of jurors to report to cover all of the needs of the courts, the percent sent to a courtroom and utilized reflects each court’s ability to request an appropriate number of jurors for its individual jury selection process. Using the calculation described above, the percent sent to the courtroom and utilized for the period from January 2005 to June 2006 is shown below:

Table 8: Percentage Sent to Courtroom and Utilized during the period from January 2005 to June 2006.

	All Days	Monday	Tuesday	Wednesday
Percentage Sent to Courtroom and Utilized	65.5%	63.9%	67.1%	69.7%
Significant Difference	12.8%	12.1%	13.7%	13.6%

Table 8 illustrates that Lubbock County is falling short of the ninety percent suggested goal for the percent of potential jurors sent to the courtroom and utilized. In fact, only twelve of the 279 (4.3%) completed jury selections held during the period in question reached the suggested goal. Four (1.4%) of those completed jury selections utilized every juror assigned to the courtroom.⁵³

The table also shows that there is general consistency in the percent of potential jurors sent to the courtroom and utilized among the different days. The standard deviations show that the percentages do vary some, but are fairly consistent for each summons date. Interestingly, Wednesday summons dates have the highest percentage of potential jurors sent to the courtroom and utilized.

It may be helpful to look at the calculations broken down by court level. Table 9 below provides that information.

Table 9: Percentage Sent to Courtroom and Utilized by Court during the period from January 2005 to June 2006.

	District Courts	County Courts at Law	Justice Courts	Grand Jury
Percentage Sent to Courtroom and Utilized	62.9%	66.8%	67.3%	68.4%
Significant Difference	11.8%	11.4%	14.5%	13.7%

Table 9 demonstrates that there is little difference among the courts on the percent of potential jurors sent to the courtroom and utilized. While the percentages do differ slightly, it does not appear to be significant considering that all of the percentages are

⁵³ It should be noted that four of the total jury selections were declared mistrials due to a lack of sufficient available jurors to complete jury selection.

within three percent of the overall average and well within the significant difference for each level of court.

Panel Size Data

As CourTool 8 points out, there may be times when “additional diagnostic calculations may uncover other areas needing court attention.”⁵⁴ Because of the information that the previous three juror utilization diagnostic calculations have provided (specifically the percent sent to the courtroom and utilized calculation), it leads to a consideration of the panel sizes being used by the various courts.

There are no published standards for jury panel sizes in Lubbock County. Various judges and court staff rely upon other judges’ suggestions and “feel” to determine how many jurors to request to be assigned to a specific panel.⁵⁵ Such is the case in most courts, where quantitative analysis to determine a proper panel size is seldom conducted.⁵⁶

It is suggested that courts select panel sizes that will accommodate ninety-five percent of all jury selections.⁵⁷ The average panel size needed should not be used because of the fact that over half of the jury selections will need more than that number on the panel. Therefore, in order to determine proper panel sizes for the various jury selections in Lubbock County, it was necessary to collect data on all jury selections that occurred during the period in question from January 2005 to June 2006. Using the data collected for the other juror utilization calculations previously discussed, it was possible to determine how many jurors were necessary for each jury selection held. For example,

⁵⁴ National Center for State Courts, 2005.

⁵⁵ Brief interview with four District Judges.

⁵⁶ Munsterman, *op. cit.*, at 101.

⁵⁷ *Ibid*, at 106.

on February 8, 2005, Justice of the Peace Number One began jury selection in the criminal trial of cause number 2004-394,021. The Court requested fourteen potential jurors to be placed on the panel sent to the courtroom for jury selection. Six jurors were selected for the trial, and four jurors were challenged in the jury selection process. Therefore, ten potential jurors were necessary to empanel a jury in this case. There were four potential jurors assigned unnecessarily to the panel in this case. This calculation was completed for each jury selection held during the reporting period. Once the data became available, it was evident that the panel sizes needed to be distinctive for different levels of courts and case types.

Justice Court Panel Sizes

The following table represents the findings from this analysis for the Justice Courts.

Table 10: Panel Size Data for the Justice Courts during the period from January 2005 to June 2006.

Date of Jury Panel-Court	Total Size of Panel Furnished	Jurors Actually Needed for Selection	Jurors Not Selected or Challenged
1/20/05-JP4	14	12	2
2/1/05-JP3	14	7	7
2/8/05-JP1	14	10	4
3/21/05-JP2	14	8	6
3/23/05-JP1	14	6	8
3/23/05-JP2	14	10	4
3/24/05-JP2	14	11	3
3/28/05-JP1	14	9	5
5/3/05-JP1	14	9	5
5/16/05-JP1	14	8	6
5/26/05-JP3	14	11	3
7/25/05-JP4	14	11	3
8/15/05-JP1	14	12	2
8/17/05-JP4	14	9	5
8/24/05-JP1	14	11	3
8/29/05-JP3	14	9	5
9/28/05-JP3	14	8	6

10/13/05-JP3	14	11	3
11/14/05-JP3	14	10	4
11/14/05-JP4	14	6	8
11/30/05-JP4	14	9	5
12/1/05-JP1	14	10	4
12/8/05-JP2	14	7	7
12/15/05-JP2	14	7	7
1/23/06-JP2	14	11	3
2/27/06-JP3	14	14	0
3/3/06-JP1	14	7	7
3/24/06-JP1	14	6	8
4/20/06-JP2	14	11	3
5/22/06-JP3	14	8	6
5/25/06-JP2	14	11	3
5/30/06-JP3	14	6	8
6/1/06-JP1	14	10	4
6/8/06-JP2	14	8	6
6/8/06-JP3	14	12	2
Average	14	9.3	4.7
Standard Deviation	0	2.02	2.02

Each jury trial in a justice court in Lubbock County requires a six-person jury to be selected. As can be seen in Table 10 above, each justice court requested a 14-person panel for each jury selection held during the period to obtain the six necessary jurors. In all but one of the jury selections (2/27/06-JP3), there were more potential jurors assigned to the panel than was necessary. The average number of potential jurors needed on the Justice Court panels was 9.3. However, seventeen of the trials thirty-five jury selections required more than 9.3 potential jurors to seat a jury. Rather, in order to ensure that at least ninety-five percent of all jury selections held in the Justice Courts would have sufficient potential jurors on the panel to seat a jury, a panel size must be large enough to have handled thirty-three of the jury selections. Therefore, a panel size of twelve would be necessary. With twelve potential jurors on a panel sent to the Justice Courts, thirty-four out of the thirty-five jury selections would have had sufficient potential jurors to seat

a jury. While the Justice Courts have jurisdiction and hold jury trials in both civil and criminal matters, there is no deviation in the number of jurors necessary to seat a jury in either.

Misdemeanor Panel Sizes

Table 11 below provides the usage data for all misdemeanor criminal jury selections held in the County Courts at Law from January 2005 to June 2006.

Table 11: Panel Size Data for the County Courts at Law Criminal Trials during the period from January 2005 to June 2006.

Date of Jury Panel-Court	Offense on Trial⁵⁸	Total Size of Panel Furnished	Jurors Actually Needed for Selection	Jurors Not Selected or Challenged
1/3/05-CL01	DV	20	13	7
1/3/05-CL02	DWI	20	10	10
1/10/05-CL02	DWI	20	13	7
1/18/05-CL01	DWI-2 nd	20	17	3
1/24/05-CL02	Resisting Arrest	20	13	7
1/31/05-CL01	DWI	20	15	5
1/31/05-CL02	DWI-2 nd	20	11	9
2/14/05-CL01	DWI	20	12	8
2/16/05-CL01	DWI	20	11	9
2/22/05-CL02	DWI-2 nd	20	13	7
3/2/05-CL01	DWI-2 nd	20	15	5
3/21/05-CL01	DWI	20	12	8
3/21/05-CL02	DV	20	14	6
3/23/05-CL02	DWI-2 nd	20	13	7
3/28/05-CL02	DWI	20	16	4
4/7/05-CL01	DWI	20	13	7
4/20/05-CL01	DWI-2 nd	20	14	6
4/27/05-CL02	Cruelty to Animals	20	20	0
5/4/05-CL01	DWI	20	15	5
5/9/05-CL01	CV	20	14	6
5/16/05-CL01	DWI-2 nd	20	17	3
5/23/05-CL01	Assault	20	11	9
5/25/05-CL02	DWI	20	16	4
6/6/05-CL01	Unknown ⁵⁹	20	18	2

⁵⁸ BWI=Boating While Intoxicated, DV=Domestic Violence, DWI=Driving While Intoxicated, DWLI=Driving While License Invalid, FTLI=Failure to Leave Information, IEC=Interfering with Emergency Call, PI=Public Intoxication, POM=Possession of Marijuana

6/27/05-CL02	DWI	20	13	7
7/13/05-CL02	DWI	20	16	4
7/20/05-CL01	IEC	20	16	4
7/25/05-CL01	DV	20	14	6
7/25/05-CL02	PI	20	16	4
8/1/05-CL02	DV	20	13	7
8/15/05-CL02	BWI	20	10	10
8/29/05-CL01	Resisting Arrest	20	14	6
9/26/05-CL01	DWI-2 nd	20	10	10
10/3/05-CL01	Failure to Identify	20	11	9
10/5/05-CL02	DWI	20	17	3
10/10/05-CL02	DWI-2 nd	20	15	5
10/11/05-CL01	Failure to Identify	20	12	8
10/12/05-CL02	Failure to Identify	20	14	6
10/19/05-CL01	DWI	20	16	4
10/24/05-CL02	IEC	20	9	11
10/26/05-CL02	DV	20	14	6
11/7/05-CL01	DV	20	11	9
11/7/05-CL02	DWLI	20	20	0
11/14/05-CL02	DWI-2 nd	20	15	5
11/28/05-CL01	DWI	20	11	9
12/19/05-CL02	DWI	20	15	5
1/9/06-CL01	Indecent Exposure	20	12	8
1/23/06-CL02	DWI	20	18	2
1/25/06-CL02	POM	20	12	8
1/30/06-CL01	Prostitution	20	14	6
1/30/06-CL02	DV	20	15	5
2/6/06-CL02	DWI	20	13	7
2/14/06-CL01	DWI	20	13	7
2/15/06-CL01	DWI	20	19	1
2/21/06-CL01	DV	20	16	4
2/27/06-CL01	Theft	20	13	7
2/27/06-CL02	DWI	20	12	8
3/8/06-CL01	DV	20	11	9
3/20/06-CL01	DWI	20	17	3
3/20/06-CL02	DWI	20	13	7
3/27/06-CL02	DV	20	14	6
3/29/06-CL02	Failure to Identify	20	11	9
4/5/06-CL01	DWI-2 nd	20	12	8
4/10/06-CL01	DV	20	16	4
4/10/06-CL02	DWI	20	14	6
4/17/06-CL02	DWI	20	17	3

⁵⁹ It was impossible to determine the offense on trial for this case due to the fact that the case had been expunged from the record prior to the data collection process.

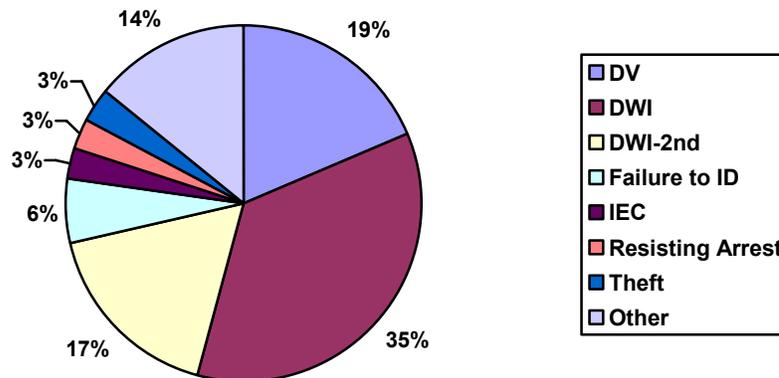
4/19/06-CL02	FTLI	20	14	6
5/23/06-CL02	Theft	20	14	6
6/5/06-CL01	DWI-2 nd	20	12	8
6/14/06-CL01	DV	20	14	6
Average		20	13.9	6.1
Standard Deviation		0	2.39	2.39

The County Courts at Law require that a six-person jury be selected for misdemeanor criminal trials. In order to ensure a sufficient number of jurors were available for jury selection in those trials, each court requested twenty potential jurors on the panels. There were surplus potential jurors in every jury selection except for two (4/27/05-CL02 and 11/7/05-CL02), where every potential juror on the panel was utilized. The two jury selections were in cases where the offense was cruelty to animals (4/27/05-CL02) and driving while license invalid (11/7/05-CL02). There were no other jury selections in trials with those offenses during the reporting period. Some might argue that the two trials requiring the most potential jurors were in trials of offenses of least seriousness. Nonetheless, the average number of jurors needed for jury selection in all of the misdemeanor criminal trials during the reporting period was 13.9. In order to achieve the suggested goal of having sufficient jurors on the panel to allow for completed jury selection in ninety-five percent of the selections held, a panel size must be sufficient to cover jury selection in sixty-seven of the seventy jury selections. To achieve this goal, the panel size for misdemeanor trials must be eighteen.

The suggested panel size calculation has been differentiated between civil and criminal case jury selection in the County Courts at Law as suggested in previous literature, and while that same literature suggests that it is not worthwhile to break the

suggested panel sizes down further by offense, such calculation follows.⁶⁰ Below is a chart indicating the misdemeanor offense types tried in the County Courts at Law during the reporting period.

Illustration 6: Offenses Tried in the County Courts at Law from January 2005 to June 2006.



As Illustration 6 above shows, there were three offense types (excluding other) that made up over ten percent of the total number of trials held: driving while intoxicated (35%), domestic violence (19%) and driving while intoxicated-2nd offense (17%). Ensuring that at least ninety-five percent of these trials would have had sufficient potential jurors to select a jury reveals the following standard panel sizes:

Table 12: Suggested Panels Sizes for Specific Case Types.

Offense Type	Suggested Panel Size/ <i>Ratio of Cases within Standard</i>
Driving While Intoxicated	18 <i>24/25</i>
Domestic Violence	16 <i>13/13</i>
Driving While Intoxicated-2 nd	17 <i>12/12</i>

As Table 12 above shows, the County Courts at Law could deviate from the suggested panel size for all misdemeanor cases in domestic violence and driving while

⁶⁰ Federal Judicial Center, 1972.

intoxicated-2nd cases, instead requesting panel sizes of sixteen and seventeen, respectively.

County Court at Law Civil Case Panel Sizes

Table 13 below illustrates the panel size data for the civil trials held in the County Courts at Law during the reporting period.

Table 13: Panel Size Data for the County Courts at Law Civil Trials during the period from January 2005 to June 2006.

Date of Jury Panel-Court	Offense on Trial⁶¹	Total Size of Panel Furnished	Jurors Actually Needed for Selection	Jurors Not Selected or Challenged
2/7/05-CL03	PIA	20	11	9
4/18/05-CL03	OC	20	12	8
7/18/05-CL03	PIA	20	10	10
10/10/05-CL03	PIA	20	12	8
1/11/06-CL03	PIA	18	12	6
2/13/06-CL03	PIO	18	13	5
5/1/06-CL03	CAN	18	12	6
Average		19.14	11.71	7.43
Standard Deviation		0.99	0.88	1.68

The County Courts at Law empanel a jury of six in civil trials held in their courts. The court requested twenty potential jurors for trials held during 2005, but reduced the panel size to eighteen for trials held during the first six months of 2006. Because of the relatively few number of jury trials held during the period, it becomes very difficult to reach the ninety-five percent suggested goal for panel sizes. That goal would require that all jury selections held meet the goal. As such, the panel size would be thirteen; however, a panel size of twelve would be sufficient for 85.7 percent of the jury selections

⁶¹ ACN=Accounts, Contracts and Notes; OC=Other Civil; PIA=Personal Injury Auto; PIO=Personal Injury Other

held. Because of the small population size and standard deviation among the trials, it is not necessary to calculate the panel size by case type.

The other case type heard in the County Courts at Law for which data is available during the period in question is probate. There was one jury selection in a probate trial held during the period. Because of the limited data, it is impossible to calculate the suggested panel size for the probate case type. For informational purposes, the panel size data will be provided. In the probate trial jury selection process, a jury of eight was needed. The Court requested thirty potential jurors on the panel. However, only seventeen of those jurors were needed to seat the jury.

Felony Panel Sizes

Below is the panel size data for the felony criminal trials held in the District

Courts from January 2005 to June 2006.

Table 14: Panel Size Data for the District Courts Criminal Trials during the period from January 2005 to June 2006.

Date of Jury Panel-Court	Offense on Trial⁶²	Total Size of Panel Furnished	Jurors Actually Needed for Selection	Jurors Not Selected or Challenged
1/3/05-D137	AADW	55	35	20
1/5/05-D137	Man/Del CS	55	35	20
1/10/05-D072 ⁶³	Perjury	101	47	54
1/10/05-D140	Poss Int Del CS	50	29	21
1/12/05-D140	Man/Del CS	55	39	16
1/18/05-D364	Aggravated Assault	50	37	13
1/24/05-D137	Agg Kidnapping	50	26	24
1/31/05-D137	Burg Hab/Other Fel	65	35	30
1/31/05-D364	Unl Poss FM	50	32	18
2/7/05-D137	DWI-3 rd	60	40	20
2/14/05-D137	Burg Hab/Other Fel	70	40	30
2/22/05-D364	Murder	60	29	31
2/23/05-D140	Burg of a Hab	50	35	15
2/28/05-D364	AADW	65	50	15
3/7/05-D137	Theft PS	60	33	27
3/7/05-D140	Burg of a Hab	60	33	27
3/23/05-D140	Competency	25	12	13
3/28/05-D137	Aggravated Assault	50	20	30
4/11/05-D140	AADW	100	33	67
4/11/05-D364	Att Sex Assault	60	48	12
4/18/05-D137	Retaliation	50	32	18
4/18/05-D364	Manslaughter	70	33	37
5/9/05-D364	DWI-3 rd	45	27	18
5/16/05-D137	Poss Int Del CS	50	40	10
5/16/05-D140	FSRA	60	36	24
5/18/05-D137	DWI-3 rd	55	43	12

⁶² AADW=Aggravated Assault with a Deadly Weapon, Agg=Aggravated, Att=Attempted, Burg of a Hab=Burglary of a Habitation, Burg Hab/Other Fel=Burglary of a Habitation with Intent to Commit Other Felony, DWI-3rd=Driving While Intoxicated after two previous convictions, FSRA=Failure to Stop and Render Aid, Man/Del CS=Manufacture or Delivery of a Controlled Substance, POCS=Possession of a Controlled Substance, Poss Int Del CS=Possession with Intent to Deliver a Controlled Substance, Poss/Trans Chem=Possession or Transportation of Chemical, PS=Public Servant, Unl Poss FM=Unlawful Possession of a Firearm

⁶³ This was the high-profile trial of State of Texas vs. Tom Coleman (Tulia narcotics officer drug scandal case) transferred on change of venue from Swisher County to Lubbock County.

5/23/05-D140	Deadly Conduct	50	33	17
5/31/05-D364	POCS	45	38	7
6/6/05-D137	Evading Arrest	45	30	15
6/6/05-D364	Poss Int Del CS	45	40	5
6/8/05-D137	POCS	60	54	6
6/13/05-D137	Agg Sex Assault	75	44	31
7/5/05-D364	Murder	50	28	22
7/11/05-D137	Agg Robbery	50	32	18
7/11/05-D364	Intoxicated Assault	50	25	25
7/13/05-D140	DWI-3 rd	50	38	12
7/18/05-D364	POCS	45	43	2
8/8/05-D140	Agg Kidnapping	50	42	8
8/15/05-D137	Poss Int Del CS	50	32	18
8/22/05-D137	Agg Assault PS	50	34	16
8/22/05-D140	Agg Robbery	50	36	14
8/22/05-D364	Murder	50	30	20
8/31/05-D364	Evading Arrest	45	26	19
9/6/05-D137	Agg Sex Assault	75	37	38
10/3/05-D137	Burg Hab/Other Fel	50	28	22
10/5/05-D137	Burg Hab/Other Fel	60	33	27
10/10/05-D137	AADW	60	30	30
10/10/05-D140	Injury to a Child	60	30	30
10/10/05-D364	Agg Robbery	50	37	13
10/17/05-D140	Sexual Assault	60	52	8
10/24/05-D137	Poss Int Del CS	60	28	32
10/24/05-D140	Poss Int Del CS	55	35	20
10/31/05-D364	Indecency w/ Child	60	42	18
11/14/05-D137	Murder	75	50	25
11/14/05-D140	FSRA	50	34	16
11/14/05-D364	DWI-3 rd	50	36	14
11/28/05-D140	Tampering	50	35	15
11/30/05-D140	DWI-3 rd	55	36	19
12/5/05-D140	DWI-3 rd	55	42	13
12/7/05-D137	Agg Assault PS	60	51	9
12/7/05-D364	Competency	30	14	16
12/12/05-D364	DWI-3 rd	45	32	13
1/9/06-D137	POCS	60	38	22
1/11/06-D140	Poss/Trans Chem	50	37	13
1/11/06-D364	POCS	50	26	24
1/17/06-D364	POCS	45	24	21
1/23/06-D140	AADW	55	31	24
1/23/06-D364	Murder	65	39	26
1/30/06-D140	AADW	55	26	29
2/1/06-D140	Poss Int Del CS	45	30	15
2/8/06-D140	Competency	40	12	28

2/13/06-D137	Injury to a Child	70	49	21
2/13/06-D140	Agg Assault	65	36	29
2/21/06-D364	Forgery	45	33	12
2/22/06-D364	POCS	45	37	8
2/27/06-D137	Murder	75	42	33
2/27/06-D140	Indecency w/ Child	60	38	22
2/27/06-D364	Murder	50	37	13
3/1/06-D140	DWI-3 rd	50	29	21
3/9/06-D137	Capital Murder	215	196	19
3/20/06-D364	Indecency w/ Child	55	43	12
3/22/06-D140	Forgery	50	32	18
3/22/06-D364	DWI-3 rd	45	35	10
3/27/06-D137	POCS	55	26	29
4/3/06-D137	Assault w/ prior	60	34	26
4/10/06-D140	Burglary of a Hab	50	43	7
4/17/06-D364	Poss/Trans Chem	50	34	16
5/8/06-D140	POCS	50	34	16
5/8/06-D364	Poss Int Del CS	50	35	15
5/15/06-D137	Burg Hab/Other Fel	60	44	16
5/30/06-D364	Man/Del CS	50	34	16
6/5/06-D137	DWI-3 rd	50	40	10
6/5/06-D140	Agg Robbery	55	38	17
6/12/06-D140	Poss Int Del CS	50	34	16
6/12/06-D364	Agg Robbery	55	24	21
6/14/06-D364	Theft	45	26	19
6/19/06-D364	Agg Assault	55	37	18
6/26/06-D137	FSRA	55	33	22
Average		55.5	35.3	20.2
Standard Deviation		19.34	17.94	9.50

The District Courts seat a twelve-person jury in each felony criminal trials. As can be seen in Table 14 above, the courts trying felony cases requested various numbers of potential jurors to be assigned to their panels. The average panel size was 55.5. However, the significant difference of 19.34 shows that the panel sizes varied greatly during the reporting period. Along with the variance in panel size assigned to the courtroom was the variance in the number of jurors actually needed to seat a jury. However, there were surplus potential jurors in every jury selection held during the

period. There were an average of 20.2 surplus jurors on the panel, with a significant difference of 9.50. The smallest surplus number on a panel during the period was two potential jurors, and the largest surplus number on a panel was sixty-seven potential jurors.

In order to achieve the goal of ninety-five percent of the selections with sufficient potential jurors to seat a jury, the size would have to be sufficient for ninety-two of the ninety-seven non-capital jury trials held during the period. With all of the variance in the panel sizes and jurors needed, it might seem impossible to obtain a standardized panel size for felony trials. However, reviewing the data reveals that a standard panel size of forty-eight would be sufficient to accomplish the suggested goal of ninety-five percent.

As was done with the misdemeanor panel sizes, the information below allows for the analysis of panel size by offense type.

Table 15: Suggested Panels Sizes for Specific Case Types with 3+ trials from January 2005 to June 2006.

Offense Type	Suggested Panel Size/ <i>Ratio of Cases within Standard</i>
Aggravated Assault	37 3/3
Aggravated Assault with a Deadly Weapon	50 ⁶⁴ 6/6
Aggravated Robbery	38 5/5
Burglary of a Habitation	43 3/3
Burglary of a Habitation with Intent to Commit Other Felony	44 5/5
Competency	14 3/3
Driving While Intoxicated-3 rd	43 11/11
Failure to Stop and Render Aid	36 3/3

⁶⁴ Excluding one trial (2/28/05-D364), the suggested panel size would be thirty-five.

Indecency with a Child	43 3/3
Manufacture/Delivery of a Controlled Substance	39 3/3
Murder	50 ⁶⁵ 7/7
Possession of a Controlled Substance	54 ⁶⁶ 9/9
Possession with Intent to Deliver Controlled Substance	40 9/9

Table 15 shows that the courts could utilize different panel sizes for the various offense types. However, very few are significantly different from the suggested panel size of forty-eight. The standard panel size for competency trials does vary substantially, as fourteen potential jurors on the panel for these trials appears to be sufficient.

Because there was only one capital death penalty trial held during the period in question, it is impossible to calculate a standard panel size for this offense. For informational purposes, the Court requested 215 potential jurors for the capital death penalty trial (3/9/06-D137) held and 196 potential jurors were used in order to seat the fourteen-person jury (including two alternates).

⁶⁵ Excluding one trial (11/14/05-D137), the suggested panel size would be forty-two.

⁶⁶ Excluding one trial (6/8/05-D137), the suggested panel size would be forty-three.

District Court Civil Case Panel Sizes

Data for the civil jury selections held in the District Courts is shown below in

Table 16.

Table 16: Panel Size Data for the District Courts Civil Trials during the period from January 2005 to June 2006.

Date of Jury Panel-Court	Case Type on Trial⁶⁷	Total Size of Panel Furnished	Jurors Actually Needed for Selection	Jurors Not Selected or Challenged
1/18/05-D099	PIA	35	26	9
1/19/05-D072	PIA	35	26	9
1/24/05-D072	PIA	35	29	6
1/24/05-D099	PIA	35	25	10
2/22/05-D237	PIO	45	28	17
3/7/05-D099	ACN	50	32	18
3/22/05-D072	MM	60	50	10
3/23/05-D099	MM	35	27	8
4/11/05-D072	PIA	35	23	12
4/18/05-D099	MM	50	31	19
4/18/05-D237	PIO	45	33	12
5/23/05-D072	PIA	35	23	12
6/9/05-D099	PIA	35	21	14
6/15/05-D072	PIA	35	30	5
6/20/05-D072	OC	50	27	23
6/20/05-D099	PIA	40	27	13
7/27/05-D072	PIA	40	28	12
8/23/05-D072	ACN	50	28	22
9/6/05-D099	PIA	35	28	7
9/12/05-D099	PIA	35	29	6
9/13/05-D072	ACN	40	25	15
9/28/05-D072	WC	45	27	18
10/3/05-D099	ACN	35	21	14
11/2/05-D072	PIA	45	17	28
11/14/05-D072	MM	35	27	8
11/16/05-D237	PIA	45	30	15
12/1/05-D237	PIA	45	25	20
1/12/06-D237	PIA	45	25	20
1/17/06-D099	PIA	35	27	8
1/30/06-D099	PIA	35	31	4
2/6/06-D237	OC	45	27	18

⁶⁷ ACN=Accounts, Contracts and Notes; MM=Medical Malpractice; OC=Other Civil; PIA=Personal Injury-Auto; PIO=Personal Injury-Other; WC=Workers' Compensation

2/13/06-D099	PIA	40	26	14
2/14/06-D072	PIA	40	25	15
2/27/06-D072	PIO	50	32	18
3/20/06-D099	PIO	35	20	15
3/27/06-D099	PIO	45	25	20
5/3/06-D237	PIA	45	29	16
5/15/06-D099	MM	80	35	45
5/22/06-D072	PIA	45	25	20
5/30/06-D072	ACN	40	21	19
5/30/06-D099	PIA	40	38	2
6/12/06-D072	MM	45	27	18
6/20/06-D072	MM	45	29	16
Average		42.2	27.6	14.6
Standard Deviation		8.37	5.23	6.97

Civil jury trials heard in District Courts require a jury of twelve persons. The data in Table 16 shows that there is some variance, albeit rather small, in the panel size requests of the courts. The courts requested an average of 42.2 potential jurors, with the range being from thirty-five to eighty potential jurors. The data also reveals that the courts generally needed approximately 27.6 potential jurors to seat the jury. In every trial held during the period, there were surplus potential jurors on the panel.

Since there were forty-three jury selections from January 2005 to June 2006, a standard panel size would have to be sufficient to seat a jury in forty-one of those trials to meet the ninety-five percent suggested goal. As such, a panel size of thirty-five would allow the courts to seat a jury within the goal. Based upon the fact that there are relatively few trials in the data set and the small significant difference, it does not appear that a standard panel size broken down by case type would be helpful. Therefore, one will not be calculated.

Domestic Relations Case Panel Sizes

Panel size data for the domestic relations cases heard in the District Courts and County Courts at Law during the reporting period is shown below in Table 17.

Table 17: Panel Size Data for the Domestic Relations Trials during the period from January 2005 to June 2006.

Date of Jury Panel-Court	Total Size of Panel Furnished	Jurors Actually Needed for Selection	Jurors Not Selected or Challenged
3/7/05-CL02	20	13	7
3/21/05-D099	35	28	7
8/29/05-D237	72	27	45
10/27/05-D237	45	41	4
12/19/05-CL01	40	27	13
1/23/06-D237	50	28	22
5/1/06-D072	45	26	19
Average	43.9	27.1	16.7
Standard Deviation	14.61	7.51	13.08

Generally, a jury of twelve is chosen to hear a domestic relations jury trial. However, there was one jury trial where a jury of six was chosen (3/7/05-CL02). Even though there is a small amount of data available for domestic relations trials, it is possible to calculate a standard panel size. In order to reach the ninety-five percent suggested goal for the number of trials where a jury could be selected within the panel size, a panel size of forty-one would be necessary. However, excluding one jury selection (10/27/05-D237) allows the panel size to drop to twenty-eight. With a panel size of twenty-eight potential jurors, six out of seven, or 85.7 percent, of the trials would have had sufficient potential jurors to select the jury.

Grand Jury Panel Sizes

The last panel size data available is the data for the Grand Jury shown below.

Table 18: Panel Size Data for the Grand Jury during the period from January 2005 to June 2006.

Date of Jury Panel	Total Size of Panel Furnished	Jurors Actually Needed for Selection	Jurors Not Selected or Challenged
1/3/05	25	25	0
2/1/05	25	16	9
4/4/05	25	17	8
6/6/05	25	13	12
7/5/05	25	14	11
8/1/05	25	19	6
9/6/05	25	19	6
10/3/05	25	16	9
10/31/05	25	19	6
11/28/05	25	12	13
2/6/06	25	14	11
4/3/06	25	18	7
5/1/06	25	19	6
Average	25	17	8
Standard Deviation	0	3.31	3.31

Generally, twelve grand jurors and two alternates are selected for the grand jury. In Lubbock County, the grand jury meets for a one-month term. Unfortunately, data was not available for five out of the eighteen months during the period. However, it is possible to establish a standard panel size using the data that is available. In order to reach the 95 percent suggested goal, nineteen potential grand jurors would need to be assigned to the panel. This size panel would have been sufficient in twelve out of the thirteen, or 92.3 percent, jury selections held during the period.

Conclusions and Recommendations

The conclusions and recommendations section of the project is divided into multiple subsections. Those subsections are: 1) Summary of Key Findings, 2) Relationship of Findings to previous research discussed in the Literature Review section, 3) Action Steps to be undertaken to Resolve Issues, 4) Recommendations for modification in Project, and 5) Implications for Future Study.

Summary of Key Findings

This project uncovered numerous significant findings from the data itself. The juror yield in Lubbock County of 25.8 percent from January 2005 to June 2006 is significantly below the forty percent suggested goal in all of the literature. A time study of the data by date showed no date ranges that consistently experience lower yields. However, the time study showed that dates with high and low yields are commonly within the same week. It did appear that the yield has shifted positively somewhat between 2005 and 2006. This is supported by the fact that, in the first six months of 2005, fourteen summons dates were below the standard deviation line versus only three summons dates below the line in the first six months of 2006. On the contrary, four summons dates were above the standard deviation line in the first six months of 2005 versus fifteen summons dates above the standard deviation line in the first six months of 2006. It was also noted that the juror pay increase provisions of Senate Bill 1704 had a positive impact on the juror yield, increasing the rate from 24.12 percent prior to the enactment of the legislation to 29.27 percent after the enactment of the legislation. The juror summons enforcement campaign that was undertaken in April 2005 was shown to have no impact on the juror yield, as the campaign only resulted in an increase of one

percent in the rate. An increase in the juror yield in August 2005 from 22.29 to 27.66 percent during the quarter following the event appeared to point to a correlation with the implementation of the juror postponement policy revisions of Senate Bill 1704.

Upon breaking down the elements making up the total juror unavailability of 74.23 percent, it was possible to see some of the reasons why the juror yield rate was not meeting the suggested goal. The percentage of “no show” jurors (14.24 percent) was only slightly above the suggested goal of ten percent. At the same time, the data pointed to a higher no show rate on Tuesday summons dates (16.1 percent) than on Monday and Wednesdays summons dates (13.7 and 13.2 percent, respectively). The percentage of undeliverable summons in Lubbock County during the reporting period was almost double the typical value suggested in the literature. However, reviewing the undeliverable summons data over time showed that updating the addresses in the source list using the United States Postal Service’s National Change of Address service resulted in a significant drop each time the service was used. The percentage of exempt potential jurors in the study was 17.85 percent, compared with a five percent typical value. Comparing the percentages of disqualified and excused potential jurors revealed that Lubbock County’s rates are below the typical national values. The excusal rate was very low at 0.37% versus the national typical value of thirty-five percent, while the disqualified rate was 8.11% versus the typical value of ten percent. The percentage of postponed jurors in the reporting period was 15.45 percent, compared with a five percent typical value. Based upon earlier analysis that showed an impact on the juror yield at the time of the implementation of the postponement provisions of Senate Bill 1704, an analysis of the postponement rate over time was conducted. The analysis showed that

there was a slight dip in the postponement rate between September and December 2005; however, that decreased rate was short-lived, as the postponement rate returned to pre-SB 1704 levels after January 2006.

The second part of the analysis was an in-depth review of the juror utilization rates in Lubbock County during the same period. Three calculations contributed to the overall view of juror utilization: percent selected as jurors, percent sent for jury selection and percent sent and utilized. The percent selected as jurors during the reporting period was 12.3 percent, well below the suggested goal of fifty percent. Wednesday summons days showed a lower percent selected as jurors of 9.8 percent. The average of 49.7 percent of the potential jurors sent for jury selection was well below the suggested goal of ninety percent for this measure. Monday summons days showed the highest percentage in this category with 56.8 percent, while Wednesday summons days were much lower with only 33.8 percent of the potential jurors sent for jury selection. As a further piece of analysis in this category, the number of zero days was reviewed. The analysis showed that 11.76 percent of the summons dates resulted in no potential juror being assigned to a panel, slightly above the suggested goal of ten percent. Twelve out of fourteen of the zero days were on Wednesdays. The last calculation in the juror utilization category of percentage sent to a courtroom and utilized showed that Lubbock County was well below the suggested goal of ninety percent, averaging only 65.5 percent. This percentage sent to the courtroom and utilized was rather consistent by summons day and by level of court throughout the reporting period.

In order to assist with the correction of the percentage of jurors sent to the courtroom and utilized, a study of panel sizes was included in the project. The analysis showed that the following information about the panel sizes:

Table 19: Suggested Panel Size Information for all levels of courts.

Court Level	Average Panel Size in Study	Suggested Panel Size
Justice Courts	14	12
County Court at Law – Criminal Misdemeanor	20	18
County Court at Law – Civil	19.14	13
District Court – Criminal Felony	55.5	48
District Court – Civil	42.2	35
Domestic Relations	43.9	28
Grand Jury	25	19

Because of a large standard deviation among the criminal case types (both misdemeanor and felony), further analysis was conducted to see if different panel sizes could be suggested by offense type on trial. The resulting calculations revealed the following data:

Table 20: Suggested Panels Sizes for Specific Case Types.

Offense Type	Suggested Panel Size
Aggravated Assault	37
Aggravated Assault with a Deadly Weapon	50
Aggravated Robbery	38
Burglary of a Habitation	43
Burglary of a Habitation with Intent to Commit Other Felony	44
Competency	14
Domestic Violence	16
Driving While Intoxicated	18
Driving While Intoxicated-2 nd	17
Driving While Intoxicated-3 rd	43
Failure to Stop and Render Aid	36
Indecency with a Child	43
Manufacture/Delivery of a Controlled Substance	39

Murder	50
Possession of a Controlled Substance	54
Possession with Intent to Deliver Controlled Substance	40

Relationship of Findings to previous research discussed in the Literature Review

The findings of this study relate to a number of the studies previously conducted and discussed in the Literature Review section of this report. The first published report on juror yield and utilization noted that courts needed a systematic method for predicting jurors.⁶⁸ The issues identified above in the juror yield section show how important this fact still remains. Without being able to systematically predict the number of jurors that will be needed, the court will either overcall or undercall a group of potential jurors, resulting in inefficiency. Along with this same notion came two studies on jury panel sizes.⁶⁹ The two studies stated that panel sizes could be accurately predicted using analysis, that the risk using standard panel sizes should not be zero but small, that differentiation between civil and criminal panel sizes should be conducted, and that differentiation in panel sizes by offense type was not helpful. This study has generally supported each of the findings of these two studies. However, as will be discussed later in this section, it may be helpful for courts to proceed with the evaluation to ensure that there are not certain case or offense types that deviate significantly from the standard panel size. As noted previously, the suggested goal for percent selected as jurors in the original publication of CourTool 8 was shown to be a possible mistake when compared to other literature. Lastly, this report had direct implications on the study undertaken by the

⁶⁸ Westinghouse, 1970.

⁶⁹ Federal Judicial Center, op. cit., 1970. Federal Judicial Center, op. cit., 1972.

Texas Supreme Court in 1997.⁷⁰ First, this study supports the Task Force's suggestion that increased juror pay will increase participation in the jury selection process.⁷¹

However, while there is insufficient data to completely counter the Task Force's suggestion that using driver's license records as part of the source list increases juror no shows, the relatively low amount of no shows in Lubbock County, which uses the driver's license records as part of the source list, seems to indicate that the use of that source is not detrimental to the no show rate.

Action Steps to be undertaken to Resolve Issues

There have been numerous issues raised in this study of the Lubbock County jury system. This section of the report will provide specific action steps to resolve those issues.

Recommendation 1 – The Central Jury Pool, in conjunction with the courts, should monitor the no show rate of potential jurors to ensure that further action is not necessary. No show rates under 15 percent should be seen as acceptable. Should no show rates rise above 15 percent, the courts should consider taking further action.

Recommendation 2 – The Central Jury Pool should seek funding in the Fiscal Year 2008 budget from the Lubbock County Commissioner's Court to allow for the source list addresses to be updated monthly using the United States Postal Service's National Change of Address Database (NCOA). Updating the addresses on a monthly basis will ensure that the most accurate addresses are utilized when mailing summons, thereby reducing the number of undeliverable summonses. The historical cost of the service has been approximately \$400 per retrieval. Running the NCOA updates monthly would require an increase in the jury budget from the current \$1,650 to approximately \$5,000.

Recommendation 3 – The Lubbock County Judiciary should encourage the Texas Legislature to consider eliminating all automatic exemptions and excusals from jury duty. The court's discretionary exemption and excusal from jury duty should continue. This recommendation, in line with American Bar Association Jury

⁷⁰ Supreme Court of Texas, op. cit.

⁷¹ Ibid. at 40.

Principle 10(c)(1),⁷² would likely be the place where the courts could make the greatest positive impact in the juror yield.

Recommendation 4 – The Central Jury Pool staff should continue to follow the newly-implemented statute related to juror postponement of service. However, the court and Central Jury Pool should continue to evaluate the effect of postponement on juror yield to determine if the rate is having a detrimental impact upon the jury process.

Recommendation 5 – The Texas Legislature should take note of the positive impact that the juror compensation increase had in Lubbock County. Efforts should be made to keep such compensation in line with the inflation rate to maintain the positive impacts of the increase.

Recommendation 6 – The courts, in conjunction with the Central Jury Pool, should develop a mechanism to allow for the accurate prediction of the number of jurors necessary to fulfill all needs on the summons date in question. Such a system should provide the Jury Manager at least four weeks notice of the potential jurors needed.

Because of the fact that the Central Jury Pool is unsure of the number of jurors who will be necessary to satisfy all requests from the courts by the deadline to request the issuance of summons, the Central Jury Pool requests the same number of jurors for each summons date. The actual need may or may not support such a request. Either way, the inability to estimate the number of needed jurors is likely one of the greatest problems of jury management.⁷³ Implementing Recommendation 6 will minimize this issue.

Recommendation 7 – The Jury Manager should request jurors to be summoned based upon the historical yield rate and the number of jurors requested by the courts.

Recommendation 8 – The Lubbock County Commissioner’s Court, Courts, District Clerk’s Office, Central Jury Pool and Information Services Department should collaborate upon a method to allow jurors to report electronically. Such a system should allow jurors to report electronically for duty and to be notified electronically if they will be needed for service on a certain date. The system should be updated by the Jury Manager on the business day previous to the summons date. Only potential jurors who are needed should be required to report for jury duty. Note: The current reporting method must be maintained for potential jurors without access to the electronic reporting mechanism.

Recommendation 9 – The Lubbock County Board of Judges, in cooperation with the Justice Courts, should enter an order establishing the following standard panel

⁷² American Bar Association, op. cit.

⁷³ Munsterman, op. cit., at 102.

sizes and strongly urging the courts to use the panel sizes for jury selections in which there is not a compelling reason to deviate.

Table 21: Standard Panel Sizes.

Court Level	Suggested Panel Size
Justice Courts	12
County Court at Law – Criminal Misdemeanor	18
County Court at Law – Civil	13
District Court – Criminal Felony	48
District Court – Civil	35
Domestic Relations	28
Grand Jury	19

Using the standard panel sizes will result in a much higher percentage of jurors sent to the courtroom and utilized. Following the standard panel sizes during the reporting period would have reduced the total number of jurors assigned to a courtroom by fourteen percent.

Recommendation 10 – The courts and the Central Jury Pool should institute a stand-by juror system. The stand-by jurors could be utilized in the rare case where there were insufficient potential jurors on a panel to complete jury selection. The stand-by jurors should be allowed to report electronically and not appear unless called or to leave the Central Jury Pool until called. Stand-by jurors should be “on call” until the next jury summons date.

Recommendation 11 – The courts and the Central Jury Pool should work with the Lubbock County Information Services Department to allow for the capture of juror utilization data as described in CourTool 8 in the Jury Management System.

Recommendation 12 – The courts and the Central Jury Pool should work with the Lubbock County Information Services Department to institutionalize the measures of CourTool 8 within the Jury Management System so that further analysis can continue.

Other than the ongoing recommendations and recommendations requiring legislative changes, all recommendations should be instituted no later than the beginning of the next fiscal year (October 2007).

Implications for Future Study

There are numerous areas for future study based upon the current study. First, the current study should be repeated systematically in the Lubbock County jury system to monitor the effects of changes that are made based upon the recommendations above. Secondly, a study looking at the juror yield and utilization records of courts in Texas outside of the Lubbock County jurisdiction would provide tremendous insight into the effects of statewide initiatives and comparison data. Lastly, as this study has intentionally neglected jury representativeness, research addressing that issue in Lubbock County would provide additional data for the courts to consider.

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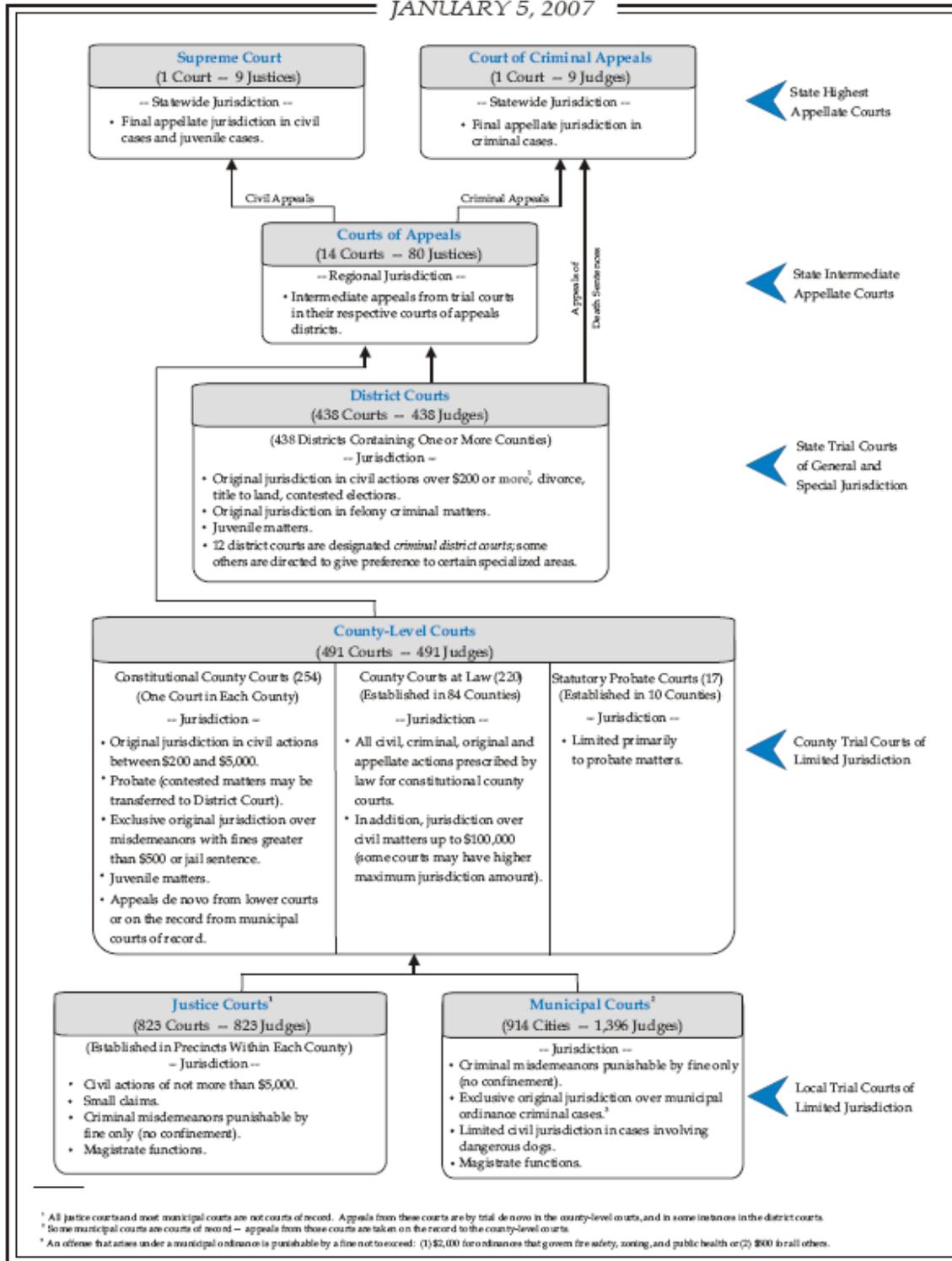
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Appendices

Appendix A: Texas Court Structure Chart

COURT STRUCTURE OF TEXAS

JANUARY 5, 2007



¹ All justice courts and most municipal courts are not courts of record. Appeals from these courts are by trial de novo in the county-level courts, and in some instances in the district courts.

² Some municipal courts are courts of record – appeals from those courts are taken on the record to the county-level courts.

³ An offense that arises under a municipal ordinance is punishable by a fine not to exceed: (1) \$2,000 for ordinances that govern fire safety, zoning, and public health or (2) \$500 for all others.

Appendix B: Lubbock County Jury Selection Plan

**LUBBOCK COUNTY
JURY SELECTION PLAN**

It is recommended to the Commissioners' Court of Lubbock County, Texas, by a majority of the Judges of the District Courts of Lubbock County, Texas, that the following plan for the selection of persons for jury service be adopted in accordance with Chapter 62 of the Texas Government Code. This jury selection plan shall be effective upon approval by the Commissioners' Court.

Source of Jurors

The source from which the names of prospective jurors shall be taken shall be the same as that provided by Section 62.001 of the Texas Government Code; specifically excluding persons listed in the register of persons exempt from jury service, as provided by Sections 62.108 and 62.109.

Reconstituting the Jury Wheel

Pursuant to Section 62.001(I), the Commissioners' Court of Lubbock County shall contract with a vendor to combine the voter registration list with the list furnished by the Department of Public Safety, as obtained from the Secretary of State of the State of Texas. Said vendor shall provide jury maintenance through Lubbock County Information Services. The combined list must contain the name, date of birth, address, county of residence, citizenship status of each person listed, and any other information useful in determining if the person is qualified to serve as a juror.

The District Clerk shall give the Secretary of State notice not later than the 90th day before the date the list is required. The list furnished by the Secretary of State will be typed or printed, and one copy of the list furnished shall be in electronic form as requested by Lubbock County and must be certified by the Secretary of State that the list contains the names required

by Subsections (c) through (f), of Section 62.001, Texas Government Code. Following the receipt of the list of potential jurors from the Secretary of State, the District Clerk shall furnish the list to Lubbock County Information Services (hereafter LCIS). LCIS will eliminate duplicate names for entry into Lubbock County's jury selection software system. Additionally, LCIS will from the reconstituted jury wheel list all persons previously determined to be exempt from jury service under Sections 62.108 (permanent exemption for elderly) and 62.109 (exemption for physical or mental impairment or inability to comprehend the English language).

The resulting list shall be the data constituting the jury wheel.

Selection of Juror Names

The District Clerk of Lubbock County, Texas, is designated as the official to be in charge of the juror selection process. The District Clerk shall perform the following duties relating to the jury wheel:

1. Certify the jury wheel data for use in the jury selection process;
2. Cause a duplicate copy of the jury wheel to be made;
3. Place one copy of the jury wheel in a locked cabinet in the main office of the District Clerk;
4. Insure that the jury selection software program used to select the list of persons called for jury service will be fair, impartial, and objective;
5. Supervise the process through which the jury selection software will be used to randomly select the names and addresses of the prospective jurors, which list will be known as the Prospective Juror List;
6. Supervise the updating of the jury wheel with any change of address or name change information as soon as this information is made available;
7. Monitor any revisions to the jury wheel to prevent the addition of any new individuals to the list outside of the annual jury wheel update process;
8. Monitor the removal from the jury wheel of the name of any prospective juror summoned for jury service which summons is returned undeliverable;

9. Provide an interpreter for a prospective juror determined by the court to be deaf or hard of hearing, which interpreter shall accompany the juror during all proceedings and deliberations in the case at the sole expense and cost to Lubbock County;
10. Maintain a list of the name and address of each person who is excused or disqualified from jury service because the person is not a citizen of the United States, and shall send a copy of the list to the voter registrar of Lubbock County by no later than the third business day of each month for the month immediately preceding;
11. Maintain a complete audit trail of all changes to the jury wheel made during the year; and
12. Provide that the method of selection use the same record of names for the selection of persons for jury service until that record is exhausted (except that LCIS shall update the names and addresses in the jury wheel from the lists provided by the Secretary of State at least annually). Any persons added to the jury wheel shall be subject to jury service. The names of persons who are summoned for jury service in the county and who appear for service must be removed from the jury wheel until the record is exhausted, regardless of whether the person served on a jury or not. Those persons summoned who fail to appear shall remain in the jury wheel and remain subject to summons for jury service.

The number of persons required for jury service to be selected as described above shall be determined by the District Judges of Lubbock County.

The Jury Wheel - Use, Access and Certification of Data

Upon receiving a request from a District Judge to select jurors for a number of weeks, the District Clerk shall notify those persons with the authority to access the jury wheel to execute the jury selection program to randomly extract the number of persons needed for jury service.

The District Clerk shall certify that the list of prospective jurors selected by the system described above is a true and complete written list of the names and addresses of persons to begin jury service on a particular date. This list shall be filed of record with the County Clerk at least ten days prior to the date such persons are to begin jury service. Additional lists may be produced to facilitate the handling of the necessary paperwork in processing the jury list.

Designation of Judge to Whom the General Panel Reports

The District Judges shall designate from time to time a judge to whom the general panels report for jury service. The judge for the designated period shall organize, control, and supervise the members of the general jury panel.

When impaneled, the prospective jurors constitute a general jury panel for service as jurors in all justice, county, and district courts, and shall be used interchangeably in all of those courts. Any judge of the County Courts at Law or the Probate Courts may perform the functions and duties herein imposed upon a District Judge, if no District Judge is available.

Notification of Jurors

Upon receipt of a prospective juror list, it will be the responsibility of the Sheriff to immediately notify the persons whose names are on the prospective juror list to appear for jury service on the date designated by the judge. Delivery of a written summons by mail shall be sufficient notice if the summons is received by a person authorized by the United States Postal Service to receive it. The content of the written summons to appear for jury service shall include the time and place for the appearance of the prospective juror for jury service, the purpose for which he is to appear, and the penalty for his failure to appear as required. The jury summons shall include a questionnaire as developed and maintained by the Office of Court Administration of the Texas Judicial System, and shall include a complete listing of the qualifications for jury service as set forth in Government Code, § 62.102, General Qualifications for Jury Service.

The system provided herein shall be available for jury selection in the District Courts, County Courts at Law, Probate Courts, and Justice of the Peace Courts of Lubbock County, Texas.

Computer or Telephone Response to Summons

This Plan authorizes any prospective juror to appear in response to a summons by contacting the county officer responsible for summoning jurors by computer and/or calling an automated telephone system. Further, a prospective juror may appear before the court in person.

The information which may be provided by computer or automated telephone system includes:

1. Information that permits the Court to determine whether the prospective juror is qualified for jury service under Government Code, § 62.102, General Qualifications for Jury Service;
2. Information that permits the Court to determine whether the prospective juror is qualified for jury service under Government Code, § 62.106, Exemption from Jury Service;
3. Submission of a request by the prospective juror for a postponement of or excuse from jury service under Government Code, § 62.016(d), Interchangeable Juries in Certain Counties;
4. Information for jury assignment under Government Code, § 62.016, including:
 - a. the prospective juror's postponement status;
 - b. the residency of the prospective juror; and
 - c. if the prospective juror could potentially serve on a jury in a criminal matter, whether the prospective juror has been convicted of a misdemeanor theft.
5. Completion and submission by the prospective juror of the written jury summons questionnaire under Government Code, § 62.0132;
6. The prospective juror's electronic mail address; and
7. Notification to the prospective juror by electronic mail of:
 - a. whether the prospective juror is qualified for jury service;
 - b. the status of the exemption, postponement, or judicial excuse request of the prospective juror; or
 - c. whether the prospective juror has been assigned to a jury panel.

The District Clerk shall purge the electronic mail address of a prospective juror collected under this paragraph:

1. If the prospective juror served on a jury, not later than the 30th day after the date that Lubbock County sends the person payment for jury service or if the person has donated the payment under Government Code, § 61.003.

2. If the prospective juror did not serve on a jury, not later than the 30th day after the date that the court releases the person from jury service.

Disqualification for Particular Jury

A prospective juror is disqualified to serve as a petit juror in a particular case if he meets any of the disqualification reasons listed in Government Code, § 62.105.

Summons for Jury Service on General Election Day Prohibited

Prospective jurors may not be summoned to appear for jury service on the date of the general election for state and county officers.

Excuse of Juror for Religious Holy Day

A prospective juror who seeks to be released from jury service may be required to file with the Court an affidavit stating the grounds for the release and that the juror holds religious beliefs that prohibit him from taking part in a court proceeding on the day for which the release from jury duty is sought. If the prospective juror is required to appear at a court proceeding on a religious holy day observed by the prospective juror, the Court shall release the prospective juror from jury service entirely or until another day of the term.

Procedures for Obtaining Exemptions

The District Clerk or a designated representative of the District Clerk may grant exemptions listed in Government Code, § 62.106(a). The Court shall grant all exemptions as permitted by Government Code, §§ 62.106 and 62.108-62.109.

A prospective juror who seeks an admission from the Court shall follow the procedures established by Government Code, § 62.107. The prospective juror seeking exemptions shall submit his or her request on forms provided by the District Clerk or the designated representative of the District Clerk. Upon receipt of the requested affidavits and/or forms by the requesting party, the District Clerk or the designated representative shall timely submit the

forms and/or affidavits to the Court for consideration. Upon order of the Court, the District Clerk or designated representative shall send a copy of the Court's order to the requesting party.

Special Venire Jury Selection

Pursuant to the provisions of Article 34, Code of Criminal Procedure, selection of special venire juries shall be in the manner set forth as follows:

1. The Court, upon request by the defendant, may enter an order requiring the summons of any number of prospective jurors in excess of 50, which list of prospective jurors cannot include any names of prospective jurors who have already been granted an exemption under the law.
2. The District Clerk, or her designated deputy, shall not summons a special venire jury without a written order from the Court, specifying the date of appearance and number of jurors that should be summoned. If the order of the Court requires the Sheriff to summons a special venire jury, the Sheriff of Lubbock County shall then write a letter to the District Clerk requesting the Clerk cause a jury to be summoned.
3. If it is determined by the Court that the special venire jury pool is insufficient to select a jury, additional jurors may be summoned by the Sheriff as set forth in Article 34.02, Code of Criminal Procedure.
4. After the list of prospective jurors has been selected, the District Clerk shall provide a copy of the list of prospective jurors to the defendant, except that the defendant may waive the right to receive the list or that the defendant may be on bail. When the defendant is on bail, the District Clerk shall furnish the list of prospective jurors to the defendant or his counsel at least 2 days prior to trial (including holidays), upon request by the defendant or his counsel at the office of the District Clerk. The District Clerk may, at her option, serve the defendant a copy of the jury list by personal service by issuance

of a precept to serve. The defendant's attorney may sign for his/her copy of the jury list. If the defendant's attorney fails to sign for the list, the list shall be served on the attorney for defendant by issuance of a precept to serve in the same manner as afforded the defendant.

4. It shall be the sole duty and responsibility of the Court to hear and determine excuses offered for not serving as a juror for capital special venire juries, and if the Court deems the excuse sufficient, the Court shall discharge the juror or postpone the juror's service to a date specified by the Court.
5. The Court or the Court's designee may discharge a juror or postpone the juror's service on the basis of the juror's observation of a religious holy day or religious beliefs only if the juror provides an affidavit as required by Article 29.012(c) of the Code of Criminal Procedure.
6. The District Clerk, or designated deputy clerk, shall maintain a list of all jurors summoned in a capital case and shall notify the Court and all attorneys which jurors have filed an exemption statement, which ones have appeared, and which ones have failed to appear. The list maintained by the District Clerk shall also make note of the summonses which were returned undeliverable by the postal service. The list of those who did not appear should be provided to the Court for further action and possibly a writ of attachment being issued.
7. Jurors summoned for a special venire jury may, by consent of both parties, be excused from attendance by the Court at any time before he is impaneled.
8. Questionnaires appearing on the summons form served on prospective jurors shall be completed and returned to the Court on the date of appearance as specified in the summons.

9. Information obtained by the Court or by a prosecuting attorney during the jury selection process about a person who serves as a juror, including the juror's home address, home telephone number, Social Security number, driver's license number, and other personal information, is confidential and may not be disclosed by the Court, the prosecuting attorney, the defense counsel, or any court personnel except on application by a party in the trial or on application of a bona fide member of the news media acting in such capacity to the court in which the person is serving or did serve as a juror. On a showing of good cause, the Court shall permit disclosure of the information sought.
10. The jury list, as all other papers in cases in which the defendant received a sentence, cumulative sentences, or the longest sentence of two or more sentences to be served concurrently is more than 20 years, shall remain permanently in the records of the District Clerk and shall not be destroyed.

The system described above shall be known as the "Lubbock County Jury Selection Plan."

IT IS ORDERED that this document be recorded in the minutes of the District Courts as the system to be followed in jury selection.

The above Lubbock County Jury Selection Plan is hereby approved and recommended to the Lubbock County Commissioners on this _____ day of _____, 2005.

Appendix C: 2006 Calendar for the Lubbock County District Courts

2006 CALENDAR FOR DISTRICT COURTS—LUBBOCK AND CROSBY COUNTIES						
WEEK BEGINNING	72ND CROSBY/ LUBBOCK	99TH LUBBOCK	137TH LUBBOCK	140TH LUBBOCK	237TH LUBBOCK	364TH LUBBOCK
January 2 Monday—New Year's Day	Special Settings	Jury	Non-Jury	Non-Jury Guilty Pleas/ARP	Non-Jury	Jury Pool Grand Jury Non-Jury
January 9	Jury Pool Crosby Co Jury	Non-Jury Tax Cases	Jury	Jury	Jury	Jury
January 16 Monday - M.L.K. Day	Jury	Jury Pool Jury	Non-Jury Guilty Pleas/ARP	Jury	Jury	Jury
January 23 Regional Jud. Conf. 22-24	Jury	Jury	Jury Pool	Jury	Jury	Jury
January 30	Non-Jury Tax Cases	Grand Jury Jury	Jury	Jury Pool Non-Jury	Jury	Jury
February 6	Jury	Jury	Jury	Jury	Jury Pool Jury	Non-Jury
February 13	Crosby Co Jury	Jury	Jury	Jury	Jury	Jury Pool Non-Jury
February 20 Monday - President's Day	Jury Pool Jury	Non-Jury	Non-Jury Guilty Pleas/ARP Tax Cases	Non-Jury Guilty Pleas/ARP	Jury	Jury
February 27	Jury	Jury Pool Jury	Grand Jury Jury	Jury	Non-Jury	Jury
March 6	Non-Jury	Juvenile	Jury Pool Guilty Pleas/ARP Jury	Jury	Jury	Jury
March 13 Spring Break	SETTLEMENT WEEK					
March 20	Crosby Co Jury	Jury	Jury	Jury Pool Jury	Jury	Jury
March 27 Family Violence Conf. 27-29	Jury	Jury	Jury	Jury	Jury Pool Non-Jury	Jury
April 3	Grand Jury Non-Jury	Non-Jury	Jury	Non-Jury Guilty Pleas/ARP Tax Cases	Jury	Jury Pool Non-Jury
	72ND	99TH	137TH	140TH	237TH	364TH

2006 CALENDAR FOR DISTRICT COURTS—LUBBOCK AND CROSBY COUNTIES

WEEK BEGINNING	72ND CROSBY/ LUBBOCK	99TH LUBBOCK	137TH LUBBOCK	140TH LUBBOCK	237TH LUBBOCK	364TH LUBBOCK
April 10	Jury Pool Jury	Jury	Non-Jury Guilty Pleas/ARP	Jury	Jury	Jury
April 17	Crosby Co Jury	Jury Pool Jury	Jury	Jury	Jury	Jury
April 24 College for Judicial Studies 23-27	Jury	Jury	Jury Pool Special Settings	Jury	Special Settings	Jury
May 1	Jury	Jury	Jury	Jury Pool Non-Jury Guilty Pleas/ARP	Jury	Jury
May 8	Non-Jury	Non-Jury	Jury	Jury	Jury Pool Jury Tax Cases	Jury
May 15	Crosby Co Jury	Jury	Jury	Jury	Special Settings	Jury Pool Non-Jury
May 22 Criminal Justice Conf. 22-24	Jury Pool Jury	Jury	Non-Jury	Special Settings	Jury	Jury
May 29 Monday—Memorial Day	Jury	Jury Pool Jury	Non-Jury Guilty Pleas/ARP	Non-Jury Guilty Pleas/ARP	Grand Jury Non-Jury	Jury
June 5	Non-Jury	Juvenile	Jury Pool Special Settings	Jury	Jury	Jury Tax Cases
June 12	Jury	Jury	Jury	Jury Pool Jury	Jury	Jury
June 19 PDP Program 20-24	Crosby Co Jury	Jury	Non-Jury Guilty Pleas/ARP	Jury	Jury Pool Jury	Jury
June 26	Non-Jury	Jury	Jury	Jury	Non-Jury	Jury Pool Non-Jury
July 3 Tuesday-Independence Day	Jury Pool Jury	Non-Jury Tax Cases	Non-Jury Guilty Pleas/ARP	Non-Jury Guilty Pleas/ARP	Special Settings	Non-Jury
July 10	Crosby Co Jury	Jury Pool Non-Jury	Jury	Jury	Jury	Grand Jury Jury
	72ND	99TH	137TH	140TH	237TH	364TH

2006 CALENDAR FOR DISTRICT COURTS—LUBBOCK AND CROSBY COUNTIES

WEEK BEGINNING	72ND CROSBY/ LUBBOCK	99TH LUBBOCK	137TH LUBBOCK	140TH LUBBOCK	237TH LUBBOCK	364TH LUBBOCK
July 17	Jury	Jury	Jury Pool Non-Jury Guilty Pleas/ARP	Jury	Non-Jury	Jury
July 24	Jury	Jury	Jury	Jury Pool Jury	Jury	Jury
July 31	Non-Jury Tax Cases	Grand Jury Juvenile	Jury	Non-Jury Guilty Pleas/ARP	Jury Pool Non-Jury	Special Settings
August 7	Jury	Jury	Non-Jury Guilty Pleas/ARP	Jury	Jury	Jury Pool Non-Jury
August 14	Jury Pool Jury	Jury	Jury	Jury	Jury	Jury
August 21	Crosby Co Jury	Jury Pool Jury	Jury	Jury	Jury	Jury
August 28	Jury	Non-Jury	Jury Pool Grand Jury Guilty Pleas/ARP Tax Cases	Jury	Jury	Jury
September 4 Monday-Labor Day	Non-Jury	Jury	Jury	Jury Pool Non-Jury Guilty Pleas/ARP	Non-Jury	Non-Jury
September 11 Annual Judicial Conf. 10-13	SETTLEMENT WEEK					
September 18	Crosby Co Jury	Jury	Non-Jury Guilty Pleas/ARP	Jury	Jury Pool Jury	Jury
September 25	Jury	Jury	Non-Jury Guilty Pleas/ARP	Jury	Jury	Jury Pool Non-Jury
October 2	Jury Pool Grand Jury Jury	Jury	Jury	Jury	Non-Jury	Jury
October 9 TACA Conf. 10-14	Non-Jury	Jury Pool Jury	Jury	Non-Jury Guilty Pleas/ARP Tax Cases	Jury	Jury
October 16	Crosby Co Jury	Non-Jury	Jury Pool Guilty Pleas/ARP	Jury	Jury	Jury
	72ND	99TH	137TH	140TH	237TH	364TH

2006 CALENDAR FOR DISTRICT COURTS—LUBBOCK AND CROSBY COUNTIES

WEEK BEGINNING	72ND CROSBY/ LUBBOCK	99TH LUBBOCK	137TH LUBBOCK	140TH LUBBOCK	237TH LUBBOCK	364TH LUBBOCK
October 23	Jury	Jury	Non-Jury	Jury Pool Jury	Jury	Jury
October 30	Jury	Jury	Jury	Jury	Jury Pool Jury	Jury
November 6 Fri—Veteran's Day	Non-Jury	Jury	Non-Jury	Non-Jury Guilty Pleas/ARP	Non-Jury Tax Cases	Jury Pool Non-Jury
November 13	Jury Pool Jury	Juvenile	Jury	Jury	Jury	Jury
November 20 Thurs-Fri—Thanksgiving	Crosby Co Jury	Jury Pool Non-Jury	Non-Jury	Special Settings	Non-Jury	Non-Jury
November 27	Jury	Jury	Jury Pool Non-Jury Guilty Pleas/ARP	Jury	Grand Jury Jury	Non-Jury Tax Cases
December 4 College for New Judges 2-8	Jury	Jury	Jury	Jury Pool Jury	Non-Jury	Jury
December 11	Non-Jury	Non-Jury	Jury	Jury	Jury Pool Jury	Jury
December 18	Crosby Co Special Settings	Jury	Non-Jury	Special Settings	Special Settings	Jury Pool Non-Jury
December 25 Mon, Tues—Christmas	Jury Pool Special Settings	Juvenile	Special Settings	Special Settings	Special Settings	Special Settings

Appendix D: Lubbock County Holidays for 2005 and 2006

Lubbock County Holidays

2005

January 3
January 17
February 21
May 30
July 4
September 5
November 11
November 24
November 25
December 23
December 26

2006

January 2
January 16
February 20
May 29
July 4
September 4
November 10
November 23
November 24
December 25
December 26

Appendix E: Sample Lubbock County Juror Summons

_____ County, Texas

JURY SUMMONS NO. _____

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

Time: _____

Date: _____

Place: _____

For information, special accommodations or
 postponement requests, contact:

 (jury coordinator)

 (address)

 (city, state, zip code)

 (telephone number)
 Please return undeliverable mail to this address.

Prospective Juror's Name
 Prospective Juror's Address
 Prospective Juror's City, State, Zip Code

THE FOLLOWING "JUROR QUESTIONNAIRE" IS MANDATED BY GOVERNMENT CODE, SECTION 62.0132.

Your answers are CONFIDENTIAL and may be disclosed only to the judge, court personnel, the litigant, and the litigant's attorney.

PLEASE TYPE OR PRINT WITH INK ONLY					JUROR QUESTIONNAIRE	
<input type="checkbox"/> Male	<input type="checkbox"/> Female	Race (required by State Law):	Age:	Date of Birth:	Are you a U.S. Citizen? <input type="checkbox"/> Y <input type="checkbox"/> N	
Your Name:		Home Address:			Please check highest level of education completed: <input type="checkbox"/> Did not receive H.S. Diploma <input type="checkbox"/> H.S. Diploma <input type="checkbox"/> GED <input type="checkbox"/> 2yr College <input type="checkbox"/> 4yr College/University <input type="checkbox"/> Post-Graduate <input type="checkbox"/> Other _____	
Mailing Address (if different from home):		County of Residence:				
Home Phone:		Work Phone:			Current Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced	
Your Occupation:		How Long?				
Your Employer:		How Long?				
Spouse's Name:		Spouse's Occupation:			Number of Children: _____	
Spouse's Employer:		How Long?				
Have you ever served on a civil jury? <input type="checkbox"/> Y <input type="checkbox"/> N		Have you ever served on a criminal jury? <input type="checkbox"/> Y <input type="checkbox"/> N			Ranges of Age: from _____ years to _____ years	
I CERTIFY THAT ALL ANSWERS ARE TRUE AND CORRECT. Please sign here: _____						

Directions Regarding Jury Duty: You must serve on a jury unless you (1) are not qualified to serve; (2) claim an exemption from service; or (3) are excused from serving by a court. The qualifications for jury service and exemptions from jury service are listed on this card. If you are not qualified for jury service, please circle the qualification(s) you do not meet and sign the form to certify that you are disqualified. If you wish to claim an exemption from jury service, please circle the appropriate exemption(s) and sign the form to certify that you are entitled to the exemption(s). Then please mail or bring the completed questionnaire to the address printed in the shaded area on the front of this jury summons. You do not have to appear for jury service. If you are not disqualified and you are not claiming any exemption, then you must report for jury duty. You may ask a judge to consider excusing you from jury service for a reason other than disqualification or exemption at that time. Please bring your completed questionnaire with you when you report for jury service. NOTE: If you claim to be disqualified based on a lack of citizenship or lack of residence in this county, you may no longer be eligible to vote in this county.

GENERAL QUALIFICATIONS FOR JURY SERVICE
(Gov't Code, Section 62.102)
Code Crim. Proc., Articles 35.16, 35.19)

To be qualified to serve as a juror you *must*:

1. be at least 18 years of age;
2. be a citizen of this state and a resident of the county in which you are to serve as a juror;
3. be qualified under the Constitution and laws to vote in the county in which you are to serve as a juror (*Note: You do not have to be registered to vote to be qualified to vote*);
4. be of sound mind and good moral character;
5. be able to read and write;
6. 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; and
7. not have been convicted of, or be under indictment or other legal accusation for, misdemeanor theft or a felony.

I DO HEREBY CERTIFY THAT I AM DISQUALIFIED FROM JURY SERVICE FOR THE REASON(S) CIRCLED ABOVE.

Signature

Date

EXEMPTIONS FROM JURY SERVICE
(Gov't Code, Section 62.106)

You may be exempted from jury service if:

1. you are over 70 years of age;
2. 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;
3. you are a student at a public or private high school;
4. you are enrolled and in actual attendance at an institution of higher education;
5. 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;
6. you are the primary caretaker of a person who is an invalid unable to care for himself or herself (This exemption does not apply to health care workers);
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;
8. you have served as a juror in a county of at least 200,000 during the 24-month period preceding the date you are required to appear for this summons. (*Unless the county uses a jury plan under Section 62.011, Government Code, and the period authorized under Section 62.011(b)(5) exceeds two years.*)

I DO HEREBY CERTIFY THAT I AM EXEMPT FROM JURY SERVICE FOR THE REASON(S) CIRCLED ABOVE.

Signature

Date

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 who 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 \$1,000 (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 summons without reasonable excuse; or (2) files a false claim of exemption from jury service. (Government Code, Section 62.111).

TEXAS GOVERNMENT CODE

CHAPTER 62. PETIT JURIES

SUBCHAPTER A. GENERAL PROVISIONS

§ 62.001. Jury Source; Reconstitution of Jury Wheel

(a) The jury wheel must be reconstituted by using, as the source:

(1) the names of all persons on the current voter registration lists from all the precincts in the county; and

(2) all names on a current list to be furnished by the Department of Public Safety, showing the citizens of the county who:

(A) hold a valid Texas driver's license or a valid personal identification card or certificate issued by the department; and

(B) are not disqualified from jury service under Section 62.102(1), (2), or (7).

(b) Notwithstanding Subsection (a), the names of persons listed on a register of persons exempt from jury service may not be placed in the jury wheel, as provided by Sections 62.108 and 62.109.

(c) Each year not later than the third Tuesday in November or the date provided by Section 16.032, Election Code, for the cancellation of voter registrations, whichever is earlier, the voter registrar of each county shall furnish to the secretary of state a current voter registration list from all the precincts in the county that, except as provided by Subsection (d), includes:

(1) the complete name, mailing address, date of birth, voter registration number, and precinct number for each voter;

(2) if available, the Texas driver's license number or personal identification card or certificate number and social security number for each voter; and

(3) any other information included on the voter registration list of the county.

(d) The list required by Subsection (c) may exclude, at the option of the voter registrar of each county, the names of persons on the suspense list maintained under Section 15.081, Election Code.

(e) The voter registrar shall send a list of the names of persons excluded to the secretary of state with the list required by Subsection (c).

(f) The Department of Public Safety shall furnish a list to the secretary of state that shows the names required under Subsection (a)(2) and that contains any of the information enumerated in Subsection (c) that is available to the department, including citizenship status and county of residence. The list shall exclude the names of convicted felons, persons who are not citizens of the United States, persons residing outside the county, and the duplicate name of any registrant. The department shall furnish the list to the secretary of state on or before the first Monday in October of each year.

(g) The secretary of state shall accept the lists furnished as provided by Subsections (c) through (f). The secretary of state shall combine the lists, eliminate duplicate names, and send the combined list to each county on or before December 31 of each year or as may be required under a plan developed in accordance with Section 62.011. The district clerk of a county that has adopted a plan under Section 62.011 shall give the secretary of state notice not later than the 90th day before the date the list is required. The list furnished the county must be in a format, electronic or printed copy, as requested by the county and must be certified by the secretary of state stating that the list contains the names required by Subsections (c) through (f), eliminating duplications. The secretary of state shall furnish the list free of charge.

(h) If the secretary of state is unable to furnish the list as provided in this section because of the failure of the voter registrar to furnish the county voter registration list to the secretary of state, the county tax assessor-collector, sheriff, county clerk, and district clerk in the county shall meet at the county courthouse between January 1 and January 15 of the following year and shall reconstitute the jury wheel for the county, except as provided under a plan adopted under Section 62.011. The deadlines included in the plan control for preparing the list and reconstituting the wheel. The secretary of state shall send the list furnished by the Department of Public Safety as provided by Subsection (f) to the voter registrar, who shall combine the lists as described in this section for use as the juror source and certify the combined list as required of the secretary of state under Subsection (g).

(i) The commissioners court may, instead of using the method provided by Subsections (c) through (h), contract with another governmental unit or a private person to combine the voter registration list with the list furnished by the Department of Public Safety. Subsections (c) through (h) do not apply to a county in which the commissioners court has contracted with another governmental unit or a private person under this subsection. The Department of Public Safety may not charge a fee for furnishing a list under this subsection. Each list must contain the name, date of birth, address, county of residence, and citizenship status of each person listed. If practical, each list must contain any other information useful in determining if the person is qualified to serve as a juror.

the person served on a jury as a result of the summons.

(k) In reconstituting the jury wheel, the county or district clerk shall update jury wheel cards to reflect addresses that have been changed as provided by Section 62.0146.

§ 62.002. Jury Wheel Cards

(a) The officials or their deputies who reconstitute the jury wheel shall write on a separate jury wheel card of uniform size and color the name and, if possible, the post office address of each prospective juror that resides in the county and whose name appears on the current lists used under Section 62.001. The name of each prospective juror may appear on only one card.

(b) In a county with a population of 140,000 or more, the commissioners court shall employ typists who shall type the names and addresses of qualified prospective jurors on separate jury wheel cards of uniform size and color under the direction and control of the district clerk. The expenses incurred in typing the names and addresses must be authorized, reported, and paid and accounted for under the laws and rules that govern the payment of other expenses of the office of district clerk. The compensation of the typists and the expenses are paid from the jury fund.

§ 62.003. Construction and Security of Jury Wheel

(a) The commissioners court shall provide a jury wheel in which to deposit the jury wheel cards.

(b) The jury wheel must revolve freely on its axle and be constructed of a durable material. The jury wheel may be equipped with a motor capable of revolving the wheel in a manner that thoroughly mixes the jury wheel cards.

(c) At all times that it is not in use as provided by this subchapter, the jury wheel shall be locked by using two separate locks. The key to one lock may not open the other lock. The clasps attached to the jury wheel onto which the two locks are fitted must be arranged so that the jury wheel may be opened only if the two locks are unlocked at the same time. The sheriff shall keep the key to one lock. The district clerk shall keep the key to the other lock.

(d) The sheriff and the district clerk may not open the jury wheel or permit it to be opened except at a time and in a manner authorized by this subchapter, or permit another person to open the wheel if the person is not authorized by this subchapter to open the wheel.

(e) The sheriff and the district clerk shall keep the jury wheel, when not in use, in a safe place with security that prevents anyone from tampering with the jury wheel.

§ 62.004. Drawing Names for Jury Lists

(a) The county clerk and the sheriff of the county shall draw the names of the prospective jurors for a county court from the jury wheel in the presence and under the direction of the county judge. The district clerk and the sheriff or any constable of the county shall draw the names of the prospective jurors for a justice court, county court at law, or district court from the jury wheel in the presence and under the direction of the district judge.

(b) The county or district clerk and the sheriff or constable shall draw the names of prospective jurors from the jury wheel after the wheel has been turned to thoroughly mix the jury wheel cards and shall draw the names one by one if so directed by the judge in whose presence the names are drawn. The names of prospective jurors shall be drawn at least 10 days before the first day of the term of court.

(c) The county or district clerk and the sheriff or constable shall draw as many jury lists as are required for the term of court. They shall record the names that are drawn on as many lists as the judge in whose presence the names are drawn considers necessary to ensure an adequate number of jurors for the term.

(d) A deputy may represent the county or district clerk or the sheriff or constable at the drawing. Other persons may be present only as provided by this subchapter.

(e) An official attending the drawing may not divulge to anyone the name of a person that is drawn as a prospective juror.

(f) The names of additional prospective jurors may be drawn as needed in the manner provided by this section if it appears at any time during the term of court that the jury lists already drawn will be exhausted before the term expires.

§ 62.005. Observation of Drawing of Names

(a) On written application of a party in a case that is pending on the docket of a justice, county, or district court for which a jury is required, the party or his authorized representative may be present and observe the drawing of the names of prospective jurors from the jury wheel and the placement of the names on the jury lists for the time period in which the party's case is set for trial.

(b) The identity of the persons whose names are drawn from the jury wheel and placed on the jury lists may not be revealed to the observer.

§ 62.006. Certification of Jury Lists

(a) The county or district clerk or the clerk's deputy who draws the names of prospective jurors and the judge in whose presence the names were drawn for placement on jury lists shall certify the jury lists to be the lists drawn for that term.

(b) Each certified jury list must be sealed in a separate envelope that is endorsed, "List No. _____ of the petit jurors drawn on the _____ day of _____, 19____, for the _____ Court of _____ County." The blanks in the endorsement on an envelope must be properly filled. The envelopes shall be consecutively numbered starting with the number one.

(c) The county or district clerk or the clerk's deputy who draws the names shall write his name across the seal of each envelope and deliver the envelopes to the judge in whose presence the names were drawn.

§ 62.007. Envelopes Containing Jury Lists; Oath

(a) The justice of the peace or the county or district judge receiving an envelope containing a jury list shall inspect the envelope for proper endorsement.

(b) The judge shall return the envelope to the county or district clerk or clerk's deputy on completion of his inspection and may instruct the clerk or deputy to endorse on the envelope that the jury for that week is to be summoned for a day other than Monday of

that week.

(c) At the time that the judge returns the envelope to the clerk or deputy, the judge shall administer to the clerk and each of the clerk's deputies an oath that in substance provides:

"You do solemnly swear that you will not open an envelope containing a jury list now delivered to you nor permit an envelope to be opened until the time prescribed by law; and that you will not communicate to any person the names appearing on a jury list nor directly or indirectly converse or communicate with a person selected as a juror about a case pending for trial in this court at its next term, so help you God."

(d) Immediately after the judge returns an envelope containing a jury list to the clerk or deputy, the clerk shall file the envelope in a secure place in his office.

§ 62.008. Envelopes Containing Jury Wheel Cards

(a) At the time that names are drawn for jury service and placed on a jury list, the jury wheel cards containing the names on the jury list shall be sealed in a separate envelope that is endorsed, "Cards containing the names of jurors on List No. _____ of the petit jurors drawn on the _____ day of _____, 19____, for the _____ Court of _____ County." The blanks in the endorsement on an envelope shall be properly filled.

(b) The county or district clerk, as the case may be, shall retain unopened a sealed envelope containing jury wheel cards in a secure manner until the jurors selected from the jury list with names corresponding to those on the jury wheel cards in the envelope are impaneled for jury service.

§ 62.009. Reuse of Jury Wheel Cards

(a) After jurors are impaneled and serve at least four days, the clerk or his deputy shall open the envelope containing the jury wheel cards with names that correspond to those on a jury list from which the impaneled jurors were selected for jury service.

(b) On opening the envelope, the clerk or his deputy shall immediately return to the jury wheel each card in the envelope with the name of a person who was not impaneled or who did not serve at least four days and shall place in a box, for use by the next officials

selecting names of persons for the jury wheel, each jury wheel card in the envelope with the name of a person who served at least four days. However, the clerk or deputy opening the envelope may withhold from the jury wheel all cards selected for that jury list unless the judge orders him to return the cards to the jury wheel.

(c) If any of the jury lists drawn for a term of court are not used, the clerk or his deputy, immediately after the expiration of the term, shall open the envelopes containing the jury wheel cards with the names that appear on the unused lists and return the jury wheel cards to the jury wheel.

§ 62.010. Refilling or Replacement of Jury Wheel

(a) If all the jury wheel cards have been drawn from the jury wheel, jury wheel cards shall immediately be returned to the jury wheel.

(b) If the jury wheel and its contents are lost or destroyed, the jury wheel shall immediately be replaced and jury wheel cards shall immediately be placed in the jury wheel as provided by this subchapter.

§ 62.011. Electronic or Mechanical Method of Selection

(a) On the recommendation of a majority of the district and criminal district judges of a county, the commissioners court, by order entered in its minutes, may adopt a plan for the selection of names of persons for jury service with the aid of electronic or mechanical equipment instead of drawing the names from a jury wheel.

(b) A plan authorized by this section for the selection of names of prospective jurors must:

- (1) be proposed in writing to the commissioners court by a majority of the district and criminal district judges of the county at a meeting of the judges called for that purpose;
- (2) specify that the source of names of persons for jury service is the same as that provided by Section 62.001 and that the names of persons listed in a register of persons exempt from jury service may not be used in preparing the record of names from which a jury list is selected, as provided by Sections 62.108 and 62.109;
- (3) provide a fair, impartial, and objective method of selecting names of persons for jury service with the aid of electronic or mechanical equipment;
- (4) designate the district clerk as the officer in charge of the selection process and define his duties; and

(5) provide that the method of selection either will use the same record of names for the selection of persons for jury service until that record is exhausted or will use the same record of names for a period of time specified by the plan.

(c) The provisions of this subchapter relating to the selection of names of persons for jury service by the use of a jury wheel do not apply in a county that adopts a plan authorized by this section for the selection of names of prospective jurors by the use of electronic or mechanical equipment.

(d) A state agency or the secretary of state may not charge a fee for furnishing a list of names required by Section 62.001.

§ 62.0111. Computer or Telephone Response to Summons

(a) A plan authorized under Section 62.011 for the selection of names of prospective jurors may allow for a prospective juror to appear in response to a summons by:

- (1) contacting the county officer responsible for summoning jurors by computer;
- (2) calling an automated telephone system; or
- (3) appearing before the court in person.

(b) A plan adopted under Subsection (a) may allow for a prospective juror to provide information to the county officer responsible for summoning jurors or for the county officer to provide information to the prospective juror by computer or automated telephone system, including:

- (1) information that permits the court to determine whether the prospective juror is qualified for jury service under Section 62.102;
- (2) information that permits the court to determine whether the prospective juror is exempt from jury service under Section 62.106;
- (3) submission of a request by the prospective juror for a postponement of or excuse from jury service under Section 62.110;
- (4) information for jury assignment under Section 62.016, including:
 - (A) the prospective juror's postponement status;
 - (B) if the prospective juror could potentially serve on a jury in a justice court, the residency of the prospective juror; and
 - (C) if the prospective juror could potentially serve on a jury in a criminal matter, whether the prospective juror has been convicted of misdemeanor theft;
- (5) completion and submission by the prospective juror of the written jury summons questionnaire under Section 62.0132;
- (6) the prospective juror's electronic mail address; and
- (7) notification to the prospective juror by electronic mail of:
 - (A) whether the prospective juror is qualified for jury service;

- (B) the status of the exemption, postponement, or judicial excuse request of the prospective juror; or
- (C) whether the prospective juror has been assigned to a jury panel.

(c) The county officer responsible for summoning jurors shall purge the electronic mail address of a prospective juror collected under Subsection (b):

- (1) if the prospective juror serves on a jury, not later than the 30th day after the date that:
 - (A) the county sends the person payment for jury service; or
 - (B) the county would otherwise send the person payment for jury service, if the person has donated the payment under Section 61.003; or
- (2) if the prospective juror does not serve on a jury, not later than the 30th day after the date that the court releases the person from jury service.

§ 62.012. Use of Jury Lists

(a) When a justice of the peace or a county or district judge requires a jury for a particular week, the judge, within a reasonable time before the prospective jurors are summoned, shall notify the county clerk, for a county court jury, or the district clerk, for a justice or district court jury, to open the next consecutively numbered envelope containing a jury list that is in the clerk's possession and has not been opened. The judge shall also notify the clerk of the date that the prospective jurors are to be summoned to appear for jury service.

(b) On receiving the notice from the judge, the clerk shall immediately write on the jury list the date that the prospective jurors are to be summoned to appear and shall deliver the jury list to:

- (1) the sheriff, for a county or district court jury; or
- (2) the sheriff or constable, for a justice court jury.

§ 62.0125. Summons for Jury Service on General Election Day Prohibited

Prospective jurors may not be summoned to appear for jury service on the date of the general election for state and county officers.

§ 62.013. Summons for Jury Service by Sheriff or Constable

(a) Except as provided by Section 62.014, the sheriff or constable, on receipt of a jury list from a county or district clerk, shall immediately notify the persons whose names are on the list to appear for jury service on the date designated by the judge.

(b) The sheriff or constable shall notify each prospective juror to appear for jury service:

(1) by an oral summons; or

(2) if the judge ordering the summons so directs, by a written summons sent by registered mail or certified mail, return receipt requested, or by first class mail to the address on the jury wheel card or the address on the current voter registration list of the county.

(c) Delivery of a written summons is sufficient if the mail containing the summons is received by a person authorized by the United States Postal Service to receive it.

(d) The content of an oral or written summons to appear for jury service is sufficient if it includes the time and place for the appearance of the prospective juror for jury service, the purpose for which he is to appear, and the penalty for his failure to appear as required.

§ 62.0131. Form of Written Jury Summons

(a) The Office of Court Administration of the Texas Judicial System shall develop and maintain a model for a uniform written jury summons in this state.

(b) The model must include:

(1) the exemptions and restrictions governing jury service under Subchapter B; [FN1] and

(2) the information under Chapter 122, Civil Practice and Remedies Code, relating to the duties of an employer with regard to an employee who is summoned for jury service.

(c) A written jury summons must conform with the model established under this section.

(d) In developing and maintaining the model required by this section, the Office of Court Administration of the Texas Judicial System shall solicit and consider the opinions of the members of the judiciary, district clerks, and attorneys.

[FN1] V.T.C.A., Government Code § 62.101 et seq.

§ 62.0132. Written Jury Summons Questionnaire

(a) The Office of Court Administration of the Texas Judicial System shall develop and maintain a questionnaire to accompany a written jury summons.

(b) A written jury summons must include a copy of the questionnaire developed under this section.

(c) The questionnaire must require a person to provide biographical and demographic information that is relevant to service as a jury member, including the person's:

- (1) name, sex, race, and age;
- (2) residence address and mailing address;
- (3) education level, occupation, and place of employment;
- (4) marital status and the name, occupation, and place of employment of the person's spouse; and
- (5) citizenship status and county of residence.

(d) A person who has received a written jury summons and a written jury summons questionnaire shall complete and submit the questionnaire when the person reports for jury duty.

(e) In developing and maintaining the questionnaire required by this section, the Office of Court Administration of the Texas Judicial System shall solicit and consider the opinions of the members of the judiciary, district clerks, and attorneys.

(f) Except as provided by Subsection (g), information contained in a completed questionnaire is confidential and is not subject to Chapter 552.

(g) The information contained in a completed questionnaire may be disclosed to:

- (1) a judge assigned to hear a cause of action in which the respondent to the questionnaire is a potential juror;
- (2) court personnel; and
- (3) a litigant and a litigant's attorney in a cause of action in which the respondent to the questionnaire is a potential juror.

§ 62.014. Summons for Jury Service by Bailiffs

(a) In a county with at least nine district courts, the district judges may direct that prospective jurors be summoned for jury service by the sheriff or by a bailiff, or an assistant or deputy bailiff, in charge of the central jury room and the general panel of the county.

(b) A summons under this section to appear for jury service may be made verbally in

person, by registered mail, by ordinary mail, or by any other method as determined by the district judges of the county.

(c) Prospective jurors summoned under this section for service on the general jury panel serve as jurors in civil and criminal cases, and additional summons for service in criminal cases is not required.

§ 62.0141. Failure to Answer Jury Summons

In addition to any criminal penalty prescribed by law, a person summoned for jury service who does not comply with the summons as required by law or who 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 \$1,000.

§ 62.0142. Postponement of Jury Service

<Text of section as added by Acts 2005, 79th Leg., ch. 1360, § 4>

(a) A person summoned for jury service may request a postponement of the person's initial appearance for jury service. The person may request the postponement by contacting the clerk of the court in person, in writing, or by telephone before the date on which the person is summoned to appear.

(b) On receipt of a request under Subsection (a), the clerk of the court shall grant the person a postponement if:

- (1) the person has not been granted a postponement in that county during the one-year period preceding the date on which the person is summoned to appear; and
- (2) the person and the clerk determine a substitute date on which the person will appear for jury service that is not later than six months after the date on which the person was originally summoned to appear.

(c) A person who receives a postponement under Subsection (b) may request a subsequent postponement in the manner described by Subsection (a). The clerk of the court may approve the subsequent postponement only because of an extreme emergency that could not have been anticipated, such as a death in the person's family, sudden serious illness suffered by the person, or a natural disaster or national emergency in which the person is personally involved. Before the clerk may grant the subsequent postponement, the person and the clerk must determine a substitute date on which the person will appear for jury service that is not later than six months after the date on which

the person was to appear after the postponement under Subsection (b).

<For text of section as added by Acts 2005, 79th Leg., ch. 559, § 1, see § 62.0142, post.>

§ 62.0142. Notice on Written Summons

<Text of section as added by Acts 2005, 79th Leg., ch. 559, § 1>

If a written summons for jury duty allows a person to claim a disqualification or exemption by signing a statement and returning it to the clerk of the court, the form must notify the person that by claiming a disqualification or exemption based on the lack of citizenship or lack of residence in the county the person might no longer be eligible to vote in the county.

<For text of section as added by Acts 2005, 79th Leg., ch. 1360, § 4, see § 62.0142, ante.>

§ 62.0145. Removal of Certain Persons From Pool of Prospective Jurors

Except as provided by Section 62.0146, if a written summons for jury service sent by a sheriff, constable, or bailiff is undeliverable, the county or district clerk may remove from the jury wheel the jury wheel card for the person summoned or remove the person's name from the record of names for selection of persons for jury service under Section 62.011.

§ 62.0146. Updating Addresses of Certain Persons in Pool of Prospective Jurors

If a written summons for jury service sent by a sheriff, constable, or bailiff is returned with a notation from the United States Postal Service of a change of address for the person summoned, the county or district clerk may update the jury wheel card to reflect the person's new address.

§ 62.015. Selection of Jury Panel

(a) On the day that jurors appear for jury service in a justice, county, or district court, the judge, if jury trials have been set, shall select from the names on the jury lists a sufficient number of qualified jurors to serve on the jury panel.

(b) If the court at any time does not have a sufficient number of prospective jurors present whose names are on the jury lists and who are not excused by the judge from jury service, the judge shall order the sheriff or constable to summon additional prospective jurors to provide the requisite number of jurors for the panel. The names of additional jurors to be summoned by the sheriff or constable to fill a jury panel shall be drawn from the jury wheel under orders of the judge. Additional jurors summoned to fill a jury panel shall be discharged when their services are no longer required.

(c) The judge may order all or part of a panel of jurors to stand adjourned from jury service until a subsequent date in the term, but a juror may not be paid for the time that he stands adjourned from jury service.

§ 62.016. Interchangeable Juries in Certain Counties

(a) In each county with at least three district or criminal district courts, the district judges shall meet and determine the approximate number of prospective jurors that are reasonably necessary for each week of the year for a general panel of jurors for service in the county court, the justice courts, and all district and statutory county courts of the county. A majority of the district judges may act to carry out the provisions of this section.

(b) The district judges shall order that the number of names of prospective jurors that they determine are reasonably necessary for each week's general panel be drawn from the jury wheel. They shall order the drawing of names of prospective jurors for as many weeks in advance as they consider proper and may increase or decrease the number of names drawn for any week.

(c) The district judges shall designate from time to time a judge to whom the general panels report for jury service. The judge for the designated period shall organize, control, and supervise the members of the general jury panel.

(d) The sheriff shall notify the persons whose names are drawn from the jury wheel to appear before the designated judge for jury service. The judge shall hear the excuses of the prospective jurors and swear them in for jury service for the week for which they are to serve as jurors.

(e) When impaneled, the prospective jurors constitute a general jury panel for service as jurors in all justice, county, and district courts in the county and shall be used

interchangeably in all of those courts. A county may summon jurors chosen for service under this section to the justice court in the manner prescribed by Section 62.412.

(f) In the event of a deficiency of jurors to satisfy the jury requirements of the justice, county, and district courts, the judge having control of the general jury panel shall order a sufficient number of additional names drawn to meet the emergency. The names of additional jurors for the general panel must be drawn from the jury wheel except as provided by Section 62.011. The additional jurors act only as special jurors and shall be discharged as soon as their services are no longer required.

(g) If it becomes necessary to reduce the number of persons on the general panel for the week of its selection because of a lack of work in a court or for other cause, the judge having control of the general jury panel shall cause the clerk to draw from the general panel the number of names that the judge determines is required for the week. The prospective jurors whose names are drawn shall continue to serve on the general panel for the remainder of the week, and the others are excused.

(h) In a county with a population of more than 900,000, the district judges, by a majority vote, may authorize the drawing of two general jury panels for the week, with one to be used in the courts that have a criminal docket and the other to be used in the courts that have a civil docket.

(i) Except as modified by this section and Section 62.011, the law governing jury wheels applies in the counties that use general jury panels interchangeably in their county and district courts.

(j) This section does not apply to a selection of jurors in a capital case or a mental health proceeding.

§ 62.017. Interchangeable Jurors in Certain Other Counties

(a) In a county with two district courts, the judges of the two courts may meet at a time fixed by them and determine the approximate number of prospective jurors that are reasonably necessary for each week of the year for a general panel of jurors for service in both district courts. The judges shall act together to carry out the provisions of this section.

(b) The district judges may order that the number of names of prospective jurors that they

determine is reasonably necessary for each week's general panel be drawn from the jury wheel. They may order the drawing of names of prospective jurors for as many weeks in advance as they consider proper and may increase or decrease the number of names drawn for any week.

(c) The district judges shall designate from time to time the judge to whom the general panels report for jury service. The judge for the designated period shall organize, control, and supervise the members of the general jury panel.

(d) The sheriff shall notify the persons whose names are drawn from the jury wheel to appear before the designated judge for jury service. The judge shall hear the excuses of the prospective jurors and swear them in for jury service for the week for which they are to serve as jurors.

(e) When impaneled, the prospective jurors constitute a general jury panel for service as jurors in both district courts in the county and shall be used interchangeably in those courts. With the approval of both district judges, prospective jurors impaneled under this section may constitute a general jury panel for service as jurors in the justice courts, the county court, and all statutory county courts in the county, in addition to service as jurors in both district courts, and in that event, shall be used interchangeably in all district, justice, and county courts.

(f) In the event of a deficiency of jurors to satisfy the jury requirements of any of the courts, the judge having control of the general jury panel shall order sufficient additional names drawn to meet the emergency. The names of additional jurors for the general panel must be drawn from the jury wheel except as provided by Section 62.011. The additional jurors act only as special jurors and shall be discharged as soon as their services are no longer required.

(g) If it becomes necessary to reduce the number of persons on the general panel for the week of its selection because of a lack of work in a court or for other cause, the judge having control of the general jury panel shall cause the clerk to draw from the general panel the number of names that the judge determines is required for the week. The prospective jurors whose names are drawn shall continue to serve on the general panel for the remainder of the week, and the others are excused.

(h) Except as modified by this section and Section 62.011, the law governing jury wheels applies in the counties that use general jury panels interchangeably in their courts.

(i) This section does not apply to a selection of jurors in a capital case or a mental health commitment.

(j) The method for interchangeable jury panels authorized by this section is in addition to the other methods authorized by this subchapter. The adoption of the method provided by this section is in the discretion of the district judges of the counties with two district courts.

§ 62.0175. Interchangeable Jurors in Counties With a Single District Court and a Single County Court at Law With Concurrent Jurisdiction

(a) In a county with only one district court and only one county court at law that has concurrent jurisdiction with the district court in any matter, the judges of the two courts may meet at a time set by them and determine the approximate number of prospective jurors that are reasonably necessary for each week of the year for a general panel of jurors for service in both courts. The judges shall act together to carry out the provisions of this section.

(b) The judges may order that the number of names of prospective jurors that they determine is reasonably necessary for each week's general panel be drawn from the jury wheel. They may order the drawing of names of prospective jurors for as many weeks in advance as they consider proper and may increase or decrease the number of names drawn for any week.

(c) A general panel shall report to the district judge for jury service, and the district judge shall organize, control, and supervise the members of the general panel.

(d) The sheriff shall notify the persons whose names are drawn from the jury wheel to appear before the district judge for jury service. The judge shall hear the excuses of the prospective jurors and swear them in for jury service for the week for which they are to serve as jurors.

(e) When impaneled, the prospective jurors constitute a general panel for service as jurors in both courts and shall be used interchangeably in those courts. With the approval of both judges, prospective jurors impaneled under this section may constitute a general panel for service as jurors in the justice courts, the county court, and all other county courts at law in the county, in addition to service as jurors in the district court and the county court at law that has concurrent jurisdiction. In that event, the general panel shall be used interchangeably in the district court, county court, county courts at law, and

justice courts.

(f) In the event of a deficiency of jurors to satisfy the jury requirements of any of the courts, the district judge shall order sufficient additional names drawn to meet the emergency. The names of additional jurors for the general panel must be drawn from the jury wheel except as provided by Section 62.011. The additional jurors act only as special jurors and shall be discharged as soon as their services are no longer required.

(g) If it becomes necessary to reduce the number of persons on the general panel for the week of its selection because of a lack of work in a court or for other cause, the district judge shall cause the clerk to draw from the general panel the number of names that the judge determines is required for the week. The prospective jurors whose names are drawn shall continue to serve on the general panel for the remainder of the week, and the others are excused.

(h) Except as modified by this section and Section 62.011, the law governing jury wheels applies in the counties that use general panels interchangeably in their courts.

(i) This section does not apply to a selection of jurors in a capital case or a mental health commitment.

§ 62.018. Quarters for General Panels

(a) The commissioners court of a county that uses an interchangeable general jury panel shall provide a comfortable place in or near the county courthouse for the use and convenience of the persons on the panel.

(b) The persons on the panel shall stay in or conveniently near the place provided for them when not in service so that they are at all times subject to service in a court as provided by this subchapter without delaying the proceedings of the court.

§ 62.019. Bailiffs for General Panels

(a) Except as provided by this section, the sheriff of a county that uses an interchangeable general jury panel shall assign one of his deputies to take care of the persons on the panel, provide for their wants, and call them as their services are required by the judges of the courts using the interchangeable jury panel. The assigned deputy has general control of

the persons on the panel when they are not in actual service as jurors.

(b) In a county with at least nine district courts, a majority of the district judges, with the approval of the commissioners court, may appoint a bailiff, and the assistant or deputy bailiffs that the judges consider necessary, to be in charge of the central jury room and the general panel. If the district judges in such a county appoint a bailiff and the necessary assistant or deputy bailiffs, the sheriff may not assign a deputy to the central jury room and the general panel. If the district judges do not appoint a bailiff to be in charge of the central jury room and the general panel, the sheriff shall perform the duties in connection with the jury room and general panel as provided by law.

(c) A bailiff or assistant or deputy bailiff appointed by the district judges serves a two-year term beginning January 1 of each odd-numbered year. The salary of each is set by the commissioners court on the recommendation of the district judges.

(d) The bailiffs and assistant and deputy bailiffs appointed by the district judges shall take care of the general panel and perform the duties in connection with the supervision of the central jury room and the general panel that are required by the district judges. They may notify prospective jurors whose names are drawn from the jury wheel or selected by other means provided by law to appear for jury service and may serve notices on absent jurors as directed by the district judge having control of the general jury panel.

§ 62.020. Alternate Jurors

(a) In district court, the judge may direct that not more than four jurors in addition to the regular jury be called and impaneled to sit as alternate jurors.

(b) In county court, the judge may direct that not more than two jurors in addition to the regular jury be called and impaneled to sit as alternate jurors.

(c) Alternate jurors shall be drawn and selected in the same manner as regular jurors. An alternate juror must meet the same qualifications, is subject to the same examination and challenges, shall take the same oath, has the same functions, powers, and privileges, and shall be accorded the same facilities and security as a regular juror.

(d) In the order in which they are called, alternate jurors shall replace jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable or disqualified to perform their duties. An alternate juror who does not replace a regular

juror shall be discharged after the jury retires to consider its verdict.

(e) Each side is entitled to one peremptory challenge in addition to those otherwise allowed by law or by rule if one or two alternate jurors are to be impaneled. Each side is entitled to two peremptory challenges in addition to those otherwise allowed by law or by rule if three or four alternate jurors are to be impaneled. The additional peremptory challenges may be used against an alternate juror only, and the other peremptory challenges allowed by law or by rule may not be used against an alternate juror.

§ 62.021. Dismissal of Juror Removed From Panel

In a county with a population of 1.5 million or more, a prospective juror removed from a jury panel for cause, by peremptory challenge or for any other reason, must be dismissed from jury service. After dismissal, the person may not be placed on another jury panel until his name is returned to the jury wheel and drawn again for jury service.

[Sections 62.022 to 62.100 reserved for expansion]

[Sections 62.022 to 62.100 reserved for expansion]

Subchapter B. Juror Qualifications (Refs & Annos)

§ 62.101. Jury Service

All individuals are competent petit jurors unless disqualified under this subchapter and are liable for jury service except as otherwise provided by this subchapter.

§ 62.102. General Qualifications for Jury Service

A person is disqualified to serve as a petit juror unless the person:

- (1) is at least 18 years of age;
- (2) is a citizen of this state and of the county in which the person is to serve as a juror;
- (3) is qualified under the constitution and laws to vote in the county in which the person is to serve as a juror;
- (4) is of sound mind and good moral character;
- (5) is able to read and write;

- (6) has not served as a petit juror for six days during the preceding three months in the county court or during the preceding six months in the district court;
- (7) has not been convicted of misdemeanor theft or a felony; and
- (8) is not under indictment or other legal accusation for misdemeanor theft or a felony.

§ 62.103. Suspension of General Qualifications

(a) A court may suspend the qualification for jury service that requires a person to be able to read and write if it appears to the court that the requisite number of jurors able to read and write cannot be found in the county.

(b) A court may suspend the qualification for jury service that requires a person to have less than six days of service as a petit juror during the preceding three months in the county court or during the preceding six months in the district court if it appears to the court that the county's sparse population makes its enforcement seriously inconvenient.

§ 62.1031. Failure to Register to Vote

Failure to register to vote does not disqualify a person from jury service.

§ 62.104. Disqualification for Legal Blindness

(a) A person who is legally blind is not disqualified to serve as a juror in a civil case solely because of his legal blindness except as provided by this section.

(b) A legally blind person is disqualified to serve as a juror in a civil case if, in the opinion of the court, his blindness renders him unfit to serve as a juror in that particular case.

(c) In this section, "legally blind" means having:

- (1) no more than 20/200 of visual acuity in the better eye with correcting lenses; or
- (2) visual acuity greater than 20/200, but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

§ 62.1041. Deaf or Hard of Hearing Juror

(a) A deaf or hard of hearing person is not disqualified to serve as a juror solely because

of hearing loss except as provided by this section.

(b) A deaf or hard of hearing person is disqualified to serve as a juror if, in the opinion of the court, his hearing loss renders him unfit to serve as a juror in that particular case.

(c) A deaf or hard of hearing person serving as a juror shall be reasonably accommodated in accordance with the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.). An interpreter who is assisting a deaf or hard of hearing person serving as a juror may accompany the juror during all proceedings and deliberations in the case.

(d) If an interpreter is provided to a deaf or hard of hearing person serving as a juror in a district, county, or justice court, the county shall pay the cost of obtaining those services.

(e) A deaf or hard of hearing juror may request an auxiliary aid or service for a municipal court proceeding. The city shall honor the request unless the city can demonstrate that another effective means of communication exists. The city shall pay the cost unless the auxiliary aid or service will result in a fundamental alteration of the municipal court proceeding or in undue financial or administrative burdens.

(f) In this section, "deaf or hard of hearing" means having a hearing impairment, regardless of the existence of a speech impairment, that inhibits comprehension of an examination or proceeding or communication with others.

§ 62.105. Disqualification for Particular Jury

A person is disqualified to serve as a petit juror in a particular case if he:

- (1) is a witness in the case;
- (2) is interested, directly or indirectly, in the subject matter of the case;
- (3) is related by consanguinity or affinity within the third degree, as determined under Chapter 573, to a party in the case;
- (4) has a bias or prejudice in favor of or against a party in the case; or
- (5) has served as a petit juror in a former trial of the same case or in another case involving the same questions of fact.

§ 62.106. Exemption From Jury Service

(a) A person qualified to serve as a petit juror may establish an exemption from jury service if the person:

- (1) is over 70 years of age;
- (2) has legal custody of a child younger than 10 years of age and the person's service on the jury requires leaving the child without adequate supervision;
- (3) is a student of a public or private secondary school;
- (4) is a person enrolled and in actual attendance at an institution of higher education;
- (5) is 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;
- (6) is summoned for service in a county with a population of at least 200,000, unless that county uses a jury plan under Section 62.011 and the period authorized under Section 62.011(b)(5) exceeds two years, and the person has served as a petit juror in the county during the 24-month period preceding the date the person is to appear for jury service;
- (7) is the primary caretaker of a person who is an invalid unable to care for himself;
- (8) except as provided by Subsection (b), is summoned for service in a county with a population of at least 250,000 and the person has served as a petit juror in the county during the three-year period preceding the date the person is to appear for jury service; or
- (9) is a 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.

(b) Subsection (a)(8) does not apply if the jury wheel in the county has been reconstituted after the date the person served as a petit juror.

§ 62.107. Procedures for Establishing Exemptions

(a) A person who is notified to appear for jury service may establish an exemption from the service under Section 62.106 without appearing in person by filing a signed statement of the ground of his exemption with the clerk of the court before the date on which he is summoned to appear.

(b) A person may also claim an exemption from jury service under Section 62.106 by filing with the sheriff, tax assessor-collector, or district or county clerk of the county of his residence a sworn statement that sets forth the ground of and claims the exemption. The name of a person who claims his exemption by filing the sworn statement may not be placed in the jury wheel for the ensuing year.

(c) A person who files a statement with a clerk of the court, as provided by Subsection (a), claiming an exemption because the person is over 70 years of age, may also claim the permanent exemption on that ground authorized by Section 62.108 by including in the statement filed with the clerk a declaration that the person desires the permanent exemption. Promptly after a statement claiming a permanent exemption on the basis of age is filed, the clerk of the court with whom it is filed shall have a copy delivered to the

county tax assessor-collector.

§ 62.108. Permanent Exemption for Elderly

(a) A person who is entitled to exemption from jury service because the person is over 70 years of age may establish a permanent exemption on that ground as provided by this section or Section 62.107.

(b) A person may claim a permanent exemption:

(1) by filing with the county tax assessor-collector, by mail or personal delivery, a signed statement affirming that the person is over 70 years of age and desires a permanent exemption on that ground; or

(2) in the manner provided by Section 62.107(c).

(c) The county tax assessor-collector shall maintain a current register indicating the name of each person who has claimed and is entitled to a permanent exemption from jury service because the person is over 70 years of age.

(d) The name of a person on the register of persons permanently exempt from jury service may not be placed in the jury wheel or otherwise used in preparing the record of names from which a jury is selected.

(e) A person who has claimed a permanent exemption from jury service because the person is over 70 years of age may rescind the exemption at any time by filing a signed request for the rescission with the county tax assessor-collector. Rescission of a permanent exemption does not affect the right of a person who is over 70 years of age to claim permanent exemption at a later time.

§ 62.109. Exemption for Physical or Mental Impairment or Inability to Comprehend English

(a) The judge of a district court by order may permanently or for a specified period exempt from service as a juror in all the county and district courts in the county a person with a physical or mental impairment or with an inability to comprehend or communicate in the English language that makes it impossible or very difficult for the person to serve on a jury.

(b) A person requesting an exemption under this section must submit to the court an

affidavit stating the person's name and address and the reason for and the duration of the requested exemption. A person requesting an exemption due to a physical or mental impairment must attach to the affidavit a statement from a physician. The affidavit and physician's statement may be submitted to the court at the time the person is summoned for jury service or at any other time.

(c) The clerk of the district court shall promptly notify the county tax assessor-collector of the name and address of each person exempted and state whether the exemption is permanent or for a specified period. The tax assessor-collector shall maintain a current register showing separately the name and address of each person permanently exempt from jury service under this section and the name and address of each person exempt from jury service under this section for a specified period.

(d) A person listed on the register may not be summoned for jury service during the period for which the person is exempt. The name of a person listed on the register may not be placed in the jury wheel or otherwise used in preparing the record of names from which a jury list is selected during the period for which the person is exempt.

(e) A person exempt from jury service under this section may rescind the exemption at any time by filing a signed request for the rescission with the county tax assessor-collector.

(f) An affidavit accompanying a request for an exemption from jury service because of a physical or mental impairment may be presented by the affiant or by a friend or relative of the affiant. The affidavit must state:

- (1) the name and address of the physician whose statement accompanies the affidavit;
- (2) whether the request is for a permanent or temporary exemption;
- (3) the period of time for which a temporary exemption is requested; and
- (4) that as a direct result of the physical or mental impairment it is impossible or very difficult for the affiant to serve on a jury.

(g) An affidavit accompanying a request for an exemption from jury service because of an inability to comprehend or communicate in the English language must be presented by the affiant in person. The affidavit must:

- (1) be sworn to by the affiant in person before the district clerk or a deputy district clerk; and
- (2) be subscribed with a statement by a third party that the affidavit was read to the affiant before signing and that the affiant stated that it was his request to be permanently exempted from jury service in the county.

(h) The name and address of a person exempted from jury service under this section shall

be added to or deleted from the list or register at any time permitted by law and when the names and addresses of eligible jurors are regularly deleted or added to the list or register.

§ 62.110. Judicial Excuse of Juror

(a) Except as provided by this section, a court may hear any reasonable sworn excuse of a prospective juror, including any claim of an exemption or a lack of qualification, and if the excuse is considered sufficient shall release him from jury service entirely or until another day of the term, as appropriate.

(b) Pursuant to a plan approved by the commissioners court of the county in the same manner as a plan is approved for jury selection under Section 62. 011, the court's designee may:

- (1) hear any reasonable excuse of a prospective juror, including any claim of an exemption or a lack of qualification; and
- (2) discharge the juror or release him from jury service until a specified day of the term, as appropriate, if:
 - (A) the excuse is considered sufficient; and
 - (B) the juror submits to the court's designee a statement of the ground of the exemption or lack of qualification or other excuse.

(c) The court or the court's designee as provided by this section may not excuse a prospective juror for an economic reason unless each party of record is present and approves the release of the juror for that reason.

§ 62.111. Penalty for Defaulting Jurors

A juror lawfully notified shall be fined not less than \$10 nor more than \$100 if he:

- (1) fails to attend court in obedience to the notice without reasonable excuse; or
- (2) files a false claim of exemption from jury service.

§ 62.112. Excuse of Juror for Religious Holy Day

(a) In this section:

- (1) "Religious organization" means an organization that meets the standards for qualification as a religious organization under Section 11.20, Tax Code.
- (2) "Religious holy day" means a day on which the tenets of a religious organization prohibit its members from participating in secular activities, such as court proceedings.

(b) If a prospective juror is required to appear at a court proceeding on a religious holy day observed by the prospective juror, the court or the court's designee [FN1] shall release the prospective juror from jury service entirely or until another day of the term. If the court determines that a term of a court proceeding may extend to cover a day on which a religious holy day is observed by the prospective juror, the court or the court's designee [FN1] shall release the prospective juror from jury service entirely or until another day of the term.

(c) A prospective juror who seeks to be released from jury service may be required to file with the court an affidavit stating:

(1) the grounds for the release; and

(2) that the juror holds religious beliefs that prohibit him from taking part in a court proceeding on the day for which the release from jury duty is sought.

[FN1] The text of this section, as added by the 1987 Acts, was identical except that, in subsec. (b), the words "or the court's designee" appear in ch. 589, § 4, but not in ch. 825, § 3.

§ 62.113. Compilation of List of Noncitizens

(a) The clerk of the court shall maintain a list of the name and address of each person who is excused or disqualified under this subchapter from jury service because the person is not a citizen of the United States.

(b) On the third business day of each month, the clerk shall send a copy of the list of persons excused or disqualified because of citizenship in the previous month to the voter registrar of the county.

(c) A list compiled under this section may not be used for a purpose other than a purpose described by Subsection (b) or Section 16.0332, Election Code.

(d) A person commits an offense if the person violates Subsection (c). An offense under this section is a Class C misdemeanor.

§ 62.114. Compilation of List of Nonresidents

(a) The clerk of the court shall maintain a list containing the name and address of each person who is excused or disqualified under this subchapter from jury service because the person is not a resident of the county.

(b) On the third business day of each month, the clerk shall send to the voter registrar of the county a copy of the list of persons excused or disqualified in the previous month because the persons do not reside in the county.

(c) A list compiled under this section may not be used for a purpose other than a purpose described by Subsection (b) or Section 15.081, Election Code.

(d) The voter registrar shall notify each person contained on a list sent to the registrar under Subsection (b) at the address shown on the person's jury summons that the person is being placed on the county's suspense list of registered voters because of the person's excuse or disqualification from jury service based on nonresidence in the county. The notice must include information describing how the person may be removed from the suspense list and restored to regular voter registration in the county.

[Sections 62.115 to 62.200 reserved for expansion]

[Sections 62.115 to 62.200 reserved for expansion]

Subchapter C. District Court Juries

§ 62.201. Number of Jurors

The jury in a district court is composed of 12 persons, except that the parties may agree to try a particular case with fewer than 12 jurors.

§ 62.202. Meals During Jury Deliberation

(a) In a county in which the commissioners court has approved payment by the county for meals for jurors who are serving on a jury in a civil case, a district judge may keep the

jurors together for deliberation to expedite the final disposition of a civil case in the district court instead of dismissing the jurors for meals.

(b) The district judge may draw a warrant on the jury fund or other appropriate fund of the county in which the civil case is tried to cover the cost of buying and transporting the meals to the jury room. Not more than \$3 per meal may be spent for a juror serving on a jury in a civil case.

[Sections 62.203 to 62.300 reserved for expansion]

[Sections 62.203 to 62.300 reserved for expansion]

Subchapter D. County Court and Justice Court Juries

§ 62.301. Number of Jurors

The jury in the county courts and in the justice courts is composed of six persons.

§ 62.302. Drawing Names for Jury Service in Certain County Courts

(a) The county judge or a judge of a county court at law may order the drawing of names from the jury wheel if the judge considers the number of prospective jurors already drawn to be insufficient or if an interchangeable general jury panel is not drawn as provided by Section 62.016, 62.017, or 62.0175.

(b) The prospective jurors whose names are drawn as provided by this section are available for service in the county court or county courts at law, as applicable, and for the period of time reasonably required for the trials in the applicable kind of court.

(c) The county judge and a judge of a county court at law concurrently have the same power to determine and remedy a deficiency in the number of prospective jurors as the district judge designated to control a general jury panel as provided by Section 62.016, 62.017, or 62.0175. Except as otherwise provided by this section, the applicable general provisions in Subchapter A that govern the drawing of names of prospective jurors by the district judge govern the drawing of names under this section.

[Sections 62.303 to 62.400 reserved for expansion]

[Sections 62.303 to 62.400 reserved for expansion]

Subchapter E. Justice Court Juries

§§ 62.401 to 62.407. Repealed by Acts 1993, 73rd Leg., ch. 424, § 5, eff. Sept. 1, 1993

§§ 62.401 to 62.407. Repealed by Acts 1993, 73rd Leg., ch. 424, § 5, eff. Sept. 1, 1993

§§ 62.401 to 62.407. Repealed by Acts 1993, 73rd Leg., ch. 424, § 5, eff. Sept. 1, 1993

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§§ 62.401 to 62.407. Repealed by Acts 1993, 73rd Leg., ch. 424, § 5, eff. Sept. 1, 1993

§§ 62.401 to 62.407. Repealed by Acts 1993, 73rd Leg., ch. 424, § 5, eff. Sept. 1, 1993

[Sections 62.408 to 62.410 reserved for expansion]

[Sections 62.408 to 62.410 reserved for expansion]

§ 62.411. Justice Court Rules

(a) In addition to other methods of jury selection provided by this chapter, a justice of the peace may issue a writ commanding the sheriff or constable to immediately summon a venire from which six qualified persons may be selected for jury service if:

- (1) a jury case is pending for trial at a term of justice court; or
- (2) the court does not have a sufficient number of prospective jurors present whose names are on the jury list and who are not excused from jury service.

(b) Jurors who are empaneled shall remain in attendance in the court and, until discharged by the court, may serve as jurors in any case before the court.

(c) This section applies only in a county with a population of more than 2.8 million.

§ 62.412. Summoning Prospective Jurors Directly to Justice Court

(a) A county that uses interchangeable juries under Section 62.016 may summon a prospective juror to report directly to a justice court in the precinct in which that person resides.

(b) The justice of the peace of the justice court to which prospective jurors are summoned for jury service under this section shall hear the excuses of the prospective jurors and swear them in for jury service.

(c) A justice of the peace may command the sheriff or constable to immediately summon additional persons for jury service in the justice court if the number of qualified jurors, including persons summoned under Section 62.016, is less than the number necessary for the justice court to conduct its proceedings.

[Sections 62.413 to 62.500 reserved for expansion]

[Sections 62.413 to 62.500 reserved for expansion]

Subchapter F. Municipal Court Juries

§ 62.501. Qualification

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

**MUST BE FILE-MARKED AT THE
DISTRICT CLERK'S OFFICE AT LEAST
SEVEN DAYS PRIOR TO DATE OF JURY SERVICE**

DO NOT PUT IN THE JURY BASKET

JUDGES' REQUEST FOR JURY PANEL

FOR WEEK OF: _____

TO: CENTRAL JURY ROOM

DATE DELIVERED TO CLERK:

FOR :

_____ DISTRICT COURT
IMPACT COURT
COUNTY COURT AT LAW
JUSTICE COURT

Unless otherwise notified the following number of prospective jurors and jury panels will be needed for this court for the week.

Number of Jury Panels	Number of Jurors per Panel	Number of Juror Questionnaires	Attorney Questionnaires
Monday _____ AM or PM	_____	_____	Yes/No
Tuesday _____ AM or PM	_____	_____	Yes/No
Wed. _____ AM or PM	_____	_____	Yes/No
Thursday _____ AM or PM	_____	_____	Yes/No
Friday _____ AM or PM	_____	_____	Yes/No

SPECIAL INSTRUCTIONS: _____

Date _____

Judge Presiding

By: _____
Person delivering request

Appendix H: Sample Lubbock County Juror Yield Analysis Template

Effective Use of Jurors - (January 03, 2005 - January 03, 2005)

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	%
Number of summonses sent(A:)	0	0	0	0	0	0	0	0	0	0	0	0	678	
Postponed to serve this period(B:)	0	0	0	0	0	0	0	0	0	0	0	0	22	
Told not to report(C:)	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total potentially available(D:)	0	0	0	0	0	0	0	0	0	0	0	0	700	
No show(E:)	0	0	0	0	0	0	0	0	0	0	0	0	459	65.57
Undeliverable(F:)	0	0	0	0	0	0	0	0	0	0	0	0	7	1.00
Disqualified(G:)	0	0	0	0	0	0	0	0	0	0	0	0	10	1.43
Exempt(H:)	0	0	0	0	0	0	0	0	0	0	0	0	35	5.00
Excused(I:)	0	0	0	0	0	0	0	0	0	0	0	0	1	0.14
Postponed to future time period(J:)	0	0	0	0	0	0	0	0	0	0	0	0	106	15.14
Not available to serve(K:)	0	0	0	0	0	0	0	0	0	0	0	0	618	88.29
Total serving(L:)	0	0	0	0	0	0	0	0	0	0	0	0	82	11.71
Juror yield(M:)	0	0	0	0	0	0	0	0	0	0	0	0	11	

Criteria used for selection:

- A. All summonses sent
- B. Transferred in
- C. N/A
- D. A+B
- E. D - ('03', '05', '06', '10', '11', '12', '13', '14', '15', '16', '17', '20', '21', '22', '23', '24', '25', '26') - ('01')
- F. ('05')
- G. ('06', '10', '16', '20', '21', '22', '23')
- H. ('11', '12', '13', '14', '15', '17', '24', '25', '26')
- I. ('03')
- J. Transferred out
- K. E+F+G+H+I+J
- L. D-K
- M. (L/D)*100

Appendix I: CourTool 8 Juror Utilization Analysis Template

Measure 8 Effective Use of Jurors



Worksheet Instructions

- a. Data may only be entered in the gray cells. An acceptable input will change the cell color from gray to white and the input text color will turn to maroon.
- b. If no survey is available for a particular cell, leave the cell empty.
- c. All white colored cells with black text are locked.

Juror Yield Computation Worksheet

Potential Availability

A. Summonses Sent	+	<input type="text"/>
B. Postponed to Serve this Period	+	<input type="text"/>
C. Told Not to Report	-	<input type="text"/>
D. Total Potentially Available	=	<input type="text" value="0"/>

Not Available

E. No Show		<input type="text"/>
F. Undeliverable	+	<input type="text"/>
G. Disqualified	+	<input type="text"/>
H. Exempt	+	<input type="text"/>
I. Excused	+	<input type="text"/>
J. Postponed to Future	+	<input type="text"/>
K. Total Not Available to Serv	=	<input type="text" value="0"/>

Total Serving and Yield

L. Total Serving (D - K)	=	<input type="text" value="0"/>
M. Juror Yield (%) [(L/D)*100]	=	<input type="text"/>

Juror Utilization Worksheet

L. Total Serving (From "Juror Yield" Worksheet)	<input type="text" value="0"/>	
Total sent to Voir Dire Room (Sent for Jury Selection)	<input type="text"/>	enter data
N. Selected in Completed Jury Selection	<input type="text"/>	enter data
O. Challenged in Completed Jury Selection	<input type="text"/>	enter data
P. Not Selected or Challenged in Completed Jury Selection	<input type="text" value="0"/>	
Q. Utilized in Incomplete Jury Selection	<input type="text"/>	enter data
R. Never Assigned	<input type="text" value="0"/>	
Jurors Actually Utilized	<input type="text" value="0"/>	

Juror Utilization

Suggested Goal

Part 1. Percent Selected as Jurors [N / L]	<input type="text"/>	<input type="text" value="50%"/>
Part 2. Percent Sent for Jury Selection	<input type="text"/>	<input type="text" value="90%"/>
Part 3. Percent Sent to Courtroom and Utilized [(O + N - Q) / L]	<input type="text"/>	<input type="text" value="90%"/>

Appendix J: CourTool 8 Juror Yield Computation Worksheet

Juror Yield Computation Worksheet		<u>Potential Availability</u>	<u>Not Available</u>
A.	Summons Sent	_____	E. No Show + _____
B.	Postponed to Serve this Period	+ _____	F. Undeliverable + _____
C.	Told Not to Report	- _____	G. Disqualified + _____
		▼	H. Exempt + _____
		▼	I. Excused + _____
		▼	J. Postponed to Future + _____
D.	Total Potentially Available	= _____	K. Total Not Available to Serve - _____
L.	Total Serving	= [D - K]	
M.	Juror Yield(%)	= [(L / D) x 100]	

Notes:

- A. Number of Summons Sent:** The total number of summonses sent to prospective jurors.
- B. Postponed to Serve this Period (Postponed In):** The number of people summoned and postponed from a previous measurement time period who are required to serve during this time period.
- C. Told Not to Report:** The number of people the court assumes were available and willing to serve but who were instructed in advance by the court not to report.
- D. Total Potentially Available:** Total number of people expected to report for jury duty, calculated as the Number of Summons Sent plus the number Postponed to Serve this Period minus the number Told Not to Report [(A+B) - C].
- E. No Show:** The number of people not reporting for jury duty as instructed. Include jurors who report for duty, but leave without explanation before service is complete.
- F. Undeliverable:** The number of summonses sent out that were returned by the post office as undeliverable.
- G. Disqualified:** The number of people not allowed to serve by statute (e.g., those who are no longer residents of the jurisdiction).
- H. Exempt:** The number of people allowed by statute to be excused at their own request who have made and been granted such a request.
- I. Excused:** The number of people excused at the court's discretion (e.g., financial hardship). Excuse guidelines are set by statute or court rules.
- J. Postponed to Future Time Period (Postponed Out):** The number of people postponed at the court's discretion during this measurement period to serve at a future date.
- K. Not Available to Serve:** Total number of people not available to serve due to items E through J. [E+F+G+H+I+J].
- L. Total Serving:** The total number of people serving. [D-K].
- M. Juror Yield:** The percentage of citizens selected for jury duty who are qualified and report to serve, expressed as a percentage of the total number of prospective jurors available. [(L/D) x 100].

Appendix K: Individual Trial Juror Utilization Data

A	B	C	D	E	F	G	H	I	J	K
Court	Date	Day of Wk	Case #	Crim/Civ	Case Type	# jurors sel	# jurors to CR	# jurors needed	# Challenged	# NSSC
1										
2	2/8/2005	T	2004-394,021	CR		6	14	10	4	4
3	3/23/2005	W				6	14	6	0	8
4	3/28/2005	M				6	14	9	3	5
5	5/3/2005	T	2005-395,137	CR		6	14	9	3	5
6	5/16/2005	M	2005-640,870	CV		6	14	8	2	6
7	8/15/2005	M				6	14	12	6	2
8	8/24/2005	W				6	14	11	5	3
9	12/1/2005	R	2005-397,158	CR		6	14	10	4	4
10	3/3/2006	F	James Chaun	CR		6	14	7	1	7
11	3/24/2006	F				6	14	6	0	8
12	6/1/2006	R	2006-638,048	CV		6	14	10	4	4
13	3/21/2005	M	2004-611,608	CV		6	14	8	2	6
14	3/23/2005	W	2004-158,492	CR		6	14	10	4	4
15	3/24/2005	R	2004-138,663	CR		6	14	11	5	3
16	12/8/2005	R	2004-140,723	CR		6	14	7	1	7
17	12/15/2005	R	2004-140,886	CR		6	14	7	1	7
18	1/23/2006	M	2005-612,923	CV		6	14	11	5	3
19	4/20/2006	R				6	14	11	5	3
20	5/25/2006	R	2005-612,719	CV		6	14	11	5	3
21	6/8/2006	R	2005-144,545	CR		6	14	8	2	6
22	2/1/2005	T				6	14	7	1	7
23	5/26/2005	R	2005-623,325	CV		6	14	11	5	3
24	8/29/2005	M				6	14	9	3	5
25	9/28/2005	W	2005-649,013	CV		6	14	8	2	6
26	10/13/2005	R	2005-623,690	CV		6	14	11	5	3
27	11/14/2005	M				6	14	10	4	4
28	2/27/2006	M				6	14	14	8	0
29	5/22/2006	M				6	14	8	2	6
30	5/30/2006	T				6	14	6	0	8
31	6/8/2006	R				6	14	12	6	2
32	1/20/2005	R	2004-626,107	CV		6	14	12	6	2
33	7/25/2005	M	2005-263,020	CR		6	14	11	5	3
34	8/17/2005	W	2005-265-207	CR		6	14	9	3	5
35	11/14/2005	M				6	14	6	0	8
36	11/30/2005	W	2005-266,848	CR		6	14	9	3	5
37										
38	1/3/2005	M	2004-488,881	CR	DV	6	20	13	7	7
39	1/3/2005	M	2004-487,268	CR	DWI	6	20	10	4	10
40	1/10/2005	M	2004-487,188	CR	DWI	6	20	13	7	7
41	1/18/2005	T	2004-487,343	CR	DWI - 2nd	6	20	17	11	3
42	1/24/2005	M	2004-489,731	CR	Resist Arrest	6	20	13	7	7
43	1/31/2005	M	2004-490,448	CR	DWI	6	20	15	9	5
44	1/31/2005	M	2004-489,038	CR	DWI - 2nd	6	20	11	5	9
45	2/14/2005	M	2003-484,985	CR	DWI	6	20	12	6	8

A	B	C	D	E	F	G	H	I	J	K
46	CL01	2/16/2005 W	2003-485,202 CR	DWI		6	20	11	5	9
47	CL02	2/22/2005 T	2004-489,903 CR	DWI - 2nd		6	20	13	7	7
48	CL01	3/2/2005 W	2003-482,895 CR	DWI - 2nd		6	20	15	9	5
49	CL02	3/7/2005 M	2003-523,088 FL	Div		6	20	13	7	7
50	CL01	3/21/2005 M	2003-486,216 CR	DWI		6	20	12	6	8
51	CL02	3/21/2005 W	2004-489,923 CR	DV		6	20	14	8	6
52	CL02	3/23/2005 W	2005-492,400 CR	DWI - 2nd		6	20	13	7	7
53	CL02	3/28/2005 M	2004-489,567 CR	DWI		6	20	16	10	4
54	CL01	4/7/2005 R	2004-491,348 CR	DWI		6	20	13	7	7
55	CL01	4/20/2005 W	2004-489,558 CR	DWI - 2nd		6	20	14	8	6
56	CL02	4/27/2005 W	2004-490,612 CR	Cruelty Animal		6	20	20	14	0
57	CL01	5/4/2005 W	2004-489,580 CR	DWI		6	20	15	9	5
58	CL01	5/9/2005 M	2003-483,959 CR	DV		6	20	14	8	6
59	CL01	5/16/2005 M	2004-489,451 CR	DWI - 2nd		6	20	17	11	3
60	CL01	5/23/2005 M	2003-483,587 CR	Assault		6	20	11	5	9
61	CL02	5/25/2005 W	2004-490,210 CR	DWI		6	20	16	10	4
62	CL01	6/6/2005 M	2003-484,913 CR	? - Expunged		6	20	18	12	2
63	CL02	6/27/2005 M	2004-491,733 CR	DWI		6	20	13	7	7
64	CL02	7/13/2005 W	2004-488,412 CR	DWI		6	20	16	10	4
65	CL01	7/20/2005 W	2004-488,673 CR	Inter Emerg C		6	20	16	10	4
66	CL01	7/25/2005 M	2004-489,857 CR	DV		6	20	14	8	6
67	CL02	7/25/2005 M	2005-492,607 CR	PI		6	20	16	10	4
68	CL02	8/1/2005 M	2005-493,032 CR	DV		6	20	13	7	7
69	CL02	8/15/2005 M	2004-489,733 CR	BWI		6	20	10	4	10
70	CL01	8/29/2005 M	2004-490,125 CR	Resist Arrest		6	20	14	8	6
71	CL01	9/26/2005 M	2005-493,299 CR	DWI - 2nd		6	20	10	4	10
72	CL01	10/3/2005 M	2005-494,587 CR	Failure to ID		6	20	11	5	9
73	CL02	10/5/2005 W	2005-493,650 CR	DWI		6	20	17	11	3
74	CL02	10/10/2005 M	2004-487,968 CR	DWI - 2nd		6	20	15	9	5
75	CL01	10/11/2005 T	2004-488,919 CR	Failure to ID		6	20	12	6	8
76	CL01	10/12/2005 W	2005-493,299 CR	Failure to ID		6	20	14	8	6
77	CL01	10/19/2005 W	2003-486,609 CR	DWI		6	20	16	10	4
78	CL02	10/24/2005 M	2004-490,542 CR	Inter Emerg C		6	20	9	3	11
79	CL02	10/26/2005 W	2005-492,313 CR	DV		6	20	14	8	6
80	CL01	11/7/2005 M	2004-489,145 CR	DV		6	20	11	5	9
81	CL02	11/7/2005 M	2005-495,062 CR	DWLI		6	20	20	14	0
82	CL02	11/14/2005 M	2003-485,130 CR	DWI - 2nd		6	20	15	9	5
83	CL01	11/28/2005 M	2004-488,005 CR	DWI		6	20	11	5	9
84	CL01	12/19/2005 M	2003-524,256 FL	Div		12	40	27	15	13
85	CL02	12/19/2005 M	2005-493,398 CR	DWI		6	20	15	9	5
86	CL01	1/9/2006 M	2005-495,229 CR	Indec Expose		6	20	12	6	8
87	CL02	1/23/2006 W	2005-493,606 CR	DWI		6	20	18	12	2
88	CL02	1/25/2006 W	2005-497,202 CR	POM		6	20	12	6	8
89	CL01	1/30/2006 M	2005-496,907 CR	Prostitution		6	20	14	8	6
90	CL02	1/30/2006 M	2005-493,404 CR	DV		6	20	15	9	5

A	B	C	D	E	F	G	H	I	J	K	
91	CL02	2/6/2006	M	2005-494,300	CR	DWI	6	20	13	7	7
92	CL01	2/14/2006	T	2003-486,943	CR	DWI	6	20	13	7	7
93	CL01	2/15/2006	W	2004-489,468	CR	DWI	6	20	19	13	1
94	CL01	2/21/2006	T	2003-485,376	CR	DV	6	20	16	10	4
95	CL01	2/27/2006	M	2005-492,322	CR	Theft	6	20	13	7	7
96	CL02	2/27/2006	W	2004-490,297	CR	DWI	6	20	12	6	8
97	CL01	3/8/2006	M	2004-489,546	CR	DV	6	20	11	5	9
98	CL01	3/20/2006	M	2004-490,983	CR	DWI	6	20	17	11	3
99	CL02	3/20/2006	M	2005-493,734	CR	DWI	6	20	13	7	7
100	CL02	3/27/2006	M	2005-492,918	CR	DV	6	20	14	8	6
101	CL02	3/29/2006	W	2005-497,975	CR	Failure to ID	6	20	11	5	9
102	CL01	4/5/2006	W	2004-489,826	CR	DWI - 2nd	6	20	12	6	8
103	CL01	4/10/2006	M	2006-497,666	CR	DV	6	20	16	10	4
104	CL02	4/10/2006	M	2005-495,022	CR	DWI	6	20	14	8	6
105	CL02	4/17/2006	M	2005-493,510	CR	DWI	6	20	17	11	3
106	CL02	4/19/2006	W	2005-494,656	CR	FTLI	6	20	14	8	6
107	CL02	5/23/2006	T	2006-498,480	CR	Theft	6	20	14	8	6
108	CL01	6/5/2006	M	2005-496,767	CR	DWI - 2nd	6	20	12	6	8
109	CL01	6/14/2006	W	2005-493,403	CR	DV	6	20	14	8	6
110											
111	CL03	2/7/2005	M	2004-595,530	CV	PIA	6	20	11	5	9
112	CL03	4/18/2005	M	2004-595,916	CV	OC	6	20	12	6	8
113	CL03	7/18/2005	M	2005-596,684	CV	PIA	6	20	10	4	10
114	CL03	10/10/2005	M	2004-595,622	CV	PIA	6	20	12	6	8
115	CL03	11/7/2005	M	2003-769,780	PROB	PROB	8	30	17	9	13
116	CL03	1/11/2006	W	2005-571,080	CV	PIA	6	18	12	6	6
117	CL03	2/13/2006	M	2005-596,561	CV	PIO	6	18	13	7	5
118	CL03	5/1/2006	M	2005-597,349	CV	ACN	6	18	12	6	6
119											
120	D072	1/10/2005	M	A-3778-0304	CR	Coleman	13	101	47	34	54
121	D072	1/19/2005	W	2003-520,640	CV	PIA	12	35	26	14	9
122	D072	1/24/2005	M	2003-523,921	CV	PIA	12	35	29	17	6
123	D072	3/22/2005	T	2003-523,080	CV	MM	12	60	50	38	10
124	D072	4/11/2005	M	2003-524,521	CV	PIA	12	35	23	11	12
125	D072	5/23/2005	M	2004-525,342	CV	PIA	12	35	23	11	12
126	D072	6/15/2005	W	2004-526,231	CV	PIA	12	35	30	18	5
127	D072	6/20/2005	M	2003-523,627	CV	OC	12	50	27	15	23
128	D072	7/27/2005	W	2003-524,615	CV	PIA	12	40	28	16	12
129	D072	8/23/2005	T	2004-526,559	CV	ACN	12	50	28	16	22
130	D072	9/13/2005	T	2004-527,835	CV	ACN	12	40	25	13	15
131	D072	9/28/2005	W	2004-527,203	CV	WC	12	45	27	15	18
132	D072	11/2/2005	W	2003-523,887	CV	PIA	12	35	17	5	18
133	D072	11/14/2005	M	2002-519,163	CV	MM	12	45	27	15	18
134	D072	2/14/2006	T	2004-528,879	CV	PIA	12	40	25	13	15
135	D072	2/27/2006	M	2003-523,334	CV	PIO	12	50	32	20	18

A	B	C	D	E	F	G	H	I	J	K
136 D072	5/1/2006 M		2004-528,533	FL	DIV	12	45	26	14	19
137 D072	5/22/2006 M		2005-530,020	CV	PIA	12	45	25	13	20
138 D072	5/30/2006 T		2004-528,302	CV	ACN	12	40	21	9	19
139 D072	6/12/2006 M		2004-526,801	CV	MM	12	45	27	15	18
140 D072	6/20/2006 T		2003-524,303	CV	MM	12	45	29	17	16
141										
142 D099	1/18/2005 T		2001-514,665	CV	PIA	12	35	26	14	9
143 D099	1/24/2005 M		2003-523,501	CV	PIA	12	35	25	13	10
144 D099	3/7/2005 M		2002-518,696	CV	ACN	12	50	32	20	18
145 D099	3/21/2005 M		2001-514,854	FL	DIV	12	35	28	16	7
146 D099	3/23/2005 W		2003-523,393	CV	MM	12	35	27	15	8
147 D099	4/18/2005 M		2003-523,441	CV	MM	12	50	31	19	19
148 D099	6/9/2005 R		2004-526,401	CV	PIA	12	35	21	9	14
149 D099	6/20/2005 M		2003-524,222	CV	PIA	12	40	27	15	13
150 D099	9/6/2005 T		2003-523,405	CV	PIA	12	35	28	16	7
151 D099	9/12/2005 M		2004-527,890	CV	PIA	12	35	29	17	6
152 D099	10/3/2005 M		2003-523,580	CV	ACN	12	35	21	9	14
153 D099	1/17/2006 T		2004-527,298	CV	PIA	12	35	27	15	8
154 D099	1/30/2006 M		2005-528,210	CV	PIA	12	35	31	19	4
155 D099	2/13/2006 M		2005-529,473	CV	PIA	12	40	26	14	14
156 D099	3/20/2006 M		2005-529,484	CV	PIO	12	35	20	8	15
157 D099	3/27/2006 M		2004-527,913	CV	PIO	12	45	25	13	20
158 D099	5/15/2006 M		2003-522,193	CV	MM	12	80	35	23	45
159 D099	5/30/2006 T		2001-516,082	CV	PIA	12	40	38	26	2
160										
161 D137	1/3/2005 M		2004-405,864	CR	Agg Ass DW	12	55	35	23	20
162 D137	1/5/2005 W		2004-405,173	CR	Man/Del CS	12	55	35	23	20
163 D137	1/24/2005 M		2004-406,331	CR	Agg Kidnap	12	50	26	14	24
164 D137	1/31/2005 M		2004-408,065	CR	Burg Hab oth	12	65	35	23	30
165 D137	2/7/2005 M		2004-407,842	CR	DWI - 3rd	12	60	40	28	20
166 D137	2/14/2005 M		2005-408,028	CR	Burg Hab oth	13	70	40	27	30
167 D137	3/7/2005 M		2004-405,339	CR	Theft - Pub Se	12	60	33	21	27
168 D137	3/28/2005 M		2004-407,311	CR	Agg Ass	12	50	20	8	30
169 D137	4/18/2005 M		2005-408,683	CR	Retaliation	12	50	32	20	18
170 D137	5/16/2005 M		2005-408,106	CR	Poss Int Del	12	50	40	28	10
171 D137	5/18/2005 W		2004-406,701	CR	DWI - 3rd	12	55	43	31	12
172 D137	6/6/2005 M		2004-406,304	CR	Evading Arr	12	45	30	18	15
173 D137	6/8/2005 W		2005-409,185	CR	POCS	12	60	54	42	6
174 D137	6/13/2005 M		2003-402,738	CR	Agg Sex Ass	12	75	44	32	31
175 D137	7/11/2005 M		2004-407,084	CR	Agg Robbery	12	50	32	20	18
176 D137	8/15/2005 M		2004-407,585	CR	Poss Int Del	12	50	32	20	18
177 D137	8/22/2005 M		2004-407,003	CR	Agg Ass PS	12	50	34	22	16
178 D137	9/6/2005 T		2005-408,528	CR	Agg Sex Ass	12	75	37	25	38
179 D137	10/3/2005 M		2005-408,551	CR	Burg Hab oth	12	50	28	16	22
180 D137	10/5/2005 W		2004-407,108	CR	Burg Hab oth	12	60	33	21	27

	A	B	C	D	E	F	G	H	I	J	K	
181	D137	10/10/2005 M		2004-406,934 CR	CR	Agg Ass DW	12	60		30	18	30
182	D137	10/24/2005 M		2004-407,187 CR	CR	Poss Int Del	12	60		28	16	32
183	D137	11/14/2005 M		2004-407,067 CR	CR	Murder	13	75		50	37	25
184	D137	12/7/2005 W		2005-410,093 CR	CR	Agg Ass PS	12	60		51	39	9
185	D137	1/9/2006 M		2004-407,348 CR	CR	POCS	12	60		38	26	22
186	D137	2/13/2006 M		2004-407,207 CR	CR	Injury to Child	12	70		49	37	21
187	D137	2/27/2006 M		2005-408,589 CR	CR	Murder	12	75		42	30	33
188	D137	3/9/2006 R		99-429,839 CR	CR	Cap Murder	14	215		196	182	19
189	D137	3/27/2006 M		2005-409,543 CR	CR	POCS	12	55		26	14	29
190	D137	4/3/2006 M		2005-410,322 CR	CR	Ass w/ prior	12	60		34	22	26
191	D137	5/15/2006 M		2004-405,843 CR	CR	Burg Hab olth	12	60		44	32	16
192	D137	6/5/2006 M		2005-401,947 CR	CR	DWI - 3rd	12	50		40	28	10
193	D137	6/26/2006 M		2006-411,658 CR	CR	FSRA	12	55		33	21	22
194												
195	D140	1/10/2005 M		2004-405,601 CR	CR	Poss Int Del	12	50		29	17	21
196	D140	1/12/2005 W		2004-405,179 CR	CR	Man/Del CS	12	55		39	27	16
197	D140	2/23/2005 W		2004-405,180 CR	CR	Burg Hab	12	50		35	23	15
198	D140	3/7/2005 M		2005-408,202 CR	CR	Burg Hab	12	60		33	21	27
199	D140	3/23/2005 W		2003-401,875 CR	CR	competency	12	25		0	0	13
200	D140	4/11/2005 M		2004-405,583 CR	CR	Agg Ass DW	13	100		33	20	67
201	D140	5/16/2005 M		2002-400,059 CR	CR	FSRA	12	60		36	24	24
202	D140	5/23/2005 M		2001-437,227 CR	CR	Deadly conduc	12	50		33	21	17
203	D140	7/13/2005 W		2005-408,801 CR	CR	DWI - 3rd	12	50		38	26	12
204	D140	8/8/2005 M		2005-409,220 CR	CR	Agg Kidnap	12	50		42	30	8
205	D140	8/22/2005 M		2005-409,333 CR	CR	Agg Robbery	12	50		36	24	14
206	D140	10/10/2005 M		2004-405,761 CR	CR	Injury to Child	12	60		30	18	30
207	D140	10/17/2005 M		2005-408,257 CR	CR	Sex Assault	12	60		52	40	8
208	D140	10/24/2005 M		2005-408,002 CR	CR	Poss Int Del	12	55		35	23	20
209	D140	11/14/2005 M		2004-407,822 CR	CR	FSRA	12	50		34	22	16
210	D140	11/28/2005 M		2005-409,545 CR	CR	Tampering	12	50		35	23	15
211	D140	11/30/2005 W		2005-408,802 CR	CR	DWI - 3rd	12	55		36	24	19
212	D140	12/5/2005 M		2005-409,833 CR	CR	DWI - 3rd	12	55		42	30	13
213	D140	1/11/2006 W		2004-407,601 CR	CR	Poss/Trans Cf	12	50		37	25	13
214	D140	1/23/2006 M		2005-410,798 CR	CR	Agg Ass DW	12	55		31	19	24
215	D140	1/30/2006 M		2005-409,401 CR	CR	Agg Ass DW	12	55		26	14	29
216	D140	2/1/2006 W		2005-410,946 CR	CR	Poss Int Del	12	45		30	18	15
217	D140	2/8/2006 W		99-430,861 CR	CR	competency	12	40		12	0	28
218	D140	2/13/2006 M		2005-411,112 CR	CR	Agg Ass	12	65		36	24	29
219	D140	2/27/2006 M		2005-409,010 CR	CR	Indecency Chil	12	60		38	26	22
220	D140	3/1/2006 W		2005-408,801 CR	CR	DWI - 3rd	12	50		29	17	21
221	D140	3/22/2006 W		2005-411,233 CR	CR	Forgery	12	50		32	20	18
222	D140	4/10/2006 M		2006-412,139 CR	CR	Burg Hab	12	50		43	31	7
223	D140	5/8/2006 M		2005-410,483 CR	CR	POCS	12	50		34	22	16
224	D140	6/5/2006 M		2005-410,709 CR	CR	Agg Robbery	12	55		38	26	17
225	D140	6/12/2006 M		2005-411,149 CR	CR	Poss Int Del	12	50		34	22	16

	A	B	C	D	E	F	G	H	I	J	K
226											
227	D237	2/22/2005	T	2003-523,341	CV	PIO	12	45	28	16	17
228	D237	4/18/2005	M	2003-523,220	CV	PIO	12	45	33	21	12
229	D237	8/29/2005	M	2003-522,185	FL	FL	12	72	27	15	45
230	D237	10/27/2005	R	2000-510,975	FL	FL	12	45	41	29	4
231	D237	11/16/2005	W	2004-526,400	CV	PIA	12	45	30	18	15
232	D237	12/1/2005	R	2004-528,130	CV	PIA	12	45	25	13	20
233	D237	1/12/2006	R	2004-525,386	CV	PIA	12	45	25	13	20
234	D237	1/23/2006	M	2004-527,988	FL	CPS	12	50	28	16	22
235	D237	2/6/2006	M	2005-529,366	CV	OC	12	45	27	15	18
236	D237	5/3/2006	W	2005-530,168	CV	PIA	12	45	29	17	16
237											
238	D364	1/18/2005	T	2004-407,361	CR	Agg Ass	12	50	37	25	13
239	D364	1/31/2005	M	2004-405007	CR	Unl Poss FM	12	50	32	20	18
240	D364	2/22/2005	T	2003-404,022	CR	Murder	12	60	29	17	31
241	D364	2/28/2005	M	2003-402,827	CR	Agg Ass DW	13	65	50	37	15
242	D364	4/11/2005	M	2003-404,158	CR	Att Sex Ass	12	60	48	36	12
243	D364	4/18/2005	M	2003-403,360	CR	Manslaughter	12	70	33	21	37
244	D364	5/9/2005	M	2004-406,574	CR	DWI - 3rd	12	45	27	15	18
245	D364	5/31/2005	T	2004-407,314	CR	POCS	12	45	38	26	7
246	D364	6/6/2005	M	2003-403,132	CR	Poss Int Del	12	45	40	28	5
247	D364	7/5/2005	T	2004-407,265	CR	Murder	12	50	28	16	22
248	D364	7/11/2005	M	2004-405,890	CR	Intox Ass	12	50	25	13	25
249	D364	7/18/2005	M	2004-406,817	CR	POCS	12	45	43	31	2
250	D364	8/22/2005	M	2004-405,489	CR	Murder	12	50	30	18	20
251	D364	8/31/2005	W	2004-407,572	CR	Evading Arr	12	45	26	14	19
252	D364	10/10/2005	M	2004-407,805	CR	Agg Robbery	12	50	37	25	13
253	D364	10/31/2005	M	2003-404,153	CR	Indecency Chil	12	60	42	30	18
254	D364	11/14/2005	M	2004-406,039	CR	DWI - 3rd	12	50	36	24	14
255	D364	12/7/2005	W	96-422,893	CR	competency	12	30	14	2	16
256	D364	12/12/2005	M	2003-403,998	CR	DWI - 3rd	12	45	32	20	13
257	D364	1/11/2006	W	2005-409,663	CR	POCS	12	50	26	14	24
258	D364	1/17/2006	T	2005-409,263	CR	POCS	12	45	24	12	21
259	D364	1/23/2006	M	2005-408,903	CR	Murder	12	65	39	27	26
260	D364	2/21/2006	T	2004-406,589	CR	Forgery	12	45	33	21	12
261	D364	2/22/2006	W	2005-409,683	CR	POCS	12	45	37	25	8
262	D364	2/27/2006	M	2005-408,311	CR	Murder	12	50	37	25	13
263	D364	3/20/2006	M	2001-436,822	CR	Indecency Chil	12	43	31	31	12
264	D364	3/22/2006	W	2005-409,498	CR	DWI - 3rd	12	45	35	23	10
265	D364	4/17/2006	M	2005-408,184	CR	Poss/Trans Cf	12	50	34	22	16
266	D364	5/8/2006	M	2005-408,830	CR	Poss Int Del	12	50	35	23	15
267	D364	5/30/2006	T	2006-412,208	CR	Man/Del CS	12	50	34	22	16
268	D364	6/12/2006	M	2005-409,674	CR	Agg Robbery	12	55	24	12	31
269	D364	6/14/2006	W	2005-409,450	CR	Theft	12	45	26	14	19
270	D364	6/19/2006	M	2005-409,407	CR	Agg Ass	12	55	37	25	18

	A	B	C	D	E	F	G	H	I	J	K
271											
272	GJ	1/3/2005 M		GJUR	CR	Grand Jury	12	25	25	13	0
273	GJ	2/1/2005 T		GJUR	CR	Grand Jury	14	25	16	2	9
274	GJ			GJUR	CR	Grand Jury					
275	GJ	4/4/2005 M		GJUR	CR	Grand Jury	12	25	17	5	8
276	GJ			GJUR	CR	Grand Jury					
277	GJ	6/6/2005 M		GJUR	CR	Grand Jury	11	25	13	2	12
278	GJ	7/5/2005 T		GJUR	CR	Grand Jury	12	25	14	2	11
279	GJ	8/1/2005 M		GJUR	CR	Grand Jury	14	25	19	5	6
280	GJ	9/6/2005 T		GJUR	CR	Grand Jury	14	25	19	5	6
281	GJ	10/3/2005 M		GJUR	CR	Grand Jury	14	25	16	2	9
282	GJ	10/31/2005 M		GJUR	CR	Grand Jury	12	25	19	7	6
283	GJ	11/28/2005 M		GJUR	CR	Grand Jury	12	25	12	0	13
284	GJ			GJUR	CR	Grand Jury					
285	GJ	2/6/2006 M		GJUR	CR	Grand Jury	14	25	14	0	11
286	GJ			GJUR	CR	Grand Jury					
287	GJ	4/3/2006 M		GJUR	CR	Grand Jury	14	25	18	4	7
288	GJ	5/1/2006 M		GJUR	CR	Grand Jury	14	25	19	5	6
289	GJ			GJUR	CR	Grand Jury					
290											