



LAWSUIT ABUSE

Citizens Against Lawsuit Abuse

# Texas Jury Participation

June 2014

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# Overview

## Methodology and Documents Reviewed

Public Information Act (PIA) requests were mailed to several County District Clerks in Texas requesting details on jury participation, including but not limited to how many summons are mailed, how many jurors fail to appear, and how many jurors respond.

The requests were mailed to the following thirteen County District Clerks:

- Bexar County
- Cameron County
- Dallas County
- El Paso County
- Fort Bend County
- Gregg County
- Harris County
- Hidalgo County
- Montgomery County
- Nueces County
- Smith County
- Tarrant County
- Travis County

The list of above counties was provided by the client team. Note that the Scope of Services in the original proposal included fourteen counties – with the notation for counties to be assigned for the Rio Grande Valley and East Texas.

Subsequently, Hidalgo County, which was already represented in the original Scope of Services, was selected by the client team to be assigned to represent the Rio Grande Valley. This resulted in the total counties examined being reduced to thirteen.

Data was requested for 2010, 2011, 2012, and 2013. All the requested data provided by the counties was entered into an Excel spreadsheet with multiple tabs. This data was then reviewed and analyzed to determine participation rates in each county.

Additionally, online searches were performed using internet search engines and various databases, such as *Nexis* and *Newsbank* for news coverage of legislation in Texas that increased the rate of juror pay.

These searches were originally to be confined to the time period of 2003 – 2005. However, because searches showed that legislation was not passed until 2005 and went into effect in 2006 the time frame for these searches was expanded to include 2003 – present.

News and online searches were also performed for details about jury participation in the specific counties listed above.

These targeted searches were performed for the time period of 2003 – present. Specifically, searches were performed using the following terminology:

- “xxx County” jury participation
- “xxx County” jury turnout
- “xxx County” jury duty
- “xxx County” jury rates

Finally, the Texas Judicial Council formed a Subcommittee on Juries in 2000 to study efforts to address juror pay and issues related to jury service and participation in Texas. The Subcommittee on Juries subsequently produced two reports, one in 2001 and a follow-up in 2002. These reports were also reviewed and relevant information was included where available.

Note that currently, one PIA request to the Gregg County District Clerk is still outstanding and therefore information related to current jury participation rates in Gregg County was unavailable.

In this instance news and internet searches were still performed for details about jury participation in Gregg County and the relevant findings are included in the appropriate chapter.

Repeated calls have been made and emails have been sent to follow-up on the status of responses in Gregg County and it has been confirmed that they are working on providing the response. Follow-up efforts to obtain this information will continue and the information will be reviewed upon receipt with this report being updated accordingly. Gregg County has also been noted with an asterisk (\*) at the top of the chapter heading.

Additionally, note that additional information has been requested from Cameron County and Hidalgo County to clarify questions about the information originally provided. These counties have been marked with two asterisks (\*\*) at the top of each chapter heading.

Finally, as discussed later in this report, although Nueces County and Smith County responded to the request the counties were not able to provide the requested information in a format that was usable based on the county having an outdated computer program for jury processing until this year or not keeping records of the statistical information requested.

## Structure of Report and Type of Analysis Performed

The first chapter of this report includes general background information on juror pay and participation in Texas.

A chapter for each county then follows that includes analysis of the data provided in response to the PIA requests and other additional information specific to each county.

A review of the information provided by the counties discovered a need to standardize the data in order to calculate participation and accurately compare one county to another.

Therefore, standardized categories were determined based on a review of the December 2002 report by the Texas Judicial Council Subcommittee on Juries. The categories included in the report by the Texas Judicial Council Subcommittee were as follows:

- Undeliverable
- No Response
- Disqualified/Exempt
- Eligible Respondents

According to the December 2002 report by the Subcommittee on Juries:

$$\text{Total summons mailed} - \text{Undeliverable} - \text{No Response} - \text{Disqualified/Exempt} = \text{Eligible Respondents}$$

For this report, the above categories were used as a base point with some additional categories and analysis added. Specifically, the total summons mailed each year by every county is shown in the data, whereas this information was left out of the December 2002 report.

The following categories are used throughout this report:

- Total Summons Mailed
- Summons Returned/Undeliverable
- Failed to Appear
- Disqual/Exempt/Postpone/Excused
- Eligible/Participating Jurors

The manner in which the categories of information provided in the December 2002 report were extrapolated to the standardized categories is as follows:

Category Provided in December 2002 Report	Standardized Category
n/a	Total Summons Mailed
Undeliverable	Summons Returned/Undeliverable
No Response	Failed to Appear
Disqualified/Exempt	Disqual/Exempt/Postpone/Excused
Eligible Respondents	Eligible/Participating Jurors

Note that “Disqual/Exempt/Postpone/Excused” jurors include jurors that postpone service, are disqualified, exempt, or that are excused and may vary slightly depending on how each county defines and tracks these categories. Essentially, this standardized category represents all jurors that may have responded to a summons in some matter, yet are still not able to serve on a jury.

The purpose of this was to leave a number of “Eligible/Participating Jurors” who represent those individuals that not only respond to a jury summons, but are eligible to be placed on a jury, should their service be needed.

Eligible jurors therefore can be determined as follows:

$$\text{Total Summons Mailed} - \text{Summons Returned/Undeliverable} - \text{Failed to Appear} - \text{Disqual/Exempt/Postpone/Excused} = \text{Eligible/Participating Jurors}$$

Conversely, total summons mailed equals the sum of all the other categories. Note that most counties provided a category that correlated to “Eligible/Participating Jurors” using this methodology.

However, in some cases a number that correlated to “Eligible/Participating Jurors” was not provided by the county. In these cases eligible jurors was calculated using the above methodology. When this occurred it is noted in the relevant chapters of this report and where possible confirmed with the County District Clerk that this was a correct calculation and assumption to make.

“Participation” was then calculated as eligible jurors divided by total summons mailed. Additional details related to how the information was provided by each county and what analysis and calculations were performed to standardize the information into the above categories are discussed in the corresponding chapter for each county.

As previously mentioned, part of the December 2002 report by the Texas Judicial Council Subcommittee on Juries includes results from a County Jury Coordinator Questionnaire that was distributed to the district clerks of each county in the state. One hundred and eighty-six of the 254 counties submitted responses to the Council. Where available this data is included for the counties in this report.

Each chapter also contains relevant news coverage about jury participation in that specific county. In some cases the reports produced by the Subcommittee on Juries included additional details about jury participation in specific counties, where relevant this information is also included in the chapter for the corresponding county.

EDITORS NOTE: As discussed above and shown throughout this report, the information provided by each county varied widely and in some instances counties had outdate jury software systems (Smith County), no jury software system (Gregg County), or problems understanding how their jury software system worked and what information it actually produced (Cameron County and Hidalgo County).

This seems to point to a need for some sort of statewide standardized software system or method for tracking the various categories of information related to jury service in order to better understand the rate of jury participation in each county.

## Summary of Participation Rates in all Counties

As previously mentioned, “Participation” was calculated as eligible jurors divided by the total summons mailed in order to capture a number that could be compared across counties.

The chart below shows the participation rates for 2010 - 2013 for each county that responded to the PIA request. Included are the counties where no response has been received, these are noted with an asterisk in the column for each year where the participation rate should be.

Also included is the 2010 population for each county based on census data obtained from the Texas State Library and Archives Commission [website](#).

County	2010 Census Population	2010	2011	2012	2013
Bexar County	1,714,773	24.39%	26.94%	30.07%	28.58%
Cameron County <sup>1</sup>	406,220	70.27%	72.54%	73.93%	72.96%
Dallas County	2,368,139	15.10%	14.17%	16.39%	18.55%
El Paso County	800,647	27.73%	32.48%	31.34%	33.08%
Fort Bend County	585,375	26.87%	27.42%	31.21%	30.64%
Gregg County	121,730	*	*	*	*
Harris County	4,092,459	20.86%	24.11%	28.74%	26.54%
Hidalgo County <sup>2</sup>	774,769	n/a 25.26%	33.42% 19.46%	29.30% 24.72%	31.93% 19.38%
Montgomery County <sup>3</sup>	455,746	n/a	n/a	13.34%	14.12%
Nueces County <sup>4</sup>	340,223	*	*	*	*
Smith County <sup>4</sup>	209,714	*	*	*	*
Tarrant County	1,809,034	32.39%	34.02%	40.00%	32.21%
Travis County	1,024,266	32.59%	29.86%	29.74%	32.70%

<sup>1</sup>The numbers originally provided by Cameron County for juror no shows/failures to appear was incorrect. Corrected numbers have been requested and will be reviewed upon receipt. Cameron County did not indicate that any of the other numbers were incorrect, however, given the standardized equation it seems likely that some of the other numbers will change also. Therefore, if the updated numbers provided by Cameron County include changes to eligible jurors and total summons mailed the participation rates above likely also change.

<sup>2</sup>Two numbers are provided for participation rates in Hidalgo County because the original information provided by the county did not include a number for “Eligible/Participating Jurors” so this number was calculated using the standardized equation and rates were produced. For this first row of participation for Hidalgo County for 2010 could not be calculated because the County did not provide information for the number of jurors postponing service that year. The second row of numbers represents the participation rates as calculated using numbers for “Eligible/Participating Jurors” in response to a follow-up request to the county. Because of the large discrepancy both numbers have been provided and Hidalgo County is currently in the process of researching why this discrepancy occurred between our calculation and their calculation, which reportedly used the same base equation.

<sup>3</sup>Participation for Montgomery County could not be calculated for 2010 and 2011 because the County did not track all the information requested during that period, therefore it was not provided.

<sup>4</sup> Participation for Nueces County and Smith County could not be calculated because these counties were unable to provide information in response to the PIA request.

## Summary of Other Findings of Interest

Additional findings of interest, based on these comparisons, the data provided, and news coverage are as follows:

- The Texas Judicial Council formed a Subcommittee on Juries in 2000 to examine ways to increase juror participation across the state. The Subcommittee made several recommendations, including increasing juror pay.
- Texas Senate Bill 1704 passed the Texas Legislature in 2005 and went into effect on January 1, 2006. This measure increased juror pay to \$40 per day after the first day of service.
- Under Texas law, a person who does not answer a juror summons, i.e. fails to appear, is subject to contempt charges and a fine between \$100 and \$1,000. However, it appears whether to issue a warrant and fine individuals is at the discretion of the judges and rarely happens.
  - In 2005, a judge in Fort Bend County issued summons for dozens of individuals that failed to appear for jury duty after the court faced a shortfall of jurors. This is just one example of judges issuing warrants for and fining individuals that fail to appear for jury duty.
  - More recently, in 2012 a man in Tarrant County was sent to jail for repeatedly failing to appear for jury duty.
- A \$4 fee imposed on criminal convictions is used by the state to pay jurors.
  - The \$4 fee is collected by each county and the clerk of the court then remits the fee to the state comptroller where the fees are held in a jury service fund.
  - If the balance in the jury service fund exceeds \$10 million, the excess is transferred by the state comptroller to the fair defense account.
- Jurors are paid \$6 for the first day of service and up to \$40 per day for each day thereafter. Each county is responsible for \$6 of the cost paid to jurors and the state reimburses the county for the additional \$34.
  - The state comptroller is responsible for reimbursing the counties on a quarterly basis out of the jury service fund (using the \$4 fee originally collected by the counties and remitted to the state).
  - The commissioners' court for each county determines the daily amount of reimbursement and pay to jurors, within the range provided for above.
- El Paso County actually first instituted a juror pay increase to \$40 per day in 1999 and their success was part of the motivation for a statewide juror pay increase. El Paso County initially saw an increase in juror participation from 22% to 46%.

- The statewide increase in juror pay was suspended in 2011, due to state budget cuts. Juror pay at the \$40 per day rate in Texas was restored in September 2013.
- Although each county has seen a fluctuation in rates since 2010, this change appears to be relatively small and the cut in juror pay in 2011 did not seem to have an overall effect on juror participation in the counties examined.
- News coverage shows that juror participation in Dallas County has consistently stayed at about 20% both before and after the juror pay increase, with the increase having little if no effect on juror participation in the county.
- Several counties allow jurors to donate their juror pay to a local charity. However, since the pay increase was implemented several counties have seen charitable contributions by jurors decrease. For example, in Bexar County in 2005, juror donations totaled \$80,364, but in 2006 the amount of donations dropped to \$70,576.
- Participation in larger counties can vary by zip code. For example, in 2004 in Harris County jury participation ranged from 5% to 35% depending on zip code with higher response rates among more affluent neighborhoods.
- Several counties have implemented electronic summons systems to try and cut postage and administrative costs. However, counties have had varying success with these systems. For example, Hidalgo County saw a lower juror response rate in 2010 after the implementation of the new online summons system.
- However, recently Hidalgo County District Court administrators have noted that the county relies on a low participation rate because they do not have the space at the court house to accommodate 100% participation.
- Several counties appear to have outdated jury processing software, or no jury processing software.
  - For example, Smith County was unable to respond to the request because outdated jury processing software was in place until this year and did not properly track the information requested.
  - Gregg County has required longer than most counties to respond to the request because the county does not keep jury information electronically.

# Background

## **Reports by Texas Subcommittee on Juries Recommended Increasing Juror Pay**

The Texas Judicial Council formed a Subcommittee on Juries in 2000 to study efforts to address juror pay and issues related to jury service and participation in Texas. This was largely in response to a November 2000 survey of district judges conducted by the State Bar of Texas that found 99 percent of judges who responded believed that to increase juror participation courts should “give more attention to the human factors of jury service.” Primarily, that juror compensation should be increased.

The Subcommittee on Juries subsequently produced two reports, one in 2001 and a follow-up in 2002.

### ***2001 Report of the Subcommittee on Juries***

The report published in January 2001 by the Subcommittee on Juries included a review of juror pay, at the time, in selected Texas counties. This information is discussed in more detail in later chapters of this report, which correspond to the appropriate counties.

At the time, according to the report, Texas and Missouri had the lowest per day juror fees in the nation. The report also discusses incentives for jury service, in order to encourage participation.

Ultimately, the report makes several recommendations, including, but not limited to, looking further at statistical information related to jury participation and compensation, offering additional financial incentives in addition to or in lieu of increased pay, and creating a better system to inform the public about jury service.

### ***2002 Supplemental Report of the Subcommittee on Juries***

The Subcommittee on Juries published a supplemental report in December 2002, almost two years after the initial report.

This report examines jury service, participation, and incentives more closely than the original January 2001 report.

As part of the report a County Jury Coordinator Questionnaire was distributed to the district clerks of each county in the state. One hundred and eighty-six of the 254 counties submitted responses to the Council.

The results of this survey provided statistical information about the average response rates to juror summonses, based on county size. On average only 42.4% of jurors were found to be eligible to serve on a jury and in large counties this number dropped to 27% of those individuals summoned. In Appendix D of the report by the Subcommittee on Juries the participation rates for each individual county that responded to the County Jury Coordinator Questionnaire are also provided.

These rates have been included in this report in each county's corresponding chapter; however note that the majority of counties included in this report did not respond to the Subcommittee on Juries survey.

AVERAGE RESPONSE RATES FOR SMALL, MEDIUM AND LARGE COUNTIES				
County Size	Undeliverable	No Response	Eligible	Disqualified /Exempt
Fewer Than 50,000	17.4%	16.1%	44.4%	22.1%
50,000 to 200,000	18.1%	23.9%	35.8%	22.3%
Greater Than 200,000	22.3%	26.7%	27.1%	23.9%
<b>TOTAL</b>	17.8%	17.6%	42.4%	22.2%

Table 4.

*“Jury Service: Participation and Pay in Texas”  
Subcommittee on Juries (Texas Judicial Counsel), December 2002*

Finally, the December 2002 report also makes several recommendations, but does not recommend increased juror pay based on state budget constraints.

**While the Committee believes that an increase in juror pay would enhance Texas' jury system and should be a future consideration for the Texas Legislature, the Committee was unable to submit the recommendation at this time given the anticipated statewide budgetary constraints.**

*“Jury Service: Participation and Pay in Texas”  
Subcommittee on Juries (Texas Judicial Counsel), December 2002*

## **State Law Raising Juror Pay Aimed at Increasing Jury Participation Passed in 2005**

In 2005, the Texas Legislature passed Senate Bill 1704 to increase jury pay. The bill went into effect on January 1, 2006. Senate Bill 1704 increased juror pay by more than 500% to \$40 per day. The Texas legislature passed this raise in an attempt to increase jury participation.

According to the *Austin American-Statesman*, studies have found that one of the greatest barriers to serving on a jury is its low pay. Before SB 1704 went into effect the compensation was not high enough for many to warrant missing a day of work.

### **HEADLINE: Jury duty is everyone's duty**

**Inconvenient. Can't afford it. Too busy. Boss won't give me time off from work. A summons for jury duty -- the invitation to participate in a cornerstone of democracy that people in most countries can only dream about -- too often inspires only excuses.**

**Studies have found that one of the greatest barriers to serving on a jury is economic. People simply can't afford to take time off work -- in many cases without pay -- for the grand sum of \$6 per day. That doesn't pay for courthouse parking and a sandwich for lunch, much less make a dent in the monthly rent or utility bill.**

[continued on next page...]

But Texas lawmakers are offering a helping hand. On Jan. 1, a new law, Senate Bill 1704, increased juror pay from \$6 to a minimum of \$40 per day after the first day of service -- a 500-plus percent increase. The provision, long recommended by the Texas Supreme Court and various legal organizations, should take some of the economic sting out of jury service.

*Austin American-Statesman, January 9, 2006*

## **Texas Juror Pay Increase Went into Effect in 2006 – First Increase in Decades**

According to the *Kalamazoo Gazette* (Michigan), when Texas raised its juror pay from \$6 to \$40 per day in 2006, it was the state's first juror pay increase in more than 50 years.

**HEADLINE:** Texas jurors get raise

Texas no longer will be one of the stingiest states when it comes to paying people for jury duty, raising the \$6-a-day rate to \$40 in the first increase in more than 50 years. The increase went into effect Sunday under a law aimed at raising the state's low level of jury participation. Michigan pays jurors \$25 a day.

*Kalamazoo Gazette (Michigan), January 2, 2006*

## **Budget Cuts again Force Drop in Juror Pay in 2011**

According to the local CBS affiliate in Dallas-Fort Worth, in 2011 state budget cuts forced a reduction in the amount the state paid jurors for their service to \$28 per day. However, some counties continued their own \$6 per day contribution to jurors, resulting in jurors being paid \$34 per day versus the \$40 per day they were previously being paid following the 2006 increase.

**HEADLINE:** Texas Changing Jury Duty Pay Requirements

Jury duty in Texas is about to become even more unpopular and it's all due to budget cuts made during the last legislative session.

Beginning Wednesday, the state is dropping the amount it kicks in to pay jurors. Currently Texas pays jurors \$34 a day, but that amount will drop to \$28. But wait, there's more.

Counties are also no longer required to pitch in some of their own money for jury pay. However, Tarrant and Dallas Counties have decided to continue their contribution.

"Commissioners Court has agreed to continue its \$6 payments to jurors," said Tarrant County spokesman Marc Flake.

The change means jurors will get \$34 a day after the first day of service, instead of the \$40 they were getting when the state was reimbursing at a higher rate.

Lawmakers said the change was made to help balance the budget and is expected to save the state \$1.7 million this year.

*[CBS Local \(Dallas-Fort Worth\), September 27, 2011](#)*

## Juror Pay Increase Recently Reinstated Following 2011 Cuts

According to the *Houston Chronicle*, payments to jurors of \$40 per day (\$34 from the state and \$6 from the county) were restored starting in September 2013.

### HEADLINE: Jurors' pay raise to \$40 a day restored

Texas jurors got a pay raise this month.

For the past two years, jurors in Harris County and elsewhere have been paid \$30 a day or less for every day of service after the first, on which everyone must be paid at least \$6 for showing up regardless of whether they are selected to serve. That is down from the \$40-a-day pay the Legislature approved in 2005, when it gave jurors their first pay raise in half a century, increasing daily compensation from \$6.

In 2011, facing a multibillion-dollar budget shortfall, the Legislature slashed that daily amount, to \$28 initially and then \$30 in October 2012, but also promised to restore it two years later. Starting this month, jurors began making \$40 a day again.

*[Houston Chronicle, September 9, 2013](#)*

## Information Regarding Jury Duty in Texas

The Texas Courts [website](#) provides several details about jury duty in Texas, including qualifications for jury service, how much juror pay is, what happens if you fail to appear, and how to be excused or exempt from jury duty.

### *Qualifications for Jury Service*

Per the Texas Courts website, Texas Code § 62.102 outlines the General Qualifications for Jury Service.

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 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;

[continued on next page...]

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.

**\*Note that the completion of deferred adjudication is not a disqualifying “conviction”.**

**If you have any doubts as to your eligibility to serve on a jury, contact the judge or court as indicated on your jury summons.**

<http://www.courts.state.tx.us/tjc/juryinfo/qualification.asp>

The website also includes a link to a [page](#) that contains details about what qualifies as an exemption for jury duty and how to be excused from jury duty. As discussed in the next section of this chapter, failing to appear for jury duty can result in contempt charges and fines.

### ***Juror Pay***

According to the Texas Courts website, jurors are paid between \$6 and \$50 per day; however the amount is partially set by the Commissioner Court of each county. Additionally, the county may choose to provide additional compensation and reimbursement. Additional details related to how much jurors are paid in Texas and how juror pay is funded at both the state and county level are discussed in a different chapter of this report.

**You will be paid by the county in an amount not less than \$6.00 and not more than \$50.00 per day or fraction of a day served. However, the Commissioners Court of a county may choose to reduce or eliminate the daily compensation for prospective jurors who attend court for only one day without actually serving on a jury.**

**The county may choose to provide additional forms of compensation or reimbursement, including:**

- free public transportation
- mileage reimbursement;
- transportation cost reimbursement;
- free parking;
- child-care facilities; or
- free meals.

**Your local court will provide you with information regarding the existence and extent of any of these programs.**

### **Charitable Contributions**

**Both you and other prospective jurors who report for jury service will be given an opportunity to voluntarily donate your juror pay to certain local or state charitable causes.**

**[continued on next page...]**

When you report for jury service, you should receive or request a form that allows you to direct the county treasurer to donate your reimbursement for jury service to a designated charity or fund which should include:

- the Texas Crime Victim's Compensation Fund
- your county's Child Welfare Board
- a designated local family violence shelter; or
- any other program(s) approved by the commissioners court.

<http://www.courts.state.tx.us/tjc/juryinfo/compensation.asp>

## **Penalties for Failure to Appear include Contempt Charges and Fines**

### ***State Code Allows for Contempt Charges and Fines***

According to the Texas Court website, a person who does not answer a juror summons, i.e. fails to appear, is subject to contempt charges and a fine between \$100 and \$1,000 in accordance with Texas Gov't Code § 62.0141.

The screenshot shows the Texas Courts Online website. The header includes the Texas state flag and the text 'TEXAS COURTS ONLINE'. Below the header is a navigation menu with links for TCO, Judicial Directory, Judicial Information, Judicial Entities, Events, News, Links, and For Trial Courts. The main content area is titled 'Statutory Penalties for Non Compliance' and is categorized under 'Juror Information'. It contains two sections: 'Failure to Answer the Summons' and 'Failure to Attend Court/Filing a False Exemption'. The 'Failure to Answer the Summons' section states that a person who fails to answer a summons is subject to a contempt action with a fine of not less than \$100 nor more than \$1,000, citing Texas Gov't Code § 62.0141. The 'Failure to Attend Court/Filing a False Exemption' section lists three conditions for a fine of not less than \$100 nor more than \$100: failing to attend court, failing to attend court without a reasonable excuse, or filing a false claim of exemption. It cites Texas Gov't Code § 62.111.

<http://www.courts.state.tx.us/tjc/juryinfo/failure.asp>

### ***Enforcing State Code Falls to County Judges***

A review of the District Clerk websites for several counties in Texas also provide a similar response to the question or what happens when an individual does not show up for jury duty.

Searches of county and state websites did not provide additional details about how often jurors that fail to appear are summoned and held on contempt charges or fined. It appears this decision is generally at the discretion of the judge or the county.

Is jury service mandatory?

The United States Constitution and the Texas State Constitution guarantee the right to trial by jury. State law obligates all qualified residents to serve as a juror.

The also law says that failure to report for jury service carries a penalty of up to \$1000 fine, and in some instances, the judge can hold you in contempt of court and order jail confinement.

[Hidalgo County District Clerk Website](#)

What happens if I fail to report by the date on my summons?

This depends on whether you fail to respond to a summons or fail to report to court as assigned.

If you miss the deadline stated on your summons for responding to that summons, you can still use I-Jury™ to respond. If you want to respond in person at the Travis County Jury Office, you can do that as well.

If you have already responded to a summons and received an assignment to a specific court, then failure to report to the courtroom is a serious matter for which you can be fined. Once you receive an assignment, you need to make arrangements to be in court on time on the date you are to report.

[Travis County District Clerk Website](#)

### ***Examples of Counties that Have Arrested No-Shows***

As previously mentioned, a review of District Clerk websites shows that individual judges generally appear to have the discretion to issue warrants or summons for jurors that fail to appear to jury duty. Additional news searches also confirm this. Below are several examples of counties that have arrested juror no-shows or attempted to crack down. Additional examples are also provided in different chapters of this report, for the corresponding counties, where applicable.

In 2012, Dallas County implemented a pilot program to bring juror no-shows before a judge and give them a chance to reschedule before fining or arresting them. However, at the time the article was published there had not been any fines or arrests under the pilot program.

**HEADLINE: Dallas County cracks down on jury duty no-shows**

Dallas County is getting tough on jurors who don't show up for duty.

Those who play hooky could now be summoned before a judge. The plan: Fuss at them. And then give them a second chance.

A pilot program that began this year requires no-show jurors to appear before a judge where they are publicly chastised. They are then offered a chance to reschedule their jury duty, and if they don't show up again, they can be fined \$1,000 or arrested...

[continued on next page...]

Arrest is unlikely. Jurors who don't show for duty can be jailed for contempt of court, but the county jail is already stuffed with people who have committed far more serious crimes. The county also has more than 190,000 unserved warrants for people who are wanted, and limited resources for finding and jailing them.

The county summons hundreds of thousands of jurors each year. Most no-shows will never be called before a judge...

There have not yet been any arrests or fines under the pilot program. Lowy says that hasn't happened because the program is in its infancy...

Dallas County's program is based on one in El Paso County, which was created in 2005 to handle jurors who don't report and brought in \$300,000 in fines one year. Some, especially doctors and lawyers, pay the \$1,000 fine to avoid jury duty, Dallas County officials have said.

[\*Dallas Morning News, May 23, 2012\*](#)

In El Paso County, although the county has the authority to issue a warrant for the arrest of jurors that do not show up only three warrants had been issued in three years from 2010 – 2013.

**HEADLINE: News 5 Guardians: Jury duty "no shows" in El Paso County**

Most of us have received a summons at some point in time to appear in court for jury duty.

It's your civic duty but many will admit that it's time consuming and no fun. While most show up, News 5 uncovers thousands of residents in El Paso County are skipping out...

News 5 asked, "If I receive a summons in the mail and don't show up, what could happen to me?"

"We would issue a warrant for your arrest," Martinez said. "If you don't appear, it's a class three misdemeanor."

News 5 asked, "Out of curiosity, have you ever issued a warrant for anyone who hasn't show up for jury duty?"

"I have not," Martinez said.

In the last three years, only three warrants have been issued, but who's to say that won't change in the near future.

"We're constantly trying to come up with better ways to track these things," jury commissioner Dennis McKinney said.

McKinney admits there's always room for improvement, but says the failure to appear rate in El Paso County is one of the lowest in the nation. Instead, he believes the bigger problem is with summons that go undelivered.

[\*KOAA 5 \(Local NBC Affiliate\), April 16, 2013\*](#)

In 2012, a man was jailed in the Dallas-Fort Worth area after repeatedly failing to show up for jury duty. It appears this occurred in Tarrant County, because Paula Morales, the jury bailiff quoted in the article, was the individual in Tarrant County that provided a response to the PIA request mailed as part of this report.

**HEADLINE: Texas man jailed after failing to appear for jury duty**

**A Texas man has been sent to jail after repeatedly skipping jury duty.**

**There is a near universal dread of being called to jury duty. But the case of Jose Bocanegra Jr. is an unusual reminder of how shirking one's government-mandated responsibility to pass judgment on one's fellow citizens can result in getting yourself into trouble with the law...**

**"He tried to get disqualified by stating he was a felon—that got denied," Jury Bailiff Paula Morales told a local Dallas-Fort Worth affiliate. "He tried to get excused by claiming he was the caretaker of an invalid. We couldn't substantiate that, so that was denied."**

**Sometimes Bocanegra, 20, just simply didn't show up for his assigned jury duty.**

**Interestingly, the authorities finally went after Bocanegra when he did show up for jury duty—only to leave the scene minutes later. A bench warrant for his arrest was then promptly issued...**

**The next day Bocanegra stood handcuffed in front of a judge who held him in contempt of court. In explaining his absence from jury duty, Bocanegra reportedly told the judge he didn't like waiting in line and that jury duty was too time-consuming.**

*[Yahoo News, November 2, 2012](#)*

According to *USA Today*, in 2009 a man was arrested in Collin County on an outstanding warrant for failing to appear for jury duty in 2003. The man was mistakenly jailed for 83 days.

**HEADLINE: Texas man jailed 83 days for skipping jury duty**

**A man arrested for allegedly failing to appear for jury duty was released Saturday after spending 83 days in jail, a length of detention that a judge called "unacceptable."**

**Douglas Maupin was released a day after The Dallas Morning News brought his plight to the attention of a Collin County judge.**

**Maupin, a masonry contractor, was arrested Feb. 15 after police pulled him over for speeding. Police then detained him on a 2003 warrant for failure to appear for jury duty.**

**He wrote a letter to the newspaper about his lengthy jail stay, then said in a jailhouse interview that he, his friends and family could not afford his \$1,500 bail...**

**"He should not have spent that much time. This is unacceptable," Oldner told the Morning News. "I don't know why the process failed to notify us."**

*[USA Today, May 9, 2009](#)*

# Funding for Paying Jurors

As discussed in the previous chapter, juror pay increases were originally passed by the Texas Legislature in 2005 and went into effect in 2006. This chapter examines that legislation more closely, specifically to determine how pay for jurors is funded at both the state and county level and what types of penalties are levied on individuals that fail to appear for jury duty.

## **SB 1704 in 2005 Funded Juror Pay Increase by Charging Fee on Criminal Convictions**

Texas State Senator Rodney Ellis proposed SB 1704 in 2005 to increase pay to jurors. The legislation increased juror compensation to \$40 per day and was funded through a \$4 fee on criminal convictions. According to Ellis the bill would “dramatically improve participation.”

***Jury Pay Increase.*** Senator Ellis championed legislation that will provide Texas jurors with their first pay raise in over 50 years. Senate Bill 1704 will provide a pay raise for Texas juries for the first time since 1954, when the rate of \$6 a day was established. The bill increases compensation to \$40 a day by charging an additional \$4 fee on criminal convictions. Senate Bill 1704 will dramatically improve participation in the system and increase diversity on Texas juries.

[\*Major Legislative Accomplishments of Senator Rodney Ellis, Texas State Senate\*](#)

A review of the Texas Legislative Budget Board Staff Report from January 2011 discussing how the Texas judiciary is financed also highlighted that the \$4 fee on court costs funds juror pay, with the counties being reimbursed by the state Comptroller on a quarterly basis.

### **JUROR PAY**

Senate Bill 1704, Seventy-ninth Legislature, 2005, increased the minimum amount counties pay jurors from \$6 to \$40 per day after the first day of service. The bill created a new \$4 court cost upon conviction of any offense, other than an offense relating to a pedestrian or parking, to fund the increase in juror pay. Counties forward revenue collections to the Comptroller of Public Accounts, who uses collections to reimburse the counties for the higher juror pay costs on a quarterly basis. In the event unexpended balances in collections for juror pay exceed \$10 million, the Comptroller must deposit such excess amounts to the General Revenue–Dedicated Fair Defense Account No. 5073 for the Task Force on Indigent Defense to provide additional grants to counties for criminal defense services. Beginning in fiscal year 2009, the Comptroller began transferring an estimated \$6 to \$7 million per fiscal year from the Juror Pay sub-account within the General Revenue Fund to the General Revenue–Dedicated Fair Defense Account No. 5073. The 2010–11 appropriations for juror pay total \$21.6 million.

[\*"Financing the Judiciary in Texas: Legislative Primer," Legislative Budget Board Staff, January 2011\*](#)

## County Commissioners Court Determines Amount of Juror Pay as Part of County Budget

According to the [analysis](#) for the enrolled version of SB 1704 (2005) the bill amended Texas Government Code Section 61.001, among others. According to paragraph (b) of the Government Code section, the commissioners' court for each county determines the daily amount of reimbursement and pay to jurors. As previously mentioned, the amount determined by the commissioners must be \$6 for the first day and not to exceed \$40 for each day thereafter.

### **GOVERNMENT CODE**

#### **Sec. 61.001. REIMBURSEMENT OF EXPENSES OF JURORS AND PROSPECTIVE JURORS.**

(b) In preparing and approving the annual budget for a county, the commissioners court of the county shall determine the daily amount of reimbursement for expenses for a person who reports for jury service and discharges the person's duty. The amount of reimbursement for each day must be within the minimum and maximum amounts prescribed by this section and paid out of the jury fund of the county. The commissioners court may set different daily amounts of reimbursement for:

- (1) grand and petit jurors; or
- (2) different petit jurors based on:
  - (A) whether a juror serves in a small claims court, justice court, constitutional county court, county court at law, or district court; or
  - (B) any other reasonable criteria determined by the commissioners court.

*[Texas Government Code Sec. 61.001](#)*

## State Reimburses Counties \$34 a Day per Juror

According to Texas Government Code Section 61.0015, the state reimburses each county \$34 of the amount paid to jurors each day, after the first day. Therefore, if the county commissioners' court set juror pay at \$40 per day, for each day after the first day, the county is responsible for \$6 of the cost and the state reimburses the other \$34. The reimbursement is paid by the state comptroller to each county on a quarterly basis.

#### **Sec. 61.0015. REIMBURSEMENT TO COUNTY.**

- (a) The state shall reimburse a county \$34 a day for the reimbursement paid under Section 61.001 to a person who reports for jury service in response to the process of a court for each day or fraction of each day after the first day in attendance in court in response to the process.
- (b) The commissioners court of a county entitled to reimbursement under this section may file a claim for reimbursement with the comptroller.

[continued on next page...]

- (c) The comptroller shall pay claims for reimbursement under this section quarterly to the county treasury of each county that filed a claim from money collected under Article 102.0045, Code of Criminal Procedure, and deposited in the jury service fund.
- (d) If sufficient money described by Subsection (c) is not available to satisfy the claims for reimbursement filed by the counties under this section, the comptroller shall apportion the available money among the counties by reducing the amount payable to each county on an equal percentage basis.
- (e) If a payment on a county's claim for reimbursement is reduced under Subsection (d), or if a county fails to file the claim for reimbursement in a timely manner, the comptroller shall:
  - (3) pay the balance owed to the county when sufficient money described by Subsection (c) is available; or
  - (4) carry forward the balance owed to the county and pay the balance to the county when the next payment is required.

*[Texas Government Code Sec. 61.0015](#)*

Additionally, if a trial changes venue and county, the original county where the claim was filed is responsible for paying jurors.

**Sec. 61.002. LIABILITY OF COUNTIES FOR PAYMENT OF JURY SERVICE.**

- (a) If a civil case is moved by change of venue and tried in another county by a jury, the county in which the case was originally filed is liable for the payment of persons who report for jury service for the case.

*[Texas Government Code Sec. 61.002](#)*

**Cost of Juror Pay Funded by State through Court Fee on Criminal Convictions**

According to the [analysis](#) for the enrolled version of SB 1704 (2005) the bill also amended Art 102.0045 of the Texas Code of Criminal Procedure, to provide mechanism for paying for the increased juror pay.

Under Article 102.0045 of the Texas Code of Criminal Procedure, any person convicted of a criminal offense, other than a traffic offense, shall pay a \$4 fee in addition to other court costs. This fee is then used to reimburse counties for the cost to pay jurors. In accordance with the code, the clerk of each court remits the fees to the state comptroller and the fees are held in a jury service fund. As previously mentioned each county then applies with the comptroller on a quarterly basis to be reimbursed out of this fund to help offset the cost of juror pay.

Additionally, under Article 102.0045 of the Texas Code of Criminal Procedure, if the balance in the jury service fund exceeds \$10 million, the excess is transferred by the state comptroller to the fair defense account. Therefore, the jury service fund will never have a balance of more than \$10 million.

## CODE OF CRIMINAL PROCEDURE

### Art. 102.0045. FEE FOR JURY REIMBURSEMENT TO COUNTIES.

- (a) A person convicted of any offense, other than an offense relating to a pedestrian or the parking of a motor vehicle, shall pay as a court cost, in addition to all other costs, a fee of \$4 to be used to reimburse counties for the cost of juror services as provided by Section 61.0015, Government Code.
- (b) The clerk of the court shall remit the fees collected under this article to the comptroller in the manner provided by Subchapter B, Chapter 133, Local Government Code. The comptroller shall deposit the fees in the jury service fund.
- (c) The jury service fund is created in the state treasury. If, at any time, the unexpended balance of the jury service fund exceeds \$10 million, the comptroller shall transfer the amount in excess of \$10 million to the fair defense account.
- (d) Fees deposited in the jury service fund under this article are exempt from the application of Section 403.095, Government Code.

*[Texas Code of Criminal Procedure Sec. 102.0045](#)*

### **Fee on Criminal Convictions Deposited in State Jury Service Fund**

The fiscal analysis of SB 1704 clearly lays out the entire funding process and the increase in juror pay instituted in accordance with that legislation, including the transfer back and forth of the monies between the counties and the state. As previously mentioned, although the counties collect the fee on criminal convictions and the county commissioners court sets the amount that jurors are going to be paid, within the state mandated range, the state is responsible for holding the money collected in the jury service fund and for distributing the money back to counties to reimburse them for the \$34 portion of juror pay the state is responsible for paying.

The bill would add Section 61.0015 to require the state to reimburse a county at a rate of \$34 for each grand juror or petit juror for each day or fraction of a day served after the first day, if the county files a claim for reimbursement to the Comptroller of Public Accounts. The Comptroller would be required, on a quarterly basis, to reimburse a county that files a claim.

The Code of Criminal Procedure would be amended to require a person convicted of any offense, other than an offense relating to a pedestrian or the parking of a motor vehicle, to pay a \$4 fee to be used for the cost of juror services. The new fee would apply only to a defendant convicted of a criminal offense on or after September 1, 2005.

The bill would direct the Comptroller to deposit the new fee to the credit of the Jury Service Fund in the state treasury. The bill would provide that in the event unexpended balances in the Jury Service Fund exceed \$10 million, the Comptroller would transfer the amount in excess of \$10 million to the Fair Defense Account No. 5073. The bill would create or recreate a dedicated account in the state treasury and create a dedicated revenue sources. Therefore, the fund and revenue dedication included in the bill would be subject to funds consolidation review by the current Legislature.

*[SB 1704, Fiscal Analysis, May 25, 2005](#)*

# Bexar County

## Detail of Raw Data Provided by Bexar County

Bexar County provided an Excel spreadsheet with information for several fiscal years. According to Bexar County they track information based on an October – September fiscal year. Therefore, information for the following time period is represented as the years in the chart in the next section. Additionally, although information was provided for the first part of the October 2013 – September 2014 fiscal year this information was not used.

Bexar County Fiscal Year	Standardized Year
October 2009 – September 2010	2010
October 2010 – September 2011	2011
October 2011 - September 2012	2012
October 2012 – September 2013	2013

As shown below, the information provided by Bexar County included several additional categories. For example, the reason why a summons was returned was provided by Bexar County.

In most instances, this additional information was not deemed relevant for purposes of looking at the standardized categories. The information provided by Bexar County that was examined and how it corresponds to the standardized categories is discussed in the next section of this chapter.

		09 Oct- 10 Sep	10 S Oct-11 S	11-Oct-12- Sept	Oct 2012- Sept 2013	Oct 2013- March 2014 (13 weeks)
1	FISCAL YEAR					
2	<b>TOTAL JURORS SUMMONED:</b>	<b>244,928</b>	<b>248,316</b>	<b>243,846</b>	<b>232,679</b>	<b>112,267</b>
3	<b>TOTAL SUMMONED FROM VOTER:</b>	<b>108,060</b>	<b>131,080</b>	<b>144,924</b>	<b>138,434</b>	<b>64,109</b>
4	<b>TOTAL SUMMONED FROM DPS:</b>	<b>136,868</b>	<b>117,236</b>	<b>98,922</b>	<b>94,245</b>	<b>48,158</b>
5	<b>TOTAL SUMMONS RETURNED</b>	<b>40,305</b>	<b>46,593</b>	<b>45,351</b>	<b>45,261</b>	<b>21,414</b>
6	INVALID ADDRESS (VOTER)	8,128	18,065	19,755	18,573	8,713
7	INVALID ADDRESS (DPS)	32,177	28,528	25,596	26,688	12,701
8	<b>NO RESPONSE BY JURORS</b>	<b>55,709</b>	<b>61,213</b>	<b>59,800</b>	<b>59,251</b>	<b>31,643</b>
9	FAILED TO APPEAR (VOTER):	21,675	27,306	29,914	29,711	15,212
10	FAILED TO APPEAR (DPS):	34,034	33,907	29,886	29,540	16,431
11	<b>TOTAL JURORS RESPONSE</b>	<b>148,914</b>	<b>140,510</b>	<b>138,695</b>	<b>128,167</b>	<b>59,210</b>
12	TOTAL APPEARED:	59,741	66,906	73,318	66,497	29,869
13	POSTPONED FROM OTHER	7,039	7,027	7,175	8,475	6,633
14	EXEMPT/EXCUSED:	82,134	66,577	58,202	53,195	22,708
15	Total Jurors qualified to serve			73,069	66,241	31,229
16	Total Jurors served jury duty			80,041	73,266	34,304
17						

*Bexar County District Clerk*

## Methodology for Standardizing Results Provided by Bexar County

As previously mentioned, based on a review of the December 2002 report by the Texas Judicial Council Subcommittee on Juries standardized categories were determined in order to compare information across counties.

The manner in which the categories of information provided by Bexar County were extrapolated to the standardized categories is as follows:

Category Provided by Bexar County	Standardized Category
Total Jurors Summoned	Total Summons Mailed
Total Summons Returned	Summons Returned/Undeliverable
No Response by Jurors	Failed to Appear
Postponed from Other + Exempt/Excused	Disqual/Exempt/Postpone/Excused
Total Appeared	Eligible/Participating Jurors

As shown in the previous section, Bexar County also provided numbers for “Total jurors qualified to serve” and “Total jurors served jury duty;” however it was unclear based on the other information provided how these numbers were calculated and correspond to the standardized categories.

For example, “Total Appeared” was the category determined to correlate to “Eligible/Participating Jurors” because when added to the other categories (summons returned, disqualified jurors, and jurors that failed to appear) it equaled the number of total summons mailed.

Adding “Total jurors qualified to serve” or “Total jurors served jury duty” to the other categories did not yield this same result. Therefore, these categories of information provided by Bexar County were not deemed relevant to the analysis and standardized calculations in the next section of this chapter.

This was also confirmed by a call to Julieta Schulze, Bexar County Chief Central Jury Bailiff who also confirmed that “Total Jurors Summoned” should equal the sum of all the other categories listed in the table above.

## “Participation” in Bexar County in 2013 Equaled 28.58%

The chart on the next page represents the numbers of individuals that fell into each category for 2010 – 2013, based on the methodology of calculation and analysis discussed in the previous section.

	2010	2011	2012	2013
Total Summons Mailed	244,928	248,316	243,846	232,679
Summons Returned/Undeliverable	40,305	46,593	45,351	45,261
Failed to Appear	55,709	61,213	59,800	59,251
Disqual/Exempt/Postpone/Excused	89,173	73,604	65,377	61,670
Eligible/Participating Jurors	59,741	66,906	73,318	66,497

The following is the percentage of “Participation” for each year calculated as eligible jurors divided by total summons mailed.

	2010	2011	2012	2013
“Participation” (Eligible jurors/Total Summons mailed)	24.39%	26.94%	30.07%	28.58%

### **Eligible Respondents Reported by Bexar County in 2001 were 46.30%**

As previously mentioned, the Subcommittee on Juries published a supplemental report in December 2002, almost two years after the initial report.

As part of the report a County Jury Coordinator Questionnaire was distributed to the district clerks of each county in the state. The results of this survey provided statistical information about the average response rates to juror summonses, based on county size. The results from Bexar County are shown in the chart below.

Population	Undeliverable	No Response	Eligible Respondent	Disqualified/Exempt
1,392,931	17.20%	15.50%	46.30%	21.00%

*“Jury Service: Participation and Pay in Texas”  
Subcommittee on Juries (Texas Judicial Counsel), December 2002*

### **Bexar County Estimated Jury Participation Rate at 30% in 2004**

According to the *San Antonio Express-News*, Bexar County estimated that about 30% of individuals summoned to jury duty showed up at the court in 2004.

#### **HEADLINE: Legislation aims to raise Texans' paltry pay for jury service**

Adam Boland sat in a waiting room at the Bexar County Courthouse praying he wouldn't be selected for jury duty.

It was almost lunchtime and he had already lost more than \$100 in hourly wages. He said he didn't know what he'd do if he was chosen to serve...

Trying to lure more people to the courthouse, state representatives are pushing legislation that would increase juror pay to \$40 a day. A bill sponsored by state Sen. Rodney Ellis, D-Houston, would tack on an additional \$4 court fee for people convicted of crimes. The additional revenue would be used to pay for the increase...

In Bexar County last year, about 30 percent, or about 56,800, of the 189,182 people summoned to jury duty appeared at the courthouse, which amounted to about \$340,000 in jury pay.

About 53,000 people contacted the county to explain why they couldn't make it, and about 40,000 summonses were returned because of wrong addresses, according to Amelia Flores, the courthouse's central jury room bailiff.

*San Antonio Express-News, May 10, 2005*

## Appearance Rate in Bexar County was 56% in 2005

In 2005, more than 56% of individuals summoned in Bexar County appeared according to the *San Antonio Express-News*.

### HEADLINE: Jurors less giving after the '06 raise

Last year's pay raise for jurors has made it more appealing for some to perform their civic duty.

For 14 years, Bexar County jurors have been given an opportunity to donate their paycheck for jury service to the local charity by filling out a simple form.

Through the years, the \$6 here and the \$6 there have resulted in tens of thousands of dollars in donations. But now that they are getting paid more, some jurors are having reservations about donating their pay...

In 2005, juror donations totaled \$80,364. In the last calendar year, they dropped to \$70,576, still an appreciable total.

When the program allowing jurors to donate their pay started in 1992, only \$3,846 was collected; by 1995, the donations topped \$32,000. They reached an all-time high of \$81,714 in 2004...

People in Bexar County have traditionally taken jury duty seriously.

While Dallas and Harris counties report a 17 percent to 23 percent appearance rate among those summoned for jury duty, Bexar County boasts an appearance rate of more than 56 percent.

During calendar year 2005, 79.89 percent of those who received a jury summons in Bexar County responded. Many were excused or disqualified after providing documentation showing they were not U.S. citizens, were attending school or could take an elderly exemption.

A whopping 116,614 individuals appeared at the Bexar County Justice Center in response to their jury summons.

It was those 116,614 folks who donated the \$70,000-plus to the Friends of the Child Welfare Board.

*San Antonio Express-News, January 6, 2007*

# Cameron County\*\*

## Detail of Raw Data Provided by Cameron County

Cameron County initially provided two pages of information on a PDF that included several categories by month. A partial screenshot of the data provided by Cameron County is shown below and all responsive records provided by Cameron County are available upon request.

STATE OF TEXAS COUNTY OF CAMERON JUROR SUMMONS ANALYSIS REPORT															
MONTH/YR	SUMMONS SENT	JUROR NO SHOWS		RETURNED/NOT FOUND		JURORS EXCUSED		JURORS DEFERRED		JURORS NOT TO REPORT		REPORTED FOR SERVICE		TO VOIR DIRE %	NOT UTILIZED %
		#	%	#	%	#	%	#	%	#	%	#	%		
JUNE 2009	500	0	0.00 %	3	0.60 %	51	10.20 %	122	24.40 %	0	0.00 %	324	64.80 %	71.60 %	28.40 %
JULY 2009	740	0	0.00 %	77	10.41 %	82	11.08 %	108	14.59 %	0	0.00 %	473	63.92 %	48.68 %	50.32 %
AUGUST 2009	1000	0	0.00 %	13	1.30 %	137	13.70 %	203	20.30 %	0	0.00 %	647	64.70 %	73.42 %	26.58 %
SEPTEMBER 2009	1000	0	0.00 %	13	1.30 %	126	12.60 %	179	17.90 %	0	0.00 %	682	68.20 %	71.70 %	28.30 %
OCTOBER 2009	1000	0	0.00 %	5	0.50 %	112	11.20 %	185	18.50 %	0	0.00 %	698	69.80 %	71.63 %	28.37 %
NOVEMBER 2009	500	0	0.00 %	7	1.40 %	83	16.60 %	85	17.00 %	0	0.00 %	325	65.00 %	72.62 %	27.38 %
DECEMBER 2009	500	0	0.00 %	8	1.60 %	42	8.40 %	118	23.60 %	0	0.00 %	332	66.40 %	71.39 %	28.61 %
JANUARY 2010	1120	0	0.00 %	52	4.64 %	125	11.16 %	152	13.57 %	0	0.00 %	791	70.63 %	69.53 %	30.47 %
FEBRUARY 2010	1310	28	2.14 %	35	2.67 %	215	16.41 %	141	10.76 %	0	0.00 %	891	68.02 %	72.62 %	27.38 %
MARCH 2010	1000	0	0.00 %	7	0.70 %	119	11.90 %	199	19.90 %	0	0.00 %	675	67.50 %	71.11 %	28.89 %
APRIL 2010	1000	0	0.00 %	4	0.40 %	124	12.40 %	197	19.70 %	0	0.00 %	675	67.50 %	74.07 %	25.93 %
MAY 2010	1280	0	0.00 %	12	0.94 %	87	6.80 %	184	14.37 %	0	0.00 %	997	77.89 %	54.66 %	45.34 %

*Cameron County District Clerk*

As shown above, the categories provided by Cameron County included the following:

- Summons Sent
- Juror No Shows
- Returned/Not Found
- Jurors Excused
- Jurors Deferred
- Jurors Not to Report
- Reported for Service
- To Voir Dire
- Not Utilized

For each of these previously mentioned categories provided by Cameron County the information was provided as a whole number and a percentage, it appears the percentage was calculated by dividing that category into the number of the "Summons sent." For purposes of the chart in the next section only the whole numbers were looked at.

The chart in the next section shows the year-end totals for all months in that year combined. In order to calculate these totals the information for each month, supplied by Cameron County, was entered into an Excel spreadsheet and was summed to get the year-end totals.

However, as shown above, Cameron County originally reported having zero juror no shows for all years, except one. Due to the fact that seemed unusual, Cameron County was contacted to confirm that this information was correct.

Per Eric Garza of Cameron County the jury manager has indicated that the numbers for juror no shows originally provided is incorrect. Updated numbers have been requested and will be reviewed upon receipt. However, this means the participation rates calculated for Cameron County in a later section of this chapter are likely incorrect and overstated.

As of June 26, 2014 the updated numbers were still not available from Cameron County after repeated calls and emails to follow-up with Eric Garza on the status of the information. Garza was also unable to indicate how a change in the number of juror no shows will impact the other numbers previously provided. Therefore, it is possible that all the numbers for Cameron County may be adjusted and changed which in turn would change the jury participation rate.

### **Methodology for Standardizing Results Provided by Cameron County**

As previously mentioned, based on a review of the December 2002 report by the Texas Judicial Council Subcommittee on Juries standardized categories were determined in order to compare information across counties.

The manner in which the categories of information provided by Cameron County were extrapolated to the standardized categories is as follows:

<b>Category Provided by Cameron County</b>	<b>Standardized Category</b>
Summons Sent	Total Summons Mailed
Returned or Not Found	Summons Returned/Undeliverable
Juror No Shows	Failed to Appear
Jurors Excused + Jurors Deferred	Disqual/Exempt/Postpone/Excused
Reported to Service	Eligible/Participating Jurors

Additionally, Cameron County provided information for “To Voir Dire” and “Not Utilized.” It was determined these categories were not relevant or necessary for the standardized calculation and analysis to determine participation; therefore these categories were not examined.

### **“Participation” in Cameron County in 2013 Equaled 72.96%**

The chart on the following page represents the numbers of individuals that fell into each category for 2010 – 2013, based on the methodology of calculation and analysis discussed in the previous section. The numbers included on the chart are the ones originally provided by Cameron County in response to the PIA request.

	2010	2011	2012	2013
Total Summons Mailed	11,890	12,890	12,670	10,790
Summons Returned/Undeliverable	222	153	154	163
Failed to Appear*	28	0	0	0
Disqual/Exempt/Postpone/Excused	3,285	3,386	3,149	2,755
Eligible/Participating Jurors	8,355	9,351	9,367	7,872

\* As previously mentioned, per Eric Garza of Cameron County, the numbers originally provided for juror no shows/failures to appear were incorrect. Corrected numbers have been requested and will be reviewed upon receipt. However, for the time being the original numbers provided are being included in the chart above.

Garza did not indicate that any of the other numbers were incorrect, however, given the standardized equation it seems likely that some of the other numbers will change also. For purposes of the chart above, the originally provided numbers have still been included.

The following is the percentage of “Participation” for each year calculated as eligible jurors divided by total summons mailed. However, note that if the updated numbers provided by Cameron County include changes to eligible jurors and total summons mailed the participation rates below may also change.

	2010	2011	2012	2013
“Participation” (Eligible jurors/Total Summons mailed)	70.27%	72.54%	73.93%	72.96%

### **Eligible Respondents Reported by Cameron County in 2001 were 21.90%**

As previously mentioned, the Subcommittee on Juries published a supplemental report in December 2002, almost two years after the initial report.

As part of the report a County Jury Coordinator Questionnaire was distributed to the district clerks of each county in the state. The results of this survey provided statistical information about the average response rates to juror summonses, based on county size. The results from Cameron County are shown in the chart below.

Population	Undeliverable	No Response	Eligible Respondent	Disqualified/Exempt
335,227	27.40%	20.00%	21.90%	30.60%

*“Jury Service: Participation and Pay in Texas”  
Subcommittee on Juries (Texas Judicial Counsel), December 2002*

### **News Coverage of Jury Participation in Cameron County – None Found**

Searches of internet search engines, *Nexis*, and *Newsbank* returned no results for articles related to jury participation rates in Cameron County from 2003 – present.

# Dallas County

## Detail of Raw Data Provided by Dallas County

Dallas County initially provided one page of information in a Word document, as shown below.

Dallas County Jury Services 2010-2014						
Dallas County Jury Services 2010						
Summons	Undeliverable	FTA	Postponed/ Exempt/ Disqualification			Attending
621,906	140,074	172,994	32,955	37,564	62,271	93,902
			132,790			
Dallas County Jury Services 2011						
Summons	Undeliverable	FTA	Postponed/ Exempt/ Disqualification			Attending
753,877	128,380	220,359	39,429	42,676	106,567	106,829
			188,672			
Dallas County Jury Services 2012						
Summons	Undeliverable	FTA	Postponed/ Exempt/ Disqualification			Attending
662,086	109,647	178,595	44,590	41,942	82,499	108,531
			169,031			
Dallas County Jury Services 2013						
Summons	Undeliverable	FTA	Postponed/ Exempt/ Disqualification			Attending
614,423	71,354	179,797	45,290	46,557	75,179	113,984
			167,026			

*Dallas County District Clerk*

As follow-up email was sent to Dallas County to confirm what “Attending” represented, and Anne Brabham, Dallas County Jury Manager, responded that “The “attending number” refers to those jurors which appeared or “show-up” for jury service and were checked in.” Subsequently, Brabham also provided the following additional information, via email.

I re-read my response to and your question. And to clarify my response: show-rate is determined by the following formula:

Attendance/ Summons Order

So, the show rate for Dallas County Jury Services from 2010 to 2013 is as follows:

2010: 15%  
 2011: 14%  
 2012: 16%  
 2013: 19%

The exemptions, disqualification, postponed and non-deliverables are not used to determine the show rate. I hope this helps to clarify my response.

*Email from Anne Brabham, Dated June 25, 2014*

## Methodology for Standardizing Results Provided by Dallas County

As previously mentioned, based on a review of the December 2002 report by the Texas Judicial Council Subcommittee on Juries standardized categories were determined in order to compare information across counties.

The manner in which the categories of information provided by Dallas County were extrapolated to the standardized categories is as follows:

Category Provided by Dallas County	Standardized Category
Summons	Total Summons Mailed
Undeliverable	Summons Returned/Undeliverable
FTA	Failed to Appear
Postponed/Exempt/Disqualification	Disqual/Exempt/Postpone/Excused
Attending	Eligible/Participating Jurors

Attending was assigned to represent “Eligible/Participating Jurors” based on the email conversation with Anne Brabham discussed in the previous section of this chapter.

### “Participation” in Dallas County in 2013 Equaled 18.55%

The chart below represents the numbers of individuals that fell into each category for 2010 – 2013, based on the methodology of calculation and analysis discussed in the previous section.

A review of the data provided by Dallas County showed there was a discrepancy in the numbers provided for each year. As previously mentioned, the standardized format being used is based on a review of the December 2002 report by the Texas Judicial Council Subcommittee on Juries.

Under this format the sum of summons returned/undeliverable, disqualified jurors, jurors that failed to appear, and eligible jurors should equal the total summons mailed. However, this rule did not apply with the numbers provided by Dallas County. As previously mentioned, Dallas County did confirm that the number for “Attending” provided by the county did correspond to “Eligible/Participating Jurors.”

Therefore, in the chart below, for Dallas County, the discrepancy is noted as “Unaccounted for jurors.” Additional inquiries to determine what category these unaccounted for jurors fell into went unanswered. However, because the County provided and confirmed the numbers needed to calculate participation and as previously mentioned actually provided the participation rate, this was still calculated for purposes of this report.

	2010	2011	2012	2013
Total Summons Mailed	621,906	753,877	662,086	614,423
Summons Returned/Undeliverable	172,994	220,359	178,595	179,797
Failed to Appear	140,074	128,380	109,647	71,354
Disqual/Exempt/Postpone/Excused	132,790	188,672	169,031	167,026
Unaccounted for Jurors	82,146	109,637	96,282	82,262
Eligible/Participating Jurors	93,902	106,829	108,531	113,984

The following is the percentage of “Participation” for each year calculated as eligible jurors divided by total summons mailed.

	2010	2011	2012	2013
“Participation” (Eligible jurors/Total Summons mailed)	15.10%	14.17%	16.39%	18.55%

**Eligible Respondents Reported by Dallas County in 2001 were 20.60%**

As previously mentioned, the Subcommittee on Juries published a supplemental report in December 2002, almost two years after the initial report.

As part of the report a County Jury Coordinator Questionnaire was distributed to the district clerks of each county in the state. The results of this survey provided statistical information about the average response rates to juror summonses, based on county size. The results from Dallas County are shown in the chart below.

Population	Undeliverable	No Response	Eligible Respondent	Disqualified/Exempt
2,218,899	24.10%	40.30%	20.60%	15.10%

*“Jury Service: Participation and Pay in Texas”  
Subcommittee on Juries (Texas Judicial Counsel), December 2002*

According to “Examining Juror Pay and Other Ways to Encourage Jury Service in Texas” the January 2001 report by the Subcommittee on Juries, a *Dallas Morning News* study from February 2000 showed that only one in six people summoned appeared. This number is slightly lower than the number of eligible respondents reported by Dallas County in the chart above.

**Dallas County Seeking to Fine Jurors that Fail to Appear to Address 19% Show Rate in 2013**

According to the *Dallas Morning News*, the Commissioners Court in Dallas County recently was asked to provide additional funding to fine jurors that do not appear for jury duty. According to the story, only 19% of those summoned turnout for jury duty.

**HEADLINE: Skip jury duty and you’ll pay, if judges in Dallas County get their way**

**Dallas County residents who fail to show up for jury duty may find themselves in court anyway if a proposal by local district judges is funded next year.**

**The Commissioners Court is being asked to provide a portion of the funds needed for a jury duty court where people who didn’t respond to their summonses could be fined and ordered to sit on different juries.**

[continued on next page...]

The goal, the judges say, is to increase turnout at the courthouse of those called to make themselves available to serve on juries. Currently, that turnout is a paltry 19 percent... Commissioners, during the first day of budget hearings Monday, expressed approval for the judge's goals but hinted that they'd need to be convinced that the jury duty court could succeed.

When the county tried a pilot program in 2011, participation climbed 2 percent. That's a small uptick, but the judges have argued that similar programs have worked in El Paso County and Orange County, Calif...

No decisions were made Monday. Final approval for the budget is expected in September.

[\*Dallas Morning News, June 23, 2014\*](#)

### **Only 25% of Dallas County Residents Summoned for Federal Court Jury Duty Showed up in 2004**

According to the *Dallas Morning News*, in 2004 only one fourth of people called for jury duty in Dallas federal courts appeared.

**HEADLINE:** Shirking jurors face the judge Part of continuing problem, truants fined \$100 in federal court

About one fourth of all people called for jury duty in Dallas federal courts don't show up. But a judge on Wednesday made sure some got their day in court.

And they were the ones being judged.

In a rare move, U.S. District Judge Barbara Lynn ordered them to explain - under oath - why they ignored summonses, delaying a criminal trial Sept. 22.

"The reason we didn't have enough jurors is because people like you didn't show up," scolded Judge Lynn, the first Dallas jurist to hold such a hearing in at least two years. "This is a serious problem."

The 30-minute hearing focused on a group of "no-shows," as they're called. But the problem strains the cash-strapped federal judiciary nationwide, officials said.

Millions of dollars are lost annually because courts summon extra potential jurors to prevent what happened in Judge Lynn's court, said Dallas-based U.S. District Clerk Karen Mitchell.

Jurors are paid \$40 a day plus parking and mileage expenses - regardless of whether they are chosen for a trial.

*Dallas Morning News, September 30, 2004*

## **Participation Rate was only 19% in Dallas County during the First Four Months of 2005**

According to the *Dallas Morning News*, only about 19% of jurors summoned showed up during the first four months of 2005.

**HEADLINE:** Hoping jury bill pays off Dallas County: Officials look to increase turnout with proposed raise

Sworn to mete out justice and judge peers, people find that the call to jury duty might be the toughest job in Dallas County.

But at \$6 a day, calling it a job is a stretch. The few who actually show up for duty quickly realize the daily pay doesn't come close to covering the expense of traveling to the courthouse, parking and eating lunch, let alone lost wages.

The pay is one reason for the dismally low jury duty participation rate - of the 128,438 Dallas County residents summoned for jury duty from January to May 1, only about 19 percent showed up for duty, according to county records.

Now a bill to boost the statewide minimum daily rate for jury service to \$40 after the first day of jury selection is poised to head for the governor's desk after its likely passage in the House.

The bill, drafted by state Sen. Rodney Ellis, D-Houston, has already won Senate approval. Mr. Ellis said the jury pay raise is part of a broad plan to improve jury service.

*Dallas Morning News, May 24, 2005*

## **Less Than 20% of Dallas County Residents Served on Jury Duty in 2006**

According to the *Dallas Morning News*, in 2006 less than 20% of county residents that were called for jury duty ultimately served. At that time in Dallas County, about 30% of the 14,000 jury summonses mailed weekly were returned undeliverable and another 50% were ignored.

The youngest adults in Dallas County were particularly inactive, as only 13% of adults between 18 and 34 in Dallas answered jury summons in 2006.

**HEADLINE:** Summoning strength: Legislature must give jury orders some teeth

Court officials in Dallas County send out about 14,000 jury summons each week.

About 30 percent of those are returned undeliverable because the person has moved. Worse, another 50 percent of them are ignored.

Do the math. Less than 20 percent of county residents called for jury service actually show up...

[continued on next page...]

Stunningly, only 13 percent of Dallas County adults between the ages 18 and 34 have answered a summons for jury duty; Hispanics make up only about 10 percent of those who have reported.

The Texas Legislature should give such dismal facts its full attention and explore ways to increase participation. Too few understand that jury duty is a foundation of our justice system and that the system is only as good as our citizens' willingness to participate in it.

*Editorial, Dallas Morning News, October 26, 2006*

## **Juror Pay Increase had No Immediate Effect on Dallas Participation Rates**

According to the *Dallas Morning News*, more than 75% of those called for jury duty in Dallas County did not show up in fiscal 2006. There has been an increase in jury participation, as 23% of those summoned served jury duty in 2006, compared to 19.5% in 2005.

A Dallas County jury coordinator attributed this small increase to updated addresses, as 3% fewer summons have been returned undeliverable. Racial minorities and low-income earners are also highly underrepresented, according to this article.

**HEADLINE:** Majority called for jury duty aren't showing up: Dallas County: Threats, raise bring only a few more to the courthouse

More than three-quarters of the people called for jury duty in Dallas County didn't show up this year, despite threats from judges and recent changes that include a raise and more accurate mailing addresses.

A year ago, the Texas Legislature raised pay for jurors from \$6 a day to \$40 for the second day of service and every day thereafter.

But the increase has had little effect on how many people show up for jury duty. In fiscal 2006, only 23 percent of those summoned appeared, up from 19.5 percent in 2005. "I know that people are not as grit-teeth aggravated as they were, but I don't know that [the raise] has actually changed turnout," said state civil District Judge David Evans. "You're downtown. You're going to have to eat out. It's going to cost you."...

The increased turnout this year is more likely a result of better addresses, said Dallas County jury coordinator Lori Ann Bodino. Twenty-three percent of jury summonses went undelivered last year, down from 26 percent the year before...

That causes racial minorities and low-income people to be underrepresented, they say.

*Dallas Morning News, December 27, 2006*

## **Only 20% of Jurors Summoned in Dallas County Showed up in 2009; Same as Before Pay Increase**

In 2009, according to the *Dallas Morning News*, only about 20% of the people summoned for jury duty showed up. This number was similar to the participation rate prior to the pay increase that was passed in 2005 and implemented in 2006.

As a result, Dallas County implemented a new computer system to try and increase jury participation by decreasing the number of summons returned undeliverable.

**HEADLINE: Dallas County officials hope new computer system boosts jury participation**

Dallas County courts officials hope that a new computer system will help boost jury participation as well as make jury selection more efficient for both lawyers and citizens.

About 20 percent of people summoned for jury duty show up, about the same percentage that appeared before the state increased jurors' pay in 2005 from \$6 a day to \$40 for each day after the first day of jury service.

Another 20 percent of jury summonses aren't delivered because of bad addresses, said Lori Ann Bodino, jury services manager for the criminal courts. In addition, another 40 percent don't respond, and 20 percent claim disqualifications or exemptions from service, she said.

More jury duty notices should be delivered with the new system, Bodino said.

Addresses will now be updated at least once a year with information from the state. The old system was updated only about every three years when the county used all the names, Bodino said. This meant notices were sent to some people long after they had moved.

*Dallas Morning News, September 14, 2009*

# El Paso County

## Detail of Raw Data Provided by El Paso County

El Paso County provided a chart on a PDF document that included the categories of jury participation numbers for 2010 – 2013 in response to the PIA request.

<b>EL PASO COUNTY JURY PARTICIPATION</b>				
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Juror summons mailed	165,094	168,940	166,132	164,847
Summons returned/undeliverable	2,452	2,416	2,669	1,909
Responding vs. Non responding	152,508	156,104	152,339	151,434
Qualified to serve	150,006	153,688	149,670	149,525
Served jury duty	19,995	13,022	14,775	9,282
Jurors postponing service	20,217	19,658	18,396	16,627
Jurors that failed to appear	12,586	12,836	13,793	13,413
Excused jurors	84,063	79,154	79,212	78,364

*El Paso County District Clerk*

Based on a review of the above information, data for all of the standardized categories was not readily apparent.

However, supporting documentation provided by El Paso County also included a year by year breakdown of information that was similar to the information provided by Cameron County, but with the year-end total included. This information was entered into an Excel spreadsheet. The supporting documentation with the raw data that was provided by El Paso County was used for purposes of the chart in the next section. The data provided for 2011 by El Paso County is shown below and additional years are available upon request.

5/1/2014 8:27:52 AM		STATE OF TEXAS COUNTY OF ELPASO										Page 1 of 1					
JUROR SUMMONS ANALYSIS REPORT																	
MONTH/YR	SUMMONS SENT	JUROR NO SHOWS		RETURNED/NOT FOUND		JURORS EXCUSED		JURORS DEFERRED		JURORS NOT TO REPORT		REPORTED FOR SERVICE		TO VOIR DIRE		NOT UTILIZED	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
JANUARY 2011	12843	904	7.04 %	81	0.63 %	6518	50.75 %	1371	10.68 %	0	0.00 %	3969	30.90 %	42.61 %	57.39 %		
FEBRUARY 2011	15300	926	6.05 %	206	1.35 %	8210	53.68 %	1613	10.54 %	0	0.00 %	4345	28.40 %	27.55 %	72.45 %		
MARCH 2011	13700	1181	8.62 %	254	1.85 %	5938	43.34 %	1768	12.91 %	0	0.00 %	4559	33.28 %	23.05 %	76.95 %		
APRIL 2011	14973	1203	8.03 %	245	1.64 %	6395	42.71 %	1811	12.10 %	0	0.00 %	5319	35.52 %	21.94 %	78.06 %		
MAY 2011	13456	1048	7.79 %	212	1.58 %	6072	45.12 %	1551	11.53 %	0	0.00 %	4573	33.98 %	26.28 %	73.72 %		
JUNE 2011	14428	1146	7.94 %	185	1.28 %	6361	44.09 %	1850	12.82 %	0	0.00 %	4886	33.86 %	19.28 %	80.72 %		
JULY 2011	15406	1290	8.37 %	261	1.69 %	6978	45.29 %	2128	13.81 %	0	0.00 %	4749	30.83 %	23.63 %	76.37 %		
AUGUST 2011	15180	1130	7.45 %	227	1.50 %	6995	46.14 %	1875	12.37 %	0	0.00 %	4933	32.54 %	19.22 %	80.78 %		
SEPTEMBER 2011	13784	1004	7.28 %	179	1.30 %	6877	49.89 %	1446	10.49 %	0	0.00 %	4278	31.04 %	21.18 %	78.82 %		
OCTOBER 2011	16818	1092	6.49 %	248	1.47 %	8414	50.03 %	1699	10.10 %	0	0.00 %	5365	31.90 %	20.11 %	79.89 %		
NOVEMBER 2011	12868	1131	8.79 %	172	1.34 %	5282	41.05 %	1446	11.24 %	0	0.00 %	4837	37.59 %	16.52 %	83.48 %		
DECEMBER 2011	10204	781	7.65 %	146	1.43 %	5114	50.12 %	1100	10.78 %	0	0.00 %	3063	30.02 %	30.04 %	69.96 %		
<b>TOTAL</b>	<b>168940</b>	<b>12836</b>	<b>7.60 %</b>	<b>2416</b>	<b>1.43 %</b>	<b>79154</b>	<b>46.85 %</b>	<b>19658</b>	<b>11.64 %</b>	<b>0</b>	<b>0.00 %</b>	<b>54876</b>	<b>32.48 %</b>	<b>23.73 %</b>	<b>76.27 %</b>		

*El Paso County District Clerk*

As shown above, the categories provided by El Paso County included the following:

- Summons Sent
- Juror No Shows
- Returned/Not Found
- Jurors Excused
- Jurors Deferred
- Jurors Not to Report
- Reported for Service
- To Voir Dire
- Not Utilized

For each of these previously mentioned categories provided by El Paso County the information was provided as a whole number and a percentage, it appears the percentage was calculated by dividing that category into the number of the “Summons sent.” For purposes of the chart in the next section only the whole numbers were looked at.

### **Methodology for Standardizing Results Provided by El Paso County**

As previously mentioned, based on a review of the December 2002 report by the Texas Judicial Council Subcommittee on Juries standardized categories were determined in order to compare information across counties.

The manner in which the categories of information provided by El Paso County were extrapolated to the standardized categories is as follows:

<b>Category Provided by Cameron County</b>	<b>Standardized Category</b>
Summons Sent	Total Summons Mailed
Returned or Not Found	Summons Returned/Undeliverable
Juror No Shows	Failed to Appear
Jurors Excused + Jurors Deferred	Disqual/Exempt/Postpone/Excused
Reported to Service	Eligible/Participating Jurors

Additionally, El Paso County provided information for “To Voir Dire” and “Not Utilized.” It was determined these categories were not relevant or necessary for the standardized calculation and analysis to determine participation; therefore these categories were not examined.

**“Participation” in El Paso County in 2013 Equaled 33.08%**

The following chart represents the numbers of individuals that fell into each category for 2010 – 2013, based on the methodology of calculation and analysis discussed in the previous section.

	2010	2011	2012	2013
Total Summons Mailed	165,094	168,940	166,132	164,847
Summons Returned/Undeliverable	2,452	2,416	2,669	1,909
Failed to Appear	12,586	12,836	13,793	13,413
Disqual/Exempt/Postpone/Excused	104,280	98,812	97,608	94,991
Eligible/Participating Jurors	45,776	54,876	52,062	54,534

The following is the percentage of “Participation” for each year calculated as eligible jurors divided by total summons mailed. This number is also represented on the supporting documentation provided by El Paso County as the percentage of jurors summoned that “Reported for Service.”

	2010	2011	2012	2013
“Participation” (Eligible jurors/Total Summons mailed)	27.73%	32.48%	31.34%	33.08%

**El Paso County Raised Juror Pay to \$40 in 1999 Prior to Statewide Increase**

According to “Examining Juror Pay and Other Ways to Encourage Jury Service in Texas” the January 2001 report by the Subcommittee on Juries, El Paso County increased juror pay to \$40 per day in 1999 and as a result estimated that juror participation more than doubled.

*El Paso County. In October of 1999, in an effort to increase the participation of those summoned and the diversity of those who actually appear for service, El Paso increased juror pay. Although jurors who are summoned and immediately dismissed still receive only \$6 for the initial appearance, those jurors who are ultimately empaneled receive the rate of \$40 per day of service. As a result of this increase, El Paso County estimates that juror participation has increased from 22% to approximately 46%.*

*“Examining Juror Pay and Other Ways to Encourage Jury Service in Texas”  
Subcommittee on Juries (Texas Judicial Counsel), January 2001*

**El Paso County Jury Participation Doubled Following Pay Increase**

According to the *El Paso Times*, in 2007 jury participation in El Paso County had doubled following the increase in juror pay – from about 25% to 50% participation. As previously mentioned, El Paso County actually instituted the pay increase in 1999, prior to the statewide increase.

**HEADLINE: Group honors EP judge for pushing up juror pay**

District Judge William Moody on Friday was recognized by fair-trial advocates in El Paso for his work in increasing jury pay in Texas from \$6 a day to \$40 a day.

Members of the El Paso chapter of the American Board of Trial Advocates said during a ceremony at the El Paso Community Foundation that Moody was critical in making sure more people showed up for jury duty by giving them a fairer compensation.

"The central focus of our court system is the right of trial by a jury of your peers," said Richard Bonner, a lawyer and the local president of the advocacy group.

"Judge Moody, through his efforts, has helped bring jury-duty participation in El Paso from about 25 percent to well over 50 percent."...

Moody successfully persuaded the El Paso County Commissioners Court to raise juror pay in 1999. He then talked to state officials and was integral in getting state legislative action mandating \$40-a-day pay for jurors in every Texas county.

*El Paso Times, July 27, 2007*

# Fort Bend County

## Detail of Raw Data Provided by Fort Bend County

In response to a Public Information Act request, the Fort Bend County District Clerk provided several pages of information for each year requested for the following individual courts in the county:

- District Court
- County Court
- Judge Gary Janssen
- Judge Mary Ward
- Judge Joel C. Clouser Sr.
- Judge Kenneth C. Cannata
- Judge Jim Richard

In addition to the information below for each court, Fort Bend County also provided pages of supporting documents and charts. The way this supporting information and the above information was examined and extrapolated to the standardized categories is discussed in the next section of this chapter.

04/25/2014		<b>Juror Summoning Yield</b>				Page: 1	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p><b>Ft. Bend Co. Jury Services</b>                      Location: Ft. Bend Co. District Clerk                      For Jurors Scheduled:                      01/01/2011 Thru 12/31/2011</p> </div>							
		Originally Summoned		Schedule Changed		Total	
		Number of Jurors	% of Scheduled	Number of Jurors	% of Scheduled	Number of Jurors	% of Scheduled
A. Jurors Scheduled To Appear		48,320		1,662		49,982	
B. With Schedule Change Before Scheduled Date		1,226	2.54	8	0.48	1,234	2.47
C. With Service End On or Before Scheduled Date		18,654	38.61	527	31.71	19,181	38.38
D. Appeared before Scheduled Date		0	0.00	0	0.00	0	0.00
E. Total Possible Jurors (A - (B+C+D))		28,440	58.86	1,127	67.81	29,567	59.16
F. Jurors that Failed to Appear		12,972	26.85	172	10.35	13,144	26.30
G. Jurors that Appeared As Scheduled		12,938		906		13,844	
H. Yield From Scheduled (G / A) * 100			26.78%		54.51%		27.70%
I. Yield from Total Possible (G / E) * 100			45.49%		80.39%		46.82%
J. With Schedule Change After Scheduled Date		234	0.48	36	2.17	270	0.54
K. With Service End After Scheduled Date		2,176	4.50	13	0.78	2,189	4.38
L. Unscheduled Appearance After Scheduled Date		0	0.00	0	0.00	0	0.00
M. Total Expected Jurors (E - (J + K + L))		26,030	0.00	1,078	0.00	27,108	0.00
N. Yield From Expected (G / M) * 100			49.70%		84.04%		51.07%

*Fort Bend County District Clerk*

The information examined in this chapter represents the combined totals for all of the above courts. Information was entered into an Excel spreadsheet for each court, for each year, and then summed for the yearly totals for all courts combined.

### **Methodology for Standardizing Results Provided by Fort Bend County**

As previously mentioned, based on a review of the December 2002 report by the Texas Judicial Council Subcommittee on Juries standardized categories were determined in order to compare information across counties.

The manner in which the categories of information provided by Fort Bend County were extrapolated to the standardized categories is as follows:

<b>Category Provided by Fort Bend County</b>	<b>Standardized Category</b>
Jurors Scheduled to Appear	Total Summons Mailed
Undeliverable from Chart C + Undeliverable from Chart K	Summons Returned/Undeliverable
Jurors that Failed to Appear	Failed to Appear
With Schedule Change Before Scheduled Date + All others from Chart C + With Schedule Change After Scheduled Date + All others from Chart K + Unscheduled Appearance After Scheduled Date	Disqual/Exempt/Postpone/Excused
Jurors that Appeared as Scheduled	Eligible/Participating Jurors

As previously mentioned, in addition to the chart provided in the previous section Fort Bend County also provided two supporting charts of “Excuses,” one labeled “Chart C” which represents jurors “with service end on or before scheduled date” and is shown as a line in the table above, and one labeled “Chart K” which represents jurors with “service end after scheduled date;” which is also shown as a line in the table above.

Each of these charts included a variety of subcategory of excuses, including “Undeliverable.” In order to extrapolate this information to the standardized categories the excuses in Chart C and Chart K labeled as “Undeliverable” were summed to represent “Summons Returned/Undeliverable.”

The charts of excuses provided by Fort Bend County also included the category “Group cancelled.” Because this group was included among the chart of excuses provided by Fort Bend County these jurors have been included with “Disqual/Exempt/Postpone/Excused” for purposes of the standardized analysis in the chart on the next page. Additional details related to “cancelled jurors” were not specifically sought; however this could be a further line of future inquiry and analysis.

### **“Participation” in Fort Bend County in 2013 Equaled 30.64%**

The chart on the following page represents the numbers of individuals that fell into each category for 2010 – 2013, based on the methodology of calculation and analysis discussed in the previous section.

A review of the data provided by Fort Bend County showed that at times there was a discrepancy in the numbers provided.

As previously mentioned, the standardized format being used is based on a review of the December 2002 report by the Texas Judicial Council Subcommittee on Juries. Under this format the sum of summons returned or undeliverable, disqualified jurors, jurors that failed to appear, and eligible jurors should equal the total summons mailed.

However, this rule did not always apply with the numbers provided by Fort Bend County. Based on a review and analysis of the data provided by Fort Bend County it could not be determined why the discrepancy occurred, additionally, it did not occur for every court in each year, but only in a selected number of instances.

Therefore, in the chart below, for Fort Bend County, the discrepancy has been noted as “Unaccounted for Jurors.” Given the low number of the discrepancy it should have little bearing on the calculation for the “Participation” rate.

	2010	2011	2012	2013
Total Summons Mailed	79,221	81,094	78,926	73,794
Summons Returned/Undeliverable	13,500	8,757	8,284	10,261
Failed to Appear	19,978	20,274	16,140	16,021
Disqual/Exempt/Postpone/Excused	24,365	29,694	29,795	24,903
Unaccounted for Jurors	89	131	72	(1)
Eligible/Participating Jurors	21,289	22,238	24,635	22,610

The following is the percentage of “Participation” for each year calculated as eligible jurors divided by total summons mailed.

	2010	2011	2012	2013
“Participation” (Eligible jurors/Total Summons mailed)	26.87%	27.42%	31.21%	30.64%

### **Only 25% of Those Summoned for Jury Duty in 2004 in Fort Bend County Showed Up**

According to the *Houston Chronicle* in 2004 only about 25% of those summoned for jury duty in Fort Bend County showed up.

**HEADLINE: Serving as juror not popular in Fort Bend**

Depending on who you talk to, getting called for jury duty is either an exciting opportunity to participate in the court system or an anxiety generator to be avoided at all costs.

Just the mere mention of jury duty is enough to make some cringe. Factor in an often grueling commute and the inevitable parking hassles, and it's enough to make people head out the door the other way...

[continued on next page...]

While only 25 percent of those who are summoned for jury duty actually show up, the number is high enough for the courts to function smoothly, officials said...

Each month, about 5,000 jury summonses are mailed to Fort Bend County residents at an average cost of about \$ 2,000 per month, said Kathleen Barnes, the county's fiscal coordinator.

*Houston Chronicle, March 04, 2004*

## **Dozens Faced Contempt Charges for Failing to Appear for Jury Duty in 2005**

In 2005, a Fort Bend County judge issued summonses for dozens of people that failed to show up for jury duty after the court faced a shortfall of jurors. According to the *Houston Chronicle*, the Fort Bend County court in question usually had about 20% to 25% of those called for jury duty appear.

**HEADLINE: This time, jurors are the guilty ones; No-shows called before Fort Bend County judge say they will be in court as promised**

Dozens of people avoided contempt of court charges and possible fines by agreeing to appear for jury duty in the next 90 days.

A Fort Bend County judge summoned the people to court and asked them to explain why they didn't appear for jury duty last month...

The decision to summon the no-shows to court was made because on Aug. 23, the county did not have enough people to fill juries for the day's trials. Bailiffs had to roam courthouse hallways and press into service whomever they could find for jury duty.

It was the first time in several years the county ran short of jurors. But Culver said judges have been concerned recently that fewer people are appearing for jury service and the decision was made to summon all the people who did not show up for the Aug. 30 jury call and have them explain why they were absent.

State law says failing to appear for jury duty can result in contempt of court charges with fines ranging from \$ 100 to \$ 1,000...

The county usually calls about 750 people to jury duty each Tuesday and about 20 to 25 percent normally appear.

Fort Bend County's numbers are dwarfed by the number of jurors who are summoned each week in Harris County.

*Houston Chronicle, September 17, 2005*

# Gregg County\*

## **PIA Results – Request Pending**

A request to the Gregg County District Clerk for various statistics related to jury participation is still pending and will be reviewed upon receipt.

Repeated phone calls and emails to Barbara Hensley, the individual handling the request for the Gregg County District Clerk have gone unreturned. However, according to Hensley the county will only be able to provide a years' worth of information and it will be several more weeks before it is available.

This is because a good portion of the information in Gregg County is not kept electronically; therefore the District Clerk's office has to manually go through all the juror cards to gather the information.

As of June 23, 2014, Hensley has indicated the county is still working on compiling the information and will provide it once it is available.

## **News Coverage of Jury Participation in Gregg County – None Found**

Searches of internet search engines, *Nexis*, and *Newsbank* returned no results for articles related to jury participation rates in Gregg County from 2003 – present.

# Harris County

## Detail of Raw Data Provided by Harris County

Harris County provided an Excel spreadsheet that contained the following information requested for each year.

	A	B	C	D	E	F	G	H	I	J
1										
2	<b>Harris County Juror Stats for 2010-2013</b>									
3	<b>YEAR</b>	<b>Jurors Summone d</b>	<b>Jurors Responded</b>	<b>Qualified Jurors</b>	<b>Jurors Served</b>	<b>Total Postponed</b>	<b>Total Excused</b>	<b>Undeliverabl e</b>	<b>Failed to Appear</b>	<b>Diff Responding vs Not Responding</b>
4										
5	2010	563,565	447,970	117,584	77,712	35,660	139,653	155,073	115,595	332,375
6										
7	2011	512,563	416,160	123,584	81,833	49,080	136,715	106,781	96,403	319,757
8										
9	2012	458,720	384,477	131,836	73,413	43,533	125,635	83,473	74,243	310,234
10										
11	2013	408,292	337,840	108,358	77,033	47,369	103,277	78,836	70,452	267,388
12										

*Harris County District Clerk*

## Methodology for Standardizing Results Provided by Harris County

As previously mentioned, based on a review of the December 2002 report by the Texas Judicial Council Subcommittee on Juries standardized categories were determined in order to compare information across counties.

The manner in which the categories of information provided by Harris County were extrapolated to the standardized categories is as follows:

Category Provided by Harris County	Standardized Category
Jurors Summoned	Total Summons Mailed
Undeliverable	Summons Returned/Undeliverable
Failed to Appear	Failed to Appear
Total Postponed + Total Excused	Disqual/Exempt/Postpone/Excused
Qualified Jurors	Eligible/Participating Jurors

As shown above, Harris County also provided numbers for “Diff Responding vs Not Responding,” “Jurors Responded,” and “Jurors Served;” however “Qualified Jurors” was the category determined to correlate to “Eligible/Participating Jurors” because when added to the other categories (summons returned, disqualified jurors, and jurors that failed to appear) it equaled the number of total summons mailed.

Adding “Diff Responding vs Not Responding,” “Jurors Responded,” or “Jurors Served” to the other categories did not yield this same result. Therefore, these categories of information provided by Harris County were not deemed relevant to the analysis and standardized calculations in the next section of this chapter.

### **“Participation” in Harris County in 2013 Equaled 26.54%**

The following chart represents the numbers of individuals that fell into each category for 2010 – 2013, based on the methodology of calculation and analysis discussed in the previous section.

	2010	2011	2012	2013
Total Summons Mailed	563,565	512,563	458,720	408,292
Summons Returned/Undeliverable	155,073	106,781	83,473	78,836
Failed to Appear	115,595	96,403	74,243	70,452
Disqual/Exempt/Postpone/Excused	175,313	185,795	169,168	150,646
Eligible/Participating Jurors	117,584	123,584	131,836	108,358

The chart on the following page shows the percentage of “Participation” for each year calculated as eligible jurors divided by total summons mailed.

	2010	2011	2012	2013
“Participation” (Eligible jurors/Total Summons mailed)	20.86%	24.11%	28.74%	26.54%

### **Participation in Harris County Ranged from 5% to 35% in 2004 Depending on Zip Code**

According to the *Associated Press*, in 2004 Harris County jury participation ranged from 5% to 35% depending on zip code, with response rates being higher among the more affluent neighborhoods and low-income minority neighborhoods having lower response rates.

#### **HEADLINE: Newspaper: Harris County whites show up more for jury duty**

Residents of Harris County's predominantly white, affluent neighborhoods are up to seven times more likely to show up for jury duty than those in the county's lower-income, mostly minority neighborhoods, a newspaper study found.

The low turnout from some pockets of the county skews the racial, cultural and economic makeup of the jury pools from which juries are chosen, the *Houston Chronicle* reported Sunday...

More than 772,000 residents were summoned for jury duty in 2004, with a wide range of response rates among the county's more than 140 ZIP codes, according to the *Chronicle's* analysis of data from the Harris County District Clerk's Office.

[continued on next page...]

While the average turnout for residents summoned to jury duty hovers around 17 percent, an examination of individual ZIP codes reveals turnout ranging from 5 percent to 35 percent.

The 10 ZIP codes with the highest turnout, all exceeding 30 percent, are predominantly white, with a median annual income of \$77,083.

The 10 ZIP codes with the lowest turnout, all below 10 percent, have populations that are predominantly Hispanic or black. Those areas had a median income of \$29,636.

While predominantly black neighborhoods showed below-average turnout, the areas with the lowest jury participation were Hispanic.

Jury summonses were sent out at an almost identical rate, relative to the district clerk's master list of available jurors, compiled using names from voter-registration rolls and the state Department of Motor Vehicles.

Court officials point to a variety of causes for the imbalance, including apathy among many residents, low juror pay - \$6 a day, unchanged since 1978 - and limited English proficiency among some Hispanics.

Also, some Hispanics receive summonses because they have valid driver's licenses, but they can't serve on juries because they are not U.S. citizens.

*Associated Press State & Local Wire, March 6, 2005*

## **Juror Participation was 17% in Harris County Prior to Pay Increase**

According to the *Houston Chronicle*, jury participation in Harris County was 17% before the pay increase was passed.

**HEADLINE:** With new year comes a new set of Texas laws; Jurors get their first pay raise in 50 years; officials will get trained in open government

The new year greeted Texans with a handful of new state laws, including one raising jurors' pay and another designed to promote more openness in government.

Effective Sunday, the laws were enacted by the Legislature last spring.

The jury law, sponsored by state Sen. Rodney Ellis, D-Houston, gives jurors their first pay raise in more than 50 years. Compensation increases to \$40 a day from \$6 a day, beginning with a person's second day of service. The first day's pay will remain at \$6...

Advocates hope that the raise will increase participation in the jury system, particularly by low-income people and minorities.

Despite sanctions that can be levied against people who don't report for jury duty, a study by the *Chronicle* showed the overall jury participation rate in Harris County was 17 percent.

*Houston Chronicle, January 2, 2006*

## **Jury Turnout in Harris County Went Up by 2% to 3% Immediately Following Pay Increase**

According to the *Houston Chronicle*, the Harris County District Clerk noted in 2007 that jury turnout had increased 2% to 3% in the year following the implementation of the juror pay raise.

**HEADLINE: JUROR PAY; Added benefit to civic duty; Those picked for juries get a surprise - \$27.50 more a day**

Although being picked for a jury is still a pain in the neck, it's not quite the pain in the pocketbook it was a year and a half ago.

Word that a year-old state law raised juror pay from \$12.50 a day after the first day to \$40 a day has spread slowly. Jurors are surprised when they find out about the raise, state District Judge Mark Ellis said recently...

District Clerk Charles Bacarisse agreed that hourly employees, commissioned employees and the self-employed face challenges to jury service. But, he said, civic responsibility isn't always convenient.

"It is an imposition, but it's an important obligation," he said. "It's the one time most citizens can be directly involved with government."

Bacarisse credits the pay raise for only part of the past two years' 2 percent to 3 percent uptick in average turnout for residents summoned to jury duty. In 2004, the turnout in Harris County was only about 17 percent.

*Houston Chronicle, May 21, 2007*

## **Juror Response Rate was 37% in Harris County in 2012**

According to the *Houston Chronicle*, jury participation in Harris County increased from 30% in 2010 to 37% in 2012.

As previously mentioned, using the standardized calculation of eligible jurors divided by total summons mailed to calculate participation, the rate of participation for Harris County in 2012 was 28.74%. It is unclear how the *Houston Chronicle* calculated the participation rate to obtain the 37% number and a review of the information provided by the Harris County District Clerk does not provide any insight into how a 37% participation rate would have been arrived at.

**HEADLINE: Only a third of those summoned for jury duty show up**

Less than a third of Harris County residents summoned to jury duty appear for service, and even more simply ignore the order altogether.

"It is a constitutional duty," said Harris County District Clerk Chris Daniel, whose office keeps records for about 75 courts, prepares daily court dockets, summons jurors and receives child support payments.

[continued on next page...]

Daniel spoke Wednesday during a news conference to unveil billboards as part of his office's latest awareness campaign to increase participation in jury duty.

Since Daniel took office in 2010, the percentage of summoned residents who show up for duty has risen from 30 percent to 34 percent, peaking at 37 percent last year. Urban counties statewide report similar response rates.

*Houston Chronicle, December 4, 2013*

# Hidalgo County\*\*

## Detail of Raw Data Provided by Hidalgo County

Hidalgo County originally provided an Excel spreadsheet that contained the information requested for each year along with some additional notes regarding the data. Specifically, related to the reporting of information in 2010.

	A	B	C	D	E
1	<b>Hidalgo County Jury Pool Analysis Report</b>				
2		<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
3	Jurors Summoned	65,100	89,619	90,267	87,326
4	Jurors Responding	36,608	55,999	50,560	51,995
5	Undeliverable Summons	5,385	7,996	7,419	5,984
6	Selected Jurors	11,555	16,608	18,224	16,893
7	Jury Postponement	n/a	1,750	2,633	3,290
8	FTA	29,687	37,891	43,301	37,953
9	Jurors Excused	8,883	12,032	10,470	12,215
10	Notes:	2010 marks the transition to a new jury software. Reported data reflects the following time period only: April - December 2010. Further, postponement data is unavailalbe. Jury staff during that time were not properly trained, hence data was not fully captured.			

*Hidalgo County District Clerk*

In response to a follow-up request, discussed in more detail in the next section, Hidalgo County also provided the following information via email.

The following are the numbers of total "qualified jurors" as you requested for the referenced years:

2010: 16,446  
 2011: 17,438  
 2012: 22,312  
 2013: 16,921

We appreciate the opportunity to assist your. Please feel free to contact me if you have any questions or require additional information.

*Hidalgo County District Clerk*

## Methodology for Standardizing Results Provided by Hidalgo County

As previously mentioned, based on a review of the December 2002 report by the Texas Judicial Council Subcommittee on Juries standardized categories were determined in order to compare information across counties.

The manner in which the categories of information provided by Hidalgo County were extrapolated to the standardized categories is as follows:

Category Provided by Hidalgo County	Standardized Category
Jurors Summoned	Total Summons Mailed
Undeliverable Summons	Summons Returned/Undeliverable
FTA	Failed to Appear
Jury Postponement + Jurors Excused	Disqual/Exempt/Postpone/Excused
None; Calculated as follows: Jurors summoned – (Undeliverable summons + Jury Postponement + Jurors excused + FTA)	Eligible/Participating Jurors #1
Qualified Jurors	Eligible/Participating Jurors #2

Hidalgo County provided numbers for “Jurors responding” and “Selected jurors;” however it was unclear based on the information provided how these numbers were calculated and correspond to the standardized categories.

Adding “Jurors responding” or “Selected jurors” to the other categories (summons returned, disqualified jurors, and jurors that failed to appear) did not equal the sum of the total summons mailed. Therefore, it was determined that neither of these categories could be used to correlate to “Eligible/Participating Jurors.” Instead “Eligible/Participating Jurors” was calculated using the previously mentioned method and these other categories of information provided by Hidalgo County were not deemed relevant to the analysis and standardized calculations in the next section of this chapter. This calculation is noted in the chart as “Eligible/Participating Jurors #1.”

Per Ricardo Contreras, the Chief of Administration for the Hidalgo County District Clerk the information originally provided by Hidalgo County did not include a number that corresponds to “Eligible/Participating Jurors.”

This information was requested, however Hidalgo County provided significantly different numbers for “Eligible/Participating Jurors” than what was calculated using the standardized equation in this report. The number provided by the county in response to the follow-up inquiry is noted in the chart as “Eligible/Participating Jurors #2.”

Several additional calls and emails were sent to Contreras, for clarification, who indicated that the information is tracked by an outside jury software provider and until our inquiry the county was not entirely clear on how the information provided by the software in various categories related to one another. Essentially, according to Contreras they county was not entirely clear on what they were looking at when provided reports by the software company. The county is currently following up with the software provider to determine how the discrepancy occurred.

In the next section of this report both the original information and the number for “Eligible/Participating Jurors” using our calculation is presented as well as the numbers provided by Hidalgo County for “Eligible/Participating Jurors.” Additionally, two separate calculation for jury participation rates is included using the two different sets of numbers for “Eligible/Participating Jurors.”

### **“Participation” in Hidalgo County Unclear Based on Current Information Available**

The following chart represents the numbers of individuals that fell into each category for 2010 – 2013, based on the methodology of calculation and analysis discussed in the previous section.

	2010	2011	2012	2013
Total Summons Mailed	65,100	89,619	90,267	87,326
Summons Returned/Undeliverable	5,385	7,996	7,419	5,984
Failed to Appear	29,687	37,891	43,301	37,953
Disqual/Exempt/Postpone/Excused	n/a	13,782	13,103	15,505
Eligible/Participating Jurors #1	n/a	29,950	26,444	27,884
Eligible/Participating Jurors #2	16,446	17,438	22,312	16,921

According to the Hidalgo County District Clerk, 2010 marked the transition to new jury software. Reported data reflects the following time period only: April -December 2010 and postponement data is unavailable for that year.

As a result the number of “Disqual/Exempt/Postpone/Excused” jurors and therefore “Eligible/Participating Jurors #1” could not be properly calculated for that year given the available data provided by Hidalgo County. For this reason the participation rate was also not calculated for Hidalgo County in 2010.

As previously mentioned, Hidalgo County originally did not provide a number that represents “Eligible/Participating Jurors #1” therefore for purposes of the chart below this number has been calculated using the previously mentioned methodology and used for participation rates.

The following is the percentage of “Participation” for each year calculated as eligible jurors divided by total summons mailed.

	2010	2011	2012	2013
“Participation” (Eligible jurors #1/Total Summons mailed)	n/a	33.42%	29.30%	31.93%

However, as shown above and discussed previously, Hidalgo County did provide a number of “Eligible/Participating Jurors #2” in response to a follow-up request. These numbers have been used to calculate participation rates in the chart below.

	2010	2011	2012	2013
“Participation” (Eligible jurors #2/Total Summons mailed)	25.26%	19.46%	24.72%	19.38%

## Eligible Respondents Reported by Hidalgo County in 2001 were 70.50%

As previously mentioned, the Subcommittee on Juries published a supplemental report in December 2002, almost two years after the initial report.

As part of the report a County Jury Coordinator Questionnaire was distributed to the district clerks of each county in the state. The results of this survey provided statistical information about the average response rates to juror summonses, based on county size. The results from Hidalgo County are shown in the chart below.

Population	Undeliverable	No Response	Eligible Respondent	Disqualified/Exempt
569,463	9.10%	6.80%	70.50%	13.60%

*"Jury Service: Participation and Pay in Texas"  
Subcommittee on Juries (Texas Judicial Counsel), December 2002*

## Response Rate Decreased in 2010 Following Implementation of New Electronic Summons System

According to the *Monitor*, a local newspaper, the Hidalgo County District Clerk saw a lower response rate in 2010 after the implementation of a new online summons system. Under the old system 600 questionnaires yielded 500 responses, but under the new system that number dropped to 100.

**HEADLINE: New jury summons system likely at fault for low response**

**Parking spots are scarce outside the Hidalgo County Courthouse on jury selection days.**

**But in the last two weeks, Hidalgo County District Clerk Laura Hinojosa has struggled to fill the courthouse's auditorium with potential jurors for the first time in her three years in office.**

**The low response rate coincides with a new jury summons system that the district clerk's office launched in March to cut postage and administrative costs in identifying jurors.**

**While Hinojosa was hesitant to say the new system was completely at fault, she said public confusion over it could be contributing to the low response rate. On Tuesday, about 180 people out of the 600 summoned actually showed up for a special jury impanelment for the John Allen Rubio capital murder case...**

**The district clerk's office launched the new system — called ACS Juror Solutions — two weeks ago to significantly cut down on printing, postage and administrative costs...**

**Under the old system, the District Clerk's Office sent out an average of 3,500 qualification cards a week, typically yielding 900 responses. Then, some 600 questionnaires would yield about 500 jurors.**

**The District Clerk's Office sent out 600 questionnaires under the new system and saw less than 100 potential jurors report for duty this week. The office will send out 1,000 questionnaires next week in hopes of generating a greater response.**

*Monitor (McAllen, TX), April 27, 2010*

## Hidalgo County Court Auditorium Lacks the Space to Accommodate 100% Participation

According to the *Monitor*, the Hidalgo County District Court relies on a low participation rate to meet their jury needs, largely because the court house auditorium does not have the room to accommodate more people.

### HEADLINE: Hidalgo County squeezed for jury selection space

When it comes to finding enough jurors for cases in 21 courts, employees with the Hidalgo County District Clerk's Office said they are working with what they have...

But the auditorium only has 210 seats, so inevitably latecomers or chivalrous potential jurors stand in the back of the room until the crowd is whittled down by District Clerk's Office employees and then a district judge.

Those 250 people are only a fraction of the 1,200 to 1,800 people randomly selected weekly from voter registration rolls and a list of people with county addresses on their driver's licenses. In a typical year, about 7 percent of summons never make it to the potential juror and are returned, according to data from the District Clerk's Office. The rest request to postpone their jury duty, claim an exemption or disqualification or — the illegal option — never respond.

But because of the limited space, the District Clerk's Office couldn't handle more people if they did answer, said Ricardo Contreras, chief of administration and public information for the District Clerk's Office.

"The auditorium is an issue because even if our jury summons yield 100 percent participation, with 1,200 jurors, where would we put them?" Contreras said. "Right now we send out the amount of jury summons that we do because we know that it's going to yield about 250, 300 people, which is just enough."

Even finding those 250 or 300 jurors is sometimes difficult, Contreras said.

That's why the 11 district judges who conduct the empanelment sessions on a rotating schedule try to keep as many people in those 210 auditorium seats at each empanelment as possible.

*Monitor (McAllen, TX), May 4, 2014*

# Montgomery County

## Detail of Raw Data Provided by Montgomery County

Montgomery County originally provided a Word document that included a table of data. This information was entered into an Excel spreadsheet. Information was provided for 2010 – 2013, however according to Montgomery County only partial data was available for 2010 and 2011, therefore for purposes of this report only data for 2012 and 2013 will be considered.

However, after analysis of the data provided by Montgomery County it could not be determined how several of the categories provided by Montgomery County would be extrapolated to the standardized categories used throughout this report.

Clarification and additional information was requested from the Montgomery County District Clerk. The following tables of information were provided in an email, in response to this follow-up request.

However, per Ed Stokes, Montgomery County Jury Coordinator, only information for 2012 and 2013 was available. Additionally, the table provided in the email has been split into two tables in order to fit below.

	A	E	D	E	D	D	D	B	C	E
	ORDER	EJS	CANC	WALK	REL WALK	REL BY	EXEMPT	NO	NO	XFER
			EJS	INS	INS	COURT	DISQUAL	ADDRESS	REPLY	
2013	120481	12386	5022	2464	2681	976	16928	10609	68157	2160
2012	126817	11948	5084	2389	2401	602	19133	19362	66396	2575

*Montgomery County District Clerk*

	B+C+D+E=A			
				+5 WEEKS
		ORDERED	DIFFERENCE	-5 WEEKS
2013	121383	120481	902	90
2012	129890	126817	-3073	-307
			ave	-109

*Montgomery County District Clerk*

As shown, Montgomery County provided several categories of information, many of which were labeled with the same letter, and also provided a calculation of these categories and the difference between this calculation and the number ordered. This was based on a phone conversation with Ed Stokes in order to get information that correlated to the standardized categories used in this report. The way this information does relate to the standardized categories is discussed in the next section.

## **Methodology for Standardizing Results Provided by Montgomery County**

As previously mentioned, based on a review of the December 2002 report by the Texas Judicial Council Subcommittee on Juries standardized categories were determined in order to compare information across counties.

The manner in which the categories of information provided by Montgomery County were extrapolated to the standardized categories is as follows:

<b>Category Provided by Montgomery County</b>	<b>Standardized Category</b>
Order	Total Summons Mailed
No Address	Summons Returned/Undeliverable
No Reply	Failed to Appear
Canc EJS + Rel Walk Ins + Rel by Court + Exempt/Disqual	Disqual/Exempt/Postpone/Excused
EJS + Walk Ins + Xfer	Eligible/Participating Jurors

The categories provided by Montgomery County were extrapolated to the standardized categories in direct accordance with instructions from Montgomery County. An email to Ed Stokes, Montgomery County Jury Coordinator, requested the following:

- A. Total summons mailed
- B. Summons that were returned or undeliverable
- C. Jurors that failed to appear (i.e. the people that did not respond to the summons in any way and essentially ignored that they ever received it)
- D. Jurors that responded but were disqualified/exempt/excused/postpone (Per a phone conversation with Ed Stokes this happens in Montgomery County both before jurors get to the court house and also after they come before the judge.)
- E. Eligible and participating jurors (This is all the individuals that show up on the specified day for jury service, whether they are placed on a jury or not)

As shown, in the previous section of this chapter, Montgomery County, in response provided information that had each category labeled with one of the corresponding letters from above.

### **“Participation” in Montgomery County in 2013 Equaled 14.12%**

The chart below represents the numbers of individuals that fell into each category for 2012 – 2013, based on the methodology of calculation and analysis discussed in the previous section.

A review of the data provided by Montgomery County showed there was a discrepancy in the numbers provided, which was also noted in the information provided by Montgomery County.

As previously mentioned, the standardized format being used is based on a review of the December 2002 report by the Texas Judicial Council Subcommittee on Juries.

Under this format the sum of summons returned/undeliverable, disqualified jurors, jurors that failed to appear, and eligible jurors should equal the total summons mailed. However, this rule did not apply with the numbers provided by Montgomery County.

Per Ed Stokes, Montgomery County Jury Coordinator there are five (5) weeks of jurors prior to the beginning of each year and five (5) weeks after each year that have been mailed and the jurors may change the date they appear for duty. So if a juror takes advantage of all the weeks available to them from the moment they receive their jury summons there is a ten (10) week window that they can choose a date from, this works out to around 200 plus or minus, jurors a week out of 2-3 thousand per week that may unbalance the figures from coming out exactly even.

Therefore, in the chart below, for Montgomery County, the discrepancy is noted as “Unaccounted for jurors.”

	2010	2011	2012	2013
Total Summons Mailed	n/a	n/a	126,817	120,481
Summons Returned/Undeliverable	n/a	n/a	19,362	10,609
Failed to Appear	n/a	n/a	66,396	68,157
Disqual/Exempt/Postpone/Excused	n/a	n/a	27,220	25,607
Unaccounted for Jurors	n/a	n/a	-3,073	-902
Eligible/Participating Jurors	n/a	n/a	16,912	17,010

The following is the percentage of “Participation” for each year calculated as eligible jurors divided by total summons mailed.

	2010	2011	2012	2013
“Participation” (Eligible jurors/Total Summons mailed)	n/a	n/a	13.34%	14.12%

### **Montgomery County Tested Cost-Saving Online Jury Selection System in 2007**

In 2007, Montgomery County started to offer an online jury duty selection system that was expected to reduce the number of jurors who had to show up to the court in response to a summons.

According to the *Houston Chronicle*, under the system jurors would be able to check in and find out if they were exempt or excused from jury service without having to go to the court. This would also save Montgomery County money because they would not have to pay as many jurors who appeared at the court. However, the article did not discuss how the new system was expected to impact participation rates.

**HEADLINE:** Montgomery County to offer online option for jury duty selection; Goal of system is to save time, streamline process

Beginning in 2008, Montgomery County is expected to offer an electronic option for jury services.

While the new system will not allow residents to decide criminal and civil trials from the comfort of their home or office, it will let potential jurors pick a day for service and avoid the Monday morning jury pool to be accepted or exempt from service...

In addition to saving time and travel for jurors, it is expected to decrease costs for the county and may even expand the jury pool for the courts.

Under the Montgomery County Electronic Jury, residents will have the option of using an online jury process when they get their jury summons in the mail. By accessing a designated Web site, the residents will find out if they qualify for jury service in the county or whether they can be exempt...

It also is expected to stop the crunch for juries on Mondays, which often results in delays as judges wait for panels to be finished in other courtrooms, Edwards said.

In addition to qualifying jurors, the new system also will help those assigned to courtrooms and cases by notifying them of delays or settlements by e-mail, Adamick said.

The new system may save the county thousands of dollars a week because it will reduce the number and frequency of jury pools that have to report to the Crighton Theatre. Residents who report to the theater for jury service are paid \$10 for the first day and \$40 a day for each subsequent day of service. But if an online jury is excused or exempt, they don't have to be paid, Adamick said...

Montgomery County anticipates beginning a pilot program in all courts in November and hopes to fully implement the system by January 2008.

*Houston Chronicle, November 8, 2007*

# Nueces County

## Unable to Fulfill Request Because County Does Not Maintain Requested Data

Per Laura Garza Jimenez, Nueces County Attorney, the county is unable to fulfill our request because the county does not “maintain the statistical data” we requested.

However, the county did offer to provide various reports related to jury pools at a cost of \$1,793.40. Per instruction from the client team, the records will not be obtained at this cost.

The Office of Court Administration does not maintain the statistical data that you request. Therefore, various reports would have to be produced to include the number of pools per week

Ms. Claire Wendt  
June 24, 2014

(2-3 pools per week) for four years. The reports are voluminous and the time to prepare each report is time consuming.

Should you accept the Cost Estimate, upon payment, we will release the responsive information, which totals approximately 5,654 pages. Per the Office of Court Administration, the following is a written itemized statement of the charges that apply:

Pages	5,654	x	\$ .10	\$565.40
Labor	63 hours	x	\$15.00/hr.	\$945.00
Overhead	20%	x	\$945	\$189.00
Postage				\$ 94.00
<b>Total</b>				<b>\$1,793.40</b>

*Letter from Laura Garza Jimenez, Nueces County Attorney, Dated June 24, 2014*

## **Jurors Summoned in Nueces County in 2006 that Failed to Appear Equaled 25%**

According to the *Corpus Christi Caller-Times*, in 2007 35% of those individuals summoned for jury duty in Nueces County failed to show up. Another 20 – 25% were excused for valid reasons, shrinking the jury pool to about 40% of those originally summoned.

**HEADLINE: ABSENT JURORS HINDER SYSTEM; 35% of those summoned, or about 3,000 per month, fail to show up for duty**

On most Mondays - the day jury selections typically begin - cars snake around the Nueces County Courthouse parking lots in search of a spot and courthouse hallways are packed with people. Even with the crowd, there still is something missing - on jury summons day, 35 percent of people called don't show.

"We're having a real problem with people not showing up," said District Judge Nelva Gonzales-Ramos. "Without people showing up, we can't do our job."

Anne Lorentzen, court administrator, said that while the number of summons depends on the needs of each court, she mails out an average of 8,500 summons per month, or about 2,100 each week. The courts depend on people to adhere to the summons and show up...

The no-shows cause court officials to run through the list of potential jurors quicker. And once the number of those who are excused from jury duty for valid reasons - about 20 percent to 25 percent of those called - is factored in, the jury pool shrinks to about 40 percent of those summoned, Lorentzen said...

Although the percentage of people not showing up for jury summons has decreased from 40 percent to 35 percent during the past three years, Lorentzen said, the issue is important enough that judges have been watching the numbers.

### **JURY DUTY BY THE NUMBERS**

35% of people summoned for jury duty do not show up

20-25% of people are excused for valid reasons

8,500 is the average number of summons mailed each month

650-750 jurors are summoned for a capital murder trial

150-200 people are left in a capital murder trial jury pool after no-shows and excuses are counted

*Corpus Christi Caller-Times, February 27, 2006*

## **Jury Pool for Nueces County was about 30% in 2012**

According to the *Corpus Christi Caller-Times*, in 2012 the jury pool for Nueces County was about 30%; a number the county felt should be increased. As a result, Nueces County began exploring an online jury system.

**HEADLINE: County looks to overhaul jury system**

An overhaul of the Nueces County jury system could change the day jury call is held and create a designated parking lot for potential jurors.

The new plan may be in place by the end of the year. Potential jurors would have a choice between responding online or coming to a Thursday jury call. Jury call day currently is Monday. Those who respond online would not be required to show up on Thursdays. Instead, they would be sent an email telling them when and where to report once they've been assigned to a jury...

The new system also would send a second letter to people who haven't responded. Anne Lorentzen, court administrator, must send out 1,800 jury summons for 500-600 people to respond.

"We've got to improve the pool from 30 percent," Watts said.

Travis County, which impanels juries online, only recently stopped leasing space for its jurors to report en masse as 95 percent of its population uses the Internet to respond. Now, those who don't respond online show up to the office. But that kind of response has taken time to develop.

"It took Travis County 10 years to get to the point where they're out of the Civic Center," Lorentzen cautioned judges and attorneys.

Watts responded, "If we don't start now we'll never get there."

*Corpus Christi Caller-Times, June 24, 2012*

# Smith County

## Unable to Provide Records to PIA Request Due to Outdated System

Per Thomas Wilson, Assistant District Attorney with Smith County, the District Clerk is unable to provide the records requested, because the county has been operating with outdated software for jury processing until this year.

After reviewing your Request for Information and speaking with the District Clerk it seems that a majority of the information you have requested is not available within our old jury processing system. However, our new system would be able to provide you with some of your requested information, but not for the relevant years. As far as the information that would be available (e.g. "Total number of juror summonses mailed" from 2010-2013) the District Clerk would only be able to provide an estimate based on the number of jury weeks for that year and the number of summons that are typically sent out. Unfortunately, up until this year we have been using an outdated computer program for jury processing. If you are still needing the information please let me know, and we can make arrangement to get you the information we have available along with an estimated cost. If you have any questions please let me know.

Sincerely,

Thomas Wilson  
Assistant District Attorney  
Smith County District Attorney's Office  
100 N. Broadway Ave.  
Tyler, TX 75702  
(903) 590-4629 (p)  
(903) 590-4647 (f)

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*Email from Thomas Wilson, Smith County, Dated June 11, 2014*

As indicated in the email above, some estimated number of summons sent out is available from Smith County. This information has been requested and will be reviewed upon receipt.

## News Coverage of Jury Participation in Smith County – None Found

Searches of internet search engines, *Nexis*, and *Newsbank* returned no results for articles related to jury participation rates in Smith County from 2003 – present.

# Tarrant County

## Detail of Raw Data Provided by Tarrant County

Tarrant County provided a Word document that included written responses with further explanation regarding the way each category was defined and the numbers for each category, a portion of which is shown below.

<b>Tarrant County Jury Participation Rates 2010, 2011, 2012, 2013</b>	
<b>Total number of summoned jurors; we use 100% of our deferrals so the deferral count is included here:</b>	
2010 -	185,365
2011 -	184,369
2012 -	194,650
2013 -	209,403
<b>Total number of jurors not responding/failed to appear:</b>	
2010 -	29,658
2011 -	23,968
2012 -	31,144
2013 -	31,410
<b>Total number of summons undelivered:</b>	
2010 -	52,513
2011 -	53,225
2012 -	40,888
2013 -	56,095

*Tarrant County District Clerk*

However, this information was not provided in chart form, so it was entered into an Excel spreadsheet, as follows:

<b>TARRANT</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Total Summoned Jurors	185,365	184,369	194,650	209,403
Jurors Not Responding/Failed to Appear	29,658	23,968	31,144	31,410
Summons Undelivered	52,513	53,225	40,888	56,095
Disqualified to Serve/Exempt	29,658	20,230	21,412	25,128
Confirmed for Service/Placed on Panel	55,287	60,842	72,021	61,482
Actual Sworn Jurors	4,755	3,878	5,827	5,972
Jurors Deferring Service	21,550	22,124	20,398	29,415
Jurors Excused	13,494	22,124	23,358	29,316

*Tarrant County District Clerk*

Tarrant County provided several categories in addition to those requested. As discussed in the next section, additional clarification and explanation for how each category corresponds to the standardized categories was also provided through email and telephone conversation with Paula Morales in the Tarrant County District Clerk’s office.

### **Methodology for Standardizing Results Provided by Tarrant County**

As previously mentioned, based on a review of the December 2002 report by the Texas Judicial Council Subcommittee on Juries standardized categories were determined in order to compare information across counties.

The manner in which the categories of information provided by Tarrant County were extrapolated to the standardized categories is as follows:

<b>Category Provided by Tarrant County</b>	<b>Standardized Category</b>
Total Summoned Jurors	Total Summons Mailed
Summons Undelivered	Summons Returned/Undeliverable
Jurors Not Responding/Failed to Appear	Failed to Appear
Disqualified to Serve/Exempt + Jurors Excused	Disqual/Exempt/Postpone/Excused
Confirmed for Service + Actual Sworn Jurors	Eligible/Participating Jurors

Per Paula Morales, at the Tarrant County District Clerk’s office, the number the District Clerk provided for “Jurors Deferring Service” is already included in the number of “Total Summoned Jurors” and should not be included again to avoid double counting those jurors.

Therefore, “Total Summoned Jurors” accurately represents the total summons mailed, and “Jurors Deferring Service” is a subset of that amount.

Additionally, the total number of jurors “Confirmed for Service” does not include “Actual Sworn Jurors,” therefore to obtain the number of “Eligible/Participating Jurors” for the purpose of this report; these numbers need to be added together. This was also confirmed by a phone call to Paula Morales.

Finally, “Jurors Excused” is also a separate number from “Disqualified to Serve/Exempt” and one is not a subset of the other, therefore per Paula Morales both of these numbers must be added together to get the total jurors “Disqual/Exempt/Postpone/Excused.”

**“Participation” in Tarrant County in 2013 Equaled 32.21%**

The following chart represents the numbers of individuals that fell into each category for 2010 – 2013, based on the methodology of calculation and analysis discussed in the previous section.

A review of the data provided by Tarrant County showed there was a discrepancy in the numbers provided for 2011.

As previously mentioned, the standardized format being used is based on a review of the December 2002 report by the Texas Judicial Council Subcommittee on Juries.

Under this format the sum of summons returned/undeliverable, disqualified jurors, jurors that failed to appear, and eligible jurors should equal the total summons mailed. However, this rule did not apply with the numbers provided by Tarrant County for 2011.

Per a conversation with Paula Morales, this discrepancy likely resulted from a conversion by their office to change the numbers in an internal report from percentages to the whole numbers they provided for this report in response to the PIA request.

Therefore, in the chart below, for Tarrant County, the discrepancy is noted for 2011 as “Unaccounted for jurors.” Given the low number of the discrepancy it should have little bearing on the calculation for the “Participation” rate.

	2010	2011	2012	2013
Total Summons Mailed	185,365	184,369	194,650	209,403
Summons Returned/Undeliverable	52,513	53,225	40,888	56,095
Failed to Appear	29,658	23,968	31,144	31,410
Disqual/Exempt/Postpone/Excused	43,152	42,354	44,770	54,444
Unaccounted for Jurors	0	102	0	0
Eligible/Participating Jurors	60,042	64,720	77,848	67,454

The following is the percentage of “Participation” for each year calculated as eligible jurors divided by total summons mailed.

	2010	2011	2012	2013
“Participation” (Eligible jurors/Total Summons mailed)	32.39%	35.10%	39.99%	32.21%

## **News Coverage of Jury Participation in Tarrant County – None Found**

Searches of internet search engines, *Nexis*, and *Newsbank* returned no results for articles related to jury participation rates in Tarrant County from 2003 – present.

There were a series of articles about a Tarrant County man who was sentenced to five days in jail in 2011, after repeatedly failing to appear for jury duty, however none of these articles included details about overall jury participation rates in the County.

# Travis County

## Detail of Raw Data Provided by Travis County

Travis County responded to the PIA request by providing a chart in the text of an email. This information was then entered into an Excel spreadsheet.

Period	Summoned	Postponed Out	Voters Returned	DL Returned	Assigned	Disqual/Exempt/Excused	Not Reporting
FY09	151000	3624	13513	35840	44472	37016	19971
FY10	145000	74	788	44618	47253	33395	18820
FY11	146885	112	4319	41213	43859	30028	27466
FY12	160000	75	19166	17643	47577	31167	44447
FY13	132001	18	20002	16866	43169	29120	22844

*Travis County District Clerk, Jury Management Office*

Travis County provided several categories in addition to those requested. As discussed in the next section, additional clarification and explanation for how each category corresponds to the standardized categories was also provided through email conversations with Nancy Tripp, Manager of the Travis County Jury Management Office.

## Methodology for Standardizing Results Provided by Travis County

As previously mentioned, based on a review of the December 2002 report by the Texas Judicial Council Subcommittee on Juries standardized categories were determined in order to compare information across counties.

The manner in which the categories of information provided by Travis County were extrapolated to the standardized categories is as follows:

Category Provided by Travis County	Standardized Category
Summoned	Total Summons Mailed
Voters Returned + DL Returned	Summons Returned/Undeliverable
Not Reporting	Failed to Appear
Disqual/Exempt/Excused	Disqual/Exempt/Postpone/Excused
Assigned	Eligible/Participating Jurors

Per Nancy Tripp, Manager of the Travis County Jury Management Office, the voters and DL return refer to the summonses that were returned undeliverable for address.

Additionally, per Nancy Tripp, the number assigned represents the number of jurors who either went online or registered in person and received an actual jury assignment. That number would also include jurors that went through the voir dire process and weren't selected.

Finally, although Travis County provided the number for "Postponed Out" it appears that number is already included in the number for "Summoned;" therefore it was not included to calculate "Disqual/Exempt/Postpone/Excused" in order to avoid double counting those individuals.

### **"Participation" in Travis County in 2013 Equaled 32.70%**

The chart below represents the numbers of individuals that fell into each category for 2010 – 2013, based on the methodology of calculation and analysis discussed in the previous section.

A review of the data provided by Travis County showed there was a discrepancy in the numbers provided for 2010.

As previously mentioned, the standardized format being used is based on a review of the December 2002 report by the Texas Judicial Council Subcommittee on Juries.

Under this format the sum of summons returned/undeliverable, disqualified jurors, jurors that failed to appear, and eligible jurors should equal the total summons mailed. However, this rule did not apply with the numbers provided by Travis County for 2010.

Therefore, in the chart below, for Travis County, the discrepancy is noted for 2010 as "Unaccounted for jurors." Given the low number of the discrepancy it should have little bearing on the calculation for the "Participation" rate.

	2010	2011	2012	2013
Total Summons Mailed	145,000	146,885	160,000	132,001
Summons Returned/Undeliverable	45,406	45,532	36,809	36,868
Failed to Appear	18,820	27,466	44,447	22,844
Disqual/Exempt/Postpone/Excused	33,395	30,028	31,167	29,120
Unaccounted for Jurors	126	0	0	0
Eligible/Participating Jurors	47,253	43,859	47,577	43,169

The following is the percentage of "Participation" for each year calculated as eligible jurors divided by total summons mailed.

	2010	2011	2012	2013
"Participation" (Eligible jurors/Total Summons mailed)	32.59%	29.86%	29.74%	32.70%

## Eligible Respondents Reported by Travis County in 2001 were 27.30%

As previously mentioned, the Subcommittee on Juries published a supplemental report in December 2002, almost two years after the initial report.

As part of the report a County Jury Coordinator Questionnaire was distributed to the district clerks of each county in the state. The results of this survey provided statistical information about the average response rates to juror summonses, based on county size. The results from Travis County are shown in the chart below.

Population	Undeliverable	No Response	Eligible Respondent	Disqualified/Exempt
812,280	28.10%	10.00%	27.30%	34.50%

*"Jury Service: Participation and Pay in Texas"  
Subcommittee on Juries (Texas Judicial Counsel), December 2002*

## Jurors Summoned in Travis County in 2003 Available for Service Equaled 30%

According to the *Austin American-Statesman*, in 2003 30% of potential jurors are available for service, with another 25% of summonses being returned undeliverable, 10% not responding, and 35% being excused.

### HEADLINE: In Travis, Internet takes driving out of jury call

It turns out people are more willing to serve on a jury if they can use the Internet to respond to the summons, at least in Travis County.

The county has been able to fill enough juries to hold 50 extra trials since introducing the program in March 2002, District Clerk Amalia Rodriguez-Mendoza said.

The program, called I-Jury, allows people to fill out a questionnaire on the Internet indicating whether they are qualified to serve on a jury or if they have exemptions that would exclude them. If they are qualified, they can also receive a trial assignment through e-mail...

The county summons more than 150,000 potential jurors a year. Thirty percent are available for service and are assigned to a court. Eighty-five percent of the people available for trials use I-Jury, at [www.co.travis.tx.us/jury](http://www.co.travis.tx.us/jury).

Twenty-five percent of the summonses are returned because of bad addresses, 10 percent of those summoned do not respond, and 35 percent are excused.

*Austin American-Statesman, October 14, 2003*

## About 40% of Jurors Summoned in 2007 were Eligible for Service

In 2007, about 40% of jurors summoned ended up being eligible for jury service, after exemptions, postponements, excuses, and no-shows were accounted for, according to the *Austin American-Statesman*.

**HEADLINE: Shirking civic duty could land you in jury court**

Failing to show up for jury duty could cost Travis County residents. The county announced Thursday that it has established a jury court for residents who repeatedly shirk their civic duty. Judges can fine an individual up to \$500 and reassign him or her to a jury trial.

Residents who fail to show up for a trial assignment and then shrug off a notice from the district clerk's office about reassignment could be summoned to the jury court...

Travis County sends out about 14,000 summonses a month for duty in county and City of Austin trials, according to Michelle Brinkman, the chief deputy in the district clerk's office.

Recipients may claim exemptions from service because of prior service on a jury in the past two years; because they are 70 or older; because of full-time enrollment in high school or college; because of a current medical condition that precludes service and that is verified by a health care provider; or because they must care for a child or another person unable to care for himself.

Adjusted for the exemptions, postponements, excusals for economic hardship and undeliverable summonses, just under 40 percent of those 14,000 summonses typically find their way into the hands of eligible jurors. Statistics are similar for Williamson and Hays counties, according to Citizens Against Lawsuit Abuse of Central Texas.

*Austin American-Statesman, September 14, 2007*