Civil Jury Trial

(Bailiff asks for all to rise, announcing the judge, county and precinct.)

**Judge: Good morning. My name is Judge \_\_\_\_\_\_. You’ve met the Bailiff, \_\_\_\_\_\_\_\_\_ already. My court clerk, \_\_\_\_ , (is seated here OR may also enter the courtroom from time to time and if he/she does, he/she will sit to my here.)**

**This other chair is called the witness stand and anyone who will be giving testimony under oath will sit here to speak.**

**Today we have the case of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ v \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.**

**Are both parties ready?**

(Allow both parties to answer.)

**I am now going to call roll for the potential jurors who have been selected:**

(Call the roll.)

**Now that we know what jurors are here, I need to place you under oath before the questioning begins. Please raise your right hand.**

**"You solemnly swear or affirm that you will give true and correct answers to all questions asked of you concerning your qualifications as a juror."**

**We will be selecting six of you today. Even if you are not chosen, we want to thank you for your service. Please turn OFF all electronic devices. If your phone is not turned off, the Bailiff will hold it until jury selection is over. This applies to the parties as well.**

**You are going to determine the facts of this case; I will ensure that the case proceeds fairly.**

**This is a civil case. No crime has been committed. One citizen claims that another citizen has done something wrong and is bringing that claim to this court.**

**This will probably not be necessary, but if this case should go on longer than a couple hours, there may be breaks where you would have an opportunity to see the parties or witnesses outside of the courtroom. Remember to keep your distance from them and do not communicate, so that we can keep the process neutral and fair.**

*\*\*\*Know the jury process in your county – these questions may have already been asked in pre-jury service proceedings.\*\*\**

**The law requires me to qualify or make sure that jurors are eligible to serve. Please listen carefully to the six qualifications:**

* **All jurors must be 18 years of age or older**
* **A citizen of this county and of this country**
* **Be able to read and write**
* **Currently, or are eligible to become, a qualified voter in this county or state under the Constitution and laws of this state. This does not mean you must be registered to vote, but only means your privilege to vote has not been lost**
* **Not convicted of a misdemeanor theft or a felony**
* **Not under indictment or legal accusation for a misdemeanor theft or any felony**

**If you don’t meet one or more of these qualifications, could I please get you to form a line here.**

*\*\*\*Remember to allow individuals to come up to the bench and discuss these issues privately with the judge and the parties.\*\*\**

*\*\*\*If anyone does not meet these REQURED qualifications, they may not serve on the jury; you should wait until the end of these questions to thank the jurors for their time and tell them that they are excused.\*\*\**

**Thank you for your patience. I have a few more questions to ask. If any of these questions apply to you, you may choose to be excused. But it does not mean that you are not allowed to stay and be considered for the jury if you choose. Please raise your hand ONLY if you qualify and WANT to be excused.**

* **Is anyone over 70 years of age?**
* **Does anyone have legal custody of a child younger than 12 years of age, and being here means the child does not have adequate supervision?**
* **Are there any secondary school students with us (grade 9-12)?**
* **Is anyone enrolled and in actual attendance at an institution of higher education?**
* **Are any of you officers or employees of the Texas senate, house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government?**
* **Are any of you primary caretakers of an invalid unable to care for himself/herself?**
* **Does anyone have a physical or mental impairment or are you unable to understand or speak English?**
* **Are any of you members of the United States military forces serving on active duty and deployed to a location away from the home station and out of the county of residence?**

*\*\*\*If anyone raised their hand to say that they meet the criteria and want to be excused, you can ask follow-up questions to make sure that they do meet the criteria to be excused.\*\*\**

*\*\*\*You should wait until the end of these questions to thank the jurors for their time and tell them that they are excused.\*\*\**

**For those of you remaining, I am now going to ask for any excuse why you cannot serve on this jury today. Let me inform you that generally, the fact that you are missing work is not enough. Does anyone have an excuse why you cannot serve today?**

*\*\*\*Hear the reasons but know that if one ‘works’ other jurors may try the same excuse.\*\*\**

**The parties will now have an opportunity to ask you questions. They may ask you individually or as a whole panel. They cannot ask you how you would rule in this case. Each side will be limited to 15 minutes.**

**Plaintiff, you may begin.**

(once the plaintiff is finished)

**Defendant, you may now begin your questioning of the jury panel.**

(once the defendant is finished)

**Potential jurors, thank you for being upfront in your responses to the questions. At this time, I’m going to have Bailiff \_\_\_\_\_\_\_ take you out of the courtroom so that we may decide the jury for this case.**

(jurors leave the courtroom)

(to the parties) **We will first discuss any strikes for cause. This means did any juror say something that you believe makes them unable to be fair and neutral in this case.**

**Plaintiff, do you have any challenges for cause?**

*\*\*\*If a party says yes, they must state which juror, what was said, and the other party can argue against striking for cause. Then you must decide to strike the juror for cause or not.\*\*\**

**Defendant, do you have any challenges for cause?**

(once all challenges for cause are stated)

**Now that the challenges for cause are complete, I will give each side 5 minutes to decide on your 3 peremptory strikes. Please use (the ‘Peremptory Strike Form’, the list of jurors, or your county’s form for this) and sign at the bottom when you are finished.**

***\*\*\*Collect the lists and create your own master list of the selected jurors.\*\*\****

(Read aloud the 6 remaining jurors IN ORDER to the parties.)

*\*\*\*Remember, if one side objects to the other improperly striking someone based on race, ethnicity, or gender, you must ask the striking party for a ‘neutral’ reason for striking and rule on it.\*\*\**

(You do not have to have an alternate juror, but if you choose to, follow this procedure) That **makes jurors \_\_\_\_\_(list the next 3 jurors by number or name) the potential alternate jurors. You have one strike each. Mr./Ms. \_\_\_\_\_ (prosecutor), do you have a peremptory alternate strike? (take their one strike)Mr./Ms. \_\_\_\_\_\_\_\_\_(defendant), do you have a peremptory alternative strike? (make their one strike)**

**Does either side have an objection to the panel?**

**Bailiff \_\_\_\_\_, please bring the jurors back into the courtroom.**

(Jurors re-enter the court room.)

**Ladies and gentlemen, again thank you for your time. Like I mentioned before the questions began, we were trying to pick the best jury for this particular case. None of you did or said anything wrong. If you are not selected, please do not take it personally.**

**The following jurors are needed to remain:** *(list the jurors)*

**All other prospective jurors are free to leave, and we thank you for your service.**

(after other jurors leave)

**Now that you have been selected, I need you to raise your right hand and take a new oath:**

**"You solemnly swear or affirm that you will render a true verdict according to the law and the evidence presented."**

**Members of the Jury, before the trial begins, I want to let you know what is going to happen today.**

**As I mentioned before, this case will not likely last longer than a couple hours, but I will pay attention to the need for comfort breaks.**

**Do not discuss this case with anyone, even your spouse or a friend, either in person or by any other means like social media or your phone.**

**Do not discuss this case with other jurors until the end of the trial so that you do not form opinions about the case before you have heard everything. Then you will discuss the case with the other jurors and reach a verdict.**

**Do not consider or guess weather a party is covered by insurance.**

**Do not investigate this case on your own in any way. This rule is very important, because we want a trial based only on what happens in this courtroom. Information from other sources could be wrong.**

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

**The rules of court proceedings are that the party who filed the case must present their case first. In this case, it will be the Plaintiff who will always go first. The Defendant will always have an opportunity to respond.**

**We will begin with opening statements. Then the Plaintiff will have any witnesses testify and provide any physical evidence they are relying on. The Defendant will then have a chance to question those witnesses and look at any physical evidence presented. When the Plaintiff is finished, the Defendant will have the chance to call any witnesses and provide any physical evidence they would like you to consider. Both sides will then have a chance to make their final argument. You will then decide the case.**

**One of the things I’d like to add is that the justice court rules permit me to ask questions of witnesses. This is to ensure you have all the information that you need to make the right decision. If I do ask any questions, please do not think that means I prefer one side over the other. I have no opinion of this case – you are to decide the outcome.**

**Plaintiff, you may make an opening statement at this time.**

(once the state is finished)

**Defendant, you may begin your opening statement.**

(once the defendant is finished)

**Plaintiff, please call your first witness. You may also testify yourself.**

*\*\*\*If they choose to testify, they should take the stand and be sworn in like any witness.\*\*\**

*\*\*\*If there are any documents either side wants to use during this trial, make sure that they show each other before showing the witness or the court.\*\*\**

*\*\*\*If there are items a side wants shown to the jury, it should be handled like this: Members of the jury, the (plaintiff/defendant) has an item for you to examine. Bailiff, will you show the item to the jury? (Bailiff hands the document to the jury.)\*\*\**

(To the witnesses) **Please take the stand. Raise your right hand: “Do you solemnly swear to tell the whole truth, nothing but the truth”?**

**Plaintiff, you may begin to ask questions.**

(once the Plaintiff has finished)

**Defendant, do you have any question for this witness?**

(If yes, allow them to ask, if no, ask the witness to step down.)

**You may begin to ask question now.**

(once the Defendant is finished)

**Plaintiff, do you have any follow-up questions?**

**\*\*\*You may allow the Defendant and State to continue to take turns asking follow-up questions, but do not have to.\*\*\***

(If yes, allow them to ask, if no, ask the witness to step down.)

**Please stepdown from the witness stand.**

*\*\*\*Follow this same process for any additional witnesses.\*\*\**

*\*\*\*Once the Plaintiff is finished with their witnesses and documents, they might say that they “rest.”\*\*\**

**Defendant, do you have any witnesses that you would like me to hear from? You may also testify yourself.**

(If the defendant says yes, allow them to bring a witness forward and/or testify themselves.)

*\*\*\*If they choose to testify, they should take the stand and be sworn in like any witness.\*\*\**

**Defendant, please call your first witness.**

(once the Defendant has finished)

**Plaintiff, do you have any question for this witness?**

(If yes, allow them to ask, if no, ask the witness to step down.)

**You may begin to ask questions now.**

(once the Plaintiff is finished)

**Defendant, do you have any follow-up questions?**

**\*\*\*You may allow the Defendant and State to continue to take turns asking follow-up questions, but do not have to.\*\*\***

(If yes, allow them to ask, if no, state the below to the witness.)

**Please stepdown from the witness stand.**

(Follow this same process for any additional defense witnesses.)

**Defendant, do you have any further witnesses or any documents you want to introduce?**

(If yes, follow the procedure above, if no, say the below)

**Plaintiff, do you have any rebuttal case?**

**(If yes, follow the same procedure for any witness testimony or documents and physical evidence; if not, state the below).**

**At this time, both sides will have a chance to make a closing argument. Each side will have 10 minutes. Plaintiff, you may reserve up to 2 minutes of the 10 for a potential rebuttal.**

**Thank you both. Members of the jury, the parties have presented their cases. Now it is time for you to make your decision, and to find in favor of either the Plaintiff or the Defendant.**

**\*\*\*\* If you had an alternate juror\*\*\* Mr./Ms. \_\_\_\_\_\_\_\_\_\_\_\_\_ , by now you may have realized that you were our 7th, or alternate, juror. Please remain in the courtroom for a few minutes, so that we can be sure we have a good contact number for you in case we need your help further, but for now, you are free to go.**

**I am giving the Bailiff the verdict form for you to have during your decision making. As you can see on the form, no less than five of you must agree on the verdict. If only five can agree, then all five must sign the verdict. If you all agree, then only the presiding juror must sign the verdict. You will need to select a presiding juror, sometimes called foreperson, when you go back to the jury room.**

**If you find believe there were any damages, or money owed, in this case, please fill in the blank spaces in the verdict form.**

**\*\*\*\* If you had an alternate juror\*\*\* Mr./Ms. \_\_\_\_\_\_\_\_\_\_\_\_\_ , by now you may have realized that you were our 7th, or alternate, juror. Please remain in the courtroom for a few minutes, so that we can be sure we have a good contact number for you in case we need your help further, but for now, you are free to go.**

**Bailiff, please take the jury to the deliberations room.**

*\*\*\*For steps on handling the verdict and judgment, please see Chapter 6 of the Trial Procedure deskbook.\*\*\**