



Travis County Commissioners Court Agenda Request

Meeting Date: December 20, 2013

Prepared By/Phone Number: Michelle Brinkman (854-9581)

Elected/Appointed Official/Dept. Head: Amalia Rodriguez-Mendoza

Commissioners Court Sponsor: Samuel T. Biscoe, County Judge

AGENDA LANGUAGE:

CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REVISIONS TO THE TRAVIS COUNTY JURY SELECTION PLAN

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

Pursuant to Sec. 62.011, Government Code, in order to use electronic selection methods for jurors, a Jury Selection Plan must be recommended by the District Judges and adopted by the Commissioners Court.

The proposed plan encompasses two changes with regard to the existing plan:

A. Clean up language: Much of the language that quotes code from Sec. 62 now references the appropriate subsection of the code. The result is a document that is shorter and does not need to be revised in the event there is a change in the provisions of Sec. 62.

B. Provides for a method to validate whether a juror is qualified to serve in a Travis County Court. Because Sec. 62 requires that the master list of names from which summonses are sent include both voter registration lists and driver licenses, this validation process is needed. Many of the names from the drivers license list include persons that live in a neighboring county, especially those who live in the City of Austin where it crosses into neighboring counties. Prospective jurors who are not registered to vote often are unaware that they do not live in Travis County if they have an Austin, Texas address. By validating the juror's address as being within or not within Travis County, the system will be able to avoid assigning a juror to Travis County Court if the juror does not live in Travis County.

STAFF RECOMMENDATIONS:

To approve the Travis County Jury Selection Plan

ISSUES AND OPPORTUNITIES:

N/A

FISCAL IMPACT AND SOURCE OF FUNDING:

N/A

REQUIRED AUTHORIZATIONS:

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials should be submitted as a pdf to the County Judge's office, agenda@co.travis.tx.us by **Tuesdays at 5:00 p.m.** for the next week's meeting.



LORA J. LIVINGSTON
Travis County Local Administrative Judge

Heman Marion Sweatt Courthouse
P. O. Box 1748
Austin, TX 78767

(512) 854-9300
FAX (512) 854-9332

MEMORANDUM

TO: Amalia Rodriguez-Mendoza, District Clerk

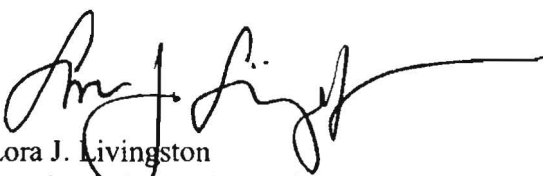
FROM: Lora J. Livingston, Local Administrative Judge

DATE: December 6, 2013

RE: Approval of Travis County Jury Plan

CC: Michelle Brinkman, Deputy District Clerk
Peg Liedtke, Director of Court Management

By a majority vote on Wednesday, December 4, 2013, the Travis County District Judges approved the attached Jury Selection Plan. If you have any questions in this regard, please do not hesitate to contact me.



Lora J. Livingston
Local Administrative Judge
Travis County, Texas

TRAVIS COUNTY JURY SELECTION PLAN

It is recommended to the Commissioner's Court of Travis County, Texas, by a majority of the Judges of the District Courts of Travis County, Texas, that the following plan for the selection of persons for jury service be adopted in accordance with Chapter 62 of the Texas Government Code.

I. Duties of the District Clerk

The Clerk of the District Courts of Travis County, Texas is the officer in charge of the jury selection process and shall perform the duties as specified in this Travis County Jury Selection Plan. Texas Government Code Section 62.011(b)(4).

II. Consolidated Jury Management

The County of Travis and City of Austin have entered into an Interlocal Agreement for a consolidated jury management system. As long as such an agreement is in effect, the "***Additional Provisions***" of the Travis County Jury Selection Plan shall also be in effect.

Consolidated jury management is for administrative efficiency only and will not be used to expand the list of prospective jurors for Travis County. To be eligible for jury service in the courts of Travis County, a juror must be a citizen of Travis County, as well as meet all other qualifications specified by law.

III. Source of Jurors

The combined list of names, as specified in Section 62.001 (a) and (b), Government Code, and provided to the Secretary of State by Travis County's voter registrar and the Texas Department of Public Safety pursuant to Section 62.001 (c), (e) and (f), Government Code, shall be the source of names for purposes of reconstituting the Prospective Jury List. Pursuant to Section 62.011(b)(2), Government Code, the list shall not contain names of persons exempt from jury service.

Additional Provisions: Prospective jurors shall also include the names of all City of Austin residents who reside in other counties of Texas who are on the current voter registration lists of those other counties as City of Austin residents.

TRAVIS COUNTY JURY SELECTION PLAN

IV. Reconstituting the Prospective Jury List

Between January 1 and May 31 of each odd numbered year and pursuant to Sec. 62.001 (g), Government Code, the district clerk shall procure from the Secretary of State the combined list of names as described above for purposes of Reconstituting the Prospective Jury List. In the event such list is not available for the reasons described in Section 62.001 (h), Government Code, the district clerk is authorized to procure each list described in 62.001 (a) and (b), Government Code from the Secretary of State and Travis County Tax Office and arrange for combining the two lists. Pursuant to section 62.001(i) Government Code, the District Clerk and District Judges may recommend and the Travis County Commissioners' Court may elect to contract with another governmental unit or a private person (Contractor) to combine the voter registration list of Travis County with the list of Travis County residents furnished by the Department of Public Safety into the prospective jury list.

Additional Provisions: In addition to the list of potential jurors provided by the Secretary of State as described above, a list of City of Austin residents who reside in other counties (described in III. Source of Jurors above) will be included in the prospective jury list. The primary source of this list shall be the Secretary of State. In the event the Secretary of State is unable to furnish this list, the list of City of Austin residents from the voter registration records of such other counties will be used.

V. Selection of Juror Names

The names, addresses, and other information that comprise the combined lists shall be placed in an electronic system that has been developed under the District Clerk's direction for purposes of selecting names to receive a jury summons.

The selection of names of persons for jury service will be made with the aid of electronic equipment. The same record of names will be used until such time as the Jury List is reconstituted as provided in Section IV. The District Clerk will perform the following duties related to the creation of this list of prospective jurors:

(1) supervise the process through which a computer software program will be used to randomly select the names and addresses of the prospective jurors;

- (2) cause a duplicate copy of the prospective jury data to be made and an electronic print-out of the information to be created;
- (3) certify the electronic print-out of the prospective jury data for use in the jury selection process;
- (4) place one copy of the data containing the names of prospective jurors in a safe deposit box in any bank where Travis County funds are kept and that has a safe deposit vault;
- (5) ensure that the computer program used to select the list of persons called for jury service will be fair, impartial, and objective;
- (6) use any resources of information the district clerk deems reliable, such as voter registration information, driver's license information, and U.S. Post Office national change of address information, for purposes of updating prospective juror address information in order to ensure delivery of a jury summons. Such updates may be made directly into the electronic jury system or at the time the jury summons is mailed out either directly by the electronic jury system or through the services of a mail services vendor;
- (7) monitor any revisions to the prospective juror list to prevent the addition of any new individuals to the list outside of the biannual reconstitution process;
- (8) remove from the prospective juror list any juror who has both received and answered a jury summons during the time period the prospective juror list is in use; and
- (9) maintain a complete audit trail of all changes to the jury wheel data made during its years of use.

VI. The Prospective Jury List - Use, Access, and Certification of Data

A second copy of the prospective jury data shall be used by the District Clerk to select jurors. The prospective jury data will be protected by computer "password" codes only available to the District Clerk. Upon receiving a request from a district judge to select jurors for a number of weeks, or in accordance with the schedule of jury weeks determined by the district judges, the district clerk shall notify those persons with the authority to access the prospective jury data to execute a computer software program to randomly extract the number of persons needed for jury service. The number of persons selected for jury service through the process described above will be determined by a majority of the district judges, pursuant to Section 62.016 of the Government

Code. The district judges may delegate this determination to the district clerk by specific action taken by a majority of the district judges in Travis County or by not taking any action that specifies the number of persons selected for jury service.

The district clerk shall certify that the list of prospective jurors selected by the system described above is a true and complete written list of the names and addresses of persons summoned to begin jury service on a particular date. Additional lists may be produced to facilitate the handling of the necessary paper work in processing the jury list.

VII. Notification of Jurors

Upon the receipt of a jury list from the district clerk, it will be the responsibility of the Sheriff to immediately notify the persons whose names are on the jury list to appear for jury service on the dates designated by the judge. These notices will be mailed at least 14 days prior to the date specified on the jury summons. Pursuant to section 62.013 of the Government Code, delivery of a written summons by mail will be sufficient notice if the summons is received by a person authorized by the United States Postal Service to receive it.

VIII. Juror Response to Summons

a. Pursuant to Chapter 62.0111, Government Code, a summonsed juror may select from the following methods of responding to the summons:

(1) by completing the juror impaneling form via computer through the official Internet website designated on the jury summons;

(2) by appearing at the Jury Office in person at the location specified on the jury summons;

(3) by contacting the District Clerk's Jury Office by telephone if the summoned juror is requesting an excuse from jury service due to disqualification or statutory exemption, or

(4) by contacting the District Clerk's Jury Office by the official Internet website, email, mail, facsimile, or via personal delivery of the written request for excuse if the summoned juror is requesting an excuse from jury service for any reason other than financial hardship.

b. A summonsed juror not excused via methods described in (a)(3) or (4) above shall, via methods described in (a)(1) or (2) above, provide to the District Clerk's Jury Office the

following:

(1) information to determine whether the prospective juror is qualified for jury service under Section 62.102, Government Code;

(2) information to determine whether the prospective juror is exempt from jury service under Section 62.106, Government Code;

(3) information required for jury panel assignment, including: (a) the prospective juror's postponement status; (b) the dates the juror is not available to serve as a juror due to schedule conflicts; (c) description of non-financial hardship upon which the juror is basing a hardship excuse from jury service; (d) completion and submission by the prospective juror of the written jury summons questionnaire described in Section 62.0132, Government Code; (e) the prospective juror's electronic mail address; and (f) certification that the information provided is true and correct.

IX. Automated impaneling of jurors who elect to respond via computer through the official Internet website designated on the jury summons.

The District Clerk is authorized to implement an automated impaneling system through the official Internet website designated on the jury summons to perform the following functions based upon information provided by a juror as specified in Section VIII b. above:

- (1) determine whether a prospective juror is qualified for jury service;
- (2) excuse a prospective juror claiming a statutory exemption;
- (3) screen a juror's dates available to determine if the juror is available for jury service for at least one calendar week, and if the juror is not available for jury service for at least one calendar week, approve a postponement of jury service;
- (4) accept a request for waiver of the requirement that the juror be available for jury service for at least one calendar week;
- (5) accept a request for judicial excuse of a prospective juror;
- (6) assign a prospective juror to a particular jury panel based upon the juror's dates of availability, jurisdictional residence, and any prior misdemeanor theft conviction;
- (7) inform the juror of the details of the juror's panel assignment;
- (8) purge the electronic mail address of a prospective juror in accordance with the following:

- (a) if the prospective juror serves on a jury, not later than the 30th day after the date that: (1) the county sends the person payment for jury service; or (2) the county would otherwise send the person payment for jury service, if the person has donated the payment; or
 - (b) if the prospective juror does not serve on a jury, not later than the 30th day after the date that the court releases the person from jury service; and
- (9) Any other function or feature that in the judgment of the District Clerk would facilitate communications with jurors.

For purposes of assigning jurors to county court, county court-at-law, probate court, or district court trials, the District Clerk is authorized to use available mapping technology to identify the juror's county of residence based upon the address provided by the juror.

The system provided herein shall be used for jury selection in the District Courts, the County Courts at Law, the Probate Courts, and the Justice of the Peace Courts of Travis County, Texas, with any judge of the County Courts at Law or the Probate Courts performing the functions and duties herein above imposed upon any District Judge, in accordance with Chapter 62 of the Government Code.

All costs incident to this plan shall be paid from the appropriate line items in the respective budgets of the District Courts, County Courts at Law, Probate Courts, District Clerk, County Clerk, and the Travis County Sheriff's Department.

The system described above shall be known as the Travis County Jury Selection System and will operate pursuant to Chapter 62 of the Government Code. In accordance with Section 62.011 of the Government Code, it is ordered that this document be submitted to the Travis County Commissioner's Court for approval and entry in the minutes of the Court.

Additional Provisions: The system shall also be used for jury selection in the Municipal Courts of the City of Austin, Texas. All costs for Municipal Court jurors shall be reimbursed to Travis County as outlined in the current Interlocal Agreement between the Austin City Council and Travis County Commissioners' Court.