

BILL ANALYSIS

Senate Research Center
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S.B. 297
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Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill would direct the Supreme Court of Texas to promulgate rules to allow jurors in a civil trial to submit anonymous, written questions to the court or to a witness and promulgate rules to allow juror note-taking during civil trials. These changes would assist jurors in competently and confidently fulfilling their duty of fact-finding in a trial.

The bill addresses specific and comprehensive jury reform. Currently, there is no statutory authority for the reforms contained in S.B. 297. This bill would require all civil trial courts to allow jurors to take notes during trial and allow jurors to submit anonymous written questions directed to a witness or to the court.

As proposed, S.B. 297 amends current law relating to juror questions and juror note-taking during civil trials.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 1 (Section 25.001, Civil Practice and Remedies Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle B, Title 2, Civil Practice and Remedies Code, by adding Chapter 25, as follows:

CHAPTER 25. CIVIL JURY TRIAL PROCEDURES

Sec. 25.001. SUPREME COURT TO MAKE RULES. Requires the Supreme Court of Texas (supreme court) to promulgate rules relating to jury procedures for civil trials in this state in accordance with the guidelines provided by this chapter.

Sec. 25.002. SUBMISSION OF WRITTEN QUESTIONS. (a) Requires that the rules promulgated by the supreme court require a court to permit jurors in a civil trial to submit to the court written questions directed to a witness or to the court as provided by this section.

(b) Requires that the rules provide that:

- (1) juror questions must be submitted anonymously and before jury deliberations begin;
- (2) counsel for each party will be given an opportunity, out of the presence of the jury and witnesses, to object to the questions;
- (3) juror questions are required to be read by the court verbatim;
- (4) juror questions will be answered orally in open court and made part of the record;

(5) counsel for each party will be given an opportunity to cross-examine witnesses after a juror question; and

(6) the court may, for good cause, prohibit or limit the submission of questions to witnesses.

Sec. 25.003. NOTE-TAKING BY JURORS. (a) Requires that the rules promulgated by the supreme court allow jurors in a civil trial to take notes regarding the evidence during trial.

(b) Requires that the rules provide that:

(1) the court is required to provide materials to jurors for note-taking;

(2) a juror is required to turn in the notes to the bailiff at the end of each day of court;

(3) after closing arguments are presented, the bailiff or clerk is required to collect and destroy the notes; and

(4) the notes are confidential and may not be included in the record of the trial.

(c) Prohibits notes taken by a juror during trial, as provided by this section, from being taken by the juror into the jury room.

SECTION 2. Provides that Chapter 25, Civil Practice and Remedies Code, as added by this Act, applies to a case in which a jury is sworn on or after the effective date of this Act, without regard to whether the case commenced before, on, or after that date.

SECTION 3. Effective date: September 1, 2011.