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216TH JUDICIAL DISTRICT  
BANDERA, GILLESPIE, KENDALL, KERR COUNTIES

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RQ-0353-JC

The Honorable John Cornyn  
Attorney General of Texas  
c/o Susan D. Gusky  
Chair, Opinion Committee  
P. O. Box 12548  
Austin, Texas 78711-2548

RECEIVED  
FEB 22 2001  
OPINION COMMITTEE

FILE # HL-41894-01  
I.D. # 041894

Re: Re-submission of Request for  
Attorney General Opinion

Dear Ms. Gusky:

We are re-submitting our request for a formal written Attorney General's Opinion, along with a brief, on the following issues.

At the request of the District Clerk of Bandera County, Texas, this office is respectfully seeking a formal written Attorney General's Opinion about certain jury issues, both civil and criminal (non-capital), that are raised by the reading of V.T.C.A. Government Code Sections 62.001 et. seq., Vernon's Ann. Rules Civ. Proc. Rules 216 et. seq., and Vernon's Ann. C.C.P., Art. 35.01 et. seq..

The above referenced statutes and their annotated cases appear to leave some question about their applicability and/or distinction in civil and criminal cases. Furthermore, there seems to be some difficulty in harmonizing the cited statutes regarding when and what juror information is to be made available to the parties and their attorneys in civil and criminal litigation, and whether any action by the court or clerk concerning these issues is discretionary or mandatory.

The pertinent inquiries (similar questions in civil and criminal contexts) are as follows:

In civil trials:

- a) At what point in the process is it mandatory for the District Clerk

to provide a jury list (names) to the parties involved in the litigation? In this regard, is there any prohibition to the District Clerk, in her discretion, providing this list to the parties at any time after the list is prepared?

- b) If the District Clerk provides the jury list to one of the litigants, is it mandatory that the District Clerk provide the list to the other litigants at the same time?
- c) Is there any juror information, that the District Clerk is prohibited from disclosing to the litigants upon request of such litigants? (See Sections 62.012 and 62.0132 Govt. Code; Rules 218-224, Texas Rules of Civil Procedure.)

In criminal trials:

- a) At what point in the process is it mandatory for the District Clerk to provide a jury list (names) to the parties involved in the litigation? In this regard, is there any prohibition to the District Clerk, in her discretion, providing this list to the parties at any time after the list is prepared?
- b) If the District Clerk provides the jury list to one of the litigants, is it mandatory that the District Clerk provide the list to the other litigants at the same time?
- c) Is there any juror information, that the District Clerk is prohibited from disclosing to the litigants upon request of such litigants? (See Art. 35.11 and 35.29 Code of Criminal Procedure.)

As to the final question, the normal practice of the clerk is to obtain juror information cards from the individual panel members, which cards contain personal data such as date of birth, address, driver's license number and social security number. Copies of these cards, and the information contained therein, are provided to counsel prior to voir dire.

We would request an opinion from your office as to these issues. Thank you for your assistance in the matter, and if you should have any questions, please contact this office.

Yours very truly,

  
E. BRUCE CURRY

EBC/MS/jr