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ACTION BY NANCY FULLER
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Greg Abbot
 Office of Attorney General
 Attorney General Opinion Division
 300 W 15th St, Suite 205
 Austin, Texas 78711-2548

RECEIVED
 DEC 29 2004
 OPINION COMMITTEE

FILE # MC-44067-04
 I.D. # 044067

RE: What are the alternatives for judges to guarantee sufficient numbers of citizens for jury duty?

Whether it is appropriate for a Justice of the Peace to obtain the appropriate number of jury members through the utilization of Article 45.027 and Article 45.028 or have a reserve of volunteers available to make up for non-responses.

Dear Sirs:

This is a request for an Attorney General Opinion as to what course of action a Justice of the Peace can take to rectify the lack of response to jury duty summons.

The population of San Jacinto County is approximately 20,000. We have two District Courts. We have four precincts that are responsible for Class C misdemeanors. A pattern has developed in the community to ignore jury summons. Recently seventy-five prospective jurors were sent summons for a jury trial. Only four citizens responded.

The sections of the Texas government Code addressing these issues such as 62.011 to 62.014 apply to counties with larger populations.

Article 45.027 states that "the justice or judge shall issue a writ commanding the proper officer to summon a venire from which six qualified persons shall be selected to serve as jurors in the case. What are the specific alternatives allowed by Article 45.027 and 45.028?"

To prevent canceling trials due to insufficient numbers complying with the notices for jury duty a Justice of the Peace has proposed establishing a standing pool of qualified volunteers. This would be implemented by advertising for volunteers.

Please do not hesitate to call if you need any additional information to give an opinion on the above request.

Very truly yours,

Mark E. Price (e)

Mark E. Price
Criminal District Attorney