

- SUBJECT:** Requiring 12-person juries in certain cases in county courts
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Smithee, Farrar, Clardy, Hernandez, Laubenberg, Schofield, Sheets, S. Thompson
- 1 nay — Raymond
- SENATE VOTE:** On final passage, April 15 — 29-2 (Hinojosa, Uresti)
- WITNESSES:** (*On House companion bill, HB 1122*)  
For — Lee Parsley, Texans for Lawsuit Reform; (*Registered, but did not testify*): Thure Cannon, Texas Pipeline Association; Kelly Curbow, AT&T; Jon Fisher, Associated Builders and Contractors of Texas; Michael Garcia, Texas Medical Liability Trust; Charlene Heydinger, EOG Resources; Mike Hull, Texas Alliance for Patient Access; Kathleen Hunker, Texas Public Policy Foundation; Lisa Kaufman, Texas Civil Justice League; Kari King, USAA; Amanda Martin, Texas Association of Business; Samantha Omey, Exxon Mobil and all subsidiaries including XTO Energy; Bruce Scott, State Farm; Tom Sellers, ConocoPhillips; Stephanie Simpson, Texas Association of Manufacturers; Patrick Tarlton, Texas Chemical Council; Daniel Womack, The Dow Chemical Company  
Andrew Weber)
- Against — Donald Lee, Texas Conference of Urban Counties
- DIGEST:** SB 824 would require 12-member juries for civil cases in statutory county courts in which the amount in controversy was \$200,000 or more unless the parties agreed to a six-member jury. Procedures for drawing of jury panels and selection of jurors would conform to that of district courts in the same county.
- This bill would take effect September 1, 2015 and would apply to trials commenced on or after that date.

**SUPPORTERS  
SAY:**

SB 824 is necessary to align the number of jurors required in district courts with the number of jurors in statutory county courts in cases in which the amount of controversy is \$200,000 or more. It also would help to ensure more consistent awards to prevailing parties in large civil suits. Studies have shown that 12-person juries produce fewer very large or very small awards to prevailing parties than do smaller juries. This consistency provides greater predictability and uniformity in the judicial system. The disparity between district courts and county courts incentivizes forum shopping by defendants.

This bill would not have a significant fiscal impact. Fewer than 60 county courts in 19 counties have jurisdictional limits that would allow them to handle cases that were subject to this bill. The impact on the courts would be minimal because pay for jurors is only \$6 for the first day and \$40 for each subsequent day.

**OPPONENTS  
SAY:**

Six-person juries in county courts have been an efficient and low-cost way to resolve the high volume of cases before the courts. Increasing that number to 12 would complicate the process and increase taxpayer expenditures.

**NOTES:**

The House companion bill, HB 1122 by Clardy, was placed on the May 13 General State Calendar but was not considered.