

**STATE OF TEXAS**

**RESOLUTION**

**of the**

**TEXAS JUDICIAL COUNCIL**

**Jury Note-Taking and Juror Questions to Witnesses**

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Judicial Council Legislative Committee reviews Judicial Branch legislative proposals and has reviewed the proposal related to jury note-taking and written questions to witnesses from jurors;

NOW THEREFORE, BE IT RESOLVED, that the Texas Judicial Council supports, and recommends that the Texas Legislature enact statutory changes in keeping with the following statement of the Background and Purpose of such legislation:

Background

Current Texas statutes neither authorize nor prohibit note-taking by jurors. Similarly, the Texas statutes do not address the practice of allowing jurors to direct written questions to witnesses. The practice of allowing note-taking by jurors and the practice of allowing jurors to direct written questions to witnesses varies from court to court.

Purpose

Allowing jurors to take notes aids juror memory, encourages more active participation, and helps to decrease deliberation time by allowing jurors to more efficiently consider evidence. The practice of permitting jurors to ask written questions to witnesses enables jurors to be more attentive during trial. Additionally, the practice helps jurors resolve questions they have about evidence and assists attorneys in identifying and resolving issues that may be troubling the jury. Accordingly, statutes should be enacted that expressly give judges the discretion to permit jurors to take notes during trial (with appropriate safeguards). Similarly, statutes should be enacted that expressly gives judges the discretion to permit jurors to ask written questions to witnesses (with appropriate safeguards).

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Honorable Wallace B. Jefferson  
Chief Justice, Supreme Court of Texas  
Chairman, Texas Judicial Council