



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

October 10, 1969

Honorable William C. Sparks  
Criminal District Attorney  
Victoria County Courts Building  
Victoria, Texas 77901

Opinion No. M-485

Re: Fees to be paid jurors  
in Small Claims Court.

Dear Mr. Sparks:

You have requested our opinion as to the amount of fees or compensation to be paid each juror serving in the Small Claims Court.

Article 2460a, Vernon's Civil Statutes, creates a Small Claims Court in each of the several counties of this state and provides for its jurisdiction and procedure. Section 11 provides as follows:

"Sec. 11. If either party desires a trial by jury he shall, at least one (1) calendar day prior to the date upon which the hearing is to be held, file with the Small Claims Court a request for a trial by jury, depositing with the judge, at the time such request is filed, a jury fee of Three Dollars (\$3). Thereupon, a jury shall be had as in other civil cases in the justice courts." (Emphasis added.)

The emphasized language in Section 11 makes it clear that the Legislature intended that, once the statutory requirements are fulfilled -- a jury is requested at least one day before the hearing and the jury fee has been paid -- then "a jury shall be had as in other civil cases in the justice courts." Thus, all statutory provisions which apply to civil juries in justice courts, except for those provisions dealing with the jury request and fee, apply equally to juries in Small Claims Courts. These provisions are Articles 2413 - 2428, Vernon's Civil Statutes, and Rules 544,

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et seq., Texas Rules of Civil Procedure, and they include the number of jurors to be selected, jury summons, the call of the jury, the procedure for excusing jurors, fines assessed defaulting jurors, and payment of jurors.

Article 2428, Vernon's Civil Statutes, deals with the payment of jurors. It provides as follows:

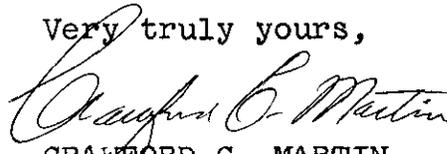
"Art. 2428. Pay of jurors. Jurors in Justice Courts who serve in the trial of civil cases in such courts shall receive Three Dollars (\$3) in each case in which they sit as jurors, provided that no juror in such court shall receive more than Six Dollars (\$6) for each day or fraction of a day he may so serve as such juror, to be paid out of the jury fund of the county."

We therefore conclude that jurors in Small Claims Court shall be paid the same amount and in the same manner as jurors in the Justice Court.

S U M M A R Y

Each juror serving in the Small Claims Court shall be paid the same amount as a juror serving in the Justice Court out of the jury fund of the county.

Very truly yours,



CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by Sarah E. Phillips  
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APPROVED:  
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