

Ethics and Advocacy

New tools for your litigation tool-box

Vanishing Jury Trial

Civil Jury Trials in Texas Courts

District	1997	2011	2012
Dallas Co.	268	174	176
Harris Co.	611	271	240
Tarrant Co.	177	108	103
Travis Co.	78	18	15

Source: Texas Administrative Office of Courts

I consider trial by jury as the
only answer ever yet imagined
by man, by which a
government can be held to the
principles of its constitution.

Thomas
Jefferson

If the trial dies, the cause will not be the
tyrant's ax but a long and scarcely
noticed process of decay. Indifference,
in the long run, is deadlier than any
coup, and democratic institutions are
easily lost through neglect followed by
decline and abandonment.

Judge William L. Dwyer

Potential Clients Do Not Know Modern Litigators No Longer Try Cases to Juries

- Potential clients were asked to estimate how many civil jury trials a litigator has tried after practicing law for five years.
 - Potential Clients Response Median = **16 trials**
 - Most Frequent Response = **10 trials**

* If outliers are included, the potential clients response median increases to 22.

Don't Litigators Already Discuss Lack of Experience With Clients?

- When Recommending Mediation or Settlement
 - **67.9%** never discuss lack of jury trial experience with clients.
 - **86.6%** discuss lack of jury trial experience less than half the time.
 - **6.0%** always discuss lack of jury trial experience with clients.

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[Ethical Considerations and Advocacy in Non-Traditional Settings](#)

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