

I. SUGGESTED QUESTIONS FOR SCREENING A JURY PANEL

1. The expected length of the trial is (*specify*). Jury service always interferes with our personal lives and work. So, inconvenience does not excuse a person from jury service. if it did, we would not have trial by jury for the benefit of our citizens for over 250 years. The question therefore is: aside from mere inconvenience, is there something that is so critically important that it would create an *exceptional hardship* for you to serve on this jury?

2. Health questions: _____

(a) Do you have a health matter that would be harmed by service on the jury, or that would interfere with your ability to be here every day and serve as a juror?

(b) Do you take medication that would make it difficult to concentrate or otherwise be attentive during the proceedings or during deliberations?

(c) If you are required by a doctor to avoid stressful situations, will the trial, or the give and take of the discussions during jury deliberations, be too stressful for you?

3. Do you believe that you may know the defendant(s), a lawyer, a member of the court personnel, the judge, or a person whose name the judge will read to you?

4. Do you believe that you may have known something about this case before you came to this courtroom?

5. Do you believe that the nature of the crime charged will prevent you from being a fair juror?

6. Have you, or has a person close to you, been the *victim* of a crime?

7. Have you, or has a person close to you, been accused or convicted of committing a crime?

8. Do you, or does a person close to you, have a pending criminal case?

9. If you answered yes to any of the last three questions (i.e. questions 6, 7, or 8), is there anything about that matter which will prevent you from being a fair juror?

10. Have you been a witness in the trial of a criminal case?

11. Police questions:

(a) Have you had an interaction or experience with a police officer or other law enforcement person, or formed an opinion about police or our criminal justice system that would prevent you from being a fair juror?

(b) Under our law, a police officer is not more, or less, believable just because he or she is a police officer. A juror must evaluate a police officer's testimony for truthfulness and accuracy in the same way the juror would evaluate the testimony of any other witness. is there any reason you cannot do so?

12. Jurors must not visit or view the place where the crime charged was allegedly committed. That location is: (*specify*). Is there any reason you could not stay away from that location during the trial?

13. Do you have a belief, religious, *philosophical*, or *otherwise*, that would prevent you from sitting in judgment of a person and voting guilty or not guilty?

14. Is there any reason you cannot be fair in reaching a verdict, guilty or not guilty?

15. Is there anything about your possible service on this jury that you should, or wish to, discuss with me that I have not already asked about?

II. SUGGESTED VOIR DIRE QUESTIONS ON BIAS

Note: Before asking the following questions, the court should give the jury panel the CJI2d instruction on bias either via the introductory voir dire instructions [CJI2d Model Instructions; Voir Dire], or if the court does not give an introductory voir dire instruction, then by prefacing the questions with the CJI2d bias and implicit bias instruction [CJI2d General Applicability, Implicit Bias]. For the court's convenience that latter instruction reads as follows:

A fair juror is a person who will keep the promise to be fair and impartial and will not base the decision in this case upon a bias or prejudice in favor of or against a person who may appear in this trial on account of that person's race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability, or sexual orientation.

A fair juror must be mindful of any stereotypes or attitudes about people or about groups of people that the juror may have, and must not allow those stereotypes or attitudes to affect their decision. As you learned from the video presentation you saw during your orientation, we all develop and hold unconscious views on many subjects. Some of those unconscious views may come from stereotypes and attitudes about people or about groups of people that may impact on a person's thinking and decision-making without that person even knowing it. As a juror, you are asked to make a very important decision about another member of the community. I know you would not want to make that decision based on such stereotypes or attitudes, that is, on implicit biases, and it would be wrong for you to do so. A fair juror must guard against the impact of such stereotypes or attitudes.

You must ask yourself whether you have concerns about your capacity to put aside any biases you may have that might affect your views and conclusions about the defendant, witnesses, or others that you may hear about or see in court on account of their race, color, national origin, ancestry, gender, gender identity or expression, religious practice, age or sexual orientation, or disability. And if you do have those concerns, you must tell us in your answer to the following questions:

Questions:

1. Is there any reason you cannot promise, or you doubt your capacity to keep a promise, to be fair and impartial and not base your decision in this case upon a bias or prejudice in favor of or against a person who may appear in this trial on account of that person's race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability, or sexual orientation?

2. Can you promise to guard against allowing stereotypes or attitudes about individuals or about groups of people, referred to as an implicit bias [in the video you saw], influence your decision in this case?

3. Is there any reason, whether it be a bias or something else, that would interfere with your ability to be fair in reaching a verdict?

III. SUGGESTED QUESTIONS FOR THOSE JURORS REMAINING AFTER THE INITIAL SCREENING

(and presumably sitting in the jury box awaiting to be questioned by the lawyers).

Note: These questions may be asked orally of an individual juror or more efficiently by providing each juror with a copy of these questions and asking each to answer in the order in which they were called to the jury box.

1. How many years did you attend school, or what diploma(s), or what degree(s) did you obtain in what area of education?
2. If you are employed, what *type* of work do you do, (not, who you are employed by) or, if you are retired, what *type* of work did you do?
3. Are you married? If yes, and your spouse is employed, what type of work does your spouse do (or, if retired, what type of work did your spouse do)?
4. Do you have children? If the children are adults and employed, what type of work do they do?
5. (a) Have you ever served on a trial jury in a criminal case?
(b) If yes, did the jury reach a verdict?
Please do not state what the case was about or what the verdict was.
6. (a) Have you ever served on a trial jury in a civil case?
(b) If yes, did the case settle before you were asked to reach a verdict, or did you reach a verdict?
Please do not state what the case was about or what the verdict was.
7. Have you ever served on a grand jury?
8. Are you, or anyone close to you, employed now, or have you or anyone close to you been employed by a court of law enforcement agency.

If yes, please state the individual's relationship to you (for example: parent, sibling, spouse, child, cousin, friend) and the agency he or she worked for.

Examples of law enforcement agencies include:

a police or peace officer in a department or agency, auxiliary police unit, district attorney, attorney general, united states attorney, inspector general of a governmental agency, FBI, sheriff's department, correction department, division of parole, department of probation, or a private security service.

9. How do you spend your spare time?