

# COUNCIL ON COURT PROCEDURES

*Established by the Oregon Legislature in 1977*

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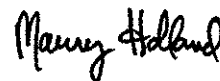
Mr. Richard S. Yugler  
Attorney at Law  
RiverPlace - Suite 250  
1750 SW Harbor Way  
Portland, OR 97201-5164

Dear Mr. Yugler:

Re: ORCP 57 C

Many thanks for your June 2 letter with the recommendation of the Procedure & Practice Committee that ORCP 57 C be amended to conform to what your Committee has found to be the predominant practice regarding the conduct of jury *voir dire*, with the supporting documentation. Since this is obviously a matter of high priority, I shall see that this material is circulated to all members of the Council well in advance of its July 16 meeting.

Sincerely yours,



Maurice J. Holland  
Executive Director

c: John Hart (w/enc.)

**RICHARD S. YUGLER**

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June 2, 1994

Mr. John E. Hart  
Council on Court Procedures  
c/o Mr. Maurice J. Holland  
Executive Director  
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Mr. Peter R. Chamberlain, Chair  
Uniform Trial Court Rules Committee  
c/o UTCR Reporter  
Supreme Court Building  
1163 State Street  
Salem, OR 97310

Mr. Andrejs I. Eglitis, Chair  
OSB Criminal Law Section  
5200 SW Meadows Rd.  
P. O. Box 1689  
Lake Oswego, OR 97035-0889

Re: ORCP 57C

Dear People:

The Oregon State Bar Procedure & Practice Committee has completed an extensive survey of current *voir dire* procedures throughout the state of Oregon. Our committee has concluded that current ORCP 57C is not in conformity with the current practices for conducting *voir dire* that are almost universally used in circuit and district courts. Current ORCP 57C provides as follows:

"The court may examine the prospective jurors to the extent it deems appropriate, and thereupon the court shall permit the parties to examine *each* juror, first by the plaintiff, and then by the defendant." (emphasis added)

Our survey has demonstrated that almost all trial judges employ the "fast track" system of jury selection unless one of the parties objects, in which case many judges feel bound by ORCP 57C to permit the attorneys to examine "each" juror. Our committee determined that some judges interpret the current version of ORCP 57C to be an anomaly that permits a single litigant to require individual *voir dire*. Courts should retain discretion to select a best method. The general rule should be *voir dire* by examination of the panel on the whole. The exception should be *voir dire* of each juror where good cause is shown.

Mr. John E. Hart  
Mr. Andrejs I. Eglitis  
Mr. Peter R. Chamberlain  
June 2, 1994  
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As a separate proposal to the UTCR committee, and as a desirable supplement to our proposed modification of ORCP 57C, our committee found that there should be some standardization concerning the use of the fast track *voir dire*. The fast track process works best when the litigants' counsel direct their inquiries to the entire panel concerning pertinent issues in the case that may bear upon the jurors' qualifications. Both plaintiffs' counsel and defendants' counsel benefit, however, by a preliminary inquiry into each juror's individual background and challenge for cause. Because some judges place time limits on the fast track system, it is an undue burden on the fast track system to require counsel to expend the time needed to conduct an examination into the individual background of each juror. Accordingly, we are proposing a UTCR that follows the current practice. In judicial districts that employ the use of written juror questionnaires and in those without a questionnaire, most trial judges conduct a very basic inquiry into each juror's background before turning the examination over to the parties to examine the panel on the whole. In order to accommodate the more populous districts that forego the use of written juror questionnaires, we have taken great care to design a brief, uniform *voir dire* to be conducted by the court. In those districts without written juror questionnaires, we envision trial judges having the uniform questions blown up, placed on a poster board, and thereupon having each juror briefly answer the questions posted. One posterboard would be available for civil cases and another (perhaps on the flip side) for criminal cases. Therefore, we have enclosed a copy of our proposals to the Chair of the OSB Criminal Law Section as well. We view the proposed UTCR as separate from the proposed ORCP 57C, but feel that each of your committees should know of our companion action.

It is not our committee's intent in modifying ORCP 57C or in proposing UTCR 6.085 to in any way restrict the *voir dire* to be conducted by the litigants or their counsel. Rather, it is our goal to provide some predictability to the *voir dire* process as litigants find themselves faced with as many separate *voir dire* "practices" as there are trial judges, and to bring current rules into conformity with current practice.

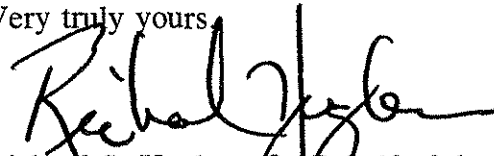
For your committees' use, we have enclosed the original survey, survey summary (through January 1994), and survey responses. We acknowledge that our survey was not "scientific" in terms of obtaining statistical information, but the conclusion to be drawn from these surveys is unmistakable: All trial judges prefer to use a fast track system, most trial judges employ some basic inquiry into the jurors' qualifications where a written questionnaire is not used, and the examination of "each" juror separately should be the exception to ORCP 57C, not the general rule.

*Richard S. Yugler, Attorney at Law*

Mr. John E. Hart  
Mr. Andrejs I. Eglitis  
Mr. Peter R. Chamberlain  
June 2, 1994  
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We welcome any further materials, questions, or assistance that the council may wish in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard S. Yugler". The signature is fluid and cursive, with a prominent vertical stroke on the right side.

Richard S. Yugler, On Behalf of the  
OSB Procedure & Practice Committee

RSY:kb

Encls.

cc: OSB Procedure & Practice Members

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## Proposed changes to ORCP 57C

ORCP 57 C. Examination of Jurors. The full number of jurors having been called shall thereupon be examined as to their qualifications. The court may examine the prospective jurors to the extent it deems appropriate, and thereupon the court shall permit the parties to examine [each juror] the prospective jurors. The court may permit the parties to examine each of the jurors individually and one at a time, first by the plaintiff, and then by the defendant, or the court may permit the parties to examine all of the prospective jurors, both individually and collectively as a group, first by the plaintiff, and then by the defendant. The court shall regulate the examination in such a way as to avoid unnecessary delay.

### UNIFORM JUROR QUESTIONNAIRE

Juror No: \_\_\_\_\_

Name: \_\_\_\_\_  
                    First                                      Middle Initial                                      Last                                      Age: \_\_\_\_\_

Home Address: \_\_\_\_\_  
                                    Street Address                                      City                                      County                                      State

Marital Status: Single \_\_\_ Married \_\_\_ Separated \_\_\_ Divorced \_\_\_ Widowed \_\_\_

What is your highest level of education: \_\_\_\_\_

Describe any specialized training or education you have received: \_\_\_\_\_

List your current occupation and employer (if retired or unemployed, write "retired" or "unemployed" and list your last occupation and employer): \_\_\_\_\_

List the members of your family and household:

<u>Relationship</u>	<u>Age</u>	<u>Occupation</u>	<u>Employer</u>

Have you ever:

- (a) served as a juror in a civil case?                                      Yes \_\_\_\_\_ No \_\_\_\_\_
- (b) served as a juror in a criminal case?                                      Yes \_\_\_\_\_ No \_\_\_\_\_
- (c) served as a juror in a grand jury?                                      Yes \_\_\_\_\_ No \_\_\_\_\_

Have you or any member of your family:

- (a) ever had a serious bodily injury?                                      Yes \_\_\_\_\_ No \_\_\_\_\_
- (b) ever made a claim for money damages?                                      Yes \_\_\_\_\_ No \_\_\_\_\_
- (c) ever filed a lawsuit?                                      Yes \_\_\_\_\_ No \_\_\_\_\_
- (d) ever been sued?                                      Yes \_\_\_\_\_ No \_\_\_\_\_
- (e) ever been involved in a motor vehicle collision?                                      Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to any of the above questions, please explain: \_\_\_\_\_

Are you related to or are you a close friend of any law enforcement officer? Yes \_\_\_\_\_ No \_\_\_\_\_

Have you or any member of your family:

- (a) ever been arrested or charged with a crime or major traffic offense?                                      Yes \_\_\_\_\_ No \_\_\_\_\_
- (b) ever been convicted of a crime or major traffic offense?                                      Yes \_\_\_\_\_ No \_\_\_\_\_
- (c) ever been the victim of a crime?                                      Yes \_\_\_\_\_ No \_\_\_\_\_
- (d) ever been a witness to a crime?                                      Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "Yes" to any of the above questions, please explain: \_\_\_\_\_

I HEREBY CERTIFY THAT ALL OF THE ANSWERS TO THE QUESTIONS ABOVE ARE TRUE AND CORRECT.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **Proposed UTCR 6.085**

### **Jury Questionnaire Forms**

(1) All prospective jurors shall be asked to complete a Uniform Juror Questionnaire in the form specified in the appendix of forms. Before the parties begin to examine the prospective jurors, the parties shall be permitted to review the Uniform Juror Questionnaire forms completed by the prospective jurors who have been drawn for the case.

(2) A court may promulgate a Supplementary Local Rule to dispense with the procedure set forth in Section (1). However, if such a Supplementary Local Rule is promulgated, then the court shall, upon request of any party, conduct a preliminary examination of the prospective jurors, which examination shall include but need not be limited to the questions in the applicable Uniform Voir Dire form specified in the appendix of forms.

(3) Nothing in Sections (1) or (2) shall prohibit the court from examining the prospective jurors to the extent that it deems appropriate, nor limit the right of the parties to examine the prospective jurors as to their qualifications.

## UNIFORM VOIR DIRE FORM FOR CIVIL CASES

1. Do you have any knowledge of any of the facts involved in this case?
2. Do you know any of the parties, attorneys or witnesses in this case?
3. Where do you live?
4. How long have you lived in this county?
5. What are your hobbies, recreational activities, and community activities?
6. List the members of your family and household, giving their names, ages, marital status, occupations and employers.
7. What is your educational and employment background?
8. What is your current occupation and who is your employer?
9. Have you ever served as a juror?
10. Have you or any member of your family:
  - (a) Ever had a serious bodily injury?
  - (b) Ever made a claim for money damages?
  - (c) Ever filed a lawsuit?
  - (d) Ever been sued?
  - (e) Ever been involved in a motor vehicle collision?



## UNIFORM VOIR DIRE FORM FOR CRIMINAL CASES

1. Do you have any knowledge of any of the facts involved in this case?
2. Do you know any of the parties, attorneys or witnesses in this case?
3. Where do you live?
4. How long have you lived in this county?
5. What are your hobbies, recreational activities, and community activities?
6. List the members of your family and household, giving their names, ages, marital status, occupations and employers.
7. What is your educational and employment background?
8. What is your current occupation and who is your employer?
9. Have you ever served as a juror?
10. Have you ever been employed as a law enforcement officer?
11. Are you related to or are you a close friend of any law enforcement officer?
12. Have you or any member of your family:
  - (a) Ever been arrested or charged with a crime or major traffic offense?
  - (b) Ever been convicted of a crime or major traffic offense?
  - (c) Ever been a victim of a crime?
  - (d) Ever been a witness to a crime?

*RESPONSES OF CIRCUIT COURT & DISTRICT COURT  
JUDGES (less Multnomah County), DISTRICT ATTORNEYS  
and BAR ASSOCIATIONS*

CIRCUIT COURT JUDGES

30 sent - 11 responses

1. Jury Terms and Jury Pools.

- A. What methods are currently used in your county for the random selection of the jury pool?

WE SEND OUR LOCAL VOTER'S REGISTRATION LIST TO ID. THEY COMBINE IT WITH THE DMV LIST FOR OUR AREA. (8)

WE ASK A NUMBER OF JURORS FOR THE YEAR (CURRENTLY 4,200) WHICH ID COMPUTER PROGRAM RANDOMLY SELECTS. EACH QUARTER WE SEND OUT APPROXIMATELY 900 SUMMONSES (COMPUTER RANDOM SELECTION).

COMPUTER RANDOM SELECTION.

- B. What suggestions, if any, do you have for improving the manner of selecting and summoning members of the jury pool?

DELETE DMV "ID-CARD HOLDERS ONLY" FROM THE POOL. DELETE PERSONS OVER 80 YEARS OF AGE.

DMV GIVES TRANSIENTS AND CRIMINALS. I LIKE THE CALIBRE OF THE PEOPLE OFF THE VOTER REGISTRATION LISTS BETTER.

ELIMINATE OREGON DRIVERS LICENSE AS A BASIS FOR SELECTION.

MANY OF THE DMV NAMES ARE UNUSABLE DUE TO HEARING PROBLEMS, PENDING CRIMINAL CASES, ETC.

DMV LIST IS NOT ALWAYS CURRENT.

- C. What are the current requirements for the term of service of anyone who receives a subpoena?

THREE MONTHS.

THREE MONTHS - NO MORE THAN 10 DAYS OF SERVICE UNLESS AN ONGOING TRIAL EXTENDS THEM BEYOND 10 DAYS.

///

ONE MONTH ON A COMBINED PANEL SERVING BOTH DISTRICT AND CIRCUIT COURTS.

TWO MONTHS.

MAXIMUM 10 DAYS OF SERVICE UNLESS REQUIRED TO FINISH A TRIAL.

THREE MONTHS. JURORS DIVIDED INTO THREE GROUPS, (TUES., WED., THURS.), ALSO RANDOMLY BY COMPUTER. CALL IN ONCE A WEEK TO SEE IF NEEDED. MOST JURORS COME IN ABOUT 6 TIMES AND SERVE ANYWHERE FROM 0 - 4 TRIALS. AFTER 10 APPEARANCES AT THE COURTHOUSE, THEY MAY ON REQUEST BE RELIEVED FROM SERVICE FOR REMAINDER OF THE TERM.

FOUR-WEEK TERM EXCUSED AFTER 10 DAYS OF SERVICE.

ONE MONTH TERM, SERVING ON TWO OR THREE CASES.

90 DAYS, HOWEVER, A JUROR MAY ASK TO SERVE THEIR 10 DAYS IN A ONE-MONTH PERIOD. OUR JURORS NORMALLY SERVE ONLY FIVE OR SIX DAYS THROUGHOUT THE TERM. WHEN A JUROR MEETS THEIR 10 DAYS OF SERVICE, THEY ARE AUTOMATI-CALLY EXCUSED.

- D. What suggestions, if any, do you have for improving the requirements for a juror's term of service?

WE ARE CONSIDERING SHORTENING THE TERMS FROM THREE MONTHS TO ONE OR TWO MONTHS.

FEDERAL PRACTICE OF SERVING ONE DAY OR ONE TRIAL.

- E. Do you believe the current system should be changed in any respect to improve the representativeness of the jury pool?

DMV LIST ADDITION HAS HELPED.

A PROBLEM WITH REGISTERED VOTERS WHO DO NOT DRIVE OR DO NOT DRIVE AFTER DARK, OR HAVE LONG COMMUTES FROM THE CITY.

- F. What, if anything, can be done to make the term of service more efficient, interesting or useful to jurors, to the court or to practitioners?

FINE ATTORNEYS OR DDAS WHEN WE CALL JURORS IN FOR TRIALS THAT ARE DISMISSED OR RESULT IN A PLEA AT THE LAST MINUTE. SOME OF THESE JURORS MUST DRIVE OVER 100 MILES ROUND TRIP JUST TO BE TOLD A TRIAL IS OFF. LOST WAGES, LONG HOURS, ETC. (2)

WE SET UP A GROUP OF "SHORT TERM PANELS" FOR JURORS WHO COULD NOT GET AWAY FROM WORK FOR LONG STRETCHES OF TIME WITHOUT UNDUE HARDSHIP.

NEED BETTER COMPENSATION FOR THEIR TIME.

TOO MUCH TIME FOR JURORS TO SPEND WAITING BEFORE TRIAL AND DURING THE TRIAL. JUDGES AND ATTORNEYS COULD ANTICIPATE SITUATIONS THAT MAY CAUSE DELAYS, AND WORK TO AVOID THEM. (2)

MAKE THE WAITING AREA MORE COMFORTABLE (TV, MAGAZINES, ETC.).

TOO MANY PEOPLE COME IN WHO ARE NOT UTILIZED.

THE PROBLEM IS THE SYSTEM. LITTLE CAN BE DONE TO MAKE JURY SERVICE MORE INTERESTING TO THE JURORS.

2. Voir Dire Practices.

- A. Is there any uniform method of conducting *voir dire* used by judges in your county?

DISTRICT COURT USES THE TRADITIONAL METHOD, WHILE THE TWO CIRCUIT JUDGES USE THE EXPEDITED *VOIR DIRE* PROCEDURE. IN COMPLICATED CASES, WE USE THE TRADITIONAL.

NO REQUIREMENT, BUT FAST TRACK IS USED.

YES.

FAST TRACK WITH SOME VARIATIONS. INDIVIDUAL JUDGE'S PREFERENCE.

YES, FAST TRACK EXCEPT WHEN AGGRAVATED MURDER TRIAL.

NO, JUDGES USE WHAT THE ATTORNEYS PREFER.

STRUCK METHOD UNLESS ATTORNEY OBJECTS.

- B. Please describe the current methods for conducting *voir dire* used in your county. If individual judges use different systems, please ask each judge to describe their individual system, including each of the following information:

1. What is the number of jurors empaneled for initial questioning by counsel in Circuit Court and in District Court cases?

15 DISTRICT/24 CIRCUIT.

18 DISTRICT/28 - 35 CIRCUIT.

10 - 12/DISTRICT/20 - 24/CIRCUIT.

12 DISTRICT/24 CIRCUIT. (3)

12 DISTRICT/18 CIRCUIT

12 OR 6 - FILL JURY BOX PROCEED ONE BY ONE.

2. What, if any, inquiry is undertaken by the court into the qualifications of jurors?

OBVIOUS FOR CAUSE CHALLENGES ARE DEALT WITH BEFORE ATTORNEY'S QUESTIONING.

BASIC AREAS INCLUDING ISSUES RAISED BY THE SPECIFIC CASE.

NONE. LET LAWYERS TRY THEIR CASE.

PRELIMINARY INQUIRY IS MADE BY THE COURT AFTER THE NATURE OF THE CASE IS EXPLAINED TO THE JURY PANEL.

VARIES FROM JUDGE TO JUDGE.

WRITTEN QUESTIONNAIRE.

3. If the court conducts a preliminary or detailed inquiry, then what areas are most commonly subject to examination by the court?

RELIGIOUS ISSUES, FIXED OPINIONS.

KNOWLEDGE OF THE JURORS, BIAS RE: NATURE OF THE CASE, PRIOR JURY EXPERIENCE. SOMETIMES SPECIFIC AREAS IN CASES LIKE SEX ABUSE, ETC. (5)

TIME PROBLEMS, DIFFICULTY HEARING THE TYPE OF PENDING CASE, PROBLEMS SERVING AS JUROR IN TERMS OF DISAGREEMENT WITH THE SYSTEM, ETC. (2)

INFORMED HOW LONG THE CASE WILL TAKE AND ASKED IF THAT PRESENTS A PROBLEM. ASKED ABOUT PARTICULAR TYPES OF CASES (SEX CRIMES) AND WHETHER THEY COULD BE FAIR AND IMPARTIAL.

OBVIOUS ONES LIKE MINORITY DEFENDANT - RELATIONSHIPS WITH MINORITIES AND MINORITY ORGANIZATIONS. PERSONAL INJURY - MEDICAL BACKGROUND, ACCIDENT HISTORY. INSURANCE DEFENDANT - RELATIONSHIP AND EXPERIENCE WITH INSURANCE COMPANIES.

4. Does the court limit the amount of time available for inquiry by each of the attorneys for the parties and, if so, what is the amount of time available?

I TRY TO LIMIT TO 30 MINUTES FOR EACH ATTORNEY, BUT IF THE NATURE OF THE CASE REQUIRES ADDITIONAL TIME, IT IS GRANTED. (2)

RARELY LIMITED.

NO.

20 MINUTES BUT VERY FLEXIBLE.

NO.

ONLY TO ENCOURAGE ATTORNEYS TO SPEED UP IF THE PROCESS SEEMS TO BE DRAGGING.

5. Are individual inquiries made of each juror with each party's attorney alternating questions with the individual juror ("the classic method")?

NO. (4)

NO, EXCEPT IN CAPITAL MURDER.

YES.

OFTEN. DEPENDS ON THE JUDGE AND THE ATTORNEYS.

ONLY IF THERE IS OBJECTION TO FAST TRACKING.

6. Does the court require or permit attorneys to conduct *voir dire* by making inquiries of the panel on the whole ("the fast track")?

YES, BUT IF A SPECIFIC REQUEST IS MADE FOR TRADITIONAL, WITH GOOD REASON, A REQUEST IS NORMALLY GRANTED.

YES. (6)

NO.

ENCOURAGED, NOT REQUIRED.

7. What factors are used to determine whether the fast track or classic method is used?

USED EXCLUSIVELY IN MY COURT, EVEN IN MURDER

WHEN A SIX-PERSON DISTRICT COURT CASE IS TRIED UP IN THE CIRCUIT COURT-ROOM, WE USE THE TRADITIONAL METHOD, AS IT IS EASIER TO INQUIRE INDIVIDUALLY OF SIX JURORS THAN TO HAVE THE BROAD *VOIR DIRE* OF 12 JURORS AND THEN MAKE CHALLENGES. WE TRY TO USE THE METHOD THAT WILL TAKE THE LEAST TIME.

ATTORNEY PREFERENCE. (3)

I AM A TRADITIONALIST IN THIS AREA.

IN AGGRAVATED MURDER CASES, CLASSIC IS USED.

8. If the fast track system is used, are attorneys allowed to follow up after opposing counsel has concluded their examination of the entire panel?

NO. (4)

NOT ALLOWED NORMALLY BUT ALLOWED UNDER SPECIAL CIRCUMSTANCES. (3)

9. What are the perceived advantages and disadvantages to the fast track or classic method for the jurors, for the court and for practitioners?

MORE INTERESTING FOR JURORS. (2)

SAVES TIME, PREVENTS REPETITION, GET THE SAME QUALITY JURY.

FOCUS MORE ON THE QUALIFICATIONS OF JURORS LESS ON TRYING THE CASE IN THE SELECTION PROCESS. AVOIDS REPETITION, LESS THREATENING TO THE JURORS.

LET LAWYERS TRY THEIR OWN CASES. NO ADVANTAGE FROM EXTENDED INITIAL QUESTIONING.

FASTER AND ATTORNEYS KNOW THE ORDER THE JURORS WILL BE CALLED IN.

FASTER AND LESS EMBARRASSING TO JURORS NOT BEING SINGLED OUT FOR QUESTIONING, BUT DISADVANTAGE IS THAT LESS INFORMATION IS HEARD ABOUT JURORS. (2)

- C. Do any of the judges use any written juror questionnaire? If so, please attach a copy.
  1. If you use a questionnaire, how is it made available to the litigants' counsel (For example, do jurors carry copies with them to provide to

counsel, are the questionnaires in a single, central location, or are the questionnaires copied for each courtroom)?

EACH COURTROOM PRACTICES THREE, HAS COPIES OF THE QUESTIONNAIRES FOR THE ATTORNEYS WHEN THERE IS A JURY TRIAL IN THAT COURTROOM.

IT IS PROVIDED IN A PACKET TO EACH ATTORNEY. (3)

AVAILABLE AT COUNSEL TABLE.

COPIED AND PLACED IN THREE BOOKS. ONE FOR EACH ATTORNEY AND ONE FOR THE COURT.

JURY CARRIES THREE COPIES INTO THE COURTROOM. BAILIFF DISTRIBUTES.

2. Are there any perceived advantages or disadvantages to the use of written jury questionnaires as opposed to inquiry into basic information by the court or by posting the information on a board and asking each juror to verbally answer such basic information?

ATTORNEYS MAY REVIEW THE QUESTIONNAIRES FOR JURORS BEING CALLED TO THEIR TRIAL AT 8:00 AM THE MORNING OF THE TRIAL.

THEY ANSWER ALL THE BASICS AND SAVE A LOT OF TIME.

I QUESTION THE VALUE OF THE QUESTIONNAIRE. THERE ARE FEW QUESTIONS ON IT THAT ARE USED BY ATTORNEYS.

AVOIDS EMBARRASSMENT TO JUROR. FASTER MEANS OF PROVIDING BASIC INFORMATION.

WRITTEN QUESTIONNAIRE PROVIDES ATTORNEYS OPPORTUNITY TO REVIEW THE JURY BEFORE *VOIR DIRE*.

SOME JURORS MAY HAVE A MINOR ARREST OR CRIMINAL RECORD WHICH THEY ARE UNCOMFORTABLE ANNOUNCING IN OPEN COURT BEFORE THEIR PEERS.

- D. What methods are used for conducting strikes for individual jurors? For example, are strikes taken in chambers, orally, or by use of written slips?

WRITTEN SLIPS. (6)

IN CIVIL CASES, CHALLENGES ARE DONE ORALLY OUTSIDE PRESENCE OF THE JURY. IN CRIMINAL CASES, IN WRITING BEFORE THE JURY.

CHAMBERS, UNLESS OBJECTION.



WRITTEN SLIPS WITH CLASSIC, ORALLY IN CHAMBERS WITH FAST TRACK.

E. Juror Confidentiality.

1. What steps, if any, have been undertaken to protect juror privacy and confidentiality?

FIRST NAMES AND ADDRESSES ARE NOT LISTED ON THE QUESTIONNAIRE PROVIDED FOR ATTORNEYS.

NAMES ARE A MATTER OF PUBLIC RECORD DURING THE TRIAL.

PHONE NUMBERS AND ADDRESSES DO NOT APPEAR ON ANY PUBLIC INFORMATION.

DETACH PERSONAL INFORMATION BEFORE MAKING PUBLIC.

NO LONGER ALLOW ATTORNEYS TO VIEW THE QUESTIONNAIRES.

NO PROCEDURE TO PROTECT. IN A RECENT CASE, BY MEDIA REQUEST, PHONE NUMBERS AND ADDRESSES OF JURY MEMBERS WERE DISCLOSED AFTER THE VERDICT.

PERSONAL DATA (ADDRESS, TELEPHONE NUMBERS) NOT PROVIDED TO ANYONE OUTSIDE OF COURT STAFF.

NO ADDRESS OR PHONE NUMBER ON QUESTIONNAIRE.

2. Are there any educational programs under way for permitting attorneys to be debriefed by jurors in order to improve their practice? If so, what are the current practices permitted?

NO. NO PROVISION OF A SYSTEM WHERE ATTORNEYS MAY DEBRIEF JURORS.

A PILOT PROGRAM IN THE WORKS - CONTACT TOM HOUSER - ASHLAND  
AN EXIT QUESTIONNAIRE IS REQUESTED AND MADE AVAILABLE TO THE ATTORNEYS. SEE ATTACHED.

NO. (4)

3. Are there any policies or procedures under consideration for allowance of the exit interviews by counsel?

NO. (8)

4. In light of the fact that there are no restrictions on the ability of the press to conduct exit juror interviews, what procedures and practices should be

in place concerning the conduct of exit interviews by counsel or the court?

JURORS NEED SPEAK TO THE MEDIA ONLY IF THEY WANT TO AND SHOULD NOT BE FURTHER IMPOSED UPON BY THE COURT OR COUNSEL. (2)

THERE SHOULD BE NO SUCH INTERVIEWS. (2)

HAS NOT ARISEN.

TOO MUCH OPPORTUNITY FOR ABUSE.

THEY SHOULD NOT BE ALLOWED. (2)

EXIT INTERVIEW SHOULD BE UNDER THE CONTROL OF THE COURT

### DISTRICT COURT JUDGES

61 sent - 10 responses

SAMPLE QUESTIONNAIRES AND *VOIR DIRE* PROCEDURE FORMS ATTACHED

1. Jury Terms and Jury Pools.

- A. What methods are currently used in your county for the random selection of the jury pool?

MBA HAS DONE EXTENSIVE RESEARCH ON JURY POOLS. JOHN GEIL HAS THE INFORMATION.

SOURCE POPULATION IS DMV AND VOTER REGISTRATION. OJIN JURY.

SYSTEM USES COMPUTER RANDOM PROGRAM FOR MASTER LIST.

DISTRICT AND CIRCUIT COURTS IN LANE COUNTY SHARE THE SAME JURY POOL.

MASTER POOLS ARE SELECTED FROM LISTS OF REGISTERED VOTERS.

COPY OF THE GENERAL ORDERS ESTABLISHING JURY SELECTION AND TERMS OF SERVICE ATTACHED.

DMV PROVIDES LIST OF DRIVERS OVER AGE 18. THIS LIST IS MERGED WITH VOTER REGISTRATION LIST. RANDOM SELECTION OF 2,000 NAMES FROM SOURCE LISTS.

///

LIST OF VOTER REGISTRATION AND DMV VEHICLE REGISTRATION FOR PROCESS  
DONE RANDOMLY BY A COMPUTER.

- B. What suggestions, if any, do you have for improving the manner of selecting and summoning members of the jury pool?

NONE.

- C. What are the current requirements for the term of service of anyone who receives a subpoena?

ONE-MONTH TERM OR 10 DAYS OF SERVICE.

THREE-MONTH TERMS.

THREE-MONTH TERMS.

THREE-MONTH TERMS, WITH CALL-IN SYSTEM CALLING THE NIGHT BEFORE TO SEE IF THEIR NUMBER IS INCLUDED IN THOSE JURORS WHO WILL BE NEEDED THE FOLLOWING DAY.

THERE IS AN EFFORT TO CALL JURORS IN FOR ONLY A DAY OR A SINGLE CASE IN MULTNOMAH COUNTY. THAT SYSTEM MAY WORK IN A RURAL COUNTY, BUT THE LOGISTICS OF PUTTING JURORS THROUGH A DAILY ORIENTATION PROCESS WHICH TAKES OVER AN HOUR, AND GETTING THEM TO COURT BY 9:30 AM FOR TRIAL WOULD BE DIFFICULT.

FOUR-WEEK TERM WITH HARDSHIP CASES HANDLED ON AN INDIVIDUAL BASIS. SOME ARE PERMITTED TO SERVE FOR ONLY TWO WEEKS, SOME MAY HAVE PRE-EXCUSED DAYS THROUGHOUT THE FOUR-WEEK TERM.

- D. What suggestions, if any, do you have for improving the requirements for a juror's term of service?

HAVE JUROR SERVE A SHORTER TERM. POSSIBLY ONE WEEK.

I LIKE "THE TEXAS SYSTEM " - JURORS ARE CALLED IN FOR ONE DAY OR ONE TRIAL.

SHORTER TERMS.

- E. Do you believe the current system should be changed in any respect to improve the representativeness of the jury pool?

NO.

INCREASING THEIR PAY DUE TO THE AMOUNT OF MONEY THEY MISS FOR BEING AWAY FROM WORK.

I BELIEVE OUR SYSTEM PROCURES A REASONABLY REPRESENTATIVE SAMPLE FOR THE JURY POOL.

- F. What, if anything, can be done to make the term of service more efficient, interesting or useful to jurors, to the court or to practitioners?

EARLIER TRIAL PREPARATION TO AVOID LAST MINUTE DELAYS, DISMISSALS, AND SETTLEMENTS, ETC.

PHONE-IN SYSTEM. JURORS CALL THE COURTHOUSE AT THE TIMES AND DATES INDICATED ON A PRE-RECORDED MESSAGE.

INFORMATION IS AVAILABLE FROM COURT STAFF DURING WORKING HOURS.

2. Voir Dire Practices.

- A. Is there any uniform method of conducting *voir dire* used by judges in your county?

NO.

THE *VOIR DIRE* PRACTICES OF EACH JUDGE IN MULTNOMAH COUNTY HAS BEEN COMPILED INTO A BOOK AVAILABLE IN THE MBA OFFICE. JURIES ARE PICKED DIFFERENTLY IN EVERY COURTROOM, AND THE WHOLE *VOIR DIRE* PROCESS VARIES FROM JUDGE TO JUDGE. IT WOULD BE NICE TO HAVE SOME UNIFORMITY.

BOTH OF US USE A GREAT DEAL OF FLEXIBILITY, HOWEVER, THE UNIFORMITY IS THAT OF COMMON SENSE.

WASHINGTON COUNTY *VOIR DIRE* PROCEDURES ATTACHED.

- B. Please describe the current methods for conducting *voir dire* used in your county. If individual judges use different systems, please ask each judge to describe their individual system, including each of the following information:

1. What is the number of jurors empaneled for initial questioning by counsel in Circuit Court and in District Court cases?

33 CIRCUIT/23 DISTRICT.

18 CIRCUIT/12 DISTRICT.

18 CIRCUIT/12 DISTRICT.

AVERAGE 20 JURORS ON A PANEL, 15 USUALLY AVAILABLE FOR A TRIAL.

ONE PANEL IS CALLED FOR DISTRICT COURT AND TWO PANELS ARE CALLED FOR CIRCUIT COURT.

2. What, if any, inquiry is undertaken by the court into the qualifications of jurors?

MUST COMPLETE WRITTEN QUESTIONS ON RETURN OF SUMMONS.

QUALIFICATIONS REVIEWED AGAIN AT ORIENTATION.

THE QUESTIONS AS SET FORTH IN THE UNIFORM PRELIMINARY INSTRUCTIONS AS WELL AS FOLLOW-UP QUESTIONS. I ASK IF THEY OR ANYONE IN THEIR FAMILY OR CLOSE FRIENDS ARE IN LAW ENFORCEMENT (IN CRIMINAL CASES); IF ANYONE HAS BEEN THE VICTIM OF A CRIME (IN CRIMINAL CASES), ETC.

I QUESTION ABOUT THEIR QUALIFICATIONS.

3. If the court conducts a preliminary or detailed inquiry, then what areas are most commonly subject to examination by the court?

DO THE JURORS:

- a) KNOW THE PARTIES
- b) KNOW THE ATTORNEYS
- c) KNOW ANYTHING ABOUT THE CASE
- d) ANYTHING ABOUT THE NATURE OF THE CASE THAT MAY CAUSE DIFFICULTY
- e) ANY REASON THE JUROR COULD NOT BE IMPARTIAL
- f) PERSONAL SITUATIONS MAKING GIVING UNDIVIDED ATTENTION DIFFICULT
- g) UNDERSTAND THE POTENTIAL BURDENS OF PROOF.

4. Does the court limit the amount of time available for inquiry by each of the attorneys for the parties and, if so, what is the amount of time available?

SOMETIMES WILL LIMIT THE TOTAL TIME FOR *VOIR DIRE*. LENGTH DEPENDS UPON THE TYPE OF CASE.

LIMITED TIME. 30 MINUTES EACH IN DISTRICT COURT CASES. I ALLOW ATTORNEYS TO TELL ME WHY THEY NEED MORE TIME IN CIRCUIT COURT CASES (I.E., 45 OR 60 MINUTES EACH) BUT THE ATTORNEYS HAVE LIMITED THEMSELVES TO 30 MINUTES.

I ASK THE ATTORNEYS HOW MUCH TIME THEY NEED, BUT TRY TO LIMIT IT TO ABOUT 20 MINUTES.

DEPENDS UPON THE NATURE OF THE CASE.

NO TIME LIMIT.

5. Are individual inquiries made of each juror with each party's attorney alternating questions with the individual juror ("the classic method")?

YES.

6. Does the court require or permit attorneys to conduct *voir dire* by making inquiries of the panel on the whole ("the fast track")?

YES.

ATTORNEYS CAN DIVIDE THEIR 30 MINUTES HOWEVER THEY CHOOSE, GROUP OR INDIVIDUAL QUESTIONS.

THIS DISTRICT ENCOURAGES THE USE OF GENERAL QUESTIONS TO THE PANEL AT LARGE.

COUNSEL HAS THE OPTION OF QUESTIONING INDIVIDUALLY OR THE PANEL AS A WHOLE, OR COMBINATION OF BOTH.

7. What factors are used to determine whether the fast track or classic method is used?

CASE TYPE AND INPUT FROM ATTORNEYS.

THERE IS NO OPTION FOR "CLASSIC" IN MY COURTROOM. IF ANY ATTORNEY CHOOSES TO QUESTION INDIVIDUAL JURORS, THAT IS CERTAINLY WITHIN HIS/HER ABILITY AS LONG AS THE TIME LIMITATION IS HONORED.

I WENT FROM "CLASSIC" TO FAST TRACK IN APRIL OF THIS PAST YEAR. JURORS AT THE TIME INDICATED THAT THEY PREFERRED THE STRUCK SYSTEM.

OUR COUNTY GENERALLY USES THE FAST TRACK SYSTEM, HOWEVER, IF AN ATTORNEY WISHES, HE/SHE MAY USE THE CLASSIC METHOD.

8. If the fast track system is used, are attorneys allowed to follow up after opposing counsel has concluded their examination of the entire panel?

YES.

NO.

I HAVE BEEN CONSIDERING ALLOWING REBUTTAL QUESTIONS BUT HAVE NOT YET DONE SO. NOBODY HAS ASKED, AND I HAVEN'T BEEN ABLE TO SPEAK WITH ANYONE WHO HAS TRIED IT. IF THIS SURVEY RECEIVES SOME INFORMATION LET ME KNOW. (PHILIP NELSON - CLATSOP CO.)

YES.

9. What are the perceived advantages and disadvantages to the fast track or classic method for the jurors, for the court and for practitioners?

FAST TRACK REDUCES UNNECESSARY DELAY AND CREATES A MORE POSITIVE EXPERIENCE FOR JURORS, WHICH IS AN ADVANTAGE FOR ALL.

REPETITIVE, BORING, USELESS QUESTIONS TEND TO BE ELIMINATED WITH THE FAST TRACK. A JURY IS SELECTED WITHIN ONE HOUR AS OPPOSED TO TWO, THREE HOURS OR MORE. THIS IS HIGHLY ADVANTAGEOUS TO THE JURORS, THE COURT, AND THE SKILLED PRACTITIONER. I HAVE FOUND, HOWEVER, THAT GROUP QUESTIONING REQUIRES SOME SKILLS MANY ATTORNEYS HAVE NOT YET DEVELOPED.

I THINK THE NEW METHOD IS MORE EFFICIENT AND BETTER LIKED BY THE JURORS, BUT I BELIEVE THE ATTORNEY SHOULD HAVE THE OPTION OF USING THE CLASSIC METHOD IF THE ATTORNEY FEELS COMPELLED TO DO SO.

- C. Do any of the judges use any written juror questionnaire? If so, please attach a copy.

1. If you use a questionnaire, how is it made available to the litigants' counsel (For example, do jurors carry copies with them to provide to counsel, are the questionnaires in a single, central location, or are the questionnaires copied for each courtroom)?

JURORS BRING THREE COPIES OF THE QUESTIONNAIRE WITH THEM. AS THEIR NAMES ARE CALLED, THE JUROR GIVES ONE COPY TO EACH COUNSEL AND ONE TO THE COURT CLERK.

THERE IS A STANDARDIZED JURY QUESTIONNAIRE PROVIDED TO THE ATTORNEYS ON A CLIPBOARD IN EACH COURTROOM.

JURORS FILL OUT A QUESTIONNAIRE (ATTACHED) WHICH IS AVAILABLE TO THE ATTORNEYS.

SHOULD BE MANDATORY.

VERY GENERAL - COVERS EMPLOYMENT, PRIOR JURY SERVICE, OPINION ABOUT CONSUMPTION OF ALCOHOL, ETC., MADE AVAILABLE BY THEIR INCLUSION IN A THREE-RING BINDER ON EACH PARTY'S TABLE IN THE COURTROOM. WE BELIEVE THIS DOES SPEED UP THE JURY SELECTION PROCESS.

2. Are there any perceived advantages or disadvantages to the use of written jury questionnaires as opposed to inquiry into basic information by the court or by posting the information on a board and asking each juror to verbally answer such basic information?

- D. What methods are used for conducting strikes for individual jurors? For example, are strikes taken in chambers, orally, or by use of written slips?

WRITTEN SLIPS.

WRITTEN SLIPS.

CHALLENGES FOR CAUSE ARE CONDUCTED BEFORE THE JURY IN OPEN COURT. PEREMPTORY CHALLENGES ARE TAKEN BY COUNSEL IN COURT BY WRITTEN BALLOT.

I'D LIKE TO SEE CHALLENGES PERMITTED IN OPEN COURT MAKING A PAPER RECORD, OR IN CHAMBERS, "ON THE RECORD." AMEND ORS 46.800(2) RATHER THAN DISTRICT COURT'S MANNER OF EXERCISING PEREMPTORY CHALLENGE, "BE THE SAME AS PROVIDED FOR IN CIRCUIT COURT," ADOPT LANGUAGE SUCH AS ORCP 57(d)(3) SPECIFYING THE ALTERNATING EXERCISE OF ONE PEREMPTORY CHALLENGE.

WRITTEN BALLOT.

- E. Juror Confidentiality.

1. What steps, if any, have been undertaken to protect juror privacy and confidentiality?

PHYSICAL SECURITY IS PROVIDED BY RESTRICTED COMPUTER ACCESS AND LOCKED FILE CABINETS. JURY REGISTER INFORMATION IS AVAILABLE ON REQUEST. MASTER LIST IS USED ONLY FOR SELECTION PURPOSES.

NO RULES HAVE BEEN ESTABLISHED IN THIS COUNTY, BUT IN ORIENTATION, I TELL JURORS TO LET ME OR MY STAFF KNOW OF ANY PROBLEMS OR SUGGESTIONS FOR IMPROVEMENTS.

WE STRIKE JUROR ADDRESSES AND PHONE NUMBERS FROM QUESTION-NAIRES.

2. Are there any educational programs under way for permitting attorneys to



be debriefed by jurors in order to improve their practice? If so, what are the current practices permitted?

NONE.

I RECOMMEND PERMITTING/ENCOURAGING DEBRIEFING OF JURORS BY ATTORNEYS AND COURT EVEN PRIOR TO THE END OF THE JUROR TERMS.

3. Are there any policies or procedures under consideration for allowance of the exit interviews by counsel?

NONE.

WE ARE CONSIDERING A JURY EXIT INTERVIEW PROCESS. COMMENTS ABOUT SPECIFIC ATTORNEYS COULD BE MADE ON A BLIND BASIS. IN SMALL TOWNS, ATTORNEYS GET FEEDBACK WHETHER OR NOT THEY WANT IT. PRESENTLY NO POLICY OR PROCEDURES.

NO POLICY AND DOES NOT ALLOW EXIT INTERVIEWS BY COUNSEL. FURTHERMORE, WE SHOULD NOT SUBJECT JURORS TO SUCH INDIGNITY. I AM OPPOSED TO ANY RULE OR LAW THAT WOULD PERMIT EXIT INTERVIEWS BY COUNSEL.

NO. IT WOULD BE IMPRACTICAL IN MOST CRIMINAL CASES, PARTICULARLY WHERE SENTENCING OCCURS SOMETIME AFTER A JURY VERDICT IS RENDERED. THE JURORS' PRIVATE THOUGHTS REGARDING A CASE SHOULD NOT BE EXPLORED BY COUNSEL WHEN SENTENCING IS STILL PENDING.

4. In light of the fact that there are no restrictions on the ability of the press to conduct exit juror interviews, what procedures and practices should be in place concerning the conduct of exit interviews by counsel or the court?

WHETHER EXIT INTERVIEWS OR INDIVIDUAL CASES RESULT IN POSITIVE CHANGES SHOULD BE CLEARLY ESTABLISHED BEFORE DISCUSSIONS ON THE CONDUCT OF SUCH INTERVIEWS.

### DISTRICT ATTORNEYS

33 sent - 12 responses

1. Jury Terms and Jury Pools.

- A. What methods are currently used in your county for the random selection of the jury pool?

DMV AND REGISTERED VOTERS (7).

DMV.

DMV, VOTER REGISTRATION, AND TELEPHONE DIRECTORY.

- B. What suggestions, if any, do you have for improving the manner of selecting and summoning members of the jury pool?

VOTER REGISTRATION GENERATES A HIGHER CALIBRE OF CITIZEN.

IT WOULD BE NICE IF DMV EXCLUDED NON-CITIZENS AUTOMATICALLY.

DMV ADDRESSES CHANGE WITHOUT FORWARDING ADDRESS.

SOURCE LISTS SHOULD BE PURGED ON A REGULAR BASIS.

TAG LOCAL JURORS WHO HAVE SERVED SO THAT THOSE WHO HAVE APPEARED IN THE PAST 24 MONTHS DO NOT APPEAR ON THE LIST.

- C. What are the current requirements for the term of service of anyone who receives a subpoena?

TWO WEEKS.

FIRST MONDAY OF THE MONTH THROUGH THE LAST FRIDAY OF THE MONTH.

ONE YEAR.

THREE MONTHS. (4)

ONE MONTH - JURORS CALL IN TO FIND OUT WHETHER OR NOT TO REPORT THE FOLLOWING DAY.

PETIT JURORS - ONE MONTH/GRAND JURORS - TWO MONTHS

TWO-MONTH TERMS. (2)

- D. What suggestions, if any, do you have for improving the requirements for a juror's term of service?

LONGER SERVICE MEANS LESS NAIVETE.

GIVE THE JUROR THE EXACT PERIOD THEY WILL NEED TO SERVE.

MORE MINORITIES NEED TO BE REPRESENTED.

TOO MANY PEOPLE ARE EXCUSED.

ELIMINATE DMV NAMES.

- E. Do you believe the current system should be changed in any respect to improve the representativeness of the jury pool?

NO. (3)

YES - SELECT FROM VOTER REGISTRATION.

- F. What, if anything, can be done to make the term of service more efficient, interesting or useful to jurors, to the court or to practitioners?

LESS WASTED TRIPS BECAUSE OF FAILURE TO APPEAR ON THE PART OF THE DEFENDANTS.

TIME MUST BE MORE EFFICIENTLY USED FOR JURORS. TRIALS CANCELED AT THE LAST MINUTE, OR POSTPONED ARE COSTLY AND A WASTE OF RESOURCES. COSTS FOR JURY SHOULD BE ROUTINELY IMPOSED ON THE PARTY WHO CANCELS A JURY OR APPORTIONED BETWEEN PARTIES WHO SETTLE THE MORNING OF A TRIAL.

UPDATE THE RIDICULOUSLY OUTDATED PAYMENT FOR TIME AND MILEAGE.. MINIMIZE THE WAIT, AND PROVIDE COMFORTABLE WAITING ROOMS WITH COMPUTERS, PHONES, READING MATERIALS, ETC.

ELIMINATE LAST MINUTE PLEAS AND SETTLEMENTS.

2. Voir Dire Practices.

- A. Is there any uniform method of conducting *voir dire* used by judges in your county?

YES, A WRITTEN RULE BY JUDGE BARON.

YES. (6)

NO. (3)

MODIFIED METHOD - 12 JURORS ARE SEATED FOR MISDEMEANOR CASE. EACH ATTORNEY GETS 20 - 30 MINUTES TO QUESTION THE PANEL.

- B. Please describe the current methods for conducting *voir dire* used in your county. If individual judges use different systems, please ask each judge to describe their individual system, including each of the following information:

1. What is the number of jurors empaneled for initial questioning by counsel

in Circuit Court and in District Court cases?

CIRCUIT COURT 36/DISTRICT COURT 18.

CIRCUIT COURT 24/DISTRICT COURT 12 (4).

CIRCUIT COURT 18 /DISTRICT COURT 8.

CIRCUIT COURT 18/DISTRICT COURT 12.

24 FOR 12-PERSON TRIALS/12 FOR 6-PERSON.

CIRCUIT COURT 30/DISTRICT COURT 14-16.

2. What, if any, inquiry is undertaken by the court into the qualifications of jurors?

QUESTIONS RE: AGE, ADDRESS, EMPLOYMENT, EDUCATION, VICTIM OF CRIME, FRIEND OF POLICE.

POSSIBLE BIAS BY JURORS IN CASES SUCH AS CHILD ABUSE, ETC.

ONLY IF CASE HAS POTENTIAL TO BECOME WIDELY KNOWN.

SCREENED FOR CITIZENSHIP, AGE DEFERRAL, ETC.

VERY BRIEF IF DONE AT ALL.

CONFLICTS.

KNOWLEDGE OF THE CASE, WITNESSES, ATTORNEYS, LITIGANTS, CONNECTION TO VICTIMS' RIGHTS GROUPS SUCH AS MADD.

3. If the court conducts a preliminary or detailed inquiry, then what areas are most commonly subject to examination by the court?

EVER BEEN ARRESTED.

KNOWLEDGE OF THE CASE, ATTORNEYS, WITNESSES, ABILITY TO BE FAIR AND IMPARTIAL. (3)

RELATIONSHIPS AND KNOWLEDGE.

EACH JUROR IS ASKED TO GIVE A LITTLE "BIOGRAPHY" OR LIFE SKETCH ABOUT MARITAL STATUS, CHILDREN, EMPLOYMENT, FRIENDS OR FAMILY-IN-LAW ENFORCEMENT.

4. Does the court limit the amount of time available for inquiry by each of the attorneys for the parties and, if so, what is the amount of time available?

30 MINUTES. (3)

20 MINUTES. (2)

20 - 30 MINUTES FOR A MISDEMEANOR. LONGER FOR A FELONY.

60 MINUTES IN CIRCUIT/30 MINUTES IN DISTRICT.

5. Are individual inquiries made of each juror with each party's attorney alternating questions with the individual juror ("the classic method")?

NO. (5)

YES. (3)

SOMETIMES, BUT USUALLY USE MODIFIED APPROACH.

6. Does the court require or permit attorneys to conduct *voir dire* by making inquiries of the panel on the whole ("the fast track")?

YES. (9)

7. What factors are used to determine whether the fast track or classic method is used?

WHEN AN ATTORNEY INSISTS. (3)

DEATH PENALTY HOMICIDES. (2)

8. If the fast track system is used, are attorneys allowed to follow up after opposing counsel has concluded their examination of the entire panel?

NO. (6)

YES. (3)

9. What are the perceived advantages and disadvantages to the fast track or classic method for the jurors, for the court and for practitioners?

MORE EFFICIENT.

REDUCES REDUNDANT QUESTIONS. (2)

JURORS PREFER.

FASTER. (6)

ECONOMY OF JUDICIAL TIME.

DIFFICULT TO DISCOVER BIAS OF JURORS.

- C. Do any of the judges use any written juror questionnaires? If so, please attach a copy.
1. If you use a questionnaire, how is it made available to the litigants' counsel (For example, do jurors carry copies with them to provide to counsel, are the questionnaires in a single, central location, or are the questionnaires copied for each courtroom)?

DO NOT USE DUE TO COST OF MAILING AND REPRODUCING. (2)

KEPT IN A SINGLE LOCATION AND MADE AVAILABLE TO ATTORNEYS BEFORE A CASE BEGINS.

CONTAINED IN THREE ORING BINDERS PROVIDED TO EACH COUNSEL IN THE COURTROOM ON THE DAY OF TRIAL. (5)

2. Are there any perceived advantages or disadvantages to the use of written jury questionnaires as opposed to inquiry into basic information by the court or by posting the information on a board and asking each juror to verbally answer such basic information?

SAVE A LOT OF TIME. (2)

OUR COURT SHOULD USE QUESTIONNAIRES.

IF YOU USE A QUESTIONNAIRE, USE IT EFFECTIVELY. MANY ATTORNEYS IGNORED IT AND ASKED THE SAME QUESTIONS TO THE JURY AGAIN.

YOU CAN REFER BACK TO IT AS IT IS IN WRITTEN FORM.

- D. What methods are used for conducting strikes for individual jurors? For example, are strikes taken in chambers, orally, or by use of written slips?

WRITTEN SLIPS. (3)

GIVEN ORALLY IN CHAMBERS.

FOR CAUSE - ORALLY IN FRONT OF JURORS. (3)

PEREMPTORY CHALLENGES BY WRITTEN SLIP. (3)

E. Juror Confidentiality.

1. What steps, if any, have been undertaken to protect juror privacy and confidentiality?

ADDRESS PROTECTED. (3)

NOTHING IN PARTICULAR. (2)

2. Are there any educational programs under way for permitting attorneys to be debriefed by jurors in order to improve their practice? If so, what are the current practices permitted?

NO. (11)

3. Are there any policies or procedures under consideration for allowance of the exit interviews by counsel?

NO. (10)

4. In light of the fact that there are no restrictions on the ability of the press to conduct exit juror interviews, what procedures and practices should be in place concerning the conduct of exit interviews by counsel or the court?

NONE. (3)

SHOULD NOT BE ALLOWED. (4)

MAY CAUSE JURORS TO DOUBT THEIR VERDICT.

**BAR ASSOCIATIONS**

30 sent - 1 response

1. Jury Terms and Jury Pools.

- A. What methods are currently used in your county for the random selection of the jury pool?

DO NOT KNOW.

- B. What suggestions, if any, do you have for improving the manner of selecting and summoning members of the jury pool?

- C. What are the current requirements for the term of service of anyone who receives a subpoena?

DOES FORM PASSED OUT OF THE POOL FOR ALMOST SIX MONTHS.

- D. What suggestions, if any, do you have for improving the requirements for a juror's term of service?

TRY A SUBSTANTIAL NUMBER OF CASES IN THE COUNTY (MUNI, CRC, AND DIST COURT) AND THE SAME NAMES, JUROR'S NAMES CROP UP TOO QUICKLY. I FEEL THE POOL IS TOO SMALL.

- E. Do you believe the current system should be changed in any respect to improve the representativeness of the jury pool?

I HAVE NOT SEEN AN ASIAN, HISPANIC, OR BLACK JUROR (OR PART OF POOL).

- F. What, if anything, can be done to make the term of service more efficient, interesting or useful to jurors, to the court or to practitioners?

THE POOL IS LARGELY COMPOSED OF RETIREES AND PEOPLE OVER THE AGE OF 45, NON-MINORITIES WHICH SUGGESTS THAT THE POOL IS LIMITED TO VOTERS, PERHAPS REGISTERED CAR OWNERS. WE SHOULD GET A LIST OF COUNTY ERS LISTINGS, OR PARENTS OF CHILDREN ATTENDING SCHOOL WITHIN THE COUNTY.

2. Voir Dire Practices.

- A. Is there any uniform method of conducting *voir dire* used by judges in your county?

NO.

- B. Please describe the current methods for conducting *voir dire* used in your county. If individual judges use different systems, please ask each judge to describe their individual system, including each of the following information:

1. What is the number of jurors empaneled for initial questioning by counsel in Circuit Court and in District Court cases?

12 CIRCUIT COURT/6 DISTRICT COURT

2. What, if any, inquiry is undertaken by the court into the qualifications of jurors?

A COURT ASKS IF JURORS KNOWING WITNESS/ATTORNEYS AND ATTORNEY FOLLOW-UP. CIRCUIT COURT IS SOMETIMES A BIT MORE INVOLVED AND INSTRUCTS ON BURDEN OF PROOF, ETC.



3. If the court conducts a preliminary or detailed inquiry, then what areas are most commonly subject to examination by the court?
4. Does the court limit the amount of time available for inquiry by each of the attorneys for the parties and, if so, what is the amount of time available?

NO.

5. Are individual inquiries made of each juror with each party's attorney alternating questions with the individual juror ("the classic method")?

YES.

6. Does the court require or permit attorneys to conduct *voir dire* by making inquiries of the panel on the whole ("the fast track")?

YES.

7. What factors are used to determine whether the fast track or classic method is used?

IT IS UP TO THE INDIVIDUAL ATTORNEYS AND THE COURT.

8. If the fast track system is used, are attorneys allowed to follow up after opposing counsel has concluded their examination of the entire panel?

YES.

9. What are the perceived advantages and disadvantages to the fast track or classic method for the jurors, for the court and for practitioners?

FAST TRACK IS LESS PERSONAL AND BIAS IS NOT AS LIKELY.

- C. Do any of the judges use any written juror questionnaire? If so, please attach a copy.

1. If you use a questionnaire, how is it made available to the litigants' counsel (For example, do jurors carry copies with them to provide to counsel, are the questionnaires in a single, central location, or are the questionnaires copied for each courtroom)?

COUNSELS ARE PROVIDED A COPY OF THE SAME.

2. Are there any perceived advantages or disadvantages to the use of written jury questionnaires as opposed to inquiry into basic information by the

court or by posting the information on a board and asking each juror to verbally answer such basic information?

ADVANTAGES ARE THAT JURORS APPRECIATE THE GUARDED CONFIDENCE, AND ATTORNEYS CAN PROCEED TO ASK OTHER QUESTIONS.

- D. What methods are used for conducting strikes for individual jurors? For example, are strikes taken in chambers, orally, or by use of written slips?

WRITTEN SLIPS. I BELIEVE THAT IF THE OTHER PARTY MOVES TO STRIKE A JUROR AND ONE HAS INITIALLY INDICATED ONE IS SATISFIED WITH THE JURY, THAT FOLLOWING THAT STRIKE COUNSEL SHOULD NOT BE BARRED FROM USING CHALLENGES TO STRIKE ANY OF THE PANELED JURORS WHO WERE ACCEPTED EARLIER.

E. Juror Confidentiality.

1. What steps, if any, have been undertaken to protect juror privacy and confidentiality?

YES. NAMES AND PERSONAL INFO IS NOT POSTED.

2. Are there any educational programs under way for permitting attorneys to be debriefed by jurors in order to improve their practice? If so, what are the current practices permitted?

NO. CHASE JURY AND ASK WHAT THEY THOUGHT WAS MOST IMPORTANT.

3. Are there any policies or procedures under consideration for allowance of the exit interviews by counsel?

NONE.

4. In light of the fact that there are no restrictions on the ability of the press to conduct exit juror interviews, what procedures and practices should be in place concerning the conduct of exit interviews by counsel or the court?

JURORS SHOULD BE ENCOURAGED TO EVALUATE THE PERFORMANCES OF THE PARTIES AND STATE WHAT THEY THOUGHT EACH SIDE DID WELL OR POORLY AND WHAT FACTORS WERE MOST PERSUASIVE.