

National Program to Increase Citizen Participation in Jury Service

**State of the States
Practitioner Survey**

1. Identification Information

A. I am a:

- State trial judge
- Federal trial judge
- Attorney
 - o primarily criminal prosecution
 - o primarily criminal defense
 - o primarily civil plaintiff
 - o primarily civil defense
- Other legal practitioner

B. Please indicate the location of the court (county, state) in which you preside (judge) or most often practice (attorney):

C. Please indicate the type of case in your most recent jury trial.

- Capital felony
 - Felony
 - Misdemeanor
 - Civil
 - Other jury trial
- If you are an attorney, please indicate who you represented.
- Prosecution / Plaintiff
 - Defendant

What was the date(s) of trial? _____

Where was the trial held (county, state)? _____

- State court
- Federal court

On a scale of 1 to 7, how complete was the evidence in that trial?

Not at all complex 1 2 3 4 5 6 7 Very complex

On a scale of to 7, how complex was the law in that trial?

Not at all complex 1 2 3 4 5 6 7 Very complex

National Program to Increase Citizen Participation in Jury Service

For the following questions, please indicate the practices, procedures, and techniques employed in your most recent jury trial.

2. Voir Dire

A. How were questions posed to prospective jurors in the venire? (check all that apply)

- Oral questions posed to full panel
 - Oral questions posed to individual jurors in jury box
 - Oral questions posed to individual jurors at sidebar, in chambers, or otherwise outside the hearing of other jurors
 - Written responses to standardized questionnaire
 - Written responses to a case specific questionnaire
- When was the questionnaire given to prospective jurors?
- Prior to reporting for service
 - Jury assembly room before jury selection
 - In courtroom before questioning

B. What method was used to conduct the voir dire?

- Strike & Replace Method:** Twelve or more prospective jurors are seated in the jury box and examined by judge and/or attorneys. Judge rules on challenges for cause. Attorneys exercise peremptory challenges. Seats that are vacated by struck jurors are refilled by random selection.
- Six/Four Pack Method:** Similar to Strike & Replace Method except prospective jurors are questioned in groups of six or four until the full number of jurors is reached.
- Struck:** The entire panel is examined by the judge and/or attorneys and the judge rules on challenges for cause and hardship. Prospective jurors equal to the number of impaneled jurors, alternates and peremptory challenges is seated. The attorneys exercise peremptory challenges alternately until the final panel is selected and sworn.
- Individual:** Prospective jurors are examined individually outside the hearing of other jurors (e.g., at sidebar or in chambers). The judge rules on challenges for cause after each juror is questioned. After questioning outside the presence of other jurors, attorneys may be required to exercise peremptory challenges at the completion of each examination.
- Other method (please describe):**

National Program to Increase Citizen Participation in Jury Service

C. Who questioned the jurors during the voir dire?

- Judge only
- Judge primarily with limited attorney follow-up
- Judge and attorney equally
- Attorney primarily with limited judge
- Attorney only
 - o If attorney only, was the judge present for the voir dire? Y / N

D. How long was the voir dire? _____ (hours)

4. Please indicate which of the following trial procedures or practices were employed in your most recent jury trial

- Jurors were permitted to take notes
- Jurors were provided with writing utensils and notepaper for taking notes
- Jurors were provided with a notebook containing one or more of the following: a glossary of unfamiliar terms, names and short biographies of witnesses, copies of documentary evidence or exhibits, preliminary or final instructions, and notepaper for taking notes
- Jurors were permitted to submit questions in writing to witnesses
- Jurors were permitted to discuss the evidence among themselves prior to deliberations
- Jurors were given substantive instructions on the law prior to the evidentiary portion of the trial
- Jurors were instructed on the law before closing argument
- Jurors were instructed on the law after closing argument
- Attorneys were permitted to provide interim commentary during the evidentiary portion of the trial

Please describe any other procedures or practices employed during your most recent jury trial that were intended to improve juror comprehension, attention levels, performance, or satisfaction with jury service during trial.

National Program to Increase Citizen Participation in Jury Service

Jury Deliberations

5. Please indicate which of the following trial procedures or practices were employed in your most recent jury trial.

- Jurors were given guidance on how to conduct deliberations
- All jurors were provided with a written copy of the final jury instructions
- Alternates were permitted to participate in deliberations
- Jurors were sequestered for deliberations

Please describe any other procedures or practices employed during your most recent jury trial that were intended to improve juror comprehension, attention levels, performance, or satisfaction with jury deliberations.

How long were the jury deliberations? _____ (hours)

Special Issues

6. Please indicate if any of the following issues arose in your most recent jury trial and what procedures, if any, the court employed to address those issues.

- Notorious trial / High profile trial: _____

- Capital jury trial: _____

- Juror stress: _____

- Jury sentencing in non-capital trial: _____

Please send to:
Foundation of the IADC
One North Franklin, Suite 1205
Chicago, IL 60606
Attention: Pam Miczuga
pmiczuga@iadclaw.org
Fax: 312-368-1854