

Judicial Remarks to Prospective Jurors¹

Directions: These updated remarks are offered as a template for those courts in which judges speak personally to prospective jurors prior to voir dire.

On behalf of all of the judges and staff, I want to express our appreciation for your time. We know that you all have very busy lives and that being here involves some sacrifice and I want to assure you that we do everything we can to ensure that your time is used efficiently and that your experience is meaningful. Although it may not seem like it now, at the conclusion of your jury service, I'm confident that you will have found it to be both positive and worth your while. I say that not only because I'm a strong proponent of our jury system but because studies show that 75% to 99% of jurors describe the experience as a positive one.

I would like to take a few minutes this morning to share with you some information about our Court, to explain why it's important for you to be here and to let you know what you can expect during your time with us.

At _____ Court we hear many different kinds of cases. While over half of jury service will involve criminal trials where the State has charged a person with a crime, you may also be called to sit on a civil case. A few examples of civil cases may be contract disputes, medical malpractice claims, motor vehicle accidents or employment cases.

The role that you'll fill as a juror has been recognized as a vital one for hundreds of years. Thomas Jefferson identified as key rights for which the revolution was fought: freedom of religion, freedom of speech and the right to trial by jury. Abraham Lincoln said "the greatest service of citizenship is jury duty." And Harper Lee, the author of *To Kill a Mockingbird* wrote "A court is only as sound as its jury and a jury is only as sound as those who make it up." Today that will be you.

If you are called to a courtroom, you will be involved in a process called "voir dire" which is a Latin phrase that originally referred to an oath taken by jurors to tell the truth. We refer to jury selection as "voir dire" because an open and honest conversation reflects the essence of the process. During the process, the judge and the attorneys will ask you a number of questions. Some of the questions may seem intrusive but the judge and the attorneys are really just trying to gather information to determine if you're the right juror for their case. [If the answer to a question seems too personal, you can let the judge or lawyer know and you may be able to provide an answer outside the

¹ These remarks are a project of the BJA Public Trust and Confidence Committee, chaired by Justice Mary Fairhurst. The subcommittee consisted of Chair Kay Newman with members King County Superior Court Judge Bill Bowman, Ms. Barbara Fox, and Ms. Kay Holland.

presence of other jurors.^{2]} I encourage you to speak up early and often throughout the process. Your participation is what makes the process work and I assure you that there are not right or wrong answers.

During the jury selection process, you will also be asked if the expected duration of the trial will create an undue hardship for you. We've worked very hard to make it easier for people to serve as jurors without creating an undue hardship. We understand however that, for some of you, serving on a longer case may not be possible. Obviously, if you're facing a real hardship, the judge will release you. In considering whether to request to be excused for an undue hardship, however, please keep in mind that it's very important for us to have a diverse group of jurors. If we simply excused everybody other than those who have the time to be here, we would have a very limited make up of jurors and a skewed representation of our community. Also keep in mind that every case being heard in this courthouse is the most important case in the lives of the parties involved and consider what kind of jury you would want if you were in their shoes. There is no justice system that doesn't require some level of sacrifice from potential jurors and our system only works if you're willing to serve on a case whenever it's possible for you to do so.

Finally, as you go through the jury selection process, you will experience some delays. We strive to keep those delays to a minimum but they are an inevitable part of the process. Please be patient and understand that everyone in the jury room and the courtroom are working as hard as they can to get you into and through the jury selection process as quickly as possible.

Ultimately only a few of you will be chosen to serve on a jury. Please don't take it personally if you're not one of those few. Even if you're not ultimately seated on a jury, your service will have been very important to our Court. All of you are a necessary part of our system of justice to ensure that we're able to empanel a jury in every case that goes to trial.

Trial by jury is one major way that our government is held to the principles of our constitution. For those of you who have the opportunity to serve on a jury, you will see our system of justice in action. You will exercise authority and power as the trier of fact, evaluating the evidence of a case as it's presented to you in the courtroom. The judge will then instruct you as to the law and you will exercise independent thought and judgment as part of a cohesive decision making body. Jury service is a fascinating and rewarding experience and it truly is your service that makes our system work. Thank you for your commitment and for your willingness to serve our community.

² A majority of the BJA thought this sentence should be bracketed so a judge, choosing to use this template, could consciously consider whether to say.