

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: Comment re proposed GR 41
Date: Thursday, October 14, 2021 1:49:36 PM

From: Coreen Wilson [mailto:coreenw@wieckwilson.com]
Sent: Thursday, October 14, 2021 12:40 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment re proposed GR 41

External Email Warning! This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

I am a civil trial attorney. I have participated in a trial via Zoom and have engaged in countless hearings, depositions, arbitrations, and mediations over video platforms. I support the adoption of GR 41.

Jury selection has changed over time with our changing culture and technology. The way that we inquire of jurors has changed, and the questions we ask of them evolve in line with the times. We need court rules that recognize the potential need and desire for jury selection via videoconference, and that firmly establish procedures so that we are prepared to deal with the future. Progress is inevitable. The only question is whether we want to anticipate and shape the process in advance, or whether we respond to it in an emergency and reactionary mode. It seems obvious that planning ahead is the wise choice.

Allowing jury selection via video conference has numerous advantages. Jurors are comfortable in their home environment and may be more willing to open up about their opinions and experiences. More jurors are able to participate if they can do so from home. The attorneys are allowed a closer view of the jurors' faces and a better ability to see their reactions to different questions and answers. The attorneys can also have the ability to review juror information well in advance of voir dire, allowing for a more efficient process and more specific and relevant questioning. While it is true that the ability to physically see the juror's entire body is a benefit of in-person voir dire, this is not an insurmountable problem. Attorneys conducting online voir dire can certainly inquire via questionnaire or online as to whether a juror has a disability, is nervous about appearing in court for voir dire, or has an ailment that prevents them from sitting for long periods. These issues can be appropriately addressed during the voir dire process as necessary and do not prevent a litigant from empaneling a fair and impartial jury.

There will always be resistance to change, because most people do not want to leave their comfort

zone and focus only on what they are giving up, rather than what they have to gain. What do we have to gain by video voir dire?

- Better information from jurors prior to voir dire
- More time to review juror information prior to voir dire
- More intimate conversations with jurors
- Better ability to view juror facial expressions and reactions
- Better response to juror summons
- More jurors available to participate via video (please see *Virtual Juries*, authored by Valerie Hans, professor at law and jury scholar at Cornell University School of Law)
- Less impact on the environment, traffic, and work productivity if jurors do not have to travel to the courthouse
- Less exposure to infection and disease (This was a problem prior to the pandemic – I once had to stand away from counsel table during an in-person trial because an incarcerated person with MRSA had been seated at the table during an afternoon sentencing.)
- Less stress for the attorneys and the jurors

For these reasons, I urge the court to adopt GR 41.

Coreen Wilson
Wieck Wilson, PLLC
400 112th Ave NE, Suite 340
Bellevue, WA 98004
425-454-4455