



CIVIL JURY PROJECT

at NYU School of Law

FACT SHEET:

Pre-Voir Dire Jury Questionnaires

Summary: Jurors complete questionnaires in advance of voir dire. The contents of the questionnaire may vary but a goal is to allow potential jurors to be dismissed for cause without coming into court. By narrowing the pool of potential jurors who come into court and by eliminating the need for some preliminary questions during voir dire, questionnaires can also give counsel more time to question potential jurors on more relevant issues.

Empirical Studies: 2008 ABA Seventh Circuit Project: Seventy-eight percent (78%) of judges and forty-seven percent (47%) of attorneys believed the use of juror selection questionnaires **did not affect the fairness of the trial process**. A majority of the judges and attorneys believed using jury selection questionnaires **increased the efficiency of the trial process**.¹

Current Usage: According to a 2015 survey of state and federal courts, federal courts used general questionnaires in thirty-two percent (32%) of cases that went to trial and state courts used questionnaires in twenty-six percent (26%) of such cases. Case-specific questionnaires were used in nineteen percent (19%) of federal court cases and nine percent (9%) of state court cases.²

The U.S. District Court for the District of Nevada uses juror questionnaires before voir dire through their eJuror system.³

¹ SEVENTH CIRCUIT BAR ASS'N AMERICAN JURY PROJECT COMM'N, *SEVENTH CIRCUIT AMERICAN JURY PROJECT FINAL REPORT* 37-38 (Sept. 2008).

² Paula Hannaford-Agor, *But have we made any progress? An update on the status of jury improvement efforts in state and federal courts*, NAT'L CTR. FOR STATE COURTS (NCSC) CTR. FOR JURY STUDIES 4-5 (2015), http://www.law.nyu.edu/sites/default/files/upload_documents/But-have-we-made.pdf.

³ See <http://www.nvd.uscourts.gov/JuryInformationVegas.aspx>.

Legal Support: Some states specifically provide for jury questionnaires. For example, Missouri provides that a jury questionnaire shall be mailed to and completed by all prospective jurors. MO R 23 CIR Rule 52. Other states similarly provide rules governing the use of questionnaires, including Kansas, California and Ohio. KS R 11 Dist Rule 6, CA ST CIVIL RULES Rule 3.1548, OH R USDCTND LR 47.2. A number of districts within states similarly provide rules governing the use of juror questionnaires, including districts in Kentucky, Indiana, and Wisconsin. KY R CHRISTIAN CIR CT Rule 15, IN ST WAYNE CR Rule 011, Wis. R. App. P. L WALWORTH 16.