



**MODEL *VOIR DIRE* UPDATED FOR
MARYLAND'S PILOT PROJECT FOR EXPANDED
VOIR DIRE
2024**

**Prepared by the Maryland State Bar Association, Inc.,
Special Committee on *Voir Dire***

The Maryland State Bar Association's Special Committee on Voir Dire ("Special Committee") is comprised of some of Maryland's most experienced and talented lawyers and judges. In connection with the Maryland Judiciary's Expanded *Voir Dire* Pilot Program Advisory Board ("Advisory Board"), they have created model *voir dire* questions as the Maryland Judiciary implements expanded *voir dire* in its Pilot Program beginning in January 2025 ("Model Questions"). The Special Committee will continue its work by seeking feedback and revising the model questions throughout the Pilot Program.

The Maryland State Bar Association ("MSBA") is committed to supporting the Maryland Judiciary's Pilot Program and the attorneys and judges participating. Throughout the Pilot Program, these Model Questions and any future versions of these Model Questions will be available to all members and non-members through the MSBA website. The Model Questions are intended for individual use and are not meant to be reproduced for sale or commercial distribution unless expressly authorized by MSBA.

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PREFACE

The MSBA Special Committee on *Voir Dire* submits the following update to the model *voir dire* questions published by the MSBA. The model civil questions were last considered in 2018, and the model criminal questions were last considered in 2020.

This document is submitted in response to a request from the Pilot Program Advisory Board established by the Chief Justice of the Supreme Court of Maryland pursuant to Maryland Rule 16-310 which was adopted on September 13, 2024.

The following model *voir dire* questions are intended to elicit responses that may justify challenges for cause and that might aid practitioners in the intelligent exercise of peremptory challenges. They are not intended to be exhaustive, exclusive, or compulsory.

In order to assist Pilot Judges and lawyers participating in the Pilot Program to “implement the use of expanded *voir dire*” (Md. Rule 16-310), this update includes a section that provides examples of “expanded” *voir dire* questions that may be helpful in both criminal and civil cases. These sample questions are specifically to elicit information that may inform the intelligent exercise of peremptory challenges.

The MSBA Special Committee on *Voir Dire* will remain active during the Pilot Program to assist the Advisory Board and will continue to update the model questions as necessary. Maryland attorneys are encouraged to submit suggestions for additional updates or questions to feedback@msba.org.

Special Committee on *Voir Dire*

Co-Chairs:

The Honorable Krystal Q. Alves
The Honorable John M. Maloney
Patrice M. Clarke

Sub-Committee Chairs:

Civil Law

The Honorable Keith R. Truffer
Patrice M. Clarke
Stephen J. Nolan

Criminal Law

The Honorable Krystal Q. Alves
The Honorable John M. Maloney
The Honorable Robert K. Taylor

MSBA Liaison to Pilot Program Advisory Board:

Timothy M. Gunning

Committee Members:

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James R. Hammerschmidt	Laura G. Zois
David A. Harak	

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MODEL JURY SELECTION QUESTIONS FOR CRIMINAL TRIALS

A. GENERAL QUESTIONS¹

1. Case Familiarity

The State alleges that on [date] at approximately [time] at or near [address], in [jurisdiction], the Defendant(s), [name(s)], did [criminal acts or crimes alleged]. Do you know anything about this alleged incident,² or have you seen or heard anything about it from any person or source, including the internet and news media?³

2. Scene Familiarity⁴

Do you live or work in the area where this incident allegedly occurred, or are you familiar with this area for any other reason?

¹ The questions provided are carefully worded to promote truthful responses that may reveal biases of prospective jurors, as required by Maryland law. *Williams v. State*, 394 Md. 98, 107 (2006); *Hayes v. State*, 217 Md. App 159, 170 (2014). Judges “must adapt the questions to the particular circumstance or facts of the case . . . to obtain jurors who will be ‘impartial and unbiased.’” *Moore v. State*, 412 Md. 635, 645 (2010). But, “any proposed question related to the facts of the case, designed to uncover . . . bias is directed to a specific cause for disqualification and, therefore, must be asked.” *Id.* at 650, citing *Langley v. State*, 281 Md. 337, 341–42 (1977). The questions in this section are designed for use in most criminal trials, but should be modified to fit particular trial circumstances. *Moore v. State*, 412 Md. 635, 645 (2010).

² *State v. Logan*, 394 Md. 378, 393 (2006) (question regarding familiarity with the pending case may be appropriate, in the court’s discretion).

³ *Mu’Min v. Virginia*, 500 U.S. 415, 425–426 (1991) (overwhelming pretrial publicity may require a question about its effect on prospective jurors); *Stewart v. State*, 399 Md. 145, 157, 159–161 (2007) (question regarding pretrial publicity appropriate in certain circumstances).

⁴ *Pearson v. State*, 437 Md. 350, 357 (2014) (court must ask questions regarding experience, status, association or affiliation that would demonstrate a specific cause for disqualification).

3. State's Attorney⁵

a. Are you, or a close friend or relative, familiar with the Assistant State's Attorney(s) [*name(s)*] through any family, social, business, or other contact? [*Ask prosecutor to stand and face the jury panel.*]

b. Are you, or a close friend or relative, familiar with the State's Attorney [*name*], or any employee of the Office of the State's Attorney for [*jurisdiction*] through any family, social, business, or other contact?

4. Defense Attorney⁶

Are you, or a close friend or relative, familiar with the Defendant's attorney(s) [*name(s) including law firm(s)*] through any family, social, business, or other contact? [*Ask defense attorneys to stand and face the jury panel.*]

5. Defendant⁷

Are you, or a close friend or relative, familiar with the Defendant [*name*] through any family, social, business, or other contact? [*Ask the Defendant to stand and face the jury panel.*]

⁵ *Pearson v. State*, 437 Md. 350, 357 (2014); *Williams v. State*, 394 Md. 98, 112 (2006) (inquiry required to reveal bias based on relationship with parties or witnesses).

⁶ *Pearson v. State*, 437 Md. 350, 357 (2014); *Williams v. State*, 394 Md. 98, 112 (2006) (inquiry required to reveal bias based on relationship with parties or witnesses).

⁷ *Pearson v. State*, 437 Md. 350, 357 (2014); *Williams v. State*, 394 Md. 98, 112 (2006) (inquiry required to reveal bias based on relationship with parties or witnesses).

6. Victim⁸

Are you, or a close friend or relative, familiar with [*victim's name, or victim or family*] through any family, social, business or other contact? [*Ask the alleged victim, if present and able, to stand and face the jury panel*]

7. Witnesses and Others⁹

Are you, or a close friend or relative, familiar with any of the following people through any family, social, business, or other contact? Each of them may be called as a witness or mentioned in this trial:

- a. lay witnesses in alphabetical order;*
- b. police/governmental witnesses (full name, rank, department) in alphabetical order;*
- c. expert witnesses in alphabetical order, noting office address and expertise of each;*
- d. persons who will not testify, but whose names may be mentioned in the trial, including deceased persons.*

⁸ *Williams v. State*, 394 Md. 98, 112 (2006) (inquiry required to reveal bias based on relationship with parties or witnesses).

⁹ *Williams v. State*, 394 Md. 98, 112 (2006) (inquiry required to reveal bias based on relationship with parties or witnesses). Judges may choose to combine the parties' witness lists alphabetically within each category to avoid duplication; and to include other persons whose names may be mentioned during the trial, such as investigators, consultants and treating physicians. If witnesses have common names, judges may ask counsel to bring any available witnesses to the courtroom, to face the jury panel for possible recognition when calling their names.

8. Juror Qualifications¹⁰

This next question has seven parts. When I finish reading all seven parts, please stand if you:

1. are not yet 18 years old,
2. are not now a resident of [*jurisdiction*],
3. are not a citizen of the United States,
4. have ever received a sentence of more than one year for any crime [*even if all or part of it was suspended*],¹¹
5. have a charge pending against you for a crime punishable by imprisonment for one year or more,
6. have a disability preventing you from serving on a jury, for which you brought written documentation from a health care provider, or
7. do not read, write, or understand English well enough to serve as a juror.

If your answer to any part of this question is YES, or if you are not sure how to answer this question, please stand.

¹⁰ MD. CODE ANN., CTS. & JUD. PROC. II § 8-103. *Owens v. State*, 399 Md. 388, 419–20, 422 (2007), *cert. denied*, 552 U.S. 1144 (2008) (jury selection is “proper procedural occasion to verify juror qualifications” and court must ask requested questions regarding constitutional and statutory qualifications); *Kegarise v. State*, 211 Md. App. 473, 480 (2013) (court abuses discretion by failing to ask requested question regarding citizenship).

¹¹ Additional words in brackets are suggested for clarity.

9. Capacity to Serve as a Juror¹²

Please stand if you have trouble hearing or understanding my questions, or if you think you may not understand the spoken or written evidence and instructions well enough to serve as a juror.

Please turn to the person sitting next to you and ask the name of the street the person lives on, whether the person has any brothers or sisters or children, and whether the person can hear and understand my questions.¹³

I do not want to know anyone's answers. If you believe that the person sitting next to you doesn't understand you well enough to respond, please ask that person to stand. If that person does not stand, please stand so that the court may ask additional questions.

10. Legal Knowledge¹⁴

Have you, or a close friend or relative, ever been trained or employed in the law, law enforcement, or a law-related field? In other words, have you or a close friend or relative ever:

¹²

MD. CODE ANN., CTS. & JUD. PROC. II § 8-103(b)(1), and (2).

¹³ Although Maryland law requires that jurors be able to read, write and understand the English language, neither statute nor case law provides a means to ascertain a prospective juror's English fluency. The procedure described here provides a method to establish a prospective juror's English proficiency without embarrassment. If using this method, the judge should read the second paragraph and then allow the jurors a minute or two to speak with each other before reading the last paragraph.

¹⁴ *Pearson v. State*, 437 Md. 350, 357–58 (2014) (court must ask questions regarding experience, status, association or affiliation that would demonstrate a specific cause for disqualification). Specific examples of legal background, as listed, may encourage more candid responses than a single general question.

- a. been trained or employed as a law clerk, paralegal, judge, legal secretary, lawyer, or court employee;
- b. been trained or employed as a law enforcement, corrections, security, parole, or probation officer or investigator;¹⁵or
- c. studied law, criminology, forensic science, or any similar field of study, or worked in a related occupation not already identified?

11. Court Experience

- a. Are you, or a close friend or relative, now a plaintiff or defendant in a civil or criminal case¹⁶ which may be tried in a Maryland court?
- b. Have you ever been a party or witness in a trial involving [*issue in this case*]?
- c. Have you ever served as a juror or grand juror, in this court or any other court?

12. Other Prospective Jurors¹⁷

Do you know or recognize any other member of this jury panel?

13. Crime Experience¹⁸

Have you, or a close friend or relative, ever been:

- a. the victim of a crime [*of violence/similar to the crime charged*],¹⁹

¹⁵ *Pearson v. State*, 437 Md. 350, 367–68 (2014) (inquiry regarding law enforcement employment required if requested and relevant).
embarrassing prospective jurors).

¹⁶ MD. CODE ANN., CTS. & JUD. PROC. II § 8-103(b)(5). *Hayes v. State*, 217 Md. App 159, 170 (2014) (compound questions appropriate to avoid embarrassing prospective jurors).

¹⁷ Although not required, this question is often requested to promote independent analysis by individual jurors.

¹⁸ *Hayes v. State*, 217 Md. App. 159, 170 (2014) (court may combine questions to avoid

¹⁹ *Pearson v. State*, 437 Md. 350, 358–60 (2014) (question regarding victim experience permitted but not required; covered by Question 21).

- b. a witness to a crime, or
- c. arrested for, charged with, or convicted of a crime, other than a minor motor vehicle violation?²⁰

B. Defendant and Witnesses²¹

14. Court Interpreter²²

a. Interpreter Bias²³

One or more witnesses in this trial may testify with the assistance of a certified court interpreter. Would you weigh the testimony of a witness speaking with the aid of a court interpreter differently than you would the testimony of any other witness?

²⁰ *Moore v. State*, 412 Md. 635, 654 (2010) (court must ask question directed at specific cause for disqualification); *Benton v. State*, 224 Md. App. 612, 626 (2015) (required portion of question must be asked, even if court elects not to ask optional portions).

²¹ Questions in this section should be considered separately and asked or modified to fit specific trial circumstances. *Pearson v. State*, 437 Md. 350, 357–58 (2014) (court must ask questions regarding experience, status, association or affiliation that would demonstrate a specific cause for disqualification); *Moore v. State*, 412 Md 635, 645 (2010) (judges must “adapt the questions to the particular circumstance or facts of the case”).

²² Use of an interpreter during trial, for a party or witness, presents two distinct concerns in jury selection: whether jurors will be biased against a non-English speaking witness, and whether jurors will rely on the court interpreter’s translation.

²³ Part (a) is intended to ferret out bias for or against parties or witnesses relying on court interpreters.

b. Language Fluency²⁴

Do you speak or understand [*language interpreted*]?

15. Defendant's Personal Traits-if requested by defense²⁵

a. Identity questions

The Defendant identifies as [*race, religion, sexual orientation, gender, ethnicity, cultural heritage or other category of potential bias*]. Do you have strong feelings about the Defendant's [*category of potential bias*]?

b. Appearance/Characteristic

Do you have strong feelings about the Defendant's [*personal appearance/other characteristic identified by Defendant*]?

16. Law Enforcement Officer²⁶

Would you tend to believe the testimony of a law enforcement officer more or less than the testimony of any other witness?

²⁴ Part (b) is intended to assure reliance on the certified court interpreter, and prevent jurors fluent in the interpreted language from re-interpreting testimony for other jurors. If any member of the jury panel responds affirmatively to part (b), the judge should ask that juror, at the bench: “*Will you immediately send a note to the court if you believe that the court interpreter made an error?*”

²⁵ *Washington v. State*, 425 Md. 306, 313–15 (2012) (inquiry required if requested); *Hernandez v. State*, 357 Md. 204, 232 (1999); *Hayes v. State*, 217 Md. App. 159, 168 (2014). *Collins v. State*, 452 Md. 614, 628–32 (2017) (affirmative responses should be taken at the bench, to promote candid responses). This question is intended to reveal bias of prospective jurors against defendant based on either (a) defendant’s self-identification or (b) possible perception of defendant without self-identification. The judge should only ask the part of this question requested by defendant.

²⁶ *Bowie v. State*, 324 Md. 1, 11 (1991); *Langley v. State*, 281 Md. 337, 349 (1977); *Brice v. State*, 225 Md. App. 666, 690 (2015) (inquiry required if requested and relevant).

17. Prosecution Witnesses²⁷

- a. Would you tend to believe the testimony of a witness called by the prosecution more or less than the testimony of a defense witness?
- b. Would you be more or less likely to believe a witness's testimony based solely on that witness's race, ethnicity, national ancestry, religion, gender, sexual orientation, age, disability, or socioeconomic status?

18. Defense Witnesses

Would you tend to believe the testimony of a witness called by the defense more or less than the testimony of a prosecution witness?^{28,29}

19. Child Witness

You will hear testimony from a ____ -year-old child. Would any prospective juror be more or less likely to believe that witness's testimony based solely on the fact that the witness is a child of that age?³⁰

²⁷ *Moore v. State*, 412 Md. 635, 655 (2010) (inquiry required if requested and relevant).

²⁸ The court should not ask any portion of this question unless requested by the defendant.

²⁹ The court must ask this question, if requested by the defendant. *Moore v. State*, 412 Md. 635, 655 (2010).

³⁰ *Mitchell v. State*, 488 Md. 1, 8-9, 26-27, 33 (2024) (inquiry required when (1) it is reasonable to believe that jurors may decide whether to believe the child-witness based solely on their age and (2) the child's testimony is important to the case).

20. Expert Witness³¹

You will hear testimony from an expert in _____. Would any prospective juror be more or less likely to believe that witness's testimony based on the fact that the witness is qualified as an expert in this case?

C. Specific Considerations³²

21. Charge(s)³³

The State alleges that the Defendant committed the crime[s] of _____. Do you have strong feelings about [*that/those*] crime[s]?

22. Sexual Orientation³⁴

You may hear evidence of _____ in this case. Does anyone have strong feelings about _____?

³¹ *Pearson v. State*, 437 Md. 350, 357–58 (2014) (court must ask questions regarding experience, status, association or affiliation that would demonstrate a specific cause for disqualification).

³² Questions in this section should be considered separately and asked or modified to fit specific trial circumstances. *Moore v. State*, 412 Md. 635, 645 (2010) (judges must “adapt the questions to the particular circumstance or facts of the case”).

³³

Pearson v. State, 437 Md. 350, 363 (2014) (question properly worded); *State v. Shim*, 418 Md. 37, 54 (2011) (inquiry required if requested and relevant).

³⁴ This question is intended to elicit potential juror bias based on sexual orientation or possible perception of sexual orientation. *Muldrow v. State*, 259 Md. App. 588, 612-15 (2023) (requiring inquiry when the trial court is aware that the evidence may trigger anti-gay bias). The potential bias may relate to the defendant, a victim, or a witness. If the question relates solely to the defendant, the inquiry may be covered by Question 15 and should only be asked at defense request. The model question is phrased broadly to permit it to be modified to the facts of specific cases.

23. Drug or Alcohol Use

- a. Have you, or a close friend or relative, ever been trained, employed, or served as a volunteer in the counseling or treatment of persons involved in substance abuse, or sought counseling or treatment for substance abuse?
- b. The evidence in this case may include information about the use or abuse of [alcohol/drug]. Do you have strong feelings about [*the abuse of alcohol or drugs/the use of illegal drugs*]?³⁵

24. Firearms³⁶

The evidence in this case may include information about the use or possession of a handgun or other firearm. Do you have strong feelings about handguns or firearms?

25. Graphic Images

The evidence in this case may include images of [*specific photographic evidence*]. Do you have strong feelings about viewing those images?

26. Medical Knowledge³⁷

Have you, or a close friend or relative, ever been trained or employed in medicine or any health-care field? In other words, have you or a close friend or relative ever:

³⁵ *Pearson v. State*, 437 Md. 350, 363 (2014) (question properly worded); *State v. Thomas*, 369 Md. 202, 204 (2002) (inquiry required if requested and relevant).

³⁶ *Thompson v. State*, 229 Md. App. 385, 408–11 (2016) (inquiry required if firearm central to case or charges).

³⁷ *Pearson v. State*, 437 Md. 350, 357–58 (2014) (court must ask questions regarding experience, status, association or affiliation that would demonstrate a specific cause for disqualification); *Moore v. State*, 412 Md. 635, 645 (2010) (judges must “adapt the questions to the particular circumstance or facts of the case”).

- a. been trained or employed as a physician, physician's assistant, nurse, nurse practitioner, laboratory or other medical technician, or emergency medical technician;
- b. been trained or employed in a medical office or hospital, or as a health or accident claims investigator, or in any similar occupation; or
- c. studied medicine, nursing, emergency medical treatment or any similar field of study, or worked in a related occupation not already identified?

27. Mental Illness, Impairment, or Disability

- a. Have you, or a close friend or relative, suffered from, or been diagnosed or treated for, a mental illness or disability, including [*dementia, Alzheimer's disease, or other illness relevant to this case*]?
- b. Have you or a close friend or relative been trained or employed in the treatment or care of a person with [*dementia, Alzheimer's disease, or other illness relevant to this case*]?³⁸

28. Organizational Bias³⁹

Do you support or share the views of any organization or group that seeks changes in the criminal laws, the sentencing of offenders, the rights of victims of crime, or the rights of persons accused of committing a crime? [*Such organizations may*

³⁸ *State v. Logan*, 394 Md. 378, 400 (2006) (inquiry regarding experience in psychology or psychiatry proper in case involving defense of “not criminally responsible”).

³⁹

Pearson v. State, 437 Md. 350, 357–58 (2014) (court must ask questions regarding experience, status, association or affiliation that would demonstrate a specific cause for disqualification); *Moore v. State*, 412 Md. 635, 645 (2010) (judges must “adapt the questions to the particular circumstance or facts of the case”).

*include the NRA, ACLU, MADD, NAACP, NORML, Stephanie Roper Committee, and other similar organizations.]*⁴⁰

29. Sexual Abuse⁴¹

- a. Have you or a close friend or relative ever been the victim of any kind of sexual abuse or assault?
- b. Have you or a close friend or relative ever been accused of committing any kind of sexual abuse or assault?
- c. Have you or a close friend or relative been trained or involved in the counseling or treatment of victims or perpetrators of sexual abuse or assault of any kind?

30. Special Knowledge or Expertise (*Other than Medical Field*)⁴²

Have you, or a close friend or relative, ever been trained or employed in the field of [*specific area of expert testimony or controversy in case*]?

⁴⁰ To clarify the question, judges may choose to offer examples of organizations supportive of different positions on these issues.

⁴¹ *Pearson v. State*, 437 Md. 350, 357–58 (2014) (inquiry properly worded); *Sweet v. State*, 371 Md. 1, 45 (2001) (inquiry required if requested and relevant).

⁴² *Pearson v. State*, 437 Md. 350, 357–58 (2014) (court must ask questions regarding experience, status, association or affiliation that would demonstrate a specific cause for disqualification).

D. Final Questions⁴³

31. Presumption of Innocence, Burden of Proof, Right to Remain Silent⁴⁴

The defendant in a criminal case is presumed to be innocent. The State bears the burden of proving guilt beyond a reasonable doubt. Moreover, the defendant has an absolute right to remain silent, which means that if he or she chooses not to testify, a juror may not consider the defendant's silence when determining whether the State has met its burden of proof.

Is there any juror who feels that he or she would be unable to follow the court's instructions on the law, including those instructions on the presumption of innocence, the State's burden of proof, and the defendant's right to remain silent?

32. Trial Duration

The trial of this case is expected to last _____ days. Each day, we will usually begin at _____ a.m. and adjourn at _____ p.m. [*Add any other scheduling information.*] In addition to a lunch recess each day, we will usually recess once in mid-morning and once in mid-afternoon. Because our Constitution requires that we convene a jury representative of the community to ensure a fair trial, I must ask you to reschedule anything that would interfere with your service on this jury.

⁴³ Before proceeding to the Final Questions and Follow-Up Questions, the judge should ask counsel to approach the bench and verify that the judge did not misread or inadvertently omit any pre-approved questions. The judge should ask counsel whether they are satisfied with the questions asked, or note any objection or exception to questions asked or omitted.

⁴⁴ The court must ask this question or any part of this question, if requested by the defendant. *Kazadi v. State*, 467 Md. 1 (2020).

Do you have any urgent personal or business obligation that you cannot reschedule, or any health issue or other concern that could interfere with your ability to give your full attention to this trial?

33. Personal Beliefs

Do you hold any moral, religious, or ethical conviction or belief that would prevent you from judging another person by weighing the evidence and returning a fair and impartial verdict?

34. Render Judgment

Is there anything not yet mentioned that could affect your ability to make a fair and impartial judgment in this case? In other words, is there anything you haven't yet told us that could affect your ability to base your judgment solely on the evidence admitted at trial in the courtroom, or to follow the law as the court will instruct you?

E. Individual Follow-up Questions⁴⁵

35. Affirmative Responses⁴⁶

a. Please explain why you indicated that ... [*question answered*]?

⁴⁵ Judges should conduct individual questioning of prospective jurors out of the hearing of the jury panel. Before beginning, the judge should advise counsel whether they may ask follow-up questions directly to prospective jurors or must request that the judge ask specific follow-up questions. Although judges may ask follow-up questions immediately after each affirmative response, the Court of Appeals noted that the preferred and more efficient manner requires simply noting affirmative responses and asking individual follow-up questions after asking all questions of the jury panel. *Collins v. State*, 452 Md. 614, 627 (2017).

⁴⁶ Follow-up questions are essential to determining whether a prospective juror's responses demonstrate cause for removal. *Dingle v. State*, 361 Md. 1, 17–18 (2000). The follow-up questions suggested here are general, but the questions asked should be adapted to the affirmative response given.

b. Can you put aside that incident or experience as you listen to and observe the evidence that will be presented in this case?

c. Are you certain that you can decide this case fairly and impartially, based solely on the evidence admitted at trial in the courtroom and the law as I will instruct you on it?

36. No Response⁴⁷

You have not responded affirmatively to any of the questions asked. Have you heard and understood all of the questions I have asked?

37. Missing Information⁴⁸

Can you please tell us _____? (*juror information routinely provided but missing from the information about particular juror*).

⁴⁷ Judges may wish to question a prospective juror who failed to answer any questions affirmatively, to ascertain that person's capacity to serve as a juror. Additional questions may be needed.

⁴⁸ Prospective jurors are required to provide specific information in a juror qualification form. MD. CODE ANN., CTS. & JUD. PROC. II § 8-302(a). Failure to do so may require additional inquiry by the Jury Commissioner or Jury Judge. MD. CODE ANN., CTS. & JUD. PROC. II § 8-304. Omissions or errors may be corrected in the jury selection process.

MODEL JURY SELECTION QUESTIONS FOR CIVIL TRIALS

During the jury selection process, the Court should ensure that all prospective jurors have heard and understood each question, and inform prospective jurors of the option to discuss issues privately if necessary.

Many of the model questions may elicit affirmative responses that may require additional questioning of prospective jurors. In the same way, if information is missing on a Jury Panel List, additional questioning may be necessary. Follow-up questions are essential to understanding a juror's experience, determining whether a prospective juror's responses demonstrate cause for removal, and for informing the intelligent exercise of peremptory challenges. Prospective jurors who fail to respond to any questions should also be questioned further. The methodology of follow-up questioning is fully within the trial judge's discretion.

A. General Questions

1. Capacity to Serve as a Juror

This case will be tried in the English language. Is there any member of the jury panel for whom English is not your first language? If yes, how long have you been speaking English? Have you been able to hear and understand everything I have said so far?

Do you have any health issue or other difficulty which may affect your ability to sit as a juror and give your full time and attention to the case?

Do you have a visual impairment, such as colorblindness, that may affect your ability to see the faces of witnesses or exhibits that may be shown to you?

2. Juror Qualifications

The next five questions go to your qualifications to serve as a juror in this case. At the conclusion of all of these questions I will ask you to stand if your answer is “yes” to any of these questions. Please do not stand until I have asked all five questions:

1. Is any member of the jury panel not yet 18 years old as of today’s date?
2. Is any member of the jury panel not now a resident of *[jurisdiction]*?⁴⁹
3. Is any member of the jury panel not a citizen of the United States?
4. Has any member of the jury panel ever been convicted of a crime punishable by imprisonment exceeding one year and received a sentence of more than one year for any crime *[even if all or part of it was suspended]*?
5. Does any member of the jury panel have a charge pending against you for a crime punishable by imprisonment for one year or more?

If your answer to any of those five questions is YES, or if you are not sure how to answer the questions, please stand.

3. Case Familiarity

The plaintiff alleges that on *[date]* at approximately *[time]* at or near *[address]*, in *[jurisdiction]*, *[summary of the Plaintiff’s claim]*. *[The Defendant contends ...]* Do you know anything about this *[incident/dispute]* or have you seen or heard anything about it from any person or source, including the internet and news media?

⁴⁹ Throughout these model questions, optional language is provided in brackets for clarity.

a. *In Motor Vehicle Accidents:*

The accident involved in this case occurred at *[location of accident]*. Are you familiar with the location where this accident occurred? If so, do you have opinions about that intersection/roadway?

4. Scene Familiarity *[if relevant]*

Do you live or work in the immediate area where this *[incident/dispute]* occurred, or are you familiar with this area for any other reason?

5. Bias

a. *The Parties:*

The Plaintiff(s) has brought this action seeking damages for *[describe allegations in case]*. Do you have significant feelings concerning the right of this plaintiff or any plaintiff to pursue such an action?

The Defendant(s) deny the Plaintiff's allegations. Do you have significant feelings about the right of this Defendant or any Defendant to defend such a case?

b. *Lawyers:*⁵⁰

The Plaintiff is represented by a *[personal injury/ employment/ etc. attorney]*. Do you have significant feelings about *[personal injury/tax/employment attorneys]*?

The Defendant is represented by a *[corporate/tax/etc. attorney]*. Do you have significant feelings about *[corporate/tax/etc. attorneys]*?

c. *Verdicts:*

Do you believe the amount of money awarded in *[medical malpractice/employment/contract]* lawsuits is either too high or too low?

⁵⁰ The purpose of the questions in this subsection is to elicit bias against the type of attorney who represents the party.

Do you believe that verdicts in [*medical malpractice/employment/contract*] lawsuits affect you personally?

d. *For Professional Negligence Cases:*

Do you have significant feelings about how our civil trial system handles claims against [*health care providers/attorneys/engineers/CPAs/other professionals*]?

6. Plaintiff(s)

a. *Individual Plaintiff(s):*

Plaintiff's name is [*name of Plaintiff*]. Do you know or know of the Plaintiff? [*Ask Plaintiff to stand and face the jury panel*].

b. *Plaintiff business entity:*

Plaintiff is [*name of business entity*]. Have you or anyone close to you ever had an employment or other business relationship with Plaintiff?

i. Have you or anyone close to you ever owned stocks, bonds, or other investments in Plaintiff?

ii. Plaintiff's representative is [*name of representative*]. Do you know or know of Plaintiff's representative? [*Ask Plaintiff's representative to stand and face the jury panel*].

7. Plaintiff Counsel

Plaintiff is represented by [*name(s) including law firms*]. Do you know or know of the Plaintiff's attorney(s) or their law firm? [*Ask counsel to stand and face the jury panel*].

8. Defendant(s)

a. Individual Defendant(s):

Defendant's name is [*name of Defendant*]. Do you know or know of Defendant?

[*Ask Defendant to stand and face the jury panel*].

b. Defendant business entity:

Defendant is [*name of business*]. Have you or anyone close to you ever had an employment or other business relationship with Defendant?

i. Have you or anyone close to you ever owned stocks, bonds, or other investments in Defendant?

ii. Defendant is represented by [*name of representative*]. Do you know or know of Defendant's representative? [*Ask Defendant's representative to stand and face the jury panel*].

9. Defense Counsel

Defendant is represented by [*name(s) including law firm*]. Do you know or know of Defendant's attorney(s) or their law firm? [*Ask Defense counsel to stand and face the jury panel*].

10. Witnesses and Others

The following witnesses may be called to testify in this case [*list witnesses*]. Do you know or know of any of these witnesses?

The following persons will not testify, but may be mentioned in the trial [*list persons*]. Do you know or know of any of these people?

11. Legal or Specialized Knowledge

a. Legal Field:

Have you or anyone close to you ever volunteered as, or been trained or employed as a law clerk, paralegal, judge, legal secretary, lawyer, or court employee?

b. Law Enforcement:

Have you or anyone close to you volunteered as, or been trained or employed as a law enforcement, corrections, security, parole, or probation officer or investigator?

c. Claims:

Have you or anyone close to you volunteered as, or been trained or employed in a position that involves the evaluation or adjustment of claims?

d. Other Legal Fields:

Have you or anyone close to you volunteered as, or been trained or employed in criminology, forensic science, risk management or any similar field of study or related occupation not already identified?

e. Other Specialized Knowledge Specific to the Case

This case may involve evidence in the specialized field of [*describe field of knowledge or science*]. Have you or anyone close to you volunteered as, or been trained or employed in, that field of knowledge or science?

12. Court Experience

Have you or anyone close to you ever brought a legal claim or had a legal claim brought against you or a person to whom you are close?

Have you or anyone close to you ever been a witness in a civil or criminal case?

Have you ever served as a juror or grand juror?

Have you or anyone close to you ever been a party in a dispute resolution proceeding such as a mediation or arbitration?

Have you or anyone close to you ever filed a complaint against a lawyer, judge, or court employee?

13. Other Prospective Jurors

Do you know or recognize any other member of this jury panel?

B. Parties and Witnesses

14. Court Interpreter⁵¹

a. Interpreter Bias:⁵²

A witness or party in this trial may testify with the assistance of a certified court interpreter. Would you weigh the testimony of a witness speaking with the aid of a court interpreter differently than you would the testimony of any other witness?

b. Language Fluency:⁵³

Do you speak or understand [*language interpreted*]?

⁵¹ Use of an interpreter during trial, for a party or witness, presents two distinct concerns in jury selection: whether jurors will be biased against a non-English speaking witness, and whether jurors will rely on the court interpreter's translation.

⁵² Part (a) is intended to ferret out potential bias for or against parties or witnesses relying on court interpreters.

⁵³ Part (b) is intended to assure reliance on the certified court interpreter and prevent jurors fluent in the interpreted language from re-interpreting testimony for other jurors. If any member of the jury panel responds affirmatively to part (b), the judge should ask that juror, at the bench:

“Will you immediately send a note to the court if you believe that the court interpreter made an error?”

15. Personal Traits⁵⁴

a. *If identified and requested by a party*

The *[Plaintiff/Defendant/Witness]* identifies as *[racial, religious, sexual preference, national origin or other category of potential bias identified by the party]*. Is there anything in your background, outlook, or experience that would impact your ability to be fair and impartial in this case?

b. *If requested by a party because of possible juror perceptions*

The *[Plaintiff/Defendant/Witness]* has *[personal appearance/other characteristic identified by the party]*. Is there anything in your background, outlook, or experience that would impact your ability to be fair and impartial in this case?

16. Expert Witness

There may be testimony in this case from *[insert area of expertise]*. Would you be inclined to give more or less weight to the testimony of that witness because the witness is *[area of expertise]*?

17. Professional as Fact Witness

One or more of the witnesses in this case is a *[doctor/lawyer/other]*. Would you be inclined to give more or less weight to the observations and experience of that witness because the witness is *[doctor/lawyer/other]*?

⁵⁴ Questions in this section are intended to reveal bias of prospective jurors against an individual based on either (a) that person's self-identification or (b) possible perception of an individual. Judges should not ask either part of this question unless specifically requested and should take any affirmative responses out of the hearing of the jury panel.

C. Nature of Case

18. Agency

Have you or anyone you are close to ever volunteered, worked with, or served as an [agent/broker/resident agent/representative] of another person, organization, or business?

19. Assault or Battery

Assault and battery are two legal terms that frequently accompany each other. An example of assault is a threat that makes another person fear for their safety. An example of battery is harmful or offensive physical contact.

Have you or anyone you are close to been involved in an incident involving an assault or a battery?

Have you or anyone you are close to been involved in a civil or criminal proceeding involving an assault or a battery?

Do you believe that assaults and batteries are criminal matters that should be handled exclusively by a criminal court rather than civil court?

20. Business Tort

Have you or anyone you are close to ever been involved in a claim or lawsuit for damage or loss to an organization or business?

21. Contracts

Have you or anyone you are close to ever been involved in a claim or lawsuit for breach of a contract?

22. Controversial Cause of Action

The Plaintiff(s) alleges that the Defendant(s) [*alleged wrong*]. Is there anything in your background, outlook, or experience that would impact your ability to be fair and impartial in this case?

23. Eminent Domain

Have you or anyone you are close to ever been involved in a claim by a government or public utility involving acquisition of private property for public use?

24. Employment

a. General Employment

Have you or anyone you are close to ever been involved in a claim or lawsuit against an employer?

Have you or anyone you are close to ever been involved in a claim or lawsuit with an employer involving confidential information, trade secrets, or a noncompetition agreement?

Have you or anyone you are close to ever investigated a claim for allegedly unlawful conduct for or against an employer?

b. Discrimination and Harassment

Have you or anyone close to you ever accused another person of [*discrimination/sexual harassment/hostile work environment/etc.*]?

Have you or anyone close to you ever been accused of [*discrimination/sexual harassment/hostile work environment/etc.*]?

25. Fiduciary, Guardian, or Trustee

Have you or anyone you are close to ever managed or helped to manage the finances for someone else whether formally or informally?

If money is awarded to a [*minor or incapacitated adult*] in this case, would it affect the amount of your award if the money will not be managed by someone who is professionally trained to do so?

26. Land Ownership Dispute

Have you or anyone you are close to ever been involved in a dispute about ownership or use of land?

27. Motor Tort

a. Experience:

Have you or anyone you are close to ever been involved in a motor vehicle accident in which anyone was injured?

b. Special Vehicles:

Have you or anyone you are close to ever operated or ridden on a [*motorcycle/golf cart/ scooter/commercial truck/other specific vehicle*]?

Have you or anyone you are close to ever been involved in an accident involving a [*motorcycle/golf cart/bicycle/scooter/commercial truck/other specific vehicle*] in which anyone was injured?

Do you think people who [*operate commercial trucks/ride motorcycles*] should be held to a different standard of reasonable care than people who drive cars?

28. Other Torts

Have you or anyone close to you been involved in a claim for damage or loss for *[tort alleged in this case]*?

29. Power of Attorney/ Proxy

Have you or anyone close to you created a health care directive, proxy, or power of attorney for another person, or been assigned duties under another person's health care directive, proxy or power of attorney?

30. Professional Negligence

Have you or anyone close to you ever had a negative outcome which you believe was caused by the actions or inactions of a *[health care provider/attorney/engineer/CPA/other professional]*?

Have you or anyone close to you ever had an unsatisfactory experience with a *[health care provider/attorney/engineer/CPA/other professional]* such that you hold significant feelings **against** *[health care provider/attorney/engineer/CPA/other professional]*?

Have you or anyone close to you ever had positive experiences with *[health care provider/attorney/engineer/CPA/other professional]* such that you hold significant feelings in **favor of** *[health care provider/attorney/engineer/CPA/other professional]*?

a. Informed Consent Cases

- i. Have you or anyone you are close to ever felt that a healthcare provider did not give the information necessary to make an informed decision about medical care or treatment?

- ii. Do you have significant feelings about whether healthcare providers are required to give patients information about their medical care and treatment?

31. Sexual Abuse

Have you or anyone close to you ever experienced sexual abuse or been accused of committing sexual abuse?

Have you or anyone close to you counseled or treated anyone who experienced sexual abuse or who allegedly committed sexual abuse?

32. Trespass/Intentional Interference with Property

Have you or anyone close to you ever been involved in a dispute over the use of property without the owner's permission?

33. Will, Guardianship, Trust or Deed

Have you or anyone close to you ever written or assisted in preparing a *[will/trust/power of attorney/deed/living will/other document]* for yourself or someone else?

Have you or anyone close to you ever signed or witnessed the signing of a *[will/trust/power of attorney/deed/living will/other document]*?

Have you or anyone close to you been the beneficiary of an estate or trust?

Have you or anyone close to you been a personal representative for an estate or a trustee for a trust?

Have you or anyone close to you ever served as a guardian of person and/or property?

34. Workers' Compensation

Have you or anyone close to you ever been involved in a claim or lawsuit for workers' compensation, as a claimant, employer, or witness?

Have you or anyone you are close to ever been injured during the course of your employment and not filed a claim?

D. Specific Considerations

35. Injury and Medical Treatment

a. Injury or Condition

Have you or anyone close to you ever suffered from [*specific physical and/or mental condition and/or injury to body part(s)*] which required medical treatment?

b. Specific Procedures

Have you or anyone close to you ever undergone [*specific procedure/treatment*]?

c. Medication

Have you or anyone close to you ever taken a medication known as _____ or [*alternative name*]?

36. Care of Disabled or Incapacitated Persons

Have you or anyone close to you provided care for a disabled or incapacitated person?

Have you or anyone close to you received care as a result of a disability or incapacity?

Have you or anyone close to you ever volunteered, or been trained or employed in a [*nursing home/assisted living facility/other facility*] in any capacity?

37. Drug or Alcohol Use

Have you or anyone close to you ever been trained, employed, or volunteered in the counseling or treatment of persons suffering from addiction, or sought counseling or treatment for addiction?

The evidence in this case may include information about the use or abuse of [alcohol/drug].

a. General Questions

- i. Do you have significant feelings about [*the abuse of alcohol or drugs/the use of illegal drugs*]?
- ii. Do you believe that addiction is a choice and not a disease?
- iii. Do you have sympathy for people who suffer from addiction?

38. Firearms

The evidence in this case may include information about the use or possession of a handgun or other firearm.

Do you have any specialized knowledge or training in handguns or other firearms?

Do you have significant feelings about handguns or other firearms?

39. Graphic Images

The evidence in this case may include images of [*specific photographic evidence*]. Do you have significant feelings about viewing those images?

40. Medical Knowledge

Have you or anyone close to you ever been trained, educated, employed, or volunteered in any healthcare field?

41. Organizational Bias

Do you or anyone close to you support or share the views of any organization or group that seeks reform or other changes in the civil or criminal justice system, including but not limited to the conduct of jury trials or awarding of damages?

E. Final Questions

42. Trial Duration

This case may take _____ days to complete. I am authorized to grant an excuse from jury service on the basis of extraordinary hardship. This is a high standard because all of you have obligations outside of this trial, so it must be more than mere inconvenience. The types of hardship that could qualify include: a funeral for a family member or a close friend, a medical appointment or procedure that cannot be easily rescheduled for yourself or for someone for whom you provide care, or a prepaid vacation. Knowing this, is there any member of the jury panel who would be unable to serve due to an extraordinary hardship?

43. Personal Beliefs

Do you hold any moral, religious or ethical conviction or belief that may affect your ability to weigh the evidence and return a judgment?

If you consider a particular action to be wrong, even if it is legal, would that affect your ability to weigh the evidence and follow the Court's instructions?

44. Legal Instructions

At the end of this trial, I will instruct you as to the law. In order to sit on this jury you must commit to following these instructions regardless of whether you agree with

them. Does any member of this jury panel have reason to believe that you may have difficulty following my instructions as to the law?

45. Burden of Proof

The burden of proof in this case is by a preponderance of the evidence, which means more likely so than not so [*or clear and convincing evidence in cases involving fraud*]. Do you feel that you may require a different level of proof?

46. No Response

Is there any member of the panel who has not responded to any of the questions asked? [*Judges should question prospective jurors who failed to offer any affirmative responses, to determine that those prospective jurors understood the questions and procedure.*]

47. Catch All

Is there anything you would prefer to discuss in private?

Is there anything we have not asked you that you think we should know?

EXAMPLES OF EXPANDED *VOIR DIRE* QUESTIONS FOR CRIMINAL AND CIVIL TRIALS

1. **Implicit Bias**

You have heard a little about this case. Based on your opinions and life experiences, is there anything that you have heard about this case that causes you to think that this may not be a good case for you to sit on as a juror today?

[For use in Questionnaires, Attorney Led Voir Dire, or Individualized Voir Dire]:

We all bring our own thoughts and opinions to court today on what is right and wrong. The judge will instruct you on the laws that apply to this case. What will you do if you feel the law is unfair as applied to this particular case?

Have you ever written a blog or written a letter to the editor of any publication? If so, what was the topic?

2. **Damages (Civil)**

a. *Generally*

Do you believe there is a minimum or a maximum amount of damages that anyone should be allowed to recover in a lawsuit regardless of the severity of their injuries and/or future care needs?

If the Plaintiff is injured and proves their case against the Defendant, is there anything that would prevent you from awarding fair and adequate damages?

If the Plaintiff is injured and doesn't prove their case against the Defendant is there anything that would prevent you from awarding no damages?

b. Noneconomic Damages

Do you think people should be able to receive damages for emotional pain and suffering if they prove it has occurred?

Does anyone think people should not be compensated for physical pain, emotional suffering, and mental anguish if they are caused by the negligence of another?

Could you place a dollar value on the enjoyment of activities like taking walks, bicycling, gardening or playing with children if the Plaintiff proves that they were or are unable to do those things due to injuries caused by the Defendant?

c. Following Instructions

At the end of the case the Judge will instruct you on the types of damages Plaintiff may recover if they prove their case. Will you be able to follow the Judge's instructions and consider each type of damage that has been proved?

If the Plaintiff(s) do(es) not prove their case against the Defendant(s), is there anyone who would have difficulty awarding the Plaintiff(s) no damages?

3. Jury Verdicts

Do you have any family members or close friends who might be upset if they learned you had been a juror and voted to award damages to a Plaintiff against a Defendant?

Do you have any family members or close friends who might be upset if they learned you had been a juror and voted not to award damages to a Plaintiff against a Defendant?

For this question, please choose one of the five listed answers. In cases like this one involving [*auto accident/medical malpractice/breach of contract/business tort/employment dispute, etc.*], do you think the amount of money that juries award is:

1. Way too much;
2. A little too much;
3. Just right;
4. A little too low; or
5. Way too low.

4. Other Questions

a. Experience with Legal System

Have you or anyone close to you had a particularly good or particularly bad experience with lawyers or the courts?

[For use in Questionnaires, Attorney Led Voir Dire, or Individualized Voir Dire]:

What is your opinion of lawyers? Why do you feel that way? Do you feel that way about me? Do you feel that way about opposing counsel? Please explain why you feel that way.

b. Personal Background

Do you supervise people at work? If so, how many?

[For use in Questionnaires, Attorney Led Voir Dire, or Individualized Voir Dire]:

Are you or anyone close to you a member of any union? Have you ever had a leadership role in that union? Have you ever quit union membership? Why?

To what clubs, associations, or organizations have you donated to, volunteered for, or belonged to in the last 10 years? And what offices held, if any?

