

SUPPLEMENTAL JURY QUESTIONNAIRES:
THEIR CONSTRUCTION, USE, AND APPLICATION

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I. JUROR QUESTIONNAIRES: THEIR USES AND BENEFITS

§1.0 Introduction

A mega-millionaire pop star is charged with child molestation. A tobacco company is being sued for the health effects of its products. An indigent African-American youth shoots and kills a police officer. What is the common denominator of these three cases? They all need supplemental jury questionnaires.

In high-profile criminal trials, complex civil litigation, and death penalty cases, the supplementary juror questionnaire [SJQ] substantially elevates the quality of the jury selection experience. Since the issues in these types of cases are more intricate, the voir dire must be more extensive. Courts and attorneys alike have discovered that the comprehensive juror questionnaire is the most efficient tool for disseminating valuable information about prospective jurors to all parties.

Many of the questions asked in voir dire aim to ferret out those people who have life experiences that differ from the norm. Most people will not have experience with home invasion, corporate accounting procedures, arson investigation, or any of the myriad other elements that may turn up in the more complex case. The jury questionnaire makes it possible to pinpoint jury panel members with possible biases, expert knowledge or areas of concern before they make an appearance in the courtroom.

Written answers give the juror the opportunity to alert the Court to his or her concerns about sensitive areas that need to be addressed in voir dire. The victim of a crime of violence, a person whose family members have been arrested, and anyone who has an embarrassing health condition or family difficulty may use the questionnaire to request a private hearing. Advance notice of the panel member with problems allows the judge to deal with that juror in a more dignified manner. Filling out the questionnaire also gives the each panel member the opportunity to prepare psychologically for being questioned about his or her life during jury selection.

§1.02 Benefits of Using the Supplemental Juror Questionnaire

In the types of cases that merit use of a detailed juror questionnaire, the juror needs to be asked more probing questions than are warranted in shorter, less involved cases. The purpose of the questionnaire is not to exhaustively delve into every possible corner of the juror's life. Rather, it is to selectively present the parties at trial with a more complete picture of each juror, and to give openings into the juror's attitudes, opinions and life experiences, which in turn reveal avenues for exploration in voir dire. According to one author, "these questionnaires not only elicit extraordinarily candid information about panelists' backgrounds and experiences, but they allow the voir dire to be more focused, thus expediting the entire jury selection process."¹

While filling out the questionnaire, the potential juror has more time to consider his or her answers and to reflect upon his or her experiences. The juror tends to be more forthcoming in answering questionnaires than in open court. When sitting in the witness chair or the jury box, surrounded by unfamiliar faces, the juror is more likely to give the answers he or she perceives to be more socially acceptable. Privately on paper, the juror will be more relaxed and open, and more likely to fully divulge his or her opinions.

Social scientists refer to this as "the deindividuation effect", whereby a person becomes less inhibited or restrained as a result of detachment from the personal consequences of an act.² Speckart and McLennan state, "Jurors feel much greater and much more immediate personal consequences in connection with their responses to oral voir dire, where in-court social pressures can be overwhelming. In contrast, there is little social pressure connected to the written questionnaire response."³

The open written response is particularly important in uncovering juror attitudes to the crucial issues in the complex case. With a "hot button" issue like child molestation where feelings tend to run high, jurors will be much more likely to disclose if they or someone they know has been a victim of child abuse in a questionnaire. In a 1994 telephone interview with Lin S. Lilley, U.S. District Court Judge Richard M. Bilby stated

¹ Susan E. Jones, Ph.D., "Selecting Better Juries: The Prospective Juror Questionnaire", [<http://www.jri-inc.com/article9.htm>]. (June 10,2005)

²George R. Speckart and Lyndon G. McLennan. "How to Tap the Potential of the Juror Questionnaire," *The Practical Litigator* 10 (January, 1999):51.

³ Ibid.

that in a juror questionnaire, one in three jurors will admit to knowing someone who has been a victim or child abuse, whereas only one in ten jurors will make the same admission in voir dire.⁴ In open court, it may take a great deal of time and a high level of skill on the part of the questioning attorney before a juror will admit his or her experience or prejudicial opinions. If the attorney is not proficient in voir dire, these opinions may never be uncovered.

A useful time saving aspect of the jury questionnaire is its ability to pre-qualify the jury panel. When the questionnaire is filled out in advance, the Court will be able to quickly identify those jurors who have statutory or valid extra-legal excuses. If appropriate, those people may be excused before the trial begins. This saves a great amount of time for the Court, and streamlines the process considerably.

As the time for jury selection draws near, the kind of case calling for a juror questionnaire is likely to have a great deal of publicity. Even if media coverage was minimal at the time of the incident, publicity close to trial heightens the need to address the issue in jury selection. Media exposure to the particular case and other topics that may lead to bias in the juror's mind should be addressed in the jury questionnaire. If these issues are not addressed there, it will be incumbent upon the attorneys to inquire of each juror as to all of those questions that could have been answered in writing. A longer voir dire is sure to ensue.

The juror questionnaire insulates the rest of the jury panel from the hostile juror's potentially polluting opinions. In the high profile, high media case where hundreds of hours have been spent in trial preparation prior to jury selection, it makes no sense to allow the biased juror the opportunity to cause a mistrial. Once the juror has committed his answers to the questionnaire, "it is less likely for both the attorneys and the judge to overlook the biased or prejudiced remark when it is in writing than when it is quickly murmured, and perhaps later retracted, in a courtroom."⁵ Confusion is avoided, and the prejudiced juror's true opinions are apparent to all parties.

Identifying the biased juror in advance saves the court time in voir dire. If the potential juror has a strongly worded statement in the jury questionnaire, this bias may

⁴Lin S. Lilley, "Techniques for Targeting Juror Bias," *Trial* 32 (November, 1994) 77.

⁵Matthew L. Larrabee and Linda P. Drucker. "Adieu Voir Dire: The Jury Questionnaire," *Litigation* 21 (Fall 1994): 39.

be grounds for exclusion for cause. By addressing potential bias issues first, the court can speed up the voir dire of the juror, if he or she is indeed excludable. In some cases, counsel for both sides may make a joint motion to have the juror excused without being questioned, further expediting voir dire.

The juror questionnaire brings a higher level of uniformity to jury selection by ensuring that every juror is asked exactly the same questions. Rose and Beaton state, “To accomplish this task with oral voir dire would require the lawyer to be tediously mechanical, and to take more time than is usually made available in most courts. Thus, with voir dire, it is inevitable that some of the jurors who will serve will *not* have been asked one or more key questions. By using a questionnaire, an attorney can elicit answers to every question from every juror without testing the patience of the jurors or the court.”⁶

§ 1.03 Rebuttal to Common Arguments against Using Supplemental Juror Questionnaires

Even with all of the benefits of the supplemental juror questionnaire stated above, there are still some objections to its usage. On the National Center for State Courts website, a resource for state court judges, a number of these objections are noted.⁷ Their list of disadvantages includes:

1. Constructing and designing juror questionnaires can be difficult and cumbersome, particularly when the specific details of the case require inquiry into a broad range of juror characteristics;
2. Answering juror questionnaires may be difficult or impossible for jury panel members who have poor written communication skills because of disability, lack of education, or limited familiarity with written English;

⁶ Lawrence J. Rose and Ronald F. Beaton. “An Alternative to Voir Dire? Effective Use of a Jury Questionnaire” *For the Defense* 44 (March 2002): 49.

⁷ The Center for Jury Studies, National Center for State Courts, “Questionnaires to Assist Jury Selection: Frequently Asked Questions”.
[\[http://www.ncsconline.org/Juries/InnquestionnaireFAQ.htm\]](http://www.ncsconline.org/Juries/InnquestionnaireFAQ.htm) (June 15, 2005)

3. Administrative costs associated with distributing the questionnaire to the jury panel and copying responses for the court and opposing counsel can outweigh the benefits of this technique, especially with large jury panels;
4. Written responses to questionnaires deprive the trial judge and attorneys the ability to observe prospective jurors' nonverbal communication during voir dire-an element of questioning on which many judges and attorneys claim to rely to determine the honesty and reliability of the individual's responses;
5. A requirement that jury panel members sign a written oath that they have personally answered the questionnaire does not guarantee that the panel member has, in fact, done so. Sometimes a spouse of significant other will complete the questionnaire and fail to reveal important information, especially about juror attitudes and beliefs; and
6. The use of pretrial juror questionnaires shifts control of the voir dire process from the trial judge to the attorneys – a result that some trial judges find objectionable, particularly if the technique appears to benefit one party to the detriment of the other or otherwise jeopardizes the appearance of a fair trial.

The author respectfully argues against those objections as follows:

1. Constructing questionnaires may be time consuming, but that responsibility falls mainly to the opposing counsel. Many law offices have standard questionnaires to which they add case specific questions, making the process less cumbersome. Exemplars of jury questionnaires are freely available over the Internet, and may be used as partial templates.

Cases where a broad range of issues is to be addressed are the cases that need juror questionnaires the most. They are guaranteed to have a much more streamlined voir dire when the supplemental juror questionnaire is part of the jury selection process.

Tightest control may be kept over the questionnaire by requiring the jury panel to come to court prior to trial, and filling out the questionnaires at the courthouse.

2. When limited written language skills need to be addressed the questionnaires may be best administered by requiring the jury panel to come to court prior to trial. Courtroom personnel may then assist any juror who needs help in filling out the questionnaire.

In cases where the juror is filling out the questionnaire and mailing it in, the introduction to the questionnaire should clearly state that the juror is expected to fill out the questionnaire him or herself. Procedures outlining steps to follow if the assistance of another person is required may be included. When using the mail method, an affidavit should be included at the end of the questionnaire to be signed by anyone who writes down the answers for another person. Some jurors require assistance due to illiteracy or an inability to write due to physical difficulties.

3. The best way to cut down on administrative costs is to have the jury panel fill out the questionnaire at the courthouse. At the same time, the judge can hear the first round of excusals. Those people who are excused will never be given a questionnaire, significantly reducing copying costs. With this method, there is no need for self-addressed return envelopes or mailing costs as well.
4. It is important to remember that the juror questionnaire is not a replacement for voir dire: it is only intended to *supplement* the jury selection process. While the questionnaire precludes the parties from the burden of asking many mundane questions, it uncovers areas for further examination, which should give everyone concerned ample opportunity to observe the whole juror.
5. If the juror is required to fill out the questionnaire in a pre-trial conference or hearing, additional parties will not have an opportunity to exercise their influence over the juror's answers.
6. The judge may perceive that control of the voir dire is shifted to the attorneys with the use of a jury questionnaire, but this is only a perception. If the judge understands the efficiency of a questionnaire, has established procedures in place for its delivery and distribution, and is comfortable with its usage, then there is no reason for a perception of shifting control. The jury questionnaire is advantageous for all parties concerned. Its use should not overly benefit either party or jeopardize the appearance of a fair trial. Indeed, the jury

questionnaire should enhance the fairness of the trial by providing all parties with the same information in a professionally organized format.

One additional area of concern: if the jurors are given the questionnaire ahead of time, they may pay more attention to the case. In this era of highly developed electronic communication, the potential juror with a PDA has the capability of reading publicity about the case while in the courtroom filling out the questionnaire. The only cure for juror investigation is for the judge to strongly admonish the jurors prior to their filling out the questionnaires, with subsequent admonishments to follow right through the voir dire. If the juror understands that the judge is serious, he or she is more likely to take the admonishments to heart.

§1.04 Juror Perceptions of the SJQ

Jurors ultimately appreciate the juror questionnaire as a timesaving device. Once they understand the complex nature of the voir dire at hand, they see that the questionnaire cuts down on the time they are required to spend in the jury selection process. It is also the case that "...when the questionnaire is administered, jurors understand it to be a court-approved document and will rarely doubt the propriety of the inquiries."⁸

§1.05 Length of the Supplemental Juror Questionnaire

The jury questionnaire does not have to be overly long. It would be ideal to have a one-page questionnaire administered in every jury selection. For the more complex case, questionnaire length may range up to approximately thirty pages. When the question areas are well organized, precisely worded, and presented in a format that is easy for the juror to use, there is no need for overwhelm the process with a book-length questionnaire. Although a longer questionnaire provides more information, it also takes more time to analyze. In the author's experience, a questionnaire of around twenty-five pages in a death penalty case, for example, usually covers the most important question

⁸ David B. Graven, "Juror Questionnaires: A Bay Area Survey Reveals That Most Judges Approve of Questionnaires. But How Can You Make Them Work for You?" *San Francisco Attorney* 24 (August/September 1998): 23.

areas without sacrificing the amount of time needed to proficiently analyze all of the questionnaires prior to trial.

§1.06 Purpose of this Paper

This paper is written for an audience of both attorneys and judges. Since the attorneys or their trial consultants usually construct the questionnaire instrument, Section 3 addresses those particular concerns. Judges may be more interested in the rationale for using particular questions in Section 4, and the delivery and distribution methods outlined in Section 5. The author is convinced that supplemental juror questionnaires are necessary and efficacious in complex criminal and civil proceedings, and hopes that by integrating the information contained herein into his or her trial practice, the reader will be convinced as well.

II. Juror Questionnaire as a Neutral Instrument, Supported by Motions or Memoranda

§2.01 The Supplemental Juror Questionnaire is a Neutral Instrument

In the author's experience, when judges and attorneys do not understand the benefits of jury questionnaires, they tend to view the side proposing the use of a questionnaire with suspicion. They expect some Machiavellian scheme to be afoot, and that questions will be included somehow enabling the questionnaire proponents to follow the old lawyers' adage, "Bury your keeps, and expose your strikes."⁹

Even in the most adversarial setting, the purpose of the jury questionnaire should be solely to gather information about the prospective jurors. As the National Jury Project ably states:

Attorneys often want to use SJQs as advocacy tools rather than neutral fact gathering instruments. This is a mistake. If the questions are designed to cover areas that are of concern to both sides, the attorney proposing the questionnaire is less likely to face opposition from opposing counsel. It is common for a judge to tell the attorneys that he will permit the use of the SJQ if the litigants can agree on the questions to be submitted. Generally, both sides and the judge must be comfortable with the questions or it is unlikely to be approved.

Questions that are designed to make a point rather than to gather information will undercut arguments that the questionnaire is an efficient device that also respects the jurors' privacy. The attorneys will have plenty of time to advocate later, but they may never have another chance to learn about the jurors.¹⁰

§2.02 Motions and Memoranda in Support of the Supplemental Juror Questionnaire

Judges are more likely to grant the use of juror questionnaires when both sides have agreed to the questions in advance. One typical series of steps is to present opposing counsel with the proposed questionnaire, hammer out wording changes in advance, and then present the judge with a motion for a supplementary jury questionnaire, with the proposed questionnaire attached. *Appendix A* of this paper is a sample motion for a jury questionnaire.

⁹ Larrabee and Drucker, *supra*. 39.

¹⁰ National Jury Project, Inc. Will Rountree, J.D., Ph.D. Associate Editor and Elissa Krauss, General Editor. *Jurywork: Systematic Techniques*, 2nd ed. (NY: West, 1983), 3-6.

If the judge is unfamiliar or uncomfortable with using SJQs, it may be advisable to also attach a memorandum outlining case publicity, community attitudes or other areas of concern that call for the use of a jury questionnaire in the particular case.

Judges who have already discovered the benefits of using SJQs may have their own standard questionnaire or set of questions. Investigate the judge's customary practice in advance.¹¹ It is also a good idea to give the judge a copy of the questionnaire on disk, so that any emendments to the questionnaire may be easily made. Prior to duplication, the version of the questionnaire on the judge's disk should be double-checked with those of the parties, to make sure that everyone's final version conforms to the version that is being printed.

¹¹ Larrabee and Drucker, supra. 39.

III. Instrument Construction and Organization

§3.01 General Question Writing Guidelines

Constructing a well-organized supplemental jury questionnaire is an art, calling for organization, precision, brevity and completeness in equal measure. While it is impossible to discuss all of the subtleties of assembling such an instrument, a number of functional general guidelines employed by the author are discussed in this section.

[1] Move from the general to the specific

One of the most useful maxims to follow in voir dire as well as in questionnaires is: Move from the general to the specific. An excellent illustration is the area of publicity. It is much more logical to first find out the juror's main sources of news before moving into case specific publicity questions. Once it has been established that the juror reads the local paper five days a week, he or she can be voir dired about the articles in that paper about the case at issue.

[2] Word questions in broad terms

Most of the time, it is advantageous to write questions in the broadest possible way to maximize information from the juror. To continue with the publicity example, many more people will say that they read the newspaper than that they subscribe to the paper. In this case, the purpose of the question is to discover how often the juror reads the newspaper: their financial contribution to its support is irrelevant.

[3] Precise wording is important

The example above also points out the importance of precise wording in question construction. A poorly worded question leads to confusion in court. One of the most confusing questions routinely asked is: "Have you ever been a juror?" While a member of the legal community would likely take this to mean, "Have you ever been selected to be on a jury and sat in the jury box," a member of the panel may see the same question as, "How often have you been called for jury service?"

[4] Include experiences of other people the juror knows

The experiences of family and friends may have a high impact on the juror. Questions about victim of a crime, law enforcement experience, and gun ownership are three good examples of areas where it may be important to know about experience others may have had. If the juror's child has been the victim of a negative incident with a law enforcement officer, that may have as much or more impact on the juror's attitudes than a personal experience.

[5] Pre-test the questionnaire

One good way to discern confusing wording is to pre-test the questionnaire, particularly if the writer of the questionnaire is inexperienced in this area. If a focus group or mock jury is being held prior to trial, members of that group may be asked to fill out the questionnaire, and note any ambiguous questions or awkward question formats. Interns, co-workers, friends and neighbors, may also be used. Any and all feedback is helpful.

§3.02 Types of questions

Asking a variety of types of questions holds the juror's interest and makes a more expert presentation. This section covers how to ask questions in different ways, why the different questioning methods are appropriate, and constructive means to more elegantly organize the instrument.

[1] Fill in the Blanks

Questions where jurors fill in blanks are used to acquire single pieces of information. For example, all questionnaires start with:

Juror Number: _____

Name: _____

While this is necessary data, it is no different from filling out a job application or a voter registration card. If the questionnaire only uses fill-in-the-blanks questions, it will be a boring document with limited information when completed.

[2] Grid

A good way to organize information where multiple answers are required about one subject area is to use a grid. It is easy to use, and prevents the juror from leaving out any information. In every trial, the parties want to know if the juror has children. The grid for a question about the juror's children might look like:

	Gender (M or F)	Age	Level of Schooling	Occupation or Year in School	Place of Residence
Child 1					

The beauty of this grid is that it works as well for young children as it does for those who have grown up and moved away from home. The juror clearly knows what information is required for each child. *Appendix B* contains eight grids covering military service, education, job history, favorite television shows, and other areas of questioning.¹²

[3] Check All That Apply

Have the juror check boxes for all areas that apply to organize information where multiple answers may be given. As a case in point, it is not unusual in this society for a person to have been married two or more times. Since some family portraits may look more like mosaics than murals, this is an excellent opportunity to use the question:

What is your marital status? Check all that apply:

- Never married Married Re-married Divorced
 Separated Living with someone
 Widowed/widower

With the “check all that apply” option, the never married person who is living with someone, the divorced person who has remarried, or any other possible combination is easily discerned.

¹² The author gratefully acknowledges that some of the material in this questionnaire was either written by or is an edited version of earlier questions written by Marjorie Fargo of National Jury Services in Arlington, Virginia.

This type of question is also commonly used to make inventory checklists of potential areas of interest and/or expertise that the juror, family and friends may possess. See question number 81 in *Appendix B* for an example of this approach.

[4] Multiple Choice

In instances where the purpose of the question is to clarify the juror's response and to regularize the range of responses, a multiple-choice question may be the best option. One commonly asked multiple-choice question is:

75. How often do you watch Court TV or other "true" courtroom shows on television?
 Often Occasionally Seldom Never

By asking the question in this fashion, the juror has limited options to answer. The multiple-choice question has restricted uses, but it is effective in separating out those jurors who need further questioning from those who do not. In order to avoid hearkening the juror back to high school history class, it is advisable to avoid using more than three multiple-choice questions in a row when constructing the questionnaire.

[5] Yes/No

Sometimes simplest is best. A yes or no answer may stand alone, in which case it delineates whether or not the question area needs to be followed up in court, or it may be accompanied by a written follow-up question of its own. An example of the stand-alone question:

15. Do you depend upon overtime hours to pay your monthly household bills?
 Yes No

Almost every questionnaire includes a yes/no question with follow-up similar to this one:

44. Do you have a case pending in any jurisdiction (State or Federal Court) in which you are a party or a witness? Yes No
If yes, please describe:
-

[6] Rating Scale

Asking jurors to rate their stance towards a particular issue is a first-rate way to gauge the intensity of their feelings. Rating scales vary from multiple-choice questions in that they are focused on the range of the juror's position on one issue and call for an opinion rather than fact-based answer. An excellent rating scale question to use in any criminal case is as follows:

69. Do you feel the criminal justice system is:
 Too strict About right Too lenient

A response to either extreme opens the door for potentially fruitful discussion with the juror during voir dire. Jurors are much more likely to offer a more negative response to this type of question in written form than they would orally in court.

If a fourth option of "unsure" or "no opinion" were to be added to this question, much of its value would be diluted because the juror could easily evade the question. If another option is desired, it is preferable to add "other (please explain)" followed by a line for the written answer.

[7] Descriptive Answer

This is the type of question where the juror is required to give an answer that theoretically requires at least one complete sentence. It varies from the attitudinal question in that it draws upon knowledge or experience, rather than feelings or beliefs. The following question may be used to find out more about the juror's employment.

10. Please describe what you do at work: _____

Questions calling for descriptive answers are useful because the juror has the opportunity to respond in his or her own words. To the striking counsel, information about the juror's life experiences is invaluable.

[8] Superlative

Asking about the juror's best or worst experience with certain segments of the population – doctors, law enforcement officers, people of other races or ethnicities, and others - calls for the use of the superlative question. Superlative questions are great to use in questionnaires, and in voir dire. To soften the effect, instead of asking for their worst experience, the question may ask if the juror has ever had “an unpleasant experience,” as in question number 80 in *Appendix B*.

[9] Attitudinal

Any juror questionnaire requires the inclusion of a number of general attitudinal questions in order to more fully portray the jurors' true feelings about related subjects. Open-ended attitudinal questions are a great way to find out what the juror really thinks and feels. In a case with mental health issues, a good attitudinal would be, “Do you believe there is such a thing as mental illness? Why or why not?” In any type of serious criminal case, it is beneficial to ask, “How afraid are you of crime in your neighborhood? Why do you feel that way?” Good racial attitudinals include “How do you feel about removing the Confederate stars and bars from the Georgia state flag?” and “What did you think about the OJ Simpson case?” In a case where the victim's wife used a psychic to find her husband's body, the attitudinal “What do you think about astrology?” yielded much valuable information.

Attitudinals should be distributed throughout the questionnaire at appropriate intervals. If they are used judiciously, and suitably tie into the case elements, they add interest for the juror answering the questionnaire, and provide the parties reading the juror's answers with a better-rounded picture of the whole person.

§3.03 Organizing Question Areas

A well-written juror questionnaire has an internal logic. The questionnaire begins with the most neutral areas of questioning, demographics, community involvement, and general media exposure, and moves to more potentially volatile areas such as the juror's experiences with crime or feelings about the high-publicity case. Clearly worded questions flow smoothly from one area to another. When an abrupt change in topic occurs, it is prefaced with an explanatory introduction.

[1] Make an outline

The surest way to accomplish a higher level of organization is to make a questionnaire outline. *Appendix C* of this paper illustrates the outline for *Appendix B*, a death penalty questionnaire. In this outline, attitudinal questions are numbered for the reader's convenience, to illustrate how attitudinals are placed throughout.

[2] Follow internal logic to make smooth transitions

The flow of the questions is another important consideration. When question areas transition well, they are easier for the juror to follow. Victim of a crime questions may be followed by experience with law enforcement questions, which lead to experience with guns. There is an internal construct to this series of questions: victims of crime call the police, police carry guns.

If questions about another area were inserted into the middle of the series, it would disrupt the flow. One might make the argument that military service questions belong with gun questions. This internal logic does not work. Although a soldier – as well as a law enforcement officer – may carry a gun, the victim of a crime is not going to call a soldier.

[3] Use introductory paragraphs

In the instance where it is not possible to easily segue from one question area to another, a short introductory paragraph may be used to transition into a new area of questioning. There are two general rules governing the use of transitional paragraphs:

- a. Begin the question section with a transitional paragraph where more than ten to fifteen questions are going to be asked about a particular topic; and
- b. To make a more coherent presentation, place these longer areas near the end of the questionnaire.

Transitional paragraphs are routinely included before asking series of questions about high-profile plaintiffs and defendants, case publicity, and the death penalty. In the OJ Simpson jury questionnaire, this introduction to questions concerning media coverage appeared before question 78:

Because this case has received extensive publicity many, if not all, of you will have heard and-or read something about this case from the media. It is vitally important that you truthfully answer the following questions concerning what you have learned about this case from the media. There are no right or wrong answers. There should only be truthful and forthright answers.¹³

The transitional paragraph normally appears in bold print to set it apart from the questions that follow. It generally gives the juror a modicum of information about the case, reassures the juror that it is acceptable to know something or hold an opinion about the topic at hand, and underscores the importance of giving honest answers.

§3.04 Formatting the Supplemental Juror Questionnaire

Formatting either enhances or inhibits question flow. If it is done well, it contributes to the overall quality of the questionnaire. Poor formatting makes questions more confusing and harder to comprehend.

[1] Keep the question and response together

Each individual question along with its answer space should be treated as a cohesive unit, and as such both should appear together on the same page. Sets of check boxes, such as “[] Yes [] No [] Unsure”, need to appear on the same line, directly following the question. Consider this example:

80. Have you ever had an argument, conflict, or very unpleasant experience with a person of a race or ethnic origin different from your own? [] Yes

¹³ “O.J. Simpson Juror Questionnaire.” [<http://www.jesbeard.com/69.htm>] (June 10, 2005)

No

When elements of the question are separated, it is awkward and bewildering both to the juror and to the reader. In the example above, there should have been a page break after question 79, and the check boxes should have appeared together following the question.

80. Have you ever had an argument, conflict, or very unpleasant experience with a person of a race or ethnic origin different from your own?

Yes No

Also, if the question is one that has a number of blank response lines for the answer and the question is on one page and the lines are on the following page, many jurors will attempt to write their answers in the margins of the page with the question instead of on the next page.

[2] Vary the number of blank response lines

The number of blank lines assigned to a follow-up, an open response, or an attitudinal question varies with the anticipated length of the response. The “case pending” question in §3.02 [5] would have two or three full lines, to give the juror adequate room to answer. A more involved question, such as a victim of a crime question or a death penalty attitudinal might require four or five lines. Leave more double-spaced lines for answers to more important questions.

[3] Double-space the response lines

Juror questionnaires should usually be double-spaced throughout, so that the juror will have enough space to write. Although some favor using smaller fonts and single-spacing the questionnaire to save paper, this makes the questions harder to read and limits the juror’s response areas.

The questionnaire may be printed double-sided, except for the judge’s introduction at the beginning and the judge’s admonition and juror affidavit at the end.

[4] Proofread the final version

Once it has gone through the reviewing process and been approved by all parties, it is a good idea to proofread the questionnaire a final time before it goes to the printer. The editing process invariably leads to format disruptions, which can be easily fixed prior to copying the questionnaire.

IV: Common Question Areas and Reasons for Their Uses

§4.01 A list of question areas and justifications for their inclusion

There are certain items that should appear on every juror questionnaire. These include the introduction, demographics, juror interests and ties to the community, media exposure, case-specific exposure, experience with the legal system, attitudinals, juror hardship, and juror affidavit. While it is impossible to anticipate every question area that may be covered on a juror questionnaire, this section seeks to show the rationale for use of some of the most often-used areas.

[1] Introduction to Questionnaire

Although it is not an area of questioning, the SJQ introduction is important for a number of reasons: it lays out the rules for answering the questionnaire, establishes the importance of open, honest answers, and gives the questionnaire the imprimatur of the court. It is attached as a cover sheet to the questionnaire. Many judges prefer to have the introduction appear on their letterhead, and write the introduction in letter form. If this approach is not used, the judge's name should appear prominently in the introduction so that the jurors know that the questionnaire comes from the court. *Appendix D* presents a standard SJQ introduction.

[2] Demographics

Basic juror demographics include questions pertaining to the juror, his or her age, family, education and occupation. A person's age gives an indication of the generation to which they belong, and may indicate a general system of beliefs.¹⁴ Someone born in the 1930s will tend to have much different life experiences from someone in their twenties. In the author's experience, an older person is more oriented towards longer, more traditional types of presentations, while a GenXer is more likely to be comfortable with receiving information in the shorter "sound bite" or Power Point presentation form.

¹⁴ Lisa Blue and Robert Hirschhorn, "Make the Most of Your Jury Questionnaire: A Good Questionnaire Can Reveal Valuable Information about Potential Jurors and Help You Choose a Favorable Panel." *Trial* 40 (May, 2004): 80.

Length of time in the area is the first indication of the juror's ties to the community. In general, the longer a person has lived in an area, the more concerned he is with the way other people in the area view him. It may also be an indication of the importance of stability to the juror, family values, and other indicia of the juror's worldview.

Since family is typically one of the biggest influences on a person, this information forms the foundation for everything that follows. Marital status and children have a large impact on the juror's life. The juror may have a child around the same age as the defendant in a criminal case, or plaintiff in a civil one. Family ties or dysfunctional family issues may also be of importance.

Family members' employment also gives an insight into the life of the juror, and may touch on issues relevant to the case. Coming from a law enforcement family, for example, gives the juror a unique exposure to the criminal justice system. The previous occupations of the spouse/significant other broaden the outlook on the juror's life experiences. In another instance, if the juror is an architect with twenty years experience, and his significant other is an assistant manager at McDonalds and was previously a student, then something about the juror's life interests has been revealed.

Education reveals the juror's interests and priorities. It may be an indicator of socio-economic status, and is a reliable sign of how the juror processes information. For example, a person with a degree in the philosophy may be more used to thinking in broader, more humanitarian terms than someone who majored in engineering. Comparing the juror's educational background and present employment also gives an indication of how his or her main concerns have changed over the years.

The juror's occupation is essential information. Along with education, it is one of the best indicators of the juror's interests and information processing capabilities. In certain types of cases, it is advantageous to have jurors who pay close attention to detail. In such a case, jurors with occupations varying from factory line inspectors to accountants may be of particular interest to counsel.

Employment questions reveal much more than just a job title. If the juror lists his job title as "Vice Director" at the local Auto Diesel School, and lists his job duties as "typing, filing and answering the phones," it is evident that the juror is seeking to

make himself more socially appealing to the court. The length of time that the juror has remained in the same job is an indication of the importance of stability in the juror's life and closeness of ties to the community. Questions about the juror's former occupations reveal information about life experience and range of interests, forming a chronicle of the juror's life.

The occupations of the juror's parents contribute to the picture of the whole juror as well. This information opens a window into the juror's history, and the type of home in which the juror was reared. It may also be the case that one of the parents held a position that has shaped the juror's orientation to the present case. If the juror was reared in a military family, for example, and went to thirteen schools in twelve years, this may have lessened his interest in establishing strong affiliations in the community. Conversely, it may make local ties more valuable in the juror's mind.

[3] Juror Interests and Ties to the Community

One of the great benefits of the juror questionnaire is that it affords the parties with an overview of the juror's interests without taking time in court. The juror's religious views color his attitudes towards others and the world in general. His hobbies and leisure time activities give a better picture of how the juror spends his time, and demonstrate the things that are the most important to him. Involvement in community organizations demonstrates his family values and ties to others in the area.

Questions on whether the juror is registered to vote and whether he votes regularly are indications of civic involvement and how seriously the juror takes his civic duty. The political party of the juror provides further valuable information about his political orientation.

It is essential to find out whether the potential juror in this case has prior jury service. When experienced jurors are put on a jury with people with no prior jury experience, they tend to offer up their expertise and become jury leaders. Blue and Hirschhorn state, "Our research shows that jurors who have served on juries before are often elected foreperson."¹⁵ From the author's viewpoint, veteran jurors also

¹⁵ Blue and Hirschhorn, supra. 82.

tend to have formed distinct opinions about the criminal justice system, based upon their experience in previous cases.

Another important area to explore is military service. Time spent in the military may have impacted a spectrum of the juror's experiences from influencing a choice of career, to opportunities to live abroad, to firearms training. It may also have led the juror into becoming a strict high-authoritarian, or a marijuana-smoking member of the counterculture. The military experience of most jurors will fall between these two extremes, but in nearly all cases where the juror has military experience, it is an important factor in the his or her life.

[4] Media Exposure

Although some may argue that the juror's exposure to television, radio, internet, print media, movies, computer/video games and books has no influence on his or her suitability to sit in judgment, this is not the case. People in the modern world are saturated with media exposure.¹⁶ Media influences include print and broadcast media, as well as a synthesis of the two: the Internet. For reasons of space, only one facet of the media, television, will be briefly discussed here.

Since its introduction at the middle of the last century, television has had a major impact on the perceptions of the general population. In a press release commemorating the fiftieth anniversary of color television¹⁷, the U.S. Census Bureau reported some interesting statistics:

98.2%

Percentage of households with at least one television in 2001

2.4

Average number of televisions per household in 2001

1,669

The projected number of hours that adults (18 and older) will watch television in 2004. This is the equivalent of about 70 days.

¹⁶ For further discussion on media impact on juries, see: Maureen McLaughlin, "What Planet Are Your Jurors From?" *Criminal Law: Experts, Experts and More Experts*, 4:8, Institute of Continuing Legal Education in Georgia, October 21, 2004, program #045829.

¹⁷U.S. Census Bureau Press Release, "Fifty Years of Color Television."
[\[http://www.census.gov/Press-Release/www/releases/archives/facts_for_features/001702.html\]](http://www.census.gov/Press-Release/www/releases/archives/facts_for_features/001702.html)(July 7, 2005)

94.3%

The percentage of people age 18 and over who said they watched television in the spring of 2002. Older Americans (age 65 and over) were more likely to be glued to the tube (97 percent) than any other age group.

The National Cable Television Association funded a media research landmark, the *National Television Violence Study* for the years 1996, 1997, and 1998. These findings form a fascinating - and horrifying - picture of the effects of television violence on viewers. In the first year of the study, 57% of the programs coded for their content contained some violence.¹⁸ In the second year, the percentage rose to 61% of the coded shows¹⁹, and in the third year, it remained at 61%²⁰. Researchers from the University of California at Santa Barbara, University of North Carolina at Chapel Hill, University of Texas at Austin, and University of Wisconsin in Madison examined programming in entertainment programming, reality-based shows, violence ratings and advisories, and the effectiveness of anti-violence public service announcements.

According to the study:

- *The proportion of programs with violence in prime time has increased on the broadcast networks and on basic cable*
- *During the three hour per night prime time period that draws the most viewers, the percentage of programs that contain violent acts on the four broadcast networks has risen by 14% since 1994*
- *In addition, the proportion of programs that contain violence during prime time on basic cable rose by 10%, from 54% in 1994 to 64% three years later*
- *Of all channel types, premium cable continues to feature the highest percentage of programs with violence during this time period.*²¹

One of the most important parts of the study concerns fear effects. Volume 1 of the report summarized fear effects as follows:

¹⁸ National Cable Television Association, National Television Violence Study, vol. 1, (Newbury Park: Sage Publications, 1997), I-135.

¹⁹ National Cable Television Association, National Television Violence Study, vol. 2, (Newbury Park: Sage Publications, 1998), I-128.

²⁰ National Cable Television Association (1999) Executive summary of vol. 3, National Television Violence Study, 27. [<http://www.cbsp.ucsb.edu/execsum.pdf>] (July 7, 2005)

²¹ National Cable Television Association, vol. 3, supra. 29. (emphasis theirs)

A very high percentage (73%) of the violent scenes do not show the perpetrator being punished for committing violence. This has implications for the learning of aggression, as noted above, but it also has implications for fear effects. Research indicates that viewers shown violence that goes unpunished are significantly more likely to become anxious and possibly fearful. Viewers are also more likely to be frightened by television violence against innocent victims. Our study reveals that 44% of violent interactions are classified as justified. Conversely, 56% of violent interactions are unjustified. Although justified violence may increase learning effects, unjustified violence potentially increases fear effects. A majority of violent interactions also involve repeated acts of behavioral violence. As noted above, viewing extensive violence is likely to lead to desensitization. It is also likely to increase fear effects - at least in the short term. Because most violent interactions (57%) involve repeated acts of behavioral violence, there is substantial likelihood of pervasive fear effects.

Only 8% of the programs in our study that include violence could be classified as "real life" events - that is, events that truly happened in the real world. A substantial proportion of the programs (43%) fall into the fictional category, which includes programs that portray events that are at least possible in real life. The combination of these two categories (resulting in a total of 51%) offers a better indication of the amount of violence that appears realistic. *When violent programming is perceived as realistic, it heightens the risk of a fear effect on the audience (emphasis added).*²²

It may be inferred that in forming a fear effect, television is more than mere entertainment. If the juror watches the television show *Cops*, a docu-drama on a high-profile murder case, *Forensic Files*, or a "reality" show with an attractive protagonist like *Dog: The Bounty Hunter*, the risk of a fear effect will be heightened. Regardless of the type of show, if it portrays events that could possibly occur in real life, the juror will view it as realistic.

The human brain is not organized solely to perceive existence in a compartmentalized fashion, but rather "to move around a changing world and obtain life-enhancing goals."²³ Solms and Turnbull state, "There is a great difference between the retrieval of information and the way in which the information is actually stored and organized unconsciously. The implicit effects that unconscious memory associations exert on our every day cognition and behavior might be equally unexpected from the viewpoint of explicit ego functioning. Memory traces may be

²² National Television Violence Study, vol. 1, *supra*. 145.

²³ Stephen R. Quartz, Ph.D., and Terrence J. Sejnowski Ph.D., Liars, Lovers and Heroes: What the New Brain Science Reveals About How We Become Who We Are (New York: Harper Collins, 2002), 101.

unconsciously activated all the time; one does not have to retrieve a memory explicitly in order for it to be active, and for it to influence cognition and behavior.”²⁴

These unconscious associations may extend into areas other than crime. The juror may have had life experience that makes him queasy about medical evidence or firearms, to use two frequent examples. If the juror has formed similar types of unconscious links concerning doctors, viewing bloody photographs, or aversion to guns, this information is highly relevant and should be covered in the questionnaire, and followed up in voir dire. With the plethora of opportunities to view actual evidence from horrific criminal cases both on television and over the Internet, the juror is potentially exposed to information and images that were previously far from the public eye.

It is also significant to learn if the juror has a particular interest in the specific type of case being tried. If he follows civil cases in the news, the juror may have formed opinions about corporations, rainmaking attorneys, and the size of the award for a spilled cup of hot coffee. On the criminal side, a juror who follows cases in the news may have formed opinions about crime in the streets and criminal defendants, or consider himself to be an expert on forensic evidence.

Questions on general media exposure logically progress to questioning about media exposure to the upcoming case. Particularly in high-publicity situations, it is much better to give the juror the opportunity to answer questions about his exposure candidly on paper prior to voir dire. This is one of the most useful reasons for employing the juror questionnaire: the juror's experience is exposed without risk of contaminating the rest of the jury panel with his experience. The juror may also evince personal conversations about the case, or raise the issue of community opinions about the case.

Through the juror's exposure to the media, one may easily discover if the juror has already formed an opinion about the case. Where the juror expresses extreme opinions on the questionnaire, he may be excused by agreement of the parties. If the juror says he has a “slight leaning” towards one side, he is giving the attorney a great

²⁴ Mark Solms and Oliver Turnbull, The Brain and the Inner World: An Introduction to the Neuroscience of Objective Experience (New York: Other Press, 2002), 174-175.

foundation for follow-up questions which may eventually lead to a challenge for cause after the voir dire.

[5] Legal System

There are four main areas of interest in asking about the juror's knowledge of and experience with the legal system.

First, if the juror has contacts in the legal profession who have discussed their work, this may give the juror a feeling of having inside knowledge about the system. It may also give him or her a certain perspective on attorneys and the courts.

Second, because of the media or a special interest in the law, he may have developed predispositions towards the legal system. Court TV and other media venues make it possible for the potential juror to have viewed trials from start to finish. The commentary accompanying the evidence, the demeanor of parties in the courtroom, or other factors may color the juror's views.

Third, training in the law may make the juror consider himself to be an expert in legal matters. He may be regarded as such in the eyes of others in the jury room as well. On the other hand, since the panel has such broad media exposure to the legal system, it may be advantageous to include one or more attorneys on the jury, depending upon their suitability for the case.

Fourth, he may have had a significant experience with the court system. The juror may have observed a trial or testified as a witness, especially in divorce proceedings. This type of event usually leads to attitudes about attorneys and the court system, which need to be explored.

Although jury service is an integral part of the legal system, it is also a part of the juror's civic involvement, and is usually included in that section.

[6] Foreign Languages

Because of the ever-evolving ethnic demographics of the American population, it is important to learn if English is the juror's second language. In some cases, the juror is uncomfortable with his ability to speak or understand English. This does not preclude the juror from serving if the services of a translator are available.

It may also be the case that one or more witnesses involved in the case does not speak English, and a translator will be used at trial. If this happens, the

knowledgeable juror may be tempted rely on his own understanding of the witness's testimony, rather than that of the official interpreter.

The juror may speak English as the first language, but list knowledge of other languages on the questionnaire. This indicates an exposure to other cultures, and a broader range of life experience. It also speaks to the juror's educational level, and may open up fruitful areas for examination in voir dire.

[7] Civil

If the juror has been involved in civil litigation, he or she will almost definitely have attitudes towards the legal system that warrant further investigation. Since civil trials are in the news every day, media exposure to civil cases may also have led the juror to form attitudes towards plaintiffs or defendants. Movies like *Erin Brokovitch*, *Philadelphia*, and *A Civil Action* may have caused the juror to form opinions about civil litigation. Advertising by civil attorneys on television and over the Internet in class action cases, accident cases, and divorce proceedings should also be explored.

It is important to learn if the potential juror has ever owned a business, or worked in a management capacity. Other questions about juror attitudes and experience may range from asking about specific types of industries, insurance, contracts, commercial litigation, manufacturing, patents, sexual harassment, pollutants, to lawsuits in general, depending upon the type of case.

[8] Crime

In criminal cases, one of the most important questions to ask is, "Have you or anyone you know ever been the victim of crime?" If the juror was the victim of a crime or suffered the shock of learning that a loved one was a victim, then his ability to serve as a juror in a criminal trial may be impacted, depending upon the severity of his reaction to the trauma, and the sort of case.

In the brain, the amygdala is particularly important in encoding long-term emotional responses. Dr. John J. Ratey states, "If a link to a memory of previous panic is formed, or the new threat or discomfort is high enough, the signals turn on the nucleus basalis, a structure in the extended amygdala, which sends acetylcholine to the sensory cortex. This raises the potential to fire away in the sensory cortex, thus making the likelihood of encoding the event and storing the memory of it much

greater. This distress is fed back to the amygdala, and the sensory cortex is activated. There is a reverberating circuit effect, a runaway reaction. Fear begets fear.²⁵

Emotional memories involving fear are permanently ingrained in the brain; they can be suppressed but never erased.²⁶ In the most extreme cases, these associations cause the person to suffer from post-traumatic stress disorder, “re-experiencing the precipitating trauma with full sensory replay. Sometimes, though, the amygdala-based memories flood in without the corresponding conscious recollections that could pin them to a specific event. The irrational fear felt then may be vague – a thin cloud of anxiety – or it may be sudden and intense – a panic attack.”²⁷

The intensity of this feedback in relation to his or her experience as a victim is a major factor in determining the juror’s suitability, rather than solely depending upon the type of crime. One potential juror might view a car break-in as a hugely traumatic experience, while another who was shot at might view that incident as relatively trivial. Either instance calls for additional questioning during voir dire.

Attitudinal questions concerning fear of crime are also important in the criminal case. The potential juror who is very fearful of becoming a victim of a crime may view jury duty as an opportunity to fix the criminal justice system, or may feel that the defendant or his loved ones may come after the jury after the case is over. The best place to discuss the juror’s fears and their genesis is in the courtroom.

It is also important to learn if the potential juror or anyone he knows has witnessed a crime, been charged with or convicted of a crime. The juror’s experiences in all three areas may influence his mind-set toward the present case.

²⁵ John J. Ratey, M.D., A User’s Guide to the Brain: Perception, Attention, and the Four Theaters of the Brain (New York: Pantheon Books, 2001) 313.

²⁶ Wade, Nicholas, editor, The Science Times Book of the Brain (Lyons Press: New York, 1998) 40. Quoting Sandra Blakeslee, “Tracing the Brain’s Pathways for Linking Emotion and Reason”, *New York Times*, December, 1994.

²⁷ Carter, Rita, Mapping the Mind (Berkeley and Los Angeles, CA: University of California Press, 1998) 95.

[9] Life-Threatening Situations

Life-threatening experiences other than being the victim of a crime may also carry emotional associations that could carry over into the jury room in either the civil or criminal case. If the juror describes an automobile accident or wilderness mishap in graphic terms on the questionnaire, it should be followed up in voir dire. This could lead to feelings of identification with anyone in the present case who was in a similarly life-threatening situation.

[10] Drugs: Licit and Illicit

Drug use and abuse are highly charged topics in this society, making them excellent question areas for the supplemental juror questionnaire. Because of the deindividuation effect discussed in §1.02, the juror is much more likely to reveal in the SJQ if he or she is taking a psychotropic medication, or if a family member has had problems with drugs. It is not unusual for the juror to indicate that he or she would like to answer follow-up questions in private, due to their personal nature.

Many people are now being treated for psychological conditions with psychotropic prescription drugs. The parties should want to know if the juror is taking one or more of these drugs, especially if a particular drug is involved in the present case. If the juror suffers from a mental condition that is likely to flare up even with medication, he or she may need to be excused for cause.

There are many illicit drugs that may be involved in a trial: crack cocaine, powder cocaine, marijuana, heroin, or methamphetamine, to name a few. In answering drug questions, many potential jurors have described experiences with people on illegal drugs ranging from unpleasant to traumatic, or even life threatening. If the juror or someone he knows has been exposed to illegal drugs, this experience probably makes a difference in the way he thinks and feels. Including questions in this area on the SJQ opens the door to better voir dire in the courtroom.

Alcoholic beverage use and abuse are included in this section. If alcohol is an issue in the case, it is important to remember to include questions on it in the questionnaire. The juror may be a recovering alcoholic who feels unable to judge others who drink, or have strong moral or religious scruples against drinking which would disqualify him from jury service.

Along with questions about juror experience with licit and illicit drugs, attitudinal questions should also be incorporated into the questionnaire. A simple attitudinal like, “What is the first think you think about when you hear the word *cocaine*?” may yield answers from “Party drug,” to “It is killing off our race.” This type of question is an excellent entrée into learning more about the juror.

Attitudinals on drugs do not have to be included in the same section with the drug experience questions. They may be inserted in other places where they do not disturb the flow of the questions. For example, the cocaine question above might be included after questions about drugs in the media.

[11] Law Enforcement

Law enforcement contacts, particularly when those contacts are close family members, influence the juror’s worldview. A juror from a law enforcement family might candidly admit that he would believe an officer’s testimony over that of a lay witness. In a case where a police officer is involved as a party or the victim, the juror may have strong feelings about what the outcome should be.

Similar to legal training, if the juror or a family member has had law enforcement training, this may make the juror perceive himself to be an expert in this area. Because of the proliferation of police shows on television, a member of the jury panel may indicate on the questionnaire that he or she has specialized knowledge akin to training from watching shows like *American Justice* or *Law and Order*.

The SJQ is also presents a good opportunity for questions dealing with best and worst experiences with law enforcement officers by the juror and those closest to him. These questions can teamed with an attitudinal, such as how his or her feelings about police officers have changed since 9/11, to form a more complete picture of the juror’s attitudes.

If the juror or anyone close to the juror has a pending criminal case, this may affect his feelings about police officers. This situation does not often occur, but happens frequently enough to warrant inclusion of a question in the supplemental juror questionnaire.

[12] Weapons

Wielded by the wrong hands, anything from a steak knife to an airplane may become a lethal weapon. In the murder cases on which the author has consulted,

guns have been the method of death by a margin of over 3:1. The same types of questions are relevant for all weapons, but only guns will be used as an example here.

There are six main question areas: ownership, knowledge and training, fear of guns, injuries by guns, the NRA or other gun organizations, and attitudinals. Gun ownership is a positive attribute for many types of cases. People own guns for reasons ranging from inheritance to hunting. If the juror has knowledge from being taught by a family member, training from a class to carry a concealed weapon or formal military training, this is valuable information.

At the opposite end of the spectrum, a person who has not been exposed to guns may be so fearful that they are unable to serve as a juror. In instances where the juror knows someone who has been injured or killed with a firearm, this may also have an emotional influence on their ability to fairly consider the evidence.

Membership in the National Rifle Association or gun clubs may indicate the priority that the juror places on gun ownership. This may also be a barometer of other political leanings. Attitudinals about guns and American society are excellent indicators of juror feelings on a range of subjects, and offer further opportunities for excellent questioning of the juror in court.

Occasionally, a juror refuses to answer questions on gun ownership. This in itself tells the parties something about the juror. It may reflect paranoia about the government, or if other personal areas are left blank, it may indicate that the juror does not wish to discuss his or her life with the court. Whatever the reason, follow-up during voir dire is required.

[13] Forensics

One of the most watched shows on television is *CSI: Crime Scene Investigation*. Combined with its spin-offs situated in Miami and New York and other shows, like *Forensics Files*, *The New Detectives*, *Cold Case Files*, and even some episodes of *History's Mysteries*, the forensic sciences have captured the interest of the American public. If forensic evidence is involved in the forthcoming trial, it is appropriate to question the juror on this area in the SJQ.

The juror may have developed particular areas of interest, and done some reading and further investigation into certain arenas of forensic study. A “check all that

apply” interest inventory checklist as discussed in §3.02 [3] concerning DNA, ballistics, blood spatter, blood typing, hair and fiber analysis may be used to find out areas of the juror’s interest and perceived expertise.

If expert witnesses are going to be testifying at trial, juror exposure to expert testimony should also be included in the questionnaire. The juror may be especially interested in areas like ballistics, pathology, or medical examination, since they are frequently portrayed in the media. Conversely, the juror may have an intense aversion to hearing this type of evidence.

Along with wanting or not wanting to hear the medical examiner’s report, the juror may or may not want to look at graphic crime scene photos, autopsy photos, or photos of the victim at a crime scene. In the supplemental jury questionnaire, the venire person can be questioned about this type of testimony in the most neutral way possible. If the juror has a strong reaction to these types of evidence, the court and the parties can quickly determine during the voir dire if the person is able to serve.

[14] Lay Witnesses

Questions about witness motivation to testify, eyewitness testimony, co-defendant testimony, and snitch testimony are all appropriate to include in the SJQ. Media exposure should be explored, since lay witness testimony is frequently used in the media as a vehicle to move along the story line in both drama and documentary contexts. Questions about “true crime” books, like those written by Ann Rule and scores of others, as well as fictional accounts, may be included.

[15] Violent Crimes

As was discussed in §1.02, one judge found jurors to be much more candid about child molestation when juror questionnaires were used. It is reasonable to assume the same holds true for other crimes of violence. When the juror or someone he knows has been the victim of a violent crime, he is much more likely to divulge this information in the supplemental juror questionnaire than in open court. Since this is sensitive information, the juror may ask for a private hearing.

It may be the case that the juror knows someone was arrested or convicted for a crime of violence. He or she may also regard this as sensitive information. The juror also may have formed opinions about specific sorts of crimes principally through media exposure or other types of life experience. It is not unusual for someone from

a law enforcement family, for example, to believe that anyone charged with the killing of a police officer should receive the death penalty. Another juror may have decided that every person charged with rape should be found guilty, solely because of the preponderance of this type of case in the media. When the life of the juror has been touched by violence at either end of the spectrum, further questioning during voir dire is obligatory.

[16] Death Penalty

Capital punishment is one of the most emotionally charged topics in the mind of the American people. In death penalty cases, it is vital to begin exploration of juror attitudes, experiences, and opinions in this essential area with the SJQ. The general benefits of using a juror questionnaire are amplified when used here. These are a few reasons why:

- a. Juror attitudes about the death penalty are more forthcoming in answering the questionnaire, laying the foundation for a more straightforward voir dire
- b. The juror who is potentially Witherspoon²⁸ or Witt²⁹ excludable is easily recognized. Depending upon the strength of his or her written answers, the juror may be “pre-disqualified” at the court’s discretion
- c. The parties can save time in court by tailoring their voir dire and first addressing problem areas from the juror’s questionnaire
- d. The juror who has sensitive information, such as disclosing the murder of a brother and participation in a capital case as a family member, may be voir dired in that area first
- e. The juror who has possible biases, expert knowledge or areas of concern is immediately identified

[17] Mitigation areas

The questionnaire is a good venue to discover if the juror considers a particular type of evidence to actually *be* mitigating. For example, if the juror believes that there is no such thing as mental illness, he would not be helpful to a defendant

²⁸ *Witherspoon v. Illinois* 391 US 510 (1968)

²⁹ *Wainwright v. Witt* 470 US 1039 (1985)

alleging mental illness as a mitigating circumstance. Other types of trials, both civil and criminal, may contain mitigating evidence that can be covered in the supplemental juror questionnaire.

[18] Legal Questions

It is always good to include a few legal questions in areas such as reasonable doubt, burden of proof, presumption of innocence, and the indictment. Inclusion of questions on elements of the law highlights the importance of the concepts covered. Additionally, if the potential juror has difficulty in understanding questions on legal tenets, he or she may have difficulty in understanding the judge's instructions.

[19] Race

It is much easier to ask questions about racial attitudes in the SJQ than it is in open court. The questionnaire gives the juror a neutral arena in which to disclose significant positive or negative experiences with a person of another race. If there is an area history in groups like the Ku Klux Klan, this may also be covered in the questionnaire with the minimum of unease. When follow-up questions are asked in open court, the juror knows that he or she is not being singled out for examination in this area, and will be better mentally prepared to orally respond.

[20] Mental Health

If the juror or members of his or her family have dealt with mental health issues, this may be a sensitive area. The juror or a family member may have been in counseling, or taken psychotropic drugs. He or she may have had experience with a learning disability, mental retardation, or ADHD.

While it is important to find out juror experience in this area, juror attitudes are equally important. The juror may have definite opinions about psychiatry, mental illness, or the ability of someone to feign a mental illness. All of these areas are fitting to include in the SJQ.

[21] Psychiatrists, Clinical Social Workers, Psychologists

The juror may also have opinions about mental health professionals on two fronts: their ability to help people, and their testimony as expert witnesses. If the potential juror had a bad experience with a counselor, he is likely to discount the efficacy of mental health professionals, and to regard testimony from psychiatrists

and psychologists from the witness stand with a degree of skepticism. It is easy to identify these areas of likely concern with a brief series of questions in the SJQ.

[22] Case specifics

Case-specific questions should be designed to discover if the juror has any contacts, specialized knowledge, training, media exposure, attitudes or experiences that are relevant to the actual case. Relevant attitudinal questions should also be included.

[23] Tapes

Many different types of tapes may come under the jury's purview. Video of a crime scene, audio or videotaped statements made by witnesses, controlled telephone calls, audio or videotaped confessions, and 911 tapes are commonly introduced into evidence. It is important to know if the juror has experience seeing or hearing any of these items. Watchers of Court TV, forensic shows and reality shows like "Cops" are of special interest here, because they may feel they have special expertise or experience in this area.

[24] Criminal defense attorneys

Juror answers to questions about defense attorneys may be very revealing about their feelings about the criminal justice system in general and much more than the criminal defense bar. The question, "What is your opinion of criminal defense attorneys?" may evoke a range of responses from, "Doing their job," to "Not all are ethical – some go after the money."

It is also common to ask if the juror or anyone he knows has ever used the services of a defense attorney. This experience colors juror attitudes towards the criminal defense bar. When someone the juror knows has been in trouble, all sorts of question areas open up to be explored during voir dire.

[25] Prosecutors

Similarly, juror answers about prosecutors may be very revealing. If a juror has had a loved one on trial, or has dealt with a prosecutor after being the victim of a crime, those experiences need to be covered during the examination of the juror. The question, "What is your opinion of prosecutors?" is the easiest way to learn what the juror thinks. Asking if the juror has ever used the services of a prosecutor's office is also relevant in the criminal case.

[26] Victim

In a case that has received high publicity or where the victim is well known in the community, the juror may have personal knowledge of the victim in a criminal case. A memorial may have been erected at the scene of the crime, fund-raising for the victim's family may have taken place, or a great many people in town may have turned out for the victim's memorial service or funeral. The victim may also be memorialized in a web site. The age of the victim, their family, the area where the crime occurred, and the area where the victim lived may all warrant coverage in the SJQ. This information is important, because it delineates the juror's knowledge of the victim, ties to the victim, and the importance of the crime to the community,

If sufficient questionnaire responses indicate high emotion about the victim and the upcoming trial, the questionnaires may be used in a motion for a change of venue.

[27] Health and time problems

All parties need to know if the juror is pregnant or has hearing problems, conditions exacerbated by stress like hypertension and diabetes, or other medical concerns that would take away from his or her ability to concentrate on the trial. It is also notable to find out if the juror is taking any medications.

Many times, a juror will reach the end of a questionnaire and realize that he has a problem that would prevent him giving the case his full attention. Question 107 in *Appendix B* is designed to cover this situation.

[28] Final Questions

The juror should also be given one final opportunity to express any concerns he may have about his fitness to serve as a juror. Once in awhile, a juror will use the final questions to disclose a critical piece of information that has not been otherwise covered in the questionnaire.

[29] List of Parties and Potential Witnesses

The judge, the parties, counsel, anyone else sitting at counsel table, and the list of potential witnesses may be presented as a simple checklist, where the juror indicates by checkmark if he knows anyone on the list. The inclusion of this list in the questionnaire can save a great deal of time in court.

[30] Court's Admonition

The court's admonition to the jurors not to read, hear, watch, or investigate anything about the case should be sternly worded. It should include the Internet in addition to traditional media sources. If the jurors fill out the questionnaires in a pre-trial meeting, the judge may take the opportunity to point out the admonition and reinforce its message, as discussed in §4.01 below.

[31] Juror's Oath or Affirmation

The juror's oath or affirmation usually is on the same page as the judge's admonition. An example of both is given in *Appendix E*. The oath/affirmation should be worded to give the juror an indication of the gravity with which the court considers his or her participation in the upcoming trial.

**V. QUESTIONNAIRE DELIVERY AND DISTRIBUTION, PRESERVATION OF THE
RECORD AND CONFIDENTIALITY**

§5.01 Questionnaire Delivery and Distribution

There are many different means whereby the questionnaires may be delivered into the hands of the jurors. Since the completed questionnaires have to be duplicated and distributed, it is to the advantage of all concerned to do this well in advance of the first day of voir dire. Both the Court and counsel frequently overlook advance logistical planning in dealing with juror questionnaires. Copying questionnaires is a time-consuming process, and it can take a two to five full days to duplicate multiple copies of 150 to 350 questionnaires.

The most efficient method is to call the jurors to court approximately six weeks prior to trial. In Tennessee v. Paul Dennis Reid, Jr., where publicity was extremely high, the pre-trial hearing method was used in all three trials.³⁰ At this hearing with the jurors, both statutory and non-statutory excusals are usually heard, while those jurors who are not asking to be excused fill out their questionnaires. This cuts down on the number of visits to court by jurors who are going to be excluded, and it also reduces duplication costs. Almost all high publicity cases have employed this method, because it is more economical and effective than any other delivery system.

Having everyone come to the courthouse also gives the judge the opportunity to address the jurors in person, and to underline the importance of not talking about, reading about or investigating the pending case. To this end, the first order of business should be to make sure that all cell phones and PDAs are turned off, so that the jurors cannot research the case on the Internet while in the assembly room. Separating the jurors from access to their electronic devices is a tangible indication of the seriousness of the court's intention.

Another efficient method is to send out questionnaires as soon as the jury panels have been constituted, usually four to six weeks before trial. The Clerk of Court's office may include an addressed, stamped envelope for the juror's convenience. As the

³⁰ *Tennessee v. Paul Dennis Reid, Jr.*, Davison County, Tennessee case numbers. 97-C-1834, 97-C-1836, 97-C-1835. Mr. Reid was tried in three capital cases in an eighteen month period.

questionnaires are returned, the Clerk or other responsible party can reproduce and distribute questionnaires on a timely basis. Along with giving all parties the maximum amount of time to analyze the questionnaires, this method spreads out the duplication time over days, reducing stress on the office staff. The judge may decide to excuse jurors who ask to be removed from the panel for legal reasons without these people having to come to court. Judge Steve Jones in Athens-Clarke County, Georgia, chose to use this process in the case of Georgia v. Vernessa Yvonne Marshall³¹ with excellent results.

The least efficient method is to have the jurors fill out the questionnaires the first day of voir dire. Jurors have to sit and wait while the questionnaires are being duplicated, wasting much of their day – or week. Using this routine, the first jurors who are questioned have to endure the parties flipping thorough their questionnaires while they are being questioned, since there is no opportunity for advance questionnaire analysis.

§5.02 Preservation of the Record

After voir dire, the originals of the questionnaires filled out by the jurors should be made a part of the record. Often, counsel are asked to return their copies to the court. Some courts seal their information; others do not.³²

In almost all jurisdictions, the parties are allowed to retain their copies of the questionnaires for the jurors who were chosen to sit on the case. These should be kept as part of the case file, and may also be referred to during the trial.

§5.03 Confidentiality

If the court has no objection, copies of the blank questionnaire may be shared with the media. However, the juror's personal information should never be given to anyone except those parties associated with the case. The Supreme Court has not settled the question of whether jurors actually have a right to privacy in voir dire, in part because as Justice Blackmun stated in his opinion, such a right would “necessarily

³¹ *Georgia v. Vernessa Yvonne Marshall*, Athens-Clarke County, Georgia, case number SU-98-CR-0290J.

³² Marjorie Fargo, “Juror Questionnaires Can Supplement Voir Dire” *Trial* 29 (October 1993): 26.

complicate” the lives of trial judges.³³ However, jurors should be able to have a reasonable expectation that their information will remain within the province of the court. Treating juror information with consideration will help to foster an environment in which the usage of juror questionnaires will be more respected and encouraged in future trials.

³³ *Press Enterprise v. Superior Court of California* 464 US 501, Blackmun, J. concurring. Quoted in Mary R. Rose, “Expectations of Privacy? Juror’s View of Voir Dire Questions,” *Judicature* 85 (July-August 2001): 43.

VI. Analysis of Jury Questionnaires

§6.01 Using an SJQ Cover Sheet

Organizing the information in SJQs is a daunting task. Many attorneys simply read the questionnaires, perhaps highlighting them or making notes in the margins, and feel adequately prepared for voir dire. This may be considered as sufficient – if the questionnaire is only one page long. A complex questionnaire calls for a more structured approach.

[1] Highlight the SJQs

Begin by reading and highlighting the most important information in each questionnaire. This informs the reader and draws attention to areas that will be covered in follow-up questioning during voir dire. While it is possible to highlight without taking in the information, it is preferable to spend an extra minute or two learning about the juror. Some attorneys and trial consultants give the juror a preliminary rating after the first reading of the questionnaire.

[2] Design an SJQ cover sheet

The purpose of the cover sheet is to give the attorney a one-page summary of the information contained in each juror's SJQ. During the voir dire, the attorney may ask most of the questions of the potential juror from the cover sheet without having to flip through the pages of the questionnaire searching for pertinent information.

If a trial consultant is being used, he or she may make a cover sheet for each questionnaire, listing most of the highlighted information and indicating the areas that require follow-up. Ideally, any case serious enough to require a jury questionnaire should be important enough to require a trial consultant. The cover sheet needs to contain enough information to be of use while being limited to a single page. *Appendix F* is a cover sheet designed to accompany the sample SJQ in *Appendix B*.

[3] Cover sheet guidelines

Cover sheets are easiest to use when they have been filled out in a consistent manner. To that end, certain common sense guidelines enhance the process.

- a. Start all answers with the question number. For purposes of the record, the attorney needs to have the ability to reference all SJQ answers by question number.
- b. Put juror comments in quotation marks, and make sure that the juror is quoted correctly.
- c. Use the top section to list the most important areas for follow-up questions. Star question areas that may be followed up on first during the voir dire, or put them in all capital letters in this section. If the juror has extreme views, health problems, or high publicity exposure, questioning in one of these areas first may preclude having to do a complete voir dire.
- d. If the juror leaves a question blank, note the question number and write “Blank” next to it on the cover sheet. Similarly, if the juror writes “n/a” in the answer space, reproduce their answer on the cover sheet. Putting “n/a” in quotation marks shows that the answer came from the juror and not the person filling out the cover sheet.
- e. If time permits, highlight the most pertinent areas on the cover sheet.

§6.02 Questionnaire Analysis

With the help of the SJQ cover sheet, an attorney should be able to follow up on questions the juror answered in the questionnaire without resorting to floundering about and re-asking questions. Although the first objective of the questionnaire is to provide the parties with information, e.g., *what* the juror says; it further serves the purpose of demonstrating the intensity of the juror’s opinions, and showing the modes by which juror expresses himself –*how* the jurors says it.

The juror may express the intensity of his opinions by writing in larger or smaller letters, depending upon his reaction to the question. He may also make excessive use of exclamation points or underlining to emphasize his opinions. Once in a while, a juror seeks to minimize exposing his feelings by writing his answers in tiny letters.

A juror may feel conflicted because he wants to give honest answers without revealing sensitive personal information. On the questionnaire, he may use evasive answers or euphemisms to avoid directly answering a question. The classic example of this occurs in voir dire in death penalty cases, when the judge asks the juror if he can be fair, and the juror replies, "I would do my best." This answer actually means "no," but the judge usually takes it to mean "yes." Similarly, in the juror questionnaire, the juror who answers a question about remaining objective while viewing emotionally charged evidence with "I would try," is actually saying, "I don't think I can do it."

The juror who uses flamboyant descriptors in his answers shows more emotion. He may describe a non-lethal car accident as "tragic," or use words like *horrible* and *gruesome* to describe events he has seen in the media. In most cases, this is an indication of someone who sees the world in more dramatic terms. However, if the potential juror is an English professor or writer, he may simply be trying to make his answers more enjoyable to read.

It is important to place the juror's answers to the questions in context. Some attorneys want to discount a juror's suitability based upon one or two bad answers before voir dire even begins. The most important thing to keep in mind when analyzing the questionnaire is to consider all the answers collectively rather than reacting to one or two "red flags."³⁴

³⁴ Lisa Blue, "Screening Jurors in the Age of Tort Reform," *Trial* 34 (April 1998) 61.

VII. CONCLUSION

§7.01 Conclusion

Supplemental juror questionnaires are a win-win-win situation. The court wins, because the judge is perceived to be considerate of the jurors' time, the information provided is of a high quality, and the jury selection runs more smoothly. The parties win, because they can do more effective voir dire with the head start provided to them by the data from the questionnaire. This enables them to ask more focused questions in the courtroom, and zero in on problem areas first. The jury wins, because their in-court time is more fully utilized, and their individual situations are approached with sensitivity and care.

A comprehensive supplemental juror questionnaire, competently written and efficiently delivered and distributed, is of great benefit to the parties and the court. No case has ever been overturned because a jury questionnaire was used, but a great many have been reversed due to irregularities in other jury selection issues. The use of the supplemental juror questionnaire is one of the benchmarks of superior trial practice.

Appendix A
Motion for Jury Questionnaire

IN THE CRIMINAL COURT FOR HAMILTON COUNTY, TENNESSEE

STATE OF TENNESSEE	*	NO.
	*	
v.	*	CAPITAL CASE
	*	
	*	DIVISION

DEFENSE MOTION NO.:
MOTION TO ADMINISTER JURY QUESTIONNAIRE

Now comes Defendant, _____, through the undersigned counsel, and moves the court that the prospective jurors be required to complete a questionnaire at the beginning of the jury selection process, which will be prepared by the defense and given to this court before trial for approval, on the following grounds:

1. Defendant _____ is charged with first-degree murder, and the state seeks to kill him. If the court permits the jury to be death qualified, the jury selection process will become considerably more complex and time-consuming.

2. Defendant _____ has requested individually sequestered voir dire on the issues of racial bias, mental illness, death qualification and publicity; however, there are often feelings and experiences of jurors relating to other issues which are highly sensitive and personal, which a juror may not feel comfortable bringing up in front of other jurors. Such matters, e.g., issues of prior victimization, are also frequently inflammatory and their consideration in the presence of other prospective jurors easily leads to a tainting of those people.

3. The questionnaire provides a method by which a juror may give initial responses to important questions relating to juror qualifications, without the embarrassment of having to articulate those answers first in front of a room full of

strangers. It is often a juror's first, candid response to a question that is most telling about their true feelings. A questionnaire preserves that first, most candid response, which is given without any outside influences or pressures from other jurors.

4. The questionnaire will contain questions relating to the general background of the juror. Obtaining this information in written form at the beginning of the jury selection process will save time normally spent by the court and the parties eliciting such information separately from each juror. It will also reduce the amount of time used by the attorneys in questioning the jurors by providing them with substantial information about each juror in written form before the selection process actually begins.

5. The questionnaire will enable the court and counsel to be aware, before oral questioning, of sensitive issues and answers which might prejudice the other jurors, and which might cause a mistrial if discussed in the presence of the entire panel.

6. The prospective jurors should be sworn to answer all written questions truthfully and completely, and the questionnaires will become part of the permanent court record, and part of the voir dire in this case. The jurors should be informed that the questionnaires are not public record.

7. Use of such a questionnaire has proved quite helpful in many other capital trials, for the purposes stated above. A considerable amount of time and effort can be saved by the use of such questionnaires. The parties and the court can frequently avoid laborious and ultimately unnecessary questioning of prospective jurors, when the questionnaires reveals a strong likelihood that the person is excusable for cause.

8. Further, the inclusion of questions concerning the prospective jurors' views about the death penalty in the questionnaire enables the parties to avoid considerable preliminary questioning in many cases.

9. Defendant's state and federal constitutional rights to a fair and impartial jury, and to due process and the effective assistance of counsel, will be aided

by the use of the questionnaire.

10. Defendant _____ moves for a hearing on this motion.

Respectfully submitted this _____ day of _____, 200__.

ARDENA J. GARTH
11TH Judicial District Public Defender

By: _____
Mary Ann Green
Assistant District Public Defender
701 Cherry Street, Suite 300
Chattanooga, Tennessee 37402
(423) 634-6374

RICH HEINSMAN

By: _____
Rich Heinsman, BPR #016136
525 East 4th Street
Chattanooga, Tennessee 37403
(423) 757-9064

Appendix B
Sample Jury Questionnaire: Death Penalty Case

JUROR QUESTIONNAIRE

PLEASE PRINT YOUR ANSWERS IN INK

JUROR NUMBER: _____

1. NAME: _____
2. AGE: _____ DATE OF BIRTH: _____/_____/_____
MONTH DAY YEAR
3. ADDRESS: _____
4. DO YOU: (CHECK ONE) RENT OWN LIVE WITH FAMILY OR FRIENDS
5. PHONE NUMBER: _____
6. HOW LONG HAVE YOU LIVED IN THIS COUNTY? _____
7. HOW LONG HAVE YOU LIVED AT YOUR PRESENT ADDRESS? _____
8. WHAT IS YOUR MARITAL STATUS? (CHECK ALL THAT APPLY)
 NEVER MARRIED MARRIED REMARRIED
 LIVING WITH SOMEONE DIVORCED SEPARATED WIDOW(ER)
9. IF MARRIED OR LIVING WITH SOMEONE, IS THE OTHER PERSON:
 CURRENTLY EMPLOYED UNEMPLOYED HOMEMAKER
 RETIRED STUDENT
10. NAME OF SPOUSE/SIGNIFICANT OTHER: _____
11. EMPLOYER OF SPOUSE/ SIGNIFICANT OTHER: _____
12. JOB TITLE AND JOB DUTIES OF SPOUSE/SIGNIFICANT OTHER: _____

19. PLEASE LIST THE MOST SIGNIFICANT JOBS YOU HAVE HELD IN YOUR LIFETIME, INCLUDING BOTH PAID AND VOLUNTEER POSITIONS:

EMPLOYER	JOB DESCRIPTION	DATES

20. HAVE ANY OF YOUR JOBS INVOLVED SUPERVISORY CAPABILITIES? YES NO
 DO YOU CURRENTLY MANAGE OR SUPERVISE OTHERS? YES NO

WHAT IS THE LARGEST NUMBER OF PEOPLE YOU HAVE SUPERVISED? _____

21. WHAT WAS THE HIGHEST GRADE YOU ATTENDED IN ELEMENTARY/HIGH SCHOOL? _____

22. WHICH OF THE FOLLOWING APPLY TO YOU (CHECK ALL THAT APPLY)

I ATTENDED JUNIOR COLLEGE OR TECHNICAL SCHOOL AND RECEIVED A DEGREE OR CERTIFICATE

I HAVE TAKEN SOME COLLEGE COURSES BUT DID NOT GRADUATE

I GRADUATED FROM COLLEGE

I HAVE A MASTERS DEGREE

I HAVE A DOCTORAL DEGREE

I HAVE A DIFFERENT TYPE OF DEGREE: _____

23. FOR EACH TYPE OF HIGHER EDUCATION YOU CHECKED IN QUESTION 22, PLEASE COMPLETE THE APPROPRIATE SECTIONS OF THE CHART:

INSTITUTION	MAJOR AND MINOR SUBJECT AREAS	CERTIFICATE/DEGREE RECEIVED

24. IF YOU HAVE BEEN/ARE IN THE ARMED FORCES, INCLUDING NATIONAL GUARD OR RESERVES, PLEASE STATE:

BRANCH: _____ HIGHEST RANK ATTAINED: _____

OCCUPATIONAL SPECIALTY: _____

WHERE WERE YOU STATIONED? _____

DATES OF SERVICE: _____

DID YOU EVER SERVE ON A COURT MARTIAL? YES NO

IF YES, IN WHAT CAPACITY? _____

25. ARE YOU A MEMBER OF ANY CHURCH, TEMPLE, MOSQUE, OR OTHER RELIGIOUS DENOMINATION? YES NO

IF YES, PLEASE GIVE NAME AND LOCATION: _____

26. WHAT ACTIVITIES ARE YOU INVOLVED WITH IN YOUR PLACE OF WORSHIP?

27. HAVE YOU EVER STUDIED FOR THE MINISTRY, SERVED AS A LAY MINISTER OR HELD ANY POSITIONS OF RESPONSIBILITY AT YOUR PLACE OF WORSHIP? YES NO

IF YES, PLEASE DESCRIBE: _____

28. PLEASE LIST ANY SOCIETIES, UNIONS, PROFESSIONAL ASSOCIATIONS, VOLUNTEER GROUPS, CIVIC CLUBS, OR ORGANIZATIONS IN WHICH YOU OR YOUR IMMEDIATE FAMILY ARE MEMBERS:

NAME OF ORGANIZATION	I AM A MEMBER	FAMILY IS A MEMBER

29. WHAT OFFICES HAVE YOU HELD, OR ARE YOU HOLDING IN THESE ORGANIZATIONS?

30. WHAT ARE YOUR HOBBIES, LEISURE TIME ACTIVITIES, AND FAVORITE RECREATIONS?

31. ARE YOU REGISTERED TO VOTE? YES NO
DO YOU VOTE REGULARLY? YES NO

DO YOU CONSIDER YOURSELF TO BE ALIGNED WITH A POLITICAL PARTY? YES NO

WHICH ONE? _____

32. HAVE YOU EVER SERVED AS A JUROR AND SAT IN THE JURY BOX? YES NO
IF YES:

HOW MANY TIMES IN STATE COURT? _____

HOW MANY TIMES IN FEDERAL COURT? _____ HOW MANY MILITARY? _____

HOW MANY CIVIL CASES? _____ HOW MAN CRIMINAL CASES? _____

WAS A VERDICT REACHED IN EACH CASE? YES NO

WERE YOU THE FOREPERSON? YES NO HOW MANY TIMES? _____

33. NAME THE PERSON WHO HAS MOST INFLUENCED YOUR LIFE, AND WHY:

34. DO YOU HAVE A CASE PENDING IN ANY JURISDICTION (STATE OR FEDERAL) IN WHICH YOU
ARE A PARTY OR A WITNESS? YES NO

IF YES, PLEASE DESCRIBE: _____

35. HAVE YOU, ANY FAMILY MEMBER OR CLOSE FRIEND EVER STUDIED LAW? YES NO

36. HAVE YOU, ANY FAMILY MEMBER OR CLOSE FRIEND EVER KNOWN OR BEEN CONNECTED WITH A MEMBER OF THE DISTRICT ATTORNEY'S OFFICE? YES NO

PLEASE EXPLAIN: _____

37. HAVE YOU, ANY FAMILY MEMBER OR CLOSE FRIEND EVER HAD THE OCCASION TO USE THE SERVICES OF ANY STATE OR FEDERAL PROSECUTOR'S OFFICE? YES NO

PLEASE EXPLAIN: _____

38. HAVE YOU, ANY FAMILY MEMBER OR CLOSE FRIEND EVER KNOWN OR BEEN CONNECTED WITH A CRIMINAL DEFENSE ATTORNEY? YES NO

PLEASE EXPLAIN: _____

39. HAVE YOU OR ANYONE YOU KNOW EVER HAD OCCASION TO USE THE SERVICES OF A CRIMINAL DEFENSE ATTORNEY? YES NO

PLEASE EXPLAIN: _____

40. WHAT IS YOUR OPINION OF PROSECUTORS? _____

41. WHAT IS YOUR OPINION OF CRIMINAL DEFENSE ATTORNEYS? _____

42. OTHER THAN A CRIME OF VIOLENCE, HAVE YOU, ANY FAMILY MEMBER OR CLOSE FRIEND EVER EXPERIENCED ANY TYPE OF LIFE-THREATENING SITUATION?

YES NO

IF YES, PLEASE DESCRIBE: _____

43. HAVE YOU, ANY MEMBER OF YOUR IMMEDIATE FAMILY OR CLOSE FRIEND EVER BEEN THE VICTIM OF A CRIME OF VIOLENCE? YES NO

IF YES, PLEASE DESCRIBE: _____

WAS ANYONE ARRESTED IN THIS INCIDENT? YES NO

WHAT, IF ANYTHING, HAPPENED TO THE PERSON CHARGED AFTER THEIR ARREST?

44. HAVE YOU, ANY FAMILY MEMBER OR CLOSE FRIEND EVER BEEN A WITNESS TO A CRIME?

YES NO

IF YES, PLEASE DESCRIBE: _____

WAS ANYONE CONVICTED OF THE CRIME? YES NO

45. HAVE YOU, ANY FAMILY MEMBER OR CLOSE FRIEND EVER BEEN ARRESTED FOR OR CONVICTED OF A CRIME?

YES NO

IF YES, PLEASE DESCRIBE: _____

46. HAVE YOU EVER VISITED ANY INTERNET WEB SITES DEALING WITH VICTIMS OF CRIME, OR THE CRIMINAL JUSTICE SYSTEM?
 YES NO

IF YES, PLEASE DESCRIBE: _____

47. HAVE YOU EVER PARTICIPATED IN ANY ACTIVITIES IN SUPPORT OF A VICTIM OF A CRIME, OR VICTIM SUPPORT GROUPS?
 YES NO

IF YES, PLEASE DESCRIBE: _____

48. HAVE YOU, ANY FAMILY MEMBER OR CLOSE FRIEND EVER VOLUNTEERED YOUR SERVICES TO ANY LAW ENFORCEMENT AGENCY? YES NO

PLEASE EXPLAIN: _____

49. HAVE YOU, ANY FAMILY MEMBER OR CLOSE FRIEND EVER APPLIED FOR A JOB IN LAW ENFORCEMENT, ANY PRISON, JAIL, DETENTION CENTER OR COURT? YES NO
 IF YES, PLEASE STATE:

RELATIONSHIP TO YOU	LAW ENFORCEMENT POSITION APPLIED FOR	APPROXIMATE DATE	WERE THEY HIRED? (YES OR NO)

50. HAVE YOU, ANY FAMILY MEMBER OR CLOSE FRIEND EVER BEEN EMPLOYED BY OR CONNECTED WITH ANY LAW ENFORCEMENT AGENCY? YES NO
IF YOUR ANSWER IS “NO”, PLEASE GO TO QUESTION 53.
 IF YES, PLEASE EXPLAIN:

51. HAVE YOU, ANY FAMILY MEMBER OR CLOSE FRIEND EVER RECEIVED ANY LAW ENFORCEMENT TRAINING? YES NO

PLEASE EXPLAIN:

52. HAVE YOU, ANY FAMILY MEMBER OR CLOSE FRIEND EVER WORKED IN A PRISON, JAIL OR DETENTION CENTER? YES NO IF YES, PLEASE COMPLETE THE FOLLOWING:

RELATIONSHIP TO YOU	THEIR POSITION	NAME OF INSTITUTION	DATES OF EMPLOY

53. HAVE YOU, ANY FAMILY MEMBER OR CLOSE FRIEND EVER WORKED AS A SECURITY GUARD OR PRIVATE DETECTIVE? YES NO IF YES, PLEASE COMPLETE THE FOLLOWING:

RELATIONSHIP TO YOU	THEIR POSITION	NAME OF INSTITUTION	DATES OF EMPLOY

54. HAVE YOU EVER RECEIVED ANY TYPE OF FIREARMS TRAINING? YES NO

PLEASE DESCRIBE THE TYPE AND PURPOSE OF THE TRAINING: _____

55. DO YOU OR ANYONE IN YOU HOUSEHOLD OWN A GUN? YES NO

IF YES, WHAT TYPES OF GUNS? _____

WHAT IS THE REASON FOR OWNING THEM? _____

56. ARE YOU OR ANY OF THE MEMBERS OF YOUR IMMEDIATE FAMILY MEMBERS OF THE NRA, GUN/HUNTING CLUBS, OR OTHER GUN-RELATED ORGANIZATIONS? YES NO

IF YES, WHICH ONES? _____

THE FOLLOWING SECTION DEALS WITH YOUR EXPERIENCE WITH THE MEDIA. IT IS EXPECTED THAT YOU SPEND TIME READING NEWSPAPERS, WATCHING TELEVISION, AND LISTENING TO OR WATCHING VARIOUS OTHER FORMS OF MEDIA. PLEASE MAKE SURE YOUR ANSWERS TO THESE QUESTIONS ARE COMPLETE.

57. WHAT ARE YOUR MAIN SOURCES OF NEWS AND INFORMATION?
 TELEVISION RADIO NEWSPAPER NEWS MAGAZINES
 INTERNET CONVERSATIONS WITH OTHERS

58. WHICH NEWSPAPERS DO YOU READ?
 LOCAL DAILY PAPER ENTERTAINMENT OR ALTERNATIVE NEWSPAPERS
 LOCAL WEEKLY PAPER USA TODAY
 NEARBY LARGE CITY PAPER
 OTHER: _____

59. HOW OFTEN DO YOU READ THE NEWSPAPER?
 EVERY DAY MOST DAYS WEEKENDS
 SELDOM NEVER

60. WHICH SECTIONS OF THE NEWSPAPER DO YOU USUALLY READ?
 FRONT PAGE LOCAL NEWS STATE NEWS WORLD NEWS SPORTS
 WANTS ADS OBITUARIES COMICS ENTERTAINMENT

61. HAVE YOU EVER WRITTEN A LETTER TO THE EDITOR ON THE ISSUES OF CRIME, LAW ENFORCEMENT, OR ANY OTHER ASPECT OF THE CRIMINAL JUSTICE SYSTEM?
 YES NO

IF YES, WHAT WAS YOUR LETTER ABOUT? _____

62. WHICH TELEVISION STATIONS DO YOU WATCH FOR LOCAL AND STATE NEWS?

63. WHAT ARE YOUR THREE FAVORITE TELEVISION SHOWS?

	NAME OF SHOW	WHY DO YOU LIKE THIS SHOW?
1		
2		
3		

64. WHICH **RADIO STATIONS** DO YOU LISTEN TO FOR LOCAL AND STATE NEWS?

65. WHAT IS YOUR FAVORITE RADIO SHOW? _____

66. HOW MUCH ATTENTION HAVE YOU PAID TO SPECIFIC CRIMINAL CASES THAT HAVE OCCURRED ANYWHERE IN THIS STATE? (CHECK ONE)

A LOT SOME A LITTLE NONE

PLEASE NAME THE CASES AND DESCRIBE WHY THOSE CASES CAUGHT YOUR ATTENTION:

WHERE DID YOU HEAR ABOUT THOSE CASES:

TELEVISION RADIO NEWSPAPER NEWS MAGAZINES
 INTERNET CONVERSATIONS WITH OTHERS

67. HOW OFTEN DO YOU WATCH COURT TV OR OTHER “TRUE” COURTROOM SHOWS ON TELEVISION? OFTEN OCCASIONALLY SELDOM NEVER

68. HOW OFTEN DO YOU WATCH “COPS” OR OTHER “TRUE” PROGRAMS ABOUT LAW ENFORCEMENT? OFTEN OCCASIONALLY SELDOM NEVER

69. HOW AFRAID ARE YOU OF BECOMING THE VICTIM OF A CRIME?
[] VERY AFRAID [] SOMEWHAT AFRAID [] OCCASIONALLY AFRAID
[] SELDOM AFRAID [] NEVER AFRAID

WHY DO YOU FEEL THIS WAY? _____

THIS TRIAL INVOLVES THE DEATH OF OFFICER MARY SMITH OF THE CITY POLICE DEPARTMENT. JOE LEE FREEMAN IS CHARGED WITH MURDER IN THIS CASE. BECAUSE OF POSSIBLE MEDIA EXPOSURE IN THIS AREA, YOU MAY HAVE HEARD AND/OR READ SOMETHING ABOUT THE CASE AT SOME TIME. IT IS IMPORTANT THAT YOU FULLY ANSWER THE FOLLOWING QUESTIONS CONCERNING YOUR KNOWLEDGE ABOUT THIS CASE.

70. HAD YOU HEARD THE NAME OF OFFICER MARY SMITH BEFORE RECEIVING THIS QUESTIONNAIRE? [] YES [] NO

IF YES, WHERE, AND WHAT DID YOU HEAR? _____

71. DO YOU KNOW ANYONE WHO WORKS FOR THE CITY POLICE DEPARTMENT?
IF YES, PLEASE STATE HIS OR HER POSITION AND RELATIONSHIP TO YOU:

WHAT DID YOU HEAR FROM THEM ABOUT THIS CASE?

72. HAD YOU HEARD THE NAME OF JOE LEE FREEMAN BEFORE RECEIVING THIS QUESTIONNAIRE? [] YES [] NO

IF YES, WHERE, AND WHAT DID YOU HEAR? _____

73. DO YOU KNOW ANYONE WHO WORKS FOR, TEACHES AT OR ATTENDS CITY STATE COMMUNITY COLLEGE? YES NO
IF YES, PLEASE STATE HIS OR HER POSITION AND RELATIONSHIP TO YOU:

WHAT DID YOU HEAR FROM THEM ABOUT THIS CASE?

74. WHAT DO YOU RECALL HEARING, FROM ANY SOURCE, ABOUT THE PARTICIPATION OF THE DEFENDANT, JOE LEE FREEMAN, IN THIS EVENT? PLEASE BE SPECIFIC ABOUT WHAT YOU HEARD AND THE SOURCE OF THE INFORMATION.

75. PLEASE INDICATE FROM WHICH SOURCE(S) YOU RECEIVED INFORMATION OR LEARNED ABOUT THIS CASE: (CHECK ALL THAT APPLY)

TELEVISION RADIO NEWSPAPER INTERNET

CONVERSATIONS WITH OTHERS OVERHEARD OTHERS DISCUSSING IT

OTHER: _____

76. PLEASE DESCRIBE ANY CONVERSATIONS YOU HAVE HAD ABOUT THIS CASE _____

77. AS A RESULT OF WHAT YOU MAY HAVE READ OR SEEN IN THE MEDIA, DISCUSSED OR OVERHEARD FROM THE DISCUSSIONS OF OTHERS, HAVE YOU FORMED AN OPINION ABOUT THIS CASE? YES NO

IF YES, WHAT IS THAT OPINION? _____

78. BASED ON WHAT YOU HAVE READ, HEARD, OR SEEN ABOUT THIS CASE, DO YOU BELIEVE THAT THE DEFENDANT IS: (CHECK ONE)
- DEFINITELY GUILTY PROBABLY GUILTY PROBABLY NOT GUILTY
 DEFINITELY NOT GUILTY UNSURE

79. AS A RESULT OF WHAT YOU MAY HAVE READ OR SEEN IN THE MEDIA OR HEARD OR DISCUSSED, HAVE YOU FORMED AN OPINION AS TO WHAT SENTENCE WOULD BE THE APPROPRIATE PUNISHMENT FOR THE PERSON WHO IS FOUND GUILTY OF CAUSING THE DEATH OF A POLICE OFFICER? (CHECK ONE)

- I HAVE FORMED THE OPINION THAT THE DEATH PENALTY WOULD BE THE APPROPRIATE PUNISHMENT.
 I HAVE FORMED THE OPINION THAT A LIFE SENTENCE WITHOUT THE POSSIBILITY OF PAROLE WOULD BE THE APPROPRIATE SENTENCE.
 I HAVE FORMED THE OPINION THAT A LIFE SENTENCE WOULD BE THE APPROPRIATE PUNISHMENT.
 I HAVE FORMED THE OPINION THAT ANOTHER TYPE OF SENTENCE WOULD BE THE

APPROPRIATE PUNISHMENT:

-
- I HAVE FORMED NO OPINION ABOUT THE SENTENCE THAT WOULD BE APPROPRIATE IN THIS CASE

80. HAVE YOU EVER HAD AN ARGUMENT, CONFLICT, CONFRONTATION OR VERY UNPLEASANT EXPERIENCE WITH A PERSON OF A RACE OR ETHNIC ORIGIN DIFFERENT FROM YOUR OWN?

- YES NO

PLEASE DESCRIBE: _____

81. DO YOU OR ANY MEMBER OF YOUR IMMEDIATE FAMILY, OR CLOSE FRIEND HAVE ANY EDUCATION, TRAINING, PROFESSIONAL OR VOLUNTEER EMPLOYMENT IN THE FOLLOWING FIELDS (CHECK ALL THAT APPLY)

	SELF	FAMILY	FRIEND
A. MEDICINE (INCLUDING NURSING, EMT)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. PSYCHOLOGY, COUNSELING, MENTAL HEALTH	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. EDUCATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. CRIMINAL JUSTICE, POLICE SCIENCES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. POLITICAL SCIENCE, GOVERNMENT, SOCIOLOGY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. FORENSIC SCIENCES (PATHOLOGY)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. BIOLOGY, CHEMISTRY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. RELIGION, PHILOSOPHY, ETHICS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I. PHOTOGRAPHY, VIDEOGRAPHY, SOUND RECORDING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. SECURITY/ INVESTIGATIVE SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

82. HAVE YOU EVER WORKED IN AN OCCUPATION WHERE YOU REGULARLY VIEWED BLOOD, WOUNDS, SEVERELY INJURED PERSONS, OR PHOTOGRAPHS OF INJURED OR DECEASED PERSONS? YES NO

IF YES, PLEASE DESCRIBE: _____

83. THE EVIDENCE IN THIS CASE MAY INCLUDE EXPLICIT PHOTOGRAPHS OF THE CRIME SCENE, INCLUDING GUNSHOT INJURIES TO THE BODY OF OFFICER MARY SMITH. WOULD YOU HAVE ANY PROBLEMS WHATSOEVER IN VIEWING THESE PHOTOGRAPHS OF THE BODY AND WOUNDS INFLICTED ON THE DECEASED IN THIS CASE? YES NO UNSURE

PLEASE EXPLAIN: _____

84. DO YOU BELIEVE YOUR REACTION TO THE PHOTOGRAPHS OF THE BODY AND NATURE OF THE WOUNDS TO A DECEASED WOMAN WOULD AUTOMATICALLY CAUSE YOU TO REACH THE CONCLUSION THAT THE DEFENDANT IS GUILTY OF THIS CRIME, REGARDLESS OF ANY OTHER EVIDENCE THAT MAY BE PRESENTED AT TRIAL? YES NO UNSURE

PLEASE EXPLAIN: _____

85. IN GENERAL, WHEN A PERSON APPEARS IN COURT CHARGED WITH A CRIME, DO YOU HAVE THE OPINION THAT HE OR SHE IS PROBABLY GUILTY, OR PROBABLY INNOCENT? PROBABLY GUILTY PROBABLY INNOCENT

WHY? _____

86. HAVE YOU OR ANY MEMBER OF YOUR IMMEDIATE FAMILY, HOUSEHOLD, OR CLOSE PERSONAL FRIEND EVER RECEIVED ANY TYPE OF IN-PATIENT OR OUT-PATIENT MENTAL HEALTH COUNSELING OR TREATMENT? YES NO

PLEASE DESCRIBE: _____

87. DO YOU THINK THERE IS SUCH A THING AS MENTAL ILLNESS? YES NO

WHY OR WHY NOT? _____

88. DO YOU THINK CERTAIN TYPES OF MENTAL ILLNESS CAN “RUN” IN FAMILIES?

YES NO

WHY OR WHY NOT? _____

89. DO YOU VIEW LICENSED PSYCHIATRISTS, PSYCHOLOGISTS AND CLINICAL SOCIAL WORKERS AS EXPERTS OF ANY KIND? YES NO

WHY OR WHY NOT? _____

90. HAVE YOU EVER KNOWN ANYONE WHO HAD A PSYCHIATRIC DISORDER, SUCH AS BIPOLAR DISORDER, SCHIZOPHRENIA, OR CLINICAL DEPRESSION? YES NO

BRIEFLY DESCRIBE: _____

91. HAVE YOU OR ANYONE IN YOUR FAMILY OR A CLOSE FRIEND EVER TAKEN PSYCHOTROPIC MEDICATIONS (ZYPREXA, PROZAC, ETC.) TO ALLEVIATE A MENTAL HEALTH CONDITION?

YES NO

IF YES, PLEASE EXPLAIN: _____

92. HAVE YOU, OR ANYONE IN YOUR FAMILY OR A CLOSE FRIEND EVER ADMINISTERED OR TAKEN STANDARDIZED PSYCHOLOGICAL TESTS OR EXAMINATIONS TO EVALUATE THE LEVEL OF THAT PERSON'S PSYCHOLOGICAL OR NEUROLOGICAL (BRAIN) FUNCTIONING?

YES NO

IF YES, PLEASE EXPLAIN: _____

93. WITHOUT MENTIONING ANY NAMES, DO YOU KNOW ANYONE WHO GREW UP IN A ROUGH OR DANGEROUS ENVIRONMENT? YES NO

PLEASE EXPLAIN: _____

94. HAVE YOU OR ANYONE YOU KNOW EVER HAD A NEGATIVE EXPERIENCE OR AN UNPLEASANT EXPERIENCE WITH A PSYCHIATRIST OR PSYCHOLOGIST? YES NO

IF YES, PLEASE DESCRIBE: _____

IF THE DEFENDANT WERE TO BE FOUND GUILTY OF THE DELIBERATE AND PREMEDITATED MURDER OF THE DECEASED, THE JURY WOULD BE REQUIRED TO LISTEN TO ADDITIONAL EVIDENCE FROM THE PROSECUTION AND THE DEFENSE TO DETERMINE THE SENTENCE HE SHOULD RECEIVE. THE JURY WOULD HAVE TO CHOOSE AMONG A SENTENCE OF DEATH, LIFE IN PRISON WITHOUT THE POSSIBILITY OF PAROLE, OR LIFE IN PRISON.

95. WOULD YOU SAY THAT YOU ARE OPEN TO CONSIDERING ALL THREE FORMS OF PUNISHMENT IN A CAPITAL CASE, DEPENDING ON THE EVIDENCE IN THE TRIAL AND WHAT YOU LEARNED ABOUT THE DEFENDANT DURING THE TRIAL? YES NO UNSURE

PLEASE EXPLAIN: _____

96. DO YOU UNDERSTAND THAT THE DEFENDANT MAINTAINS HIS INNOCENCE, HAS ENTERED A PLEA OF NOT GUILTY, AND THAT THE ONLY TASK YOU WILL BE ASKED TO PERFORM DURING THE FIRST PHASE OF THE TRIAL IS TO JUDGE GUILT OR INNOCENCE
 YES NO UNSURE

PLEASE EXPLAIN: _____

97. DO YOU UNDERSTAND THAT THE QUESTIONS THAT FOLLOW MUST IN NO WAY IMPACT UPON YOUR DECISION OF HIS GUILT OR INNOCENCE? YES NO UNSURE

98. DO YOU UNDERSTAND THAT THERE MAY NEVER BE A SECOND PHASE TO THIS TRIAL IN THIS CASE, AND THAT ASKING THESE QUESTIONS IS ONLY TO PREPARE FOR THAT POSSIBILITY?
 YES NO UNSURE

99. IF YOU DO NOT UNDERSTAND ALL OR PART OF QUESTIONS 84 – 88, PLEASE STATE WHAT YOU WOULD LIKE THE JUDGE TO CLARIFY FOR YOU:

100. WHICH ANSWER BEST DESCRIBES YOUR OPINION ABOUT THE DEATH PENALTY? (CHECK ONE)
 STRONGLY FAVOR SOMEWHAT FAVOR
 SOMEWHAT OPPOSE STRONGLY OPPOSE
 OTHER: _____

101. BRIEFLY DESCRIBE YOUR ATTITUDES, OPINIONS, AND BELIEFS CONCERNING CAPITAL PUNISHMENT (THE DEATH PENALTY):

102. HOW HAVE YOUR OPINIONS ABOUT THE DEATH PENALTY CHANGED OVER THE PAST FEW YEARS?
 MORE IN FAVOR LESS IN FAVOR NO CHANGE

103. HAVE YOU EVER DISCUSSED YOUR FEELINGS OR OPINIONS ABOUT THE DEATH PENALTY WITH ANYONE? YES NO
IF YES, WHAT DID YOU SAY?

104. DO YOU BELIEVE THERE ARE CERTAIN CRIMES FOR WHICH A PERSON CONVICTED OF COMMITTING THAT CRIME SHOULD ALWAYS RECEIVE THE DEATH PENALTY?
 YES NO IF YES, WHAT CRIMES?

105. WITH REFERENCE TO THE DEATH PENALTY, WHICH OF THE FOLLOWING STATEMENTS WOULD BEST REPRESENT YOUR OPINION: (CIRCLE THE APPROPRIATE NUMBER)

1. I BELIEVE THAT THE DEATH PENALTY IS THE APPROPRIATE FORM OF PUNISHMENT IN ALL MURDER CASES.
2. I BELIEVE THAT THE DEATH PENALTY IS THE APPROPRIATE FORM OF PUNISHMENT IN SOME MURDER CASES AND I COULD RETURN A VERDICT OF DEATH IF I BELIEVED IT WAS WARRANTED IN A PARTICULAR CASE, DEPENDING ON THE EVIDENCE, THE LAW, AND WHAT I LEARNED ABOUT THE DEFENDANT.
3. ALTHOUGH I DO NOT BELIEVE THAT THE DEATH PENALTY OUGHT TO BE IMPOSED, AS LONG AS THE LAW PROVIDES FOR IT, I COULD VOTE TO IMPOSE IT IF I BELIEVED IT WAS WARRANTED IN A PARTICULAR CASE, DEPENDING ON THE EVIDENCE, THE LAW, AND WHAT I LEARNED ABOUT THE DEFENDANT
4. I BELIEVE THAT THE DEATH PENALTY IS THE APPROPRIATE FORM OF PUNISHMENT IN SOME CASES, BUT I COULD NOT RETURN A VERDICT OF DEATH.
5. I COULD NEVER, UNDER ANY CIRCUMSTANCES, RETURN A VERDICT OF DEATH.
6. NONE OF THE ABOVE. MY OPINION IS: _____

106. DO YOU BELIEVE THAT A SENTENCE OF **LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE** CAN BE A SEVERE ENOUGH PUNISHMENT FOR SOMEONE CONVICTED OF INTENTIONAL MURDER? [] YES [] NO [] UNSURE WHY OR WHY NOT?

107. DO YOU BELIEVE THAT A SENTENCE OF **LIFE IMPRISONMENT** CAN BE A SEVERE ENOUGH PUNISHMENT FOR SOMEONE CONVICTED OF INTENTIONAL MURDER? [] YES [] NO [] UNSURE WHY OR WHY NOT?

108. DO YOU BELIEVE THAT A LIFE SENTENCE CAN BE SEVERE ENOUGH PUNISHMENT FOR A PERSON CONVICTED OF THE DELIBERATE KILLING OF A POLICE OFFICER?
 YES NO UNSURE WHY OR WHY NOT?

109. DO YOU THINK THAT JURIES SENTENCE DEFENDANTS TO DEATH:
 TOO OFTEN TOO SELDOM ABOUT RIGHT

110. DO YOU THINK THAT THE DEATH PENALTY IS CARRIED OUT:
 TOO OFTEN TOO SELDOM ABOUT RIGHT

111. DO YOU THINK THAT THE CRIMINAL JUSTICE SYSTEM IS:
 TOO STRICT TOO LENIENT ABOUT RIGHT

112. HAVE YOU, ANY MEMBER OF YOUR IMMEDIATE FAMILY OR CLOSE FRIEND EVER BELONGED TO A GROUP OR ORGANIZATION THAT IS EITHER IN FAVOR OR OPPOSED TO THE DEATH PENALTY? YES NO

113. HAVE YOU, ANY FAMILY MEMBER OR CLOSE FRIEND ATTENDED A RALLY, HANDED OUT LEAFLETS, SIGNED PETITIONS, LOBBIED LEGISLATORS, CAMPAIGNED ON THE ISSUE OF THE DEATH PENALTY, ATTENDED ANY PART OF A DEATH PENALTY TRIAL, OR TRAVELED TO THE SITE OF AN EXECUTION? YES NO

IF YOU CHECKED YES TO EITHER OF THE ABOVE, PLEASE BRIEFLY EXPLAIN:

114. IS THERE ANYTHING ELSE YOU KNOW OR HAVE HEARD ABOUT THIS CASE, OR ANY RELATED EXPERIENCE YOU HAVE HAD THAT YOU SHOULD BRING TO THE COURT'S ATTENTION?
 YES NO IF YES, PLEASE EXPLAIN:

115. IT IS NOT UNUSUAL FOR PEOPLE TO DISCUSS THEIR UPCOMING JURY SERVICE WITH OTHERS. HAVE YOU DISCUSSED YOU POTENTIAL SERVICE AS A JUROR IN THIS CASE WITH FAMILY, FRIENDS, OR CO-WORKERS? YES NO

PLEASE EXPLAIN: _____

116. HAVE YOU VISITED ANY WEB SITES WHICH MAY HAVE CONTAINED INFORMATION PERTAINING TO THIS CASE? YES NO

IF YES, PLEASE EXPLAIN: _____

117. IF YOU ARE SELECTED AS A JUROR IN THIS CASE, WOULD YOU BE CONCERNED ABOUT REACTIONS TO YOUR VERDICT BY FAMILY, FRIENDS, CO-WORKERS, OR THE MEDIA?
 YES NO UNSURE

IF YES, PLEASE EXPLAIN: _____

118. IS THERE ANYTHING ELSE GOING ON IN YOUR LIFE OR WORK THAT WOULD PREVENT YOU FROM GIVING THIS CASE YOUR FULL ATTENTION OR PREVENT YOU FROM BEING SEQUESTERED DURING THE TRIAL? YES NO UNSURE

PLEASE EXPLAIN:

119. DO YOU HAVE ANY MEDICAL CONDITIONS, HEALTH PROBLEMS, OR SPECIAL NEEDS THAT MIGHT INTERFERE WITH YOUR ABILITY TO SIT FOR LONG PERIODS OF TIME OR PAY ATTENTION TO THE TRIAL?

YES NO

IF YES, PLEASE DESCRIBE: _____

120. IS THERE ANY OTHER INFORMATION THAT YOU FEEL MIGHT BE IMPORTANT FOR THE COURT AND ATTORNEYS TO KNOW ABOUT YOU? YES NO

IF YES, PLEASE ELUCIDATE: _____

121. THE FOLLOWING PERSONS MAY BE INVOLVED IN THE TRIAL OF THIS CASE. PLEASE CHECK ANYONE WHOM YOU MAY BE ACQUAINTED WITH OR KNOW.

WITNESS

WITNESS

WITNESS, ETC.

Appendix C

Juror Questionnaire Outline

- I. Basic Demographics
 - A. Name, address, rent/own, how long in area, how long at address
 - B. Marital status, Spouse's employer, former employer, job description
 - C. Children: grid: gender, ages, occupations/year in school, residence
 - D. Mother and father's occupations

- II. Juror's Employment
 - A. Juror's employer
 - B. Primary wage earner, overtime, hourly or salaried
 - C. Job Description
 - D. Grid of juror's former employment: employer, job description, dates
 - E. Supervision of others

- III. Juror's Education
 - A. Elementary/high school
 - B. College, Post graduate. Technical school, certifications
 - C. Grid: educational institution, major, degree or certificate

- III. Civic Involvement
 - A. Military experience: Branch, OS, where stationed, dates, court martial
 - B. Church: name of, activities, positions held
 - C. Organizations: grid: name of organization, who is a member
 - D. Spare time activities
 - E. Registered to vote
 - F. Political affiliation
 - G. Jury Service
 - H. Attitudinal #1: Person most influenced your life and why
 - I. Pending case

- IV. Experience with Legal System
 - A. Studied Law
 - B. Know prosecution
 - C. Used services of prosecution
 - D. Know defense attorneys
 - E. Used services of defense attorneys
 - F. Attitudinal #2: Opinion of prosecutors
 - G. Attitudinal #3: Opinion of defense attorneys

- V. Victim Experience
 - A. Life Threatening Situation
 - B. Victim of a crime
 - C. Witness
 - D. Convicted
 - E. Victim Web sites
 - F. Victim support groups

- VI. Law Enforcement
 - A. Law enforcement volunteer
 - B. Law enforcement: employment, training, support groups
 - C. Jail or prison guard: know, worked as
 - D. Security guard: know, worked as

- VII. Firearms
 - A. Training
 - B. Own, types of firearms, why own
 - C. NRA, gun clubs, etc.

- VIII. Introduction to Media Questions

- IX. General Media Exposure
 - A. Main sources of news
 - B. Newspapers: names of papers, sections, letter to editor
 - C. TV: stations, three favorite shows
 - D. Radio: stations, favorite shows
 - E. Attention paid to criminal cases
 - F. Court TV et. al.
 - G. Cops et. al.
 - H. Attitudinal #4: Fear of crime in your area

- VIII. Introduction to Case Publicity

- IX. Case Publicity
 - A. Heard officer's name
 - B. Know anyone at the City police department
 - C. Heard defendant's name
 - D. Know anyone at his school
 - E. What heard about defendant
 - F. Sources of information about this case
 - G. Conversations about this case

- X. Attitudes about this Case
 - A. Formed an opinion
 - B. Check one: re: guilt
 - C. Check one: re: punishment
 - D. Unpleasant experience re: race

- XI. Forensics
 - A. Education or training: inventory checklist
 - B. View blood, wounds, etc.
 - C. Bloody pictures of officer, woman
 - D. Attitudinal #5: probably guilty, probably not guilty

- XII. Mental Health
 - A. Mental health counseling: self and others
 - B. Attitudinal #6: Such a thing as Mental Illness
 - C. Mental Illness run in families
 - D. View psychiatrists and psychologists as experts
 - E. Known anyone with psychiatric disorder
 - F. Known anyone who has taken psych meds
 - G. Standardized psych tests/evals
 - H. Rough or dangerous environment
 - I. Negative experience with psychiatrist or psychologist

- XIII. Death Penalty Intro

- XIV. Death Penalty Questions
 - A. Open to all three punishments
 - B. Defendant maintains innocence / open mind
 - C. Following questions have no impact on guilt or innocence
 - D. May never be a second phase
 - E. Tell judge what need explained
 - F. Opinion re: DP
 - G. Describe DP attitudes
 - H. How have opinions changed
 - I. Discuss DP with others
 - J. Attitudinal #7: Crimes that always should get DP
 - K. Attitudinals #8-14: Death Penalty Attitudinals
 - 1. Checklist of statements
 - 2. LWOP severe enough sentence
 - 3. LS severe enough
 - 4. LS for killing a police officer
 - 5. Juries sentence to death: too often/seldom...
 - 6. DP carried out: too often/seldom...
 - 7. CJS: too lenient, strict, ...
 - L. DP organizations, meetings, rallies

- XV. Final Questions
- A. Anything else need to tell court
 - B. Discuss jury service with others
 - C. Visit web sites re: case
 - D. Concern about reaction from co-workers, family, media
 - E. Anything prevent giving full attention
 - F. Medical / health conditions
 - G. Anything else need to know about you

XVI. Witness list

XVII. Judge's Admonishment, Juror Oath/Affirmation

Appendix D

SJQ Introduction (Written on Judge's Letterhead)

TO PROSPECTIVE JURORS

YOU HAVE BEEN SELECTED AS A POTENTIAL JUROR IN THE CASE OF STATE V. DEFENDANT. THIS QUESTIONNAIRE IS DESIGNED TO OBTAIN INFORMATION FROM YOU WITH RESPECT TO YOUR QUALIFICATIONS TO SIT AS A JUROR IN THIS CASE. WE ANTICIPATE THAT USE OF THE QUESTIONNAIRE WILL SIGNIFICANTLY SHORTEN YOUR TIME IN THE JURY SELECTION PROCESS.

MAKE YOUR ANSWERS TO THE FOLLOWING QUESTIONS AS FULL AND COMPLETE AS POSSIBLE. DURING THE QUESTIONING BY THE ATTORNEYS, YOU WILL BE GIVEN AN OPPORTUNITY TO EXPLAIN OR EXPAND UPON ANY ANSWERS IN THE QUESTIONNAIRE.

PLEASE WRITE THE WORD PRIVATE NEXT TO ANY QUESTION THAT YOU WOULD LIKE TO ANSWER PRIVATELY.

BECAUSE THE QUESTIONNAIRE IS PART OF THE JURY SELECTION PROCESS, YOU MUST ANSWER THE QUESTIONS BY YOURSELF WITHOUT CONSULTING ANY OTHER PERSON. IF YOU NEED ASSISTANCE TO FILL OUT THE QUESTIONNAIRE, PLEASE TELL THE JURY CLERK OR COURT OFFICERS.

IF YOU WISH TO MAKE FURTHER COMMENTS REGARDING ANY OF YOUR ANSWERS, USE THE PAGE AT THE END OF THE QUESTIONNAIRE ENTITLED ADDITIONAL RESPONSES. PLEASE INDICATE THE NUMBER OF THE QUESTION THAT YOU ARE CONTINUING TO ANSWER ALONG WITH YOUR RESPONSE.

IF YOU DO NOT UNDERSTAND A QUESTION, PLEASE WRITE "I DO NOT UNDERSTAND" NEXT TO THE QUESTION, AND THE QUESTION WILL BE EXPLAINED TO YOU BY THE COURT.

**THERE ARE NO RIGHT OR WRONG ANSWERS
TO THESE QUESTIONS – ONLY HONEST ONES**

Appendix E

**Judge's Admonishment
Juror's Oath or Affirmation**

COURT'S ADMONITIONS TO PROSPECTIVE JURORS

1. You are not to communicate with other jurors or anyone else – whether orally, in writing, by electronic communication or any other means - regarding any subject connected with the trial, nor to form or express any opinion thereon until the case is finally submitted to the jury.
2. You are to report promptly to the Court any incident involving an attempt by any person to improperly influence any member of the jury or a violation by any juror of any of the Court's admonitions, and
3. You are not to read, listen to, or view any news reports concerning the case. Further, you are not to research past reports of the case or of any of the individuals involved in the case over the Internet or by other means. The case must be decided solely and alone upon the evidence introduced upon the trial.

JUROR'S OATH OR AFFIRMATION

I, the undersigned, hereby make oath or affirmation that I will well and truly answer such questions as may be asked regarding my competency as a juror, and that I have read and understand the Court's Admonitions to Prospective Jurors listed above, and will conduct myself accordingly, so help me God.

Signature of Juror: _____

Date: _____

Appendix F

SJQ Cover Sheet

JUROR SUMMARY SHEET

Juror ID Number: _____

Rating: _____

Juror Name: _____

Disposition: _____

Priority Areas: _____

BASIC DEMOGRAPHICS	EMPLOYMENT STATUS / EDUCATION	ORGANIZATIONS/RELIGION/HOBBIES
Race Gender Age In City: Spouse: Mom: Dad:	Q15-19: Q21-23:	Q25-27: Q30:
VOTE/INFLUENCE/JURY/LAW	LE CONTACTS/VOFC/WITNESS	LTS/VICTIMS/PENDING CASE/GUNS
Q31: Q32: Q33:	Q35-37:	Q50-52:
MEDIA	CASE PUBLICITY	RACE/EXPERT AREAS/PIX
Q53: Q54-56: Q58: Q59: Q60: Q61: Court TV: Q62: Cops:	Q63-64: Q65-70: : Q71: Q72:	Q74: Q75-76: Q77: Q78:
MENTAL HEALTH	MENTAL HEALTH	DP OPINIONS
Q79: Q80: Q81: Q82: Q83:	Q84-87:	Q88 Q89: Q90: Q91: Q92: Q93: Q94:
DP DISCUSS, APPROP. SENTENCE	DP ATTITUDINALS	REACTIONS/ ANYTHING ELSE
Q95: Q96: Q97: Q98: Q99: Q100: Q101:	Q102: DP sentence: Q103: Carried out: Q104: CJS: Q105:	Q107: Q108: Q109: Q110: