



New Jersey Courts

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# Supporting Juror Impartiality

November 10 and 12, 2021

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# Background

As part of this Judicial Conference, the Court welcomes feedback on the use of the Juror Impartiality Video, as well as the new voir dire questions and enhancements to the model jury charges.

This Conference provides an opportunity for discussion as to the timing of implementation and assessment of these new multifaceted initiatives to educate jurors about implicit bias and to support them in performing their critical function.

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# Background

“The Court through its standing committees, including the Committee on Jury Selection in Civil and Criminal Trials, the Committees on Model Jury Charges, and the Committee on Diversity, Inclusion, and Community Engagement, long has been committed to supporting juror impartiality, including through comprehensive juror orientation, statewide model voir dire questions, and detailed jury charges, as well as through implementation of protocols designed to facilitate fair and unbiased processes.”

Notice to the Bar – Supporting Juror Impartiality By Addressing Implicit Bias,  
February 2, 2021

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# Background

“To complement the ongoing work of its committees, the Court in 2019 established an internal Working Group on Juror Impartiality (“Working Group”) to focus on practical steps that can be implemented to improve fairness in the jury selection and deliberation process.”

Notice to the Bar – Supporting Juror Impartiality By Addressing Implicit Bias,  
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# Juror Impartiality Orientation Video



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# Juror Impartiality Orientation Video

- The New Jersey Judiciary acknowledges with appreciation the permission provided by the Clerk of the U.S. District Court for the Western District of Washington to use narrative excerpts of the District's juror impartiality video.
- As compared to the Washington model, the proposed New Jersey video is briefer and developed using animation rather than live speakers. It is designed to integrate diversity orientation, including as to race, ethnicity, gender, age, ability, religion, and national origin.

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# Model Jury Charge Enhancements

Excerpt from Preliminary Instructions to the Jury:

**Every one of us makes implicit or unconscious associations and assumptions and has biases of which we are not consciously aware. Implicit or unconscious thinking, including implicit bias, affects what we see and hear, how we remember what we see and hear, and how we make decisions. Jurors have an obligation to judge the facts and apply the law as instructed without bias, prejudice, or partiality. To do so, jurors need to acknowledge their own implicit or unconscious biases so as to not be affected by them during the trial and jury deliberations.**

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# Voir Dire Questions

Question 1: In the juror orientation video and my introductory remarks, the concept of implicit bias was defined and discussed. Do you think you will be able to decide the case fairly and impartially and to be mindful of the potential effects of any biases you may have -- explicit or implicit? Please explain.



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# Voir Dire Questions

Question 2: Some of the witnesses, parties, lawyers, jurors, or other people involved with this case may have personal characteristics (such as their race, ethnicity, or religion) or backgrounds different from yours, or they may be similar to yours. Would those differences or similarities make it difficult for you to decide this case impartially based solely on the evidence and the law? Please explain.

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# Model Jury Charge Enhancements

Excerpt from Instructions After Jury is Sworn:

**The responsibility of all jurors is to reach a fair verdict based on the law as the judge explains it and on the evidence in the case. The court's goal in every jury trial is to seat jurors who will decide the case before them without prejudice or bias because under our Constitution everyone deserves a fair trial. Jurors fulfill this responsibility by remaining impartial, or neutral, until the jury reaches a verdict. Remaining impartial throughout the trial means ensuring that jurors are not guided or influenced by biases or any preconceived ideas about the case.**

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# Model Jury Charge Enhancements

Excerpt from Final Instructions to the Jury:

As jurors, it is your duty to weigh the evidence calmly and without passion, prejudice or sympathy. Any influence caused by these emotions has the potential to deprive both the State and the defendant(s) of what you promised them -- a fair and impartial trial by fair and impartial jurors. Also, speculation, conjecture and other forms of guessing play no role in the performance of your duty. **As jurors, your oath requires that you not be affected or influenced by any personal likes or dislikes, opinions, prejudices, sympathy, or biases, including implicit, or unconscious, bias. During your deliberations if you think unconscious bias is affecting your evaluation, think about the evidence again with the video and this instruction in mind.**

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# Interlocking Supports

1. New Juror Impartiality Video -- shown at orientation, in addition to the standard "You the Juror" video
2. New Questions on Implicit Bias -- additional questions posed during voir dire
3. Enhancements to Model Jury Charges -- minimally, (a) preliminary instructions to the jury; (b) instructions when the jury is sworn; and (c) final instructions to the jury

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# Interlocking Supports

Efforts to educate jurors about implicit bias -- and to support them in fulfilling their critical role in the administration of justice -- will be ongoing.

The Court welcomes ongoing feedback from all stakeholders regarding these critical initiatives.

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# Questions and Discussion

Moderator: Hon. Hany A. Mawla, J.A.D.

Panelists: Hon. Edward McBride, Jr., P.J.Cr.  
Hon. Camelia M. Valdes, Passaic Prosecutor

