

**NEW YORK STATE BAR ASSOCIATION  
Ad Hoc Committee on the Jury System**

**VOIR DIRE IN CIVIL AND CRIMINAL CASES**

**December 1999**

The Committee is solely responsible for the contents of this report and the recommendations contained herein. Unless and until adopted in whole or in part by the Executive Committee or House Delegates of the New York State Bar Association, no part of this report should be attributed to the Association.



# **REPORT OF THE AD HOC COMMITTEE ON THE JURY SYSTEM OF THE NEW YORK STATE BAR ASSOCIATION**

## **Voir Dire in Civil and Criminal Cases**

**December 1999**

In this past decade, the jury system has been the focus of numerous initiatives to improve the functioning of the process and the understanding of the public. These resulting actions have involved all aspects relating to jury service - from development of source lists to deliberations. This particular report of the Ad Hoc Committee on the Jury System reviews the impact of the changes in the voir dire for civil and criminal matters, notably concerning the adequacy of time available and procedures for questioning prospective jurors. To go beyond the anecdotal, the Committee undertook surveys of attorneys to learn about their jury selection experience with the reform measures in both types of cases.

### **JURY REFORM INITIATIVES**

In 1993, the Chief Judge created a Jury Project with the stated objectives of obtaining "jury pools that are truly representative of the community; a jury system that operates efficiently and effectively; and jury service that is a positive experience for the citizens who are summoned to serve."<sup>1</sup> Also in 1993, the New York State Bar Association established the Ad Hoc Committee on the Jury System to examine means of improving the effectiveness and efficiency of the jury system. The Ad Hoc Committee was active in providing input throughout the development of the Jury Project report and commenting on the Project proposals, as well as on the court rules, legislation and pilot projects emanating from those recommendations. The Committee's perspectives were contained in a series of reports endorsed by the Executive Committee and House of Delegates.

A common thread throughout the Association reports was the call to consider and craft solutions that reflect the diversity in conditions of the state's courts.<sup>2</sup> Also emphasized in the various reports was the importance of the voir dire and involvement of lawyers in the selection process. As stated in the 1993 House resolution concerning civil litigation:

An overwhelming majority of trial lawyers in this state firmly believes that lawyer administered voir dire provides the fairest trial system and that it does not slow the trial process. Because these lawyers put such a very high value on lawyer-administered voir dire and believe that it is such an important element in the jury trial system, any proposal to alter lawyer-administered voir dire requires the most careful analysis and consideration.<sup>3</sup>

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<sup>1</sup> The Jury Project Report to the Chief Judge of the State of New York (March 31, 1994) at i.

<sup>2</sup> Reports to the House of Delegates, adopted November 6, 1993; June 25, 1994; and November 4, 1995.

<sup>3</sup> Resolution of the House of Delegates, November 6, 1993 at (E).

Pilot projects were conducted by the Court System regarding the use of settlement conferences, methods of selection, degree of supervision, time limits on attorney questions, and use of nondesignated alternates in civil matters.

In 1996, new court rules were instituted for civil cases, requiring the judge to open the voir dire, but giving the judge discretion to determine the degree of judicial involvement beyond that point, continue supervision or set time limits on questioning. These provisions also require a settlement conference before the voir dire and use of a recognized selection method - White's Rule, Struck, or, if authorized, Strike and Replace.<sup>4</sup> The Ad Hoc Committee and the House endorsed the rules as a workable balance as providing opportunity for judicial discretion in considering the complexion of the case.<sup>5</sup> Statewide, the length of voir dire has been reduced an average of 30 percent between 1995 and 1997, according to the Court System's Jury Project - Second Report.

## **CURRENT CONDITIONS AND CONCERNS**

In discussions among attorneys in both civil and criminal matters, concerns have been raised about the imposition of restrictions on the length of time available to question jurors and the resulting inability to discern jurors' attitudes because of these limitations.

To assist in assessing the conditions in the questioning portion of voir dire, the Committee partnered with the Trial Lawyers Section and the Committee on Tort Reparations to survey the members of these entities regarding their experience and views on the degree of supervision and time restrictions, opportunity to use consent challenges, and related procedures. A similar survey of prosecutors and defense counsel was conducted in conjunction with the Criminal Justice Section.

### **I. SURVEY FINDINGS: CIVIL CASES**

The survey generated a significant response of 10.9%, with 390 attorneys completing the questionnaire. The responses were generally balanced in experience in representing plaintiffs and defense. Slightly more than half (50.4%) serve as defense counsel; almost half (43.2%) represent plaintiffs, and another 5.4% counsel both plaintiffs and defendants. Especially helpful given the diversity of the state, the survey heard from attorneys in urban, suburban and rural areas throughout the state, who select juries in all judicial districts and 52 of the state's 62 counties.

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<sup>4</sup> 22 NYCRR Section 202.33, effective January 1, 1996.

<sup>5</sup> Motion of the House of Delegates, November 4, 1995.

In the past two years, approximately one-third selected 1-5 juries; one-third, 5-10; and another third more than 10. Respondents reported experiences with respect to a variety of cases, with some handling matters in more than one type of case. The overwhelming majority (80%) indicated that they selected the juries in personal injury matters. Slightly more than one quarter (26.4%) handled medical malpractice matters, followed by general civil cases (16.4%), products liability (15.1%), and contract (7.4%). A copy of the questionnaire and a compilation of the responses appear as Appendix A. Respondents also provided general comments. A sampling of these observations is provided in this report.

**Selection Method:** White's Rules was the most frequently used selection method, reported in more than half (57.4%) of the responses. Strike and Replace and Struck were reported used by 21.8% and 15.6% of attorneys, respectively.

**Supervision:** The court rules implemented in 1996 provide that the trial judge "shall preside at the commencement of the voir dire and open the voir dire proceeding. The trial judge shall determine whether supervision of the voir dire should continue after the voir dire has commenced and, in his or her discretion, preside over part of or all of the remainder of the voir dire."<sup>6</sup>

In response to the Committee survey, slightly more than half (54%) reported generally no supervision during the voir dire, while almost half (45.8%) reported supervision to some degree, ranging from full presence to periodic monitoring. When supervision occurred, slightly more than half (50.3%) reported voir dire conducted by a Judicial Hearing Officer (JHO); another third (33.5%) said that a judge performed this function; and 10.6% advised that someone else, such as a clerk, served in that capacity.

## TIME RESTRICTIONS

Under the court rules, "the trial judge shall establish time limitations for the questioning of prospective jurors during the voir dire. At the discretion of the judge, the limit established may consist of a general period for the completion of questioning, a period after which attorneys shall report back to the judge on the progress of the voir dire, and/or specific time periods for the questioning of panels of jurors or individual jurors."<sup>7</sup>

Almost half of the Committee survey respondents (41.3%) reported that time restrictions were placed on counsel for the majority of their cases. This most frequently occurred in when the voir dire was supervised to some degree. Of those reporting some supervision, almost three-quarters (71.4%) indicated that time was restricted. These percentages were reversed for those with relatively little supervision. Only slightly more than one quarter of those with unsupervised voir dire (28.6%) advised that time limits were imposed. Of those with supervision and time restrictions, respondents indicated that the limits were most often applied by a JHO (63.5%), while less than one-quarter (23.5%) advised that a judge placed time restrictions on the selection process.

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<sup>6</sup> *Supra*, Note 3 at (e).

<sup>7</sup> *Supra*, Note 3 at (d).

As to time restrictions on the various rounds, almost two-thirds (61.5%) of those with time limits reported that the length changed from round to round. For those responding that the time restrictions for the rounds changed, most (41.8%) said that a reduction of 25%-50% was made and more than one-quarter (27.6%) noted a decrease by 50%-75%.

Responses regarding the adequacy of time allocated for jury selection differed significantly for those who did and did not encounter restrictions on the selection time. Of those with limits, 59% contended that time was inadequate while only 12.7% with relatively few limits raised such concerns. Commented one attorney with supervision by a judicial hearing officer and time limits, "The time restraints placed on jury selection made it impossible to address each juror satisfactorily. You cannot evaluate jurors by spending an approximate 1.5 minutes per juror."

Also significantly but with less of a difference, more attorneys with supervision found the time allocation to be inadequate (42.5%), than those with no supervision (23.2%). Requests for additional time were made by most of those who did not believe that the time allowed was sufficient.

A number of respondents urged that limits be applied when abuse occurs but not be set as a matter of course. An attorney without supervision and with relatively few time limits observed, "Most attorneys do very well in restricting their own time as most do not have a lot of time to waste and in cases where we have heard time restrictions are placed by the court, the justices and attorneys become somewhat adversarial, which is not conducive." That sentiment was echoed by an attorney who had supervision but virtually no time restrictions: "The court can best serve the party who legitimately works to select a jury, by allowing him or her the time needed. The judges should limit attorneys who are creating unnecessary delay by spurious questions and tactics."

Noting the impact of restrictions on the decision to use peremptory challenges, a defense counsel said: "What is normally sacrificed in the face of strict time limit is the opportunity to learn more about the individual jurors, their biases, their experiences, their personalities - all the subtle factors that help counsel make intelligent 'guesses' in the exercise of their peremptory challenges."

### **Recommendations: Adequate Time Needed**

In weighing possible approaches to address this problem, the Committee rejects a "one size fits all" answer. It also does not embrace minimum time limits out of concern that such levels could become the standard rather than a starting point.

Instead, the Committee favors retention of judicial discretion and calls for a re-emphasis of the need for adequate time and for the court to be flexible in considering the length of the questioning based on the nature and dynamics of the case. The Committee also urges, as a key element in this process, discussion by the judge with counsel regarding the complexity of the matter, the length of time expected to be necessary and consideration of the type of selection method to be used in the case. The Committee recommends that the decision should be made through a collaborative review of what would constitute a reasonable length of time, given the particulars of a case.

Committee members and survey respondents cite positive examples of judges who raise these issues with counsel in conferences and those who give a general timeframe, such as directing attorneys to complete selection in a day and advise the judge if problems arise.

## **CONSENT CHALLENGES**

Civil Practice Law and Rules 4108 provides in pertinent part that "an objection to the qualifications of a juror must be made by a challenge unless the parties stipulate to excuse him." The report of the Chief Judge's Committee of Lawyers to Enhance the Jury Process noted that the New York County Administrative Judge advised civil branch judges by memorandum that consent challenges should apply only to unsupervised voir dire.<sup>8</sup> That Committee called for the elimination of consent challenges, contending that excusal on consent extends the duration of the voir dire and serves to increase the number of peremptory challenges.<sup>9</sup>

Survey respondents reported situations where consent challenges were refused by the court and instances when the JHO sought to revive the participation of jurors challenged by counsel on consent. More than one-third (35.4%) encountered refusals of consent challenges. Experience was more evenly divided among those with some degree of supervision with 48.6% reporting refusals and 46.4% not receiving refusals. Of those with relatively little supervision, only one-quarter of the respondents (24.2%) had challenges refused.

Observed one attorney, "I think jurors are most unsatisfied with the uncertainty of the selection process, and not the amount of time attorneys spend questioning them. It's the time spent on the juror who was the subject of the consent challenge and wasting time doing nothing that annoys them the most." Commented another, "Jury selection moves quicker when you can consent and let the jurors go. Also less painful for jurors."

### **Recommendations: Retain Use of Consent Challenges**

The Committee believes that consent challenges can promote efficiency, especially in light of the trend toward tighter time restrictions on attorney questions, and urges the continuation of statutorily provided challenges on consent. Situations of abuse should be dealt with individually, rather than curtailing this opportunity. Additional training of judicial hearing officers is suggested regarding application of the statute.

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<sup>8</sup> Report to the Chief Judge and Chief Administrative Judge (January 1999) at 33.

<sup>9</sup> *Id.* at 34.

## **PEREMPTORY CHALLENGES**

Pursuing a recommendation from the Chief Judge's Jury Project, the Court System successfully obtained legislation, effective October 24, 1996, that reduced the number of peremptory challenges from three per party to three per side and from one additional challenge for each alternate to one for every two alternates. Judges have discretion, under the statute, to grant an equal number of additional challenges to both sides as appropriate and, when a side has two or more parties, to allocate that side's combined total of peremptories among those parties as appropriate.<sup>10</sup> It is estimated that half of the civil cases proceeding to trial involve more than two parties.<sup>11</sup>

The Ad Hoc Committee on the Jury System opposed this reduction when proposed in 1994, finding no evidence that use of the peremptories was excessive or extraordinarily time-consuming. Additionally, the Committee observed, "The reduction sought ignores the possibility that the interests on one 'side' may not be unified in interest although they would be required to share peremptories."<sup>12</sup> The House of Delegates agreed with the Committee.

Responses to the Committee survey continue to raise concern about the effect of the change from a per-party to a per-side approach, particularly when multiple parties on a side have divergent interests. Attorneys cited the value of judges talking with counsel about the dynamics and complexities of the case and utilizing discretion in setting voir dire parameters, taking into consideration such factors as conflicting interests in multiple-party cases. One attorney reported that "all defendants have cross-claims and adverse interests" and urged the Association to take further action to "urgently lobby the Senate, Assembly to change to old system."

### **Recommendations: Consider Multiple Interests in Granting Peremptories**

In cases involving multiple parties on a side that have different interests, the Committee urges judges to utilize their statutory discretion to consider granting additional peremptory challenges and allocating the side's total number of peremptories among the parties as appropriate.

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<sup>10</sup> CPLR 4109.

<sup>11</sup> Second report of the Unified Court System on Jury Project.

<sup>12</sup> Report to the House of Delegates on the Jury Project Committee Report (June 25, 1994), at 11.



## II. SURVEY FINDINGS: CRIMINAL MATTERS

In conjunction with the Criminal Justice Section, the Committee surveyed Section members regarding their experience in the voir dire with respect to questioning of prospective jurors by the bench and counsel, time allotments, and enforcement of restrictions. Appendix B presents a copy of the survey form and a compilation of the responses. Respondents also provided general comments. A sampling of these observations is provided in this report.

Similar to the survey on civil voir dire, the questionnaire drew a response exceeding 10% (10.7% or 143 respondents). Almost three-quarters (74.8%) served as defense counsel while 21% were prosecutors and the remainder (4.2%) are judges. With respect to the number of juries chosen in the past two years, almost half (49.6%) of those responding advised that they selected 1-5 juries; another 35%, 5-10, and almost 15%, 10 or more. Juries were selected in all 12 judicial districts, ranging from large urban to rural areas, and in 35 of the state's 62 counties.

Under Section 270.15 of the Criminal Procedure Law, judges have discretion to require jurors to complete questionnaires and also shall question them on their qualifications to serve. This section also provides that the court shall permit the parties to examine prospective jurors, affording them "a fair opportunity to question the prospective jurors as to any unexplored matter affecting their qualifications, but the court shall not permit questioning that is repetitious or irrelevant, or questions as to the juror's knowledge of rules of law." In instances of the latter, the judge has authority to examine jurors as to the issues. Further questioning by the bench is allowed once the parties conclude their examination.

### TIME RESTRICTIONS

Limitations on the time allotted for attorney questioning and enforcement procedures were sources of concern for many of those participating in the survey. A large majority (80.4%) reported use of time restrictions. The percentages were comparable for both defense counsel (78.5%) and prosecutors (86.7%).

The amount of time was seen as inadequate by 60.1% of respondents. Of those who experienced time limits, 71.7% expressed dissatisfaction; of attorneys with generally no restrictions, 20% felt the time was insufficient. The majority of defense counsel (68.2%) did not believe that time was adequate, while under half (43.3%) of prosecutors held this view.

"One minute per juror is completely inadequate in most cases," one defense attorney stated. Another commented that "the jury selection process with the so-called 15-minute rule is harmful to the fair administration of justice." Similarly, a prosecutor commented that "it is unreasonable to allow, in effect, 2-3 minutes to question each juror in the first round and less in successive rounds. Each juror and each panel is different, and uniform limitations just are not workable."

A defense attorney contended that "the amount of time should be flexible and counsel should be granted the opportunity to seek leave for expanded voir dire based upon the existence of stated criteria, e.g., complexity of case, number of witnesses, pretrial publicity, race, gender, etc." In fact, a number of respondents reported positive experience when the court consulted with counsel as to the dynamics and needs in the case and tailored procedures to those factors. For example, one prosecutor cited the practice of a judge in the pretrial conference in asking attorneys if they have any problems with planned time limits. A defense attorney described a voir dire where there were no specific time restraints but the judge directed counsel to move forward when questions became irrelevant. In light of the authority for judicial discretion to preclude irrelevant questioning, another defense attorney observed that judges "don't need time limits to maintain reasonable control over the process." If this problem arises, one judge reported taking counsel aside to discuss the matter and move questioning back to more germane points.

Respondents reported varying levels and means of enforcement of time restrictions on attorney questioning, from a when-problems-arise approach, to asking attorneys to complete the query on that issue, to signaling the need to finish by appearing in the room, to abruptly curtailing a question.

**Questionnaires, Questions From the Bench:** For the most part, the use of a questionnaire and questioning by the court to obtain basic information about prospective jurors were seen as time-savers for the bench and bar. A prosecutor observed, "Judges also differ greatly on their own questioning. The more basic information covered by the judge, the less time is wasted from my allocated time."

### **Recommendations: Provide Adequate Time Tailored to Case**

The Committee favors the use of questionnaires and questions from the bench to glean basic information as a means of aiding in efficiency. The input of attorneys in proposing items to be raised in the questionnaire and in judicial questioning also assists in streamlining the attorneys' examination of jurors by eliminating the need for attorneys to cover certain basic issues. The Committee urges judges to incorporate attorneys' suggestions into their questionnaires and questioning.

In addition, as in the recommendations on civil voir dire, the Committee sees the need for renewed focus on providing sufficient time for counsel to question jurors and for the court to consider the complexity of the matter and nature of the case in allotting time for the voir dire.

As to moving the voir dire forward when necessary, the Committee encourages judges to utilize reminders to counsel ("you asked me to remind you of the time...") rather than make directives or suddenly cut off questions, absent abuse. Such an approach helps avoid the problem identified by one attorney who commented, "Who wants to risk antagonizing the judge and/or have the jurors hear you getting admonished?"

## CONCLUSION

In responding to the Committee's survey, one attorney observed, "I am sympathetic that there are many cases and few judges, but I fail to see how rushed jury selection does anything but deny justice to those who need it most."

The voir dire, as described by many of the respondents to the survey, is a critical stage in a jury trial. In both civil and criminal matters, the Committee calls on the courts to consider the needs and elements in particular cases and to structure the voir dire accordingly, in consultation with counsel. This collaborative approach in effective allocation of time at this point in the proceedings can promote both efficiency and, most importantly, do justice to the entire trial. The Committee respondents reported examples of cases where the bench and bar work in cooperation to craft a voir dire that meets these needs. We commend and urge renewed emphasis and use of these approaches throughout our courts.

### **Ad Hoc Committee on the Jury System**

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## **APPENDIX A**



**NEW YORK STATE BAR ASSOCIATION**  
**Ad Hoc Committee on the Jury System**  
**Co-sponsored by Trial Lawyers Section and Committee on Tort Reparations**  
**JURY SELECTION SURVEY - ATTORNEYS' QUESTIONNAIRE**

1. How many juries have you selected in the past two years?  
1-5 ☐      5-10 ☐      10-15 ☐      more than 15 ☐
2. What was the nature of the cases?  
General Civil ☐      Personal Injury ☐      Contract ☐  
Medical Malpractice ☐      Products Liability ☐
3. Please indicate which party you generally represent:  
Defendants ☐      Plaintiffs ☐
4. In what county did you select most of your juries? \_\_\_\_\_
5. What method of jury selection was used in that county in the majority of your cases?  
Strike and Replace ☐      Struck ☐      White's Rules ☐  
Other ☐ (please describe) \_\_\_\_\_
6. a. In civil cases, was your jury selection supervised? Yes ☐      No ☐  
b. If supervised, to what degree? Judge/Justice present ☐      JHO present ☐  
Other ☐ \_\_\_\_\_
7. In the majority of your cases were time restrictions placed upon counsel?  
Yes ☐      No ☐
8. Describe the typical time restrictions placed on counsel during jury selection?  
\_\_\_\_\_  
\_\_\_\_\_
9. How were the time restrictions enforced? \_\_\_\_\_  
\_\_\_\_\_
10. What was the time permitted for jury selection?  
a. For you: Most amount of time \_\_\_\_\_ Least: \_\_\_\_\_  
b. For your adversary including multiple parties: Most \_\_\_\_\_ Least \_\_\_\_\_  
\_\_\_\_\_
11. Did the time restrictions change from round to round in jury selection? Yes ☐      No ☐
12. If yes, as a percentage how much was your time reduced in subsequent rounds?  
25% or less ☐      25%-50% ☐      50%-75% ☐      Other ☐
13. a. Have Judges/JHOs refused consent challenges to jurors in your cases?  
Yes ☐      No ☐  
If so, please provide the number of times that has happened: \_\_\_\_\_  
b. Were you permitted to explore equivocal answers raised during your adversary's questions? Yes ☐      No ☐
14. a. Did you feel that the amount of time allocated was generally sufficient?  
Yes ☐      No ☐ \_\_\_\_\_  
b. If not, did you request more time? Yes ☐      No ☐ \_\_\_\_\_
15. Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





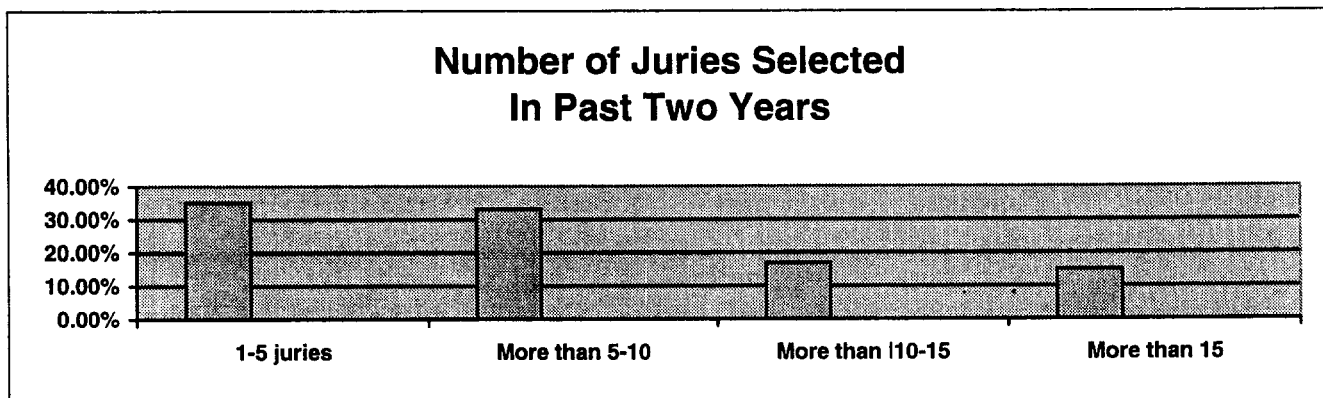
**NEW YORK STATE BAR ASSOCIATION**  
**Ad Hoc Committee on the Jury System**  
**Co-sponsored by Committee on Tort Reparations**  
**and Trial Lawyers Section**

**RESPONSES**  
**Attorney Survey on Jury Selection in Civil Cases**

Total mailings: 3,595  
Total responses: 390 (10.9%)

**1) How many juries have you selected in the past two years?**

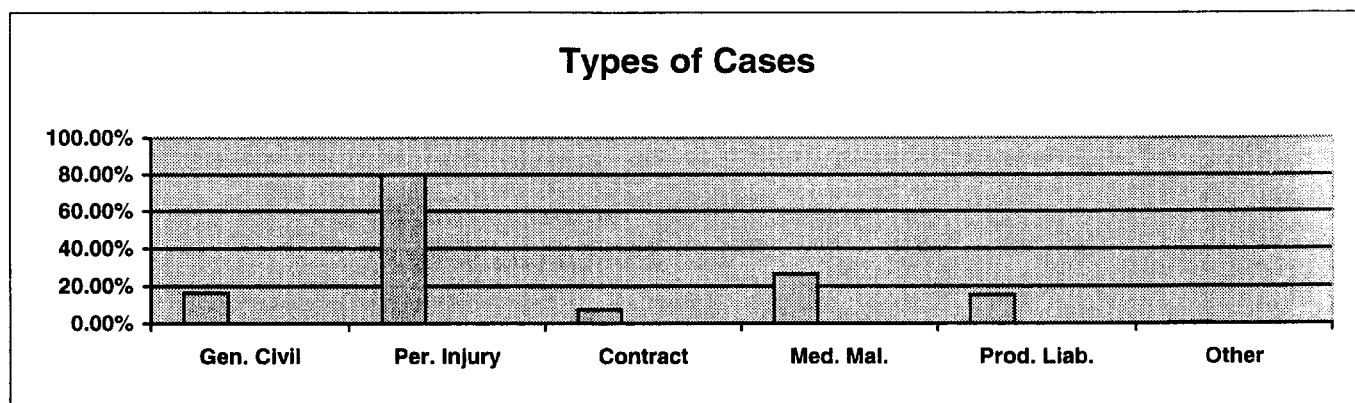
1-5:	137	(35.1%)
More than 5 to 10:	129	(33.1%)
More than 10-15:	66	(16.9%)
More than 15:	58	(14.9%)



2) **What was the nature of the case?**

*Note:* Responses reflect multiple responses where attorneys selected juries in more than one type of matter. Percentages reflect the portion of cases out of the total number of respondents.

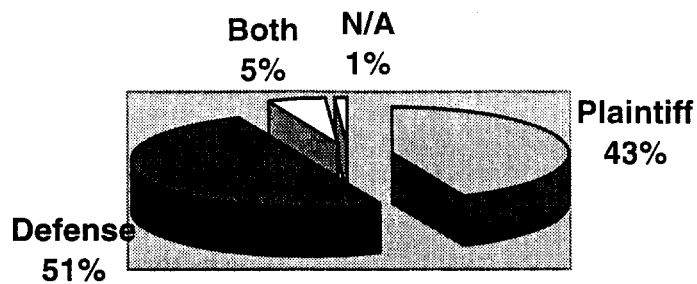
General civil:	64	(16.4%)
Personal injury:	312	(80.0%)
Contract:	29	( 7.4%)
Medical malpractice:	103	(26.4%)
Products liability:	59	(15.1%)
Other:		
- Employment:	1	( 0.2%)
- Legal malpractice:	1	( 0.2%)



3) Please indicate which party you generally represent.

Plaintiffs:	168	(43.2%)
Defense:	197	(50.4%)
Both:	21	( 5.4%)
N/A:	4	( 1.0%)

### Parties Represented



4) In what county did you select most of your juries?

**Note:** Numbers below include multiple counties listed by respondents.

Respondents selected juries throughout the state in urban, rural and suburban communities. Each judicial district and almost all of the counties – 52 of the state’s 62 – are represented in the survey responses

First District	73	Seventh	30	Other:	
Second	51	Eighth	45	- Varies	2
Third	55	Ninth	49	- Many upstate:	1
Fourth	34	Tenth	81	- All:	1
Fifth	51	Eleventh	32	N/A:	9
Sixth	32	Twelfth	21		

**First District**  
New York 73

**Second District**  
Kings 46  
Richmond 5

**Third District**  
Albany 27  
Columbia 2  
Greene 3  
Rensselaer 7  
Schoharie 1  
Sullivan 5  
Ulster 10

**Fourth District**  
Clinton 1  
Essex  
Franklin 1  
Fulton 5  
Hamilton  
Montgomery 3  
Saratoga 9  
Schenectady 6  
St. Lawrence 4  
Warren 3  
Washington 2

**Fifth District**  
Herkimer 1  
Jefferson 4  
Lewis 1  
Oneida 8  
Onondaga 33  
Oswego 4

**Sixth District**  
Broome 13  
Chemung 3  
Chenango 4  
Cortland 1  
Delaware 2  
Madison 1  
Otsego 3  
Schuyler 1  
Tioga 1  
Tompkins 3

**Seventh District**  
Cayuga 1  
Livingston  
Monroe 24  
Ontario 2  
Seneca  
Steuben 1  
Wayne 2  
Yates

**Eighth District**  
Allegany 1  
Cattaraugus 1  
Chautauqua  
Erie 38  
Genesee  
Niagara 5  
Orleans  
Wyoming

**Ninth District**  
Dutchess 3  
Orange 7  
Putnam  
Rockland 5  
Westchester 34

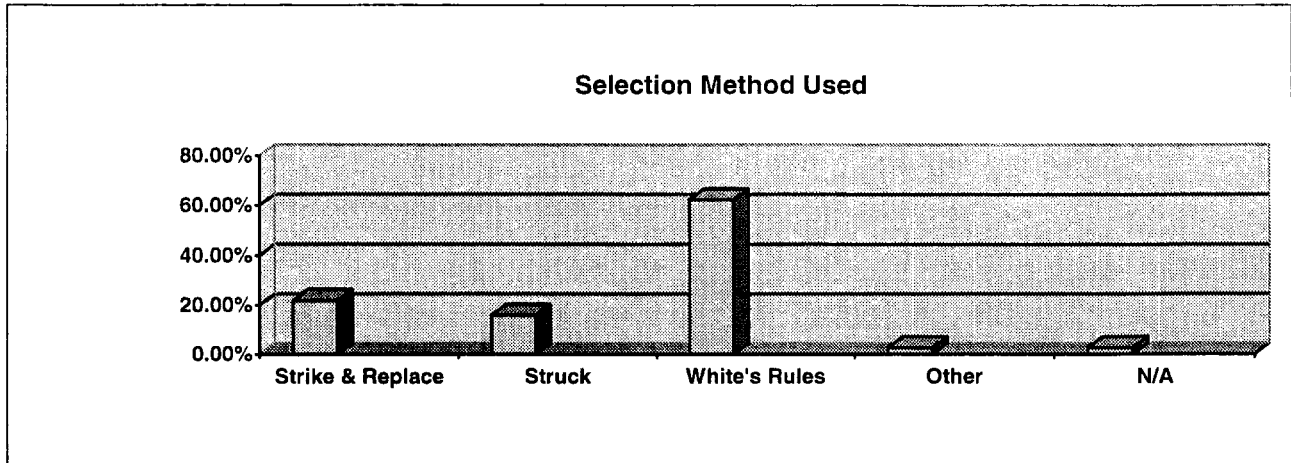
**Tenth**  
Nassau 40  
Suffolk 41

**Eleventh**  
Queens 32

**Twelfth**  
Bronx 21

5) What method of jury selection was used in that county in the majority of your cases?

Strike and Replace	85	(21.8%)	(includes 1 also using Struck; 2 White's Rules)
Struck	62	(15.9%)	(includes 17 also using White's Rules)
White's Rules	243	(62.3%)	
Other	10	( 2.6%)	
N/A	10	( 2.6%)	



*Of those with no supervision  
(Of 211):*

Strike and Replace	62	(29.4%)	(includes 1 also using Struck; 2 White's Rules)
Struck	28	(13.3%)	(includes 7 also using White's Rules)
White's Rules	121	(57.4%)	
Other	7	( 3.3%)	
N/A	3	( 1.4%)	

*Of those with supervision  
(Of 179):*

Strike and Replace	23	(12.9%)	
Struck	34	(19.0%)	(includes 10 also using White's Rules)
White's Rules	122	(68.2%)	(includes 10 also using Struck)
Other	3	( 1.7%)	
N/A	7	( 3.9%)	

*Of those with no supervision, no time restrictions*

Strike and Replace	53	(includes 1 also using Struck; 2 also using White's Rules)
Struck	15	(includes 4 also using White's Rules)
White's Rules	88	
Other	6	- Varies by judge and jurisdiction - Modified White's Rules: 2 - Left to attorney discretion; White's is least used - Hybrid - Old system

N/A: 2

*Of those with no supervision but time restrictions*

Strike and Replace	8	
Struck	12	(includes 3 also using White's Rules)
White's Rules	24	
Other	1	
N/A	1	

*Of those with supervision by JHO and no time restrictions*

Strike and Replace	0
Struck	2
White's Rules	15
Other	0
N/A	0

*Of those with supervision by JHO and time restrictions*

Strike and Replace	1	
Struck	16	(includes 8 also using White's Rules)
White's Rules	53	
Other	1	- hybrid
N/A	2	

*Of those supervised by judge with no time restrictions*

Strike and Replace	12	
Struck	3	
White's Rules	14	
Other	2	- judges' hybrid - varied
N/A	2	

*Of those supervised by judge with time restrictions*

Strike and Replace	6
Struck	7
White's Rules	11
Other	0
N/A	3

*Of those supervised by someone other than judge or JHO but no time restrictions*

Strike and Replace	4
Struck	0
White's Rules	5
Other	0
N/A	0

*Of those supervised by some other than judge or JHO with time restrictions*

Strike and Replace	0	
Struck	4	(includes 2 also using White's Rules)
White's Rules	6	
Other	0	
N/A	0	

*Of those supervised by judge or JHO but no time restrictions*

Strike and Replace	0
Struck	0
White's Rules	5
Other	0
N/A	0

*Of those supervised by judge or JHO with time restrictions*

Strike and Replace	0
Struck	2
White's Rules	3
Other	0
N/A	0

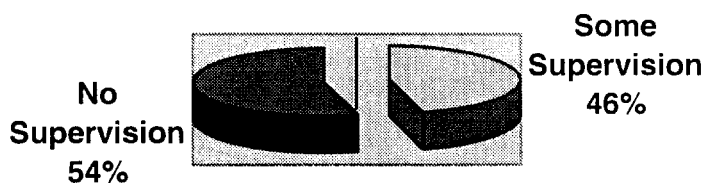
*Of those with no supervision; N/A on time restrictions*

Strike and Replace	1
Struck	0
White's Rules	0
Other	0
N/A	0

**6a) In civil cases, was your jury selection supervised?**

Some supervision:	179	(45.8%)
No supervision:	211	(54.0%)

**Degree of Supervision**

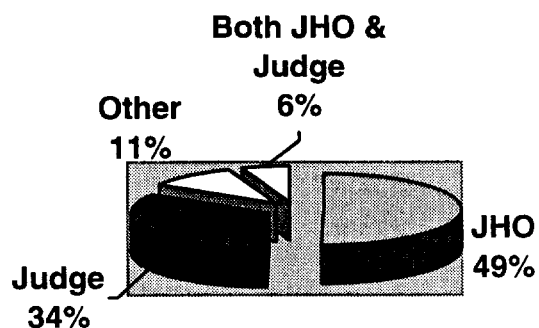


**6b) If supervised, to what degree?**

*(Of 179 supervised):*

- JHO present:	90	(50.3%)
- Judge present:	60	(33.5%)
- Other:	19	(10.6%)
- Both judge/JHO:	10	( 5.6%)

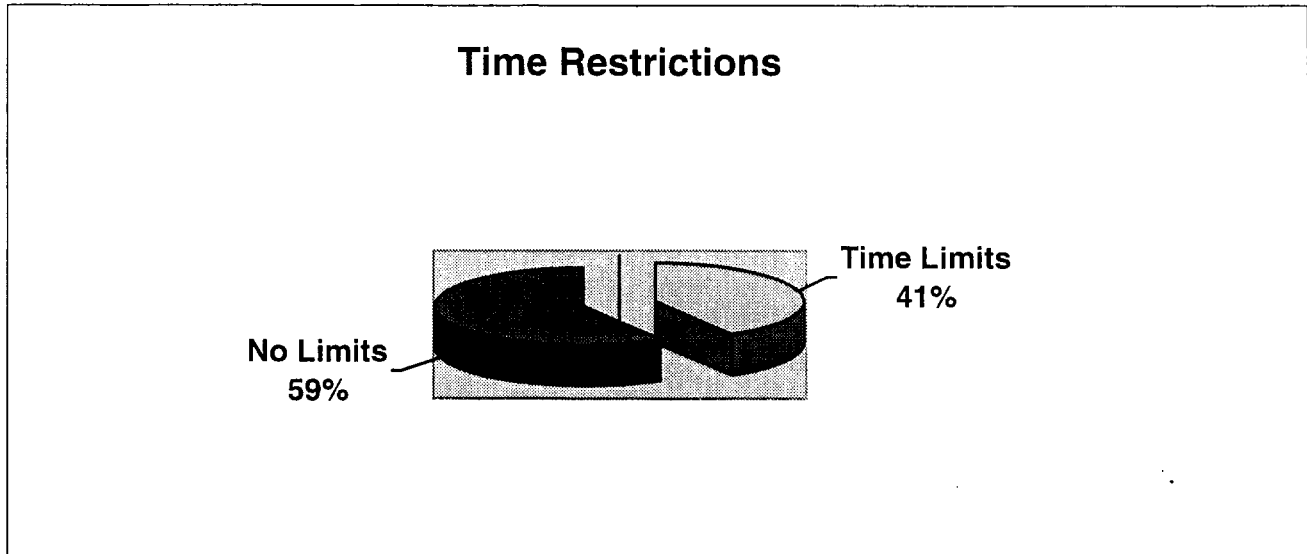
**Means of Supervision**





7) In the majority of your cases, were time restrictions placed upon counsel?

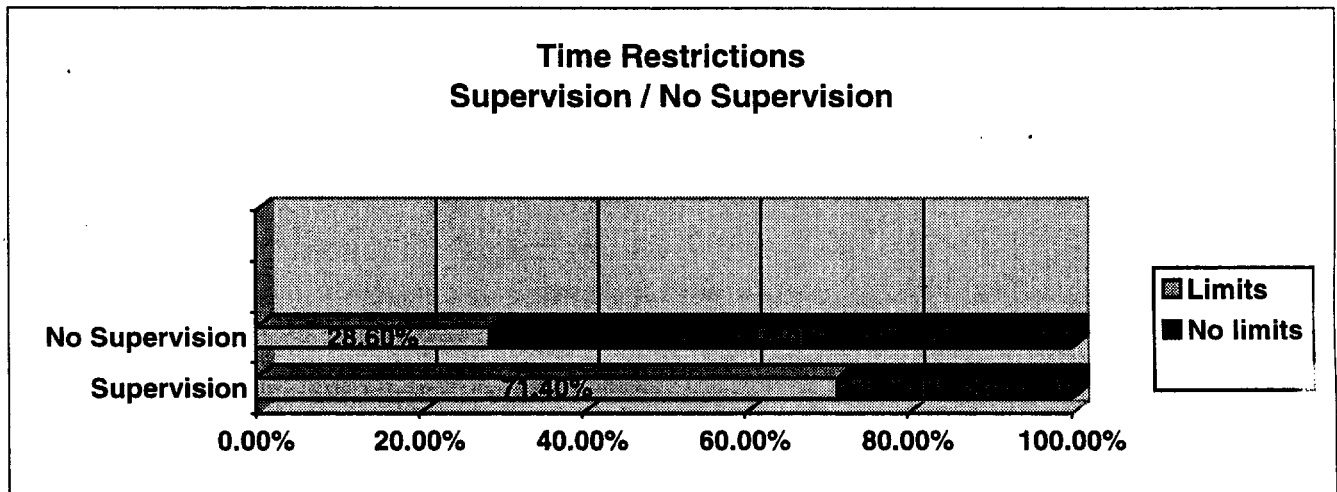
Yes: 161 (41.3% of the 390 respondents)



Time restrictions:

*Of those with no supervision:* 46 (28.6% of 161)

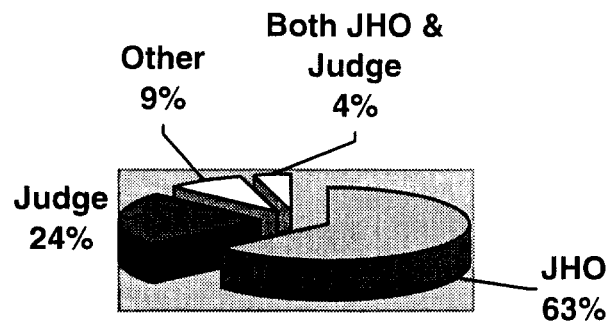
*Of those with some supervision:* 115 (71.4% of 263)



Nature of supervision of those with supervision and time restrictions  
(Of the 115):

- By JHO:	73	(63.5%)
- By judge:	27	(23.5%)
- By other:	10	( 8.7%)
- By both:	5	( 4.3%)

### **Nature of Supervision With Supervision & Time Limits**



**8) Describe the typical time restrictions placed on counsel during jury selection.**

*Of those usually with no supervision and no time restrictions:*

Among counsel

- Agreement of counsel
- Self-imposed: You should know when the jury panel has heard enough!
- Usually with 2 attorneys, a jury can be selected in 1 day. For each additional attorney you add to the case, it usually adds ½ day to the selection process.

No specific time

- No specific time set: 2
- None – no need for restrictions upstate
- [Onondaga], there were few problems. The system here works very well.
- Most judges did not place restrictions on the attorneys and, as usual in this County, just a general instruction to expedite jury selection
- Just to be as quick and efficient as possible
- Basically, the trial judge would threaten direct supervision if we did not hurry up
- The judge may get impatient after several hours and tell counsel to wrap it up
- Not strict but JHO would periodically come into selection room to monitor progress

Overall limits, i.e., day, half-day

- No round-by-round restrictions. Instead, one-on-one, made clear that must select in 1 day
- Want selection completed by today, tomorrow, etc.
- The only restriction was one judge, not in Onondaga County, gave half a day for jury selection
- No time restrictions other than the jury should be selected within one full day
- One day to select
- Use the morning for jury selection; open and “go” in the afternoon

Certain hour/minute time limits

- Time limits
- 2 hours, 1 hour each side
- Various restrictions. Usually 1 hour per attorney plus additional time for alternates
- About 3-4 hours each
- Varied – some case had no limits; others placed 2-hour limit on first round
- 2 hours per attorney
- One case, judge gave plaintiff 2 hours and defendant 1 hour
- 1-2 hours for each side (plaintiff, all defendants) for first round
- One hour each: 3
- 45 minutes each side: 2
- In a few instances in Albany County, I had restrictions of 30 minutes for plaintiff and 20 minutes for defendant
- Westchester – strict time limitations 30 minutes; Nassau – no time limitations
- 40 minutes for opening round; 15 minutes thereafter
- x amount of minutes for each round per side
- In Queens, 40 minutes for plaintiff and 20 minutes for defense

*Of those usually with no supervision and no time restrictions (continued)*

- 30 minutes for plaintiff and 30 minutes for all defense
- Per side: 30 minutes first round; 15 minutes second round; 5 minutes third round
- 30 minutes for plaintiff, 15 each for defense; nobody ever followed the limitations
- 30 minutes per side first round; 10 minutes each side or 5 minutes per juror remaining thereafter
- When imposed, 30 minutes with 15-minute follow-up for remainder of panel (only 1 judge sets limits) Only in Monroe: 30 minutes to plaintiff and 30 minutes to defense divided by 3; second round 15 minutes to plaintiff and 15 minutes to defense divided by 3
- One time – 30 minutes, which was extended
- 20 minutes per party
- 20 minutes per round of questioning

*Of those usually with no supervision but with time restrictions*

- It varied depending upon the TAP judge and whether there were open Parts waiting
- Overall time limits, i.e., day, half-day
- Usually 1-2 days
  - We were often told to have a jury selected by the end of the day or the end of the next day. I cannot recall time restrictions on individual counsel.
  - Told to complete selection “by the end of the day”: 2
  - 6 hours in non-multiple defendant and plaintiff cases. Longer on multiple party cases

Certain time limits

- Introduction and responsive questioning
- 2-3 hours plaintiff; 1-2 hours defendant
- 2 hours, extended to 3 hours
- 70 minutes each per round
- Generally 1 hour for first round, per attorney; then reduced to half hour to 15 minutes for each successive round
- 1 hour plaintiff; 1 hour all defendants and third-party defendant
- 1 hour each
- Anywhere from 15 minutes to 1 hour
- 45 minutes plaintiff and 20 minutes defendant
- 30 to 45 minutes
- 30 minutes: 2
- 30 minutes for plaintiff and defendant
- 30 minutes plaintiff; 30 minutes all defendants
- 30 minutes each party
- 30 minutes each side
- 30 minutes each side for the first round
- 30 minutes for plaintiff in the first round; 20 minutes for defendant; 10 minutes for each thereafter
- 30 minutes for plaintiff; 15-20 minutes for defendant
- 30 minutes for plaintiff (although not strictly enforced)
- 15-30 minutes

*Of those usually with no supervision but with time restrictions (continued)*

- The limitation of 20 minutes per attorney was very very loosely applied
- 20 minutes per side
- It was supposed to be 20 minutes for the first round and 15 minutes for every other round
- 20 minutes intro; 10 minutes thereafter
- 15 minutes per counsel per round, dropping to 10 minutes per round thereafter
- 15 minutes for first round; 10 minutes in second round, etc.

*Of those sometimes supervised by various means but usually with no time restrictions*

Certain time limits

- Limit time to question jurors
- Half hour to 45 minutes to start
- If any, 15 minutes per side first round, then 10 minutes, then 5 minutes

*Of those supervised by a JHO with time restrictions*

No specific time limits

- Imposed if felt necessary
- Depending on complexity of case
- Total established time limit for completion of selection process
- Not specific for each party but pressed to complete in certain timeframe – in White Plains time limited for each attorney

Overall time limits, i.e., day, half-day

- Varied from county to county, case to case; longest 2 days for multi-party malpractice case in Brooklyn
- Get done by end of day
- Half day to select full panel and alternates

Certain time limits

- 1 day
- 1 day to 1 hour
- 1 day to 30 minutes
- 1 hour simple case; 2-3 hours complex
- 1 hour each side: 9
- 1 hour, more or less
- 1 hour for the plaintiff to question the panel
- Sometimes 1 hour; sometimes 40 minutes: 2
- 1 hour plaintiff; 30 minutes defendant
- 1 hour; then 30 minutes
- 45-60 minutes per party
- 30-60 minutes per round, per party

*Of those supervised by a JHO with time restrictions (continued)*

- 45 minutes each
- 45 minutes plaintiff; 45 minutes defendants share: 2
- 40 minutes – 22 jurors
- 30-45 minutes; decreases thereafter: 2
- 30-40 minutes per side (occasionally defendants and third-party defendants' time combined)
- 30 minutes plaintiff; 30 minutes defendant
- 30 minutes; decreases thereafter: 2
- 30 minutes each side; challenges for good cause brushed aside as frivolous
- 30 each; then 20; then 15 minutes
- 30 minutes; decreases thereafter depending on number of seats
- 30 minutes: 10
- 30 minutes; then 15 minutes per side
- 30 minutes; then 10-15 minutes
- 30 minutes; then 5 minutes each juror: 2
- 30 minutes plaintiff; 20 minutes defendant
- 20-30 minutes with no latitude on cause challenges
- 25 minutes for plaintiff to question panel; 20 minutes for defendant
- 20-45 minutes
- Ridiculous restrictions – 20 minutes – had to seek extra time
- 20 minutes to address all jurors
- 20 minutes each; then 10 minutes each
- 15-30 minutes per side
- 15-20 minutes per juror
- 15-30 minutes plaintiff; 15-20 minutes defendant
- As short as 15 minutes (New York County)
- 15 minutes to make opening remarks
- 15 minutes for multi-defendant cases - each defendant 5 minutes
- 15 minutes for personal injury cases; 25 minutes for medical malpractice
- 5 minutes per juror

*Of those with supervision by judge or JHO and usually with time restrictions*

Overall time limits, i.e., day, half-day

- Jury to be picked in 1 day

Certain hour/minute time limits

- 45 minutes each
  - 45 minutes for plaintiff and 30 minutes defendant
  - 45 minutes for plaintiff and 30 minutes for each defendant 30 minutes for first round;
  - 30 minutes plaintiff and 30 minutes all defendants
  - Limit as to voir dire – less than half hour
- 15-20 minutes thereafter

*Of those with supervision by someone other than judge or JHO – no time restrictions*

No specific time limits

- No time limit in civil
- Plaintiff given great leeway at first round – so also defendants

*Of those with supervision by someone other than judge or JHO – with time restrictions*

Certain time limits

- 1-1-1/2 hours each side
- Approximately 1 hour plaintiff; 1 hour all defendants
- 35 minutes plaintiff; 30 minutes defendant
- Usually 30 minutes first time up; 15 minutes each thereafter
- 30 minutes for first round per side
- 15 minutes per attorney

*Of those with supervision by judge – usually no time restrictions*

No specific time limits

- None but there should be – 1 hour per party

Certain time limits

- 30 minutes plaintiff; 20 minutes defendant first round

*Of those usually with supervision by judge and time restrictions*

No specific time limits

- Urged to hurry up
- No restrictions on plaintiff; defendants limited

Overall time limits, i.e., day, half-day

- Walk-in – 1-2 days
- 1 day

Certain time limits

- Varied – 30 minutes plaintiff and 30 minutes all defendants, to 1 day
- Complete within 2 hours: 2
- 1 hour plaintiff; 30 minutes defendant
- 1 hour each party
- 1 hour to none
- 45 minutes plaintiff; defendant less
- 45-25 minutes plaintiff and 25-10 defendant; 5 minutes thereafter
- 30-45 minutes; then 20 minutes
- 30-40 minutes per side per round: 2
- 30 minutes each
- 30 minutes plaintiff; 20 minutes defendant
- 30 minutes plaintiff; 25 minutes defendant
- 30 minutes plaintiff; then 15
- 30 minutes; then 15; then 10
- 25 minutes; then 15
- 15 minutes
- 15 minutes initial presentation ( in recent case)

*Of those usually with supervision by a JHO and no time restrictions*

Overall time limits, i.e., day, half-day

- Given, typically, a full day to pick; always sufficient: 3
- Very slight

Certain time limits

- Half hour per attorney; less thereafter; more if starting a new panel
- 20 minutes

**9) How were the time restrictions enforced?**

*Of those usually with no supervision and no time restrictions:*

By counsel

- Self-imposed, even with multiple parties. Jury selected 1-2 days.
- Honor system: 2
- By counsel

Not necessary

- Not necessary: 4
- They were met: 2

Not strictly/not generally enforced

- Not strictly – really up to the attorneys: 2
- Not enforced: 2
- Rarely enforced; on occasion, JHO would come into room to inquire
- If the selection took too long, we were admonished to complete it
- Sometimes

Strictly

- Strictly

By judge

- Where time restrictions were imposed, the trial judge presided
- Judge would monitor periodically as to progress
- Basically, the trial judge would threaten direct supervision if we did not hurry up
- The judge may get impatient after several hours and tell counsel to wrap it up
- Jury selection given 1 hour to complete, no matter what
- Judge imposed or self-imposed
- Judge or JHO telephoned or visited room
- By judge or clerk

By JHO

- Interruption by JHO: 3
- Not strict but JHO would periodically come into selection room to monitor progress

By clerks

- Advised by jury clerks to proceed or judicial supervision
- By court; in one instance, court took over questioning
- By clerk or JHO
- By the court clerk: 5
- By the court clerk present in the courtroom: 2
- By clerk strictly



*Of those usually with supervision by a JHO and time restrictions*

By counsel

- By counsel: 8
- Voluntarily by attorneys but generally questioning was within time restrictions
- Each side patrols other; additional time given as needed
- By counsel reporting to JHO

Varies

- Varying degrees, from strictly to hardly

Not strictly/not generally enforced

- Pretty liberally as we showed progress, we were not strictly held
- With modest pressure – no sanction applied in any case
- They were not in most instances: 3
- Laxly/loosely: 5
- Loosely except in Westchester
- Moderate with some flexibility
- Somewhat

Strictly

- Strictly: 6
- Harassment
- Usually

Not evenly

- Generally but not evenly for plaintiff and defendant
- Unfairly because if plaintiff went over time, JHO arbitrarily cut off defense attorney time in less than 30 minutes

By JHO

- By JHO or self-regulating
- By JHO: 8
- Westchester only by JHO
- By JHO; always had to apply for extra time and show good cause
- JHO discretion
- Loosely; JHO would check in from time to time
- Court advises counsel
- JHO would enter room: 7
- JHO would come in after each side's allotted time
- JHO would come in and cut you off: 2
- JHO repeatedly appearing in selection room to enforce time limits or threat sanctions
- JHO would enter room from time to time to check and after allotted time is up he would sit in room and make certain lawyers finished in 1 minute
- JHO in next room
- JHO present
- JHO generally sat in and terminated voir dire at 30 minutes
- In Westchester, JHO present throughout; New York County, JHO monitored time

*Of those sometimes supervised by various means but usually with no time restrictions*

Not strictly/not generally enforced

- Were not

By judge or JHO

- Judge or JHO checking

*Of those with supervision by judge or JHO and usually with time restrictions*

By counsel

- Honor system

By judge/JHO

- By judge
- By judge or JHO present
- Judge or JHO stops by
- JHO walking around jury rooms to check
- JHO warning

By clerk

- Judge's clerk would interrupt

*Of those with supervision by someone other than judge or JHO – no time restrictions*

By clerk

- Court would sit in after ½ day

*Of those with supervision by someone other than judge or JHO – usually with time restrictions*

Not strictly/not generally enforced

- If at all, by being called back to Part in some counties
- Not strictly
- Laxly
- Loosely By judge

By clerk

- By pushing, interrupting and terminating time of counsel

By court

- JHO looks in on the process

*Of those with supervision by judge – usually no time restrictions*

- Judge present

*Of those usually with no supervision but with time restrictions*

By counsel

- By the other side, exclusively
- By counsel: 2
- Liberally/honor system/attorneys policing themselves
- Self enforcing; discretionary leeway
- Not necessary

Not strictly/not generally enforced

- They really weren't enforced: 3
- Loosely
- Lax manner
- Very mildly
- Not rigid

Varies

- Varying
- Depending on the pressure of the moment, restrictions were loosely enforced or enforced with the use of a JHO

Strictly

- Well
- Fairly strictly
- Supervision

By judge

- By the supervising judge
- Judge present
- By judicial officer and the judge

By JHO

- JHO returns to jury room at approximately 1 hour
- JHO would enter room

By clerk

- From jury clerk to judge
- By the court clerk
- By the clerk who was present
- Clerk would indicate at 5 minutes
- Clerk would check us
- The clerk told the attorneys the time was up
- We would not get permission to leave the building until we finished, even when the jury pool had obviously had enough

*Of those usually with supervision by judge and time restrictions*

By counsel

- By attorneys

Not strictly/not generally enforced

- Loosely
- More in breach
- Sweetly
- Very minimal
- Depends on judge
- Only when judge present

Strictly

- Attorneys very reluctantly did their best with impossible limitations imposed

By judge

- Judge present or clerk advises of judge's limitations
- By judge: 7
- Judge walks in

By clerk

- Court clerk
- Questions terminated

*Of those usually with supervision by a JHO and no time restrictions*

Not necessary

- No really necessary

By JHO

- Not consistently By JHO
- JHO came in
- By supervising JHO where done

10) What was the time permitted for jury selection?

a)	For you:		b)	For your adversary incl. multi parties
	Most	Least	Most	Least
Of those usually with no supervision and no time restrictions:				
- Unlimited	1 day		Unlimited	1 day
- As needed	2 hours		As needed	2 hours
- Unlimited	45 minutes		Unlimited	45 minutes
- Unlimited	30 minutes		Unlimited	30 minutes
- Unlimited	30 minutes		-	-
- Unlimited	20 minutes		Unlimited	1 hour
- Unlimited	20 minutes		Unlimited	30 minutes
- Unlimited	20 minutes/round		Unlimited	20 minutes/round: 2
- Unlimited	5 minutes		Unlimited	5 minutes
- 3 days	-		-	-
- 2 days	6 hours		-	-
- 1-1/2 days	2 hours		-	-
- 1-1/2days	½ day		½ day	½ day
- 1-1/2 days	30 minutes		1-1/2 days	30 minutes
- 1 day	-		1 day	-
- 1 day	45 minutes		-	-
- 1 day	30 minutes		1 day	30 minutes
- ½ day	-		½ day	- : 2
- 4-1/2 hours	1-1/2 hours		2-1/2 hours	45 minutes
- 4 hours	30 minutes		8 hours	2 hours
- 3 hours	1-1/2 hours		3 hours	1-1/2 hours each
- 2 hours	-		3 hours	-
- 2 hours	1 hour		-	-
- 1-1/2 hours	45 minutes		1-1/2 hours	45 minutes
- 1 hour	-		1 hour	-
- 1 hour	30 minutes		1 hour	30 minutes: 4
- 1 hour	15 minutes		1 hour	10 minutes each in multi-def. case
- 45 minutes	45 minutes		1 hour	1 hour
- 45 minutes	20 minutes		45 minutes	20 minutes
- 40 minutes	15 minutes		40 minutes	15 minutes
- 40 minute	20 minutes		60 minutes	15 minutes
- 30 minutes	10 minutes: 2			
- 20 minutes	-		40 minutes	-
- 10 minutes	5 minutes		30 minutes	-

*Of those usually with no supervision but with time restrictions*

- N/A: 7			
- Unlimited	45 minutes	Unlimited	20 minute
- Unlimited	30 minutes	Unlimited	30 minutes
- Unlimited	20 minutes	Unlimited	20 minutes: 2
- Unlimited	20 minutes	-	-
- As long as needed	15 minutes/rd	As long as needed	15 minutes/rd
- 3 days	1 day	-	-
- 2 days	3 hours	2 days	3 hours
- 1 day	45 minutes	Unlimited	2 hours
- 1 day	1 hour	1 day	1 hour
- 5 hours	1 hour	5 hours	1 hour
- 3-4 hours	1-2 hours	4-5 hours	1-2 hours
- 3 hours	1 hour	3 hours	1 hour
- 1-2 hours	15 minutes	1-2 hours	15 minutes
- 1 hour	15 minutes	2 hours	30 minutes
- 1 hour	15 minutes	-	-
- 1-1/2 hours	30 minutes	2-1/2 hours	-
- 45 minutes	30 minutes	45 minutes	30 minutes
- 30-45 minutes	20 minutes	30-45 minutes	20 minutes
- 30 minutes	30 minutes	30 minutes	30 minutes
- 30 minutes	30 minutes	30 minutes	20 minutes
- 30 minutes	5 minutes	45 minutes	15 minutes
- 30 minutes	-	1 hour	20 minutes
- 30 minutes	15 minutes	30 minutes	15 minutes
- 30 minutes	-	20 minutes	-
- 20 minutes	10 minutes	20 minutes	10 minutes
- 15 minutes	10 minutes	15 minutes	10 minutes
- 15 minutes	5 minutes	15 minutes	5 minutes

*Of those with no supervision; N/A on time restrictions*

- 3 hours	1 hour	4 hours	1 hour
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*Of those sometimes supervised by judge or JHO but usually with no time restrictions*

- N/A: 1			
- Unlimited	5 minutes	Unlimited	5 minutes
- 3 days	1 day	-	-
- 1 hour	20 minutes	1 hour	20 minutes
- Varies greatly, particularly with multiple parties			

*Of those with supervision by judge or JHO and usually with time restrictions*

- N/A: 1			
- Unlimited	15 minutes	Unlimited	15 minutes
- 2 days	2 hours	2 days	2 hours
- 1 hour	40 minutes	2 hours	1 hour
- 1 hour	15 minutes	1 hour	45 minutes
- 45 minutes	15 minutes	45 minutes	15 minutes
-	15 minutes	-	-

*Of those with supervision by someone other than judge or JHO – no time restrictions*

- ¾ day	30 minutes	90 minutes	30 minutes
- N/A: 7			

*Of those with supervision by someone other than judge or JHO – usually with time restrictions*

- N/A: 2			
- Unlimited	30 minutes	Unlimited	30 minutes
- 1 day	1 hour	1 day	1 hour
- ½ day	1-1/2 hours	¾ day	1-1/2 hours
- 2 hours	35 minutes	1-1/2 hours	30 minutes
- 2 hours	30 minutes	4 hours	30 minutes
- 1 hour	30 minutes	3 hours	30 minutes
- 1 hour	-	-	-

*Of those with supervision by judge – usually no time restrictions*

- 3 days	1 day	3 days	1 day
- 2 days	-	2 days	-
- ½ day	-	½ day	-
- 3 hours	1 hour	3 hours	1 hour
- 1-1/2 hours	30 minutes	1 hour	30 minutes
- 1 hour	20 minutes	3 hours	30 minutes
- 1 hour	10 minutes	1 hour	10 minutes
- 20 minutes	-	30 minutes	-

*Of those usually with supervision by judge and time restrictions*

- N/A: 5			
- Unlimited	-	Unlimited	-
- Unlimited	40 minutes	Unlimited	20 minutes
- Unlimited	30 minutes	Unlimited	1 hour
- Unlimited	30 minutes	Unlimited	30 minutes: 3
- Unlimited	30 minutes	-	-
- Unlimited	60 minutes	-	-
- 2-3 days	2 hours	-	-
- 2 days	½ day	2 days	½ day
- ½ day	1 hour	½ day	1 hour
- 3 hours	2 hours	3 hours	2 hours
- 2 hours	1-1/2 hours	2-1/2 hours	2 hours
- 2 hours	1 hour	2 hours	1 hour
- 2 hours	30 minutes	1 hour	20 minutes
- 1 hour	30 minutes	1 hour	30 minutes
- 1 hour	15 minutes	1 hour	15 minutes
- 1 hour	-	1 hour	-
- 45 minutes/rd	10-15 minutes/rd	45 minutes/rd	10-15 minutes/rd
- 30 minutes	-	-	-
- 25 minutes	10 minutes	1-1/2 hours	45 minutes
- 20 minutes	-	40 minutes	-

*Of those usually with supervision by a JHO and no time restrictions*

- 2days	½ day	2 days	½ day
- 1 day	20 minutes	1 day	20 minutes
- 1 day	-	-	-

*Of those supervised by a JHO with time restrictions*

- Unlimited	1 hour	Unlimited	1 hour: 3
- Unlimited	20 minutes	Unlimited	20 minutes
- Unlimited	15 minutes	Unlimited	30 minutes
- 3 days	1 day	-	-
- 3 days	½ day	-	-
- Several days	2 hours	several days	2 hours
- 2 days	45 minutes	2 days	15 minutes
- 1-1/2 days	½ day	-	-
- 1 day	1 hour	1 day	1 hour
- 1 day	½ day	1 day	½ day
- 1 day	½ day	-	-
- 1 day	3 hours	1 day	3 hours
- 1 day	30 minutes	1 day	30 minutes
- 7 hours	3 hours	7 hours	3 hours
- 6 hours	1 hour	6 hours	1 hour



*Of those supervised by a JHO with time restrictions (continued)*

- ½ day	30 minutes	1 day	½ day
- 4 hours	-	4 hours	
- 3 hours	20 minutes	3 hours	20 minutes
- 3 hours	-	3 hours	- : 3
- 2-¾ hours	1 hour	2-¾ hours	1 hour
- 2-½ hours	45 minutes	2-½ hours	45 minutes
- 2 hours	1 hour	2 hours	1 hour
- 2 hours	45 minutes	2 hours	45 minutes: 2
- 2 hours	15 minutes	2 hours	20 minutes
- 1-½ hours	30 minutes	2 hours	30 minutes
- 1-½ hours	1 hour	1-½ hours	1 hour
- 1 hour	1 hour	1 hour	1 hour
- 1 hour	45 minutes	1 hour	30 minutes
- 1 hour	30 minutes	1-½ hours	1 hour
- 1 hour	30 minutes	1 hour	30 minutes: 4
- 1 hour	20 minutes	1 hour	20 minutes
-	1 hour	-	1 hour.
- 1 hour	-	1 hour	-
- 1 hour	-	2 hours	1 hour
- 45-60 minutes	30 minutes	45-60 minutes	30 minutes
- 45 minutes	30 minutes	45 minutes	30 minutes
- 45 minutes	20 minutes	45 minutes	20 minutes
- 45 minutes	30 minutes	-	-
- 40 minutes	20 minutes	40 minutes	20 minutes
- 40 minutes	-	40 minutes	-
- 30 minutes	-	30 minutes	-
- 30 minutes	30 minutes	30 minutes	30 minutes
- 30 minutes	20 minutes	40 minutes	20 minutes
- 30 minutes	20 minutes	30 minutes	25 minutes
- 30 minutes	15 minutes	30 minutes	15 minutes: 2
- 30 minutes	10 minutes	1 hour	30 minutes
- 30 minutes	10 minutes	30 minutes	10 minutes: 2
- 30 minutes	5 minutes	45 minutes	15 minutes
- 30 minutes	5 minutes	45 minutes	10 minutes
- 30 minutes	-	15 minutes	10 minutes
- 30 minutes	-	-	-
- 25 minutes	15 minutes	30 minutes	30 minutes
-	25 minutes	-	25 minutes
- 20 minutes	10 minutes	40 minutes	20 minutes
- 15 minutes	5 minutes	15 minutes	5 minutes

11) Did the time restrictions change from round to round in jury selection?  
(Of 390)

Yes: 134 (34.4%)  
No: 136 (34.9%)

**With supervision:**  
(Of 179)

Yes: 82 (45.8%)  
No: 66 (41.0%)

**With time restrictions:**  
(Of 161)

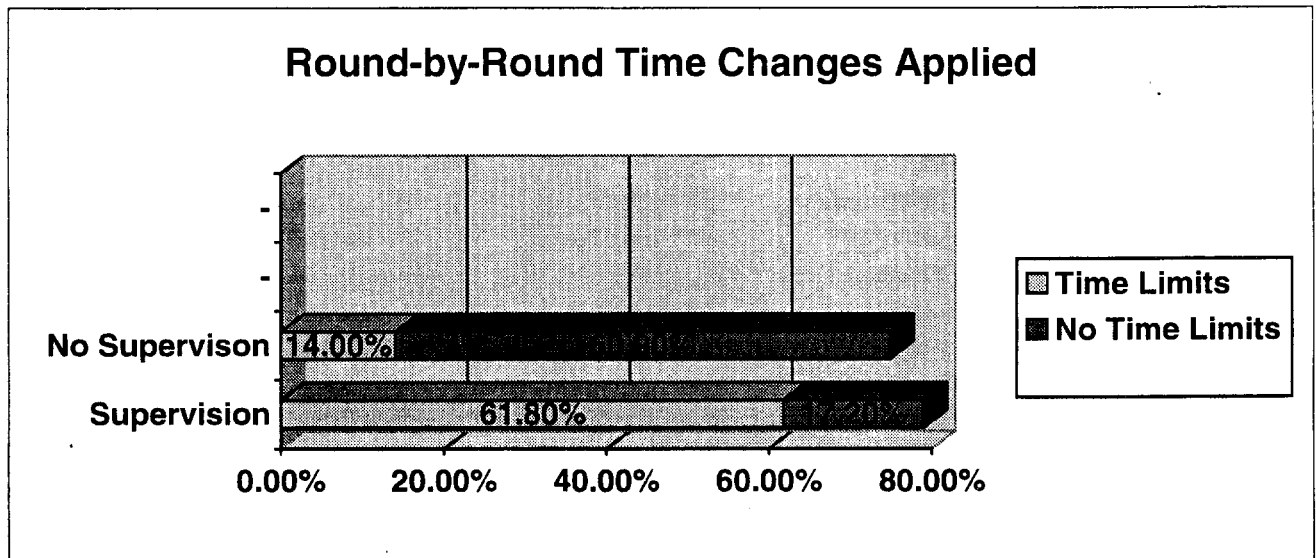
Yes: 99 (61.5%)  
No: 51 (31.7%)

**No supervision:**  
(Of 211)

Yes: 52 (24.6%)  
No: 70 (33.2%)

**No time restrictions:**  
(Of 228)

Yes: 34 (14.9%)  
No: 85 (37.3%)



*Of those with no supervision but time restrictions:*

Yes: 28      No: 16      N/A: 2

*Of those with no supervision and no time restrictions:*

Yes: 23      No: 54      N/A: 87

*Of those with no supervision, N/A on time restrictions:*

Yes: 1      No: 0      N/A: 0

*Of those with supervision by a judge, but no time restrictions:*

Yes:	3	No:	17	N/A:	13
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*Of those with supervision by a judge, with time restrictions:*

Yes:	12	No:	10	N/A:	5
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*Of those with supervision by a JHO, but no time restrictions:*

Yes:	2	No:	9	N/A:	6
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*Of those with supervision by a JHO, with time restrictions:*

Yes:	50	No:	21	N/A:	2
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*Of those with supervision by a JHO or judge, but no time restrictions:*

Yes:	3	No:	1	N/A:	1
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*Of those with supervision by a JHO or judge, with time restrictions:*

Yes:	3	No:	2	N/A:	0
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*Of those with supervision by someone other than a JHO or judge, but no time restrictions:*

Yes:	3	No:	4	N/A:	2
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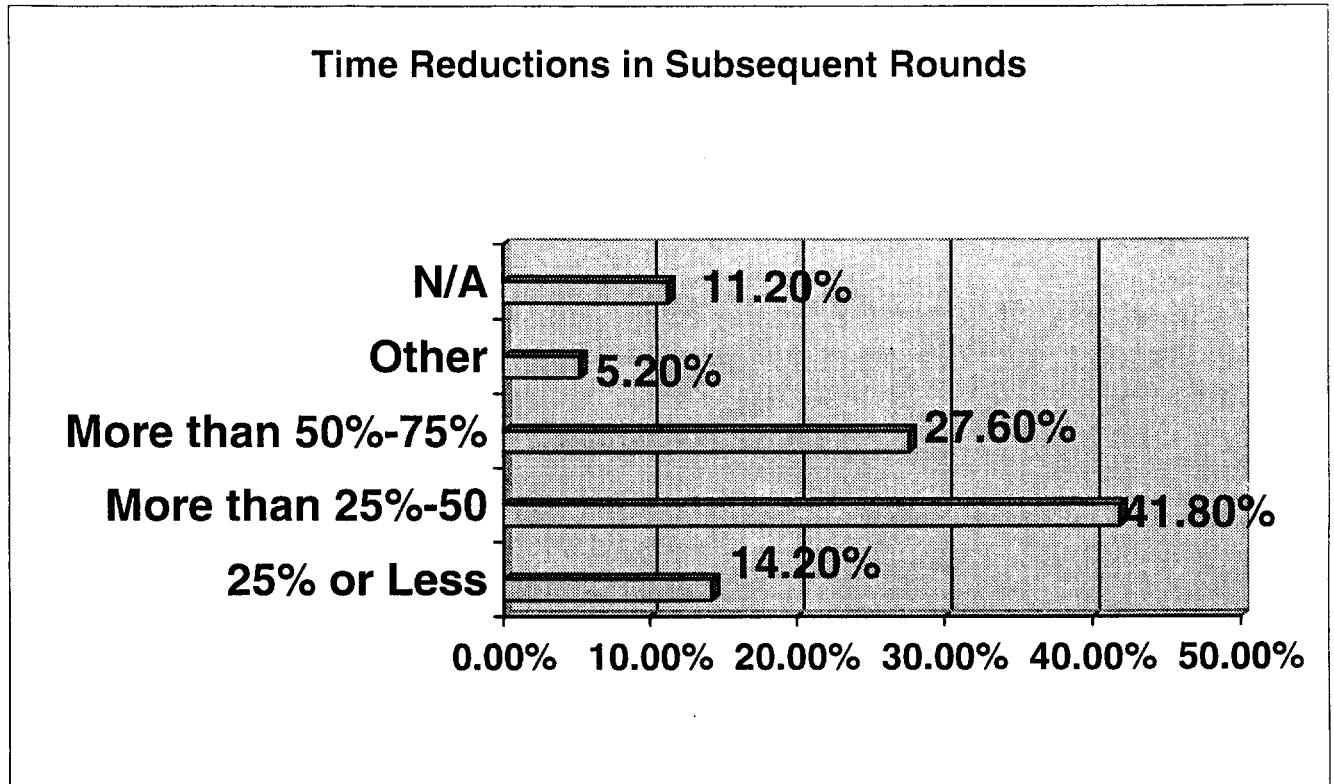
*Of those with supervision by someone other than a JHO or judge, with time restrictions:*

Yes:	6	No:	2	N/A:	2
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12) *If yes, as a percentage how much was your time reduced in subsequent rounds?*

(Of 134):

25% or less:	19	(14.2%)
25%-50%:	56	(41.8%)
50%-75% :	37	(27.6%)
Other:	7	( 5.2%)
N/A:	15	(11.2%)



*Of those with no supervision but time restrictions:*

25% or less:	8	25%-50%:	8	50%-75%	5
Other:	1 (100%)				

*Of those with no supervision and no time restrictions:*

25% or less:	2	25%-50%:	11	50%-75%	7
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*Of those with no supervision, N/A on time restrictions:*

25% or less:	0	25%-50%:	1	50%-75%	0
--------------	---	----------	---	---------	---

*Of those with supervision by a judge, but no time restrictions:*

25% or less:	0	25%-50%:	2	50%-75%	1
--------------	---	----------	---	---------	---

*Of those with supervision by a judge, with time restrictions*

25% or less:	1	25%-50%:	5	50%-75%	6
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*Of those with supervision by a JHO, but no time restrictions:*

25% or less:	0	25%-50%:	1	50%-75%	1
--------------	---	----------	---	---------	---

*Of those with supervision by a JHO, with time restrictions*

25% or less:	6	25%-50%:	20	50%-75%	14
		Other:	5		
			- Depends		
			- Wasn't enforced		
			- Depends on number of seats newly filled		
			- Varied		

*Of those with supervision by a JHO or judge, but no time restrictions:*

25% or less:	0	25%-50%:	2	50%-75%	0	Other: 1
						- varied

*Of those with supervision by a JHO or judge, with time restrictions:*

25% or less:	0	25%-50%:	2	50%-75%	2
--------------	---	----------	---	---------	---

*Of those with supervision by someone other than a JHO or judge, but no time restrictions:*

25% or less:	0	25%-50%:	1	50%-75%	0
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*Of those with supervision by someone other than a JHO or judge, with time restrictions:*

25% or less:	1	25%-50%:	3	50%-75%	1
--------------	---	----------	---	---------	---

*Of those with supervision by someone other than a JHO or judge, N/A - time restrictions:*

25% or less:	1	25%-50%:	0	50%-75%	0
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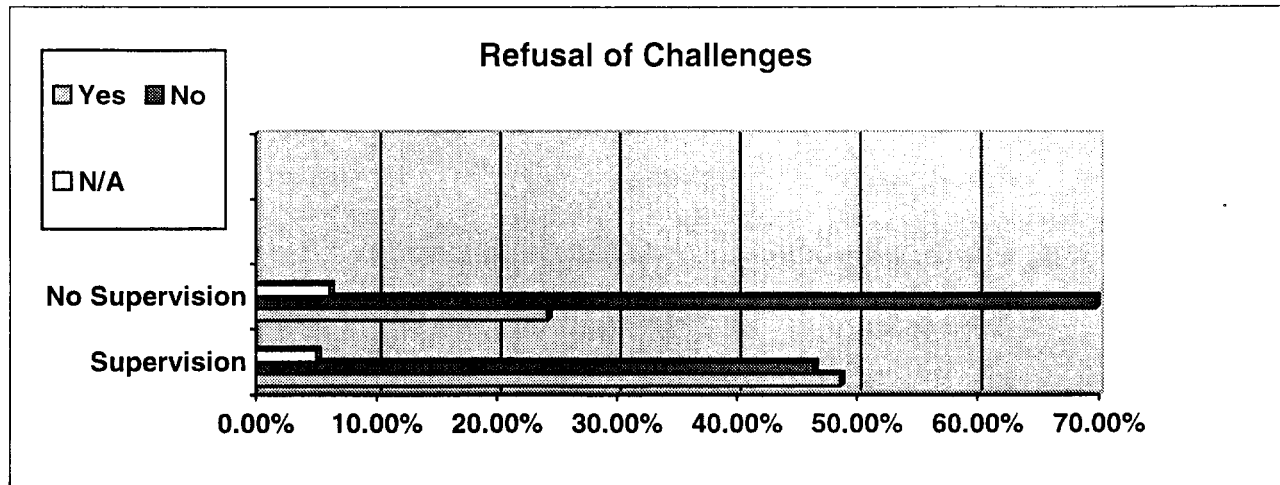
**13a) Have judges/JHOs refused consent challenges to jurors in your cases?**

(Of 390)

Yes: 138 (35.4%)

No: 230 (59.0%)

N/A: 22 ( 5.6%)



*Of those with no supervision:*

(Of 211)

Yes: 51 (24.2%)

No: 147 (69.7%)

N/A: 13 ( 6.1%)

*Of those with some supervision:*

(Of 179)

Yes: 87 (48.6%)

No: 83 (46.4%)

N/A: 9 ( 5.0%)

*- By JHO:*

Yes: 55                      No: 33                      N/A: 2

*- By judge:*

Yes: 16                      No: 38                      N/A: 6

*- By other than judge or JHO:*

Yes: 10                      No: 8                      N/A: 1

*- By both judge and JHO:*

Yes: 6                      No: 4                      N/A: 0

**13b) Were you permitted to explore equivocal answers raised during your adversary's questions?**

*(Of 390)*

Yes: 308 (79.0%)

No: 45 (11.5%)

N/A: 37 ( 9.5%)

*Of those with no supervision:*

*(Of 211)*

Yes: 165 (78.2%)

No: 20 ( 9.5%)

N/A: 26 (12.3%)

*Of those with some supervision:*

*(Of 179)*

Yes: 143 (79.9%)

No: 25 (14.0%)

N/A: 11 ( 6.%)

- *By JHO:*

Yes: 70

No: 17

N/A: 3

- *By judge:*

Yes: 49

No: 5

N/A: 6

- *By other than a judge or JHO:*

Yes: 16

No: 2

N/A: 1

- *By both judge and JHO:*

Yes: 8

No: 1

N/A: 1

14) Did you feel that the amount of time allocated was generally sufficient?

(Of 390):

Yes: 214 (54.9%)

No: 125 (32.0%)

N/A: 51 (13.1%)

**No supervision:**

(Of 211):

Yes: 128 (60.7%)

No: 49 (23.2%)

N/A: 34 (16.1%)

**With time restrictions:**

(Of 161):

Yes: 63 (39.1%)

No: 95 (59.0%)

N/A: 3 (1.9%)

**With supervision:**

(Of 179):

Yes: 86 (48.0%)

No: 76 (42.5%)

N/A: 17 (9.5%)

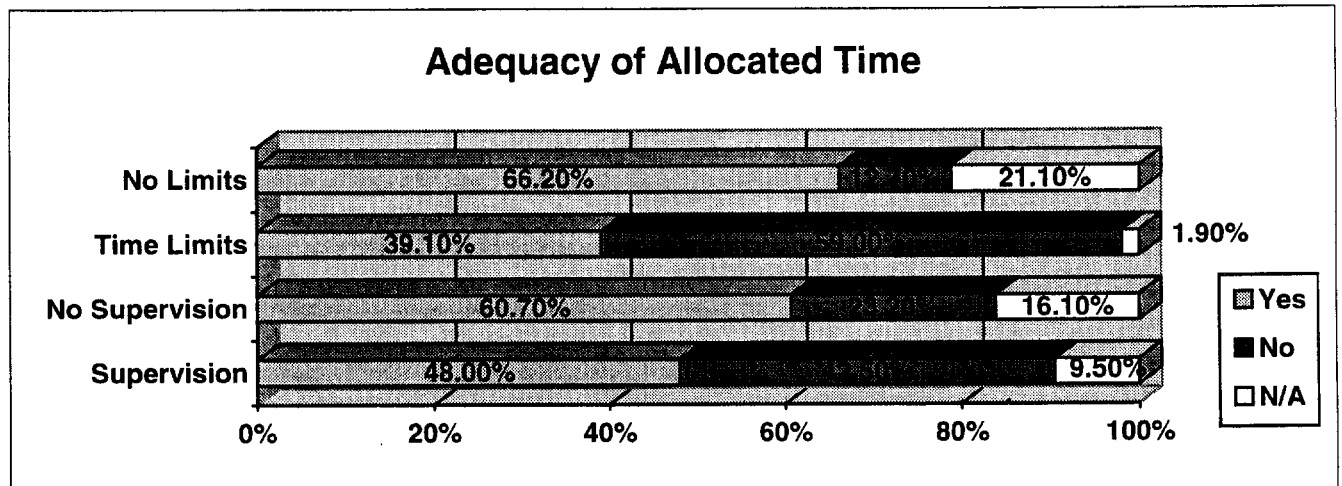
**No time restrictions:**

(Of 228):

Yes: 151 (66.2%)

No: 29 (12.7%)

N/A: 48 (21.1%)





*Of those with no supervision but time restrictions:*

Yes:	22			
No:	24	(sometimes: 2)	<b>14b) If not, did you request more time?</b>	
N/A:	0		Yes: 11	No: 12 N/A: 1

*Of those with no supervision and no time restrictions:*

Yes:	106			
No:	24		<b>14b) If not, did you request more time?</b>	
N/A:	34		Yes: 16	No: 6 N/A: 2

*Of those with no supervision, N/A on time restrictions:*

Yes:	0			
No:	1		<b>14b) If not, did you request more time?</b>	
N/A:	0		Yes: 1	No: 0 N/A: 0

*Of those with supervision by a judge, but no time restrictions:*

Yes:	26
No:	0
N/A:	7

*Of those with supervision by a judge, with time restrictions:*

Yes:	12			
No:	14		<b>14b) If not, did you request more time?</b>	
N/A:	1		Yes: 12	No: 2 N/A: 0

*Of those with supervision by a JHO, but no time restrictions:*

Yes:	11			
No:	1		<b>14b) If not, did you request more time?</b>	
N/A:	5		Yes: 1	No: 0 N/A: 0

*Of those with supervision by a JHO, with time restrictions:*

Yes:	25			
No:	48		<b>14b) If not, did you request more time?</b>	
N/A:	0		Yes: 38	No: 10 N/A: 0

Of those with supervision by a JHO or judge, but no time restrictions:

Yes: 2  
No: 3  
N/A: 0

**14b) If not, did you request more time?**  
Yes: 2 No: 0 N/A: 1

Of those with supervision by a JHO or judge, with time restrictions:

Yes: 1  
No: 4  
N/A: 0

**14b) If not, did you request more time?**  
Yes: 2 No: 2 N/A: 0

Of those with supervision by someone other than a JHO or judge, but no time restrictions:

Yes: 6  
No: 1  
N/A: 2

**14b) If not, did you request more time?**  
Yes: 1 No: 0 N/A: 0

Of those with supervision by someone other than a JHO or judge, with time restrictions:

Yes: 3  
No: 5  
N/A: 2

**14b) If not, did you request more time?**  
Yes: 3 No: 2 N/A: 0  
- 1: not allowed

## **APPENDIX B**



**NEW YORK STATE BAR ASSOCIATION**  
**Ad Hoc Committee on the Jury System**  
**Co-sponsored by the Criminal Justice Section**  
**Attorneys' Questionnaire**

1. How many juries have you selected in the past two years?  
1-5 ☐      5-10 ☐      10-15 ☐      more than 15 ☐
2. Please indicate which party you generally represent:  
Defendants ☐    Government ☐
3. In what county did you select most of your juries? \_\_\_\_\_
4. In the majority of your cases were time restrictions placed upon counsel?  
Yes ☐    No ☐
5. Describe the typical time restrictions placed on counsel during jury selection?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. How were the time restrictions enforced? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. What was the time permitted for jury selection? \_\_\_\_\_
  - a. For you: most amount of time: \_\_\_\_\_ Least: \_\_\_\_\_
  - b. For your adversary: most amount of time: \_\_\_\_\_ Least: \_\_\_\_\_
8. Did the time restrictions change from round to round in jury selection?  
Yes ☐    No ☐
9. If yes, as a percentage how much was your time reduced in subsequent rounds?  
25% or less ☐    25%-50% ☐    50%-75% ☐    Other ☐
10. a. Did you feel that the amount of time allocated was generally sufficient?  
Yes ☐    No ☐ \_\_\_\_\_
  - b. If not, did you request more time? Yes ☐    No ☐ \_\_\_\_\_
11. Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**NEW YORK STATE BAR ASSOCIATION**  
**Ad Hoc Committee on the Jury System**  
**Co-sponsored by Criminal Justice Section**

**RESPONSES**

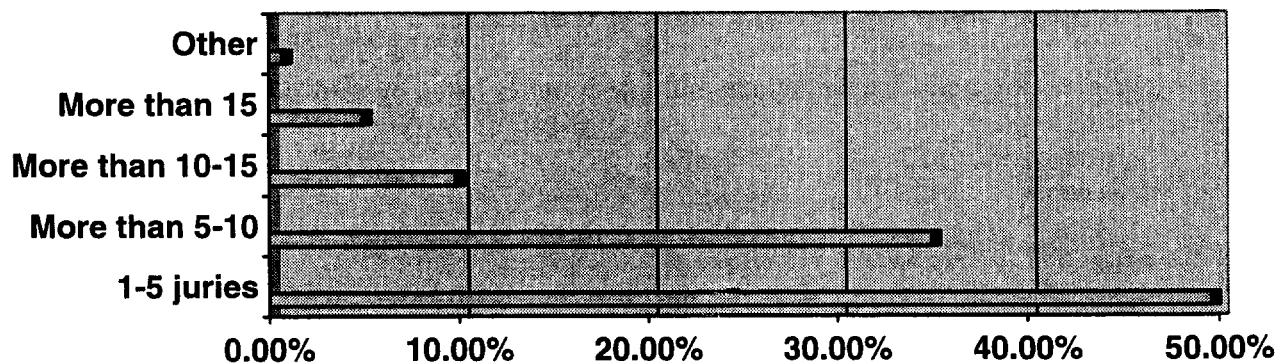
**Attorney Survey on Jury Selection in Criminal Cases**

Total mailings: 1,335  
 Total responses: 143 (10.7%)

**1) How many juries have you selected in the past two years?**

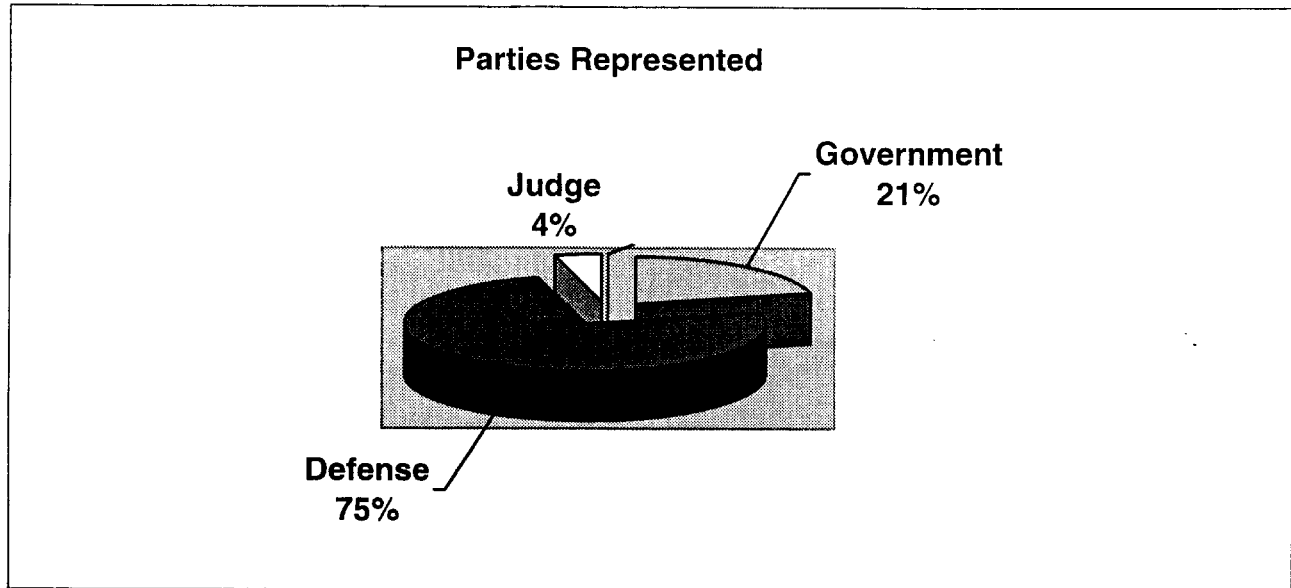
	<b>1-5</b>	<b>More than 5-10</b>	<b>More than 10-15</b>	<b>More than 15</b>	<b>Other</b>
	71 (49.6%)	50 (35.0%)	14 (9.8%)	7 (4.9%)	1 (0.7%)
<b>Gov't.</b>	15	9	3	2	1
<b>Def.</b>	56	41	9	1	0
<b>Other -Judge N/A</b>	0	0	2	4	0

**Number of Juries Selected in Past Two Years**



2) Please indicate which party you generally represent:

Gov't.	30	(21.0%)
Def.	107	(74.8%)
Other		
-Judge	6	( 4.2%)



3) In what county did you select most of your juries?

**Note:** Numbers below include multiple counties listed by respondents.

First District	23	Seventh	11	N/A	4
Second	22	Eighth	14		
Third	13	Ninth	16		
Fourth	9	Tenth	11		
Fifth	5	Eleventh	15		
Sixth	7	Twelfth	9		



***First District***

New York 23

***Second District***

Kings 21

Richmond 1

***Third District***

Albany 8

Columbia 0

Greene 1

Rensselaer 1

Schoharie 0

Sullivan 0

Ulster 3

***Fourth District***

Clinton 0

Essex 1

Franklin 0

Fulton 2

Hamilton 0

Montgomery 0

Saratoga 0

Schenectady 4

St. Lawrence 0

Warren 0

Washington 2

***Fifth District***

Herkimer 0

Jefferson 3

Lewis 0

Oneida 0

Onondaga 2

Oswego 0

***Sixth District***

Broome 2

Chemung 0

Chenango 0

Cortland 2

Delaware 0

Madison 0

Otsego 2

Schuyler 0

Tioga 0

Tompkins 1

***Seventh District***

Cayuga 0

Livingston 1

Monroe 5

Ontario 3

Seneca 0

Steuben 1

Wayne 0

Yates 1

***Eighth District***

Allegany 1

Cattaraugus 3

Chautauqua 3

Erie 6

Genesee 0

Niagara 1

Orleans 0

Wyoming 0

***Ninth District***

Dutchess 3

Orange 3

Putnam 0

Rockland 6

Westchester 4

***Tenth***

Nassau 8

Suffolk 3

***Eleventh***

Queens 15

***Twelfth***

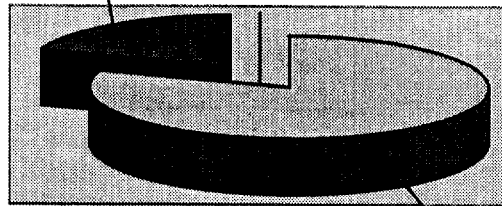
Bronx 9

4) In the majority of your cases were time restrictions placed upon counsel?

	Yes	No
<i>(Of 143)</i>	115 (80.4%)	28 (19.6%)
<b>Gov't.</b> <i>(Of 30)</i>	26 (86.7%)	4 (13.3%)
<b>Def.</b> <i>(Of 107)</i>	84 (78.5%)	23 (21.5%)
<b>Other</b>		
<b>-Judge</b> <i>(Of 6)</i>	3 (50.0%)	3 (50.0%)
<b>N/A</b>		

### Time Restrictions

No Limits  
20%



Time Limits  
80%

**5) Describe the typical time restrictions placed on counsel during jury selection?**

*Of government with no time restrictions*

- 2 hours

*Of government with time restrictions*

Scope of questioning

- No questions that the judge touched on.

Certain time limits

- 30 minutes – on the first pass in one court; 20 minutes on first pass and 15 minutes thereafter in another
- Time limitations for second and third rounds; usually no limits for first round
- One half hour to 45 minutes for a panel of 18 jurors in the first round; less in subsequent rounds.
- 30-45 minutes, first round for B or less felony; 60 minutes and latitude for A felony
- 30 minutes for each side on the first panel; then 20 minutes; then 10 minutes
- 20-25 minutes of questioning by each side of up to 21 prospective jurors at 1 time.
- 20 minutes for panel of 16.
- 20 minutes for each attorney to pick jurors and 2 alternates
- 20 minutes for prosecution; 20 minutes for defense for each panel of jurors questioned. Usually 20-30 jurors questioned during that 20-minute session
- 20 minutes for first panel of prospective jurors
- 20 minutes per round
- 20 minutes per round, per side
- 20 minutes per side
- Most Bronx judges limit each side to 15 minutes for first round, then 10 minutes for second round.
- 15 minutes, first round; 10 minutes, second round: 3
- 15 minutes per side per round
- 15 minutes per side
- 15 minutes per side per 15-person jury pool
- 15 minutes, first round; 10 minutes, later rounds
- Depends on the judge. Usually time limits are reduced for each successive round, e.g., 15 minutes, round 1; 10 minutes, round 2; 8 minutes, round 3
- 10-15 minutes, first round; 5 minutes, second.
- 10-15 minute voir dire of each panel.
- Minimum: 10 minutes; maximum: 20 minutes

*Of defense with no time restrictions*

Limit on time for peremptory challenges

- Judges rarely set a time limit on voir dire but they typically place a 15-30 minute limit on our time to select our 9 peremptories.

Scope of questioning

- One judge (not local) restricted questioning according to his own discretion, thus limiting important questions to jurors.

No specific time limits

- No real restrictions. We have time we need unless stray off or become repetitive.
- Please hurry.
- There were no specific time restraints placed on jury selection by the court. If the questioning appeared to be irrelevant, the court would instruct counsel to "move on."
- Most judges permit me unlimited time during voir dire since I never take more than 20-30 minutes with any particular panel.

Overall limits, i.e., 1 day

- One day.

Certain time limits

- Standard procedure in our county is to allow 30 minutes on the first round, reduced proportionately by the number of unfilled seats remaining.
- Descending time as the panel shrunk.
- 20 minutes for individual panel of veniremen.
- 15 minutes for an entire round of voir dire with a panel of 12-14 people

*Of defense with time restrictions*

Scope of questioning

- Limited scope of voir dire
- Restrictions range from time limits to content limits

No specific time limits

- Restrictions were not "hour-based" but attorneys were asked to move things along

Certain time limits

- 1 hour, first round; half hour, second round
- 1 hour; half hour; 10 minutes; none
- 25-45 minutes for first round of 20 jurors; 15-30 minutes for second round of 20 jurors; 10-15 minutes third round
- Depending on the case, anywhere from 15-45 minutes for the first pass; 10-20 minutes for the second pass
- Half hour – 1<sup>st</sup> round; 20 minutes – 2<sup>nd</sup> round; 10 minutes - thereafter
- Half hour first round – 15 minutes second round
- Half hour to 20 minutes for first round and less for each following round
- 30 minutes for panel of 16; 20 minutes for panel of 20
- 20-30 minutes per round: 2
- 15-30 minutes per panel

*Of defense with time restrictions (continued)*

Certain time limits (continued)

- 25 minutes first round; 20 minutes second round; 15 minutes subsequent rounds
- 20-25 minutes each
- First round – 20-25 minutes; second round and later reduced to 10-15 minutes
- 20 minutes for each panel in the jury box; sometimes 15 minutes for each later panel
- First round – 20 minutes; second round – 15 minutes; third round – 10 minutes
- It varies but generally about 20 minutes
- Judge announced at start that first round will be limited to 20 minutes; subsequent rounds, 15 minutes
- 20 minutes each side
- 20 minutes
- 20 minutes – round 1; 15 minutes – 2<sup>nd</sup> round
- 20 minutes – first round each new panel; 15 minutes for each additional round within that same panel
- 20 minutes each pass
- 20 minutes first round to interview 18 jurors; 15 minutes all subsequent rounds
- 20 minutes per 14-20 placed in “the box”
- 20 minutes, first round; 10 minutes, second round: 2
- 20 minutes first round and 10-15 subsequent: 2
- 20 minutes – first; 10 minutes – second; 5 minutes - third
- 15-20 minutes for each side in the first round; 10 minutes a side in subsequent rounds (16 prospective jurors in each round)
- 15-20 minutes first round; 5-10-15 minutes second round
- 15-20 minutes per round; sometimes less
- 15-20 minutes
- 10-20 minutes
- Between 5-20 minutes, depending on the round and the judge
- In felony cases, 15 minutes for first round and then shorter times for each round thereafter
- 15 minutes first; 15 minutes second; 10 minutes third – both sides See *People v. Jean*
- 15 minutes first round; 10 minutes each additional round: 6
- 15 minutes first; 10 minutes second: 2
- 15 minutes for first round; 10 for every subsequent round. The judge placed as many as 20 in the panel
- 15 minutes first round (maybe 20); 10 minutes second; 5 minutes third
- 15 minutes first round; 10 minutes second; 5 minutes thereafter: 2
- 15 minutes for first round; 10 for next round(s). If only a few seats remained to be filled, sometime less than 10.
- 15 minutes first round; 6-10 minutes – second round
- 15 minutes: 4
- 15 minutes round in drug cases (B predicates). Sometimes more flexible for violent crimes.
- 15 minutes – first panel

*Of defense with time restrictions (continued)*

Certain time limits (continued)

- 15 minutes to voir dire 14-16 prospective jurors
- 15 minutes per panel, no questions about attitudes and opinions
- 15 minutes first round
- 15 minutes per panel of 16 jurors: 2
- 15 minutes each round: 5
- 15 minutes each side: 2
- 10-15 minutes first round; 5-10 minutes second and third rounds
- 10-15 minutes per pass; i.e., with 14-25 people in the jury box. On a second or third pass, when the people had heard the info from sitting in the audience, the timeframe was even shorter.
- 10-15 minutes per panel
- 10-15 minutes per panel per side
- 10 minutes first; 5 minutes second
- 10 minutes per panel
- 5-10 minutes per round

*Of others (judges) with no time restrictions*

No specific limits on time

- I tell them don't be redundant and be relevant. I conduct an extensive voir dire and I put 18 in box (Justice Court) so I get a jury after 1 round.
- I ask attorneys how long they expect to take and it is not often necessary to restrict them. They generally do not waste time.
- None until excessive time is considered.

*Of others (judges) with time restrictions*

Certain time limits

- Murder, 30-45 minutes each panel – up to 1 hour. B, C, D, E felony, half-hour or less.
- 15-minutes first round; 10 minutes second and subsequent. Court goes over questionnaires before attorneys examine prospective jurors.

**6) How were the time restrictions enforced?**

*Of government with no time restrictions*

Not enforced

- Restrictions were placed but not enforced when went over requested time restriction.

*Of government with time restrictions*

Court interrupts

- Judge interrupts the process.
- Attorneys were simply cut off by the judge – sometimes with a 2-minutes warning, sometimes with a kitchen timer!
- Judge intervened
- Judge kept close eye
- By judge
- Interruption by the court
- We were advised to stop questioning.
- Cut off, sometimes in mid-question, at time limit.
- Judge simply said “You’re done” or “You’re time is up.”
- Judge stopped voir dire

Warning given by court

- Judge usually gives a 2-minute warning
- Judge would warn: 2
- Judge told us when we were approaching time limit
- Court would notify attorneys when time was to expire and then request end to questioning.
- Reminder from judge

Enforced

- Strictly by the court
- Pretty strictly: 2
- Yes
- The court instructed lawyers as to time limitations and permitted a few additional questions.

Not enforced or enforced loosely

- Loosely enforced by the trial judge
- They never were
- It wasn’t necessary to enforce them
- Most often it’s not an issue. The attorneys complied. Otherwise, possibly a gentle reminder from the court.

*Of defense with no time restrictions*

Judge interrupts

- Judges have objected sua sponte to lengthy voir dres.
- By the judge from the bench.
- Judge calls attorneys to bench to check on time left.
- By judge
- Judge interrupted
- On record

Not enforced/loosely

- Laxly
- Flexibly
- Loosely but who wants to risk antagonizing the judge and/or have the jurors hear you getting admonished.

Certain time limits

- 30 minutes, down to 10 minutes
- 

*Of defense with time restrictions*

Among counsel

- Self
- Never tested limited

Judge interrupts

- By judge: 3
- Judge timed it: 2
- Judge sits you down
- Judge announced in front of jury: 2
- Judge usually announced remaining time on each round. Finally, "time's up, counsel" – in front of jury
- By judge saying that's it
- Judge interrupts and states "time's up": 5
- Judge would say "thank you" when you're done
- Judge cuts off questioning: 12
- Judge would stop you: 3

Warning given by court

- Judge indicated counsel would be cut off
- Judge cuts off any further voir dire at 15 minutes
- Judge interrupts voir dire and provides warning, usually stating "2 minutes"
- Judge would indicate a few minutes prior to expiration of time and then when time expired
- Judge would say "time's up," usually after giving a 30 or 60-second warning: 2
- Cut off by judge after being told time was running out
- Judge gave 1-minute warning to finish out thoughts: 3
- Judge cut off my questioning, usually allowing me a "one last question" warning
- "OK – last point" by judge



*Of defense with time restrictions (continued)*

Warning given by court (continued)

- By judge advising close to time: 3
- Cautionary comments from the bench
- Around the end of the time, the judge asked the attorneys to wind things up: 2
- 1-minute warnings by judge – limited leeway
- As you get close to the limit, the judge will remind you – if you go over the limit by more than a minute or so, you will be cut off

By clerk

- By clerk

Enforced/strictly

- Strictly: 7
- Strictly by judge interrupting
- Crisply
- Loudly
- Cut off
- Generally enforced at all times
- Yes: 2
- Yes, with little leeway

Not enforced/loosely

- Not exactly – some leeway was allowed
- Usually roughly – not rigid
- Weren't really enforced.
- Liberally by most judges
- Loosely: 2
- Relaxed
- Sparingly

Not enforced evenly

- For the defense, yes; for the prosecution, not really

Varying degrees of enforcement

- Some judges used what amounted to a “stop watch”; others were more flexible
- Varied: 3

*Of others (judges) with no time restrictions*

No specific limits

- If I noted repetitive or irrelevant questions, I took the attorneys aside and discussed the problem briefly. That usually keeps both sides on track by focusing on germane and reasonable questioning.
- Suggestion that end be reached.

*Of others (judges) with time restrictions*

Warning given by court

- Judge says time is up after 2-minute warning

Just mention to counsel by myself. Explain time is almost up. Usually very flexible.

7) What was the time permitted for jury selection?

a)	For you:		b)	For your adversary incl. multi parties	
	Most	Least		Most	Least

*Of government with time restrictions*

Whatever required

Unlimited	20 minutes	Unlimited	20 minutes
Unlimited	10 minutes	Unlimited	10 minutes: 2
Unlimited	5 minutes	Unlimited	5 minutes: 2
Unlimited-usually 1 day	-	Unlimited-usually 1 day	-
45 minutes	20 minutes	50 minutes	20 minutes
45 minutes	15 minutes	45 minutes	15 minutes
40 minutes	20 minutes	1 hour, 40 minutes	20 minutes
1 hour-plus	30 minutes	1 hour-plus	30 minutes
30 minutes	15 minutes	30 minutes	15 minutes
30 minutes	5 minutes	30 minutes	5 minutes
25 minutes	15 minutes	20 minutes	10 minutes
25 minutes	10 minutes	25 minutes	10 minutes
20 minutes	20 minutes	20 minutes	20 minutes
20 minutes	15 minutes	20 minutes	15 minutes
20 minutes	10 minutes	20 minutes	10 minutes
20 minutes	-	20 minutes	- : 2
15 minutes	15 minutes	15 minutes	15 minutes
15 minutes	10 minutes	15 minutes	10 minutes: 2
10 minutes	5 minutes	10 minutes	5 minutes

*Of defense with no time restrictions*

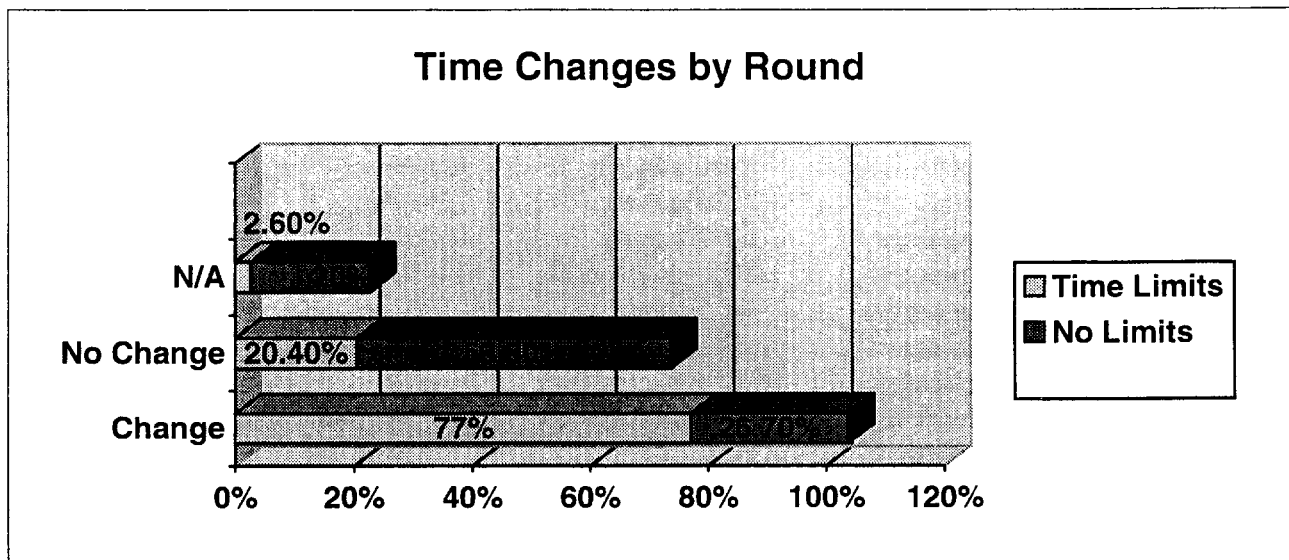
2 days	30 minutes	2 days	30 minutes
4 hours	-	4 hours	-
45 minutes	15 minutes	45 minutes	15 minutes
30 minutes	10 minutes	1 hour	20 minutes
30 minutes	10 minutes/pass	50 minutes	20 minutes
20 minutes/panel	-	-	-

*Of defense with time restrictions*

Unlimited	20/15/10	Unlimited	20/15/10 minutes
Unlimited	15 minutes	Unlimited	15 minutes: 3
Unlimited	10 minutes	Unlimited	10 minutes: 4
Unlimited	5 minutes	Unlimited	10 minutes
Unlimited	5 minutes	Unlimited	5 minutes: 3
Unlimited	-	-	-
2 days	1-1/2 hours	2 days	1-1/2 hours
2 days	1 hour	2 days	1 hour
2 days	10 minutes/rd	2 days	10 minutes/rd
1-2 days	-	-	-
2 hours	-	-	-
1-1/2 hours	45 minutes	1-1/2 hours	45 minutes
1 hour	45 minutes	1 hour	45 minutes
1 hour	20 minutes	1 hour	20 minutes
45 minutes	30 minutes	30 minutes	30 minutes
45 minutes	20 minutes	45 minutes	20 minutes
45 minutes	15 minutes/panel	45 minutes	15 minutes/panel: 2
45 minutes	10 minutes	45 minutes	10 minutes: 2
45 minutes	5 minutes	45 minutes	5 minutes
40 minutes	20 minutes	40 minutes	20 minutes
30 minutes	20 minutes	30 minutes	20 minutes
30 minutes	20 minutes	20 minutes	15 minutes
30 minutes/rd	15 minutes/rd	30 minutes/rd	15 minutes/rd
30 minutes	15 minutes	30 minutes	15 minutes: 2
30 minutes	10 minutes	30 minutes	10 minutes: 4
30 minutes	5 minutes	30 minutes	5 minutes: 2
25 minutes	5 minutes	25 minutes	5 minutes
25 minutes	10 minutes	25 minutes	10 minutes
20-25 minutes	-	20-25 minutes	-
20 minutes	15 minutes	20 minutes	15 minutes: 2
20 minutes	10-12 minutes	20 minutes	10-12 minutes
20 minutes	10 minutes	20 minutes	10 minutes: 3
20 minutes/rd	-	20 minutes/rd - (violent B felony)	
15 minutes/panel	-	-	-
15-20 minutes/rd 1	15/10/5/rd 2	15-20 minutes/rd 1	15/10/5/rd 2: 2
15-20 minutes	5 minutes	15-20 minutes	5 minutes
15 minutes	-	-	: 2
15 minutes	10 minutes	15 minutes	10 minutes: 7
15 minutes	5 minutes	15 minutes	5 minutes: 6
10 minutes	5 minutes	10 minutes	5 minutes

8. Did the time restrictions change from round to round in jury selection?

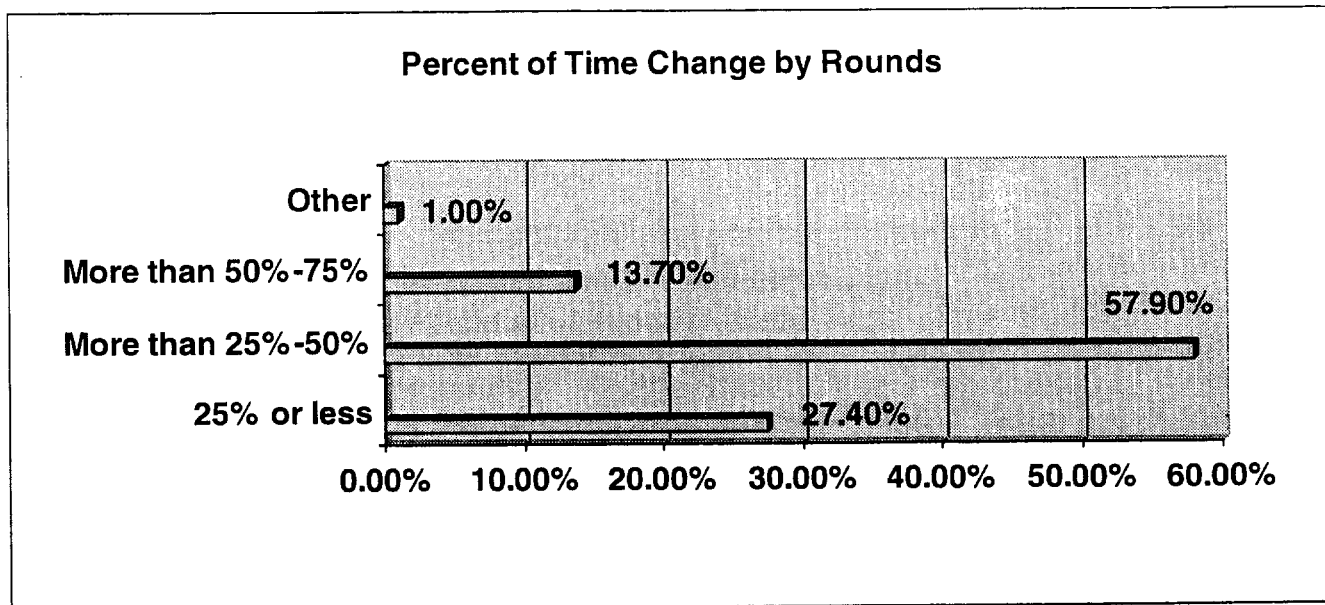
	Yes	No	N/A
	95 (66.4%)	39 (27.3%)	9 (6.3%)
- With limits (of 113)	87 (77.0%)	23 (20.4%)	3 (2.6%)
- No limits (of 30)	8 (26.7%)	16 (53.3%)	6 (20.0%)



	Yes	No	N/A
<b>Gov't.</b>	18	8	4
- With limits	18	8	0
- No limits	0	0	4
<b>Def.</b>	75	29	3
- With limits	68	13	3
- No limits	7	16	0
<b>Other</b>			
- Judge	2	2	2
- With limits	1	2	0
- No limits	1	0	2

9. If yes, as a percentage how much was your time reduced in subsequent rounds?

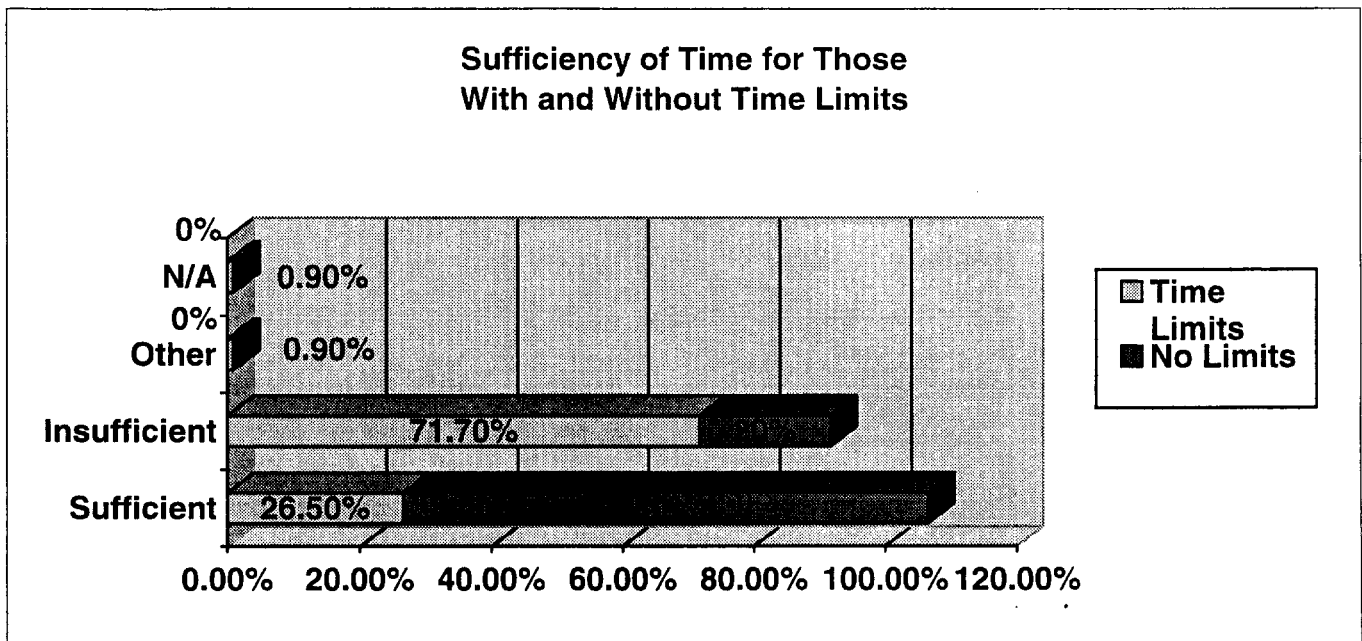
	<u>25% or less</u>	<u>25%-50%</u>	<u>50%-75%</u>	<u>Other</u>
All Yes (Of 95)	26 (27.4%)	55 (57.9%)	13 (13.7%)	1 ( 1.0%)



	<u>25% or less</u>	<u>25%-50%</u>	<u>50%-75%</u>	<u>Other</u>
Gov't. (Of 18)	5 (27.8%)	9 (50.0%)	4 (22.2%)	0
Def. (Of 75)	21 (28.0%)	44 (58.7%)	9 (12.0%)	1 (1.3%)
Other -Judge (Of 2)	0	2 (100.0%)	0	0

10a) Did you feel that the amount of time allocated was generally sufficient?

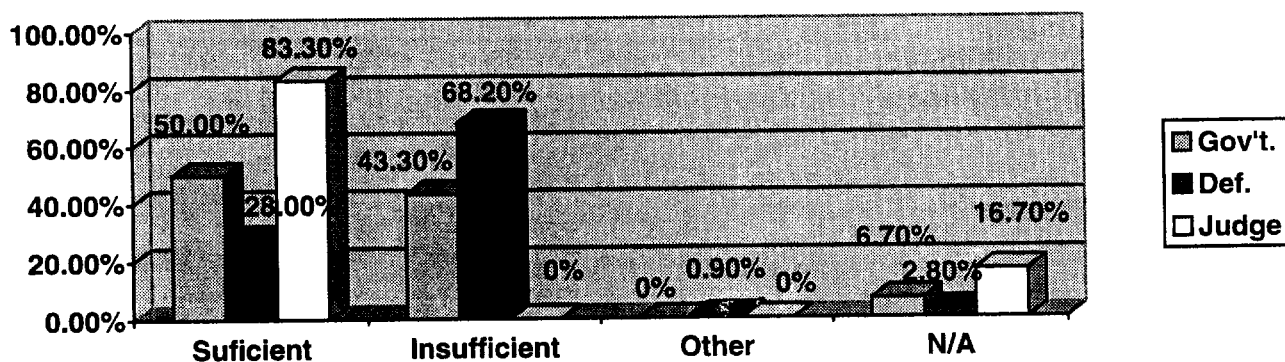
	<u>Yes</u>	<u>No</u>	<u>Other</u>	<u>N/A</u>
<b>All</b>	50 (35.0%)	86 (60.1%)	1 ( 0.7%)	6 (4.2%)
- <b>With limits</b>	30 (26.5%)	81 (71.7%)	1 ( 0.9%)	1 (0.9%)
- <b>No limits</b>	20 (80.0%)	5 (20.0%)	0	0



10a) Did you feel that the amount of time allocated was generally sufficient?

	Yes	No	Other	N/A
<b>Gov't. (Of 30)</b>	15 (50.0%)	13 (43.3%)	0	2 (6.7%)
- With limits	13	13	0	0
- No limits	2	0	0	2
<b>Def. (Of 107)</b>	30 (28.0%)	73 (68.2%)	1 (0.9%)	3 (2.8%)
- With limits	15	68	1 (sometimes)	0
- No limits	15	5	0	3
<b>Other</b>				
- <b>Judge (Of 6)</b>	5 (83.3%)	0	0	1 (16.7%)
- With limits	2	0	0	1
- No limits	3	0	0	0

Sufficiency of Time by Party Represented



10b) If not, did you request more time?

	Yes	No	Other	N/A
<b>All</b> (Of 86)	70 (81.4%)	16 (18.6%)	0	0
- <b>With limits</b>	67	14	0	0
- <b>No limits</b>	3	2	0	0
<b>Gov't.</b> (Of 13)	7 (53.8%)	6 (46.2%)	0	0
- <b>With limits</b>	7	6	0	0
- <b>No limits</b>	0	0	0	0
	- Usually ask for 1 more question	- Knew judge's rules (2)		
<b>Def.</b> (Of 73)	63 (86.3%)	10 (13.7%)	0	0
- <b>With limits</b>	60	8	0	0
- <b>No limits</b>	3	2	0	0
	- Without success			
	- Usually denied			
	- But denied (5)			
	- Sometimes sought; sometimes granted			
<b>Other</b>				
- <b>Judge</b>	0	0	0	0
- <b>With limits</b>	0	0	0	0
- <b>No limits</b>	0	0	0	0