

**Minutes
Civil Commission
Prescreening Jurors Subcommittee
January 12, 2015**

The Prescreening Jurors Subcommittee met on Monday, January 12, 2015 at 2:00 p.m. at 20 Franklin Square, New Britain in the Judges' Library (Resident Chambers – Room 500).

Those in attendance: Hon. James W. Abrams, Chair, Atty. Agnes Cahill, Atty. Ralph J. Monaco, Atty. Martha Triplett, Atty. William P. Yelenak, and Atty. Angelo A. Ziotas.

- A) Welcome/Introductions – The meeting was called to order at 2:43 p.m.
- B) Scope of Responsibility – Judge Abrams discussed with the members how the Subcommittee has been tasked with developing resources for different prescreening approaches for use by judges. Specifically, the Subcommittee will work to create: a written juror questionnaire; a series of general questions such as whether jurors might have a hardship or familiarity with any of the trial participants or the case; and a series of more detailed questions designed to identify jurors who may have bias in a particular case.
- C) Governing Law – The Subcommittee discussed article first, § 19, of the Connecticut constitution, as well as General Statutes § 51-240. In addition, Judge Abrams brought to the Subcommittee's attention the recent decision in *State v. Slert*, 181 Wn. 2d 598, 334 P.3d 1088 (2014), where the Supreme Court of Washington considered a challenge to juror dismissals based on in-chambers review of questionnaires.
- D) Juror Questionnaires – The Subcommittee discussed their own experiences with written juror questionnaires, as well as information that would be useful to have, such as the policy of the juror's employer regarding the payment of wages if jury service exceeds five days. Atty. Ziotas shared how this is a real concern in complex cases with lengthier trials, and self-employed jurors and those paid by commission are particularly affected. Atty. Yelenak agreed that getting more information about prospective jurors beyond name, rank, and serial number, so to speak, would be beneficial. Atty. Triplett discussed the past use of questionnaires in New London, as well as seeing one used about a year ago in New Britain. Atty. Ziotas reported having had a good experience with an agreed upon questionnaire that was used in a complex litigation case with Judge Sheldon. The Subcommittee also reviewed a sample supplemental juror questionnaire, which Judge Abrams had disseminated before the meeting.

E) Judicial Involvement – Judge Abrams discussed with the members how the Judicial Branch would like all judges to have some kind of role in the screening of jurors. Atty. Yelenak discussed the value in having judges emphasize to jurors that there are no right or wrong answers, and he further described how jurors sometimes feel trepidation over challenges for cause. Atty. Triplett shared the belief that it provides a sense of safety to jurors to hear a judge say that it is okay, however you feel. Atty. Yelenak further expressed how beneficial it can be for judges to help jurors feel a sense of empowerment about their role in the judicial process. He also mentioned how it can be a good civics opportunity for judges to address any misconceptions or preconceived notions that jurors may have that lawsuits should not be filed. Atty. Cahill disagreed on this point, and expressed how, as a defense attorney, she feels that she would lose an edge if a judge made a statement to this effect. Atty. Ziotas shared his reluctance and general concern about judges being required to invest significant time in jury selection for every civil case. Atty. Ziotas explained that he would not want judges to feel put upon, and that it is perhaps a good thing that, historically, there has not been a lot of judicial involvement. As a trial attorney, he personally is loath to give up control, except where all counsel agree and feel comfortable. Atty. Monaco expressed that if the Subcommittee can work to resolve some of the present difficulties with the jury selection process, meaningful progress will be made. He mentioned that it could be helpful for jurors to have a written list of individuals (doctors, associates, etc.) to review, rather than just hearing names orally and only having a moment to consider.

- 1) Case-Specific Approach – Judge Abrams had disseminated a packet of model judges’ screening questions before the meeting, which address all different kinds of matters, from premises liability to medical malpractice.
- 2) Non-Specific Approach – Judge Abrams described his personal approach to the screening of jurors, and shared with the members a document that he uses to help screen for jurors’ familiarity with the parties, case, attorneys, and witnesses, as well as for hardships, such as prepaid vacations or scheduled medical procedures that cannot be postponed.

F) Subcommittees – Judge Abrams inquired of the members their area(s) of interest, and the following groups were formed to provide for diverse perspectives:

- Developing Written Juror Questionnaire – Atty. Triplett and Atty. Ziotas
- Drafting Detailed Judges’ Screening Questions – Atty. Cahill, Atty. Monaco, and Atty. Yelenak
- Refining General Judges’ Screening Questions re: Hardships / Familiarity with Trial Participants or Case – Judge Abrams

The groups hope to have working drafts by March 30, 2015.

G) Other Business – The members did not have suggestions for other business at this time.

H) Adjournment – The meeting was adjourned at 3:31 p.m.