

VOIR DIRE PURPOSE

“A voir dire examination shall be conducted for the purpose of discovering any basis for challenge for cause and for the purpose of gaining knowledge to enable an intelligent exercise of peremptory challenges. (Washington State CrR 6.4; see also Trial by Jury, ABA Standards 15-2.4).

The ground rules of jury voir dire are as follows:

(1) Judge will first explain nature of case and burden of proof and will give some preliminary instructions to the jury;

(2) Judge will then conduct general voir dire covering knowledge of case, acquaintance with participants, importance of following court’s instructions on law, impartiality in general, questions submitted by counsel, etc.

(3) Counsel may ask questions of a general nature to the prospective jurors as a group, and may ask questions of individual prospective jurors.

(4) THE JUDGE WILL NOT ALLOW QUESTIONS WHICH

- (a) have already been asked;
- (b) anticipate instructions on law which have not been given;
- (c) ask a juror to speculate on the juror’s verdict if certain facts are proved;
- (d) solicit a juror’s opinion as to laws or legal terms;
- (e) are clearly irrelevant or seek to establish rapport with a juror;
- (f) questions that are in substance arguments of the case;
- (g) questions that are unfair or embarrassing to the juror; and
- (h) questions where the average juror cannot possibly know the answer.

(5) The judge will not wait for opposing counsel to object but will interrupt counsel to rule out questions which violate any of the foregoing ground rules.