

United States District Court
Western District of Washington
At Seattle

Honorable James L. Robart

Updated August 2009

CRIMINAL JURY IMPANELMENT

This summary is provided to acquaint counsel, before trial, with the procedure for impaneling a criminal jury in Judge Robart's court.

When the jury is brought in, counsel will be given copies of the jury information forms. These forms contain basic information about each prospective juror. Counsel will also receive a list of jurors in the order that they will be seated. The list, and therefore the order in which the jurors are seated, has been randomized by computer.

When court is open, the jurors have already been given a juror number and have been seated according to that number.

The initial voir dire examination is done by the court. The court will briefly describe the case to the panel, will ask counsel to introduce themselves and defendant(s), and will read the lists of witnesses to be called.

The court will use questions to screen for hardship, familiarity with the case and witnesses. Any questions proposed by counsel in advance of trial may also be used. The questions are asked of the entire panel, and any juror whose answer would be "yes" is asked to raise their juror number. The court and lawyers may make note of that juror's number for possible follow-up questions.

When the court has finished asking questions of the entire panel, an effort is made to provide an opportunity for voir dire by the lawyers. Counsel for each side may ask questions of the whole panel, of individual jurors, or both. Each side (not party) is limited to time limits agreed upon with the court in advance. Counsel are permitted to ask for additional time if they believe they need it.

The jury will consist of twelve members and one or two alternates. The jurors will be the panelists with the lowest number remaining after all challenges have been exercised. Prior to picking the jury, the court will inquire whether the parties want to select the alternates.

After counsels' voir dire is completed, the parties may challenge for cause. This is done at sidebar. Counsel note any challenges in a way which does not inform the panel who made a challenge. For example, the court may simply say "Juror No. 3 is excused," or "There are no challenges for cause that will be sustained."

The next step is peremptory challenges. The plaintiff will normally have six challenges, and the defense will have ten. A form is provided which counsel, starting with plaintiff, pass back and forth and on which they write down their peremptory challenges. This assures that neither side will waste a challenge on a juror already excused by the other side. Counsel should also avoid using a peremptory challenge on a juror whose number is so high that he or she will not be reached in any event. When each side has completed its challenges (or waived any further challenges), the form is signed and given to the clerk. The judge then reads the names and numbers of the jurors who are excused in the jury box. The jury is impaneled, and the panelists who will not be serving are thanked and excused.

This method of impanelment usually produces a jury rapidly and fairly. Counsel are, of course, free to request modifications of it in any case.