



Legal Update

January 14, 2014

Massachusetts Superior Court Standing Order 1-15: **Participation in Juror Voir Dire by** **Attorneys and Self-Represented Parties**

The SJC has announced an interim procedure for the implementation of St. 2014, c. 254, § 2, which goes into effect on February 2, 2015. This statute grants attorneys and self-represented litigants the right to participate in juror voir dire in the Superior Court.

The standard procedures outlined in Superior Court Standing Order 1-15 apply in each Superior Court civil and criminal case, unless otherwise ordered by the trial judge. A copy of Standing Order 1-15 is attached, which details the procedures for filing a motion to examine prospective jurors, the allowable and disallowed topics for questioning, and the trial judge's responsibilities. Some important considerations include:

- The moving party shall generally identify the topics of the questions proposed of the potential jurors. The trial judge may require and pre-approve the specific language of the proposed questions.
- Permissible lines of questioning include those seeking the prospective juror's background, experience, preconceptions or bias relative to issues anticipated in the case; and their ability and willingness to accept and apply the applicable principles of law.
- There are several impermissible topics for questioning, including but not limited to: those seeking the prospective juror's religious and political beliefs and affiliations, anything that may embarrass or offend, invade privacy, or appear on the Confidential Juror Questionnaire.
- There is no predetermined time limit for questioning.
- The Court will establish a pilot project where judges volunteer to conduct so-called "panel voir dire" "according to a consistent procedure to be determined and described in a separate document." Data will be compiled and the Court will issue a public report.