

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

IN RE: JURY VOIR DIRE

**LOCAL ADMINISTRATIVE
ORDER: 2004-05**

At a session of said Court, held in the Kent County Courthouse
in the City of Grand Rapids, in said County on
June 8, 2004

Present: HONORABLE PAUL J. SULLIVAN
Chief Circuit Judge

WHEREAS, the judges of this Court fully appreciate that effective jury voir dire is an absolute prerequisite to a fair trial, but they are also convinced that improper jury voir dire undermines the jury process and the fairness of jury trials, as well as unnecessarily prolongs proceedings, thereby delaying and, sometimes, denying access to the courts to others:

IT IS HEREBY ORDERED, that:

All jury voir dire conducted in this Court be conducted in conformity with the Guidelines attached hereto. All scheduling orders issued by this Court, in both civil and criminal cases, shall specifically require compliance with said Guidelines. The Guidelines may either be attached to the scheduling order or incorporated therein by reference to this Administrative Order. The first significant departure from the Guidelines during jury voir dire shall result in a warning from the trial judge. A subsequent departure shall result in the judge assuming responsibility for the remainder of the offending lawyer's voir dire.

All attorneys having contracts with this Court for the provision of criminal defense services to indigents shall attend whatever program the Grand Rapids Bar Association sponsors from time to time with regard to the conduct of jury voir dire. All other attorneys who practice or expect to practice in this Court are strongly encouraged to attend some continuing legal education programs regarding the conduct of jury voir dire.

This Administrative Order rescinds the Court's Administrative Policy 1996-13.

/s/ Paul J. Sullivan
Paul J. Sullivan
Chief Circuit Judge

KENT COUNTY CIRCUIT COURT GUIDELINES FOR JURY VOIR DIRE

In an effort to ensure that jury voir dire is both fair and not unnecessarily protracted, the following guidelines apply to all jury voir dire conducted in this Court from and after July 15, 1996.

1. Counsel shall use voir dire to reasonably attempt to obtain or solicit sufficient information to develop a rational basis for excluding prospective jurors, whether for cause or peremptorily.
2. Counsel shall ask questions which should be reasonably calculated to solicit information about a prospective juror's beliefs, opinions and background.
3. Counsel shall not "argue" the case during voir dire.
4. Counsel shall not engage in efforts to indoctrinate or educate the jury about the case beyond that which is necessary to uncover any existing bias or prejudice.
5. Counsel shall not make inappropriate efforts to establish a "rapport" with the jury.
6. Counsel shall not attempt to obtain a pledge or promise that any prospective juror will decide a case a particular way on an assumed state of facts or evidence.
7. Counsel shall not engage in voir dire examination that is unduly protracted, conducted in bad faith, or conducted for prejudicial purposes.
8. Counsel shall adhere to any time limitations set by the Court for voir dire.
9. A "pass" when exercising peremptory challenges will not be counted as a challenge, but will be considered a waiver of further challenge to the panel as constituted at that time. MCR 2.511(E)(3)(b). The specific reference herein to the just-cited subrule does not mean that all other court rules regarding jury selection are inapplicable. The just-cited one is cited for emphasis.
10. Once the process of exercising peremptory challenges has begun, all subsequent voir dire may be directed, absent express permission from the Court, only to replacement jurors.
11. Any violation of these guidelines will result in the imposition of an appropriate sanction which may include the termination of the offending lawyer's participation in the voir dire process and the Court taking over voir dire.