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SB 827 Courts and Judicial Proceedings - Jury Examination

Hearing before the Senate Judicial Proceedings Committee, February 29, 2024

Position: FAVORABLE

The Public Justice Center (PJC) is a nonprofit civil rights and anti-poverty legal services organization that seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. The PJC envisions a just society where Black, Latine, Indigenous, Asian, and other historically exploited people are free from all systems of oppression, exploitation, and all expressions of discrimination. Our staff litigate in civil matters in Maryland courts and advocate for reforms in our criminal legal system to eradicate the systemic racism that remains rife in those systems.

SB 827 is a straightforward solution to an injustice long overdue for correction in Maryland's judicial system: the lack of access to effective voir dire in jury selection. The solution is simple: direct attorney participation in the process, which is currently disallowed under Maryland case law. Maryland is among a tiny minority of states (5) that fails to provide this time-tested approach to reducing bias, explicit or implicit, in our juries. Its value in helping to achieve the seating of a fair and impartial jury has been thoroughly researched and documented—it is science and data based—yet our Supreme Court has declined to adopt it through decisional law or otherwise.¹

Properly utilized to eliminate bias in all participants to the extent possible, well-informed jury selection can and will help to provide for more inclusive and equitable adjudication in our courts—improving our quest for equal justice for all.

For the foregoing reasons, **the Public Justice Center urges a favorable report on SB 827**. Should you have any questions, please contact Debra Gardner, Legal Director, at 410-625-9409 x228 or gardnerd@publicjustice.org.

¹ Even the Judiciary's Committee on Equal Justice apparently chose not to take up the challenge. Perhaps ironically, its Rules Review Subcommittee's response to bias in the use of peremptory challenges to venire members was a recommendation to consider eliminating such challenges from the jury selection process altogether. This flies in the face of the research demonstrating that direct participation in voir dire by attorneys can lead to effective ferreting out of juror biases *and, critically*, avoid attorneys being left to rely on their own biases to use such strikes because Maryland's limited voir dire provides them with nothing else to work with.