

Letter of Support SENATE SB0827 CLEAN.pdf

Uploaded by: Bradley Farrar

Position: FAV



J. Franklyn Bourne Bar Association, Inc.

P.O. Box 1121
Upper Marlboro, MD 20772
www.bournebar.org

February 27, 2024

The Honorable William C. Smith, Jr., Esq.
Chairman, Judicial Proceedings Committee
Maryland State Senate
2 East
Miller Senate Office Building
Annapolis, MD 21401

Dear Senator Smith:

I am writing to you on behalf of the J. Franklyn Bourne Bar Association to express our enthusiastic support for Maryland Senate Bill 0827. This bill, which aims to improve the *Voir Dire* process, is a crucial step towards ensuring fairness and transparency in our judicial system.

The J. Franklyn Bourne Bar Association is deeply committed to upholding the principles of justice and equality within our legal system. We believe that every individual deserves a fair trial, and the *Voir Dire* process plays a critical role in safeguarding this fundamental right.

Senate Bill 0827 proposes important reforms that will enhance the *Voir Dire* process in Maryland courts. By increasing transparency and providing attorneys with more information about potential jurors, the bill seeks to mitigate biases and promote a more equitable jury selection process. These provisions are essential for upholding the integrity of our judicial system and ensuring that verdicts are reached based on evidence and the law, rather than prejudice or discrimination.

As members of the legal community, we recognize the importance of continuously striving to improve our justice system. SB 0827 represents a significant opportunity to enhance the fairness and efficiency of jury selection in Maryland, and we urge the Committee to support its passage.

Thank you for considering our position on this important matter. We are confident that the passage of SB 0827 (along with its companion HB 1079) will contribute to a more just and equitable legal system in our great state, and enthusiastically support it.

In service,

Bradley S. Farrar
President

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SB 827 PJC testimony favorable.pdf

Uploaded by: Debra Gardner

Position: FAV



Debra Gardner, Legal Director
Public Justice Center
201 North Charles Street, Suite 1200
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410-625-9409, ext. 228
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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.

Voir Dire MOPD Fav.docx.pdf

Uploaded by: Elizabeth Hilliard

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: Senate Bill 827 – Courts and Judicial Proceedings – Jury Examination

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: Feb 29, 2024

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 827.

Senate Bill 827 will improve the impartiality and fairness of our jury trial process in Maryland by expanding *voir dire*. Currently, in Maryland, we have “limited *voir dire*.” *Voir dire* is the process of questioning potential jurors to determine whether they may have any bias or prejudice that would prevent them from rendering a fair and impartial verdict. Unlike other states, Maryland’s limited *voir dire* means that questions that either the prosecution or defense counsel thinks are relevant to identifying juror bias may not be asked. Senate Bill 827 will encourage inclusion of these questions so that the parties have the guidance they need to bring appropriate challenges.

The answers to *voir dire* questions help identify potentially biased jurors so they can be excluded from jury service. Potentially biased jurors can be excluded in two ways: First, the juror can be stricken “for cause,” if the Judge finds that their beliefs or experiences are likely to impair their ability to be fair and impartial. Second, the parties may exercise “peremptory challenges” to exclude jurors whose beliefs and experiences create a risk of implicit bias. The parties may not exclude a juror based solely on their race or gender. Without the ability to have their questions answered, the attorneys for both sides are prone to blindly exercise peremptory challenges.

Maryland’s “limited *voir dire*” relies on jurors to assess and admit their own biases, which makes it nearly impossible to identify implicit biases. For jurors who are not self-aware and self-critical, the only information available to an attorney is that which appears on the jury form: demographic information such as name, age, sex, marital status, employment, and zip code. This

creates an environment where jurors may be stricken improperly based on race and gender. Additional reforms – such as allowing attorneys to directly ask questions to prospective jurors; and limiting peremptory challenges — would further help ensure that voir dire is effective in identifying potential juror biases, but Senate Bill 827 is an important first step to improving the jury selection process.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report only after amending Senate Bill 827.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Letter Voir Dire Bill 2.21.24.pdf

Uploaded by: Gina Wrobel

Position: FAV



Howard County Bar Association, Inc.

9250 Judicial Way, Ellicott City, MD 21043

February 21, 2024

PRESIDENT

Thomas Mulinazzi

Chairman William C. Smith, Jr.
Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East Wing
11 Bladen Street, Annapolis, MD 21401

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Chairman Luke Clippinger
House Judiciary Committee
House Office Building, Room 101
6 Bladen Street, Annapolis, MD 21401

PAST PRESIDENT

Lisa Mohink

Re: Support for SB 827/HB 1079
Courts and Judicial Proceedings – Jury Examination

MEMBERS AT-LARGE

Tyler Brown

David Coaxum

Opeyemi Glover

Victoria Heyliger

Kellie N. Lego

Jason Ridgell

Dear Chairman Smith and Chairman Clippinger:

We write to urge a favorable report on SB 827/HB 1079 which addresses critical issues surrounding *voir dire* in Maryland. This legislation aligns Maryland with U.S. Supreme Court precedent and mitigates the risk of bias in jury selection. SB 827/HB 1079 is a crucial step towards improving our legal system, ensuring equal representation, and fostering diversity within our courtrooms. SB 827/HB 1079 offers a necessary clarification of the scope and purpose of *voir dire*, and provides attorneys with essential information to exercise peremptory challenges judiciously without violating constitutional principles.

We urge you to support the passage of SB 827/HB 1079 to ensure equal access to a fair and impartial trial by jury. Thank you for your attention to this matter and your dedication to the principles of justice.

Sincerely,

Thomas Mulinazzi

Support Letter SB0827.pdf

Uploaded by: Ivan Bates

Position: FAV



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

February 29, 2024

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: Support of SB0827 – Courts and Judicial Proceedings - Jury Examination

Dear Chairman Smith, Vice-Chair Waldstreicher and Committee Members,

I am writing to express my strong support for Senate Bill 827 – Jury Examination which aims to enhance the ability of attorneys to evaluate potential jurors through the voir dire process in state courts. As Baltimore City State's Attorney and an advocate for justice, I believe this bill represents a crucial step towards ensuring a more just and impartial legal system for all community members.

The proposed addition of section 8-423 to the Courts and Judicial Proceedings of the Annotated Code of Maryland as contemplated by SB827 is commendable. By proposing broader questioning ability during the voir dire process, this bill provides a much-needed tool for attorneys to better assess whether potential jurors are able to fairly and impartially evaluate the evidence presented during the course of trials conducted daily in state courts.

Jury selection is a critical stage during any trial proceeding. Voir dire is the tool through which attorneys and judges alike are able to determine whether potential jurors should be selected to sit on a jury. The importance of this process cannot be underscored enough. The responses provided by potential jurors during voir dire provide information that is assessed by judges and attorneys to determine the ability of each potential juror to be fair and impartial.

However, the current scope of the types of questions permitted during voir dire is quite limited here in Maryland. SB827 will greatly broaden that scope by permitting questions which tend to provide information relevant to considerations of fairness and impartiality. Obtaining more information from jurors will better inform the evaluation into whether potential jurors are able to be fair and impartial thereby promoting transparency, fairness, and efficiency in the jury selection process.



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

In conclusion, I urge you to support Senate Bill 827 and advocate for its swift passage. The addition of this section reaffirms our shared commitment to upholding the principles of fairness, impartiality, and justice in our court system.

Sincerely,

Ivan J. Bates

Ivan J. Bates
State's Attorney for Baltimore City

By: Hassan Giordano
Chief, External Affairs Committee

ccba voir dire support letter.pdf

Uploaded by: Jeremy Widder

Position: FAV

Charles County Bar Association

Post Office Box 2044

La Plata, Maryland 20646-0699

charlescountybarassociation@gmail.com

President: Jeremy Widder

Vice President: Seun Williams

Social Events Coordinator: Jessica Morales

Secretary: Kimberly Fullerton

Treasurer: Andrea Khoury

Member-at-Large: Nivea Ohri

February 28, 2024

Chairman William C. Smith, Jr.
Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East Wing
11 Bladen Street, Annapolis, MD 21401

Chairman Luke Clippinger
House Judiciary Committee
House Office Building, Room 101
6 Bladen Street, Annapolis, MD 21401

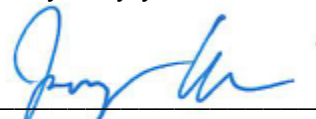
Re: Support for SB 827/HB 1079
Courts and Judicial Proceedings – Jury Examination

Dear Chairman Smith and Chairman Clippinger:

We write to urge a favorable report on SB 827/HB 1079 which addresses critical issues surrounding voir dire in Maryland. This legislation aligns Maryland with U.S. Supreme Court precedent and mitigates the risk of bias in jury selection. SB 827/HB 1079 is a crucial step towards improving our legal system, ensuring equal representation, and fostering diversity within our courtrooms. SB 827/HB 1079 offers a necessary clarification of the scope and purpose of voir dire, and provides attorneys with essential information to exercise peremptory challenges judiciously without violating constitutional principles.

We urge you to support the passage of SB 827/HB 1079 to ensure equal access to a fair and impartial trial by jury. Thank you for your attention to this matter and your dedication to the principles of justice.

Very truly yours,



President

Charles County Bar Association

Letter in support of SB 827 FAVORABLE.pdf

Uploaded by: Peter Holland

Position: FAV

The **HOLLAND LAW FIRM**
for Consumer Rights

The Holland Law Firm, P.C.
914 Bay Ridge Road, Suite 230
Annapolis, MD 21403

February 15, 2024

Chairman William C. Smith, Jr. Senate Judicial Proceedings Committee Miller Senate Office Building, 2 East Wing 11 Bladen Street, Annapolis, MD 21401	Chairman Luke Clippinger House Judiciary Committee House Office Building, Room 101 6 Bladen Street, Annapolis, MD 21401
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Re: Support for SB 827/HB 1079
Courts and Judicial Proceedings – Jury Examination

Dear Chairman Smith and Chairman Clippinger:

As the founder of one of Maryland's only private law firms dedicated to helping consumers harmed by collection abuse and other unfair trade practices, we have seen our share of implicit bias in the courtroom. I have personally experienced the feeling of not knowing enough information about potential jurors that would help with peremptory challenges to ensure an impartial jury.

I urge a favorable report on SB 827/HB 1079 which addresses critical issues surrounding *voir dire* in Maryland. It is concerning that Maryland is currently not in alignment with U.S. Supreme Court precedent on this issue. SB 827/HB 1079 is a crucial step towards improving our legal system, ensuring equal representation, and fostering diversity within our courtrooms. SB 827/HB 1079 offers a necessary clarification of the scope and purpose of *voir dire*, and provides attorneys with essential information to exercise peremptory challenges judiciously without violating constitutional principles.

I urge you to support the passage of SB 827/HB 1079 to ensure equal access to a fair and impartial trial by jury.

Sincerely,

/s/ Peter A. Holland
PETER A. HOLLAND

Letter in support of SB 827.pdf

Uploaded by: Peter Holland

Position: FAV

The **HOLLAND LAW FIRM**
for Consumer Rights

The Holland Law Firm, P.C.
914 Bay Ridge Road, Suite 230
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February 15, 2024

Chairman William C. Smith, Jr. Senate Judicial Proceedings Committee Miller Senate Office Building, 2 East Wing 11 Bladen Street, Annapolis, MD 21401	Chairman Luke Clippinger House Judiciary Committee House Office Building, Room 101 6 Bladen Street, Annapolis, MD 21401
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Re: Support for SB 827/HB 1079
Courts and Judicial Proceedings – Jury Examination

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I urge you to support the passage of SB 827/HB 1079 to ensure equal access to a fair and impartial trial by jury.

Sincerely,

/s/ Peter A. Holland
PETER A. HOLLAND

SB 827 PJC testimony favorable.pdf

Uploaded by: Peter Holland

Position: FAV



Debra Gardner, Legal Director
Public Justice Center
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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.

Letter Supporting SB 827 to Chairman William C. Sm

Uploaded by: Stephen Nolan

Position: FAV



SMITH GILDEA
& SCHMIDT LLC

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senior counsel:
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STEPHEN J. NOLAN

February 28, 2024

Chairman William C. Smith, Jr.
Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East Wing
11 Bladen Street
Annapolis, Maryland 21401

Re: Support for SB 827
Courts and Judicial Proceedings – Jury Examination
Committee Hearing: February 29, 2024

Dear Chairman Smith:

As a trial attorney of over 46 years and former member of the Maryland State Bar Association's (MSBA) Special Committee on *Voir Dire*, I am writing in support of Senate Bill 827 – legislation that will ensure an individual's right to a fair and impartial jury representative of the community. Unfortunately, existing law does not protect that constitutional right.

In October 2011, the MSBA convened a special committee of judges and lawyers “to develop, and recommend for acceptance, model *voir dire* questions to benefit the bench, bar and parties to court proceedings.”¹ One of the other stated goals was “to review current *voir dire* practices throughout Maryland and present suggestions for improvement.” *Id.*

I had the privilege of serving as the co-Chair of the Tort Law Subcommittee of the MSBA Special Committee. Fast forward to July 15, 2014, the Maryland Supreme Court's Standing Committee on Rules of Practice and Procedure issued a report that stated:

This is a special report in response to the Court's request, in footnote 1 to its Opinion in *Pearson v. State*, 438 Md. 350, 357 (2014), that, after conducting a national study, the Committee consider and make a recommendation to the Court whether the scope of *voir dire* examination should be extended beyond its current limited function of determining a specific cause for disqualification of jurors, **to include facilitating what has been termed the “intelligent exercise of peremptory challenges.”** (emphasis added).

185th Report of Standing Committee on Rules of Practice and Procedure (July 15, 2014).

¹ Minutes of Organizational Meeting of MSBA Special Committee on *Voir Dire* held on October 17, 2011.

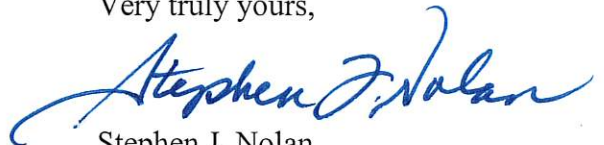
Honorable William C. Smith, Jr., Chair
Senate Judicial Proceedings Committee
On consideration of SB 827
Hearing: February 29, 2024

On April 18, 2016, the MSBA's Board of Governors adopted the report of the *Voir Dire Special* Committee. The primary substance of that report was a set of Proposed Model Jury Selection Questions for Civil and Criminal Trials (MJSQ). The report with those model questions was subsequently presented at the Joint Meeting of the Maryland Judiciary and MSBA in June, 2016 and to the Maryland Judicial College in October, 2016. The MSBA Special Committee continued to hone the MJSQ based on comments of lawyers and judges and a final set of MJSQ was presented at the MSBA's Annual Meeting in June 2017.

It has been nearly 10 years since the court's request in *Pearson* and the Rules Committee's 185th special report. The time for "*facilitating what has been termed the 'intelligent exercise of peremptory challenges'*" is long overdue. Model Jury Selection Questions are beneficial but they are not enough. SB 827 is designed to correct the constitutional defects in the current system by adding Section 8-423 to the Courts & Judicial Proceedings Article. Once enacted, that statute will make clear the fact that the purpose of jury examination is not only to "identify and remove prospective jurors who are unable to serve fairly and impartially;" it is also to "allow the parties to obtain information that may provide guidance for the use of peremptory challenges and challenges for cause."

Mr. Chair, I respectfully request that you and all members of your Committee vote in favor of SB 827, the purpose of which is to mitigate the effects of explicit and implicit bias in our society and protect our constitutional right to a fair and impartial jury.

Very truly yours,



Stephen J. Nolan
snolan@sgs-law.com
(410) 908-7853

SB 827 - MSAA Unfavorable.pdf

Uploaded by: Patrick Gilbert

Position: UNF



Maryland State's Attorneys' Association

3300 North Ridge Road, Suite 185

Ellicott City, Maryland 21043

410-203-9881

FAX 410-203-9891

Rich Gibson
President

Steven I. Kroll
Coordinator

DATE: February 29, 2024

BILL NUMBER: SB 827

POSITION: Opposed

The Maryland State's Attorneys' Association (MSAA) opposes Senate Bill 827, and urges this Committee to issue an unfavorable report.

While well-intentioned, the language of SB 827 will have unclear effects on the method juries are selected in Maryland. Primarily, MSAA is concerned with how much the language of SB 827 leaves open to interpretation the discretion trial judges enjoy – and have always enjoyed – to control the manner in which a jury is selected. The current goal of selecting a jury that can listen to the evidence and render an unbiased decision based exclusively on the facts and the law is well-served by the existing panoply of rules governing jury selection.

As the Supreme Court of Maryland has noted, the length of time it takes to select a jury is an important consideration – judicial economy and the efficient use of resources require judges, when deciding whether to ask a particular question voir dire question, to balance the associated expenditure of time with the likelihood that the question will reveal bias. The language of SB 827 is open to an interpretation that would require judges to focus nearly exclusively on the latter interest, greatly increasing the time required to select a jury at the risk of appellate reversal.

Judges are not currently prohibited from asking questions that would assist parties in the exercise of peremptory challenges – they are simply not required to. SB 827 would potentially change this (or, at least, could be interpreted by an appellate court to change this). MSAA supports methods by which parties can learn more about the potential jurors, but is concerned about the possibility that SB 827 would require courts to engage in protracted inquiry into the private lives of potential jurors, burden an already overburdened system by extending the duration of the jury selection process, and cause unnecessary appellate reversal based solely on the trial court's exercise of discretion to control inquiry encouraged by the language on lines 18 to 20 (despite the accused being afforded a constitutionally-sound jury selection process), and urges this Committee to issue an unfavorable report.

sb827.pdf

Uploaded by: Linda Miller

Position: INFO

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
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PUBLIC AFFAIRS OFFICER
P: (410)260-1523

MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq., Staff
410-260-1523
RE: Senate Bill 827
Courts and Judicial Proceedings – Jury Examination
DATE: February 27, 2024
(2/29)

COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges that the legislature is the policy-making branch. However, the Judiciary writes to respectfully request that this bill be amended to form a workgroup to study the important issue of voir dire. As currently drafted, this bill would be a drastic change to well-settled law in Maryland regarding the permitted purpose of voir dire. “This Court has frequently emphasized that, unlike courts in many other jurisdictions, Maryland courts allow only ‘limited voir dire’ – meaning that the sole purpose of voir dire questioning is to determine whether prospective jurors should be struck for cause, not to elicit information for the exercise of peremptory strikes in the second stage of jury selection.” *Kidder v. State*, 475 Md. 113, 125, 256 A.3d 829, 835 (2021). In other words, Maryland courts are currently focused solely on removing potential jurors who are unable to be fair and impartial (and thus stricken for cause.) This bill would alter that focus to make equally important the litigants’ ability to gather information on jurors to exercise discretionary strikes/removal. It is important to note that there have been recent questions raised as to whether those discretionary, or peremptory strikes, foster discriminatory practices. To that end, the Rules Review Subcommittee of the Equal Justice Committee of the Judicial Council recommended the altogether elimination of peremptory challenges. While this recommendation has not been fully considered, the Judiciary thought it important to bring to the legislature’s attention given the importance of the concerns raised. Additionally, expanded voir dire would have an operational impact on the Judiciary in the length of

time allotted for jury selection. Because this bill would be a dramatic departure from current law, and because of the varying and important views on the topic, the Judiciary believes that the topic warrants further study with input from a wide variety of stakeholders. The Judiciary would welcome inclusion in a workgroup to determine how best to consider this important topic.

cc. Hon. William Smith
Judicial Council
Legislative Committee
Kelley O'Connor

SB0827 - MSBA Informational Letter (2024.02.28).pd

Uploaded by: Shaoli Katana

Position: INFO



MSBA Main Office
520 West Fayette Street
Baltimore, MD 21201
410-685-7878 | msba.org

Annapolis Office
200 Duke of Gloucester Street
Annapolis, MD 21401
410-269-6464 | msba.org

To: Members of the Senate Judicial Proceedings Committee
From: Maryland State Bar Association (MSBA)
Subject: SB 827 – Courts and Judicial Proceedings – Jury Examination
Date: February 28, 2024
Position: **Informational Letter**

The Maryland State Bar Association (MSBA) files this informational letter regarding **Senate Bill 827 – Courts and Judicial Proceedings – Jury Examination**. SB 827 specifies the purpose of jury examination in any State court is to identify and remove prospective jurors who are unable to serve fairly and impartially, and allow the parties to obtain information that may provide guidance for the use of peremptory challenges and challenges for cause.

MSBA represents more attorneys than any other organization across the state in all practice areas. Through its advocacy committees and various practice-specific sections, MSBA monitors and takes positions on legislation that protects the legal profession, preserves the integrity of the judicial system, and ensures access to justice for Marylanders.

The language of the bill is vague about the implementation of the proposed jury examination process in Maryland courts and any impact on judicial discretion. SB 827 lacks clarity with respect to the guidelines for conducting jury examination and the role of judges, attorneys, and parties.

Contact: Shaoli Katana, Advocacy Director (shaoli@msba.org, 410-387-5606)