

**DUGAN  
BABIJ  
TOLLEY  
& KOHLER** LLC

**Finding Answers.  
Demanding Justice.**



ATTORNEYS AT LAW

**Henry E. Dugan, Jr.**

*Retired*

**Bruce J. Babij**\*†††▲

bbabij@medicalneg.com

**George S. Tolley, III**\*††§

gtolley@medicalneg.com

**Alison D. Kohler**\*

akohler@medicalneg.com

\* Admitted in MD

† Admitted in DC

§ Admitted in NC

† Admitted in WV

+ Admitted in PA

▲ Admitted in OH

March 4, 2024

Chairman Luke Clippinger  
House Judiciary Committee  
House Office Building, Room 101  
Annapolis, Maryland 21401

**HB 1079 Courts and Judicial Proceedings – Jury Examination**

Dear Chairman Clippinger:

I write to urge a FAVORABLE report on HB 1079, which would clarify that the purpose of pre-trial voir dire includes allowing the parties to obtain information that may guide them in the constitutional use of their peremptory challenges and challenges for cause.

As a trial lawyer admitted to practice in multiple jurisdictions, I have tried cases before juries in the courts of States where voir dire is not as limited as it is in Maryland. Judges in those courts exercise discretion over how much time is devoted to jury selection. In West Virginia, where attorneys may conduct voir dire with the trial judge's supervision, it is customary to finish jury selection (twelve jurors plus two alternates) before the lunch break.

The system of juror examination in Maryland is flawed and, despite many years of requests from the Bar and even the Standing Committee on Rules of Practice and Procedure, the Judiciary has not acted to fix it. It is time for the General Assembly to act.

Please return a FAVORABLE report on HB 1079.

Sincerely,

GEORGE S. TOLLEY, III

GST/jzie