

HON. OMAR A. WILLIAMS'S STANDING ORDER ON JURY SELECTION

The Federal Jury Selection and Service Act (“JSSA”) provides that all litigants in federal court entitled to a trial “shall have the right to grand and petit juries selected at random from a fair cross section of the community in the district or division wherein the court convenes.” 28 U.S.C. § 1861. In criminal cases, a defendant’s Sixth Amendment right to a jury trial includes as an essential component “the selection of a petit jury from a representative cross section of the community.” *Taylor v. Louisiana*, 419 U.S. 522, 528 (1975). As stated by the Supreme Court of the United States, the fair-cross-section requirement in jury selection is “fundamental to the American system of justice.” *Id.* at 529. In furtherance of this goal, this court requires that, upon the conclusion of **individual** voir dire for any prospective juror, such individual must be selected or struck (pursuant to a peremptory challenge, or, where warranted, for cause), prior to commencing voir dire on any subsequent member of the jury pool. Once again, after each potential juror’s individual voir dire, such person either will be excused or empaneled before another potential juror is questioned. The court **will not** delay the use of peremptory challenges until after the entire jury pool (or any subset thereof) has been questioned. However, before such individual voir dire takes place, the court will consider any potential juror’s claim that they cannot or should not serve on that particular trial’s jury.

I. Jury Selection Process

During its orientation by the jury clerk, the pool of potential jurors will be given a list of each party’s counsel, counsel’s colleagues, and potential witnesses for their review, in addition to a voir dire questionnaire prepared by the court (based on the questions

proposed by the parties). Once the potential jurors are invited into the courtroom, the court briefly will describe the case and the anticipated trial schedule. From there, the parties will be permitted to introduce themselves. Thereafter, the court will inquire whether anything discussed up to that point (the nature of the case, the people involved, or the timing of trial, for example) is likely to prevent their ability to serve on the jury. Those raising concerns about their prospective service will be considered by the court outside the presence of the remainder of the pool. This method preserves the privacy of those with hardships, and excuses them quickly. Those who presented concerns either will be excused from service or will be returned to the pool for individual voir dire; those not excused will be returned to the courtroom (in an order determined by the court and based upon their randomly-assigned juror number) for additional individual questioning.

Again, the remaining pool of potential jurors will be questioned **individually**. The court will provide the parties with copies of the questionnaires that were completed by the potential jurors earlier in the morning. The parties (in alternating order) will be permitted to reasonably follow up with additional questions of their own. After being questioned, each potential juror will be asked to step outside the courtroom and the parties will be asked whether they find the potential juror acceptable, or whether they wish to challenge their service. Then the prospective juror will be invited back into the courtroom, and the court will inform them whether they have been selected or excused from service. The first party to question a prospective juror will be the first party asked whether that potential juror is acceptable for service, and the parties will alternate who starts the questioning of each potential juror. In other words, if a potential juror is questioned first by the prosecution (or plaintiff, in a civil case), then the prosecution (or plaintiff) will be the first

party to state whether the juror is acceptable to serve. The next potential juror will be questioned first by the defense, with the defense being the first to state whether that potential juror is acceptable for service. We will continue in this alternating manner until the jury is chosen. As always, the alternate jurors will not be aware of their status as an alternate until the close of evidence.

II. **Objections to the Process**

If either party objects to the court's method of jury selection, such objection must be filed seven (7) days prior to the pretrial scheduling conference, and it also must contain the **legal authority** supporting such objection.

IT IS SO ORDERED. Entered at Hartford, Connecticut, this 16th day of February, 2023.

/s/
OMAR A. WILLIAMS
United States District Judge