

IN THE
SUPREME COURT OF PENNSYLVANIA

IN RE: Promulgation of : No. 285
New Rule of Civil Procedure : Civil Procedural Rules Docket
220.1 Governing Voir Dire : No. 5

O R D E R

PER CURIAM:

AND NOW, this 14th day of August, 1997, new Pennsylvania Rule of Civil Procedure 220.1 governing Voir Dire is promulgated to read as attached hereto.

This Order supersedes the Order No. 202, Civil Procedural Rules Docket No. 5, dated September 15, 1993 which promulgated Rule 220.1 governing juror information questionnaire and which was subsequently suspended until further Order of the Supreme Court by the Order No. 205, Civil Procedural Rules Docket No. 5, dated December 17, 1993.

This Order shall be effective January 1, 1998 and shall be processed in accordance with Rule of Judicial Administration 103(b).

Rule 220.1. Voir Dire

(a) Voir dire shall be conducted to provide the opportunity to obtain at a minimum a full description of the following information, where relevant, concerning the prospective jurors and their households:

- (1) Name;
- (2) Date and place of birth;
- (3) Residential neighborhood and zip code (not street address);
- (4) Marital status;
- (5) Nature and extent of education;
- (6) Number and ages of children;
- (7) Name, age and relationship of members of prospective juror's household;

(8)
Occupation
a n d
employment
history of
t h e
prospectiv
e juror,
t h e
j u r o r ' s
spouse and
children

a n d
members of
t h e
j u r o r ' s
household;

(9) Involvement as a party or a witness in a civil lawsuit or a criminal case;

(10) Relationship, friendship or association with a law enforcement officer, a lawyer or any person affiliated with the courts of any judicial district;

(11) Relationship of the prospective juror or any member of the prospective juror's immediate family to the insurance industry, including employee, claims adjustor, investigator, agent, or stockholder in an insurance company;

(12) Motor vehicle operation and licensure;

(13) Physical or mental condition affecting ability to serve on a jury;

(14) Reasons the prospective juror believes he or she cannot or should not serve as a juror;

(15) Relationship, friendship or association with the parties, the attorneys and prospective witnesses of the particular case to be heard;

(16) Such other pertinent information as may be appropriate to the particular case to achieve a competent, fair and impartial jury.

(b) The court may provide for voir dire to include the use of a written questionnaire. However, the use of a written questionnaire without the opportunity for oral examination by the court or counsel is not a sufficient voir dire.

NOTE: The parties or their attorneys may conduct the examination of the prospective jurors unless the court itself conducts the examination or otherwise directs that the examination be conducted by a court employee. Any dispute shall be resolved by the court.

A written questionnaire may be used to facilitate and expedite the voir dire examination by providing the trial judge and attorneys with basic background information about the jurors, thereby eliminating the need for many commonly asked questions.

(c) The court may permit all or part of the examination of a juror out of the presence of other jurors.

EXPLANATORY COMMENT

New Rule 220.1 governing voir dire, the examination of prospective jurors, furthers the goal of establishing a uniform civil practice throughout the Commonwealth with respect to the information which the parties may obtain concerning prospective jurors.

The rule specifies the information which the parties should be able to obtain through voir dire but does not require a particular manner of voir dire. Subdivision (a) is devoted to listing the information to which the parties are entitled.

The rule does not dictate the mechanics of voir dire, but leaves the method of voir dire to the local courts of common pleas. Subdivision (b) does give some guidance, however. Voir dire may include the use of a written questionnaire, but no form of questionnaire is mandated or suggested. The note observes that a written questionnaire may "facilitate and expedite" voir dire by providing basic background information. The rule provides that "the use of a written questionnaire without the opportunity for oral examination is not a sufficient voir dire." The parties are entitled to both hear prospective jurors and observe their demeanor.

The rule recognizes that service upon a jury may be a new and disquieting experience to citizens called as prospective jurors. Information may be sought which a prospective juror feels uncomfortable revealing in open court. Thus, subdivision (c) provides

that the "court may permit all or part of the examination of a juror out of the presence of other jurors."

**BY THE CIVIL PROCEDURAL
RULES COMMITTEE**

**EDWIN L. KLETT
CHAIRMAN**