

Sample Voir Dire on Implicit Bias

What experiences have you had with people who are different from you (for example, from a culture other than your own)?

Describe a particularly meaningful interaction that you or someone close to you has had with someone of another race.

Describe the best experience you have had with a member of another race.

How might your ability to judge the evidence in the case be affected by the fact that the plaintiff is Asian American (for example)?]

What, if anything, do you know about implicit or unconscious bias?

Sample Voir Dire on Receptiveness

You have just learned about the concept of implicit racial bias. Not everyone agrees on the power of its influence or that they are personally susceptible to it. I'd like to get a sense of your reaction to the concept of subconscious racial bias and whether you are open to believing it may influence you in your day-to-day decision-making. Let me start by asking for your reaction to learning about the idea of implicit, or subconscious, racial bias.

If a prospective juror expresses skepticism about implicit racial bias, then,

I appreciate your candor and thank you for sharing this view . . . it is certainly not an uncommon reaction to first learning about [implicit racial bias] . . . Do others share Juror Number X's skepticism?

Sample Jury Questionnaire Questions on Implicit Bias

Even though I know it's not appropriate, I sometimes feel that I hold unconscious negative attitudes toward Blacks.

When talking to Black people, I sometimes worry that I am unintentionally acting in a prejudiced way.

Even though I like Black people, I still worry that I have unconscious biases toward Blacks.

I never worry that I may be acting in a subtly prejudiced way toward Blacks (reverse scored).