Research Division
202-273-4070

memorandum

DATE: October 4, 1994
TO: Advisory Committee on Civil Rules, Advisory Committee on Criminal Rules
FROM: John Shapard, Molly Johnson
SUBJECT: Survey Concerning Voir Dire

At the request of the Chairmen of your Committees, the Center initiated a survey of active district judges concerning certain of their practices in conducting voir dire, as well as their opinions about counsel participation in voir dire and their impressions of the effect on voir dire of the line of cases beginning with *Batson v Kentucky*, 476 U.S. 79. A copy of the questionnaire is attached as exhibit A. This memorandum explains the results of the survey, and provides in a few instances comparisons to the results of a similar survey conducted by the Judicial Center in 1977.[1]

The survey was mailed to a randomly selected sample of 150 active district judges, with the sampling designed to achieve proportional representation of districts, chief judges, and time since appointment to the district bench. 124 Judges (83%) completed and returned the questionnaire. Because the information provided here is based on a sample, the results must be understood as estimates. The fact, for example, that 59% of respondents indicated that they ordinarily allowed counsel to ask questions during civil voir dire does not necessarily mean that 59% of all district judges allow some counsel questioning. There is a margin of error of roughly plus or minus 8% (hence somewhere between 51% and 67% of all district judges allow counsel questioning).[2]

Extent of Counsels' Participation in Voir Dire

One focus of the survey was the extent to which judges permit counsel to address prospective jurors directly—as opposed to the court asking all questions—in the course of voir dire. Asked about their "standard" practice, 59% indicated that they allowed at least some direct attorney participation in voir dire of civil trial juries, and 54% so indicated with regard to criminal juries. In the Center's 1977 study, less than 30% of district judges reported allowing any questioning by counsel during voir dire in "typical" civil or criminal cases. There was no marked difference in responses to a second question asking about practices in "exceptional" cases, the percentages being 67% (civil) and 51% (criminal). The extent of permitted counsel participation was indicated by three different responses, distinguished by unavoidably subjective terms. One response indicated that the judge allows counsel to "conduct most or all of voir dire," another

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[1] See Bermant, The Conduct of Voir Dire Examination: Practices and Opinions of Federal District Judges, Federal Judicial Center, 1977.

[2] To be a bit more specific, the plus-or-minus 8% figure is the size of the 95% confidence interval, which means that with random sampling from the population of active district judges, there is at most a 5% chance that the percentage given for the sample (here 59%) would occur if in fact the percentage for the entire population of active district judges was more than 8% different (i.e., below 43% or greater than 59%).

indicated that the judge conducts a preliminary examination and then gives " counsel a fairly extended opportunity to ask additional questions", and the third indicated that after the judge's examination, counsel were given "a very limited opportunity to ask additional questions." The percentages of these answers selected by the respondents are shown in Table 1.

TABLE 1

RESPONSE	"Standard Practice" Civil	"Standard Practice" Criminal	"Exceptional Cases" Civil	"Exceptional Cases" Criminal
a. I allow counsel to conduct most or all of voir dire. I either ask no questions or ask only very general, standard questions addressed to the entire venire (e.g., please raise your hand if you know any of the parties or attorneys).	9%	7%	8%	6%
b. I conduct an initial examination covering usual voir dire questions, and then give counsel a fairly extended opportunity to ask additional questions.	18%	18%	27%	26%
c. I conduct an initial examination covering usual voir dire questions, and then give counsel a very limited opportunity to ask additional questions.	33%	29%	29%	28%
d. I conduct the entire examination. I permit counsel to submit to me questions they would like me to ask, but do not generally allow counsel to ask any questions directly.	41%	46%	34%	38%
e. Other	2%	1%	2%	3%

Another question asked the judge to estimate the average time taken in questioning jurors during voir dire, broken down between time spent by counsel and by the court, and by civil and criminal cases. The average total time—court and counsel—reported was 1:12 for civil cases and 1:39 for criminal cases. The range of the responses is shown in Table 2, together with figures for a similar question asked in the Center's 1977 study.

TABLE 2

	Percent of Respondents			
Total Average Time Spent	Current Study		1977 Study	
Questioning Prospective Jurors	Civil	Criminal	Civil	Criminal
less than 30 minutes	4%	2%	33%	16%
30 min - 1 hour	25%	10%	49%	49%
1 - 2 hours	56%	55%	14%	28%
2 or more hours	15%	34%	1%	7%

Among judges who reported any time expended by counsel, the average was 31 minutes in civil cases and 40 in criminal cases. Perhaps most intriguing, however, is the absence of much relationship between total voir dire time and the judge's indication of his or her standard practice regarding attorney participation in voir dire (which is summarized above in Table 1). Table 3 shows the reported times broken down by standard voir dire practice.

TABLE 3

Standard Voir Dire Practice	Average Voir Dire Time					
	Civil			Criminal		
	Ct	Cnsl	**Tot**	Ct	Cnsl	**Tot**
a. I allow counsel to conduct most or all of voir dire. I either ask no questions or ask only very general, standard questions addressed to the entire venire (e.g., please raise your hand if you know any of the parties or attorneys).	0:13	0:55	**1:09**	0:20	1:08	**1:28**
b. I conduct an initial examination covering usual voir dire questions, and then give counsel a fairly extended opportunity to ask additional questions.	0:43	0:32	**1:15**	0:57	0:42	**1:39**
c. I conduct an initial examination covering usual voir dire questions, and then give counsel a very limited opportunity to ask additional questions.	0:54	0:20	**1:15**	1:19	0:25	**1:44**
d. I conduct the entire examination. I permit counsel to submit to me questions they would like me to ask, but do not generally allow counsel to ask any questions directly.	1:05	0:00	**1:05**	1:32	0:00	**1:32**

Effects of *Batson*

The survey also asked questions pertaining to the influence of *Batson* and its progeny (hereafter, simply "*Batson*"). When asked what percentage of their jury trials in the last year had involved a *Batson-type* objection,[3] 36% answered "none." The average percentage reported was 7%, with a median of 2%. (15% reported that such objections occurred in more than 10% of their trials).

It can be argued that *Batson* creates a need for increased attorney participation in voir dire (or at least for more probing voir dire) to afford counsel more information on which to base their exercise of peremptories. *Batson* prohibits exercise of peremptories based simply on stereotypes of certain kinds. Hence counsel may need more information to determine, for instance, if a particular prospective juror harbors the bias that counsel suspects is common among persons of that class (e.g., that race, gender). To help illuminate this issue, we asked judges how often they thought the explanation for a peremptory that is offered in response to a Batson objection was an explanation based on information that would be adduced from a routine voir dire (as opposed to information obtained only from a somewhat probing voir dire). The average answer was 84%, with a median of 90% (fully 47% of responses were 95% or greater). Hence a large majority of judges think it rare that explanations for peremptories are based on information other than that "routinely elicited in voir dire or otherwise routinely available to counsel."[4]

When asked whether *Batson* "led you to alter your practice with regard to voir dire," fewer than 20% of the judges gave any affirmative response. Of those, most noted changes regarding the method of exercising peremptories. Only about 5% indicated that they had changed their practices regarding voir dire questioning, all but one indicating that voir dire questioning is more

[3] See the attached survey for the definition of "*Batson-type* objection."

[4] Of course, if the only information available to counsel is that which is "routinely elicited," then the explanation can hardly be based on anything else. It that were the basis for the answers to this questions, however, one might expect to see a correlation between the answer to this question and the extent of counsel participation in voir dire reflected in questions 1 and 3. There was no significant correlation, and the only one even suggested by the data suggests that numerically larger answers to this question are most common among judges who allow counsel to conduct all or most of the voir dire.

probing than in the past, at least in "exceptional" cases.[5]

Asked whether *Batson* had led to changes in regard to challenges for cause, 18% indicated that counsel "have increased their efforts to excuse jurors for cause," and 16% said that they "have become more willing to excuse jurors for cause." 74% of the respondents indicated that neither change had occurred.

Others Views Regarding Questioning by Counsel in Voir Dire

Question 8 asked the judges to indicate statements with which they agreed pertaining to questioning by counsel in voir dire. The statements and the percentage indicating agreement are shown in Table 4.

TABLE 4

Questioning of prospective jurors by counsel:

a. Takes too much time.	50%
b. Is less time-consuming than voir dire conducted entirely by the judge.	4%
c. Results in counsel using voir dire for inappropriate purposes (e.g. to argue their case, or simply to "befriend" jurors).	67%
d. Is an appropriate opportunity for counsel to introduce themselves to jurors.	31%
e. Is necessary to permit counsel and the parties to feel satisfied with the jury selection process, but is not otherwise worthwhile.	14%
f. Is necessary to permit counsel and the parties adequately to inform themselves of bases for challenges, whether peremptory or for cause.	32%
g. Is more effective because counsel know better what questions to ask.	17%
h. Is inappropriate; it should be the judge who solicits information about the jurors' ability to properly discharge their duties as jurors.	33%
i. Other	23%

Judges who indicated agreement with statement a in Table 4 (counsel questioning takes too much time) were asked to indicate how much more time counsel questioning would take than voir dire conducted entirely by the judge. The median response was 1.5 hours for civil cases and 2 hours for criminal cases. Compared to the total voir dire time reported by the respondents in question 2 (see tables 2 and 3 and associated text, above), these responses reflect a view that counsel questioning of jurors will more than double the time required for voir dire. This is at odds with the information presented in Table 3, above, which indicates very little difference in voir dire time regardless of whether the judges allows much, little, or no counsel questioning of jurors. The disharmony between these two aspects of the responses may also be due to either or both of two other phenomena:

1. Those judges who allow counsel questioning may manage to do so without it taking excessive time, and many of those who prohibit counsel participation may do so in part because they believe it will take too much time—a belief sometimes but not always based on personal experience.
2. At least some judges apparently interpreted the inquiry as pertaining to "unlimited" attorney voir dire (e.g. as they experienced voir dire as a state court judge), and indicated that attorney participation in voir dire takes vastly more time, even though the judge routinely

[5] The percentages mentioned in this paragraph pertain only to those respondents who were appointed to the bench before the *Batson* decision (86% of all respondents).

allows at least some questioning by counsel (the "takes too much time" response was chosen by 28% of the judges who report that they routinely allow some counsel questioning in both civil and criminal cases).

The responses to question 8 (see Table 4) can be used to gauge general attitude about counsel questioning in voir dire. Responses a, c, and h may be taken as negative views of attorney participation in voir dire, and the others (except i - other) as positive. Of those who selected any of these answers, 19% expressed only positive views, 68% expressed only negative views, and 13% expressed both positive and negative views.

Finally, we asked those judges who do allow counsel questioning to indicate how they ensure that counsel "do not use voir dire for inappropriate purposes or simply take too much time." The responses are summarized in Table 5.

TABLE 5

Response	Percent:
a. Not applicable. I do not permit counsel to ask questions of jurors during voir dire.	41%
	Percent of those answering other than a
b. I rarely find it necessary to do anything, although I may occasionally admonish an attorney to take less time or to avoid speeches or improper questions.	44%
c. I make clear to counsel at the outset that I do not tolerate inappropriate or time-consuming questioning. (By what means:)	79%
c1. oral reminder at the bench	41%
c2. standard part of pretrial order	8%
c3. other (mostly during pretrial conference)	41%
d. I generally limit the time allowed for voir dire.	50%
Average minutes per side allowed in routine case, Civil: 22, Criminal: 25	
e. Other (most referred simply to close monitoring of counsels' questions)	10%

A number of the respondents offered explanations of their approaches to conducting voir dire that are not amenable to tabulation but that may be useful in considering either questioning by counsel during voir dire or how voir dire practices might be modified in light of *Batson.* These are listed below.

Approaches to controlling attorney questioning of prospective jurors.

1. Some judges who indicated that they permit counsel to conduct all or most of the voir dire pointed out that the oral questioning was limited to follow-up questions. The initial "voir dire" is handled by a questionnaire tailored to the specific case that jurors are asked to complete before reporting to the courtroom. An example of such a questionnaire is attached as exhibit B.
2. While many judges impose time limits on counsel questioning, others constrain the questioning by limiting the scope of questioning, sometimes by an in-chambers conference where counsel explain the questions they want to ask and the judge in turn specifies what questions will be permitted.
3. Some judges will simply take over the questioning (and thus end counsel's questioning) if

counsel does not comply with the judge's rules concerning proper inquiry. Other judges employ the approach of suggesting that counsel "rephrase" a question that the court finds problematic.

4. One respondent noted following the Scheherezade rule: "if they keep me interested, they can keep asking questions."
5. Another mentioned a list of restrictions, including: (a) A question may not be directed to an individual juror if it can be addressed to the panel as a whole; (b) Prohibit using voir dire to instruct jurors; and (c) A question may not seek a juror's commitment to support a given position based on hypothetical facts.

Responses to *Batson*:

1. Some judges require that peremptories be exercised first after an initial panel (e.g. 12 jurors) have passed challenges for cause, with challenged jurors then being replaced by random draw from the pool of prospective jurors, peremptories exercised only with respect to the replacements, and so on. This approach prevents counsel from knowing who might replace a challenged juror, and so makes it more difficult to pursue a strategy prohibited by *Batson* (or any other strategy).
2. Other judges, for the same purposes, allow all peremptories to be exercised after all challenges for cause, but with the parties making their choices "blind" to the choices made by opposing parties (in contrast to alternating "strikes" from a list of the names of panel members).[6]

Observations about questioning of prospective jurors by counsel.

1. A number of respondents indicated that judges <u>should</u> conduct voir dire, because—as every trial lawyer knows—the lawyer's objective is to obtain a biased jury. Only the judge is in a position to foster selection of unbiased jurors.
2. A number suggested that judges simply do a better job of voir dire questioning, for one or more of several reasons: (a) counsel aren't very good at it, (b) some questions are better asked by the judge (to shield counsel from adverse responses to the asking of such questions), and (c) jurors will be more candid in responding to the judge than to counsel.

[6] A more extreme approach to the same end (not mentioned by any of the respondents but practiced in some state courts) is a procedure where jurors are individually questioned and passed for both peremptory and cause challenges one at a time—juror #1 is seated before juror #2 is questioned (or perhaps even identified). This approach imposes maximum limits on counsel's ability to employ peremptories in a strategic manner.

EXHIBIT A

Questionnaire Concerning Conduct Of Voir Dire

1. What is your **standard** practice with regard to questioning jurors during voir dire–the practice you follow in routine cases? (Please check one for civil and one for criminal cases.)

Civil cases	Criminal cases	
❒	❒	a. I allow counsel to conduct most or all of voir dire. I either ask no questions or ask only very general, standard questions addressed to the entire venire (e.g., please raise your hand if you know any of the parties or attorneys).
❒	❒	b. I conduct an initial examination covering usual voir dire questions, and then give counsel a fairly extended opportunity to ask additional questions.
❒	❒	c. I conduct an initial examination covering usual voir dire questions, and then give counsel a very limited opportunity to ask additional questions.
❒	❒	d. I conduct the entire examination. I permit counsel to submit to me questions they would like me to ask, but do not generally allow counsel to ask any questions directly.
❒	❒	e. Other. Please explain: _____ _____ _____

2. About how much time–on average–do you think is taken in your courtroom by the questioning of potential jurors in voir dire in a routine case?

Questioning by **counsel** in:
routine civil case: _____hour(s) routine criminal case: _____hour(s)
Questioning by **court** in:
routine civil case: _____hour(s) routine criminal case: _____hour(s)

3. What is your practice in **exceptional** cases, e.g., where the case has received notable publicity or where jurors may have strong emotional responses to the subject matter? (Please check one for civil and one for criminal cases.)

Civil cases	Criminal cases	
❒	❒	a. I allow counsel to conduct most or all of voir dire. I either ask no questions or ask only very general, standard questions addressed to the entire venire (e.g., please raise your hand if you know any of the parties or attorneys).
❒	❒	b. I conduct an initial examination covering usual voir dire questions, and then give counsel a fairly extended opportunity to ask additional questions.
❒	❒	c. I conduct an initial examination covering usual voir dire questions, and then give counsel a very limited opportunity to ask additional questions.
❒	❒	d. I conduct the entire examination. I permit counsel to submit questions they would like me to ask, but do not generally allow counsel to ask questions directly.
❒	❒	e. Other. Please explain: _____ _____ _____

4. In approximately what percentage of jury trials you conducted in the last 12 months did counsel make a *Batson*-type objection* to opposing counsel's exercise of peremptories?

_____%

5. In your experience, when a *Batson*-type* objection is made and respondent is called upon to explain the basis for challenging jurors, about what percentage of such explanations are based on information that would be elicited routinely in voir dire or from juror information routinely provided to counsel (e.g., juror's profession, marital status, demeanor), as opposed to information gleaned only from a somewhat probing voir dire (e.g. a question designed to elicit insight about the juror's attitude toward authority, and hence toward police)?

_____ % of explanations are based on information routinely elicited in voir dire or otherwise routinely available to counsel

6. Has the advent of *Batson*-type* objections led you to alter your practice with regard to voir dire? (Please check one for civil and one for criminal cases.)

Civil cases	Criminal cases	
❒	❒	a. Not applicable. I became a judge after the *Batson* decision.
❒	❒	b. No.
❒	❒	c. Yes, my standard practice is to conduct or permit counsel to conduct a more probing voir dire now than I did before *Batson*.
❒	❒	d. Yes, in some exceptional cases I conduct or permit counsel to conduct a more probing voir dire than I did before *Batson*.
❒	❒	e. Yes, I now conduct a less-probing voir dire, or allow counsel less opportunity to conduct a probing voir dire.
❒	❒	f. Other. Please explain: _____

_____

_____

_____

7. Do you think that *Batson* and its progeny cases have resulted in an increase either in counsels' efforts to have jurors excused for cause or in your willingness to excuse jurors for cause? (You may check both yes answers, or any single answer.)

Counsel have increased their efforts to excuse jurors for cause: ❒ No. ❒ Yes.

I have become more willing to excuse jurors for cause: ❒ No. ❒ Yes.

* A "*Batson*-type objection" means any objection to the exercise of peremptory challenges based at least in part on a claim that the peremptories were exercised due to the race, nationality, gender, or other characteristic of the challenged jurors.

8. Do you believe that allowing counsel to question potential jurors during voir dire: (check all with which you agree)

❒ a. Takes too much time (about how much **more** time than voir dire conducted entirely by you:

Civil cases:_____hour(s) Criminal cases:_____hour(s))

❒ b. Is less time-consuming than voir dire conducted entirely by the judge.

❒ c. Results in counsel using voir dire for inappropriate purposes (e.g. to argue their case, or simply to "befriend" jurors).

❒ d. Is an appropriate opportunity for counsel to introduce themselves to jurors.

❒ e. Is necessary to permit counsel and the parties to feel satisfied with the jury selection process, but is not otherwise worthwhile.

❒ f. Is necessary to permit counsel and the parties adequately to inform themselves of bases for challenges, whether peremptory or for cause.

❒ g. Is more effective because counsel know better what questions to ask.

❒ h Is inappropriate; it should be the judge who solicits information about the jurors' ability to properly discharge their duties as jurors.

❒ i. Other. Please explain: _____

_____

_____

9. If you allow counsel to ask questions during voir dire, how do you ensure that they do not use voir dire for inappropriate purposes or simply take too much time? (check all that apply)

❒ a. Not applicable. I do not permit counsel to ask questions of jurors during voir dire.

❒ b. I rarely find it necessary to do anything, although I may occasionally admonish an attorney to take less time or to avoid speeches or improper questions.

❒ c. I make clear to counsel at the outset that I do not tolerate inappropriate or time-consuming questioning. ➞ By what means do you to this?:

❒ oral reminder at the bench

❒ standard part of pretrial order

❒ other: _____

❒ d. I generally limit the time allowed for voir dire. In a routine case, I allow each side about _____ hour(s) in civil cases and _____ hour(s) in criminal cases.

❒ e. Other. Please explain: _____

_____

_____

_____

Thank you. Please return the survey in the accompanying envelope, or to:
The Federal Judicial Center, Research Division, One Columbus Circle, N.E.
Washington D.C. 20002-8003 ATTN: Voir Dire

EXHIBIT B

[After the prospective jurors have answered the questions set out below, the judge instructs them to indicate if they have any affirmative answers to a questions in schedule A or negative answers to questions in schedule B. Jurors who so indicate are then questioned at the sidebar, with counsel afforded an opportunity to ask questions supplemental to those asked by the judge.]

SCHEDULE A

1. The defendant in this case is John Doe.

   Q. Do you know the defendant or any members of the defendant's family.

2. The defendant John Doe is represented by Attorneys W. T. and J. W.
   The government is represented by Assistant United States Attorneys S. Y. and B. S.

   Q. Do you know any of these attorneys or any members of their families?

3. Do you know any of the partners or law associates of any of the attorneys?

4. The indictment in this case charges the defendant with conspiracy to possess with intent to distribute, and distribute, cocaine in violation of the United States Code. The indictment is merely the means by which the defendant is notified that he must stand trial for the alleged criminal conduct. Neither the indictment nor the fact of the indictment is evidence, nor should it be considered as evidence. The indictment identifies other persons who allegedly participated in the conspiracy.

   A. The persons so named are:
   [list of 10 names]

   QUERY: Do you know any of these persons or members of their families?

   B. Do you know of any reason why you would not follow the Court's instruction that the indictment is not evidence and the fact of the indictment is not evidence and neither is to be considered as any proof in this case?

   C. Have you heard on the radio or read in a newspaper anything concerning the charge of conspiracy against the defendant, Mr. Doe?

   D. Do you know anything about the subject matter of this trial?

5. Have you ever served on a Grand Jury?

6. Have you been employed by:

   a. Any law enforcement agency; or

b. Any other Agency or Department of the United States of America?
c. Any branch of the military?

7. Has any member of your family or close friend been employed by:
   a. Any law enforcement agency; or
   b. Any other Agency or Department of the United States of America?

8. Have you or has any member of your household been a party, either plaintiff or defendant, in a civil case that has been filed in the course of the past ten years?

9. Have you or has any member of your family been indicted by a Grand Jury?

10. Have you or has any member of your family been convicted of any crime other than a traffic offense?
    NOTE: Driving under the influence of alcohol or drugs is not to be considered for the purpose of this question as a traffic offense.

11. Have you ever been a witness in a criminal case?

12. Have you or has any member of your family ever been the victim of a crime?

13. Have you or has any member of your family ever filed a claim against the United States?

14. Do you have a hearing or sight problem that would interfere with your ability to see the witnesses or to hear the testimony in this case?

15. Are you on any medication that would impair your ability to concentrate on the testimony, the arguments of counsel and the instruction of the Court?

16. Do you have a health problem that would impair your ability to give this case your complete attention.

17. Does any member of your immediate family have a health problem that would impair your ability to fully concentrate on the testimony of this case?

18. Would you judge the credibility of law enforcement officers or government witnesses by any different standards than you would judge the credibility of any other witnesses?

19. Do you have any beliefs, personal, moral, or religious, that are of such a nature that you would not be unable or unwilling to sit in judgment of another's guilt or innocence?

20. Have you or has your close friends or relatives ever been involved in a case or dispute with the United States Government or any agency thereof in which a claim was made against the government or in which the government has made a claim against you, a close friend, or relative?

21. It is always difficult for the Court to accurately predict the length of a trial. Obviously, those who are chosen to serve on the jury will be required to be here for the entire trial and for the jury deliberation. It is the Court's plan to run this trial all five days of this week, including the federal holiday of Thursday, the 11th of November. The Court will not be in session on Wednesday, November 17, because of other duties. It is my best estimate at this time that the service we are asking you to perform will require this week and next week. I recognize that jury service of that length will be inconvenient and, in some cases, work severe hardship. If you believe that you have a good case for being excused because of severe hardship, and wish to be excused for that reason, you should so indicate by answering this question "Yes" and bringing your answer to my attention when I speak to you at the side bar.

22. This case involves allegations of drug distribution, specifically cocaine distribution.
    A. Do you now, or have you in the past, or alternatively, does any member of your family now, or in the past, have a problem with the use of illegal substances such as marijuana, heroin, LSD, cocaine or crack cocaine that has resulted in:
        (1) hospitalization?
        (2) attendance at a drug treatment center?
        (3) addiction?
    B. Do you hold any beliefs or do you have any emotional reactions regarding the use or distribution of the narcotic drug controlled substance known as cocaine and marijuana that would interfere with your ability to fairly and impartially consider the evidence in this case and render a verdict based on your determination of the facts?

23. The Court understands with respect to the government's case the following:

(1) The government's investigation included use of a court authorized wiretap of private citizens' phones.

(2) During the investigation of this case, the government paid money to certain cooperating witnesses for moving expenses.

(3) The government has entered into cooperation agreements with certain defendants whereby those defendants will receive consideration in the resolution of their cases in exchange for truthful testimony.

QUERY: Do you hold any beliefs or have any emotional reactions to the above described conduct on the part of the government that would interfere with your ability to fairly and impartially consider the evidence in this case and render a verdict based on your determination of the facts?

24. Do you know any reason why you would be biased or assert prejudice or sympathy in this case?

25. Are you personally acquainted with or know any relatives or close friends of any of the following named individuals who may appear as witnesses in this case:
[numbered list of 38 names]

26. Do you know of any reason why you cannot serve as a fair and impartial juror in this case?

SCHEDULE B

1. The laws of the United States guarantee to a defendant that he is presumed to be not guilty. Are you in sympathy with the rule of law that clothes the defendant with a presumption of innocence?

2. The law requires that the burden of proof shall be upon the government to convince you of each and every element of a crime beyond a reasonable doubt before you can return a verdict of guilty relative to said crime. Are you in sympathy with the rule of law that requires you as a juror to give a defendant the benefit of reasonable doubt?

3. The law does not require that a defendant prove that he is not guilty. Are you in sympathy with the rule of law that does not require a defendant to prove his innocence?

4. Are you willing to confine your deliberations to the evidence in this case as presented in the courtroom?

5. Are you willing to apply the Court's instructions as to the law and not substitute any ideas or notions of your own as to what you think the law should be?

6. Are you willing to wait until all the evidence has been presented and the court has instructed you on all the applicable law before coming to any conclusion with respect to charges contained in the indictment?

7. In your deliberations are you willing to abide by your convictions and not agree with other jurors solely for the sake being congenial, if you are convinced that the opinions of other jurors are not correct?