

Jury Selection Working Group
Meeting Minutes: August 21, 2026

I. Call to Order

A quorum being present, the Jury Selection Working Group on August 21, 2026, was called to order by Co-Chair Kevin Cheney at 1:13 p.m. in the Ralph L. Carr Judicial Center, Conference Room 1B and via Webex.

The following voting members were present at the meeting: Kevin Cheney (Co-Chair); Justice William Hood (Co-Chair); Joyce Akhahenda; Judge Kellie Eastin; Kim Graham; Judge Elizabeth Harris; Chief Judge Amanda Hunter; Judge Jerry Jones; Rachel Maestas; Judge Dana Nichols; Jerry Pratt; Adam Royval, CDLA (sub for John Palmeri); Jessica Salerno; Darryl Shockley; and Tanja Wheeler.

The following non-voting participants were also present at the meeting: Paula Agor, Kayla Cooley, Catherine McDaugale, and Terry Scanlon.

The following voting members were absent from the meeting: Chief Judge Michelle Amico, Amelia Blyth, and Chief Judge Paul Dunkelman.

The following materials were distributed before or used during the meeting:

1. July 14, 2026 Meeting Minutes
2. Jessica Salerno, *Scientifically Informed Policy Recommendations for Selecting Fair, Impartial, and Representative Juries* (PowerPoint presentation)
3. Jessica M. Salerno, Megan L. Lawrence & Samantha R. Bean, *Modernizing Jury Selection: Scientifically Informed Policy Recommendations for Selecting Fair, Impartial, and Representative Juries*, Soc’y for the Psych. Study of Soc. Issues (May 13, 2026)
4. Jessica M. Salerno et al., *The Impact on Minimal Versus Extended Voir Dire and Judicial Rehabilitation on Mock Jurors’ Decisions in Civil Cases*, Am. Psych. Ass’n (2021)
5. Paula Agor, *Effective Voir Dire Practices* (PowerPoint presentation)
6. Paula Hannaford-Agor & Morgan Moffett, *2023 State-of-the-States Survey of Jury Improvement Efforts: Voir Dire Practices in U.S. Courts*, Nat’l Ctr. for State Cts. (2023)
7. Jury Trial CMS Data
8. Public website feedback
9. Jury Selection Practices Survey results
10. Jury Selection Practices Survey Qualitative Data Summary
11. Colorado rules: C.R.C.P. 47, C.R.C.P. 347, Crim. P. 24, C.M.C.R. 224, C.R.J.P. 3.5, and C.R.J.P. 4.21.

II. Minutes

The July 14, 2026 minutes were approved without amendment by unanimous consent.

III. Announcements from the Co-Chairs

A. Rep. Michael Carter

Rep. Carter was unable to attend but will likely attend a future meeting.

IV. New Business

A. Colorado general jury data and judge survey results (Terry Scanlon, SCAO)

Terry gave an overview of the spreadsheets circulated before the meeting regarding (1) data from the case management system on jury trials, noting that there were limitations on the data that could be extracted; and (2) results from the jury selection practices survey sent to judges. Reach out to him if have any questions.

B. Presentation: Effective Voir Dire Practices (Paula Agor)

Paula recently retired from the National Center for State Courts where she specialized in jury studies. Her presentation covered the following:

- An overview of voir dire and its key objectives, which include removing jurors who cannot be fair and impartial, helping counsel effectively exercise peremptory challenges, and educating jurors about their role.
- The tension between speed and the quantity of information, noting that some practices are quick, but the attorneys won't get much information from the jurors, while other practices take more time but give more information about whether a juror is biased. She gave examples of median national statistics from the 2007 and 2023 "State of the States" surveys showing variations between states for the time given to voir dire based on case type.
- Juror concerns about privacy that can affect their candor (e.g., sharing embarrassing information, sharing private information in open court, who will have access to that information, etc.).
- Judge- versus attorney-conducted voir dire, which is predominantly equal in state court with both asking potential jurors questions. She noted that jurors may be more

candid when responding to attorney questions (because the judge is seen as an authority figure) and that attorneys often know the case better.

- The mechanics of voir dire, including questioning the entire panel, individual questioning while the juror is in the jury box, and individual questioning in a sidebar or in chambers regarding sensitive topics. There is a trend toward more questioning in a sidebar or in chambers.
- Asking relevant questions (e.g., concerns about bias) versus irrelevant questions (e.g., hobbies).
- The effectiveness of yes/no versus open-ended questions.
- The use of written juror questionnaires, noting that their use is decreasing in some states but increasing in Colorado. She noted that some jurors have the false impression that they are confidential. She also noted that the mechanics of using them vary (e.g., paper versus electronic, filled out beforehand or in the courtroom, part of voir dire or reviewed beforehand during a pretrial hearing, etc.).
- Out of court background research on prospective jurors (e.g., look at social media accounts, go by their homes, etc.).
- Debate on peremptory challenges, noting that those challenges are viewed as a necessary escape valve when a judge refuses to excuse a juror who an attorney believes isn't fair and impartial. The debate includes whether they're still legitimate, how many challenges parties should have, how much voir dire is necessary to exercise them well, etc.

In response to a question, Paula stated that the 2007 survey showed that Colorado was ranked fifteen out of the fifty states in the involvement of judges in voir dire, had higher amounts of individual questioning of jurors in the jury box, and was on-par with other states regarding individual sidebar questioning.

Paula declined to recommend what voir dire should look like because the time component depends on the complexity of a case. Overall, she thinks the jurors should be talking as much as the attorneys as opposed to much of the time being used by attorneys giving hypotheticals and that the questions should be relevant to the trial instead of asking them about their hobbies and which civic organizations they belong to.

When asked about allowing juror rehabilitation, Paula stated jurors' answers should be taken at face value when they aren't vague or ambiguous.

C. Presentation: Scientifically Informed Policy Recommendations for Selecting Fair, Impartial, and Representative Juries (Jessica Salerno, Cornell University)

Jessica is a professor at Cornell who, as a social psychologist, studies jury psychology in the jury selection process. She draws from psychological science to determine how jurors think and behave. Her presentation included the following:

- Traditional jury selection techniques are based on the false assumptions that jurors will be aware of and honest about their biases. She pointed out that jury selection works against honesty and awareness, including social acceptability, public speaking, talking to a judge (an authority figure), and the pressure to conform to what they perceive are courtroom norms. Also, jurors have self-serving biases and bias blind spots.
- She has done research with mock jurors to assess bias and test the effectiveness of judge versus attorney voir dire, online pre-voir dire questionnaires, juror rehabilitation, etc.
- What increases juror candor? Reduced anxiety, sidebar conferences, pre-voir dire questionnaires; attorneys (rather than judge) questioning; open-ended versus closed-ended questioning.
- In a study with mock jurors split between (1) short voir dire (limited to questions about demographics and close-ended questioning about whether they could be fair) and (2) extended voir dire (using case-specific questions and open-ended question that didn't use the word "bias"), none of the jurors' answers in the short voir dire section predicted who was reading the case in a biased way. On the other hand, in the extended voir dire section, the questions better predicted juror attitudes about bias.
- It's ineffective to ask jurors if they can be unbiased and impartial because they won't admit it if they can't. Judicial rehabilitation didn't seem to change a juror's bias; when asked they said they were less biased even though the research showed otherwise.
- Extended voir dire could be implemented with questions on pre-voir dire questionnaires with follow up in court.
- When interviewing real jurors, jurors reported that they didn't want to admit their bias in court and 25–30% said they failed to disclose certain experiences (e.g., victimization or an encounter with the police).

- An Arizona working group put into action jury selection reforms (e.g., case-specific written juror questionnaires, extended voir dire with emphasis on open-ended questions, and not using juror rehabilitation). The pre-voir dire questionnaires have been successful (99% of judges now use). Before, they used paper and gave attorneys thirty minutes to look them over. Electronic questionnaires cut voir dire time in half (from 5 hours to 2.5 hours), save potential jurors time, and give attorneys better information. The pre-voir dire questionnaires are sent a week before trial, which required a change in the way they summoned jurors and managed trial dockets. Judge Pamela Gates has recorded talks about the process.

Jessica suggested the following reforms: (1) avoid using the terms “bias” or “prejudice”; (2) increase privacy through the use of sidebars, individual questioning, and pre-voir dire online questionnaires; (3) expand the use of attorney questioning through case-relevant attitude questions and open-ended follow up; (4) ask better questions (e.g., avoid yes/no questions and ask open-ended ones); and (5) loosen the threshold for challenge for cause based on bias.

In response to questions about peremptory challenges, Jessica stated that attorneys use less peremptory challenges with better voir dire practices, and Paula stated that Arizona’s peremptory ban was a rule change.

V. Future Meetings

The next meeting is on September 11, 2026, from 1:00 p.m. to 4:00, in the Ralph L. Carr Judicial Center, Supreme Court Conference Room, Fourth Floor and via Webex.

Additional meetings are scheduled for:

- October 23, 2026
- November 13, 2026

VI. Adjourn

The Jury Selection Working Group meeting adjourned at 3:52 p.m.