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Implicit Bias Jury Instructions: What Every Trial Lawyer Needs To Know



An impartial and fair jury is at the core of our U.S. jury trial system. Implicit bias calls into question whether a jury can be truly impartial, given the preconceived and hardwired biases that jurors bring with them to jury service. Implicit bias is particularly difficult to address because it manifests itself in more subtle ways than explicit bias. One attempt to address this issue is through use of implicit bias jury instructions. These instructions endeavor to help jurors resist forming opinions about parties or lawyers based on personal characteristics, such as race, religion, gender identity, sexual orientation, ability, and age. These implicit bias jury instructions offer jurors additional support to identify and overcome bias.

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