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LGBT Jury/Voir Dire Issues Panel
National LGBT Bar Association Lavender Law Conference 2013
Professor Giovanna Shay
Western New England University School of Law

Sample Voir Dire Questions on Attitudes Towards LGBT Sexuality

The jury questionnaire from the 2012 Dharun Ravi prosecution in Middlesex County, New Jersey (Rutgers case) included four questions about LGBT issues and sexuality:[1]

- Do you have any particular views on lesbian, gay, homosexual, and/or bisexual issues (e.g. Don't Ask Don't Tell, gay marriage, etc.)? If yes, please explain.
- Do you have any religious beliefs or other strong personal convictions which would make it uncomfortable or impossible for you to fairly and impartially consider a case involving homosexuality as a sexual orientation or lifestyle and involving testimony concerning homosexual activity? If yes, please explain.
- Have you heard any stereotypes about homosexual individuals? If yes, explain.
- Have you ever used the internet to conduct research about someone who is homosexual? If yes, what website(s) did you use? What were the circumstances?

[1] Email from Middlesex County prosecutor Christopher Schellhorn, Sept. 11, 2012, on file with the author.

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One highly publicized case in Massachusetts in 2013 was the trial of Cara Rintala, who was accused of the homicide of her wife, Annamarie Rintala.[2] The case is believed to be the first alleged domestic violence homicide in Massachusetts involving a legally married lesbian couple.[3] The Rintala case produced a mistrial in March 2013,[4] and is expected to be tried again in 2014. Voir dire in the 2013 trial included the following questions:[5]

> 1. The victim in this case is Annamarie Rintala and the defendant is Cara Rintala. Annamarie and Cara were lesbians who were legally married at the time of Annamarie's death. They had adopted a child and were raising her together at the time of Annamarie's death.
> a. Is there anything about these facts that would cause you to be anything less than completely fair and impartial in judging this case?
> b. Are you troubled at all by the fact that the victim and the defendant were partners in a gay marriage? Do you think that this would affect you in any way in deliberating on this case?
> c. Are you troubled at all by the fact that this lesbian couple had adopted a child and were raising her together? Do you think that this fact would affect you in any way in deliberating on this case?

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[2] *Hung Jury Results in Mistrial in Cara Rintala Murder Trial*, SPRINGFIELD REPUBLICAN, March 13, 2013.
[3] *Id.*
[4] *Id.*
[5] Email from Attorney Luke Ryan, dated Friday March 15, 2013, on file with the author.