



1           ▶ Ask yourself whether your opinion of the parties or witnesses or of the case would  
2 be different if the people presenting looked different, if they belonged to a different  
3 group?

4           You must each decide this case individually, but you should do so only after listening  
5 to and considering the opinions of the other jurors, who may have different backgrounds.

6 Working together, a fair result can be achieved.  
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22 Draft of “Achieving Impartial Jury” Instruction, Criminal Justice Section of the American Bar  
23 Association, Panel Presentation, American Bar Association Annual Meeting, San Francisco,  
24 August 9, 2013, retrieved from  
[http://www.americanbar.org/content/dam/aba/events/criminal\\_justice/annual2013/Implicit\\_Bias\\_aijpanel.doc](http://www.americanbar.org/content/dam/aba/events/criminal_justice/annual2013/Implicit_Bias_aijpanel.doc) , August 23, 2013

25 *And see State v. Saintcalle*, 178 Wn.2d 34 (2013)

1 **INSTRUCTION NO.**

2 **(PROPOSED) INSTRUCTION NO. 4**

3 As we discussed in jury selection, growing scientific research indicates each one of us  
4 has “implicit biases,” or hidden feelings, perceptions, fears and stereotypes in our  
5 subconscious. These hidden thoughts often impact how we remember what we see and hear,  
6 and how we make important decisions. While it is difficult to control one’s subconscious  
7 thoughts, being aware of these hidden biases can help counteract them. As a result, I ask you  
8 to recognize that all of us may be affected by implicit biases in the decisions that we make.  
9 Because you are making very important decisions in this case, I strongly encourage you to  
10 critically evaluate the evidence and resist any urge to reach a verdict influenced by stereotypes,  
11 generalizations, or implicit biases.  
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24 Judge Mark W. Bennett, Unraveling the Gordian Knot of Implicit Bias in Jury Selection: The  
25 Problems of Judge-Dominated Voir Dire, the Failed Promise of Batson, and Proposed  
Solutions, 4 Harv. L. & Pol’y Rev. 149-169, 169, FN 85 (2010)

1 **INSTRUCTION NO. \_\_\_\_\_**

2 **(PROPOSED) INSTRUCTION NO. 5**

3 The City of Seattle is a municipality. Seattle Public Utilities is a department of the  
4 City. A municipality can act only through its officers and employees. Any act or omission of  
5 an officer or employee is the act or omission of the municipality.

6 The law treats all parties equally whether they are government entities or individuals.  
7 This means that government entities and individuals are to be treated in the same fair and  
8 unprejudiced manner.

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24 WPI 50.18; WPI 1.07 (6<sup>th</sup> Ed.).  
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