

2.00(C) [2020 New] Juror Bias – Instruction for Use in All Cases – Before Jury Selection

(Approved October 30, 2019; Effective January 1, 2020)

Justice depends on careful and fair decisions based on a conscious and unbiased analysis of the evidence in this case. It is the duty of every juror to determine the facts based upon the evidence presented at trial. Automatic or reflexive responses influenced by conscious or unconscious preconceptions or stereotypes should not enter into that determination. Bias based upon factors such as race, sex, gender, gender identity, religion, national origin, ethnicity, disability, age, sexual orientation, or marital status has no role in the pursuit of justice. Your conclusions in this case should be based on a fair and unbiased consideration of the evidence and respect for the views of other jurors whose backgrounds and perspectives may be different from yours.

Notes on Use (2020 New)

(Approved October 30, 2019; Effective January 1, 2020)

1. This instruction is mandatory and should be read in all civil cases prior to jury selection.
2. This instruction, also contained at MAI 2.03(A), will be re-read to the jury, and given as part of the final instructions in the case, as instruction number 3, immediately after MAI 2.03.

Committee Comment (2020 New)

(Approved October 30, 2019; Effective January 1, 2020)

In 2019, the American Bar Association recommended that a jury instruction be

given on implicit bias as part of its Achieving an Impartial Jury project. Pursuant to that recommendation, the Supreme Court of Missouri's Commission on Racial and Ethnic Fairness examined jury instructions on that subject in a number of states and also recommended that such an instruction be considered and adopted in Missouri. MAI 2.00(C) and 2.03(A) are the result of this Committee's analysis of those reports and recommendations.

2.03(A) [2020 New] Juror Bias -- Instruction for Use in All Cases

(Approved October 30, 2019; Effective January 1, 2020)

Justice depends on careful and fair decisions based on a conscious and unbiased analysis of the evidence in this case. It is the duty of every juror to determine the facts based upon the evidence presented at trial. Automatic or reflexive responses influenced by conscious or unconscious preconceptions or stereotypes should not enter into that determination. Bias based upon factors such as race, sex, gender, gender identity, religion, national origin, ethnicity, disability, age, sexual orientation, or marital status has no role in the pursuit of justice. Your conclusions in this case should be based on a fair and unbiased consideration of the evidence and respect for the views of other jurors whose backgrounds and perspectives may be different from yours.

Notes on Use (2020 New)

(Approved October 30, 2019; Effective January 1, 2020)

1. This instruction is identical to MAI 2.00(C) which was initially read to the panel before jury selection.

2. This instruction must be read to the jury again and included in the final instructions at the close of the case as instruction number 3 immediately following MAI 2.03.

Committee Comment (2020 New)

(Approved October 30, 2019; Effective January 1, 2020)

In 2019, the American Bar Association recommended that a jury instruction be given on implicit bias as part of its Achieving an Impartial Jury project. Pursuant to that recommendation, the Supreme Court of Missouri's Commission on Racial and Ethnic Fairness examined jury instructions on that subject in a number of states and also recommended that such an instruction be considered and adopted in Missouri. MAI 2.00(C) and 2.03(A) are the result of this Committee's analysis of those reports and recommendations.