

# After *Matarranz v. State*, Florida Supreme Court Makes Juror Rehabilitation as to Bias Based on “Unfortunate Past Life Experience” Difficult, If Not Impossible

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In *Matarranz v. State*, 133 So. 3d 473 (Fla. 2013), the Florida Supreme Court announced a dramatic change that will have a practical effect on jury selection in Florida. After *Matarranz*, a prospective juror who indicates a bias for or against a party because of an unfortunate past life experience, can no longer be rehabilitated about that bias, and must be stricken for cause. Before *Matarranz*, it was relatively easy for the lawyers involved to rehabilitate a juror who admitted bias against a party based on an unfortunate past life experience, such as being a crime victim. The rehabilitation consisted of asking jurors whether they could put aside their unfortunate experience, and be fair and impartial in the case. Now, however, such rehabilitation is difficult, if not impossible, because the Florida Supreme Court recognized that jurors may claim they can put asides their biases, but in reality cannot. The Florida Supreme Court explained:

Any lawyer who has spent time in our courtrooms, whether civil or criminal, has experienced the frustration of prospective juror expressing extreme bias against his or her client and then recanting upon expert questioning by the opposition, which generates such embarrassment as to produce a socially and politically correct recantation. When a juror expresses his or her unease and reservations based on actual life experiences, as opposed to stating such attitudes in response to vague or academic questioning, it is not appropriate for the trial court to attempt to “rehabilitate” a juror into rejection of those expressions — as occurred here.

In *Matarranz*, a juror explained that she could not be fair to the defendant because her family's home had been burglarized during Christmas when she was eight years old, and because one of her family members had been a victim of fraud. The juror further explained that she believed she could set aside her negative feelings and listen to the evidence, but that she had "an old mind in all things" and would prefer not to be forced to do so. Allowing this juror to remain on the panel was error and the court should have excused her for cause despite her rehabilitation concerning her bias. Trial judges and counsel should be mindful of *Matarranz* and its implications going forward in both civil and criminal cases. Once a juror admits a bias based on an unfortunate life experience, extreme caution must be exercised before the juror is allowed to serve despite the juror's explanation for the bias. *Matarranz* might result in the need to seat larger groups for jury selection because more jurors might now be excused for cause under Florida law, and for cause challenges of jurors under Florida law are unlimited. [Fla. Stat. § 913.03](#) and Fla. R. Civ. P. 1.431.

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