

SUPREME COURT OF GEORGIA

Kim v. Walls, 275 Ga. 177

563 S.E.2d 847 (2002) · No. S01G1569 · Decided May 13, 2002

SUMMARY

The Supreme Court of Georgia affirmed the Court of Appeals' determination that the trial court abused its discretion by qualifying a prospective juror who acknowledged partiality arising from her professional relationship with the defendant. The court held that when a juror's relationship with a party suggests bias, the trial court must conduct voir dire adequate to determine impartiality and must allow counsel broad latitude to develop evidence of bias. The court rejected any per se rule excluding jurors with employment relationships to parties and affirmed the judgment.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Thompson, Justice; Carley, Justice; Fletcher, Chief Justice; Hunstein, Justice
JURISDICTION	Georgia
DECIDED	May 13, 2002
DOCKET	S01G1569
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Supreme Court of Georgia granted certiorari to review the Court of Appeals' decision that the trial court abused its discretion by refusing to excuse a prospective juror for cause based on apparent bias in favor of the defendant.
STANDARD OF REVIEW	A trial court's ruling on a prospective juror's impartiality is reviewed for manifest abuse of discretion.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Kim v. Walls

TOPICS

civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by qualifying a prospective juror who expressed partiality toward the defendant without permitting adequate voir dire concerning the juror's bias.
2. Whether the Court of Appeals' decision created a per se rule requiring exclusion of all jurors who have an employment relationship with a party.

HOLDINGS

1. When a prospective juror has a relationship with a party that suggests bias, the trial court must conduct voir dire of sufficient scope and depth to ascertain partiality, and counsel must be given broad latitude to develop competent evidence of bias. A single rehabilitation question cannot substitute for adequate inquiry. The trial court abused its discretion by curtailing questioning and qualifying the juror.
2. The decision does not establish a categorical or per se rule requiring exclusion of every prospective juror who has an employment relationship with a party. Trial courts retain broad discretion to determine whether to exclude a juror for cause after conducting adequate inquiry, and the burden of proving partiality remains on the party seeking disqualification.

KEY QUOTATIONS

“Thus, when a prospective juror has a relationship with a party to the case that is either close or subordinate, or one that suggests bias, the trial court must do more than “rehabilitate” the juror through the use of any talismanic question.” (275 Ga. at 179)

“We simply conclude that when voir dire questioning is curtailed as it was here, the process fails to achieve its purpose of ferreting out bias, and an abuse of discretion results.” (275 Ga. at 180)

FACTUAL BACKGROUND

During voir dire, a prospective juror disclosed that she was a registered nurse employed at the hospital where defendant Dr. Tae Won Kim worked and that she had previously worked with him in the hospital emergency room. She stated that the relationship would probably affect her view of which party should prevail and that she did not view the parties equally because she knew Dr. Kim but had never met the plaintiff. Although she answered affirmatively to a general rehabilitation question, the trial court curtailed plaintiff's counsel's further questioning and qualified her as a juror.

PROCEDURAL HISTORY

The trial court qualified the prospective juror after limited voir dire and a rehabilitation question, and the jury returned a verdict for Dr. Kim. The Court of Appeals reversed or otherwise held that the trial court abused its discretion in refusing to excuse the juror for cause. The Supreme Court of Georgia affirmed the Court of Appeals.

DISPOSITION

affirmed

CASES CITED

- Walls v. Kim, 250 Ga. App. 259, 549 S.E.2d 797 (2001)
- Daniel v. Bi-Lo, 178 Ga. App. 849, 850(1), 344 S.E.2d 707 (1986)
- Speed v. State, 270 Ga. 688, 691(7), 512 S.E.2d 896 (1999)
- Cambron v. State, 164 Ga. 111, 113-114, 137 S.E. 780 (1927)
- White v. State, 230 Ga. 327, 336(5), 196 S.E.2d 849 (1973)
- Westbrook v. State, 242 Ga. 151(3), 249 S.E.2d 524 (1978)
- Cohen v. Baxter, 267 Ga. 422, 479 S.E.2d 746 (1997)
- Johnson v. State, 262 Ga. 652(2), 424 S.E.2d 271 (1993)
- Beasley v. State, 269 Ga. 620, 625-626(14), 502 S.E.2d 235 (1998)

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