



An Impartial Jury

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As a trial attorney, I learned certain important rules about how to interact with juries, some related to persuasiveness and others related to ethics. I also learned the Golden Rule, which as it turns out is different for lawyers than it is for church-goin' folk. In a trial setting, the Golden Rule is a prohibition on attorneys from asking the jurors to put themselves in the shoes of one of the parties. I couldn't ask the jury, for example, how they would feel if they had suffered the same injury as my client. Golden Rule arguments are improper because they invite the jurors to set aside the objective impartiality demanded of jurors and instead to decide the issue from personal interest.

While awaiting the verdict in the Chauvin trial in Minneapolis, I found myself violating this Golden Rule. I put myself in the place of each of the witnesses we've come to know. How would I have felt if I'd stopped by the Cup Foods that day for a soda and seen the police arresting George Floyd? What would I have done? How would I have felt if I'd been the paramedics called to the scene, or the EMT who happened to be out for a walk that day? What would I have thought, believed, or felt, if I had been one of the inexperienced arresting officers, learning on the job that day? I put myself into the roles of the jurors, the attorneys, and the judge. I thought about how I would feel were I Derek Chauvin's mother. I'm aware enough to know I cannot feel what George Floyd felt that day: his life experience as a black man in the United States was more wounding and complex than I will ever experience as a white woman.

The whole situation is filled with pain. No one touched by his death has come away unscathed. The pain seeps out of Minneapolis to every city and town in the country, where Black, Indigenous, and People of Color have relived in George Floyd the repeated assaults on their own constitutional rights and dignity with all the attendant emotions of trauma: grief, anger, frustration, exhaustion, relief, and numbness. Pain, pain, pain.

The impartial jury was obligated to set aside all of this and decide the case on the evidence and the law. I have no reason to believe they violated their juror's oath, but I can't do it. Having also accepted the *other* Golden Rule ("Do unto others as you would have them do unto you."), I can't do anything but place myself in the shoes of others.

As people of faith, we put ourselves into the circumstances of others with empathy, and when needed, we change our behavior to abide by the Golden Rule. We attend to compassion, justice, and the preservation of life. As we see ourselves in the pain this week, I pray we will also recognize the reforms needed to stop it. The Presbytery's focus on Criminal Justice, leading to our May 22 Presbytery Gathering, is an opportune time to explore the reforms already being [proposed in Wisconsin](#) and nationally. No proposal is perfect, and all should be scrutinized and tested, but the pain needs to stop. We can no longer let justice be an aberration.