

STANDARD VOIR DIRE QUESTIONS BY THE COURT

After the jury panel is sworn:

Ladies and Gentlemen, the purpose of the voir dire examination is:

1. to enable the Court to determine whether any prospective juror should be excused for cause; and
2. to enable counsel for the parties to exercise their individual judgment with respect to peremptory challenges—that is, challenges for which counsel need not give a reason.

As I said, I have a few questions that I will ask before the lawyers ask you questions.

My first set of questions relates to whether anyone has any physical disability or problem that would make serving as a member of the jury difficult or impossible. Of course, it is essential that you can hear the judge, the attorneys, and any witnesses that testify. That said, let me begin by asking about your hearing. If you can hear me, please raise your left hand and hold it there for a moment. [Ensure hearing devices are made available to anyone having trouble.]

If during this jury selection process or during the trial you are unable to hear a question or answer, please do not hesitate to raise your hand and let me know; I will speak louder and into the microphone for you and instruct the attorneys and witnesses to do the same. I also can arrange for a set of headphones to be available to you to improve the sound for you.

It is also essential that you be able to see what is occurring during trial, that you can observe the witnesses as they testify and examine the exhibits that are presented. Does anyone here have any vision problems that are so serious that you may have trouble observing the trial? [If any juror cannot see, we can rearrange the seating so that will not be a problem.]

The attorneys assure me that the trial will wrap up as promptly as possible. The trial day will begin each morning at 9:00 a.m. and end by about 5:30 p.m. I will always include a mid-morning

break and a mid-afternoon break of approximately 15 minutes each. Also, you will have an hour, or so, lunch break. If you are selected for jury service in this trial, you will be seated in this jury box throughout the trial.

Does anyone have any physical disabilities that will make it difficult for you to sit for two hours at a time (between breaks)? You will be able to stand and stretch during trial, as long as you do not distract from trial or impede the view of fellow jurors.

Next, this case is expected to take _____ days to try. Is this going to present a problem to any member of the panel? If so, explain.

I am now going to read you a short statement about this case because I want to know if anyone has heard of it before. It is important for you to know that this description is not evidence. It simply contains generally the claims made by the plaintiff against the defendant. Here is the statement:

[Read Joint Statement of the Case.]

By a show of hands, does any member of the panel believe that they have heard or read anything about this case? If so, without telling me what you know, tell me how you are familiar with this case. [Inquire further if necessary.]

Next, I will ask the lawyers to stand up and introduce themselves, and if any member of the panel or his or her immediate family knows or has had any business dealings with any of the lawyers or their law firms, please indicate by raising your hand.

[Lawyers introduce themselves.]

I now will have the lawyers introduce the parties, and I will ask if any member of the panel or his or her immediate family:

1. is personally acquainted with,

2. is related to,
3. has had business dealings with,
4. is currently or was formerly employed by, or
5. has had any other relationship or business connection with any of these businesses or people:

[Lawyers introduce parties.]

I am now going to read the names of all of the prospective witnesses. If any member of the panel knows any of the prospective witnesses, please raise your hand. (I am not going to read parties' names, although they likely will each testify.)

[Read list of witnesses.]

Next, has any one here ever served as a juror in a criminal or civil case or as a member of a grand jury in either a federal or state court? If so, was there anything about that experience that would make it difficult for you to sit on the jury in this case?

Have you or anyone in your immediate family ever participated in a lawsuit as a party or in any other capacity? (If so, what was your role, and is there anything about that experience that would make it difficult for you sit on the jury in this case?)

If you are selected to sit on this case, you must be able to render a verdict solely on the evidence presented at the trial and in the context of the law as I will give it to you in my instructions, disregarding any other ideas, notions, or beliefs about the law that you may have encountered in reaching your verdict. Is there anyone who would have a problem with that?

Having heard the questions by the Court, is there any other reason you can think of as to why you could not sit on this jury and render a fair verdict based on the evidence presented to you

and in the context of the Court's instructions to you on the law?

Now the lawyers will have a chance to ask you questions.