

## CIVIL VOIR DIRE QUESTIONS

**Judge Scott H. Rash**

1. Statement of the Case

- a. Have any of you read or heard anything about this case from any source whatsoever?
- b. Given this brief description of the facts, is there anything about this case that would cause you to believe that you could not consider the evidence fairly and impartially according to the law?

2. Plaintiff(s)

- a. Plaintiff and Plaintiff's counsel, please stand.
- b. The Plaintiff in this case is \_\_\_\_\_. Plaintiff is represented by \_\_\_\_\_.
- c. Do any of you know these individuals on any basis, social, professional or otherwise?
- d. Do any of you know any of the employees in counsel's office on any basis, social, professional or otherwise?
- e. (If Plaintiff is a business) Have any of you ever had a business or employment relationship of any kind with Plaintiff?

3. Defendant(s)

- a. Defendant and defense counsel, please stand.
- b. The Defendant in this case is \_\_\_\_\_. Defendant is represented by \_\_\_\_\_.
- c. Do any of you know these individuals on any basis, social, professional or otherwise?
- d. Do any of you know any of the employees in counsel's office on any basis, social, professional or otherwise?
- e. (If Defendant is a business) Have any of you ever had a business or employment relationship of any kind with Defendant?

4. Jurors

- a. Did anyone among this jury panel know each other, or work together or serve on jury panels together before assembling here today?

5. Time Qualify & Hardship

- a. I expect to conduct trial on these dates and times:
- b. Would the length of the trial create an undue hardship for any of you?
- c. Does anyone have any problem with vision, hearing, or anything that would cause you to have difficulty from observing and sitting for long periods of time?
- d. Do any of you have any other physical difficulty, health problems, or home problems that might interfere with your ability to serve as a juror in this case?

6. Witnesses & Third Parties

- a. During the trial of this case, witnesses may be called to testify on behalf of the parties. Do any of you know or have you ever heard of any of these people?
- b. Do any of you know or have you ever heard of any of these people?
- c. (If response is yes) Would your knowledge or experience with any of these parties or organizations affect your ability to serve fairly and impartially in this case?

7. Prior Litigation & Relevant Past

- a. Have any of you or members of your immediate family been a party or witness in any litigation (excluding domestic relations, traffic, or probate)?

8. Legal Knowledge & Application

- a. This is a civil case which is to be decided by the preponderance of the evidence. This is different from a criminal case where the government has to prove its case beyond a reasonable doubt. Does anyone have a problem applying a lower burden of proof than used in a criminal case?
- b. Do any of you or any of the members of your family have any legal training?
- c. I will instruct you on the law at the conclusion of the case. If selected as a juror, you will take an oath to follow the law. Do any of you think you would have trouble following the law if you disagree with it?

- d. If selected as a juror, would any of you have trouble rendering a verdict based solely on the evidence presented during the trial, setting aside any personal beliefs, opinions, or biases you might have?
- e. Do you have strong feelings for or against a party who brings a lawsuit?

9. Easel Questions

- a. Starting with Juror Number One, please stand and answer the questions.

(1) Juror number

(2) The city where you live

(3) Length of time at current residence

(4) Education after high school, if any.

(5) Marital status

(6) Number of children. Ages of children if under 18

(7) Employment (current and former jobs for self/spouse)

(8) Prior jury service: civil or criminal, how case(s) resolved (but don't reveal how you voted)

10. Final Questions

- a. Does anyone have any other reason whatsoever to believe they can't serve as a fair and impartial juror in this case?
- b. Counsel for Plaintiff, do you have any further questions at this time?<sup>1</sup>
- c. Counsel for Defendant, do you have any further questions at this time?

11. Private Questions

- a. If a juror wishes to answer a question privately, he or she will be requested, by number, to remain in the courtroom during recess.

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<sup>1</sup>The parties only may ask follow-up questions to the responses generated by the jurors. In other words, counsel may not propound new questions to the entire panel (e.g., "do any of you" or "has anyone . . .").