

Voir Dire

1. Are you able to hear me?
2. If you have any difficulty hearing me, we have special hearing aids available. Please let me know if you need one.
3. Federal law has certain basic requirements for persons to be qualified to serve on a jury. I need to be sure everyone meets these basic qualifications. I will read to you the list of qualifications:

- You must be a United States citizen.
- You must be 18 years of age or older.
- You must be a resident of the Lake or Porter counties of Indiana for at least one year.
- You must be able to read, write, and understand the English language enough to fill out your juror qualification form.
- You must be able to speak and understand the English language.
- You must not have a physical or mental condition that makes you incapable of performing jury service.
- You must not have been charged with or convicted of a state crime or federal crime which is punishable by imprisonment for more than one year and your civil rights have not been restored.

— Is there anyone who does not meet these requirements?

- Now, we are going to pass the microphone and I am going to ask each of you to stand and answer the questions on the sheet of paper that the court security officer will give you.

The questions are as follows:

1. What is your name?
2. Where you live by City, Town, or unincorporated township (do not give your street address)?
3. What is the level of your education?
4. If you are employed, what is the name of your employer and what is your present job.

5. If not working outside your home, briefly describe your activities during the day.
For example: I am self-employed or own my own business; I am retired; I am a stay at home parent; I am job hunting, etc.
 6. Do you have any children? If so, how many and what are their ages.
 7. What do you like to do in your leisure?
- As I said earlier, this trial will last about [length of trial] days. Every day, we will start at 9 am and conclude around 4:30 or 5:00 pm. Would this schedule by itself present any undue hardship for anyone?
 - a. *If yes*, I understand it is a hardship for everyone, it is inconvenient, and I recognize that fact, but we simply can't let good jurors go for that reason. Do you feel that would keep you from paying attention to the evidence and the exhibits introduced?
 - Are any of you acquainted with any of the other prospective jurors here in the court room?
 - Are any of you personally acquainted with me or anyone on my staff or anyone else you know to be involved in this case?
 - Do any of you have any sight problems or other conditions that might affect your ability to perform jury service?
 - Are you related to or acquainted with any of the parties to this case: Plaintiff(s) [Plaintiff's Name] and Defendants(s) [Defendant's Names].
 - Are you related to or acquainted with any of the representatives of the parties in this case (repeat representatives' names)?
 - Are you related to or acquainted with any of the lawyers participating in this case or anyone in their law firms (*repeat lawyers' names*)?
 - I will read you the names of potential witnesses.
(*Explain that not all of them may actually be called into the courtroom to testify.*)
[Names of Witnesses]
 - Are you related to or acquainted with any of the possible witnesses in this case?
 - Do any of you have a personal interest in this trial or its outcome?
 - Have any of you read or heard anything outside of this court room about this case?

- Have any of you, or someone close to you, such as a spouse or other family member, been involved in a court case as a party or a witness or in some other way? Have any of you had prior jury experience?
 - When?
 - Where?
 - What was the case about?
 - What was your involvement?
 - Was it settled or did it go to trial?
 - Who won?
 - Were you the jury foreperson?
 - How do you feel about your prior jury experience?
 - Is there anything about your prior jury service that might interfere with you being a fair and impartial juror in this case?

- Do any of you, or someone close to you such as a spouse or other family member, have any training or experience in:
 - Law?
 - Medicine, nursing, or any other health care field?
 - Economics?
 - Police work or other law enforcement work?
 - Investigations?
 - Insurance, or insurance investigations, or insurance claims?

- Do any of you have religious reservations or concerns about jury service and helping to arrive at a judgment in a court case?

- You have been called for jury selection in a civil case. In a civil case, the standard of proof is proof by a preponderance of the evidence, which means by greater weight of the evidence. This is different from a criminal case, where the standard of proof is beyond a reasonable doubt. But you do not need to concern yourself with this standard because, as I just said, this is a civil case. You just need to know that the standard of proof is by a preponderance of the evidence.
 - Do any of you feel that you do not understand that?

- Do any of you have any questions about that?
- At trial the Plaintiff will be first to present evidence to you. After this is done, the Defendant will have an opportunity to do the same. It is important that as the trial progresses you keep an open mind and you do not form an opinion or make your decision regarding any issue until you have heard all of the evidence from each of the parties.
 - Are each of you able to wait until you hear all the evidence from each of the parties before you reach a conclusion in this case?
 - Is there anyone who will not be able to do that?
- This case involves a corporation as a party in the case. A corporation must be given the same fair consideration by you in this case as if it were an individual person.
 - Are each of you able to be as fair to the corporation in this case as you are to individual persons in this case?
 - Do any of you have an opinion or feeling about corporations in general that would prevent you from being fair and impartial to the corporation in this case?
- Have you, or someone close to you, such as a spouse or other family member, ever been employed by or done business with [Name of Corporation]?
- Do you know of any reason why you might be prejudiced or biased either for or against any of the parties or their attorneys for any reason?
- Do you know of any reason why you cannot be a just, fair, honest, and impartial juror in this case, consider carefully all the evidence, and follow the law about which I will instruct you?
- Will you each follow my instructions to you regarding the law applicable to this case, even if you disagree with it? If you were a party in this case, for example if you were the Plaintiff or the Defendant, would you feel comfortable with people just like you, with your frame of mind, serving on the jury?
- Do any of you assume that because the Plaintiff has filed a lawsuit against the Defendant, the Defendant must have done something wrong?
- The Plaintiff in this case is planning to argue that you should render a verdict awarding a substantial amount of money to him/her; would any of you feel uncomfortable awarding

a large amount of money damages at the end of the case if you feel that the amount is justified by the evidence?

- On the reverse side of the coin, would you feel uncomfortable awarding no money at the end of the case if you feel such judgment is justified by the evidence?
- Are there any concerns or issues you feel should be mentioned or do you have any questions you would like to ask me?
- Is there anything in your background or state of mind that might affect your ability to be fair and impartial to both sides in this case?