

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?
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- 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?

- Are you related to or acquainted with any of the lawyers participating in this case or anyone in their law firms (*repeat lawyers' names*)?
- Are you related to or acquainted with [Name of Defendant]?
- I will read you the names of potential witnesses.

(Names of potential witnesses)

(Explain that not all of them may actually be called into the courtroom to testify)

- Are you related to or acquainted with any of the possible witnesses in this case?
11. [Defendant's name] is accused of _____ [*Describe the nature of the charges*].
 - a. Is there anything in the nature of this case itself that might prevent you from being a completely fair and impartial juror?
 12. There are three basic rules that apply in a criminal case which you must keep in mind if you are selected as a juror.
 - b. The Defendant is presumed innocent until proven guilty. The Indictment against the Defendant is only an accusation, not proof of guilt or anything else. Therefore, the Defendant starts with a clean slate.
 - c. The burden of proof is on the Government throughout the case. The Defendant has no burden to prove his/her innocence or to present any evidence or to testify. Because the Defendant has the right to remain silent, the law prohibits you from considering the fact that he/she may not testify in arriving at your verdict.

- d. The Government must prove the Defendant's guilt beyond a reasonable doubt, which is a higher standard than the preponderance of the evidence standard required in civil cases.
- A. Do any of you think that you would be unable to follow these rules if you are selected as jurors in this case?
13. Do any of you have any law enforcement officers in your immediate family or among your close, personal friends?
- If yes, would this relationship affect your ability to give both sides a completely fair and impartial interest in this trial or its outcome??
 - I will give you an instruction about judging the credibility of all witnesses. Would you be able to listen and apply the Court's instruction to members of law enforcement-without giving any special weight to an officer's testimony based only on his or her position?

14. Do any of you have family members or close friends that are employed by the federal government in any capacity?
- If yes, would this relationship affect your ability to give both sides a completely fair and impartial trial in this matter?
15. Have any of you read or heard anything outside of this court room about this case?
16. Have any of you had prior jury experience?
- When?
 - Where?
 - What kind of case and its facts?
 - Verdict?
 - 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?
17. Do any of you or members of your family and close friends have any other experiences with the legal system, both civil and criminal. I am talking, for example, about being a party to a lawsuit or a trial witness.
- When?
 - Where?
 - What was the case about?
 - What was your involvement?
 - Was it settled or did it go to trial?
 - Who won?
 - Did this experience leave any impression that would affect your ability to be an impartial juror in this case?
18. Have you ever been a witness in a criminal trial?

19. Do any of you, or someone close to you, such as a spouse or other family member, have any training or experience in:
- Law?
 - Police work or other law enforcement work?
 - Investigations?
20. Do any of you have religious reservations or concerns about jury service and helping to arrive at a judgment in a court case?
21. In a criminal case, the government will be first to present evidence. After this is done, the Defendant will have an opportunity to do the same, but is not required to. 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?
22. 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?
23. 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?
24. Will you each follow my instructions to you regarding the law applicable to this case, even if you disagree with it?

25. If you were a party in this case, for example if you were the government or [Defendant's name], would you feel comfortable people just like you, with your frame of mind, serving on the jury?
26. Do any of you assume that because the government has charged [Defendant's name] with commission of certain crimes that [Defendant's name] must have done something wrong?
27. Are there any concerns or issues you feel should be mentioned or do you have any questions you would like to ask me?
28. 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?