

VOIR DIRE EXAMINATION

You have been summoned as prospective jurors in a civil case wherein (name plaintiff) is the plaintiff and (name defendant) is the defendant. This case concerns

(BRIEF DESCRIPTION OF THE CASE AS AGREED TO BY THE PARTIES)

The plaintiff is represented by _____ . Will you please introduce the people seated at counsel's table.

The defendant is represented by _____ . Will you please introduce the people seated at counsel's table.

Questions to the Individual Jurors

Now we need to know something about the jurors, so beginning with the first juror, will you please, in a loud voice, state your name.

1. In what city or town do you live?
2. What is your occupation?
 - a. What are your duties at that job?
 - b. How long have you been employed at that company?
 - c. Have you had any supervisory responsibilities at this job?
 - d. Are you a member of a union, and if so, do you have any leadership position in that organization?
3. Are you married?
 - a. What is your spouse's occupation?
 - b. What are your spouse's responsibilities at that job?
4. Do you have any children? What are their occupations?
5. How long have you lived in Indiana?
6. What is your educational background?
7. How many members are in your immediate family?
8. Do you belong to any clubs or organizations?
9. What kind of magazines or newspapers do you read?
10. What do you like to do in your spare time?

11. If selected as a juror, will you be able to render a verdict solely on the evidence presented and the law as given to you by the court?
12. Do you know of any reason whatsoever why you cannot sit as a fair and impartial juror in this case?

Questions to all Jurors

The trial in this case will take more than _____ days. Many witnesses will be called. In any jury trial, evidence is introduced in a piecemeal fashion. Can you keep an open mind until all the evidence is introduced and you have heard the final instructions of the court and arguments of counsel?

During your deliberations you are required to listen to and consider the opinions of your fellow jurors and reassess your own opinions in an effort to reach a verdict. However, your vote must be based upon your own good faith opinion and not merely to reach a verdict. Do you have any problems with that?

[Do you understand that this is a civil trial and thus the burden of proof is by a preponderance of the evidence and not proof beyond a reasonable doubt?]

Questions to the Entire Panel

My following questions are for the entire venire and I ask those of you seated in the jury box to raise your hand if your answer to any of my questions is "Yes."

I would ask those perspective jurors who are seated in the spectator section to please listen carefully to the questions that are about to be asked, because in all likelihood many of you will be called before this morning is through.

Questions relating to this lawsuit

1. Has anyone talked with any of you about this case, or discussed this case in your presence?
2. Have any of you formed or expressed an opinion as to the merits of this case?

Is that opinion based upon what you have read in newspapers or heard on the radio (or seen on television)?

Would any of you not be able to set aside such an opinion and render a fair and impartial verdict based solely upon the evidence presented and the law as given to you by the court?

3. Is any juror familiar with the facts of this particular case?

Will this fact prevent you from rendering a fair and impartial verdict based solely upon the evidence presented and the law as given to you by the court?

4. Are any of you related by blood or marriage to the plaintiff?

5. Are any of you related by blood or marriage to the defendant?

6. Do any of you personally know the defendant _____? The plaintiff _____?

7. Are any of you related by blood or marriage to any of the attorneys appearing in this case?

8. Have you, or members of your immediate family, ever been represented by any of the attorneys in this case or been involved in any matter in which any of these attorneys were involved?

9. Does anyone know, on a personal basis, any of the attorneys appearing in this case?

10. Has any juror ever been employed by _____ (plaintiff or defendant company)?
Has any member of your family ever been employed by _____ (the plaintiff or defendant company)?

11. Do any of you have a personal interest in the result of this trial?

12. Has any juror ever been involved in a situation similar to the matter before the court today?

13. Do you know any of the following persons who may be called to testify in this case?

[Read Witness List From Pretrial Order]

14. The incident involved in this lawsuit occurred at _____. Are any of you familiar with that location?

[Here ask questions relating to specific case]

General Background

1. Is there anyone who cannot read, write or speak the English language?
2. Is there anyone who cannot hear or see well?
3. Is there anyone here with any health problems that will interfere with their ability to serve as a juror?
4. Is there any juror who will be unduly burdened with financial, business, family or medical problems if the trial in this case requires as many as ___ days to try?
5. If any of you, or members of your immediate family, have previously served on a jury of any kind, either in federal or state court, would you please raise your hand?
 - a. Was the case civil or criminal?
 - b. What were the facts of that case?
 - c. What was your verdict?
 - d. Were you the jury foreman?
 - e. Do you understand that each case must be decided upon the facts introduced into evidence at trial and the law as read in the final instructions?
 - f. Was there anything about the prior jury experience which would interfere with giving both parties a fair trial in this case?
6. Has any juror ever been injured in an accident of any kind?
7. Has any member of your immediate family ever been injured in an accident of any kind?
 - a. What kind of injuries did he or she sustain?
 - b. Was there any permanent injury?
 - c. Has he or she recovered?
 - d. Is he or she back to work?
 - e. Was there a lawsuit filed?
8. Do you, or does any member of your family, have any physical impairment or defect which might affect your judgment in this case?
9. Have you or any member of your immediate family ever had a claim against anyone

for damages?

10. Has anyone ever had a claim for damages against you or a member of your immediate family?
 - a. What kind of claim?
 - b. What did it involve?
 - c. Was this claim compromised or settled out of court, or did the matter go to trial?
 - d. Would that fact influence you in any way in reaching a verdict in this case?
 - e. Were you satisfied with the outcome of this claim?
11. Have any of you ever testified as a witness in any court?
12. Would the fact that this case involves a claim by an individual against a corporation so influence you that you could not be fair and impartial in deciding the issues involved in this case?
13. Have any of you jurors, or any members of your immediate families, ever been employed in any capacity in the insurance business or as an investigator or adjuster for any claims agency?
14. Do any of you, or any members of your immediate family, have any special legal training either from educational courses or an occupation?
15. Do any of you, or any members of your immediate family, have any special medical training, either from educational courses or in your occupation?
16. Do you know of any reason why you may be prejudiced for or against the plaintiff of for or against the defendant because of the nature of this particular case or otherwise?
17. If you are selected as a juror in this case, you will be required to put aside any feeling of passion or prejudice and decide this case solely on the evidence introduced during the trial and the instructions that the court will give you concerning the law. Is there anyone unable or unwilling to do that?
18. If you were the plaintiff or the defendant in this case, do you know of any reason why you would not be content to have this case tried to someone in your frame of

mind?

Questions to Individual Jurors

1. If you are selected to sit as a juror in this case will you be able or willing to render a verdict solely on the evidence presented during the trial and the law as given to you by the court?
2. Do you know of any reason whatsoever why you cannot sit as a fair and impartial juror in this case?

[Counsel may submit any additional questions.

Ask additional questions and follow up questions.]

[Ask counsel to submit challenges.]

[After challenges have been made, advise jury:]

The questions that I have asked are not designed to pry into your personal affairs but to discover if you have any preconceived opinions which you cannot lay aside, or if you have had any experience in your personal or family life that might cause you to strongly identify with either the plaintiff or the defendant. These questions are necessary to assure an impartial jury.

All of us come from varying backgrounds when you consider our families, education, occupations and other experiences during our lifetimes. These varying backgrounds cause all of us to have opinions, beliefs and sometimes prejudices which may create the impression that someone may not be impartial or completely open-minded in this particular case. Although this impression may be incorrect, the law allows each party to a lawsuit to excuse a limited number of prospective jurors in an effort to select a jury which the parties feel will be fair to both sides.

You should not be concerned if you are excused from service on a particular jury. Being excused from service is in no way a reflection upon a prospective juror's character or ability. Being excused from service today does not mean that you may not be selected to serve later in another case.

[If any juror is excused, the venireman who replaces him should be asked:]

1. Did you hear and pay close attention to the questions I asked of the other jurors?
2. If I asked you those same questions, would you have answered yes to any of them?
3. If yes, which one(s)?
4. Have you heard of this case before?
5. Have you, or members of your immediate family, previously served on a jury of any kind, either in federal or state court?
6. Do any of you know of any of the participants in this case, including the parties, the attorneys, or any witnesses which I previously mentioned?
7. In what city or town do you live?
8. What is your occupation?
 - a. What are your duties at that job?
 - b. How long have you been employed at that company?
 - c. Have you had any supervisory responsibilities at this job? Union?
9. Are you married?
 - a. What is your spouse's occupation?
 - b. What are your spouse's responsibilities at that job?
10. Do you have any children? What are their occupations?
11. How long have you lived in Indiana?
12. What is your educational background?
13. How many members are in your immediate family?
14. Do you belong to any clubs or organizations?
15. What kind of magazines or newspapers do you read?
16. What do you like to do in your spare time?
17. If selected as a juror, will you be able to render a verdict solely on the evidence presented and the law as given to you by the court?
18. Do you know of any reason whatsoever why you cannot sit as a fair and impartial juror in this case?

[After jury is accepted by both sides]

Both sides having accepted the jury, the jurors will please stand, raise your right hands, and be sworn to try this case.

Will the clerk please swear in the jury.

To the unchosen venireman:

I want to thank the rest of you for coming this morning. As you can see, we are never sure just exactly how many jurors we are going to need. I do want to thank you for being here, ready to serve. If you need work slips, the Clerk's office will take care of that immediately.