



VOIR DIRE

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Cobb County Superior Court

Jury Assembly

- In a high profile or high potential damages case that will require lengthy voir dire look at your seating space and the maximum number of jurors you can get into your largest available courtroom at the same time.
- Depending on the maximum number you can accommodate in your courtroom, consider staggering the jurors' arrival time or consider having a full report orientation, administer initial oaths, set up panels and excuse those who will not be reached until a future time certain.
 - If you have more jurors present than you can actually deal with, it puts a lot of pressure on everyone and wastes the time of the jurors you can't get to.

Crowded Courtrooms

- Remember that the public has a right to be present in courtrooms during trials and other business of the court.
- Do not exclude members of the public because the courtroom is crowded with potential jurors.
- Consider having the fire marshal report the maximum number of people allowed in your courtroom so that you can assist your Court Administrator in establishing the need for overflow space.



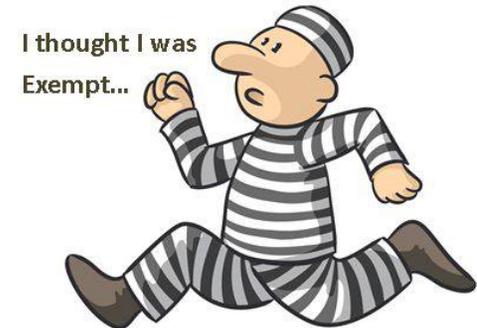
Jury Summons

- Check with your clerk to see what percentage of jurors are showing up with new state generated jury lists.
- Lawyers may complain about no-show jurors.
 - I have not found any case or law that supports the contention that they have a right to have every summoned juror located.
 - See *Coleman v. State*, 286 Ga. 291 (2009): “However, ‘a defendant has no vested interest in a particular juror but rather is entitled only to a legal and impartial jury....”



Exemptions from Jury Duty

O.C.G.A. § 15-12-1.1(a)



(a)

- Any person who shows that he or she will be engaged during his or her term of jury duty as a trial or grand juror in work necessary to **the public health, safety, or good order** or who shows other good cause why he or she should be exempt from jury duty may have his or her jury service deferred or excused ...
- Any person who is a **full-time student** at a college, university, vocational school, or other postsecondary school who, during the period of time the student is enrolled and taking classes or exams, requests to be excused or deferred from jury duty shall be excused or deferred from jury duty.
- Any person who is the **primary caregiver** having active care and custody of a child six years of age or younger...
- Any person who is a **primary teacher** in a home study program as defined in subsection (c) of Code Section 20-2-690...
- Any person who is the **primary unpaid caregiver** for a person over the age of six; who executes an affidavit on a form provided by the court stating that such primary caregiver is responsible for the care of a person with such physical or cognitive limitations that he or she is unable to care for himself or herself ...

Exemptions from Jury Duty

O.C.G.A. § 15-12-1.1(b)-(d)

- (b) Any person who is 70 years of age or older shall be entitled to request that the clerk excuse such person from jury service in the county.
- (c) Any service member on ordered military duty or the spouse of any such service member who requests to be excused or deferred shall be excused or deferred from jury duty upon presentation of a copy of a valid military identification card and execution of an affidavit in the form required by the court for deferral or excusal under this paragraph.
- (d) The court shall notify the clerk of its excuse or deferment of a person's jury service.

Organization

- Bring all of the jurors in to the courtroom to read the indictment/accusation or statement of the case from the Pretrial Order and give them your initial organizational instructions. Administer voir dire oath to jurors. Swear bailiffs if necessary.
- Use or develop a checklist specific to jury selection.
- Write a custom initial charge so that you do not overlook anything important.



O.C.G.A. § 15-12-122

Demand of Jury Panels from which to Select Jury in Civil Actions

(a)

(1) Except as provided in paragraph (2) of this Code section, in all civil actions in the state courts, each party may demand a full panel of 12 competent and impartial jurors from which to select a jury. When one or more of the regular panel of trial jurors is absent or for any reason disqualified, the judge, at the request of counsel for either party, shall cause the panel to be filled by additional competent and impartial jurors to the number of 12 before requiring the parties or their counsel to strike a jury. In all cases the parties or their attorneys may strike alternately, with the plaintiff exercising the first strike, until a jury of six persons is impaneled to try the case.

(2) In all civil actions in the state courts in which the claim for damages is greater than \$25,000.00, either party may demand in writing prior to the commencement of the trial term that the case be tried by a jury of 12. If such a demand is made, the judge shall follow the procedures for superior courts of subsection (b) of this Code section.

(b) In all civil actions in the superior courts, each party may demand a full panel of 24 competent and impartial jurors from which to select a jury. When one or more of the regular panel of trial jurors is absent or for any reason disqualified, the judge, at the request of counsel for either party, shall cause the panel to be filled by additional competent and impartial jurors to the number of 24 before requiring the parties or their counsel to strike a jury. In all cases the parties or their attorneys may strike alternately, with the plaintiff exercising the first strike, until a jury of 12 persons is impaneled to try the case.

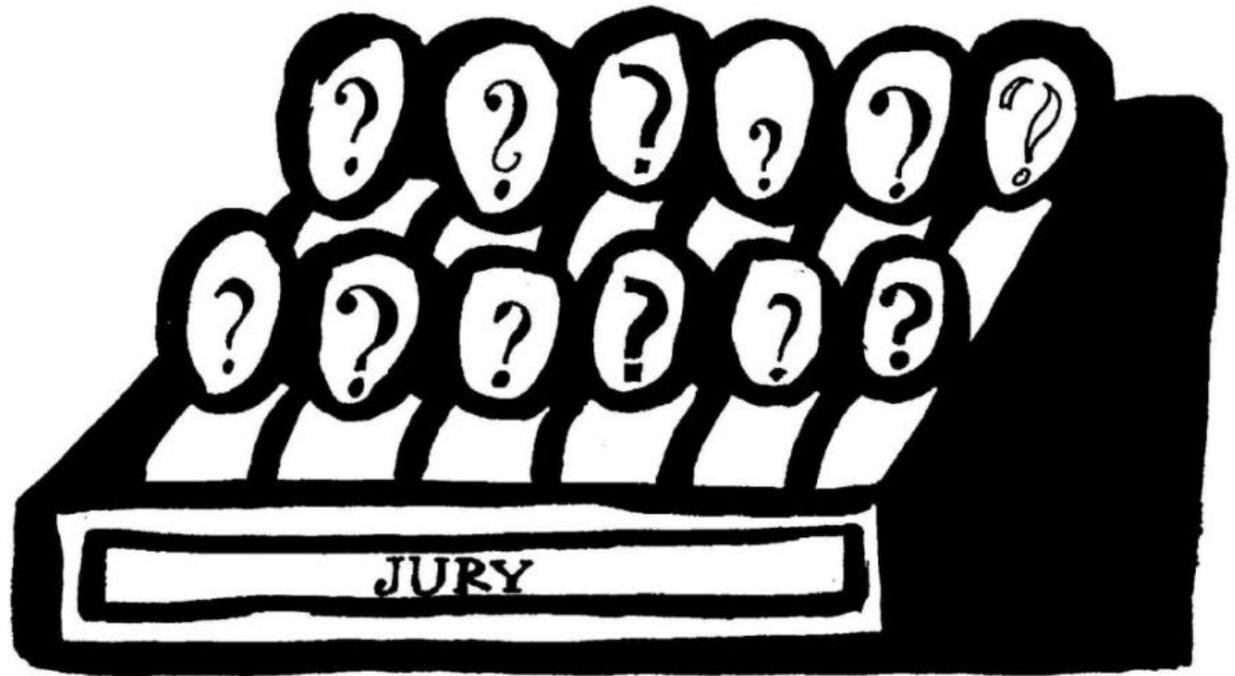
O.C.G.A. §15-12-125

Demand of Jury Panels for Misdemeanor Trials

- For the trial of misdemeanors in all courts, each party may demand a full panel of 12 competent and impartial jurors from which to select a jury. When one or more of the regular panel of trial jurors is absent or for any reason disqualified, the judge, at the request of counsel for either party, shall cause the panel to be filled by additional competent and impartial jurors to the number of 12 before requiring the parties or their counsel to strike a jury. From this panel, the accused and the state shall each have the right to challenge three jurors peremptorily. The accused and the state shall exercise their challenges as provided in Code Section 15-12-166. The remaining six jurors shall constitute the jury.

Jury Panels

- Divide the array into panels of twelve for general voir dire.
- Assign them to a specific numbered panel. We also assign individual juror numbers since the Clerk organizes the questionnaires using the juror numbers.



Panel Arrangement for Voir Dire

- You can place a panel of 12 in the jury box and a panel in the court room viewing space for purposes of administering initial oaths and orientation as well as for general questioning by the attorneys.
- However for individual questions the attorneys have a right to question panels of 12 in the jury box.



Jury Questionnaires

- If you allow questionnaires, you will need them with you on the bench and organized into notebooks based upon each juror's assigned number.
- If the questionnaires are mailed out in advance, realize that they are coming back unsworn.



Preliminary Oath

Before commencing voir dire, each panel shall be administered the following oath by the trial judge or the clerk of court:

- **You shall give true answers to all questions as may be asked by the court and its authority, including all questions asked by the parties or their attorneys, concerning your qualifications as jurors in the case of _____ . So help you god.**

O.C.G.A. § 15-12-132



Voir Dire Examination – General

- Rule 10.1 of the Uniform Rules for the Superior Courts provides in part as follows:
 - The Court may propound, or cause to be propounded by counsel, such questions of the jurors as provided in O.C.G.A. § 15-12-133; however, the form, time required and number of such questions is within the discretion of the court. The court may require that questions be asked once only to the full array of the jurors, rather than to every juror – one at a time – provided that the question be framed and the response given in a manner that will provide the propounder with an individual response prior to the interposition of challenge. Hypothetical questions are discouraged, but may be allowed in the discretion of the court. It is improper to ask how a juror would act in certain contingencies or on a certain hypothetical state of facts. No question shall be framed so as to require a response from a juror which might amount to a prejudgment of the action. Questions calling for an opinion by a juror on matters are improper. The court will exclude questions which have been answered in substance previously by the same juror. It is discretionary with the court to permit examination of each juror without the presence of the remainder of the panel. Objections to the mode and conduct of voir dire must be raised promptly or they will be regarded as waived.

Preliminary Voir Dire Questions

- The Judge should ask the following questions which might determine a juror's disqualification in a case.
 - Are you related by blood or marriage to any party interested in the result of this case, namely _____, _____, _____, or _____?
 - Are you, this day, a resident of _____ County, Georgia?



Preliminary Voir Dire continued...

- In criminal trials any juror must be put upon his voir dire and the following shall be propounded to him/her (by the trial judge)
 - Have you, for any reason, formed and expressed any opinion in regard to the guilt or innocence of the accused? If the juror shall answer in the negative, the following question shall be propounded to him:
 - Have you any prejudice or bias resting in your mind either for or against the accused? If the juror shall answer in the negative, the following question shall be propounded:
 - Is your mind perfectly impartial between the state and the accused? If the juror shall answer this question in the affirmative, he shall be adjudged and held a competent juror in all cases where the offense does not involve the life of the accused.
 - Regardless the answer, a prospective juror can be questioned further to develop the true meaning of an answer above to reveal confusion about the question or any misunderstanding.

Qualifying Questions Propounded to Court by Jurors in a Civil Case

1. Are you, or any of you, related by blood or marriage to Plaintiff or Defendant, or to Mr. _____ or Mr. _____, Attorneys seated at the tables with these parties?
2. Do you, or any of you, have any interest in the outcome of this case, or any interest arising out of business relations with a party to this case?
3. Are you, or any of you, a stockholder, officer, director, agent or employee of _____? (name of company having interest in case as party, insurer, or otherwise.)
4. Are you, or any of you, related by blood or marriage to any stockholder (or policyholder, if applicable), officer, director, agent or employee of _____? (name same company.)
5. Have you formed or expressed any opinion as to which of the parties ought to prevail in this case?
6. Have you any wish or desire as to which party ought to succeed in this case?

Note

- Relationship to attorney is not a disqualification unless the attorney has a contingency fee or other pecuniary interest in the case.
- Relationship to employee of corporate party of insurer does not as a matter of law disqualify a juror.

Court's Initial Questions

- Court will state jurors name and ask them to stand.
 - Did I state your name correctly?
 - What is your occupation?
 - What is your marital status?
 - What is your spouse's occupation?
 - Do you have children? (number, age, gender)
 - What part of the circuit do you reside?



Individual Examination of Jurors

- After the statutory questions have been asked, both the state and the defendant have a right to individual examination of each juror.
- Even though “a party has a right to individualized responses from each member of the panel, he is not entitled to question each juror individually... Thus, a trial court can... require... [both counsel] to address general questions to the entire panel rather than allowing them to question each juror seriatim.” *Walker v. State*, 271 Ga. 328 (1999).

Sequestered Voir Dire

- Excellent tool designed to allow counsel to explore sensitive matters to the juror or allow questions regarding areas where a juror's answer might contaminate the pool.
- Examples:
 - Personal or family being a victim or perpetrator of a similar criminal act.
 - Similar personal injury.

Scope of Voir Dire by Counsel

- Either party may examine a prospective juror as to matters which would illustrate any interest of the juror in the case, including:
 - Any opinion as to which party should prevail;
 - The relationship or acquaintance with the defendant or counsel;
 - Any fact or circumstances indicating an inclination, leaning or bias respecting:
 - The subject-matter of the action;
 - Counsel; or
 - Defendant;
- Any religious, social or fraternal connections.

Voir Dire

- While it is often stated that the scope of voir dire examination is within the discretion of the court, in practice the trial court must exercise extreme care in this area. In limiting voir dire examination by counsel the following restrictions might be considered. Questions should be:
 - Not repetitive;
 - Designed to indicate a ground for disqualification;
 - Related to the juror's vocation;
 - Not designed to prejudice the juror or have the juror prejudice.

Rehabilitating a Juror

- The general rule is that the trial judge generally determines whether a juror is perfectly impartial between the state and the accused and whether or not a juror should be excused for cause.
- Of course, a potential juror who is inclined toward either party is not to be disqualified if she or he will be able to set aside his opinion and decide the case upon the evidence and the court's charge. *Johnson v. State*, 262 Ga. 652 (1993).
- Recent decisions by in the Court of Appeals, however, make clear that any effort at juror rehabilitation by the trial court will be met with careful scrutiny.

Rehabilitating continued...

- In *Cannon v. State*, 250 Ga.App. 777 (2001), the court held that when ruling on the potential juror's qualification, a "court may not rely on a prospective juror's assurance of his impartiality where the record shows on its face that a juror has a compelling bias or interest in the outcome of the case."
- The court suggested that the better course might be to simply excuse a juror who appears sympathetic to one side or the other. "A trial judge should err on the side of caution by dismissing rather than trying to rehabilitate..." However, it is not coercive rehabilitation for a trial court to instruct a juror, who initially expressed some doubt about his ability to listen to certain evidence because of a prior experience, that a juror's role is not whether he wants to listen to evidence, but whether he can evaluate it with impartiality and fairness. *Kim v. Walls*, 275 Ga. 177 (2002)

Kim v. Walls

- The Supreme Court found that the trial court had abused its discretion in failing to allow counsel wide latitude in examining a potential juror who had an employment relationship with one of the parties. Although, *Kim* is a civil case its instruction is clear.
- Once a potential juror discloses a basis for partiality, the trial judge must allow counsel a full and fair opportunity to develop the existence, if any, of bias.
- The Court of Appeals has now applied *Walls*, in the context of a criminal case. In *Ivey v. State*, the court found that a trial judge's efforts to rehabilitate a prospective juror went too far. "Where a prospective juror, who has been asked whether he or she can be fair and impartial in the case answers under oath a plain, 'no,' and provides an explanation for the inability to be fair and impartial, the court should limit further questions to clarification of the answer. Neither the court nor the parties should incessantly interrogate the juror in a manner calculated only to elicit a response contrary to the one originally given. Interrogation for that purpose is nothing more than a effort to justify finding a bias juror qualified."

Kim v. Walls continued...

- Since deciding *Walls v. Kim*, the Court of Appeals has issued a number of decisions regarding the proper exercise of a trial court's discretion in its consideration of a motion to strike a juror for cause. In *Doss v. State*, the court took the occasion to summarize them as follows:
 - A. When some hint of juror bias or partiality appears, it is an abuse of discretion to cut off inquiry and rely on an affirmative answer to a rehabilitative question from the bench as a talisman to show that the juror has magically, suddenly become unbiased and impartial.
 - B. On the other hand, there is no per se rule disqualifying a class of persons from jury duty based, for example, on employment relationships or doctor-patient relationships. And trial courts continue to have 'extremely broad discretion...once an adequate inquiry has been conducted.'

Kim v. Walls continued...

- C. In conducting the adequate inquiry mandated by *Walls v. Kim*, and *Kim v. Walls*, it is completely improper for counsel, and especially for the trial court, to browbeat the juror into affirmative answers to rehabilitative questions by using multiple, leading questions.
- D. Lengthy and repeated questioning... about laying aside ... bias and deciding the case solely on the evidence [can become] more an instruction on the desired answer than a neutral attempt to determine the juror's impartiality.
- E. During the adequate (but not lengthy or repeated) questioning required by *Walls v. Kim* and *Kim v. Walls*, a trial court is allowed by Supreme Court precedent to ask questions of jurors 'which might lead to their rehabilitation.'
- F. Nothing in *Walls v. Kim*, or its progeny, changed the traditional Georgia rules that a prospective juror's doubt about his or her impartiality does not demand as a matter of law that he or she be excused for cause. Nor is excusal required when a potential juror expresses reservations about his or her ability to put aside personal experiences. And in *Garland* the trial court did not abuse its discretion in refusing to excuse a prospective juror who stated that she would 'try' to put aside her emotions and consider the case based upon the evidence.

Examples of questions which it has been held that trial judge may refuse to permit

- In *Harper v. State*, while not stating the exact questions which counsel for defendant wished to ask, the court held that “it is not within the purview of voir dire to inquire into technical legal questions, such as those ultimately involving the presumption of innocence... Generally, juror examination should be confined to questions designed to elicit the possible prejudice of jurors against the accused or juror bias or interest in the outcome... Questions of a legal nature about an indictment as evidence of guilt, the function of grand jury proceedings, and the role of jurors as factfinders... are not proper subjects for voir dire questioning.”

Examples of questions which it has been held the trial judge must permit

- It has been held to be an abuse of discretion for the judge to refuse
 - (1) questioning of jurors as to whether they have any racial bias where the defendant is black
 - (2) to permit defense counsel to ask if prospective jurors or any members of their immediate family have even been the victim of a crime
 - (3) it has been held to be error for the trial judge to refuse to permit questions on “juror’s membership in fraternal, social or church organizations.
 - (4) “Do any of you have any bias against me because I am a criminal defense lawyer?”

Challenge to Jurors - General

1. Challenge to the Array – goes to the form and manner of making up the entire panel without regard to the objection to individual jurors.
2. Challenge to the Poll – is directed to an individual or individuals who make up a panel.



Common Law Grounds for Striking Jurors

- Common law set out two primary conditions under which prospective jurors were to be stricken.
 1. “Principal Cause” – when they had an interest in the case or had a relationship with a party to the case.
 2. “Favor” – when circumstances raise suspicion of the existence of actual bias in the mind of the juror for or against the party, as for undue influence, or prejudice. *Mitchell v. State*, 69 Ga.App. 771, 26 S.E.2d 663, 668 (1943).

Challenge for Cause - General

- A challenge for cause is a challenge to a juror for which some cause or reason is alleged, or is an objection to a juror on the ground that he is not qualified under the provisions of the statute fixing the qualifications of jurors, or on some other ground which, in the opinion and the discretion of the trial court, renders him unfit to serve as a juror.
- Both parties to a trial have a constitutional right to challenge jurors for cause, that right being implicit in the Sixth Amendment's requirement of an impartial jury and a fair trial. "Whether to strike a juror for cause lies within the sound discretion of the trial court." *Somchith v. State*, 272 Ga. 261 (2000).

Challenges for Cause – Juror Qualifications

- O.C.G.A. §15-12-163 Provides that the State, or the accused, may make any of the following objections,
 - (1) That he is not a citizen, resident in the county;
 - (2) That he is under 18 years of age;
 - (3) That he is incompetent to serve as a juror because of mental illness or mental retardation, or that he is intoxicated;
 - (4) That he is so near of kin to the prosecutor, the accused, or the victim as to disqualify him by law from serving on the jury;
 - (5) That the juror has been convicted of a felony in a federal court or any court of a state of the United States and the juror's civil rights have not been restored; or
 - (6) That the juror is unable to communicate in the English language.

Challenges for Cause

- A “first offender” unrevoked is not incompetent to serve on grand jury or petit jury, either before or after being discharged without adjudication of guilt. 1990 Op. Atty. Gen. No. U90-6
- Juror disqualified if related to a stockholder of the victim corporation or to a member of a mutual company or a cooperative which is a victim. 23 SE2d 662 (1942)
- Police officer – if sworn police officer on jury panel in a criminal case is challenged for cause, such challenge must be granted. 246 Ga. 13.

Challenge to the Poll

- A challenge of the individual jurors or the poll may be:
 - Peremptory or without cause. It is not necessary to give any reason for such a challenge. Normally, it is felt that a party is entitled to exercise these peremptory challenges which are given him in any way he wishes.
 - A challenge to an individual juror or to the poll for cause and may be (a) for principal cause or (b) for favor.
 - A challenge for principal cause is based on the facts from which , if proved, the juror is conclusively presumed to be incapable of serving. O.C.G.A. § 15-12-163 (i.e. such a challenge is based on facts which if proved automatically disqualify the juror from serving.)
 - A challenge for favor is based on circumstances raising a suspicion of the existence of actual bias in the mind of the individual juror for or against one of the parties. *Bullard v. State*, 14 Ga. App. 478. Such a juror might be challenged for prejudice in the particular case.

The Court of Appeals offered this explanation of the difference between a strike for “Principal Cause” and one for “Favor”:

[A]n opinion finally and fully made up and expressed, which the juror admits could not be changed by evidence, and nothing appearing to the contrary, would subject the juror to a challenge for principal cause; for the juror could be conclusively presumed from the partiality to be incapacitated to serve as a matter of law. But an imperfect or hypothetical opinion, or one based only on rumor or report, which might or might not yield to the evidence in the case, under the rules of law given in the charge by the court, would not be a cause for a principal challenge, for there would not be a conclusive presumption of law that the juror was disqualified; but the juror would be subject to a challenge for favor on account of partiality, and such challenge would raise the question of fact as to the competency of the juror which would be determined by the judge. *Mitchell*, 26 S.E.2d at 668.

Case Law

- *Hart v. State*, 238 Ga.App. 325 (1999) – the court held that the trial judge is not required to make a factual finding on the record in support of his decision that a juror should not be excused for cause.
- *Pope v. State*, 170 Ga.App. 799 (1984) – a juror indicated she knew the victim well and “would be more inclined to believe him than an inmate. However, this prospective juror ... also indicated that she would give consideration to all the evidence before reaching a decision in the case.” The court held that it was not error for the trial judge to refuse to strike the juror for cause.

Case Law continued...

- *Robertson v. State*, 268 Ga.App. 787 (1997) – the Georgia Supreme Court held that “there is no requirement that juror be ignorant of every fact and issue involved in a case. The question is whether the juror can lay aside any impressions he may have and reach a verdict based on the evidence presented at trial.”
- *Greenway v. State*, 207 Ga.App. 511 (1993) – the court pointed out that “to disqualify a juror for cause, it must be established that the juror’s opinion is so fixed and definite that it would not be changed by the evidence or the charge of the court... The fact that a potential juror may have some doubt as to his impartiality, or complete freedom from all bias, does not demand as a matter of law that the juror be excused for cause... When the venireman indicates that he can render a fair and impartial verdict based solely upon the evidence at trial, he is prima facie competent to serve.”

Preemptory Challenges – Limitations

Batson v. Kentucky

- In *Batson v. Kentucky*, the United States Supreme Court held that the equal protection clause of the Fourteenth Amendment guarantees the defendant that the state will not exclude members of his race from the jury venire on account of race, or on the false assumption that members of his race, as a group, are not qualified to serve as jurors.
- Justice Powell established a three-step test to determine if the state violated the defendant's equal protection rights in the jury selection process.

Batson v. Kentucky

- First, the defendant must establish a prima facie case of purposeful discrimination in selection of the trial jury.
 - To do so, a defendant must show that (1) he is a member of a cognizable racial group, and (2) the prosecutor used race to exclude veniremen from the petit jury in his case.

Second, when the defendant makes a prima facie showing, the burden shifts to the state to come forward with a race neutral explanation for challenging the juror.

Third, the trial court must then decide whether the opponent of the strike has proved purposeful racial discrimination.

Computation of %

- In deciding whether the party opposing a peremptory strike established a prima facie case of discrimination, courts generally look at how many strikes were used to exclude members of a cognizable group in relation to that group's representation in the qualified venire.
- When the racial makeup of the group excluded closely parallels the racial makeup of the venire, the law of probability may tend to support the striking party's claim that none of the jurors were excluded because of their race.
- However, the fact that the trial jury ultimately contained a greater percentage of a certain group of jurors than were available in the qualified venire is not itself sufficient to rebut a prima facie case of intentional discrimination.
- The best practice is to develop a record regarding the basis for excusing a prospective juror, so if review were to determine that racial % were met, there would still be a record for review.

Batson v. Kentucky

- It is important to note that while the burden of production shifts throughout the *Batson* analysis, “the ultimate burden of persuasion regarding racial motivation rests with, and never shifts from, the opponent of the strike.”
- In *Powers v. Ohio*, the Court abandoned the requirement that the defendant challenging a strike must share the same race as the excluded juror.
- In *Georgia v. McCollum*, the Court held that *Batson* applies to the use of peremptory challenges by a criminal defendant as well as the prosecution. Now neither party may use its peremptory strikes to exclude potential jurors based on race, gender, and probably ethnicity.
- In *Davis v. Minnesota*, the court held that the equal protection clause was not violated where a party used its peremptory strikes to remove jurors based on their religious beliefs.

Recess Prior to Selection of Jury

- After completion of the examination of jurors upon their voir dire, the parties and their counsel shall be entitled, upon request, to 15 minutes to prepare for jury selection; thereafter, during the selection of jurors, the judge, upon first warning counsel, may restrict to not less than 1 minute the time within which each party may exercise a peremptory challenge; a party shall forfeit a challenge by failing to exercise it within the time allowed. URSC Rule

Silent Strike

- In view of *Batson* it has been suggested that courts use a “silent strike” procedure in criminal and civil cases to avoid prejudicing any of the potential jurors against either party.
- This procedure provides that a list of all potential jurors be prepared and that the list be passed first to the prosecutor/Plaintiff allowing him or her to silently indicate whether a particular juror is accepted or excused and then passed to the defense counsel to allow him or her to silently indicate the same.
- The process of passing the list would be repeated until the jury and desired number of alternates have been selected.

Time to Strike

- Time allowed for striking, 1 minute per peremptory strike. URSC § 11
- Reasonable time to strike allowed to parties, within judge's discretion. 76 Ga. 592 (1886)



Oath to Jury

- The following oath shall be administered by the judge or clerk to the trial jury in a criminal case:
 - “You shall well and truly try the issue formed upon this bill of indictment (or accusation) between the State of Georgia and A.B., who is charged (here state the crime or offense), and true verdict give according to the evidence. So help you God.”

Jury Selection Checklist

- Administer Voir Dire oath to all panels
- Introduce yourself and give the preliminary voir dire charge
- Read Indictment/Accusation or Statement of the Case from CPTO
- Allow parties to introduce themselves and their clients
- Ask qualifying questions
- Ask each prospective juror to stand and answer the following questions:
 - Correct pronunciation of their name
 - Occupation (if unemployed state usual occupation)
 - Marital Status
 - Spouse Occupation
 - Children
 - Area of Circuit where they reside
 - Any question the parties want the court to ask such as exposure to media coverage

Jury Selection Checklist Continued...

- Allow each attorney to conduct general questioning
- Allow each attorney to conduct individual questioning (if a criminal case, defense is entitled to have each panel in the jury box during individual questioning)
- If a criminal case, have the defendant enter the plea of not guilty
- Administer the trial oath to the jury
- Give your preliminary charge
- Trial begins



Voir Dire Pre-Charge

- Voir Dire is the jury selection process where the parties or attorneys are given the opportunity to ask you questions, not for the purpose of prying into your personal affairs, but to allow these lawyers to explore any possible knowledge, leaning or bias you may have about the parties, the witnesses, the lawyers or any issues or subject matter concerning the case.
- In that connection, you will be asked certain questions at the outset that are referred to as statutory questions. Those questions are specifically worded and required by state law to determine if a juror is disqualified. Listen carefully to the wording of those questions and if they apply to you, please let us know, but bear in mind, you will later be asked more questions to fully develop your answer.
- Sometimes these statutory questions are misunderstood. Be aware that it is not a disqualification if you have a bias or prejudice against any crime charged in this indictment/accusation. No one will ask you to condone criminal conduct. It is bias or prejudice for or against a party or witness or your inability to apply and follow the law that is subject to questioning.

Voir Dire Pre-Charge continued...

- Court and counsel will soon ask you additional questions. We may ask about personal experiences you or your acquaintances may have had, work and family background, possible emotional reaction to the subject matter of the case and the like. Answers to such questions do not necessarily result in disqualification. You should be as truthful and candid as possible. If a question relates to something you consider to be private, you must answer this question but you can say it is private and I will create as private an environment as I can for you to answer the question. Let me know by answering the question, “I consider that personal.”