

## **Civil Jury Trial Voir Dire Sample Outline**

- A. COURTROOM DEPUTY ADMINISTERS VOIR DIRE OATH**
- B. JUDGE GIVES INTRODUCTION**
- C. JUDGE GIVES STATEMENT OF THE CASE**
- D. JUDGE EXPLAINS THE PURPOSE OF VOIR DIRE EXAMINATION**
- E. JUDGE ASKS QUESTIONS TO JURY COLLECTIVELY**

(Jurors raise their hands if the answer to any question is “yes.” Further questioning can be conducted at the bench).

### **Plaintiff**

1. The plaintiff in this case is XXXX. Do any of you know this man? Have you ever met him? Had any personal or professional relationship with him? Have you or your family members had any other relationship or business connection with XXXX or his family members?

### **Defendants**

2. One of the Defendants in this case is XXXX. Do any of you know this man? Have you ever met him? Had any personal or professional relationship with him? Have you or your family members had any other relationship or business connection with XXXX or his family members?
3. Another Defendant in this case is XXXX. Do any of you know of this company? Have you or any family members ever had any dealings with this company? Have you had any other relationships or business connections with this company? Have any of you or your family members or anyone you know ever worked there?
4. Do you or any of your family members do business with XXXX, such as selling goods or services?
5. Do you or your family members own any interest in XXXX?

### **Lawyers**

6. Would the lawyers please rise and identify themselves for the prospective jurors? Do any of you know any of the lawyers for either party in this litigation?

7. Have any of the lawyers in this case or any members of their firms acted as your attorney in any legal matter or been the attorney for any member of your family?

**Jury Service**

8. Have you ever served as a juror in a criminal or civil case or as a member of a grand jury either in the federal or state courts? If yes, what kind of case, civil or criminal? What did it involve? How was it resolved? Were you satisfied with your service? Would your service in that case affect your ability to be impartial in this case? Were you selected as the foreperson?

**Claims and Suits**

9. Have you ever filed a claim or lawsuit to recover for personal injuries? Have any claims or lawsuits been filed against you to recover for personal injuries? Have you ever been involved in a claim or lawsuit as a result of an automobile accident? If so, what type of vehicle was involved? Did you go to the doctor after you were injured? Did you go to a doctor recommended by your attorney?  
[Adjust, as needed, to fit type of case]
10. Have you or has anyone in your immediate family ever participated in any lawsuit as a party or in any other capacity (like a witness or a defendant)? If so, what kind of claim? What did it involve? How was it resolved? Were you satisfied with the outcome? Would that fact influence your ability to be impartial in this case?
11. Do any of you or your family members suffer from any type of physical pain? What is the origin or cause of your pain, if you know? [Adjust, as needed, to fit type of case]

**Opinions**

12. Is there anything that you may have read in the print media or on the Internet, or seen on T.V., or heard on the radio about personal injury cases in general that would affect your verdict? [Adjust, as needed, to fit type of case]
13. Do you disapprove of lawsuits for any reason?
14. Do you have any negative opinions about the court system or people who file lawsuits?

15. Have you or your family members ever been involved in a motor vehicle accident that resulted in personal injuries? [Adjust, as needed, to fit type of case]
16. Do you believe that people who file lawsuits are usually entitled to at least some of the money they ask for?
17. Would you find it hard to award someone a lot of money, even if the law and the facts warrant such an award?
18. Would you find it difficult to award money for pain and suffering?
19. One defendant in this case is a business. Businesses are entitled to the same fair trial as private individuals. Therefore, you should decide this case as you would an action between persons of equal standing in the community, of equal worth, and holding the same or similar stations in life. Can anyone not follow this instruction? [Adjust, as needed, to fit type of case]
20. Do you have any training or education in law or law enforcement?
21. Have you or any of your family ever worked in a law firm or legal agency?

#### **Witnesses**

22. The witnesses who are expected to testify in connection with this case are:
  - XXXX
  - XXXX
23. Do you know any of these people?

#### **Exposure to Case Facts**

24. Do you have any information about the facts of this case other than what I told you today?
25. Do you have any opinion whatsoever about this case?
26. Have you read or heard any media accounts about this trial, whether newspaper, radio, television, or internet? [Discuss at bench] Follow-up: What did you see or hear? Can you put it out of your mind and decide solely on the evidence presented in this case?
27. Has anyone talked to you about this case?

#### **General Questions**

28. If you were one of the parties in this case, do you know of any reason why you

would not be content to have this case tried by someone in your frame of mind?

29. If you are selected to sit on this case, will you be able to render a verdict solely on the evidence presented at the trial and in the context of the law as I give it to you in my instructions, disregarding any other ideas, notions, or beliefs about the law that you may have encountered in reaching your verdict? That means, even if the lawyer or a witness inadvertently talks about legal standards or the law, would you rely only on the law as I give it to you?
30. Would you be unable or unwilling to put aside any feelings of sympathy or compassion for the Plaintiff or the Defendants and decide this case solely on its merits and according to the law as I will explain it to you?
31. Is there any member of the panel who has difficulty reading, hearing, or understanding English?
32. Is there any member of the panel who has any special disabilities or problems that would make serving as a member of the jury difficult or impossible?
33. Do you know of any reason why you think that you could not sit in this case and render a just, fair, honest, and impartial verdict?
34. This case may last XXXX days. Is there anything out of the ordinary going on in your life that would prevent you from serving for such a period of time as is necessary to complete this case?
35. Having heard the questions put to you by the Court, does any other reason suggest itself to you as to why you could not sit on this jury and render a fair verdict based on the evidence presented to you and in the context of the Court's instructions to you on the law?
36. Does anyone have anything else on their mind which would affect your ability to serve on this jury that I did not cover in the questions I already asked? If so, please raise your hand.

**Burden of Proof**

37. This is a civil case. Plaintiff has the burden of proving his case and Defendants have the burden of proving their defense by what is called a preponderance of the evidence. That means that the parties have to produce evidence which,

considered in light of all facts, leads you to believe that what they claim is more likely true than not. Those of you who have sat on criminal cases will have heard of proof beyond a reasonable doubt. That requirement does not apply to a civil case, and you should therefore put it out of your mind. Is there anyone who is unwilling or unable to follow this rule of law?

**F. QUESTIONS TO EACH INDIVIDUAL JUROR**

1. What is your name?
2. Where did you go to school?
3. What do you do for a living?
4. Are you married or do you live with someone?
5. Does your spouse or partner work outside the home?
6. What do they do for a living?
7. Do you have children? What do they do?
8. Are you married with a single household income?

**G. JUDGE CALLS COUNSEL TO BENCH AND ASKS IF ANY ADDITIONAL QUESTIONS TO PARTICULAR JURORS ARE REQUESTED**

**H. JUDGE RULES ON ANY CHALLENGES FOR CAUSE**

**I. COUNSEL EXERCISE PEREMPTORY CHALLENGES**

**J. JUDGE EMPANELS THE JURY**

**K. COURTROOM DEPUTY ADMINISTERS THE OATH**