**JUDGE deGRAVELLES’ STANDARD**

**VOIR DIRE QUESTIONS – CIVIL**

**MODIFIED – VOIR DIRE BY PARTIES**

1. **ELIGIBILITY**

At this time, I will ask you to answer some questions to make sure you are eligible for jury service.

1. During the trial, everyone who will testify or speak will use microphones, just as I am now. If you are having any difficulty hearing me or cannot hear me clearly, please raise your hand. [*LET THE RECORD REFLECT THERE ARE NO HANDS RAISED*]
2. If you are unable to read or write the English language, please raise your hand. [*LET THE RECORD REFLECT*...]
3. If any of you cannot see well, please raise your hand. [*LET THE RECORD REFLECT*...]
4. If any of you are not at least 18 years old and a citizen of the United States, please raise your hand. [*LET THE RECORD REFLECT*...]
5. If any of you have been convicted of a felony in state or federal court and have not received a pardon, please raise your hand. [*LET THE RECORD REFLECT*...]
6. In order to be qualified to sit as a juror in the Middle District, you have to live in one of the following nine parishes: Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, Saint Helena, West Baton Rouge, and West Feliciana. Are there any members of the jury panel who do not live in one of these parishes? If so, please raise your hand now. [*LET THE RECORD REFLECT*...]
7. **CARD**
8. Now, I will ask a few questions to each one of you individually.
9. You have in front of you a card, which lists several things I need to know about you.
10. First, it asks you to state:
    1. your name
    2. city of residence
    3. age
    4. occupation
    5. marital status
    6. the name and occupation of your spouse if you are married, and
    7. if you have children,
       1. how many children you have, and
       2. their ages.
11. The card also asks you to state any hobbies you have or what you enjoy doing in your leisure time.
12. The next question on the card asks you to tell us if you have any bumper stickers on your car (other than those related to LSU, Southern University, or the Saints–and I will add Southeastern to that list as well).
13. Finally, you must also state your race and gender. While your race and gender are obvious to those of us in the courtroom today, your race and gender will not appear on the transcript of the trial when Ms. Richard types it unless they are stated for the record, which is why you have to answer this question verbally.
14. You can use the card in front of you to help you remember these questions as we go down the row, beginning with the first person sitting on the first row of the jury box. Please wait for the microphone to be passed to you. Incidentally, if we take a break, as we will, please return to the same seat you’re in now.
15. I’m now going to ask you if you keep up with the news on a daily basis, and, if so, where you primarily get your news. Is it from newspapers or publications and, if so, which ones? Is it from TV or internet or blogs and, if so, which stations or other media outlets do you use?
16. And also, how far you went in school – or the level of education.
17. **PANEL**
18. I am now going to ask questions to all of you as a panel. Although I am addressing all of you at once, you should consider the questions as though I am directing them to you individually. If your answer to anyone of my questions is “yes”, please raise your hand and the microphone will be brought to you.
19. Has anyone’s employment changed since filling out your juror questionnaire? [*LET THE RECORD REFLECT*...]
20. Do you know any other persons called for jury duty today? [*LET THE RECORD REFLECT.*..]
21. For those of you who are currently employed, do any of you supervise others at work or do your job duties include training new employees? (Please explain) [*LET THE RECORD REFLECT*...]
22. Are there any jurors present who ever served in the military?
    1. **[IF YES:]**
       1. In what branch did you serve?
       2. What was your rank?
       3. Were you ever involved in military law enforcement or the military court system?
    2. **[IF NO:** *LET THE RECORD REFLECT*...]
23. Are you an officer or director of any organization (even if that is a voluntary or nonprofit organization)?
    1. **[IF YES:]** Name of organization and your position.
    2. **[IF NO:** *LET THE RECORD REFLECT…*]
24. Does anyone on the jury panel know anyone else in the courtroom?
25. **DESCRIPTION OF CASE**

Now we are going to determine whether you are familiar with the facts of this case and the Parties involved.

**A. INTRODUCE THE PLAINTIFFS & LAWYERS**

1. The Party bringing this action is called the “plaintiff”. The Plaintiff in this case is *[INSERT].* Is anyone familiar with [*PLAINTIFF*]?

[***NOTE*: *If there’s a representative for either party, have them stand***].

* 1. Is anyone personally acquainted with, connected with in any way, or know anything about this company [or their representative]? [*LET THE RECORD REFLECT*...]
  2. Does anyone here have a relative or friend who works with or at this company? [LET THE RECORD REFLECT...]

1. The plaintiff is being represented by [*Plaintiff’s lawyers and their firm].* [INSERT SLIDE]
   1. Is anyone related by blood or marriage or personally acquainted with *[Plaintiff’s counsel]*? [*Let the record reflect*...]
   2. does anyone here have a relative or friend who works with *these attorneys*? [*Let the record reflect*...]
   3. To the best of your knowledge, have you or any family member or close friend ever been represented by, counseled by or involved in any legal matters with *[Plaintiff’s counsel] or their organizations*? [*Let the record reflect*...]
2. The Defendant is the party against whom the claim is being made. The Defendants in this case [*insert*]*.*

[***NOTE*: *If there’s a representative for either party, have them stand***].

* 1. Is anyone related by blood or marriage or personally acquainted with these Defendants [or their representative]. *[any representative of these companies]*? [*LET THE RECORD REFLECT*...]
  2. does anyone here have a relative or friend who works or has worked with or for or otherwise have any connection to *these Defendants?* [*LET THE RECORD REFLECT*...]

1. Defendants are being represented by *[Defense counsel] of the firm [insert].*
   1. Is anyone related by blood or marriage or personally acquainted with *[Defense counsel]?* [*LET THE RECORD REFLECT*...]
   2. Does anyone here have a relative or friend who works with or for *[Defense counsel or their firm]*? [*LET THE RECORD REFLECT*...]
   3. To the best of your knowledge, have you or any family member or close friend ever been represented by, counseled by or involved in any legal matters with *[Defense counsel and their firm]*? [*LET THE RECORD REFLECT*...]

**B. FACTS OF CASE**

1. I’m now going to give you a very brief description of the facts to see if any of you have heard of the case or know anything about it.

*[Court reads a brief description of the case, circulated to the parties before trial]*

1. [**Questions on summary]:**
   1. Does anyone know anything about the facts of this case? [*LET THE RECORD REFLECT*...]
   2. Have you read anything about the matter or heard anything about it? [*LET THE RECORD REFLECT*...]
   3. Has anyone talked to you about this case? [*LET THE RECORD REFLECT*...]
   4. Do any of you have any opinions about this case whatsoever? [*LET THE RECORD REFLECT*...]
   5. Do any of you have an opinion as to what the outcome of this trial should be? [*LET THE RECORD REFLECT*...]
2. **[Witnesses]** 
   1. The following non-party witnesses may testify in this case:
      1. [*counsel reads names of their witnesses*]
   2. If you know or have heard of any of these potential witnesses, please raise your hand. [*LET THE RECORD REFLECT…*]
3. Some of the witnesses in this case will [may?] be white and some will [may?] be black. I will instruct you at the end of the trial, and I instruct you now, that “all persons stand equally before the law and are to be dealt with as equals in a court of justice.” Is there anyone here who cannot follow that instruction or will have difficulty following that instruction? [*LET THE RECORD REFLECT…*]
4. Similarly, two of the parties in this case are business [governmental] entities, and one is a private individual. All parties are equal before the law and must be treated as equals in a court of justice. Is there anyone here who cannot follow that instruction or will have difficulty following that instruction?
5. [if appropriate] Also, two of the parties are based here in Louisiana and one is based in [another state]. I again instruct you, that regardless of where a party is domiciled or located, all parties are equal before the law and must be treated as equals in a court of justice. Is there anyone here who cannot follow that instruction or will have difficulty following that instruction?
6. [if appropriate] Some of the witnesses will be police officers [corrections officers], and others will be private citizens [(inmates)]. I instruct you are required to evaluate the testimony of a law-enforcement officer [(corrections officer/governmental official)] as you would the testimony of any other witness. No special weight may be given to his or her testimony because he or she is a law enforcement officer [(corrections officer)]. Is there anyone who will have trouble following those instructions?
7. If you are selected as a juror in this case, you will be required to put aside any feelings of passion or prejudice and decide the case only on the evidence introduced during the trial and based on the instructions that the court will give you concerning the law. Can you do that? [Opt. Do you know of reason that you cannot do this?] [*LET THE RECORD REFLECT*…]
8. If you are selected as a juror, I will instruct you at the beginning of the case and again at the end that you must decide this case based solely on the evidence presented here within the four walls of this courtroom. This means that during the trial you must not conduct any independent research about this case, the matters in this case, and the individuals [or companies] involved in the case. In other words, you should not consult dictionaries or reference materials, search the Internet, websites, or blogs, or use any other electronic tools to obtain information about this case or to help you decide the case. I will specifically ask you to try not to find out information from any source outside the confines of this courtroom.
   * 1. Is there anybody that will be unable to follow those instructions?
     2. Is there anybody that has already done any research about this case--either on the Internet, with newspapers, or from any other source? If you have, please raise your hand. Do not share any information that you learned about the case. I will question you individually outside the presence of the jury.
9. I will also instruct you at the beginning of the trial that I will expect that you will inform me as soon as you become aware of another juror's violation of any of my instructions. A juror who violates any restrictions jeopardizes the fairness of these proceedings, and a mistrial could result, which would require the entire trial process to start over. Will anybody have any difficulty following this instruction?
10. Has anyone in the jury panel been a party to a lawsuit, either as the plaintiff (the party bringing the claim) or the defendant (the party against whom the claim has been made)?
    1. Did that claim go to trial?
    2. Was that claim concluded to your satisfaction?
11. Ever testified as a witness in either a civil or criminal proceeding, whether in court or by deposition?
12. Has anyone ever served on a jury before?
    1. Was it a grand jury or a jury trial?
    2. Was it a civil or criminal trial?
    3. [Perhaps insert difference between criminal and civil burden]
    4. Was a verdict reached in the case?
    5. What was the verdict?
    6. Did you serve as foreperson?
13. Do any of you feel that, because a person brings a lawsuit and is in court asking for damages, that he must be entitled something or else he would not be here? [*LET THE RECORD REFLECT*…]
14. Is there any reason why you would not be able to award money damages, if the plaintiff carried his burden of proof that he is entitled to damages? [*LET THE RECORD REFLECT*…]
15. Is there any reason why you would not be able to rule for the defendants if the plaintiff is unable to carry his burden of proof that he is entitled to damages? [*LET THE RECORD REFLECT*…
16. Have you, or any close family member of close friend been a. employed in legal profession (lawyer, paralegal, judge etc.)
17. employed a health care field [if appropriate]

c. Strong feelings about particular issues (e.g. frivolous lawsuits]

1. **PARTIES’ QUESTIONS**

[as approved by Court]

1. **COURT’S SCRIPT**
2. This is a non-sequestered trial. That means you will be allowed to go home every day. It is expected that this trial will take \_\_\_\_ days to complete [If we need to be here] Tomorrow, court will start at \_[8:30 or 9:00]\_\_\_ promptly and we will not stop in the evening until around \_\_5\_\_p.m.
3. Having heard the questions put to you by the Court, can you think of any other reason why you could not sit on this jury and render a fair verdict based on the evidence presented to you and the Court’s instructions to you on the law?
   1. [Or, OPT. Are there any matters which will so interfere with your concentration during this trial that you should not serve as a juror during this period of time? ]
   2. [Or, OPT. Does anyone have any extraordinary circumstances or hardship which would make it difficult for you to serve during this trial?]
   3. [*LET THE RECORD REFLECT…*]
4. Do you have any special disability or problem that would make serving as a member of this jury difficult or impossible?
5. [**Party Voir Dire – if allowed]**
6. [**Final Questions; OPT., Use Headsets]** Do the lawyers have any questions that they would like the Court to ask as follow-up questions?