

Trials

A. Types of Trials

The court conducts civil trials, jury or non-jury, with the consent of the parties and upon an order of reference from the district judge. See 28 U.S.C. § 636(c). Trials are set for a date certain. Appeals are to the Court of Appeals.

The court conducts misdemeanor trials, pleas, and sentencing with the consent of the parties and upon an order of reference from the district judge. See F.R.Cr.P. Rule 58. Appeals are to the district judge.

B. Jury Selection

The court often selects juries in cases where the trial may be held before another judge. Counsel and the parties must consent to jury selection by the magistrate judge in writing. A form will be provided at the time of the jury selection. Counsel will exchange voir dire questions in advance. The court will meet with trial counsel several days prior to jury selection to answer any questions and resolve any disputes as to the potential voir dire questions.

In civil cases, the strike method is used. Under this method, the number of individuals who will comprise the jury (e.g. 8) plus the total number of peremptory challenges (e.g. 3 + 3) are seated. Voir dire is conducted on this group and when the group has been passed for cause, peremptory challenges are exercised at the bench without additional questioning. No additional peremptory challenges are granted unless requested in advance via motion.

In criminal cases, 12 people plus alternates are seated in the jury box. Challenges are made separately as to the jury and the alternate jurors in conformance with Fed.R.Crim.P. 24. However, counsel may agree to exercise challenges on the group as a whole instead.

In both civil and criminal cases, the court asks preliminary questions regarding background information and scheduling issues and then conducts voir dire. Counsel may approach the bench at the conclusion of the court's voir dire to suggest follow up questions.