

# **Trials**

## **A. Types of Trials**

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

The court handles misdemeanor trials, pleas, and sentencing with the consent of the parties and 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 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 briefly with trial counsel in chambers several days prior to jury selection to answer any questions and resolve any disputes as to the potential voir dire questions. No additional peremptory challenges are granted unless requested in advance via motion.

In civil cases, the strike method is used. Under this method, the number of individuals who will be 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.

In criminal cases, 12 persons 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.