

## **Judge Avern Cohn: Civil Voir Dire**

- 1. Will each of you please stand up and recite in a loud voice?**
  - a. your name, including the way it is spelled;
  - b. your present address - any other address you have lived at during the last five years;
  - c. your present occupation and name of your employer;
  - d. if you are retired, your former occupation and length of retirement;
  - e. your marital and family status;
  - f. your spouse's occupation;
  - g. your education;
  - h. your membership in any organized group, club or fraternal organization.
- 2. Do any of you have any prior knowledge of this case?**
  - a. Have you read about it in any newspaper or publication?
  - b. Have you heard about it, either on radio or on television?
- 3. Do you know any of the parties?**
- 4. Do you know any of the attorneys or any members of their law firm?**
- 5. Have any of you ever sat on a jury before?**
  - a. If the answer is yes, state the type of case, whether or not it went to a verdict and what the verdict was.
  - b. Would this experience affect in a way your ability to render a fair and impartial verdict in this case?
- 6. Have any of you ever been a party or witness in a lawsuit of this type before?**
  - a. If the answer is yes, please state what kind of case it was and whether you were a party or a witness.
  - b. Would this experience affect in any way your ability to render a fair and impartial verdict in this case?
- 7. Has any member of your immediate family or close friend ever been a party in a case of this type before?**

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8. **Do any of you hold any opinions about courts or lawyers that would prevent you from fairly considering and deciding this case solely on the evidence?**
9. **Now if you were a party to this case expecting a fair jury would you be willing to have a juror sit with the same frame of mind as yours?**
10. **Your function as jurors are to decide questions of fact; when it comes to the law, however you are to take your instructions from me and you are bound by the instructions I give you. You cannot substitute your notions for what you think the law is or should be even if you disagree with what I tell you the law is.**
  - a. **Do any of you not understand this?**
  - b. **Do any of you think you will have any trouble with this principle?**
11. **Would any of you have any difficulty in deciding this case solely on the evidence presented in this courtroom and my instructions on the law?**
12. **Would any of you have any difficulty keeping an open mind and not deciding this case until all of the evidence is completed and the entire case submitted to you?**
13. **Do any of you feel that just because a law suit has been filed there is an inference or there must be some liability on the part of someone who has been sued and is a defendant?**
14. **I think it is reasonable for all of us to have sympathy for someone who has had an unfortunate thing occur such as the plaintiff in this case. Recognizing that we all have sympathy for an injured person, will any of you have any difficulty putting natural sympathy aside and judging this case fairly and objectively?**
15. **I will tell you later that the burden of proof in a law suit is on the plaintiff. I will also explain later what that term means. Do any of you have any difficulty with that rule of law?**
16. **We can expect during the course of trial there will be objections to certain**

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**evidence. Lawyers do this because the rules of evidence say the jury is**

**only to consider evidence which is trustworthy and reliable. Sometimes I will tell you to disregard something you may have heard or seen during the trial. Do any of you think you will have any difficulty doing so?**

- 17. This trial, as you have been told, may take some length of time.**
  - a. Do any of you feel you could not avoid discussing this case with anyone during the course of the trial?
  - b. Do any of you feel that somehow you will have difficulty in not talking about this case when you go home in the evening?
- 18. Has any past experience of any of you in any way caused doubt of your ability to sit as an impartial juror?**
  - a. Is there any reason at all why you think that you might in any way be unfair or partial to either party in this case?
- 19. Would any of you like to tell me or the lawyers anything outside of the hearing of the other jurors about your serving?**