

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION  
MAGISTRATE JUDGE P. MICHAEL MAHONEY**

**TRIAL PROCEDURE - CIVIL CASE**

**JURY SELECTION**

A. Summary of the Case

Counsel should submit to the court an agreed statement of the case to be read to the jury which explains in simple terms the nature of the case and the limited details of where and when the occurrence at issue took place. The purpose of the summary is to acquaint the jurors with the case in preparation for voir dire.

B. List of Potential Witnesses

Counsel for each party should submit to the court a list of witnesses they intend to call and their current addresses to be read to the jury for purposes of voir dire.

C. Introduction of People at Counsel Table

A list of the people at the counsel table should be submitted to the court. The court will either read the list to the jury or request counsel to introduce themselves and the parties to the jury.

#### D. Number of Jurors and Peremptory Challenges

In civil cases there are currently three peremptory challenges per side, including when there are multiple parties. The court will consider additional peremptory challenges where there are multiple parties on a side. Normally, seven jurors will be selected.

#### E. Voir Dire

The court will conduct most of the questioning of the jurors from a prepared list of court questions and submitted questions from counsel, approved in advance by the court. The court will consider on a case-by-case basis, participation by counsel in voir dire questioning.

#### F. Current Jury Selection Process

Seven jurors shall be randomly called into the jury box. The court will conduct questioning. If allowed by the court, the attorneys will conduct voir dire questioning with strict time limits. Upon completion of the questioning of the original seven jurors, or any juror called to replace an original juror who has already been excused by the court, counsel and the court shall proceed to a side-bar. Prior to arriving at the side-bar, counsel shall write on a piece of paper which shall be folded, the number and name of any juror that they want excused under a peremptory challenge. The court will first hear any challenges for cause. After that, the court will simultaneously accept from both sides the piece of paper containing the peremptory challenges. If a party does not intend to use any of their peremptory challenges, that party shall submit to the court a blank piece of paper. Once a juror is

accepted by both sides, the juror cannot be later challenged or back struck. Additional jurors will be called to replace challenged jurors. Additional side-bar conferences will be held in regard to the replacement jurors until seven have been examined and accepted. Side-bar conferences will be conducted in the same manner. Counsels are invited at the side-bar conference if they believe it is necessary to request of the court that clarifying questions or follow-up questions be addressed to the jurors.

#### G. Conduct During Jury Trials

1. The lawyers are not to address each other directly in the presence of the jury. All remarks should be made directly to the court. When making an objection, please state your legal grounds briefly and in a non-argumentative way. If you feel argument is necessary, ask for a side-bar conference. I will assume, unless the contrary is demonstrated, that requests for side-bar conferences are non-frivolous.

2. Once a ruling is made, please do not continue to argue your position in the presence of the jury. If you feel that further argument is necessary, you may make a record at the next break.

3. Do not instruct a witness during the course of testimony. If you feel the witness needs instruction, such as speaking louder or answering in a responsive way, direct your request to the judge.