

## **CIVIL JURY SELECTION: INTRODUCTION**

Ladies and gentlemen. (Introduce self.) Before we begin the process of selecting the jurors who will hear and decide this case, I'd like to make a few introductory remarks about your service as potential jurors and possibly jurors, and to explain something about the process we will be going through today.

The Jury as an institution is almost extinct in the world, everywhere but in the United States. If you have not read your Constitution lately, you may not be aware that the right to trial by jury in civil cases like this, cases between individual rather than criminal cases which are brought by the government, is a right that is set out in the original Bill of Rights, in the Seventh Amendment to the Constitution. As you participate in this jury selection process, you might consider why the founders of this nation, over 200 years ago, felt trial by jury was so important that it had to be guaranteed in the Bill of Rights.

Two reasons come immediately to mind. One is that the founders of our nation were very wary of putting too much power in the hands of any one person, particularly in the hands of judges or other public officials. When it came to making important decisions about the rights and liabilities of citizens, the founders had more confidence in the ability of a group of citizens to be fair

than in the fairness of a single judge. Second, the founders felt that better decisions were made by a group of people, acting together, than by any one person acting alone. When a group of people sits down to make a decision, everyone has different experiences and different perspectives to contribute to the decision-making process. All those different experiences and different perspectives are important in making sure that the best possible decision is made.

I am aware, and everyone else involved in this case is aware, that all of you have lives outside this courtroom and demands on your time and attention. I am well aware that we are asking you to make a significant sacrifice to serve on this jury. But democracy is not easy. As someone once said, "Freedom is not free." Our democracy demands some things from its citizens, and one of the things it demands is that occasionally they put their other obligations on hold to some extent to participate in the responsibility of making decisions and providing justice, and performing those duties with the kind of commitment and conscientiousness you would want from a jury if you or someone close to you was involved in a lawsuit. I hope that if you are selected to be a member of this jury, you will be satisfied that all of us who work in this judicial system deeply appreciate your service and are doing our

best to make your job as jurors as easy as we possibly can, and that when the experience is over, it will have been a rewarding and perhaps even an inspiring one for you.

To make sure that the jury that is selected to hear this case is as impartial as possible, we go through a process called voir dire examination. Voir dire is a French term meaning to speak the truth, and it consists of asking each of you a number of questions to help me, the lawyers, and each of you determine if there is anything in your background or experience that would make it hard for you to be a fair and impartial juror.

If, during the voir dire examination, there is anything you wish to speak to me about in private, please let me know. If any of you indicates that you would like to speak to me privately, we'll go into the hallway or into my chambers and discuss the matter. Also, because of your answers to my questions [or to the questionnaire you filled out yesterday], I may have some private conferences with some of you to follow up in a more confidential setting. I guarantee that you will not find this experience unpleasant, so please do not be offended or nervous if I ask you to step into the hall. It is simply a matter of either protecting your privacy or discussing something that I think ought not be discussed in front of the entire jury panel. As you will

notice as the proceedings go forward, a judge never acts truly privately, but almost everything I do is with the participation of the lawyers for both sides. Your only obligation in this process is to be as honest as you can and don't worry about anything else.

Also, if at any time you need a break to use the restroom or for any other purpose, just let me know. You are very important participants in a very important process, and I want to do whatever I can to make the process as comfortable as possible for each of you. Sometimes I neglect to take as many breaks as some people need. What I'm trying to do is make sure everything keeps moving as quickly as possible, so that your time is not wasted, but my efforts to keep things moving should not come at the expense of anyone's physical comfort.

[The court tells the venire how long the case is expected to take. Ask if this represents a severe hardship for anyone.]

Before we begin the voir dire examination, I want to tell you something about what this case is about:

We will begin by asking all of you some general questions. Please raise your hands high and speak up so we can all hear you when you answer a question.

1. The following persons are potential witnesses in the case. If you know any of these people, please raise your hand high and let me know.

2. The following people are involved in the case as attorneys or parties. They may stand as I introduce them. Please raise your hand if you think you may know any of them:

3. Has anyone heard anything about this case before?

We will now begin the voir dire examination. As your name is called, step into the jury box, filling up the first row first. As you come forward, we'll hand you a sheet of questions which I'll be asking you to give us answers to

once all the potential jurors are seated in the jury box. I'll then ask each of you some additional questions.

[Call jurors 1-20 into the box.]