

## **JUDGE DANIEL MARTIN'S JURY SELECTION PROCEDURE**

This memorandum describes the jury selection procedure that Judge Martin has adopted.

A venire of approximately twenty prospective jurors is summoned from the juror waiting room. The Court will give introductory remarks and a brief description of the case. The juror cards on which the names are written are then randomly shuffled. Jurors are called one by one and seated in the jury box and spectator bench in numerical order from 1 through 20. The Court then asks general questions of the entire venire regarding their availability to serve for the duration of the trial. The Court will introduce all persons seated at the counsel table and will identify the witnesses that the parties intend to call. The Court will then ask the jurors if they know any of these persons. The Court then questions the jurors in numerical order. Each juror rises in turn and answers the general background questions contained on the jury voir dire which is given to each juror upon entering the courtroom. The Court asks each juror case-specific questions and counsel may ask clarifying follow-up questions. Any question which a juror prefers to answer in private is reserved and asked in chambers.

After all jurors have answered all questions, the parties meet with Judge Martin outside the presence of the jurors. The Court first asks parties to make any challenges for cause and to state the basis for the challenge. The Court rules on all challenges for cause before peremptory challenges are made.

The parties then each simultaneously present a sheet of paper to Judge Martin on which they have written the name and juror number of each of the jurors for whom they wish to exercise their peremptory challenges. In civil cases, each party is allowed three (3) peremptory challenges. If there is overlap in the parties' challenges, the first overlapping challenge will be charged to the plaintiff, the second to the defendant, and so on (this may require the parties to exercise additional peremptory challenges).

In most civil cases, the Court will impanel eight (8) jurors, with a minimum of six (6) necessary for deliberations. All jurors who are still seated at the conclusion of the trial will deliberate. Jurors will be seated in numerical order based on the order in which they were originally seated. The first eight (8) jurors who have not been excused will constitute the jury. Therefore, if a party is uncertain whether to use a peremptory challenge as between juror number 1 or number 20, for instance, the party is encouraged to use it on the lower-numbered juror because, of those two jurors, that juror will be seated first.

Any questions regarding these procedures can be raised at the final pretrial conference.