

JURY SELECTION PROTOCOL – CIVIL CASES BEFORE JUDGE BLAKEY

The following steps describe the standard procedure for jury selection in civil cases before Judge John Robert Blakey:

- (1) The entire venire is brought into the Courtroom 1725, and the Court makes some preliminary remarks about the case, the responsibilities of jury service, and the jury selection procedure itself;
- (2) The attorneys and parties introduce themselves to the venire;
- (3) The Courtroom Deputy swears the members of the venire for the purposes of jury selection;
- (4) The Court may ask several brief questions as to the venire as a whole with responses being expressed by a show of hands and noted by the Court as needed;
- (5) With the exception of the first 14 potential jurors, who take their place in sequential order in the jury box, the remaining members of the venire are returned to the jury assembly room on the second floor to await later questioning in the courtroom (Note: the order of juror numbers “read like a book” in the jury box, that is, left to right and from top to bottom, with the far left chair in the back row being the first juror, numbers running in order across the back row, and then picking up in the front row, again running left to right);
- (6) As to the first 14 potential jurors in the jury box (“Group of 14”), the Court asks questions of each of the individual members of the Group of 14, including any specific questions proposed by the parties at the pretrial conference and approved by the Court. As explained to the venire in advance by the Court, any questions requiring private answers by members of the Group of 14 are handled on the record but at sidebar outside the hearing of the rest of the Group of 14;
- (7) After the entire Group of 14 has been initially questioned by the Court, each side (Plaintiff then Defendant) will be given 15 minutes to question the Group of 14. The parties must avoid repetitive, argumentative, or indoctrinating questions, and they must request sidebars for any questions requiring private answers by the Group of 14. The Court will sustain objections as to any questions that are improper in either form or substance, and will do so on its own motion when necessary. The 15 minute limitation will be strictly enforced, and any unused time cannot be reserved for any subsequent questioning. If the questioning by counsel, however, entails time-consuming objections by opposing counsel, then the Court may exercise its discretion to extend the 15 minute limitation.
- (8) After each side has used or yielded its 15 minutes for questioning, the Court brings the parties to sidebar and inquires if they have any supplemental questions that they wish to propose regarding any member of the Group of 14 currently in the jury box. If proper, the Court will ask the supplemental questions, and, once again, any questions requiring private answers are handled on the record but at sidebar outside the hearing of the rest of the Group of 14;
- (9) The Court repeats Step 8 until all proper questioning of the Group of 14 in the jury box has been completed.

(10) The Court then sends this Group of 14 to the jury room assigned to Courtroom 1725, and the attorneys for each side are given a few minutes to prepare their challenges for cause;

(11) With the Plaintiff going first, the parties then take turns making motions to strike for cause specific individuals within the Group of 14 articulating all potential challenges for cause applicable to that individual. After hearing argument from both sides as to the potential juror challenged for cause, the Court grants or denies the motion to strike as to that individual, and then the Court hears from the next party, in turn, for any additional motions to strike another individual within the Group of 14. After completion of all challenges for cause applicable to the Group of 14 from each side, the parties are given a few minutes to prepare their preemptory challenges;

(12) After the short recess, each side writes on a piece of paper the name and number of all of their preemptory challenges applicable to the entire Group of 14 (who have not already been subject to dismissal for cause), and submits the notes to the Court. At the pretrial conference, the Court will have already set the total number of preemptory challenges each side possesses for jury selection depending upon the specific needs of the case;

(13) After reviewing the written preemptory challenges, the Court announces all of the strikes of each side on the record. If both parties use a preemptory strike against the same member of the Group of 14 surviving for-cause challenges, then that preemptory strike counts against the total allotment of preemptory strikes as to both parties. If a potential juror within the Group of 14 surviving for-cause challenges is not subject to a preemptive strike by either side, then that individual is brought into the courtroom, given the standard admonishments, advised to return the following day to be sworn as a member of the jury, and then released for the day. The Court does not permit back-striking of such jurors. The Court will also bring into the courtroom to thank and excuse any jurors within the Group of 14 that have been successfully struck for cause or struck by a preemptory challenge;

(14) Once the entire Group of 14 has been addressed by way of challenges for cause, preemptory challenges, or released for the day to serve on the jury, the Courtroom Deputy calls for a second group of 14 jurors from the jury assembly room.

(15) Upon arrival of the second group of 14 potential jurors, the Court repeats Steps 6-14 above (questioning and striking) for this new panel with the Defendant going first and then Plaintiff second. If more jurors are needed, the Court will repeat Steps 6-14 above a third time (Plaintiff then Defendant questioning and striking), and the process continues as necessary, with each successive panel of 14 new individuals from the jury assembly room, until a full jury of 12 jurors (no alternates) has been chosen by the parties or otherwise selected in sequential order upon the exhaustion of the allotment of preemptory strikes set by the Court at the pretrial conference, and the absence of any additional for-cause challenges sustained by the Court.

(16) The selected jury of 12 individuals will not be sworn for trial purposes until the beginning of trial. If any members of the jury have to be removed, the case will proceed with less than 12 jurors (but at least 6 jurors as required by Federal Rule of Civil Procedure 48). If, at any time, either side wishes to raise any legal motion or challenge regarding jury selection, then they must do so outside the presence of any members of the venire.