

Honorable Richard A. Jones

## **CIVIL JURY IMPANELMENT PROCEDURE**

This summary is provided to acquaint counsel prior to trial with the procedure for impaneling a civil jury in Judge Jones' court.

Before a jury panel is brought into the courtroom, counsel will be given copies of the juror information forms. These forms contain basic information about each prospective juror. Counsel will also receive a list of jurors in the order that they will be seated. The list, and therefore the order in which the jurors are seated, has been randomized by computer.

The jurors will be given a juror number placard and will be seated in the courtroom according to that number.

The initial voir dire examination is done by the Court, utilizing the Court's general voir dire questions, which the Court will provide to the parties prior to trial. The Court will briefly describe the case to the panel, will ask counsel to introduce themselves and any clients present in court, and will ask counsel to read the lists of witnesses to be called.

The Court will use questions to screen for hardship, familiarity with the case and witnesses. Voir dire questions proposed by counsel in advance of trial may also be used. The questions are asked of the entire panel, and any juror whose answer would be "yes" or "probably yes" is asked to raise their juror number. The Court and lawyers may make note of that juror's number for possible follow up questions.

When the Court has finished asking questions of the entire panel, the Court will provide an opportunity for voir dire by the lawyers. Counsel for each side may ask questions of the entire panel, or individual jurors, or both. Each side (not party) is limited to the time limits set forth by the Court in advance.

Under Fed. R. Civ. P. 48, the jury will consist of not fewer than six and not more than twelve members. There will be no alternates. The Court will advise counsel how many jurors will be impaneled. The jurors will be the panelists with the lowest numbers remaining after all challenges have been exercised.

Counsel are reminded that, pursuant to Fed. R. Civ. P. 48, the verdict must be unanimous.

After the attorneys' voir dire is completed, the parties may challenge for cause. Absent extraordinary circumstances, this is done at sidebar or during a recess. The Court will not indicate to the panel who made a challenge for cause. For example, the Court may simply say, "Juror No. 3 is excused," or "There are no challenges for cause that will be sustained."

The next step is peremptory challenges. Each side ordinarily has a total of three peremptory challenges.

A form is provided to counsel on which they write down their peremptory challenges. Each side will have its own form to complete without sharing it with the opposing side. When each side has completed its written challenges (or waived any further challenges), the form is signed and given to the clerk. The deputy clerk then reads the names and numbers of the jurors who will remain and places them in the jury box. The jury is sworn and impaneled and the panelists who will not be serving are thanked and excused.

This method of impanelment usually produces a jury rapidly and fairly. Counsel are, of course, free to request modifications of this procedure.