

United States District Court
Western District of Washington
Honorable Marsha J. Pechman

Voir Dire

Voir Dire Procedure: The entire panel will be assigned juror numbers and will be seated in order. Judge Pechman will briefly describe the case to the panel and will ask counsel to introduce themselves and any clients present in court.

Judge Pechman will then ask the entire panel “sorting” questions, and any juror whose answer would be “Yes” is asked to raise their juror number in response. Judge Pechman will also provide a written list of proposed witnesses and a schedule of days on which court will be held, and will screen the panel for hardship and requests to be excused. Once Judge Pechman has completed this initial “sorting” process, the jurors will be turned over to counsel for follow-up questions. If a juror seated in the box is excused following a challenge, the juror with the next highest number outside the box will be seated.

Form of “Sorting Questions”: Prior to the pretrial conference, the parties should submit the “sorting” questions which they would like addressed to the entire juror panel. *The parties should submit questions which can be answered with a “Yes” or “No”– Open-ended questions or multi-part questions are not appropriate for this portion of the voir dire.*

- For example, “What are your thoughts on the criminal justice system?” is not an acceptable question because it cannot be answered with a “Yes” or “No.”
- “Have you ever had a particularly good experience with a law enforcement officer that has influenced your opinion about law enforcement officers?” is an acceptable question.
- For example, “Have you or anyone in your family ever worked as an attorney?” is not an acceptable question because it is a multi-part question.
- “Have you ever worked as an attorney?” and “Has anyone in your family ever worked as an attorney?” are acceptable questions.
- **NOTE:** During the voir dire, Judge Pechman will explain to the jury the following definitions of “family” and “friend” – A “family member” is someone you consider a member of your family, who you see on a regular basis, and whose attitudes and ideas influence your own. A “friend” is someone you see on a regular basis and whose attitudes and ideas influence your own.

Form of Follow-Up Questions: Follow-up questions need not adhere to a particular format, and counsel may address follow-up questions to the panel as a whole or to individual jurors.

Challenges for Cause: Challenges for cause should be made at the time they arise.

Peremptory Challenges: Peremptory challenges are made following the conclusion of counsel's follow-up questions, and should only be made against those jurors who are (1) seated in the jury box and (2) presently comprise the jury, based upon its agreed-upon size (i.e., if the jury will ultimately consist of eight members, counsel may challenge any of the 1st through 8th jurors, but not the 9th or 10th jurors seated in the box). Peremptory challenges continue until both sides are satisfied with the jurors seated, or until those challenges are exhausted. The plaintiff will exercise the first challenge, then the defendant.

Time for Voir Dire: Time limits for voir dire will be established at the pretrial conference, depending on the type of case and the issues presented. For example, once Judge Pechman has asked the sorting questions, each side may be given an initial 20 minutes for follow-up questions, followed by an additional 10 minutes.

Number of Jurors: Pursuant to Fed. R. Civ. P. 48, the jury will consist of not fewer than six and not more than twelve members, and there will be no alternates. No jury will be seated with fewer than seven members to ensure that the panel can deliberate should a juror be excused during the trial. The Court will advise counsel how many jurors will be empaneled at the pretrial conference.