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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA

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10 Margaret Dominguez, individually and on)
11 behalf of S.D., a minor child,)

CV 10-01173-PHX-FJM

11 Plaintiffs,)

ORDER

12 vs.)

13)

14 Andrew Shaw; Kreg Klein; Alfonso)
15 Flores; Johnathon Conn; City of Phoenix;)
16 Unknown Denny,)

16 Defendants.)

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19 The court has before it the parties' joint motion to use a confidential jury questionnaire
20 to conduct juror voir dire (doc. 73).

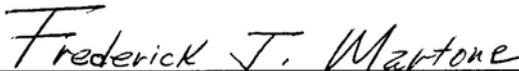
21 This action arises out of plaintiffs' arrests by the defendant officers. Trial is set to
22 begin on March 20, 2012. The parties ask that we create and distribute a confidential jury
23 questionnaire in advance of jury selection to conduct voir dire. They believe that use of a
24 questionnaire will assist in making voir dire efficient and will encourage more candid
25 reactions from potential jurors concerning police officers and those convicted of crimes. We
26 appreciate and share in the parties' desire for efficient and informative voir dire proceedings.
27 However, we do not see a need to depart from our usual voir dire practice by utilizing a
28 questionnaire that would need to be drafted, disseminated, and reviewed prior to the start of

1 voir dire proceedings. Our experience in most cases - including those involving allegations
2 against police officers - is that voir dire can be efficiently conducted and completed within
3 a few hours. And we have not found that hearing potential jurors answering questions in
4 open court has tainted other potential jurors. The burden of using a questionnaire outweighs
5 the benefits in all but the most unusual case.

6 As detailed in our Rule 16 order (doc. 22), the parties may submit proposed case-
7 specific voir dire questions when submitting their joint proposed pre-trial order. We will
8 review these submissions and will discuss our voir dire practice at the final pretrial
9 conference.

10 **IT IS ORDERED DENYING** the parties' joint motion to use a confidential jury
11 questionnaire to conduct juror voir dire (doc. 73).

12 DATED this 17th day of January, 2012.

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16 Frederick J. Martone
17 United States District Judge
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