

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**SAMANTHA PRINCE**

**PLAINTIFFS**

**v.**

**No. 4:14-cv-31-DPM**

**SOUTHERN SNOW  
MANUFACTURING, INC.**

**DEFENDANT**

**Voir Dire Outline**

**A. Preliminaries**

1. Thank you for serving. Echo "Called to Serve."
2. A morning of speaking the truth, *voir dire*  
= twelve people good and true.
3. Two to three days – school hours.
4. Urgent or extraordinary obligations this week?

*Court's Draft Voir Dire*  
3 November 2016

*Prince v. Southern Snow Manufacturing*  
No. 4:14-cv-31-DPM

5. Rules of the Road:

- Can I be completely fair and impartial?
- Can I decide the case based solely on the evidence seen and heard in this courtroom, the law as explained by the Court, and my common sense?
- Questions and answers. You = you and your immediate family.
- Can answer at the bench if uncomfortable answering a particular question in front of others.
- Raise your hand, state your name, and answer.
- Eighteen, but all – Notepads.
- Questionnaires. Summary. Confirm lawyers have.

- Case Sketch – Not Evidence, Just Background.

This case is about an injury that happened at a snow cone stand. Samantha Prince worked at the stand in Russellville during the summer. The machine that shaves the ice has a chute, and the chute became jammed. Prince put her hand in the chute to clear the jam, and turned the machine back on while she was taking her hand out. Prince's hand was injured. She has sued the manufacturer of the machine, Southern Snow Manufacturing. Prince alleges the machine was defective and unreasonably dangerous and that the defects caused her harm. Southern Snow responds that there

wasn't anything wrong with the machine, that there were adequate warning labels, and that Prince was at fault. The jury will have to decide what caused the injury. It will also have to decide whether the machine was defective and unreasonably dangerous and whether there were adequate warnings. And the jury will also have to decide whether Prince was at fault, and if so, how much.

- Introductions
  - **Plaintiff** Samantha Prince.  
  
**Lawyers** = Tim Cullen and Conrad Odom.
  - **Defendant** Southern Snow Manufacturing Co., Inc.  
  
**Lawyers** = Mark Andrews.
  - Witnesses.

<b>Possible Witnesses</b>	
Samantha Prince	Milton G. "Bubby" Wendling, Jr.
Wayne Prince	Jimmy Milloway
John Hamilton, P.E.	

- Know parties? Lawyers? Witnesses?

**B. Call Eighteen, But All – Notepads**

**C. General Background Questions**

- Legal training or experience?
- Know other panel members?
- Prior jury service?
- Prior court experience? Sued or been sued?  
Witness?
- Religious convictions against sitting in  
judgment?
- Negative feelings about civil justice system?
  - Too many lawsuits?
  - If sue, then win?

## D. Case-Specific Questions

**Remember, answer about you and your immediate family**

- Any involvement or experience in selling snow cones?
- Worked at a snow cone stand?
- Any experience with a machine that shaves ice?
- Been injured in an accident involving a machine?
- Been involved in lawsuit about an allegedly defective product?

E. Juror Question Time

F. The Unasked Question?

G. Lawyer's thoughts on Follow-Up Questions. F.R.C.P.  
47(a).

## H. Strikes for Cause. FRCP 47(c).<sup>1</sup>

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### <sup>1</sup> **Rule 47. Selecting Jurors**

(a) EXAMINING JURORS. The court may permit the parties or their attorneys to examine prospective jurors or may itself do so. If the court examines the jurors, it must permit the parties or their attorneys to make any further inquiry it considers proper, or must itself ask any of their additional questions it considers proper.

(b) PEREMPTORY CHALLENGES. The court must allow the number of peremptory challenges provided by 28 U.S.C. § 1870.

(c) EXCUSING A JUROR. During trial or deliberation, the court may excuse a juror for good cause.

### *Allen v. Brown Clinic, PLLP, 531 F.3d 568, 572 (8th Cir. 2008)*

“To challenge a juror for cause, a party must show actual partiality growing out of the nature and circumstances of the case. A district court is required to strike for cause any juror who is shown to lack impartiality or the appearance of impartiality, and, absent abuse of discretion, we will not interfere with the district court’s determination of juror qualifications. The district court is given broad discretion in determining whether to strike jurors for cause because it is in the best position to assess the demeanor and credibility of the prospective jurors.” (quotations omitted)

I. Peremptory Challenges. FRCP 47(b).<sup>2</sup>

- Three each side

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<sup>2</sup> **28 U.S.C. § 1870**

“In civil cases, each party shall be entitled to three peremptory challenges. Several defendants or several plaintiffs may be considered as a single party for the purposes of making challenges, or the court may allow additional peremptory challenges and permit them to be exercised separately or jointly.

All challenges for cause or favor, whether to the array or panel or to individual jurors, shall be determined by the Court.”

- Challenging Strikes. Race or Gender? *Batson*.<sup>3</sup>

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<sup>3</sup> **Three-part test.**

“In order to succeed on a *Batson* challenge, a party must satisfy a three-part test. First, an objecting party must make a *prima facie* showing that a peremptory challenge was made on the basis of race. Second, if a *prima facie* showing has been made, the party striking the juror must offer a race-neutral basis for striking the juror in question. Third, the trial court must determine whether the objecting party has proven the ultimate question of purposeful discrimination.” *Cook v. City of Bella Villa*, 582 F.3d 840, 854 (8th Cir. 2009) (quotations omitted).

“We . . . strongly urge the district courts to make on-the-record rulings articulating the reasoning underlying a determination on a *Batson* objection.” *Ibid.* (quotation omitted).

**J.** Seat and Swear Jury

“You and each of you do solemnly swear or affirm to well and truly try the matter now on trial and render a true verdict according to the law and the evidence, so help you God.”

**K.** Thanks and Goodbye *venire*