

Stephenson v. Neisler, et al. 10-CV-3025
General Voir Dire Procedure and
Court's Voir Dire

1. Swear in prospective jurors. Call fourteen prospective jurors into the jury box one by one, by name and number.
2. Introduce parties and counsel to prospective jurors.
3. Read statement of case.
4. Have each juror introduce himself or herself, stating name, county of residence, occupation, spouse's occupation, and adult kids' occupations.
5. Ask the following questions to jurors as a group and follow up questions as necessary:

Does anyone know the parties?

Does anyone know the lawyers?

Witnesses in this case may include: Dr. Raymond Vance, Dr. Dru Hauter, Lisa Lercher, Dr. Fassett, and Paul Lawson. Does anyone know these persons?

Has anyone read/seen/heard about this case?

Is there anything about nature of this case that causes you to think that you can't be fair and impartial? When I say fair and impartial I mean that you come to the case as an ordinary citizen with an open mind and will decide the case on the evidence presented and court's instructions.

I have told you that Plaintiff is incarcerated in Logan Correctional Center. Is there anyone with connections to Logan Correctional Center or to the Illinois Department of Corrections? To detention facilities, jails,

or other prisons?

Has anyone ever been a juror before?

Does anyone have any connections with law enforcement?

Has anyone ever been incarcerated?

Has anyone ever entered or visited a correctional facility? How many times? What was the purpose of the visit?

Is there anyone who would not want themselves for a juror?

Is there anyone who cannot follow my instructions, even if you disagree or are surprised?

Is there anyone who has ever been in car accident?

Is there anyone who has suffered, or is suffering, serious back pain? Ever sought or received treatment for serious back pain or back injury?

Does anyone have friends or family in the medical field?

Plaintiff's voir dire questions previously approved by Court:

Plaintiff is incarcerated in the Illinois Department of Corrections. I instruct you that all parties are equal before the law, and that a prisoner is entitled to the same fair consideration that you would give any individual person. Do any of you have any concerns about giving the same fair consideration to Plaintiff as you would any individual person solely because Plaintiff is incarcerated?

Do any of you think that a citizen who has been treated illegally has less of a right to bring a lawsuit because he is a prisoner?

Have you, a family member, or any close friends ever been the victim of a crime?

Have you, any of your family members, friends, or neighbors ever worked in law enforcement?

Do any of you feel like you will be immediately likely to give a defendant the benefit of the doubt just because he is involved with law enforcement?

Would any of you be more inclined to believe someone who is involved with law enforcement over somebody who was not solely because of their job status?

Have you ever made a donation to any law enforcement organization?

Do any of you feel like you will be immediately likely to give a defendant the benefit of the doubt just because he is a medical doctor?

Do any of you have any concerns or reservations about awarding money as compensation?

If you are instructed by the Court that you may award money damages both for physical pain and suffering and for emotional distress, is there anyone who could not, because of some fixed opinion or belief, award money damages for these injuries?

Do you believe that there should be caps or limits placed on the amount of damages that can be awarded in lawsuits? Would that opinion affect your decision in this case?

Do you feel jury awards in the past have been too high? Would that cause you to hold down the award in this case?

Do you feel that right off the bat you know you will not be able to award any significant damages given who defendants are?

Have you or any members of your family ever been a party to a lawsuit? If so, what was the nature and final result of the action? Did anything occur during the case that affected the way you view our legal system?

Is there anything else I have not asked you about that could affect your ability to be fair and impartial to all parties in this case?

6. Ask supplemental questions submitted by parties. Allow counsel to ask follow up questions if appropriate.
7. Outside the hearing of the jury, each side may exercise three “strikes,” removing three jurors without cause. This should leave approximately 8 jurors to be sworn in.
8. After jury sworn in and before opening statements, read instructions on law, elements of claim, definitions, asking questions, and prohibitions on outside communications, communications with counsel, court or parties, and discussion of case.