

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHRISTOPHER HAMLIN,

Plaintiff,

v.

JASON WENZEL, MATTHEW BURNS,
SCOTT ROSS, ANTHONY LO BIANCO,
and DEREK SCHOUTEN,

Defendants.

DRAFT
VOIR DIRE

13-cv-202-jdp

INTRODUCTION

In this case, the plaintiff is Christopher Hamlin, a former inmate at the Waupun Correctional Institution. The defendants, Jason Wenzel, Matthew Burns, Scott Ross, Anthony Lo Bianco, and Derek Schouten, are employees at the Waupun Correctional Institution. The plaintiff contends that he was subjected to an unlawful strip search by staff at Waupun Correctional Institution. The question in this case is whether the search of Mr. Hamlin was for a legitimate purpose, or whether it was intended to humiliate him.

VOIR DIRE QUESTIONS

1. Have any of you ever heard of this case before today? Follow up at sidebar: How? When? What? When you heard about it, did you form any opinion concerning the case? Do you believe that your ability to serve impartially as a juror in this case has been affected by what you have heard about it? The trial of this case will begin today and will last probably two days, finishing on

Tuesday, March 17, 2015. Is there any one of you who would be unable to serve as a juror during this time?

2. Have you read any online or print news stories regarding the Wisconsin Department of Corrections in the last year?

If a potential juror answers yes to this question, defendants submit that the following additional voir dire be conducted through individual sidebar so as not to taint the jury pool:

- If yes, what articles?
- If it is determined that a potential juror has read any part of the recent 5-part series published by the Wisconsin State Journal:¹
 - Did you read the portion of the article referencing the plaintiff, Christopher Hamlin?²
 - Have you formed any opinions about Wisconsin DOC personnel as a result of the articles?
 - Have you formed any opinions about allegations brought by inmates against Wisconsin Department of Corrections personnel?

Knowledge of parties and others

3. Ask counsel to stand and tell the jury where they practice and with whom. Ask panel whether anyone knows counsel or their associates or partners.
4. Ask counsel to introduce the parties. Ask panel whether anyone knows any of the parties.
5. The witnesses in the case may include the following individuals. (Read list of witnesses.) Do any of you know any of the witnesses?
6. Do any of you know the judge or court personnel?
7. Do any of you know any of the other persons on the jury panel?

¹ <http://wisconsinwatch.org/series/waupun-allegations/>

² <http://wisconsinwatch.org/2014/07/a-look-at-six-allegations-of-inmate-abuse-at-waupun/>

Questions to each prospective juror (listed on a sheet provided to jurors):

Please stand up and tell us about yourself:

8. Name, age, and city or town of residence.
9. If you live in Madison, how long have you lived here?
10. Marital status and number of children, if any.
11. Current occupation (former if retired).
12. Current (or former) occupation of your spouse, domestic partner, or significant other.
13. If you have adult children, what do they do?
14. Any military service, including branch, rank and approximate date of discharge.
15. How far you went in school and major areas of study, if any.
16. Memberships in any groups or organizations. Do you hold leadership positions in these groups?
17. Do you have any bumper stickers on your car?
18. Hobbies and leisure-time activities.
19. Favorite types of reading material.
20. Do you read regularly read any online or print newspaper? If yes, which one(s).
21. Have you ever written a letter to the editor in a newspaper or magazine?
22. Favorite types of television shows.
23. Do you listen regularly to talk radio or watch cable television news channels regularly? Which programs?
24. Do you regularly use the internet to visit sites other than e-mail or personal business? If so, what types of sites you visit most often?

Case-specific questions to the panel

Jurors may request that sensitive topics be addressed at sidebar

25. Have you ever felt you were treated unfairly or wrongfully by a corrections officer or law enforcement officer? Do you know if a family member or close friend has had such an experience? If yes:
 - What were the circumstances?
 - Did you or the family member/friend make any formal or informal complaints about the treatment?
 - Was the complaint resolved satisfactorily?
 - Do you believe that experience will affect your ability to be impartial in this case?
26. Have you, or any of your family members or close friends ever been the subject of any type of search by law enforcement?
27. Have you, or any of your family members or close friends ever had a job where performing searches was a job duty?
28. Have you, or any of your family members or close friends ever been the victim of a crime?
29. Have you, or any of your family members or close friends had a negative experience with an ex-offender?
30. Have you or any relatives ever been confined in jail or prison?
 - If yes, please explain.
 - Would the fact of this incarceration make it difficult for you to sit as an impartial juror on a case involving an inmate's confinement at a state prison?
31. Have you ever visited a jail or prison?
 - If yes, please explain.
 - Have any of you formed any opinions about the correctional system or the appropriateness of confining people in prison or jail?
32. Have you or any of your family members or close friends ever been employed or volunteered in any aspect of criminal defense, or advocacy for prisoners? If so, please explain.

33. Have you, or any of your family members or close friends ever been employed in the law enforcement or criminal justice field, or in any capacity within the broad field of corrections, including probation? If so, was the employment at a correctional institution?
34. Have you, any family members, or close friends ever been an employee of the State of Wisconsin or the Department of Justice?
 - If so, please explain.
 - If you were once employed by the state but have since left state service, please explain the circumstances.
35. Do any of you believe that a prison inmate should not have any civil rights while incarcerated?
36. Do any of you believe that a prison inmate should not have the right to bring a lawsuit about the violation of his civil rights?
37. The defendant is represented by the Wisconsin Department of Justice. Is there anyone who has strong feelings, positive or negative, about that Department or the Attorney General?
38. Have you or any of your family members or close friends ever been the victim of a sexual assault?
 - If so, please explain.
39. Have you or any of your family members or close friends ever been employed by, been a member of, or volunteered in any organization whose mission is to aid or advocate for sexual assault victims?
 - If so, please explain.

Litigation experience and opinions

40. Do you have difficulty reading, hearing, or understanding the English language?
41. Have you, or any of your family members or close friends, ever studied law or worked for a lawyer or law firm, in any capacity?
42. Have any of you been involved in a lawsuit?
43. Have you or a close friend or family member ever been a witness in a lawsuit?

44. Has a close friend or family member sued or been sued by someone? If so, what was the nature of the lawsuit? Does that experience affect your ability to be fair to all parties in deciding this case?
45. Have you or a close friend or family member ever filed a claim for injury as a result of an accident? Follow up: What type of an accident was it? Where did it occur? When did the accident occur? Were you injured? Did you file a claim? Was your claim resolved to your satisfaction?
46. Have any of you served previously on a jury? Follow up: nature of the case; find for plaintiff or defendant; were you the foreperson?
47. Are any of you so personally opposed to litigation that you would never file a lawsuit, even if you were wronged by another person's unlawful actions? If so, why?

Conclusion

48. Do any of you hold personal or religious beliefs that might make it difficult to stand in judgment of another?
49. At the end of the case, I will give you instructions that will govern your deliberations. You are required to follow those instructions, even if you do not agree with them. Is there any one of you who would be unable or unwilling to follow my instructions?
50. Do you know of any reason whatsoever why you could not sit as a trial juror with absolute impartiality to all the parties in this case?