

Civil Voir Dire

Judge Jack Zouhary
 United States District Court
 Northern District of Ohio
 Rev. 12/2013

Welcome to your
 United States
 District Court for
 the Northern
 District of Ohio

Federal Judges of the Western Division



James Carr



Jack Zouhary



Vernius Armstrong



David Katz



Jeffrey Helmick



James Krepp

A Little About the Federal Courts:

- USA: 94 Federal District Courts
- Two Districts in Ohio: Northern and Southern
- Two Divisions in the Northern District: Eastern and Western
- Western Division:
 - Two District Court Judges
 - Two Senior Judges
 - Two Magistrate Judges

Counties in the Northern District



Northern District of Ohio

- Serves 6 million people
- Courthouses in four cities
- 23 Judicial Officers
 - 11 Active Judges
 - 4 Senior Judges
 - 8 Magistrate Judges

Courtroom Participants

- Judge
- Deputy Clerk
- Court Reporter
- US Marshals
- Court Security Officers (“CSO’s”)
- Law Clerks
- Lawyers and the parties they represent
- Jury

Importance of Jury Duty: Four great civic responsibilities

- Voting
- Paying taxes
- Military or Civilian Service

★ Jury duty

Jury Service

- **75%** of Americans see jury service as a civic duty rather than a burden, although only **27%** have personally served on a jury.
- **81%** of former jurors say the experience was a positive one.

Source: DRI National Poll on the Civil Judicial System, August 2012

History and importance of jury trials:

- England – 1066
- Replaced trial by ordeal & combat
- Mentioned in Declaration of Independence
- Trial by Jury -- Appears twice in the U.S. Constitution

“Voir dire”

- Speak the truth.
- Goal: find 12 jurors who can be fair and impartial.
- There are no “right” or “wrong” answers.
- For our justice system to work –you must answer openly and honestly.
- We respect your privacy – you may answer in private.
- Sometimes you have a duty not to serve.



Trial Schedule

- Time commitment
(Tuesday-Thursday)
- Medical problems
- Personal distractions

Parties

Plaintiff:
Mary Smith

Defendant:
Ride the Rail, Inc.

Lawyers

- Plaintiff is represented by:
Bob Trucker
- With the law firm of Trucker & Car

Lawyers

- Defendant is represented by:
James Rail
- With the law firm of Rail & Car

Statement of the Case

Mary Smith brings this case against Ride the Rail, Inc. for an incident which occurred on January 1, 2012 in the railroad yard located in Ohio. At that time, Smith was employed by Ride the Rail as a conductor and claims to have sustained a permanent injury to her right leg when she fell while dismounting an engine.

Smith claims that Ride the Rail was negligent by failing to provide her with a reasonably safe place to work. More specifically, she claims she fell as a result of oil on the sole of her work boot which she picked up while working in the rail yard.

Smith claims that as a result of the fall, she underwent three surgeries to her right leg and missed over ten months wages. She also asks for compensation for the pain suffering and disability.

Ride the Rail denies it was at fault for the fall, and claims that Smith was negligent. Ride the Rail also disputes the nature and extent of the claimed injury and disability.

Page 3

Familiarity with the Case

- Do you have any prior knowledge of the people or events of this case?
- Talking about the case?
- Overhear anyone?
- Media reports?

Witnesses

- Jane Green
- James Red
- John Yellow

Familiarity with Parties / Witnesses

- Know anyone?
- Have you, an immediate family member or close friend worked for, or dealt with, Ride the Rail?

FELA

Congress has passed legislation allowing railroad employees to bring these actions in courts such as this under a law known as the Federal Employers' Liability Act. Federal laws and regulations control the duties of the parties to this lawsuit, and the applicable law will be given to you by me later in the trial.

Workers' Comp

In a workers' compensation claim, money is paid to an injured worker simply because he was injured on the job. To receive workers' compensation benefits, no one need be at fault. This is **not** a workers' compensation claim, and in order to award money to Plaintiff, Plaintiff must prove that Ride the Rail is at fault for his injury. Do you understand this difference?

Other Situations

Have you, an immediate family member or a close friend had any work experience or business dealings with railroad companies?

Other Situations

Have you, an immediate family member or a close friend ever sustained a leg injury?

Claim for Injury or Illness

Have you, an immediate family member or a close friend filed a claim against your employer for any reason?

Filed a WC claim?

Legal / Medical Experience

Do you, an immediate family member or a close friend have any special training or experience with the law, medicine, or economics?

Damages

Do any of you have a personal, philosophical or religious problem with awarding damages if Plaintiff proves his case, or with returning a verdict for Defendant if Plaintiff fails to do so?

Your prior courtroom experience

Have you ever been involved in a lawsuit (civil or criminal) as:

- Plaintiff or Defendant
- Witness
- Juror

Can you be fair?

- Does anyone have a bias for or against those who bring a lawsuit?
- Or those who are sued?
- Treat both sides the same?

Bias or Sympathy

- Can you set aside bias or sympathy you might feel for either party, or any personal experience, and reach a verdict based on the facts presented in the courtroom?

Instructions of Law

- You will be provided with written instructions on the application of the law.
- Will you follow the law as given to you by me in this case?

Take a moment and look around the room:

Do you recognize any friends or acquaintances among the prospective jurors?

Tell us a little bit about each of you . . .

Your --

- Education / Training
- Employment / What you do
- Spouse / Children
- Hobbies / Interests / Sports
- May be surprised to know . . .

In Conclusion:

Is there anything about you that we should know, not yet discussed, bearing on whether you can be a fair and impartial juror in this case?

