

Gruenberg v. Kingsland and Mueller, 11-cv-574: voir dire questions

1. Statement of the case. In this lawsuit the plaintiff is Darrin Gruenberg, who was an inmate at the Columbia Correctional Institution. The defendants are Dustin Kingsland and Steven Mueller, who are employed as correctional officers at CCI.

Plaintiff contends that the defendants violated his constitutional rights under the Eighth Amendment by using excessive force against him when he refused to kneel down so that his leg restraints could be removed while defendants were returning him to his cell. Defendants deny that they used constitutionally excessive force against plaintiff.

2. Have any of you heard of this case before today? Would this affect your ability to serve as an impartial juror in this case? Is there anything about the nature of this lawsuit that would prevent you from serving as an impartial juror?
3. The trial of this case will start today (Tuesday), and finish tomorrow. Are any of you actually unable to serve as a juror during this time?
4. Ask plaintiff to stand and introduce himself to the jury. Ask whether anyone knows the plaintiff. Would the fact the plaintiff happens to be an inmate complaining about correctional officers' use of excessive force prevent any of you from serving as a fair juror in this case?
5. Ask the assistant attorney(s) general to introduce themselves and the defendants. Ask whether anyone knows any of the lawyers or the defendants.
6. Do any of you have strong opinions, either positive or negative, about the Wisconsin Department of Justice or the Wisconsin Attorney General, J.B. Van Hollen? Would this affect your ability to be a fair juror in this case?
7. These people may be called as witnesses in this case or might be referred to in testimony in this case: Rodney Redmond and Steve Helgerson. Do any of you think you know either of these men?
8. Question to each prospective juror.

Name, age, and city or town of residence.

Marital or partnership status and number of children, if any.

Current occupation (former if retired).

Current (or former) occupation of your spouse or domestic partner and any adult children.

Any military service, including branch, rank and approximate date of discharge.

How far you went in school and major areas of study, if any.

Memberships in any groups or organizations.

Hobbies and leisure-time activities.

Favorite magazines, newspapers or other reading material.

Favorite types of television shows.

Web sites you visit on a daily or weekly basis for work or leisure.

9. Do any of you know any of the other people in the jury box from before today?
10. Do any of you believe that prisoners are treated too harshly or too leniently as a general matter?
11. Do any of you have opinions about the correctional system or the appropriateness of confining people in prison or jail that would affect your ability to be impartial in this case?
12. Do any of you believe that prisoners or criminals should not be able to file lawsuits or receive money damages if or when their constitutional rights are violated?
13. Have any of you, a relative or a close friend ever been incarcerated in a jail or prison? If so, please explain. [*sidebar*]
14. Have any of you ever visited a jail or prison?
15. Have any of you, a spouse or family member, or close friend ever worked in a jail or prison or been employed by a law enforcement agency?
16. Have any of you or your immediate family members ever worked for the State of Wisconsin?
17. Have any of you had a negative experience with any state employee or law enforcement officer that would affect your ability to be impartial in this case?

18. Have any of you, or members of your family or close friends ever worked for or volunteered in any type of criminal defense work, at a public defender's office, a Legal Aid office, or with any type of support or advocacy group for those charged or convicted of crimes?
19. Have any of you, or members of your family or close friends ever been employed by, been a member of or volunteered in any organization whose mission includes protection of constitutional or civil rights, such as the American Civil Liberties Union (ACLU)?
20. Would any of you judge the credibility of a witness who is a law enforcement or correctional officer differently from other witnesses simply because of his or her position?
21. Would any of you judge the credibility of a witness who is an inmate differently from other witnesses simply because he was an inmate?
22. Have any of you ever been a party to a lawsuit?

Have any of you ever been a witness in a lawsuit?

How many of you have served previously on a jury? Tell us when, where, the type of case, the verdict and whether you were the foreperson.

23. 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 the instructions?
24. 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?

JUROR BACKGROUND INFORMATION

When asked to do so, please stand and provide this information about yourself:

Name, age, and city or town of residence.

Marital status and number of children, if any.

Current occupation (former if retired).

Current (or former) occupation of your spouse or domestic partner and any adult children.

Any military service, including branch, rank and approximate date of discharge.

How far you went in school and major areas of study, if any.

Memberships in any groups or organizations.

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