

Voir Dire Questions: Garner v. Jopp, 11-cv-719-slc

1. Statement of the case. This is a civil rights lawsuit in which the plaintiff, an inmate in the state prison system, claims that the defendant, a correctional officer, violated plaintiff's constitutional right to adequate medical treatment during an asthma attack. Plaintiff Oscar Garner is a prisoner at the Waupun Correctional Institution in Waupun, Wisconsin. Defendant Jeffrey Jopp was a correctional officer at the prison during the time relevant to this lawsuit. Plaintiff contends that on May 30, 2011, he complained to defendant that he was suffering an asthma attack, but defendant failed to get him medical assistance. Defendant denies that plaintiff had an asthma attack or that he saw anything to indicate that plaintiff was having such an attack on that day.
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?
3. The trial of this case will last the rest of today and might continue into tomorrow. Would any of you actually be unable to serve as a juror during this time?
4. Ask plaintiff to stand and introduce himself to the jury. Ask whether anyone knows him.
5. Ask the assistant attorneys general to introduce themselves and the defendant. Ask whether anyone knows any of them.
6. Do any of you have strong opinions, positive or negative, about the Wisconsin Department of Justice or the Wisconsin Attorney General?
7. Question to each prospective juror.

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.

Hobbies and leisure-time activities.

Favorite magazines, newspapers or other reading material.

Favorite types of television shows.

The types of websites you regularly visit for work or leisure.

8. Do any of you know any of the other people in the jury box from before today?
9. Do any of you, members of your family, or your close friends have asthma? Do you/they have or use an inhaler? Have you ever experienced or witnessed an asthma attack?
10. Have any of you, members of your family, or your close friends ever been accused of, charged with, or convicted of any crime, or been the subject of a criminal investigation?
11. Have any of you, members of your family, or your close friends ever been incarcerated in a jail or prison? Please explain.
12. Have any of you ever visited a jail or prison?
13. Have any of you, members of your family, or your close friends ever worked in a jail or prison?
14. Have any of you, members of your family, or your close friends ever worked for the State of Wisconsin or for any law enforcement agency or prosecutor's office?
15. Have any of you had a negative experience with a state employee or law enforcement officer that would affect your ability to be impartial in this case?
16. Have any of you, members of your family, or your close friends ever been employed 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?
17. Have any of you, members of your family, or your close friends ever been a member of the American Civil Liberties Union (ACLU) or any other civil rights organization?
18. 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?

19. Do any of you believe that prisoners are somehow the victims of society and do not deserve confinement for the crimes they commit?
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 is 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 any of you have opinions, whether positive or negative, about people who go to court to obtain relief for wrongs they believe they have suffered?
25. 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.

Hobbies and leisure-time activities.

Favorite magazines, newspapers or other reading material.

Favorite types of television shows.

The types of websites you regularly visit for work or leisure.