

Judge Rebecca R. Pallmeyer
Court Room 2119

JURY SELECTION PROCESS

Judge Pallmeyer's jury selection process for both civil and criminal cases is as follows: First, each member of the panel is asked to complete a brief questionnaire. The questionnaire is tailored to address issues specific to the case, but in general seeks background information concerning the prospective juror's occupation and that of other family members, experience with law enforcement (if relevant), previous involvement in legal proceedings, and the like. In drafting the questionnaire, Judge Pallmeyer uses the parties' proposed *voir dire* questions and ordinarily permits counsel to review the questionnaire and make suggestions for changes prior to administration of the questionnaire. A cover letter attached to each questionnaire describes the case briefly; counsel are invited to make suggestions concerning the language of the cover letter, as well.

Judge Pallmeyer will attempt to have prospective jurors complete their questionnaires by the time the case is called for trial. On their arrival in the courtroom, the court will swear the prospective jurors, and determine whether they are familiar with the lawyers, parties, or potential witnesses. The courtroom deputy then calls the names of the jurors at random. Every potential juror's name is called, and the jurors are seated in the order in which their names are called, first in the jury box, then in additional chairs placed in front of the box, and finally in the courtroom benches. The court will question each juror, exploring issues raised by his or her questionnaire responses. The court invites jurors to request a private conference with respect to any issue that is particularly sensitive; such a conference is conducted at side bar or in chambers. Following the court's questions, lawyers are invited to ask additional questions, either of the jurors as a group or of any individual juror; alternatively, the court will ask additional questions suggested by counsel at side bar. When all counsel have had an opportunity to question all potential jurors, the court will excuse the jurors for a recess and invite counsel to chambers.

During the chambers conference, the court will first entertain challenges for cause. After ruling on all cause challenges, the court will permit each side to confer briefly in private to make decisions regarding their peremptory challenges. Ordinarily, counsel are asked to write the names of challenged jurors on paper (three challenges for each side in a civil case; ten for defendant and six for the government in a single-defendant criminal case). In the rare circumstance that a juror is stricken by two parties, the court may allow each party an additional challenge.

Following the exercise of peremptory challenges, the court will read the names of the remaining jurors in the order in which their names were first called, again in chambers. In civil cases, the court expects to seat the first eight non-challenged jurors, unless the length or difficulty of the case suggests that more than eight jurors may be necessary. At the

conclusion of a civil case, every juror who has remained throughout the trial will deliberate. In criminal cases, the court expects to seat the first fourteen non-challenged jurors, with the understanding that the thirteenth and fourteenth non-challenged jurors will sit as alternates and will not deliberate unless needed. No juror is advised of his or her status as an alternate until just prior to deliberations, however. After reading the names of the first eight (or fourteen) non-challenged jurors, the court will ask counsel whether there are objections to the panel. After any such objections are addressed, Judge Pallmeyer will return to the courtroom with counsel and announce the names of the selected jurors.

Please note:

- (1) Ordinarily EVERY potential juror is questioned before any challenges are exercised. The court will question fewer jurors only if the number of jurors in the venire is greatly in excess of the number needed, and only after first conferring with counsel.
- (2) No challenges are ever exercised in the presence of the jurors themselves.
- (3) To minimize the number of recesses, the court expects that all challenges (first, the cause challenges and then peremptories) will be exercised at a single session.