

Voir Dire Transcript for LeBlanc v. Xilbup SuperMarket

Background: This trial is in a state court. It is a civil trial related to a personal injury lawsuit. Preliminary instructions have already been given by the judge.

TRIAL TRANSCRIPT

ROLES:

Judge

Attorney for Defendant

Attorney for Plaintiff

Potential Juror #1: Alexander

Potential Juror #2: Cruz

Potential Juror #3: S. Smith

Potential Juror #4: B. Smith

Potential Juror #5: Ridall

Potential Juror #6: Starnes

Narrator (Reads Trial Notes)

Teacher Note: So that more students can participate in the transcript reading, the attorney roles may be split into multiple readers. Genders/names of characters may be changed. The narrator will read the trial notes so that the audience understands why certain questions and answers matter.

Judge: Potential jurors, you are aware of the parties involved in this case and the type of claims being brought.

[For the upcoming question, no potential jurors should raise hands]

Judge: Please raise your hand if this information causes you to have strong feelings about the case, the parties, or the claims and would make it difficult for you to be fair and impartial. *[pause]* No hands? Let the record reflect that no one has raised their hand.

[All potential jurors should raise their hands for the upcoming question]

Judge: Now, look at the law firms, lawyer names, parties, and witness list for this case. Is anyone familiar with any of them? *[pause]* Let the record reflect that everyone has raised their hand.

[All potential jurors should raise their hands for the upcoming question]

Judge: Raise your hand if the only entity on the list you know is Xilbup SuperMarket. *[pause]* Let the record reflect that everyone has raised his or her hand.

[No potential jurors should raise hands for the upcoming question]

Judge: To be clear, raise your hand if you are familiar with any entity on this list besides Xilbup SuperMarket. *[Pause]* Let the record reflect that no one has raised their hand. Excellent. We are now ready to begin. I will now allow the lawyers to introduce themselves and begin questioning. Mrs. Pendley, you may start.

Attorney for Plaintiff: Thank you, your honor. Ladies and Gentlemen, my name is Keira Pendley, and I am honored to represent Ms. LeBlanc and eventually have six of you decide this critical case. I thank you for doing your civic duty and being here today. In this part of the trial, we want to

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learn more about your impressions, opinions, and feelings about the issues in this case. When I ask questions, know that there are no right or wrong answers. We ask that you just be honest. So first, please raise your hand if you or your spouse has ever worked for Xilbup SuperMarket or any other supermarket.

[Potential Juror #6 Starnes should raise their hand.]

Narrator: Here the plaintiff's attorney is looking for potential bias.

Attorney for Plaintiff: Mr. Starnes?

Potential Juror #6 Starnes: Yes, my wife worked for a supermarket.

Attorney for Plaintiff: How long ago did she work for this supermarket?

Potential Juror #6 Starnes: Oh, it was before I met her. So at least five years ago, and I think more than that. Maybe seven.

Attorney for Plaintiff: Do you think this would impact your ability to be fair to both sides in this case?

Potential Juror #6 Starnes: No. We never really talk about that job. I think she had a bad experience there, so it's not a job she remembers fondly.

Narrator: This might be good for the plaintiff later.

Attorney for Plaintiff: I see on your jury questionnaire that your wife is in law school. Is that correct?

Potential Juror #6 Starnes: Yes.

Attorney for Plaintiff: What year is she in law school?

Potential Juror #6 Starnes: She is in her third year. Almost finished!

Attorney for Plaintiff: What does she plan to do next year?

Potential Juror #6 Starnes: She is going to be working at a law firm.

Attorney for Plaintiff: What area of law is she interested in working in?

Potential Juror #6 Starnes: Litigation.

Attorney for Plaintiff: Do you know the specific area of litigation?

Potential Juror #6 Starnes: I think she wants to deal with personal injury cases but I am not 100% sure.

Attorney for Plaintiff: Ok. Have you ever had a conversation with your wife about this particular case?

Potential Juror #6 Starnes: No.

Attorney for Plaintiff: Does she often talk about personal injury cases at home?

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Potential Juror #6 Starnes: No.

Narrator: At this point, it does not seem to be a harm that the potential juror's wife is in law school.

[For the upcoming question, no potential jurors should raise hands]

Attorney for Plaintiff: Has anyone else worked for or their spouse worked for Xilbup SuperMarket or any other supermarkets? *[pause]* Okay, then let's move on to Mr. Cruz. Mr. Cruz, what is your general impression of the defendant?

Potential Juror #2 Cruz: I don't know much about Xilbup SuperMarket. I don't shop there much. They don't often have the brands I like.

Attorney for Plaintiff: I see you are retired, Mr. Cruz. Before you retired, what did you do for a living?

Potential Juror #2 Cruz: I was a rancher. I still raise cattle, just less than before.

Attorney for Plaintiff: Do you live on a ranch?

Potential Juror #2 Cruz: Yes.

Attorney for Plaintiff: That sounds lovely. So I know you said your interaction with the defendant is minimal. Do you have any opinions, negative or positive, about the defendant?

Potential Juror #2 Cruz: Well, it's a big company, so it must be doing something right. There is one on every corner around here. The people are always nice but their prices keep going up and I often can't find the brands I like. But other people seem to like shopping there.

Attorney for Plaintiff: Does your experience frustrate you?

Potential Juror #2 Cruz: Well, yeah. Prices are higher everywhere right now and that is frustrating. And I don't like having to go to multiple stores to get what I need.

Attorney for Plaintiff: Does anyone else feel the same frustration as Mr. Cruz?

[Only Potential Juror #4 Mr. B. Smith raises his hand.]

Attorney for Plaintiff: Mr. Smith?

Potential Juror #4 B. Smith: I don't have any issues with Xilbup SuperMarket, but it is annoying when the prices are high. But sometimes the employees help me find coupons.

Attorney for Plaintiff: But it annoys you that they are taking a lot of your paycheck doesn't it?

Attorney for Defendant: Objection. Argumentative.

Judge 3: Sustained.

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Narrator: Questions that provide or lead to a specific opinion are not allowed. The judge can step in and allow or reject the question.

Attorney for Plaintiff: Mr. Smith, how frequently do you shop at Xilbup SuperMarket?

Potential Juror #4 B. Smith: Usually once a week. Sometimes more or less depending on their product inventory and what recipes I am making that week.

Narrator: This could be bad for the plaintiff if this potential juror has a strong tie to the defendant.

Attorney for Plaintiff: Do you enjoy shopping at Xilbup Supermarket?

Potential Juror #4 B. Smith: It's okay. I have to eat and it is just one of a variety of grocery stores I shop at.

Attorney for Plaintiff: Mr. Smith, have you ever hurt yourself while shopping at one of these supermarkets?

Potential Juror #4 B. Smith: What do you mean?

Attorney for Plaintiff: Well, for example, has there ever been a spill on the floor in one of the supermarkets and you slipped in it and fell?

Narrator: This is an appropriate use of a hypothetical to introduce critical facts about the case and to look for any bias.

Potential Juror #4 B. Smith: Oh yes. I have slipped at the supermarket a few times. I swear I always shop right after they mop the floors. I have received a few bruises and sore muscles.

Attorney for Plaintiff: If you ever injured yourself significantly, would you be willing to consider suing the supermarket?

Attorney for Defendant: Objection. Calls for the potential juror to make a commitment.

Judge: Sustained.

Narrator: The attorney for the plaintiff wants to ask this question, or one similar, because they want to see if this potential juror will be sympathetic to the plaintiff since she broke her leg slipping on a wet floor with a poorly maintained surface.

Attorney for Plaintiff: If someone you knew was seriously injured after they fell at a store because of an unsafe floor, how would you feel about that person bringing a lawsuit?

Attorney for Defendant: Same Objection.

Attorney for Plaintiff: Your honor, this question does not ask for the potential juror to commit but instead searches for any bias that he may have against a victim bringing

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suit against a company for not looking out for the safety of their customers.

Judge: Overruled.

Attorney for Plaintiff: Go ahead, Mr. Smith.

Potential Juror #4 B. Smith: It might be a little silly. I guess it just depends on the situation. If the store knew there was a hazard and didn't take steps to fix it, and it wasn't her fault, and she was seriously injured then I guess it would make sense to bring the lawsuit.

Narrator: The attorney for the plaintiff might be concerned about this answer because of a legal term known as "comparative fault" where a jury can reduce an amount someone is awarded in a civil case if they contributed to their injuries in any way.

Attorney for Plaintiff: Does anyone else have an opinion about this?

[Only Potential Juror #5 Ms. Ridall raises her hand.]

Attorney for Plaintiff: Ms. Ridall?

Potential Juror #5 Ridall: I think it is wrong to sue someone over that. I mean, you should be responsible for yourself. Pay attention to your surroundings; do not blame the store if you fall.

Narrator: This is a red flag type answer and needs to be investigated much more deeply.

Attorney for Plaintiff : Thank you for your honesty Ms. Ridall. However, what if you were paying attention, but the store's floors were in dangerous shape due to neglect?

Potential Juror #5 Ridall: I think it depends on how long the floors were like that and if the company was aware of the issue.

Attorney for Plaintiff: Let's say they knew this was a problem for several weeks due to customer and employee complaints.

Potential Juror #5 Ridall: I still think it is your fault for not watching your step. People today are "sue happy" and sue for any reason they can find to profit from large companies because they can.

Narrator: At this point, the attorney for the plaintiff will mark Ms. Ridall as a potential juror she will challenge to remove. This is actually disappointing for the plaintiff side because Ms. Ridall has medical background knowledge. That could have helped the plaintiff's case if she understood and could talk to other jurors about the pain of a broken leg and how the plaintiff suffered. There is no need to continue asking her questions.

Attorney for Plaintiff: Thank you, Ms. Ridall. Mr. Alexander, what do you think about this situation?

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Potential Juror #1 Alexander: Well, I am not sure. I would need to know a lot more details before deciding who was at fault.

Attorney for Plaintiff: Mr. Alexander, I see on your jury questionnaire that you work at Burger Queen. Is that correct?

Potential Juror #1 Alexander: Yes. I am a cook.

Attorney for Plaintiff: And I also see that you are enrolled in college as a business major. Is that correct?

Potential Juror #1 Alexander: Yes, that is correct.

Attorney for Plaintiff: What do you want to do after you graduate?

Potential Juror #1 Alexander: I would like to own my own business, probably a restaurant someday.

Attorney for Plaintiff: Mr. Alexander, would you be upset if someone brought a lawsuit against your business?

Potential Juror #1 Alexander: It would depend on the situation and if I thought I did something wrong or not I guess.

Attorney for Plaintiff: Thank you, Mr. Alexander. *[Goes back to talking to the entire jury pool]* Has anyone seen anything about this case on the news or read about it on social media?

[Only Potential Juror #1 Alexander and Potential Juror #6 Mr. Starnes raises their hands.]

Attorney for Plaintiff: Mr. Starnes?

Potential Juror #6 Starnes: I think I saw something about it on social media. But the post was short and didn't have a lot of information.

Attorney for Plaintiff: Did you form an opinion about this case?

Potential Juror #6 Starnes: I thought it was just a quick get-rich scheme by suing a big well-known company. However, now that I am here, I am not sure that is accurate.

Attorney for Plaintiff : Thank you for your honesty, Mr. Starnes. Do you think you can keep an open mind until the end of the trial after all the facts have been presented?

Potential Juror #6 Starnes: Absolutely. I am actually already interested in learning more.

Attorney for Plaintiff: Ms. S. Smith, you served on a jury before. Is that correct?

Potential Juror #3 S. Smith: Yes, I did.

Attorney for Plaintiff: Was it a criminal or civil trial?

Potential Juror #3 S. Smith: A criminal trial.

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Attorney for Plaintiff: What was your favorite part about being on the jury?

Potential Juror #3 S. Smith: I liked hearing all the case information. It was an attempted murder case, so there were lots of witnesses and people to listen to.

Attorney for Plaintiff: And you reached a verdict?

Potential Juror #6 S. Smith: Yes, we did, it was sad, but in the end, we found him guilty. There was no doubt he shot someone and he had to face the consequences.

Attorney for Plaintiff: Is it your opinion that people must take responsibility for their actions?

Potential Juror #6 S. Smith: Oh yes. Getting in trouble is the only way to learn from your mistakes. I strongly believe this...just ask my children!

Attorney for Plaintiff: Now, Ms. Smith, do you know potential juror #4 Mr. Smith?

Potential Juror #6 S. Smith: No. There are so many people with the last name Smith.

Narrator: Ms. Smith is looking like a good juror for the Plaintiff. The Attorney for the Plaintiff will want to move on and not ask too many questions as that could open up something the Defense could use to challenge and strike her from the jury.

Attorney for Plaintiff: Mr. Cruz, I would like to ask you a few more questions. How do you feel about companies being sued by someone who was harmed when the company could have prevented it?

Potential Juror #2 Cruz: I think the company should help out the person.

Attorney for Plaintiff: Why do you think that?

Potential Juror #2 Cruz: I also believe in taking responsibility for your actions. You have to step up if something is your fault.

Attorney for Plaintiff: And what if the company played a role but wasn't fully to blame?

Potential Juror #2 Cruz: They should still have to help out. I am sure they have the money. However, the person suing shouldn't get something for no reason. If it was their fault, then that is their problem.

Attorney for Plaintiff: Mr. Cruz, what are your thoughts regarding people who don't like going to the hospital?

Attorney for Defendant: Objection. Relevance?

Attorney for Plaintiff: Nevermind. I will move on. Mr. Cruz, how do you feel about people who get hurt in accidents?

Potential Juror #2 Cruz: I feel bad for them, I guess.

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Attorney for Plaintiff: What if even though it was an accident, someone created the dangerous situation resulting in the injury being worse?

Potential Juror #2 Cruz: Then whoever created the dangerous situation should be in some trouble.

Attorney for Plaintiff: Mr. Alexander, how do you feel about this?

Potential Juror #1 Alexander: Well, if it was truly an accident, then I don't know if the situation matters.

Attorney for Plaintiff: Do you think no one should get in trouble for making an accident worse?

Attorney for Defendant: Objection. Calls for a commitment.

Judge: Sustained.

Attorney for Plaintiff: How do you feel about someone not getting in trouble for making an accident and injury worse?

Potential Juror #1 Alexander: Well, I'm not sure. I feel like I see both sides. Someone probably should get in trouble but I also don't know if that makes sense for an accident.

Attorney for Plaintiff: If the Judge tells you that they should, would you be able to find the person responsible?

Potential Juror #1 Alexander: I would listen to the Judge. He knows the law.

Attorney for Plaintiff: Thank you, Mr. Alexander. Mr. Smith, just a few more questions for you. I am almost done folks! Mr. Smith, how do you feel about a company with a bad behavior pattern?

Potential Juror #4 B. Smith: I don't really understand your question.

Attorney for Plaintiff: Let's say that a man puts up a wire fence around his property. However many wires stick out and people walking by keep hurting themselves. How does that make you feel?

Attorney for Defendant: Objection. Hypothetical question.

Attorney for Plaintiff: Your Honor, I know I am not using facts related to this case or connecting to any laws. However, it does allow me to learn more about these potential jurors' feelings about punishing continued bad behavior.

Judge: Overruled.

Attorney for Plaintiff: Go ahead, you may answer the question Mr. Smith.

Potential Juror #4 B Smith: I think that is wrong. It sounds like he knew people were getting hurt, but he didn't do anything about it. Not sure what consequences he could receive but he should be in trouble if he refuses to fix the problem.

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Attorney for Plaintiff: Thank you, Mr. Smith. [*Goes back to talking to the entire jury pool*] Has anyone ever broken a bone?

[Only Potential Juror #4 B. Smith raises their hand.]

Attorney for Plaintiff: Mr. Smith. Tell me about that.

Potential Juror #4 B Smith: I was an athlete in high school. One time I broke my arm and had to go to the hospital. I had to get a cast, and it was not enjoyable. It itched all the time, and it smelled after a while.

Attorney for Plaintiff: Thank you, Mr. Smith.

Narrator: At this point, each juror has spoken multiple times, and the Attorney for the Plaintiff has a decent sense of these six jurors.

Based on the voir dire, the Attorney for the Plaintiff reaches the following conclusions:

1. Mr. Smith, Ms. Smith, and Mr. Cruz seem like decent jurors for the Plaintiff.
2. Ms. Ridall is not a good choice of juror for the Plaintiff.
3. It is hard to call it for Mr. Alexander. Since he wants to be a business owner someday, he may have a bias against the Plaintiff and side with the Defendant as he would sympathize with not wanting to be sued as a business owner. But his other answers seemed reasonable.

4. Mr. Starnes is also a maybe/not sure. Since his wife is a law student, he could know more about the law than most people, but his knowledge could be based on his wife's opinions of the law. Also, he knew about the case beforehand and could have formed an opinion about the case that is against the Plaintiff.

After what you saw here today, the Attorney for the Defendant would have their term to ask questions. Both sides would then work with the judge to ask for strikes and challenges until there were six jurors that were mostly acceptable to all.