

Voir Dire

Objectives & Techniques

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to object does not prejudice a party who had no opportunity to do so when the ruling or order was made.

(Amended March 2, 1987, effective August 1, 1987; April 30, 2007, effective December 1, 2007.)

RULE 47. SELECTING JURORS

(a) Examining Jurors. The court may permit the parties or their attorneys to examine prospective jurors or may itself do so. If the court examines the jurors, it must permit the parties or their attorneys to make any further inquiry it considers proper, or must itself ask any of their additional questions it considers proper.

(b) Peremptory Challenges. The court must allow the number of peremptory challenges provided by 28 U.S.C. § 1870.





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State Best Practices Survey Second Edition

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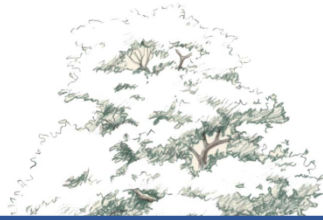
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| 11. What are the court's practices regarding trial submissions? Is it similar to the Federal Pretrial Order; does it vary by judge? | Judges use the pretrial conference and Miss. R. Civ. P. 16 to facilitate the trial of the case. Some judges enter an order following the conference, reciting the action taken at the conference. Others do not. |
| 12. Who conducts voir dire (Court/Counsel)? Describe the process. | Under Miss. Code Ann. § 13-5-29 (2012), parties or their attorneys may question jurors who are being impaneled. Individual jurors may be examined only when proper to inquire as to answers given or for other good cause allowed by the court. |
| 13. How many jurors are there? How many alternates? How many peremptory challenges? | Circuit and Chancery court juries consist of 12 members. County court juries seat only 6. In all three divisions, the judge has the discretion to seat 1 or 2 alternates. In Circuit or Chancery court, each party has 1 challenge for alternates.

Under MRCP 47(e), each side may exercise four peremptory challenges in an action before a twelve-person jury. In actions tried before a six-person jury, each side may exercise two peremptory challenges. Where one or both sides are composed of multiple parties, the court may allow challenges to be exercised separately or jointly, and may allow additional challenges. In all actions the number of challenges allowed for each side shall be identical. If one side gets extra peremptory challenges, the other side must get an equal amount of challenges. Peremptory challenges cannot be based on race or gender. |
| 14. Identify any "unusual" trial procedures. | None at this time. |
| 15. Are there special trial court divisions for certain civil matters, such as mass tort, class action, commerce court, etc.? Are there different discovery timetables for different trial divisions? | Chancery division has jurisdiction over domestic matters, equity matters and juvenile matters (if a county does not have a county division). Circuit courts hear felony criminal prosecutions and civil lawsuits; they also hear appeals from county, justice and municipal courts and from administrative boards. County courts have exclusive jurisdiction over eminent domain proceedings consistent with Miss. Code Ann. § 11-27-3 (2012) and juvenile matters and may adjudicate civil matters when there is less than \$200,000.00 in dispute.

Under MRPC 26(e), unless the court upon motion, for the convenience of parties and witnesses and in the interests of justice, orders otherwise, methods of discovery may be used in any sequence so long as not operating to delay another parties discovery. MRCP 26(e) provides that at any time after the commencement of the action, the court may hold a conference on |



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Voir Dire

- What has been local counsel's experience?
- Does the judge conduct voir dire and to what extent?
- Will the judge allow counsel to participate or ask follow-up questions?
- Does the judge require voir dire questions to be filed in advance?
- To what extent will the judge allow parties to address the facts of the case?
 - By lawyers' questions?
 - By a joint statement of the facts that is read during voir dire?
- How long does the judge allow each side for voir dire?
- Will a court reporter be present?
- Will the judge provide juror/biographical information in advance? If so, when?

Voir Dire Procedure:

- How many potential jurors will be called?
- How many jurors will be seated?
 - Are there alternates? How many?
- How many peremptory strikes does each side get?
 - When are they made - before or after strikes for cause?
 - Should they be exercised immediately after each prospective juror is questioned?
- How does the judge handle strikes for cause?
 - Are strikes limited to individuals “in the box” or across the board?
- How are strikes exercised?
 - One at a time or alternating between parties?
 - Can a juror be stricken after being previously passed?

Jury Questionnaire:

- Allowed by the judge?
- What samples has the judge used before?
- How can you weave in your case themes?
- Is a meet & confer required with opposing counsel?
- When will you get the responses? In what format?

Jury Panel Chart

Case Name

Case #

Page

#				#				#				#				#				#			
Peremptory		Cause		Peremptory		Cause		Peremptory		Cause		Peremptory		Cause		Peremptory		Cause		Peremptory		Cause	
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Jurors are like icebergs – only ten percent of them is what you see in court. What you see above water are the demographics: gender, age and ethnicity. Below the water are life experiences, attitudes, predispositions which are predictive of their verdict orientation.