**Void Dire Final good points**

**Preminairs:**

1. Say: This trial is about harm and damages.
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   2. **So unless most of your voir dire questions (as well as those on any questionnaire) deal with harm and damages, jurors will believe that trial is mainly about liability. This means they will not hear your damages case the way you want them to.**
   3. **Among other benefits: If you make jurors believe that the tiral is mainly about harm and damages, they will hear your liability information with their attention where you want it: How-not whether-negligence caused harm**
   4. **Asked Open Ended Questions:**
      1. **What trouble would you have including money in your verdict for pain and suffering.**
   5. **Don’t reword their responses.**
2. Minor Impact
   1. Good morning folks, I’m Nef Habtemariam, one of the attorneys. This is when I get to ask you some questions for jury selection. But before the usual questions, something’s worry me I need to ask you about Minor impact car crash and its relation to injury. We need to know about property or car damage and bodily injury. How big has the damage to the car for the person to be injured? Or Is there a direct or indirect relationship between the vehicle damage and bodily injury. Is big damage means serious injury and minor damage means not serious injury? When need to know how people feel about those things. Mr. Jones-what are your thoughts?
   2. If the judge wanst a a group question: How many of you think that small impact means no injury or small injury
   3. Ms. Johns, I did not see your hand, what do you think?
   4. Who has versus who has not?
      1. Once you ask what juror’s thoughts are, let him talk. Do not interrupt. Do not argue. Don’t show signs of disapproval or disagreement. Keep queit. Listen.
         1. Nod Slowly-Gesture for more- say what else? Please tell me more?
         2. Not curtly (fast)-means you have heard all you want to (shut up)
   5. Begin with a juror you think will be talkative.
3. Denerative disk disease
4. Pain & suffering
5. Tort Reform
   1. Ask Jurors how they feel about lawsuits and tort reform
      1. Get out of the way and let them talk
      2. Follow up when they stop talking- Tell me more about it-more angry-Get rid off them
      3. Encourge as much about it as they have to say- more angry-Get rid off them-20% to 30% are tort reform
      4. Work them carefully for a cause challenge
      5. Failing that, put them high on your list of possible peremptories.
   2. Opended eded questions:
      1. **What trouble would you have including money in your verdict for pain and suffering.one who has-ever been injured afrer a car crash**
   3. Closed-ended questions to ask a group questions
      1. Who here has or knows anyone who has-ever been seriously injured?
      2. Or who here thinks-or knows anyone who thinks that lawsuits are causing problems these days
   4. Design your group questions to get as many hands raised as possible
      1. Many people would have a little trouble giving money for pain and suffering because it doesn’t make the pain and suffering go away. Other people think money for pain and suffering is okay. How many of you are a little closer to people who think money for pain and suffering is okay?

Some hands go up. Then ask:

* + 1. How many of you are closer to the people who would have a little trouble giving money for pain and suffering because it can’t make the pain and suffering go away?
  1. Mr. Smith, please tell me about whatever…open-ended questions
  2. If Jurors did not raise their hands in response to either question (who here does) and who does not?, ask them:
     1. I did not see your hand; are you closer to\_\_\_\_ or closer to \_\_\_\_?

1. Base Money only on Harm (No Impure Thoughts)-having jurors decide money based solely on the amount of harm. The intent of the following question is to uncover jurors likely to take improper factors into account.
2. Harm-causing event: Before asking questions from the four harms list, ask about the harm-causing event itself: the wreck, or a medical error, or whatever. (this help for challenges; they help you spend half your voir dire time on harm and money; they teach jurors your client’s immediate harms; they get jurors thinking about similar harms in relation to themeleves and people they know.
   1. Who here has or knows anyone who has ever been hit by a motor vehicle?
      1. What happened, whose fault, how the juror feels about it
      2. Juror: My cousin was in a wreck and the car was totaled, smashed flat, and he walked awaked away just fine.” Since your client’s car was barely damaged yet she is claiming severe injuries, you have a concern about this juror.
      3. Caveat. Do not relate the harms-causing event or the harms on the four harms list to your case. Don’t say, “A car hit my client, John Smith, so please tell me who here has ever been hit by a car. Connecting the question to your client makes voir dire adversarial, thus undermining your ability to get frank answers from many jurors. It can also start some jurors into deciding against you before they even know what happened in the case.
      4. In a climate of tort “reform” you must not turn into advance too early. This means not until mid-opening.
   2. (who has neck sprain, back sprain or ankle sprain before; how many of you have ever had any neck strain, back strain)
      1. Who here has-or knows anyone who has-ever been seriously injured in any way? Follow up.
   3. Final Harm list questions: Who here has or knows anyone who has-ever had to deal with as many different kinds of harms and treatments at the same time as all those I have just asked you about?
3. Harms Lists:
   1. List 1: Mechanism of Injury, and the immediate Injuries

(Neck strain, Upper back strain, low back strain, shoulder strain, and hip strain)

* 1. List 2: Problems caused by the immediate injuries:
     1. (Pain, limited motion, arm weakness, sleeping)
  2. List 3: Consequences of the problems on List 2 (List three is the heart of your damages caseWhat you’re asking
     1. (Disability) Missed work, lost income, missed work out gym
     2. His Wrists weakness keeps him from lifting so he cannot enjoy work out
     3. Being unanable to do this the activities he likes to do
     4. Low back permanent (when he lifts, he feels pain)
     5. Cannot do biking
  3. List 4: Fixes, helps: Measures taken or to be taken to try to offset the harms
     1. Pain medication,
     2. physical therapy,
     3. low back brace,
     4. massage therapy,
     5. chiropractic

1. Legalise:
   1. Don’t say awards, economic damages, non-economic damages
2. Medical Bills:
   1. What trouble would you have including money for the medical bills in our verdict?
3. Pain and suffering
   1. If you decided Defendant’s negligence caused Mr. Berhane’s pain and suffering, what probelm would you have including money for pain & suffering even though that money can’t make the pain and suffering go away? Not “would you have trouble..?
   2. Mr. Johnes, I am asking this because my own grand mother thinks money for pain and suffering should never be given, because it does not make the pain or suffering go away. Other people think it is okay. I just want to know which way you lean-closer to my grandmother or closer to the people who will?”
   3. Some people have some philosophical or moral oppositions to money for pain and suffering. Other don’t. Where do you fall between them?
   4. I am not asking if you know how to do it; I will show how later in the trial. All I’m asking right now is what trouble think you might have-even a little-doing it once you know how?
      1. Please tell me about it.
   5. Tolerance for pain: ask jurors about the worst pain they’ve ever had: What caused it, what it was like, and how bad was it?
4. Caretaker/Non-Caretaker Scale
   1. Ask Jurors what they think are the most important values to teach children?
      1. Help less fortunate-god
      2. Be strong, slef-reliant-not so good
   2. Who here is involved in things intended to help other people-people outside your own people.
   3. Ask what orgnizations and clubs jurors belonged to, and where they do (or did) volunteer work-and why?
   4. If someone offers to send money to the charity of your choice, which would you choose? Follow up: What do you like about that one?
   5. Ask about activities outside work-
5. Insiders/Dispossessed Scale:
   1. Jurors with no stake in the establishment often tend to give money more readily than do jurors whose lives are integrally involved with the establishment, or whose aspire to such an involvement.
6. The Preponderance Technique
   1. In this kind of case// you decide based on whether we are more likely right// than wrong.// More likely right // than wrong.

Add no other information or explanation. Avoid the usual temptation to show you know more than the jurors by overexplaining. Clarity requires simplicity and brevity, not more talk.

Then say:

* 1. You can have doubts on both sides. // As many doubts as you want. // As long as after you weigh all the doubts // you believe we are more likely right than wrong.// If we just tip the scales, even a little.

Use both hands to show the scales tipping slightly.

Now, we expect to show for more than tipping the scales just a little.

Use both hands to show an enormous tipping of the scales. Be sure to say, “We expect to show far more than tipping the scales just a little.” Without it, Jurors will think you believe you have only preponderance. That will lead some to stop listening; they’ll decide right then you should lose.

Then say:

Use hands.

Is it more likely than not // that the defendant was negligent and caused harm? Is it more likely than not// that $35,000 is the right verdict?

Then:

Since that’s all we have to do, some people think it’s not enough because it makes it too hard on the other side, the defense.// May be even a little unfair.// Other folks think it’s okay. // Mr. Jones, are you closer to thinking it might be a little unfair? Or are you closer to the folks who think it’s okay? Where do you come between the two?

Who thinks it might be a little unfair? Tell me about it? Have I missed anyone? Anyone else think it might be a little unfair? Who is closer to folks who think it’s okay? Follow up.

A cause challenge: Pursue for cause those who express themselves strongly that it’s unfair.

To make sure you don’t miss anything, ask: “And who thinks it’s okay.” No need to follow.

If anyone’s hand has not gone up for either answer, ask “Mr. Thomas, what about you? I didn’t see your hand.” And follow up whatever he says. This way you will hear what every juror thinks about preponderance even if they did not initially understand your explanation and questions.

As you go from juror to juror, you may need to repeat your explanation because they will not remember your question. Repeat it with the same words. Do not get wordy, do not over-explain, and do not try different ways of explaining. Clarity comes from consistent simplicity, not shifting terms.

Try this in 14 year old kid until he understand you. Other wise , you’re not ready to do this in trial.

-If the judge will not allow the questions, ask instead under what circumstances the jurors make decisions in life on the basis of more likely than not.

Cause Dismissals: ask if they could decide questions in the case (or in life) if they were less than 100% sure. If they say yes, ask what the minimum is they’d be willing to decide upon -90%? 75%? 65%? Get them tell you their cut-off point and see how firmly they hold to it. In this way, one attorney removed the entire panel for cause. 60% is a higher standard than preponderance, so if the juror would have great difficulty going below 60%, he should not serve.

Preponderance. Part Two:

Anyone else with any problems with ‘more likely than not? It’s the way we all hope you’ll make your decisions. Mr. Hutchinson agrees you should decide the case on that basis on matter how many doubts you have, and the judge will tell you it’s the law. So just to be sure, anyone else with even a small problem with that?