Honorable Sue Parisien

# SUPERIOR COURT FOR THE STATE OF WASHINGTON

**IN AND FOR THE COUNTY OF KING**

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| **KESETE BERHANE**  Plaintiff,  vs.  **ERIC FOCH, ET AL**  Defendants. | NO. 16-2-12605-7 SEA  [PROPOSED] PLAINTIFF VOIR DIRE QUESTIONS |

**Plaintiff proposes the following voir dire questions:**

1. Does anyone work for an insurance company or any business handling claims?
2. Has anyone here or any members of their families or any close acquaintance ever been sued? If so, did you feel that lawsuit against you was unjustified? Would the fact that you were sued make it difficult for you to sit as a fair and impartial juror in this case?
3. Have you ever had a claim filed against you?
4. Have you, any member of your immediate family or close personal friend been involved in a lawsuit or claim against another person as the party defending the claim?
5. Where do you get your news?
6. Will anyone hold the plaintiff to a standard of reasonable doubt?
7. Does anyone feel that awarding a large amount of damages to the plaintiff for proving his case with just a featherweight of additional evidence required by the law violates a core belief of theirs or goes against their moral code
8. Is anyone unable to award or is anyone uncomfortable with awarding pain and suffering damages in the form of money?
9. Does anyone have any preconceived notions, prejudices or feelings about people who bring lawsuits or make claims for injuries they have sustained arising out of someone else’s negligence?
10. Is anyone unable to consider the testimony of a witness who testifies via a translator?
11. Will anyone be unable to give adequate weight to the testimony of a witness because the witness does not speak English?
12. Is there anyone among the panel who believes that there are too many personal injury lawsuits?
13. Do you believe there should be caps on personal injury damages awards?
14. Is there anyone on this panel who feels that a person injured by someone else’s conduct should not sue for monetary compensation as a result of those injuries?
15. How many in this room feel that persons injured in an accident as a result of the negligence of another person should just bear his/her own losses and pain and suffering?
16. Is there anyone who believes you cannot be injured in a low-impact auto accident?
17. Is there anyone on this panel who, for religious or any other reason, does not believe in medicine, in doctors, or that a person may require professional medical treatment for physical pain and suffering?
18. Does anyone view the work that chiropractors do with a suspicion, or just doesn’t like chiropractors?
19. Is anyone unable to listen or consider the testimony or medical records of a chiropractor?
20. Does anyone have a hostile view of religious people? Or does anyone not view religion in a hostile way, but, rather, simply disagrees with a religious way of life?
21. Is anyone thinking “this lawyer hasn’t asked this question yet, but if he did he’d realize he wouldn’t want me on his jury.”
22. Do any of you know of any other matter, anything which I have not covered in my questions, which would for any reason influence you or prevent you from rendering a fair and impartial verdict in the case?
23. How many of you think you have degenerative disc disease" and none of them raised their hand - none of them except Andy Cole who happened to be in the pool, but number 46, so I knew he would not be on the jury.  Then I continued, "I ask because I didn't think any of you would think so - I had no idea what that insidious sounding disease was until I became a lawyer.  It rears up in every case, yada yada."
24. In jury selection I often ask what is most valuable in life.  People always say the same things:  health, family, freedom, independence, liberty, living your life the way you want to live it.
25. You want Jurors to believe that the trial is about harm and damages: You don’t want juror to believe that this is about harm and damages:
    1. How much money will make up for what happened
    2. You do not want jurors believing that the trial is mainly about liability.
    3. It’s about how much it will take to make up for what the truck driver did to plaintiff-Not about whether the truck driver went through the red light,” you might not have done what you should have.
26. **Say: This trial is about harm and damages.**
27. **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.**
28. **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**
29. **Asked Open Ended Questions:**
    1. **What trouble would you have including money in your verdict for pain and suffering.**
30. **Don’t reword their responses.**