

Voir Dire -- Sample Questionnaire

PLAINTIFFS' PROPOSED VOIR DIRE

1. Have any of you read anything, seen anything on television or heard anything on the radio or from any of your friends about this case or about any similar cases?
2. Are you or is any member of your immediate family or are any of your close friends employed by an insurance company, an insurance adjusting company or otherwise affiliated with the insurance industry?
3. Have you or has anyone in your immediate family worked for an insurance company or any agency which sells insurance?
4. Have any of you or any members of your family or your close friends ever worked as an insurance claims investigator or adjuster?
5. Are you or any members of your family owners of stock in a liability insurance company?

6. Are any of your children employed, and if so, where and in what capacity?

7. Have you or has any member of your family or close friends ever had any training in law or in any law related field?

8. You do all understand that this is a civil case and not a criminal case? The defendant is not charged with having committed a criminal act for which he is guilty, but that he was negligent and that that negligence resulted in an injury to the plaintiff, and losses to her children, . Is there anyone who has any problem understanding the difference between being guilty of a criminal act and being responsible for injuries due to negligence?

9. Do any of you disagree with the assertion of law that provides that the plaintiffs, in order to recover, need only prove their case by a preponderance of the evidence, that being either a great or slight tilting of the scales of justice in their favor?

10. Is there anyone who is opposed to our laws that provide money awards to people injured because of another's negligent and careless acts?

11. Have any of you ever been involved in a motor vehicle wreck?

12. Do any of you know

, or any other member of the

, whose offices are located in Wheeling, Beckley, and Charleston, West Virginia, including attorneys, paralegals, secretaries, and other office staff, or their spouses, children, parents, brothers or sisters?

13. Do any of you or your family members belong to the same social organizations, churches or clubs, with _____, or any member of their organization, including attorneys, paralegals, secretaries, and other office staff, or their spouses, children, parents, brothers or sisters?

14. Do any of you know the other driver involved in this collision, _____, _____?

15. Do any of you know any of the other members of _____ family or belong to any clubs, organizations or attend church with them?

16. If you know _____ or his relatives, what is the nature and extent of that relationship? Is there any reason to feel that you would give more or less weight to their testimony than to that of the plaintiff in this case? Do you feel that it would cause you embarrassment or particular stress if you were required to sit on a jury in a case in which _____ is involved?

17. Do any of you have any negative personal beliefs concerning lawsuits filed by people for the injuries caused by another's negligence?

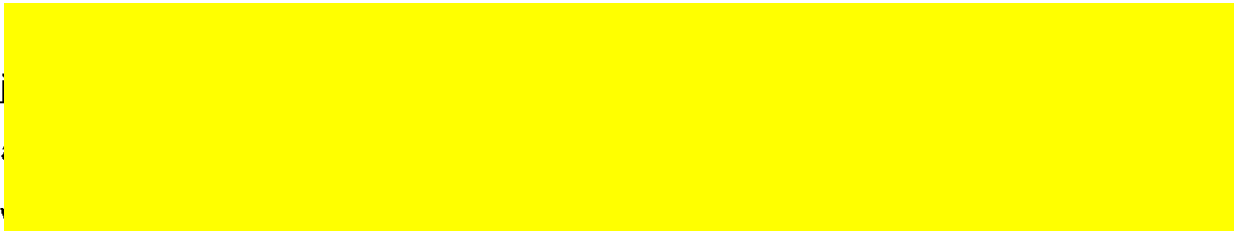
18. Do you have any feelings based on any personal philosophy or religious beliefs that would prevent you from bringing a law suit for injuries you suffered because of another's negligent acts?


19. Has anyone ever made a claim against you or any members of your immediate family or close friends seeking damages as a result of any claim of negligence?

20. Do you have any ill feelings against _____ for coming to court and asking that justice be done for the injuries and damages that she has suffered?

21. Have you or any members of your family ever been a defendant in a lawsuit of any kind, and if so, please raise your hand. [Explain the nature of the lawsuit, whether you were plaintiff or defendant, and the result of the lawsuit, i.e., whether tried or settled.]


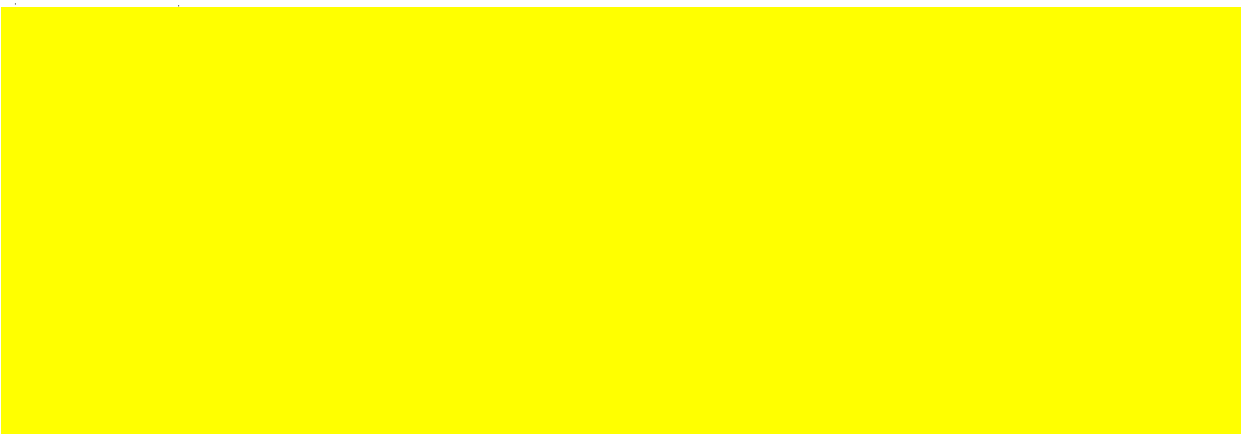
22. Is anyone unaware that money is the only form of compensation a person can seek under our system of justice?





26. Is there anything in your education, background, experience, or belief system that leaves you with any preconceived bias against a person seeking to recover damages for more than the actual expenses incurred as the result of that injury?

27. Is there anything in your education, background, experience, or belief system that makes you feel that a person cannot be compensated with money for pain and suffering? Would you feel this way even if the court instructed you that the plaintiff has the right to be compensated for any and all pain and suffering that she has felt and will continue to feel throughout her life?



30. Do you believe that lawsuits filed as a result of automobile collisions have increased the cost of automobile insurance? If so, would you allow these feelings to

affect your judgment when awarding damages you felt were fair and just according to the evidence.

31. You must accept the fact that we can't restore things to the way they were prior to this collision on March 3, 2001. Even though money will not restore the physical or emotional loss, would you feel justified in determining as a verdict an amount of money to be paid to _____ in compensation for her suffering and for her future lifetime losses?

32. Have you read or heard anything which would cause you to be reluctant about returning a monetary award in a negligence case if it was warranted by the evidence?

33. If plaintiff is able to prove that she is entitled to substantial damages, through her own testimony and the testimony of the medical doctors, and other witnesses, by showing that she was injured by the negligence of the defendant and that she now suffers pain, inabilities to fully function, a loss of enjoyment of life, diminishment in her earning capacity, and, among other things, that these injuries and limitations she suffers are permanent, would you feel justified returning a substantial verdict for her?



35. Have any of you ever suffered from pain or injuries that just would not completely heal?

36. Have any of you or your immediate family or close friends ever suffered an injury from years ago who still feel the effects/pain of that injury?

37. Have any of you or your immediate family or close friends ever been prevented from doing work or engaging in the things you enjoy because of pain from an injury?



39. Have any of you been around people suffering from chronic illness and pain?

40(a). Have any of you or members of your family suffered from fibromyalgia?

40(b). Have any of you read articles about fibromyalgia?

41. Have any of you personally been around people whose personality has changed because of pain or injuries?

42. Have any of you or members of your family ever been treated by a chiropractor?
43. Have any of you ever referred a friend or acquaintance to a doctor?
44. Would all of you expect a lawyer to refer a client to a physician he or she felt was competent?
45. Would any of you hold it against a lawyer or law firm if they represented a large number of people who had been treated by a certain doctor?
46. Would your feelings about the referrals change if you felt the doctor was:
- (a) Highly qualified;
 - (b) Had treated the lawyer himself;
 - (c) Had treated the lawyer's relatives; or
 - (d) If the doctor was actually a treating doctor – not simply one who examined the person one time?
47. Do each of you feel that people should be responsible for their conduct?

48. Do any of you know people who have been treated by psychologists or psychiatrists?

49. Do any of you believe that no matter how bad things get emotionally, you would never see a psychologist?

50. If you hold these beliefs, will you penalize _____ because she has been treated by a psychologist?

51. Have any of you ever suffered from pain so severe that you needed to be treated with medication such as Hydrocodone and Oxycontin?

52. Have any of you ever been injected by a doctor with needles with medication in order to try to break up a muscle spasm?

53. Do any of you or members of your immediate family suffer from major sleep disturbances?

54. Have any of you or members of your immediate family applied for social security disability benefits? If so,

(a) Who?

(b) Granted or denied?

55. Have any of you heard how difficult it is to obtain social security disability benefits?

56. Have you or any members of your immediate family or friends ever been examined by doctors who simply could not cure your medical condition and had to seek additional medical care in an effort to determine the cause of your problem and get treatment for the same?

57. Have any of you or your immediate family or close friends had to give up a career because of physical injuries?

58. Have any of you suffered from Traumatic Brain injury?