

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

COURT'S INSTRUCTIONS TO COUNSEL ON JURY SELECTION (CIVIL TRIALS)

The jury administrator will summon a jury panel and perform the initial screening for hardships. The administrator will bring any questionable hardship cases to the Court for a final decision. Unless there are exceptional circumstances, eighteen to twenty-five prospective jurors will be randomly selected and numbered through a computerized process. They will be brought into the courtroom and seated in the jury box and adjacent areas according to their assigned number.

The Court will provide counsel with a list of the names of the jurors in their assigned order along with the jurors' completed questionnaires. (Sample questionnaires are available on the court's website at www.flmd.uscourts.gov.) Selection of the jury will proceed in order, beginning with juror number one. Thus, if none of the jurors are challenged, jurors one through eight (or other number greater than six as designated by the Court) would be the jury. Because federal civil jury trials no longer use alternate jurors, all empaneled jurors will deliberate.

The Court will begin the selection process by briefly explaining the nature of the case to the prospective jurors. The Court will then conduct a general voir dire examination from the jury questionnaire completed by each prospective juror. During this examination, the Court may also ask questions provided by counsel as the Court deems proper. Upon completion of the general voir dire examination, the Court will call counsel to the side bar. So that the Court can address any remaining issues with the panel, the Court will ask counsel for any objections to the voir dire process, for any

additional or follow-up questions, and for the parties' anticipated challenges for cause. Once all issues have been addressed, the venire will be excused from the courtroom.

The Court will then provide counsel an opportunity to discuss challenges with their client(s). Next, counsel will be asked to exercise any challenges for cause to the entire venire. After the Court has disposed of any challenges for cause, counsel will exercise peremptory challenges in an alternating manner, the Plaintiff's counsel first, and then the Defendant's. The parties will each be allotted three peremptory challenges. Initial challenges shall be directed to the first eight (or other number as designated by the Court) prospective jurors on the list. If, for example, the Plaintiff excuses prospective juror number four, juror number nine will be substituted in juror number four's place. If the Defendant then excuses juror number eight, juror number ten will be substituted and so on. Thus, there will always be a panel of the required number of jurors under consideration. Counsel will direct peremptory challenges only to the jurors under consideration. The Court will allow "back-striking" of any juror that is being considered.

If either party "passes," that is, chooses to accept the jury as constituted before exhausting its peremptory challenges, the other party may also elect to pass and jury selection will be complete. If one party passes and the other party exercises an additional challenge, the party that passed may exercise its remaining challenges to the newly constituted panel under consideration. The challenge process will continue in this manner until all challenges are exhausted or the parties both accept the jury. The venire will then be returned to the courtroom and those who have not been empaneled will be excused.

Note: These procedures may be modified by the Court at any time, especially in cases that are protracted or have many parties.