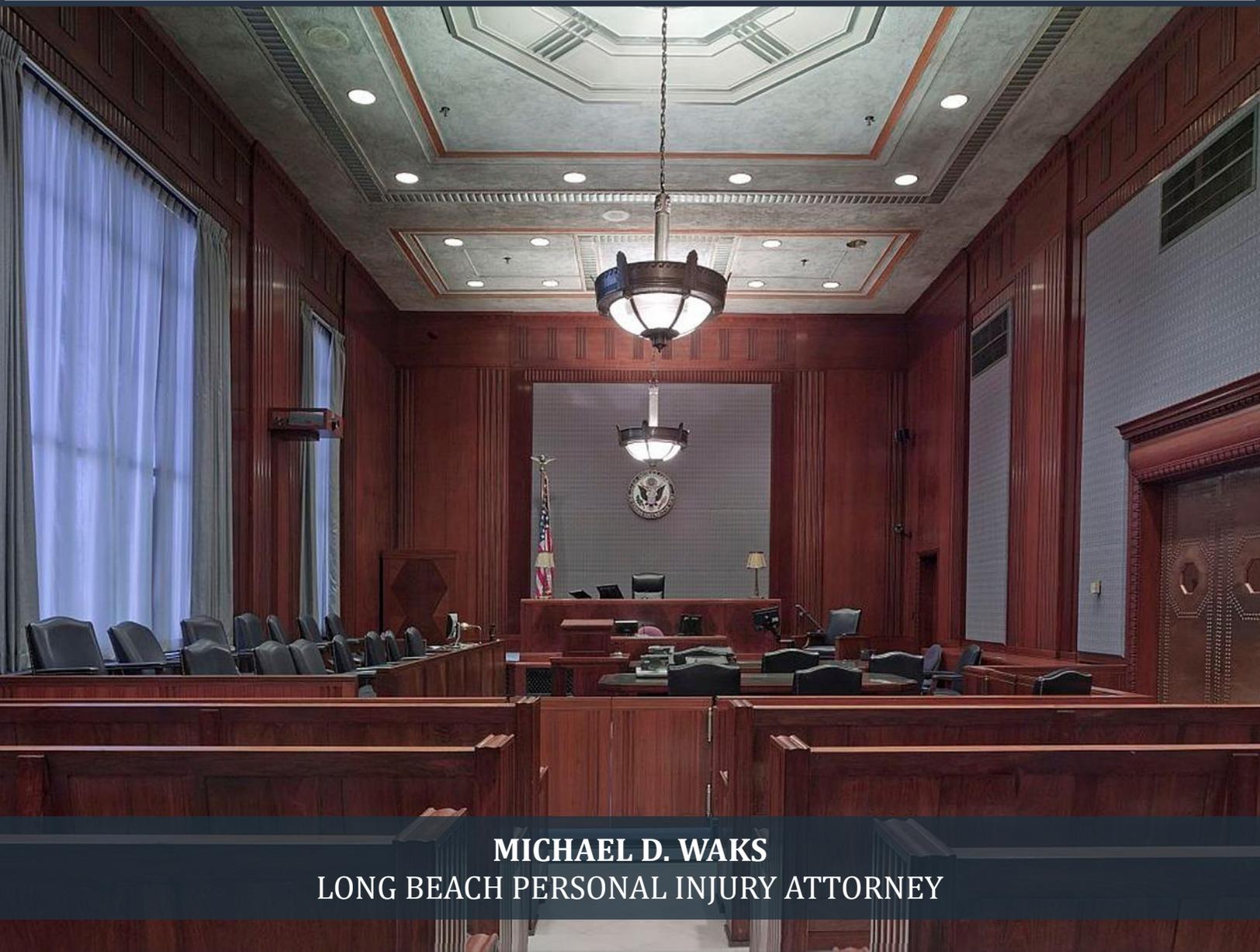


# VOIR DIRE, HOW A JURY GETS PICKED

*“The voir dire process involves questioning by lawyers and judges to determine if potential candidates to serve on a jury have the ability to hear the case, understand the case, and make unbiased decisions on the outcome. “*



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When plaintiffs file a civil lawsuit to recover compensation for injuries, the case is generally decided by a jury, if it does not settle. A jury is chosen from among eligible members of the public to serve in a particular trial. The decision made by the jury is going to determine

whether a plaintiff is able to recover compensation or not, so it is imperative that the jury be unbiased, impartial, able to understand the law, and able to make a fair decision on the outcome of the case.

Voir dire is the legal process that is used to evaluate potential jurors to determine if they are suitable for jury service in the case being heard. Plaintiffs in civil lawsuits who wish to pursue damage claims after a personal injury accident should ensure they have an experienced Long Beach injury lawyer to ask appropriate questions during voir dire so a jury can be selected that will give the plaintiff the best shot at winning his case.

## **WHAT IS VOIR DIRE?**

The voir dire process involves questioning by lawyers and judges to determine if potential candidates to serve on a jury have the ability to hear the case, understand the case, and make unbiased decisions on the outcome.

In California, the rules for the voir dire process are set forth in the Trial Jury Management and Selection Act. This Act is found in Section 190 through Section 237 of the California Code of Civil Procedure. Each different code section sets forth

specific rules for who can question a potential jury member, how that jury member can be questioned, and what the purpose of the questioning is.



Under Section 223 of the California Code of Civil Procedure, the judge is given authority to conduct an initial examination of prospective jurors. The judge asks basic questions to determine if any jury member needs to be disqualified from jury service for the particular case. For example, if any of the members of the jury know the defendant or the plaintiff in the case, the jury member may be disqualified right away from serving on the jury.

After the judge has conducted an initial examination of the potential jurors, attorneys for both the plaintiff and the defendant have the opportunity to ask questions of potential jurors who remain eligible for service.

The court has broad discretion to limit the amount of time that is available for lawyers to ask questions of potential jurors, and California law makes clear that the purpose of voir dire in civil cases is to aid attorneys in finding out whether there is cause for a juror to be excused or if there is a reason the attorney should use a peremptory challenge to excuse a juror. Attorneys may not indoctrinate prospective jurors on their particular theory of the case, or attempt to educate jurors on the law

during the voir dire process.

## **HOW DOES VOIR DIRE WORK?**

Attorneys for both the plaintiff may challenge jurors for cause, which means asking the juror be excused on the basis of implied bias, actual bias, or other grounds for general disqualification, such as mental competence or age. Attorneys may also use peremptory challenges, which means they can dismiss a juror without providing a particular reason or justification. Race, religion, sex, color, national origin, and similar grounds may not be grounds for a peremptory challenge.

In civil cases, the plaintiff and defendant are generally limited to six peremptory challenges each, but the court may grant additional peremptory challenges if the interests of justice require.

## **WHY IS VOIR DIRE IMPORTANT?**

Plaintiffs in civil cases want a jury who can be sympathetic to their case. For example, it is important a plaintiff not be forced to prove a case to a group of jury members who believe most lawsuits are frivolous and that victims should not be fully compensated for losses. Plaintiffs also want to make sure jury members can understand the evidence put forth, especially in more complex cases where scientific evidence may need to be presented.

## CONTACT AN EXPERIENCED LONG BEACH PERSONAL INJURY LAWYER TO ASSIST YOU WITH YOUR CLAIM

### YOUR INJURIES ARE PERSONAL TO ME

Experienced injury attorneys have studied the jury selection process and know how



to ask questions which elicit illustrative answers that can help to determine whether someone will be a sympathetic jury member. With the help of an experienced Long Beach personal injury lawyer, a good jury can be chosen and

a strong case can be presented to convince the jury to award compensation and damages for losses.

Call the Law Office of Michael D. Waks at [888-394-1174](tel:888-394-1174) or use the convenient [online contact form](#) to schedule a free consultation. You are under no obligation and you will never pay any money unless you recover damages for your injuries. I offer bilingual services as part of my comprehensive approach to legal representation and I am available 24/7 to talk to you about your case.

## About the Author



### Michael D. Waks

Personal injury victims need someone who understands their pain, who is invested in them and will guide them through the complicated maze of their medical and legal worries. They need an attorney who cares about them and their families.

My name is Michael Waks and I am a personal injury attorney in the Los Angeles Area focused on the needs of people who have suffered because of someone else's actions.

While still attending Southwestern University School of Law, I clerked for a big defense law firm that represented manufacturers of asbestos. I read the files and met the people whose lives were ruined by asbestos and I knew, for the rest of my career, I wanted to help people like them: the victims, not the perpetrators.

I have been doing just that for over 30 years. As soon as I passed the Bar I opened the Law Office of Michael D. Waks in Long Beach and began exclusively representing seriously injured accident victims. I decided to be a sole practitioner so I could handle every case personally. I understand clients are different and that in the wake of an accident their suffering will be unique, ranging from physical and financial to emotional.

I tell my clients from the start, "I want you to only worry about one thing, and that is to do exactly what your doctor tells you in order to get better. Leave the rest to me."

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