

April 3, 2013

RULES FOR JURY SELECTION: STRUCK PANEL METHOD
RONNIE ABRAMS, UNITED STATES DISTRICT JUDGE

The following is a description of the struck panel method by which juries will be selected in trials before Judge Abrams.

The Court will conduct a voir dire of a number of panelists computed by totaling: the number of jurors to be selected (8 in most civil cases and 12 in criminal cases); the number of alternates (none in civil cases and usually 2 in criminal cases); and the number of peremptory challenges. Thus, in a civil case with an 8-person jury and 3 peremptory challenges per side, the Court will voir dire 14 panelists. *See* Fed. R. Civ. P. 47, 48; 28 U.S.C. § 1870. In a single defendant criminal case in which the defendant has 10 and the Government has 6 peremptory challenges, plus 1 each with respect to alternates, *see* Fed. R. Crim. P. 24, the Court will voir dire 32 panelists (12 jurors + 2 alternates + 10 peremptories for defendant + 6 peremptories for the Government + 1 peremptory for defendant for the alternates + 1 peremptory for the Government for the alternates). In trials expected to last for substantially more than a week, the Court will consider increasing the number of jurors in a civil case and the number of alternates in a criminal case.

The panelists will be voir dired in the Courtroom. If issues are raised that are better discussed outside the presence of the entire panel (e.g., sensitive issues, requests to be excused), Judge Abrams will follow up with the individual jurors either at sidebar or in the robing room.

After the follow-up voir dire, the Court will entertain challenges for cause. Each panelist excused for cause will be replaced, so that there is a full panel before any peremptory challenges are exercised.

Once all challenges for cause have been heard and decided, the Court will conduct the final voir dire in the Courtroom, asking each panelist individual questions relating to county of residence, education, occupation, prior jury service, etc.

The parties will then exercise their peremptory challenges against the panelists who compose the potential members of the regular jury (in the ordinary civil case, against all 14 panelists; in the ordinary criminal case, against the first 28 panelists). Peremptory challenges will be exercised simultaneously, with each party submitting a written list of the panelists it wishes to excuse. The panelists on these lists will then be excused without knowing which party challenged them. Any overlap among the lists of challenges will not result in parties receiving additional challenges. The jurors will be selected starting with the unchallenged juror with the lowest number. For example, in an ordinary civil case, if there was an overlap of 1 peremptory challenge, the 5 challenged panelists would be excused and the first 8 of the remaining 9 panelists would be seated as the jury. In an ordinary criminal case, if there was an overlap of 1 peremptory challenge, the 15 challenged panelists would be excused and the first 12 of the remaining 13 would be seated as the jury.

Finally, where applicable, the parties will exercise their peremptory challenges against the panelists who compose the potential alternate jurors (in the ordinary criminal

case, against panelists 29 through 32). Again, peremptory challenges will be exercised simultaneously. In the event of an overlap in challenges, the jurors will be selected from those with the lowest numbers.