

[YOUR NAME]
[YOUR ADDRESS]
Telephone: [YOUR PHONE NUMBER]
[YOUR E-MAIL ADDRESS]
Fax: [YOUR FAX NUMBER]

STATE OF ARIZONA
MARICOPA COUNTY SUPERIOR COURT

_____, a [single/married
man/woman],

Plaintiff,

v.

[Name of Defendant] and Jane Doe [last
name of defendant], husband and wife;
JOHN DOES 1-5; JANE DOES 1-5;
BLACK CORPORATIONS 1-5; and
WHITE PARTNERSHIPS 1-5,

Defendants.

Case No. CV _____

PLAINTIFF'S PROPOSED VOIR DIRE

(Assigned to the Honorable
[name of the judge])

Plaintiff requests that the court make or allow the following inquiry of the prospective jurors on voir dire examination:

I. GENERAL QUESTIONS / INTRODUCTION

1. I am going to ask you certain questions referring to "you or members of your family." The phrase "you or members of your family" is intended to refer to you, your spouse, your parent, your children, your brothers and sisters, and members of your household. I also recognize that there can be a close family or friendship relationship that may not be as close as brothers and sisters. So if you have a friend or a more distant relative other than those I named with whom you have discussed the subjects, I am going to ask you to tell me about those close friends or relatives as if they were members of your family for the purposes of my questions.

2. I want you to keep in mind a question I will ask you after I have covered all the specific questions about your experiences. What I will ask you at the end is this: "For those of you who

1 answered any of the questions I have asked, do you believe your experiences or background would
2 tend to cause you to favor one side or the other in this case?" I want you to keep this question in
3 mind as we go over these matters so you will be prepared to answer that question at the end.

4 **II. INVOLVEMENT IN LEGAL CLAIMS**

5 1. Have any of you or members of your family ever been directly involved in any type of a
6 claim, including but not limited to a claim for personal injury?

7 a. As the person bringing the claim, the Plaintiff?

8 b. As the person against whom the claim was brought, the Defendant?

9
10 2. Did anything occur during the processing of the claim which you feel might impact upon
11 your consideration of this lawsuit?

12 3. Was the claim resolved to your satisfaction or the satisfaction of your family member or
13 close friend or associate?

14 4. Have any of you or members of your family ever been involved in a worker's
15 compensation claim?

16 a. What type of claim?

17 b. What type of involvement?

18 c. Was the claim resolved to your satisfaction or to the satisfaction of your family
19 member or close friend or associate?

20
21 5. Have any of you or members of your family ever been involved in a claim related to a
22 hotel or similar facility?

23 a. What type of claim?

24 b. What type of involvement?

25 c. How was the claim resolved?
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1 6. Have you ever testified as a witness either in a court, a worker's compensation hearing
2 or in a deposition?

3 a. What kind of case?

4 b. What was your experience?
5

6 7. Have you or any members of your family ever worked for an insurance company either
7 in claims investigations, claims adjustment, claims processing or any capacity?

8 8. Have you or any members of your family ever worked with a lawyer, judge in the court
9 system or in any law enforcement agency?

10 9. Do you or any of your or members family have any special knowledge, education,
11 training or experience in any field of investigations, law or law enforcement?
12

13 10. Have you or any members of your family ever worked in a position that involved
14 receiving, investigating, processing, documenting, reporting or resolving injury claims for a
15 business?

16 11. Do you or any members of your family have a background in research and
17 development?

18 **III. INVOLVEMENT IN MEDICAL/PARAMEDICAL/ FIELDS**

19 1. Are any of you or members of your family engaged in any of following professions:

20 a. A doctor, nurse or nurse's aide?

21 b. A social worker, counselor, therapist, psychologist or psychiatrist?

22 c. Nursing home or skilled nursing facility?

23 d. Pharmacist or pharmacologist?

24 e. Holistic practitioner such as a naturopath, nutritionist or acupuncturist?
25

26 2. Have you or members of your family been employed by or associated with:

27 a. A doctor, nurse or nurse's aide?

28 b. A social worker, counselor, therapist, psychologist or psychiatrist?

1 c. Nursing home or skilled nursing facility?

2 d. A drug manufacturer/distributor or a pharmacy?

3 3. Are any of you familiar with familiar with the term alternative or holistic medicine? If
4 so, explain.

5 4. Do any of you or members of your family use alternative or holistic practitioners such as
6 naturopaths, acupuncturists, nutritionists, or other physicians or practitioners of natural healing or
7 who incorporate alternative methods of care and treatment? If so, explain.

8 5. Have you or members of your family on a regular basis read or studied medical charts
9 and literature?

10 6. Have any of you or members of your family ever had specific training in medicine or
11 law?

12 7. Are you or members of your family involved in any way with medical or scientific
13 research or publication?

14 8. Do you or any members of your family have a particular interest in medical or scientific
15 research or publication?

16 **IV. MEDICAL/LEGAL SYSTEM**

17 1. Have you or any members of your family ever had an accident which resulted in injury
18 to you or your family member?

19 If so, tell me who was involved in the accident, when it occurred, what the condition was
20 that caused the accident, what the outcome of the accident was, and whether that experience
21 resulted in any kind of a proceeding with the owner of the location where the accident occurred.

22 2. Have you or any members of your family ever experienced a serious complication of
23 surgery?

24 If so, tell me who and the nature of the condition.

25 3. Have you or any of your family members or close friends or acquaintances ever had
26 tinnitus or a ringing or static sound in the ears?

27 If so, describe the situation.
28

1 4. Do you or any members of your family have a degenerative condition such as arthritis?
2 If so, describe.

3 5. Do you or any members of your family have a chronic condition such a fibromyalgia? If
4 so, describe.

5 6. Do you or any members of your family suffer from chronic pain? If so, describe.

6 7. Have you or any member of your family ever had an abnormal condition that you were
7 not aware of and that was not causing you discomfort, and was then aggravated by a particular
8 event? If so, describe.

9 8. Have you or any of your family members or close friends or acquaintances ever had
10 neck injuries, neck degeneration or a neck surgery? If so, describe.

11 9. Have you or anyone you have known had treatment by a neurologist or a neurosurgeon?
12 If so, describe.

13 10. Have you or any of your family members or close friends or acquaintances ever had
14 dizziness or imbalance for which you sought or received treatment? If so, describe.

15 11. Do you or anyone in your family suffer from a physical impairment? If so, describe.

16 12. Have you or any of your family members or close friends or acquaintances ever
17 experienced discomfort or pain and the doctors could not find a reason for the discomfort or pain?
18 If so, describe.

19 13. Do you or members of your family normally seek a second or third opinion before
20 making a significant medical decision such as a surgery or extensive treatment?

21 14. Have any of you members of your family ever experienced a situation in which two or
22 more doctors disagreed as to a medical condition or the cause of the condition or the treatment that
23 should be prescribed for the condition? If so, explain.

24 15. Do any of you believe that doctors are more truthful than patients or that patients are
25 more truthful than doctors?

26 16. Would any of you tend to believe a doctor more than a patient on a disputed fact?

27 17. Do you think there are too many lawsuits? If so, explain.
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18. Do you think that some lawsuits are frivolous?

- a. How would you define a frivolous lawsuit?
- b. In your mind, what would determine whether a lawsuit is frivolous?
- c. What sources of information do you rely on to provide you and others like you with information concerning lawsuits and the judicial system?

19. Do any of you have difficulty with the idea that in our system of justice money is paid to a person who has been injured if it is proven that the injury was caused by someone's negligence?

20. Do you think that some jury verdicts are just simply too large?

[If "yes"] Given your feelings, do you believe you would have a tendency to vote for a smaller verdict regardless of the evidence?

21. Does anyone have personal, family or employment problems which would interfere with your ability to listen to the evidence and participate in jury deliberations?

22. Do any of you have any physical disabilities or difficulties such as poor sight, poor hearing, or discomfort from sitting in one position for relatively long periods of time, which might interfere with your ability to listen, see, hear or pay attention to the evidence presented in this case?

23. Is anyone in a personal, family or employment situation which would inhibit or affect your deliberations in this case?

V. HOTELS

1. Have you or members of your family ever worked for or with a hotel or similar business?

2. Do any of you or members of your family or close friends or associates regularly stay in hotels?

3. Have any of you or members of your family or close friends or associates stayed at an Embassy Suites with an open atrium area?

4. Have any of you or members of your family or close friends or associates been involved in a claim against a hotel?

1 5. Have any of you or members of your family or close friends or associates, to your
2 knowledge, observed an item fall or nearly fall from a floor above an atrium in a hotel, such as an
3 Embassy Suites?

4 6. Is there anything in your experience that would make it difficult for you to sit as a fair
5 and impartial juror in a case involving a claim for injury against a hotel?

6 **VI. CONCLUSION**

7 1. In a civil suit, the plaintiff has to prove their case by a preponderance of the evidence.
8 Imagine that a preponderance of the evidence means 50.1% or, in other words, that which is more
9 likely true than not. Is there anyone that does not feel comfortable making an award on the basis of
10 a preponderance of the evidence?

11 2. Do you know of any reason why you should not serve on this jury based upon what you
12 have heard about this case?

13 3. I would like for all the panel members to look into their past and tell me if there is any
14 reason why you do not believe you could be fair if you were chosen as a juror in this case.

15 4. In this case, I, as the Judge, will decide all questions of law and you are obligated to
16 follow the law as I give it to you. On the other hand, you as jurors will be the sole judges of the
17 facts and will apply the facts as you find them to the law I will give you. You should not try to pick
18 up any clues from me as to how you should decide the facts and you should not use as a basis of
19 your decision matters which are not presented by the evidence in this courtroom. Your decision
20 here should not be influenced by what you may have heard or read about any other lawsuit or trial.

21 Are there any of you who believe you would be unwilling or unable to follow and abide by
22 those principles?

23 5. During this trial, you might decide that you like one of the parties or one of the attorneys
24 more than the other. Are you willing to make a decision in this case based on the evidence, rather
25 than on your feelings as to who is more likable?

26 6. Now having heard all those questions and what I have told you about this case, is there
27 any of you that believes that because of some experience or education which you or some member
28 of your family has undergone you would tend to favor one side or the other in this case?

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DATED this _____ day of _____, 2015.

[YOUR NAME]

By: _____

[Your name]
[Your address]
Pro per

ORIGINAL of the foregoing emailed
this _____ day of _____, 2015, to:

Clerk of the Court
Maricopa County Superior Court

The Honorable [Judge's name]
Maricopa County Superior Court

Attorneys for Defendant
[Name of attorney]
[Name of attorney's firm]
[Address of firm]

Court Reporter
[Court reporter's company]
[Court reporter's address]
