

VOIR DIRE QUESTIONS

Is there anyone here who is being called as a witness?

Do any of you have difficulty understanding or reading English?

How would you describe your ability to read and understand English?

What is your native language?

How long have you lived in the US?

What is your occupation?

Do any of you read lips?

A typical court day will begin at 8:30 am and end at 1:30 pm with two breaks.

This way you will have the afternoon free to carry on with your lives. This trial is expected to take 3-5 days to complete. Will any of you find it difficult or impossible to participate for this period of time?

Do any of you have a physical disability, such as a hearing or vision problem, that would prevent you from serving as a member of the jury?

Next I would like the parties to introduce themselves. Please pay careful attention because in a few minutes I will ask whether any of you have met any of these people before, or have had any dealings or other connections with any of them.

Have any of you heard of, or been acquainted with, any of these parties or their attorneys, or any persons employed in the same offices as the attorneys?

Are any of you related to me, friends of mine, or related to, or friends of, any of the court staff whom I introduced earlier?

Do any of you have a personal interest in the outcome of this case?

manner?

BACKGROUND

HAVE EACH OF THE 13 PROSPECTIVE JURORS ANSWER ALOUD THE GENERAL BACKGROUND QUESTIONS ON THE SHEET THAT HAS BEEN HANDED OUT.

1. Please state your name:
2. Please state the city in which you live:
 - a. How long have you lived there?
 - b. Where else have you lived in the past 5 years?
3. Please state your current occupation:
 - a. How long have you been so employed?
 - b. What were your previous occupations, if any?
4. Have you ever owned a business?
 - a. If so, how many employees?
5. Please give us the following information about your family:
 - a. If you are married what is your spouse's current occupation?
 - b. If you have children?
 1. How many?
 2. What ages?
 3. What are their occupations, if any?

6. Are there any other adults living in you household?

If so, how are they related to you, and what is their age and occupation?

PREVIOUS LAWSUITS/JUROR SERVICE

If any of you would answer yes to any of these questions, please raise your hand.

During the past five years, have any of you served on a jury or been excluded from a jury?

Was it a civil or a criminal case?

If civil, what, in general, was the case about?

Without telling me the outcome, or who won, please tell me whether or not the jury reached a verdict.

Were you ever the foreperson?

Will you be able to put aside your prior jury experience as you sit in this case, to ignore completely anything you learned about the law or evidence in those cases, and decide this case solely on the basis of the evidence that I admit during this trial and on the law as I instruct you in it?

What do you think are the most important qualities a juror should have?

There is a substantial difference between the burden of proof in a criminal trial and the burden of proof in a civil trial. In a criminal trial, the prosecution must prove all the essential facts beyond a reasonable doubt. In a civil trial such as this one, by contrast, the burden of proof is less demanding. To win a civil case, plaintiff generally must prove all the essential facts by a preponderance of the evidence, though in this

case there are some matters, as I will instruct you later, which must be proven by a higher standard. Preponderance of the evidence means that after the jury takes into account the evidence the defendants have presented, the jury concludes that the essential facts are more likely true than not true.

Do any of you think you would have any difficulty in applying the preponderance of the evidence standard in this civil action?

Have you, or has anyone in your immediate family, been a party (either as a plaintiff or as a defendant) to any lawsuit, civil or criminal? If so, please raise your hand.

If so, who (you or a family member) was the party to the case?

Was the person a plaintiff or a defendant?

What was the nature of the case?

Was it tried by jury? Outcome?

Is there anything about that experience that would cause you to question your ability to decide this case fairly and impartially, only on the basis of the evidence I admit during this trial and the law as I instruct you in it?

Have any of you ever been a witness in state or federal court in any lawsuit, civil or criminal? Raise your hand.

Did you testify for the plaintiff or the defendant?

What was the nature of the case?

Is there anything about that experience that would cause you to question your ability to decide this case fairly and impartially, solely on the basis of the evidence I

admit during this trial and the law as I instruct you in it?

LAWS GENERALLY

Have you, or has anyone in your immediate family, attended law school or had any other training in the law?

If so, will you put whatever knowledge of the law you may have acquired before today out of your mind during this trial, and will you promise to apply only those legal principles in which I instruct you?

Do any of you have any specific feelings or opinions about lawsuits, lawyers or the parties who bring lawsuits, either positive or negative?

Do any of you have any personal objection to lawsuits that seek monetary compensation for injuries and damages suffered?

Do you have any specific feelings about the size of jury awards?

PUNITIVE DAMAGES

Both parties in this case are seeking punitive damages. Punitive damages are designed to punish a party and deter future similar conduct. Do any of you have an opinion on whether it is appropriate for a jury to punish parties for wrongdoing by awarding punitive damages?

Would any of you have any difficulty in following the courts instructions with respect to awarding punitive damages if the evidence were to justify such an award?

INTERNET EXPERIENCE

1. Have you ever posted any product or service reviews on the Internet?
 - a. How many times have you posted?

- b. On which website?
 - c. For what product?
 - d. Do you know if anything happened as a result of your review?
- 2. Have you ever used the website <www.RipOffReport.com>?
 - a. If so, how have you used it?
- 3. Do you have any experience designing websites?
 - a. If so, what experience?
- 4. Do you have any experience in online advertising?
 - a. If so, what experience?
- 5. Have you registered any domain names?
 - a. If so, how many?
 - b. For what purpose?
- 6. There has been a lot of publicity recently about people taking other people's property on the Internet. You may remember the Napster controversy or the lawsuits filed by the music and motion picture industries against people using the Internet to openly share copyrighted music and movies. Some people think all such information, sometimes called intellectual property, should be shared freely. Others favor strong protection for the creator of intellectual property. What do you think?

Do any of you own any copyrights or trademarks?

Have any of you ever been accused of infringing someone else's copyright or trademark?

CLOSING QUESTIONS

Do any of you have any reluctance about serving as a juror?

Is there anyone who would feel any reluctance in joining the discussion with the members of the jury during deliberations?

Would any of you feel offended if other members of the jury disagreed with your view of the evidence?

It is your duty as a juror to listen to the opinions and points of view of the other members of the jury. Would any of you be unwilling to listen to a fellow juror who disagreed with you?

It is also your duty as a juror to express your opinion or point of view regarding the evidence to the other members of the jury. Is there anyone who would be unwilling to speak up and try to persuade other members of the jury who disagreed with your view of the evidence?

Is there anyone who would be unwilling to change an opinion if, after listening to the arguments of the other members of the jury, you were persuaded that your opinion was wrong?

In a trial the plaintiff puts on his evidence first, and then the defendant has the opportunity to put on his evidence. Do any of you think you might have difficulty keeping an open mind regarding this case until you have heard all the evidence and I have instructed you on the law?

If you are selected to sit as a juror, will you be able and willing to render a verdict solely on the evidence presented at the trial and the law as I instruct you and not based

upon your emotions, or any preconceived notions about the facts or the law in this case? Is there anyone who thinks he or she cannot do that?

Do you understand that you must follow my instructions regarding the law whether you agree with the law or not? If that idea troubles you, please let me know.

As a juror, you may have to resolve conflicts in the testimony of witnesses. This means you may have to decide whether to believe or reject all or part of a witness's testimony or who is telling the truth. Is there any juror who feel this is not something he or she can do?

Can you think of any experience in your life or any other matter which occurs to you now that you think you should bring to my attention because it may have some bearing on your ability to be fair as a juror in this case?

From what you have heard about this case thus far, is there anything that causes any of you to believe that you cannot be fair and impartial as a juror in this case?

Is there anything which has happened here this morning which any of you think may affect your ability to be fair and impartial to the parties that you have not told us about up to now?

Do you have any bias or prejudice, for or against, any of the parties or attorneys in this case?

Is there any reason at all why you can't be absolutely fair to the plaintiff in this case?

Is there any reason at all why you can't be absolutely fair to the defendant in this case?

Having heard all the questions put to you, do you know of any reason why you could not sit on this jury and render a fair verdict based on the evidence presented and the legal instructions I give you?