

## 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.

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?

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 must prove all the essential facts by a preponderance of the evidence, which 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? If yes,  
what are they?

Do any of you have limits in your mind as to the amount you would be  
willing to award someone in a lawsuit?

Plaintiff in this case is seeking punitive damages as a means of punishing  
the individual defendants. Do you have feelings about awarding punitive  
damages that might affect your decision on whether to award punitive  
damages, one way or the other?

## **POLICE**

Have any of you, any member of your family, or close friends ever worked  
for the City of Oakland? If so, who and in what capacity?

Have any of you, any member of your family, or close friends had personal  
contact with the Oakland Police Department? If yes, please explain.

Have any of you or any member of your family or close friends ever worked in law enforcement, including the District Attorney's or Public Defender's office?

If so, who? When? Where? What did that person do?

Have any of you ever been the victim of what you thought was police harassment, brutality or other police misconduct? If yes, please explain.

Have any of you, or any member of your family, or any close friends ever had your property searched by a police officer? If yes, please explain.

If yes, did you have any negative feelings as a result of the search conducted by a police officer?

Have any of you or anyone close to you ever made a complaint against a police officer or against a police department? If so, what was the nature of the complaint?

Have you or any member of your family, or any close friend, been charged with the commission of a crime? Describe what occurred.

Do any of you have any particular feelings about police officers which may affect your ability to serve as a fair and impartial juror in this case? If so, please describe those feelings.

For each juror:

Do you have an opinion about whether police misconduct occurs? If yes, please explain.

Do you believe police in your community do a good job?

Do any of you think lawsuits against police officers cause them to do their jobs less effectively?

If a law enforcement officer and a citizen gave different accounts of the same event, do any of you think you would be more likely to believe the testimony of the officer? Why or why not?

### **PUBLIC ENTITIES**

The defendant, City of Oakland, is a public entity. Do any of you feel that a public entity should be judged differently than a private individual?

### **MARIJUANA USE**

Have you, or any member of your family, or any close friend, ever used marijuana for medicinal purposes? If so, please explain.

Do any of you have a medical marijuana card or a grower's permit for marijuana? If so, please explain.

## **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?

Is there anyone who would feel offended if other members of the jury disagreed with his or her 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 defendants have the opportunity to put on their 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 feels 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?