



JURY TRIAL CHECKLIST
(Last Revised 3-2013)

Issue	Explanation
Jury Selection	
Determine number of jurors to be seated for trial	
Determine number of alternates to be seated	
Determine if verdict must be unanimous	
Trial Time Estimate—push low (for complete discussion, see Mark’s email, attached)	This relates to the number of days the jury venire will be told to expect the trial to last. Most trials are shorter than expected, but critically most employers will pay for no more than 10 days of jury service. If trial estimate is longer, many employed potential jurors will be excused.
Number of prospective jurors on the venire brought into court	
Determine if court uses juror form. If yes, determine availability of completed forms	Some courts allow lawyers to obtain copies, sometimes for a fee. <i>Have check available.</i>
Determine how court selects prospective jurors from the venire panel to populate the jury box for questioning. Random or sequential order.	Critical to determine if you can tell “who’s next” from jurors not sitting in jury box.
Number of prospective jurors to be seated in the box at one time	
Number of prospective jurors to be questioned at one time	
Obtain number system for jurors seated in jury box	

Confirm whether voir dire by lawyers allowed?	
Rules on using juror names?	
Confirm no exhibits shown during voir dire	
Confirm no discussion of case specific facts	
Any rules on scope of questions allowed	
“Good for goose/gander” rule?	If one side starts asking questions of a certain type without objection, does that mean that the other side can ask same types of questions without objections being sustained?
Number of preemptory challenges per side	
When and how will for cause challenges be considered?	What order? Outside the presence of the venire? Before preemptory challenges?
Are preemptories announced to the jury or to the court?	Do you have to stand up and say “We would like to thank and excuse Juror Number ___”?
Does the court permit strike backs?	For a detailed discussion of this issue, see http://www.juryblog.com/the-trial-lawyers-rights/right-to-back-strike/
Are alternates selected separately?	Do they know they are alternates during trial?
Additional preemptories for alternates?	
Request pre-instruction to entire venire that: <ul style="list-style-type: none"> ○ Do not speak to parties or lawyers until case is over ○ Do not perform any research on the internet or elsewhere about the issues, the parties or the lawyers ○ Not permitted to speak to lawyers ○ Not permitted to speak to each other or others about the case 	
Rules for voir dire?	Speak from seat or stand? Movement allowed?

Rules for Opening	
Can exhibits be used?	
Can powerpoint or Elmo be used?	Approval of other side required? If objection, does court rule or simply no use?
Who provides AV equipment?	Shared use?
Demonstratives ok?	Procedures for pre-approval?
Time limits?	
Where to stand? Movement allowed? Is podium available? Is its use required?	
Allowed to refer to matters that are the subject of MIL or objection?	
Rules for Exhibits	
Pare down lists even if no prejudice is engendered?	Parties should know what is likely to be used.
Move exhibits into evidence individually or at end of witness testimony but before witness is excused?	Does latter effect ability to publish to the jury? (Do not suggest or agree to en masse motion to admit because reduces chance of objections being granted and eliminates ability to use witness to correct foundation deficiencies.
Is permission required to publish any admitted exhibit?	
Premark exhibits? Any preferences on numbering?	
Court permission required to approach witness to show exhibit?	
Permissible for lawyers to highlight documents, call out paragraphs or otherwise mark documents on screen?	

Objections	
Should counsel stand to make objections?	
Ask court to commit to how much (little) in terms of speaking objections the court will permit in presence of the jury.	
Court's use of sidebars? If not, how/when are you permitted to make record on objections and rulings?	
Can counsel raise with the court outside the presence of the jury before the morning session begins (or other defined time) any issues that have arisen? Is so, what is the proper procedure to alert the court of an issue that requires an 'outside the presence' conference?	
Miscellaneous	
Are jurors allowed to take notes?	
Are jurors allowed to ask questions? If yes, how does this process work?	
Does the court ask questions of the witnesses?	
Any pet peeves the court has about trial lawyer behavior or practices?	
Is there a standard order barring witnesses from the courtroom before their testimony?	
Is there a 24 hour rule or some other standard practice for identifying upcoming witness order?	
Does the court allow witnesses to be called out of order if scheduling problems arise?	

Does the court reporter provide real-time transcripts? Are dirty dailies available? Typically by what time?	
Alert court to issues you expect to come up during trial.	Don't argue unless invited. Just flag the issue.