

13-107A. Voir dire questioning by court.

I will begin the preliminary questions. After my questions, the attorneys for the parties may have further questions. If your answer is "yes" to any of these questions, please raise your hand until you are noticed. Also, if, at any time, there is reason for you to change or add to the answers you made to the written questionnaire, please raise your hand.

I will first introduce the parties to the lawsuit.

(NOTE: The court then introduces the plaintiff. The court then introduces the defendant.)

Do any of you know the plaintiff?

Do any of you know the family or friends of the plaintiff?

Do any of you know the defendant?

Do any of you know the family or friends of the defendant?

I will now introduce the attorneys for the parties.

(NOTE: The court then introduces the attorneys for the plaintiff. The court then introduces the attorneys for the defendant.)

Do you know the attorney for the plaintiff?

Do you know the family or friends of the attorney for the plaintiff?

Do you know any of the partners or associates of the attorney for the plaintiff?

Do you know the attorney for the defendant?

Do you know the family or friends of the attorney for the defendant?

Do you know any of the partners or associates of the attorney for the defendant?

Have you, any members of your family or any of your friends ever been sued or represented by any of the attorneys in this case or any of their partners or associates?

The following people may be called as witnesses in this case: _____.

Has anyone heard or do you know anything about this case, any parties, any witnesses or any of the circumstances surrounding the case?

Have you learned about this case in the newspapers, on radio or television, or over the internet?

Have you heard anyone discussing this case or anything about the case?

(NOTE: After identifying the subject of affirmative answers to the three foregoing questions, the court may wish to pursue in private, personally or through counsel for the parties, such responses as could prejudice the jury.)

Have you or any close friend or family member ever had any injuries to your _____ (leg, head, knee, low back, etc.)?

(NOTE: If so, When? Where? Who? What? How? Recovery?)

Can you think of any reason that would cause you to be uncomfortable, embarrassed, biased or prejudiced to serve as a juror in this case?

Is there any fact that might prevent you from returning a true verdict based solely upon the evidence presented here in court and the law which the court will later explain to you?

Do you now have an opinion, tendency or feeling, not known to the court, that might influence your verdict in this case?

Do you have any concern that if selected as a juror in this case you might not be able to render a fair and impartial verdict?

Does the anticipated time frame of this trial cause any hardships for any of you? Are there any daycare issues or other unavoidable scheduling conflicts that we need to be aware of?

Do any of you have any physical or other impairments, taking of scheduled medications, that need to be addressed? And I say this not to exclude you from service; however, there are special arrangements we can make for certain situations to assist you if you are selected as a juror.

The lawyers may now ask some questions.

USE NOTE

Before trial begins, the court should prepare and make available to counsel involved, a list of all members of the venire, showing as a minimum their names, ages and employment, together with such other pertinent information as may be helpful to determining bias, prejudice or an agenda on the part of the prospective juror.

Preliminary Instruction 13-107A NMRA includes suggestions for voir dire questioning by the court. The purpose of the voir dire examination of prospective jurors is to avoid bias and prejudice to the litigant and to obtain jurors of understanding and intelligence. The court will ask all or some of these questions to introduce topics for follow-up by counsel who will search beliefs and feelings for disqualifying bias or prejudice. There is nothing improper and it may be helpful for the court or counsel to tell the venire about factual areas of the case, or governing legal principles, to assess jury qualifications. It is improper, however, for the court to suggest: "But this would not affect your ability to act fairly, would it?"

[13-104 NMRA; as amended, effective January 1, 1987; recompiled as amended, effective March 1, 2005; as amended by Supreme Court Order No. 07-8300-022, effective November 1, 2007; as amended by Supreme Court Order No. 08-8300-012, effective June 13, 2008.]