ARKANSAS JUDICIARY
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What Happens the Day of the Trial

Jury Selection / Voir dire

?*Voir dire*? means ?to speak the truth? in French, and is the term used for the process of jury selection. It is imperative that you answer every question fully and truthfully.

The judge will make a brief introduction and tell you which case is being heard. He or she will tell you what to expect throughout the day and how long the trial is predicted to last. The clerk will take a roll of those present and assign numbers to each juror. The judge will ask the sheriff's office to locate those individuals who were summoned for service but did not appear, and the court will apply proper sanctions to those who ignored the summons. The judge will usually ask a few questions of the whole panel, such as whether any jurors know the parties, lawyers, or witnesses; or if they know anything about the case or have read anything about it in the media.

Generally the lawyers will question the jury pool in smaller groups. The clerk will choose numbers randomly and call out the jurors? names. The potential jurors will be questioned about their background and general feelings and opinions, if any, about the case. The lawyers will each have an opportunity to question each prospective juror to determine whether or not the individual jurors will make their decisions honestly and impartially. *Voir dire* is the only way for the lawyers and the judge to find out about each particular juror. It is very important that all jurors answer the questions frankly and to the best of their ability.

Potential jurors may be unable to make an honest and fair decision about the case because he or she is related to a party or attorney in the case or has already made up his or her mind about how the case should be decided. If a juror is excused for one of these reasons, it is done by an attorney requesting a "challenge for cause." This request may be granted or refused by the trial court.

An attorney may also ask that certain jurors be excused from serving without giving any reason. This is called "peremptory challenge.? In a civil case, each party has three peremptory challenges, or strikes. In a criminal case, the prosecutor, who represents the state, is allowed between 3-10 strikes, and a defendant is allowed from 3-13 strikes depending upon the type of crime charged.

Jurors who are excused either for cause or by a peremptory challenge should not feel slighted or in any way be offended. There are many different reasons for a lawyer to strike a juror. They might excuse people with certain general beliefs and feelings they think might cause a bias. The attorney is trying to ensuring a fair and impartial trial.

Through voir dire, twelve (12) people will be seated in the jury box to decide the case. In some cases, alternate jurors may be picked in the event that one of the twelve is unable to continue serving. The twelve selected and any alternates will take an oath or affirmation promising to perform their duties as jurors.

Important: The information on this website is not intended to take the place of the instructions given by the judge in any case. Should you see a conflict, the trial judge's instructions will prevail.

Note: The pronouns, he, him, his, refer to both the male and female gender.

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