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5 **Attorneys for Plaintiff(s),**
[CLIENT'S NAME(S)]

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **COUNTY OF [COUNTY], [DISTRICT]**

10 [PLAINTIFF(S)], an individual,
11 Plaintiff,
12 vs.
13 [DEFENDANT(S)], and DOES 1 to [#],
14 inclusive,
15 Defendants.

Case No. []
Honorable []
[Dept. [#]]

PLAINTIFF'S VOIR DIRE

FSC Date: []
Trial Date: []

16 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

17 PLEASE TAKE NOTICE that Plaintiff [CLIENT'S NAME(S)] ("Plaintiff"), by and
18 through his attorney, Daniel E. Selarz, Esq. of the law firm Selarz Law Corp. requests that
19 this Court propound the following questions to the prospective jurors in the above-captioned
20 matter:

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1 **A. GENERAL QUESTIONS**

- 2 1. Do any of you know *[plaintiff]*?
- 3 2. Do any of you know her husband?
- 4 3. Do any of you know any member of the *[plaintiff's]* family?
- 5 4. Do any of you know either of the Defendants, or any of the owners or employees
- 6 of Co., or any member of their family?
- 7 5. Do any of you know who is representing the Plaintiffs in this case?
- 8 6. Do any of you know or any of the attorneys in the law firm of who is representing
- 9 defendants?
- 10 7. Are any of you acquainted with any of the following individuals, who may be
- 11 called as witnesses in this case? (*List witnesses*).
- 12 8. This lawsuit involves a truck-car crash that occurred on *[date]*, on southbound
- 13 Interstate , near Highway. Do any of you know anything at all about this collision?
- 14 9. Have any of you travelled through that section of highway?

15 **B. JURORS' EDUCATION AND OCCUPATIONAL BACKGROUND**

- 16 1. Are you currently single, married, divorced or widowed?
- 17 2. Do you have any children? If so, how many, what are their ages, educational
- 18 backgrounds and occupations
- 19 3. Are any of you involved in any way with your children's school activities, and if
- 20 so, in what way?
- 21 4. How many years of schooling have you completed, (*part of high school, high*
- 22 *school diploma, community college, undergraduate school, professional school, etc.*)?
- 23 5. What is your spouse's educational background?
- 24 6. What is the educational background of your brothers and sisters in terms of high
- 25 school, undergraduate school or professional school education?
- 26 7. What is the educational background of your parents in terms of high school,
- 27
- 28

1 undergraduate school or professional school education?

2 8. Do any of you have any particular talents or abilities at which you believe you are
3 above average?

4 9. Where are you currently employed?

5 10. Please describe your job responsibilities at your current place of employment and
6 indicate whether you supervise other people.

7 11. Please list your major previous occupations over the last ten (10) years and what
8 you did in those occupations.

9 12. Did any of your job responsibilities involve learning new tasks and do any of
10 your current job responsibilities involve learning new tasks every so often.

11 13. What is your spouse's current occupation?

12 14. Have any of you ever studied law or had any close relative study law?

13 15. Have any of you ever studied medicine or been employed in any medical care
14 field?

15 16. Have any members of your family ever studied medicine or been employed in
16 any medical care field?

17 17. Have any of you or members of your family now or in the past ever had any job
18 experiences involving investigating automobile accidents?

19 18. Have any of you, or your spouse, ever owned a business or owned your own
20 business?

21 19. Have any of you ever been in an automobile collision?

22 20. Have any of you ever been in an automobile collision where someone ran into
23 the rear-end of your a vehicle and, if so, please describe what happened.

24 21. Have you or anyone in your family ever been employed as a professional truck
25 driver?

26 22. Has anyone on the panel ever received any training, education or experience in
27 any field having to do with truck maintenance, inspection, safety or truck driving?
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1 23. Have any of you ever been involved in any occupation related to maintenance of
2 equipment, whether trucks or any other of equipment?

3 24. Have any of you ever worked for any trucking company in any capacity?

4 25. Is there anyone on the panel who regularly drives any kind of truck, either for
5 business or pleasure?

6 26. Is there anyone on the panel who has been involved with any trucking companies,
7 for any reason, in terms of employment, or has any family member, close relative or friend
8 who is a truck driver?

9 27. Is there anyone on the panel who does not drive an automobile or other vehicle?
10

11 **C. JUROR'S SOCIAL/ RECREATIONAL BACKGROUND**

12 1. Do you or your spouse belong to any community, social, work or recreational
13 organization? If so, please provide details.

14 2. Have you or your spouse ever served in the military? If so, give the branch, rank
15 and length of service.

16 3. How do you primarily spend your leisure and recreational time?

17 4. Do any of you enjoy reading as a form of relaxation?

18 5. Have any of you ever served as an officer of any community, social, church or
19 charitable organization, and if so, in what capacity and when?

20 6. What type of car do you drive and the year?

21 7. Please tell us a little bit about what each of you do in your spare time, after work,
22 in terms of reading, general recreational activities, and things like that.

23 8. How many miles per year do each of you drive, approximately?

24 9. Do any of you spend any of your time in volunteer activities, and if so, please tell
25 us about that?

26 10. What type of activities do you do with your family either on the weekends, or
27 around the holidays?
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D. PREVIOUS EXPERIENCES AS JURORS, LITIGANTS AND/OR VICTIMS

1. Have you ever served as a juror before? If so, please state when and what type of case, the court and the verdict.
2. Have you or any family member ever been a party to any civil lawsuit?
3. Have you or any family member ever been a witness in any litigation?
4. Have you or any family member ever been involved in any type of motor vehicle accident? If so, who was involved, when, what injuries were sustained, did any litigation or claim arise out of the incident?
5. Have you or any members of your family ever sustained any serious injury or illness? If so, please state who was injured, the circumstances and the nature of the injuries.
6. Do you or any members of your family or close friends have any serious physical disabilities or handicaps which cause any significant physical limitations? If so, please tell us the person involved, the nature of the handicap or disability and the physical limitations resulting therefrom.
7. Do any of you have any medical problems or personal situation that would prevent you from sitting through this trial for the next week and a half or so? If so, please describe the situation.
8. Do any of you have any difficulties hearing, seeing or understanding, or sitting for periods of time?
9. Have any of you ever been involved in a car accident where you have been the driver of the car?
10. Is there anyone on the panel who does not believe that they can sit and listen to the evidence in this case for six or eight days, paying close and careful attention to it?
11. Is there anyone on the panel who does not believe that they can sit and listen to the opening statements and closing arguments of the attorneys, which may last a bit longer than an hour, and be able to pay close and careful attention to it?

1 12. Do any members of your family or close friends suffer from brain damage, mental
2 illness, Alzheimer’s disease, epilepsy with seizures or any other handicaps? If so, please tell
3 us the person involved, the nature of the handicap or disability, and the physical limitations
4 resulting therefrom.

5 13. Is there anyone on the panel who has ever received some type of injury to his or
6 her body as a result of an accident of any kind, whether an on the job accident, an automobile
7 collision, or some other type of occurrence, for which they required medical care?

8 14. Would each of you tell us whether you or any member of your family or a close
9 friend has ever been seriously injured?

10 15. Was that serious injury the result of someone else’s negligence and what
11 happened?

12 16. Have any of you ever had periods of illness or injury when you have been socially
13 isolated and alone?

14 17. Do any of you spend the holidays with your families and friends, and have New
15 Years’s Eve parties and activities like that?

16 18. Do any of you enjoy your jobs, and do you enjoy being with people?

17 19. Have any of you ever had any experience working with or observing brain
18 damaged people working in any setting?

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20 **E. JUROR’S ATTITUDES TOWARD PERSONAL INJURY LAWSUITS**

21 1. Does anyone disagree with the principal that in our legal system, under our
22 Constitution, a person who suffers a personal injury as a result of the wrongful conduct of
23 another is entitled to bring a lawsuit to recover money damages for those injuries. Does
24 anyone have a problem with that concept?

25 2. Do any of you believe that persons should not be sued for negligence or that it is
26 morally wrong for a person injured to come into Court and ask for money damages?

27 3. Is there anyone here who thinks that it is somehow not right to sue another person
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1 for money damages on account of wrongfully caused injuries?

2 4. Is there anyone here who would have a difficult time making a judgment as to who
3 should bear responsibility or who should be found at fault for a particular accident or
4 personal injury?

5 5. There are some very intelligent and well-meaning people who believe that persons
6 injured by someone else's conduct should not sue for damages as a result of those injuries,
7 that such persons should just bear their own losses. Is there anyone on the panel who thinks
8 that way?

9 6. Do any of you just not like lawyers, particularly lawyers who try personal injury
10 cases? We know that there are people who feel that way, and while everyone has that right,
11 we need to know in this case, from you, if there is anyone on this panel with that type of
12 feeling, to protect the interests of all of the litigants.

13 7. Do any of you have any personal convictions or fixed opinions that might make it
14 difficult for you to award fair and adequate damages to *[plaintiff]* for the injuries she has
15 suffered, if the evidence during this trial supports such damages?

16 8. Many intelligent persons, lawyers among them, think that all lawsuits are a bit of
17 a gamble, and that a litigant should gracefully accept whatever is the result of the suit. Is
18 there anyone on the panel who shares this feeling?

19 9. Are you aware that this case as a civil case is very different from a criminal case?
20 No one will be found guilty or will go to jail as a result of your deliberations or verdict. In
21 a criminal case, you have probably heard the term beyond a reasonable doubt. That term
22 only applies to criminal cases.

23 10. Under our system of law, a person whose carelessness causes a collision is
24 responsible for the consequences of his or her actions. If there are injuries as a result of
25 someone's carelessness, that person can be held responsible. What do you think about that?

26 11. Do you think that you would have a hard time finding the Defendants responsible
27 or negligent in a situation where they did not intend to cause an accident? Why is that?

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1 12. Have you read the jury handbook?

2 13. Did you enjoy it?

3 14. Can you promise me and the Court that you will keep an open mind relative to
4 the issue of compensation for *[plaintiff]* in this case, and to the possibility that such
5 compensation may involve a large verdict of money?

6 15. Do any of you have any preconceived notion that you would not be able to award
7 compensation?

8 16. The Court has explained the importance of the jury system, do you agree that it
9 is a vitally important institution in our society?

10 17. Do you agree that one role of the jury is to determine fault and if a party is at
11 fault to award the compensation allowed by the instructions of the Court?

12 18. Some in our society want to limit or do away with our jury system. Do you agree
13 with this?

14 19. Some would like to see a board of experts replace the jury in civil cases. What
15 do you think of that idea?

16 20. Can you keep an open mind about the possibility that you may find, from the
17 evidence, that Plaintiff may be entitled to a significant award of compensation from this
18 jury?

19 21. If you were to determine fault in this case and set the amount of compensation at
20 \$ for the Plaintiff, do you feel it would be fair for you to award any lesser sum?

21 22. Do you believe in the uniqueness of each individual or do you feel that in awards
22 of damages, everyone should be treated the same? Why?

23 23. If you believe that the Defendants here are at fault, do you have some feeling, a
24 pre-set number, that you will not go above in setting damages in this case?

25 24. do you feel that it is the duty of jurors to hold down the amounts of jury awards
26 in cases such as this?

27 25. The Court will instruct you on the elements of damages that are appropriate to
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1 baward. Would you be willing and able to follow that instruction?

2 26. What about damages that are intangible? Do you feel you could discuss this
3 matter with your fellow jurors and come to a dollar amount for such things as physical pain
4 and mental or emotional suffering?

5 27. Do you believe in the reality of physical pain? Do you have experiences in this
6 regard?

7 28. Do you believe in the reality of emotional suffering from a trauma? Do you have
8 experiences in your family that you would like to share?

9 29. If the Court instructs you that if you find fault against the Defendants it is
10 appropriate to award damages for intangibles such as physical pain or mental suffering, will
11 you be able to do so?

12 30. Do any of your jurors feel that there are too many lawsuits?

13 31. Have you heard example of frivolous lawsuits being brought?

14 32. There will be evidence in this case that as a result of this collision, *[plaintiff]*
15 sustained a traumatic brain injury, with cognitive deficits, and other injuries in this collision.
16 There will also be evidence in this case that she can no longer work at her chosen occupation
17 because of these injuries. Do any of you believe that with this information, that this is the
18 kind of frivolous case that you have read about?

19 33. Have you read about frivolous cases through newspaper articles or
20 advertisements in the media? Are you at all likely to let your feelings about what you have
21 read in the newspapers or heard in the media affect your decision in this case?

22 34. Would you think that someone or some company had an interest in putting those
23 advertisements or stories in the newspapers? Do you think it is fair to judge this case by what
24 you may have read?

25 35. Have you seen articles, editorials or media programs dealing with lawsuits in
26 America?

27 36. What is your impression of such articles or programs?
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1 37. Have you expressed dissatisfaction with a particular jury's result or award?

2 38. Would you be likely to discuss your verdict in this case with your friends and
3 family after the trial is over?

4 39. Does that fact by itself cause you any reservation in sitting as an impartial juror
5 in this case?

6 40. You will be instructed that you hear all of the evidence and if you feel that the
7 evidence, when applied to the law as I instruct you, shows that Defendants are liable, will
8 you be able to return a verdict in favor of Plaintiff?

9 41. Is there anyone on this panel who does not believe that mental pain and anguish
10 can be just as real and hurt just as much as physical pain?

11 42. Our law says that in order to recover monetary compensation in a civil case such
12 as this, it is not necessary that the Plaintiff show criminal conduct on the part of the
13 Defendants, or that the Defendant, was a bad or malicious person. You will learn at the jury
14 instructions given at the end of this case that the Plaintiff is legally entitled to recover
15 monetary compensation from the Defendants, or either of them. if the Plaintiff can prove
16 that the Defendants, or either of them, was negligent and that such negligence was a
17 proximate cause of the injuries to Plaintiff .

18 43. With regard to the concept of negligence, you will learn that it is, in essence,
19 simply the failure of the Defendant to act as a reasonably careful and reasonably prudent
20 person would have acted under the same or similar circumstances. In other words,
21 negligence is the failure to use reasonable care. With those concepts in mind, would any of
22 you be unable or unwilling to judge the conduct of this Defendant to determine if he
23 complied with the obligation imposed by our legal system to use reasonable care? Would
24 you all be willing to make that judgment?

25 44. Do any of you believe that lawsuits have somehow affected you, either directly
26 or indirectly? If so, do you believe that such thinking on your part would affect your ability
27 to act as a fair and impartial juror in this case?

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1 45. Do you understand that the parties have the right to have their lawyers present
2 their cases to you, and that as jurors that you would be listening to the presentations?

3 46. Do you believe that you can be patient with the lawyers and give them the
4 opportunity to develop their case for you?

5 47. Do you understand that it is the obligation of each party to present whatever
6 witnesses that they feel will be appropriate to help you make your decision, and that both
7 parties have the right to hire experts to analyze certain aspects of the case, and to present
8 expert testimony on certain issues in the case for you? This is proper and appropriate, and it
9 is also proper and appropriate that such experts be paid by the party hiring them for the time
10 and work that they have done.

11 48. Do any of you have any preconceived feelings that retained experts may, just for
12 that fact alone, not be worthy of your consideration?

13 49. Do you understand that in a civil lawsuit like this, Plaintiff does not have to prove
14 that Defendant was a bad person, or intended any harm to Plaintiff or anything like that, but
15 only that he was negligent?

16 50. Do you understand that in a civil case like this, Plaintiffs have the burden of proof
17 to prove the elements of their case as the law requires, by a preponderance of the evidence,
18 which only means that Plaintiff's proof must just barely outweigh the Defendants' proof on
19 a particular issue? This means that if the score is 10 to 9 on a particular issue, then you must
20 find that issue in favor of Plaintiff.

21 51. It is important that you understand that in a civil case like this, the law says that
22 in order to be entitled to your verdict in their favor, Plaintiff need only present slightly more
23 evidence than was presented by the Defendant in the case, and if they do that, then they are
24 entitled to your verdict under the law. If their evidence just slightly outweighs the evidence
25 of the Defendants on a particular point, then Plaintiff is entitled to your verdict. Do each of
26 you understand that concept? Do each of you agree with that concept?

27 52. You will learn in this case that the Defendant, , is a young man, which may evoke
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1 some sympathy from you. Can you all promise that as you deliberate the evidence in this
2 case, that you will not allow any sympathy that you might feel for the fact the Defendant is
3 young interfere with your deliberations or verdict in this case? Are there any of you who
4 think you might go into the jury room, and as you begin to deliberate your verdict, find that
5 Plaintiff was entitled to substantial damages, but then hesitate to return such substantial
6 damages because of your feelings for the fact the Defendant is young? Do you understand
7 that it would be just as unfair for you to do that as it would be for you to enter a verdict
8 against the Defendants just because you felt sorry for the Plaintiff?

9 53. Is there any one of you here right now that has formed any opinion whatsoever
10 as to who should win or who should lose this lawsuit?

11 54. Some of you may have read articles or stories about personal injury lawsuits and
12 jury verdicts: do any of you have any ideas or opinions concerning these kinds of lawsuit,
13 whether they should not be brought by injured people.

14 55. Have any of you ever expresses an opinion about a jury verdict, and if so, what
15 was that opinion?

16 56. Do any of you have any particular concerns about jury verdicts in general, and if
17 so, what are they?

18 57. Do you all realize that should you find the Defendants were negligent, or either
19 of them negligent, in any way claimed by Plaintiff, and that such negligence was a proximate
20 cause of the injuries suffered by *[plaintiff]* that it will be your responsibility to evaluate the
21 injuries and to place a dollar value on those injuries?

22 58. Our legal system treats wrongfully inflicted personal injury in much the same
23 way as it treats the destruction of personal property. If someone wrongfully damages the
24 property of another, the person who did that is legally responsible to fully compensate the
25 owner for the loss or damage of that property. Likewise, if it is a human being that has been
26 injured, the law requires the person or persons who injured that individual to fully and fairly
27 compensate him or her to the extent of the loss sustained. Keeping that concept in mind, are

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1 you willing to treat bodily injuries suffered by a person with at least the same seriousness as
2 you would treat the damage or destruction of personal property such as a painting, tractor or
3 some other tangible object that had been wrongfully damaged or destroyed?

4 59. In this case, the Plaintiff is seeking to be compensated for certain non-economic
5 damages such as pain and suffering, physical disability, impairment of the normal function
6 of her brain and body, interference with her ability to lead a normal life, mental anguish and
7 similar types of damages which are intangible in nature. Conceding the difficulty and the
8 challenge involved in placing a dollar value on these types of damages, is there anyone here
9 he would have some personal, philosophical, moral, political or other objection to awarding
10 monetary compensation for these types in intangible, non-economic damages?

11 60. Plaintiff is also seeking economic damages for lost economic opportunities due
12 to the fact that as a result of these injuries, she has been disabled from her employment, and
13 in addition, is seeking money for household replacement services.

14 61. Is there anyone here who is opposed to the idea of money awards or awarding
15 monetary damages to an injured person as a system of judging wrong?

16 62. Is there anyone here who feels that is wrong in itself?

17 63. In making your evaluation in terms of monetary damages, do you understand that
18 your decision should reflect a finding of monetary compensation for the entire life of
19 *[plaintiff]* and that your decision will be binding for all times?

20 64. Do you understand that at some point you are going to have to make a collective
21 decision as to whether the conduct of the Defendants, or either of them, was a proximate
22 cause of the permanent damage to Plaintiff and that if you so find, that you will have to
23 assess those damages in a monetary amount. Is there anyone here who believes, that even
24 with proper instructions from the Court, that they will not be able to do that?

25 65. Do you understand that the law does not provide any precise mathematical
26 formulas or outlines for determining monetary awards to persons injured as a result of the
27 negligence of others, and that your decision as to the amount of monetary damages will
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1 represent the collective judgment of each of you jurors at the conclusion of the case?

2 66. Do you understand that the law does not require Plaintiff to prove her case in
3 terms of damages with mathematical certainty, but that such a decision will be left to your
4 judgment at the conclusion of the case?

5 67. Do you understand that under our system of justice, a person bringing a lawsuit,
6 such as *[plaintiff]* to prove their case by what is called a preponderance of the evidence,
7 which means that when the case is all finished, and after you have received your instructions
8 from the Court, if you find that the evidence presented by Plaintiff on any issue just even
9 slightly outweighs, or is just slightly more than evidence presented on the issue by the
10 Defendants, then you will find in favor of the Plaintiff on that particular issue. In other
11 words, if, after hearing all of the testimony and the evidence, that Plaintiff's evidence on
12 each issue even just slightly outweighs Defendants' evidence on each issue, your verdict
13 will be in favor of the Plaintiff.

14 68. Do any of you have any training in the sciences beyond the high school level?

15 69. Do you understand that even if you should find that the injuries sustained by
16 *[plaintiff]* are not permanent, or that any one of them is not permanent, if you find that she
17 was injured in the automobile collision on *[date]* as a result of the negligence of Defendants,
18 and that such injury or injuries have impaired her life, even if you believe that she will
19 improve or recover during her lifetime, you would then be awarding Plaintiff monetary
20 damages?

21 70. Are there any of you on the panel who is in basic disagreement with our fault
22 system of justice? That is to say, do any of you believe that it is wrong for people who claim
23 injuries by the careless acts of others to come into Court and let the law allow monetary
24 damages to be assessed for those injuries and sufferings. If you disagree with our system of
25 justice and think that people should not be allowed to bring differences such as this to Court,
26 that maybe they should just go on their way or handle this some other way than coming to
27 Court, would you please state that by raising your hand?

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1 71. Do you believe that you have enough intelligence and self-confidence to be able
2 to pass judgment in this case?

3 72. Have any of you ever been examined by a company doctor following an accident,
4 or as a part of a medical disability from work?

5 73. Have any of you ever been examined by a doctor in connection with an
6 automobile collision?

7 74. Under our system of law, a person whose carelessness causes a collision is
8 responsible for the consequences of his or her actions. If there are injuries as a result of
9 someone's carelessness, that person can be held responsible. What do you think about that?

10 75. What do you think about the idea that a person who is careless should be
11 responsible for compensating someone who is injured because of that carelessness?

12 76. Do you think you would have a hard time finding the Defendants responsible or
13 negligent in a situation where they didn't intend to cause an accident? Why is that?

14
15 **F. LAW**

16 1. In this case, the law that you will apply in determining the injury suffered by
17 Plaintiff in this collision will be set forth in the following jury instructions: (List
18 instructions).

19 2. In order to recover damages, Plaintiff need only show that the Defendants' conduct
20 was a proximate cause of the accident, not the only cause. Do any of you feel that, in spite
21 of this instruction, the Defendants' negligence must appear to be the sole cause of the
22 accident that resulted on these injuries?

23 3. As the attorneys have prepared for trial in this case, they have had the opportunity
24 to take sworn depositions from various expert witnesses and parties. A deposition is a
25 proceeding whereby the attorneys representing all of the parties in a case have the
26 opportunity to ask questions of witnesses, with the witness being under oath and a court
27 reporter being present. The parties have the right to use portions of those depositions as part
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1 of their evidence and presentation in this case, and that evidence is the same as any other
2 evidence that will be offered by a party from the witness stand.

3 4. If you personally disagree with the law as I will instruct you, how would you deal
4 with the conflict when deciding this case?

5 5. Do you understand, as I will instruct you, that you are the sole judges of the
6 credibility of the witnesses and it is for you and you alone to decide whether to believe a
7 witness or not?

8 6. This case will last six or eight days and there will be medical testimony,
9 psychological testimony, and other expert testimony and will require your concentration and
10 attendance over that period of time. Is there any of you who feels that for whatever reason,
11 you would be either unable or unwilling to concentrate or pay attention to this case for that
12 length of time?

13 7. In this case, there will be testimony from neuropsychologists and psychiatrists
14 regarding the condition of *[plaintiff]* following the automobile collision of *[date]* and right
15 up to the present time. Is there any particular reason why, at this time, any of you may not
16 listen to, or consider, testimony from a neuropsychologist or psychiatrist on any issue in this
17 case?

18

19 **G. DAMAGES**

20 1. Do you understand that under our system of justice, the amount of compensation
21 to be awarded is what you determine, in your collective judgment, will make the Plaintiff
22 whole? The amount of compensation to be awarded is solely within your province as jurors,
23 and you may award less than or more than the amount of money requested by Plaintiffs'
24 attorney.

25 2. Do you understand that Plaintiff does not have to prove to you that she is helpless
26 as a result of these injuries or that she is confined to her home as a result of these injuries, in
27 order to recover and be entitled to substantial damages?

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1 3. There will be expert testimony in this case, from all of the medical and
2 neuropsychological experts, that a person need not be knocked out at the scene of a collision,
3 in order to suffer a traumatic brain injury with permanent brain damage, and cognitive
4 impairments. Do any of you have any pre-conceived notion that because *[plaintiff]* may not
5 have been knocked out at the scene of this crash, that somehow she cannot have a brain
6 injury with brain damage? If there is expert testimony in this regard, will you be able to listen
7 to it, and disregard your pre-conceived notion?

8 4. You will learn in this case, from all of the experts, including Defendants'
9 neuropsychologist, that traumatic brain injuries are not always diagnosed in the emergency
10 room, or in the hospital for a variety of reasons. Do any of you have any pre-conceived
11 notion about when and how a traumatic brain injury with brain damage should be diagnosed?
12 If there is expert testimony in this regard, will you be able to listen to it and disregard your
13 pre-conceived notions?

14 5. There will be evidence in this case that prior to *[date of accident]*, *[plaintiff]* had
15 been diagnosed and treated for what is called depression. Do you understand that under the
16 law, if you find that he previous condition of depression was aggravated or made worse
17 because of this collision, or made her more susceptible to suffer psychiatric problems as a
18 result of injuries suffered in this collision, that you are entitled and empowered to award
19 *[plaintiff]* compensation for all of the damages caused by the Defendants' negligence, and
20 that the law essentially says that a person who negligently injures another, takes the Plaintiff
21 as they find her.

22 6. Can you all agree with those concepts as being fair and proper, does it make sense
23 to you?

24 7. There will be evidence in this case, that at the time of this crash, *[plaintiff]* was
25 well-functioning person, enjoying her life, that she was socially active, and had a nice
26 relationship with her family and husband. There will be evidence that since the crash, she
27 has undergone a complete change of personality, that she is impaired, that she cannot live
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1 alone, and that her life is just not the same anymore. The law will allow you to award her
2 compensation for these changes in her life, caused by the truck-car crash on *[date]*, for the
3 rest of her life or as long as you determine that they will exist. Do you all agree with that
4 concept?

5 8. Would you agree that if you believe that from the evidence Plaintiff is suffering
6 from problems caused by the traumatic brain injury, including a lowering of her general
7 intellectual ability, with the loss of the full use of her mind and the full use of her mental
8 capacities, that she would be entitled to compensation?

9 9. If the evidence shows to your satisfaction that Plaintiff deserves to be compensated
10 and that her compensation should be in the amount of \$, can you assure the parties that you
11 would and could award compensation in the amount of \$ if the evidence establishes to your
12 satisfaction that Plaintiff is entitled to such an award?

13 10. Do you understand that the ultimate decision on the amount of money to be
14 returned in your verdict for *[plaintiff]* if any, will be your collective judgment as the
15 conscience of the community?

16 11. The law says, as I will instruct you, at the end of the case, that Plaintiff is entitled
17 to compensation from Defendants for humiliation, loss of enjoyment of life, pain and
18 suffering, change of personality, depression, change in her relationship with her family,
19 friends and husband, and other aspects of damages that I will discuss with you in my
20 instructions at the end of the case. Do each of you believe that you can follow the Court's
21 instructions relative to damages, and do you each understand that Plaintiff is entitled to
22 receive separate consideration from you for each element of damages claimed in the case as
23 I will instruct you at the conclusion of the case?

24 12. Is there any one of you right now who, after considering all of the evidence of
25 negligence and brain damage and related problems for *[plaintiff]*, and looking back to *[date*
26 *of accident]*, and up to the year 20 , and giving consideration to all of the elements of
27 damages as you will be instructed, and if you conclude that Plaintiff is entitled to
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1 compensation of \$, would any of you hesitate to return such a verdict or decrease it by some
2 amount just because you thought that \$ was too much?

3 13. As I will instruct you, you are the sole judges of the credibility of each of the
4 witnesses, and in this case, you will learn that at least one of the witnesses has provided
5 different information regarding what they saw at the time of the collision. Do you believe
6 that based upon my instructions, that you will be able to judge the credibility of another
7 person, or do any of you feel that you could not do that?

8 14. Plaintiff claims, through her doctors, experts and other witnesses, that as a result
9 of the truck-car crash on *[date]*, that *[plaintiff]* suffered numerous broken bones, knee
10 surgery, that she has permanent pain and discomfort in her neck, hip, knee and other areas
11 of her body, that is permanent, that she has a traumatic brain injury with permanent brain
12 damage, that is incurable, and that she has psychiatric problems, difficulty with learning new
13 information, difficulty learning what, for her, was a normal life, a change of personality, she
14 cannot live alone, a change in the relationship with her husband and family and psychiatric
15 difficulty. Is there anyone who does not believe that you will be able to listen to the evidence
16 and the Court's instructions and compensate Plaintiff through the year 20 ?

17 15. Do you understand that in terms of money damages into the future, for the rest
18 of her life, that the law allows that this does not have to be provided with precise
19 mathematical precision, but only to the extent of a reasonable basis to allow you to formulate
20 an opinion and return a verdict that you believe is fair and reasonable?

21 16. In this case, you are going to hear evidence that as a result of this collision,
22 *[plaintiff]* suffered a mild permanent brain injury that has had lasting and serious effects on
23 her ability to function, as before *[date of accident]*, to have the same personality and has
24 affected her life in many ways. Do any of you have any preconceived notions that because
25 the word "mild" is used in terms of her brain injury, that somehow it must not be serious or
26 that somehow it cannot be permanent?

27 17. There will be evidence that since the crash, *[plaintiff]* has undergone a change of
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1 personality, that she is functionally impaired and that her life is just not the same as it was
2 before. The law allows you to award her compensation for these changes in her life, caused
3 by the rear end car crash of *[date]*. Do you all agree with that concept?

4 18. Do you understand that if you find that the collision was the Defendants' fault,
5 and that Plaintiff suffered injuries or aggravation of pre-existing conditions as a result of that
6 collision, then it will be your duty to assess monetary compensation and return a verdict on
7 behalf of Plaintiff. Do any of you believe that even if you found the collision was the
8 Defendants' fault, and that Plaintiff suffered injuries as a direct and proximate result of that
9 collision, that you would not be able to award Plaintiff monetary damages?

10 19. Do you understand that there may be evidence in this case that because of 's
11 *[plaintiff]* pre-existing personality, that she may have been more susceptible to injury in this
12 case, or having mental, emotional or psychiatric problems caused by injuries from this
13 accident, or just from the accident itself, and that the law says that a person is entitled to
14 receive compensation for the aggravation of such pre-existing condition. Do you all
15 understand that under the law, if a person causes injury to another, that the injured person is
16 entitled to compensation whether the injuries are original injuries, or an aggravation of a
17 pre-existing condition? Will you all be comfortable in following that instruction?

18 20. *[plaintiff]* is now 60 years old, and mortality tables tells us that she will live an
19 additional 17 years, or until about the year 20 . Do you all understand that the law only
20 allows her to come into Court once, which is now, to present a claim against Defendants for
21 all of the past, present and future pain, suffering, disability and problems caused by this
22 accident?

23 21. In this case, you are going to hear evidence that as a result of this collision that
24 *[plaintiff]* suffered a mild permanent brain injury that has had lasting and serious affects on
25 her ability to function, as she did before *[date of accident]*, to have the same personality and
26 has affected her life in many ways. Do any of you have any pre-conceived notions that
27 because the word "mild" is used to describe her brain damage, that somehow it must not be
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1 serious or that somehow it cannot be permanent?

2 22. Do you understand that in this case, it is not claimed that *[plaintiff]* is a “basket
3 case” or confined to a home or anything by virtue of her various injuries, and that the law
4 does not require any of this in order to entitle someone who is wrongfully injured to receive
5 substantial monetary compensation?

6 23. Do you understand that if you find that the collision was the Defendant’s fault
7 and that Plaintiff suffered injuries as a result of this collision, then it would be your duty to
8 assess monetary damages and return a verdict on behalf of Plaintiff. Do any of you believe
9 that even if you found that the collision was the Defendant’s fault, and that Plaintiff suffered
10 injuries as a direct and proximate result of that collision, that you would not be able to award
11 Plaintiffs monetary damages?

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13 **H. ATTITUDE REGARDING USE OF DEPOSITION TESTIMONY**

14 1. Do you all understand that the evidence in this case will come from the witnesses
15 either on the witness stand or in videotaped depositions? Do you understand that lawyers’
16 questions are not evidence, but that only the answers are evidence?

17 2. Do you understand that cross-examination is the opportunity for the other attorney
18 to ask questions of each witness and that the answers elicited on cross-examination are just
19 as much evidence as are the answers that are elicited on the direct examination?

20 3. I want to ask you your feelings about a specific matter of trial procedure that will
21 be involved in this case. This matter involved the use of videotaped depositions that will be
22 played for you on television screens during the course of this trial and the reading of
23 depositions. A deposition is actual sworn testimony given by a witness out of the
24 Courthouse but in the presence of an official certified court reporter, or video operator, who
25 places the witness under oath prior to taking the testimony. The witness’ testimony is given
26 in response to specific questions put to that witness by all of the attorneys involved in the
27 case. In this case, as in any case, the law allows that in terms of the testimony of doctors or

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1 other medical or professional experts, that their testimony can be taken in advance of the
2 trial, at their office or some other place, with the attorneys present and this testimony is just
3 as official and deserving of your consideration as if the doctor or other expert had actually
4 come in here and testified for you from the witness stand. The rule allows testimony to be
5 preserved in this way as a convenience to the doctors and also as a convenience to the Court
6 and to the juries so that we do not have to wait around for the doctor, but so that the trial can
7 proceed smoothly.

8 This particular lawsuit is of such a nature that we will be presenting a number of
9 videotaped depositions to you during the trial, approximately 7 or 8 of them will be on
10 videotape for your viewing on television screens, all of which will last about an hour to an
11 hour and a half to two hours. This testimony that these witnesses will give is very important
12 in this case and requires your strict attention.

13 4. AS YOU LISTEN TO THE EVIDENCE IN THIS CASE, AND THE COURT'S
14 INSTRUCTIONS AND THE ARGUMENTS OF THE ATTORNEYS, IT MAY COME TO
15 PASS THAT YOU WILL BELIEVE THAT PLAINTIFF IS ENTITLED TO
16 COMPENSATION IN THE AMOUNT OF \$ MILLION, OR EVEN MORE. DO ANY OF
17 YOU HAVE ANY FEELING RIGHT NOW THAT YOU WOULD NOT BE ABLE TO,
18 OR WOULD NOT WANT TO RETURN A VERDICT OF COMPENSATION IN THE
19 AMOUNT OF \$ MILLION OR MORE FOR ANY REASON IN THIS CASE?

20

21 DATED: May 23, 2018

SELARZ LAW CORP.

22

23

By: _____

24

Daniel E. Selarz, Esq.
Attorneys for Plaintiff(s),
[Client's Name(s)]

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PROOF OF SERVICE
Case No. [REDACTED]

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I, the undersigned, declare as follows:
I am employed in the County of Los Angeles, State of California. I am over the age of 18 years, and not a party to the within action. I am an employee of, or agent for, SELARZ LAW CORP., whose business address is 11777 San Vicente Blvd., Suite 702, Los Angeles, CA 90049.
On May 23, 2018 I served the foregoing document(s) **PLAINTIFF'S VOIR DIRE** to the following party(ies) in this action addressed as follows:

PLEASE SEE ATTACHED SERVICE LIST

- (BY MAIL) I caused a true copy of each document, placed in a sealed envelope with postage fully paid, to be placed in the United States mail at Beverly Hills, California. I am "readily familiar" with this firm's business practice for collection and processing of mail, that in the ordinary course of business said document(s) would be deposited with the U.S. Postal Service on that same day. I understand that the service shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.
- (BY PERSONAL SERVICE) I caused to be delivered each such document by hand to each addressee above.
- (BY CERTIFIED MAIL – CCP §§1020, et seq.) I caused said document(s) to be deposited with the United States Mail, postage prepaid, return receipt requested, signed by addressee that said documents were received.
- (BY OVERNIGHT DELIVERY) I caused a true copy of each document, placed in a sealed envelope with delivery fees provided for, to be deposited in a box regularly maintained by **United Parcel Service®(UPS)**. I am readily familiar with this firm's practice for collection and processing of documents for overnight delivery and know that in the ordinary course of business practice the document(s) described above will be deposited in a box or other facility regularly maintained by UPS or delivered to a courier or driver authorized by UPS to receive documents on the same date it is placed for collection.
- (BY FACSIMILE) By use of facsimile machine number (310) 651-8681, I served a copy of the within document(s) on the above interested parties at the facsimile numbers listed above. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.
- (BY ELECTRONIC SERVICE) Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at their electronic notification addresses. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Executed on May 23, 2018, in Los Angeles, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Daniel E. Selarz

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SERVICE LIST

SENT VIA U.S. MAIL

[Attorney's Name]
[Law Firm Name]
[Street Address]
[City, State & Zip Code]

Tel: (xxx) xxx-xxxx / Fax: (xxx) xxx-xxxx
Email: [Email Address]

[Attorneys for Defendant [DEFENDANT'S NAME]]