

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

CHAMBERS OF  
KENT A. JORDAN  
DISTRICT JUDGE

LOCKBOX 10  
844 KING STREET  
U.S. COURTHOUSE  
WILMINGTON, DELAWARE 19801

JURY SELECTION BY STRUCK JUROR METHOD

1. After the judge has read a summary of the case and the oath has been administered to the entire panel, the court will pose questions, including those agreed upon by counsel.

2. Those panel members who have an affirmative response to any of the questions posed by the court are called (one by one) to a sidebar conference with the judge and counsel. Counsel may be given the opportunity at this time to ask further questions of the responding panel members.

3. After all the responding panel members have been questioned, those panel members who are excused for cause will be removed from the pool.

4. The juror numbers of the remaining panel members will be placed into a container. For a typical civil case (one with two parties and scheduled to last two weeks or less), 15 juror numbers (representing 15 of the remaining panel members) will be drawn randomly from the container and listed in the order drawn. Cases with more than two parties (i.e., more than six peremptory challenges) or which require more jurors because of trial length or complexity may require a larger pool than 15.

5. The selected panel members are seated in the jury box in the order drawn. Counsel are then given the opportunity to exercise their peremptory challenges (typically three per side). The process begins with the clerk presenting to plaintiff's counsel the list. Plaintiff's counsel may strike (by drawing a line through the name of) any one of the potential jurors. The clerk next presents the list to defendant's counsel, and the process continues until each party has either exhausted or waived their challenges. **NOTE: Once a party has indicated satisfaction with the remaining jurors on the list (i.e., all of the jurors on the list, not just with the first nine) by not using a challenge, it has waived its opportunity to further challenge the membership of the panel and may not strike any other juror.**

6. The first nine panel members who have not had their names struck shall constitute the petit jury, with all jurors deliberating.

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7. The panel members who are not selected are excused. The panel members selected are administered their oath.

8. The court will read preliminary jury instructions and explain the special verdict form, if there is one. After a short break to allow the jurors to call family members and employers, opening statements will proceed.

9. This process typically takes an hour to an hour and a half.