

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

CHAMBERS OF  
SUE L. ROBINSON  
JUDGE

LOCKBOX 31  
844 KING STREET  
U.S.COURTHOUSE  
WILMINGTON, DELAWARE 19801

**JURY SELECTION BY STRUCK JUROR METHOD**

**For jury trials before Judge Robinson, juries are selected as follows:**

1. After the judge has read a summary of the case and the oath has been administered to the venire panel, the judge will pose the questions agreed upon by counsel.
2. Those panel members who respond affirmatively to any question are identified by their juror numbers and, upon the conclusion of the voir dire, are called (one by one) to a sidebar conference with the judge and counsel. Counsel are 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 have their juror numbers 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), 14 juror numbers (representing 14 of the remaining panel members) will be drawn randomly from the container and listed in the order drawn. For a typical **criminal** case, 32 juror numbers (representing 32 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 will require a larger pool than 14.
5. The selected panel members are seated in the order drawn. Counsel are then given the opportunity to exercise their peremptory challenges. In a typical **civil** case with two parties, each party has three challenges. In a typical **criminal** case, the government has six challenges and the defendant has ten challenges; each party is given an additional challenge for the alternate jurors, if alternates are selected. 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

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continues until each party has either exhausted or waived their challenges. Note: Once a party has indicated satisfaction with the panel by not using a challenge, it has waived its opportunity to further challenge the membership.

6. In a typical **civil** case, the first eight panel members who have not had their names struck shall constitute the petit jury, with all jurors deliberating. In a typical **criminal** case, of the panel members whose names have not been struck, the first twelve panel members shall constitute the petit jury; the alternate jurors (generally two) are those panel members whose names are next in order.

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

8. The judge will read preliminary jury instructions. Opening statements will proceed after the jurors have been given the opportunity to call family members and employers.

9. This process typically takes no more than 60 minutes.