

**Section 6. Voir Dire of Jurors**

**(a) Swearing Jurors to Answer.** The entire panel shall be sworn by the clerk to truthfully answer the voir dire questions put to them. The clerk shall then draw the names of the necessary persons who shall take their appropriate seats in the jury box.

**(b) Statement of the Case To and Examination of Prospective Jurors.** The court shall make a brief statement to the prospective jurors introducing the counsel and parties and outlining the case, contentions of the parties, and anticipated issues to be tried and may then permit the parties or their lawyers to conduct voir dire or may itself do so. In the latter event, the court shall permit the parties or their lawyers to supplement the voir dire by such further nonrepetitive inquiry as it deems proper.

**(c) Challenges for Cause.** A challenge for cause may be made at any time during voir dire by any party or at the close of voir dire by all parties.

**(d) Peremptory Challenges.** Each adverse party shall be entitled to two peremptory challenges, which shall be made alternately beginning with the defendant. The parties to the action shall be deemed two, plaintiffs being one party, defendants the other. If the court finds that two or more defendants have adverse interests, the court shall allow each adverse defendant additional peremptory challenges. When there are multiple adverse parties, the court shall determine the order of exercising peremptory challenges.

**(e) Voir Dire of Replacements.** When a prospective juror is excused, the replacement shall be asked by the court:

(1) whether he or she heard and understood the brief statement of the case previously made by the judge;

(2) whether he or she heard and understood the questions;

(3) whether, other than to personal matters such as prior jury service, area of residence, employment, and family, the replacement's answers would be different from the previous answers in any substantial respect.

If the replacement answers in the affirmative to (3) above, the court shall inquire further as to those differing answers and counsel may make such supplemental examination as the court deems proper.

**(f) Alternates.** (Deleted effective January 1, 2000.)

**Cross Reference:** Minn. R. Civ. P. 47; Minn. Gen. R. Prac. 123.

***Advisory Committee Comment - 1999 Amendment***

*Subsections (a), (b), (d), and (f) are derived from existing Trialbook paragraphs 11-15.*

*Subsection (c) is derived from the analogous provision of the rules of criminal procedure, Minn. R. Crim. P. 26.02(3)(a)(4). The present provisions relating to jury selection are spread among numerous different sets of rules. The civil rules have not heretofore specified a time for exercise of peremptory challenges. Some judges ask a party conducting voir dire examination before the conclusion of the jury selection process to "pass the jury for cause." This section will make it clear that challenges for cause can be made at any time, even after voir dire by other parties.*

*Although the section provides for administration of oaths to jurors, an affirmation should be used as to any juror or panel member preferring it.*

## MINNESOTA COURT RULES

### GENERAL RULES OF PRACTICE

2

*Section 6(f) dealing with alternates is deleted in 1999 to conform this rule to the abolition of alternates under the Rules of Civil Procedure. Minn. R. Civ. P. 47.02 was abrogated by the 1998 amendments to the Rules of Civil Procedure, effective January 1, 1999.*