**Alki Tours, Inc. v. Verse, 19-2-15199-4 SEA**

**Pre-Empanelment Instructions**

**BEFORE VOIR DIRE BEGINS ON ZOOM:**

1. Parties/Attorneys & Jurors join the Zoom meeting at specified time and are admitted from the waiting room.
2. Bailiff confirms screen names and renames jurors to reflect their assigned juror number.

Good Morning, I’m Matt Williams, one of your 53 King County Superior Court judges. Welcome to Jury Selection and thank you for your willingness to serve.

We expect this hearing to take about 90 minutes

You have already met my bailiff: Ms. Zimnisky

Our Court Clerk is: Lonnie Berger

We are on the record, in open court, here at the Kent Regional Justice Center. The courtroom door is open (unlocked) and members of the public are free to observe these proceedings. Our proceedings are being recorded by an electronic recording system that takes down everything that everyone says to create the formal Court Record. It is important that you speak clearly, and that we avoid talking at the same time, so that we can create an accurate record.

Even though we can all see each other it’s important that you answer all questions with a verbal response (as opposed to a head nod). It’s also important that everybody be able to hear your responses.

**WHY WE ARE ON ZOOM**

* You are here for jury selection, but you’re appearing virtually through Zoom.
* Normally, you would be sitting here in KENT crowded into my courtroom, where I currently am, for a full day of jury selection.
* Courts in Washington are actually not covered by the Governor’s current order.
* We could require you to come participate in trial in-person, but we’re not doing that.
* Instead, because of public health conditions, we’re conducting jury selection AND TRIAL over Zoom.
* And, if you’re actually selected as a juror for trial, you serve as jurors in a completely virtual Zoom jury trial.
* We are having Zoom jury trials in part because, on the one hand, parties in lawsuits have a constitutional right to a jury trial, but on the other hand, the public health crisis means that we must take measures to minimize the spread of coronavirus.
* This means that we must work even harder to give the parties to this lawsuit a fair trial, and you as jurors play a very important role.

**NO RECORDING & THE SCREEN SHOT:**

We are not using Zoom to record this session, and you may not record it either. You are not allowed to record the proceedings or any part of them. You are not allowed to record by any means, including Zoom’s recording feature, your cell phone, tape recorder, computer, or any other method. No taping.

Under certain circumstances, to do so would be a misdemeanor or could subject you to civil liability.

* You have all been assigned a juror number, and that number is now how you will be identified. It is the name on your screen under your name. Please remember, that number as it is how the lawyers will address you. Please do not try to change your name as it appears under your video feed
* Now I need each of you to wave on the screen.
* I will take one screenshot of you for the sole purpose of allowing the lawyers to remember you at the end of this process, by juror number. Your juror #s, and not names, will be publicly available.
* However, for the Court’s purposes I am going to take one screen shot right now for purposes of the record. We are also going to use this as the opportunity for an audio check. [Go through each juror, have them unmute and respond on the record]. “Juror number \_\_\_, do you object to my taking a screenshot?”

Let’s go over the rules: These are not suggestions. Please think of them as court orders.

* Do not attempt to do any research or look up anything related to the case, the parties, the location, the issues or the lawyers. This includes through any internet source including any search engine.
* DO not discuss the case with anyone. This includes your friends, family, or anyone one else. Do not talk about the case via text, email, chat, blogs, or posting on any social media page. If anyone asks you about the case, you must tell them that you are under a court order not to discuss it.
* Do not use the internet, text, or participate in any other activity while jury selection is under way.
* Although we are using Zoom this process and you are in your home, all participants, lawyers, jurors, will conduct themselves with the same level of decorum as if we were all physically present in my Courtroom. This process requires your complete attention.
* Do not leave the Zoom meeting or turn off your video. Stay connected to the audio. It is important that you can hear and see everything that is happening and that you remain focused on these proceedings.
* Do not use any apps or programs other than Zoom.
* Do not use other devices during voir dire, such as iPads or iPhones;
* Bandwidth issues:
	+ If possible, no one else should be using the same wi-fi while you are participating in this process.
	+ Remove any virtual background; it may affect the ability of you to participate
* Even though we can all see each other it’s important that you answer all questions with a verbal response (as opposed to a head nod). It’s also important that everybody be able to hear your responses.

The Rules

* -First let’s talk about where you are: You need to be in a place where you can focus on the screen without distractions. You need to be alone. You need to have any virtual background turned off, and you should not have any personal items behind you that might disclose information about you that you don’t want the public to see.
	+ [call out a juror – e.g. Juror number 3, you appear to be sitting in a car…explain].
	+ [Juror number 4, you appear to be in a public place, are you able to give us your undivided attention? Can any one else hear or see these proceedings?]
	+ [Juror number 5, you appear to be driving. That is a divided attention task, and I need your complete attention, please pull over where you can safely participate]
	+ [Juror number 6, you appear to be at work and not able to focus, we will schedule you to appear in-person at the in-person panel scheduled for \_\_\_\_\_\_\_\_”.
* If you wish to answer a question, or have a thought, or want to say something, or have a question at any time, please wave your hand on the screen. Keep waving it until either I or one of the lawyers says your juror number.
* Do not communicate or interact with anyone else. You must remain focused on us. If this is not possible, please let us know now.
* When I say, “communicate,” I mean both verbal and non-verbal communication. do not communicate with anyone electronically – by email, text, FB Messenger, Twitter, Tik Tok, IG, or any other social media or other platform.
* You must remain connected to Zoom during the entirety of their voir dire session.
* Do not switch off your video or switch to a photo of yourself or a virtual background. Speaking of Virtual backgrounds, don’t use one. They eat up bandwidth and computer resources and may interfere with your ability to participate.
* During this process do not get up to get a drink, go to the restroom, or deal with any event occurring in the place where you are. If you need to deal with something, please get my attention by raising your hand, or call my bailiff at 206-477-1573.
* Leave your speakers and video on during the entirety of the voir dire so that you can hear and see the courtroom participants.
* The chat function and record functions are disabled. Do not try to use the chat function, the record function, and do not to personally try to contact any of the other jurors on Zoom or elsewhere;
* -The only program that should be open on your device is this Zoom meeting. We ask you to be fully engaged. It is important to the parties, the lawyers, and your fellow jurors. Being fully engaged takes work whether you’re in the courtroom or in your home. Benefits to being home – relaxed, comfortable, safe. Please take advantage of this by giving us your full attention, thoughts, and beliefs.
* -Do not discuss case with anyone. Don’t allow anyone to discuss it in your presence.
* -Do not do any research about anything regarding the case, the parties, the lawyers, or any issues involved, that includes on the device you are on smart phones, Wikipedia, google, social networks, etc.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

This is a CIVIL Case brought by Plaintiff Alki Tours against Defendant Tyson Verse and Rail and Sail Vacations, LLC. The Defendants have asserted a counter-claim against plaintiffs, and a third-party complaint against Claire Nolan, the founder of Alki Tours.

Plaintiff Alki Tours, Inc. was formed in 1994 by Third-Party Defendant Claire Nolan. Alki Tours is a tour operator based in Seattle, Washington. Defendant Tyson Verse worked as a tour guide for Alki Tours for approximately 20 years. On October 31, 2018, Mr. Verse resigned from Alki Tours to operate his own tour business. Alki Tours alleges that Mr. Verse misappropriated its trade secrets, breached an employee duty of loyalty, and intentionally interfered with prospective business relationships. Mr. Verse denies these claims. For his part, Mr. Verse alleges that Alki Tours failed to pay him all wages that were due from 2016 through 2018, and that Ms. Nolan made defamatory statements about Mr. Verse to certain of its clients. Alki Tours and Ms. Nolan deny Mr. Verse’s claims.

The Plaintiff’s attorney is: Michael Hunsinger

The Defendant’s Attorney is: Charles Rullman

You have already answered a series of questions as part of the on-line questionnaire. To follow up the lawyers and I will ask you some additional questions about your ability to serve, your background, and about your life experiences.

**WPIC 1.01 -**

We are not asking questions to embarrass you or to pry into your private affairs, but to determine if you will be unbiased and without preconceived ideas which might affect the case. If there is a question asked that you would rather answer without the other jurors present, please tell us.

Please be open and straightforward with your answers rather than answering in the way you might feel the lawyers or I expect you to answer. There are no right or wrong answers.

It is important that you discharge your duties without discrimination, meaning that bias regarding the race, color, religious beliefs, national origin, sexual orientation, gender, or disability of any party, any witnesses, and the lawyers should play no part in the exercise of your judgment throughout the trial. These are called “conscious biases”—and, when answering questions, it is important, even if uncomfortable for you, to share these views with the lawyers.

However, there is another more subtle tendency at work that we must all be aware of. This part of human nature is understandable but must play no role in your service as jurors. In our daily lives, there are many issues that require us to make quick decisions and then move on. In making these daily decisions, we may well rely upon generalities, even what might be called biases or prejudices. That may be appropriate as a coping mechanism in our busy daily lives but bias and prejudice can play no part in any decisions you might make as a juror. Your decisions as jurors must be based solely upon an open-minded, fair consideration of the evidence that comes before you during trial.

In a moment, the lawyers and I are going to ask you some background questions. Most importantly, you are to look within yourselves and see if there is anything there in your life experiences or your personal beliefs that might be such a strong influence that it would overcome your ability to serve as a fair and impartial juror. These questions may sometimes involve issues that are sensitive for you. If you are uncomfortable answering any particular question in front of the other jurors, please let me know or notify the bailiff. At the end of this process I will ask if there is anything you want to discuss outside the presence of the other jurors. We may then discuss other ways to handle this question.

Before any questions are asked, an oath or affirmation will be administered.

**SWEARING IN THE JURY PANEL**

The law requires that answers you provide be given under oath. At this time, if you would stand and raise your right hand I will administer that oath.

***Do you and each of you swear or affirm that you will truthfully answer such questions as may be asked of you touching upon your qualifications to act as jurors in this court?* [Did any of you answer “no” or not answer?])**

**HARDSHIP/Judge QUESTIONS**

* You were instructed to watch the on-line Juror Orientation Videos. Who watched it? Who didn’t watch it. As soon as we are done here, you will watch it?
* Serving on this jury will require that you be on-line and participate via zoom for each day of trial. Is there anyone who would be unable or unwilling to do that? Why?
* [Discuss timing of trial]
* Do any of you have any concerns about your ability to serve on this jury?

**ATTORNEY QUESTIONS**

Counsel [for plaintiff], you have [\_\_\_] (Jurors x 2) minutes.

Counsel [for Defendant], you have [\_\_\_] (Jurors x 2) minutes

Have any of the lawyers asked you any questions that you would like to discuss outside the presence of the other jurors?

Thank you for your participation today. My Bailiff will notify you whether you were selected. If you are selected you may expect that we will ask you to appear via Zoom for the first day of trial, \_\_\_\_\_\_\_\_\_\_\_\_\_.

**CAUSE CHALLENGES HELD WHILE THE PANEL IS VIRTUALLY PRESENT**

In the event of a challenge for cause:

The lawyers have the right and duty to challenge any jurors for cause.

They may also challenge up to **[5]** prospective jurors without giving any reason as a guarantee to both parties that they may remove some jurors if they wish. You should not take offense if you are challenged since the challenge is not exercised as a personal reflection on you.

**Separate hearing for PEREMPTORY CHALLENGES after all panels have been interviewed: [ SEE ROADMAP]**