

SUGGESTED TOPICS FOR VOIR DIRE IN A NURSING HOME CASE

LIFE EXPERIENCES

1. Experience with people suffering dementia.
 - Impaired judgment
 - Combative/resistant to help
 - Increased level of dependency
 - Totally dependent for care
2. Have you ever cared for a child who resisted eating or drinking?
 - Did you let them starve?
 - Did you coax them to eat?
 - What strategies did you employ?

DEPENDENCE ON OTHERS

1. As an adult, have you experienced:
 - Bladder incontinence
 - Bowel incontinence
2. Have you been dependent on others:
 - Bathe
 - Dress
 - Toilet
3. Have you taken care of adults who needed assistance for the most basic activities of day living?

MALNUTRITION/DEHYDRATION

1. Do you know what it feels like to suffer from dehydration?
 - Have you ever been deprived of water?

2. Do you know what it feels like to suffer from malnutrition?
 - Have you ever been deprived of food?

BEDSORES

1. Have you ever been left to lie in one place without moving for a long time?
 - For so long that your skin broke down?
 - Left to lie in your own feces?
 - Left to lie in your own urine?
2. Do you know:
 - What bedsores are?
 - What causes them?
 - Why they need treatment?

RESIDENT'S RIGHTS

1. When you think of the words “legal rights” what do you think of?
 - Entitlement?
 - Legal protection?
 - Freedom?
2. As an American citizen you enjoy certain rights:
 - Right to free speech
 - Right to vote
 - Right to worship
 - Right to trial by jury
 - Right to be free from unlawful searches and seizures
3. How important are these rights to you?

4. Do you think children need rights?
 - Why?
5. How about the elderly?
 - Do they need rights?

LAWSUITS/ DAMAGES

1. How do you feel about someone bringing a lawsuit as a way of resolving a dispute?
2. What are your feelings about someone who would sue a nursing home because of mistreatment of a loved one?
3. Anyone here who does not believe in lawsuits?
4. Do you feel verdicts should be limited in some way?
5. Any difficulties with being asked to punish a wrongdoer (nursing home) for reckless conduct which injures or kills an innocent person in order to deter it from happening again?
6. What do you think it takes:
 - To influence corporate behavior?
 - To get an industry's attention?
7. Have you heard or read recently about jury trials in which millions of dollars were awarded?
8. Have you ever been a little angry at a jury for awarding a verdict in the millions of dollars?
9. Do you understand that when juries award millions of dollars, they heard all of the evidence and have heard all of the arguments for both sides, so those jurors

were in a better position than anyone else in the world to make that decision and award those damages?

ACCOUNTABILITY

1. What does the word “accountable” mean to you?
 - To be answerable for your conduct
 - Subject to giving an account
2. Do you stress individual accountability in your life?
3. Do you teach your children that they are going to held accountable for their actions?
4. Do you believe that others should be held accountable for their actions?
5. How many of you have strong feelings that people should be more willing to accept the bad things that come their way?

DIGNITY

1. What does the word dignity mean to you?
2. Do you think that human beings should be treated with dignity?
 - Even those who are sick and handicap?
 - Even if their “quality of life” has been compromised?
 - Even if they are old and don’t have a bright future?
3. How important is your dignity to you?
4. What does death with dignity mean to you?

5. Do you think just because someone is old, in poor health and not in their right mind they are less than a whole person?
 - That is an excuse to neglect them?
 - That is an excuse to abuse them?
 - Not entitled to equal justice under the law
 - Not entitled to full and fair compensation for their injuries occasioned by the neglect of another

CORPORATE LIABILITY

1. Do you understand that corporations can only act through people?
2. Any difficulty with the proposition that a corporate employer would be held accountable for the actions of its employees? (assuming course & scope)
 - If employers were not held accountable for the way in which their employees perform their job what do you think would happen?
 - Less supervision?
 - Less quality assurance?
 - More people hurt?
3. Ever worked for a company which put emphasis on:
 - Profits over people
 - Quantity over quality
 - Revenues over results

STANDARD OF CARE

1. Have you ever worked for an employer who:
 - Kept employees “short staffed”?
 - Kept employees “short of supplies”?

- Failed to provide adequate staff and supplies in order to increase profits?
- Asked you to falsify records so as to conceal the true picture of the kind of job that was being done?
- Had high rates of turnover among employees?