

Jury Duty Part IV—Lawyer Misconduct in Civil “Trial of the Century” Report By Robert A. Williams

Editor's Note: For your convenience the short article titled Jury Duty Part III is shown below as a lead-in to this dynamite article. Also remember that the new Cleveland County Civil Trial of the Century begins July 30, 2018 with the selection of a brand new jury. I expect over 100 Cleveland County citizens have been called for jury duty to be winnowed down to the 12 that will actually decide this case in a four week trial. The actual trial is expected to start a several days later, pending no new lawyer misconduct. The trial is in regard to the alleged Wrongful death of Shelby Businessman Jim Teddy caused by the alleged medical malpractice of a Shelby Doctor and his practice. Millions of Dollars are at stake.

Jury Duty Part III-Trial of Century Stopped and Jury Sent Home!!! Trial Starts all over July 30 with New Jury Selection!! Something Fishy Going on!! Report by Robert A. Williams

Published July 18, 2018 •

As I stated in Jury Duty Part II, last Wednesday afternoon (July 11, 2018) , Myself and several others were dismissed from the jury in the Jim Teddy Wrongful Death-Medical Malpractice lawsuit trial. I was dismissed by a “peremptory challenge” by the Doctor’s Lawyers and the others were dismissed “for cause.” Six jurors had been selected for the trial, six more were to be selected from the waiting jury pool of approximately 100 (the courtroom was packed and people were standing) and the actual trial was to have started Monday Morning, July 16, 2018 with opening arguments from the

attorneys. Those of us that had been dismissed from the jury and left standing in the back were taken out of the courtroom by the Bailiff and told we were released from this jury and released from the entire jury pool for two years.

Now that I was a member of the general public again with my Constitutional Rights restored I could have returned to the courtroom and watched the rest of the jury selection, which is a right of the public. Myself and the rest of us "rejects" didn't care to stand in the back of the courtroom for the rest of the day, so we went home right then and there.

But since I had a personal interest regarding the colonoscopic examination that my family doctor had recommended for me and there were questions in my mind on whether I should go ahead with my original plans to have the examination done by this same group that had been sued for negligence and wrongful death, go someplace else or try for a different form of the examination, I showed up back at the courthouse Monday Morning, July 16, 2018.

But, The Courtroom was empty. What the heck was going on? I wondered.

As I had already decided to research this case beginning back to the filing of the original lawsuit as well as find out what happened to the Teddy wrongful death trial, I go down to the Clerk of Court's Office where all the records are kept.

I asked the lady behind the big glass window about the Teddy case and she goes talks to someone and comes back saying it had been continued. I asked "Why?" It being very unusual for a trial to be continued after the jury is selected, unless there is a settlement. Just about that time the Courtroom Clerk for the Teddy trial comes through and I ask him why the case was continued and when was it continued to. He says the trial is continued until July 30th and kept on walking.

Well, I wasn't deterred in finding out what was going on. But,

to make a long short, the entire jury pool was “tainted” by lawyer misconduct so the Judge stopped the trial before it actually began. And to let everybody know that the biggest lawsuit in Cleveland County History has only been postponed until July 30th, and, so nobody will waste their time this week and later to witness this trial for themselves and wonder what happened; I will stop this article right here as just a notification that the case has been postponed. I will begin the next article with the details that I found out looking through the court documents.

Folks, This case is dynamite, so stay tuned for “Jury Duty-Part IV–Lawyer Misconduct.”

Jury Duty Part IV–Lawyer misconduct starts right here:

July 16, 2018.

Now, back to the Clerk Of Court’s Office to find out why nobody was in the Courtroom for the Jim Teddy wrongful death-medical malpractice lawsuit trial. Potentially the biggest case in Cleveland County History!!!

As I had already decided to research this case beginning back to the filing of the original lawsuit as well as find out what happened to the actual Jim Teddy wrongful death trial, I go down to the Clerk of Court’s Office where all the records are kept.

I asked the lady behind the big glass window about the Teddy case and she goes to talk to someone and comes back saying it had been “continued.” I asked Why? It being very unusual for a trial to be continued after the jury is selected, unless there is a settlement. Just about that time the Courtroom Clerk for the Teddy trial comes through and I ask him why the case was continued and when it was continued to. He says the trial is continued until July 30th and kept on walking.

I turn around and the first clerk was gone, so I ask another clerk for the file of the Teddy case and he gets it. All

thousand plus pages of the case file.

Over a thousand pages of documents does not deter me either. I knew that the original lawsuit, called a "Complaint" would be on the bottom of the file (as it was filed first) and what happened at the end of last week should be on or near the top of the file. All the thousands of pages in the middle did not interest me. Just yet anyway, but that part will come soon enough.

The Complaint was right on the bottom where it was supposed to be. I asked for a copy and it is attached at the end of this article. The records at the top of the case provided probable reasons why the case was stopped, but everything was not there. Another lawyer in the area opined that that document may still be in the process of being drawn up and signed. That made sense.

So folks, I have attached the actual Complaint for the Teddy lawsuit that might end up being the biggest case in Cleveland County History. A multi-million dollar potential award as one of the Doctor's lawyers had already said-without a smile on his face. This was no joke for him and the Doctor and Insurance Company he represents. Of course the early death of Jim Teddy is no joke for his Teddy's and friends either

I have also attached a Court Order signed by the Presiding Judge regarding selecting the jury and other such stuff that was signed July 9, 2018. This was the first day of Jury Selection when all of us jurors got sent home at 9:20 AM and told to "come back tomorrow." At the time this was strange and unusual and a big waste of our time. But, now I know that the rules the lawyers were supposed to be going by in the jury selection were still being argued by the lawyers before the judge ruled and signed the order at around 2:00 PM on July 9, 2018

This particular Court Order that is attached seems to offer

direct proof that my conclusions that the Doctor's Attorneys that challenged me and removed me from the jury were indeed asking "leading questions" that were specifically "ordered" by the judge, just two days before, were not to be asked the jury. Several items seem to apply. I will go through each one.

But, before I do, I have to say that I have been doing court watching duty for years now. Not every day or every week or every year, but when I took the notion and when I knew an interesting case was coming up. Jury trials have always interested me. I have watched jury selections that took about 30 minutes to a couple of hours. This Jim Teddy wrongful death trial with jury selection taking several days was a first for me. Especially with me sitting right there in the Jury Box". Juror No. 7.

But, selecting a jury is overall pretty much the same. A big pool of potential jurors are called for jury duty. By a supposed random sample (like picking names out of a hat) 12 jurors are initially picked and go to the jury box. All the rest of the jury pool stays where they are in the Courtroom. Then the lawyers start asking the jurors general question. Like where you live, what you do, are you married, do you have children, where do you work, do you know any of the attorneys or anybody involved with the case, etc. After the jury responds to all of those general questions, the lawyers ask more specific questions. Especially about anything you answered to in the first round of questions.

Somewhere along the line you are asked whether or not you have ever served on a jury and if you have you get some questions about that. Since attorney David Teddy was in attendance with the Teddy Family (a cousin to Jim Teddy) everybody got asked about how they knew David Teddy and would that affect our ability to be fair and impartial on the jury. May of us know or know of David Teddy. Some said they knew David Teddy well and would probably not be able to be fair and impartial. One man said he had grown up and gone to school with David and Jim

Teddy. One lady said David Teddy was her family attorney. Those folks were eventually excused for cause. One man said that he had been in court and represented himself and didn't get anywhere until he hired an attorney. He said that he believed Courts were all about money. He was eventually excused too. Just a few others were excused for other reasons.

I, Juror No. 7, was especially grilled by both sets of attorneys. I knew David Teddy, I had Court Watched some of the cases he had tried, including a murder case and the Mindy Morrow case that I mentioned earlier in this series of articles. I had also previously been called to jury duty but had never been selected to actually serve on a jury. I knew the lawyers would dig deep, so I basically told everything about everything. I told the lawyers that I had observed the selection of many juries. I had watched many trials and jury selections. I had reported what I saw in court many times in the "Citizens For Good Government" newspaper and website version going back 20 years. I told them that I had seen evidence withheld from juries that unfairly caused guilty and not guilty verdicts. I told them that in my court watching I would sit as near the jury as I could, hear what they heard (and often heard what they were not allowed to hear), see what they say, make my own conclusion about the case as if I was on the jury and sometimes when evidence was withheld from the jury, make my own conclusion from all the evidence. I told them over and over again that when I go court watching I pay attention to everything, The witnesses, the testimony, the judge, the lawyers, everything. I told them that I would be fair and impartial to both sides, would listen to all of the evidence and make my judgement accordingly. I planned to be prepared if I were selected.

I did all of this for several reasons. I wanted both sides to know what they would be getting if I was selected for the jury. And if they wanted a juror who slept through half or more of a month long trial and who could be fooled into a

favorable verdict for one side or the other just by some slick lawyer talk, they were badly mistaken. I also spoke up to let other jury pool members know that they should speak up too during this jury selection. That, if they were not exactly sure about such things as the proper burden of proof during the trial, they should ask for clarifications during jury selection when they in fact could speak up if they were confused about anything. Little did I know at the time, that my speaking up and asking questions would lead to the conclusion that leading and "stake-out" questions were being asked to the jury by the Doctor's lawyers that would result in the judge ruling that such lawyer misconduct had "tainted" the entire jury pool which resulted in the entire jury pool being dismissed and the case re-scheduled to start all over again on July 30, 2018.

But, I am getting ahead of myself.

The Original Jim Teddy Wrongful Death-Medical Malpractice lawsuit "Complaint" (Filed May 4, 2015) is provided in full at the end of this article.

In general this lawsuit complains that Mr. Jim Teddy received a colonoscopy, the actual examination and determinations of the results of which were done with negligence and a lack of care missed finding a colon cancer that could have been treated favorably was missed. Which allowed the colon cancer to grow and metastasized to the liver before being diagnosed, resulting in an early death, medical bills and much pain and suffering for Mr. Teddy as well as his wife and family. Please note that the terms "wrongful death" and "medical malpractice" in this article are my terms to best describe this case although they may or may not actually be the precise legal terms that apply in this lawsuit.

A document I have previously described as a "Court Order" is also provided at the end of this article. I will still refer to it as a Court Order as it provides the basis for the

"Lawyer Misconduct" that I have determined to be the cause of the throwing out of the "tainted" original jury and starting the trial all over again. From Scratch. Tomorrow, Monday June 30, 2018.

The "Court Order" document is also provided below. In this court document please note:

Para. 2 Requires that the defense attorneys be prohibited from "creating an inference" that the criminal burden of proof (beyond a reasonable doubt) be applied to this case. Such inferences would tend to confuse or mislead the jury. This is exactly what the defense attorneys were doing during jury selection (voir dire) when I began to question them about such. I believe this led directly to my peremptory challenge later on.

Para 5. Statements such as "These types of lesions are difficult to detect during a colonoscopy" were not to be made during the trial as they would tend to prejudice and confuse the jury. Yet, as I recall, the defense attorneys made several references to such during jury selection.

Para 13 titled "Jury Selection" prohibited "stake out questions" as such questions. The exact wording says "Counsel may not pose hypothetical questions (to the jury pool) which are designed to elicit from prospective jurors what their decision might be under a given state of facts. Such questions are improper because they tend to 'state out' a juror and cause him to pledge himself to a decision in advance of the evidence presented." One particular "stake out question" I recall the defense attorney making was "Would you automatically consider the doctor negligent if his patient died at an early age?" I also recall my thought being "No, not automatically, but that sure would be a 'red flag' that would certainly cause me to listen closely to the evidence." Such questioning as this I called "leading questions" in a previous article. I just "knew" what the defense attorney was doing

here was wrong. And another reason I started questioning the defense attorney about such questions and the burden of proof that were different from the Teddy family lawyers asked the day before.

From reading through the "Court Order" and finding these instances of defense attorney misconduct I have to conclude the three paragraphs noted above caused the Judge to stop the jury selection on the spot, ruled the entire jury pool "tainted" and scheduled a brand new trial with a brand new jury pool, perhaps just moments after the Bailiff took us outside, dismissed us from jury duty and told us we could go.

Looking back, I have to speculate that they wanted me out of there as I was bound to eventually write these articles. But, Hey, I did anyway. And I plan on doing some spot Court Watching on this new trial once it gets underway. Like I have said before, this is likely to be the Trial of the Century at the Cleveland County Courthouse. And now I know exactly what to watch for. A multi-million dollar judgement in favor of the Teddy family. Otherwise, why would the Insurance lawyers want me out of there so desperately? And the Teddy attorneys being satisfied with me being fair and willing to listen to the evidence before making a final verdict. What more can a fair jury provide than that? However, in my own experience, lawyers on the losing side don't want fair juries. They want juries they can flim-flam to get verdicts that go their way. No matter where the truth lies. I am sure that is what happened in this first trial. I am glad if I had any part in making sure an "unfair" and "tainted" jury was not selected and an "unfair" trial was avoided.

I also suspect I will never be called for jury duty again.

Stay tuned for the news of this new trial. It ain't over 'til it's over!

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