


# Jury Selection and Voir Dire

Lafayette Paralegal Association Seminar

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LIVINGSTON & SHEPHERD  
ATTORNEYS AT LAW

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## Before Get to Court

- o Jury research
- o Local rules and judge's procedures
- o Supplemental Juror Questionnaire
- o Request venire list
- o Social media research



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## Lawyers on Voir Dire

*Voir Dire* is the part of trial  
**75% of lawyers**  
like least and fear most



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### Lawyers' Favorite Things

- o Cross Examination
- o Closing Argument

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### Cross Examination: Control

- o Closed-ended questionnaires
- o Avoid questions do not know answer
- o Question is more important than answer
- o Maintain serious, controlled demeanor
- o Ready to pounce on answers that hurt case



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### Closing Argument

- o One person show
- o Always advocating
- o Dismissing opponent's strengths
- o Lecturing



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## Goals of Voir Dire

1. Information Gathering
2. Indoctrination/Education
3. Rapport



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## Information Gathering

<b>People Skills</b>	<b>Listening</b>
<ul style="list-style-type: none"><li>o Creating a conversation, not interrogation<ul style="list-style-type: none"><li>- "This is my opportunity to get to know you"</li><li>- "What you think is important to me"</li></ul></li><li>o Make jurors comfortable<ul style="list-style-type: none"><li>- Address jurors by name, not number</li></ul></li><li>o Create candid environment<ul style="list-style-type: none"><li>- Thank for adverse answers</li></ul></li></ul>	<ul style="list-style-type: none"><li>o Show interest in what juror is saying</li><li>o Eye contact</li><li>o Smile</li><li>o Open body language</li><li>o Watch negative expressions</li><li>o Have others taking notes</li></ul>

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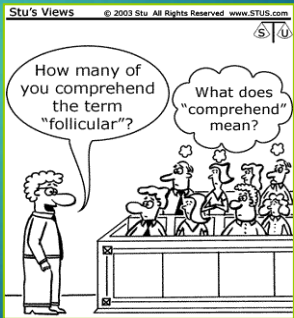
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Do	Don't
<ul style="list-style-type: none"><li>1 Provide needed context</li></ul>	

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Do	Don't
<ul style="list-style-type: none"><li>1 Provide needed context</li></ul>	<p>Argue the case</p> 

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Do	Don't
<ul style="list-style-type: none"><li>1 Provide needed context</li><li>2 Avoid qualifiers – strong, very</li></ul>	<p>Argue the case</p>

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Do	Don't
<ol style="list-style-type: none"><li>1 Provide needed context</li><li>2 Avoid qualifiers – strong, very</li></ol>	<p>Argue the case</p> <p>Assume interpret qualifiers same</p>

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Do	Don't
<ol style="list-style-type: none"><li>1 Provide needed context</li><li>2 Avoid qualifiers – strong, very</li><li>3 Get jurors talking/information from all jurors</li></ol>	<p>Argue the case</p> <p>Assume interpret qualifiers same</p>

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Do	Don't
<ol style="list-style-type: none"><li>1 Provide needed context</li><li>2 Avoid qualifiers – strong, very</li><li>3 Get jurors talking/information from all jurors</li></ol>	<p>Argue the case</p> <p>Assume interpret qualifiers same</p> <p>Monopolize the conversation/focus on a few</p>

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Do	Don't
1 Provide needed context	Argue the case
2 Avoid qualifiers – strong, very	Assume interpret qualifiers same
3 Get jurors talking/information from all jurors	Monopolize the conversation/focus on a few
4 Use common every day English	

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Do	Don't
1 Provide needed context	Argue the case
2 Avoid qualifiers – strong, very	Assume interpret qualifiers same
3 Get jurors talking/information from all jurors	Monopolize the conversation/focus on a few
4 Use common every day English	Use "Legalese"

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Do	Don't
1 Provide needed context	Argue the case
2 Avoid qualifiers – strong, very	Assume interpret qualifiers same
3 Get jurors talking/information from all jurors	Monopolize the conversation/focus on a few
4 Use common every day English	Use "Legalese"
5 Expose case weaknesses	

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Do	Don't
1 Provide needed context	Argue the case
2 Avoid qualifiers – strong, very	Assume interpret qualifiers same
3 Get jurors talking/information from all jurors	Monopolize the conversation/focus on a few
4 Use common every day English	Use "Legalese"
5 Expose case weaknesses	Worry about contaminating the jury

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### Cross Examination: Control

- o Closed-ended questionnaires
- o Avoid questions do not know answer
- o Question is more important than answer
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### Closing Argument

- o One person show
- o Always advocating
- o Dismissing opponent's strengths
- o Lecturing



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### Question Types

- 1 Closed-ended
- 2 Open-ended/Rorschach
- 3 Scaled



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### Generic Juror Profile

Pro-Plaintiff	Pro-Defense
<ul style="list-style-type: none"><li>o External locus of control</li><li>o Un or under employed</li><li>o Little/no business experience</li><li>o Idealistic viewpoint</li></ul>	<ul style="list-style-type: none"><li>o Internal locus of control</li><li>o Employed in management</li><li>o Experienced in reality of business</li><li>o Realistic viewpoint</li></ul>

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### Generic Juror Profile

Pro-Plaintiff	Pro-Defense
<ul style="list-style-type: none"><li>o Emotive/empathetic</li><li>o Caretakers</li><li>o Risk averse</li><li>o Big picture oriented</li><li>o Morally driven</li></ul>	<ul style="list-style-type: none"><li>o Rational/apathetic</li><li>o Independent</li><li>o Risk takers</li><li>o Detail oriented</li><li>o Law/rule driven</li></ul>

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### Keeping Good Jurors

- o Going on the offensive
- o Paul Harvey argument
- o Emphasize points that make them good juror for other side
- o Sacrifice extremely favorable juror
- o Rehabilitating a juror



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### Cementing Cause Challenges

- o Know Local Rules
- o Reveal Bias or Prejudice
  - AND
  - Unlikely to Change
  - AND
  - Held for Awhile



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### Exercising Strikes

- o Rate each juror
  - Leader vs. follower
  - Liability vs. damages
- o Who will other side strike
- o Who is up next



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