

THE ART AND SCIENCE OF JURY SELECTION



08 - 6 - 14

YOUR GOAL IN JURY SELECTION

Build rapport

Establish credibility

Pick a jury that will convict

**Establish a relationship:
Jury selection is nothing
more than forming
connections**

RAPPORT

(MOST) IMPORTANT PART OF YOUR TRIAL

- Jury selection is the time where you set the tone for your trial.
- Different styles determine the mood in the courtroom;
 - Judge's personality;
 - Attorney personality;
 - Formality of the courtroom;
- Your personal connection style is the first step in forming your relationship with the jurors.
 - your confidence;
 - your comfort in the space;
 - Your interest in this process.

WHY DO YOU NEED TO BUILD RAPPORT?

What makes people open up to you?

You have a short period of time and you want your jurors to tell you (or show you) if there is anything that will keep them from voting guilty in your case.

SHORT TIME TO GET TO KNOW SOMEONE

- What are the common things you see/do in getting jurors to open up and talk to you?

- Small talk
- Soothing tone
- Analogies and Metaphors
- Stories
- Humor

If potential juror feel like it's abrupt or an interrogation, you will get one word answers that won't help you.

These are all subtle efforts to connect with other people, make them comfortable and encourage them to open up.

WHAT DO YOU KNOW ABOUT THEM?

- You may not know much about these people, their background, their lives, but ...
- Everyone in your jury pool is human.
- Most humans share many emotional triggers.

HOW DO YOU BUILD RAPPORT IN A SINCERE WAY?

- Prosecutors are presenters. We present a theory to an audience. We are public speakers.
- What is the most effective way to communicate with your jury pool?
- In terms of communicating feelings and attitudes, research studies have concluded:
 - 7% of message pertaining to feelings and attitudes is in the words that are spoken.
 - 38% of message pertaining to feelings and attitudes is paralinguistic (the way that the words are said).
 - 55% of message pertaining to feelings and attitudes is in facial expression.

(Mehrabian, A. (1981) Silent messages: Implicit communication of emotions and attitudes. Belmont, CA: Wadsworth (currently distributed by Albert Mehrabian, email: am@kaaj.com)

EYE CONTACT

- The movements of your eyes, mouth, and facial muscles can build a connection with your jury. Alternatively, they can undermine your every word.
- Eye contact is the most important element in this process. No part of your facial expression is more important in communicating sincerity and credibility.
- Nothing else so directly connects you to your jury.

“ Effective presenters engage one person at a time, focusing long enough to complete a natural phrase and watch it sink in for a moment. This level of focus can rivet the attention of a room by drawing the eyes of each member of the audience and creating natural pauses between phrases. The pauses not only boost attention, but also contribute significantly to comprehension and retention by allowing the listener time to process the message.”

Andrew Dlugan, author and public speaking coach

WHAT DOES YOUR BODY LANGUAGE SAY ABOUT YOU?

- *Hands:* They don't belong in your pockets or folded across your chest either or held behind your back. Use them-to help emphasize a point, to express emotion and to engage your jury.
- *Gestures:* Most people have a gesture at their disposal that supports common words. It's a universal way of connecting with other people;
- *Stance,* don't hide behind the podium.
- *Notes,* leave them on the podium, come back if you need to.
- *Comfort in the courtroom,* this is "your" case, feel comfortable in the space;
- *Especially when you go up against someone who is more experienced.* Example.
- *Be natural.*

BE YOURSELF

**IT'S SOMETHING YOU WILL WORK ON
FOR THE REST OF YOUR CAREER**

“Tiny Tweaks = Big Changes”

Amy Cuddy. TED Talk:

http://www.ted.com/talksamy_cuddy_your_body_language_shapes_who_you_are.html

**When your audience
feels an emotion, they
are motivated to act.**

CREDIBILITY

WHY IS IT IMPORTANT TO BUILD CREDIBILITY FROM THE BEGINNING?

**If they trust and respect you, they will follow
you.**

**Your demeanor, your words and your
relationship with them will carry through to
the verdict and sometimes even after**

DO YOU LOOK THE PART?

- What is the message you are conveying in your appearance?
 - Shine your shoes;
 - Wear a suit, doesn't have to be expensive to look put together;
- Clear your work space;
 - The courtroom "is not a buffet." Steve McGreevy
- Be on time;
- Professional;

If they like how you look, and how you present yourself, they will trust that you know what you are talking about.

BEGIN TO INTRODUCE YOUR THEME

You can begin to subtly introduce your theme in opening because this is the time that you are developing your relationship with them.

In closing, you can remind them of that

BRING YOUR JURY BACK

THEMES TO INTRODUCE IN VOIR DIRE

- Think about the weaker aspects of your case and touch on them in jury selection so that you can highlight in closing:

- Single witness testimony: prep them for this instruction:

- When you introduce themes, how are they reacting to the concepts that you are introducing?

victim and they can't get over it, that's a problem.

- Can you follow the law,
- TV shows- set the expectations by highlighting this is real life.
- Direct/circumstantial evidence. Example.

**You are not simply
looking for twelve fair
and impartial jurors.**

SELECTION

PICK JURORS WHO WILL CONVICT

- Ultimately, you want jurors who have no hesitation rejecting the unreasonable and convicting;
- You want to make sure there are no biases, obvious or not, that will keep them from convicting.
- Do you rely on stereotypes? Do you trust your gut?
- Kick them if they are an obvious juror that you don't want; Don't waste time with questions;
- Can this juror get along with everyone else? Too "over-the-top" on issues, either side.
- Nonverbal cues.
- Normal, regular people?
- Don't play games with your challenges, you might get surprised and stuck with a jury you don't like.
- Be tireless, you may be tired. Stay on your game;

HOW DO YOU KNOW WHO WOULD BE A GOOD JUROR FOR YOUR CASE?

- http://www.youtube.com/watch?feature=player_detailpage&v=9enPC37mHrM