

THE ART AND SCIENCE OF JURY SELECTION



Suzie Price
Narrated by Tony Ferrentino

10-3-18

YOUR GOAL IN JURY SELECTION

Build rapport

Establish credibility

**Pick a jury that will convict because that is what
justice requires**

ESTABLISHING 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 feels 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.

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)

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 AND BE YOURSELF!!!**

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?

- Look Professional
- Clear your work space;
 - The courtroom “is not a buffet.” Steve McGreevy
- Be on time;
- Professional;

If they are impressed with how you are presenting yourself, they will trust that you know what you are talking about.

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.
- 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? Would you have lunch with that person?
- Go with your gut!!!
 - Be tireless, you may be tired. Stay on your game;

STAGES OF JURY SELECTION?

- Stage 1: Rookie
 - Just happy to be able to remember your name and speak without your voice cracking

- Stage 2: I Like Me
 - I really enjoy hearing my voice and I know you do to

- Stage 3: Zen Buddha Master
 - I'm talking, I'm letting jurors talk and I'M LISTENING