Chapter 1 Voir Dire--Strategy and Technique

1-1 Art of Advocacy - Jury Selection §1.10

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§1.10 Watching Jurors Closely

Watch jurors from the first moment you see them, whether it's in the parking lot, the elevator, or the courtroom. Anyone with a 'Juror' tag on his lapel bears closer inspection. You can learn much about prospective jurors by training yourself to see all there is to see:

Look at the jury. What are they wearing? Air Jordans or business shoes? Suit or work shirt? Do they have dirt under their fingernails? What are they reading -- People or The New York Times? Are their clothes worn or new? What is their reaction to the lawyers -- one of openness or the usual distrust and disgust? Do they talk to their neighbors or sit alone refusing to remove their coats? Examine their age, sex, race, ethnic group. Look at whether they are wearing religious medals, political emblems, or social buttons. Most of the time, it may make no difference, as most jurors try hard to be fair and impartial. But we are all weak: We are all biased to some degree. Your job is to limit the chance that a juror with a preconceived bias against your client will be selected.

Does the prospective juror appear hostile? This shows obvious contempt not only for you but for the system. If someone is bored after sitting in court for two hours and you are facing a six-week trial, think twice about allowing that person to sit on your jury, especially if you have a complex defense that requires mental acuity or stamina. Sometimes, the opposite problem comes up: The prospective juror looks too eager. He is the one who may have his mind made up. He is the one who is going to fix this system that is too expensive, too slow, and gives away money like politician's promises. n1

A keen eye can tell you as much or more about a prospective juror than his answers to your questions.
FOOTNOTES:
(n1) Footnote 1. Id. at 25.