Edward Bennett Williams said, "I have never taken more than one day to get a jury, even in those cases that attracted tremendous public attention. I don't think it's ever necessary to spend more than one day selecting a jury." Remember that jury selection is boring eleven jurors most of the time. You can hold a juror's attention while speaking to him, but that's about it. You're more likely to command attention if you don't waste time. Ask useful questions, not useless ones. The longer you talk to jurors, the less they like you. If you ask about their astrological signs, favorite colors, or views on body piercing instead of focusing on things in their professional and personal lives that relate to your case, you're wasting time and asking objectionable questions.

Lawyer-conducted voir dire has been virtually eliminated in federal courts and severely restricted in many states, largely because lawyers have so misused and abused the process. Don't ask the same meaningless questions of each juror in every trial: use your imagination. Limit your inquiry to a few pertinent questions specifically tailored to the case. Don't ask the same questions of each juror: each one is different and should be treated accordingly. Ask questions of the panel collectively whenever possible. The trial judge can require you to do so if she thinks you're moving too slowly. Your time with jurors is precious, so focus your questions on issues, not irrelevancies. Talk about areas of concern, but don't try to be an amateur psychologist. Perhaps jury psychologists can glean valuable insight by asking how a juror spent her summer vacation, but lawyers shouldn't play games they're not trained to play.

If you ask a question that seems to confuse a juror, don't wait to see if she can figure out what you mean. Take the blame for bad questions (or for good ones that slow-witted jurors fail to appreciate): "I'm sorry, that was a confusing question. Let me ask it another way." Defense lawyers enjoy the luxury of having the bulk of their work done for them by the plaintiff or prosecutor. They can begin voir dire on a high note by saying, "Members of the jury, I'll be
brief, because I know you must be tired of answering questions.' Then do exactly that. Don't be so brief that you miss the opportunity to build rapport and educate jurors about your case, but don't say so much that they roll their eyes and say to themselves, "Here we go again.'"

Attempting to curry favor or ingratiate yourself to jurors is a waste of time, and it doesn't work, anyway:

I used to think it was important to ingratiate myself with the jury. But I discovered that these attempts are clearly understood by jurors and resented. Once, in a case involving multiple defendants, I asked a juror whether he knew a member of my family who may have lived next door to the juror.

One of the defense lawyers objected on the grounds that it was a patent attempt to curry favor with the juror. Another defense lawyer took issue with the objection and said he would be delighted to have on the jury anyone who knew members of my family. The laughter from the jury venire and the resulting embarrassment were difficult to deal with, particularly since I had a limited number of peremptory challenges. n3

Being a sycophant bears its own rewards.

**FOOTNOTES:**

(n1)Footnote 1. Priscilla Anne Schwab, Interview With Edward Bennett Williams, Litig., Winter 1986, at 28, 37.

(n2)Footnote 2. Valley of the Blind, supra note 43, at 120.

(n3)Footnote 3. Experience Can Be Your Teacher, supra note 72, at 64 (emphasis added) (quoting Eugene Pavalon).