

# Jury Selection

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# Outline

- ⑩ Scenario
- ⑩ Jury Selection Method
- ⑩ Techniques
- ⑩ Jury Questionnaires
- ⑩ Child Physical Abuse
- ⑩ Child Sexual Abuse

# E.A.R. Method

# E.A.R.

- ④ Experience
- ④ Attitude
- ④ Result (what was learned from experience)

# 49 yo female

- ⑩ Professional (managerial)
- ⑩ No children
- ⑩ Active in conservative church
- ⑩ Does not drink
- ⑩ Watches Elementary, Blue Bloods, Designated Survivor
- ⑩ Enjoys music, travel, spending time with dogs
- ⑩ Gets news online (Fox)

It's as scary as we think it is.

# Have you or anyone close to you been charged with a crime?

- ④ Experience

- ④ My brother was charged with DUI

- ④ Attitude

- ④ How do you feel about your brother getting a DUI?

- ④ Result

- ④ Were you satisfied with how he was treated by the criminal justice system?

# Have you or anyone close to you been the victim of a sexual offense?

- ④ Experience

- ④ My cousin reported that her father molested her.

- ④ Attitude (how do you feel about that?)

- ④ No one believed her/nothing was done.

- ④ Result (were you satisfied?)

- ④ The system failed my cousin.



# Have you/anyone close to you been accused of a sexual offense (even if authorities never called)?

## ● Experience

- My cousin reported that our grandfather molested her.

## ● Attitude (how do you feel about that?)

- My grandfather went to prison for the rest of his life. My grandmother lost everything.

## ● Result (were you satisfied?)

- The sentence was too harsh for an old man.
- OR: He is at fault for destroying our family.

# Techniques

# Preparing for Jury Selection

- ④ Who does the jury HAVE to believe?
- ④ ANALYZE your case as a civilian would
  - ④ Counter-intuitive behavior
  - ④ Poor judgment
  - ④ Morality issues (of V and witnesses)
- ④ Which jurors might over-identify with the defendant?
- ④ Formulate questions ahead of time

# Mistakes Attorneys Make

- ④ Not asking the tough questions
  - ④ Your questions are not going to give the jurors ideas they don't already have.
- ④ Cross-examining jurors
  - ④ Don't make them sympathize with the defendant!
- ④ Showing disapproval vs. fairness
- ④ Not asking for jury questionnaires

# Do Not Paint Your Target

- ④ Ask the other jurors the OPPOSITE of what you want
- ④ Examples:
  - ④ Juror: I automatically believe police officers.
  - ④ Ask: Does anyone disagree with that?
  - ④ Juror: Children are not as believable as adults.
  - ④ Ask: Does anyone agree with that?

# Other Suggestions

- Avoid “yes or no” questions
- Do not try to get them to agree: “Wouldn’t you agree...?”
- Give the jurors facts so they are not answering in a vacuum
  - Do not make your statement of facts your opening statement
- Have someone sit w/you – ideally your case agent
- Do not go down the line in jury selection (you want less-rehearsed answers)

# Other Suggestions

- ④ Ask your questions in the following order (starting with factors that tend to exert the most bias)
  - ④ Experiences/relationships
  - ④ Feelings
  - ④ Thoughts/opinions
- ④ Rating system:
  - ④ +++, ++, +
  - ④ 0
  - ④ X, XX, XXX



# Jurors to look out for

- Jurors that really, really want to be on the jury
- Victims of same type of crime who “can be fair and impartial”
- Jurors whose answers have a disturbing subtext
  - “Our daughter was staying with us and had a miscarriage. But I can handle that stuff. I have a biology degree”.



Who Is Your Most Dangerous Juror?

# Juror Questionnaires

# Jury Questionnaires

- ④ Better for asking the personal, hard questions
- ④ Ensures responses from everyone
- ④ Jurors more likely to admit socially-disapproved biases

# Jury Questionnaires

- Well-written questions will be wanted by both sides
- Identify the challenges for cause first
- Get someone else to rate separately – compare and discuss

# Physical Abuse

# Prosecute if caretaker slaps across face with open hand?

	Strongly disagree	Disagree		Undecided - would need to consider the circumstances		Agree	Strongly agree	Rating Average	Response Count
A child under the age of 1	3.9% (12)	1.6% (5)	0.3% (1)	4.5% (14)	3.2% (10)	7.1% (22)	<b>79.4% (247)</b>	6.41	311
A child aged 1-3 yrs.	3.5% (11)	1.9% (6)	0.6% (2)	5.5% (17)	3.9% (12)	9.0% (28)	<b>75.5% (234)</b>	6.33	310
A child aged 4-6 yrs.	3.5% (11)	2.3% (7)	1.6% (5)	10.9% (34)	4.8% (15)	9.6% (30)	<b>67.2% (209)</b>	6.09	311
A child aged 6-10 yrs.	4.2% (13)	3.5% (11)	3.2% (10)	12.9% (40)	6.1% (19)	21.9% (68)	<b>48.2% (150)</b>	5.72	311
A child aged 10-14 yrs.	3.9% (12)	6.8% (21)	5.5% (17)	15.1% (47)	7.7% (24)	28.0% (87)	<b>33.1% (103)</b>	5.32	311
A child aged 15 or older	4.9% (15)	6.8% (21)	6.5% (20)	19.7% (61)	10.4% (32)	21.0% (65)	<b>30.7% (95)</b>	5.10	309

# Prosecute for shaking a child with a moderate amount of force?

	Strongly disagree	Disagree		Undecided- would need to consider the circumstances		Agree	Strongly Agree	Rating Average	Response Count
A child under the age of 1	2.9% (9)	1.6% (5)	1.0% (3)	3.9% (12)	1.9% (6)	5.2% (16)	<b>83.4% (257)</b>	6.50	308
A child aged 1-3 yrs.	2.6% (8)	1.6% (5)	1.3% (4)	5.5% (17)	1.3% (4)	7.8% (24)	<b>79.9% (246)</b>	6.44	308
A child aged 4-6 yrs.	2.9% (9)	3.6% (11)	1.6% (5)	6.5% (20)	2.9% (9)	7.2% (22)	<b>75.2% (231)</b>	6.25	307
A child aged 6-10 yrs.	4.2% (13)	7.2% (22)	4.6% (14)	10.1% (31)	2.3% (7)	7.5% (23)	<b>64.2% (197)</b>	5.78	307
A child aged 10-14 yrs.	5.5% (17)	9.1% (28)	5.5% (17)	12.7% (39)	1.9% (6)	6.8% (21)	<b>58.4% (180)</b>	5.51	308
A child aged 15 or older	6.2% (19)	9.5% (29)	5.6% (17)	14.7% (45)	2.3% (7)	7.5% (23)	<b>54.2% (166)</b>	5.37	306



# Prosecute for striking or hitting across butt w/belt, cord, stick or any type of object

	Strongly disagree	Disagree		Undecided- would need to consider the circumstances		Agree	Strongly Agree	Rating Average	Response Count
A child under the age of 1	2.9% (9)	1.3% (4)	1.0% (3)	4.2% (13)	2.3% (7)	6.5% (20)	<b>81.8% (252)</b>	6.48	308
A child aged 1-3 yrs.	2.9% (9)	1.3% (4)	1.0% (3)	5.5% (17)	2.6% (8)	8.4% (26)	<b>78.2% (241)</b>	6.42	308
A child aged 4-6 yrs.	1.9% (6)	1.9% (6)	2.9% (9)	8.1% (25)	4.2% (13)	8.8% (27)	<b>72.1% (222)</b>	6.25	308
A child aged 6-10 yrs.	2.6% (8)	2.3% (7)	4.9% (15)	13.3% (41)	4.5% (14)	14.6% (45)	<b>57.8% (178)</b>	5.90	308
A child aged 10-14 yrs.	3.6% (11)	2.9% (9)	6.8% (21)	16.6% (51)	6.5% (20)	17.9% (55)	<b>45.8% (141)</b>	5.56	308
A child aged 15 or older	4.2% (13)	4.5% (14)	6.8% (21)	18.8% (58)	5.8% (18)	16.2% (50)	<b>43.5% (134)</b>	5.40	308



# Agree or disagree?

	Strongly agree	Agree	Disagree	Strongly disagree	Response Count
I have strong feelings against any person other than a biological parent physically disciplining a child.	<b>38.0% (117)</b>	34.1% (105)	21.4% (66)	6.5% (20)	308
When comparing the physical discipline used by my parents, I use(d) the same type of physical discipline with my own children	35.7% (110)	<b>39.9% (123)</b>	17.9% (55)	6.5% (20)	308
Generally speaking, I believe the State should prosecute parents when their child drowns from lack of proper supervision	<b>41.9% (129)</b>	29.5% (91)	21.1% (65)	7.5% (23)	308

# Agree or disagree?

	Strongly agree	Agree	Disagree	Strongly disagree	Response Count
I have strong feelings about the government having any involvement in the way I parent my child.	37.5% (115)	36.2% (111)	20.8% (64)	5.5% (17)	307
I believe the problem with today's children is a lack of strong discipline because parents are too lenient	34.7% (107)	36.7% (113)	20.1% (62)	8.4% (26)	308
I believe that certain cultures, which are different than mine, should be permitted to follow their own traditional methods of discipline.	26.9% (83)	26.9% (83)	27.9% (86)	18.2% (56)	308

Do you believe that spankings are a form of child abuse?

☐ Yes ☐ No

Do you believe some form of discipline is necessary to teach a child right from wrong?

☐ Yes ☐ No

When is spanking a child an appropriate method of punishment?

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What is the maximum type of punishment a parent should use with a misbehaving child under the age of 10?

- ④ The government needs to stay out of our homes.  
(Likert scale + please explain)
- ④ Treat more or less seriously if child is older?
- ④ Child abuse is black and white. Why or why not?
- ④ Spare the rod, spoil the child. What does this mean to you?

- ④ Do you have strong opinions about the obligations a live-in boyfriend and/or stepparent has for the care and safety of the children living in the same house?
- ④ In your own words, please tell us what responsibilities a live-in boyfriend/stepparent does not have to children that are not biologically related?

# Safety Concerned

- Which of the following do/did you have in your home?
  - Baby monitors
  - Nanny cam
  - Outlet plugs

# Safety Concerned

- Have you ever received training in
  - CPR (adults/children/pets)
  - Car seat installation
- How did you choose the daycare your children go/went to?
- Do you live in a gated community?
- Do you carry
  - OC spray
  - Taser

# Sexual Abuse



Do you believe that as a society, we have taught our children to “over-react” when it comes to:

Stranger Danger

☒ Yes

☐ No

Good-touch ~~Bad-touch~~

☐ Yes

☐ No

Child Physical Abuse

☒ Yes

☐ No

If Yes: Please explain.

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When a child testifies in court, do you think the child should be treated differently from an adult?

☒ Yes

☐ No

Why/Why not? Please explain.

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How should the child be treated?

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Do you generally agree with the statement, “~~there’s~~ truth in numbers?”

☒ Yes

☐ No

Why/Why not? Please explain.

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Please indicate whether you agree or disagree with the following statement:

“If no medical evidence exists in a crime, the crime must not have occurred.”

<input type="text"/> Strongly Agree	<input type="text"/> Agree	<input type="text"/> Disagree	<input type="text"/> Strongly Disagree
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Do you believe that in case of child sexual abuse, most children tell right away?

☐ Yes ☐ No

Could you understand that there may be reasons why a child's disclosure may be delayed for some time? Even years? ☐ Yes ☐ No

Would you be willing to listen and defer to an expert witness in the characteristics of sexual abuse victims about this? ☐ Yes ☐ No

Do you believe that individuals that engage in sexual abuse of children cannot or do not maintain adult sexual relationships?

☐ Yes ☐ No

# Questions?

