

Jury Selection

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Outline

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- ② Jury Selection Method
- ③ Techniques
- ④ Jury Questionnaires
- ⑤ Child Physical Abuse
- ⑥ Child Sexual Abuse

E.A.R. Method

E.A.R.

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

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 Example:
 - 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 with you – ideally your case agent

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)	79.4% (247)	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)	75.5% (234)	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)	67.2% (209)	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)	48.2% (150)	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)	33.1% (103)	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)	30.7% (95)	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)	83.4% (257)	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)	79.9% (246)	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)	75.2% (231)	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)	64.2% (197)	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)	58.4% (180)	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)	54.2% (166)	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)	81.8% (252)	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)	78.2% (241)	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)	72.1% (222)	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)	57.8% (178)	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)	45.8% (141)	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)	43.5% (134)	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.	38.0% (117)	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)	39.9% (123)	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	41.9% (129)	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

Child Abuse Questions

- ❶ Do you believe that spankings are a form of child abuse?
- ❷ Do you believe some form of discipline is necessary to teach a child right from wrong
- ❸ When is spanking a child an appropriate method of punishment?
- ❹ What is the maximum type of punishment a parent should use with a misbehaving child under the age of 10?

Agree/Disagree

- ④ The government needs to stay out of our homes.
- 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?

Safety Concerned

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

Safety Concerned

- ④ How did you choose the daycare your children go/went to?
- ④ Do you live in a gated community?
- ④ Do you carry
 - ④ OC spray
 - ④ Taser
- ④ Have you ever received training in
 - ④ Car seat installation
 - ④ CPR (adults/children/pets)

Sexual Abuse

- ④ Do you believe that as a society we have taught our children to over-react when it comes to:
 - ④ Stranger Danger
 - ④ Good Touch/Bad Touch
 - ④ Child Physical Abuse
- ④ If yes, please explain
- ④ When a child testifies in court, do you think the child should be treated differently than an adult?
 - ④ Please explain

- ④ Do you generally agree with the statement, “there’s truth in numbers”.
- ④ Why/why not?
- ④ Do you believe that in cases of child sexual abuse, most children tell right away?
 - ④ Could you understand that there may be reasons why a child’s disclosure may be delayed for some time? Even years?
 - ④ Would you be willing to listen and defer to an expert witness in the characteristics of sexual abuse about this?

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="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
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- ❶ Do you believe that a person deserves to be victimized as a result of making bad choices?
- ❷ Have you or anyone close to you struggled with any type of addiction? If yes, please explain.
- ❸ Do you watch the television show “Intervention” and/or “Addicted”? If yes, please explain your general feelings about the show and subject matter.