
DUI Jury Selection

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Defense of Drinking Drivers Institute
ICLE
December 9, 2022

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Read this:

<https://www.thejuryexpert.com/2010/01/16-simple-rules-for-better-jury-selection/>

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Introduce yourself and tell them why you're there

1. Stand up and talk to them like you care about it.
2. This is your 1st chance to build credibility – and show them you're not a crazy person.
3. Let them know how much this day means to your client.
4. At my best, it is direct and brief. Ask if anyone will hold it against your client if you are brief.

Know how the Judge wants to conduct voir dire

General then specific (more difficult)

v.

All at once

Have a simple system

No Driving No Alcohol DUI FSTs No tickets MADD DUI Accident Legal to drink and drive Solicitor's Ofc Courthouse Judges	No Driving No Alcohol DUI FSTs No tickets MADD DUI Accident Legal to drink and drive Solicitor's Ofc Courthouse Judges	No Driving No Alcohol DUI FSTs No tickets MADD DUI Accident Legal to drink and drive Solicitor's Ofc Courthouse Judges	No Driving No Alcohol DUI FSTs No tickets MADD DUI Accident Legal to drink and drive Solicitor's Ofc Courthouse Judges	No Driving No Alcohol DUI FSTs No tickets MADD DUI Accident Legal to drink and drive Solicitor's Ofc Courthouse Judges	No Driving No Alcohol DUI FSTs No tickets MADD DUI Accident Legal to drink and drive Solicitor's Ofc Courthouse Judges
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Don't get caught up in the process



5 Basic Rules to Guide Your Jury Selection

1. *Your case will not be won in jury selection, but a case can be lost in jury selection.*
2. *Let them talk.*
3. *Be kind, not silly in jury selection.*
4. *Within the bounds of decency and respect, do not be afraid to call out a juror on nonsense.**
5. *Do not ask jurors to “prejudge” your case.*

This is not magic.

1. *Your case will not be won in jury selection, but a case can be lost in jury selection.*

This is not about you/me.

2. *Let them talk.*

Don't avoid the bad/silly/sleeping juror.

4. Within the bounds of decency and respect, do not be afraid to call out a juror on nonsense.*

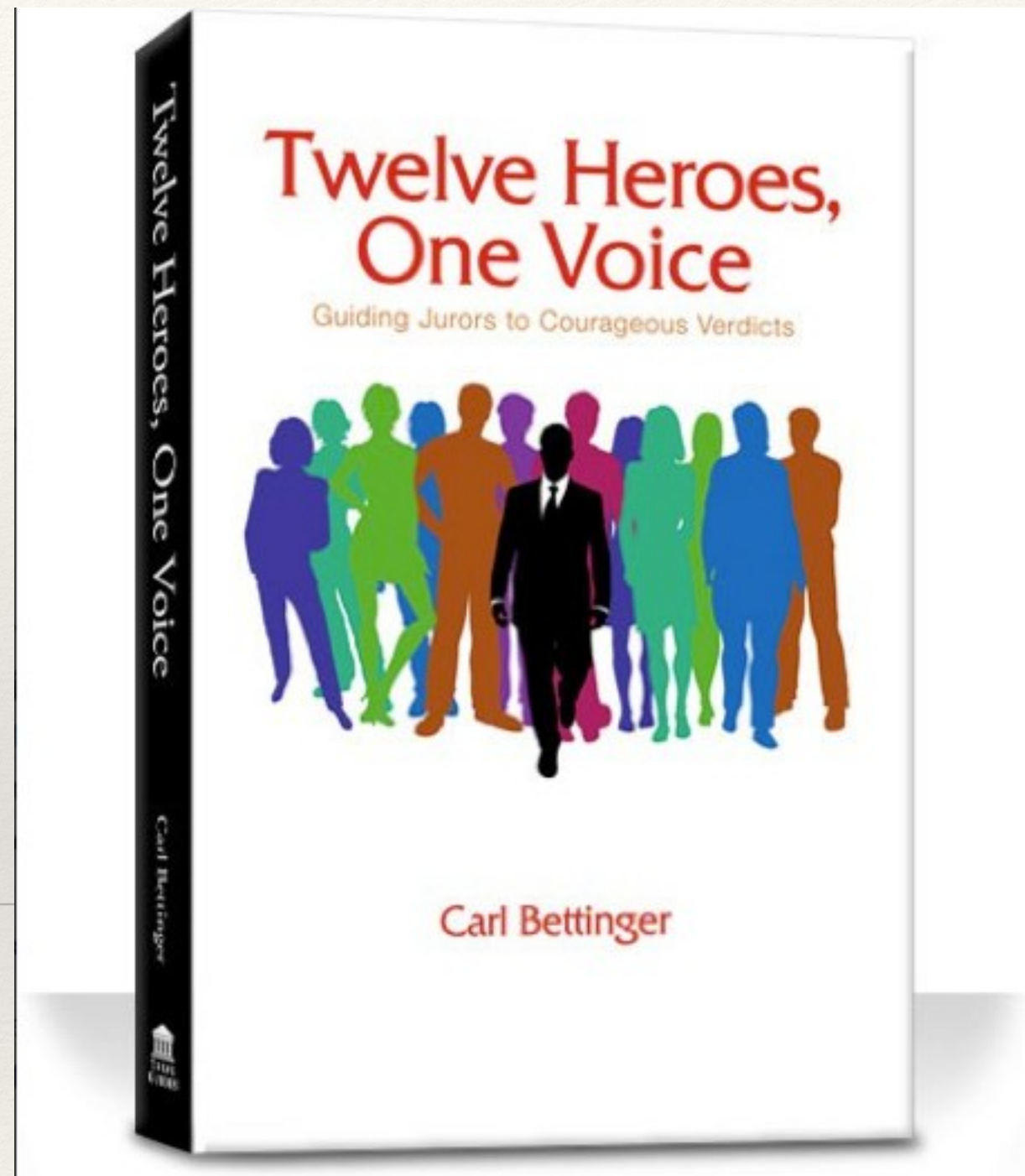
Refer to Bennett's Ping Pong Rule – let other jurors tell you whether they disagree with the nonsense.

Know how the Judge wants to strike jurors

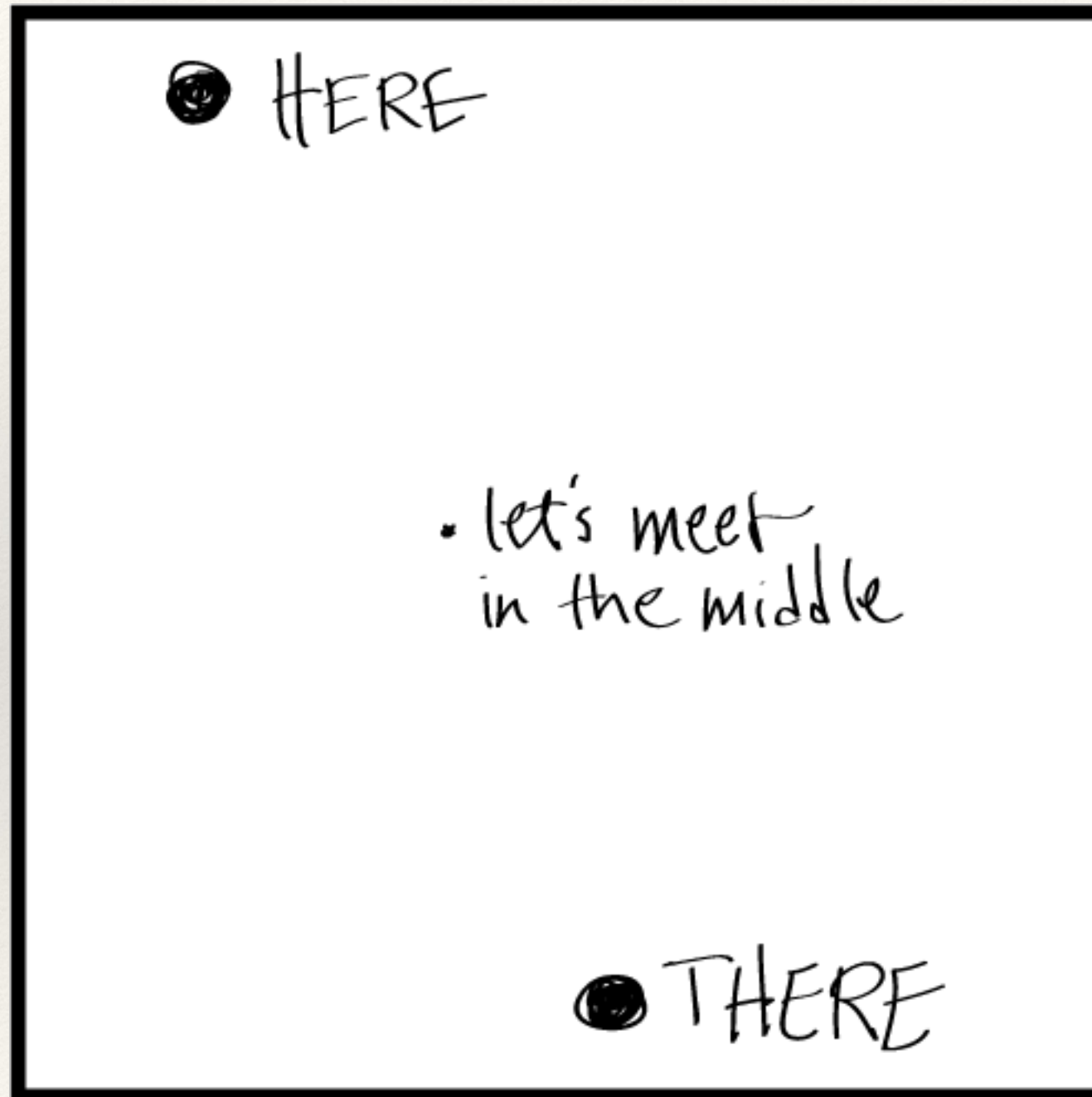


2 basic approaches to jury selection





Why don't you use a hybrid of the 2?



Jury Research: BE CAREFUL

The LinkedIn logo, featuring the word "Linked" in black and "in" in white inside a blue square, with a registered trademark symbol.

Rule 3.5 – Impartiality and Decorum of the Tribunal

A lawyer shall not, without regard to whether the lawyer represents a client in the matter:

- a. **seek to influence** a judge, **juror**, **prospective juror** or other official by means prohibited by law;
- b. communicate ex parte with such a person except as permitted by law;
- c. communicate with a juror or prospective juror after discharge of the jury if:
 - i. the communication is prohibited by law or court order; or
 - ii. the juror has made known to the lawyer a desire not to communicate; or
 - iii. the communication involves misrepresentation, coercion, duress or harassment.
- d. engage in conduct intended to disrupt a tribunal.

Rule 3.5 – Impartiality and Decorum of the Tribunal

The maximum penalty for a violation of paragraph (a) or paragraph (c) of this Rule is disbarment. The maximum penalty for a violation of paragraph (b) or paragraph (d) of this Rule is a public reprimand.

Rule 3.5 – Impartiality and Decorum of the Tribunal

Comment 6:

Direct or indirect communication with a juror during the trial is clearly prohibited. A lawyer may not avoid the proscription of Rule 3.5. Impartiality and Decorum of the Tribunal by using agents to communicate improperly with jurors. A lawyer may be held responsible if the lawyer was aware of the client's desire to establish contact with jurors and assisted the client in doing so.

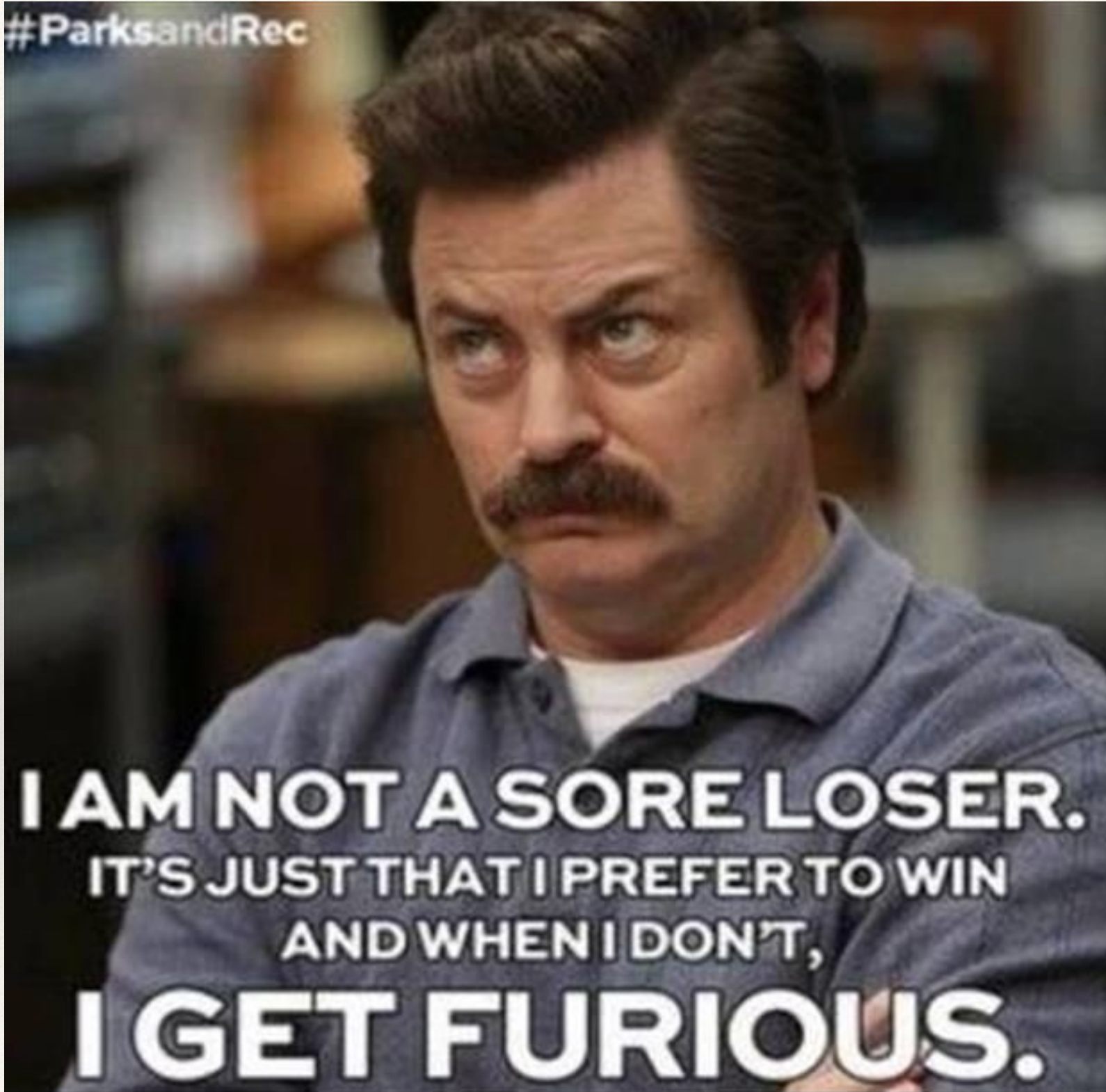
Address the norms of (non-)communication in jury selection

- ❖ Let them know that you're not usually so awkward (even if you are)
- ❖ Let them know that you care deeply when you are trying to move things along in jury selection
- ❖ Let them know that you'll never be able to have a dialogue with them again *during the trial* – 1-way communication from here on

What happens when a juror wants to argue with you in jury selection?

- ❖ You must recognize when a juror has something that they really want to talk about.
- ❖ Do you want to “burn” the juror or not?
- ❖ Do you want to be a leader of the jury?
- ❖ Do you want other jurors to be the hero?

#ParksandRec



I AM NOT A SORE LOSER.
IT'S JUST THAT I PREFER TO WIN
AND WHEN I DON'T,
I GET FURIOUS.

posted at thejumblr.com

What can we do to facilitate or “obstruct” a verdict?

We need to take a long(-er) look at cognitive/psychological research on group decision making.

<https://link.springer.com/content/pdf/10.3758/PBR.17.2.174.pdf>

Thank you!

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