



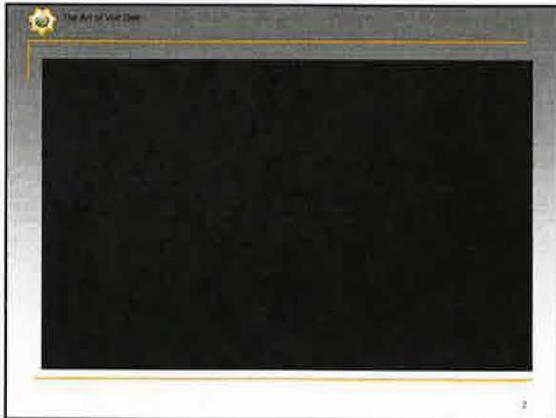
The Art of *Voir Dire*: Making the Most with Little to Work With

The Placer County District Attorney's Office
Morgan Gire, District Attorney

David H. Tellman, C.A.D.A.

dhtellman@placounty.gov

(916) 543-8038



The Art of Voir Dire

Goals of *Voir Dire* Instruction

- What is the legal framework and ethical boundaries of *voir dire*?
- How do I use those rules and my mad skills to pick the best jury for my case?



The Art of Voir Dire

Purpose of *Voir Dire*

- The purpose of [*voir dire*] is, of course, to ascertain whether prospective jurors are, through **the absence of bias or prejudice, capable of participating in their assigned function** in such fashion as will provide the defendant the fair trial to which he is constitutionally entitled. *People v. Fimbres* (1980) 104 Cal.App.3d 780, 788.

The Art of Voir Dire

Who Is Your Perfect Juror?

- Open-Minded
- Rational
- Common sense
- Principled
- Team-Oriented
- Not Afraid
- BOTTOM LINE:**
YOUR GUT WILL TELL YOU!!!



The Art of Voir Dire

Legal and Ethical Framework of *Voir Dire*

- Statutory Framework
- Decisional Rules
- California Rules of Court
- Local Rules
 - Sac. Local Rule 1.08 (discussing questionnaires)



The Art of the Case

True or False Question:

- A criminal defendant has a constitutional right to voir dire.

False:

- There is no constitutional right to voir dire per se. Nor is there any constitutional right to conduct voir dire in a particular manner.
- Rather, the voir dire process serves as a means of implementing the defendant's Sixth Amendment right to an impartial jury.
- The trial court has wide latitude to decide the questions to be asked on voir dire, and to select the format in which such questioning occurs.
- *People v. Landry* (2016) 2 Cal.5th 52, 83.

The Art of the Case

Statutory and Decisional Boundaries

- Code of Civil Procedure § 193
- Juries are three types:
 - Grand Juries
 - Trial Juries
 - Juries of Inquest
- "Jury of Inquest" is a body of persons (6) summoned from the citizens before the sheriff, coroner, or other ministerial officers, to inquire of particular facts.

The Art of the Case

Statutory and Decisional Boundaries

- CCP § 223: Describes Voir Dire Process
- Court shall conduct initial examination of jurors about their qualifications and may ask questions requested by parties.
- After the court's questions, counsel for each party shall have the right to question jurors.
- Court may impose time limits counsel's questions.
- "Examination of prospective jurors shall be conducted only in aid of the exercise of challenges for cause."

 The Art of War Case

Permissible Challenges to Jurors

- CCP § 225: The following **challenges** may be made:
 - Challenge to the **trial jury panel** for cause.
 - Challenge to **particular juror** for cause, for one of the following reason:
 - General disqualification. (See CCP § 203)
 - Actual bias
 - Implied bias
 - Peremptory challenge.

 The Art of War Case

Actual Bias

- CCP § 225(b)(1)(C)
 - The presence of a **state of mind** regarding the case/party that would prevent juror from acting impartially and without prejudice.
 - Examples:
 - Belief in the guilt or innocence of defendant.
 - Bias based on nature of the charge.
 - Bias based on: same religion, prior jury service, prior bad experiences with DA/LEO.
 - Would never believe a type of witness (race, LEO, lifestyle).

 The Art of War Case

Implied Bias

- CCP § 225(b)(1)(B)
 - When the existence of facts as ascertained, in judgment of the law, disqualifies the juror. (i.e. *the appearance of bias*)
 - Examples: (CCP § 229)
 - Relationship or connection with the case.
 - *People v. Meza* (1987)188 Cal.App.3d 1631: juror charged with perjury for failing to disclose he was brother in law to def.
 - The existence of a state of mind in the juror evincing enmity against, or bias toward, either party.
 - Having unqualified opinion of case based on knowledge of case.
 - Having an interest in party or outcome of case.

The Art of Voir Dire

"Only For Challenges for Cause"

- Such examination is not for the purpose of determining the exercise of peremptory challenges. Neither is it a function of the examination of prospective jurors to:
 - educate the jury panel to the particular facts of the case,
 - to compel the jurors to commit themselves to vote a particular way,
 - to prejudice the jury for or against a particular party,
 - to argue the case,
 - to indoctrinate the jury,
 - or to instruct the jury in matters of law.
- On the other hand, if counsel's proposed question is reasonable and falls within these limits, it is error for the trial court to refuse to allow that question to be put to the juror." *People v. Crowe* (1973) 8 Cal.3d 815, 824.

The Art of Voir Dire

Example—Defense Questionnaire

What are your views of the prison system in the State of California:

A. Would you be willing to consider evidence that living in the prison system, that is to say being a prisoner, is an ongoing experience entirely different from living in society as you know it? Please explain.

B. Please indicate which statement best describes your opinion of life in the prison system prior to hearing evidence in this case.

Prisoners are safer on the inside than they would be on the outside

Prisoners are about as safe on the inside as they would be on the outside

Prisoners are less safe on the inside than they would be on the outside

C. Whatever your opinion as to the safety of living in the prison system may be, how willing are you to consider evidence that many prisoners' primary task on the inside is staying alive?

The Art of Voir Dire

Defense Question

- Prosecution objected to B and C of the question: vague as to "safety".
- Supreme Court: "The principal purpose of the rejected questions appears to have been to begin educating the jurors about the defense."
- "This vagueness itself created an opening for defendant to fill in the blanks with, again, the objective of previewing the defense and inviting agreement with his view of inmate safety and survival."
- Consider how questions were phrased.
- People v. Landry* (2016) 2 Cal.5th 52, 83.

The Art of the Law

Always Fair Game

- Jurors are legally "obligated to follow the law." *People v. Williams* (2001) 25 Cal.4th 441.
- Questions directed at the prospective jurors touching on their **willingness** and **ability** to follow the law will be generally permitted.

The Art of the Law

Matters of Law

- Trial court should exclude any questions that it concludes would, **as their sole purpose**, instruct the jury in a matter of law.
- Example: *People v. Modell* (1956) 143 Cal.App.2d 724: Defense counsel announced that he was going to read each juror the substance of the instructions and ask them if they understood the law. Judge properly precluded him from doing so.

The Art of the Law

Matters of Law—Proper Questions

- *People v. Williams* (1981) 29 Cal.3d 392:
 - Defense counsel was not allowed to ask jury if they would **follow an instruction** that a person has the right to resist an aggressor by using force and not retreating.
- *Court*: trial court erred in not allowing those questions.
- **Lesson**: You can ask jurors if they **can and will follow law**, but you can't just read jury instructions.



Mechanics of Jury Selection

The Art of Voir Dire

Mechanics

- Pre-voir dire conference with the judge.
- Panel brought in and sworn.
- Questionnaire distributed.
- Judicial voir dire of selected jurors (Placer: 18)
- Attorney voir dire.
- Challenges for cause by defense, then People
- Peremptory challenges

The Art of Voir Dire

Pre-voir dire conference

- Mandated by Rule of Court: (CRC 4.200)
 - 1. Brief outline of the nature of the case, including a summary of the charges.
 - 2. The names of persons counsel intends to call as witnesses at trial.
 - 3. The People's theory of culpability and the defendant's theories.
 - 4. The procedure for deciding requests for excuse for hardship and challenges for cause.
 - 5. The areas of inquiry and specific questions to be asked by the court and counsel and any time limits on counsel's questions.
 - 6. The schedule for the trial and length.
 - 7. The number of alternates.
 - 8. The procedure for making *Wheeler/Batson* objections.
- NOTE: the defense does not have to disclose any defense theory.

Pre-voir dire conference

- Mandated by Rule of Court. (CRC 4.200)
- Set ground rules for permissible questions.
 - Get advanced approval of **risky areas** of questions.
 - Educate judge on impermissible questions anticipated from defense.
- If you are on the clock, persuade the judge to ask as many questions as possible.
- Understand the individual process used by the judge.

Judicial Voir Dire

- Standards of Judicial Administration § 8.5
- Judges generally do minimal questioning relating to
 - Nature of criminal system,
 - Bias,
 - Basic background of witnesses,
 - Willingness to follow law in general,
 - "Do you feel you can be fair and impartial?"

Can Judges Ever Commit Error?

- *People v. Mello* (2002) 97 Cal.App.4th 511
- Judge told jurors: "If any of you have the slightest doubt that you might not, for racial reasons, be able to give this defendant a fair trial, I'm going to give you permission to lie... I want you to come up with something so that you can get out of sitting here."
- Reversible error.

 The Art of Voir Dire

What about this?

- *People v. Estrada* (2006) (3rd Dist. C047785)
- Judge instructed jury: "I need your assurance... without reservation that you will follow my instructions on the law in the case."
- "It's not an O.J. or anything like that. Another word for it is **jury nullification**..."
- Court: This was appropriate. While jurors have the power to disregard the law, they have the duty to follow it.

 The Art of Voir Dire

How Good is Judicial Voir Dire??

- **Social Desirability Bias:**
 - General pressure people feel when questioned about their attitudes on potentially negative topics.
 - If jurors believe that revealing a negative attitude about a defendant might make them look bad in front of an audience, they are prone to downplay how strongly they hold such an attitude.
- Empirical research has repeatedly documented that prospective jurors tend to respond more candidly to **questions posed by attorneys** than those posed by judges.

 The Art of Voir Dire

How Good is Voir Dire in General?

- *Juror Honesty During the Voir Dire* (1991) R. Seltzer, 19 Journal of Criminal Justice 451.
- After 31 criminal trials were observed, 190 jurors re-contacted following trial.
- 25% admitted they did not disclose that they had been a victim of crime.
- 30% admitted they did not disclose that they knew a law enforcement officer.

Some Preemptory Logistics...

- Each side gets 6 preempts (misdemeanors)
 - Until January 1st, 2021, then back to 10
- General felonies: 10+10 per extra defendant.
- Joint defendants get joint challenges, People get equal number (5 joint/5 individual per defendant, so 2 defendants means 20 challenges for the People)
- People go first, defense goes second (CCP 231.5)

Goals for Your Voir Dire

- Determine and solidify cause challenges.
- Within your legal boundaries, ascertain as much as you can about your jurors in order to make effective use of peremptories.
- Make sure jurors will follow the law in relation to the particular issues of your case.
- Frame juror expectations (address bad facts).
- Weed out fruitcakes. (Worst-First Principle)

Super Important!

- Pick jurors who are the best for YOU!!
- Listen and watch.
- Find YOUR perfect jury.
- Remember: Listen to your GUT!



The Art of the Deal

How to Accomplish Your Goals?

- Get Them Talking!



Blah Bl

11

The Art of the Deal

Techniques To Get Them Talking

- Step 1: Listen to how and what they say during judicial voir dire and defense questioning.
- Step 2: Have two lists of questions to ask:
 - One you ask on all cases.
 - One list based on particular facts of case on trial.
- Step 3: Choose your target wisely.
 - Begin with prosecution-friendly juror who is not afraid to talk.

The Art of the Deal

Techniques To Get Them Talking

- Step 4: Springboard to quieter jurors.
- Step 5: Try to avoid going down the row and asking questions in easy, predictable sequence.
- Step 6: Throughout this process, BE YOURSELF!

Rules About Encouraging Discussion

- Rule # 1: Only ask open-ended questions.
- Rule # 2: Avoid the weirdo's.
- Rule # 3: Cautiously question hostile jurors only for cause issues.
- Rule # 4: Remember *Batson/Wheeler*.



Other Suggestions

- Stand when addressing the jury/court
- Avoid sounding like a lawyer/legal speak
- Make eye contact with everyone
- Never argue with prospective jurors...
- Never dwell...
 - If they aren't giving you what you want, move along!

General Questions for Voir Dire

- Follow the Law-based questions:
 - Reasonable Doubt
 - Ability to judge another person
 - Punishment not relevant
 - Realistic expectations about testimony
 - Inconsistencies in testimony
 - Evaluating conflicting testimony

 The Art of Voir Dire

General Questions for Voir Dire

- Bias-related questions:
 - Bad experiences with involved LEA's.
 - Past experiences with victims or witnesses.
 - Bias based on characteristics of victim/witness
 - Dentists
 - Drug users
 - Watcher of CSI or crime shows.
 - Bias based on nature of crime:
 - Officer victims
 - Gun crimes

 The Art of Voir Dire

Case-Specific Questions for Voir Dire

- Battery cases with minor or no injury
- Low BA DUI
- Case with unsympathetic or recanting victim
- Officer-involved offenses (PC 148, 69)
- Case with sympathetic defendant.
- No-loss theft cases.
- Poor investigation cases.

 The Art of Voir Dire

Case-Specific Questions for Voir Dire

- Legal Definitions
 - *DUI* means impaired driving, not drunk driving.
 - *Possession* means things not in your possession (constructive possession).
 - *Armed* means readily available.

 The Art of Voir Dire

Other Case Specific Questions

- Pro-per defendant.
 - Exception to the rule about statements of attorneys are not evidence
 - Not a situation to root for the underdog.
 - Do I have a higher burden?

 The Art of Voir Dire

Juror Specific Questions

- Residence
 - Looking for long-time residents of my county.
 - If new: Why did you move?
- Employment
 - Does their job entail supervising/disciplining others?
 - Make decisions based on incomplete information?
 - Spouse's/kid's occupation

 The Art of Voir Dire

Juror Specific Questions

- Prior jury service
 - Hung jury? How did that make you feel?
 - Adventures during deliberation?
- Prior encounters with LE
 - Tell me about it.
 - How did your experience affect your opinion of LE?
 - Resolve after trial or short of trial?

The Art of Voir Dire

Young Jurors

- Juror X, I notice you are in school (or currently not employed). Tell me about your work experience?
- Tell me about a job you had that required you to work together as a team to resolve an issue or work toward a goal?
- Can you give me an example of how you worked collaboratively toward a goal with a group?

The Art of Voir Dire

Rehab

- If favorable juror:
 - This is not a referendum about how horrible [your crime] is. The issue in this case may be [issue, like identity or intent]. Knowing that, can you promise to do your best to listen with an open mind?
 - Box example
- Unfavorable juror
 - Vegas example (I'll try to...)

The Art of Voir Dire

Noobs and Alternates

- Prospective juror who wasn't on the panel during the initial round of questioning.
- Judge asks if they have any yes answers to previous questions and moves on.
- Tendency is to spend less time on each juror each time they are replaced.
- AVOID THIS TENDENCY!!!
- Be especially weary of your *Wheeler* obligations!!!



Wheeler Procedure

The Art of User One

Batson/Wheeler

- *People v. Wheeler* (1978) 22 Cal.3d 258
 - The use of peremptory challenges to remove a prospective juror on the sole basis of group bias violates CA Constitution Article I, Sec. 16 (right to a jury drawn from a representative cross-section of the community).
 - Now codified in CCP § 231.5
 - Batson: federal version of *Wheeler* finding racial challenge to venire member a violation of Equal Protection.

The Art of User One

The 3 stages of Wheeler/Batson

- **Stage One:** the defendant must make a *prima facie* showing that the prosecution exercised a challenge based on impermissible criteria.
- **Stage Two:** If the *prima facie* case has been made, the burden shifts to the proponent of the strike to explain the basis for excusal by offering permissible, nondiscriminatory justifications.
- **Stage Three:** the trial court must determine whether the proponent of the strike's justification is credible and whether, in light of all relevant circumstances, the defendant has shown purposeful group discrimination.

The Art of the Law

Cognizable Groups

- Race
 - African American
 - Native American
 - Spanish-speaking Hispanics (*People v. Gonzales* (2008) 165 Cal.App.4th 620)
- Religious groups
- Sex
- Sexual orientation
 - *People v. Douglas* (4/11/17) 3rd DCA #C072881)

The Art of the Law

Non-Cognizable Groups

- Poor people
- Less-educated people
- Blue-collar people
- Retired correctional officers
- Youthful or Aged???



The Art of the Law

Wheeler First Stage Analysis

- In reviewing the totality of relevant facts to determine if there was a discriminatory purpose, trial court considers:
 - Has the party struck most or all of the identified group?
 - Has the party used a disproportionate number of strikes against that group?
 - Has the party failed to engage group members in more than cursory voir dire?
 - Is the defendant a member of the same group?
 - Is the victim among the majority group that remains as jurors?

First Stage Procedure

- Make Def. set forth facts.
- Inquire of court if defense has met its burden.
- Strongly encourage court to make a **clear, express finding** that no prima facie case was made by defense.
- **Even if court finds that the defense has not met its burden**, prosecutor should state the reasons for the challenge thoroughly and seriously as if there was a prima facie case. (*People v. Scott* (2015) 61 Cal.4th 363)

Don't Fall Into the Trap!!!

- Scenario
 - Defense makes *Wheeler* motion.
 - Court is ambiguous in denial and asks if prosecutor wishes to respond.
 - Prosecutor sheepishly sets forth reasons for kick.
- Creates horrible record!
 - Appellate court may find that trial court impliedly found a prima facie case by invitation to respond.
- Seek a **clear ruling** and make a strong record!
 - Should include: "Defense has not made a prima facie showing of bias."

Laundry List of Permissible Justifications

(1) a juror's relative youth and immaturity (see *Rice v. Collins* (2006) 546 U.S. 333, 341; *People v. Salcido* (2008) 44 Cal.4th 93, 140; *People v. Cruz* (2008) 44 Cal.4th 636, 657-659);

(2) a juror's flippant or informal attitude is similarly a legitimate reason for excusing a juror (see *Thaler v. Haynes* (2010) 130 S.Ct. 1171, 1172; *People v. Howard* (2008) 42 Cal.4th 1000, 1017, 1019);

(3) a juror's reluctance to follow the law (see *People v. Howard* (2008) 42 Cal.4th 1000, 1017; *People v. Watson* (2008) 43 Cal.4th 652, 679-680; *Gonzalez v. Brown* (9th Cir. 2009) 585 F.3d 1202, 1205, 1209-1210)

Laundry List of Permissible Justifications

- (4) the juror or close relative of the juror has a criminal background or has had a negative experience with the criminal justice system (see *People v. Cruz* (2008) 44 Cal.4th 636, 656, fn. 3; *People v. Avila* (2006) 38 Cal.4th 491, 554-555;
- (5) the juror is skeptical about the fairness of the criminal justice (see *People v. Elliott* (2012) 53 Cal.4th 535, 569; *People v. Clark* (2012) 52 Cal.4th 856, 907;
- (6) the juror has life experiences that might make the juror overly sympathetic to, a person in the defendant's position (see *People v. Watson* (2008) 43 Cal.4th 652, 676; *People v. Saicido* (2008) 44 Cal.4th 93, 140);

Laundry List of Permissible Justifications

- (7) the juror (or close relative) is employed in a job or engages in activities that reflect an orientation toward rehabilitation and sympathy for defendants (see *People v. Ervin* (2000) 22 Cal.4th 48, 75; *People v. Neuman* (2009) 178 Cal.App.4th 571, 586;
- (8) the juror is, or appears to be, lying or evasive, and/or gives less than forthright or unbelievable answers (see *People v. Thomas* (2011) 51 Cal.4th 449, 472, 475; *People v. Booker* (2011) 51 Cal.4th 141, 166-167;
- (9) the juror has religious beliefs or biases that might affect his or her decision (see *People v. Mills* (2010) 48 Cal.4th 158, 184; *People v. Richardson* (2008) 43 Cal.4th 959, 985;

Laundry List of Permissible Justifications

- (10) the "juror's attitude, attention, interest, body language, facial expression and eye contact" (*People v. Elliott* (2012) 53 Cal.4th 535, 569; *People v. Lenix* (2008) 44 Cal.4th 602, 622-623);
- (11) the juror's appearance, including clothing, hairstyle, or other accoutrements (see *People v. Elliott* (2012) 53 Cal.4th 535, 566-570; *People v. Wheeler* (1978) 22 Cal.3d 258, 275; *People v. Rushing* (2011) 197 Cal.App.4th 801, 808.)
- (12) the juror lacks the mental or psychological ability to understand or focus on the issues at trial (see *People v. Davis* (2008) 164 Cal.App.4th 305, 312-313; *People v. Gutierrez* (2002) 28 Cal.4th 1083, 1124; *People v. Welch* (1999) 20 Cal.4th 701, 746);

Laundry List of Permissible Justifications

- (12) the juror previously served on a deadlocked jury (see *People v. Garcia* (2011) 52 Cal.4th 730, 745; *People v. Farnam* (2002) 28 Cal.4th 107, 138; *People v. Turner* (1994) 7 Cal.4th 137, 170);
- (13) the juror may experience hardship or difficulties in serving that may distract the juror from focusing (see *People v. Clark* (2012) 52 Cal.4th 856, 907; *People v. Jenkins* (2000) 22 Cal.4th 900, 994, 1044; *People v. Neuman* (2009) 176 Cal.App.4th 571, 585-586);
- (14) the juror or a family member of the juror is unemployed or underemployed (*People v. Thomas* (2011) 51 Cal.4th 449, 472-473, 475; *People v. Jones* (2011) 51 Cal.4th 346, 363; *Stubbs v. Gomez* (9th Cir.1999) 189 F.3d 1099, 1106).

Third Stage Analysis

- At the third stage, the court's focus is on the **subjective genuineness** of the race-neutral reasons given for the peremptory challenge.
- Reason must be **sincere and legitimate** (in the sense of being nondiscriminatory). (*People v. Reynoso* (2003) 31 Cal.4th 903, 924)
- **Implausible or fantastic** justifications may and probably will be found to be pretexts for purposeful discrimination. (*Purkett v. Elm* (1995) 514 U.S. 765, 786)

Case Study—*People v. Arellano* (2016) 245 Cal.App.4th

- During jury selection on a murder case, defendant raised *Wheeler* challenges to three jurors.
- Trial court found a prima facie case made as to two of the challenges, and invited prosecutor to respond to the third (implied finding).
- Jurors VB, VK, and WW (all A.A. women).

 The Art of War Case

Juror VB

- Requested hardship for medical reasons.
- Kids were accused of being in gangs.
- Son was convicted of robbery.
- Both her sons went to prison and were not treated fairly.
- Prosecutor cited these reasons for peremptory.
- Appeals Court: substantial evidence justified race-neutral challenge.

 The Art of War Case

Juror VK

- She was special needs worker, and her husband was senior pastor.
- No bad experiences with LE; promised could be fair, no friends in LE.
- Prosecution: VK's spouse was a senior pastor, she works in social services, and she may hold prosecution to higher standard and have sympathy for the defendant.

 The Art of War Case

Juror VK

- Appellate Court:
 - Occupation of spouse of juror is legitimate nondiscriminatory reason for peremptory challenge.
 - Concern that juror may be too sympathetic to defense based on experiences in counseling or social services have been held to be valid race-neutral reasons (especially social service workers).
- Substantial evidence supports challenge.

The Art of the Deal

Juror WW

- Occupation:
 - Field representative for Dept. of Commerce.
 - "I collect information for Congress and President that distribute information back down to the cities and counties about work, the state of the nation, how people are going health-wise..."
- Served on 4 juries, all civil, one police brutality case.
- Had a negative experience with LE, but it wouldn't affect her ability to be fair since it was a different LE.

The Art of the Deal

Juror WW

- Prosecutor made peremptory challenge.
- Prosecutor refused to concede that WW was African American.
- After trial court found a prima facie case, prosecutor explained his reasons.
 - WW "works for a liberal political organization where she provides information to the Democratic Party or Congress..." (Not what she said)
 - She had a problem with police from past event.
 - She was a juror on a police brutality suit.

The Art of the Deal

Juror WW

- The entirety of the prosecutor's statements about WW raise serious questions about the credibility of the purported reasons.
- Factual premise for the first reason given was unsubstantiated by the record.**
- Court noted that prosecutor refused to agree that WW was an African-American.
- Excusal of ONE juror for improper reasons results in reversal.

The Art of Voir Dire

People v. Arellano Take-Aways

- 1 Do everything in your power to encourage trial court to make express findings on whether a prima facie case has been made.
- 2 Always state for the record your race-neutral reasons for your peremptory challenges.
- 3 State your strongest reason first.
- 4 Be certain that your reasons are accurate and are reflected in the record.

The Art of Voir Dire

Last Words on *Wheeler*

- 1 Keep good notes while selecting your jury, and **keep those notes after trial.**
- 2 Make sure your notes reflect reason for kick.
- 3 If an unsuccessful *Wheeler* motion was made, make sure record reflects the racial/gender composition of the jurors as selected for possible appellate purposes.
- 4 Keep section in your trial book about proper procedure and law on *Wheeler*.

The Art of Voir Dire

When It's Time To Challenge

- 1 "The People would like the court to thank and excuse juror # 4, Mrs. Trump."
- 2 Smile and make eye contact.
- 3 Keep track of who and how many you make so you don't have to ask.
- 4 If possible, save people from the hike to the chair.
- 5 Keep your jury lists after selection and trial!!!

 The Art of Voir Dire

Last Word on Voir Dire

- Your opportunity to:
 - Find 14-18 jurors;
 - Who will each have a **mindset**;
 - That will **allow them to be receptive** to the issues in your case.
- When in doubt, go with your gut.
- Don't depend on the defense to do your job. They need ONE, you need ALL!



QUESTIONS???
