



Effective Strategies for Voir Dire

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Voir Dire is one of the most important parts of any case. In fact, some experts believe it is the *single most important part* of a case. Voir dire is the first opportunity jurors have to hear from you and the first opportunity you have to make a good impression. There is never an opportunity to make another good “first” impression. From the moment you stand up to introduce yourself to the panel, you are on stage and being sized up.

The following strategies are designed to assist counsel in developing a strong rapport with jurors, which will last throughout the trial and into the jury deliberation room. They are further designed to assist counsel in designing a Voir Dire strategy that will elicit the most compelling and useful information from jurors.

1. **BREAK THE ICE:** If you want jurors to open up, you have to make them feel comfortable. Use humor to your advantage. Use anecdotes and appropriate funny comments throughout Voir Dire. It’s a well-known fact that humor releases tension. If jurors are more relaxed, they are likely to be more open and forthcoming in responses to your questions. Asking jurors to raise their hands and/or engage with you in some other way, will prepare them for an open conversation with you.
2. **ENGAGE JURORS IN CONVERSATION:** Do not talk at jurors, talk to and with them. Follow the 90/10 rule. They talk 90% of the time, you talk 10%. Ask open ended questions.
3. **BARROOM TALK, NOT COURTROOM TALK:** Do not engage in lawyer speak. Talk to jurors as you would if you were striking up a conversation with someone in a bar.
4. **DO NOT USE VOIR DIRE TO TELL YOUR STORY:** Certain facts will need to be told in order to complete an effective Voir Dire. However, Voir Dire is not an opening statement or a roadmap to your case. Ask questions designed to elicit information you will need to determine whether or not a particular juror is suitable for your case.
5. **BE A TEACHER & LEADER:** While you should not use Voir Dire to tell your story, you should use Voir Dire as an opportunity to educate the jury. Be a teacher

and a leader they can rely on to navigate them through this process. Do not be afraid to show your expertise on the subject matter but do so without sounding arrogant. Develop rapport and trust during the education process.

6. **FIND COMMON GROUND:** Develop a connection with each juror to the extent possible. Find some common link between the two of you so that they feel a bond with you.
7. **DON'T SETTLE FOR DEMOGRAPHICS:** While it's useful to know where a juror works and/or what his occupation is, don't settle for base demographical information. A person's job, his education, and the area of town he lives in, does not adequately reflect his experiences. Dig further than the summary of information you receive from the Court's limited Voir Dire or from a Supplemental Jury Questionnaire. Inquire about previous employment, life experiences, volunteer work, etc. Find out what their hobbies are, who they admire, what magazines they read, what they do in their spare time.
8. **PAY ATTENTION TO BODY LANGUAGE & SPEECH PATTERNS:** A juror's body language might be as important, if not more, than what he says. Pay attention to facial expressions, body movements, eye contact, among other forms of non-verbal communication. Monitor speech patterns. Are jurors nervous when they speak? Do they speak with a tone of authority? Do they sound educated or simple? These are all important things to note when assessing jurors.
9. **ASK OPEN-ENDED QUESTIONS:** These type of questions will help you gain the most insight into a juror's psyche and background. They require explanation of positions and thought patterns without an answer being suggested for them.
10. **USE VISUAL AIDS:** Although not appropriate in every case, the use of visual aids can be very effective in explaining concepts and eliciting good responses from jurors in the Voir Dire process.