

Weed Out

"Bad" Jurors

DURING JURY SELECTION



Jury “selection” is something of a misnomer.



In reality, the task is not to select the “ideal” jurors, but to weed out (or “de-select”) those individuals whose biases are harmful to your case and whose beliefs are so entrenched that they could not deliver an impartial verdict.

WHAT ARE THE GOALS OF JURY SELECTION?

Keeping in mind that there are no “perfect” juries, your criminal defense attorney’s goals during jury selection are (1) to eliminate the “bad” jurors, and (2) to select a few jurors who will champion your cause during deliberations.



WHO ARE THE "BAD" JURORS



Broadly speaking, in a criminal case, the "bad" jurors are those people who tend to defer to authority and law enforcement, or who appear to bear some hostility toward you and/or the alleged crime.



WHO ARE

THE "CHAMPION" JURORS



The good jurors – the ones who might champion your cause during deliberations – tend to be individuals who distrust authority; who are quirky and likely to disagree with the other jurors; and/or who have reason to sympathize with you or your defense.

HOW WILL MY CRIMINAL DEFENSE ATTORNEY IDENTIFY THE “BAD” JURORS?





The way to uncover juror biases and separate the “good” jurors from the “bad” jurors is to ask open-ended questions that get jurors talking. Here are some samples of questions your criminal defense lawyer might ask prospective jurors:

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QUESTIONS THAT REVEAL JURORS' ATTITUDES TOWARD THE BURDEN OF PROOF AND THE PRESUMPTION OF INNOCENCE



The purpose of these questions is to find out if jurors will hold the prosecution or your defense lawyer to a higher or lower standard of proof than is required by law.

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- > In our system of justice, a defendant is presumed innocent until proven guilty. How do you feel about that?
 - > Because the defendant is presumed innocent, the defendant in a criminal trial is not required to testify or present any evidence at all. How do you feel about that?
 - > Do you agree or disagree with this statement: "A defendant who does not testify is probably guilty"?
 - > Do you agree or disagree with this statement: "It is better for ten guilty men to go free than for one innocent man to be wrongly convicted and punished"?



QUESTIONS THAT REVEAL JURORS' ATTITUDES TOWARD THE CRIMINAL JUSTICE SYSTEM

Jurors who agree with these statements have authoritarian tendencies – that is, they favor strict rules and obedience to authority. In criminal trials, authoritarian jurors are likely to favor the prosecution.



- > Do you agree or disagree with this statement: "The rights of people accused of committing a crime are better protected than the rights of victims"?
- > Do you agree or disagree with this statement: "Too many guilty people escape punishment because of legal technicalities"?
- > In general, does the criminal justice system treat criminals too harshly, about right, or too leniently?



QUESTIONS THAT REVEAL JURORS' ATTITUDES TOWARD CRIME

Jurors who view society as a contributing factor to crime and who believe the solution to crime is complex are more likely to be open to the defense than jurors who hold the individual responsible and propose simplistic or punitive solutions to the problem of crime in society.

- > How serious a problem do you think crime is today in our society? in your neighborhood?
- > In your opinion, what are the major causes of crime?
- > What are some solutions to the problem of crime?

