

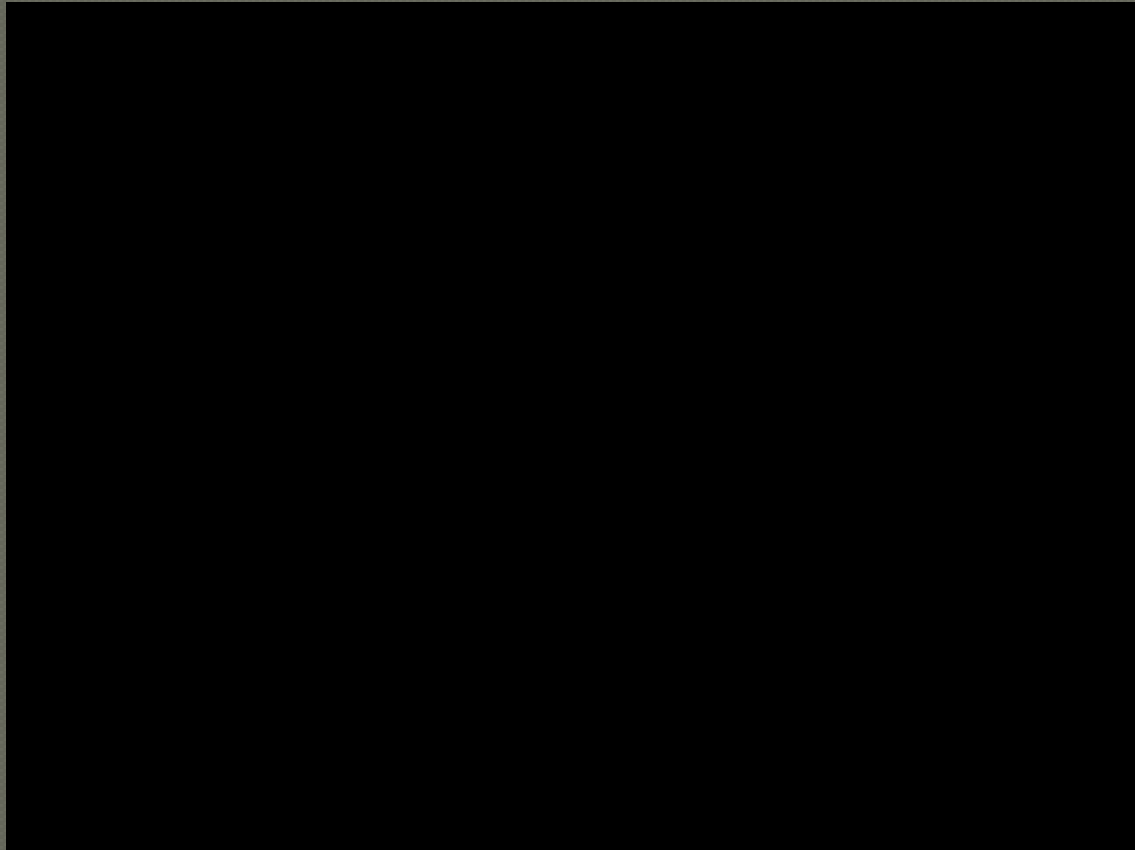
JURY SELECTION

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Jury Selection



“Picking a Winner: Ten Tips for Selecting the Best Possible Jury”

SPECIAL LITIGATION SECTION

Picking a Winner: Ten Tips for Selecting the Best Possible Jury

By Judge Richard M. Berman and David R. Marriott

The right to a jury trial depends on the proposition that some decisions should be made by “the people.” Who those people are affects the outcome of any jury trial. Indeed, the composition of the jury can be dispositive. While the make-up of the jury is largely outside counsel’s control, there are nevertheless steps that can be taken to maximize the probability of selecting—or more accurately “deselecting”—a receptive and fair panel. Although there is no simple formula, this article offers 10 tips for picking the best possible jury for your case.

1. Know the Rules of the Road

Rules governing jury selection can vary widely. They differ from state to state and sometimes even within a given state. In New York, for instance, the Uniform Rules

likely to be receptive to or inclined against your case. You cannot promote the participation of jurors likely to be most receptive to your case or exercise challenges to jurors inclined against your case unless you can identify them.

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- Talk with judge's clerk if there is anything you should be aware of in jury selection.

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- ◉ Picking a jury can feel like a blindfolded monkey throwing darts

Don't be a blindfolded monkey!



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- Ask for list of jurors and do research on social media

4. Organization is Essential

- Develop a system that is simple, understandable and allows for making quick decisions

1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20

5. First Impressions

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- Don't argue with the judge...at least in front of the jurors

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- Make sure basis for challenge does not violate *Batson v. Kentucky*, 476 US 79 (1986)
- “For Cause” challenges: URCrP 18(e). Don’t stretch so far that you lose credibility.