

The Dark Art of Voir Dire

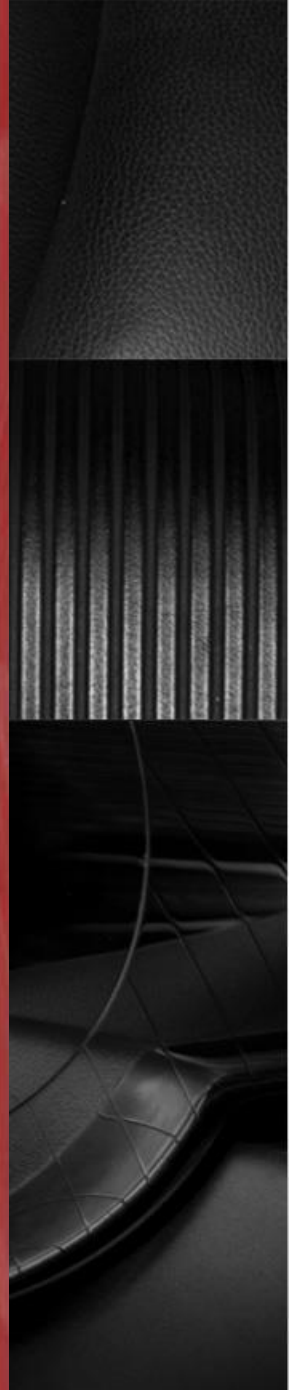
(No One Cares How You Say It)

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**KEEP
CALM
& ACHIEVE
YOUR
GOALS**

WHEN THE TRIAL BEGINS, CAN
YOU DISREGARD EVERYTHING
THE OTHER SIDE SAYS?
RAISE YOUR HAND IF YOU
CAN DO THIS.





Jury Selection is
One Thing

And One Thing Only

And Don't Forget This

It Is

Juror Deselection

I WILL FOLLOW THE RULES I WILL FOLLOW
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The Rules

- Idaho Rules of Civil Procedure 47
Voir Dire at 47(f)
- Idaho Rules of Crim Procedure 25
Examination of Jury At 24(b)
- Fed Rule of Civil Procedure 47
28 USC 1870
Local Rule 47.1
- Fed Rule of Crim Procedure 24



Why am I here
again?



Oh, Right...
the murders.



WHAT'S YOUR
PLAN?



INVESTIGATION

I'm sorry, we can't hire you, but
your background check was
hilarious.



Rules Again

District Local Rule Civ 47.2 (Civil)

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SOCIAL MEDIA JUROR INQUIRIES

- (a) Attorneys may use websites available to the public, including social media websites, for juror or prospective juror research, so long as:
- (1) The website or information is available and accessible to the public;
 - (2) The attorney does not send an access request to a juror's electronic social media;
 - (3) No direct communication or contact occurs between the attorney and a juror or prospective juror as a result of the research, including, but not limited to Facebook "friend" requests, Twitter or Instagram "follow" requests, LinkedIn "connection" requests, or other forms of internet and social media contact;
 - (4) Social media research is done anonymously. For example, a search on a social media site must not disclose to the juror who is making the inquiry, and it must only seek information available and accessible to the public and not the result of an attorney's account on said social media site; and
 - (5) Deception is not used to gain access to any website or to obtain any information.
- (b) Third parties working for the benefit of or on behalf of any attorney must comply with all the same restrictions as set forth above for attorneys.
- (c) If an attorney becomes aware of a juror's or prospective juror's conduct that is criminal or fraudulent, IRPC 3.3(b) requires the attorney to take remedial measures including, if necessary, reporting the matter to the Court.
- (d) If an attorney becomes aware of a juror's posting on the internet about the case in which she or he is serving, the attorney shall report the posting to the Court.



Techniques

Evaluating Jurors





1. Looping

2. Reflective Listening

3. Flesh It Out

A. Tell Me More?

B. What Do You Mean?

C. What Else?

This is
my
thank you
dance!

