

DOCUMENT 4

JURY SELECTION (VOIR DIRE) – PRACTICAL APPLICATION

OBJECTIVE

The purpose of voir dire is not to convince the jury that you are right. The purpose is to identify jurors who cannot be fair before the trial begins.

LD CONTEXT

The Liberty Dialogues teaches that assumptions are often the greatest obstacle to truth. Voir dire is your first opportunity to identify assumptions before evidence is presented.

EXAMPLE #1 – PRESUMPTION OF GUILT

Defendant: 'Does everyone understand that I am presumed innocent right now?' Juror: 'Well, if you were charged, there must be a reason.' Defendant: 'Thank you for your honesty.'

Do not argue. Do not attempt to educate the juror. The purpose is to reveal bias.

EXAMPLE #2 – POLICE OFFICER CREDIBILITY

Defendant: 'Does anyone believe a police officer should automatically be believed because they are a police officer?' Juror: 'Yes.' Defendant: 'Thank you for your honesty.'

EXAMPLE #3 – BURDEN OF PROOF

Defendant: 'Can everyone agree that I do not have to prove anything and that the burden remains entirely on the State?' Juror: 'I think if someone is charged they should explain themselves.'

Defendant: 'Thank you for your honesty.'

IF THE JUDGE INTERRUPTS

Judge: 'Move on, counsel.' Defendant: 'Yes, Your Honor.'

Do not argue. Do not challenge the Court. Move to the next question.

COMMON MISTAKE

The most common mistake is attempting to persuade jurors during voir dire. Voir dire is for identifying bias, not winning the case.

FINAL PRINCIPLE

Listen more than you speak. Honest answers are valuable. Every answer teaches you something about the panel that will decide the case.