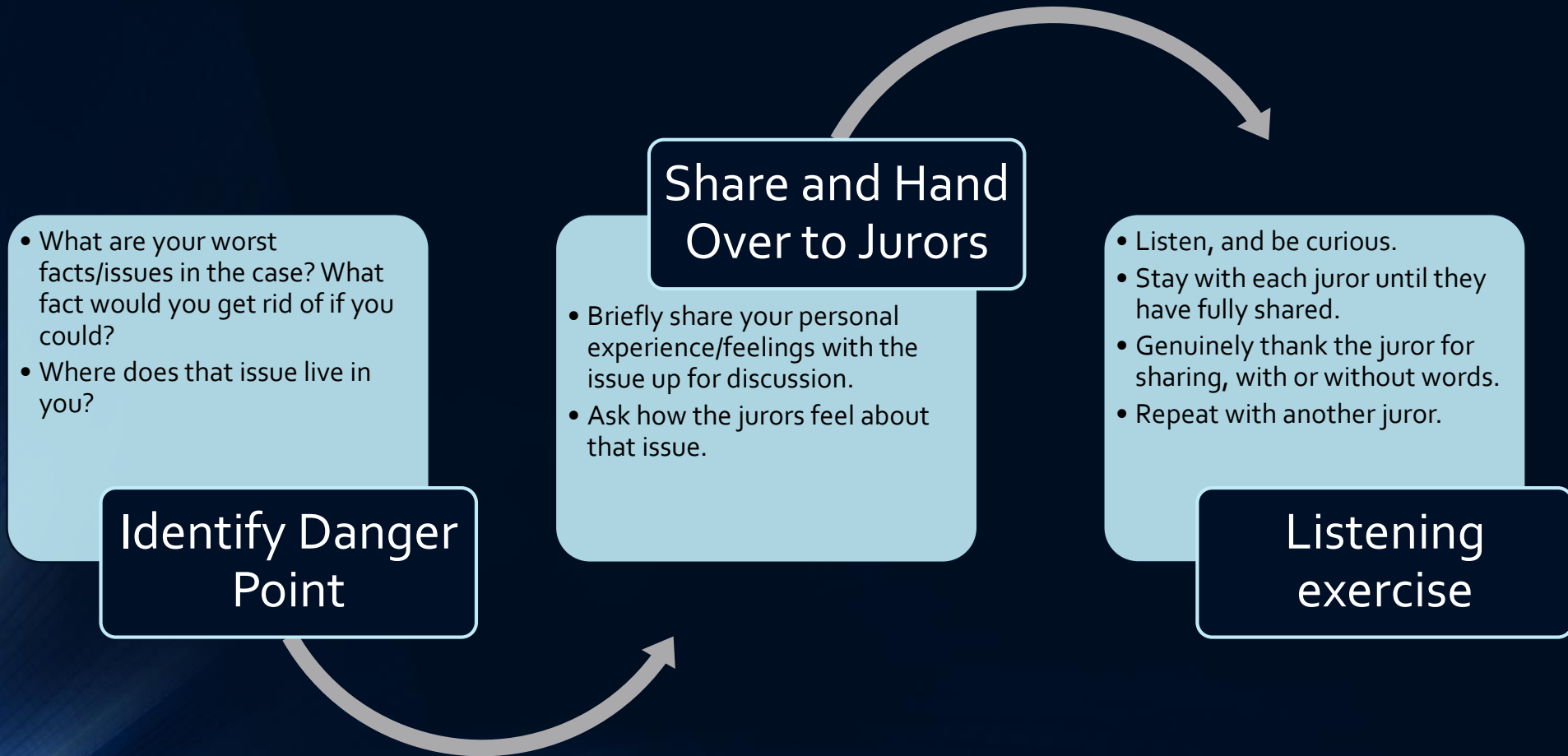


VOIR DIRE

TRIAL SKILLS SIMULATION PROGRAM

Steps of Voir Dire



Step 1: Identifying Your Danger Point(s)

Spend some time asking yourself these questions:

- What fact scares me most in this case?
- What about my client / witnesses makes me feel uncomfortable?
- What is the most difficult thing for me to talk about in this case?
- What are my prejudices about this case or my client?
- What are my fears about this case / client?

When
formulating
danger points...

I'm afraid that the
jury will....



Use Danger Points to Develop Topics

FEARS/DANGER POINTS

- My client looks different than my jurors.
- A child is making the allegations against my client.
- My client has a criminal history.
- I'm afraid that people will automatically believe the accuser because of "Me Too."

VOIR DIRE TOPICS

- Racism
- Why would a child lie?
- Did it before, more likely to do it again?
- Dealing with "Me Too" vs. the presumption of innocence.

Find out where you connect with the danger point.

LIFE EXPERIENCES

- What other life experience have you had where you have felt the same emotion that you feel when you think about the danger point?
- What life experiences connect you to this danger point?

EMOTIONS

- What emotion do you feel when you discuss the danger point?
- What is underlying that emotion?
- Why do you feel that way?

SELF
DISCLOSURE

We cannot
expect jurors to
do something
that we ourselves
would not do.

Brief Self-Disclosure

- Disclosure should be truthful and reflect emotional vulnerability.
- The goal is to assist the jurors in becoming comfortable in disclosing their own truth and vulnerability.

How to use self-disclosure to open up a conversation with jurors in Voir Dire

KEEP IT BRIEF.

- You don't need to say a lot to have an impact.
- Keep your self-disclosure to a couple of sentences.
- Edit, edit, edit. When deciding on your self-disclosure, try to get the meaning across using as few words as possible.

KEEP IT REAL.

- Your self-disclosure should be 100% truthful.
- Your self-disclosure should demonstrate the same level of emotional vulnerability that you are requesting of jurors.
- Show the jurors what you are asking them to show you. "If I show you mine, will you show me yours?"

Open Discussion to Jurors

Don't be afraid of silence.

Open Discussion to Jurors

BE FREE OF AN AGENDA

- Don't be afraid to let go of control of the conversation.
- It's not necessary that you make the jurors agree with your point of view. It is necessary that you gain an understanding of their point of view.
- Let the jurors talk to each other.
- Relax.

USE YOUR CURIOSITY PHRASES

- The goal of voir dire is to encourage the jurors to speak the truth.
- Use as few words as possible in order get the jurors to continue speaking.
- Encourage jurors to talk more deeply about their feelings on a topic.
- Give jurors the time they need to open up.

Curiosity Phrases:

- “Tell me more.”
- “Say more.”
- “What makes you feel that way?”
- “Could you elaborate on that for us?”
- “Why?”
- “Do you have any experiences that cause you to feel that way?”

GOAL:

The jurors should be
doing most of the
talking.

Once you have the jurors talking:

- Listen, and be CURIOUS.
- Stay with the jurors until they have fully shared.
- Genuinely thank the juror for sharing, with or without words.
- Repeat with another juror.
- Once you've covered one danger point with each juror who wants to speak, you can move on to a new danger point, repeating the prior steps.