

Jury Selection Practice Tips

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Jury Trial Background/Experience

Devon

- Deputy District Attorney in El Paso County – 2013 – 2015
- Assistant County Attorney in El Paso County – 2015 – 2017
- GAL/CFY – 2017 – Present

Jeff

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Purpose of a Jury Trial in Dependency & Neglect Cases?

- What is the purpose of a jury trial in Dependency & Neglect Cases?
- At what stage in a D&N is a jury trial an option?

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Jury Trial Experience

- How many attendees have done a jury trial before?
- How many attendees have done a Dependency & Neglect jury trial before?

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GAL/CFY Position

- What position do you as GAL/CFY take in a jury trial?
- How do you determine your position?
- How *might* your position as a CFY differ from what it would have been as a GAL?
- How can jury selection play into advocating for your position in trial?

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Purpose of Jury Selection?

What is the purpose of the Jury Selection process?

1. Weed out jurors potentially adverse to your position
2. Find jurors potentially in alignment with your position

Voir = French verb meaning “to see”

- Observing body language in potential jurors
- Observing engagement from potential jurors

Dire = French verb meaning “to speak”

- Listening to responses
- Goal = for potential jurors to speak more than you

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Conversation

- That's all jury selection is – a conversation!
- Potential jurors are likely nervous
- Talk to jury pool like you would neighbors, family, friends
- Laugh/joke/make yourself relatable to them
- More relaxed you are, the more relaxed they will be
- **You can win over a jury pool during selection – the more they like you, the more likely they are to listen to you. They'll want to know your position!

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Potential Topics to Guide Selection

- DHS experience
- Law enforcement experience
- Children's positions – particularly if you're in a CFY role. Should kids have a say?
- What is our job as parents? (keep kids safe, provide for their needs, etc)
- Jury questionnaire specifics – look for red flags, look for things to highlight

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Additional Tips

- Can't talk about the facts of your case in Jury Selection
 - Judge specific – some judges don't let you touch on the subject matter at all (i.e. substance use, neglect, etc)
- Lay the seed for things to say in your closing argument
 - "Ladies and gentlemen...remember in jury selection when we talked about the responsibilities we have as parents? That we are to provide a safe and stable home for our children? That's exactly what Sally and Joshua were lacking here, that safe and stable home that their parents owed to them"
- Remember...this is just a conversation. It's just you and the other attorneys talking to people, trying to get to know them