



10 WAYS
TO MAKE
YOUR
VOIR DIRE
A VOIR
DON'T YOU
DARE!

Shari Belitz Communications

10. NOT EARNING CAUSE

"Earn Baby Earn" no, I'm not talking about a DISCO(very) INFERNO.

I'm talking about knowing exactly what you need to do to earn cause strikes. you need to work hard for them honey.

If there is an articulable reason a prospective juror can't be fair.

Don't just stand there!
Make them articulate it!

There are 2 parts to this:

1. Get them to SAY THE WORDS that will indicate they are biased (umm yeah, know the rules **COLD**). The word may not be "biased" but certain words **INDICATE** bias.
2. Be prepared to argue that rule you know **COLD** to the judge at sidebar.

9. REHABBING WHEN YOU SHOULD BE SETTING UP A CAUSE STRIKE

A prospective juror sucks? DO NOT. DO NOT. DO NOT. ask them if they can be "fair and impartial" or "set aside a f*cking thing" you are eating into plaintiff's hands when you do this! SET. THEM. UP. FOR. CAUSE. DO NOT GO NEXT the rehab. questions.

8. SPENDING TOO MUCH TIME WITH GOOD FURORS

So you are salivating over a couple of questionnaires? An accountant who owns their own business? An injured small business owner who doesn't believe in lawsuits? I get it. I'm in love with them too. But if I want to see them again tomorrow I know to STFU.

DEFENSE COUNSEL here is your advantage. you have some extra time with the questionnaires, and get to listen as Plaintiff's counsel questions. you know who is good. STFU and AVOID THEM. The only way you should even speak with them is if you are going to PREHABILITATE them with inoculation questions to protect them from a cause strike.

7. STEREOTYPES

Batson and its progeny say it is unconstitutional. Shari who doesn't have a progeny and sucked at con Law, says it is stupid AF. Okay??

Stereotypes do not decide cases.

ATTITUDES ABOUT CASE ISSUES AND EVIDENCE decide cases. Imagine that.

you can have 10 people with matching demographics and guess what? They may all think something completely different about PTSD!

However, people who share a demographic may often share an experience (I am a Gen Y female from NJ) you think I had a crush on John Taylor? Damn right. But my **ATTITUDE** about whether rock bands should be excused for bad behavior on the road may be very different from someone else with a matching demo. HOWEVER experiences are not attitudes

6. NOT KNOWING YOUR CLIENT AND KEY WITNESSES

you better be familiar with the impression your key players make, because it will make a difference in how you select your jury.

your key witnesses all work in the trucking industry. you have a prospective juror who is afraid to drive?

your key players are furriers. your prospective juror is wearing a large PETA button.

you get the idea. Know your team and get rid of the wrong audience.

5. YOU ASK THROWAWAY QUESTIONS THAT WILL TELL YOU NOTHING

well counselor, you've accomplished a few things:

you annoyed the jurors by wasting their time.

you elicited irrelevant information and made assumptions about your case ("they read the New Yorker! They are liberal! They will give big money") hmmm how scientific, counselor. you get the Nobel effin' prize for that one!

The real detriment is you waste **YOUR OWN PRECIOUS TIME** and don't ask the questions that get to the **HEART OF YOUR CASE!**

4. YOU BLOW OFF THE AFTER HOURS CROWD

When jurors get hardshipped, caused, or peremptoried off and you get Johnny Come Lately from pool sliding into seat number 7, those cognitive biases kick in and you don't regard them as significant as Jane "my *ss has been in seat #1 all morning" and you are not thorough with your questions.

Get out the questionnaire, listen to what plaintiff asks, and treat Johnny Come Lately the same as *ss in the seat since 9am. If you don't. . . that may be who tanks your case. you're welcome.

3. YOU TALK TOO MUCH
AND YOU NEVER SHUT UP

you will have days, weeks, months to talk.
Not now. STFU and LISTEN.

2. YOU DON'T KNOW THE LEGAL STANDARD FOR CAUSE

So you want to strike a terrible juror for
CAUSE. um, but what is CAUSE? Too late to
bring the appellate lawyer with the
photographic case law memory to the table.
Depend on you! well, if I'm there, you can
depend on me. But still I may or may not
be allowed at sidebar.

AND THE NUMBER ONE WAY TO LOSE
YOUR CASE. . .

1. NOT PREPARE WHO YOU WANT. WHO YOU DON'T WANT.

Once you can answer this question, then ask yourself WHY.

Then ask yourself HOW.

EXAMPLE: "I don't want a juror who thinks PTSD can never be cured"

WHY? Because this is the primary claim, the plaintiff wants to send a teen to therapy until they are 75, and a juror like this will ring the register for pain and suffering.

HOW (do I know): Ask questions about what they THINK about PTSD. Treatment. Cure.



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email me:

shari@sharibelitz.com

visit me:

<https://www.sharibelitz.com>

LINKIN WITH ME:

<https://www.linkedin.com/in/shariebelitz/>