



PRACTICE POINTERS

How Not to Lose Your Jury!

Companion Handout to "12 Angry Jurors"

1. PATH TOWARDS THE VERDICT YOU WANT.

- ▲ At each step of the trial, show the jury the path to get to that verdict you want.

2. JURY SELECTION

- ▲ Check their Attitudes: a juror's leanings are likely to have more to do with his/her attitude than with their demographic profile
- ▲ Tell Me More: an open-ended question is much more likely to uncover bias
- ▲ Avoid the Expert: a juror with experience may undo all of your careful presentation and persuade the jury against you

3. OPENING STATEMENTS

- ▲ Be Up Front: first words should lay out the crux of your case (remember primacy)
- ▲ Be Reticent: you can alienate jurors if you are being bombastic at the outset, before the jury knows you
- ▲ Be Yourself: well, as long as your "true self" is amicable and likeable
- ▲ Fine Distinction: just because your opening can't be argumentative does not mean it can't be persuasive

4. DIRECT EXAMINATION

- ▲ Preparation: witnesses should be aware how very important their credibility is
- ▲ Visual Aids: tie witness testimony to documents and demonstrative exhibits, but be careful to maintain juror attention on the witness
- ▲ The "Expert" in Expert Witness: getting credentials in front of the jury can enhance your expert's credibility in the jurors' minds

5. CROSS EXAMINATION

- ▲ It's All Context: actually, that glaring bad fact on direct isn't so bad for your case after all
- ▲ Get a Commitment: let the jury see the witness commit to a statement, then pull the inconsistent statement out and read it
- ▲ Maybe Don't: send a message to the jury that this witness's testimony was insignificant, or even helpful

6. CLOSING ARGUMENT

- ▲ Runway Lights: line up every issue, and show the jury exactly how to decide each one
- ▲ Gaping Hole Problem: if you give the jury a gap in your theory, then they will fill it – usually not in your favor (maybe the witness was wearing her glasses after all)
- ▲ Be Clear and Concise: speaking confidently and judiciously, using plain English, will be the most persuasive to most juries