



# Practical Tools for Staying Organized during Voir Dire and Jury Selection

by Kelley Tobin  
Tobin Trial Consulting

If your legal pad and seating chart with one-inch squares are no longer cutting it to manage all the information you learn during voir dire, keep reading.

The challenges for the trial lawyer during voir dire are many. Establishing rapport, building a theme framework, and laying grounds for cause challenges with high-risk jurors (after recognizing and remembering which ones they are) can feel like juggling a feather, a bowling ball, and a flaming torch. With some simple plan-ahead tools and a consultant you trust, there is no need to look or feel overwhelmed and flustered.

No voir dire is ready to proceed without:

1. An organized consultant you can count on
2. A reference seating chart with juror numbers and names in Mr., Mrs., Miss or Ms. format
3. An understanding of the high-risk juror profile
4. A game plan to lay the groundwork for cause challenges
- 5.

## **THE TOOLS**

### **1. Juror Profile Sheets in a three-ring tabbed binder**

How many times have you or your legal assistant kept notes on a legal pad or seating chart during voir dire, but had an impossible time reading your tiny writing or finding a particular comment when you needed it during the strike conference?

No doubt you need that seating chart. But it cannot possibly hold all the information you must acquire, digest and be able to retrieve on demand.

Looking for a specific reference on page after page of a legal pad is like searching for a song note on a cassette tape.

Instead, consider using a tabbed, three-ring binder with a single page devoted to each potential juror. This allows plenty of room to write exactly what a juror says during each segment of voir dire and packages it in a way that allows for quick retrieval.

Trust your trial consultant to keep the notes for you. You stay focused on being present and mindful.

The Juror Profile Sheet for each potential juror should include their juror number, name, occupation, basic background information, and space to write in exact question-and-answer exchanges during both sides' voir dire. Change ink colors for the plaintiff and defense portions of voir dire, so at a glance you know which side gleaned what information.

Leave room for an assessment of leadership potential and initial impressions about the juror.

A dedicated space at the bottom of the page is the place to record invaluable exact quotations that can be vital to getting or defending a cause challenge.

<b>Juror #:</b> _____	<b>Male:</b> _____	<b>Female:</b> _____	<b>Age:</b> _____
<b>Background:</b> _____			
<b>Leader potential:</b> Low    Medium    High		<b>Impression:</b> Red    Yellow    Green	
<b>Name:</b> _____			
<b>Occupation:</b> _____			
<b>Questionnaire Notes and Follow-Up:</b>			
 <b>Plaintiff Voir Dire:</b>			
 <b>Defense Voir Doir:</b>			
 <b>Potential for Cause:</b>			

## 2. High-risk opinion tracker

If voir dire time is strictly limited or issues are particularly sensitive, consider reading opinion statements that help reveal high-risk jurors. Ask jurors who tend to agree more than they disagree with a particular statement to raise their hands. Call out juror names or numbers slowly and in numerical order for your consultant. The consultant needs a legal-size tracking spreadsheet that lists each high-risk statement and allows room to record which jurors raise their hands. In addition to being a quick way to identify problem jurors without having to have lengthy “pollution discussions” this is a great way to stay ahead of your opponent in the information gathering contest.

HIGH-RISK OPINION STATEMENT	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
A. Statement #1																	
B. Statement #2																	
C. Statement #3																	
D. Statement #4																	
E. Statement #5																	

## 3. Cause challenge tracker

At the conclusion of voir dire, if and when the judge asks you to step to the bench and state which jurors you need to call back or challenge for cause, your consultant should be able to hand you a document in numerical order that gives you exactly what you need in a format that makes you look and feel confident and informed.

JUROR	TOPIC	CAUSE “QUOTE” OR POSSIBLE REHABILITATION	GRANTED (x)	DENIED (x)
1				
2				
3				

Encourage use of these practical tools and spend time planning your voir dire logistics ahead of time. Staying organized will help you make the best decisions for your clients.

**Kelley Tobin ([kktobin@swbell.net](mailto:kktobin@swbell.net)) of Tobin Trial Consulting in Houston, Texas, is a research and communications professional who has worked in the legal field since 1990. She assists civil trial lawyers with witness preparation, the development of case themes, and the execution of comprehensive jury research and jury selection processes. As a jury consultant she has specialized in jury communication issues on hundreds of cases involving business disputes, products liability, securities, fraud, misappropriation of trade secrets, contract disputes, legal malpractice, nursing home negligence, personal injury, wrongful death and medical malpractice. Prior to starting her own firm, she served for seven years as full-time Trial Research Director for Moriarty & Associates, P.C. She is a member and past Education Committee Chair of the American Society of Trial Consultants. Her website address is: [www.tobintrialconsulting.com](http://www.tobintrialconsulting.com).**

# Becoming Real

This is our first on-line edition of *The Jury Expert*. The labor was prolonged. We want to thank the authors in our first issue (and in those to come) for believing in this new digital concept of TJE and making its very existence possible by writing about their work. The Board Members of the American Society of Trial Consultants also deserve thanks for allowing us to dream big and to stretch the parameters of *The Jury Expert* into a living and breathing and changing entity.

We will continue to evolve over time based on your feedback and as we learn what works well and what we could rethink. Please send us your feedback, ideas, and perspectives on how we can make TJE a "must read" publication for litigators.

Send your comments to us at: [EditorTJE@astcweb.org](mailto:EditorTJE@astcweb.org).



*The Jury Expert* is published bimonthly by the:

**American Society of Trial Consultants**

1941 Greenspring Drive  
Timonium, MD 21093  
Phone: (410) 560-7949  
Fax: (410) 560-2563  
<http://www.astcweb.org/>

*The Jury Expert* logo was designed in 2008 by:  
Vince Plunkett of *Persuasium Consulting*  
<http://www.persuasium.com/>

## Editors

**Rita R. Handrich, PhD — Editor**  
[EditorTJE@astcweb.org](mailto:EditorTJE@astcweb.org)

**Kevin R. Bouly, PhD — Associate Editor**  
[AssocEditorTJE@astcweb.org](mailto:AssocEditorTJE@astcweb.org)

This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is distributed with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional service. If legal advice or other expert assistance is required, the services of a competent person should be sought. The publisher makes no warranty regarding the accuracy, integrity or continued validity of the facts, allegations or legal authorities contained in any public record documents provided herein, which said documents are provided for illustrative purposes only.

**ASTC**   
AMERICAN SOCIETY OF TRIAL CONSULTANTS