

MANAGING JURY SELECTION EFFECTIVELY

Module #5: Time Management

[1 hour]

Learning Objectives:

After this session, the participants will be able to:

1. Recite the major tools for obtaining relevant background information from prospective jurors;
2. List the major impediments to completing jury selection within reasonable time limits; and
3. Create a checklist of practices and methods to collect important information about prospective jurors in a timely manner.

Learning Activities:

1. **Opening and mini-lecture:** The lead instructor begins by sharing a hypothetical fact pattern describing characteristics of the case docket of a judge in a busy urban court. The hypothetical will serve as a platform for undertaking group exercises designed to inspire the creation of a judicial checklist of jury selection practices designed to obtain economically an optimum amount of relevant information from prospective jurors. (5 minutes)
2. **Group exercise:** The class members are divided into small discussion groups. Each group is asked to provide advice to the judge depicted in the hypothetical. The instructor requests that each group produce a checklist of practices that will help the judge conduct an economical, information-rich jury selection. After three reports, the instructor asks other groups if they have more to add. (20 minutes).
3. **Lecture and discussion:** The faculty provides supplemental practices for inclusion in the ultimate jury-time-management checklist. The product includes: (1) pre-screening jurors for predictably lengthy or high-profile trials, (2) pre-trial conferencing with trial counsel, (3) preparation of jury questionnaires, (4) coordination and training of courtroom staff for the assembly of questionnaire responses, (5) training of courtroom staff in the logistics of striking or seating of regular and alternate jurors, (6) preparation of management orders informing counsel of courtroom/trial procedures, (7) enumeration of practices to respect juror privacy, and (8) enumeration of practices to respect jurors' time and comfort. Class members critique the suggested methods and practices. (28 minutes).
4. **Closing:** The instructor highlights available resources for improving information gathering. (2 minutes).

Materials:

1. For use during class: PowerPoint slides, case hypothetical, and Principle 12 of the *ABA Principles for Juries & Jury Trials*.
2. Reference materials
 - a. Annotated bibliography. Local instructor will add any state-specific reference materials that would be helpful for the participants (e.g., bench books, case law, statutes, court rules, etc.)
 - b. Sample management orders, court forms and checklists.

Case Hypothetical

Tennie Pierce v. City of Los Angeles

Background facts: Tennie Pierce sued the City of Los Angeles after he was tricked into eating dog food at a Westchester fire station. Pierce was the only African-American employed at the fire station. He claims that the trick was perpetrated on him because of his race. Pierce, a 19-year veteran of the department, alleges that Fire Department supervisors purchased the dog food and did nothing to stop him from eating it. He charges that the incident fit an ongoing pattern of harassment against minorities and women. Pierce asserts that the City engaged in a cover-up of the incident and its practices. The firefighter finally contends that for more than a year following the trick feeding he was subjected to verbal slurs, insults and derogatory remarks including his colleagues “barking like dogs ... asking him how dog food tasted.”

The City denies all allegations of discrimination. It further asserts that the dog food feeding was an innocent joke designed to humble the plaintiff after he proclaimed himself “Big Dog” during a Fire Department volleyball game.

Bibliography

Core Document

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Books and Other Works

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