

Effective Oral Voir Dire: Fixing the Six Most Common Mistakes Experienced Litigators Make

Beginning with a demonstration of an all-too-common (and ineffective) oral voir dire, this presentation not only details the six common mistakes that litigators make, but also provides a time-tested approach to time-limited voir dire. The lecture is full of content and demonstration, beginning with an approach to creating a high-risk juror profile and ending with a concrete triple-layer approach to oral voir dire. Topics include:

- Identifying the six mistakes and remedies
- Introducing a time-tested triple-layer approach to effective oral voir dire
- Avoiding oral voir dire questions that help the other side more

Good “Strikeable “Minority” Question

An Example
(For the Defendant):

“How many of you think there are too many lawsuits against physicians these days?”

Most jurors say “yes.”



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A Triple-Layer Process

LAYER ONE

Warm Up for Context:
Individual or Group Orientation Question

LAYER TWO

Identify Defense Strikes:
Group Question with Two “Clear Contrast” Choices

LAYER THREE

Elicit Themes from Plaintiff’s Strikes:
Individual Follow-Up Question That Invites Thematic Response

