

VOIR DIRE: OPPORTUNITY

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AGENDA

- ▣ Considerations
- ▣ Plan
- ▣ Preparation
- ▣ Presentation
- ▣ Colin Lacy Trial

THINGS TO CONSIDER

- ▣ State Court vs Federal Court
- ▣ Criminal Case vs Civil Case
- ▣ Credibility, Credibility, Credibility
- ▣ Eyes of the Venire are Upon You (and your client!)
- ▣ Meeting Expectations
- ▣ Tell the Truth (Did I mention credibility?)
- ▣ Educate AND Persuade

PLAN

- ▣ Know the Venue
- ▣ Research the Judge
- ▣ Opposing Counsel
- ▣ Venire List
- ▣ Social Media
- ▣ Friends, Family and Colleagues
- ▣ Jury Questionnaires
- ▣ Other Considerations

PREPARATION

- ▣ Tailor questions to match major themes and evidence
- ▣ Outline
- ▣ Standard questions: previous accidents, disabilities, insurance, prior jury service, etc.
- ▣ Opening Statement in Voir Dire
- ▣ Vet outline and themes with co-counsel, colleagues

PRESENTATION

- ▣ Be yourself
- ▣ Empathize about demands on time
- ▣ No script!
- ▣ Speak up & engage – positive body language
- ▣ Get away from podium
- ▣ Be friendly
- ▣ Discuss facts - even the bad ones
- ▣ Discuss law – good and bad
- ▣ Sound Bite Summation

COLIN LACY TRIAL

JURY PANEL

- ▣ Number: 41
 - Male: 17 / Female: 24
 - Caucasian: 25 / Minority: 16
- ▣ Unemployed: 2 / Retired: 3
- ▣ Teachers: 4
- ▣ Healthcare: 6 (+ 1 volunteer fireman/EMT)
- ▣ Blue Collar: 12 / White Collar: 4
- ▣ Retirees: 1 military; 1 vocational counselor
- ▣ Lawyer: 1

JUDGE & PARTIES

- ▣ The Judge: Michael Youngpeter
- ▣ The Client: Colin - White Male, Late 20s, Paralyzed from the waist down for life
- ▣ The Defendant: Empire Truck & Sales – local business & employer, but not locally owned

FACTS

- ▣ The Accident
- ▣ Fault
- ▣ Catastrophic Injuries
- ▣ Human Impact
- ▣ Bad Facts: Colin put incorrect information on job application – important to credibility as Colin was sole witness regarding what happened mechanically as he was driving

SUBSTANTIVE LAW

- ▣ Florida Law - Comparative negligence (driving fast in the rain or rainy conditions)

DAMAGES

- ▣ Cost - in terms of life losses and money
- ▣ Life care plan
- ▣ Large verdict in the millions because that's what the cost is to Colin given the severity of his injuries
- ▣ Punitive Damages

SOUND BITE SUMMATION

- ▣ “The evidence will establish that a young man’s life was catastrophically changed due to the fault of a company that is trying to blame Colin for its mistake. If we prove that Colin is entitled to a substantial verdict in order to compensate him for his loss, to care for him in the future and to punish the conduct of Empire, can you award a substantial verdict in this case?”

FINAL JURY PROFILE

- ▣ Male: 5 / Female: 9
- ▣ Caucasian: 8 / Minority: 6
- ▣ Teachers, Nurses, EMT, Blue Collar, Car Salesman
- ▣ Older female who had caused an auto related death
- ▣ No lawyers!

CONCLUSION

Four Major Goals of Voir Dire:

- ▣ Information Gathering
- ▣ Rapport
- ▣ Education
- ▣ Persuasion