

NATIONAL DEFENDER TRAINING PROJECT 2017 PUBLIC DEFENDER TRIAL ADVOCACY PROGRAM

University of Dayton School of Law, Dayton, Ohio
Friday, June 2, 2017 to Wednesday, June 7, 2017

Life Experience Voir Dire

HOW TO ASK LIFE EXPERIENCE QUESTIONS

A. Start with an IMPERATIVE COMMAND:

“Tell us about,” “Share with us,” “Describe for us”

The reason we start the question with an imperative command is to make sure that the juror gives feels it is proper and necessary to give a narrative answer, not just a “yes” or “no.”

B. Use a SUPERLATIVE to describe the experience you want them to talk about:

“The best,” “The worst,” “The most serious”

The reason we ask the question in terms of a superlative is to make sure we do not get a trivial experience from the juror.

C. ASK FOR A PERSONAL EXPERIENCE

“That you saw,” “That happened to you,” “That you heard of,” That you know of.”

This is the crucial part of the question where you ask the juror to relate a personal experience. Be sure to keep the question open-ended, not leading.

D. ALLOW THEM TO SAVE FACE

“That you or someone close to you saw,” “That happened to you or someone you know,”

This gives the juror the chance to relate an experience that had an effect on their perceptions, but may not have directly happened to them. It also lets the juror avoid

embarrassment by attributing one of their experiences to someone else.

E. PUTTING THE QUESTION TOGETHER

EX: Assume we are dealing with the same hypothetical about the child sex case and the divorcing parents. Some of the questions might come out like this:

1. “Tell us about the worst situation you’ve ever seen where someone involved in a divorce went way over the line in trying to hurt their ex.”
2. “Please describe for us the most serious situation when as a child, you or someone you know had an adult try to get you to do something you shouldn’t have done.”