

An Attorney Serving as a Juror:

By Ronald D. Richards Jr.

10 Lessons from Jury Duty

As an attorney licensed for nearly 10 years, I opened up the mail to find a jury duty notice and knew that I had to do my civic duty and at least appear for jury selection. But I never believed that the trial attorneys would choose me to sit as a juror. In fact, when I received the notice in the mail, my colleagues in the firm all reacted similarly: “No way that a lawyer will get picked to serve on a jury,” or “Even if your name is drawn, the trial attorneys will dismiss you.” My colleagues and I were wrong. After the jury selection process, I was one of 14 people chosen to comprise the jury for a two-week criminal trial.

Although it was a challenge to keep up with my law firm workload during the trial, I can say unequivocally that my two-week service as a juror taught me a tremendous amount that will help my law practice. Except for 5- or 10-minute discussions with jurors after a verdict, attorneys are normally complete *outsiders* to the jury room. I was completely *inside* the jury room—and for two weeks at that. To be sure, every jury pool is likely different. But during my two weeks as a juror, I learned what jurors (at least those serving with me) like during trials and what is important to them when hearing and deciding a case—and what they do not like.

Below is a list of 10 things that I learned while serving as a juror. Some may seem intuitive. Others might seem surprising. Perhaps the list will be helpful for you to keep in mind when trying your next case.

1. Jurors Like Technology

My trial occurred in a modern courtroom equipped with many high-tech features. For example, the courtroom had an overhead document camera projector (often referred to as an “Elmo” projector) that was linked to several video monitors located inside the witness stand and the jury box. This document camera projector allowed the trial attorneys to place a trial exhibit flat on the document camera screen and in turn have the image displayed on the video monitors right in front of the witness and jurors. Plus, the courtroom’s technology allowed the attorneys and witnesses to touch the trial exhibit image that was displayed on the monitor and in doing so place marks on the screen over the image displayed. The courtroom’s technology also allowed the attorneys to use other high-tech features to present part of their opening and closing arguments via a PowerPoint presentation displayed in the jury box’s video monitors. All jurors agreed that incorporating technology into the presentations was very helpful.



2. Be Careful Using Technology

Here are two suggestions if you are going to use the high-tech features of a courtroom during a trial. First, make sure you know how to use the technology. There is nothing worse than making the jury wait around while an attorney figures out where to plug in his or her laptop. Jurors wait enough as it is. (See Lesson No. 3 below.)

Second, do not rely on technology exclusively. For example, at one point the jurors viewed a photograph, displayed via the document camera system, which showed the victim's claimed injuries on the video monitor in the jury box while the attorney questioned the witness about the exhibit. Later, though, the jurors were allowed to individually view the actual photograph while in their jury seats. My subsequent review of the actual picture in my hands showed far more detail. Technology should not replace traditional methods of presenting evidence; it should supplement them.

3. Jurors Wait a Lot—and Don't Particularly Like It

Anyone who has ever tried a case knows about the many aspects of a trial that a jury is not allowed to hear, such as motions *in limine* or arguments about evidentiary issues. Jurors typically are not aware that there are some proceedings that must occur outside their presence. Instead, jurors are left to their small jury room to wait—without a BlackBerry or cell phone, by the way. Sometimes the wait is more than an hour. Some of these waits are without explanation. Granted, this one is tough to avoid. But perhaps trying to move your case along or showing sensitivity about any time the jury is waiting might go a long way.



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4. When an Attorney Questions a Witness, Jurors Like Roadmaps

It is sometimes hard for jurors to follow the line of questioning that an attorney is pursuing with a witness. One way to help jurors understand the line of questioning is to offer a “roadmap.” For example, assume that the case involves significant events on multiple days. You might consider—before questioning a witness about the events on one of the days—making a roadmap-type statement to the witness before beginning the questioning, such as “Mr. Smith, I am now going to ask you some questions about the events of May 15, 2008.” This greatly aids the jurors and helps them organize their own thoughts.

5. Jurors Notice Who Is in the Audience—and Who Is Not

Jurors are keenly interested in who is in the courtroom during the trial—and who is not. Is the alleged victim in the courtroom the entire time? Or is the victim there only sporadically? Is the defendant's family in the courtroom? It may be that the attorneys can do little to extinguish this curiosity. Or it may be that an attorney can properly note a witness's presence or absence during trial if it plays in his or her favor. Either way, you might keep this in mind during the trial.



6. Jurors Take Deliberations Very Seriously

It is safe to say that all attorneys who try cases hope that a jury will treat deliberations seriously. I am fully convinced that jurors do this.

7. Jurors Pay Close Attention to the “Big Picture” of a Case—and to the Details

The jurors with whom I served displayed a thorough understanding of the testimony. Many of them picked up on testimony that, while perhaps irrelevant in my view to the ultimate issue of whether the prosecution proved the elements of the crime at issue, nevertheless showed their solid grasp of the witnesses' testimony. It was clear that they devoted their full attention to hearing the case.

8. Jurors Look for a Story that is Consistent with Common Sense

In deciding a case, jurors look to see what makes sense and what does not. So in reviewing your case strategy—before and during the trial—consider whether there are any commonsense aspects missing. Is your case missing a commonsense detail? Filling in such holes could go a long way in the minds of the jury.



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9. Jurors Like Opening and Closing Arguments

Attorneys all know that the court's instructions establish that the attorneys' arguments are not “evidence.” But jurors like stories. They therefore pay close attention to opening and closing arguments. They will remember an attorney's representations during opening arguments to see if they come to fruition during the trial. And closing arguments might be the most important of all. It cannot be emphasized too much that closing argument is a critical aspect of the case as it is the last word the jurors hear before beginning their deliberations.

10. Jurors Appreciate Civility

Jurors pay close attention to how the trial attorneys treat each other and witnesses. If an attorney seems to go over the line in treating an opposing counsel or a witness, jurors take note and remember that. In short, jurors appreciate zealous advocacy, but like civility too.

Final Reflection

Looking back on my jury duty, I feel uniquely enriched. To be sure, there were long days—eight hours spent in trial as a juror followed by several more trying to play catch-up in my law practice. But I feel fortunate to have been able to go through the experience, contribute to the justice system in a different way than attorneys typically do, and learn so much that will help my law practice. I suppose every experience presents a learning opportunity. Perhaps this summary of my experience will be helpful to you as well. ■



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