

Trial by Jury

The Jury Selection Process

Grade Level: 9-12

Time: 3-4 class periods

Objectives

Students will be able to:

- Describe the purpose of jury selection and why impartiality is essential to a fair trial.
- Explain how attorneys use questioning during voir dire to identify bias.
- Analyze sample voir dire questions to determine what type of bias they are intended to uncover.
- Apply rules of evidence and reasoning during a simulated jury deliberation.
- Evaluate how bias (implicit or explicit) can influence jury decisions.
- Compare the ideal of an impartial jury with real-world challenges in achieving it.
- Explain the importance of jury service in a democratic society.

Materials

- Part 1
 - Proposed voir dire questions
 - One set of Juror Profile Cards
 - [Printable Juror Profile Cards \(PDF\)](#)
 - [Editable Juror Profile Cards \(Power Point\)](#) – make a copy
- Part 2
 - “Selected” list of jurors & outline of jury instructions
 - Case File # 1 - *U.S. v. Rivera* (one per student)
- Part 3
 - Chart paper or Smart Board with a T-chart
 - Case File #2 – *U.S. v. Seech* (one per student)
 - Juror Profiles (1 copy per student)

- Juror Selection Notes sheet (students must keep this for the next part)
- Part 4
 - Five to eight sets of Juror Profile Card (this depends on class size – you will need one set per each group of 3 students)
 - [Printable Juror Profile Cards \(PDF\)](#)
 - [Editable Juror Profile Cards \(Power Point\)](#) – make a copy
 - The Jury Box Worksheet

Activity Procedure

Part 1: Called for Duty (Day 1)

Part 1 of this lesson focuses on **Voir Dire**. This is the process that courts (the judge and the attorneys in the case) use to select a jury. Voir Dire means “to speak truth.” Typically, 40 – 60 individuals (U.S. citizens age 18 and older and living within the jurisdiction) are called to serve on a panel. Those 40 – 60 individuals are called a **venire panel**. The panel will be questioned by the attorneys and/or the judge to identify 12 suitable jurors, and one or two alternates depending on the needs of the court.

Part 1 of this lesson gives students an opportunity to experience this questioning process. If possible, combine with another class to create a larger jury pool and another teacher so you can each take the role of an attorney during the questioning process. If you do not have another adult to take on the role, you can ask questions as the judge in the case. Some judges prefer to allow attorneys to ask questions, while others ask the questions themselves. In both cases, attorneys propose sets of questions in advance which are approved by the judge.

The U.S. legal system is an **adversarial system**. Two opposing parties present their cases before an impartial judge and jury. Before a trial can begin, the impartial jury must be selected through the Voir Dire process.

Step 1: The Hook (5 minutes)

Distribute juror profile cards to the students randomly. Use the suggested modifications to determine which profiles you will use based on your group size.

Tell students:

“Congratulations! You’ve been called for jury duty! Each of you has received a jury summons in the mail. For this activity though, you will take on a different role. Read your card thoroughly. This is the information that the attorneys will have when you appear for

jury service. For this activity, you will need to think and act like the character on your card. When you are ready, introduce yourself, in character, to two people sitting near you.”

Step 2: Questioning (35 minutes)

“We are now ready to begin the Voir Dire process. This phrase literally means ‘To speak truth.’ Before questioning begins, jurors swear an oath to tell the truth. It is essential that you answer questions, even if you aren’t sure that your answer matters. The attorneys and judge will make the final decision, but they can’t do that unless you’ve answered their questions fully and truthfully. For this activity, you are not under oath since you are pretending to be someone else. Answer the questions the way that your character would answer. If the answer is not on the card, you can make up an answer as long as it fits your character’s profile.”

You will not be able to ask all of the questions in the proposed questions in a 30-minute period. The Voir Dire process typically takes several hours and frequently the entire day. This activity is just to give students an experience of what the process is like. You can choose to ask only “Proposed Questions – Prosecution,” only “Proposed Questions – Defense,” or split the time to give them a sense of both types of questions. When students raise their hands, ask them the follow up questions listed under the main question. This will sound like, “Juror #2, who do you know in the U.S. Attorney’s office? Do you and your spouse ever discuss work at home? Thank you, Juror #2.”

Step 3: Reflection Discussion (10 minutes)

End Part 1 with the following discussion questions:

- If you were called to serve on a real trial, and sworn to tell the truth, how would the voir dire questions make you feel?
- When you were being asked questions did you feel any pressure to answer a certain way?
- What might happen if someone didn’t answer a question or lied about their connections or experiences?
- Certain U.S. Supreme Court cases have made it illegal to exclude someone from the jury pool based on race or sex. Why is it important to have a broad range of backgrounds and perspectives in the jury pool?

Part 2: The Deliberation (Day 2)

After questioning, the potential jurors are excused while the attorneys and the judge make the selection. Students will practice this step in the next part of this lesson. The purpose of Part 2 is to give them an experience of what it is like to **deliberate** (verb, to think about or

discuss issues and decisions carefully) as jurors to reach a decision. Before assigning the jurors, designate specific areas of the classroom as juror deliberation “rooms.” Each student will be called to one of the rooms (depending on the number of students you have).

Step 1: The Hook (5 minutes)

Tell the students: “The judge and the attorneys have made some decisions and today, you’ve all been selected to deliberate on a jury. Listen carefully. When your number is called stand-up and report to your jury box.”

Call jurors according to the instructions given in the section titled “Selected Jurors.”

Step 2: Mini Deliberation (30 minutes)

Once the jurors are seated for deliberation, tell the students: “Now you will participate in a jury deliberation. You should still think, act, and talk according to the profile that you were assigned earlier. If you were chosen to serve on a jury in an actual case, you would listen to witness testimony, evaluate evidence presented by both sides, and consider arguments made by the attorneys. Trials can take a few hours, or they can take many weeks depending on how complex the case is and how much evidence there is to present. Imagine that you’ve sat through the trial in this case. You’ve taken notes on the evidence presented in trial, and the trial has come to a close.” Distribute a copy of the case file to each student and allow 3-4 minutes for them to read it silently.

“Before you can begin deliberating, I will read you instructions.” Read the instructions in the section titled “Jury Instructions.”

Give the students time to discuss the case. Circulate between the juries to address any potential issues, to remind them to think like their profile, to encourage discussion and the use of evidence to back up claims, and to monitor their progress. Encourage each jury to identify a **foreperson** (the designated leader and spokesperson for the jury) who will announce their final verdict.

Step 3: Verdicts (5 minutes)

Once you have reached the time limit, ask the foreperson to prepare to announce the verdict. If a group has not reached a **unanimous verdict**, the foreperson will report the status of the deliberations. (In all federal and most state criminal trials, all jurors must agree on the decision, though your students may not have time to achieve this during the limited time allowed for the activity)

Step 4: Reflection Discussion (10 minutes)

Begin by asking each group to describe their deliberation process. Did anyone change their mind? If so, what made them change their minds?

- Was your group able to come with a unanimous verdict?
- Was it difficult to reach an agreement?
- How did bias play a role in your personal decision-making? How did bias play a role in your group decision-making?
- What does this activity show about the importance of impartiality?
- When you think about the whole process, were there any questions asked during voir dire that surprised you?

Part 3: A New Case (Day 3 - 4)

In part 3, students will learn how the attorneys and the judges work together to identify the final 12 jurors selected to a particular case. They will then play a game to select 12 jurors and two alternates for a new case. To prepare for the lesson, create a T – chart labeled “Prosecution” on the left and “Defense” on the right.

Step 1: The Hook (5 Min)

Ask students: “If you were an attorney in Mr. Rivera’s case, either for the Prosecution or the Defense, what sort of qualities would you be looking for in a juror? Are there specific jurors that you would want to exclude? Consider how people might become sympathetic to one side or the other through life experiences, personal relationships, or their occupations, or age in life. Does prior jury experience predict future outcomes? If so, what would each side be looking for generally in prior jury service. *As students provide answers, record their responses on the chart.*

Step 2: Jury Selection Behind the Scenes (10 Min)

In the first lesson, you were part of a voir dire simulation. In the second lesson, you participated in a deliberation. We skipped over everything that comes in between selection and deliberation. One of the things we skipped was the trial. In a trial, witnesses come into court. The jurors hear from the witnesses and evaluate the witnesses’ credibility. They can watch surveillance footage and look at photos, maps, and other materials to help make their decisions about the verdict.

Before the trial, but after the questions, the judge and attorneys must decide which 12 people (plus 1 or 2 alternate), out of the 40 – 60 people in the jury pool will be chosen to decide the case. The potential jurors are excused for a break while the attorneys and court make the decisions. Today, we are going to look closer at the selection process.

Each juror is considered individually by the court. If the juror is not eliminated, they are seated on the jury. There are two ways that a potential juror can be eliminated:

- **Strike for Cause** – These are unlimited, but each request must be justified, and the judge makes the final decision. If the judge denies the request to strike for cause, the attorney can use a peremptory challenge if they have any left. Common reasons that the attorneys might strike for cause include:
 - The juror personally knows someone involved in the case, such as one of the parties, or a witness, or one of the attorneys
 - The juror is physically unable to participate in the proceedings
 - The juror clearly shows an obvious bias and cannot decide this particular case impartially.
- **Peremptory Challenge** – These are limited in number and depend on the type of case before the court. [In **federal criminal felony cases** (a serious criminal case carrying a possible punishment of over one year), the Prosecution has six peremptory challenges and the Defense has 10. In **federal civil cases** (a lawsuit between two parties, opposed to a criminal case, each side gets 3.) In a peremptory challenge the attorney can eliminate a particular juror without giving a reason, such as a simple hunch that the juror won't be a good juror for their side.
 - **EXCEPTION:** Under *Batson v. Kentucky* and *JEB v. Alabama*, peremptory challenges cannot be used to eliminate jurors based solely on race or gender.

Step 3: Prepare for Selection (30 Min)

In this activity, students will be divided into three groups and assigned to be Judge, Prosecution or Defense Attorney. They will use the chart to evaluate each juror's suitability for the new case.

Divide the class into three groups assigning each group Judge, Prosecution, or Defense. Depending on the size of the class, further divide the teams, to create small groups of 3 to 4 students so everyone can participate. Provide each student with a copy of the case file for *U.S. v. Seech*, a copy of the juror profiles, and a copy of the selection preparation chart.

Tell the students: First, you need to review the facts of the case. Read through the evidence. If you are on in one of the attorney groups, discuss what kind of person might be helpful to deciding the case in your favor. If you are in the judge group discuss what type of person might be biased against one side or another. *Give students 10 minutes to read and discuss the new case file.*

Tell the students: Next, you are going to prepare for jury selection using the preparation chart. You all have the juror profiles. This is the information that you gathered during the

voir dire process. Each side will get three peremptory challenges. If you are an attorney, your task right now is to evaluate each juror based on their profile and decide whether you want to accept or challenge the juror. If you want to challenge, write the reasoning for the challenge (strategically it is better to plan to argue for a strike for cause and only use a peremptory challenge if the strike for cause is denied). In the next box, predict how the other side will respond to the challenge. Decide if the juror is someone that you are willing to use one of those peremptory challenges on if the strike for cause is not granted.

Additionally, as you discuss the jurors, evaluate each person to decide if you think the other side will try to strike for cause. If so, and if you want to try to keep this juror on the jury, write a reason that the court should deny the other side's request.

If you are a judge, you will need to anticipate the arguments that the attorneys will make. Evaluate each juror. Consider whether you think that juror will be challenged. Who will challenge the person and why? Remember, your role is to be impartial and make sure that the rules are followed. To allow a Strike for Cause, the juror should meet one of the following conditions:

- The juror personally knows someone involved in the case, such as one of the parties, or a witness, or one of the attorneys
- The juror is physically unable to participate in the proceedings
- The juror clearly shows an obvious bias and cannot decide this particular case impartially.

Step 4: Select a Jury Game (40 Min)

In the final step of this lesson, students will play a game using the juror profiles and their notes from the preparation session. Divide students into groups of three. Each group of three should include a judge, a prosecutor, and a defense attorney. Each group will need a set of Juror Profile Cards and one Jury Box Worksheet. Each person should also bring their jury selection preparation notes, copy of the juror profiles, and copy of Case File #2 for reference during the game. To finish the game, the students will need a piece of chart paper or a way to display the juror profile cards of the selected jurors.

Provide students with these instructions:

1. The object of this game is to seat a jury of 12 with two alternates ready to hear the case of *U.S. v. Seech*. Each of you has a specific role to play in the process.
 - a. Prosecution Attorney – your role is to represent the people of the United States in a drug fraud conspiracy. You regularly work with the police to prevent exactly the type of behavior alleged in this case. It is in your interest

to identify and select people who agree with you on the importance of your work.

- b. Defense Attorney – your role is to represent Tamara Seech. She is innocent until the prosecution proves beyond a reasonable doubt that she is guilty. The facts of this case and the danger that drugs present to the community is obvious to you, but can the prosecution prove Dr. Seech is guilty beyond a reasonable doubt? You want to find jurors willing to look at the facts with a critical eye and carefully evaluate the evidence before them.
 - c. Judge – if you are assigned the role of judge, you must be absolutely impartial. Your goal is to set a jury that is balanced and will hear the case fairly. The attorneys are both looking for jurors that will help their side and eliminate jurors that will be harmful to their side. When an attorney requests that a particular juror be struck, you need to ask for their reason. Once they've stated a reason, you will ask the other side for their response. Evaluate their reasons and then you must decide whether a particular juror should be eliminated. The Judge keeps the official Jury Box Worksheet, although the attorneys will want to be sure to keep track of who is chosen.
2. To begin, the judge shuffles the juror profile cards to create a random order and places the stack of cards face down.
 3. Taking turns, the prosecution attorney and defense attorney draw cards from the stack. For each turn they must choose one of three options:
 - Accept the juror – if this happens, the other side has an opportunity to attempt a strike. If both sides accept the juror and the judge has no concerns, then the juror is seated in the Jury Box on the worksheet. Play proceeds.
 - Strike for Cause – if the attorney wishes to strike for cause, the judge asks for the reason. Once the reason is stated, the judge asks for a response from the other side (it is possible for BOTH sides to agree that a juror should be eliminated). The judge will then decide whether or not to allow the strike. If the judge grants the request to strike, that juror is recorded on the worksheet under “Struck for Cause.” If the judge denies the request to strike, the attorney must decide to move on to the next option. If the attorney does not use one of their peremptory challenges, then the juror is seated in the Jury Box on the worksheet.
 - Peremptory Challenge – for the purposes of this game, the defense attorney gets four of these challenges and the prosecutor gets three of peremptory challenges. No reason needs to be given to use this type

of challenge. If an attorney uses a peremptory challenge, the juror is recorded on the worksheet and is eliminated from the jury.

4. Play proceeds in this manner until 12 jurors and two alternates have been seated in the jury box.

Step 5: Gallery Walk (10 Min)

Begin by asking each group to assemble and display the 14 jurors finally selected to serve on the jury. Each group of three should walk around the room and consider the juries selected by the other groups. Consider these questions as you look at the juries:

- On a scale of 1 to 10, how balanced is this jury? Discuss any potential bias that you see.
- Can you predict how this jury will decide the case?
- What did this game teach you about the selection process?

Juror Profiles

Juror #1

Age 55

Occupation: Truck Driver for a Local Lumberyard

Notes:

- Married with six children, ranging in age from six months to 14 years
- Spouse is a stay-at-home parent
- A strict disciplinarian with the children
- Served on a child abuse jury case where the defendant was found guilty; never served on a civil case.

Juror #2

Age 35

Occupation: Owns a Job Placement Service

Notes:

- Married five years, no children
- Spouse is an Assistant US Attorney (a Prosecutor in criminal cases)
- Well-dressed, successful appearance
- No prior jury duty
- Believes that criminals “just don’t work hard enough to be successful.”

Juror #3

Age 25

Occupation: Works for the Department of Child Protective Services

Notes:

- Never married
- Mother is a plastic surgeon
- Believes that the death penalty should be abolished
- Juror on a murder case last year, in which the defendant was found not guilty.

Juror #4

Age 64

Occupation: Retired physician

Notes:

- Relies on science and empirically proven facts to make a decision
- Widowed; three grown children and six grandchildren
- Served twice on juries in traffic cases, in both cases the defendant was found not guilty.

Juror #5

Age 22

Occupation: Seminary Student

Notes:

- Engaged to marry a Youth Minister
- Hair unkempt, dressed in jeans and a sweatshirt
- No prior jury duty
- Believes that the Bible is the supreme authority on facts and faith

Juror #6

Age 46

Occupation: Dentist

Notes:

- Married; three teenage children
- Spouse is a high school teacher, who was recently assaulted by a student
- Once served on a jury for a DWI case in which the defendant was found guilty

Juror #7

Age 41

Occupation: Information Technology (IT) Specialist

Notes:

- Thinks logically and makes decisions based on evidence rather than feelings
- Married; two children
- Spouse is a homemaker
- Attractive, well dressed
- Scoutmaster

Juror #8

Age 28

Occupation: Criminal Defense Attorney

Notes:

- Became a lawyer to fight for Constitutional rights for those who cannot afford a lawyer
- Married two years, no children
- Spouse is a kindergarten teacher
- Never served on a jury

Juror #9

Age 19

Occupation: College Freshman majoring in Fashion Merchandising

Notes:

- Had a very sheltered childhood in a wealthy neighborhood
- Single
- Neatly dressed
- Never served on a jury

Juror #10

Age 34

Occupation: Investment Banker

Notes:

- Believes that God gave us brains and expects us to use them
- Married for ten years, three children
- Spouse is an emergency room nurse
- Served as a juror once which resulted in a teenager sentenced for six months

Juror #11

Age 64

Occupation: Retired Secretary

Notes:

- Spouse was a state court judge for 22 years, now widowed
- Attractive and well dressed
- Served on two civil juries; one was a malpractice case where the jury found for the plaintiff

Juror #12

Age 21

Occupation: Stocking Clerk for a Supermarket

Notes:

- Engaged to be married
- Attending night classes at a community college
- Turned down for admission into the Police Academy
- No prior jury duty

Juror #13

Age 26

Occupation: Executive Assistant to a Bank President

Notes:

- Believes that "what goes around comes around"
- Single
- Recently in a car accident caused by a drunk driver
- Expensively dressed

Juror #14

Age 39

Occupation: Used Car Salesman

Notes:

- Divorced, with three children, ages 12, 15, and 17
- Sponsors an Al-Anon Chapter for teenagers
- Casually dressed
- Inattentive during voir dire

Juror #15

Age 40

Occupation: Writer

Notes:

- Open-minded and loves to meet and learn more about people
- Married, four children under the age of 10
- Spouse is a supervisor for a magazine
- Speaker for a high school assembly speaker this year during Red Ribbon Week
- Never served on a jury

Juror #16

Age 30

Occupation: Waiter

Notes:

- No religion given
- Single
- Enjoys socializing at local establishments on the weekend
- Wearing flip flops and shorts
- Served on a prior civil jury, which found for the defense

Juror #17

Age 55

Occupation: Currently Unemployed

Notes:

- Believes in the importance of diversity and respect for other opinions
- Divorced, six children ranging from six to 18
- Sued former employer for continuation of medical coverage
- Dressed in jeans and a hoodie

Juror #18

Age 49

Occupation: Mail Carrier

Notes:

- Believes that anyone who sins is lost and can only be redeemed through Jesus Christ
- Married, three adult children
- Spouse works in the school cafeteria
- Dressed in a postal uniform
- Seriously injured in a car accident last year and sued the driver

Juror #19

Age 24

Occupation: Flight Attendant for a Major Airline

Notes:

- A vocal atheist who thinks people who believe in God are silly
- Engaged to be married this summer
- Fiancé just graduated from the Police Academy

Juror #20

Age 33

Occupation: Semi-Professional Baseball Player

Notes:

- Single
- Father is a physician
- Fiancé recently broke off their engagement
- Dressed in jeans and t-shirt
- Coaches youth baseball

Juror #21

Age 48

Occupation: Accountant

Notes:

- No religious affiliation
- Separated, no children
- Currently in the middle of a messy divorce
- Recently held at gun point by a robber at a local gas station, but rescued by police without injury

Juror #22

Age 27

Occupation: Manager of a Fast Food Restaurant

Notes:

- Married, two small children
- Works with several teenagers – thinks that the employees spend too much time goofing off.
- Recently sued for sexual harassment by an employee

Juror #23

Age 63

Occupation: Retired Librarian

Notes:

- Widowed, two adult children
- Very attentive during questioning
- Served on a criminal jury, in which the defendant was found not guilty

Juror #24

Age 34

Occupation: Homemaker

Notes:

- Married, two children
- Spouse is an auto insurance agent
- Served as PTA President and won several awards for commitment to volunteer activities
- Former beauty pageant winner

Juror # 25

Age 28

Occupation: Medical Student

Notes:

- Is currently fasting for Ramadan
- Married, no children
- Spouse is a homemaker
- Recently became a naturalized citizen of the United States

Juror #26

Age 50

Occupation: Landscaper

Notes:

- Married, three grown sons
- One son was suspected by police of being involved in local gang activities, but was never charged with a crime
- Complained to the judge before the case began about missing work to serve on the jury.

Juror #27

Age 48

Occupation: Homemaker

Notes:

- Married, one adult daughter
- Spouse is a corporate attorney
- Recently completed chemotherapy for cancer
- President of the local chapter of Parents Against Drunk Driving

Juror #28

Age 55

Occupation: Local Business Owner

Notes:

- Divorced, no children
- Convicted of possession of marijuana (**misdemeanor**, which is a less serious conviction than a felony) while in college.
- Still angry about the incident because "it was just weed."

Juror #29

Age 40

Occupation: Works for the City Water Department

Notes:

- Married, one child
- Spouse works in the church nursery
- Recovering alcoholic – sober for 6 years and 2 months
- Veteran of the Gulf War

Juror #30

Age 28

Occupation: Professional Artist

Notes:

- Single
- Dressed in business casual
- Stopped by police and given a field sobriety test on two occasions, but never charged
- Thinks the police were just harassing and didn't really have cause

Juror #31

Age 42

Occupation: Elementary Teacher

Notes:

- A strict "rule-follower"
- Married, three children
- Dressed in business casual
- Attentive, but frequently yawning during questioning
- Serve on two prior criminal cases – one guilty verdict, one not guilty verdict

Juror #32

Age 54

Occupation: Attorney for a large business

Notes:

- Divorced, 3 adult children
- President of the local lawyer's association
- Wearing a suit. Answers questions thoughtfully and in great detail
- No prior jury service

Juror #33

Age 18

Occupation: Student at community college

Notes:

- Single
- Older brother killed 10 years ago in a drug-related shooting
- Serves as a mentor for Big Brothers Big Sisters America
- No prior jury service

Juror #34

Age 29

Occupation: Emergency Room Nurse

Notes:

- Recently married, no children
- Works the overnight shift on Sundays, Mondays, Tuesdays
- Spouse is a social worker
- Served on one civil jury, which found for the plaintiff

Juror #35

Age 47

Occupation: Ad executive for marketing firm

Notes:

- Married, two adult children from previous marriage, two children at home
- Home broken into 7 months before. The case is still unsolved.
- Works from home and primary caregiver for children after school
- No prior jury service

Juror #36

Age 34

Occupation: Self Employed, owner of clothing boutique

Notes:

- Married, two children at home
- Wearing fashionable outfit, constantly checking cell phone notifications
- Spouse recently laid off from IT job
- Served on one criminal jury. Resulted in mistrial due to a hung jury.

Juror #37

Age 71

Occupation: Retired Sound Technician

Notes:

- Never married, two adult children
- Traveled extensively with pop/rock musicians during career
- Suffers from hearing loss and relies on a hearing aid
- Wearing jeans and a Bob Marley t-shirt

Juror #38

Age 27

Occupation: Graduate Student

Notes:

- Pursuing Masters in Social Work
- Spent four years working at a domestic violence shelter
- No children
- Does not raise hand to answer questions during voir dire

Juror #39

Age 34

Occupation: Veterinarian

Notes:

- Married, one child
- Wearing scrubs
- Spouse is a Federal Public Defender (a Defense Attorney in criminal cases)
- Has served on two juries, both defendants were found not guilty

Juror #40

Age 64

Occupation: Librarian

Notes:

- Married to a local police officer for 40 years
- Sister died in a car accident last year – driver tested positive for cocaine
- Wears thick glasses
- Speaks quietly when answering questions

Juror #41

Age 46

Occupation: General Contractor

Notes:

- Lives and builds houses in St. Charles Missouri
- Spouse is an interior designer and frequent business partner
- They are celebrating their 20th anniversary with a trip to Europe departing tomorrow
- Constantly checking the time

Juror #42

Age 50

Occupation: Financial Analyst

Notes:

- Married with twins who are seniors in high school
- Spouse is in the military
- Red/Green colorblindness (cannot detect red)
- Never served on a jury

Juror #43

Age 22

Occupation: Social Media Content Manager

Notes:

- Single, no children
- Recently hired for dream job and works 60 – 70 hours per week
- Carefully monitors multiple social media platforms
- Believes that success is nothing more than hard work

Juror #44

Age 39

Occupation: National Park Ranger

Notes:

- Married, 2 school-aged children
- Provides educational programming for visitors to the park and a strong believer in civic responsibility
- Spouse works as a legal secretary for the United States Attorney's Office (secretary for a Prosecution Attorney in the drug enforcement unit)

- Has never been selected for jury duty, but really wants to be on a jury

Juror #45

Age 23

Occupation: Pastry Chef

Notes:

- Serious relationship, but not married and no children
- Works at a highly rated, but very high-pressured restaurant
- Last year was arrested for attempting to purchase prescription ADHD medication
- Pleaded guilty and is on probation for another 6 months

Proposed Questions – Prosecution

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA,
Plaintiff,

v.

Case No.: 4:26-CR-00123-FIC

ALEX RIVERA
Defendant.

GOVERNMENT’S PROPOSED VOIR DIRE QUESTIONS

1. The Government is represented by the United States Attorney for the Eastern District of Missouri, Thomas C. Albus, in all cases filed in this District. In Court, the Government will be represented by a Prosecution Attorney from the U.S. Attorney’s Office named Leslie Howard. For the rest of these questions, the “Government” means the Prosecution.
 - a. Does anyone here know Mr. Albus, Mr. Howard or any other member of the United States Attorney’s Office staff?
 - b. Who do you know the U.S. Attorney’s office? How long have you known them?
2. The Defendant in this case is Alex Rivera. Does anyone know the defendant, Mr. Rivera? Mr. Rivera is represented by attorney from the Federal Public Defender’s office.
 - a. Does anyone believe they know Mr. Rivera’s attorney?
 - b. Who do you know in the Federal Public Defender’s office? How are you connected?
3. The Government has charged the defendant with one count for events that allegedly occurred on January 18, 2022. The charges include possession with the intent to distribute 700 grams of cocaine. The events occurred in the St. Charles, Missouri area.
 - a. Does anyone recall reading either newspaper accounts, or hearing a radio or television broadcast concerning this matter?
 - b. For those of you who have heard about the case, can you set aside anything you may have seen on TV or read in the paper, and make your decision only on the evidence presented here in the courtroom?
4. In order to prove the charges in this case, the Government will present evidence. Much of the evidence in this case will come in the form of testimony from the witness stand. The

government may call several witnesses in this case. Does anyone know, or think they know, any of these potential witnesses?

- a. Officer Bradley Smith, St. Peter's, Missouri Police Department.
 - b. Agent Sam Meyers, Federal Bureau of Investigation.
5. If you are chosen to serve as a juror in this case, you must determine the believability of the witnesses. The court will instruct you on the type of factors you should consider when making that determination. As you may have guessed, there will be police witnesses.
 - a. Is there any member of the panel who would automatically believe or disbelieve a police officer's testimony solely because he or she is a police officer?
6. Does anyone here have any difficulty hearing or seeing? Some of the exhibits in this case require jurors to distinguish between various colors. Does anyone have any issues visually distinguishing between colors?
7. Has anyone served as a juror before this case? If so:
 - a. Was it a criminal or civil case?
 - b. How long ago?
 - c. Were you the foreperson?
 - d. Without indicating the specific outcome, were you able to deliberate with your fellow jurors and reach a verdict?
 - e. Is there anything about your previous jury service that would affect your ability to serve as a fair and impartial juror in this case?
8. As you have heard, there will be testimony in this case from both federal and local law enforcement officers.
 - a. Have you, or a close friend or family member, had negative experience with either federal or local law enforcement?
 - b. Is there anyone who would tend to disbelieve a law enforcement officer simply because he or she is a law enforcement officer?
 - c. On the other hand, is there anyone here who would automatically believe a law enforcement officer just because he or she is a law enforcement officer?
 - d. Will you judge the testimony of a law enforcement officer by the same standards as you would judge the testimony of any other witness?
9. Has any member of the jury panel, or a member of your family, or a close personal friend ever been convicted of a felony offense?
 - a. Of those convicted, are they currently, or have they in the past, been incarcerated?
 - b. Did you feel they were wrongly prosecuted?
 - c. Did you feel the punishment was too severe?

- d. Did you feel that person was treated fairly by police, prosecutors, and the court system?
10. Has any member of the jury panel or a member of your family, or a close personal friend been charged with a crime?
- a. Do you feel that person was wrongly arrested?
 - b. Do you feel that person has been treated fairly by police, prosecutors, and the court system?
11. Would any of you acquit a defendant, even if convicted beyond a reasonable doubt of guilt, because you felt sympathy or felt that the defendant deserved a break, or were unhappy with the way the police investigated the case?
12. Have any of you ever been employed by a federal law enforcement agency?
- a. Do any of you have a family member, relative, or friend who has been employed in law enforcement?
13. Is anyone related to or close friends with an attorney who practices criminal law, or a judge?
- a. Have they talked about cases or problems with you?
 - b. Is there anything about that relationship, or what you have learned from them, that would make it difficult for you to be a fair and impartial juror in this criminal case?
14. Have you or any family member, close relation, or friend ever been the victim of a crime or been a witness in a criminal case?
- a. Do you feel the police investigated your case as well as they could?
 - b. Do you feel you were treated fairly by police, lawyers, and the court?
15. Do each of you understand that, if there is conflicting testimony during the trial about certain facts, it is your task to resolve the conflict and decide which facts deserve to be believed or disbelieved?
- a. Does everyone understand that if the government's witnesses and a defendant's witnesses tell versions of the same event, it is your job as jurors to decide whom to believe or disbelieve?
16. The issue of punishment is to be decided solely by the court and should not be considered by you in any way in arriving at your verdict.
- a. Does anyone think that would be a problem?

17. This trial is expected to last all week. Is there anyone who feels that serving on the jury at this time would cause undue hardship?

Proposed Questions – Defense

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA,
Plaintiff,

v.

Case No.: 4:26-CR-00123-FIC

ALEX RIVERA
Defendant.

DEFENDANT’S PROPOSED VOIR DIRE QUESTIONS

COMES NOW Defendant, Alex Rivera, by and through Counsel, and hereby submits his “Proposed Questions for Voir Dire” as follows:

1. Does anyone believe that if the federal government brings charges, the defendant probably did something wrong?
2. Do you believe police officers are more likely to tell the truth than civilians?
3. Has any member of the jury panel, or a member of your family, ever been charged with a drug offense?
 - a. Did you think you, or they, were unjustly accused?
 - b. Did you feel that you, or they, were treated fairly?
3. Has any member of the jury panel or a member of your family, or a close personal friend been treated for, or suffered from, addiction to any illegal or prescription drug?
 - a. Would anything about that experience make it difficult to be a juror on a case involving evidence concerning the use of illegal drugs?
4. Do any of you believe any controlled substance, other than marijuana, should be legalized or decriminalized?
5. Do any of you believe that drug trafficking is a serious issue in your community?

6. Do any of you believe that the illegal drug or controlled substance laws in general are too severe? If so, why?
7. If drugs were found in a person's car, do you believe that automatically means they are guilty?
8. Would you be able to consider the possibility that someone might not know drugs were in their vehicle?
9. If the government presents mostly circumstantial evidence (no direct proof), could you still be fair and impartial?
10. If the defense chooses not to call any witnesses, would that affect your opinion of the case?
11. Do you believe that people from certain backgrounds or communities are more likely to be involved in drug crimes?
12. Can you base your verdict solely on the evidence presented in court and the instructions given by the judge?
13. Would you have difficulty being fair and impartial in a case involving allegations of drug trafficking?
14. Is there anything about the nature of this case that makes you feel uncomfortable or unwilling to serve?
15. Can you promise to presume the defendant is innocent unless and until the government proves guilt beyond a reasonable doubt?
16. Does anyone hold any moral, religious, philosophical, political, or personal belief such that if selected as a juror and asked to judge another person, you could not render such a judgement?

Selected Jurors

Instructions: The profiles were selected into 3 different juries based on their potential for bias. Jury #1 consists of profiles least likely to include bias in this specific case. Jury #2 includes profiles who are more likely to side with the prosecutor, and Jury #3 includes profiles more likely to side with the defense. The students should not be told in advance that they were sorted in this way. The purpose of the activity is to reflect on the voir dire process, the adversarial system, and the impact of jury selection and deliberation on justice.

Jury # 1 (Jury Box)	Jury #2	Jury #3	Alternates
Juror 7	Juror 1	Juror 3	Alts 1:
Juror 9	Juror 2	Juror 4	Juror 38
Juror 12	Juror 6	Juror 5	Juror 42
Juror 18	Juror10	Juror 8	Juror 41
Juror 19	Juror 13	Juror 11	Alts 2:
Juror 20	Juror 15	Juror 14	Juror 40
Juror 24	Juror 21	Juror 16	Juror 43
Juror 25	Juror 22	Juror 17	Juror 44
Juror 29	Juror 27	Juror 23	Alts 3:
Juror 31	Juror 32	Juror 26	Juror 37
Juror 34	Juror 33	Juror 28	Juror 39
Juror 36	Juror 35	Juror 30	Juror 45

Modification Instructions: Remove the following profiles to accommodate smaller groups, keeping enough to ensure that each student has one profile.

Group Size (37 – 45) – Remove alternates profiles one at a time from each jury

Group Size (25 – 36) – Remove profiles: 4, 5, 6, 10, 11, 14, 15, 16, 22, 23, 32, 33

Group Size (18 – 24) – Remove profiles: 9, 12, 18, 19, 24, 34

Group Size (17 or fewer) – Use all of the “Jury #1 Profiles” and alternates 37, 38, 40, 43, 45

Jury Instructions

Guidance for Juror Deliberation:

1. Presumption of Innocence
 - a. Alex Rivera is presumed innocent.
 - b. This presumption remains, unless the Government proved his guilt beyond a reasonable doubt.

- c. The defendant does not have to prove anything.
- 2. Burden of Proof
 - a. The Government has the burden of proving the defendant guilty beyond a reasonable doubt.
 - b. If the Government did not meet this burden, you must find the defendant not guilty.
- 3. Verdict
 - a. Your verdict must be unanimous.
 - b. All jurors must agree on guilty or not guilty.

Case File #1 – U.S. v. Rivera

Fictional Case Scenario: Drug Trafficking

Charge:

Alex Rivera is charged with possession and intent to distribute illegal narcotics.

Background:

The defendant, Alex Rivera of Independence, Missouri, is accused of transporting illegal narcotics. Federal agents intercepted a shipment linked to Alex's vehicle, containing a significant quantity of controlled substances. The prosecution claims Alex knowingly participated in drug trafficking, while the defense insists Alex was unaware and innocent.

Key Details:

- a. Alex was stopped during a traffic checkpoint in St. Peters Missouri; officers found 700 grams of cocaine in the trunk of the car registered to Alex.
- b. Alex states he had previously loaned the car to a friend and denies knowledge of the drugs.
- c. Surveillance footage shows Alex at a location known for drug sales, but no direct evidence ties Alex to handling or distributing drugs.
- d. Phone records show calls between Alex and known drug dealers but do not confirm involvement.

Key Evidence for Juror Review:

1. Seized Drugs Report:

- a. Federal agents seized 700 grams of cocaine was found in a red Ford Bronco, license plate #7RIV23, during a traffic stop on January 18, 2022.

2. Vehicle Registration:

- a. Car registered to Alex Rivera.

3. Surveillance Video:

- a. Footage showing Alex near a property known for illegal drug activity in St. Charles Missouri.

4. Phone Records:

- a. Records obtained from Alex Rivera's cell phone (January 4 – January 18, 2022).
 - On January 18, 2022:
 - 8:15 a.m. – Incoming call from “Unknown Number” lasting two minutes.
 - 9:42 a.m. – Outgoing call from Rivera's phone to Christophe Estrada (a known associate under investigation for drug trafficking). Call lasted six minutes.
 - 11:07 a.m. Text received from “Unknown Number:” “*Package ready. Be quick*”

□ 12:10 p.m. – Missed call from Christophe Estrada.

5. Notes from Investigators:

- a. The number saved to Rivera's phone as *Christophe Estrada* matches a number tied to a drug trafficking investigation.
- b. The "Unknown Number" could not be traced.
- c. Rivera admitted to speaking with Christophe Estrada that morning but claims he was coordinating with Estrada to drop off a birthday gift he was delivering from Estrada's mother (Rivera's aunt).

6. Defendant's Statement:

- a. Alex claims to have loaned the car to a friend who was moving apartments last week. He denies any involvement with drugs. He also states that he frequently receives calls from unknown numbers that he attempts to block.

Case File #2 – U.S. v. Seech

Fictional Case Scenario: Conspiracy to Obtain Controlled Substance by Fraud, Deception, or Subterfuge

Charge:

Tamara Seech, MD is charged with possessing and distributing illegal prescription medication by creating prescriptions for controlled substances and submitting false and fraudulent claims to federal health care programs.

Background:

The defendant, Tamara Seech of Chesterfield MO, is a medical doctor licensed to practice in the state of Missouri. Dr. Seech is an orthopedic doctor in practice with co-defendants Larry Stanley, MD, and Anderson Walker, MD. The practice is called SSW Physician Group, LLC. The prosecution claims that Dr. Seech, Dr. Stanley, and Dr. Walker worked together to issue fake prescriptions for painkillers, knowing that pharmacies would submit the fraudulent prescriptions for reimbursement through insurance programs. Dr. Seech claims that she did not know about the drug conspiracy, never participated in the scheme and was in the process of dissolving the partnership.

Key Details:

- a. Local police made a number of arrests at a house party in St. Charles, Missouri where they seized 17 Ziploc bags with assorted prescription medication on June 18, 2023. The police connected the medications to a drug dealer known to the DEA.
- b. Under investigation, the drug dealer admitted paying high school students to use their names to obtain a prescription for Adderall, Ritalin, or Oxycodone from doctors at SSW Physicians. The students never met with any of the doctors, but they pick up the prescriptions at local pharmacies. They then gave the prescription medications to the dealer.
- c. Dr. Seech is one of the founding members of SSW Physicians. She also has hospital admitting privileges and conducts surgery at hospitals in St. Louis County.
- d. Dr. Seech frequently sees high school students with sports injuries in her practice. She also prescribes pain management medication to patients. She claims to follow industry standards for evaluating patients, and robust encryption systems to protect her electronic signature.
- e. False prescriptions obtained by the DEA from area pharmacies include prescriptions signed by all three doctors from SSW Physicians.
- f. Both Dr. Walker and Dr. Stanley are also charged in the conspiracy. Neither of them have made any statement about Dr. Seech and have chosen to remain silent regarding the case in general.

Key Evidence for Juror Review:

1. **Seized Drugs Report:**
 - a. Local police seized 85 Adderall pills, 156 Ritalin pills, and 230 oxycodone pills from a home at 124 S. Main Street in St. Charles MO.

2. False Prescriptions:

- a. Twenty-three filled prescriptions were identified as fraudulently submitted to Walgreens pharmacy and CVS pharmacy. Two prescriptions, both for oxycodone, were electronically signed by Tamara Seech, MD.

3. Witness Statement:

- a. During the investigation of the original drug case, drug dealer, Mikey Bean, identified his cousin, Andy Walker, as his contact at SSW Physician Group. Mikey never spoke to the other doctors but understood that all three were involved and would alternate signatures on prescriptions to avoid suspicion. He never had any issues obtaining a signed prescription.

4. Defendant's Statement:

- a. Dr. Seech denies any knowledge or involvement. She cannot explain the two signed prescriptions but denies ordering them. She claims that the other doctors must have somehow accessed her prescription software. She also says that she is in the process of dissolving the partnership but admits that no official paperwork has been filed yet.

The Jury Box Game

Seated on the Jury:

Record the profile number in the "seats." Once every box has a number the game is over.

<i>Alternates:</i>					

Peremptory Challenges:

Record the profile number.

Prosecution	Defense

Struck for Cause:

Record the profile number **and** the reason in the box.

Background Information for this Lesson

What does it mean to participate in democracy? How do ordinary citizens help make justice possible?

America's Birthday

Jury duty is both a constitutional right and civic responsibility – it is a long tradition that is essential to our justice system.

2026 marks the 250th anniversary of the signing of the Declaration of Independence, which occurred on July 4, 1776.

Fighting had been taking place since the Battles of Lexington and Concord in early 1775.

The Declaration was written to formally announce the 13 colonies as separate from Great Britain, and to list the reasons why.

It includes core principles such as “All men are created equal,” and possess unalienable rights, including “Life, Liberty, and the pursuit of Happiness,” and that government derives power from the consent of the governed.

The bulk of the text lists 27 grievances against King George III, who the document accuses of abusing, injuring, and usurping individual rights in his work to establish “absolute Tyranny” over the colonies.

The Declaration was mostly written by Thomas Jefferson and unanimously adopted by the Second Continental Congress on July 4, 1776.

Today, we consider July 4 to be America's birthday and we refer to the signers of the Declaration of Independence as our Founding Fathers.

A New Form of Government

As the Revolutionary War continued, a committee of the Second Continental Congress was working on the structure for the new government.

The first “constitution” of the United States was called the Articles of Confederation. It was adopted by the Second Continental Congress in late 1777.

The Articles of Confederation created a government of loosely organized independent states. The national government had limited powers.

Because the government under the Articles of Confederation did not have enough power, problems began to emerge, especially after the end of the Revolutionary War in 1783.

In May of 1787, the Constitutional Convention assembled to revise the Articles of Confederation and ultimately decided to completely redesign the government.

After much debate, the U.S. Constitution went into effect in 1789 and the first ten Amendments, the Bill of Rights, were formally added to the Constitution in 1791.

From Grievances to Guarantees

The Founders incorporated many of the Declaration's core principles and chief complaints when crafting the new government.

For example, the Third Amendment to the Constitution can be directly traced to one of the 27 grievances (*For Quartering large bodies of armed troops among us*).

Several things mentioned in the Declaration have a direct connection to the work of the judicial branch.

Article III of the Constitution establishing the judicial branch can be seen as an antidote to the complaints of "*He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers*" and "*He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries*"

The Fifth, Sixth and Seventh Amendments can find historical roots in:

(For Quartering large bodies of armed troops among us) For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States

For depriving us in many cases, of the benefits of Trial by Jury

For transporting us beyond Seas to be tried for pretended offences

American Jury Trials

The institution of trial by jury was alive and well in colonial America, as the English settlers brought the idea with them.

In both Article III and the subsequent Bill of Rights, the Founders further enshrined the right to a jury.

Today, juries are seen as a cornerstone of democracy. They protect against government abuse, represent community values, and ensure fairness. The jury remains one of the most important safeguards of individual liberty in the American legal system.

Voir Dire

The process of selecting a fair and impartial jury, called Voir Dire, embodies many of the core principles of the Declaration of Independence.

Today, as we complete this activity, reflect on how the Voir Dire process reinforces each of the following:

All men are created equal

They are endowed by their Creator with certain unalienable Rights

Governments are instituted among Men... to secure these rights

Governments (derive) their just powers from the consent of the governed

And how the process protects against the following actions of the (King) government:

Denial of fair trials

Manipulation of judges and their decisions

Removing cases from local juries

Protecting government officials from accountability