

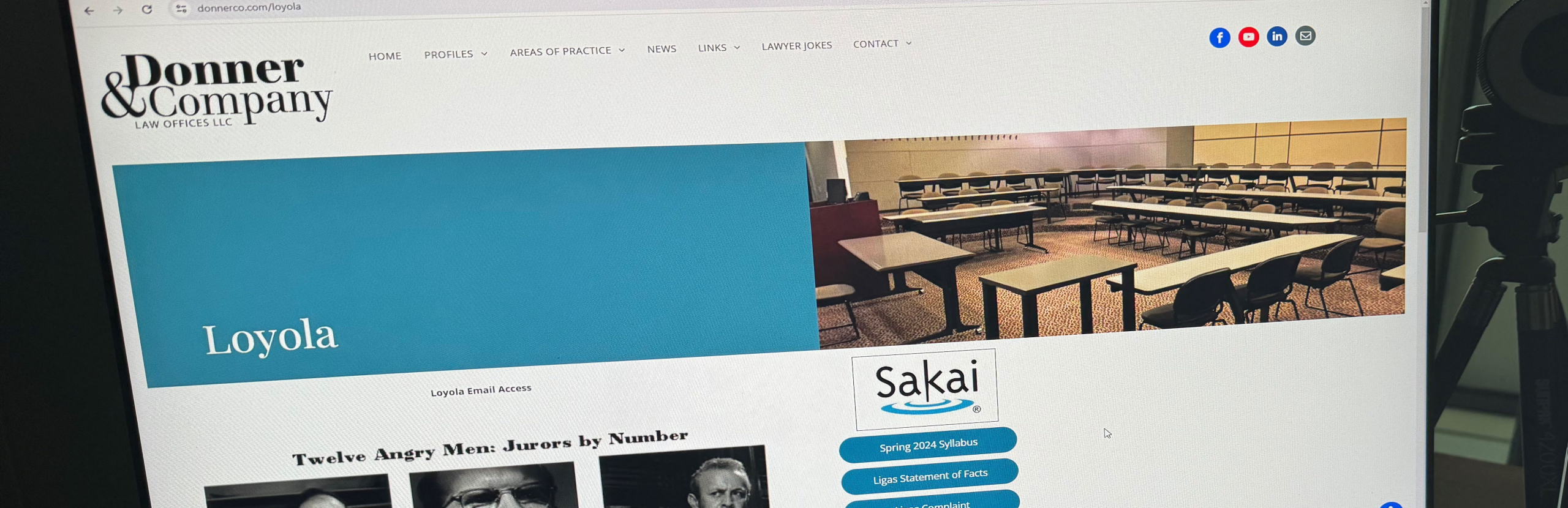


# Law of Jury Selection

Fall 2026: Introduction and Group Dynamics

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# I. THIS SEMESTER'S SYLLABUS



<http://donnerco.com/loyola>

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## II. CHALLENGES



## A. Challenges to the Array

# Excluding African Americans

“The very fact that colored people are singled out and expressly denied by a statute all right to participate in the administration of the law, as jurors, because of their color, though they are citizens, and may be in other respects fully qualified, is practically a brand upon them, affixed by the law, an assertion of their inferiority, and a stimulant to that race prejudice which is an impediment to securing to individuals of the race that equal justice which the law aims to secure to all others.”

*Strauder v. W. Va.*, 100 U.S. 303, 308 (1879)



# Excluding Women

“It is no longer tenable to hold that women as a class may be excluded or given automatic exemptions based solely on sex if the consequence is that criminal jury venires are almost totally male. To this extent we cannot follow the contrary implications of the prior cases, including *Hoyt v. Florida*. If it was ever the case that women were unqualified to sit on juries or were so situated that none of them should be required to perform jury service, that time has long since passed.”

-*Taylor v. Louisiana*, 419 U.S. 522, 537 (1975)





## B. Challenges for Cause



“

Trial courts, often at the outset of the case and again in their final jury instructions, explain the jurors' duty to review the evidence and reach a verdict in a fair and impartial way, free from bias of any kind.”

*-Pena-Rodriguez v. Colorado, 137 S. Ct. 855, 871 (2017)*

# Challenges for Cause in Illinois

“It shall be the duty of the court to discharge from the panel all jurors who do not possess the qualifications provided in this Act, as soon as the fact is discovered....”

-705 ILCS 305/14





# Jurors' Duties in Deliberations

## Consider the Evidence

*What is prohibited:*

“[O]pinions [a juror may have] which would interfere with [that juror's] fairly judging [the] evidence on [its] merits.

-*State v. Gillispie*, 2012 WL 3030862 (W. Va. 2012)

## Follow the Law

*What is prohibited:*

“[B]iases that would interfere with [a juror's] ability to follow the law”

-*State v. O'Brien*, 873 A.2d 554 (N.J. Super. 2004)

## Deliberate and Render a Fair Verdict

*What is prohibited:*

“The effect [a juror's] conduct may have... on the other jurors' ability to deliberate impartially.”

-*U.S. v. Machi*, 811 F.2d 991 (7<sup>th</sup> Cir. 1987)



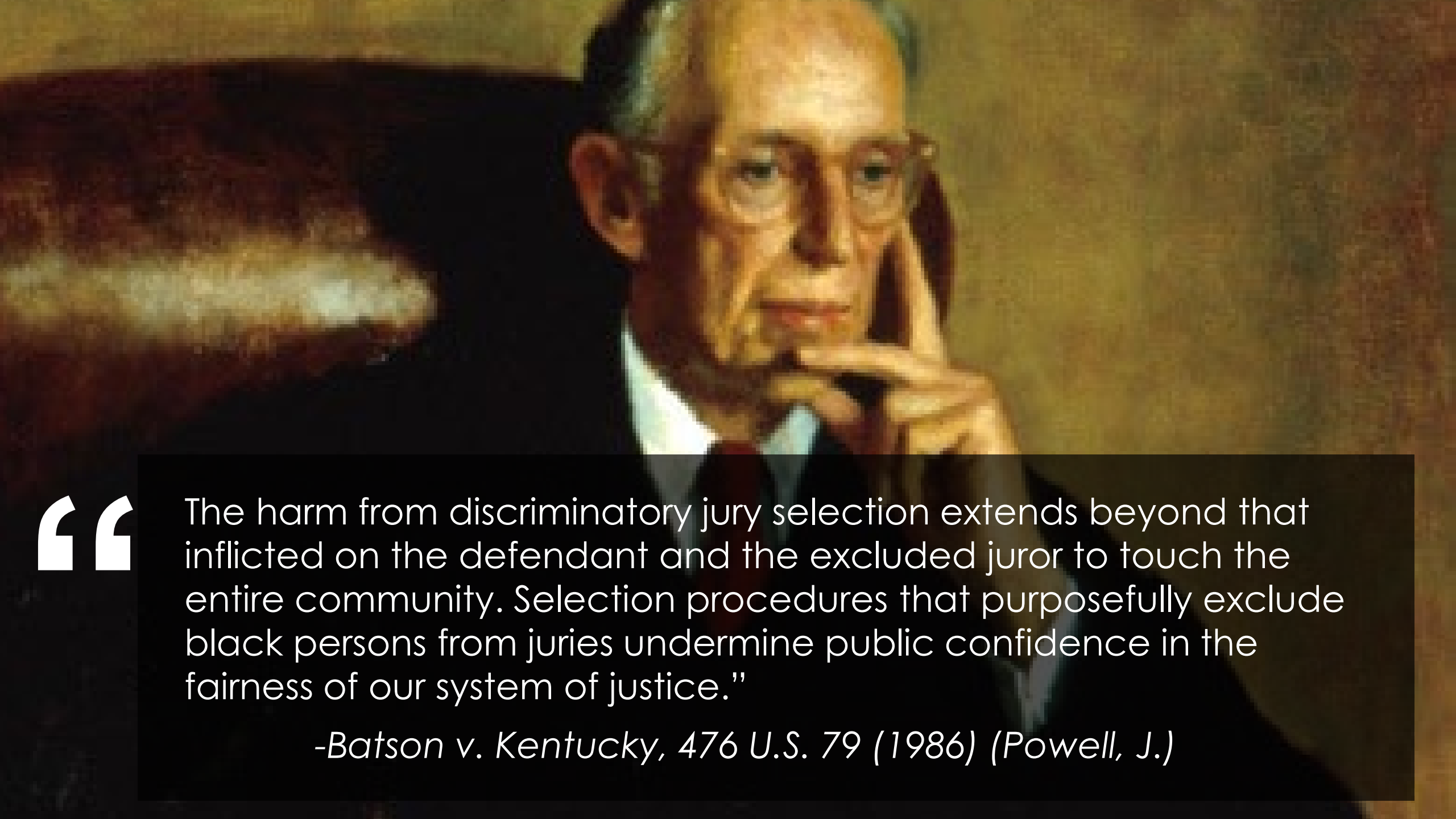
## C. Peremptory Challenges

A photograph of a courtroom interior. The room features dark wood paneling on the walls and a large wooden bench in the foreground. In the background, there is a judge's bench with a high back and a small window above it. The lighting is warm and focused on the central area.

“

The essential nature of the peremptory challenge is that it is one exercised without a reason stated, without inquiry and without being subject to the court's control.... [T]he peremptory permits rejection for a real or imagined partiality that is less easily designated or demonstrable.”

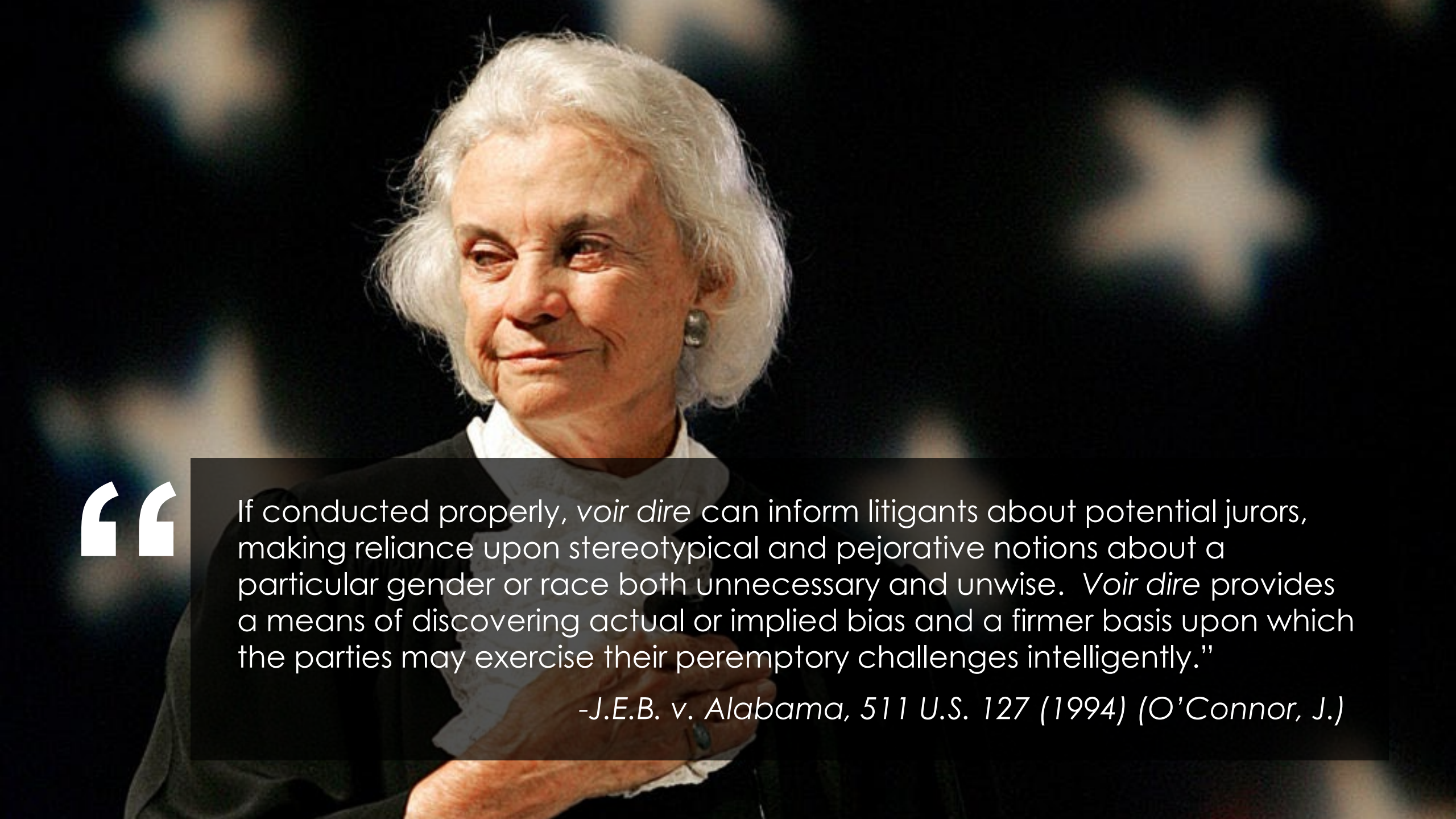
-*Swain v. Alabama*, 380 U.S. 202 (1965).

A portrait of Justice Lewis F. Powell, an older man with glasses, resting his chin on his hand in a thoughtful pose. The background is a textured, warm-toned wall.

“

The harm from discriminatory jury selection extends beyond that inflicted on the defendant and the excluded juror to touch the entire community. Selection procedures that purposefully exclude black persons from juries undermine public confidence in the fairness of our system of justice.”

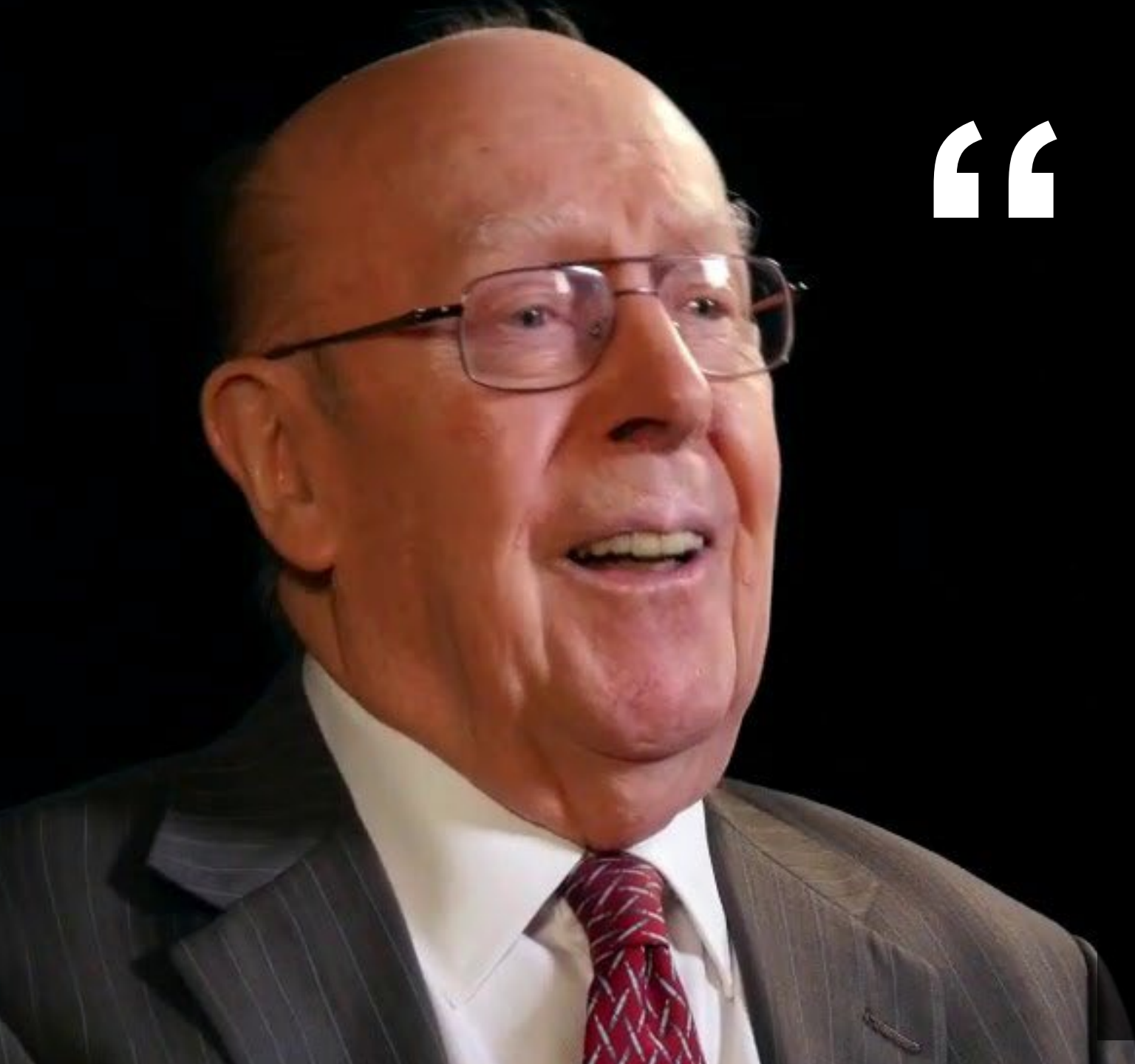
*-Batson v. Kentucky, 476 U.S. 79 (1986) (Powell, J.)*

A portrait of Justice Sandra Day O'Connor, an older woman with short, wavy white hair, wearing a dark jacket over a white collared shirt. She is looking slightly to her left with a gentle expression. The background is dark and out of focus.

“

If conducted properly, *voir dire* can inform litigants about potential jurors, making reliance upon stereotypical and pejorative notions about a particular gender or race both unnecessary and unwise. *Voir dire* provides a means of discovering actual or implied bias and a firmer basis upon which the parties may exercise their peremptory challenges intelligently.”

-*J.E.B. v. Alabama*, 511 U.S. 127 (1994) (O'Connor, J.)



“

A trial judge has broad discretion in limiting the *voir dire* of potential jurors, but this discretion is subject to the parties' right to an impartial jury.... To protect this right, a trial court should permit a reasonably extensive examination of prospective jurors so that the parties have a basis for an intelligent exercise of the right to challenge....”

-*Art Press v. Western Printing*, 791 F.2d 616 (7<sup>th</sup> Cir. 1986) (Bauer, J.)

A photograph of a courtroom interior. The room features dark wood paneling on the walls and a large wooden bench in the foreground. In the background, there is a judge's bench with a high back and a window with a frosted glass pane. The lighting is warm and focused on the bench area.

“

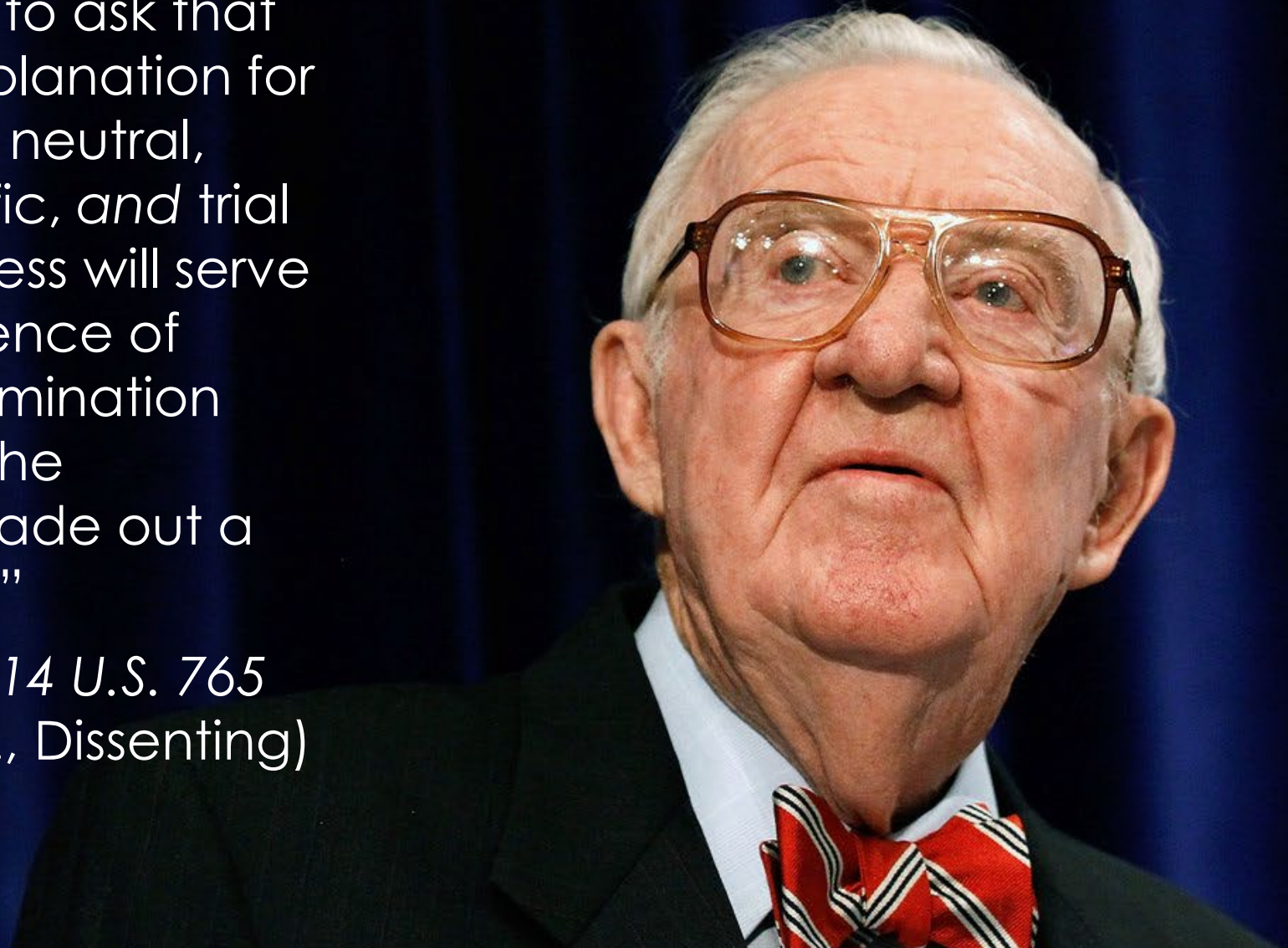
[A] trial judge *may* [or may not] *choose to disbelieve* a silly or superstitious reason.”

-*Purkett v. Elementary*, 514 U.S. 765 (1995).

“

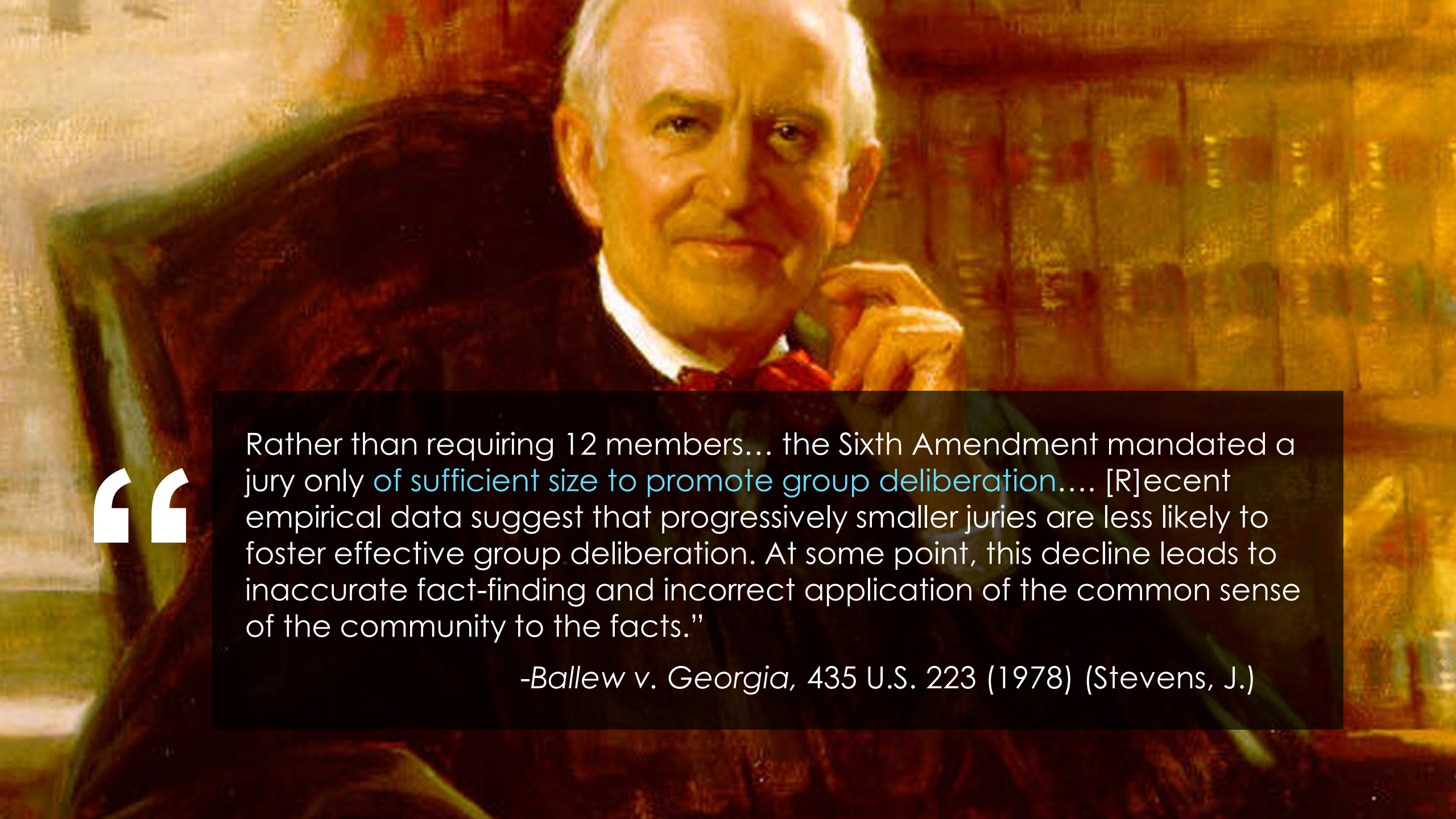
It is not too much to ask that a prosecutor's explanation for his strikes be race neutral, reasonably specific, *and* trial related. Nothing less will serve to rebut the inference of race-based discrimination that arises when the defendant has made out a *prima facie* case.”

-*Purkett v. Elem*, 514 U.S. 765 (1995) (Stevens, J., Dissenting)



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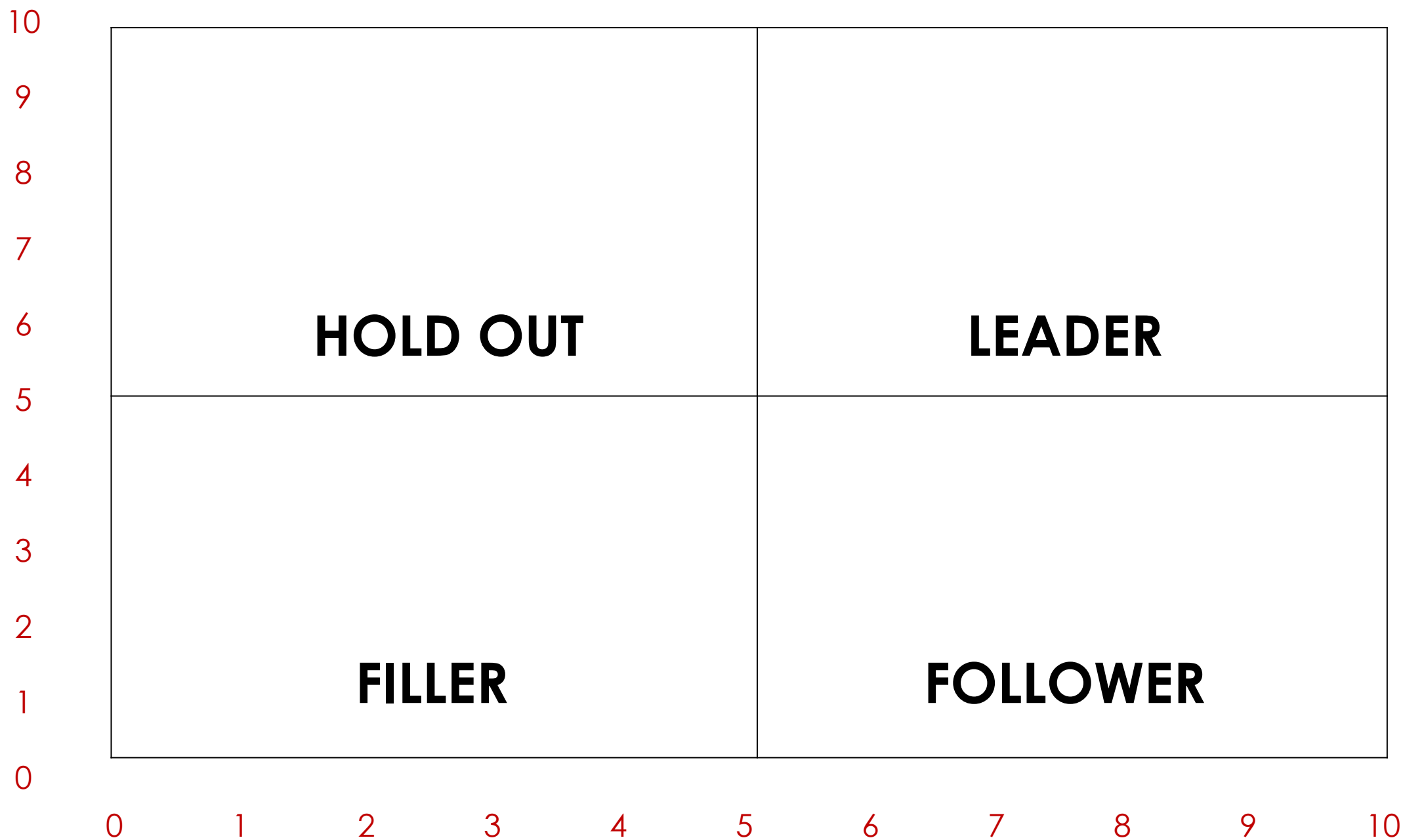
# **III. GROUP DYNAMICS**

A portrait of Justice John Stevens, an older man with white hair, wearing a dark suit and a red bow tie. He is seated and looking slightly to the right with a thoughtful expression. The background is a warm, textured painting in shades of gold and brown.

“

Rather than requiring 12 members... the Sixth Amendment mandated a jury only of sufficient size to promote group deliberation.... [R]ecent empirical data suggest that progressively smaller juries are less likely to foster effective group deliberation. At some point, this decline leads to inaccurate fact-finding and incorrect application of the common sense of the community to the facts.”

*-Ballew v. Georgia, 435 U.S. 223 (1978) (Stevens, J.)*





**Juror No. 1**



**Juror No. 2**



**Juror No. 3**



**Juror No. 4**



**Juror No. 5**



**Juror No. 6**



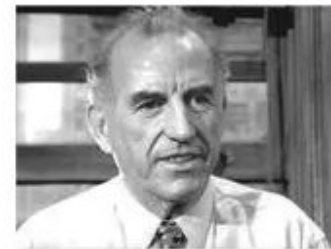
**Juror No. 7**



**Juror No. 8**



**Juror No. 9**



**Juror No. 10**



**Juror No. 11**

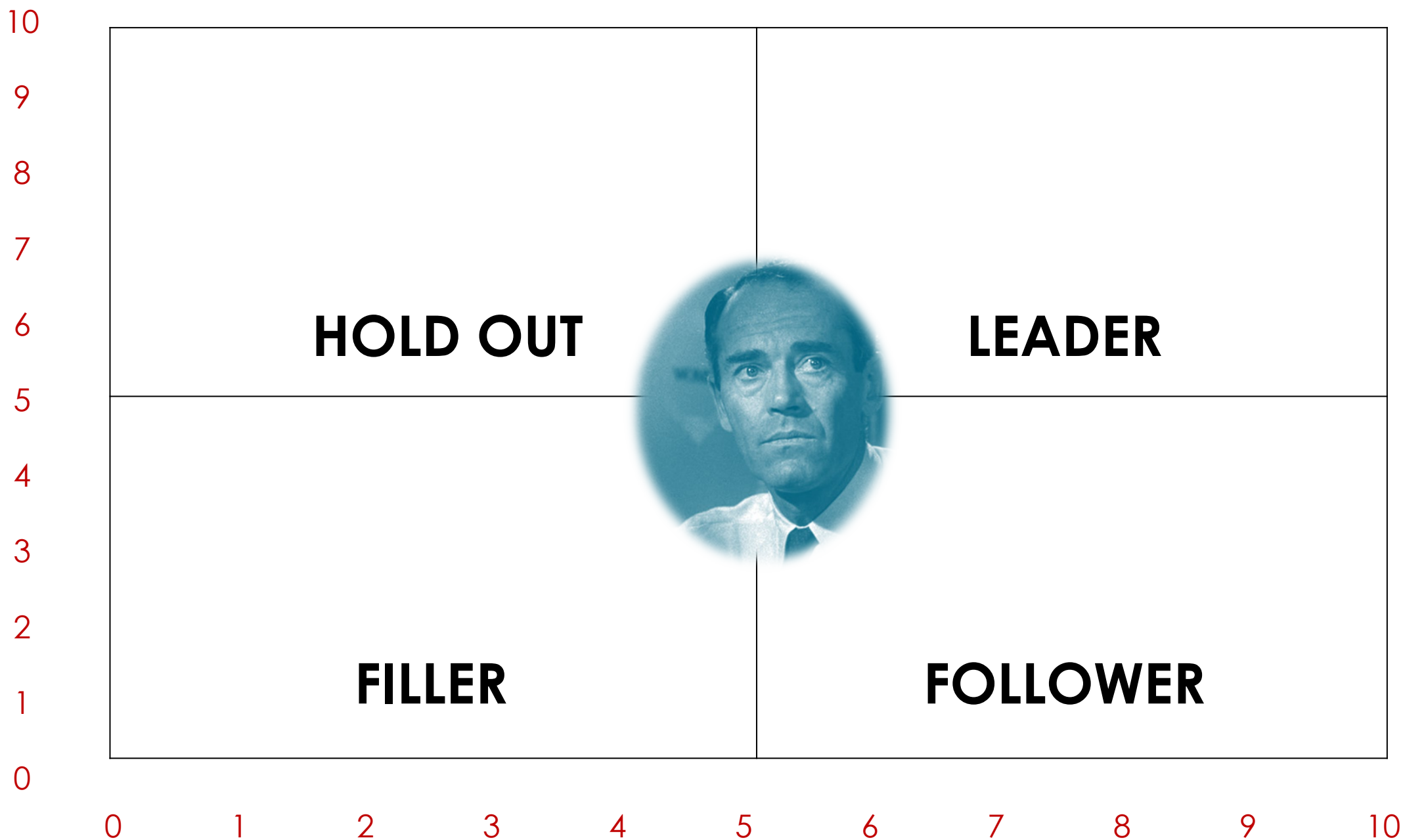


**Juror No. 12**

# Juror no. 8



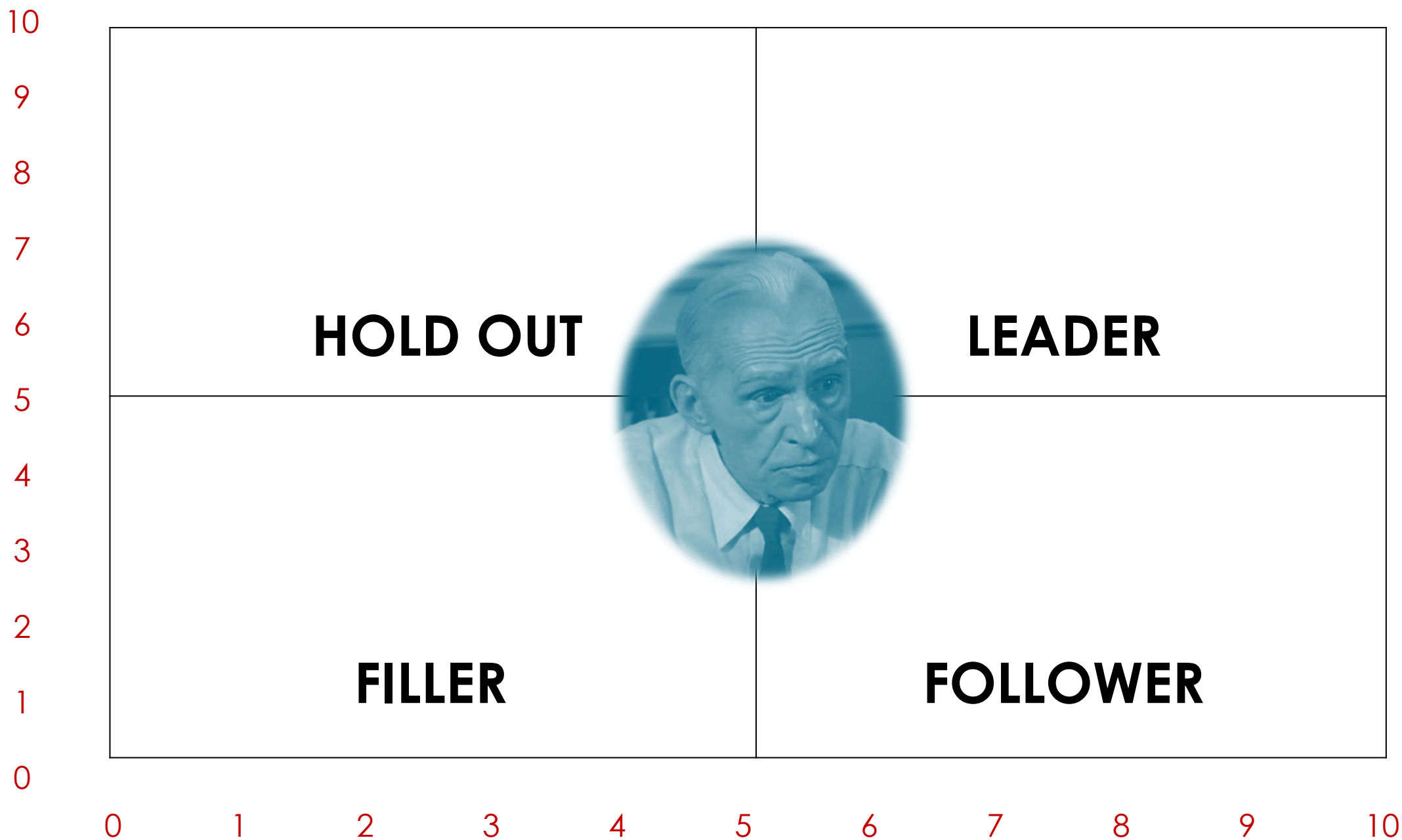




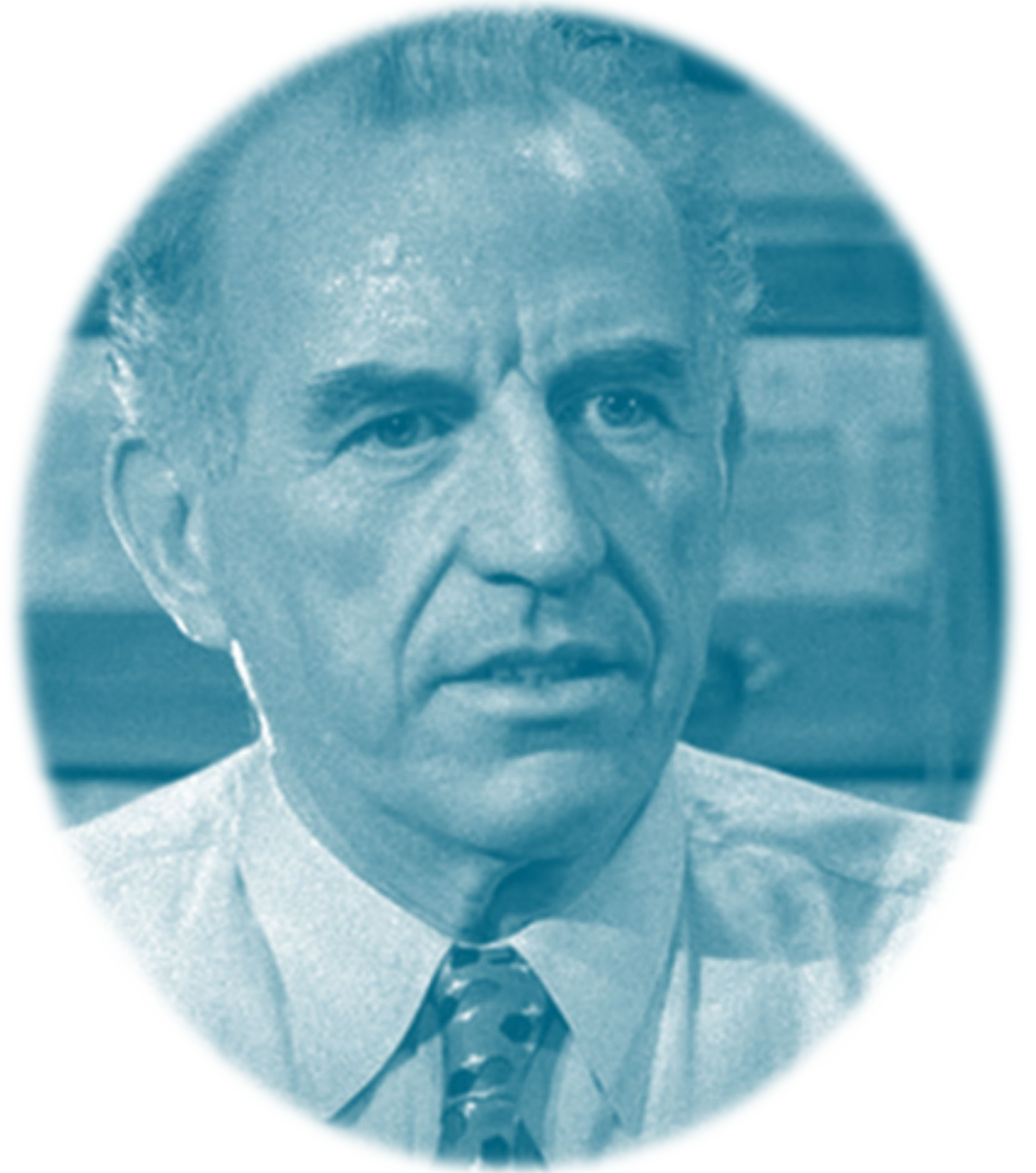
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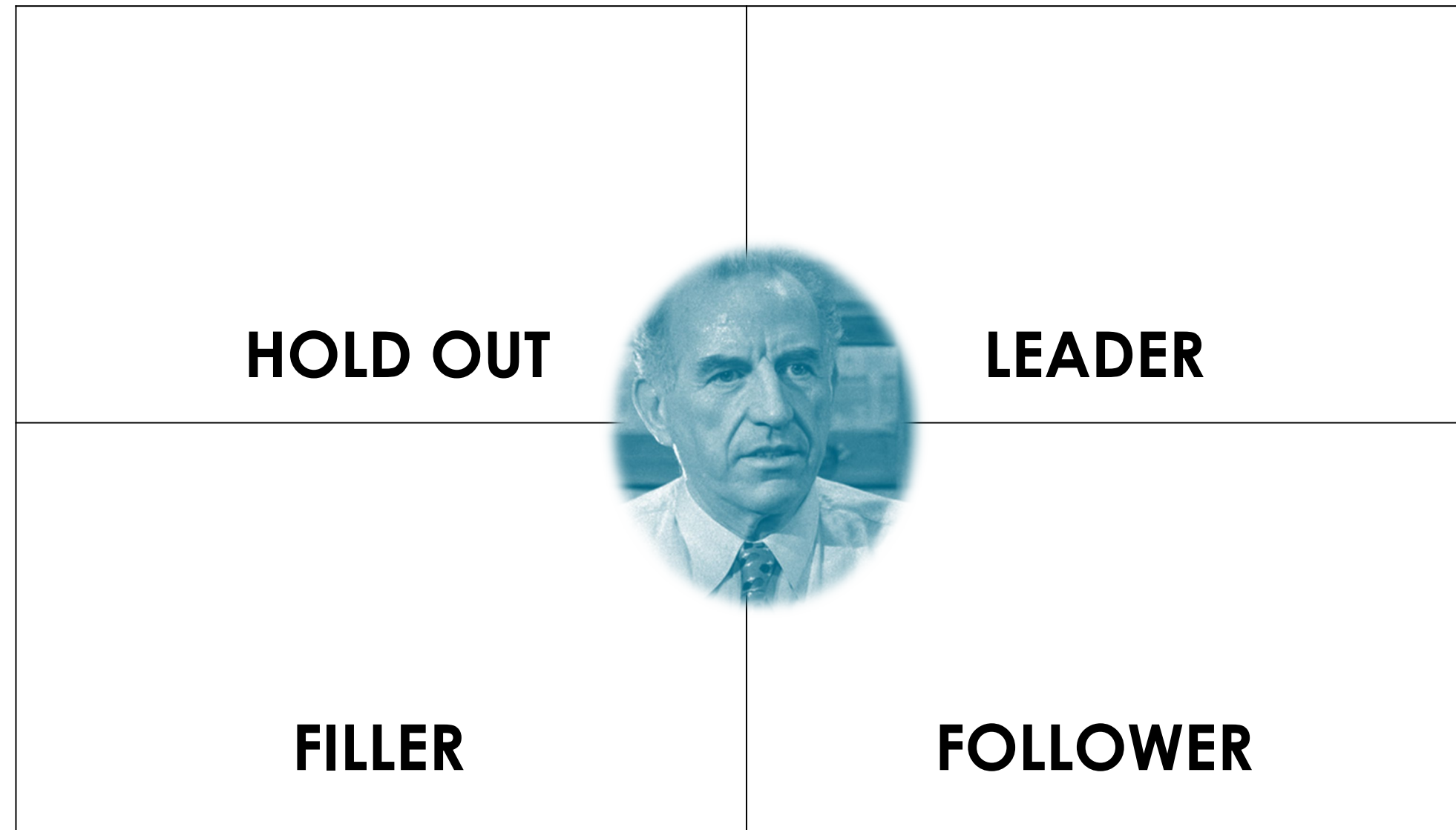


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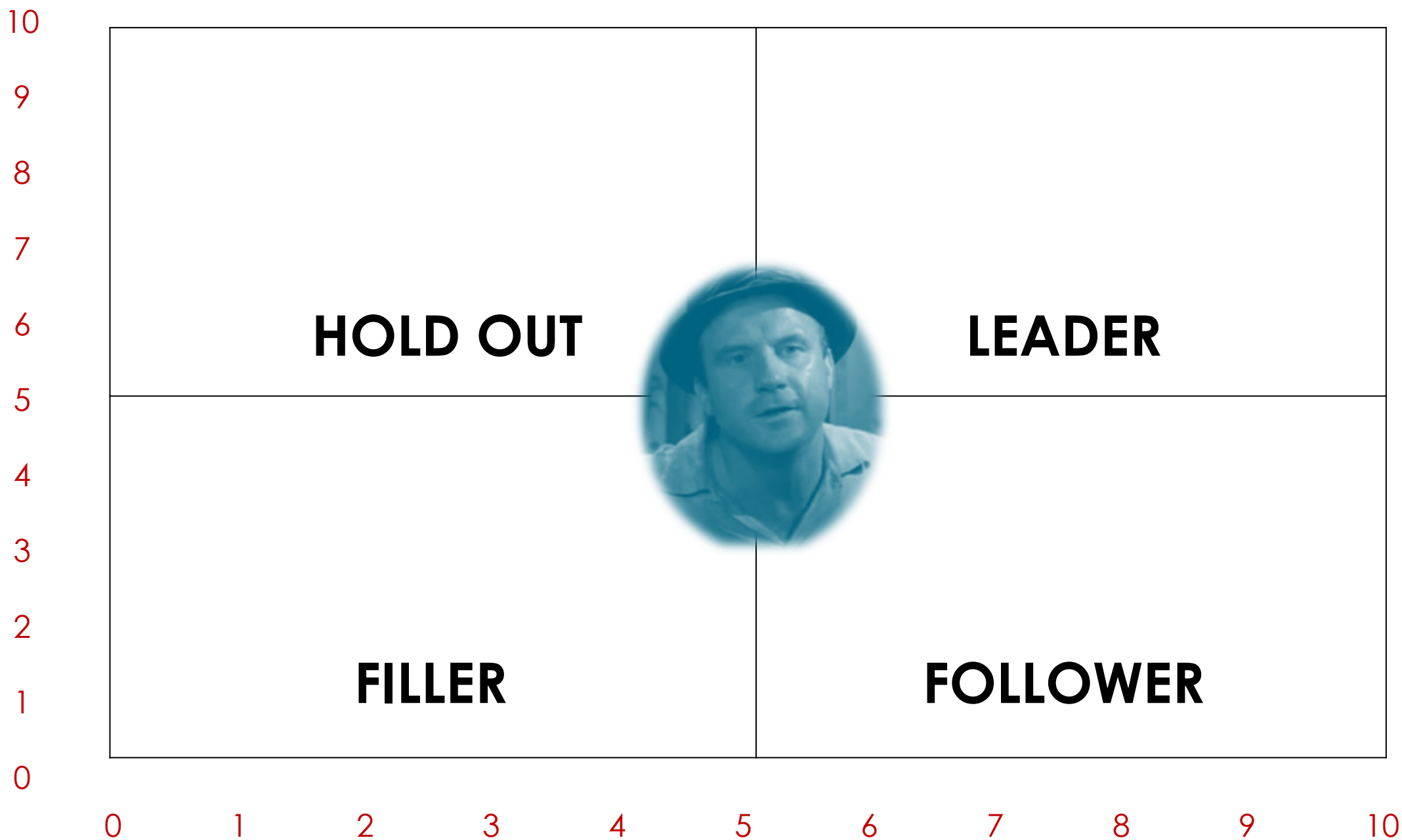


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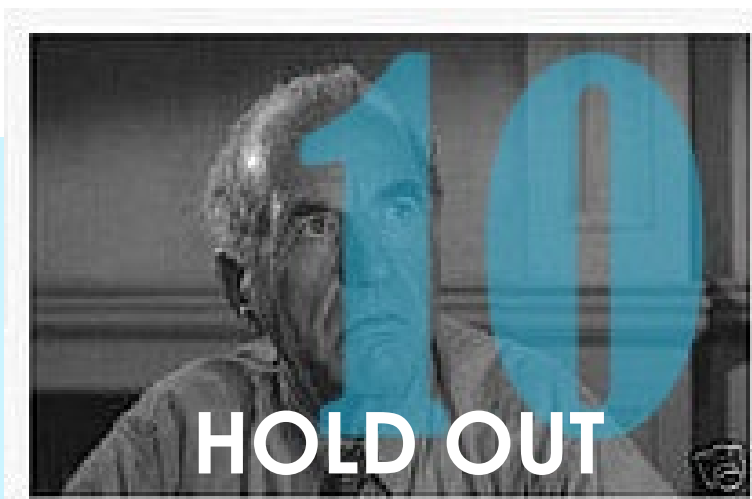
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