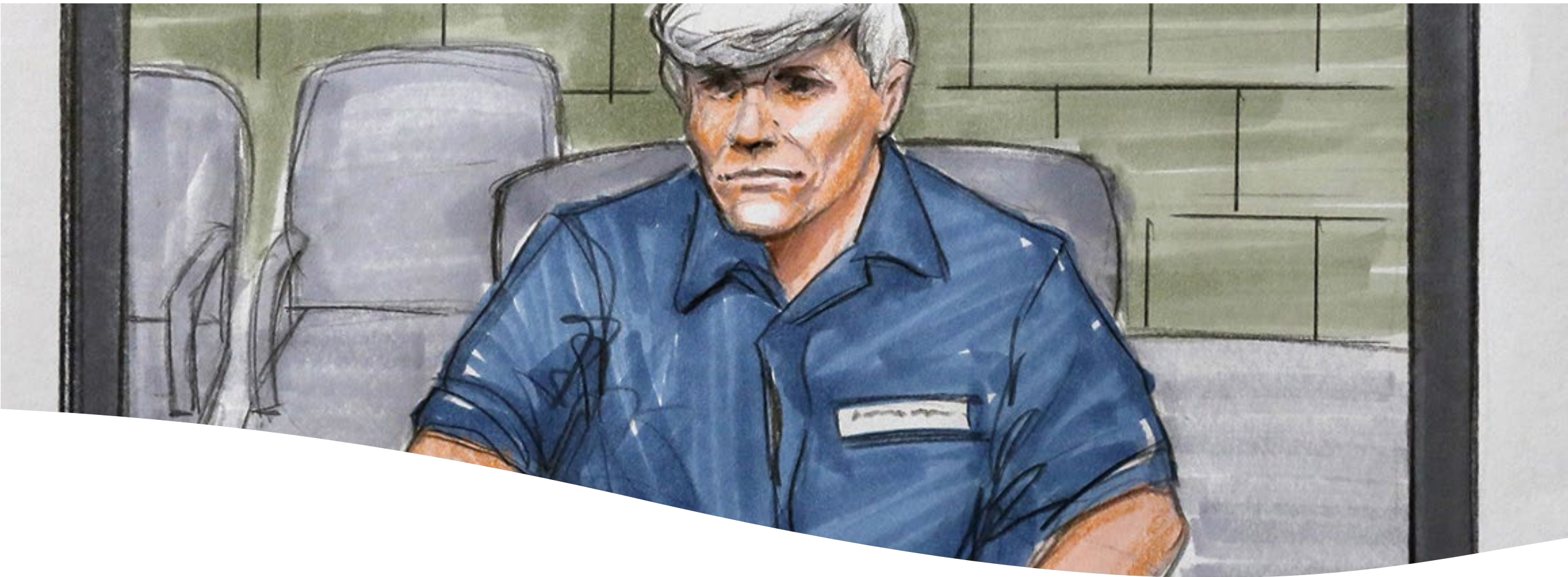




Law of Jury Selection

Fall 2026: Privacy, Pre-Trial Motions, and 12 Angry Men



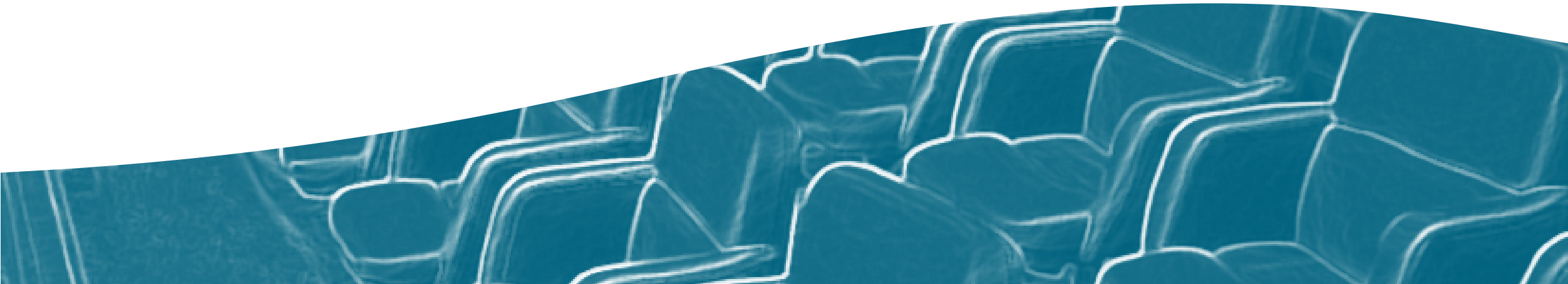
PRIVACY CONSIDERATIONS

“While the parties have attorneys to champion their rights, the court must protect the constitutional privacy rights of the prospective juror.... nothing about becoming a prospective juror amounts to a willing waiver of an expectation of privacy.”

-*People v. James*, 304 Ill.App.3d 52 (2d Dist. 1999)



A. Between Jurors and Each Other



HIPAA

“Just because one gets called into jury service does not give eager and assiduous counsel the right to ... rummage through one's medicine cabinet, ... perusing the array of Rx labels.”

-United States v. McDade, 929 F. Supp. 815, 817 (1996)



Background Checks

“[There will be no] public record search, computer background checks or criminal background checks of any juror in this case... “I've not heard the case made in this case why criminal background checks should be run.”

- *United States v. Sorich*, 427 F. Supp. 2d 820 (N.D. Ill. 2006)



Religion and Politics

“[Voir dire] is not designed to subject prospective jurors to a catechism of their tenets of faith, whether it be Catholic, Jewish, Protestant, or Mohammedan, or to force them to publicly declare themselves to be atheists.”

- *United States v. Barnes*, 604 F.2d 121, 141 (2d Cir. 1979)



Other Personal Interests

“Unbridled voir dire into venire members' religion, politics, social standing, family ties, friends, habits of life and thought, would strip jurors of any semblance of privacy.”

-Weinstein, *Protecting a Juror's Right to Privacy: Constitutional Constraints and Policy Options*, 70 Temp. L. Rev. 1, 16 (1997).



Solutions Available to the Trial Court

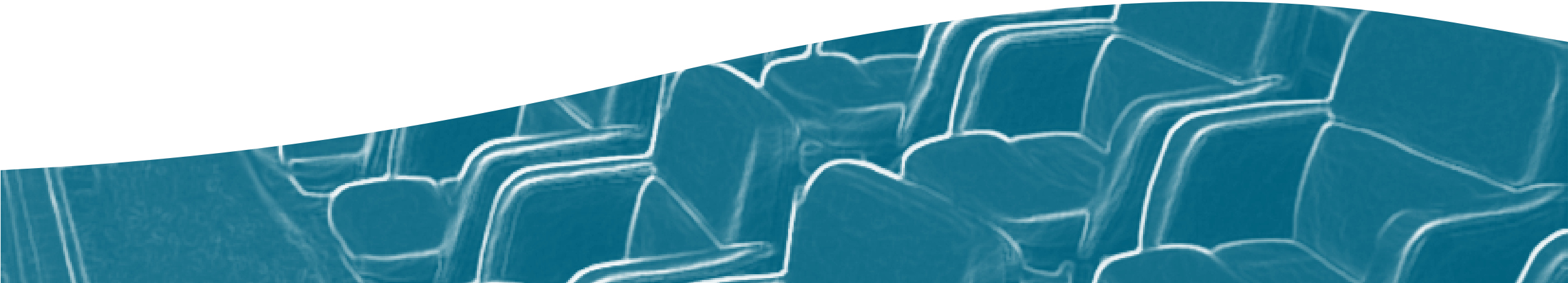


Individualized Voir Dire

Side Bars

Supplemental Questionnaires

B. Between Jurors and the Public



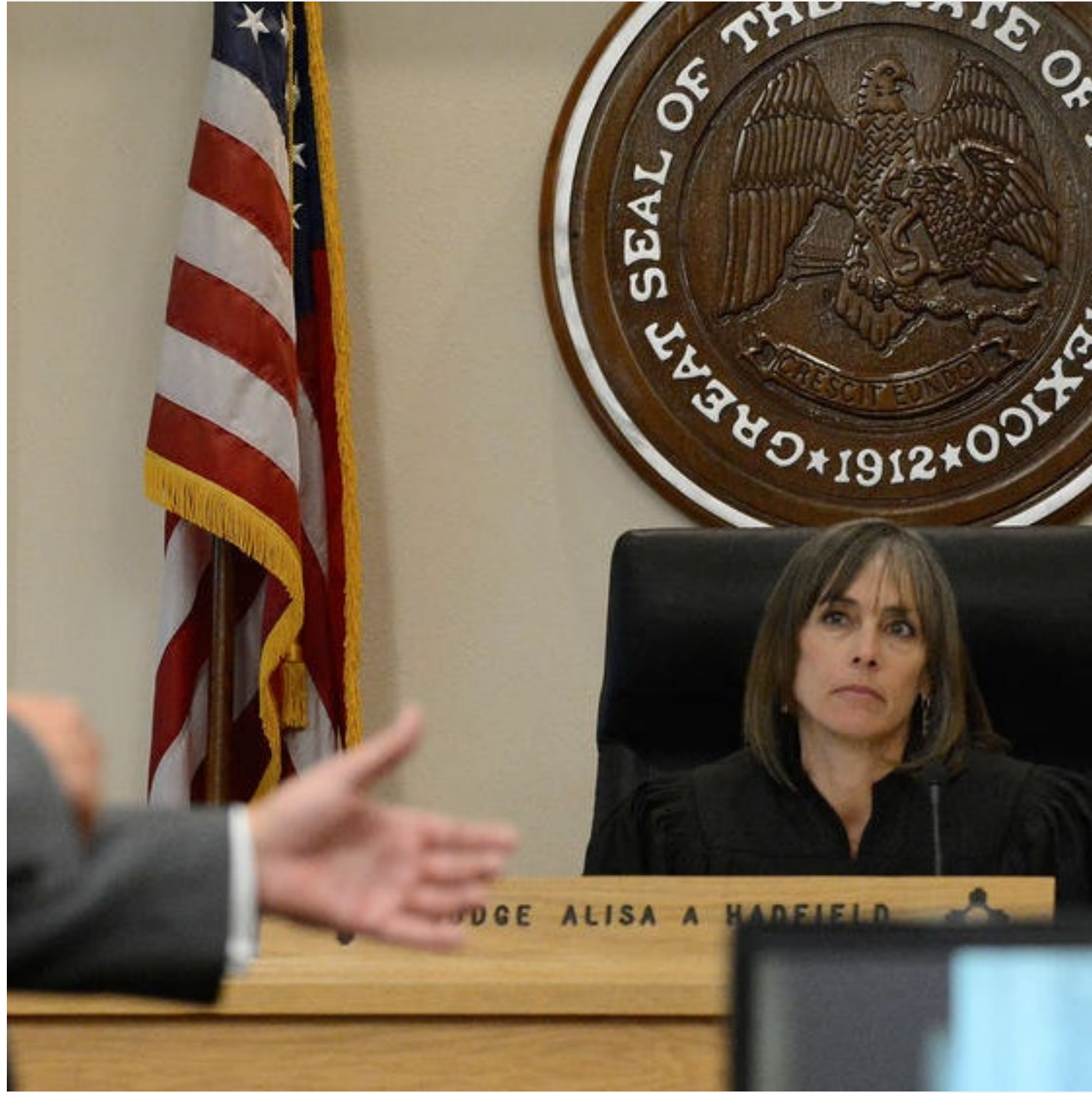
“[T]he First Amendment guarantees of speech and press, standing alone, prohibit government from summarily closing courtroom doors which had long been open to the public at the time the Amendment was adopted.”

-*Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 576 (1980)



“[H]ow we allocate the 'right' to openness as between the accused and the public... is not crucial. No right ranks higher than the right of the accused to a fair trial. But the primacy of the accused's right is difficult to separate from the right of everyone in the community to attend the voir dire which promotes fairness....”

-Press-Enterprise Co. v. Superior Court of California, 464 U.S. 501 (1984)



“[W]e note that prospective jurors are likely to have preconceptions about the defendants in almost every criminal case that attracts media attention. If this fact alone were sufficient to warrant closure, then courts could routinely deny the media access to those cases of most interest to the public, and the exception to openness would swallow the rule....”

- *ABC, Inc. v. Martha Stewart*,
360 F.3d 90, 101–02 (2d Cir.
2004).



Sequestration

“[The jurors were exposed to information] of a character which the trial court ruled was so prejudicial that it could not be directly offered as evidence. The prejudice to the defendant is almost certain to be as great when that evidence reaches the jury through news accounts as to when it is part of the prosecutors evidence. It may indeed be greater for it is then not tempered by protective procedure.”

-*Marshall v. United States*, 360 U.S. 310 (1959).



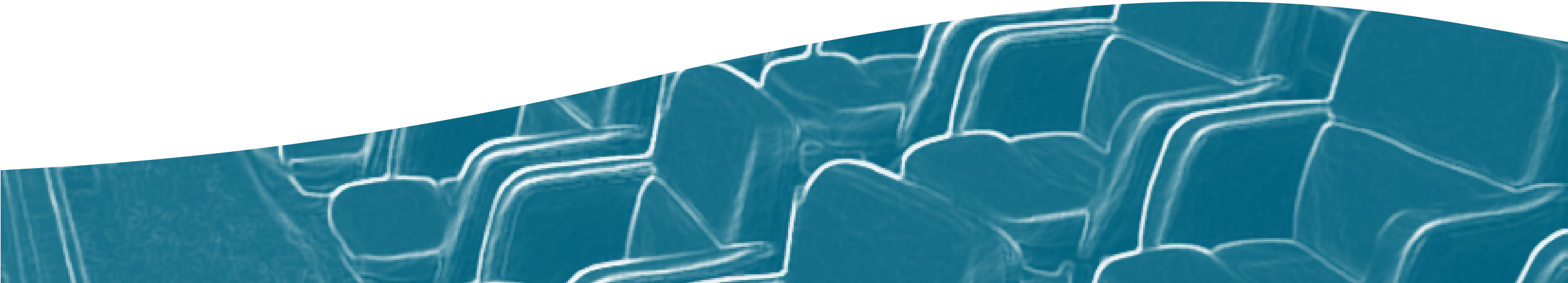
Anonymous Juries

“Anonymous juries are permissible when the jurors' safety would be jeopardized by public knowledge, or the defendant has attempted to bribe or intimidate witnesses or jurors.... the district judge should take account of the Supreme Court's observation in *Presley v. Georgia*, 130 S.Ct. 721, 724 (2010), that, before closing any part of the criminal process to the public ..., a judge not only must make ...findings ...but also must consider alternatives to secrecy, whether or not the lawyers propose some.”

-*United States v. Blagojevich*, 2010 WL 2778838, at *6 (7th Cir. 2010).



C. Between Jurors and the Parties



Historical Precedent for Anonymous Juries

“[T]he district court noted the government's evidence linking Vario to the Lucchese crime family, and stated that the recent experience of jury tampering in the case of *United States v. Gotti*, an unrelated organized crime trial, was a factor warranting an anonymous jury.... To be sure, the specter of organized crime has played into our previous decisions to uphold the use of anonymous juries, but in these decisions, it was the reasonable likelihood of juror intimidation, not the incantation of the words ‘the mob’ or ‘organized crime,’ that prompted the anonymous jury.”

-*United States v. Vario*, 943 F.2d 236, 240-241 (2nd Cir. 1991).



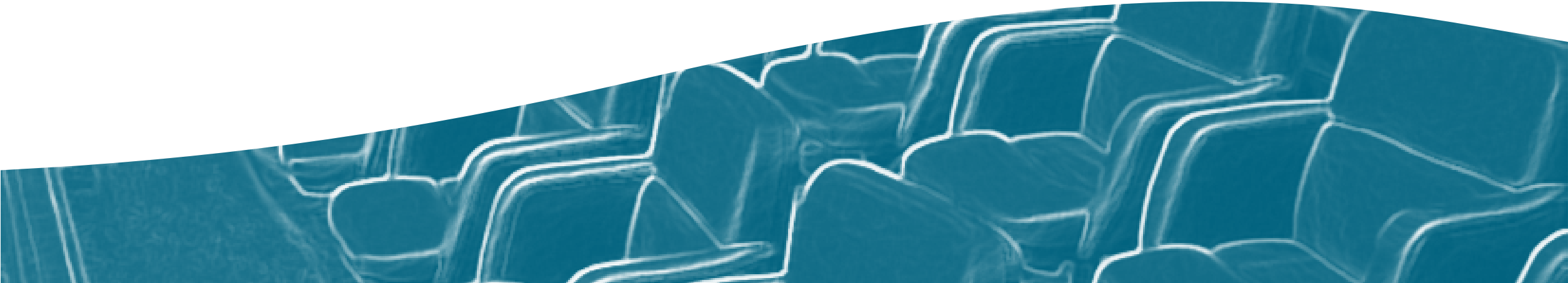
Anonymous Juries v. Numbers Juries

"'It's been a slow and constant march toward this, and if in the end no one knows who's on the jury, people can lose faith in the system and see it as a faceless machine,' said Gregg Leslie, executive director of the First Amendment Clinic at Arizona State University's law school in Phoenix. 'Protecting privacy on a blanket basis will undermine the idea of an open and accountable society.' ...Recent decisions to impanel anonymous juries include the upcoming racketeering and sex trafficking trial of singer R. Kelly, as well as the 2019 trial of Mexican drug lord Joaquin 'El Chapo' Guzman.

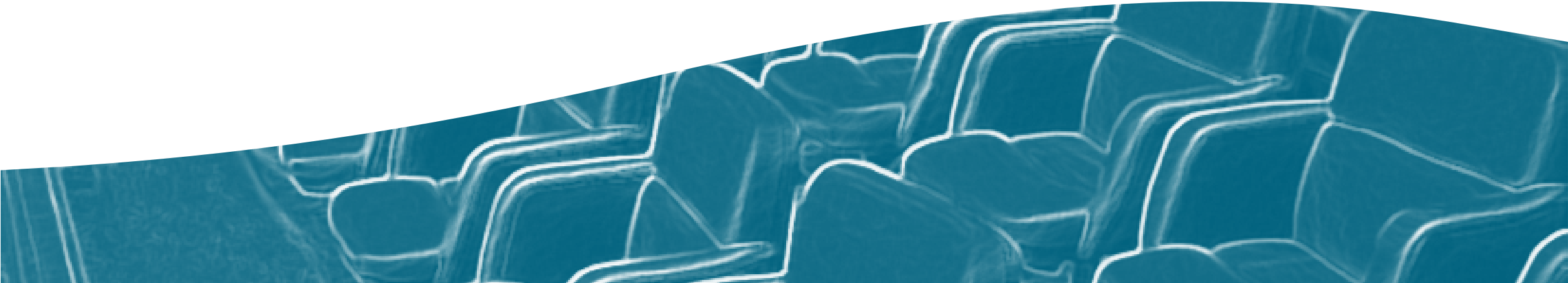
-Marco della Cava, *Anonymous jury in Derek Chauvin trial part of a growing trend that has some legal experts worried*, USA Today April 25, 2021



PRETRIAL MOTIONS



A. Case Captions



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TED DONNER,

Plaintiff,

v.

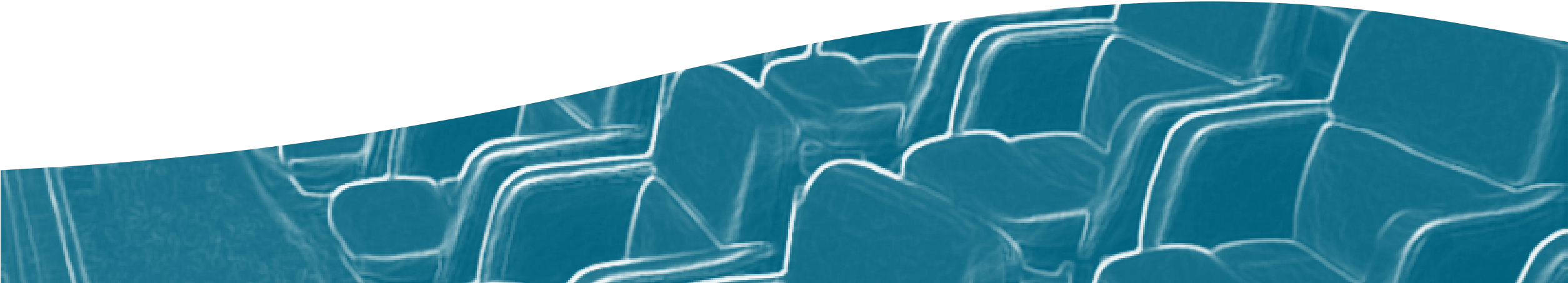
WILLIAM ELWARD,

Defendants.

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Case No. 25-CV-1234

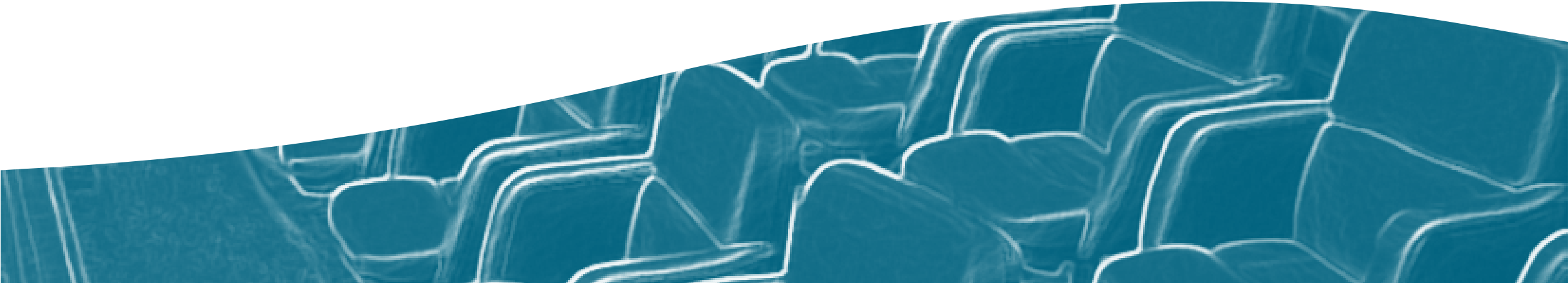
B. Applicable Authority



- **Everything is persuasive authority except for U.S. Supreme Court decisions (which are obviously binding);**
- **For substantive arguments, you can use Northern District or Illinois state cases, and cases from the federal courts, as much as you want or find useful; and**
- **For any non-substantive procedural arguments, please use Illinois law.**



C. Arguments



Subject Matter That Should be Addressed



**What Limitations There are
on the “Court’s Discretion”
During Voir Dire**

**Why/How the Proposed
Questioning Will not Unduly
Infringe on Juror Privacy**

**Why/How this Questioning
Will Not Involve Undue
Indoctrination of Jurors**

Subject Matter That SHOULD NOT be Addressed

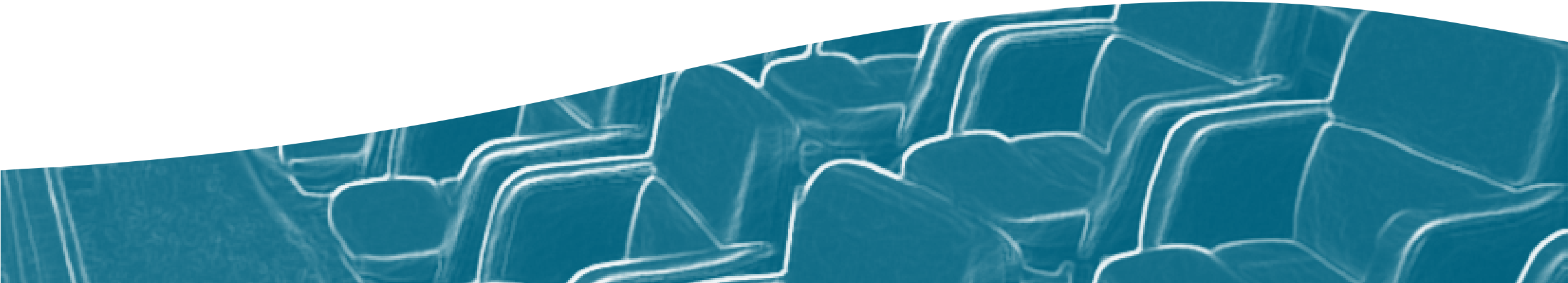


Assume Attorney-
Conducted Voir Dire has
Already Been Approved

Assume Sufficient Time Has
Already Been Scheduled for
Voir Dire of Individual Jurors

Assume There Will be a
Supplemental Juror
Questionnaire

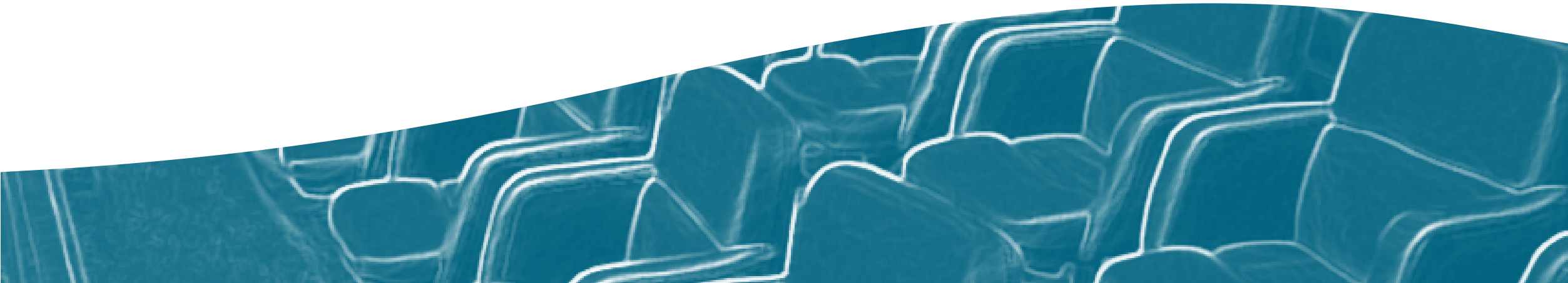
D. Stylistic Concerns



- Don't quote or specifically reference *Jury Selection: Strategy & Science*;
- Your headings should tell the story;
- Any referenced cases should include a key quotation (assume the judge is lazy);
- If you finish an entire paragraph and haven't include a single citation, something probably needs fixing; and
- Try to avoid telling the judge what they "must" do.



E. Prayer for Relief



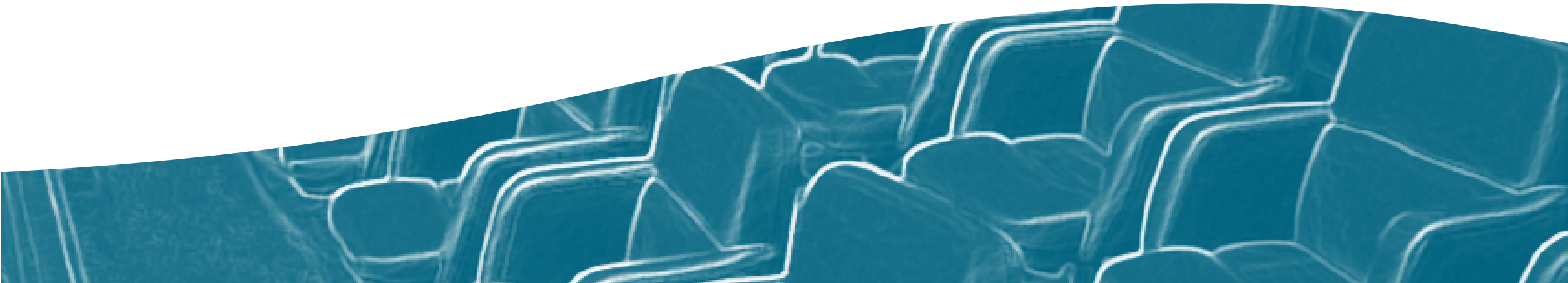
WHEREFORE, TED DONNER ("Donner"), by his undersigned counsel of record, respectfully requests that this Court grant the parties leave to conduct voir dire of the prospective jurors in this case on the subject of [INSERT]. Donner further requests that a supplemental juror questionnaire be circulated to the prospective jurors to be filled out prior to voir dire which includes both the aforesaid and the additional questions set forth in the same questionnaire attached hereto as Exhibit A. Donner also requests such additional relief as the Court deems just and proper or to which she is otherwise entitled as a matter of law.

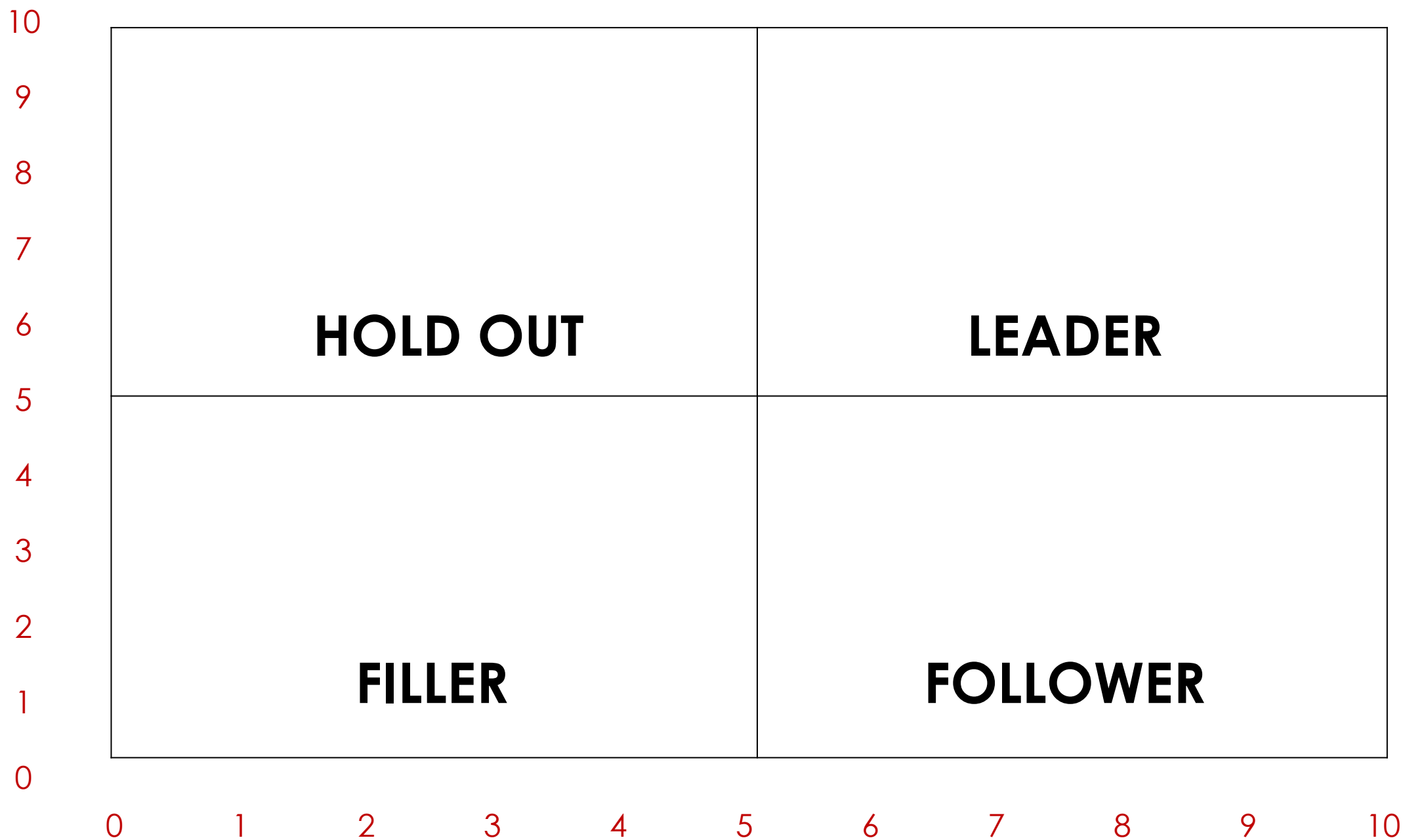
Respectfully submitted,

TED A. DONNER,

By: [Your Name Here] .
One of His Attorneys

12 ANGRY MEN







Juror No. 1



Juror No. 2



Juror No. 3



Juror No. 4



Juror No. 5



Juror No. 6



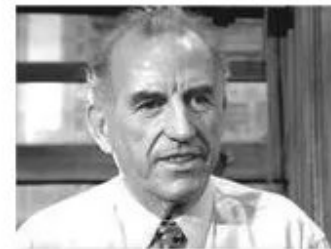
Juror No. 7



Juror No. 8



Juror No. 9



Juror No. 10



Juror No. 11

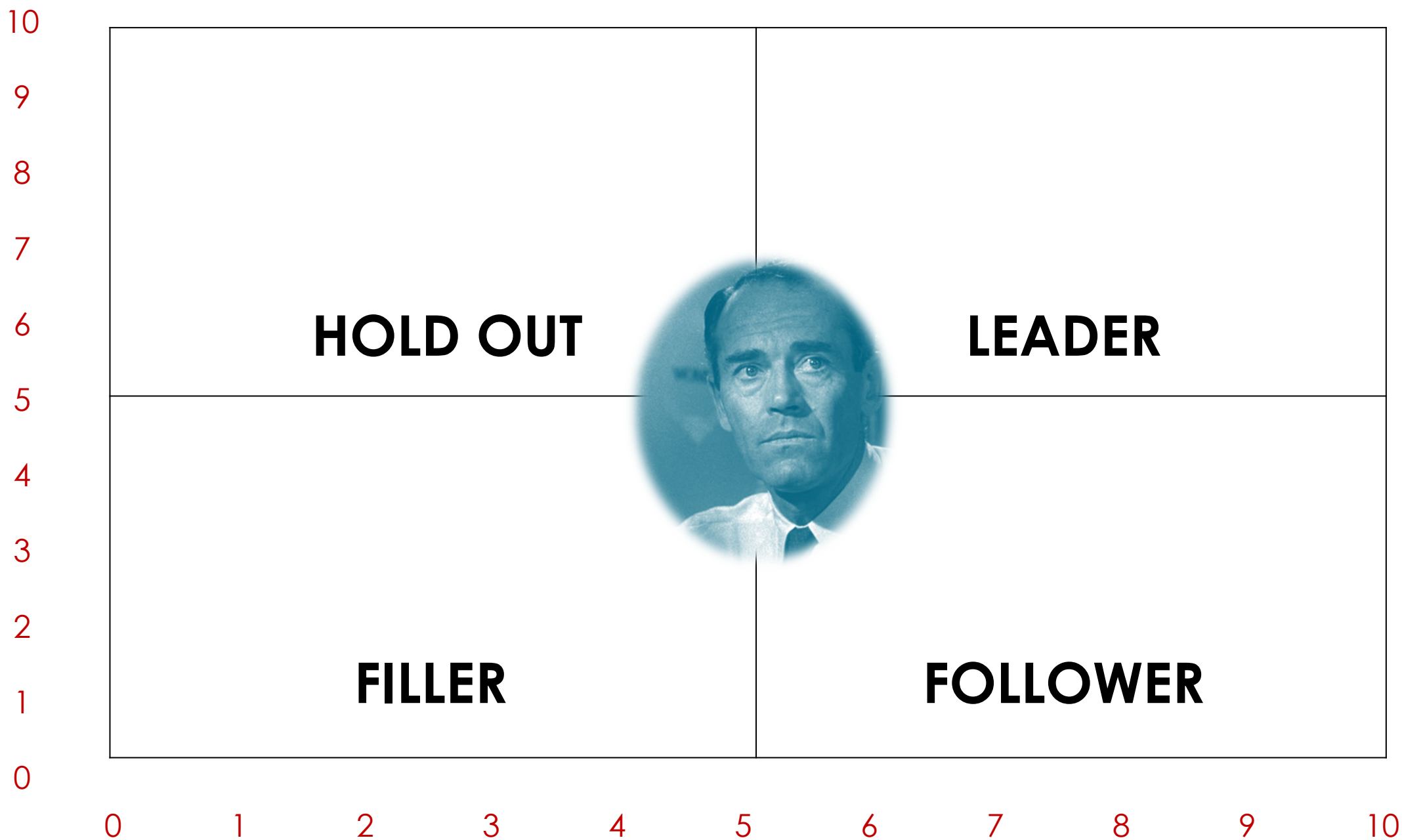


Juror No. 12

Juror no. 8



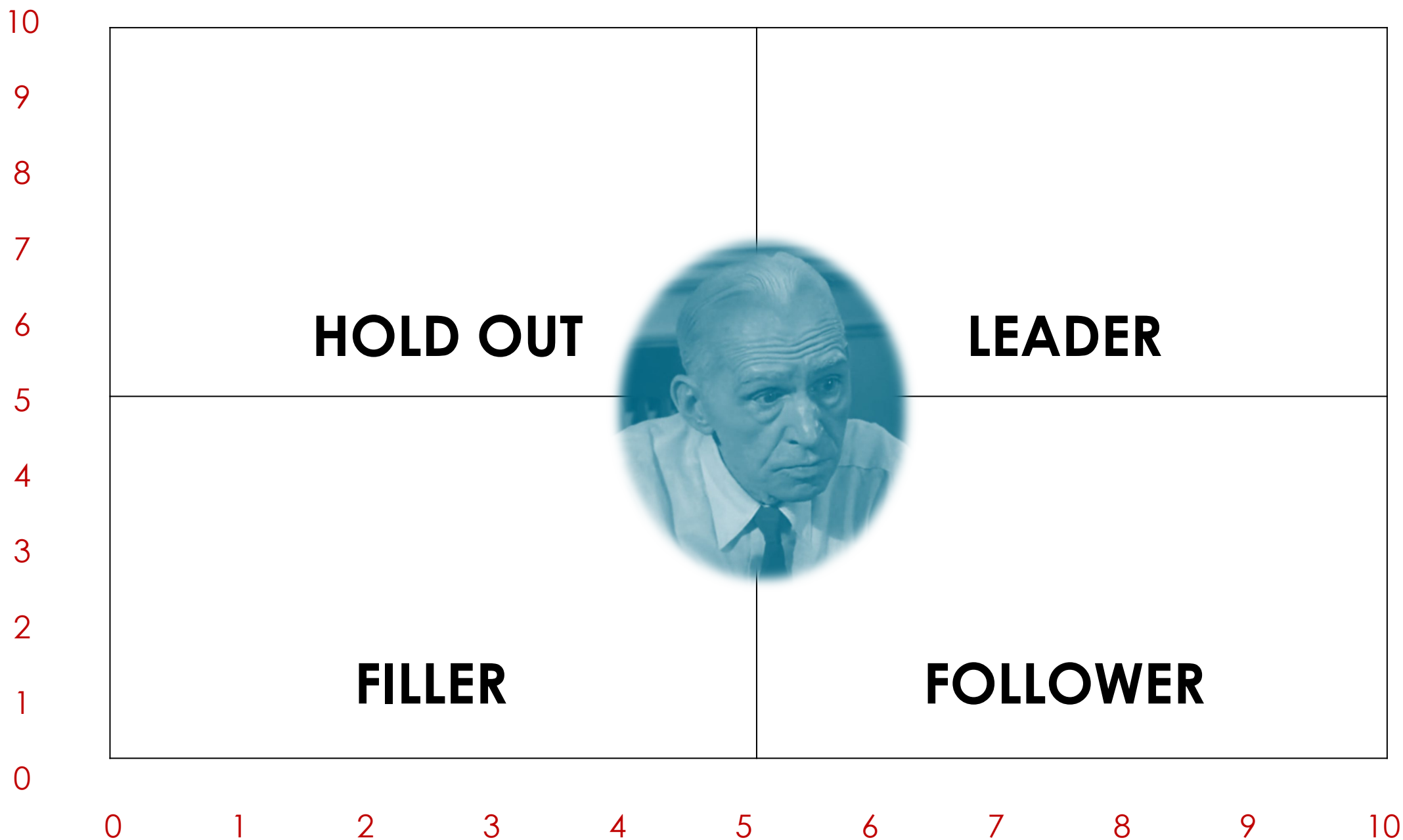




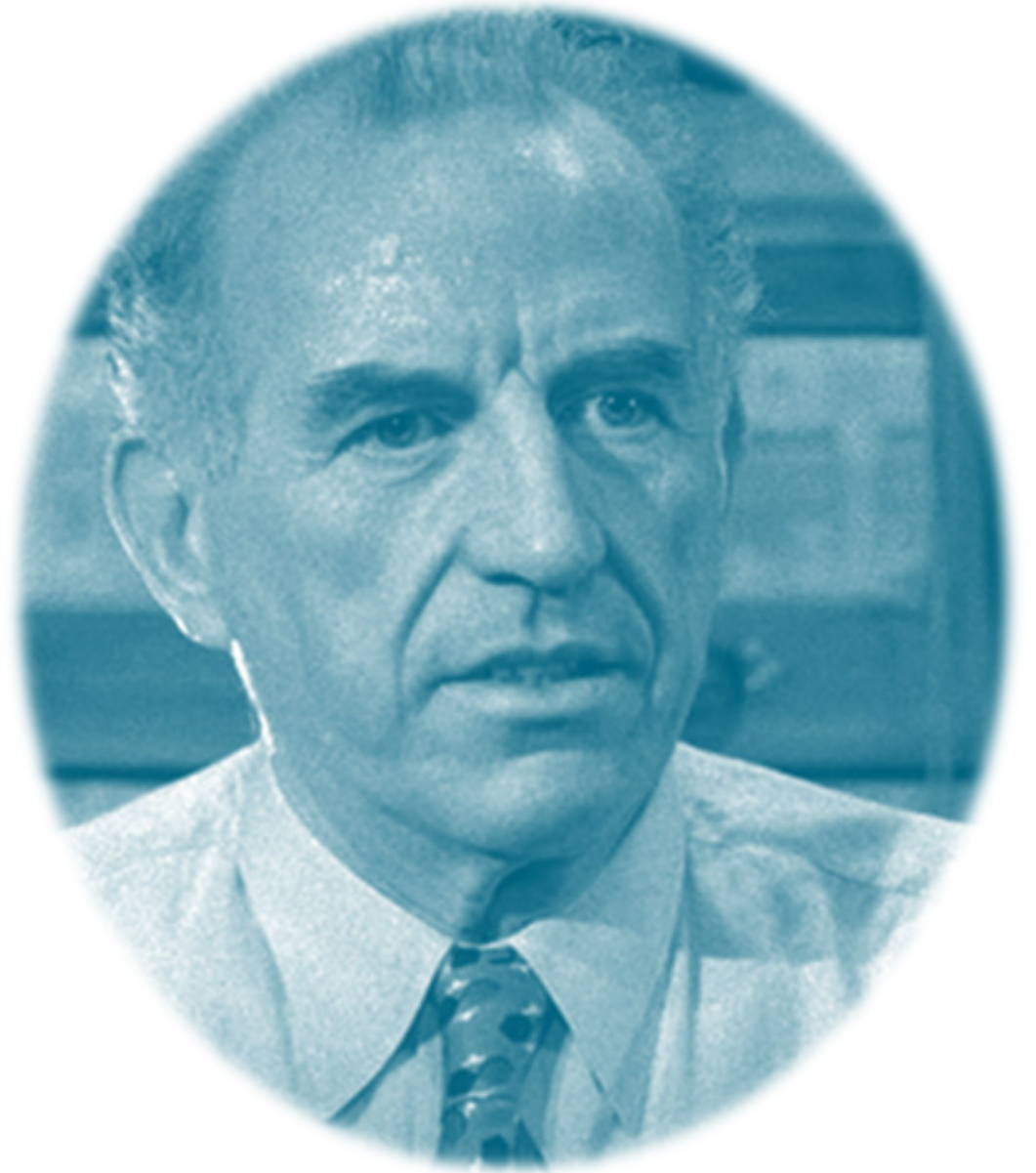
Juror no. 9





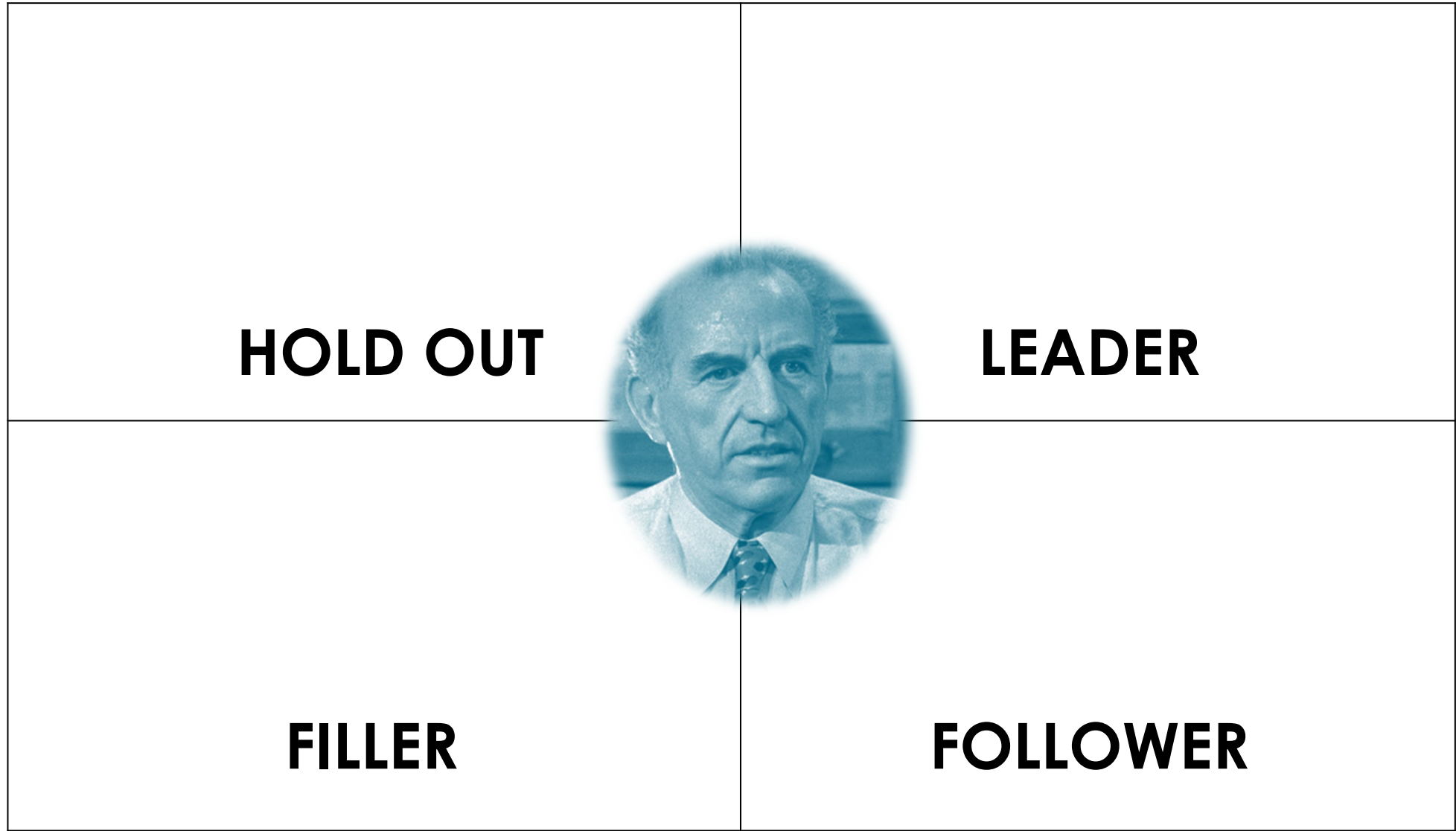


Juror no. 10





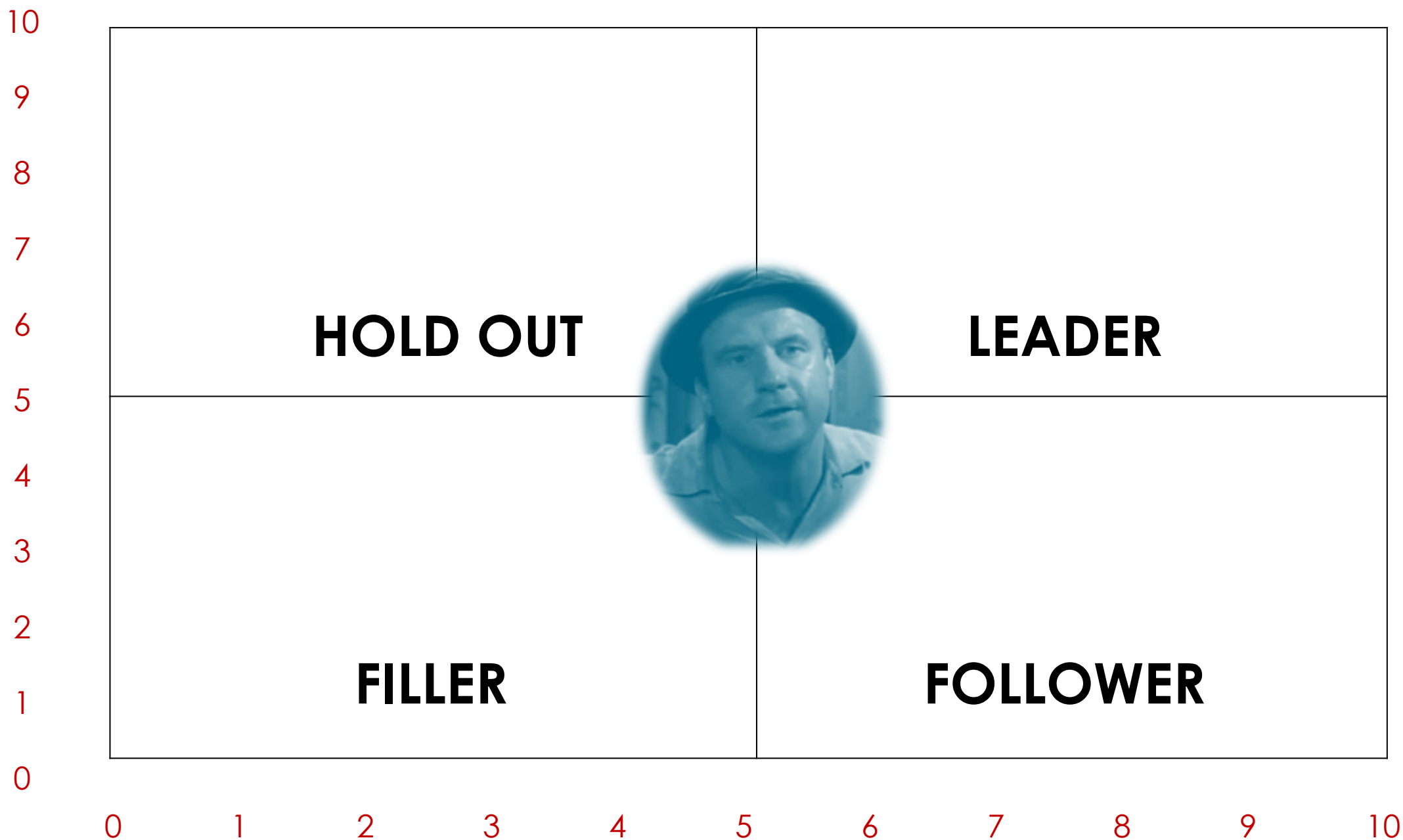
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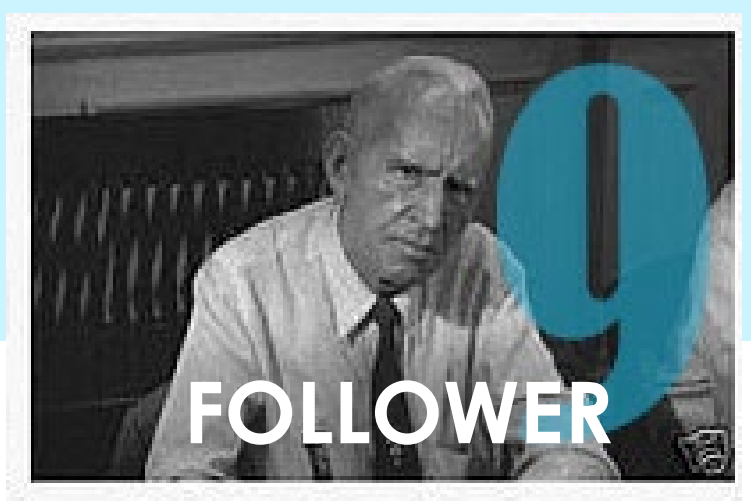
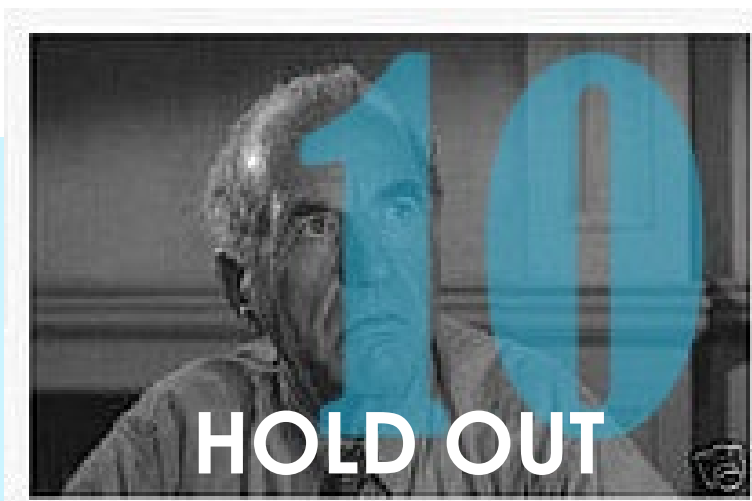
Juror no. 7







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