

LOYOLA UNIVERSITY OF CHICAGO SCHOOL OF LAW
CLASSROOM: CORBOY LAW CENTER ROOM 106

SYLLABUS FOR LAW OF JURY SELECTION (LAW 179, FALL 2026)

Professor Ted A. Donner

tdonner@luc.edu

(630) 917-6800

I. CLASS OVERVIEW

Class schedule. Class will meet from August 17, 2026 to November 30, 2026, Monday evenings from 6-8pm.

Format. This class will meet in-person in Room 106 of the Corboy Law Center. For anyone with health concerns (and in the event of a snow day), arrangements may be made so that the class is also accessible via Zoom (Meeting ID and Password to follow). There is no final exam but we will hold a final voir dire for the last day of class.

Materials. Jury Selection: Strategy & Science by Ted A. Donner and Richard Gabriel is available in Westlaw. It is published as the library "JURYSELECT." The syllabus and course materials for the course will be on Sakai, including most of the PowerPoint presentations (some with more video elements may not be uploaded, at least not in their entirety, because of file size limitations).

Office Hours. I encourage everyone to schedule a half hour meeting with me by Zoom, at your convenience, soon after the Fall Break. The goal of this meeting is to review how your initial voir dire went, to discuss the writing assignment, and cover any questions you may have. These meetings can be scheduled, as can any other time you may want to discuss the class with me, by scheduling an appointment via the Zoom app at: <http://donnerco.com/contact>.

Course Description. This course will focus on the various legal and practical considerations attorneys must face both during and following the jury selection process. The course will cover: constitutional issues; what must be proven to establish bias; the role of trial consultants (particularly in high profile cases); challenges to the array, challenges for cause and peremptory challenges; timing and procedural limitations; the significance of group dynamics; questioning techniques and the use of questionnaires; problems at trial and during deliberations; and the extent to which the parties may be entitled to examine prospective jurors in various areas of inquiry (such as occupation, education, knowledge of the case, legal and government experience, religious and educational beliefs). Students will participate in mock voir dire, prepare a draft questionnaire, and complete a final paper (7-10 pages in length).

Assessments of Student Learning. Most of the class exercises and assignments will involve one specific case (usually drawn from recent events in the news). We will use that case as a reference point for our discussions on the applicable law and on how that law can be used to effectuate counsel's strategic objectives in jury selection. Our work in class will include the following:

Workshops (10% of your grade): We will have five different classes in which part of the day will

involve a brief workshop focusing on specific aspects of jury selection. Everyone will get credit for participation, so long as they show up and/or have reason not to, as there are no wrong or right ways you will need to approach these exercises. I may, however, give additional credit to those whose class participation is notable in the case of a close call on the graded exercises at the end of the semester. I ask, in the end, only that you be prepared to participate in order to get full credit (if you cannot attend any particular class, please let me know as soon as possible so we can adjust how the class is organized, as need be, and talk through whatever you may need to do to cover the material).

- *Workshop #1: Twelve Angry Men.* We will start out watching a film in which 12 jurors deliberate over whether to render a guilty or not-guilty verdict in a criminal trial. You will be assigned one of the jurors to watch more carefully than the others, and will be asked to discuss how that juror's presence on the jury is likely to effect others as the film progresses.
- *Workshop #2: Outlining trial objectives and topics for voir dire.* This exercise will involve the group in discussions about the case we are handling this semester, in consultation with a trial consultant, to identify what areas of inquiry are likely to help identify appropriate choices for challenges for cause and/or peremptory challenges.
- *Workshop #3: Improvisation and Discovery Questioning.* This workshop will involve an overview of improvisational techniques useful during the "discovery" phase of *voir dire* and practice asking prospective jurors open-ended questions designed to encourage disclosure (you are seeking information useful to learning about the jurors and evaluating the propriety of challenges).
- *Workshop #4: Trial Themes; Negotiating and Preparing Supplemental Juror Questionnaires ("SJQs").* This exercise will involve the group in developing a proposed questionnaire for use prior to *voir dire*. We will also discuss the questionnaires used in other cases and how those questionnaires may or may not have been effective, both to elicit information from prospective jurors and to focus the case more on whatever themes we have decided upon.
- *Workshop #5: Challenges for Cause.* This workshop will require that you watch a recording of a sample juror's *voir dire* and then argue a challenge for cause, enunciating reasons you claim that juror should be excused by the court.

Voir Dire Practice Rounds (20% of your grade): This will involve examining prospective jurors (mostly other students from class), giving you an opportunity to focus on what you need to determine whether any jurors should be excused by peremptory challenge. You will not be expected to argue challenges for cause at this stage but will be expected to exercise appropriate peremptory challenges and explain your reasoning for those challenges.

Pre-Trial Motion/Pre-Trial Conference (40% of your grade): This assignment tends to play a significant role in grading as it requires that you apply the law to specific factual concerns in preparing a written argument to the court. The motion you submit should be 7-10 pages in

length and should include a request that a specific line of inquiry be allowed by the court during *voir dire*. You will need to research case law to support your argument, craft the motion in a form appropriate for filing in an Illinois Circuit Court, and demonstrate why the questions you want to pursue would be relevant to the *voir dire*, unlikely to result in prejudicial indoctrination, and not unduly invasive of juror privacy. We will discuss possible topics sometime in the first few weeks of class. During the related pre-trial conference, you will argue your written pre-trial motion to a “judge” who will ask you questions about the arguments you are making.

Final Voir Dire (30% of your grade): For this exercise, the class will break up into different rooms where you will be scheduled to appear as counsel and conduct the *voir dire* of a small panel of jurors (drawn from visiting guests who will mostly be appearing by Zoom). You will be arguing challenges to a guest judge/attorney (for cause and peremptory) and responding to your opposing counsel’s challenges.

Educational Objectives. Jury trials have historically proven to be a particularly controversial arena for practices and policies involving racism, gender discrimination, and other undue biases and we will necessarily focus on those concerns in a number of different contexts. In addition, by the end of this semester, you should be able to: develop an appropriate strategy for *voir dire*, including the drafting of pre-trial motions in support of that strategy; evaluate the possibility of bias among prospective jurors and present support for why some prospective jurors should be excused from the venire; better assess how your own implicit biases may impact on your ability to determine the propriety of seating or excusing any given juror; construct a useful supplemental jury questionnaire (“SJQ”) for use in *voir dire*; and argue the law in support of objections to inappropriate questions by opposing counsel, as well as in support of or against challenges for cause.

II. OUTLINE OF TOPICS

Following is an outline of topics we will cover during the semester. Please note that what is listed here may evolve as issues emerge from our discussions in class. Class discussion will focus primarily on highlights of the materials; not every case, or note that has been assigned will be discussed in class. You are responsible for completing all of the assigned readings, regardless of whether they are directly discussed in class.

Class	Date	Topics	Read Before Class
1	August 17	Lecture: Introduction; applicable Illinois and federal court rules (pre-trial conferences, voir dire, and jury instructions); legal and practical concerns involved in peremptory challenges; implicit bias under <i>Batson</i> . Workshop #1: Twelve Angry Men.	Chs. 2, 22-23
2	August 24	Lecture: Group dynamics (importance of selecting a jury rather than individual jurors); the fair cross section requirement; the effect and relative importance of diversity in task-oriented groups.	Chs. 1, 3, 7, 33
3	August 31	Guest speaker: Trial themes; identifying areas of concern; developing topics for juror questionnaires. Workshop #2: Outlining trial objectives and topics for voir dire	Chs. 9-10
	September 7	LABOR DAY: NO CLASS	
4	September 14	Lecture: Staying in the moment; active listening and the use of improvisation in voir dire and trial practice. Workshop #3: Improvisation and discovery questioning.	Chs. 17-18
5	September 21	Lecture: The right to public access and the privacy interests of jurors; crafting pre-trial motions on permissible areas of inquiry. Workshop #4: Negotiating and preparing supplemental juror questionnaires.	Chs. 8, 12-13
6	September 28*	VOIR DIRE PRACTICE ROUNDS	
	October 5	NO CLASS: FALL BREAK	

Class	Date	Topics	Read Before Class
7	October 12	Lecture: What "bias" means in case law involving voir dire (actual, implied and inferred bias); confirmation and "my side" biases; implicit bias; standards for challenges for cause.	Chs. 20-21, 24-26
8	October 19	Guest speaker: The court's perspective on jury selection; attorney v. judge-conducted voir dire; hardship.	Chs. 5, 14
9	October 26*	VOIR DIRE PRACTICE ROUNDS	
10	November 2	Lecture: "Expert" jurors; questioning focused on eliciting admissions for challenges for cause (rehabilitation and deselection). <i>Workshop #5: Challenges for Cause.</i>	Chs. 27, 30-31, 34
11	November 9*	REHABILITATION AND DESELECTION QUESTIONING	
12	November 16	Lecture: The rules of evidence and restrictions on the form of questions in voir dire (indoctrination; leading and hypothetical questions); course review and fundamentals.	Chs. 16, 19
13	November 23*	PRE-TRIAL CONFERENCES/PRE-TRIAL MEMOS DUE BEFORE CLASS	
14	November 30*	FINAL VOIR DIRE	

* The classes noted with an asterisk will be held in two to four different rooms with guest judges and/or guest jurors (jurors appearing mostly via Zoom). Team and room assignments will be provided during the semester.

III. UNIVERSITY POLICY NOTIFICATIONS

Academic Integrity. Loyola University Chicago takes the issues of plagiarism and academic integrity very seriously. The University's Academic Integrity Policy can be found here (third drop-down):

<https://catalog.luc.edu/academic-standards-regulations/undergraduate/>. Academic integrity is the pursuit of scholarly activity in an open, honest, and responsible manner. Academic integrity is a guiding principle for all academic activity at Loyola University Chicago, and all members of the University community are expected to act in accordance with this principle. Religious

Holiday Observance Attendance Statement. As a Jesuit, Catholic university, Loyola University Chicago invites people of all faiths and traditions to be a part of our community and we are committed to supporting students to grow in their faith traditions.

At Loyola, faculty members will work to accommodate students if the observance of a major religious holiday interferes with a student's academic work. If a student is unable to attend a class, participate in a test or quiz, be present for a presentation, or complete an assignment on a specific day because of the observance of a religious holiday, the student will be excused and provided the opportunity to make up the work. Students will continue to be responsible for all assigned work and should notify their professors in advance through Loyola email of the religious observance(s) that conflict with their classes. See also

<https://www.luc.edu/academicaffairs/stories/archive/honoringstudentreligiousobservances.shtml>

Student Accessibility Center. If you have a documented disability, you should register with the Student Accessibility Center (SAC) office in Sullivan Center 117 or by calling (773) 508-3700. Arrangements for accommodations will be made in accordance with Loyola University Chicago policy and the Americans with Disabilities Act (ADA). SAC information: <https://www.luc.edu/sac/applywithsac/> and <https://www.luc.edu/sac/faculty/>

Notice of Reporting Obligations and Student Title IX Rights. Under Title IX, a federal civil rights law, Loyola is obligated to ensure a safe and inclusive academic environment free from sex-based discrimination. At Loyola, the Office for Equity & Compliance ("OEC") is the University's Title IX office and coordinates the University's response to reports and complaints of sexual misconduct (as well as discrimination of any kind) to ensure all students' rights are protected.

As a faculty instructor, I, too, have a responsibility to support student safety. As a designated Responsible Campus Partner ("RCP"), I must report to the OEC any known, disclosed, alleged, or otherwise reported (formally or informally) incident of sexual misconduct that satisfies any of the following criteria: Sexual misconduct against any individual who is currently a minor by any individual Sexual misconduct against any individual who is or was a student at the time of the incident Sexual misconduct by any individual who is or was a student or employee (faculty or staff) at the time of the incident Similarly, I also have an obligation under Illinois law to report disclosures of or suspected instances of child abuse or neglect

<https://www.luc.edu/hr/legal-notices/mandatedreportingofchildabuseandneglect/>.

The University maintains these reporting requirements in the spirit of *cura personalis* (care for the whole person), to demonstrate care and to ensure that all students who report sexual/gender-based

misconduct receive accurate and timely information about available resources and options available to all students. More information can be found in Loyola's Comprehensive Policy and Procedures for Addressing Discrimination, Sexual Misconduct, and Retaliation (available at LUC.edu/equity), or if you have any related questions, you can always contact the OEC at equity@luc.edu or 773-5087766.

If at any time you would like to speak instead with a confidential resource (i.e., someone who is not a RCP and will not refer you to the OEC) regarding gender-based violence, advocacy services are available through the Wellness Center or by calling The Line at 773-494-3810. The Line is staffed by confidential advocates from 8:30am-5pm M-F and 24 hours on the weekend when school is in session. Advocates can provide support, talk through your options (medical, legal, LUC reporting, safety planning, etc.), and connect you with resources as needed -- without generating a report elsewhere in the University. More information about The Line can be found at luc.edu/wellness.

Other Student Support Resources.

ITS HelpDesk: helpdesk@luc.edu ; (773) 508-4487

Writing Center: <http://www.luc.edu/writing/>

Ethics Hotline: <https://www.luc.edu/hr/ethics/>; (855) 603-6988

General undergraduate policies (click the 'undergraduate' button):
<https://www.luc.edu/academics/catalog/undergrad/reg.shtml>