

PICK TWELVE
An Interactive Jury Game for Secondary Students

INTRODUCTION:

INTRODUCTION: Many attorneys, judges, and court officials know that the justice process really begins with the picking of the jury, a process known as *voir dire*. *Voir dire* literally means, “to speak the truth,” but it is used in court to mean the process of selecting the twelve (or six) people who will actually serve on the jury. As a general rule, thirty to sixty people are randomly chosen to serve on a jury panel (and in a major case, it is not unusual for 200 or more to be interviewed). Through questioning those people and studying their “Juror Information Cards,” the attorneys for both sides have limited numbers of exemptions (called “challenges”) they may use. Attorneys thus remove from the panel those who they feel would be least likely to find for their clients, and the panelists who remain serve on the jury.

To play “Pick Twelve,” follow the steps given below:

- Choose the civil case or the criminal one. If you choose the civil case, you will select the jury for the plaintiff (the party who brought the case to court) OR the defendant (the person being sued). If you choose the criminal case, you will choose a jury for the prosecution (state) OR for the defendant (the accused).
- Identify characteristics of an ideal juror for your side. Consider: age, profession, common interests and values, and previous jury experience.

(NOTE: Attorneys may NOT consider race, gender or handicap when eliminating panelists from serving on the jury. Sometimes, however, a person might be a choice simply because there is no obvious reason NOT to choose him or her.)

Next, read the available information for each person on the jury panel. This information is similar to what would be on a Juror Information Card, plus additional observable information or information obtained during the *voir dire*. Use all of this information to determine if there is anything that would keep a juror from being able to render an impartial verdict.

- Pick the twelve people you feel would most likely favor your side, based only on the information given on the card.
- When you have picked your jury, click on the “finished” button. A score will come up that will indicate how well you did.

Realizing that there is no such thing as a “perfect jury,” and no good attorney would ever guarantee a victory based on the *voir dire*, the following point system has been developed for the purposes of this game:

Sixty points: Excellent job selecting jurors—the “pros” couldn’t have done better!

Forty-eight to fifty-nine points: Very good!

Thirty-six to forty-seven: Good, but you might want to reconsider some of your choices.

Twenty-one to thirty-five: Maybe you should go back and make some changes.

Twenty or below: Start over and try again!

CIVIL CASE: *Caruthers v. Payne*

Dr. John Payne is a plastic surgeon in a metropolitan area of Texas. Three years ago, Candie Caruthers, a twenty-nine year old fashion model, came to see him about a small bump on her face, just above her upper lip, that would not heal. She first noticed the .5 cm. bump about two months earlier and was becoming concerned because it had not healed.

Dr. Payne told Candie the bump was “no big deal” and that he could remove it that day, which he did. Two weeks after the “little” surgery, the bump was still there and about twice its original size. Candie went back to Dr. Payne, who explained that it was a common occurrence for this type of pimple to come back and that he should cut it out again. Candie, although reluctant to undergo more surgery, agreed to the second surgery. Again, the bump came back and this time it was three cm. in size.

When Candie began losing modeling jobs because of the bump on her face, she took Dr. Payne to civil court to recover her lost wages.

CRIMINAL CASE: *Texas v. Thomas*

About 1:00 a.m., Al Sharp and his friend, Marie Davis, were driving along Sixth Street, returning home from a party. Mr. Sharp had just entered an intersection, when a Buick sedan ran a red light and broadsided the car. Ms. Davis was killed instantly and Mr. Sharp suffered serious injuries. Police later located the Buick seven miles from the accident. The owner of the Buick, Mr. Fred Thomas, was investigated. It was later discovered that his son, Tim, was driving his father's car on the morning of the accident. Tim had attended a party at a friend's house where alcohol had been available. Charges against Tim Thomas, age eighteen, were filed for vehicular homicide and failure to stop and render aid.

JURY IDENTITIES:

Juror #1.: Male
Forty-five years old
Truck driver for a local lumberyard
Catholic
Married; six children ranging in age from six months to fourteen years
Wife a stay at home mom
A strict disciplinarian with his children
Served on child abuse jury where the defendant was convicted; never served on a civil case

Juror #2. Female
Thirty-five years old
Owns a job placement service
Protestant
Married five years; no children
Husband an assistant district attorney
Well-dressed, successful appearance
No prior jury duty

- Juror #3. Female
Twenty-five years old
Works for Department of Child Protective Services
Catholic
Never married
Mother a plastic surgeon
Presiding juror on a murder case last year in which the defendant
was acquitted
- Juror #4. Male
Sixty-four years old
Retired physician
Methodist
Widower; three grown children and six grandchildren
Served twice on juries in traffic court, both times finding the
defendant
- Juror #5. Female
Twenty-two years old
Seminary student
Baptist
Engaged to marry a Baptist youth minister
Hair unkempt, dressed in jeans and sweatshirt
No prior jury duty
- Juror #6. Male
Forty-six years old
Dentist
Methodist
Married; three teenage children
Wife 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
convicted.

- Juror #7. Male
Forty-one years old
Works in information technology
Methodist
Married; two children
Wife a homemaker
Attractive, well dressed; Scoutmaster
- Juror #8. Male
Twenty-eight years old
Criminal defense attorney
No religion stated
Married two years; no children
Wife a kindergarten teacher
Never served on a jury
- Juror #9. Female
Nineteen years old
College freshman majoring in fashion design
Catholic
Single
Neatly dressed
Never served on a jury
- Juror #10. Male
Thirty-four years old
Investment banker
Presbyterian
Married ten years; three children
Wife an emergency room nurse
Served on one juvenile case which resulted in the teenager being sent
to a juvenile detention center for six months; served on a civil jury
finding for the plaintiff injured in a car accident

Juror #11. Female
Sixty-four years old
Retired secretary
Catholic
Widowed for two years
Husband was a state criminal court judge
Very attractive and well dressed
Served on two civil juries; one of these was a malpractice case where
the jury found for the plaintiff

Juror #12. Male
Twenty-one years old
Stocking clerk for a supermarket
Catholic
Engaged to be married
Attending night college after being turned down for admission in the
police academy
No prior jury duty

Juror #13. Female
Twenty-six years old
Executive assistant to bank president
Buddhist
Single
Recently in an automobile accident that was caused by a drunk driver
Expensively dressed

Juror #14. Male
Thirty-nine years old
Used car salesman
Greek Orthodox
Divorced; three children, ages twelve, fifteen and seventeen
Sponsors an Al-Anon chapter for teenagers
Casually dressed
Inattentive during *voir dire*

- Juror #15. Male
Forty years old
Writer
Jewish
Married; four children under age ten
Wife a modeling supervisor for a fashion magazine
Speaker for the high school Red Ribbon Day assembly this year
Never served on a jury
- Juror #16. Female
Thirty years old
Waitress
No religion given
Single
Enjoys socializing at local establishments on the week ends
Wearing flip-flops and a sun dress
Served on two prior civil juries, both of which found for the defense
- Juror #17. Male
Fifty-five years old
Currently unemployed but was in the technology field
Episcopalian
Divorced; six children ranging from six to eighteen
Sued his former employer for continuation of medical coverage
Youngest daughter was the victim of a hit and run incident
Dressed in a business suit
- Juror #18: Male
Forty-nine years old
Mailman
Church of Christ
Married, three adult children
Wife works in the school cafeteria
Dressed in mailman uniform
Seriously injured in traffic accident last year and sued the driver

- Juror #19 Female
Twenty-four years old
Flight attendant for a major airline
Methodist
Engaged to be married
Fiancé scheduled to join the local police force upon graduation from
the police academy
- Juror #20 Male
Thirty-three years old
Semi-professional baseball player
Methodist
Single; father is a physician
Fiancé recently broke their engagement
Dressed in jeans, t-shirt and baseball cap
Coaches youth baseball
- Juror # 21 Male
Forty-eight years old
Accountant
No religious affiliation
Separated; no children
Currently embroiled in a messy divorce case
Recently held hostage by a robber at a local gas station and rescued by
police without injury
- Juror #22 Male
Twenty-seven years old
Manager of fast-food restaurant
Catholic
Married; two small children
Works close to a local high school and enjoys being around teenagers
Recently was sued for sexual harassment of a female employee

- Juror #23 Female
Sixty-three years old
Retired librarian
Unitarian
Widowed, two adult children.
Served on a civil jury and on a criminal jury—the civil jury found for the plaintiff and the criminal defendant was convicted
- Juror #24 Female
Thirty-four years old
Homemaker
Presbyterian
Married, two children
Husband an automobile insurance agent
Served as PTA president and won several awards for her commitment to volunteer activities; a former Miss Texas
- Juror #25 Male
Twenty-eight years old
Medical student
Islamic
Married, no children
Wife homemaker
Recently become a naturalized citizen of the United States—enjoys the freedoms the United States offers its citizens, such as how to spend his free time
- Juror #26 Female
Fifty years old
Housekeeper
Catholic
Married, three grown sons
One of her sons was suspected by the police of being involved in local gang activities, but was never been charged with any crimes
Complained to the judge before the case began that she could not afford to miss work to serve on this jury.

Five points for the defense—juror #1 would be a top choice for the defense because he is a strict family man, and there is nothing to suggest he has anything in common with the plaintiff.

Juror #2: Five points for the plaintiff—juror #2 would understand the necessity of Ms. Caruthers' looking nice for her career. Also, since her husband is an attorney, she would probably understand the basis of the lawsuit.

One point for the defense—because she is a well-dressed professional woman, she would be inclined to side with the plaintiff.

Juror #3: One point for the plaintiff—while close in age to plaintiff, her profession and income would not give them much in common. Also, since her mother is a plastic surgeon, she might side with the defendant.

Five points for the defense—this juror would most likely favor the defendant, who is in the same profession as her mother.

Juror #4: One point for the plaintiff—this juror would probably support his fellow medical professional.

Five points for the defense—juror #4 would not be a top defense choice because he would probably support his fellow medical professional.

Juror #5: One point for the plaintiff—juror #5 does not seem to take too much interest in her own physical appearance and therefore probably would not think much of the plaintiff's case.

Five points for the defense—there is no evidence that would indicate this juror would not be a good juror for the defense.

Juror #6: One point for the plaintiff—this prospective juror would favor the defendant in this case since they are both medical professionals, and he is also considerably older than the plaintiff.

Five points for the defense—since this juror is a dentist, he probably would support the defense.

Juror #7: Five points for the plaintiff—appearance and education would make juror #7 an ideal juror for the plaintiff.

Three points for the defense—appearance and education would not make juror #7 a top choice for the defense.

- Juror #8: Three points for the plaintiff—because of his profession, he probably would not be a top choice for the plaintiff.
- Five points for the defense—there is no evidence that this would not be an ideal juror for the defense.
- Juror #9: Five points for the plaintiff—juror #9’s age, dress and interest in fashion design make her desirable to the plaintiff.
- One point for the defense—juror #9’s age, dress and interest in fashion design make her undesirable to the defense.
- Juror #10: Three points for the plaintiff—because this juror’s wife is a nurse, he might be cautious of malpractice lawsuits.
- Three points for the defense—due to the fact this juror has served on a civil jury finding for the plaintiff, the defense would probably pass on him.
- Juror #11: Five points for the plaintiff—although considerably older than the plaintiff, juror #11 came to court attractively dressed and has prior jury service finding for the plaintiff
- One point for the defense—this juror would not be acceptable to the defense due to the fact she had previously found for the plaintiff in a malpractice lawsuit.
- Juror #12: Three points for the plaintiff—this juror doesn’t have much in common with a fashion model.
- Three points for the defense—because of his youth and occupation, this juror would not be a top pick for the defense.
- Juror #13: Five points for the plaintiff—juror #13 is close to the plaintiff’s age, well dressed and has a professional career.
- Three points for the defense—although a better choice for the plaintiff, this juror would not be undesirable to the defense.
- Juror #14: Three points for the plaintiff—age and dress would go against this prospective juror being chosen. The fact the juror was inattentive would also make him questionable.
- Three points for the defense—the inattentiveness of this juror would make the defense skeptical of him, especially since it is a technical case.

Juror #15: Five points for the plaintiff—someone married to a modeling supervisor would likely support the plaintiff.

One point for the defense—this juror would be unacceptable to the defense because of his wife’s association with the modeling profession.

Juror #16: Three points for the plaintiff—although close in age to the plaintiff, they do not otherwise appear to have much in common.

Five points for the defense—this juror’s prior jury duty would indicate likelihood to lean toward supporting the defense.

Juror #17: Five points for the plaintiff—because this juror was previously involved as a plaintiff in the civil case, he would likely favor the plaintiff in this case.

One point for the defense—the defense would definitely excuse this juror due to his own lawsuit.

Juror #18: Three points for the plaintiff—a forty-nine-year-old mailman who came to court in jeans would not appear to sympathize with the plaintiff.

Three points for the defense—this juror may not be sympathetic to the plaintiff but because of his recent lawsuit he would also be questionable to the defense.

Juror #19: Five points for the plaintiff—juror #19’s profession would require her to maintain certain standards in her appearance, so she would understand the importance of plaintiff’s plight. She is also close in age to the plaintiff.

Three points for the defense—the defense would probably not select this juror, as she is too close in age and is in an occupation where appearance is important.

Juror #20: One point for the plaintiff—because of this juror’s recently broken engagement and his appearance, he would not be chosen by the plaintiff.

Five points for the defense—this juror would be selected by the defense because of his casual appearance and the fact his father is in the medical profession.

Juror #21: One point for the plaintiff—a forty-eight-year-old man involved in a messy divorce probably would not support the plaintiff.

Five points for the defense—the defense would select this juror due to the fact he is in a messy divorce and may not too sympathetic to the plaintiff.

Juror #22: One point for the plaintiff—this prospective juror is a hardworking family man who could not easily relate to the plaintiff.

Five points for the defense—this juror would be ideal due to his previous experience as the defendant in a lawsuit.

Juror #23: Five points for the plaintiff—even though juror #23 is older than the plaintiff, her history of finding for the plaintiff on a prior civil case would make her desirable to the plaintiff.

Three points for the defense—while the juror's age might make her a possibility for the defense, her previous jury experience would make her questionable.

Juror #24: Five points for the plaintiff—as a former Miss Texas, and because she is close in age to the plaintiff, juror #24 would be an ideal choice for the plaintiff.

Three points for the defense—the defense would probably not want a former beauty queen even though her husband is in the insurance business.

Juror #25: One point for the plaintiff—although close in age to the plaintiff, this prospective juror would not support that side because of his chosen profession.

Five points for the defense—this medical student might be an ideal choice for the defense.

Juror #26: One point for the plaintiff—this juror's age and profession do not give her commonalities with the plaintiff. Also, because she complained to the judge about serving, she wouldn't make a good juror.

One point for the defense—juror #26 would not be an ideal juror for the defense because she complained to the judge about serving.

Juror #27: Five points for the plaintiff—because juror #27 recently underwent chemotherapy, she would be sympathetic to the medical problem incurred by the plaintiff.

One point for the defense—the defense would definitely not want a juror who had recently suffered due to a misdiagnosis by a physician.

Juror #28: Three points for the plaintiff—his age and marital status would tend to make this juror questionable to the plaintiff.

Three points for the defense—there is insufficient evidence on this juror for the defense to select him.

Juror #29: One point for the plaintiff—this juror’s age, occupation and religion would make him undesirable for the plaintiff.

Five points for the defense—juror #29 would be a good choice for the defense, as he has nothing in common with the plaintiff and would possibly be unsympathetic to her cause.

Juror #30: Five points for the plaintiff—juror #30 came to court dressed in a business suit, which indicates he cares about appearance. He is also a professional artist.

Three points for the defense—juror #30 would probably not be chosen by the defense due to his profession and his attention to his appearance.

CRIMINAL CASE KEY: *Although there is no exact and precise way to guarantee that a prospective juror will vote in a specific way, the answers given here are strong probabilities. All panelists have been rated five, three or one points each for purposes of this game.*

Juror #1: Three points for the state—although this juror served on a jury that convicted the defendant, there is no evidence that he would favor the state and therefore would not be a top choice for the state.

Three points for the defense—this panelist would not be a high defense choice because of his prior jury duty results.

Juror #2: Five points for the state—because her husband is an ADA, she would probably be a top pick for the prosecution.

One point for the defense—because this juror’s husband is an ADA, she definitely would not be a pick of the defense.

Juror #3: One point for the state—this juror has a prior history of acquitting a defendant and therefore would be a low choice for the prosecution.

Five points for the defense—juror #3’s prior jury duty in which the defendant was acquitted would make her an ideal juror for the defense.

Juror #4: One point for the state—having served twice on criminal cases and both times acquitting the defendant, this juror would not be a choice for the prosecution.

Five points for the defense—although this juror is older than the defense might have liked, because of his prior juror experiences he would likely support the defendant.

Juror #5: Three points for the state—although this juror is close in age to the defendant, she might be inclined to favor the prosecution because of her religion and the possibility that the defendant had been drinking.

Three points for the defense—most Baptists are non-drinkers and therefore would not be a high choice for the defendant in this case because of the possibility that he was drinking before the accident.

Juror #6: Five points for the state—this juror’s wife was recently assaulted by a student, which might lead him to have negative feelings about young people. Also, he had previously served on a DWI jury that convicted the defendant.

One point for the defense—juror #6 once served on a jury that convicted the defendant for DWI.

Juror #7: Three points for the state—there is not enough information to determine which direction juror #7 might lean.

Three points for the defense—this juror’s age and the fact that he is a Scoutmaster would lead to his possibly being unsympathetic with the defendant.

Juror #8: One point for the state—a criminal defense attorney might not agree with the prosecution.

Five points for the defense—a criminal defense attorney is an ideal juror for the defendant.

Juror #9: Three points for the state—there is not enough information to determine which direction juror #9 might lean.

Five points for the defense—with no additional information during *voir dire*, this juror's age would make her attractive to the defense.

Juror #10: Five points for the state—juror #10 would be a top pick for the prosecution because of his age and prior jury duty.

One point for the defense—his prior jury duty and the fact that his wife is an emergency nurse would make this juror undesirable to the defendant.

Juror #11: Five points for the state—this juror's age and husband's occupation would make her an ideal prosecution witness.

One point for the defense—age and husband's occupation make this juror unacceptable to the defense.

Juror #12: One point for the state—this twenty-one year old male would probably favor the defense in this case. The fact that he was turned down for the police academy might make him prejudiced against the prosecution.

Five points for the defense—because juror #12 is close in age to the defendant and also male, he would be chosen by the defense.

Juror #13: Five points for the state—the fact that this juror was recently in an automobile accident would lead the defense to conclude that she would support the state in this case.

One point for the defense—the fact that this juror was recently in an automobile accident would lead the defense to conclude that she would support the state in this case.

Juror #14: Three points for the state—there is too much unknown about juror #14 for him to be a high pick for the prosecution, such as how his involvement with Al-Anon would influence him. Also, the fact that he was inattentive during *voir dire* puts his role as an affective juror in question.

One point for the defense—while juror #14 might be sympathetic to teenagers, his association with Al-Anon would make him questionable to the defense. Also, the fact that he was inattentive during *voir dire* puts his role as an affective juror in question.

Juror #15: Three points for the state—this is a juror is a possibility for the prosecution because of his association with the Red Ribbon Day program, but he is not a top pick because it is unclear how this would guide his judgment in this case.

Three points for the defense—this is a questionable juror for the defense because of his association with the Red Ribbon Day program, but he is not a top pick because it is unclear how this would guide his judgment in this case.

Juror #16: One point for the state—this juror is single and admitted to enjoying socializing. This could make her sympathetic to the defendant.

Five points for the defense—this juror is single and admitted to enjoying socializing. This could make her sympathetic to the defendant.

Juror #17: Five points for the state—because his daughter was a victim of a hit-and-run, this juror would be a good choice for the prosecution.

One point for the defense—because his daughter was a victim of a hit-and-run, this gentleman would not make a good juror for the defense.

Juror #18: Three points for the state—because this juror was seriously injured in a traffic accident recently, he might be a good prosecution witness.

One point for the defense—being forty-nine years old and having been seriously injured in a traffic accident would make juror #18 undesirable to the defense.

Juror #19: Five points for the state—juror #19 probably would favor the prosecution in this case because of the chosen career of her fiancé.

Three points for the defense—because her fiancé is scheduled to join the police force, this juror would be questionable for the defense.

Juror #20: Five points for the state—juror #31's background, religion, and coaching experience would make him a top choice for the prosecution.

Five points for the defense—this juror coaches youth and therefore could be sympathetic to the defendant.

Juror #21: Five points for the state—this juror would be pro-police and therefore a good prosecution witness.

One point for the defense—a hostage who was rescued by the police probably would support the state in this case.

Juror #22: Three points for the state—although juror #22 enjoys working around teenagers, there is nothing to indicate that he wouldn't be a good choice for the prosecution, but not a top pick.

Five points for the defense—juror #22's livelihood involves working with young people, and there is nothing to indicate that he would not be a good defense juror.

Juror #23: Five points for the state—this juror’s age and prior jury outcome would make her an ideal pick for the prosecution.

One point for the defense—her age and prior jury outcome would keep juror #23 from being chosen by the defendant.

Juror #24: Five points for the state—the fact that juror #24’s husband is an automobile insurance agent, she would not make a good prosecution juror.

One point for the defense—this juror is suspect for the defense because of her PTA involvement. Also, her husband is an insurance agent.

Juror #25: Three points for the state—his age would keep juror #25 from being a top prosecution choice.

Five points for the defense—because this juror stated during *voir dire* his strong beliefs in individual freedoms, he would make a good defense juror.

Juror #26: One point for the state—juror #26 would be sympathetic to the defendant because of her son’s problems with the police.

Five points for the defense—juror #26 would be sympathetic to the defendant because of her son’s problems with the police.

Juror #27: Five points for the state—the president of the local MADD chapter would be an ideal juror for the prosecution.

One point for the defense—the president of the local MADD chapter would not be acceptable to the defense.

Juror #28: One point for the state—because of his conviction as a college student, juror #28 could be sympathetic to the defense and therefore not desirable to the prosecution.

Five points for the defense—because of his conviction as a college student, juror #28 could be sympathetic to the defense.

Juror #29: Three points for the state—it is uncertain which side a recovering alcoholic would support, so this juror would not be a high choice for the prosecution.

Three points for the defense—it is uncertain which side a recovering alcoholic would support, so this juror would not be a high choice for the defense.

Juror #30: One point for the state—because of juror #30's prior incidents with the police, he would not be a good juror for the prosecution.

Five points for the defense—because of juror #30's prior incidents with the police, he would be an ideal defense juror.

Juror Number	Civil Case		Criminal Case	
	Plaintiff	Defense	Prosecution	Defense
1	1	5	3	3
2	5	1	5	1
3	1	5	1	5
4	1	5	1	5
5	1	5	3	3
6	1	5	5	1
7	5	3	3	3
8	3	5	1	5
9	5	1	3	5
10	3	3	5	1
11	5	1	5	1
12	3	3	1	5
13	5	3	5	1
14	3	3	3	1
15	5	1	3	3
16	3	5	1	5
17	5	1	5	1
18	3	3	3	1
19	5	3	5	3
20	1	5	5	5
21	1	5	5	1
22	1	5	3	5
23	5	3	5	1
24	5	3	5	1
25	1	5	3	5
26	1	1	1	5
27	5	1	5	1
28	3	3	1	5
29	1	5	3	3
30	5	3	1	5