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The body talks - loud and clear. If you can hear it, you will gain a winning edge in the courtroom - especially in the difficult task of jury selection.

For example, you have a case with the following facts: A 34 year old woman was riding in her friend's car when the car was hit by oncoming traffic. The plaintiff suffered minor neck and back pains, but otherwise, seemed all right. Now, however, she is complaining of depression, lack of concentration and nightmares. She makes mistakes at work, is nervous, anxious and ill tempered. She says her life has changed dramatically since the accident and is suing for pain and suffering and loss of ability to work.

Generally - and we are talking in broad strokes, here - as plaintiff counsel, you want jurors who are nurturing and generous. These are not the only characteristics you are looking for, but they are almost generic plaintiff traits in cases where someone is hurt and is trying to get compensation.

Your ideal plaintiff jurors should be nurturing so that they will want to help the plaintiff and make her 'whole again.' They should be open and receptive to the fact of her suffering. They should be generous so they will give her a lot of money.

These kind of people are touchy-feeley; they are gregarious, socially oriented and often work in the helping professions, such as social worker, teacher, therapist, sales. They do volunteer work.

As defense counsel, you want jurors who are more restrained and disciplined, both with their feelings and their pocket book. They are more 'thinkers' than 'feelers.' They believe everyone should take responsibility for what happens to them and not blame others or look to others to get 'fixed up.'

These kind of people are uptight; they hold on to their preconceptions. They often fill responsible positions in those professions which require analytical thinking, such as engineers, accountants, computer programmers and managers. They are usually part of the 'establishment,' and are satisfied with the status quo.

If this is the extent of the jury profile you carry with you when you begin voir dire, you will make it through the process okay. But if you can expand upon that profile by adding some nonverbal indicators which can visually describe your ideal juror, imagine the cutting edge, the distinct advantage you will have over your opponent.

This article will describe some of those nonverbal indicators which will help you identify the juror you want in this kind of case. I will describe a set of opposite indicators, one set to identify a plaintiff juror and one set to identify a defense juror.

These visual clues are subtle hints about a person's temperament - not concrete facts. You will rarely see these indicators expressed in black and white, but rather you will experience them in scales of gray. Furthermore, people can project contradictory clues about themselves.

Nevertheless, for clarity's sake, I will describe these indicators in their extreme manifestations. The

challenge, however, is to know what to look for, identify the clues and then integrate them into a coherent picture which reflects the person's overall psychological patterns.

The Plaintiff Voir Dire

So, you are plaintiff counsel, looking at the jury pool for potential plaintiff jurors. What does a nurturing, open, receptive and generous person look like? What kind of clothes does this kind of person wear? Shoes? Hair Style? Accessories?

Let's look at shoes first, because they are the tell-tale indicator of temperament. While the mind is the reservoir of our thoughts, the body is the reservoir of our feelings. Feelings live in the body, and the body leaks. The further away from the head you go, the more the body leaks its feelings.

For example, we might feign a smile and say that everything is okay, when in fact, we are feeling nervous and anxious. Someone looking at our face could easily be fooled. But if that person noticed our hands, he might see that we were rubbing our hands together, or picking at our nails or tapping our fingers. And if by chance the person could see our feet, he might see an agitated foot shaking up and down or toes tapping. So the further away from the brain we get, the more the body reveals what we are really feeling.

Similarly, what we put on our head or ears will not reveal as much about who we are as what we put on our feet. Therefore, my point that shoes are the tell-tale indicator of personality.

What kind of shoes will a nurturing, open, receptive and generous person wear? The style will be casual and comfortable with plenty of room for the toes, because these people don't want to be hemmed in. No pointy tips. The heels will be low, because open people want to be able to move around easily. No stilettos. Sandals, sports and walking shoes are more likely to fit this person's style than compact, tight dress shoes.

Some people who are open and receptive will be more fastidious about their self-presentation than others. They'll pay more - or less - attention to hygiene, cleanliness, fashion and maintenance of their wardrobe. And their shoes will reflect the degree of that concern.

So we cannot predict how well maintained or clean their shoes will be. But we can guess how well maintained and clean their shoes won't be. They probably won't have perfect heels and a glossy polished finish. These people are not obsessive types, so the attention they pay to their wardrobe won't be obsessive. Similarly, their shoes might go with the outfit, but not be color coordinated.

What about clothes? Their clothes will be casually comfortable and loose fitting - rather than tailored - because open people need room to move around in. No cramming the body into tight skirts or pants or collars that pinch. Jackets, shirts and sweaters will be open, not buttoned up. Their clothes, like their shoes, will be clean and neat, but not obsessively so. They'll will not look 'put together,' except in a casual way.

And hair style? Their hair style will be casual and naturally flowing, rather than highly styled or gelled or plastered to the head. Indeed, the styles will be "big" rather than small. Beards and mustaches will be natural looking, rather than designed and sculpted.

We can predict that an open and generous woman will probably carry a big handbag that has room for lots of things. Her accessories will fit loose on the body - no chokers, for instance or scarves tied tight around the neck. Her earrings might jingle, instead of fitting close to her face.

As you look over the jury pool, the open and nurturing people will be sitting in open postures, i.e., with their hands on the chair arm instead of folded across their stomach. They'll be engaged with other people, instead of keeping to themselves; they'll look relaxed, not worried. They tend to be more on the heavy side than the light side - not fat - but full bodied. A nurturing woman will more likely have large breasts, for instance. These people will have some weight to them and take up

space. Their faces will be big and eyes wide apart. Their whole demeanor will look 'open.'

The Defense Voir Dire

Now, if you represent the defense in this case, you will be looking for jurors who are the opposite, i.e., up tight, restrained and cautious. You do not want people who are expansive or ebullient; on the contrary, your ideal jurors will be closed - closed to a plaintiff's suffering and clutching a closed purse.

They will sit in the courtroom in closed postures, i.e., with arms and legs folded, holding on to themselves. They will keep to themselves, perhaps they will be reading - giving minimum eye contact to others. And because it takes energy to maintain a closed posture, their body language will reflect some tension, i.e., a set mouth, a furrowed brow, hands tightly knitted together, or better yet - a tightly closed fist.

The more tension in the person's body language, the more closed that person is. Notice the different degrees of tension, therefore, between hands loosely fisted versus hands tightly fisted with white knuckles. The stronger the tension holding the body together, the more difficult it will be to get that person to open up to new ideas and persuasion.

Closed, up-tight people will wear clothes that restrict their movement, that is, their clothes will be tight fitting, tailored and formal. They will tend to button their jackets and shirts, instead of leaving collars open. Men might wear vests. Colors will be subdued so as not to stand out in the crowd. Their clothes will be carefully pressed.

Their shoes will be closed toes and heels; no sandals, for instance or - for women - no slings or open toe pumps. This kind of person will wear more formal shoes than casual or sporty. The heels are more likely to be leather than crepe or rubber. Their shoes will be well maintained, if not buffed and polished.

A closed and restrained juror will wear a hair style that reflects that demeanor, i.e., the style will be carefully cut, coiffured and maintained. It will be neat and orderly and combed close to the head - and possibly gelled - to prevent it flying about.

Accessories will be minimal and understated. These are not flashy people who are trying to show off. Whatever accessories they wear - jewelry, scarves - will fit into the overall impression of a neatly packaged product, with no loose ends hanging about.

An Art, Not an Equation

In summary, you can tell a great deal about people by the way they visually present themselves to the world. You cannot know what they will think about your case issues, but you can know how they might feel about them. Shoes, dress, accessories, and body language are keys to identifying temperament and psychology.

Most important, the body never lies. We might read it incorrectly, but the answers are always there. If a contradiction exists between what a person says verbally and what that person's body language says visually, trust the body language.

Being aware of these nonverbal indicators will not guarantee you a jury panel ready to give you an immediate verdict, but being literate in the nonverbal language gives you that extra bit of information in jury selection which can make the difference between an educated guess and a wild shot.

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