

Chapter 2

Jury Selection

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§ 2:1 Introduction

§ 2:1.1 Roles of Judge and Counsel

Approaches to jury selection vary widely, as do opinions of the efficacy of the process. The general procedure of asking questions of prospective jurors is handled in different ways by courts, falling into three patterns, with much local variation:

1. **Federal mode (traditional):** The trial judge does *all* of the jury selection questioning, counsel participating only through submission of written questions for the judge’s consideration.
2. **State mode (common):** Counsel has the principal opportunity to ask questions of the veniremen, often after the briefest of general questions are asked by the judge.
3. **Mixed questioning:** More and more federal judges are sharing the opportunity to question jurors, conducting a set of preliminary general questions and giving counsel the chance to ask general or specific questions of the panel and individual jurors, sometimes under a time limit.

