TRYING PEREMPTORY CHALLENGES:
ARE THESE TOOLS EFFECTIVE IN SELECTING AN IMPARTIAL JURY?

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Abstract

This thesis addresses the use of peremptory challenges as an effective tool in impaneling an impartial jury. Up until the twentieth century, peremptory challenges had remained unquestioned. However, once the implications of a defendant’s “Batson claim” surfaced, scholars produced questions regarding the efficacy and constitutionality of the challenges’ existence. Through the review of relevant literature, fundamental trials and numerous interviews with attorneys the author of this work concluded that when peremptory challenges are used effectively, their goal is to promote fairness and impartiality within a jury. This thesis describes how the very tactics used by attorneys when exercising peremptory challenges are consistent with normal psychological behavioral patterns exercised by individuals on a daily basis. In addition to peremptory challenges, this thesis also supports the use of jury consultants in complex and high-profile cases as another mechanism exercised in order to secure the rights of a defendant, as well as to further promote fairness within a jury. It is recommended that in order to continually affirm that peremptory challenges are used properly, the United States should institute a greater and more thorough process for jury selection. In addition, this thesis wishes to convey that the use of jury consultants is effective in providing supplemental support when impaneling impartial juries. In regards to special cases, such as those terrorists standing trial, this thesis recommends that the U.S. continues to utilize its protective statutes and hold military tribunals so as not to danger the lives of civilian jurors. This thesis encourages further research to be conducted on the uses of peremptory challenges, the implementation of jury consultants and the development of additional measures served to protect civilian jurors.

Advisor: Prof. Lisa Jaeger
I dedicate this thesis to my Mom and Dad.
## Table of Contents

**Introduction** .................................................................................................................. 1

- Research Question........................................................................................................... 5
- Importance of Research.................................................................................................. 5
- Schools of Thought......................................................................................................... 7
- Methodology .................................................................................................................. 11

**Origins of the American Jury**.......................................................................................... 14

**Juries in Foreign Nations**................................................................................................ 17

**Today’s Jury Selection Procedures** .................................................................................. 22

**Voir Dire** ......................................................................................................................... 27

**Jury Sequestration and Change of Venue** ...................................................................... 28

**Peremptory Challenges** .................................................................................................. 32

**Review of Peremptory Challenges** ................................................................................ 36

**Human Element of Jury Selection** .................................................................................. 52

**Importance of Rapid Cognition and its Effects on Jury Selection** ................................ 53

**Principles Associated with Rapid Cognition** .................................................................. 54

- Perception ...................................................................................................................... 54
- Instincts and Gut reactions .............................................................................................. 56
- Impulsive Decisions or Automatic Responses ................................................................ 57
- Facial Expressions ............................................................................................................ 59
- Thin-Slicing ..................................................................................................................... 61

**Applications of the “Blink Effect” to the Selection of Jurors** ........................................ 63

**Jury Consulting** ............................................................................................................. 65

**Review of Heightened Judicial Powers** ........................................................................ 75

**Further Measures to Protect Jurors** ............................................................................. 90
List of Tables

Table 1. *Number of Peremptory Challenges Allowed*……………………………………….34