



# JURY RULES: The Rules Every Juror Wants Every Trial Lawyer to Know and Use

By **Trey Cox** and **James M. Stanton**

Whether an attorney has spent years in the courtroom or is embarking on his first trial experience, gaining insight into a jury's thought process, decision-making and perception are all key advantages at trial. In order to better educate and prepare attorneys to navigate this complex jury process, Trey Cox, partner with Dallas-based Lynn Tillotson Pinker & Cox, LLP and James Stanton, of Andrews Kurth LLP and former presiding judge for the 134<sup>th</sup> Judicial District Court of Dallas County, have developed *Jury Rules: The Rules Every Juror Wants Every Trial Lawyer to Know*.

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“These rules are not our rules; these are the jury rules, directly from 25 hours of in-depth juror interviews.”

*James Stanton*

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### **Rule No. 1: Be Passionate**

- Trial work is the opposite of golf. Keep your head up and eyes on the jury.
- Believe in your client, believe in your case, and believe in yourself.
- Be sincere, not overly passionate.

### **Rule No. 2: Be Transparent**

- Juries hold you responsible for all of the facts. There are no plaintiff’s and defendant’s facts. There is only the evidence. You have to deal with it all -- good and bad.
- Objections matter. It matters how you handle them and it matters how you make them.
- To err is human. Jurors know this and will forgive you if you ask them.

### **Rule No. 3: Set Expectations**

- Are we there yet? How long will trial last? How long will this witness last? When is lunch? When is the next break?
- Use roadmaps and signposts.
- Commitments are important, but they can be renegotiated.

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“Less than two percent of federal civil cases go to trial.”

*Administrative Office of the U.S. Courts*

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### **Rule No. 4: Be prepared**

- Be on time. Have your exhibits marked and your witnesses ready.
- Go before the trial and test your equipment. Get there early each day and test your equipment.
- Meet the bailiff. Meet the court reporter. Learn the judge’s courtroom preferences.

### **Rule No. 5: Don’t Waste Jurors’ Time**

- Jurors have lives, spouses, kids, jobs and responsibilities to get back to. Be respectful of their time.
- Think of this one as the “Golden Rule.”
- Cut the boring repetition. Replace it with creative repetition. Maintain juror attention by using multi-sensory teaching techniques.

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“Trials are on the verge of extinction.”

*The New York Times*

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“Few civil practitioners entering practice today can reasonably expect to try a significant number of cases over their entire careers.”  
*The Boston Globe*

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## Rule No. 6: Be Credible

- If you make a promise (be it about time or proof), keep that promise. Only present credible witnesses.
- Don't fumble around with exhibits and stumble over admitting exhibits. These things make you look like an inexperienced amateur and they kill your credibility.
- You have to earn and deserve the juror's attention.

## Rule No. 7: PowerPoint Properly

- Make sure all the jurors can see your audiovisuals. No crappy clip art. Lose the logos. Bullets kill.
- Use less than six words on a slide and select bold powerful images that reinforce the words, themes and points you are making.
- Do not overwhelm your jury with words and images. No courtroom karaoke (turning your back on the jury and reading the slide).

## Rule No. 8: Respect the Process

- Juror's approach jury duty with a sense of duty, obligation and a sincere desire to do the right thing.
- The jury is always watching. They will see you if you treat your staff, colleagues or client disrespectfully. Conduct yourself as if you are always on stage.

## Rule No. 9: Don't Be Distracting

- What is the difference between an inattentive reader and an inattentive juror? An inattentive reader can go back and re-read the pages he missed, but an inattentive juror is just lost.
- Argue the facts to the jury and the law to the judge. The jury does not want to see you running to the bench every ten minutes to argue the law with the judge.
- And remember, the jury is always watching. If you play with your eyebrow hair, twirl your pen or pick your nose, the jury sees you.

## Rule No. 10: Be Professional

- Dress for success. Yes, we know it is a cliché, but you must look the part.
- No “air quotes.” Be respectful to the Court, witnesses, bailiff and court reporter.

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With trials becoming increasingly rare, it is difficult to find lawyers with this level of trial experience.

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**Trey Cox** specializes in courtroom fights between businesses. His jury trial experience and courtroom success have earned him the distinction of being Board Certified as a Trial Advocate by the National Board of Trial Advocacy. Trey represents Fortune 500 corporations, entrepreneurs and leading firms in a wide array of industries.

His dedication to his clients and winning track record have repeatedly earned him recognition as one of the top trial lawyers in the country.

2100 Ross Avenue  
Suite 2700  
Dallas, Texas 75201  
P 214 981 3813  
F 214 981 3839  
tcox@lynnllp.com  
www.lynnllp.com

**LynnTillotsonPinkerCox**



**James M. Stanton** assists businesses at all stages of litigation in federal and state court. Whether in the courtroom or at the settlement table, his experience as a state district judge and a board certified trial attorney helps his clients resolve their lawsuit so they can get back to focusing on their business.

James joined Andrews Kurth following his service as presiding judge of the 134th Judicial District Court in Dallas County, Texas. During his career as a lawyer and judge, his experience includes handling over 60 jury trials, 40 bench trials, and thousands of hearings. He is board certified in Civil Trial Law by the Texas Board of Legal Specialization.

1717 Main Street  
Suite 3700  
Dallas, TX 75201  
P: 214.659.4627  
F: 214.915.1439  
jamesmstanton@andrewskurth.com  
www.andrewskurth.com

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ATTORNEYS **KURTH** LLP  
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