



## Mapping the Language in which Jurors Think and other interesting aspects of jury selection

### AGENDA

- What mapping mental language gives you when selecting jurors
- How to map jurors quickly in the process of questioning
- Other nonverbal and how to read them
- 12 nonverbals signaling a lie

### Scenario #1

Julie: Jack, I can't see how this particular product is going to do what I want. Can you show me why I should buy it?

Jack: I don't know what else I can tell you. I've explained why you should buy it over and over.

Julie: It's just that I can't see buying it if I can't figure out how your product will help me.

Jack: Let's discuss it again. What I can say to clear up your confusion?

Julie: Well, why don't we just put this off and look at it later.

### Scenario #2

Julie: Jack, I can't see how this particular product is going to do what I want. Can you show me why I should buy it?

Jack: Sure, let's take another look. Let's look at how it fits the situation you've mentioned. Can you see how this does what you've been looking for?

Julie: Yes, that's impressive. But does it completely fix things?

Jack: Well, let's see. Let's operate it and watch how it works. Watch what happens when you try it here.

Julie: Hey, that looks good!



# The Growth Company

711 H Street, Ste. 440, Anchorage, AK 99501

## VISUAL

"I see (don't see) what you are saying."  
"I want to show you something."  
"This looks really clear to me."  
"Do you see what I am showing you?"  
"I see what you mean."  
"My point of view is . . . " "It's a bright idea."  
"That idea looks good to me."  
"I'd like the big picture."  
"Could we focus on specifics?"  
"It's vague."  
"Look the other way . . . "  
"We see eye to eye."  
"That's a horse of a different color."  
"I see what you mean."  
"That's clear to me."  
"I've gained insight."  
"Show it to me in black and white."  
I **see** what you are saying; that **looks** good; the idea isn't **clear**; I'm **hazy** about it; I went **blank**; let's shed some **light** on the subject; get a new **perspective**; it was **insightful**.

## SOUND / AUDITORY

"I hear (don't hear) you clearly."  
"I want you to listen carefully to what I say."  
"Tell me in more detail what you are saying."  
"This sounds really good to me."  
"Does what I am saying to you sound right to you?"  
"Tell me again what you mean."  
"I'm not sure I hear you right."  
"That sounds like a good idea."  
"Could I use you as a sounding board?"  
"Something just clicked for me when you said that."  
"Being in harmony."  
"That's not what I'm saying."  
"I'm in tune . . . "  
"That rings a bell."  
"I hear you clearly."  
"It sounds distorted."  
I **hear** you; that **rings a bell**; that **sounds** good; everything just suddenly **clicked**; **listen** to me; the ideas' been **rattling** around in my head; something **tells** me not to.

## KINESTHETIC / FEELING

"I can't get a handle on it."  
"This feels really good to me. I feel really good about what we are doing."  
"What you are saying feels (doesn't feel) right to me."  
"Does what I'm putting you in touch with feel right to you?"  
"I have a sense of it."  
"I was touched."  
"He's too smooth."  
"I've got a solid understanding."  
"It feels right."  
"Let me take that and run with it."  
"I can't grasp it."  
"He's rough."  
"I'm up against a wall."  
"That's way off base."  
"I'm groping for an idea. It's slipped away from me."  
If it **feels** right, do it; get a **handle** on it; **grasp** the concepts; get in **touch** with yourself; a **solid** understanding; I'm up **against a wall**; change your **standpoint**; you're **insensitive**; I have a **feeling** you're right

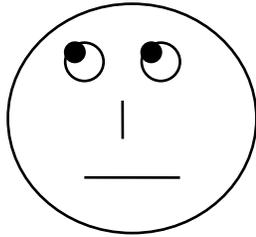
## DIGITAL

"That's logical."  
"I think you're right."  
"Could you state that again?"  
"That's a rational explanation."  
"Let me express my . . . " "I wanted to inform you . . . "  
"I don't comprehend that . . . "  
"I just want to understand what you're saying."  
"Where is the detailed plan?"  
"Let me research that and get back to you."

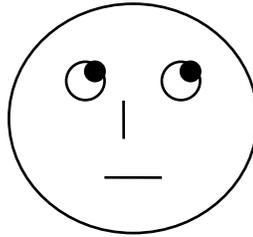


## VISUAL, AUDITORY, DIGITAL AND KINESTHETIC CHARACTERISTICS

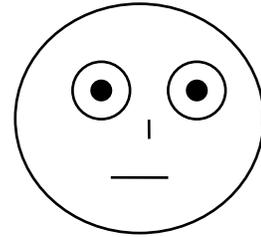
### VISUAL



EYES  
UP RIGHT



EYES  
UP LEFT



EYES STRAIGHT  
AHEAD - DEFOCUSED

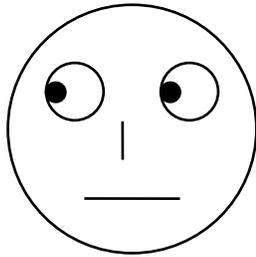
- stares/looks straight ahead
- rapid speech, thinks quickly
- squinting and/or raised eyebrows
- often organized; neat; punctual; time oriented
- likes to learn by seeing; give this person VISUALS
- often face doesn't move; often chin is down
- sometimes the person “mentally goes away” and sees a picture instead of a person (looks glazed)
- when thinking, person mentally focuses two feet away; if you get in the way you're interruptive
- body is generally still
- attention to dress and color coordination (often dislikes slow thinkers and sloppy dressers)
- likes constant eye contact and rapid speech and often distance



# The Growth Company

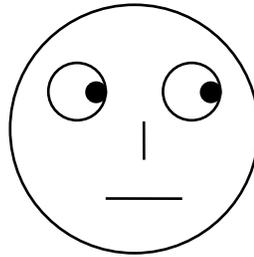
711 H Street, Ste. 440, Anchorage, AK 99501

## AUDITORY



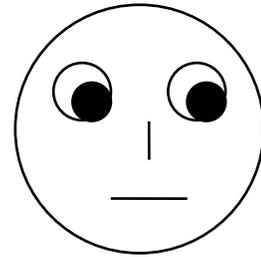
EYES

LEVEL RIGHT



EYES

LEVEL LEFT



EYES

DOWN LEFT

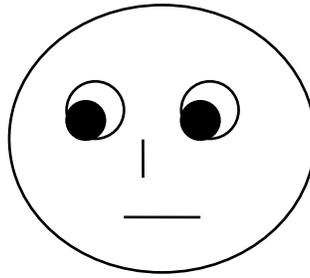
- nods head often (metronome)
- rhythm to speech
- speaks with excellent pronunciation and melody
- often mouth sounds and movements
- you'll often hear sound just before the person speaks
- touches the ears
- let them TELL THEIR STORY
- INFORMATION DOESN'T REGISTER UNTIL IT'S SPOKEN BY THEM
- talks to self
- easy time repeating information back
- learns by listening
- often clear, resonant voice
- person's eyes go "off" to non-handed side when person internally dialogues
- leans forward from the waist when talking to you
- dislikes slow and monotonous talkers
- like a tape recorder
- if the person inputs auditorially, s/he may be a bad speller or poor at memorizing numbers



# The Growth Company

711 H Street, Ste. 440, Anchorage, AK 99501

## KINESTHETIC



EYES DOWN RIGHT

- often slower and louder
- often a lot of body movement and gestures (hands, arms, legs); often gestures
- often makes a hand or body gesture before speaking
- often touches people and stands close
- often low, deep tones or breathy
- often head is down
- eyes go down to "handed" side; often lean with the head or body down and to the right side
- focused on emotions, gut feelings or intuition
- likes close body contact, touching, comfort
- feels liking, warmth or hatred; describes situations as warm, cold or lukewarm
- sometimes dislikes fast talkers; likes those who pause and give "space"
- uses feelings or action words
- athletic and/or enjoys sports
- leans back comfortably in chairs
- often likes being asked about feelings
- will listen to how you feel
- to sell: stress feelings and comfort and certain words
- WALK THEM THROUGH IT ALL; GIVE THEM THE WHOLE IDEA



# The Growth Company

711 H Street, Ste. 440, Anchorage, AK 99501

## DIGITAL

- sits, stands, and talks “stiffly”, with little motion
- uses words like “analyze”, “think”, “one”, “logical”
- sometimes their head or body will lean down to their left side (especially if they’re analyzing numbers or logic)
- talks in third person (she, he, their)
- discusses things in purely logical terms
- wants data or information
- may ask trivial questions
- may seem like an elitist
- likes to be in control, in fact, insists on it
- likes to have their knowledge noticed
- when challenged, may deny what they just said
- to match: use a steady, monotone; keep your body stiff; discuss issues in purely logical terms
- to sell: use the third person; discuss the superiority of the product or service; give them data



# The Growth Company

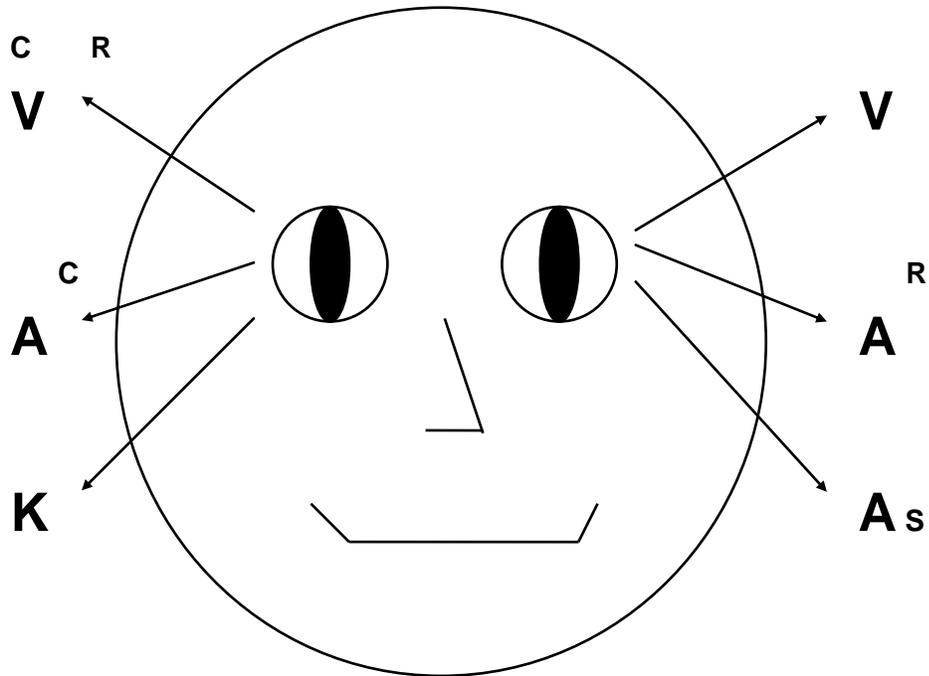
711 H Street, Ste. 440, Anchorage, AK 99501

© 1990, Lynne Curry, Silvertongue: Communication, Skills That Work, The Growth Company Inc., Anchorage, AK



# The Growth Company

711 H Street, Ste. 440, Anchorage, AK 99501



Visual remembered: seeing images of things seen before.

Visual constructed: seeing images of things never before. Questions that usually call for this kind of processing include: "What would an orange Martian look like?"

Auditory remembered: remembering sounds heard before. Questions that usually call for this kind of processing include: "What's the last thing I said?" "What does your alarm clock sound like?"

Auditory constructed: hearing sounds not heard before.

Auditory digital: talking to oneself. Questions that usually call for this kind of processing include: "Say something to yourself that you often say to yourself."

Kinesthetic: feeling emotions, tactile sensations. Questions that usually produce this kind of processing include: "What does it feel like to be happy?" "What does it feel like to run?"



## MAPPING TASK

In a normal conversation, you'll notice clues.

For the purposes of this training session, you'll

1. ask questions to train your eye to see clues
2. ask your partner questions that are not easy to answer, so that as your partner thinks, you'll gain clues as to how s/he thinks.

### **TASK 1: Train your eye to get used to noticing eye and facial movements**

- I. ask questions that are visual so that you can see how your partner's eyes and face move when s/he visually processes:
  - A. what color are the walls in your bedroom?
  - B. who was the first person you saw today?
  - C. please mentally see a purple cow
  - D. please mentally calculate the answer to 330 divided by 3
  - E. please describe how you would look on a TV screen
- II. ask your partner to consider thoughts that are auditory so that you can see how your partner's eyes and face move when s/he auditorially processes:
  - A. please sing or hum to yourself one of your favorite songs or "twinkle twinkle little star"
  - B. please hear a doorbell ring
  - C. please hear a telephone ring
  - D. please listen to the sounds of a drum
- III. ask your partner to consider thoughts that are kinesthetic so that you can see how your partner's eyes and face move when s/he kinesthetically processes:
  - A. please feel the sensation of a cold snowball in your hand
  - B. please feel the heat of really hot sand on your feet
  - C. please consider whether you now feel more comfortable than when you first arrived
  - D. please feel how it would feel to jump into a cool mountain pool
  - E. please feel how you felt when a situation touches your heartstrings
  - F. please feel how you'd feel were a nail to be driven into your hand



# The Growth Company

711 H Street, Ste. 440, Anchorage, AK 99501

**TASK 2: Ask your partner questions that s/he will have to think to answer so you'll gain insight into his/her natural mental processing [note: observe during the pause, INTERRUPT after your partner begins to answer to save time and to allow confidentiality]; samples:**

- \* How do you go about deciding how to do something?
- \* The last time you set a personal goal, how did you decide what area you wanted to work on?
- \* The last time you decided on a plan of attack to resolve a problem, how did you go about deciding what to do?
- \* The last time you made a career decision, how did you go about making it?
- \* When you decide where to go on a vacation, how do you go about deciding where?
- \* The last weekend when you decided to go out somewhere, how did you go about deciding?
- \* [Ask any other questions that require thought]

**Task 3: Test your theory: Now that you think you know your partner's instinctive mental processing style, ask him/her the a, b, or c pair of questions to test your theory. [For example, if you think your partner is "visual" than "auditory", select the "a" pair.]; samples:**

## A

- (V,A) If I were to show you an agenda for a potential training session that you might want to attend, and then discussed it with you, would that be a good way to proceed?
- (A,V) Or, would you like it better if I first asked you questions about what you wanted in a training session, and then showed you a sample agenda that met your needs?

## B

- (V,K) If I were to show you an agenda for a training session, and then give you a sense of what the session was like, would you prefer that?
- (K,V) Or, would you like it better if I first gave you a sense of what the next training might be like, and then showed you some sample agendas?

## C

- (A,K) If I were to discuss your training needs with you, and then give you a sense of a training session that might meet them, would you prefer that?
- (K,A) OR would you prefer to give me a sense of the kind of training you might most like and then we could discuss several sample agendas and programs?



## MATCHING AND SENSORY AWARENESS



### Matching

- Notice matching (or the lack of it) as a clue to the other person's comfort with you
- Early matching **generally** indicates early rapport
- You can use matching to increase rapport and to relax another person
- You can match body posture, hand gestures, facial expressions, breathing, feet movements, eye movements, voice tempo and volume.
- Not 100% (60 - 90%): the 60% rule
- You can use matching to increase the chances of achieving a two-way information flow or a win/win settlement

### Non-Matching

- Notice non-matching as a clue of lack of rapport or real or perceived "difference"; early and continued non-matching generally indicates dislike or feeling of indifference or non-rapport
- Abrupt and/or regular non-matching may indicate a lie or non-acceptance/resistance
- You can use non-matching to create confusion or to break the other person's mesmerizing of you

### "Cross"-Matching

- Direct mirroring or cross mirroring



The Growth Company  
711 H Street, Ste. 440, Anchorage, AK 99501





## NONVERBALS

- Tapping the foot: objections, impatience, nervousness
- Lack of blinking: concentration
- Blinking: unprepared for a question, anxious, apprehensive
- Holding the thumb or index finger to bridge of the nose: interest, uncertainty
- Fist clenching: tension, anger, desperation, determination
- Repetitive gesture (finger or pencil tapping): impatience, nervousness
- Underlining things on a page while note-taking and/or numbering points: about to say no
- Hands laced behind the head: confidence, pleasure
- Palm on the back of neck: defensiveness, alarm
- Shielding face with the hand, palm outward: threatened
- Stroking or touching chin, beard, lips: nervousness, uncertainty
- Biting or sucking on a pen, clip or nail: nervousness, uncertainty
- Placing a hand over the mouth when not surprised: embarrassment, uncertainty, lying
- Touching or rubbing the nose: uncertainty, lying
- Leaning away: threatened, competitive, anger, indifference
- Pointing: antagonism, threat
- Hands on hip: confidence, ready for action
- Stopping taking notes before the other person is finished talking: confident in one's own reply
- Clenching or wringing hands: nervousness, uncertainty
- Hands in pockets: nervousness, uncertainty
- Clenching parts of body: nervousness, uncertainty
- Crossing legs suddenly: dissatisfied, not ready to act or accept
- Picking at hand or cuticle: nervousness, impatience
- Open hands: open
- Hand to face gestures, head tilted, stroking chin, taking glasses off, getting up from table and walking around, putting hand to bridge of nose: evaluating
- Sitting on edge of chair, moving closer: ready
- Not looking at you, arms crossed, silhouette body towards you, sideways glance, feet/body pointing to exit, touching/rubbing nose, buttoning coat, drawing away: suspicious
- Slouched, doodling, drumming or tapping fingers or feet, posture aimed at exit, blank stare, looking away: bored
- Open arms and hands, hands in coat pocket with thumbs out: confident
- Feet on desk or chair: territoriality
- Clearing throat, fidgeting, not looking at you, tugging ear: nervous



**LYING ClUES**  
**(use at least 2 clues)**

- ★ incongruent facial expression
- ★ micro-expressions or "give-a-ways"
- ★ voice raises
- ★ lengthy facial expressions
- ★ jumpy non-matching
- ★ hesitation in answering a question
- ★ repetitious speech, slips of the tongue, evasive answers
- ★ pupil dilation if the person contradicts it
- ★ asymmetric facial expression
- ★ poor timing
- ★ visual reconstruction
- ★ a lot of uncalled for embarrassment



**LYNNE CURRY**

***Biographical Sketch: Legal Aspects of Management  
and Law Firm Services***

As President of The Growth Company, Inc., a management consulting and personnel training firm, Lynne Curry, Ph.D. has more than 32 years experience in training, consulting and managing and holds a SPHR (Senior Professional in Human Relations).

Dr. Curry regularly provides neutral third party investigative services in the areas of sexual harassment, fraud, union/management relations, and other workplace issues. She has completed several hundred investigations

Dr. Curry serves as an expert witness in legal cases involving sexual harassment, downsizing, management response, age and sex discrimination, wrongful discharge, overtime, grievance channels and many more issues. She has been retained 17 times as an expert witness; been deposed 4 times; and testified once at trial in cases.

Dr. Curry has done presentations and work for Alaska Academy of Trial Lawyer, Alaska Association of Legal Administrators, Alaska Bar Association, Alaska Legal Assistants, Anchorage Paralegal Association and more than twenty law firms.

Dr. Curry has provided over 35,000 training and consulting sessions concerning legal aspects of management to board members, managers, supervisors and employees of more than 3,000 organizations in Alaska, Texas, Oregon, Washington, Mexico, Florida, New York, Arizona, Connecticut, California, Hawaii and the Pacific Northwest.

Dr. Curry has also successfully facilitated and trained hundreds of sessions on the legal aspects of management, sexual harassment, preventing discrimination complaints, handling work performance problems and discipline, hiring and firing, and the Americans with Disabilities Act.

Dr. Curry regularly provides mediation services to attorneys and clients interested in settlement. She has successfully, from both parties' standpoint, mediated more than 200 cases. Dr. Curry's mediation style has been described as professional, objective and impartial.

Dr. Curry has authored four books, Managing Equally & Legally (McFarland & Company, 1990), A Supervisor's Desk Manual on Performance Appraisal, Won By One and Solutions.

A successful business columnist, Dr. Curry is published in the Tri-City Herald (Washington), has been published since 1984 in The Anchorage Daily News, and previously in the Anchorage Times and the St. Petersburg Times (Florida). Her articles have been featured in more than 100 publications, both state and nationwide, including Entrepreneur, Alaska Business Monthly, Carolina Business Monthly and Supervision.