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## Inside a Miami Attorney's Jury Duty Experience: 'I Feel Like Another Person'

Criminal defense attorney Bruce Lehr has spent more than 35 years in courtrooms, but he'd never sat in the jury box. That is, until March 2, when he...

By Raychel Lean | March 11, 2022



## Bruce Lehr of Lehr, Levi & Mendez in Miami.

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Criminal defense attorney Bruce Lehr has spent more than 35 years in courtrooms, but he'd never sat in the jury box. That is, until March 2, when he served as a member of the jury in a Miami drug case.

It was an experience so enlightening that Lehr said, "I feel like another person." And it's also stoked envy among his peers.

"There's not one attorney that I've spoken to that didn't drool and say, 'I wish I could be on a jury!' " Lehr said. "It was so amazing to be sitting in the jury box and having the lawyers argue to me."

The defendant was charged with two counts of possession of cocaine with intent to sell. The case revolved around a detective with binoculars who allegedly spotted the defendant complete two hand-to-hand sales after removing drugs from a plastic container at an abandoned phone box, according to Lehr.

While lawyers are automatically excused from federal cases, they can serve as jurors in state trials if selected. In this case, Lehr filled in the typical questionnaire detailing his background but said he wasn't actually asked in voir dire whether being a defense attorney and former prosecutor would affect his verdict. He was, however, pulled aside by Miami-Dade Circuit Judge William Altfeld, who was presiding over the trial and wanted to be sure that Lehr could be fair, as the pair had known each other for many years.

"The two young prosecutors didn't know me from a hole in the wall, the two public defenders didn't know me. The judge knew me well. ... Of course, that's unrelated to the case," Lehr said. "Next thing I know, I'm on the jury."

What transpired was a sort of epiphany for Lehr, who said his trial strategy often involves "getting into it with a witness." By that, he means he likes to undermine a witness's credibility by being tough on them and even showing them up in front of onlookers. But Lehr said he was surprised to find that every single juror was put off by that approach.

In one instance, Lehr said the assistant public defender kept calling the lead detective "officer," despite the fact that he had stripes on his uniform and kept pointing out that he was a sergeant.

"The public defender kept on calling him 'officer,' and he kept on saying, 'Sir, I've earned these stripes. I'm a sergeant.' And that little dig offended six out of six people," Lehr said. "Those two days on a jury definitely made me a far better trial lawyer."

With more than 350 jury trials already under his belt, Lehr said he's going to do things differently from now on.

"I will make my points without getting into any personality conflicts with a witness," he said. "I will never again show a jury that I'm smarter than the witness and, therefore, he must be lying."

## 'You're It!'

Being part of a jury was “Nothing like ‘12 Angry Men,’ ” Lehr said, noting that the time they spent in the hallway while attorneys made legal arguments to the judge resulted in the development of a great bond and friendship.

“ It was interesting to see, when the first 30 people were brought down from voir dire, nobody said a word. It was dead silent,” he said. “But once we were ‘the jury’ and we were six people, we all became friendly. We walked into the jury room happy, content that we’re getting to deliberate, and one of the jurors turned to me and said, ‘You’re it!’ ”

So, Lehr became the foreperson. But rather than him running the show, he said it was more like a family discussing their point of view around a dinner table — or, perhaps, “ far more civilized” than that.

“Although we had people from all different walks of life, we became one to decide the case,” he said.

## **‘They Quoted Their Common Sense’**

As a juror, Lehr heard that police didn’t obtain video surveillance from a nearby supermarket and the detective didn’t have a camera. The assistant public defender, therefore, argued that if the detective was telling the truth, he’d have photo or video evidence. The police also brought in a K-9 unit after the arrest, which allegedly alerted at the phone box. The defense argued there shouldn’t have been any need for a K-9 unit if the detective really saw where the drugs were.

But the way the jury saw it, everything came down to the detective’s credibility, and the rest was smoke and mirrors.

“It was a magnificent insight into the way ordinary laypeople judge the truth. Although they’re given jury instructions that list the eight ways to judge a witness, they judged them by their own standards,” Lehr said. “Nobody quoted the jury instructions, they quoted their common sense.”

Ultimately, the jury found the defendant guilty on both counts.

“After 35-plus years of defense, the hardest thing for me, personally, was seeing the guilty verdict delivered to the defendant,” Lehr said.

A few little things also struck Lehr during the trial, including the importance of having a capable judge running the trial, as Altfeld “kept the jury waiting as little as possible and made everyone very comfortable.”

Lehr said he also never noticed the attorneys make eye contact with him, which made him feel as though they weren’t arguing to him.

“Look the jurors in the eye and remember that they’re people like yourself that have common sense and will have the same problems with the case that you have,” he said. “Address them.”

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