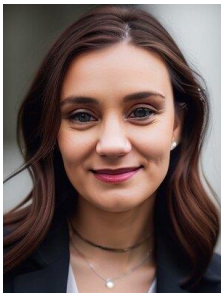
Why Hiring Former Jurors As Consultants Can Be Risky

By **Nikoleta Despodova** (May 7, 2025)



Nikoleta Despodova

In a striking move during the high-profile **retrial** of Karen Read — a Massachusetts woman accused of killing her boyfriend, Boston police officer John O'Keefe — the defense team has added a new member to its ranks: a former juror. Victoria George, a civil attorney who served as an alternate in Read's initial trial, has joined the defense team after publicly raising concerns about the prosecution's case and the integrity of the judicial process.

Although she did not deliberate in the first trial, George's participation now brings a novel question to the legal forefront: Should attorneys hire former jurors to consult on retrials?

While her legal credentials allow her to formally participate in Read's defense, her firsthand experience as a juror offers something else — insight into how the jury may have perceived the case. It's a rare and controversial strategy that raises important legal, ethical and tactical questions.

The Rise of Post-Trial Juror Feedback

Post-trial juror interviews are generally used to explore why a jury reached a particular verdict. Jurors might comment on which witnesses were persuasive, which pieces of evidence were confusing, and whether attorney demeanor or arguments affected their views.

These interviews are usually governed by court rules or professional conduct standards, particularly when they occur in close proximity to a verdict.

What makes the Karen Read case unusual is the fact that George is not simply offering feedback about her experience — she is now helping to shape the defense's approach. This shift marks a significant departure from traditional post-trial feedback practices, and may invite scrutiny about whether the benefits outweigh the risks.

Legal and Ethical Considerations

Hiring a former juror as a consultant in a retrial is not explicitly prohibited under federal law, but it does seem to exist in a legal gray zone. Jurisdictions may vary in their guidance on post-verdict juror contact, and many require court approval before attorneys may contact jurors at all.

When the former juror becomes an active participant in strategy — not merely a source of passive feedback — it invites questions about impartiality, influence and the integrity of future proceedings.

Jurors are entrusted with a singular role in the justice system: to weigh evidence impartially and deliver a verdict free from allegiance to either side. When one of those individuals later joins the very party they once judged, it challenges the boundary between neutral observer and legal advocate.

This transition — especially in the context of a retrial of the same case — can create the appearance of impropriety, even if all procedural rules are technically followed. It raises the specter of insider knowledge being weaponized, or of deliberative impressions being subtly infused into strategy, potentially blurring the line between fair advocacy and undue influence. Courts must also consider the precedent this sets.

The fact that the former juror in this case — Victoria George — is a licensed attorney in Massachusetts adds a layer of legal nuance and symbolic complexity.

Unlike in other instances where Judge Beverly Cannone has barred out-of-state attorneys, such as New York's Mark Bederow, from joining Karen Read's defense team, George's licensure in the relevant jurisdiction likely allows her to participate without procedural obstacle.

Yet while her inclusion may be technically permissible, her dual identity as both a recent juror and a legal advocate presents a unique tension. It invites questions about whether professional qualifications mitigate or magnify concerns about impartiality, influence and role confusion.

George's legal status may afford her a greater degree of credibility or strategic input within the defense team, but that same authority could deepen public skepticism about a juror crossing into advocacy.

The optics of that transition — particularly when it occurs within the same case and jurisdiction — may challenge existing expectations about the temporal and neutral nature of jury service.

Courts have not yet fully grappled with the implications of such dual roles, and current ethical frameworks may offer limited guidance for judges navigating this emerging territory.

The resulting perception — whether by judges, opposing counsel or future jurors — may cast a shadow over the legitimacy of the proceedings themselves.

Ethically, courts and bar associations are likely to be cautious about this kind of role reversal. While former jurors are free to express their opinions publicly, joining a trial team — especially in a retrial of the same case — may appear to compromise the boundary between fact-finder and advocate.

Jurors are sworn to neutrality, and their role is structurally and symbolically distinct from that of the attorneys and parties involved. When a former juror crosses into the role of an advocate, even post-verdict, it can retroactively cast doubt on the impartiality of their prior service. It raises the concern that the juror may have formed sympathies during the trial or been predisposed toward one side, potentially influencing their interpretation of the evidence while serving.

Even if their conduct during the trial was beyond reproach, their post-trial alignment with one party risks undermining that perception — both in the public eye and in the courtroom. The transformation from neutral evaluator to active partisan introduces a tension that challenges the clean division between those who decide the facts and those who argue them.

It may also raise concerns about whether such jurors, consciously or not, carried latent biases that are only now coming to light through their advocacy role — leaving the fairness

of the original process open to scrutiny.

Moreover, the courtroom is not just a forum for legal argument — it is a public institution built on trust. If jurors are seen as potential future players in litigation strategy, it could undermine the perceived neutrality of the jury system.

The credibility of the jury system depends not only on jurors being impartial in fact, but also on their role being viewed as singular, temporary and nonpartisan. Jurors are meant to be civic participants who step into a case solely to evaluate evidence and render a verdict — then step out, without lasting allegiance to either party.

If that role begins to be viewed as a stepping stone into future legal involvement, particularly with one side of the case, it risks recharacterizing jurors as latent assets rather than neutral arbiters. This perception can have a chilling effect on both jury participation and public confidence.

Future litigants may question whether jurors are truly unbiased if there's even a remote chance they could later align with one of the parties. Similarly, prospective jurors may hesitate to serve, fearing they'll be drawn into post-trial controversies or public scrutiny.

The integrity of the jury system hinges on its participants being — and being seen as — distinct from the adversarial machinery of the trial. Blurring that distinction can erode the foundational trust that juries are disinterested evaluators rather than potential collaborators.

Strategic Advantages and Their Limits

From a purely tactical perspective, it's clear why hiring a former juror could be enticing. In this context, a former juror can provide:

- ***Narrative feedback:*** What storyline resonated and what fell flat?
- ***Witness impressions:*** Who appeared credible, trustworthy or evasive?
- ***Evidence clarity:*** Which exhibits were memorable or confusing?
- ***Group dynamics:*** Were there leaders, holdouts or divisions in deliberation?

However, relying too heavily on the perspective of a single former juror may create tunnel vision. One juror's interpretation may not reflect broader jury sentiment, especially in diverse panels. The risk is that attorneys may overcorrect based on feedback that was idiosyncratic rather than representative.

Gathering Feedback

The core question remains: Is hiring a former juror the best way to improve trial strategy?

Former jurors bring a unique perspective — after all, they've seen the case unfold from the jury box. But that vantage point is just one lens. Their interpretations are shaped by individual values, background experiences, and how they processed information under group pressure. Their recollections, though genuine, may be limited, emotionally colored or influenced by hindsight.

In George's case, her background as a civil attorney may further distinguish her perspective from that of her fellow jurors. Legal training can shape how one evaluates evidence,

interprets legal arguments and navigates ambiguity — potentially creating a disconnect between how she processed the case and how the broader jury did.

Her interpretations, though insightful, may reflect analytical frameworks or expectations that the average juror does not share, raising questions about how generalizable her impressions truly are.

Another important consideration is representation. A single juror's feedback, no matter how well-intentioned or thoughtfully expressed, doesn't necessarily reflect the reasoning of the entire panel. Deliberations are inherently social and interactive; decisions often evolve through negotiation, persuasion or compromise. Isolating one viewpoint can risk mistaking a personal takeaway for a group consensus.

There's also a potential feedback distortion effect: When attorneys focus intensely on post-trial impressions from someone who was close to the deliberation room, it can disproportionately shape future case theory. This can inadvertently shift focus away from critical trial fundamentals — like evidentiary clarity, legal framing or witness preparation — in favor of what went wrong, according to one voice.

Finally, it's worth asking what kind of insights are most valuable after a mistrial or a verdict reversal. Is the goal to identify missteps in presentation? Understand emotional responses to key witnesses? Reassess narrative clarity? Depending on the objective, there may be multiple ways to reach meaningful conclusions — some more balanced, some more constrained by perspective.

In short, while hiring a former juror may offer a rare glimpse into jury perceptions, it is not a one-size-fits-all solution. Attorneys must weigh whether that insight brings clarity — or merely another variable to manage.

Conclusion

Hiring a former juror to assist with a retrial is a bold and arguably innovative move. But like all bold strategies, it comes with tradeoffs. Attorneys must weigh the depth of insight offered by a former juror against the ethical risks and strategic distortions such feedback might introduce.

In an era when trial outcomes can turn on narrative nuance, emotional resonance and juror psychology, every advantage counts — but so does the public's trust in the process.

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