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Jury System Is Defended By Famed Lawyer Nizer

By CHRIS SHEAROUSE

Emminent barrister Louis Nizer told a New Orleans Bar Association luncheon today he holds a firm belief in the jury system.

"As you multiply judgments, you reduce the incidents of error," he said.

He quoted Lord Chesterfield who said, "I would never trust one average man but I would trust 12."

HE SPOKE about the wise justice involved in the selection of juries by both sides.

"As an Italian proverb says 'Each side shows its proifice and justice saw the whole face.'"

He expressed great confidence in the judgment of the common man, terming decisions of the Supreme Court which tend to flabbergast the average man, the product of "oversophistication. When it comes time to make decisions, the oversophisticated mind becomes paralyzed.

"**WHILE MOST** of use have five senses, jurors have seven—the last two being horse and common," Nizer said.

Nizer told the assembled attorneys about techniques he uses in the courtroom to determine when the witness is lying.

One such technique is to watch for a witness who puts his hand to his mouth whenever questioned on a particular topic.

"It is almost as though the witness's gesture means that 'I wish I didn't have to say what I am going to say.'"

"**IN A NUMBER** of cases, I ask the witness to go back over the same territory even though I don't know why."

Another symptom of per-

jured testimony, he says, is when the witness scissors his legs when queried on a particular subject.

"You also watch for a witness who answers complicated questions with a great deal of facility and stops dead in his tracks on a simple question."

AT THIS POINT, he said, the witness will frequently look at the ceiling as though seeking divine guidance.

"Frequently you will find

a witness who is emphatic without apparent sufficient reason," he said.

"And sometimes you will find a witness who, although he is speaking very positively, has uncertainty written all over his eyes."

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