



# Litigation e-Newsletter



## A Day of Jury Research

Ever wonder what is involved in a typical jury research program? Where do the jurors come from? How long does the research take? Depending on where your research is conducted, the answers to these questions may vary. However, the following paints a picture of a typical jury research program conducted at DOAR's [Digital Court Facility](#).

### Preparation

The preparation for a day of research begins several weeks in advance. Researchers immerse themselves in the case in order to prepare a case-specific research design. This research design includes questionnaires that measure juror opinions, beliefs and attitudes both before and after case information is introduced. In addition, researchers develop a juror profile which is used to identify and select jurors who most closely match the demographics found within a specified venue.



A typical day is segmented to include the following:

**Screening (approx. 30 min.):** Jurors fill out a questionnaire that elicits not only demographic characteristics but also the values and beliefs we have found crucial in influencing jurors' perceptions and decisions. These questionnaires are administered to develop a baseline of information on the people in the jury pool as well as measure outside influences pertaining to case issues. Conflict checks and confidentiality agreements are executed.

**Case Presentations (approx. 2 hours):** Jurors are presented facts and arguments, supplied by counsel in advance, from the perspectives of both sides. Plaintiff and defense presentations are each followed by a

### Research Findings

#### How Jurors Make Decisions

A practical and systematic approach to understanding jury behavior.

#### What Juries Want to Hear

Two published papers on methodology for creating persuasive case theory.

#### More Jury Research White Papers.

#### Technology within the Digital Court Facility

The facility is networked for maximum research, viewing and presentation capabilities.

#### Virtual tour of the Digital Court Facility

### Recent Topics

[Enron - Lessons in Document Management](#)

[Enron - A Practical Mental Exercise](#)

[What You Don't Know About Imaging Can Cost You](#)

[Sum of Its Parts](#)

[Increasing the Odds](#)

questionnaire, to measure juror comprehension and highlight the case's strengths and weaknesses. Trial team members observe via one-way glass or remote video feed.

**Deliberations (2 hours):** Jurors are polled for a preliminary verdict and to briefly explain their positions. A research consultant guides jurors through debate over case issues, unearthing core values often decisive in jury verdicts. Attorneys and other trial team members can communicate questions and comments to the consultant via instant messaging without interrupting the group discussion. [Click here](#) to view a portion of a deliberation concerning trust in a breach of contract case.

**Debriefing:** Attorneys meet with members of the research team to review the day's events. As appropriate, the need for additional research may be identified or trial strategy planning may begin.

## Research Options

There are several options available under the "jury research" umbrella. Careful consideration to the type of case, venue and budget should be given in order to determine the best course of action for your case. Options include:

- Jury Simulations and Mock Trials
- ADR Studies
- Legal Opinion Review (by group of retired judges)
- Focus Groups
- Attorney Rehearsal
- Demonstrative Design and Testing
- Witness Prep

## Test, Test, Test

When time and budget permit, it is advisable to test case theories and juror perceptions prior to development of the trial presentation and trial graphics. In this way, the presentation can include answers to questions lurking in the minds of jurors and, graphics can provide the visual cues jurors need to retain important details of the case. Testing trial graphics during research ensures that your demonstratives will deliver the information jurors need to see in order to believe.

## Expert Counsel

Focus on expertise when hiring a firm to provide trial technology and/or support. Make sure the company focuses on the court technology market and uses its own technology and trial consultants. Check references!

[An Attorney's View from the Jury Box](#)

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## Frequently Asked Questions

**Q.** How are jurors selected?

**A.** Strict recruitment methods should be used to produce a sample group that reflects a cross-section of the jury pool. In addition, extra candidates should be recruited to cover for no-shows and/or conflicts of interest.

**Q.** What happens before the case presentation?

**A.** Clients often wonder what is going on behind the scenes before the presentations. Usually, upon arrival to the research facility, jurors are isolated so they do not hear discussions about the case. Then they are screened for conflicts with parties related to the case.

Questionnaires, testing beliefs and values that are anticipated to influence decision-making are completed. The open-ended questions, call for brief essay answers, can take as long as 45 minutes to complete.

**Q.** Why does a consultant read the presentations to mock jurors?

**A.** Jury research seeks jurors' opinions based solely upon the facts and arguments of the case, exclusive of variables such as emotion and the presenter's skill or appearance. Experience has shown that a more animated delivery inevitably skews results. Therefore, the consultant delivers the presentation of both sides of the case by simply reading the case summaries supplied by the trial team. This process is crucial to achieving reliable research results. (Mock trials follow a different presentation format.)

**Q.** Can the attorneys ask jurors questions during deliberations?

**A.** To maintain consistency, direct interaction with jurors should be left to the consultant, but the trial team's participation is important. To allow for both, instant messaging is often used to communicate with the consultant without affecting deliberations directly.

[Go to top](#)

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