

# Litigation eNewsletter



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## Jury Research vs. Jury Selection: An Integrated Approach Works Best

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### Summary

Jury research can deliver knowledge and information or add a new perspective of the conceptualization of a case. At its best, it allows attorneys to apply actual data on juror biases, juror decision-making and group dynamics to their jury selection.

**In order to maximize your chances of seating a favorable jury, you must be in a position to understand jurors underlying attitudes, beliefs, and values and how these will serve as a filter through which each juror hears your case.** Jury research arms you with this information and allows you to make deselections that are based more on reality and less on pure speculation. One cannot assume that personal attitudes, beliefs, and values are inherently tied to age, race, gender, education, and other socio-demographic characteristics. While there may be a connection, demographics do not dictate behavior.

### Discounting stereotypes:

During a recent mock jury exercise involving a sex discrimination claim, a member of the trial team thought a young African American woman would find for the plaintiff because in his experience, young African American women tended to be sympathetic to such claims. At the conclusion of the exercise, it was this young woman who not only was the lone holdout on the claim, but refused to be intimidated into changing her view.

**What is more indicative of behavior within the decision-making process is the person's worldview which serves as the filter through which he processes his environment and through which he will hear the case stories presented to him.** It is the interaction of the attitudes, beliefs, and values with the facts and arguments of the case that will best predict how a juror might think about, and, ultimately decide the case.

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**The importance of value beliefs:**

In a case where the plaintiff's case rested on his reliance on experts to tell him how much insurance he needed for his business, jurors' attitudes and values around personal responsibility proved to be pivotal. One mock juror who worked for his family's business said that those in his family knew everything about their business and would expect all business owners to know everything about their business. Instead of siding with a fellow small business owner as one might assume, he found against our client and refused to compromise this value belief.

**Jury research can be used to identify:**

- **what arguments resonate with jurors,**
- **what attitudes, beliefs, values, and psychological constructs are in play within this case,**
- **how jurors perceive the client and the witnesses,**
- **what story works best with the majority of jurors,**
- **how that story should be ordered,**
- **and what psychological "walls" prevent jurors from hearing the arguments.**

In addition, research can identify facts and arguments that the trial team might think are "winners" but the jurors see as peripheral and unimportant. Research can tell you that the strong emotional pull of your adversary's case leaves jurors angry at your client and, therefore, blocked and unwilling to consider the alternative story. It can deliver knowledge and information or add a new perspective of the conceptualization of the case. At its best, it provides a forum and an opportunity for learning that will help better prepare attorneys and their client for the realities and unpredictability of the actual trial.

Armed with this knowledge, attorneys can then turn their attention to how to use this information to best identify and deselect the jurors who will be least favorable to their case.

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