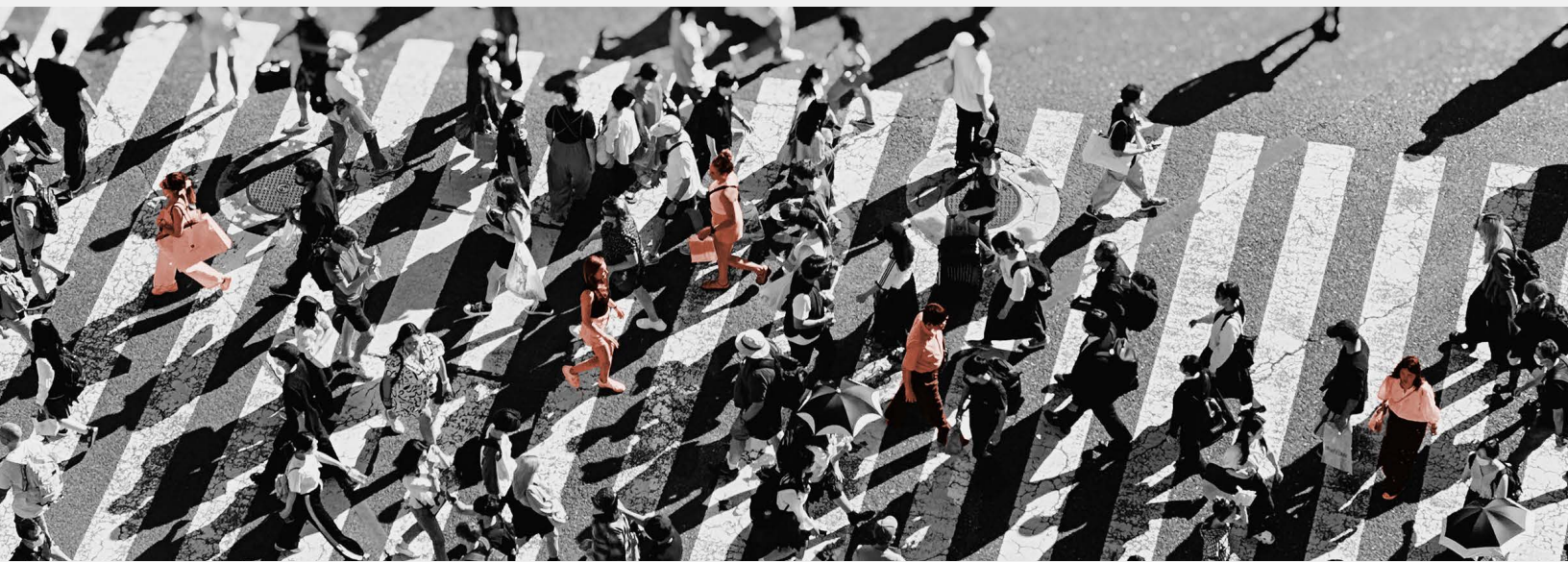


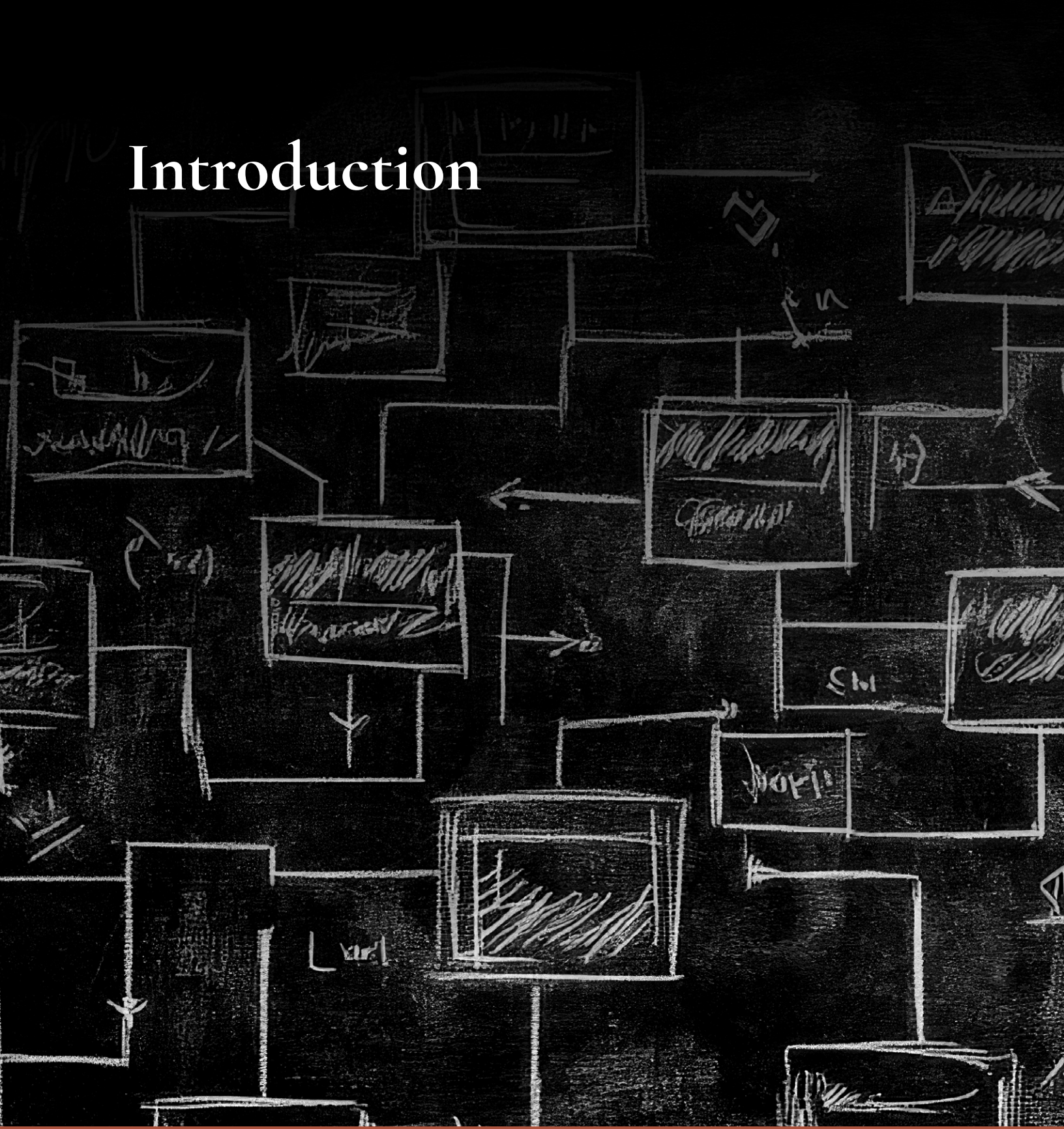


Predicting Liability Decisions: The Importance of Juror Characteristics and Perceived Case Strength



A STUDY BY THE DOAR RESEARCH CENTER

Introduction

A chalkboard filled with a complex flowchart of boxes and arrows, some containing illegible scribbles.

This study examines how juror characteristics and perceived case strength relate to initial leanings and final liability decisions in civil cases.

The DOAR Research Center compiled data from a collection of focus groups and mock trials for civil cases that we conducted between January 2020 and December 2025. This includes data on over 2,000 focus group participants and mock jurors (N = 2,125) across 64 research exercises. The goal was to identify broad patterns in juror characteristics in civil cases—that is, what characteristics are generally associated with favoring one side over the other.

We used predictive statistical models to identify which juror characteristics most strongly predicted two key outcomes: jurors' initial leanings¹, and their final liability decisions. Our results painted a clear picture of the types of jurors who consistently favor the defense in civil cases. We also examined how jurors' initial leanings relate to their final decisions about liability, and the extent to which perceived case strength² predicts their final decisions.

Over 2,000 jury-eligible participants across the country were examined to identify the types of jurors who consistently favor the defense in civil cases.

Our Sample

The selected research events (i.e., focus groups and mock trials) took place across the country, with the largest samples drawn from New York (35.8%), California (27.2%), Massachusetts (10.9%), Delaware (4.7%) and Connecticut (4.0%). For each event, participants were recruited to proportionally mirror the demographic characteristics of the jurisdiction. This resulted in an exceptionally diverse group of jury-eligible participants in our combined dataset. Our sample was evenly split between men (49.8%) and women (48.5%), with 46.6% under 45 years old and 54.4% 45 years or older³. The sample was well divided across racial and ethnic groups, with 33.8% identifying as White, 22.9% as Asian, 21.9% as Hispanic/Latino, 17.4% as Black, and 3.8% as other. Educational and economic backgrounds were similarly diverse, with about half (50.2%) holding bachelor's degrees and ranging from income brackets below \$50,000 annually (21.2%) through \$250,000 annually (6%). Political affiliations also varied widely, with a majority identifying as Democratic (52.0%), Republican (18.2%) or Independent (21.3%).

¹ Jurors' leanings are based on their pre-discussion and pre-deliberation individual opinions about the case, measured on a 6-point Likert scale from 1 strongly favors the plaintiff to 6 strongly favors the defendants. These are obtained after they have heard both sides' presentations in the case but before they have discussed the case with others.

² Adding the group-level case-strength metric significantly improved model fit, $\chi^2(1) = 44.27$, $p < .001$.

³ 18-24 year olds (8.4%), 25-34 year olds (19.6%), 35-44 year olds (18.6%), 45-54 year olds (19.7%), 55-64 year olds (20.6%), and people older than 65 (12.8%).

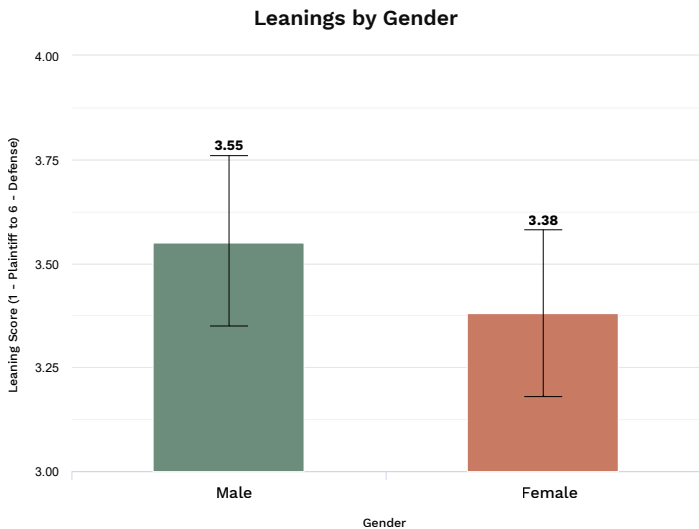
Key Findings



A five-year empirical analysis of 64 civil research exercises identifies which juror traits most strongly predict initial leanings and final liability decisions.

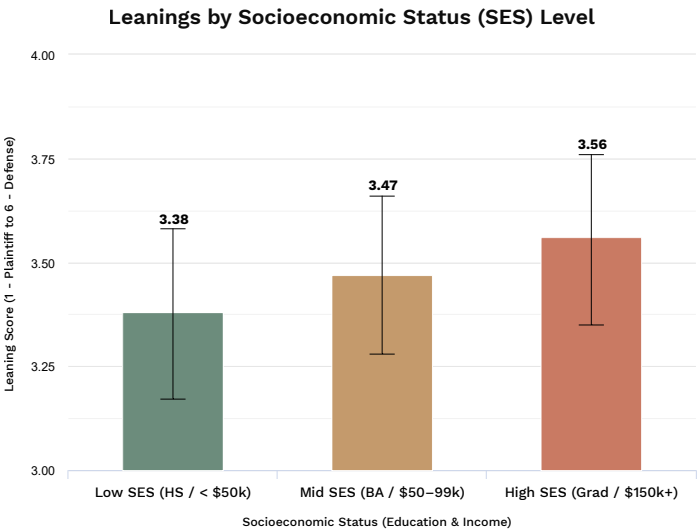
Juror Characteristics

Across the board, two traits consistently predicted jurors’ decisions: gender and socioeconomic status⁴ (SES). Even after controlling for other demographic factors⁵, gender was a reliable predictor of case leanings ($p = .015$)⁶. Men were consistently more likely to be defense-leaning than women (Men: $M = 3.55$; Women: $M = 3.38$)⁷.

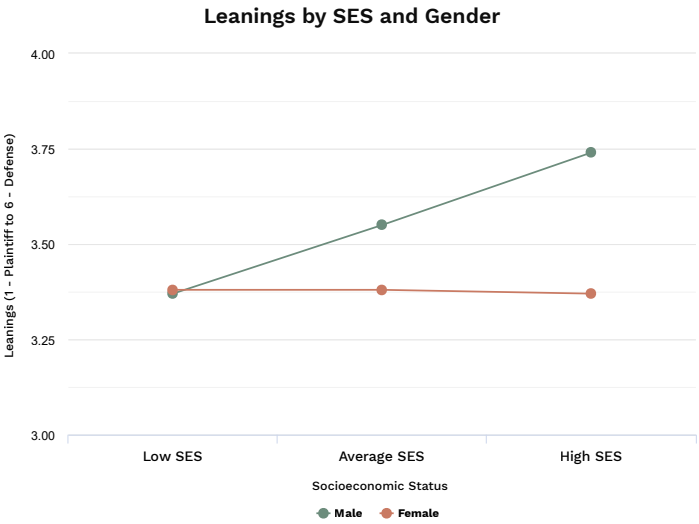


Socioeconomic status (SES) was also a significant predictor of juror leanings ($p < .001$)⁸. High SES jurors (i.e., wealthier and more educated jurors) were more likely to lean toward the defense. Controlling for other demographics, jurors with the lowest SES (generally high school education level, making less than \$50K annually) were the most plaintiff-leaning ($M = 3.38$), followed by those with average SES (generally bachelor’s level education, making \$50–99K annually) ($M = 3.46$) and those with the highest SES (generally graduate degrees with household incomes of \$150K or more) ($M = 3.55$), reflecting a pattern of increasing support for the defense as wealth and education rise.

When we examined SES and gender together, a meaningful interaction emerged. The overall effect of SES on case leanings was driven primarily by men ($p = .009$)⁹. As men became wealthier and more



educated, they tended to lean more toward the defense, but women’s views stayed stable regardless of their SES. In other words, differences between men and women are small among lower SES jurors but widen substantially among higher-SES jurors. Gender may therefore be a particularly important factor to consider in higher-SES jury pools.



Notably, these findings hold true even when we account for variability between individual research events. This means that gender and SES predict jurors’ initial leanings even in different types of civil cases. We also discovered that gender

4 SES is a composite variable created by combining and then averaging z scores (standardized scores) of jurors’ education and household income, which, through factor analysis, we discovered mapped onto the same underlying dimension (i.e., SES).
5 We controlled for SES, gender, race/ethnicity, political orientation, and political affiliation. We also created a variable to account for differences between research exercises (i.e., between different types of civil cases).
6 $B = 0.22$, $SE = 0.07$, $t(1804.85) = 2.44$.
7 Estimated marginal means with 95% confidence intervals (Men: $M = 3.55$, 95% CI [3.35, 3.76]; Women: $M = 3.38$, 95% CI [3.18, 3.58]).
8 $B = 0.22$, $SE = 0.06$, $t(1821.54) = 3.55$.
9 $B = -0.23$, $SE = 0.09$, $t(1814.65) = -2.62$.

and SES predict jurors' *final*, post-discussion or post-deliberations decisions about liability. This is unsurprising given that jurors' initial leanings typically predict their final decisions about liability.

Jurors' Initial Leanings as Predictors of Final Decisions About Liability

We examined whether jurors' initial leanings predict their post-discussion (i.e., final) decisions about liability¹⁰. As we would expect, jurors' leanings strongly predicted their final liability decisions ($p < .001$)¹¹. The more defense-leaning the jurors were before group deliberations, the less likely they were to ultimately find liability. Conversely, the more plaintiff-leaning the jurors initially were, the more likely they were to find liability.

As shown in the figure below, each one-point increase in leaning towards the defense relative to the group average reduced the odds of a liability vote by nearly half (OR ≈ 0.48). Stated differently,

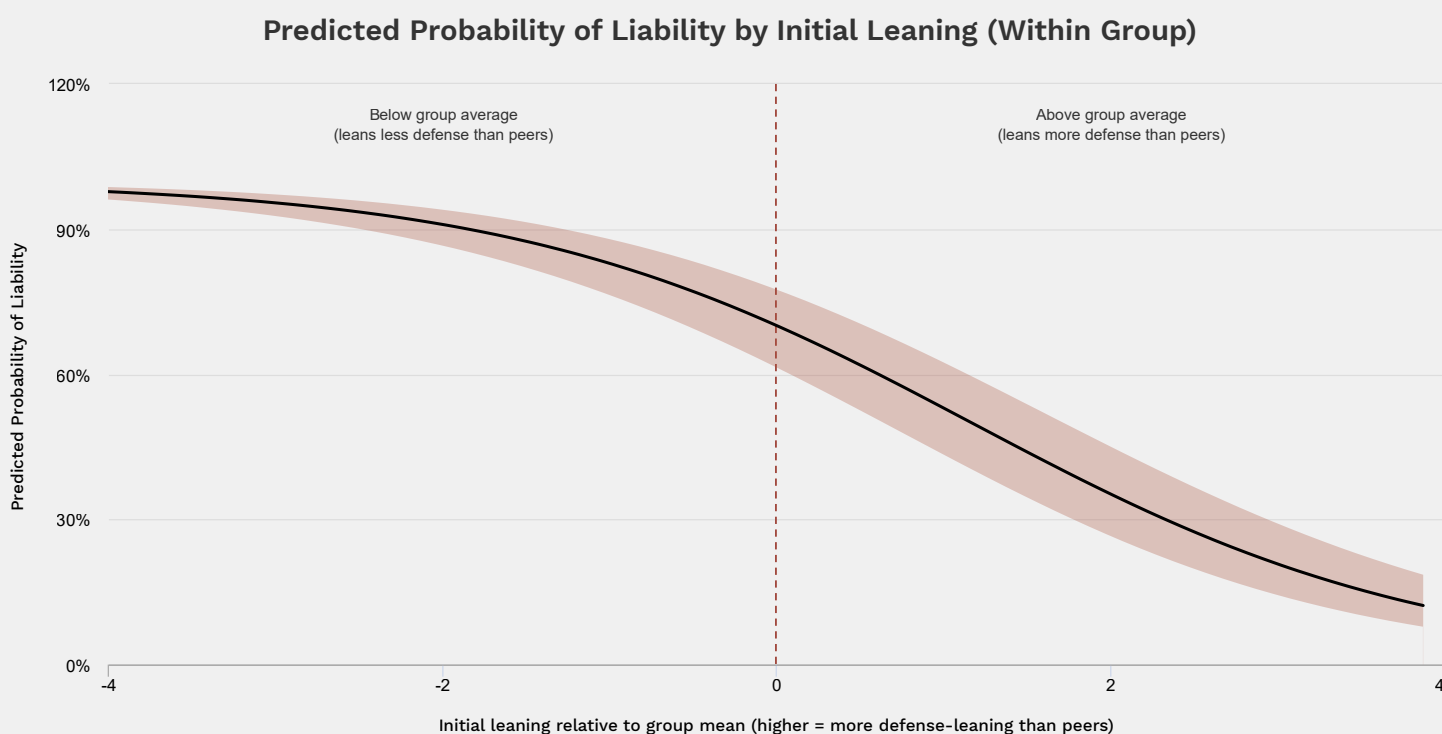
One in four defense-leaning jurors found full liability in their final decision following group discussions, indicating that jurors' opinions can be swayed.

each one-point decrease in leaning towards the defense relative to the group average (and therefore perceiving the plaintiff's case as stronger) more than doubled the odds of finding liability (OR ≈ 2.07).

Among jurors who initially leaned towards the defense, 81.9% found no liability, compared to only 18.1% of plaintiff-leaning jurors who found no liability. In contrast, 73.1% of jurors who initially leaned towards the plaintiff found full liability, compared to only 26.9% of defense-leaning jurors

¹⁰ We tested this using multilevel logistic regression. Adding individual leanings measure to the demographic substantially improved model fit, $\chi^2(1) = 311.42$, $p < .001$.

¹¹ $B = -0.73$, $SE = 0.05$, $z = -15.66$, $p < .001$.



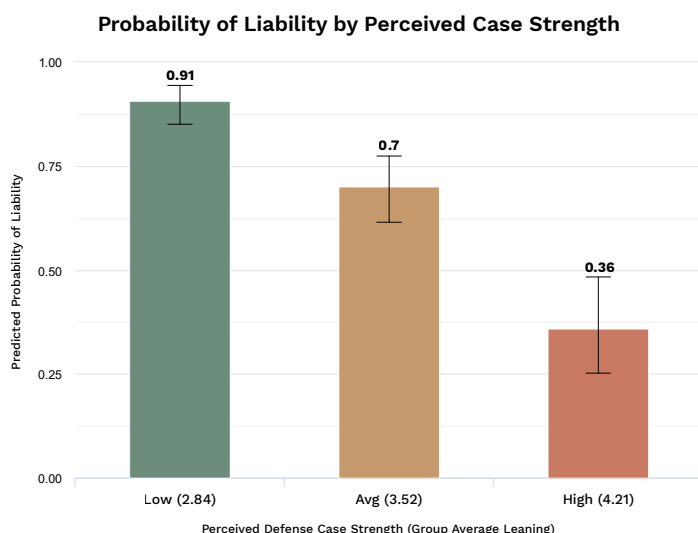


who found full liability. This indicates that jurors' individual opinions are highly predictive of how they will vote in a group (i.e., during deliberations). At the same time, these results also demonstrate that jurors' opinions can be swayed by group discussions, as evidenced by the fact that approximately one in four defense-leaning jurors found full liability after discussions (i.e., 76.3% defense-leaning found no liability compared to 23.7% who found full liability), and approximately one in five plaintiff-leaning jurors found no liability after discussions (i.e., 79.3% of plaintiff-leaning jurors found full liability compared to 20.7% found no liability).

Perceived Case Strength

Finally, we examined how much the overall strength of the defense's case predicts jurors' final decisions about liability. Case strength was measured by averaging jurors' leanings across a particular research event. We found that case strength was a powerful predictor of liability ($B = -2.08$, $p < .001$)¹². Each one-point increase in perceived defense strength reduced the odds of finding liability by nearly 90%. In other words, while jurors'

case leanings were shaped by their demographics, their final decisions were highly sensitive to the overall strength of the evidence. No matter who the jurors are, one of the most important factors in determining liability is the overall strength of the case being put forward.



Moreover, perceptions of case strength—at both the individual juror level and at the group level—accounted for about 40% of the variation in liability judgements. This indicates that perceived case strength predicts liability judgments both across jurors and across different types of civil cases. Importantly, once we accounted for perceived case strength, demographic differences no longer predicted liability ($p = .087$). However, demographics continued to predict jurors' leanings, which in turn strongly predicted liability. Taken together, this suggests a mediation effect: demographic characteristics affect case outcomes indirectly by shaping how jurors interpret and evaluate the strength of the evidence.

As the perceived strength of the defense case increases, the likelihood of jurors finding liability decreases significantly.

¹² SE = 0.27, $z = -7.78$, $p < .001$

Key Takeaways

Liability outcomes are shaped by juror predispositions, but most strongly driven by how jurors perceive the strength of the case.

Our results indicate that in civil cases—whether it’s intellectual property, employment, antitrust, contracts, securities, and so on—the people who are going to be the best defense advocates on the jury are often going to be the most like individual defendants or representatives (or witnesses) of the corporate defendants: men who are high SES.

We also see that jurors’ pre-discussion leanings are an important predictor of how they will ultimately determine liability, but that there is always room for people to be persuaded. This suggests that the best thing you can do for your case—and your client—is to arm your advocates with the tools necessary to convince their fellow jurors. Deliberations are an

opportunity for jurors to change their pre-existing opinions, which they inevitably will have after the trial has ended and before they have discussed the case with others. But, as our analysis shows, people can change their minds. It is not written in stone.

The buck does not stop at jury selection, either. We found that the most important factor in predicting how you will fare is case strength. Yes, SES and gender matter—but only to a certain extent. Building a strong case—utilizing research to test and refine your case themes and see how they chalk up against the burden of proof and jury instructions—are critical for increasing your chances of success at trial. ■

Email us at inquire@DOAR.com to schedule a partner briefing of our survey findings. Visit DOAR.com to learn more about our trial consulting services and follow us on LinkedIn and X at [@DOARLitigation](https://DOARLitigation).

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Natalie Gordon, Ph.D., is a Consultant at DOAR with extensive experience in navigating complex civil and white-collar criminal litigation. She is adept at mitigating the effects of pre-trial publicity and media attention on cases in selecting an impartial jury. Natalie has contributed to high-profile matters such as *In Re: National Prescription Opioid Litigation*, *In Re Petrobras*, *U.S. v. Boustani*, *U.S. v. Senator Robert Menendez*, *U.S. v. Tom Barrack*, *U.S. v. Jayson Penn et al.* (on behalf of Bill Lovette), *U.S. v. David Sidoo et al.* (on behalf of John Wilson), *U.S. v. Jie “Jack” Zhao*, *U.S. v. Gatto*, *SEC v. AT&T*, *Sean Rad et al. v. IAC InterActiveCorp et al.*, *Monster Energy v. Bang*, and *Ambac v. Countrywide*.

With a Ph.D. in psychology and law, featuring a dual specialization in basic and applied social psychology from John Jay College of Criminal Justice, Natalie combines deep theoretical knowledge with practical application. She also holds a Bachelor of Arts degree in psychology and philosophy from the University of California, Santa Barbara, and a Master’s degree in experimental psychology from the University of Colorado.



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Eliana (Ellie) Aronson is an Associate at DOAR, where she supports the firm’s pre-trial research initiatives and contributes to the design and execution of projects conducted by the DOAR Research Center.

Ellie is a fifth-year PhD candidate in Psychology and Law at the City University of New York’s Graduate Center, specializing in social psychology and quantitative methods. Her research explores how psychological factors influence legal decision-making, particularly within juries and eyewitness memory. Her work has been published in leading journals in legal psychology, and she regularly teaches undergraduate psychology courses at John Jay College of Criminal Justice.

Before pursuing her doctorate, Ellie earned her bachelor’s degree in Psychology from New York University. She is also passionate about criminal justice reform and has served as a crisis counselor, a mentor for justice-involved youth, and a volunteer with the Innocence Project.

ABOUT DOAR

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