



The Jury Expert™

For Excellence in Jury Selection, Communication & Persuasion

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Message from the Publisher

It is my pleasure to welcome you to *The Jury Expert*, now published by the American Society of Trial Consultants (ASTC). Our members come from diverse professional fields: communication, psychology, sociology, linguistics, political science and law. As trial consultants working with attorneys, and as researchers and educators in academic settings, ASTC members share an interest in understanding the dynamics of the trial process, the decision-making processes of juries and judges, and all methods of alternative dispute resolution. You can find more information about our organization at www.astcweb.org.

We are very excited about the future of *The Jury Expert*. We know you will benefit from the years of experience of our nation-wide membership, which includes long established firms and individuals who have pioneered the field of trial consulting and research since the 1970s. We are committed to producing a professional publication with editorial content focused on enhancing litigator effectiveness in the courtroom. You will continue to find practical information, insights and strategies in an easily-accessible format, as well as exciting new columns and content coverage.

I welcome your questions, comments and editorial suggestions. Feel free to contact me at any time via e-mail at dwolfe@trialgraphix.com or by phone at (312) 666-1400.

Sincerely,

Daniel Wolfe, J.D., Ph.D. ASTC President

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You Only Get One Chance To Make A Great First Impression

Use visual tools to make a powerful Opening Statement

By Ralph J. Mongeluzo, Esq.

After *voir dire*, jurors generally have only a vague notion of what your case is about. More importantly, no matter how successful you were in using your challenges, some jurors will have biases, distorted views, and misperceptions of the law applicable to your case. But if your jurors have open minds, then Opening Statement is your opportunity to begin persuading them. How can you make the most of it?

In a succinct yet comprehensive Opening Statement, you must begin to teach the jury all of the following elements:

1. What is the theme of your case? (What is this case about? Why are we here?)
2. Who are the key players in this dispute?
3. What happened chronologically that brought the parties to this point?
4. What are the essential concepts or terms that jurors must understand?
5. What are the critical documents or other evidence that jurors will see?

Successful teaching requires that the information be both understood and retained by the recipient. A study by the Rand

Corporation found the following rates for understanding and retention of information over a 24-hour period:

1. When presented orally only: 15 to 25 percent was understood and retained
2. When presented orally and read by the audience: 35 to 45 percent
3. When presented orally *and visually*: 55 to 70 percent

Visual tools enhance both understanding and retention of information and are persuasive. In a 1986 study at the University of Minnesota, researchers concluded:

Perceptions of the presenter as well as audience attention, comprehension, yielding, and retention are enhanced when presentation support is used compared to when it is not. Presentations using visual aids were found to be 43% more persuasive than unaided presentations.

Here are some tips for using graphics to teach each of the five elements of an effective Opening Statement.

What Is the Theme?

You are most likely to have your jurors' maximum attention at the beginning of Opening Statement. This is your best opportunity to plant in their minds the essential theme of your case. Distill that theme down to a sentence or two, and *display it while you say it*. Be prepared to return to this theme throughout your case presentation, and especially in your closing argument. By visually displaying the theme element and repeating it whenever possible, you will firmly establish it in the jurors' minds, creating a context for all other information they receive throughout the trial.

Who Are the Key Players?

You have been dealing with the parties to this litigation for months or years, but the jurors have probably never heard of them before. Some jurors may not even be familiar with terms like "plaintiff" or "class member." Large numbers of actors on both sides of the case will be confusing to the jury, as will difficult or foreign names. If jurors can't tell who the players are, *show them a program*.

In some cases, a simple chart listing the names and positions of the actors in this drama will suffice. However, in some circumstances you

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may wish to “humanize” your client. For example, if you are defending a large corporation, you will want jurors to see your client as a collection of human beings rather than as an impersonal entity. This might be accomplished by showing photographs next to each name and position.

On the other hand, if you are opposing a large corporation, a well-designed graphic could show the size of the Goliath, using revenues or other factual data.

Thus, visuals should be used in Opening Statement, not only to introduce the players to the jury, but also to *strategically define the parties* to your advantage in a memorable way.

What Happened?

Timelines are the most commonly used visual tools in litigation. Unfortunately, they are also commonly misused. During the presentation of your case, it might be useful to present a detailed chronology of all the events that resulted in the lawsuit, but for Opening Statement too much detail is ill-advised.

At this early stage, you want jurors to see the big picture. Pick out a handful of events from your timeline and create an overview chronology for Opening Statement. Having first presented a concise theme, and then introduced and defined the parties, you can now show the jury what transpired. At this point, you will have made a *visual presentation of your essential story* that jurors can understand and remember. And, like the other exhibits that you employ in Opening Statement, your overview chronology can be used in closing argument, when it is time to tie your case together and move the jurors toward your desired result.

What Are the Key Terms?

Jurors in the 21st Century are being asked to decide cases involving microchips, DNA, financial market manipulation and laser surgery. You cannot afford to wait until you present your case to begin teaching the jury the basic terms, processes, and concepts they need to understand.

During Opening Statement, use exhibits as teaching tools to *start your jurors’ technical education*. If there are terms with which the average juror may not be familiar, present a chart listing those terms and their definitions. If there is a concept that will be difficult to comprehend, show the jury an analogy that relates the idea to something familiar. If there is a process that is obscure, display a basic tutorial on the subject during Opening Statement. Later, your experts will continue this educational effort — preferably with visual aids that build upon the exhibits you introduced.

What Evidence Will the Jurors See?

In any presentation, there is a three-step rule: Tell them what you’re going to tell them, tell them, and tell them what you told them. In a trial, these three steps are represented in your Opening Statement, your case-in-chief, and your closing argument. So, to complete your Opening Statement, you must tell your jury what you’re going to tell them when you present your case.

To achieve maximum comprehension and retention, visual tools are essential. If there is a critical sentence in an email or other document, display it. Use a document call-out (a picture of the document, with the key lines highlighted and magnified in large type next to the document) to make this item stick in the jurors’ minds. If a highly persuasive element of your case is an item at the scene of an event, present the jurors with a blown-up picture so they can actually see it. *Never just tell, when you can show and tell.*

Use Visual Tools to Make a Powerful Opening Statement

Opening Statement is your chance to make a great first impression with jurors. To make the most of this opportunity, teach the jury the five essential elements listed above using effective graphics to increase understanding and retention.

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How to Spot a Tort-Reformer

By Adrienne LeFevre, M.A

The old adage, “a little knowledge is a dangerous thing,” has never been more true with regard to jury selection in the era of tort reform.

In the last few years, there has been a shift in juror attitudes because the media and politicians have called attention to the issue of tort-reform. Despite the fact the National Center for State Courts found an 8% decline nationwide in tort filings, and a median jury award of only \$37,000 in 2001, most jurors today believe there are too many frivolous lawsuits, that jury verdicts are too high, and that there should be caps on damages.^[1]

One would think that a juror who holds these attitudes is a true tort-reformer, and therefore, favorable to the defense. Such an assumption may be incorrect.

How can an attorney distinguish between a true tort-reformer and a juror who is simply trying to be politically correct?

The answer is that there is not one demographic or expressed attitude that will characterize a tort-reformer. Attorneys or jury consultants have to look for a pattern of beliefs. This pattern is usually evident in a collection of attitudes or life experiences that have shaped a juror’s value system. The attorney or consultant must weigh how strong those characteristics are in each person.

In order to discover this pattern, attorneys should have five standard instructions for jury selection. They should:

1. *Give an example of what bias is.* (e.g., If jurors have been abused as children, they might have bias against a defendant in a child abuse case.)

^[1] United States of Justice, Office of Justice Programs, Bureau of Justice; <http://www.ojp.usdoj.gov/bjs/>

2. *Stress the importance of admitting bias.* (e.g., Tell the prospective jurors that this is your client’s only day in court; juror bias is not fair to either party. The court would rather that jury candidates admit their biases before the proceedings go further.)
3. *Get jurors talking. Ask open-ended questions.* (The only way jurors will begin to feel comfortable admitting their biases is if they talk openly in the courtroom. Asking open-ended questions helps jurors express their opinions.)
4. *Get a commitment that they will be fair and unbiased.* (If you can get such a commitment, they will be more likely to remain fair throughout the trial, and you can remind them of their commitment in your closing argument, as they are about to deliberate.)
5. *Introduce case issues persuasively.* (Frame the arguments the jurors will hear from your point of view.)

“How can an attorney distinguish between a true tort-reformer and a juror who is simply trying to be politically correct?”

“The answer is that there is not one demographic or expressed attitude that will characterize a tort-reformer.”

Once jurors understand the importance of admitting their biases, the following attitudes form a “pattern” that is a good indication of a tort-reformer:

- ◆ *Politically conservative*
- ◆ *Favors big business*
- ◆ *Feels that most people disregard personal responsibility and blame others for their own mistakes*

- ♦ *Would personally never file a lawsuit*
- ♦ *Is more likely to have been sued professionally or personally*
- ♦ *Believes there are too many frivolous lawsuits*
- ♦ *Is against the idea of non-economic damages (pain and suffering)*
- ♦ *Pays attention to tort-reform issues in the news, especially caps on damages*
- ♦ *Does not agree with awarding punitive damages*

“Once an attorney discovers a juror’s pattern of attitudes toward political issues, business, and damage awards, she will be able to make an educated guess about how favorable that juror will be to their case.”

A thorough jury selection process—using a supplemental juror questionnaire and voir dire—can elucidate jurors’ attitudinal patterns. If a prospective juror only agrees with caps on damages, but is otherwise a favorable candidate, he is not likely to be a true tort-reformer.

Once an attorney discovers a juror’s pattern of attitudes toward political issues, business, and damage awards, she will be able to make an educated guess about how favorable that juror will be to their case.

Because the verdict is rendered by a group of people who bring their life experiences and attitudes to the case, comprehensive questioning is necessary in deciding whom to keep and whom to strike.

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Getting the Most Out of Mock Jury Research

By Cindy K. Andrews, Ph.D.

Because mock jury research has become the norm and trial strategy is often shaped by the recommendations of litigation consultants, the trial team should be equipped with critical skills to assimilate this information. This article will identify common mistakes made by clients in conducting and interpreting research and will provide guidelines to improve communication with the litigation consultant. Attorneys will be better equipped to identify scientific versus non-scientific consulting and get the most out of the mock jury research experience.

1. Exploration v. Confirmation

Small group research can be classified as *exploratory* or *confirmatory*. Exploratory research (e.g., focus groups, witness evaluation studies, jury simulations, exploratory mock trials) looks at what jurors need to know, and the *process* by which jurors evaluate the evidence and reach a decision. Confirmatory research (mock trial studies) aims to provide insights into both the decision-making process *and* the likely outcome.

Exploratory research typically employs a small sample of surrogate jurors and is therefore unsuitable for determining outcome. Verdict and damages data can be statistically unreliable in exploratory designs. Assigning damages can be an idiosyncratic process for actual and mock juries, (i.e., one juror may have great influence, and jurors may compromise, or rely upon poor math or misperceptions about the law in arriving at their conclusions). Additionally, punitive damage awards are typically fueled by sympathy for the plaintiff combined with anger toward the defendant, which can vary greatly between jury groups. Instead, exploratory research helps attorneys understand the process by which jurors make decisions; which evidence and arguments are convincing, what misperceptions

and misunderstandings exist, how jurors' perceive witnesses, and how jurors persuade each other.

“While a scientific approach prevents a ‘garbage in – garbage out’ data problem, the consultant should be adept at fully analyzing the data and translating the findings into strategic recommendations that attorneys find useful for revision of their key arguments, themes, witness testimony, and exhibits.”

Confirmatory research is designed to evaluate the probable trial outcome as well as ascertain the likely course of juror deliberations, determine juror receptivity to case themes and theories, and obtain preliminary insight into juror profiles and *voir dire* strategies. To do this successfully, the study should simulate the trial as closely as possible: use a trial-like setting with jury box, judge, jury charge, witnesses, exhibits, etc.

For mock jury research to effectively accomplish the attorney's objectives, the goals must be clearly communicated to the litigation consultants. They in turn are trained in research design, methodology, psychometrics, and statistics and can recommend the appropriate research design and protocol that will most effectively achieve those goals. While a scientific approach prevents a “garbage in – garbage out” data problem, the consultant should be adept at fully analyzing the data and translating the findings into strategic recommendations that attorneys find useful for revision of their key arguments, themes, witness testimony, and exhibits.

2. Examine all the Data

When observing group deliberations, attorneys and their clients often focus on one idiosyncratic

comment made by a juror. Because of the tendency for selective attention, a favorable or unfavorable comment will often be accorded undue weight, when in fact the juror's reaction may have little or no bearing on the group's final decisions in the case. Instead, rely upon the litigation consultant to conduct a review of *all* the data. Research has shown that jurors' decision making style is affected by sentiment, cognition, and group dynamics; therefore, data will be collected on individual as well as group reactions to the case. The consultant will then analyze and interpret this data, taking into account patterns and themes that emerge, and will determine which comments summarize the group reactions and can be generalized as key themes.

3. Tip of the Iceberg

A universal goal for clients is to generalize juror types to predict verdict orientation. While juror profiling is compelling, avoid relying on anecdotal experience or demographics to make generalizations about favorable or unfavorable jurors. Obvious characteristics such as race, age, and gender commonly receive inordinate attention by attorneys; however, demographics have not been shown to correlate with outcome.

Far more important is what lies beneath the surface: jurors' preconceptions (attitudes, beliefs, opinions) and experiences, which have been shown to statistically correlate with verdicts. (Some personality characteristics correlate with damage awards.) Since small group research is intended to provide insight into what *motivates* a juror (and the group) to vote a certain way, it is important to focus on *what* a juror said rather than *who* said what. The consultant will evaluate this rich source of qualitative data, which can be useful in developing *voir dire* and the overall trial strategy.

To detect trends and develop a profile of adverse juror characteristics, a mock trial with an adequate sample size must be employed. While this type of study can shed light on the types of preconceptions, personality traits, and experiences that are associated with an adverse

verdict, these trends should be further validated with rigorous investigation, or paired with cumulative data from prior cases with similar fact patterns and the consultant's expertise in theoretical juror profiling. Ultimately, only large-scale studies such as community attitude surveys or large sample mock trials produce true predictive power for juror characteristics through the use of advanced statistical techniques.

“Since small group research is intended to provide insight into what motivates a juror (and the group) to vote a certain way, it is important to focus on what a juror said rather than who said what.”

4. Caveat Emptor

When interpreting research results, be mindful of the size of the mock jury sample. For example, reporting that 80% of mock jurors believed your theory is not impressive when the sample consisted of only 10 jurors. Similarly, the verdict of one mock jury might be contrary to others. Therefore, when clients are interested in the likely verdict or damages, at least three jury groups are necessary to generalize. Sample size is even more critical for attaining reliability in community attitude surveys. For example, a 100-person survey is only accurate to $\pm 10\%$, so that if 60 jurors believe the action caused the injury, 50-70% of the general population will believe this. The most effective surveys employ the 95% confidence level (or an error rate of $\pm 4.9\%$), which ensures that the same result would be achieved 95 out of 100 times. For this level of certainty, at least 400 survey respondents are necessary. A good consultant will identify any weaknesses in the research design as it relates to the reporting of data and the drawing of conclusions.

5. Manage Intrinsic Problems

After a mock trial presentation, there is a tendency for clients to express concern about research artificiality or blame the surrogate jurors saying they “just don’t get it.” They assume “it” is an objective concept jurors can get as opposed to an argument that may not be persuasive. As a result, attorneys often assume they need more time for the presentations. In our experience, more time is not usually the answer. Though it is artificial, the research process is effective when conducted properly. Pay attention to this useful data and work with the consultant to translate jurors’ misperceptions, distortions, or lack of comprehension during a mock trial into constructive approaches for trial. Don’t ask yourself, “What *more* could we have said to make this argument work?” Ask, “How could we have made this argument differently to make it more effective?”

Not everyone sees the world the way lawyers do. Therefore, don’t assume jurors understand technical language or so-called simple legal terms such as “burden of proof,” “cross-examination,” “deposition,” “fact versus expert witness,” etc. Technical terms and legalese should be explained without talking down to jurors. At the same time, do not teach jurors to build a watch if they only need to tell time; getting them to understand the intricacies of complex science or technology is not the key to winning. In fact, over-teaching causes cognitive overload and lack of juror interest. As a general rule, strive to answer the question “Why does it matter?”

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When developing the parties' arguments, work with the consultant to ensure that the presentations are balanced and suitable in length and content. The defense presentation should provide a response to each of the claims and arguments raised by the plaintiff; failing to do so causes juror frustration and confusion and detracts from the deliberation process. Equally important is the use of exhibits by both parties. In addition to developing graphics for your side of the case, also present a compelling visual case for the opposing side. At all times, strive to present the best case for each side during research in order to get the most fruitful juror feedback.

When possible, use the research forum to practice with the technology (i.e., a multimedia computer-based presentation system). Research confirms that, regardless of venue, company size, or case magnitude, jurors *expect* attorneys to represent their client to the best of their ability by using technology. A computer-based presentation makes the jurors' job easier by streamlining and organizing the evidence. Moreover, information presented graphically has been shown to increase comprehension and retention. Additionally, the use of technology reflects well on counsel; jurors perceive them to be prepared and organized, which can translate into the winning edge at trial.

6. Science and Art

Appreciating the difference between science and art will affect how clients put the consultant's ideas to use. Science pertains to the consultant's education, training, and experience as well as her approach to designing research, analyzing data, and providing advice. Good consultants will attend to all information that potentially influences group decision making, (e.g., jurors' language use, psychological motivations, non-verbal communication, reasoning abilities, information processing, retention, comprehension, preconceptions, psychological defenses, and group dynamics). Additionally, scientific researchers will provide consultation while citing appropriate limitations of the research design and their conclusions.

While a scientific design begets reliable data, the *art* of litigation consulting can supplement and add insightful flavor to the consultant's conclusions and strategic recommendations. When paired with empirical findings, the art of litigation consulting, which includes professional experience, psychological expertise, intuition, and insight, is an important component of consultation and can provide benefits beyond those available from science alone.

“A computer-based presentation makes the jurors' job easier by streamlining and organizing the evidence.”

To get the most from the mock jury research experience, attorneys need to understand research interpretation and assimilation. While science trumps art in empirical research, art should not be overlooked in the translation of data to useful recommendations for trial strategy. Develop specific goals for research and inquire about the limitations of particular research protocols. Appreciate how sample size affects data reporting and conclusions. Rather than relying on anecdotal experience and hunches, allow the consultant to examine the data and report key patterns and themes as they relate to overall trial strategy.

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Religion and Faith in Jury Deliberations

By Philip Monte, Ph.D., J.D.

“The jury vote... to convict former Ku Klux Klan Imperial Wizard Sam Bowers of the murder of Vernon Dahmer, Sr. started with a prayer and closed with tears, a juror in the trial said.”^[1]

Religion has a significant impact on how people view the world. Even its absence can influence how a potential juror might perceive key facts in any lawsuit. When developing your case themes and jury selection strategies, the effects of religion deserve your attention.

Many people absorb religious themes and imagery at a very early age in life, often before preschool begins, or during Sunday school classes. It is common for religious teachers and leaders to draw connections between theological doctrine and the everyday decisions that confront us in life. Often our decisions are not only about traditional moral concerns, but involve practical issues relating to government and to business. (Recall the admonition to “render unto Caesar the things which are Caesar’s.”) It should not be surprising that people call upon early religious teachings to assist in making decisions in the jury room, as well as in other aspects of life.

“Often our decisions are not only about traditional moral concerns, but involve practical issues relating to government and to business.”

Religious belief and behavior are referred to broadly as “religiosity” by social scientists. Social science researchers consistently find correlations between one’s religiosity and one’s attitudes towards important social and political

issues, issues that are often raised in both civil and criminal trials.

The National Opinion Research Center (NORC) at the University of Chicago has compiled a useful system of categorizing various denominations as either “conservative” or “liberal” with respect to beliefs and behavior.

Religious organizations and individuals categorized as conservative, or “fundamentalist,” tend to believe that the Bible is the literal word of God, and that it contains unambiguous truths about how people should think and live. This belief system is sometimes referred to as the doctrine of Biblical inerrancy. Frequent church attendance is also associated with conservative religiosity.

“Studies consistently find that conservative religiosity is associated with strong ‘law and order’ attitudes, as well as political conservatism and traditional beliefs about the appropriate roles for men and women in society. In contrast, religious liberals tend to foster a less punitive attitude toward criminal defendants, as well as greater political liberalism and acceptance of nontraditional gender roles.”

People and denominations within the “liberal” tradition are more flexible in their Biblical interpretations, and may show less religious commitment through lower levels of church attendance. Most people fall somewhere in between the conservative and liberal ends of the spectrum of religious belief and behavior. Religious organizations that fall between the two continuums are termed “moderate” by NORC.

^[1] 1998 Hattiesburg American commentary: State of Mississippi v. Sam Bowers.

Studies consistently find that conservative religiosity is associated with strong “law and order” attitudes, as well as political conservatism and traditional beliefs about the appropriate roles for men and women in society. In contrast, religious liberals tend to foster a less punitive attitude toward criminal defendants, as well as greater political liberalism and acceptance of nontraditional gender roles. People who do not belong to a traditional religious orientation are more likely to be aligned with religious liberals than with conservatives on these types of issues.

How Can You Use Information About a Person’s Religious Orientation?

First, determine the key issues likely to be raised by jurors in the case and ask how religiosity might influence how a person perceives those issues. In its simplest form, this involves understanding which legal and factual issues will be raised by members of the jury as it attempts to apply the law to the facts of the case. It is also necessary to acquire an understanding of the religious backgrounds of potential jurors, and to develop thematic imagery that is consistent with the religiosity of the jurors.

“Your experience with previous cases, as well as information from pretrial focus group and mock trial research, are excellent sources of insight into what legal and moral issues will be important to jurors as they deliberate toward a verdict.”

Your experience with previous cases, as well as information from pretrial focus group and mock trial research, are excellent sources of insight into what legal and moral issues will be important to jurors as they deliberate toward a verdict. These are the issues through which religiosity is most likely to influence a juror’s perception of significant case facts.

It is not the kind of case but the kind of juror that will determine the role that religion will play in decision making. You should consider the effect of juror religiosity in complex business cases and contested divorces, alike.

Contested marital issues provide a ready arena for the intrusion of religiosity into juror decision making. For instance, jurors often raise moral questions in contested divorce trials where legal “fault” is at issue. Some of the moral questions include the basic acceptability of divorce, extramarital relationships, and women working in nontraditional occupations. A juror with “fundamentalist” religious leanings, for example, is much more likely to criticize a woman for working outside of the home, while a religious “liberal” may be less likely to fault a person for engaging in extramarital relationships. These dynamics will come into play in the jury room.

Similarly, jurors who are theologically conservative and who hold strict views of right and wrong may view the typical breach of contract case in “black and white” terms on the belief that a promise is a promise. While religious liberals may be more accepting of arguments that ambiguity is a part of all human behavior, including behavior relating to contractual relationships.

“Similarly, jurors who are theologically conservative and who hold strict views of right and wrong may view the typical breach of contract case in ‘black and white’ terms on the belief that a promise is a promise.”

Second, reconsider your approach to voir dire. Acquiring an understanding of jurors’ religious backgrounds is challenging and can only be achieved by using a sensitive and careful approach toward voir dire. Many people prefer to keep their religious beliefs and practices

private, and any questioning should be conducted with the utmost respect and consideration for the feelings of the potential juror whose personal life is under examination.

That being said, certain fact patterns make issues like church membership and attendance directly relevant for the purposes of voir dire. This might occur when a church is a defendant in a case, or when a religious leader is a key witness. In other instances, the sincere questioning of jurors about the organizations to which they belong, the volunteer work in which they engage, and the schools to which they send their children (for example, parochial vs. private), can lend insight into religious beliefs and behavior. It can be very useful to directly ask a member of the venire whether and how his or her religious beliefs will influence how he or she perceives your case, based on facts disclosed during the judge's introduction of the case.

“Many people prefer to keep their religious beliefs and practices private, and any questioning should be conducted with the utmost respect and consideration for the feelings of the potential juror whose personal life is under examination.”

Finally, consider your case themes. The religious backgrounds of your jurors will influence how they perceive your case themes. References to Biblical stories and principles are appropriate and useful, so long as the substantive content or tone is not parochial or dismissive of alternate belief systems and practices. Members of less represented religious groups, such as Hinduism and Islam, may also appear on the jury, and it can be appropriate to draw upon material and wisdom from their traditions to augment the power of your presentation. Of course, any theme chosen must have relevance to the facts of your specific case.

Conclusion

Careful research and creativity can be invaluable in developing themes for a persuasive presentation of your case. Because jurors will bring their religious viewpoints with them, using these techniques can help you reach jurors and help them to identify with you and your presentation.

Sample voir dire questions:

- Q. Do you belong to a religious organization such as church, synagogue or mosque?
- Q. How often do you attend?
- Q. Do your family or friends consider you to be a religious person?
- Q. Do you consider your religious training to be a significant part of how you live your life?
- Q. Do you make major life decisions based on religious principles?
- Q. What religious thinkers or teachers are most important to you?
- Q. Do you hold any offices in your church, synagogue or mosque? If so, what are they?

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Summary of This Issue

The ASTC welcomes you to *The Jury Expert*.

In this issue we cover a range of topics, including ways to enhance your opening statement to increase juror understanding and retention, tips for identifying juror attitudes on religion and tort reform, and how to ensure you are getting quality mock jury research.

In the lead article, Ralph Mongeluzo discusses the five essential elements for every opening statement, and how to use graphics to teach these elements.

Also in this issue is Adrienne LeFevre's piece on spotting tort reformers. She highlights the challenge in trying to distinguish between a true tort reformer and a juror who is simply trying to be politically correct, and offers a few strategies to help you discover the "tort reform" pattern of beliefs.

Cindy Andrews identifies some of the common mistakes made in conducting and interpreting mock jury research, and offers some guidelines to ensure that you get the most out of your mock jury experience.

Finally, Philip Monte discusses the correlations between one's religious belief and behavior and one's attitudes toward important social and political issues. He then suggests a few ways you can use information about a person's religious orientation in your case.

If you have recommendations for future content coverage, please feel free to contact me at the e-mail address below. Thanks for reading *The Jury Expert*!



Teresa Rosado, Ph.D., Editor

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