

Online versus In-Person Jury Research

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Jury research is one of the most effective tools in determining juror perceptions and understanding jury decision-making in all types of litigation. To be candid, when used correctly it's probably the best BS detector a client can find. It will enable attorneys to determine case strengths and weaknesses and to identify the most persuasive and compelling trial themes and strategies that reinforce positive case reactions while countering an adversary's arguments and evidence. For the client with much to gain or lose, jury research can tilt the decision scale towards trial or settlement.

Jury research, much like consumer product market testing, evaluates things like the next popular soda flavor through the use of in-person focus groups. Just about every successful product that goes to market is tested and retested. Any case with big dollar potential deserves at least one round of focus group research. This research consists of a representative sample of mock jurors from the trial venue observing presentations given on behalf of the plaintiff and defendant(s) in the dispute. These presentations are adversarial, thematic, and provide the strongest arguments and evidence for each side. Following the presentations, the jurors are read jury instructions, separated into multiple deliberation groups, provided a verdict form and asked to render a verdict in the matter. The trial team is able to observe the deliberations through a one-way mirror or via closed-circuit television.

Online Jury Research

It was only a matter of time once the internet became a household necessity that jury research studies would be conducted online. Today there are two basic methodologies for online

research- Online Surveys and Live Interactive Groups . Many of the online jury research providers use the online survey approach. This consists of prerecorded “canned” presentations which are delivered to numerous online panelists who view the materials individually at their convenience, then answer a series of case related questions. The results are then delivered based on responses to these questions.

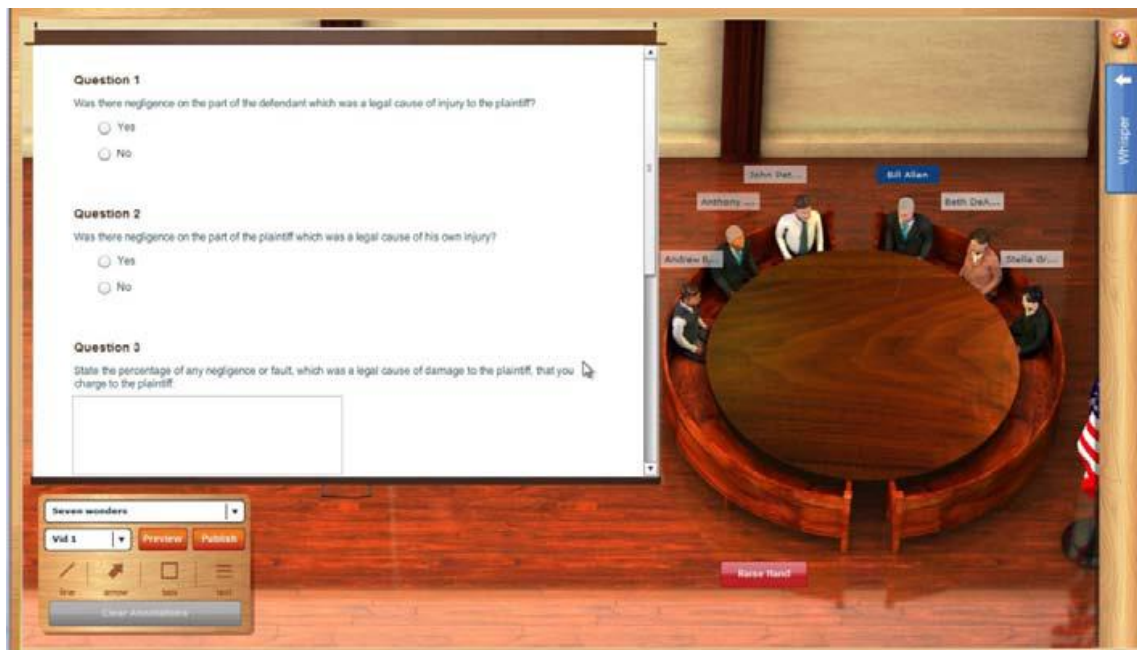
If you are looking to mimic the process that takes place in an in-person focus group, the live interactive groups are the way to go. There are only a handful of companies like Magna Legal Services that provide this specialty service. The web-based platform converts the in-person process into a 100% interactive online experience enabling attorneys, clients, jurors and consultants to participate in this exercise from their respective offices and homes. Similar to an in-person focus group, mock jurors in an online jury research exercise observe adversarial presentations on behalf of the plaintiff and defendant(s) in the dispute. The attorneys (dressed in a suit and tie as they would in court) give their presentations via webcam and their presentations are streamed live onto the mock jurors’ computer screens within a virtual courtroom environment. Jurors provide instant feedback throughout the session, similar to the in-person focus groups. The results and data is accessible to the trial team immediately after the mock jurors complete them.

The virtual courtroom platform is shown below.



Following the presentations, the mock jurors are given a verdict form and discuss the case as they would in an in-person group and render a verdict.

Shown below is a virtual deliberation room.



For both in-person and online jury research exercises, jury consultants will evaluate both the data and group deliberations and provide an Executive Summary Report which includes the key findings and recommendations for trial.

Benefits of Online vs. In-Person Jury Research

Determining whether an in-person or online jury research is more appropriate depends on several factors. The type of research conducted depends on the complexity of the case, budget and stage in the litigation lifecycle.

Case Complexity

In-person groups may be more appropriate for complex cases involving several discrete issues. In-person groups are conducted over one or more days, whereas online jury research exercises are conducted within several hours. The attorney presentations delivered for in-person groups are typically significantly longer than in online groups which allow for much broader information to be presented to mock jurors. Accordingly, in-person groups tend to be useful for more complex cases or for research involving the testing of multiple witnesses. Online groups may be a better approach for cases involving simpler fact patterns or for testing specific issues in a complex matter.

Dollars & Sense- Budget

If you are limited by the wallet, you will want to consider online jury research exercises. They will offer the ability to test key case issues at a much lower cost. Online pricing generally starts at \$8,995.00. In-person groups include expenses for the research facility, equipment and travel which are not incurred in an online exercise. The average cost for an in-person group is \$30K plus all the expenses like facility rental, travel, food, on-site support, etc. The online platform eliminates most if not all of those expenses. Jurors also receive a lower monetary incentive for participating in online research since the exercise is shorter in duration.

Ready, Set-Timing

Online jury research exercises can be scheduled with less lead time and more flexibility, as there is no need to identify research facility space. Therefore, there is minimal set-up associated with an online jury research project other than the recruiting of eligible mock jurors. Typically two weeks are needed for both in-person and online groups to recruit a representative sample of eligible jurors from the trial venue. Some attorneys have indicated that they only need a few hours to prepare for the online session.

Crawl, Walk and Run- Case Life Cycle

Online and in-person jury research exercises can complement each other. The innovative counsel of today have been conducting early stage online jury research to test initial juror perceptions, themes and trial strategy. The results from this research allow them to fine tune their themes, arguments, graphics and presentations. Then they incorporate the juror feedback and arguments from the online jury research exercise into an in-person mock trial which will include openings, cases-in-chief and closing arguments. Rather than conducting multiple in-person groups, online jury research provides a streamlined and cost effective way to initially test jurors' case reactions and retest in third (after the in-person session) in a final round without breaking the bank. As an added bonus, the research from early stage online jury research exercise helps inform discovery considerations and strategy as well as offering a initial damages evaluation.

Wrap Up

There are advantages to both online and in-person jury research and either methodology may be used depending on case needs and budget. Online jury research is well suited for cases involving more basic fact patterns, testing discrete issues in a complex case or if your budget is limited. In person groups are essential for testing more complex cases or for conducting full mock trials in which openings, multiple witnesses and closings are evaluated. Both methodologies provide critical feedback for determining strengths and weaknesses and for assessing jurors' overall evaluation of the case. So just like Coke, we have to test the flavors ... issues in our cases.