

in this issue:

Highlights:

- Obtaining useful information from prospective jurors,
- Spotting potential leaders.
- Saving time.

Spotlight on Juror Questionnaires

Selecting Better Juries:

The Prospective Juror Questionnaire

Making solid, successful challenge decisions depends upon obtaining honest, accurate information about prospective jurors' attitudes, beliefs and experiences. Traditionally, attorneys have relied upon oral voir dire to elicit information from potential jurors. Each panelist, in turn, is typically asked the same questions. The attorney then quickly scribbles a few notes to summarize the answers. Most questions pertain to basic demographic information. Questions on sensitive issues are rarely, if ever, posed for fear of embarrassing a juror. For example, in cases where psychological injury is claimed, it would be of great value to both sides to understand each juror's past experience with psychiatrists and/or psychologists. Further, having some idea of whether those experiences were positive or negative would be invaluable. However, asking a prospective juror, in open court, if they have ever consulted a psychiatrist or a psychologist is difficult, and potentially disastrous, and thus, is most often avoided. In order to gain accurate information from jurors without lengthy voir dire, the courts are increasingly allowing the use of prospective juror

questionnaires. In fact, in California, attorneys are permitted to do so under the Code of Civil Procedures (CCCP 222.2). These questionnaires not only elicit extraordinarily candid information about panelists' background and experiences, but they allow the voir dire to be more focused, thus expediting the entire jury selection process.

More than just routine questions



Questionnaires cover seemingly routine background information, but go much further. For example, questions about household income, political affiliation, memberships in community organizations, occupations of extended family members, and frequently read newspapers, are included. In addition, case-specific questions are developed. In personal injury cases, *details* of injuries among family members and friends are explored, as well as possible relationships to the medical and legal professions. Open-ended questions ask jurors to express their opinions on a number of important issues and consistently yield a wealth of information that jurors rarely volunteer in open court. It has been our experience that jurors provide far more insightful information on their written questionnaires than they do verbally in court. Most people are nervous and uncomfortable speaking publicly, and as a result, provide rather cursory information.

Perhaps most importantly, questionnaires provide insight about a prospective juror's leadership potential on the panel. By evaluating jurors' past experiences in leadership roles, the attorney can more accurately assess how vocal a particular juror is likely to be during deliberations.

The administration of a questionnaire requires little disruption to the court. The party initially preparing the questionnaire submits it to the opposing counsel for review. Questions are added if opposing counsel so desires. The judge gives panel members instructions for completing the questionnaire and stresses the importance of doing so completely. Most jurors complete the questionnaire in 20 to 30 minutes. Hardship excuses are often heard while questionnaires are being completed. Questionnaires are duplicated and ideally, the attorneys are given an evening to review and evaluate them. Oral voir dire consists of follow-up questions and questions the attorney specifically wants to ask orally in order to observe jurors' while they respond.



By combining the information obtained from prospective juror questionnaires with in-court observations of jurors' behavior during oral voir dire, attorneys can make far more accurate evaluations of prospective jurors. We have been startled by the accuracy of our predictions when both sources of information are combined. Questionnaires are a valuable tool, allowing the attorney to make more astute challenge decisions while saving valuable court time.

Susan E. Jones, Ph.D.
Founder



Dr. Susan E. Jones is the founder of Jury Research Institute (JRI). JRI was established in 1985 and is one of the oldest and most respected trial consulting firms in the United States.

Dr. Jones earned her undergraduate degree at St. Lawrence University and her doctorate in psychology from the University of Alabama, one of the few institutions in the country that offers a concentration in clinical psychology and law.

For nearly 25 years, Dr. Jones has successfully assisted litigators in virtually every area of civil litigation. She has provided assistance on some of the most significant cases in the country, serving litigators from coast to coast.

JRI professional have developed a national reputation for the quality of their

Contact Information:

2617 Danville Blvd.
Alamo, CA 94507

Direct Dial: 541.734. 9268

e-mail: sjones@jri-inc.com

www.jri-inc.com