



Trials. Not Errors.

in this issue:

Highlights:

- Web Surveys are becoming a standard procedure in trial preparation.
- They cost less than half of what a typical mock trial costs.

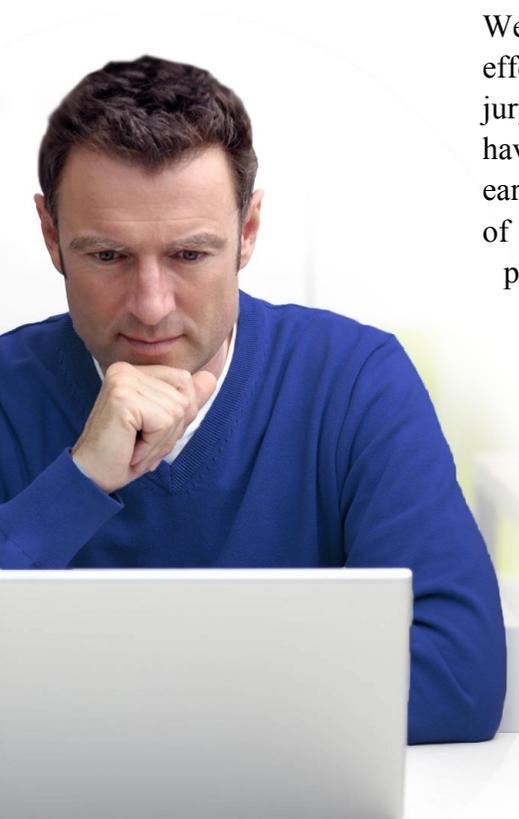
Spotlight on Web Surveys: Cost Effective Research Option

Jury research doesn't have to be tabled due to tighter budgets. With the internet becoming as pervasive as the telephone, new research tools are available that make use of this tremendous technology. As of June 2008, Internet access in the U.S. has skyrocketed to 78% of the population, including every demographic, and with the average adult visiting 1,547 web pages per month.* Web surveys are just one such new approach.

Web surveys take advantage of this trend in internet usage. They are a cost-effective tool for quickly getting the thoughts and reactions of several hundred jury-eligible community residents to the issues in your case. Many attorneys have found that web surveys save their clients time and money by providing an early assessment of how jurors are likely to view a particular case and the kinds of damages they would consider. Web surveys are rapidly becoming a standard procedure in trial preparation for law firms, insurance companies, and corporations.

A web survey is basically an online mock trial. Community residents from the trial jurisdiction are invited to participate as mock jurors in an online civil trial. They go to a secure website and answer a series of questions similar to what jurors would be asked during voir dire, including questions about important case-related attitudes and experiences. After answering a series of screening/security questions, which would curtail their further participation if answered affirmatively, participants read an illustrated

* The most recent usage information comes from the data published by Nielsen Online (http://en-us.nielsen.com/tab/product_families/nielsen_netratings), ITU (<http://www.itu.int/en/pages/default.aspx>).



summary of the evidence and arguments by the plaintiff followed by a similar presentation of the evidence and arguments from the defense.

Jurors are then given jury instructions and asked to render their verdicts. They provide written explanations for their liability and damage verdicts, describing how and why they arrived at their decisions. These insights allow counsel to strengthen the trial strategy, plan jury selection and assess the risks of taking the case to trial.

Less Than Half The Cost of a Typical Mock Trial



Technology has impacted almost every profession over the years, including jury research. There's no doubt that mock trials provide invaluable information about a dispute, but the introduction of web surveys means attorneys are no longer limited to conducting research live, on-site. By removing the restriction of having to be in one place at a particular time, we have significantly reduced costs associated with conducting research. Travel expenses don't apply. Facility costs are gone. Recruiting fees and incentives to jurors for their participation are a fraction of the cost of conducting traditional mock trials. There are plenty of potential online jurors because participants are free to sign on at their leisure from the comfort of their homes. These lower costs allow us to cast a large net when it comes to participants. Surveys allow counsel to obtain feedback from hundreds of participants.

Who Are the Web Jurors?

Who are web jurors? They are jury-eligible residents of the trial jurisdiction. We usually recruit between 200 and 300 participants for our web surveys. Because we have such a large number of online jurors in our web surveys, participants come from all walks of life.



Screening Participants and Confidentiality

Not just anyone is allowed to participate. Only those who are invited by us to participate are able to log onto the secured website that houses our survey. Once the mock jurors log onto the website, they are asked a series of screening questions, just like participants who are recruited for mock trials and focus groups. Only those who are thoroughly screened may then continue to the secured web pages to participate. Party names are changed to further protect confidentiality. When necessary, we can test the case with jurors from a different, demographically matched venue to further ensure confidentiality.



Web "Voir Dire" Web surveys allow us to "test drive" questions in search of those that help distinguish between pro-plaintiff and pro-defense oriented jurors. With such a large sample size, we can statistically analyze the data to create a list of characteristics that help distinguish between those who are most likely to be predisposed against your case.

An Interesting Story Online jurors read case presentations that are quite detailed and explain in considerable depth the “who’s, what’s, and when’s” of the case. We use pictures, either real pictures or representative pictures, to give web jurors a more thorough understanding of the case issues. Jurors report that they find the cases very interesting and found themselves very engaged in their role as a ‘juror.’

After reading the facts, web jurors progress through a series of arguments from the Plaintiff and then from the Defendant. This is a great opportunity to see which arguments web jurors find to be among the most and least persuasive. Finally jurors are given arguments on damages, and after reading the appropriate jury instructions, they render their verdicts, and once again offer written explanations for their decisions.

Sample Liability Question

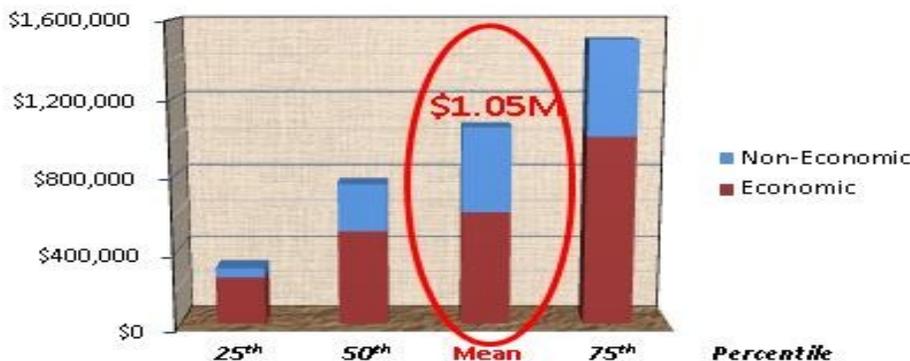
Was the Plaintiff's age a motivating factor in Acme's decision to terminate his employment?

Yes, definitely	90	22%
Yes, probably	160	40%
No, probably not	123	31%
No, definitely not	29	7%
Total	402	100%

Sample Damages Question

Web Survey: Damages

Range of Total Damages (Economic and Non-Economic)



Advantages of Web Surveys

Early Assessment

A web survey, conducted early in the litigation timeline, can provide counsel and risk managers with an early assessment of the potential risks of a case. Case strategy, including discovery, can be developed targeting the issues jurors find most compelling.

Settlement Negotiations

A web survey, undertaken later in the discovery process can be a valuable tool in deciding upon settlement and/or mediation posture. Web surveys provide a view into how jurors value the case. Such insights can be valuable in strategy planning.

Theme Your Case

What themes and arguments are most persuasive? Which are least persuasive? Online juror comments help give insight about how a jury will view your case. Learn the strengths and weaknesses surrounding your case and learn ways to help overcome those weaknesses

Identifying High Risk Jurors

We can statistically review the attitudes, experiences, and demographics of jurors and compare those characteristics to their verdicts to learn how to best spot pro-plaintiff and pro-defense jurors during jury selection.



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Dr. Cannon earned his Masters and Doctorate degrees at the University of Alabama, one of the few institutions in the country that offers a concentration in clinical psychology and law. His academic and applied experience provides a rare blend of expertise in clinical psychology, communication, research methods, and law. In 1998 Dr. Cannon began his

consulting and research practice in forensic psychology and since then has been the lead trial consultant in cases across the country, ranging from insurance defense and corporate litigation, to capital cases and white collar crime.

His principal activities involve witness workshops, focus groups and mock trials, web surveys, voir dire and jury selection consultation, and post-trial juror interviews.

JRI relies upon its experience with thousands of cases in numerous industries and venues across the country to help litigators and corporate clients develop, test and implement winning trial strategies.

With over 25 years of experience, JRI has developed a national reputation for the quality of its work. JRI is committed to providing personalized services tailored to the needs of your case.

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