

Your jurors have changed. Your trial strategy should, too.

By Clint Townson, PhD and Carolyn Spencer-Mork

Between July 6-27, 2020, IMS Consulting & Expert Services conducted two surveys examining how likely it would be for respondents to report for jury service during the COVID-19 epidemic. A total of 494 respondents, who we selected to match the characteristics of Chicago, Houston, Los Angeles, and New York City participated in the research.

The survey included collecting demographic data as to jurors' gender, age, education, financial status, marital status, home ownership, religion, and political affiliation. Importantly, we also examined several attitudinal items pertaining to cognitive ability, authoritarianism, and legalistic reasoning. We also asked several in-depth questions about previous jury service and respondents' attitudes about the American jury system.

We asked respondents about their willingness to serve on a jury in the midst of the COVID-19 pandemic. We also explored their reasoning behind whether they would report, and we asked about which COVID-19 preventative measures would be necessary for them to do so. Finally, we asked for their opinions on what jury service during the pandemic would look like in terms of duration and attentiveness.

As demonstrated below, the overall recruit was successful and we believe predictive. The actual results based on this sampling can be found on our [COVID-19 Resources Hub](#).

4 Major venues

62 Survey items

494 Respondents

Research Sample - Chicago

The Chicago sample (n = 132) was recruited to match a typical Cook County jury panel. The sample provided a close match in all but one aspect: education. The research participants were notably more educated than the venire, although this disparity is less prominent when the sample is divided on the basis of having a bachelor's degree. However, it should be noted that this is consistent with typical jury eligible populations, as better educated citizens are more likely to vote.

Comparison of Sample and Venire (Chicago)

Demographics	Research Sample	Venue Census Data
Gender		
Male	48.5%	48.5%
Female	51.5%	51.5%
Ethnicity		
White	45.5%	42.7%
Hispanic	23.5%	25.1%
Black	22.7%	23.4%
Asian	7.6%	6.9%
Age		
18-24	7.6%	11.9%
25-34	19.7%	20.9%
35-44	18.9%	17.3%
45-54	18.2%	16.7%
55-64	20.5%	15.6%
65+	15.2%	17.3%
Education		
H.S. or Less	10.6%	37.3%
Some College/Associate	34.8%	25.5%
Bachelors	32.6%	22.3%
Graduate	22.0%	14.9%
Income		
Median Household Income	\$63,000	\$59,426

Research Sample - Houston

The Houston sample (n = 113) was recruited to match a typical Harris County jury panel. The sample provided a close match in terms of race, age, and income, but there were notably fewer Hispanics in the sample than in the population. The reduced proportion of Hispanics can likely be attributed to less internet use among this ethnic group*. Hispanics are also less likely to serve as jurors due to language fluency. Additionally, the panel was better educated than the Harris County population, again consistent with typical jury eligible populations.

Comparison of Sample and Venire (Houston)

Demographics	Research Sample	Venue Census Data
Gender		
Male	43.4%	49.7%
Female	56.6%	50.3%
Ethnicity		
White	33.6%	30.1%
Hispanic	30.9%	42.6%
Black	25.6%	18.6%
Asian	8.8%	6.9%
Age		
18-24	12.4%	13.0%
25-34	21.2%	22.2%
35-44	20.4%	19.6%
45-54	19.5%	17.1%
55-64	17.7%	14.5%
65+	8.8%	13.4%
Education		
H.S. or Less	12.4%	42.3%
Some College/Associate	38.9%	26.8%
Bachelors	33.6%	19.8%
Graduate	15.0%	11.2%
Income		
Median Household Income	\$75,000	\$60,146

*Pew Research found in a national sample that only 61% of Hispanics in the U.S. have home broadband. <https://www.pewresearch.org/internet/2019/06/13/mobile-technology-and-home-broadband-2019/>

Research Sample - Los Angeles

The Los Angeles sample (n = 123) was recruited to match a typical Los Angeles County jury panel. The sample provided a close match, although it also included fewer Hispanics than would be expected in the population which can be attributed to the aforementioned internet and language limitations common among Hispanic populations in the United States. The research participants were also notably more educated than the venire, again consistent with typical jury eligible populations, as better educated citizens are more likely to vote.

Comparison of Sample and Venire (Los Angeles)

Demographics	Research Sample	Venue Census Data
Gender		
Male	54.5%	49.3%
Female	45.5%	50.7%
Ethnicity		
White	31.7%	26.5%
Hispanic	34.1%	48.4%
Black	12.2%	7.9%
Asian	21.1%	14.3%
Age		
18-24	17.9%	13.2%
25-34	20.3%	20.4%
35-44	18.7%	17.8%
45-54	20.3%	17.7%
55-64	14.6%	14.8%
65+	8.1%	16.1%
Education		
H.S. or Less	21.1%	42.6%
Some College/Associate	30.1%	26.2%
Bachelors	27.6%	20.4%
Graduate	21.1%	10.9%
Income		
Median Household Income	\$79,000	\$61,015

Research Sample - New York City

The New York sample (n = 126) was recruited to match a Southern District of New York, Manhattan Division, jury panel. The sample was a close match in terms of race (albeit with a great proportion of black and smaller portion of Hispanic respondents) and age. There were fewer non-college educated participants than would be expected in the venire, again consistent with typical jury eligible populations.

Comparison of Sample and Venire (New York City)

Demographics	Research Sample	Venue Census Data
Gender		
Male	45.2%	47.7%
Female	54.8%	52.3%
Ethnicity		
White	40.5%	32.1%
Hispanic	14.3%	29.1%
Black	30.2%	22.0%
Asian	14.3%	13.9%
Age		
18-24	11.9%	11.8%
25-34	12.7%	22.5%
35-44	23.8%	17.5%
45-54	21.4%	16.5%
55-64	20.6%	14.6%
65+	9.5%	17.2%
Education		
H.S. or Less	18.3%	43.0%
Some College/Associate	34.9%	20.3%
Bachelors	29.4%	21.5%
Graduate	17.5%	15.2%
Income		
Median Household Income	\$71,000	\$60,270

Jury consultants who contributed to the research and findings discussed in this report include:



G. Christopher Ritter, JD, Senior Strategy & Jury Consulting Advisor

Chris is a highly sought advisor for top clients seeking guidance and perspective on case theme and persuasion graphics development, witness preparation, as well as focus group and mock trial research. Chris graduated from the University of Chicago Law School and actively tried cases for nearly fifteen years. He served as adjunct professor of law at the University of California, Hastings School of Law for twelve years, teaching courses in trial practice and evidence. Chris has advised clients for more than twenty years on over 500 cases throughout the country, with more than 100 mock jury and focus group projects. He is a prolific writer, drawing on this depth and breadth of experience to share best practices and guidance for clients and peers. Chris's written works include three books published through the American Bar Association, and dozens of articles and case studies on topics including persuasion strategy, trial graphics, witness preparation, and trial war room management.



Carolyn Spencer-Mork, Senior Jury Consultant

A jury consultant for well over a decade, Carolyn has consulted on over 250 cases throughout the country. As a socio-cultural anthropologist, she understands methods of communication, jury psychology, and group dynamics. She offers expertise in the areas of mock trial and focus group jury research, theme development, trial strategy, witness preparation, and voir dire and jury selection methodology. Carolyn is particularly skilled at designing jury research that helps clients gain strategic advantages early in the discovery process. Whether research involves testing potential witnesses in order to craft an effective company story, persuasively contextualizing damaging emails in advance of depositions, or developing an effective case theory to guide discovery, Carolyn helps her clients leverage early insights. She holds a master's degree in anthropology and is fluent in Russian.



Marion Stampley Jr., JD, Senior Jury Consultant

Marion is a jury consultant with expertise in focus group and mock trial research. He has worked on over 300 mock jury and focus group projects throughout the US and Canada and has extensive experience in the areas of research design, witness preparation, selection and management of shadow juries, jury selection for trial, and administration of post-trial interviews. Marion has managed and staffed several multimillion-dollar ERISA, trade-secret, intellectual property, and construction lawsuits, and he has also been a speaker for several CLE conferences and an adjunct professor at multiple universities. He holds a master's degree in communications with specializations in mediation and conflict resolution, along with administrative legal training, and a law degree.



Clint Townson, PhD, Jury Consultant

With a PhD in the field of communication, Clint knows how to deliver crisp, effective courtroom messages. His work as a university instructor enabled him to develop an adaptive instructional style which he now uses when he prepares different types of witnesses for trial. During his training as a trial consultant, Clint became skilled at evaluating mock trial data and identifying the traits that are predictive of verdict outcomes. Through collaboration with professors and fellow graduate students, he learned to apply quantitative findings to practical outcomes. Currently, Clint uses his social science background to help develop sophisticated research approaches, valid and reliable results, and theoretically-grounded strategic recommendations.

Strategy Advisors and Trial Consultants who contributed to the research and findings discussed in this report include:



Jason Barnes, Senior Strategy Advisor

Jason Barnes is a trusted senior advisor to the firm's top clients. A pioneer in the field of trial graphics since 1990, he helped to transform the standard of courtroom presentations from hand-crafted poster board displays to modern digital technologies. With three decades of trial experience, encompassing over 100 trials and more than 500 cases, Jason has a deep understanding of trial preparation and practice. He has a background in engineering, computer science, and graphic design and has contributed to books, presented CLE classes, and provided guest lectures to law school students. Jason serves as associate editor and is a frequent contributor to *The Jury Expert*, a publication of the American Society of Trial Consultants. Today, through his advisory work and thought leadership contributions, Jason continues to shape how technology and graphics are used in the courtroom.



Britta Stanton, JD, Strategy Advisor

As a former trial attorney, Britta pays rigorous attention to details and reviews case issues with laser-like focus. An experienced trial lawyer with nearly twenty years of practice in state and federal venues, and now as a trusted strategy advisor with the company, Britta has advised clients on hundreds of cases and trials. Britta has always been fascinated by the ways people are persuaded, develop beliefs, and make decisions. Thus, at the University of Texas, she chose to study advertising. She went on to Baylor Law School where she learned to persuade judges and juries as a trial lawyer. As an attorney, Britta has served as faculty for the National Institute of Trial Advocacy and worked with mock trial students to teach both law students and young lawyers the art of advocacy. Today, she helps the firm's clients explore how to best persuade juries using everything from trial technology and demonstrative evidence to effective witness preparation.



Jeremy Young, Trial Consulting Advisor

Over the last eighteen years, Jeremy has managed trial strategy development and graphic production for some of the country's highest-stakes trials. He has collaborated with trial teams on over 300 matters in virtually every area of litigation. Recently, Jeremy led our team's efforts on two closely watched trials; FedEx's defense of a \$1.6 billion criminal drug conspiracy case—a case that was abruptly dismissed shortly after opening statements—and the largest ever auditing negligence case to reach trial, where our client sought to recover \$5.5 billion, plus punitive damages, and received a settlement shortly after resting their case.

Jeremy has worked on numerous high-profile antitrust matters and led collaboration with the SEC on more than forty cases, including a trial that resulted in Waste Management's former CFO being found liable on all sixty counts of having falsified company accounts in a \$1.7 billion accounting fraud that remains one of the largest in US corporate history. Jeremy also assisted with the successful criminal prosecution in the 2001 San Francisco "dog mauling" trial.

IMS Consulting & Expert Services IMS Consulting & Expert Services delivers consultative trial and expert services for the most influential global firms. Over nearly three decades, across more than 20,000 cases and well over 1,000 trials, the firms and attorneys most trusted by the Fortune 100 have relied on us to deliver the best-aligned experts and litigation consulting services for their matters and ensure a smooth engagement with each expert and each project from start to finish. Contact us at 877.805.4839 or ContactUs@expertservices.com to learn how IMS can assist you.