Scientific Trial Preparation:

Whoever tells the best story

to the best audience

WINS

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You approach the courtroom for the first day of trial and you wonder . . .

Who are the right jurors?

How will they interpret my facts?

How will the jury be able organize all this information?

Why are our thoughts getting darker and darker?

How will my witnesses come across?

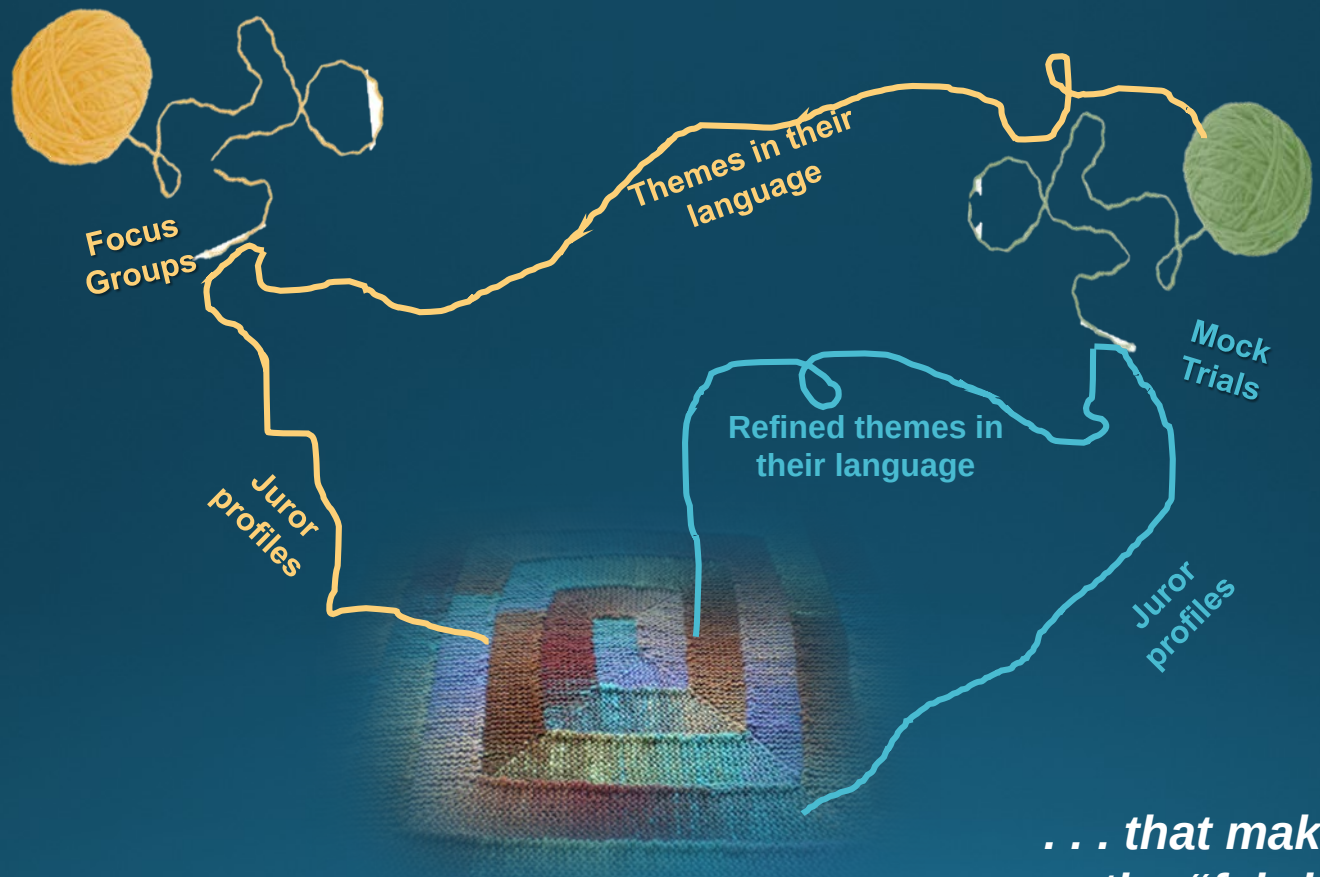
You, the litigators, decide the level of preparedness you need for trial.

Lawyering is a performance profession.

Effective performance requires feedback.

Attorneys cannot get feedback from the decision-makers *until it is too late*

The "Threads" of scientific preparation . . .



. . . that make up the "fabric" of the trial

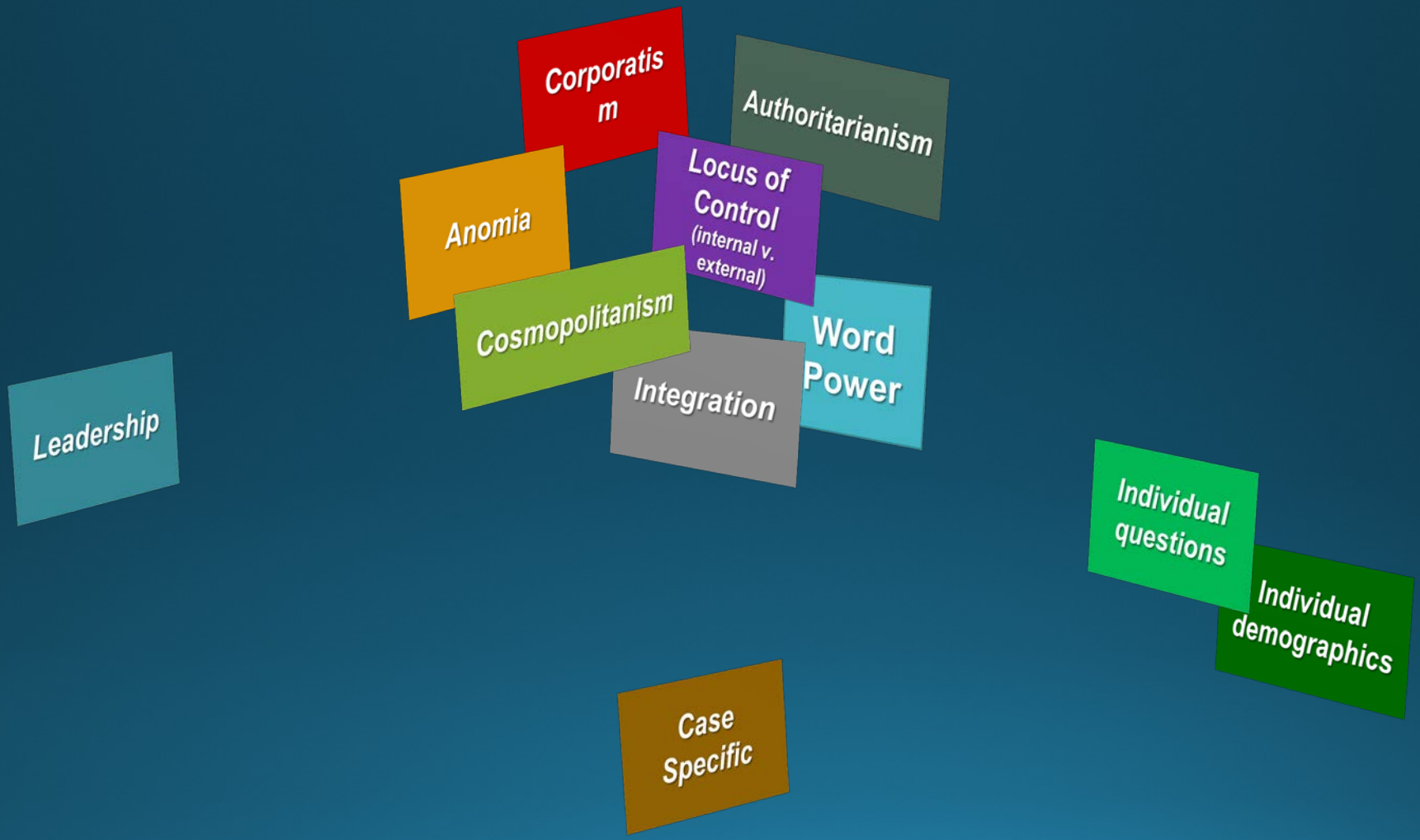
Lawyers can build feedback into their trial preparation.

1. Focus Groups
2. Mock Trials
3. Jury Selection
4. Witness Preparation
5. Story Model Openings
6. Electronic Courtrooms

Focus groups reveal biases

- ✓ All people are biased
- ✓ Filter the issues of your case through those biases
- ✓ Watch group members defend their biases
- ✓ Begin collecting attitudinal and demographic data

Profile Characteristics Measured in 4 clusters



Sample Attitude Questions

Corporatism Questions

1. How much confidence do you have in the people who run major corporations?
2. . . . financial institutions?
3. What is your political position?
4. How do you feel about the amount of money currently being spent on welfare?

1-7 scale

Anomia Questions

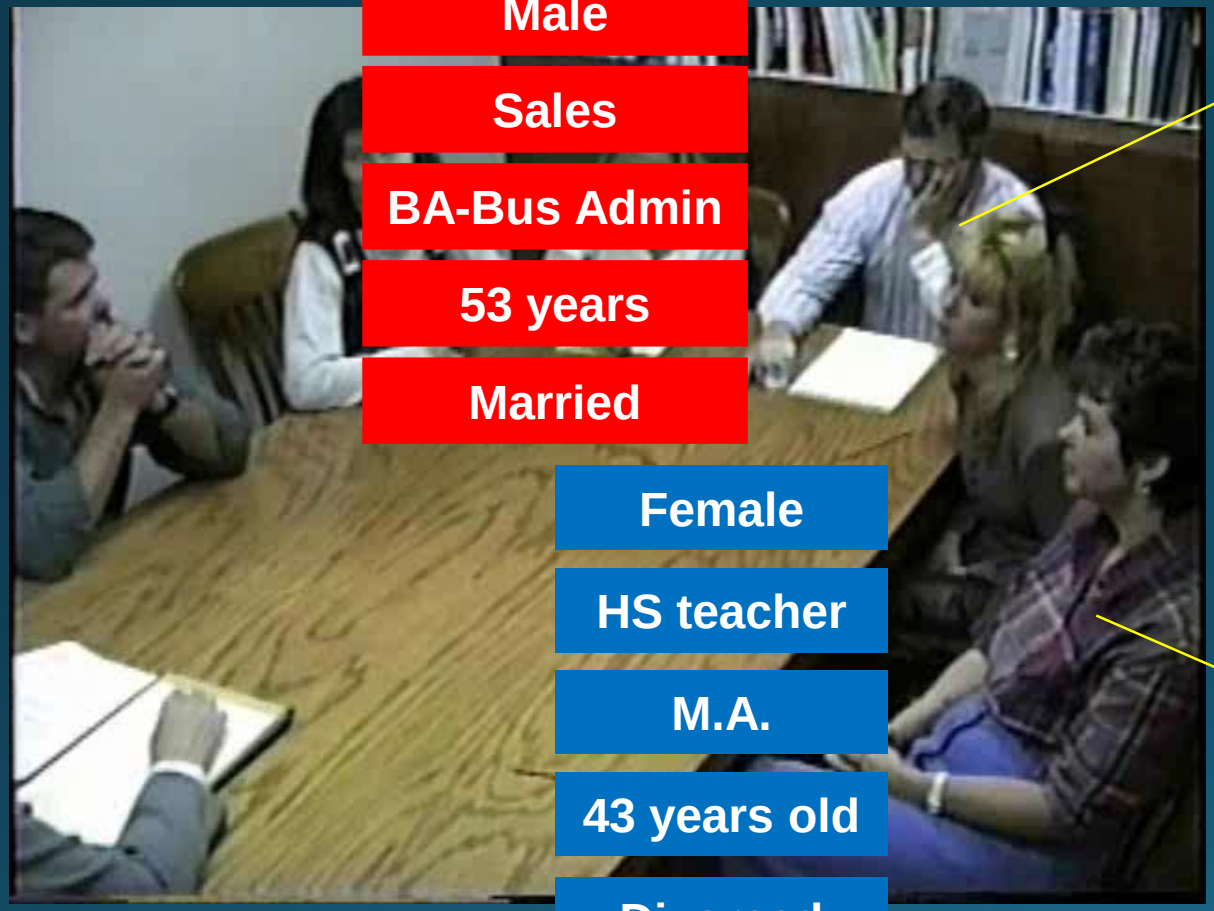
1. It is hardly fair to bring children into this world today.
2. Most politicians do not care about the average person.
3. The condition of the average person is worse today than it used to be.

1-7 scale

Locus of Control Questions

1. Do you feel that when you do something wrong there's very little you can do to make it right?
2. Do you think it's better to be smart than to be lucky?

Yes / No



Male

Sales

BA-Bus Admin

53 years

Married

Female

HS teacher

M.A.

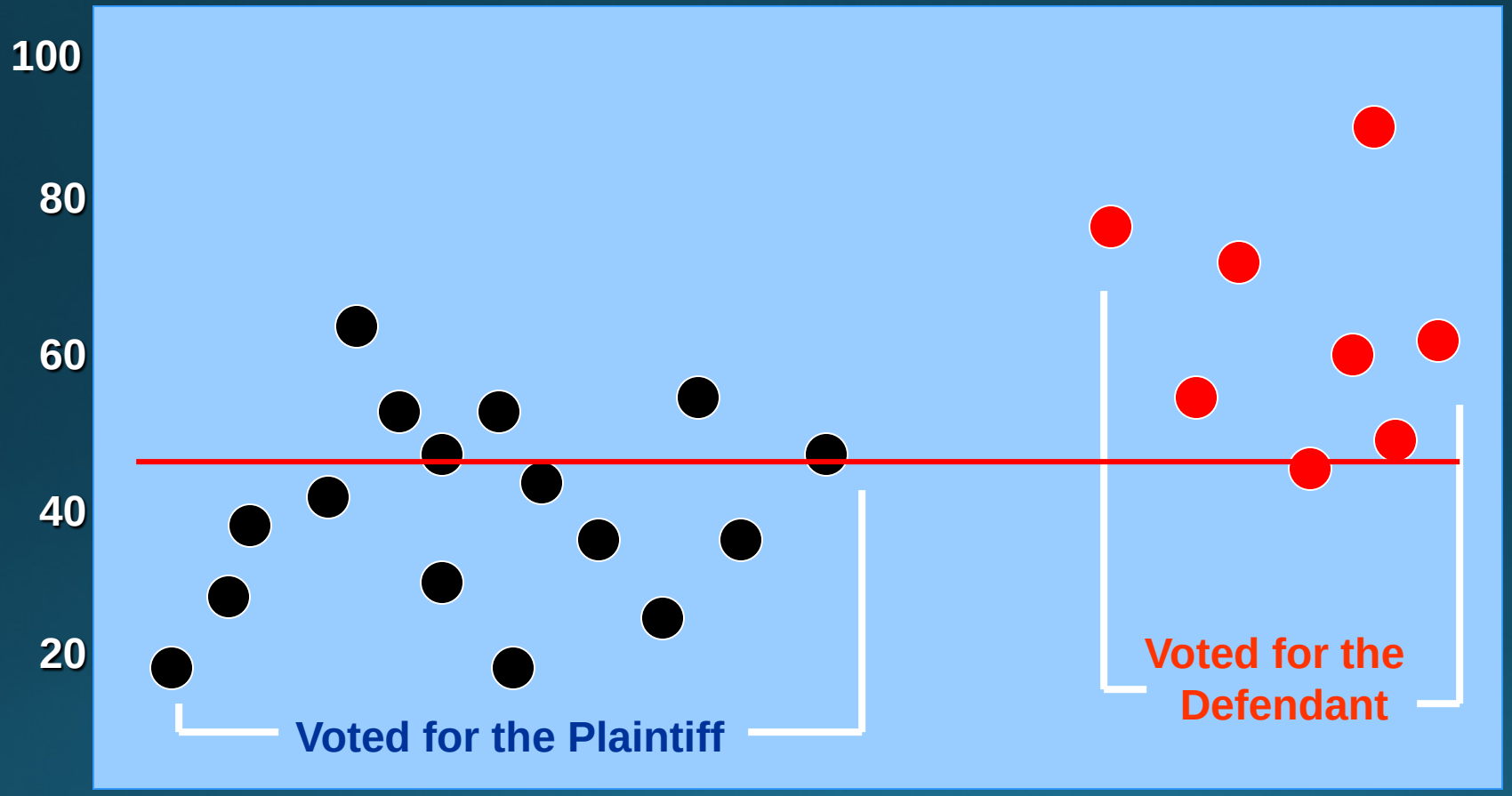
43 years old

Divorced

High Corporatism [92]
Low Anomia [14]
Locus .02

Low Corporatism [38]
High Anomia [59]
Locus .6

Corporatism Scores Among Focus Group Members



Voir Dire Theme

Opening Theme

A corporate shell game

Owner: Dr. Wilson

Owner: Dr. Wilson

Owner: Dr. Wilson

Voir Dire Themes

Breach of Contract

Mock trials

Add elements of competition and style

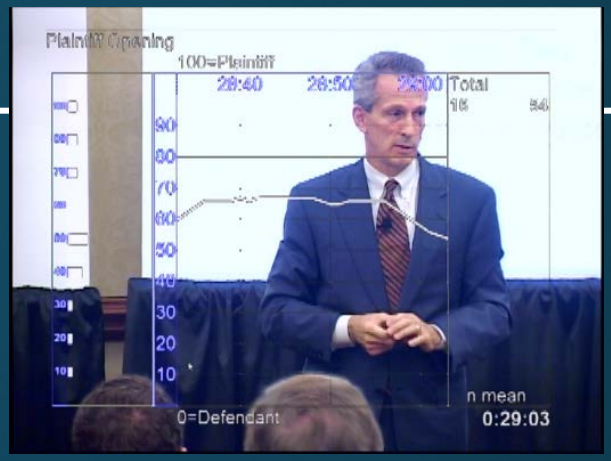
Simulated to be as close to actual trial as possible

Our mock trials generate . . .

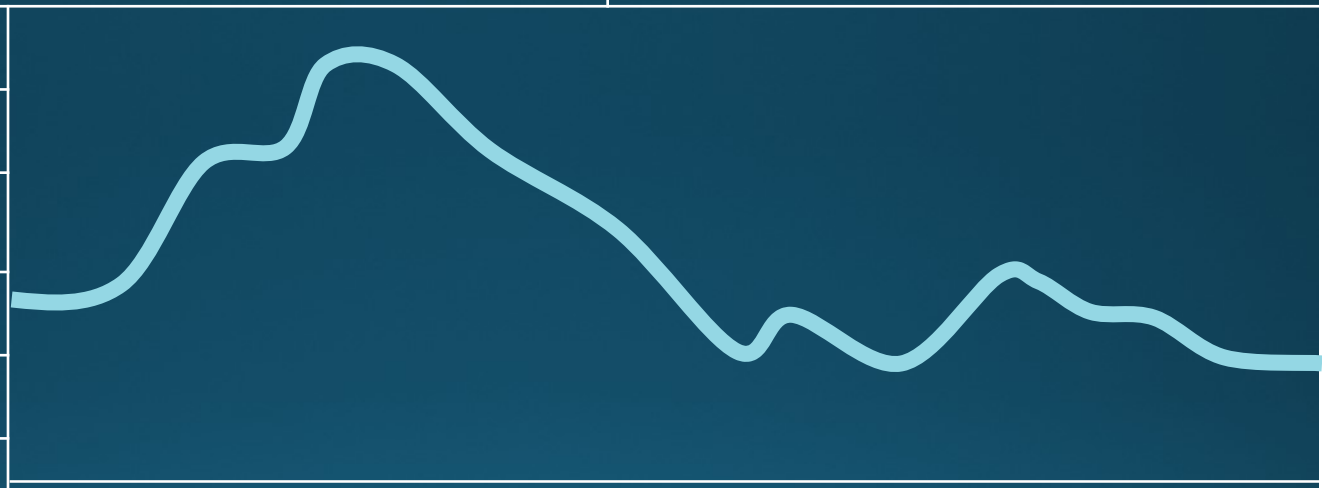
- Written feedback (surveys)
- Electronic feedback
- A verdict and verbal feedback (deliberations and debriefing)

JURORS

5	2	-5	3	3
2	2	-3	1	3
2	2	3	2	1
AVE=1.5	030|49||	GROUP AVERAGE		



1	5
0	4
4	3
6	2
2	1
0	0
0	-1
0	-2
1	-3
0	-4
1	-5



Plaintiff Opening
100=Plaintiff
Total
90
80
70
60
50
40
30
20
10
n mean
0=Defendant
0:28:29

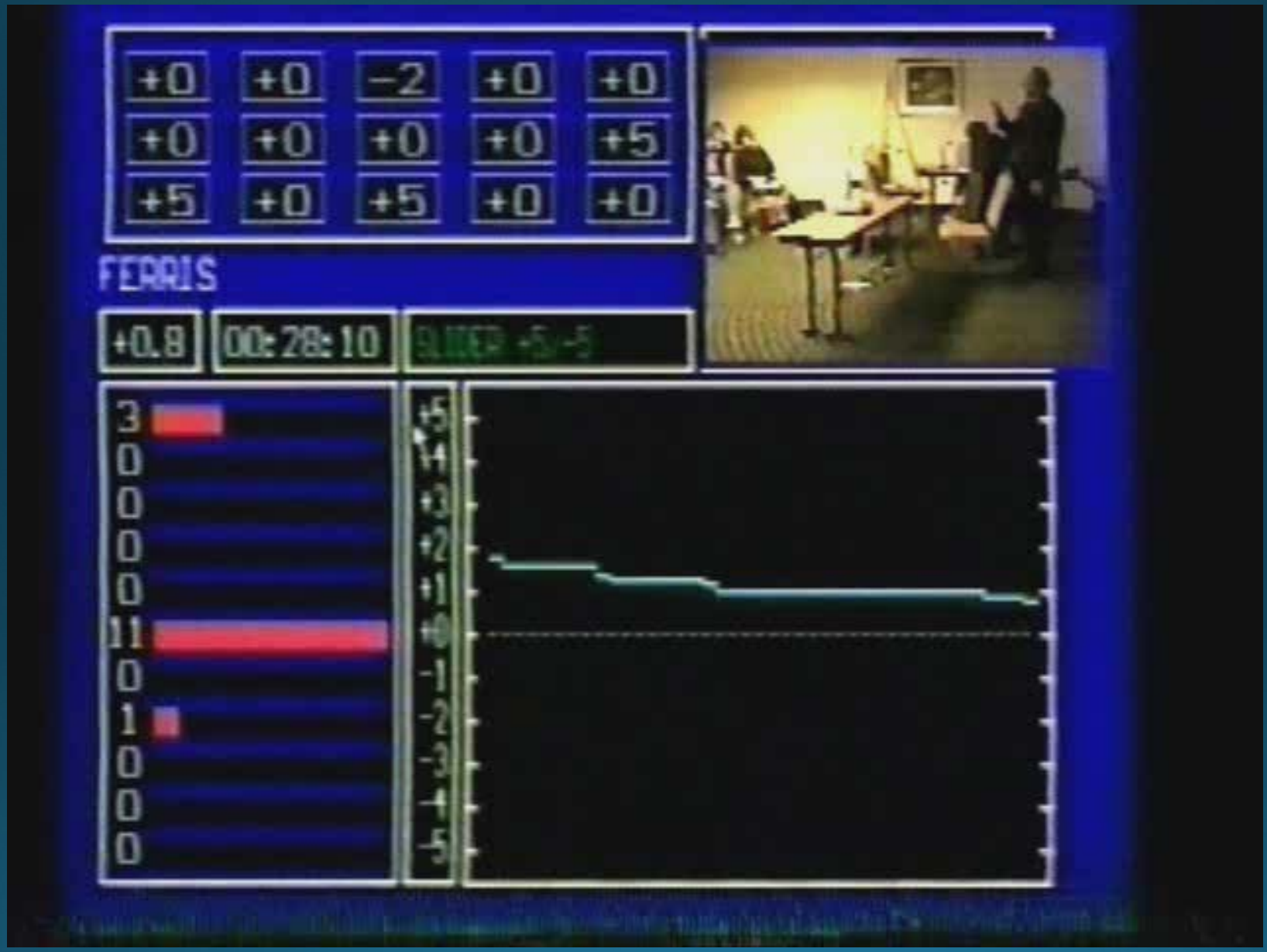
Conspiracy / Anti-Trust

Credibility Assessment of American Witnesses

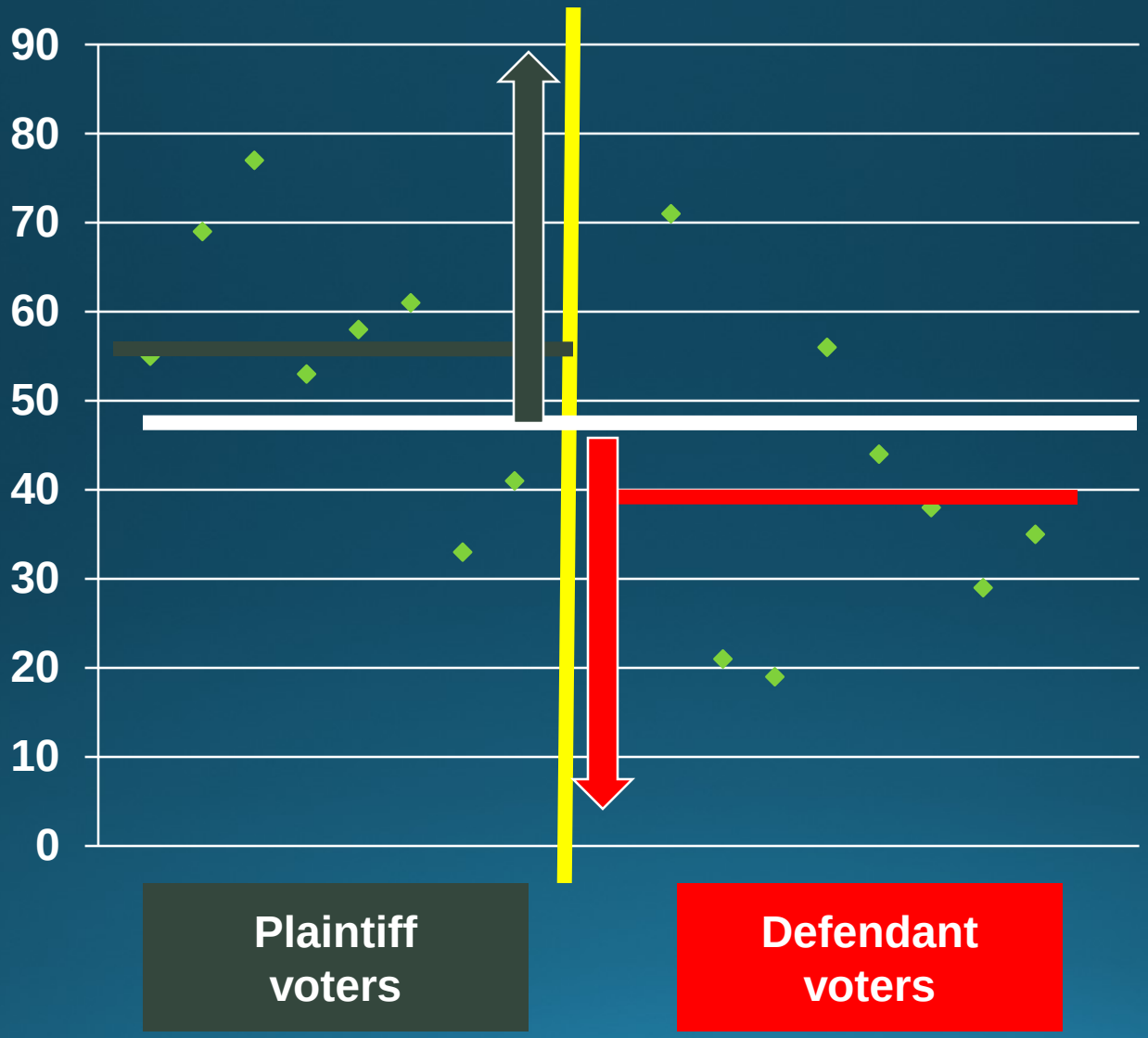
Note: Ratings were based on a 10-point scale. Higher numbers reflect more favorable evaluations.

	Expertise	Knowledge	Objectivity	Trustworthy	Informative	Clear
Garton	6.61	7.11	5.33	5.78	6.19	6.81
DeCross	7.11	7.36	5.94	6.20	6.91	7.71
Curry	8.58	8.72	7.50	7.98	8.53	8.58
Garner	3.02	3.08	2.89	2.14	2.11	2.53

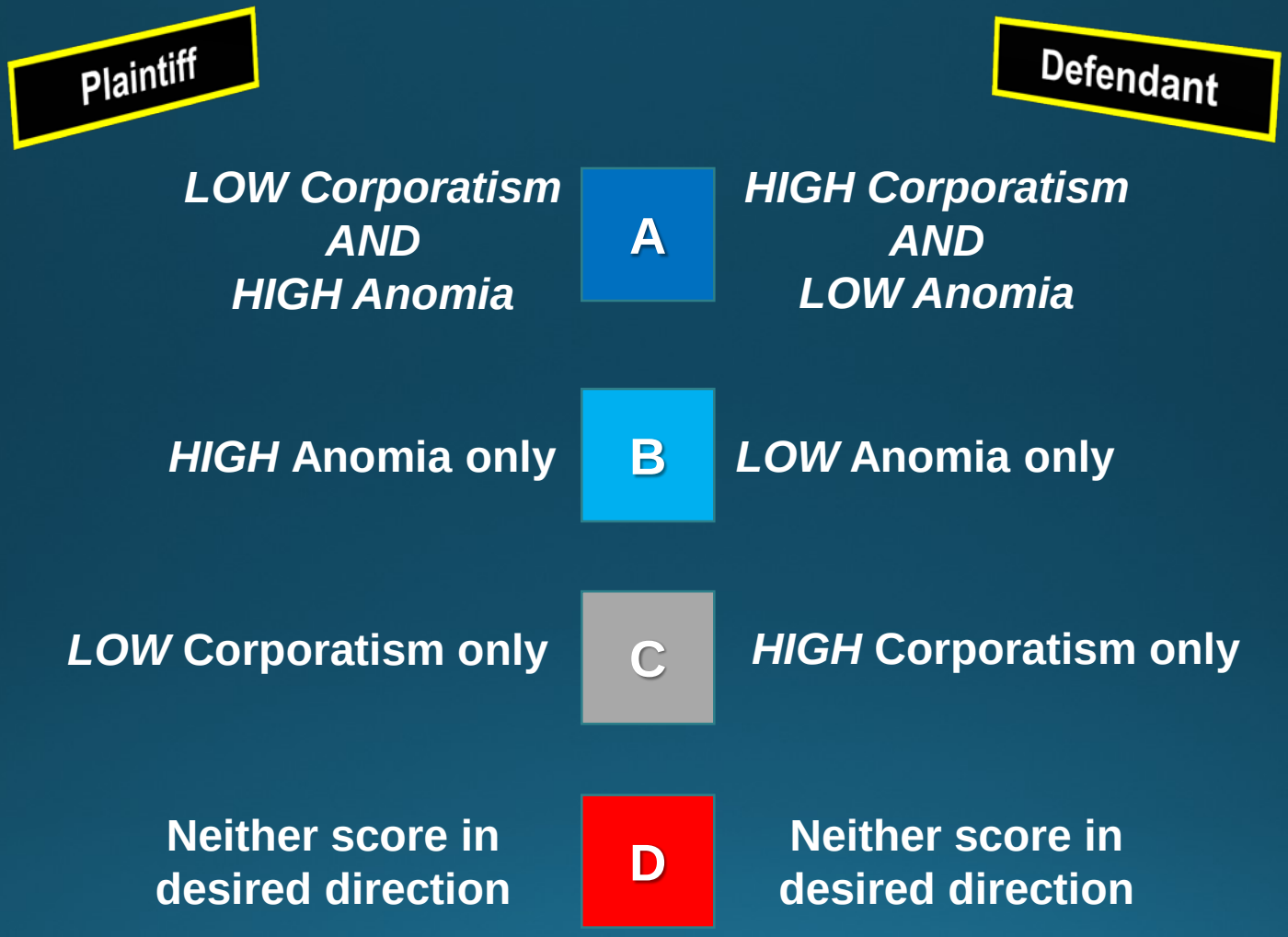
Conspiracy / Anti-Trust


+0 +0 −2 +0 +0
+0 +0 +0 +0 +5
+5 +0 +5 +0 +0
FERRIS
+0.8
00:28:10
3
0
0
0
0
11
0
1
0
0
0
+5
+4
+3
+2
+1
0
-1
-2
-3
-4
-5

Anomia Scores



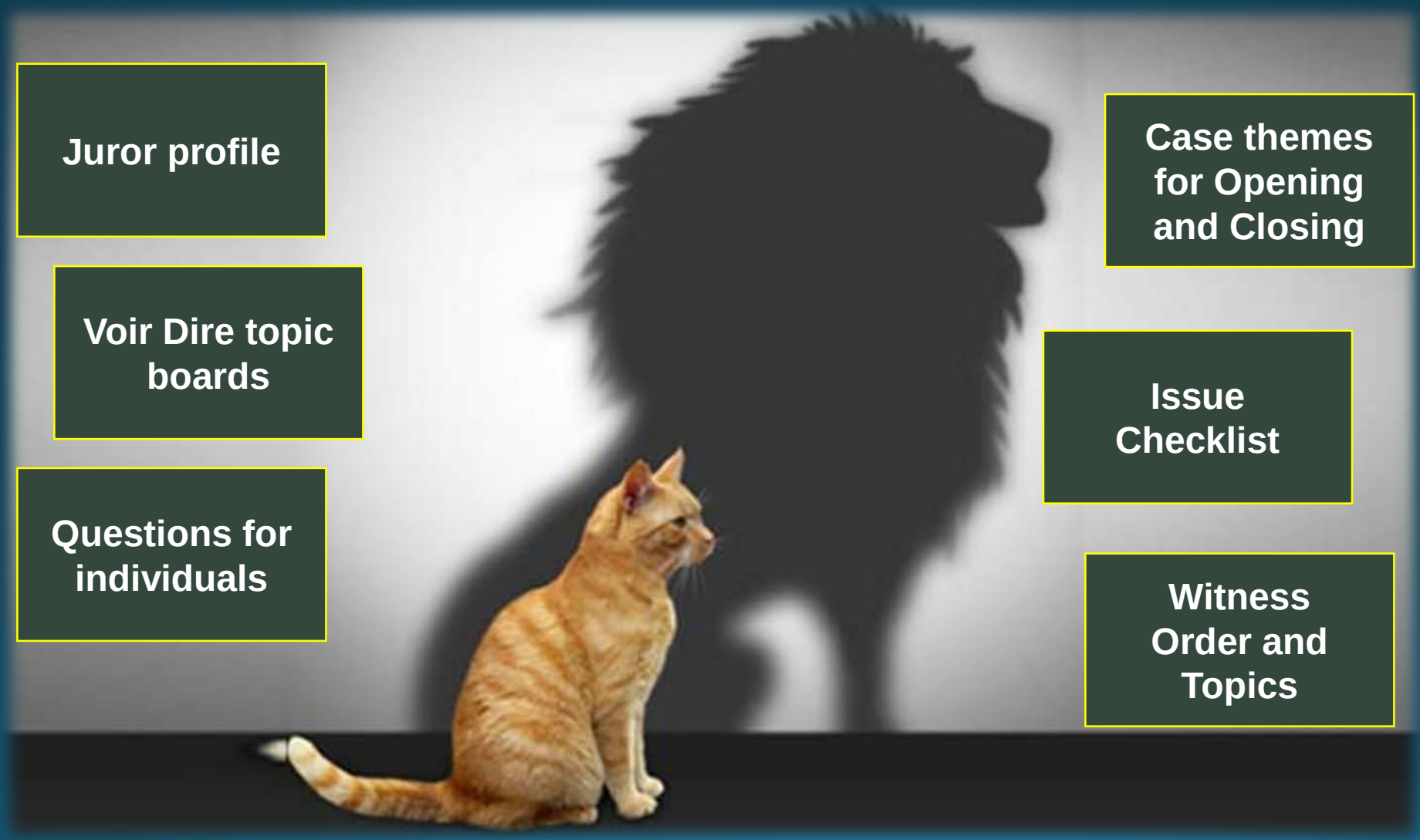
Now we have our "ideal" juror profile



The Scored Jury Spreadsheet

SEAT #	GROUP #	BADGE #	NAME	GENDER	AGE	MARITAL STATUS	EDUCATION	OCCUPATION	CORP	ANOMIA	RATING	COMMENTS
	533	573369	Almata, Marto Francis	M	62	Divorced	High School	Custodian	58	76	A	How does he handle situations at work where there might be germs/bacteria?
	531	625447	Amon, Keith	M	59	Single	Less than High School	Unemployed	49	91	A	what was his last job?
	531	810880	Amplee, DeeDee	F	42	Married	Some college	School Secretary	52	41	C	does she take any special precautions around sick or injured (bleeding) kids who come into the office? Had a child molestation case--what impressions did that leave on her about the civil system?
	533	636856	Bauchman, Jeri	F	67	Widowed	Some college	Semi-retired / Accounting	77	36	D	Vacation: Out of town 8/5-8/12, trip to Russia 7/16-7/28, trip to Australia 9/20-10/31
	530	798537	Benedict, Dennis	M	50	Married	Some college	Construction	84	50	D	Excuse: Work layoffs - if I leave I will be laid off. Describe his job in more detail; prior jury service
	529	817942	Beamer, Cindylou	F	47	Married	Less than High School	Self-employed / Caregiver	46	77	A	does she have to do anything special in terms of being germ free with her clients?
	531	899994	Brie, Mary	F	66	Married	Less than High School	Retired	83	81	C	retired from what?
	530	793239	Busaly, Don	M	74	Married	Some college	Retired Financial advisor	84	54	D	his wife was a doctor. What type of work did she do?
	529	710976	Colham, Bobby	M	57	Married	High School	Mechanic	72	73	C	Wife is in catering. What does she do for sanitation issues?

What do we have now?



Juror profile

Voir Dire topic boards

Questions for individuals

Case themes for Opening and Closing

Issue Checklist

Witness Order and Topics

You approach the courtroom for the first day of trial and you wonder . . .

Low Corp
High Anomia

Who are the right jurors?

How will they interpret my facts?

The way the focus groups did

How will the jury be able organize all this informatio

I have arranged the

I'm gonna WIN!

How will my witnesses come across?

atings and good rehearsal at the mock trial