

# JAG Trial Strategies



## **Summary Jury Trials, Mock Jury Trials and Focus Groups**

The Judicial Arbitrator Group, Inc. is equipped to assist counsel in trial preparation, strategic planning and settlement valuation through the use of summary and mock jury trials or the more controlled environment of a focus group.

With a readily available list of qualified jurors from various jurisdictions, the Judicial Arbitrator Group is able to provide counsel with a diversified, representative jury panel to develop trial strategies or value litigation. Representative jury panels coupled with experienced arbitrator insight make the use of such innovative trial planning another effective tool for counsel to employ.

The use of focus groups in testing consensus opinion, while not unusual in other disciplines such as marketing research, are relatively new to litigation.

With the focus group approach, counsel, an arbitrator, or a neutral third party, present various aspects of specific litigation in a controlled environment. Evidentiary issues and facts are presented to members of the focus group either in writing or orally.

Often times these presentations are done by “layering” the issues and facts to determine particularly sensitive or strong issues and positions. After each cumulative piece of information is provided to members of the focus group their responses can be examined by counsel. Use of the focus group methodology can eliminate or greatly reduce the impact of “lawyering” and personalities in trial presentation and allow sample jurors to study and respond to particular facts and issues.

The mock and summary jury trials are both procedures that more closely approximate an actual traditional trial by jury. Counsel exclusively presents evidence in the more familiar format in a proceeding monitored and directed by a JAG arbitrator.

While evidence and witnesses may be presented in both an oral and written format and summarized for brevity, jury members receive information just as in a public court trial. Both trial presentation of counsel and jury deliberation can be videotaped for later review and study. Upon conclusion of the trial, counsel can view jury deliberations simultaneously as they occur to experience more fully the dynamics of jury deliberations.

While the use of these techniques often involves only one party to specific litigation, opposing counsel involved in cases can participate in such programs, even agreeing that any verdict produced in this format would be binding.