

Lessons to trial lawyers from a juror

Attorneys need to keep in mind the attention span of their audience

👤 By: Christian Moises, News Editor 🕒 April 28, 2011 💬 2 Comments

The jury duty summons. A piece of mail that's more dreaded than bills for some people.

And after 11 years of dodging the bullet, I finally received my first in early March, though I figured working in the news media would be my way out.

Three days of service later, I was glad to have been selected.

The experience was enlightening and educational, and, in a sappy way, I felt as though I had done my civic duty. It was nice to be a part of the system.

But there were several things that left me scratching my head.

As a journalist, we are trained to ask questions, many questions, to fully understand what we're tasked with covering.

Having to rely on and trust the attorneys from both sides to provide all the information necessary to make an educated decision without asking any questions was frustrating — and challenging.

Were they telling me everything I needed to know or only what they wanted me to hear so they could win their argument? Were the witnesses telling the "whole truth?"

A presenter at a recent journalism conference asked a panel of award-winning reporters if they were writing their stories for their readers or for their peers.

Journalists try to "out-write" other journalists to attract readers, and attorneys try to out-lawyer other attorneys to win cases. It's not uncommon for professionals to lose sight of their audience when they try to impress others in their respective industries.

Everyone wants to be the best in their field and respected among their peers, but a return to focus on your audience is necessary.

I don't expect my experience to change the 7th Amendment, but I hope it serves as a learning experience for trial attorneys.

After three days in the courtroom, we were sent off to deliberate and finally see for ourselves all the evidence we had heard about. Unfortunately, the evidence was presented to us at about 6 p.m. in a binder more than 1,000 pages thick. We had been locked up since 8:30 a.m.

Jury duty isn't a choice. Jurors miss work, and those who are self-employed simply lose a day's pay save the \$30 daily compensation from the parish.

Jurors come from varying educational backgrounds, socioeconomic standings and represent an array of principles.

Time is precious. Attention spans aren't what they used to be. Using big words and technical phrases doesn't exactly keep people's attention and may actually confuse certain jurors.

It seems the courtroom, when dealing with a jury, is the perfect setting to employ the KISS method: Keep It Simple, Stupid. After all, the jury is the group that makes the ultimate decision, and you want to make sure that you not only have their complete attention but are effectively communicating with them.

Fortunately, this was a civil case and the simple facts were enough to help the jury make an almost unanimous decision. Maybe I didn't get to witness the most savvy plaintiff's attorney during my first time in the box — I'll find out next time I'm selected — but hopefully other trial attorneys will take something away from Juror No. 10's experience.

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2 COMMENTS



Jennifer McCormack
May 3, 2011 at 8:54 am

Wow! this article is absolutely fantastic. So wonderfully true and exactly the way we all feel. Thanks for the insight . You always capture an audience when you keep it real. Great job!

J. McCormack

Reply



Mike Rothrock
April 29, 2011 at 11:47 am

As a trial lawyer, I love this article. I cannot tell you how many excuses I have heard in all my trials by folks trying to get off of a jury; if they would only channel their determination and creativity into their usual lives we would be an invincible country. Without the jury, the system doesn't work and its refreshing when people appreciate doing their service to their fellow citizens.

Your feelings about deliberations are shared by virtually every juror. Unfortunately, some things that are related to the "whole story" can't be shared because of the rules of evidence we are obligated to live by.

Trial lawyers are a varied breed and some are better than others. The really good ones seek to find out what jurors like yourself want to know ahead of time by conducting focus groups and mock trials. Then they attempt to answer those questions you want to ask but can't in the trial. They also understand the KISS principle. Here

in Raleigh yesterday, the jury on a high-profile murder trial (which has become the longest non-capital murder trial to be tried here) passed a note to the judge:

"Please encourage the attorneys to use time more wisely. Shortened days prolong this process. We are hoping to finish this soon! Please ask them to have their witnesses ready to go. We want our lives back."

Yikes.

Reply

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