

How Civil Juries Really Decide Cases

What is a jury's process of deliberation during a civil trial? How do jurors process the information they receive in the courtroom? What factors influence their decisions? These were some of the questions answered Friday during the program, "How Civil Juries Really Decide Cases," at the ABA Midyear Meeting in Los Angeles.

The program featured panelists Shari Siedman Diamond, American Bar Foundation; Matthew Butler, Nicholas and Butler LLP; Chauntis T. Jenkins, Porteous Hainkel and Johnson LLP; and Gregory Bergman, Bergman and Dacey, Inc. who discussed recent research from the American Bar Foundation that analyzed more than 800 juror questions made during civil trials in Arizona.

Providing rare insight into juror thinking, the research shows that juries take their decision making seriously. Rather than biased advocates for one side or the other, as many believe, juries are intensely engaged in the process of problem solving, realizing that it will be ultimately up to them to deliver a verdict.

The perception is that jurors have strong verdict preferences, said Diamond. However, "jury deliberations rarely begin without ambiguity."

Findings also indicate that jurors:

- Pay close attention to jury instructions as a guide to their duties
- Expect conflicting witness and expert testimony
- Draw on personal experience to form trial impressions
- Are aware of the action "off stage" – behavior of all persons in the courtroom
- Increasingly have relevant occupational expertise

The session was sponsored by Young Lawyers Division and the American Bar Foundation.



Shari Siedman Diamond of the American Bar Foundation reviews recent research on the behavior of jurors.