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Why You Need to Use a Supplemental Juror Questionnaire for Your Next Case

The past decade has seen a steep rise in the judicial acceptance of supplemental juror questionnaires (SJQ's), and the reasons are clear. When used properly, SJQ's:

- Are an efficient and economical means of gathering information on potential jurors' demographics, attitudes, life experiences and beliefs,
- Can expose potential jurors' acceptance of damaging myths about the justice system,
- Are more likely to garner objective and complete information than oral voir dire, especially since sensitive and/or personal information is disclosed in advance, in writing, and in private,
- Provide preliminary information that can be tagged and followed up during oral voir dire, and
- Allow the parties on both sides to walk away with more confidence in the outcome of a trial.

Yet despite these benefits, many attorneys remain resistant to the idea of utilizing written questionnaires for jury selection. Some are unaware of the ever-increasing number of judges who approve of them, and others are resistant to lapses in traditional notions that instinct and intuition, alone, are adequate predictors of juror bias.

Or they may simply recognize the fact that designing and executing a written questionnaire is outside their area of expertise. And it often feels easier to stick with what you know - or at least what you've always done - instead of attempting to forge new territory during the crunch of trial prep. But just because SJQ's go against "tradition" is no reason to deprive you, or your client, of their many benefits.

Yes, there are associated costs and administrative needs, but these are always outweighed by the efficiency and insight that is gained. An effective questionnaire will expose the attitudes, beliefs and life experiences that will prevent a juror from being able to fairly evaluate your case.

But not all SJQ's are created equal. And this is where a trial consultant can be particularly useful, especially one who is well-versed in both questionnaire design and in the specific issues of your case.

1. The SJQ should be as short as possible, not only to help ensure its acceptance by the court, but also to make it less taxing to fill out and then analyze.
2. All of the "items" (questions) should be correlated to potential jurors' verdict orientation, even though the connection will often not be obvious. A talented consultant will be able to devise a few strategic questions that will yield actionable, yet inconspicuous, results.
3. Ensure the court's acceptance by getting both sides to agree on the content and form of the SJQ. This may entail some compromise but in the long run it will be worth it.

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4. If necessary, a Motion for Inclusion must be filed, and should specifically address whatever issues the opposition presents (i.e., time, expense).
5. Be sure to utilize every formatting trick and turn of phrase you can think of to make the final version as succinct and manageable as possible. Where it makes sense, save space by minimizing "open-ended" questions, and utilizing "forced choice" or checked-box questions.

In summary, it is no accident that the popularity of SJQ's is growing by leaps and bounds. Attorneys who are curious enough to employ a written questionnaire for their next jury selection may find themselves pleasantly surprised by both the benefits they derive and the ease with which it is accepted by the court.

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