Peoria Bar Association

AI in Jury Selection: Navigating this New Frontier

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Articles

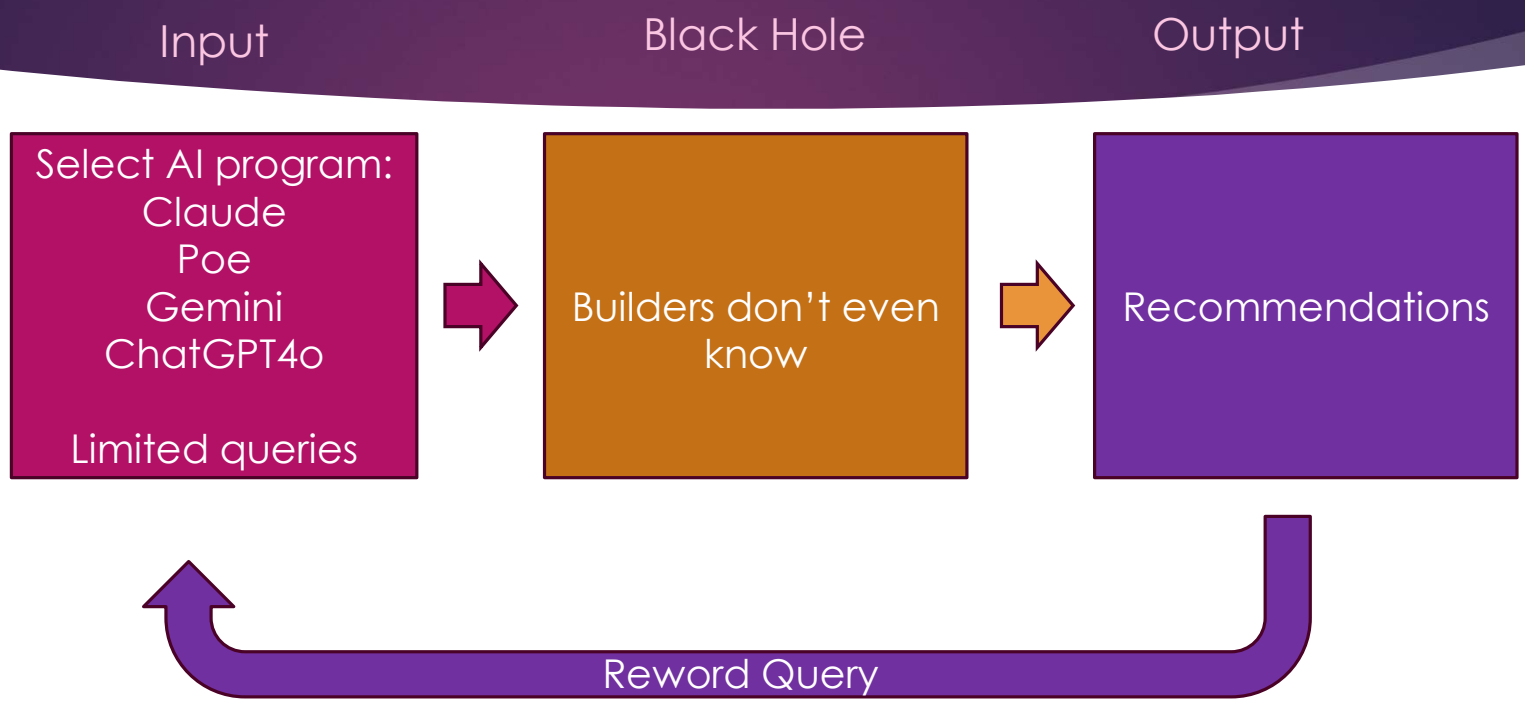
- Hoosier Justice: AI and Jury Selection in Indiana (Hoosier Justice: AI and Jury Selection in Indiana, Res Gestae, Sept. 2024, Vol. 68, No. 2, pp. 19-23)
- AI Assisted Jury Selection in Illinois: Promises and Perils (Promises and Perils: AI in Jury Selection in Illinois, Illinois Bar Journal, October 2024, Vol. 112 No. 10, pp. 26-31)
- Selecting the Right AI Tools for Witness Preparation (Indiana Lawyer, November 20, 2024)
- AI and Witness Preparation: A New Approach (in preparation)

Focus Groups/Mock Trials

Goal is to discover LIFE EXPERIENCES

THEME DEVELOPMENT

Flow Chart for AI



Levels of AI Juror Search

I. You do the research yourself and get recommendations from AI, then draw your own conclusions

II. I do the research and match AI recommendations, combine them with live focus group feedback to get a workable case theme – no juror scrubbing

III. Have algorithms look at the data you input and then you make the final decision to accept or reject the juror-advanced juror questionnaire helpful, but not required

IV. Requires advanced juror information (supplemental juror questionnaires) - AI ranks jurors (1-12) from most favorable to least favorable

- Each service charges depending on the complexity of your search
- Supplemental Jury Questionnaires

Sample Case on how AI can Help with Jury Selection

- Example of level I research
- Nursing home/wrongful death case in Indiana

Provide a profile of the most favorable plaintiff's juror in a wrongful death nursing home case in Marion County, Indiana.

Psychographics:

- High empathy and compassion
- Strong sense of duty and responsibility
- Moderate to high trust in healthcare professionals
- Personal experience with elderly care

Attitudes and Beliefs:

- Critical of nursing homes
- Distrustful of large corporations
- Believes in legal accountability
- Sympathetic to plaintiffs in wrongful death cases

Behavioral Traits:

- Analytical and thoughtful decision-makers
- Good communicators
- Less likely to have implicit biases against the elderly

Provide short, effective case themes for a wrongful death nursing home case in Marion County, Indiana.

"Broken Promises and Neglect: Seeking Justice for Our Vulnerable Loved Ones"
Key Points:

- **Breach of Trust:** "The nursing home promised to provide a safe and caring environment for [Deceased's Name], but they failed to uphold their duty."
- **Negligence and Abuse:** "Evidence shows a pattern of negligence, inadequate staffing, and substandard care leading to [Deceased's Name]'s untimely death."
- **Systemic Failures:** "This is not an isolated incident but a systemic issue within [Nursing Home's Name], affecting many vulnerable residents."
- **Emotional Impact:** "The ***pain and suffering** endured by [Deceased's Name] and their family are immeasurable and should never have happened."
- **Call to Action:** "Holding [Nursing Home's Name] accountable will help prevent future tragedies and ensure that our loved ones receive the care and dignity they deserve."

Note: Avoid using "pain & suffering"; use synonyms like torment, misery, agony, etc.

(Pain is getting a root canal – suffering is thinking about it.)

List the top 5 voir dire questions to identify jurors most sympathetic to the plaintiff in a wrongful death nursing home case in Marion County, Indiana.

1. **Experience with Elderly Care**: "Have you or someone close to you ever had to place a loved one in a nursing home? Can you tell us about that experience?"
2. **Views on Nursing Homes**: "What are your thoughts on the quality of care provided by nursing homes in general?"
3. **Trust in Corporations**: "How do you feel about large corporations, particularly those that operate nursing homes or healthcare facilities?"
4. **Empathy and Responsibility**: "Are you or have you ever been involved in community service or volunteer work with the elderly or vulnerable populations? What motivated you?"
5. **Legal System Beliefs**: "Do you believe the legal system plays an important role in holding individuals and organizations accountable for their actions, especially in cases involving vulnerable individuals like the elderly?"

Provide a short, concise closing statement for the plaintiff.

Introduction:

- "Ladies and Gentlemen of the jury, we have shown you the heart-wrenching story of [Plaintiff's Name] and the broken promises of [Nursing Home's Name]."

Negligence Overview:

- "The evidence demonstrates clear neglect, understaffing, and failure to meet basic care needs, leading to [Deceased's Name]'s preventable death."

Witnesses and Evidence:

- "Witnesses testified about deplorable conditions and ignored complaints, showing a pattern of negligence."

Call for Accountability:

- "This case is about holding [Nursing Home's Name] accountable and preventing future tragedies."

Final Appeal:

- "We ask you to find in favor of the plaintiff and deliver justice for [Deceased's Name]. Let's ensure their suffering was not in vain.“ These summaries should fit well into a slide presentation, providing clear and concise information for each point.

How Confident are you in Juror "A"?

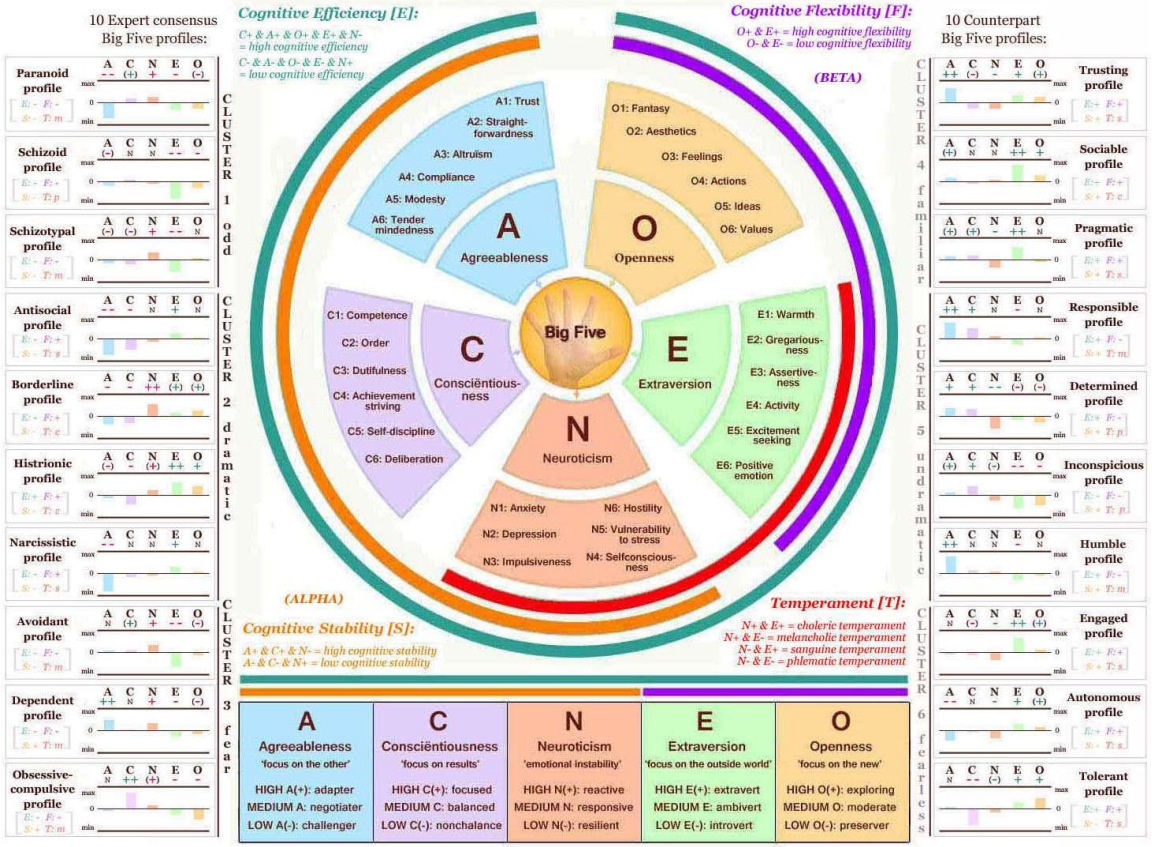
- AGE
- GENDER
- RACE
- MARITAL STATUS
- EMPLOYMENT
- EDUCATION
- CRIMINAL RECORD
- HOBBIES
- PROPERTY RECORDS
- LICENSES
- LAWSUITS
- ZIP CODE
- TWEETS
- LIKES
- LINKEDIN
- NEWS/NEWSPAPERS
- VOTING HISTORY

UNITED STATES DISTRICT COURT FOR THE Northern District of Illinois; U.S. v. Madigan, Case No. 22-cr-115

- …jury selection and voir dire based on the heightened risk of undue prejudice as the result of pretrial publicity, including investigation of potential jurors' public social media posts…and allowing robust follow-up voir dire on this issue.

The Big Five personality dimensions, a.k.a. the 5 Factor Model

+ it's 30 facets according the NEO PI-R Personality Inventory [featured with 4 meta factors] & 35 prototype Big Five profiles!



A	C	N	E	O
Agreeableness	Consciëntiousness	Neuroticism	Extraversion	Openness
'focus on the other'	'focus on results'	'emotional instability'	'focus on the outside world'	'focus on the new'
HIGH A(+): adapter	HIGH C(+): focused	HIGH N(+): reactive	HIGH E(+): extravert	HIGH O(+): exploring
MEDIUM A: negotiater	MEDIUM C: balanced	MEDIUM N: responsive	MEDIUM E: ambivert	MEDIUM O: moderate
LOW A(-): challenger	LOW C(-): nonchalance	LOW N(-): resilient	LOW E(-): introvert	LOW O(-): preserver

* The 10 expert consensus profiles (displayed on the left side above) represent average values from 478 expert ratings published in 2 reports (Samuel & Widiger, 2004 + Lynam & Widiger, 2001); the 10 counterpart profiles (displayed on the right side above) represent the complementary parts of the expert consensus profiles. Additionally, 1 'neutral profile' + 14 other profiles derived from results reported in other studies, have become available (these 15 profiles are displayed below).

Plaud for Witness Preparation

Nordstrom Method of Witness Prep

Initial Session: Prepare a list of key questions for the witness to answer. During the first session, the witness records their responses using a voice-to-text device. This session should be conducted in a distraction-free environment and typically lasts less than an hour.

AI Analysis: After the initial recording, the AI analyzes the statement, identifying areas for improvement and generating a word cloud to visualize key concepts and their frequency.

Follow-Up Session: In the second session, the attorney reviews the AI-generated feedback with the witness, addressing any unclear or underdeveloped areas. This collaborative review fosters confidence and ownership in the witness's testimony.

accident
walking
complications
healing
another
leg
three
knee
speed
injury
surgery
work
crash
permanent
sleeping
serious
recovery
injuries
damage
sudden
years
long
time

- Word Cloud

First Use of Generative AI in a Federal Trial *U.S. v. Michel, 19 cr 148, Document #310, 2024, DC*

- Michel, rapper, claims his defense lawyer was ineffective for using AI to draft his closing argument.
- "The closing argument was defective, unhelpful and missed opportunity that prejudiced the defense."
- Michel's appeal was recently denied.

Ethics

- Ensuring compliance with court rules
- Addressing potential biases in AI algorithms
- Transparency and disclosure considerations
- All “scrubbed/mined” data is public
- Explainable AI
- How will courts react?
- How will jurors feel about a deep dive into their personal history?
- Hallucinations

AI Hallucinations

- AI hallucinations pose a critical threat to any AI search. Is AI trustworthy ?
- A digital mirage – they are simple mistakes of either omission (leaving some data out) or commission by making up stuff

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