

JURORS' VIEWS IN PANDEMIC TIMES

What Jury Research Shows

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Discovery Services

- Court Reporting
- Process Service
- Language Services
- Records Retrieval
- Interactive real-time depositions
- Video depositions with synchronized text
- Video Conferencing
- Video Playback



Jury Consulting

- Jury Research
- Focus groups, online jury research, mock trials
- Demographic research, change of venue studies
- Care risk assessment
- Witness communication training
- Jury selection/voir dire
- Social media surveillance



Graphics Consulting

- Visual Communication Consulting/Strategy
- Concept development
- Graphics and presentation design
- Technical and medical illustration
- Tutorials, 3D animations/recreations
- Large format boards



Trial Presentation

- Document/deposition management
- Coordination & setup of courtroom/war room
- Video depositions
- Video synching
- Time coding
- Courtroom presentation



Social Media Surveillance

- Plaintiffs
- Experts
- Jurors
 - Voir Dire
 - Monitoring
 - Appeal

NATIONWIDE (U.S.) SURVEY DATA

- 1) Mid-March 2020 to Present – Over 5,000 respondents
 - a) Jury service issues
- 2) June 2020
 - a) Impact of COVID-19 on jury decision-making
- 3) August 2020
 - a) Industry sectors (insurance, life sciences, technology, environmental, petrochemical, etc.)
- 4) October 2020
 - a) Patents, technology, manufacturing
- 5) December 2020
 - a) Long-term care communities
- 6) March 2021
 - a) Pharma, agricultural, antitrust, toxic exposure

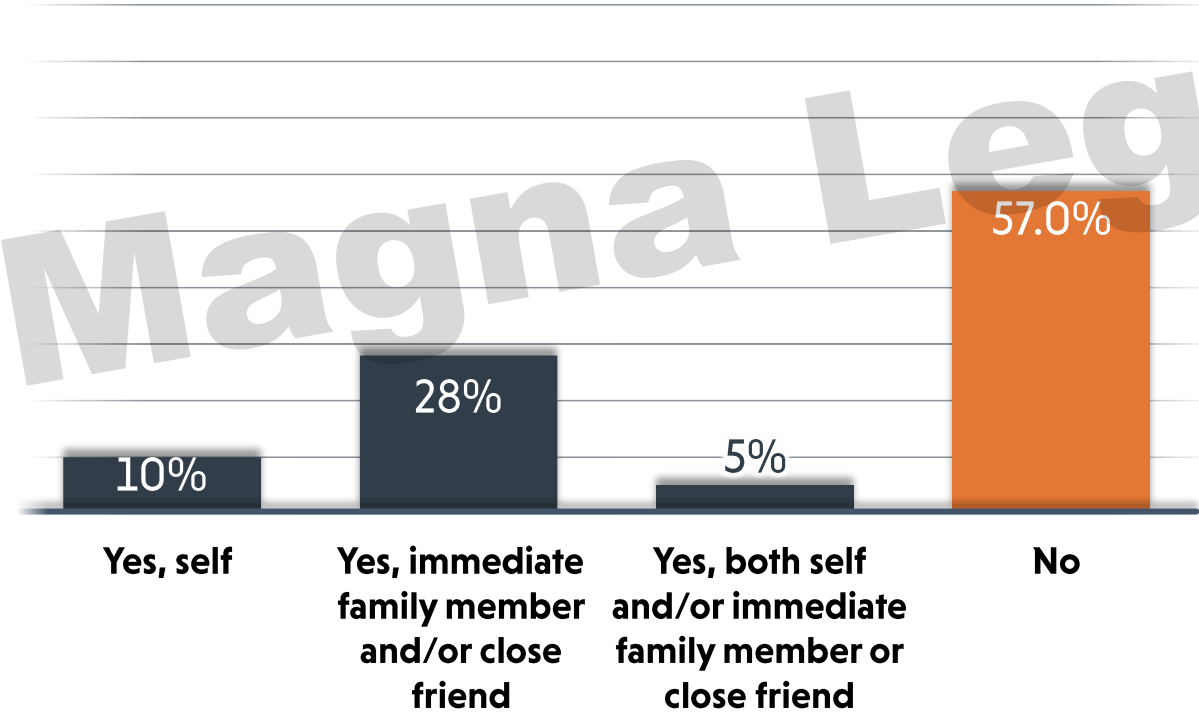


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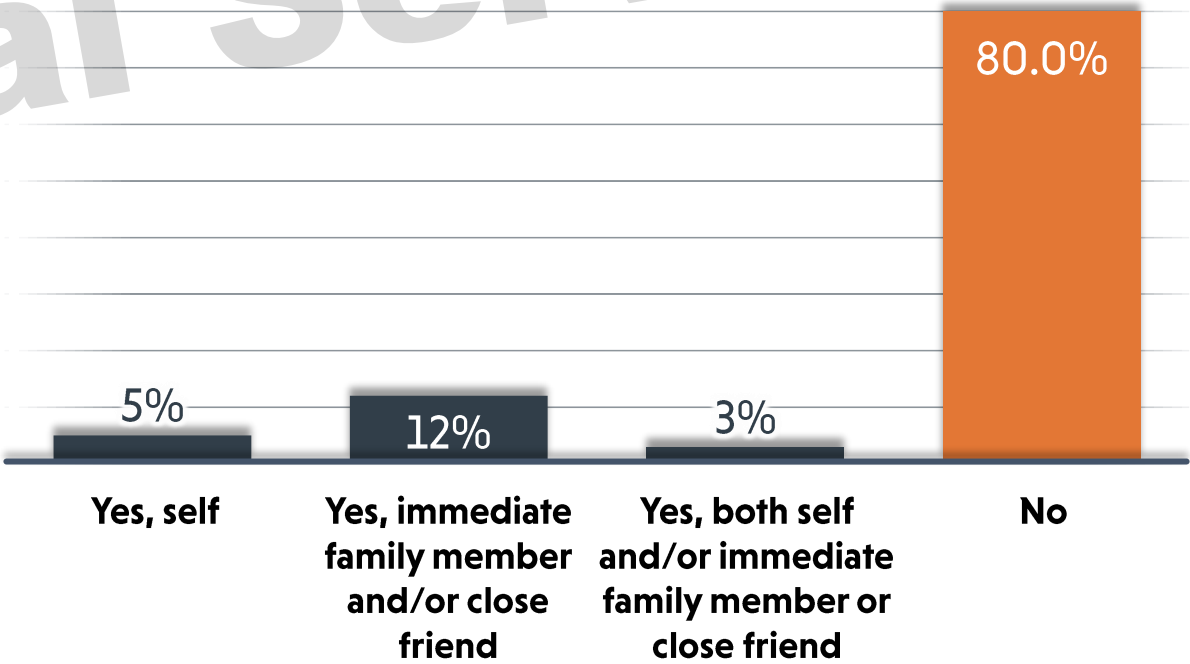
Jury Service

DIRECT EXPERIENCE WITH COVID-19

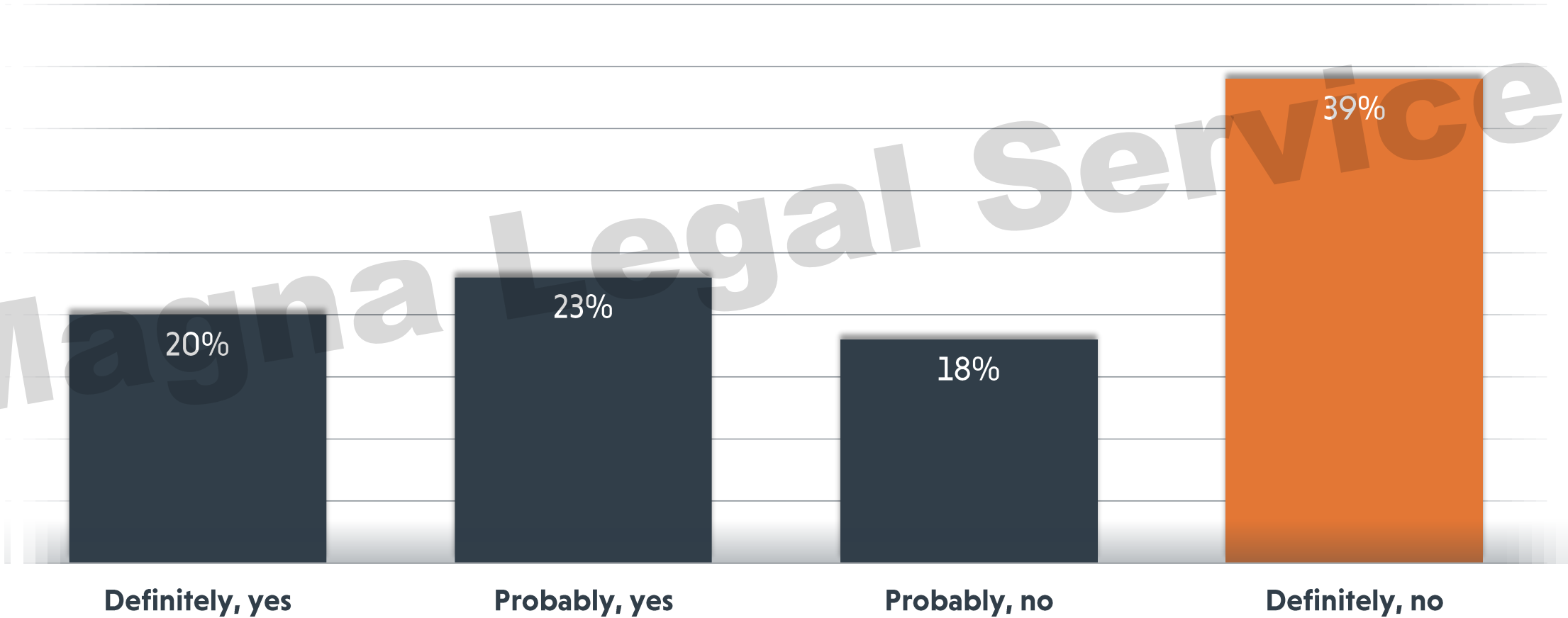
Have you, immediate family member, or close friend been diagnosed with COVID-19?



Have you or anyone close to you experienced serious complications, including death, from having COVID-19?



Do you think that the COVID-19 crisis is being exaggerated by the media?

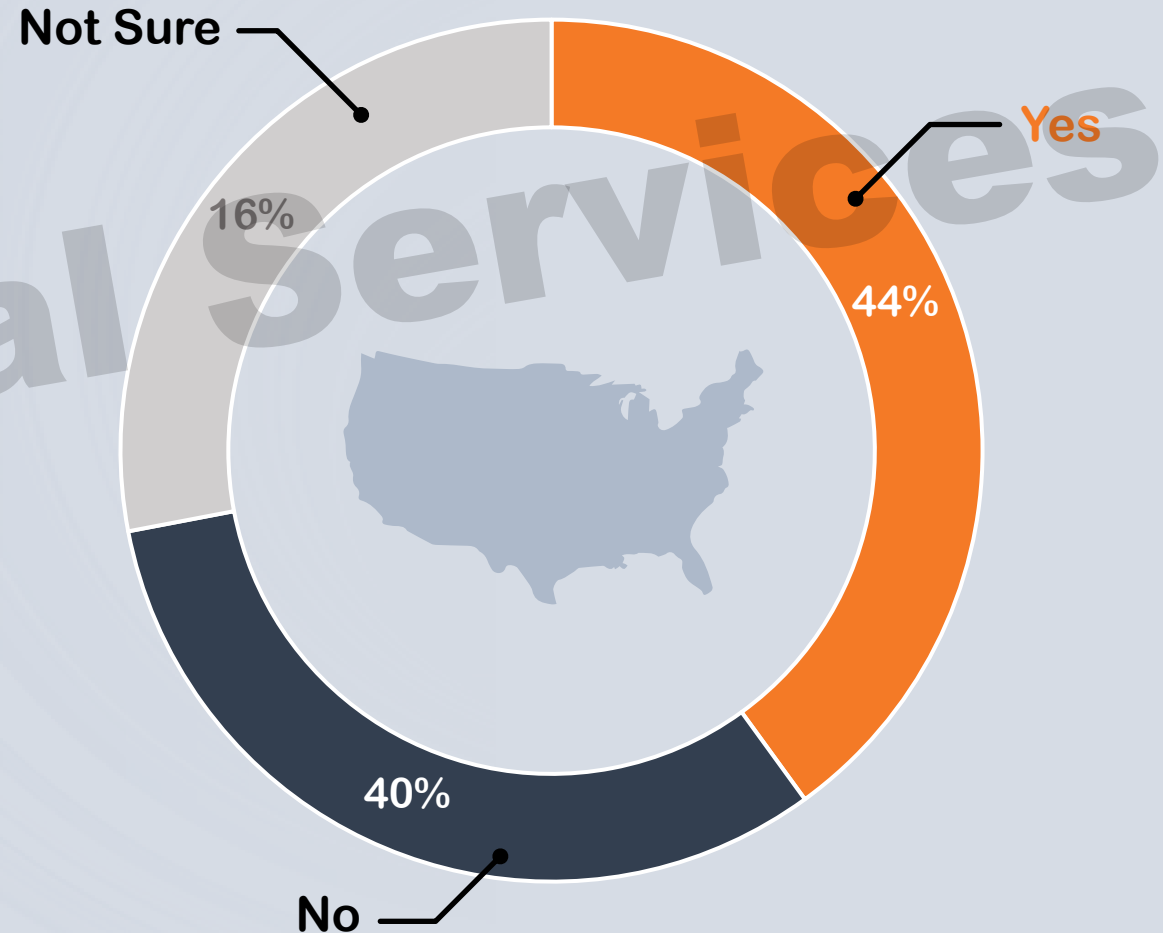


WILL THE PANDEMIC AFFECT JURY SERVICE?

If you are called as a juror for a civil or criminal trial, would you be less likely to report for jury duty than you were before the pandemic?

Which factors would make you less likely to report for jury duty?

- Health Concerns – 88%
- Financial Concerns – 27%
- Childcare Concerns – 21%
- Employment Concerns – 19%



WHO IS *LESS* LIKELY TO SERVE ON A JURY CURRENTLY?

- Women
- Under the age of 34 (Millennials and Generation Z)
- Democrats and those with "other" political affiliation
- People with lower household income
- People with minor children
- Homemakers and students

These are stereotypically plaintiff-friendly characteristics.

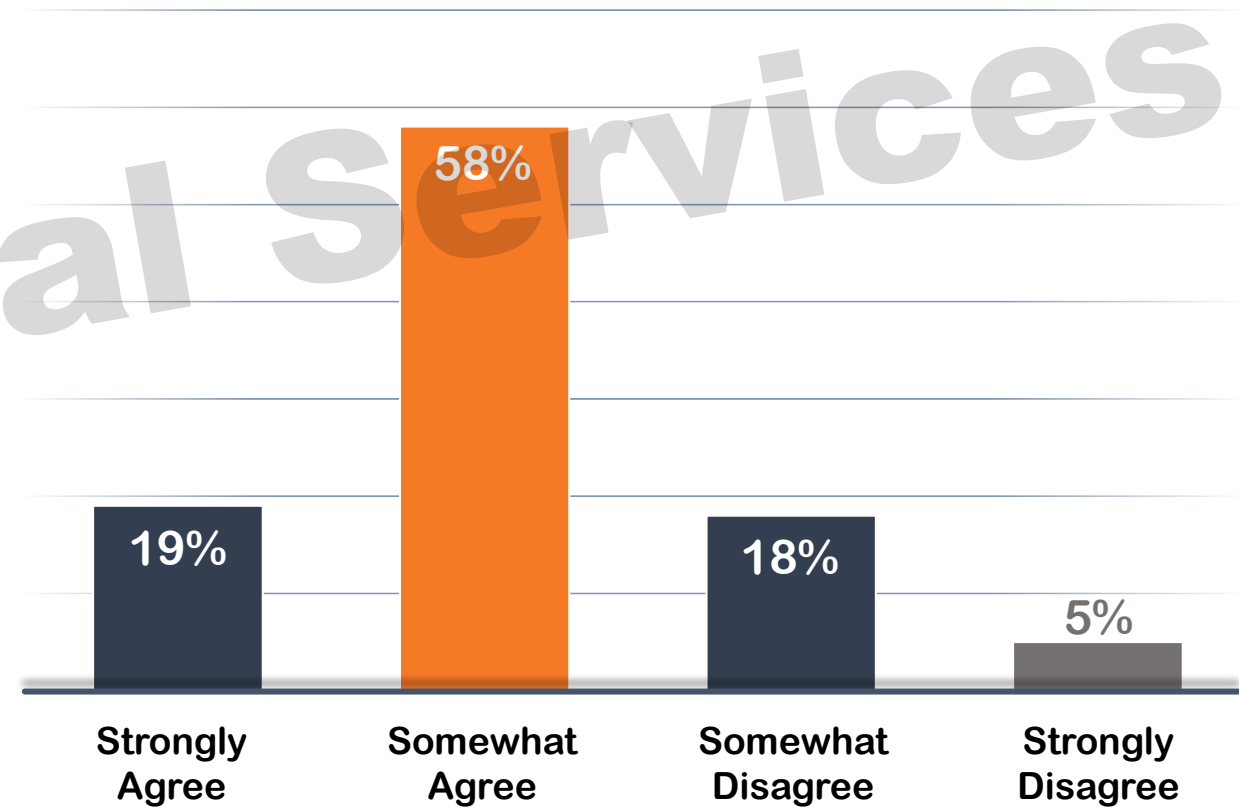
WHO IS *MORE* LIKELY TO SERVE ON A JURY CURRENTLY?

- Republicans and Independents
- People with adult children
- People employed full time or retired

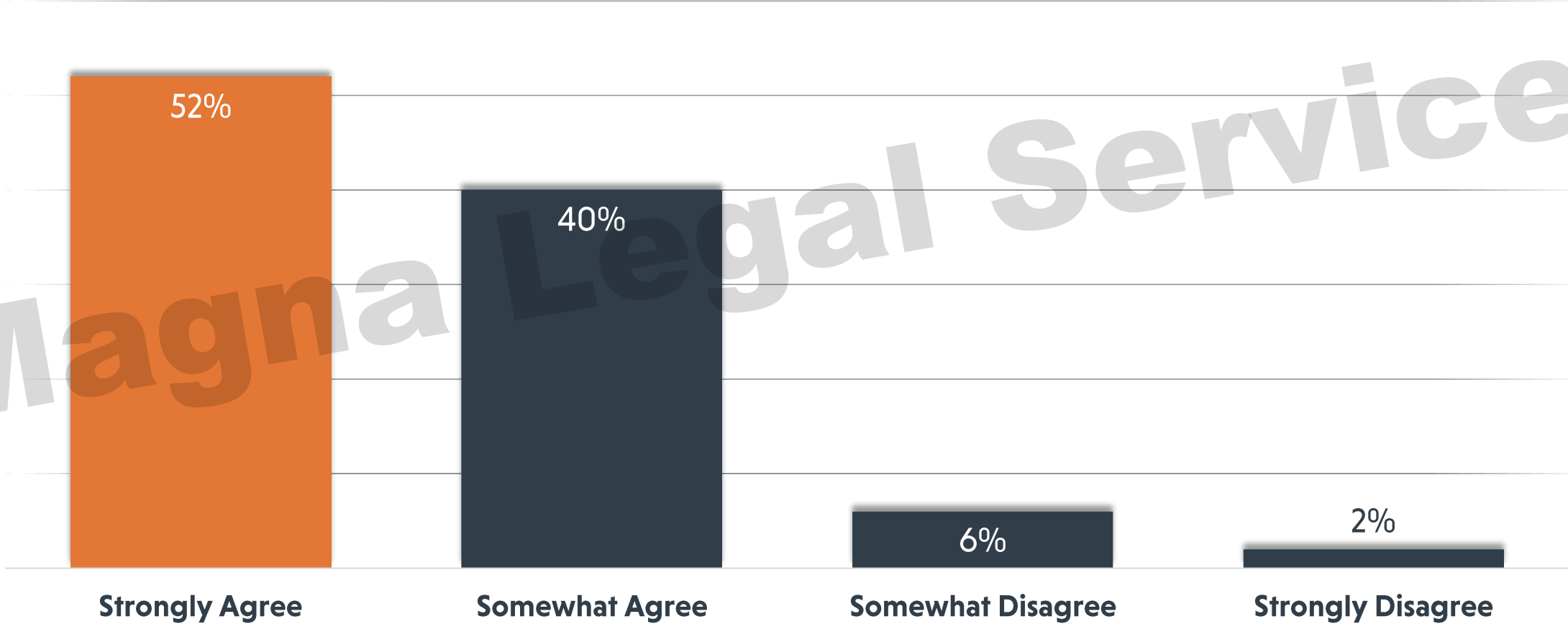
These are stereotypically defense-friendly characteristics.

"CRISIS FATIGUE"

In the wake of so many different types of crises, disasters, and catastrophes, **the public has become immune** to government warnings and calls for help.



People Often Blame Others for Their Problems Rather Than Take Responsibility for Their Own Actions.



Civil Jury Project- Juror Demographics

- In the previous survey, 44.4% of those who had resumed trials had noticed a difference in the demographics of gender, age, or race of potential jurors (as compared to before the pandemic). According to the current survey, 75.0% of those responding to the current survey are not noticing any change in jury demographics (as compared to before the pandemic).
- In response to the most recent survey question regarding which remote procedures respondents may keep even after their court reopens fully for in-person trials, 92.2% said yes for remote scheduling conferences, 87.5% said yes for remote motion hearings, 20.3% said yes for remote jury selection followed by an in-person trial, 14.1% said yes for full remote trials, and 3.1% said yes for remote deliberation after an in-person trial.



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Juror Vulnerability

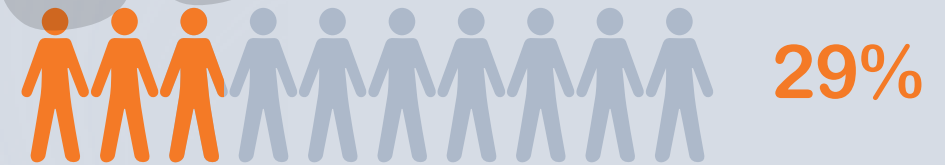
COVID-19'S EFFECT ON JURORS' VULNERABILITY

How has the COVID-19 outbreak affected your views of **your own safety / vulnerability**?

Very Vulnerable:



No Effect:

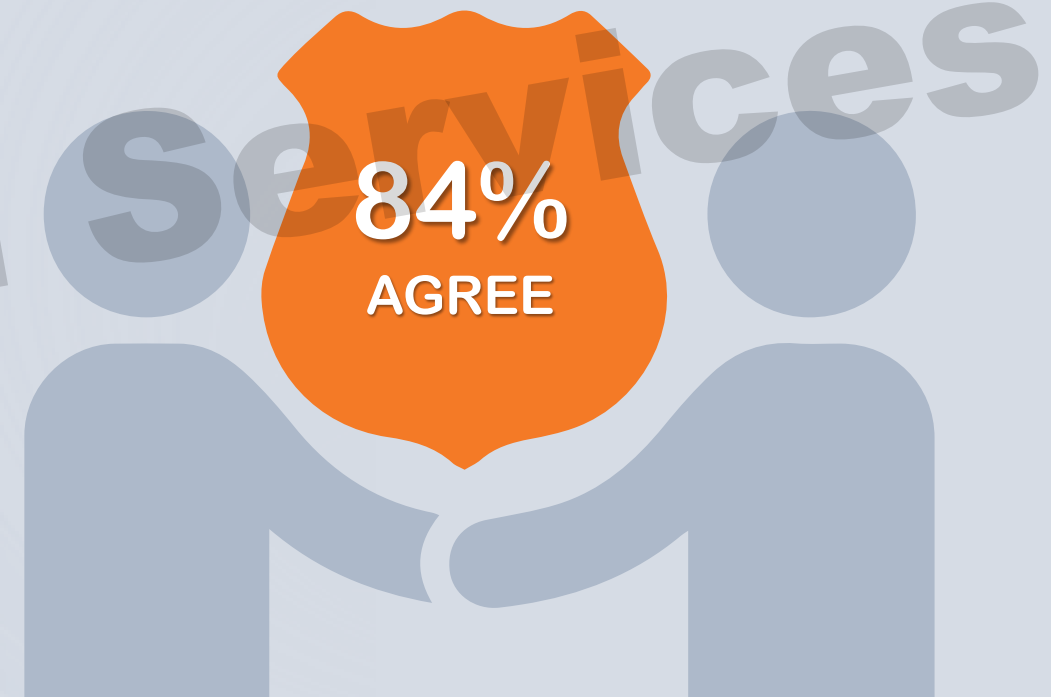


More Aware:

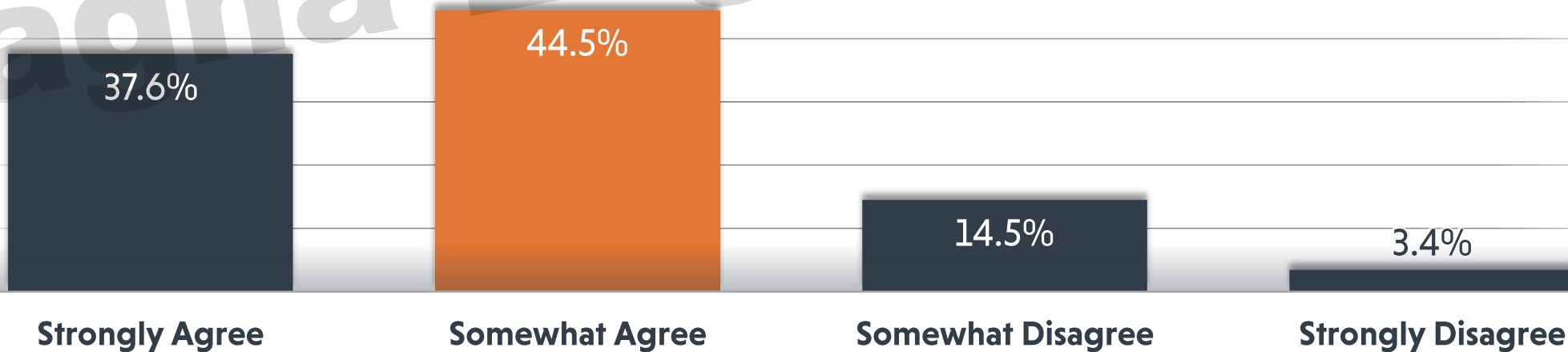


“REPTILIAN” JURORS

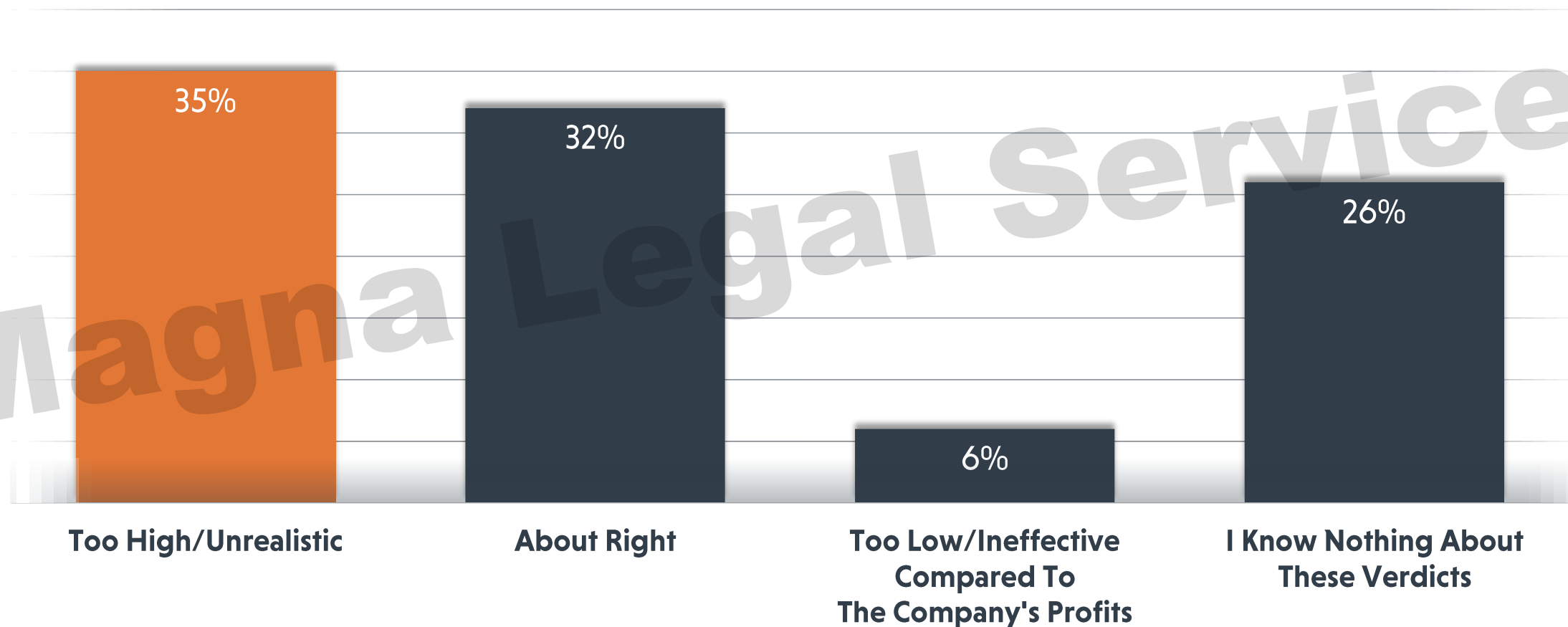
In today's world, juries need to be the "guardians of the community" by **forcing companies to change their bad behavior with large damage awards**



The primary purpose of awarding damages to a plaintiff (the party that is suing) in a lawsuit is to punish the defendant (the party being sued).



Some Consumer Product Manufacturers Have Been Hit With Billion-Dollar Jury Awards. Do You Think These Billion-Dollar Awards Are:



WHAT DOES THIS ALL MEAN?

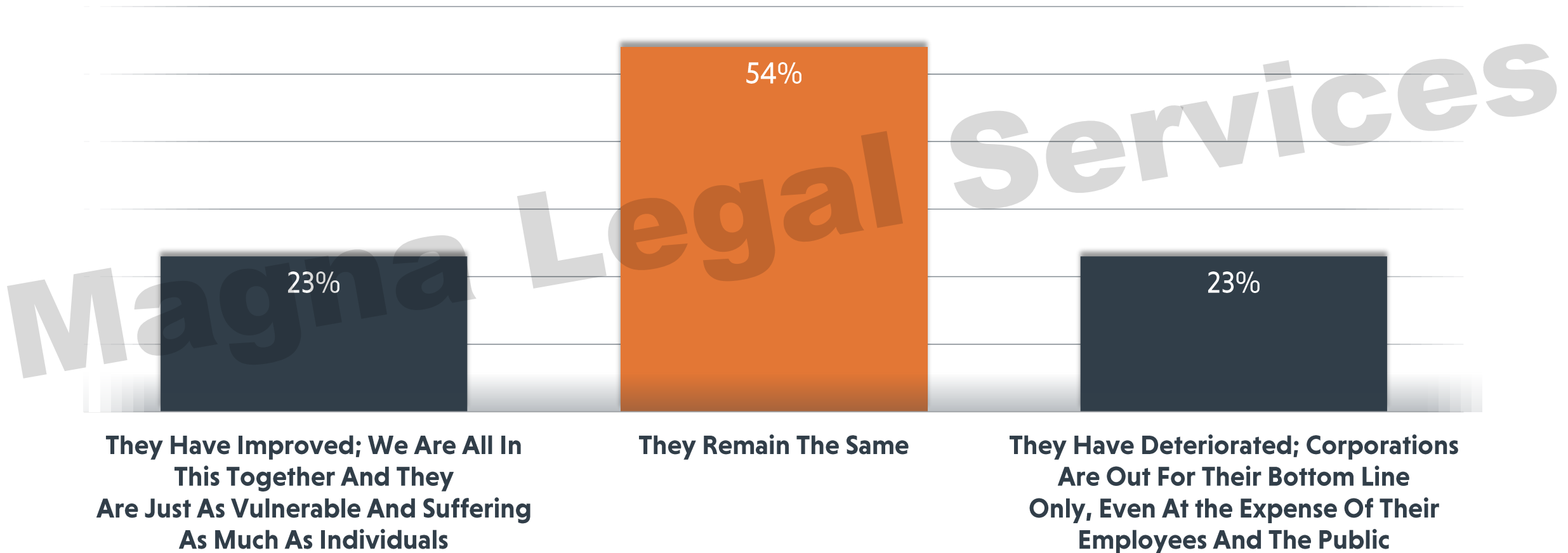
- In general, many potential jurors are now more vulnerable than pre-pandemic, which can make them more plaintiff-friendly
- However, the most vulnerable and risk-averse people are less likely to show up for jury duty or to be seated on a jury currently
- As a result, juries slightly more pro-defendant in the short-term, but most likely only temporary
- As pandemic fades and pro-plaintiff jurors become more comfortable, trends should gravitate to normalcy



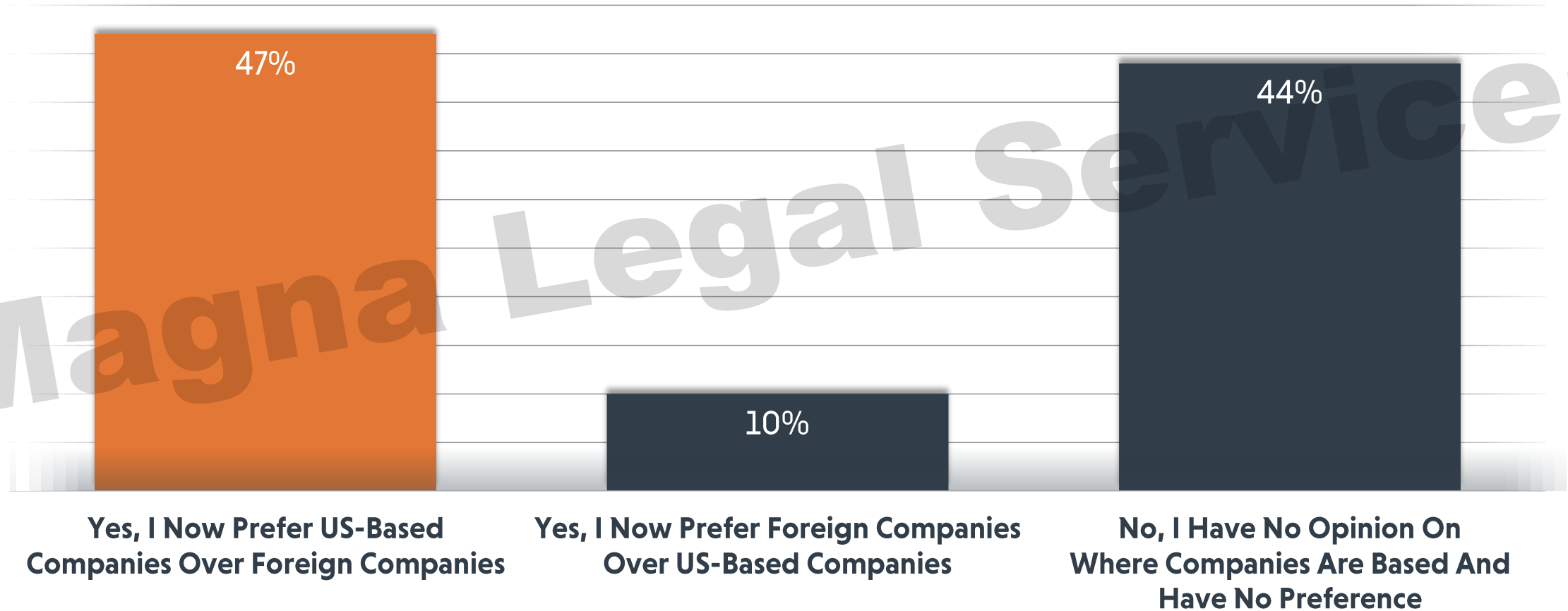
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Views of Corporations

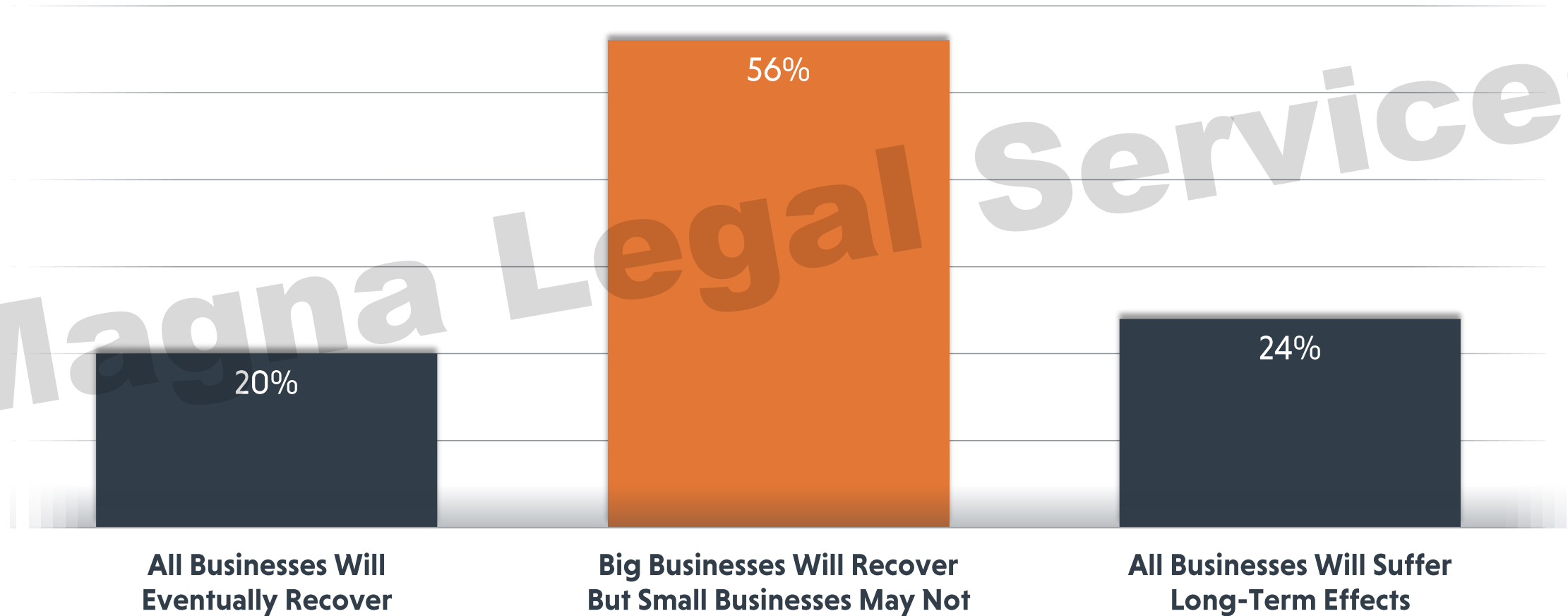
How Has the COVID-19 Outbreak Impacted Your Views of Corporations?



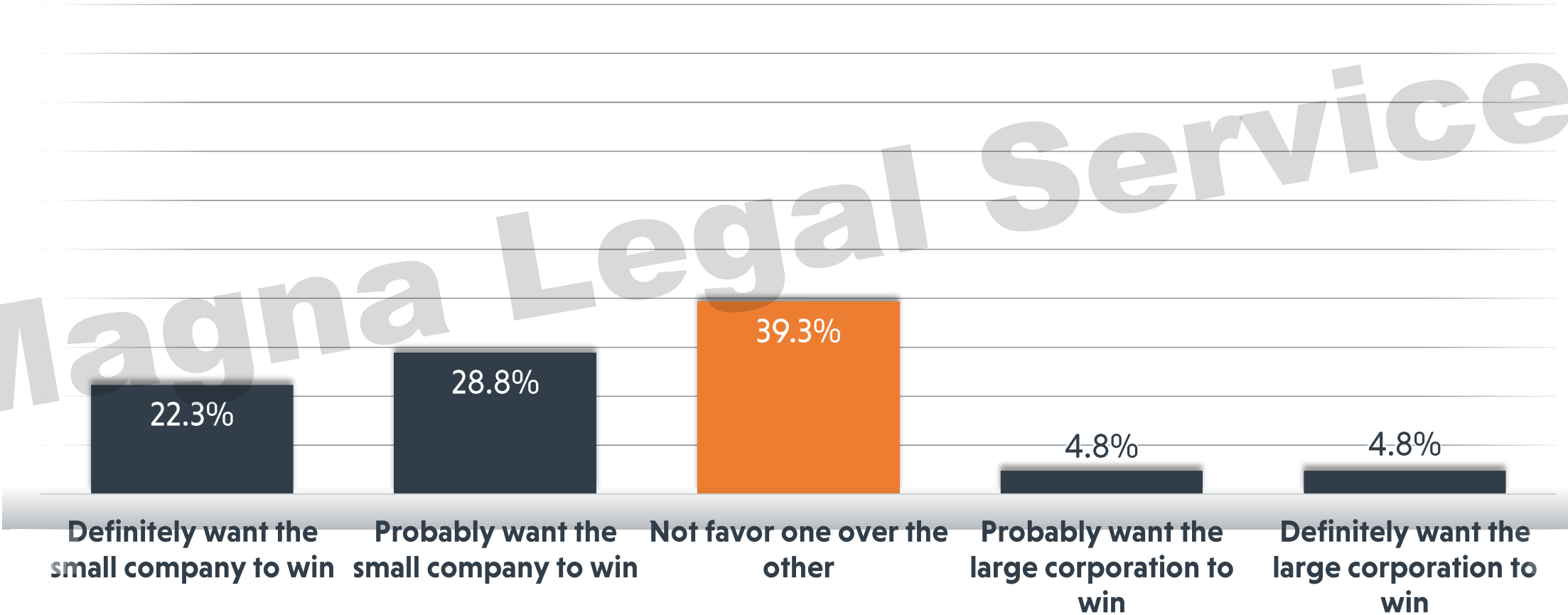
Since the Onset of the Pandemic, Has Your View of US-Based Versus Foreign Based Companies Changed?



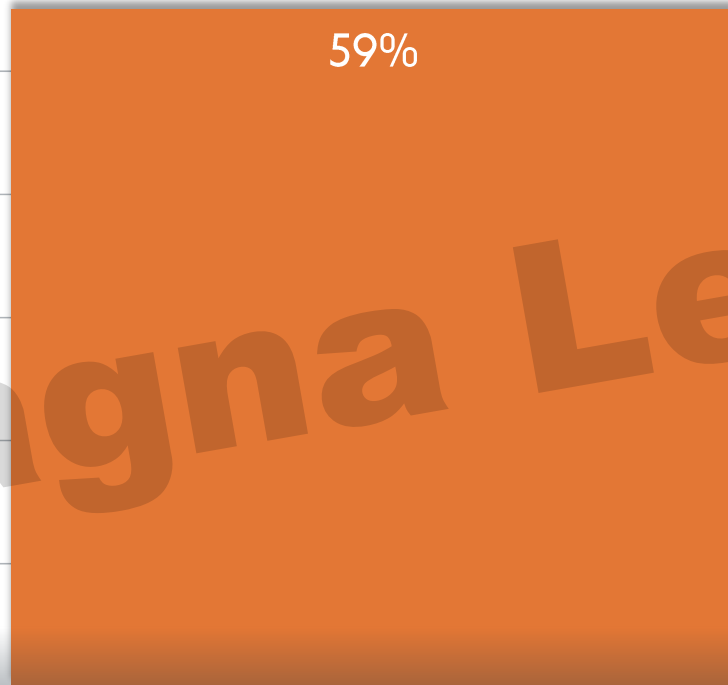
How Well Do You Feel Most Businesses and Corporations Will Recover From the Economic Toll of COVID-19?



"DAVID v. GOLIATH" – In a lawsuit between a small company and a large corporation, I would:

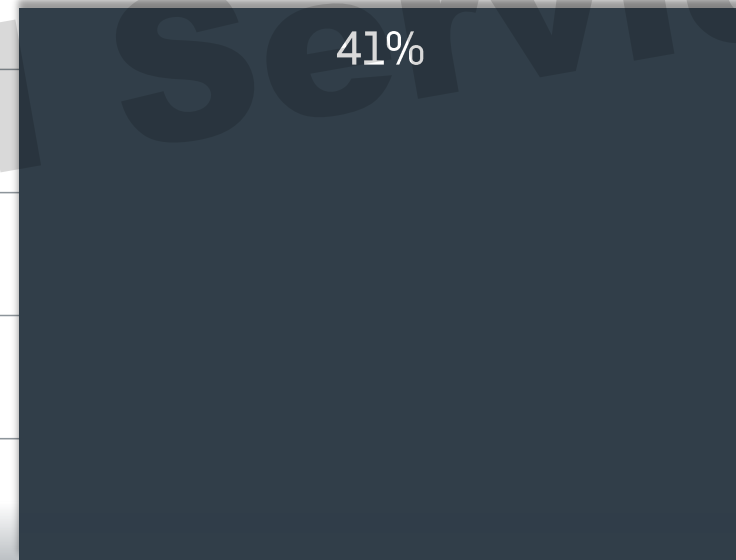


If You Were a Juror in a Civil Lawsuit With a Corporate Defendant, Would How They Handle Their Business and Employees During the COVID-19 Outbreak Affect Your Views of the Corporation?



59%

Yes, I could see that affecting the amount of damages I assessed against them



41%

No, I would be able to put that information aside and not let it impact my views on damages

WHAT DOES THIS ALL MEAN?

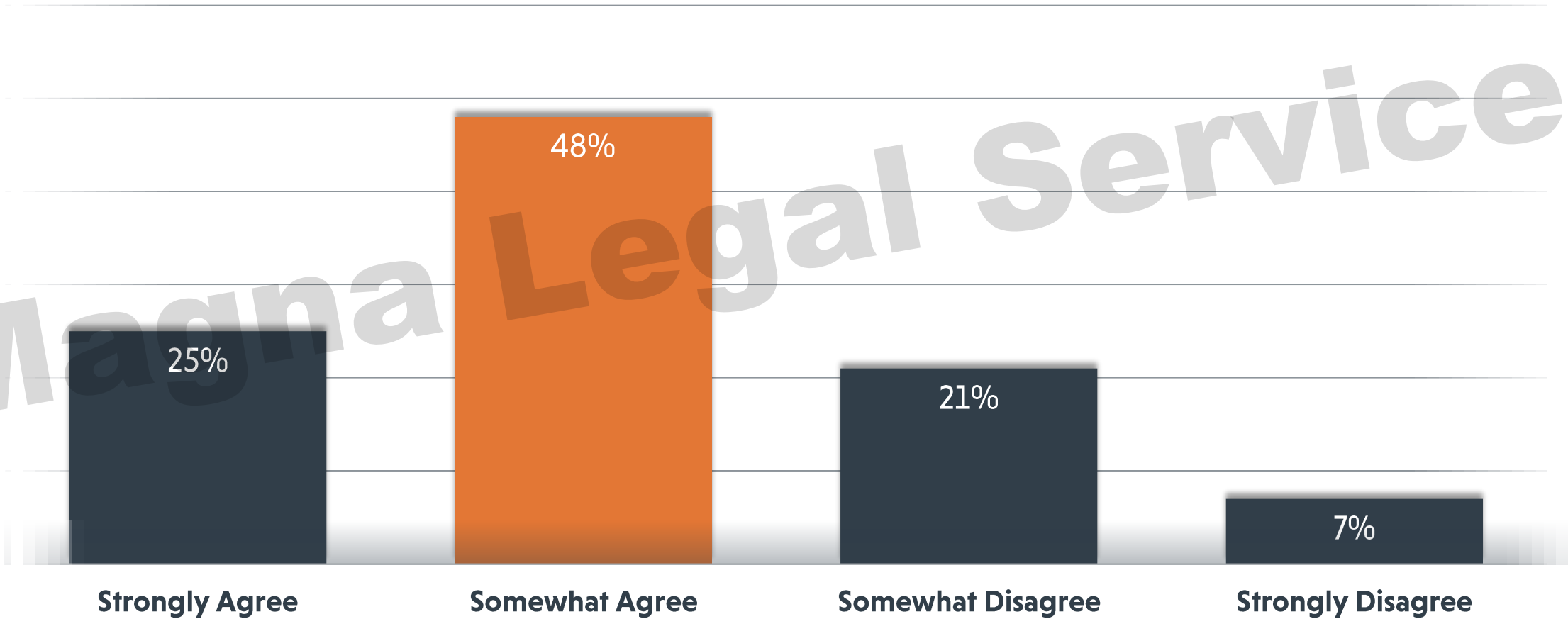
- Views of corporate America are mixed and subject to Halo and Ripple Effects depending on industry sector
- Corporate survival during pandemic directly dependent upon adaptability and being a **Good Corporate Citizen**, which can create a pedestal effect
- Jurors are still respectful of competition and innovation; however, jurors also believe corporations are more likely to cheat and act unfairly
- Idealism and cynicism are long-standing predispositions of U.S. jury pools that have become more polarized during pandemic
- Competition in the marketplace primarily still a function of "fairness" as opposed to being "ethical"



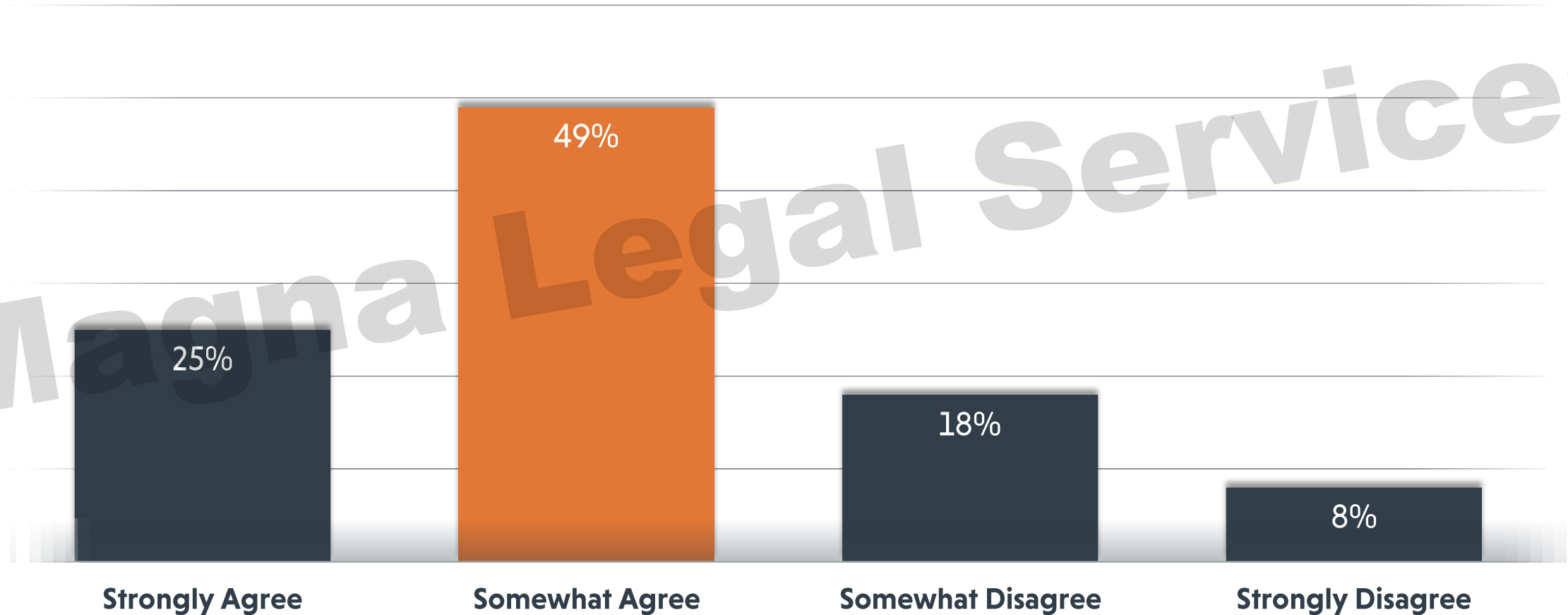
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Financial Impact of the Pandemic

The US Economy Will Be Able to Recover From the Financial Crisis Created by the Covid-19 Pandemic.

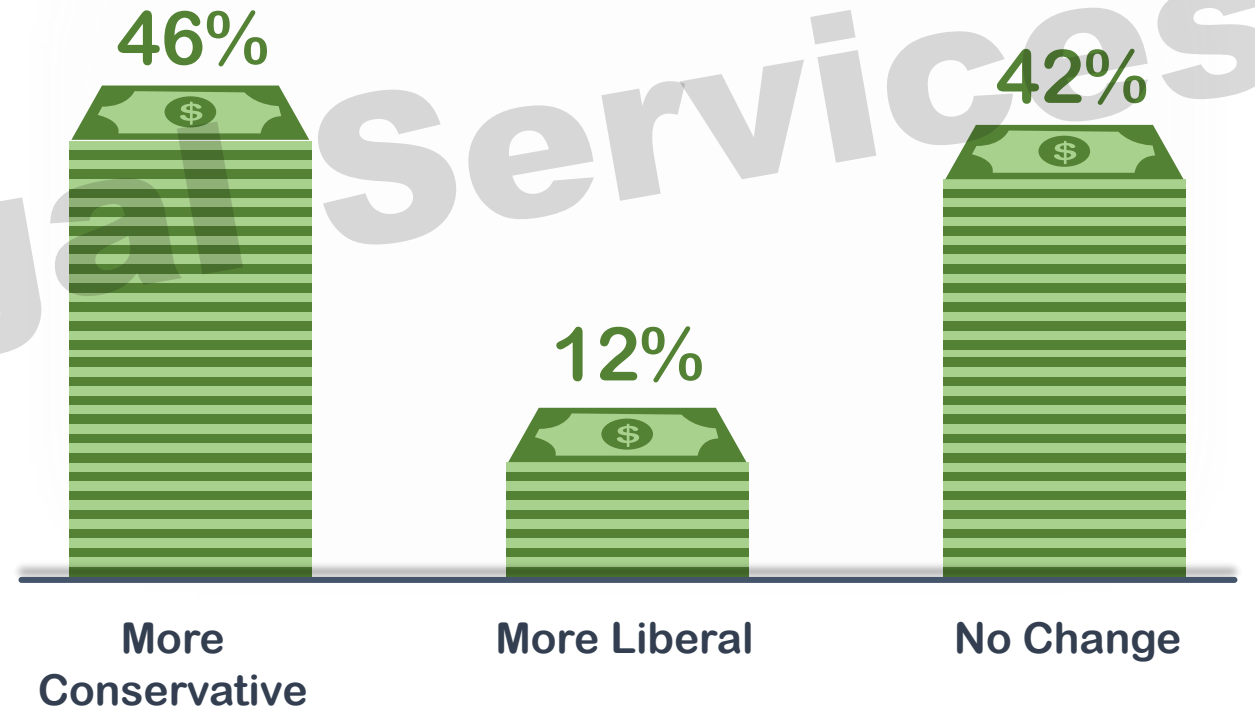


**Despite the Potential Impact of Foreclosures and Evictions,
I Remain Optimistic About the US Economy and the Ability to Overcome
These Financial Hardships.**



COVID-19'S FINANCIAL IMPACT ON JURORS

After the COVID-19 pandemic subsidies, I think **I will be the following with my money:**



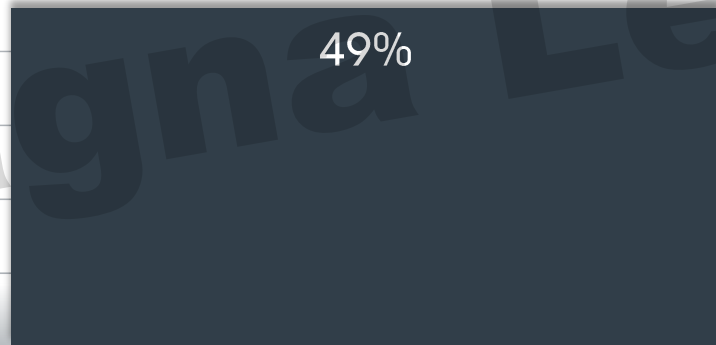


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Attitudes About Damages

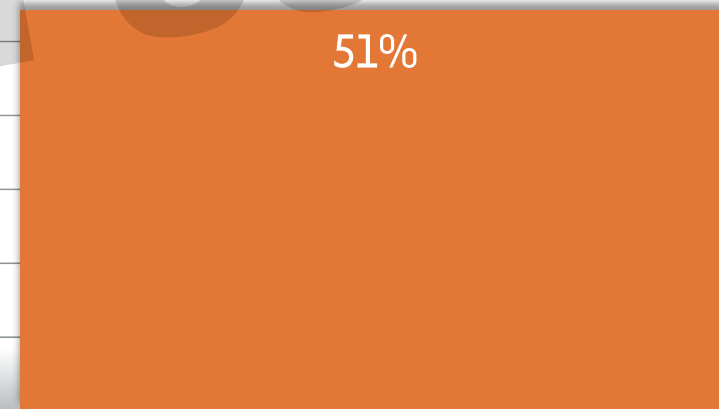
TO ANCHOR OR NOT TO ANCHOR....

If defense counsel gives an alternative damages number, which of the following do you believe to be most true?



49%

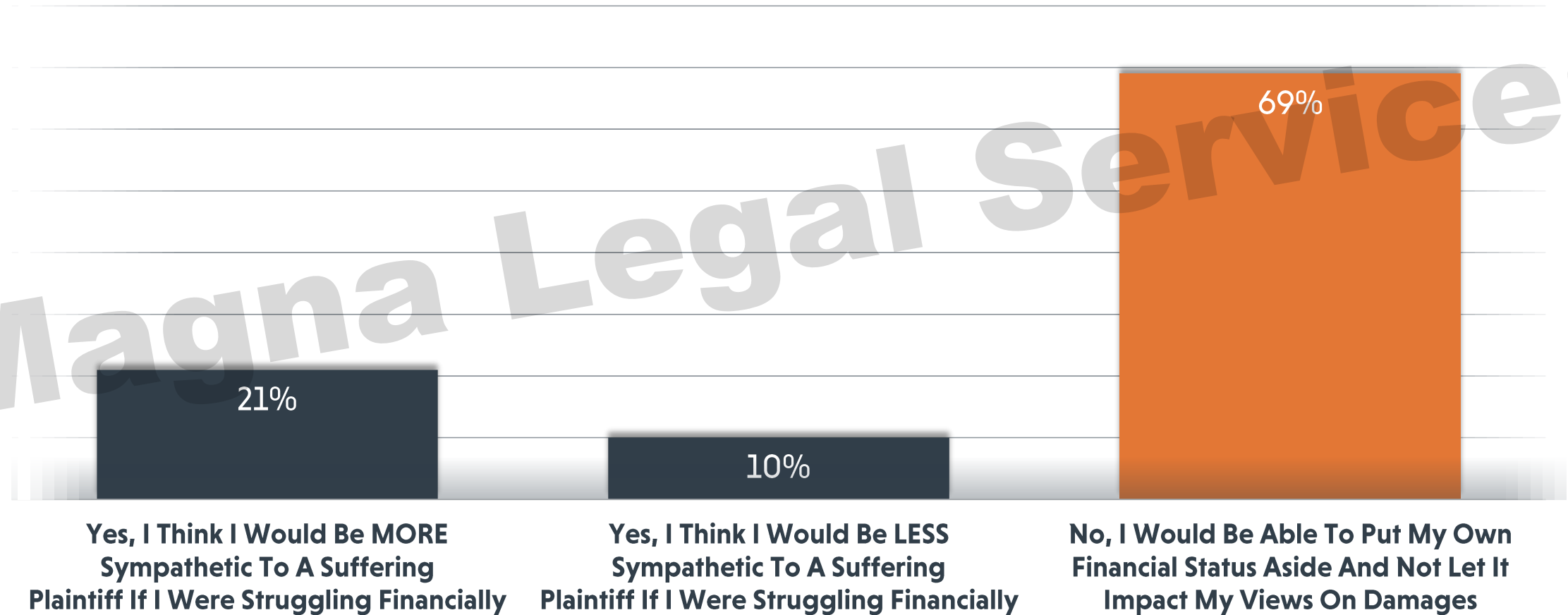
The defendant doesn't believe in its own case and has essentially admitted liability.



51%

The defendant doesn't believe it is liable, but has to address what the plaintiff suggested in damages.

If You Were a Juror in a Civil Lawsuit With a Corporate Defendant, Would Your Own Personal Financial State Affect Your Views on Damages?





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Halo Effect

Which Industries Might Benefit from a "Halo Effect?"

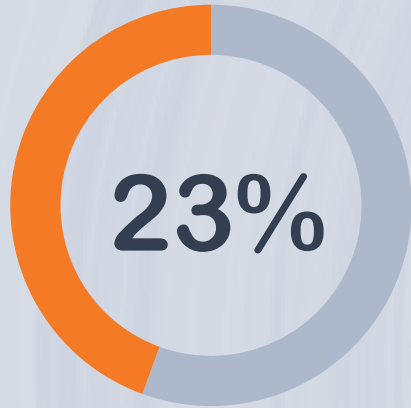
- What types of businesses are essential?

- Grocery stores – 82%
- Hospitals – 80%
- Doctors' offices – 78%
- Pharmacies – 77%
- Banks – 70%
- Consumer delivery services – 62%
- Big box stores – 53%

Perceptions of How Businesses Have Handled Employees & Operations During the Pandemic

- 88% agree most employers are adhering to state regulations regarding restrictions on their business due to COVID-19.
- 87% agree most employers are taking all reasonable measures to keep their employees safe from COVID-19 exposure.
- 73% agree it is fair for businesses to ask their employees to work during the pandemic (*48% if essential, 19% even if not essential*).
- Vast majority agree essential & non-essential businesses should provide for employees: masks, hand sanitizer, social distancing.
- 70% agree essential businesses have greater responsibility to protect employees than non-essential businesses.
- 66% agree it's fair for non-essential businesses to remain open during a shut-down.

FRONTLINE “HALO EFFECT” → INDUSTRY “RIPPLE EFFECT?”



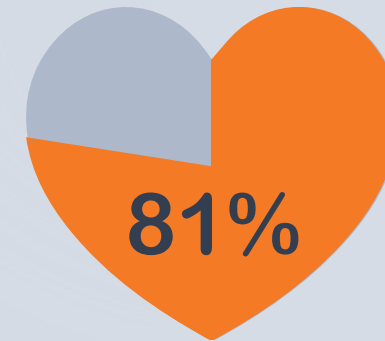
23% IS OR KNOWS SOMEONE WHO IS
A COVID-19 HEALTHCARE WORKER



60% WILL BE LESS CRITICAL OF
HEALTHCARE WORKERS POST-COVID



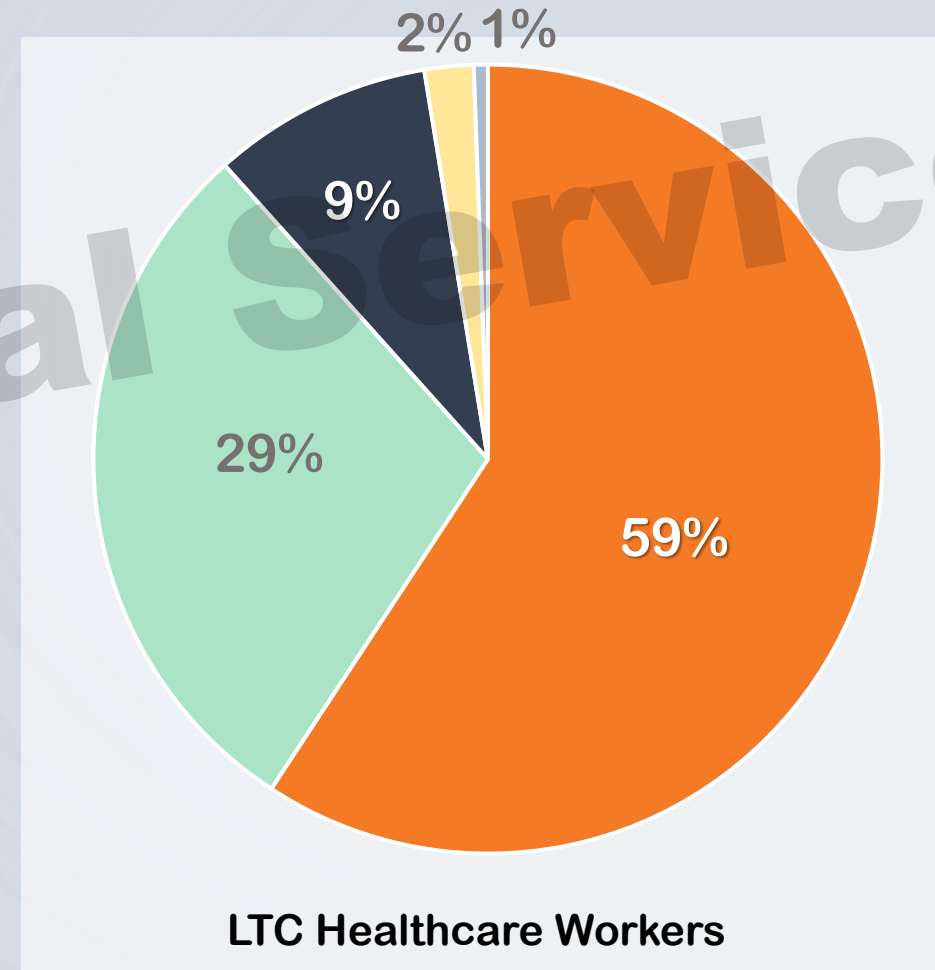
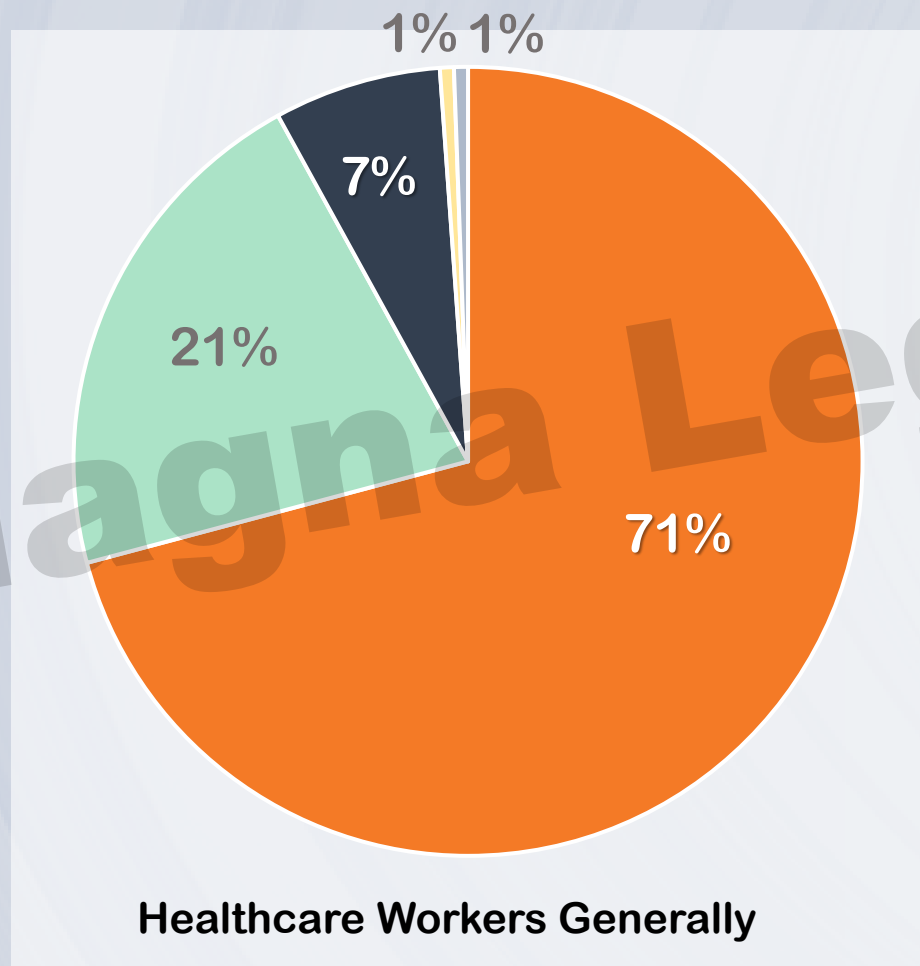
80% VERY CONCERNED ABOUT
COVID-19 HEALTHCARE WORKERS



81% HAVE GREATER SENSE OF
COMPASSION FOR HEALTHCARE WORKERS

CURRENT VIEWS OF HEALTHCARE WORKERS

Very Unfavorable Moderately Unfavorable Neutral / No Opinion Moderately Favorable Very Favorable



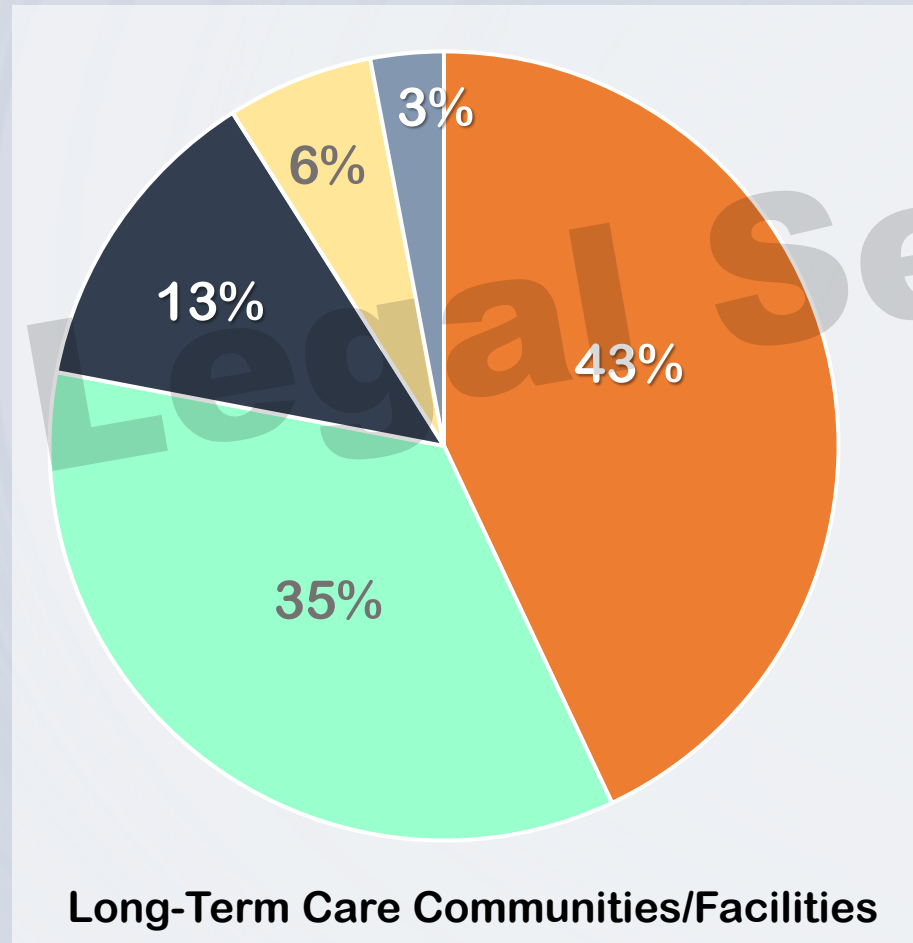


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Views of Long-Term Care Communities

CURRENT VIEWS OF LONG-TERM CARE COMMUNITIES/FACILITIES

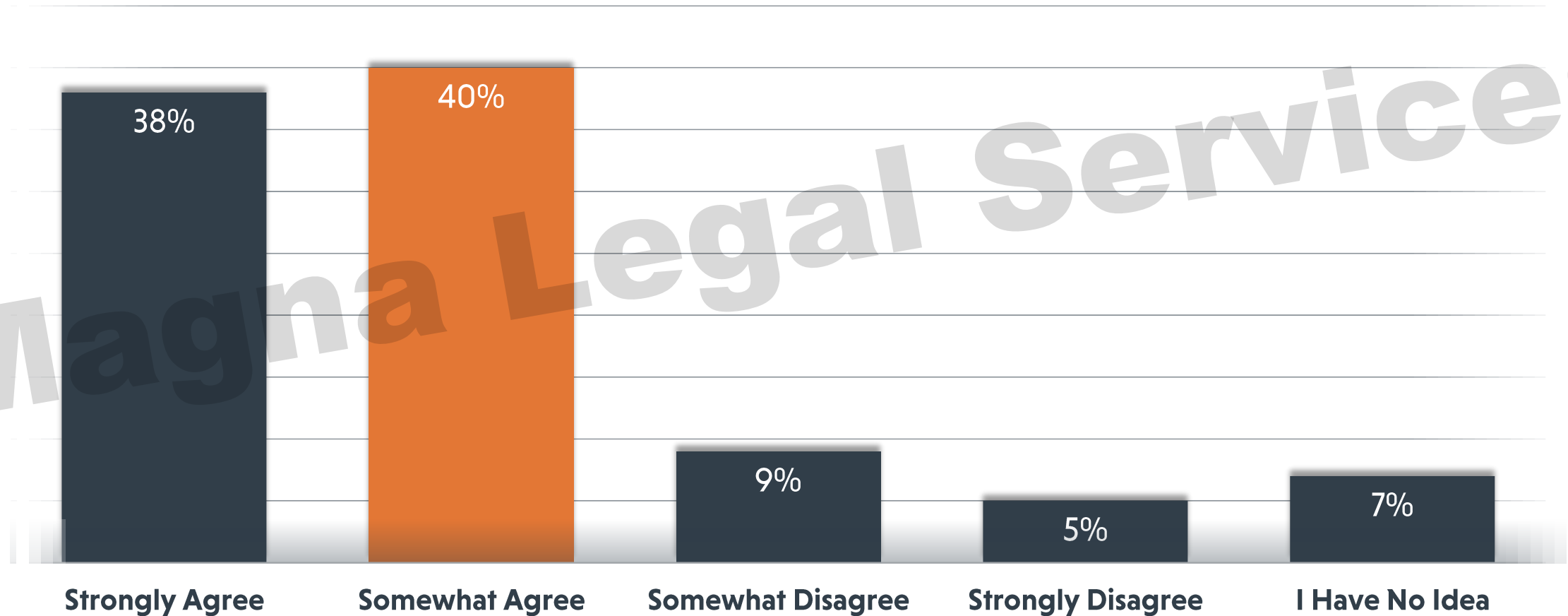
Very Unfavorable Moderately Unfavorable Neutral / No Opinion Moderately Favorable Very Favorable



Since the start of the pandemic, my view of nursing or assisted care facilities has:



Based on what you have read/heard/seen, would you agree or disagree that most nursing or assisted care facilities are taking all reasonable measures to keep their residents/patients safe from COVID-19 exposure?

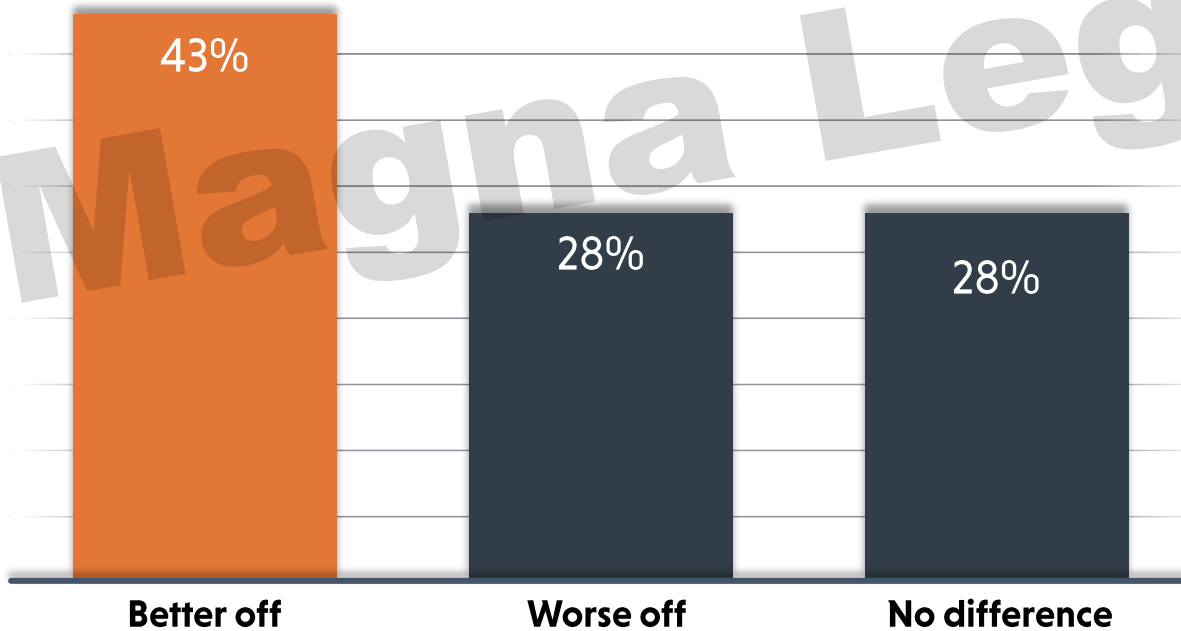


Do operators of nursing or assisted care facilities have a greater responsibility to protect their residents/patients than those of other healthcare facilities?

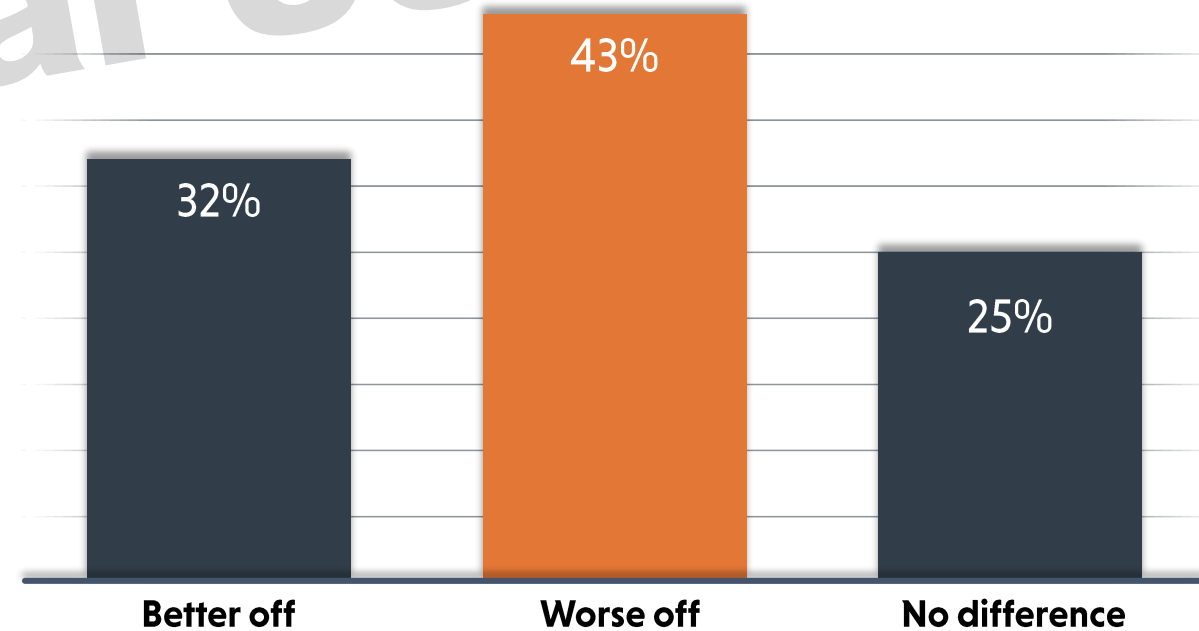


Residing in Facility

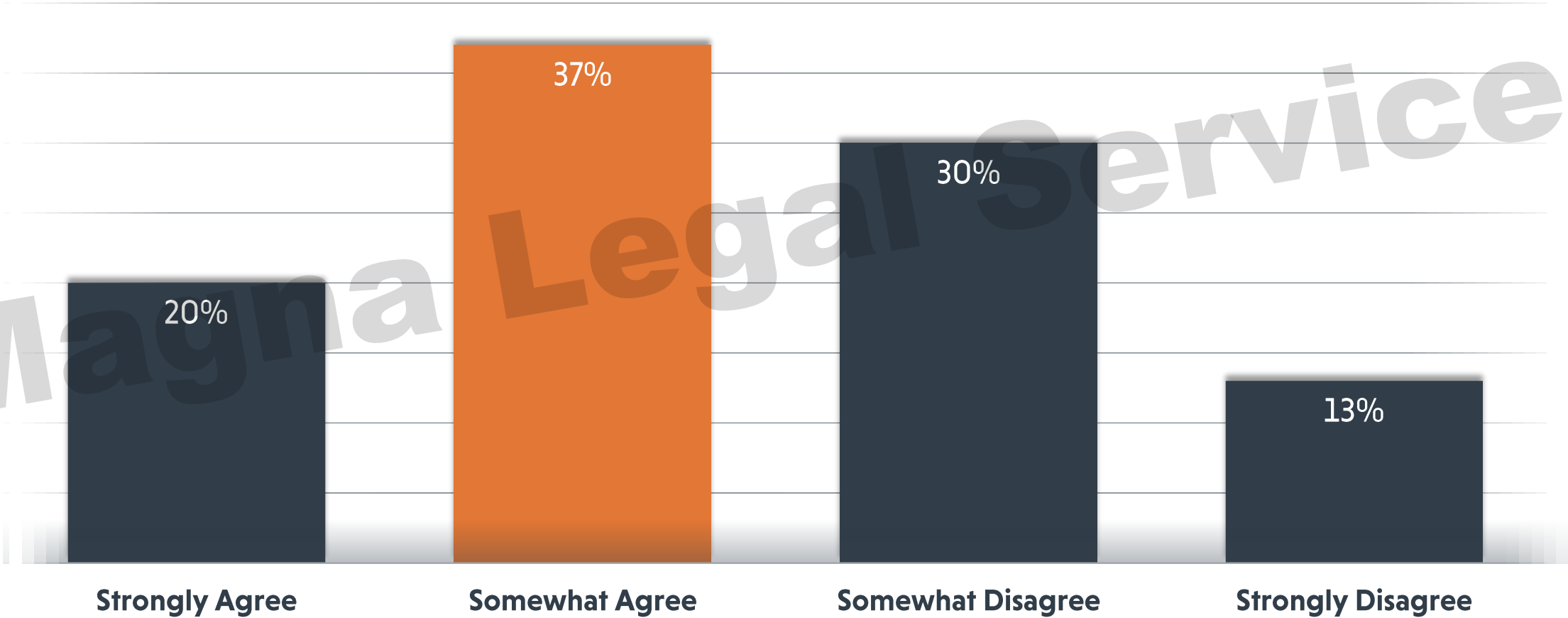
Before the onset of the COVID-19 pandemic, do you feel that residing in a nursing or assisted care facility made a person better or worse off than they were before their residence in the facility?



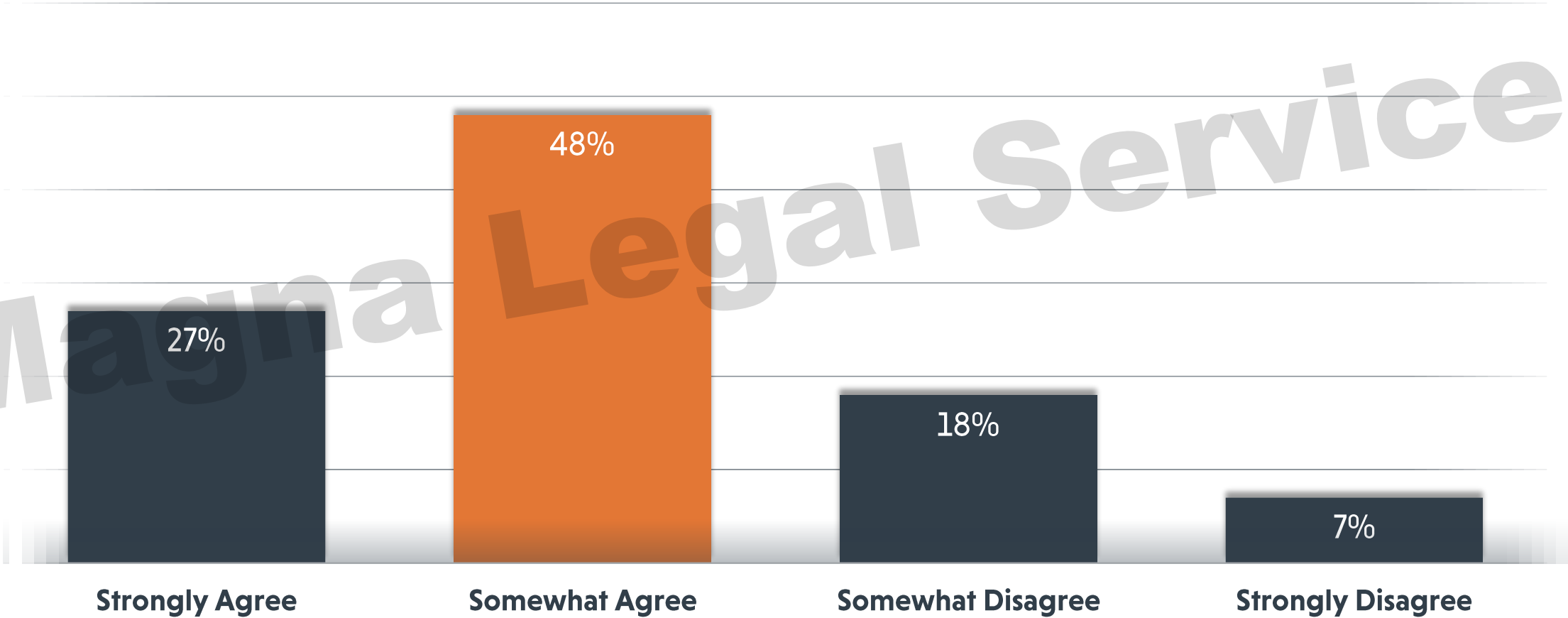
Since the onset of the COVID-19 pandemic, do you feel that residing in a nursing or assisted care facility makes a person better or worse off than they were before their residence in the facility?



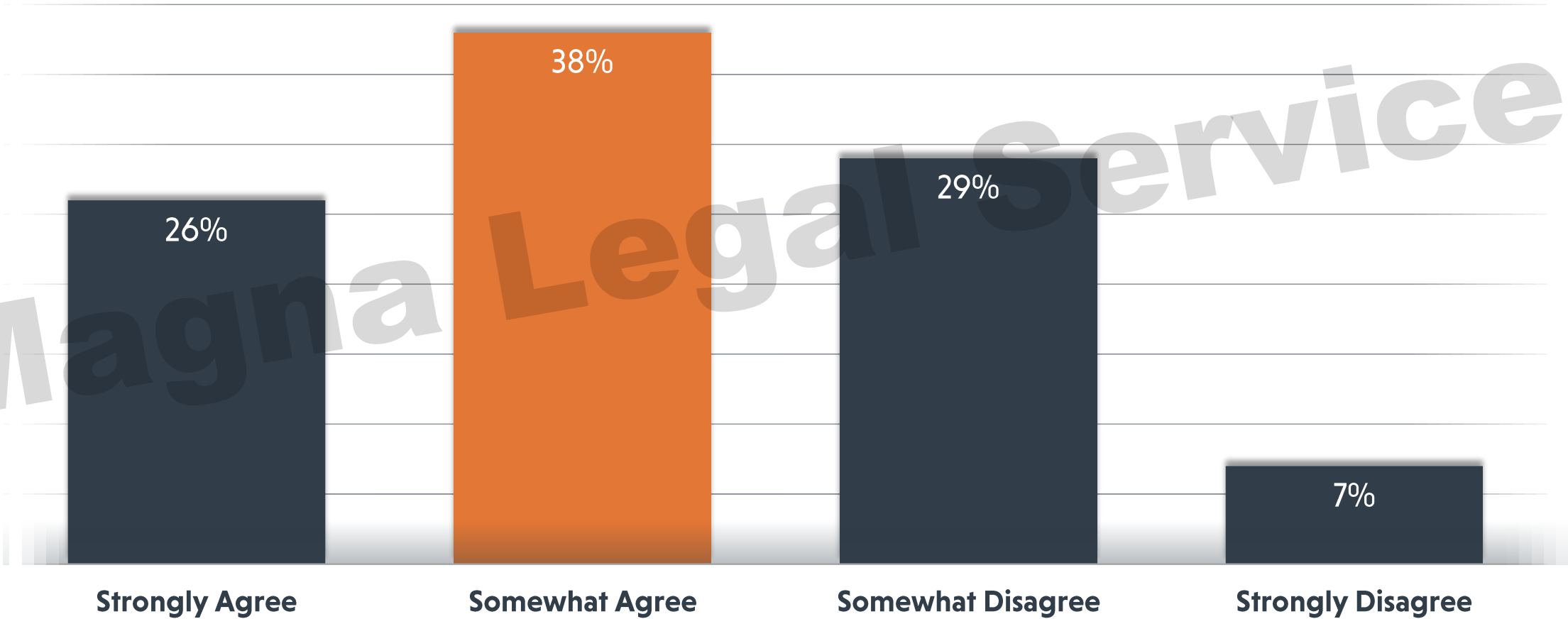
Most nursing or assisted care facilities are sufficiently staffed.



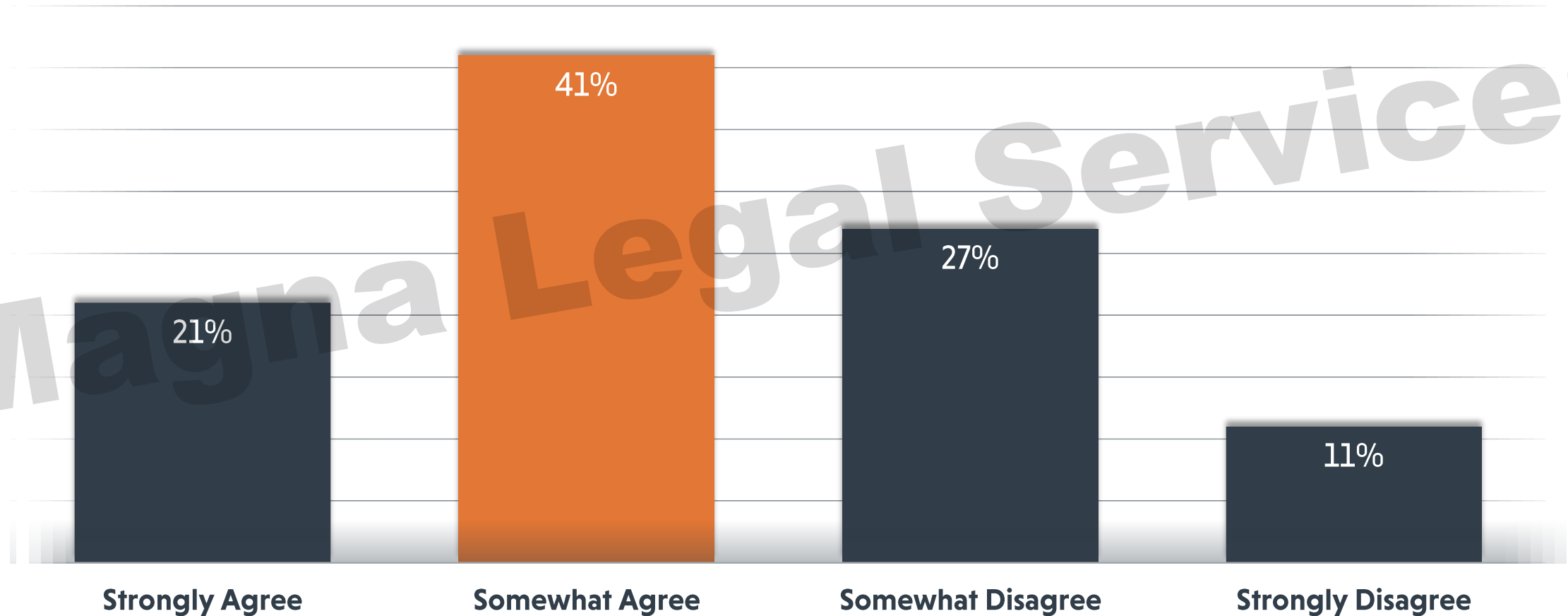
Most nursing or assisted care facility employees are well-trained.



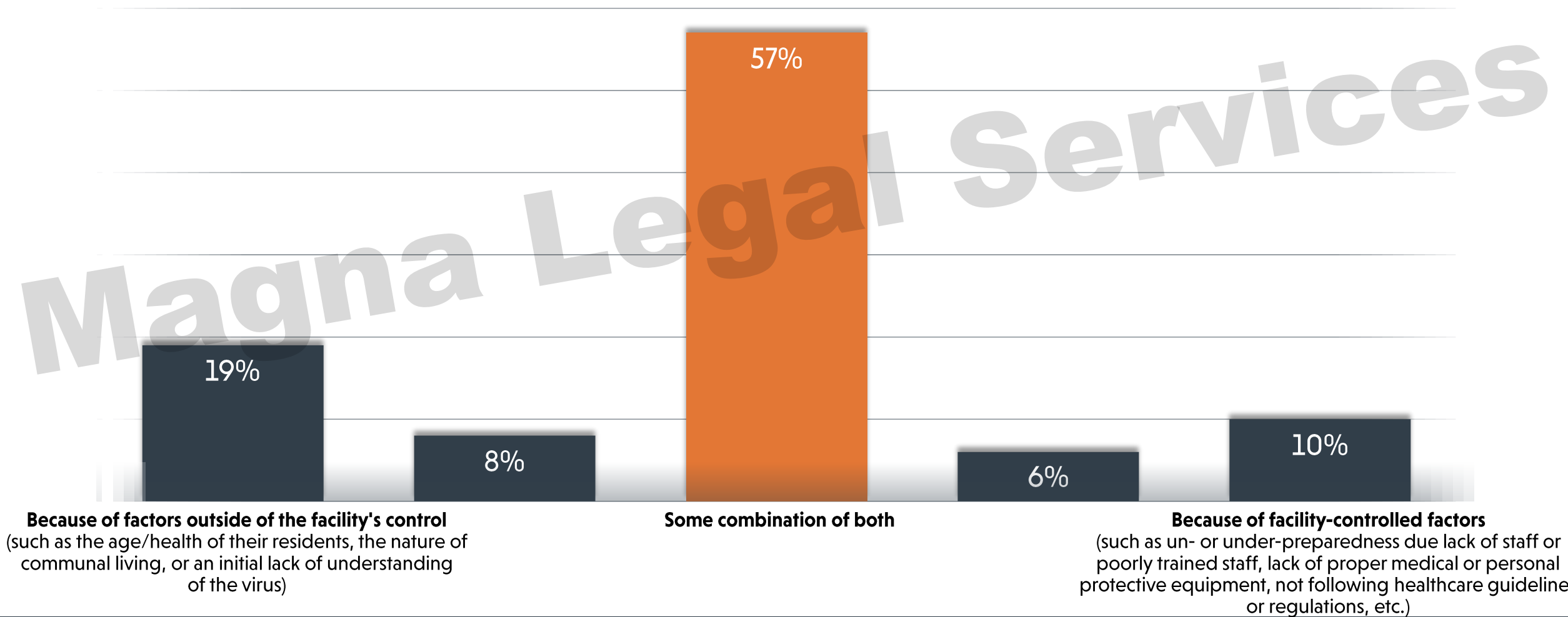
Most nursing or assisted care facility management cares more about profits than the health and safety of their residents.



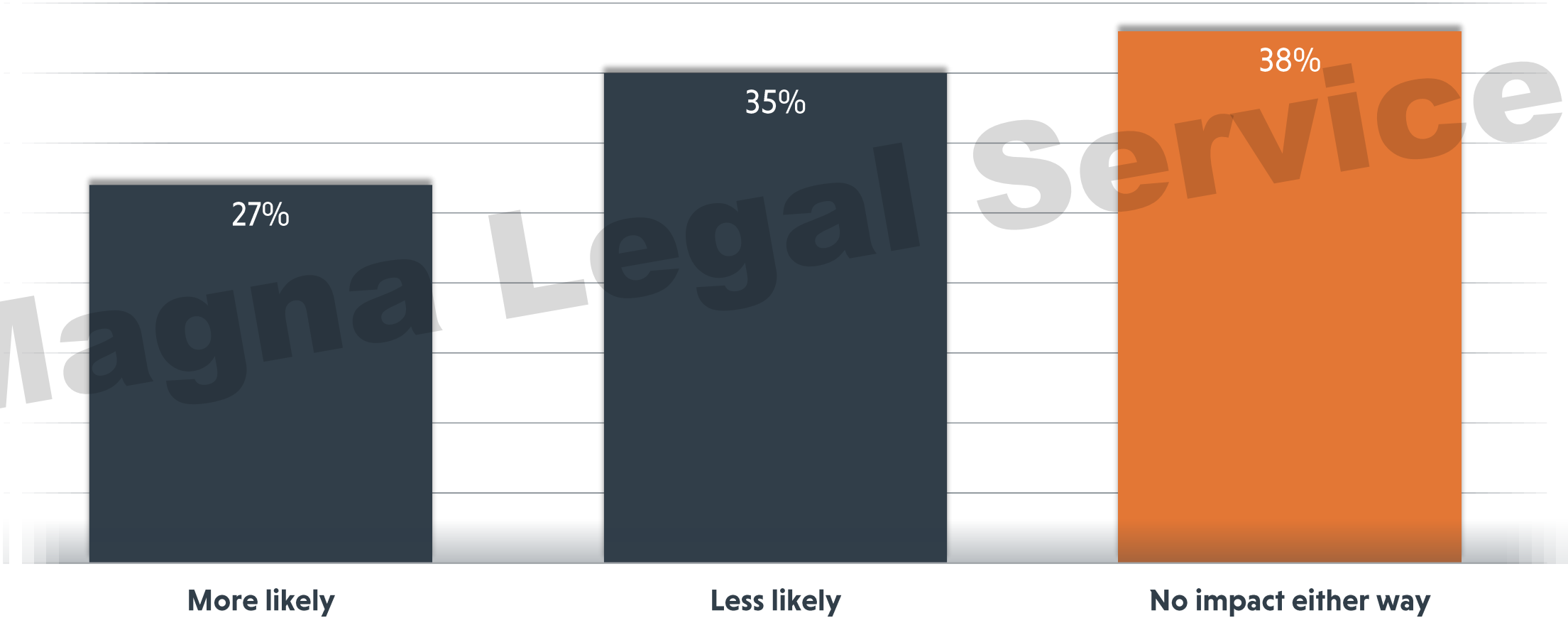
Racial minorities or economically disadvantaged individuals receive a lower quality of care in most nursing or assisted care facilities than their racial majority or economically advantaged counterparts.



There has been considerable media attention devoted to nursing or assisted care facilities throughout the pandemic as having disproportionately high COVID-19 infection and death rates. Using the below scale, why do you think this is?

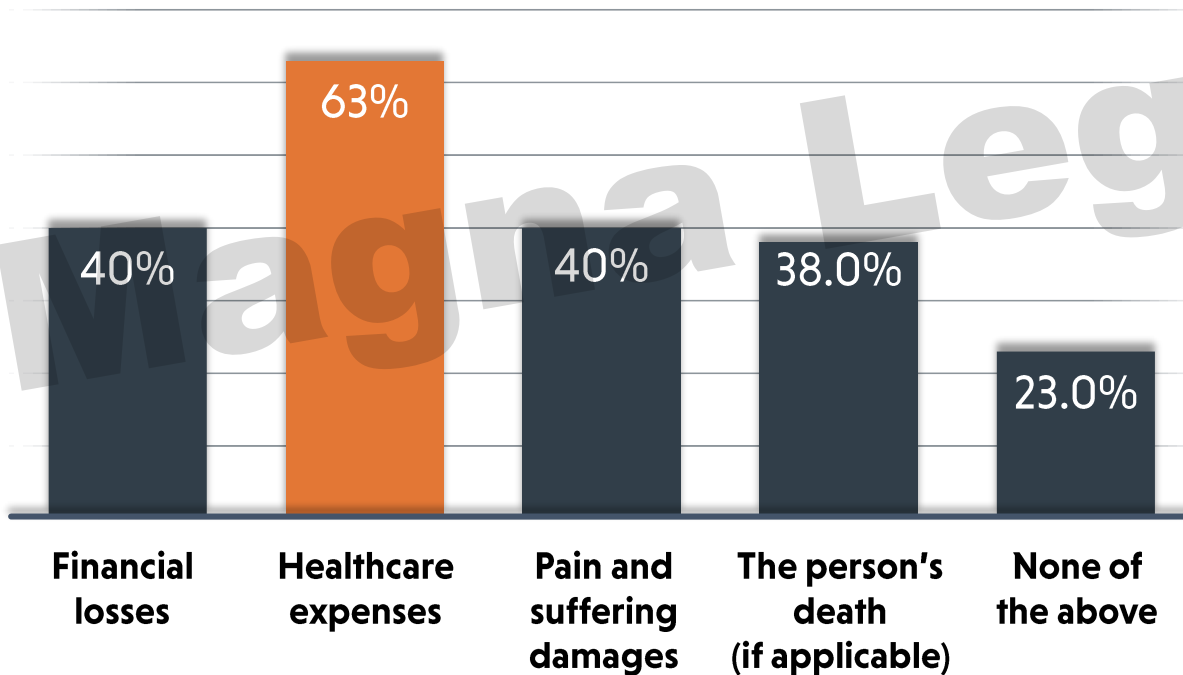


As compared to before the pandemic, do you think you will now be more or less likely to consider nursing or assisted living care for yourself or a family member?

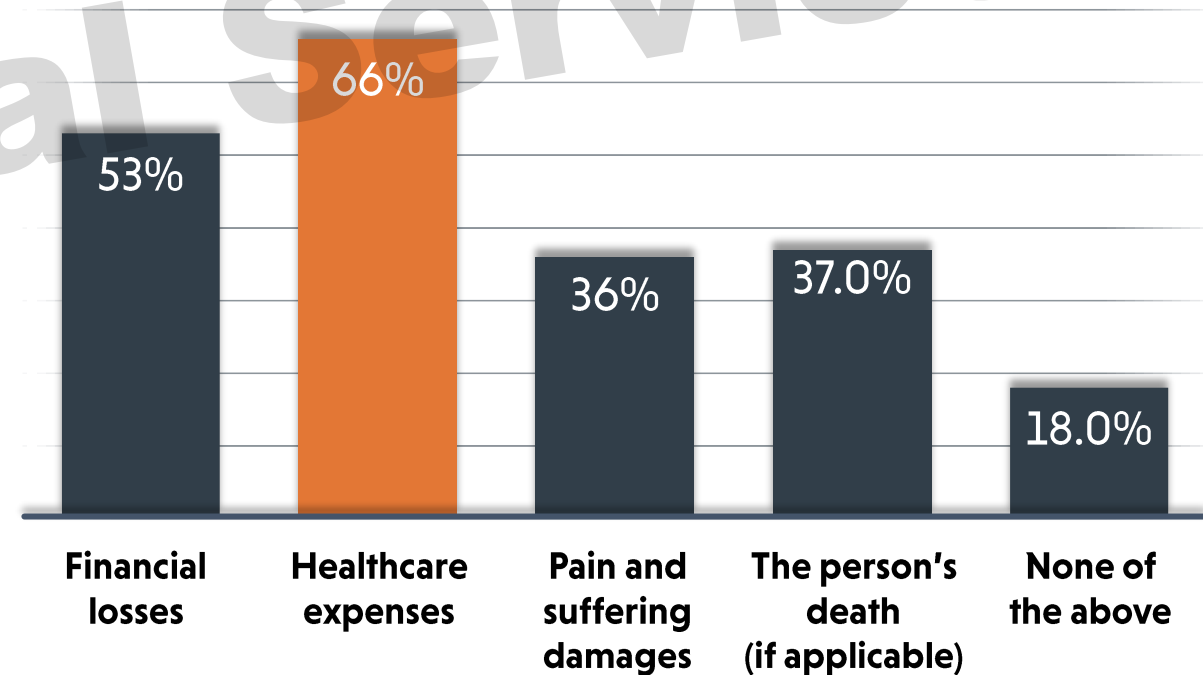


COVID-19 LIABILITY

If a resident/patient of a nursing or assisted care facility contracts COVID-19, the facility should be held responsible for the following losses that may ensue



If an employee of a nursing or assisted care facility contracts COVID-19 at work, the facility should be held responsible for the following losses that may ensue



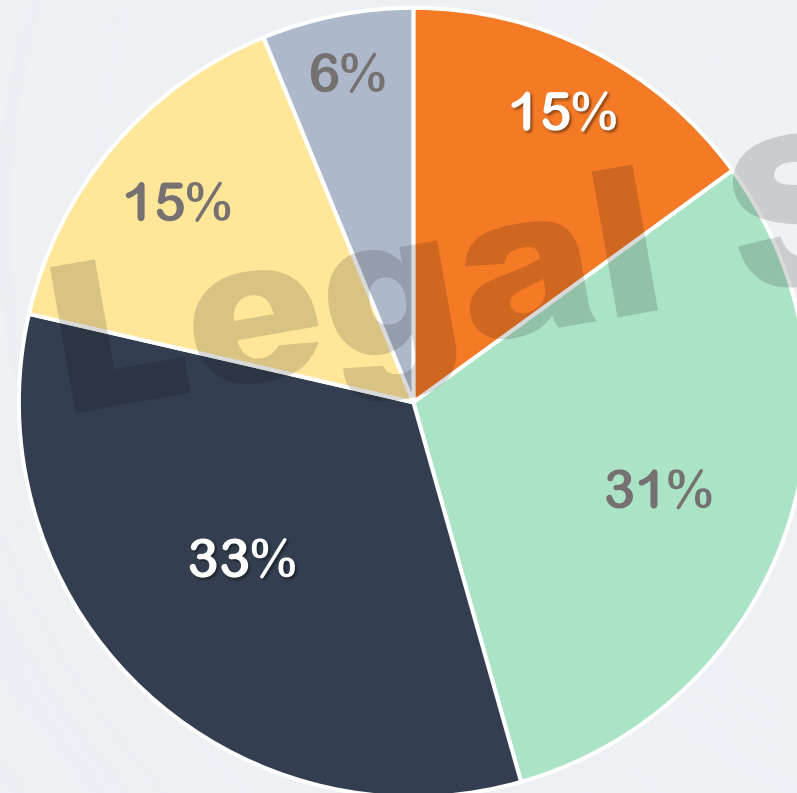


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Views of Insurance Companies

CURRENT VIEWS OF INSURANCE COMPANIES

Very Unfavorable Moderately Unfavorable Neutral / No Opinion Moderately Favorable Very Favorable



Insurance Companies

JURORS' TRUST IN INSURANCE COMPANIES



I trust insurance companies
to handle my insurance
needs fairly



COVID-19'S EFFECT ON JURORS' TRUST



I trust insurance companies to handle claims related to the COVID-19 pandemic fairly



COVID-19'S EFFECT ON JURORS' TRUST



Those who agree: Male and younger (18-34)

I trust insurance companies to handle claims related to the COVID-19 pandemic fairly

Strongly Agree:



Agree:



Disagree:



Strongly Disagree:



Those who disagree: self-defined low risk group; those who don't know anyone affected by COVID; and those who have been negatively affected financially by COVID

NEGATIVE EXPERIENCE WITH INSURANCE COMPANIES



Have you, an immediate family member, or close friend ever had what you would consider to be a particularly **NEGATIVE** experience with an insurance company?

