

# 2000 Annual Juror Outlook

Third Annual Juror Outlook Survey  
Conducted by DECISIONQUEST  
and THE NATIONAL LAW JOURNAL  
September 22-24

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# DECISIONQUEST

## ANNUAL JUROR OUTLOOK SURVEY

*The Third Annual Juror Outlook Survey was conducted over the weekend of September 22-24, 2000. The sample consisted of 1,000 completed interviews made up of male and female adults (in approximately equal number), all 18 years of age and over. The study is based on a random digit dialing probability sample of all telephone households in the continental United States. All sample numbers selected are subject to an original and at least four follow-up attempts to complete an interview. The data are weighted to be representative of the population.*

*Of the sample, 54.3% have been called for jury duty, of those, 39.2% have served on a jury.*

### **Overview of Survey Results by Category**

#### **Computers and the Internet**

- A majority of respondents (52.8%) believe that people who make copies of copyrighted music over the internet for personal use should have to pay for it. 41.3% think it should be free.
- When it comes to using copies of copyrighted music for commercial use, 77.8% believe people should have to pay for it, while 18.9% do not.
- An overwhelming majority (77.4%) believe that hackers who access other people's networks or computers should be prosecuted as criminals.
- Only 36.7% of respondents believe an employer should be able to sue web sites to make them reveal the names of employees who are writing negative emails about the employee.

#### **Political Issues and the Election**

- 40.3% of respondents believe that campaign contributions from trial attorneys have influenced the political process for the worse. This was true of 33.6% of Gore supporters and 48.5% of Bush supporters.
- Only 37.4% of respondents thought a presidential candidate's position on crime and punishment was extremely or very important in determining who they would vote for with no real difference between Gore and Bush supporters.
- More respondents (41.1%) thought the appointment of new Supreme Court justices was an extremely or very important factor in who they would vote for (with little difference between Gore and Bush supporters).

#### **Changes from 1999 to 2000**

- A far higher percentage of jurors are willing to admit their inability to be impartial jurors for certain kinds of plaintiffs and defendants. We hypothesize that many jurors believe that by not being impartial to certain litigants they are still being fair.

**Could not be impartial (in percentages)**

	<b>1999*</b>	<b>2000+</b>
Homosexual or Lesbian	12%	31%
African –American	4%	24%
Hispanic	4%	25%
Asian	3%	24%
Caucasian	3%	23%
A Tobacco Company	15%	34%
An Asbestos Manufacturer	15%	31%
A Breast Implant Manufacturer	12%	29%
A Gun Manufacturer	15%	32%
An HMO	12%	32%
A Hospital	7%	25%
A Doctor	5%	24%
A Police Officer	7%	23%
A Corporate Executive	8%	27%
A White Supremacist	32%	48%

\*Respondents were asked if they could be fair.

+Respondents were asked if they could be impartial.

- Prospective jurors are less likely to believe that when a defendant in a criminal case does not testify that it means he or she probably has something to hide (50% in 1999; 36% in 2000).

**The Death Penalty**

- 21.9% of respondents are against the death penalty under all circumstances. This was more true of lower income respondents (26.9% of those earning under \$20,000) than of higher income respondents (16.1% of those earning \$75,000 and over).
- 40.8% of respondents do not believe the current procedure for reviewing death penalty sentences is adequate. Women (45.9%) were far more likely to believe this than men (35.3%). Higher income jurors (50.9%) were more likely to believe this than lower income jurors (30.6%).
- Given recent news about questions raised in death penalty cases, of those who support the death penalty under some circumstances:
- 31% would be more inclined to vote for life imprisonment over the death penalty in a murder case.
- 19% are more against capital punishment than before
- 28% believe there should be no death penalty as long as it is possible that a single innocent person is put to death.

Once again, lower income respondents and women were more likely to be critical of the death penalty.

## **Employment Issues**

- 66.7% of respondent agree that an employee's ideas belong to the employee, not the employer.
- 36.6% of respondents agree that if a person files a sex discrimination case against an employer, it usually means the person was wronged (there were no significant gender differences).
- Similarly, 36% of respondents agree that if a person files a race discrimination case against an employer, it usually means the person was wronged.

## **Trials**

A number of questions measured jury behavior and knowledge and in some instances found that many people either make assumptions or behave in ways that are counter to what the law is, or they simply are misinformed.

- Of those who have served on juries, 11% said that their fellow jurors talked to each other about the case before all the evidence was in.
- 33% of respondents agree that if a prosecutor charges a person with a crime, the person probably committed it.
- 37% of respondents agree that if a person does not testify in a criminal case, it is probably because he or she has something to hide.
- 34% of respondents believe that when a jury awards punitive damages in a lawsuit, the jury can decide where the money goes. 23% believe the judge can decide where the money goes.

## **Punitive Damages**

- When asked if the respondent thinks that in order for a jury to send an effective message to a big corporation, it needs to award damages in the billions of dollars, only 30% agreed.
- 73% of respondents were aware of the \$145 billion punitive damage verdict against the tobacco industry. However, only 22% of respondents said this would make them more likely to award larger punitive damages if they were jurors.

## **Attorney Demeanor**

A picture emerged of the kind of behavior and appearance jurors prefer to get from attorneys in the courtroom. Behavior is far more important than appearance. In general, respondents prefer lawyers who are emotional in defending their clients; who do not shout at witnesses; who take their time to present their case; use technology to help present the evidence; and who are no-nonsense rather than humorous. On the other hand, while there was some negative reaction to flashy jewelry; gender, race, and clothing were unimportant to respondents. Younger people were even more disposed toward high-tech and emotive presentations.

- 51% of respondents prefer an emotional opening or closing argument on behalf of a client (30% felt negatively about this). Younger people (60% of 18-24 year olds) showed a greater preference for emotional openings and closings versus older people (45% of over 65's).

- 76% would react negatively to an attorney who shouted at a witness to try to prove a point (16% would react positively). The younger the respondent was the less likely he/she was to react negatively to shouting (29% of 18-24 year olds would view it positively versus 12% of those over 65).
- 61% would react positively to an attorney who made a lengthy presentation in court to present all the details of a case (28% would react negatively).
- 60% of respondents would be positive toward an attorney who presented a simulated version of the facts, using computers or a video (29% would react negatively). Younger people were far more positive than older people (72% of 18-24 year olds versus 44% of those over 65).
- 87.2% have no preference over whether the attorney is a man or a woman; 91% have no preference over whether the attorney is white or a member of a minority group; 72% have no preference as to whether the attorney wears expensive or plain clothes; 15.3% have no preference about whether the attorney wears flashy jewelry or no jewelry (although 31% prefer no jewelry); 39% prefer a no-nonsense attorney over an attorney who makes a few jokes (23% prefer this).

### **Distrust of Authority and Cynicism of Youth**

Younger respondents consistently were more likely to respond in a way that indicated that they mistrusted authority and were cynical about the justice system.

- While 45% of the sample agreed that in reaching a verdict, jurors should disregard a judge's instructions if they believe justice will best be served by doing so, this was true of 69% of the 18-24 year old age group.
- 47% of 18-24 year olds believe that if a defendant does not testify in a criminal case, it is probably because he or she has something to hide (compared to 37% of all respondents).
- While 21% of all respondents disagreed that executives of big companies often try to cover up the harm they do, only 13% of 18-24 year olds disagreed.
- 44% of 18-24 year olds feel that in order to send an effective message to a big corporation it needs to award damages in the millions of dollars. This was true of only 30% of all respondents.
- While 64% of respondents agreed that police usually tell the truth when they testify at trial, only 51% of 18-24 year olds agreed.

### **The Police**

There are wide gender, race, and age gaps in how the police are viewed, with a great deal of cynicism about how trustworthy the police are.

- 64% of respondents agree that police usually tell the truth when they testify at trial. However, only 51% of 18-24 year olds, and 36% of African Americans agreed.
- Given recent police brutality stories, 35% of respondents are less likely to believe a police officer in court. This was true of 50% of African Americans.

- 28% of respondents could not be impartial jurors in a case where a defendant was a police officer accused of beating a suspect. This was true of 34% of women, 44% of 18-24 year olds, 40% of African Americans, and 38% of Hispanics.
- In a case where a police officer was accused of killing a suspect, 24% of all respondents could not be impartial. However, 41% of 18-24 year olds, 38% of African Americans, and 32% of Hispanics could not be impartial.
- 38% of respondents could not be impartial in a case where there was a defendant police officer with a past record of misconduct. This was true of 44% of women and 44% of 18-24 year olds.

### **Jurors versus Everyone Else**

- People called for jury duty tend to be higher income than the population-at-large (53% of the population versus 63% of those earning \$75,000 or more). They also tend to be higher educated (68% of college graduates and 68% of those who have attended graduate school). Hispanics (45%) are less represented than the population-at-large.

## OMNITEL

OmniTel is a weekly national telephone omnibus service of Bruskin Research.

The sample for each week's OmniTel wave consists of 1,000 completed interviews, made up of male and female adults (in approximately equal number), all 18 years of age and over.

All interviews are conducted by telephone from five Bruskin Research sites: Edison, New Jersey; Portland, OR; Langhorne, PA; Stockton, CA and Arlington, TX. Together, the five sites have a full-time capacity of 250 lines, and utilize an interviewing procedure known as CATI - Computer Assisted Telephone Interviewing. Interviewers have been professionally trained and are continuously monitored and supervised.

Each OmniTel study is based on a random digit dialing (RDD) probability sample of all telephone households in the continental United States. The RDD sampling system is totally computer based and provides an equal probability of selection for each and every telephone household. Thus, the sample represents telephone households with both listed and unlisted phones in their proper proportions. All sample numbers selected by this procedure are subject to an original and at least four follow-up attempts to complete an interview.

All data are entered and cleaned through the CATI system during the interviewing process. Thus, this process eliminates the editing and keypunch operations. All completed interviews are weighted to ensure accurate and reliable representation of the total population, 18 years and older.