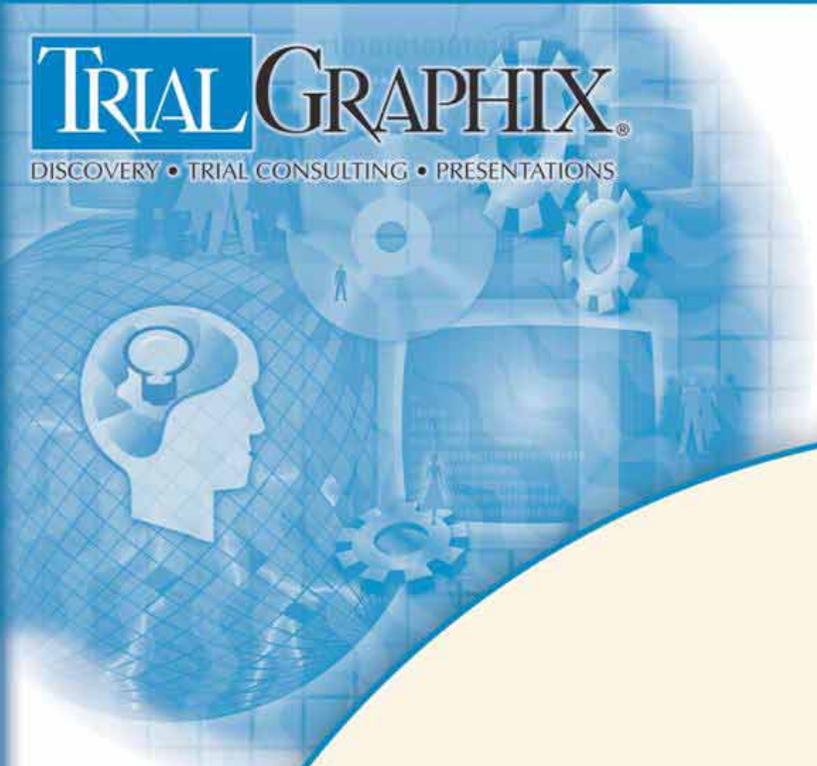


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Seventh Circuit American Jury Project

Final Report

September 2008

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INTRODUCTION

The Seventh Circuit Bar Association American Jury Project (the “Seventh Circuit Project”) was developed as an outgrowth of the American Bar Association American Jury Project. After a national symposium in October 2004 on the United States jury system, the ABA American Jury Project produced a single set of modern jury principles, entitled *Principles for Juries and Jury Trials*, “ABA Principles” that the ABA proposed be used as a model for state and federal trial courts conducting jury trials across the country. The revised principles were approved by the ABA House of Delegates during the midyear meeting in February 2005 and were published with accompanying commentary in hard copy by Thomson West Publishing Company in August 2005. The ABA Principles and accompanying commentary are available online at: <http://www.abanet.org/juryprojectstandards/principles.pdf>.

Overview of Seventh Circuit Project

With the goal of putting the jury principles articulated by the ABA American Jury Project into action, the Seventh Circuit Bar Association, headed by its then president, James R. Figliulo, took a leading role nationwide in testing the usefulness of and benefits derived from, if any, the ABA principles in fifty jury trials over a thirty month period beginning in October 2005 and continuing through April 2008. Questionnaires were developed and employed to assess the efficacy of the trial concepts tested by using both quantitative and qualitative assessment techniques. During the testing periods of the Seventh Circuit Project, over four hundred jurors, over eighty attorneys and twenty-two federal trial judges participated and provided input for analysis regarding the ABA principles tested in the fifty trials. The assessments by these judges, attorneys, and jurors in each of the jury trials where one or more of these concepts were utilized are detailed in this report.

Formation of the Commission

The Seventh Circuit Jury Project Commission was formed in the summer of 2005. The then Seventh Circuit Chief Judge Joel M. Flaum provided his support for the Seventh Circuit Project, and Circuit Judge Diane S. Sykes, Chief District Judge James F. Holderman and Chicago attorney James R. Figliulo, President of the Seventh Circuit Bar Association (2005-06), served as co-chairs of the Commission. Additionally, prominent, seasoned trial lawyers and law professors from around the Seventh Circuit were members of the Commission. Providing the Commission specific advice, academic evaluation and technical analysis were three of the foremost experts in the field: Professor Shari Diamond, J.D., Ph.D. (Northwestern University), Professor Stephan Landsman, J.D. (DePaul University), and Dr. Daniel Wolfe, J.D., Ph.D. (TrialGraphix/Kroll Ontrack), who also served as members of the Commission’s Executive Committee.

Phase One

Phase One of the Seventh Circuit Project was conducted from October 2005 through April 2006. During this period, seven of the concepts outlined in the ABA principles that appeared to be both practical and potentially beneficial were selected for testing in the federal trial courts of the Seventh Circuit. The Commission appointed an attorney chairperson for each concept. These chairpersons were responsible for preparation of the Seventh Circuit Project materials regarding their respective test concepts. The materials regarding the seven concepts were compiled in the Phase One Seventh Circuit Project Manual. Each of the seven concepts was explained and the legal authority supporting the use of each concept during trial was provided. Seven district court judges, one per concept, reviewed the proposed materials to be set forth in the Phase One Project Manual and provided their judicial input.

The seven concepts tested during Phase One of the Seventh Circuit Project were as follows:

1. Twelve-Person Juries.
2. Jury Selection Questionnaires.
3. Preliminary Substantive Jury Instructions.
4. Trial Time Limits.
5. Questions by the Jury During Trial.
6. Interim Statements to the Jury by Counsel.
7. Enhancing Jury Deliberations.

Other trial procedures discussed by the ABA Principles such as providing jurors notebooks containing exhibits and allowing jurors to take notes during trial have become so commonly used by trial judges in the Seventh Circuit that the Commission believed testing of these procedures would not be useful.

The materials and information relating to the seven concepts to be tested were placed in a hard copy Phase One Project Manual and on a CD for participating judges and attorneys to reproduce and use. The Phase One Project Manual, which can be accessed online at <http://www.7thcircuitbar.org/associations/1507/files/01ProjectManual.pdf>, contained five subsections for each of the seven Phase One concepts tested:

1. The ABA American Jury Project Principles and Standards relating to the concept.
2. The rationale for testing the concept.
3. The legal authority supporting the concept's use.
4. Suggested procedures for the concept's use.

5. Suggested jury instructions pertaining to the concept's use.

Questionnaires for the participating trial judges, lawyers, and jurors used in evaluating each of the seven Phase One concepts in each trial were prepared by Dr. Daniel Wolfe, J.D., Ph.D. of TrialGraphix/Kroll Ontrack in consultation with Professor Shari Seidman Diamond, the Howard J. Trienens Professor of Law at Northwestern School of Law, and Professor Stephan A. Landsman, the Robert A. Clifford Professor of Law at the DePaul University College of Law.

The Phase One questionnaires were distributed to and filled out by the twenty-two (22) participating federal trial judges across the Seventh Circuit, seventy-four (74) participating attorneys, and three hundred three (303) jurors in the thirty-eight (38) Phase One trials in which one or more of the test concepts were employed. Data derived from the completed Phase One questionnaires was collected, analyzed, and presented at the Seventh Circuit Bar Association Annual Meeting and Judicial Conference in May 2006.

Phase Two

Phase Two of the Seventh Circuit Project began in February 2007 and extended through April 2008. For Phase Two, the Commission narrowed its focus to include just four of the concepts that had been initially tested in Phase One:

1. Questions by the Jury During Trial.
2. Interim Statements to the Jury by Counsel.
3. Twelve-Person Juries.
4. Preliminary Substantive Jury Instructions.

These four concepts were chosen in part because of their popularity in Phase One – seventy-eight percent (78%) of Phase One jurors reported that the use of Questions by the Jury During Trial increased their satisfaction with the trial process, and eighty-two percent (82%) of Phase One judges reported that the use of Preliminary Substantive Jury Instructions increased their satisfaction with the trial process – and in part due to the desire for further study (although the concept of Twelve-Person Juries is broad in its potential applicability, this concept was only employed in thirty-two percent (32%) of Phase One trials; likewise, Interim Statements to the Jury by Counsel were used in only forty-eight percent (48%) of the Phase One trials, despite the fact that seventy percent (70%) of the judges who employed this technique agreed that it increased their satisfaction with the trial process).

In preparation for Phase Two, the Commission revised and updated the Project Manual based on its learnings from Phase One, with the intent of better capturing and addressing the concepts to be studied. The Phase Two Project Manual and CD retained Phase One's basic structure, including a description of the ABA American Jury Project Principles and Standards relating to each concept, the rationale for testing the concept, the legal authority supporting the concept's use, suggested procedures for the concept's

use, and suggested jury instructions pertaining to the concept's use. A copy of the Phase Two Manual is available online at <http://www.7thcircuitbar.org/associations/1507/files/iC13961v2.pdf>. In Phase Two, the Seventh Circuit Project again captured relevant data through the use of questionnaires given to participating trial judges, attorneys, and jurors.

During Phase Two, one hundred eight (108) jurors, in the twelve (12) Phase Two trials, in which one or more of the test concepts were employed, filled out Phase Two juror questionnaires. Additionally, twelve (12) attorneys and four (4) United States District Judges (from the Northern District of Illinois – Eastern Division, and the Western District of Wisconsin – Milwaukee Division) completed questionnaires. Data derived from the completed Phase Two questionnaires was collected, analyzed, and presented at the Seventh Circuit Bar Association Annual Meeting and Judicial Conference in May 2008.

The members of the Seventh Circuit Jury Project Commission believe that the Seventh Circuit Project has achieved its goal of producing a better understanding among members of the bench and bar as to how best to implement these concepts to enhance jurors' understanding of the factual issues they are asked to resolve at trial. Building upon the experiences of the participating Seventh Circuit trial judges, attorneys, and jurors, the Commission offers this Final Report as a springboard for future refinement and innovation in the area of jury studies.

In this Final Report, the Commission has set out its conclusions resulting from both phases of the Seventh Circuit Project and provided the Commission's recommendations as to each concept of the ABA Principles that was tested. An executive summary of those conclusions and recommendations is the next segment of this report, followed by the Commission's discussion of each concept tested and the data derived from the Seventh Circuit Project.

EXECUTIVE SUMMARY OF SEVENTH CIRCUIT COMMISSION’S CONCLUSIONS

In sum, four hundred and thirty-four (434) jurors completed questionnaires, as did eighty-six (86) attorneys, who participated in fifty (50) jury trials. The twenty-two (22) federal trial judges, who presided over one or more of the jury trials in which one or more of the Seventh Circuit Project concepts were utilized, were from six (6)¹ of the seven (7) districts that comprise the Seventh Circuit.

The concepts tested by the Seventh Circuit Project were viewed generally by the participants as enhancing the jury trial process. Overall, the judges, attorneys, and jurors who participated found the use of the tested concepts to be relatively effective in enhancing juror understanding and to have increased the overall satisfaction of the trial process. The following is an “executive summary” of the Commission’s conclusions as to each concept.

Executive Summary

1. Juror Questions for Witnesses During Trial

The procedure of permitting jurors to submit written questions for witnesses during trial had the intended goal of enhancing juror understanding of the evidence presented at trial. Jurors in the Seventh Circuit Project jury trials generally used their questions for that purpose, and the vast majority of jurors, eighty-three percent (83%), reported that the ability to submit written questions helped their understanding of the facts. Judges and attorneys who participated in trials in which juror questions were permitted also responded very favorably to the procedure, with seventy-seven percent (77%) of judges and sixty-five percent (65%) of attorneys reporting increases in juror understanding. Moreover, seventy-five percent (75%) of judges and sixty-six percent (66%) of attorneys saw no reduction in efficiency associated with permitting juror questions. The Seventh Circuit Jury Project Commission therefore strongly recommends use of this procedure in future state and federal jury trials.

2. Preliminary Substantive Jury Instructions

The procedure of the trial judge providing the jurors preliminary substantive jury instructions has the intended goal of increasing the jurors’ understanding of the case by giving the jurors the legal framework for the parties’ arguments regarding the disputed facts. The Seventh Circuit Project jury trials in which this concept from the ABA Principles was tested resulted in over eighty percent (80%) of the jurors, over eighty-five percent (85%) of the judges and over seventy percent (70%) of the lawyers who participated stating they believed that this intended goal of enhancing juror understanding was accomplished. The Commission therefore strongly recommends use of this procedure in future state and federal civil jury trials.

¹ Northern District of Illinois, Southern District of Illinois, Northern District of Indiana, Southern District of Indiana, Eastern District of Wisconsin, Western District of Wisconsin

3. Twelve-Person Juries

Half the judges (50%) reported that the jury's diversity was increased due to the expansion of the number of jurors impaneled. The data generated by the Project were insufficient to quantify the extent of the observed effect. Both mathematical modeling and data from other sources, however, lend significant support to the judges' observation. The chief criticism of the twelve-person jury is that it results in inefficiency at trial. Over three-quarters of the judges (78%) and almost two-thirds of the attorneys (64%) reported that the efficiency of the trial process was unaffected by the use of larger jury panels. The Commission believes that the use of twelve-person juries is likely to prove beneficial and pose little difficulty in efficiency terms. It, therefore, recommends the use of such juries when practicable.

4. Interim Statements to the Jury by Counsel

Over eighty percent (80%) of the jurors reported that interim statements of counsel were helpful. Consequently, it appears that the intended purpose of interim statements by counsel of helping the jurors better understand the evidence and keeping the juror's attention focused on the evidence was accomplished. Over eighty-five percent (85%) of the participating judges thought the use of interim statements increased the jurors' understanding and said they would permit interim statements during trials in the future. The use of interim statements would most likely be helpful in cases where the trial is expected to last more than a week. There seems to be little danger of any abuse of this practice. The Commission strongly recommends the use of interim statements by counsel to the jury in cases lasting more than a week.

5. Jury Selection Questionnaires

Seventy-eight percent (78%) of the judges and forty-seven percent (47%) of the attorneys believed the use of juror selection questionnaires did not affect the fairness of the trial process. A majority of the judges and attorneys believed using jury selection questionnaires increased the efficiency of the trial process. The Commission believes that the use of a written jury selection questionnaire is beneficial in the appropriate case to accommodate the prospective jurors' privacy or to increase the efficiency of the trial process.

6. Deliberations Guidance Instruction

The findings from the test of this concept did not shed much light on whether or how to better instruct the jury on the conduct of deliberations. Thus, the Commission does not take any position on whether the suggested procedures used to test this concept should be encouraged or not.

7. Trial Time Limits

Because there were only seven (7) trials in which the participating judges imposed time limits, the sample size is too small to draw any meaningful conclusions. However, the limited evidence suggests that judges may be reluctant to impose time limits out of a belief that time limits will not increase the fairness of the trial process, the efficiency of the trial process, or satisfaction with the trial process. Trial time limits may be appropriate in certain cases, but this concept does not seem to be perceived as having enough support or demonstrable benefits to warrant any recommendation by this Commission.

DISCUSSION AND ANALYSIS OF THE CONCEPTS TESTED

Discussion and Analysis of the Concept of Juror Questions for Witnesses During Trial

ABA Principle Tested

To test Principle 13(C.) of the ABA American Jury Project Principles, the Seventh Circuit Commission proposed that judges participating in the Seventh Circuit Project permit the jurors to submit written questions for witnesses during the trial. Principle 13 states that “The court and parties should vigorously promote juror understanding of the facts and the law.” Principle 13(C.) states:

- C. In civil cases, jurors should, ordinarily, be permitted to submit written questions for witnesses. In deciding whether to permit jurors to submit written questions in criminal cases, the court should take into consideration the historic reasons why courts in a number of jurisdictions have discouraged juror questions and the experience in those jurisdictions that have allowed it.
1. Jurors should be instructed at the beginning of the trial concerning their ability to submit written questions for witnesses.
 2. Upon receipt of a written question, the court should make it part of the court record and disclose it to the parties outside the hearing of the jury. The parties should be given the opportunity, outside the hearing of the jury, to interpose objections and suggest modifications to the question.
 3. After ruling that a question is appropriate, the court may pose the question to the witness, or permit a party to do so,² at that time or later; in so deciding, the court should consider whether the parties prefer to ask, or to have the court ask, the question. The court should modify the question to eliminate any objectionable material.
 4. After the question is answered, the parties should be given an opportunity to ask follow-up questions.

² [Note: Although Principle 13, C. 3 permits counsel to ask the juror’s question, the Subcommittee on Jury Questions for the Seventh Circuit Commission believes that the better practice is for the court to ask the question.]

Reasons for Test

The Commission chose to test the procedure of permitting juror questions during trial because the Commission believed that allowing jurors to submit written questions after attorney questioning can facilitate better juror understanding of the evidence and better decision making. Allowing juror questions was predicated on the notion that, with appropriate safeguards, juror questioning can materially advance the pursuit of truth. Prior to the Project, judges and attorneys using this technique reported, and empirical studies in several jurisdictions indicated, that most juror questions are serious, concise, and relevant to the trial proceeding. Moreover, the fact that an occasional irrelevant or prejudicial question was disallowed did not appear to affect jurors' judgments in any significant manner.

Legal Support for Concept Tested

Allowing submission of written juror questions during trial is supported by *United States v. Sutton*, 970 F.2d 1001, 1005 n.3 (1st Cir. 1992). In *Sutton*, the First Circuit noted that “[j]uror-inspired questions may serve to advance the truth by alleviating uncertainties in the jurors’ minds, clearing up confusion, or alerting the attorneys to points that bear further elaboration. 970 F.2d at 1005 n.3. The Court also suggested that “it is at least arguable that a question-asking juror will be a more attentive juror.” *Id.* at 1005 n.3.

In *U.S. v. Richardson*, 233 F.3d 1285, 1289 (2003), the Eleventh Circuit, citing cases dealing with the status of permitting juror questions in the 2nd, 3rd, 4th, 5th, 6th, and 8th federal circuits, concluded that “[e]very circuit to consider the practice has permitted it, holding that the decision to allow juror questioning rests within the discretion of the trial judge.” 233 F.3d at 1289.

Empirical studies of programs permitting juror questions during trial have been conducted in Arizona, Colorado, New Jersey, and Wisconsin. In all of these studies, a majority of judges, attorneys, and jurors have reacted favorably. In addition, juror questions have not caused excessive time delays and have focused primarily on relevant issues. Jurors did not react negatively when their questions were declined. Larry Heuer & Steven Penrod, *Increasing Juror Participation in Trials Through Note Taking and Question Asking*, 79 JUDICATURE (March-April 1996); Mary Dodge, *Should Jurors Ask Questions in Criminal Cases? A Report Submitted to the Colorado Supreme Court’s Jury System Committee 2* (2002); Nicole L. Mott, *The Current Debate on Juror Questions: “To Ask or Not to Ask, That is the Question,”* 78 CHI.-KENT L. REV. 1099 (2003); Shari Seidman Diamond, Mary R. Rose, & Beth Murphy, *Jurors’ Unanswered Questions* 41 COURT REVIEW 20 (2004); Shari Seidman Diamond, Mary R. Rose, Beth Murphy, & Sven Smith, *Juror Questions During Trial: A Window on Juror Thinking*, 59 VANDERBILT LAW REV. 1927 (2006)

Procedures Employed

To facilitate studying the use of juror questions in the Project, the Commission proposed that:

- At the beginning of the trial, the judge should tell the jury that, after attorney questioning of a witness is over, jurors may submit written questions, which the judge may or may not address to the witness.
- The judge should inform the jurors that they are not required to submit questions. If they choose to, however, jurors must signify that they have a question, but they do not have to sign the question or otherwise identify themselves.
- When attorney examination of a witness is over, the judge should ask the jurors whether there are any questions. If so, written questions are handed to the judge, who then consults with the attorneys outside the presence of the jury, usually at a sidebar, on whether the question can be asked. The judge should then read each question for the record and permit the attorneys to object to the form or content of any question. The judge then will rule on any objections and makes any wording changes that he or she deems appropriate.
- Back in the presence of the jury, the judge will then read the permitted questions to the witness, and the attorneys may further examine the witness.
- If the jury has submitted questions that cannot be answered, the judge may remind the jury that evidentiary rules prohibit asking certain questions, and they should attach no significance to those questions not asked.

Recommended Instructions on Juror Questions

In Phase One, the recommended preliminary instruction to the jury read as follows:

If you, after listening to a witness's testimony on both direct examination and cross-examination, have a question that you feel may clarify the witness's testimony, you may, if you desire, write down your question and give it to my clerk.

My clerk will provide it to me and I, as I must, will share your question with the lawyers in the case. If your question is a proper inquiry under the rules of evidence, I will read your question to the witness so the witness may answer it.

Under the rules of evidence questions must be asked in a certain form, and I will attempt to modify the form of any submitted question to conform with the proper form. Also under the rules of evidence if you submit a question, and it is not asked, it is because I as the judge have

determined the question should not be asked under the law. You should draw no conclusions or inferences if a question is not asked with regard to the facts in the case, and you should not speculate about the answer to any unanswered question. Likewise, in considering the evidence in the case, you should not give greater weight to the testimony given in answer to any question submitted by a member of the jury.

I emphasize that only written questions can be considered. You cannot ask questions orally of any witness.

Based on our experience in Phase One, it appeared that jurors might benefit from guidance regarding when questions by jurors were appropriate. In Phase Two, the recommended preliminary instruction was modified to read as follows:

In this trial, we are using a procedure that you may not have seen before. As members of the jury, you will be permitted to submit questions for a witness after the lawyers have finished questioning the witness. Here is how the procedure works: After each witness has testified and the lawyers have asked all of their questions, I will turn to the jury to see if anyone has any additional questions. If you have a question, you should write it down and give it to the court staff.

You may submit a question for a witness to clarify or help you understand the evidence. Our experience with juror questions indicates that a juror will rarely have more than a few questions for one witness, and there may be no questions for some witnesses.

If you submit a question, the court staff will provide it to me and I will share your questions with the lawyers in the case. If your question is permitted under the rules of evidence, I will read your question to the witness so that the witness may answer it. In some instances, I may modify the form or phrasing of a question so that it is proper under the rules of evidence. On other occasions, I may not allow the witness to answer a question, either because the question cannot be asked under the law, or because another witness is in a better position to answer the question. Of course, if I cannot allow the witness to answer a question, you should not draw any conclusions from that fact, or speculate on what the answer might be.

Here are several important things to keep in mind about your questions for the witnesses.

First, all questions must be submitted in writing. Please do not ask questions orally of any witness.

Second, witnesses may not be re-called to the witness stand for additional juror questions, so if you have a question for a particular witness, you should submit it at the end of that witness's testimony.

Finally, as jurors you should remain neutral and open throughout the trial. As a result, you should always phrase any questions in a neutral way that does not express an opinion about the case or a witness. Remember that at the end of the trial, you will be deciding the case. For that reason, you must keep an open mind until you have heard all of the evidence and the closing arguments of counsel, and I have given you final instructions on the law.

During both Phase One and Phase Two, a recommended final instruction to be read to the jury with the other final jury instructions was as follows:

During the trial, written questions by some members of the jury have been submitted to be asked of certain witnesses. Testimony answering a question submitted by a juror should be considered in the same manner as any other evidence in the case. If you submitted a question that was not asked, that is because I determined that under the rules of evidence the answer would not be admissible, just as when I sustained any objection to questions posed by counsel. You should draw no conclusion or inference from my ruling on any question, and you should not speculate about the possible answer to any question that was not asked or to which I sustained an objection.

Results of the Project

A. How often did the jurors submit questions?

Judges in the Seventh Circuit Project said they permitted juror questions in thirty-eight (38) trials. The judges indicated that jurors submitted questions in thirty-one (31) trials, which is eighty-three percent (83%) of the trials in which questions were permitted. In those thirty-one (31) trials, the jurors submitted an average of eighteen (18) questions (median = 15) per trial. Based on the trial length information collected during Phase One, this rate of question submission amounted to an average of six questions per day of trial.

Jurors were asked whether they had submitted any questions during the trial, and if they had, how many they had submitted. As Table 1 shows, a majority of the jurors (56%) said they had submitted at least one question:

Table 1. Did you submit any questions during trial? If yes, how many?

Questions Submitted	Phase One	Phase Two	Total
0	42.5%	48.1%	44.1%
1	13.5%	17.7%	14.7%
2	7.2%	12.7%	8.7%
3-5	12.6%	11.4%	12.2%
6-10	4.8%	2.5%	4.2%
>10	6.3%	0	4.5%
Yes, but no number given	13.0%	7.6%	11.5%
Total	99.9% (207)	100.0% (79)	99.9% (286)

Based on the experience with juror questions in Phase One, the Commission revised the recommended instruction to suggest to the jurors that questioning is likely to be limited. That revised recommended instruction stated: “Our experience with juror questions indicates that a juror will rarely have more than a few questions for one witness, and there may be no questions for some witnesses.” We compared the juror questioning in Phase One and Phase Two to assess whether the altered instruction on juror questions affected the pattern of juror questioning. The change had no substantial influence on the tendency of jurors to submit at least one question. In Phase One, fifty-eight percent (58%) of jurors said they submitted questions, and in Phase Two, fifty-two percent (52%) said they did. Jurors did, however, submit *fewer* questions on average in Phase Two than they did in Phase One. In Phase One, twenty-four percent (24%) of the jurors said they submitted 3 or more questions, while in Phase Two only fourteen percent (14%) said they submitted 3 or more questions. Assuming that participating judges used the new recommended instruction during Phase Two, the change in the instruction may explain the drop, although we cannot be sure in light of the small number of cases in Phase Two.

We asked judges, attorneys, and jurors to indicate whether they thought the number of questions submitted by jurors during the trial was (1) too many, (2) an appropriate number, or (3) too few. As Table 2 shows, a substantial the majority in each of three groups reported that the jurors submitted an appropriate number of questions.

Table 2. What is your opinion of the number of questions submitted by jurors during the trial?

	Judges	Attorneys	Jurors
Too many	26.7%	21.0%	3.1%
An appropriate number	63.3%	69.4%	87.3%
Too few	10.0%	9.7%	9.7%
Total	100.0% (30)	100.1% (72)	100.1% (259)

A comparison between Phase One and Phase Two suggests that the instruction change may have produced a drop in *unwarranted* questions. In both phases, only ten percent (10%) of both judges and attorneys thought the jurors asked too few questions, so there is no indication that the change in instruction inhibited appropriate questioning. In contrast, however, the percentage of both judges and attorneys who thought the jurors asked too many questions dropped from thirty-five percent (35%) in Phase One to ten percent (10%) in Phase Two for judges, and from twenty-four percent (24%) to zero percent (0%) for attorneys. The difference may have been produced by the change in the recommended instruction to be given to jurors on submitting questions during trial for Phase Two.

Judges used various procedures to instruct the jurors about submitting questions and, based on interviews conducted with judges during Phase One of the Seventh Circuit Project, some of the procedures influenced the likelihood that questions were submitted because they affected juror awareness of that option. When the judge mentioned juror questions only at the outset of the trial, many jurors missed the fact or forgot that they could submit questions when a witness finishing testifying. In contrast, when the judge signaled a willingness to take juror questions after a witness testified, generally by mentioning it after each of the first several witnesses and merely pausing briefly after later witnesses, nearly all jurors understood that questions were allowed and they were more likely to submit them.

As the judge informed the jurors at the beginning of the trial, the judge was not always able to allow the witness to answer a submitted written question. The judges reported that after consulting with counsel, they permitted the witness to answer eighty-eight percent (88%) of the questions jurors submitted during trial.

B. *Who submitted questions?*

Jurors from all different backgrounds submitted questions. The likelihood of submitting a question did not vary by juror gender, age, or racial/ethnic background. Jurors with graduate school educational backgrounds (72%) were more likely to submit a question than were jurors with less education (54%), but at every educational level, at least fifty percent (50%) of the jurors submitted a question (high school or less: 50%; technical/some college: 58%; college grad: 52%). The only other characteristic associated with the likelihood of submitting a question was prior service as a juror. If a juror had served before, the juror was less likely to submit a question (48% versus 62%). It is unclear why first time jurors were more likely to submit a question, unless it was simply that prior jurors had served on juries in which questions had not been permitted.

C. *How did trial participants react to permitting juror questions during trial?*

The judges and attorneys who participated in cases in which juror questions were permitted rated the effects of the juror questions on the trial. Jurors who said they had participated in a trial in which juror questions were permitted responded to similar questions. Tables 3a – 3d show the reactions of the trial participants:

A majority of judges reported increases in fairness (74%), juror understanding (77%), and satisfaction with the trial process (56%). They reported no decreases on any of these three measures. A minority (23%) did see a decrease in efficiency.

Table 3a. Judicial Evaluation of the Effects of Permitting Juror Questions During Trial*

	Fairness	Efficiency	Juror Understanding	Judge Satisfaction with Trial Process
Increased	74	3	77	56
No Effect	26	74	23	44
Decreased	0	23	0	0
Don't Know	0	0	0	0
Total	100% (35)	100% (35)	100% (35)	100% (35)

* In cases in which jurors were permitted to submit questions

Although fewer attorneys than judges saw improvements, two-thirds of the attorneys saw either an improvement or no change on fairness (80%), efficiency (64%), juror understanding (82%), and satisfaction with the trial process (80%).

Table 3b. Attorney Evaluation of the Effects of Permitting Juror Questions During Trial*

	Fairness	Efficiency	Juror Understanding	Attorney Satisfaction with Trial Process
Increased	47	38	65	52
No Effect	33	28	17	28
Decreased	7	28	2	14
Don't Know	13	5	17	7
Total	100% (60)	99% (60)	101% (60)	101% (60)

* In cases in which jurors were permitted to submit questions

Even among attorneys who said that they had lost at trial, the reaction to juror questions was equally positive:

Table 3c. Losing Attorney Evaluation of the Effects of Permitting Juror Questions During Trial*

	Fairness	Efficiency	Juror Understanding	Attorney Satisfaction with Trial Process
Increased	42	42	58	56
No Effect	37	37	21	28
Decreased	5	16	0	6
Don't Know	16	5	21	11
Total	100% (19)	100% (19)	100% (19)	101% (19)

* In cases in which jurors were permitted to submit questions and the attorney characterized the outcome of the trial as between 1 and 3 on a 7-point scale in which 1 = big loss and 7 = big win

Among the jurors, reaction was extremely favorable, with sixty-seven percent (67%) reporting that questions helped on fairness, a majority, fifty-five percent (55%), reporting they helped on efficiency, and over eighty percent (80%) saying they helped on juror understanding and satisfaction with the trial process.

Table 3d. Juror Evaluation of the Effects of Permitting Juror Questions During Trial*

	Fairness	Efficiency	Juror Understanding	Juror Satisfaction with Trial Process
Helped	67	55	83	81
Did not affect	32	44	16	19
Hurt	1	1	1	0
Total	100% (278)	100% (279)	100% (281)	100% (279)

* All jurors who said they were permitted to submit questions

Not surprisingly, when jurors were asked whether or not they thought that jurors should be permitted to submit questions for witnesses during trial, ninety-five percent (95%) said they should be.

D. *What did jurors see as the primary purposes of their questions?*

In Phase One, jurors were given a list of four possible purposes for their questions and asked to indicate all that applied. As Table 4 shows, the two most commonly selected reasons were “to clarify information already presented,” which was selected by fifty-nine percent (59%) and “to get additional information,” which was selected by sixty-seven percent (67%). The less frequently chosen purposes were “to resolve inconsistencies in the evidence,” chosen by thirty percent (30%) and “to find out the opinion of a witness,” chosen by fifteen percent (15%). In Phase Two, when the jurors were given eight additional possible purposes, the two dominant choices in Phase One

remained those most frequently selected. The purpose least chosen was “to help one side or the other,” selected by six percent (6%). Thus, the pattern of purposes juror chose was generally consistent with the goal of allowing juror questions to enable better juror fact-finding.

Table 4. Primary Purposes of Juror Questions: If you submitted any questions to the judge, what were the primary purposes of your questions (check “Yes” or “No” for each of the following reasons that apply)?

Primary purposes (all reasons that apply):	Phase One	Phase Two
To repeat information already presented*	-	13%
To clarify information already presented	59%	62%
To check on a fact or an explanation*	-	53%
To get additional information	67%	84%
To find out the opinion of a witness	15%	22%
To resolve inconsistencies in the evidence	30%	44%
To understand the law*	-	14%
To test witness credibility*	-	31%
To link up other evidence*	-	42%
To help one side or the other*	-	6%
To make sure the trial was fair*	-	33%
To cover something that the lawyers missed*	-	53%
(number of jurors answering)	(176)	(44)

* Asked in Phase Two only

Conclusion

The procedure of permitting jurors to submit written questions for witnesses during trial had the intended goal of enhancing juror understanding of the evidence presented at trial. Jurors in the Seventh Circuit Project jury trials generally used their questions for that purpose, and the vast majority of jurors, eighty-three percent (83%), reported that the ability to submit written questions helped their understanding of the facts. Judges and attorneys who participated in trials in which juror questions were permitted also responded very favorably to the procedure, with seventy-seven percent (77%) of judges and sixty-five percent (65%) of attorneys reporting increases in juror understanding. Moreover, seventy-five percent (75%) of judges and sixty-six percent (66%) of attorneys saw no reduction in efficiency associated with permitting juror questions. The Seventh Circuit Jury Project Commission therefore strongly recommends use of this procedure in future state and federal jury trials.

Discussion and Analysis of the Concept of Preliminary Substantive Jury Instructions

ABA Principle Tested

To test Principle 6(C.) of the ABA American Jury Project Principles, the Seventh Circuit Commission proposed that as a part of the Seventh Circuit Project the participating federal trial judges provide the jurors substantive preliminary jury instructions, including an explicit description of the claims, the requisite elements of proof, and the other essential law governing the case, before any evidence was presented at the trial. Principle 6(C.) states:

- C. Throughout the course of the trial, the court should provide instructions to the jury in plain and understandable language.
 1. The court should consider giving preliminary instructions directly following impanelment of the jury that explain the jury's role, the trial procedures including note-taking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles, including the elements of the charges and the claims and definitions of unfamiliar legal terms.
 2. The court should advise jurors that once they have been selected to serve as jurors or alternates in a trial, they are under an obligation to refrain from talking about the case outside the jury room or allowing anyone to talk about the case in their presence until the trial is over and the jury has reached a verdict.
 3. The court should give such instructions during the course of the trial as are necessary to assist the jury in understanding the facts and law of the case being tried as described in Standard 13 D.2.

Reasons for Test

The Commission chose to test this procedure of providing preliminary substantive jury instructions to the jurors before evidence is presented because the Commission believed that doing so would facilitate (1) better decision making by jurors, and (2) greater understanding by jurors of their duty in the decision-making process. The Commission recommended that the trial judge, after conferring with counsel for the parties, provide in advance of opening statements not only the standard preliminary jury instructions recommended by the Seventh Circuit³ but also substantive instructions on matters such as the elements of the plaintiff's claim, burden of proof, and the defendant's

³ See FEDERAL CIVIL JURY INSTRUCTIONS OF THE SEVENTH CIRCUIT, General Instructions (2005), available at www.ca7.uscourts.gov/7thcivinstruct2005.pdf.

affirmative defenses. The Commission further recommended that the preliminary substantive instructions include sufficient detail on the legal framework of the case to inform the jurors of the issues they would be asked to decide. The Commission proposed that jurors' ability to recall relevant evidence and apply the law to the facts of the case would improve if the jurors understood prior to the presentation of evidence the context in which they would be required to evaluate the evidence presented during trial.

The Commission contemplated that preliminary substantive instructions would be used in addition to traditional jury instructions. Thus, the trial judge would continue to give final jury instructions following presentation of the evidence in accord with the judge's usual practice. The judge could also consider whether the jurors' decision making would be improved if certain substantive instructions were given at appropriate times during the presentation of evidence.

Legal Support for Concept Tested

Use of preliminary substantive jury instructions is supported by *United States v. Bynum*, 566 F.2d 914, 924 (5th Cir. 1978). In *Bynum*, the Fifth Circuit explained that “[a]lthough it is difficult for the courts to give preliminary jury instructions in all cases, it is not only not error to do so, it is a well-reasoned modern trend to give instructions outlining the issues and the law involved prior to the taking of testimony.” 566 F.2d at 924. The Court further acknowledged that the trial court has an “obligation . . . to do all within its power to assist the jury in understanding the issues involved and the application of the law.” *Id.* at 924 n. 7.

Use of the procedure is also supported by the Federal Rules of Criminal and Civil Procedure. Federal Rule of Criminal Procedure 30(c) provides that “[t]he court may instruct the jury before or after the arguments are completed, or at both times.” Federal Rule of Civil Procedure 51(b)(3) provides that the court “may instruct the jury at any time before the jury is discharged.” The Advisory Committee Notes to the 1987 Amendment of Rule 51 also explains that instructing jurors before argument:

gives counsel the opportunity to explain the instructions, argue their application to the facts and thereby give the jury the maximum assistance in determining the issues and arriving at a good verdict on the law and the evidence. As an ancillary benefit, this approach aids counsel by supplying a natural outline so that arguments may be directed to the essential fact issues which the jury must decide Moreover, if the court instructs before an argument, counsel then know the precise words the court has chosen and need not speculate as to the words the court will later use in its instructions. Finally, by instructing ahead of argument the court has the attention of the jurors when they are fresh and can give their full attention to the court's instructions. It is more difficult to hold the attention of jurors after lengthy arguments.

Procedures Employed

To facilitate testing of the concept of providing preliminary substantive jury instructions, the Commission proposed that:

- Before trial, the judge should request that attorneys submit proposed preliminary substantive jury instructions, to be given after the jury is sworn but before opening statements, which address the key substantive issues the jury must decide, including the elements of the claims or charges, the defenses, and any explanatory or definitional instructions the jury needs to properly evaluate the claims and defenses.
- The judge should follow “traditional” procedures for the preliminary instructions, including conducting a jury instruction conference with counsel, providing a copy of the finalized instructions to the parties and the jury, reading the instructions to the jury, and informing the jury that the lawyers can refer to and quote from the instructions during opening statements as well as closing arguments.
- The judge may refer to the preliminary instructions to the jury during the taking of evidence when the judge believes that the preliminary instructions could assist the jury.
- The judge may choose to supplement the preliminary instructions during trial or may wait until final jury instructions.

The Commission suggested that the FEDERAL CIVIL JURY INSTRUCTIONS OF THE SEVENTH CIRCUIT (2005) at www.ca7.uscourts.gov/7thcivinstruc2005.pdf could provide guidance in formulating preliminary substantive jury instructions.

Analysis of Results

A review of the testing questionnaires completed by the participating judges, lawyers, and jurors in the trials where preliminary substantive jury instructions were used provided the following results:

1. Judges

In the thirty-four (34) trials where preliminary substantive instructions were given to the jury before opening statements, the judges in twenty-nine (29) or eighty-seven percent (87%) of the trials reported that they believed preliminary instruction increased jurors’ understanding of the case, and in twenty-seven (27) or eighty-percent (80%) of the trials, preliminary instruction increased the judge’s satisfaction with the trial process. In twenty-six (26) of the thirty-four (34) or seventy-six percent (76%) of the trials, the judges reported that preliminary instruction increased the fairness of the trial process. Notably, no judge reported that the judge believed juror understanding was decreased because of preliminary substantive instructions.

Only one judge reported encountering a “logistical, implementation, or other problem with” giving preliminary substantive jury instructions. The only drawback specified was: “The lawyers were unfamiliar with the concept and needed to focus on the

instructions earlier than they anticipated.” That judge continued, however: “Personally, I think that is a good thing, because it focuses the evidence.”

The participating federal trial judges have expressed great satisfaction with using preliminary substantive jury instructions. A judge reporting anonymously wrote: “As a result of the Jury Project, I am making it a standard practice to give substantive preliminary instructions. I think it is very helpful to the jury and to the lawyers because it focuses everyone on the issues.” And Chief Judge James F. Holderman has observed: “I have found that preliminary instructions helped to orient the jurors to the case and allowed the jurors to start making connections between the evidence and the disputed issues in the case more quickly.”

2. Lawyers

Seventy-two percent (72%) of the lawyers who completed Phase One trial questionnaires, thought the giving of preliminary substantive jury instructions increased the jurors’ understanding of the case. In the thirty-four (34) trials where preliminary substantive instructions were given, the lawyers were asked to rate the instructions based on the substantive fairness of the law given by the instruction, length of the instruction, and appropriateness of the point during the trial when the instruction was given. The majority of lawyers rated each category favorably. That is, the substantive law given was perceived as either fair or very fair; the length of preliminary instruction was neither too long nor too short; and the point during the trial when preliminary instructions were given by the judge was deemed appropriate or extremely appropriate. A majority of the lawyers also reported that they believed preliminary instruction increased jurors’ understanding of the case and that preliminary instruction increased the lawyers’ satisfaction with the trial process.

3. Jurors

Of the jurors participating in the trials in which preliminary substantive jury instructions were given, who answered questionnaires, over eighty percent (80%) thought that doing so increased the fairness of the trial process, increased the jurors’ understanding of the case, and increased the jurors’ satisfaction with the trial process. Several jurors indicated, however, that they would have liked more instruction prior to the presentation of evidence. The issues they identified as requiring additional instruction included: better defining preponderance of the evidence and “the questions to answer.” One juror also indicated that he or she would have found it helpful to have been provided a copy of the verdict form at the beginning of trial. Jurors provided no “Open-Ended Responses” addressing preliminary substantive jury instructions.

Conclusion

The procedure of the trial judge providing the jurors preliminary substantive jury instructions has the intended goal of increasing the jurors’ understanding of the case by giving the jurors the legal framework for the parties’ arguments regarding the disputed facts. The Seventh Circuit Project jury trials in which this concept from the ABA Principles was tested resulted in over eighty percent (80%) of the jurors, over eighty-five percent (85%) of the judges and over seventy percent (70%) of the lawyers who participated stating they believed that this intended goal of enhancing juror understanding was accomplished. The Commission therefore strongly recommends use of this procedure in future state and federal civil jury trials.

Discussion and Analysis of the Concept of Twelve-Person Juries

ABA Principles Tested

To test Principle 3 of the ABA American Jury Project Principles, the Seventh Circuit Commission proposed that as a part of the Seventh Circuit Project the participating federal trial judges empanel juries of twelve. Principle 3 states:

PRINCIPLE 3 – JURIES SHOULD HAVE 12 MEMBERS

- A. Juries in civil cases should be constituted of 12 members wherever possible and under no circumstances fewer than six members.

Reasons for Test

The Commission chose to test this procedure of impaneling juries of twelve because the Commission believed that doing so would facilitate: (1) more effective deliberations, (2) more accurate decisions, and (3) more representative juries. The Committee believed that twelve-member juries would have a better collective recall of the trial testimony, and are more likely to be representative of the community at large and return verdicts and damage awards that reflect community standards. The Commission anticipated only a slight increase in time and expense of trial, or the possibility of a hung jury.

Legal Support for Concept Tested

Federal Rule of Civil Procedure 48 states, “The court shall seat a jury of not fewer than six and not more than twelve members.” The rule thus authorizes the use of twelve-person juries in civil trials. As historically understood, the Seventh Amendment’s guarantee of the right to jury trial in civil cases required a jury “composed of not less than twelve persons.” *Thompson v. Utah*, 170 U.S. 343, 350 (1898). In 1973, the Supreme Court held that a federal civil jury with fewer than twelve members was constitutionally permissible. *Colgrove v. Battin*, 413 U.S. 419 (1973). That decision has been the subject of extensive scholarly criticism. See, *Developments in the Law—The Civil Jury*, 110 HARV. L. REV. 1408, 1479-84 (1997); Committee on Federal Civil Procedure, *Report on the Importance of the Twelve-Member Civil Jury in Federal Courts*, 205 F.R.D. 247 (2002). In *Ballew v. Georgia*, 435 U.S. 223, 237-38 (1978), the Supreme Court acknowledged the superiority of twelve-person juries, although it did not require a return to them.

Empirical evidence suggests that juries of twelve conduct more effective deliberations and achieve more accurate results. See, e.g., Michael J. Saks, *The Smaller the Jury the Greater the Unpredictability*, 79 JUDICATURE 263 (1996). As the Sixth Circuit noted, larger juries increase representativeness. See, *Hanson v. Parkside Surgery Center*, 872 F.2d745 (6th Cir. 1989). Maintaining representativeness is essential to preserving jury fairness and legitimacy and is significantly enhanced by juries of twelve. See, Kim Taylor-Thompson, *Empty Votes in Jury Deliberations*, 113 HARV. L. REV. 1261, 1317 (2000).

Procedures Employed

To test the concept of 12-person juries, the Commission proposed that:

- The judge empanels no fewer than twelve persons for a civil jury trial using the jury selection procedures that the judge desires to use consistent with the Federal Rules of Civil Procedure and 28 U.S.C. § 1870.
- Each side remains entitled to three peremptory challenges when twelve as opposed to six jurors are selected under 28 U.S.C. § 1870 because Fed. R. Civ. P. 48 contemplates no more than twelve and no less than six jurors will be selected to serve as the jury in a civil trial.

Results of the Project

Approximately forty-four percent (44%) of the Seventh Circuit Project trials utilized twelve-person juries, with the remaining trials utilizing somewhere between seven (7) and twelve (12) jurors. This number represents a slight increase from the size of juries generally favored by the participating judges and attorneys. The majority of participating judges (53%) reported that they favor a jury of greater than six (6) but less than twelve (12) members, with most of the participating attorneys (48%) agreeing with this sentiment. Because only forty-one percent (41%) of participating judges and thirty-nine percent (39%) of participating attorneys reported generally favoring a twelve-person jury at the outset of the Seventh Circuit Project, the number of twelve-person juries used for the trials that were part of the Seventh Circuit Project appears to represent a slight increase from the norm.

In all fifty (50) trials captured as part of the Seventh Circuit Project, fifty percent (50%) of the participating judges reported that the increased number of jurors impaneled resulted in an increase in the level of diversity of the jury. While most of the participating attorneys (54%) did not observe such an increase, thirty-nine percent (39%) of the attorneys echoed the judges' conclusion that they had more diverse juries because of the larger number of jurors impaneled. Both mathematical modeling and data from other sources lend significant support to the judges' observation. Statistical theory predicts that juries of twelve will be significantly more diverse than juries of six when a substantial minority population is found within the venire. *See* Richard O. Lempert, *Uncovering 'Nondiscernable' Differences: Empirical Research and the Jury-Size Cases*, 73 MICH. L. REV. 643, 668 (1975). Simulation studies have found this diversity effect in larger juries. *See* Michael J. Saks, *Jury Verdicts: The Role of Group Size and Social Decision Rule* (1977). Recent courtroom observation (in Chicago) has reported the same effect. *See* Shari Diamond, et al., *The Effect of Voir Dire and Jury Size on the Composition of the Jury*, paper delivered at the Annual Meeting of the Law and Society Association, Montreal (2008).

Despite the perceived increase in diversity, only a small percentage of judges (26%) and attorneys (25%) felt that the fairness of the trial process was correspondingly increased. The strong majority of both groups (70% of judges, 58% of attorneys) felt that the fairness of the trial was unaffected by the number of jurors impaneled.

Both groups generally agreed that the efficiency of the trial process was not affected by the number of jurors chosen (78% of judges, 64% of attorneys), although, as

expected, more participants reported a decrease in efficiency (16% of judges, 17% of attorneys) than those reporting an increase efficiency (6% of judges, 12% of attorneys). While the use of a twelve-person jury did not have a marked impact on attorneys' or judges' satisfaction with the trial process (58% of judges and 69% of attorneys reported their satisfaction was "unaffected"), thirty-six percent (36%) of participating judges stated that their satisfaction with the trial process was increased because of the number of jurors impaneled, and sixteen percent (16%) of participating attorneys agreed.

As a whole, ninety-three percent (93%) of jurors and seventy-seven percent (77%) of attorneys agreed that their trial had "the right number" of jurors impaneled. Some jurors (6%) and even more attorneys (20%) thought there were "too many" jurors, while very few members of either group (3% of attorneys, 1% of jurors) reported "too few" jurors impaneled.

Conclusion

Half the judges (50%) reported that the jury's diversity was increased due to the expansion of the number of jurors impaneled. The data generated by the Project were insufficient to quantify the extent of the observed effect. Both mathematical modeling and data from other sources, however, lend significant support to the judges' observation. The chief criticism of the twelve-person jury is that it results in inefficiency at trial. Over three-quarters of the judges (78%) and almost two-thirds of the attorneys (64%) reported that the efficiency of the trial process was unaffected by the use of larger jury panels. The Commission believes that the use of twelve-person juries is likely to prove beneficial and pose little difficulty in efficiency terms. It, therefore, recommends the use of such juries when practicable.

Discussion and Analysis of the Concept of Interim Statements

ABA Principle Tested

Principle 13 of the of the ABA American Jury Project Principles and Standards provides that “THE COURT AND PARTIES SHOULD VIGOROUSLY PROMOTE JUROR UNDERSTANDING OF THE FACTS AND THE LAW.” In furtherance of this principle, Standard 13(G) encourages the use of Interim Statements, among other techniques:

- G. Parties and courts should be open to a variety of trial techniques to enhance juror comprehension of the issues including: alteration of the sequencing of expert witness testimony, mini- or interim openings and closings, and the use of computer simulations, deposition summaries and other aids.

Reasons for Test

The Commission chose to test the use of interim explanatory statements by attorneys to the jury during the course of the trial (“Interim Statements”) out of a belief that it will enhance juror comprehension in civil trials. Specifically, the Commission chose to test Interim Statements believing that they would (1) enhance a jury’s ability to understand the evidence by allowing attorneys to explain forthcoming testimony and exhibits or to highlight the significance of evidence already elicited; (2) assist jurors in recalling the evidence; (3) allow counsel to organize, clarify, emphasize, contextualize and explain evidence; (4) aid jurors in remaining focused; (5) break up and make more interesting and informative the parade of evidence; (6) allow a judge’s use of modern trial management techniques can eliminate trial delay and disruption; and (7) streamline the presentation of evidence and increase the overall efficiency of the trial.

Legal Support for Concept Tested

The use of Interim Statements is supported by decisional law and scholarly authority:

- *Westmoreland v. CBS*, Case No. 82 Civ. 7913 (PNL) (In a 62-day trial, attorneys were each given two hours each for interim statements with complete discretion as to how to utilize their time. Each side gave interim summations over 40 times, with the longest summation running about ten minutes and the shortest slightly over one minute; the average summation lasted about two and a half minutes. Attorneys typically gave their summaries at the start or the conclusion of a witness’s direct or cross-examination.)
- *Energy Trans. Sys., Inc. v. Burlington N. et al.*, Case No. 13-84-979-4. (In a lengthy antitrust trial, attorneys on each side were given six hours of interim summaries. Plaintiff attorneys used summations to outline and preview the purpose of various witnesses’ testimony and to show how the evidence coincided with the court’s preliminary instructions. Defendant attorneys used summations to education the jury about the points they would cover in cross-examination. Both sides used daily transcripts to remind jurors of significant

testimony and highlight discrepancies between the testimony and the documents. Both used summations to identify witnesses in the other side's case and to explain evidence that was unfavorable to them.)

- *ABA Standards for Crim. Justice Discovery and Trial by Jury*, Standard 15-4.2(c) (3d ed. 1996) (encouraging trial judges to consider, consistent with parties' rights, mechanisms that might be adopted to improve juror understanding of issues and trial efficiency).
- Tom M. Dees III, *Juries: On the Verge of Extinction? A Discussion of Jury Reform*, 54 SMU L. Rev. 1755, 1778-1780 (2001).
- *What Trial Judges Would Like To Say To Trial Judges: Panel Two*, 31 N.M.L. REV. 241, 250-51 (2001).
- Honorable B. Michael Dann, "Learning Lessons" and "Speaking Rights": *Creating Educated and Democratic Juries*, 68 IND. L.J. 1229, 1255-56 (Fall 1993).

Procedures Employed

To facilitate testing the concept of using Interim Statements, the Commission suggested several procedures:

- Attorneys should be allowed to use Interim Statements before or after a witness's testimony, on both direct and cross-examination, as previews (if before) or summations (if after). Granting attorneys discretion as to when and how to use their Interim Statements maximizes the benefits and advantages thereof.
- Interim Statements should be given outside the presence of witnesses except for those witnesses not subject to the witness exclusionary rule found in Federal Rule of Evidence 615.
- Although attorneys should be allowed to make those objections that are permissible during traditional opening statements and closing arguments, they should not be allowed to respond to Interim Statements. This will prevent the trial from becoming excessively contentious and will prevent an attorney from interjecting argument during the other attorneys' presentation of evidence.
- Attorneys should not be required to give advance notice of their Interim Statements. This recognizes that Interim Statements will often be the product of counsel's last-minute, spontaneous decisions and strategy and of the unexpected turns that trials often take.
- An overall time limit for Interim Statements by each side should be set by the Court in advance of trial. In setting limits, the Court should consider the anticipated length of the trial, the complexity of the case and the nature of the evidence to be submitted.

- At the end of the last day of trial each week or the beginning of the first day of trial each week, each side should also be given ten minutes to summarize the evidence that was introduced during the previous week and/or preview the evidence anticipated for the coming week. This will allow the attorneys to: (a) put into context the evidence the jury heard all week; (b) emphasize the key points they want the jury to remember; and (c) let the jury know what they can expect to hearing in the coming week.

Analysis of Results

Interim Statements by counsel were used in 17 trials during the Project. In summary, the judges and attorneys who completed the questionnaires from these trials found that the Interim Statements increased the jurors understanding of the case. None of the judges experienced any abuse of the Interim Statements.

The jurors who completed the questionnaires, overall, believed the Interim Statements helped them to keep focused on the evidence, to understand the evidence, to recall the evidence during deliberations and made the evidence more interesting.

1. Judges

Over eighty-five percent (85%) of the judges who allowed Interim Statements by counsel during this Project responded that they would permit Interim Statements in the future and believed that the Interim Statements increased the jurors' understanding of the cases. A majority of the judges also thought that the Interim Statements increased their satisfaction with the trial process. Only ten percent (10%) of the judges felt that the efficiency of the trial process decreased and none felt that there was any abuses of the Interim Statements.

In some cases, questionnaires were returned by judges where Interim Statements were not used. Those questions were similar to those posed to judges who allowed interim statements to be used but the results were significantly different. A majority of the Judges who did not allow Interim Statements felt that it would decrease the efficiency of the trial process and less than ten percent (10%) of those judges felt that Interim Statements would increase the jurors' understanding of the case or the fairness of the trial process. This study is in marked contrast to the objects of the beliefs of the judges who actually allowed Interim Statements to be used.

2. Attorneys

The attorneys who were allowed to use Interim Statements felt that the use of Interim Statements allowed them to better organize (4.8) and explain (5.3) the evidence for the jurors and to better emphasize parts of the evidence (5). The numbers in parentheses are the average responses by attorneys who were allowed to use Interim Statements on a scale of "1" to "7", where "7" represents that the use of Interim Statements were definitely helpful and "1" represents that they were definitely not helpful.

The attorneys in some cases used the Interim Statements to introduce evidence, some used theirs to summarize evidence, and others used them both ways. The attorneys

generally felt that they would have liked more guidance on how to use Interim Statements to the jury.

3. Jurors

A majority of the jurors felt that the Interim Statements by counsel helped them to have a better understanding of the evidence (4.7), and have better recall of the evidence during deliberations (4.7). The jurors also believed that the Interim Statements helped them to keep focused on the evidence (5.0); and that they helped make the evidence more interesting (4.5). A vast majority of the jurors, over ninety percent (90%), thought that the Interim Statements were helpful when used to introduce evidence or summarize evidence. Less than ten percent (10%) of the jurors found that the Interim Statements were not useful at all.

Conclusion

Over eighty percent (80%) of the jurors reported that interim statements of counsel were helpful. Consequently, it appears that the intended purpose of interim statements by counsel of helping the jurors better understand the evidence and keeping the juror's attention focused on the evidence was accomplished. Over eighty-five percent (85%) of the participating judges thought the use of interim statements increased the jurors' understanding and said they would permit interim statements during trials in the future. The use of interim statements would most likely be helpful in cases where the trial is expected to last more than a week. There seems to be little danger of any abuse of this practice. The Commission strongly recommends the use of interim statements by counsel to the jury in cases lasting more than a week.

Discussion and Analysis of the Concept of Jury Selection Questionnaires

ABA Principle Tested

Principle 11 of the of the ABA American Jury Project Principles and Standards provides that “COURTS SHOULD ENSURE THAT THE PROCESS USED TO IMPANEL JURORS EFFECTIVELY SERVES THE GOAL OF ASSEMBLING A FAIR AND IMPARTIAL JURY.” In furtherance of this principle, Standard 11(A) encourages the use of jury selection questionnaires. Standard 11(A) states:

- A. Before *voir dire* begins, the court and parties, through the use of appropriate questionnaires, should be provided with data pertinent to the eligibility of jurors and to matters ordinarily raised in *voir dire*, including such background information as is provided by prospective jurors in their responses to the questions appended to the notification and summons considered in Standard 10(D)(1).
 1. In appropriate cases, the court should consider using a specialized questionnaire addressing particular issues that may arise. Where a specialized questionnaire is appropriate, the parties should be required to confer on the form and content of the questionnaire. If the parties cannot agree, each party should be afforded the opportunity to submit a proposed questionnaire and to comment upon any proposal submitted by another party.
 2. Jurors should be advised of the purpose of the questionnaire, how it will be used, and who will have access to the information.
 3. All completed questionnaires should be provided to the parties in sufficient time before the start of the *voir dire* to enable the parties to adequately review them before the start of that examination.

To test Standard 11(A), the Seventh Circuit Commission proposed that as part of Phase One of the Seventh Circuit Project, the participating federal trial judges use written jury selection questionnaires before in-court *voir dire* begins.

Reasons for Test

The Commission chose to test the use of jury selection questionnaires because several district judges within the Circuit already use written questionnaires before in-court *voir dire* begins to obtain information pertinent to the jurors’ qualifications. The judges who use questionnaires believe they streamline the jury selection process for several reasons: (1) questionnaires minimize or eliminate repetitive questioning; (2) prospective jurors may be more willing to disclose sensitive information in writing than they would be if asked to do so in open court; (3) the judge and counsel can conduct a more focused *voir dire* because they have relevant information in advance; and (4) questionnaires reduce waiting time for prospective jurors who are likely to be excused for cause.

Legal Support for Concept Tested

Manual for Complex Litigation (Fourth) § 12.412 at 151 (2004).

Procedures Employed

To facilitate testing the concept of using written jury selection questionnaires, the Commission proposed that:

- The judge should start with a draft questionnaire that includes questions seeking basic background information from jurors, and should solicit the views of the parties' counsel regarding other questions (general or case-specific) to be included.
- The judge should permit counsel to review and comment on the draft questionnaire before it is submitted to prospective jurors.
- In most cases, questionnaires should be given to prospective jurors on the day of jury selection, along with a short cover letter briefly describing the contentions of the parties in the case being tried, and explaining the purpose of the questionnaire. In lengthy, complex, or high-publicity cases, a more detailed questionnaire can be mailed to prospective jurors in advance of trial to permit review of the answers prior to the day of jury selection.
- The judge's staff should collect the completed questionnaires, and make and distribute copies to counsel.
- After the venire panel is sworn, the judge should question each prospective juror, inquiring whether each juror's answers on the questionnaire were true and correct. The judge should also ask follow-up questions prompted by the juror's answers. Because the judge and parties already have a written questionnaire, they should be able to determine in advance whether particular inquiries of particular jurors should be made privately.
- The judge may permit counsel to pose supplemental questions directly to the prospective jurors, or permit counsel to propose supplemental questions to be posed by the judge, depending on the judge's practice.

The Commission also provided the participating federal trial judges with template cover letters and questionnaires that could be provided to prospective jurors, after being tailored to the circumstances of the particular case.

Analysis of Results

The use of a jury selection questionnaire was tested in eighteen (18) out of thirty-one (31) Phase One trials. On balance, the participating judges who used a jury selection questionnaire found the questionnaire to be somewhat helpful in assisting the court to determine which potential jurors were entitled to be impaneled in the particular case; to determine what follow-up questions, if any, should be asked to potential jurors; and to reduce the time needed for asking such follow-up questions.

A strong majority of judges (78%) who responded that they used a jury selection questionnaire believed that its use did not affect the fairness of the trial process one way or another. However, almost half of the attorneys who responded that the court had used a questionnaire believed that its use had increased the fairness of the trial process (47%); only a fraction believed that its use had decreased the fairness of the trial process (5%). In trials where a jury selection questionnaire was used, a majority of judges, and a majority of attorneys, believed that use of the questionnaire had increased both the efficiency of the trial process, and their own satisfaction with the trial process. Nearly half of the attorneys responded that use of the jury selection questionnaire had also decreased the amount of time spent to select the jury.

Strong majorities of judges and attorneys who responded that they had used a jury selection questionnaire in Phase One found the length of the questionnaire to be “about right,” rather than too long or too short. On balance, the judges and attorneys who used a jury selection questionnaire also responded that they would be likely to use such a questionnaire in the future.

A strong majority of jurors, when asked whether they would prefer to answer some jury selection questions by filling out a written questionnaire, or whether they would instead prefer to answer all of the questions out loud, responded that the use of a questionnaire would be preferable. For jurors preferring the use of a questionnaire, the most commonly cited reasons were “privacy” (46 answers), “saves time and speeds up the process” (44 answers), and “don’t feel comfortable speaking in public” (7 answers).

Conclusion

Seventy-eight percent (78%) of the judges and forty-seven percent (47%) of the attorneys believed the use of juror selection questionnaires did not affect the fairness of the trial process. A majority of the judges and attorneys believed using jury selection questionnaires increased the efficiency of the trial process. The Commission believes that the use of a written jury selection questionnaire is beneficial in the appropriate case to accommodate the prospective jurors privacy or to increase the efficiency of the trial process.

Discussion and Analysis of the Concept of Deliberation Guidance Instructions

ABA Principles Tested

Principle 14 of the ABA American Jury Project Principles and Standards provides that “THE COURT SHOULD INSTRUCT THE JURY IN PLAIN AND UNDERSTANDABLE LANGUAGE REGARDING THE APPLICABLE LAW AND THE CONDUCT OF DELIBERATIONS.” In furtherance of this principle, Standard 14 provides:

- A. All instructions to the jury should be in plain and understandable language.
- B. Jurors should be instructed with respect to the applicable law before or after the parties’ final argument. Each juror should be provided with a written copy of instructions for use while the jury is being instructed and during deliberations.
- C. Instructions for reporting the results of deliberations should be given following final argument in all cases. At that time, the court should also provide the jury with appropriate suggestions regarding the process of selecting a presiding juror and the conduct of its deliberations.
- D. The jurors alone should select the foreperson and determine how to conduct jury deliberations.

Principle 15 of the ABA American Jury Project Principles and Standards provides that “COURTS AND PARTIES HAVE A DUTY TO FACILITATE EFFECTIVE AND IMPARTIAL DELIBERATIONS.” In furtherance of this principle, Standard 15(D) encourages that courts answer questions posed to it by the jury, to the extent it may do so. Standard 15(D) states:

- D. When jurors submit a question during deliberations, the court, in consultation with the parties, should supply a prompt, complete and responsive answer or should explain to the jurors why it cannot do so.

Reasons for Test

The Commission chose to test the foregoing concepts out of a belief that they will encourage efficient and well-informed jury deliberations. Specifically, the Commission chose these concepts believing (1) that providing jurors with straightforward suggestions on the role of jury forepersons, and on effective ways to deliberate, will minimize potential confusion and facilitate open-minded jury deliberations, (2) that providing jurors with responsive and thoughtful answers to questions the jury submits during its deliberations will make them feel more comfortable with the jury’s role and allow them to focus less on logistical questions of process, and more on the factual matters that the jurors must decide, and (3) that jurors potentially will feel more comfortable with the

process and make decisions and weigh evidence with greater confidence if they are aware that they may submit written questions to the judge as they arise in the course of the deliberations. The Commission also observed that most trial judges in the Seventh Circuit already follow the practice (1) of giving each juror a written copy of the jury instructions so he or she may review the exact language of the law the jury is supposed to apply to the facts, and (2) providing clear instructions at the outset of deliberations as to how the jury should report its findings and how long the court expects the jury to deliberate each day.

Legal Support for Concepts Tested

- FEDERAL CIVIL JURY INSTRUCTIONS OF THE SEVENTH CIRCUIT 1.32 (2005) (“Upon retiring to the jury room, you must select a presiding juror. The presiding juror will preside over your deliberations and will be your representative here in court. . . . Take these forms to the jury room, and when you have reached unanimous agreement on the verdict, your presiding juror will fill in, date, and sign the appropriate form.”).
- Shari Seidman Diamond & Jonathan D. Casper, *Blindfolding the Jury to Verdict Consequences: Damages, Experts, and the Civil Jury*, 26 LAW & SOC’Y REV. 513, 548-53 (1992) (“Thus, the foreperson’s apparent influence is more than simply representational. Several pieces of evidence suggest a more active leadership role for the foreperson. . . . We have shown that forepersons appear to exert actual influence on other jurors in the course of the deliberation process rather than merely representing the predeliberation preference of the jury.”).
- *State v. Green*, 121 N.W.2d 89 (Iowa 1963) (reversing conviction where verdict reached after jury deliberated for 27 hours without sleep).
- *Commonwealth v. Clark*, 170 A.2d 847 (Pa. 1961) (reversing conviction based on verdict returned at 5:25 a.m. following continuous deliberations).
- *United States v. Sims*, 329 F.3d 937, 942-43 (7th Cir. 2003) (reviewing for abuse of discretion judge’s decision to give supplemental instruction on standard of intent, and considering whether instruction as a whole treated issue fairly and adequately, was a correct statement of law, and answered jury’s question specifically).
- *United States v. Young*, 316 F.3d 649, 661 (7th Cir. 2002) (reviewing both judge’s decision to answer question and language used to respond to it).
- *United States v. Warren*, 984 F.2d 325, 329-330 (9th Cir. 1983) (holding that the trial court’s failure to issue supplemental instructions to clarify an apparent misunderstanding by the jury concerning the definition of “premeditated” was reversible error).
- *United States v. Bay*, 820 F.2d 1511, 1514-15 (9th Cir. 1987) (holding that the trial court did not abuse its discretion by limiting the scope of its response to a jury question about the instructions to the definition of “reasonable doubt”).
- Alan Reifman, et al., *Real Jurors’ Understanding of the Law in Real Cases*, 16 LAW & HUM. BEHAV. 539, 549 (1992) (“However, all of these jurors had in common the

fact that they both requested and received help from the judge. These jurors did not score significantly differently from other jurors on the procedural law. However, for questions about substantive law on which they were instructed, those who requested help were correct 54% of the time, whereas the jurors who were instructed but did not ask for help were correct 35% of the time . . . this difference was highly significant.”).

Procedures Employed

To facilitate testing the concept of providing jurors with deliberation guidance instructions, the Commission offered several sets of suggestions. First, with regard to the logistics of choosing a presiding juror, deliberating the case, and reporting its findings, the Commission suggested that the participating judges, after giving Seventh Circuit Pattern Civil Jury Instruction 1.32, consider providing the following additional instructions:

A. Jury Instruction on the Role of the Presiding Juror:

You are free to deliberate in any way you decide or to select whomever you like as a foreperson. However, I am going to provide some general suggestions on the process to help you get started. When thinking about who should be foreperson, you may want to consider the role that the foreperson usually plays. The foreperson serving as the chairperson during the deliberations should ensure a complete discussion by all jurors who desire to speak before any vote. Each juror should have an opportunity to be heard on every issue and should be encouraged to participate. The foreperson should help facilitate the discussion and make sure everyone has a chance to say what they want to say.

B. Jury Instruction as to Suggestions for Conducting the Deliberations:

In order to help you determine the facts, you may want to consider discussing one claim at a time, and use my instructions to the jury as a guide to determine whether there is sufficient evidence to prove all the necessary legal elements for each claim or defense. I also suggest that any public votes on a verdict be delayed under everyone can have a chance to say what they think without worrying what others on the panel might think of their opinion. I also suggest that separate tasks (such as any note taking, time keeping, and recording votes) be assigned to more than one person to help break up the workload during your deliberations. I encourage you at all times to keep an open mind if you ever disagree or come to different conclusions on facts from any of your fellow jurors. Thinking about the other juror’s point of view may help you understand their position better or give you a better way to explain why you think your position is correct.

Second, with regard to instructing the jury regarding the timetable for its deliberations, and the reporting of its verdict, the Commission suggested that the participating judges should consider informing the jury on the following issues:

A. Schedule for Deliberations: In order to lower juror anxiety about the trial interrupting the jurors’ everyday lives, the court should instruct the

jury on its daily deliberation schedule, including whether the jury will be required to stay late (past a specific time of day) or on weekends for deliberation.

- B. Reporting Jury Findings:** Although most trial judges in the Seventh Circuit already do this by using the recommended civil jury instructions available on the Seventh Circuit website, judges should give the jury specific instructions on how to report its findings when deliberations have been completed, including how to fill out the verdict forms and whom to contact when they have reached a decision.

Third, with regard to handling questions asked by the jury during deliberations, the Commission recommended that the participating judges should, after conferring with counsel for the parties, and to the extent permitted by law, directly answer the question with a neutral explanation of the law, and suggested the following instructions and procedures for doing so:

- A. Handling Questions from the Jury:** The judge may consider taking a two-step approach, first, giving Seventh Circuit Pattern Jury Instruction 1.33 instructing the jury on how to ask questions, and second, informing the counsel for the parties on how he or she intends to handle the questions if they are received.
- B. Jury Instructions on Asking Questions in Addition to Seventh Circuit Pattern Civil Jury Instruction 1.33:** You may, if you find it necessary during your deliberation, submit written questions to me about the case, but you should understand that you, as the jury, must decide the facts. You should make a determined effort to answer any question by referring to the jury instructions before you submit a question to me. If you do submit a question, I must show it to the lawyers for each side and consult with them before responding. I will either answer your question, or explain why I cannot answer your question.
- C. Instructions to the Counsel for the Parties on Questions from the Jury:** The judge may consider taking the following steps to ensure that his or her answer to jury questions are not coercive or prejudicial to either party: (1) Any questions submitted by the jury should be numbered, designated by time and date, and filed in the court record. (2) When a question is received, counsel should be directed to assemble in the courtroom or be available by telephone to review and discuss the question with the judge on the record. (3) After the judge reads the question on the record, counsel for the parties should be heard regarding an appropriate response to be given by the judge to the jury. (4) After listening to counsel, it is within the judge's discretion whether or not to answer the jury's question and what form the answer, if any, should take. (5) Even if an answer is not given, the judge must still respond to the jury's question, even if only to instruct the jury that, under the law, the judge cannot answer the jury's question and advise the jury to continue deliberating.

Analysis of Results

This concept was tested only in Phase One. The judges who participated in Phase One of the Seventh Circuit Project reported conducting sixteen (16) jury trials in which they provided instructions or suggestions on how to conduct jury deliberations, and sixteen (16) jury trials in which they did not. Of the jurors who reported receiving such instructions, a strong majority felt that they were required to follow the judge's instructions regarding their deliberations.

The judges reported conducting nine (9) jury trials in which they provided instructions or suggestions on how to select a foreperson, and twenty-three (23) jury trials in which they did not. Of the jurors who reported receiving such instructions, a clear majority felt that they were required to follow the judge's instructions regarding the selection of a foreperson.

The jurors reported selecting their forepersons in different ways. Of the Phase One jurors who described how the foreperson was selected, forty-six percent (46%) reported that the foreperson was nominated by other jurors, forty percent (40%) reported that the foreperson volunteered, and twelve percent (12%) reported that the jurors took a vote as to who would be the foreperson. Three percent (3%) reported that the foreperson was selected by draw, or by some other method of selection.

The jurors reported that their forepersons usually had the same amount of influence as other jurors. Of the Phase One jurors who described how much influence the foreperson had on the jury's decision, eighty-one percent (81%) reported that the foreperson had the same amount of influence as other jurors, and twelve percent (12%) reported that the foreperson had more influence than most jurors. Only two percent (2%) reported that the foreperson had more influence than any other juror, and five percent (5%) reported that the foreperson actually had less influence than most jurors.

The judges who participated in Phase One reported conducting twenty-one (21) jury trials in which the jury submitted questions to the judge during deliberations, and sixteen (16) jury trials in which the jury did not. The participating judges and attorneys reported that the most frequently occurring questions from the jury were requests concerning legal instructions or terms, requests to see evidence, and questions concerning the content of the evidence. The least frequently asked questions from the jury pertained to procedure or case management.

Of the jurors who reported that the judge answered questions posed by the panel during its deliberations, a slim majority believed that the judge "helped me understand the case better"; a large minority reported that the judge's answer "did not affect how well I understood the case." On the other hand, the answers the judges provided generally assisted the jury's decision-making process. A clear majority of jurors believed that the judge's answer was "extremely helpful" or "moderately helpful" to the jury's decision making. Less than a quarter of jurors believed that the judges' answers were not helpful, or actually made the jury's decision making more difficult.

Conclusion

The findings from the test of this concept did not shed much light on whether or how to better instruct the jury on the conduct of deliberations. Thus, the Commission does not take any position on whether the suggested procedures used to test this concept should be encouraged or not.

Discussion and Analysis of the Concept of Trial Time Limits

ABA Principle Tested

Principle 12 of the of the ABA American Jury Project Principles and Standards provides that “COURTS SHOULD LIMIT THE LENGTH OF JURY TRIALS INSOFAR AS JUSTICE ALLOWS AND JURORS SHOULD BE FULLY INFORMED OF THE TRIAL SCHEDULE ESTABLISHED.” In furtherance of this principle, Standard 12(A) encourages the use of time limits. Standard 12(A) states:

- A. The court, after conferring with the parties, should impose and enforce reasonable time limits on the trial or portions thereof.

Reasons for Test

The Commission chose this concept for testing out of a belief (1) that a judge’s use of modern trial management techniques can eliminate trial delay and disruption; (2) that jurors should be informed of the trial schedule and of any necessary changes to the schedule at the earliest possible time; (3) that time limits can be a useful tool because they promote attorney efficiency, preserve scarce judicial resources, and reduce repetition and redundancy; and (4) that time limits also minimize juror dissatisfaction by reducing the amount of time jurors are obligated to serve and by giving them a concrete expectation regarding the duration of their service.

Legal Support for Concept Tested

The imposition of reasonable time limits is authorized and supported by decisional law, and by rule authority:

- *MT. Bonk Co. v. Milton Bradley Co.*, 945 F.2d 1404, 1408 (7th Cir. 1991) (“Trial courts have discretion to place reasonable limits on the presentation of evidence to prevent undue delay, waste of time, or needless presentation of cumulative evidence. The district court’s exclusion of such evidence will not be reversed absent a clear showing of abuse.”).
- *MCI Communications Corp. v. Am. Tel. & Tel. Co.*, 708 F.2d 1081 (7th Cir. 1983) (upholding 26-day time limit for each party to present its case in chief, despite original estimates by defendant that the time would take eight to nine months).
- Fed. R. Civ. P. 16(c) (“At any [pretrial] conference under this rule consideration may be given, and the judge may take appropriate action, with respect to . . . (4) the avoidance of unnecessary proof and of cumulative evidence, and limitations or restrictions on the use of testimony under Rule 702 of the Federal Rules of Evidence; . . . (15) an order establishing a reasonable limit on the time allowed for presenting evidence; and (16) such other matters as may facilitate the just, speedy, and inexpensive disposition of the action.”).

- Fed. R. Evid. 611(a) (“The judge shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to (1) make the interrogation and presentation effective for the ascertainment of the truth, (2) avoid needless consumption of time, and (3) protect witnesses from harassment or undue embarrassment.”).

Procedures Employed

To facilitate testing the concept of imposing time limits on trials, the Commission proposed that:

- The judge should establish time limits at the pretrial conference based on input from the parties, the number and complexity of issues, the burden of proof on each party, the nature of the proof offered, and the feasibility of shortening trials through other means such as stipulations and preadmission of exhibits.
- The judge should inform the jury of the time limits in order to establish jury expectations, and should inform the jury of any changes to those time limits at the earliest possible date.
- The judge should hold parties to the time limits and only extend them for good cause.
- The judge should make each party’s counsel responsible for keeping their own time and opposing counsel’s time, and should confer with counsel and come to an agreement, or make a determination, as to the amount of time consumed at the end of each court day. In making this determination, counsel should only be charged when presenting their case, or when responding. For example, time spent on direct examination of a plaintiff’s witness should be charged to the plaintiff, while time spent on cross-examination of that witness should be charged to the defendant.
- The judge should use conferences outside the jury’s presence, preferably before the jury arrives in the morning or after the jury leaves in the evening, to consider evidentiary objections that require lengthy argument.
- The judge should encourage counsel to engage in time-saving techniques, including (1) determining which exhibits may be admitted without objection before trial; (2) creating a one-page written biography of each witness which the court can read to the jury instead of direct examination of a witness’s background and qualifications; (3) agreement by the parties to uncontested facts presented to the jury via stipulations; (4) presentation of summaries of complex and voluminous evidence pursuant to Federal Rule of Evidence 1006; and (5) committing to a firm trial date.

Analysis of Results

The imposition of time limits was tested only in Phase One, not Phase Two. The participating judges imposed time limits in only seven (7) out of thirty-five (35) Phase One trials. This low use rate suggests that judges may be reluctant to impose time limits.

Of the judges who responded that they did not impose time limits, in a strong majority of cases, the judges believed that the use of time limits would not have affected – one way or the other – the fairness of the trial process, the efficiency of the trial process, or the judges’ satisfaction with the trial process. In the minority of cases in which judges responded that the imposition of time limits would have made a difference, in more cases the judges believed that time limits would have had a negative impact – as opposed to a positive impact – on the fairness of the trial process, on the efficiency of the trial process, and on the judges’ satisfaction with the trial process.

Of the judges who responded that they did impose time limits, in a strong majority of cases, the judges believed, likewise, that the use of time limits did not affect – one way or the other – the fairness of the trial process, the efficiency of the trial process, or the judges’ satisfaction with the trial process. However, in the minority of cases in which judges responded that the imposition of time limits did make a difference, in all of the cases the judges believed that the time limits had increased the efficiency of the trial process, and in most of the cases the judges were more satisfied with the trial process.

Conclusion

Because there were only seven (7) trials in which the participating judges imposed time limits, the sample size is too small to draw any meaningful conclusions. However, the limited evidence suggests that judges may be reluctant to impose time limits out of a belief that time limits will not increase the fairness of the trial process, the efficiency of the trial process, or satisfaction with the trial process. Trial time limits may be appropriate in certain cases, but this concept does not seem to be perceived as having enough support or demonstrable benefits to warrant any recommendation by the Commission.

THE COMMISSION’S CALL FOR CONTINUING THE CRITIQUE OF THE CONCEPTS IN COURTROOMS ACROSS THE COUNTRY

The Commission strongly encourages trial judges, both state and federal, across the country to continue to test and critique the procedures advocated by the ABA Principles.

Of the Seventh Circuit trial judges who responded to an e-mail survey conducted in August 2008, four (4) months after Phase Two of the Seventh Circuit Project had ended, each of the responding judges who had participated in the Seventh Circuit Project continued to employ one or more of the tested concepts in subsequent civil jury trials. Additionally, ten (10) Seventh Circuit trial judges, who were not among the twenty-two (22) judges that had participated in the Seventh Circuit Project, reported that they also use one or more of the concepts in civil jury trials over which they presided.

Although some of the judges who participated in the Seventh Circuit Project were initially skeptical, they came to recognize the benefits of certain of the tested concepts – increased jury comprehension and overall satisfaction with the fairness of the jury trial process. For example, both United States District Judge Michael J. Reagan of the Southern District of Illinois and United States District Chief Judge James F. Holderman of the Northern District of Illinois have stated that, because of the benefits that accompany allowing jurors to submit written questions during the trial for witnesses to answer, they will never again conduct a civil jury trial without letting the jurors do so. See James F. Holderman, *Trying the ABA’s Principles for Juries and Jury Trials*, 33 LITIG. 8, 8-9 (Spring 2007).

The Commission believes that public confidence in the fairness of the jury system is promoted by using of the best procedures that judges and lawyers can provide to educate jurors on the facts and the law, and to assist the jury toward the goal of a fair verdict. If anyone remains skeptical whether the procedures derived from the American Bar Association’s *Principles for Juries and Jury Trials* do that, the Commission calls upon those skeptics to do what the Seventh Circuit trial judges did – take the procedures into courtrooms and try them in actual civil jury trials – and then decide.

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Overview of the Trial

What was your overall level of satisfaction with the trial process (on a scale of “1” to “7” where “1” is “Not at all satisfied” and “7” is “Very satisfied”)?

Participant	Mean Rating
Judges	5.3
Attorneys	6.0
Jurors	5.7

How complex was the evidence presented at trial (on a scale of “1” to “7” where “1” is “Not at all complex” and “7” is “Very complex”)?

Participant	Mean Rating
Judges	3.4
Attorneys	3.8
Jurors	3.9

How clearly was the evidence presented at trial (on a scale of “1” to “7” where “1” is “Not at all clearly” and “7” is “Very clearly”)?

Participant	Mean Rating
Judges	4.3
Attorneys	5.3
Jurors	4.6

How difficult or easy was it for jurors to understand the evidence in this case (on a scale of “1” to “7” where “1” is “Very easy” and “7” is “Very difficult”)?

Participant	Mean Rating
Judges	3.6
Attorneys	3.8
Jurors	3.5

How difficult or easy was it for jurors to understand the law in this case (on a scale of “1” to “7” where “1” is “Very easy” and “7” is “Very difficult”)?

Participant	Mean Rating
Judges	3.3
Attorneys	4.3
Jurors	3.3

Twelve-Person Juries

Number of jurors deliberating:

>6	7	8	9	10	11	12
.2%	11%	18%	3%	2%	21%	44%

Generally speaking, what size of jury do you favor?

Participant	6 Jurors	>6 but <12	12 Jurors
Judges	6%	53%	41%
Attorneys	14%	48%	39%

What is your opinion of the number of jurors who served on this trial/jury?

Participant	Too few	The right number	Too many
Attorneys	3%	77%	20%
Jurors	1%	93%	6%

In your opinion, how did the number of jurors in this trial affect:

The diversity of the jury?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	50%	46%	2%	2%
Attorneys	39%	54%	2%	5%

The fairness of the trial process?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	26%	70%	0%	4%
Attorneys	25%	58%	2%	14%

The efficiency of the trial process?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	6%	78%	16%	0%
Attorneys	12%	64%	17%	8%

Your satisfaction with the trial process?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	36%	58%	6%	0%
Attorneys	17%	69%	5%	9%

Preliminary Substantive Jury Instructions

Before the jury heard any evidence, did the judge give preliminary instructions to the jury that included an explicit description of the claims and the law governing the case?

Participant	Yes	No
Judges	69%	31%
Attorneys	82%	18%
Jurors	89%	11%

Before you began hearing testimony from witnesses, did the judge tell you what the case was going to be about? [Asked of jurors only] [Asked in Phase Two only]

Response Choice	% Selecting Response
The way the case would be run	93%
The law that would be applied in the case	66%

In your opinion, how did the use of preliminary jury instructions in this case affect:
[Asked of judges and attorneys only]

The fairness of the trial process?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	85% (14%) ⁴	9% (86%)	0% (0%)	6% (0%)
Attorneys	47%	35%	6%	12%

The efficiency of the trial process?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	74% (7%)	20% (71%)	0% (21%)	6% (0%)
Attorneys	57%	31%	2%	10%

Jurors' understanding of the case?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	90% (43%)	3% (57%)	0% (0%)	7% (0%)
Attorneys	70%	18%	3%	10%

Your satisfaction with the trial process?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	85%	15%	0%	0%
Attorneys	53%	29%	9%	9%

Were there any logistical, implementation, or other problems encountered with giving these preliminary jury instructions? [Asked of judges only]

Yes	No
7%	93%

⁴ If preliminary jury instructions were not given, judges only were asked how the use of preliminary jury instructions would have affected three of these four dimensions, which is reported in the parentheses.

Please rate the preliminary substantive jury instructions regarding the law governing this case on the following dimensions: [Asked of attorneys and jurors only]

Substantive Fairness (scale of “1” to “7” where “1” is “Not at all fair” and “7” is “Very fair”)

Participant	Mean Rating
Attorneys	5.7
Jurors	N/A

Length of preliminary instructions (scale of “1” to “7” where “1” is “Too short” and “7” is “Too long”)

Participant	Mean Rating
Attorneys	4.3
Jurors	4.3

When administered (scale of “1” to “7” where “1” is “Not at all appropriate time” and “7” is “Extremely appropriate time”)

Participant	Mean Rating
Attorneys	5.9
Jurors	5.7

Helpful to jurors (scale of “1” to “7” where “1” is “Not at all helpful” and “7” is “Very helpful”)

Participant	Mean Rating
Attorneys	5.6
Jurors	5.9

If preliminary jury instructions were NOT given, would you have liked for the judge to give substantive jury instructions at the beginning of the trial explaining the legal issues the jury had to decide in the trial? [Asked of attorneys and jurors only]

Participant	Yes	No
Attorneys	52%	48%
Jurors	66%	34%

Jury Selection Questionnaire [Phase One Only]

Was a jury selection questionnaire used at the beginning of the trial?

Participant	Yes	No
Judges	58%	42%
Attorneys	83%	17%
Jurors	62%	38%

In your opinion how helpful was the juror questionnaire in assisting the court to determine which potential jurors were qualified to be impaneled as jurors in this case (on a scale of “1” to “7” where “1” is “Not at all helpful” and “7” is “Very helpful”)? [Asked of judges only]

Participant	Mean Rating
Judges	5.1

In your opinion how helpful was the juror questionnaire in assisting the court to determine what follow-up questions, if any, should be asked to potential jurors by either court or counsel (on a scale of “1” to “7” where “1” is “Not at all helpful” and “7” is “Very helpful”)?

[Asked of judges only]

Participant	Mean Rating
Judges	4.9

In your opinion how helpful was the juror questionnaire in reducing the time needed for follow-up questions to be asked of potential jurors (on a scale of “1” to “7” where “1” is “Not at all helpful” and “7” is “Very helpful”)? [Asked of judges only]

Participant	Mean Rating
Judges	4.7

In your opinion, how did the use of the jury selection questionnaire in this case affect:
[Asked of judges and attorneys only]

The fairness of the trial process?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	11% (8%) ⁵	78% (83%)	0% (0%)	11% (8%)
Attorneys	47% (23%)	41% (29%)	5% (6%)	7% (41%)

The efficiency of the trial process?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	73% (0%)	14% (75%)	9% (17%)	5% (8%)
Attorneys	59% (35%)	25% (29%)	7% (6%)	9% (29%)

⁵ If a jury selection questionnaire was not used, judges and attorneys only were asked how the use of a jury selection questionnaire would have affected these dimensions, which is reported in the parentheses.

Your satisfaction with the trial process?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	64% (0%)	23% (100%)	14% (0%)	0% (0%)
Attorneys	54% (35%)	29% (29%)	8% (0%)	8% (35%)

The time spent in selecting the jury?[Asked of attorneys only]

Participant	Increased	Did not affect	Decreased	Don't know
Attorneys	20% (53%)	27% (0%)	48% (23%)	5% (23%)

How likely are you to use a jury selection questionnaire in the future (scale of “1” to “7” where “1” is “Not at all likely” and “7” is “Very likely”)? [Asked of judges and attorneys only]

Participant	Mean Rating
Judges	6.2
Attorneys	6.1 (6.0) ⁶

How likely are you to use a jury selection questionnaire utilized in this case in the future (scale of “1” to “7” where “1” is “Not at all likely” and “7” is “Very likely”)? [Asked of judges and attorneys only]

Participant	Mean Rating
Judges	5.5
Attorneys	5.2

Were there any logistical, implementation, or other problems encountered with using the jury selection questionnaire? [Asked of judges only]

Yes	No
26%	74%

Which of the following statements best describes the length of the jury selection questionnaire used in this trial? [Asked of attorneys and jurors only]

Participant	Too short	About right	Too long
Attorneys	19%	75%	5%
Jurors	3%	92%	5%

⁶ If a jury selection questionnaire was not used, attorneys only were asked: If given the opportunity, how likely would you be to use a jury selection question in the future, which is reported in parentheses.

Please rate the jury selection questionnaire on the following dimensions:

[Asked of attorneys only]

Completeness of jury selection questionnaire (scale of “1” to “7” where “1” is “Not at all complete” and “7” is “Very complete”)

Participant	Mean Rating
Attorneys	4.8

Organization of the jury selection questionnaire (scale of “1” to “7” where “1” is “Not at all organized” and “7” is “Very organized”)

Participant	Mean Rating
Attorneys	5.4

Usefulness of jury selection questionnaire (scale of “1” to “7” where “1” is “Not at all useful” and “7” is “Very useful”)

Participant	Mean Rating
Attorneys	5.4

Many of the questions on the jury selection questionnaire are questions the judge or the attorneys usually ask out loud in the courtroom. Which of the following would you prefer?

[Asked of jurors only]

Response Choice	% Selecting Response
To answer some of the questions by filling out a jury selection questionnaire	77% (56%) ⁷
To have all the questions asked out loud by the judge or attorneys	23% (44%)

Did the judge or the attorneys tell you how the information you provided in the written questionnaire would be used? [Asked of jurors only]

Yes	No
50%	50%

How concerned were you, if at all, about your privacy when being asked questions on the written questionnaire (scale of “1” to “7” where “1” is “Not at all concerned” and “7” is “Extremely concerned”)? [Asked of jurors only]

Participant	Mean Rating
Jurors	2.5

How concerned were you, if at all, about your privacy when being asked questions by the judge or the attorneys out loud in the courtroom (scale of “1” to “7” where “1” is “Not at all concerned” and “7” is “Extremely concerned”)? [Asked of jurors only]

Participant	Mean Rating
Jurors	3.1

⁷ If a jury selection questionnaire was not used, jurors only were asked this same question, which is reported in the parentheses.

Time Limits [Phase One Only]

Which of the following statements best describes your reaction to the length of the trial?
[Asked in both phases]

Participant	Too short	About right	Too long
Judges	2%	87%	11%
Attorneys	4%	87%	9%
Jurors	1%	75%	24%

Please rate the trial on the following dimensions:

Efficiency of the trial (was time wasted or used efficiently) (scale of “1” to “7” where “1” is “Not at all efficient” and “7” is “Very efficient”) [Asked in both phases]

Participant	Mean Rating
Judges	5.2
Attorneys	5.8
Jurors	4.8

Organization of the trial (scale of “1” to “7” where “1” is “Not at all organized” and “7” is “Very organized”) [Asked in Both phases]

Participant	Mean Rating
Judges	5.2
Attorneys	5.9
Jurors	5.3

Repetitiveness/redundancy of the evidence and/or testimony (scale of “1” to “7” where “1” is “Not at all repetitive” and “7” is “Very repetitive”) [Asked in both phases]

Participant	Mean Rating
Judges	3.7
Attorneys	4.9
Jurors	5.1

The amount of time each side had to present its case (scale of “1” to “7” where “1” is “Not enough time allowed” and “7” is “Too much time allowed”) [Asked in both phases]

Participant	Mean Rating
Judges	4.2
Attorneys	4.1
Jurors	4.2

Ease of understanding the case material and information presented (scale of “1” to “7” where “1” is “Not enough time allowed” and “7” is “Too much time allowed”) [Asked in Phase Two only]

Participant	Mean Rating
Judges	4.2
Attorneys	5.1
Jurors	5.1

How interesting the case was in general (scale of “1” to “7” where “1” is “Not enough time allowed” and “7” is “Too much time allowed”) [Asked in Phase Two only]

Participant	Mean Rating
Judges	4.8
Attorneys	5.6
Jurors	5.2

Were you told by the judge at the beginning of the trial how long the trial would last or when the trial would be finished? [Asked of jurors only]

Yes	No
95%	5%

If the judge did tell you how long the trial would last or when the trial would be finished, did the trial end when promised? [Asked of jurors only]

Yes	No
77%	23%

How important, if at all, was it that you knew at the beginning of the trial how long the trial would be and/or what day the trial would be finished (scale of “1” to “7” where “1” is “Not at all important” and “7” is “Extremely important”)? [Asked of jurors only]

Participant	Mean Rating
Jurors	5.3

Were time limits used?

Participant	Yes	No
Judges	20%	80%
Attorneys	31%	69%

In your opinion, how did the time limits affect: [Asked of judges and attorneys only]

The fairness of the trial process?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	14% (8%) ⁸	71% (62%)	14% (27%)	0% (4%)
Attorneys	0% (12%)	83% (25%)	13% (48%)	4% (15%)

The efficiency of the trial process?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	67% (8%)	33% (64%)	0% (20%)	0% (8%)
Attorneys	52% (24%)	44% (42%)	4% (13%)	0% (20%)

Your satisfaction with the trial process?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	57% (12%)	29% (50%)	14% (31%)	0% (8%)
Attorneys	17% (6%)	75% (40%)	8% (38%)	0% (15%)

⁸ If time limits were not used, judges and attorneys only were asked how time limits would have affected these same dimensions, which is reported in the parentheses.

How likely are you to use time limits in the future (scale of “1” to “7” where “1” is “Not at all likely” and “7” is “Very likely”)? [Asked of judges only]

Participant	Mean Rating
Judges	4.7

How likely are you to use time limits utilized in this case in the future (scale of “1” to “7” where “1” is “Not at all likely” and “7” is “Very likely”)? [Asked of judges only]

Participant	Mean Rating
Judges	4.2

Were there any logistical, implementation, or other problems encountered with using time limits? [Asked of judges only]

Yes	No
33%	67%

Juror Questions for Witnesses During Trial

Were jurors permitted to submit questions for witnesses?

Participant	Yes	No
Judges	77%	23%
Attorneys	79%	21%
Jurors	83%	17%

Did jurors submit questions for any witnesses?

Participant	Yes	No
Judges	79%	21%
Attorneys	88%	12%
Jurors	52%	48%

If yes, how many questions did the jurors submit?

Participant	Mean	Median	Mode
Judges	22	17	14
Attorneys	8	5	1
Jurors	11	2	1

If yes, how many questions were witnesses permitted to answer?

Participant	Mean	Median	Mode
Judges	19	14	1

If the witness was NOT permitted to answer a juror question, what happened? [Asked of attorneys only] [Asked in Phase Two only]

Response Choice	% Selecting Response
Another witness answered the questions later	0%
The judge answered the question	20%
One of the attorneys answered the question	20%
No one answered the question	67%

If any of the jurors' questions were not answered, were the jurors given a reason why the question(s) were not answered? [Asked of attorneys only] [Asked in Phase Two only]

Participant	Yes	No
Attorneys	60%	40%

Did the judge answer or permit the witness to answer any of your questions?
[Asked of jurors only]

Yes	No	Does not apply/I didn't ask any questions
63%	8%	29%

If you submitted any questions to the judge, what were the primary purposes of your questions (check all that apply)? [Asked of jurors only]

Response Choice	% Selecting Response
To repeat information already presented [Phase Two only]	15%
To clarify information already presented	58%
To check on a fact or an explanation [Phase Two only]	56%
To get additional information	67%
To find out the opinion of a witness	17%
To resolve inconsistencies in the evidence	32%
To understand the law [Phase Two only]	21%
To test witness credibility [Phase Two only]	35%
To link up other evidence [Phase Two only]	46%
To help one side or the other [Phase Two only]	13%
To make sure the trial was fair [Phase Two only]	39%
To cover something that the lawyers missed [Phase Two only]	48%
Other	<1%

If the judge did not answer any of your questions, did he/she give the reason for not answering the question(s)? [Asked of jurors only] [Asked in Phase Two only]

Participant	Yes	No
Jurors	77%	23%

What is your opinion of the number of questions submitted by jurors during the trial?

Participant	Too many	An appropriate number	Not enough
Judges	26%	61%	13%
Attorneys	21%	69%	10%
Jurors	4%	86%	11%

How would you describe the jury's questions? [Asked in Phase Two only]

Participant	Most of the questions were relevant	Some of the questions were relevant	Most of the questions were irrelevant	Jury did not ask any questions
Judges	100%	0%	0%	0%
Attorneys	56%	22%	22%	0%

In your opinion, how did allowing jurors to submit questions in this trial affect:

The fairness of the trial process?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	70% (25%) ⁹	27% (50%)	0% (13%)	3% (13%)
Attorneys	46% (13%)	36% (25%)	6% (38%)	12% (25%)
Jurors	67% (40%)	32% (55%)	1% (6%)	N/A

The efficiency of the trial process?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	3% (0%)	73% (38%)	22% (63%)	3% (0%)
Attorneys	37% (13%)	30% (19%)	28% (63%)	5% (6%)
Jurors	55% (32%)	44% (60%)	2% (9%)	N/A

Jurors' understanding of the case?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	73% (14%)	24% (57%)	0% (14%)	3% (14%)
Attorneys	62% (40%)	18% (7%)	2% (13%)	18% (40%)
Jurors	83% (61%)	17% (33%)	0% (6%)	N/A

Your satisfaction with the trial process?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	53% (25%)	44% (38%)	0% (25%)	3% (13%)
Attorneys	51% (25%)	30% (13%)	13% (38%)	6% (25%)
Jurors	80% (44%)	20% (51%)	0% (6%)	N/A

Were there any logistical, implementation, or other problems encountered with permitting jurors to submit questions? [Asked of judges only]

Yes	No
32%	68%

IF JURORS NOT PERMITTED TO SUBMIT QUESTIONS FOR THE WITNESSES:

In your opinion, should jurors be permitted to submit questions for witnesses during the trial? [Asked of jurors only]

Yes	No
72%	28%

Did you have any questions you would have liked to submit to be asked of a witness during the trial? [Asked of jurors only]

Yes	No
60%	40%

⁹ If jurors were not permitted to submit questions for the witnesses, the judges, attorneys, and jurors were asked how permitting jurors to submit questions for the witnesses would have affected these dimensions, which are reported in parentheses.

Interim Statements for the Jury by Counsel

Were the attorneys permitted to give interim summation statements?

Participant	Yes	No
Judges	40%	60%
Attorneys	57%	43%
Jurors	39%	61%

In your opinion, how did the interim summation statements affect: [Asked of judges and attorneys only]

The fairness of the trial process?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	50% (4%) ¹⁰	42% (80%)	0% (12%)	8% (4%)

The efficiency of the trial process?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	42% (0%)	42% (36%)	8% (64%)	8% (0%)
Attorneys	38% (5%)	58% (32%)	4% (40%)	0% (24%)

Jurors' understanding of the case?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	83% (4%)	8% (87%)	0% (8%)	8% (0%)

Your satisfaction with the trial process?

Participant	Increased	Did not affect	Decreased	Don't know
Judges	67% (4%)	33% (54%)	0% (42%)	0% (0%)

Did you think there were any abuses of interim summation statements?
[Asked of judges and attorneys only]

Participant	Yes	No
Judges	0%	100%
Attorneys	9%	91%

Would you permit interim summation statements in the future? [Asked of judges only]

Participant	Yes	No
Judges	88%	12%

¹⁰ If interim summation statements were not permitted, judges and attorneys were asked how interim statements would have affected these same dimensions, which is reported in the parentheses.

Did you feel that the use of interim summation statements allowed you to: [Asked of attorneys only]

Better organize the evidence for the jurors (scale of “1” to “7” where “1” is “Definitely no” and “7” is “Definitely yes”)?

Participant	Mean Rating
Attorneys	4.8 (3.1) ¹¹

Better explain the evidence for the jurors (scale of “1” to “7” where “1” is “Definitely no” and “7” is “Definitely yes”)?

Participant	Mean Rating
Attorneys	5.3 (3.6)

Better emphasize parts of the evidence for the jurors (scale of “1” to “7” where “1” is “Definitely no” and “7” is “Definitely yes”)?

Participant	Mean Rating
Attorneys	5.0 (3.9)

Is there anything you would have liked to change about the interim statements? [Asked of attorneys only] [Asked in Phase One only]

Response Choice	% Selecting Response
No, they are effective	29%
Yes, need guidance for when appropriate to use	14%
Yes, limit to explaining what witness will say	14%
Yes, limit to summary of evidence	29%
Yes, keep basic	14%

How did the lawyers use the interim statements during the trial? [Asked of jurors only]

Response Choice	% Selecting Response
Mostly to <u>introduce the evidence</u> about to be presented	50%
About the same in terms of introducing versus summarizing the evidence	25%
Mostly to <u>summarize the evidence</u> that had just been presented	25%

¹¹ If interim summation statements were not permitted, attorneys only were asked how interim statements would have allowed the attorneys to do these three items, which is reported in the parentheses.

Which type of interim statement did you find most helpful? [Asked of jurors only]

Response Choice	% Selecting Response
When used to <u>introduce the evidence</u> about to be presented	32% (14%) ¹²
When used to <u>summarize the evidence</u> that had just been presented	26% (25%)
I think both uses of interim statements would have been equally useful	34% (30%)
Neither, I didn't/wouldn't find them useful at all	8% (31%)

Please rate how helpful the interim summation statements were on each of the following dimensions (scale of "1" to "7" where "1" is "Not at all helpful" and "7" is "Very helpful"): [Asked of jurors only]

Understanding the evidence

Participant	Mean Rating
Jurors	4.7

Recalling the evidence during deliberations

Participant	Mean Rating
Jurors	4.7

Keeping focused on the evidence

Participant	Mean Rating
Jurors	5.0

Making the evidence more interesting

Participant	Mean Rating
Jurors	4.5

Did the interim summation statements affect your verdict? [Asked of jurors only]

Yes	No
12%	88%

IF INTERIM STATEMENTS WERE NOT PERMITTED OR MADE:

Would you have found the use of interim summation statements during the trial to be helpful? [Asked of jurors only]

Yes	No	Don't know
23%	25%	52%

¹² If interim summation statements were not permitted, jurors only were asked which type of interim statements jurors would have found more useful during the trial, which is reported in the parentheses.

Enhancing Jury Deliberations [Phase One Only]

Did the judge give the jurors any instructions or suggestions on how to select a foreperson?

Participant	Yes	No
Judges	25%	75%
Attorneys	47%	53%
Jurors	49%	51%

If yes, do you feel that you had to follow the judge’s instructions about selection of a foreperson? [Asked of jurors only]

Yes	No
64%	36%

How do you feel about the amount of guidance that the jury had from the judge on how to select a foreperson (scale of “1” to “7” where “1” is “Not enough” and “7” is “Too much”)? [Asked of attorneys and jurors only] [Asked in Phase One only]

Participant	Mean Rating
Attorneys	4.3
Jurors	4.0

Did the judge give the jurors any instructions or suggestions on how to conduct the deliberations? [Asked of jurors only]

Participant	Yes	No
Judges	41%	59%
Attorneys	70%	30%
Jurors	72%	28%

If yes, do you feel that you had to follow the judge’s instructions about conduct during your deliberation? [Asked of jurors only] [Asked in Phase One only]

Yes	No
82%	18%

How do you feel about the amount of guidance that the jury had from the judge on how to conduct its deliberations (scale of “1” to “7” where “1” is “Not enough” and “7” is “Too much”)? [Asked of attorneys and jurors only] [Asked in Phase One only]

Participant	Mean Rating
Attorneys	4.1
Jurors	4.2

What best describes how the foreperson was selected? [Asked of jurors only]

Response Choice	% Selecting Response
He/she volunteered	41%
Other jurors nominated him/her	46%
We took a vote	11%
Drew from a hat	2%
Other	1%

How much influence did the foreperson have on the jury's decision? [Asked of jurors only]

Response Choice	% Selecting Response
More than any other juror	2%
More than most jurors	12%
The same as other jurors	81%
Less than most jurors	5%

How satisfied were you with the way your deliberations were conducted (scale of "1" to "7" where "1" is "Extremely dissatisfied" and "7" is "Extremely satisfied")? [Asked of jurors only]

Participant	Mean Rating
Jurors	5.7

Did the jury submit any questions during its deliberations?

Participant	Yes	No
Judges	54%	46%
Attorneys	58%	42%
Jurors	48%	52%

Did the judge answer any of the questions submitted during deliberations?

Participant	Yes	No	Jurors did not ask questions
Judges	57%	4%	39%
Attorneys	60%	8%	32%
Jurors	46%	9%	45%

If the judge did not answer any of the questions submitted during deliberations, did you/the judge give a reason for not answering the questions?

Participant	Yes	No	Jurors did not ask questions
Judges	30%	10%	60%
Attorneys	40%	9%	51%
Jurors	67%	33%	N/A

Were the parties cooperative (with the court and with each other) in helping to respond to questions from the jury (scale of “1” to “7” where “1” is “Definitely no” and “7” is “Definitely yes”)? [Asked of judges and attorneys only]

Participant	Mean Rating
Judges	6.3
Attorneys	6.1

What types of questions did the jury submit (circle all that apply)? [Asked of judges and attorneys only]

Response Choice	% Selecting Response: Judges	% Selecting Response: Attorneys
Questions about legal instructions or legal terms	55%	59%
Questions about the content of evidence	29%	49%
Requests to see evidence	40%	36%
Questions about procedure or case management	21%	28%

How would you describe the jury’s questions during deliberations? [Asked of judges and attorneys only]

Response Choice	% Selecting Response: Judges	% Selecting Response: Attorneys
Most of the questions were relevant	77%	57%
Some were relevant, some were irrelevant	3%	21%
Most of the questions were irrelevant	3%	2%
Jury did not ask any questions	16%	20%

If you submitted questions to the judge, what were the primary purposes of your questions? [Asked of jurors only] [Asked in Phase Two only]

Response Choice	% Selecting Response
Repeat and clarify information already presented	60%
Check on a fact or explanation	63%
Get additional information	72%
To find out the opinion of a witness	24%
To resolve inconsistencies in the evidence	31%
To understand the law	52%
To help one side or the other	20%
To make a point the lawyers missed	19%

If the judge did answer some of your questions during deliberations, how did the answers affect your understanding of the case? [Asked of jurors only]

Response Choice	% Selecting Response
Helped me understand the case better	52%
Did not affect how well I understood the case	45%
Made it harder for me to understand the case	3%

If the judge did answer some of your questions during deliberations, what effect did the answers have on your jury's deliberation? [Asked of jurors only]

Response Choice	% Selecting Response
Were extremely helpful to the jury's decision making	39%
Were moderately helpful to the jury's decision making	39%
Were not helpful to the jury's decision making	20%
Made the jury's decision making more difficult	3%

Demographics/Backgrounds of Participants

Judges

How many civil jury trials have you had as a judge, excluding this trial?

Participant	Mean	Median	Mode
Judges	96	50	200

Please indicate what percentage of your prior civil jury trials included the following?

Practice	Mean	Median	Mode
Twelve-person juries	16%	5%	0%
Preliminary substantive jury instructions	25%	2%	0%
Voir dire questionnaires	39%	10%	0%
Time limits	6%	1%	0%
Juror questions to witnesses	21%	3%	0%
Interim statements	2%	0%	0%
Jury guidance instructions	37%	13%	0%
Jury questions during deliberations	51%	50%	10%

Attorneys

Whom did you represent?

Plaintiff	Defendant	Other
48%	52%	0%

How many civil jury trials have you participated in, excluding this trial?

Participant	Mean	Median	Mode
Attorneys	23	6	2

Please indicate what percentage of your prior civil jury trials included the following?

Practice	Mean	Median	Mode
Twelve-person juries	39%	25%	0%
Preliminary substantive jury instructions	13%	0%	0%
Voir dire questionnaires	39%	20%	0%
Time limits	18%	0%	0%
Juror questions to witnesses	6%	0%	0%
Interim statements	1%	0%	0%
Jury guidance instructions	33%	1%	0%
Jury questions during deliberations	33%	15%	0%

How would you characterize the outcome of this trial for your client (scale of “1” to “7” where “1” is “Big loss” and “7” is “Big win”)?

Participant	Mean Rating
Attorneys	4.6

Jurors

Did you ever sit on a jury before?

Yes	No
28%	72%

If yes, how many juries?

Participant	Mean	Median	Mode
Jurors	2	1	1

If yes, what type of juries have you served on (check all that apply)?

Participant	Civil	Criminal	Don't know
Jurors	55%	50%	4%

Gender

Male	Female
43%	57%

Age

Participant	Mean	Median	Mode
Jurors	45	45	40

Which of the following describes your racial/ethnic background?

Response Choice	% Selecting Response
Asian-American	2%
Black/African-American	7%
White Hispanic/Latino	7%
Non-White Hispanic/Latino	1%
White/Caucasian	82%
Native American	0%
Other	0%

Are you currently employed?

Yes	No
87%	13%

What is your last year of school you completed?

Response Choice	% Selecting Response
Less than high school	2%
High school graduate	17%
Technical school/some college	18%
Completed two-year college	11%
Completed four-year college	35%
Graduate school	17%

QUESTIONNAIRES

Facilitator Questionnaire.....	74
Judge Questionnaire.....	91
Attorney Questionnaire.....	129
Juror Questionnaire.....	171

Four different questionnaires were used in this Project. The first is the Facilitator Questionnaire, which includes case-level information about the type of case, the parties and attorneys involved, juror demographics, and which of the concepts were tested. There were separate questionnaires for the judges, attorneys, and jurors who participated in the project.

Facilitator Questionnaire

1. Judge

	Phase		Total
	One	Two	
Maria Valdez	0.0%	10.0%	3.7%
Joan B. Gottschall	5.9%	0.0%	3.7%
David F. Hamilton	17.6%	0.0%	11.1%
James F. Holderman	5.9%	30.0%	14.8%
Matthew F. Kennelly	17.6%	50.0%	29.6%
Joan Humphrey Lefkow	11.8%	0.0%	7.4%
Amy J. St. Eve	11.8%	0.0%	7.4%
John D. Tinder	5.9%	0.0%	3.7%
James B. Zagel	5.9%	0.0%	3.7%
James B. Moran	5.9%	0.0%	3.7%
Geraldine Soat Brown	5.9%	10.0%	7.4%
Andrew P. Rodovich	5.9%	0.0%	3.7%
Total	100.0%	100.0%	100.0%

2. Case name

	Phase		Total
	One	Two	
Unknown	88.2%	0.0%	55.6%
Adams v. Catrambone et al.	0.0%	10.0%	3.7%
Arreola v. Choudoy	0.0%	10.0%	3.7%
Biondo v. City of Chicago	5.9%	0.0%	3.7%
Brennan v. Guynn	0.0%	10.0%	3.7%
Bryant v. Mach 1	0.0%	10.0%	3.7%
Coffie v. City of Chicago, et al.	0.0%	10.0%	3.7%
Manzella v. Village of Bridgeview	5.9%	0.0%	3.7%
Marvin Chapman v. Guillermo Feliciano, Jesus Barajas, Theodore Lewis, and Thomas Snooks	0.0%	10.0%	3.7%
Perry V. Jones	0.0%	10.0%	3.7%
Sherine Gray v. Jeffrey Burke, et al.	0.0%	10.0%	3.7%
Temar Harper v. Ceisel Masonry, Inc.	0.0%	10.0%	3.7%
Watson v. Abt Electronics Inc.	0.0%	10.0%	3.7%
Total	100.0%	100.0%	100.0%

3. Individual completing information sheet

	Phase		Total
	One	Two	
Amy Dickerson	0.0%	20.0%	7.4%
Andrew P. Rodovich	5.9%	0.0%	3.7%
Charles E. Bruess	17.6%	0.0%	11.1%
Donald Walker	5.9%	0.0%	3.7%
Evelyn A. Hollins	5.9%	0.0%	3.7%
Fred Vars	5.9%	0.0%	3.7%
Gary Leung	5.9%	0.0%	3.7%
Jim Figliulo	11.8%	0.0%	7.4%
Joan B. Gottschall	5.9%	0.0%	3.7%
Matthew Kennelly	17.6%	50.0%	29.6%
Megan Church	5.9%	0.0%	3.7%
Michael Graham	5.9%	0.0%	3.7%
Michelle Mills	0.0%	10.0%	3.7%
Patricia C. Bobb	5.9%	0.0%	3.7%
S. Ann Walls	0.0%	10.0%	3.7%
Sanya Sarich	0.0%	10.0%	3.7%
Total	100.0%	100.0%	100.0%

4. Date completing this information sheet

	Phase		Total
	One	Two	
27-Jan-2005	7.7%	0.0%	4.5%
31-Oct-2005	7.7%	0.0%	4.5%
3-Jan-2006	7.7%	0.0%	4.5%
5-Jan-2006	7.7%	0.0%	4.5%
13-Jan-2006	7.7%	0.0%	4.5%
27-Feb-2006	7.7%	0.0%	4.5%
8-Mar-2006	7.7%	0.0%	4.5%
10-Mar-2006	7.7%	0.0%	4.5%
21-Mar-2006	7.7%	0.0%	4.5%
14-Apr-2006	7.7%	0.0%	4.5%
18-Apr-2006	15.4%	0.0%	9.1%
27-Apr-2006	7.7%	0.0%	4.5%
20-Feb-2007	0.0%	11.1%	4.5%
22-Mar-2007	0.0%	11.1%	4.5%
17-May-2007	0.0%	22.2%	9.1%
5-Sep-2007	0.0%	11.1%	4.5%
19-Sep-2007	0.0%	11.1%	4.5%
17-Oct-2007	0.0%	11.1%	4.5%
20-Feb-2008	0.0%	11.1%	4.5%
2-Apr-2008	0.0%	11.1%	4.5%
Total	100.0%	100.0%	100.0%

5. Jurisdiction

	Phase		Total
	One	Two	
Northern Illinois, Eastern Division	70.6%	100.0%	81.5%
Northern Indiana, Hammond Division	5.9%	0.0%	3.7%
Southern Indiana, Indianapolis Division	23.5%	0.0%	14.8%
Total	100.0%	100.0%	100.0%

6. Type of case

	Phase		Total
	One	Two	
Contract	11.8%	10.0%	11.1%
Tort	17.6%	10.0%	14.8%
Civil rights	47.1%	70.0%	55.6%
Americans with Disabilities Act	5.9%	0.0%	3.7%
Trademark	5.9%	0.0%	3.7%
Patent	5.9%	0.0%	3.7%
Fraud	5.9%	0.0%	3.7%
Copyright	0.0%	10.0%	3.7%
Total	100.0%	100.0%	100.0%

7. Issues in case

	Phase		Total
	One	Two	
Liability and damages	68.8%	70.0%	69.2%
Damages only	12.5%	10.0%	11.5%
Liability only	12.5%	20.0%	15.4%
Invalidity/Obviousness	6.3%	0.0%	3.8%
Total	100.0%	100.0%	100.0%

8. Claims and evidence: Number of claims by Plaintiff

	Phase		Total
	One	Two	
1	37.5%	33.3%	36.0%
2	43.8%	44.4%	44.0%
3	12.5%	22.2%	16.0%
4	6.3%	0.0%	4.0%
Total	100.0%	100.0%	100.0%

9. Number of claims by Defendant

	Phase		Total
	One	Two	
0	86.7%	100.0%	91.3%
1	13.3%	0.0%	8.7%
Total	100.0%	100.0%	100.0%

10. Number of Plaintiffs

	Phase		Total
	One	Two	
1	76.5%	100.0%	84.6%
2	11.8%	0.0%	7.7%
5	5.9%	0.0%	3.8%
6	5.9%	0.0%	3.8%
Total	100.0%	100.0%	100.0%

11. Number of Defendants

	Phase		Total
	One	Two	
1	35.3%	55.6%	42.3%
2	35.3%	22.2%	30.8%
3	17.6%	11.1%	15.4%
4	5.9%	11.1%	7.7%
5	5.9%	0.0%	3.8%
Total	100.0%	100.0%	100.0%

12. When did the trial begin?

	Phase		Total
	One	Two	
20-Mar-2005	6.3%	0.0%	4.0%
17-Oct-2005	6.3%	0.0%	4.0%
30-Nov-2005	6.3%	0.0%	4.0%
2-Dec-2005	6.3%	0.0%	4.0%
10-Jan-2006	6.3%	0.0%	4.0%
17-Jan-2006	6.3%	0.0%	4.0%
23-Jan-2006	6.3%	0.0%	4.0%
31-Jan-2006	6.3%	0.0%	4.0%
6-Feb-2006	6.3%	0.0%	4.0%
21-Feb-2006	6.3%	0.0%	4.0%
22-Feb-2006	6.3%	0.0%	4.0%
6-Mar-2006	12.5%	0.0%	8.0%
10-Apr-2006	6.3%	0.0%	4.0%
18-Apr-2006	6.3%	0.0%	4.0%
24-Apr-2006	6.3%	0.0%	4.0%
20-Feb-2007	0.0%	11.1%	4.0%
19-Mar-2007	0.0%	22.2%	8.0%
14-May-2007	0.0%	11.1%	4.0%
27-Aug-2007	0.0%	11.1%	4.0%
17-Sep-2007	0.0%	11.1%	4.0%
1-Oct-2007	0.0%	11.1%	4.0%
8-Feb-2008	0.0%	11.1%	4.0%
24-Mar-2008	0.0%	11.1%	4.0%
Total	100.0%	100.0%	100.0%

13. Were jurors told how long the trial would last?

	Phase		Total
	One	Two	
Yes	100.0%	100.0%	100.0%
No	0.0%	0.0%	0.0%
Total	100.0%	100.0%	100.0%

14. Were jurors told what day the trial would end?

	Phase		Total
	One	Two	
Yes	60.0%	80.0%	68.0%
No	40.0%	20.0%	32.0%
Total	100.0%	100.0%	100.0%

15. How long did jury selection take? (in hours)

	Phase		Total
	One	Two	
1.5	18.8%	0.0%	12.0%
2.0	25.0%	22.2%	24.0%
2.5	0.0%	11.1%	4.0%
3.0	37.5%	33.3%	36.0%
4.0	6.3%	11.1%	8.0%
5.0	6.3%	11.1%	8.0%
6.0	6.3%	0.0%	4.0%
25.0	0.0%	11.1%	4.0%
Total	100.0%	100.0%	100.0%

16. Did the judge use a written voir dire questionnaire to be used for jury selection?

	Phase		Total
	One	Two*	
Yes	46.7%	.0%	46.7%
No	53.3%	.0%	53.3%
Total	100.0%	.0%	100.0%

17. Jury size

	Phase		Total
	One	Two	
7	6.3%	10.0%	7.7%
8	31.3%	20.0%	26.9%
10	6.3%	20.0%	11.5%
11	18.8%	0.0%	11.5%
12	37.5%	50.0%	42.3%
Total	100.0%	100.0%	100.0%

18. Juror gender

	Phase		Total
	One	Two	
Female	53.4%	57.3%	54.9%
Male	46.6%	42.7%	45.1%
Total	100.0%	100.0%	100.0%

19. Juror ethnicity: Females

	Phase		Total
	One	Two	
Asian	3.5%	3.6%	3.5%
African-American	8.1%	12.5%	9.9%
Hispanic/Latino	2.3%	5.4%	3.5%
White Hispanic	3.5%	1.8%	2.8%
Caucasian	81.4%	76.7%	79.6%
Other/Unknown	1.2%	0.0%	0.7%
Total	100.0%	100.0%	100.0%

20. Males

	Phase		Total
	One	Two	
Asian	5.3%	4.5%	5.1%
African-American	5.3%	11.4%	7.6%
Hispanic/Latino	0.0%	6.8%	2.5%
White Hispanic	4.0%	4.5%	4.2%
Caucasian	85.4%	70.5%	79.8%
Other/Unknown	0.0%	2.3%	0.8%
Total	100.0%	100.0%	100.0%

21. Did the judge set time limits for the trial?

	Phase		Total
	One	Two	
Yes	17.6%	10.0%	14.8%
No	82.4%	90.0%	85.2%
Total	100.0%	100.0%	100.0%

22. Were jurors allowed to submit questions for the witnesses?

	Phase		Total
	One	Two	
Yes	64.7%	90.0%	74.1%
No	35.3%	10.0%	25.9%
Total	100.0%	100.0%	100.0%

23. How many questions did the jury submit for the witnesses?

	Phase		Total
	One	Two	
0	9.1%	0.0%	5.3%
1	0.0%	12.5%	5.3%
3	9.1%	0.0%	5.3%
4	9.1%	0.0%	5.3%
5	0.0%	12.5%	5.3%
8	0.0%	12.5%	5.3%
13	18.2%	0.0%	10.5%
14	0.0%	12.5%	5.3%
15	9.1%	0.0%	5.3%
16	0.0%	12.5%	5.3%
18	9.1%	12.5%	10.5%
20	0.0%	12.5%	5.3%
34	9.1%	0.0%	5.3%
40	9.1%	0.0%	5.3%
49	0.0%	12.5%	5.3%
55	9.1%	0.0%	5.3%
74	9.1%	0.0%	5.3%
Total	100.0%	100.0%	100.0%

24. How many questions did the judge permit the witnesses to answer?

	Phase		Total
	One	Two	
0	9.1%	0.0%	5.3%
1	9.1%	12.5%	10.5%
2	0.0%	12.5%	5.3%
4	9.1%	0.0%	5.3%
6	9.1%	0.0%	5.3%
8	9.1%	12.5%	10.5%
13	9.1%	12.5%	10.5%
14	0.0%	12.5%	5.3%
15	0.0%	12.5%	5.3%
17	9.1%	0.0%	5.3%
20	0.0%	12.5%	5.3%
29	9.1%	0.0%	5.3%
35	0.0%	12.5%	5.3%
39	18.2%	0.0%	10.5%
55	9.1%	0.0%	5.3%
Total	100.0%	100.0%	100.0%

25. Were explanatory statements/interim summaries allowed during the trial?

	Phase		Total
	One	Two	
Yes	37.5%	20.0%	30.8%
No	62.5%	80.0%	69.2%
Total	100.0%	100.0%	100.0%

26. Did the judge give the jury instructions on: Conducting its deliberations?

	Phase		Total
	One	Two*	
Yes	93.8%	.0%	93.8%
No	6.3%	.0%	6.3%
Total	100.0%	.0%	100.0%

27. Selecting a foreperson?

	Phase		Total
	One	Two*	
Yes	93.8%	.0%	93.8%
No	6.3%	.0%	6.3%
Total	100.0%	.0%	100.0%

28. Submitting questions during deliberations?

	Phase		Total
	One	Two*	
Yes	80.0%	.0%	80.0%
No	20.0%	.0%	20.0%
Total	100.0%	.0%	100.0%

29. How long was the trial? (in days)

	Phase		Total
	One	Two	
2.0	11.8%	11.1%	11.5%
3.0	23.5%	22.2%	23.1%
3.5	0.0%	11.1%	3.8%
4.0	11.8%	33.3%	19.2%
4.5	0.0%	11.1%	3.8%
5.0	11.8%	0.0%	7.7%
6.0	17.6%	0.0%	11.5%
7.0	5.9%	0.0%	3.8%
9.0	11.8%	11.1%	11.5%
10.0	5.9%	0.0%	3.8%
Total	100.0%	100.0%	100.0%

30. If jurors were told what day the trial would end, did the trial end on the day promised?

	Phase		Total
	One	Two	
Yes	63.6%	85.7%	72.2%
No	36.4%	14.3%	27.8%
Total	100.0%	100.0%	100.0%

31. How many jurors deliberated for the trial?

	Phase		Total
	One	Two	
7	11.8%	10.0%	11.1%
8	29.4%	20.0%	25.9%
9	0.0%	10.0%	3.7%
10	5.9%	0.0%	3.7%
11	29.4%	0.0%	18.5%
12	23.5%	60.0%	37.0%
Total	100.0%	100.0%	100.0%

32. How many questions did the jury submit to the judge during its deliberations?

	Phase		Total
	One	Two	
0	50.0%	66.7%	56.0%
1	25.0%	11.1%	20.0%
2	0.0%	11.1%	4.0%
4	6.3%	11.1%	8.0%
6	6.3%	0.0%	4.0%
7	6.3%	0.0%	4.0%
10	6.3%	0.0%	4.0%
Total	100.0%	100.0%	100.0%

33. How long did the jury deliberate? (in hours)

	Phase		Total
	One	Two	
0.5	6.3%	0.0%	4.0%
1.0	12.5%	11.1%	12.0%
1.5	6.3%	0.0%	4.0%
2.0	6.3%	22.2%	12.0%
2.5	0.0%	11.1%	4.0%
3.0	6.3%	11.1%	8.0%
4.0	18.8%	11.1%	16.0%
4.5	12.5%	0.0%	8.0%
6.0	6.3%	0.0%	4.0%
6.5	6.3%	0.0%	4.0%
9.0	6.3%	11.1%	8.0%
12.0	0.0%	11.1%	4.0%
15.0	6.3%	0.0%	4.0%
21.0	0.0%	11.1%	4.0%
26.0	6.3%	0.0%	4.0%
Total	100.0%	100.0%	100.0%

34. Plaintiff verdict

	Phase		Total
	One	Two	
Yes	100.0%	28.6%	54.5%
No	0.0%	71.4%	45.5%
Total	100.0%	100.0%	100.0%

35. Plaintiff damages

	Phase		Total
	One	Two*	
\$0	75.0%	.0%	75.0%
\$23,564,606	25.0%	.0%	25.0%
Total	100.0%	.0%	100.0%

36. Defendant verdict

	Phase		Total
	One	Two	
Yes	100.0%	87.5%	94.1%
No	0.0%	12.5%	5.9%
Total	100.0%	100.0%	100.0%

37. Counter-plaintiff verdict

	Phase		Total
	One*	Two	
Yes	.0%	0.0%	0.0%
No	.0%	100.0%	100.0%
Total	.0%	100.0%	100.0%

38. Counter-plaintiff damages

	Phase		Total
	One	Two*	
\$0	100.0%	.0%	100.0%
Total	100.0%	.0%	100.0%

39. Counter-defense verdict

	Phase		Total
	One*	Two	
Yes	.0%	0.0%	0.0%
No	.0%	100.0%	100.0%
Total	.0%	100.0%	100.0%

40. How did the trial end?

	Phase		Total
	One	Two	
Mistrial	0.0%	10.0%	3.7%
Jury verdict	100.0%	90.0%	96.3%
Total	100.0%	100.0%	100.0%

41. If the trial ended prior to a jury verdict, please indicate when the trial ended.

	Phase		Total
	One	Two*	
During Plaintiff 2's case-in-chief	100.0%	.0%	100.0%
Total	100.0%	.0%	100.0%

Judge Questionnaire

1. Judge

	Phase		Total
	One	Two	
Lynn S. Adelman	2.6%	0.0%	2.0%
Samuel Der-Yeghiayan	2.6%	0.0%	2.0%
Maria Valdez	0.0%	8.3%	2.0%
Joan B. Gottschall	2.6%	0.0%	2.0%
David F. Hamilton	7.9%	0.0%	6.0%
James F. Holderman	5.3%	25.0%	10.0%
Matthew F. Kennelly	10.5%	50.0%	20.0%
Joan Humphrey Lefkow	5.3%	0.0%	4.0%
Michael J. Reagan	10.5%	0.0%	8.0%
Amy J. St. Eve	7.9%	0.0%	6.0%
John D. Tinder	2.6%	0.0%	2.0%
James B. Zagel	2.6%	0.0%	2.0%
Charles N. Clevert	2.6%	0.0%	2.0%
James B. Moran	2.6%	0.0%	2.0%
David H. Coar	2.6%	0.0%	2.0%
Geraldine Soat Brown	2.6%	8.3%	4.0%
Paul R. Cherry	5.3%	0.0%	4.0%
Morton Denlow	5.3%	0.0%	4.0%
Barbara B. Crabb	10.5%	8.3%	10.0%
John W. Darrah	2.6%	0.0%	2.0%
Andrew P. Rodovich	2.6%	0.0%	2.0%
Sidney I. Schenkier	2.6%	0.0%	2.0%
Total	100.0%	100.0%	100.0%

2. Date of case

	Phase		Total
	One	Two	
10-Oct-2005	4.8%	0.0%	3.3%
17-Oct-2005	4.8%	0.0%	3.3%
14-Dec-2005	4.8%	0.0%	3.3%
3-Jan-2006	4.8%	0.0%	3.3%
5-Jan-2006	4.8%	0.0%	3.3%
7-Jan-2006	4.8%	0.0%	3.3%
13-Jan-2006	4.8%	0.0%	3.3%
23-Jan-2006	4.8%	0.0%	3.3%
27-Jan-2006	4.8%	0.0%	3.3%
30-Jan-2006	4.8%	0.0%	3.3%
6-Feb-2006	4.8%	0.0%	3.3%
27-Feb-2006	4.8%	0.0%	3.3%
6-Mar-2006	9.5%	0.0%	6.7%
20-Mar-2006	4.8%	0.0%	3.3%
10-Apr-2006	4.8%	0.0%	3.3%
11-Apr-2006	4.8%	0.0%	3.3%
17-Apr-2006	4.8%	0.0%	3.3%
18-Apr-2006	4.8%	0.0%	3.3%
24-Apr-2006	4.8%	0.0%	3.3%
4-Aug-2006	4.8%	0.0%	3.3%
20-Feb-2007	0.0%	11.1%	3.3%
22-Mar-2007	0.0%	11.1%	3.3%
17-May-2007	0.0%	22.2%	6.7%
5-Sep-2007	0.0%	11.1%	3.3%
17-Sep-2007	0.0%	11.1%	3.3%
17-Oct-2007	0.0%	11.1%	3.3%

(continued)

20-Feb-2008	0.0%	11.1%	3.3%
2-Apr-2008	0.0%	11.1%	3.3%
Total	100.0%	100.0%	100.0%

3. District

	Phase		Total
	One	Two	
Northern Illinois	55.3%	91.7%	64.0%
Southern Illinois	10.5%	0.0%	8.0%
Northern Indiana	7.9%	0.0%	6.0%
Southern Indiana	10.5%	0.0%	8.0%
Eastern Wisconsin	5.3%	8.3%	6.0%
Western Wisconsin	10.5%	0.0%	8.0%
Total	100.0%	100.0%	100.0%

4. Type of case

	Phase		Total
	One	Two	
Contract	5.6%	10.0%	7.1%
Tort	11.1%	10.0%	10.7%
Civil rights	50.0%	70.0%	57.1%
Americans with Disabilities Act	5.6%	0.0%	3.6%
Trademark	5.6%	0.0%	3.6%
Patent	5.6%	0.0%	3.6%
Fraud	5.6%	0.0%	3.6%
Copyright	5.6%	10.0%	7.1%
Personal Injury	5.6%	0.0%	3.6%
Total	100.0%	100.0%	100.0%

5. Issues in case

	Phase		Total
	One	Two	
Liability and damages	57.1%	70.0%	62.5%
Damages only	14.3%	10.0%	12.5%
Liability only	14.3%	20.0%	16.7%
Injunctive relief	7.1%	0.0%	4.2%
Invalidity	7.1%	0.0%	4.2%
Total	100.0%	100.0%	100.0%

6. What was your overall level of satisfaction with the trial process?

1 = Not at all satisfied / 7 = Very satisfied	Phase		Total
	One	Two	
2	7.9%	0.0%	6.0%
3	5.3%	0.0%	4.0%
4	13.2%	16.7%	14.0%
5	23.7%	41.7%	28.0%
6	26.3%	33.3%	28.0%
7	23.7%	8.3%	20.0%
Total	100.0%	100.0%	100.0%
Mean	5.3	5.3	5.3

7. How complex was the evidence presented at trial?

1 = Not at all complex / 7 = Very complex	Phase		Total
	One	Two	
1	15.8%	8.3%	14.0%
2	21.1%	25.0%	22.0%
3	15.8%	25.0%	18.0%
4	15.8%	16.7%	16.0%
5	15.8%	25.0%	18.0%
6	7.9%	0.0%	6.0%
7	7.9%	0.0%	6.0%
Total	100.0%	100.0%	100.0%
Mean	3.5	3.3	3.4

8. How clearly was the evidence presented in this trial?

1 = Not at all clearly / 7 = Very clearly	Phase		Total
	One	Two	
1	2.6%	0.0%	2.0%
2	10.5%	8.3%	10.0%
3	21.1%	41.7%	26.0%
4	18.4%	16.7%	18.0%
5	13.2%	16.7%	14.0%
6	21.1%	16.7%	20.0%
7	13.2%	0.0%	10.0%
Total	100.0%	100.0%	100.0%
Mean	4.4	3.9	4.3

9. How difficult or easy was it for jurors to understand the evidence in this trial?

1 = Very easy / 7 = Very difficult	Phase		Total
	One	Two	
1	15.8%	8.3%	14.0%
2	18.4%	16.7%	18.0%
3	13.2%	16.7%	14.0%
4	18.4%	25.0%	20.0%
5	15.8%	25.0%	18.0%
6	10.5%	8.3%	10.0%
7	7.9%	0.0%	6.0%
Total	100.0%	100.0%	100.0%
Mean	3.6	3.7	3.6

10. How difficult or easy was it for jurors to understand the law in this trial?

1 = Very easy / 7 = Very difficult	Phase		Total
	One	Two	
1	15.8%	16.7%	16.0%
2	23.7%	33.3%	26.0%
3	15.8%	25.0%	18.0%
4	13.2%	0.0%	10.0%
5	7.9%	16.7%	10.0%
6	23.7%	8.3%	20.0%
Total	100.0%	100.0%	100.0%
Mean	3.4	2.9	3.3

11. If this trial had been a bench trial, what would your verdict have been?

	Phase		Total
	One	Two	
Plaintiff	45.2%	50.0%	45.9%
Defendant	54.8%	50.0%	54.1%
Total	100.0%	100.0%	100.0%

12. Damages (in USD)

	Phase		Total
	One	Two	
\$0	0.0%	33.3%	7.7%
\$500	10.0%	0.0%	7.7%
\$1,000	10.0%	0.0%	7.7%
\$25,000	10.0%	0.0%	7.7%
\$50,000	30.0%	33.3%	30.8%
\$55,000	10.0%	0.0%	7.7%
\$250,000	0.0%	33.3%	7.7%
\$400,000	10.0%	0.0%	7.7%
\$500,000	10.0%	0.0%	7.7%
\$700,000	10.0%	0.0%	7.7%
Total	100.0%	100.0%	100.0%

13. Did you answer Questions 1-6 before or after you learned of the jury’s verdict in this case?

	Phase		Total
	One	Two	
Before	45.9%	36.4%	43.8%
After	54.1%	63.6%	56.3%
Total	100.0%	100.0%	100.0%

14. Generally speaking, what size of jury do you favor?

	Phase		Total
	One	Two	
6 jurors	8.1%	0.0%	6.1%
More than 6 jurors, but less than 12	56.8%	41.7%	53.1%
12 jurors	35.1%	58.3%	40.8%
Total	100.0%	100.0%	100.0%

15. In your opinion, how did the number of jurors in this trial affect: The diversity of the jury?

	Phase		Total
	One	Two	
Increased	44.7%	66.7%	50.0%
Did not affect	50.0%	33.3%	46.0%
Decreased	2.6%	0.0%	2.0%
Don't know	2.6%	0.0%	2.0%
Total	100.0%	100.0%	100.0%

16. The fairness of the trial process?

	Phase		Total
	One	Two	
Increased	23.7%	33.3%	26.0%
Did not affect	71.1%	66.7%	70.0%
Decreased	0.0%	0.0%	0.0%
Don't know	5.3%	0.0%	4.0%
Total	100.0%	100.0%	100.0%

17. The efficiency of the trial process?

	Phase		Total
	One	Two	
Increased	5.3%	8.3%	6.0%
Did not affect	73.7%	91.7%	78.0%
Decreased	21.1%	0.0%	16.0%
Don't know	0.0%	0.0%	0.0%
Total	100.0%	100.0%	100.0%

18. Your satisfaction with the trial process?

	Phase		Total
	One	Two	
Increased	28.9%	58.3%	36.0%
Did not affect	63.2%	41.7%	58.0%
Decreased	7.9%	0.0%	6.0%
Don't know	0.0%	0.0%	0.0%
Total	100.0%	100.0%	100.0%

19. Before the jury heard any evidence, did you give preliminary instructions to the jury that included an explicit description of the claims and the law governing this case?

	Phase		Total
	One	Two	
Yes	69.7%	66.7%	68.9%
No	30.3%	33.3%	31.1%
Total	100.0%	100.0%	100.0%

20. In your opinion, how did the use of preliminary jury instructions in this case affect: The fairness of the trial process?

	Phase		Total
	One	Two	
Increased	84.0%	88.9%	85.3%
Did not affect	8.0%	11.1%	8.8%
Decreased	0.0%	0.0%	0.0%
Don't know	8.0%	0.0%	5.9%
Total	100.0%	100.0%	100.0%

21. The efficiency of the trial process?

	Phase		Total
	One	Two	
Increased	76.0%	66.7%	73.5%
Did not affect	16.0%	33.3%	20.6%
Decreased	0.0%	0.0%	0.0%
Don't know	8.0%	0.0%	5.9%
Total	100.0%	100.0%	100.0%

22. Jurors' understanding of the case?

	Phase		Total
	One	Two	
Increased	91.3%	85.7%	90.0%
Did not affect	0.0%	14.3%	3.3%
Decreased	0.0%	0.0%	0.0%
Don't know	8.7%	0.0%	6.7%
Total	100.0%	100.0%	100.0%

23. Your satisfaction with the trial process?

	Phase		Total
	One	Two	
Increased	83.3%	88.9%	84.8%
Did not affect	16.7%	11.1%	15.2%
Decreased	0.0%	0.0%	0.0%
Don't know	0.0%	0.0%	0.0%
Total	100.0%	100.0%	100.0%

24. Were any logistical, implementation, or other problems encountered with giving these preliminary jury instructions?

	Phase		Total
	One	Two	
Yes	4.5%	16.7%	7.1%
No	95.5%	83.3%	92.9%
Total	100.0%	100.0%	100.0%

25. In your opinion, how would the use of substantive preliminary instructions have affected: The fairness of the trial process?

	Phase		Total
	One	Two	
Increased	10.0%	25.0%	14.3%
Did not affect	90.0%	75.0%	85.7%
Decreased	0.0%	0.0%	0.0%
Don't know	0.0%	0.0%	0.0%
Total	100.0%	100.0%	100.0%

26. The efficiency of the trial process?

	Phase		Total
	One	Two	
Increased	0.0%	25.0%	7.1%
Did not affect	70.0%	75.0%	71.4%
Decreased	30.0%	0.0%	21.4%
Don't know	0.0%	0.0%	0.0%
Total	100.0%	100.0%	100.0%

27. Jurors' understanding of the case?

	Phase		Total
	One	Two	
Increased	50.0%	25.0%	42.9%
Did not affect	50.0%	75.0%	57.1%
Decreased	0.0%	0.0%	0.0%
Don't know	0.0%	0.0%	0.0%
Total	100.0%	100.0%	100.0%

28. Did you use a juror questionnaire during voir dire in this case?

	Phase		Total
	One	Two*	
Yes	58.1%	.0%	58.1%
No	41.9%	.0%	41.9%
Total	100.0%	.0%	100.0%

29. In your opinion, how helpful was the juror questionnaire in assisting the court to determine which potential jurors were qualified to be impaneled as jurors in this case?

1 = Not at all helpful / 7 = Very helpful	Phase		Total
	One	Two*	
2	13.6%	.0%	13.6%
3	9.1%	.0%	9.1%
4	4.5%	.0%	4.5%
5	31.8%	.0%	31.8%
6	9.1%	.0%	9.1%
7	31.8%	.0%	31.8%
Total	100.0%	.0%	100.0%
Mean	5.1	0	5.1

30. In your opinion, how helpful was the juror questionnaire in assisting the court to determine what follow-up questions, if any, should be asked to potential jurors by either the court or counsel?

1 = Not at all helpful / 7 = Very helpful	Phase		Total
	One	Two*	
2	4.5%	.0%	4.5%
3	13.6%	.0%	13.6%
4	27.3%	.0%	27.3%
5	22.7%	.0%	22.7%
6	4.5%	.0%	4.5%
7	27.3%	.0%	27.3%
Total	100.0%	.0%	100.0%
Mean	4.9	0	4.9

31. In your opinion, how helpful was the juror questionnaire in reducing the time needed for follow-up questions to be asked to potential jurors?

1 = Not at all helpful / 7 = Very helpful	Phase		Total
	One	Two*	
1	13.6%	.0%	13.6%
2	4.5%	.0%	4.5%
3	4.5%	.0%	4.5%
4	9.1%	.0%	9.1%
5	31.8%	.0%	31.8%
6	13.6%	.0%	13.6%
7	22.7%	.0%	22.7%
Total	100.0%	.0%	100.0%
Mean	4.7	0	4.7

32. In your opinion, how did the juror questionnaire in this case affect: The fairness of the trial process?

	Phase		Total
	One	Two*	
Increased	11.1%	.0%	11.1%
Did not affect	77.8%	.0%	77.8%
Decreased	0.0%	.0%	0.0%
Don't know	11.1%	.0%	11.1%
Total	100.0%	.0%	100.0%

33. The efficiency of the trial process?

	Phase		Total
	One	Two*	
Increased	72.7%	.0%	72.7%
Did not affect	13.6%	.0%	13.6%
Decreased	9.1%	.0%	9.1%
Don't know	4.5%	.0%	4.5%
Total	100.0%	.0%	100.0%

34. Your satisfaction with the trial process?

	Phase		Total
	One	Two*	
Increased	63.6%	.0%	63.6%
Did not affect	22.7%	.0%	22.7%
Decreased	13.6%	.0%	13.6%
Don't know	0.0%	.0%	0.0%
Total	100.0%	.0%	100.0%

35. How likely are you to use a juror questionnaire in the future?

1 = Not at all likely / 7 = Very likely	Phase		Total
	One	Two*	
2	4.5%	.0%	4.5%
4	9.1%	.0%	9.1%
5	9.1%	.0%	9.1%
6	9.1%	.0%	9.1%
7	68.2%	.0%	68.2%
Total	100.0%	.0%	100.0%
Mean	6.2	0	6.2

36. How likely are you to use the juror questionnaire utilized in this case in the future?

1 = Not at all likely / 7 = Very likely	Phase		Total
	One	Two*	
1	18.2%	.0%	18.2%
5	13.6%	.0%	13.6%
6	9.1%	.0%	9.1%
7	59.1%	.0%	59.1%
Total	100.0%	.0%	100.0%
Mean	5.5	0	5.5

37. Were any logistical, implementation, or other problems encountered with using the juror questionnaire?

	Phase		Total
	One	Two*	
Yes	26.3%	.0%	26.3%
No	73.7%	.0%	73.7%
Total	100.0%	.0%	100.0%

38. In your opinion, how would the use of a juror questionnaire have affected: The fairness of the trial process?

	Phase		Total
	One	Two*	
Increased	8.3%	.0%	8.3%
Did not affect	83.3%	.0%	83.3%
Decreased	0.0%	.0%	0.0%
Don't know	8.3%	.0%	8.3%
Total	100.0%	.0%	100.0%

39. The efficiency of the trial process?

	Phase		Total
	One	Two*	
Increased	0.0%	.0%	0.0%
Did not affect	75.0%	.0%	75.0%
Decreased	16.7%	.0%	16.7%
Don't know	8.3%	.0%	8.3%
Total	100.0%	.0%	100.0%

40. Your satisfaction with the trial process?

	Phase		Total
	One	Two*	
Increased	0.0%	.0%	0.0%
Did not affect	100.0%	.0%	100.0%
Decreased	0.0%	.0%	0.0%
Don't know	0.0%	.0%	0.0%
Total	100.0%	.0%	100.0%

41. Which of the following statements best describes your reaction to the length of the trial?

	Phase		Total
	One	Two	
Too short	2.9%	0.0%	2.2%
About right	85.3%	90.9%	86.7%
Too long	11.8%	9.1%	11.1%
Total	100.0%	100.0%	100.0%

42. Please rate the trial on the following dimension: Efficiency of the trial.

1 = Not at all efficient / 7 = Very efficient	Phase		Total
	One	Two	
2	5.7%	0.0%	4.3%
3	8.6%	18.2%	10.9%
4	11.5%	18.2%	13.1%
5	25.7%	9.1%	21.7%
6	31.4%	36.4%	32.6%
7	17.1%	18.2%	17.4%
Total	100.0%	100.0%	100.0%
Mean	5.2	5.2	5.2

43. Organization of the trial

1 = Not at all organized / 7 = Very organized	Phase		Total
	One	Two	
2	5.7%	0.0%	4.3%
3	2.9%	9.1%	4.3%
4	8.6%	36.4%	15.2%
5	31.4%	27.3%	30.4%
6	34.3%	18.2%	30.4%
7	17.1%	9.1%	15.2%
Total	100.0%	100.0%	100.0%
Mean	5.4	4.8	5.2

44. Repetitiveness/redundancy of the evidence and/or testimony

1 = Not at all repetitive / 7 = Very repetitive	Phase		Total
	One	Two	
1	8.6%	9.1%	8.7%
2	34.3%	9.1%	28.3%
3	8.6%	9.1%	8.7%
4	8.6%	54.5%	19.6%
5	14.3%	9.1%	13.0%
6	22.9%	9.1%	19.6%
7	2.9%	0.0%	2.2%
Total	100.0%	100.0%	100.0%
Mean	3.7	3.7	3.7

45. The amount of time each side had to present its case

1 = Not enough time / 7 = Too much time	Phase		Total
	One	Two	
2	0.0%	11.1%	2.5%
4	74.2%	88.9%	77.5%
5	16.1%	0.0%	12.5%
6	9.7%	0.0%	7.5%
Total	100.0%	100.0%	100.0%
Mean	4.4	3.8	4.2

46. Ease of understanding the case material and information presented

1 = Not at all easy / 7 = Very easy	Phase		Total
	One*	Two	
3	.0%	55.6%	55.6%
4	.0%	11.1%	11.1%
6	.0%	22.2%	22.2%
7	.0%	11.1%	11.1%
Total	.0%	100.0%	100.0%
Mean	0	4.2	4.2

47. How interesting the case was in general

1 = Not at all interesting / 7 = Very interesting	Phase		Total
	One*	Two	
2	.0%	11.1%	11.1%
3	.0%	22.2%	22.2%
5	.0%	33.3%	33.3%
6	.0%	11.1%	11.1%
7	.0%	22.2%	22.2%
Total	.0%	100.0%	100.0%
Mean	0	4.8	4.8

48. Did you use time limits in this case?

	Phase		Total
	One	Two*	
Yes	20.0%	.0%	20.0%
No	80.0%	.0%	80.0%
Total	100.0%	.0%	100.0%

49. In your opinion, how did the time limits affect: The fairness of the trial process?

	Phase		Total
	One	Two*	
Increased	14.3%	.0%	14.3%
Did not affect	71.4%	.0%	71.4%
Decreased	14.3%	.0%	14.3%
Don't know	0.0%	.0%	0.0%
Total	100.0%	.0%	100.0%

50. The efficiency of the trial process?

	Phase		Total
	One	Two*	
Increased	66.7%	.0%	66.7%
Did not affect	33.3%	.0%	33.3%
Decreased	0.0%	.0%	0.0%
Don't know	0.0%	.0%	0.0%
Total	100.0%	.0%	100.0%

51. Your satisfaction with the trial process?

	Phase		Total
	One	Two*	
Increased	57.1%	.0%	57.1%
Did not affect	28.6%	.0%	28.6%
Decreased	14.3%	.0%	14.3%
Don't know	0.0%	.0%	0.0%
Total	100.0%	.0%	100.0%

52. How likely are you to use time limits in the future?

1 = Not at all likely / 7 = Very likely	Phase		Total
	One	Two*	
2	28.6%	.0%	28.6%
4	14.3%	.0%	14.3%
5	14.3%	.0%	14.3%
6	14.3%	.0%	14.3%
7	28.6%	.0%	28.6%
Total	100.0%	.0%	100.0%
Mean	4.7	0	4.7

53. How likely are you to use the time limits utilized in this case in the future?

1 = Not at all likely / 7 = Very likely	Phase		Total
	One	Two*	
1	16.7%	.0%	16.7%
3	33.3%	.0%	33.3%
4	16.7%	.0%	16.7%
7	33.3%	.0%	33.3%
Total	100.0%	.0%	100.0%
Mean	4.2	0	4.2

54. Were any logistical, implementation, or other problems encountered with using time limits?

	Phase		Total
	One	Two*	
Yes	33.3%	.0%	33.3%
No	66.7%	.0%	66.7%
Total	100.0%	.0%	100.0%

55. In your opinion, how would time limits have affected: The fairness of the trial process?

	Phase		Total
	One	Two*	
Increased	7.7%	.0%	7.7%
Did not affect	61.5%	.0%	61.5%
Decreased	26.9%	.0%	26.9%
Don't know	3.8%	.0%	3.8%
Total	100.0%	.0%	100.0%

56. The efficiency of the trial process?

	Phase		Total
	One	Two*	
Increased	8.0%	.0%	8.0%
Did not affect	64.0%	.0%	64.0%
Decreased	20.0%	.0%	20.0%
Don't know	8.0%	.0%	8.0%
Total	100.0%	.0%	100.0%

57. Your satisfaction with the trial process?

	Phase		Total
	One	Two*	
Increased	11.5%	.0%	11.5%
Did not affect	50.0%	.0%	50.0%
Decreased	30.8%	.0%	30.8%
Don't know	7.7%	.0%	7.7%
Total	100.0%	.0%	100.0%

58. Did you allow jurors to submit questions for witnesses in this case?

	Phase		Total
	One	Two*	
Yes	72.2%	90.9%	76.6%
No	27.8%	9.1%	23.4%
Total	100.0%	100.0%	100.0%

59. Did the jurors in this trial submit questions for any witnesses?

	Phase		Total
	One	Two*	
Yes	74.1%	90.9%	78.9%
No	25.9%	9.1%	21.1%
Total	100.0%	100.0%	100.0%

60. If yes, how many questions did the jurors submit?

	Phase		Total
	One	Two	
1	5.3%	11.1%	7.1%
2	5.3%	11.1%	7.1%
3	5.3%	0.0%	3.6%
4	5.3%	0.0%	3.6%
12	10.5%	0.0%	7.1%
13	5.3%	0.0%	3.6%
14	10.5%	11.1%	10.7%
15	5.3%	0.0%	3.6%
16	0.0%	11.1%	3.6%
17	5.3%	22.2%	10.7%
18	10.5%	11.1%	10.7%
20	5.3%	11.1%	7.1%
30	5.3%	0.0%	3.6%
37	5.3%	0.0%	3.6%
49	0.0%	11.1%	3.6%
50	5.3%	0.0%	3.6%
75	5.3%	0.0%	3.6%
100	5.3%	0.0%	3.6%
Total	100.0%	100.0%	100.0%

61. If yes, how many questions were witnesses permitted to answer?

	Phase		Total
	One	Two	
1	10.5%	11.1%	10.7%
2	5.3%	11.1%	7.1%
4	5.3%	0.0%	3.6%
8	5.3%	0.0%	3.6%
9	5.3%	0.0%	3.6%
11	5.3%	0.0%	3.6%
12	5.3%	0.0%	3.6%
13	10.5%	11.1%	10.7%
14	5.3%	22.2%	10.7%
16	0.0%	22.2%	7.1%
17	10.5%	0.0%	7.1%
18	5.3%	0.0%	3.6%
20	0.0%	11.1%	3.6%
25	5.3%	0.0%	3.6%
35	0.0%	11.1%	3.6%
36	5.3%	0.0%	3.6%
49	5.3%	0.0%	3.6%
67	5.3%	0.0%	3.6%
96	5.3%	0.0%	3.6%
Total	100.0%	100.0%	100.0%

62. What is your opinion of the number of questions submitted by jurors during the trial?

	Phase		Total
	One	Two	
Too many	33.3%	10.0%	25.8%
An appropriate number	52.4%	80.0%	61.3%
Too few	14.3%	10.0%	12.9%
Total	100.0%	100.0%	100.0%

63. How would you describe the jury's questions?

	Phase		Total
	One*	Two	
Most of the questions were relevant	.0%	100.0%	100.0%
Some of the questions were relevant	.0%	0.0%	0.0%
Most of the questions were irrelevant	.0%	0.0%	0.0%
Jury did not ask any questions	.0%	0.0%	0.0%
Total	.0%	100.0%	100.0%

64. In your opinion, how did allowing jurors to submit questions in this trial affect: The fairness of the trial process?

	Phase		Total
	One	Two	
Increased	63.0%	90.0%	70.3%
Did not affect	33.3%	10.0%	27.0%
Decreased	0.0%	0.0%	0.0%
Don't know	3.7%	0.0%	2.7%
Total	100.0%	100.0%	100.0%

65. The efficiency of the trial process?

	Phase		Total
	One	Two	
Increased	3.7%	0.0%	2.7%
Did not affect	66.7%	90.0%	73.0%
Decreased	25.9%	10.0%	21.6%
Don't know	3.7%	0.0%	2.7%
Total	100.0%	100.0%	100.0%

66. Jurors' understanding of the case?

	Phase		Total
	One	Two	
Increased	68.0%	87.5%	72.7%
Did not affect	28.0%	12.5%	24.2%
Decreased	0.0%	0.0%	0.0%
Don't know	4.0%	0.0%	3.0%
Total	100.0%	100.0%	100.0%

67. Your satisfaction with the trial process?

	Phase		Total
	One	Two	
Increased	46.2%	70.0%	52.8%
Did not affect	50.0%	30.0%	44.4%
Decreased	0.0%	0.0%	0.0%
Don't know	3.8%	0.0%	2.8%
Total	100.0%	100.0%	100.0%

68. Were any logistical, implementation, or other problems encountered with permitting jurors to submit questions?

	Phase		Total
	One	Two*	
Yes	31.8%	.0%	31.8%
No	68.2%	.0%	68.2%
Total	100.0%	.0%	100.0%

69. In your opinion, how would permitting juror questions have affected: The fairness of the trial process?

	Phase		Total
	One	Two*	
Increased	25.0%	.0%	25.0%
Did not affect	50.0%	.0%	50.0%
Decreased	12.5%	.0%	12.5%
Don't know	12.5%	.0%	12.5%
Total	100.0%	.0%	100.0%

70. The efficiency of the trial process?

	Phase		Total
	One	Two*	
Increased	0.0%	.0%	0.0%
Did not affect	37.5%	.0%	37.5%
Decreased	62.5%	.0%	62.5%
Don't know	0.0%	.0%	0.0%
Total	100.0%	.0%	100.0%

71. Jurors' understanding of the case?

	Phase		Total
	One	Two*	
Increased	14.3%	.0%	14.3%
Did not affect	57.1%	.0%	57.1%
Decreased	14.3%	.0%	14.3%
Don't know	14.3%	.0%	14.3%
Total	100.0%	.0%	100.0%

72. Your satisfaction with the trial process?

	Phase		Total
	One	Two*	
Increased	25.0%	.0%	25.0%
Did not affect	37.5%	.0%	37.5%
Decreased	25.0%	.0%	25.0%
Don't know	12.5%	.0%	12.5%
Total	100.0%	.0%	100.0%

73. Did you allow the attorneys to give interim statements in this case?

	Phase		Total
	One	Two	
Yes	46.9%	20.0%	40.5%
No	53.1%	80.0%	59.5%
Total	100.0%	100.0%	100.0%

74. How much time did you allot for interim statements? (in minutes)

	Phase		Total
	One	Two	
0	14.3%	0.0%	11.1%
2	28.6%	0.0%	22.2%
5	14.3%	0.0%	11.1%
10	14.3%	0.0%	11.1%
15	28.6%	100.0%	44.4%
Total	100.0%	100.0%	100.0%

75. Minutes per:

	Phase		Total
	One	Two	
Trial	20.0%	0.0%	14.3%
Trial week	60.0%	0.0%	42.9%
Trial day	20.0%	100.0%	42.9%
Total	100.0%	100.0%	100.0%

76. In retrospect that was:

	Phase		Total
	One	Two	
Too much time	0.0%	0.0%	0.0%
The right amount of time	85.7%	100.0%	88.9%
Too little time	14.3%	0.0%	11.1%
Total	100.0%	100.0%	100.0%

77. In your opinion, how did the interim statements in this trial affect: The fairness of the trial process?

	Phase		Total
	One	Two	
Increased	40.0%	100.0%	50.0%
Did not affect	50.0%	0.0%	41.7%
Decreased	0.0%	0.0%	0.0%
Don't know	10.0%	0.0%	8.3%
Total	100.0%	100.0%	100.0%

78. The efficiency of the trial process?

	Phase		Total
	One	Two	
Increased	40.0%	50.0%	41.7%
Did not affect	40.0%	50.0%	41.7%
Decreased	10.0%	0.0%	8.3%
Don't know	10.0%	0.0%	8.3%
Total	100.0%	100.0%	100.0%

79. Jurors' understanding of the case?

	Phase		Total
	One	Two	
Increased	80.0%	100.0%	83.3%
Did not affect	10.0%	0.0%	8.3%
Decreased	0.0%	0.0%	0.0%
Don't know	10.0%	0.0%	8.3%
Total	100.0%	100.0%	100.0%

80. Your satisfaction with the trial process?

	Phase		Total
	One	Two	
Increased	70.0%	50.0%	66.7%
Did not affect	30.0%	50.0%	33.3%
Decreased	0.0%	0.0%	0.0%
Don't know	0.0%	0.0%	0.0%
Total	100.0%	100.0%	100.0%

81. Did you think there were any abuses of the interim statements?

	Phase		Total
	One	Two	
Yes	0.0%	0.0%	0.0%
No	100.0%	100.0%	100.0%
Total	100.0%	100.0%	100.0%

82. Would you permit interim statements in future trials?

	Phase		Total
	One	Two	
Yes	92.3%	66.7%	87.5%
No	7.7%	33.3%	12.5%
Total	100.0%	100.0%	100.0%

83. In your opinion, how would interim statements have affected: The fairness of the trial process?

	Phase		Total
	One	Two	
Increased	5.6%	0.0%	4.0%
Did not affect	72.2%	100.0%	80.0%
Decreased	16.7%	0.0%	12.0%
Don't know	5.6%	0.0%	4.0%
Total	100.0%	100.0%	100.0%

84. The efficiency of the trial process?

	Phase		Total
	One	Two	
Increased	0.0%	0.0%	0.0%
Did not affect	35.0%	37.5%	35.7%
Decreased	65.0%	62.5%	64.3%
Don't know	0.0%	0.0%	0.0%
Total	100.0%	100.0%	100.0%

85. Jurors' understanding of the case?

	Phase		Total
	One	Two	
Increased	5.9%	0.0%	4.2%
Did not affect	82.4%	100.0%	87.5%
Decreased	11.8%	0.0%	8.3%
Don't know	0.0%	0.0%	0.0%
Total	100.0%	100.0%	100.0%

86. Your satisfaction with the trial process?

	Phase		Total
	One	Two	
Increased	5.9%	0.0%	4.2%
Did not affect	41.2%	85.7%	54.2%
Decreased	52.9%	14.3%	41.7%
Don't know	0.0%	0.0%	0.0%
Total	100.0%	100.0%	100.0%

87. Did you give jurors any instructions or suggestions on how to select a foreperson?

	Phase		Total
	One	Two	
Yes	28.1%	16.7%	25.0%
No	71.9%	83.3%	75.0%
Total	100.0%	100.0%	100.0%

88. Did you give jurors any instructions or suggestions on how to conduct its deliberations?

	Phase		Total
	One	Two	
Yes	50.0%	16.7%	40.9%
No	50.0%	83.3%	59.1%
Total	100.0%	100.0%	100.0%

89. Did the jury submit any questions to you during its deliberations?

	Phase		Total
	One	Two	
Yes	56.8%	45.5%	54.2%
No	43.2%	54.5%	45.8%
Total	100.0%	100.0%	100.0%

90. Did you answer any of the questions that the jury submitted during its deliberations?

	Phase		Total
	One	Two	
Yes	60.6%	45.5%	56.8%
No	6.1%	0.0%	4.5%
Jury did not ask any questions	33.3%	54.5%	38.6%
Total	100.0%	100.0%	100.0%

91. Were the parties cooperative (with the court and with each other) in helping to respond to questions from the jury?

1 = Not at all cooperative / 7 = Very cooperative	Phase		Total
	One	Two	
2	4.5%	0.0%	3.6%
3	0.0%	16.7%	3.6%
4	4.5%	0.0%	3.6%
5	9.1%	0.0%	7.1%
6	13.6%	16.7%	14.3%
7	68.2%	66.7%	67.9%
Total	100.0%	100.0%	100.0%
Mean	6.3	6.2	6.3

92. If you did not answer any of the questions, did you give the jury a reason for not answering the question(s)?

	Phase		Total
	One	Two	
Yes	37.5%	0.0%	30.0%
No	0.0%	50.0%	10.0%
Jury did not ask any questions	62.5%	50.0%	60.0%
Total	100.0%	100.0%	100.0%

93. What types of questions did the jury submit? Questions about legal instructions or terms

	Phase		Total
	One	Two	
Yes	57.9%	0.0%	55.0%
No	42.1%	100.0%	45.0%
Total	100.0%	100.0%	100.0%

94. Questions about the content of the evidence

	Phase		Total
	One	Two	
Yes	21.1%	100.0%	28.6%
No	78.9%	0.0%	71.4%
Total	100.0%	100.0%	100.0%

95. Requests to see evidence

	Phase		Total
	One	Two	
Yes	38.9%	50.0%	40.0%
No	61.1%	50.0%	60.0%
Total	100.0%	100.0%	100.0%

96. Questions about procedure or case management

	Phase		Total
	One	Two	
Yes	12.5%	66.7%	21.1%
No	87.5%	33.3%	78.9%
Total	100.0%	100.0%	100.0%

97. How would you describe the jury's questions?

	Phase		Total
	One	Two	
Most of the questions were relevant	76.9%	80.0%	77.4%
Some of the questions were relevant	0.0%	20.0%	3.2%
Most of the questions were irrelevant	3.8%	0.0%	3.2%
Jury did not ask any questions	19.2%	0.0%	16.1%
Total	100.0%	100.0%	100.0%

98. How many civil jury trials have you had as a judge, excluding this trial?

	Phase		Total
	One	Two	
3	0.0%	11.1%	2.4%
4	3.0%	0.0%	2.4%
6	0.0%	22.2%	4.8%
14	6.1%	0.0%	4.8%
15	3.0%	0.0%	2.4%
16	3.0%	0.0%	2.4%
20	3.0%	0.0%	2.4%
25	15.2%	0.0%	11.9%
28	3.0%	0.0%	2.4%
33	3.0%	0.0%	2.4%
37	3.0%	0.0%	2.4%
40	6.1%	0.0%	4.8%
45	0.0%	11.1%	2.4%
50	3.0%	11.1%	4.8%
55	3.0%	0.0%	2.4%
57	3.0%	0.0%	2.4%
67	3.0%	0.0%	2.4%
75	3.0%	0.0%	2.4%
100	9.1%	0.0%	7.1%
150	3.0%	0.0%	2.4%
200	15.2%	33.3%	19.0%
250	6.1%	0.0%	4.8%
300	3.0%	0.0%	2.4%
400	0.0%	11.1%	2.4%
Total	100.0%	100.0%	100.0%

99. Please indicate what percentage of your prior civil jury trials included the following: 12 person juries.

	Phase		Total
	One	Two	
0	44.1%	18.2%	37.8%
1	2.9%	0.0%	2.2%
2	5.9%	0.0%	4.4%
3	2.9%	0.0%	2.2%
5	20.6%	27.3%	22.2%
7	2.9%	0.0%	2.2%
10	8.8%	0.0%	6.7%
15	5.9%	0.0%	4.4%
25	2.9%	0.0%	2.2%
40	0.0%	9.1%	2.2%
60	0.0%	9.1%	2.2%
75	2.9%	0.0%	2.2%
100	0.0%	36.4%	8.9%
Total	100.0%	100.0%	100.0%

100. Preliminary substantive jury instructions

	Phase		Total
	One	Two	
0	54.5%	30.0%	48.8%
2	9.1%	20.0%	11.6%
5	9.1%	0.0%	7.0%
15	3.0%	0.0%	2.3%
20	3.0%	0.0%	2.3%
30	0.0%	10.0%	2.3%
40	3.0%	0.0%	2.3%
50	3.0%	0.0%	2.3%
100	15.2%	40.0%	20.9%
Total	100.0%	100.0%	100.0%

101. Voir dire questionnaires

	Phase		Total
	One	Two*	
0	36.4%	.0%	36.4%
1	6.1%	.0%	6.1%
2	3.0%	.0%	3.0%
5	3.0%	.0%	3.0%
10	3.0%	.0%	3.0%
25	9.1%	.0%	9.1%
50	3.0%	.0%	3.0%
60	3.0%	.0%	3.0%
90	3.0%	.0%	3.0%
100	30.3%	.0%	30.3%
Total	100.0%	.0%	100.0%

102. Time limits

	Phase		Total
	One	Two*	
0	50.0%	.0%	50.0%
1	23.5%	.0%	23.5%
2	5.9%	.0%	5.9%
3	5.9%	.0%	5.9%
5	2.9%	.0%	2.9%
7	2.9%	.0%	2.9%
10	2.9%	.0%	2.9%
50	2.9%	.0%	2.9%
100	2.9%	.0%	2.9%
Total	100.0%	.0%	100.0%

103. Juror questions to witnesses

	Phase		Total
	One	Two	
0	38.2%	30.0%	36.4%
1	8.8%	10.0%	9.1%
2	5.9%	0.0%	4.5%
4	2.9%	0.0%	2.3%
5	17.6%	0.0%	13.6%
9	2.9%	0.0%	2.3%
12	2.9%	0.0%	2.3%
15	2.9%	0.0%	2.3%
17	0.0%	10.0%	2.3%
30	0.0%	10.0%	2.3%
40	2.9%	0.0%	2.3%
50	5.9%	0.0%	4.5%
75	2.9%	0.0%	2.3%
90	2.9%	0.0%	2.3%
100	2.9%	40.0%	11.4%
Total	100.0%	100.0%	100.0%

104. Interim statements

	Phase		Total
	One	Two	
0	78.1%	80.0%	78.6%
1	3.1%	20.0%	7.1%
2	3.1%	0.0%	2.4%
5	6.3%	0.0%	4.8%
10	3.1%	0.0%	2.4%
15	3.1%	0.0%	2.4%
25	3.1%	0.0%	2.4%
Total	100.0%	100.0%	100.0%

105. Jury instructions regarding conducting deliberations, foreperson selection, and questions during deliberation

	Phase		Total
	One	Two	
0	40.6%	20.0%	35.7%
1	3.1%	10.0%	4.8%
2	6.3%	10.0%	7.1%
10	3.1%	0.0%	2.4%
15	3.1%	0.0%	2.4%
25	6.3%	10.0%	7.1%
33	0.0%	10.0%	2.4%
50	0.0%	30.0%	7.1%
80	3.1%	0.0%	2.4%
90	0.0%	10.0%	2.4%
100	34.4%	0.0%	26.2%
Total	100.0%	100.0%	100.0%

106. Jury questions during deliberation

	Phase		Total
	One	Two*	
0	6.3%	.0%	6.3%
5	3.1%	.0%	3.1%
10	12.5%	.0%	12.5%
20	3.1%	.0%	3.1%
30	3.1%	.0%	3.1%
33	9.4%	.0%	9.4%
35	3.1%	.0%	3.1%
45	3.1%	.0%	3.1%
50	12.5%	.0%	12.5%
60	3.1%	.0%	3.1%
70	3.1%	.0%	3.1%
74	3.1%	.0%	3.1%
75	9.4%	.0%	9.4%
80	9.4%	.0%	9.4%
90	6.3%	.0%	6.3%
95	3.1%	.0%	3.1%
100	6.3%	.0%	6.3%
Total	100.0%	.0%	100.0%

Attorney Questionnaire

1. Judge on the case

	Phase		Total
	One	Two	
Lynn S. Adelman	2.7%	0.0%	2.3%
Samuel Der-Yeghiayan	2.7%	0.0%	2.3%
Maria Valdez	0.0%	8.3%	1.2%
Joan B. Gottschall	2.7%	0.0%	2.3%
David F. Hamilton	6.8%	0.0%	5.8%
James F. Holderman	9.5%	16.7%	10.5%
Matthew F. Kennelly	4.1%	50.0%	10.5%
Joan Humphrey Lefkow	16.2%	0.0%	14.0%
Michael J. Reagan	17.6%	0.0%	15.1%
Amy J. St. Eve	13.5%	0.0%	11.6%
John D. Tinder	5.4%	0.0%	4.7%
Charles N. Clevert	1.4%	8.3%	2.3%
James B. Moran	5.4%	0.0%	4.7%
David H. Coar	4.1%	0.0%	3.5%
Geraldine Soat Brown	2.7%	16.7%	4.7%
Barbara B. Crabb	1.4%	0.0%	1.2%
John W. Darrah	2.7%	0.0%	2.3%
Sidney I. Schenkier	1.4%	0.0%	1.2%
Total	100.0%	100.0%	100.0%

2. Date of the case

	Phase		Total
	One	Two	
30-Jan-2005	3.3%	0.0%	2.9%
10-Oct-2005	1.7%	0.0%	1.4%
17-Oct-2005	3.3%	0.0%	2.9%
14-Dec-2005	3.3%	0.0%	2.9%
3-Jan-2006	6.7%	0.0%	5.7%
7-Jan-2006	5.0%	0.0%	4.3%
13-Jan-2006	10.0%	0.0%	8.6%
17-Jan-2006	8.3%	0.0%	7.1%
27-Jan-2006	6.7%	0.0%	5.7%
31-Jan-2006	1.7%	0.0%	1.4%
6-Feb-2006	6.7%	0.0%	5.7%
21-Feb-2006	1.7%	0.0%	1.4%
27-Feb-2006	5.0%	0.0%	4.3%
6-Mar-2006	8.3%	0.0%	7.1%
21-Mar-2006	3.3%	0.0%	2.9%
10-Apr-2006	1.7%	0.0%	1.4%
11-Apr-2006	3.3%	0.0%	2.9%
14-Apr-2006	10.0%	0.0%	8.6%
18-Apr-2006	10.0%	0.0%	8.6%
20-Feb-2007	0.0%	20.0%	2.9%
22-Mar-2007	0.0%	20.0%	2.9%
17-May-2007	0.0%	30.0%	4.3%
30-Aug-2007	0.0%	20.0%	2.9%
20-Feb-2008	0.0%	10.0%	1.4%
Total	100.0%	100.0%	100.0%

3. District

	Phase		Total
	One	Two	
Northern Illinois	64.9%	91.7%	68.6%
Southern Illinois	14.9%	0.0%	12.8%
Southern Indiana	12.2%	0.0%	10.5%
Eastern Wisconsin	6.8%	8.3%	7.0%
Western Wisconsin	1.4%	0.0%	1.2%
Total	100.0%	100.0%	100.0%

4. Type of case

	Phase		Total
	One	Two	
Contract	0.0%	9.1%	1.8%
Tort	8.9%	18.2%	10.7%
Civil rights	71.1%	54.5%	67.9%
Americans with Disabilities Act	2.2%	0.0%	1.8%
Trademark	13.3%	0.0%	10.7%
Fraud	4.4%	0.0%	3.6%
Copyright	0.0%	18.2%	3.6%
Total	100.0%	100.0%	100.0%

5. Issues in the case

	Phase		Total
	One	Two	
Liability and damages	38.5%	72.7%	46.0%
Damages only	17.9%	18.2%	18.0%
Liability only	28.2%	9.1%	24.0%
Injunctive relief	15.4%	0.0%	12.0%
Total	100.0%	100.0%	100.0%

6. What was your overall level of satisfaction with the trial process?

1 = Not at all satisfied / 7 = Very satisfied	Phase		Total
	One	Two	
1	1.4%	0.0%	1.2%
3	2.7%	0.0%	2.3%
4	5.4%	8.3%	5.8%
5	20.3%	8.3%	18.6%
6	28.4%	41.7%	30.2%
7	41.9%	41.7%	41.9%
Total	100.0%	100.0%	100.0%
Mean	6.0	6.2	6.0

7. How complex was the evidence presented at trial?

1 = Not at all complex / 7 = Very complex	Phase		Total
	One	Two	
1	5.4%	0.0%	4.7%
2	14.9%	25.0%	16.3%
3	21.6%	25.0%	22.1%
4	21.6%	33.3%	23.3%
5	21.6%	16.7%	20.9%
6	10.8%	0.0%	9.3%
7	4.1%	0.0%	3.5%
Total	100.0%	100.0%	100.0%
Mean	3.9	3.4	3.8

8. How clearly was the evidence presented in this trial?

1 = Not at all clearly / 7 = Very clearly	Phase		Total
	One	Two	
2	1.4%	0.0%	1.2%
3	2.8%	0.0%	2.4%
4	19.4%	16.7%	19.0%
5	34.7%	33.3%	34.5%
6	27.8%	41.7%	29.8%
7	13.9%	8.3%	13.1%
Total	100.0%	100.0%	100.0%
Mean	5.3	5.4	5.3

9. How difficult or easy was it for jurors to understand the evidence in this trial?

1 = Very easy / 7 = Very difficult	Phase		Total
	One	Two	
1	2.9%	20.0%	5.0%
2	21.4%	0.0%	18.8%
3	21.4%	30.0%	22.5%
4	20.0%	20.0%	20.0%
5	12.9%	20.0%	13.8%
6	21.4%	10.0%	20.0%
Total	100.0%	100.0%	100.0%
Mean	3.8	3.5	3.8

10. How difficult or easy was it for jurors to understand the law in this trial?

1 = Very easy / 7 = Very difficult	Phase		Total
	One	Two	
1	7.1%	20.0%	8.8%
2	10.0%	0.0%	8.8%
3	12.9%	20.0%	13.8%
4	15.7%	20.0%	16.3%
5	21.4%	20.0%	21.3%
6	25.7%	10.0%	23.8%
7	7.1%	10.0%	7.5%
Total	100.0%	100.0%	100.0%
Mean	4.4	3.9	4.3

11. In this trial, did you or will you order a daily transcript of the trial proceedings?

	Phase		Total
	One*	Two	
Yes, did order	.0%	20.0%	20.0%
Yes, will order	.0%	10.0%	10.0%
No	.0%	70.0%	70.0%
Total	.0%	100.0%	100.0%

12. Generally speaking, what size of jury do you favor?

	Phase		Total
	One	Two	
6 jurors	14.9%	9.1%	14.1%
More than 6 jurors, but less than 12	48.6%	45.5%	48.2%
12 jurors	36.5%	45.5%	37.6%
Total	100.0%	100.0%	100.0%

13. What is your opinion of the number of jurors who served on this trial?

	Phase		Total
	One	Two	
Too few	2.7%	8.3%	3.5%
An appropriate number	77.0%	75.0%	76.7%
Too many	20.3%	16.7%	19.8%
Total	100.0%	100.0%	100.0%

14. In your opinion, how did the number of jurors in this trial affect: The diversity of the jury?

	Phase		Total
	One	Two	
Increased	41.7%	25.0%	39.3%
Did not affect	52.8%	58.3%	53.6%
Decreased	1.4%	8.3%	2.4%
Don't know	4.2%	8.3%	4.8%
Total	100.0%	100.0%	100.0%

15. The fairness of the trial process?

	Phase		Total
	One	Two	
Increased	26.4%	16.7%	25.0%
Did not affect	61.1%	41.7%	58.3%
Decreased	0.0%	16.7%	2.4%
Don't know	12.5%	25.0%	14.3%
Total	100.0%	100.0%	100.0%

16. The efficiency of the trial process?

	Phase		Total
	One	Two	
Increased	11.0%	16.7%	11.8%
Did not affect	65.8%	50.0%	63.5%
Decreased	17.8%	8.3%	16.5%
Don't know	5.5%	25.0%	8.2%
Total	100.0%	100.0%	100.0%

17. Your satisfaction with the trial process?

	Phase		Total
	One	Two	
Increased	16.7%	16.7%	16.7%
Did not affect	70.8%	58.3%	69.0%
Decreased	4.2%	8.3%	4.8%
Don't know	8.3%	16.7%	9.5%
Total	100.0%	100.0%	100.0%

18. Before the jury heard any evidence, did the judge give preliminary instructions to the jury that included an explicit description of the claims and the law governing this case?

	Phase		Total
	One	Two	
Yes	82.2%	83.3%	82.4%
No	17.8%	16.7%	17.6%
Total	100.0%	100.0%	100.0%

19. Please rate the preliminary substantive jury instructions regarding the law governing this case on the following dimensions (circle the number on the scale that best reflects your opinion for the particular characteristic): Substantive fairness.

1 = Not at all fair / 7 = Very fair	Phase		Total
	One	Two	
2	3.4%	0.0%	2.9%
3	8.5%	0.0%	7.2%
4	15.3%	0.0%	13.0%
5	16.9%	10.0%	15.9%
6	15.3%	10.0%	14.5%
7	40.7%	80.0%	46.4%
Total	100.0%	100.0%	100.0%
Mean	5.5	6.7	5.7

20. Length of the preliminary instructions

1 = Too short / 7 = Too long	Phase		Total
	One	Two	
2	1.8%	0.0%	1.5%
3	5.4%	0.0%	4.5%
4	62.5%	90.0%	66.7%
5	19.6%	10.0%	18.2%
6	5.4%	0.0%	4.5%
7	5.4%	0.0%	4.5%
Total	100.0%	100.0%	100.0%
Mean	4.4	4.1	4.3

21. When they were administered

1 = Not at all appropriate time / 7 = Very appropriate time	Phase		Total
	One	Two	
1	1.7%	0.0%	1.4%
3	1.7%	0.0%	1.4%
4	16.9%	10.0%	15.9%
5	13.6%	10.0%	13.0%
6	25.4%	10.0%	23.2%
7	40.7%	70.0%	44.9%
Total	100.0%	100.0%	100.0%
Mean	5.8	6.4	5.9

22. Were they helpful to jurors?

1 = Not at all helpful / 7 = Very helpful	Phase		Total
	One	Two	
2	1.8%	0.0%	1.6%
4	20.0%	0.0%	17.5%
5	29.1%	25.0%	28.6%
6	29.1%	12.5%	27.0%
7	20.0%	62.5%	25.4%
Total	100.0%	100.0%	100.0%
Mean	5.4	6.4	5.6

23. In your opinion, how did the use of preliminary jury instructions in this case affect: The fairness of the trial process?

	Phase		Total
	One	Two	
Increased	46.6%	50.0%	47.1%
Did not affect	36.2%	30.0%	35.3%
Decreased	6.9%	0.0%	5.9%
Don't know	10.3%	20.0%	11.8%
Total	100.0%	100.0%	100.0%

24. The efficiency of the trial process?

	Phase		Total
	One	Two	
Increased	54.4%	70.0%	56.7%
Did not affect	35.1%	10.0%	31.3%
Decreased	1.8%	0.0%	1.5%
Don't know	8.8%	20.0%	10.4%
Total	100.0%	100.0%	100.0%

25. Jurors' understanding of the case?

	Phase		Total
	One	Two	
Increased	72.2%	55.6%	69.8%
Did not affect	16.7%	22.2%	17.5%
Decreased	3.7%	0.0%	3.2%
Don't know	7.4%	22.2%	9.5%
Total	100.0%	100.0%	100.0%

26. Your satisfaction with the trial process?

	Phase		Total
	One	Two	
Increased	50.0%	70.0%	52.9%
Did not affect	32.8%	10.0%	29.4%
Decreased	10.3%	0.0%	8.8%
Don't know	6.9%	20.0%	8.8%
Total	100.0%	100.0%	100.0%

27. Would you have liked the judge give substantive jury instructions regarding the law governing this case to the jury at the beginning of the trial?

	Phase		Total
	One	Two	
Yes	50.0%	100.0%	51.6%
No	50.0%	0.0%	48.4%
Total	100.0%	100.0%	100.0%

28. Did the jurors in this case complete a questionnaire at the beginning of the trial for purposes of jury selection?

	Phase		Total
	One	Two*	
Yes	82.6%	.0%	82.6%
No	17.4%	.0%	17.4%
Total	100.0%	.0%	100.0%

29. Which of the following statements best describes the length of the voir dire questionnaire used in this trial?

	Phase		Total
	One	Two*	
Too short	19.3%	.0%	19.3%
About right	75.4%	.0%	75.4%
Too long	5.3%	.0%	5.3%
Total	100.0%	.0%	100.0%

30. Please rate the juror questionnaire on the following dimensions (circle the number on the scale that best reflects your opinion regarding the particular characteristic): Completeness.

1 = Not at all complete / 7 = Very complete	Phase		Total
	One	Two*	
1	1.8%	.0%	1.8%
2	5.4%	.0%	5.4%
3	8.9%	.0%	8.9%
4	19.6%	.0%	19.6%
5	32.1%	.0%	32.1%
6	26.8%	.0%	26.8%
7	5.4%	.0%	5.4%
Total	100.0%	.0%	100.0%
Mean	4.8	.0%	4.8

31. Organization of the juror questionnaire

1 = Not at all organized / 7 = Very organized	Phase		Total
	One	Two*	
2	3.6%	.0%	3.6%
3	3.6%	.0%	3.6%
4	12.5%	.0%	12.5%
5	23.2%	.0%	23.2%
6	46.4%	.0%	46.4%
7	10.7%	.0%	10.7%
Total	100.0%	.0%	100.0%
Mean	5.4	.0%	5.4

32. Usefulness of the juror questionnaire

1 = Not at all useful / 7 = Very useful	Phase		Total
	One	Two*	
2	3.6%	.0%	3.6%
3	7.1%	.0%	7.1%
4	10.7%	.0%	10.7%
5	23.2%	.0%	23.2%
6	30.4%	.0%	30.4%
7	25.0%	.0%	25.0%
Total	100.0%	.0%	100.0%
Mean	5.4	.0%	5.4

33. In your opinion, how did the juror questionnaire in this case affect: The fairness of the trial process?

	Phase		Total
	One	Two*	
Increased	47.5%	.0%	47.5%
Did not affect	40.7%	.0%	40.7%
Decreased	5.1%	.0%	5.1%
Don't know	6.8%	.0%	6.8%
Total	100.0%	.0%	100.0%

34. The efficiency of the trial process?

	Phase		Total
	One	Two*	
Increased	59.3%	.0%	59.3%
Did not affect	25.4%	.0%	25.4%
Decreased	6.8%	.0%	6.8%
Don't know	8.5%	.0%	8.5%
Total	100.0%	.0%	100.0%

35. Your satisfaction with the trial process?

	Phase		Total
	One	Two*	
Increased	54.2%	.0%	54.2%
Did not affect	28.8%	.0%	28.8%
Decreased	8.5%	.0%	8.5%
Don't know	8.5%	.0%	8.5%
Total	100.0%	.0%	100.0%

36. The time selecting the jury?

	Phase		Total
	One	Two*	
Increased	20.3%	.0%	20.3%
Did not affect	27.1%	.0%	27.1%
Decreased	47.5%	.0%	47.5%
Don't know	5.1%	.0%	5.1%
Total	100.0%	.0%	100.0%

37. If you were given the opportunity, how likely would you be to use a juror questionnaire in the future?

1 = Not at all likely / 7 = Very likely	Phase		Total
	One	Two*	
1	5.1%	.0%	5.1%
2	3.4%	.0%	3.4%
4	1.7%	.0%	1.7%
5	6.8%	.0%	6.8%
6	23.7%	.0%	23.7%
7	59.3%	.0%	59.3%
Total	100.0%	.0%	100.0%
Mean	6.1	.0%	6.1

38. If you were given the opportunity, how likely would you be to use the juror questionnaire utilized in this case in the future?

1 = Not at all likely / 7 = Very likely	Phase		Total
	One	Two*	
1	8.5%	.0%	8.5%
2	5.1%	.0%	5.1%
3	5.1%	.0%	5.1%
4	6.8%	.0%	6.8%
5	13.6%	.0%	13.6%
6	33.9%	.0%	33.9%
7	27.1%	.0%	27.1%
Total	100.0%	.0%	100.0%
Mean	5.2	.0%	5.2

39. In your opinion, how would the use of a juror questionnaire have affected: The fairness of the trial process?

	Phase		Total
	One	Two*	
Increased	23.5%	.0%	23.5%
Did not affect	29.4%	.0%	29.4%
Decreased	5.9%	.0%	5.9%
Don't know	41.2%	.0%	41.2%
Total	100.0%	.0%	100.0%

40. The efficiency of the trial process?

	Phase		Total
	One	Two*	
Increased	35.3%	.0%	35.3%
Did not affect	29.4%	.0%	29.4%
Decreased	5.9%	.0%	5.9%
Don't know	29.4%	.0%	29.4%
Total	100.0%	.0%	100.0%

41. Your satisfaction with the trial process?

	Phase		Total
	One	Two*	
Increased	35.3%	.0%	35.3%
Did not affect	29.4%	.0%	29.4%
Decreased	0.0%	.0%	0.0%
Don't know	35.3%	.0%	35.3%
Total	100.0%	.0%	100.0%

42. The time spent in selecting the jury?

	Phase		Total
	One	Two*	
Increased	52.9%	.0%	52.9%
Did not affect	0.0%	.0%	0.0%
Decreased	23.5%	.0%	23.5%
Don't know	23.5%	.0%	23.5%
Total	100.0%	.0%	100.0%

43. If given the opportunity, how likely would you be to use a juror questionnaire in the future?

1 = Not at all likely / 7 = Very likely	Phase		Total
	One	Two*	
3	6.7%	.0%	6.7%
4	13.3%	.0%	13.3%
6	33.3%	.0%	33.3%
7	46.7%	.0%	46.7%
Total	100.0%	.0%	100.0%
Mean	6.0	.0%	6.0

44. Which of the following statements best describes your reaction to the length of the trial?

	Phase		Total
	One	Two	
Too short	4.3%	0.0%	3.8%
About right	87.0%	90.9%	87.5%
Too long	8.7%	9.1%	8.8%
Total	100.0%	100.0%	100.0%

45. Please rate the trial on the following dimension: Efficiency of the trial.

1 = Not at all efficient / 7 = Very efficient	Phase		Total
	One	Two	
2	2.9%	9.1%	3.7%
3	4.3%	0.0%	3.7%
4	5.7%	9.1%	6.2%
5	18.6%	0.0%	16.0%
6	30.0%	63.6%	34.6%
7	38.6%	18.2%	35.8%
Total	100.0%	100.0%	100.0%
Mean	5.8	5.6	5.8

46. Organization of the trial

1 = Not at all organized / 7 = Very organized	Phase		Total
	One	Two	
3	5.7%	0.0%	4.9%
4	7.1%	0.0%	6.2%
5	15.7%	18.2%	16.0%
6	38.6%	54.5%	40.7%
7	32.9%	27.3%	32.1%
Total	100.0%	100.0%	100.0%
Mean	5.9	6.0	5.9

47. Repetitiveness/redundancy of the evidence and/or testimony

1 = Not at all repetitive / 7 = Very repetitive	Phase		Total
	One	Two	
1	11.4%	0.0%	9.9%
2	21.4%	18.2%	21.0%
3	11.4%	9.1%	11.1%
4	22.9%	27.3%	23.5%
5	22.9%	36.4%	24.7%
6	10.0%	9.1%	9.9%
Total	100.0%	100.0%	100.0%
Mean	5.0	4.1	4.9

48. The amount of time each side had to present its case

1 = Not enough time allowed / 7 = Too much time allowed	Phase		Total
	One	Two	
3	5.8%	0.0%	5.0%
4	78.3%	90.9%	80.0%
5	11.6%	9.1%	11.3%
6	4.3%	0.0%	3.8%
Total	100.0%	100.0%	100.0%
Mean	4.1	4.1	4.1

49. Ease of understanding the case material and information presented

1 = Very easy / 7 = Very difficult	Phase		Total
	One*	Two	
3	.0%	9.1%	9.1%
4	.0%	45.5%	45.5%
5	.0%	9.1%	9.1%
7	.0%	36.4%	36.4%
Total	.0%	100.0%	100.0%
Mean	.0%	5.1	5.1

50. How interesting the case was in general

1 = Not at all interesting / 7 = Very interesting	Phase		Total
	One*	Two	
3	.0%	9.1%	9.1%
5	.0%	18.2%	18.2%
6	.0%	63.6%	63.6%
7	.0%	9.1%	9.1%
Total	.0%	100.0%	100.0%
Mean	.0%	5.6	5.6

51. Were there time limits in this case?

	Phase		Total
	One	Two*	
Yes	31.3%	.0%	31.3%
No	68.7%	.0%	68.7%
Total	100.0%	.0%	100.0%

52. In your opinion, how did the time limits affect: The fairness of the trial process?

	Phase		Total
	One	Two*	
Increased	0.0%	.0%	0.0%
Did not affect	83.3%	.0%	83.3%
Decreased	12.5%	.0%	12.5%
Don't know	4.2%	.0%	4.2%
Total	100.0%	.0%	100.0%

53. The efficiency of the trial process?

	Phase		Total
	One	Two*	
Increased	52.2%	.0%	52.2%
Did not affect	43.5%	.0%	43.5%
Decreased	4.3%	.0%	4.3%
Don't know	0.0%	.0%	0.0%
Total	100.0%	.0%	100.0%

54. Your satisfaction with the trial process?

	Phase		Total
	One	Two*	
Increased	16.7%	.0%	16.7%
Did not affect	75.0%	.0%	75.0%
Decreased	8.3%	.0%	8.3%
Don't know	0.0%	.0%	0.0%
Total	100.0%	.0%	100.0%

55. In your opinion, how would time limits have affected: The fairness of the trial process?

	Phase		Total
	One	Two*	
Increased	12.5%	.0%	12.5%
Did not affect	25.0%	.0%	25.0%
Decreased	47.9%	.0%	47.9%
Don't know	14.6%	.0%	14.6%
Total	100.0%	.0%	100.0%

56. The efficiency of the trial process?

	Phase		Total
	One	Two*	
Increased	24.4%	.0%	24.4%
Did not affect	42.2%	.0%	42.2%
Decreased	13.3%	.0%	13.3%
Don't know	20.0%	.0%	20.0%
Total	100.0%	.0%	100.0%

57. Your satisfaction with the trial process?

	Phase		Total
	One	Two*	
Increased	6.4%	.0%	6.4%
Did not affect	40.4%	.0%	40.4%
Decreased	38.3%	.0%	38.3%
Don't know	14.9%	.0%	14.9%
Total	100.0%	.0%	100.0%

58. Were jurors permitted to submit questions for witnesses in this case?

	Phase		Total
	One	Two	
Yes	79.1%	81.8%	79.5%
No	20.9%	18.2%	20.5%
Total	100.0%	100.0%	100.0%

59. Did jurors submit questions for any witnesses?

	Phase		Total
	One	Two	
Yes	86.2%	100.0%	88.2%
No	13.8%	0.0%	11.8%
Total	100.0%	100.0%	100.0%

60. Approximately how many questions did the jurors submit?

	Phase		Total
	One*	Two	
1	.0%	22.2%	22.2%
2	.0%	11.1%	11.1%
3	.0%	11.1%	11.1%
5	.0%	11.1%	11.1%
10	.0%	22.2%	22.2%
15	.0%	11.1%	11.1%
25	.0%	11.1%	11.1%
Total	.0%	100.0%	100.0%

61. Approximately how many questions did the judge permit the witness to answer?

	Phase		Total
	One*	Two	
0	.0%	12.5%	12.5%
1	.0%	25.0%	25.0%
3	.0%	12.5%	12.5%
8	.0%	12.5%	12.5%
10	.0%	25.0%	25.0%
15	.0%	12.5%	12.5%
Total	.0%	100.0%	100.0%

62. If the witness was NOT permitted to answer a juror questions, what happened? Another witness answered the questions later

	Phase		Total
	One*	Two	
Yes	.0%	0.0%	0.0%
No	.0%	100.0%	100.0%
Total	.0%	100.0%	100.0%

63. The judge answered the question

	Phase		Total
	One*	Two	
Yes	.0%	20.0%	20.0%
No	.0%	80.0%	80.0%
Total	.0%	100.0%	100.0%

64. One of the attorneys answered the question

	Phase		Total
	One*	Two	
Yes	.0%	20.0%	20.0%
No	.0%	80.0%	80.0%
Total	.0%	100.0%	100.0%

65. No one answered the question

	Phase		Total
	One*	Two	
Yes	.0%	66.7%	66.7%
No	.0%	33.3%	33.3%
Total	.0%	100.0%	100.0%

66. If any of the jurors' questions were not answered, were the jurors given a reason why the question(s) were not answered?

	Phase		Total
	One*	Two	
Yes	.0%	60.0%	60.0%
No	.0%	40.0%	40.0%
Total	.0%	100.0%	100.0%

67. What is your opinion of the number of questions submitted by jurors during the trial?

	Phase		Total
	One	Two	
Too many	24.5%	0.0%	21.0%
An appropriate number	66.0%	88.9%	69.4%
Not enough	9.4%	11.1%	9.7%
Total	100.0%	100.0%	100.0%

68. How would you describe the jury's questions?

	Phase		Total
	One*	Two	
Most were relevant	.0%	55.6%	55.6%
Some were relevant	.0%	22.2%	22.2%
Most of the questions were irrelevant	.0%	22.2%	22.2%
Jury did not ask questions	.0%	0.0%	0.0%
Total	.0%	100.0%	100.0%

69. In your opinion, how did allowing jurors to submit questions in this trial affect: The fairness of the trial process?

	Phase		Total
	One	Two	
Increased	42.9%	60.0%	45.5%
Did not affect	35.7%	40.0%	36.4%
Decreased	7.1%	0.0%	6.1%
Don't know	14.3%	0.0%	12.1%
Total	100.0%	100.0%	100.0%

70. The efficiency of the trial process?

	Phase		Total
	One	Two	
Increased	30.9%	70.0%	36.9%
Did not affect	30.9%	30.0%	30.8%
Decreased	32.7%	0.0%	27.7%
Don't know	5.5%	0.0%	4.6%
Total	100.0%	100.0%	100.0%

71. Jurors' understanding of the case?

	Phase		Total
	One	Two	
Increased	60.0%	70.0%	61.5%
Did not affect	18.2%	20.0%	18.5%
Decreased	1.8%	0.0%	1.5%
Don't know	20.0%	10.0%	18.5%
Total	100.0%	100.0%	100.0%

72. Your satisfaction with the trial process?

	Phase		Total
	One	Two	
Increased	45.3%	80.0%	50.8%
Did not affect	32.1%	20.0%	30.2%
Decreased	15.1%	0.0%	12.7%
Don't know	7.5%	0.0%	6.3%
Total	100.0%	100.0%	100.0%

73. In your opinion, how would permitting juror questions have affected: The fairness of the trial process?

	Phase		Total
	One	Two	
Increased	14.3%	0.0%	12.5%
Did not affect	28.6%	0.0%	25.0%
Decreased	42.9%	0.0%	37.5%
Don't know	14.3%	100.0%	25.0%
Total	100.0%	100.0%	100.0%

74. The efficiency of the trial process?

	Phase		Total
	One	Two	
Increased	14.3%	0.0%	12.5%
Did not affect	21.4%	0.0%	18.8%
Decreased	64.3%	50.0%	62.5%
Don't know	0.0%	50.0%	6.3%
Total	100.0%	100.0%	100.0%

75. Jurors' understanding of the case?

	Phase		Total
	One	Two	
Increased	46.2%	0.0%	40.0%
Did not affect	7.7%	0.0%	6.7%
Decreased	15.4%	0.0%	13.3%
Don't know	30.8%	100.0%	40.0%
Total	100.0%	100.0%	100.0%

76. Your satisfaction with the trial process?

	Phase		Total
	One	Two	
Increased	28.6%	0.0%	25.0%
Did not affect	14.3%	0.0%	12.5%
Decreased	35.7%	50.0%	37.5%
Don't know	21.4%	50.0%	25.0%
Total	100.0%	100.0%	100.0%

77. Were attorneys in this case permitted to make interim statements to the jury?

	Phase		Total
	One	Two	
Yes	64.6%	16.7%	57.1%
No	35.4%	83.3%	42.9%
Total	100.0%	100.0%	100.0%

78. In your opinion, how did interim statements affect the efficiency of the trial process?

	Phase		Total
	One	Two	
Increased efficiency	37.2%	50.0%	37.8%
Did not affect efficiency	58.1%	50.0%	57.8%
Decreased efficiency	4.7%	0.0%	4.4%
Total	100.0%	100.0%	100.0%

79. Did you feel that the use of interim statements allowed you to: Better organize the evidence for the jurors?

1 = Definitely no / 7 = Definitely yes	Phase		Total
	One	Two	
1	7.1%	0.0%	6.8%
2	9.5%	50.0%	11.4%
3	7.1%	0.0%	6.8%
4	14.3%	0.0%	13.6%
5	19.0%	0.0%	18.2%
6	21.4%	0.0%	20.5%
7	21.4%	50.0%	22.7%
Total	100.0%	100.0%	100.0%
Mean	4.9	4.5	4.8

80. Better explain the evidence for the jurors?

1 = Definitely no / 7 = Definitely yes	Phase		Total
	One	Two	
1	4.8%	0.0%	4.5%
2	2.4%	50.0%	4.5%
3	4.8%	0.0%	4.5%
4	16.7%	0.0%	15.9%
5	21.4%	0.0%	20.5%
6	19.0%	0.0%	18.2%
7	31.0%	50.0%	31.8%
Total	100.0%	100.0%	100.0%
Mean	5.3	4.5	5.3

81. Better emphasize parts of the evidence for the jurors?

1 = Definitely no / 7 = Definitely yes	Phase		Total
	One	Two	
1	4.8%	0.0%	4.5%
2	9.5%	50.0%	11.4%
3	2.4%	0.0%	2.3%
4	16.7%	0.0%	15.9%
5	21.4%	0.0%	20.5%
6	19.0%	0.0%	18.2%
7	26.2%	50.0%	27.3%
Total	100.0%	100.0%	100.0%
Mean	5.0	4.5	5.0

82. Did you think there were any abuses of the interim statements?

	Phase		Total
	One	Two	
Yes, used to create mini-argument	7.1%	50.0%	9.1%
No	92.9%	50.0%	90.9%
Total	100.0%	100.0%	100.0%

83. Is there anything you would have liked to change about the interim statements?

	Phase		Total
	One	Two*	
No, they are effective	28.6%	.0%	28.6%
Yes, need guidance for when appropriate to use	14.3%	.0%	14.3%
Yes, limit to explaining what witness will say	14.3%	.0%	14.3%
Yes, limit to summary of evidence	28.6%	.0%	28.6%
Yes, keep basic	14.3%	.0%	14.3%
Total	100.0%	.0%	100.0%

84. In your opinion, how would interim statements have affected the efficiency of the trial process?

	Phase		Total
	One	Two	
Would have increased efficiency	3.6%	10.0%	5.3%
Would not have affected efficiency	32.1%	30.0%	31.6%
Would have decreased efficiency	50.0%	10.0%	39.5%
Don't know	14.3%	50.0%	23.7%
Total	100.0%	100.0%	100.0%

85. Do you feel that the use of interim statements would have allowed you to: Better organize evidence for the jurors?

1 = Definitely no / 7 = Definitely yes	Phase		Total
	One	Two	
1	25.9%	25.0%	25.7%
2	22.2%	12.5%	20.0%
3	14.8%	12.5%	14.3%
4	22.2%	12.5%	20.0%
5	3.7%	0.0%	2.9%
6	7.4%	25.0%	11.4%
7	3.7%	12.5%	5.7%
Total	100.0%	100.0%	100.0%
Mean	2.9	3.8	3.1

86. Better explain the evidence for the jurors?

1 = Definitely no / 7 = Definitely yes	Phase		Total
	One	Two	
1	21.4%	0.0%	16.7%
2	21.4%	12.5%	19.4%
3	14.3%	12.5%	13.9%
4	10.7%	37.5%	16.7%
5	14.3%	0.0%	11.1%
6	7.1%	25.0%	11.1%
7	10.7%	12.5%	11.1%
Total	100.0%	100.0%	100.0%
Mean	3.4	4.5	3.6

87. Better emphasize parts of the evidence for the jurors?

1 = Definitely no / 7 = Definitely yes	Phase		Total
	One	Two	
1	21.4%	0.0%	16.7%
2	17.9%	0.0%	13.9%
3	10.7%	12.5%	11.1%
4	7.1%	50.0%	16.7%
5	14.3%	0.0%	11.1%
6	21.4%	25.0%	22.2%
7	7.1%	12.5%	8.3%
Total	100.0%	100.0%	100.0%
Mean	3.7	4.8	3.9

88. Did the judge give jurors any instructions or suggestions on how to select a foreperson?

	Phase		Total
	One	Two	
Yes	47.8%	41.7%	46.9%
No	52.2%	58.3%	53.1%
Total	100.0%	100.0%	100.0%

89. How do you feel about the amount of guidance that the jury had from the judge on how to select a foreperson?

1 = Not enough / 7 = Too much	Phase		Total
	One	Two	
1	5.8%	0.0%	4.7%
2	3.8%	8.3%	4.7%
3	1.9%	8.3%	3.1%
4	63.5%	83.3%	67.2%
5	15.4%	0.0%	12.5%
6	9.6%	0.0%	7.8%
Total	100.0%	100.0%	100.0%
Mean	4.2	4.7	4.3

90. Did the judge give jurors any instructions or suggestions on how to conduct its deliberations?

	Phase		Total
	One	Two	
Yes	70.2%	66.7%	69.6%
No	29.8%	33.3%	30.4%
Total	100.0%	100.0%	100.0%

91. How do you feel about the amount of guidance that the jury had from the judge on how to conduct its deliberations?

1 = Not enough / 7 = Too much	Phase		Total
	One	Two	
1	5.5%	0.0%	4.5%
2	3.6%	0.0%	3.0%
4	65.5%	100.0%	71.6%
5	16.4%	0.0%	13.4%
6	5.5%	0.0%	4.5%
7	3.6%	0.0%	3.0%
Total	100.0%	100.0%	100.0%
Mean	4.1	4.0	4.1

92. Did the jury submit any questions during its deliberations?

	Phase		Total
	One	Two	
Yes	64.5%	20.0%	58.3%
No	35.5%	80.0%	41.7%
Total	100.0%	100.0%	100.0%

93. Did the judge answer any of the questions that the jury submitted during its deliberations?

	Phase		Total
	One	Two	
Yes	64.3%	33.3%	60.0%
No	8.9%	0.0%	7.7%
Jury did not ask any questions	26.8%	66.7%	32.3%
Total	100.0%	100.0%	100.0%

94. Were the parties cooperative (with the court and with each other) in helping to respond to questions from the jury?

1 = Definitely no / 7 = Definitely yes	Phase		Total
	One	Two	
3	4.3%	0.0%	3.8%
4	13.0%	16.7%	13.5%
5	10.9%	0.0%	9.6%
6	15.2%	16.7%	15.4%
7	56.5%	66.7%	57.7%
Total	100.0%	100.0%	100.0%
Mean	6.1	6.3	6.1

95. If the judge did not answer any of the questions, did the judge give the jury a reason for not answering the question(s)?

	Phase		Total
	One	Two	
Yes	46.4%	14.3%	40.0%
No	10.7%	0.0%	8.6%
Jury did not ask any questions	42.9%	85.7%	51.4%
Total	100.0%	100.0%	100.0%

96. What types of questions did the jury submit? Questions about legal instructions or terms

	Phase		Total
	One	Two	
Yes	62.8%	0.0%	58.7%
No	37.2%	100.0%	41.3%
Total	100.0%	100.0%	100.0%

97. Questions about the content of the evidence

	Phase		Total
	One	Two	
Yes	47.6%	66.7%	48.9%
No	52.4%	33.3%	51.1%
Total	100.0%	100.0%	100.0%

98. Requests to see evidence

	Phase		Total
	One	Two	
Yes	35.7%	33.3%	35.6%
No	64.3%	66.7%	64.4%
Total	100.0%	100.0%	100.0%

99. Questions about procedure or case management

	Phase		Total
	One	Two	
Yes	26.2%	50.0%	28.3%
No	73.8%	50.0%	71.7%
Total	100.0%	100.0%	100.0%

100. Other, please specify

	Phase		Total
	One	Two	
Verdict amount	7.0%	0.0%	6.4%
Request transcript	4.7%	0.0%	4.3%
Whether certain evidence could be considered	2.3%	0.0%	2.1%
Question about things not asked	2.3%	0.0%	2.1%
Use of visual aids	2.3%	0.0%	2.1%
Deadlock	7.0%	0.0%	6.4%
Documents not submitted into evidence	0.0%	25.0%	2.1%
Non-substantive	2.3%	0.0%	2.1%
Juror questions during deliberations	2.3%	0.0%	2.1%
No other questions	69.8%	75.0%	70.2%
Total	100.0%	100.0%	100.0%

101. How would you describe the jury's questions?

	Phase		Total
	One	Two	
Most of the questions were relevant	56.6%	66.7%	57.1%
Some were relevant, some were irrelevant	20.8%	33.3%	21.4%
Most of the questions were irrelevant	1.9%	0.0%	1.8%
Jury did not ask any questions	20.8%	0.0%	19.6%
Total	100.0%	100.0%	100.0%

102. Whom did you represent at trial?

	Phase		Total
	One	Two	
Plaintiff	47.2%	50.0%	47.6%
Defendant	52.8%	50.0%	52.4%
Total	100.0%	100.0%	100.0%

103. How many civil jury trials have you participated in, excluding this trial?

	Phase		Total
	One	Two	
0	10.1%	8.3%	9.9%
1	10.1%	8.3%	9.9%
2	10.1%	25.0%	12.3%
3	5.8%	16.7%	7.4%
4	4.3%	0.0%	3.7%
5	4.3%	8.3%	4.9%
6	8.7%	0.0%	7.4%
7	1.4%	0.0%	1.2%
8	1.4%	0.0%	1.2%
10	7.2%	0.0%	6.2%
11	1.4%	0.0%	1.2%
12	2.9%	0.0%	2.5%
15	2.9%	0.0%	2.5%
19	1.4%	0.0%	1.2%
20	4.3%	8.3%	4.9%
24	1.4%	0.0%	1.2%
25	2.9%	0.0%	2.5%
30	5.8%	0.0%	4.9%
40	4.3%	8.3%	4.9%
46	1.4%	0.0%	1.2%
50	0.0%	16.7%	2.5%
60	1.4%	0.0%	1.2%
75	1.4%	0.0%	1.2%
100	2.9%	0.0%	2.5%
710	1.4%	0.0%	1.2%
Total	100.0%	100.0%	100.0%

104. Please indicate what percentage of your prior civil jury trials included the following: 12 person juries.

	Phase		Total
	One	Two	
0	35.0%	27.3%	33.8%
1	3.3%	0.0%	2.8%
2	1.7%	0.0%	1.4%
4	1.7%	0.0%	1.4%
10	6.7%	0.0%	5.6%
15	1.7%	0.0%	1.4%
20	3.3%	0.0%	2.8%
25	1.7%	0.0%	1.4%
50	15.0%	18.2%	15.5%
60	3.3%	9.1%	4.2%
66	0.0%	9.1%	1.4%
67	1.7%	9.1%	2.8%
75	3.3%	0.0%	2.8%
80	3.3%	0.0%	2.8%
90	1.7%	0.0%	1.4%
95	3.3%	0.0%	2.8%
100	13.3%	27.3%	15.5%
Total	100.0%	100.0%	100.0%

105. Preliminary substantive jury instructions

	Phase		Total
	One	Two	
0	71.7%	63.6%	70.4%
1	3.3%	0.0%	2.8%
2	1.7%	0.0%	1.4%
5	5.0%	0.0%	4.2%
10	3.3%	0.0%	2.8%
15	1.7%	0.0%	1.4%
25	1.7%	0.0%	1.4%
40	0.0%	18.2%	2.8%
50	1.7%	0.0%	1.4%
60	1.7%	0.0%	1.4%
75	1.7%	0.0%	1.4%
100	6.7%	18.2%	8.5%
Total	100.0%	100.0%	100.0%

106. Voir dire questionnaires

	Phase		Total
	One	Two*	
0	28.3%	.0%	28.3%
1	6.7%	.0%	6.7%
2	5.0%	.0%	5.0%
3	1.7%	.0%	1.7%
5	1.7%	.0%	1.7%
6	1.7%	.0%	1.7%
10	5.0%	.0%	5.0%
30	1.7%	.0%	1.7%
33	5.0%	.0%	5.0%
50	8.3%	.0%	8.3%
60	5.0%	.0%	5.0%
70	1.7%	.0%	1.7%
90	3.3%	.0%	3.3%
100	25.0%	.0%	25.0%
Total	100.0%	.0%	100.0%

107. Time limits

	Phase		Total
	One	Two*	
0	60.7%	.0%	60.7%
1	3.3%	.0%	3.3%
2	3.3%	.0%	3.3%
5	4.9%	.0%	4.9%
6	1.6%	.0%	1.6%
20	1.6%	.0%	1.6%
25	1.6%	.0%	1.6%
50	9.8%	.0%	9.8%
66	1.6%	.0%	1.6%
85	1.6%	.0%	1.6%
90	1.6%	.0%	1.6%
95	1.6%	.0%	1.6%
100	6.6%	.0%	6.6%
Total	100.0%	.0%	100.0%

108. Juror questions to witnesses

	Phase		Total
	One	Two	
0	71.2%	81.8%	72.9%
1	6.8%	0.0%	5.7%
2	1.7%	0.0%	1.4%
5	3.4%	0.0%	2.9%
10	8.5%	9.1%	8.6%
30	1.7%	0.0%	1.4%
50	3.4%	9.1%	4.3%
75	1.7%	0.0%	1.4%
100	1.7%	0.0%	1.4%
Total	100.0%	100.0%	100.0%

109. Interim statements

	Phase		Total
	One	Two	
0	86.7%	100.0%	88.4%
1	3.3%	0.0%	2.9%
2	1.7%	0.0%	1.4%
5	3.3%	0.0%	2.9%
10	5.0%	0.0%	4.3%
Total	100.0%	100.0%	100.0%

110. Jury instructions regarding conducting deliberations, foreperson selection, and questions during deliberation

	Phase		Total
	One	Two*	
0	45.6%	.0%	45.6%
1	5.3%	.0%	5.3%
2	3.5%	.0%	3.5%
4	1.8%	.0%	1.8%
5	1.8%	.0%	1.8%
8	1.8%	.0%	1.8%
10	1.8%	.0%	1.8%
20	3.5%	.0%	3.5%
25	1.8%	.0%	1.8%
50	1.8%	.0%	1.8%
60	1.8%	.0%	1.8%
80	3.5%	.0%	3.5%
100	26.3%	.0%	26.3%
Total	100.0%	.0%	100.0%

111. Jury questions during deliberation

	Phase		Total
	One	Two	
0	20.3%	40.0%	23.2%
1	5.1%	0.0%	4.3%
2	8.5%	0.0%	7.2%
3	1.7%	0.0%	1.4%
5	5.1%	0.0%	4.3%
9	1.7%	0.0%	1.4%
10	5.1%	20.0%	7.2%
15	3.4%	10.0%	4.3%
20	3.4%	0.0%	2.9%
30	1.7%	0.0%	1.4%
33	1.7%	10.0%	2.9%
40	1.7%	0.0%	1.4%
50	16.9%	10.0%	15.9%
66	1.7%	0.0%	1.4%
75	3.4%	10.0%	4.3%
80	6.8%	0.0%	5.8%
100	11.9%	0.0%	10.1%
Total	100.0%	100.0%	100.0%

112. How would you characterize the outcome of this trial for your client?

1 = Big loss / 7 = Big win	Phase		Total
	One	Two	
1	25.7%	25.0%	25.6%
2	2.9%	8.3%	3.7%
3	2.9%	0.0%	2.4%
4	4.3%	25.0%	7.3%
5	11.4%	16.7%	12.2%
6	17.1%	8.3%	15.9%
7	35.7%	16.7%	32.9%
Total	100.0%	100.0%	100.0%
Mean	4.7	3.9	4.6

Juror Questionnaire**1. Judge on case**

	Phase		Total
	One	Two	
Lynn S. Adelman	2.1%	0.0%	1.6%
Samuel Der-Yeghiayan	2.5%	0.0%	1.8%
Joan B. Gottschall	2.1%	0.0%	1.6%
David F. Hamilton	10.7%	0.0%	8.1%
James F. Holderman	5.2%	29.6%	11.3%
Matthew F. Kennelly	16.3%	54.6%	25.8%
Joan Humphrey Lefkow	6.1%	0.0%	4.6%
Michael J. Reagan	10.7%	0.0%	8.1%
Elaine E. Bucklo	2.1%	0.0%	1.6%
Amy J. St. Eve	7.7%	0.0%	5.8%
John D. Tinder	2.5%	0.0%	1.8%
James B. Zagel	3.1%	0.0%	2.3%
Charles N. Clevert	2.5%	11.1%	4.6%
James B. Moran	2.1%	0.0%	1.6%
David H. Coar	2.5%	0.0%	1.8%
Geraldine Soat Brown	1.8%	4.6%	2.5%
Paul R. Cherry	7.1%	0.0%	5.3%
Barbara B. Crabb	9.5%	0.0%	7.1%
John W. Darrah	3.4%	0.0%	2.5%
Total	100.0%	100.0%	100.0%

2. Date of case

	Phase		Total
	One	Two	
17-Oct-2005	2.7%	0.0%	2.0%
14-Dec-2005	5.0%	0.0%	3.7%
3-Jan-2006	2.7%	0.0%	2.0%
5-Jan-2006	4.6%	0.0%	3.3%
7-Jan-2006	3.7%	0.0%	2.7%
13-Jan-2006	4.1%	0.0%	3.0%
17-Jan-2006	7.3%	0.0%	5.4%
27-Jan-2006	3.2%	0.0%	2.3%
30-Jan-2006	4.6%	0.0%	3.3%
6-Feb-2006	5.0%	0.0%	3.7%
10-Feb-2006	5.5%	0.0%	4.0%
21-Feb-2006	3.2%	0.0%	2.3%
27-Feb-2006	4.1%	0.0%	3.0%
6-Mar-2006	9.1%	0.0%	6.7%
21-Mar-2006	3.2%	0.0%	2.3%
10-Apr-2006	5.0%	0.0%	3.7%
11-Apr-2006	3.2%	0.0%	2.3%
17-Apr-2006	2.7%	0.0%	2.0%
18-Apr-2006	5.5%	0.0%	4.0%
24-Apr-2006	5.0%	0.0%	3.7%
4-Aug-2006	5.0%	0.0%	3.7%
15-Aug-2006	5.5%	0.0%	4.0%
20-Feb-2007	0.0%	10.0%	2.7%
22-Mar-2007	0.0%	6.3%	1.7%
17-May-2007	0.0%	25.0%	6.7%

(continued)

30-Aug-2007	0.0%	15.0%	4.0%
19-Sep-2007	0.0%	13.8%	3.7%
17-Oct-2007	0.0%	6.3%	1.7%
20-Feb-2008	0.0%	13.8%	3.7%
2-Apr-2008	0.0%	10.0%	2.7%
Total	100.0%	100.0%	100.0%

3. Federal district

	Phase		Total
	One	Two	
Northern Illinois	55.2%	88.9%	63.6%
Southern Illinois	10.7%	0.0%	8.1%
Northern Indiana	7.1%	0.0%	5.3%
Southern Indiana	12.9%	0.0%	9.7%
Eastern Wisconsin	4.6%	11.1%	6.2%
Western Wisconsin	9.5%	0.0%	7.1%
Total	100.0%	100.0%	100.0%

4. Type of case

	Phase		Total
	One	Two	
Contract	14.0%	0.0%	9.3%
Tort	11.5%	15.0%	12.7%
Civil rights	49.0%	72.5%	57.0%
Other	25.5%	0.0%	16.9%
Copyright	0.0%	12.5%	4.2%
Total	100.0%	100.0%	100.0%

5. Issues in case

	Phase		Total
	One	Two	
Liability and damages	62.1%	78.8%	68.4%
Damages only	15.2%	15.0%	15.1%
Other	22.7%	6.3%	16.5%
Total	100.0%	100.0%	100.0%

6. What was your overall level of satisfaction with the trial process?

1 = Not at all satisfied / 7 = Very satisfied	Phase		Total
	One	Two	
1	0.6%	0.0%	0.5%
2	2.8%	1.9%	2.6%
3	2.8%	3.7%	3.0%
4	7.1%	10.2%	7.9%
5	21.4%	19.4%	20.9%
6	35.9%	31.5%	34.8%
7	29.4%	33.3%	30.4%
Total	100.0%	100.0%	100.0%
Mean	5.7	5.8	5.7

7. How complex was the evidence presented at trial?

1 = Not at all complex / 7 = Very complex	Phase		Total
	One	Two	
1	8.0%	12.3%	9.1%
2	18.6%	19.8%	18.9%
3	16.4%	18.9%	17.0%
4	18.3%	15.1%	17.5%
5	17.3%	12.3%	16.1%
6	10.5%	11.3%	10.7%
7	10.8%	10.4%	10.7%
Total	100.0%	100.0%	100.0%
Mean	3.9	3.7	3.9

8. How clearly was the evidence presented in this trial?

1 = Not at all clearly / 7 = Very clearly	Phase		Total
	One	Two	
1	3.7%	0.9%	3.0%
2	8.7%	4.7%	7.7%
3	11.5%	12.1%	11.7%
4	22.7%	17.8%	21.4%
5	26.7%	23.4%	25.9%
6	18.9%	21.5%	19.6%
7	7.8%	19.6%	10.7%
Total	100.0%	100.0%	100.0%
Mean	4.5	5.0	4.6

9. How difficult or easy was it for jurors to understand the evidence in this trial?

1 = Very easy / 7 = Very difficult	Phase		Total
	One	Two	
1	13.3%	17.8%	14.4%
2	20.4%	26.2%	21.9%
3	14.9%	14.0%	14.7%
4	17.0%	17.8%	17.2%
5	17.0%	14.0%	16.3%
6	13.3%	9.3%	12.3%
7	4.0%	0.9%	3.3%
Total	100.0%	100.0%	100.0%
Mean	3.6	3.2	3.5

10. How difficult or easy was it for jurors to understand the law in this trial?

1 = Very easy / 7 = Very difficult	Phase		Total
	One	Two	
1	18.7%	26.4%	20.6%
2	19.9%	27.4%	21.8%
3	13.6%	10.4%	12.8%
4	13.6%	14.2%	13.7%
5	16.1%	8.5%	14.2%
6	13.9%	8.5%	12.6%
7	4.1%	4.7%	4.3%
Total	100.0%	100.0%	100.0%
Mean	3.5	3.0	3.3

11. What did the judge tell you about the case before you heard any evidence: A description of the claims in this case?

	Phase		Total
	One*	Two	
Yes	.0%	88.2%	88.2%
No	.0%	11.8%	11.8%
Total	.0%	100.0%	100.0%

12. The procedures that would be used in this trial?

	Phase		Total
	One*	Two	
Yes	.0%	84.3%	84.3%
No	.0%	15.7%	15.7%
Total	.0%	100.0%	100.0%

13. The law that the jury would be applying in this case?

	Phase		Total
	One*	Two	
Yes	.0%	67.1%	67.1%
No	.0%	32.9%	32.9%
Total	.0%	100.0%	100.0%

14. How many jurors were on your jury at the beginning of the trial?

	Phase		Total
	One*	Two	
7	.0%	5.6%	5.6%
8	.0%	18.0%	18.0%
10	.0%	5.6%	5.6%
11	.0%	1.1%	1.1%
12	.0%	65.2%	65.2%
13	.0%	4.5%	4.5%
Total	.0%	100.0%	100.0%

15. How many jurors were on your jury at the end of your deliberations?

	Phase		Total
	One	Two	
3	0.3%	0.0%	0.2%
7	12.7%	4.6%	10.7%
8	18.6%	14.8%	17.7%
9	2.8%	4.6%	3.3%
10	3.1%	0.0%	2.3%
11	28.3%	0.9%	21.4%
12	34.2%	75.0%	44.4%
Total	100.0%	100.0%	100.0%

16. Did all of the jurors on your jury contribute to your deliberations?

	Phase		Total
	One	Two	
Yes	94.8%	97.2%	95.5%
No	5.2%	2.8%	4.5%
Total	100.0%	100.0%	100.0%

17. If no, how many of the jurors contributed to your deliberations?

	Phase		Total
	One	Two*	
1	3.7%	.0%	3.7%
2	7.4%	.0%	7.4%
4	3.7%	.0%	3.7%
6	7.4%	.0%	7.4%
7	14.8%	.0%	14.8%
8	3.7%	.0%	3.7%
9	14.8%	.0%	14.8%
10	18.5%	.0%	18.5%
11	18.5%	.0%	18.5%
12	7.4%	.0%	7.4%
Total	100.0%	.0%	100.0%

18. Did any one juror dominate the deliberations of the jury?

	Phase		Total
	One	Two	
Yes	16.2%	13.4%	15.5%
No	83.8%	86.6%	84.5%
Total	100.0%	100.0%	100.0%

19. What was your opinion on the number of jurors on the jury?

	Phase		Total
	One	Two	
Too few	1.6%	0.0%	1.2%
The right number	91.1%	96.3%	92.5%
Too many	7.2%	3.7%	6.3%
Total	100.0%	100.0%	100.0%

20. Before you began hearing testimony from witnesses, did the judge tell you what the case was going to be about – what the plaintiff and the defendant would be claiming?

	Phase		Total
	One	Two	
Yes	88.3%	91.9%	89.0%
No	11.7%	8.1%	11.0%
Total	100.0%	100.0%	100.0%

21. Before you began hearing testimony from witnesses, did the judge tell you about the way the case would be run?

	Phase		Total
	One*	Two	
Yes	.0%	93.3%	93.3%
No	.0%	6.7%	6.7%
Total	.0%	100.0%	100.0%

22. Before you began hearing testimony from witnesses, did the judge tell you about the law that would be applied in the case?

	Phase		Total
	One*	Two	
Yes	.0%	66.2%	66.2%
No	.0%	33.8%	33.8%
Total	.0%	100.0%	100.0%

23. How helpful, if at all, was the judge’s telling you about what the plaintiff and the defendant were claiming?

1 = Not at all helpful / 7 = Very helpful	Phase		Total
	One	Two	
1	0.7%	1.1%	0.8%
2	2.4%	0.0%	1.8%
3	4.4%	2.2%	3.9%
4	8.1%	9.8%	8.5%
5	14.9%	14.1%	14.7%
6	30.5%	26.1%	29.5%
7	39.0%	46.7%	40.8%
Total	100.0%	100.0%	100.0%
Mean	5.8	6.0	5.9

24. How did you feel about the length of what the judge told you about the parties' claims and about the law in this case?

1 = Too short / 7 = Too long	Phase		Total
	One	Two	
1	1.7%	1.1%	1.5%
2	1.4%	0.0%	1.0%
3	9.2%	10.8%	9.5%
4	56.3%	60.2%	57.2%
5	16.6%	19.4%	17.3%
6	12.9%	5.4%	11.1%
7	2.0%	3.2%	2.3%
Total	100.0%	100.0%	100.0%
Mean	4.3	4.3	4.3

25. How did you feel about the timing of what the judge told you about the parties' claims and about the law in this case?

1 = Not at all appropriate time / 7 = Very appropriate time	Phase		Total
	One	Two	
1	1.4%	1.1%	1.3%
2	2.1%	1.1%	1.8%
3	2.4%	2.1%	2.3%
4	15.5%	23.4%	17.4%
5	14.1%	9.6%	13.0%
6	29.6%	33.0%	30.4%
7	35.1%	29.8%	33.8%
Total	100.0%	100.0%	100.0%
Mean	5.7	5.6	5.7

26. Did the jurors in this case complete a jury selection questionnaire at the beginning of the trial?

	Phase		Total
	One	Two*	
Yes	62.5%	.0%	62.5%
No	37.5%	.0%	37.5%
Total	100.0%	.0%	100.0%

27. Which of the following statements best describes the length of the jury selection questionnaire used in this trial?

	Phase		Total
	One	Two*	
Too short	2.6%	.0%	2.6%
About right	92.1%	.0%	92.1%
Too long	5.3%	.0%	5.3%
Total	100.0%	.0%	100.0%

28. Did the judge or the attorneys tell you how the information you provided in the written questionnaire would be used?

	Phase		Total
	One	Two*	
Yes	50.3%	.0%	50.3%
No	49.7%	.0%	49.7%
Total	100.0%	.0%	100.0%

29. How concerned were you, if at all, about your privacy when being asked questions on the written questionnaire?

1 = Not at all concerned / 7 = Very concerned	Phase		Total
	One	Two*	
1	44.4%	.0%	44.4%
2	17.3%	.0%	17.3%
3	9.2%	.0%	9.2%
4	13.3%	.0%	13.3%
5	6.1%	.0%	6.1%
6	5.1%	.0%	5.1%
7	4.6%	.0%	4.6%
Total	100.0%	.0%	100.0%
Mean	2.5	0	2.5

30. How concerned were you, if at all, about your privacy when being asked questions by the judge or the attorneys out loud in the courtroom?

1 = Not at all concerned / 7 = Very concerned	Phase		Total
	One	Two*	
1	33.1%	.0%	33.1%
2	17.4%	.0%	17.4%
3	7.2%	.0%	7.2%
4	14.4%	.0%	14.4%
5	13.4%	.0%	13.4%
6	8.9%	.0%	8.9%
7	5.6%	.0%	5.6%
Total	100.0%	.0%	100.0%
Mean	3.1	0	3.1

31. Many of the questions on the jury selection questionnaire are questions the judge or the attorneys usually ask out loud in the courtroom. Which of the following would you prefer?

	Phase		Total
	One	Two*	
To answer some of the questions by filling out a questionnaire	70.4%	.0%	70.4%
To have all the questions asked out loud	29.6%	.0%	29.6%
Total	100.0%	.0%	100.0%

32. What is the reason for your preference?

	Phase		Total
	One	Two*	
Questionnaire: privacy	28.8%	.0%	28.8%
Questionnaire: saves time and speeds up the process	27.5%	.0%	27.5%
Questionnaire: easier	3.1%	.0%	3.1%
Questionnaire: don't feel comfortable speaking in public	4.4%	.0%	4.4%
Questionnaire: to write down on paper	0.6%	.0%	0.6%
Questionnaire: simpler, less intimidating	1.3%	.0%	1.3%
Questionnaire: repetition is avoided	0.6%	.0%	0.6%
Questionnaire: prefer to read and respond at my own pace	1.3%	.0%	1.3%

(continued)

Questionnaire: more comfortable answering in writing	0.6%	.0%	0.6%
Questionnaire: thorough	1.3%	.0%	1.3%
Questionnaire: gives more time to recall events	0.6%	.0%	0.6%
Questionnaire: more honest about responses	2.5%	.0%	2.5%
Questionnaire: leads to impartial jury	0.6%	.0%	0.6%
Questionnaire: narrows in on those responses to be heard	0.6%	.0%	0.6%
Questionnaire: eliminate some prospectives before arriving	1.3%	.0%	1.3%
Questionnaire: clarity	0.6%	.0%	0.6%
Out loud: reduce interpreted difference	0.6%	.0%	0.6%
Out loud: everyone knows and it moves along	0.6%	.0%	0.6%
Out loud: more time-efficient	2.5%	.0%	2.5%
Out loud: easier	4.4%	.0%	4.4%
Out loud: personal preference	0.6%	.0%	0.6%
Out loud: clarity	1.9%	.0%	1.9%
Out loud: to give the judge a feel for that juror	1.3%	.0%	1.3%
Out loud: makes the selection more interesting	0.6%	.0%	0.6%
Out loud: direct, no questions forgotten	0.6%	.0%	0.6%
Out loud: a chance to explain any other questions	1.3%	.0%	1.3%
Out loud: an open and honest approach	0.6%	.0%	0.6%
Out loud: background of the prospective jurors	5.0%	.0%	5.0%
Out loud: I am better able to respond verbally	1.3%	.0%	1.3%
Out loud: we're able to know exactly what they want	0.6%	.0%	0.6%
Out loud: other people's answers trigger your memory	0.6%	.0%	0.6%
Out loud: to be well informed	0.6%	.0%	0.6%
Out loud: everyone treated equally	1.3%	.0%	1.3%
Total	100.0%	.0%	100.0%

33. Was there anything the judge told you about the law at the end of the case just before you began deliberating that you would have liked to know earlier in the trial?

	Phase		Total
	One*	Two	
Yes	.0%	6.7%	6.7%
No	.0%	93.3%	93.3%
Total	.0%	100.0%	100.0%

34. If yes, what was it?

	Phase		Total
	One*	Two	
Would like verdict questionnaire at beginning of trial	.0%	50.0%	50.0%
Clarification about who was being sued	.0%	25.0%	25.0%
Further defense preponderance of evidence	.0%	25.0%	25.0%
Total	.0%	100.0%	100.0%

35. Would you have liked for the judge to give instructions to you at the beginning of the trial explaining the legal issues that you had to decide in the trial?

	Phase		Total
	One	Two	
Yes	73.3%	45.8%	65.5%
No	26.7%	54.2%	34.5%
Total	100.0%	100.0%	100.0%

36. Were you told by the judge at the beginning of the trial how long the trial would last or when the trial would be finished?

	Phase		Total
	One	Two	
Yes	94.6%	95.3%	94.7%
No	5.4%	4.7%	5.3%
Total	100.0%	100.0%	100.0%

37. If the judge did tell you how long the trial would last or when the trial would be finished, did the trial end when promised?

	Phase		Total
	One	Two	
Yes	75.3%	80.8%	76.7%
No	24.7%	19.2%	23.3%
Total	100.0%	100.0%	100.0%

38. How important, if at all, was it that you knew at the beginning of the trial how long the trial would be and/or what day the trial would be finished?

1 = Not at all important / 7 = Very important	Phase		Total
	One	Two	
1	5.4%	1.9%	4.5%
2	4.1%	10.6%	5.7%
3	7.0%	6.7%	6.9%
4	15.2%	14.4%	15.0%
5	9.2%	9.6%	9.3%
6	20.3%	16.3%	19.3%
7	38.7%	40.4%	39.1%
Total	100.0%	100.0%	100.0%
Mean	5.3	5.3	5.3

39. Which of the following statements best describes your reaction to the length of this trial?

	Phase		Total
	One	Two	
Too short	1.0%	0.9%	1.0%
About right	72.6%	82.2%	75.1%
Too long	26.4%	16.8%	23.9%
Total	100.0%	100.0%	100.0%

40. Please rate the trial on the following dimensions: Efficiency of the trial (was time wasted or used effectively).

1 = Not at all efficient / 7 = Very efficient	Phase		Total
	One	Two	
1	0.6%	1.9%	1.0%
2	6.7%	7.4%	6.9%
3	13.5%	17.6%	14.5%
4	17.9%	16.7%	17.6%
5	21.2%	23.1%	21.7%
6	22.1%	21.3%	21.9%
7	17.9%	12.0%	16.4%
Total	100.0%	100.0%	100.0%
Mean	4.9	4.6	4.8

41. Organization of the trial

1 = Not at all organized / 7 = Very organized	Phase		Total
	One	Two	
1	0.6%	2.8%	1.2%
2	3.9%	3.7%	3.8%
3	9.0%	7.4%	8.6%
4	14.8%	12.0%	14.1%
5	18.3%	23.1%	19.6%
6	28.0%	28.7%	28.2%
7	25.4%	22.2%	24.5%
Total	100.0%	100.0%	100.0%
Mean	5.3	5.2	5.3

42. Repetitiveness/redundancy of the evidence and/or testimony

1 = Not at all repetitive / 7 = Very repetitive	Phase		Total
	One	Two	
1	2.6%	0.9%	2.2%
2	6.8%	6.5%	6.7%
3	5.5%	5.6%	5.5%
4	15.2%	15.7%	15.3%
5	26.2%	32.4%	27.8%
6	23.6%	24.1%	23.7%
7	20.1%	14.8%	18.7%
Total	100.0%	100.0%	100.0%
Mean	5.1	5.0	5.1

43. The amount of time each side had to present its case

1 = Too short / 7 = Too long	Phase		Total
	One	Two	
1	0.0%	0.9%	0.2%
2	0.3%	0.9%	0.5%
3	1.6%	4.6%	2.4%
4	66.9%	54.6%	63.7%
5	19.0%	25.9%	20.8%
6	7.2%	12.0%	8.4%
7	4.9%	0.9%	3.9%
Total	100.0%	100.0%	100.0%
Mean	4.5	4.4	4.2

44. Ease of understanding the case material and information presented

1 = Very easy / 7 = Very difficult	Phase		Total
	One*	Two	
1	.0%	1.1%	1.1%
2	.0%	4.5%	4.5%
3	.0%	9.0%	9.0%
4	.0%	14.6%	14.6%
5	.0%	27.0%	27.0%
6	.0%	27.0%	27.0%
7	.0%	16.9%	16.9%
Total	.0%	100.0%	100.0%
Mean	0	5.1	5.1

45. How interesting the case was in general

1 = Not at all interesting / 7 = Very interesting	Phase		Total
	One*	Two	
1	.0%	1.1%	1.1%
2	.0%	5.7%	5.7%
3	.0%	6.8%	6.8%
4	.0%	14.8%	14.8%
5	.0%	22.7%	22.7%
6	.0%	23.9%	23.9%
7	.0%	25.0%	25.0%
Total	.0%	100.0%	100.0%
Mean	0	5.2	5.2

46. Were jurors permitted to submit questions for witnesses in this case?

	Phase		Total
	One	Two	
Yes	77.7%	97.8%	82.7%
No	22.3%	2.2%	17.3%
Total	100.0%	100.0%	100.0%

47. In your opinion, should jurors be permitted to submit questions for witnesses?

	Phase		Total
	One	Two	
Yes	92.1%	97.1%	93.7%
No	7.9%	2.9%	6.3%
Total	100.0%	100.0%	100.0%

48. In this case, did you submit any questions to be asked of the witnesses?

	Phase		Total
	One	Two	
Yes	53.0%	50.0%	52.1%
No	47.0%	50.0%	47.9%
Total	100.0%	100.0%	100.0%

49. If yes, how many?

	Phase		Total
	One	Two	
0	1.0%	0.0%	0.7%
1	28.9%	38.5%	31.6%
2	17.5%	25.6%	19.9%
3	13.4%	10.3%	12.5%
4	6.2%	12.8%	8.1%
5	8.2%	7.7%	8.1%
6	3.1%	2.6%	2.9%
7	2.1%	0.0%	1.5%
8	2.1%	2.6%	2.2%
9	1.0%	0.0%	0.7%
10	3.1%	0.0%	2.2%
20	1.0%	0.0%	0.7%
35	1.0%	0.0%	0.7%
100	11.3%	0.0%	8.1%
Total	100.0%	100.0%	100.0%

50. How many of your questions did the judge answer or permit the witness the answer?

	Phase		Total
	One	Two	
All	65.2%	37.0%	57.7%
Some	7.6%	19.8%	10.8%
None	27.2%	8.6%	22.3%
Does not apply / I didn't ask any questions	0.0%	34.6%	9.2%
Total	100.0%	100.0%	100.0%

51. In this case, were you aware of any other jurors submitting questions to be asked or the witnesses?

	Phase		Total
	One*	Two	
Yes	.0%	81.9%	81.9%
No	.0%	18.1%	18.1%
Total	.0%	100.0%	100.0%

52. If yes, how many?

	Phase		Total
	One*	Two	
1	.0%	17.3%	17.3%
2	.0%	9.6%	9.6%
3	.0%	23.1%	23.1%
4	.0%	9.6%	9.6%
5	.0%	5.8%	5.8%
6	.0%	17.3%	17.3%
7	.0%	1.9%	1.9%
8	.0%	1.9%	1.9%
9	.0%	1.9%	1.9%
10	.0%	3.8%	3.8%
11	.0%	1.9%	1.9%
13	.0%	1.9%	1.9%
20	.0%	1.9%	1.9%
25	.0%	1.9%	1.9%
Total	.0%	100.0%	100.0%

53. If you submitted questions to the judge, what were the primary purposes of your questions: To repeat information already presented?

	Phase		Total
	One*	Two	
Yes	.0%	14.6%	14.6%
No	.0%	85.4%	85.4%
Total	.0%	100.0%	100.0%

54. To clarify information already presented?

	Phase		Total
	One	Two	
Yes	56.0%	62.0%	57.6%
No	44.0%	38.0%	42.4%
Total	100.0%	100.0%	100.0%

55. To check on a fact or an explanation?

	Phase		Total
	One*	Two	
Yes	.0%	56.3%	56.3%
No	.0%	43.8%	43.8%
Total	.0%	100.0%	100.0%

56. To get additional information?

	Phase		Total
	One	Two	
Yes	60.4%	81.5%	66.5%
No	39.6%	18.5%	33.5%
Total	100.0%	100.0%	100.0%

57. To find out the opinion of a witness?

	Phase		Total
	One	Two	
Yes	14.2%	23.5%	16.8%
No	85.8%	76.5%	83.2%
Total	100.0%	100.0%	100.0%

58. To resolve inconsistencies in the evidence

	Phase		Total
	One	Two	
Yes	26.9%	47.1%	32.4%
No	73.1%	52.9%	67.6%
Total	100.0%	100.0%	100.0%

59. To understand the law?

	Phase		Total
	One*	Two	
Yes	.0%	21.3%	21.3%
No	.0%	78.7%	78.7%
Total	.0%	100.0%	100.0%

60. To test witness credibility?

	Phase		Total
	One*	Two	
Yes	.0%	34.8%	34.8%
No	.0%	65.2%	65.2%
Total	.0%	100.0%	100.0%

61. To link up other evidence?

	Phase		Total
	One*	Two	
Yes	.0%	45.8%	45.8%
No	.0%	54.2%	54.2%
Total	.0%	100.0%	100.0%

62. To help one side or the other?

	Phase		Total
	One*	Two	
Yes	.0%	13.0%	13.0%
No	.0%	87.0%	87.0%
Total	.0%	100.0%	100.0%

63. To make sure the trial was fair?

	Phase		Total
	One*	Two	
Yes	.0%	39.1%	39.1%
No	.0%	60.9%	60.9%
Total	.0%	100.0%	100.0%

64. To cover something that the lawyers missed?

	Phase		Total
	One*	Two	
Yes	.0%	47.9%	47.9%
No	.0%	52.1%	52.1%
Total	.0%	100.0%	100.0%

65. Other, specify...

	Phase		Total
	One	Two*	
Clarify jury instructions	50.0%	.0%	50.0%
Prior medical records	50.0%	.0%	50.0%
Total	100.0%	.0%	100.0%

66. If the judge did not answer any of your questions, did he/she give the reason for not answering the question(s)?

	Phase		Total
	One*	Two	
Yes	.0%	77.1%	77.1%
No	.0%	22.9%	22.9%
Total	.0%	100.0%	100.0%

67. Which of the following statements best describes your reaction to the number of questions asked by jurors?

	Phase		Total
	One	Two	
Too many	3.0%	6.0%	3.9%
An appropriate number	86.1%	84.3%	85.6%
Not enough	10.9%	9.6%	10.6%
Total	100.0%	100.0%	100.0%

68. How did the opportunity to submit questions for witnesses during trial affect: Your understanding of the case?

	Phase		Total
	One	Two	
Helped	82.1%	83.9%	82.6%
Did not affect	17.5%	16.1%	17.1%
Hurt	0.4%	0.0%	0.3%
Total	100.0%	100.0%	100.0%

69. The fairness of the trial process?

	Phase		Total
	One	Two	
Helped	65.3%	71.9%	67.2%
Did not affect	33.8%	28.1%	32.2%
Hurt	0.9%	0.0%	0.6%
Total	100.0%	100.0%	100.0%

70. The efficiency of the trial process?

	Phase		Total
	One	Two	
Helped	54.3%	56.7%	55.0%
Did not affect	43.9%	42.2%	43.5%
Hurt	1.8%	1.1%	1.6%
Total	100.0%	100.0%	100.0%

71. Your satisfaction with the trial process?

	Phase		Total
	One	Two	
Helped	79.9%	80.0%	79.9%
Did not affect	19.6%	20.0%	19.7%
Hurt	0.4%	0.0%	0.3%
Total	100.0%	100.0%	100.0%

72. In your opinion, should jurors be permitted to submit questions for witnesses during the trial?

	Phase		Total
	One	Two	
Yes	65.5%	95.5%	71.7%
No	34.5%	4.5%	28.3%
Total	100.0%	100.0%	100.0%

73. Did you have any questions you would have liked to submit to be asked of a witness during this trial?

	Phase		Total
	One	Two	
Yes	61.3%	52.6%	59.6%
No	38.8%	47.4%	40.4%
Total	100.0%	100.0%	100.0%

74. If you had been permitted to submit questions for the witnesses, how would it have affected: Your understanding of the case?

	Phase		Total
	One	Two	
Would have helped	63.4%	52.6%	61.1%
Would not have affected	31.0%	42.1%	33.3%
Would have hurt	5.6%	5.3%	5.6%
Total	100.0%	100.0%	100.0%

75. The fairness of the trial process?

	Phase		Total
	One	Two	
Would have helped	40.6%	36.8%	39.8%
Would not have affected	53.6%	57.9%	54.5%
Would have hurt	5.8%	5.3%	5.7%
Total	100.0%	100.0%	100.0%

76. The efficiency of the trial process?

	Phase		Total
	One	Two	
Would have helped	30.0%	36.8%	31.5%
Would not have affected	60.0%	57.9%	59.6%
Would have hurt	10.0%	5.3%	9.0%
Total	100.0%	100.0%	100.0%

77. Your satisfaction with the trial process?

	Phase		Total
	One	Two	
Would have helped	40.0%	57.9%	43.8%
Would not have affected	54.3%	36.8%	50.6%
Would have hurt	5.7%	5.3%	5.6%
Total	100.0%	100.0%	100.0%

78. Did the attorneys make short statements during the trial?

	Phase		Total
	One	Two	
Yes	37.7%	43.2%	39.0%
No	62.3%	56.8%	61.0%
Total	100.0%	100.0%	100.0%

79. How did the lawyers use the short statements during the trial?

	Phase		Total
	One	Two	
Mostly to introduce the evidence about to be presented	51.4%	43.8%	49.6%
Same in terms of introducing versus summarizing the evidence	24.8%	28.1%	25.5%
Mostly to summarize evidence that had just been presented	23.8%	28.1%	24.8%
Total	100.0%	100.0%	100.0%

80. Which type of the short statements did you find most useful?

	Phase		Total
	One	Two	
When used to introduce the evidence about to be presented	33.3%	26.7%	31.8%
When used to summarize evidence that had just been presented	23.5%	33.3%	25.8%
Both uses of short attorney statements were equally useful	34.3%	33.3%	34.1%
Neither, I didn't find them useful at all	8.8%	6.7%	8.3%
Total	100.0%	100.0%	100.0%

81. In your opinion, how helpful were the short attorney statements to you in: Understanding the evidence?

1 = Not at all helpful / 7 = Very helpful	Phase		Total
	One	Two	
1	2.6%	9.7%	4.1%
2	1.7%	0.0%	1.4%
3	12.1%	6.5%	10.9%
4	29.3%	32.3%	29.9%
5	22.4%	16.1%	21.1%
6	19.8%	22.6%	20.4%
7	12.1%	12.9%	12.2%
Total	100.0%	100.0%	100.0%
Mean	4.8	4.6	4.7

82. Recalling the evidence during deliberations?

1 = Not at all helpful / 7 = Very helpful	Phase		Total
	One	Two	
1	2.6%	6.5%	3.4%
2	7.8%	6.5%	7.5%
3	8.7%	3.2%	7.5%
4	23.5%	35.5%	26.0%
5	22.6%	12.9%	20.5%
6	20.0%	25.8%	21.2%
7	14.8%	9.7%	13.7%
Total	100.0%	100.0%	100.0%
Mean	4.7	4.6	4.7

83. Keeping focused on the evidence?

1 = Not at all helpful / 7 = Very helpful	Phase		Total
	One	Two	
1	2.6%	6.5%	3.4%
2	3.5%	3.2%	3.4%
3	7.9%	3.2%	6.9%
4	22.8%	19.4%	22.1%
5	21.9%	22.6%	22.1%
6	27.2%	35.5%	29.0%
7	14.0%	9.7%	13.1%
Total	100.0%	100.0%	100.0%
Mean	5.0	4.9	5.0

84. Making the evidence more interesting?

1 = Not at all helpful / 7 = Very helpful	Phase		Total
	One	Two	
1	3.5%	3.3%	3.5%
2	7.9%	6.7%	7.6%
3	12.3%	6.7%	11.1%
4	35.1%	13.3%	30.6%
5	14.9%	40.0%	20.1%
6	16.7%	20.0%	17.4%
7	9.6%	10.0%	9.7%
Total	100.0%	100.0%	100.0%
Mean	4.4	4.7	4.5

85. Was there anything about the short attorney statements that you did not like?

	Phase		Total
	One	Two	
Yes	8.7%	10.3%	9.0%
No	91.3%	89.7%	91.0%
Total	100.0%	100.0%	100.0%

86. If yes, please explain...

	Phase		Total
	One	Two	
Not focused	28.6%	0.0%	20.0%
Repetitive	14.3%	0.0%	10.0%
Some jurors had trouble not including them as evidence.	0.0%	33.3%	10.0%
Their interpretation of facts.	0.0%	33.3%	10.0%
Telling us about upcoming testimony.	14.3%	33.3%	20.0%
Seem unnecessary.	28.6%	0.0%	20.0%
Not used for any witness.	14.3%	0.0%	10.0%
Total	100.0%	100.0%	100.0%

87. Did the short attorney statements affect your verdict?

	Phase		Total
	One	Two	
Yes	8.9%	24.2%	12.4%
No	91.1%	75.8%	87.6%
Total	100.0%	100.0%	100.0%

88. If yes, please explain...

	Phase		Total
	One	Two	
More difficult to reach unanimous decision	0.0%	25.0%	12.5%
Reviewed the info presented by witnesses to recall facts	0.0%	25.0%	12.5%
Clarified the evidence	50.0%	25.0%	37.5%
Clearly understood were not evidence but helpful in hearing	0.0%	25.0%	12.5%
They didn't address the important issues	25.0%	0.0%	12.5%
Part of the process	25.0%	0.0%	12.5%
Total	100.0%	100.0%	100.0%

89. Would you have found the use of short attorney statements during the trial to be helpful?

	Phase		Total
	One	Two	
Yes	20.7%	27.6%	22.9%
No	24.4%	26.3%	25.0%
Don't know	54.9%	46.1%	52.1%
Total	100.0%	100.0%	100.0%

90. Which type of short attorney statements would you have found more useful during the trial?

	Phase		Total
	One	Two	
When used to introduce the evidence about to be presented	15.9%	9.7%	13.9%
When used to summarize evidence that had just been presented	23.5%	27.4%	24.7%
Both uses of short attorney statements would be equally useful	29.5%	32.3%	30.4%
Neither, I wouldn't find them useful at all	31.1%	30.6%	30.9%
Total	100.0%	100.0%	100.0%

91. Did the judge give you any instructions or suggestions on how to select a foreperson?

	Phase		Total
	One	Two*	
Yes	48.5%	.0%	48.5%
No	51.5%	.0%	51.5%
Total	100.0%	.0%	100.0%

92. If yes, did you feel that you had to follow the judge's instructions about selection of a foreperson?

	Phase		Total
	One	Two*	
Yes	64.2%	.0%	64.2%
No	35.8%	.0%	35.8%
Total	100.0%	.0%	100.0%

93. How do you feel about the amount of guidance you received from the judge on how to select a foreperson?

1 = Not enough / 7 = Too much	Phase		Total
	One	Two*	
1	5.5%	.0%	5.5%
2	6.3%	.0%	6.3%
3	7.1%	.0%	7.1%
4	58.3%	.0%	58.3%
5	13.8%	.0%	13.8%
6	7.9%	.0%	7.9%
7	1.2%	.0%	1.2%
Total	100.0%	.0%	100.0%
Mean	4.0	0	4.0

94. Did the judge give you any instructions or suggestions on how to conduct your deliberations?

	Phase		Total
	One	Two*	
Yes	72.3%	.0%	72.3%
No	27.7%	.0%	27.7%
Total	100.0%	.0%	100.0%

95. If yes, did you feel that you had to follow the judge's instructions about conduct during your deliberations?

	Phase		Total
	One	Two*	
Yes	81.6%	.0%	81.6%
No	18.4%	.0%	18.4%
Total	100.0%	.0%	100.0%

96. How do you feel about the amount of guidance you received from the judge on how to conduct your deliberations?

1 = Not enough / 7 = Too much	Phase		Total
	One	Two*	
1	1.1%	.0%	1.1%
2	2.8%	.0%	2.8%
3	9.6%	.0%	9.6%
4	62.1%	.0%	62.1%
5	15.2%	.0%	15.2%
6	8.2%	.0%	8.2%
7	1.1%	.0%	1.1%
Total	100.0%	.0%	100.0%
Mean	4.2	0	4.2

97. What best describes how the foreperson was selected?

	Phase		Total
	One	Two	
He/she volunteered	41.6%	39.0%	40.9%
Others nominated him/her	44.5%	48.6%	45.6%
We took a vote	11.7%	10.5%	11.4%
Drew from a hat	2.1%	0.0%	1.6%
He/she volunteered, then we took a vote	0.0%	1.0%	0.3%
We originally picked one person, then changed during deliberations	0.0%	1.0%	0.3%
Total	100.0%	100.0%	100.0%

98. Were you the foreperson for this jury?

	Phase		Total
	One	Two	
Yes	12.3%	11.7%	12.2%
No	87.7%	88.3%	87.8%
Total	100.0%	100.0%	100.0%

99. How much influence did the foreperson have on the jury's decision?

	Phase		Total
	One	Two	
More than any other juror	1.1%	4.8%	2.1%
More than most jurors	12.7%	11.5%	12.4%
The same as other jurors	81.1%	78.8%	80.5%
Less than most jurors	5.1%	4.8%	5.0%
Less than any other juror	0.0%	0.0%	0.0%
Total	100.0%	100.0%	100.0%

100. How satisfied were you with the way your deliberations were conducted?

1 = Not at all satisfied / 7 = Very satisfied	Phase		Total
	One	Two	
1	2.7%	3.8%	3.0%
2	5.5%	1.9%	4.5%
3	3.8%	7.6%	4.8%
4	8.2%	7.6%	8.1%
5	12.3%	8.6%	11.3%
6	25.7%	24.8%	25.4%
7	41.8%	45.7%	42.8%
Total	100.0%	100.0%	100.0%
Mean	5.7	5.7	5.7

101. Did your jury submit questions to the judge during your deliberations?

	Phase		Total
	One	Two	
Yes	54.3%	30.5%	48.0%
No	45.7%	69.5%	52.0%
Total	100.0%	100.0%	100.0%

102. If yes, how many?

	Phase		Total
	One*	Two	
1	.0%	15.8%	15.8%
2	.0%	36.8%	36.8%
3	.0%	21.1%	21.1%
4	.0%	21.1%	21.1%
6	.0%	5.3%	5.3%
Total	.0%	100.0%	100.0%

103. How many of the jury's questions did the judge answer?

	Phase		Total
	One*	Two	
All	.0%	37.7%	37.7%
Some	.0%	8.7%	8.7%
None	.0%	8.7%	8.7%
Does not apply / jury didn't ask any questions	.0%	44.9%	44.9%
Total	.0%	100.0%	100.0%

**104. If you submitted any questions to the judge, what were the primary purposes of your questions:
To repeat or clarify information already presented?**

	Phase		Total
	One*	Two	
Yes	.0%	60.0%	60.0%
No	.0%	40.0%	40.0%
Total	.0%	100.0%	100.0%

105. To check on a fact or an explanation?

	Phase		Total
	One*	Two	
Yes	.0%	63.0%	63.0%
No	.0%	37.0%	37.0%
Total	.0%	100.0%	100.0%

106. To get additional information?

	Phase		Total
	One*	Two	
Yes	.0%	72.4%	72.4%
No	.0%	27.6%	27.6%
Total	.0%	100.0%	100.0%

107. To find out the opinion of a witness?

	Phase		Total
	One*	Two	
Yes	.0%	24.0%	24.0%
No	.0%	76.0%	76.0%
Total	.0%	100.0%	100.0%

108. To resolve inconsistencies in the evidence?

	Phase		Total
	One*	Two	
Yes	.0%	30.8%	30.8%
No	.0%	69.2%	69.2%
Total	.0%	100.0%	100.0%

109. To understand the law?

	Phase		Total
	One*	Two	
Yes	.0%	52.0%	52.0%
No	.0%	48.0%	48.0%
Total	.0%	100.0%	100.0%

110. To help one side or the other?

	Phase		Total
	One*	Two	
Yes	.0%	20.0%	20.0%
No	.0%	80.0%	80.0%
Total	.0%	100.0%	100.0%

111. To make a point the lawyers missed?

	Phase		Total
	One*	Two	
Yes	.0%	19.2%	19.2%
No	.0%	80.8%	80.8%
Total	.0%	100.0%	100.0%

112. If the judge did not answer any of your questions, did he/she give the reason for not answering the question(s)?

	Phase		Total
	One	Two	
Yes	71.0%	52.6%	66.7%
No	29.0%	47.4%	33.3%
Total	100.0%	100.0%	100.0%

113. If the judge did answer some of your questions, how did the answers affect your understanding of the case?

	Phase		Total
	One	Two	
Helped me understand the case better	53.9%	45.7%	52.4%
Did not affect how well I understood the case	44.1%	48.6%	44.9%
Made it harder for me to understand the case	2.0%	5.7%	2.7%
Total	100.0%	100.0%	100.0%

114. If the judge did answer some of your questions, what effect did the answer have on your jury's deliberations?

	Phase		Total
	One	Two	
Were extremely helpful to the jury's decision making	39.8%	35.5%	39.0%
Were moderately helpful to the jury's decision making	40.6%	32.3%	39.0%
Were not helpful to the jury's decision making	17.3%	25.8%	18.9%
Made the jury's decision making more difficult	2.3%	6.5%	3.0%
Total	100.0%	100.0%	100.0%

115. Did you ever sit on a jury before?

	Phase		Total
	One	Two	
Yes	27.3%	31.1%	28.3%
No	72.7%	68.9%	71.7%
Total	100.0%	100.0%	100.0%

116. If yes, how many juries?

	Phase		Total
	One	Two	
1	81.9%	50.0%	73.9%
2	13.3%	28.6%	17.1%
3	1.2%	10.7%	3.6%
4	1.2%	3.6%	1.8%
5	1.2%	3.6%	1.8%
12	1.2%	3.6%	1.8%
Total	100.0%	100.0%	100.0%

117. If yes, what type of juries have you served on: Civil?

	Phase		Total
	One	Two	
Yes	53.0%	57.5%	54.5%
No	47.0%	42.5%	45.5%
Total	100.0%	100.0%	100.0%

118. Criminal?

	Phase		Total
	One	Two	
Yes	51.2%	45.5%	49.6%
No	48.8%	54.5%	50.4%
Total	100.0%	100.0%	100.0%

119. Don't know

	Phase		Total
	One	Two	
Yes	2.4%	8.3%	3.7%
No	97.6%	91.7%	96.3%
Total	100.0%	100.0%	100.0%

120. Gender

	Phase		Total
	One	Two	
Male	44.6%	39.2%	43.2%
Female	55.4%	60.8%	56.8%
Total	100.0%	100.0%	100.0%

121. Age group

	Phase		Total
	One	Two	
18-24	4.8%	6.9%	5.3%
25-34	13.3%	16.8%	14.2%
35-44	29.7%	23.8%	28.2%
45-54	26.3%	27.7%	26.6%
55-64	19.8%	20.8%	20.1%
65 or older	6.1%	4.0%	5.6%
Total	100.0%	100.0%	100.0%

122. Which of the following best describes your racial/ethnic background?

	Phase		Total
	One	Two	
Asian-American	2.0%	2.0%	2.0%
Black/African-American	6.4%	7.8%	6.8%
White Hispanic/Latino	6.7%	8.8%	7.3%
Non-White Hispanic/Latino	1.0%	1.0%	1.0%
White/Caucasian	83.8%	77.5%	82.2%
Native American	0.0%	1.0%	0.3%
Arabian	0.0%	1.0%	0.3%
Palestinian	0.0%	1.0%	0.3%
Total	100.0%	100.0%	100.0%

123. Are you currently employed?

	Phase		Total
	One	Two	
Yes	85.5%	90.2%	86.8%
No	14.5%	9.8%	13.2%
Total	100.0%	100.0%	100.0%

124. If you are currently employed, what is your occupation?

	Phase		Total
	One	Two	
Professional/white collar	26.0%	30.0%	27.1%
Sales	4.4%	6.3%	4.9%
Office worker	20.6%	23.8%	21.5%
Service worker	6.4%	5.0%	6.0%
Skilled blue collar	11.3%	1.3%	8.5%
Semi-skilled blue collar	12.7%	13.8%	13.0%
Technical	9.3%	2.5%	7.4%
Academic/education	7.8%	16.3%	10.2%
Artist, musician, etc.	1.0%	1.3%	1.1%
Student	0.5%	0.0%	0.4%
Total	100.0%	100.0%	100.0%

125. What is the last year of school you completed?

	Phase		Total
	One	Two	
Less than high school	2.0%	1.1%	1.8%
High school graduate	19.3%	12.4%	17.4%
Technical school/some college	18.0%	19.1%	18.3%
Completed two-year college	11.9%	7.9%	10.8%
Completed four-year college	32.8%	39.3%	34.5%
Graduate school	16.0%	20.2%	17.1%
Total	100.0%	100.0%	100.0%