



Jurisprudence Section – 2009

E15 We Have Lift-Off! What Do Real Jurors Think About Trial Attorneys' Performances? What Can We Do to Lift Our Games?

*Judith Fordham, LLB**, Murdoch University, School of Biological Sciences & Biotechnology, Murdoch, 6150, AUSTRALIA

After attending this presentation, attendees will have acquired insights into what jurors like and loathe about the performance of trial lawyers; and with this information they will be able to improve their performances and become more effective advocates.

This presentation will impact the forensic science community by helping to improve the courtroom skills of trial attorneys who will be better able to present and challenge forensic evidence in jury trials, helping to ensure that "junk science" is kept out of court, and that legitimate forensic evidence is understood and considered by jurors in context and in proper balance with other evidence at trial.

This interactive presentation, based on detailed post-trial interviews with hundreds of jurors will inform and assist trial lawyers in presentation of their cases, and challenging their opponents, with special emphasis on presenting forensic evidence in criminal cases. The learning gained will also apply to civil jury trials.

Both quantitative and qualitative assessments have been made by questionnaires and interviews with jurors after trials. Some hundreds of interviews have been undertaken. The intimidation study used a random sample of some 3,000 jurors with a 33% response rate for questionnaire completion. Over 500 of these jurors requested to be interviewed, and are being worked through now. An unexpected fringe benefit has been the acquisition of an enormous wealth of information volunteered by jurors in a "debriefing" situation. Although not by definition not the focus of the studies, this information is crucial for attorneys to take into account and critically evaluate their practices simply because the jurors saw fit to volunteer it.

The presentation will include practical exercises for those brave enough to participate – although not compulsory. It will also incorporate practical tips and suggested solutions to common jury advocacy problems. There will be time for discussion and interchange of ideas and experiences. Forensic evidence presentation will be covered thoroughly, but not to the exclusion of more general issues which matter to jurors. The focus of the presentation is on practical skills, not esoteric knowledge. Having said this, unlike much advocacy learning which is largely based on pop psychology, urban myth, and folklore, there is a solid base of social science research backing the advice and observations within this presentation. The impact of the so-called "CSI effect" in jury deliberations and processing of evidence will be covered. **Jury, Advocacy, Forensic**