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The Proof From Post-Trial Juror Surveys

by RANDY WILSON

Trial lawyers often labor under the mistaken impression that people hate jury service. I did. When I was a trial lawyer, people often asked me at cocktail parties how to answer jury-selection questions to ensure attorneys would strike them from the panel. From these all-too-frequent conversations, I assumed that citizens generally did everything they could to avoid jury service and didn't much care for it when they were selected.

LITIGATION

Then I became a judge and was able to interact with hundreds of citizens annually who actually serve on juries. After a few years, I came to a surprising conclusion: While many people try to avoid jury service, once they get on a jury, they actually enjoy it.

Sociologists and researchers have studied this and have reached similar conclusions. Professor Sheri Diamond reviewed various studies and concluded that jurors generally have a positive attitude following jury service. In her chapter in a 1993 book edited by Robert E. Litan, "Verdict: Assessing the Civil Jury System," she notes that "the vast majority of jurors . . . have favorable attitudes toward jury service and confidence in the jury system."

In a study of 8,468 jurors in 16 federal and state courts, 63 percent said their impression of jury service was more favorable after serving than before, notes Janice T. Munsterman in her 1991 paper, "The Relationship of Juror Fees and Terms of Service to Jury System Performance."

Diamond discusses another study that found that 76 percent of jurors had a more favorable impression of the court system after jury duty, and 81 percent agreed that if they were involved in a trial, they would feel confident having a jury decide their case.

I have arrived at the same conclusion: At voir dire, panelists often will say and do most anything to avoid being selected for a jury, but once they are seated in the jury box, they take their job seriously and usually grow to enjoy the process.

In my standard speech I remind voir dire panels that jury service is not just another day at the office. If panelists are not selected for the jury, they will have no memory six months from now of what they did the day following voir dire. On the other hand, the 12 selected will remember their jury service for the rest of their lives. A person who has served on a jury, even if it was 15 years ago, recalls what the case was about, what the jury did, and what the judge, lawyers and witnesses said.

Although it's not scientific, my own anecdotal surveys also confirm that people actually enjoy jury service. Following every jury trial, I mail a questionnaire to each juror asking for likes and dislikes about the process, the staff, the judge and the lawyers. To encourage candor, the responses are anonymous. I do this so I can find ways to improve. At the end of the survey, I ask for general comments.

Of the hundreds of responses I have received over the years, the results are more than 90 percent positive. Most of the negative responses are things such as "the room was too hot" or "the room was too cold" — both of which I heard from members of the same panel.

The positive responses are encouraging. [See "Feedback From Jurors Who Served," this page.] While jurors have been involuntarily conscripted to serve on the jury, they take their jobs seriously and genuinely strive to do the right thing. They listen and take notes; at the end of the trial they feel they performed a public service. They look upon their jury service and their verdict with pride.

The most important thing lawyers can do is honor the jurors' time. Be direct. Don't repeat yourself. The most common criticism of lawyers I receive in my surveys is jurors' dislike of repetition of lawyers' arguments. Never talk down to the jurors. Once they are seated in the jury box, they are proud to serve and should be treated with respect.

I cannot conclude this article without referring to one particular survey response. In 2010, a wrongful-termination case was tried in my court. The jury awarded \$28,000 in damages and \$45,000 in attorney fees. After the trial, I sent my standard form survey to the jurors and got the following anonymous response:

I am honored and feel privileged to have served as a juror in your Court.... With regard to serving as a juror, I vote in every election, I pay my taxes, support charities and try to obey all the traffic laws (a tough one in Houston when you are about to be run over on the beltway by speedy trucks). I even make sure I do not leave my shopping cart in the parking lot. But at no time have I felt more connected to the community than I did when serving on this jury.... Finally the courtesy shown by the bailiff was superb. The debt we owe to the men and women who serve to maintain order when in the court room or on the streets is one of the most understated acknowledgments of our society. It is due to their efforts that we no longer huddle fearfully in caves waiting for the night to pass.

No one can ever persuade me that people, once they get on the jury, don't enjoy it. TL

Feedback From Jurors Who Served

What follows is a sampling of survey responses I have received from people who have been on juries in my courtroom. As you can see, they are overwhelmingly positive.

• "I am honored to do my duty to serve on a jury in the court system. Not every nation has this privilege."

• "It was my first time being picked as a juror. I was very excited and would love to do it again. It gives you a sense of pride/importance."

• "My jury service was quite interesting. Looked forward each day to returning."

• "This was a much better experience than I expected. I hope to be called again!"

• "It was a good experience to me and I will always remember as being worthwhile."

• "Thanks for letting me do a service for mankind."

• "I was glad to get to participate."

• "Thank you for allowing me to serve — it was a great experience."

• "I learned a lot and do every time I have had jury duty."

• "Glad to experience being a juror! Everyone should at least once."

• "My first experience was a pleasant one — will participate again."

• "It was a dreaded duty, but I was proud of the outcome and ... it was a wonderful experience."

• "It was an honor for me to serve jury duty."

• "Great experience — I will look forward to serving again!"

• "I had a very rewarding experience. It's always amazing to me how you can take 12 individuals and come to unanimous decisions of justice."

• "I found the experience very rewarding."

• "Very pleasurable experience. Would love to serve again." • "It was a learning experience about the law and jury system."

• "This was my first time ever to serve on a jury and I found it rewarding."

• "I enjoyed the experience and respect our judicial system and processes."

• "My jury experience was positive. I would not hesitate to be part of another one."

• "I found it a good experience. Don't understand the reluctance to serve. Feels good to be a part of our system."

• "First time on a jury — enjoyed the opportunity and hope to be selected in the future should I be called again."

• A surprisingly pleasant experience."

— Judge Randy Wilson



Randy Wilson is judge of the 157th District Court in Harris County.