

Jury Selection: The Importance of Data-Driven Consulting in Litigation

NYSBA CLE Program

www.nysba.org/JurySelection2018/

Sponsored by the [Trial Lawyers Section](#) and by the [Committee on Continuing Legal Education](#) of the [New York State Bar Association](#).

Program Description

Learn the importance of data-driven consulting in litigation!

Jury selection is still very much a right brain exercise based on an attorney's experience. That can never be replaced. Good attorneys are good observers of people observers and ultimately have to rely on their own judgment, which includes the passion to win, the need to offer the best representation to the client. All of which involves empathy, discernment, body language, and simple observation.

But good data is power and it can arm a good attorney with the depth and clarity of information that the other side does not have. It reduces the game of chance, offers better odds than a coin flip, and illuminates which arguments have a better chance of working or not working and among which types of people.

We're fortunate today to have the capacity to be able to collect, analyze, and find the meaning of data from many sources and in such a compressed time period. This program will review some of the data services that are available for attorneys – both probabilities and percentages and real feelings and biases. This program, presented by John Zogby Strategies, will cover:

1. the science and art of jury selection
2. the use of data-driven analytics in the process
3. the process and value of jury pool surveys, mock juries, and focus groups
4. how to select a parallel geographic venue for research work when the case is too controversial to do work locally
5. an examination of Tribal Analytics, a proprietary process utilized to obtain an accurate and granular account of the aspirations, values, and attributes of potential jurors

Presenters: John Zogby & Benjamin Zogby, Esq.

4.0 MCLE Credits: 2.0 Areas of Professional Practice; 2.0 Skills

Agenda

9:00 a.m. – 9:10

INTRODUCTION

9:10 – 10:50

Session #1: Quantitative Services

- Pre-trial Surveys
 - Types surveys
 - Jury pools
 - Employees, managers, consumers
(depending on the nature of the action)
 - Need for random sampling
 - When to use certain methodologies
 - Online vs. Phone
 - Sample size
 - Real life Examples
- Tribal Analytics®
 - Explanation of trademark segmentation methodology

2.0 MCLE Credits in Areas of Professional Practice

10:50 – 11:10

Break

11:10 a.m. –
12:00 p.m.

Segment #2: Qualitative Services

- Mock trials
 - Number of participants
 - How to select participants
 - Pros and cons
- Dial tests
 - Number of participants
 - Pros and cons

1.0 MCLE Credit in Skills

12:00 p.m. –
12:50 p.m.

Segment #3: Design

- Interactive exercise – attendees will take a fictitious case and design a survey together.

1.0 MCLE Credit in Skills

12:50 p.m. **Closing Remarks**

1:00 p.m. **Adjournment**

Who should attend? Trial attorneys, insurance practitioners, criminal lawyers and prosecutors, and anyone interested in data-driven jury/trial consulting.

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NYSBA Members: \$150 | Trial Lawyers Section Member:\$125

Non Members: \$250

Long Island

Melville Marriott | 1350 Walt Whitman Road | Melville, NY 11747

Thursday, September 20, 2018

New York City – CFA Society New York

CFA Society New York | 1540 Broadway | Suite 1010 | New York, NY 10036

Friday, September 21, 2018

Buffalo – Hyatt Place Buffalo/Amherst

Hyatt Place Buffalo Amherst | 5020 Main Street | Amherst, NY 14226

Thursday, September 27, 2018

Albany & Webcast – New York State Bar Association

New York State Bar Association | One Elk Street | Albany, NY 12207

Thursday, October 10