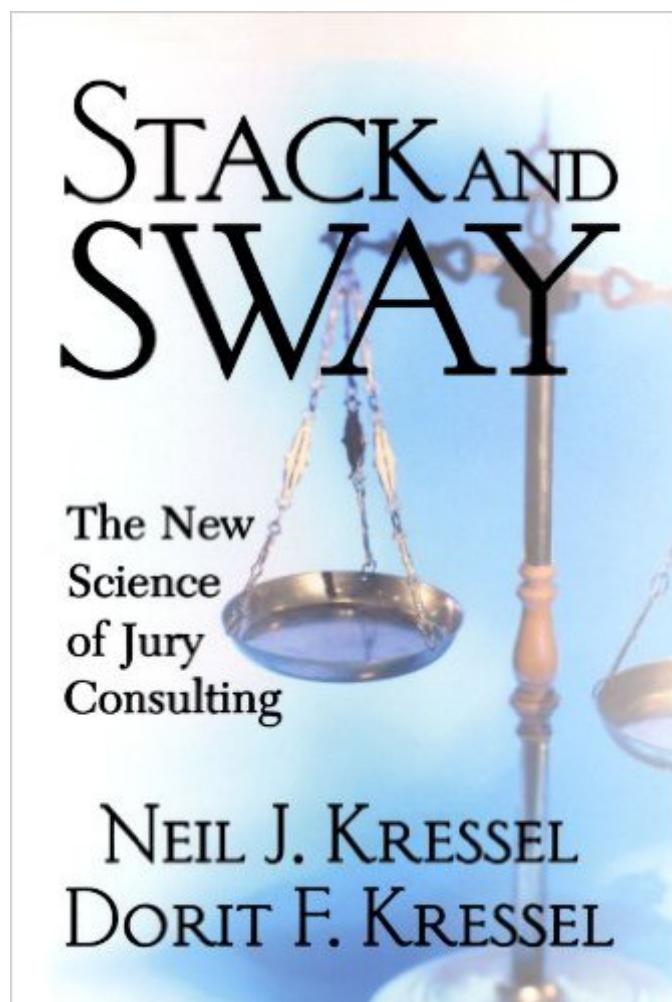


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# Stack And Sway: The New Science Of Jury Consulting



## Synopsis

A new and largely hidden profession has emerged during the past three decades. Drawing on the techniques of modern social science, psychology, and market research, its practitioners seek to remake the way we pursue justice in the United States. Trial consultants help lawyers to pick - some would say, stack - juries predisposed to render the "right" verdict. And consultants apply sophisticated research methods to predict how jurors are likely to respond to arguments, witnesses, and evidence. Based on the results of the research, they craft case strategies, help to prepare witnesses, and test and retest arguments; all before a single word is uttered in open court. For fees that sometimes approach six, or even seven, figures, the new jury experts offer attorneys and their clients what they most desire; a way to remove uncertainty. What are we to make of this new industry? Do the techniques work? Is this, as some critics have argued, a new form of high-tech jury-rigging, not much more acceptable than cruder forms of jury tampering? Or do the methods of jury consultants amount to little more than an extension of what attorneys have always done? One thing is clear. The profession is growing steadily. Jury consultants have already made their mark in big-money civil cases. And they have played key roles in prominent criminal trials. After hearing jurors acquit in the O. J. Simpson case, the first person thanked by defense attorney Johnnie Cochran was his jury expert. The burgeoning of the trial consulting industry seems destined to continue. During the past few years, firms have started to offer low-cost consultations, sometimes conducting research for as little as \$2000 per case. For better or worse, the wares of the trial consultant are now within the reach of many who previously deemed them too expensive. When a new trade roams the halls of our legal system, aspiring to change America's road to justice, we had all best pay attention. This book will reveal the "tricks of the trade" and explore the many ways in which trial consultants have infiltrated the courtroom. The authors; a social psychologist and an attorney; present cases where consultants arguably have been responsible for huge jury awards and controversial criminal verdicts. However, it is not their purpose to launch an all-out attack on this growing industry. Instead, they aim to pull back the curtains, allowing a fair and balanced assessment of a new phenomenon in American justice. To achieve this objective, the authors must address issues that lie at the very heart of the American jury system. Are juries fickle? Are they easily swayed? Are jurors influenced; as many have charged; by their age, gender, race, ethnicity, occupation, intellect, personality, or politics? Here, the authors sort through the work of many jury researchers, arriving at conclusions that are balanced and credible. They conclude with sensible and far-reaching proposals for change.

## Book Information

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## Customer Reviews

This book, although copywrited in 2002, is already outdated. Regrettably, it also spends an inordinate number of pages touting commercial jury consulting firms, rather than providing theory, application or even advice on jury selection.

Although well crafted, these non-practitioner social scientists have missed the boat when they accuse jury consulting of taking part in "jury rigging". Having sat as a felony Judge and jury trial lawyer for 25 years, I have personally seen how detecting unconscious or concealed biases SERVE justice, not hurt it."A" for effort, "D" for conclusion.

This is a must read for any lawyer that wants an edge in their craft. It will shave years off of the learning curve on how to pick a jury. It backs up its advice with years of experience. It supports its opinion with psychology and documented analysis.

This book wasn't written by a consultant and it isn't a cookbook on how to do jury consulting. But it is a pretty fair guide to what jury consultants and the lawyers who use them are up to. The authors claim to expose some myths about juries, consultants and lawyers. They may not convince everyone -- and they will probably anger some consultants -- but they have done their homework. The book is loaded with evidence, some of it from social scientists, some of it based on interviews with lawyers and consultants. After reading the book, however, I'm still sure whether trial consultants are a threat to our justice system or not. But I am glad I read it.

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