



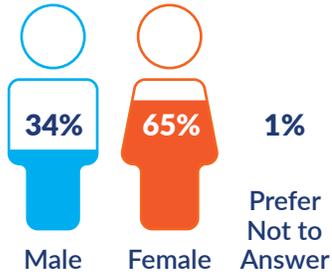
JUROR ATTITUDES AND DECISIONS IN THE WAKE OF COVID-19

Overview

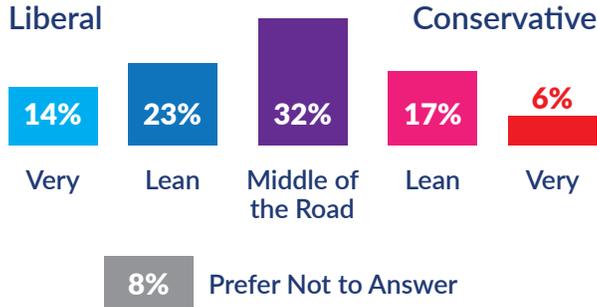
We are living in unprecedented times. The COVID-19 pandemic has affected the world in ways that few have ever seen, nor could they have imagined. The novel coronavirus has impacted almost every facet of our lives. It has led to changes in the way we perform our job functions, the way we shop, and the way we interact with individuals. More importantly, it has changed the way we think and the attitudes we hold across a variety of topics.

At Courtroom Sciences, Inc., one of our primary goals is to understand the way that jurors integrate case information with their pre-existing attitudes and beliefs to arrive at verdict decisions. Recently, we have been asked by defense counsel how COVID-19 may affect future juror decision-making. There has been a lot of speculation on how attitudes and opinions will change, but there is not a lot of data to back up these assertions. To help answer some of these client questions, we conducted a national survey in May 2020 of 359 jury-eligible individuals across seven metropolitan cities. Participants responded to a series of questions related to, among other things, their perceptions of various industries, changes in their attitudes after COVID-19, and their attitudes toward serving as a juror in an upcoming case.

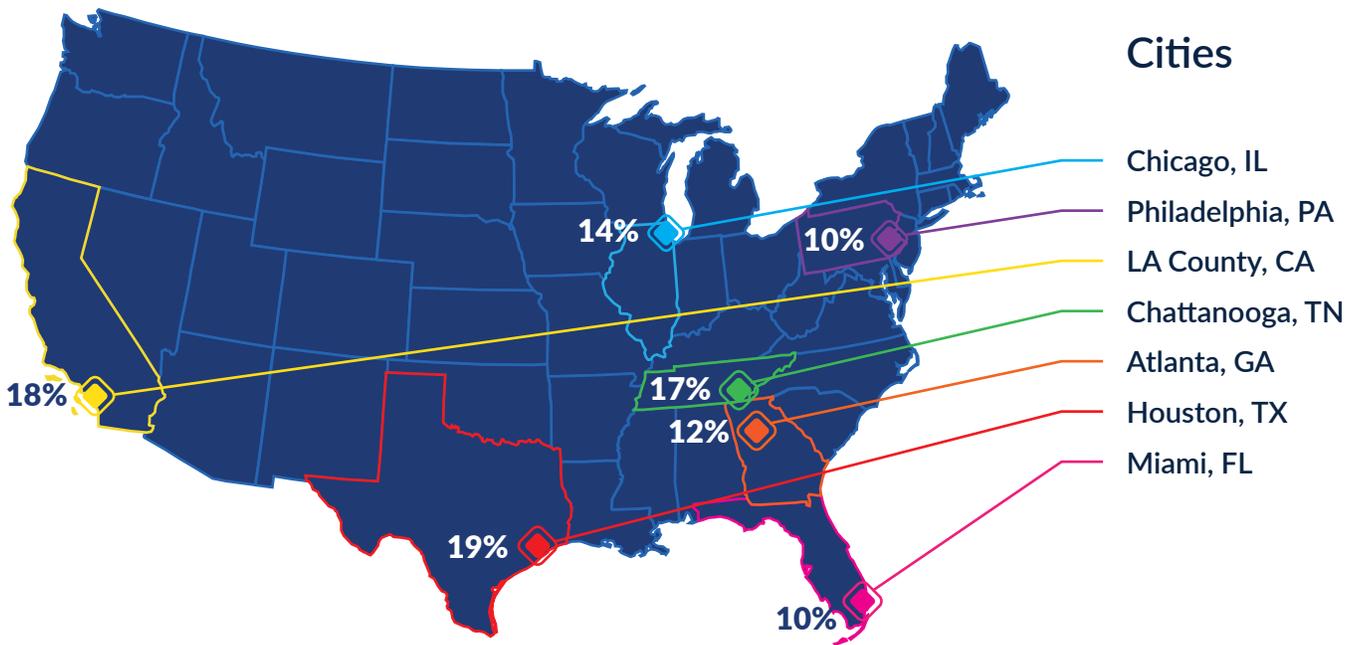
Gender



Political Affiliation

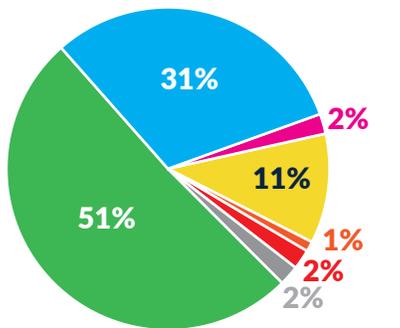


Annual Income



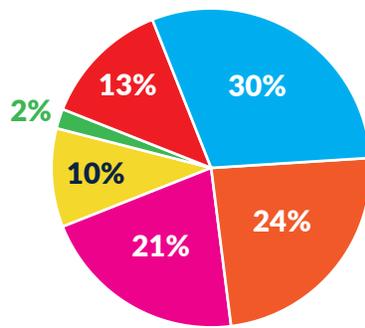
Cities

Race



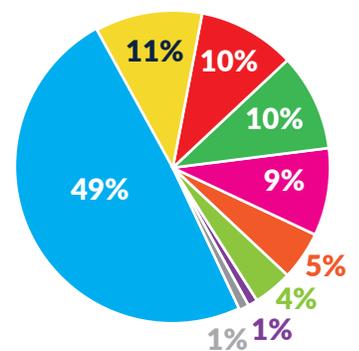
- Black/African American
- Asian
- White Caucasian (Non-Hispanic)
- Hispanic Latino
- Native Hawaiian/Other Pacific Islander
- Prefer not to answer
- Other

Age



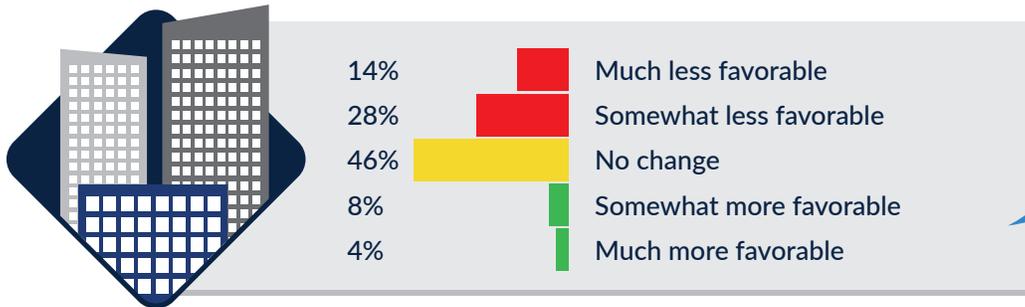
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65+

Employment Status



- For employer
- Self-employed
- Unemployed
- Retired
- Temporary layoff
- Homemaker
- Disability/Worker's Comp
- Student
- Other

Views toward large corporations are becoming more negative.



Question:
As a result of the coronavirus/ COVID-19, how have your feelings changed, if at all, regarding large corporations?

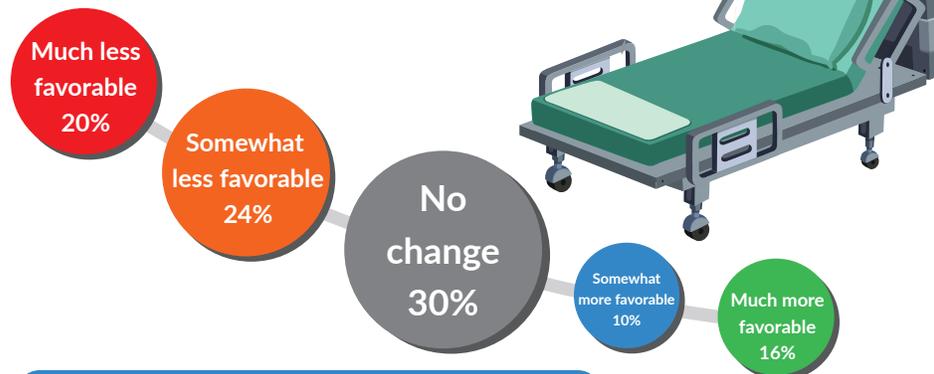
As expected, jurors view health professionals, hospitals, and first responders more favorably due to COVID-19.



Much less favorable	4%	3%	5%	2%
Somewhat less favorable	3%	2%	4%	1%
No change	26%	22%	24%	19%
Somewhat more favorable	22%	17%	26%	21%
Much more favorable	45%	56%	41%	57%
	Physicians	Nurses	Hospitals	1st Responders

Question:
As a result of the coronavirus/ COVID-19, how have your feelings changed, if at all, regarding...

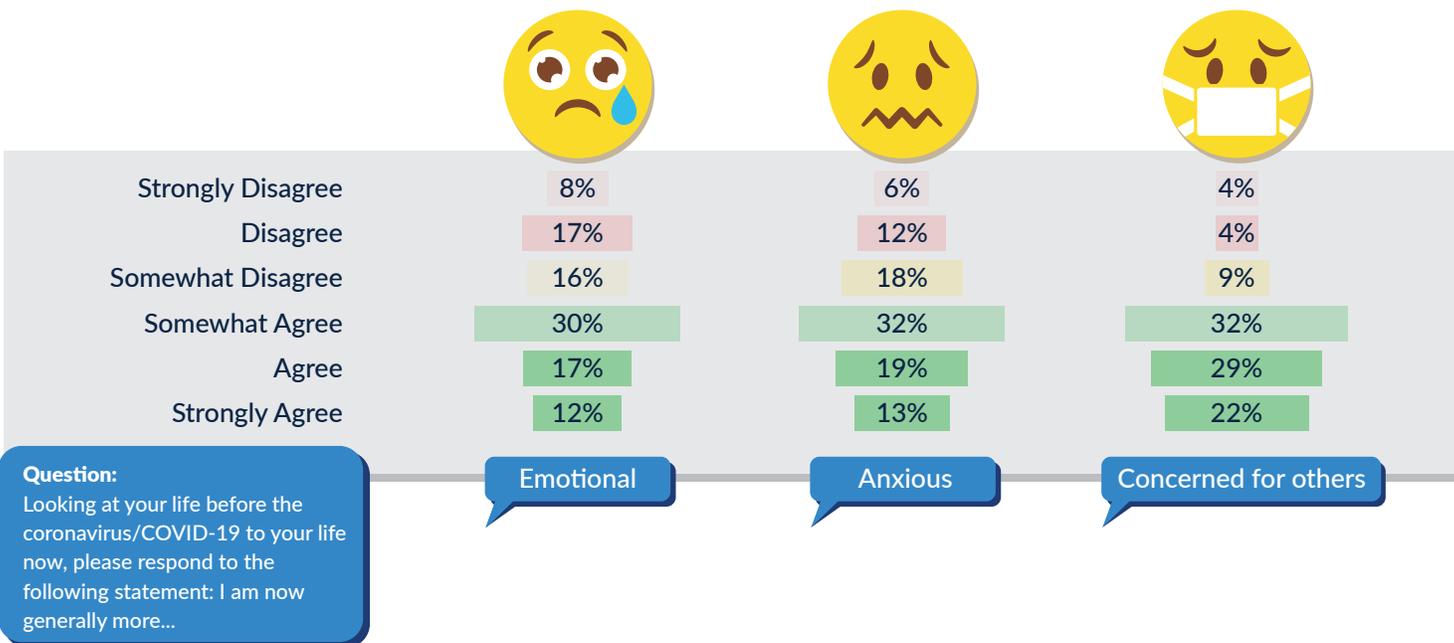
Nursing Homes



Question:
As a result of the coronavirus/COVID-19, how have your feelings changed, if at all, regarding nursing homes?

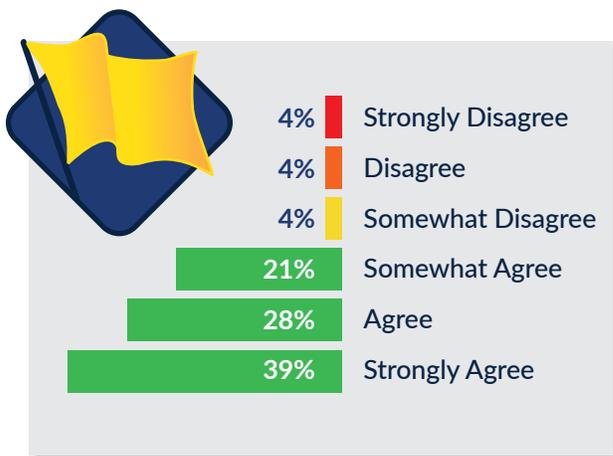
Jurors' views of nursing homes have become less favorable as a result of COVID-19. This is likely due to respondents having loved ones in nursing home facilities that have been affected, and have even died, as a result of complications related to COVID-19. Compounding matters, at least 18 states (at the time of this survey) have granted long-term facilities some type of immunity related to COVID-19.

More than half (59%) of respondents agreed that they are generally more emotional now than they were before COVID-19, while another 65% agreed that they are generally more anxious. Additionally, 83% of respondents agreed that they are more concerned about others now. These findings are problematic because highly emotional jurors tend to be ones that help to contribute to nuclear verdicts. Now, there are jurors who are highly emotional, highly anxious, and highly concerned with the wellbeing of others. This is a recipe for large verdicts in personal injury cases.



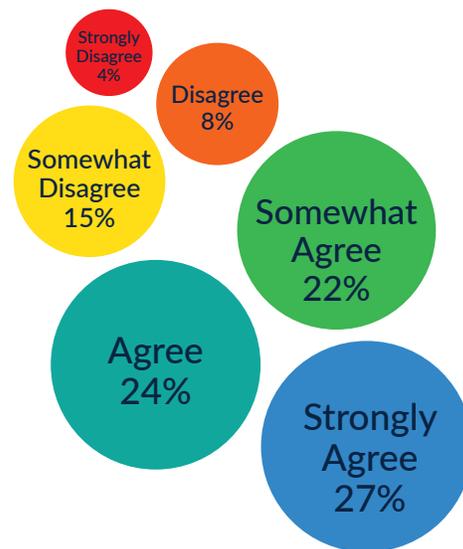
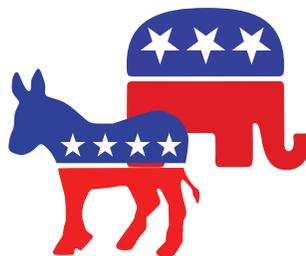
Most respondents (88%) agreed that they are generally more cautious now. This may lead some jurors to be more susceptible to Reptile theory safety/danger rules.

Question: Looking at your life before the coronavirus/COVID-19 to your life now, please respond to the following statement: I am generally more cautious now.

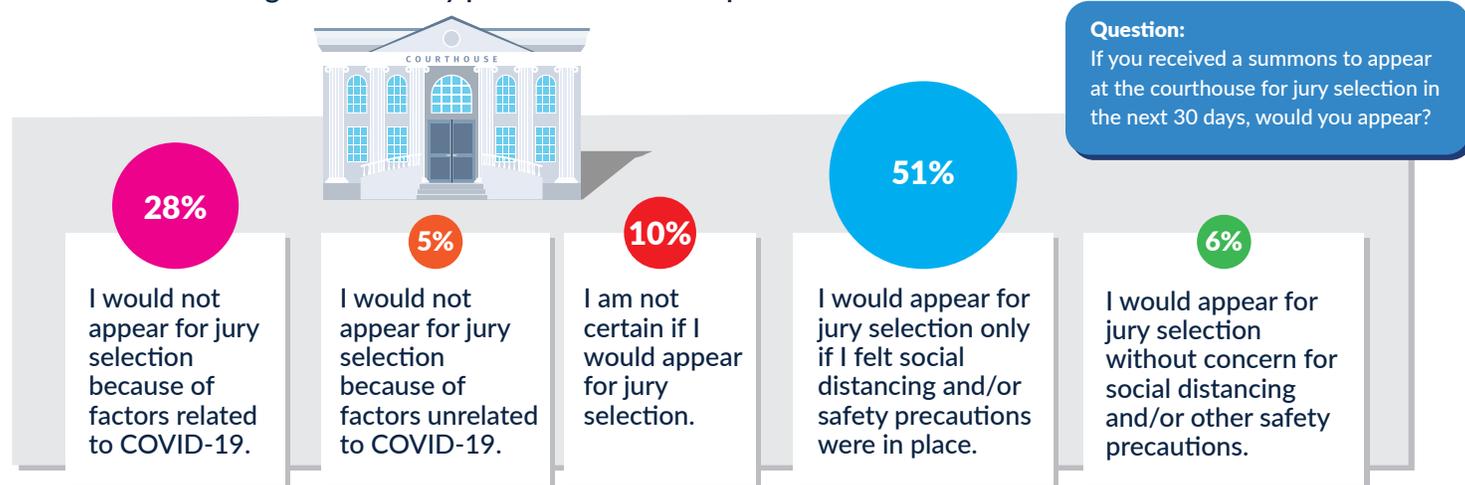


Most respondents (73%) agreed that they are stronger in their political beliefs now than they were before COVID-19. This suggests that pro-defense jurors are more entrenched in their pro-defense beliefs and pro-plaintiff jurors are more entrenched in their pro-plaintiff beliefs. Therefore, properly screening prospective jurors during *voir dire* will be even more important as trials resume.

Question: Looking at your life before the coronavirus/COVID-19 to your life now, please respond to the following statement: I am stronger in my political beliefs now.



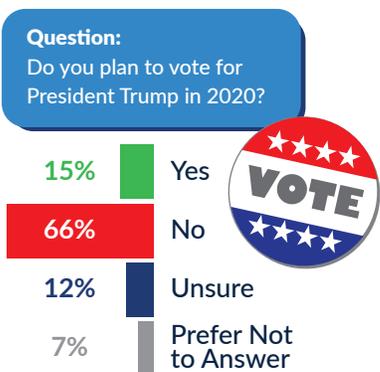
Respondents were divided on whether they would appear for jury duty in the next 30 days. A large proportion (57%) indicated that they would appear for jury duty; however, most of these individuals indicated that they would only do so if social distancing and/or safety precautions were in place.



Of the individuals who indicated that they would not appear for jury duty, most of them identified themselves as individuals who are:

- Democrat/Very liberal
- Anti-corporate
- Younger and older jurors
- Emotional and anxious
- Have difficulty concentrating
- More fearful of others
- “Very” or “Extremely” concerned about getting sick

Most respondents (66%) indicated that they do not plan to vote for President Trump in 2020.



Respondents who indicated that they would vote for President Trump stated that they would be more likely to appear for jury duty (64%) than respondents who indicated that they would not vote for President Trump (54%).



Respondents who indicated that they would not vote for President Trump agreed significantly more often to several attitudinal statements than respondents who indicated that they would vote for President Trump.

Attitudinal Statement

Attitudinal Statement	Pro-Trump	Anti-Trump
A company's highest priority should be the health and safety of its employees and the greater community.	4.8	5.4
COVID-19 is a serious threat to me and my family.	3.5	5.0
I am more emotional now than before COVID-19.	3.4	3.8
I am more fearful of strangers now than before COVID-19.	3.0	3.9
I am more concerned about others now than before COVID-19.	3.9	4.6
I am more cautious now than before COVID-19.	4.1	5.1

Rating Scale: 1 = “Strongly Disagree” to 6 “Strongly Agree”

Findings from this initial survey suggest that many jurors may be increasingly likely to favor plaintiffs in the midst and aftermath of COVID-19. Overall, jurors' perceptions of large corporations are becoming more negative, and the majority report feeling anxious, emotional, and increasingly cautious. Jurors' emotional states coupled with their recent concerns about finances, careers, relationships, and personal health and well-being may also make them more susceptible to plaintiff tactics, and particularly to plaintiff Reptile attacks.

However, most respondents reported that the COVID-19 crisis has improved their perceptions of healthcare providers, which may benefit the defense in malpractice litigation. Results further indicate that jurors have become more polarized in their political and ideological beliefs. Thus, previously adamant pro-corporate and stereotypical pro-defense jurors will remain firm in their beliefs, as will previously adamant anti-corporate and stereotypical pro-plaintiff jurors. Jurors who were previously weakly pro-plaintiff or weakly pro-defense, or truly "on the fence" prior to the COVID-19 crisis will be the primary targets for persuasion at trial.

Current findings also indicate that jurors with pro-defense characteristics will be more likely to report for jury service compared to jurors with pro-plaintiff characteristics. The current survey was administered in mid-May 2020; thus, results do not account for any shifts in jurors' attitudes and beliefs that may have occurred in response to the death of George Floyd and protests of racial injustice. CSI researchers have launched Phase 2 of the Juror Attitudes study, which further examines jurors' perceptions of specific corporations and industries as well as jurors' support for the Black Lives Matter movement. Visit the [CSI Blog](#) or [contact CSI](#) directly for our findings regarding jurors' perceptions of corporate messaging and activities related to COVID-19 and the Black Lives Matter movement.

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