For many litigators, mock trials and jury research studies are essential components of thorough case preparation. However, despite the well-recognized value of these tools, burdensome costs and protracted timelines prohibited many attorneys from using them in all but a few cases. Today, with enhanced technological capabilities, online jury research and focus groups provide attorneys with an affordable means of obtaining the valuable information previously only available via traditional mock trials and research.

What Is Online Jury Research?
While the traditional jury research so many are familiar with dates back to the 1970s, online jury research studies first came into the marketplace only about ten years ago. Recognizing the drawbacks of traditional jury research and mock trial studies, vendors of online services sought to develop a meaningful, efficient, and cost-effective tool that leveraged the features of the Internet to the benefit of their clients. During the first decade of the 2000s, with the proliferation of the Internet and the development of tools that allow for real-time interaction and video transmission, online jury research services became viable and credible to an increasing number of attorneys. Furthermore, with study costs a fraction of what one might pay for a traditional face-to-face focus group or mock trial, these services have become increasingly useful in a legal marketplace focused on efficiency.

How Does It Work?
While there are numerous consultants and firms from which to choose, there are common elements in nearly all online jury research. “Jurors,” selected and qualified by the provider, review files, questions, or whatever information you choose to provide. The information submitted can include text and audio files, images, video, or real-time presentations. Study participants provide feedback and answer the client’s questions either in real time or at their own convenience through a secure website. In some instances, jury participants have the capability to interact with one another by text or video chat. Following completion of the study, you will be presented with a type of report or summary of the findings of the study.

Points to Consider
When selecting a trial consultant or online jury research service, one should ask:

How are “jurors” recruited, selected, and qualified?
Methods for identifying and screening prospective participants can vary greatly from one service to another. Be sure that the techniques used to locate and approve individuals to participate are disclosed and appropriate for your study. Studies that provide respondents who are representative of your client’s jury pool, are free of conflicts, and reside in the proper venue will retrieve more beneficial and accurate information.

How is case information presented to the participants?
Depending on the vendor and your needs, case summary information may be provided in text, audio, or video formats. More extensive services will allow for the submission of exhibits and other elements. You may also wish to know about how the information you provide to the vendor is disseminated to the subjects and what instructions, if any, are given.

How long will the study take?
Depending on the scope, a complete project could take a few days or several weeks. Vendors with an established pool of participants in a particular venue may be able to begin the study immediately, while others may take several days to get everything in place.

How flexible is the provider in meeting my needs?
Some vendors offer few options, while others can create a unique study customized to your needs. Of course, more deviations from standard operations may result in higher costs, but the outcomes are likely to be of greater benefit to you in your case.
What expertise does the provider bring to the table?
A provider or trial consultant should be able to not only manage your study, but also provide you with a detailed report that interprets the study findings.

Conclusion
Online jury research clearly provides attorneys with a new tool for quickly and affordably gathering information about trial techniques and specific case issues. Many online jury research services do not replicate the comprehensive and dynamic perspective one typically expects with a traditional mock trial. In many ways, online studies are most often best characterized as focus groups rather than mock trials. Also, in instances in which face-to-face interaction among participants or observing jury reaction is critical, there may be no substitution for a traditional study. While online jury research may not be appropriate for all situations, the utility and viability of such a service is definitely on the rise.