

Start to Finish: Jury research from  
Pre-discovery to Post-trial.

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Seminar of the Masters  
MTLA 31st Annual Convention – August 6 & 7, 2020  
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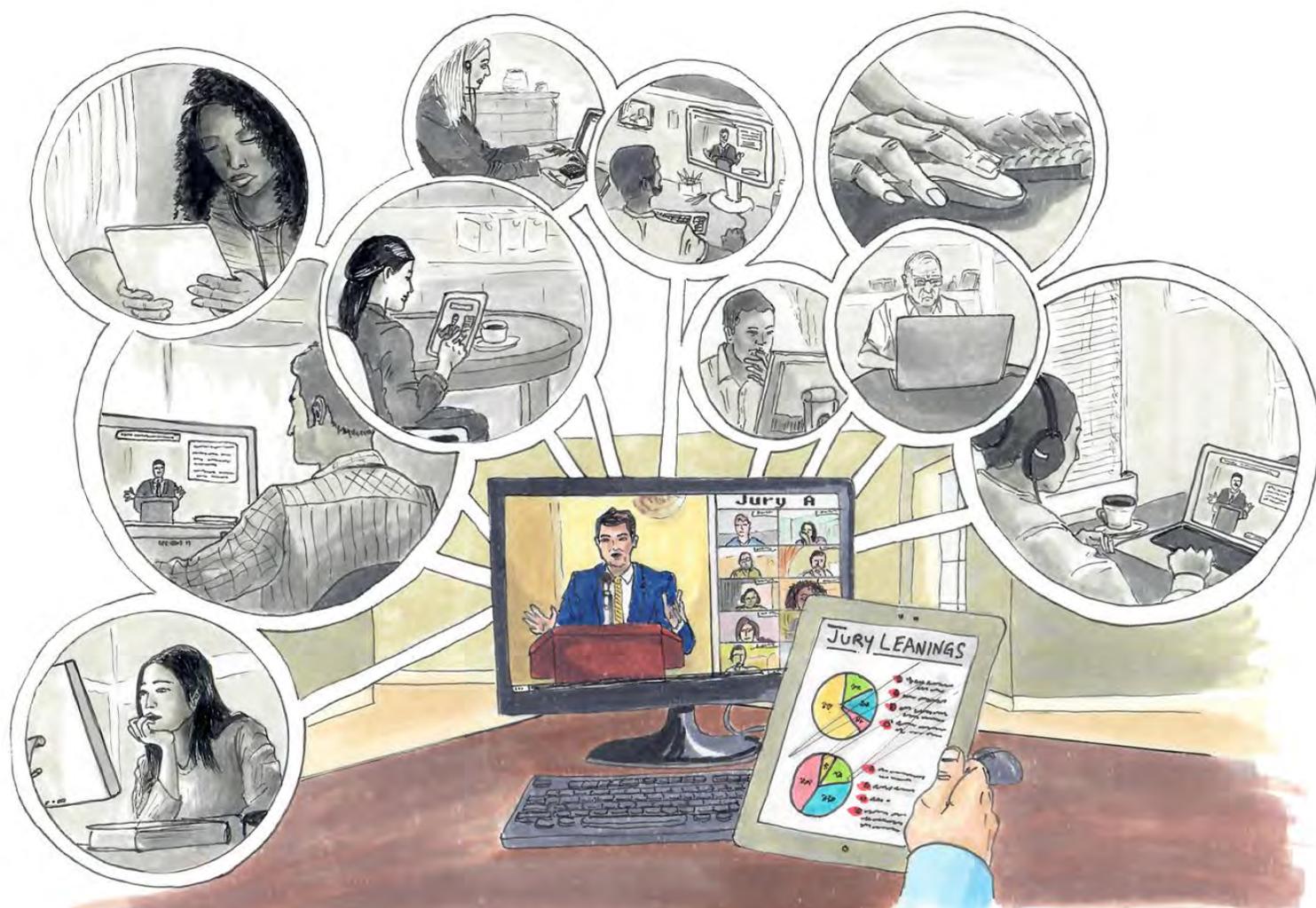
COVID – 19: Tsongas continues to be your strategic partner in all trial preparation, including remote Jury Research, Case Strategy, and Witness Preparation

The Advantage Blog

**JURY RESEARCH AMID COVID-19**

April 23, 2020 | By [Alexis Knutson](#), [Laura L. Dominic](#) | [COVID-19 Trials](#), [Focus Group Research](#), [Mock Trial Research](#), [Tsongas News](#)

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Although many trials have been put on standby, attorneys continue preparing for and attending mediations and settlement discussions. That means there are some research questions that cannot wait. As we watch to see how and when we return to normal, Tsongas has been actively working on adapting our small group jury research models to continue getting our clients the results they need today, and to be able to adapt to whatever the new normal may be in the future.

Typically, a legal research project involves gathering 30 (sometimes more, sometimes less) people into a meeting space to participate in a full-day event. Clearly, that model is not viable for the near future. So, what can we do now? And what can we do when small gatherings are again allowed, but people are reluctant to be a part of those gatherings?

## Conducting Research During Current Quarantine

Let's first address what you can do now. Tsongas has launched a virtual research model that allows for nearly identical data collection as an in-person focus group or mock trial. Jurors login to a web-based meeting space (like Zoom), listen to case presentations, complete surveys measuring attitudes toward the case, and participate in small-group interviews/discussions. Essentially the only difference is that participants meet virtually from their home-based computers rather than in person at a facility.

Here are the elements of a virtual research project, and the small differences between how we're doing things now and how we've traditionally conducted jury research.

1. **Recruiting participants:** Recruiting participants for a virtual project is different in only one way from a traditional research project. As usual, our sample of representative individuals are screened for jury-eligibility and confidentiality. The difference is that participants must also have internet access and the ability to participate on a computer with audio and video. For many people, what was once a foreign environment has now become commonplace, brought about quickly by the new work-from-home requirements. For example, some estimate that [daily users of Zoom have increased 340%](#) since the end of December – a trend that is surely due to the global pandemic. Comfort with remote meetings is increasing, leading to greater ease in finding tech-savvy participants.
2. **Participant tech-check:** Even with increased tech-savvy participants, we don't want to leave anything left to chance – each participant attends a tech-check prior to the project so the research runs smoothly.
3. **Case presentations:** The virtual platform allows for a variety of presentation modes including live attorney presentations, a screen share of pre-recorded presentations, or facilitator-read scripts.
4. **Breakout groups:** Just like a live mock trial, participants join the larger group for the project orientation and case presentations before being divided into one of several smaller breakout rooms for deliberation and/or group interview.
5. **Eyes on participants:** With a group meeting platform like Zoom, facilitators can observe participants in gallery mode to ensure that attention stays on the presentations. Removing inattentive or sleeping participants is quick and easy (although luckily has not been necessary).
6. **Client observation:** Clients and trial team members can join the meeting without video to observe the project. Clients are assigned to a breakout room and can privately chat with a facilitator to communicate questions they would like asked during the interviews.
7. **Data collection:** In the virtual model, participants are sent a link to electronic surveys to gauge reactions at multiple measurement points.
8. **Real-time results:** Survey results are tabulated/charted and presented to clients via email throughout the day.

9. **Project security:** Steps are taken to help ensure the security of the meeting space (nobody likes a [Zoombomber](#)), from requiring multiple steps of screening/re-screening, to holding participants in the waiting room prior to admittance.

## Looking Toward the New Normal

Today it remains unclear when restrictions will be lifted and how much we will be allowed to return to normal. Until in-person group meetings are allowed (we hope for summer), we will continue offering virtual research. But we all need to consider how people will react even when gatherings are allowed (see a related blog from our colleague, Glenn Kuper, [on the potential lasting impacts of quarantine](#)). Will people be comfortable congregating in a group setting? Some of the options Tsongas is considering include the following:

1. **Eliminate the single presentation room:** In a live mock trial or focus group, participants gather in a single meeting room to watch attorney presentations. The future may require that we reduce the gathering size by assigning participants to their small breakout room from the outset of the day where they will watch a pre-recorded or closed-circuit feed of live presentations.
2. **Increase distance between participants:** The new normal may involve larger meeting rooms to accommodate a table that can space participants six feet apart.
3. **Electronic data collection through the Tsongas Advantage Program:** Tsongas will be implementing its “Advantage Program” data collection allowing for surveys to be completed and data to be tabulated on personal devices, eliminating the exchange of paper and pens. Participants can comfortably complete, and facilitators and clients can review, survey results without the worry of sharing germs.
4. **Health and safety protocol:** Any live research project conducted by Tsongas in the near future will include these additional health and safety measures:
  1. Hand sanitizer at the initial check-in desk and in each breakout room
  2. Longer breaks to allow for proper handwashing
  3. Limit the exchange of paper, pens, and other materials
  4. Dismiss participants exhibiting signs of illness
  5. Provide individually wrapped food options

## Be Prepared for a Recurrence of Social Distancing in the Fall

Although much has changed in the last six weeks, the lasting impact of these changes is yet to be fully realized. Some experts posit that fall could bring upward movement on the COVID-19 curve, which will mean using virtual research models. Accordingly, summer is the ideal time to conduct in-person research, assuming restrictions have been lifted enough to allow for this model. Under any scenario, Tsongas will continue to partner with you to meet your jury research needs and deliver quality results.

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