Jury Box: Post-It Replacement
for Jury Consultants and Lawyers

BY TED BROOKS

Ted Brooks is a well-known Trial Presentation Consultant, Author and Speaker, who has been involved in numerous high-stakes and high-profile matters, including the Los Angeles Dodgers divorce trial (with David Boies), People v. Robert Blake (with M. Gerald Schwartzbach), Western MacArthur v. USF&G ($3 Billion), May-Carmen v. Wal-Mart (Defense Verdict), and PG&E v. U.S. He is the Founder of Trial Consulting Network, Inc., and Litigation-Tech LLC. The Court Technology and Trial Presentation Blawg features a collection of his articles, many of which have been published in various magazines and online.

The Jury Expert asked two ASTC members: Jury Consultant Ken Broda-Bahm, and Trial Presentation Consultant Ted Brooks to review the new Jury Box software for your computer (not the iPad). Ken brings many years of jury selection experience, while Ted offers a great deal of experience writing legal software and app reviews (in addition to Trial Consulting). Ken has offered some valuable feedback, including a few feature improvement requests, which Ted has incorporated into this review.

If you've seen the movie, "Romy and Michelle," you already know who invented the Post-It note, and the thought of replacing them with software might be disturbing to you. If you've ever spent a few hours scribbling notes and then frantically swapping the little buggers around on a table or pad during voir dire, you're probably anxiously waiting for any alternative.

With the advent of several iPad apps for jury selection and monitoring (see reviews: iJuror, JuryTracker, Jury Duty) it seemed odd that nobody had yet developed a similar application for the laptop. Enter Jury Box, the first commercially available Voir Dire (Jury Selection) software designed for the PC. Not everyone uses an iPad, and most of us that do also use a computer for tasks requiring more flexibility. Don't get me started – I'm not saying which is better for which purpose. The two are different, and these days, it's tough to live without both.

San Diego Deputy District Attorney Adam Gordon developed Jury Box, based on his own experience in the courtroom. He shares, "Just like how an effective PowerPoint presentation can help you better advocate on behalf of your client, Jury Box can help you make better decisions in the jury selection process by reducing the clutter and confusion of Post-Its®."

While I am certain that other Trial Consulting firms have also developed their own "in-house" solutions, the only one that I'm personally aware of by name, is JuryNotes, a "rough around the edges" program used by Persuasion Strategies, Ken's firm. You could put something basic together using a spreadsheet, but unless you're really good, it probably still looks and acts like a spreadsheet. The important features for this type of application would be the ability to quickly enter and sort data, along

with the added benefit of having a template of fields and data to apply to an entry (e.g., "good for plaintiff," "business owner," etc.).

Available for Windows, Mac and Linux, installation of the free trial is quite simple, and the user interface is very intuitive. While most people could just spend some time immediately building their first case, there is a detailed *PDF tutorial* available on their website.

Anyone who has ever read my iPad app and software reviews, knows that one of my pet peeves is a lack of sample data to play with. It just makes it so much easier to learn something new when you have an example of what it looks like when it's put together correctly. Jury Box does not come with a sample case.

Setting up the courtroom layout is simple. You are able to position the jury box and courtroom seating to match the courtroom, including the seating direction. There are three basic jury box layouts available, including right-hand, left-hand, and center-oriented. Next, you can add the correct number of seats in each row, add or remove rows, and even remove individual seats. In addition to the jury box, the jury pool seating may be set up like the courtroom. The software does not visually allow for "unique" courtrooms (e.g., round, or other than square or rectangular), although the seating can still be set up appropriately.

One nice feature with the jury pool seating chart is that you may choose to ignore the actual seating arrangement, and add as many "seats" as you wish, in order that you might enter info for the entire venire. I didn't find a limit to the resizing, but I had it well over 200. The problem is that in order to add seats (so you can enter juror info), you need to resize the chart. It would be nice to be able to enter a number of rows and columns (e.g., 10 x 20) rows, to get at the desired total (e.g., 200). I realize this is for the largest of cases, but then these are the cases where you'll often find Jury Consultants who would use this software. That's not to imply that an attorney or paralegal cannot also take advantage of Jury Box.

You cannot alter the courtroom seating layout once you've finished setting it all up. I would like to be able to modify the seating layout at any time. Alternate jurors might be seated in one place during voir dire, and then the temporary seating may be changed for the trial.

Entering juror data is quick and easy, and it is automatically saved when you close the window. A nice template offers a quick and easy way to enter most of the basic info, and also features a general ranking system.

You can search by Juror Number or other terms for quick grouping of jurors with something in common, as entered in their profiles. For instance, you might enter the search term "insurance," in order to sort out all jurors who have mentioned something noteworthy on the topic, either in the Jury Questionnaire or during voir dire.

The print function produces a summary of one juror per page. This is a nice feature, but to take it a step further, it would be nice to be able to also print various reports, based on sorting by search topic. For instance, rather than printing the info of every juror entered, having the option of printing only those jurors needing additional work and/or research, based on entries you've made in their profiles. I will admit there is one little "issue" I found with the tutorial and icon labeling – the fact that excused jurors are referred to as "Excused Garbage." Now maybe it's just me, but I'm thinking that it might be a bit more PC to use a little discretion when referring to people – even in software features.

I'm not sure why certain limitations exist, such as a maximum of 4 parties, and a limit of 3 items displayed for each juror's icon (i.e., Last Name, Education, etc.). While the default "seat" icon size would make it difficult to display more, adding the ability to increase the size of the icons would be helpful, since current laptops have a high screen resolution, and many have larger screens.

Ken shares three areas that are of concern, which if addressed, would greatly improve Jury Box. He even suggests some possible "fixes."

- **Limit one** is that allows only four custom categories. In my experience, attorneys picking juries in criminal matters tend to be interested in the same general facts about potential jurors: friends/family in law enforcement, occupation, and demographics. Whether they should be interested just in that limited set is another matter (they shouldn't), but many of them seem to focus on it narrowly, and that narrow focus is reflec\ted in the program. In civil cases, there are a lot of relevant attitudes – what do they think about dangerous products, contracts, economic damages, lawsuits, banks, etc. In some cases, we have tracked as many as 150 different variables about jurors. Limiting it to just four would force me to generally supplement the program with paper notes or a separate spreadsheet, which defeats the purpose. **Fix**: Allow unlimited custom categories for juror personal information. Within the categories it should be possible to create a response set for closed-ended questions (e.g., based on questionnaire responses) instead of all being open-ended.

- **Limit two** is that there is no weight or value assigned to individual juror answers. Most consultants I know will develop some kind of system for scoring the information that the potential juror provides. E.g., if someone thinks there are too many lawsuits, that adds 2 points in the negative for a plaintiff (or the reverse for a defendant). It isn't perfect, but particularly when you have a lot of information gained from extended oral voir dire or from a questionnaire, then the score provides an irreplaceable starting point. Intuitively, one of the best advantages of using a computer as opposed to a notepad for this is that the computer can continuously keep track of the math and help in comparing one potential juror to another. But without the ability to put a weight on juror responses, no such luck. **Fix**: Create an optional field that would provide a "helps defense" or "helps plaintiff/pros" and a scale of 1-10. Then provide that sum on juror reports, and the ability to create a list that ranks the potentials from best to worst or worst to best.

- **Limit three** is the inability to provide group responses. E.g., if it is a hand-raising question ("how many of you believe that banks are primarily to blame for the current economic crisis?") thirty hands go up, and there is no practical way to open up 30 juror fields and enter a "yes" answer for that custom item. **Fix**: It should be possible to open up a dialog box for the question itself, and then quickly click or type numbers for all the jurors who answered "yes." In the "virtual courtroom" or on another screen, there should be space for a "question bank" that would allow you to see how each juror has answered a given question (e.g., a birds-eye view of prior jury service, or occupation, or whatever would be useful), and to update information from that screen.

Conclusion

I agree with Ken that you could use this now for voir dire, but with a few improvements, Jury Box really could be a great tool to replace the sticky-notes. Ken shares, "Jury Box is the first commercial program that I've seen that I could see actually using in court at this stage. I do think that using it now, as is, would present a number of advantages over paper based systems, and over the iPad apps that I've looked at so far." Although I'll stop a little short of saying it's better than anything on the iPad, it's just as good. Now if Adam adds all of our feature requests, it may be a different story. So, my opinion at this point is if you're ready to ditch the sticky-notes, that you first choose your hardware (iPad or laptop), and then get the right one for that. Jury Box is sold via an annual subscription, running $199.