



# The Jury Expert™

*Excellence in Jury Selection, Communication and Persuasion*

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## Communicating to "Generation X" and "Net Gen" Jurors

by Tara Trask, *Principle Strategic Litigation Insights*

Generation X (born 1965-1976) and the Net Gen (born 1977-1997) were raised in the information age, and the way they process, evaluate and retain information is very different from Baby Boomers (born 1946-1964) and Traditionalists (born 1901-1945) who make up most of the senior-partner/lead-trial-lawyer ranks. Understanding the context in which a person came of age can significantly impact trial strategy. By taking generation-specific characteristics into account, trial lawyers can improve their ability to communicate in the courtroom on multiple levels, especially when trying to convey complex information to a jury in a digestible form.

As Gen X and the Net Gen charge into leadership roles and the workforce, respectively, these two

distinct but similar groups are poised to have an increasing impact on American culture and the American courtroom. Generation X—the so-called "slackers"—have grown up. They are 25 to 38 years old now and preparing to take over leadership positions from retiring Baby Boomers. Currently, there are 44 million Gen Xers in the workforce, and approximately 44% of all citizens in the United States can be defined

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as Gen X. Even more importantly, the oldest Net Gens (6 to 26 years old) are graduating college and entering the work force. At 80 million strong nationwide, the Net Gen rivals the infamous Boomers in number. Within the next five years, approximately 50 million Net Gens will be eligible for jury duty—a whopping 30% of the current U.S. population! These are the kinds of statistics a trial lawyer ignores at his peril.

### Generation X

From 1965 to 1976 birthrates declined and that time period became know as the "baby bust" years. Born during the tumultuous times of Vietnam and Watergate to Boomer parents many of whom spent more time at the office than at home, this generation experienced a tripling of the divorce rate while they were growing up. The terms "latchkey" and "downsized" defined experiences during this period. The difficult economy

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of the 80's and political scandals like Iran Contra added to their adolescent turmoil. Is it really any wonder that this generation is skeptical of almost everything?

### **The Net Gen**

Born between 1977 and 1997, and encompassing 81.1 million people, their world has always included AIDS, a unified Germany, answering machines and remote controls. They have never seen a pull-tab can, and many of them only associate Paul Newman with salad dressing. But the most important thing to understand about this generation is the effect the Internet has had on their lives.

According to U.S. Census information, between 1995 and 2000 home access on the Net grew from 10 to 46 percent, and that number has certainly grown since. The very nature of media has changed with the web. Before the Internet, there was only broadcast and print media, but the new online media, because of its "many-to-many" nature, is intrinsically more inclusive. The Internet is interactive; it requires participation, not idle observation. This has had an enormous impact on the way this generation learns new

concepts, perceives information and assigns credibility.

### **Practical Applications**

How can you use this information to be more effective in the courtroom?

#### **Develop themes that resonate and test them.**

These steps are more important than ever before. One in three NetGens is not Caucasian, one in four lives in a single parent household, and three

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in four have working moms. Diversity of experience is a reality. A less homogeneous jury pool allows for a wider range of interpretations of your case. You must put your case in front of a diverse mock audience to ensure that the themes you think will sell, actually will.

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**Embrace technology.** Technology is no longer a luxury; it is mandatory. Younger jurors simply do not understand why lawyers are afraid of technology. The argument that something is too "slick" is arcane, given the nature of technology to the younger set. To them, technology is invisible; they only see it as a means to an end.

**Exploit multiple opportunities to score.** You may have more time to make that "first" impression, especially with Net Gens. They tend to change loyalties at the speed of a mouse click. Since they are less likely to become entrenched in their thinking, you may have more opportunities to make your case than you would with an older juror.

**Emphasize facts.** Many Gen Xers grew up quickly, and Net Gens have been on the receiving end of a marketing onslaught since they were old enough to point. Both generations have finely tuned analytical skills that enable them to sift through large amounts of information. Because they have seen nearly every American institution from Corporate America to the Presidency called into question, they take almost nothing at face value. Furthermore, the youngest have been analyzing data they find on the web and learning to authenticate that data through multiple channels most of their lives. Their innate skepticism and cynicism about the world makes them much more likely to be swayed by facts, rather than plays on their sympathy.

**Assign less weight to expert testimony.** The Internet is egalitarian in nature, not hierarchical; and the younger generations are more skeptical of power. On the Internet, the established media has been forced to relinquish its stranglehold on information. Much of the web-based information comes from non-establishment sources, and much of that information is as credible, or more credible than what comes from the established media outlets. Some of the harshest cynicism in the younger set is reserved for establishment or "expert" information sources.

It's not that the younger jurors will dismiss your expert entirely; it's just that a slew of graduate

degrees will not likely be enough to influence them. Valuable information and solid communication skills will be more important to Gen X and Net Gen jurors.

Mistakes are frequently made if you only apply tired conventional wisdom to jury selection when considering Gen X and Net Gen jurors. Here are four myths about the younger generations to keep in mind the next time you prepare to exercise peremptories.

#### Myths to Avoid

##### **Myth #1: Gen X and Y jurors are "slackers."**

These generations were the first to be raised primarily in broken homes. Rather than becoming whining victims, they have grown up to be particularly self-reliant. Most jurors in these age groups believe they are more likely to see a UFO than a social security check with their name on it, and they generally believe almost nothing is guaranteed.

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***"Stereotypes mean even less than they once did. Long hair and an earring meant something in the sixties. It means nothing now."***

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**Myth #2: Republican and Democrat are polar opposites.** Political party affiliation on a juror questionnaire may not mean much when considering younger jurors. Even though a young juror might note a political affiliation, the strength of that affinity might be questionable at best. Most in these groups believe there is little difference between the parties, and a full 44% of 18-29 year olds consider themselves Independents.

**Myth #3: Earrings and Tattoos are antiestablishment.** Stereotypes mean even less than they once did. Long hair and an earring meant something in the sixties. It means nothing now. Over-

emphasis of weary stereotypes has always been a pitfall in jury selection, especially when older lawyers are considering the masses.

**Myth #4: Younger generations is morally bankrupt.** Statistics show that today's young parents, (who are Gen X), are spending as much time at home with their families as parents did in the 50's. Gen Xers are also saving more money at a younger age and a faster rate than their parents did. Remember, most Gen X and Net Gen kids come from Boomer parents, many of whom

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spent more time at work than anywhere else. It might have taken Gen X awhile to find a direction (hence the "slacker" title), but perhaps they were trying to be sure they got it right.

Baby Boomer and Traditionalist litigators tend to cling to their conventional methods, but these same seasoned veterans also know the importance of using every shred of helpful information to assist them in their quest for victory. Generational insight is one more tool to add to your trial arsenal.

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## Five Tips For Improving Cause Challenges

by Patricia McEvoy, Ph.D

Successfully identifying and making challenges for cause is both an art and a science: it is an art because each potential juror brings unique experiences and beliefs to the process, a science because of the legal rules and procedures that have been established. Regardless of individuals' idiosyncrasies or procedural roadblocks, what must result is an impartial jury, a daunting task with a limited number of strikes allowed for each side. Many attorneys tell us it is very difficult to remove truly biased jurors for cause. Primarily, this is because jurors won't say the magic words, "I cannot be fair" and even when they do, some judges may not excuse them.

The advice given on how to use preemptory and cause challenges effectively is based on the fundamental right granted to all citizens of a trial by an impartial jury. Having been in hundreds of courtrooms across the country, we have seen that there is little to no consistency in what constitutes a successful cause challenge from one courtroom to the next. Even so, it is possible to improve how attorneys go about challenging for cause.

Any successful cause challenge starts with accurate information from the juror. This goal is dependent on one simple principle: the juror is an ally, not an enemy. Treating jurors as allies rather than enemies decreases the likelihood of stress, discomfort, and intimidation, thereby increasing disclosure in the courtroom.

Following are five recommendations for improving rapport, which will subsequently help elicit information vital to successful cause challenges.

### **Eliciting Vital Information**

#### **1. Contextualize voir dire as a conversation.**

Create an environment in which jurors are encouraged to speak. Ask open-ended questions

and wait for people to respond. Maintain a pleasant facial expression and truly listen to jurors when they speak. Always asking close-ended, yes/no questions lets people off the hook too easily. As a result, attorneys aren't left with enough information to make preemptory strike decisions.

## 2. Bad news at voir dire is good news.

Not only should bad news from a juror be listened to, it should be *welcomed*. When someone disagrees with an element of the case, this person should be asked more questions. Many attorneys worry that the rest of the jury pool will be tainted by one juror's verbalized bias, but consider the alternative: if that bias is revealed during deliberations for the first time, there is no remedy. It will take on a life of its own and the juror who should have been removed from the panel will become a prominent player during deliberations.

## 3. Make jurors' jobs as easy as possible.

Attorneys must be comfortable with the questions they ask, including those questions relevant to a case's weaknesses. They must engage in real eye contact. Attorneys should not ask rapid-fire questions, allowing no time for answers. Don't ask jurors to comment on the law or interpret legal jargon. Don't ask jurors what they will do in a week after they hear all the evidence. And, be careful about asking jurors to commit to something at voir dire. Jurors we interviewed told us that those "promises" were very difficult to understand and they felt like the lawyer was trying to trick them.

## 4. Respect jurors' privacy.

There are two types of questions that should never be asked in the open courtroom. First are questions which call upon jurors to tell something painful or embarrassing about themselves or someone close to them. Examples are questions about who has been raped, who has relatives in jail, etc. These questions can be asked, but supplemental juror questionnaires or *in camera* voir dire are far more likely to elicit the truth than a public inquiry.

Second, questions that trigger a strong emotional reaction should not be explored in the open courtroom. An example of this would be asking about views on abortion or child abuse.

## 5. Assure jurors that bias is a part of human nature.

Be of the opinion, "What someone else might call bias, I call experience." Lisa Blue, a successful plaintiff attorney from Texas, does an excellent job demonstrating this. She gives jurors a personal example, such as the following: "I was a criminal prosecutor. I now am strongly opinionated about child abuse and should not serve as a juror in that kind of case. There is nothing

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***"[B]e careful about asking jurors to commit to something at voir dire. Jurors we interviewed ... felt like the lawyer was trying to trick them."***

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wrong with my bias; I just need to be assigned to another case." Then she asks who has had an experience related to the present case. As a result of normalizing bias and opinions, the jurors are more willing to share experiences. They are more likely to open up and discuss how the experience has changed their perspectives and how it will affect their judgment in the case.

The art and science of challenging for cause can be learned and it can always be improved. Working with jurors—rather than against them—is key to empaneling an objective group and a successful trial outcome.

*Patricia McEvoy, Ph.D., is a member of the Chicago firm, Zagnoli McEvoy Foley LLC and has been an elected Board Member in the American Society of Trial Consultants (ASTC). She may be reached at her firm at 312.494.1700*



## A Psychological Approach to Courtroom Storytelling

by Richard Waites, J.D., Ph.D.

Every lawyer has a hidden potential for increasing his or her persuasive power in the courtroom. Moreover, we now have sources of information about how judges, jurors and arbitrators are likely to react to different arguments that were only a dream a few years ago.

As a lawyer you have been given two great gifts: the capacity to learn and the potential for influencing the world around you. You have the opportunity to inspire judges, jurors and arbitrators and to motivate them to do something that they would not ordinarily do without your persuasive power.

We have learned through many years of psychological research and hundreds of years in the courtroom, that the decisions made in trial or arbitration say more about the decision makers than the trial lawyers who seek to persuade them. Therefore, we must begin to use a Decision Maker Oriented (DMO) approach to developing arguments in the courtroom if we hope to increase our persuasive power in the courtroom and exceed our expectations of our own performances.

We live in an age where trial lawyers and corporate litigation managers are tempted to become technocrats. The average day is saturated with demands for a lawyer's immediate attention to mountains of detailed information. In such an environment, it is easy for any person to lose touch with the deeper meanings in life and, therefore, to lose touch with the important perceptions and motivations of people we seek to persuade in the courtroom.

Fortunately, our capability for maintaining a connection with the vital essence within humanity is always inside us, even though it may have been

ignored for a while. In addition, there are some remarkable new methods for staying in touch with the world of judges, jurors and arbitrators as it constantly changes.

This article is intended to help us to rediscover some important aspects of our capability to

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communicate and persuade and to learn how to better use some of the organization and research tools that are available to provide vital information for us.

When we talk to judges, jurors, and arbitrators after their deliberations, they reveal some amazing explanations for their decisions. We have found that at the nucleus of their perceptions is their feeling of agreement with the themes and meaning of the winning side's version of the story and the commitment and passion with which it was told by the winning trial lawyer. In other words, at the core of every winning argument is a story that appeals to the hearts and minds of judges, jurors and arbitrators.

This finding is supported by more than 40 years of social psychological research. Essentially the overall premise is that all courtroom decision makers make important decisions the same way you do. They gather all the details, try to make sense of them in accordance with their life experiences, and then make a decision that makes them feel good about themselves. It sounds simple enough. But when you are trying to create a story from scratch, how do you create one that will win over the hearts and minds of people who do not know anything about you or your case when you know very little about the attitudes and

life experiences that will influence their decisions?

The answer involves both the best of use of your personal persuasive skills as well as reliable and carefully researched information about the perceptions of the likely audience (i.e. judge, jury or arbitration panel). It requires a careful blend of psychological principles relating to persuasion and familiar trial advocacy techniques. Courtroom decision makers rely mostly on the message and meaning of your case, but they also consider the messenger's commitment and passion about the case.

### What is State-of-the-Art?

One of the reasons that the practice of trial advocacy is so interesting is that it offers opportunities to incorporate principles and ideas that are traditional and familiar with the dynamic and constantly changing world around us. In every motion hearing, bench trial, jury trial, and arbitration hearing, real life is being re-enacted and described for the benefit of the fact finders. In the course of the trial, the attorneys, witnesses, and decision makers are constantly influenced by core aspects of humanity, while adapting them to the behavior of people in the 21st Century.

Moreover, the world of trial lawyers has changed since the days of Abraham Lincoln and Clarence Darrow. Although there is much we can learn from the wisdom and experience of venerable practitioners in by-gone eras, judges, jurors and arbitrators have changed dramatically over the decades. News travels to the farthest reaches of the earth very quickly. Courtroom decision makers are saturated with information about products, people, and ideas. Most of them are comfortable with the most advance visual and computer technologies. Millions of people in the United States move their residences every year, compared to populations that were fairly stable at the time of Lincoln and Darrow. Ideas about social philosophies and how the world works are constantly changing.

It is very likely that if Clarence Darrow were to argue the Leopold and Loeb case today in Chicago, he would adapt his themes and messages to today's audiences and he would get to the point a lot quicker. In order to keep up with judge and juror perceptions, he would be wise to invest time and resources into studying them by looking at previous jury verdicts or conducting his own mock trial jury research study.

The point here is that the current state-of-the-art trial advocacy practice is a product of a building process using past experience and knowledge as a foundation and strengthened by new information

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***“In the course of the trial, the attorneys, witnesses, and decision makers are constantly influenced by core aspects of humanity...”***

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and methods that have proven to be successful. Although a full discussion of this subject would require much more time and space, perhaps we can touch on several key concepts that are now in use by many successful trial attorneys.

### Proven Persuasive Techniques

#### *1. Balancing Logic, Emotion and Character.*

According to Aristotle, logic, emotion and character form the cornerstones of the most successful persuasive arguments. As a result of centuries of psychological research, we now realize that these same cornerstones are essential in persuading judges, jurors, and arbitrators.

Logic is the use of valid reasoning and making appropriate inferences from the factual evidence. Emotion has been defined as a strong surge of feeling that motivates someone to behave in a certain way. Character is the combination of personal traits that causes one person to be distinguished from another.

In the courtroom, judges, jurors, and arbitrators want trial attorneys to tell them what happened and to demonstrate the core logic behind their presentations. Decision makers need to feel that their perceptions and decisions are logical.

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**“According to Aristotle, logic, emotion and character form the cornerstones of the most successful persuasive arguments.”**

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On the other hand, we know how important emotion is in the persuasion process. Even the most hardened and logical person has an emotional component to their personality, although not always easily apparent. For this reason, every judge, juror or arbitrator needs to feel the passion and commitment to the case that you bring to the courtroom presentation. They need to sense the important meaning in the case that appeals to their emotional side.

In balancing the arguments, character is also important. Courtroom decision makers need to sense the strengths or weaknesses in the character of the trial attorneys, the parties to the case, and the witnesses. Character tells the judge, jury, or arbitration panel what kind of people are involved in the case and what motivated them to behave the way they have.

Knowing that these three elements are essential to your argument is not enough. Maintaining a proper balance between them is important. An argument that is out of balance or omits any of these cornerstones is likely to be ineffective.

### 2. *Meaning is More Important Than Facts*

Research has shown that people today are more concerned about the meaning of their lives and events occurring around them than ever before. Developmental psychologists tell us that one of the driving forces within everyone is the constant

search for meaning within ourselves and in the world around us. We all want to feel that the activities we engage in have some purpose and significance.

In Jerome Bruner's book, *Acts of Meaning*, he reminds us that the human brain is not simply a computer that assimilates facts, but is rather a processing organism that is constantly trying to understand and interpret the outside world and make some sense out of one's perceptions in the context of social culture and individual needs. In other words, the "why?" of someone's behavior is more important to most people than the facts of that behavior.

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**“The best stories are full of facts, interpretations, themes and meaning.”**

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The search for meaning is so powerful because it is at the core of our nature. For this reason, the persuasive strength of the values and beliefs embedded in the themes and messages that you demonstrate in your case will likely determine the outcome, rather than the facts.

### 3. *Storytelling is Powerful*

Since the time of our ancient ancestors, storytelling has been a necessary and critical part of human interaction. Thousands of years ago, people used stories to help other people understand how to survive. Even today, we learn about the world from the stories that we hear from our parents and other people around us.

The power of a good story cannot be underestimated. The best stories are full of facts, interpretations, themes and meaning. Telling the judge, jury or arbitrators a compelling story is the single most important thing you can do to win your case.

## Sources of Information

When we talk about information that will help you in developing a compelling trial strategy, we could be talking about many things. In the context of this article, however, we would be talking about information that will help you to understand the decision makers in your case and how to convince them that you should win the case.

### 1. Historical Information

From the study of social psychology, we know that we can study how a person or group of people are likely to perceive the issues in a case by looking at their past behavior or the past behavior of other people like them. It is fairly easy to research the likely perceptions and needs of judges and arbitrators by reviewing their past work. This information will help you to find out what they are likely to want to know and what issues they will find important. With jurors and, to some extent, with arbitration panels, you can review previous decisions in similar cases to get an idea of the meaning they attach to various fact scenarios. Extensive research has shown that the decisions of judges, jurors and arbitrators will likely be similar in most civil cases, although juries tend to be more predictable than either trial judges or arbitration panels. The focus of any review of historical information should be on the meaning and process the decision makers used in arriving at decisions, rather than the decisions themselves.

### 2. Scientific Research in the Specific Case

Even though you may have helpful and reliable historical information, the usefulness of the information in your specific case may be in doubt. After 30 years of scientific research into judge, jury and arbitrator decision making, we now believe that the only proven reliable and useful way to understand how courtroom decision makers are likely to perceive an upcoming case presentation is to test it with a sample of people from the same population of people as the actual decision makers who will sit in the case. Jury focus groups, mock jury trial research stud-

ies, private bench trials, and private mock arbitration studies often reveal an enormous amount of information that is useful in a specific case. As a result of scientific research and development activities by some of the more experienced trial consulting firms, research techniques like

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these are available to every trial lawyer and corporation regardless of the budget and resources in a case.

## Final Thoughts

The use of scientific information to help you in developing your most powerful arguments is simply the 21st Century version of what trial lawyers and advocates have done for centuries: study the needs and perceptions of their audiences before presenting the argument. Once you have the information, you can feel more confident in releasing your own potential in inspiring judges, jurors and arbitrators to decide the case in your client's favor.

The job of a trial consultant is to make recommendations to a trial lawyer or corporate counsel about effective trial strategy and personal trial advocacy techniques. It is inspiring to watch a lawyer explore the use of a new trial advocacy or research technique and exceed their own expectations.

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# Bell's *TRIAL WEAPONS*

By James Scott Bell, Esq.

## Lessons From the Martha Stewart Trial

Well, Martha Stewart was stung earlier this month with her conviction in federal court. There are a few lessons to be drawn from the comments of jurors and court watchers.

The jury of eight women and four men returned its verdicts on the third day of deliberations, after weeks of testimony from witnesses that included Ms. Stewart's friends and employees. However, her defense team presented only one witness on her behalf, and neither Ms. Stewart nor her co-defendant, Peter E. Bacanovic, testified themselves.

One of the jurors, Amos Matthew Mellinger, said that it had been a serious mistake for Ms. Stewart and Mr. Bacanovic not to have taken the stand.

Another juror, Chappell Hartridge, said that the testimony of one of Ms. Stewart's employees, Ann E. Armstrong, had figured prominently in the jury's decision making. She testified that Ms. Stewart had briefly altered an entry in a phone log regarding a telephone call from Mr. Bacanovic—and then asked for it to be restored. He would have liked to have heard Ms. Stewart's side.

Also note:

- **Jurors take their roles seriously, so you better, too!**

According to the report in the *New York Times* of March 6, 2004:

Lawyers for both sides told jurors that the outcome of the trial of Martha Stewart and Peter E. Baconvoic should turn on which version of events they believed. But in the end, the jurors seem to have heard only one story, that of the prosecution.

The prosecution presented evidence slowly, at times painfully, to the jury over six weeks. The defense lawyers, gambling that they could effectively undermine the prosecution's case, took far less time. Ms. Stewart's lawyer spent less than 20 minutes questioning her only defense witness and defense lawyers did not risk having either Ms. Stewart or Mr. Bacanovic testify.

The defense lawyers seemed to fail to gauge how persuasive the government's case was, and the jurors took less than three full days to convict Ms. Stewart on all four counts and Mr. Bacanovic on four of the five charges against him.

With the benefit of hindsight, the speediness of the conviction suggests that Robert G. Morvillo, Ms. Stewart's lawyer, should have called more than one witness. . . . [T]he defense never offered a complete story of its own.

The short defense, according to one juror, was something of an insult. You don't want to insult the jury. Or insult their intelligence. The jurors, from comments made afterward, apparently treated with derision defense lawyer Morvillo's closing argument that Ms. Stewart was too smart to have participated in such a scheme.

Another juror, Dana D'Alessandro, expressed surprise that Ms. Stewart had not testified. When Ms. Stewart's lawyer, Robert G. Morvillo, said "no matter how disappointed you might be" about Ms. Stewart's failure to take the stand, Ms. D'Alessandro indicated his statement assumed that the jury was star-struck, an impression the jury did not share.

- **Truth matters to jurors, even if a witness has a motive**

The star witness for the prosecution was 28-year-old Douglas Faneuil, a former Merrill Lynch & Co. assistant. During his testimony he said he believed he would lose his job unless he lied to back up Stewart's version of why she dumped her ImClone Systems stock.

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***"[J]urors ... said that it had been a serious mistake for Ms. Stewart and Mr. Bacanovic not to have taken the stand."***

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"I felt I would be fired if I didn't lie," he said.

Faneuil also testified that the broker, Peter Bacanovic, pressured him into lying to investigators about why Stewart sold 3,928 shares of ImClone.

The defense vigorously cross-examined Faneuil. Defense lawyer Apfel tried to paint a picture of Faneuil cooperating with the government to avoid prosecution for drug use, and that was why his story had changed.

Under the questioning from Apfel, Faneuil had admitted that he has repeatedly used marijuana and Ecstasy—and on rare occasions cocaine and the party drug ketamine, also known as Special K—but said he never used any of those drugs while on the job at the brokerage.

Faneuil said he hoped he would not be charged with drug offenses.

"Just like they have given you assurance that if you cooperate, they won't go after you for the lies that you told in January and March of 2002, is that right?" Apfel asked.

"As long as I tell the truth now," Faneuil answered.

Since the case boiled down to who was telling the truth, the fact that neither defendant took the stand really hurt.

The defense took a risk. In the past, the "we don't need to mount a defense, so weak is the prosecution's case" ploy may have worked. Today, jurors want to see some substance. It may not be a legal burden to prove innocence, but the idea is somewhere in the jurors' minds.

The lesson learned here: present *something*; attack *somewhere!*

*James Scott Bell is the author of Trial Weapons, an updated compendium of trial tactics and techniques. For information about ordering, call Compendium Press at (800) 383-1896. Or write: Compendium Press, Box 705, Woodland Hills, CA, 91365.*

**Publisher's Note & Issue Overview**

The March issue is one of my recent favorites, and I'm sure you will agree. Our growing team of trial and jury consultant advisors hit on some excellent themes in this issue and we expect more of the same in the coming months!

First, San Francisco trial consultant Tara Trask has written an excellent update on the newest post-war, post-Baby-Boom generational traits. She advises that the "Gen X" and "Net Gen" groups are now poised to become the most influential juror groups and that all attorneys must disregard prior stereotypes and misperceptions about their members, or suffer the consequences. (Hint: Gen Xers aren't the "slackers" we once thought!)

Richard Waites, Ph.D, gives his insights into the psychological elements of storytelling. His approach allows attorneys to delve into an individual's needs and motivations to produce themes that will ring true and give every trial participant—judge, attorney, juror and even arbitrator—a stake in the story being told.

Chicago consultant Patricia McEvoy, Ph.D, provides a quick list of tips to ensure better "for-cause" challenges during voir dire. And, Jim Bell, instructs on some valuable lessons learned in the recent Martha Stewart trial and verdict.

Thanks again for reading **The Jury Expert**. If you like what we're doing, tell a colleague! (Thanks.)

*David Finley, Esq.*  
*Publisher*

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