

Welcome to the inaugural issue of Clear Thinking, another way for our clients and friends to share in what we are learning in court, mock trials and in our continuing study of learning techniques. We'll keep issues brief. Let us know if there is a subject you would like to know more about. Of course you can unsubscribe at any time by clicking below.

Making the CSI Effect work for you

Lately some of our clients have rankled at the CSI Effect, the result of the popular TV show that gives jurors unrealistic ideas of what science can deliver in a courtroom. But there are positive CSI effects that trial attorneys — civil as well as criminal — can use to their advantage.

The CSI programs have made jury duty more appealing to prospective jurors. They now have the expectation that an interesting story will unfold in court, a mixture of fascinating visuals and modern science or technology. An April 2005 *US News & World Report* article stated, "prosecutors are waking up to the need to cater to a jury's heightened expectations. That means more visual cues."

Our anecdotal evidence and that of our colleagues, indicates that jurors with critical thinking skills are becoming more willing to participate in the jury system, less likely in *voir dire* to force peremptories or ask the judge to release them on hardship. Cognitive psychologists would say these jurors are looking forward to the process of analyzing or evaluating the conflicting information, and to being given the same control they've seen jurors administer on TV.

Television, *in general*, has already created the need for immediacy and visualization in court, but the CSI series also put a charge into the lay person's view of research and technology, focusing them — giving, for instance, patent and intellectual property litigators *increased* jury attention. And we've seen similar jury responses to technical information clearly presented in construction defects; wrongful death; insurance defense; and environmental litigation.



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