

## Selecting mock juries and focus groups: A very out-of-the-box approach

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The normal approach to selecting members of mock juries and focus groups is to try to obtain a cross-section of the community in which the case is going to be tried.

I recently read an article about how one plaintiff lawyer purposely does not pick a representative group when he selects people for his mock juries and focus groups. Instead, he sometimes selects only conservative jurors — those who are more likely to find problems with his case. The attorney, Sach Oliver, a partner in the Bentonville, Arkansas firm of [Bailey & Oliver](#), writes in part:

Our firm has had huge success with focus groups by choosing a conservative church in the community to find jurors, and this method may help you, too. We choose a conservative church because we want to find out everything that potential jurors might think is wrong with our case, and we find that conservative-minded people tend to point out more weaknesses.

He has also summarized in an e-mail the benefits of his approach:

One of the most interesting and favorable aspects to the church method is that you watch conservative jurors use conservative arguments to persuade other conservative jurors. These conservative arguments are usually golden material that should be used in the preparation of your case as themes and arguments.

You can find the following [attached in a PDF document](#):

Sach Oliver's "Simple Steps to Conduct Your Own Focus Groups: The Church Method"

A two-page form letter to Pastors of selected churches, including information regarding payments to the church and to the potential jurors for the mock trial

A letter to the volunteering mock jurors

(The foregoing materials in the pdf are reprinted with permission of the author.)

Also included in the pdf is a copy of a piece by Sach Oliver in Trial, a publication of the American Association for Justice. The article is also available online at <http://www.justice.org/cps/rde/xchg/justice/hs.xsl/5045.htm> (for subscribers) and is printed in the December 2008 issue of Trial, page 59. (Reprinted with permission of TRIAL (December 2008), Copyright American Association for Justice, formerly Association of Trial Lawyers of America (ATLA(r))).