



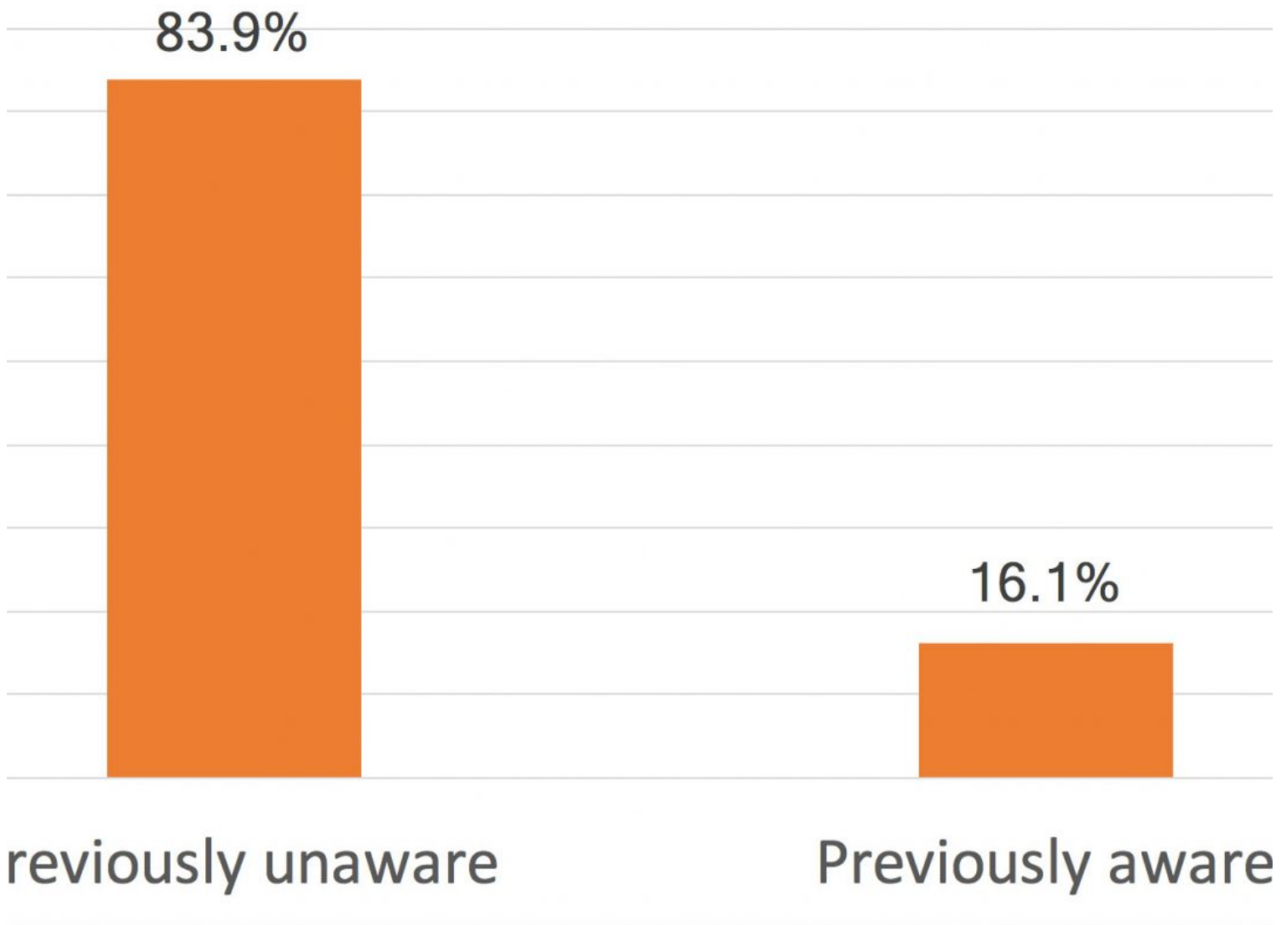
## Researching Jurors Online: An “Icky” but “Necessary Evil”

December 28, 2017 / by David Barnard

Conducting online juror research (OJR)—Internet and social media research—is a powerful tool to identify opinions, may have a bias against one of the parties in a dispute. However, the acceptability of the bench.

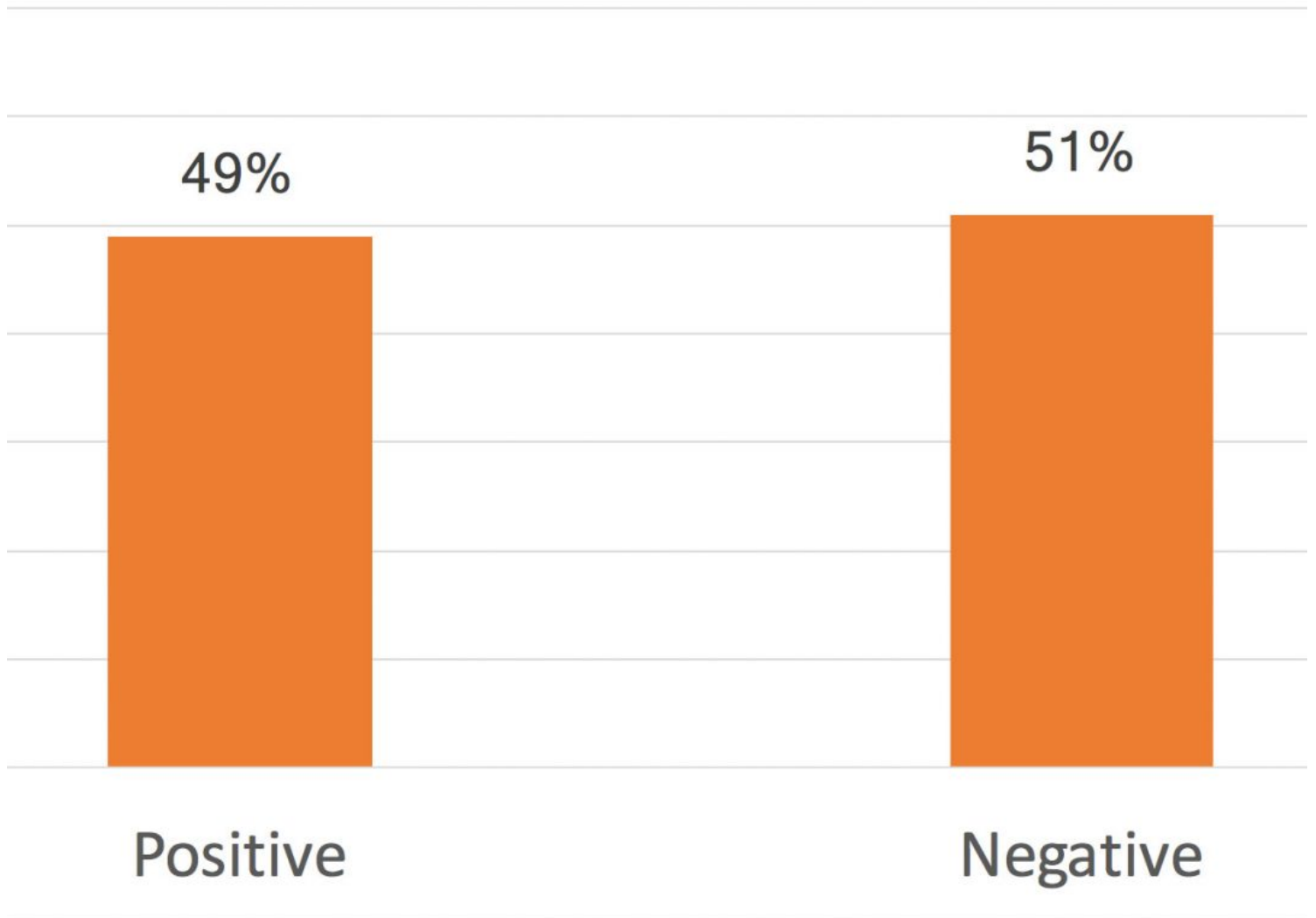
anced attorney-conducted OJR [https://www.law.com/therecorder/almID/1202784626601/], and ad selection. Judge Rodney Gilstrap of the Eastern District of Texas issued cts.gov/sites/default/files/judgeFiles/Standing%20Order%20--%20Juror%20Research%20%28signed% rating the guidelines set first forth in 2014 by the New York State Bar Association. The New York Ba on to not making direct contact with jurors via the web, should not engage in OJR where there is rtification that their publicly available information had been viewed. Other judges have been more a practice have argued that it encroaches on juror privacy and that OJR is an offense that jur erecorder/almID/1202784626601/]. However, jurors’ opinions, and even awareness, of OJR is an rther detail.

ter, we surveyed 347 jury-eligible respondents to gain insight into what they know about OJR a dited using Amazon’s Mechanical Turk (M-Turk) with representation from 41 states in the US. We as eys might conduct OJR. Respondents were largely unaware; only 16.1% of respondents reported g about it via our survey.



of opinions as to whether respondents had an overall positive or negative view of OJR. When asked for their opinion on public information online about jurors, 49% responded that they felt positively about the practice, wh

**How do you feel about attorneys looking up public information about potential jurors online?**



asked to provide an explanation of their opinion of OJR. Respondents expressing positive opinions, the justice system, and the value of uncovering potential juror bias.

*part about our justice system is that people receive a fair trial with an impartial jury. By researching pe*

*pecially to see if someone could pose a threat in regard to bias. This would weed out the potentially ba  
trial.”*

*y acceptable to avail themselves of information we put out on the internet for public consumption.”*

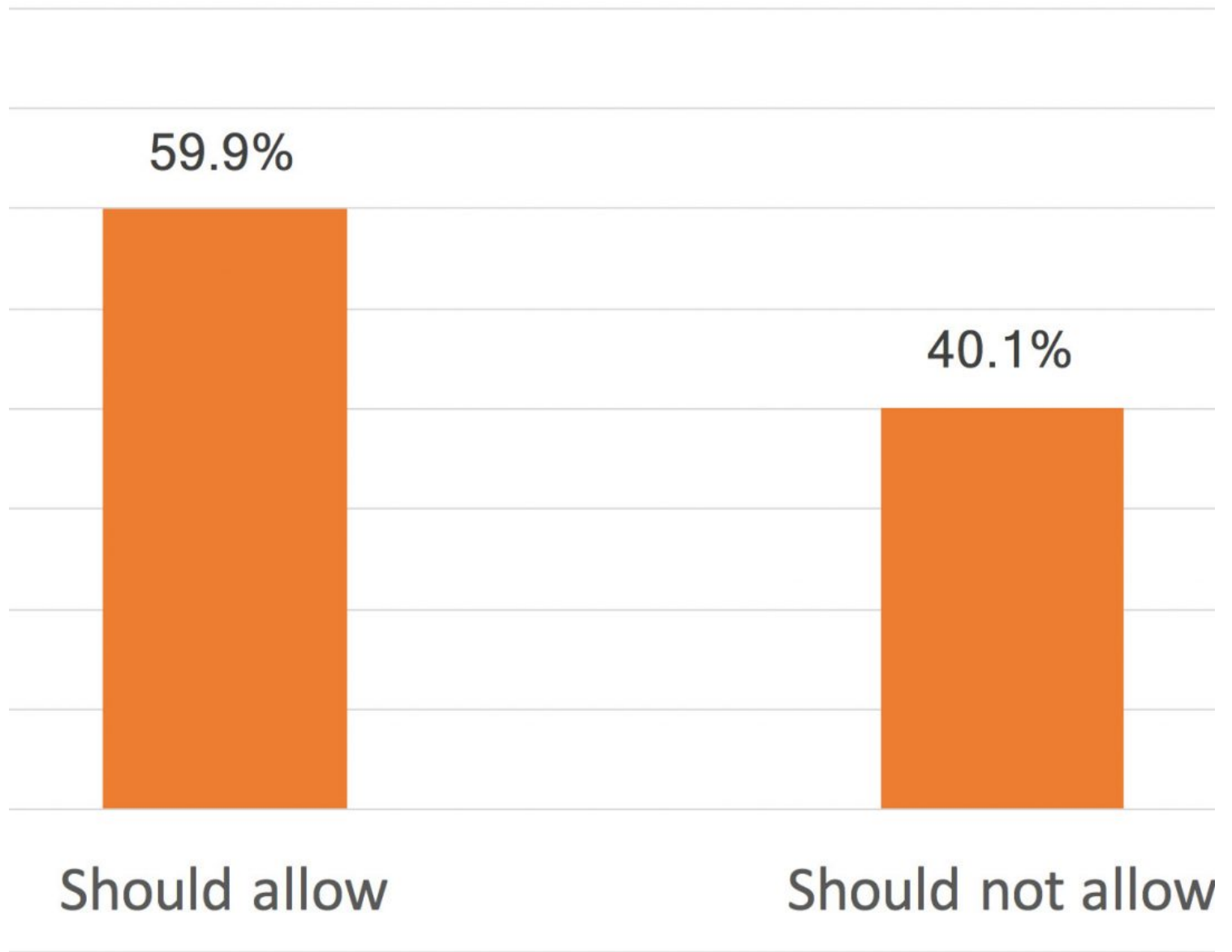
g negative opinions viewed OJR as an invasion of juror privacy and unnecessary for jury se  
sed a visceral response that they were uncomfortable with the practice.

*ble with it, PERIOD.”*



privacy, and it's a little weird knowing that a lawyer knows things about me before I even appear for jury duty. Despite this, over half of respondents (51%) felt negatively about OJR, a significantly greater number expressed concern about the practice; 59.9% of respondents indicated that attorneys should be allowed to look up information about potential jurors online.

**Allowed to look up public information about potential jurors online.**



As expressed that, despite a negative opinion of the process, they still felt that attorneys should be allowed to look up information about potential jurors online. In fact, the survey identified, it was viewed as “a necessary evil.”



*is nothing wrong with it, it makes me feel somewhat uncomfortable.”*

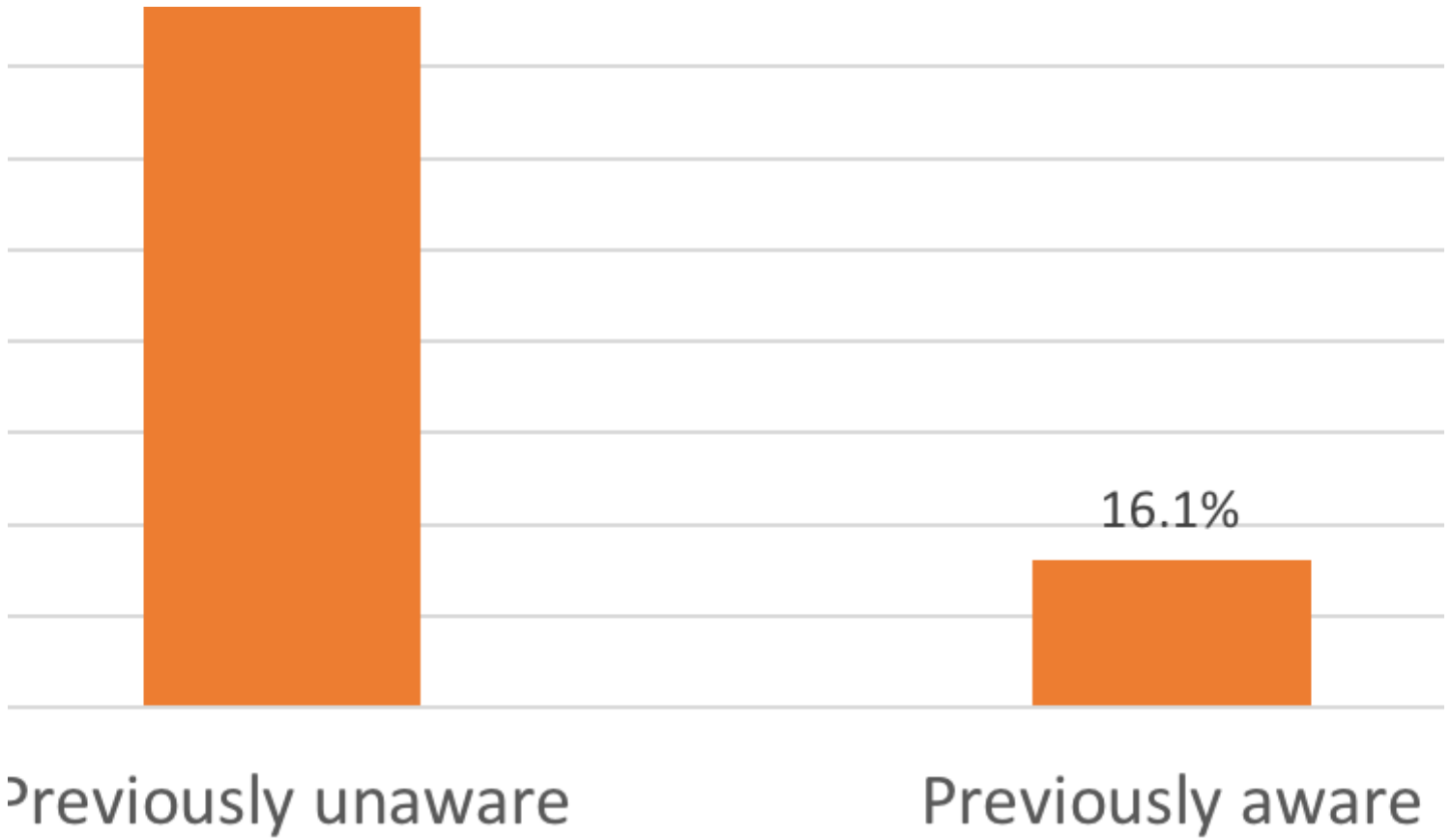
*reasoning behind determining the type of person the juror is but it does feel icky.”*

ors take offense to OJR is only partially meted out by the data. While some respondents may feel nervous, a subset of those consider it to be an effective tool to identify juror bias.

into account that a strong majority of respondents were unaware of OJR—until informed by this survey. The segment of the public is aware of OJR and also believes that it should be prohibited. Given that attorneys are engaging in OJR that would alert a juror that they were being researched, there is little chance of OJR going undetected through jury service.

of respondents who were aware of OJR, 66.1% of those had a positive opinion of it. Even more respondents who were aware of OJR indicated that attorneys should be allowed to engage in the practice. Consequently, 2.6% of all respondents indicated that attorneys should be prohibited from the practice. Stated another way, 97.4% of respondents were in favor of attorneys being allowed to engage in the practice.

**Allowed to look up public information about potential jurors online.**



While potential jurors have a positive view of OJR, the data demonstrates that while some jurors may have made the distinction between their personal feelings and whether they believe the process should be used for selecting the courtroom who are aware of OJR and object to the practice is only a small sliver of the group. While those sitting in the jury box might oppose OJR, the data indicates that most jurors will not see OJR as a selection process.

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