

Section H

Stop Just Learning About Focus Groups, Use Them

Tim Semelroth

RSH Legal

425 2nd St. SE, Ste. 1140

Cedar Rapids, IA 52401-1818

tsemelroth@fightingforfairness.com

**STRUCTURED
SETTLEMENTS
SIMPLIFIED**



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FINDING PARTICIPANTS FOR YOUR FOCUS GROUP

Tim Semelroth: tsemelroth@fightingforfairness.com

Emily Anderson: eanderson@fightingforfairness.com

RSH Legal

425 Second Street SE, Suite 1140

Cedar Rapids, Iowa 52401

(319) 365-9200

The first step in putting on a focus group is finding participants to act as jurors. The goal is to identify participants of a good demographic mix in the venue where you will be trying the case who are not connected to the case and are likely to show up on the day of the event.

Here are the steps we follow to secure willing participants (examples of the items in bold are attached):

- 1.) Send a **letter requesting the names and addresses of ~1000 recent jurors** from your County Court's Jury Clerk/Manager
- 2.) Send an **invitation letter** to prospective participants, inviting them to call your office if they want to participate
- 3.) When people call, use a **screening form** to ensure they are capable jurors who are not connected to the case
- 4.) Send a **confirmation letter** about one week prior to the focus group to help ensure full turnout

July 1, 2019

Jury Manager
Clerk's Office
Linn County Courthouse
P.O. Box 1468
Cedar Rapids, IA 52401

RE: Past Juror Lists

Dear Jury Manager:

Once again, my firm will be conducting some focus groups concerning civil cases that we have going to trial in Linn County. These trials will be taking place in November. I would like to obtain a list of Linn County residents who have been called for jury service recently enough that they cannot be called again in November. I plan on sending those people written invitations to participate in our research.

If possible, I will need at least 1,000 names. Let me know the cost of these lists and I will deliver a check promptly. Thank you for your cooperation in this matter.

We would like this list as soon as possible. Thank you!

Very truly yours,

Lori Bratton

JURY RESEARCH PROJECT
Lori Bratton, Recruiting Coordinator
425 Second St. SE, Suite 1140
Cedar Rapids, Iowa 52401

August 3, 2019

Jane Jameson
1234 Main St.
Cedar Rapids, IA 52401

Dear Ms. Jameson,

I received your name from the Jury Clerk in Linn County. I am inviting a number of citizens to participate, for pay, in a 4-hour jury research project to be held on the evening of Thursday, September 5, 2019 starting at 6 pm at the First Community Church in Cedar Rapids.

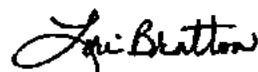
Participants will listen to and evaluate brief presentations of both sides of a real lawsuit. **You will be paid \$50.00 for the four hours.** A light supper and refreshments will be served.

Virtually everyone who has participated in these projects reports them to be extremely interesting, enjoyable, and worthwhile. You need no qualifications or expertise other than the ability to listen to both sides of a dispute and the willingness to be as fair as you can be.

I hope you can join us for this informative evening. Please call me, **only if you are interested**, at **1-319-721-2913 between the hours of 9:00 a.m. and 5:00 p.m.** **Before I can formally invite you to participate, I will need to ask you some questions to make sure there are no conflicts and to get a good cross section of participants.**

If you are interested, I need to hear from you on or before **Friday, August 23, 2019**. Available slots for these sessions fill **quickly**, so the sooner you can call me the better.

Thank you,



Recruiting Coordinator

Attachment 3 of 4: Participant Screening Form

Before I can formally invite you to participate, I need to ask a few questions so that we can assemble a cross section of the community.

1. **Name:** _____

2. **Phone Number:** _____

3. **Sex** male female

4. **Age** _____

5. **Occupation** _____

6. **Marital Status** _____

7. **Spouse's occupation** _____

8. **Do you or anyone you know well work in the legal profession or the justice system (the courts)?** [If yes, thank and terminate.]

Yes No

9. **Do you or anyone you know well work for a radio or TV station, newspaper, magazine, or any other news organization?** [If yes, thank and terminate.]

Yes No

10. **Can you read and write without assistance?**

Yes No

[If they cannot, thank them and explain that you cannot use them. IF they ask about this (and only if they ask), explain that some folks need assistance due to poor eyesight or arthritis, and you can use people only if they can read and write well on their own.]

11. **How far in school?** _____

12. **Have you ever served on a jury?** Yes No

13. **Do you know or have dealings with any of the following people or groups?**

John Riccolo	Tim Semelroth	Pressley Henningsen	Riccolo, Semelroth, & Henningsen, P.C.
John Smith	Jane Smith	Jim Doe	Sarah Doe
Rick Johnson	Sally Miller	Johnson & Miller, P.C.	Midwest Insurance Co.

JURY RESEARCH PROJECT

Lori Bratton, Recruiting Coordinator
425 Second St. SE
Cedar Rapids, Iowa 52401

August 29, 2019

Ms. Jane Jameson
1234 Main St.
Cedar Rapids, IA 52401

Dear Jane,

Thank you for agreeing to come to our jury project on Thursday, Sept. 5th at the First Community Church in Cedar Rapids.

Feel free to park in the church parking lot. We will be meeting in the church gym and there will be signs at the entrance directing you where to go.

We begin promptly at 6:00 p.m. If you arrive late, we are not allowed to let you in, so please allow plenty of time.

Remember that supper will be served, as well as a light snack later in the evening. In addition, we will pay you \$50.00 at the end of the evening.

I know you will find the evening extremely interesting. I hope you will do everything you can to keep your commitment to be with us. **If for any reason you cannot be there, please call me right away at 721-2913.**

I look forward to meeting you in person at 6:00 p.m. on the evening of September 5th.

Thank you again,

Lori Bratton
Recruiting Coordinator
721-2913

TIMELINE OF A FOCUS GROUP

Tim Semelroth: tsemelroth@fightingforfairness.com

Emily Anderson: eanderson@fightingforfairness.com

RSH Legal

425 Second Street SE, Suite 1140

Cedar Rapids, Iowa 52401

(319) 365-9200

Once you have the space, the people, and the materials, running a focus group is just a matter of following a checklist. This is the basic timeline we follow, which you can use as a checklist for running your own focus groups (examples of the items in bold are attached behind this page):

- 1.) Jurors arrive
 - a. Use sign-in sheet
- 2.) Form A & Form B used
 - a. **Form A: Confidentiality Agreement**
 - b. **Form B: Participant Data**
 - c. Food is served once both forms are turned in
 - d. While jurors eat, explain the activity and all terms and conditions
- 3.) Present neutral statement
- 4.) Present Plaintiff statement
- 5.) **Response Form C** Used – initial reaction and questions
- 6.) Present Defendant statement
- 7.) Collect written questions
- 8.) 10 Minute Break
- 9.) Answer written questions
- 10.) **Response Form D** used – grouping tool
- 11.) **Response Form E** used – pre-deliberation positions
- 12.) Divide pro-Plaintiff & pro-Defendant groups
- 13.) Read **Jury Instructions**
 - a. Choose a foreperson
 - b. One person talks at a time
 - c. Start with each juror giving her one-minute reaction to the case
 - d. Then try answer the questions on the verdict form
 - e. Verdict must be unanimous
 - f. Damages must be unanimous – NO averaging
- 14.) Jurors leave to deliberate
- 15.) **Response Form F** Used – post-deliberation positions
- 16.) Jurors collect money on the way out

Form A - Confidentiality Agreement

Dear Participant:

Today you will help decide a real lawsuit. Because it is real, it is important to listen carefully and arrive at a fair verdict.

To protect everyone involved, please sign the confidentiality agreement below. This agreement also requires us to hold in confidence all information you provide us about yourself. This information is necessary for us to ensure that a fair cross section of the community is involved in this decision-making.

Thank you for participating.

In re: John Smith v. Sarah Doe

In return for financial consideration, I agree to participate in deciding the above-referenced matter.

-I agree to be videotaped.

-I agree to hold everything about this case in strictest confidence. I will not talk about this case to anyone after I leave here. In return, I understand that all information I provide about myself will be held in strictest confidence.

-I understand that this case is real. Therefore I will do my best to arrive at an honest and fair decision.

Signature: _____

Date: _____

Please print your name: _____

Form B - Participant Data

It is important for you to answer every question.

Your answers are absolutely confidential.

PLEASE PRINT:

Name: _____ Phone: _____

_____ Male _____ Female Age: _____

Where do you live (name of city or town)? _____

Employer: _____ How long? _____ years

What kind of work do you do? _____

List previous jobs and employers over the past twenty years:

Job _____ Employer _____ How long? _____ years

If retired: Who was your last employer? _____

What kind of work did you do? _____

Do you now or have you ever supervised other employees?

Yes No

How many? _____ (If none, write 0)

Do you now or have you ever owned your own business?

Now Previously Never

Number of employees (not including yourself): _____

Total number of years in school, kindergarten through college: _____

College degree(s): _____

Military service: Branch _____ **Rank** _____

Dates: From _____ **to** _____

Principal military duties: _____

Marital Status (check one):

Single and never married

Currently married

Divorced

Widow/widower

Other (specify): _____

Occupation of spouse or significant other: _____

Number of sons: _____ **Age of each son:** _____

Number of daughters: _____ **Age of each daughter:** _____

If any of your children are employed, please list their occupations:

Have you or anyone close to you ever sued anyone?

_____ **Yes** _____ **No**

Why, and what was the result? _____

Have you or anyone close to you ever been sued?

_____ **Yes** _____ **No**

Why, and what was the result? _____

Have you ever been seriously hurt in any kind of accident?

_____ **Yes** _____ **No**

Please describe the accident: _____

Please describe your injuries: _____

Which of your injuries were permanent? _____

Whose fault was the accident? _____

Why was the accident that person's fault? _____

Did you receive money for the harm to you?

_____ **Yes** _____ **No**

If yes, did you receive a fair amount?

_____ **Yes** _____ **No**

If no, why should it have been a different amount? _____

Has anyone close to you ever been seriously hurt or killed in any kind of accident?

_____ **Yes** _____ **No**

Please describe it: _____

Who was the victim? (No names; just write "close friend" or "uncle" or whatever):

Please describe the injuries: _____

Which of the injuries were permanent? _____

Whose fault was the accident? _____

Why was the accident that person's fault? _____

Did the injured person or their family receive money for the harm caused by the accident?

_____ **Yes** _____ **No**

If yes, was it a fair amount?

_____ **Yes** _____ **No**

If no, why should it have been a different amount? _____

Please circle the people on the following list with whom you have any kind of contact or familiarity:

John Riccolo
John Smith
Sarah Doe

Tim Semelroth
Jane Smith
Rick Johnson

Pressley Henningsen
Jim Doe
Sally Miller

If you or anyone close to you knows anyone who works at any of the following, circle the name:

Riccolo, Semelroth, & Henningsen
Midwest Insurance Co.

Johnson & Miller

Do you know anyone who works in any area of the legal profession?

_____ **Yes** _____ **No**

Who? _____

Are you currently called for jury service?

_____ **Yes** _____ **No**

NOW PLEASE CHECK OVER THIS FORM TO MAKE SURE YOU RESPONDED TO EVERY QUESTION. IF YOU HAVE ABSOLUTELY NO ANSWER, NOT EVEN A GUESS, WRITE "N.A."

Response Form C

Name (print): _____

Take your best guess right now about how good a case Mr. Smith has against Ms. Doe:

_____ Probably strong

_____ Probably weak

Please explain: _____

You are about to hear Ms. Doe's side of the case. What else would be useful to hear from Mr. Smith?

1. _____

2. _____

3. _____

Response Form D

Name (print): _____

Make your best guess as to who is right in this case:

- _____ Mr. Smith should definitely win.
- _____ Mr. Smith should probably win.
- _____ I am slightly siding with Mr. Smith.

- _____ I am slightly siding with Ms. Doe.
- _____ Ms. Doe should probably win.
- _____ Ms. Doe should definitely win.

What is your gut feeling on the amount of money requested:

- _____ Mr. Smith should get more than he is asking for.
- _____ Mr. Smith should get about the amount he is asking for.
- _____ Mr. Smith should get less than he is asking for.
- _____ Mr. Smith should get no money.

Response Form E

Name (print): _____

Name two facts or arguments you have heard that most help Mr. Smith.

(Please answer this question even if you are siding against Mr. Smith.)

1. _____

2. _____

Name two facts or arguments you have heard that most help Ms. Doe. (Please

answer this question even if you are siding against Ms. Doe.)

1. _____

2. _____

NEGLIGENCE is the failure to be reasonably careful. With that in mind, was Ms. Doe negligent?

_____ Yes _____ No

What did Ms. Doe do wrong (if anything)?

What else would you like to know to help you decide this question?

If Ms. Doe was negligent; did her negligence cause injury to Mr. Smith?

_____ Yes _____ No

Was Mr. Smith negligent?

_____ Yes _____ No

What did Mr. Smith do wrong (if anything)?

What else would you like to know to help you decide this question?

If Mr. Smith was negligent; did Mr. Smith's negligence cause injury to himself?

_____ Yes _____ No

What percentage of the total negligence that caused injury do you assign to Ms. Doe and what percentage of the total negligence that caused injury do you assign to Mr. Smith? The percentages must total 100%.

Ms. Doe _____ %

Mr. Smith _____ %

TOTAL 100 %

Please explain your answer:

MONEY

How much, if anything, should Ms. Doe pay to Mr. Smith? (Please write an actual dollar amount. Do NOT write words such as "A fair amount" or "enough for the medical bills" or any other description.)

Write the amount in numbers: \$ _____

What else would you like to know to help you decide how much money to award to Mr. Smith?

In a little while, the jury as a whole will decide this case.

If the jury decides that Mr. Smith should win, what do you think would lead them to make that decision?

If the jury decides that Ms. Doe should win, what do you think would lead them to make that decision?

If the jury decides that Mr. Smith should get a very small amount of money, what do you think would lead them to make that decision?

If the jury decides that Mr. Smith should get a very large amount of money, what do you think would lead them to make that decision?

Jury Instructions (To be read by Moderator)

1. This is your chance to respond to the case by deliberating with each other to a conclusion.
2. Your first task is to select a foreperson. I want to make clear that the foreperson's opinions are no more important than anyone else's, and the foreperson should talk no more than anyone else. Instead the foreperson's job is to organize the discussions: to make sure everyone speaks up, to make sure no one hogs the discussion, and to make sure that only one person speaks at a time.
3. Next, the foreperson should pass out copies of the verdict form and then read the first page out loud.
4. After the foreperson is finished reading, each of you should introduce yourself and take a turn giving a one-minute explanation of how you feel about the case and why. This step has to occur before any group discussion – we want every juror to understand the range of opinions in the room before group discussion.
5. You need to know that the most important part of deliberations is listening. The purpose is for you to hear each other's opinions and then to decide which part of everyone else's opinion is useful to you and then on that basis start to make your own decisions. So you need to remember your most important job is listening as well as talking.
6. It is especially important that only one person speak at a time. The deliberations are valid only if everyone hears what everyone says, which cannot happen when more than one person speaks at a time. I ask each of you to take responsibility for reminding your fellow jurors of this rule.
7. The jury should then deliberate to a unanimous conclusion on each verdict question.
8. Do not arrive at any money figures by averaging.
9. Do not move your chairs off of the taped marks on the floor.
10. Thank you.

Response Form F – Individual Responses After Deliberations

Name (print): _____

PLEASE DO NOT LEAVE ANYTHING BLANK.

Name two facts or arguments you have heard that most help Mr. Smith.

(Please answer this question even if you are siding against Mr. Smith.)

1. _____

2. _____

Name two facts or arguments you have heard that most help Ms. Doe.

(Please answer this question even if you are siding against Ms. Doe.)

1. _____

2. _____

NEGLIGENCE is the failure to be reasonably careful. With that in mind, was Ms. Doe negligent?

_____ Yes _____ No

What did Ms. Doe do wrong (if anything)?

What else would you like to know to help you decide this question?

If Ms. Doe was negligent; did Ms. Doe's negligence cause injury to Mr. Smith?

_____ Yes _____ No

Was Mr. Smith negligent?

_____ Yes _____ No

What did Mr. Smith do wrong (if anything)?

What else would you like to know to help you decide this question?

If Mr. Smith was negligent; did Mr. Smith's negligence cause injury to himself?

_____ Yes _____ No

What percentage of the total negligence that caused injury do you assign to Ms. Doe and what percentage of the total negligence that caused injury do you assign to Mr. Smith? The percentages must total 100%.

Ms. Doe _____%

Mr. Smith _____%

TOTAL 100 %

Please explain your answer:

MONEY

How much, if anything, should Ms. Doe pay to Mr. Smith? (Please write an actual dollar amount. Do not write words such as "A fair amount" or "enough for the medical bills" or any other description.)

Write the amount in numbers: \$ _____

What else would you like to know to help you decide how much money to award to Mr. Smith?

If Mr. Smith wins this case in front of a real jury, why do you think that will happen?

If Ms. Doe wins this case in front of a real jury, why do you think that will happen?

If this case were a movie, what would its title be?

Please write a 50-word summary of this case if you were explaining it to somebody who knew nothing about it.

IMPORTANT

If this case eventually goes to court and you are called as a juror, you MUST tell the judge that you worked on this research project, heard facts about the case and arrived at conclusions about the case.