

**FOCUS GROUPS: YOU CAN'T AFFORD
NOT TO USE THEM**

JOSEPH F. BROPHY
Watson Bishop London Brophy, P.C.
The Littlefield Building
106 East Sixth Street, Suite 700
Austin, Texas 78701

State Bar of Texas
Advanced Personal Injury Law Course
July 13-15, 2005
Dallas, Texas

CHAPTER 17

TABLE OF CONTENTS

I.	INTRODUCTION	3
II.	WHAT IS A FOCUS GROUP?.....	3
	A. Focus Groups Defined.....	3
	B. The Application of Focus Groups to Litigation.....	3
III.	THE VALUE OF FOCUS GROUPS.....	4
	A. To Evaluate the Strengths and Weaknesses of Your Case	5
	B. To Prepare for the Voir Dire	5
	C. To Test and Develop Your Theme	6
	D. To Test for Bias	6
	E. To Develop “Catch Phrases,” Analogies, Similes and Metaphors	6
	F. To Prepare a Witness for Trial	7
	G. To Test Demonstrative Exhibits and Aids.....	7
	H. To Educate Your Client.....	7
	I. To Find Out What Information Gaps Exist	7
	J. To Explore Whether Jury Nullification is an Issue	7
IV.	HOW TO CONDUCT YOUR OWN FOCUS GROUP	
	A. Location.....	8
	B. Screening Potential Jurors, Confidentiality Agreement and Juror Questionnaire	8
	C. Where to Obtain Participants	9
	D. Size of Your Focus Group	9
	E. Prepare Both Sides of the Case.....	9
	F. Preparing the Moderator.....	9
	G. The Physical Set Up and Videographer	10
	H. Start of the Focus Group.....	10
	I. Presentation of the Case and Summary Arguments	10
	J. The Jury Charge	11
	K. The Focus Group Discussion.....	11
	L. Demeanor and Attire	12
	M. The Post Mortem	12
	N. Costs and Expenses	12
V.	LIMITATIONS, TIMING	13
	A. Limitations.....	13
	B. Timing	13
VI.	CONCLUSION	13

FOCUS GROUPS: YOU CAN'T AFFORD NOT TO USE THEM

I. INTRODUCTION

A well conducted focus group can play an invaluable role in your preparation for trial. If you have had the opportunity to participate in a well conducted focus group, you undoubtedly appreciate the benefits. A focus group provides you with the opportunity to observe how a jury will consider your case. But that's just the start. Although relatively few trial lawyers have participated in focus groups, we have all tested arguments and analysis on colleagues, office staff, friends, family members and sometimes strangers. In doing so, we have "focused" issues with persons whom we expect to provide valuable input. Effectively focusing the issues in your case, will enable you to confidently proceed to trial knowing that you are equipped to tell the most compelling story the evidence will support. This paper discusses the benefits to be gained from focus grouping your case and provides a detailed explanation regarding how you can effectively conduct your own focus group inexpensively.

II. WHAT IS A FOCUS GROUP?

A. Focus Groups Defined

Definitions and descriptions of the focus group process are broad and varying. They include the following: a monitored group discussion lead by a

trained facilitator following stimuli presentations to the group; a group interview in an unstructured, free flowing interview with a small group of people; a small, temporary community formed for the purpose of collaborative enterprise of discovery; a group interview, which relies on interaction within the group, based on the topics that are supplied by the researcher, who typically takes the role of a moderator or facilitator.¹ Focus Groups have also been defined in terms of the following characteristics: people assembled in a series of groups possessing certain characteristics that are provided data of a qualitative nature in a focused discussion.² Marketing researchers have termed focus groups "persuasion design laboratories"³ and have defined focus groups as "a small, temporary community formed for the purpose of the collaborative enterprise of discovery."⁴ This sounds very similar to a jury.

B. The Application of Focus Groups to Litigation

A focus group is in form and substance incapable of precise definition, because it is largely what

¹ Murray Ogborn, The Use of Focus Groups: Felicity or Foible; I Reference Materials 865 (ATLA Annual Convention 1996).

² Richard A. Krueger, Focus Groups: A Practical Guide for Applied Research (2nd Ed. 1994), Sage Publications, p. 16.

³ Market Navigation, Inc., How to Get More Out of Your Focus Groups.

⁴ June Farley Templeton, The Focus Group: A Strategic Guide to Organizing, Conducting and Analyzing the Focus Group Interview.

the sponsor wants it to be.⁵ The type, size, duration, scope and process of any focus group is shaped and limited only by the imagination of the designer.⁶ However, for purposes of trial preparation, a focus group can be defined as a gathering of people that, at your direction, consider whatever aspect of your case you present to them. In the litigation context, the type of focus group typically utilized is commonly referred to as a “mini-mock trial” or “structured” focus group. While similar to a mock trial, a focus group is less formal and focuses on the group discussion, rather than the formal presentation of opening statements, evidence and closing arguments. Focus groups generally involve a balanced presentation of the case to a representative sample of the actual juror population. Accordingly, the participants (a/k/a “mock jurors”) are randomly selected and should reflect a fair cross section of your venue. For this reason, the focus group should be conducted in the county in which the case is pending. If that is not feasible, then it should be conducted in an adjacent county or one with similar demographics.

Mock jurors hear abbreviated arguments presented by the trial team, which often include the presentation of crucial exhibits and key pieces of evidence. During the presentation of the case, the deliberation phase and focus group discussion the mock

jurors are carefully observed for both verbal and non-verbal cues. Focus groups can be used as the primary research method or they can be used as the foundation for further research projects, such as a mock trial or to design your voir dire examination. In short, a focus group can be customized to fit your needs. Regardless of the label you attach to the process: focus group, mini-mock trial or jury simulation, it provides a unique opportunity to obtain valuable feedback regarding your case from a group of persons similarly situated to those who will comprise your jury.

III. THE VALUE OF FOCUS GROUPS

Focus groups have been used for decades by marketing researchers and advertising specialists. They have been used to examine the persuasiveness of war-time propaganda efforts. Social scientists have used them in a wide variety of applications to explore people's attitudes, feelings, beliefs and values. While the use of focus groups as an aid to lawyers engaged in litigation is a relatively new concept, over the last decade they have been utilized with increasing frequency, especially in “high dollar” cases in which professional trial consultants have been retained. However, focus groups need not and should not be reserved for only “high dollar” cases.

⁵ Supra, fn.1.

⁶Id.

Every case would benefit from the use of a focus group. Even the simplest case has strengths and weaknesses that can be explored. It is a forum for reality testing. It is too easy to become enamored with one's own version of the case. Believing that jurors share your view of the case can be dangerous. Focus groups help us cut through this bias, pinpoint aspects of the case we overlooked and improve our presentation of the case. Focus groups have multiple applications in the litigation context, including the following:

A. To Evaluate the Strengths and Weaknesses of Your Case

Focus groups are typically used to assess the strengths and weaknesses of a case. This is typically accomplished by conducting a "mini-mock" trial. This process typically involves the presentation of live or videotaped summary arguments by both sides. However, it may also be done by providing the mock jurors with a written narrative outlining the central facts of the case, as well as a summary of both sides' arguments. These presentations may also be interspersed with excerpts of witness testimony or involve a presentation of crucial exhibits. The presentations are followed by a discussion of the case which should reveal the weaknesses and/or strengths of a case.⁷ The focus group format allows you to probe the reasons for mock jurors' negative or

positive reaction to your case. In the event of a negative reaction, the focus group provides the perfect opportunity to start working on reframing your case. In the event of a positive reaction, the focus group will help identify those facts and arguments from which you can build your strongest case. Focus groups assist with sifting through all of the details and minutiae and allow us to re-discover the proverbial "forest for the trees."

B. To Prepare for the Voir Dire

The key to an effective voir dire examination is not identifying those jurors who will be favorable to your client and case, but rather identifying those persons who will not. Effective jury selection is a matter of de-selection. Too often de-selection is based upon stereotypes and general demographic factors. However, an effective voir dire examination is dependent upon discovering jurors' beliefs, values and attitudes. Once you have identified those mock jurors hostile to your case, you should focus on discovering as much about their background, experiences and beliefs as possible. Listen carefully to the words those persons use when they describe your case and their reaction to it. Listening to the words they use is crucial. By simply conducting a sample voir dire key issues, important areas of inquiry and representative responses can be identified.

⁷ Jeffrey T. Frederick, Ph.D., The Psychology of the

American Jury, 306 (1987).

Focus groups can also help identify strategic questions for voir dire.⁸ Such questions may relate to the facts of the case or may relate more generally to personal attitudes, beliefs or experiences that appear to have a unique impact on your mock jurors' decisions.

C. To Test and Develop your Theme

Your theme is ideally one word which envelopes your entire case. Examples of themes are "goals," "control," "knowledge," "effort," "choice," and "prevention." You want to choose a compelling theme that will tie together the story you are telling and the testimony of your witnesses. A good theme is simple, unique and easily understood as embracing the central facts of your case.⁹ Listen carefully to the jurors' reaction to your case and the words or labels they choose to attach to it. The focus group may simply serve as confirmation that the theme you have chosen is right on point or may indicate a need for further development and may, in fact, provide you with the theme you are looking for.

D. To Test for Bias

Focus group discussions also reveal preexisting biases jurors have. Biases and prejudices vary widely. We all have them. They are the product of our life experiences. They mold and form our perceptions, which in turn shape our decision making process. A

perception is each person's own view of reality. Understanding the biases each juror brings to the case is essential to framing your story in a manner that will favorably influence the jurors. Biases are often the product of age, gender, religion, ethnicity, geographic location, cultural influences or socio-economic conditions. However, it is unlikely that each of these factors will have a profound impact on your case. For instance, you may discover that while ethnicity and religious background seem to have little or no impact on jurors' attitudes about your case, age may have a significant impact. For example, young jurors may be less likely to sympathize with your client or his plight, regardless of their race, religious background, or socio-economic status. Accordingly, identifying those biases and prejudices particularly relevant to your case is essential.

E. To Develop "Catch Phrases," Analogies, Similes and Metaphors

Focus groups are great sources for "sound-bites." The infamous "If it doesn't fit, you must quit" reportedly came from a focus group.¹⁰ Analogies, similes and metaphors effectively sum up your case in terms that jurors can easily relate to and understand. A good analogy or simile teaches and persuades jurors. If you do not come up with one, the jury will for you.

⁸ Jill Holmquist, Richard A. Jenson, Martin Q. Peterson, Use of Focus Groups in Litigation Research

⁹ Jim A. Perdue, Who Will Speak for the Victim? (1989)

¹⁰ *Supra*, fn. 7

Once again, the key is listening carefully to the words your mock jurors use to describe your case.

F. To Prepare a Witness for Trial

You can use a focus group to help prepare a witness for trial. A focus group affords the witness an opportunity to look potential jurors in the eye and find out how his testimony will be received. The witness' testimony can also be presented by videotape. The feedback received from the mock jurors can help improve your witness' performance at trial.

G. To Test Demonstrative Aids

Focus groups can provide valuable feedback concerning demonstrative aids, such as time lines, photographs, video recordings, computer simulations, blowups, etc. By listening to the juror's reactions you know whether the aid has accomplished its intended purpose. If it didn't, make sure you understand why and modify accordingly.

H. To Educate Your Client

As a general rule, clients shouldn't participate in the focus group (unless of course you are using it to prepare the witness for trial). The focus group is part of your litigation research. You need to be free to explore all aspects of the case without concern for offending the sensitivities of your client. However, on occasion a focus groups can serve to alter a client's unrealistic expectations. It may provide a needed "eye opener" for

an unreasonable client.

I. To Find Out What Information Gaps Exist

It is all too common for jurors to have questions about the case, important to their deliberations, which were not answered during trial. They are often left to their own devices to speculate and fill in the gaps. Bias plays an important role in filling gaps left by the absence of evidence.¹¹ Accordingly, it is incumbent upon you to ensure that there are no evidentiary gaps. The focus group will help you determine whether you have adequately explained the facts, theories and arguments or whether additional information is needed.

J. To Explore Whether Jury Nullification is an Issue

If your case involves issues that may cause jurors to disregard the court's instructions and/or the law, focus groups can help ferret this out. If your focus group indicates that this may be an issue, you will be better prepared to deal with it at trial. You may require a larger panel and you can alert the trial judge to this possibility, especially if you have reason to believe opposing counsel is aware of the issue. However, if opposing counsel is unaware of the issue, you need to weigh whether it is worth the risk of educating them.

IV. HOW TO CONDUCT YOUR OWN FOCUS GROUP

Many trial consultants are extremely proficient in conducting effective focus groups. They have a keen ability to moderate the focus group discussion in such a

way that yields an optimal amount of quality information in a limited time. Some possess unique training and expertise in psychology and sociology, that provides them with a particular insight for interpreting and distilling the information discovered during the focus group. If resources are relatively unlimited and you do not have a partner or colleague who possesses this expertise, then retain a professional trial consultant to orchestrate your focus group. However, for the vast majority of cases in which resources are limited and retaining a professional trial consultant is cost prohibitive, the following is a guide for effectively conducting your own focus group inexpensively – for roughly the cost of taking a videotaped deposition for a day.

A. Location

Assuming your case is pending in your home county or in a nearby venue with similar demographics, you can use your office. A neutral site is not necessary. However, it is extremely important that the jurors do not know which side is conducting the focus group. Undisclosed representation is a must. If the mock juror's think they are working for one side, the information you receive will inevitably be tainted and the discussion less than completely candid.

B. Screening Potential Jurors, Confidentiality Agreement and Juror Questionnaire

Before attempting to recruit mock jurors, prepare a list of screening questions designed to weed out those persons who in all likelihood would be disqualified from your panel. Careful screening ensures that your mock jurors neither know the witnesses or parties, nor have a vested interest in the outcome of the case. You want your focus group to be representative of the type of panel you will see at trial. Err on the side of recruiting a panel that will lean toward the other side. However, you do not need nor want a panel that is so one sided, that it is not representative of any panel you are likely to see at trial. If you recruit such a panel, with the idea of testing your case against the toughest possible audience, you risk losing the benefit of the perspectives of those persons you are likely to see at trial.

All mock jurors are required to execute a confidentiality agreement and complete juror questionnaires. You need to know as much information about the participants in your group as you reasonably can. A well thought out questionnaire should be used to elicit information concerning the juror's background, life experiences, attitudes, biases and beliefs. Jurors tend to make up their minds well prior to the close of evidence

and rather than listening to the evidence, instead look for

¹¹ Howard Nations, *Overcoming Jury Bias*.

evidence that supports their perception of the case. You will not change a juror's biases or perceptions during the course of the trial. When confronted with contradictory evidence, the juror will tend to ignore it or interpret it in such a manner so as to render it immaterial. Accordingly, to fully appreciate the feedback you receive from a particular mock juror, you must have an appreciation of that juror's background and biases. Said another way, you need to know "where the juror is coming from."

C. Where to Obtain Participants

There are a variety of sources from which mock jurors can be recruited. These include temporary employment agencies, marketing companies, the Texas Workforce Commission and jury lists from previous trials. Participants obtained through the Texas Workforce Commission tend to be unemployed blue collar workers. You should also double check to ensure that they meet the screening criteria. If you use a temp agency or marketing company avoid habitual focus group volunteers. Additionally, do not disclose that the focus group is being conducted in connection with pending litigation. Further, marketing companies can be particularly effective in locating jurors with a particular background.

D. Size of Your Focus Group

The size of a focus group may range from as few as six members to as large as fifteen. Between eight to ten

is an optimum number. Fewer numbers tend to provide a more limited amount of information and may not be representative of the community at large. A greater number allows reticent members to avoid participation and may be difficult for the moderator to manage. Additionally, a larger number tends to result in the participants relating to each other collectively instead of individually.¹² While the group dynamic is important to understand, you are also testing for individual attitudes, beliefs and reactions to the case.

E. Prepare Both Sides of the Case

Preparation of not only your case, but the other side's is essential. As much time and effort should be spent on preparing the other side's case. If you are the only attorney handling the case, then you should prepare a summary argument for both sides and have one of your colleagues present one side of the case. Preparation of the other side's case will help you to more fully understand and appreciate the strengths and weaknesses of their case. You want to test both sides of the case.

F. Preparing the Moderator

Meet with moderator prior to conducting the focus group and identify the key issues you want to explore. The moderator does not need to have an intimate understanding of all the facts and details, but must have

¹² Market Navigation, Inc., "How to Get More Out of Your Focus Groups"

a general appreciation of the facts as well as an understanding of the issues you want to explore and test.

Without such an appreciation and understanding, the moderator cannot effectively steer the group discussion in the direction needed to accomplish your goals and maximize the benefits of the session.

G. The Physical Set Up and Videographer

In terms of the physical set up, two large conference rooms are ideal. One conference room large enough to comfortably accommodate the mock jurors, the moderator and to allow for presentation by the attorneys.

The other conference room should comfortably accommodate all members of the trial team. Each member of our trial team participates in the focus groups and we often involve other attorneys, who bring a fresh perspective to the case. The entire focus group is videotaped and is watched live by the trial team on a television monitor. Care should be taken to ensure that all of the jurors are in the picture and that you can hear each of them clearly. It is extremely important that you be able to hear and see each juror. You want to listen to their words and observe their non-verbal gestures and expressions. In order to avoid any technical problems with the video camera or television monitor, you may want to hire a professional videographer.

H. Start of the Focus Group

When the jurors arrive, they are escorted to the conference room. If they have not already signed a

confidentiality agreement and completed the jury questionnaire, they should do so at this time. Snacks and drinks are provided, as well as lunch at the appropriate time. Once all of the jurors have arrived, the moderator provides the group with a brief overview of the purpose of the focus group, including a brief description of the case. From this point forward, the moderator is in charge and is responsible for directing the focus group, including facilitating the discussion. The moderator must remain absolutely neutral throughout the process.

I. Presentation of the Case and Summary Arguments

After the moderator has concluded her introductory comments, the case is presented to the group. The presentation may take different forms. If you are interested in focusing on the jurors' reactions to just the facts without any editorializing, commentary or argument, this can be effectively done by providing the group with a written narrative detailing just the facts. The narrative should be prepared well in advance of the focus group, so that it may be refined to ensure that it clearly and concisely summarizes the facts of the case. The facts should be presented in a neutral manner and limited to only those facts likely to be admissible in evidence. If in doubt, err on the side of presenting the facts in a light more favorable to the other side.

As you approach trial, you will likely want to test

key arguments, pivotal issues and crucial exhibits. This is typically accomplished by presenting summary arguments. The summary arguments should also be based upon a fairly neutral recitation of the admissible evidence. Both sides should be presented. You should role play one side and a colleague the other. Summary arguments should last anywhere from forty minutes to approximately two hours with time allocated in such a manner so as to ensure a fair presentation of both sides of the case. Do not overload the group with more information than the mock jurors can reasonably comprehend given the time limitations involved. The key, even with summary arguments, is to communicate both sides' stories in a straightforward and efficient manner and spend the majority of the day listening to and observing the group's discussion.

J. The Jury Charge

Immediately after the presentation of the case, the moderator should provide the jurors with the jury charge. Have them write down their answers prior to discussing the case with anyone. This is extremely important for purposes of identifying the jurors' initial reactions to the ultimate issues presented in your case. After the discussion starts, some of the jurors' reactions and opinions will evolve and change to some degree. Members are likely to be influenced by other members and group dynamics tend to take over at a certain point,

especially with a larger group. It is interesting to watch who sticks by their original answers and who changes and to what extent. Often times this will be indicative of the extent to which the juror's original answer was reasoned and based upon a thoughtful reflection of the facts and issues. It may also be the result of a particularly strong personality exerting influence over others.

After the jurors have answered the questions in the charge, the moderator has each of them disclose just their answers without further discussion. Once the jurors' answers have been tallied, the focus group discussion commences under the direction of the moderator. This is where the real value in conducting a focus group lies.

K. The Focus Group Discussion

As with any effective discovery process, the moderator should use open ended questions to direct the flow of the discussion (why, what, how, etc.). The moderator is an information gatherer. The moderator's goal is to obtain the maximum amount of useful information within the time constraints imposed. The quality of the information elicited is largely dependent upon the moderator's ability to facilitate a meaningful dialogue. At a minimum, the discussion should highlight strengths and problems with the case, additional information jurors want to know, juror's

reactions to the facts and issues and identify what's persuasive and compelling and what is not. It should address both sides of the case. The moderator should also explore how the participants personally relate to the case and how their own experiences and beliefs factor into their decision making process. Based on the information obtained, an effective theme should be identifiable, as well as strengths and weaknesses, pivotal issues and particular beliefs, attitudes and/or values that materially impact the jurors' decision making process.

During the discussion phase you may want to interject additional facts, evidence, and/or arguments that could possibly, but are not likely to, come in at the trial in order to determine how they effect the jurors' attitudes about the case and whether or not they make a difference. Depending upon the complexity of your case and number of issues involved, the discussion may take a few hours or last the rest of the day. You will find that most of the participants enjoy the process and become quite engaged in it.

L. Demeanor and Attire

You should dress and act as if you are in trial. The trial team should not interact with the jurors while the focus group is being conducted. The mock jurors should be treated as you would treat jurors during trial. The mock jurors will appreciate the seriousness of the

session and act accordingly.

M. The Post Mortem

Upon conclusion of the focus group, you should conduct a post-mortem with the trial team and the moderator. Professional trial consultants will typically provide you with a written summary of the proceedings and help you interpret the information gathered, as well as strategize regarding how to take advantage of the information you have learned. Each person on the trial team will undoubtedly have their own perspective on what they witnessed and its impact on your case. You may have to set aside your own biases or preconceived notions to take full advantage of the process.

N. Costs and Expenses

Mock jurors are typically paid between \$15 - \$25 per hour. If you are dealing with a marketing company or temporary agency, ordinarily you will pay the entity. You will have to pay persons recruited through the Texas Workforce Commission directly. Do not present checks to the group members until the conclusion of the session. If you hire a professional videographer, they typically charge approximately \$800 per day, the same as for a videotaped deposition. If you use a professional trial consultant to moderate the focus group, a typical moderator's fee is approximately \$2500 and up. This typically covers their preparation for the focus group as well as their follow-up report. Lunch, snacks and parking run approximately \$250 to \$300. You can

conduct an effective focus group without a professional consultant for less than \$3,000. If you do not use a professional videographer, you can do it for less than the cost of a full day videotaped deposition.

V. LIMITATIONS, TIMING

A. Limitations

The quality of the results obtained from your focus group is dependent largely upon the amount of preparation involved and the quality of the group discussion. While focus groups are an invaluable part of trial preparation, they do have their limitations. For instance, focus groups are of limited value in attempting to determine the monetary value of your case and, in particular, the amount of non-economic damages a jury is likely to award. The monetary value of a case is so often tied to juror's perceptions and attitudes toward the parties. Suffice to say, a juror who likes the plaintiff and finds her particularly sympathetic and dislikes the defendant and finds the defendant's conduct particularly repugnant is much more likely to award a greater amount of damages, especially for intangible, non-economic elements.

Moreover, cases often turn based upon the personalities involved, namely the parties and key witnesses. Video clips from a deposition cannot compare to the experience of sitting through a week or two of trial with the jury. Accordingly, do not rely on

your focus group to predict the outcome of your trial in a vacuum. Rather, your goal should be to use the focus group to develop the most compelling story the evidence will support.

B. Timing

The timing of your focus group is largely dependent upon your goals. For large, complex cases you should consider multiple focus groups, the first early in the case. Utilizing a focus group early in the case will assist you with developing an effective theme and help you focus on developing those facts and arguments that may be particularly persuasive. "Concept" focus groups are typically employed early in the case. Concept focus groups generally involve a relatively unstructured, round table discussion of the case. The participants are provided a relatively brief narrative of the facts and from there the discussion of the case ensues. Much of the discussion involves what facts and information the participants would like to know and believe would be helpful in deciding the case. For this reason, "concept" focus groups are often used to assist with the development of a discovery plan.

VI. CONCLUSION

A focus group is a persuasion design laboratory which allows you to test your case before your day in court. It provides you an opportunity to learn and observe first hand how a jury will consider and react to

your case. If they are incorporating your theme, story, arguments and words into their discussion and deliberations, then you can be confident that your analysis of the case is on point. If not, use the feedback you receive to develop a more compelling and persuasive story. After working on a case for a year or two, it is easy to lose the big picture. The focus group will help you regain your focus so that when you go to trial, you can be confident that you are equipped to tell your client's story in the most compelling and persuasive manner.

You can conduct your own focus group effectively and inexpensively. The idea that focus groups are cost prohibitive or that they should be reserved for only "high dollar" cases is a myth. Utilizing a focus will materially improve the presentation of your case and increase your chance for success. To maximize the benefits you receive from your focus group, it is essential that you listen carefully and closely observe your mock jurors.

TABLE OF AUTHORITIES

See the following for excellent discussions regarding focus groups and related topics:

1. Kathryn E. Barnett, *Letting Focus Groups Work For You*, Trial (Apr.1999).
2. Martin D. Cohen & Arthur H. Patterson, *Use of Focus Groups and Mock Trials*, II Reference Materials 1685 (ATLA Annual Convention 1995).
3. Marjorie S. Fargo, *The Use of Focus Groups to Improve Your Case, Voir Dire, and Jury Selection*, II Reference Materials 1759 (ATLA Annual Convention 1998).
4. Jeffrey T. Frederick, Ph.D., *The Psychology of the American Jury*, 306 (1987).
5. Alfred E. Goldman & Susan Schwartz McDonald, *The Group Depth Interview: Principals and Practice* (Prentice-Hall, Inc.).
6. Jill Holmquist, Richard A. Jenson & Martin Q. Peterson, *Use of Focus Groups in Litigation Research* (ATLA Seminar, April 2000).
7. John R. Howie, *Focus Groups and Mock Trials: Evaluation, Experimentation, and Practice*, I Reference Materials 1441 (ATLA Annual Convention 1995).
8. Richard A. Krueger, *Focus Groups: A Practical Guide for Applied Research* (2nd Ed. 1994) Sage Publications, Inc.).
9. Lin S. Lilley, Ph.D., *Voir Dire Design – Using Focus Group Input*, II Reference Materials 1665 (ATLA Annual Convention 1998).
10. Market Navigation, Inc., *How to Get More Out of Your Focus Groups*.
11. David L. Morgan, *Focus Groups As Qualitative Research* (Sage Publications, Inc.).
12. Howard Nations, *Overcoming Jury Bias* (www.howardnations.com).
13. Murray Ogborn, *The Use of Focus Groups: Felicity or Foible*; I Reference Materials 865 (ATLA Annual Convention 1996).
14. Jim A. Perdue, *Who Will Speak for the Victim?* (1989)
15. Amy Singer, *Use of Focus Groups* (ATLA Annual Convention 1994).
16. June Farley Templeton, *The Focus Group: A Strategic Guide to Organizing, Conducting and Analyzing the Focus Group Interview*.
17. Howard F. Twigg and Donald R. Strickland, *Focus Groups: How They Help and How to Conduct Them Inexpensively*, I Reference Materials 119 (ATLA Annual Convention 2001).
18. David A. Wenner, *Using Focus Group Information to Test and Develop Trial Arguments*, I Reference Materials 871 (ATLA Annual Convention 1996).
19. Charlotte A. Wortz, *Using Focus Group Research in Medical Negligence Cases*. Trial (May 1999).

20. *How to Relate to, Communicate with and Influence Juries*, Maryland Trial Lawyers Association Meeting, Baltimore (Dec. 1993).