
CASE IDENTIFICATION:

*State Bar of Texas Juror
Comprehension Field Testing of
Pattern Jury Charges*

JURY SIMULATION REPORT

EXECUTIVE SUMMARY

The State Bar of Texas commissioned Jason Bloom and Courtroom Sciences, Inc. to field-test juror comprehension of Pattern Jury Charges and Admonitory Instructions. Trial simulations using a fictitious case fact pattern were conducted on April 25-26, 2006 at Courtroom Sciences' mock courtroom facilities in Irving, TX.

The first simulation (Project A) used existing PJC's (Version A) and the second simulation (Project B) used a modified version (Version B). The modified version was an attempt by the committee to plain language the existing version. The research team and committee were interested in determining juror comprehension of existing PJC's as well as whether the comprehension levels would increase if a modified, or plain language, version was used instead. Surveys were used to measure the correct response rate of True/False/Don't Know questions based on the PJC's and jury instructions. Additionally, a trailer question was added after each survey item to reveal why a research participant chose an answer, or essentially, how the information was learned (i.e. hearing it from the Judge, guessing, or common sense).

The protocol for each project can be found on the Schedule on pp. 3-4 to this report. A copy of Version A and B of the PJC's, Admonitory Instructions and Charge to the Court (PJC 1.3/1.8 and Verdict Form with Instructions) can be found in the Appendix to this report. The surveys administered after each can be found in the Appendix as well. The raw data gathered from the simulations can be found in Tables 1-10 of the Data Section to this report.

The field-testing research indicates that Version B was rated significantly higher with regards to the following criteria:

- Understandability - PJC 1.1 and PJC 1.3;
- Clarity - PJC 1.3;
- Easiness to Follow - PJC 1.1;
- Makes Sense – PJC 1.1.

Based on examining levels of comprehension using correct-response rates to True/False survey items, the field-testing research reveals the following:

- Version B revealed higher correct response rates and thus was better at instructing the following concepts:
 - Civil action;
 - Number of jurors selected;
 - Secret evidence;
 - Discussion of the case by jurors;
-

- Unanimous;
- A finding is based on multiple elements (e.g. fraud).
- Within both Version A and Version B, there is a need for improved definitions of the following concepts:
 - Unanimous;
 - Preponderance of the evidence;
 - Role of the presiding juror;
 - Distinction between preponderance of the evidence and beyond a reasonable doubt;
 - Proximate cause;
 - Instances where a finding is based on multiple elements being met (e.g. fraud);
 - Instructions for the certificates at the end of the jury charge.
- For both Version A and Version B, mock jurors who chose incorrect responses attribute their answers to hearing the instructions read by the Judge regarding the following concepts:
 - Sympathy;
 - Unanimous;
 - Circumstantial evidence;
 - Purpose of deliberations;
 - Trading answers in deliberations;
 - Level of allowable interaction with lawyers, witnesses or parties during trial;
 - Preponderance of the Evidence.

Specific results and data can be found in the Data and Analysis sections to this report.

Recommendations:

Based on the results of this study, the following improvements are suggested:

- Separate verdict form and jury instructions documents, with a copy of the instructions given to each juror to use during deliberations, and only one copy of the verdict form given to the panel;
 - The use of “...;and” after each element in the jury instructions when a verdict interrogatory requires that all elements be met in order to find for the party with the burden of proof;
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- The use of language that such as: “All of the following elements must be met in order to find for the plaintiff” to precede the list of elements in the jury instructions;
 - Instructions that specifically talk about the number of votes in terms of “a required number” such as 10-2 and 12-0, rather than using “unanimous” and instructions regarding making an attempt to get to the required number of votes and what to do if it is not reached (i.e. when to quit or give up);
 - One certificate at the end of the verdict form with a blank for each juror to sign it to simply acknowledge agreement with the answers to the interrogatories;
 - Improved instructions on disregarding attorney’s fees and insurance from damage awards. The public is aware of these factors and must be discouraged from instilling them into deliberations;
 - Improved instructions pertaining to the resolution of damages to dissuade jurors from using a quotient verdict. The instruction should include language detailing that agreement by the jury is more significant than averages, which would be disregarded by the Court;
 - A definition of “preponderance of the evidence” that distinguishes the burden of proof in a civil action from one in a criminal action, so as to illustrate that multiple standards do exist.
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RESEARCH PROTOCOL

CSI's field testing research consisted of 2 trial simulations on April 25 and April 26, 2006, designed to test juror comprehension of Pattern Jury Charges and in particular, the Admonitory Instructions in 226a

Particular care was conducted to assure that juror demographics for the jury simulations were congruent with a Dallas jury panel. Relevant demographic domains researched by CSI staff include:

- | | |
|--------------------------|--|
| ▪ Geographical Location | ▪ Ethnic Distribution |
| ▪ Educational Background | ▪ Median Family Income |
| ▪ County Population | ▪ Political Affiliation |
| ▪ City Population | ▪ Religious Affiliation |
| ▪ Cultural Facilities | ▪ Labor Analysis |
| ▪ Employment Rate | ▪ Organized Labor Analysis |
| ▪ Manufacturing Analysis | ▪ Retail, Wholesale and Trade Analysis |

Additional qualitative and quantitative analysis of the Dallas jury pool identified common psychological denominators that assured similar moral, social and political tenets for the particular jurors chosen to participate in this jury simulation.

The mock jurors completed a CSI Demographic Questionnaire, signed a confidentiality statement, and were screened for conflicts prior to being seated. The jurors were presided over by CSI staff, who reviewed juror responsibility, confidentiality, and role functions that were carried out during the jury simulation. A CSI staff facilitator, acting as Judge, presented the Admonitory Instructions to the mock jurors.

Upon completion of each Admonitory Instruction, mock jurors were asked to complete a filler task and then a survey testing comprehension of the instructions previously recited by the Judge.

Following the attorney presentations and Admonitory Instructions, the mock jurors were divided into four separate juries to deliberate over designated questions in a modified jury charge.

Jurors deliberated for approximately 45 minutes. Following deliberations, jurors were merged for a focus group discussion to further elicit and clarify their opinions and thought processes pertaining to the Admonitory Instructions, and instructions used to deliberate the case.

PROJECT INFORMATION

The Project Information part of the Jury Simulation Report includes the following:

- Schedule
- Demographics

Jury Simulation Schedule – Project A

State Bar of Texas Juror Comprehension Field Testing of Pattern Jury Charges

April 25, 2006

		hr:min
11:00 AM	Jurors Arrive/Orientation	2:00
1:00 PM	Call to order - Judge Reads PJC1.1	0:05
1:05 PM	BREAK (Filler Task)	0:05
1:10 PM	PJC 1.1 Juror Comprehension Questionnaire (orange)	0:10
1:20 PM	Mock Voir Dire conducted by Attorneys	0:10
1:30 PM	Judge reads PJC 1.2	0:10
1:40 PM	BREAK (Filler Task)	0:05
1:45 PM	PJC 1.2 Juror Comprehension Questionnaire (pink)	0:10
1:55 PM	Stipulated Facts	0:05
2:00 PM	Plaintiff: Summary Presentation of Evidence	0:30
2:30 PM	BREAK	0:20
2:50 PM	Defendant: Summary Presentation of Evidence	0:30
3:20 PM	Judge Reads PJC 1.3	0:25
3:45 PM	BREAK (Filler Task)	0:05
3:50 PM	PJC 1.3 Juror Comprehension Questionnaire (purple)	0:10
4:00 PM	Deliberations	0:45
4:45 PM	Verdict Form Comprehension Questionnaire	0:15
5:00 PM	Jury Instruction Confusion Study	0:15
5:15 PM	Focus Group	0:30
5:45 PM	DISMISS	

Jury Simulation Schedule – Project B

State Bar of Texas Juror Comprehension Field Testing of Pattern Jury Charges

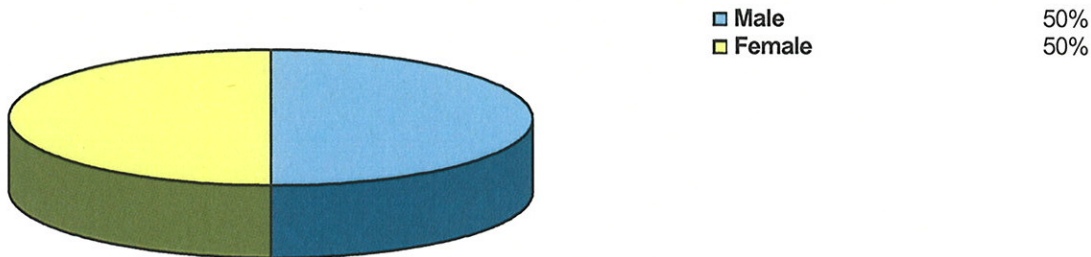
April 26, 2006

		hr:min
7:00 AM	Jurors Arrive/Orientation	2:00
9:00 AM	Call to Order - Judge Reads PJC 1.1	0:05
9:05 AM	BREAK (Filler Task)	0:05
9:10 AM	PJC 1.1 Juror Comprehension Questionnaire (orange)	0:10
9:20 AM	Mock Voir Dire conducted by Attorneys	0:10
9:30 AM	Judge Reads PJC 1.2	0:10
9:40 AM	BREAK (Filler Task)	0:05
9:45 AM	PJC 1.2 Juror Comprehension Questionnaire (pink)	0:10
9:55 AM	Stipulated Facts	0:05
10:00 AM	Plaintiff: Summary Presentation of Evidence	0:30
10:30 AM	BREAK	0:15
10:45 AM	Defendant: Summary Presentation of Evidence	0:30
11:15 AM	LUNCH	0:45
12:00 PM	Judge Reads PJC 1.3	0:25
12:25 PM	BREAK (Filler Task)	0:05
12:30 PM	PJC 1.3 Juror Comprehension Questionnaire (purple)	0:10
12:40 PM	Deliberations	0:45
1:25 PM	Verdict Form Comprehension Questionnaire	0:15
1:40 PM	Jury Instruction Confusion Study	0:15
1:55 PM	Focus Group	0:30
2:25 PM	DISMISS	

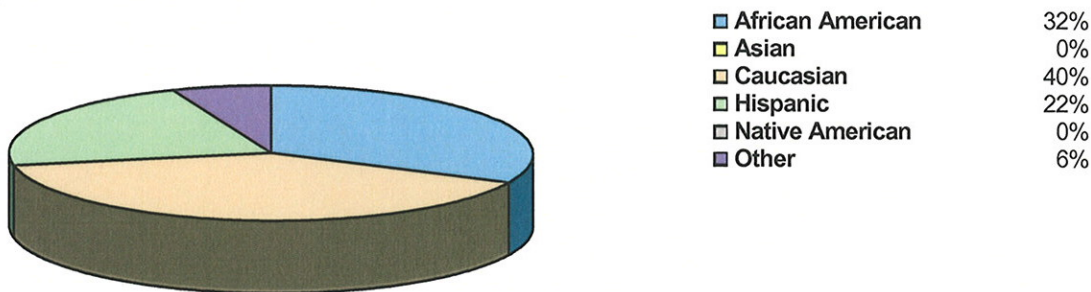
Demographics – Project A

Fifty (50) mock jurors were selected to participate in this jury simulation. The jurors were categorized along the following demographic dimensions:

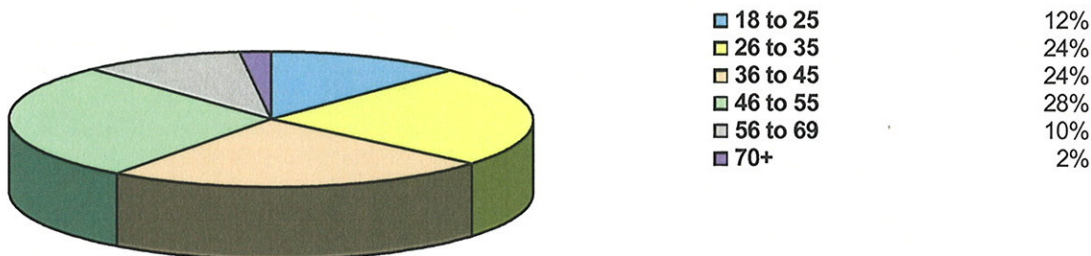
Sex



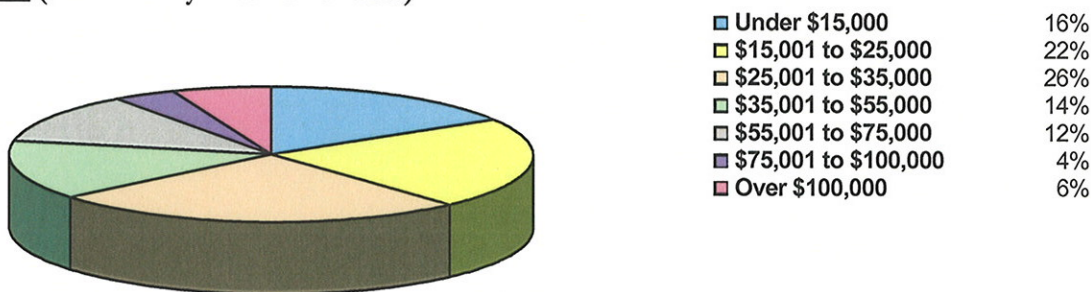
Race



Age

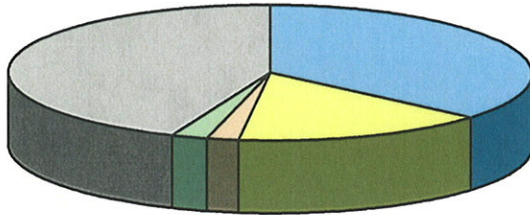


Income (Total Family Income Per Year)



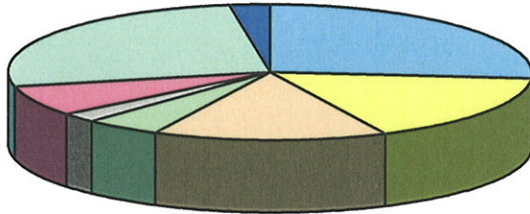
Demographics – Project A, continued

Marital Status



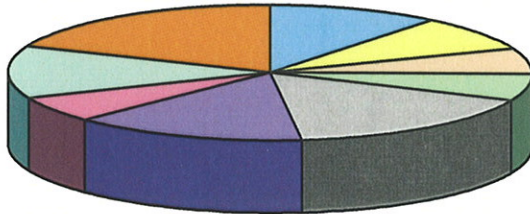
■ Married	36%
■ Divorced	16%
■ Separated	2%
■ Widowed	2%
■ Never Married	44%

Employment Status (Current)



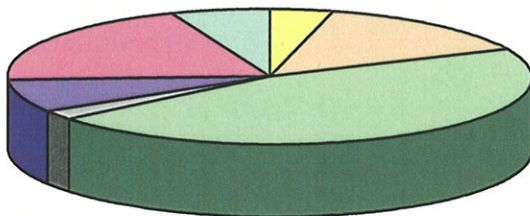
■ Full-time	22%
■ Part-time	14%
■ Self-employed	12%
■ Homemaker	4%
■ Disability/worker's comp/welfare	2%
■ Student	0%
■ Retired	6%
■ Unemployed	22%
■ Other	2%

Occupation (Current/Prior)



■ General Labor	10%
■ Clerical/administrative	8%
■ Helping professions	6%
■ Service industries	6%
■ Sales/marketing	16%
■ Professional	14%
■ Technical	6%
■ Managerial	12%
■ Agricultural/ranching	0%
■ Other	18%

Education

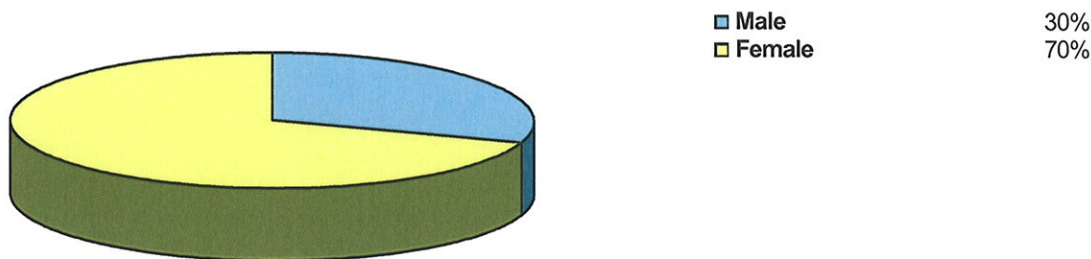


■ Less than high school diploma	0%
■ GED	4%
■ High school diploma	14%
■ Some college	46%
■ Trade/vocational school	2%
■ Associate degree (2 yr degree)	8%
■ B.A./B.S. (4 yr degree)	20%
■ Master degree	6%
■ Doctoral degree	0%

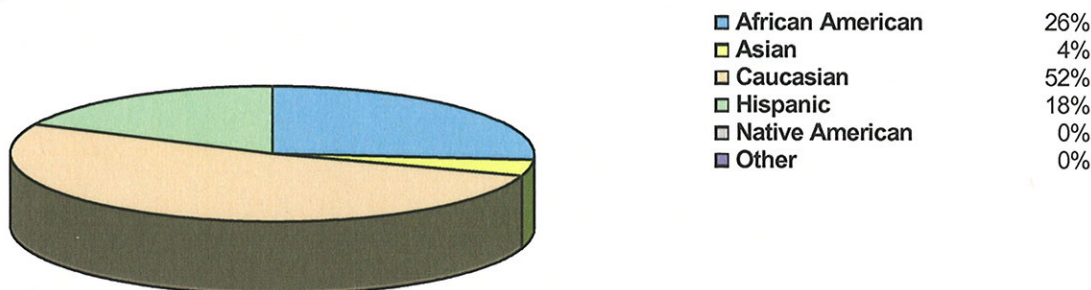
Demographics – Project B

Fifty (50) mock jurors were selected to participate in this jury simulation. The jurors were categorized along the following demographic dimensions:

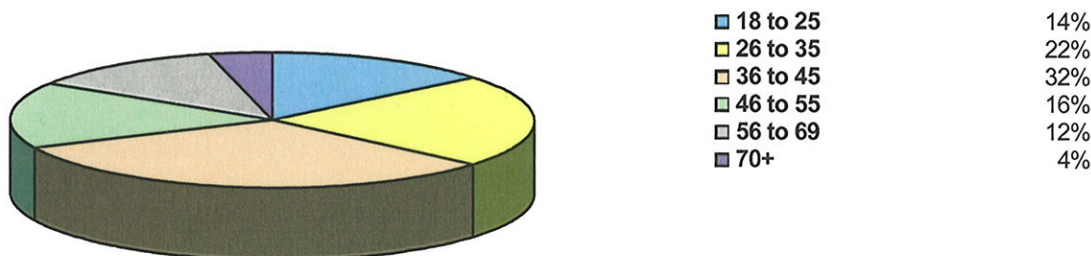
Sex



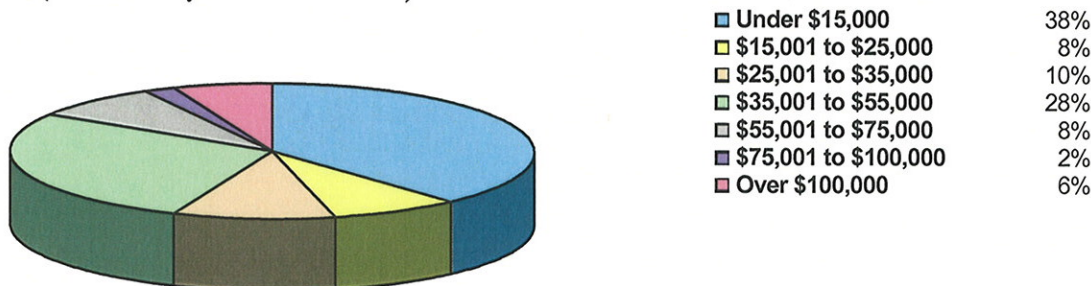
Race



Age

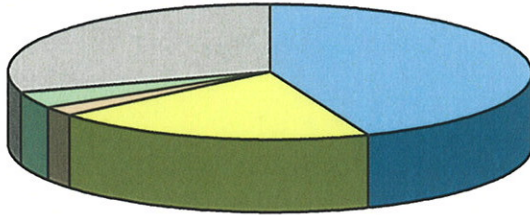


Income (Total Family Income Per Year)



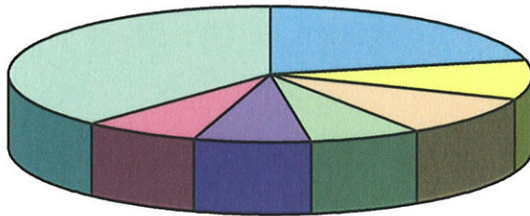
Demographics – Project B, continued

Marital Status



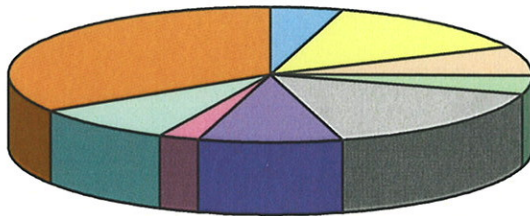
Married	44%
Divorced	20%
Separated	2%
Widowed	4%
Never Married	30%

Employment Status (Current)



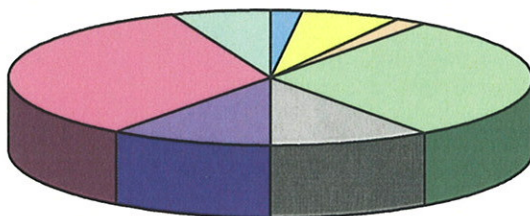
Full-time	18%
Part-time	8%
Self-employed	8%
Homemaker	6%
Disability/worker's comp/welfare	0%
Student	6%
Retired	6%
Unemployed	32%
Other	0%

Occupation (Current/Prior)



General Labor	4%
Clerical/administrative	12%
Helping professions	6%
Service industries	4%
Sales/marketing	14%
Professional	8%
Technical	2%
Managerial	8%
Agricultural/ranching	0%
Other	30%

Education



Less than high school diploma	2%
GED	6%
High school diploma	2%
Some college	30%
Trade/vocational school	10%
Associate degree (2 yr degree)	10%
B.A./B.S. (4 yr degree)	34%
Master degree	6%
Doctoral degree	0%

DATA

One Word Association (From Focus Group)– Project A

Preponderance of the evidence is defined as

Juror #	Response:
#01	"Greater amount"
#02	"Weight of the evidence is more than 50%"
#03	"One side has to equal the other"
#04	"How much evidence there is"
#05	"Don't know"
#06	"More than 50%"
#07	"Evidence is greater"
#08	"Evidence is greater"
#09	"More evidence than none"
#10	"50/50"
#11	"Majority of the evidence"
#12	"More evidence"
#13	"The scale is tipped"
#14	"More evidence"
#15	"It has to be more than 51%"
#16	"It has to be more than 51%"
#17	"More than the other side"
#18	"More than the other side"
#19	"More than the other side"
#20	"The weight"
#21	"Greater than 50%"
#22	"Weight of the evidence"

Juror #	Response:
#26	"Greater than 50%"
#27	"Greater than 50%"
#28	"Greater than 50%"
#29	"Greater than 50%"
#30	"I don't know"
#31	"Majority"
#32	"The greater amount"
#33	"Majority"
#34	"The weight of the evidence"
#35	"Majority"
#36	"Majority"
#37	"I don't know"
#38	"Majority"
#39	"One side has more evidence than the other side"
#40	"Weight"
#41	"Weight"
#42	"Majority"
#43	"Majority"
#44	"Majority"
#45	"Enough to really convince me so it has to be more than 50%"
#46	"The greater amount"
#47	"The weight"

#23	"Where you don't have to proof without reasonably doubt"
#24	"Majority of evidence leaves you without a doubt"
#25	"Majority of evidence leaves you without a doubt"

#48	"Majority"
#49	"One side has more evidence than the other side"
#50	"The amount or weight"

One Word Association – Project A (Continued)

Preponderance of the evidence is equal to what amount?

Juror #	Response:
#01	"60%"
#02	"51%"
#03	"50%"
#04	"80%"
#05	"51%"
#06	"50%"
#07	"75%"
#08	"80%"
#09	"82%"
#10	"51%"
#11	"51%"
#12	"60%"
#13	"80%"
#14	"51%"
#15	"51%"
#16	"51%"
#17	"80%"
#18	"80%"
#19	"81%"
#20	"81%"
#21	"80%"
#22	"80%"
#23	"51%"
#24	"80%"
#25	"100%"

Juror #	Response:
#26	"51%"
#27	"65%"
#28	"81%"
#29	"51%"
#30	"51%"
#31	"80%"
#32	"75%"
#33	"51%"
#34	"80%"
#35	"81%"
#36	"81%"
#37	"60%"
#38	"81%"
#39	"90%"
#40	"51%"
#41	"51%"
#42	"51%"
#43	"80%"
#44	"51%"
#45	"75%"
#46	"51%"
#47	"70%"
#48	"51%"
#49	"61%"
#50	"100%"

One Word Association – Project B

Preponderance of the evidence is defined as

Juror #	Response:
#01	"Don't know"
#02	"Not clear"
#03	"Don't know"
#04	"I don't remember"
#05	"All the information"
#06	"No exact evidence"
#07	"One way or another"
#08	"Most of the evidence was shown to be true"
#09	"N/A"
#10	"N/A"
#11	"Collaboration of the evidence"
#12	"N/A"
#13	"More so or not"
#14	"More so or not"
#15	"More likely than not"
#16	"More"
#17	"More than half"
#18	"More than 81%"
#19	"N/A"
#20	"Large amount"
#21	"Majority"
#22	"More likely than not"
#23	"Majority"
#24	"N/A"
#25	"Most of the evidence"

Juror #	Response:
#26	"I don't know"
#27	"Most of the evidence"
#28	"Most of the evidence"
#29	"N/A"
#30	"Larger of the two"
#31	"More likely than not"
#32	"Greater percentage"
#33	"N/A"
#34	"N/A"
#35	"More evidence"
#36	"N/A"
#37	"More than half"
#38	"Most"
#39	"Most"
#40	"N/A"
#41	"Majority"
#42	"Biggest share"
#43	"N/A"
#44	"N/A"
#45	"N/A"
#46	"More than half"
#47	"Most"
#48	"N/A"
#49	"N/A"
#50	"N/A"

One Word Associations, - Project B (continued)

Preponderance of the evidence is equal to what amount?

Juror #	Response:
#01	"51%"
#02	"Over 50%"
#03	"51%"
#04	"51%"
#05	"51%"
#06	"0%"
#07	"51%"
#08	"51%"
#09	"N/A"
#10	"N/A"
#11	"51%"
#12	"N/A"
#13	"51%"
#14	"More than half"
#15	"51%"
#16	"75%"
#17	"More than 50%"
#18	"75%"
#19	"N/A"
#20	"50% and above"
#21	"51%"
#22	"51%"
#23	"60%"
#24	"N/A"
#25	"70%"

Juror #	Response:
#26	"51%"
#27	"51%"
#28	"51%"
#29	"N/A"
#30	"80%"
#31	"80%"
#32	"51%"
#33	"N/A"
#34	"N/A"
#35	"51%"
#36	"N/A"
#37	"51%"
#38	"75%"
#39	"81%"
#40	"75%"
#41	"51%"
#42	"80%"
#43	"N/A"
#44	"N/A"
#45	"N/A"
#46	"75%"
#47	"51%"
#48	"N/A"
#49	"N/A"
#50	"N/A"

Table 1

Mean Responses on comprehension questionnaires from group A and group B.

Criteria	Questionnaire Version							
	PJC 1.1		PJC 1.2		PJC1.3		Verdict Form	
	A	B	A	B	A	B	A	B
Understandable	5.40	5.86*	5.82	5.90	5.24	5.66*	5.38	5.44
Clear	5.36	5.86*	5.74	5.90	5.26	5.64*	5.22	5.34
Easy to follow	5.26	5.84*	5.80	5.84	5.16	5.48	5.26	5.22
Simple	5.30	5.66	5.64	5.82	4.94	5.20	5.02	5.06
Makes Sense	5.32	5.90*	5.70	5.90	5.20	5.54	5.26	5.24
Necessary	5.44	5.74	5.80	5.80	5.60	5.76	5.56	5.44
Informative	5.30	5.62	5.80	5.74	5.40	5.64	5.30	5.28
Direct	5.60	5.84	5.76	5.90	5.52	5.70	5.24	5.26

* Denotes statistically significantly different from Group A at $p < .05$.

Table 2

Percentage of correct responses to PJC 1.1 Questionnaire.

Question	A	B	Difference	Percent Change
The case presented before you is a civil action and not a criminal action.	84%	100%	16%*	19%
Twelve people will be chosen as jurors in this case.	34%	92%	58%*	171%
If a juror breaks the rules, the Judge may have to order a new trial.	86%	96%	10%	12%
As a juror, you are allowed to withhold information from attorneys during jury selection.	84%	84%	0%	0%
As a juror, you are not allowed to mingle with the lawyers, the witness, the parties, or anyone involved in the case.	94%	100%	6%	6%
As a juror, you may say "hello" to the lawyers, witnesses, parties, and others involved in the case.	78%	84%	6%	8%
You are allowed to discuss this case with your spouse.	100%	94%	-6%	-7%
To be impartial means to be open and honest.	24%	32%	8%	33%
To be "free from bias and prejudice" means you have not prejudged the case before hearing the evidence.	92%	98%	6%	7%

* Denotes statistically significant difference in accuracy between group A and B at $p < .05$.

Table 3

Percentage of correct responses to PJC 1.2 Questionnaire.

Question	A	B	Difference	Percent Change
As a juror, you are allowed to investigate the case on your own (i.e. internet searches).	100%	100%	0%	0%
As a juror, you can discuss the case with each other while on breaks.	100%	90%	-10%*	-11%
As a juror, you should consider attorney's fees when awarding damages.	90%	98%	8%	9%
As a juror, you should not consider insurance when awarding damages.	68%	76%	8%	12%
As a juror, your role is to decide which side should win.	58%	60%	2%	3%
As a juror, your conclusions on the case can only be based on what is presented during the trial.	96%	100%	4%	4%
Secret evidence is evidence found by private investigation by a juror.	60%	40%	-20%*	-33%

* Denotes statistically significant difference in accuracy between group A and B at $p < .05$.

Table 4

Percentage of correct responses to PJC 1.3 Questionnaire.

Question	A	B	Difference	Percent Change
As a juror, you can't let sympathy influence your verdict.	92%	98%	6%	7%
During your deliberations, you may take an average of damage amounts and use that as your answer.	78%	92%	14%	18%
As jurors, you must be unanimous in all of your answers.	40%	78%	38%*	95%
As jurors, you may trade answers and exchange votes.	94%	98%	4%	4%
The presiding juror has the final say in the verdict.	76%	58%	-18%	-31%
You cannot use circumstantial evidence in deciding your verdict.	54%	66%	12%	22%
Preponderance of the evidence means beyond a shadow of a doubt.	38%	54%	16%	42%
Circumstantial evidence is indirect proof.	86%	86%	0%	0%
Deliberations are the instructions the Judge reads to you as jurors.	74%	70%	-4%	-6%

* Denotes statistically significant difference in accuracy between group A and B at $p < .05$.

Table 5

Percentage of correct responses to Verdict Form Questionnaire.

Question	A	B	Difference	Percent Change
In a civil trial, the jury has to be convinced beyond a reasonable doubt that the Plaintiff's claims are correct.	30%	38%	8%	27%
In order to be a "proximate cause" for an event, the result does not necessarily have to be foreseeable.	24%	34%	10%	42%
One of the criteria of fraud is that a party (the Plaintiff) suffers by relying on a false statement of fact from another party (the Defendant).	86%	90%	4%	5%
"Proximate cause" means the Plaintiff was injured as a result of the Defendant's act or omission.	50%	58%	8%	16%
One of the criteria of fraud is that a party (the Defendant) makes a false statement with the intention that it should be acted on by another party (the Plaintiff).	74%	80%	6%	8%
You cannot have more than one proximate cause.	62%	62%	0%	0%
In order to find that the Defendant committed fraud, the Plaintiff only has to prove that one of the four criteria of fraud has been met.	20%	68%	48%*	240%

* Denotes statistically significant difference in accuracy between group A and B at $p < .05$.

Table 6

Responses to questions regarding Verdict Form.

Question	Response Option			
	Yes		No	
	A	B	A	B
Did your jury spend any time during its deliberations discussing any of the instructions that the judge gave you?	44%	68%	56%	32%
The judge's reading of the instructions was so clear that we didn't need to discuss them.	66%	42%	34%	58%
The instructions the Judge read were too long.	24%	32%	76%	68%
The instructions the Judge read were too difficult to understand.	4%	6%	96%	94%
We didn't know how to use the instructions to help to reach a verdict.	22%	16%	78%	84%
You didn't need instructions to decide a case like this.	34%	30%	66%	70%

Table 7

Percentage of responses to trailer question ("I chose that answer because") from PJC 1.1, 1.2, 1.3.

Question		Response Option							
		Group A				Group B			
		1	2	3	4	1	2	3	4
The case presented before you is a civil action and not a criminal action.	Correct	95%	5%	0%	0%	98%	0%	0%	2%
	Incorrect	13%	13%	13%	61%	0%	0%	0%	0%
Twelve people will be chosen as jurors in this case.	Correct	58%	24%	18%	0%	96%	2%	2%	0%
	Incorrect	27%	22%	6%	45%	50%	0%	50%	0%
If a juror breaks the rules, the Judge may have to order a new trial.	Correct	93%	5%	2%	0%	98%	2%	0%	0%
	Incorrect	43%	29%	14%	14%	50%	0%	0%	50%
As a juror, you are allowed to withhold information from attorneys during jury selection.	Correct	76%	17%	5%	2%	90%	7%	3%	0%
	Incorrect	50%	13%	13%	24%	38%	25%	25%	12%
As a juror, you are not allowed to mingle with the lawyers, the witness, the parties, or anyone involved in the case.	Correct	100%	0%	0%	0%	100%	0%	0%	0%
	Incorrect	100%	0%	0%	0%	0%	0%	0%	0%
As a juror, you may say "hello" to the lawyers, witnesses, parties, and others involved in the case.	Correct	100%	0%	0%	0%	100%	0%	0%	0%
	Incorrect	73%	18%	9%	0%	63%	25%	0%	12%

Response Options: (1) I heard the Judge read it. (2) I didn't hear the Judge read it, but it makes sense. (3) I'm guessing. (4) I don't know.

Question		Response Option							
		Group A				Group B			
		1	2	3	4	1	2	3	4
You are allowed to discuss this case with your spouse.	Correct	96%	2%	0%	2%	96%	0%	0%	2%
	Incorrect	0%	0%	0%	0%	67%	33%	0%	0%
To be impartial means to be open and honest.	Correct	17%	75%	8%	0%	31%	38%	25%	6%
	Incorrect	42%	47%	8%	3%	80%	8%	6%	6%
To be "free from bias and prejudice" means you have not prejudged the case before hearing the evidence.	Correct	37%	54%	7%	2%	94%	6%	0%	0%
	Incorrect	25%	0%	0%	75%	0%	0%	0%	100%
As a juror, you are allowed to investigate the case on your own (i.e. internet searches).	Correct	96%	4%	0%	0%	100%	0%	0%	0%
	Incorrect	0%	0%	0%	0%	0%	0%	0%	0%
As a juror, you can discuss the case with each other while on breaks.	Correct	98%	2%	0%	0%	93%	7%	0%	0%
	Incorrect	0%	0%	0%	0%	100%	0%	0%	0%
As a juror, you should consider attorney's fees when awarding damages.	Correct	93%	7%	0%	0%	100%	0%	0%	0%
	Incorrect	40%	0%	20%	40%	100%	0%	0%	0%
As a juror, you should not consider insurance when awarding damages.	Correct	82%	15%	3%	0%	100%	0%	0%	0%
	Incorrect	44%	6%	19%	31%	92%	0%	0%	8%

Response Options: (1) I heard the Judge read it. (2) I didn't hear the Judge read it, but it makes sense. (3) I'm guessing. (4) I don't know.

Question		Response Option							
		Group A				Group B			
		1	2	3	4	1	2	3	4
As a juror, your role is to decide which side should win.	Correct	90%	10%	0%	0%	90%	10%	0%	0%
	Incorrect	43%	43%	4%	10%	70%	25%	0%	5%
As a juror, your conclusions on the case can only be based on what is presented during the trial.	Correct	92%	8%	0%	0%	98%	2%	0%	0%
	Incorrect	100%	0%	0%	0%	0%	0%	0%	0%
Secret evidence is evidence found by private investigation by a juror.	Correct	87%	13%	0%	0%	70%	20%	10%	0%
	Incorrect	35%	35%	20%	10%	20%	23%	30%	27%
As a juror, you can't let sympathy influence your verdict.	Correct	80%	17%	3%	0%	86%	14%	0%	0%
	Incorrect	75%	0%	0%	25%	100%	0%	0%	0%
During your deliberations, you may take an average of damage amounts and use that as your answer.	Correct	90%	10%	0%	0%	94%	4%	0%	2%
	Incorrect	35%	10%	10%	45%	50%	50%	0%	0%
As jurors, you must be unanimous in all of your answers.	Correct	90%	5%	5%	0%	92%	5%	3%	0%
	Incorrect	84%	3%	10%	3%	64%	18%	18%	0%
As jurors, you may trade answers and exchange votes.	Correct	94%	4%	2%	0%	94%	4%	2%	0%
	Incorrect	100%	0%	0%	0%	100%	0%	0%	0%

Response Options: (1) I heard the Judge read it. (2) I didn't hear the Judge read it, but it makes sense. (3) I'm guessing. (4) I don't know.

Question		Response Option							
		Group A				Group B			
		1	2	3	4	1	2	3	4
The presiding juror has the final say in the verdict.	Correct	66%	32%	0%	2%	80%	17%	3%	0%
	Incorrect	66%	17%	0%	17%	75%	5%	10%	10%
You cannot use circumstantial evidence in deciding your verdict.	Correct	70%	23%	7%	0%	85%	12%	3%	0%
	Incorrect	74%	22%	4%	0%	70%	24%	6%	0%
Preponderance of the evidence means beyond a shadow of a doubt.	Correct	43%	47%	10%	0%	55%	30%	15%	0%
	Incorrect	61%	6%	13%	20%	74%	9%	4%	13%
Circumstantial evidence is indirect proof.	Correct	55%	33%	10%	2%	88%	8%	2%	2%
	Incorrect	0%	43%	0%	57%	72%	0%	14%	14%
Deliberations are the instructions the Judge reads to you as jurors.	Correct	43%	49%	5%	3%	63%	20%	11%	6%
	Incorrect	84%	8%	0%	8%	73%	13%	7%	7%

Response Options: (1) I heard the Judge read it. (2) I didn't hear the Judge read it, but it makes sense. (3) I'm guessing. (4) I don't know.

Table 8

Percentage of responses to trailer question ("I chose that answer because") from verdict form.

Question		Response Option									
		Group A					Group B				
		1	2	3	4	5	1	2	3	4	5
In a civil trial, the jury has to be convinced beyond a reasonable doubt that the Plaintiff's claims are correct.	Correct	40%	53%	0%	0%	7%	58%	26%	0%	11%	5%
	Incorrect	37%	34%	11%	11%	7%	45%	23%	16%	3%	13%
In order to be a "proximate cause" for an event, the result does not necessarily have to be foreseeable.	Correct	50%	25%	8%	0%	17%	47%	29%	12%	0%	12%
	Incorrect	32%	29%	13%	21%	5%	27%	21%	18%	0%	27%
One of the criteria of fraud is that a party (the Plaintiff) suffers by relying on a false statement of fact from another party (the Defendant).	Correct	65%	16%	0%	0%	19%	69%	18%	4%	2%	7%
	Incorrect	14%	14%	43%	0%	29%	50%	25%	8%	0%	17%
"Proximate cause" means the Plaintiff was injured as a result of the Defendant's act or omission.	Correct	56%	20%	0%	4%	20%	67%	21%	6%	0%	6%
	Incorrect	12%	20%	24%	36%	8%	9%	9%	29%	48%	5%
One of the criteria of fraud is that a party (the Defendant) makes a false statement with the intention that it should be acted on by another party (the Plaintiff).	Correct	65%	14%	2%	0%	19%	65%	10%	10%	0%	15%
	Incorrect	17%	22%	22%	17%	22%	20%	30%	20%	20%	10%

Response Options: (1) I heard the Judge read it. (2) I didn't hear the Judge read it, but it makes sense. (3) I'm guessing. (4) I don't know.

(5) I learned it during deliberations.

Response Option

Question		Group A					Group B				
		1	2	3	4	5	1	2	3	4	5
You cannot have more than one proximate cause.	Correct	55%	32%	10%	0%	3%	55%	13%	19%	0%	13%
	Incorrect	11%	0%	20%	58%	11%	0%	11%	21%	68%	0%
In order to find that the Defendant committed fraud, the Plaintiff only has to prove that one of the four criteria of fraud has been met.	Correct	70%	10%	0%	10%	10%	65%	9%	6%	0%	20%
	Incorrect	43%	17%	13%	10%	17%	31%	13%	13%	25%	18%

Response Options: (1) I heard the Judge read it. (2) I didn't hear the Judge read it, but it makes sense. (3) I'm guessing. (4) I don't know.

(5) I learned it during deliberations.

Table 9 Preponderance of the Evidence Survey.

The following written question was given to 75 research participants who were not part of this project, but hired to be mock jurors in other Texas Mock Trials conducted by Courtroom Sciences in March and April 2006. The percentage of responses were grouped and are listed below.

You may or may not be familiar with the term "preponderance of the evidence" with respect to lawsuits and jury trials. It is the standard of proof used in many types of civil cases.

Typically, the Plaintiff in a lawsuit has to prove its case by a preponderance of the evidence in order to succeed.

*According to Texas law, the term "preponderance of the evidence" is defined as **the greater weight and degree of credibility of the evidence** admitted in the case.*

In your opinion, what is the numerical value for "preponderance of the evidence"? (Please answer with a number between 0%-100%)

Numerical Value	Percentage of participants who assigned a value in this range
0% – 50%	9%
51% – 60%	9%
61% – 80%	33%
81% – 100%	49%

n = 75

Table 10

Number of participants confused by terms or phrases in the jury charge.

	Group A	Group B
Term or phrase		
Deliberations	1 (2%)	0
Bias	1 (2%)	0
"You must not decide who you think should win"	1 (2%)	0
Quotient	1 (2%)	0
"You will not, therefore, enter into an agreement to be bound by a majority or any other vote of less than ten jurors."	2 (4%)	0
"Those jurors who agree to all findings shall each sign the verdict form."	2 (4%)	0
Preponderance	4 (8%)	7 (14%)
"The same 10 jurors must agree on all the answers and then to the entire verdict."	0	1 (2%)
"If all 12 jurors do not agree, the 10 or more jurors who agree each sign the verdict certificate."	0	2 (4%)
"The greater weight and degree of credible evidence presented in this case." I	0	5 (10%)
"A fact is established by circumstantial evidence when it may be fairly and reasonably inferred from other facts proved."	2 (4%)	0
Indirect evidence means the circumstances reasonably suggest the fact. Indirect evidence means that based on the evidence, you can conclude the fact is true. Indirect evidence is also called "circumstantial evidence."	0	1 (2%)
"A fact may be proved by direct evidence or by indirect evidence or by both."	0	1 (2%)
"The presiding juror has the duty to sign the verdict if all 12 jurors agree or to get the signatures of all those who agree if the verdict is not by all 12."	0	1 (2%)

Term or phrase	Group A	Group B
"You should not discuss the case with anyone, not even with other members of the jury, unless all of you are present and assembled in the jury room."	1 (2%)	0
"In answering questions about damages, answer each question separately. Do not increase or reduce the amount in one answer because of the instructions in or your answers to any other question about damages. Do not speculate about what any party's ultimate recovery may or may not be. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment."	2 (4%)	0
Joint venture	0	2 (4%)
"A joint venture must be based on an agreement, and the agreement must have all these elements."	0	3 (6%)
Under joint venture, "a community of interest in the venture."	1 (2%)	0%
Fiduciary	17 (34%)	9 (18%)
Under fiduciary duty, "The transaction was fair to the Plaintiff; and the Defendant made reasonable use of the confidence that the Plaintiff placed in it; and the Defendant acted in the utmost good faith."	0	1 (2%)
Proximate cause	2 (4%)	1 (2%)
Fraud	0	1 (2%)
Material misrepresentation	3 (6%)	1 (2%)
"Misrepresentation means a false statement of fact or a promise of future performance made with an intent, at the time the promise was made, not to perform as promised."	2 (4%)	1 (2%)
"The party makes the misrepresentation as a positive assertion knowing it is false or makes the representation recklessly without knowing if it is true or false."	0	1 (2%)
"The party makes the misrepresentation and intends that the other party should act on it."	0	1 (2%)

Term or phrase	Group A	Group B
"The other party relies on the misrepresentation and suffers injury from relying on it."	0	1 (2%)
Negligent misrepresentation	1 (2%)	0
Pecuniary	10 (20%)	0
"The party making the representation did not exercise reasonable care or competence in obtaining or communicating the information."	1 (2%)	0
Exemplary damages	2 (4%)	0
Punitive damages	0	1 (2%)
"What sum of money."	0	1 (2%)
"The character of the conduct involved."	1 (2%)	0
"Degree of culpability"	5 (10%)	0
"To be signed by those rendering the verdict if not by all 12."	0	1 (2%)

ANALYSIS

Rating of Instructions from Judge

The data in Table 1 demonstrates the research participants' reactions to the delivery and content of the Admonitory Instructions. They were asked to rate the certain criteria pertaining to the PJs using a 1-6 Likert scale with 1 being "Not at All" and 6 being "Very much." The mean responses as portrayed in Table 1 reflect that research participants in Project B rated the following criteria significantly higher than the research participants in Project A.

Understandable - PJC 1.1 and PJC 1.3;

Clear - PJC 1.3;

Easy to Follow - PJC 1.1;

Makes Sense – PJC 1.1.

A statistically significant difference was measured using $p < .05$.

Comprehension of Instructions from Judge

The data in Tables 2-6 indicate that the comprehension levels of Version A are low but sometimes do improve using Version B. A correct response rate is considered low when less than 80% of research participants answer the True/False/Don't Know statement correctly. A "Don't Know" answer is considered incorrect.

PJC 1.1 – Instructions before Jury Selection

The survey data indicates correct response rates below 80% for the following items in the existing PJs (Version A). Correct response rates are indicated in parentheses:

Twelve people will be chosen as jurors in this case (34%);

[34% of the Project A research participants answered this True/False/Don't Know survey item correctly]

As a juror, you may say "hello" to the lawyers, witnesses, parties, and others involved in the case (78%);

To be impartial means to be open and honest (24%).

In Version B, survey data indicates correct response rates below 80% for the following items:

To be impartial means to be open and honest (32%).

A statistically significant difference was found in the correct response rate levels between Version A and Version B of the following items:

The case presented before you is a civil action and not a criminal action;

Twelve people will be chosen as jurors in this case.

PJC 1.2 – Instructions after Jury is Selected

The survey data indicates correct response rates below 80% for the following items in existing PJCs (Version A). Correct response rates are indicated in parentheses:

As a juror, you should not consider insurance when awarding damages (68%);

As a juror, your role is to decide which side should win (58%);

Secret evidence is evidence found by private investigation by a juror (60%).

In Version B, survey data indicates correct response rates below 80% for the following items:

As a juror, you should not consider insurance when awarding damages (76%);

As a juror, your role is to decide which side should win (60%);

Secret evidence is evidence found by private investigation by a juror (40%).

A statistically significant difference was found in the correct response rate levels between Version A and Version B of the following items:

As a juror, you can discuss the case with each other while on breaks;

Secret evidence is evidence found by private investigation by a juror.

However, it should be noted that in PJC 1.2, the correct response rate to the above survey items was statistically better in Version A than Version B.

PJC 1.3/1.8 and Charge to the Court – Instructions before Jury Deliberations

The survey data indicates correct response rates below 80% for the following items in existing PJCs (Version A). Correct response rates are indicated in parentheses:

During your deliberations, you may take an average of damage amounts and use that as your answer (78%);

As jurors, you must be unanimous in all of your answers (40%);

The presiding jurors have the final say in the verdict (76%);

You cannot use circumstantial evidence in deciding your verdict (54%);

Preponderance of the evidence means beyond a shadow of a doubt (38%);

Deliberations are the instructions the Judge reads to you as jurors (74%).

In Version B, survey data indicates correct response rates below 80% for the following items:

As jurors, you must be unanimous in all of your answers (78%);

The presiding jurors have the final say in the verdict (58%);

You cannot use circumstantial evidence in deciding your verdict (66%);

Preponderance of the evidence means beyond a shadow of a doubt (54%);

Deliberations are the instructions the Judge reads to you as jurors (70%).

A statistically significant difference was found in the correct response rate levels between Version A and Version B of the following items:

As jurors, you must be unanimous in all of your answers.

Verdict Form

The survey data indicates correct response rates below 80% for the following items in existing PJCs (Version A). Correct response rates are indicated in parentheses:

In a civil trial, the jury has to be convinced beyond a reasonable doubt that the Plaintiff's claims are correct (30%);

In order to be a "proximate cause" for an event, the result does not necessarily have to be foreseeable (24%);

"Proximate cause" means the Plaintiff was injured as a result of the Defendant's act or omission (50%).

One of the criteria of fraud is that a party (the Defendant) makes a false statement with the intention that it should be acted on by another party (the Plaintiff) (74%);

You cannot have more than one proximate cause (62%);

In order to find that the Defendant committed fraud, the Plaintiff only has to prove that one of the four criteria of fraud has been met (20%).

In Version B, survey data indicates correct response rates below 80% for the following items:

In a civil trial, the jury has to be convinced beyond a reasonable doubt that the Plaintiff's claims are correct (38%);

In order to be a "proximate cause" for an event, the result does not necessarily have to be foreseeable (34%);

"Proximate cause" means the Plaintiff was injured as a result of the Defendant's act or omission (58%);

One of the criteria of fraud is that a party (the Defendant) makes a false statement with the intention that it should be acted on by another party (the Plaintiff) (80%);

You cannot have more than one proximate cause (62%);

In order to find that the Defendant committed fraud, the Plaintiff only has to prove that one of the four criteria of fraud has been met (68%).

A statistically significant difference was found in the correct response rate levels between Version A and Version B of the following items:

In order to find that the Defendant committed fraud, the Plaintiff only has to prove that one of the four criteria of fraud has been met.

Source of Information and Opinion

When examining the reasons for selection of their answer response to the True/False survey items, it is interesting to discover those research participants why they answered the True/False /Don't Know incorrectly. This data is presented in Table 7-8 of the Data Section of this report. It is important to pay attention to those research participants who state that they chose an incorrect answer because either the Judge read it (answer choice 1) or because the Judge didn't read it but it makes sense (answer choice 2).

Incorrect Answer, but "I Heard the Judge Read It":

In examining this data, it is apparent that these research participants did not hear the Judge correctly or simply misperceived what was read by the Judge. This is evident by the looking at the reasons cited for why research participants chose an incorrect answer. In many instances, they chose answer choice 1, "I heard the Judge read it." At least 50% of the research participants who answered the following True/False/Don't Know items incorrectly and attributed their answers to hearing it from the Judge (answer choice 1). The percentage is in parentheses after the survey item below and the version is indicated:

Twelve people will be chosen as jurors in this case (50% - B);

[During Project B, 50% of research participants who chose an incorrect answer to this True/False/Don't Know survey item claimed they heard this instruction from the Judge]

If a juror breaks the rules, the Judge may have to order a new trial (50% - B);

As a juror, you are allowed to withhold information from attorneys during jury selection (50% - A);

As a juror, you are not allowed to mingle with the lawyers, the witness, the parties, or anyone involved in the case (100%-A);

As a juror, you may say "hello" to the lawyers, witnesses, parties, and others involved in the case (73% - A, 63% - B);

You are allowed to discuss this case with your spouse (67% - B);

To be impartial means to be open and honest (80% - B);

As a juror, you can discuss the case with each other while on breaks (100% - B);

As a juror, you should consider attorney's fees when awarding damages (100% - B);

As a juror, you should not consider insurance when awarding damages (92% - B);

As a juror, your role is to decide which side should win (70% - B);

As a juror, your conclusions on the case can only be based on what is presented during the trial (100% - A);

As a juror, you can't let sympathy influence your verdict (75% - A, 100% - B);

During your deliberations, you may take an average of damage amounts and use that as your answer (50% - B);

As jurors, you must be unanimous in all of your answers (84% - A; 64% - B);

As jurors, you may trade answers and exchange votes (100% - A, 100% - B);

The presiding juror has the final say in the verdict (66% - A, 75% - B);

You cannot use circumstantial evidence in deciding your verdict (74% - A, 70% - B);

Preponderance of the evidence means beyond a shadow of a doubt (61% - A, 74% - B);

Circumstantial evidence is indirect proof (72% - B);

Deliberations are the instructions the Judge reads to you as jurors (84% - A, 73% - B);

One of the criteria of fraud is that a party (the Plaintiff) suffers by relying on a false statement of fact from another party (the Defendant) (50% - B);

Incorrect Answer, and "I Didn't Hear it from the Judge, but it Makes Sense":

When incorrect answers are chosen due to research participants not hearing it, but thinking it made sense is another area of concern (answer choice 2). At least 50% of the research participants cited that logic for an incorrect answer to the following items, and this demonstrates that jurors are substituting their own common sense for what the law prescribes.

During your deliberations, you may take an average of damage amounts and use that as your answer (50% - B);

Incorrect Answer, but "I was Guessing":

It is also interesting to note from Table 7-8 that some research participants answered incorrectly and stated they were guessing (answer choice 3). At least 50% of the research participants cited this reason for an incorrect answer to the following items:

Twelve people will be chosen as jurors in this case (50% - B);

Incorrect Answer, and "I Don't Know" Why I Chose It:

It is also interesting to note from Table 7-8 that some research participants answered incorrectly and stated they did not know why they chose that answer (answer choice 4). At least 50% of the research participants cited this reason for an incorrect answer to the following items:

The case presented before you is a civil action and not a criminal action (61% - A);

If a juror breaks the rules, the Judge may have to order a new trial (50% - B);

To be "free from bias and prejudice" means you have not prejudged the case before hearing the evidence (75% - A, 100% - B);

Circumstantial evidence is indirect proof (57% - A);

You cannot have more than one proximate cause (58% - A, 68% - B).

Incorrect Answer, but "I Learned it during Deliberations":

With regards to the Verdict Form Questionnaire, the trailer question included a fifth response option to indicate the basis of their answer to the preceding question. That additional response option was "I learned it during deliberations." As a side note that is of interest, for incorrect answers to the following items, at least 15% of the research participants cited that reason:

In order to be a "proximate cause" for an event, the result does not necessarily have to be foreseeable (27% - B);

One of the criteria of fraud is that a party (the Plaintiff) suffers by relying on a false statement of fact from another party (the Defendant) (29% - A; 17% - B);

One of the criteria of fraud is that a party (the Defendant) makes a false statement with the intention that it should be acted on by another party (the Plaintiff) (22% - A);

In order to find that the Defendant committed fraud, the Plaintiff only has to prove that one of the four criteria of fraud has been met (17% - A, 18% - B).

Preponderance of the Evidence

The data in Table 9 reveals a common sense numerical assignment to “preponderance of the evidence” as defined by the Judge in PJC 1.3. A survey was given to 75 research participants recruited for private Mock Trials in Texas venues between February and May 2006.

The data suggests that 49% of those surveyed assigned a numerical value between 81%-100% of the evidence while only 9% assigned a number between 51%-60% of the evidence.

Also, this question was asked as part of the PJC 1.3/1.8 survey. Only 38% of the research participants answered it correctly (51%-60% was considered correct) in Version A and 54% in Version B. Furthermore, 61% in Version A and 74% in Version B attributed the incorrect answer to hearing it from the Judge.

Lastly, data on the preponderance of the evidence is presented as One-Word Associations in the Data section to this report. The research participants were asked in the focus group session to give a definition as well as a numerical value. Those responses are illustrated in that section.

Jury Confusion Study

The data in Table 10 illustrates the results from the Jury Confusion Study, whereby the research participants were asked to review the Charge to the Court (which included PJC 1.3, 1.8 and the Verdict Form with Jury Instructions), and to highlight the language that was confusing. Both the frequency and percentage are reported.

APPENDIX

- Appendix I – Project A PJC 1.1
- Appendix II – Project B PJC 1.1
- Appendix III – Project A PJC 1.2
- Appendix IV – Project B PJC 1.2
- Appendix V - Project A PJC 1.3/1.8 and Jury Charge
- Appendix VI - Project B PJC 1.3/1.8 Jury Charge
- Appendix VII – PJC 1.1 Questionnaire
- Appendix VIII - PJC 1.2 Questionnaire
- Appendix VIII - PJC 1.3/1.8 Questionnaire
- Appendix X – Verdict Form Comprehension Questionnaire

Appendix I – Project A PJC 1.1

LADIES AND GENTLEMEN OF THE JURY PANEL:

The case that is now on trial is *Paul Payne* vs. *Don Davis*. This is a civil action which will be tried before a jury. Your duty as jurors will be to decide the disputed facts. It is the duty of the judge to see that the case is tried in accordance with the rules of law. In this case, as in all cases, the actions of the judge, parties, witnesses, attorneys and jurors must be according to law. The Texas law permits proof of any violation of the rules of proper jury conduct. By this I mean that jurors and others may be called upon to testify in open court about acts of jury misconduct. I instruct you, therefore, to follow carefully all instructions which I am now going to give you, as well as others which you will receive while this case is on trial. If you do not obey the instructions I am about to give you, it may become necessary for another jury to re-try this case with all of the attendant waste of your time here and the expense to the litigants and the taxpayers of this county for another trial. These instructions are as follows:

1. Do not mingle with nor talk to the lawyers, the witnesses, the parties, or any other person who might be connected with or interested in this case, except for casual greetings. They have to follow these same instructions and you will understand it when they do.
2. Do not accept from, nor give to, any of those persons any favors however slight, such as rides, food or refreshments.
3. Do not discuss anything about this case, or even mention it to anyone whomsoever, including your wife or husband, nor permit anyone to mention it in your hearing until you are discharged as jurors or excused from this case. If anyone attempts to discuss the case, report it to me at once.
4. The parties through their attorneys have the right to direct questions to each of you concerning your qualifications, background, experiences and attitudes. In questioning you, they are not meddling in your personal affairs, but are trying to select fair and impartial jurors who are free from any bias or prejudice in this particular case.
 - a. Do not conceal information or give answers which are not true. Listen to the questions and give full and complete answers.
 - b. If the attorneys ask some questions directed to you as a group which require an answer on your part individually, hold up your hand until you have answered the questions.

Do you understand these instructions? If not, please let me know now.

Whether you are selected as a juror for this case or not, you are performing a significant service which only free people can perform. We shall try the case as fast as possible consistent with justice, which requires a careful and correct trial. If selected on the jury, unless I instruct you differently, you will be permitted to separate at recesses and for meals, and at night.

The attorneys will now proceed with their examination.

Appendix II – Project B PJC 1.1

Ladies and Gentlemen: We are about to begin selecting a jury. Right now, you are members of what we call a panel. After the lawyers ask you some questions, 12 of you will be chosen for the jury. But before we start asking questions and choosing jurors, I will give you some information and then go over the instructions.

First of all, we thank you for being here. Even if you are not chosen for the jury, you are performing a valuable service that is your right and duty as a citizen of a free country.

Now I will give you some background about this case. This is a civil trial. A civil trial is a lawsuit that is not a criminal case. This means no one has been accused of a crime and no one will be going to jail.

The parties are as follows: The plaintiff is Petris, and the defendant is SPC.

The parties have the right to have their lawyers ask you questions about your background, experiences, and attitudes. They are not trying to meddle in your affairs. They are just being thorough and trying to choose fair jurors who do not have any bias or prejudice about this case.

Jurors sometimes ask what it means when I say we want jurors who do not have any bias or prejudice. The word “prejudice” means judging something before you have all the information. It also means making a decision that ignores facts presented in court and the law that I explain. But we want jurors who will not pre-judge the case and who will decide the case based only on the evidence presented in court and the law that I explain.

If you are chosen for the jury, you will listen to the evidence and decide the facts of the case. I, as the judge, will manage the process and make sure the law is applied correctly. I assure you we will handle this case as fast as we can, but we cannot rush things. We have to do it fairly and we have to follow the law.

Everyone must obey the instructions that I am about to give you: the lawyers, the witnesses, the jurors, and the parties.

If you do not follow these instructions, I may have to order a new trial and start this process over again. That would be a waste of time and money, so please listen carefully to these instructions.

These are the instructions:

1. Remember that you took an oath that you will tell the truth, so be honest when the lawyers ask you questions, and always give complete answers. Sometimes a lawyer will ask a question of the whole panel instead of just one person. If the question applies to you, raise your hand and keep it raised until you are called on.
2. Do not mingle or talk with the lawyers, the witnesses, the parties, or anyone involved in the case. You can exchange casual greetings like “hello” and “good morning.” Other than that, do not talk with them at all. They have to follow these instructions too, so they will not be offended. Also, do not accept any favors from the lawyers, the witnesses, the parties, or anyone involved in the case, and do not do any favors for them. This includes favors such as giving rides and food. We ask you not to mingle or accept favors to avoid looking like you are friendly with one side of the case.

3. Do not discuss this case with anyone, even your spouse or friend. Do not allow anyone to discuss the case with you or in front of you. If anyone tries to discuss the case with you, tell me. We ask you not to discuss the case with others because we do not want you to be influenced by something other than the evidence presented in court.

Do you understand these instructions? If you do not, please tell me now.

The lawyers will now begin asking questions.

Appendix III – Project A PJC 1.2

LADIES AND GENTLEMEN:

By the oath which you take as jurors, you become officials of this court and active participants in the public administration of justice. I now give you further instructions which you must obey throughout this trial.

It is your duty to listen to and consider the evidence and to determine fact issues later submitted to you, but I, as judge, will decide matters of the law. You will now receive written instructions which you will observe during this trial, together with such other instructions as I may hereafter give, or as heretofore I have given to you.

[A copy of the written instructions set out below shall thereupon be handed to each juror.]

As you examine the instructions which have just been handed to you, we will go over them briefly together. The first three instructions have previously been stated, and you will continue to observe them throughout the trial. These and the other instructions just handed to you are as follows:

[The written instructions set out below shall thereupon be read by the court to the jury.]

Counsel, you may proceed.

[Written Instructions]

1. Do not mingle with nor talk to the lawyers, the witnesses, the parties, or any other person who might be connected with or interested in this case, except for casual greetings. They have to follow these same instructions and you will understand it when they do.
2. Do not accept from, nor give to, any of those persons any favors however slight, such as rides, food or refreshments.
3. Do not discuss anything about this case, or even mention it to anyone whomsoever, including your wife or husband nor permit anyone to mention it in your hearing until you are discharged as jurors or excused from this case. If anyone attempts to discuss the case, report it to me at once.
4. Do not even discuss this case among yourselves until after you have heard all of the evidence, the court's charge, the attorneys' arguments and until I have sent you to the jury room to consider your verdict.
5. Do not make any investigation about the facts of this case. Occasionally we have a juror who privately seeks out information about a case on trial. This is improper. All evidence must be presented in open court so that each side may question the witnesses and make proper objection. This avoids a trial based upon secret evidence. These rules apply to jurors the same as they apply to the parties and to me. If you know of, or learn anything about, this case except from the evidence admitted during the course of this trial, you should tell me about it at once. You have just taken an oath that you will render a verdict on the evidence submitted to you under my rulings.
6. Do not make personal inspections, observations, investigations, or experiments nor personally view premises, things or articles not produced in court. Do not let anyone else do any of these things for you.

7. Do not tell other jurors your own personal experiences nor those of other persons, nor relate any special information. A juror may have special knowledge of matters such as business, technical or professional matters or he may have expert knowledge or opinions, or he may know what happened in this or some other lawsuit. To tell the other jurors any of this information is a violation of these instructions.

8. Do not discuss or consider attorney's fees unless evidence about attorney's fees is admitted.

9. Do not consider, discuss, nor speculate whether or not any party is or is not protected in whole or in part by insurance of any kind.

10. Do not seek information contained in law books, dictionaries, public or private records or elsewhere, which is not admitted in evidence.

At the conclusion of all the evidence, I may submit to you a written charge asking you some specific questions. You will not be asked, and you should not consider, whether one party or the other should win. Since you will need to consider all of the evidence admitted by me, it is important that you pay close attention to the evidence as it is presented.

The Texas law permits proof of any violation of the rules of proper jury conduct. By this I mean that jurors and others may be called upon to testify in open court about acts of jury misconduct. I instruct you, therefore, to follow carefully all instructions which I have given you, as well as others which you later receive while this case is on trial.

You may keep these instructions and review them as the case proceeds. A violation of these instructions should be reported to me.

Appendix IV – Project B PJC 1.2

Ladies and Gentlemen: You have now been chosen to serve on this jury. Because of the oath you have taken and your selection for the jury, you become officials of this court and active participants in our justice system.

What you are receiving is a set of written instructions, and I am going to discuss them with you now. Some of them you have heard before, and some are new.

1. Please remember what I said about not mingling with those involved in this case, not accepting favors from those involved with this case, and not discussing the case with anyone.
2. Please discuss this case only with other jurors and only after I have given you the final instructions and sent you to the jury room to reach a verdict. This will be after you have heard all the evidence, all my instructions, and all the lawyers' arguments.
3. Do not investigate this case on your own. Do not view or inspect places or items from this case unless they are presented as evidence in court. Do not let anyone do those things for you. This rule is very important because we cannot have a trial based on evidence not presented in open court. Your conclusions about this case must be based only on what you see and hear in this courtroom. All the evidence must be presented in open court so the parties and their lawyers can test it and object to it. For example:
 - Sometimes we have jurors who go on their own and try to get information about a case from outside this courtroom.
 - Sometimes we have jurors who go to places mentioned in the case to see the places for themselves.
 - And sometimes we have jurors who go look things up in law books, dictionaries, public records, or on the Internet.

Please do not do any of these. Consider only the evidence presented in this courtroom.

4. Do not tell other jurors your own experiences or other people's experiences. For example, you may have special knowledge of something in the case, such as business, technical, or professional information. You may even have expert knowledge or opinions, or you may know what happened in this case or another case. But keep it to yourself. Telling other jurors about it is wrong because it means the jury will be considering things that were not presented in court.
5. Do not consider attorneys' fees unless I tell you to. Do not guess about attorneys' fees.
6. Do not consider insurance or who might be covered by insurance unless I tell you to. Do not guess about who might or might not be covered by insurance.

Do you understand these instructions? If you do not, please tell me now.

After you have heard all the evidence, I will give you instructions to follow as you make your decision. The instructions will have questions for you to answer. You will not be asked which side should win, so do not answer that question. Instead, you will need to answer the specific questions I give you.

As I have said before, if you do not follow these instructions, I may have to order a new trial and start this process over again.

Appendix V – Project A PJC 1.3/1.8 Jury Charge

Petris	§	IN THE DISTRICT COURT OF
	§	
VS.	§	TEXAS
	§	
SPC	§	
	§	JUDICIAL DISTRICT

CHARGE OF THE COURT

Members of the Jury:

This case is submitted to you by asking questions about the facts, which you must decide from the evidence you have heard in this trial. You are the sole judges of the credibility of the witnesses and the weight to be given their testimony, but in matters of law, you must be governed by the instructions in this charge. In discharging your responsibility on this jury, you will observe all the instructions which have previously been given you. I shall now give you additional instructions which you should carefully and strictly follow during your deliberations.

1. Do not let bias, prejudice, or sympathy play any part in your deliberations.
2. In arriving at your answers, consider only the evidence introduced here under oath and such exhibits as have been introduced for your consideration under the rulings of the court, that is, what you have seen and heard in this courtroom, together with the law as given you by the court. In your deliberations, you will not consider or discuss anything that is not represented by the evidence in this case.
3. Since every answer that is required by this charge is important, no juror should state or consider that any required answer is not important.
4. You must not decide who you think should win, and then try to answer the questions accordingly. Simply answer the questions, and do not discuss nor concern yourselves with the effect of your answers.
5. You will not decide the answer to a question by lot or by drawing straws, or by any other method of chance. Do not return a quotient verdict. A quotient verdict means that the jurors agree to abide by the result to be reached by adding together each juror's figures and dividing by the number of jurors to get an average. Do not do any trading on your answers; that is, one juror should not agree to answer a certain question one way if others will agree to answer another question another way.
6. You may render your verdict upon the vote of ten or more members of the jury. The same ten or more of you must agree upon all of the answers made and to the entire verdict. You will not, therefore, enter into an agreement to be bound by a majority or any other vote of less than ten jurors. If the verdict and all of the answers therein are reached by unanimous agreement, the presiding juror shall sign the verdict for the entire

jury. If any juror disagrees as to any answer made by the verdict, those jurors who agree to all findings shall each sign the verdict.

These instructions are given to you because your conduct is subject to review the same as that of the witnesses, parties, attorneys, and the judge. If it should be found that you have disregarded any of these instructions, it will be jury misconduct and it may require another trial by another jury; then all of our time will have been wasted.

The presiding juror or any other who observes a violation of the court's instructions shall immediately warn the one who is violating the same and caution the juror not to do so again.

When words are used in this charge in a sense that varies from the meaning commonly understood, you are given a proper legal definition, which you are bound to accept in place of any other meaning.

Answer "Yes" or "No" to all questions unless otherwise instructed. A "Yes" answer must be based on a preponderance of the evidence. If you do not find that a preponderance of the evidence supports a "Yes" answer, then answer "No." The term "preponderance of the evidence" means the greater weight and degree of credible testimony or evidence introduced before you and admitted in this case. Whenever a question requires other than a "Yes" or "No" answer, your answer must be based on a preponderance of the evidence.

A fact may be established by direct evidence or by circumstantial evidence or both. A fact is established by direct evidence when proved by documentary evidence or by witnesses who saw the act done or heard the words spoken. A fact is established by circumstantial evidence when it may be fairly and reasonably inferred from other facts proved.

After you retire to the jury room, you will select your own presiding juror. The first thing the presiding juror will do is to oversee the review of the Court's charge, and then you will deliberate upon your answers to the questions asked.

It is the duty of the presiding juror--

1. to preside during your deliberations;
2. to see that your deliberations are conducted in an orderly manner and in accordance with the instructions in this charge;
3. to write out and hand to the bailiff any communications concerning the case that you desire to have delivered to the judge;
4. to vote on the questions;
5. to write your answers to the questions in the spaces provided; and
6. to certify to your verdict in the space provided for the presiding juror's signature, or to obtain the signatures of all the jurors who agree with the verdict if your verdict is less than unanimous.

You should not discuss the case with anyone, not even with other members of the jury, unless all of you are present and assembled in the jury room. Should anyone attempt to talk to you about the case before the verdict is returned, whether at the courthouse, at your home, or elsewhere, please inform me of this fact.

When you have answered all the questions you are required to answer under the instructions of the Court, and your presiding juror has placed your answers in the spaces provided and signed the verdict as presiding juror or obtained the signatures, you will inform the bailiff at the door of the jury room that you have reached a verdict, and then you will return into the courtroom with your verdict.

District Judge

QUESTION #1

Did SPC fail to comply with the agreement between Petris Technology, Inc. and SPC?

Answer: _____

If your answer to Question #1 is "Yes," then answer the following question. Otherwise, do not answer the following question.

QUESTION #2

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Petris Technology, Inc. for its damages, if any, that resulted from such failure to comply?

In answering questions about damages, answer each question separately. Do not increase or reduce the amount in one answer because of the instructions in or your answers to any other question about damages. Do not speculate about what any party's ultimate recovery may or may not be. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

Do not add any amount for interest on damages, if any.

Answer separately in dollars and cents for damages, if any, that—

were sustained in the past;

Answer: _____

in reasonable probability will
be sustained in the future.

Answer: _____

QUESTION #3

Did a "joint venture" exist between SPC and Petris?

Answer: _____

Definitions/Instructions: A "joint venture" is an association of two or more persons to carry on a business for profit. A joint venture must be based on an agreement that has all the following elements:

1. a community of interest in the venture,
2. an agreement to share profits,
3. an express agreement to share losses, and
4. a mutual right of control or management of the venture.

If you answered "Yes" to Question #3, then answer Questions #4. If you answered "No" to Question #3 then skip to Question #6. .

QUESTION #4

Did SPC comply with its fiduciary duty to Petris Technology, Inc.?

Because they were joint venturers, SPC owed Petris Technology, Inc. a fiduciary duty. To prove SPC complied with its duty, SPC must show:

- a. The transaction in question was fair and equitable to Petris;
- b. SPC made reasonable use of the confidence that Petris placed in it;
- c. SPC acted in the utmost good faith and exercised the most scrupulous honesty toward Petris;
- d. SPC placed the interests of Petris before its own, did not use the advantage of its position to gain any benefit for itself at the expense of Petris, and did not place itself in any position where its self-interest might conflict with its obligations as a fiduciary; and
- e. SPC fully and fairly disclosed all important information to Petris concerning the transaction.

Answer: _____

If your answer to Question #4 is "No," then answer the following question. Otherwise, do not answer the following question.

QUESTION #5

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Petris Technology, Inc. for its damages, if any, that were proximately caused by such conduct?

"Proximate cause" means that cause which, in a natural and continuous sequence, produces an event, and without which cause such event would not have occurred. In order to be a proximate cause, the act or omission complained of must be such that a person using the degree of care required of him would have foreseen that the event, or some similar event, might reasonably result therefrom. There may be more than one proximate cause of an event.

Do not add any amount for interest on damages, if any.

Answer: \$ _____

QUESTION #6

Did SPC commit fraud against Petris Technology, Inc.?

Fraud occurs when—

- a. a party makes a material misrepresentation,
- b. the misrepresentation is made with knowledge of its falsity or made recklessly without any knowledge of the truth and as a positive assertion,
- c. the misrepresentation is made with the intention that it should be acted on by the other party, and
- d. the other party relies on the misrepresentation and thereby suffers injury.

“Misrepresentation” means a false statement of fact or a promise of future performance made with an intent, at the time the promise was made, not to perform as promised.

Answer: _____

If your answer to Question #6 is "Yes," then answer the following question. Otherwise, do not answer the following question.

QUESTION #7

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Petris Technology, Inc. for its damages, if any, that resulted from such fraud?

Answer: \$_____

QUESTION #8

Did SPC make a negligent misrepresentation on which Petris Technology, Inc. justifiably relied?

Negligent misrepresentation occurs when—

- a. a party makes a representation in the course of his business or in a transaction in which he has a pecuniary interest,
- b. the representation supplies false information for the guidance of others in their business, and
- c. the party making the representation did not exercise reasonable care or competence in obtaining or communicating the information

Answer: _____

If your answer to Question #8 is "Yes," then answer the following question. Otherwise, do not answer the following question.

QUESTION #9

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Petris Technology, Inc. for its damages, if any, that were proximately caused by such negligent misrepresentation?

"Proximate cause" means that cause which, in a natural and continuous sequence, produces an event, and without which cause such event would not have occurred. In order to be a proximate cause, the act or omission complained of must be such that a person using the degree of care required of him would have foreseen that the event, or some similar event, might reasonably result therefrom. There may be more than one proximate cause of an event.

Answer: \$ _____

Do not add any amount for interest on past damages, if any.

Certificate as to Questions 1-9

We, the jury, have answered the above and foregoing questions as herein indicated, and herewith return same into court as our verdict.

(To be signed by the presiding juror if unanimous.)

Juror Presiding

(To be signed by those rendering the verdict if not unanimous.)

SIGNATURE

NAME PRINTED

1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____

If you answered Question 6 "YES" and were unanimous in that answer, then answer Question 10.
Otherwise, do not answer Question 10.

QUESTION #10

What sum of money, if any, if paid now in cash, should be assessed against SPC and awarded to Petris Technology, Inc. as exemplary damages if any.

"Exemplary damages" means an amount that you may in your discretion award as a penalty or by way of punishment.

Factors to consider in awarding exemplary damages, if any, are—

- a. The nature of the wrong.
- b. The character of the conduct involved.
- c. The degree of culpability of SPC.
- d. The situation and sensibilities of the parties concerned.
- e. The extent to which such conduct offends a public sense of justice and propriety.
- f. The net worth of SPC.

Answer in dollars and cents, if any.

Answer: _____

Certificate as to Questions 6 and 10

We, the jury, have answered the above and foregoing questions as herein indicated, and herewith return same into court as our verdict.

I certify that this jury was unanimous in answering Question 6 and 10

Juror Presiding

Appendix VI – Project B PJC 1.3/1.8 Jury Charge

Petris	§	IN THE DISTRICT COURT OF
	§	
VS.	§	TEXAS
	§	
SPC	§	
	§	JUDICIAL DISTRICT

CHARGE OF THE COURT

Ladies and Gentlemen: You are about to go to the jury room to reach a verdict. This means you will apply the law and answer the questions I will give you.

Remember: You are to make up your own minds about the facts. You are the only judges of the credibility of the witnesses and the weight to give their testimony. But on matters of the law, you must follow the instructions I have given you before and those I will give you now. Please remember what I said about not discussing the case until you are in the jury room.

In just a moment I will be giving you a set of questions. Here are the instructions for answering the questions:

1. Do not let bias, prejudice, or sympathy play any part in your decision.
 2. Base your answers only on what was presented in court and on the law I explain to you. Please remember what I have said about not sharing your own special knowledge or experiences. This case must be decided only on the facts presented in court and on the law I give you.
 3. If my instructions use a word in a way that is different from its ordinary meaning, use the meaning I give you, which will be a proper legal definition.
 4. All the questions and answers are important. No one should say that any question or answer is not important.
 5. Answer yes or no to every question unless you are told otherwise.
 6. A yes answer must be based on a preponderance of the evidence unless you are told otherwise.
- The term “preponderance of the evidence” is a legal phrase that means the greater weight and degree of credible evidence presented in this case. If you do not find that a preponderance of the evidence supports a yes answer, then answer no.
 - Whenever a question requires an answer other than yes or no, your answer must be based on a preponderance of the evidence unless you are told otherwise.

7. Do not decide who you think should win before you answer the questions and then just answer the questions to match your decision. Answer each question carefully without considering who will win.
8. Do not answer questions by drawing straws or by any method of chance.
9. Some questions might ask you for a dollar amount. Do not decide on a dollar amount by adding up each juror's amount and then figuring the average.
10. Do not trade your answers. For example, do not say "I will answer this question your way if you answer another question my way."
11. The answers to the questions must be based on the decision of at least 10 of the 12 jurors unless otherwise instructed. The same 10 jurors must agree on all the answers and then to the entire verdict. Specifically—
 - Do not agree to be bound by a vote of anything less than 10 jurors, even if it would be a majority.
 - If all 12 jurors agree, the presiding juror, or the elected foreperson, signs the verdict certificate for the entire jury.
 - If all 12 jurors do not agree, the 10 or more jurors who agree each sign the verdict certificate.

During this trial, you may have heard two kinds of evidence. They are direct evidence and indirect evidence.

Direct evidence means a fact was proved by a document, by an item, or by testimony from a witness who heard or saw the fact directly.

Indirect evidence means the circumstances reasonably suggest the fact. Indirect evidence means that based on the evidence, you can conclude the fact is true. Indirect evidence is also called "circumstantial evidence."

For example, suppose a witness was outside and saw that it was raining. The witness could testify that it was raining, and this would be direct evidence. Now suppose the witness was inside a building, but the witness saw people walking into the building with wet umbrellas. The witness could testify that it was raining outside, and this would be indirect evidence.

A fact may be proved by direct evidence or by indirect evidence or by both.

Do you understand these instructions? If you do not, please tell me now.

When you go into the jury room to answer the questions, the first thing you will need to do is choose a presiding juror, to act as the foreperson of the jury.

The presiding juror has these duties:

- To preside over your deliberations. This means the presiding juror will take the lead in discussions, write down the answers that 10 or more of you agree on, and see that you follow the instructions.
- To give written questions or comments to the judge. The presiding juror should give them to the bailiff, who will give them to me.
- To vote on the answers to questions, just as all jurors do.
- To sign the verdict if all 12 jurors agree or to get the signatures of all those who agree if the verdict is not by all 12.

Do you understand the duties of the presiding juror? If you do not, please tell me now.

Once you have reached a verdict, the presiding juror should notify the bailiff. Do not notify the bailiff that you have reached a verdict until—

1. you have answered all the questions,
2. the presiding juror has written down the answers, and
3. the presiding juror has signed the verdict certificate if all 12 jurors agree, or had all those who agree sign the verdict certificate if it is not by all 12.

QUESTION #1

Did SPC fail to comply with the agreement between Petris Technology, Inc. and SPC?

Answer: _____

If your answer to Question #1 is "Yes," then answer the following question. Otherwise, do not answer the following question.

QUESTION #2

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Petris Technology, Inc. for its damages, if any, that resulted from the failure to comply?

In answering questions about damages, answer each question separately. Do not increase or reduce the amount in one answer because of the instructions in or your answers to any other question about damages. Do not speculate about what any party's ultimate recovery may or may not be. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

Do not add any amount for interest on damages, if any.

Answer separately in dollars and cents for damages, if any, that—

were sustained in the past;

Answer: _____

in reasonable probability will
be sustained in the future.

Answer: _____

QUESTION #3

Did a "joint venture" exist between SPC and Petris?

Answer: _____

Definitions/Instructions: A "joint venture" is an association of two or more people or businesses to carry on a business for profit. A joint venture must be based on an agreement, and the agreement must have all these elements:

1. a common interest in the venture, and
2. an agreement to share profits, and
3. an express agreement to share losses, and
4. a mutual right of control or management of the venture.

If you answered "Yes" to Question #3, then answer Questions #4. If you answered "No" to Question #3 then skip to Question #6.

QUESTION #4

Did SPC comply with its fiduciary duty to Petris Technology, Inc.?

Because they were joint venturers, SPC owed Petris a fiduciary duty. To prove SPC complied with its duty, SPC must prove all of these elements:

- a. The transaction was fair to Petris; and
- b. SPC made reasonable use of the confidence that Petris placed in it; and
- c. SPC acted in the utmost good faith and exercised the most scrupulous honesty toward Petris; and
- d. SPC placed the interests of Petris before its own interests, did not use the advantage of its position to gain any benefit for itself at the expense of Petris, and did not place itself in any position where its self-interest might conflict with its obligations to Petris; and
- e. SPC fully and fairly disclosed all important information to Petris concerning the transaction.

Answer: _____

If your answer to Question #4 is "No," then answer the following question. Otherwise, do not answer the following question.

QUESTION #5

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Petris Technology, Inc. for its damages, if any, that were proximately caused by the conduct?

"Proximate cause" means an act or an omission (a failure to act) that, in a natural and continuous sequence, produces a result. Without that cause, the result would not have occurred. To be a proximate cause, the act or omission must be something that a person using the required degree of care would have reasonably foreseen could cause the result or something similar. There may be more than one proximate cause for a result.

Do not add any amount for interest on damages, if any.

Answer: _____

QUESTION #6

Did SPC commit fraud against Petris Technology, Inc.?

Fraud occurs when all of these elements are present—

- a. a party makes a material misrepresentation (“Misrepresentation” means a false statement of fact or a promise of future performance made with an intent, at the time the promise was made, not to perform as promised), and
- b. the party makes the misrepresentation as a positive assertion knowing it is false or makes the representation recklessly without knowing if it is true or false, and
- c. the party makes the misrepresentation and intends that the other party should act on it, and
- d. the other party relies on the misrepresentation and suffers injury from relying on it.

Answer: _____

If your answer to Question #6 is "Yes," then answer the following question. Otherwise, do not answer the following question.

QUESTION #7

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Petris Technology, Inc. for its damages, if any, that resulted from the fraud?

Answer: _____

QUESTION #8

Did SPC make a negligent misrepresentation on which Petris Technology, Inc. justifiably relied?

Negligent misrepresentation occurs when all of these elements are present:

- a. a party makes a representation in the course of its business or in a transaction in which it has a monetary interest, and
- b. the party makes a representation that uses false information for guiding others in their businesses, and
- c. the party making the representation did not exercise reasonable care or competence in obtaining or communicating the information.

Answer: _____

If your answer to Question #8 is "Yes," then answer the following question. Otherwise, do not answer the following question.

QUESTION #9

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Petris Technology, Inc. for its damages, if any, that were proximately caused by the negligent misrepresentation?

"Proximate cause" means an act or an omission (a failure to act) that, in a natural and continuous sequence, produces a result. Without that cause, the result would not have occurred. To be a proximate cause, the act or omission must be something that a person using the required degree of care would have reasonably foreseen could cause the result or something similar. There may be more than one proximate cause for a result.

Answer: _____

Do not add any amount for interest on past damages, if any.

Certificate as to Questions 1-9

We, the jury, have answered these questions as indicated, and now return them into court as our verdict.

(To be signed by the presiding juror if agreed by all 12 jurors)

Juror Presiding

(To be signed by those rendering the verdict if not by all 12)

SIGNATURE

NAME PRINTED

1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____

If all 12 jurors answered Question 6 "Yes", then answer Question 10. Otherwise do not answer Question 10.

QUESTION #10

What sum of money, if any, if paid now in cash, should be assessed against SPC and awarded to Petris Technology, Inc. as punitive damages, if any, for the conduct found in response to Question #6?

"Punitive damages" are money you may, in your discretion, give as a penalty or punishment.

In deciding whether you will award punitive damages, think about any or all of these things:

- a. The nature of the wrong.
- b. The character of the conduct involved.
- c. The degree of blame of SPC.
- d. The situation and sensibilities of the parties concerned.
- e. The extent to which the conduct offends a sense of justice and propriety.
- f. The net worth of SPC.

Answer in dollars and cents, if any.

Answer: _____

Certificate as to Questions 6 and 10

We, the jury, have answered these questions as indicated, and now return them into court as our verdict.

I certify that all 12 jurors answered Question 6 and 10 "Yes."

Juror Presiding

Appendix VII – PJC 1.1 Questionnaire

PJC 1.1 Questionnaire

Instructions

Please complete this questionnaire on the green and white scantron sheet provided. Use a #2 pencil and mark as darkly and as legibly as you can. Select one response for each question.

Please rate the following criteria using the “1” to “6” scale provided with “1” being the lowest rating and “6” being the highest rating.

	Not at all				Very much	
1. Understandable	1	2	3	4	5	6
2. Clear	1	2	3	4	5	6
3. Easy to follow	1	2	3	4	5	6
4. Simple	1	2	3	4	5	6
5. Makes Sense	1	2	3	4	5	6
6. Necessary	1	2	3	4	5	6
7. Informative	1	2	3	4	5	6
8. Direct	1	2	3	4	5	6

9. The case presented before you is a civil action and not a criminal action.

(1)True (2)False (3)Don't Know

10. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

11. Twelve people will be chosen as jurors in this case.

(1)True (2)False (3)Don't Know

12. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

13. If a juror breaks the rules, the Judge may have to order a new trial.

- (1)True (2)False (3)Don't Know

14. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

15. As a juror, you are allowed to withhold information from the attorneys during jury selection.

- (1)True (2)False (3)Don't Know

16. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

17. As a juror, you are not allowed to mingle with the lawyers, the witness, the parties, or anyone involved in the case.

- (1)True (2)False (3)Don't Know

18. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

19. As a juror, you may say "hello" to the lawyers, witnesses, parties and others involved in the case.

- (1)True (2)False (3)Don't Know

20. I chose that answer because:

- (1) I heard the Judge read it
(2) I didn't hear the Judge read it, but it makes sense
(3) I'm guessing
(4) I don't know

21. You are allowed to discuss this case with your spouse.

- (1)True (2)False (3)Don't Know

22. I chose that answer because:

- (1) I heard the Judge read it
(2) I didn't hear the Judge read it, but it makes sense
(3) I'm guessing
(4) I don't know

23. To be impartial means to be open and honest.

- (1)True (2)False (3)Don't Know

24. I chose that answer because:

- (1) I heard the Judge read it
(2) I didn't hear the Judge read it, but it makes sense
(3) I'm guessing
(4) I don't know

25. To be "free from bias and prejudice" means you have not prejudged the case before hearing the evidence.

- (1)True (2)False (3)Don't Know

26. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

Appendix VIII – PJC 1.2 Questionnaire

PJC 1.2 Questionnaire

Instructions

Please complete this questionnaire on the green and white scantron sheet provided. Use a #2 pencil and mark as darkly and as legibly as you can. Select one response for each question.

Please rate the following criteria using the “1” to “6” scale provided with “1” being the lowest rating and “6” being the highest rating.

	Not at all			Very much		
1. Understandable	1	2	3	4	5	6
2. Clear	1	2	3	4	5	6
3. Easy to follow	1	2	3	4	5	6
4. Simple	1	2	3	4	5	6
5. Makes Sense	1	2	3	4	5	6
6. Necessary	1	2	3	4	5	6
7. Informative	1	2	3	4	5	6
8. Direct	1	2	3	4	5	6

9. As a juror, you are allowed to investigate the case on your own (i.e. internet searches).

(1) True (2) False (3) Don't Know

10. I chose that answer because:

- (5) I heard the Judge read it
- (6) I didn't hear the Judge read it, but it makes sense
- (7) I'm guessing
- (8) I don't know

11. As a juror, you can discuss the case with each other while on breaks.

- (1)True (2)False (3)Don't Know

12. I chose that answer because:

- (1) I heard the Judge read it
(2) I didn't hear the Judge read it, but it makes sense
(3) I'm guessing
(4) I don't know

13. As a juror, you should consider attorney's fees when awarding damages.

- (1)True (2)False (3)Don't Know

14. I chose that answer because:

- (1) I heard the Judge read it
(2) I didn't hear the Judge read it, but it makes sense
(3) I'm guessing
(4) I don't know

15. As a juror, you should not consider insurance when awarding damages.

- (1)True (2)False (3)Don't Know

16. I chose that answer because:

- (1) I heard the Judge read it
(2) I didn't hear the Judge read it, but it makes sense
(3) I'm guessing
(4) I don't know

17. As a juror, your role is to decide which side should win.

- (1)True (2)False (3)Don't Know

18. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

19. As a juror, your conclusions on the case can only be based on what is presented during the trial.

- (1)True (2)False (3)Don't Know

20. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

21. Secret evidence is evidence found by private investigation by a juror.

- (1)True (2)False (3)Don't Know

22. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

Appendix VIII – PJC 1.3/1.8 Questionnaire

PJC 1.3/1.8 Questionnaire Instructions

Please complete this questionnaire on the green and white scantron sheet provided. Use a #2 pencil and mark as darkly and as legibly as you can. Select one response for each question.

Please rate the following criteria using the “1” to “6” scale provided with “1” being the lowest rating and “6” being the highest rating.

	Not at all				Very much	
1. Understandable	1	2	3	4	5	6
2. Clear	1	2	3	4	5	6
3. Easy to follow	1	2	3	4	5	6
4. Simple	1	2	3	4	5	6
5. Makes Sense	1	2	3	4	5	6
6. Necessary	1	2	3	4	5	6
7. Informative	1	2	3	4	5	6
8. Direct	1	2	3	4	5	6

9. As a juror, you can't let sympathy influence you verdict.

(1) True (2) False (3) Don't Know

10. I chose that answer because:

- (9) I heard the Judge read it
- (10) I didn't hear the Judge read it, but it makes sense
- (11) I'm guessing
- (12) I don't know

11. During your deliberations, you may take an average of damage amounts and use that as your answers.

- (1) True (2) False (3) Don't Know

12. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

13. As jurors, you must be unanimous in all your answers.

- (1) True (2) False (3) Don't Know

14. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

15. As jurors, you may trade answers and exchange votes.

- (1) True (2) False (3) Don't Know

16. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

17. The presiding juror has the final say in the verdict.

- (1) True (2) False (3) Don't Know

18. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

19. You cannot use circumstantial evidence in deciding your verdict.

- (1) True (2) False (3) Don't Know

20. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

21. Preponderance of the evidence means beyond a shadow of a doubt.

- (1) True (2) False (3) Don't Know

22. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

23. Circumstantial evidence is indirect proof.

- (1) True (2) False (3) Don't Know

24. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

25. Deliberations are the instructions the Judge reads to you as jurors.

- (1) True (2) False (3) Don't Know

26. I chose that answer because:

- (1) I heard the Judge read it
(2) I didn't hear the Judge read it, but it makes sense
(3) I'm guessing
(4) I don't know

27. "Preponderance of the evidence" is equal to _____ % of the evidence.

- (1) 50-60% (2) 61-82% (3) 81-100%

28. I chose that answer because:

- (1) I heard the Judge read it
(2) I didn't hear the Judge read it, but it makes sense
(3) I'm guessing
(4) I don't know

Appendix X – Verdict Form Comprehension Questionnaire

Verdict Form Comprehension Questionnaire Instructions

Please complete this questionnaire on the green and white scantron sheet provided. Use a #2 pencil and mark as darkly and as legibly as you can. Select one response for each question.

Please rate the following criteria using the “1” to “6” scale provided with “1” being the lowest rating and “6” being the highest rating.

	Not at all				Very much	
1. Understandable	1	2	3	4	5	6
2. Clear	1	2	3	4	5	6
3. Easy to follow	1	2	3	4	5	6
4. Simple	1	2	3	4	5	6
5. Makes Sense	1	2	3	4	5	6
6. Necessary	1	2	3	4	5	6
7. Informative	1	2	3	4	5	6
8. Direct	1	2	3	4	5	6

9. How well do you feel you understood the jury instructions that the judge gave you?

- (1) Not at all.
- (2) Not very well.
- (3) Pretty well.
- (4) Completely.

10. During your deliberations, how helpful were the jury instructions the judge gave you?

- (1) Not at all helpful.
- (2) A little helpful.
- (3) Fairly helpful.
- (4) Very helpful.

11. Did your jury spend any time during its deliberations discussing any of the instructions that the judge gave you?

(1) Yes

(2) No

If your jury didn't spend much time discussing the instructions, was this because:

12. The judge's reading of the instructions was so clear that we didn't need to discuss them.

(1) Yes

(2) No

13. The instructions were too long.

(1) Yes

(2) No

14. The instructions were too difficult to understand.

(1) Yes

(2) No

15. We didn't know how to use the instructions to help to reach a verdict.

(1) Yes

(2) No

16. You didn't need instructions to decide a case like this.

(1) Yes

(2) No

17. In a civil trial, the jury has to be convinced beyond a reasonable doubt that the plaintiff's claims are correct -- if the jury does not think that the plaintiff has proved every element of his or her case beyond a reasonable doubt, the jury should find for the defendant.

(1) True

(2) False

(3) Don't Know

18. I chose that answer because:

(5) I heard the Judge read it

(6) I didn't hear the Judge read it, but it makes sense

(7) I'm guessing

(8) I don't know

19. In order to be a proximate cause for an event, the result does not necessarily have to be foreseeable.

(1) True

(2) False

(3) Don't Know

20. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

21. Fraud can occur when a party (the Plaintiff) suffers by relying on a false statement of fact from another party (the Defendant).

- (1)True (2)False (3)Don't Know

22. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

23. Proximate cause means the Plaintiff was injured as a result of the Defendant's act or omission.

- (1)True (2)False (3)Don't Know

24. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

25. Fraud can occur when a party (the Defendant) makes a false statement with the intention that it should be acted on by another party (the Plaintiff).

- (1)True (2)False (3)Don't Know

26. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

27. You cannot have more than one proximate cause.

- (1)True (2)False (3)Don't Know

28. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know

29. In order for the jury to find that the Defendant committed fraud, the Plaintiff only has to prove that one of the four criteria of fraud has been met.

- (1)True (2)False (3)Don't Know

30. I chose that answer because:

- (1) I heard the Judge read it
- (2) I didn't hear the Judge read it, but it makes sense
- (3) I'm guessing
- (4) I don't know