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**SMS**

1042 Fort Street Mall  
Suite 200  
Honolulu, HI 96813  
Ph: (808) 537-3356  
Toll Free (877) 535-5767  
Fax: (808) 537-2686  
E-mail: [info@smshawaii.com](mailto:info@smshawaii.com)  
Website: [www.smshawaii.com](http://www.smshawaii.com)

**SMS'S MOCK JURIES HAVE HELPED  
MANY LEGAL TEAMS IN HAWAI'I**

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For more than 20 years SMS has been undertaking mock juries in Hawai'i. The term "mock jury" refers to a type of group research that allows lawyers to evaluate the potential reactions of jurors to their evidence and arguments before a case goes to trial or mediation. Typically, a mock jury consists of eight to 12 "jurors" who are assembled to hear a summary presentation of both sides of a case. Once the case is presented, participants then discuss the evidence and the arguments. Generally, lawyers observe the group discussion from behind a one-way mirror or via remote video transmission. A typical mock jury session lasts four to eight hours.

The mock jury is a rough predictor of the likely outcome, should a case go to trial. If the attorney finds that his case is weak and hopeless, he/she can settle the case out of court. It is also an excellent tool for settlement negotiations. The mock jury also can be an effective tool to help the attorney manage his client. If the client is overconfident, in a state of denial, or refusing to face up to the risks of the case, sometimes the videotapes of mock jury deliberations can be a powerful influence upon the client's attitudes and behavior. The mock jury is especially valuable in answering seven kinds of questions:



1. What is the relative value of the different facts and evidence? What evidence or facts do "jurors" place the most importance upon?
2. What evidence do "jurors" accept easily or accept at face value, and what evidence is inherently weak (i.e., has to be fully substantiated or proved)?
3. What is the relative value of different witnesses or testimony, and what determines the credibility of the witness or his/her testimony?

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4. What is the web of logic that “jurors” weave? How do jurors fit the evidence and arguments together? What are the linkages and relationships among evidence and arguments? If the attorney really understands the jurors’ web of logic, then he has a much better chance of preparing a winning case.
5. What words, terms, and phrases do “jurors” understand, and what words, terms, and phrases should be avoided? In essence, what language should the lawyer use to best communicate with the jury?
6. What emotions, feelings, and possibly hidden motives are influencing the “jurors”? How do these emotions and motives shape the issues and the debate within the jury?
7. What types of “jurors” are most likely to be favorable to your client’s case? What opinions are correlated with a favorable attitude towards your client’s case? This information can help in questioning and selecting the final jury.

SMS recommends a minimum of two mock juries of four-hour duration. Each of SMS’s professional “judges” have undertaken more than 75 mock juries. Plus, we recruit utilizing random digit dialing process, not using a base of professional focus group participants. Each mock jury is customized to client needs.

SMS would be pleased to further discuss our approach and provide a detailed proposal to fulfill your needs. Please call our direct line -- Hersh Singer at 440-0700 or Faith Rex at 440-0702 or e-mail to [info@smshawaii.com](mailto:info@smshawaii.com).