

MEGA VERDICTS
From CSI to QAnon:
Managing Jurors' Changing Attitudes

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Conventional Wisdom

- Civil defendants want conservative jurors and jurisdictions over liberal ones.

New thinking

- Avoid conspiracy-minded jurors. Strongest predictor of a plaintiff-friendly juror.

Off the Edge: Flat Earthers, Conspiracy Culture, and Why People Will Believe Anything

- Conspiracy theories construct order and meaning in times of uncertainty. They let us shape our fears into something we understand. -Kelly Weill

Does QAnon exist?

- QAnon revolves around a core belief that a cabal of Satanic, cannabilistic, pedophiles operate a global child sex-trafficking ring that supports the Democratic Party and opposes Donald Trump.

Do QAnon jurors exist?

- Two-thirds of Americans say they have heard about QAnon.
- 14% of the 2/3 have a somewhat or very favorable opinion of QAnon.

Regardless of who is officially in charge, a single group of people secretly control events and rule the world.

- Statement is probably true for people:
 - with favorable view of QAnon- 74%
 - who get their news from conservative news website- 63%
 - who say they won't get Covid vaccines- 61%

Top Democrats are involved in elite child sex-trafficking rings.

- Statement is probably true for people:
 - With a favorable view of QAnon- 66%
 - Who are very conservative- 60%
 - Who get their news from conservative news websites- 58%

Vaccines have been shown to cause autism.

- Statement is probably true for people:
 - With a favorable view of QAnon- 57%
 - Who say they won't get vaccinated against Covid-19- 44%
 - Who are very conservative- 37%

What leads a jury to award a Nuclear Verdict?

- Intuitive Thinkers
- Distrust of Corporations
- Rejection of Scientific Expertise
- Anchoring

Intuitive vs Factual Decisionmakers

- Intuitive thinkers trust their ability to discern almost immediately whether an assertion is true or false.
- Factual decisionmakers withhold judgment and form their opinion after weighing the evidence.

Distrust in Corporations

Declining Trust in Scientists

- 2020 – 39% noted a great deal of confidence in scientists.
- 2023 – 23% noted a great deal of confidence in scientists.

Source: Pew Research Center, November 14, 2023.

Anchoring

It's worse than you think.

Classic Anchoring

Sales: sticker shock, then a “deal”

Research on Judges

Judges are very human, and the human brain is amazing.

Research on Judges

- The out-of-state polluter
- The Judge Judy effect
- Roll the dice for criminal sentencing
- The Roadhouse Bar

Using Voir Dire to Vet Juror Attitudes

- Vaccination status
- Views on FDA, EPA, CDC and federal institutions
- Intuitive ability to discern truth from falsehoods
- Low formal education
- Low income
- High religiosity

Social Media

Extremists often advertise:

- Covid misinformation
- Other conspiracy theories
- Far-right and far-left fringe candidates

Questions
