

Focus Groups In The Age of COVID



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INJURY ATTORNEYS

Why do Focus Groups?

Post-COVID Feelings

Should we file suit or not?

Get deposition questions.

Test openings.

Develop and test exhibits.

Issue spotting.

Focus Group yourself and your lawyers.



Virtual vs. In-Person

In-person = ideal - body language, overall presentation, full attention.

Adjust to the law & social norms- social distancing, masks, hand sanitizer, sneeze guards, partitions, etc.

Virtual = next best thing. Hard to fully see body language, loss of focus, hard to form personal connection.

General Tips:

1. Use Zoom's Features- Chat Box, Raise Hand
2. Frequent Breaks
3. Simple Presentation/Questions
4. Quiet Room



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The Set-Up

Zoom - Use Gallery Mode = Everyone Seen & Heard

Good Lighting - Ring Light

Camera

Mics

Recording

Pre-load slides, pictures, etc.



Who to get?

The focus group should match the venue's demographics.

Find people using jury lists, phone book, social media, craigslist, flyers.

1 staff member manages the focus group - recruits, confirms, sets up.

Confirm 8 participants to get 6 to show up.

Try for a maximum of 6 people, more than 6 and someone does not talk.

\$75-100

On time or not paid.



Who to Avoid?

Avoid people with prior jury service.

Avoid people involved in a suit.

Exclude experts with similar backgrounds to the case.

Exclude people with difficulty reading and writing.

No friends or family.



When and How Long?

Saturday & Sunday late morning or early evening start time.

Tuesday through Thursday evenings with a 5:45 start time.

4-5 hour sessions with 15 minute breaks.



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The Introduction

Real Case. Real Issues.

Real impact on our community.

Real impact on someone's life.

You are important. What you are doing is important.

No bad answers. No bad questions.

If you think it, please say it.

Zoom Etiquette



The Presentation

Three main parts:

1. Case overview: short, simple, just the facts. Long = boring on a zoom!!! No repetition. No arguments.
2. Each side's contentions: be short, be fair to the defense, and tilt it against you.
3. The applicable law: simple and short.

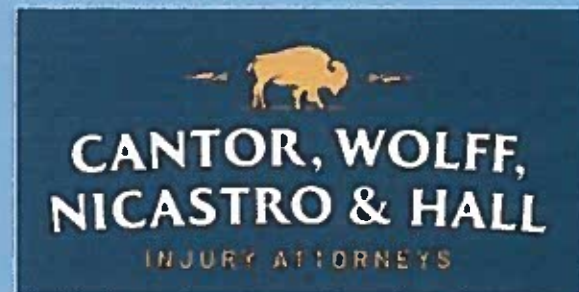
Lead attorney should write the presentation.

Make it quality work so you can use it again for trial, mediation, or arbitration.

Write for the current focus group: not "the jury will hear..." its "you will hear..."

Get others to present-not you-you're too biased.

Focus group yourself separately-one issue at a time.



The Questions

Simple: one idea per question. Simple questions over zoom work best.

Make sure everyone heard your question.

Never slanted:

Bad: Why was the defendant negligent?

Good: Who was at fault? Why?

Why? Tell me more?

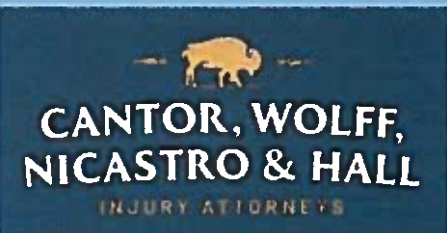
Is that important to know? Why?

What else would you like to see? Why?

Get everyone involved: Do you agree with John? Why? Why not?

More them, less you! Presenter talks the least.

Shut up and listen!



The Results

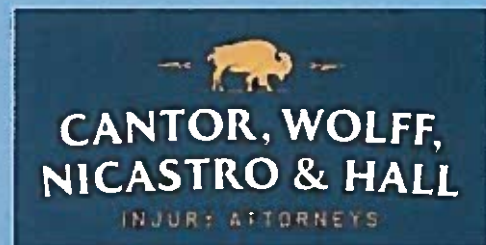
Watch recording without sound: body language, grimaces, smiles, shifting in seat, reactions to other jurors.

Why did the focus group say that, think that, feel that way?

1. STOP-No interpreting this is a separate skill and requires specific training.
2. Just listen and do what they say.

Don't fight the results.

Forms- jury verdict sheets, evaluations.



With focus groups:

Win and you lose.

Lose and you win.



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