

**THANK YOU FOR YOUR SERVICE AND HAPPY TRAILS TO YOU... BUT NOT
QUITE YET... A CONERSATION WITH EDTX JURORS IN RECENT PATENT
TRIALS**

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A Conversation with Jurors

Thank you for agreeing to serve (again) and share your experience as a juror. Please keep in mind that the main thing the lawyers in the room will want to hear is about what you liked and didn't like. We hope to ask questions that will help guide the discussion in that direction.

Please review in advance to jog your memory. If you don't have an answer for each one, that is ok! But please do spend a little time thinking about how you'd answer the questions. We have found that even spending 5 minutes reviewing questions a day or two before can help you remember things you might not otherwise think about. We'd love to hear as much feedback as you've got!

What case did you serve on? When was it? Where? And what was the verdict?

If you can remember the names of the parties, that's great! But more importantly, please think about what the subject matter was, when and where, and what your jury's verdict was.

What did you like about the side that won? What did you find persuasive? Conversely, what did you not like about the side that lost? What did you find not credible?

These more general questions are intended to be an opportunity to share what you remember—good or bad—about either side.

More specifically, what did you like or not like about, or find persuasive or distracting with:

- **Demonstratives – either side's use of graphics, slides, flipcharts, or physical products?**
- **Witnesses?** Was there a particular witness that sticks out in your mind as being helpful in your decisionmaking process? Or a witness you found not believable?
 - **Did your trial involve expert witnesses?** Was there an expert who stood out based on his or her testimony, knowledge, or analysis; good or bad? Was there a particular aspect of his or her testimony that sticks out in your mind as something you remember being more helpful?
 - **Were there any witnesses who testified through a translator?** What about their testimony did you find helpful or not helpful?
- **Lawyers?** Are there any attorneys you remember from your trial who you found to be particularly persuasive or helpful? What about the number of lawyers who presented?

Did one side have more lawyers presenting witnesses, and if so, did you find it to be more or less helpful or persuasive?

- *Remember it is possible that the attorneys who tried your case will be in the room, so if your comments about a particular attorney are negative, it may be best to keep it as anonymous as possible.*

- **The presiding judge?** What impact, if any, did your impression of the presiding judge have on your experience?
- **Opening statements?** What did you find most helpful in terms of introducing the case? The substantive issues? The witnesses? Particular documents or evidence?
- **Final arguments?** Did anything you heard in final arguments cause you to change your mind from where you were leaning? What was most helpful? Was it helpful in putting things in context?

Were there any unanswered questions you had that affected the way you ultimately decided the case? What could the lawyers have done better to answer those questions for you?

What issues did you find the most difficult to agree upon? Was it more about who would win or how much to award?

What are your takeaways on the process of trial, anything you think could simplify it?

Anything else?