

SUMMARY JURY TRIALS – FAMILY LAW SECTION, JANUARY 3, 2007

**Pilot Project Dates and Location: May 21 – 25, 2007,
May 29 – June 1, 2007
UT Law School**

1. What is it?

- a. Shortened presentation of your case to jurors from the regular jury pool that will render a decision on specific issues presented to them as agreed by the parties
- b. Binding or nonbinding, statutorily authorized form of ADR
- c. Authorized by CPRC § 154.026: "...forum for early case evaluation and development of realistic settlement negotiations."
- d. Goal: to avoid protracted litigation and provide litigants with a reasonably accurate, non-binding jury trial with which to facilitate settlement negotiations.

2. Why do it? Why not?

- a. Get real jurors to decide the critical issues of your case without a full blown trial
- b. Get a real trial judge to decide evidentiary questions, procedural determinations and rulings on the scope of the presentation.
- c. Your client gets their day in court, but cheaper, faster and in an ADR setting

3. Suggestions on how it is conducted and what the time limits are:

- a. Complete proceeding should be conducted within half day
- b. Voir dire is conducted from regular Travis County jury pool for 30 minutes, deliberation should be about 30 minutes, and a discussion with the jurors is conducted for 60 minutes
- c. Openings are 10 minutes each, closings are 30 minutes each
- d. Plaintiff's and Defendant's evidence summaries are 45 minutes each, consists of narrative summary of the admissible evidence; typically no live testimony
- e. Counsels expected to present evidence that is largely undisputed and to point out areas of substantial dispute

4. How successful was the 2006 pilot project?

- a. Conducted with a mediator present: mediator watches the entire trial and participates in the de-briefing of the juror panel(s) to better assist the parties in reaching a settlement of the case.
- b. The two cases participating in the project settled.
- c. All of the jurors had enough information to decide the cases and reached verdicts. All of the shadow panel's verdicts were consistent with the other jury panels. Jurors were as serious about these cases and their verdicts as they were in court, regardless of whether they knew their verdict was binding or not.
- d. All of the clients were satisfied with the process and felt they had had their day in court.

5. Where can I find more information?

- a. Lamar McCorkle and J. Michael Amis, Summary Jury Trial, Chapter 5, State Bar of Texas ADR Handbook
- b. Tex. Civ. Prac. Rem. Code § 154.026