

IndianaViews Survey Shows Most Hoosiers Would Prefer A Jury Over A Judge In a Civil Trial

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Lawyers have their own reasons for preferring to try a case to a judge or to a jury in any particular matter. But, a recent IndianaViews survey conducted by ThemeVision LLC and JEM Research measured the preferences of individual Hoosiers when it comes to having a case decided by a judge or a jury.

Four hundred persons throughout Indiana participated in a telephone survey. The respondents were asked, "If you filed a lawsuit against a company or another individual and it went to trial, would you rather have your case decided by an Indiana jury or an Indiana judge?" The survey revealed that seventy-one percent of Hoosiers would rather have a lawsuit they filed be decided by an Indiana jury. Interestingly, responses differed significantly by gender. Seventy-eight percent of male Hoosiers would prefer a jury, whereas sixty-four percent of female Hoosiers would prefer a jury.

The respondents were also asked to consider the judge versus jury issue from the perspective of being the one who is getting sued. (The order of the questions was randomized to ensure that the order in which the questions were asked did not itself influence the responses.) The respondents were asked, "If another individual filed a lawsuit against you and it went to trial, would you rather have your case decided by an Indiana jury or an Indiana judge?" Again, juries were preferred, and by a wide margin. Sixty-three percent of Hoosiers would rather have a lawsuit that was filed against them be

decided by an Indiana jury.

Dr. Dennis Stolle, a ThemeVision trial consultant, commented on the survey results: "These results underscore the support for, and the importance of, the jury system in our state. Whether juries are the best decision-making bodies in complex disputes, such as complicated commercial litigation or intellectual property litigation, is a question that continues to be debated.

But, there is no doubt that there is strong support for juries among individual Hoosiers when they imagine themselves in the position of going to trial."

Recent economic conditions have impacted at least one state's administration of jury trials. New Hampshire will suspend jury trials this February, and possibly at another point before the end of the fiscal year, due to its state budget crisis. Other state court systems, including Michigan, are also reportedly facing budget deficits in the current economic conditions, and cutting back on jury trials is not unprecedented. In 2002, Alabama called a five-month moratorium on most jury trials to help make up a \$2.7 million shortfall, and Vermont suspended civil trials for five months in 1990 due to a \$340,000 budget cut.



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Methodology: Results are based on telephone interviews conducted in March 2008 with Indiana residents over the age of 18. Interviews were conducted with respondents from households with listed telephone numbers. For results based on the total sample, one can say with 95 percent confidence that the maximum margin of sampling error is ±5 percentage points. The margin of sampling error is larger for subgroups used in this analysis. In addition to sampling error, question wording and practical difficulties in conducting surveys can introduce error or bias into the findings of public opinion polls.