



The ministry of culture

Staying current with pop culture may help with your jury... and at cocktail parties



Cooper

BY MILES B. COOPER

As I was growing up, my parents limited me to one hour of television a day. On PBS. This had unintended consequences. To this day, if a television is on in a room, I cannot pay attention to anything else. I have a penchant for *Sesame Street*-style puns. You'll get blank stares from me if you

make *Brady Bunch* references. And if you ever hand me a remote, you'll find me saucer-eyed hours later, trying to figure out why *River Monsters* is so engaging. My wife and I are therefore both much happier when I stick to books.

But jurors watch TV. Jurors engage in the pop culture world. Part of our job is to relate to them. With busy practices, most of us don't have much time for television, nor do we keep track of the newest boy band (One Direction, FYI).

When we travel for cases, my partner purchases the New York Times and *Us Weekly*. Halfway through the flight we'll switch. At first, my PBS-raised, NPR-listening self made judgments about *Us*. This was before I realized its import. My partner never said, "Here. Read this. It will help you better relate to the world, and jurors, around you." But I eventually realized its purpose.

Jury selection

If a jury can relate to you and your client, you're several steps down the road to a favorable verdict. Familiarity with the ebbs and flows of greater society can help.

Example: *The CSI effect*

CSI, short for *Crime Scene Investigation*, started with a Las Vegas crime scene investigation unit. The show franchised into units in Miami and New York. In less than an hour, the brilliant investigators determine that an obscure item proves who killed the victim. They use sophisticated tools and animations to illustrate this. Really neat stuff – probably why it franchised.

The problem? Jurors now expect all of us – from those doing low-speed rear-enders to circumstantial evidence cases – to have bulletproof evidence and whiz-bang science (preferably tried in less than an hour, if you don't mind.)

Deal with the *CSI effect* head on. Talk to the jury and explain that's TV: "Real life is different. We won't have that kind of evidence. Will you hold my client to a higher standard because you've seen what TV producers say is possible?"

Lawyers who noticed *CSI*'s success realized that it might influence jurors' expectations about evidence. They were able to address it early on. Legal shows, from *Perry Mason*, *Matlock*, *LA Law*, *Ally McBeal*, *Boston Legal*, *Law & Order*, to *Suits*, are always popular. Keeping up with them – and what expectations they give jurors – will help you connect.

Personalization

You are not allowed to tell stories about yourself during jury selection. "Back when I was volunteering with Kittens without Borders, I learned..." will draw an instant objection. But pop culture references are not forbidden. You can reference a show or character to illustrate a point and help jurors understand that you are not a robot.

Don't overlook sports

Us Weekly will summarize tens of hours of television in one issue. It will not give up-to-date information on local sports. Familiarity with the local teams and current standouts before jury selection is a good idea – they may come up in conversation. If this is not a natural interest, 15 minutes on the local paper's Web page should get you going. But if it is not your natural area, don't force it. Talking about a baseball team's touchdown last night will not help.

Social skills: the added benefit

There is an additional benefit. You walk into a personal injury lawyer cocktail party. The buzz is about areas you know – recent cases with impact, for example, "How are you dealing with *Howell*?" You know what's going on most of the time because it is your job to keep up. But let's say it is not an injury lawyer cocktail party. The social circle is buzzing about whether Rob Pattinson should have stayed with Kristen Stewart. Or Kim Kardashian's baby's name. (North – really? Blue Ivy was already taken?)

You could turn up your nose and say you have no idea who these people are. You may find yourself on the terrace outside in the near future, pretending to make an important phone call. Or you could politely engage with a witty barb or two, based on your passing knowledge of the issues. A few minutes with a gossip rag will arm you for the engagement.

Highbrow

Back to our travel reading. I'd like to say that reading the New York Times provided me with the same tools I needed to



select a jury. Would like to but cannot. I still relish reading the Grey Lady – a great way to spend most of a Sunday. But if my time is limited, you'll find an Us Weekly in my bag.

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claims. In addition to preparing his own cases, he associates in as trial counsel and consults on trial matters. He has served as lead counsel, co-counsel, second seat and schlepper over his career and is a member of the American Board of Trial Advocates. Cooper's focus beyond litigation includes trial presentation technology.