Simple Steps to Conduct Your Own Focus Groups: The Church Method

Sach D. Oliver Bailey & Oliver Law Firm 2000 SE 14th Street Bentonville, AR 72712 479-273-1445

Introduction:

If you sit down for thanksgiving dinner at your grandmother's house to begin eating turkey and your nephew asks about one of your cases, you have begun a focus group. Once you tell everyone a little bit about your most recent case where John Doe was injured when Big Joe the Truck Driver fell asleep at the wheel. Most likely, every person at the dinner table will give you their two cents of opinion on the case whether you ask for it or not. The information that your family provides can be extremely valuable in the preparation of your case. A focus group is when information is given to a group of people and the group gives feedback concerning the information. Every time you expose your case to a group of people, preferably non-lawyers, you will learn something new and possibly ground breaking. Therefore, the more times you conduct focus groups; the more prepared for trial you will be; the more likely you are to collect higher values for your clients.

A misconception concerning focus groups is that they are overly expensive and consume entirely too much time. This assertion can be true if not well prepared or educated on how to conduct a focus group. If your case is worth significant amounts of money, you should hire a trial consultant to conduct a professional focus group. Pay close attention to how the trial consultant conducts the focus group because you will learn that your firm has the ability to conduct its own effective focus groups. People ask: when is a case too small to justify a focus group? The answer is simple. All cases worthy of trial are worthy of a focus group. You can control the expense of each focus group with numbers of mock jurors, refreshments offered, pay offered to mock jurors, local of the focus group, methods of seeking mock jurors, and several other variables.

This presentation is geared to show how you can conduct a focus group by using a local conservative church. I strongly encourage each of you to read David Ball's book "How to Do Your Own Focus Groups," and Eric Oliver's book, "Facts Can't Speak for Themselves; Reveal the Stories that Give Facts Their Meaning." Each of these books offer significant insight on relating to a jury and can be purchases on Amazon.com.

The Church Method:

Our firm has had huge success by choosing a conservative church in the community to find jurors. I said conservative because we want to find out everything that is wrong with our case and conservative minded people tend to point out more weaknesses.

I will call a church and ask to speak to the pastor and here is what I tell him or her: Brother John, our law firm conducts mock trials in preparation for the upcoming trials. In the past we have called upon local

churches to see if they are willing to help us out with mock trials and usually people really enjoy being jurors. We need 12-18 people and we pay \$40 per person. We also like to donate \$100 to your church for helping us out. Our next mock trial is next Saturday morning, starting at 9:00 sharp and ending at 12:00. Would you be willing to help us out by making an announcement this Sunday or passing around a sign-up sheet to your congregation?

Knock on wood, I have not been turned down by single preacher and churches are more than willing to help out. I use the term "mock trial" instead of focus group when talking with lay people because, for one, it sounds more interesting and two they understand what a mock trial is and they don't understand the term "focus group." In the written material, I have given you an example of the announcement letter we use and give to churches after the initial conversation with the preacher.

On the following Monday after the preacher makes the announcement, either the pastor will fax me the list of jurors or I will stop by and pick them up. Then one of our wonderful staff members will call each potential juror, make sure they will still volunteer, find out their mailing address, and send them a confirmation letter. In the written material, I have given you an example of the confirmation letter we send to mock jurors.

Why Conduct a Focus Group?

Conducting focus groups will make you a better trial lawyer. Focus groups not only show you significant insight to how jurors will react to your case, but will force you to prepare summarized versions of both sides of the case early on in the proceedings and after numerous focus groups you begin to learn how jurors perceive certain facts, arrive at decisions, and function as a group. A properly conducted focus group will:

- Flag the important issues
- Indicate why jurors are likely to decide one way or another
- Test strategies of each side and their consequences or benefits
- Provide New Presentation Techniques
- Emphasize the Weak Points of your case
- Present the questions jurors what answered
- Shout themes, arguments, and analogies at you, if you will listen.
- Give you key words that resonate with the jury's mindset
- Outline which beliefs, life experiences, and backgrounds effect deliberations
- Offer reaction to personalities or witnesses
- Critique Exhibits
- Point out to you what you as the lawyer on the case are missing because you are too close to the case. (Can't see the trees for the forest)
- Give you leverage in Negotiations, using the fact that you have conducted a focus group and the results
- Possibly Guide Discovery
- Help Prepare for Voir Dire



FRANK H. BAILEY Board Certified Civil Trial Advocate by the National Board of Trial Advocacy

SACH D. OLIVER Trial Attorney

March 12, 2009 Name of Pastor Address

Dear Pastor of Church,

Please reply to: 506 Hospital Drive Mountain Home, Arkansas 72653 (870) 425-6041 Fax (870) 424-2543

2000 S.E. 14th Street Bentonville, Arkansas 72712 (479) 273-1445

www.baileyoliverlawfirm.com

TERRY WILKINS Paralegal

PAT BUSH Administrative Assistant

> BECKY NOWLIN Office Manager

Thank you very much for taking the time to announce this to your congregation. I sincerely hope that if you, your family, or any of your church members ever need our services, you will not hesitate to call upon us.

Please write us or email your mailing address and your proper name so our firm can write a check to your church for helping us with this endeavor.

At this particular mock trial, we will present opening and closing statements concerning a real case about real people in order for the mock jurors to watch and critique the evidence as it is presented.

ANNOUNCEMENT:

The Bailey and Oliver Law Firm is a trial law firm. In preparation for each trial they conduct mock trials, or sometime called focus groups. Mr. Oliver called me to see if anyone from our congregation would be interested in participating. The mock trial is Saturday, October 7th, from 9:00am until 12:00 at their office at 2000 SE 14th Street. They need between 12 and 18 people and pay \$40 per person. Their firm is also donating \$100 to our church for helping them out in this matter. If anyone is interested please contact Mr. Oliver at 479-273-1445 as soon as possible. We will send around a signup sheet with your name and phone number for the law firm to contact you.

Sincerely,

Sach D. Oliver

Announcement continued:

Name:	Phone #:
Name:	
Name:	Phone #:
Name:	
Name:	Phone #:
Name:	Phone #:
Name:	Phone #:
Name:	
Name:	
Name:	Phone #:
Name:	
Name:	Phone #:
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Name:	Phone #:

Please fax this sheet to our office at 479-273-1445 or call Mr. Oliver to pick the sheet up early Monday morning.

Thank you.



FRANK H. BAILEY Board Certified Civil Trial Advocate by the National Board of Trial Advocacy

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PAT BUSH Administrative Assistant

> BECKY NOWLIN Office Manager

March 12, 2009

Name of Mock Juror Address

Dear Juror,

Thank you so much for volunteering to help us with our mock trial or sometimes-called focus group. Focus groups are a crucial part of our trial practice. This letter is confirming that you will participate in our Saturday, October 29, 2006 focus group.

The focus group will be held at our Bentonville office located at 2000 SE 14th Street across from the Wal-Mart Fitness Center on the south side of the road. The focus group will begin sharply at 9:00 a.m. and end promptly at noon. Please arrive about fifteen minutes early to ensure we start on time.

We will pay \$40 to each participant and will have a total of 12 individuals per each focus group. In the event you are not able to attend due to unforeseen circumstances, please call our office as soon as possible so that we may contact another individual. Our firm looks forward to meeting you and we hope you will call upon us if you ever have any questions or concerns.

Sincerely,

Sach D. Oliver

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Use the 'church method' to organize focus groups

Every time you expose your case to a group of people, preferably non-lawyers, you will learn something new and possibly groundbreaking. Therefore, the more times you conduct focus groups, the more prepared for trial you will be.

Our firm has had huge success with focus groups by choosing a conservative church in the community to find jurors, and this method may help you, too. We choose a conservative church because we want to find out everything that potential jurors might think is wrong with our case, and we find that conservative-minded people tend to point out more weaknesses.

I call a church and ask to speak to the pastor, and I tell him or her that we have worked out an arrangement in the past with local churches to have their members serve as jurors in mock trials. I explain that we need 12 to 18 people and will pay \$40 to each person who participates, and I mention that we will donate \$100 to the church for helping us out. I then ask if the pastor would be willing to make an announcement at the next service or pass around a sign-up sheet to the congregation.

Churches have been more than willing to help out. I use the term "mock trial" instead of "focus group" when talking with lay people because it sounds more interesting, and they understand what a mock trial is but may not understand the term "focus group."

On the Monday after the pastor's announcement, either the pastor will fax me the list of jurors or I will pick it up. Then, my staff calls the potential jurors, makes sure they are still willing to volunteer, finds out their mailing addresses, and sends them confirmation letters with time, date, and location information.

Sach D. Oliver Bentonville, Arkansas