



Observations From the Box

TRIAL LAWYER'S EXPERIENCE AS A JUROR REINFORCES HIS FAITH IN THE JURY SYSTEM.

There are many people in the business community who fear the jury system. In some instances, they may be right — terrible injuries or injustices can create large damage awards. In others, lousy lawyering can lead to disastrous results. However, my recent experience as a juror has given me another perspective that has made me even more convinced that there is much more to cheer than to fear in a trial by jury.

Every jury consists of mothers, fathers, husbands, wives, sons, daughters, sisters, brothers, friends, neighbors, coaches and volunteers — all members of the greater community. Each juror brings to the process their own beliefs and life experiences. But they also bring (or discover) a common sense of commitment and fidelity to their role as jurors that enable them to reach a fair verdict. Those who are afraid of that process should think again.

As a trial lawyer, I spend considerable time thinking about how witnesses, testimony, documents and arguments will affect a jury. I represent both plaintiffs and defendants in business disputes, and I have tried cases about many different things: chemical reactors, manufacturing processes, real estate development, and contract and shareholder disputes. Regardless of the subject, I have always found the jury was able to determine the facts and properly apply the law.

Recently, I was summoned for jury duty. To my surprise, I was not challenged and served on a jury in a civil case. I am likely not the first trial law-



yer to serve on a jury, but I do not think it is a common occurrence. The experience was an enjoyable one and it completely reinforced my belief in the integrity, diligence and intelligence of juries.

As for integrity, there was no discussion of the case until after we retired to deliberate — not a word. And the deliberations were limited to the evidence presented, arguments of counsel and the jury instructions. Not a single juror allowed their biases or prejudices into the jury room; each tried to be fair and open minded during the deliberations.

As for diligence, when we retired to deliberate, each juror took the time to look at all of the exhibits and made an effort to fully understand the jury instructions. Each juror had a solid com-

mand of the testimony presented; it was clear that each had given the trial his or her undivided attention.

The jury system has the inherent safeguard of requiring a strong majority of jurors (often six of eight jurors) to agree on the facts. You should not underestimate the individual and collective intelligence of a jury and the wonder of the adversarial process. Capable advocates will present their case and reveal the falsehoods, exaggerations and conjecture of the opposition.

The majority of jurors are deft at listening and focusing on the core issues. Efforts by counsel to spin and obfuscate the core issues are revealed through the process of deliberation. What lawyers try to complicate,

juries simplify with a collective power that is to be admired, not feared.

If you are represented by a seasoned trial lawyer, you should think long and hard before foregoing the opportunity to have your dispute heard by a jury. It is unique to the American system of justice and it has a long and significant history. More importantly, it has the inherent safeguard of requiring a strong majority to agree on the facts.

Serving as a juror has strengthened my belief in the jury system — even more than before. ❧

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If you have an opinion about business, life or politics in Northeast Ohio and would like to contribute a My Say column, contact Senior Editor Morgan Lewis Jr. at (216) 377-3686 or lewis@inside-business.com.