

Open the chat window and describe the **funniest gaffe** you've seen on-screen or **funniest anecdote** you have heard related to the quarantine.





# Reimagining Jury Research Online

5th in a series on Conducting Online Research



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# Premises & Questions



different medium...

Same story...



...requires different methods.



Liskin, 2007: Per the theory of Structuration, the actions of individual team members are enabled and constrained based, in part, on the physical and organizational structures. For jury research, the question is, what enables and constrains when participants are interacting 100% online?

# Online communication is a unique environment

- Online communication
  - New medium
  - Limitations and unique possibilities
  - Unique environment for communication
- Natural to first try to translate existing methods directly to new environment, but....
- More interesting questions:
  - What can it do that nothing else can do?
  - What might it do that we cannot do easily or at all now?
  - How might it reshape trials as well as jury and trial research?
- What are best practices?



# It's not just about the technology!

- Using mediated communication changes the social & cultural contexts
- Need to be aware of “ground” effects
- What do we lose that we need to recreate in new form in this new environment?



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doi:10.1093/refuge/fel018

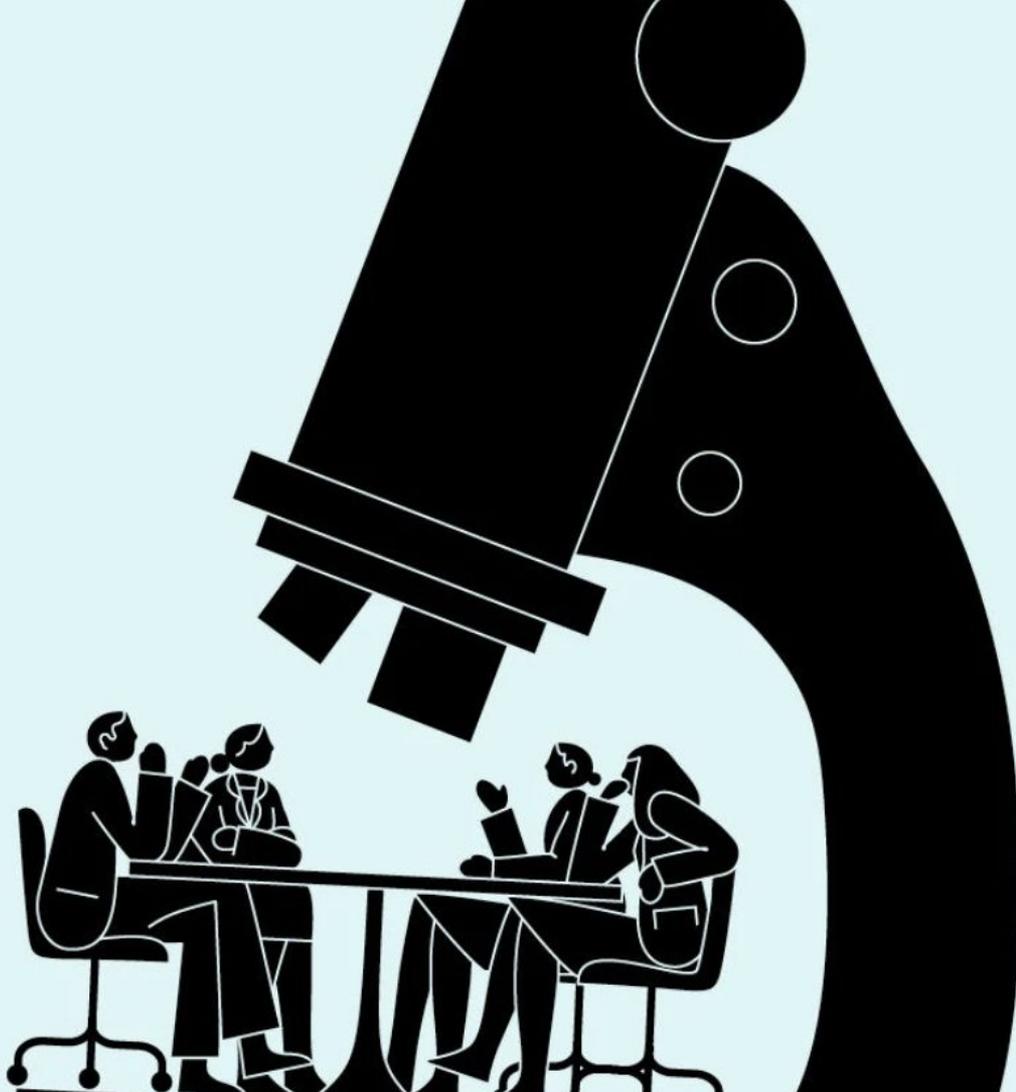
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## **On the Media Effects of Immigration and Refugee Board Hearings via Videoconference**

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What did Google find was the single most important quality for group cohesion and effective team performance?



# What are we trying to do?

- Ensure that we are handling the medium of online research in a way that fosters insight rather than error
  - (i.e.) Create valid and reliable jury research
- Determine the best methods to use to help our clients prepare for effective trial presentations online
- Consider and understand how this new medium impacts studying & creating justice



## Diving deep into three issues...

- **How do people perceive others on video versus in face-to-face situations?**
  - What can we learn from media research on TV and the mediation effects of TV?
  - What do we need to know as trial consultants to help our clients - attorneys and litigants - prepare to be persuasive on video?



## Diving deep into three issues...

- **How do we keep people engaged and connected in ways that enable us to conduct reliable online research?**
  - How do we need to retool and reorient to help clients create compelling and effective mock trial presentations?
  - How do we need to advise our clients to prepare for online hearings, testimony and trials?



## Diving deep into three issues...

- **What is the nature of human beingness and connection in face-to-face interaction?**
  - What can we do to best enable similar textures and depths of connection in online settings, such to ensure social decision making that sufficiently replicates what happens face-to-face and allows for emotional connection as well as content delivery?



## On the way...

- **What are the tools available for rich online engagement?**
  - Survey tools
  - Education and training platforms
  - Meeting platforms



# Foundations



# Areas of Relevant Research & Inquiry

- Communication
- Media Studies
- Social Psychology
- Educational Psychology & Online Education
- Performance Studies
- Orality & Literacy Studies



Research Articles

# The medium is the message

"We shape our tools, and then  
our tools shape us."





# Social Presence Theory

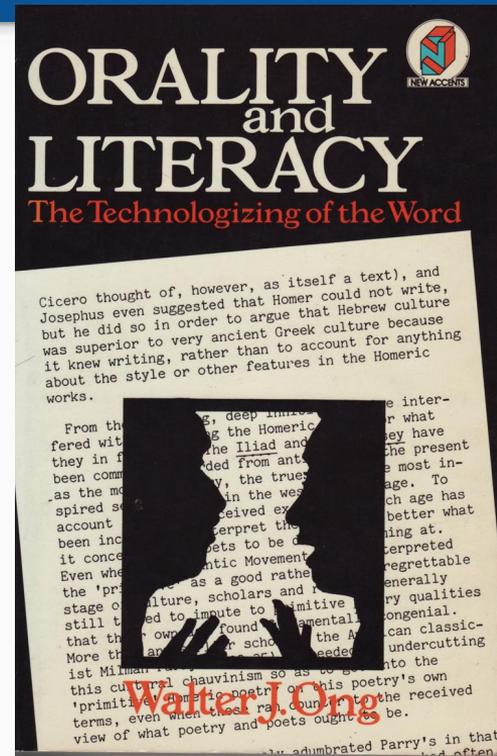
- Social presence =the degree to which another person seems "real" to other group members in a mediated context
- Core components - **intimacy** and **immediacy**
- Social presence determined by verbal & non-verbal cues including facial expressions, vocal cues, gestures & physical appearance



Research Articles

# Orality & Literacy Studies

- Not just methods of communication but cognitive habits & experiences of what it is to be human fundamentally change once new media introduced that introject into our psychological and social structures
- Trial & courtroom procedures rooted in habits & practices of societies that practice primary orality - archaic structure that has persisted into modern society



# Qualities of online presentations & deliberations

Participants not present in same environment

No easy conditions for small talk, getting to build trust and know each other before engaging in task

No smell, touch, or feel

Heightened attention on visual and auditory cues

Lessened ability to sense others' emotional states

# Qualities of online presentations & deliberations

Easier to be distracted, lose attention

Lack conventional cues for turn-taking as well as evaluations of credibility, honesty & authenticity

Lack cues like physical presence, energy and loudness / quietness that impact development of group dynamics in FTF communication

“Text” and story matter more, “presence” and context matter less

# Qualities of online presentations & deliberations

Field of action is tight and small compared to mock or real courtroom

Focuses attention unnaturally on the face

Sophistication of camera angles and editing of vital importance

Static presentations fail to mimic the constant motion of the eyes - need “news of difference”





What concerns do you have about online mock trial research or being on camera online?

Video-mediated...



...vs Face-to-Face  
Communication

# What do we know about video vs FTF communication?

**JUROR PERCEPTIONS OF WITNESS CREDIBILITY  
AS A FUNCTION OF  
LINGUISTIC AND NONVERBAL POWER**

by

Karen Ohnemus Lisko  
B.A., University of Arizona, 1986  
M.A., The University of Kansas, 1990

# Karen Lisko examines 4 conditions of FTF testimony...

<p><b>Powerful</b> verbal communication and <b>Powerful</b> non-verbal communication</p>	<p><b>Powerful</b> verbal communication and <b>Powerless</b> non-verbal communication</p>
<p><b>Powerless</b> verbal communication and <b>Powerful</b> non-verbal communication</p>	<p><b>Powerless</b> verbal and <b>Powerless</b> non-verbal communication</p>

# Non-verbal Power Styles Tested

Table 3.1. Nonverbal Power Styles

POWERFUL	POWERLESS
Eye contact with attorney	Avert gaze of attorney
Eye contact with jury	Will not look at jury
Head erect	Chin lowered to chest
Head held steady	Head turns occasionally
One arm on arm of chair	Arms close to body
Hands held outward from body	Hands folded in lap
Back straight	Rounded shoulders
Leaning forward	Leaning away

# What do we know about video vs FTF communication?

Communication takes place through both verbal and non-verbal communication

“Strong” non-verbal communication trumps strong verbal communication

How a witness is **being** is more important than what a witness is **saying**

# What do we know about **live video and pre-recorded video** vs FTF communication?

Rapport matters, just as it does in FTF communication

People miss a lot of non-verbal gestures when viewing video, live or taped

Appears to be less empathy experienced on video

It's harder to detect lying on video vs FTF (\*but people are generally poor judges of lying)

Judges, lawyers may over-correct for perceived bias and compound the problems

# What do we know about **live video and pre-recorded video** vs FTF communication?

Background / environment matters

Distractions matter

What do we know about **live video** and **pre-recorded video** vs FTF communication?



What do we know about **live video and pre-recorded video** vs FTF communication?





What do you currently tell clients as “best practices” when being videotaped in deposition?

What do you tell attorneys who are being taped for presentations about how to relate to the camera?

# What do we know about **live video conferencing** vs FTF communication?

Live online videoconferencing, webinars and meetings is a **new medium** and there are not yet solid cultural norms for how best to communicate and work together.

# What do we know about **live video conferencing** vs FTF communication?

Smooth turn-taking is more difficult

Interrupting is often necessary to take the floor and some participants lack the skill to interrupt; some lack the courage or impetus to interrupt

A 2010 fMRI study suggests that social interaction and not the physical presence of the other person is the critical variable in eliciting the neurocognitive effects of direct gaze

2020 study builds on this to study impact of direct gaze

# What do we know about **live video conferencing** vs FTF communication?

People appreciate eye contact in person and on live video, but **not** in a pre-recorded video

Remote modes do not necessarily mean that rapport is more challenging to establish or maintain -- physical separation between researcher and participant can facilitate a **greater** emotional connection through participants' increased sense of ease with the setting and mode.



What might we GAIN  
from conducting  
research and trials  
online?

Are there ways it might  
increase fairness and  
access to justice?

# Best practices for live video communication

Consider asking participants (mock jurors) to step back from the screen to provide a wider angle view, and to free up their hands from the mouse.

Consider asking those with standing desks to try it out.

**Know your software** - how does it handle gaze?

Practice your own ability to use your gaze through your camera.

# Best practices for live video communication

Develop norms for turn-taking and teach them

- Can use raise hand features, chat'

- Have someone constantly monitoring and “stacking” respondents to help manage turn-taking

Use “looping” to ensure that important oral content is processed by the group

Nodding while someone else is speaking in gallery view shows you are engaged, or raising your thumb, but be mute while someone else is talking



# Keeping Participant Attention & Engagement



# Learning Platforms vs Meeting Platforms

## LEARNING PLATFORMS

- Greater learning curve
- Can require expensive subscriptions
- Designed for engagement and interactivity
- Can carry a heavy content load of mixed-media
- Designed for active, live production of learning and engagement experiences

## MEETING PLATFORMS

- Simpler to learn and use
- Cost less
- Less interactivity, designed to substitute for face-to-face meetings
- Best at conveying a lighter load of content
- Designed for more static presentation of content through screen sharing and video sharing



## Learning Platforms vs Meeting Platforms

Zoom Webinars

Zoom

Go To Webinar

Go To Meeting

WebEx Seminar Center

WebEx

Adobe Connect

Blue Jeans

### Providers

- CiviCom
- FocusVision
- FGA



# Online Survey Programs & Providers

Qualtrics

Snap Survey

Survey Monkey

Survey Gizmo

Typeform

LimeSurvey



First Court (Ryan Liffbrig)

Contemporary Communications (Helen Knox)

CiviCom



Meeting

Layouts

Pods

Audio



Help

## Instructions

11



To download a file in the Fire Share pod below, select the download file (s). This will

## Resources for D...

Name	Size
Marketing webinars	490 KB
webinars best pract	503 KB

Download File(s)

## Useful Links

Webinar Best Practices Micro  
Webinar survey

Browse To

## Q&amp;A Slides

Draw



Stop



## What do you use webinars for?

Edit

End Poll

## What do you use webinars for?

Lead  
 genera. 0%

Thought  
 t 0%

## Q &amp; A

Presenter view has been moved to

## Presenter Chat

-(08/06/2013 15:56) -  
Shelby Britton: Speak louder  
please!

Everyone

## Attendees (3)

Active Speakers

Hosts (1)

Shelby Britton

Presenters (1)

Alistair Lee

Participants (1)

Alna Patel

## Q &amp; A

Show All Questions

Assign To

Jessica Ackerman: What type of file is it saved as?

✓ Jessica Ackerman: What is the cost for Adobe connect?

## Presenter Audio I...

11

Presenter Dial in: 888-222-3333  
Conf Code: 34567

Press # to turn off entrance tone

Remember to RECORD

## Engagement Das...

Session Time: 00:04:50

## Meeting Engagement



Average: 94%

0 0 0 3

Attendee Count

Q&amp;A: 1/

What do you use webin... 1/

Lobby

Intro

Present...

Screen ...

Share

Q-A



# Best Practices For Online Learning

Consistent structures

Variety of content materials and media to cater for needs of each student

Several activities to enhance interaction with content

Chunk content into modules

Opportunities for learner-learner interaction (discussion boards)





What activity might you use at the beginning of the day to help mock jurors get engaged and connected?

In your own recent experience participating on video calls, what have you found engages you and keeps you away from other devices or interactions? What makes a call “sticky”?

# What can we do to create engagement?

Reinforce importance of the project, the value that the mock juror's engagement brings

Ask for mock juror's commitment to engage

Consider starting with an activity that draws attention and excitement.

Allow frequent breaks - every 60 minutes



# What can we do to create engagement?

Have live presentations and coach presenters on how to maintain feeling of eye contact and “being watched” online

Keep presentation segments to 20 minutes or less but ensure segments are logically chunked

Have participants complete shorter questionnaires more frequently



# What can we do to create engagement?

“Warm up” participants while in the waiting room

Have moderated short group interactions before deliberations

Use short polls and questions in Chat

Ask viewers to create “active” feedback, e.g., videos, white board tasks, marking up graphics



# What can we do to create engagement?

Create small groups for breaks and encourage “small talk” among participants so they start building rapport with each other

Ask participants to discuss what *they* have discovered about video interaction “best practices”



# On Being and Belonging

# Evidence is that bias can result from video-mediated communication

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doi:10.1093/refuge/fel018

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# What is associated with this bias?

Lack of pre-existing social ties

Different cultural backgrounds

Anxiety-provoking situation for litigant / witness

Lack of opportunity for “small talk,” getting acquainted outside of formal context

Content of story may receive unnatural focus

# What is associated with this bias?

Judges and attorneys over-estimate their ability to recognize & overcome bias

Judges & attorneys over-compensate for perceived bias



**You** are the most  
important part of  
successful online  
research.

Thanks!



Need help?

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[smurray@trialcraft.com](mailto:smurray@trialcraft.com)

