What Jurors Say

A verdict is a jury's most important message, but it's not the only one. Jurors have plenty to say about a trial, especially about the lawyers who tried it. Here are the comments Judge R. Michael Waterman has heard most often from the jurors who served in his courtroom.

BY HON. R. MICHAEL WATERMAN

Having presided over more than 100 jury trials, I make it a point to meet with jurors after each verdict. Expressing gratitude to them is important, but I also value hearing their comments about their experience. Jurors consistently provide insightful observations and constructive criticism — feedback I often wish lawyers could hear as well.

Over time, I have collected the feedback I hear most often from jurors. I am sharing it to help lawyers better understand their audience. While this is not a scientific study of juror psychology or decision-making, these anecdotal insights are so common that lawyers should consider them when preparing for their next jury trial.

Skepticism Toward Lawyers

"We were skeptical of the lawyers."

Many jurors reported feeling wary of the lawyers at the outset. Pop culture often depicts trial lawyers as manipulative advocates, and jurors understand that a lawyer's goal is to win, not necessarily to present neutral truth. To overcome these initial impressions, successful lawyers focus on building trust and credibility.

Competence — demonstrated through organization and preparation — helps establish credibility, regardless of a lawyer's skill or experience. Sincerity and honesty are also crucial. Jurors trust advocates who use plain language and appear genuinely invested in the case, and they are sensitive to any perceived dishonesty or evasion.

Frustration with Repetition

"We got it the first time; we didn't need to hear it 10 times."

Jurors frequently complain that lawyers ask the same questions repeatedly and labor over points that were already clear the first time. Often, multiple witnesses testify about the same matters, which many jurors believe unnecessarily lengthens the trial. Jurors often suggest that the trial could be much shorter if lawyers were more efficient in their presentations.

Difficulty Organizing Information

"There was so much information that we didn't understand how it fit together."

Jurors can feel overwhelmed by the sheer volume of information presented during a trial. They often express frustration at having to make sense of the case on their own. Conversely, they appreciate lawyers who present the case around a clear theme or story. Jurors are most attentive when evidence is

Judge R. Michael Waterman, Mitchell Hamline 1995, has served on the St. Croix County Circuit Court since 2015. He is a member of the State Bar of Wisconsin's Bench and Bar Committee.

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woven into a chronological narrative rather than presented as isolated facts. They value explanations of why a witness is called or why a particular piece of evidence matters. Opening statements that function as a "table of contents" help jurors understand and organize the evidence as the trial progresses.

Desire for More Information

"The lawyers are probably hiding the truth."

Although some jurors feel overwhelmed, many also express a desire for more information. They sometimes suspect that lawyers are withholding evidence. Objections, sidebars, and conversations outside the jury's presence are often perceived as attempts to hide the truth. Successful lawyers reassure jurors that they are getting the full story or at least all the information needed to decide the case.

Need for Engagement

"We want to stay busy and engaged."

A common source of frustration is the "hurry up and wait" routine. While judges and lawyers handle legal matters in the courtroom, jurors sit idle in a cramped jury room. Conducting business outside the jury's presence is necessary but should be minimized. Filing motions and requesting rulings before trial, having witnesses ready, and testing equipment in advance can help keep jurors engaged and the process moving efficiently. Jurors also appreciate being mentally engaged throughout the trial. Hours of oral testimony can be difficult to sit through, and jurors appreciate trials that include demonstrative and illustrative aids.

Confusing Jury Instructions

"The jury instructions were confusing."

Although the judge is responsible for the instructions, lawyers who take time to explain them often help their case. The winning lawyer is often the one who clarifies the instructions and shows jurors how to apply them to the facts. Closing argument should be used as a teaching moment: explain the meaning of the instructions, show how the evidence fits, and guide the jury toward the desired verdict.

In the Minds of Jurors: Using Juror Feedback for Better Outcomes

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Awareness of Surroundings

"We pay attention to our surroundings, not just the evidence."

Jurors notice everything, from who is seated in the audience and their attire to the conduct of the litigants and lawyers. How lawyers treat their clients and staff and the lawyers' demeanor — whether negative (scoffs, sneers, eye rolls) or positive (smiles, respect, kindness) — do not go unnoticed. Trials should be decided on evidence, but the image projected in court can influence how jurors interpret that evidence.

Dislike of Aggressive Lawyering

"We didn't like seeing the lawyer bully the witness."

Cross-examination is inherently confrontational, but jurors strongly disapprove when lawyers mock, belittle, or harass witnesses. Jurors are sensitive to the power imbalance between a legal professional and a nervous witness and tend to sympathize with the witness. If a lawyer becomes overly aggressive or condescending, jurors may stop focusing on the substance of the questions and instead focus on the fairness of the interaction. This can seriously undermine the lawyer's credibility.

Jury Duty as a Civic Responsibility

"We didn't want to do it, but we're glad we did."

Many people approach jury duty with reluctance, but their attitudes often shift as they participate. They feel the weight of their oath, especially when deciding matters of individual liberty or significant financial interests. The concept of "civic duty" becomes real, and many jurors report high levels of stress and responsibility, knowing their decisions can have immediate, life-altering consequences.

Conclusion

Together, these comments convey a clear message: jurors are attentive, thoughtful, and fair-minded participants, not passive spectators. The lawyers who succeed in court treat the jury as the discerning audience it is, building trust, telling a clear story, and showing respect for everyone in the courtroom. WL

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