



Pitfalls to Avoid When Hiring Jury Consulting Firms

By Sabrina Nordquist, Senior Director of Global Strategy

Engaging a jury consulting firm can materially shape the trajectory and outcome of your case. The right team brings not only insight into juror decision-making, but also discipline around strategy, sequencing, and execution. Yet even experienced trial lawyers can fall into common traps that limit the value of these engagements or undermine them entirely.

In the last 20 years, the litigation industry has seen a surge of jury consulting service providers, and not all approach pricing, strategy, and service the same way. Educating yourself about what matters most and where mistakes can occur will keep your trial preparation running smoothly and ensure your dollars are well spent improving outcomes. Below are several key pitfalls to avoid when engaging jury consultants.

1. Focusing on Rates Without Understanding the True Cost

Cost proposals for jury research and consulting engagements can be deceptively simple on the surface. Many firms present a competitive headline number while excluding critical components such as facility fees, data collection tools, recruiting costs, and AV equipment rental. Others include broad contingencies or disclaim responsibility for third-party costs altogether, shifting both financial risk and logistical burden to the client.

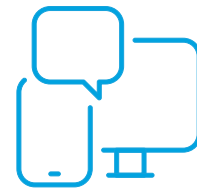
This is particularly problematic because consulting firms are typically best positioned to source and vet vendors for appropriateness, negotiate pricing based on volume, and develop realistic cost estimates considering all necessary elements. Proposals with extensive exclusions and limitations can quickly escalate beyond the initial budget. Transparency upfront is often the best indicator of a well-run engagement.

What to look for:

- Clear ownership of third-party costs
- Realistic, flat fee budgets that include these costs
- Limited and well-defined exclusions
- Accountability for execution, not just strategy
- Jury consulting firms with dedicated, professional project managers

2. Skipping Foundational Work Before Holding a Mock Trial

Mock trials are powerful tools and a must-have before trying your case, but they are not always the right starting point. Legal teams that move directly into a mock trial without first conducting exploratory research (e.g., case assessment surveys, [strategy sessions](#), or focus groups) risk testing incomplete or underdeveloped case theories. This can result in feedback that identifies problems but fails to pinpoint solutions or in enough time to execute them.



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A more effective approach is iterative:

- Have a robust strategy session with the trial team and jury consultants to explore the themes and narratives that are likely to arise
- Use case assessment surveys and/or focus groups to further explore themes and juror language on the issues in the case
- Refine the case narrative
- Conduct mock trials to test more fully developed arguments

This sequencing ensures that mock trials validate strategy and expose specific, avoidable weaknesses rather than leaving counsel and their client feeling like the case is simply unwinnable.

3. Letting the Method, Rather Than Goals, Drive the Strategy

One of the more subtle but highly consequential pitfalls is approaching jury research with a predetermined method rather than starting with a clearly defined objective.

Too often, litigators default to “we need to do a mock trial” as a standard step in trial preparation. But a mock trial is not a box to check; it is a tool to achieve a certain result. And like any tool, its value depends entirely on how well it matches the task at hand.

The starting point should always be “what are we trying to learn or accomplish?”

Examples of well-defined jury research goals:

- Identifying the most persuasive liability narrative
- Testing damages frameworks and anchoring risk
- Understanding juror reactions to a key witness or piece of evidence
- Evaluating case themes for clarity, credibility, and emotional resonance
- Developing a reliable juror profile

Only after those goals are clearly articulated should the team determine the appropriate [jury research methodology](#): a survey, a focus group, a mock trial, or a hybrid approach that addresses multiple concerns.

Risks in reversing the process:

- Over-investing in methods that do not answer the right questions
- Generating interesting but non-actionable feedback
- Missing opportunities to refine strategy in a targeted way

The most effective jury research engagements are intentionally designed around specific, practical objectives, with every component of the project aligned to those goals. In short, the goals should drive the project design, not the other way around.

4. Delaying Witness Preparation Until It's Damage Control

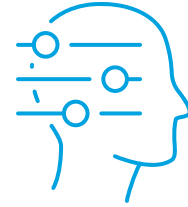
Witness preparation is often backloaded in the case strategy, but by the time depositions are taken, key narratives may already be set in stone. Witnesses who are not perceived as believable, credible, or competent may already be on video by the time consultants can work with them on corrective strategies.

Without early preparation, litigation teams risk creating deposition records that are difficult to rehabilitate and inconsistent with their strongest trial themes. Experienced teams begin [witness preparation](#) before depositions, aligning testimony with case strategy from the outset and avoiding preventable credibility issues later.

5. Overestimating What AI Can Deliver

Artificial intelligence is a popular topic right now, and the field of litigation consulting is no exception. Companies are cranking out tools that promise to shortcut human analysis and revolutionize results. Some AI-driven jury analytics and litigation tools can offer meaningful

efficiencies in the right hands; however, we are still quite far from AI replacing the sound and experienced judgment of jury consultants.



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What AI currently lacks:

- Real-time interpretation of juror dynamics
- Contextual judgment developed through experience
- The ability to synthesize nuance across live interactions

Experienced consultants, many of whom conduct dozens of jury selections and research exercises each year, bring pattern recognition and judgment that cannot be replicated by current models. Used appropriately, AI can enhance analysis and improve efficiency in content review; used as a substitute, it can create flawed assumptions and false confidence.

6. Prioritizing Geography Over Actual Experience

Venue familiarity matters, but it is often overvalued when selecting a jury consultant. A common mistake is prioritizing where a consultant resides over where they have handled the most cases, as well as their overall depth and relevance of experience. While local knowledge is helpful, it does not always correlate with insight into juror behavior or case strategy.

Why consultant experience matters:

- Works across jurisdictions regularly
- Recognizes broader juror patterns and behavior that transcend venue
- Combines local inputs with a national perspective

Often, a jury consultant with extensive trial and research experience in similar matters will outperform one selected primarily for proximity. Choosing a firm with a deep bench of experienced consultants can give you the collective benefit of data from a broad range of cases and venues.

7. Excluding Trial Graphics Consultants from Jury Research Strategy

Trial graphics are most effective when they are developed in tandem with case strategy, not after the narrative is formed. In addition to leaving graphic development until right before trial, showing up to the mock trial without well-designed visuals for both sides of the case can be a costly mistake.

Missed opportunities when graphics teams are excluded:

- Increase evidence comprehension in a limited time frame
- Test visual concepts with jurors
- Identify confusion points early
- Refine how complex information is communicated
- Anticipate the presentation strategies of your opponent

Including graphics consultants in the research phase ensures that visual storytelling is informed by real juror feedback, resulting in clearer, more persuasive presentations at trial. Additionally, ensuring that your jury and graphics consultants are working together closely will promote efficiency and avoid support silos that often result with a non-integrated approach.

8. Ignoring Your Consultant's Advice During Jury Selection

Jury selection is one of the most consequential moments in trial. Trying the right case before the wrong jury will still result in a loss. When it comes to strike decisions, instinct often competes with empirical data. In recent years, attitudes and their correlation to demographic characteristics have shifted. The old "rules" no longer apply.

Trial lawyers understandably rely on gut judgment, but disregarding a consultant's recommendations can be a costly misstep, particularly when those recommendations are grounded in deep experience: empirical research, well-executed juror background searches, juror questionnaires and analytics, and extensive voir dire and jury research in similar cases or in the venue. Jury consultants, many of whom conduct more than 20 jury selections each year, bring valuable pattern recognition and calibration to the process.

In Summary

The value of litigation consulting is not just in the expertise itself, but in how that expertise is integrated into the broader trial strategy. Using the right tool at the right time is what matters.

Avoiding common pitfalls when hiring consultants enables counsel to control costs more effectively, build stronger and more cohesive narratives, and make better-informed decisions at critical moments. Ultimately, the most successful jury consulting engagements are those built on transparency, a thoughtful and comprehensive program, and trust in the guidance of a well-built team.

About the Author

Sabrina Nordquist, JD, serves as Senior Director of Global Strategy for IMS Legal Strategies, aligning expertise, innovation, and insight to drive meaningful outcomes for clients. With nearly three decades of experience across the legal industry, Sabrina brings a rare, 360-degree perspective. She has held consulting and senior leadership positions at top litigation consulting firms, an Am Law 100 law firm, and multiple legal services organizations. Her work is grounded in a deep understanding of how legal organizations operate, compete, and evolve.

IMS Legal Strategies is a trusted partner to law firms and corporations worldwide, providing the expertise and technology needed to solve dispute-related challenges and protect reputations. IMS delivers strategic solutions for the entire litigation lifecycle, including advisory and analytical support, specialized expert witness services, data-driven jury consulting, powerful trial graphics, and seamless presentation technology. We work closely with clients to develop a strong case around key themes and present compelling narratives that leave a lasting impression on decision-makers. Our integrated teams have decades of practical experience in more than 65,000 cases and 6,500 trials. Together, we win. Visit imslegal.com for more.