

Are Jury Trials an Endangered Species? Legendary Litigator Stephen D. Susman Invests \$2 Million to Investigate and Protect

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NEW YORK (May 21, 2015) — The 7th Amendment to the Constitution gives every American the right to a trial by jury in civil cases. So why are less than one percent of federal civil cases being decided by a jury?

That's the question Stephen D. Susman, founder of nationally recognized litigation boutique Susman Godfrey, wants to answer and a problem he wants to remedy.

Susman, a highly regarded trial attorney and partner in Susman Godfrey's Houston and New York offices, has donated \$2 million to establish and fund The Civil Jury Project at NYU Law School. The project will be a collaborative effort between law students, lawyers, judges and political bodies across the nation. They intend to examine the factors leading to a decline in civil jury trials and educate the legal community and public on methods to revitalizing the dying system.

Speculation runs rampant as to why jury trials are all but extinct in federal civil cases. Rising legal costs, a lack of experienced trial attorneys and a reluctance to effectuate change have all been cited as reasons. But there has been little effort by the legal community to get to the root of the problem and start effectuating change.

"The problem of the diminishing jury trial is not going away," says Susman. "Until we understand what happened, we can't figure out a way to change it."

The Civil Jury Project, headed by Susman as Executive Director, will launch this fall to investigate the impact of lower jury trial rates on the public's constitutional right. The project will engage a variety of legal professionals and policy makers to determine whether the right is even worth preserving.

Susman is open to the conclusion that this system created by our forefathers over 200 years ago has no place in modern government. If, however, it's worth saving, Susman believes that communicating the loss of this right to the public is of utmost importance.

"We cannot hope to change a system in distress without the help of the American people pushing lawmakers to enforce their constitutional right to a jury trial."

Another important aspect of the project is educating judges and trial attorneys on how to effectively use more innovative trial techniques. Susman believes parties are often reluctant to take cases to trial due to the time involved. Under pressure to move cases to resolution as quickly as possible, parties often choose to forego jury trials.

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Susman says this is the wrong way to look at jury trials. Instead, practitioners should focus on more efficient trial procedures, such as juror questionnaires, notebooks and instructions on discussions of evidence before deliberation. Unfortunately, too few attorneys are utilizing these methods, making judges reluctant to get on board with the newer procedures. Susman says creating a system for educating legal professionals about contemporary ideas could revolutionize civil jury trials.

Susman's more than 35 years of experience trying commercial litigation cases has provided him with a front-row seat for the decline of jury trials. Recognized as one of the most successful trial attorneys in the country, Susman's TrialbyAgreement.com – a site that provides free pre-trial and trial agreements for trial attorneys – has been revolutionizing the efficiency of the trial court system for years.

This fall, Susman will teach a course at NYU Law School entitled "Trial by Jury – Intelligently: How to Conduct a Jury Trial that Answers the Objections." The class is specifically designed to address the issues facing our current jury trial system and develop innovative techniques for overcoming common objections to using a jury.

"I anticipate this class, and the project as a whole, will be a springboard for other law schools to get involved in the movement," says Susman.

While the project is now in its infancy, the funding Susman provided will sustain the program initially for four years. Susman hopes it will continue for as long as necessary to provide the legal community and public with the tools needed to remedy the situation.