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DAILY REPORT

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Lawyers Find Virtual Voir Dire Worth Keeping for Reasons Beyond Concerns About COVID-19

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ON THE WAY into a recent trial in Fulton County Superior Court, winning defense attorney Matt Moffett of Gray, Rust, St. Amand, Moffett & Brieske said he believes the lawyers found a better way to pick a jury.

“We conducted a virtual online jury selection,” Moffett said. It was an adjustment made because of the spread of the coronavirus—which now has all of metro Atlanta in the high-risk zone again. But Moffett said he believes the experiment offers valuable lessons for other trials going forward.

Judge Rachel Krause allowed Moffett’s team—

which included Sean Herald and Rima Adalja of Gray, Rust—and plaintiff’s counsel Raymond C. Humphrey of the Humphrey firm in Dunwoody “to administer an online juror questionnaire to the jury panel,” Moffett said. “That involved the potential jurors going to an online portal created with our jury consultant and answering questions we posed, along with plaintiff’s counsel, with the answers populating in real time to an online excel spreadsheet.”

Moffett said the process allowed for “a more efficient and effective jury selection.”

It was a complicated business dispute involving the owner of several companies suing a CPA



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Matt Moffett of Gray Rust St. Amand Moffett & Brieske said that questioning jurors online was “efficient and effective.”

alleging breach of contract. The record included thousands of pages of documents. The trial took five days. But it would have taken at least a day longer if not more using the traditional method of jury selection, Moffett said.

The trial ended July 12 with a defense verdict.

Moffett defended Jeri Forbes and Forbes Accounting and Consulting.

Humphrey represented All That Maintenance and affiliated companies.

Another important factor in the efficiency of the trial was that the lawyers got along well, minimizing the need for time spent objecting and arguing, Moffett said. Trials are stressful enough without adding more, he added.

“Ray Humphrey tried a very good and professional case for the plaintiff business entities,” Moffett said. “I think what the lawyers did together with jury selection is a good model for courts to consider in this continuing age of COVID—or perhaps otherwise for efficiency and convenience.”

“It was new to me, but it wound up working tremendously,”

Humphrey said of the virtual voir dire. “It was good because it allowed us to really narrow our focus in our voir dire.”

He had a concern about the long list of questions for potential jurors to answer online. At first glance, it looked like a lot of work for the jurors,”



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Humphrey said. But they didn’t seem to mind because they gave detailed answers.

Both lawyers said they believed jurors were more forthcoming in the questionnaires and in the one-on-one virtual



Sean Herald of Gray Rust

follow-up than they may have been in the public setting of a courtroom with a large group of neighbors.

“It was actually very good because it gave us a cache of information. It might be the best route for us to take for a selection process,” Humphrey said. “The Zoom age is now here. I don’t think you can put the toothpaste back into the pouch any longer.” 