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## JURORS FOLLOW BELIEFS, NOT INSTRUCTIONS, SURVEY REPORTS

*The Associated Press*

Three out of four Americans eligible to serve on a jury say they would act on their own beliefs of right and wrong regardless of legal instructions from a judge, said a poll released Friday.

And the poll suggested potential jurors were more than three times as likely to feel they could not be fair or impartial toward a gay or lesbian defendant as toward a defendant from other minority groups, such as blacks, Hispanics or Asian-Americans. The poll said 17 percent of those polled felt they could not be fair or impartial toward a gay or lesbian defendant. The poll, called the Juror Outlook Survey, was taken for the National Law Journal and Decision Quest, a national trial consulting and legal communications company. The phone survey of 1,016 adults eligible for jury duty was taken Oct. 2-4 and has a margin of error of plus or minus 3 percentage points. The poll sample screened respondents who would be eligible for jury duty, depending on the laws of each state, Decision Quest officials said.

More than one in six said they were more likely to feel a bias toward a tobacco company, breast implant company or asbestos manufacturer that was a defendant. And one in six said they would feel bias if the defendant were a politician.

The survey was done to provide lawyers "with expanded insight into areas that impact their clients and cases," said William Pollak, president and chief executive officer of American Lawyer Media, publisher of the National Law Journal.

Columbia attorney **Jack Swerling** said the results of the survey are disturbing but he hopes people who say one thing to a phone poller behave differently in a courtroom.

"I think that's the kind of thing people are more inclined to say in a hypothetical situation than in actual practice," he said. "I am naive enough to believe jurors would take the law as a judge gives it to them and apply it to the facts . . . most juries I've seen do follow it."

Among other findings of the poll:

- \* More than 40 percent of those polled and more than 70 percent of blacks polled believe minorities are treated less fairly than others by the justice system.
- \* Almost one third of those surveyed distrust police testimony.
- \* Blacks and whites differed on the O.J. Simpson criminal trial, with 76 percent saying they

believe it shows "money can buy freedom," while just under half of blacks surveyed held that view.

Staff Writer Blair Stokes contributed to this report.



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