

Proposed Questions for Iowa Microsoft Jury Program
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Following are the questions that the Trial Practice Committee proposes to ask jurors from the Iowa Microsoft trial. The first set of questions are taken from a similar program with jurors from the Minnesota Microsoft trial. The second are additional questions that have been developed since that time. If you want to suggest additional questions, or just want to tell us which questions you like best, please let us know at IowaJuryProgram@Dorsey.com.

I. Juror Questions from Minnesota Program

1. Did you understand and could you absorb all the evidence that was presented during the trial? And continuing with that question, if there was any part of the evidence that you did not understand, or that you found hard to understand, describe that evidence, that is the testimony, document or chart and explain why it was difficult for you to understand.
2. Did the judge permit juror questions, did you use that, was it helpful?
3. Of the evidence that was presented to you, what evidence, that is it testimony, document chart, would have been most helpful to you in deciding this case.
4. Was there any part of the evidence that you thought was particularly helpful?
5. Was there any information that should have been presented to the jury, but was not. If so, what information was missing and why do you think it should have been presented to the jury?
6. After opening statements, did you find yourself leaning one way or the other? If so, how strongly?
7. If you took notes during the trial, do you think that your notes helped to understand the evidence as it was being presented? Please explain how and why you found your notes to be helpful or not helpful.
8. What could have been done to make this case easier for you as juror?
9. Based on what you learned during the trial, what suggestions do you have for lawyers or the judge about handling a case like this?
10. How could depositions been used more effectively? Should they have been more interspersed? (Assume that they would not have been "trial depositions" when you answer that question.)

11. Did the judge's instructions at the beginning of the case tell you enough of what the case was about. What would have been more helpful in that regard?
12. Some people have said that complicated cases like this should be decided by judges or experts, not juries? What do you think?
13. What did you understand were the issues that you would have to decide in this case?
14. How did the collateral estoppel finding from the earlier federal case influence your view of this case?
15. Were there objections to evidence, and evidentiary rulings, in the jury's presence? What did you think of the process of objections and rulings? Did you understand it, did you understand why things were excluded, did you care?
16. What kind of breaks did you have? Were the breaks adequate and often enough? Was the break area okay?
17. What things made you think that certain testimony was helpful and convincing?
18. How long were the opening statements? Could you absorb that amount of information? Did you feel that opening statements of length were useful to you in telling you what was coming or did it just get to be too much?
19. Did you become friends with other jurors? Did you feel like you were looking forward to seeing each other each day or was it kind of a drag to have to come back to court every day?
20. Was there a particular document or exhibit that you found most helpful to you? (We're focusing on documents and exhibits rather than the live testimony.)
21. What additional information would you like in the jurors' notebook? Listed persons names, positions, companies, would that be an example, or did you want copies of any exhibits in the notebook?
22. What did you think the antitrust laws permit or prohibit?
23. Did you like the high tech presentation of evidence?
24. What didn't you like about the lawyers' presentation of the evidence? Do you think that it would have been [less boring] if it was live testimony?

25. Would you do it again? If you have the opportunity, would you look forward to doing this again sitting as a juror in a case of this kind?

II. Other Proposed Questions

A. General

26. Did you think the information at the trial was presented at the right speed, or at the right level of detail?
27. Had you reached any preliminary conclusions with respect to any of the practices complained of?
28. As you look back over the course of the trial, what was the most memorable part of the trial for you overall?
29. What bothered you most about the trial? What surprised you most about the trial?
30. To the extent you recall, what were your thoughts during the jury selection process? What were your reactions/thoughts when you found out that you had been selected to serve as a juror in this case?
31. Was there any time during the trial that you found yourself leaning more towards one side than the other? If so, when did this occur and what do you recall was the reason for you leaning towards one side more than the other?
32. What were the two MOST important factors of the trial (evidence, testimony, etc.) that you relied upon in making your decisions in this case?
33. If you were one of the attorneys representing the Plaintiff in this case, what would you have done differently in presenting their case?
34. If you were one of the attorneys representing the Defendant in this case, what would you have done differently in presenting their case?
35. Which witnesses do you recall as being especially important or helpful to you in making your decision in this case? Why?
36. Do you remember any of the witnesses as being especially unimportant or unhelpful in making your decision in this case? If yes, who and why?
37. What impact did the expert testimony have on your decision in the case?
38. What were your general impressions of the attorneys? What did you like best? Least?

39. Of all the exhibits (documents) presented during the trial, which did you think were most important to you in making your decision in the case? Why?
40. What demonstrative exhibits did you think were most important to you in either helping you understand the case or ultimately making your decision in this case? Why?
41. [Assuming technology was used] What were your impressions of the technology (computer-based presentation system) that the attorneys used to present the evidence in the case? Do you feel it gave one side an advantage over the other? Why or why not?
42. When you first entered the deliberation room, how did things proceed? How did you select a foreperson?
43. Do you recall taking an initial vote? How strongly were jurors committed to their positions in the beginning?
44. What arguments and/or evidence seemed to change people's minds?
45. What information or evidence did the jury focus on most during deliberations? Why did they think it was important?
46. Were you satisfied with the verdict in this case? Why or why not?

B. Case Specific

47. How did the judge's collateral estoppel instruction (i.e., findings from the Justice Department case) affect your view of the case? Your role as a juror?
48. How important did you think it was that Microsoft had been determined to have committed anticompetitive conduct in the DOJ case? Did that affect your thoughts as to whether Microsoft was likely to have committed anticompetitive conduct earlier or later than the DOJ time period, or in the applications market (not covered in the DOJ case)?
49. Microsoft characterized itself as a tough competitor in the "rough and tumble" world of business. Is that how you saw Microsoft? The world in which it competed? Where is the line between being a tough competitor and being anti-competitive? Were there any specific instances where you thought Microsoft "crossed the line"? Why?
50. Microsoft claims that it has made the personal ownership of a powerful computer possible for millions of people. What do you think of that claim?

51. Did aggressive language in Microsoft's emails affect your opinion as to whether Microsoft had done anything wrong? Did you think Microsoft had actually done what was written in the emails, or did you think they were "trash talk"?
52. Did you have an opinion as to whether prices of Microsoft's software were high or low; going up or going down; good value or not? Did any of that matter to you in the context of an overcharge case?
53. Did you have any reaction to the fact that some of conduct complained of had occurred almost 20 years ago? Did you think that could affect software prices today?
54. What's your opinion of Bill Gates, and does it affect how you view Microsoft and Microsoft's behavior?
55. Microsoft claims that a large part of the success and affordability of personal computers is a result of standardization, which came about as a result of its DOS and Windows operating systems. What do you think of that claim? Does the need for standardization explain the success of the Microsoft operating systems? Why or why not?
56. Microsoft claimed that its operating systems were simply better than others and the market chose Microsoft. What evidence did you see that supported or rejected this claim?
57. Microsoft claims that the price it charges for its operating systems is very reasonable and very low – especially if you consider the price it charges the computer manufacturers that install the operating system. Microsoft says that its pricing is not that of a monopolist because it keeps its prices low. What evidence did you see that either supports or negates that argument?