Duke University once again competed for the national title in men's lacrosse, and life seems to be returning to normal after the dismissal of rape charges against three of the school's student-athletes. But in courtrooms in Houston and throughout the country, the celebrated Duke rape case has wrought significant changes in the way sexual assault cases are pursued and prosecuted.

The false allegations of rape that nearly destroyed the lives of the three young lacrosse players were tailor-made for tabloid journalism. In the wake of blanket news coverage of the case, prosecutors and defense attorneys are now wary of prospective jurors who may have changed their "personal opinions" of anyone involved in a sexual assault case.

Personal opinions, of course, are the roadblocks to impartiality that can undermine any jury and can ruin the chances for a fair trial. The jury selection process has always been a key component in any trial, but the Duke case has raised the stakes even higher in sexual assault cases.

When attorneys in these trials interrogate prospective jurors, they fire a series of questions to help identify people who can render opinions based solely on the evidence presented at trial. In a larger sense, the five questions included here serve as a quick litmus test on the lingering effects of the Duke rape case.

• Do you believe that women who bring rape charges are likely to lie?

The woman who filed rape charges against the three Duke lacrosse players gained instant notoriety and lasting infamy for being discredited. The reversal in her fortunes will affect the nearly 200,000 women who will report rapes or sexual assaults during the coming year, because many prospective jurors may now harbor serious doubts about the credibility of these victims. Historically, it has been an uphill battle to get the law to recognize that rape victims are as credible as any other crime victims and it would be a shame if the Duke case reversed the progress that has been made.

• Do you believe that women of color are less credible than Caucasian women?

The Duke case did nothing to help the cause of equal justice for victims of color. Contrary to what many people believe, women of all races are victimized at about the same rate. Despite this fact, in-depth studies across many jurisdictions confirm that sentences meted out for crimes against women of color are typically less severe than sentences for similar assaults against white women. The Duke case threatens to
exacerbate an already-entrenched predisposition against minority victims and their assailants.

- Do you believe that black women are disposed to bring false charges against white men?

That's what happened in the Duke case, but history says the gender and racial tables are usually turned the other way. When Harper Lee wrote about a white woman pursuing false charges against a black man in her To Kill a Mockingbird masterpiece, her plot followed an all-too-familiar scenario. Throughout our history, weak or false charges of rape were often brought against black men accused of raping white women. Some innocent men were punished, and even those blacks who were guilty were likely to suffer more severely than their white counterparts. In 1972, the last year that raping adult women could earn assailants the death penalty, the 80 rapists on death row were overwhelmingly black and their victims were overwhelmingly white. Fortunately, today, we no longer see rape charges used so blatantly as a tool of oppression against blacks.

- Do you believe that any innocent person can beat false charges?

Perhaps they can, but the Duke students could afford excellent attorneys who uncovered important evidence and proved how the prosecutor failed to disclose exculpatory material. Nationally, poor defendants who receive appointed counsel are often assumed to be guilty by their attorneys, who often fail to investigate their cases adequately. In too many cases, these lawyers pressure their clients to plead guilty and accept plea bargains to avoid long sentences.

- Do you believe that prosecutors are inclined to bend the truth?

The vast majority of prosecutors act in an ethical manner, so it would be wrong to let the Duke case bring disrepute to prosecutors generally. It's becoming clear that the district attorney was unscrupulous and using the forum of a high-profile trial to further his political ambitions, but every profession has a few bad apples. If he winds up disciplined or disbarred for his conduct, the Duke case could rightly give us confidence that our system can indeed bring justice for the right people.

In a typical sexual-assault trial, the prosecution and the defense will be allowed to "strike" (dismiss) a number of potential jurors and the five questions cited here will help give lawyers the information they need to make their final jury selections. But in a larger sense, the way that prospective jurors answer these and other questions will show us how deeply the Duke case has altered America's sympathies for rape victims and our overall perceptions of the justice system.

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