

The Effects of Perceived Authority on the Decision-Making Process of Mock Jurors

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Abstract

The jury is one of the most important decision making small groups in the United States; however, little is known about how juries render decisions and what may potentially impact their decision making process. Of the few studies that have specifically addressed the jury decision making process, most have employed procedures that are less than realistic and even fewer have focused on the role of the foreperson in influencing the opinions of other jurors. In the present study, in order to determine the foreperson's impact in a more realistic setting, 33 mock jurors viewed a simulated trial, completed a pre-deliberation vote, deliberated under a confederate foreperson who employed various attitudes (positive, negative, and neutral) towards the defendant, completed a post-deliberation vote, and completed a post-deliberation questionnaire. A Chi-Square analysis revealed that the attitude of the foreman had a direct statistically significant impact on the post-deliberation decisions of the other jury members. A Chi-Square analysis also revealed that the attitude exhibited by the jury foreman has a marginally significant impact on who jurors identify as being the most persuasive member of the jury during deliberations.

Keywords: jury, decision-making, foreman, attitude, influence, small groups

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Introduction

The American judicial process is transparent by design; however, one part of the process purposefully remains shrouded in mystery – jury deliberations. The petit jury is arguably one of the most important decision-making small groups in the United States, in part because it endows twelve men and women with the tremendous power to revoke a fellow citizen's freedom, end lives, restore victims, and, in some extreme cases, shape public policy. Yet this tremendous power is governed by minimal structure, little oversight, and even less understanding of how juries, fairly or unfairly, reach their ultimate decisions.

In academia, the process by which a jury renders a decision remains largely unexplored. Instead, most of the available academic literature addresses the dynamics of small group decision-making, including: small group communication, internalized political dynamics, and generalized perceptions of authority. While, as a small group, this research may extrapolate to the dynamics of the jury's decision-making process, the available literature fails to address the extent of the influence and power of the jury foreperson on the decision-making process of the jury as a whole. Specifically, while numerous studies have been conducted on leadership and the influence of perceived authority, there has been little direct study of the role and the influence of the jury foreperson on individual jurors.

The need to understand the role and influence of the foreperson in the jury decision-making process is critical not only to advance the psychological understanding of jury decision-making and for legal practitioners engaged in trial practice, but also to the concept of "justice" as a whole. Specifically, if the jury system, is found to be inherently unfair or systemically bias based upon the characteristics of a single juror (the jury foreperson), the implications would be unprecedented. As such, this study, though limited, seeks to quantify to effects of the jury foreperson's attitudes upon the decision-making process of the jury as a whole.

Literature Review

Most researchers agree that small groups and juries tend to deliberate on the facts of a case without much deviation (Gastil et al., 2007; Devine et al., 2007; Huiteman, 2007; Tanford & Penrod, 1986; Bevan et al., 1958). However, deliberation is often in vein as most jurors tend to reach their opinions during the trial – as opposed to during deliberations – and rarely deviate from or change their initial opinions (Walter & Hans, 2009; Sunwolf & Siebold, 1998; Holstien & Marquett, 1985).¹ To this end, the literature suggests that the jury foreperson may exact significant influence on the decisions made by at least some individual jurors during deliberations, especially in situations where the foreperson is elected or emerges in some form of a merit-based system.²

Leadership Selection and Authority

While a leader's authority may be one of many variables effecting a juror's ultimate decision, the manner in which authority is vested remains a key consideration. To this end, in 1976, Walker investigated the, "impact of varying leadership selections systems on the performance of political decision-making groups." Walker hypothesized that the manner in which a leader is chosen in a small group may have some impact on the ability of the selected leader to control the group; specifically, leaders who are selected based on individual merit will have greater leadership ability and control than those selected by other means (p. 363).³

In order to test his theory, Walker used archival data to "observe" thirty-four chief justices, the formally designated leader of a court, who sat on the highest judiciary body of their respective states (usually designated as "supreme courts"). Specifically, Walker used this historical data to determine

¹ As noted by Devine et al. (2009), "When the evidence presented at trial points clearly to a particular verdict, the jury will usually choose that verdict; when the evidence is more equivocal, the jury's decision will be more likely to reflect the influence of other normatively undesirable variable" (p. 138). To this end, if the "strength of evidence" is high, jurors are less susceptible to extra-evidentiary influences. However, as found by Gleason and Harris (1975), socioeconomic status, regardless of race, had a highly significant impact of the decision of mock jurors. Overall the participants tended to judge middle class defendants are less guilty, than those in the lower class.

² Variables such as socioeconomic status, life experiences, education, etc. can impact both the decision-making process of an individual juror as well the juror's ultimate decision.

³ Walker's theory was largely premised on previous research conducted by Goldman and Frass (1965).

whether the leader selection system⁴ had any significant impact on the level of dissent⁵ by other judges on the court. When a student's t-test was performed, the mean index of dissent for merit based selection (8.1842) was significantly lower than the mean index of dissent for arbitrary selection (14.1266), $t(144) = 1.9429, p < .05$.

As such, Walker concluded that the leader selections system employed by the supreme courts had a direct impact on the level of dissent among the other justices. To this end, Walker's results largely replicated those of Read (1974) who examined, "the impact of a leader's source of authority upon his task influence and found, in a jury setting, at a statistically significant level, that: (1) the foreperson's opinion as to the outcome of the case has a significant positive correlative impact on the votes of the other jurors, and (2) Jurors were more likely to vote with the foreperson when he/she was elected⁶ rather than when he/she was appointed. When Walker's (1976) and Reid's (1974) findings are extrapolated into the larger realm of jury decision-making, it reveals that the manner in which a jury's leader comes into power directly correlates with his or her effectiveness in gaining cohesion, the overall ability to lead, and the ability to sway other jurors when voting.⁷

However, as uncovered by Crockett (1951), there may be a confounding variable in the form of an "emergent leader." "Emergent leaders," also known as "operational leaders" is defined as any "other individuals than those officially" named as group leaders [who] serve in the leadership capacity" (p. 378).

⁴ Walker's study designated two levels of the independent variable: merit based and arbitrary. Merit based systems are those in which the leader was selected by an appointment from the governor, the state legislature, a special council, or directed elected by the electorate of the state. Arbitrary systems are those in which the leader is selected through seniority, rotation, or through remaining tenure.

⁵ Defined as the number of instances that other justice's votes strayed from that of the chief justice.

⁶ As noted by Strodtbeck and Lipinski (1985), juries tended to favor fellow jurors with previous jury experience as a jury foreperson, Strodtbeck and Lipinski discovered some unexpected results. "Juror seat position (at head of table) and prior experience were persistent biases they were not related to criteria of superior functioning. The persistent bias that was functionally salient was SES [socioeconomic status]" (p. 927). In other words, while the main criteria for selecting a foreperson was previous experience, the socioeconomic status of the juror played a large role in whether he or she was considered for position. The results indicated that middle class jurors were more likely to be elected as a foreperson than jurors who were from the lower class.

⁷ However, it is important to note that Walker's study may not extrapolate well in other studies that concern small group or jury decision-making. This is primarily due to the fact that Walker's study used participants whom are not "typical" of the average decision-making group; thus not accurately reflecting the population. Arguably, most sample participants will not be versed in legalities or the political process like the judges used in Walker's study.

Specifically, Crockett hypothesized that: (1) emergent leaders would be observed more frequently in groups where the official leader failed to perform subscribed duties and groups with high degrees of divergent interests, and (2) “emergent leaders” would: have higher positions of authority and expertise, have a high degree of personal motivation, and be more highly valued by the group than other lay members.

To this end, Crockett observed small group conferences in seventy-two business, government, and industrial organizations that adhered to some basic standards; including, conferences were decision-making in character, groups could range from five to seventeen people, and participants had worked with other members before. These conferences were then observed by three observers with specific areas of interest and then the observed behavior was categorized based on a predefined set of principles. After the conference, observers were given a questionnaire in which they were asked to identify the “designated leader” as well as the “real” leader.

Crockett found that in over 60% of the conferences observed, leaders emerged other than the designated leader. When a chi-square test was performed, the emergence of leaders in several of the predefined behavior categories was significant at the .01 and .05 level of confidence. This emergence of the “emergent leader” was more significant overall when the “designated leader” performed relatively few acts of leadership. More importantly, Crockett found that “emergent leaders” were more likely to have higher relative rank and a higher degree of expertise than others in the group; this finding was statistically significant at the .05 level of confidence.

When Crockett’s findings are extrapolated into the broader context of small group and jury decision-making, it reveals that any finding of a significant impact in the decision-making process by the group “designated leader” or the foreperson may be overshadowed by an “emergent leader.” Especially when the “designated leader” fails to perform subscribed leadership duties, and even more so when the “emergent leader” has a relatively high degree of rank compared to other group members, or when the “emergent leader” has a relatively high degree of expertise. This impact, which was found over 60% of the

time in Crockett's study, has the potential to serve as a confounding variable on any study regarding the direct impact of the "designated leader" or the jury foreperson in the group decision-making process.⁸

Desirability of Group Conformity

Once a leader is chosen by merit, appointment, or emergence, Hollander (1958) argues, based entirely upon theory,⁹ that "conformity derives from certain features of individual perception and motivation in relation to others" (p. 119). Specifically, Hollander argues that conformity to group expectancies will increase an individual's status among the group; in which conformity early in the decision-making process will result in greater status and the allowance of idiosyncratic behaviors that deviate from the norms of the group as a whole. In other words, conforming to the beliefs of the group or the group's leadership will increase one's status within the group which can eliminate insecurities and permit later deviation from the accepted norms of the group. If Hollander's claims prove to be true, then the need for recognition and increased status among the jury or small group members can cause individuals to conform to the will of the group or the leader of the group regardless of opinions and personal preferences; this can have a significant and even negative impact on the outcome of the decision rendered by a jury.

Leadership Meets Group Conformity

In testing the degree to which jurors can be impacted by a foreperson, Bevan, Albert, Loiseaux, Mayfield, and Wright (1958) examined the influence of the jury foreperson and to what extent observed changes in jury behavior were a result of his or her prestige. In doing so Bevan et al. researched the impacts

⁸ But see Berkowitz (1953) questioning Crockett (1951) and concluding, using the same dataset, "leadership sharing is associated with lessened group cohesion and lessened satisfaction" (p.236). This study suggests that group members have certain expectations in which the designated leader "is the major behavior leader in the group." When leadership is shared by anyone besides the designated leader, it creates a disconnect and a sense of dissidence in the group; especially it is seen as being challenging to the authority of the groups designated leader. In other words, sharing leadership can create internal conflict within the group, even a power struggle, which can change the attitude, focus, and direction of the group; this can be seen as a negative impact to the overall process of small group decision-making.

⁹ Hollander's arguments are purely theoretical with no reference to previous literature or evidence. He also fails to conduct an experiment or study that would test his theories. In other words, Hollander primarily appeals to logic and his expertise rather than empirics to credence to his theories.

of jurors of the variables of: leadership quality, leader prestige, and the type of leadership, which was exhibited by the jury foreperson.

In studying these variables, Bevan et al. performed two separate but essentially identical studies in which participants were each given a temperament survey which categorized the participant's personality traits (e.g. aggressiveness). The participants were then placed into matching groups of 7 males and 4 females. The twelfth member of the jury was a confederate who was selected by different methods under the control of the experimenter to be the jury foreperson; this was done in order to delineate prestige among the forepersons in relation to their respective juries. Each jury foreman had been previously assigned manners in which to control their juries. After this process, the juries then observed a live mock trial. Before deliberations began, the jurors were asked to complete a questionnaire dealing with the important aspect of the case. The deliberations, usually audiotaped, then proceeded and once the jury had reached a decision, the jurors were again asked to fill out a questionnaire that dealt with the case and the juror's personal decision making process. The audiotapes and questionnaires were then subjected to extensive statistical analysis.

Bevan et al. observed no immediate impact of the deliberations on the ultimate verdict towards the defendant. However, the researchers did observe, "from the results of both experiments that group discussion under the direction of the leader, irrespective of the type of leadership, results in a shift in the individual juror's estimate of equitable damages" (p. 433). This is very important because all the groups observed, with the exception of one, showed that the jury forepersons "were able to reliably change the opinions of individual jurors concerning what constitutes equitable damages." Thus, it is not hard to imagine that under a different set of circumstances, a jury foreperson may hold undue influence over a jury's ultimate verdict.

Hypothesis

Based largely on the study conducted by Bevan et al. (1958) and the other available research, the author of this study hypothesizes that: the perceived authority of the jury foreperson and his or her attitudes

towards the defendant in a criminal case will have a direct impact on the votes of the other jury members. Specifically, when the foreperson exhibits a positive attitude towards the defendant, the other jurors will vote in favor of the defendant. On the other hand, when the foreperson exhibits a negative attitude towards the defendant, the other jurors will vote in opposition to the defendant. Additionally when the foreperson exhibits a neutral attitude towards the defendant, the other jurors will base their votes on their own personal beliefs and biases.

Methodology

Participants

There were 33 participants (14 women, 19 men, age range: 18-22 years) who were recruited for this study.¹⁰ All of the participants were undergraduate students majoring in: political science, business administration, criminology, psychology, or sociology at a small Midwest liberal arts university. In holding with the population of the university, the gender, economic, and racial distribution as a whole were typical of the area's population; the majority being: Caucasian, middle-class, males. The participants were recruited from various introductory, mid-level, and upper-level: psychology, sociology, and, criminology courses. Most professors in the behavioral sciences department offered students who participated in this study course credit; however, some participants volunteered, without incentive, to do so.

As told to the participants, prior to the study being conducted each was contacted via email and telephone, and reminded of the date, time, and location of the study that they agree to participate in. At this time, participants were given an opportunity to ask questions and/or express any concerns or reservations they had about participating in the study. In order to eliminate any potential confounds, the research assistant did not interact with the participants physically or verbally again, until the date and time that the study was to be carried out.

¹⁰ The participants were recruited by a research assistant; in order to protect the confederate status of the researcher.

On the date and time of the experiment, the participants, including the confederate foreman, were brought into a room and broken down into groups totaling 12 (11 participants and the confederate researcher), in order to instruct the participants and make sure all proper ethical procedures were followed so that the rights of the participants were safeguarded. Each group was then instructed, using deception, that the purpose of the study was to observe how jurors interact. Deception was used; however, in order to ensure the ethical protocols were followed the participants were instructed at the conclusion of the study that they would be debriefed. Participants were then given an overview of the study and instructed that they would be assigned the role of mock jurors in which they would view a mock trial video, take an initial vote, deliberate as a jury/group, vote a second time, and fill out a post-deliberation questionnaire. Participants were also informed that the study would last approximately 1.5 to 2 hours. In order to ensure their rights were protected, participants were then given the opportunity to have most any questions that they may have had answered and were reminded that they could withdrawal at any time. After answering the participants' questions, the participants' informed consent was then obtained in writing and each individual participant was given a personal copy. They were then again reminded that they could refuse to participate or withdraw at any time without penalty and that their names and identities would be kept completely confidential. All ethical concerns were addressed and the study received approval by the University's Institutional Review Board prior to the commencement of the study.

Design

The design of the study was a within-subjects pretest-posttest design. The independent variable used in the study was the attitude of the jury foreman towards the Defendant. The levels of the independent variable were: neutral attitude, positive attitude, and negative attitude. The dependent variable in the study was the vote of the individual jurors. The levels of the dependent variable were as follows for count one, rape in the first degree: guilty, not guilty, and undecided. The levels of the dependent variable were as follows for count two, murder in the second degree: guilty, not guilty, and undecided.

Materials

Participants were tested in a single windowless room on the top floor of the university's library. This space was chosen for a variety of reasons. First, the location of the room in the library ensured that there would be little to no distraction from noise or other foreseeable interruptions inside the building. Second, the location of the room on the top floor of the library ensured that any distractions from outside of the building would be minimized. Third, the room that was used realistically reflected that of a "typical" jury deliberation room. The walls of the room were painted a neutral tone with no décor; except a chalkboard and a television screen. In the center of the room was a large rectangular conference table with 12 chairs equally spaced around the perimeter of the table (see Figure 1, Figure 2, and Figure 3). This made the room ideal for small group discussions/mock jury deliberations.

A DVD video was shown to participants was shown on a standard 27-inch Sony television/DVD player combination. The DVD video shown was a compilation video copied from the internet as public domain; no copyrights applied. The video was copied from the provider www.YouTube.com and contained 6 parts each lasting approximately 7-10 minutes under the title Mock Trial Video (1-6) Final; the URL addresses for each part of the video is included in the reference section. The total runtime of the video was 56 minutes and 51 seconds. The video was an enactment by professional adult actors and depicted the mock trial case of *People v. John Knight*. The scenario that was acted out was a criminal case in which the Defendant, John Knight, was charged with first degree rape and second degree murder.

The video began with the judge looking directly at the viewer (the jury) and reading them instructions regarding the trial, in a fashion that is almost identical to those read in actual criminal jury trials. The video then followed a typical trial format. The prosecution in the case began with an opening statement to the jury, followed by the opening statement of the defense. The prosecution then called and direct examined the witness for the State. The State's witnesses included: Dr. Mark O'Conner, Detective Tim Gerber and Detective Joseph Valencia. The defense then cross-examined each of these witnesses in turn. There was no redirect examination by the prosecution for any of the witnesses; as such, there was no re-cross examination of the witnesses by the defense. After the prosecution rested, the defense then called

and direct examined its witnesses; including: Lisa Price, James Casatelli, and John Knight. Each of the witnesses was then cross-examined by prosecution in turn. The defense did not redirect examine the witnesses; as such, there was no re-cross examination by the prosecution. The trial then concluded with closing statements by the prosecution and the defense. After the closing statements, the judge then issues instructions to the jury members; at this point, the video concluded.

A questionnaire was employed to measure the dependent variable; operationally defined as: the written ballot opinions of each juror to question of whether or not the defendant in this case was guilty, not guilty, or undecided to count one of the indictment: rape in the first degree, and if the defendant in this case was guilty, not guilty, or undecided to count two of the indictment of murder in the second degree. The questionnaire contained two questions with three possible answers to each question (see Appendix A). This questionnaire was given to the individual jurors twice; once before deliberations and once after deliberations. As will be discussed later, these questionnaires were then compared in order to see the effect of the foreman's attitude (IV) on the vote of the individual juror (DV); more specifically, if the jurors changed their opinion after deliberations.

To better understand the effects of the IV on DV, another questionnaire was employed at the conclusion of the study. The questionnaire was an adapted version of the questionnaire developed by Bevan, Albert, Loiseaus, Mayfield, and Wright (1958). It contained 16 questions that measured the degree to which the individual juror's opinions changed, confidence in their opinion, and who was more persuasive in the deliberations (see Appendix B). In order to more accurately view the change in opinion and confidence of that opinion of the jurors, scales were employed in the questionnaire whenever possible. This questionnaire was then used to compare individuals to their voting pattern and to the other jurors as a whole.

Procedure¹¹

Once the participants were recruited and arrived at the specified location on the specified date and time of the study, the participants were broken down into groups of 11 plus one confederate. They were then asked to have a seat around a conference table in a private upstairs room in the university's library. The Researcher then informed the participants, using deception, that the purpose of the study was to observe how jurors interact. The participants were then given a brief overview of the procedure of the experiment and were asked to fill out informed consent forms. Each participant received a take home copy for their records. After being reminded that they could withdrawal at any time, the participants were then randomly assigned a code for ease of tracking/comparing results and to ensure the confidentiality/anonymity of the participants. The coding system involved pulling a code written on slips of paper out of a jar/basket. The coding system was based on the independent variable's manipulation which will be discussed in more detail later (ex. P1 = positive jury foreman, juror #1; N1 = negative jury foreman, juror #1; NU1 = neutral jury foreman, juror #1).

After the participants were assigned their codes, the confederate researcher was selected to be the jury foreman. Based on past research, Berkowitz (1953), jurors who had previously served on a jury were more likely to be respected and influential as forepersons than those who had been selected at random. Using this information, the researcher asked if any participants had previous jury experience, when this was asked the confederate raised his hand and was subsequently selected by the researcher to be the jury foreperson. While this too was deceptive in nature, it was explained to participants in debriefing; in accordance with all ethical guidelines.

¹¹ Prior to the commencement of the actual experiment, pilot testing occurred in order to identify any problems with the methods or equipment being used in the study. Due to the logistics, length of experiment, and limited number of eligible participants, pilot testing occurred without the use of participants. Instead, pilot testing consisted of multiple run-throughs of the various parts of the experiment, finalization of methods to be employed, and scenario response planning. While the pilot testing was limited in scope due to the lack of participants, the procedure became solidified and well rehearsed. Each pilot test lasted the predicted 1.5 to 2 hours and the procedures/methods employed proved to be valid, ethical, and without error.

Once the confederate was selected as the foreperson, the participants were instructed to watch the DVD video of Mock Trial Video (1-6) Final. The video depicted the criminal mock trial case of *People v. John Knight* and last approximately 56 minutes and 51 seconds. After viewing the video, the participants were asked to remain silent until each participant had completed and written their code on the initial jury verdict form (Appendix A). After the form was collected by the researcher, the participants were then told to begin deliberations under the guidance of the jury foreman. They were instructed that they should deliberate until the jury had reached consensus or until 30 minutes had expired; whichever came first.

During the deliberations, verbal manipulation occurred in order to test the independent variable; which was the attitude of the jury foreman towards the defendant in the case. For the purposes of the study, “attitude” was defined as: words, mannerisms, and patterns of speech with specific connotations and denotations that are widely accepted and understood by the general public. The IV had three levels: negative towards the defendant, positive towards the defendant, and neutral; this served as a control group. The level was randomly assigned prior to the commencement of the experiment and each was tested once over the course of three days. In the deliberations, the foreman attempted to argue and persuade the participants to vote in accordance with his assigned attitude. To eliminate possible confounds, he was instructed to use the same type and amount of persuasive language for each group of participants. The confederate used special care in order not to use offensive, threatening, or violent language in order to protect the rights and general wellbeing of the participants.

After the conclusion of deliberations, participants were asked to complete a new copy of the juror verdict form (Appendix A) and were then asked to complete a post-deliberation questionnaire (Appendix B). The questionnaires were then collected by the researcher assistant and the participants were informed of the deception and verbal manipulation that occurred in the experiment. During debriefing, participants were given the opportunity to ask any questions or express any concerns that they had about the experiment. Participants were once again reminded that their identity would be kept confidential, they were thanked for their time, and they were asked not to disclose the nature or methods employed by the study to anyone.

They were finally informed that if a question or issue arose that they could contact either of the researcher or the research assistant directly.

Statistical Analysis

Descriptive Statistics

The participants (n=33) were all traditional undergraduate students. This common participant characteristic provides the general age range (18 to 22) of the participants and the general level of education (some college) of the participants. The sex of the participants were fairly equal distributed, consisting of 19 males (57.6%) and 14 females (42.4%). Additionally, the sex of the participants were fairly equally distributed for each level of the independent variable; the positive attitude treatment group consisted of 6 males and 5 females, the negative treatment group consisted of 6 males and 5 females, and the neutral treatment group consisted of 7 males and 4 females.

Analytical Statistics

Analysis testing was based on the hypothesis that: the perceived authority of the jury foreperson and his or her attitudes towards the defendant in a criminal case will have a direct impact on the votes of the other jury members. Specifically, when the foreperson exhibits a positive attitude towards the defendant, the other jurors will vote in favor of the defendant. On the other hand, when the foreperson exhibits a negative attitude towards the defendant, the other jurors will vote in opposition to the defendant. Additionally when the foreperson exhibits a neutral attitude towards the defendant, the other jurors will base their votes on their own personal beliefs and biases.

Four Pearson's Chi Square with Crosstabs tests were conducted to determine any significant effects and changes that occurred as to the guilt of the defendant on each of the charges of interest: pretest murder, posttest murder, pretest rape and posttest rape, based on the three levels of the independent variable: positive jury foreman attitude, negative jury foreman attitude, and neutral jury foreman attitude (control). Additionally, a Pearson's Chi Square with Crosstabs test was conducted to determine whom the

participants identified as being the most persuasive member of the jury: jury foreman, other jurors, self, and none; grouped by the three levels of the independent variable.

For determination of guilt for pretest murder, before any deliberations occurred, the Pearson's Chi Square with Crosstabs revealed, $\chi^2 (4, N = 11) = .882, p = .927$. These results indicate that prior to deliberations the votes of the mock jurors as to the guilt of the defendant on the charge of murder did not significantly differ from what would be expected as a result of random chance; this hold true for all levels of the independent variable. While this is not sufficient on its own to provide a basis to reject or accept the null hypothesis that there is no relationship between jury foreman attitude and the opinions of jurors, it provides a source of analysis for which posttest murder can be compared against. Table 1 displays the Crosstabs analysis of juror votes on pretest murder, grouped by jury foreman attitude (the independent variable).

For determination of guilt for posttest murder, after deliberations occurred, the Pearson's Chi Square with Crosstabs revealed $\chi^2 (4, N = 11) = 18.400, p = .001$. These results indicate that after deliberations the votes of the mock jurors and the attitude of the jury foreman were significantly correlated at the .01 level of significance. When this analysis is combined with the analysis of pretest murder, it provides a basis to reject the null hypothesis. In fact, this suggests that when the foreman has no impact, before deliberations, votes are evenly distributed; however, after the treatment, the foreman's attitude, is applied there is a significant and direct impact on the votes of the individual jurors. Table 2 displays the Crosstabs analysis of juror votes on posttest murder, grouped by jury foreman attitude. Figure 4 depicts this impact on juror pre- and post-deliberation votes as a result of the "positive" attitude of the jury foreman. Figure 5 depicts this impact on juror pre- and post-test deliberation as a result of the "negative" attitude of the jury foreman. Figure 6 depicts the expected lack of impact on juror pre- and post- deliberation votes as a result of the "neutral" attitude of the jury foreman.

Analysis testing for the count of rape was also conducted. For determination of guilt for pretest rape, before any deliberations occurred, the Pearson's Chi Square with Crosstabs revealed, $\chi^2 (4, N = 11)$

= 4.560, $p = .335$. These results indicate that prior to deliberations the votes of the mock jurors as to the guilt of the defendant on the charge of murder did not significantly differ from what would be expected as a result of random chance; this holds true for all levels of the independent variable. While this is not sufficient on its own to provide a basis to reject or accept the null hypothesis that there is no relationship between jury foreman attitude and the opinions of jurors, it provides a source of analysis for which posttest rape can be compared to. Table 3 displays the Crosstabs analysis of juror votes on pretest rape, grouped by jury foreman attitude.

For determination of guilt for posttest rape, after deliberations occurred, the Pearson's Chi Square with Crosstabs revealed $\chi^2 (4, N = 11) = 3.667, p = .453$. These results indicate that after deliberations the votes of the mock jurors and the attitude of the jury foreman were not significantly correlated. When this analysis is combined with the analysis of pretest rape, it provides a basis to accept the null hypothesis that there is no relationship between jury foreman attitude and the opinions of jurors for the charge of rape. As will be addressed in the discussion section, this does not necessarily negate the significant findings concerning the charge of murder. Table 4 displays the Crosstabs analysis of juror votes on posttest rape, grouped by jury foreman attitude.

Analysis testing was also conducted to determine who jurors found most persuasive in the jury deliberations, given each level of the independent variable (jury foreman attitude), regardless of the charge or murder or rape. A Pearson's Chi Square with Crosstabs revealed, $\chi^2 (4, N = 11) = 11.550, p = .073$. These results indicate that there was a marginally significant correlation between who jurors found the most persuasive in deliberations and the assigned foreman's attitude; with a majority of juror's identifying the foreman as most persuasive under the positive and negative conditions, and a minority identifying the foreman as the most persuasive under the neutral condition. When these marginally significant findings are contextualized with the significant findings as to the change in juror attitude regarding the count of murder, these findings provides further support to reject the null hypothesis that there is no relationship between jury foreman attitude and the opinions of jurors. Table 5 displays the Crosstabs analysis of who

jurors found the most persuasive, grouped by jury foreman attitude. Figure 7 depicts the distribution of whom jurors identified as “most persuasive” as a result of the “positive” attitude of the jury foreman. Figure 8 depicts the distribution of whom jurors identified as “most persuasive” as a result of the “negative” attitude of the jury foreman. Figure 9 depicts the distribution of whom jurors identified as “most persuasive” as a result of the “neutral” attitude of the jury foreman.

Discussion

The various Pearson’s Chi Square with Crosstabs conducted indicated a mixture of results concerning the hypothesis that the attitude of the jury foreman has a direct impact on the post-deliberation votes of jurors in criminal trials. This section will review and expand upon the findings in the previous section, and provide a detailed analysis of the differences observed between juror opinions on the count of murder and their opinions on the count of rape. This will be followed by a discussion of the limitations, both internal and external, of this study, and ultimately conclude with speculation and interpretation of the implications for future studies and the legal profession as a whole, derived from these results.

Analysis of Results

A Pearson’s Chi Square with Crosstabs was conducted to examine who the jurors found most persuasive during the jury deliberations. The questionnaire provided a variety of answers for the mock jurors to choose from; including but not limited to: the jury foreman, other jurors, self, and none. This question was designed to encompass both of the counts, murder and rape, in order to provide a non-specific overview of juror opinion regardless of their actions. The findings were consistent with the expectations stated by the hypothesis of this study. For instance, the participants in this study consistently and overwhelmingly identified the “jury foreman” as the most persuasive member of the jury when he exhibited a positive or negative attitude, with “other jurors” being selected a distant second most commonly. However, this trend reversed when the jury foreman exhibited a neutral attitude towards the defendant. The “jury foreman” was selected least commonly under the neutral condition, as expected. While this effect was marginally significant, when it is combined with the results observed concerning changes in juror’s

opinions on the count of murder, it supports the stated hypothesis of this study. If this study was replicated with a larger sample size, it is safe to predict that this effect would move from marginally significant to significant.

Pearson's Chi Square with Crosstabs analysis revealed that there is a significant effect at the .001 level of significance of jurors' post deliberation votes and the assigned attitude of the jury foreman, pertaining to the charge (crime) of murder. While this effect is enough to reject the null hypothesis that there is no relationship between the attitude of the jury foreman and post deliberation votes of jurors, its significance becomes increasingly apparent when the common change between pre-deliberation votes and post-deliberation votes, with the application of the foreman's attitude, is examined in greater detail. When the jury foreman exhibited a positive attitude towards the defendant, 4 of the 4 jurors who had voted to convict the defendant of murder, switched their vote to not guilty in addition to 2 undecided jurors. A similar trend was observed for the negative attitude treatment with 3 of 6 jurors switching their vote from not guilty to guilty; as predicted by the hypothesis. As expected, when the neutral treatment was applied, jurors remained fairly consistent with their pre-deliberation votes; of those who did vote differently on the post-deliberation vote, all switched their vote to undecided. In other words, when the foreman exhibited an attitude, the mock jurors tended to align their opinions and decision with the foreman's assigned attitude; thus supporting the hypothesis that the attitude of the jury foreman has a direct and significant effect on post-deliberation votes of jurors. This effect can be observed by comparing Table 1 (pretest murder) and Table 2 (posttest murder); as well as, Figure 4 (pre and posttest murder given positive attitude), Figure 5 (pre and posttest murder given negative attitude), and Figure 6 (pre and posttest murder given neutral attitude).

While the data obtained relating to the charge of murder shows strong support for the hypothesis, when it is compared to the data obtained for the charge of rape the results appear contradictory, at first. A Pearson's Chi Square with Crosstabs analysis revealed that there is not a significant effect between the assigned attitude of the jury foreman and juror's post deliberation votes. Upon a more narrowed view, the

results indicate that jurors were overwhelmingly likely to vote not guilty on pre-deliberation votes. The data shows that on the pre-deliberation vote, 10 jurors voted not guilty in the positive condition, 8 jurors voted not guilty in the negative condition, and 7 jurors voted not guilty in the neutral condition. When this is compared to the post-deliberation vote there appears to be little change, 11 jurors voted not guilty in the positive condition, 8 jurors voted not guilty in the negative condition, and 7 jurors voted not guilty in the neutral condition. As such, any change that occurred on the rape charge was most likely the result of random chance; the data is sufficient to accept the null hypothesis of no relationship. This effect can be observed by comparing Table 3 (Pretest Rape) and Table 4 (Posttest Rape).

While the findings may appear contradictory, the results of no relationship on the rape charge do not necessarily negate the results of a significant relationship on the murder charge. In fact, the results pertaining to the charge of rape may be the result of a colossal lack of evidence presented in the video employed by this study. In the video, the State did not conduct proper DNA testing, there were no witnesses to the alleged rape, and the initial (improper) DNA testing eliminated the defendant as a suspect; as such most jurors found a reasonable doubt concerning the rape and voted not guilty. Due to the specifics of the video used, the results relating to the rape charge do not negate the significant findings pertaining to the murder charge, but they do show the limitations of the persuasiveness of the jury foreman; when the case presented is extremely weak or extremely strong, the impact of the foreman may be minimized.

Limitations of the Study

The nature and lack of evidence presented in the video used by this study provides a significant limitation on the reliability of the findings; a deeper examination reveals other limitations directly relating to how well the findings can be extrapolated to the population of juries as a whole. Two primary limitations emerge: the first deals with the specifics of this study (sample size and time frame), and the second deals with characteristics of the participants in relation to that of the jury population as a whole. Each of these limitations will be addressed in turn and will highlight the major limitations of this study.

Due to the limited time frame in which this study was completed, specific details of the study limit how well it can be extrapolated and raise questions as to how well the variables of interest were being measured. The first study specific limitation is that the sample size is relatively small. Since only one test was conducted for each of the three variables, this study may not be accepted as valid until more testing can occur and may not extrapolate well to the population as a whole; however, this study does function well as a pilot test and establishes the need for future testing. Additionally, the limited time frame allotted for jury deliberations (30 minutes), is not reflective of typical jury deliberations which can often last hours or days depending on the circumstances of the case. This begs the question: what would happen if the time frame for deliberations was extended or unlimited? While this study employed a very limited time frame for deliberations, it yielded significant results; as such, the author speculates that future testing with extended deliberation times will render similar, maybe unanimous, results.

Since this study employed the use of convenience sampling, it falls into the same pitfall as a majority of somewhat similar studies in that it does not necessarily accurately reflect the makeup of typical juries or the population of jurors as a whole. For instance, the participants in this study were 18-22 years of age, mostly middle class, and all can be characterized by having “some college” education. This is not typical as juries tended to be comprised of middle age, low income, less educated men and women. As such the differences in age, education, life experience, etc. have the potential to differently impact how the groups in question render decisions. To illustrate this point, older less educated adults may have certain common biases or a different standard of what constitutes reasonable doubt, than younger more educated adults. As such, the degree to which the findings of this study may be extrapolated are limited by demographics of the sample, but may provide justification for future similar studies that involve less exclusive samples.

Future Implications

This study builds support for future action on the part of researchers and the legal community as whole. This study has shown that, initially, there is a significant relationship between the attitude of the

jury foreman towards the defendant in a criminal case and the post deliberation vote of mock jurors; this lends credibility to the topic being addressed and merits further investigation by future research. It is the hope of this researcher, that future studies will take into account and address the limitations of this study; specifically addressing: the unrealistic demographics of the samples, the limited deliberation time, and the relatively small sample size being studied. Future research should also examine the potential impact of the jury foreman's attitude toward the defendant/plaintiff in civil cases, as opposed to only addressing criminal cases which was a common trend in the studies reviewed and in this study.

This study also contains implications and revelations that may be of practical use to those working the legal profession; specifically trial attorneys and jury selection consultants. While most jury consultants and attorneys employ various strategies when selecting a jury in order to increase the likelihood of obtaining a verdict in their favor, the results of this study would suggest that these legal professions give specific consideration to who is most likely to emerge as the jury foreperson; since he or she is likely to have the greatest impact on swaying the opinions of other jurors. While the election of a specific individual as they jury foreman is not a certainty, studies such as Walker (1978) provide a reasonably reliable set of characteristics that the jury foreman will have to demonstrate to the other jurors in order to be elected. Once a potential foreperson is identified, the results of this study advise that both sides in a case to detail their case presentation to specifically address the needs of the jury foreperson; the rationale being that the foreperson has such a significant impact that if he or she can be convinced to vote for a particular party in the case that he or she will be able to convince the other jurors to do the same. It is important to note that while a case should be detailed to address the needs and opinions of the jury foreperson, the other jurors should be included and addressed in the case presentation as well; if not, the foreperson may lose credibility in deliberations as Read (1974) suggested, because he or she may be considered irrational or uncooperative if he or she is fighting against an almost unanimous verdict. An unlikely strong jury consensus aside, the jury foreperson is arguably the most influential member of the jury and has the greatest impact on the votes of the other jurors.

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Figure 1. Jury Deliberation Room Setup Prior to Participants Arrival.



Figure 2. Simulation of Jury Deliberation Room During the Study.



Figure 3. Simulation of Jury Deliberation Room During the Study from the Perspective of the Jury Foreperson's Seat



Figure 4. Bar graph with actual counts provided depicting change in pre- and post-deliberation votes of mock jurors on the charge of murder in the second degree, resulting from the “positive” attitude of the jury foreman towards the defendant.

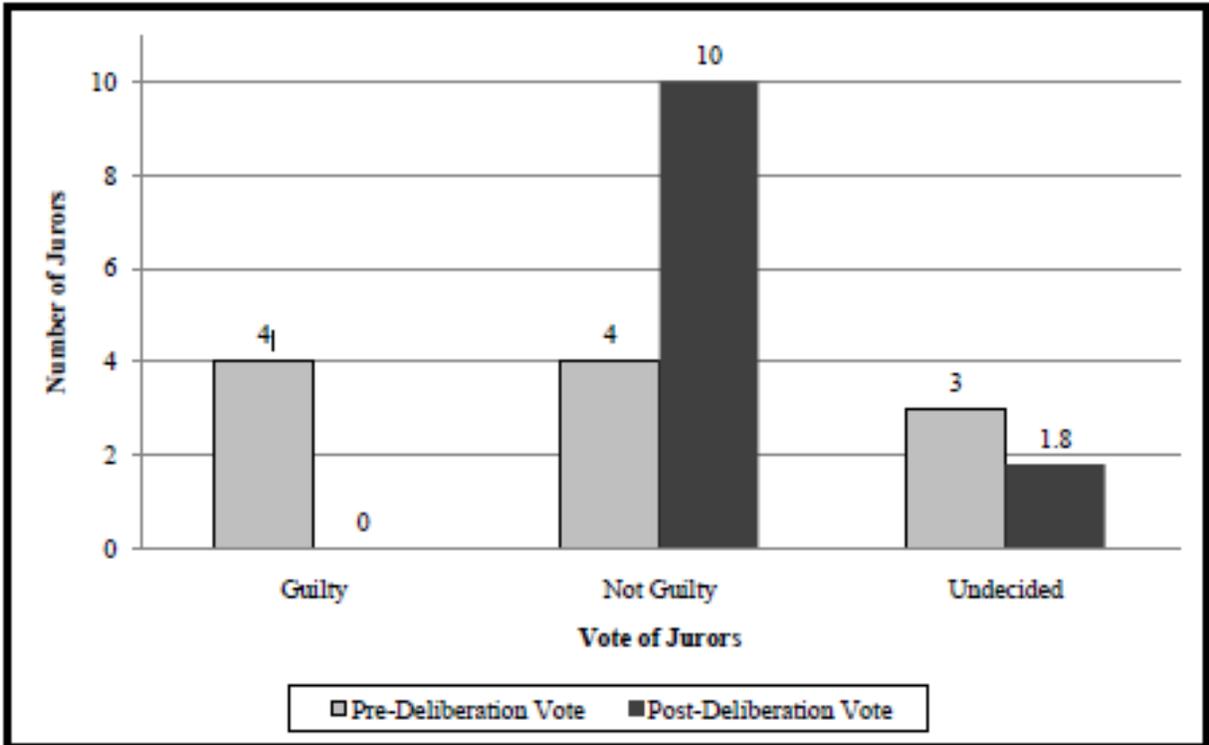


Figure 5. Bar graph with actual counts provided depicting change in pre- and post-deliberation votes of mock jurors on the charge of murder in the second degree, resulting from the “negative” attitude of the jury foreman towards the defendant.

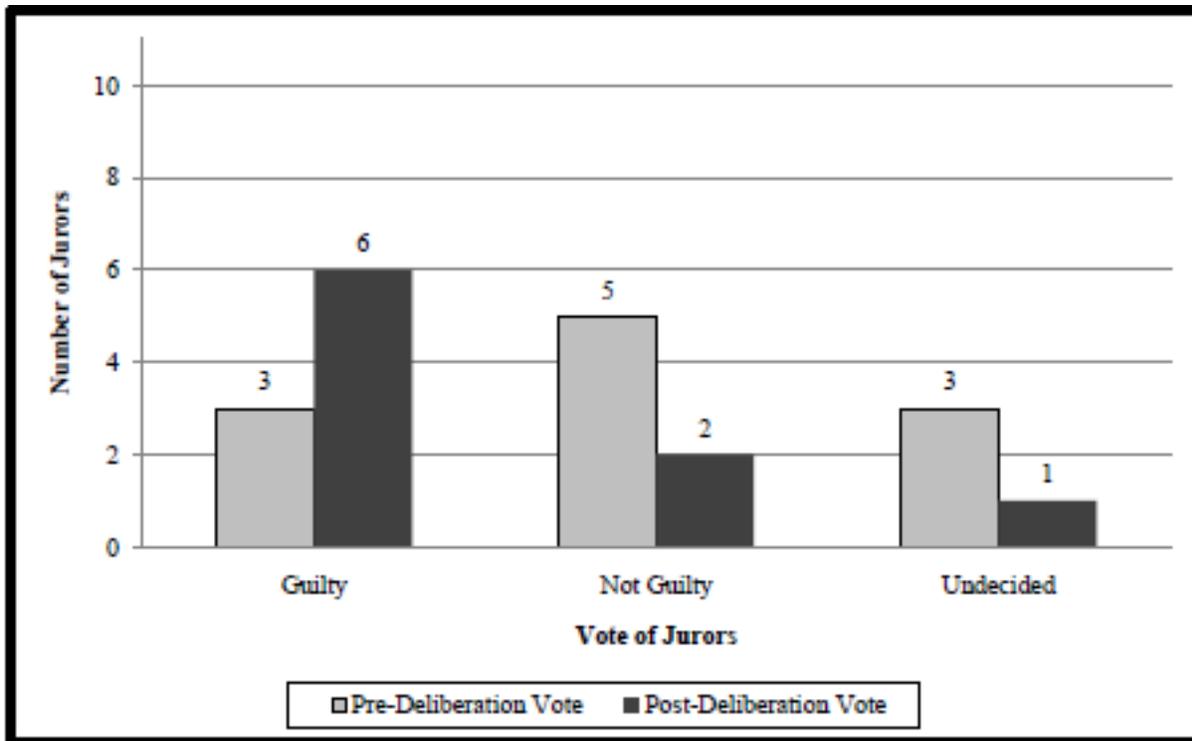


Figure 6. Bar graph with actual counts provided depicting change in pre- and post-deliberation votes of mock jurors on the charge of murder in the second degree, resulting from the “neutral” attitude of the jury foreman towards the defendant.

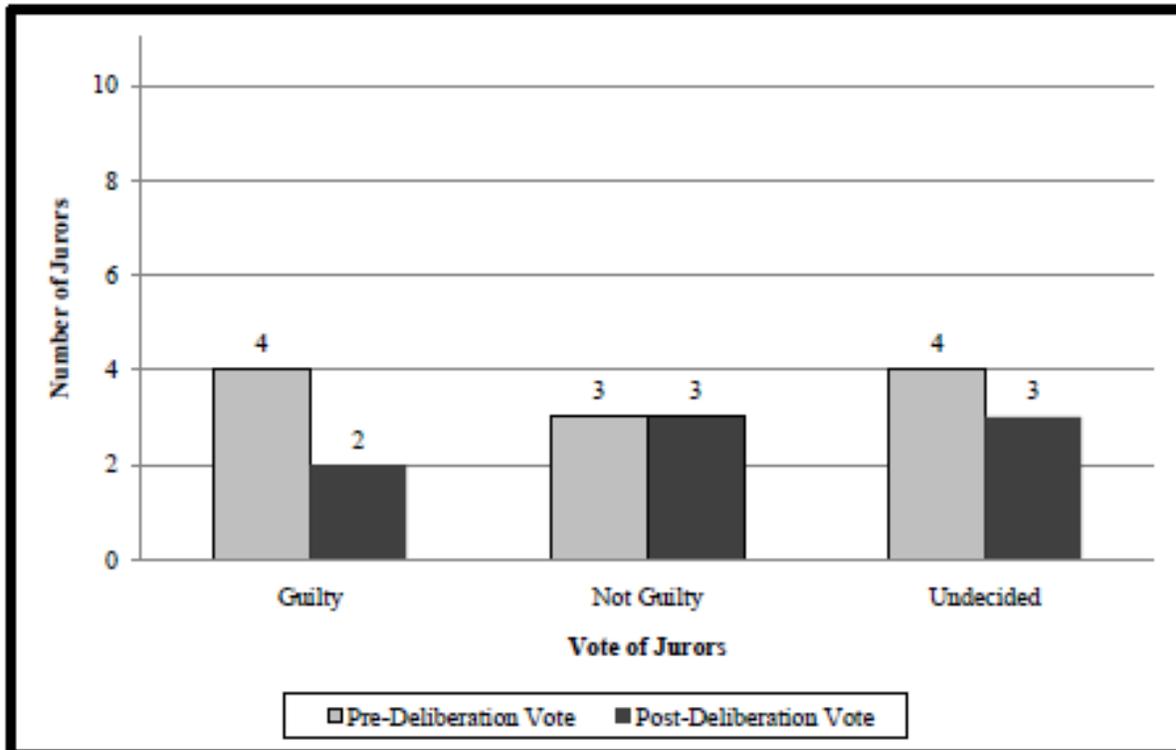


Figure 7. Pie chart with percentages provided depicting who mock jurors found as “most persuasive” during jury deliberations resulting from the “positive” attitude of the jury foreman towards the defendant.

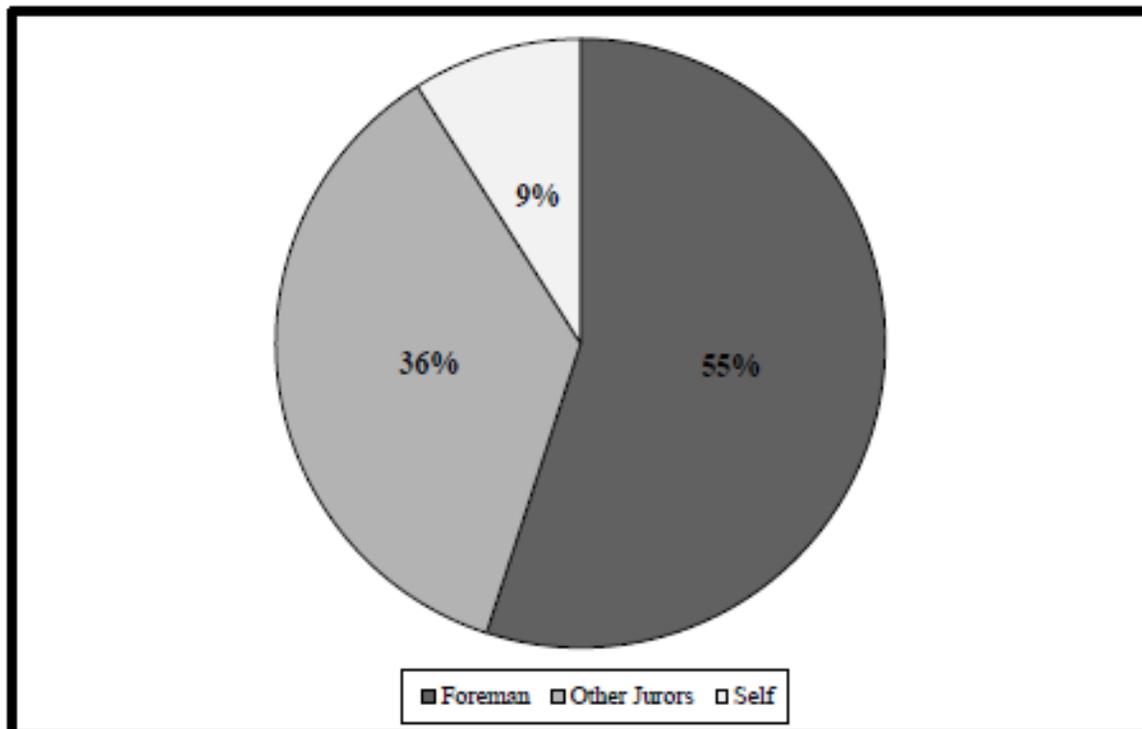


Figure 8. Pie chart with percentages provided depicting who mock jurors found as “most persuasive” during jury deliberations resulting from the “negative” attitude of the jury foreman towards the defendant.

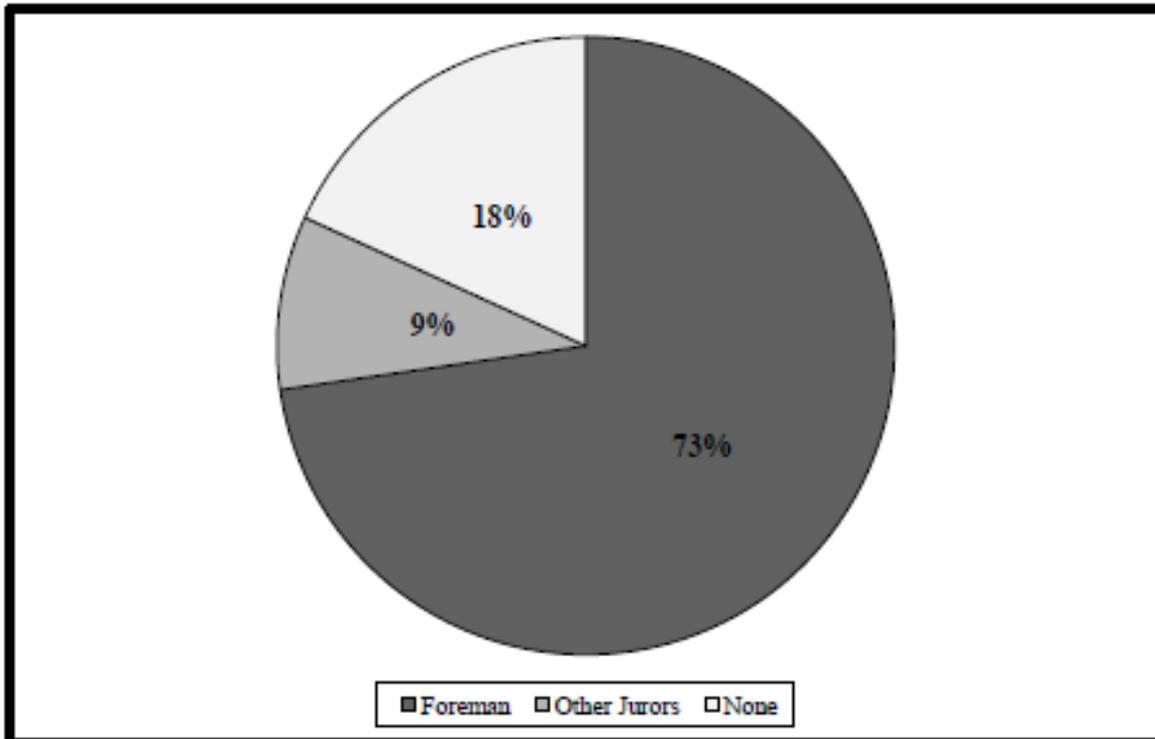
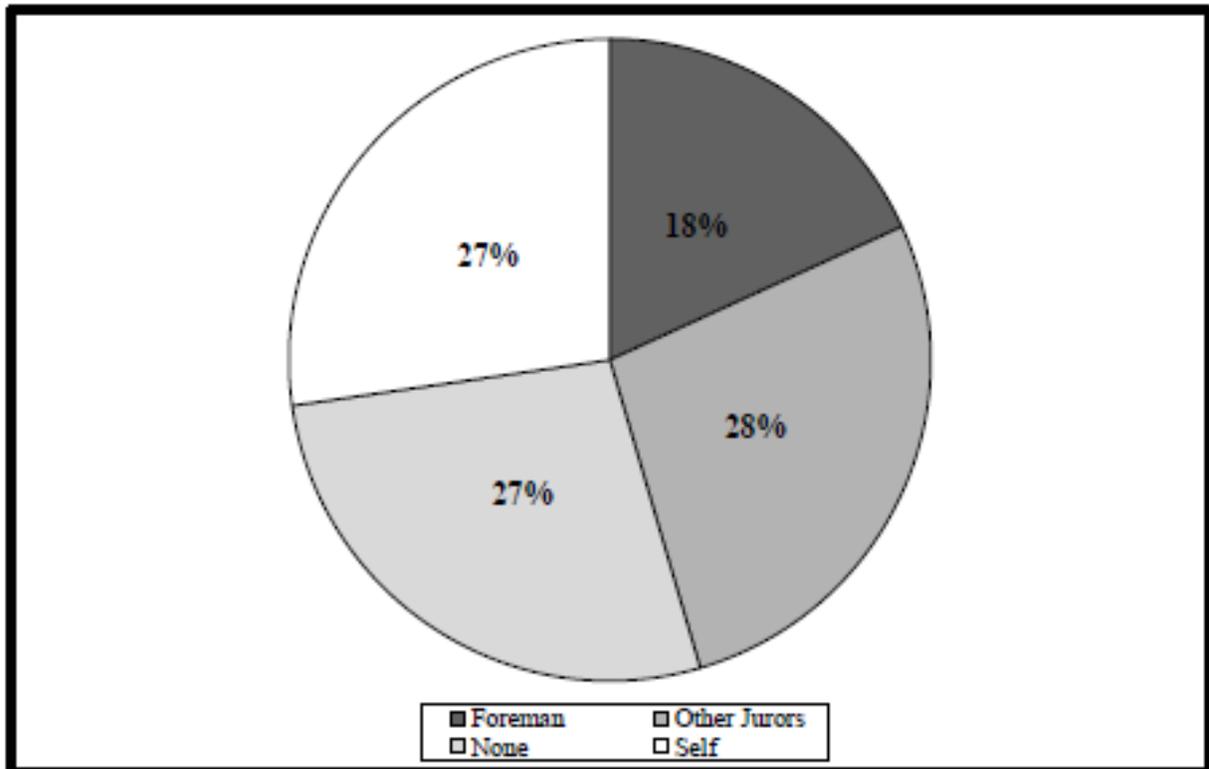


Figure 9. Pie chart with percentages provided depicting who mock jurors found as “most persuasive” during jury deliberations resulting from the “neutral” attitude of the jury foreman towards the defendant.



Appendix A

Jury Verdict Form

Subject ID Number

Vote Number (circle one): 1 2

Based on the evidence presented and deliberations, in the case of “State v. John Knight,” please indicate your beliefs about the Defendant in this case for each of the following charges (check one choice for each count).

Count 1: Rape in the 1st Degree

_____ Defendant is GUILTY

_____ Defendant is NOT GUILTY

_____ Undecided

Count 2: Murder in the 2nd Degree

_____ Defendant is GUILTY

_____ Defendant is NOT GUILTY

_____ Undecided

Appendix B

Post-Deliberation Questionnaire

 Subject ID Number

1. Please indicate your gender. (circle one) Male Female

2. Do you believe that the Defendant committed the crime of MURDER? (circle one)

Yes	No	Undecided
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3. If yes, how sure are you of his guilt on a scale of 1 to 5? Please circle one.

(Unsure)	1	2	3	4	5	(Completely Certain)
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4. Do you believe that the Defendant committed the crime of RAPE? (circle one)

Yes	No	Undecided
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5. If yes, how sure are you of his guilt on a scale of 1 to 5? (circle one)

(Unsure)	1	2	3	4	5	(Completely Certain)
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6. How accurate do you think the Defendant's testimony was? (circle one)

(Very Inaccurate)	1	2	3	4	5	(Very Accurate)
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7. How accurate do you think the State's testimony was? (circle one)

(Very Inaccurate)	1	2	3	4	5	(Very Accurate)
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8. Below is a list of six witnesses in this case. Please rank the witnesses/experts in the order that you found them most accurate (1 being most accurate and 6 being the least accurate witness).

- _____ Dr. Mark O'Conner
- _____ Detective Tim Gerber
- _____ Detective Joseph Valencia
- _____ Lisa Price
- _____ James Casatelli
- _____ John Knight

 TURN OVER 

9. How well do you think the prosecuting attorney made his case against the Defendant?

(Very Poorly) 1 2 3 4 5 (Very Well)

10. How well do you think the Defendant was represented by his attorney? (circle one)

(Very Poorly) 1 2 3 4 5 (Very Well)

11. Do you feel you have heard enough of this case to make a fair and accurate decision?

(Circle one) Yes No

12. If your answer to No. 10 is "No," please indicate what other information you feel you should have had.

13. If your pre- and post- deliberation votes were different, what is/are the reason(s) you changed your vote?

14. Were jury deliberations helpful in deciding your final vote? (Circle one) Yes No

15. Who was most persuasive during jury deliberations? (Circle one)

Jury foreman Other jurors Self None Other: _____

16. If you have any further comments, please note them in the following space provided:

