

Seeing Is Believing:
The Impact of Jury Service on Attitudes toward Legal Institutions
and the Implications for International Jury Reform

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Abstract

Improving our understanding of the jury's impact is vital, as many nations may choose to adopt or reject the jury based partly on beliefs about how jury service shapes the civic beliefs and actions of citizen-jurors. Based on a review of previous research on juries, we hypothesized that jury service promotes public support for the larger legal process. These hypotheses were tested using a longitudinal survey of jurors from a large county in the western U.S. Results showed persistent, long-term attitude change flowing from juror service. Jurors were more confident in the jury system, perceived the criminal jury to be fairer, and indicated a greater confidence in state and local court judges than did those who had not served on juries. Moreover, effect size analysis showed that a few days of jury service can produce attitude changes comparable in effect size to those yielded by a full-throttle national Presidential campaign. These findings have tremendous significance for nations like Japan, South Korea, and Mexico, which are considering implementing juries. Our findings suggest that the reforms they implement could bolster public faith and confidence in the legal system itself.

The United States jury system is unique in the world in the frequency of its use and its symbolic significance as a democratic institution.¹ As Vidmar writes, the American jury “remains a strong and vibrant institution even as it suffers criticism and calls for reform.”² If the jury is “the lamp that shows that freedom lives,”³ it is ironic that so little is known about what impact the jury system as a democratic institution has on the citizenry who serve as jurors.

Improving our understanding of the jury’s impact is vital, as many nations may choose to adopt or reject the jury based partly on beliefs about how jury service shapes the civic beliefs and actions of citizen-jurors. In particular, Anderson and Nolan point out that the proponents of Japan’s new “quasi-jury” system marshaled two arguments in favor of greater public participation in the Japanese legal system—better and equitable legal outcomes⁴ and “the belief that it promotes a more democratic society.”⁵

Do juries, in fact, have such impacts? One theoretical justification for believing juries can help to sustain democracy comes from the work of small group communication scholar Ernest Bormann.⁶ His Symbolic Convergence Theory has helped to demonstrate that repeated, salient

¹ Hans, V. P., & Vidmar, N. (1986). *Judging the jury*. New York: Plenum.

² Vidmar, H. (2000). A historical and comparative perspective on the common law jury. In H. Vidmar (Ed.), *World Jury Systems* (pp. 1-52). New York: Oxford University Press at 7.

³ Devlin, Patrick. (1956). *Trial by Jury*. London: Stevens at 164

⁴ Given the fact that 99.9% of all indicted cases result in automatic convictions in Japan, the introduction of the lay participatory system in law is considered to inject the checks-and-balances mechanism into Japan’s bureaucratic criminal justice system. See J. Mark Ramseyer & Eric B. Rasmusen, “Why is the Japanese conviction rate so high?” *30 Journal of Legal Studies*, 53 (2001) (“Conviction rates in Japan exceed 99 percent”). If ordinary citizens are sufficiently unhappy with the government’s case or evidence presented, they can vote against defendants’ convictions.

⁵ Anderson, K., & Nolan, M. (2004). Lay participation in the Japanese justice system: A few preliminary thoughts regarding the lay assessor system (saiban-in seido) from domestic and historical and international psychological perspectives. *Vanderbilt Journal of Transnational Law*, 37 at 943.

⁶ Bormann, E. G. (1996). Symbolic convergence theory and communication in group decision making. In R. Y. Hirokawa, & M. S. Poole, *Communication and group decision-making* (2nd ed., Vol. pp. 81-113). Beverly Hills: Sage.

cultural practices can establish habitual ways of communicating in groups. In this way, successions of public and educational group meetings, along with instruction about proper group behavior, have built the “public discussion model” that predominates in the United States. This model has shaped for nearly a century how people talk and think about group problem solving in the U.S.

In a similar way, the cultural-institutional legacy of jury service may be public confidence in jury deliberation itself, as well as in the judges who oversee the process. Thus, we theorize that jury service promotes public support for the larger legal process in which citizens participate as jurors. If true, this finding would have tremendous significance for other nations, like Japan, South Korea, and Mexico, which are considering implementing juries because the reforms they implement could be expected to bolster public faith and confidence in the legal system itself.⁷

We begin this essay by explaining offering a more complete justification for our project. In doing so, we explain why legal scholars and reformers should take note of the attitudinal impact of jury service. Next, we elaborate the theoretical justification for predicting attitudinal changes resulting from jury service, and we review past research that bears on this question. After stating specific hypotheses, we test our claims using a longitudinal survey of jurors from a

⁷ Hiroshi Fukurai, “The rebirth of Japan’s petit quasi-jury and grand jury systems: Cross-national analysis of legal consciousness and lay participatory experience in Japan and the U.S.,” *Cornell International Law Journal* (2007), accepted for publication (Japan introduces the quasi-jury system in 2009); Robert Kossick, “The rule of law and development in Mexico,” *21 Arizona Journal of International & Comparative Law* 715, 785, note 238 (Mexico’s Supreme Court of Justice of Nation (Suprema Courte de Justicia de la Nacion, hereinafter SCJN) proposed the re-institution of jury trials in Mexico); Annie I. Bang, “Nation divided over how to reform court; Chief justice urges judges to rely less on prosecution’s pretrial depositions,” *Korean Herald*, January 19 2007 (“the government’s judicial reform proposal also comprise elements of the U.S. jury system for some criminal cases, by 2012, to promote public participation in the judicial process”).

large county in the western U.S. After reviewing the results, we discuss their implications for jury reform in the Asia and elsewhere.

The Importance of Juror Attitude Change

It is important to know about the impact of juror service on jurors' attitudes for four reasons. First, in jurisdictions such as the U.S., where jurors are relatively free to discuss their experience as jurors, as the jurors in the Michael Jackson child molestation trial promptly did following verdict,⁸ it is likely that many comments about the specific and general impact of jury service will be readily expressed in the post-trial media and their opinions will carry both symbolic and educational meanings about the importance of jury service and civic responsibilities.

Second, in many jurisdictions that tolerate a reasonably wide range of exemptions from jury service, many jurors become repeat players in the system, and their legal and political attitudes may be shaped by repeated experience of jury service. Given the fact that nearly one million Americans participate in jury trials annually,⁹ there are large number of repeated jury players, influencing their sense of civic responsibility, governmental legitimacy, and interest in future civic participation.¹⁰

⁸ See CNN, "Jackson jurors: Evidence 'just wasn't there': Pop star acquitted of all charges in molestation case" (2005), available at <http://www.cnn.com/2005/LAW/06/14/jackson.trial/index.html>. See also "With books for sale, Jackson jurors say they regret verdict; Defense lawyer scoffs at claims," Grand Rapids Press, Nation/World, pg. A4, August 9 2005.

⁹ "Law day – May 1, 2005: Videotaped remarks by Chief Justice Deborah T. Poritz," (last visited on April 20, 2007) at <http://www.judiciary.state.nj.us/lawday/lawday-cj05.pdf> ("Nearly one million Americans serve on juries each year").

¹⁰ Hiroshi Fukurai, "What brings people to the courtroom? Comparative analysis of people's willingness to serve as jurors in Japan and the U.S.," a paper presented at the 2007 Pacific Sociological Association conference in Oakland, CA on March 31, 2007.

A third important reason for measuring distal effects of jury service is that, like personal interactions with the police, jury service offers a potentially positive experience of first-hand, engaging, and personal experience of the legal system. Measuring the impact of this experience on a wide range of beliefs and attitudes will give a more sensitive indication of public confidence in the courts, the judiciary, and political system than may any generic opinion poll.

Finally, an Australian Jury Commissioner who manages jury trials in the State of Victoria are instructive has pointed out that even reluctant jurors can become the court's strongest "ambassadors" for the political system.¹¹ For example, in an Australian study of juror's reaction to prejudicial trial publicity, real jurors expressed disdain for ill-informed comments made by media representatives who were not involved as decision-makers in the trial.¹² This form of ownership over the integrity of the trial process translated not only into a willingness for jurors to defend the trial system, but for them being relatively immune from the negative effects of prejudicial publicity. Further research by Benesh and Howell¹³ compared the perceived confidence in the courts of jurors and defendants, suggesting that it is not so much an acquired ownership of the court process that increases institutional confidence, but that it is the low stakes nature of the experience of jurors in addition to some level of control over the experience that increases jurors' confidence in jury trials in lower courts. Social commentators, policy-makers, and political strategists alike should be interested in knowing more about how and why we create and release ambassadors with such pride in the legal system, and the political system that supports it, following a period of jury service.

11 Monteleone, R. (2007). Jurors as the courts' ambassadors to the community. Paper presented to the Confidence in the Courts conference hosted by the National Judicial College of Australia, the ANU College of Law, the National Institute of Social Sciences and Law, Canberra, 9-11

12 Chesterman, M., Chan, J. & Hampton, S. (2001). *Managing Prejudicial Publicity: An Empirical Study of Criminal Jury Trials in New South Wales*. Sydney: Law and Justice Foundation of New South Wales.

13 Benesh, S. C. & Howell, S. E. (2001). Confidence in the courts: A comparison of users and non-users. *Behavioral Sciences and the Law*, 19(2), 199-214.

Theorizing the Attitudinal Impact of Jury Service

It can not be taken for granted, however, that jury service has a *positive* impact on attitudes towards the legal system. After all, the mock jury literature and many anecdotal reports from real jurors highlight both positive *and negative* consequences of jury service.¹⁴ The negative stories range from juror complaints about their treatment, to empirical measurements of jurors' poor understanding of judicial instructions,¹⁵ to the need for therapists to counsel jurors who suffer negative clinical conditions such as depression and post-traumatic stress disorder following participation in jury trials.¹⁶ As if the need for post-juror service counseling was not concerning enough, some mock trial research highlights a link between gruesome evidence and conviction-prone juries, even when exculpatory evidence is held constant across gruesome versus non-gruesome evidence conditions in mock trials.¹⁷

Evidence from Japan

There is not yet direct evidence of jury service having the positive attitudinal effects on individual jurors' views of courts and other public institutions, but there is indirect evidence to that effect. As mentioned above, the socio-political climate surrounding the re-introduction of a criminal jury to Japan has been rich with opinion polls, mock trials, and concerns over the impact of the jury system on jurors. Preliminary mock trial research in Japan suggests that willingness to be involved in the Japanese jury system may increase *after* jury service, begging the question of

¹⁴ Malcolm Knox, *Secrets of the Jury Room: Inside the Black Box of Criminal Justice in Australia (2005)*.

¹⁵ Ogloff, J. R. P. & Rose, V. G. (2005) The Comprehension of Judicial Instructions. In N. Brewer & K. D. Williams (Eds.), *Psychology and law: An empirical perspective*. New York: Guilford Press.

¹⁶ Feldmann, T. B., & Bell, R. A. (1993). Juror Stress: Identification and intervention. *Bulletin of the American Academy of Psychiatry and the Law*, 21(4), 409-417.

¹⁷ Bright, D. A. & Goodman-Delahunty, J. (2004). The influence of gruesome verbal evidence on mock juror verdicts. *Psychology, Psychiatry and Law*, 11(1), 154-166. **See also** Kassin S. M. & Garfield, D. A. (1991). Blood and guts: General and Trial Specific effects of videotaped crime scenes on mock jurors. *Journal of Applied Social Psychology*, 21, 1456-1472.

whether this, in turn, may have wider-ranging attitudinal effects and social belief change of the type anticipated by the architects of the new Japanese jury.¹⁸

Other research conducted in Japan has also produced evidence of how lay participation in the justice system can increase public faith and confidence in the entire legal system. Japan's Prosecutorial Review Commission (PRC) system is similar to that of America's civil grand jury, in that it examines the functioning of local public offices including the District Attorney's office. A PRC commission is comprised of eleven citizens randomly selected from an electoral register, is appointed to a six month term, and has the power to review whether or not the disposition of non-prosecution made by public prosecutors is appropriate.¹⁹

From September to December 2005, 11 prefectural offices of the Japanese Prosecutorial Review Commission Society were contacted and their members were asked to fill out additional questionnaires (23% of 47 PRC prefectural offices in Japan). The study found that PRC members were more willing to serve on quasi-juries, less concerned about obstacles in serving on juries, and had more confidence in the system of popular legal participation, including Japan's new quasi-jury system, which begins in 2009. Further, the civic legal experience helped develop greater confidence in lay citizens' capacity to make a fair and just decision and they are less concerned about a threat of possible retaliation from defendants in criminal trials. Almost all of

18 Fujita, M. (2003) Can Japanese citizens play active roles in 'saiban-in seido': Survey research with Mock Mixed Juries. Poster presented at the Psychology and Law International, Interdisciplinary Conference, Edinburgh (July 7-12, 2003); Anderson & Nolan, *op cit*; Fukurai, Hiroshi, Kaoru Kurosawa, and Satoru Shinomiya. (2006). "Comparative Analysis of Civic Legal Participation in Japan and the U.S.," a paper presented at the 2006 Law and Society Association Meeting in Baltimore, MD, July 7, 2006.

¹⁹ The law for the Prosecutorial Review Commission was originally created in 1948 during the Allied Occupation of Japan that followed World War II. Because of the allied influence, the PRC became a hybrid institution resulting from the adaptation of the American civil and criminal grand jury systems into the Japanese cultural and legal context. After group deliberations on each case, the commission submits one of the following three recommendations: (1) non-indictment is proper, (2) non-indictment is improper, and (3) indictment is proper. A majority vote is needed for the first two options, while the special majority with at least eight votes is needed for the third option. See Fukurai, *supra* note 1.

the PRC members indicated that their PRC experience was positive (99%) and the great majority of them indicated that they were willing to serve again (94%). PRC members showed a high level of confidence in the system of government and justice administration, including criminal justice managers such as judges, prosecutors, defense attorneys, the police, and jurors. However, the study also found that the importance of quasi-jury duty has not been widely advocated, and the system of civilian legal participation including the PRC still remained relatively unknown in Japanese communities.²⁰

Evidence from the U.S.

In addition, a pair of studies have examined how jury service is linked to voting in the U.S. The initial study looked at a single locale—Thurston County, Washington.²¹ Gastil, Deess, and Weiser collected court and voting records for a period of years and merged them by matching jurors' full names with unique matching records in the voter database. This study found, after controlling for other trial features and past voting frequency, that citizens who served on a criminal jury that reached a verdict were more likely to vote in subsequent elections than were those jurors who deadlocked, were dismissed during trial, or served as alternates. The effect was augmented by the number of charges against the defendant, with trials including more charges yielding greater increases in jurors' voting rates.

An extensive follow-up of jurors from jurisdictions across the United States yielded two related findings.²² First, in-depth interviews with a small sample of jurors revealed that citizens

²⁰ Hiroshi Fukurai, Kaoru Kurosawa, & Satoru Shinomiya, "Comparative analysis of civic legal participation in Japan and the U.S.," a paper presented at the Law & Society Association Meeting in Baltimore, Maryland on July 7, 2006.

²¹ Gastil, J., Deess, E. P., & Weiser, P. J. (2002). Civic awakening in the jury room: A test of the connection between jury deliberation and political participation. *Journal of Politics*, 64, 585-595.

²² Gastil, J., Deess, E. P., Weiser, P., & Larner, J. (2005). Jury service and electoral participation: A strong test of the participation hypothesis. Unpublished manuscript, University of Washington, Seattle, WA.

typically recognize jury service as a basic civic duty, and two-thirds, without further prompting, compared it to voting. In other words, jurors drew a cognitive connection between jury service and voting. Second, another dataset gathered from Colorado, Louisiana, Nebraska, North Carolina, Ohio, and Washington²³ found the similar pattern of increasing voting rates, except that this larger dataset revealed that the critical distinction was between those who deliberated (*including* hung juries) and those who did not. Once again, the number of criminal charges against the defendant had an additional, significant effect on post-service voting rates. This analysis also found that the increased voting effects were apparent only for previously infrequent voters (voting less than 50% of the time) who served on criminal trials. Frequent voters and all of those who served on civil juries did not have a significant increase in voting after deliberative experience in jury trials.

Hypotheses and Research Design

Based on findings such as these, we believe it is likely that popular legal participation can significantly alter individual jurors' perceptions of the jury system, as well as of other courts and judges, or even perhaps other branches of government. We can test these hypotheses by interviewing jurors before and several months after serving on fully empanelled juries to see if their attitudes and opinions changed. By way of comparison, we will also collect data on persons who report for jury service but never sit on a jury, as well as a control group of voters drawn from the same jurisdiction who are not summoned to jury service. Using this longitudinal panel design, we can better assess the causal relationships that we hypothesize.²⁴

²³ Ibid.

²⁴ Finkel, Steven E. (1995). *Causal Analysis With Panel Data*. Thousand Oaks, CA: Sage.

Using regression analysis, we will test the hypothesis that serving on a jury (versus reporting for service but not being seated on a jury) predicts post-service attitudes even after controlling for a wide range of demographics and background variables, along with the corresponding pre-jury service attitudes. By contrast, we expect no significant difference between the un-summoned control group and those who reported for jury service but who were not seated in the jury box.

We also hypothesize that the effect of jury service including jurors' deliberative experience is strongest the first time one serves on a jury. Thus, after conducting our main analyses, we will split the sample to test whether the effects of jury service are consistent for both first-time and veteran jurors.

Methodology

Study Participants

To test these hypotheses, we drew three samples drawn from King County, Washington: persons called to jury service who ultimately served on juries ($N = 1,088$), persons who answered the jury summons but were not placed on juries, hereafter called "non-jurors" ($N = 1,579$), and a random-sample comparison group of registered voters who were not called for jury service, hereafter called simply "voters" ($N = 205$). All jurors reported for jury service at the King County Courthouse, the Kent Regional Justice Center, and the Seattle Municipal Court. Seventy nine percent of these jurors served on criminal trials, ranging from murder to misdemeanors, with the remainder sitting in an equally diverse set of civil trials.

Data Collection

The surveys used in this study were conducted at two points in time. The Wave 1 juror survey was administered via pen-and-paper surveys during the initial jury orientation period

(February to July, 2004), prior to being called to a courtroom for jury service. This Wave 1 juror survey yielded a response rate of 78% (with a cooperation rate of approximately 81%, as 4% of those reporting to service were sent to courtrooms before research staff could administer the survey). All empanelled jurors (and a subsample of those reporting but never empanelled) were then re-contacted online and by mail to complete Wave 2 from November to December, 2004 (response rate = 73%).

The voter group followed a parallel schedule for the two data collection periods but was assembled in a different manner. A random sample of registered voters was extracted from a January 2004 copy of the King County voter database, and these individuals received their surveys by mail. The response rate for Wave 1 was 20% ($N = 270$), with 79% of the Wave 1 respondents also completing the Wave 2 survey ($N = 205$). To augment the Wave 2 control group, a replacement sample was also drawn from the same voter database, and it had a response rate of 20% ($N = 134$).

Measures and Analytic Procedures

The Wave 1 survey included six items measuring attitudes toward the jury, judges, and other public institutions. (Complete item wording is provided in the Appendix.) Additional items measured previous experience with jury service and a broad range of control variables (sex, age, education, employment, political knowledge, etc.). The Wave 2 survey repeated the attitude items and also measured partisanship, a variable the King County judges were reluctant to measure immediately prior to jury service.

For the main regression analyses, respondents were divided into three groups and given dummy codings.²⁵ The codings made those who were summoned to jury service but did not sit

²⁵ Cohen, Jacob, Patricia Cohen, Stephen G. West, and Leona S. Aiken. (2003). *Applied Multiple Regression/Correlation Analysis for the*

on a jury the “reference group.” This means that the two regression coefficients referencing this key variable will measure two effects: GroupJuror will estimate differences in attitude change between jurors and non-jurors, whereas GroupVoter will measure differences in attitude change between the control group of registered voters and non-jurors. The choice of reference group is somewhat arbitrary, but the reasoning for this arrangement was to highlight the juror versus non-juror contrast, with a secondary test of whether the non-jurors were different from the control group.

The Wave 1 and Wave 2 measures were spaced a minimum of four months apart to ensure that we captured *long-term* attitude changes, as opposed to those that might fade a few days or weeks after jury service. Also, because jurors were recruited for this study over a period of five months, there was considerable variance in lag time between Wave 1 and Wave 2 surveys across participants (measured in days, $M = 221$, $SD = 47$). This permitted testing for a potential lag effect—with attitude changes either weakening or strengthening over time. For this purpose, the same regression equations shown below were also run with this lag measure entered as a main effect and an interactive term with jury service, but neither produced significant coefficients. In other words, the results shown below were consistent regardless of the number of months that elapsed between the completion of one’s jury service and the follow-up survey.

Results

Main Analyses

When assessing longitudinal attitude change with panel data, one approach is to treat the Wave 2 measure as the dependent variable and use the Wave 1 measure as a control.²⁶ Using this approach, a comparable regression equation was calculated for each of the five Wave 1-2 attitude

Behavioral Sciences, 3rd Edition. Hillsdale, NJ: Lawrence Erlbaum. at 312-17.

²⁶ Finkel, op cit.

measures, with each equation estimating the effect of jury service on a Wave 2 attitude after controlling for the Wave 1 attitude, plus the full set of control variables in the dataset.

Tables 1-2 show the results of the six regression equations, and it is easier to summarize and interpret these results when reading them all together. Note that each table shows not only unstandardized coefficients and standard deviations but also *semi-partial correlations*.²⁷ A semi-partial (*sr*) is a measure of effect size that has properties similar to a zero-order Pearson correlation, except that it reflects the unique relationship between variables after controlling for shared variance with a set of control measures.

First, the key variables were the two dummy codes that contrasted non-jurors with jurors and unsummoned voters. Across the six equations, the non-juror versus voter contrast never reached significance, suggesting that over the period of the study, there was no statistically significant difference in attitude change between non-jurors and voters. In other words, there was no evidence that reporting for jury service without sitting on a jury changed attitudes beyond any shifts that occurred in the general voting population during the same period.

By contrast, there were significant differences in attitude changes between jurors and non-jurors for three of the six attitude measures. Relative to non-jurors, jurors became more confident in the jury system ($sr = .083$), perceived greater criminal jury fairness ($sr = .036$), and developed more confidence in state and local judges ($sr = .055$). They did not, however, differ from non-jurors on the regression equations for perceived quality of the civil jury or confidence in the U.S. Supreme Court or U.S. Congress.

²⁷ Cohen et al., *op cit*.

Table 1

Predictors of Change in Overall Confidence in Jury System, Trust in the Criminal Jury, and Trust in the Civil Jury

Predictor Variable	Wave 2 Attitude Measure					
	Overall Confidence in Jury System		Perceived Fairness of Criminal Jury		Perceived Quality of the Civil Jury	
	B (SE)	sr	B (SE)	sr	B (SE)	sr
<i>Key Contrasts</i>						
Juror Group	.133 (.028)	.083**	.061 (.029)	.036*	.019 (.031)	.011
Voter Group	-.006 (.043)	-.003	.004 (.044)	.002	-.022 (.047)	-.008
<i>Control Variables</i>						
Wave 1 Attitude ⁺	.443 (.018)	.421**	.485 (.018)	.459**	.398 (.019)	.373
Age	-.003 (.001)	-.043*	.000 (.001)	-.006	-.001 (.001)	-.019
Education	-.013 (.009)	-.025	-.008 (.009)	-.016	-.026 (.010)	-.048**
Female	.008 (.028)	.005	-.021 (.029)	-.012	.077 (.031)	.044*
White	.097 (.043)	.039*	-.003 (.044)	-.001	.054 (.048)	.020
Employ: Full-Time	-.046 (.034)	-.023	-.007 (.035)	-.003	-.037 (.038)	-.017
Employ: Retired	.008 (.051)	.003	.013 (.052)	.004	.046 (.056)	.015
Pol. Knowledge	.024 (.011)	.038*	.015 (.011)	.023	-.009 (.012)	-.013
Conservative	-.008 (.009)	-.017	.014 (.009)	.027	-.028 (.010)	-.052**
Constant	2.02 (.112)	--	1.89 (.116)	--	--	--
Total R	.447**		.478**		.397**	
Adjusted R ²	.196		.225		.154	
N	2,668		2,720		2,717	

Notes. * indicates $p < .05$, ** $p < .01$.

⁺ refers to the corresponding Wave 1 attitude for each of the three equations.

Table 2

Predictors of Change in Confidence in Jury System, Trust in the Criminal Jury, and Trust in the Civil Jury

Predictor Variable	Wave 2 Confidence Measure					
	State and Local Judges		U.S. Supreme Court		U.S. Congress	
	B (SE)	sr	B (SE)	sr	B (SE)	sr
<i>Key Contrasts</i>						
Juror Group	.094 (.029)	.055**	.026 (.031)	.013	.034 (.029)	.018
Voter Group	.004 (.045)	.002	.033 (.047)	.011	.032 (.045)	.011
<i>Control Variables</i>						
Wave 1 Attitude ⁺	.464 (.020)	.398**	.554 (.016)	.549**	.461 (.016)	.455**
Age	-.005 (.001)	-.071	-.005 (.001)	-.063**	-.007 (.001)	-.089**
Education	.035 (.009)	.066	.048 (.010)	.079**	-.005 (.009)	.008
Female	-.008 (.029)	-.005	.003 (.031)	.002	.135 (.030)	.073**
White	.081 (.045)	.030	.042 (.048)	.014	-.119 (.046)	-.042**
Employ: Full-Time	-.021 (.036)	-.010	.081 (.038)	.034	.029 (.036)	.013
Employ: Retired	-.022 (.052)	-.007	.040 (.056)	.011	.101 (.053)	.031
Pol. Knowledge	.001 (.011)	.001	.013 (.012)	.017	-.009 (.012)	-.012
Conservative	-.087 (.009)	-.161	.027 (.009)	.044**	.095 (.009)	.166**
Constant	2.03 (.121)	--	1.28 (.118)	--		--
Total R	.502**		.582**		.552**	
Adjusted R ²	.249		.335		.302	
N	2,665		2,678		2,678	

Notes. * indicates $p < .05$, ** $p < .01$.

⁺ refers to the corresponding Wave 1 attitude for each of the three equations.

Partisanship and Attitude Change

Though the correlations of controls with the attitude measures were not the central focus of this study, it is useful to notice one particular set of findings. The same three attitude measures on which jury service failed to yield changes were the only ones on which the Conservative ideological measure had a significant independent effect. Relative to their more liberal/Democratic peers, Conservative/GOP respondents lost some confidence in the quality of civil juries ($sr = -.052$) but gained confidence in the U.S. Supreme Court ($sr = .044$) and U.S. Congress ($sr = .166$).

To observers of American politics, these findings are no surprise, as this study coincided with the 2004 election year, in which the conservative Republican Party sought to keep control of Congress and the Presidency, as well as solidify its influence over the U.S. Supreme Court. At the same time, Republicans continued an ongoing campaign to plead for “tort reform,” claiming that civil lawyers and juries alike were unfriendly to business.²⁸

The Moderating Effect of Prior Jury Service

Finally, we investigated the possibility that the attitude changes demonstrated in Tables 1 and 2 occurred only (or more strongly) for those persons serving on a jury for the first time. To test this hypothesis, we split the sample into two halves—one group having sat on one or more juries in the past (a.k.a. “veterans”) and the other being assigned to a jury for the first time during their present appearance at the courthouse. The same six regression equations were then run for each of the two samples.

Rather than reviewing the full detail of these equations, Table 3 shows the key semi-partial correlations—those between the Juror dummy code and each Wave 2 attitude. As before,

²⁸ Stone, Peter H. (2003). Trial lawyers on trial. *National Journal* 35, 2250-2255. For a contrary view of the evidence, see Valerie Hans, *Business on Trial: The Civil Jury and Corporate Responsibility* (2000).

these correlations partial out the associations with the corresponding Wave 1 attitudes and the full set of other control variables. The change in overall confidence in the jury system is roughly equivalent for first-time jurors ($sr = .86$) versus veterans ($sr = .72$). The other two associations, however, were stronger for first-time jurors ($sr = .44$ for perceived fairness of criminal jury, $sr = .75$ for confidence in state and local judges); the corresponding correlations for veterans failed to reach significance. In sum, the results supported the hypothesis by showing that first-time jurors experience greater attitude change as a result of their service relative to veteran jurors.

Discussion

The reported effects are evidence of persistent, long-term (greater than four months) attitude change flowing from juror service. Jurors were more confident in the jury system, perceived the criminal jury to be fairer, and indicated a greater confidence in state and local court judges than did those who had not served on juries. There was no attitudinal difference between non-jurors (those who attended court but who were not empanelled and did not sit as jurors in trials) and a control sample of respondents selected from the voter rolls and never summoned to a court for juror orientation and/or service. There were some intriguing, and perhaps explicable effects of political partisanship, but these secondary findings are not the main message we believe exists in these data. Instead, more evidence is provided that jury service has a distal effect on confidence in the jury system, the criminal jury trial, and state and local judges. The latter two attitudes are strengthened, especially among first-time jurors.

It is worth adding a note about the *size* of the effects observed. All of the effects reported herein are “small” ones,²⁹ and one might ask whether these attitudinal changes though detectable, may ever lead to widespread societal impact. First of all, as a matter of principle, it is

²⁹ Effect size terminology conventions come from Cohen, Jacob. (1988). *Statistical Power Analysis for the Behavioral Sciences*, 2nd Edition. Hillsdale, NJ: Lawrence Erlbaum.

important to remember that small statistical effect sizes can be illusory, in that they may still reflect considerable cognitive and behavioral change. This case may meet Prentice and Miller's criteria for a small effect being impressive,³⁰ in that the relatively brief experience of jury service on a single case still managed to create long-term change in relatively stable attitudes about all juries and judges. In technical terms, a small manipulation of the independent variable caused substantial change in a difficult-to-influence dependent variable.

Table 3
Comparison of Key Semi-Partial Correlations with All Attitude Measures, Broken Down by Prior Jury Experience

Dependent variable	Reached a verdict one or more times before	
	No prior experience	
Overall Confidence in Jury System	.086**	.072*
Perceived Fairness of Criminal Jury	.044*	.016
Perceived Quality of the Civil Jury	.026	-.022
Confidence in State and Local Judges	.075**	.014
Confidence in U.S. Supreme Court	.009	.021
Confidence in U.S. Congress	.024	.009
Minimum <i>N</i>	1,783	882

Notes. * indicates $p < .05$, ** $p < .01$. Semi-partial correlations shown are from equations identical to those shown in Tables 1-2, except with the sample split between those respondents with no prior experience and those with prior experience.

³⁰ Prentice, Deborah A., and Dale T. Miller. (1992). When Small Effects Are Impressive. *Psychological Bulletin*, 112:160-164.

Second, it appears that a few days of jury service can produce attitude changes *comparable in effect size to those yielded by a full-throttle national Presidential campaign*. The results of this study suggest that the jury experience may be unable to generate such changes when the attitude-object is also the focus of intense partisan debate, but the fact remains that jury service's effect on overall confidence in the jury, trust in criminal juries, and confidence in state and local judges was comparable to the observed effects of conservative partisanship/ideology on attitudes toward the civil jury and the U.S. Supreme Court during the same time period.

Conclusion

Given the significant impact of civic legal participation on the development of civic confidence in the criminal justice system, many countries in the world are currently trying to create or reinstitute their own system of lay participation in law, including South Korea, Taiwan, Thailand, and the People's Republic of China in East Asia, Ukraine, Belaruz, and Kazakhstan in the former Soviet Union, and Argentina in South America, among others.³¹

Similarly, in Japan a new quasi-jury system has been created specifically relying on rationale confirmed by the results seen in this project. The quasi-jury system, or *saiban-in seido*, was enacted in 2004 and will begin quasi-jury trials by May 2009. The system is a hybrid jury-mixed court where a judicial panel of three professional and six lay judges will decide both guilt and sentence in serious criminal cases. Japan's expectation was made expressly in the legislation which provided the legislative rationale for the new quasi-jury system, stating, "[I]n light of the fact that having lay assessors selected from among the people participating along with judges in the criminal litigation process *will contribute to raising the public's trust in and increasing their*

³¹ See Fukurai, *supra* note 1.

understanding of the judicial system, it is necessary to ... achieve lay assessors participation in criminal trials.³²

The results obtained in this study suggest that Japan's quasi-jury system may reap some of the very rewards its proponents imagined.

Lest this sound too optimistic, we acknowledge that there is also a history of juries being abused by those in political power, and those proposing its introduction abroad should be aware of that danger. Around the turn of the 20th century, for example, the judicial system of civic participation has been converted into a weapon of oppression by totalitarian political regimes, such as the Bolsheviks' mixed courts with communist party assessors, the Nazi Volksgerichtshof with Nazi Party assessors, and the Popular Tribunals during the Spanish Civil War.³³

The U.S. jury has overcome many of the shortcomings of its predecessors, but to maintain its independence from political abuse and corruption, the institution of the jury must base its foundation on egalitarian and representative principles of democracy. Our analysis also found that conservative partisanship and political ideology also exerted significant influence in shaping opinions and attitudes toward jury duty and participation. One of the most important political rationales for the institution of lay participation in governance is that it provides an important check on political and judicial power, particularly in societies with clear political and ideological divisions, where judges often belong to the dominant political group. Accordingly, the establishment of new systems of civic legal participation in many nations can ensure

³² Kent Anderson & Emma Saint, "Japan's quasi-jury (Saiban-in) law" An annotated translation of the act concerning participation of lay assessors in criminal trials," 6 *Asian-Pacific Law & Policy* 233, 283 (2005).

³³ The use of all-white juries from the pre-Civil War to the anti-war and civil rights movement in late 1960s provide another example of the social control of the lay participatory system in making legal decisions. See Hiroshi Fukurai & Richard Krooth, *Race in the Jury Box: Affirmative Action in Jury Selection* (2003).

energetic participation from their diverse populations, thereby preserving the democratic character and principles of their larger political systems.

Appendix: Question Wording and Response Scales

Attitudes toward Jury/Government (Measured Waves 1 and 3)

The following questions concern the court system and government in the United States. Below is a list of four public institutions. Please mark one of the ovals provided to tell us how you would rate the average quality of the decisions each one makes. Response scale provided:

- 1 Very Low
- 2 Low
- 3 Neutral
- 4 High
- 5 Very High

- a. CONF_CONGRESS: U.S. Congress
- b. CONF_SUPREME: U.S. Supreme Court
- c. CONF_LOCAL: State and local judges
- d. CONF_JURY: The jury system

Fill-in the response that shows how much you agree or disagree with each statement. Response scale provided:

- 1 Strongly disagree
- 2 Disagree
- 3 Agree
- 4 Strongly agree

- a. CRIMINAL: The criminal jury system is the fairest way to determine the guilt or innocence of a person accused of a crime.
- b. CIVIL: The civil jury system is a good way to settle many civil lawsuits.
- c. FUTURE: I would report to jury duty if asked to do so in the future.

Prior Jury Service and Control Variables (Measured Wave 1)

SUMMONED: How many times have you been summoned for jury duty? (Not including current service.) [Responses: 0, 1, 2, 3, 4, 5 or more]

REPORTED: How many times did you report? [Responses: 0, 1, 2, 3, 4, 5 or more]

VERDICTS: How many times have you served on a jury that returned a final verdict to a judge?

AGE: In what year were you born? [Answer converted to number of years]

FEMALE: Are you male or female?

ETHNICITY: In addition to being an American, which of the following do you consider yourself to be? (*Mark all that apply.*)

- a. White
- b. Black or African-American
- c. Hispanic/Latino or Latina
- d. Native American or Alaskan
- e. Asian or Asian-American
- f. Other (please specify) _____
- g. Decline to answer

EDUC: What is the highest level of formal education you have completed?

- 0 Elementary or some high school
- 1 High school graduate/GED
- 2 Trade or vocational certification
- 3 Some college, or an associate degree
- 4 Bachelor's degree (e.g., BA, BS, AB)
- 5 Some graduate school
- 6 Master's degree (e.g., MA, MSW, MBA)
- 7 Professional degree (e.g., MD, JD, DDS)
- 8 Doctoral degree (e.g., PhD, ED)

EMPLOYMENT: Which of the following do you consider your current employment situation. (*Mark all that apply.*)

- a. Working full-time
- b. Working part-time
- c. Unemployed
- d. Retired
- e. Temporarily laid off
- f. Permanently disabled
- g. Homemaker
- h. Student
- i. Decline to answer

CONSERVATIVE: These items were included in *Wave 2 only, due to the court's reluctance to ask this question prior to jury service.* The Conservative scale was created by combining CON_1A and CON_1B into a seven-point scale, then averaging it with CON_2.

CON_1A: Generally speaking, do you think of yourself as a Republican, a Democrat, an independent, or what?

CON_1B: If you identified yourself as a Republican or Democrat in the previous question, please answer the following question. Do you slightly, strongly, or very strongly support the party you named in the previous question?

CON_2: We hear a lot of talk these days about liberals and conservatives. When it comes to politics, which of the following do you usually think of yourself as: Extremely liberal, Liberal , Slightly liberal, Moderate or middle of the road , Slightly conservative, Conservative, or Extremely conservative?

PKNOW: Calculated as the number of correct answers to the five items listed below. These questions were prefaced by two sentences: “The following are multiple-choice questions about the political process. Answer to the best of your knowledge, and feel free to guess even if you aren't completely sure of your answer.”

PK1: Which party had the most members in the U.S. Senate as of January 1st, 2004?

- Democrats
- Republicans
- Neither party had a majority
- Don't know

PK2: What public office is now held by Colin Powell?

- Secretary of Defense
- Speaker of the House
- Secretary of State
- Supreme Court Justice
- Don't know

PK3: How long is the term of office for a United States Senator?

- Two years
- Four years
- Five years
- Six years
- Don't know

PK4: In the State of Washington, how are State Supreme Court justices chosen?

- They are appointed by the state House of representatives
- They are appointed by the state senate
- They are chosen by the other Justices
- They are elected by the general public
- Don't know

PK5: Who is currently the King County Executive?

- Ron Sims
- Mark Sidran
- Greg Nickels
- Norm Rice
- Christine Gregoire
- Don't know