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VERDICTS AS A FUNCTION OF THE NUMBER OF
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A STUDY IN FORENSIC PSYCHOLOGY: PETIT JURY
VERDICTS AS A FUNCTION OF THE NUMBER
OF JURY MEMBERS

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A STUDY IN FORENSIC PSYCHOLOGY: PETIT JURY
VERDICTS AS A FUNCTION OF THE NUMBER
OF JURY MEMBERS

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TABLE OF CONTENTS

	Page
LIST OF TABLES	vi
LIST OF FIGURES	viii
Chapter	
I. INTRODUCTION	1
II. PROBLEM	21
III. METHOD	31
IV. RESULTS	41
V. DISCUSSION	57
VI. SUMMARY AND CONCLUSIONS	72
REFERENCES	74
APPENDIX A	81
APPENDIX B	86
APPENDIX C	91
APPENDIX D	93
APPENDIX E	95
APPENDIX F	105
APPENDIX G	110
APPENDIX H	114

LIST OF TABLES

Table	Page
1. Courts Reporting Delays of More Than 30 Months	29
2. Frequency and Percentages of Student Mock Juror Verdicts by Jury Size	42
3. Frequency and Percentages of Community Mock Juror Verdicts by Jury Size	42
4. Summary of Test for Homogeneity of Vari- ance Preceding Analysis of Variance	44
5. Summary of Analysis of Variance for Student Jury Deliberation Time by Jury Size	44
6. Deliberation Times for Community Mock Juries of Various Sizes	46
7. Table Positioning of Jury Foremen When Elected	46
8. Sex Composition of 12, 9, and 6 Man Juries and the Percentages of Time Males and Females Were Chosen Foremen	48
9. Impartiality Estimates of Mock Jurors on 12, 9 and 6 Man Juries	50
10. Impartiality Estimates of Student Mock Jurors--by Sex	50
11. Responsibility Estimates of Mock Jurors on 12, 9 and 6 Man Juries	53
12. Responsibility Estimates of Student Mock Jurors--by Sex	53
13. Guilt Estimates of Mock Jurors on 12, 9 and 6 Man Juries	56

Table		Page
14.	Guilt Estimates of Student Mock Jurors-- by Sex	56
15.	A Summary of D/T Ratios for 12, 9 and 6 Man Juries	61
16.	Number of Potential Relationships in 12, 9 and 6 Man Juries	61

LIST OF FIGURES

Figure		Page
1.	Table Positioning of Mock Jurors When Chosen Foreman	47

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CHAPTER I

INTRODUCTION

In the last decade, a growing number of psychologists have realized that academic psychology could be applied to the study and practice of law. The question of witness reliability in a criminal proceeding points to problems of memory and emotion. Personality variables and behavior pathology are often involved in the disposition of wills and in divorce actions. Research studies in industrial psychology are relevant in trademark and patent litigations; when a plea of insanity is offered, courts frequently summon an expert whose testimony is based on psychological testing and clinical diagnosis. Research in developmental psychology is often cited when judges sentence juvenile delinquents (Redmount, 1967).

General interest in forensic psychology is a comparatively recent phenomenon, but attempts to apply psychology to the law are as old as experimental psychology

itself. By publishing On the Witness Stand in 1908, Hugo Munsterberg, who was trained at Leipzig by Wundt, became a pioneer in the field. As director of the first psychological laboratory in America, he turned his attention, much to his teacher's displeasure, to applied research. Alfred Binet (1857-1911), adjunct professor of experimental and comparative psychology at the College of France, wrote about the accrued advantages of a science of testimony and of the immediacy of its need. No doubt his obtaining a law degree in 1878 contributed to his interest in the area.

After completing gymnasium, Max Wertheimer (1880-1943), father of Gestalt psychology, studied law at the University of Prague. William Stern (1871-1938), a fourth pioneer who studied successively with Ebbinghaus and Stumpf at Berlin, wrote numerous articles on the relationship between psychology and the law. Other noteworthy contributions in those early years were made by Hans Gross of Prague, F. Gorphe at Paris, and Guy Whipple at Cornell.

Although a number of articles dealing with the problem of witness testimony were published in the first 15 years of this century, a hiatus in research and exposition appeared during the 1920's, 30's, 40's, and the early 50's. During the first half of the twentieth century, few books treating the area of forensic psychology were published in America: Munsterberg (1908), G. F. Arnold (1913), B. Glueck (1916), M. R. Brown (1926), and H. E. Burt (1931).

Moreover, only a few applied psychology texts dealt with its substantive aspects: Munsterberg (1914), Hollingworth & Poffenberger (1921), Grey (1941), Husband (1949) and Fryer & Henry (1950).

Did psychologists stop researching the law because of methodological stalemate or because of more compelling problems? A definitive answer is not available. It is likely, however, that the zeitgeist of jurist opinion played a complicating role. Beginning with the telling invective--that experimental psychologists would be no more welcome in his courtroom than Sherlock Holmes--advocate Charles Moore (1907) accused Professor Munsterberg of practicing "yellow psychology."

More recently, under a \$400,000 grant by the Ford Foundation to study the judicial process, a prominent group of University of Chicago jurists and behavioral scientists "bugged" a juryroom in order to record and analyze jury deliberations along social-psychological dimensions. On October 12, 1955, a congressional subcommittee of the Senate Judiciary Committee under the Internal Security Act held hearings to investigate both the jury "bugging" incident and a subsequent presentation of its recorded product at the tenth judicial conference at Estes Park, Colorado.

Much congressional inquiry fixated on the possibility of communist subversion. Dean of the Chicago Law School and project director, Edward Levi was quizzed

concerning a letter he had signed, critical of the House UnAmerican Activities Committee. Two co-signers of the letter were allegedly American communist party leaders. It was also established that Dean Levi knew a University of Chicago student named Ira Kipnis, a known communist, and that Levi had contributed to the American Civil Liberties Union.

The subcommittee also noted that Professor Harry Kalven, a second project director, had some years before sent a personal letter to President Truman asking for a review of the Rosenberg atomic spy case. The letter was published by the Daily Worker, a communist newspaper. Other testimony focused on the Estes Park Conference itself, an august gathering which included former supreme court justice Tom Clark. At this conference, Fred Strodbeck, colleague of Levi and Kalven, presented the recorded jury deliberation and was allegedly introduced to the audience as Mr. X (Committee on Judiciary, 1955).

In the last ten years, legislators and attorneys have become more receptive to social science in general and to psychology in particular. Social scientists, for their part, have become more sensitive to the procedures and precedents of the law, understanding that if they want to apply their insights and methodology to the law, they must do so within a specifiabale framework. They must not disrupt ongoing legal processes, and they cannot take it

upon themselves to change legal procedures. Within this framework, behavioral scientists have already made a contribution in the study of jury trials.

Juror selection and judgment. Melvin Belli (1956), a prominent attorney, has written, "I never saw a jury that didn't try to do its level best." Dwight McCarty (1960), author of a textbook on legal psychology, has stated, "The jury often senses truth through its common knowledge of human nature [p. 397]." In contrast, Alexis de Tocqueville (1863) wryly viewed the jury system as contributing to the tyranny of the American majority. To the psychologist, the description of jurors as twelve men, good and true, who impartially sift truth from trial evidence without regard for intra-group composition, attitudes, values or set, appears naïve. For perception and judgment, regardless of verbal report, are not only a product of stimulus factors but of functional factors as well (Sherif & Sherif, 1948; Forgas, 1966) and the greater the stimulus ambiguity, the greater is the salience of functional contribution (Luchins, 1950).

Behavioral scientists have noted that juries are not representatively sampled. Not all juries, however, are intended to be so. Both at common law and in statute, provisions exist for special, struck, and blue ribbon juries, which may be convened when it is important for jurors to have specifiable qualifications. Notwithstanding, a

Los Angeles survey discovered juryrooms packed with housewives, clerical workers, craftsmen, and retired personnel (Holbrock, 1956). In a Chicago study, a marked increase in the number of female jurors was observed along with a regression towards the mean in juror educational achievement. A slight increase in lower income group participation was also noted (Broeder, 1958).

Jury composition is especially important to the attorney during voir dire examination. In the case of pre-emptory dismissals, a physiognomic approach has enjoyed some popularity. McCart (1964) has explained its application: "The meeting of the eyebrows and closely knit eyes indicates narrow mindedness, having an upper eyelid cover more than a third of the iris suggests secretiveness, the short upper lip is responsive to charm [p. 35]." While Sheldon's somatotypes based on anthropometric measures, and claiming a morphologic base are still provocative, numerous methodological problems cloud their validity. Even so, a recent survey reported by McCart has purported that ectomorphs provide lower damage awards in civil cases than do mesomorphs or endomorphs. Not surprisingly, ectomorphs provide lower damage awards in civil cases than do mesomorphs or endomorphs. Not surprisingly, ectomorphs were defined as persons who tire themselves out in attempting to do too much.

An increase in female jury participation has

already been noted, raising the question of sex differences in jury verdicts (Holbrook, 1956). By stimulating jury deliberations, Marston (1924) found that females were superior to their male counterparts in evaluating testimony, contradicting earlier work by Munsterberg (1914). Munsterberg, who asked subjects to render both pre- and post-deliberation judgments concluded that females were less able to profit from group problem solving. His sampling procedure, however, does not meet present day standards since male subjects were chosen from a group of advanced graduate students at Harvard, and female subjects from undergraduate classes at a nearby college.

Addressing himself to the same problem, Burt (1931) drew all his subjects from a relatively homogeneous undergraduate population and found that females profited more from group discussion than males. A more contemporary study by Strodbeck and Mann (1956) compared the relative activity of male and female mock jurors. Males tended to initiate relatively long periods of verbal activity; problem solving was high on their motivational hierarchy. Females however, tended to only react to the original contribution of the males.

Other socio-cultural variables such as social status, ethnic and educational differences among jurors have been studied. During face to face interaction, jurors from low social status groups became more highly

evaluated (Strodtbeck, James & Hawkins, 1957). High status jurors participated more fully in group discussion and derived more satisfaction from their jury experience. Cues to social stratification are often provided by dress, habits of speech, reference to previous experiences, and even home addresses (Gordon & Jacobs, 1968). In the Strodtbeck, James and Hawkins (1957) study, subjects were also asked to designate jury composition preferences in the event that a relative became a defendant or litigant. Laborers preferred a jury of skilled workers, but subjects of all other occupational groupings chose a jury of proprietors. These findings are consistent with the predictions of reference group theory (Sherif, 1953).

Actual jurors of German and British descent have been found to favor the state in trial proceedings whereas Negroes, Slavs, and Italians tend to vote for the defendant. While ingroup membership affects jury verdicts, education achievement does not, a conclusion which grew out of an experimental study by James (1959). The emergence of consonance or dissonance in group decision making, the author concluded, was unrelated to academic achievement. The less educated juror did not appear to be a rubber stamp for his better educated counterpart.

Impressed perhaps by the effects of ingroup membership on jury verdicts, Simon (1963) designed two creative mock jury studies. In the first study, mental patients

were selected for jury participation on the basis of diagnostic data. Groups of paranoids, depressives, and psychopaths were presented an actual case involving a plea of insanity to an incest charge. Compared to normal control juries, a greater percentage of mental patients found the Defendant not guilty by reason of insanity. Curiously, paranoid judgments and group interaction were discovered to be substantially similar to that of normal jurors. Depressives, however, were dismayed over the Defendant's lack of remorse while the psychopaths were obsessed with legal inequities (Simon, 1963).

In the second study, sex and property offenders deliberated an identical incest case involving the insanity plea. The verdicts rendered by sex and property offenders were not significantly disparate, but post-experimental interviews proved instructive. Many sex offenders reported voting for the Defendant out of empathetic identification. Others, though sympathetic, voted "guilty" out of an apparent sense of duty. When the property offenders voted "not guilty by reason of insanity," it was their intention to place the greatest degree of social distance possible between themselves and the Defendant, to punish him for his "heinous" behavior. Property offenders who voted the Defendant "guilty" expressed contempt and their desire for his incarceration (Simon, 1964).

Individual functional factors affect the perception, judgment, and set of jurors as cogently as group

factors. Whipple (1915), for example, reported on Kobler's (1914) experiment involving a staged brawl between two legal society members. Two court panels, one composed of psychologists, the other of judges, were instructed to review the facts of the incident. While excitement or increased activation level improved their observation to a point, oversimplification and distortion occurred in the testimony of all participants. The technique of using deception in forensic research is not a recent development. As early as 1909, Whipple reported on a study in the seminary of V. Liszt of Berlin where a carefully enacted attempted murder was staged before an aghast student body.

In civil cases, the set and past experience of jurors affect their damage awards. The plaintiff's request seems to serve as an anchor for their judgment (Broeder, 1958). It is therefore of some consequence whether a plaintiff hoping for a \$10,000 personal injury settlement requests an award of \$8,000 or \$80,000.

To further illustrate the dynamics of social perception, Broeder (1958) cites the following case: An attractive 22 year old mother was awarded only one-half her requested award which was based on her deceased husband's life expectancy and potential earning power. The jury reasoned that a woman as attractive as the Plaintiff could certainly marry within a year or two and her failure to do so would not be the Defendant's responsibility.

Courtroom dynamics. Before a witness testifies in a trial, he must swear to "tell the truth, the whole truth and nothing but the truth." At common law, an oath was mandatory and each witness was required to kiss the Bible. To meet health standards, witnesses now place only their right hand on the Bible. Testimony by atheists was traditionally ruled invalid because their oath was thought to be suspect.

Psychologists began to investigate the oath phenomenon and its effect on the veracity of testimony early in the present century. After presenting a motion picture to experimental subjects, Boring (1916) recorded the number of questions pertaining to the film which they were willing to answer under oath. By recording errors, testimony of female subjects was found to involve fewer errors or inaccuracies under the oath condition than non-oath condition. The lower error rate of sworn testimony was also present in samples of men, boys, and girls. In a study employing a similar paradigm, Brown (1926) found errors in unsworn testimony to be 1.8 times greater than those in sworn testimony. The testimony of children even under oath, however, has been found to be laden with inaccuracies, distortions and exaggerations.

To be admissible in court, sworn testimony must be relevant, competent and material. An allegation of improper testimony is ruled on by the judge who has the

power to sustain or overrule the objection. An attorney who does not accept the judge's ruling may state "exception," which can be used later as a basis for appeal. Early research on the judicial process was stimulated by the rules of evidence as regards witness testimony and questioning by counsels.

Repetition of testimony, for example, has been found to fixate the repeated items in memory regardless of their truth and in such cases, statements by witnesses seem to be based more on previous testimony than on the original incident. Moreover, expectative or implicative questions evoke more errors in testimony than straightforward questions. It was also found that greater suggestibility results from questions including more than one negative and from questions that do not include personal pronouns (Berrian, 1955; Burt, 1931; Cady, 1924; Marston, 1924; Muscio, 1915; Whipple, 1909).

Similarly, an ordering effect in testimony presentation has also been noted. In a study involving a bigamy case, testimony and evidence of the defense were presented first, followed by that of the prosecution. In the treatment condition, the presentation of evidence was reversed. Presenting defense material last in sequence was found to be decidedly favorable to the defendant (Weld & Ruff, 1938). In a second study, Weld and Danzig (1940) discovered that the first witness for the defense or prosecution was

generally most effective in persuading the jury and that the prestige of the attorneys also affected their verdict.

Other procedural problems such as the judge's charge to the jury have come under study. After questioning actual jurors on various phases of a litigation in which they had rendered a verdict, Hunter (1935) concluded that the average juror either did not understand the law applicable to the case or was not able to apply it appropriately. A decade later, Hervey (1947) reported on the findings of two federal judges who sent questionnaires to 375 jurors who had served in federal or state courts in three mid-western states. Out of 185 replies, 73 jurors reported not having understood the judge's instructions. Hoffman and Bradley (1952) in a mock trial at Yale Law School found jurors unable to disregard testimony ruled inadmissible and predisposed to judge a defendant guilty because he was brought to trial in the first place.

In a study of insanity pleas, a case based on *Durham v. United States* (1954) was played to 20 mock juries. One-half of the juries were instructed by the *McNaughten* Rule which involves the defendant's ability to distinguish right from wrong. The other half were instructed by the *Durham* Rule which involves the question of whether the crime was the product of a mental illness. Varying instructions did not have a systematic affect on jury verdicts. Again, juries did not ignore the judge's charge, but they

did misunderstand it (James, 1959). There are exceptions to the general rule that jurors must take the law as instructed by the judge. Nineteen state constitutions allow the jury to be judge of both fact and law in criminal trials. In other states, the judge's instructions are advisory only (McCart, 1964).

Jury deliberations. Inside the jury room, the first official act of jury members is to select a foreman, who becomes presiding officer and group spokesman. Bevan, Albert, Loiseaux, Mayfield and Wright (1958), in a tightly knit experiment, manipulated the variables of foreman leadership and prestige. The mock jury foreman, confederates of the Experimenter, were trained in either democratic or autocratic discussion leadership. To manipulate prestige, the foremen were introduced to fellow jurors either as shoe salesmen or college professors. In all cases, juries positively responded to the foreman's move for higher damage awards. The issue as to whether high or low prestige foremen were more effective in gaining higher settlements however, was not clearly established.

Other empirical work has focused on the manner in which jury foremen are selected. Strodbeck and Hook (1961), for example, found that mock jurors of proprietor-manager backgrounds were chosen as foremen more frequently than chance expectation. Upon entering the jury room, these same individuals tended to sit at the end table

positions. This becomes meaningful when connected to the observation that most Americans have an internalized set to perceive authority figures at end table positions.

Dasheill (1935) raised the important question as to whether jury judgments were more accurate than the judgment of a single juror. To this end, he arranged mock juries whose members answered questionnaires based on the substance of a short film, collectively and individually. The jurors were not allowed to see the film directly, rather it was related to them by witnesses. Juror judgments were found to be less accurate than the judgments of witnesses, but jury judgments were superior to the judgments of individual jurors.

A corollary issue raised by de Tocqueville (1863) has yet to be considered. Even if a group judgment is more accurate than individual judgments, is it so at the expense of minority group sentiment? It was this question that motivated James Madison to write Federalist essay No. 10. Kalven (1957) provides some insight on this point. After simulating jury conditions, he found that 97% of all cases where criminal libel was at issue, if the majority voted "not guilty" on the first ballot, the final verdict was "not guilty." Hung juries, he discovered, emerged only when a substantial minority was present at the outset and additional support seemed possible.

The judge and the jury. The sixth amendment guarantees swift and public trials in criminal cases, and the seventh amendment provides for jury trials in civil cases where the amount at issue exceeds twenty dollars. America's court docket is congested. Because of this, some jurists ask if it is not more expedient to give judges a larger share of the judicial burden as is the recent trend in the British court system from which our own system is derived. Do qualitative differences in judge and jury verdict dispositions exist?

A report on the University of Chicago Jury Project suggests that differences in verdict dispositions between the judge and the jury do indeed exist (Broeder, 1958). Three thousand questionnaires were sent to members of the judicial profession inquiring whether their personal verdicts differed from the official verdicts of juries over which they presided. Data analysis proved definitive. Consensus would have existed only 19% of the time.

Is the judge's verdict based on a more accurate assessment of evidence than the jury's? Marston (1924) compared testimony evaluation scores of a single judge with that of two juries, one male, the other female, along the dimensions of completeness and accuracy. Not only was the female jury found to be superior to the male jury for both variables, but the single judge was able to outperform either. What is disturbing, however, is that the judge

was only 81% accurate and he was the famous Dean Wigmore.

A corollary issue is whether or not judges' verdicts are more consistent than those of juries. Gaudet (1938), in a review of the literature, concluded that judges differ markedly in sentencing behavior. In a New Jersey study, he noted, one judge gave almost two times as many penal sentences as his colleagues. Judges were also found to be idiosyncratic as regards particular kinds of offenses, and many trial attorneys maintain that they can differentiate between lenient and severe judges as regards a particular issue.

Variability in sentencing behavior was also noted in a study by Burt (1931). In one sample, penal sentences given by judges peaked at 5, 10, 15, 20, 25 years and also about 1, 3, 6, and 9 months. In a second study, he reported that out of 880 penal sentences studied, 360 were for 3 years, 60 for 4 years, 240 for 5 years and 20 for 6 years. He correctly labels as problematic, the possibility that a large number of convicted offenders could deserve 3 or 5 year sentences as opposed to 4 year terms.

Broeder (1958) has noted other interesting judge-jury differences. Judges have been found more prone to convict in criminal cases. In awarding damages in tort actions, the jury seems to increase the award if the defendant is a corporation, railroad, city or state. In one study, awards by juries ran as much as 30% higher than

awards made by judges.

The judge's role is unique. His bench is a step higher than the jury box and two steps higher than the litigants and their counsels. His black robe and gavel differentiate him from other courtroom participants. As he leaves his chambers to enter the court, everyone is asked to rise. To understand the behavior of an individual judge, Winick, Gerver & Blumberg (1961) suggest that the following questions be answered: "Does the judge sit in original or appellate jurisdiction; is he appointed or elected; what is his age, ethnic group membership and marital status [p. 121]?"

Why has psychology neglected the law? It is possible that psychologists are simply not interested in studying the law, feeling that their skills are better actualized in the generic areas of perception, learning, motivation or in the established applied areas of clinical, industrial and educational psychology. This assumption is untenable. The history of psychology is a fluid history; pioneer work has traditionally been directed towards new and challenging applications. For example, with the advent of World War I, psychologists began to apply their skills to problems of personnel selection and human engineering.

It can also be argued that psychology does not have the scientific tools to make a meaningful contribution in this area. This position cannot be dismissed lightly.

The mock jury trial seems to be a workable medium for experimentation; the risks of inference should not be greater than those inherent in any other psychological laboratory research. Bevan's 1958 mock jury experiment exemplifies a methodologically well-knit study of this type. The more recent emphasis on unobtrusive indices of intra- and inter-individual behavior seems promising (Webb, Campbell, Schwartz & Sechrest, 1966). Strodbeck and Hook (1961) social distance model and Gaudet's (1938) archival study illustrate the technique.

Others might still argue that the law of the land is such that laboratory research can never be validated by studies of actual courtroom behavior, that lawmakers and attorneys are suspicious of and resistant to behavioral research. This notion lies at the core of the dilemma of forensic psychology. Moore's 1907 cry of "yellow psychology" has extended to the 1955 congressional investigation of behavioral science-communist collusion at Wichita, Kansas.

The differences between psychology and the law should, on the other hand, not be minimized. Psychology is basically experimental and inductive; the law is basically rational and deductive. Psychology assumes a deterministic basis for man's actions and shrouds its concepts in relative terms. The law assumes a voluntaristic source of man's actions and couches its concepts in absolute

terms. Psychology seeks its answers in future research. The law, for the most part, seeks its answers in legal theory and precedent. Yet one overriding commonality emerges. Psychology and the law are both concerned with human behavior: to study it and aid in its actualization, the other to codify rules for the protection of men and to guide the behavior of men in relationship to one another (Gordon & Temerlin, 1968).

CHAPTER II

PROBLEM

In 1066 A.D., at the time of the Norman invasion of England, legal systems were based on social custom and on normative behavior patterns. Because printing facilities were not available, this law was passed on by word of mouth. A judge appointed by a nobleman traveled to various towns to hold court and his decision involved finding the custom or norm most appropriate to the case at hand. Once rendered, a verdict became a precedent to be followed by other judges in similar cases. This system of law by precedent persisted in time and is generally referred to as "the common law." It is clearly a judge-made law (McCart, 1964).

During this period, two methods of trial were generally employed. First, compurgation provided that an individual told the truth if he could find 36 men to agree that he was an honorable man, a method of trial not abolished until 1833. Second, there was trial by water or fire which if survived, was regarded to mean that the accused had stated the truth. Related to this was trial by combat, which was resolved when one of the disputing parties surrendered or was killed. It was not until the

reign of Henry II, which extended from 1154-1189, that trial by jury was used to an appreciable extent in civil disputes involving land claims. With time, it became extended to other categories of civil disputes.

Trial by jury in criminal cases was adopted more slowly. By the middle of the 12th century, 12 men were required at every court session to name suspected criminals but trial by ordeal was still employed. When Pope Innocent III forbade ordeal for priests, King Henry III followed suit by ordering criminal cases to be tried by juries of peers. Even so, grand and petit juries were not yet distinct, and Parliament had just begun to authorize men to practice law.

The use of witnesses developed gradually, which not surprisingly, also led to the problem of perjury. In the late 1600's, an attaint jury of 24 neighbors was given the responsibility to determine whether a petit jury had lied in its judgment. This was the only safeguard in civil cases against an unlawful verdict. If the attaint jury believed that the petit jury had returned an unlawful verdict, the latter had to forfeit all of their lands and goods to the king. Only gradually, were judges empowered to declare new trials (McCart, 1964).

The petit jury in the United States. Although it was effective in blunting the effect of unpopular British laws, the American colonists disliked their court system

since, in many cases, it deprived them of trial by jury. For this reason, they demanded that it be safeguarded in the Constitution of 1879. When drafted, the Constitution provided for trial by jury in all criminal offenses except impeachment (Article 3, Section 2, Clause 3). Nevertheless, no provision was made for jury trials in civil cases and opponents of ratification offered this as justification for rejecting it.

This resistance also led to the demand for a Bill of Rights that when attached to the federal constitution would safeguard the states and the people from encroachments by the central government. The sixth amendment, for example, provides for a speedy and public trial by jury in criminal cases and the seventh amendment provides for a jury trial in civil disputes where the value in controversy exceeds \$20.00. State constitutions adopted similar provisions.

Judicial power was vested in the Supreme Court and in lower courts. State court systems, however, were structured separately so as to avoid overlapping jurisdictions. The federal court was not meant to supervise the state courts and state court procedures cannot be reviewed by federal courts, except in two instances: when due process of law or equal protection under the law are violated, as covered by the fourteenth amendment.

Over 40 state statutes vary as regards the method

of selecting jurors and in the number of jurors in agreement required to return a valid verdict. States also determine whether a jury is limited to applying the law to the facts, whether it can also determine the law, and whether it is empowered to fix sentences. Ultimately, states retain the right to abolish jury trials in state courts altogether (McCart, 1964).

Petit jury size. In the American constitution and at common law, trial by jury is generally interpreted as a trial by a jury of 12 men, under the authority of a judge (Capitol Traction Co. v. Hof., 1899). Variations in the number of jurors who may serve in civil and criminal cases exist in the states of Alaska, Georgia, Illinois, Michigan, North Dakota, Texas, Wyoming and many others (see Appendix A). There are also variations in the number of jurors who must agree in order for a verdict to be validated. Nevertheless, 12 jurymen still constitutes a legal standard.

The 12 man jury. The concept of having juries composed of 12 men, good and true, became entrenched in common law at the time of the Norman conquest (Chitty, 1832). During the reign of Henry II, 12 man courts were convened to settle cases involving land titles, especially those involving claims of the crown. The Magna Charta, thought by some to be the first legal commitment to the jury system, was signed in 1215 A.D., by King John, 12 bishops and 12 barons.

In the American constitution, trial by jury is interpreted to mean a trial by 12 jurors (Thompson v. Utah, 1898). It has been conjectured that 12 jurors are a standard as a commemorative gesture to the 12 Apostles (McCart, 1964). Busch (1959) cites Lord Coke's suggestion made in 1668 that 12 jurors was not only commemorative of the 12 Apostles but also of the 12 tribes of Israel.

The law delighteth herself in the number 12; for there must not only be 12 jurors for matters of state, there were in ancient times 12 councilors of state. He that wagheth his law must have 11 others with him, which thinks he says true. And the number 12 is much respected in the Holy Writ, as 12 Apostles, 12 stones, 12 tribes [p. 45].

Forsyth (1875) has noted that the requirement of 12 jurors follows the concept that 12 is a sacred number. The Constitution of Tribunals, traditional among the Scandinavian countries, was composed of 12 men. In ancient times, 12 lahmén administered law between the British and the Angles, and 12 senior Thanes were required by ritual to investigate suspected crimes. Twelve was the usual number of compurgators and 12 is the number referred to in the Constitution of Clarendon in 1164.

The number 12, no doubt, was important to early man as he began to clock time and biblical scripture is replete with allusions to the number 12. Jacob had 12 sons, Moses sent 12 spies to investigate the holy land, Solomon had 12 officers, the children of Israel offered God 12 bullocks, Mannasseh was 12 years old when he began

to reign, the word of the Lord came to Ezekia in the 12th day of the month, and God created 12 things for men who served him (see Appendix B).

Another explanation of why the constitutional guarantee of trial by jury (Art. 3, Sec. 2, Clause 3, and Amendments 6 & 7) is interpreted to mean a jury of 12, is based on legal precedent. The American Constitution provides for jury trials as they existed in common law. In common law, as has been noted, civil and criminal juries were composed of 12 men. Congress is prohibited from legislating for jury trials of a lesser number (U.S. v. Jepson, 1950).

State constitutions requiring the right of trial by jury to be inviolate, prohibit the changing of jury practices, which includes the number of jury participants. In these states, a statute providing for a trial by jury of less than 12 would be void. Other state constitutions provide for jury composition of less than 12 members in specifiable criminal cases.

Still other state constitutions provide for the trial of misdemeanors, petty offenses and civil cases, by a jury of less than 12, and in certain instances, civil cases need not be settled by juries at all. Furthermore, some states require the agreement of the litigants in civil cases and the consent of the defendant in criminal cases in order to convene a jury of less than 12.

Varying jury size. While variations exist in the number of jurors who may serve on juries as provided by state constitutions and by state statute, the standard of 12 jurymen is firmly entrenched in American Law. This resulted from the legal precedence of common law and from the inculcation of biblical example. Yet there is no empirical reason, either in law or psychology, why 12 jurymen ought to serve as a standard. Professor of Law at the University of Michigan Law School, Charles W. Joiner (1962) has put it this way:

As to the size of the group to be used in decision making, an increase in size up to a point, would bring forth more ideas as well as increase the identification of more active members and the consequence of them controlling the decision. There is no real evidence as to the exact size of the most effective group for the decision making process [p. 31].

The issue falls on a continuum. At one pole are the decisions of judges which are individual judgments; at the other pole stand the collective decisions of 12 citizens, which are group judgments. It has been demonstrated that judges who rule on similar cases differ markedly in their verdicts (Burt, 1931; Gaudet, 1938). Put another way, differences in verdicts have been found among individuals. It has also been shown that differences in verdicts involving similar cases exist between judges and juries; that is, differences exist in the judgment of a single individual as compared to the collective judgment of a group of individuals (Broeder, 1958).

It follows, that variations might also be found between verdicts rendered by jury groups of varying numbers. Six man juries for example, might return verdicts which differ from the verdicts of 12 man juries. In such an event, justice would appear to be confounded by a social psychological variable, group size. A 12 man jury might find for the defendant in a personal injury case, while a 9 man jury might find for the plaintiff in a similar case. Since jury size varies from state to state, serious implications would follow.

If on the other hand, no meaningful differences in jury verdicts were found as a result of varying jury size, other implications would emerge. A jury of 6 takes less time to empanel than a jury of 12. Voir dire examination could be shortened. A jury of 6 might also take less time to deliberate. Since citizens are paid for jury duty, a monetary savings could be realized.

The problem of court delay is currently a disturbing one (Zeizel, Kalven & Buchholz, 1959). Numerous American courts report delays of more than 2½ years (see Table 1). From a psychological point of view, such a delay increases the problem of the reliability of testimony and the possibility of memory distortion (Wulf, 1922).

Differences in the cost of maintaining juries of various sizes could also become an issue. Consider a hypothetical metropolitan city which averages 5 jury trials

Table 1*
Courts Reporting Delays of More Than 30 Months

Court, County (City) State	Population (000)	1967
Circuit Court, Cook (Chicago) Ill.:	5,129	
County Department (Law Division)		64.3
Municipal Department		63.6
Court of Common Pleas, Philadelphia, Pa.	2,002	54.1
Supreme Court, Suffolk (Riverhead) N.Y.	666	52.0
Supreme Court, Bronx, N.Y.	1,424	49.4
Supreme Court, Kings (Brooklyn) N.Y.	1,627	49.3
Supreme Court, Queens, N.Y.	1,809	48.4
Supreme Court, Nassau (Mineola) N.Y.	1,300	45.1
Supreme Court, Suffol, (Boston) Mass.	791	45.0
Supreme Court, Westchester (White Plains) N.Y.	808	42.2
Supreme Court, New York, N.Y.	1,698	40.2
Circuit Court, Honolulu, H.U.	500	36.9
Superior Court, Essex (Lawrence) Mass.	568	34.0
Superior Court, Middlesex (Cambridge) Mass.	1,238	34.0
Circuit Court, Wayne (Detroit) Mich.	2,666	32.1
U.S. District Court, D.C.	763	30.8
Superior and County Courts, Essex (Newark) N.J.	923	30.4

*From Judicature, October, 1967.

per day in its various courts. Also, assume that each juror is paid \$7.00 per day of jury service plus travel allowance. Over a year's time, the cost of maintaining 12 men juries would amount to \$15,500.00. A jury of 6 would cost 1/2 that amount. Over a five year period, the amount of money released for other civic programs could amount to as much as \$38,750.00. Charles W. Joiner (1962) finds the 12 man jury desirable, but points to advantages of a lesser number:

Perhaps we are fortunate that juries number 12, for it seems to be well within the limits for effective deliberation, although a smaller number, perhaps six, might be time saving and less costly without hindering the decision making process [p. 31].

In light of the evidence presented in this chapter, the following hypotheses are suggested in order to investigate the problem of jury verdicts and deliberation time as a function of jury size:

Hypothesis 1. In the trial of an identical civil case at law, no differences exist in jury verdicts as a function of juries being composed of 6, 9, and 12 members.

Hypothesis 2. In the trial of an identical civil case at law, juries of 6 and 9 members require less time to reach a verdict when compared to 12 man juries. Similarly, 6 man juries require less time to reach a verdict than 9 man juries.

CHAPTER III

METHOD

Subjects. Two groups totaling 162 subjects were sampled. Group I was composed of 135 subjects chosen from among students enrolled in introductory psychology courses at the University of Oklahoma. Sign up sheets along with introductory comments were provided to various psychology instructors who then presented them to their classes. The introductory comments were as follows:

You have been asked to respond to a study of legal processes which will take place at the University of Oklahoma mock courtroom facilities. You will be asked to serve as a mock juror. Convenient times will be presented to you on a sign up sheet and you are encouraged to sign up. Thank you.

A sample of 135 subjects were selected from among approximately 160 subjects who expressed an interest in participating in the study. They were contacted by phone and reminded as to the time and place of the study. Other subjects were allowed to come to the study in the capacity of alternates. The 135 subjects were randomly assigned to three 12 man juries, three 9 man juries and three 6 man juries.

In order to enhance the generalizability of the

present study, 27 subjects were chosen in accordance with the eligibility requirements of the state of Oklahoma. This sample constituted Group II. In Oklahoma, eligibility for jury duty requires that a prospective juror own real or personal property and be a taxpayer. In Cleveland County, Oklahoma, site of this study, names of prospective jurors are obtained from Homestead Exemption files and from names submitted to the Court Clerk by the County Tax Assessor. In the case of married couples, the names of husbands and wives are recorded separately. Names of prospective jurors are then placed in a jury wheel to which only the County Clerk and the County Sheriff have access. From this sample, names of individuals are drawn at random in the presence of the judge in whose court they are to serve (Klein, 1968).

Such individuals must be citizens of the State of Oklahoma and reside in the county in which they are summoned. If these criteria are met, they are competent to serve on grand and petit juries with the following exceptions:

1. Judges of any Court of record, and Justices of the Peace;
2. Sheriffs, deputies, constables, jailers and persons having custody of State or Federal Prisoners;
3. Licensed attorneys engaged in the practice of law;
4. Habitual drunkards;
5. Persons afflicted with a bodily infirmity amounting to a disability, and

6. Anyone convicted of an infamous crime or serving a term in any penitentiary for the commission of a felony.

Other individuals are excused from jury duty if they claim one of the following exemptions:

1. Persons over 65 years of age;
2. Ministers of the Gospel;
3. County and District Officials;
4. Practicing physicians, optometrists, veterinarians, dentists, undertakers and pharmacists;
5. Teachers in the public schools;
6. Postmasters and carriers of the United States Mails;
7. Members of the National Guard;
8. Persons actually engaged or employed in the publication of a newspaper;
9. All members in good standing of any regularly organized fire department; and,
10. All women with minor children.

Prospective Group II subjects were sent a letter signed by an associate professor of Law at the University of Oklahoma explaining that a study of legal processes was being conducted and that Norman was chosen as its site (see Appendix C). Subjects were then contacted by phone to solicit their cooperation and to answer their questions. Convenient time slots were provided for their participation. At that time, prospective jurors were asked the nature of their occupation in order to insure their statute eligibility to serve as an actual juror in the State of Oklahoma. Twenty-seven subjects were chosen from among approximately 35 subjects who expressed interest and who met eligibility requirements. They were then randomly assigned to either a 12, 9 or 6 man jury. Alternate jurors were contacted in the event that mock jurors could not keep

their appointment.

Experimental setting. The present study was conducted at the mock court facilities at the University of Oklahoma College of Law which includes a courtroom, jury-room and judge's chambers. These facilities fulfill the requirements and decor of actual State and County courtrooms. Rules regarding courtroom behavior were strictly observed (see Appendix D).

Stimulus material. A film of a courtroom trial was chosen for mock jury deliberation. It was prepared by National Educational Television in cooperation with the St. Louis Bar Association. The film, Action at Law (prints 4 and 5) was acquired from the Audio-Visual Center at the University of Indiana. It was edited by the audio-visual staff of the Department of Psychiatry of the University of Oklahoma Medical School in order to eliminate narration, music and other portions which were not a generic part of an actual courtroom trial. Editing was done with the written permission of Indiana University.

The film presented a case involving a suit for damages resulting from an automobile accident. Beginning with the empaneling of the jury, both counsels conducted voir dire examinations. Opening statements were followed by the case for the Plaintiff, cross and redirect questioning. This was followed by the case for the Defendant, and again, cross and redirect questioning. The film

concluded with closing arguments by counsels.

The Plaintiff, a 13 year old girl, was struck by the Defendant, a used car dealer, as she crossed an intersection on her way to the corner grocery store. The Plaintiff claimed that she was walking in the crosswalk when the accident occurred, which was corroborated by a grocery store clerk and a police officer. A physician testified to the fact that as a result of the accident the Plaintiff walked with a limp. Testimony was given to the effect that the Defendant did not sound his horn and that it was a clear day; counsel for the Plaintiff asked for \$6,500.00 in damages.

The Defendant testified that the Plaintiff was not walking across the street, but darted out; that he was not speeding and that he did not have time to sound his horn. The driver of an oncoming car estimated the speed of the Defendant's car at 10 miles per hour and also said that the Plaintiff was running, and that she was out of the crosswalk. A physician testifying for the Defense, opined that the Plaintiff had a congenital foot ailment and that her limp was not the result of the accident (see Appendix E).

Rationale underlying stimulus material. Cases at law fall under two main headings, civil and criminal. Courtroom procedures in both categories are essentially similar. The most obvious difference lies in pre-trial

preparation. In civil litigations, pleas, and answers to pleas are filed, whereas in criminal trials, a grand jury investigation and a preliminary hearing are required.

Basic trial procedures, however, are the same (American Bar Association, 1960). For this reason, either a civil or criminal case chosen as stimulus material would be highly representative of general trial procedure. The Action at Law film presented a civil litigation.

From a methodological viewpoint, representative-ness within the category of civil litigations was also thought to be desirable since subcategories include contracts, taxes, wills, personal injuries and other legal issues. The trial presented in the present study dealt with a personal injury case. Averbach (1958), author of an exhaustive study of accident cases, has noted that in the State of New York, during the period of 1956-57, 67% of all Notes of Issue filed in the Supreme Court were for various types of negligence cases. Of this percentage, 64% were for negligence actions arising out of motor vehicle accidents. He commented: "I have previously estimated that the proportion of personal injury actions to be 70% of all litigated cases filed, but that figure now proves to be conservative [p. 2]." He also noted that on a nationwide basis, it has been estimated that 80%-90% of all cases filed are directly related to some form of accident.

The medium of stimulus material presentation as well as the stimulus material itself requires analysis. Mock jury trials have now become the classical method of studying on-going jury process (Albert, Loiseaux, Mayfield & Wright, 1958; Broeder, 1959; James, 1959; Klein, 1968; Strodbeck, James & Hawkins, 1957). In such studies, the method of stimulus presentation is generally the same: tape recorded trials of a case played by actors. The usefulness of this technique has been explored by Simons (1967). The tape recording, she noted, is preferable to live case presentation because the latter cannot be replicated reliably. A tape recording is less expensive to produce and the cost of running it is negligible. Perhaps most important, treatment factors can be easily introduced into a tape recording through splicing techniques.

Simon also prefers tape recordings to film presentations:

The advantages of a recording over a film lie primarily in the relative costs of producing each, with a film being much more expensive. Also, exposing subjects to a film could induce an "audience" reaction in them. They are likely to become passive and less interested. The factors of costs and maintaining interest had to be weighed against the advantage that might be gained by having jurors see the participants [p. 40] .

Tape recordings are considerably less expensive to produce than films, but this is less true of videotaping. Mock trials on a variety of issues are conducted in major law schools each academic semester, and permission

to videotape such proceedings might not cost anything. More importantly, exception should be taken with Simon's statement that films "could induce an audience reaction in jurors," and that this would lead to passivity and a loss of interest.

The jury is an audience to courtroom proceedings; it does not participate directly in the presentation of evidence. The active protagonists in the courtroom are the judge, the attorneys, the litigants, the witnesses and the court officers. Only in deliberating and rendering a verdict does the jury directly participate. Indirectly, they may participate by providing subtle cues as to their emotional affect, attitudes, past experience and social class. Yet these cues are not recorded on audiotape. It is more likely, that by watching a film as opposed to hearing a tape, mock jurors would become increasingly alert, active and involved. These variables may or may not be helpful in arriving at just verdicts, but such is the nature of courtroom reality.

A film or videotape can be edited almost as easily as an audiotape so as to vary treatment conditions. The salience of visual perception of individuals as it affects individual and group judgments of them, underlies the whole area of social perception (Allport & Vernon, 1932; Efron & Foley, 1947; Secord, 1959; Secord, Dukes & Bevan, 1954; Secord & Muthard, 1955; Sheldon & Stevens, 1942).

Procedure. Experimental procedures were identical for student and community mock juries and a pilot study was run in order to perfect them. In the actual experiment, subjects were asked to take seats in the courtroom gallery until the required number of mock jurors were present. They were then asked to take seats in the jury box, after which Experimenter spoke:

Good Evening. My name is Mr. Gordon representing the University of Oklahoma in this study of legal procedures. As you know, legislators, judges and attorneys are always trying to protect sacred American institutions such as the jury trial. We are also trying to learn more about it. The present study will help us in that way. In a few moments, you will see a film of a jury trial involving a request for damages resulting from an automobile accident. The case itself is an old one and we chose it for that reason. We will ask you to watch the film as if you were actual jurors sitting in a state court of law; watch carefully, open mindedly and without prejudice. Before the closing arguments, I will read to you the judge's instructions regarding the law to apply to the facts of the case. You will then be asked to retire to the juryroom and deliberate a verdict of guilty or not guilty. When you have finished you will be asked to return to the courtroom with your verdict. Some of the procedures followed tonight are different from the usual ones followed in an Oklahoma court of law. This is done so that our results will be meaningful on a national level. Thank you.

Following these introductory remarks, the 16 mm film presentation of the personal injury case was projected on a movie screen. Before closing arguments by counsel, the film was turned off and the judge's instructions on the law to be applied to the facts of the case were read to the mock juries (see Appendix F). The film was again turned on to conclude with the closing arguments by counsel. Jurors

were then asked to retire to the juryroom and deliberate a verdict of guilty or not guilty. They were also told that their verdict should be brought back into the courtroom by the foreman and that the other jurors should remain in their seats for a few minutes longer.

At the conclusion of the session, Experimenter interviewed the jury foreman in an attempt to ascertain the manner in which he had been elected. Jury deliberations were tape recorded without the knowledge of the participants by hiding a microphone behind a curtain in the juryroom; the discussions were monitored from the judge's chambers.

CHAPTER IV

RESULTS

Hypothesis 1. The study's first hypothesis asked whether any differences in jury verdicts existed as a function of jury size in mock trials of a civil litigation. An analysis of the verdicts of 15 student mock juries provided an unequivocal answer (see Table 2). One hundred percent of all student jurors serving on 12 and 9 man juries voted the Defendant, not guilty. Similarly, 90% of all student jurors sitting on 6 man juries found him not guilty. In fact, only three jurors out of a total sample size of 135 judged the Defendant guilty.

The judgments of these three subjects, all females serving on 6 man juries, produced two hung juries. Their strong verdict commitment and resistance to group pressure was apparent during post-experimental interviews. One such juror, in referring to her jury experience stated, "If the discussion had continued, I would have tried even harder to change their minds."

The verdicts of the community mock jurors were consistent with the verdicts of the student mock jurors. One hundred percent of all community subjects on 12, 9 and

Table 2

Frequency and Percentages of Student
Mock Juror Verdicts by Jury Size

Jury Size	N	Guilty	Not Guilty	% Not Guilty
6	30	3	27	* 90%
9	45	0	45	100%
12	60	0	60	100%

*Resulted in two hung juries.

Table 3

Frequency and Percentages of Community
Mock Juror Verdicts by Jury Size

Jury Size	N	Guilty	Not Guilty	% Not Guilty
6	6	0	6	100%
9	9	0	9	100%
12	12	0	12	100%

6 man juries found the Defendant not guilty (see Table 3). This acts as a reality check for the previous findings and increases their generalizability.

Hypothesis 2. The study's second hypothesis stated that in mock trials of a civil litigation, juries of 6 and 9 members would require less time to reach a verdict when compared to a 12 man jury and that a 6 man jury would require less time to deliberate than a 9 man jury. This was based on the reasoning that if a jury had fewer members, the total amount of time required for each participant to present his view would be less, and that conclusions based on fewer opinions would be reached in less time.

A one way analysis of variance was used to test the second hypothesis. In order to validate statistical assumptions, an F max test of homogeneity of variance was run (see Table 4). Results indicated that the assumption of equal variances was not violated ($F_{\max} = 3.76, p > .05$). The second hypothesis was not supported (see Table 5). No differences in deliberation time existed between juries of various sizes ($F = .22, p > .25$).

Even though two 6 man juries hung, it apparently either did not take them long to realize that consensus was impossible or that sustained interest in argument was not forthcoming. Discussions were terminated after 12 and 20 minutes respectively. Although there were only slight mean differences in deliberation time among student

Table 4

Summary of Test for Homogeneity of Variance
Preceding Analysis of Variance

Source	df	Variance	F max	p
9 man juries	3	233.30	3.76	>.05
6 man juries	5	60.00		

Table 5

Summary of Analysis of Variance for Student
Jury Deliberation Time by Jury size

Source	df	MS	F	p
Jury size	2	27.27	.22	>.25
Error	12	125.27		

juries of various sizes, the direction of these differences were consistent with those of the three community juries (see Table 6 and Appendix H).

Selection of foremen. Relevant information as to foreman selection was ascertained by post-experimental interviews and by unobtrusive measures such as jury seating arrangements. Out of a total of 18 mock juries, 44% of the student and community jurors chosen as foremen sat at either end of the juryroom discussion table when elected and 39% had initiated discussion of the case upon entering the juryroom. The remaining 17% was comprised of three jury foremen: one who sat at the head of the table and also initiated conversation, and two who neither sat at the head of the table nor initiated group discussion (see Table 7 and Fig. 1). In the later case, a female juror was seated at the head of the table when told by a fellow juror, "You're sitting at the head, why don't you be foreman?", she responded, "No, I think a boy should be the foreman."

This dialogue illustrates the importance of sex differences as they affect foreman selection. Although an approximately equal number of males and females served on student mock juries, only one female was selected foreman (see Table 8). She sat on a 6 man jury. This effect appears to be so compelling that even in a 12 man jury composed of 10 females and 2 males, a male was elected foreman.

Table 6

Deliberation Times for Community
Mock Juries of Various Sizes

Jury size	*Time
12 man jury	17
9 man jury	25
6 man jury	5

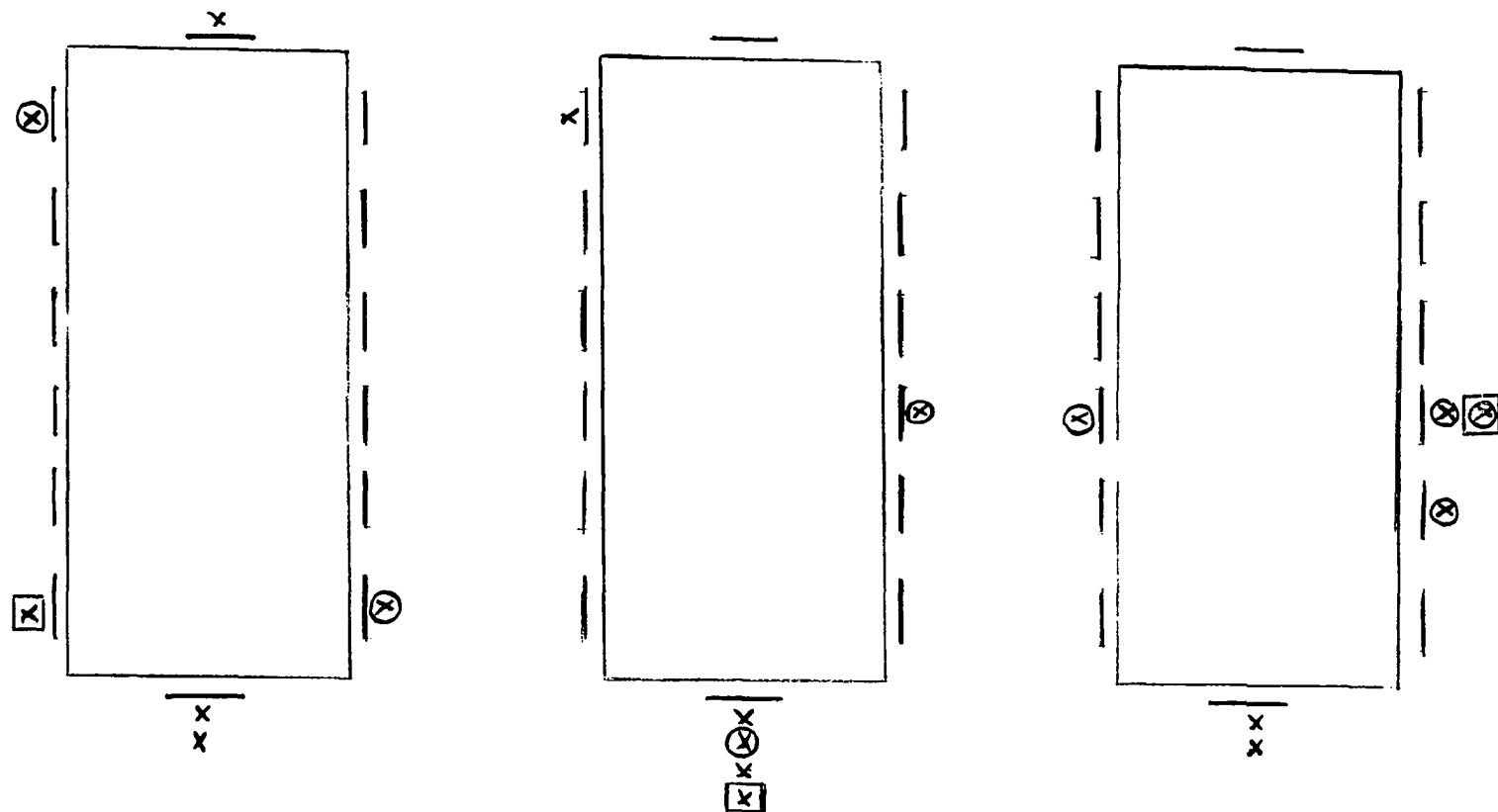
*in minutes

Table 7

Table Positioning of Jury
Foremen When Elected*

Critical factor	Frequency	Percentages
End-table position (A)	8	44%
Initiated conversation (B)	7	39%
Both A & B	1	6%
Other	2	11%

*community juries included



12 man juries 9 man juries 6 man juries

x table position O initiated conversation □ community mock jury

Fig. 1. Table positions of mock jurors when chosen foremen

Table 8

Sex Composition of 12, 9 and 6 Man Juries
and the Percentages of Time Males and
Females Were Chosen Foremen*

Jury size	Sex	N	% N	% Chosen as Foremen
12 man juries	males	33	55	100
	females	27	45	
9 man juries	males	21	47	100
	females	24	53	
6 man juries	males	17	57	75
	females	13	43	25

*student mock juries only

In the community sample, a female who served on a 9 man jury was chosen jury foreman. She, however, was the wife of a nearby metropolitan judge.

Once inside the juryroom, variability in the amount of time that passed before a foreman was selected seemed to be related to jury size. Both 12 and 9 man juries elected their foremen immediately upon entering the jury deliberation room. In the student sample, at least three of the 6 man juries did not elect a foreman until deliberations had been concluded and it was necessary to return their verdicts to the courtroom.

Post-Experimental Questionnaires

Impartiality estimates. Subjects on student mock juries were asked to answer the following question (see Appendix G): "Were the jurors in this study as impartial and as objective as you would expect jurors to be in an actual trial?" The choices of response were:

- a. more impartial and objective
- b. less impartial and objective
- c. about the same--no difference

Mock juror responses were not associated with jury size ($\chi^2 = 3.80$, $p > .50$, see Table 9). That is, participants on 6, 9 and 12 man juries did not differ in their estimate of jury impartiality.

Responses to the same question were also analyzed for sex differences (see Table 10). Judgments as to jury impartiality were associated with the sex of the subject

Table 9

Impartiality Estimates of Mock Jurors
on 12, 9 and 6 Man Juries*

Jury size	Impartiality			χ^2	p
	more	same	less		
12 man juries	7	49	4	3.80	>.50
9 man juries	5	32	8		
6 man juries	5	21	4		

*student mock juries only
df = 4

Table 10

Impartiality Estimates of Student
Mock Jurors--by Sex

Sex	Impartiality			χ^2	p
	more	same	less		
males	8	59	4	6.21	<.05
females	9	43	12		

df = 2

($\chi^2 = 6.21$, $p < .05$). Inspection of the individual chi-square cells suggests that females tended to evaluate the juries on which they served as being less impartial than did males.

Of a total of 27 community mock jurors, 13 or 48% had previously served on actual juries. The civil disputes which they had deliberated included: damage suits, contract suits, and property condemnations. Other cases which they tried fell in the criminal category, such as armed robbery and murder charges. Because of their previous experience, community mock jurors were asked to respond to a question somewhat different from that which appeared on the questionnaire administered to student juries (see Appendix G): "In general, were the jurors with whom you served before as objective and impartial as the jurors with whom you served today?" The choices of response were:

- a. more impartial
- b. less impartial
- c. no difference

Eleven or 84.6% of the total number of jurors with previous jury duty experience reported no difference in impartiality between the mock jury and the actual jury on which they had previously served.

Responsibility estimates. Student mock jurors were asked to answer the following question on the post-experimental questionnaire. "How responsible do you feel for the verdict reached by the jury on which you served in

this study?" Seven categories of response were provided, ranging from "extremely responsible" to "extremely not responsible." For purposes of simplification and in order to meet statistical assumptions, all categories involving responsibility (extremely responsible, responsible, slightly responsible) were collapsed as were all categories reflecting a lack of responsibility (slightly not responsible, not responsible, extremely not responsible). The "d" or average category was eliminated in data analysis.

Individual estimates of responsibility did not vary as a function of jury size ($\chi^2 = 2.59$, $p > .25$, see Table 11). Community mock jurors were asked to make a comparative judgment of responsibility by responding to the following question: "Did the jurors in those cases on which they previously served accept their responsibilities as seriously as the jurors in today's proceedings?" Response choices were:

- a. they were more serious
- b. they were less serious
- c. they did not differ from today's jurors

A total of 48% of the community jurors had previously served on jury duty qualifying them to respond to this question. Eighty-four percent answered that there was no difference in the amount of responsibility assumed by actual jurors in cases which they formerly deliberated and the responsibility assumed by mock jurors in the present study. Eight percent said the actual juries were more

Table 11

Responsibility Estimates of Mock Jurors
on 12, 9 and 6 Man Juries*

Jury	Responsible	Not Responsible	χ^2	p
12 man juries	37	6	2.59	>.25
9 man juries	28	3		
6 man juries	18	2		

*student mock juries only

df = 2

Table 12

Responsibility Estimates of Student
Mock Jurors--by Sex

Sex	Responsibility					χ^2	p
	*a	b	c	d	e		
Males	13	18	14	17	9	10.07	<.05
Females	4	22	12	23	3		

df = 4

a = extremely responsible

b = responsible

c = slightly responsible

d = average

e = slightly not responsible
not responsible

extremely not responsible

serious, and another 8% said they were less serious.

The data for student mock juror responses were also analyzed for sex differences (see Table 12). In order to meet statistical assumptions of chi-square concerning the expected frequencies required in each matrix cell, the "not responsible" categories (slightly not responsible, not responsible, extremely not responsible) were combined (Walker & Lev, 1953). Reports as to the amount of responsibility assumed by mock jurors were associated with the jurors' sex ($\chi^2 = 10.07$, $p < .05$). An inspection of chi-square cell frequencies suggests that while female responses piled up in the center of the distribution (responsible, slightly responsible, average), the responses of male jurors were heavier at the extremes (extremely responsible, not responsible, extremely not responsible).

Estimates of guilt. Student mock jurors were asked to respond to the following question. (see Appendix G):

Let us assume that new evidence was just uncovered concerning the case you have deliberated. Assume also that this evidence clearly indicates that you returned an unjust verdict. How guilty would you feel?

Seven choices of responses were offered ranging from "extremely guilty" to "extremely not guilty." These choices were collapsed into two categories for purposes of data analysis: a "guilty" category which included the

choices of "extremely guilty," "guilty" and "slightly guilty," and a "not guilty" category which included the choices of "extremely not guilty," "not guilty" and "slightly not guilty" (see Table 13). The "d" or "average" category was eliminated.

Responses to the question were not associated with jury size ($\chi^2 = 2.57$, $p > .25$). The same datum was analyzed for sex effects and revealed significant differences, however (see Table 14). In the analysis, the same collapsing procedure was used as in the analysis of jury size and guilt feelings. Estimates of anticipated guilt feelings were found to be associated with the juror's sex ($\chi^2 = 4.91$, $p < .05$). Inspection of the chi-square matrix suggests that a greater proportion of females anticipated guilt feelings as a result of having returned an "unjust" verdict as compared to the males.

Table 13

Guilt Estimates of Mock Jurors on
12, 9 and 6 Man Juries*

Jury size	Guilt	No guilt	χ^2	p
12 man juries	27	28	2.57	>.25
9 man juries	24	16		
6 man juries	18	9		

df = 2

*student mock jurors only

Table 14

Guilt Estimates of Student
Mock Jurors--by Sex

Sex	Guilt	No guilt	χ^2	p
males	29	33	4.91	<.05
females	40	20		

df = 1

CHAPTER V

DISCUSSION

The first hypothesis of the present study raised the question of whether or not juries of varying sizes, having deliberated an identical case, would differ in their verdicts. Because the stimulus material was a personal injury case, as opposed to other legal issues involving contracts, taxes or wills, it was highly representative of all civil cases, for it has been estimated that 80% to 90% of all civil cases filed, involve some kind of accident (Averbach, 1958). Moreover, the basic legal procedures in trying a civil case are quite similar to criminal trial proceedings. Because of the fact that a courtroom setting was utilized and because student mock jury behavior was found to be consistent with the behavior of community mock juries, the study's external validity or generalizability was enhanced.

Juries of 12 men as constituting a standard in American jurisprudence were prefigured in legal precedent both at common law and in biblical example. In fact, the Supreme Court has ruled that Congress may not legislate for jury trials of a smaller number (U.S. v. Jepson, 1950).

Jurists, writing on the relative efficacy of juries of various sizes, have noted that no empirical work substantiates the several points of view (Joiner, 1962). Nor does it appear that relevant small group research in social psychology has been utilized in evaluating this question.

The findings of the present study as regards Hypothesis 1 are unequivocal. Mock juror verdicts did not vary as a function of jury size in either student or community samples. This supports the position of those who maintain that even though jury size differs from state to state by statute requirement, the social psychological dimension of group size does not cause verdict variations and hence, variations in justice.

It can also be argued that the uniformity of jury verdicts was due to the nature of the case itself. A replication of the present study with a change in case material would certainly be useful in assessing the validity of this explanation. Most jury trials, however, are not equally balanced in terms of the evidence presented on behalf of the litigating parties to a dispute. In the present study, it was assumed on an a priori basis that jurors would tend to favor the Plaintiff, a little girl, over the Defendant, a used car salesman.

It is noteworthy that two mock juries were unable to reach a unanimous verdict and that both of these juries were 6 man juries. The entire sample of 12 and 9 man

juries contrastingly returned unanimous verdicts. One plausible explanation for this trend could involve the variables of group size and pressures to conform. If an individual's opinion is contradicted by 11 co-participants, he might more readily shift his position than when opposed by 5 co-participants, whose opposition could be less overwhelming.

In Asch's (1955) classical experiment of pressures to conform to a group judgment of the length of lines, this very effect was observed. As the size of the group was increased to a critical level, an increase in the number of subject's errors also increased. Put another way, as the number of opposing group members increased to seven or eight, there was an increasing tendency for subjects to acquiesce to the group judgment.

The study's second hypothesis stated that a jury composed of 6 or 9 members would require less time to reach a verdict than a 12 man jury and similarly that a 6 man jury would require less time than a 9 man jury. This was based on the reasoning that smaller groups could sample the opinions of their members and reach a consensus more rapidly than larger groups, simply because their members were fewer in number. This hypothesis was not supported, for there was almost no discrepancy in deliberation time across juries of various sizes. The largest mean difference between deliberation times involved a

comparison between 9 and 6 man juries and this difference amounted to only three minutes. Smaller sized juries clearly spent as much time deliberating their verdicts as larger sized juries, a fact which might suggest that amount of deliberation is a function of the issue involved and not the size of the jury. Future research might address itself to this question and to the problem of latency measures in general. For the hung juries the measure was time to "no decision." For the other juries, the measure was time to "decision."

Kalven (1966), for example, inferring that longer trials implied more difficult cases, found that more difficult cases required longer deliberations. It is thus possible to construct a D/T ratio (ratio of deliberation time to trial time) and compare this ratio for different categories of cases at law across juries of various sizes. The D/T ratios for the present study involving a personal injury case could serve as a base line for further research (see Table 15).

The fact that no differences in deliberation time were found has implications for individual juror participation and group interaction as well. In a hypothetical case, for example, if juries of 12, 9 and 6 members deliberated for an hour's time, more time would be potentially available to jurors on smaller sized juries for verbal participation. In this instance, the average time

Table 15

A Summary of D/T Ratios for
12, 9 and 6 Man Juries*

Jury size	D/T ratio
12 man juries	.40
9 man juries	.44
6 man juries	.34

*based on mean deliberation times

Table 16

Number of Potential Relationships in
12, 9 and 6 Man Juries

Jury size	No. of relationships
12 man juries	261,625
9 man juries	9,330
6 man juries	301

available for individual participation on a 12 man jury would be five minutes as compared to an average available participation time of ten minutes per juror on a 6 man jury. In fact, in an experimental study of discussion groups, individuals on 5 man groups reported having more opportunities to speak, as compared to when they participated on 12 man discussion groups (Hare, 1952).

Not only does a member of a larger sized jury have potentially less time for individual participation, but the potential nature and number of relationships in which he could involve himself are extremely more complex when compared to those of smaller sized juries. An attempt to quantify the number of potential relationships among individuals, subgroups, and between an individual and a subgroup in groups of varying sizes, was made by Hare (1960). To this end, he has devised the following formula:

$$X = \frac{3^n - 2^{n+1} + 1}{2}$$

where: X = the number of potential relationships
n = the size of the group

The relative complexities of potential relationships between juries of 12, 9 and 6 members is illustrated in Table 16.

It was also noted that 6 man juries had a tendency to delay the selection of a jury foreman until the conclusion of their deliberation, although 12 and 9 man juries elected their foremen immediately upon entering the

juryroom. One possible explanation of this phenomenon involves the dimension of group formality. A larger jury might perceive the need of a formal group structure in order to carry out its functioning; to appoint a leader to call on other members and to direct group discussion towards problem solving and consensual agreement. A smaller sized jury, on the other hand, might not perceive the need for formal structuring unless rapport broke down among its membership. In such a contingency, an informal leader would probably emerge. In fact, a subjective impression of the mock jury deliberations suggests that being elected foreman in no way guarantees group leadership.

It is also likely that jury foremen participate more fully in group discussion than other jury members especially if an autocratic leadership role is assumed. This would further reduce the potential amount of time available for individual participation by members of larger juries. Stephan and Mishler (1952), in working with groups of three to eight members found that when a leader was chosen, the amount of his participation relative to other group members increased as the size of the group increased.

But a second question lingers, "On what basis are jury members chosen foremen?" In the present study of 12, 9 and 6 man juries, 44% of all foremen were participants who had sat at the end table positions upon entering the

juryroom. This is consistent with the findings of Strodtbeck and Hook (1961) who studied 12 man juries. These investigators have commented:

It is even possible that a move to select someone other than a person at the end of the table would be perceived as a rejection of the persons on the end, while the selection of a person at the end would not offend anyone because it could be presumed that being at the end was accidental [p. 400].

It must be pointed out that particularly in civil cases, while the 12 man rectangular discussion table is used, the number of participating jurors is frequently less than 12 (see Appendix A). In the present study as is similar to actual court practice, one third of all mock juries were comprised of 9 members and another one third comprised of 6 members. Since a 12 man discussion table was used, it was not necessary for anyone to sit at the end table positions. It was also found in the present study, that out of a total of 18 mock jury foremen, 39% had initiated group discussion upon entering the juryroom which is consistent with the findings of Strodtbeck, James and Hawkins (1957). It is probable, therefore, that when no juror takes the end table position upon entering the deliberation room, it is the juror who initiates group discussion that enjoys the greatest likelihood of being chosen foreman.

Yet what could account for the fact that while the study's sample included an approximately equal number of males and females, only two females were ever selected

foreman? One plausible explanation involves a social psychological perspective of traditional sex roles. Americans have an internalized set to perceive authority figures at the head of the table since such places are commonly reserved for leaders, dignitaries and the heads of households. To initiate conversation in a group situation undoubtedly requires self confidence and assertiveness. Even though sex roles in contemporary society are becoming less well defined, freeing women of their status as follower and role of passivity, the austere courtroom atmosphere might still evoke an awareness of and adherence to the traditional norms.

Post-Experimental Questionnaires

Estimates of impartiality. When student jurors were asked to compare the impartiality of their mock jury deliberation with that of a hypothetically real jury deliberation, their responses did not vary with changes in group size. In this comparison, members of smaller sized juries did not believe that their verdicts were less impartial than did members of larger sized juries. Although it might be expected that larger juries, with the potentiality of a greater number of diverging views, would perceive themselves as being more impartial than would smaller juries, it must be remembered that pressures to conform are also greater in larger sized groups.

When compared to the students' estimation of the

impartiality of real jury deliberations, a significantly greater number of females than males thought their mock juries were less impartial. A plausible explanation for this finding involves a historical, differential sex relationship to legal processes. American law, codified by males, is typically administered by males: judges, attorneys, court and police officers. Moreover, the majority of defendants at law are males. This experiential difference in relation to the law, might elicit in the female personality, a more idealized attitude towards legal processes in general, and citizen participation in particular, causing them to deprecate their own mock jury behavior.

Estimates of responsibility. Individual estimates of responsibility assumed for mock jury verdicts did not vary as a function of jury size. Members of 12 man juries reported assuming as much responsibility for their verdict as did members of 9 and 6 man juries. This contradicts the commonly held conception that individual responsibility dilutes with an increase in group size. For example, at the close of World War II, this belief was apparently shared by many German citizens after more information about Nazi atrocities became available. Again, in the classic military firing squad, it is assumed that individual responsibility is diluted if all squad members fire their rifles but only one rifle is loaded.

In terms of mock jury verdicts, males reported feeling both more extreme responsibility and a greater lack of responsibility than females. Female estimates, on the other hand tended to cluster in center categories of response (slightly responsible, average). It is again possible that their traditional separation from legal processes directed them to take moderate stands on issues of law, which may not be typical of their behavior in other contexts.

Estimates of guilt. Anticipated feelings of guilt over the possibility of having rendered an unjust verdict did not vary with group size. Members of 12 man juries believed that they would experience as much guilt as did members of smaller sized juries in the event that they had returned an unjust verdict. Again it is clear that increasing the number of participants does not dilute an individual's guilt feelings. Thus, if a bystander is killed in the midst of a store robbery, the gang member who serves as lookout might possibly be an accessory to the crime before the law, but may nevertheless experience as much psychological guilt as the gang members who actually did the shooting.

In the present study, females anticipated more guilt feelings over the possibility of their verdict being unjust than did males. This difference might be explained by variations in sex related, child rearing practices.

Girls have been traditionally entrusted with the perpetuation of societal standards for ethical behavior. Males are not taught to be unethical, but their socialization is more pragmatically oriented towards the "rules of the game." Illustrating this point, one male commented, "We did the best we could with the evidence at hand--if new evidence were brought to light, there would be a retrial."

Mock Jury Deliberations

An analysis of the tape recorded jury deliberations proved heuristic and instructive. Mock juries did not arrive at their verdicts through games of chance such as flipping coins or casting lots. Most jurors appeared to be serious, conscientious and determined to be impartial. Occasional laughter evoked during juror introductions and the deliberation itself, seemed to enhance group cohesion and release tension as opposed to suggesting flippancy. Contrary to common belief, the mock jurors were not impressed or swayed by obvious emotional appeal, in fact, they tended to react against it as illustrated by the following juror remarks:

Juror A: "I got to thinking he was pretty guilty until that defense lawyer started talking about that poor little girl and all that hurting."

Juror B: "At first I was for the little kid, because of the dirty used car salesman, but--"

More subtle social and personality variables did seem to have their effect on jury verdicts. Jurors, as

revealed by their group discussion, did not seem to understand the judge's instructions. Confusion centered on the meanings and connotations of several important legal concepts: "preponderance of evidence," "contributory negligence," "proximate cause," "affirmative defense" and "reasonable and ordinary care." There also tended to be a curious affectation of expertise by some jurors on the unlikely topics of law, physics and medicine:

Juror C: (in response to a question as to whether their verdict had to be unanimous) "Well, it's a civil jury. It has to be unanimous, otherwise it's a hung jury."

Juror D: "To stop in 2 1/2 feet, including reaction time, you'd [the Defendant's car] have to be going 1 mile per hour."

Juror E: "He (the doctor) said he found tenderness. In an ankle injury there's no tenderness."

As is a problem even with trained observers, confusion existed between observations of trial evidence and juror inferences regarding the evidence. For example, it was established that the accident involving the Plaintiff and the Defendant occurred at 5:00 P.M. and that traffic was heavy. Three witnesses testified to that effect. On the basis of these observations, one juror concluded, "If it was 5 o'clock traffic, he [the Defendant] must have been pretty alert." Moreover, widely divergent conclusions were drawn by different jurors after observing courtroom evidence. In one instance, the reliability of the Defendant's testimony as regards the make of his car came into question, leading two jurors to reason:

- Juror F: "A used car salesman ought to know the kind of car he was driving."
 Juror G: "He's a used car salesman, he might drive a different car home every night."

Jurors frequently ascribed hostile or even sinister motives to witnesses on the basis of scant verbal behavior or physical evidence and in some cases, on the complete absence of appropriate stimulus conditions:

- Juror H: "I can't see sticking that guy for \$6,500.00. She was going to need it [corrective shoes] anyway if she was flat footed."
 Juror I: (in response) "The father was probably standing on the corner and pushed her in."

Similarly, in referring to the validity of testimony by Jimmy Fuller, the grocery clerk who testified for the defense that the little girl was walking in the crosswalk, one juror commented: "They [the Defendant's family] trade with the store and it's good business-."

Not surprisingly, considerable juror argument was apparently based on individual expectations of adherence to cultural and subcultural behavioral norms. Co-extensive to this was the poignant role that past experience seemed to play in the formation of juror attitudes:

- Juror J: "Fathers always are going to stick up for their daughters. My sister was in an accident and was really hurt. If she wasn't, my father would have stuck up for her anyway."
 Juror K: "I was in an accident and you don't know how many little kids stop, look and listen in the middle of the street."
 Juror L: "It was a female's estimate that he [the Defendant] was going 30 miles per hour."
 Juror M: "Is it possible to attain a speed of 30 miles an hour in 15 feet, even if you had a Cadillac?"

Juror N: "I've raised several children and grand-children and have had to frequently ask them, 'are you sure you're telling the truth?'"

CHAPTER VI

SUMMARY AND CONCLUSIONS

The site of the present study was the mock court facilities at the University of Oklahoma College of Law. Eighteen mock juries, six 12 man juries, six 9 man juries, and six 6 man juries were presented a filmed trial of a personal injury case. After the judge's instructions were read, mock jurors were asked to deliberate a verdict of "guilty" or "not guilty." Post-experimental questionnaires were administered in order to measure attitudes towards mock jury impartiality, responsibility and individual feelings of guilt. Post-experimental interviews were conducted to examine the process of foreman selection.

As hypothesized, there was no difference in verdicts juries of various sizes, even though 6 man juries had more difficulty in reaching unanimity. Also, deliberation times for juries of varying sizes were consistent. Because this was an unexpected finding, the number of potential relationships in groups of various sizes, and the ratios of deliberation time to trial time, were explored.

Although sex differences were found, juror estimates of group impartiality, responsibility and individual

feelings of guilt did not vary as a function of jury size. More females than males judged the mock juries on which they served to be less impartial than actual juries. Females also anticipated more guilt feelings over the possibility of having rendered an unjust verdict. Males, however, tended to feel that the juries on which they served acted with extreme responsibility or without responsibility when compared to actual juries, whereas female responsibility estimates tended to bunch in more central response categories. Inside the juryroom, it was found that individuals who either sat at the end table positions or who initiated group discussion had the greatest likelihood of being chosen jury foreman.

In many states, recording jury deliberations constitutes a felony. Recording mock jury deliberations, though not illegal, raises ethical questions which are of increasing concern to research psychologists. Every effort should be made to accommodate science's need to explore nonreactive data, and the human subject's right to privacy. In the present context, deliberations might be recorded without the participants' awareness. Once their verdict is recorded, however, permission to analyze the recorded information could be sought. This proposal, admittedly imperfect, may have some currency in satisfying both the scientific and ethical requirements of behavioral research on the jury process.

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APPENDIX A

THE NUMBER OF JURORS REQUIRED BY STATE STATUTES*

Alaska: Right preserved if amount in suit exceeds 250 dollars. Legislature may provide for verdicts in civil actions by not less than $3/4$ vote, and in courts not of record for jury of 6 to 12.

Arizona: The legislature may provide that jury may be less than 12 in courts not of record and that verdict may be by 9 or more in civil actions in courts of record where parties consent.

Arkansas: In civil cases verdict by 9 or more jurors may be accepted.

California: In civil actions jury may render verdict on $3/4$ vote. In civil actions and misdemeanor trials parties may agree on any number less than 12.

Colorado: In civil actions in all courts, or criminal cases in courts not of record, number may be less than 12 as prescribed by law.

Florida: The legislature may fix the number of jurors in any court to not less than six.

Georgia: General Assembly may provide that juries may be not less than 5 in courts other than Superior Court.

Hawaii: Right preserved if amount in suit exceeds one hundred dollars. Legislature may provide for verdicts by not less than $3/4$ vote.

Idaho: In civil actions $3/4$ of jurors may render verdict. In misdemeanor cases legislature may provide for verdicts on $5/6$ vote. In civil actions and misdemeanor trials jurors may be any number less than 12 when parties agree.

Illinois: Legislature may provide that in civil actions before a justice the number of jurors may be less than 12.

Indiana: In all criminal cases the jury shall have the right to determine the facts and the law.

Iowa: Legislature may set number of jurors as less than 12 in trials in inferior courts.

Kentucky: For civil cases and for misdemeanors in courts inferior to Circuit Court a jury shall consist of 6. In civil cases in Circuit Court the legislature may provide for verdicts by $3/4$ vote of the jury.

Louisiana: Where punishment may not be at hard labor, trial is by judge. Where there may be sentence at hard labor, jury of 5; all must concur. Where crime necessarily calls for sentence at hard labor, jury of 12, of whom 9 must concur. Where punishment is capital, jury of 12, and all must concur.

Maryland: The jury shall be judge of law as well as the facts in trial of all criminal cases.

Michigan: In all civil actions tried by twelve a verdict shall be received when ten agree. In criminal cases jury may consist of less than twelve in courts not of record.

Minnesota: Legislature may provide that after six hours of deliberation, jury may decide by 5/6 vote in civil actions.

Mississippi: Legislature may provide that in civil suits in Circuit and Chancery courts, verdict may be by vote of 9.

Missouri: Legislature may provide in criminal and civil trials in courts not of record that jurors may be less than twelve and a 2/3 majority may make a civil verdict. In courts of record in civil actions verdict may be by vote of 3/4.

Montana: For civil cases and for misdemeanor trials in Justice Court jurors shall be not more than 6. In civil trials and in criminal trials for less than felonies verdict may be by vote of 2/3.

Nebraska: Legislature may provide that in courts inferior to District Courts number may be less than 12, and authorize in civil trials that verdict may be rendered by not less than vote of 5/6.

Nevada: In civil trials verdict may be by vote of 3/4, subject to change to unanimous by 2/3 vote of the legislature.

New Hampshire: Right preserved if amount in suit exceeds five hundred dollars.

New Jersey: The legislature may authorize that in civil actions where the amount in dispute does not exceed fifty dollars trial by jury of 6 and in civil actions verdict may be by not less than 5/6 vote.

New Mexico: Legislature may provide that in civil actions verdict may be less than unanimous. In courts inferior to district courts jury may be 6.

New York: Legislature may provide in civil actions for verdicts by not less than 5/6 vote.

North Carolina: The legislature may provide for other means of trial for petty misdemeanors, with right of appeal.

North Dakota: Legislature may provide that civil actions in courts not of record may be tried by less than 12.

Ohio: Legislature may provide that in civil actions verdict may be by 3/4 vote.

Oklahoma: Juries in courts of record other than County Courts, 12. In County Courts and courts not of record, 6. In civil trials, and in criminal trials for less than felonies, vote by 3/4.

Oregon: In criminal trials in Circuit Court, vote of 10 may give a verdict, except first-degree murder. In civil cases vote of 3/4.

South Carolina: In civil and criminal jury cases in Municipal and courts inferior to Circuit Courts jurors shall be six.

South Dakota: Legislature may provide that in any court not of record, jury may be less than 12 and decision in civil trials by 3/4 vote.

Texas: In civil actions and in criminal trials below felony, in District Courts 9 may make a verdict. Juries in County Courts shall be 6.

Utah: In courts of general jurisdiction jury of 8, except in capital cases. In courts of inferior jurisdiction jury may be 4. In criminal trials verdict must be unanimous. In civil actions verdict may be by 3/4 vote.

Virginia: Assembly may limit number of jurors in civil actions in courts of record to not less than 5 in cases cognizable by Justice of Peace or 7 in cases not cognizable. Laws may provide for less than 12, but not less than 5 in trial of offenses, not felonies; and may classify such and set number of jurors for each.

Washington: Legislature may provide that in courts not of record, less than 12, and that the verdict may be by 9 or more in civil actions in courts of record.

West Virginia: In civil trials before a justice the jury may be six.

Wisconsin: Legislature may provide that in civil actions verdicts may be based on specific number of votes not less than 5/6.

Wyoming: Legislature may provide that in civil trials in all courts and trials in criminal courts not of record, number may be less than 12.

*From McCart (1964).

APPENDIX B

BIBLICAL ALLUSIONS TO THE NUMBER 12

BIBLICAL ALLUSIONS TO THE NUMBER 12

Gen.

- 5.8 And all the days of Seth were nine hundred and twelve years...
- 14.4 Twelve years they served Chedorlaomer,...
- 17.20 ...twelve princes shall he beget, and I will...
- 25.16 ...twelve princes according to their nations.
- 35.22 ...Now the sons of Jacob were twelve:...
- 42.13 ..."We thy servants are twelve brethren,..."
- 42.32 We are twelve brethren,...
- 49.28 All these are the twelve tribes of Israel,...

Exod.

- 15.27 And they came to Elim, where were twelve springs of water,...
- 24.4 ...and builded an altar under the mount, and twelve pillars, according to the twelve tribes of Israel.
- 28.21 ...to the names of the children of Israel, twelve, according to their...
...according to his name, they shall be for the twelve tribes.
- 39.14 And the stones were according to the names of the children of Israel, twelve, every one according to his name, for the twelve tribes.

Lev.

- 24.4 And thou shalt take fine flour, and bake twelve cakes thereof:...

Num.

- 1.44 And the princes of Israel, being twelve men;...
- 7.3 And they brought their offering before the Lord, six covered wagons, and twelve oxen:...
- 7.78 On the twelfth day Ahira the son of Enan,...
- 7.84 This was the dedication-offering of the altar, in the day when it was anointed, at the hands of the princes of Israel: Twelve silver dishes, twelve silver basins, twelve golden pans;...
7.86 twelve golden pans...all the gold of the pans a hundred and...
7.87 all the oxen for the burnt-offering twelve bullocks, the rams twelve, the he-lambs of the first year twelve,...and the males of the goats for a sin-offering twelve,
17.17 ...and take of them rods...of all their princes according to their father's houses, twelve rods;
17.21 ...and all their princes gave him rods, for each prince one,...even twelve rods;...

Num. (cont.)

- 29.17 And on the second day ye shall present twelve young bullocks,...
- 33.9 ...and in Elim were twelve springs of water...

Deut.

- 1.23 I took twelve men of you, one of a tribe

Josh.

- 3.12 ...take you twelve men out of the tribes of...
- 4.2 take you twelve men out of the people
- 4.3 Take you...out of the place...twelve stone
- 4.4 Joshua called the twelve men, whom he...
- 4.8 ...took up twelve stones, in the midst...
- 4.9 Joshua set up twelve stones in the midst...
- 4.20 those twelve stones, which they took out...
- 8.25 all that fell that day...were twelve...
- 18.24 and Gaba, twelve cities with their...
- 19.15 Beth-Lehem: twelve cities with their...
- 21.7 out of the tribe of Zebulun, twelve cities...
- 21.40 the cities, were by their lot twelve...

Judg.

- 19.29 Divided her...into twelve pieces, and sent...
- 21.10 the congregation sent thither twelve...

Sam.

- 2.2.15 There arose...twelve of Benjamin...and twelve...
- 2.10.6 ...sent and hired...of Ish-tob twelve thousand...
- 2.17.1 Let me now choose out twelve thousand...

1. King.

- 4.7 Solomon had twelve officers over all Israel...
- 4.26 Solomon had twelve...thousand horsemen
- 7.15 ...a line of twelve cubits did compass either...
- 7.25 It stood upon twelve oxen, three looking...
- 7.44 ...one sea, and twelve under the sea...
- 10.20 ...twelve lions stood there on the one side...
- 10.26 ...chariots, and twelve thousand horsemen...
- 11.30 Ahijah caught...and rent it in twelve...
- 16.23 ...began Omri to reign over Israel, and reigned twelve years...
- 18.31 And Elijah took twelve stones, according to the number of the tribes.
- 19.19 ...and found Elisha...plowing, with twelve yoke of oxen...

2. King.

- 3.1 ...Jehoram the son of Ahab...reign over Israel... twelve years.
- 8.25 In the twelfth year of Joram the son of Ahab...

2. King. (cont.)

- 17.1 In the twelfth year of Ahaz king of Judah...
- 21.1 Manasseh was twelve years old when he began to reign...

1. Chron.

- 6.48 ...and out of the tribe of Zebulun, twelve cities...
- 9.22 ...in the gates were two hundred and twelve.
- 15.10 ...Aminadab the chief, and his brethren an hundred and twelve...
- 24.12 ...the eleventh to Eliashib, the twelfth to Jakim...
- 25.9 ...he and his brethren and sons were twelve.
See also 25.10 till 31.
- 27.15 The twelfth captain for the twelfth month...

2. Chron.

- 1.14 And Solomon gathered...twelve thousand horsemen...
- 4.4 It stood upon twelve oxen, three looking...
- 4.15 One sea, and twelve oxen under it...
- 9.25 And Solomon had...twelve thousand horsemen...
- 33.1 Mannasseh was twelve years old when he began to reign...
- 34.3 ...in the twelfth year he began to purge Judah and Jerusalem...

Ezra

- 2.6 The children of Pahath-moab...two thousand eight hundred and twelve.
- 2.18 The children of Jorah, a hundred and twelve...
- 8.24 Then I separated twelve of the chiefs of the priests...
- 8.31 ...we departed...on the twelfth day of the first month...
- 8.35 The children of the captivity...offered...unto the God of Israel twelve bullocks for all Israel ...twelve he-goats for sin-offering...

Neh.

- 5.14 ...that is, twelve years, I and my brethren have not eaten the bread...
- 7.24 The children of Hariph, a hundred and twelve.

Esther

- 2.12 ...after that it had been done to her...twelve months...
- 3.7 In the first month, which is the month Nisan, in the twelfth year of king Ahasuerus...
- 3.13 ...upon the thirteenth day of the twelfth month...
- 8.12 ...upon the thirteenth day of the twelfth month...

Esther (cont.)

- 9.1 ...Now in the twelfth month, which is the month Adar...

Psalms

- 60.2 ...and smote of Edom in the Valley of Salt twelve thousand.

Jer.

- 52.20 ...and the twelve brazen bulls that were under the bases...
 52.21 ...and a line of twelve cubits did compass it;...
 52.31 ...in the twelfth month,...

Ezek.

- 29.1 ...in the twelfth day of the month, the word of the Lord came unto me.
 32.1 And it came to pass in the twelfth year, in the twelfth month,...
 32.17 It came to pass also in the twelfth year, in the...
 33.21 And it came to pass in the twelfth year of our captivity,...
 43.16 And the hearth shall be twelve cubits long by twelve broad,...
 47.13 ...divide the land for inheritance according to the twelve tribes...

Ezra

- 6.17 ...and for a sin-offering for all Israel, twelve he-goats,...

APPENDIX C

LETTER OF INTRODUCTION

THE UNIVERSITY OF OKLAHOMA
Norman, Oklahoma

I am sure you are aware of the current focus of attention on the court system in Oklahoma and on the administration of justice nationally. With the permission of District Court Judge Elvin Brown and with the advisement of the University of Oklahoma College of Law, we are conducting a study of the court process at the University. Cleveland County has been chosen as one of the sites for this study.

Because you are a resident of this county who is eligible for jury duty, you are asked to participate in this study. The study will be conducted at the University of Oklahoma College of Law court-room facilities. You are asked to serve on a mock jury. Every effort will be made to set a time and date agreeable to you and the other participants.

Mr. Robert Gordon, my associate who is directing the project, will contact you by phone within a few days time. Please note all of your questions so that he can answer them when he calls. He will also establish a date and time that will be convenient for you to serve.

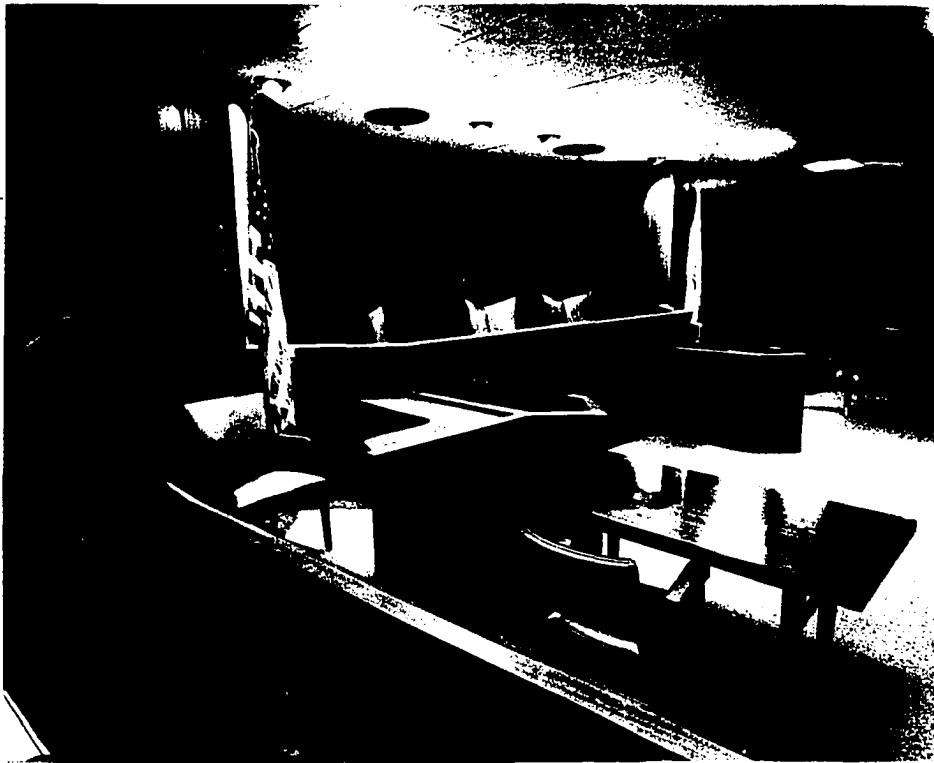
Thank you for your cooperation in this matter.

Cordially yours,

David Swank
Associate Professor of Law

APPENDIX D

EXPERIMENTAL SETTING



Courtesy of The University of Oklahoma, College of Law



Courtesy of The University of Oklahoma, College of Law

APPENDIX E

A COMPREHENSIVE SUMMARY OF STIMULUS MATERIAL

Summary of Stimulus Material

Characters: The Court Bailiff
The Judge
Fredrick Winston--counsel for the plaintiff
Charles Avery--counsel for the defendant
Judy Martin--the plaintiff
Alvin Sharp--the defendant
Witnesses for the plaintiff
 Mr. Martin--plaintiff's father
 Officer Schneider--took accident report
 Jimmy Fuller--grocery clerk
 Dr. Sperling--expert medical witness
Witnesses for the defendant
 Mrs. Reynolds--motorist at accident scene
 Dr. Winkelman--expert medical witness

Bailiff: He asks for order in the court and announces that the court is "the honorable circuit court of the city of St. Louis." He announces the Judge's entry.

Voir dire examination.

Fredrick Winston: He states that the case involves an automobile accident. He asks veniremen if any of them had ever been sued, if they know Mr. Sharp, his family, or had ever had any dealings with him.

Charles Avery: He asks veniremen if they believed that a young girl should receive damages just because she is in an automobile accident and if they believed they could render an impartial verdict. He asks the court to dismiss one prospective juror for cause.

Impanelment of jury and jury oath administration.

Opening statements by counsels.

Fredrick Winston: He states that on September 29th of last year, Judy Martin was struck by the Defendant's car at the intersection of Wheeler St. and Sutton Ave. He states that Judy was on her way to get milk for her mother at the corner store, when she looked both ways before crossing Wheeler St. He states that she was in the crosswalk when struck. He states that Officer Schneider and Jimmy Fuller would testify to this effect later in the proceedings. He states that it was light at the time of the accident and nothing could interfere with the Defendant's view of the child. He also says that the girl was taken to the hospital and that she walks with a limp as a result of the accident. He states that Dr. Sterling would later testify as to the permanent injury to the ligaments of Judy's right foot as a result of the accident and asks for \$6,500.00 in damages.

Charles Avery: He discusses the nature of trial evidence and how in this case it would show that Mr. Sharp, on the day in question, stopped at the corner gas station and continued heading east on Wheeler St. He further states that the Defendant came to a full stop, inching his way across Sutton Ave. to let a

north bound car pass by. He notes that the street was narrow, about 30 feet across, with cars parked on both sides; that Mr. Sharp was about 8 feet past the crosswalk on Wheeler St. when the girl jumped out in front of him. He states that Mrs. Reynolds, driver of the oncoming car would substantiate that the girl darted in front of his car and that Dr. Winkleman would testify that the Plaintiff had congenitally weak feet and sustained no injury as a result of the accident.

Witnesses for the Plaintiff.

Judy Martin: She states her age (11), address, mother's name and father's occupation. She states that she was in an accident on the day in question as she went to get some milk for her mother at the grocery store; that she had to cross Wheeler St. to get to the store. She said that as she approached the intersection she stopped in the crosswalk and looked up and down the street to see if any cars were coming. She testifies that a big car struck her down and that she afterwards got up herself. She identifies the man in the car as Mr. Sharp, and states that he came over and wanted to take her to a doctor's office. On cross examination, she testifies that she can't remember if the car ran over her foot, but she states that her foot hurts now.

Mr. Martin: He testifies that he noticed that his daughter began walking with a limp after the accident and that she never limped before. He states that he took her to Dr. Sterling, who prescribed corrective shoes for her during one of their visits. He states that Judy is better now, but that she still limps and feels pain (Mr. Avery objects and the Judge sustains the objection). On cross examination he states that if Judy hurt her foot at school, he would know about it, and that to the best of his knowledge, her foot never hurt before the accident.

Officer Schneider: He states that when he talked to the girl at the hospital, she seemed confused. He quotes Mr. Sharp as saying that he saw the girl and applied his brakes and that the girl had walked in front of his car. On cross examination, Officer Schneider testifies that Mr. Sharp said he was going east and not west on Wheeler St. and that he was driving a 1952 Pontiac, not a 1951 Packard. He states that his accident report says that the girl was out of the crosswalk. On redirect, he states that Mr. Sharp told him the girl walked in front of the car.

Jimmy Fuller: He is questioned by Charles Avery. He states that he had a meat sale on the day after the accident and for that reason, he was putting stickers

on the store windows when he saw the Martin girl walking across the street. He states that he saw the girl walking one foot off the curb, but not six feet off the curb. He states that she might have been running, but that when he saw her, she was walking.

Judge adjourns court for the day.

Bailiff announces opening of court on the following day.

Dr. Sperling: He states that Judy's injury was a result of the accident and that it is permanent. He states that there was tenderness under a ligament and a muscle in the right foot, along with other complications which were not present in the left foot. On cross examination, he states that it amounted to flat feet and that the pain which the girl reported was a subjective finding. He says, however, that the tenderness was experienced in the expected regions of the foot based on the complaint of injury.

Plaintiff rests.

Witnesses for the defense.

Alfred Sharp: He states his address and occupation (used car salesman). He states that on the day in question, he drove his 1951 Packard convertible into

a gas station and upon leaving, took the far exit in order to go east on Wheeler St. He states that he stopped at the intersection of Wheeler St. and Sutton Ave. and that because Sutton's traffic was heavy, he inched his way across, stopping at the center line to let a north bound car pass by. He also states that about 8 feet into the street, a girl shot out of nowhere and that he jammed on his brakes, but that the girl ran into his car. Because it looked as though she scraped her knee, he states that he wanted to take her to the doctor's, but that the little girl started crying, saying she didn't want her mother to know about it. He then states that as people started to crowd around, the little girl ran away.

On cross examination, he states that after the north bound car, there was nothing to obstruct his view of the street. He also states that his speed was about 8 to 10 m.p.h. and that it was light at the time and that his car was in good condition. He estimates that he could stop his car going about 10 m.p.h. in 15 feet. When told that in an earlier deposition, he had stated that he could stop at that speed in 2 and 1/2 feet, he states that Counsel was trying to confuse him (Mr. Winston objects and the Judge sustains). He states that he did not sound his horn at the sight of the girl.

Mrs. Reynolds: She states that she noticed the girl on the right as she approached the intersection and that the girl was out of the crosswalk. She states that she saw the little girl put down her head and dart across the street and that it looked like the girl ran into the car instead of the car running into her. She estimates Mr. Sharp's speed at 8 to 10 m.p.h. On cross examination, Mr. Winston points out that in her deposition she estimated Sharp's speed to be 30 m.p.h. and that she had said that the car struck the girl; she states that it must have been so, but that the deposition was taken at a confusing time. She says that at the time of the deposition, the baby was crying and she was trying to finish painting some furniture before her husband came home.

Dr. Winkleman: He states that in his examination of the girl, he found a congenital flat foot condition that was just like the flat foot condition of many children he had examined. He states that he did not believe this condition was aggravated by the injury. On cross examination he states that it was possible for certain kinds of conditions to be aggravated by an injury. On redirect, he states that in his opinion, Judy Martin's foot condition was not aggravated by the injury.

Judge prepares to read instructions.

Closing arguments by counsels.

Fredrick Winston: States that Judy Martin looked both ways before the accident and saw no cars coming and that she was in the crosswalk. He says that Officer Schneider was told by Mr. Sharp that the girl was walking; that Mr. Sharp admitted that it was light at the time with nothing to block his view and that he could stop his car in 2 1/2 feet going 10 m.p.h. Mr. Winston asks why Sharp did not stop his car or sound his horn. He states that Mr. Sharp should have seen the girl's danger and that he was negligent in not stopping or sounding his horn.

Charles Avery: He states that Jimmy Fuller was not an impartial witness because the Martin's frequented his store and that Officer Schneider had to use his accident report to refresh his memory of the accident. He suggests that it was improbable for Mr. Sharp to have confused the car he was driving and the direction he was going, and that this clouds the patrolman's testimony. He says that Mrs. Reynolds was the only eye witness to the complete accident and the only unbiased witness to it, and that she said that the child ran into the car. He states that Mr. Sharp's estimate that he could stop his car in 2 1/2 feet

going 10 m.p.h. was an honest mistake and he asks the jury to remember that the burden of proof is with the plaintiff.

Fredrick Winston: He states that the little girl had no trouble with her foot before the accident and that she now limps. He recalls that Dr. Sterling said that the injury was permanent and was likely to cause pain. He tells the jury that after their verdict there would be no recourse for the child, and that they shouldn't make the little girl assume the risks of the accident; that a fair and reasonable award would be \$6,500.00.

Acquisition of stimulus material.

The Action at Law Film, prints 4 & 5, can be acquired from the Audio Visual Center, The University of Indiana, Bloomington, Indiana.

APPENDIX F

THE JUDGE'S INSTRUCTIONS

You are instructed that the plaintiff has the burden of proving by a preponderance of the evidence the allegations of the plaintiff that the defendant was negligent and that such negligence was a proximate cause of the damage sustained by the plaintiff.

You are instructed that the term "preponderance of the evidence" means that proof which satisfies your minds of the greater probability of its truth when weighed against the opposing evidence; it does not mean necessarily the greater number of witnesses.

You are instructed that all drivers or motor vehicles must exercise ordinary care under the facts and circumstances existing. It is the duty of drivers to drive their vehicles at a reasonable rate of speed under the existing circumstances and to keep their vehicles under reasonable and proper control. It is also the duty of drivers to exercise reasonable and ordinary care in keeping a lookout, consistent with the safety rules of the road.

No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. . . . and to bring his vehicle to a stop within the assured clear distance ahead.

You are instructed that any person who suffers detriment from the omission or the unlawful act of another may recover from the person in fault a compensation therefor in money which is called damages. Detriment is a loss or harm suffered in person or property.

Damages must in all cases be reasonable.

Should you find from a preponderance of the evidence herein that the defendant was guilty of negligence as defined herein and that such negligence was a direct and proximate cause of the injury and damage to plaintiff's automobile, and that the plaintiff was not guilty of contributory negligence, then your verdict should be for the plaintiff and against the defendant.

But if you do not find that the defendant was guilty of negligence, then you should find for the defendant and against the plaintiff.

On the other hand if you find that the defendant was guilty of negligence and the plaintiff was guilty of contributory negligence and that the plaintiff's fault contributed a proximate cause of any injuries which the plaintiff may have sustained, then you must compare the negligence of the parties, and return a verdict in favor of the plaintiff for a reduced amount, based on the comparison.

You are instructed that the defendant's allegation that the plaintiff was guilty of contributory negligence is an affirmative defense which must be established by a preponderance of the evidence; the truth of such allegation is to be resolved by you according to the whole evidence in the case, regardless of whether such evidence was produced by the defendant or by the plaintiff.

The Court has made rulings in the conduct of the trial and the admission of evidence. In so doing the Court has not expressed nor intimated in any way the weight or credit to be given any evidence or testimony admitted during the trial, nor indicated in any way the conclusions to be reached by you in this case.

You are the judges of the facts, the weight of the evidence, and credibility of the witnesses. In determining such weight or credit you may consider: the interest, if any, which the witness may have in the result of the trial; the relation of witness to the parties; the bias or prejudice, if any has been apparent; the ability of the witness to remember and relate past occurrences, and means of observation, and opportunity of knowing the matters about which the witness has testified. From all the facts and circumstances appearing in evidence or coming to your observation during the trial, aided by the knowledge which you each possess in common with other persons, you will

reach your conclusions. You should not let sympathy, sentiment, or prejudice enter into your deliberations, but should discharge your duties as jurors impartially, conscientiously, and faithfully under your oaths and return such verdict as the evidence warrants when measured by these instructions. At the completion of the case, you will retire to the jury room and choose one from among you to be jury foreman. You will then deliberate a verdict of "guilty" or "not guilty." Please have the foreman bring the verdict to me and remain in your seats for a few moments in the juryroom. Thank you.

APPENDIX G

POST-EXPERIMENTAL QUESTIONNAIRES*

QUESTIONNAIRE (for student jurors)

Please tell us a few facts about yourself. You do not have to put down your name, therefore your anonymity is protected. We simply need to know a few facts for statistical purposes.

Age: _____

Sex: _____

Years at O.U. _____

Married: Yes No

Major: _____

Were the jurors in this study as impartial and as objective as you would expect jurors to be in an actual trial?

- a. more impartial and objective
- b. less impartial and objective
- c. about the same--no difference

How personally responsible do you feel for the verdict reached by the jury on which you served in this study?

- a. extremely responsible
- b. responsible
- c. slightly responsible
- d. average
- e. slightly not responsible
- f. not responsible
- g. extremely not responsible

Let us assume that new evidence was just uncovered concerning the case you have just deliberated. Assume also that this evidence clearly indicates that you returned an unjust verdict. How guilty would you feel?

- a. extremely guilty
- b. guilty
- c. slightly guilty
- d. average
- e. slightly not guilty
- f. not guilty
- g. extremely not guilty

Please make any comments you would like concerning this study:

QUESTIONNAIRE (for community jurors)

Please tell us a few facts about yourself. You do not have to put down your name, therefore your anonymity is protected. We simply need to know a few facts for statistical purposes:

Age: _____ Sex: _____

Occupation _____

Occupation of spouse _____

Education: grade school high school college

Have you ever served on a jury before? Yes No

If yes, what kinds of cases were being tried?

Were the jurors in those cases much the same kinds of people you served with on the jury today? Yes No

If your answer was "no" in what way did they differ?

Did the jurors in those cases accept their responsibilities as seriously as the jurors in today's proceedings?

- a. they were more serious
 - b. they were less serious
 - c. they did not differ from today's jurors
 - d. other comments: _____
-

In general, were the jurors with whom you served before as objective and impartial as the jurors with whom you served today?

- a. more impartial
- b. less impartial
- c. no difference

In your own words, would you please compare and contrast your experiences on the jury today with your experience serving on previous juries.

How personally responsible do you feel for the verdict reached by the jury on which you served in this study?

- a. extremely responsible
- b. responsible
- c. slightly responsible
- d. average
- e. slightly not responsible
- f. not responsible
- g. extremely not responsible

Let us assume that new evidence was just uncovered concerning the case you have deliberated. Assume also that this evidence clearly indicates that you returned an unjust verdict. How guilty would you feel?

- a. extremely guilty
- b. guilty
- c. slightly guilty
- d. average
- e. slightly not guilty
- f. not guilty
- g. extremely not guilty

Please make any comments you would like concerning this study:

*based on Klein (1968).

APPENDIX H

DATA

Student Mock Juries

Jury Size	Verdicts:	Guilty	Not Guilty
12		0	12
12		0	12
12		0	12
12		0	12
12		0	12
9		0	9
9		0	9
9		0	9
9		0	9
9		0	9
6		1	5
6		2	4
6		0	6
6		0	6
6		0	6

Community Mock Juries

Jury Size	Verdicts:	Guilty	Not Guilty
12		0	12
9		0	9
6		0	6

Student Mock Juries

Jury Size	*Deliberation Time	Sex of Foreman
12	19	M
12	17	M
12	18	M
12	33	M
12	8	M
9	9	M
9	20	M
9	47	M
9	13	M
9	14	M
6	12	M
6	20	M
6	10	F
6	10	M
6	28	M

*in minutes

Community Mock Juries

Jury Size	*Deliberation Time	Sex of Foreman
12	17	M
9	25	F
6	5	M

*in minutes

Student Mock Juries

Jury Size	Foreman Table Position	Initiator of Discussion
12	head	no
12	head	no
12	head	no
12	flank	yes
12	flank	yes
9	head	no
9	head	yes
9	head	no
9	flank	yes
9	flank	no
6	head	no
6	head	no
6	flank	yes
6	flank	yes
6	flank	yes

Community Mock Juries

Jury Size	Foreman Table Position	Initiator of Discussion
12	flank	no
9	head	no
6	flank	yes

Student Responses

Subject	Sex	Jury Size	Impartiality	Responsibility	Guilt
1	F	12	A	D	G
2	F	12	C	A	B
3	F	12	C	D	B
4	F	12	A	B	A
5	F	12	C	B	F
6	F	12	C	B	F
7	M	12	C	D	D
8	M	12	A	C	D
9	M	12	C	F	F
10	M	12	C	B	G
11	M	12	C	D	F
12	M	12	C	A	B
13	F	12	C	B	B
14	M	12	A	A	F
15	M	12	C	C	C
16	M	12	C	E	B
17	M	12	B	B	C
18	M	12	C	B	F
19	M	12	C	D	F
20	M	12	C	C	A
21	M	12	A	C	F
22	M	12	C	C	C
23	M	12	A	C	F
24	M	12	C	B	B

Student Responses (Cont.)

Subject	Sex	Jury Size	Imparti- ality	Responsi- bility	Guilt
25	F	12	C	D	E
26	F	12	C	C	F
27	F	12	C	C	D
28	F	12	C	D	F
29	F	12	C	B	B
30	F	12	C	B	F
31	F	12	C	D	B
32	F	12	C	D	G
33	F	12	C	B	F
34	F	12	B	B	F
35	M	12	A	G	C
36	M	12	C	D	D
37	F	9	B	B	A
38	F	9	C	D	A
39	F	9	B	D	C
40	F	9	B	B	A
41	M	9	C	D	F
42	M	9	C	D	F
43	M	9	C	D	C
44	M	9	C	F	G
45	M	9	C	C	C
46	F	9	C	D	F
47	F	9	C	B	B
48	F	9	C	C	D

Student Responses (Cont.)

Subject	Sex	Jury Size	Imparti- ality	Responsi- bility	Guilt
49	F	9	C	B	C
50	M	9	C	D	E
51	M	9	A	C	F
52	M	9	C	D	F
53	M	9	C	A	G
54	M	9	C	A	A
55	F	9	A	D	F
56	F	9	C	B	B
57	F	9	B	B	F
58	M	9	C	D	F
59	M	9	C	B	B
60	M	9	C	B	C
61	M	9	C	B	F
62	M	9	C	E	D
63	M	9	C	B	F
64	F	6	B	D	B
65	F	6	A	B	F
66	F	6	C	B	C
67	F	6	C	D	C
68	M	6	C	D	C
69	M	6	C	C	C
70	F	6	A	D	B
71	F	6	B	C	A
72	F	6	B	C	B

Student Responses (Cont.)

Subject	Sex	Jury Size	Imparti- ality	Responsi- bility	Guilt
73	M	6	A	A	F
74	M	6	C	F	D
75	M	6	C	C	B
76	F	6	C	F	F
77	F	6	B	A	A
78	F	6	A	A	A
79	M	6	C	A	F
80	M	6	C	A	F
81	M	6	C	D	C
82	F	12	C	D	A
83	F	12	C	A	A
84	M	12	C	C	C
85	M	12	C	B	F
86	M	12	C	B	B
87	M	12	C	B	D
88	M	12	C	F	B
89	M	12	B	A	G
90	M	12	B	D	E
91	M	12	C	B	C
92	M	12	C	A	A
93	M	12	C	A	F
94	F	12	C	D	C
95	F	12	C	D	E
96	F	12	C	D	E

Student Responses (Cont.)

Subject	Sex	Jury Size	Impartiality	Responsibility	Guilt
97	F	12	C	C	B
98	F	12	C	D	E
99	F	12	C	F	A
100	F	12	C	D	E
101	F	12	C	C	B
102	M	12	C	E	B
103	M	12	C	A	G
104	M	12	C	D	E
105	M	12	C	B	B
106	F	9	C	D	E
107	F	9	A	B	F
108	F	9	C	C	B
109	F	9	B	F	A
110	F	9	B	C	C
111	F	9	B	B	B
112	M	9	C	C	D
113	M	9	C	A	A
114	M	9	C	C	F
115	F	9	A	C	B
116	F	9	C	B	B
117	F	9	C	B	A
118	F	9	C	B	B
119	F	9	C	D	C
120	F	9	C	C	D

Student Responses (Cont.)

Subject	Sex	Jury Size	Imparti- ality	Responsi- bility	Guilt
121	F	9	A	C	B
122	M	9	B	B	D
123	M	9	C	D	B
124	M	6	C	A	A
125	M	6	C	B	G
126	M	6	A	B	F
127	M	6	C	D	C
128	M	6	C	C	D
129	M	6	C	E	G
130	F	6	C	D	C
131	F	6	C	B	C
132	F	6	C	B	C
133	M	6	C	B	G
134	M	6	C	D	D
135	M	6	C	B	C

Community Responses

Subject	Sex	Jury Size	Responsibility	Guilt
1	F	12	B	F
2	F	12	B	D
3	F	12	A	D
4	F	12	A	A
5	F	12	A	A
6	M	12	B	G
7	M	12	C	F
8	M	12	A	A
9	M	12	D	C
10	M	12	B	F
11	M	12	B	F
12	M	12	B	G
13	F	9	D	F
14	M	9	D	G
15	M	9	A	F
16	M	9	B	F
17	M	9	B	A
18	M	9	B	F
19	M	9	B	G
20	M	9	D	A
21	M	9	A	F
22	F	6	D	G
23	F	6	B	B
24	M	6	B	C
25	M	6	F	C
26	M	6	D	B
27	M	6	B	D

Community Responses
(comparing present to past jury experience)

Number of Subjects	Impartiality and Objectivity	Responsibility
1	c	c
2	c	c
3	c	c
4	c	c
5	a	a
6	c	c
7	c	c
8	c	c
9	c	c
10	c	c
11	c	c
12	b	b
13	c	c