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Larissa Angelique Schmersal
University of Texas at El Paso, laschmersal@miners.utep.edu

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PRE-EXISTING ATTITUDES ABOUT THE LEGAL SYSTEM:

THE THIRTEENTH JUROR?

LARISSA ANGELIQUE SCHMERSAL

Department of Psychology

APPROVED:

_____

Harmon M. Hosch, Ph.D., Chair

_____

Stephen L. Crites, Jr., Ph.D.

_____

Theodore R. Curry, Ph.D.

_____

Christian A. Meissner, Ph.D.

_____

Patricia D. Witherspoon, Ph.D.
Dean of the Graduate School

PRE-EXISTING ATTITUDES ABOUT THE LEGAL SYSTEM:

THE THIRTEENTH JUROR?

by

LARISSA ANGELIQUE SCHMERSAL, B.A.

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Abstract

The idealized role of the jury is that of a neutral decision maker; however, the degree to which individual verdict preferences represent jurors' pre-existing beliefs about the legal system, theories about issues important to the case at hand, and prior understanding of legal terms remains inadequately explained. The purpose of the current study was to examine the direct and indirect effects of pre-existing attitudes about the legal system upon verdict preferences. Participants were 463 undergraduate students from the University of Texas at El Paso. Consistent with the hypotheses, pre-existing attitudes about the legal system played a role in individual verdicts, both directly and indirectly. These findings suggest that developing a better understanding of the direct and indirect associations among prior beliefs, interpretations of the evidence, and verdict preferences will aid legal professionals in ensuring that all defendants receive a fair trial.

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Pre-existing beliefs about the legal system: The thirteenth juror?

The idealized role of the jury is that of a neutral decision maker. Jurors are expected to enter the courtroom with no prior beliefs about the case at hand in order to make a fair and impartial decision, maintaining throughout the trial the assumption that one is innocent until proven guilty. But is this how the system really works? Are individual jurors' verdicts simply formed on the basis of the accumulation of objective evidence presented at trial? Or do these individual verdict preferences represent jurors' pre-existing beliefs about the system, theories about issues important to the case at hand, and prior understanding of legal terms? While the claim that prior beliefs play a significant role in constructing individual verdicts is consistent with well-established theories and findings in social psychology and cognitive psychology (e.g., cognitive dissonance theory, heuristics), in recent years few empirical studies have examined the direct and indirect associations among prior beliefs, interpretations of the evidence, and verdict preferences.

The purpose of the current study was to examine this connection in a legal context. Specifically, this study examined whether individual jurors' interpretations of trial evidence and subsequent verdict preferences were related to prior attitudes about the police and the legal system. First, this paper discusses prior research regarding individual juror decision making, followed by an examination of how cognitive heuristics and social psychological theory relate to evidence interpretation. Next, the research concerning strength of evidence in a mock jury context is examined. Finally, an original study is reported that examined the relations among jurors' pre-existing beliefs about the legal system, evidence interpretations, and subsequent individual verdict preferences.

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Juror Decision Making

The overwhelming influence of jurors' own predispositions upon verdict preferences has long been noted. In fact, Frank (1950) labeled the effects of these extra-legal factors "the thirteenth juror." In the fifty-plus years since Kalven and Zeisel's (1966) groundbreaking look at juror decision-making, psychological research has continued to explore the impact of variables that jurors bring into a trial such as personality characteristics (Boyll, 1991; Clark, Boccaccini, Caillouet, & Chaplin, 2007; Davis, Bray, & Holt, 1977), prior attitudes about the police and the legal system (Lecci & Myers, 2008; Meissner, Brigham, & Pfeifer, 2003; Thompson, Cowan, Ellsworth, & Harrington, 1984), and biases concerning the legal system (Kassin & Wrightsman, 1983; Lecci & Myers, 2002).

It would be naïve to suggest that jurors are impartial, neutral listeners without preconceived notions of guilt or innocence (Bonora & Krauss, 1979); in fact, prior research has been able to predict individual jurors' verdict preferences based on pre-existing attitudes towards the legal system (Field, 1978; Thompson et al., 1984). Such findings have led to the development of a number of standardized instruments designed to measure legally relevant attitudes such as the Legal Attitudes Questionnaire (Boehm, 1968), the Revised Legal Attitudes Questionnaire (Kravitz, Cutler, & Brock, 1993), the Juror Bias Scale (Kassin & Wrightsman, 1983), and the Pretrial Juror Attitude Questionnaire (Lecci & Myers, 2008).

Still, while it is widely assumed by psychologists and lawyers alike that potential jurors' attitudes are correlated with subsequent verdicts, the empirical evidence suggests that this relation is a weak one at best (Lieberman & Sales, 2007; Saks, 1976; Suggs & Sales, 1978). While relevant attitudes may be stronger predictors of jurors' verdict preferences than are demographic variables (Lieberman & Sales, 2007), attitude variables still generally account for a

small amount of the variance and are affected by other factors such as the strength of evidence. In addition, the predictive utility of attitude variables may be strongly dependent on the specific case (Penrod, 1990). While the direct impact of attitudes upon verdict preferences may be weak, attitudes may have indirect effects by influencing perceptions of the evidence (Hepburn, 1980).

Evidence Interpretation

The adversarial nature of the system requires jurors to sort through disputed and contradictory pieces of evidence to make a decision as to what is "truth." A number of studies (e.g., Finkel & Handel, 1989; Hart, Evans, Wissler, Feehan, & Saks, 1997; Smith, 1993) have found that, while the evidence presented in simulated studies remains constant, mock jurors still reach disparate verdicts. One explanation for this disparity is that jurors are interpreting the evidence in different ways. This leads one to speculate that pre-existing beliefs and attitudinal factors may be affecting how mock jurors evaluate trial evidence.

Social psychologists have long reported that attitudes and beliefs influence people's interpretations of information (Allport, 1954; Festinger, 1957; Nisbett & Ross, 1980; Thompson et al., 1984). More specifically, ambiguous information generally is interpreted in a way that confirms expectations (Ross, Lepper, & Hubbard, 1975). In the jury context, therefore, it may be relevant to gather information on potential jurors' ideological positions concerning the legal system.

Packer (1968) articulated the distinction between two ideological positions concerning the criminal justice system: Due Process and Crime Control. Individuals orientated towards Due Process tend to emphasize the fallibility of the criminal process. In other words, Due Process values focus on the rights of the individual, the burden of proof, and the presumption of innocence. In contrast, individuals oriented towards Crime Control emphasize the importance of

stopping crime, viewing the control of criminal behavior as the most important function of the criminal justice system. The Crime Control orientation is associated with a firm belief in the effectiveness of criminal justice professionals (e.g., judges, police, prosecutors) in punishing the guilty and freeing the innocent. In addition, the "presumption of guilt" rather than a belief in "innocent until proven guilty" is key to crime control orientation. That is, if a person has been arrested and charged, that is evidence that the person must be guilty of something.

A juror's ideological orientation, be it Crime Control or Due Process, may affect both the processing and recall of testimony (Butler & Moran, 2002; Casper, Benedict, & Kelly, 1988). For example, Butler and Moran (2002) found that mock jurors' attitudes towards capital punishment influenced information processing such that participants indicating pro-capital punishment attitudes placed more weight upon aggravating factors when making sentencing recommendations than did individuals who opposed capital punishment.

Further, attitudes in the form of schema/knowledge structure shape the process of testimony interpretation (Casper et al., 1989). For example, if testimony regarding a police stop is unclear such that it is unknown whether the officer had reasonable cause to search the vehicle, jurors predisposed to a crime control model may remember information regarding the officer obtaining the motorist's permission, or remember that the motorist behaved in such a way that warranted suspicion. Similarly, Thompson et al. (1984) found that, when considering ambiguous evidence, mock jurors endorsing pro-capital punishment attitudes interpreted such evidence in a manner consistent with the prosecutor "script" for the case whereas mock jurors opposed to capital punishment interpreted this information in a manner more favorable to the defense. Thus, information is organized in terms of "scripts" about the legal system; details are omitted,

distorted, or magnified to fill in gaps and draw inferences (Casper et al., 1989; Luginbuhl & Middendorf, 1988; Thompson et al., 1984).

Basic theories and findings from cognitive and social psychology offer insight into how jurors may interpret evidence. Cognitive dissonance theory (Festinger, 1957) suggests that individuals are motivated to seek out attitude consistent information and to avoid dissonant information. In cognitive psychology, this preference is known as the confirmation bias (Johnas, Schulz-Hardt, Frey, & Thelen, 2001). The confirmation bias suggests that individuals tend to recognize information or evidence that is consistent with a pre-existing belief or hypothesis more readily than they recognize information that is inconsistent with the pre-existing belief (Kunda, 1987; Wason & Johnson-Laird, 1972). The confirmation bias serves as a cognitive heuristic or mental shortcut that applies to the recollection of information as well as the processing of new information. In a classic study, Snyder and Cantor (1979) presented participants with identical information sheets about a woman named Jane. Every participant read the same list of traits describing Jane. Later, when participants were asked to judge Jane's suitability for a particular position, those participants asked to assess her for a librarian position recalled more introverted traits while those participants asked to assess her as a real estate agent remembered more extroverted traits. Individuals tend to search their memories in a biased manner; in other words, information that is consistent with the hypothesis presented is recalled more readily than is inconsistent information.

Empirical research has illustrated that individuals not only seek out confirming evidence, they also demonstrate a bias in the recall of information. When revisiting previously learned information, participants tend to recall information that is consistent with prior beliefs or hypotheses and disregard information that is inconsistent with these prior beliefs; in addition,

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greater attention is given to information that supports a desirable conclusion than is given to refuting evidence (Kunda, 1987; Lord, Ross, & Lepper, 1979). Individuals tend to interpret information in such a way to give greater weight to that information consistent with prior beliefs (Nickerson, 1998). In short, the human tendency is to seek out, recall, and accept information that is consistent with previous beliefs about the world.

Strength of Evidence

One of the most consistent findings in the mock jury paradigm is that the strength of the evidence against the defendant is one of the strongest predictors of final verdict, typically explaining the majority of the variation in verdict preferences (Devine, Clayton, Dunford, Seying, & Pryce, 2001; Taylor & Hosch, 2004; Visher, 1987). In addition, strong evidence generally overpowers individual differences in verdict preferences (Saks, 1976; Visher, 1987). Saks (1976) suggested that the strength of evidence may be up to seven times more powerful at predicting verdicts than were jurors' attitudes and Visher (1987) found that evidence strength accounted for nearly 35% of the variance in predicting verdicts while juror characteristics accounted for only 2% of the variance.

Still, perceptions of strength of evidence also may be strongly tied to pre-existing legally relevant attitudes (Suggs & Sales, 1978). Some authors have suggested an inverse relation between the strength of the evidence and the impact of pre-existing attitudes on mock jurors' verdicts such that strong evidence of either guilt or innocence is associated with a weak impact of extra-legal factors (De La Fuente, De La Fuente, & Garcia, 2003). While this proposed relation is logical, it is important to point out the perceived strength of the evidence may vary across jurors, and this perception may be due to the evidence being filtered through a lens of pre-

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existing beliefs. In fact, it even has been suggested that jurors' prior beliefs cannot be separated from their evaluations of the strength of evidence (Burke, 2006).

This filter again relates to cognitive heuristics. In decision making, when the information is consistent with a prior belief, less information is needed to accept that point of view than when the evidence is inconsistent (Nickerson, 1998). In general, when recalling material, disconfirming evidence would be judged as weak while confirming evidence is accepted at face value without being scrutinized (Burke, 2006). In other words, events supporting a given outcome are better remembered than those events that do not support the preferred outcome (Liberman & Arndt, 2000). When applying this to a jury context, jurors may be more likely to tune into evidence consistent with prior beliefs, recall this information, and accept this information as valid. In contrast, evidence inconsistent with prior beliefs will be more likely to be ignored, forgotten, and judged to be weak and irrelevant. Verdict is directly affected by perceived strength of evidence (Devine et al., 2001); however, individual jurors' personal interpretations of the evidence may be driving their perceptions of the strength of evidence.

Current Study

The purpose of the current study was to examine the direct and indirect effects of pre-existing attitudes about the legal system upon verdict preferences. While it has been shown that attitudes directly account for only a small proportion of the variance in verdict preferences (Lieberman & Sales, 2007), the indirect impact of attitudes upon verdict preferences, as mediated by the evaluation of the evidence, may better explain the influence of pretrial biases (Lecci, Morris, & Myers, in preparation).

In addition, the current study examined the role of the perceived strength of the evidence in individual verdict choices. Past research has shown that the strength of evidence is one of the strongest predictors of verdict (Devine et al., 2001); however, no research has directly explored how overall attitudes about the legal system influence jurors' interpretations of the strength of evidence.

Hypotheses

Based on the previous literature reviewed concerning mock jurors' interpretations of evidence and the findings in cognitive psychology concerning interpretation biases, four primary hypotheses were examined:

Hypothesis 1: Mock jurors' individual interpretations of the evidence presented will be directly influenced by pre-existing attitudes about the legal system such that individuals who endorse attitudes consistent with the Crime Control orientation will recall more evidence in support of the prosecution while individuals who endorse attitudes consistent with the Due Process orientation will recall more evidence in support of the defense.

Hypothesis 2: Mock jurors' perceptions of the strength of the evidence presented against the defendant will be influenced by their pre-existing attitudes about the legal system.

Specifically, it is hypothesized that individuals who endorse attitudes consistent with the Crime Control orientation will believe the evidence against the defendant to be stronger than will individuals who endorse attitudes consistent with the Due Process orientation.

Hypothesis 3: Mock jurors' individual verdicts will be influenced by their attitudes towards the legal system and their perceptions of the strength of evidence. It is expected that individuals who endorse attitudes consistent with the Crime Control orientation will be more likely to vote to convict the defendant whereas individuals who endorse attitudes consistent with the Due Process orientation will be more likely to vote to acquit the defendant. Similarly, it is expected that individuals who perceive the case against the defendant to be strong will be more likely to vote guilty while individuals who perceive the case against the defendant to be weak will be more likely to vote to acquit.

Hypothesis 4: Mock jurors' attitudes will indirectly influence verdict preferences through the interpretations of trial evidence. It is hypothesized that the interpretation of evidence and the perceived strength of evidence will mediate between individual mock jurors' attitudes and verdicts such that verdict decisions will be influenced by the information processing by the individual mock jurors. It is expected that individuals endorsing the Crime Control orientation will interpret evidence in a manner more favorable to the prosecution and will be more likely to provide a verdict of guilty; in contrast, individuals endorsing the Due Process orientation will interpret evidence in a fashion more favorable to the defense and will be more likely to provide a verdict of not guilty.

Method

Participants

The final sample consisted of 463 undergraduate students from the University of Texas – El Paso (UTEP). A power analysis was conducted to determine the number of participants needed in this study to detect a small-to-medium effect size using a multiple regression model (Cohen, Cohen, West, & Aiken, 2003). With α-level set at .05, a sample size of at least 415 participants was needed to detect a small to medium effect size ($f^2 = .05$) with power of .80.

Participants were recruited from Introduction to Psychology classes and received compensation in the form of experimetrix credit. The basic demographics of the sample mirrored those of UTEP and the surrounding region. In the final sample, 86.2% of the participants were Hispanic, 59.8% were women, and the mean age of participants was 19.83 years.

Materials

Pre-Trial Juror Attitude Questionnaire. Information about participants' attitudes about the legal system was obtained through the administration of the Pretrial Juror Attitude Questionnaire (PJAQ; Lecci & Myers, 2008). The PJAQ is a 29-item scale designed to measure potential jurors' attitudes toward the legal system. Lecci and Myers suggested six underlying factors: conviction proneness (e.g., "Criminals should be caught and convicted by any means necessary."), system confidence (e.g., "When it is the suspect's word against the police officer's, I believe the police."), cynicism towards the defense (e.g., "Lawyers will do whatever it takes, even lie, to win a case."), social justice (e.g., "Rich individuals are almost never convicted of their crimes."), racial bias (e.g., "Minorities use the race issue only when they are guilty."), and innate criminality (e.g., "Once a criminal, always a criminal."). Higher scores on the total measure represent a conviction bias and attitudes consistent with the Crime Control orientation

whereas lower scores on all scales represent attitudes consistent with the Due Process orientation (See Appendix A). The PJAQ was chosen as an assessment of attitudes for the current study because its predictive utility in estimating individual verdict preferences has been shown (Lecci & Myers, 2008).

Voir Dire Questionnaire. The Voir Dire Questionnaire (See Appendix B) was used to collect basic demographic information (e.g., age, gender, jury eligibility, and ethnicity) about each participant. In addition, participants were asked about connections to the legal system (e.g., "Do you have a close friend or family member who is now or who has ever been law enforcement?"); past experiences with the police (e.g., "Have you ever reported a crime to the police?"); past experiences with attorneys (e.g., "Have you ever spoken with a lawyer?"); and past experiences with the court system (e.g., "Have you ever been a witness in a criminal case?").

Trial Transcript. Participants were asked to read a transcript describing a burglary of habitation trial (transcript available at http://admin.utep.edu/Default.aspx?tabid=49548). This transcript has been used previously at the study institution and has been shown to produce nearly equal frequencies of guilty verdicts and acquittals. In the transcript, a woman arrived home to find that her residence had been burglarized and a specified amount of money and a gold watch were missing. When questioned by the police, the woman provided a detailed description of a vehicle she saw leaving her driveway. The defendant was found in his vehicle, which matched the woman's description, nearby the burglarized residence. When his vehicle was searched, several watches and a large sum of money were found in addition to a toolbox containing tools similar to those used in the burglary. The testimony and cross-examination of the victim, the police officer, and the defendant were presented in the transcript.

Verdict Form. The verdict form (See Appendix C) asked participants to find the defendant either Guilty or Not-Guilty. In addition, participants who selected a verdict of guilty were asked to provide a sentencing recommendation in accordance with Texas law.

Post-Verdict Questionnaire. The Post-Verdict Questionnaire (See Appendix D) was used to assess participants' interpretations of the evidence. Participants were asked to generate from memory a list of the facts in evidence. This list was presented as a test of recall rather than of recognition in accordance with the findings of Snyder and Cantor (1979). Individuals tend to recall more attitude-consistent or confirming information than disconfirming information; therefore using a recall task provided insight into participants' interpretation of the trial. In addition, this manner of presentation was intended to ensure that participants were not cued by facts of evidence listed in a recognition task. Participants were asked to rank these facts in order of most important to least important in forming their verdict preference (e.g., 1 being most important, 2 being second most important, etc.). Participants then were asked to indicate whether each fact generated appeared to support the prosecution or the defense or served as a general fact of the case (e.g., time of arrest).

As a rating of perceived strength of evidence, participants were asked to consider the case as a whole and to rate how strong they perceived the evidence against the defendant to be overall. Participants rated the perceived SOE on 5-point Likert-type scale (1 = "Very Strong Case against the Defendant" to 5 = "Very Weak Case against the Defendant").

Procedure

Participants completed the entire study through online testing. Participation for this study was completed in two separate sessions to avoid any priming effects. Specifically, completing the assessment of pre-trial attitudes (PJAQ) prior to reading the trial transcript and rendering a

verdict may prime specific attitudes while reading the trial materials and influence participants' subsequent evidence evaluations and verdict ratings. Although past research on pre-trial juror attitude questionnaires has demonstrated that completing a pretrial attitude measure has no effect on the subsequent verdict choice (Morris & Lecci, 2005), the primary focus of the current study involved individuals' evidence evaluations. Thus, it was vital to the study that the attitudes measures were conducted separately from evidence evaluations.

Session One. Participants for this portion of the study were recruited from the Psychology Department's Experimetrix program and received the link to the online questionnaire after signing up for the study. In the first session, participants were invited to engage in a mass testing measure for course credit. The measure included the pre-trial juror attitudes questionnaire (PJAQ), the attitudes assessment used in the current study, along with measures to be used by other researchers. The order of presentation for all measures in the mass testing session was randomized. After completing the first session, participants were informed that their participation in this study made them eligible to complete additional studies. Participants were reminded that participation in any future studies was completely voluntary and choosing not to participate in these future studies would not influence their credit for the current session.

All participants in the first session were asked to provide information making it possible to connect responses in the mass testing to the optional future participation. This information was used to create a unique experimental identification for each participant based on their responses to three questions (e.g., "What is your favorite color?" "What was the make of your first car?" "What are the last four digits of your student identification number?"). No identifying information was used to match questionnaires and it was impossible to determine the identity of any individual student based on the information gathered from these three questions.

A total of 721 students signed up to participate in Session One. Complete data from 683 students were collected. Due to technical difficulties (e.g., logging-off during the experiment, losing internet signal during the experiment) or extensive missing data (e.g., students logged on to receive credit but only completed one or two items), data from 38 participants were removed from the final sample for the mass testing database.

Session Two. Participants who completed Session One were eligible to complete Session Two. After participating in the mass testing, participants were invited to participate in the second session; however, all participants were informed that they were not obligated to participate in the second session. Participants signed up for the Session Two through the Psychology Department's Experimetrix program and this session also was conducted with online testing. After signing up for the study through Experimetrix, participants received the link for the second session. Participants provided informed consent and were asked to provide responses to the same three questions used in the mass testing to form the unique experimental identification. Next, participants completed the Voir Dire Questionnaire and read the trial transcript. Once participants finished reading the trial transcript, they were unable to return to earlier portions of the study to review the details of the trial. After reading the transcript, participants were asked to render an individual verdict. Finally, participants completed the post-verdict questionnaire and were debriefed to the purposes of Session Two and informed of its connection to the mass testing conducted in Session One.

A total of 524 students signed up for Session Two. Of these participants, 463 participants were considered to have clean matches with Session One and were included in the final sample. Matches were excluded from the final dataset if participants did not include responses to the three questions to form the experimental identification (i.e., information on the matching

variables was unavailable and data could not be accurately matched) or if the participant did not

complete the majority of the measures from either Session One or Session Two (i.e., student

logged on to the experiment to receive credit but only answered one or two questions).

Results

Description of Final Sample

The final sample matched from Session One and Session Two included 463
undergraduate student participants. Along with basic demographic information, variables
considered relevant to a study set in a legal context were considered. As expected of a college
sample, the majority of participants reported no prior jury experience (97.8%) but most
participants were considered jury eligible under Texas law (90.0%). No significant differences in
results were observed when the participants who were not jury eligible were excluded from
analyses, thus data on the full sample are reported below. Overall, 64.2% of participants rendered
an individual verdict of guilty.

Factor Analysis of Pre-Trial Juror Attitude Questionnaire (PJAQ)

The 29-item Pre-Trial Juror Attitude Questionnaire (PJAQ; Lecci & Myers, 2008) was
used to assess participants' pre-existing attitudes about the legal system. The six-factor solution
suggested by Lecci and Myers (2008) was assessed in the manner recommended by the
measure's developers using a principal-components analysis with direct obliman rotation;
however, the pattern of loadings for the current sample was not consistent with the pattern of
loadings found by the original authors (See Table 1). Since this is a relatively new measure and
the underlying factor structure has not been fully established, a principal-component analysis
was conducted to investigate common themes and to determine the appropriate number of factors
for this sample. An initial un-rotated analysis suggested a one-factor solution (See Table 2).
Although this solution represented only 16.24% of the variance, the majority of the items (21
items) loaded highly on this one factor (factor loadings > 0.30). Therefore the single factor

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solution was chosen for the following analyses. The reliability of the overall PJAQ scale was considered using Cronbach's alpha and reliability was determined to be adequate ($\alpha = 0.79$).

The composite score of the 29 PJAQ items was centered following the recommendations of Cohen, Cohen, West, and Aiken (2003). Centering scores on the PJAQ also eased the interpretation of analyses. Positive scores on the PJAQ can be seen as representing attitudes consistent with the Crime Control orientation. Negative scores on the PJAQ can be seen as representing attitudes consistent with the Due Process orientation.

Hypothesis 1

It was anticipated that mock jurors' individual interpretations of the evidence would be directly influenced by pre-existing attitudes about the legal system. Individuals who endorsed attitudes consistent with the Crime Control orientation were expected to recall more evidence in support of the prosecution while individuals who endorsed attitudes consistent with the Due Process orientation were expected to recall more evidence in support of the defense.

To account for overall differences in recall, initial analyses were completed to examine the total number of facts in evidence recalled by a participant as compared to a baseline number of facts in the case. To establish baseline rates, independent coders blind to the purposes of this study read the trial transcript and listed facts in evidence as being general facts, evidence in support of the prosecution, and evidence in support of the defense. An inter-rater reliability analysis using the Kappa statistic was performed to determine consistency among raters. Inter-rater reliability was found to be $k = .59$, $p < .001$, which is indicative of moderate to substantial agreement (Landis & Koch, 1977).

Overall, the coders determined that the trial transcript used for this study included 45 facts in evidence with 21 of these facts in evidence being rated as general facts (e.g., time of

arrest), 14 being rated as pro-prosecution (e.g., the defendant drove a car similar to the one described leaving the scene), and 10 being rated as pro-defense (e.g., the defendant claimed he was with his girlfriend at the time of the event). On average, participants recalled 5.18 total facts of evidence (range 1 to 12), 3.53 pro-prosecution facts (range 0 to 10), 0.45 pro-defense facts (range 0 to 7), and 1.20 general facts (range 0 to 8).

To determine the number of pro-prosecution and pro-defense facts recalled by each participant, two additional coders (different coders than those coders who provided the baseline evidence ratings for the trial) read participants' listings of trial evidence and coded each fact in evidence as "pro-prosecution," "pro-defense," or "general" based on the established baseline evidence list. Again, an inter-rater reliability analysis using the Kappa statistic was performed to determine consistency among raters. Inter-rater reliability was found to be $k = .67$, $p < .001$, which is indicative of substantial agreement (Landis & Koch, 1977).

The total number of pro-prosecution or pro-defense facts recalled was then converted into a proportion of the total number of facts recalled for each participant. For example, a participant who recalled 10 total facts in evidence and indicated that eight of these facts were seen as pro-prosecution would receive a pro-prosecution score of 0.80 (See Table 3 for the descriptive statistics of the evidence variables).

To ascertain the degree of association between pre-existing attitudes and the number and type of evidence recalled, a series of bivariate Pearson correlations were conducted. To control for alpha-inflation, the Bonferroni correction was used in determining the statistical significance of the bivariate correlations. The PJAQ-score was correlated with three separate evidence variables: (1) the total number of facts in evidence recalled, including general facts, pro-

prosecution evidence, and pro-defense evidence, (2) the proportion of pro-prosecution evidence recalled, and (3) the proportion of pro-defense evidence recalled.

Total Evidence Recalled. The relation between the total number of facts in evidence recalled and the overall PJAQ score was analyzed using a one-tailed bivariate correlation. As hypothesized, the association was statistically significant, $r = - 0.12$, $p = 0.01$. The negative direction indicates that higher scores on the PJAQ, representing attitudes consistent with the Crime Control orientation, were associated with recalling fewer facts in evidence overall.

Proportion of Pro-Prosecution Evidence Recalled. The relation between the proportion of pro-prosecution evidence recalled and the overall PJAQ score was analyzed using a one-tailed bivariate correlation. Again, consistent with hypothesis, this association was statistically significant, $r = 0.10$, $p = 0.01$. Higher scores on the PJAQ, representing attitudes consistent with the Crime Control orientation, were associated with recalling a higher proportion of pro-prosecution evidence.

Proportion of Pro-Defense Evidence Recalled. The relation between the proportion of pro-defense evidence recalled and the overall PJAQ score was analyzed using a one-tailed bivariate correlation. Results were contrary to the hypothesis, $r = -0.07$, $p = 0.07$; there was no statistically significant association between the proportion of pro-defense evidence recalled and pre-existing attitudes toward the legal system as measured by the PJAQ.

Summary of Hypothesis 1. Overall, there was partial support for Hypothesis 1. Pre-trial attitudes, as assessed by the PJAQ, were significant predictors of the total number of trial facts recalled and the proportion of pro-prosecution evidence recalled. Attitudes consistent with the Crime Control orientation (i.e., higher scores on the PJAQ) were associated with fewer facts

recalled overall, but with recalling a greater proportion of pro-prosecution evidence. Pre-existing attitudes were not significantly related to the proportion of pro-defense evidence recalled.

Hypothesis 2

The second hypothesis predicted that mock jurors' perceptions of the strength of the evidence presented against the defendant would be influenced by their pre-existing attitudes about the legal system. Specifically, it was hypothesized that individuals who endorsed attitudes consistent with the Crime Control orientation (i.e., higher scores on the PJAQ) would believe the evidence against the defendant to be stronger than would individuals who endorsed attitudes consistent with the Due Process orientation (i.e., lower scores on the PJAQ).

To examine the influence of attitudes towards the legal system upon perceptions of the strength of evidence, a one-tailed Pearson bivariate correlation analysis was performed. First, perceived strength of evidence, as measured by a 5-point Likert-type scale, was reverse coded for clarification. This was done so that higher scores on the Perceived Strength of Evidence (PSOE) variable represented perceptions that the case against the defendant was a strong one.

Perceived strength of evidence was correlated with the total scale score on the PJAQ. As hypothesized, mock jurors' individual perceptions of the strength of evidence were significantly related to pre-existing attitudes about the legal system as measured by the PJAQ, $r = 0.13$, $p < 0.01$. Pre-existing attitudes were correlated with overall score on the PJAQ such that attitudes consistent with the Crime Control orientation (i.e., higher scores on the PJAQ) were associated with being more likely to perceive the case against the defendant to be strong.

Hypothesis 3

Hypothesis 3 predicted that mock jurors' individual verdicts would be influenced by their attitudes towards the legal system and their perceptions of the strength of evidence. It was

expected that individuals who endorsed attitudes consistent with the Crime Control orientation would be more likely to vote to convict the defendant whereas individuals who endorsed attitudes consistent with the Due Process orientation would be more likely to vote to acquit the defendant. Similarly, it was expected that individuals who perceived the case against the defendant to be strong would be more likely to vote to convict while individuals who perceive the case against the defendant to be weak would be more likely to vote to acquit.

A binary logistic regression analysis was conducted to examine mock jurors' individual verdict choices (i.e., Guilty vs. Not Guilty) as they related to attitudes towards the legal system and perceived strength of evidence. Consistent with the hypothesis, the overall model was significant, Nagelkerke $R^2 = 0.51$, $R^2 = 0.45$, $\chi^2 (2) = 198.03$, $p < 0.001$. Pre-existing attitudes were not a significant predictor of verdict, although the probability of a Type I error was very close to that of the traditional criterion of significance, $B = 0.02$, $Wald (1) = 3.43$, $p = 0.06$. The trend was such that attitudes consistent with the Crime Control orientation (i.e., higher scores on the PJAQ) were marginally associated with the logged odds of rendering a verdict of guilty. Perceived strength of evidence emerged as a significant predictor of verdict preference, $B = 1.95$, $Wald (1) = 94.12$, $p < 0.001$, such that participants who perceived the case against the defendant as strong were more likely to render a verdict of Guilty than were participants who perceived the case against the defendant to be weak.

The interaction term between pre-existing attitudes and perceptions of the strength of evidence was added into the model in a second step. Again, the overall model was significant Nagelkerke $R^2 = 0.51$, $R^2 = 0.45$, $\chi^2 (2) = 198.10$, $p < 0.001$. Again, perceived strength of evidence emerged as a significant predictor of verdict preference, $B = 1.95$, $Wald (1) = 93.98$, $p < 0.001$, such that participants who perceived the case against the defendant as strong were more

likely to render a verdict of Guilty than were participants who perceived the case against the defendant to be weak. Pre-existing attitudes about the legal system, $B = 0.01$, *Wald* (1) $= 0.10$, $p = 0.92$, and the interaction term, $B = 0.01$, *Wald* (1) $= 0.07$, $p = 0.79$ were not significant predictors of verdict.

Hypothesis 4

Hypothesis 4 predicted a path model to assess the indirect influence of attitudes upon verdict. It was anticipated that mock jurors' attitudes would indirectly influence verdict preferences through the interpretations of trial evidence, defined by the type of evidence recalled and the perceived strength of evidence. It was hypothesized that the interpretation of evidence would mediate between individual juror attitudes and verdicts such that verdict decisions would be influenced by the information processing by the individual mock jurors.

Mediation Model. A path model was constructed to test for mediation following the recommendations of Baron and Kenny (1986; see Figure 1 for a representation of the conceptual model):

First, using binary logistic regression, verdict was regressed upon the proportion of pro-defense evidence recalled, the proportion of pro-prosecution evidence recalled, perceived strength of evidence, and the overall PJAQ score. All regression coefficients in the regression models were standardized (MacKinnon, 1994). The regression coefficients obtained in the binary logistic regression analysis were standardized according to the procedure described by Menard (2002). As hypothesized, the overall model was significant, Nagelkerke $R^2 = 0.61$, $R^2 = 0.54$, χ^2 (4) $= 240.24$, $p < 0.001$. All predictor variables were significant predictors. Proportion of pro-prosecution evidence recalled significantly predicted verdict, $B = 0.91$, $\beta = 0.08$, *Wald* (1) $= 4.29$, $p = 0.04$, such that recalling a larger proportion of pro-prosecution evidence was associated with

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the logged odds of rendering an individual verdict of guilty. In addition, proportion of pro-defense evidence recalled significantly predicted verdict, $B = -4.30$, $\beta = -0.28$, $Wald\ (1) = 11.26$, $p = 0.001$, such that recalling a larger proportion of pro-defense evidence was associated with the logged odds of rendering an individual verdict of not-guilty. Perceived strength of evidence significantly predicted verdict, $B = 1.92$, $\beta = 0.48$, $Wald\ (1) = 76.12$, $p < 0.001$, such that perceiving the case against the defendant to be strong was associated with the logged odds of rendering a verdict of guilty. Finally, pre-existing attitudes were a significant predictor of verdict, $B = 0.03$, $\beta = 0.10$, $Wald\ (1) = 5.58$, $p = 0.02$, such that endorsing higher attitudes consistent with the Crime Control orientation (i.e., higher scores on the PJAQ) was associated with the logged odds of rendering a verdict of guilty. The total effect of attitudes upon verdict was 0.15; the direct effect (0.10) accounted for 67% of the total effect and the sum of the indirect effects (0.05) accounted for the remaining 33% of the total effect.

In the next step of the mediation model, using a multiple regression analysis, perceived strength of evidence was regressed upon proportion of pro-defense evidence recalled, proportion of pro-prosecution evidence recalled, and pre-existing attitudes. Consistent with the hypothesis, the overall model was significant, $R^2 = 0.16$, $F\ (3, 403) = 24.77$, $p < 0.001$. The proportion of pro-prosecution evidence recalled, $\beta = 0.12$, $p = 0.04$, and the proportion of pro-defense evidence recalled, $\beta = -0.30$, $p < 0.001$, were both significant predictors of perceived strength of evidence, indicating that recalling a greater proportion of pro-prosecution evidence was associated with perceiving the case against the defendant to be strong and recalling a greater proportion of pro-defense evidence was associated with perceiving the case against the defendant to be weak. Pre-existing attitudes about the legal system, as measured by the PJAQ, were not a significant predictor of PSOE, $\beta = 0.09$, $p = 0.06$. The probability of a Type I error was very close to the

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traditional criterion of significance and there was an observed trend such that participants who endorsed attitudes consistent with the Crime Control orientation (i.e., higher scores on the PJAQ) were marginally more likely to perceive the case against the defendant to be strong.

Finally, for the last step in the mediation model, two multiple regression analyses were conducted. First, the proportion of pro-prosecution evidence recalled was regressed upon pre-existing attitudes about the legal system. The overall model examining the proportion of pro-prosecution evidence recalled was significant, $R^2 = 0.01$, $F(1, 418) = 4.42$, $p = 0.04$, and attitudes consistent with the Crime Control orientation (i.e., higher scores on the PJAQ) were associated with recalling more pro-prosecution evidence, $\beta = 0.10$, $p < 0.04$. The proportion of pro-defense evidence recalled also was regressed upon pre-existing attitudes about the legal system. The model assessing the amount of pro-defense evidence recalled was not significant, $R^2 = 0.005$, $F(1, 418) = 2.31$, $p = 0.13$.

Interpretation of Mediation Model. The mediation model indicated that pre-existing attitudes about the legal system provide some direct and indirect influence upon individual verdict (See Figure 2). Pre-existing attitudes about the legal system significantly predicted verdict in the full model, providing evidence of a direct path between pre-existing attitudes and verdict. Attitudes also significantly predicted evaluations of evidence, conceptualized by evidence recalled and perceptions of the strength of evidence (marginally significant). In turn, all three assessments of mock jurors' evaluations of evidence (proportion of pro-prosecution evidence recalled, proportion of pro-defense evidence recalled, and perceptions of strength of evidence) significantly predicted verdict. These paths provides some evidence of an indirect association between attitudes and verdict, partially mediated by evaluations of evidence.

In addition, the type of evidence recalled was shown to be related to perceptions of strength of evidence. The amount of pro-defense evidence recalled was significantly related to perceiving the case against the defendant to be weaker, while the amount of pro-prosecution evidence recalled was significantly associated with perceiving the case against the defendant to be stronger.

Thus, results provide evidence that evaluations of trial information are influenced by pre-existing attitudes. Further, evaluations of trial evidence influence individual verdict choices. These findings indicate that attitudes may influence individual verdicts in two ways. First, consistent with prior research, there is a direct association between pre-existing attitudes and verdict. In addition, results suggest that, while all jurors may encounter the same case facts and evidence during the trial, they may interpret this evidence in disparate ways, based in part on their pre-existing attitudes about the legal system. These interpretations of the trial evidence may influence subsequent individual verdicts.

Discussion

The purpose of the current study was to investigate the direct and indirect impact of pre-existing attitudes about the legal system upon mock juror decision making. Such research has both important theoretical and practical implications and could enhance our understanding of the jury decision making process. The following sections discuss results concerning the direct and indirect associations among pre-existing attitudes, evidence evaluations, and ultimate individual verdict preferences.

Pre-existing Attitudes about the Legal System

Researchers in jury decision making have long recognized that jurors are not impartial, blank slates with no pre-existing attitudes or experiences with the legal system (Bonora & Krauss, 1979; Thompson et al., 1984). The field of "scientific jury selection" was developed based primarily upon this premise (Lecci, Morris, & Snowden, 2004; Shestowsky & Strier, 1999) resulting in the creation of several assessments of pre-trial attitudes (Boehm, 1968; Kassin & Wrightsman, 1983; Kravitz, Cutler, & Brock, 1993; Lecci & Myers, 2008).

While these developments imply that attitudes must account for some amount of the variance in verdict selection, only a weak direct impact of attitudes has been observed (Hepburn, 1980; Penrod, 1990). Still, there has been a consistent push to incorporate attitudinal questionnaires into the jury voir dire (Lecci & Myers, 2008; Moran, Cutler, & Loftus, 1990; Narby, Cutler, & Moran, 1993). The current study sought to contribute to the literature by using classic attitude theory to examine the direct and indirect impact of attitudes on jury decision making.

Consistent with previous research, the current study observed a weak, yet significant, direct impact of attitudes upon individual verdict. Understanding the impact of potential jurors'

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pre-trial attitudes upon final verdict decisions has received heightened attention in recent years. The use of attitudes assessments in voir dire is intended to ensure that individuals possessing biases are not included on the jury. Often times, voir dire sessions are brief, allowing attorneys only a small chance to assess a roomful of potential jurors. Studies have indicated that as much as two-thirds of the jury panel may possess attitudes or biases against the defendant (Covinton, 1985; Hans & Jehle, 2003). Finding a way to identify biased individuals quickly may be vital to ensuring a fair trial. Using standardized attitudes assessments may provide attorneys with valuable tools for identifying potential biases (Lecci & Myers, 2008), therefore it is important to study the predictive utility of these measures and create a general understanding of the types of attitudes that may have a biasing impact on jurors' verdicts.

Evaluations of Evidence

A primary purpose of the current study was to consider the impact of pre-existing attitudes upon evaluations of trial evidence. Decades of research in social psychology indicate that attitudes and beliefs can influence how people interpret information about the world around them (Allport, 1954; Festinger, 1957; Nisbett & Ross, 1980). These findings would suggest that pre-existing attitudes should have some influence on jurors' interpretations of trial evidence.

The results of the current study indicate that attitudes may have an impact upon the amount and type of evidence that mock jurors recalled. Consistent with prior theories on juror decision making such as the Story Model (Pennington & Hastie, 1981), individual mock jurors appeared to create a consistent picture of the trial evidence based on their pre-conceived notions about the legal system. Perceptions of the strength of evidence of the case against the defendant seemed to be particularly important in developing an overall "story" based on the evidence.

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Consistently, research in the mock jury paradigm has found strength of evidence to be one of the strongest predictors of final verdict (Devine et al., 2001). The current study contributes to this body of research by examining mock jurors' *perceptions* of the strength of evidence. Rather than manipulating the strength of evidence by varying the trial evidence presented (e.g., Skolnick & Shaw, 2001), all participants in this study read identical trial stimuli and rated the strength of evidence based on their own perceptions of the trial. Variations in ratings indicate that strength of evidence cannot be considered a definitive in any case or trial stimulus; in other words, the strength of evidence of any case is open to interpretation.

The current study found that perceptions of the strength of evidence were significantly related to pre-existing attitudes about the legal system. Attitudes related to the Crime Control orientation predicted perceptions of the overall strength of the evidence against the defendant. This finding suggests that individuals who felt more confident in the legal system's ability to control crime by accurately identifying and apprehending criminals were more likely to perceive the overall case against the defendant to be strong. Strong attitudes of system confidence as an indication of a Crime Control orientation may provide a specific context for interpreting the strength of evidence against the defendant. For example, if one believes that the legal system is effective in accurately identifying criminals, the fact that a defendant is even on trial could be interpreted as strong evidence of guilt. Thus, pre-existing attitudes may form a filter or schema for which the trial evidence is processed (Butler & Moran, 2002).

Taken together, the results suggest that individuals do differ in how they perceive and evaluate trial evidence, in part due to pre-existing attitudes about the legal system. More research is necessary to uncover factors that do influence how individuals evaluate the overall evidence presented in a trial. Pre-existing attitudes about the legal system were associated with evaluations

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of the perceived strength of evidence. Thus, attitudes may have an indirect role in individual verdict decisions. Consistent with past research, attitudes have only a weak direct impact upon verdict in the current study; however there is also indication of an indirect influence upon verdict decision through evaluation of the evidence, specifically through perceptions of the strength of the evidence.

Future Directions

The current study used the Pre-trial Juror Attitude Questionnaire (PJAQ; Lecci & Myers, 2008) to assess pre-existing attitudes about the legal system. While this measure has been shown to have some predictive utility in studying individual verdicts (Lecci & Myers, 2008), it is just one means for understanding the attitudes and experiences that potential jurors bring into the courtroom. Future studies would benefit from using additional measures of pre-existing attitudes. Similarly, a more in-depth assessment of prior experiences may provide some additional insight into jurors' perceptions of the evidence.

One key variable in the current study appears to be perceptions of the strength of the evidence. Perceived strength of evidence is influenced to some degree by pre-existing attitudes and by the type of evidence recalled. The jury decision making literature has long recognized the importance of strength of evidence in accounting for individuals' final verdict preferences (Devine et al. 2001; Visher, 1987); still, little is known about how perceptions of the strength of evidence are created by individual jurors. Jury decision making models such as the Story Model (Pennington & Hastie, 1981) may be updated and expanded upon to consider these individual perceptions of evidence and their place in the overall "story" constructed by each juror.

Finally, a noted limitation of much of the research in jury decision making is that it examines individual *juror* decision making rather than group *jury* decision making. Studying

group decision making, especially in the context of the jury, is not without its challenges. However, this step is necessary to create a cohesive picture of verdict formation in the real world. The current study indicates that individuals' unique perceptions of the evidence may drive their personal verdict choices. But what happens when individuals with different perceptions of the evidence meet together to form one group decision? This is still unknown.

Conclusion

Theories in both social and cognitive psychology indicate that beliefs play a significant role in constructing individual interpretations of the surrounding world. Thus it is not surprising that legal professionals have long hypothesized that the attitudes jurors already possess when they enter the courtroom may color their interpretations of trial evidence. The current study found support for this idea, showing that pre-existing attitudes about the legal system were directly associated with mock jurors' individual verdict preferences. Further, pre-existing attitudes were associated with evaluations of trial evidence (e.g., the type of information recalled and perceptions of the strength of evidence), which in turn influenced verdict selection. These findings suggest that developing a better understanding of the direct and indirect associations among prior beliefs, interpretations of the evidence, and verdict preferences will aid legal professionals in ensuring that all defendants receive a fair trial.

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Table 1.

Summary of Exploratory Factor Analysis Results for the Pre-Trial Juror Attitude Questionnaire

	Factor Loadings					
Item	Factor 1	Factor 2	Factor 3	Factor 4	Factor 5	Factor 6
If a suspect runs from the police then he probably committed the crime. (CON)	.239	-.093	**.588**	.054	.168	-.017
A defendant should be found guilty if 11 out of 12 jurors vote guilty. (CP)	**.391**	.014	.173	.125	-.020	.024
Too often jurors hesitate to convict someone who is guilty out of pure sympathy. (CP)	.165	.117	-.194	**.598**	.145	-.050
In most cases, where the accused presents a strong defense, it is only because of a good lawyer. (CYN)	**.340**	.047	-.181	.182	.169	**.313**
Out of every 100 people brought to trial, at least 75 are guilty of the crime with which they are charged. (CON)	.002	-.0541	.086	**.579**	-.152	.083
For serious crimes like murder, a defendant should be found guilty so long as there is a 90% change that he committed the crime. (CP)	.250	**.331**	**.421**	-.128	-.174	.094
Defense lawyers don't really care about guilt or innocence, they are just in business to make money. (CYN)	.033	**.505**	.007	.252	.147	.158
Generally, the police make an arrest only when they are sure about who committed the crime. (CON)	**.507**	-.125	-.011	-.075	-.0998	.108
Many accident claims filed against insurance companies are phony. (CYN)	.201	.195	.050	**.307**	-.059	.071
The defendant is often a victim of his own bad reputation (reverse coded). (RB)	.008	-.006	-.010	**-.496**	-.193	-.017
Extenuating circumstances should not be considered; if a person commits a crime, then that person should be punished. (CP)	-.085	.049	**.489**	.191	-.154	.159
If the defendant committed a victimless crime like gambling or possession of marijuana, he should never be convicted (reverse coded). (SJ)	-.065	**-.574**	**.320**	.258	.003	-.066
Defense lawyers are too willing to defend individuals they know are guilty. (CYN)	.085	**.527**	.142	**.307**	-.040	-.146
Police routinely lie to protect other police officers. (CYN)	-.238	**.439**	.005	.282	**.301**	.020
Once a criminal, always a criminal. (INNCR)	**.583**	-.070	.058	.164	.096	-.026

Item	1	2	3	4	5	6
Lawyers will do whatever it takes, even lie, to win a case. (CYN)	-.198	**.467**	.288	.099	.150	.102
Criminals should be caught and convicted by any means necessary. (CP)	.038	.194	**.575**	.095	-.230	.060
A prior record of conviction is the best indicator of a person's guilt in the present case. (CON; INNCR)	**.680**	.150	.0765	-.039	-.074	.011
Rich individuals are almost never convicted of their crimes. (SJ)	-.064	.080	.162	.010	**.755**	.039
If a defendant is a member of a gang, he/she is definitely guilty of the crime. (INNCR)	**.661**	.189	.046	-.035	-.053	-.017
Minorities use the race issue only when they are guilty. (RB)	-.024	-.155	.200	.230	.072	**.524**
When it is the suspect's word against the police officer's, I believe the police. (CON)	**.498**	**-.339**	.114	.089	.018	.093
Men are more likely to be guilty of crimes than are women. (INNCR)	.068	.094	-.115	-.196	.097	**.624**
The large number of African Americans currently in prison is an example of the innate criminality of that group. (RB)	-.016	.098	.243	-.156	-.054	**.599**
A black man on trial with a predominantly white jury will always be found guilty. (SJ)	.165	**.386**	-.012	-.105	**.301**	.116
Minority suspects are likely to be guilty, more often than not. (RB)	.014	-.085	-.089	.176	-.0883	**.701**
If a witness refuses to take a lie detector test, it is because he/she is hiding something. (CON)	.179	-.043	**.642**	-.189	.172	-.001
Defendants who change their story are almost always guilty. (CYN)	.146	-.115	**.609**	-.054	.259	.006
Famous people are often considered to be above the law. (SJ)	-.054	-.007	-.005	.048	**.768**	-.0314
Eigenvalues	4.93	2.57	1.52	1.31	1.28	1.18
Percent of variance	16.98	8.86	5.23	4.50	4.04	4.01

Six-Factor Solution analyzed by principal components analysis with direct obliman rotation.

Salient loadings greater than 0.30 are **bold.**

Note: Subscales proposed by Lecci and Myers (2008) are noted after each item. CON = system confidence; CP = conviction proneness; CYN = cynicism toward the defense; RB = racial bias; SJ = social justice; = INNCR = innate criminality.

Table 2.

Summary of Exploratory Factor Analysis Unrotated One-Factor Solution

Item	Factor
If a suspect runs from the police then he probably committed the crime. (CON)	**.580**
A defendant should be found guilty if 11 out of 12 jurors vote guilty. (CP)	**.451**
Too often jurors hesitate to convict someone who is guilty out of pure sympathy. (CP)	**.306**
In most cases, where the accused presents a strong defense, it is only because of a good lawyer. (CYN)	**.441**
Out of every 100 people brought to trial, at least 75 are guilty of the crime with which they are charged. (CON)	**.307**
For serious crimes like murder, a defendant should be found guilty so long as there is a 90% change that he committed the crime. (CP)	**.522**
Defense lawyers don't really care about guilt or innocence, they are just in business to make money. (CYN)	**.462**
Generally, the police make an arrest only when they are sure about who committed the crime. (CON)	.293
Many accident claims filed against insurance companies are phony. (CYN)	**.406**
The defendant is often a victim of his own bad reputation (reverse coded). (RB)	-.290
Extenuating circumstances should not be considered; if a person commits a crime, then that person should be punished. (CP)	**.424**
If the defendant committed a victimless crime like gambling or possession of marijuana, he should never be convicted (reverse coded). (SJ)	.034
Defense lawyers are too willing to defend individuals they know are guilty. (CYN)	**.389**
Police routinely lie to protect other police officers. (CYN)	.231
Once a criminal, always a criminal. (INNCR)	**.494**
Lawyers will do whatever it takes, even lie, to win a case. (CYN)	**.376**
Criminals should be caught and convicted by any means necessary. (CP)	**.496**
A prior record of conviction is the best indicator of a person's guilt in the present case. (CON; INNCR)	**.548**
Rich individuals are almost never convicted of their crimes. (SJ)	**.329**
If a defendant is a member of a gang, he/she is definitely guilty of the crime. (INNCR)	**.510**
Minorities use the race issue only when they are guilty. (RB)	**.492**

When it is the suspect's word against the police officer's, I believe the police. (CON)	**.388**
Men are more likely to be guilty of crimes than are women. (INNCR)	**.310**
The large number of African Americans currently in prison is an example of the innate criminality of that group. (RB)	**.442**
A black man on trial with a predominantly white jury will always be found guilty. (SJ)	**.351**
Minority suspects are likely to be guilty, more often than not. (RB)	**.387**
If a witness refuses to take a lie detector test, it is because he/she is hiding something. (CON)	**.494**
Defendants who change their story are almost always guilty. (CYN)	**.512**
Famous people are often considered to be above the law. (SJ)	.182
Eigenvalues	4.93
Percent of variance	16.98

Unrotated factor solution analyzed with principal components analysis.

Salient loadings greater than 0.30 are **bold.**

Note: Subscales proposed by Lecci and Myers (2008) are noted after each item. CON = system confidence; CP = conviction proneness; CYN = cynicism toward the defense; RB = racial bias; SJ = social justice; = INNCR = innate criminality.

Table 3.

Descriptive Statistics for Evidence Evaluation Variables

	Frequency Distribution of Number of Facts Recalled			
Number of Facts	Pro-Prosecution	Pro-Defense	General Facts	Total Facts
0	119	391	275	42
1	12	25	69	6
2	25	13	38	19
3	89	16	30	72
4	80	9	23	70
5	60	7	11	80
6	40	2	9	75
7	23	1	7	49
8	13	-	2	30
9	2	-	-	7
10	1	-	-	7
11	-	-	-	4
12	-	-	-	3
Mean (sd)	3.53 (2.25)	0.45 (1.17)	1.19 (1.78)	5.18 (2.03)

N = 464

	Descriptive Statistics for Evidence Evaluation Variables		
	Proportion Pro-Prosecution Evidence Recalled	Proportion Pro-Defense Evidence Recalled	Proportion General Evidence Recalled
Mean	0.69	0.10	0.21
Std Deviation	0.38	0.26	0.30
Skewness	-0.85	2.74	1.40
Kurtosis	-0.85	6.20	0.89

Figure 1. Conceptual path-analytic model: Influence of pre-existing attitudes, evidence interpretation,

and perceived strength of evidence upon individual juror verdicts.

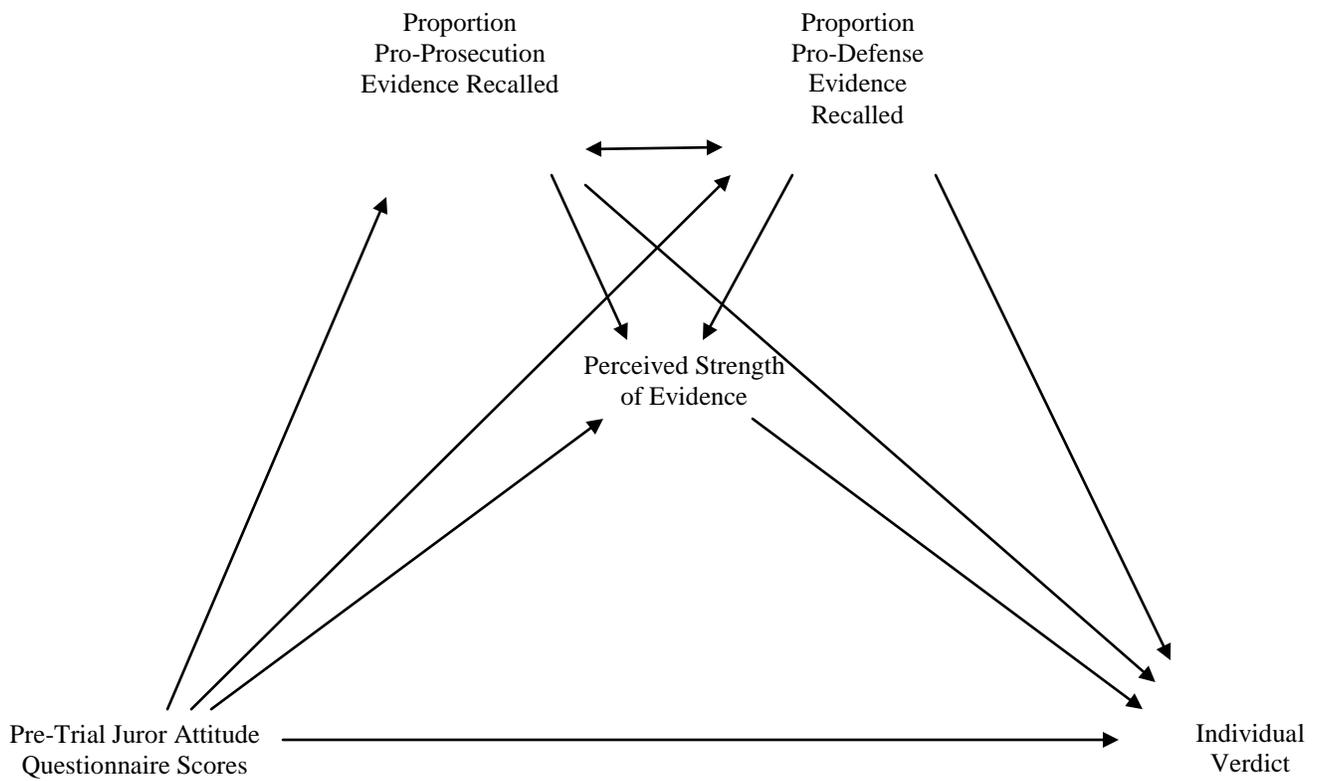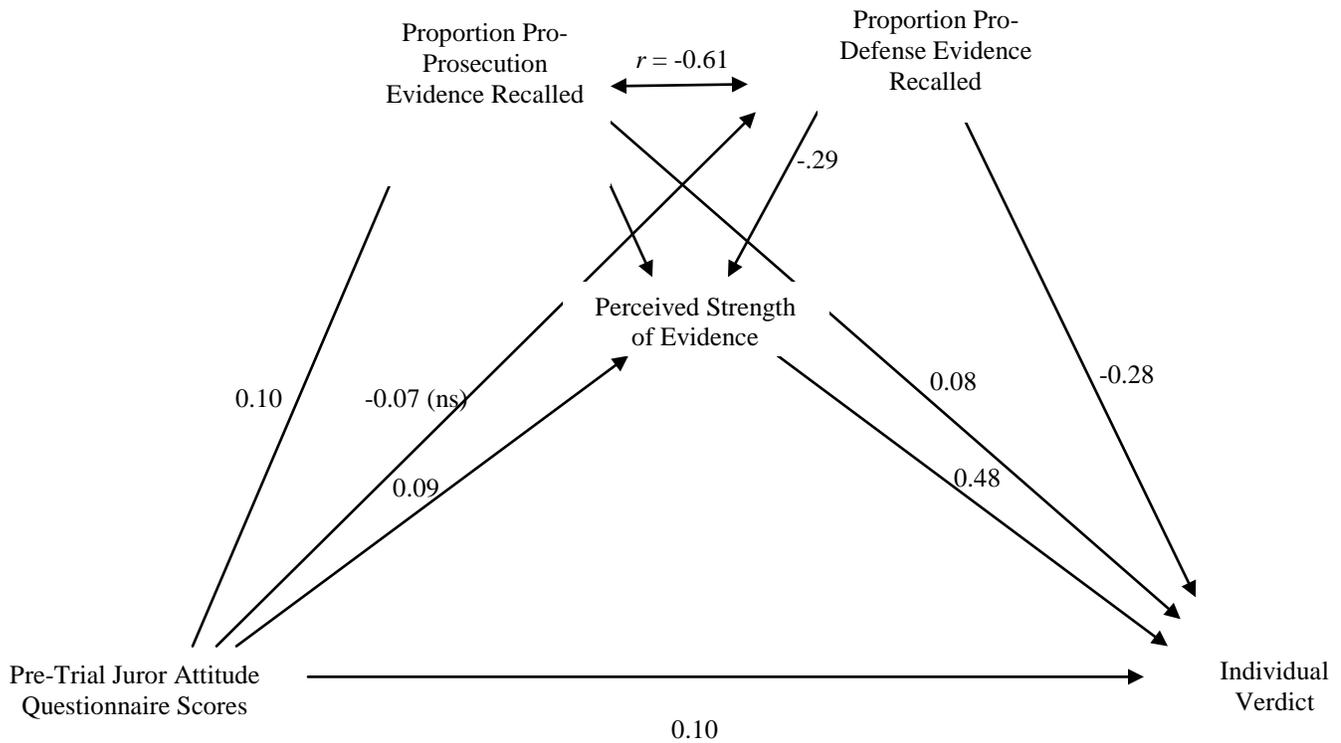Note: Values represent standardized regression coefficients unless otherwise noted.

Figure 2. Observed path-analytic model: Influence of pre-existing attitudes, evidence interpretation, and perceived strength of evidence upon individual juror verdicts.

Pre-Trial Juror Attitude Questionnaire: Please answer the questions below based on the given scale.

1	2	3	4	5
Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree

_____If a suspect runs from the police, then he probably committed the crime.

_____A defendant should be found guilty if 11 out of 12 jurors vote guilty.

_____Too often jurors hesitate to convict someone who is guilty out of pure sympathy.

_____In most cases where the accused presents a strong defense, it is only because of a good lawyer.

_____Out of every 100 people brought to trial, at least 75 are guilty of the crime with which they are charged.

_____For serious crimes like murder, a defendant should be found guilty so long as there is a 90% chance that he committed the crime.

_____Defense lawyers don't really care about guilt or innocence, they are just in business to make money.

_____Generally, the police make an arrest only when they are sure about who committed the crime.

_____Many accident claims filed against insurance companies are phony.

_____The defendant is often a victim of his own bad reputation.

_____Extenuating circumstances should not be considered; if a person commits a crime, then that person should be punished.

_____If the defendant committed a victimless crime like gambling or possession of marijuana, he should never be convicted.

_____Defense lawyers are too willing to defend individuals they know are guilty.

_____Police routinely lie to protect other police officers.

_____Once a criminal, always a criminal.

_____Lawyers will do whatever it takes, even lie, to win a case.

_____Criminals should be caught and convicted by "any means necessary."

_____A prior record of conviction is the best indicator of a person's guilt in the present case.

_____Rich individuals are almost never convicted of their crimes.

_____If a defendant is a member of a gang, he/she is definitely guilty of the crime.

_____Minorities use the "race issue" only when they are guilty.

_____When it is the suspect's word against the police officer's, I believe the police.

_____Men are more likely to be guilty of crimes than are women.

_____The large number of African Americans currently in prison is an example of the innate criminality of that group.

_____A black man on trial with a predominantly white jury will always be found guilty.

_____Minority suspects are likely to be guilty, more often then not.

_____If a witness refuses to take a lie detector test, it is because he/she is hiding something.

_____Defendants who change their story are almost always guilty.

_____Famous people are often considered to be "above the law."

VOIR DIRE QUESTIONNAIRE

<u>Demographic Information:</u>

Age: _____   Gender: _____   Ethnicity: _____

Years Lived in El Paso: _____

Licensed Driver: Yes _____   No _____

Registered Voter: Yes _____   No _____

Marital Status: Married _____ Never Married _____ Divorced ____ Widowed ____

If Married: Years Married _____

If You Have Children: Number of Children: _____

Your Occupation and Employer: _____

Name of Last School or College Attended, Grade Completed, or Degree Received:

_____

What is (was) the principal profession or vocation of your parents?

Father: _____   Mother: _____

Your religious preference (if any): _____

<u>Experiences with the Legal System:</u>

In this section, you will be asked some general questions about your personal experiences with the legal system. Please answer these questions honestly. Again, please remember that these answers are completely anonymous.

Have you served on a jury before? Yes _____   No _____
    If yes, how many times? _____
    Was it Civil _____; Criminal _____; Grand Jury _____?
    Was a verdict rendered? Yes _____   No _____

Are you now or have you ever been a law enforcement officer? ___ Yes ___ No
    If yes, state what type and when: _____

Do you have a close friend or relative who is now or ever has been a law enforcement officer?
Yes ___ No _____
        If yes, state the nature of the relationship, type of law enforcement officer, and when the
        individual was (is) a law enforcement officer: _____

Have you ever been a victim of a crime? Yes _____ No _____
        If yes, state the nature of the crime and when it occurred: _____

Has any close friend or relative ever been the victim of a crime? Yes ____ No _____
        If yes, state the nature of the crime and when it occurred: _____

Have you ever been a witness in a criminal case? Yes ____ No _____
        If yes, state the type of case and when it occurred: _____

Do you have a close friend or relative who is now or ever has been an attorney?
Yes ___ No _____
        If yes, state the nature of the relationship, type of attorney, and when the individual was
        (is) practicing law: _____

Overall, how do you feel about police officers?

-3	-2	-1	0	1	2	3
Very Negative			Neutral			Very Positive

Have you ever spoken with a police officer? Yes ___ No _____
        If yes, how many times?

                _____ Once or twice
                _____ A few times
                _____ Several times
                _____ Many times

        If yes, in what contexts? (check all that apply)

                _____ Speeding ticket / traffic accident
                _____ Answering questions about something I had seen
                _____ Answering questions about something I may have done
                _____ Answering questions about something that happened to me
                _____ Talking about general issues or concerns such as safety
                _____ In a social context
                _____ Other (please explain) _____

Have you ever reported a crime to the police? Yes __ No _____

Overall, how do you feel about lawyers?

-3	-2	-1	0	1	2	3
Very Negative			Neutral			Very Positive

Have you ever spoken with a lawyer? Yes __   No _____
     If yes, how many times?

        _____   Once or twice
        _____   A few times
        _____   Several times
        _____   Many times
     If yes, in what contexts? (check all that apply)

        _____   Answering questions about something I had seen
        _____   Getting advice on a civil matter, such as a divorce, will, or lawsuit
        _____   Getting advice on a criminal matter
        _____   Lawyer called me to offer services
        _____   In a social context
        _____   Other (please explain) _____

Please circle the numbers that best describe your behavior.

     a.   I read the newspaper.
        _____ Never   _____ 1-3 times per week
        _____ Less than once per month   _____ 4-6 times per week
        _____ Less than once per week   _____ Everyday
     b.   I watch television news.
        _____ Never   _____ 1-3 times per week
        _____ Less than once per month   _____ 4-6 times per week
        _____ Less than once per week   _____ Everyday
     c.   I watch television shows about the police or legal system.
        _____ Never   _____ 1-3 times per week
        _____ Less than once per month   _____ 4-6 times per week
        _____ Less than once per week   _____ Everyday
     d.   I read books about the police or legal system.
        _____ Never   _____ 5-6 times per year
        _____ 1-2 times per year   _____ 1 time per month
        _____ 3-4 times per year   _____ 2 or more times per month
     e.   I see movies about the police or legal system.
        _____ Never   _____ 5-6 times per year
        _____ 1-2 times per year   _____ 1 time per month
        _____ 3-4 times per year   _____ 2 or more times per month

IN THE DISTRICT COURT OF EL PASO, TEXAS
THREE HUNDRED THIRTY-FOURTH JUDICIAL DISTRICT

VERDICT FORM

_____ I find the defendant **GUILTY** of burglary (continue to bottom portion of form).

_____ I find the defendant **NOT GUILTY** of burglary (stop here).

Continue ONLY if you checked GUILTY.

If you found the defendant GUILTY, for how many years would you sentence the defendant?

The sentencing guideline in the State of Texas for this offense of Second Degree Felony burglary is no more than 20 years and no less than 2 years. In addition, the defendant, if charged, may be punished by a fine not to exceed $10,000.

My sentence is: _____ Years and $_____ Fine (optional)

Appendix D

Post Verdict Questionnaire

Without looking back at the trial transcript, please list from memory all relevant facts in evidence on a separate line in the first column. You do not have to use all the lines.

Evidence	Rank Order	Pro-Prosecution or Defense

On the second column, please rank order each fact in order of importance to you in making your personal verdict decision with 1 being the most important, 2, being next important, and so on.

On the last column, please indicate whether you personally feel that piece of evidence supports the prosecution's case (guilty) or the defense's case (not guilty), regardless of your verdict preference.

Considering all the evidence discussed in the trial, please indicate how strong you believe the evidence to be against the defendant. When evaluating strength of evidence, think about how guilty the evidence made the defendant look.

Very Strong Against Defendant	Strong	Neutral	Weak	Very Weak Against the Defendant
1	2	3	4	5

Vita

Larissa Angelique Schmersal was born in Lincoln, Nebraska. She attended the University of Nebraska – Lincoln (UNL), graduating with high honors in May 2005 with a B.A. in psychology. While attending UNL, Larissa was active in research under the guidance of Jennifer S. Hunt, Ph.D. and she was awarded the Wolfe Award for outstanding undergraduate psychology major in May 2005.

Larissa entered the General Psychology Ph.D. (with a concentration in legal psychology) program at the University of Texas at El Paso (UTEP) in the fall of 2006. In spring 2007, Larissa received honorable mention for the National Science Foundation Graduate Research Fellowship. Larissa continues pursue her Ph.D. in psychology under the guidance of Harmon M. Hosch, Ph.D. while working fulltime at UTEP's Center for Institutional Evaluation, Research, and Planning as a research associate. Her research interests primarily focus on the jury decision making and the jury deliberation. For fun, she teaches ballet at the local YWCA.

Permanent address: 350 N. Festival #606

El Paso, TX 79912