CCJ 4934 Psychology of Jurors & Juries

Instructor: Gissel Perez, M.A.

LIT 0127 | Fall 2022 | MWF (1:55 - 2:45 PM)



GisselPerez@ufl.edu



TUR 3347

Tuesdays 9:30 - 10:30 am

Zoom

Thursdays 8:00 - 9:00 am



There are no required textbooks for this course. All required readings will be available through UF Libraries or posted on Canvas.

Course Description

In this course we will use psychological theories and perspectives to analyze issues concerning jurors and juries. We will discuss the following topics:

- History of Juries and the U.S. Jury System
- Barriers to Jury Service
- Jury Selection
- Race
- Evidence (e.g., confession evidence, eyewitness evidence, etc.)
- "Junk Science"
- CSI Effect
- Pretrial Publicity
- Death Qualification
- Perceptions of Victims
- Perceptions Legal Authorities
- Civil Trials / Damage Awards
- Modern Jury Issues (COVID-19 impacts)

We will also discuss how research can give insight into these issues and how research in this field can inform the legal system.

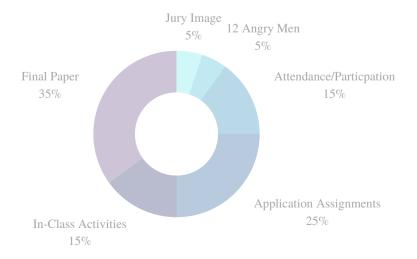
Course Objectives

By the end of the semester, you should have acquired:

- Knowledge on the jury system and how it works (e.g., the process of jury selection).
- Knowledge on the issues that affect jurors and juries.
- An understanding of how psychological theory and science can be used to address issues related to juries.
- The ability to think critically and write clearly about research as it relates to juries.
- A deeper understanding of the factors that contribute to your own views and attitudes toward the jury.

Course Grading

- Image-of-the-jury assignment (5%)
- 12 Angry Men Discussion (5%)
- Attendance and participation (15%)
 - Attendance will be taken at random, <u>at least</u> once per week
 - Participation will be assessed with class discussions
- Application Assignments (25%)
 - 5 throughout the semester.
- In-Class Activities (15%)
 - 3 throughout the semester.
- Final Paper (35%)
 - Will be on a topic of your choosing (regarding the psychology of juries of course!)



Grading Scale

A = 93 +

A - = 90-92

B + = 87-89

B = 83-86

B - = 80-82

C + = 77-79

C = 73-76

C - = 70-72

D + = 67-69

D = 63-66

D - = 60-62

E = 59 and below

Communication

You may contact the instructor via e-mail (gisselperez@ufl.edu) or through canvas. You can expect a response within 48 hours.

Please resend the e-mail if you do not receive a response within 48 hours. Be sure to include the course title in the subject heading (i.e., CCJ 4934). Also, please use your UF email. This reduces the likelihood that your email is sent to the spam folder and it is a more secure way of communicating.

Attendance & Participation

Attendance is **required** and part of your grade is participation in class. Participation will be determined with in-class discussions. You **cannot** make up participation assignments.

In this class you will be required to read research articles and other readings related to the class material. The participation discussions will require you to have read or listened to the material already, therefore it is your responsibility to come to class prepared to discuss these materials.

You should attend the entire class period and will only receive attendance and participation credit if you attend the full class. Attendance will be taken at least once a week at random. Thus, it is important to attend each class.

You are responsible for getting any notes and/or assignments from your fellow classmates should you need to miss class. As students, you must take responsibility for learning the material covered in class.

Image-of-the-Jury Assignment

For this assignment you will need to find and share an image or depiction of the jury. It can be any jury or any depiction! It can be a real-life case that was decided by a jury, a favorite scene from a movie or TV show that features the jury, a YouTube video, an account of a person's experience on jury duty, a research study on jury decision making, etc. If you choose a video depiction, please make sure it is 10 minutes or less in length. You will need to submit a brief description (short paragraph) about what you think the image or depiction you selected says about trial by jury. Further instructions and the rubric for this assignment can be found on Canvas.

Application Assignments

You will need to complete **5** application assignments throughout the semester. The purpose of these assignments will be to apply course material to real life cases. For these assignments you may be required to watch videos, read articles about or listen to podcasts about real life cases. You may also be required to do more outside research. The purpose of these assignments is to visualize how the issues we discuss regarding jurors and juries play out in the real world and how the research we discuss could apply to these cases.

The rubric, along with further instructions and due dates are available on Canvas.

In-Class Activities

There will be a total of 3 in-class activities. These activities will be done in groups, though some activities may have sections that have to be completed individually. In-class activities, cannot be made up. Thus, the only way to be excused from an in-class activity is if you have an excused absence.

12 Angry Men Discussion

For this assignment you will be asked to watch the film "12 Angry Men." The link to this movie will be provided to you on Canvas through UF Libraries. After watching the film, you will be asked to answer the questions regarding the film on Canvas "discussions." You should answer the questions and respond to at least two other students in order to receive full credit. A rubric for this discussion can also be found on Canvas. The due date can be found on the course schedule below and on Canvas.

Final Paper

For the final paper, you will be allowed to select any topic of your choosing. However, it must be a research paper related to the psychology of juries.

You will be required to meet with me at least once to discuss your idea for your paper and I must approve your topic. A rough draft will be due by a specified date (see below). Then, the final draft is due by another specified date. The final paper should be 8-10 pages. The rubric can be found on Canvas and this paper will be discussed in more detail in class.



Course Policies

The instructor has the primary responsibility for control over class behavior and may order temporary removal or exclusion of students from the discussions who disrupt the class or who violate the general policies of the College. Disruptive conduct shall include, but is not limited to, any offensive or rude behavior directed toward the instructor or other students during any online discussion forums or in the classroom.

Disputing Grades

All grades are posted on Canvas throughout the semester. It is your responsibility to review your grades regularly. If you have any question or concern about a grade you received, please reach out to me. You have **two weeks** after the grade is posted on Canvas in which to inquire about your grade. In other words, if you want to dispute a grade you will have until two weeks after your grade was released to dispute it. For assignments due near the end of the semester (e.g., the final paper), you will have until December 17th. After the two weeks, the grade stands. However, if you still want to discuss what you got wrong, how you can improve or simply ask a question about the class material to increase your understanding, you can still do so.

Make-Up Work

All make-up work is the student's responsibility. If you know you may miss a class, inform the instructor as soon as possible. I understand that sometimes one's personal life interferes with the ability to turn in a paper, attend class, etc. If you have a legitimate reason for missing a class or assignment (e.g., documented illness), and can provide documentation, you will be allowed to make up what you missed without a grade deduction, if you contact me immediately before/after the missed assignment. Religious holidays are excused without documentation but must be discussed with the instructor in advance.

Any requests for make-ups due to technical issues **MUST** be accompanied by the ticket number received from the Help Desk when the problem was reported to them. The ticket number will document the time and date of the problem. You **MUST** e-mail your instructor within 24 hours of the technical difficulty if you wish to request a make-up.

Late Work



Late work will be accepted within 48 hours of the due date and will have the grade lowered as a penalty. For each day the paper is late, your grade will be reduced by 10% (i.e., if your paper is 2 days late, you will receive a 20% deduction). Any work submitted after 48 hours will not be accepted.

This late policy does not apply to in-class activities. These must be submitted during the class period and can only be made up if your absence is excused.

Academic Honesty Policy

UF students are bound by The Honor Pledge which states, "We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: "On my honor, I have neither given nor received unauthorized aid in doing this assignment." The Honor Code (https://sccr.dso.ufl.edu/policies/student-honor-code-student-conduct-code/) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel.

Students with Disabilities

Students requesting classroom accommodations must first register with the Dean of Students Office. The DOS will provide documentation to the student who must then provide this documentation to the course coordinator, when requesting accommodation. http://www.dso.ufl.edu/drc/. You should contact me and the Disability Resource Center as early in the semester as possible. The Disability Resource Center is located in 001 Building 0020 (Reid Hall). Their phone number is 352-392-8565.

It is important that you provide me with your accommodation requests as soon as possible so that I can accommodate you.

Campus Resources

Learning about juriors and juries, a part of our justice system, may involve some sensitive topics. If this becomes emotionally difficult at times, I encourage you to seek out campus resources for support. UF provides several different types of resources:

- Counseling and Wellness Center:
 - http://www.counseling.ufl.edu/cwc/Default.aspx
 - o 352-392-1575
- Student Health Care Center:
 - https://shcc.ufl.edu/
 - 0 352-392-1161
- UF Police Department Office of Victim Services:
 - http://www.police.ufl.edu/victimservices/

• Dean of Students Office – emergency response team:

https://www.dso.ufl.edu/home/about/emergency_response

• U Matter, We Care

- Can also help students, staff, or faculty in distress. You can reach them via email at umatter@ufl.edu or phone 352-392-1575.
- If you find yourself concerned about a fellow student, you can notify U Matter, We Care, and they will reach out to the student.

Academic Resources

• E-learning technical support:

 Contact the <u>UF Computing Help Desk</u> at 352-392-4357 or via e-mail at helpdesk@ufl.edu.

• Career Connections Center:

• Reitz Union Suite 1300, 352-392-1601. Career assistance and counseling services.

• <u>Library Support:</u>

• Various ways to receive assistance with respect to using the libraries or finding resources.

• <u>Teaching Center:</u>

• Broward Hall, 352-392-2010 or to make an appointment 352- 392-6420. General study skills and tutoring.

• Writing Studio

 2215 Turlington Hall, 352-846-1138. Help brainstorming, formatting, and writing papers.

• Student Complaints On-Campus:

• Visit the Student Honor Code and Student Conduct Code webpage for more information.

Evaluations

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at http://gatorevals.aa.ufl.edu/students. Students will be notified when the evaluation period opens, and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via https://ufl.bluera.com/ufl/. Summaries of course evaluation results are available to students at https://gatorevals.aa.ufl.edu/public-results/.

Disclaimer

The instructor reserves the right to alter the course syllabus as circumstances dictate. Any changes will either be announced in class or posted on Canvas. Students not attending class are responsible for obtaining this information.

Module	Date	Class Description / Readings	Assignments
	August 24	Welcome to Psychology of Jurors & Juries ☐ Introductions ☐ Review course syllabus	
1	August 26	History of Juries ☐ ABA: The History of Trial by Jury ☐ Law & the Courts – Juries (Canvas)	
History of Juries & U.S. Jury System	August 29	U.S. Jury System ☐ Trial Handbook ☐ United States Courts — Jury Service in the US ☐ United States Courts — FAQs ☐ United States Courts — Juror Qualifications	☐ Image-of-the-Jury Assignment due this day by 11:59 PM
2 Barriers to jury service	August 31	Why do people avoid jury service? □ Sams, D. M., Neal, T., & Brodsky, S. L. (2013). Avoiding jury duty: psychological and legal perspectives. <i>Jury Expert</i> , 25, 4. (Canvas) □ Rebein, P. W., Schwartz, V. E., & Silverman, C. (2003). Jury dis(service): why people avoid jury duty and what Florida can do about it. <i>Nova L. Rev.</i> , 28, 143. (Canvas)	

	September 2	How can we address barriers to jury service? Why Every State Should Have a Jury Patriotism Act: Bad Excuses and Broad Exemptions Are Hurting Our Jury Pools Arizona Revisits the Jury Patriotism Act	□ Application Assignment #1 due September 8 th by 11:59 PM
		September 5 – Holiday – No Class	
		September 7– In-Class Activity #1	
3 Jury Selection	September 9	Process of Jury Selection & Peremptory Challenges ☐ American Bar Association — How Courts Work (Selecting the jury) ☐ Simon, R. (2020). Effectuating an impartial jury of one's peers: why Washington has more work to do to achieve peremptory challenge reform. Seattle Journal for Social Justice, 19(1), 201-250. (Canvas)	
	September 12	Scientific Jury Selection / Trial Consulting □ Crocker, C. B., & Kovera, M. B. (2011). Systematic jury selection. In Handbook of trial consulting (pp. 13-31). Springer, Boston, MA. (Canvas) □ Strier, F. (1999). Whither trial consulting? Issues and projections. Law and Human Behavior, 23(1), 93-115. (Canvas)	

	September 14	LGBTQ+ Issues in Jury Selection ☐ Young, K. M. (2011). Outing Batson: How the Case of Gay Jurors Reveals the Shortcomings of Modern Voir Dire. Willamette L. Rev., 48, 243. (Canvas) ☐ Shay, G. (2014). In the Box: Voir Dire on LGBT Issues in Changing Times. Harv. JL & Gender, 37, 407.
	September 16	Racial Discrimination in the Jury Pool / Jury Selection & Consequences EJI Race and the Jury - Illegal Discrimination in Jury Selection (Read intro, Ch. 1 – 5) Unequal jury representation and its consequences
4 Jurors & Race	September 19	Why are diverse juries important? □ Peter-Hagene, L. (2019). Jurors' cognitive depletion and performance during jury deliberation as a function of jury diversity and defendant race. Law and Human Behavior, 43(3), 232 (Canvas) □ Stevenson, M. C., Lytle, B. L., Baumholser, B. J., & McCracken, E. W. (2017). Racially diverse juries promote self-monitoring efforts during jury deliberation. Translational Issues in Psychological Science, 3(2), 187-201 (Canvas)

	September 21	How can we address these issues? □ Sommers, S. R., & Norton, M. I. (2008). Race and jury selection: Psychological perspectives on the peremptory challenge debate. American Psychologist, 63(6), 527 (Canvas). □ EJI Race and the Jury - Illegal Discrimination in Jury Selection (Read Ch. 6) □ Diamond, S. S., Peery, D., Dolan, F. J., & Dolan, E. (2009). Achieving diversity on the jury: Jury size and the peremptory challenge. Journal of Empirical Legal Studies, 6(3), 425-449 (Canvas)
5 Evidence	September 23	How do jurors and juries evaluate evidence? Kovera, M. B., & Levett, L. M. (2015). Jury decision making. In APA handbook of forensic psychology, Vol. 2: Criminal investigation, adjudication, and sentencing outcomes. (pp. 271-311). American Psychological Association. (Canvas) Jury: Behavioral Aspects – How Jurors Evaluate Evidence Bornstein, B. H., & Greene, E. (2011). Jury decision making: Implications for and from psychology. Current Directions in Psychological Science, 20(1), 63-67. (Canvas) Confession Evidence Kassin, S. M., Drizin, S. A., Grisso, T., Gudjonsson, G. H., Leo, R. A., & Redlich,

September 26	A. D. (2010). Police-induced confessions: Risk factors and recommendations. Law and human behavior, 34(1), 3-38. (Canvas) ☐ Henkel, L. A. (2008). Jurors' reactions to recanted confessions: Do the defendant's personal and dispositional characteristics play a role? Psychology, Crime & Law, 14(6), 565-578. (Canvas) ☐ Henkel, L. A., Coffman, K. A., & Dailey, BA, E. M. (2008). A survey of people's attitudes and beliefs about false confessions. Behavioral Sciences & the Law, 26(5), 555-584. (Canvas)
September 28	Secondary Confessions Neuschatz, J. S., Lawson, D. S., Swanner, J. K., Meissner, C. A., & Neuschatz, J. S. (2008). The effects of accomplice witnesses and jailhouse informants on jury decision making. Law and Human Behavior, 32(2), 137-149. (Canvas) Wetmore, S. A., Neuschatz, J. S., & Gronlund, S. D. (2014). On the power of secondary confession evidence. Psychology, Crime & Law, 20(4), 339- 357. (Canvas)

September 30	Eyewitness Evidence TED Talk - How reliable is your memory? Laub, C., & Bornstein, B. H. (2008). Juries and eyewitnesses. (Canvas) Carlson, C. A., Lockamyeir, R. F., Jones, A. R., & Hemby, J. A. (2022). How potential jurors evaluate eyewitness confidence and decision time statements across identification procedures and for different eyewitness decisions. Psychology, Crime & Law, 1-28. (Canvas)	□ Final paper topic must be sent to me or discussed with me by this date 11:59 PM
October 3	Expert Witness Vidmar, N., & Diamond, S. S. (2000). Juries and expert evidence. Brook. L. Rev., 66, 1121. (Canvas) Wilcox, A. M., & NicDaeid, N. (2018). Jurors' perceptions of forensic science expert witnesses: experience, qualifications, testimony style and credibility. Forensic science international, 291, 100-108. (Canvas)	□ Application Assignment #2 due by October 4 th 11:59 PM.

October 5 – Watch "12 Angry Men" (No class) ☐ Discussion Post due October 9th by 11:59 PM October 7 – Homecoming (No Class) Fingerprints /Gun Residue **Evidence** ☐ Reversing the legacy of junk science in the courtroom \Box Shaw, A. (2019). The role of the gunshot residue expert in case review—a case study. Forensic October 10 science international, 300, 28-31. (Canvas) ☐ Fingerprint Source Identity Lacks Scientific Basis for Legal Certainty "Junk Science" **Bitemark Evidence** ☐ Application Assignment ☐ Innocence Project – Why Bite Mark #3 due October 16 by Evidence Should Never Be Used in 11:59 PM **Criminal Trials** □ Aksu, M. N., & Gobetti, J. P. (1996). The past and present legal weight of bite marks as evidence. The American October 12 journal of forensic medicine and pathology, 17(2), 136-140. (Canvas) □ Saks, M. J., Albright, T., Bohan, T. L., Bierer, B. E., Bowers, C. M., Bush,

		M. A., & Zumwalt, R. E. (2016). Forensic bitemark identification: weak foundations, exaggerated claims. Journal of Law and the Biosciences, 3(3), 538-575. (Canvas) CSI Effect The 'CSI Effect': Does It Really Exist?
7 CSI Effect	October 14	 ☐ Have you been fooled by forensics on TV? BBC Ideas ☐ Mann, M. (2005). The CSI effect: Better jurors through television and science. Buff. Pub. Int. LJ, 24, 211. (Canvas) ☐ Hayes, R. M., & Levett, L. M. (2013). Community members' perceptions of the CSI effect. American Journal of Criminal Justice, 38(2), 216-235.
		October 17 – In-Class Activity #2
8 Pre-Trial Publicity	October 19	Pretrial Publicity & Jurors □ Publicity in Criminal Cases Overcoming Prejudicial Publicity □ Steblay, N. M., Besirevic, J., Fulero, S. M., & Jimenez-Lorente, B. (1999). The effects of pretrial publicity on juror verdicts: A meta-analytic review. Law and Human Behavior, 23(2), 219-235. (Canvas) □ Excited Utterance - Christine Ruva (Podcast)

	October 21	Pretrial Publicity Remedies ☐ Kramer, G. P., Kerr, N. L., & Carroll, J. S. (1990). Pretrial publicity, judicial remedies, and jury bias. Law and human behavior, 14(5), 409-438. (Canvas)
	October 24	Death Penalty & Qualification Process ☐ Death Penalty Information Center's Podcast transcript (Canvas) ☐ Death Qualification
9 Death Penalty	October 26	Biasing Effects of Death Qualification □ Cowan, C. L., Thompson, W. C., & Ellsworth, P. C. (1984). The effects of death qualification on jurors' predisposition to convict and on the quality of deliberation. Law and Human Behavior, 8(1-2), 53. (Canvas) □ Lynch, M., & Haney, C. (2018). Death qualification in black and white: Racialized decision making and death- qualified juries. Law & Policy, 40(2), 148-171. (Canvas)
	October 28	Jury Decision Making in the Penalty Phase □ Costanzo, M., & Costanzo, S. (1992). Jury decision making in the capital penalty phase. Law and Human Behavior, 16(2), 185-201. (Canvas) □ Maier, S. L., Mannes, S., & Foster, E. E. (2021). Mock jurors' comprehension of aggravating and mitigating factors: The impact of timing and type of sentencing

		phase instructions. Applied Psychology
		in Criminal Justice, 16(1). (Canvas)
		Juror Mental Health in Capital Cases
		□ Antonio, M. E. (2005-2006). Didn't
		Know It'd Be So Hard Jurors' Emotional
		Reactions to Serving on Capital Trial.
		Judicature, 89, 282-288. (Canvas)
	October 31	□ Antonio, M. E. (2008). Stress and the
		capital jury: How male and female jurors
		react to serving on a murder trial. <i>Justice</i>
		System Journal, 29(3), 396-407. (Canvas)
		□ A New option for Addressing Juror
		stress? (Canvas)
		Victims' Perceptions of Criminal
	November 2	Justice
	1(0)(0)(0)	□ Kelly, D. P. (1983). Victims' perceptions
		of criminal justice. Pepp. L. Rev., 11, 15.
		Juror Perceptions of Victims
		□ Rerick, P. O., Livingston, T. N., & Miller,
		M. K. (2021). Guilt by association: mock
		jurors' perceptions of defendants and
		victims with criminal family members.
10	November 4	Psychology, Crime & Law, 27(3), 282-
Jurors &	140vember 4	305. (Canvas)
Victims		☐ Lynch, K. R., Wasarhaley, N. E., Golding,
V ICCIIIIS		J. M., & Simcic, T. (2013). Who bought
		the drinks? Juror perceptions of
		intoxication in a rape trial. Journal of
		Interpersonal Violence, 28(16), 3205-
		3222. (Canvas)
		Jurors & Victim Impact Statements
		□ West, M. P., Boppre, B., Miller, M. K., &
	November 7	
	November /	Barchard, K. (2019). The effects of

		impact statements on jurors' decisions and perceptions of the victim and defendant. Applied Psychology in Criminal Justice, 15(2), 185-200. (Canvas) □ Nuñez, N., Myers, B., Wilkowski, B. M., & Schweitzer, K. (2017). The impact of	
		angry versus sad victim impact statements on mock jurors' sentencing decisions in a capital trial. <i>Criminal justice and behavior</i> , 44(6), 862-886. (Canvas)	
		Juror Perceptions of the Legitimacy of Legal	
11 Jurors & Legal Authorities	November 9	Authorities Farrell, A., Pennington, L., & Cronin, S. (2013). Juror perceptions of the legitimacy of legal authorities and decision making in criminal cases. Law & Social Inquiry, 38(4), 773-802. (Canvas) Ch. 6 Jurors' Perceptions of Police and Court Legitimacy Then and Now (Canvas)	
		November 11 Holiday (No Class)	
	November 14	Juror Perceptions of Police Use of Force □ Ewanation, L., Maeder, E. M., & Yamamoto, S. (2022). Mock juror decision-making in a self-defence trial involving police use of force. Canadian Journal of Behavioural Science/Revue canadienne des sciences du comportement, 54(1), 19. (Canvas) □ Huff, J., Alvarez, M. J., & Miller, M. K. (2018). Mock juror perceptions of police	☐ Final paper draft or outline must be sent to me by this date 11:59 PM

	November 16	shootings: the effects of victim race and shooting justifiability. <i>Applied psychology in criminal justice</i> , 14(2), 87-101. (Canvas) Juror Perceptions of Police Testimony Warren, J. M. (2018). Hidden in Plain View: Juries and The Implicit Credibility Given to Police Testimony. <i>DePaul J. Soc. Just.</i> , 11, 1.	□ Application Assignment #5 due November 20 th by 11:59 PM
12 Civil Trials & Damage Awards	November 18	Juror Characteristics and Civil Trials ☐ Greene, E., & Bornstein, B. H. (2003). Determining damages: The psychology of jury awards. American Psychological Association. (Ch. 5)	
	November 21	Jurors and Damage Awards ☐ Greene, E., & Bornstein, B. H. (2003). Determining damages: The psychology of jury awards. American Psychological Association. (Ch. 8)	
		November 23 & 25 – Holiday – No Class	

	November 28	Reform Do Jurors Know About Damage Caps? Greene, E., & Bornstein, B. H. (2003). Determining damages: The psychology of jury awards. American Psychological Association. (Ch. 9)	
13		Virtual Juries	
Modern Jury	November 30	☐ Hans, V. P. (2021). Virtual Juries. DePaul	
•	140vember 50		
Issues (COVID-19)		Law Review, 71, 21-16. (Canvas)	
		☐ Gates, P., Frederick, J., & Lisko, K.	
		(2021). Virtual juries: we can, but should	
		we? and if so, how? Litigation, 47(4), 12-	
		17.	
	December 2	Face Masks	
		□ Vrij, A., & Hartwig, M. (2021). Deception	
		and lie detection in the courtroom: The	
		effect of defendants wearing medical face	
		masks. Journal of Applied Research in	
		v aa	
		Memory and Cognition, 10(3), 392-399.	
December 5 – In Class Activity #3			
December 7 – Final Paper Workshop Day			
	FINAL PAPER DUE DECEMBER 14 11:59 PM		