

## **SURVEY TO ASSESS AND IMPROVE JURY SERVICE IN OHIO**

Dr. James Frank  
Division of Criminal Justice  
University of Cincinnati  
Center for Criminal Justice Research  
P.O. Box 210389  
Cincinnati, OH 45221-0389  
Phone: 513/556-5832  
Fax: 513/556-3303  
E-Mail: [james.frank@uc.edu](mailto:james.frank@uc.edu)

Tamara Madensen  
Division of Criminal Justice  
University of Cincinnati  
Center for Criminal Justice Research  
P.O. Box 210389  
Cincinnati, OH 45221-0389  
Phone: 513/556-7765  
Fax: 513/556-3303  
E-Mail: [Taggart33@aol.com](mailto:Taggart33@aol.com)

Final report submitted to The Supreme Court of Ohio

December 30, 2003

## **EXECUTIVE SUMMARY**

Surveys were administered to judges, attorneys and jurors in Ohio in an effort to collect information on courtroom activities and use this information to improve the work of jurors in trials. Surveys were completed by 146 judges, 289 attorneys, and 1420 jurors. Of the surveys submitted by judges and attorneys, at least 100 came from civil trials (24.2%) and 314 came from criminal trials (75.8%). Overall, 31 different counties/cities and 49 different judges were represented in the sample.

This report contains the results of these surveys. Survey findings are presented in the following format. For each courtroom strategy, where applicable, the responses of judges and attorneys are presented first, and these are followed by the findings from the juror survey.

### **Trial Procedures**

#### **Judges and Attorneys**

- Overall, judges expressed favorable opinions about the five trial procedures. This was especially true for the use of mini-opening statements, preliminary instructions, copies of key exhibits, and law instructions prior to closings.
- Over 72 percent of the judges “agreed” or “strongly agreed” with each of these survey items and at least one-third (33.3% to 46.9%) of the judges reported strong agreement with the positive impact of each procedure.
- Judicial perceptions of the fifth trial procedure (exhibit notebooks) were also positive, though not to the extent observed for the other four procedures.
- Attorneys voiced less positive beliefs than judges concerning the five trial procedures. This was especially true for the use of exhibit notebooks and mini-opening statements, where less than half of the attorneys expressed support for these two procedures.
- The greatest support was reported for the use of instructions on the law prior to closing arguments, while the least favored trial procedure was the use of exhibit notebooks.

#### **Jurors**

- Overall, the jurors held favorable opinions concerning the five trial procedures. Over half of the jurors expressed positive opinions in response to each item and for each item only a limited proportion of the jurors selected a negative response.

- The greatest proportion of positive responses were for the question on whether law instructions were able to be understood (82.9%), though jurors also felt that exhibit notebooks were helpful (71.8%), as well as copies of key exhibits that could be used to understand the relevance of the exhibit to the trial process (67.1%).

### **Note Taking**

#### **Judges and Attorneys**

- Judges were extremely positive in their beliefs about all facets of note taking. For every item except one, at least 91.4 percent of the judges saw note taking as a beneficial juror activity. Furthermore they did not perceive note taking as disruptive to other jurors or the jury process more generally.
- Attorneys though generally voicing positive support for note taking, were not as positive as judges. This was partly true because attorneys often selected the “neutral” category, or the mid-point on the scale. Thus, even though they did not voice the same level of support as judges, they also did not voice negative opinions to any great extent.

#### **Jurors**

- Note taking was permitted in almost all of the jury trials, though it was not undertaken to any great extent. A majority of jurors (57.2%) believed that note taking was a helpful activity.

### **Jurors Submitting Questions**

#### **Judges and Attorneys**

- Juries on average submitted less than three questions per trial witness.
- Overall there was agreement across these survey statements as to process of allowing jurors to submit questions. An overwhelming majority (87 percent or higher) of judges and attorneys believed that procedures for asking questions was adequately explained, that jurors “understood the procedure” for submitting questions, that jurors understood that they did not have an obligation to ask questions, and that juror questions did not lengthen the trial.
- Also sustaining objections to questions and the failure to answer a juror’s question were not seen as problematic by judges.
- In general, a larger proportion of the judges than attorneys believed that the ability to submit questions was beneficial and did not negatively impact the trial process. This was especially true for two items. Slightly over 81 percent of the judges voiced disagreement with the idea that questions influenced the role of jurors (49.6 percent of the attorneys) and 72.4 percent of the judges disagreed or

strongly disagreed that jury questioning could be manipulative (43.8 percent of the attorneys disagreed).

- Judges overwhelmingly did not believe that juror questions interfered with the presentation of the case, confused issues, complicated the trial process, caused confusion with the law or evidence, nor undermined the goals of the adversarial process. For these same items, the level of support for juror questioning was much lower among attorneys.
- Both judges and attorneys were mixed as to their beliefs about whether the parties were able to “read the jury” based on the questions jurors asked.
- Only 42.6 percent of the attorneys approved of jury questions, while 88.2 percent of the judges approved.
- A majority of the attorneys said that juror questions did not interfere with presentation of their case. Specifically, a majority of attorneys believed questions did not hinder their examination of witnesses, negatively influence their representation or hurt their client’s case.

## **Jurors**

- Most of the jurors (85.6%) were permitted to submit questions and over half (52.4%) of the jurors submitted them. Furthermore, most of the jurors were satisfied with the answers to their questions (85.4%).
- A substantial proportion of the jurors “strongly agreed” (79.7%) that the procedure for submitting questions was well explained.
- Most jurors (88.7%) reported that question submission did not interfere with their other juror duties, 77.6 percent believed the questions helped them remain attentive, and 62.9 percent said that the questions helped when it came to rendering a decision.

## **Understanding Arguments During The Trial**

### **Jurors**

- Only 1.5 percent of the jurors claimed to have difficulty with the language used during the trial, though 6.4 percent of the jurors reported that they did not understand the “legal terms” used in the trial, 5.4 percent were unable to understand the parties in closing arguments and 5.3 percent had difficulty with the arguments in the opening statements.

## **Jury Instructions and Deliberations**

### **Judges and Attorneys**

- Almost all of the judges (93.3%) provided written instructions to individual jurors. They rarely (3.0%) used taped instructions.
- Approximately seventy percent (69.6%) of the judges who believed jury instructions were difficult to understand changed the instructions into “plain English.”
- Judges that thought the wording was problematic but did not change the instructions, did not change the OJI wording because they believed the court of appeals might interpret their version of “plain English” differently.

### **Jurors**

- Similar to the judicial responses, jurors noted that they normally received written instructions (93.4%) and not taped instructions (11.4%).
- Most (90.8 percent) of the jurors did not have a problem understanding the jury instructions and over 70 percent selected the most positive response category.
- For each jury deliberation survey item over 80 percent of the jurors believed that the judge’s advice was helpful when selecting a foreperson (91.7%), about how to conduct deliberations (85.6%), how to vote on the verdict (85.2%) and how to handle disagreements or deadlocks (81.1%).
- A substantial number of the jurors reported that they understood the judge’s instructions pertaining to asking questions about deliberations and how to select a foreperson.
- In response to two items, most jurors said there was nothing else the court could have done to improve the process.

## **Post-Verdict**

### **Judges**

- Almost all (93.3%) of the judges invited jurors to meet with them and most of the time (82.5%) this occurred. Judges overwhelmingly believed (89.2%) that the meetings were helpful to jurors.
- Likewise, judges noted that after most trials (81.1%) they invited jurors to meet with the attorneys and a majority (58.3%) of the judges believed the meeting helped the jurors relieve the stress of the trial.

## **Jurors**

- Consistent with the impression of the judges, jurors who attended (79.2%) post-verdict meeting believed they were helpful (90.5%).
- Almost half (49.3%) of the jurors reported that they were invited to meet with the parties after the trial, and slightly more than half of them (51.3%) took advantage of this opportunity. Most did not have concerns about making personal information available to the court.

## **Privacy Concerns**

- Judges overwhelmingly (83.0%) noted that jurors did not apprise them of any privacy concerns. Also, jurors were not concerned about providing the court with personal information (86.7%).

## **Conclusion**

- Judges, attorneys and jurors were generally supportive of the courtroom activities.
- This support manifested itself in survey responses concerning the procedures surrounding each trial strategy and in questions concerning the impact of the strategies on the trial process.
- While all three groups were supportive of the trial activities there were differences in the level of support across the groups, with judges often being most supportive, then jurors and attorneys the least supportive.
- Only a limited proportion of the respondents in each of the groups actually selected the least supportive response categories. As such, level of support was in some instances reduced merely by people selecting the neutral response category and not an unfavorable response option.

## **SAMPLE AND DATA CHARACTERISTICS**

### **Sample**

Courtroom participants completed a total of 1,855 surveys: 146 by judges (7.9%), 289 by attorneys (15.6%), and 1420 by jurors (76.5%). Common pleas court participants completed the majority of surveys (72.3%), while the remaining surveys were received from municipal courts. Of the surveys submitted by judges and attorneys, at least 100 came from civil trials (24.2%) and 314 came from criminal trials (75.8%). Overall, 31 different counties/cities and 49 different judges were represented in the sample.

Most of the surveys represented trials that lasted two to four days (61.1%), with the next largest category representing trials that lasted for a day or less (29.6%). Less than 1 percent of surveys represented trials that lasted two weeks to a month (0.6 percent). None of the trials in this sample lasted more than a month.

For more than half of the jurors (69.8%), the surveyed court experience represented their first time serving as a jury member. Only 15 jurors (1.1%) indicated they had served on a jury four or more times. Of the remaining jurors, 17.6 percent said they had served once, 9.2 percent said they had served twice, and 2.2 percent said they had served as a juror three times in the past. Of those who responded, 78.5 percent of jurors who had served in the past felt their previous experience enabled them to serve as a better juror. However, the degree to which their past experiences helped them varied greatly. When asked to rate the helpfulness of their experience, 24.4 percent said it helped greatly, 23.3 percent said it was reasonably helpful, 30.8 percent said it helped somewhat, and 17.9 percent said it only helped a little.

## Data Characteristics

Missing Data. It is important to note the limitations of the survey findings that follow. The main limitation stems from missing data. Missing numbers and corresponding percentages were not included. These numbers were removed to allow a more comprehensive examination of the information obtained. Missing data, or unanswered survey items, were a common survey characteristic discovered during the coding process of this analysis. The number of missing responses introduces a degree of bias in the overall response rate and in individual survey items. In other words, even though 1,855 people returned surveys, not all of these individuals answered each survey item. For this reason, it may be the case that the number of responses from one survey item will not be consistent with the number of responses in a related or follow-up question. To address this imbalance, both the frequencies (*f*) and the percentages have been included in the analyses. A review of the survey instruments indicates that these missing values are the result of several methodological/respondent issues:

1. Some questions did not apply to every trial (e.g., no note taking occurred or questions submitted).
2. A large percentage of the surveys (at minimum – 30%) were missing either particular items or entire pages.
3. The ordering of the questions and the response categories/scales apparently confused some respondents, prompting either a ‘no response’ or an alternative response from which no conclusion could be drawn. Several survey participants, including judges, attorneys and jurors, indicated that they experienced difficulty in completing the instrument.

4. Some respondents skipped particular items or failed to complete the entire survey.

This problem was most commonly found within juror questionnaires.

Standardized scales. Scales for survey items differed both within surveys and across survey types. For ease of interpretation, all but one of these scales have been recoded as ranging from strongly agree to strongly disagree. The actual survey items were also manipulated to accommodate this variation. However, the meaning of the questions and corresponding scales are consistent with the original survey questions.

Statistical Significance. Many of the questions included in the judicial survey were also included in the attorney survey. This permitted the use of statistical tests to determine whether the differences between judicial responses and attorney responses were statistically significant. Since there were 435 judicial/attorney surveys completed, a probability level of  $p < .05$  was used to determine significant differences. Due to the relatively small number of surveys completed and missing information for particular items, some of the data/questions violated the assumptions of the significance test (the chi-square test statistic used assumes representative samples in each response category). However, a review of the differences in the overall percentages makes us confident that these relationships would remain significant even with larger samples. A single asterisk (\*) indicates a significant difference between judicial and attorney responses. A double asterisk (\*\*) also indicates a significant difference between responses, but denotes a violation of an assumption of the significance test.

## **FINDINGS**

The findings are presented in the following general format. We first present the findings from the attorneys and judges on their overall perception of the trial procedures that were implemented. Next, juror responses to the survey items pertaining to the same procedures are presented.

### **Trial Procedures**

#### **Judges and Attorneys**

Overall, judges expressed favorable opinions about the five trial procedures (Table 1). Specifically, for four of the five procedures (mini-opening statements, preliminary instructions, copies of key exhibits, and law instructions prior to closings), over 72 percent of the judges “agreed” or “strongly agreed” with the survey item. Further, for each of these items, at least one-third (33.3% to 46.9%) of the judges reported strong agreement with the positive impact of each procedure. Only a limited percent (11.8% to 4.3%) of these respondents believed that a procedure did not positively influence jury activities. Judicial perceptions of the fifth trial procedure (exhibit notebooks given to juries helped the parties presentations) were also positive, though not to the extent observed for the other four trial procedures. Namely, 67.2 percent of the judges voiced positive beliefs about this procedure while 12 percent did not believe the procedure aided jurors.

In general, attorneys voiced less positive beliefs than judges concerning the trial procedures (Table 1). For two of the trial procedures, over 63 percent of the attorneys “agreed” or “strongly agreed” with the survey statements. Attorneys were most positive in their assessments of law instructions given prior to closing arguments (68.1% strongly

agreed or agreed) and this was followed by giving jurors copies of key exhibits (63.5%). Slightly more than half (53.7%) of the attorneys believed that preliminary instructions aided jurors. Less than half of the attorneys agreed that exhibit notebooks (42%) and mini-opening statements (43.2%) exerted a beneficial influence on the trial process.

**Table 1. Trial Procedures – Judge and Attorney Responses**

		Strongly Agree % (f)	Agree % (f)	Neutral % (f)	Disagree % (f)	Strongly Disagree % (f)
1. Mini-opening statement had a beneficial effect on jury's voir dire questions*	Judge	33.3 (31)	38.7 (36)	16.1 (15)	8.6 (8)	3.2 (3)
	Attorney	16.6 (33)	26.6 (53)	32.7 (65)	12.6 (25)	11.6 (23)
2. Exhibit notebooks given to jury helped the parties presentations**	Judge	29.3 (17)	37.9 (22)	20.7 (12)	8.6 (5)	3.4 (2)
	Attorney	19.4 (24)	22.6 (28)	30.6 (38)	16.9 (21)	10.5 (13)
3. Preliminary instructions aided the jury's ability to follow evidence**	Judge	40.2 (45)	34.8 (39)	17.9 (20)	7.1 (8)	0.0 (0)
	Attorney	23.9 (45)	29.8 (56)	26.6 (50)	13.8 (26)	5.9 (11)
4. Copies of key exhibits aided the jury's ability to understand the relevance of those exhibits	Judge	34.0 (16)	38.3 (18)	23.4 (11)	4.3 (2)	0.0 (0)
	Attorney	40.4 (21)	23.1 (12)	17.3 (9)	9.6 (5)	9.6 (5)
5. Law instructions given to the jury prior, as opposed to after the closing arguments were helpful	Judge	46.9 (30)	32.8 (21)	9.4 (6)	4.7 (3)	6.3 (4)
	Attorney	38.6 (34)	29.5 (26)	14.8 (13)	6.8 (6)	10.2 (9)

\* p<.05 \*\*p<.05 assumption violation

Overall, the most favorable opinions were expressed concerning the use of instructions on the law prior to closing arguments. At the same time, the least favored procedure was the use of exhibit notebooks.

### **Jurors**

The first three items in Table 1A concern juror opinions about the helpfulness of four trial procedures. By and large the jurors expressed favorable opinions concerning these procedures, in that over half of the jurors expressed positive opinions in response to each item. Furthermore, only a limited proportion of the jurors selected a negative

response. A larger percent selected the neutral response category rather than the two categories that were least supportive of the procedures. The greatest proportion of positive responses were for the question on whether law instructions were able to be understood (82.9%) and in fact, over half of the jurors (56.3%) strongly agreed that they were understandable. Jurors also believed that exhibit notebooks were helpful (71.8%), as well as copies of key exhibits that could be used to understand the relevance of the exhibit to the trial process (67.1%).

**Table 1A. Trial Procedures – Juror Responses**

	Strongly Agree % (f)	Agree % (f)	Neutral % (f)	Disagree % (f)	Strongly Disagree % (f)
1. Exhibit notebooks with trial documents and other information about the case were helpful	49.2 (500)	22.6 (230)	16.9 (172)	7.2 (73)	4.0 (41)
2. I was able to understand the instructions given by the judge concerning the law in the case at the beginning of the trial	56.3 (720)	26.6 (340)	8.1 (104)	3.8 (48)	5.2 (66)
3. Copies of key exhibits during testimony were helpful to understanding the relevance of that exhibit to the trial issues	41.2 (307)	25.9 (193)	20.3 (151)	6.8 (51)	5.8 (43)

## Note Taking

### Judges and Attorneys

Question wording for these survey items required judges to “disagree” or “strongly disagree” with all but two of the statements (numbers 2 and 13 in Table 2) to voice positive opinions. As can be seen in Table 2, judges were extremely positive in their beliefs about all facets of note taking. For every item, except question 2, at least 91.4 percent of the judges saw note taking as a beneficial juror activity and did not believe it disrupted other jurors or the jury process. It should be noted that judges were generally positive in the belief that note taking “enhanced the jury’s ability to listen and

deliberate,” though the support was not as overwhelming as with the other survey items (63.8% agreed).

**Table 2. Note taking – Judge and Attorney Responses**

		Strongly Agree % (f)	Agree % (f)	Neutral % (f)	Disagree % (f)	Strongly Disagree % (f)
1. Note taking interfered with the jury’s ability to listen*	Judge	0.7 (1)	0.7 (1)	1.4 (2)	26.6 (38)	70.6 (101)
	Attorney	5.6 (16)	8.8 (25)	22.5 (64)	31.7 (90)	31.3 (89)
2. Note taking enhanced the jury’s ability to listen and deliberate*	Judge	32.6 (46)	31.2 (44)	15.6 (22)	10.6 (15)	9.9 (14)
	Attorney	15.9 (45)	30.7 (87)	35.3 (100)	12.0 (34)	6.0 (17)
3. Jury note taking disrupted the trial process **	Judge	1.4 (2)	0.7 (1)	0.7 (1)	21.8 (31)	75.4 (107)
	Attorney	2.5 (7)	2.8 (8)	20.1 (57)	29.2 (83)	45.4 (129)
4. Jurors who did not take notes were distracted by those who did**	Judge	0.0 (0)	0.0 (0)	1.4 (2)	24.8 (35)	73.8 (104)
	Attorney	2.6 (7)	2.3 (6)	26.3 (70)	24.4 (65)	44.4 (118)
5. Jurors who took notes appeared to have been distracted by their own note taking**	Judge	0.0 (0)	0.0 (0)	2.1 (3)	29.3 (41)	68.6 (96)
	Attorney	5.9 (6)	5.9 (6)	27.7 (28)	32.7 (33)	27.7 (28)
6. Jurors cannot be trusted to take notes accurately*	Judge	.7 (1)	2.1 (3)	2.1 (3)	23.1 (33)	72.0 (103)
	Attorney	5.3 (15)	7.1 (20)	20.9 (59)	28.4 (80)	38.3 (108)
7. Note taking affected the fairness of the trial**	Judge	1.4 (2)	0.7 (1)	2.9 (4)	13.8 (19)	81.2 (112)
	Attorney	2.9 (8)	2.5 (7)	26.3 (73)	23.0 (64)	45.3 (126)
8. Juror note taking is dangerous - it may result in note-takers gaining undue influence during deliberations*	Judge	0.0 (0)	0.7 (1)	2.1 (3)	32.6 (46)	64.5 (91)
	Attorney	7.9 (22)	12.9 (36)	31.9 (89)	19.0 (53)	28.3 (79)
9. Note taking may have caused jurors to focus on issues that were not central to the case*	Judge	0.7 (1)	0.7 (1)	5.0 (7)	31.9 (45)	61.7 (87)
	Attorney	7.6 (21)	14.4 (40)	32.7 (91)	25.2 (70)	20.1 (56)
10. Note taking appeared to have been distracting to the witnesses**	Judge	0.0 (0)	0.0 (0)	2.1 (3)	19.0 (27)	78.9 (112)
	Attorney	1.4 (4)	2.1 (6)	13.8 (39)	33.2 (94)	49.5 (140)
11. Note taking favored the plaintiff**	Judge	1.4 (2)	0.7 (1)	6.4 (9)	17.1 (24)	74.3 (104)
	Attorney	0.4 (1)	2.6 (7)	38.7 (104)	18.6 (50)	39.8 (107)
12. Note taking favored the defense**	Judge	1.4 (2)	1.4 (2)	5.7 (8)	15.7 (22)	75.7 (106)
	Attorney	0.7 (2)	2.2 (6)	37.7 (101)	19.4 (52)	39.9 (107)
13. I am in favor of allowing jurors to take notes during trial*	Judge	88.1 (126)	9.8 (14)	0.0 (0)	2.1 (3)	0.0 (0)
	Attorney	34.7 (99)	26.7 (76)	20.7 (59)	9.1 (26)	8.8 (25)

\* p<.05 \*\*p<.05 assumption violation

Several findings are apparent from a review of the attorney responses. First, in comparison to the judges, and although generally positive, support for note taking among the responding attorneys was not as strong (Table 2). Second, this occurs partly because for all of the survey items except number 10, at least 20 percent of the attorneys selected the “neutral” response option. For three of the note taking survey statements (number 2, note taking enhances the jury’s ability to listen and learn; number 8, juror note taking is dangerous; and number 9, note taking may have caused jurors focus on issues not central to the case) less than a majority of the respondents voiced supportive beliefs. Also, for each of these items, over 30 percent of the attorneys noted that they were unsure of whether they agree or disagree with the statement. Thus, a majority of attorneys did not necessarily believe there are negative aspects to note taking; they were just neutral on the process. At the same time, for most of the survey items in Table 2 only a limited proportion of the attorneys believed that note taking exerted a negative effect on the trial process. Finally, a majority of both attorneys (61.4%) and judges (97.9%) favored “allowing jurors to take notes during trial.”

## **Jurors**

Only three questions applied to note taking activities on the juror surveys. In almost all trials note taking was permitted, as 98.9 percent of the jurors said they were permitted to take notes. This activity was believed to be helpful to 57.2 percent of the respondents. However, the extent to which the jurors engaged in note taking varied considerably (see number 2, Table 2A). Slightly over 30 percent (30.2%) of respondents disagreed that note taking was extensive during the trial.

**Table 2A. Note Taking – Juror Responses**

	Yes % (f)	No % (f)			
1. Were the jurors permitted to take notes during the trial?	98.9 (1386)	1.1 (15)			
	Strongly Agree % (f)	Agree % (f)	Neutral % (f)	Disagree % (f)	Strongly Disagree % (f)
2. Note taking was extensive during the trial	24.3 (325)	18.2 (243)	27.4 (366)	7.5 (100)	22.7 (304)
3. Note taking was helpful to me personally	37.3 (473)	19.9 (252)	21.4 (271)	7.8 (99)	13.6 (172)

### **Jurors Submitting Questions**

#### **Judges and Attorneys**

Survey items on jurors submitting questions fall into two general types. First, a number of these items pertain to the process used for submitting and handling juror questions (Tables 3 – 5). Table 3 contains items that appeared on both the judge and attorney surveys, while Table 4 presents survey statements only on the judicial survey and Table 5 represents those items only on the attorney instrument. Respondents in all of these situations were required to select either “yes” or “no” in response to a statement. Second, survey items in Tables 6A, 6B, and 6C measured the influence of juror questions on the jurors, the trial process, and the trial outcomes. All of these items appear on both the judicial and attorney survey instruments.

As can be seen in Table 3, juries on average submitted less than three questions per witness, per trial. Overall, there was agreement across these survey statements as to the procedures for allowing jurors to submit questions. Even more importantly, for most of these items there was overwhelming support. For instance, 98.4 percent of the judges and 98.1 percent of the attorneys believed that the “procedures for asking questions was

adequately explained” and 98.4 percent of the judges and 95.0 percent of the attorneys believed that the jurors “understood the procedure” for submitting questions. A very substantial majority of both judges and attorneys did not think the jury believed they had an obligation to ask questions of each witness (96.7% and 90.2% respectively) and did not feel that juror questions significantly lengthened the trial (93.0% and 87.4%).

**Table 3. Jurors Submitting Questions – Judge and Attorney Responses**

		Yes % (f)	No % (f)
1. Was the procedure for asking questions adequately explained to the jury?	Judge	98.4 (125)	1.6 (2)
	Attorney	98.1 (253)	1.9 (5)
2. Do you think that the jury understood the procedure?	Judge	98.4 (124)	1.6 (2)
	Attorney	95.0 (245)	5.0 (13)
3. Did the procedure allow for follow-up questions by the jury? *	Judge	60.0 (75)	40.0 (50)
	Attorney	76.1 (185)	23.9 (58)
4. If a question was not answered, did you worry that the jury made an improper inference from the denial?	Judge	14.0 (14)	86.0 (86)
	Attorney	22.0 (27)	78.0 (96)
5. Was a procedure invoked that allowed objections to be voiced outside the hearing of the jury?	Judge	95.0 (115)	5.0 (6)
	Attorney	84.8 (112)	15.2 (20)
6. Do you think the jury believed that they had an obligation to ask questions of each witness?*	Judge	3.3 (4)	96.7 (119)
	Attorney	9.8 (25)	90.2 (229)
7. Did the questioning significantly expand the length of the trial?	Judge	7.0 (8)	93.0 (107)
	Attorney	12.6 (31)	87.4 (215)
8. On average, how many questions per witness were asked by the jury?	Judge		2.26
	Attorney		2.46

\* p<.05 \*\*p<.05 assumption violation

For only one survey item (number 3) was there observable differences between attorney and judicial responses and this pertained to whether the process allowed for follow-up questions by the jury. This difference likely results because attorneys and judges who completed the surveys were not always participants in the same trials.

**Table 4. Jurors Submitting Questions – Judge Responses**

	Yes % (f)	No % (f)
1. Did you notice any irritation or frustration of the jury caused by the sustaining of objections to their questions?	7.4 (8)	92.6 (100)
2. Did you provide a limiting instruction in this regard (re: sustaining objections)?	88.1 (96)	11.9 (13)
3. Did the juror’s questions pose evidentiary issues different from question posed by counsel?	22.0 (26)	78.0 (92)

**Table 5. Jurors Submitting Questions – Attorney Responses**

	Yes % (f)	No % (f)
1. Do you think that the judge’s limiting instruction concerning the refusal to answer a juror’s question was adequate?	90.8 (108)	9.2 (11)
2. Do you think that the judge used a different standard in deciding the admissibility of juror questions as opposed to party questions?	7.0 (17)	93.0 (227)

Tables 4 and 5 present responses to survey statements involving objections to submitted jury questions. Again, the responses indicate that sustaining objections to questions and the failure to answer a juror’s question were not problematic. Specifically, 88.1 percent of the judges provided instructions on limiting questions and 90.8 percent of the attorneys believed these instructions were adequate. Seventy-eight percent of the judges did not believe that the use of juror questions posed different evidentiary issues than questions from counsel at trial and 93.0 percent of attorneys believed judges used the same standards to judge both types of questions (juror and counsel questions). Finally, 92.6 percent of the judges did not believe a failure to address a specific juror’s question negatively impacted the trial process.

Tables 6A, 6B, and 6C contain responses to submission of jury question items that appeared on both the judge and attorney surveys. The first table, 6A, presents

responses to four statements on judge and attorney perceptions of the impact of submitting questions on jurors. In general, a larger proportion of the judges than attorneys believed that the ability to submit questions was beneficial and did not negatively impact the trial process. This was especially true for the last two items that examined negative repercussions that could result due to the use of juror questions. Specifically, 81.2 percent of the judges voiced disagreement with the statement involving whether juror questions influenced the role of jurors and made them “investigators rather than determiners of the facts.” Only 49.6 percent of the attorneys disagreed (or strongly disagreed) with this statement. Similarly, 72.4 percent of the judges disagreed or strongly disagreed that jury questioning could be manipulative, while only 43.8 percent of the attorneys disagreed with this statement. In each of these two situations, less than 50 percent of the attorneys disagreed, or in other words saw problems with the process.

**Table 6A. Effects of Juror Questions on Jurors**

		Strongly Agree % (f)	Agree % (f)	Neutral % (f)	Disagree % (f)	Strongly Disagree % (f)
1. The jury’s ability to submit questions enabled jurors to be more attentive	Judge	33.1 (41)	29.8 (37)	24.2 (30)	7.3 (9)	5.6 (7)
	Attorney	26.2 (62)	33.8 (80)	28.7 (68)	7.2 (17)	4.2 (10)
2. The jury’s ability to submit questions may cause the jury to become partial to one side or the other**	Judge	0.0 (0)	7.9 (10)	15.9 (20)	25.4 (32)	50.8 (64)
	Attorney	1.3 (3)	2.5 (6)	36.8 (88)	21.3 (51)	38.1 (91)
3. The jury’s ability to submit questions encouraged them to become investigators rather than determiners of the facts*	Judge	0.0 (0)	1.6 (2)	16.8 (21)	23.2 (29)	58. (73)
	Attorney	8.7 (21)	15.7 (38)	26.0 (63)	25.6 (62)	24.0 (58)
4. Jury questioning can be manipulative (e.g., a party asks an improper question to attract the jury’s interest & questions)*	Judge	0.8 (1)	13.6 (17)	13.6 (17)	18.4 (23)	53.6 (67)
	Attorney	8.8 (22)	14.1 (35)	33.3 (83)	20.5 (51)	23.3 (58)

\* p<.05 \*\*p<.05 assumption violation

Table 6B displays the responses to survey statements that addressed the effects of juror questions on the trial process. The question wording in six of the seven statements

(1, 3-7) was such that disagreeing with the statement indicated support for juror questioning. On all six of these items at least 73.9 percent of the judges disagreed with the statement. Thus a substantial proportion of the judges did not believe that juror questions interfered with the presentation of the case, confused issues, complicated the trial process, caused confusion with the law or evidence, or undermined the goals of the adversarial process. In fact, for four of the statements over 90 percent of the judges disagreed (or strongly disagreed) with the statement (numbers 1, 3, 4 and 7). Furthermore, over 68 percent of the judges “strongly disagreed” with each of these four statements.

**Table 6B. Effects of Juror Questions on the Trial Process**

		Strongly Agree % (f)	Agree % (f)	Neutral % (f)	Disagree % (f)	Strongly Disagree % (f)
1. Juror questions interfered with the presentation of the case by the parties**	Judge	0.8 (1)	0.0 (0)	3.2 (4)	28.0 (35)	68.0 (85)
	Attorney	2.5 (6)	5.3 (13)	14.8 (36)	28.4 (69)	49.0 (119)
2. The parties were able to “read the jury” by the questions*	Judge	5.6 (7)	19.8 (25)	30.2 (38)	23.0 (29)	21.4 (27)
	Attorney	10.3 (25)	25.2 (61)	38.8 (94)	12.0 (29)	13.6 (33)
3. The jury questions confused the issues in the case**	Judge	0.0 (0)	0.8 (1)	4.9 (6)	19.5 (24)	74.8 (92)
	Attorney	2.1 (5)	9.6 (23)	20.1 (48)	30.5 (73)	37.7 (90)
4. The jury questions unduly and unnecessarily complicated the trial procedures**	Judge	0.0 (0)	2.4 (3)	4.0 (5)	21.8 (27)	71.8 (89)
	Attorney	2.9 (7)	5.3 (13)	18.9 (46)	26.6 (65)	46.3 (113)
5. Juror questions were a signal of confusion concerning the evidence presented**	Judge	0.0 (0)	8.5 (10)	18.6 (22)	37.3 (44)	35.6 (42)
	Attorney	3.9 (5)	12.5 (16)	34.4 (44)	24.2 (31)	25.0 (32)
6. Juror questions were a signal of confusion concerning the law**	Judge	1.7 (2)	1.7 (2)	9.5 (11)	33.6 (39)	53.4 (62)
	Attorney	3.8 (9)	8.9 (21)	23.4 (55)	30.6 (72)	33.2 (78)
7. Juror questioning undermines the goals of the adversarial process*	Judge	0.0 (0)	2.5 (3)	6.6 (8)	18.0 (22)	73.0 (89)
	Attorney	9.1 (22)	12.0 (29)	18.2 (44)	24.0 (58)	36.8 (89)

\* p<.05 \*\*p<.05 assumption violation

Similar to other portions of the survey, a majority of attorneys also voiced disagreement though their level of disagreement was lower than the judges. Between 60.8 percent and 77 percent of the attorneys disagreed with the statements in Table 6B. For one item, “Juror questions were a signal of confusion concerning the evidence presented,” only 49.2 percent of the attorneys disagreed or strongly disagreed. It should be noted that this survey item also had the lowest percent of disagreement from the judicial respondents (73.9%).

The responses for the final survey item in this table (number 2, Table 6B) are also worthy of comment. Both judges and attorneys were mixed as to their beliefs about whether the parties were able to “read the jury” based on the questions jurors asked. This was perhaps the only question on the survey instruments of both respondent groups where all of the response categories were selected by a substantial number of people.

**Table 6C. Overall Impact/Perception of Juror Questions**

		Strongly Agree % (f)	Agree % (f)	Neutral % (f)	Disagree % (f)	Strongly Disagree % (f)
1. Juror questions had a direct effect on the outcome of the case	Judge	5.4 (6)	4.5 (5)	35.7 (40)	20.5 (23)	33.9 (38)
	Attorney	5.6 (13)	12.5 (29)	34.5 (80)	22.0 (51)	25.4 (59)
2. In general, the juror’s ability to ask questions enhances their ability to reach the correct verdict*	Judge	39.3 (42)	35.5 (38)	15.9 (17)	5.6 (6)	3.7 (4)
	Attorney	23.1 (30)	26.9 (35)	31.5 (41)	10.0 (13)	8.5 (11)
3. In this case, juror questions aided the jury in determining the truth*	Judge	39.0 (39)	25.0 (25)	26.0 (26)	7.0 (7)	3.0 (3)
	Attorney	15.3 (19)	25.0 (31)	38.7 (48)	8.9 (11)	12.1 (15)
4. I approve of allowing the jury to ask questions*	Judge	77.3 (99)	10.9 (14)	6.3 (8)	4.7 (6)	0.8 (1)
	Attorney	33.2 (82)	19.4 (48)	21.5 (53)	8.9 (22)	17.0 (42)

\* p<.05 \*\*p<.05 assumption violation

Table 6C presents the responses to four survey statements that focus on the impact of juror questions. These responses follow the same pattern as other portions of

the survey with one exception. Specifically, for each item judges were more likely to provide responses that were supportive of juror instructions. In contrast, for three of the statements attorney support was less than 50 percent (numbers 1, 3, and 4). Fifty percent of the attorneys agreed with the statement that juror questions enhanced the ability of jurors to “reach the correct verdict.” Again, the extent to which attorneys voiced positive support was reduced by the large number of lawyers that selected the middle category (neutral) on the scale. Finally, only 42.6 percent of the attorneys approve of jury questions.

**Table 7. Jurors Submitting Questions – Attorney Responses**

	Strongly Agree % (f)	Agree % (f)	Neutral % (f)	Disagree % (f)	Strongly Disagree % (f)
1. The questions hindered my examination of at least one witness	2.1 (5)	3.7 (9)	10.7 (26)	29.3 (71)	54.1 (131)
2. The questioning undermined my ability to effectively represent my client	4.9 (12)	4.1 (10)	18.1 (44)	26.3 (64)	46.5 (113)
3. I changed my questions and/or strategy based upon the jury’s questions	5.3 (13)	15.6 (38)	24.2 (59)	20.5 (50)	34.4 (84)
4. Juror questions brought up vital information that I had forgotten	2.6 (6)	11.5 (27)	28.5 (67)	27.2 (64)	30.2 (71)
5. Juror questions brought up information that the opposing party had neglected to adduce	5.6 (13)	15.9 (37)	29.3 (68)	24.6 (57)	24.6 (57)
6. Juror questions hurt my client’s case	2.6 (6)	4.3 (10)	23.5 (54)	26.5 (61)	43.0 (99)

Table 7 also contains juror question items that were on the attorney surveys only. These items all pertain to the influence of juror questions on the presentation of the case in court and a majority of the attorneys said that questions were not problematic.

Most of the responses indicate that juror questions did not influence case presentation. Specifically, 83.4 percent disagreed (54.1% strongly disagreed and 29.3% disagreed) that questions “hindered my examination of at least one witness.” In addition, 72.8 percent of the respondents disagreed that questions negatively influenced their representation and 68.1 percent did not believe the questions hurt their client’s case. At the same time, juror questions had little influence on the attorney’s presentation of his or her case (numbers 3 and 4) and rarely covered information opposing counsel failed to present (number 5).

### **Jurors**

Most of the jurors (85.6%) were permitted to submit questions and over half (52.4%) of the jurors submitted them. Furthermore, most of the jurors were satisfied with the answers to their questions (85.4%). Thus, jurors approved of this trial activity (Table 8).

**Table 8. Jurors Submitting Questions – Juror Responses**

	Yes % (f)	No % (f)
1. Were jurors permitted to submit questions for witnesses?	85.6 (1159)	14.4 (195)
2. If yes, did you submit any questions?	52.4 (622)	47.6 (565)
3. Was your question answered to your satisfaction?	85.4 (626)	14.6 (107)

The remaining questions on the juror survey asked jurors about the process for submitting questions and the impact question submission had on the ability of jurors to fairly decide a case (Table 9 and 10). A substantial proportion of the jurors “strongly

agreed” (79.7%) that the procedure for submitting questions was well explained. An additional 9.9 percent of these people also agreed with this statement. Similarly, most jurors (88.7%) reported that question submission did not interfere with their other trial duties. Over three-fourths (77.6%) of the jurors believed the questions helped them to remain attentive and 62.9 percent said that questions helped when it came to rendering a decision. Finally, only 7.8 percent of the jurors believed that asking questions influenced their impartiality in the case and of these jurors, most said it did not have a great effect (58.7%).

**Table 9. Impact of Questions on Jurors**

	Strongly Agree % (f)	Agree % (f)	Neutral % (f)	Disagree % (f)	Strongly Disagree % (f)
1. The procedure for submitting questions was explained well	79.7 (933)	9.9 (116)	5.1 (60)	1.6 (19)	3.7 (43)
2. The ability to submit questions helped me to be attentive during the trial	51.0 (545)	27.6 (295)	13.4 (143)	4.1 (44)	3.8 (41)
3. The ability to submit questions was helpful to me in deciding the case	37.8 (388)	25.1 (258)	22.0 (226)	8.5 (87)	6.6 (68)
4. The ability to submit questions interfered with my ability to listen to the testimony	4.1 (46)	1.9 (21)	5.3 (59)	7.0 (79)	81.7 (918)

**Table 10. Questions and Juror Bias**

	Yes % (f)	No % (f)			
1. The ability to ask questions caused me to become partial to one party or the other during the trial?	7.8 (91)	92.2 (1072)			
	1 Greatly % (f)	2 Mostly % (f)	3 Somewhat % (f)	4 A little % (f)	5 Very Little % (f)
2. If the above answer was yes, to what extent do you feel the ability to ask questions made you partial?	24.0 (36)	17.3 (26)	16.7 (25)	8.7 (13)	33.3 (50)

## Understanding Arguments During The Trial

### Jurors

Four items on the juror surveys addressed their ability to understand the language used by the trial participants. In general, jurors were able to understand the language used during the various stages of the trial (Table 11). In response to the general question, only 1.5 percent of the jurors claimed to have difficulty with the language used during the trial. When asked about specific portions of the trial, this percentage increased slightly. Specifically, 6.4 percent of the jurors reported that they did not understand the “legal terms” used in the trial, 5.4 percent were unable to understand the parties in closing arguments, 5.3 percent had difficulty with the arguments in the opening statements and 5.4 percent had difficulty with the closing summation (Table 11).

**Table 11. Understanding Arguments During The Trial – Juror Responses**

	Yes % (f)	No % (f)			
1. Did the attorneys use understandable language during the trial?	98.5 (1353)	1.5 (20)			
	Strongly Agree % (f)	Agree % (f)	Neutral % (f)	Disagree % (f)	Strongly Disagree % (f)
2. Attorneys’ brief case summaries prior to the jury selection process helped me to evaluate my ability to sit as a juror on the case	41.9 (479)	23.2 (265)	21.7 (248)	5.2 (60)	8.0 (91)
3. I was able to understand the arguments of the parties in the opening statements	60.4 (808)	27.5 (368)	6.7 (89)	2.8 (38)	2.5 (34)
4. I was able to understand the parties in closing summations	69.6 (894)	20.0 (257)	5.1 (65)	2.2 (28)	3.2 (41)
5. I understood the legal terms used in the trial	40.7 (540)	37.4 (496)	15.5 (205)	3.8 (50)	2.6 (35)

## Jury Instructions and Deliberations

Survey items concerning jury instructions and deliberations were only asked of the judges and jurors. This section first proceeds with the responses of judges about the provision and nature of jury instructions. It then presents the responses of jurors concerning their ability to understand the instructions and jury deliberation process.

**Table 12. Jury Instructions and Deliberations – Judicial Responses**

	Yes % (f)	No % (f)
1. Did you believe that jury instructions as contained in OJI are easily understood by the jury?	57.8 (78)	42.2 (57)
2. If the answer to the above is no, did you attempt to change the language into more easily understood language or “plain English?”	69.6 (48)	30.4 (21)
3. If you answered no to the above question, what was your reason for not doing so? (Choose all that apply)		
a) The instructions are as basic as they can be without changing the intended meaning	33.3 (6)	66.7 (12)
b) The court of appeals may interpret “plain English” differently than I do	66.7 (12)	33.3 (6)
c) The parties could not agree on the amended instruction	0.7 (1)	11.6 (17)
d) Amending OJI created more problems than it solved	27.8 (5)	72.2 (13)
e) Other	22.2 (4)	77.8 (14)
4. Did you provide written instructions to each juror?	93.3 (126)	6.7 (9)
5. Did you provide taped instructions to the jury?	3.0 (4)	97.0 (130)

### Judges

Most all of the judges (93.3%) provided written instructions to individual jurors and they rarely (3.0%) used taped instructions. Slightly over 40 percent (42.2%) of the judges did not believe the jury instructions were easily understood by jurors and almost

seventy percent (69.6%) of these judges changed the instructions into “plain English.” A significant majority of the judges that did not change the OJI prescribed wording believed that the court of appeals might interpret “plain English” differently (66.7%).

## Jurors

Table 13 displays juror responses to the three jury instruction questions. Similar to the judicial responses, jurors noted that they normally received written instructions (93.4%) and not taped instructions (11.4%). Slightly over 70 percent (71.2%) “strongly agreed” with the statement asking whether they understood the judge’s final instructions. An additional 19.6% of the jurors “agreed” with this statement. Thus, most (90.8 percent) of the jurors did not have a problem understanding the jury instructions.

**Table 13. Final Instructions – Juror Responses**

	Yes % (f)	No % (f)			
1. Did the jurors receive written copies of the judge’s final instructions?	93.4 (1238)	6.6 (87)			
2. Did the jurors receive taped copies of the judge’s final instructions?	11.4 (148)	88.6 (1145)			
	Strongly Agree % (f)	Agree % (f)	Neutral % (f)	Disagree % (f)	Strongly Disagree % (f)
3. I understood the judge’s final instructions	71.2 (908)	19.6 (250)	3.8 (48)	1.6 (21)	3.8 (48)

Nine juror survey items focused on the deliberation process. Five items asked jurors about how “helpful” the judge was during these situations. When responding to these items the jurors were instructed to use a scale of 1 to 5. Four items concerning the deliberation procedures asked jurors to provide a “yes” or “no” answer. First, in each

situation over 80 percent of the jurors believed that the judge’s advice was helpful (Table 14). This was true whether the survey item pertained to selecting a foreperson (91.7%), how to conduct deliberations (85.6%), how to vote on the verdict (85.2%) or how to handle disagreements or deadlocks (81.1%). Second, as has been common throughout the previous tables, very few jurors selected the two least positive response categories (8.9% to 5.9%). In contrast, over half of the respondents selected the most positive response category on the scales. Third, two additional questions asked jurors whether they understood the judge’s instructions on asking questions about deliberations and whether they understood the judge’s instructions pertaining to selecting a foreperson. In each of these situations, a substantial number of the jurors reported that they understood the instructions (see Table 14, questions 1 and 2).

**Table 14. Juror Deliberation**

	Strongly Agree % (f)	Agree % (f)	Neutral % (f)	Disagree % (f)	Strongly Disagree % (f)
1. I felt well informed about the procedures for asking the judge questions about the instructions given for deliberations	64.3 (786)	22.4 (274)	7.1 (87)	2.7 (33)	3.5 (43)
2. I understood the judge’s instructions on how to select a foreperson	72.5 (879)	15.0 (182)	5.4 (65)	2.2 (27)	4.9 (59)
3. The judge’s suggestions about how to conduct deliberations were helpful	60.2 (624)	25.4 (263)	8.5 (88)	2.6 (27)	3.3 (34)
4. The judge’s suggestions about when and how to vote on the verdict were helpful	60.4 (370)	24.8 (152)	9.0 (55)	2.0 (12)	3.9 (24)
5. The judge’s guidance about how to handle disagreements or deadlocks was helpful	54.5 (220)	26.5 (107)	10.1 (41)	4.2 (17)	4.7 (19)

Finally, two items asked whether the court could have done something when it did not during the deliberation process (Table 15). Most of the respondents (85.2%) said

they did not believe the court could have done something to lessen or avoid jury conflicts. Almost half (44.6%) of the jurors that did not receive deliberation instructions believed it was necessary for the judge to provide these instructions.

**Table 15. Jury Deliberations**

	Yes % (f)	No % (f)
1. Were the instructions given by the judge for selecting a foreperson helpful?	91.7 (1070)	8.3 (97)
2. If the judge did not give suggestions about how to conduct deliberations, would you have wanted the judge to make such suggestions?	55.4 (179)	44.6 (144)
3. Did the jury submit any questions to the judge during deliberations?	47.1 (588)	52.9 (660)
4. If there was a conflict, is there anything that the court could or should have done to avoid or lessen the conflict?	14.8 (133)	85.2 (764)

## Post-Verdict

### Judges

Five survey items pertain to two issues involving post-verdict jury activities. The first three items refer to judge and jury meetings after their verdict has been rendered and the last two survey items concern meetings with attorneys after conclusion of the trial.

The response frequencies and percents are contained in Table 16.

In general, these meetings were seen as beneficial to jurors. Almost all (93.3%) of the judges invited jurors to meet with them and most of the time (82.5%) this occurred. Judges overwhelmingly believed (89.2%) that the meeting was helpful to jurors. Likewise, judges noted that after most trials (81.1%) they invited jurors to meet with the attorneys and a majority (58.3%) of the judges believed the meeting helped the jurors relieve the stress of the trial.

**Table 16. Post Verdict – Judge Responses**

	Yes % (f)	No % (f)
1. Was the jury invited to meet informally with you for debriefing after being discharged?	93.3 (126)	6.7 (9)
2. If the answer above was yes, did the jury meet with you?	82.5 (104)	17.5 (22)
3. If they met with you, do you believe that the meeting with the jury was helpful in relieving their stress?	89.2 (99)	10.8 (12)
4. Did you provide the jurors the opportunity to meet with the attorneys after the verdict?	81.1 (107)	18.9 (25)
5. If yes, do you believe that the attorneys meeting with the jury was helpful in relieving their stress?	58.3 (42)	41.7 (30)

**Jurors****Table 17. Post Verdict – Juror Responses**

	Yes % (f)	No % (f)
1. Was the jury invited to meet informally with the judge after being discharged?	86.9 (1003)	13.1 (151)
2. If yes, did you attend the meeting with the judge?	79.8 (788)	20.2 (200)
3. If you attended the meeting with the judge, did you find it helpful?	90.5 (770)	9.5 (81)
4. Was the jury invited to meet informally with the parties after being discharged?	49.3 (528)	50.7 (543)
5. If yes, did you attend the meeting with the parties?	51.3 (310)	48.7 (294)

Juror post-verdict items mirrored the judicial survey and asked about meeting with the judge (Table 17). Consistent with the impression of the judges, jurors who attended (79.2%) the meeting believed it was helpful (90.5%). In about half (49.3%) of

the situations jurors reported that they were invited to meet with the parties after the trial, and slightly more than half of them (51.3%) took advantage of this opportunity.

### Privacy Concerns

One question on the judicial survey and one on the juror instrument asked about privacy concerns. These questions were only asked when the jurors met with parties after the verdict (Table 18). Judges overwhelmingly (83.0%) noted that they were not apprised of any problems. Similarly, most jurors were not concerned about providing the court with personal information (86.7%).

**Table 18. Privacy Concerns**

		Yes % (f)	No % (f)
1. Did any problem arise with any juror regarding his or her concern for privacy?	Judge	17.0 (8)	83.0 (39)
2. Did you have any concerns about making personal information available to the court?	Juror	13.3 (56)	86.7 (366)

### Conclusion

The survey responses highlight several overall conclusions. First, judges, attorneys and jurors were generally supportive of the courtroom activities. Second, this support manifested itself in survey responses concerning the procedures surrounding each trial strategy and in questions concerning the impact of the strategies on the trial process. Third, while all three groups were supportive of the trial activities there were differences in the level of support across the groups, with judges often being most supportive, then jurors and attorneys the least supportive. Fourth, only a limited proportion of the

respondents in each of the groups actually selected the least supportive response categories. As such, level of support was in some instances reduced merely by people selecting the neutral response category and not by their selecting an unfavorable response option.

There was consensus across the three groups of respondents that instructing the jury in the law at the beginning of the trial was perceived to be the most beneficial procedure. At the same time, exhibit notebooks received the lowest levels of support within each group. Overall, the opinions of jurors and judges were very favorable for all procedures, though for attorneys this was not always true (exhibit notebooks and mini-opening statements).

Note taking was perceived by respondents from each group as being beneficial to the trial process. Both judges (97.9%) and attorneys (61.4%) reported that they favored note taking. It was determined however that though note taking was permitted, its use was not extensive. This should not be surprising since presumably each person takes notes only when she/he believes it is necessary to do such. The important feature is that most respondents believed the activity was helpful.

Responses relative to juror submission of questions were mixed depending on the focus of the question. Specifically, the responses were overwhelmingly favorable across all groups when it came to the procedures that were used to explain the process to the jurors. A majority of the attorneys also did not believe that juror questions influenced the presentation of their case and their ability to represent their clients. Jurors believed that questions they submitted were helpful in the performance of their courtroom duties and they were generally satisfied with the answers they were given. Only the attorney

perceptions of the effect of juror questions on the jurors were less than supportive. Specifically, attorneys did not believe that they aided jury in arriving at a proper decision, nor help them determine the truth. Only 42.6 percent of the attorneys approved of “allowing the jury to ask questions” and 25.9 percent definitely did not approve of such. As far as the extent to which jurors submitted questions, only a limited number of questions were submitted per trial.

A substantial majority of jurors reported that they were able to understand the language used in the courtroom. Over 89 percent of the jurors said they could understand the general language, legal terms, and opening and closing arguments.

Most of judges in the sample used written instructions that were provided to each juror. Rarely did any of the judges use taped instructions. Almost 40 percent of the judges did note a belief that the standard jury instructions are not easily understood and almost 70 percent of these judges changed the language of their instructions. Over 90 percent of the jurors believed they understood the jury instructions they received in their trials.

Judicial advice concerning deliberations and meetings post-verdict were both well received by jurors. Jurors noted the belief that the advice of the judge concerning the selection of a foreperson, about how to conduct deliberations, how to vote on the verdict or how to handle disagreements or deadlocks was helpful. Over 80 percent of the jurors held these beliefs. Finally, in most instances judges provided jurors the opportunity to meet with her/him after the verdict was rendered and jurors believed this was beneficial. Similarly, jurors were also provided the opportunity to meet with other parties in the case.

Despite the limitations of the data (missing data especially), there appears to be substantial support for all of the innovations with the exception of juror question submission. Judges and jurors were strongly supportive of this question procedure while attorney responses were more equivocal. Please also note that although the significance tests revealed that judges were significantly more supportive of the innovations, this is not to imply that attorneys were not supportive as well. As a group, attorneys tended to be more supportive than less supportive of the trial activities. Overall, the innovations examined appear to be helpful to the proceedings and the majority of courtroom participants have responded positively to the processes in general.