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Daniel W. Shuman

Jean A. Hamilton

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# JURY SERVICE - IT MAY CHANGE YOUR MIND: PERCEPTIONS OF FAIRNESS OF JURORS AND NONJURORS

*Professor Daniel W. Shuman\**

*Dr. Jean A. Hamilton\*\**

*Courtney C. Bobbitt†, Jane L. Byrne†, Vanessa R. Cole†, Cynthia E. Daley†, Jaime M. Diez†, Janie E. James†, Joyce L. McEwen†, Suzanne M. Mills†, Marjorie K. Moyers†, Kimberly K. Novak†, David E. Olesky†, Katherine M. Parks†, Jeffrey L. Pierce†, Kimberly B. Stone†, Carlos Treistman†, Barbara B. Wilson†*

## I. INTRODUCTION

FROM the founding of this nation through the present, the acknowledged goal of the judicial system has been to "administer justice without respect to persons, and do equal right to the poor and to the rich . . . ."<sup>1</sup> Some citizens who live under the decisions administered by modern courts, however, despair that the goals of "blind justice" and "fairness for all" are far from being achieved. Popularly reported perceptions of the fairness of the criminal justice system range from mild frustration to outright rage.<sup>2</sup> Contrast the goal of the judicial system noted above with these comments made by participants in the present study:

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\* Professor of Law, Southern Methodist University. Professor Shuman's work on the project was supported by a grant from the M.D. Anderson Foundation.

\*\* Professor of Psychology, Southern Methodist University and Department of Psychiatry, University of Texas Southwestern Medical School. Currently, Professor, Department of Psychology: Social and Health Science, Duke University. Dr. Hamilton's work on the project was supported by a grant from the Institute for Research on Women's Health, Washington, D.C.

† Southern Methodist University, Law Student

‡ Southern Methodist University, Graduate Psychology Student

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1. *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803).

2. See Rhonda Cook, *Shumake Hits Campaign Trail After Mistrial*, ATLANTA J. & CONST., June 5, 1992, at A1; Julianne Malveaux, *Face-off: Getting off easy?*, USA TODAY, Aug. 2, 1989, at 8A; Robert D. McFadden, *Brawley Case: Public's Conflicting Views*, N.Y. TIMES, Oct. 29, 1988 § 1, at 1.

The D.A.'s goal is to win *at any cost*. Accuracy, fairness, justice, etc. are not a priority.

It has been my experience that most of our court proceedings are a joke and very embarrassing to be involved in . . . . It's not about if one is guilty or innocent, but how the lawyers play the game.

I'm afraid that an undercover officer lost his [anonymity] and a dealer is back on the street due to a poorly prosecuted case and the dubious "skill" of a court-appointed defense lawyer.

The judicial system we have stinks! There is NO justice!

These cynical comments are significant because the legitimacy of the criminal justice system depends on the perception that it is fair. If people do not perceive the criminal justice system as fair or as embodying their community values, compliance with the criminal law turns on the fear of arrest and prosecution.

The perceptions of jurors who have participated in the criminal justice system are particularly important to compare with those of nonjurors for at least three reasons. First, unlike other participants in the process — parties, attorneys, judges — jurors do not have a vested interest in the process. Second, the jury is an important vehicle for spreading the word about the fairness of the system, because the presence of a jury adds exponentially to the number of people who can tell others in the community how the system is working. Third, the jury is an important barometer of the fairness of the system.

The research reported in this Article seeks to ascertain whether service on a criminal jury affects perceptions of fairness about the criminal justice system. To discover what attitudes exist about the criminal justice system, and how they are affected by jury service, questionnaires were distributed to individuals in Dallas County, Texas who recently served on a jury and to those who were called to jury service but were dismissed. We proceeded on the assumption that media reports of the criminal justice system focus on spectacular cases and glaring mistakes, which may lead to a perception that the majority of cases are decided unfairly. Because we assumed that the majority of cases involve an appropriate procedure that yields an appropriate result, our hypothesis was that jurors would therefore find the system more fair than nonjurors.

## II. PREVIOUS RESEARCH

Perceptions about the fairness of the judicial system are important because they reflect beliefs about its legitimacy. Tom R. Tyler has suggested that attitudes toward the judicial system are the product of general attitudes developed over the life cycle.<sup>3</sup> A study by Tyler found that people's prior views about legal authorities influence the way they interpret their experiences with the judicial system.<sup>4</sup> In turn, people generalize from their exper-

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3. Tom R. Tyler et al., *Maintaining Allegiance Toward Political Authorities: The Role of Prior Attitudes and the Use of Fair Procedures*, 33 AM. J. POL. SCI. 629, 645 (1989).

4. *Id.* at 638.

iences in the judicial system to their views of legal authorities.<sup>5</sup> Consequently, if people develop attitudes that the judicial system is unfair or their experiences in the system are perceived unfavorably, it will negatively affect their perceptions of the judicial system and may result in a gradual erosion of obedience to the law.<sup>6</sup>

A majority of Americans express substantial satisfaction with the fairness of the judicial system. A study by Bernadyne Turpen and Anthony Champagne found that two-thirds of all people think that the courts are always or usually fair.<sup>7</sup> Significantly, however, one-third of the public thinks that the courts are sometimes or often unfair.<sup>8</sup> That a substantial number of people find the system unfair suggests that many may question the legitimacy of the judicial system and, in turn, that this perception of unfairness may affect compliance with the law.

Perceptions of fairness in the judicial system depend in part on perceptions of fairness of the jury system. The jury system is a particularly impor-

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5. *Id.* at 641.

6. E. ALLAN LIND & TOM R. TYLER, *THE SOCIAL PSYCHOLOGY OF PROCEDURAL JUSTICE* 80 (1988) (discussing Tom R. Tyler, *Why Citizens Follow the Law: Procedural Justice, Legitimacy and Compliance* (1987) (unpublished manuscript, on file with Northwestern University)). Tyler questioned citizens about perceptions of legal authorities and about their judgments of distributive and procedural fairness in encounters with police and court. *Id.* at 76-77. Tyler found that perceived legitimacy was more strongly influenced by fairness than nonfairness ratings, and while fairness judgments account for a large amount of the variance in satisfaction with outcome and treatment, only 4% of the variance in perceived legitimacy is linked to fairness judgments about the legal process. *Id.*

A national study by James L. Gibson of perceptions of willingness to comply with legislative and judicial decisions also found that compliance with judicial decisions is affected only moderately, if at all, by perceptions about fairness in decision-making. James L. Gibson, *Understanding of Justice: Institutional Legitimacy, Procedural Justice, and Political Tolerance*, 23 *LAW & SOC'Y REV.* 469, 485 (1989). Gibson found that perceptions about the fairness of decision-making processes within institutions had virtually no impact on willingness to accept those decisions as final and binding. *Id.* Consequently, citizens are no more willing to accept unpopular decisions if they perceive them as fairly made. *Id.* Gibson also found that compliance was only significantly increased by those who expressed "diffuse support" and in "opinion leaders," whom he defined as those who are often asked for their opinion on issues, who were more likely to comply if they perceived decisions to be fairly made and if they supported the court. *Id.* at 489-91. Gibson postulates that research about actual litigants or defendants finds much stronger relationships between perceptions of fairness and procedural justice because losing in actual cases creates cognitive discomfort which compels persons to claim some type of satisfaction through procedure. *Id.* at 491.

7. Bernadyne Turpen & Anthony Champagne, *Perceptions of Judicial Fairness*, in *CRIME & CRIM. JUST. PROCESS* 260 (1978). The study surveyed citizens in ten cities on their attitudes toward local government. *Id.* at 263. In the survey citizens were asked if the courts were fair. *Id.* at 264. Fairness was not defined but the results indicated that there was a general feeling among respondents that "fair" meant the proper or just treatment of persons. *Id.* Similarly, Marvin Krohn and John Stratton, in a study of inmates in state institutions, found positive views of fairness in the criminal justice system: seventy percent of inmates felt the law they violated was fair; sixty-four percent felt they were treated fairly by the police; sixty-two percent felt they were treated fairly by the prosecutor; and seventy-four percent felt they were treated fairly by the judge. Marvin Krohn & John Stratton, *A Sense of Injustice? Attitudes Toward the Criminal Justice System and Institutional Adaptations*, 17 *CRIMINOLOGY* 495, 498 (1980). Only forty percent of inmates, however, perceived their sentences as fair. *Id.*

8. Turpen & Champagne *supra* note 7, at 262-63. Of those that felt the court system was or sometimes usually unfair, one-half felt that the court treated everyone unfairly. *Id.* at 264. Respondents who felt that courts were unfair appeared to believe that they were unfair along racial, economic, age and sex dimensions. *Id.* at 263-64.

tant component of the judicial system because it provides an opportunity for citizen participation and representation in decision-making.<sup>9</sup> Perceptions of the fairness of the criminal jury system are significantly higher than for the judicial system in general. Robert J. MacCoun and Tom R. Tyler found that ninety percent of those surveyed believed the criminal jury system was somewhat or very fair.<sup>10</sup> Given this high perception of fairness in the criminal jury system, it is important to study the role that jury service may play in increasing perceptions of the legitimacy of the judicial system.

There has not been any direct research on whether jury service increases overall perceptions of fairness in the judicial system. There has been considerable research, however, on other variables affecting perceptions of fairness in the judicial system. This research indicates that perceptions of fairness in the judicial system depend on individual characteristics, and that perceptions of fairness are independently affected by personal experiences in the judicial system.

#### A. THE EFFECT OF EXPERIENCES IN THE JUDICIAL SYSTEM ON PERCEPTIONS OF FAIRNESS

Perceptions of fairness in the judicial system are strongly correlated with perceptions of the fairness in procedures.<sup>11</sup> In a study of civil litigants, E. Allan Lind found that perceptions of fairness of procedures were greatest in arbitration and trial as compared with bilateral settlement, and that the fairness of these procedures was not correlated with case outcomes.<sup>12</sup> James M. Landis and Lynne Goodstein found that criminal defendants perceived plea bargaining to be more fair than trial,<sup>13</sup> while Jonathan D. Casper found that defendants perceived plea bargaining to be as equally fair as trial.<sup>14</sup> Thus, perceptions of fairness of individual experiences in the judicial system depend in part on the type of procedure used.

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9. LIND & TYLER, *supra* note 6, at 90.

10. Robert J. MacCoun & Tom R. Tyler, *The Basis of Citizens' Perceptions of the Criminal Jury: Procedural Fairness, Accuracy and Efficiency*, 12 LAW & HUM. BEHAV. 333, 337 (1988). The telephone survey questioned adult citizens about the fairness of criminal juries. *Id.* at 337.

11. Citizens' assessments of fair process influence judgments about the desirability of varying types of juries, but assessments of fair procedures are balanced with concerns over the costs of jury trials. MacCoun & Tyler, *supra* note 10, at 350.

12. E. Allan Lind et al., *In the Eye of the Beholder: Tort Litigants' Evaluations of Their Experiences in the Civil Justice System*, 24 LAW & SOC'Y REV. 953, 965 (1990). Only when settlement conferences were contrasted with bilateral settlement was there a significant effect on outcome satisfaction, in that those involved in judicial settlement conferences were significantly less satisfied. *Id.* at 966. A study by Blair Sheppard, however, found that arbitration was considered less fair than a hybrid procedure where disputants orally present their case to a judge and then have the judge exercise some control over the process of the proceedings. Blair H. Sheppard, *Justice is No Simple Matter: Case for Elaborating Our Model of Procedural Fairness*, 49 J. PERSONALITY & SOC. PSYCHOL. 953, 959 (1985).

13. Jean M. Landis & Lynne Goodstein, *When is Justice Fair? An Integrated Approach to the Outcome Versus Procedure Debate*, 46 AM. B. FOUND. RES. J. 675, 710 (1986).

14. Jonathan D. Casper et al., *Procedural Justice in Felony Cases*, 22 LAW & SOC'Y REV. 483, 496 (1988). The time defendants spent with their lawyers and their treatment by police officers positively affected perceptions of fairness. *Id.* at 497.

Certain procedures appear to increase perceptions of fairness perhaps because aspects of these procedures allow litigants greater participation in or control over the process. Lind found civil litigants' perceptions of fairness of procedures were consistently related to perceptions of control over the litigation process, the dignity of procedures, positive evaluations of counsel, and comfort with the process.<sup>15</sup> The importance of participation in the process was confirmed by Mark S. Umbreit, who found that crime victims perceived the criminal justice system as most fair when they could participate in the process and confront the offender and express their concerns.<sup>16</sup> Tyler found that this opportunity to express concerns before a decision is made increases feelings of involvement in a fair process without regard to the impact of those views on the decisions of the authorities.<sup>17</sup> Tyler did find, however, that "how hard" the authorities tried to be fair is extremely important to perceptions of procedural fairness.<sup>18</sup> This finding is consistent with a study by Robert H. Moorman indicating that perceptions of the fairness of procedures may depend on how well the procedures are communicated.<sup>19</sup>

Procedures that criminal defendants find most fair also involve those in which they have significant control over the process or outcome. Landis and Goodstein proposed that defendants perceived plea bargaining to be the most fair disposition of their case due to the increased outcome certainty.<sup>20</sup> They speculated that defendants who do go to trial may have unrealistic expectations of the outcome, and that the difference between subjective expectations of outcome and actual outcome may lead them to conclude that

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15. Lind et al., *supra* note 12 at 973. No correlation existed between procedural justice judgments and the objective measures of case outcome, litigation cost, or case duration. *Id.* at 968.

16. Mark S. Umbreit, *Crime Victims Seeking Fairness, Not Revenge: Toward Restorative Justice*, 53 *FED. PROBATION*, Sept. 1989, at 52, 55. Umbreit studied victims of burglaries who were referred to a victim offender reconciliation program, of which, sixty-two percent chose to participate in mediation. *Id.* at 52. Umbreit found that victims were primarily concerned with rehabilitation, and only secondarily with restitution and punishment. *Id.* at 53-54. Victims who participated in mediation indicated a very high rate of satisfaction, rating both the mediation process and the mediator as very fair. *Id.* at 55.

17. Tom R. Tyler, *Conditions Leading to Value-Expressive Effects in Judgments of Procedural Justice: A Test of Four Models*, 52 *J. PERSONALITY & SOC. PSYCHOL.* 333, 339 (1987). Tyler found that people were more willing to feel positively about situations in which they had a voice but did not have influence on outcomes when they had prior views which lead them to feel that authorities were legitimate. *Id.* at 341.

18. Tom R. Tyler, *What is Procedural Justice?: Criteria Used by Citizens to Assess the Fairness of Legal Procedures*, 22 *LAW & SOC'Y REV.* 103, 129 (1988). Other important factors in assessments of procedural justice include ethicality; opportunities for representation; the quality of the decisions made; whether opportunities exist to appeal decisions; and whether the behavior of authorities shows bias. *Id.* at 121.

19. Robert H. Moorman, *Relationship Between Organizational Justice and Organizational Citizenship Behaviors: Do Fairness Perceptions Influence Employee Citizenship?*, 76 *J. APPLIED PSYCHOL.* 845, 852 (1991). Moorman found that, in the employment context, impressions of fairness of interactions with supervisors is the most important variable in perceptions of procedural fairness. *Id.*

20. Landis & Goodstein, *supra* note 13, at 710. Landis and Goodstein suggest that offenders who plea bargain are assured conviction, a specific charge, and usually a specific sentence and that they therefore develop more realistic subjective expectations about sentencing and incarceration. *Id.*

the process is unfair.<sup>21</sup> Likewise, Casper suggested that defendants think plea bargaining is as fair as trial because a defendant may be disillusioned by the trial process, finding that it did not provide as much opportunity as expected to express their side of the case.<sup>22</sup>

Further, perceptions of fairness are more strongly affected by perceptions of procedural fairness than by objective outcomes. Tyler found that the perceived legitimacy of legal authorities is affected by perceptions of procedural fairness, but not by outcomes.<sup>23</sup> Similarly, Casper found, in a study of male felons, that perceptions of procedural fairness significantly affect outcome satisfaction.<sup>24</sup> Lind also found that perceptions of procedural fairness are not correlated with the objective outcome of cases.<sup>25</sup> Rather, outcome satisfaction was most strongly related to subjective evaluations of outcome relative to expectations.<sup>26</sup> Consequently, perceived procedural fairness rather than outcomes of individual experiences affect perceptions of fairness in the judicial system.

Perceptions of procedural fairness appear central to perceptions of judicial fairness for several reasons. Tyler suggested that increased opportunity to state one's case before a decision is made heightened feelings of self-esteem and the belief of involvement in a fair process.<sup>27</sup> Lind proposed that being

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21. *Id.* Landis and Goodstein also suggest that, at trial, defendants may perceive that they do not have very much control because the lawyer controls most of the process and they may not get to participate as much as they expect. *Id.* at 711.

22. Casper, *supra* note 14, at 498-99. Casper suggests that negative consequences of the trial experience may affect some defendants, and that ultimate conviction after such a process may prove more disillusioning for these defendants. *Id.* In another study, Casper found that defendants who went to trial and believed they were treated unfairly felt the treatment was unfair because they did not have an opportunity to present their case or that they had been prejudged. Jonathan D. Casper, *Having Their Day in Court: Defendant Evaluations of the Fairness of Their Treatment*, 12 *LAW & SOC'Y REV.* 238, 248 (1978).

23. Tyler et al., *supra* note 2, at 638. Generalizations from experiences in particular cases to views of legal authorities are consistently influenced by evaluations of the fairness of the case disposition procedures and not by outcome measures. *Id.* Procedural justice is the key element in explaining support for legal authorities, with generalizations from personal experience to the trial court system more responsive to views about procedural justice than either outcome level or outcome fairness. Tom R. Tyler, *The Role of Perceived Injustice in Defendants' Evaluations of Their Courtroom Experience*, 18 *LAW & SOC'Y REV.* 51, 70 (1984). In another study, Tyler also found that dissatisfaction with government is linked to judgments that the procedures of government are not fair. Tom R. Tyler, *The Influence of Perceived Injustice on the Endorsement of Political Leaders*, 15 *J. APPLIED SOC. PSYCHOL.* 700, 717 (1985).

24. Casper, *supra* note 13, at 502. The effects of sentence length upon satisfaction were found to operate by means of its influence upon judgments about procedural and distributive justice. *Id.* Landis and Goodstein also found procedural issues to be the most important correlates of outcome satisfaction, followed by mode of disposition and perception of relative length of sentence. Landis & Goodstein, *supra* note 12, at 712.

25. Lind et al., *supra* note 12, at 968, 975.

26. *Id.* at 974. Outcome satisfaction also was influenced by perceptions of fairness of process, which accounted for between twenty-seven and forty-eight percent of the variation in outcome satisfaction. *Id.* An ethnographic study of small claims litigants also revealed that litigants found process at least as important as substantive issues in their cases. William M. O'Barr & John M. Conley, *Lay Expectations of the Civil Justice System*, 22 *LAW & SOC'Y REV.* 137, 159 (1988). The study found that most litigants approached the civil court as if it were a criminal court and were dissatisfied when the court required them to meet particular burdens of proof and failed to take initiative in making people pay judgments. *Id.*

27. Tyler, *supra* note 17, at 343. Tyler suggests that the ability of citizens to have a voice

treated with respect and dignity is highly valued and that litigants who settle may feel that the court did not consider their cases important; further, such litigants may have a diminished sense of participation.<sup>28</sup> Thus, self-respect and self-esteem are strongly influenced by the way people perceive their treatment by the judicial system.

Notably, perceptions of procedural fairness do not appear to be influenced by individual characteristics. Lind found that neither perceived procedural fairness nor satisfaction with outcome were significantly correlated to litigant gender, race, income, marital, or employment status.<sup>29</sup> Tyler also found that personal characteristics do not influence the criteria used to assess whether a procedure is fair.<sup>30</sup> Likewise, Casper found that race, prior criminal record, and seriousness of the arrest charge were not significantly related to perceptions of procedural fairness.<sup>31</sup> These findings indicate that different types of people similarly define meanings of procedural fairness, and that the "meaning of justice within particular settings may be part of the cultural beliefs shared by members of our society."<sup>32</sup>

#### B. THE INFLUENCE OF INDIVIDUAL CHARACTERISTICS ON PERCEPTIONS OF FAIRNESS

Although individual characteristics have not been found to affect perceptions of procedural fairness, overall perceptions of fairness in the judicial system have been found to be affected by such characteristics. Turpen and Champagne's study provided some support for their theory that perceptions of fairness in the judicial system are lower among those who suffer the most discrimination.<sup>33</sup> They found that being nonwhite and young affected per-

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is important both in the short term and in the long term. Over the long term, citizens recognize that they cannot always influence the actions of authorities, but their allegiance to the group is based on a belief that, over time, they will receive a reasonable level of positive outcomes from group membership. *Id.* at 342. From this perspective, allegiance can be maintained over the long term only if citizens feel that their concerns are being considered by decision-making authorities. *Id.* at 342-43. In the short term, the reinforcement of the positive self-image and sense of personal worth have important effects on self-esteem; however, self-esteem is only enhanced when citizens believe that authorities are listening to their concerns. *Id.* at 343.

28. Lind et al., *supra* note 12, at 981. Lind notes that, absent the positive effects trials have on dignity, trials would actually be perceived as less fair than bilateral settlements since trials tend to increase positive evaluations of attorneys but to lower perceptions of procedural justice. *Id.* at 979.

29. *Id.* at 973, 976. Lind found litigant characteristics to account for only between five and twenty-seven percent of the variation in procedural justice perceptions. *Id.*

30. Tyler, *supra* note 18, at 132. Tyler considered eight personal characteristics: two types of prior views, education, race, liberalism, sex, age, and income. *Id.* But see Landis & Goodstein, *supra* note 13, at 712 (white inmates are more likely than blacks to see their outcomes as more severe than usual, while blacks were more likely than whites to perceive unfair treatment by the criminal justice participants).

31. Casper et al., *supra* note 14, at 496.

32. Tyler, *supra* note 18, at 132.

33. Turpen & Champagne, *supra* note 7, at 267. Turpen and Champagne hypothesized that research findings indicate that the legal system discriminates against blacks, other nonwhites, the young, women, and those from lower socioeconomic classes. Thus, these groups would be more inclined to view courts as unfair. *Id.* at 266. The study failed to reveal any statistically significant correlation between attitudes toward fairness and variables of sex and



ceptions of the unfairness of courts but that sex and social class, as measured by religious preference, income, education and employment, did not.<sup>34</sup> A study by James P. Adams, Jr. and William W. Dressler also found that race and age influence perceptions of fairness, with African Americans perceiving more unfairness and discrimination than whites, and younger African Americans perceiving more unfairness than older African Americans.<sup>35</sup> Unlike Turpen and Champagne, however, Adams and Dressler did find that social class influenced perceptions of fairness, with African Americans of higher social and economic status perceiving more unfairness than lower class African Americans.<sup>36</sup>

Several other studies have also found that race influences perceptions of fairness in the judicial system. Casper found that African American defendants had generally less favorable fairness ratings of legal institutions than whites.<sup>37</sup> Similarly, Krohn and Stratton found inmate race was correlated with attitudes toward perceived fairness of police and prosecutors.<sup>38</sup> Race has also been found to affect perceptions of the fairness of sentencing. A study by Robert L. Young found that race, education, and income among whites influence support for the death penalty.<sup>39</sup> Ethnicity also may influence perceptions of fairness. Carter found that Hispanics express less confi-

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social class, with the social class component measured by religion, education, employment, and income. *Id.* at 267.

34. *Id.*

35. James P. Adams, Jr. & William W. Dressler, *Perceptions of Injustice in a Black Community: Dimensions and Variation*, 41 HUM. REL. 753, 764-65 (1988). This study surveyed black residents of a southern city and measured perceived injustice in community institutions rather than the justice system in particular. *Id.* at 756-57. Adams and Dressler suggest that individuals with higher social and economic status may perceive more injustice because they have to interact more with whites in their jobs and positions in communities. *Id.* at 764.

36. *Id.* at 764. Adams and Dressler speculated that this may be because older blacks were socialized to expect and tolerate a higher level of discrimination than younger persons. *Id.*

37. Casper, *supra* note 22, at 241. His study found seventy-three percent of whites have positive fairness evaluations, while only fifty-five percent of blacks have such an evaluation. *Id.*

38. Krohn & Stratton, *supra* note 7, at 499.

39. Robert L. Young, *Race, Conceptions of Crime and Justice, and Support for the Death Penalty*, 54 SOC. PSYCHOL. Q. 67, 71-72 (1991). The results were drawn from a survey of Detroit residents. *Id.* at 69. Although blacks perceived more sentencing inequity than whites, this perception was not correlated with support for the death penalty. *Id.* at 71. Young further found that black attitudes toward the death penalty are affected by different issues, with blacks most influenced by trust in the police and whites more likely to be affected by issues of criminal motivation. *Id.* at 72. See also J. L. Miller et al., *Perceptions of Justice: Race and Gender Differences in Judgments of Appropriate Prison Sentences*, 20 LAW & SOC'Y REV. 313, 319 (1986). Miller's survey of Boston residents found no clear patterns of difference between white men and women in terms of how they viewed crime seriousness, the duration of imprisonment, or how personal attributes of offenders influence harshness judgments. *Id.* at 331. Black women were found to have the harshest judgments of appropriate sentences, and blacks in general were also more strongly influenced by the duration of prison terms than whites. *Id.* Also, whites subscribed to a philosophy focused on proportionality in sentencing based on crime seriousness, while blacks were somewhat more influenced by offender characteristics. But see Ramesh Deosoran, *Towards a Social Psychology of Trial by Jury*, 24 BRIT. J. CRIMINOLOGY 343, 353 (1984). Deosoran studied persons who had actually served on juries in Trinidad and found no differences based on ethnicity, social class, and sex when asking whether race of the defendant was important, if their opinion changed during trial, foreman selection, and when the impression of guilt or innocence was formed. *Id.* at 345.

dence in the police than whites, although they view criminal courts as fair.<sup>40</sup> These studies clearly indicate that some individual characteristics are correlated with perceptions of fairness in the judicial system.

Differences in perceptions of fairness based on individual characteristics support the theory that an individual's perceived place in the community affected perceptions of fairness.<sup>41</sup> Tyler and Lind found that persons in the community who supported institutional authorities but feel they are discriminated against are more concerned with fairness than those who have low levels of support for the judicial system and feel discriminated against.<sup>42</sup> In another study Tyler suggested that those who support the system hold positive views that "cushion the blow" of negative outcomes and increase the likelihood that experiences will be interpreted in a favorable way, if the process is seen as appropriate.<sup>43</sup> Thus, people who are more supportive of the judicial system may be more likely to be affected by their individual experiences in the judicial system and to interpret their experiences favorably.

Perceptions of fairness may also be influenced by individual values and beliefs about ability to make changes in what is perceived as unfair.<sup>44</sup> The

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40. David L. Carter, *Hispanic Interaction With the Criminal Justice System in Texas: Experiences, Attitudes, and Perceptions*, 11 J. CRIM. JUST. 213, 223 (1983). The survey conducted in Texas found that Hispanics had significantly lower perceptions of satisfaction with police than whites, but that eighty-four percent felt the criminal courts were very or generally fair. *Id.* The study also found that Hispanics have a more punitive attitude toward corrections than whites. *Id.* In a later study, Carter suggested that Hispanics' low perceptions of police were caused by high expectations of police and cultural and linguistic problems. David L. Carter, *Hispanic Perception of Police Performance: An Empirical Assessment*, 13 J. CRIM. JUST. 487, 499 (1985).

41. Tom R. Tyler & E. Allan Lind, *Intrinsic Versus Community-Based Justice Models: When Does Group Membership Matter?*, 46 J. SOC. ISSUES 83, 93 (1990). Tyler and Lind surveyed Chicago residents who had some contact with legal authorities. *Id.* at 88.

42. *Id.* at 89. Tyler and Lind found that their results supported theories that justice concerns are linked with group membership; those with intermediate group status care the most about procedural justice and those with low levels of support, who do not feel discriminated against, are most concerned with distributive justice. *Id.* at 89, 93. An ethnography from research on perceptions of law and justice among lower-middle working class people found that those who experienced the court system as litigants realize that courts do not guarantee protection of rights, but see the courts as a potentially powerful tool that sometimes comes through for them. Sally Engle Merry, *Concepts of Law and Justice Among Working-Class Americans: Ideology as Culture*, 9 LEGAL STUD. F. 59, 67-68 (1985). Merry found that those in the working class have expectations of unequal treatment and even when they receive unsatisfactory and perfunctory treatment they do not feel alienated because they do not expect anything better. *Id.* at 68. Merry suggested that those in the working class do not perceive legal institutions as any more inequitable than the rest of society or as a way for those in power to maintain their power, and therefore do not see legal institutions as unfair. *Id.* at 68-69.

43. Tyler et al., *supra* note 3, at 643. Tyler suggests that people develop attachments to regimes and authorities over their life-time, and that they will generally retain this support even in the face of negative personal experiences. *Id.* This "cushion of support" may depend on the voluntariness of association. Procedural justice is more highly correlated to satisfaction with institutions under conditions of imposed organizational association than when association is voluntary. Michael E. Gordon & Gerald E. Fryxell, *Voluntariness of Association as a Moderator of the Importance of Procedural and Distributive Justice*, 19 J. APPLIED SOC. PSYCHOL. 993, 1004 (1989).

44. See Edith Greene et al., *Jurors' Attitudes About Civil Litigation and the Size of Damage Awards*, 40 AM. U. L. REV. 805, 816 (1991) (jurors who agree damage awards in tort cases are excessive and that tort reform is necessary generally give lower awards than counterparts who did not see a need for reform).

study by Adams and Dressler indicated that African Americans who felt most able to influence events and circumstances were most likely to perceive unfairness.<sup>45</sup> A study by Kenneth A. Rasinski also found that judgments of social justice and fairness vary as a function of individual value orientation.<sup>46</sup> Rasinski divided respondents into those who endorsed proportionality beliefs that benefits should be distributed based on individual merit, and those who endorsed egalitarian beliefs that access to resources should be equal.<sup>47</sup> Individuals who endorsed beliefs based on individual merit tended to identify themselves as conservative and be more concerned with procedural fairness than those who endorsed beliefs in equal access, who tended to identify themselves as liberal and be more concerned with outcome.<sup>48</sup> Rasinski found that men tended to endorse proportionality more than women, but that there was no significant relation between sex and endorsement of egalitarianism.<sup>49</sup>

Similarly, Jane C. Ollenburger found that men were more likely to have ideas that crime was caused by personal responsibility and individual choice and to believe in strong punishment.<sup>50</sup> Women tended to believe in community responsibility and social and environmental factors causing crime.<sup>51</sup> Ollenburger discovered that those with higher educations tended to have attitudes about fairness based more on community responsibility and social and environmental factors.<sup>52</sup> These studies indicate that perceptions of fairness may be affected by attitudes toward personal responsibility and individual merit, with men slightly more likely than women to adopt conservative values.

### C. THE EFFECT OF JURY SERVICE ON ATTITUDES AND BEHAVIOR

Jury service has been found to affect attitudes of jurors about the value of

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45. Adams & Dressler, *supra* note 35, at 765. This effect was thought to result because those persons who see themselves as able to make changes are more likely to perceive conditions that need changing. *Id.* at 763.

46. Kenneth A. Rasinski, *What's Fair is Fair—Or is It? Value Differences Underlying Public Views About Social Justice*, 53 J. PERSONALITY & SOC. PSYCHOL. 201, 204 (1987). Rasinski performed three separate studies to test fairness perceptions, finding that although fairness is clearly related to values, much variation in fairness judgments must be explained by other variables such as direct experiences with government. *Id.* at 209.

47. *Id.* Individuals with a proportionality orientation valued independence, imagination, and ambition, and also reflected a conservative orientation. *Id.* at 203. The other group consisted of those with an egalitarian orientation, which was correlated with being forgiving and helpful and which emphasized social interdependence. *Id.* at 203-04.

48. *Id.* at 204.

49. *Id.* Rasinski also found that value-based reasoning about social fairness increased with education. *Id.* at 206.

50. Jane C. Ollenburger, *Panel Members' Attitudes Towards Justice*, 26 BRIT. J. CRIMINOLOGY 372, 374, 380 (1986). Ollenburger's study was conducted in Scotland and the respondents were panel members who made decisions dealing with juvenile offenders. *Id.* at 375. Attitudes associated with personal responsibility were termed "classical" and those associated with community responsibility were termed "social." *Id.*

51. *Id.* at 374, 380.

52. *Id.* at 382. Ollenburger did not find a statistically significant relationship between age and attitudes towards justice, although there was a trend toward more classical attitudes among older panel members. *Id.*

jury service and the behavior of jurors in subsequent trials. Jury service affects perceptions of the importance and value of the jury system. Richard M. Durand found jurors and nonjurors differed in overall attitudes toward jury service, with jurors significantly more likely to believe jury service was a service to the community than nonjurors.<sup>53</sup> A study by William R. Pabst, Jr. found that ninety percent of those who had served as jurors were favorably impressed with jury duty or felt more favorably toward it than before their jury service.<sup>54</sup> Similarly, a study of New York city jurors revealed that over eighty percent of jurors had at least as favorable, or more favorable, attitudes toward the jury system after jury service.<sup>55</sup> The study found that the trend toward more favorable attitudes was stronger in civil court jurors than in criminal court jurors.<sup>56</sup> Consequently, jury service seems to increase, or at least not negatively affect, attitudes about jury service itself.

Jury service also affects verdicts and sentencing in subsequent jury service. A study by Ronald C. Dillehay and Michael T. Nietzel found that criminal juries with larger numbers of experienced jurors are more likely to reach a guilty verdict.<sup>57</sup> The total amount of experience on the jury was found to be positively and significantly related to likelihood of jury conviction.<sup>58</sup> It was speculated that this may be the result of selection biases; however, those serving on acquittal juries were not chosen less for jury service in subsequent trials.<sup>59</sup> Further, a study by Melissa J. Himelein found that more exper-

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53. Richard M. Durand et al., *Previous Jury Service as a Moderating Influence on Jurors' Beliefs and Attitudes*, 42 PSYCHOL. REP. 567, 569-70 (1978). The study surveyed registered voters who had been summoned for jury service but did not analyze responses to see if they varied by age, race or sex. *Id.* at 567. The study asked questions regarding service to community, financial compensation, treatment by court personnel, time utilization, physical surroundings, information dissemination, and length of service. *Id.* Jurors perceived their time may not be utilized efficiently and that they may not be kept well informed by court personnel, but it did not affect their positive perception of jury service. *Id.* at 570.

54. William R. Pabst, Jr. et al., *The Myth of the Unwilling Juror*, 60 JUDICATURE 164, 165 (1976). The exit survey of jurors found that the factors most likely to induce negative juror attitudes were long hours spent at the courthouse, and wasted time waiting. *Id.* at 166-68. Loss of income and compensation were not related to unfavorable attitudes. *Id.* at 170-71.

55. Caroline K. Simon, *The Juror in New York City: Attitudes and Experiences*, 61 A.B.A. J. 207, 211 (1975). One-third of the jurors had a more positive attitude toward the jury system after jury service, with almost fifty percent not having a change of attitude. *Id.* at 211.

56. *Id.* In the criminal court almost an equal number of jurors' feelings changed to "favorable" and to "less favorable." *Id.* Jurors tended to give low ratings to physical facilities, but generally favorable ratings as to compensation received, preliminary instructions, and trial instructions. *Id.* at 209-10.

57. Ronald C. Dillehay & Michael T. Nietzel, *Juror Experience and Jury Verdicts*, 9 LAW & HUM. BEHAV. 179, 188 (1985). The survey was conducted in Kentucky using data from trials for a one year period, with jury experience defined as service on one or more prior trials where the jury was sworn and trial commenced, and which occurred within a thirty day jury term. *Id.* at 183. The jurors were indexed by "(1) the number of experienced jurors on the trial, (2) total amount of juror experience represented, (3) prior jury experience of the foreperson, (4) number of jurors who had previously served as a foreperson, and (5) previous foreperson experience of the foreperson." *Id.*

58. *Id.* at 188. The authors noted that they appeared to have higher numbers of experienced jurors in their sample than did other studies and speculated that a high percentage of experienced jurors may be necessary to produce the effect. *Id.* at 189.

59. *Id.* at 188. Jurors who initially served on hung juries did subsequently have a lower frequency of jury service; however, the reason for this was not apparent. *Id.* at 189. Also, selection bias did not appear to cause the result seen in the study, because there was no in-

inced juries tended to vote for conviction and give stiffer penalties to criminal defendants than did less experienced juries.<sup>60</sup> Himelein speculated that new jurors are more inclined toward a rehabilitative philosophy of punishment and that exposure to detailed testimony about serious criminal acts and defendants accused of committing such acts may make jurors grow more cynical about the process and favor retribution.<sup>61</sup> Thus, the effect of prior experience on jurors appears to increase guilty verdicts and sentence length, especially when a jury has many experienced jurors.

### III. METHODOLOGY

This study was designed to assess the effect of experience as a juror on perceptions of fairness in the criminal justice system. To address this question, we sent questionnaires to 513 individuals who were called to serve as criminal jurors, but who were released from service, and to 372 persons who recently served as criminal jurors. The names and addresses of subjects were acquired from lists of individuals summoned for jury duty and selected to jury panels in the Criminal District Courts in Dallas, Texas between December 1991 and February 1992.<sup>62</sup>

The criterion for being classified as a "juror" was service on a Dallas Criminal District Court jury between December 1991 and February 1992.<sup>63</sup> All other respondents, who had never served on either a civil or criminal jury, were classified as "nonjurors." The final sample of 450 respondents consisted of 193 jurors and 257 nonjurors. After a thirty day lag time the overall response rate was fifty-one percent.

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crease in preemptory challenges of jurors who had prior service, and those with prior service were statistically not chosen less for subsequent service. *Id.* at 189-90. Another study found that initial jury experience affected the way subsequent evidence was evaluated; if the initial case contained very strong prosecution evidence, the jurors were likely to perceive evidence in a subsequent case as stronger and consequently be more likely to convict, and if it was initially weak they were less likely to convict in subsequent cases. Norbert L. Kerr et al., *Independence of Multiple Verdicts by Jurors and Juries*, 12 J. APPLIED SOC. PSYCHOL. 12, 19 (1982).

60. Melissa J. Himelein et al., *Effects of Prior Juror Experience on Jury Sentencing*, 9 BEHAV. SCI. & L. 97, 103 (1991). The survey was based on criminal and civil jury trials in Kentucky, with jurors considered experienced if they served on one or more trials during their thirty day term in which a jury was sworn, with jury experience credited even if trial terminated prior to deliberation. *Id.* at 99-100. The study found that the number of experienced jurors was the best predictor of jury sentencing. *Id.* at 102.

61. *Id.* at 103. Himelein also speculated that jurors who serve on juries in multiple trials may be more likely to interact with the same prosecutors and judges and evaluate them more positively, or be less likely to retain their presumption of innocence. *Id.*

62. We chose these two groups because we expected them to differ only as to the effects of jury service. We did not choose to study a single set of jurors before and after service for numerous reasons. Most importantly, administering the questionnaire before jury service might effect their deliberations. Studying jurors before and after trial also poses significant logistical problems. At most, only 12 of the 50 called for each panel in Dallas are selected to serve, and in many instances cases settle resulting in excusing all 50. Thus, significant over-sampling would be required and would pose problems with assuring anonymity to respondents. We expected the response rate for nonjurors to be lower than jurors and therefore used a larger sample of nonjurors.

63. It should be noted that this survey was distributed and responses received before the California jurors' verdict that acquitted four police officers of assault of motorist Rodney King, which sparked violence and rioting in Los Angeles and other U.S. cities.

The jurors and nonjurors in our sample were demographically similar, as assessed by the chi-square statistic for frequency data.<sup>64</sup> Since the two groups appeared to be from the same population, data were collapsed and the entire sample compared to a previous survey of Dallas jurors.

Research by the National Center for State Courts<sup>65</sup> addressed an unrelated issue but summarized demographic characteristics of Dallas juries (N=891).<sup>66</sup> The present study sample appears to be at least somewhat representative of jurors in Dallas State District Courts. That is, the two samples were similar for sex (chi-square=3.4, degrees of freedom, d.f.=1, criteria at  $p < .05 = 3.8$ , i.e., samples are not significantly different), age break-down, job status, and occupation, as assessed by frequency analysis.<sup>67</sup>

However, the samples differ on several other demographic variables: marital status, race, education, and family income. In particular, our sample includes a significantly larger proportion of subjects who were never married or cohabitating (chi-square=19.3, d.f.=4,  $p < 0.005$ ), a lower proportion of African Americans, as compared to Caucasians and all others combined (chi-square=25.6, d.f.=2,  $p < 0.005$ ), a larger proportion having four years of college or more (chi-square=57.1, d.f.=3,  $p < 0.0001$ ), and a larger proportion with incomes over \$50,000 (chi-square=5.9, d.f.=1,  $p < 0.025$ ). Hence, our sample may not be entirely representative of jurors in the Dallas courts, at least not in comparison with the survey of the National Center for State courts.

We attempted to examine this issue further by assessing possible response biases in the return of questionnaires. That is, we wondered whether demographics of those sent questionnaires varied in any systematic way from those returning them. We were especially interested in a possible effect of race on the return rate. However, because information on individuals summoned for jury duty does not, by law, include race, we were unable to determine whether the difference in the proportion of African Americans between the two studies is due to an actual difference in characteristics of individuals summoned during the study period or else whether it represents

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64. See *id.* and accompanying text. Hypotheses were tested using the chi-square goodness-of-fit procedure to determine if the demographic characteristics' cell probabilities were equal for the jurors and nonjurors.

65. This survey of the Dallas State Courts was reported in *The Relationship of Juror Fees and Terms of Service to Jury System Performance*, March 1991, Appendix C. Demographics of respondents are reported as percentages; however, these do not sum to 100%, perhaps due to procedures used for rounding data. As approximations, we have adjusted percentages reported in Table 1 to total 100%. Also, the study did not separately assess Hispanic origin, so that race/ethnicity comparisons to other samples are problematic. It is likely, for example, that some individuals who would be classified as Hispanic in other surveys are here classified as Caucasians.

66. See Table 1.

67. LYMAN OTT, AN INTRODUCTION TO STATISTICAL METHODS AND DATA ANALYSIS 218-21 (1982). Hypotheses were tested using a chi-square goodness-of-fit procedure to determine if the demographic characteristics' means were equal from the Dallas State Courts' sample and the present study's sample. To determine this, cell probabilities were calculated from the means. If the cell probabilities for each demographic characteristic appear to be the same, it may be assumed that the present studies' population is representative.

an artifact, e.g., arising due to a lower response rate for African Americans, thereby representing a response bias.

Data for this study was collected through use of a questionnaire specifically designed for this project.<sup>68</sup> Pretesting of the questionnaire for readability and clarity was conducted on a nonrandom group of twenty-nine subjects, none of whom were included in the final sample of respondents. The questionnaire consisted of two sections: section one gathered demographic information, and section two solicited ratings of overall fairness of the justice system and harshness of sentencing.

The first set of twelve questions in section one addressed demographics. The questions asked about respondent's gender, age, marital status, size of family, race, religious preference, political preference, level of education, household income, occupation, and job status. In addition, the demographic section inquired about past experience as a plaintiff, defendant, or witness. The next set of questions asked respondents whether they had been a victim of crime and, if so, whether they took action, such as contacting the police.

The second section of the questionnaire was designed to measure perceptions of how fairly the judicial system treats certain groups of people. Nine questions asked respondents to rate fairness on a Likert-type scale<sup>69</sup> from one to seven, with a rating of one indicating extremely unfair treatment by the judicial system toward that particular group and a rating of seven indicating extremely fair treatment.<sup>70</sup> To determine general attitudes about the overall fairness of the system, we recoded the nine "fairness" variables by combining the respondents' scores on all nine questions to reach a sum total value (global fairness score) representing overall attitudes of fairness.<sup>71</sup> The total global fairness scores ranged from nine to sixty-three, with nine representing perceptions of extreme unfairness in the system and sixty-three representing perceptions of extreme fairness.

Question eight, assessing judicial sentencing, was treated as a separate factor and not included in the global fairness score variable.<sup>72</sup> Questions eleven and twelve listed several factors common to a judicial proceeding. Subjects

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68. See Appendix I.

69. Renis Likert, *A Technique for the Measurement of Attitudes*, 140 ARCHIVES OF PSYCHOL. 4 (1932). Five point scales were studied as possible ways of measuring attitudes and opinions in large samples of subjects. It was found that the use of this methodology was more simple, less biased, and required fewer items to yield comparable reliability.

70. Items two, five, and eight were reversed and recoded to be consistent so that a high score indicated high perceptions of fairness. We reversed these items in the questionnaire to avoid mechanistic responses. In the case of missing data, a global fairness score was estimated when at least six of the nine items were completed.

71. ANNE ANASTASI, PSYCHOLOGICAL TESTING 358-65 (1982). A factor analysis procedure was conducted on items one through ten to determine the presence of a higher-order variable of fairness. Nine of the ten items (except number eight) correlated strongly and were analyzed as a single variable. Factor analysis is a statistical procedure that reduces the number of variables being examined. It is accomplished by first computing the intercorrelations for a set of data. Then mathematical techniques (dating back to Pearson and Spearman at the beginning of this century) are used which generate several higher-order factors. These new factors account for clusters of variance in the data set. It is the psychometrician's job to name these new clustered variables according to their respective domains.

72. *Id.*

were asked to order the three most important factors (question eleven) and indicate the least important factor (question twelve) in terms of significance to a fair criminal trial. Total frequency counts were computed for each factor and mean percentages were compared among factors. Finally, question thirteen asked jurors specific information about their jury duty. All data were analyzed using the SYSTAT program.<sup>73</sup>

#### IV. SURVEY RESULTS AND DISCUSSION<sup>74</sup>

##### A. PERCEPTIONS OF FAIRNESS AS MEASURED BY DEMOGRAPHICS

The global fairness score is a measure of the respondent's perceptions of fairness of the criminal justice system. In terms of our over-arching hypothesis, the most important finding is that juror status affects global fairness scores, such that jurors rate the criminal court system as more fair than nonjurors (47.1 vs. 42.6; Mann-Whitney U test statistic = 19,654,  $p=0.004$ ; chi-square approximation = 8.4, d.f. = 1). Jurors rate the system as nearly 11% fairer than nonjurors.

Global fairness scores also differed significantly among subgroups defined by demographic variables. Each demographic variable is discussed separately below and is first described for the combined group of jurors and nonjurors<sup>75</sup> and then examined to determine differences between jurors and nonjurors.<sup>76</sup>

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73. See Leland Wilkinson, *SYSTAT: The System for Statistics*. Evanston, IL: Systat, Inc. 1988.

74. Perceived fairness of the criminal justice system is assumed to be a highly subjective and complex construct that exists on several levels. Although the items of this questionnaire were generated following a review of the pertinent literature, tests of reliability and validity have not been completed. These psychometric shortcomings are recognized. Thus, conservative statistical analyses were used, limited interpretations of the findings are made, and generalization to the survey population is cautioned.

Several hypotheses were tested using analysis of variance (ANOVA), and tests for independent means. ANOVA allows us to test for overall effects, even when multiple variables are considered, using the *F*-ratio distribution. One-way ANOVA is very similar to the *t* test. Here we also used two-way ANOVA, which includes tests for each of two factors independently, as well as for their interaction.

In general, comprehensive tests are the most appropriate. If the ANOVA shows a main effect, then it is appropriate to check independent means for the source of the variation. This procedure helps to protect against inflation of findings due to chance effects arising from multiple individual comparisons.

The Kruskal-Wallis one-way ANOVA is appropriate for nonparametric data, and it was used to test whether the compared variables were from identical distributions. The Kruskal-Wallis or Mann-Whitney U test statistics are reported, along with the chi-square approximation. OTT, *supra* note 67, at 422-25.

Null hypotheses stated that the two variables being compared were from identical distributions. Rejection of the null hypothesis indicates that the variables are from dissimilar distributions. However, failing to reject the null hypotheses does not imply acceptance of it. That is, it cannot be concluded explicitly that any two variables under study are from identical distributions using the Kruskal-Wallis test.

75. See Table 2.

76. See Table 3.



### 1. Race

Two-way ANOVA demonstrated a significant main effect of race (Caucasian, African American or other;  $F=26.2$ ,  $d.f.=(1, 430)$ ,  $p<0.0001$ ,<sup>77</sup> but not an overall effect of juror status nor an interaction effect; thus, the ANOVA does not support formal tests of mean differences by juror status. As shown in Table 2, African Americans had the lowest rating of fairness (mean global fairness score=30.8) followed by Hispanics (41.1), Native Americans (45.7), and Caucasians (47.8).<sup>78</sup> While these differences appear to be large, it must be noted that there was a wide variation in the sample size of each racial group.<sup>79</sup> Prior research supports the finding that racial minorities perceive some aspects of the criminal justice system as less fair than Caucasians. Several studies conclude that race negatively affects attitudes about the fairness of the courts,<sup>80</sup> police and prosecutors,<sup>81</sup> and legal institutions.<sup>82</sup>

Informal inspection of Table 3, however, may stimulate hypotheses for future studies. It suggests a tendency for Caucasian jurors to view the court system as more fair than Caucasian nonjurors (49.4 vs. 46.5), in keeping with our original expectations. But the apparent effect is small, on the order of five percent. Hispanics jurors, like Caucasians jurors, tended to perceive the system as more fair than their nonjuror counterparts.

In contrast, African American jurors may tend to perceive the criminal justice system as slightly less fair than African American nonjurors. If this tendency were found to be significant in future studies, then the work of Adam and Dressler would clearly be relevant. These authors found that African Americans who felt most able to influence events and circumstances were most likely to perceive unfairness.<sup>83</sup> As one hypothesis, African American jurors as opposed to nonjurors may feel most able to influence events because they have registered to vote which in turn has resulted in their service on a jury.

### 2. Politics

Two-way ANOVA demonstrated a significant main effect of political affiliation (Republican or Independent vs. Democratic, or missing;  $F=31.9$ ,  $d.f.=(1, 404)$ ,  $p<0.0001$ ), and, importantly, a trend for an effect of juror status ( $F=2.9$ ,  $d.f.=(1, 404)$ ,  $p=0.09$ ), but no interaction effect, on global fairness scores. Republicans (49.4) perceived the criminal justice system as

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77. See Table 3.

78. See Table 2.

79. Three hundred sixty-one Caucasians were represented in the returned surveys, while only forty-four African Americans, twenty-two Hispanics, and eleven Native Americans responded. Therefore, while some conclusions may be made on the basis of the statistical differences, it should be kept in mind that the sample size of the minority groups is too small to guaranty a fair distribution. Moreover, it is unclear whether there is a racial bias among those responding.

80. See Turpen & Champagne, *supra* note 7, at 268 and discussion at notes 33 and 34.

81. See Krohn & Stratton, *supra* note 7, at 499; and *supra* note 38 and accompanying text.

82. See Casper, *supra* note 22, at 241; see also *supra* note 37 and accompanying text.

83. See Adams & Dressler, *supra* note 35; see also *supra* note 45 and accompanying text.

more fair than Independents (46.9), Democrats (39.5), and respondents who identified their political preference as "other" (41.3).<sup>84</sup> Comparing political preference of males and females, no matter what the political affiliation, males consistently view the system as more fair than females.

While not significant, the trend for an effect of juror status supports a preliminary inspection of mean differences, i.e., for the purpose of generating hypotheses for future studies. Republican jurors tended to perceive the system as more fair than Republican nonjurors (51.8 vs. 47.8).<sup>85</sup> Although not statistically significant, the global fairness scores of Democrats and Independents were also higher among jurors as compared to nonjurors.

### 3. Sex

Two-way ANOVA confirmed overall main effects of sex ( $F=9.7$ ,  $d.f.=(1, 432)$ ,  $p=0.002$ ) and juror status ( $F=5.4$ ,  $d.f.=(1, 432)$ ,  $p=0.021$ ), but not an interaction of these two factors, on global fairness scores.

Males rated the criminal justice system as generally more fair than did females (47.1 vs. 44.5).<sup>86</sup> Again, however, this is a small effect—on the order of a six percent difference between males and females. A study by Ollenburger, also suggests that men and women have different attitudes toward fairness.<sup>87</sup> Men's attitudes may be linked to personal responsibility, while women's are linked to social responsibility. While speculative, women may perceive the criminal justice system as more unfair because they feel that society should bear more responsibility for crime than the individual. It should be noted, however, that data are mixed. For example, a prior study by Turpen and Champagne found that perceptions of court fairness were not affected by sex.<sup>88</sup>

Mean comparisons showed that the difference between males and females held for nonjurors but not for jurors. Also, the difference between jurors and nonjurors was significant only for females,<sup>89</sup> with female jurors perceiving the system as more fair than female nonjurors (47.1 vs. 42.6,  $p=0.006$ ).<sup>90</sup> These results indicate that female jurors' perceptions of fairness, unlike female nonjurors', resemble those of men and support the primary hypothesis that exposure to and involvement in the criminal justice system leads to an increased perception of fairness.<sup>91</sup>

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84. See Table 2.

85. *Id.*

86. *Id.*

87. See Ollenburger, *supra* note 50, at 374, 380 and accompanying text.

88. See Turpen & Champagne, *supra* note 7, at 268; *supra* notes 33 & 34 and accompanying text.

89. Although male jurors thought the system was slightly more fair than male nonjurors, the difference was insignificant.

90. See Table 2.

91. For further exploration of the differences in gender reactions to law, see Lucinda M. Finley, *Breaking Women's Silence in Law: The Dilemma of the Gendered Nature of Legal Reasoning*, 64 NOTRE DAME L. REV. 886, 914 (1989) (citing Janet Hyde, *How Large are Cognitive Gender Differences? A Meta-Analysis Using  $w_2$  and  $\alpha$* , in FEMINIST RESEARCH METHODS 207, 215 (Joyce M. Neilson ed., 1990) (analyzing the impact of the process and

#### 4. Age

The median age was about 40 years. Subjects were classified into older (40-71 years) and younger (18-39 years) age groups.<sup>92</sup> Two-way ANOVA confirmed an overall main effect of juror status ( $F=7.7$ ,  $d.f.=(1, 434)$ ,  $p=0.006$ ) and a trend for age ( $F=2.6$ ,  $d.f.=(1, 434)$ ,  $p=0.11$ ), but no interaction of these two factors, on global fairness scores. For the entire group, there was a trend for age to affect global fairness scores, with the older group perceiving greater fairness than did the younger (46.9 vs. 44.6).<sup>93</sup> This trend is consistent with studies finding that age affects perceptions of fairness about the courts<sup>94</sup> and that younger African Americans perceive more unfairness than older African Americans.<sup>95</sup>

Jurors perceived the system to be more fair than nonjurors, regardless of age (46.6 and 48.9) vs. 42.9 and 46.3, respectively;  $p=0.019$ .<sup>96</sup> This finding is consistent with our primary hypothesis that involvement in, or exposure to the judicial system tends to increase people's perception of its fairness.

#### 5. Marital Status

Two-way ANOVA did not confirm a significant effect of marital or juror status, although there was a trend for an effect of marital status (married, cohabitating, relationship disrupted, or single;  $F=1.9$ ,  $d.f.=(1, 430)$ ,  $p=0.122$ ) on global fairness scores. There was a tendency for married and widowed respondents to perceive the system as more fair, compared to those who were separated, divorced, single, or cohabitating.<sup>97</sup> These results are consistent with prior studies that found that marital status had no correlation to perceptions of procedural fairness.<sup>98</sup> Possible explanations of this trend, however, could be that marital status is a proxy for age or social enfranchisement. Married and widowed persons, as a group, might be older, and this was shown above to affect perceptions of fairness. Or, marital status may be a function of social enfranchisement. Married or widowed persons have engaged in a more traditional lifestyle than those persons in the other status groups and thus may have more confidence in established institutions such as the judicial system. Upon informal inspection, only married respondents showed a tendency for effects by juror status, such that ratings of fair-

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nature of legal reasoning, and exhorting feminist jurisprudes to grapple with the male-defined nature of law and the language of the law)).

92. This procedure is termed a median-split.

93. See Table 2. The Kruskal-Wallis one-way ANOVA demonstrates a significant effect of age (Mann-Whitney U statistic = 21,144,  $p=0.033$ ; chi-square approximation = 4.5,  $d.f.=1$ ). However, the more comprehensive two-way ANOVA reveals only a trend.

94. See Turpen & Champagne, *supra* note 7, at 268; *supra* notes 33 & 34 and accompanying text.

95. See Adams & Dressler, *supra* note 35, at 764-65 and accompanying text.

96. See Table 3.

97. See Table 2. This distinction represents only a trend at best, as the difference was not statistically significant, and the sample size of all classifications except the married respondents was relatively small.

98. See Lind et al., *supra* note 12, at 973, 976; *supra* note 29 and accompanying text.

ness may tend to be higher for jurors than nonjurors.<sup>99</sup>

#### 6. Religion

Two-way ANOVA confirmed a significant main effect of religion (Protestant, Catholic, or other;  $F=4.5$ ,  $d.f.=(1, 430)$ ,  $p=0.012$ ), but not juror status nor an interaction effect, on global fairness scores. The small number of Buddhist respondents perceived the criminal justice system as the least fair (36.0), followed by the Jewish respondents (40.9), the respondents who chose "none" as a religious preference (40.2), respondents who chose "other" (43.1), and Catholic respondents (44.7).<sup>100</sup> Protestants not only represented the largest sample among the religious groups but also perceived the criminal justice system as most fair (48.1).<sup>101</sup> Upon informal inspection, only Protestants showed a tendency for an effect of juror status on perceptions of fairness, with jurors viewing the system as more fair than nonjurors (50.2 vs. 46.4).<sup>102</sup>

#### 7. Income & Education

Household income and the amount of education of the respondent had no significant effect on ratings of perceptions of fairness. These results are consistent with previous studies that found no correlation between either income or education and perceptions of procedural fairness.<sup>103</sup>

#### 8. Overview of Effects

The question remains as to what are the most important predictors of global fairness scores. A multiple regression analysis shows that five variables make independent contributions to the score: juror status, race, political affiliation, religion, and marital status. Together, these account for about twenty percent of the variability in global fairness scores.<sup>104</sup> Sex and

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99. See Table 3.

100. See Table 2.

101. *Id.* Again, as with race and marital status, the groups with the largest representation among the survey respondents had the highest ratings of fairness. However, as with the other variables, some of the groups are too small in size to give a reliable distribution.

102. See Table 3. However, again, the sample sizes for other religious groups were too small to measure differences effectively.

103. See Lind et al., *supra* note 12, at 973, 976; *supra* note 29 and accompanying text; see also *supra* Turpen & Champagne, *supra* note 7, at 268 and accompanying text.

104. See Table 2. Multiple regression analysis is a technique for assessing the effects of multiple variables on a dependent variable. With global fairness scores as the dependent (predicted) variable, we used a constant plus seven other variables; of these, sex and age did not make significant contributions to the score. The final variables were: juror status, race, political affiliation, religion, and marital status. The squared multiple  $r=0.202$ , indicating that these variables account for 20% of the variance in global fairness scores ( $F=19.9$ ,  $d.f.=(5, 394)$ ,  $p<0.0001$ ).

To confirm that each of these variables enters into the model, stepwise regression was done with alpha-to-enter and alpha-to-remove=.15. All five of the predictors entered the equation, and none were removed.

The pattern of correlations between the predictor variables was assessed using a nonparametric method. The Spearman correlation matrix showed that juror status was not

age were not confirmed as making independent contributions to the global fairness scores.

#### B. PERCEPTIONS OF FAIRNESS MEASURED BY CONTACT WITH THE CRIMINAL JUSTICE SYSTEM

The effect of contact with the criminal justice system on perceptions of fairness differed significantly between jurors and nonjurors. Specifically, the data indicate that jurors perceived the criminal justice system as about eleven percent more fair than nonjurors (47.1 vs. 42.6,  $p=0.004$ ).<sup>105</sup>

Interestingly, whether a person had been a victim of a crime had no bearing on that person's ideas of fairness within the criminal justice system. Additionally, whether a person took legal action as a victim of a crime had no significant effect on global fairness scores.<sup>106</sup> Although the difference is not significant, the evidence shows that victims who took some legal action viewed the system as more fair than those who did not take any action.

Involvement in a legal proceeding as a plaintiff or defendant also had no significant effect on global fairness scores. Similarly, whether a person who had been a plaintiff or defendant received a favorable decision seemed to have no effect on perceptions of fairness. This result is consistent with previous studies on fairness and shows that people are influenced by perceptions of the fairness of the procedure rather than the outcome.<sup>107</sup> Finally, whether a person had ever testified as a witness in a legal proceeding had no effect on global fairness scores.

#### C. PERCEPTIONS ON THE HARSHNESS OF SENTENCING

Respondents' views in the combined group on the harshness of sentencing in the criminal justice system were measured on a scale from one to seven, with a score of one indicating that the respondent did not think sentencing was harsh enough, and a score of seven indicating that the respondent was satisfied with the current sentencing practices.<sup>108</sup> As with fairness, the sentencing variables were split among demographic variables and experience with the court system. However, the only variable that was statistically significant ( $p=0.002$ ) was the political preference of the respondent. Republican respondents (1.94) thought that sentencing was not harsh enough. It should be noted that even though the differences between political preferences are statistically significant, the scores of all the groups were on the low end of the scale, indicating a general sense that sentencing was not harsh enough.

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correlated with the other four variables, but that the others were modestly intercorrelated ( $r=.109$  to  $.370$ , where  $d.f.<400$ , and the criteria is  $r=>.098$ ).

105. See Table 2.

106. For this variable, the sample size of those who took no action was 12.

107. See Tyler et al., *supra* note 3, at 638; *supra* note 23 and accompanying text. See also Lind et al., *supra* note 12, at 968, 974-75; *supra* note 25 and accompanying text.

108. See Appendix I, Section II, question 8.

#### D. ELEMENTS OF A FAIR CRIMINAL TRIAL

Respondents were asked to choose and rank, among a list of eleven, the three factors they considered most important for a fair criminal trial.<sup>109</sup> The results were remarkably similar among jurors and nonjurors, so the data were collapsed and are presented here for the entire group. As one example, both jurors and nonjurors chose accurate fact-finding as the most important factor for a fair trial. Specifically, twenty-nine percent of nonjurors and jurors chose this factor as the most important.<sup>110</sup> Closely ranked by both groups as the next most important factor was having a good lawyer. Other important factors ranked by both groups were having a good judge and the opportunity to tell one's side of the story. Other studies have also found that positive evaluation of counsel,<sup>111</sup> opportunity to state one's case,<sup>112</sup> and how hard authorities tried to be fair<sup>113</sup> were correlated to increased perceptions of fairness in the judicial system.

Respondents were also asked to choose from the same factors as above the least important factor necessary for a fair criminal trial. Both jurors and nonjurors, in essentially the same proportions, chose quick resolution of the case as the least important factor necessary for a fair trial. Other factors deemed unimportant included the ability to appeal, consistent results from case to case, and the availability of public trials.

#### V. CONCLUSION

Our hypothesis was that individuals exposed to the system as jurors would perceive the system as more fair than a comparable group of nonjurors. The data provide moderate support for our hypothesis. The effect holds for the entire group and also when age, sex, and political affiliation are considered. Most of the jurors surveyed found the system more fair than the nonjurors surveyed. The significance of this finding is that individuals without a vested interest in the outcome of a trial, who observed the system closely, found it fairer than those who have not similarly observed it. Each of these jurors may spread a positive word about the criminal justice system.

The news, however, is not all good. Not surprisingly, minorities perceive the system to be less fair than nonminorities. Moreover, African American jurors found the system slightly less fair than African American nonjurors, although the difference was not statistically significant. These data lend limited empirical support to anecdotal evidence of a potentially serious problem.

We cannot, however, be certain that the difference in perceptions of jurors and nonjurors are attributable exclusively to jury service. The process of selecting jurors and the dynamics of participating in a jury decision may independently contribute to the different perceptions of jurors and nonju-

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109. See Appendix I, section II question 11.

110. See Table 4.

111. See Lind et al., *supra*, note 12, at 973; *supra* note 15 and accompanying text.

112. See Tyler, *supra* note 17 and accompanying text.

113. See Tyler, *supra* note 18 and accompanying text.

rors. In the process of selecting jurors, prospective jurors who are seen as harboring views that the system is unfair may be more likely to be excluded from the jury. Thus, the selection process may contribute to the difference in juror and nonjuror perceptions of fairness. As noted above, a before and after study of jurors would avoid this problem, but would risk tainting juror deliberations and pose logistical problems requiring significant oversampling and loss of respondent anonymity.

Another limitation is that our sample may not be representative of the general population of jurors in the criminal court system in Dallas. For example, our respondents included fewer African Americans than might be expected based on a previous survey of Dallas jurors.<sup>114</sup>

The dynamics of participating in a jury decision may also independently contribute to the different perceptions of jurors and nonjurors. Jurors do not have a vested interest in the outcome of a trial. It should not matter to jurors who wins, but, it should matter to them instead that the correct result is achieved. Once the juror participates in the decision and becomes a part of the decision making system, however, branding that system as unfair becomes a criticism of the fairness of the juror. Thus, jurors may describe the system as fairer than nonjurors to advance their self-concept as fair persons.

Others have identified the importance of participation in the decision to parties' perceptions of fairness. Our research broadens this finding. Participation as a juror in the criminal justice system also increases perceptions that the criminal justice system is fair.

I do not know whether the jury is useful to those who are in litigation; but I am certain it is highly beneficial to those who decide the litigation; and I look upon it as one of the most efficacious means for the education of the people which society can employ.<sup>115</sup>

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114. See *infra* note 117.

115. ALEXIS DE TOCQUEVILLE, DEMOCRACY IN AMERICA 290 (Henry Reeve trans., 1900).

TABLE 1: COMPARISON OF THE DEMOGRAPHIC CHARACTERISTICS OF THE SAMPLES FROM DALLAS STATE COURT SURVEY<sup>116</sup> AND THE PRESENT STUDY (RESULTS IN PERCENTAGES WHICH WERE ROUNDED TO THE NEAREST 1%).

		Dallas State Courts	Entire Sample
Sex	Male	53	48
	Female	47	52
Age	18-39	43	51
	40-71	57	49
Marital Status* <sup>117</sup>	Married	70	64
	Never Married/Cohabiting	14	23
	Divorced	11	10
	Separated	3	3
	Widowed	2	. <sup>118</sup>
Race*	Caucasian	77	80
	African American	19	10
	Hispanic	.	5
	Native American	.	3
	Asian/Pacific Islander	.	1
	Other	4	1
Education*	Less than 4 years of High School	5	1
	4 years of High School	24	9
	1-3 years of College	27	34
	4 years of college or more	44	56
Family Income*	under \$49,999	57	51
	Over \$50,000	43	49
Job Status	Employed Full-time	77	80
	Employed Part-time	4	4
	Self-Employed	8	7
	Homemaker	4	3
	Retired	4	3
	Student	1	1
	Other/Seeking Employment	2	2
Occupation	Managerial	19	18
	Professional	21	23
	Technical/Sales	22	31
	Service	5	8
	Agriculture	1	.
	Mechanic/Craftsman	5	2
	Labor/Transportation	5	2
	Other	22	16

116. Dallas State Court Survey conducted by the National Center for State Courts in *The Relationship of Juror Fees and Terms of Service to Jury System Performance*, March 1991, Appendix C.

117. \* = Chi-square significant for frequency differences between the two groups; see the text.

118. . (dot) = percentage is less than one percent.



TABLE 2: MEAN GLOBAL FAIRNESS SCORES FOR SELECTED SUBGROUPS.

Independent Variables	Subgroups	Mean Score
Sex	Male	47.1
	Female	44.5
Age	18-39	44.6
	40-71	46.9
Marital Status	Widowed	52.5
	Married	47.1
	Divorced	43.9
	Never Married	43.0
	Separated	42.6
	Cohabiting	40.7
Race	Caucasian	47.8
	Native American	45.7
	Hispanic	41.1
	African American	30.8
Political Preference	Republican	49.4
	Independent	46.9
	Other	41.3
	Democrat	39.5
Religious Preference	Protestant	48.1
	Catholic	44.7
	Other	43.1
	Jewish	40.9
	None	40.2
If Past Victim <sup>119</sup>	Buddhist	36.0
	Took Action	45.8
	Took No Action	38.6

119. This is not significant ( $p=.118$ ), but victims who took action tend to perceive the judicial system as more fair. An explanation for the lower than expected probability in relation to the obvious mean differences is that very few victims reported taking no action, and in turn, this small subset is not equally distributed.

TABLE 3: MEAN GLOBAL FAIRNESS SCORES BY JUROR STATUS FOR SELECTED DEMOGRAPHIC VARIABLES.<sup>120</sup>

Independent Variable	Subgroups	Nonjurors' Rating	Jurors' Rating
Jury Service <sup>e</sup>		42.6	47.1
Sex <sup>c</sup>	Male	46.0	48.6
	Female <sup>a</sup>	42.6 <sup>b</sup>	47.1 <sup>d</sup>
Age <sup>(c)</sup>	18-39	42.9	46.6
	40-71 <sup>a</sup>	46.3	48.9 <sup>d</sup>
Marital Status <sup>(c)</sup>	Married	45.6	48.9
	Divorced	41.5 <sup>(b)</sup>	48.7
Race <sup>c</sup>	Native American	47.3	44.9
	Caucasian	46.5	49.4
	Hispanic	38.0	44.6
	African American	31.5 <sup>b</sup>	29.1 <sup>b</sup>
Political Preference <sup>c</sup>	Republican <sup>(a)</sup>	47.8	51.8
	Independent	45.4	49.0
	Democrat	38.0	41.4
	Other <sup>(a)</sup>	37.3	46.7 <sup>(d)</sup>
Religious Preference <sup>c</sup>	Protestant	46.4	50.2
	Catholic	44.1	45.6
	Other	43.0	43.3
	Jewish	40.0	43.0
	None	39.3	41.0
	Buddhist	33.0	48.0
Contact with the system		42.6	47.1

120. a: For that subgroup, the jurors and nonjurors were found to be significantly different ( $p < 0.05$ ).
- b: Within juror group, the subgroups significantly differed for that independent variable ( $p < 0.05$ ).
- c: There is a significant main effect of the independent variable in a two-way ANOVA. Additional sub-categories from Table 1 have not been included here, as they were not informative.
- d: There is a significant main effect of juror status in a two-way ANOVA.
- e: There is a significant effect of juror status in a one-way ANOVA.
- ( ) = a trend.

**TABLE 4: PERCENTAGES FOR THE RANK ORDERING OF THE THREE FACTORS PERCEIVED AS MOST AND THE LEAST IMPORTANT TO RECEIVING A FAIR CRIMINAL TRIAL BY THE ENTIRE SAMPLE.<sup>121</sup>**

	Primary	Secondary	Tertiary	Least
Accurate fact-finding	29.0	19.6	17.2	0.2
Good lawyer	20.2	16.4	11.4	3.5
Jury trial	12.7	13.4	12.8	0.9
Good judges	11.8	18.7	16.0	1.2
Opportunity to tell story	9.9	14.3	15.5	2.9
Efficiency	5.2	4.4	5.3	8.4
Quick resolution	3.5	4.9	5.6	30.4
Consistent results	3.2	4.4	5.6	18.1
Public trials	2.7	2.8	2.5	16.7
Ability to appeal	0.9	0.9	6.2	17.7
Other	0.9	0.2	1.9	0.0

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121. The overall population's rank ordering is reported because jurors and nonjurors' responses did not statistically differ.

Appendix I  
Questionnaire

## Section I.

1. Male  Female
2. Age
3. Marital Status:  Married  Widowed  
 Separated  Single  
 Divorced  Cohabiting
4. Number of children in your household:
5. Race:  African American/Black  Native American  
 Caucasian/White  Hispanic  
 Asian or Pacific Islands  Other \_\_\_\_\_
6. Religious Preference:  Buddhist  Muslim  
 Catholic  Protestant  
 Hindu  Other  
 Jewish  None
7. Political Preference:  Democrat  Republican  
 Other  Independent
8. How many years of school have you completed?  
 less than four years of high school  
 four years of high school (or GED) only  
 some college or technical/vocational training  
 college graduate  
 graduate school
9. What was your approximate household income last year?  
 under \$10,000  \$40,000 - \$49,999  
 \$10,000 - \$19,999  \$50,000 - \$59,999  
 \$20,000 - \$29,999  \$60,000 - \$100,000  
 \$30,000 - \$39,999  more than \$100,000
10. What is your occupation?  
 Managerial Specialties (financial, personal, public relations, advertising)  
 Professional (teacher, doctor, lawyer, judge, writer)  
 Technical and Sales (sales, clerical, computer operators, technicians)  
 Service (police, fireman, waitress, beautician, household worker)  
 Agricultural (farmers, operators and managers)  
 Mechanic/Craftsman  
 Operators, Laborers, Transportation workers  
 Other (Specify) \_\_\_\_\_
11. Job Status:  
 Employed full time  Student  
 Employed part time  Unemployed  
 Self-employed  Retired  
 Homemaker

12. What is your zip code? \_\_\_\_\_
13. Have you ever been a plaintiff or a defendant in a civil legal proceeding (such as a divorce, personal injury, etc.), a defendant in a criminal legal proceeding excluding minor traffic offenses, or a claimant in an administrative proceeding (such as workers compensation, social security disability, employment discrimination, etc.)?  
 \_\_\_ No (if no, go to question 14)  
 \_\_\_ Yes, if yes:
- a. \_\_\_ Plaintiff, civil \_\_\_ Defendant, criminal  
 \_\_\_ Defendant, civil \_\_\_ Claimant, administrative
- b. What was the subject matter of the case? \_\_\_\_\_  
 \_\_\_\_\_
- c. How was the case resolved?  
 \_\_\_ settled prior to trial or hearing  
 \_\_\_ by trial or hearing  
 \_\_\_ pending/unresolved
- d. If the case was resolved by trial or hearing, was it:  
 \_\_\_ trial by jury \_\_\_ trial by judge
- e. Was the decision in your favor? \_\_\_ No \_\_\_ Yes
- f. Were you satisfied with the outcome of the trial or hearing?  
 \_\_\_ No \_\_\_ Yes
- g. Were you satisfied with the process of the trial or hearing?  
 \_\_\_ No \_\_\_ Yes
14. Have you ever testified as a witness in any type of court or administrative proceeding?  
 \_\_\_ No \_\_\_ Yes
15. Have you ever been a victim of a crime or a wrongdoing?  
 \_\_\_ No (if no, go to question 16)  
 \_\_\_ Yes (if yes, please answer these questions)

- a. What was the nature of the most significant crime or wrongdoing? \_\_\_\_\_  
\_\_\_\_\_
- b. Did you:  
 \_\_\_ speak to police  
 \_\_\_ speak to an attorney  
 \_\_\_ speak to a governmental agency  
 \_\_\_ speak to a friend or family member  
 \_\_\_ took no action
- c. List other crimes or wrongdoings that you have experienced.  
 \_\_\_\_\_  
 \_\_\_\_\_

## Section II.

Please indicate whether you agree or disagree with the following statements about the court system, excluding law enforcement personnel.

1. The criminal court system discriminates against racial or ethnic minority groups.
 

Agree	Disagree
1 2 3 4 5 6 7	
2. The criminal court system does *not* discriminate against women.
 

Agree	Disagree
1 2 3 4 5 6 7	
3. The criminal court system discriminates against younger defendants.
 

Agree	Disagree
1 2 3 4 5 6 7	
4. The criminal court system discriminates against defendants with a lower socio-economic status.
 

Agree	Disagree
1 2 3 4 5 6 7	
5. The criminal court system does *not* discriminate against homosexuals.
 

Agree	Disagree
1 2 3 4 5 6 7	
6. The criminal court system discriminates against defendants with a physical or mental disability.
 

Agree	Disagree
1 2 3 4 5 6 7	
7. The criminal court system frequently convicts innocent defendants.
 

Agree	Disagree
1 2 3 4 5 6 7	

8. The criminal court system does *not* sentence defendants harshly enough.
- |               |          |
|---------------|----------|
| Agree         | Disagree |
| 1 2 3 4 5 6 7 |          |
9. A defendant who is a member of a racial or ethnic minority group is more likely to be convicted when the victim is white.
- |               |          |
|---------------|----------|
| Agree         | Disagree |
| 1 2 3 4 5 6 7 |          |
10. The criminal court system is generally fair to defendants.
- |               |          |
|---------------|----------|
| Agree         | Disagree |
| 1 2 3 4 5 6 7 |          |
11. Please choose the three factors you think are most important for a fair criminal trial and rank those three in order of importance (1 for most important, 2 for 2nd, 3 for 3rd).
- Efficiency
  - Good lawyer
  - Quick resolution of cases
  - The opportunity for everyone to tell their story
  - The ability to appeal
  - Consistent results from case to case
  - Public trials
  - Good judges
  - A jury trial
  - Accurate fact-finding
  - Other \_\_\_\_\_
12. Please choose the least important factor for a fair criminal trial (this is the same list as above; check only one item).
- Efficiency
  - Good lawyer
  - Quick resolution of cases
  - The opportunity for everyone to tell their story
  - The ability to appeal
  - Consistent results from case to case
  - Public trials
  - Good judges
  - A jury trial
  - Accurate fact-finding

13. Have you ever served as a juror?

No  Yes, if yes:

a. Number of times? \_\_\_\_\_

b. Have you served as a juror within the last 12 months?

No  Yes

c. What type of case did you most recently hear?

Civil \_\_\_\_\_ Criminal \_\_\_\_\_

d. If it was a criminal case, what was the nature of the offense?

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e. What was the age of the defendant? \_\_\_\_\_

f. What was the race of the defendant?

African American/Black  Native American

Caucasian/White  Hispanic

Asian or Pacific Islands  Other \_\_\_\_\_

g. What was the sex of the defendant?

Male  Female





# **Comments**

