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First among Strangers: The Selection of Forepersons
and Their Experience as Leaders in Civil and Criminal Juries

Leah Sprain

University of Washington

Laura W. Black

Ohio University

John Gastil

University of Washington

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Abstract

Although jury research has often investigated foreperson selection and influence, we know very little about the subjective experience of leading a jury and the impact it has on forepersons themselves. This multi-method study investigates the experience of jury leadership for forepersons serving on 212 criminal and civil juries.

Historically, jury research has had a “strong and enduring interest” in the role of foreperson and foreperson selection (Devine, Clayton, Dunford, Seying, & Pryce, 2001). This research has three common foci: tracking foreperson demographics, examining foreperson behavior during deliberation, and testing how forepersons influence jury decisions. Yet, despite a longstanding interest in these unique group leaders, we still lack a clear understanding of *their* experience of jury service and its potential impact on their lives.

In this study we investigate the experiences of 212 forepersons who served on civil and criminal juries in Seattle, Washington. We use a multi-method approach to analyze their experiences and address two sets of research hypotheses and questions. First, we examine the demographic characteristics of jury forepersons to assess which characteristics best predict foreperson selection. Then, we analyze how forepersons rate the importance of jury service and qualitatively analyze forepersons’ descriptions of their own experiences during the trial and the deliberations. Finally, we assess the impact of jury service on forepersons’ subsequent civic behavior.

Understanding Jury Leaders

Foreperson Selection

Previous research has shown that forepersons are more likely to be male (Boster et al., 1991; Dillehay & Nietzel, 1985; Hastie et al, 1998; Sannito & Arnolods, 1982), white (Devine, Buddenbaum, Houp, Stolle, & Studebaker, 2007), of higher socio-economic status (Baldwin & McConville, 1980; Strodtbeck & Lipinski, 1985), and better educated (Diamond & Casper, 1992; Foley & Pigott, 1997; Hastie et al, 1998). Despite social changes, these demographics have not equalized over time. For example, Beckham and Aroenson (1978) found that 9% of forepersons

were female (14 of 155) as compared to 46% expected on the basis of chance. Almost twenty years later, Devine et al. (2007) found that 71% of forepersons were male (127 of 179).

Some research argues that part of the reason forepersons tend to be white, educated males is that these individuals are more likely to engage in behavior that leads to foreperson selection (Sanders, 1997), such as sitting at the end of the table (Cowan et al., 1984; Diamond & Casper, 1992), being one of the first jurors to speak (Diamond & Casper, 1992; Sannito & Arnolds, 1982), or being the first juror to mention the need to choose a foreperson (Boster et al., 1991; Strodbeck & Lipiniski, 1985). Forepersons are also more likely to have previous jury service (Cowan et al., 1984; Dillehary, & Nietzel, 1985; Kerr et al., 1982).

In this study, we replicate and extend this past line of research by assessing how forepersons differ from other jurors. Consistent with past research, we predict a higher proportion of forepersons to be male relative to the larger pool of fellow jurors. In addition, we expect forepersons to have—relative to other jurors—slightly more education, political knowledge, and previous experience on juries. Broadening this line of investigation, we also expect forepersons to be selected, in part, based on their enthusiasm for service, which should be reflected in more positive attitudes toward jury service, government institutions generally, and their prior history of civic engagement. .

Forepersons' Experiences

There is very little research that directly investigates what the jury experience is like for people who are selected as forepersons. Some relevant research has investigated communication patterns during deliberation, and these studies have found that forepersons tend to participate and speak more often than other jurors (Hastie et al., 1983; Velasco, 1995). We expect that this higher level of involvement, coupled with the greater level of formal responsibility invested in

forepersons, contributes to a more rewarding experience of jury service, given that jurors in general find the jury experience to be satisfying (Cutler & Hughes, 2001). Research has also shown that jury service itself can influence jurors' subsequent civic attitudes and behaviors (Gastil, Black, Deess, & Leichter, 2008; Gastil, Deess, & Weiser, 2002). Thus, we predict that forepersons will assess their jury experience even more positively than do other jurors and have a greater increase in subsequent civic behaviors than other jurors. We also consider a research question about the subjective experience of forepersons.

Methods and Preliminary Results

Quantitative Analyses

Complete procedures, measures, and statistics will be provided in the full-length paper, but we can already provide a preliminary glimpse. We conducted a large-sample survey of persons reporting to jury duty in King County, Washington in 2004. Surveyed before, immediately after, and six-months after jury service, we achieved an average response rate of 71%, resulting in a sample of 206 trials including identified forepersons and 1,978 comparison jurors.

To test our first set of hypotheses, we used *t*-tests to compare forepersons with the other jurors serving on the same trials. Consistent with predictions, we found that jurors were disproportionately male ($t = 3.46, p < .001$) and more highly educated ($t = 3.57, p < .001$). Expressed in practical terms, only 40% of forepersons were women, though women made up 52% of the remaining jurors. Whereas the median juror had a college degree, the median foreperson was likely to have some graduate education. In addition, the average foreperson had served on 1.35 prior juries that reached verdicts, compared to 1.05 such trials for other jurors ($t = 1.71, p = .045$).

Moving to questions of civic attitudes, knowledge, and involvement, forepersons had—relative to other jurors—higher levels of political self-efficacy ($t = 4.42, p < .001$), more experience discussing politics in conversation ($t = 2.09, p = .019$), and more regular voting records of participating in past elections ($t = 2.70, p = .004$). The other attitudinal and behavioral measures, along with political knowledge, showed no significant differences.

Tests of the second set of hypotheses found that, consistent with predictions, forepersons' rated their overall jury experience even more positively than did their fellow jurors ($t = 2.41, p = .008$). In addition, they rated the importance of the jury's role "in resolving the case" as even higher than did other jurors ($t = 2.41, p = .008$). At the same time, forepersons did not differ from other jurors in their ratings of all other aspects of the jury experience, including their perceptions of the quality of jury deliberation or the jury's ultimate verdict.

Our final hypotheses replicated prior research on how jury service influences civic attitudes and behaviors (Gastil & Weiser, 2006), treating the foreperson role as a dichotomous predictor in a series of regression equations. Each equation predicted civic attitudes and behaviors six months after jury service, controlling for baseline pre-jury service measures of those same variables, along with a set of demographic controls (sex, age, education, political knowledge). A total of eight equations were run for four sets of behavioral and attitudinal changes; for six of the analyses, results showed no differences between forepersons and jurors. Forepersons were, however, somewhat more likely to increase their involvement in community and cultural group activities ($b = .037, p = .06$), and they demonstrated a *smaller* positive change in their political self-efficacy ($b = -.071, p = .001$).

Qualitative Analyses

To address our research question, we performed a qualitative analysis of forepersons' answers to open-ended survey questions about their experience. These questions were given to jurors shortly after they completed jury service and asked them to (1) explain their quantitative rating of their jury experience, (2) describe their emotions during the trial, (3) describe the parting words they received from the judge, and (4) describe their emotions during the deliberations.

Two researchers separately analyzed the responses that were provided by 107 of the forepersons in our sample. We performed qualitative analysis in line with procedures from Lofland & Lofland (1995). The first step was to independently engage in open coding of the data to ascertain general themes from each of the questions forepersons answered. Next, the coders will meet together to compare their initial findings, discuss the themes, and further develop and focus these themes according to the research question. These results will then be compared to the qualitative responses from other members of the jury.

At this preliminary stage, analytic categories include how forepersons evaluate their jury experience, discuss fellow jurors and trial participants, and report experiencing emotions. Initial analysis suggests that forepersons report complex emotional evaluations of the case and legal process. Many report being impressed by fellow jurors and staff, though some also report frustration.

Discussion

Our preliminary results indicate political self-efficacy as a predictor of foreperson selection. Additionally, it seems that serving as foreperson can influence one's civic attitudes and behaviors. By focusing on the foreperson's experience, we gain insight into jury service as a political and group leadership experience. We understand that results from jury and group

research are not always interchangeable. For example, the group literature suggests that in large groups a leader has less influence on whether a group member can offset bias whereas the jury research suggests that in larger juries the foreperson has more influence (Henningesen, Miller, Henningesen, Jakobsen, & Borton, 2004). In our conclusion, we will consider how understanding forepersons' role in and assessment of juries can inform interdisciplinary group research.

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