

# THE MAGIC OF RAYMOND BURR

## HOW JURY ORIENTATION PREPARES CITIZENS FOR JURY SERVICE

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When a potential juror walks into a King County courthouse in Washington State, he or she can expect to be immersed in a well-organized and thorough orientation procedure. Among other activities, administrators treat the jurors-in-training to a videotape featuring the words of Raymond Burr (of *Perry Mason* fame), who reminds them that “one of the most important services we perform in Washington State usually isn’t followed by a standing ovation or a bouquet of roses.” Thus, he welcomes them to jury duty — “an unappreciated, yet vitally important element of our democracy.”

Like their peers in other counties, the King County staff carry out the jury orientation routine meticulously, day-in and day-out. Despite such orientations being common practice, available research has not previously investigated the efficacy of such practices. Does this orientation procedure provide jurors with anything more than a history lesson and logistical information? If so, what is the nature of those effects? Furthermore, are jurors with varying levels of familiarity with the jury system impacted differently by this orientation procedure? Our study provides answers to these questions and suggests that courtroom administrators can use juror orientation as an instrument for improving juror participation and confidence in the jury system.

### OVERVIEW OF JUROR ORIENTATION IN THE UNITED STATES

Court systems around the country differ in a variety of important respects, including court size, jurisdiction, and procedures.<sup>1</sup> Nevertheless, the courts that routinely utilize juries are similar in that each court has a procedure to orient a group of average citizens and prepare them for potentially serving as jurors in a court trial. The American Judicature Society provides links to hundreds of counties around the United States to demonstrate the variety of ways courts provide orienting information to potential jurors. Courts typically provide practical information (e.g. parking, attire, breaks, etc.) as well as more abstract concepts, ideas, and insights such as the importance of the jury, essential law vocabulary, and what kinds of questions may be encountered during voir dire.<sup>2</sup> Whereas the presentation style of this information varies considerably, the content itself remains fairly consistent across jurisdictions.

In several courts, state law mandates the general character of juror orientation. For example, Arkansas state law requires court administrators to inform jurors of the nature of their duties and introduce them to legal terminology.<sup>3</sup> Similarly, Massachusetts general law indicates that potential jurors must be introduced to their duties and responsibilities including any general information that the court deems appropriate.<sup>4</sup>

To get a sense for the range of orientation styles and procedures, consider these examples. The district court in Washington, D.C.,

orients jurors via a PowerPoint presentation. This presentation includes a brief historical overview, summary of terms and juror duties, discussion of trial procedures, and an introduction to jury deliberation. The focus on the historical aspects of jury duty even attempts to invoke patriotic sentiment by quoting from Article III of the U.S. Constitution. The closing slide of the presentation reinforces the idea that jurors are participating in one of the most important roles they will play as a U.S. citizen.<sup>5</sup>

Calhoun County, Michigan, on the other hand, directs potential jurors to a Web site that introduces them to the procedures and expectations of being a juror. This Web site provides a more detailed presentation of court proceedings taking place prior to voir dire. Beyond reciting the facts of jury service, however, it also makes clear that as a juror one is “asked to perform one of the highest duties that can be imposed on any citizen.”<sup>6</sup>

Many states, including Washington, utilize videos to introduce potential jurors to the nature of their duties. Such videos include historical information, emphasize jury service as a patriotic duty, offer general information about procedures, and help set jurors’ expectations for the jury service experience.

### WHY ORIENTATION SHOULD MAKE A DIFFERENCE

Looking beyond the particular context of the courthouse, orientations are a familiar phenomenon in the world of institutions. Everyone in the course of their lifetime has attended a preliminary meeting of one form or another designed to introduce them to a new employer, school, private organization, or community. Surprisingly, little scholarly research has studied the intricacies of such orientations, let alone their efficacy in motivating their target audiences.

Most of the research that does exist is dedicated to managing and sustaining a productive workforce. It may seem a stretch to draw on such studies to understand jury orientation, but we believe new employee orientation is a more apt analogy than one might at first guess. After all, prospective jurors really are new employees of the court. Their new jobs are typically brief and poorly compensated, but they are jobs nonetheless. For each of the studies we review, we find clear parallels with the purpose and methods of jury orientation.

### FIRST IMPRESSIONS

When new employees accept a position at a company, usually an orientation ensues. During the time of that orientation, organizational consultant Barbara Kreisman argues, staff have a very small window of opportunity to positively affect the new workers’ impressions of the company. This initial period is critical because the new employees typically seek confirmation that their decision to take the job was the right one. Moreover, if they come to orientation with a negative initial

impression of the company, they are more susceptible to a change of heart during the orientation.<sup>7</sup>

The importance of positive first impressions is equally true for jury orientation. Similar to an employer, a courtroom administrator has a limited opportunity to positively influence the mindset of prospective jurors. Many people view jury duty as an inconvenience, to say the least. Therefore, during the orientation, it is important to give jurors the sense that their service is worthwhile — that the court will use their time wisely and will give jurors an important role to play in the justice system.

### INSPIRATION

Beyond such impressions, research on employee orientation by management researchers Valerie Davis and Brian Kleiner suggests that “the objective of orientation is to provide for a smooth transition into the new environment in a way that maintains motivation and gets the employee into production as soon as possible.” A positive orientation experience provides an opportunity for the employer to maintain or inspire motivation within the employee, which in turn means heightened productivity and success for the company. One of the successful orientation processes Davis and Kleiner identify centers on “building pride in the organization” by providing a new employee with corporate history, instilling pride and tradition, and emphasizing the importance of each individual employee.<sup>8</sup>

This aspect of orientation directly applies to jury orientation. Reminding jurors of their important role in the judicial process, as well as the long-standing tradition of the jury system in American history serves as an effective way of inspiring in jurors a willingness to serve. Just as Davis and Kleiner suggest, jury administrators seek to instill civic pride in both the jury system and the individual jurors themselves through videos, slides, and other media that highlight the jury’s history and the contemporary importance of participating in jury service.

### BUILDING TRUST

Human resource scholars John Wanous and Arnon Reichers have shown, however, that orientation can do more than impart information and inspiration. They conducted extensive research on how new employee orientation differs from other management processes commonly utilized in the workplace. Managers conventionally think of orientation as a time when terms of employment and related policies and procedures are discussed, often ad nauseum. Wanous and Reichers show, however, that imparting information is not sufficient. Instead, orientation should also establish new relationships with coworkers and manage the anxiety and stress that frequently accompanies the newcomer experience. Viewing orientation as a psychological contract is important in recognizing the beliefs and expectations of new employees. Addressing employee expectations, company intentions, and the responsibilities of both parties are all crucial for establishing mutual trust between employer and employee.<sup>9</sup>

This aspect of employee orientation also relates to juror orientation. Establishing an environment where jurors feel comfortable and in which they can trust the court personnel — including administrators, bailiffs, and judges — is integral to building a positive attitude about serving on a jury. In turn, a growing willingness to serve on a jury will

motivate jurors to take the tasks of listening and deliberating more seriously during the course of a trial.

In sum, these findings in the organizational management literature lead us to expect that jury orientation does have a measurable impact on jurors’ attitudes. Specifically, we began our research with the hypothesis that participation in jury orientation builds prospective jurors’ confidence and faith in the jury system and increases their willingness to serve on a jury, if asked to do so.

One interesting difference between jurors and most new employees, however, is that many of the jurors who answer the court’s summons are, in essence, being “re-hired.” Some will be reporting to jury service for the second, third, or fourth time, and others may have even served on a jury during their last stint at the courthouse. Thus, we predicted that the clearest effect of jury orientation would be on those prospective jurors who are appearing as a juror for the first time.

### STUDY DESIGN

The data we used to test these hypotheses comes from a larger national study on how jury service affects jurors in the long term, as discussed in the conclusion of this essay. As part of the larger study, our research team aimed to distribute questionnaires to prospective King County jurors immediately after they received their jury orientation. There were many days, however, when the logistics of the courtroom made that impossible. Sometimes court officials would set aside a room of jurors, delay their orientation, and ask us to administer the questionnaire early. Other times, latecomers would miss the initial orientation, complete the survey, then get oriented afterward. In effect, an unintended natural experiment took place in which a random subset of prospective jurors took their initial survey *before* receiving their orientation.

What this made possible was a systematic comparison of how the questionnaire was filled out by those prospective jurors who received an orientation versus those who did not. We collected data at the King County Courthouse and the Kent Regional Justice Center (encompassing both superior and district courts) between February 10, 2004 and August 20, 2004. Sixty-seven percent of those contacted by researchers agreed to complete the survey, yielding a total sample size of 4,837.

Fifty-three percent of the jurors were female, and 87 percent were white. The median educational level was a bachelor’s degree, with 38 percent of the sample having not completed college and 22 percent having obtained a graduate degree. The median age was 48. Compared to available Census records for the county, this sample had significantly more formal education and a lower proportion of ethnic minorities, but it was otherwise comparable in terms of age, work status, and gender.

The questionnaire that jurors completed included a wide range of items, and the ones used in this study appeared at the front and back of the survey. The first section of the questionnaire asked jurors about their attitudes toward selected legal institutions and jury service itself. Demographic items and questions about prior jury service appeared on the back pages. The complete wordings of attitude items appears in Table 1, along with the study’s main results.

## RESULTS

Initial calculations compared average attitude scores for those receiving jury orientation *before* the survey with the attitudes of those receiving orientation *after* completing the survey. The results in Table 1 show that post-orientation juror attitudes were more favorable toward both jury service and legal institutions than were pre-orientation attitudes. For instance, when asked their degree of confidence in the jury system, those taking the survey before orientation had an

average response of 3.54 (between neutral and high on the scale); by contrast, those taking the survey after orientation had an average score of 3.65, a difference that was statistically significant,  $t = 4.377$ ,  $p < .001$ . The only attitude that jury orientation did not appear to change was confidence in the U.S. Congress, which was included as a comparison attitude we expected to remain constant before and after orientation.

TABLE 1.

### COMPARISON OF MEAN ATTITUDES FOR JURORS RECEIVING VERSUS NOT RECEIVING ORIENTATION (WITH STANDARD DEVIATIONS IN PARENTHESES)

Attitude Measure	Before Orientation	After Orientation
Confidence in U.S. Congress	2.91 (.85)	2.95 (.85)
Confidence in U.S. Supreme Court	3.56 (.91)	3.61 (.89)*
Confidence in state and local judges	3.45 (.71)	3.50 (.70)*
Confidence in the jury system	3.54 (.75)	3.65 (.72)**
The criminal jury system is the fairest way to determine guilt or innocence of a person.	3.93 (.78)	4.01 (.72)**
The civil jury system is a good way to settle many civil lawsuits.	3.73 (.80)	3.84 (.72)**
I would report to jury duty if asked to do so in the future.	4.07 (.83)	4.12 (.77)*
I am hopeful that I will be required to serve on a jury today.	3.07 (1.17)	3.18 (1.12)**
Minimum N	1,238	3,459

Note. \* indicates a one-tailed  $p < .05$ ; \*\* indicates  $p < .01$ . Confidence scales ranged from 1 ("Very Low") to 5 ("Very High"). All other scales ranged from 1 ("Strongly Disagree") to 5 ("Strongly Agree").

The results in Table 1, however, could be misleading. This study design did not produce a *perfect* natural experiment, in that certain individual characteristics were correlated — albeit very weakly — with completion of the survey before orientation. The only demographic associated with time of orientation was education ( $r = -.03$ ,  $p = .048$ ), but other near-significant associations were found for age and ethnicity. In addition, the Kent courthouse had a much lower rate of jurors taking the survey before orientation. Thus, a more careful analysis required controlling for all of these differences in individual demographics and the particular courthouse when jurors served.

A straightforward statistical procedure for introducing such controls is partial correlation. Much like a regression analysis, partial correlations measure the association between two variables after controlling for others. In this case, we assessed the degree of association between the attitudes expressed on the survey and the time at which one received orientation (before or after survey) after controlling for sex, age, education, ethnicity, and courthouse.

In addition, this second analysis introduced a third variable — one's previous experience with jury service. We divided prospective jurors into three groups: (1) those who had never previously appeared for jury service; (2) those who had reported previously but were never seated on a jury; and (3) those who had served on one or more jury in the past.

Table 2 shows the results of this analysis. Even after controlling for demographics and courthouse, among those jurors who had never previously reported to jury service, jury orientation had a significant positive effect on four attitudes: confidence in the jury system, trust in the criminal jury ("The criminal jury system is the fairest way to determine guilt or innocence of a person"), trust in the civil jury ("The civil jury system is a good way to settle many civil lawsuits"), and eagerness to be seated on a jury ("I am hopeful that I will be required to serve on a jury today"). By contrast, no attitudes changed among those who had reported previously for jury service but were never previously assigned to a jury.

TABLE 2.

**PARTIAL CORRELATIONS OF JURY ORIENTATION WITH ATTITUDES  
AFTER CONTROLLING FOR SEX, AGE, EDUCATION, ETHNICITY, AND COURTHOUSE**

Attitude Measure	Never Reported Before	Reported But Did Not Serve	Served Before
Confidence in U.S. Congress	.01	-.01	.03
Confidence in U.S. Supreme Court	.03	-.01	.05*
Confidence in state and local judges	.01	.00	.06*
Confidence in the jury system	.08**	.01	.03
The criminal jury system is the fairest way to determine guilt or innocence of a person.	.04*	.03	.06*
The civil jury system is a good way to settle many civil lawsuits.	.06**	.01	.04
I would report to jury duty if asked to do so in the future.	.03	.03	.01
I am hopeful that I will be required to serve on a jury today.	.05*	-.02	.03
Minimum N	2,064	1,094	1,268

Note. \* indicates a one-tailed  $p < .05$ ; \*\* indicates  $p < .01$ . Confidence scales ranged from 1 ("Very Low") to 5 ("Very High"). All other scales ranged from 1 ("Strongly Disagree") to 5 ("Strongly Agree").

Those who had served on a jury before, however, showed a different pattern of attitude change. Like the novices, they showed greater trust in criminal juries after orientation, but they had none of the other significant changes that novices experience. Moreover, they had two significant changes that novices did not: those with previous service on a jury became more likely after orientation to express confidence in the state and local judges, as well as in the U.S. Supreme Court.

## CONCLUSION

### Summary and Implications

Our study shows that potential jurors who were exposed to the video orientation in King County consistently reported higher confidence in the jury system than those who did not watch the video. Moreover, jurors showed a greater interest in serving on a jury after viewing the video.

More telling, however, was the difference in the impact of the orientation on those who were returning jurors and those who had never served before. Those who had reported previously but never served on a jury appeared to have become somewhat numbed to the experience, and the orientation did nothing to their attitudes. Newcomers experienced considerable positive attitude change toward the jury system and their own jury service, and prospective jurors who had previous experience serving on a jury appeared to glean from the orientation a more favorable view of the larger legal system, including local, state, and federal judges.

One possible explanation for this result is the fact that those potential jurors who have previously served on juries have already established a general understanding (and positive view) of the jury service experience based on their past experiences. Watching the video for the second, third, or fourth time allows these individuals to focus more on the relationship between juries and judges within the legal system, a connection that may be more difficult to grasp for first-time jurors.

The results of this study suggest that the video orientation used in King County, Washington, is effective in inspiring juror confidence in the system and increases their willingness to serve and their excitement about serving. In any courthouse, tailoring one's video, slide, written, or oral orientation materials with these goals in mind could prove to be tremendously successful in building prospective jurors' confidence in themselves, the jury service experience, and even the larger legal system.

### Practical Recommendations

Based on the results of this study, we are confident that the tremendous amount of work that many administrators put into organizing and carrying out jury orientation is not in vain. To those court managers and jury administrators who wish to augment or revise their orientation procedures, we suggest that they view orientation as more than an information-dissemination exercise. Orientation can be the best means available for inspiring jurors, and this can feed into a virtuous cycle of citizen self-confidence, trust, and civic participation. After all,

jurors who have confidence in the jury system will be more willing to carry out this important civic duty.

In addition, administrators should keep in mind three different orientation audiences — the novices, the returning-but-never-serving, and the experienced juror. Special attention might be paid to the middle group, whose members appear to have become numb to the motivating effects of orientation.

One of the challenges that court administrators face is juror apathy and unwillingness to participate. Although other factors, such as inadequate compensation or loss of work hours, contribute to those sentiments in ways administrators cannot address, we believe that refreshing one's juror orientation materials with our study findings in mind could help combat juror indifference and bolster the public's overall confidence in both juries and judges.

## BEYOND ORIENTATION

As a concluding note, we wish to stress that changes one can make in jury orientation could have significance beyond the courthouse and the confines of a juror's brief service therein. Nearly two centuries ago, Alexis de Tocqueville contended that jury deliberation served a larger civic function in America. The jury, he wrote, "is highly beneficial to those who decide the litigation" and is "one of the most efficacious means for the education of the people which society can employ."<sup>10</sup> The U.S. Supreme Court has affirmed the view the American jury was designed to promote not only fair verdicts but also a sense of civic duty, and the experience of jury deliberation may boost citizens' sense of civic responsibility and levels of public activity.<sup>11</sup>

We mentioned at the outset that this study on jury orientation grew out of a larger research program, which is called the Jury and Democracy Project. This project has yielded clear evidence in support of the "civic educational" view of jury service. We have found that serving on a jury can change larger political and civic beliefs and behaviors — even leading to long-term changes in how often a person chooses to vote in elections.<sup>12</sup> In its own small way, a well-organized and inspiring jury orientation has similar effects on jurors' attitudes — leading to greater public confidence in juries and even judges. Moreover, by shaping jurors' evaluations of their larger jury experience, a powerful orientation likely contributes to lasting changes in both civic attitudes and habits that result from the unique experience of jury service.

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## NOTES

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