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To Conform or Not to Conform: An Examination of the Effects of Mock Jury Deliberation on
Individual Jurors

A thesis

Presented to

the faculty of the Department of Criminal Justice & Criminology

East Tennessee State University

In partial fulfillment

of the requirements for the degree

Master of Arts in Criminal Justice & Criminology

by

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May 2013

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Keywords: Conformity, Jury Decision Making, Social Influence

ABSTRACT

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by

Ashley Suzanne Bowser

The jury method is a unique social setting in the Criminal Justice system that provides opportunity for social influence to occur. Questions about the formation of jurors' individual and collective decisions have stimulated a great deal of interest and research. This study is a review of the juror decision-making process and the various sources of influence that can affect it. Mock jurors were asked to review a mock criminal trial as well as the testimony of 2 witnesses. Upon reviewing the case, a predeliberation verdict (guilty or not guilty) and the degree of certainty of that decision was made. Once deliberation had occurred and ended, the jurors were asked to make a postdeliberation verdict. This study was conducted to see if conformity would take place during a mock jury deliberation, and how influential the actual deliberation was on the jurors. The results demonstrated that not only did jury deliberation influence individual juror's verdicts, but it made their verdict confidence stronger as well.

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TABLE OF CONTENTS

	Page
ABSTRACT.....	2
ACKNOWLEDGMENTS.....	3
LIST OF TABLES.....	8
Chapter	
1. INTRODUCTION.....	9
Current Study.....	9
Hypotheses.....	10
Limitations.....	11
Definition of Key Terms.....	12
2. LITERATURE REVIEW.....	13
Classic Studies on Conformity.....	13
Types of Conformity.....	16
Gender and Conformity.....	18
Friendship and Conformity.....	19
Social Psychology Behind Jury Deliberation.....	21
Social Norms.....	22
Social Influence.....	23
Group Polarization.....	24
GroupThink.....	25
Majority Influence.....	26

Minority Influence.....	27
Jury Decision-Making Process.....	28
Models.....	29
Opinion Formation.....	31
Arguments	32
3. METHODOLOGY.....	34
Data.....	34
Sample Selection.....	34
Materials.....	34
Design and Procedure.....	35
Data Collection Instrument.....	36
Analysis.....	38
Summary.....	38
4. RESULTS.....	40
Univariate Statistics.....	40
Bivariate Statistics.....	42
Crosstabulation and Chi-Square.....	42
Hypotheses.....	46
Summary.....	48
5. DISCUSSION.....	49
Limitations.....	49
Implications.....	50
REFERENCES.....	53

APPENDIX: Data Collection Instrument.....	56
VITA.....	67

LIST OF TABLES

Table	Page
1. Demographics.....	41
2. Verdict Chi-Square test.....	42
3. Verdict Confidence Chi-Square test.....	44
4. Verdict and Sex Chi-Square test.....	46
5. Change in Verdict Frequencies.....	47
6. Postdeliberation Frequencies.....	47
7. Postdeliberation Frequencies.....	47

CHAPTER 1

INTRODUCTION

Social psychology suggests that people adjust their opinions (and occasionally even behaviors) to conform to the majority and/or socially desirable view. Conformity can happen in various spheres of social life. A social realm in which conformity is particularly noticeable is in small groups (Peoples, Sigillo, Green, & Miller, 2012).

The jury setting in the criminal justice system offers a unique social setting that provides the opportunity for social influence within networks. The jury method of deciding guilt involves group deliberation with an obligation of group unanimity, or adherence to some other formal decision rule, before a decision can be made (Foss, 1976).

By isolating a small group of individuals together under the pretense that a decision must be made could certainly make them predisposed to group influence. Jurors share their opinions with the hopes of coming to a group consensus. Those individuals who have differing opinions may feel the need to alter their opinions in order to reach group unanimity (Peoples et al., 2012).

Cohen (1978) notes, “There is more to the small group conformity process than inducing deviates to increase (and conformers to maintain) adherence to established norms, and sanctioning those who do not” (pg.441). The juridical decision process involves (1) an individual judgment process and (2) a group discussion wherein various social influence processes bring the individuals to a final agreement on the verdict (Foss, 1976).

Because trial juries deliberate in secrecy, questions of when and how jurors form opinions about evidence presented at trial has been the focus of seemingly endless speculation. In jury research, field studies may be very difficult to conduct than in other areas of social research. Because of the legal and ethical restrictions, a jury researcher can seldom, if ever,

systematically manipulate the conditions in which actual juries operate. As a result, most jury research is conducted using mock-jury simulations (Hastie, Penrod, & Pennington, 1983).

Devine (2012) reviews the main outcomes that are used in jury studies are grouped into three major categories based on their sequential order: predeliberation, deliberation, and postdeliberation. Various characteristics and influences can impact these three categories, not only causing an effect on the entire jury but on the individual jurors as well. As a result, jury deliberation has proven to be effective in influencing the individuals to conform to the dominant view.

Current Study

The purpose of this study was to examine the effects of jury deliberation upon an individual juror's verdict. The current study is an important contribution to existing literature, which has questioned the significance of the deliberation and jury processes. This study's main hypothesis was designed to test if deliberation would actually cause individuals to question or change their initial verdict preference. Many studies have focused on first ballot vote by juries that show a strong correlation to their final verdict (Kelven, 1958). In addition, studies have also shown that jurors tend to have their minds already made up before all evidence is presented (Kessler, 1975). It was hypothesized that jury deliberation would be influential and cause conformity within individual's verdict preferences.

Hypotheses

The current study tested three hypotheses regarding conformity:

Hypothesis 1. Gender is a significant predictor of conformity.

Hypothesis 2. Jury deliberation is influential on individual juror's verdicts.

Hypothesis 3. Jury deliberation will cause an individual juror's degree of certainty to become stronger.

In order to test these hypotheses, data were collected using an administered survey to undergraduate Introduction to Criminal Justice and Criminal Justice Statistics students at East Tennessee State University. From the results, conclusions and comparisons were drawn to determine gender differences in conformity, influence of jury deliberation, and individual verdict preferences and confidence.

Limitations

Numerous limitations were present with this study that should be recognized. First, this study's sample size was particularly small, with only 134 participants in the final analysis. This was due to time restraints and availability of classes to conduct the survey in. This study only examined participants in four Criminal Justice courses (Introduction and Statistics).

In addition, the sample was fairly homogenous in that all the participants were college students; inasmuch as there are differences between students and nonstudents, this could have an effect on the conclusions of the study.

Next, a sense of motivation to make the participants feel the importance of their decision-making process was difficult to create. Having the participants just read a case study and testimonies did not give the actual perception of a real juror. Using student subjects in questionable as well. According to Hastie et al. (1983) students differ as a group from actual jurors. Students' age, education, income, and ideology differ from real juries.

Lastly, time constraints were present with this study. The survey from beginning to end typically lasted 30 to 45 minutes. This caused the case script and additional information

(additional testimonies, sentencing guidelines, police reports, college official reports, etc.) to not be included. Adding these sources could have made the participants review the case closer.

However, with all of these limitations present, the study did prove two of the hypotheses presented to have statistical significance.

Definition of Key Terms

To ensure clarity for the purpose of this study, the following terms are defined:

Conformity: “the convergence of individuals’ thoughts, feelings, or behavior toward a social norm” (Smith & Mackie, 2000). This change is in response to real (physical presence of others) or imagined (pressure of social norms and expectations) group pressure (McLeod, 2007).

Social Norm: “ a generally accepted way of thinking, feeling, or behaving that most people in a group agree on and endorse as right and proper” (Smith & Mackie, 2000). Norm formation is itself a type of conformity, which has two parts: (1) the development of norms through pressures toward uniformity, and (2) the operation of established norms (Cohen, 1978).

Group Polarization: “when a majority of group members initially favor one side of the issue, communication and interaction usually move the group to an even more extreme position (Smith & Mackie, 2000).

Verdict preferences: “are often measured in terms of discrete choices (i.e. guilty v. not guilty) but sometimes using a continuum of culpability or responsibility” (Devine, 2012). One characteristic of a juror’s preferred verdict is the degree of confidence (Devine, 2012).

Verdict confidence (degree of certainty): “measures typically feature continues responses scales involving a subjective probability estimate” (Devine, 2012).

CHAPTER 2

LITERATURE REVIEW

Classic Studies on Conformity

Classic studies on conformity (Asch, 1951; Crutchfield, 1955; Jenness, 1932; Milgram, 1962; Sherif, 1936) show that individuals are influenced by group pressure or group norms.

Jenness (1932) was the first psychologist to study conformity. His experiment was a vague situation that involved a glass bottle filled with beans. The experiment asked participants to estimate how many beans the bottle contained individually. He then put the participants in a group in a room with the bottle of beans, and asked them to reach group estimation by participating in discussion. The participants were then asked to provide another individual estimation, to find out whether their initial estimation had altered based on the influence of the majority. Jenness then conducted interviews with the participants individually and asked if they would like to change their estimation or stay with the group's estimation. Jenness's research showed that a majority of the participants changed their individual estimation to be closer to that of the group estimation.

Sherif (as cited in Smith & Mackie, 2007) demonstrated how a group's power could affect its members' beliefs. The participants were undergraduate and graduate students, who made judgments alone and in pairs about how far a small light moved. While alone, each participant sat in a totally dark room and focused on a single point of light. As the participant focused, the light seemed to jump erratically and then disappear. The participant was then asked to write down on a slip of paper how far they perceived the light to have moved. Because a dark room provides no points of reference, the light did not actually move but rather relied on the

autokinetic effect, which occurs when an individual stares at a stationary point of light (Smith & Mackie, 2007).

Sherif (as cited in Smith & Mackie, 2007) then had participants return and evaluate the light's movement again, but this time as members of three-person groups. As they heard other group members' estimates of movement, group members' responses began to converge until they were nearly identical. In coming to a collective agreement, group members established a social norm, or consensus, about the movement of light (Smith & Mackie, 2007).

Asch (1951) conducted an experiment to investigate the extent to which social pressure from a majority group could affect a person to conform. Asch conducted a lab experiment for his study on conformity. The participants were 123 male college students who participated in a "vision test", which had them look at a standard line and then look at three comparison lines. There was an obvious incorrect answer in this task. In every group of participants, only one individual was an actual participant; the others were "confederates." The "confederates" had previously agreed what their response would be when asked to give their response. None of the actual participants knew of this agreement, which caused them to believe that the "confederates" were actual participants as well. Each participant was then asked individually to state aloud which comparison line matched the standard line.

The actual participants were seated in a way that would require them to voice their opinion last, after hearing the "confederate's" response. While the decision was an obvious choice, Asch was interested in to see if the real participant would conform to the majority view. In his study Asch (1951) found that most participants did conform to group pressure at least part of the time.

Crutchfield (1955) brought a group of five participants into a lab and seated them in separate booths. Each booth had a panel of lights and switches. Participants were told that they would respond to a series of problems present on slides and that the other participants' responses would be displayed on their light panel. Each participant was asked to wait to give a response. Just like in the Asch (1951) experiment, the participants seemed to agree with one another originally. Conversely, all of the participants were unaware that they were all responding last and that the experimenter was in control of the other participants responses.

In following trials each participant saw what appeared to be unanimous incorrect judgment on the other four participants' light panels. At that time, the participants were faced with going along with the unanimous decision or choosing their own perceived judgment. Just in the Asch (1951) study, the participants conformed to group pressure or group norms on most tasks. It showed that they were manipulated to see what the other participants appeared to all agree on.

Milgram (1963) set out to measure the willingness of a participant to obey instructions from authority, even when the instructions conflicted with the participant's personal conscience. The subjects were recruited by newspaper ads and direct mail to participate in a study at Yale University. Participants were men between the ages of 20 and 50 with various educational backgrounds. The participants (including the confederates) thought they were given a slip of paper that either said "learner" or "teacher," but in actuality the confederate just claimed to have "learner."

Milgram (1963) developed an intimidating shock generator, with levels starting at 30 volts and going all the way to 450 volts. The generator had switches that were labeled with "slight shock," "moderate shock" and "danger: severe shock." The participant or "teacher"

would then deliver a shock to the “learner” every time an incorrect answer was produced. While the participants thought that he was delivering real shocks to the other participant (who was the confederate), the confederate pretends to be shocked.

As the experiment continued, the other participant could be heard pleading to be released. Once the 300-volt level had been felt, the learner banged on the wall and demanded to be released. After this point, the learner became silent and refused to answer any questions. The experimenter then instructed the participant to treat silence as an incorrect answer and to deliver further shock.

The results showed that 65% of the participants in the study delivered the maximum shock. Of the 40 participants in the study, 26 delivered the maximum shocks, while 14 stopped before reaching maximum levels. It was noted that many of the subjects became extremely agitated, distraught, and angry with the experimenter. However, they continued to follow orders all the way.

Types of conformity

Kelman (1958) distinguished between three different processes of influence: compliance, identification, and internalization.

Compliance can be said to occur when an individual accepts influence because he hopes to achieve a favorable reaction from another person or group (Kelman, 1958). The individual accepts the majority behavior, in spite of not agreeing with it, due to the desire to fit in with the group. The individual is publicly changing behavior to fit in with the group while privately disagreeing. This process can be seen in Asch’s line experiment (1951). Thus the satisfaction derived from compliance is due to the social effect of accepting influence (Kelman, 1958).

Identification can be said to occur when an individual accepts influence because there is a need to establish or maintain a satisfying self-defining relationship with another person or group (Kelman, 1958). This process can be seen in the Zimbardo Prison Study where the individuals conformed to the expectations of a social role. The individual actually believes in the responses, which is adopted through identification, but their specific content is more or less irrelevant. The individual embraces the behavior because it is associated with the desired relationship. This is similar to compliance, but a change in private opinion does not have to occur. Thus the satisfaction derived from identification is due to the act of conforming as such (Kelman, 1958).

Internalization can be said to occur when an individual accepts influence because the content of the inducted behavior—the ideas and actions of which it is composed—is intrinsically rewarding (Kelman, 1958). The individual is publicly changing behavior to fit in with the group and also agreeing with them privately. The behavior that is adopted in this process tends to be integrated with the individual's existing values. Thus the satisfaction that comes from internalization is due to the content of the new behavior (Kelman, 1958).

Smith and Mackie (2007) review two important reasons that conformity occurs: Because people believe that the group is right and because they want the group to accept and approve of them. Most of the time people privately conform to or accept group norms as their own, believing them to be correct and appropriate. However on occasion, people publicly conform to norms they do not privately accept.

A majority of the time the tendency to let other people's reactions and responses influence our own occurs because we privately accept the group's view, believing it to be correct and an appropriate guide for our own position (Smith & Mackie, 2007). When people are truly

persuaded that the group is right, when they willingly and privately accept group norms as their own beliefs, even if the group is no longer physically present, private conformity occurs (Smith & Mackie, 2007).

However, at other times, conformity occurs because we feel we have no choice but to go along with social norms. Public conformity occurs when people respond to real or imagined pressure and behave consistently with norms that they do not privately accept as correct (Smith & Mackie, 2007). This type of conformity produces on a surface change. People conform publicly due to fearing ridicule, rejection, incarceration, or worse.

Gender and Conformity

The individual characteristic that has received the most attention by empirical researchers is juror gender. Most research on gender effects has used jury simulations, generally with student jurors, and typically the goal has been to find differences in conviction rates and recommended sentences (Hastie et al., 1983).

Early studies indicated that women were more likely to conform than men (Eagly & Carli, 1981). An analysis of research also shows that under certain conditions, women are more likely to conform than men and others under which men are more likely to conform than women (Eagly & Charvala, 1986). Women are more likely to conform than men in situations with group pressure, where informational social influence is being enforced (Bordens & Horowitz, 2009).

Eagly (as cited in Bordens & Horowitz, 2009) proposed two explanations for gender differences in conformity. First, gender may serve as a status variable in newly formed groups. Historically, the female gender role is seen as weaker than the male gender role. Second, women tend to be more sensitive than men to conformity pressures when their behavior is under

surveillance—that is, when their opinions must be stated publicly (Bordens & Horowitz, 2009). When women must state their opinions publicly, they are more apt to conform than men. In the Asch (1951) experiment participants were required to state their opinions publicly; this supports women conforming more than men.

Eagly and Carli's (1981) research findings on gender differences in group behavior are consistent with the commonly held stereotype that females are more worried with the social aspects of interaction and about the feelings of others, whereas males tend to focus more on task competition.

Eagly and Chvala (1986) experimented to examine status and gender role explanations of the tendency for women to conform more than men in group pressure settings. Subjects were under the assumption that they were assigned to groups, each containing two males and two females. The subjects received the other group members' opinions from previously given opinions. Subjects then gave their opinions with the other group member either having or not having surveillance over these opinions. The findings indicated that older females were significantly more conforming than older males when under surveillance.

Another observation that seems to create a division between genders is influence. Carli (2001) reveals that men generally have greater influence than women. Prior research on gender and social influence has tended to focus on gender differences and the ability to influence. Influence attempts by women and girls are more likely to be ignored than attempts by men and boys, and in group interactions, contributions by men receive more attention from other group members and have a greater effect on group members' decisions than the same contributions by women (Carli, 2001).

Friendship and Conformity

Dating back to Asch's experiments, research has shown that people tend to conform in social groups. McKelvey and Kerr (as cited in Peoples et al., 2012) say that research shows that groups of friends are less likely to exhibit conformity than groups of strangers.

Peoples et al. (2012) studied group decision-making in the jury setting. In their mock juries, the dominant stance is that of shifting toward acquittal (by switching to a "not guilty" verdict from pre- to postdeliberation). Participants were 304 undergraduate students in social science classes. The jurors were grouped into juries of six people and then given a trial summary. The participants were asked to provide a pre-deliberation verdict, and then instructed to deliberate and discuss their views with other jurors, then fill out a postdeliberation verdict. Additionally, they were asked questions about their friendships and relationships with the other jurors in their group.

They found that distant friendships among the mock jurors increase the likelihood of conforming to acquittal, but close friendships decrease the likelihood. Opinions between jurors are shared with the intention of coming to a group consensus. Individuals with a conflicting opinion may feel the need to modify their opinion. Modification of their opinion allows for group unanimity (Peoples et al., 2012). Their study also shares three processes in particular that may help explain patterns of influence toward conformity: impression management, idiosyncrasy credits, and cognitive dissonance.

Impression management refers to the interactional process of attempting to affect how others view us. Idiosyncrasy credits are a related idea toward impression management; the term refers to "credits" an individual accumulates that allow for deviation from group norms. Once enough credits have been collected, one is less likely to be sanctioned for deviation from group

norms. Cognitive dissonance refers to a cognitive process whereby individuals experience psychological discomfort when cognitions (ex. thoughts, behaviors, attitudes, values, and beliefs) are inconsistent with one another (Peoples et al., 2012)

In Peoples et al. (2012), the results showed that jurors were not persuaded to change their verdicts in huge numbers (just 12% changed), and most of the change that occurred was toward acquittal. The postdeliberation verdict breakdown across all jurors was 28% “guilty”, 72% “not guilty”. Nearly 30% of the jurors who initially felt the defendant was “guilty” switched to “not guilty” verdicts once deliberation had occurred, and just 2% of those who initially felt the defendant was “not guilty” switched to “guilty”. These results reflect a general tendency to conform to the dominant stance, which is consistent with most research on conformity.

Social Psychology Behind Jury Deliberation

The secrecy of jury deliberations has long interested lawyers and laymen as well as social scientists. Those who have interest wonder what actually goes on in the jury room. Communication researchers who are interested in studying small group interaction and conformity have used the jury setting as one small problem-solving group. However, the jury is a specialized small group, and generalizations of small group findings from other contexts to the jury must be made in a guarded manner (Kessler, 1975).

The University of Chicago conducted the first systematic empirical study on juries. The study consisted of judges in 3,576 cases, who responded to a questionnaire and relayed their judgment on each case before the jury reached its verdict. It showed that around 80% of the cases the same decision was given by both the judge and the jury (Kessler, 1975).

Kalven (1958) analyzed the verdicts and found that the first ballot vote by juries had a strong relationship to their final verdict. He found that in 90% of cases when the majority said

“not guilty” on the first ballot, the jury found the defendant “not guilty” on the final vote.

Furthermore, Weld and Roff (as cited by Kessler, 1975) conducted a study where experimenters read case scripts to mock juries and found jurors reached their decision even before all the evidence was presented.

These studies raise the question of whether the actual deliberation of the jury process makes a difference in the individual verdicts of the jurors. They also pose the question of what characteristics help the individual jurors reach their verdicts.

Social Norms

There is more to the small group conformity process than inducing deviates to increase (and conformers to maintain) adherence to established norms and sanctioning those who do not (Cohen, 1978). Sherif (1936) found that small group norms became established through the convergence of members' views toward a group consensus; more recently, this phenomenon has been termed “normalization”.

“Because people are profoundly influenced by others' ideas and actions, interaction or communication causes group members' thoughts, feelings, and behaviors to become more alike. Whether a judgment task is clear-cut or ambiguous, individual members' views converge to form a social norm. Norms reflect the group's generally accepted way of thinking, feeling, or acting” (Smith & Mackie, 2007, p.309). Norms are important because we need other people to help us construct an appropriate view of reality. Other individual's reactions tell us what the world is like (Smith & Mackie, 2007, p.319).

Some social groups share socially relevant features (for example, gender, age, or interest in an activity). Members in groups such as this may or may not interact much. Other social groups form because they share a common goal, and these groups interact and influence each

other to reach that goal or complete a task. By coming to a collective agreement, the group members establish a social norm or consensus (Smith & Mackie, 2007).

Social Influence

If we believe that group norms reflect reality, then conforming to them satisfies our need to be proficient. We believe that the group has more knowledge than we do, so by accepting their input we feel we have made better decisions (Smith & Mackie, 2007).

Social influence can be seen as a change in attitude, belief, or behavior triggered by the words, actions, or even mere presence of another individual. Deutsch and Gerard further distinguished between two types of social influence, informational and normative (Deutsch & Gerard, 1955).

When people privately conform because they believe a group's norms reflect reality, the group is said to have informational influence (Smith & Mackie, 2007). Deutsch and Gerard (1955) claimed that conformity could depend on two things: informational social influence (ISI), and normative social influence (NSI).

Informational influence arises from the communication of ideas, facts, impressions, data, and so on; it represents change attributable to the content of a message and a desire to be correct in one's beliefs (Devine, 2012).

Normative influence stems from a desire to feel included by others and avoid standing separately from the rest of the group (Devine, 2012). A group has normative influence when members conform to it to attain a positive and valued social identity and to win respect from other group members (Smith & Mackie, 2007). In other words, jurors can change their preferred verdict to be in clear consensus with other jurors without necessarily believing their new position

is the correct one. In contrast, informational influence tends to result in real cognitive change (Devine, 2012).

Deutsch and Gerard (1955) discovered that you could reduce normative social influence by allowing people to make their judgments privately, allowing them to record their judgments then discard them, or by giving them social support. Additionally, they discovered you can increase informative social influence by having ambiguous situations, when precision of the situation is crucial, when a supporter is likely to possess valid information, and when a person doubts individual ability (Deutsch & Gerard, 1955).

Group Polarization

The question arises, “ Why does group polarization occur?” Brown gives several explanations (as cited by Sunstein, 2007) of the occurrence.

First and considerably most important involves the exchange of information. Most people actively listen to the arguments made by other people. In any group whose members have a definite initial inclination, the views of most people in the group will be sewed in the direction of that inclination. He gives the scenario of the majority position within a group is that a defendant should be convicted. Individuals will have heard some of the arguments that emerge from group deliberation. As a result of hearing various arguments, deliberation will lead people toward a more extreme point in line with what group members initially believed. Through the process, many minds can polarize, and in exactly the same direction (Sunstein, 2007).

The second explanation involves social comparison. People usually want to be perceived favorably by other group members, even on a jury. Once an individual hears what others believe, some will adjust their positions at least slightly in the direction of the dominant position.

So on a jury most people do not want to be perceived as silly or stupid, so if 11 people are inclined to convict a defendant, the 12th will usually go along (Sunstein, 2007).

The third explanation of group polarization stresses the close links among confidence, extremism, and corroboration by others. As people gain confidence, they usually become more extreme in their beliefs. Agreement from others tends to increase confidence, and for this reason like-minded people, having deliberated with one another, become more extreme as they become less tentative (Sunstein, 2007). Baron (as cited in Sunstein, 2007) says that in many contexts people's opinions become more extreme simply because their views have been corroborated and because they become more confident after learning that others share their views.

So in the case of juries, the central lesson is clear. If most jury members believe a defendant is guilty, the jury is likely to convict the defendant, simply because it will polarize in the direction of a guilty verdict. (Sunstein, 2007). Group polarization can occur whenever individuals with compatible minds interact. Research shows that group polarization does occur among real jurors deciding real cases. In Kalven and Zeisel's study (as cited in Smith & Mackie, 2007) of jury decisions, it was found that in 209 of 215 cases the final outcome favored the position of the initial majority. Kalven and Zeisel offer an interesting metaphor for the impact of group discussion: "The deliberation process might be likened to what the developer does for an exposed film: it brings out the picture" (as cited in Smith & Mackie, 2007).

GroupThink

The decision-making process of a group can also show evidence of groupthink. Janis (as cited by Hart, 1991) coined this term as the pressure to reach a consensus that leads to an extreme or bizarre decision. Janis (as cited in Smith & Mackie, 2007) applied it to situations in which the desire to reach consensus interferes with effective decision-making (Smith & Mackie,

2007, p. 335). This situation could particularly happen to a jury in a long, highly publicized case. Janis states there are certain conditions that facilitate groupthink: the group is highly cohesive, it is insulated from outside information, it is under pressure to make a decision, all the options are not assessed, the group feels the responsibility in making a very important decision, and there may be a dominant leader. Under these conditions, group members are more probable to force conformity, selectively suppress dissenting information, overpower independent thinking, and impulsively rationalize or justify their position (Smith & Mackie, 2007).

Groupthink is said to have visible symptoms associated, which are the result of pressure to conform with the majority rather than of free and equal argument and deliberation with a group. Symptoms Janis (1972) identifies that could be influences in citizens juries include: Self-Censorship-individual jurors could use this to avoid conflict and deviation from key group perceptions; Pressure on dissenters- a majority of jurors may apply pressure on individuals or minorities who do not support the dominant views; Apparent unanimity-individual jurors may perceive a decision or value to be unanimously supported or shared within the jury.

Majority Influence

Smith and Mackie (2007) suggest that there are four factors that operate in favor of the majority opinion. The first factor occurs when the majority is offering a certain opinion of the arguments that are more numerous and almost certainly more diverse than the arguments of the minority. The minority of the jurors who disagree with the majority are likely to be presented with a set of persuasive arguments that they had not previously considered, and this is likely to move them towards the majority view.

Second, when several members of the group share information and opinions, they tend to be discussed longer than views held by only one person. Third, the majority arguments are

typically more compelling than the minority ones. When several people raise the same argument, it has more of an impact than one offered by a single individual. Common belief would trust that if multiple individuals come to the same conclusion, that decision is more than likely correct. Finally, the majority views tend to be expressed more forcefully than minority views. When individuals know that most people agree with them, the majority of those individuals use a more argumentative style.

The majority view is more likely than the minority to be accepted, because it is the view expressed more frequently, discussed in greater complexity, and seems more persuasive than the minority (Smith & Mackie, 2007).

Minority Influence

While majority influences usually persuades those holding a minority view to accept the majority view, on rare occasions a minority can persuade a majority to accept their viewpoint. Moscovici (as cited in Smith & Mackie, 2007) maintains that the success of minorities is dependent on the behavioral style of the individuals involved. If the minority is consistent and flexible and their arguments are relevant, then they might eventually win over the majority. The first of these factors, the consistency with which the group defends and advocates its position, is the most crucial. The consistency must be maintained between the minority group and over time. If the minority members agree and continue to do so, they could persuade the majority to question its own assumptions and consider those of the minority.

Moscovici, Lage, and Naffrechoux (as cited in Bordens & Horowitz, 2009) researched minority influence in a conformity situation. The participants were led to believe they were taking part in a study on color perception. Participants were shown various slides and asked to state the color of the slide aloud. However, unknown to the participants, confederates (who

comprised the minority) had previously been instructed to make errors on certain trials—calling another color aside from the obvious choice. Researchers found that 8.42% of the judgments made by the real participants were in the direction of the minority, compared to only .025% of the judgments in a control condition in which there was no incorrect minority (Bordens & Horowitz, 2009). In fact, 32% of the participants conformed to the incorrect minority. This showed that a minority could have a surprisingly powerful effect on the majority.

Nemeth (as cited in Smith & Mackie, 2007) suggests that when majorities are faced with a consistent minority sticking to their guns, they are puzzled and try to work out why they are convinced and so determined to express publicly unpopular views. The majority is therefore prepared to scrutinize the minority views and, on occasions, be convinced to follow them. Even when minorities fail to influence people initially, they could trigger a questioning process that disconcerts the majority and may lead to change.

Jury Decision-Making Process

Deliberation largely consists of a discussion of the evidence presented at trial and the judge's instructions about the law. The typical jury moves through three stages during deliberation: orientation, open conflict, and reconciliation (Brewer & Williams, 2005). In the orientation stage, jurors elect their foreperson, discuss procedures, and raise general trial issues. Hastie, Penrod, and Pennington (as cited in Brewer & Williams, 2005) say juries generally use one of two deliberation styles: verdict driven or evidence driven. Verdict driven juries typically advocate one particular verdict at a time and take frequent straw polls to monitor other jurors' opinions. Whereas, evidence driven juries begin discussions by focusing just on the evidence presented at trial (Brewer & Williams, 2005).

The second stage in jury deliberation is known as open conflict, at which stage jurors attempt to persuade their fellow jurors to reach a verdict. After the jury reaches a unanimous verdict, jurors then enter the final stage of decision-making: reconciliation. During this stage, juries attempt to ensure that every member of the jury is satisfied with the verdict (Brewer and Williams, 2005).

However, other research states that jury deliberation is the key element of the jury system that promotes its soundness as a factfinder. The opportunity to combine knowledge, compare and debate different understandings of the evidence, and correct one another's errors all enhance the jury's ability to reach a decision consistent with the evidence (Waters & Hans, 2009).

Kalven and Zeisel (as cited in Prager, 1995) say prior to group discussion or deliberation, jurors often come to a conclusion about a defendant's guilt or innocence prior to deliberation or group discussion; this is known as a predeliberation verdict. This predeliberation verdict can be influenced by any biases brought to the courtroom, by initial impressions of the case, and by the weight of the trial evidence (Prager, 1995).

Throughout deliberation, jurors share opinions and accounts of evidence about the trial while continually adding and reintroducing information. Prior research has found that in the process of sharing these accounts of information (i.e., statements of evidence) during mock or real jury deliberations, predeliberation verdicts of individual jurors become more extreme or polarized (Prager, 1995).

Models

The question of when and how jurors form opinions about evidence presented at trial has been the focus of seemingly endless speculation. In the short history of scientific study of juries, scholars have given this question a good deal of attention as well. Numerous theoretical models

have been offered addressing how jurors reach their individual decisions about the appropriate verdict—whether the defendant should be convicted or the plaintiff awarded damages (Devine, 2012). Some of the models tend to focus on how individual jurors come to their decisions, whereas other models focus on how the jury as a whole reaches a combined decision (Devine, 2012).

Views about how jurors arrive at their verdicts vary widely, but most can be characterized into three predominant models of jury decision-making: the Legal Model, the Story Model, and a third model asserting the significance of schemas, which is labeled as a the Schema-Tailored Model (Hannaford, Hans, Mott, & Munsterman, 2000).

The *Legal Model* is based on the idealized role of the fact finder within the context of an adversarial process. The responsibility to maintain an objective view of the proceedings has long been emphasized for jurors as well as judges (Hannaford et al., 2000). Jurors are expected to maintain neutral until all the evidence has been presented and the legal instructions have been given to them. Only after final deliberations have begun are jurors told to actively and collectively assess the compiled evidence and make critical judgments and conclusions.

The *Story Model* is the most accepted model of juror decision making with the social sciences (Hannaford et al., 2000). The Story Model assumes that jurors bring preconceptions and knowledge to their task, that they actively construct stories from trial evidence, and that they fill in missing details to increase the story's internal consistency and convergence with their world knowledge.

Pennington and Hastie (as cited in Hannaford et al., 2000) say that this model proposes that jurors go through three stages in their decision-making. First, they must process the evidence and construct one or more alternative stories (Devine, 2012). This story will depend on

the evidence, world knowledge, and on the personal experiences of the juror. In the second stage, the jurors are required to learn the verdict categories and legal requirements of each decision alternative. Finally, they must reach a decision by matching the preferred story with the most appropriate verdict category (Devine, 2012).

The *Schema-Tailored Model* is a variant of the Story Model; it agrees with an assertion that jurors begin their task with preexisting biases and assumptions about the world and how it operates. Donald Vinson, a jury consultant, suggests that jurors make up their minds right after the opening statements (Hannaford et al., 2000). Some adherents of this model discount the importance of evidence as the primary determinant of jury decisions and maintain instead that jury outcomes could be influenced by crafting a litigation strategy that presents evidence in a manner consistent with jurors' preexisting schema (Hannaford et al., 2000). But the verdicts may not be important if the stories are biased. Pennington and Hastie (as cited by Hannaford et al., 2000) bring up the relevant problem: do the jurors construct a story and then decide a verdict, or vice versa?

Opinion Formation

Walters and Hans (2009) built on earlier analyses to examine the development of opinion formation during trial, including the impact of jury deliberation on juror verdict preferences. Hannaford and her colleague examined opinion formation in Arizona civil juries. The project used questionnaires from 1,385 jurors from 172 civil trials. The collected work on jury decision-making confirms that the first ballot vote is strongly related to the jury's final verdict. Kalven and Zeisler's book, *The American Jury*, (as cited in Waters & Hans, 2009) concludes a strong relationship between the majority's verdict preferences at the start of the deliberation and the jury's final verdict meant that deliberation was not a significant element.

However, other research suggests that jury deliberation is important because of the benefits it provides. In fact, some scholars say that jury deliberation is the key element of the jury system, which promotes its soundness as a fact finder. It allows the jury to combine knowledge, compare and debate different understandings of the evidence, and correct one another's errors (Waters & Hans, 2009).

This was the first empirical study of the timing of opinion formation by jurors in actual trials. The data paint an interesting picture about the flexibility of civil juror opinion formation and the significance of group influence. From their data, it is evident that most jurors reported being willing to change their minds about their verdict preferences based on new evidence, argument by counsel, or interactions with other jurors (Waters & Hans, 2009). Most jurors even said that they waited until later in the trial to decide their final verdict preferences. Arguments

Burnett and Badzinski (2000) state that different from most other group decision-making contexts, courtroom jurors face two distinct layers of argument—those that are made during the trial and those that are made during deliberation. The jurors often make an individual decision prior to the deliberation based on arguments heard while in court and then, use that decision to create arguments with the other jurors about “what really happened.” Burnett and Badzinski (2000) used a previously made coding scheme to analyze arguments in eight mock juries. The results revealed that jurors' arguments were not complex; they rely on assertions, and nonrelated arguments. The conclusions in their article suggest practical applications for attorneys as well as model of argument in jury decision-making.

Summary

Social scientists have conducted studies that have given great attention to the numerous factors relevant to the jury decision-making process. These studies have given particular

attention to the social and psychological characteristics that jurors convey into the jury setting. In addition, the professionals have examined how these characteristics affect the interaction of jury members and the outcome of their deliberations. These studies also bring attention to the degree to which the deliberation process affects and adjusts individual verdicts.

CHAPTER 3
METHODOLOGY

Data

Sample Selection

The population used for the current study was students enrolled at East Tennessee State University during the spring term of 2013. The goal of this study was to determine the effects of a mock jury deliberation on individual jurors pre-deliberation and post-deliberation verdicts. A total of 134 subjects participated in this research; 68 males and 66 females. Professors in the criminal justice department were contacted verbally or via email, where the purpose of the study was reviewed, and permission was requested to distribute a questionnaire to students during their class period. Four criminal justice courses; two criminal justice statistics courses (47 students) and two introduction to criminal justice courses (87 students) were gathered. Three of the subjects returned booklets that had missing data. For this reason some of the analyses in the present study involve groups that are slightly uneven. Subjects volunteered to be a part of the study.

Materials

The survey materials consisted of booklets that contained information as part of a case brief on a murder case. The written testimonies of two witnesses were presented in the evidence. The case brief and witness testimonies were derived from a mock trial developed by the D.C. Street Law Clinic at Georgetown University Law Center and was distributed by Street Law, Inc. The manager of Street Law's website was contacted via phone, where the purpose of using the case was explained, and permission was granted to use the material in this study. The case brief included a statement of stipulated facts, and two testimonies; one witness for the prosecution and

one the defendant on trial. None of the charges or sentencing guidelines were presented to the participants.

Design and Procedure

This conducted study properly followed the federal guidelines established towards the ethical treatment of human research subjects. Prior to conducting this study, proper approval was obtained from East Tennessee State University's Institutional Review Board (IRB). Once the IRB's approval was received, a request was sent to the instructors in criminal justice statistics and introduction to criminal justice for permission to survey their enrolled students. Permission was obtained, and the survey was conducted in four courses. The researcher went to the course, was introduced, explained the purpose of the study, reviewed the informed consent document, described the procedures, sought participation, answered any questions, provided the booklet with an attached informed consent form, and made certain participants knew it was completely voluntary and anonymous. The researcher collected completed surveys and placed them in two marked envelopes (criminal justice statistics and introduction to criminal justice courses).

The researcher then gave each participant the appropriate instructions, after which the participants received and began reading the test booklet. They were told they would be reading a brief of a case describing a murder and that they would then read transcripts of testimonies provided by two witnesses. They were told that they would be allowed to read the trial transcripts at their own speed, after which they would render a personal verdict on the predeliberation verdict sheet. The predeliberation verdict sheet included a verdict for the defendant on trial (guilty or not guilty) as well as a rating of the degree of certainty of that decision on a seven-point Likert scale (one being "not very certain" and seven being "very certain"). Upon completion of the predeliberation verdict sheet, participants were asked to not

review the case brief and testimonies or their predeliberation verdict sheet. Participants were asked to get into groups of five or six jurors. Once in groups, the participants were informed that they were participating in a study examining the effects of jury deliberation. The participants were instructed to share their opinions and listen to other participants' opinions. From that point on, the researcher remained uninvolved in the discussion in order to simulate an actual jury deliberation as closely as possible. Discussion was allowed to continue for up to 30 minutes. When the researcher determined that deliberation had either come to an end or that the 30 minutes were up, subjects were asked to continue in their booklets. The next part of the survey was the postdeliberation verdict sheet. Participants were instructed to continue in their survey booklet. The researcher instructed the participants that they would be continuing the booklet as individuals. Each participant would again render a personal verdict for the defendant (guilty or not guilty), as well as rate the degree of certainty of that decision on a seven-point Likert scale (one being "not very certain" and seven being "very certain"). In addition to the postdeliberation verdict sheet, the participants also answered a questionnaire with five questions pertaining to the jury deliberation. Postdeliberation questions that reviewed participation, influence, conflict, and the group decision (if one was present) were asked. The deliberation between participants and the predeliberation and postdeliberation verdict sheets were used to examine the hypotheses of this study; it provided information regarding the effects of jury deliberation upon individual participants. Jury deliberation may influence individual jurors to change their verdict and/or verdict certainty on predeliberation and postdeliberation measures. The mock jury deliberation also fulfilled participants' expectations of the study based on their initial instructions.

Data Collection Instrument

A self-administered survey was used as the data collection instrument in this current study. This questionnaire was devised to gather information on the personal verdict preferences of individual jurors and examining the effects of jury deliberation on those preferences. Some of the designs from this study were adaptations from previous research. The questionnaire was four pages long and contained approximately 12 questions (included in Appendix). Four sections were assessed within this questionnaire, where their order is as follows:

- 1) Demographic Measures Scale: The first page of the survey asked respondents to identify some personal demographic constructs that included the following independent variables: gender, course that survey was taken in, and Greek Life affiliation. All three were measured categorically, where respondents were asked to circle the appropriate answer most fitting. Greek Life affiliation was asked on this survey due to the victim in the case and the two witnesses giving testimonies in a co-ed fraternity. This question was created to see if affiliation could have any correlation with the verdict preferences. It was noted during instructions, that Greek Life affiliation referred to a social fraternity or sorority, co-ed or not, and not to a honor fraternity or sorority.
- 2) Predeliberation Verdict: Participants were asked to render a verdict for the question, “How do you find the Defendant, Chris Archer?” This section asked participants to select “Guilty” or “Not Guilty” by circling their personal verdict. In addition, this page asked the participant to rate the degree of certainty of that verdict on a scale of 1 to 7 (1=not very certain, 2=not certain, 3=somewhat uncertain, 4=neutral, 5=somewhat certain, 6=certain, 7=very certain).

- 3) Postdeliberation Verdict: Upon participating in the jury deliberation with other participants, the individuals were asked to render their verdict again. This verdict sheet asked the participants again to select “Guilty” or “Not Guilty.” Again, the participants were asked to rate the degree of certainty on their verdict on a scale of 1 to 7 (1=not very certain, 2=not certain, 3=somewhat uncertain, 4=neutral, 5=somewhat certain, 6=certain, 7=very certain).
- 4) Postdeliberation Questions: The final section of the survey asked the participants five questions about their experience in the jury deliberation process. The first four questions asked the participants to respond by selecting either “agree” or “disagree.” Participants were asked about participation during the deliberation, if the deliberation was influential on their decision, if there was conflict during the deliberation, and if the deliberation made it easy to decide a verdict. The fifth question, asked participants “Did your mock jury (group) come to a unanimous decision?” and to respond with “yes” or “no.”

Analysis

The data in this research were examined using Statistical Package for the Social Sciences, version 20. The methodical techniques engaged within this research included Frequency Distributions, Descriptive Statistics, Crosstabulations, Chi-Square, and Cramer’s V.

Hypotheses

The current study was used to test three hypotheses regarding the effects of jury deliberation on individual juror’s verdicts and degree of certainty on those verdicts. The hypotheses are as follows:

Hypothesis 1. Gender is a significant predictor of conformity.

While there are some exceptions, research supports the view that females are more conforming than males (e.g., Eagly & Carli, 1981; Eagly & Chvala, 1986).

Research also suggests that men are generally more influential than women (Carli, 2001).

Hypothesis 2. Jury deliberation is influential on individual juror's verdicts.

Hypothesis 3. Jury deliberation will cause an individual juror's degree of certainty to become stronger.

CHAPTER 4

RESULTS

The purpose of this research was to examine how jury deliberation affected the verdicts of individual jurors. While focusing on the change of verdicts, another goal of the research was to review the change or strength on the individual juror's degree of certainty on their verdicts. Analytical techniques were applied in order to determine if there were any significant relationships between individual variables. First, the basic composition of the sample was determined through the computation of univariate statistics. This analysis provides statistics that are descriptive in nature; the results could not be used to determine if there were any relationships between the variables. Next, bivariate analyses were conducted in order to determine if there were any associations among the variables. Crosstabulation was conducted to show a joint frequency distribution of cases based on two or more categorical variables. The joint frequency distribution can be analyzed with the chi-square statistic to determine whether the variables are statistically independent or if they are associated. If a dependency between variables does exist, the other indicators of association, Cramer's v , could be used to describe the degree that the values of one variable predict or vary with those of the other variable.

Univariate Statistics

Frequency distributions were applied to some of the variables in this research. Frequencies for sex, Greek Life affiliation, and which course the respondent took the survey in were found (see Table 1). There were 134 participants within this study ($n=134$). For the participants' sex, there were 50.7% males, and 49.3% females. The respondents' Greek Life affiliation revealed that only 10% (14) were involved and 90% (120) had never had any affiliation. The distribution between the two courses surveyed showed that 65% (87) participants

were in Introduction to Criminal Justice, while 35% (47) participants were in Criminal Justice statistics. In addition, the study had five postdeliberation questions. The first four questions: “Did you actively participate in the jury deliberation?” (ACT), “Did you find the jury deliberation to be influential on your decision?” (JURY), “Was there conflict during the jury deliberation?” (CONFLICT), and “Did the jury deliberation make it easy to decide a verdict?” (DELIB). Participants were asked to circle “agree” or “disagree” after each question. The final question, “Did your mock jury (group) come to a unanimous decision?” (MOCK) asked the respondent to select “yes” or “no.”

Table 1

Demographics (Sex, Course, and Greek Affiliation)

Variable	N	%
Sex		
Male	68	50.7%
Female	66	49.3%
Total	134	100.0%
Course		
Introduction to Criminal Justice	87	64.9%
Criminal Justice Statistics	47	35.1%
Total	134	100.0%
Greek Affiliation		
Yes	14	10.4%
No	120	89.6%
Total	134	100.0%

Bivariate Statistics

Crosstabulation and Chi-Square

Crosstabulation models were used to show a joint frequency of cases based on two or more of the categorical variables. These distributions were then analyzed with the chi-square statistic to determine whether the variables are statistically independent or if they were associated. Cramer's V was used to describe the degree in which the values of one variable predicted or vary with another.

The first Crosstabulation (Table 2) showed the association between predeliberation verdict (FINDA) and postdeliberation verdict (FINDB). The predeliberation and postdeliberation verdicts were recorded from the survey response to the question, "How do you find the Defendant, Chris Archer." The participants were asked to circle the choice that indicated their verdict ("GUILTY" or "NOT GUILTY"). The 2 x 3 (FINDA x FINDB) analysis indicated a statistically significant difference, $X^2(2df, n=134) = 51.89, p < .001$. The corresponding Chi-Square tests, particularly looking at Cramer's V, showed a high strength of association, $V = .622$.

Table 2

Predeliberation Verdict and Postdeliberation Verdict

Predeliberation

Postdeliberation

FINDB

<u>FINDA</u>	Guilty	Not Guilty	Missing	Total
Guilty	25	12	1	38
<u>% of total</u>	<u>18.7%</u>	<u>9.0%</u>	<u>.7%</u>	<u>28.4%</u>

Table 2 (continued)				
Not Guilty	7	87	2	96
<u>% of total</u>	<u>5.2%</u>	<u>64.9%</u>	<u>1.5%</u>	<u>71.6%</u>
Total	32	99	3	134
<u>% of total</u>	<u>23.9%</u>	<u>73.9%</u>	<u>2.2%</u>	<u>100.0%</u>

Chi-Square test

	Value	df	Asymp. Sig (two-sided)
Pearson Chi-Square	51.894	2	.000

Symmetric Measures

	Value	Approx. Sig
Cramer's V	.622	.000

The second Crosstabulation displayed the association between the predeliberation degree of certainty (CERTAREC) and postdeliberation degree of certainty (CERTBREC). The predeliberation and postdeliberation degrees of certainty were based off of the seven-point Likert scale (1 being “not very certain” and 7 being “very certain”) that was presented to the participants during the study. The variables were each coded as (1-2=low degree of certainty/uncertain, 3-5=a moderate degree of certainty, 6-7=high degree of certainty/very certain). In the predeliberation degree of certainty (CERTAREC), the average confidence rating was a moderate degree of certainty (3-5 on scale) with 57% among participants. In the postdeliberation degree of certainty (CERTBREC), the average confidence rating shifted to a high degree of certainty (6-7), with 57% among participants. The data in Table 3 indicated

a statistically significant difference, $X^2(4df, n=131)=57.68, p < .001$. The corresponding Chi-Square tests, particularly looking at Cramer's V, showed a moderate strength of association, $V=.469$.

Table 3

Predeliberation Verdict Confidence and Postdeliberation Verdict Confidence

<u>Predeliberation</u>	<u>Postdeliberation</u>			
	<u>CERTBREC</u>			
<u>CERTAREC</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>Total</u>
<u>1</u>	3	2	1	6
<u>% of total</u>	<u>2.3%</u>	<u>1.5%</u>	<u>.8%</u>	<u>4.6%</u>
<u>2</u>	4	42	29	75
<u>% of total</u>	<u>3.1%</u>	<u>32.1%</u>	<u>22.1%</u>	<u>57.3%</u>
<u>3</u>	0	5	45	50
<u>% of total</u>	<u>.0%</u>	<u>3.8%</u>	<u>34.4%</u>	<u>38.2%</u>
<u>Total</u>	7	49	75	131
<u>% of total</u>	<u>5.3%</u>	<u>37.4%</u>	<u>57.3%</u>	<u>100.0%</u>

Chi-Square test

	Value	df	Asymp. Sig (two-sided)
Pearson Chi-Square	57.680	4	.000

Table 3 (continued)

Symmetric Measures

	Value	Approx. Sig
Cramer's V	.469	.000

The third Crosstabulation presented the sex of the participants and compared it to (NEWOPI), which indicated the number of participants who changed their verdict and/or degree of certainty after the jury deliberation. The 3 x 2 (NEWOPI x SEX) analysis did not indicate statistical significance, $X^2(2df, n=134)=2.294, p>.001$. It showed that 53% (36) of males changed their verdict and/or degree of certainty after the deliberation. The results showed 46% (31) did not modify from their initial verdict and/or degree of certainty after the deliberation. The females changed their verdict and/or degree of certainty after the deliberation 64% (42). Whereas, 33% (22) of participants did not modify from their initial verdict and/or degree of certainty.

Hypotheses

For Hypothesis 1, Table 4 was examined to see if gender was a significant predictor of conformity. While a majority of the participants (58%) changed either their verdict and/or degree of certainty after the jury deliberation, gender did not play a role in determining conformity rates. Because the results showed that gender was not a significant predictor of conformity, we failed to reject the null. Some research on gender differences suggests that females tend to conform more than males in situations with group pressure. However, in the current study this was not proven. Table 4 showed 53% of males and 63% of females conformed after the jury deliberation.

Table 4

Verdict Preference and/or Verdict Confidence and Sex

NEWOPI	SEX		
	Male	Female	Total
YES	36	42	78
<u>% within sex</u>	<u>52.9%</u>	<u>63.6%</u>	<u>58.2%</u>
NO CHANGE	31	22	53
<u>% within sex</u>	<u>45.6%</u>	<u>33.3%</u>	<u>39.6%</u>
Total	68	66	134
<u>% of total</u>	<u>100.0%</u>	<u>96.9%</u>	<u>97.8%</u>

Chi-Square test

	Value	df	Asymp. Sig (two-sided)
Pearson Chi-Square	2.294	2	.318

Symmetric Measures

	Value	Approx. Sig
Cramer's V	.131	.318

Hypothesis 2 used both the first and second crosstabulations to determine if jury deliberation was influential on jurors' verdicts. Both crosstabulations showed significant association between the verdict preference and the degree of certainty on those verdicts, thus causing us to reject the null. Table 5 showed that 78 (58.2%) of the participants had a change in their verdict preference and/or verdict confidence. In addition, two of the

postdeliberation questions were examined to test this hypothesis. Table 6 showed that 56% (75) of participants found the jury deliberation to be influential on their decision. Similarly, Table 7 demonstrated that 70% (94) felt that the jury deliberation made it easy to decide on a verdict.

Table 5
Change in Verdict Preference and/or Verdict Confidence

<i>Variable</i>	<i>Frequency</i>	<i>%</i>	<i>Cumulative %</i>
<i>NEWOPI</i>			
YES	78	58.2%	58.2%
NO	53	39.6%	97.8%

Table 5 (continued)

Missing	3	2.2%	100%
Total	134	100.0%	100.0%

Table 6
Question 2: Did you find the jury deliberation to be influential on your decision?

<i>Variable</i>	<i>Frequency</i>	<i>%</i>	<i>Cumulative %</i>
<i>JURY</i>			
Agree	75	56.0%	56.0%
Disagree	55	41.0%	97.0%
Total	131	97.0%	

Table 7

Question 4: Did the jury deliberation make it easy to decide a verdict?

<i>Variable</i>	<i>Frequency</i>	<i>%</i>	<i>Cumulative %</i>
<i>DELIB</i>			
Agree	94	70.1%	70.1%

Table 7 (continued)

Disagree	35	26.1%	96.3%
Total	134	96.1%	

Lastly, Hypothesis 3 used the second crosstabulation to determine whether the jury deliberation caused an individual juror’s degree of certainty to become stronger. As stated previously, the predeliberation degree of certainty (CERTAREC) was a moderate degree (3-5 on scale) with 57% among participants. During predeliberation 57% of the participants rated degree of certainty moderately (3-5 on the scale); while 57% of participants rated the degree of certainty high during postdeliberation.

Summary

A portion of the literature within Chapter 1 was supported through the analyses of this study’s hypotheses. However, the significance of gender as a predictor of conformity was not supported. All of the hypotheses were used to determine the main purpose of the study, which focused on conformity in the jury setting. The analyses showed that jury deliberation was influential on individual juror’s verdict and the degree of certainty.

CHAPTER 5

DISCUSSION

The current study was an investigation of the different characteristics that can cause an individual to conform: gender, group pressure, personality characteristics, social influence processes, social norms, opinion formation, etc. As indicated in this study, future studies should continue to analyze these characteristics to see how they cause individual conformity.

As stated previously, social psychology suggests that people alter their views to conform to a socially desirable opinion. Phillips and Clancy (as cited in Peoples et al., 2012), say that even the research process can be impacted by this inclination, as the respondents can exhibit a “socially desirability bias” in their answers to questions.

This study looked at mock juries to examine how deliberation impacted the likelihood of conforming (in this case, changing the verdict preference and/or verdict confidence). It was found that jury deliberation was influential on participants, and did have an impact on the postdeliberation verdicts. These are important findings for both the understanding of conformity in the jury setting as well as deliberation importance.

Limitations

Numerous limitations were present with this study that should be recognized. First, this study’s sample size was particularly small, with only 134 participants in the final analysis. This was due to time restraints and availability of classes to conduct the survey in. This study only examined participants in four Criminal Justice courses (Introduction and Statistics).

In addition, the sample was fairly homogenous in that all the participants were college students; inasmuch as there are differences between students and nonstudents, this could have an effect on the conclusions of the study.

Next, a sense of motivation to make the participants feel the importance of their decision-making process was difficult to create. Having the participants just read a case study and testimonies did not give the actual perception of a real juror. Using student subjects in questionable as well. According to Hastie et al. (1983) students differ as a group from actual jurors. Students' age, education, income, and ideology differ from those of real juries.

Lastly, time constraints were present with this study. The survey from beginning to end typically lasted 30 to 45 minutes. This caused the case script and additional information (additional testimonies, sentencing guidelines, police reports, college official reports, etc.) not to be included. Adding these sources could have made the participants review the case closer.

However, with all of these limitations present, the study did prove two of the hypotheses presented to have statistical significance.

Implications for Future Research

Prior research does suggest that group size can be a predictor of conformity. The current study attempted to have consistency in the size of the jury groups (typically 5 to 6 jurors). In future studies, various sizes of jury groups could be observed to see if any variation in conformity occurs.

During the current study, the investigator incidentally observed the participants commenting on various aspects of the study. Some of the comments heard during the deliberation included assuming charges, "We are charging him with second-degree murder," and "The maximum we can charge him with is 25 years." Some participants even questioned themselves saying, "It would be different if the defendant was standing in front of us right now," and "Do we have to reach a decision right now." Allowing the participants to give a verbal or written account of their experience could be useful in future studies.

Friendship has shown some association with conformity in previous studies. The current study did review this association in Chapter 1; however, it was not researched in the actual survey portion of the study. Participants were college students who were in the same course and potentially the same field of study. Friendships or other types of relationships may have been present but were not recorded.

Kessler (1975) states that most jury studies only examine variables that affect the product of deliberation, rather than evaluating variables affecting the process of deliberations (leadership, content, and participation). The current study did ask a postdeliberation question about the participation of the participant. Research on the effects of minority influences, judges' instructions, and sentencing guidelines has been conducted. The current study could be repeated with additional postdeliberation questions to further evaluate the deliberation process.

The current study only surveyed students enrolled in courses within the Criminal Justice department. Future studies, could not only continue to compare the correlation of conformity with multiple courses, it could compare the rates of several courses in various fields of studies.

When conducting jury research, field studies may be even more difficult to execute than in other areas of social research. Due to legal and ethical restrictions, a jury researcher can rarely, if ever, systematically manipulate the conditions under which an actual jury operates (Hastie et al., 1983).

Another important issue for jury simulations is the dissimilarity between consequences of a real jury and mock jury decisions. Real juries decide the fate of a real defendant; mock juries know that their verdict will not have a real impact (Hastie et al., 1983). No studies on actual jury deliberation have been conducted thus far.

Future studies should further investigate the decision-making process of jury deliberation by questioning mock jurors or actual jurors on influences they faced while deciding a verdict. The current study shows that the jury deliberation process is one that is influential on jury verdicts.

In the real world, the importance of jury deliberation should be stressed. Emphasizing the effectiveness and significance of jury deliberation to Criminal Justice professionals within the local, state, and federal court systems is crucial. I would propose that orientations be set up for juries to provide and review instructions and formal procedures, create motivation among the individuals, and deliver guidance about the deliberation process they will face. This would offer jurors the skills necessary to understand and participate in a successful deliberation process.

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APPENDIX

Data Collection Instrument

Dear Participant:

My name is Ashley Bowser, and I am a graduate student at East Tennessee State University. I am working on my Master's degree in **Criminal Justice and Criminology**. In order to finish my studies, I need to complete a research project. The name of my research study is **To Conform or Not To Conform: An examination of the effects of mock jury deliberation on individual jurors**.

You are being asked to act as a juror. Your involvement is limited to reading a case summary with witness testimonies, filling out a pre and post deliberation response sheet, and participating in a mock jury deliberation. This should not take more than 30 minutes.

This method is completely anonymous and confidential. In other words, there will be no way to connect your name with your responses. Although your rights and privacy will be maintained, the Secretary of the Department of Health and Human Services, the ETSU IRB (for non-medical research) and personnel particular to this research (**Ashley Bowser and the Criminal Justice Department**) have access to the study records.

If you do not want to fill out the survey, it will not affect you in any way. There are no alternative procedures except to choose not to participate in the study.

Participation in this research experiment is voluntary. You may refuse to participate. You can quit at any time. If you quit or refuse to participate, the benefits or treatment to which you are otherwise entitled will not be affected.

If you have any research-related questions or problems, you may contact me **Ashley Bowser**, at **423/534-5667**. I am working on this project together under the supervision of **Dr. Larry Miller**. You may reach him at 423/439-6054. Also, the chairperson of the Institutional Review Board at East Tennessee State University is available at 423/ 439-6054 if you have questions about your rights as a research subject. If you have any questions or concerns about the research and want to talk to someone independent of the research team or you can't reach the study staff, you may call an IRB Coordinator at 423/439-6055 or 423/439-6002.

Sincerely,

Ashley Bowser

Chris Archer v. New Columbia

Statement of Stipulated Facts

All parties to this action do hereby agree and stipulate to the accuracy of the following facts:

On November 22, 1997, 18-year-old Milan Jackson died as a result of a 26-foot fall from the clock tower located in the student center of Columbus University. Her death occurred during a pledging activity sponsored by Phi Gamma (hereafter Gamma), the coed fraternity Milan was pledging at the time. Milan was a freshman at Columbus University, having graduated from Ida B. Wells High School in 1997.

Greek life plays a large role on the Columbus University campus. Gamma, in particular, is known for having members in high academic and social standing. Milan was eager to become a part of this organization, as had her aunt, Tanya Maddox, in 1986.

Pledging is the process fraternities use to select which freshmen they will accept into their group that year. In the Gamma fraternity, the last week of pledging is known as "Hell Week." During Hell Week, pledges are given various tasks by the fraternity's upperclassmen, which they must complete if they want to be considered for membership. The defendant, Chris Archer is the president of Gamma, and was in charge of planning Gamma's 1997 pledging activities.

On the last night of pledging, known as "Hell Night," all pledges of the Gamma fraternity were blindfolded while inside of the Gamma fraternity house. Then they were to be led, one at a time, outside the fraternity house to perform one last task before they were informed who had made it into the fraternity and who had not. While Milan was outside and blindfolded, the defendant whispered something into her ear. Shortly thereafter, Milan grabbed the fraternity flag, ran to the student center and up to the clock tower. It was from the top of the clock tower that she fell.

At the time of her death, Milan's blood alcohol content was 0.10. The level of legal intoxication is 0.08.

Tyler Johnson Witness for the Prosecution

My name is Tyler Johnson. I am a senior here at Columbus University and I am also the vice-president of the Columbus University Chapter of the Phi Gamma Fraternity. Chris and I worked together to plan all of the Gamma events. We are also in charge of pledges and co-plan all of their activities. I was head of New Gammas when I was a freshman at Columbus. Usually, being the head of New Gammas means that you are the most promising new member of the fraternity, and will likely become president of the fraternity when you are a senior. However, when I became a senior, Chris Archer was elected president instead of me. I couldn't believe it! That back stabber was supposed to be my friend. I also can't believe that the other Gammas elected him/her to be the president. I knew one day the entire fraternity would find out Chris' true colors and regret electing him/her to such an important position. I bet they regret it now! Fortunately, if Chris goes to jail for this horrible crime, as vice-president I will automatically assume his/her position as president. When that happens, I will make this fraternity great again.

I got to know Milan pretty well when she pledged our fraternity. I liked her right away. She was smart, good-looking and really enthusiastic about Gamma. She was exactly what we look for in a Gamma. When I met her during rush week, I told her why being a Gamma is so special. Being a part of any fraternity or sorority is like having your own home away from home. It means being a part of a college family. We all support and look out for each other. Even after we graduate, Gammas are known for keeping in touch and doing a lot of professional and social networking. Gammas throw wonderful parties, but we are also really concerned about social and political issues. We believe in giving back to the community.

I also remember a statement that Chris made to Milan the first day we met her during rush week. Chris said, "If you really want to impress us, you can hang the Gamma flag on the top of the clock tower." Then s/he smiled. I could not believe that Chris would even suggest such a dangerous task.

Milan seemed to realize and appreciate the unique qualities of being a part of a Greek organization, especially the honor of being a Gamma. She told me that she had an aunt named Tanya Maddox who was president of the Gammas several years ago. Although this did not make her a legacy (you are automatically accepted on line if one or both of your parents is a Gamma), I was really pleased that she had a connection to, and was familiar with, our organization.

Milan had a personality that was somewhat reserved. She would really come out of her shell when she was talking about Gammas and her plans to be president of the fraternity one day. She was also more expressive when she was drinking. Other than those times, however, she was pretty quiet. If you did not know her well, her attitude could easily be mistaken as "stuck-up." A lot of the Gammas thought she was too snotty to the senior members of the organization. Chris was especially offended by Milan's personality. I think that the final straw for Chris was when Milan turned down his/her offer to go out with another fraternity member named Bryan. After that, it seemed like Chris was out to get Milan. Chris did not do anything at first, but s/he told me that s/he was going to plan something special for Milan on Hell Night, the last night of pledging. I asked Chris what s/he meant by that but s/he only said, "Hell Night will give Milan a permanent attitude change." I was really nervous about how weird Chris looked when s/he made that statement, and I begged him/her to tell me what s/he meant. S/he never mentioned

her/his plans again until the night of Milan's death. By then, of course, it was too late. I have to admit I really love to drink and party. Unfortunately, that has led to problems with my grades, and some of the Gammas think I have a drinking problem. I could tell right away that Milan was also a drinker. A lot of times, Milan and I would chill in my room drinking forties and have really long, personal discussions. She drank a lot, as much as I do. I think that the pressure she put on herself, along with the pressure of pledging, was sometimes a lot for her to take. She was a real perfectionist. She told me that she really wanted to be a Gamma more than anything else. She also said that just being a Gamma was not enough. She said she wanted to live up to her Aunt Tanya's memory by becoming head of New Gammas and then becoming president when she was a senior. I thought she was a little too obsessed with this whole Gamma thing, but I could relate to some degree. After all, I was head of New Gammas when I was a freshman. Unfortunately, Chris Archer was elected to be president of Gammas. Some said it was because everyone thought I drank too much, but I know it was a conspiracy started by Chris. I told Milan what happened to me.

I also told her that a lot of the Gammas thought she was stuck-up. I suggested that perhaps she should try to do something spectacular to impress the Gammas. She really needed to outshine the other pledges.

We also talked about her friend Pat. Milan said that she really loved Pat, but that Pat seemed jealous whenever Milan made new friends. I knew that Pat did not have what it took to be a Gamma. I asked Milan what she would do if she made Gamma and Pat did not. She said that she would always be friends with Pat but that she would not give up being a Gamma for anyone. I was relieved to hear this because I thought Milan would make a wonderful Gamma. I never really got to know Pat. I know that Pat had an asthma attack once during a pledging activity Chris and I planned. Chris let things get out of hand and had the male Gammas hit the pledges on the backside with a wooden paddle. Pat freaked out and had an asthma attack. I do remember that Chris and a couple of other Gammas went to visit him/her in the hospital the next day.

On the night of Milan's death, all the Gammas planned tasks for the pledges as part of Hell Night. Hell Night is the last night of pledging, before we decide who crosses over the line to become a Gamma and who does not. That night, we blindfolded all of the pledges and had them line up in the fraternity house. Then we brought each one out separately to perform a task. Usually, the tasks are pretty simple, but they are created to scare the pledges. For example we told one pledge to chew on a piece of glass. Then we put an eggshell in his mouth. Since he was blindfolded, there was no way for him to know whether the object was really glass until he chewed it. It really is harmless, but all in good fun.

When we brought Milan out to perform her task, Chris whispered something in her ear. I couldn't hear all of what Chris said but I know I heard the words "tower" and "flag." After hearing what Chris said, Milan snatched off the blindfold, grabbed the flag from Chris' hand and started running toward the campus center. Chris and a couple of the other Gammas, including myself, ran after her. The next thing I knew, we were chasing Milan up the clock tower. Chris was right behind her. By the time the rest of us caught up to the two of them, Milan had fallen off the tower. Only Chris was close enough to see what had happened. I am sure, however, that Chris pushed her. I bet s/he had been planning to kill her all along.

Chris Archer Defendant

My name is Chris Archer. I am the president of Phi Gamma, the oldest and largest coed Greek fraternity in the country. We are known for our great parties and our significant contribution to the community. As a result, numerous freshmen want to pledge Gamma. Rush week is the time of year when new freshmen on campus visit various fraternities and sororities to figure out which ones they would like to pledge. Likewise, the fraternities and sororities decide which freshman they would like to invite to pledge. Once someone becomes a pledge, they are what you call "on line." For the next couple of weeks they are tested in a variety of ways to see whether they have what it takes to "cross over the line" and become a member of that Greek organization.

I met Milan Jackson and her friend Pat in the beginning of September 1997, during rush week. Milan was pretty, bright, and very ambitious. She asked me a lot of questions about Phi Gamma. She wanted to know what would be required of her as a pledge. I thought that she was a little overconfident, since we hadn't made decisions as to which freshmen we would invite to pledge. I was not offended, however, because confidence is one of the qualities we seek in a future Gamma. I told her that if we invited her to pledge she would have to cross the line before becoming a Gamma. I also told her that if she showed strong leadership potential while on line, that she might be elected head of New Gammas. Being head of New Gammas as a freshman is a good way to become president of the fraternity during senior year. She said, "I am going to be head of New Gammas." I laughed and told her that she would have to be invited to be a pledge before she made all those plans for the future. Then I joked, "Well you know, if you really want to impress us, you will do something so great the campus administration will hang the Gamma flag from the top of the clock tower." We both laughed. I noticed that Milan's friend, Pat, didn't seem to be the Gamma type. S/he was kind of reserved and nerdy and didn't seem to fit in very well. Because they seemed so different, I asked how they knew each other. Milan told me that Pat had been a friend of hers since grade school. She said that she cared very much for Pat, and she hoped that they would become Gammas together, but that she would not give up becoming a Gamma for Pat. Even though I knew that Pat would never be chosen to become a Gamma, I was really turned off by that remark. After all, one of Gamma's strongest principles is loyalty, and I thought that Milan's attitude was not very loyal to her friend. The Gammas voted to make Milan a pledge. As president, I did not vote. I also did not warn them about some of Milan's less desirable qualities. I was hoping that maybe I was mistaken, and Milan had not been herself that day. Unfortunately, I was wrong. Milan began to show her true colors shortly after she became a pledge. She could be really sweet sometimes and really stuck up at other times. She was always nice to the Gamma officers but she could be really snotty to other Gamma members. When the news came out that she and her boyfriend broke up, a lot of guys started asking her out. I even tried to set her up with my friend Bryan. I thought that they would make a really nice couple. She turned the offer down flat and gave any guy that showed interest in her the cold shoulder. Many of the Gammas began to dislike Milan. I was hurt by her attitude at times, but I did not dislike her. I figured she must have had something serious going on in her life that made her behave that way. She could be a lot of fun sometimes. She was a lot of fun at parties. She would drink and be a lot more outgoing. We all enjoyed her at those times. The last week of pledging is known on campus as "Hell Week." This is when a fraternity or sorority plays pranks on the pledges. The Gammas like to give our pledges a hard time, but

we would never do anything to endanger their physical or emotional well being nor would we violate campus anti-hazing rules or the anti-hazing law. The pledges are responsible for knowing the history and charter of Phi Gamma. They also must know a detailed history of the Gamma fraternity here on Columbus University campus. We also had the pledges scrub the bathrooms with their toothbrushes, eat things sprinkled with hot pepper, and other harmless things of that nature. We never touched the pledges, nor did we encourage them to drink. We have had a couple of people get hurt while pledging, but these incidents were due to the recklessness of the pledges and not us. We encourage people to be responsible, but we can not force them to act that way. These people are adults and should be held accountable for their actions.

Pat Smith is a perfect example of someone who does not want to be held responsible for his/her actions. One night during Hell Week, Pat forgot his/her inhaler when we were all hanging out. S/he was sitting quietly in the corner and no one noticed him/her until s/he had passed out. We rushed him/her to the hospital. We were so worried. A few other Gammas and I went to visit Pat in the hospital. S/he seemed really happy to see us, I could tell that s/he really appreciated the visit. I think that the only reason s/he is telling these lies now is because s/he did not cross as a Gamma. S/he never raised any of these allegations when s/he talked to the police. I think that it is strange that s/he reported all of these things that we supposedly did only after s/he was not accepted as a Gamma. It really hurts to see her/him react this way. Even though s/he didn't cross, we were still nice to her. I don't understand why s/he is telling so many lies about us. I think that all of us have been through enough suffering with the death of Milan.

On the evening of her death, Milan seemed to have had a little too much to drink at our party. She started crying and saying that she knew we all hated her. I told her that that was not true. I said, "Sometimes we get offended by your attitude but we certainly do not hate or dislike you." Later, we blindfolded all the pledges as part of our fraternity tradition. On the last night of Hell Week, we have them do one last task. It is always something harmless and in good fun. We brought each of the pledges out one at a time to perform the task. When we entered the fraternity house to bring Milan outside, I said "we have something special in mind

for you." After we brought her out, I whispered to her, "you are going to have to raise the flag." What I intended for her to do was to hang a flag on the door to our fraternity house. I just wanted to scare her a bit. We always do that to the pledges. Milan went nuts! Before we could stop her, Milan snatched off her blindfold, grabbed our Gamma flag and ran off towards the campus center. She started yelling that she was going to show everyone how great she was. A few of us chased her because she was drunk and upset and we had no idea what she might do. She ran up the stairs of the clock tower and walked out onto the ledge. I was the first person to catch up with Milan. I was so terrified. I begged her to come inside, but she said that she wanted to hang our flag where everyone could see it. Then she stumbled. I reached out and grabbed her shoulder to stop her from falling but it was of no use. Milan fell anyway. It was horrible!

I am so sorry that Milan died, but I am not a murderer. She got drunk and chose to go out on that ledge without any prodding from me or the any of the other Gammas. I tried to stop her and now I am being accused of murder. The fact is that she put too much pressure on herself to be the best and that is what led to her death. Tyler Johnson is testifying against me because s/he is jealous. S/he expected to become Phi Gamma president, but I was

elected to the position instead. I did not intend for this to happen, but Tyler has such a horrible drinking problem that no one felt s/he was capable of handling such an important position.

Even if I wanted to haze, I would not do it. The consequences are too severe. Dean Thomas sent a memo warning students about the consequences of hazing. She wrote an added note to me on the memo and she also called me to say that Milan seemed unhappy.

PRE DELIBERATION QUESTIONS

PLEASE CIRCLE YOUR ANSWER CHOICE TO THE FOLLOWING QUESTIONS

GENDER:

MALE

OR

FEMALE

CLASS:

INTRO

OR

STATS

HAVE YOU EVER BEEN A MEMBER OF A FRATERNITY OR SORORITY?

YES

OR

NO

PRE DELIBERATION VERDICT

How do you find the Defendant, Chris Archer?

(PLEASE CIRCLE)

GUILTY

OR

NOT GUILTY

RATE YOUR DEGREE OF CERTAINTY ON A SCALE OF 1 TO 7, WITH 1 BEING
"NOT VERY CERTAIN" AND 7 BEING "VERY CERTAIN"

(PLEASE CIRCLE)

1 2 3 4 5 6 7

POST DELIBERATION VERDICT

How do you find the Defendant, Chris Archer?
(PLEASE CIRCLE)

GUILTY

OR

NOT GUILTY

RATE YOUR DEGREE OF CERTAINTY ON A SCALE OF 1 TO 7, WITH 1 BEING
"NOT VERY CERTAIN" AND 7 BEING "VERY CERTAIN"
(PLEASE CIRCLE)

1 2 3 4 5 6 7

POST DELIBERATION QUESTIONS
(PLEASE CIRCLE)

1) DID YOU ACTIVELY PARTICPATE IN THE JURY DELIBERATION?

AGREE
OR
DISAGREE

2) DID YOU FIND THE JURY DELIBERATION TO BE INFLUENTIAL ON YOUR DECISION?

AGREE
OR
DISAGREE

3) WAS THERE CONFLICT DURING THE JURY DELIBERATION?

AGREE
OR
DISAGREE

4) THE JURY DELIBERATION MADE IT EASY TO DECIDE A VERDICT?

AGREE
OR
DISAGREE

5) DID YOUR MOCK JURY (GROUP) COME TO A UNAMIOUS DECISION?

YES
OR
NO

VITA

ASHLEY S. BOWSER

Personal Data:

Date of Birth: July 21, 1989

Place of Birth: Kingsport, Tennessee

Marital Status: Single

Education:

Public Schools, Gray, Tennessee, 2007

East Tennessee State University, Johnson City, Tennessee;

B.S.S. Criminal Justice & Criminology, May 2011

B.S. Political Science, May 2011

M.A. Criminal Justice & Criminology, May 2013

Professional Experience:

Graduate Assistant

Student Government Association, 2011-2012

University Center Office, 2012-2013

Honors and Awards:

H.O.P.E. Scholarship (2007-2011)

Vice President, Student Government Association (2009-2011)

Who's Who Among Students in American Universities & Colleges
(2010 Inductee)

Student Leadership Hall of Fame (2011 Inductee)

Dorman G. Stout Jr. Student Leadership Endowment (2011)

Graduate Assistantship