SIMULATION, REALSIM, AND THE STUDY OF THE JURY
CHAPTER 10

JURY SIMULATION EXPERIMENTS: MAJOR CRITISMS

- Artificiality

- Ecological Validity

- Superiority Of Field Research

- Higher Level Of Verisimilitude Needed

- Response To Critics of the Experimental Method

TYPICAL PROCEDURES EMPLOYED TODAY IN JURY SIMULATION EXPERIMENTS TODAY

- BORNSTEIN (1999)
  - Performed a meta analysis on 113 jury simulation studies published between 1977 & 1996.
METHODOLOGY USED TO STUDY JUROR/JURY DECISION MAKING

- **Choice Of Method Is A Compromise:**
  - Realism (verisimilitude) or Ecological Validity
  - Precision or control
    - Internal Validity
  - Generalizability
    - External Validity

- **Type of Method** will/should be driven by your research question, logistical limitations, and cost limitations.

FIELD STUDY

- **Systematic observation** of behavior taking place in its natural environment.

- This research includes:
  - direct in-court observations
  - post-deliberation interviews
  - analyses of court records or archives (trial transcripts, rulings, & judicial instructions).

FIELD STUDY: BENEFITS OF
FIELD STUDY: DISADVANTAGES

- **Lack of Control and Internal Validity Concerns:**

- There may be many serious legal, ethical, logistic, and practical barriers to manipulating variable/s of interest in the “real” world.

- **Many Interesting Aspects Of Jury Behavior Are Inaccessible To Observation:**
  - **Jury Deliberation Process Private:** Only retroactive analysis is possible.

  - Jurors are not to discuss their opinions of the case during a trial.
  - Can’t ask for predeliberation verdicts . . .

- **Practical drawbacks of field studies:**
EXPERIMENTAL DESIGNS:
REALISTIC JUROR/JURY SIMULATIONS

- **Realistic jury simulations** closely reconstruct the behavioral settings that “real” jurors are exposed to and would collect group verdicts unrestrained by time limitations (Kerr & Bray, 2005).

EXPERIMENTAL DESIGNS: CRITISIMS

Criticisms Center Around Ecological Validity & Generalizability

- **External Validity & Generalizability:**

EXPERIMENTAL DESIGNS: BENEFITS

- **Experimental Control:**

- **Causal Inferences:**

- An experiment must have high internal validity to have high external validity.
  - “If random or systematic error makes it impossible for the experimenter to draw any conclusion from the experiment, the question of generality of these conclusions never arises” (Carismith, Ellsworth, and Aronson, 1976).

- **Replication:**

- **Random Assignment**
EXPERIMENTAL DESIGNS: BENEFITS

- Ability to Observe Deliberation Process

- Research costs and ethics:

WHAT AMOUNT OF REALISM IS NECESSARY IN JURY SIMULATION STUDIES?

Kerr & Bray (2005)

- There is a lot of variance in the realism of jury simulation studies. The question researchers should ask is what amount of realism is necessary to reliably answer the questions of interests?

- Just as with choice of method (field research vs. lab research) there is no perfect level of realism and increasing realism will cost you ______________

______________________________________________________________________________________________

Whereas, decreasing realism will cost you __________________________________________________________________________.

Group Size

- Group Size Effects were neglected until the 1970’s when a Supreme Court decision fueled interest in topic:

Jury vs. Juror Decision Making

- There has been no comprehensive empirical review comparing juror with jury verdicts/judgments.

- The Courts believe that juries will balance out biases and correct memory errors of their members.

- Costs associated with using juries:
Are Juries more or Less Bias Than Individual Jurors?

- **Social Decision Scheme Theory** (J.H. Davis 1973):

- **Kerr et al (1996):**

  Research On Criminal Juries Suggests That:
  - Predeliberation **majorities**
  - **Pro-acquittal** factions prevail when
  - **Leniency Shift:**

- **Group Polarization:**
  - Persuasive-arguments **theory:**

  Trial Realism: Mode Of Presentation

- **Live Trials**

- **Abbreviated Transcripts & Trial Summaries Advantages:**

- **Abbreviated Transcripts & Trial Summaries Disadvantages:**
Trial Realism: Mode Of Presentation (Cont.)

- **Video-Taped Trials:**

- **Bornstein (1999) Meta Analysis:**
  - Confound/complication in such research is

  **Trial Realism: Length Of Trial & Method Of Collection**

  - **Kramer & Kerr (1989):** contrasted a longer (100 minute) videotaped trial to a shorter (10 minute) version.

---

**Internet Data Collection:**

**Trial Realism: More Or Less Realistic Dependent Measures**

- Sometimes the use of unrealistic measures reflects legal naiveté and/or carelessness.

- Unrealistic measures are also used for valid reasons:
  - Improve sensitivity of statistical tests:
  - Driven by Theory:
**Subject Populations**

- **College Students:**

**IS THERE A RIGHT WAY AND A WRONG WAY TO STUDY JURIES?**

- “The choice among the [research] strategies should be made with an eye to their respective advantages and weaknesses and on the basis of (1) the nature of the problem the investigator want to study, (2) the state of prior knowledge about this problem, and (3) the amount and kind of resources available to the investigator.” (Runkel & McGrath, 1972, p.89)

- No choice of method is free from compromise: Researchers are continually faced with a **mulihorned dilemma**. In choosing to avoid one horn, they invariably are gored by another. (Runkel & McGrath, 1972)

  - **What are these 2 horns?**

- “The trick is not to search for ‘right’ strategy but to pick the strategy that is best for your purposes and circumstances and then use all the strengths of that strategy and do whatever can be done to limit or offset its inherent weaknesses.” *(Runkel & McGrath, 1972, p.117)*