BOSTON UNIVERSITY

GRADUATE SCHOOL

DISSERTATION

JUROR, JUDGE, AND COUNSEL PERCEPTIONS OF VOIR DIRE

by

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B.S., University of Illinois, 1977
M.A., Boston University, 1980

Submitted in partial fulfillment of the

requirements for the degree of

Doctor of Philosophy

1983

NIJ Grant no. 81-IJ-CX-0040

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Abstract

Exploratory research was conducted on the voir dire of prospective jurors in courts in two adjoining Illinois counties. During voir dire, potential jurors are questioned by the attorneys and/or the judge to determine whether they should be allowed on the jury. The dimensions of interest were: judge vs attorney questioning, the honesty of prospective jurors, and their socialization.

Two-part questionnaires were sent to 422 ex-jurors. One part focused on their perceptions and behavior during their jury terms. The remaining questions concerned their most recent voir dire. The response rate was 65.7% (n=277).

A general questionnaire on voir dire beliefs and behaviors was sent to judges and attorneys (82% response rate). They were also sent questionnaires involving their beliefs and behaviors in the 43 jury trials occurring over the two-months of data collection. The response rate was 73.6%.

Judges and attorneys differed significantly in some of their

beliefs about the importance and pursuit of goals for voir dire (e.g. establishing rapport with jurors). Opposing attorneys had different priorities for the importance of possible voir dire goals and whether pursuit of the goals should be allowed.

Jurors reported different feelings and levels of honesty when questioned by judges and attorneys. However, differences were not systematic and were related to jurors' demographic characteristics. No conclusions were drawn regarding whether prospective jurors would react more positively and honestly in response to voir dire by judges or by attorneys.

Approximately 18% of the ex-jurors had intentionally or unintentionally withheld information during voir dire. Ex-jurors were more truthful when voir dire questions involved facts about themselves than when questioned about opinions and beliefs. Generally, subjects reported more willingness to slant their voir dire responses to get excused from juries. However, exjurors reported that they slanted their answers more to get seated during their most recent voir dire.

Different degrees of socialization may have had strong effects on: jurors' perceptions of and reactions to questioning by judges and attorneys, their honesty during voir dire, and the degree to which they had difficulty following some of the procedural rules for jurors during trials.

Table of Contents

Table of Contents Continued

Listing of Tables

Listing of Tables Continued

One of the most basic rights in the United States is the right to a trial by jury. Under the Sixth and Fourteenth Amendments, the facts should be determined by juries that are fair and impartial. One of the key mechanisms by which jurors who can be fair and impartial are chosen is the voir dire examination of prospective jurors.

However, the voir dire may not be effective. In the last 15 years over 250 cases have been appealed and overturned in state courts. At least one basis of appeal involved the voir dire of prospective jurors. (A search revealed that over 10,000 of the cases appealed in the last 15 years have involved, among other issues, the voir dire of prospective jurors.) Additionally, 63 cases in which part of the appeal involved voir dire have gone as high as the Supreme Court. In a number of these cases (e.g. Ham v South Carolina, 409 U.S. 524, 1973) the High Court decided that the defendants had been denied fair trials due to the inadequacy of voir dire.

During voir dire, prospective jurors are questioned by the judge, the attorneys, or all three. Potential jurors are under oath to answer all questions honestly. Based upon their responses, prospective jurors may be accepted, challenged for cause or excused by peremptory challenge. A challenge for cause occurs if there is a legal reason (e.g. prejudice, bias, involvement with a party in the case) to disqualify a prospective juror. To issue a peremptory challenge, attorneys do not need to state a reason.

One estimate has been that 150,000 jury trials occur annually (Ellison & Buckhout, 1981). Conservatively estimating that one-third of the trials use 6-person juries and two-thirds have 12-person juries,

one and one-half million citizens may serve on juries in the next year. Some citizens will serve on more than one trial. Others will sit as alternates. Still more citizens will serve on jury duty and be voir dired for trials, but never accepted.

Jury duty is an unusual experience for most people; one for which they, unlike others in the courtroom, are untrained. To a greater or lesser extent, law schools train students to play roles in courtrooms. Even to new lawyers, a courtroom is not totally unfamiliar. If nothing else, lawyers are taught, to some degree, what is and is not appropriate courtroom behavior. Further, the more time they spend in trial courts, the more familiar and relaxed they become with the setting and procedures. State trial judges are most often experienced trial lawyers. Bailiffs and court clerks receive training in courtroom procedures. Defendants and witnesses are also thoroughly briefed by lawyers on courtroom procedures, what is expected of them, how to dress and behave, and, especially, what to say (and more indirectly, what not to say).

On the other hand, jurors, who decide on the facts in a case, are almost totally unprepared for the entire situation. At best, prospective jurors are given pamphlets and/or brief talks or films on courtroom procedures. No previous experience prepares most people for the experience of being jurors. Television and movies usually exaggerate the drama of trials and are therefore inappropriate as training mechanisms. Moreover, initiation into court occurs through voir dire which has rarely been portrayed.

Most people have some notion of what trials are like. We "know"

some basic rules of courts (e.g. people are presumed innocent until proven guilty, judges wear black robes and rule on what occurs during trials, two lawyers represent different sides in a case, legal language is not like everyday language). However, we seldom have occasion to think about the rules and procedures. For most laypeople, the first opportunity for thinking about what a trial is like, is when they receive notice of forthcoming jury service. They probably try to form more concrete preconceptions of what to expect. It is doubtful that many preconceptions can easily be formed about voir dire. However, most people probably know or assume they will be asked questions and that they will be chosen or excused from a jury based upon their answers.

Voir dire shares some similarities with other types of interviews. For example, opinion surveys may ask both personal feelings and professional information. There is little potential or expectation for a relationship to develop. In both instances, subjects may feel somewhat anxious about the impression they make. However, with surveys, very little is at stake. With voir dire, someone's future is potentially at stake. Therefore, the situation is much more serious than that which occurs with surveys.

In some senses, voir dire is similar to job interviews. Both situations involve mostly one-sided interaction. Jurors and job applicants primarily answer questions put to them. In both instances, something important is at stake in the interview. In a job interview one's own future is at stake. In voir dire, it is someone else's future. However, in the former instance, what is at issue is one's lev-

el of expertise and the interviewee can, and often is expected to, ask questions of the prospective employer. Further, a job can be rejected. In voir dire, one's personal side is at issue and only incidentally one's professional side. Moreover, prospective jurors are usually not allowed to ask questions (except for clarificacation of the questions put to them). Therefore, they cannot equalize the interaction in that way. Finally, the only way in which prospective jurors can exert definite control over the outcome (analagous to refusing a job) is by committing an embarrassing action; publically proclaiming themselves to be too prejudiced to be able to render a fair and impartial verdict.

Voir dire is also similar to counseling interviews. Counselors ask questions to elicit personal information. However, the key difference is that most counseling or therapy is voluntary. People usually have made a decision to seek help with a problem. Jury duty is not voluntary. Although they can then try to get excused from jury duty, they cannot just decide whether or not to serve. In counseling, individuals may not always know the reasons for questions, but they are, usually, free to ask. In voir dire potential jurors are seldom given reasons for questions other than, for example, "to determine your qualifications to sit as fair and impartial jurors in this case." In counseling, individuals know that, ultimately, questioning is to help them overcome problems. Therefore, their tolerance of personal questions should be relatively high. On the other hand, personal questions at voir dire are to help someone else and, at best, may be only somewhat uncomfortable for prospective jurors.

Another dissimilarity of voir dire to job interviews, counseling, and most other interactions involves the interpersonal outcome. Job or counseling interviews, meeting someone new, and other situations in which questions are asked and answered are, at least potentially, a prelude to a future relationship. That is not so in voir dire. Voir dire is a prelude to a situation in which people are expected to passively observe what occurs over a period of time until they are allowed to become actively involved in deliberations. In a trial a relationship develops between the actors and observers, but it is largely one-sided. The observers (jurors) are not allowed to overtly participate in the relationship or in the proceedings. In most other human relationships, through interaction individuals are allowed to exert some influence over what occurs. In trials, jurors are not allowed direct influence until time to deliberate on the verdict. Juror's influence during the trial is limited to the perceptions of the lawyers and the ways in which the lawyers act upon their perceptions. That is, lawyers try to moniter juror's feelings about what occurs and based upon their perceptions of those feelings, the lawyers may change, for example, their line of questioning. Unlike most situations, jurors cannot exert direct influence on their situation.

The preceding paragraphs described some of the ways in which voir dire is similar and dissimilar to other interpersonal situations. One conclusion is that the voir dire of prospective jurors is a relatively unique experience. It is also a very serious situation. Voir dire is the prelude to, literally, life and death decisions. If they are accepted to sit on a jury, average citizens will be called upon to de-

cide the fate of another individual.

Voir dire involves a large number of people, is a relatively unique interpersonal experience, and has serious implications for the individuals involved. In spite of those facts, psychologists have not examined voir dire from the perspective of jurors. Other than one study (Padawer-Singer, Singer, & Singer, 1974), the effects of voir dire on prospective jurors has not been studied. However, for 10 years, social scientists have been involved in the selection of juries (e.g. Schulman, Shaver, Colman, Emrich, & Christie, 1973; Kairys, Schulman, & Harring, 1975; Saks, 1976). Social scientists have consulted to trial lawyers, conducting surveys, helping to formulate voir dire questions, and rating prospective jurors in court. With the involvement of psychologists and sociologists, the legal community has focused more attention on the voir dire of prospective jurors. Since 1975, at least 13 of the 50 states (26%) have changed or contemplated changing their laws or procedures relevant to voir dire.

Purpose of Dissertation

Recently there has been a debate in the legal literature concerning whether judges or lawyers should question prospective jurors at voir dire. The purpose of this dissertation is to describe the issues in the debate, discuss the centrality of issues that have been considered only peripherally, and to report research conducted relevant to the voir dire of prospective jurors.

The debate over judge or lawyer conducted voir dire in the legal literature, primarily composed of opinions and anecdotes, is reviewed

below. Two issues that have been directly and indirectly referenced are the importance of honesty in the voir dire responses of prospective jurors and voir dire as the mechanism by which average citizens become members of the courtroom. One contention of this dissertation is that prospective juror honesty and juror socialization should be more central in any discussion of voir dire.

Court and/or counsel conducted voir dire and the honesty and socialization of prospective jurors are not independent events. The honesty of prospective jurors, as perceived by court and counsel, is likely to affect who poses the voir dire questions. The way in which judges and, to a lesser extent lawyers, want jurors to be socialized may affect the method by which voir dire is conducted, including who asks the questions. The honesty exhibited during voir dire and the effects of that honesty affects the socialization of jurors. The socialization of jurors affects the way in which they perceive and respond to the voir dire examination, including their reactions to judge and attorney questioning which, in turn, may affect who poses the questions. The socialization of prospective jurors affects the degree of honesty exhibited by prospective jurors.

The reciprocal effects of court and/or counsel conducted voir dire, the honesty of prospective jurors, and juror socialization are complex. The effects these three factors have on eachother may be direct or may be mediated by other variables. To begin to understand the process of reciprocal effects, the first step is to explore the three factors as if they were independant. That is, to try to separate out the components and effects of each factor. This dissertation

and the research is a first step.

The legal literature is reviewed first. So that the perspective of judges and attorneys can be better understood, the purposes of voir dire are described followed by a review of the debate over who should conduct the voir dire. The next sections include reviews of the literature concerning prospective juror honesty and on the socialization of prospective jurors. Research questions are then stated.

Judge and Attorney Conducted Voir Dire

Presently there is a trend toward judge conducted voir dire examination. In other words, there appears to be more and more judges conducting the entire examination themselves. Bermant (1977) estimated that since 1970 the number of federal judges conducting the examination with no oral participation by counsel has increased about 20%. In federal court, judges have discretion over voir dire. They may conduct the entire examination themselves with or without asking questions submitted by the attorneys, or they may allow attorneys to ask some or all of the voir dire questions.

Statutes, case law, procedural rules, and the judge govern whether attorneys are allowed direct oral participation during voir dire in state courts. In a given jurisdiction one judge may ask all the questions her/himself without counsel even submitting questions, while in the next courtroom the judge may not participate at all in voir dire. A judge may have different norms for different cases. Bermant's (1977) survey of federal judges found that judges were more likely to endorse at least some degree of attorney participation in criminal,

rather than civil, cases.

There are no data on the practices of state court judges. However, the trend toward judge conducted voir dire is likely to be present. The reasons for this trend are elaborated below in the discussion of the issues involved in the debate over whether judges or attorneys should conduct the voir dire. Basically, those favoring only judicial questioning, believe it to be the most effective and efficient method. Those favoring attorney conducted voir dire see the trend as usurping some of their rights as advocates.

Purposes of Voir Dire

Should judges, attorneys or all three conduct the voir dire? A conflict exists over most of the asserted purposes of voir dire in the literature surrounding this debate (see Marshall, 1982, for an annotated bibliography). Proponents of judge conducted questioning have asserted that the attorneys' purpose for wanting to ask the questions is to seat a favorable jury or establish rapport. Didactic functions of voir dire have been questioned for apropriateness. Attorneys have argued that they should be able to question prospective jurors in order to use their peremptory challenges intelligently. A discussion of the purposes of voir dire may begin to clarify the conflict over whether the court or court and counsel should question prospective jurors.

Acquire a Favorable Jury. Numerous writers have argued that a major goal is to attempt, improperly, to seat a jury favorable to their side (e.g. Bermant & Shaphard, 1978; Brasswell, 1970; Okun, 1968). The apparent assumption is that the possibility of partiality is

greater when attorneys ask the bulk of the voir dire questions. Friloux (1975) asserted that a case can be won or lost at voir dire, implying that attorneys do and should try to seat favorable juries. A number of articles have suggested ways to try to find prospective jurors who will be sympathetic to one side. Because of the nature of the advocate role, seating partial juries has often been considered an attorney's duty.

However, the adversary system and the negative nature of jury selection operate to interfere with the seating of a favorable or partial jury. If both sides are attempting to seat only jurors who will be favorable to their side, a balance should result. Through the use of challenges, each side will try to eliminate prospective jurors who seem most favorably disposed to the opposing side. Second, the voir dire and challenge process is, essentially, negative (VanDyke, 1977). Using the term "jury selection" in this sense is a misnomer because prospective jurors are not chosen or selected. Instead, undesirable potential jurors are rejected. To seat a jury, attorneys excuse jurors, they do not actively select jurors favorable to their own side. Moreover, attorneys usually do not know whether those they reject will be replaced by potential jurors more or less favorable and the number of peremptory challenges is limited.

Establish Rapport. Many (e.g. Bush, 1976 and Teitelbaum, 1972) have asserted that establishing rapport or ingratiating themselves with prospective jurors is an appropriate goal for the attorneys at voir dire. Articles have been written (e.g. Kornblum, 1977) to teach attorneys ways to increase rapport during the voir dire. The apparent

belief is that developing a good pattern of communication at this time is important to the attorney's case. Appleman (1968) asserted that this is a time of maximum informal communication. Consequently, according to Appleman, voir dire is the only time during the trial when rapport can be established. Mogil (1979) asserted that more honest information about a potential juror's prejudice and bias will be given at voir dire if rapport is established. However, some (e.g. Gaba, 1977; Maxwell, 1970; Strawn, 1979) argued that this is an improper goal for voir dire.

Didactic Functions. Educating jurors about their role in the upcoming trial has been considered an appropriate purpose of voir dire (e.g. Bonora & Krauss, 1979; Fahringer, 1980). Teitelbaum (1972), on the other hand, asserted that it is inappropriate, especially for attorneys, to attempt to teach the role of juror or the meaning of legal concepts during voir dire. (See the section on socialization for a discussion of teaching the role of juror.) Educating prospective jurors about the nature and scope of a specific trial has been considered an appropriate purpose for attorneys during voir dire (e.g. Ashby, 1978; Bonora & Krauss, 1979).

Use of Peremptory Challenges. Another widely discussed purpose of voir dire is to elicit enough information from prospective jurors so that counsel may intelligently exercise its peremptory Challenges. Most writers have agreed with this purpose whether or not they believe attorneys should conduct the bulk of the voir dire (e.g. American Bar Association, 1968; Bermant & Shapphard, 1978; Field, 1965; Gaba, 1977; Moskitis, 1976; Spears, 1975; Thorne, 1978). Eliciting such informa-

tion is apparently believed to enable both parties to rid a panel of, at least, extreme bias. This position is not without its critics. Maxwell (1970) argued that information should not be elicited strictly for the purposes of exercising peremptory challenges.

Acquire an Impartial Jury. Prospective jurors who demonstrate prejudgment or bias during voir dire that may interfere with their ability to be fair and impartial are excused for cause. Discovering bases for cause challenges has been considered a major purpose of the examination (e.g. Bermant & Shaphard, 1978; Jacobson & Morrissey, 1977; Suggs & Sales, 1978). In Bermant's (1977) survey of federal judges, open-ended questions asked respondents to rank the primary responsibility of judge and counsel during voir dire. Seventy-four percent stated that the judge's primary responsibility was to ensure impartiality. Only 27% believed that this was also the primary responsibility of attorneys.

The Debate Over Judge or Attorney Conducted Voir Dire

Duration of voir dire. One of the strongest arguments for the judge alone to question potential jurors has been that it saves time, thereby reducing court congestion and costs (e.g. Brasswell, 1970; Bush, 1976; Glass, 1977; VanDyke, 1977). Length of voir dire may be one of the most effective arguments for judicial questioning. The increasing number of cases going to trial has caused congestion in the courts and the costs incurred by the courts have increased. If judge voir dire is shorter, it would help alleviate those problems.

Research has been conducted to determine whether court or counsel

voir dire is faster (e.g. Bermant, 1977; Bird Engineering, 1975; Levit et al., 1970). To date, the results are inconclusive. Levit and his colleagues (1970) conducted research on length of voir dire. When all parties agreed to the test, voir dire with no judge present averaged 135 minutes. The average time to seat a jury when only judges asked questions was 64 minutes. When questioning was shared, voir dire averaged 111 minutes; a difference of 47 minutes. According to their calculation, these differences were statistically significant. However, a reanalysis of the data (Bird Engineering, 1975) found that the difference was only 52.6 minutes for judge conducted and 68 minutes for questioning by both the judge and attorneys. The reanalysis discovered that the time variance was greater between the judges than between the methods. Further, there were a number of methodological problems with this study including differential assignment of attorneys and cases to each method, in the conditions. In some cases there was self-selection with attorneys deciding whether or not to participate in the experiment. Participating judges and attorneys were aware that the purpose of the experiment was to determine a way in which judge's time could be saved. Only civil cases were included so the results may not generalize to criminal trials.

Bermant's (1977) survey of federal judges asked judges to estimate the time it took to seat a jury in a typical civil and criminal case. Regardless of the method used, the mean estimate for civil cases was 44 minutes and 62 minutes for criminal cases. (A difference of 18 minutes.) Bermant also examined the data by method of voir dire preferred by the judge. Judges who shared questioning with counsel esti-

mated an average of 51 minutes for civil and 64 minutes for criminal cases. Judges who posed all the questions themselves estimated an average of 43 minutes for civil and 66 minutes for criminal cases. This represents an average estimated time savings of only 8 minutes in civil trials, and an increase of two minutes in criminal trials. Judges who preferred not being present during voir dire estimated 46 minutes for civil and criminal cases. The difference by method is small.

Despite a possible savings in time, this argument for judge conducted voir dire has been countered in a number of ways. The counter arguments have been based upon personal opinions and anecdotes. Gaba (1977) suggested that a judge is under the conflicting pressures of seating an impartial jury and of doing so in the most expeditious manner. He implied that this conflict leads to an inadequate performance at voir dire. Corboy (1975) asserted that court conducted voir dire is an "over-reaction" for a minimal amount of time. Citing case decisions, a law journal comment (DePaul Law Review, 1965) argued that only judicial questioning at voir dire invades the defendant's right to effective assistance by counsel through the intelligent use of peremptory challenges.

Since a main concern of judges is expeditiousness, judges often may be superficial when questioning prospective jurors (e.g. Begam, 1977; Brasswell, 1970; McGuirk & Tabor, 1973). This assertion has been apparently based, in part, upon experience. There also appears to be an assumption that judges believe counsel's questions are trivial in comparison with the time it takes to have them answered. On the other hand, basing his position on 30 years as a judge, Stanley

(1977) reported that he questioned prospective jurors himself and the attorneys never allowed him to be superficial.

Grisham and Lawless (1973) reported on voir dire duration from the perspective of ex-jurors. Most ex-jurors believed that the time spent by the prosecution and the defense was "about right" (85% and 83%, respectively). Approximately 10% felt prosecutors and the defense took "too long." The remainder thought voir dire was "too short." Only limited conclusions can be drawn from the Grisham and Lawless data. The sampling method was not reported. The response rate was less than 50%. New Mexico has a large proportion of hispanic people on juries. If the survey was not bilingual, the sample may have been distorted. Grisham and Lawless reported that 96% of the respondents served six months or less, but the range of service was not reported. No indication was given as to the number of trials respondents may have been questioned for. The questions were reportedly worded: "In how many of the cases which you heard did you feel that the questioning of prospective jurors by the prosecution (defense)during voir dire was too long? too short? about right?" Although the questions were phrased in terms of number of cases, the results were reported as percentage of responses.

Broeder (1965) reported that the voir dires in his study lasted about a half hour. Ex-juror Zerman (1977) reported that it lasted four days in the case he described. Questioning was primarily by the attorneys. He stated that the judge frequently interrupted, speaking "harshly" to counsel and "impatiently" to potential jurors. Zerman knew the judge's behavior was due to a concern with time. However,

he gave no indication of how voir dire duration or the judge's behavior may have affected potential jurors. Kenneback (1975) reported that recently he underwent voir dire with no judge present and was "encouraged" by it. Other than the fact that Kenneback liked this method, there was no indication of what he meant by "encouraged."

Attorney Abuse. Glass (1977), Martin (1970), and VanDyke (1977) suggested that one of the primary reasons judges conduct the examination is to eliminate the opportunity attorneys have for abuse. Often these abuses were not specified. Some have suggested "abuse" includes brainwashing (e.g. Brasswell, 1970; Strouse, 1977), influencing or persuasion (e.g. Okun, 1968; Strawn, 1979) or needless repitition (e.g. Rolewich, 1975; Strawn, 1979).

Some evidence exists that counsel uses voir dire to indoctrinate prospective jurors. Broeder (1965) reported that about 80% of counsel's time during voir dire was spent indoctrinating jurors. His statement on the ineffectiveness of the indoctrination was apparently based upon the interviews. Broeder did not explain what exactly he meant by indoctrinate, nor have others who men- tion this "abuse." It is unclear whether indoctrination per se is improper behavior. In the context of voir dire, indoctrinate may mean teaching jurors about legal concepts and their role as jurors, about the law in a particular case, or about the issues to be addressed at trial.

On the other hand, disallowing counsel participation may be unnecessarily extreme to control attorney abuse. Many articles (e.g. American Bar Association, 1968; Glass, 1977; Hannah, 1973; Strawn, 1979) have suggested that an active, alert, or competent judge can and

should control abuses while allowing attornesy oral participation in voir dire.

Role of the Judge: Impartiality. Another argument for judge conconducted voir dire concerns her/his role in the courtroom. The judge is an impartial authority whose role is insuring a fair and impartial trial. One assertion has been that this position of impartiality makes her/him the best suited to examine prospective jurors who are also to be fair and impartial (e.g. Brasswell, 1970; Stanley, 1977). However, there is some evidence that judges may not be as impartial as they are expected to be. Kalven and Zeisel (1966) reported that ex-prosecutors had a higher rate of convictions than ex-defense attorneys in bench trials. Ex-defense attorneys had a higher acquittal rate than ex-prosecutors.

Assuming judges to be impartial, a suggestion has been that they would not be as motivated to expose hidden prejudices or biases as attorneys acting as advocates (e.g. Glass, 1977; Kalven & Zeisel, 1966). For example, VanDyke (1977) asserted that judges are more likely to accept a prospective juror's word that her/his prejudices and biases can and will be set aside so that the case will be decided solely on the evidence.

Relatedly, the suggestion has been made that judge conducted voir dire promotes respect for the court from potential jurors (e.g. Brasswell, 1970; Rolewich, 1975). The implication is that this respect is necessary or desirable in order for a jury to be fair and impartial. Due to their role, judges have been said to be less likely to alienate potential jurors (e.g. Brasswell, 1970; VanDyke, 1977). Broeder

(1965) stated that numerous jurors found some questions overly personal and embarrassing.

However, Grisham and Lawless (1973) asked their sample of ex-jurors about the number of cases in which they felt the questions were "too personal," "not personal enough" or "about right." Ex-jurors judged the prosecution as "about right" most of the time (82% of the time), "not personal enough" much less often (11% of the time) and "too personal" least often (6.5% of the time). The distribution was the same, within a few tenths of a percent, when ex-jurors were asked about defense attorney questions. As with data reported earlier, there are a number of problems of interpretation. Respondents were asked "how many" and replys were tallied in what may have been percentage of cases reported or percentage of respondents. However, a cautious interpretation is that, of those responding, ex-jurors seem to have believed that neither the prosecution nor defense was either too personal or not personal enough in about four-fifths of the cases.

Advocacy by Attorneys. During the trial, the truth is assumed to emerge from a adversary system. If that assumption is correct, a logical further assumption is that the jury that resulting from an adversary process would be more fair and impartial than one resulting from judicial questioning alone (e.g. Corboy, 1975). When two attorneys pose questions, even if both are attempting to influence potential jurors, a balance should result due to the differing perspectives of the advocates (e.g. Fried, Kaplan, & Klein, 1978). In this way, voir dire by the attorneys has been termed "the great purifier of the jury system" (Friloux, 1975).

Many have argued that attorneys should conduct the bulk of the voir dire because, as advocates, they have a thorough knowledge and understanding of the issues and evidence in their own case (e.g. Begam, 1977; McGuirk & Tabor, 1973). They would be in the best position to know the questions and follow-up to get at relevant biases and preconceptions. Judges are not in possession of this information. However, it may be as Stanley (1977) asserted; atttorneys invariably fill judges in on important information and correct misunderstandings when judges ask the questions at voir dire.

One argument against the adversarial process in voir dire was that it is inappropriately timed. Bermant's (1977) survey of federal judges revealed that 56% believed that voir dire should precede advocacy. Of the judges, 28% believed that, "ideally" voir dire should precede advocacy, but that it is wise to permit it. The remaining 13% believed that advocacy was appropriate during voir dire.

Interviewing Skill. An often stated argument for attorney conducted voir dire has been that lawyers are taught to ask voir dire questions and are motivated to always improve their voir dire skills (e.g. Begam, 1977; Glass, 1977; Mogil, 1979). Attorneys have often regarded voir dire as a time of informal communication with potential jurors. Assertions have been made that the informality is important to the discovery of personality conflicts (e.g. VanDyke, 1977), to uncover hidden biases (Mogil, 1979), and to establish rapport (e.g. Appleman, 1968 and Strawn, 1979).

Proponents of judge conducted voir dire have asserted that attorneys do not have a special skill for ferreting out bias when question-

ing prospective jurors (e.g. Teitelbaum, 1972). Broeder (1965) reported that attorneys did not exhibit any special skill at conducting the voir dire examinations he observed, but the criteria he used for this judgment were unknown.

A reason some judges have used to explain why they conduct voir dire is that attorneys are "often unprepared or inexperienced" (e.g. Jacobson & Morrissey, 1977) or one side is "better" than the other (e.g. Teitelbaum, 1972; Zeisel, 1977). The evenness of judges would be preferable to the unfairness resulting if the attorneys differed greatly in skill. Bermant (1977) specifically asked federal judges about voir dire skills. Eighty-one per cent endorsed a statement that there were great differences among attorneys in voir dire skills. However, the judges were asked about their general opinions. Therefore, this research did not speak directly to the mismatching of attorneys' skills or preparation in a specific case.

Kalven and Zeisel (1966) questioned trial judges in 3576 criminal cases. Judges in 76% of the cases believed the quality of advocacy was evenly matched. The remaining cases were evenly divided between "better" prosecution and "better" defense. Partridge and Bermant (1978) asked federal judges to rate the quality of advocacy in all cases during a one month period. In 75% of the cases, judges rated advocates as "balanced." However, in both studies judges were rating the overall quality of advocacy, not specifically voir dire skill (Bermant & Shaphard, 1978).

Zeisel and Diamond (1978) studied 12 voir dires in federal court. They concluded that attorneys performed inconsistently which, they be-

lieved, was the most important factor preventing the seating of impartial jurors. The inconsistency apparently means that one side was sometimes better than the other. However, their study was directed at learning the effects of peremptory challenges on the verdict of a case. Their interest was in the use of peremptory challenges, not skillful questioning.

Summary. The preceeding section described some of the major issues in the debate over whether judges or lawyers should question prospective jurors at voir dire. Primarily, the articles written on the debate have been based upon opinion and anecdote. The empirical evidence reported is inconclusive, methodologically flawed, or too indirect to be used as a basis for policy decisions. The evidence on the issue of whether court or counsel conducted voir dire is shorter conflicts. Although attorneys may "abuse" their voir dire privileges, an alert judge may be able to control counsel's abuses. The judge's role of impartiality may or may not make her/him better suited to question prospective jurors. However, some evidence was reported that judges may not be uniformly impartial. No conclusion can be drawn from the literature on the appropriateness of advocacy by the attorneys during voir dire. Attorneys may or may not be better skilled at interviewing. To date, no conclusive evidence exists indicating whether attorneys usually are or are not evenly matched in voir dire skills.

There are two areas, not discussed in the preceeding section that are not major issues in the debate. However, issues of prospective juror honesty during voir dire and the socialization of jurors have

been mentioned in reference to whether lawyers or judges should conduct the voir dire.

Prospective Juror Honesty

One important function of voir dire is obtaining information so that those who cannot be fair and impartial are eliminated through cause and peremptory challenges. Unless prospective jurors are honest at voir dire, the process is not likely to be effective. Therefore, the debate should not be limited to whether judges or lawyers should pose the questions. More attention should be paid to the conditions under which potential jurors are more likely to be honest. Whether judges or lawyers pose the voir dire questions may be one factor influencing the degree of honesty exhibited by prospective jurors.

Direct evidence. Three types of evidence indicate that prospective jurors are not necessarily truthful in their responses at voir dire. A law professor conducted interviews in which honesty was discussed with ex-jurors as part of the Chicago Jury Project (Broeder, 1965). A survey of ex-jurors asked questions regarding veracity in voir dire (Grisham & Lawless, 1973). Finally, ex-jurors have written books and articles in which they admitted to being less than honesty during voir dire (e.g. Chester, 1970; Kenneback, 1975; Shatz, 1977; Zerman, 1977).

Broeder (1965) has been the most frequently cited source of evidence on deceit by prospective jurors. He conducted 225 interviews with people who had served on juries in a federal district court. Perhaps because he related a number of anecdotes as illustrations of

prospective juror deceit, the report implied that dishonesty may be the norm rather than the exception during voir dire. However, Broeder did not report how his sample was drawn or how many refused to be interviewed. He reported the results anecdotally, not quantitatively.

Grisham and Lawless (1973) reported a somewhat more systematic survey of ex-jurors. Questionnaires were mailed to ex-jurors in New Mexico. When asked whether they felt jurors were perfectly honesty during voir dire 70% said "usually," 18% said "always," and 12% said only "sometimes." They were also asked whether they felt that some of the jurors made an effort to have themselves dismissed or retained by their voir dire responses which implied a form of dishonesty. More than three-fourths said jurors "sometimes" answered in such a say to get dismissed. Fifteen per cent said "never" and 6.5% said "usually." Approximately 44.5% responded that jurors "sometimes" and "never" tried to get seated by their answers. Approximately 9% said jurors "usually" tried to answer in such a way to be retained. The methodological problems mentioned earlier also apply here.

A third source of direct evidence for the dishonesty of prospective jurors is found in the articles and books by ex-jurors. Chester (1970) reported intentionally misleading attorneys with his answers. Kenneback (1975) reported deliberately lying in order to get excused from one trial. However, he implied that he usually slanted his answers in order to get seated. Shatz (1977) admitted to "flirting with the truth" and giving "safe" answers a number of times. Shatz felt unable and unwilling to set aside her opinions and beliefs so, when asked, was "less than honest" and, another time, evaded the question.

Psychological research. One way of conceptualizing the honesty-dishonesty dimension is in terms of the degree of self disclosure or concealment that occurs in response to voir dire questions. There is a large body of literature on self-disclosure. The literature is primarily in the context of friendships, love relationships, and counseling and therapy (see, for example, reviews by Cozby, 1973 and Jourard, 1971).

The important point here is that psychologists have spent a great deal of their resources to learn how different variables affect the self-disclosure of clients in counseling situations, particularly how to increase clients' level of disclosure. Clinicians and counselors apparently believe that there is often a need to enhance the level of self-disclosure exhibited by clients. One aspect of the clinical setting is privacy. Further, clients seek counseling for problems and in order to be helped, they have to disclose the problems and their feelings about them. Consequently, one of the norms probably operating in counseling settings is in favor of self-disclosure. Effort is used to create an environment conducive to disclosure. Further, counselors and clinicians are trained specifically to behave in ways designed to help their clients disclose personal information. Yet the existence of the body of literature on the topic may be an indication that the level of self-disclosure exhibited by clients is problematic.

On the other hand, although instructed to disclose personal information and feelings, the situation in which voir dire occurs is more conducive to concealment. Usually voir dire is public, rather

than private. The lawyers who sometimes question prospective jurors are trained more to persuade jurors to accept the perspective they present in court, rather than to elicit information from them. The judge, usually a lawyer, is also not trained in questioning for the purposes of increasing the disclosure of personal information. Finally, a courtroom is a formal institutional setting which is not likely to be conducive to self-disclosure. Consequently, it could be expected that prospective jurors would be more likly to conceal information than would clients in counseling situations.

In an article on juror self-disclosure, Suggs and Sales (1980-81) reviewed social science literature relevant to the debate over who should conduct the voir dire. They reviewed research on status and role differentials, prejudicing others through nonverbal communication, mode of questioning, interaction distance, and environmental factors. Suggs and Sales concluded that, based upon the self-disclosure literature, attorneys, rather than judges, should conduct the voir dire examination of prospective jurors.

Summary. Evidence from interviews, a survey, and ex-jurors was presented. The evidence indicated that prospective jurors may be less than totally honest in their responses to voir dire questions. The primary problem, however, is that there has been no indication of how widespread dishonesty may be, nor of the form it may take. A review of the psychological literature on self-disclosure (Suggs & Sales, 1980-81) suggested that this form of dishonesty may be less likely to occur with adversarial voir dire.

Socialization of Prospective Jurors

A second important function of voir dire, the socialization of prospective jurors, has been largely ignored in the debate over court or counsel questioning. As stated earlier, voir dire is an unfamiliar interpersonal experience for citizens. Voir dire is also the only time jury members are active in a courtroom. Although most jury pools are given brief general descriptions of what to expect during trials, voir dire is usually the first experience most prospective jurors have with trials and courtroom procedures. Consequently, what occurs in voir dire (including a prospective juror's own honesty, the degree of honesty s/he perceives others to exhibit, and whether judges, lawyers, or all three pose the questions) is likely to have a number of effects. Minimally, the way in which jurors experience and perceive voir dire will affect their answers to the questions. Jurors' voir dire experiences in one trial may also affect their behavior in later voir dires. Finally, conceptualizing voir dire as a socialization process or, at least, as part of the socialization of jurors makes it possible to explore whether it may affect, for example, jurors' understanding of their role and courtroom procedures, deliberations, and the verdict.

Saks and Hastie (1978) discussed the unusual social system found in courts and the role of jurors. They suggested that jurors adopt a role of extreme "fairness" and "objectivity" through prior learning, the environment, and the rules and charges to the jury. Saks and Hastie may be correct that jurors adopt the appropriate role. If so, the most likely time for jurors to begin to take on characteristics of the

role is when they first go "on stage" at voir dire.

According to a role theory analysis, the juror and others interacting with her/him have role expectations. That is, they believe some behaviors are appropriate to the role of juror and other behaviors are inappropriate. Due to the unusualness of the situation, the role expectations of jurors are probably less clear than those of the judge and attorneys. Prior to and during voir dire (as well as during the trial) judges and attorneys are role-senders (Gross, Mason, and McEachern, 1958), holding and conveying their role expectations to jurors.

One article (Balch, Griffiths, Hall, & Winfree, 1976) suggested that the two attorneys conducting an adversarial voir dire provide an important "rite of passage" for prospective jurors. Voir dire socializes jurors. Adversarial voir dire was said to take ordinary citizens, teach them about the adversary nature of our justice system, and make them members of the courtroom. For prospective jurors, adversarial voir dire may clarify the various roles and role relationships among members of the courtroom.

Balch and his colleagues (1976) observed 10 voir dire sessions and did a content analysis of the transcripts. They classified 43% of the statements by the judge and attorneys as, appropriately, educational. The scope of the educational statements included information about procedural matters, legal concepts, the importance of the juror role, and the jury system. However, they also included questions about possible sources of bias (e.g. relationship with a party in the case) and some questions that were leading. They reported that fifty-four per-

cent of the instructional statements were in reference to a prospective jurors' ability to fulfill her/his role rather than what the role entailed. It could be argued that these statements should more appropriately be considered either persuasion or probative questions. Then the percentage of educational remarks would be greatly reduced.

Balch and his associates (1976) suggested that socialization occurs most readily at the time of voir dire because prospective jurors are unfamiliar with their surroundings. This lack of familiarity leads to uneasiness and heightened sensitivity to social cues. Prospective jurors are anxious and ready to be molded into the juror role at this time. A counter position would suggest that since jurors are quite sensitive to social cues and ready to be socialized, the judge is the appropriate person to conduct the voir dire. Jurors are supposed to share the characteristic of impartiality with judges. Consequently, judges could correctly and appropriately socialize potential jurors into a fair and impartial role.

There has been an assumption that attorneys try to get a commitment from prospective jurors at voir dire (e.g. Brasswell, 1970; Springer, 1977). This attorney "abuse" may be related to the concept of socialization. However, it is unclear whether authors mean a commitment to the law and legal principles and, therefore, an aspect of socialization, or whether they mean a commitment to one of the two sides.

The literature contains other references which are probably related to the concept of socialization, notably to indoctrination and preconditioning (e.g. Brasswell, 1970; Cambpell, 1972; Suggs & Sales,

1978). These authors argue that the attorneys, during voir dire, are the only courtroom members who have the appropriate positions to effectively indoctrinate or precondition potential jurors. Although using different terms, Friloux (1975) agreed that the socialization of prospective jurors was important. He asserted that if jurors understand their responsibility and the vital role they play in the justice system, they will perform better.

One of the most important effects of attorney conducted voir dire is that it gives defendants feelings of fairness and legitimacy because they can contest the impartiality of those who judge them (e.g. Ashby, 1978; Begam, 1977; VanDyke, 1977). Through her/his attorney, the defendant may feel some control over the proceedings. Prospective jurors, experiencing the adversarial process at voir dire, may also obtain a more direct sense of the way in which the system is supposed to work.

Padawer-Singer, Singer, and Singer (1974) conducted research on mock juries drawn from an actual venire. They were studying the effects of prejudicial information and the effects of voir dire on pre- and post deliberation verdict and attitudes of the jurors. Ten mock juries drawn at random were compared with 13 juries chosen through voir dire by two attorneys using an adversary process. The videotaped trial was designed to be ambiguous with the case based upon circumstantial evidence. Padawer-Singer and her colleagues found that the effects of the prejudicial information on the dependant variables were greatly reduced when the juries had been chosen through voir dire by the attorneys. They concluded that adversary voir dire: (1) di-



and (b) examine questions derived from the foregoing discussions.

Question One. There was an implicit assumption in the literature that, generally, judges and lawyers have different beliefs about voir dire. Consequently, I hypothesized that beliefs about the voir dire of prospective jurors would vary by role. More specifically, judges, and the two lawyers would have different beliefs about the importance of possible goals for voir dire and whether attorneys should be allowed to pursue those goals.

Question Two. Prospective jurors would report feeling differently when questions were posed by judges and by attorneys.

Question Three. Prospective jurors would report a high degree of honesty. However, there would be variations in the degree of honesty reported, for example, by whether the questions involved personal opinions and beliefs or life facts.

Question Four. Prospective jurors would report different levels of honesty when questioned by judges than when questioned by lawyers.

Question Five. Depending upon their degree of socialization (i.e. the amount of experience as jurors), prospective jurors would have different perceptions of and responses to voir dire. Further, they would differ in their feelings when questioned by judges and lawyers.

minished the effects of prejudicial information, (2) made jurors more aware of the importance of legal procedures, (3) committed jurors to the juror role, and (4) to a thorough examination of the evidence. In short, subjects adopted the role of "fairness" and "objectivity" discussed by Saks and Hastie (1978).

Summary. An important, but little recognized function of voir dire may be to socialize citizens so that they can fulfill their role as jurors. The literature on the debate has contained references to counsel's attempts to "indoctrinate" prospective jurors when they are allowed to pose voir dire questions. Although such behavior has been considered an attorney "abuse," it may be important during voir dire so that prospective jurors can better understand the adversarial nature of trials and their own role in the system. Research was reported indicating that adversarial voir dire may be effective in socializing average citizens. Voir dire by two attorneys was found to increase jurors' understanding of and committment to the law and legal procedures, thereby adopting the role of extreme "fairness" and "objectivity."

Research Questions

The preceding sections briefly reviewed the legal literature as it addresses the voir dire examinations of prospective jurors. In particular, the literature relevant to the debate over who questions at voir dire was discussed. Exploratory research was conducted to: (a) learn more about the ways in which jurors, judges, and attorneys actually perceive voir dire and their behavior during the examination

METHOD

Research Site

The research was conducted in two counties in east central Illinois. Each county was in a different state Judicial Circuit. It was assumed that if similarities in the results across the counties existed, they could be generalized to other circuits of similar size with greater confidence than if the investigation had been conducted entirely in one county.

Champaign County. According to the 1980 census, Champaign County had a population of 168,392. The per capita income was estimated at $8,233 (U.S. Department of Commerce, 1981). The University of Illinois and an Air Force Base contribute to the relatively transient nature of the population in Champaign County. The major employers are the university, the Air Force Base and a manufacturing plant (Humco/Kraft). Additionally, the county had a large number of people employed in service occupations. Much of the county is rural so that many are employed in agriculture or related fields.

Champaign County is in the Sixth Judicial Circuit. Eight judges divide the court responsibilities in the county. One judge presides over arraignments with the other seven involved in bench and jury trials. Each of the remaining seven judges handles a specific type of case. One judge presides over all traffic charges and another handles the other misdemeanors involving other charges. A third judge is involved with lesser civil cases with a different judge presiding over major civil cases. Two judges try primarily felonies, one of whom also handles juvenile cases. The final trial judge generally

oversees civil cases, handles the overload from the other courts, and is the presiding judge of the county.

The middle two weeks of every month, except August, are given to jury trials. Twelve to 18 jury trials occur monthly, yielding an average of 15 per month. The venire is composed of 250 citizens from the voter registration lists. Of those 250, from 90 to 130 are unavailable for service. According to the presiding judge, it is not easy to be excused from jury duty in this county. The majority of those excused have left the county or cannot serve for medical reasons (e.g. deafness). Few potential jurors are disallowed for employment reasons. Unlike many areas, teachers, for example, are not allowed excuses. The only employment excuses routinely allowed are those exempted by statute (e.g. state representatives), lawyers on the assumption that even if they become prospective jurors they would be challenged for cause or peremptorily, and physicians in private practice. The final group routinely allowed excuses are farmers during planting and harvesting. The remaining 120 to 160 form the pool of potential jurors.

Having been summoned a month in advance, the jury pool reports in the morning of the second Monday of the month. They are given a booklet printed by the Sixth Judicial Circuit giving information on the basic responsibilities of petit jurors. They complete questionnaires that are used by judges and attorneys during the voir dire questionning. The questionnaire asks for such demographic information as age, marital status and occupation. It also has questions on whether they have previously been jurors, have been involved in damage or personal

injury suits, victims of or charged with a crime, and know any law enforcement officers or attorneys. These questionnaires are used by court and counsel during the voir dire examination. The jury coordinator then asks the group to swear or affirm to tell the truth during jury voir dires. A judge, usually the presiding judge, then gives a short talk to prospective jurors about the importance of the role of juror. Finally, the pool is excused for the morning and those needed in the afternoon are told where and when to report.

Prospective jurors in Champaign County are given a number from 1 to 250 when they are summoned. This number is used in place of or in conjunction with their names during their jury service. For example, all odd numbers may be called for one day and even numbers for the next. In this way judges are ensured of enough potential jurors on hand and yet citizen's time and tax money is not wasted when they may not be called to a courtroom.

Vermilion County. The population of Vermilion County is 92,222; little more than half that of Champaign County. The average per capita income is $8,565 (U.S. Department of Commerce, 1981), or about $500 more than Champaign County. Industry, primarily manufacturing, is the major source of employment in Vermilion County. Like Champaign, much of the Vermilion County is rural.

There are six judges in Vermilion County. The presiding judge handles felonies. Two other judges preside over civil cases, major or minor. The fourth judge tries misdemeanors. The final two judges take the overflow of criminal cases and arraignments. The latter three rotate their duties every few months. Except for misdemeanor

jury trials, which are all scheduled for the last full week of each month, a jury trial may occur at any time.

As needed by the jury commissioners, one-tenth of the voting population receives a two-page questionnaire from the court. This more extensive questionnaire serves the same function as the one given Champaign jurors the morning they report for duty. The venire reports demographic information, education, the number and ages of children, current and previous address, current and previous employer and when they have last served as jurors. Prospective jurors are also asked whether they believe in the United State's systems of government and justice and if they can think of any reason why they should not serve as potential jurors. However, disagreement with the governmental and justice system did not preclude service as a juror. They are also asked to indicate the quarter in which they prefer to have jury duty. As the questionnaires are received, cards are made and placed in one of the four drums, each of which represent a quarter of the year. Beginning six weeks ahead, at least two of the three jury commissioners pull 75 cards from the appropriate drum. These 75 people are sent notification that they will be potential jurors for a given three-week period. A juror's handbook on the responsibilities of a petit juror in the Fifth Judicial Circuit is enclosed with the notification. If people wish to be excused from jury duty they are referred to the presiding judge who will rule on the validity of their excuse. Persons with medical problems or physical disabilities are routinely excused. Some who cannot leave work are excused temporarily.

Of the 75 potential jurors given notice, usually between 40 and

55 serve for a given three week period. This pool reports on a Monday morning for a debriefing and swearing in ceremony. Whenever a jury trial is to occur, the jury coordinator calls all prospective jurors to report the next morning. Voir dire does not occur in two courts simultaneously. It may occur in one court in the morning and another in the afternoon, so that those not chosen in the morning form the pool for the afternoon session. However, two jury trials rarely co-occur in the county. Six to 10 jury trials are held each month or from three to seven per jury pool

When a major trial is to occur, one which has received a lot of publicity or involves murder or well-known people, or if it may last more than two days, extra potential jurors are called. Another set of 75 may be notified to report for a period of one to two weeks.

From the description of the two counties, it is clear that there were many differences. However, they were similar in ways that strengthened the research. Both counties had judges who specialized in the type of case heard in their courtroom. In both counties, prospective jurors served for more than a day or week. Generally, it is only in heavily populated areas that jury duty lasts for less than a week. Some areas even have petit jurors on call for months at a time. Many of the demographic characteristics were similar to each other and to the profile of much of the country. For example there was the mixture of manufacturing and agriculture with people from both rural and urban areas serving as jurors.

Site and Subject Considerations

Each trial judge had his own usual style for the conduct of jury voir dire. Since the judges handle different types of cases, the type of case was confounded with voir dire style. Two facts diminish the significance of this problem, however. First, for all but one judge, and to a lesser degree a second judge, there was variation in method for the conduct of the examination. One judge invariably asked all questions himself and always the same questions in the same order except for a few follow-up questions when necessary. Another judge had a set list of questions but sometimes allowed counsel to follow-up with a few questions relevant to each case. With this judge, depending upon the case, panel, and attorneys, counsel was allowed no questions or a few questions each. While each judge had his own list of questions; for a given case, the judge may have increased that list or allowed counsel greater or lesser latitude in the questioning of prospective jurors. Further, even when direct questioning was allowed, one or both attorneys may have chosen to not ask any questions of potential jurors. So that, for example, in one case the proportion of questions posed by the particular judge was small compared to the proportion asked by counsel, in the next case the questions asked were primarily posed by the judge.

Further, the judges in the present research probably differ little from judges in most state courts. All state judges probably have beliefs about what questions should be asked of potential jurors and whether and/or to what extent the questions should be posed by court or counsel. Consequently, each judge is likely to develop a method

for the conduct of voir dire in his or her court. Therefore, the voir dire styles of judges in these counties, even with the within judge variance, is probably little different that what occurs in many counties accross the country.

However, one limitation to the similarity with other counties involves the social system of the courts. (See Saks and Hastie, 1978 for a discussion of the court as a social system and the enactment of roles within that system.) Although a detailed examination of the two counties was not made, there were differences along a number of dimensions. For example, one lawyer described the court system in Vermilion county as less structured and rigid than Champaign county. He said that on both informal (e.g. personal relationships, accessability of judges) and formal levels (e.g. the scheduling of cases) Vermilion county was more "comfortable" for lawyers. Individual differences in the social system of different circuits are probably as great as differences between people.

Secondly, although the problem of counfounding judge and consequently voir dire style with type of case is problematic methodologically, it may make the results more applicable to other state courts. The judicial system in these counties is similar to that of many others in areas of similar size. Cases may be assigned to judges in a number of ways. Judges may get their choice by seniority, a lottery of some kind, random assignment, or they may specialize in certain types of cases as in the research site. To date, no one has compiled statistics on the ways in which cases are assigned to judges in the state court systems. As counties grow and add more

judges, in many places they will may begin to specialize in the type of cases they handle. Rules of law, which are the the judge's province, differ by type of case so that a logical concommitant of growth may be for judges to hear, primarily, one type of case. Therefore, although there may be some interpretational problems in attempting to determine the amount of variance in questions asked of prospective jurors and its effect due to the type of case (civil or criminal, major or minor), versus that due to the voir dire method preferred by the judge, the problems are more a function of the way in which courts operate than a function of methodological flaws. Further, coupled with the within-judge variance mentioned above, there is some indication that voir dire requirements as perceived by the judge may differ more by case than by the classification of the charge(s) in cases.

A further consideration involves trial counsel. As with judges, members of the State's Attorney's and Public Defender's offices specialize in certain types of cases. For example, in Champaign County two prosecutors routinely took the traffic cases, three others handled the other misdemeanor trials, while still different prosecutors tried felonies. In Vermilion County, the public defender tried all but one of the felony cases, and her two assistants took the misdemeanors. Because of the specialization on both sides of the bench, the roles of judge, prosecutor, and defense counsel are often played by the same actors in different cases. Each person learns what to expect of the others during voir dire the only change being the prospective juror pool changes every few weeks.

In Champaign County, the judges and attorneys do not have much

opportunity to learn a great deal about the prospective jurors because the jury coordinator sends different subsets of the 120 to 160 potential jurors to different courtrooms for the two weeks they are on jury duty. Whereas in Vermilion County, the entire group reported to each courtroom whenever there was a jury trial for the three weeks they served. Consequently, it was more likely that an individual would be questioned by the same set of three people more than once in Vermilion than in Champaign County. However, these problems also parallel what occurs in many other state circuits.

Although officers of the court probably learn what to expect of each other, and, possibly, even prospective jurors learn what to expect from certain judges or attorneys, the effect this may have on voir dire perceptions and behavior is unclear. Under the law there is an assumption of independence. That is, each trial is assumed to be an independent event, regardless of any similarity of charges or participants. Although familiarity with each other's usual courtroom behavior may allow, for example, a shorthand version of speech outside the courtroom, it is an assumption of law and courtroom procedure that any familiarity will not carry over in front of a jury.

A further consideration involves the representativeness of the venire, and therefore, of the sample of jurors. As is true of most states, the venire is selected from the voter registration lists. In Illinois, counties have to draw equally from each precinct in the county to ensure the representativeness of the venire. A number between one and 10 is chosen, for example 8. Then, on each precinct list, every eighth person is sent a summons (in Champaign County) or

a questionnaire (in Vermilion County). Voter registration lists do not usually reflect the racial and socioeconomic makeup of an area. To that extent, the venire under-represents some groups and over-represents others. Further, there was no evidence that differential acceptance of excuses did not occur. Although racial data was not available for the pools of potential jurors, from observation of the two groups in Champaign County, it was clear that minorities were under-represented in the juror pools.

Subjects

The target period for data collection was set for June and July, 1980. During that 9-week period, three pools of prospective jurors were surveyed in Vermilion County (n=141). Champaign County had two pools of potential jurors (n=281). At the end of their jury service, all 422 jurors were sent questionnaires, a cover letter, and a stamped envelope addressed to the investigator.

The presiding judges in each county set different requirements on the investigator's approach to jurors. In Champaign County, the jurors could only be contacted once. A new dollar bill was sent with an attached note thanking jurors for their response. Vermilion County jurors were not sent the money until it was clear they had not responded to the first request at which time they were sent the dollar and a reminder.

On the first of June, the judges were sent the general questionnaire, excluding the arraignment judge. During data collection, three judges from other counties also heard cases in Champaign and Vermilion

counties. These replacement judges were sent the general and trial questionnaires together because they heard only one-day trials and it was not learned who they would be until the day of or after the trials.

There were 43 civil, misdemeanor, and felony jury trials during June and July; 30 were held in Champaign County before 9 different judges and 13 in Vermilion County before four different judges.

When each judge set his docket of probable jury trials, the attorneys who would be involved were mailed the general questionnaires. Forty-eight different attorneys were involved in the 43 jury trials. Thirty-six trial lawyers were from Champaign County and 12 were from Vermilion County. No lawyer tried a case in both counties during this period. There were a total of 21 different attorneys on the prosecution/plaintiff side and 27 different lawyers for the defense.

Cover Letters

Cover letters accompanied all questionnaires (see Appendix A). Letters were written on Boston University stationery. The enclosed stamped return envelopes were addressed to a post office box in Champaign. It explained to all participants that the research was supported in part by the National Institute of Justice. Respondent's answers were covered by Public Law 96-157, Section 818A providing for the confidentiality of individual data. This law provides protection against, among other things, subpoena of a subject's responses. All subjects were asked to send a note under seperate cover if they wished to receive a short summary of the results.

The letter further explained to jurors that the presiding judges had given permission for the research to be conducted. Also that the judges had given access to the pre-trial questionnaires. Jurors were told that their answers would be combined with information from the previous questionnaires, but that their names and addresses would not be seen by anyone other than the principal investigator. The letter gave a brief description of the project explaining that this was the first systematic research in which ex-jurors were asked to state their feelings and opinions about jury selection. They were encouraged to give thoughtful, honest responses to the questions.

Judges and lawyers were sent different letters. The letter accompanying the general questionnaire briefly described the research and explained that they would also be receiving seperate questionnaires for each jury trial they participated in during June and July. The second letter simply told them that they were receiving the trial questionnaires described earlier. Both letters mentioned the law covering confidentiality of response. When these officers of the court did not respond quickly to either questionnaire, handwritten notes were sent apologizing for the inconvenience and requesting that they complete the questionnaire as soon as possible. In a final effort to collect outstanding questionnaires, follow-up telephone calls were made.

Questionnaire Construction

In preparation for the construction of the questionnaires, the investigator consulted with the Center for Jury Studies to determine the type of information they are most often asked to provide regarding the

voir dire of prospective jurors. Several lawyers who had published or spoken on the issue of who should conduct the voir dire were consulted in order to learn the type of data that would interest them. Finally, the investigator interviewed all 14 judges in the two counties in order to learn their perceptions of voir dire. The judges were also asked if they had any particular areas of interest about which data should be collected.

Juror Questionniares

The juror questionnaires were constructed in order to gain information about four dimensions of voir dire: (1) The juror's perceptions of their own honesty, (2) their reactions to court and counsel questioning at voir dire, (3) their socialization as jurors, and (4) their descriptions of the situation in which voir dire occurs were measured.

The four categories of variables (honesty, judge vs attorney, socialization, and situation description) overlapped. The overlap in the categories was made necessary by the context in which the research was conducted. The voir dire of prospective jurors is conducted so that the judge and attorneys may make a determination of the degrees of fairness and impartiality jurors will use while hearing the evidence and during deliberations. There is an assumption that what occurs during the voir dire will be reflected to some degree in the individual's processing of information and in the deliberations, and, therefore, in the verdict. Although conceptually the four dimensions were considered to be independent, in the context of jury trials the

dimensions were related and must necessarily overlap.

The questionnaires (see Appendix B) were divided into two parts and counterbalanced to control for order of presentation. The general portion of the questionnaires asked ex-jurors to consider their entire two or three week experience on jury duty. It was assumed that almost all jurors would have undergone voir dire in more than one court. Therefore, since each judge conducted voir dire differently, the overall retrospective perceptions of jurors would reflect a more generalized experience. The second portion of the questionnaire was the trial section. Subjects were instructed to think about the most recent time they were questioned and to answer the questions in reference to the voir dire for that particular trial. Aspects of the four dimensions were measured in both the general and trial sections of the questionnaires.

Tables 1 through 7 list the questions asked of ex-jurors. The items in tables 1 to 3 were designed to examine factors involved in the honesty exhibited by prospective jurors. The group of items listed in Table 4 were to explore the perceptions and responses of prospective jurors when voir dire was conducted by the judge and by the lawyers. Tables 5 and 6 list items exploring subjects' responses to aspects of voir dire and jury service that may be relevant to their socialization as jurors and, consequently, affect their perceptions of voir dire and the justice system in general. The purpose of the items in Table 7 was to learn the ways in which this group of subjects described the situation in which voir dire occurred.

Honesty. One of the four dimensions of interest was the juror's

perceptions of their own and other's honesty. One problem with measures of honesty in the context of voir dire is that potential jurors knew that they were supposed to be candid during questioning. Consequently, subjects were, in effect, being asked to admit perjury. To limit the impact of this problem, the cover letter explained that Public Law 96-157, Section 818A guaranteed that their responses would be confidential. The cover letter made clear that the investigator had access to the pre-trial questionnaires and could identify an individual with her/his responses. However, the realization that subjects could be identified may have limited their willingness to admit to technical perjury in spite of any assurances of confidentiality. A second problem with the measures of honesty was social desirability. Pressures for social acceptance would operate in the direction of over-reporting veracity.

Due to the problems of measuring honesty, the results could indicate less dishonesty or deceit than actually occurred. However, as discussed earlier, a number of sources (e.g. Broeder, 1965; Grisham & Lawless, 1973) have reported that ex-jurors willingly admitted dishonesty during voir dire. Consequently, some evidence of reported deceit was expected. However, the results were expected to underestimate the incidence, type, and degree of dishonesty in the voir dire responses of prospective jurors.

Some items in both the general (G) and trial (T) sections (see Appendix B) asked subjects how honest they were during voir dire. In this subset jurors were asked the direct questions listed in Table 1.

Another subset of items asked subjects about honesty in a more

Table 1

Items* for Jurors: Direct Questions on Honesty

(G 4 & 8)
If you had wanted to sit on (be excused from)a particular trial, how much would that have changed your answers during jury selection?

(G 6N & 11N)
Rate how honest or dishonest you felt when the judges (lawyers) asked you questions.

(G 12)
How candid were you when the questions involved your personal opinions and feelings?

(G 13)
How candid were you when the questions involved facts about your life?

(G 19A)
Did you withhold any information of any kind during jury selection?

(G 19B)
How often did you find that you had withhold information?

(T 8 & 13)
How truthful were you when the judge (lawyers) asked you questions?

(T 9 & 15)
To what extent did you answer questions in order to try to get seated on (excused from) this jury?

(T 10)
When answering questions, how candid were you about things that have happened in your life?

(T 16)
When answering questions, how candid were you about your opinions and feelings?

(T 19)
When answering questions, who were you more likely to be candid with?

* The section of the questionnaire and number of the item is listed in parentheses. G indicates an item from the general section and T indicates an item from the trial section.

indirect way. It was assumed that problems involved in the reporting of subjects' own dishonesty would have less effect on responses to indirect questions and questions about others. This subset included the items listed in Table 2.

Finally, items measured factors which may have influenced jurors' honesty during voir dire. The subset of questions listed in Table 3 involved the degree of influence situational factors may have had on subject's voir dire responses.

Judge vs Attorney. Subjects were asked about their feelings and responses to court and counsel questioning. These two sets of questions, 6 and 11 on the general questionnaire (see Appendix B), were counterbalanced for order effects. Further, items within the questions were counterbalanced to provide some protection against response sets. The items for this dimension are listed in Table 4.

Socialization. Balch and his colleagues (1976) suggested that one of the most important functions of the voir dire of prospective jurors was to socialize average citizens to become members of the courtroom. The items were constructed to measure the factors that may be involved in juror socialization. These items were important so that a picture of what it is like to be a juror would begin to emerge. The set of items listed in Table 5 were included to learn what preferences and norms may operate among prospective jurors.

Additionally subjects were asked questions about their experiences as jurors (see Table 6). Part of this subset was only indirectly related to voir dire. Many of the questions often asked of potential jurors at voir dire require potentialjurors to give answers that would

Table 2

Items* for Jurors: Indirect Questions on Honesty

(G 5)
In order to be accepted as a juror, how necessary is it that some of your answers be misleading?

(G 6L & 11L)
Rate how open or closed you felt when the judges (lawyers) asked you questions.

(G 9)
How difficult was it to be totally truthful in your answers during jury selection?

(G 10)
How important is it that jurors have no opinions before a trial starts?

(G 15)
How important is it that potential jurors are totally honest and candid in their answers during jury selection?

(G 17)
How truthful were other jurors when they answered questions during jury selection?

(T 7 & 12)
Sometimes when they ask questions, it seems like judges (lawyers) expect jurors to give certain answers. How difficult was it to guess answers the judge (lawyers) wanted you to give to her/his questions?

* The section of the questionnaire and number of the item is listed in parentheses. G indicates an item from the general section and T indicates an item from the trial section.

Table 3

Items* for Jurors: Factors Influencing Honesty

(G 14)
The following factors may have affected you during jury selection. How much do you think each of the factors influenced you when you were answering questions? (Referred to in later tables as INFL BY ...)

The formality of the courtroom.
Other potential jurors.
The oath to tell the truth.
The judge.
People accepted on the jury.
The prosecution/plaintiff attorney.
The defense attorney.
The seriousness of the situation.
People excused from the jury panel.
The wording of the questions.
Being bored with the situation.
The time allowed to think about a question before answering.

(G 16)
During your jury service, how important was it to you to be believed by the following people? (Referred to in later tables as Believed By...)

Other people in the jury pool.
The jurors you would be with in a particular trial.
The judge in a trial when you would be a juror.
The prosecutor/plaintiff attorney in a trial when you would be a juror.
The defense attorney in a trial when you would be a juror.

(T 5)
How much did you pay attention to the questions and answers of other potential jurors?

(T 17)
How much were you influenced by answers given by other potential jurors?

* The section of the questionnaire and number of the item is listed in parentheses. G indicates an item from the general section and T indicates an item from the trial section.

Table 4

Items* for Jurors: Reactions to Judge and Attorney Questioning

(G 6 & 11)
On each of the following scales rate how you felt when the judges (lawyers) asked you questions.

not at all nervous...very nervous.
not at all embarrassed...very embarassed.
not at all awkward...very awkward.
not at all relaxed...very relaxed.
not at all hesitant...very hesitant.
not at all offended...very offended.
not at all self-conscious...very self-conscious.
very confident...very uncertain.
very patient...very impatient.
very uncomfortable...very comfortable.
very interested...very bored.
very open...very closed.
very careless...very careful.
very honest...very dishonest.
very respectful...very disrespectful.
very competitive...very cooperative.

(G 14D, F, and G)
How much were you influenced by the judge (prosecutor/plaintiff, defense)?

(G 16C, D, and E))
How important was it to be believed by the judge (prosecutor/plaintiff, defense)?

(T 2)
How would you rate the questioning skill of the lawyers during jury selection?

(T 6 & 11)
Think of all the questions asked when the jury was being picked. How many were asked by the judge (lawyers)?

(T 7 & 12)
How difficult was it to guess the answers the judge (lawyers) wanted you to give to her/his questions?

(T 8 & 13)
How truthful were you when the judge (lawyers) asked you questions?

(T 19)
When answering questions, who were you more likely to be candid with?

(T 20)
Think of the questions you were asked. Who asked the question that was hardest to answer?

Table 5

Items* for Jurors: Preferences and Norms of Prospective Jurors

(G 4 & 8)
If you had wanted to sit on (be excused from) a particular trial, how much would that have changed your answers during jury selection?

(G 10)
How important is it that jurors have no opinions before a trial starts?

(G 14)
How much were you influenced by:
- The formality of the courtroom.
- Other potential jurors.
- The oath to tell the truth.
- The judge.
- People accepted on the jury.
- The prosecution/plaintiff attorney.
- The defense attorney.
- The seriousness of the situation.
- People excused from the jury panel.
- The wording of the questions.
- Being bored with the situation.
- The time allowed to think about a question before answering.

(G 15)
How important is it that potential jurors are totally honest and candid in their answers during jury selection?

(G 16)
How important was it to be believed by:
- Other people in the jury pool.
- The jurors you would be with in a particular trial.
- The judge in a trial when you would be a juror.
- The prosecutor/plaintiff attorney in a trial when you would be a juror.
- The defense attorney in a trial when you would be a juror.

(T 5)
How much did you pay attention to the questions and answers of other potential jurors?

(T 9 & 15)
To what extent did you answer the questions in order to try to get seated on (excused from) this jury?

(T 17)
How much were you influenced by answers given by other potential jurors?

* G = general section T = trial section

be based upon speculation. For example, potential jurors are often asked if they will be able to base their verdict only upon the evidence and not let personal feelings influence them. This type of thinking may be outside the realm of day to day life for most people. Prospective jurors probably know they are "supposed" to answer affirmatively and, therefore, they are likekly to do so without actually knowing if they can. The set of items in Table 6 was included to learn whether future research should explore certain areas that may be easily modifiable by the courts in order to make the work of jurors easier for the average citizen. For example, subjects may report feelings highly offended and embarrassed when excused from a jury. If so, future research may indicate that such negative feelings can be alleviated by a few sentences of explanations by the judge.

From the first two items in Table 6, number of voir dires and number of acceptances, a new variable was constructed. This constructed variable (Percentage of Acceptances) was created by dividing acceptances by total number of voir dires. The new variable reflected the proportion of times a subject was accepted to sit on a jury.

Situation Description. Items for the final dimension were constructed so that subjects could describe aspects of the situation in which voir dire occurred. Many of the questions could be perceived as more factual or objective than many of the items described earlier. Table 7 lists the items through which subjects described the situation.

Table 6

Items* for Jurors: Socialization Experiences

(G 1)
How many times did you participate in jury selection?

(G 2)
How many times were you accepted to sit on a jury?

(G 7)
You are often asked to do the following things in a trial. Rate how difficult it is for you to do each thing.

Judge a case only on the evidence presented.
Set aside your own beliefs, opinions and feelings.
Presume a defendant innocent.
Not form an opinion before the trial is over.
Not be influenced by the status or occupation of people who testify during the trial.
Weigh the words of someone you know or have heard of in the same way as you would someone you did not know.
Ignore the testimony the judge tells you to disregard.

(G 18)
People are often questioned and then excused from serving on a particular jury. How did you feel when you were excused?

not at all offended...very offended.
puzzled...understanding.
not irritated...very irritated.
comfortable...uncomfortable.
not embarrassed...embarrassed.

(T 3)
Through the trial and deliberations, you may have become aware of opinions you did now know you had during jury selection. How many opinions did you discover during the case?

(T 18)
Is there any question that you were asked that you would answer differently now that you have sat through the trial?

* The section of the questionnaire and number of the item is listed in parentheses. G indicates an item from the general section and T indicates an item from the trial section.

Table 7

Items* for Jurors: Description of the Situation

(G 3)
Usually, how likely is it that the defendant in a criminal case committed the crime?

(G 5)
In order to be accepted as a juror, how necessary is it that some of your answers be misleading?

(G 6K & 11K)
Rate how interested or bored you felt when judges (lawyers) asked you questions.

(G 9)
How difficult was it to be totally truthful in your answers during jury selection?

(G 10)
How important is it that jurors have no opinions before a trial starts?

(G 15)
How important is it that potential jurors are totally honest and candid in their answers during jury selection?

(T 1)
For the last time you were questioned during jury selection:
What was the name of the judge?
Was it a civil or criminal trial?
What was the charge?
Were you accepted for the jury or excused?
About how long did it take to seat the jury?

(T 4)
How serious did you consider this case to be?

(T 6 & 11)
How many of the questions were asked by the judge (lawyers)?

(T 7 & 12)
How difficult was it to guess the answers the judge (lawyers) wanted you to give to their questions?

(T 14)
Jury selection is supposed to eliminate people who have opinions either favoring or against the defendant before the trial starts. How effective was this jury selection?

* G = general section T = trial section

Judge and Attorney Questionnaires

The questionnaires for judges and attorneys were constructed so that some of the items corresponded to those asked of jurors and others referred to some of the issues in the debate over who should conduct the voir dire. Almost all questions were to be answered on 7-point scales with the endpoints labeled (see Appendix C). Judges and lawyers received one general questionnaire and separate trial questionnaires for each jury trial in which they were participants. Tables 8 and 9 report items on the general questionnaires. Table 8 lists items relating to the honesty of prospective jurors. Table 9 includes the items asking about subjects' beliefs on issues relating to the voir dire debate. Tables 10 and 11 report the items on the trial questionnaires.

General Questionnaires. Judges and attorneys were instructed to respond to the questions in terms of what they thought or how they thought jurors usually behaved. Three categories of questions were asked. The three sets involved the honesty of prospective jurors, the general beliefs of court and counsel about voir dire, and subject's beliefs about voir dire that were relevant to the debate over who should conduct the examination in court.

Judges and lawyers were asked questions about the honesty of prospective jurors similar to the items on the juror questionnaire. Of the items listed in Table 8, the first seven match questions asked of jurors. Officers of the court were asked how honest they thought prospective jurors were about their opinions and life facts. Judges and attorneys were also asked to rate how much they thought potential

Table 8

General Items for Judges and Lawyers:

Prospective Juror Honesty

In order to be accepted as a juror, how necessary is it that prospective jurors sometimes make misleading responses at voir dire?

How difficult is it for prospective jurors to be totally truthful during voir dire?

How important is it that jurors have no opinions before a trial starts?

How important is it for prospective jurors to be totally honest and candid in their voir dire responses?

How much are prospective jurors influenced by the following factors during voir dire?

- The formality of the courtroom.
- Other potential jurors.
- The oath to tell the truth.
- The judge.
- People accepted on the jury.
- The prosecution/plaintiff attorney.
- The defense attorney.
- The seriousness of the situation.
- People excused from the jury panel.
- The wording of the questions.
- Being bored with the situation.

How candid are prospective jurors when the voir dire questions involve their personal opinions and feelings (facts about their life)?

How truthful should jurors be when they answer questions at voir dire?

Who are prospective jurors more likely to answer truthfully at voir dire?

How often do jurors try to give the "right" or expected answer?

How often are most prospective jurors totally honest at voir dire?

How often do you reject jurors if you suspect they are being dishonest in their responses?



jurors were influenced by various factors in the courtroom.

The general questionnaire also had a series of items to reflect subjects' beliefs about voir dire to see if those beliefs differed by their role in court. In addition to the questions listed in Tables 8 and 9 judges were asked to indicate the degree of latitude they allowed counsel during voir dire (question 17) and counsel rated the latitude of each judge in the two counties under whom they had had cases (question 18). Subjects were asked to rate the importance they placed on voir dire and its effectiveness (questions 11 & 13). Judges and lawyers were also asked to rate their own ability to determine which prospective jurors should be accepted and rejected (question 12) and their overall voir dire skills (question 14). Subjects were asked how much time they usually spent preparing for voir dire in civil and criminal trials (questions 23 & 24).

Finally, questions were asked that were relevant to the issues in the voir dire debate (see Table 9). They were constructed to determine what, if any, differences existed between judges, the prosecutor/plaintiff attorneys, and the defense attorneys regarding the way in which voir dire should be conducted.

Trial Questionnaires. The trial questionnaires asked court and counsel to answer the questions about a specific trial. Before the questionnaires were sent, the investigator wrote the court's case number on top as identification of the trial for respondents. Three sets of items were on the questionnaire. One set involved the perceived honesty of prospective jurors; another set asked for factual information about the case and the final set asked subjects to rate



Table 9

General Items for Judges and Lawyers:

Issues Involved in the Voir Dire Debate

How important is it to do each of the following things during voir dire?

Familiarize jurors with the case.
Get information for cause challenges.
Discover people who can be fair.
Get a commitment to follow the requirements of law.
Eliminate unfavorable jurors.
Get information for peremptory challenges.
Familiarize jurors about their role as jurors.
Get a commitment to be fair and impartial.
Establish rapport with jurors.
Securing favorable jurors.
Familiarize jurors with legal concepts.
Discover people who can be impartial.

Approximately how often are the lawyers evenly matched on voir dire performance in jury trials?

In a civil (criminal) trial, what proportion of the voir dire questions should be asked by the judge?

How long should it usually take to seat a jury in a ciminal (civil) case?

Should judges allow counsel direct questioning for the following purposes?

To establish rapport.
To establish grounds for cause challenges.
To establish grounds for peremptory challenges.
To familiarize the jury regarding facts of the case.
To familiarize jurors regarding legal concepts.
To familiarize jurors regarding their role in a trial.

the voir dire behavior of court and counsel. As with the general questionnaire, some items corresponded to those asked of jurors.

Table 10 lists most of the items on the trial questionnaire constructed for judges and lawyers. Court and Counsel were asked their beliefs about the honesty of prospective jurors during each voir dire. Judges and lawyers were also asked to describe some aspects of the voir dire in each case. For example, the number of peremptory and cause challenges issued, which attorney was better at voir dire, the duration of voir dire, and the amount of time they had spent preparing for the examination.

The final set of items on the trial questionnaires asked subjects to rate the skillfulness exhibited in the behavior of the judge, prosecutor/plaintiff and defense attorneys during the voir dire examination. These items are listed in Table 11.

Summary. Ex-jurors received questionnaires relating to four dimensions of their experiences at voir dire. The category of honesty was measured in three different ways. Direct questions asked subjects to report on their own veracity during voir dire; indirect questions asked about other's honesty and the effects of the situation on veracity; and items about factors that may have influenced juror candor. Subjects were also asked questions about their reactions to judge and attorney questioning. Two sets of items examined factors that may be involved in the socialization process by which citizens become jurors. One set was designed to determine preferences and referents of jurors that are relevant to the voir dire process. The second set of social-

Table 10

Trial Items for Judges and Lawyers:

Prospective Juror Honesty and Voir Dire Perceptions

How hard did prospective jurors try to figure out the answers the judge (lawyers) wanted or expected to her/his questions?

How truthful were prospective jurors in their voir dire responses when the judge (lawyers) asked the questions?

Did you think any prospective jurors slanted their answers in order to get seated (excused)?

Who do you think prospective jurors were more candid with?

Approximately how long did it take to seat the jury from the time prospective jurors entered the courtroom?

How effective was the voir dire in eliminating people with relevant prejudice and bias from the jury?

If counsel participated, who would you rate as being better skilled at voir dire?

How serious did you consider this case to be?

Of all the questions that were asked during voir dire, how many were asked by the judge (prosecution/plaintiff, defense)?

Approximately how much time did you spend preparing for this particular voir dire?

How many cause challenges were attempted? How many were allowed?

How many peremptory challenges did the prosecution/plaintiff (defense) have? How many were used?

How favorable was the seated jury?

How important was voir dire in this particular case?

How closely did the seated jury match your ideal for jurors?



Table 11

Trial Items for Judges and Lawyers:

Voir Dire Skill

How would you rate the judge's (prosecution/plaintiff, defense) performance at voir dire? (rating the degree of skillfulness exhibited in:

Questioning of jurors. (JDG, PR/PL, DEF)

Treatment of counsel. (JDG)

Treatment of judge. (PR/PL, DEF)

Treatment of opposing counsel. (PR/PL. DEF

Treatment of potential jurors. (JDG, PR/PL, DEF)

Treatment of accepted jurors. (JDG, PR/PL, DEF)

Treatment of excused jurors. (JDG, PR/PL, DEF)

Rulings involving voir dire. (JDG)

Restrictions on counsel. (JDG)

Preparation. (JDG, PR/PL, DEF)

General skill at voir dire. (PR/PL, DEF)

Treatment of client. (PR/PL, DEF)

Appropriateness. (JDG, PR/PL, DEF)

ization items was constructed in order to learn some things about the experience of jurors in areas related to usual voir dire questioning. Finally, a set of questions asked jurors to describe the situation in which voir dire occurs. The four dimensions were represented on both a general section of the questionnaire referring to subjects' entire period of jury duty and a trial section referring to the last time they were voir dired.

Judges and attorneys were given two questionnaires; a general questionnaire to obtain their beliefs and behaviors relevant to voir dire and a trial questionnaire measuring aspects of voir dire for a given trial. Some items on both questionnaires complemented questions asked of jurors. Court and counsel were asked to report their perspectives of the honesty of potential jurors at voir dire. They were also asked about their beliefs and their behavior vis a vis voir dire. Judges and attorneys were asked to rate their own and each other's performance at voir dire in specific trials.

Questionnaire Coding

Juror Questionnaires

As juror questionnaires were returned, they were attached to the pre-trial questionnaires from the courts. A code number had been placed under the stamps on the return envelope corresponding to a code on the pre-trial questionnaire. Additionally, Champaign County jurors had been asked to put their juror number on the top of the questionnaires (see Appendix B). Subjects in Champaign County were asked their juror number because the presiding judge wanted jurors to re-

ceive the questionnaire from the circuit clerk when they received their pay. This method of delivery was tried in June but failed because some of the clerks forgot to hand jurors the investigator's envelope. Consequently, the judge allowed the investigator to mail questionnaires directly to July jurors and to those June jurors who had not returned questionnaires. With Champaign County subjects listing their juror number on the questionnaire they may have felt less anonymous than Vermilion County jurors and therefore reported less dishonesty at voir dire.

From the pre-trial questionnaires the investigator coded sex, age, the type of response made, marital status, education attained (from Vermilion County), two occupational indexes, whether subjects were currently employed and whether the subject had been on jury duty prior to that time. The investigator also coded trial information: the case number (1 to 43) to correspond to the jury trials that had occurred, the trial judge, the type of trial, and the type of charge. The questionnaires and coding sheets were then given to an undergraduate to code.

Occupational Indices. In law school trial tactics courses, continuing education seminars, trial texts, and law journal articles, much importance is placed on the occupation of jurors. Juror occupation is assumed to be an indication of how s/he will respond to the evidence, the adversaries, other jurors, and, ultimately, the verdict. Trial lawyers often come to rely on stereotypes based upon sex, occupation, or other characteristics of prospective jurors when deciding who to reject from a panel. Often the asserted opinions conflict

with each other. (For example, I know a prosecutor who tries to seat as many men as possible on rape trials. His assumption is that they will see the victim as similar to their sister, mother, or daughter and will, therefore, vote to convict. A defense lawyer I know also wants men on rape trials. He believes they will identify with his defendant and perceive the victim to be at fault.)

Because of the importance lawyers place on occupations, two occupational indices were constructed. On pre-trial questionnaires subjects were asked questions about their occupation. From their response, two occupational codes were constructed; one based upon prestige scores from socioeconomic status research and the other based upon a code from the Dictionary of Occupational Titles (1977).

There were problems involved in determining which categories were appropriate for many subjects. When listing occupation, especially if it was unaccompanied by the place of employment, subjects were often too general. For example, a subject from Champaign County listing librarian may have been a credentialed librarian, a library clerk at one of the University or city libraries, or in charge of or working in one of the libraries in a small town.

The first occupational index (SES) roughly corresponded to perceived socioeconomic status. Many sociological surveys have attempted to classify occupations in terms of the perceived prestige of the position. However, there have been conflicting results. After consulting with sociologists, a number of such surveys, and county census divisions, the following coding scheme was used:



1 = laborers of all types and service workers

2 = craftspeople, farmers, operatives, and the military

3 = clerical and sales people

4 = managers

5 = professionals

6 = housepersons and students

Category 1 corresponds to unskilled blue collar workers. Category 2 has been generally considered to be skilled blue collar workers. Categories 3 to 5 were (lower to higher) levels of white collar workers. Housepersons and students who had listed a previous or future occupation were considered to belong in one of the preceding categories. If no such occupation was listed, they were coded into category 6.

The second occupational index (DOT) was adapted from the Dictionary of Occupational Titles (1977). The U.S. Employment Service rated levels of complexity of tasks by the degree and type of interaction needed with data, people, and things. The categories were based upon in situ observations by trained occupational analysts. The code for interaction with people was chosen because it may be related to the level of sophistication in judging and weighing what people say (impression formation of people). With the exception of exhibits, a trial involves judging and weighing what people (witnesses, attorneys and judges) say and how they behave. Consequently this rating may be closely related to the role of juror. The scale used by the Dictionary of Occupational Titles was reversed as follows:



1 = taking instructions or helping

2 = serving

3 = speaking or signaling

4 = persuading

5 = diverting

6 = supervising

7 = instructing or teaching

8 = negotiating

9 = mentoring

There were a number of problems with this index because the categorical divisions were unclear. For example supervisors often instruct subordinates, but supervising was considered a lower level of interaction than instructing. A second example involved levels 7, 8, and 9 overlapping in some occupations. For example, a college professor (level 7) must negotiate (level 8) with colleagues and the administration and mentor (level 9) students. There were also problems coding subjects. Subjects often did not use the same titles for their job as that used by the Dictionary. The investigator then made subjective judgements of the appropriate category based upon the place of employment if it was listed and on knowledge of the research site. If there was a very title in the Dictionary that was very similar to that used by subjects, the code was used and if not, the subject's occupation was not coded.

Case Information. Subjects were asked to report information on the last trial for which they were questioned at voir dire (see Appendix B, trial question 1). Subjects listed the name of the judge,



the charge, and whether it was a civil or criminal trial. This information was coded by the investigator. Trials that occurred during data collection were numbered cases one to 43. The type of trial (civil, misdemeanor, and felony) was coded. The charge in the trial was coded as to the type of incident involved: Civil for all civil cases, traffic involved moving violations, some misdemeanor and felony charges involved non-violent incidents (e.g. theft, burglary), other misdemeanor and felony charges involved violence or implied violence. Sexual assaults were coded into a seperate category.

Constructed Trial Variable

By examining the responses of jurors, judges, and attorneys involving the number of questions asked by court and counsel for each trial, it was possible to assign each case to a category based upon who asked the questions. The constructed variable, JDG-ATY SPLIT, was used as an independent variable when examining data from trials.

In order to create JDG-ATY SPLIT, voir dire for each trial was classified by whether the judge asked most of the questions, about half of the questions, or few questions of prospective jurors. The two extreme methods correspond to the primary focus in the debate over who should conduct the voir dire of prospective jurors. The middle position reflects a compromise. Consequently, all items on the trial sections of the questionnaires could be examined to determine the effects of court and counsel questioning.

Judges and Attorneys

The investigator assigned subject numbers to all judges and attorneys involved in the 43 jury trials prior to giving the general questionnaire to the coder. The investigator also coded the same case information from the trial questionnaires as that coded for jurors. The general and trial questionnaires were then given to the coder with the coding sheets.

Coding Accuracy

The undergraduate coding was checked by another undergraduate prior to keypunching. After keypunching the second coder and investigator randomly checked most of the data for accuracy. The investigator recoded jurors into occupational indexes and found that with very few exceptions (less than 3%) subjects were placed into the same occupational category.



RESULTS

Description of Sample

Jurors will be described first. A comparison between respondents and non-respondents follows describing differences in demographic characteristics. A demographic description of the sample of jurors who completed questionnaires follows. A description of the trials in which jurors participated is given. Finally, judge and attorney responses are described.

Jurors

Response Rate. Overall, 277 (65.7%) of the 422 jurors responded to the questionnaire. Of the 277, 10 (2.4%) had never undergone voir dire and were dropped from the analyses leaving a sample of 267 or 63.3% of those who had served on jury duty during June and July. In Champaign County, 64.8% of jurors responded and 60.3% of Vermilion County jurors responded. Twenty-one (7.5%) of the 281 Champaign County jurors returned the dollar refusing to complete the questionnaire, but only 3 (2.1%) of the Vermilion County jurors did so.

Respondents & non-respondents. Demographic information was available from the pre-trial questionnaires so that respondents could be compared with non-respondents. Those who returned completed questionnaires did not differ significantly from those who did not by sex, age,marital status, employment status, or past jury service. In Vermilion County, they did not differ by the number of years they had resided in the county. The rate of respondents did not differ by county.

In Vermilion County, information on the educational level of jurors was available. As expected, those who had not completed high school were less likely to respond to the questionnaires than subjects with some college experience (see Table 12). Subjects who had completed high school were about equally likely to respond or not respond to the questionnaire. Overall, education made a significant difference in response rate (chi-square (3), 11.696, $p < .01$).

As mentioned in the section on coding, there were difficulties associated with classifying jurors into the occupational indices. There were 397 of the 422 jurors classified on the the SES Occupational Index. However, there was a significant difference between respondents and non-respondents (chi-square (5), 20.57, $p < .01$, see Table 13). Only about one-fourth of those employed as professionals and managers did not respond. Approximately one-third of the housepersons and students, and two-fifths of the clerical and sales subjects did not respond. The two blue collar categories were split in opposite directions with just less than one-half not responding in the higher blue collar classification and just more than one-half in the lower classification.

Only 333 of the 422 who had jury duty during June and July could be classified into the DOT Occupational Index based upon the level of interaction employed in their jobs. There was a significant difference between respondents and non-respondents on this index (see Table 14). The pattern on the DOT Index was not as well-defined as that of the SES Index or level of education attained. More than half of those

Table 12

Vermilion County: Response by Educational Attainment

Education	Response N	Response %	Non-Response N	Non-Response %
Less than high school	6	7.2	12	21.1
High school degree	37	44.6	32	56.1
Some college	22	26.5	7	12.3
Bachelor's degree or more	18	21.7	6	10.5
Totals	83		57	

Chi-square (3) = 11.696 $p < .01$

Table 13

Response by SES Occupational Index

Classification	Response N	Response %	Non-Response N	Non-Response %
Blue Collar - labor/service	20	8.0	28	19.2
Blue Collar - craft/military/farm	27	10.8	21	14.4
White Collar - clerical/sales	63	25.1	42	28.8
White Collar - managerial	26	10.4	8	5.5
White Collar - professional	78	31.1	25	17.1
Houseperson/Student	37	14.7	22	15.1
Totals	251		146	

Chi-square (5) = 20.56 $p < .01$

Table 14

Response by DOT Occupational Index

Classification	Response N	Response %	Non-Response N	Non-Response %
Take instruction or help	46	21.9	40	32.8
Serve	19	9.1	13	10.7
Speak	70	33.3	33	27.1
Persuade or divert	8	3.8	7	5.7
Supervise	5	2.4	8	6.6
Instruct	47	22.4	14	11.5
Negotiate or mentor	15	7.1	7	5.7
Totals	210		122	

Chi-square (6) = 14.015 $p < .03$

who speak to, instruct, and negotiate or mentor others on the job responded to the questionnaires (chi-square (6), 14.015, $p < .03$). Subjects in the remaining categories were about evenly divided into respondents and non-respondents.

There is no way to determine who the higher occupational levels of respondents may have affected the results. If the assumption is, for example, jurors in the lower occupational categories would be more likely to withhold information, the results would be a more conservative estimate of the proportion of prospective jurors who exhibit this type of dishonesty. However, it is just as reasonable to assume that subjects in higher occupational levels are more likly to be dishonest. If so, the results may over-estimate the pervasiveness of voir dire dishonesty.

In Vermilion County demographic characteristics were used to compare those who were excused from jury duty with those who served their three-week terms. They did not differ significantly by sex, age, education, number of years in the county, marital or employment status or by either occupational index.

Respondents by County. Respondents in the two counties did not differ significantly by sex, marital or employment status, age or previous jury service. The two counties did differ on the two occupational indices (Tables 15 and 16). Only 39.1% of the Champaign County respondents were classified into the three lower categories of the SES Index, but 55% of Vermilion County jurors were in those categories. Champaign County had more managers and professionals (45.4%) than Vermilion County. The houseperson/student category was about the same in

Table 15

SES Occupational Level by County

Classification	Champaign N	Champaign %	Vermilion N	Vermilion %
Blue Collar - labor/service	8	4.6	13	15.9
Blue Collar - craft/military/farm	14	8.0	13	15.9
White Collar - clerical/sales	46	26.4	19	23.2
White Collar - managerial	20	11.5	6	7.3
White Collar - professional	59	33.9	20	24.4
Houseperson/student	27	15.5	11	13.4
Totals	174		82	

Chi-square (5) = 14.82 $p < .02$

Table 16

DOT Occupational Level by County

Classification	Champaign N	Champaign %	Vermilion N	Vermilion %
Take instruction or help	28	19.1	19	28.4
Serve	7	4.8	12	17.9
Speak	52	21.8	19	28.4
Persuade or divert	8	5.4	2	3.0
Supervise	5	3.4	0	0.0
Instruct	34	23.1	13	19.4
Negotiate or mentor	13	8.8	2	3.0
Totals	147		67	

Chi-square (6) = 16.88 $p < .01$

the two counties (15.5% in Champaign County and 13.4% in Vermilion County). The DOT Occupational Index indicated the same pattern. Only 23.9% of Champaign County respondents were in the two lower categories compared to 46.3% of Vermilion County respondents. Speaking and persuading or diverting charcterized the jobs of more respondents in Champaign County than in Vermilion County (48.4% and 31.4%, respectively). The last three categories indicating more complex interaction involved occupationally held more Champaign County than Vermilion County jurors (35.3% to 22.4%).

Description of Sample. Overall, there were more females (58.5%) than males in the sample. Most subjects were married (75.5%), had children (75.8%), and were employed at the time of the research (71.1%). Most respondents (78.9%) had not had previous experience as petit jurors. Table 17 reports the age distribution of the sample.

Table 18 lists the number of times subjects in the sample were questioned and accepted for juries. Sixty-eight percent (183) underwent voir dire between one and three times during their jury duty. Approximately one-third (28%) were involved in the selection of four to six juries. A small group (3.5%) went through voir dire seven to nine times. Forty subjects did not report the number of times they were accepted on juries. Of the remaining subjects, approximately 76% (173) were accepted once or twice; 40 (approximately 47.5%) were accepted on three juries; the other 14 subjects (6%) were accepted four or five times.

As stated earlier, subjects could be classified by the percentage of times they were accepted (% ACPTD). From voir dire, subjects could

Table 17

Age Distribution

Age	N	%
20 - 29	59	22.1
30 - 39	52	19.5
40 - 49	45	16.5
50 - 59	63	23.6
60 - 69	37	13.9
70 and over	11	4.1
Total	267	



Table 18

Voir Dires and Acceptances

# of times	Questioned N	Questioned %	Accepted N	Accepted %
1	30	11.3	84	37.0
2	70	26.3	89	39.2
3	83	31.2	40	17.6
4	51	19.2	12	5.3
5	15	5.6	2	0.9
6	9	3.4		
7	2	0.8		
8	3	1.1		
9	3	1.1		
Totals	266		227	

have been accepted for no juries (0% of the time) up to acceptance each time they were questioned (100%). Eighty-nine subjects (33%) were accepted in up to one-third of the voir dires in which they participated. Eighty-six (32%) were accepted in 34% to 67% of their voir dires. The final 92 subjects (34%) were accepted from 68% to 100% of the time.

Juror responses for the most recent voir dire. Most respondents (181, 70.2%) were accepted to sit as jurors the last time they were questioned in their jury service. For 79 subjects I was unable to determine which specific trial was their most recent voir dire experience. Consequently, only 188 subjects were used when describing 36 specific trials. The problem was in determining the specific case number to attach to the juror's descritpion of their last trial. They were asked to list the judge, charge in the trial, and whether it was civil or criminal. Some did not list enough information for the investigator to determine which trial they referred to. Other subjects gave incorrect information (e.g. a trial judge who conducted only civil trials described as presiding over a burglary trial). Finally, there was a problem when the judge, charge and classification of the charge was correctly given, but that particular judge had two or three such trials during that period of jury service. However, more subjects could be coded into type of trial (n=243) and type of charge (n=242) when specific cases for which voir dire occurred were ignored.

The 36 trials were coded by type of trial (see Table 19) and classification of the charge(s) involved in that trial (Table 20). Six cases involved civil trials and charges. Two cases involved traffic trials and charges. In nine of the 36 cases, the type of

Table 19

Cases and Jurors by Type of Trial

Type of Trial	Cases #	Cases %	Subjects N	Subjects %
Civil	6	16.67	49	16.67
Traffic	2	5.56	11	4.53
Misdemeanor	9	25.00	43	17.70
Felony	19	52.78	149	61.32
Totals	36		243	

trial involved other misdemeanors (e.g. theft under $150, resisting arrest) other. Nineteen cases were felony trials. The two columns on the right of Table 8 indicate the breakdown of subjects into type of trial, ignoring specific cases. Most subjects were last questioned for felony trials (n=144). Approximately 17% were questioned for civil trials (n=40) and for misdemeanor trials (n=43). Eleven subjects were last questioned for traffic trials. Twenty-four subjects could not be classified.

Classifying the 36 trials by the type of charge was also possible. (See Table 20.) Altogether, 14 of the cases involved non-violent charges. Civil charges accounted for six trials described by 36 jurors. Traffic charges involved two trials and 11 jurors. There were six other cases involving non-violent felonies and misdemeanors. There were 22 cases in which the charge(s) involved violent behaviors. Sexual assaults were charged in three trials and 19 cases included misdemeanor and felony charges involving other violent behavior. As in Table 19, the two columns on the right in Table 20 indicate the breakdown of subjects ignoring the specific case. Over half (n=124) of the subjects were last questioned for cases involving violent charges. Forty subjects were last questioned in cases with non-violent civil charges. The charge involved sexual assault for 36 subjects. Fewest subjects (n=11) were last questioned for cases involving traffic charges (all of which were of a non-violent nature). The remaining 31 subjects were last questioned for other non-violent charge cases.

Table 21 indicates the differences by the county and the type of trial for which subjects were last voir dired. More subjects were

Table 20

Cases and Jurors by Type of Charge

Type of Charge	Cases #	Cases %	Subjects N	Subjects %
Civil	6	16.67	40	16.53
Traffic	2	5.56	11	4.55
Other non-violent	6	16.67	31	12.81
Violent	19	52.78	124	51.24
Sexual assault	3	8.33	36	14.88
Totals	36		242	



Table 21

Jurors Classified by County and Type of Trial

Type of Trial	Champaign N	Champaign %	Vermilion N	Vermilion %
Civil	38	21.97	2	2.78
Traffic	11	6.36	0	0.0
Misdemeanor	35	20.23	10	13.89
Felony	89	51.45	60	83.33
Totals	173		72	

Chi-square (3) = 25.195 $p < .001$

	Champaign N	Champaign %	Vermilion N	Vermilion %
Civil	38	21.97	2	2.78
All Misdemeanor	46	26.59	10	13.89
Felony	89	51.45	60	83.33

Chi-square (2) = 22.92 $p < .001$

involved in civil, traffic, and other misdemeanor trials in Champaign County than in Vermilion County (chi-square (3), 25.195, $p < .001$). Note that although the pattern was the same for both counties when grouping by civil, all misdemeanor and felony trials, the porportions were different for the counties (chi-square (2), 22.92, $p < .001$).

When examining the trial data classified by type of charge, 242 subjects were involved. The charge(s) in the trials involved non-violent behavior for 82 subjects including those last undergoing voir dire for civil charges (n=40), for traffic charges (n=11) and 31 subjects for other misdemeanors and felonies involving non-violent behavior. The remaining 160 respondents were last questioned for trials involving violent behavior. For 36 subjects the charges concerned sexual assault and 124 were questioned for trials involving other types of violent behavior. When this classification of charges was examined by county (Table 22) a significant difference was evident (chi-square (4), 60.95, $p < .001$). Fifty-eight of the 172 Champaign County jurors were last questioned for non-violent charge trials (n=38 for civil, n=11 for traffic and n=9 for other non-violent charges). In Vermilion County, 24 respondents were last questioned when the charge(s) was non-violent (n=2 for civil charges and n=22 for non-violent misdemeanors and felonies). The charges were violent for the remaining Champaign County jurors of which 36 were questioned for trials in which the charge involved sexual assaults and only 46 Vermilion County jurors were involved in cases having violent charges.

Summary. The sample of jurors consisted of approximately 66% of

Table 22

Jurors Classified by County and Types of Charge

Type of Charge	Champaign N	Champaign %	Vermilion N	Vermilion %
Civil	38	22.09	2	2.86
Traffic	11	6.4	0	0.0
Non-violent	9	5.23	22	31.43
Violent	78	45.35	46	65.71
Sexual	36	20.93	0	0.0
Totals	172		70	

Chi-square (4) = 60.75 $p < .001$

	Champaign N	Champaign %	Vermilion N	Vermilion %
All Non-Violent	58	33.72	24	34.29
All Violent	114	66.28	46	65.71

Chi-square non-significant

the people on jury duty in Champaign and Vermilion Counties during June and July. Respondents in the two counties differed significatly only on the two occupational indices. They did not differ by sex, marital or employment status, age or previous jury service. Jurors described 36 different trials as having been their most recent voir dire experience.

Judges and Attorneys

Table 23 lists the number of judges and lawyers involved in trials during June and July (indicated by N); the number of those who responded to the general and trial questionnaires (indicated by Resp.); and the response rate (indicated by Rate) partitioned by county.

Response Rates. All 13 judges completed and returned the general questionnaires. The judges heard 43 cases, therefore 43 trial questionnaires were sent to this group. However, only 28 were completed, yielding a response rate of 65.1%. In Champaign County, the response rate for judges was 56.7%. One Champaign County judge explained that the voir dire of prospective jurors was exactly alike in each of the 7 trials under him, so he saw no need to repeatedly answer the questions in the same way. Another judge had forgotten jury selection in three-fourths of his trials by the time he finally completed his questionnaires. Judges in Vermilion County had a much higher response rate on the trial questionnaires. They completed questionnaires on 84.6% of the jury trials in that county during June and July.

The general questionnaires were completed by prosecution/plaintiff (PR/PL) and defense attorneys at the rate of 77.1% (37 of 48 respon-



Table 23

Response Distribution of Judges and Lawyers

	Champaign County			Vermilion County			Overall		
	N	Resp. #	Rate %	N	Resp. #	Rate %	N	Resp. #	Rate %
General Questionnaire									
Judges	9	9	100	4	4	100	13	13	100
Lawyers	36	27	75	12	10	83.3	48	37	77.1
PR/PL	14	10	71.4	7	5	71.4	21	15	71.4
DEF	22	17	77.7	5	5	100	27	22	81.5
Trial Questionnaire									
Judges	30	17	56.7	13	11	84.6	43	28	65.1
Lawyers	60	44	73.3	26	23	88.5	86	67	77.9
PR/PL	30	20	66.7	13	10	76.9	43	30	69.8
DEF	30	24	80	13	13	100	43	37	86.1

ding. The response rate of trial counsel in Champaign County was 75% compared to 83.3% in Vermilion County. Defense lawyers had a higher response rate (81.5%) than prosecutors and plaintiffs (71.4%). All Vermilion County defense attorneys responded. Champaign County defense lawyers response rate on the general questionnaire was 77.7%.

Overall, the response rate by counsel on trial questionnaires was 77.9% (73.3% in Champaign County and 88.5% in Vermilion County). The response rate of defense lawyers was again higher than that of prosecutors or plaintiffs (86.1% for defense and 69.8% for prosecutor/plaintiff). As on the general questionnaires, the response rate was better in Vermilion County than in Champaign County (88.5% to 73.3%, respectively).

The data from judges and attorneys was not examined by sex of subject. There was only one female judge in the two counties and she did not hear any cases during data collection. There were two female prosecutors and one female defense attorney.

The different response rates in the two counties as well as the difference between trial counsel is most likely due to a difference in caseload. Thirty of the trials were conducted in the four weeks of jury duty in Champaign County whereas the 13 Vermilion County jury trials were conducted over the entire 9 weeks of data collection. Consequently, judges and prosecutors, especially in Champaign County, were involved in a greater number of cases (during the "off" weeks, bench trials were occuring at the same or higher rate than jury trials). Further, the response rates of prosecution and plaintiff attorneys were more similar to that of judges than to defense coun-

sel. One reason for this may be a greater similarity between judges and the prosecution/plaintiff side than between the prosecutor/plaintiff and the defense. As reported later, some of the data supports this notion.

Reliability and Validity

The reliability and validity of the instruments completed by jurors is discussed in terms of each dimension measured; honesty, judge vs attorney questioning, socialization, and situation description.

The reliability coefficients reported were somewhat inflated by including all 267 subjects in the computation. Missing data for items was coded as zero. Therefore, the item means reported in the sections are different than item means used in later analyses. Further, the reliabilities were computed after reversing some items so that a high score indicated a tendency toward dishonesty.

Honesty Dimension

Reliability. The consistency of the items measuring perceived juror honesty was measured in two ways. The reliability of the subsets of items (direct, indirect, and influences on honesty) was measured as well as the overall reliability of the dimension. Cronbach's alpha was used to determine the degree of homogeneity among the items.

The reliability of the 23 items asking subjects, directly and indirectly, to report the degree of honesty and dishonesty at voir dire yielded an alpha of .731 indicating a high degree of homogeneity. (See Appendix D for a description of the way in which each item relating di-

Table 24

Summary Statistics: Direct and Indirect Honesty Scale

	Mean	Range	Variance
Item Means	1.90083	4.05993	.85527
Item Variances	2.60653	6.85281	2.71066
Inter-Item covariances	.27510	3.22776	.20440
Inter-Item correlations	.11493	0.94987	.02738

Direct and Indirect Honesty Scale

Mean = 43.719
Variance = 199.15012
S. D. = 14.11206

Table 25

Summary Statistics: Influences on Honesty Scale

	Means	Range	Variance
Item Means	3.37355	4.24345	1.51306
Item Variances	4.98879	6.74276	3.36544
Inter-Item Covariances	1.31467	6.60233	1.50099
Inter-Item Correlations	.25985	1.04462	.04062

Influences on Honesty Scale

Mean = 64.09738
Variance = 544.40402
S. D. = 23.33247

Table 26

Summary Statistics: Entire Honesty Dimension

	Means	Range	Variance
Item Means	2.54220	4.50187	1.66033
Item Variances	3.63935	7.79344	4.35471
Inter-Item Covariances	.45329	7.06169	.56743
Inter-Item Correlations	.12460	1.22201	.02574

Honesty Dimension Scale

Mean = 109.31461
Variance = 975.14125
S. D. = 31.22715

rectly or indirectly to the honesty of prospective jurors contributes to the reliability of the scale.) Table 24 reports the summary statistics for the scale of direct and indirect honesty.

Each item in the scale has a low mean, averaging 1.9. As mentioned earlier, it was expected that a low rate of dishonesty would be reported. The high alpha (.731) indicated homogeneity among the items.

The reliability of items constructed to measure possible influences on the veracity of prospective jurors was also computed. Table 25 reports the summary statistics for the scale of 19 items of influences on prospective juror honesty. An alpha of .872 indicated the homogeneity of this set of measurements. (See Appendix D for the item to total statistics for the scale consisting of the items related to influences on juror honesty.)

Secondly, a scale was constructed to measure the reliability of all items involving the honesty of prospective jurors. That is, the items from the two subsets were combined into one scale. The homogeneity of all 43 items relating to honesty during voir dire was then tested. The result was an alpha of .8595. Table 26 presents summary statistics for the scale. (See Appendix D for item to total statistics.)

Validity. Assessing the validity of the items measuring the veracity of prospective jurors at voir dire was more complex. The foregoing description of the reliability of the items indicated a high level of convergent validity. The measures of prospective juror honesty had face validity. Jurors were asked how honesty, truthful, or candid they and others had been.

In order to have content validity, the instrument would have had

to sample all ways in which prospective jurors could have been honest or dishonest. Clearly that was not possible. The variation in voir dire from court to court and case to case discussed earlier made it impossible to sample all aspects of the dimension. However, an attempt was made to make the sample of items as inclusive as possible. The following paragraphs describe different forms voir dire deceit can take and the ways in which the research sampled those forms of dishonesty.

In almost all voir dires prospective jurors are asked about personal opinions they hold and about events in their lives. Most often the questions are very broad. (For example: "Do you have any opinions or biases that would put either side at any advantage or disadvantage in this case?" "Is there anything about being a juror on that criminal case four years ago that would prejudice you in this case?" "Have you or any member of your family ever been involved in a crime in any way?") Therefore, items asked ex-jurors how candid they had been about opinions and facts in general and during their last experience with voir dire.

Dishonesty may occur through misrepresentation. For example, answering so that the response contains the truth, but the hearer is misled because pertinant facts are left out. A number of ex-jurors (e.g. Chester, 1970; Shatz, 1977) writing about their experience mentioned this form of dishonesty. Therefore some items asked, directly and indirectly, about voir dire responses being misleading. Simply concealing information is another aspect of the honesty-dishonesty dimension about which subjects were asked.

Jurors could also have been more or less truthful under different conditions. Operationalized in terms of the courts in which the research occurred it would be a question of honest answers to the judges and/or to the attorneys. This aspect also was measured in different ways. One way was asking subjects, directly and indirectly. Further, the honesty items on the trial section of the questionnaire were analyzed by the variable constructed from the constructed variable JDG-ATY SPLIT which assigned each subject to a condition of whether the judge asked few, about half, or most of the questions.

In order to report on the degree of dishonesty they had exhibited, subjects would have to have been motivated to respond to the questionnaire honestly and been aware of instances in which they were dishonest. As mentioned earlier, efforts were made to motivate subjects to respond candidly. From Table 24 the mean of the individual item means (1.9 when the scales were reversed) makes it appear that either subjects were not so motivated or else they really were more honest during voir dire than had been expected. Differences by county on some of the honesty items suggests that there may have been a motivational problem.

Vermilion County subjects may have felt more anonymous than those from Champaign County. The questionnaires asked no information that could identify the former, but Champaign County subjects were asked to give their juror number. That this difference in perceived degree of anonymity may have been important is evident when the possible consequences of admission of voir dire dishonesty is considered. There are legal penalties for perjury by potential jurors. Therefore, subjects

who thought that they were anonymous would be more likely to admit dishonesty at voir dire. That expectation was confirmed by the data (see Table 27). As expected, in both counties a high degree of candor was reported. However, the significant differences between the counties indicated that subjects motivation to admit dishonesty may have been mediated by perceived anonymity.

There is a liklihood that a social desirability problem existed in the measures of honesty diminishing the validity of items in the dimension. There was no way to assess whether, in fact, subjects in Vermilion County had been more dishonest in voir dire responses. However, the differences in the two counties on the direct honesty items in Table 27 implies that jurors may not have actually been more candid during voir dire than expected. The differences by county and in other ways described in the results section suggest a social desirability problem in the measures rather than a higher than expected degree of honesty at voir dire, although that remains a possibility.

Further, there was a possibility that if they had been less than totally truthful during voir dire, subjects did not report it because they were unaware of having been dishonest. In the context of voir dire, a lack of awareness of dishonesty may occur in at least three ways. At voir dire jurors may respond that they will be able to do something required of them (e.g. presume a defendant innocent or follow the judge's instructions) and then find it more difficult to do than they had expected. Subjects were not asked whether it was more difficult to follow some of the requirements than they had expected, but they were asked the degree of difficulty they had in following 7



Table 27

Difference by County on Selected Honesty Items*

Item	CHAMP Mean	VERM Mean	F	df	Significance
Candor about opins-G	5.84	5.05	7.99	1,241	p .01
Candor about facts-G	6.19	5.29	13.05	1,248	p .001
Candor about facts-T	6.14	5.64	3.87	1,243	p .051
Truthful to attorneys	6.76	6.24	7.78	1,220	p .01

* A high score indicates a high degree of honesty reported

basic requirements. (The section on questionnaire construction describes these items.)

A second way in which subjects may have been unaware of the degree of their own veracity would be if they were influenced by factors involved in juror voir dire. While the data did not address the direction of influence, a number of items asked subjects the degree to which they were aware of influences. The research was designed to measure juror perceptions. The purpose of the research did not include assessing the influence of factors that were likely to be out of jurors' awareness. So little has been learned by earlier research about the perceptions of voir dire held by jurors that the first step was to focus on the more obvious rather than subtle aspects of their experience.

A third way in which subjects could have been somewhat dishonest without being aware of it involves a desire for approval or acceptance. In voir dire one way in which a desire for approval can be operationalized is in wanting to be believed by others in the situation. Honesty at voir dire is highly valued by the courts. Honesty is stressed when potential jurors first report for duty. Most judges asked prospective jurors to repeat the oath prior to questioning. Other judges simply reminded jurors they were under oath to be truthful. When asked the importance of honesty at voir dire, the mean for subjects was 6.49 indicating that subjects were aware of the value the justice system placed on veracity at voir dire. Consequently, wanting to be believed by others could be indicative of a desire for approval. This desire could have had a subtle effect such that prospective jurors would phrase their responses in a way to gain approval from, for example,



the judge (i.e. the importance of being believed by the judge). The effect of wanting to be believed could have been a degree of deceitfulness. The importance of belief from others was measured and is discussed later, but whether it had led to a greater or lesser degree of honesty was not assessed.

The foregoing discussion described some of the possible forms of voir dire deceit and the ways in which those factors were assessed. There was a high degree of content validity. Most factors that could be involved in the veracity of jurors at voir dire were assessed.

Judge vs Attorney Dimension

Reliability. There were 47 items on the questionnaire constructed to measure the perceived effects of who questions prospective jurors. The degree of homogeneity was measured by Cronbach's alpha. This assessment yielded an alpha coefficient of .872. Table 28 reports the summary statistics for the judge vs attorney dimension. (See Appendix E for the item to total statistics.)

As described earlier, a measure of judge vs counsel questioning (JDG-ATY SPLIT) was constructed from the data. This variable was constructed so that the trial data from 250 subjects could be classified in one of three ways: Few questions from the judge and most from the attorneys, about an even split of court and counsel questioning, or most questions from the judge and few to none from the attorneys in the case.

JDG-ATY SPLIT was constructed from the data of all groups of subjects (jurors, the judge, and both advocates in the the trial). There-

Table 28

Summary Statistics: Judge vs Attorney Dimension

	Means	Range	Variance
Item Means	2.52522	5.11985	1.44958
Item Variances	3.29192	6.66991	2.31937
Inter-Item Covariances	.41601	7.97957	.40944
Inter-Item Correlations	.15486	1.42491	.03788

Judge vs Attorney Dimension

Mean = 118.68539

Variance = 1054.13373

S. D. = 32.46743



fore it is likely that as a measurement it is more reliable than if it had been constructed from only one group. Further, it was constructed from two opposing items, the number of questions asked by the judge and by the attorneys. Consequently, an indication of the reliability of the variable would be its correlation to the two items from which it was derived. The correlation of JDG-ATY SPLIT with the number of questions asked by the judge was .73 ($p < .001$). A negative correlation was anticipated and found with the number asked by the attorneys ($-.487$, $p < .001$)

Validity. The items constructed to measure the effects of judicial and counsel questioning have a high degree of face validity. However, one problem with the face validity of the items is that for the many of the items there is no way to determine whether subjects' responses about the attorneys referred primarily to the prosecutor/plaintiff or to the defense. Jurors were asked few questions in which they were required to differentiate trial counsel. Juror's ability to differentiate the two sides in a trial was unimportant to the central question of this dimension: What are the different perceived effects of court and counsel questioning at voir dire. Given the nature of the situation in which voir dire occurs (e.g. the judge sitting above everyone else, wearing a robe, and beginning the questioning), it was unlikely that subjects would have been unable to remember with at least some degree of accuracy how they felt and responded when judges or attorneys questioned them.

Further, the 16 items of how subjects generally felt when judges or lawyers questioned them (see questionnaire construction) were

placed together. This may have created unknown problems with response, but it may have increased the ability of subjects to reconstruct the way they felt when judges and attorneys questioned them. Some of the items have a higher degree of face validity than others, but overall, the scale appears valid in this respect.

As with the honesty dimension, the content validity of the instrument is also adequate. Under the section on questionnaire construction, the ways in which a number of possible effects of court and counsel questioning were described.

The validity of the constructed variable, JDG-ATY SPLIT, is more problematic than the other items in this dimension. There was no way to determine exactly what subjects were referring to when answering the items on the number of questions asked by court and counsel. The questions were phrased such that subjects were instructed to think of the total number of questions asked at voir dire. There was the possibility that subjects were describing the number of questions asked of themselves only. If that were true, there may be a great deal of variation within one trial.

A further problem exists with the validity of JDG-ATY SPLIT. In some of the trials, one side (usually the prosecution) asked no or only very few questions of a given panel, but the other side may have asked a great many. (The judges always, at least, asked preliminary questions of 4, 6 or 12 prospective jurors before turning the panel over to the attorneys to be questioned.) There was no evidence to indicate where subjects would perceive that as the "lawyers" asking none to all on a scale of 1 to 7. A more valid measure would be

counting the total number of questions asked at each voir dire and determining the number asked by persons in each role.

Socialization Dimension

Reliability. As described in the section on questionnaire construction, the socialization of jurors into the courtroom role was measured by two sets of items: one directed at determining preferences and referents of prospective jurors and the other designed to learn salient aspects of their experiences that may have affected socialization. As with the earlier dimensions, Cronbach's alpha was used. For the items about the preferences and possible referents of prospective jurors an alpha of .842 was obtained. Summary statistics are listed in Table 29. (See Appendix E for item to total statistics.)

The alpha coefficient computed for the portion of the socialization dimension constructed to learn about aspects of subjects' experiences as jurors was .741. The reliability of this scale was lower than others described above. This was probably because the items were designed to tap different aspects of jurors' experiences without examining any aspect in depth. (See Appendix F for the item to total statistics.) The summary statistics of the scale are exhibited in Table 30.

Table 31 describes the summary statistics when the two socialization subscales are combined. The alpha coefficient (.853) and information given in the table and Appendix F indicates a high degree of homogeneity among the items used to learn about the socialization of jurors. (Appendix F reports the item to total statistics for the

Table 29

Summary Statistics: Preferences and Referents Scale

	Means	Range	Variance
Item Means	2.92634	4.24345	1.61974
Item Variances	4.19906	6.74436	4.13001
Inter-Item Covariances	.71881	6.81520	1.10105
Inter-Item Correlations	.15571	1.10738	.03420

Preference and Referent Scale

Mean = 79.01124
Variance = 617.98108
S. D. = 24.85923

Table 30

Summary Statistics: Socialization Experience Scale

	Means	Range	Variance
Item Means	2.89856	4.24345	1.61570
Item Variances	4.31016	6.74276	3.87829
Inter-Item Covariances	.78540	6.12153	1.00393
Inter-Item Correlations	.17190	1.06499	.03280

Experience Scale

Mean = 69.56554
Variance = 536.21655
S. D. = 23.15635

Table 31

Summary Statistics: Entire Socialization Dimension

	Means	Range	Variance
Item Means	2.47823	2.94007	1.05559
Item Variances	3.88965	8.96612	4.51436
Inter-Item Covariances	.58979	3.78284	.82812
Inter-Item Correlations	.14979	.82816	.04792

Entire Socialization scale

Mean = 39.65169
Variance = 203.78424
S. D. = 14.27530

entire socialization dimension.)

Validity. Again, the degree of convergent validity is expressed in the high alpha coefficient obtained. In general, the items seperately and in combination have less face validity than those for the preceding dimensions. For example, if subjects reported that they were more influenced in their voir dire responses by the judge and wanted more to be believed by him than by potential jurors, it may or may not indicate that they perceive the judge to be more important than other potential jurors to their socialization. It may be that they actually perceived other potential jurors to be more important to themselves in terms of who their referents are, but believed that the judge was the most important and influential person in the courtroom because of, for example, the visible indicators of his status.

However, as with the dimensions of honesty and judge vs attorney, the content validity of the socialization dimension is adequate. Many factors that may be involved in the socialization of prospective jurors were sampled in the items. The degree of influence various factors were reported to have (e.g. the oath, the seriousness of the situation; see the section on questionnaire construction for the full listing) may be indicative of the salience of those factors. The questionnaires were distributed after jury service. Factors that were most salient at that time may be best remembered and therefore reported on the questionnaire. The same may be true for the other items included under socialization (e.g. the BELIEVED BY, HARD TO, and WHEN EXC sets of questions).

Situation Description Dimension

Reliability and Validity. As expected, the degree of homogeneity among items constructed to learn the ways in which jurors perceived the context of voir dire was lower than for the more unified dimensions. A reliability coefficient of only .455 was obtained (see Table 32 and Appendix G for associated statistics). Rather than looking for convergence in order to form a unified and comprehensive picture of how jurors would describe voir dire, items in this set were constructed so as to be more divergent. Only a few of the ways in which jurors may characterize voir dire were sampled.

Although the face validity of items constructed to reflect some of the ways in which jurors would describe the voir dire situation is again high, the degree of content validity is not. Few items were used and, other than the number of questions asked by the judge and the attorneys, questions of interest were asked in only one way.

Summary

It can be concluded from the foregoing descriptions that the reliability of the instrument on the four dimensions of interest (honesty, judge vs attorney, socialization, and situation description) was very high. Face validity was also quite good. Much of the content of each dimension was described and sampled making content validity adequate.

Another way in which the validity of the instrument was checked was in an informal pilot study. The investigator presented an earlier version of the questionnaire to three people who had been on jury duty in

Table 32

Summary Statistics: Situation Description Dimension

	Means	Range	Variance
Item Means	2.96283	3.84644	1.94759
Item Variances	3.54775	6.17257	2.68361
Inter-Item Covariances	0.21415	3.20636	0.21804
Inter-Item Correlations	0.06421	0.98239	0.01613

Situation Description Scale

Mean = 38.51685

Variance = 79.52885

S. D. = 8.91789

Champaign County during May. After completing the questionnaire, the investigator conducted extensive interviews with the three subjects in order to determine the way in which they interpreted each item and the relevance of the items in light of their own experience.

Differences by Characteristics of Jurors

The data was analyzed to determine whether there were any significant differences due to the demographic characteristics of jurors. There were significant differences on some items by sex, age, employment and marital status. There were also differences on items when the two occupational indices were used as independent variables for oneway analyses of variance. A few significant differences were found by county, previous jury service, and on trial items by whether subjects were excused or accepted.

Differences by Sex. Of the items on which sex differences were found (see Table 33), males scored higher only on HARD TO NOT FORM OPIN. Males reported that it was more difficult for them than for female subjects to refrain from forming an opinion ($F(1,243)=9.72$, $p < .01$). Females placed more importance on honesty during voir dire than males ($F(1,260)=4.55$, $p < .04$). Females reported exhibiting more candor about facts ($F(1,242)=4.33$, $p < .04$) and paying more attention to the answers of others ($F(1,256)=10.54$, $p < .01$) than males did during their most recent voir dire.

Differences by Age. To determine whether subjects responded differently due to their age, they were divided into three groups. Ninety-two subjects (34%) were between the ages of 20 and 34. Eighty-five ex-jurors (32%) were between 35 and 52. The remaining subjects (n=90, 54%) were over 53. Oneway analyses of variance were used to determine which items showed a difference by the three groupings of age (see Table 34). The means of 9 items increased or decreased with age, but means on the other four items did not show

Table 33

Differences by Sex

Item	Dimen-sions*	Male Mean	Female Mean	F	df	p**
Hard to not form opin	S	4.47	3.69	9.719	1,243	.01
Importance of no opins	H,S,D	6.11	6.44	3.629	1,257	.068
Importance of honesty	H,S,D	6.28	6.63	4.547	1,260	.04
Attorneys made comp-coop	J-A	6.12	6.45	3.061	1,239	.06
Candor about facts-T	H	5.69	6.19	4.33	1,242	.04
Attention to others	H,S	5.33	6.04	10.538	1,256	.01

* H = Honesty Dimension

J-A = Judge vs. Attorney Dimension

S = Socialization Dimension

D = Situation Description Dimension

** p equal to or less than .06

Table 34

Differences by Age

Item	Dimen-sions*	Age 20-34	Age 34-52	Age 53+	F	df	p**
Liklihood of guilt	D	4.71	4.93	5.28	3.75	227	.03
Judge made relaxed	J-A	4.60	5.45	5.52	8.49	249	.001
Judge made careless-ful	J-A	6.03	6.48	6.48	4.06	246	.02
Attorneys made relaxed	J-A	4.71	5.34	5.36	3.57	239	.03
ATYS made careless-ful	J-A	5.98	6.44	6.53	5.49	235	.01
Importance of no opins	H,S,D	6.01	6.25	6.63	4.58	254	.02
Effectiveness of v.d.	D	5.00	5.52	5.88	5.01	231	.01
Hard to disregard	S	4.24	4.19	3.66	3.42	236	.04
Attorneys made nervous	J-A	3.32	2.54	2.24	7.86	241	.001
Hard to presume innocent	S	3.04	2.72	3.50	3.86	238	.03
Judge made nervous	J-A	3.49	2.35	2.41	10.34	249	.001
JDG made self-conscious	J-A	3.01	2.29	2.50	3.72	245	.03
Believed by PR/PL	H,J-A,S	4.61	5.58	4.99	3.69	244	.03
Believed by Defense	H,J-A,S	4.65	5.56	5.92	3.34	244	.04

* H = Honesty Dimension
J-A = Judge vs. Attorney Dimension
S = Socialization Dimension
D = Situation Description Dimension

** p equal to or less than .04

such a clear pattern.

With increasing age, subjects believed defendants were more likely to be guilty ($F(2,227)=3.75$, $p < .03$). With age, subjects were more relaxed and careful when judges ($F(2,249)=8.49$, $p < .001$ and $F(2,246)=4.06$, $p < .02$, respectively) and attorneys ($F(2,239)=3.57$, $p < .03$ and $F(2,235)=5.48$, $p < .01$, respectively) posed the voir dire questions. The older subjects were, the more important they believed it to be that jurors have no relevant opinions prior to the start of a trial ($F(2,231)=4.58$, $p < .02$). Older subjects thought that their most recent voir dire was more effective than younger subjects ($F(2,231)=5.01$, $p < .001$). Younger subjects reported that it was more difficult to disregard testimony than it was for older subjects ($F(2,236)=3.42$, $p < .04$). Younger subjects were also more nervous when questioned by attorneys than were older subjects ($F(2,241)=7.86$, $p < .001$).

Subjects in the middle age grouping (35-52) had the least difficulty presuming a defendant innocent ($F(2,238)=3.86$, $p < .03$). The middle group was also the least nervous ($F(2,249)=10.34$, $p < .001$) and self-conscious ($F(2,245)=3.72$, $p < .03$) of the age groupings when questioned by judges. Subjects between 35 and 52 reported that it was more important to them than to other age groups to be believed by the prosecutor/plaintiff and by the defense attorney ($F(2,244)=3.69$ and 3.34, $p < .04$, respectively).

Differences by Employment Status. Subjects who were unemployed at the time of their jury service differed significantly on a number of items from those who had jobs. (See Table 35.) Unemployed subjects reported feeling more offended ($F(1,248)=6$, $p < .02$) and closed

Table 35

Differences by Employment Status

Item	Dimen-sions*	Not Employed	Now Employed	F	df	p**
Judge made offended	J-A	1.66	1.29	5.995	248	.02
Judge made patient-im	J-A	2.70	2.05	7.188	246	.01
Judge made un-cmftble	J-A	4.83	3.87	9.695	249	.01
Judge made open-closed	H,J-A	2.10	1.69	4.235	248	.05
Influenced by oath	H,S	5.07	4.33	3.817	251	.052
Importance of no opins	H,S,D	6.62	6.20	5.395	255	.03
# attorneys asked	J-A,D	4.21	3.54	7.992	242	.01
Tried to get seated	H,S	1.78	2.32	4.079	246	.05

* H = Honesty Dimension

J-A = Judge vs. Attorney Dimension

S = Socialization Dimension

D = Situation Description Dimension

** p equal to or less than .05

($F(1,248)=4.24$, $p < .05$) than employed when voir dire questions were posed by judges. Unemployed jurors also felt it was more important to have no relevant opinions prior to the trial than subjects who had jobs ($F(1,255)=5.4$, $p < .03$). Unemployed subjects reported more questions from attorneys than employed subjects ($F(1,242)=8$, $p < .01$). Employed subjects reported trying harder than unemployed subjects to answer questions in order to get seated from their most recent voir dire ($F(1,246)=4.08$, $p < .05$).

Differences by Marital Status. Subjects who were married differed significantly from those who were single, divorced, or widowed (Table 36) on a number of items. Jurors who were not married indicated they were more influenced by others' answers than were married subjects ($F(1,251)=12.78$, $p < .001$). Unmarried subjects also reported more nervousness when questioned by the judge ($F(1,250)=7.5$, $p < .01$) and by the attorneys ($F(1,242)=4.42$, $p < .04$). Married subjects, when questioned by attorneys, reported feeling more relaxed ($F(1,240)=4.08$, $p < .05$) and careful ($F(1,236)=4.46$, $p < .04$) than unmarried jurors. Married subjects attributed more influence to the oath than those who were unmarried ($F(1,250)=4.1$, $p < .05$).

Differences by SES Occupational Level. When analyzing subjects responses by their job classification on the SES Occupational Index, significant differences were found on 7 items (see Table 37). However, the patterns of means were not simple. Blue collar craftspeople reported feeling more honest and respectful when questioned by judges than the other occupational groups. They also found it least difficult to not be influenced by the status of witnesses. It was also

Table 36

Differences by Marital Status

Item	Dimen-sions*	Not Married	Now Married	F	df	p**
INFL BY others' answer	H,S	1.81	1.26	12.775	251	.001
Judge made nervous	J-A	3.32	2.57	7.501	250	.01
Attorneys made nervous	J-A	3.13	2.56	4.424	242	.04
Attorneys made relaxed	J-A	4.73	5.27	4.084	240	.05
ATYS made careless-ful	J-A	6.03	6.40	4.462	236	.04
Influenced by oath	H,S	3.92	4.72	4.098	250	.05

* H = Honesty Dimension

J-A = Judge vs. Attorney Dimension

S = Socialization Dimension

D = Situation Description Dimension

** p equal to or less than .05

Table 37

Differences by SES Occupational Level

Item	Dimen-sions*	House. Studnt.	Labor	Craft	Clerk Sales	Mana-gers	Profes-sional	F	df	p**
Judge made honest-dis	H,J-A	1.41	1.90	1.11	2.02	1.59	1.34	2.309	5,237	.05
JDG made respectfl-dis	J-A	1.73	2.21	1.09	2.05	1.50	1.49	2.381	5,237	.04
Hard to not form opin	S	3.24	3.00	3.62	4.09	4.76	4.44	3.927	5,232	.002
Hard to not be infl by witness status	S	3.00	2.80	2.35	2.54	3.12	3.55	2.463	5,233	.04
Believed by seated jur	H,S	4.76	4.95	3.27	4.48	3.28	4.54	2.540	5,234	.03
Believed by PR/PL	H,S	5.11	5.15	3.92	5.59	4.36	5.04	3.74	5,234	.04
Others' truthflness	H	5.42	5.83	6.14	5.21	5.53	5.97	2.27	5,201	.05

* H = Honesty Dimension
J-A = Judge vs. Attorney Dimension
S = Socialization Dimension
D = Situation Description Dimension

** p equal to or less than .05

least important for craftspeople to be believed by seated jurors or the prosecution. Finally, craftspeople, more than other occupational groups, thought other prospective jurors were honest. Laborers and service workers felt least respectful when questioned by judges. Laborers also found it least difficult to refrain from forming opinions. Finally, this group wanted most to be believed by seated jurors. Clerical and salespeople felt least honest when questioned by judges and wanted to be believed by prosecution/plaintiff attorneys more than other groups. This group reported that other prospective jurors were less honest than other occupational groups. Managers found it most difficult to refrain from forming an opinion and professionals found it most difficult to not be influenced by the status of witnesses.

Differences by DOT Occupational Level. Significant differences were found on three items when the DOT index was used as an independent variable (see Table 38). Subjects whose jobs involved negotiating or mentoring reported that they felt most uncomfortable when questioned by judges and were least truthful in their responses to them. This same group found it most difficult to refrain from forming opinions. Subjects whose occupation was classified as supervising were most comfortable when questioned by judges and most truthful in response to their questions. Supervisors also found it least difficult to refrain from opinions.

Differences by County. On five of the six items that showed a significant difference by county, Champaign subjects had higher means than Vermilion County subjects (see Table 39). Champaign jurors reported that it was more difficult to refrain from forming an opinion

Table 38

Difference by DOT Occupational Level

Item	Dimen-sions*	Be instructed or Help	Serve	Speak	Persuade or Divert	Super-vise	In-struct	Negotiate or Mentor	F	df	p**
Judge made un-cmftble	J-A	3.77	4.06	4.02	5.30	6.50	4.36	2.77	2.395	6,195	.03
Hard to not form opin	S	4.07	3.06	4.16	4.22	2.40	4.50	4.80	2.145	6,193	.05
Truthful to judge	H,J-A	6.84	6.95	6.93	6.40	7.00	6.94	6.30	2.789	6,200	.02

* H = Honesty Dimension
J-A = Judge vs. Attorney Dimension
S = Socialization Dimension
D = Situation Description Dimension

** p equal to or less than .05

Table 39

Differences by County

Item	Dimen-sions*	CHAMP Mean	VERM Mean	F	df	p**
Hard to presume innocent	S	3.24	2.77	3.654	1,243	.057
Hard to not form opinion	S	4.32	3.41	11.851	1,245	.001
Defense or PR/PL better	J-A	4.38	3.89	4.832	1,236	.03
Candor about opinions-G	H	5.84	5.05	7.991	1,241	.01
Candor about facts-G	H	6.19	5.29	13.054	1,248	.001
Candor about facts-T	H	6.14	5.64	3.866	1,243	.051
Truthful to attorneys	H,J-A	6.76	6.24	7.784	1,220	.01
Understood when excused	S	4.5	5.43	5.784	1,174	.02

* H = Honesty Dimension

J-A = Judge vs. Attorney Dimension

S = Socialization Dimension

D = Situation Description Dimension

** p equal to or less than .05

than Vermilion subjects ($F(1,245)=11.85$, $p < .001$). Subjects in both counties rated the attorneys approximately equal in voir dire skills. However, Champaign jurors rated the prosecution/plaintiff (mean=4.38) as slightly better than the defense. Vermilion subjects rated the defense (mean=3.89) as slightly better skilled ($F(1,236)=4.83$, $p < .03$). As reported earlier (see the section on reliability and validity), Champaign subjects reported significantly more candor on some of the honesty items that Vermilion subjects. Vermilion County subjects reported more understanding when they were excused than Champaign subjects ($F(1,174)=5.78$, $p < .02$).

Differences by Prior Jury Service. The differences by prior jury service are reported in Table 40. Subjects who had previously had jury duty reported that it was more important to them than to subjects with no prior experience to be believed by the prosecutor/plaintiff ($F(1,243)=4.8$, $p < .03$) and by the defense ($F(1,243)=4.53$, $p < .04$). Subjects who had never been jurors before reported being more offended ($F(1,168)=6.76$, $p < .02$) and comfortable ($F(1,167)=6.64$, $p < .02$) when they were excused from a jury.

Differences Between Excused and Accepted Jurors. Interestingly, subjects who were excused after their last voir dire, reported that they had tried harder to get seated ($F(1,248)=5.9$, $p < .02$) than jurors who were accepted (means = 2.62 and 1.99, respectively). Accepted jurors thought their most recent voir dire was more effective than subjects who had been excused ($F(1,229)=6.17$, $p < .02$).

Subjects had been asked four questions about their preferences for being excused or accepted from juries. On the general section of the

Table 40

Differences by Prior Jury Service

Item	Dimen-sions*	No Prior exp.	Prior exp.	F	df	p**
Believed by PR/PL	H,J-A,S	4.87	5.65	4.798	1,243	.03
Believed by defense	H,J-A,S	4.90	5.65	4.529	1,243	.04
Offended when excused	S	1.94	1.22	6.758	1,168	.02
Cmftble when excused	S	2.46	1.68	6.641	1,167	.02

* H = Honesty Dimension

J-A = Judge vs. Attorney Dimension

S = Socialization Dimension

D = Situation Description Dimension

** p equal to or less than .05

questionnaire, subjects were asked about their willingness to change their answers to sit on a jury (mean=1.42) and to be excused from a jury (mean=2.14). A t-Test indicated that subjects were, in general, more willing to change answers in order to be excused from, rather than sit on, a jury ($t(255)=5.94$, $p < .001$). However, when asked about their most recent voir dire experience, subjects' means indicated the opposite pattern. They were asked how hard they had tried to get seated (mean=2.17) and to get excused (mean=1.6) from that particular jury. A t-Test showed the difference to be significant ($t(247)=3.71$, $p < .001$). For their most recent voir dire subjects would rather have been accepted than excused.

Honesty. Thirty-five subjects (13.1%) reported that they had intentionally or unintentionally withheld information during voir dire. The second part of the question asked subjects how often they had withheld information on a seven point scale (1=never, 7=often). Although the mean was low for the 243 subjects who responded, 43 (16.1%) responded with a two or higher on the scale. Consequently, at least 16% of the jurors were less than completely honest at some time during their jury service.

Subjects were also asked to give the reasons they had for withholding information. Forty-seven subjects (17.6% of the sample) gave reasons which were then coded. Nineteen of the 47 (40.4%) gave explanations emphasizing that they had initially forgotten something. Eight subjects (17%) emphasized that they were not asked the "right" question (e.g. "but when the judge didn't ask about it, I didn't have to say anything"). From this group of responses, it was not clear whether

subjects would have concealed information or made misleading responses if they had been asked further questions. Twenty of the 47 subjects who listed a reason, clearly had made a conscious decision to either mislead or withhold information (e.g. "it was irrelevant" or "none of their business").

Personal vs Factual Honesty. Subjects were asked questions to determine whether their truthfulness at voir dire differed by whether questions put to them were about their personal opinions and beliefs or about facts of their lives. Subjects reported that generally they were more candid about facts (mean=5.91) than about their opinions and beliefs (mean=5.56, $t(235)=3.75$, $p < .001$). Further, they reported having been more truthful in response to opinion and belief questions during their last voir dire (mean=5.89) than they were in general during their jury service (mean=5.56, $t(233)=2.20$, $p < .029$).

JDG-ATY SPLIT. Suprisingly, the only trial item to show a significant difference by the proportion of questions asked by the judge and attorneys was: How difficult was it to guess the answer the attorneys wanted or expected to their questions ($F(1,199)=3.67$, $p < .03$). When attorneys asked the fewest questions it was most difficult to guess the answers they expected (mean=3.33) and easiest when attorneys questions were split about evenly with judges (mean=2.54). When attorneys posed most of the questions, it was slightly harder for subjects to guess the expected answers (mean=2.77) than when questions were divided more evenly between court and counsel.

Differences by Percentage of Acceptances. Table 41 indicates the items that showed significant differences between the means of subjects

Table 41

Differences by Percentage of Acceptances

Item	Dimensions*	33% or less	34%-67%	67%-100%	F	df	p**
Judge made careless-careful	J-A	5.90	6.47	6.40	4.145	2,221	.07
Judge made honest-dishonest	H,J-A	1.27	1.95	1.47	3.671	2,221	.03
Judge made respectful-disrespectful	J-A	1.45	2.04	1.50	3.4	2,221	.04
Attorneys made awkward	J-A	3.45	2.93	2.52	2.972	2,214	.056
Attorneys made open-closed	H,J-A	1.60	2.28	1.68	4.751	2,211	.01
Hard to limit to evidence	S	3.65	3.29	4.21	4.774	2,214	.01
Hard to not be infl by witness status	S	2.91	2.59	3.33	3.239	2,216	.05
Impt. that believed by judge	H,J-A,S	5.83	5.38	4.91	2.69	2,220	.05
How often withheld information	H	1.13	1.44	1.21	3.146	2,217	.05
How hard tried to get seated	H,S	2.82	1.95	1.90	4.457	2,223	.02

* H = Honesty Dimension

J-A = Judge vs. Attorney Dimension

S = Socialization Dimension

D = Situation Description Dimension

** p equal to or less than .07

who had been accepted in up to one-third, two-thirds, and 100% of the voir dires in which they participated. Subjects accepted for 34%-67% of their voir dires reported more dishonesty ($F(2,221)=3.67$, $p < .03$) and disrespect ($F(2,221)=3.4$, $p < .04$) when questioned by judges than the other groups. The group that had been accepted up to two-thirds of the time also reported feeling most closed when attorneys posed the questions ($F(2,211)=4.75$, $p < .01$). This group of subjects (34-67% acceptance rate) reported having withheld information more often than other groups. Interestingly, subjects who were accepted most often reported finding it most difficult to limit their decisions to the evidence presented ($F(2,214)=4.77$, $p < .01$) and to not be influenced by the status of witnesses ($F(2,216)=3.24$, $p < .05$). Subjects accepted less than one-third of the time reported trying harder to get seated than the other groups ($F(2,223)=4.46$, $p < .02$).

Judge vs Attorney Differences. Table 42 reports the differences when t-Tests paired the means for how subjects felt when judges and attorneys posed questions at voir dire. Subjects were less offended and more patient when judges questioned them than when attorneys did ($t(241)=2.64$, $p < .01$ and $t(237)=2.42$, $p < .02$, respectively). Subjects were more truthful to the judges than to the attorneys ($t(216)=3.05$, $p < .01$) the last time they were questioned at voir dire. At their most recent voir dire, subjects found it more difficult to guess the answers counsel wanted than answers wanted by the judge ($t(199)=4.49$, $p < .001$).

Seriousness. A number of differences were found on the item on the degree of seriousness involved in the trial for which subjects

Table 42

Difference in Judge Vs. Attorney Items

Item	Dimensions*	Mean	t Value	df	p**
Judge made offended	J-A	1.41			
ATYS made offended	J-A	1.63	-2.64	241	.01
Judge made patient-im	J-A	2.13			
ATYS made patient-im	J-A	2.35	-2.42	237	.02
Judge made comp-coop	J-A	6.46			
ATYS made comp-coop	J-A	6.31	1.87	240	.063
Truthful to judge	H,J-A	6.88			
Truthful to attorneys	H,J-A	6.58	3.05	216	.01
Hard guess ans JDG want	H,J-A,S	2.25			
Hard guess ans ATYS want	H,J-A,S	2.85	-4.49	199	.001

* H = Honesty Dimension

J-A = Judge vs. Attorney Dimension

S = Socialization Dimension

D = Situation Description Dimension

** p equal to or less than .06

the last questioned. They type of trial, civil (mean=3.23), misdemeanor (mean=3.698), or felony (mean=5.41), made a significant difference on the degree of seriousness subjects attributed to the case ($F(2,234)=29.64$, $p < .001$). Further, trials in which the criminal charge (i.e. misdemeanor or felony) involved no violence (mean=4.39) were considered less serious than when violence was allegedly used or implied (mean=4.66). However, trials involving sexual violence were considered by subjects to be the most serious (mean=6.5, $F(2,194)=15.42$ $p < .001$). Finally, seriousness was the only item related to the verdict reached in a trial. When the verdict was not guilty, subjects reported the trial to have been less serious (mean=4.17) than when a guilty verdict (mean=5) occurred ($F(1,125)=5.35$, $p < .03$).

Sets of Items

Table 43 lists three sets of items asked of subjects. The ranked order of the means on the items asking subjects to rate the difficulty they had doing some of the behaviors required of them (HARD TO items) are listed in the first two columns. The middle columns show the degree of influence various factors had on subjects (INFL BY items). The final columns in Table 43 list the ranked order of people subjects felt it was most important to be believed by (BELIEVE BY items). Tables 44 through 46 report the t-Tests that were done to determine whether significant differences were found between adjacently ranked means.

HARD TO. Subjects reported that it was of varying degrees of difficulty to follow some of the requirements placed upon them as jurors. The requirements are ranked by the degree of difficulty subjects at-

Table 43

Ranked Means: HARD TO, INFL BY, BELIEVE BY

Most to Least Difficult HARD TO Items

Item	Mean
Disregard	4.12
Not form opinions	4.02
Limit to evidence	3.75
Set aside opinions	3.65
Weigh testimony equally	3.38
Presume innocence	3.09
Not be infl by status	2.98

Most to Least Influence INFL BY Items

Item	Mean
Seriousness	4.68
Oath	4.54
Judge	3.87
Quest wording	3.55
Formality	3.53
Defense ATY	2.80
PR/PL	2.79
Time to think	2.47
Potential jurors	2.13
Boredom	2.12
Accepted jurors	2.11
Excused jurors	2.05

Most to Least Important BELIEVE BY Items

Item	Mean
Judge	5.25
Defense	5.04
PR/PL	5.02
Seated jurors	4.34
Pool	3.72

tributed to each in Table 43. T-Tests were conducted between the means in order to determine whether the mean of each requirement indicated that it was significantly more difficult than the following requirement. Only significant differences are reported in Table 44.

As ordered by the judge, subjects found it significantly more difficult to disregard testimony and to not form an opinion prior to closing arguments than it was to limit their verdict to evidence presented in the trial ($t(239)=2.37$, $p<.01$ and $t(240)=1.94$, $p<.03$, respectively). Subjects reported that it had been more difficult to base their decision only on the evidence and to set aside their personal opinions and believes than it was to weigh the testimony of someone they knew as equal to that of someone they did not know ($t(228)=2.32$, $p<.02$ and $t(229)=2.34$, $p<.02$, respectively). Ex-jurors reported that it was easier for them to presume a defendant innocent than it was to weigh the testimony of witnesses equally ($t(229)=2.01$, $p<.03$).

INFL BY. Table 43 lists the ordered degree of influences subjects attributed to some of the factors that are present during voir dire. Table 45 reports the significant results of t-Tests conducted on adjacent means. Subjects were significantly more aware of being influenced by the seriousness of the situation and by the oath than they were by the judge ($t(255)=5.47$ and 4.54, respectively, $p<.001$). During voir dire questioning, they were more influenced by the judge than by the wording of the questions ($t(256)=2.19$, $p<.02$). The wording of questions and the formality of the courtroom influenced subjects more than the defense attorney ($t(255)=4.94$ and 4.67, respectively, $p<.001$). The attorneys in trials (DEF and PR/PL, respectively) exerted signifi-

Table 44

Differences Between Means on

Ranked HARD TO Items

How Difficult to ...	Rank	Mean	t Value	df	p**
Disregard testimony	1	4.096			
Limit to evidence	3	3.72	2.37	239	.01
Not form opinion	2	4.01			
Limit to evidence	3	3.73	1.94	240	.03
Limit to evidence	3	3.71			
Weigh test equally	4	3.37	2.33	228	.02
Set aside opinions	4	3.67			
Weigh test equally	5	3.35	2.34	229	.02
Weigh test equally	5	3.37			
Presume innocent	6	3.05	2.01	229	.03

* All items from the socialization dimension

** p equal to or less than .05

Table 45

Differences Between Means on

Ranked INFL BY Items

How much Influenced by...	Rank	Dimen-sions*	Mean	t Value	df	p**
Seriousness	1	H,S	4.68			
Judge	3	H,J-A,S	3.898	5.47	255	.001
Oath	2	H,S	4.54			
Judge	3	H,J-A,S	3.86	4.84	255	.001
Judge	3	H,J-A,S	3.89			
Quest wording	4	H,S	3.55	21.9	256	.02
Quest wording	4	H,S	3.56			
Defense ATY	6	H,J-A,S	2.81	4.94	255	.001
Formality	5	H,S	3.54			
Defense ATY	6	H,J-A,S	2.795	4.67	257	.001
Defense ATY	6	H,J-A,S	2.78			
Time to think	8	H,S	2.47	2.34	253	.01
PR/PL ATY	7	H,J-A,S	2.77			
Time to think	8	H,S	2.45	2.29	252	.02
Time to think	8	H,S	2.45			
Potential jurors	9	H,S	2.10	2.46	251	.01

* H = Honesty Dimension

J-A = Judge vs. Attorney Dimension

S = Socialization Dimension

D = Situation Description Dimension

** p equal to or less than .05

cantly more influence on subjects than the length of time they were allowed to think during questioning ($t(253)=2.34$, $p < .01$ and $t(252)=2.29$, $p < .02$). There was a significant difference in the degree of influence they felt by the length of time allowed for thinking and the influence of other potential jurors ($t(251)=2.46$, $p < .01$) at voir dire. There was no difference between the degree of influence subjects felt due to other potential jurors, boredom during jury selection, accepted and excused jurors.

BELIEVED BY. The last two columns in Table 43 indicate the order in which subjects placed importance on being believed by the people involved in jury selection. Table 46 shows that the levels between which there was not a significant difference was in the importance of being believed by the attorneys. It was significantly more impor- tant for subjects to be believed by the judge than by the defense attorney ($t(248)=3.29$, $p < .001$). It was also more important to subjects that they be believed by the lawyers than by jurors who had been accepted ($t(249)=5.16$ and 4.98, respectively, $p < .001$). Finally, subjects reported that it was more important to be believed by seated jurors than by others in the pool ($t(249)=5.43$, $p < .001$).

Differences between Judges and Attorneys

Tables 47 through 49 describe the significant differences between judges, prosecutors/plaintiffs, and defense attorneys on the general and trial questionnaires. Each group had been expected to have a different perspective of trials and of jurors as required by their differing roles in court. Consequently, t-Tests were used to perform con-

Table 46

Differences Between Means on

Ranked BELIEVE BY Items

How Important Believed by ...	Rank	Dimen-sions*	Mean	t Value	df	p**
Judge	1	H,J-A,S	5.27			
Defense ATY	2	H,J-A,S	5.03	3.29	248	.001
Defense ATY	2	H,J-A,S	5.03			
Seated jurors	4	H,S	4.35	5.16	249	.001
PR/PL ATY	3	H,J-A,S	5.01			
Seated jurors	4	H,S	4.35	4.98	249	.001
Seated jurors	4	H,S	5.27			
Jury pool	5	H,S	5.03	5.43	249	.001

* H = Honesty Dimension

J-A = Judge vs. Attorney Dimension

S = Socialization Dimension

D = Situation Description Dimension

** p equal to or less than .001

trasts between the groups when a oneway anova on an item indicated a significant difference by role. Significant differences between the groups is indicated on the tables by shared subscripts. Table 50 reports differences on the trial questionnaires by type of trial. Table 51 reports the significant differences on trial items by whether or not violence was involved in the misdemeanor and felony charges. All analyses of variance used non-repeated measures techniques. Repeated measures techniques for anlaysis of the trial questionnaires would have been a less conservative estimate of differences attributable to the role of the subjects.

Judge & Attorney Perceptions of Juror Honesty. On the general questionnaire, judges and attorneys had been asked a number of questions about the honesty of prospective jurors. The items in which a signif- icant difference was found by role of the subject are listed in Table 47. Judges and prosecutors/plaintiffs believed that potential jurors were more honest when questioned about their opinions and beliefs than defense attorneys ($F(2,43)=14.36$, $p < .001$). When asked how often prospective jurors were totally honesty, all three groups differed significantly ($F(2,41)=10.15$, $p < .001$). Judges believed jurors were totally honesty more often (mean=5.67) than the prosecutor/ plaintiff (mean= 4.42) and the defense attorney (mean=3.36). Defense attorneys thought that prospective jurors had more difficulty being truthful during voir dire ($F(2,41)=11.06$, $p < .001$) and more often gave the answers expected of them ($F(2,44)=6.28$, $p < .01$) than either their adversaries or judges.

Voir Dire Debate. Table 48 reports the significant results on items that were relevant to the debate over who should conduct the voir

Table 47

Differences by Role* on Perception of Juror Honesty

Item	Judge Mean	PR/PL Mean	Defense Mean	F	df	p**
Candor about opinions	5.5a	5.0b	3.24ab	14.362	43	.001
How truthful should be	6.92a	6.87b	6.41ab	2.939	46	.063
How often totally honest	5.67ab	4.42ac	3.3bc	10.148	46	.001
Difficulty being truthful	2.5a	3.08b	5.05ab	11.084	41	.001
Give expected answer	4.5a	4.85b	5.91ab	6.248	44	.01
Influenced by seriousness	6.33ab	5.0a	5.24b	3.126	44	.054

* Means sharing a subscript differ at less than $p = .05$

** p equal to or less than .06

Table 48

Differences by Role* on Voir Dire Debate Items

Item	Judge Mean	PR/PL Mean	Defense Mean	F	df	p**
Important to eliminate unfavorable jurors	5.25ab	6.53a	6.36b	4.569	46	.02
Important to establish rapport	3.83ab	5.47a	6.09b	8.102	46	.001
Important to seat favorable jurors	3.92ab	6.0a	5.82b	6.822	46	.003
Should allow counsel to establish rapport	2.42ab	3.87ac	5.82bc	15.961	46	.001
Should allow counsel to tell case facts	3.0a	3.6	4.68a	3.506	46	.04
Should allow counsel to teach legal concepts	2.67	2.6a	4.0a	3.271	46	.05

* Means sharing a subscript differ at less than $p = .05$

** p equal to or less than .05

dire examination of prospective jurors. The table lists the significant differences by role on the sets of items that had asked subjects to report the importance of using voir dire to accomplish certain goals and whether counsel should be allowed to pursue those goals. Prosecutors and plaintiff attorneys placed the most importance on eliminating unfavorable jurors ($F(2,46)=4.57$, $p < .02$) and on seating favorable jurors ($F(2,46)=6.82$, $p < .003$). On those two items, counsel did not differ from eachother but did place more importance on the goals than judges. Defense lawyers placed the most importance on establishing rapport during voir dire ($F(2,46)=8.1$, $p < .001$). Although not differing from eachother, counsel believed establishing rapport was more important than judges. Defense counsel more strongly favored being allowed to use voir dire to establish rapport ($F(2,46)=5.96$, $p < .001$), to tell jurors some of the facts of the case ($F(2,46)=3.51$, $p < .04$) and to teach jurors legal concepts ($F(2,46)=3.27$, $p < .05$) than prosecutors/plaintiffs and judges. On the contrasts, all groups differed significantly on whether counsel should be allowed to establish rapport with judges being the most opposed.

Trial Items. Table 49 reports the significant difference by role on questions referring to specific trials. Judges believed that prospective jurors were more truthful when they posed the questions than either trial lawyer ($F(2,82)=7.62$, $p < .001$). Defense lawyers thought it was more likely that prospective jurors had tried to get seated ($F(2,86)=11.16$, $p < .001$) and tried to get excused from the jury ($F(2, 91)=2.57$, $p < .03$) than either the judge or the prosecution/plaintiff. Subjects had been asked how long it took to seat a jury from the time

Table 49

Differences by Role* on Selected Trial Items

Item	Judge Mean	PR/PL Mean	Defense Mean	F	df	p**
Jurors truthful to judge	6.14ab	5.1a	5.11b	7.629	82	.001
Jurors tried to get seated	1.93ab	3.52a	3.81b	11.157	86	.001
Jurors tried to get excused	1.96a	2.71	3.26a	3.565	91	.03
Time planning v.d.(min.)	20.32a	36.64b	65.83ab	5.57	62	.006
Defense or PR/PL ATY better	3.39	3.87a	2.84a	3.509	78	.035
Jury favor defense or PR/PL	3.79a	4.32ab	3.37b	5.308	91	.007
Effectiveness of voir dire	5.5a	4.66	2.86a	7.181	90	.002
Seated jury close to ideal	5.15ab	4.11a	4.3b	4.414	84	.015

* Means sharing a subscript differ at less than $p = .05$

** p equal to or less than .03

prospective jurors entered the courtroom. Defense lawyers, estimating that voir dire lasted longest, differed from both the prosecution or plaintiff and judges ($F(2,88)=6.914$, $p < .002$). Defense counsel reported that they spent more time planning for voir dire than either judges or their adversaries ($F(2,62)=5.57$, $p < .006$). The defense attorneys reported that they were better at voir dire than the prosecution/plaintiff, while the mean for the other side indicated that they also thought they were better ($F(2,78)=3.51$, $p < .04$). Plaintiffs and prosecutors indicated that they thought the jury favored them and defense counsel thought the opposite ($F(2,91)=5.31$, $p < .007$). Judges believed voir dire was more effective than either trial counsel ($F(2,90)=7.18$, $p < .002$). The seated jury was rated as closer to the ideal of judges than to the ideal for either attorney ($F(2,84=4.14$, $p < .02$).

Oneway ANOVAS were also conducted using type of trial (civil, misdemeanor, and felony) as an independent variable (Table 50). Subjects reported that the prosecution/plaintiff side was better than the defense defense in civil trials and the defense better in criminal trials ($F(2, 78)=3.26$, $p < .05$). Judges and lawyers believed that jurors were more truthful to the attorneys in civil trials than in misdemeanors or felonies ($F(2,69)=3.96$, $p < .03$). Overall, subjects reported spending the greatest length of time to plan voir dire in civil trials and shortest time in misdemeanors ($F(2,62)=6.9$, $p < .002$). Judges and lawyers reported that the felony trials were more serious than civil or misdemeanors ($F(2,92)=13.1$, $p < .001$). Subjects also believed that voir dire was more effective in felonies than in civil or misdemeanor trials.

Table 51 reports differences on trial items when misdemeanor and

Table 50

Differences by Type of Trial on Selected Trial Items

Item	Civil Mean	Msdmnr Mean	Felony Mean	F	df	p*
Defense or PR/PL better	4.18	2.73	3.29	3.26	78	.044
Truthful to Attorneys	5.77	5.29	4.53	3.961	69	.024
Time planning v.d. (min.)	93.0	27.89	42.67	6.90	62	.002
Seriousness of case	4.15	4.04	5.73	13.096	92	.001
Effectiveness of voir dire	4.15	3.73	5.13	6.209	90	.003

* p equal to or less than .04

Table 51

Differences by Presence and Absence of Violence

in Misdemeanors and Felonies

Item	No Viol. Mean	Violence Mean	F	df	p*
Time to seat jury (min.)	66.5	103.79	11.998	76	.001
Defense or PR/PL ATY better	2.53	3.38	4.233	68	.044
Seriousness of case	3.95	5.62	17.328	80	.001
Importance this voir dire	3.48	4.75	6.549	79	.012

* p equal to or less than .04

felony trials were divided by whether the charge was for non-violent behavior or involved violence or implied violence. Subjects perceived that it took longer to seat a jury when the charge involved violence ($F(1,76)=12$, $p < .001$). The prosecutor was perceived as better on trials involving violence ($F(1,68)=4.233$, $p < .05$). The case was considered to be more important when the defendant was accused of violent behavior than when the charge was non-violent($F(1,79)=6.55$, $p < .02$)

Voir Dire Goals. Table 52 lists the mean importance of 12 possible voir dire goals for each group. A Spearman Rank Correlation Coefficient was computed on the ranks of the means for each role on the set of items. Interestingly, the only significant difference ($r=.724$, $p < .02$) was between the two attorneys. The ranked means for judges did not differ significantly from those of prosecutor/plaintiff ($r=.301$, n.s.) or defense attorneys ($r=.009$, n.s.).

The means by role were also ranked on whether counsel should be allowed to pursue six of the possible voir dire goals. (See Table 53.) As above, the only significant difference was between the adversaries ($r=.986$, $p < .02$). Essentially, judges approved of allowing pursuit of the six goals in the same order as they were favored by the prosecution/plaintiff attorneys ($r=.643$, n.s.) and defense attorneys ($r=.629$, n.s.). However, the means indicates that the attorneys were more favorable than judges.

Comparison of Jurors, Judges, and Attorneys

All three groups were asked to rate the degree of influence on jurors of 11 factors present during the voir dire. The means on each

Table 52

Ranked Means by Role:

Importance of Voir Dire Goals

Voir Dire Goal to ...	Judge Mean	(rank)	PR/PL Mean	(rank)	Defense Mean	(rank)
Find impartial jurors	6.15	(1)	5.2	(7)	5.29	(7)
Info for peremptory	6.08	(2)	6.13	(2)	5.86	(3)
Seat fair jurors	6.0	(3)	5.73	(4)	5.18	(8)
Commit to follow the law	5.77	(4)	5.67	(5)	4.77	(10)
Commit to fair & impartial	5.69	(5)	4.4	(10)	5.14	(9)
Info for cause challenges	5.54	(6)	4.67	(8.5)	5.32	(6)
Eliminate unfair jurors	5.31	(7)	6.53	(1)	6.36	(1)
Tell jurors about case	5.15	(8)	4.67	(8.5)	5.46	(5)
Teach jurors their role	4.77	(9)	3.87	(11.5)	4.32	(11)
Establish rapport	3.92	(10)	5.47	(6)	6.09	(2)
Teach legal concepts	3.85	(11.5)	3.87	(11)	4.0	(12)
Seat favorable jurors	3.85	(11.5)	6.0	(3)	5.82	(4)

* Scale: 1 = very unimportant 7 = very important

Table 53

Whether Counsel Should Pursue Goals*

Means by Role

Should Allow Counsel to Question in Order to ...	Judge Mean (rank)	PR/PL Mean (rank)	Defense Mean (rank)
Establish grounds for cause	5.92 (1)	6.27 (1)	6.55 (1.5)
Use peremptory intelligently	5.69 (2)	5.93 (2)	6.55 (1.5)
Tell jurors about case	3.15 (3)	3.6 (4.5)	4.68 (4.5)
Teach juror role	3.08 (4)	3.6 (4.5)	4.68 (4.5)
Teach legal concepts	2.77 (5)	2.6 (6)	4.0 (6)
Establish rapport	2.37 (6)	3.87 (3)	5.82 (3)

* Scale: 1 = strongly oppose 7 = strongly favor

item were ranked by role of subject (see Table 54). Spearman Rank Order Coefficients were computed in order to determine whether each of the three court roles ordered the influences in the same was as jurors. Jurors and judges differed significantly when the means on each item in the set of influences were ranked ($r=.864$, $p < .01$), as did defense counsel ($r=.654$, $p < .05$). Jurors and prosecutors/plaintiffs did not differ on this set of items when the means were ranked ($r=.409$, n.s.).

Table 54

Ranked Means by Role:

Degree of Influence* on Jurors

Jurors Influenced by ...	Juror Mean	(rank)	Judge Mean	(rank)	PR/PL Mean	(rank)	Defense Mean	(rank)
Situation Seriousness	4.68	(1)	6.0	(1)	5.0	(3)	5.24	(3)
Oath of honesty	4.54	(2)	4.69	(4.5)	4.77	(7)	4.71	(7)
Judge	3.87	(3)	5.15	(3)	5.79	(1)	5.96	(1)
Question wording	3.55	(4)	4.62	(6.5)	4.64	(9)	4.52	(8)
Courtroom formality	3.53	(5)	5.39	(2)	4.93	(4)	5.77	(2)
Defense attorney	2.795	(6)	4.62	(6.5)	4.79	(6)	4.77	(6)
PR/PL attorney	2.785	(7)	4.69	(4.5)	4.57	(10)	4.95	(4)
Potential jurors	2.13	(8)	4.0	(9)	4.85	(5)	4.91	(5)
Boredom	2.12	(9)	4.23	(8)	5.08	(2)	4.48	(9)
Accepted jurors	2.11	(10)	3.69	(10)	4.69	(8)	4.1	(10)
Excused jurors	2.05	(11)	3.23	(11)	3.15	(11)	3.95	(11)

* Scale: 1 = not at all influenced 7 = very influenced

Discussion and Implications

The research, exploratory and not experimental, was conducted to learn more about the ways in which jurors, judges, and attorneys perceived voir dire. It was not to learn "truths" about what occurs during voir dire. The research was designed to be probative rather than decisive. Consequently, it did not provide "conclusions" or "answers" to anything. The research did, however, give some indications of the ways in which voir dire is perceived by participants.

The Voir Dire Debate: Court vs Counsel Examinations

Research Question 1: Judges and the lawyers would have different beliefs about the importance and possible goals for voir dire and whether attorneys should be allowed to pursue those goals. Judges and lawyers did not differ on the importance of voir dire goals or allowing pursuit of the goals to the extent implied in the literature.

Purposes of Voir Dire. In the legal literature, lawyers and judges are expected to "naturally" disagree about the importance of some goals for voir dire. The major concern is whether or not lawyers should be allowed to pursue those goals. The sample of judges and lawyers were asked about 10 possible purposes of voir dire. However, significant differences between the roles were only found in the importance of three possible goals for voir dire (eliminating unfavorable jurors, seating favorable jurors, and establishing rapport). On those three items, differences between the means were only found between the judges and each of the lawyers. That is, the adversaries did not place different degrees of importance on the goals, but judges

placed less importance on the goals. There was a significant differences on only three of 10 goals. Consequently, at least with this sample, there is less difference than that which is indicated in the literature.

A further indication that the literature may imply greater differences than that which exists was found when the means of the 10 items were ranked and tested for differences by role. Neither trial counsel differed from judges in the relative importance placed upon each purpose. Interestingly, only the rankings of the two adversaries were significantly different. The data gives no information that could be used to speculate upon why the adversaries would place importance on different goals.

On the other hand, when asked whether they favored allowing counsel to pursue six of the voir dire goals, subjects differed by role on half of the items. However, an examination of the means indicated that, again, the roles may not differ as much as would be expected from the literature on the voir dire debate. On only one item did the defense mean fall clearly on the strongly favor side of the scale (establishing rapport) and on the somewhat favorable side for telling jurors facts about the case. The judge and prosecutor/plaintiff means were on the side of the scale that indicates opposing pursuit of those goals. When asked whether counsel should be allowed to teach jurors legal concepts, the mean for defense attorneys was midpoint on the scale. The means by role for these items were also ranked and found to differ only between the two trial attorneys.

Bermant and Shaphard (1978) have asserted that the issues in the

debate cannot be resolved empirically. Although that may be true, there are indications from the present research that the issues may not as irresolvable as has been assumed. It would appear that compromise could be reached more easily than expected. Perhaps, for example, research could be conducted to determine what it is about establishing rapport that judges are opposed to and why lawyers are less opposed to telling prospective jurors about case facts and legal concepts. For example, lawyers may talk about the case and legal concepts when they try to establish rapport. If that is what judges object to, judges could make rulings or pass procedural rules about methods lawyers could and could not use to establish rapport. From research, a clearer picture may become evident of the problems between court and counsel. Then compromises might more easily be made.

There were two interesting and surprising results. First, lawyers and judges did not differ as much as expected on the importance of voir dire goals and whether counsel should be allowed to pursue the goals during voir dire. Secondly, the two adversaries differed from each other, but not from judges. One possible explanation for the lack of expected difference between judges and lawyers lies in the nature of the debate literature. Articles on court or counsel voir dire may have been written for the purpose of persuasion more than for illumination of the issues. Most who write articles for law journals are thoroughly steeped in the adversary tradition. One characteristic of that tradition is, often, to take extreme and opposing positions. Therefore, their persuasion tactic regarding the conduct of the voir dire might be the same. That is, writers on either side could be

artificially broadening the gulf. For example, when reading articles supporting attorney conducted voir dire, I noticed that the articles rarely suggested that the judge should not be present and/or should not ask at least the preliminary questions. However, articles supporting judge conducted voir dire usually implied that the alternative was a total lack of judicial participation.

The second point, the differences between the attorneys, is perhaps more interesting. There is no ready explanation. There may or may not be relevance in the finding that defense attorneys differed from jurors in their rankings of influences on jurors, but prosecutors and plaintiffs did not. Research should be conducted to understand the causes and extent of such differences between the perceptions and beliefs of opposing trial lawyers.

Favorableness of the Jury. One argument against counsel conduct of voir dire has been that, if attorneys directly examine the jurors, they will be more likely to seat a jury favorable to their own side. As stated earlier, I doubt that that outcome is much of a risk and the data supports that assertion. The means of the judge and attorneys on the item asking which side the jury favored hovered around the midpoint (ranging from 3.37 to 4.32). Given that the data was retrospective, the ratings may have been affected by other aspects of the trial (e.g. the verdict) even though subjects were asked to report how they felt immediately after the jury was seated. However, role was the only variable that made a significant difference on this item, consequently it is likely that, at least for this sample, the juries favored neither side. The results held even when means were checked

against the proportion of questions asked by judges and the attorneys. That is, the means by role were approximately the same regardless of the proportion of questions asked by counsel.

Further evidence that seated juries were not perceived as favoring one side comes from the item asking how close the jury matched subjects' "ideal" for a jury. Although there was a difference by role, all means were above the midpoint (i.e. closer to, rather than farther from subjects' ideal). One assumption from the literature is that judges would be even more likely than attorneys to hold an ideal of fairness and impartiality for juries. Seated juries were rated as closer to their ideal by judges than by trial counsel. Further, subjects had been asked how effective the voir dire had been in eliminating those who were prejudiced and biased. Although role was a significant indicator of the effectiveness rating (judges rated voir dire as most effective and defense attorneys as least effective), comparison of the means indicated significance only between the two extremes. Finally, no difference was found on any of these items by the proportion of questions asked by each role. Although the evidence presented is by no means conclusive, the potential problem of seating favorable juries may have been overemphasized in the debate literature.

Duration of Voir Dire. Subjects were asked to estimate the length of time it took to seat a jury. Data from jurors on this item was dropped since there was no way to determine whether they had been present through the entire examination. (Judges sometimes sent jurors out as a panel of four was accepted.) The data from judges and attorneys may not accurately describe actual time, but the research invol-

ved perceptions, not "truth." Some judges and lawyers gave a range of time (e.g. one to one and a half hours) which was coded at the mid-point (75 minutes). However, even given restrictions on the accuracy of voir dire length, an interesting finding occurred.

There was no difference on estimated length by role, type of trial or charge in the trial. The only instance in which a difference occurred was in criminal trials involving no violence (mean=67 minutes) and those in which the charge involved violence or implied violence (mean=104 minutes). The 37 minute difference may be of some practical importance to the courts. Logically, there may be a need for longer voir dire in cases involving violence. One possibility is that such crimes may evoke stronger feelings than those not involving violence. This assertion is supported by data. All groups rated cases as more serious when violence was involved. Further, officers of the court attributed greater importance to voir dire when violence was involved. Therefore, in order to seat a jury that could be fair and impartial would take more probing when violence was charged.

Interviewing Skill. One argument for judge conducted voir dire has been that the attorneys are often unprepared (e.g. Jacobson & Morrissey, 1977) or mismatched in terms of skill (e.g. Teitelbaum, 1972). Judges and attorneys were asked how long they spent preparing for voir dire in each of the cases. Judges averaged 20 minutes, prosecutors/plaintiffs averaged 37 minutes, and defense attorneys spent an average of 66 minutes preparing for voir dire. The average for defense attorneys may have been somewhat inflated because one attorney reported usually spending four to five hours in preparation. The differences

in preparation time for this sample seems reasonable given the specialization in types of cases tried. Consequently, the fact that this group of defense attorneys spent almost twice as long preparing for voir dire may not actually make them better prepared than prosecutors. The latter have more experience at voir dire in similar cases. Therefore, it is unlikely that trial counsel was mismatched to any important degree in terms of preparation.

Further, all subjects were asked which lawyer was better skilled at voir dire. Ex-jurors rated the Champaign prosecutors/plaintiffs as slightly better (mean=4.38) and Vermilion subjects rated the defense as slightly better (mean=3.89). However, note that both means were near the midpoint. Most probably the perceived difference in skill was not great.

Defense counsel rated themselves as better skilled at voir dire. Prosecutors/plaintiffs rated the defense as slightly better than themselves (mean=3.87). It may be that defense counsel actually was somewhat better than the prosecution/plaintiff. When only criminal trials were analyzed, the defense was clearly rated as better when the charge did not involve violence (mean=2.53) and was, therefore, considered less serious (see above). However, when violence was involved (and the trial was considered more serious), most of the difference disappeared so that adversaries were rated as more equal (mean=3.38). It still would appear that the defense was considered slightly better than their adversaries.

The evidence indicated that mismatching on voir dire skills and preparation may occur with the defense having a slight advantage.

Given the present research and research described earlier (Kalven & Zeisel, 1966; Partridge & Bermant, 1978), it is unlikely that mismatching is an adequate reason for judges to conduct the entire voir dire. Moreover, the slight advantage of the defense may be due to preparation time which could be rectified by the prosecutor or plaintiff if s/he thought it was important. It is also a basic tenent of the justice system that the defense should be in a slightly better position than the accusers (e.g. burden of proof). Consequently, the slight advantage may be not only unimportant in a practical sense, but also in line with other assumptions of the system.

To resolve questions of the relative voir dire skill of trial lawyers, research should be conducted in Connecticut. In that state, a law is that the two attorneys conduct the examination. Unlike most other jurisdictions where the conduct of the examination varies more by the court in which the case is tried, trial attorneys always question prospective jurors. They would therefore have the practice and the expectations involved in voir dire questioning. In Connecticut, the participants and trained observers could rate the skill of the adversaries on a number of dimensions. If it appeared that a large degree of mismatching was a regular occurance, then the case for court conducted examinations would be strengthened. On the other hand, if such discrepancies did not occur, adversarial voir dire would be supported. Only a state like Connecticut is appropriate because trial attorneys would have a reason to sharpen their skills. In other jurisdictions where they question in some courts and not in others, a fair test of voir dire skill could not occur. Trial counsel may feel

less need to work on their preparation and interviewing skills if they only sometimes participate. They may think the effort not worth it if they only had, for example, one chance in four of drawing a judge that would allow more than perfunctory questions.

Another aspect of interviewing skill might be the extent to which a question suggested an appropriate ("right," "correct" or "expected") answer. Ex-jurors found it relatively easy to guess the answers expected by the judge (mean=2.25) and the attorneys (mean=2.85). However, ex-jurors found it significantly more difficult (or less easy) to guess answers expected by the attorneys. Further, ex-jurors reported that it was harder to guess the answers expected by attorneys when they asked only a few questions (mean=3.33) than when they asked about half (mean=2.54) or most of the questions (mean=2.77). One possibility is that the more questions they ask, the more likely they are to give "hints" about the "best" response by, for example, the focus of the questions. From this data, it appears that if the purpose of voir dire is to gather information about prospective jurors, neither judges nor attorneys exhibit a great deal of skill. Further, if potential jurors can easily determine what judges and attorneys expect, expectancy effects may occur regardless of who does the questioning.

Although more research is needed to determine exactly what those expectancies may be, on the surface it may be better for the system if attorneys did the voir dire questioning. A judge would probably be more likely to cue answers indicating fairness and impartiality while the advocates may cue responses for their respective sides. With adversarial voir dire, prospective jurors may be under pressure

from opposing expectancies. Therefore, something closer to their own feelings and beliefs may be elicited, especially since prospective jurors must respond to both sides in the presence of each other.

Research Question 2: Prospective jurors would report differences in their feelings when questions were posed by judges and by attorneys. Ex-jurors did report feeling differently when questioned by judges and by attorneys. However, there was no clear pattern (e.g. they did not report more positive feelings in response to judicial questioning). Based upon a demographic characteristics, subjects reported, for example, being more or less comfortable with attorneys or feeling more or less offended by judges.

Juror Reactions to Judge and Attorney Questioning. Overall ex-jurors reported a high level of patience and low level of feelings of being offended. There was a tendency for attorneys to evoke less patience and more offense than judges. Ex-jurors also reported being slightly less truthful when attorneys did the questioning. However, a high level of honesty was reported to both judges (mean=6.88) and to attorneys (mean=6.58). It is possible that the differences are more apparent than real. Ex-jurors may have been more willing to admit less candor in response to attorneys than to judges. The cover letters indicated that I had some association with judges in that I had their permission and they had given me access to pre-trial questionnaires. Further, without awareness of the specific perjury laws, subjects may have perceived that dishonesty to a judge was more serious than dishonesty to an attorney. These results appear to support

court conducted voir dire.

Subjects felt it was more important to them to be believed by the judge rather than by other participants. Subjects who had been accepted the least often wanted most to be believed by the judge. Those accepted most often felt the judge's belief was least important. Further, when subjects reported on how much their answers were influenced by situational factors, more influence was attributed to the judge than to the attorneys. As mentioned earlier, the desire that someone believe you may increase the impact of expectancy effects. Judges may have stronger expectations of honesty than either of the attorneys. Subjects who were not new to the experience placed more importance on being believed by both attorneys than those who had not been on jury duty before. That finding probably indicates greater understanding of the system on the part of previously experienced jurors. With increasing age, subjects reported that it was more important to be believed by the defense, but those in the middle age category (34-52) placed the most importance on being believed by the prosecution/plaintiff side. Although results reported in this paragraph may be related to the impact the expectations of judges and attorneys can have on prospective jurors, more research would be needed to make such a conclusion. At present, it can be concluded that prospective jurors do place importance on being believed by judges and trial counsel to a greater degree than belief by their peers. That this is so should make officers of the court wary that juror responses may be influenced.

The sets of questions that may be of most use to attorneys and

judges at present are the sets that asked ex-jurors how they felt when questioned by judges and by attorneys. Subjects' responses to these questions give indications of the ways in which prospective juros can be approached at voir dire.

Remember, subjects were divided into three age groups (20-33, 34-52, and over 53). With increasing age, subjects reported feeling more relaxed and less nervous when questioned by either the judge or the attorneys. Consequently, when conducting the voir dire, judges and lawyers should try harder to relax younger prospective jurors. Given the pressure for expeditious voir dire examinations and the benefits (e.g. possibly more candor) that may accrue from potential jurors who are as relaxed as possible, perhaps some time should be spent with tactics designed to relax persons on the panel who are younger.

Also, older subjects reported that they were more careful when the judge or attorneys questioned them. That is not to say younger subjects were necessarily careless, rather they were less careful (mean approximately 6.0). One logical reason older subjects may have reported feeling more careful is that they have more to try to remember during questioning than those who are younger. That is, they may have longer memories to search and may search them more carefully in order to remember, for example, a minor event involving the police that happened 25 or 30 years previously. Maybe older potential jurors phrase their answers more carefully. It is not clear from that data exactly in what way younger subjects were less careful than older subjects.

The youngest group of subjects felt the most self-conscious and the middle age grouping felt least self-conscious when questioned by

judges. There is no indication of the way in which self-consciousness may affect the responses of potential jurors to the judge's questions. Since there was no age difference in reported self-consciousness to attorney's questions, it could have something to do with the status of the judge in the courtroom.

Unemployed subjects reacted differently than employed subjects to judge questioning, but not attorney questioning, in a number of ways. Employed subjects felt more open and patient and less offended than unemployed subjects during court conducted voir dire. However, unemployed subjects felt more comfortable. There is no indication why there were no similar differences in feelings during attorney questioning. During questioning, judges should be aware that they may more easily offend unemployed subjects and that these potential jurors are more sensitive than employed subjects. However, it is not clear whether this group is more easily offended about employment issues and/or they were more easily offended by judges in general. It is also not clear why potential jurors who are unemployed would feel less open and patient, but more comfortable than those who are employed.

Marriage had an effect on the ways subjects reported feeling when undergoing voir dire. Unmarried subjects felt more nervous than married subjects when questioned by either the judge or the attorneys. As with younger subjects, it may be that greater effort should be taken by judges so that unmarried potential jurors can feel less nervous. Married subjects reported feeling more careful and relaxed when questioned by lawyers.

Blue collar craftspeople felt most respectful and honesty when

judges questioned them. Blue collar laborers felt least respectful and clerks and salespeople felt least honest. Subjects employed as supervisors felt most comfortable under judge questioning and those who negotiate or mentor reported feeling least comfortable. These results should be accepted only with strong warnings. Due to the lack of specificity used by subjects in describing their jobs, precision on the occupational indices was not possible. Therefore, I feel that further discussion may only add to stereotypes already prevalent in the legal literature.

Finally, subjects also reported feeling differently with judges and lawyers depending upon their experiences during jury duty. That is, depending upon how often subjects had been accepted on juries relative to the number of times they were voir dired. It is, at present, unclear why subjects who had been accepted about two-thirds of the time felt less open when questioned by attorneys than those who were accepted less often or more often. The same group felt less honest and less respectful when questioned by judges. Clearly, the proportion of times they sat on juries has an effect on how prospective jurors perceive the voir dire examination. These results are important to the courts because the range of jury service in different jurisdictions appears to be between one day and six months. Since voir dire is important to the justice system as a mechanism through which a fair and impartial jury is seated, such procedures that impact on that process should be carefully examined.

The preceding six paragraphs have discussed feelings ex-jurors reported having when undergoing court or counsel voir dire that are re-

lated to characteristics of the jurors. Correlations were computed on the dependent variables controlling for the independent variables discussed above (i.e. age, employment and marital status and the percentage of acceptances on juries). Combining and controlling for the factors did not significantly increase any correlation. Consequently, each factor probably contributed independently on the items for which differences were found. More research is needed to determine the exact effects some of the reported feelings may have on prospective jurors' responses to the questions of judges and lawyers. However, if lawyers and judges were aware of, for example, some potential jurors feeling more nervousness than others, perhaps more effort could be made to alleviate the negative affect.

Further, it is important that officers of the court be aware that prospective jurors do not uniformly experience voir dire in ways they may think. For example, Appleman (1968) asserted that voir dire was a time for informal communication between lawyers and prospective jurors. The results indicate that it is unlikely that the situation is considered informal from the perspective of potential jurors.

Judge and Attorney Understanding of Prospective Jurors. The group ranks of the means of 11 different situational factors that influence prospective jurors during voir dire can be interpreted as an indication of the degree of understanding of the impact of the situation on jurors. The questions were phrased so that ex-jurors were asked how much they thought they had been influenced during voir dire by the factors (e.g. oath, formality, seriousness). Officers of the court were asked how much they thought jurors were influenced by each of the

same factors. Kalven and Zeisel (1966) reported that judges were aware of some factors in courtrooms, but dismissed them. I would suspect that that is also true for lawyers. Further, I believe that the dismissal of certain factors may account for the finding that the ranked means of judges and defense attorneys differed significantly from the ranked means of ex-jurors. Judges differed from ex-jurors at the .01 level and defense attorneys at the .05 level.

It may be that even the ratings of ex-jurors are not indicative of the degree of influence each factor had on them during voir dire. However, the research was focused on subjects' perceptions; in this case, their perceptions of influence due to the factors. Having an understanding of the way in which a situation is perceived by others may be important to elicit the type of information at voir dire that is necessary in order to seat fair and impartial juries. Whether or not that is true, judges and lawyers should be aware that their perspective probably makes it unlikely that they will be able to understand the perspective of potential jurors. It is not known whether judges and lawyers routinely try to "second guess" prospective jurors at voir dire. If they do, perhaps they should take greater care in the future because they may be operating under incorrect assumptions.

Honesty

The problems associated with measuring the honesty of prospective jurors were thoroughtly discussed in the section on reliability and validity. It is with those limitations in mind that the implications of the results are discussed. On the assumption that dishonesty was

underreported, the results must be taken only as indications of what may be occuring during voir dire.

Research Question 3: A high degree of honesty would be reported but, there would be variations in the degree of honesty. This notion was clearly supported by the data as indicated in the following discussions on: withholding information, opinion and factual candor, trying to get seated and excused, the importance of having no relevant opinions and of honesty, other's honesty, and influences on honesty.

Withholding Information. Considering the fact they were admitting perjury, a surprising number of ex-jurors (13%) said they had withheld information. Even more subjects (16%) reported that they had withheld information at some time. When asked to give a reason for withholding information, even more subjects (18%) implied dishonesty by stating they had initially forgotten something, were not asked a critical question, or withheld information because it was irrelevant or "no one else's business."

Subjects had been asked to estimate how often they had withheld information during their jury service. The only difference on this item was that subjects who had been accepted in 34% to 67% of their voir dires reported having withheld information the most often. It is not clear whether they had intentionally or unintentionally held back the information when questioned. Nor was it clear whether the information involved subjects' opinions and beliefs or facts. Although subjects had reported less opinion and belief candidness, it is equally likely that the withheld information could have been factual due to the type of questions often asked. From observation, I

noted that many of the questions asked had two or more parts. For example: "Are you or any member of your family acquainted with or related to any of the participants in this case or any members of the State's Attorney's Office or any law enforcement officers?" Subjects must then quickly review who they know, who their family knows, the jobs of relations and acquaintances, and the people involved in the case. Under the pressure of the situation, subjects may not make a connection they are apparently expected to make (e.g. a neighbor who works as a part-time sheriff's deputy). Consequently, factual information they may have been motivated to give, is simply not thought of at the time. Situations like this may be easily rectified by teaching judges and lawyers to ask simpler questions.

Although the finding that up to 18% of ex-jurors indicated having withheld information may not be statistically significant, it is nevertheless of practical significance. Of course, it may be that the information withheld was irrelevant to jurors' ability to process the evidence and testimony impartially. However, jurors themselves may not be the most appropriate people to make that determination. Attorneys, not judges or juries, are most aware of what is likely to be presented and how it may affect listeners who have had certain experiences or hold certain opinions and beliefs.

Further, almost one in five prospective jurors apparently, at some time, withhold information. That is probably two to four prospective jurors questioned for any one case involving a jury of 12. If judges and lawyers become aware of this probability, they can, at least, make it easy for those who initially forget something but re-

member it later to come forward. I saw one juror squirm in his seat and try to unobtrusively get a judge's attention for 10 minutes in order to state something he had forgotten. He was clearly embarrassed at interrupting the proceedings and had he been less conscientious would have given up. The fact he remembered, being stopped for driving while intoxicated, resulted in his being excused for cause. It is probably more likely that things remembered usually remain unstated and affect that juror's decision on the testimony and verdict in the case and, possibly, the verdict reached by the group.

Judges thought prospective jurors were totally honesty more often and that it was easier for them than either of the attorneys. Lawyers, particularly defense attorneys, may be more accurate than other officers of the court in this regard.

Opinion and Factual Candor. As expected, the items referring to candor about opinions and facts showed significant differences. Exjurors reported having generally been more truthful when voir dire questions concerned facts about their lives than when asked about their opinions and beliefs. There was a difference between the general and specific trial items. Subjects reported having been more truthful about their opinions and beliefs in their most recent voir dire experience than they were in general. There was no similar difference for truthfulness about factual information. Nor was there a difference between opinion and factual truthfulness at their most recent voir dire.

It is probably not surprising to social scientists that prospective jurors appear to be less honest about their opinions than about

facts. Judges and attorneys did not differ in the degree of candor they believed potential jurors exhibited about facts. Judges, more than lawyers believed prospective jurors exhibited a high degree of candor about their opinions and beliefs. Judges and attorneys should be aware of the results from ex-jurors, particularly in view of some of the debate literature. It has been asserted that judges only ask perfunctory questions, even when they conduct the bulk of the voir dire (e.g. Bonora & Krauss, 1979). If so, judges are likely to elicit more candor from prospective jurors. However, it would not be because judges are better suited to ask the questions, but because of the type of questions they ask. Research should be conducted on voir dire transcripts to determine whether judges and lawyers do, in fact, ask different types of questions.

The differences by county on general opinion and factual veracity and candor about facts during the most recent voir dire of subjects was discussed in the section on validity. Vermilion county subjects reported less candor about facts and their opinions and about their truthfulness to attorneys in their last voir dire. Since those subjects probably felt more anonymous, it is unlikely that the county difference indicates a real difference between the honesty of Champaign and Vermilion subjects. There is not such a ready explanation for females reporting more honesty about facts in their most recent voir dire than that reported by males.

Trying to get Seated and Excused. There was an interesting contradiction in the results. Generally, ex-jurors had reported that they would be more willing to change their voir dire answers in order

to get excused from rather than seated on a jury. However, in a specific situation (i.e. their last voir dire), subjects reported having tried harder to get seated on the jury than to get excused. Further, the degree to which subjects tried to get seated the last time was affected by three different factors. Subjects who reported trying harder to get seated were employed (rather than unemployed), ended up being excused, or had been accepted least often (less than 33%) during their jury duty. There was no direct evidence to indicate the degree or type of dishonesty that may have been involved in prospective jurors trying to get seated or excused from juries.

Judges and lawyers seemed to be differentially aware that prospective jurors may be trying to sit on or be excused from cases. Judges felt that prospective jurors did not try to get seated or excused and defense attorneys thought they tried hardest to get seated and excused. It is important to know that potential jurors may try to get seated in a given trial. It may be less important that they may try to get excused. If prospective jurors try, and succeed in, getting excused chances are that the fairness and impartiality of the seated jury will not be jeopardized. It may be that excusing those who do not want to sit in judgment on a particular case is a good idea because they may be poor jurors. However, more research should be conducted on the effects of seating jurors who want to judge a particular case. Of course, it could be that wanting to be seated is an indication of taking their responsibility seriously. It could also be for a number of other reasons, many of which may have a negative effect.

Importance of Having No Relevant Opinions and of Honesty. Older

subjects (53 and over) and those who were unemployed thought it was more important to not have any opinions before a trial starts than employed or younger subjects. Females, more than males, thought it was important to be honest in their voir dire responses. In one way, these items could be considered a manipulation check for voir dire. It is made clear to prospective jurors through questions and oaths that they should have no relevant opinions and should be honest when questioned. Considered in that manner, some subjects understood the requirements better than others. However, the means for all subjects were high (over 6), indicating an understanding of the situation. The high means may also be relevant to the earlier discussion of social desirability affecting subjects' readiness to admit dishonesty.

Other's Honesty. The only variable that made a difference in ex-jurors' perceptions of the honesty of other prospective jurors was the SES Occupational Index. Subjects with clerical or sales jobs believed other potential jurors were less truthful than people in other occupations. Craftspeople believed others to be most honesty.

Influences on Honesty. Females reported having paid more attention to the answers of other potential jurors than males. Paying attention to other's responses may be indicative of many things (e.g. interest, looking for cues, alertness). However, paying close attention may exert an influence on the way one presents oneself in the situation. Unmarried subjects reported being more influenced by the responses of other potential jurors. Married subjects were more influenced by the oath than unmarried subjects. It is unclear why unmarried subjects would be more influenced by what other people say

and married subjects more influenced by an oath they take.

As stated earlier, a desire to be believed by others in a situation may influence the way questions are answered, especially considering that concealing information and misrepresentation (forms of dishonesty) may occur as a result of wanting to be believed. Laborers indicated a greater desire to be believed by seated jurors than those in other occupations. Craftspeople cared the least whether they were believed by seated jurors. This could indicate that laborers wanted more to be accepted by other members of the jury, but that farmers, the military, and other craftspeople did not care as much.

People between 35 and 52 wanted to be believed more by the two attorneys and the youngest group cared most about whether counsel believed them. Also subjects with prior jury experience felt it was more important that both attorneys believed them than subjects who had no previous experience. Clerical and salespeople felt it was more important that the prosecutor/plaintiff believed them and those in crafts, the military or on farms cared the least. The only difference in degree of importance of being believed by the judge was that it was most important to subjects who had been accepted least often.

It is likely that the situational factors influencing jurors at voir dire had some effect on the degree and types of honesty they exhibited. It is not known whether there was a direct effect or whether any effect on honesty was mediated by other variables. Further, it is not clear whether those factors had a positive effect, making potential jurors more honest. It is possible there was a negative effect on honesty due to such situational factors.

Research Question 4: Prospective jurors would report different levels of honesty when questioned by judges and attorneys. There was not an absolute difference in level or type of truthfulness exhibited by prospective jurors when questioned by judges or attorneys. However, different levels of truthfulness to judges and to attorneys was found when some demographic characteristics were used as independent variables.

Truthfulness to Judges and Attorneys. There were also differences on the items involving ex-jurors' truthfulness in response to questioning by the judge and attorneys. Overall, subjects reported having been more truthful to the judge's questions than to those from the attorneys during their last voir dire. It is unclear why subjects with jobs involving negotiating, mentoring, persuading, or diverting reported less truthfulness to the judge than supervisors or people whose jobs involved serving others. Data from officers of the court indicated that they felt subjects were least truthful to attorneys in felony cases and most truthful in civil cases. Further, in reference to specific trials, judges more than lawyers thought prospective jurors were more truthful to them.

On the general section of the questionnaire ex-jurors had been asked how honest or dishonest they felt when judges and attorneys had questioned them. Subjects who were accepted in up to two-thirds of the voir dires they had participated in reported having felt more dishonest than others when judges questioned them. People involved in clerical or sales work also felt more dishonest in response to judges than those in other occupations. Blue collar craftspeople felt more

honest than other occupational groups. Note that the questions involved feelings of honesty and dishonesty when questioned. That does not necessarily mean actual honesty. There could be something about questioning by judges and not by counsel, that gives subjects the feeling they are being more dishonest whether or not there is a difference in fact. It may be similar to whatever it is that makes many people automatically slow down when they see a police car, even knowing they are not speeding.

The implications of different levels of truthfulness to lawyers and judges are not clear at present. As stated above, research needs to be conducted to determine the content and format of questions posed by judges and attorneys.

One set of polar adjectives used on the items asking how ex-jurors felt when judges and attorneys questioned them was open-closed. Unemployed subjects felt less open when judges questioned them. Subjects accepted in up to two-thirds of their voir dires felt least open when questioned by attorneys.

Subjects also found it more difficult to guess the answers lawyers expected of them than it was to guess answers judges expected them to give. It may have been, as argued in the legal literature, that questions asked by judges more strongly imply "correct" answers. Questions asked by counsel may be less obvious. When lawyers asked few voir dire questions, subjects found it most difficult to guess the answer they wanted or expected. It is plausible to assume that the more questions attorneys ask, the easier it is for potential jurors to get hints of what is expected by counsel. The difficulty in gues-

sing the answers the judge expected did not show a difference by the number of questions posed by them. Interestingly, defense attorneys believed that prospective jurors gave expected answers quite often, but prosecutors/plaintiffs and judges believed potential jurors gave such answers less often.

Socialization

The understanding and experiences of prospective jurors is likely to affect their behavior at voir dire. The way in which they reach a verdict may also be affected, but few questions were asked about perceptions of aspects of trials other than voir dire.

Being Seated and Excused. Results were discussed earlier that may indicate that, generally, prospective jurors would try harder to be excused from a trial than they would to be seated for one. However, for a specific trial, prospective jurors try harder to get seated than they do to get excused. To suggest a possible explanation, I draw on observation and my experiences on jury duty.

Prospective jurors are generally quite open with each other about whether they want to sit on or be excused from trials. Generally, however, it seems to be more socially acceptable to prefer to be excused. For example, individuals from the jury pool would talk with each other about specific trials they had heard about, but did not want to sit on (e.g. a civil trial involving farmers and the power company that promised to be boring and would last three or four days). They would also say to each other that they were going to try to get out of trials on certain days when they wanted to do something else.

When prospective jurors talked about wanting to sit on trials, the conversation contained fewer "specifics." For example, they would say they would like to hear an "interesting" criminal case, or a "big" case. They would not say, for example, "I would like to hear an armed robbery or rape" that was coming up. Prospective jurors openly discussed cases they had sat on and the degree to which those cases were interesting and/or frustrating. In those conversations, they compared who had heard the "best" cases. When someone discussed an interesting case, others might say, "I would like to sit on one like that."

While prospective jurors would state "specifics" of the type of case they did not want, they were more vague about those they did want to sit on. From this, it appears to me to be a possibility that a norm may be operating among members of jury pools. I am not certain why that should be true, but, in general, prospective jurors like to sit on cases, but are careful about admitting it. That reticence is not evident when they are waiting to be questioned on what may be a boring case.

Research should be conducted to determine the effects of sitting on a jury when subjects would rather have been excused. Although it may occur, it is probably rare because jurors quickly learn which responses have that effect. The research would have to be conducted on real jurors or ex-jurors because there may a general feeling within the population that they would prefer to not be on jury duty. In the counties I surveyed up to perhaps two-thirds of those called for duty made at least a preliminary effort to get out of jury service. If there is such a feeling, my observations and experiences suggest that

it disappears once they are "stuck." Individuals who have not experienced jury service may overestimate the degree to which they would want to be excused from trials.

More importantly, research should be conducted to learn why, and under what conditions, prospective jurors want to sit on cases and the effects that may have. A desire to sit in judgement on a case may be due to many things. For example: a sense of responsibility or power, because it is betters than just sitting around, in order to be perceived as fair and impartial, to have something to talk about with friends, to contribute to the law and order of society, or any of a number of other reasons. Different motives may have different effects on the attention paid to aspects of the voir dire, the case, and even on the verdict reached by the group.

Influences on Prospective Jurors. As stated before, the results indicated that various situational factors had more or less influence on prospective jurors and judges and lawyers were unable to predict the degree of influence of those factors. All subjects had been asked only about the influence of different factors on jurors during voir dire. Now that it is known that prospective jurors are aware of being influenced by these factors (i.e. the seriousness of situation, oath, judge, wording of questions, formality, attorneys, amount of time to think, boredom, and other potential, accepted, and excused jurors) research should be conducted to determine exactly how each of these factors influence potential jurors. Research should also address the relationship of these factors to enactment of the juror role.

Further, it is quite likely that the influences of these factors



extends beyond voir dire. What occurs first in a trial probably affects perceptions of later events. There is no data from the present research to indicate how or to what extent influences on voir dire may affect later aspects of the trial. Moreover, it is also possible that other factors encountered during a trial, effects the voir dire of later trials. One fruitful way to approach this area of research might be from the perspective of the primacy-recency literature.

Importance of Being Believed. It is interesting that prospective jurors report being influenced by the judge, defense, and prosecutor/-plaintiff in the same order in which they place importance on being believed by them. On both influence and belief, the judge was rated significantly higher than the attorneys. This data supports Hervey's (1947) assertion that judges easily influence jurors. There are a number of possible implications for this difference.

One implication is that jurors and prospective jurors may look to judges for cues to appropriate voir dire responses and, possibly, for cues to the interpretation of things that occur during a trial. Research should be conducted to delve further into the expectancies of judges vis a vis jurors and prospective jurors because these expectations may have a stronger effect than judges are aware of.

Another possibility is that, because of the importance they place on judges, prospective jurors perceive the judge as a role model. Jurors and judges both are expected to be fair, objective, and impartial. It is a new experience for jurors, but not for judges. Further, judges have the status of their office which may increase jurors' desire to be like them. Potentially there are positive and nega-

tive effects if prospective jurors look to judges as role models. For example, it could have the effect of causing prospective jurors to try harder to be as scrupulous as they perceive the judge to be. Perceiving the judge as a role model may also cause jurors to try harder to do as the judge says.

On the other hand, in an effort to appear similar to the judge, prospective jurors may conceal or misrepresent information at voir dire. Moreover, judges are human and sometimes have negative feelings toward statements, behavior, or persons involved in a case. Although they probably try to conceal such reactions, if prospective or seated jurors perceive the judge as a model, they may perceive or misperceive those reactions and, consequently, be unduly influenced. For example, I sat on a trial in which it was clear to me, possibly because I had observed him a number of times, that the judge was irritated by noise outside the courtroom. He had to keep telling the defense attorney and his witnesses to speak up. One juror later asked the rest of us if we had any idea why the judge was so annoyed with the defense attorney. He wondered what the lawyer had done wrong.

Difficulty Following Requirements of the Juror Role. Ex-jurors were asked to rate the difficulty they had in following some of the requirements of the courts. In order, they found it most difficult to disregard testimony when they were told to, refrain from forming an opinion until the end of the trial, limit their decision to only the evidence presented and to set aside their personal opinions and beliefs. Subjects found it less difficult to weigh the testimony of someone they know or know of equally with that of a stranger, presume

a defendant innocent and not be influenced by the status or occupation of a witness.

There are two possible interpretations of this. Subjects may have found it very difficult to follow the requirements and, perhaps, been unable to follow them as much as they should have. Or, they perceived it difficult to do these things because they were very aware of trying to do them. That is, due to their role of fairness and impartiality, jurors tried very hard to, for example, not form an opinion early. Therefore, the difficulty reported by subjects was an indication of the seriousness and commitment they bring to their role.

In retrospect and from my own experience as a juror, I believe I missed one of the most difficult requirements. Jurors are told a number of times to not discuss the case with anyone until the trial is over. Our jury discussed not discussing the case. That is, we talked about how difficult it was to not talk about it and what that requirement may or may not include. For example, was it against the rules to talk about how funny something was that was said in the courtroom? We also talked about discussing the case. For example, how much we wanted to discuss it. Further, we implied to each other that we would or had discussed it at home. What bothered us the most was getting to the end of the trial and having to wait overnight to hear closing arguments before we could finally "really" discuss our feelings about the case. We agreed that the judge cound not possibly believe we would not talk about it with someone. Many ex-jurors who have written about their experiences talked about discussing the case during the trial (e.g. Chester, 1970; Kenneback, 1975). Further, many others who

were on jury duty when I was talked about having broken that rule or others who had admitted it after they signed the verdict.

I can speculate on the possible effects due to jurors' finding it difficult to follow some of the requirements. At voir dire, jurors are usually asked if they will be able to do these things if they are accepted. Prospective jurors with no experience may overestimate the ease with which they will be able to follow the requirements. Research could be conducted to determine if this is so and the effects it may have on their reactions to the trial and to future voir dires.

Since our jury had two psychologists on it, other members wanted confirmation of their belief that it would be impossible to not form opinions as the trial unfolded. It could be that, due to their acceptance of the role, forming opinions early may not be very important. Since one expectation of the role involves a prohibition of early opinions, people in that role form opinions, but try to not be affected by them. During our deliberations we took five votes and seven of the 11 jurors who deliberated changed their minds at least once. Some changed their votes three or four times. It is unlikely that that jury was in any way of "typical" composition. There were professors of biochemistry, clinical psychology, and physics, a near Ph.D. of social psychology, a retired engineer, a retired military many, a laborer, a farmer, and three other males, probably of the "middle class." However, other ex-jurors have also discussed the surprising number of opinion changes that occur (e.g. Kenneback, 1975). It may be that the injunction to refrain from opinion formation operates simply to keep jurors from forming hard or fixed opinions.

We (those on the same jury and others in the pool) also discussed our inability to set aside our personal opinions and beliefs. Our jury discussed the difficulty in light of one instruction that said to use our own "individual and collective common sense." We struggled the conflict between personal opinions and beliefs and common sense. From what we said and what others said, it may be that on a jury of 12 undue influence of someone's personal prejudices is not very likely to occur. Whenever someone made a statement that implied a bias, someone else told them that was irrelevant and could not be considered. However, if someone was personally biased, they could express their opinion in indirect ways and influence others by appearing to be a "good" or "fair" juror who was only examining the evidence or following the instructions, albeit selectively.

The difficulty juries have in limiting their decision to the evidence may be exacerbated by the courts. I have talked with judges who refused to have read back sections of the transcripts, for example, because they think it may give more weight to one side or the other. However, when jurors disagree on what the evidence was, it can only be resolved in three ways: by re-hearing the evidence, by some jurors persuading the others that they were wrong, or deciding to disregard the evidence. In the second instance, social influences such as conformity pressure occurs. It is questionable whether jurors can disregard either the evidence or the conflict over the understanding of the evidence.

Research Question 5: Depending upon their degree of socializa-

tion, prospective jurors would have different perceptions of and responses to voir dire. Further, they would differ in their feelings when questioned by judges and attorneys. Linear differences were expected, but not found.

Experiences. Probably the most potentially important and interesting results are those indicating that previous jury service and the percentage of times they were accepted affected subjects perceptions of voir dire in a number of ways. There is no reason to assume that effects are not also to be found in the way jurors process the evidence in a case or deliberate upon a verdict. Further, it is probable that the effects of one juror's experience impacts on the entire jury and, possibly, on the outcome of its deliberations. Research is needed to determine whether the effects would be positive or negative in terms of appropriateness.

The one thing all prospective jurors have in common is their jury service. It may be for that reason and/or because they have a lot of idle time that they discuss their experiences and feelings a great deal. Those who have had experience on other trials or had jury service before are sought out by others for their opinions. For example, it was clear from my first day of service that the jury coordinator and bailiffs knew and liked me. A number of others in the jury pool began conversations with me, assuming I had been on jury service before, and asked many questions about what they could expect. The same thing occured with others who had been on jury duty previously. The same thing happened to me again after I sat on my first jury, I think, because the judge, clerk, and bailiff clearly knew me.

Further, with perhaps the most serious implications, I was chosen as foreperson. In that trial there had been an extensive voir dire in which I stated the topic of my research and my past and present relationships with the county court and judge as a rape crisis worker and researcher. It was evident that I was chosen because the others assumed I had the most knowledge of the courts and law. Through talks with others, I learned that the most experienced jurors were usually chosen as foreperson. Moreover, even when they refused to be foreperson, they were often asked how the case compared to other cases or, for example, "is this usual and what do you do about it?" The foreperson of a jury can, potentially, have a great deal of intentional and unintentional influence on the deliberations. An experienced person also exerts influence on what occurs in the jury room prior to and during deliberations.

It is very important that further research is conducted to better understand the effects of experience for another reason also. In different jurisdictions, jury duty is of different durations. From what I have been able to learn the range is one day to six months. There is no data to indicate how often prospective jurors may be voir dired or seated during their jury service. (Another area in which research is needed.) At present, there is no way to determine whether the justice system is, as I suspect, ill served by long terms of jury service or by allowing some people to serve a number of times and others to not serve at all. Some states (e.g. Illinois) have laws that citizens cannot serve on jury duty twice within a given period of time. However, one juror who served with me had been on jury duty three times



previously. One of my subjects was serving his fifth term.

Prospective jurors are often excused for cause if they have professional or a great deal of other experience that may affect the way they think about the evidence. For example, an alcoholic, bartender, or one who works with alcoholics is usually excused for cause from cases involving drinking. Nurses and hospital or laboratory technicians are often excused for cause in cases that will involve medical evidence. Future research may indicate that highly experienced prospective jurors should also be excused for cause.

Description of the Situation

Most of the results in which subjects described the situation have already been discussed (i.e. the seriousness of the case, the importance of having no opinions and of honesty, the importance of voir dire in specific trials, how closely the seated jury matched the ideal of judges and lawyers, the duration of voir dire). Only those results not mentioned in an earlier section are discussed here.

Older subjects thought it was more likely that any defendant in a criminal trial would be guilty. However, the mean for all ages was above the midpoint. The impact this prior belief may have is not evident. It is interesting, however, that there was no age difference in difficulty of presuming a defendant innocent. Research should be conducted to determine the effects of an initial presumption of guilt. It is not known whether Padawer-Singer and Singer's (1974) subjects initially presumed the defendant guilty. It can be speculated that a presumption of guilt was the purpose of giving subjects prejudicial information. If so, the adversarial voir dire seemed to counteract

the effects.

Unemployed subjects reported that attorneys asked them more questions than those asked of employed subjects. This may or may not have been a veridical perception. However, it is especially interesting in light of the data indicating that there were differences by employment status when judges did the questioning, but not when attorneys posed questions. Judge questioning made unemployed subjects more offended, and less patient and open. Even though attorneys may have asked them more questions, prospective jurors did not appear to react negatively. This also may support adversarial voir dire.

Older ex-jurors reported that voir dire was more effective in eliminating those with prejudices and biases than younger subjects. Not surprisingly, jurors who had been seated thought their most recent voir dire was more effective than those who were excused. Judges thought the voir dires were more effective than lawyers and defense attorneys thought they were least effective. Finally, voir dire for felonies was judged as more effective by officers of the court than voir dire in criminal or misdemeanor trials (respectively).

Conclusions

The purpose of the dissertation was to begin to understand the dynamics of judge or attorney conducted voir dire, the honesty of prospective jurors, and their socialization. As a first step, the issues have been examined seperately. Research was conducted to learn perceptions and reactions of jurors to judge and attorney questioning and the ways in which judges and attorneys think about and behave during

voir dire. It also addressed the degree and type of honesty reported by ex-jurors and perceived by judges and attorneys. Finally, the research began to examine the socialization of prospective jurors. Although the research was exploratory, some preliminary conclusions can be drawn and key areas of future research can be pinpointed.

First, judges and lawyers differ somewhat in their beliefs about the importance and pursuit of certain goals for voir dire. However, those differences have probably been over-exaggerated in the debate over whether court or counsel should conduct the voir dire of potential jurors. Attorneys for the prosecution/plaintiff and for the defense apparently have different priorities for voir dire and different beliefs about the pursuit of goals during voir dire. The research reported here only determined that there was differences. Research is needed to learn the extent and cause of those differences.

Secondly, prospective jurors report different feelings when questioned by judges and lawyers. These differences did not form a clear pattern. Therefore, it cannot be stated with any certainty that prospective jurors react more positively to either judges or attorneys. The results were mixed. For example, based on one level of a demographic characteristic, potential jurors have more positive or negative reactions to judge questioning and based upon a level of a different demographic characteristic, they have more positive or negative reactions to attorney questioning. Consequently, there is no way to determine whether, in general from the perspective of potential jurors, judges or attorneys should conduct the entire examination.

With the state of the knowledge the best policy may be for judges

and attorneys to question prospective jurors at voir dire. Until such time that research determines that prospective jurors usually respond consistently to the questions of either judges or lawyers, the more conservative approach would be questions posed by all three. In that way, prospective jurors who react more positively in some ways to judges and in other ways react more negatively to attorneys, will exhibit both reactions. As will potential jurors who react more positively to attorneys and more negatively to judges. A broader range of reactions will be exhibited during voir dire. If it is assumed that a major purpose of voir dire is to obtain information and that a broader range of reactions is more informative than a narrow range of reactions, the major purpose of voir dire (information gathering) will be best served by questioning from all perspectives.

Third, a high degree of honesty was reported. There is no way to determine the degree to which the self-reported honesty of ex-jurors matches, over-estimates, or even under-estimates honesty during voir dire. Generally, they reported more honesty when the questions involved facts than when questions were about their beliefs and options. The relatively high proportion of ex-jurors who admitted to withholding information (18%) is an indication that this may be a serious problem in court. Most likely, little can be done about prospective jurors purposely withholding information. The results indicated that many may have withheld information because they initially forgot something. After the questioning of all jurors, judges, aware that perhaps three or four prospective jurors questioned for each trial may withhold information, could ask each juror individually if they had remembered

anything that may be relevant to their ability to serve.

Fourth, no conclusion can be reached on whether potential jurors are more honest in response to questions from the judge or from the attorneys. Differences in honesty to questions posed by the judge and by the attorneys were related to demographic characteristics of prospective jurors. The possibility remains that differences in honesty may be due to the content (e.g. about opinions or about facts) or to the style of the questions. The reported research was the first attempt to measure the honesty of prospective jurors to judges and lawyers. More research should be conducted.

Finally, prospective jurors have different perceptions of and reactions to voir dire and to questioning by judges and attorneys depending the degree of socialization into the courtroom. The dynamics of juror socialization are not yet fully understood. Different degrees of experience may have strong effects on prospective jurors. The degree of socialization can affect their perceptions of and reactions to questioning by judges and attorneys, the honesty they exhibit at voir dire, and the difficulty they have in following some of the procedural rules. Moreover, the degree of socialization of some jurors can influence others on the jury as discussed earlier. Even at this preliminary stage, a recommendation can be made. Wherever possible, shorter terms of jury service should be instituted. This would have two effects. The jury service pool would be broadened possibly making it more representative and some of the problems that may be associated with the potential for influence experienced jurors now have with others on specific juries may be alleviated.

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Appendix A

Cover Letters for Questionnaires



Boston University

Department of Psychology
64 Cummington Street
Boston, Massachusetts 02215

Dear Champaign or Vermillion County Juror:

I am a Ph.D. candidate at Boston University conducting my doctoral research. I need your help in completing this important research on jury selection. The judges have given me permission to ask you to fill out the attached questionnaire. Please take a few minutes from your busy day to answer these important questions.

The research questionnaire asks about jury selection. I want to learn from people who have gone through the jury selection questioning. The research is to learn how you, the potential juror, really thinks, feels, and reacts to the way juries are picked. After jury service, you have insights we can all learn from.

Only a limited number of jurors are being asked to participate so each person's responses to the questions are very important. Because your honest and thoughtful responses are so important, I want to explain the ways in which your anonymity will be protected.

Since I am not connected with the court, you need not worry about people from the trials you were questioned for discovering your answers. The confidentiality of your responses is assured in two ways. The first is by law. Pending the President's signature on the House and Senate approved budget, this research will be funded by the National Institute of Justice. If funded, Public Law 96-157, Section 818A will provide for the protection of an individual's responses. It will then be not only unethical, but also illegal to release any information that is in any way traceable to a specific person.

Secondly, when your completed questionnaire is received, I will match it with the information from the forms you filled out for the court. The two questionnaires will then be given a code number. At that time I will destroy any information I have that could possibly identify you as an individual. In this way my records will have all the information needed, but there will be no way for me or anyone else to trace a set of answers to a specific person.

Please try to answer each question as candidly as possible. It is very important to get as many responses as possible. Even if you choose to not answer some of the questions, please return the questionnaire with your other responses.

If you have any questions about any part of the study or the items on the questionnaire, please feel free to call me (Urbana, 384-5816). I will be glad to answer any of your questions.

After completing the questionnaire, please put it in the enclosed self-addressed stamped envelope and send it to me.

The results will be analyzed by the first of the year. I would like to send you a summary. Since I do not want to keep any identifying information, please write to me at the above address if you wish a summary of what was learned.

Thank you very much for taking the time to answer and return this questionnaire. You are very important to the usefulness of this research on jury selection in our courts.

Sincerely,

Linda Marshall

Linda Marshall

Boston University

College of Liberal Arts
64 Cummington Street
Boston, Massachusetts 02215

Department of Psychology

Dear Judge or Counselor:

In organizing the responses received thus far, I discovered I was missing some information from you. Enclosed please find the questionnaire(s) to be completed. One covers your general thoughts about voir dire. The specific trial questionnaire(s) is(are) for the following case(s):

_____

_____

_____

Please try to answer the questions at your earliest convenience. The data resulting from the study will be most valid the less the responses are blurred by the memory of other trials.

I recognize the inconvenience my study is causing you. I greatly appreciate your cooperation. I am and will continue to try to keep my intrusiveness to a minimum.

Thank you very much for your prompt response. An envelope is enclosed for your convenience.

With appreciation,

Linda Marshall

Boston University

Department of Psychology
64 Cummington Street
Boston, Massachusetts 02215

Dear Judge or Attorney:

I am a Ph.D. candidate in social psychology at Boston University specializing in the interface of social psychology and the courts. I chose voir dire for my dissertation research primarily for two reasons. Much about voir dire is controversial and important at present and there is very little "hard" data on the topic. For these same reasons, I am asking for your cooperation.

After their jury service, I am sending questionnaires to all jurors who served during June and July in Champaign and Vermillion counties. Questions are on particular trials and on voir dire in general. I am also collecting data from judges and lawyers involved in jury trials during June and July.

I am requesting your participation because you are scheduled to be involved in a jury trial during my data collection period. This questionnaire is designed to measure some of your general attitudes, beliefs, and practices involving voir dire. You will be receiving a short questionnaire about the voir dire in a particular trial, after that jury is selected. While you have the right to not answer any or all of the questions, I would like to emphasize the importance of responding as fully and as openly as possible. In order to have relevant and reliable results, it is important that each individual's responses be as complete as possible.

Confidentiality is important in all social science research but, perhaps, even more important in research relevant to the courts. Although I am asking for some identifying information, I am collecting it simply for "bookkeeping" purposes. To make certain I receive questionnaires from all those I send them to. I am coding each individual's data and destroying the master list. The second questionnaire will also ask for identifying information, but strictly for the same reason. Names and other means of identification will be replaced with codes upon receipt of questionnaires. After the data is collected, it will be impossible to identify a given individual or her/his responses from the data.

Thank you very much for your cooperation.

Sincerely,

Linda Marshall

Linda Marshall

PLEASE NOTE: CONFIDENTIALITY IS ALSO ASSURED IN ANOTHER WAY. PENDING THE PRESIDENT'S SIGNATURE ON THE HOUSE AND SENATE APPROVED NATIONAL INSTITUTE OF JUSTICE BUDGET, THIS RESEARCH WILL BE FUNDED BY N.I.J. IF FUNDED, PUBLIC LAW 96-157, SECTION 818A WILL PROVIDE FOR THE PROTECTION OF AN INDIVIDUAL'S RESPONSES. IT WILL THEN BE NOT ONLY UNETHICAL, BUT ALSO ILLEGAL TO RELEASE INFORMATION THAT IS IN ANY WAY TRACEABLE TO AN INDIVIDUAL. THIS LAW PROVIDES PROTECTION TO THE INDIVIDUAL'S DATA AGAINST, FOR EXAMPLE, SUBPOENA.

Boston University

Department of Psychology
64 Cummington Street
Boston, Massachusetts 02215

Dear Judge or Counselor:

The enclosed questionnaire is in reference to a jury trial you recently participated in. This questionnaire complements the earlier one from me on your general attitudes and behavior in reference to voir dire.

When answering the questions, please try to not let aspects of the trial after jury voir dire influence you. Please respond as you would have answered had you received the questionnaire immediately after a jury was seated.

As before, I am asking for identifying infomation. Please be assured that I will follow the procedures for confidentiality outlined to you in conjunction with the earlier questionnaire. No names (not the judge, either attorney, nor other party in the case) will be associated with a set of responses. The identification information is simply for "bookkeeping" purposes, to ensure that I receive all questionnaires. Identifying information will be changed into codes upon receipt of this questionnaire.

If you have any questions, please feel free to call me (Urbana, 384-5816). After the data is analyzed I will be preparing a short summary of the major findings. If you would like a copy, please write to me at the above address. The summary should be ready soon after the first of the year. When my dissertation is complete (by May, 1982) a copy will be given to the office of the Circuit Clerk in Champaign and Vermillion counties.

Thank you very much for taking the time to participate in this research on voir dire.

Sincerely,

Linda Marshall

Linda Marshall

Appendix B

Juror Questionnaire

Champaign County Juror Number_____

FIRST IS A SERIES OF QUESTIONS TO BE ANSWERED SPECIFICALLY ABOUT THE LAST TIME YOU WERE ASKED QUESTIONS BEFORE BEING SEATED OR EXCUSED FROM A TRIAL. THIS SECTION IS ONLY ABOUT THAT TIME. THINK ABOUT WHAT WENT ON DURING THAT JURY SELECTION TO ANSWER THE QUESTIONS. PLEASE CIRCLE THE ANSWER THAT SHOWS HOW YOU WOULD RESPOND TO THE QUESTION. TRY TO ANSWER AS YOU WOULD HAVE HAD THE QUESTION BEEN ASKED BEFORE YOU REACHED A VERDICT. N/A IS TO BE CIRCLED IF THAT QUESTION DOES NOT APPLY TO YOU OR TO THIS JURY SELECTION: IF IT INVOLVES SOMETHING YOU CANNOT ANSWER.
WHEN A SCALE IS USED, PLEASE CIRCLE ONE AND ONLY ONE NUMBER ON THE SCALE: THE NUMBER THAT MOST FITS WITH WHAT YOU THOUGHT OR FELT. THE ENDPOINTS OF THE SCALES ARE LABELED.

1. For the last time you were questioned during jury selection:
   What was the name of the judge?_____
   Was it a civil or criminal trial?_____
   What was the charge?_____
   Were you accepted for the jury or excused?_____
   About how long did it take to seat the jury from the time you entered the court?_____

2. How would you rate the questioning skill of the lawyers during jury selection?
   defense much better 1 2 3 4 5 6 7 prosecution/plaintiff much better

3. Through the trial and deliberations, you may have become aware of opinions you did not know you had during jury selection. How many opinions did you discover during the case?
   N/A no opinions 1 2 3 4 5 6 7 many opinions

4. How serious did you consider this case to be?
   very minor 1 2 3 4 5 6 7 very serious

5. How much did you pay attention to the questions and answers of other potential jurors?
   not at all 1 2 3 4 5 6 7 paid close attention

6. Think of all the questions that were asked when the jury was being picked. How many of the questions were asked by the judge?
   none 1 2 3 4 5 6 7 all

7. Sometimes when they ask questions, it seems like judges expect jurors to give certain answers. How difficult was it to guess the answers the judge wanted you to give to her/his questions?
   very difficult 1 2 3 4 5 6 7 very easy

8. How truthful were you when the judge asked you questions?
   not at all truthful 1 2 3 4 5 6 7 very truthful

9. To what extent did you answer questions in order to try to get seated on this jury?

tried very hard 1 2 3 4 5 6 7 did not try at all

10. When answering questions, how candid were you about things that have happened in your life?

very candid 1 2 3 4 5 6 7 not at all candid

11. Of all the questions that were asked when the jury was picked, how many were asked by the lawyers?

none 1 2 3 4 5 6 7 all

12. Sometimes when they ask questions, it seems like lawyers expect jurors to give certain answers. How difficult was it to guess the answers the lawyers wanted you to give to their questions?

N/A very easy 1 2 3 4 5 6 7 very difficult

13. How truthful were you when the lawyers asked you questions?

N/A very truthful 1 2 3 4 5 6 7 not at all truthful

14. Jury selection is supposed to eliminate people who have opinions either favoring or against the defendant before the trial starts. How effective was this jury selection?

N/A not at all effective 1 2 3 4 5 6 7 very effective

15. To what extent did you answer the questions in order to try to get excused from this jury?

did not try at all 1 2 3 4 5 6 7 tried very hard

16. When answering questions, how candid were you about your opinions and feelings?

not at all candid 1 2 3 4 5 6 7 very candid

17. How much were you influenced by answers given by other potential jurors?

very much 1 2 3 4 5 6 7 not at all

18. Is there any question that you were asked that you would answer differently now that you have sat through the trial?

N/A yes no

19. When answering questions, who were you more likely to be candid with?

the judge the lawyers

20. Think of the questions you were asked. Who asked the question that was hardest to answer

the judge one of the lawyers

What was so hard about answering that question?

21. What sticks out most in your mind about the selection of this jury?

THE REST OF THIS QUESTIONNAIRE DEALS WITH YOUR FEELINGS, THOUGHTS, AND REACTIONS TO JURY SELECTION IN GENERAL. IT IS ABOUT ALL THE TIMES YOU WERE QUESTIONED FOR TRIALS. PLEASE ANSWER THE QUESTIONS THINKING ABOUT YOUR GENERAL FEELINGS AND OPINIONS OF JURY SELECTION.

1. How many times did you participate in jury selection?_____

2. How many times were you accepted to sit on a jury?_____

3. Usually, how likely is it that the defendant in a criminal trial committed the crime?

not at all likely 1 2 3 4 5 6 7 very likely

4. If you had wanted to sit on a particular trial, how much would that have changed your answers during jury selection?

very much 1 2 3 4 5 6 7 not at all

5. In order to be accepted as a juror, how necessary is it that some of your answers be misleading?

very necessary 1 2 3 4 5 6 7 not at all necessary

6. On each of the following scales rate how you felt when judges asked you questions.

very nervous	1	2	3	4	5	6	7	not at all nervous
very embarrassed	1	2	3	4	5	6	7	not at all embarrassed
not at all awkward	1	2	3	4	5	6	7	very awkward
not at all relaxed	1	2	3	4	5	6	7	very relaxed
not at all hesitant	1	2	3	4	5	6	7	very hesitant
very offended	1	2	3	4	5	6	7	not at all offended
very self-conscious	1	2	3	4	5	6	7	not at all self-conscious
very confident	1	2	3	4	5	6	7	very uncertain
very patient	1	2	3	4	5	6	7	very impatient
very uncomfortable	1	2	3	4	5	6	7	very comfortable
very interested	1	2	3	4	5	6	7	very bored
very open	1	2	3	4	5	6	7	very closed
very careless	1	2	3	4	5	6	7	very careful
very honest	1	2	3	4	5	6	7	very dishonest
very respectful	1	2	3	4	5	6	7	very disrespectful
very competitive	1	2	3	4	5	6	7	very cooperative

7. You are often asked to do the following things in a trial. Rate how difficult it is for you to do each thing.

	very difficult						very easy
Judge a case only on the evidence presented.	1	2	3	4	5	6	7
Set aside your own beliefs, opinions, and feelings.	1	2	3	4	5	6	7
Presume a defendant innocent.	1	2	3	4	5	6	7
Not form an opinion before the trial is over.	1	2	3	4	5	6	7
Not be influenced by the status or occupation of people who testify during the trial.	1	2	3	4	5	6	7
Weigh the words of someone you know or have heard of in exactly the same way as you would someone you did not know.	1	2	3	4	5	6	7
Ignore testimony the judge tells you to disregard.	1	2	3	4	5	6	7

8. If you had wanted to be excused from a particular trial, how much would that have changed your answers during jury selection?

not at all 1 2 3 4 5 6 7 very much

9. How difficult was it to be totally truthful in your answers during jury selection?

very difficult 1 2 3 4 5 6 7 very easy

10. How important is it that jurors have no opinions before a trial starts?

not at all important 1 2 3 4 5 6 7 very important

11. On each of the following scales rate how you felt when <u>lawyers</u> asked you questions.

very nervous	1	2	3	4	5	6	7	not at all nervous
very embarrassed	1	2	3	4	5	6	7	not at all embarrassed
not at all awkward	1	2	3	4	5	6	7	very awkward
not at all relaxed	1	2	3	4	5	6	7	very relaxed
not at all hesitant	1	2	3	4	5	6	7	very hesitant
very offended	1	2	3	4	5	6	7	not at all offended
very self-conscious	1	2	3	4	5	6	7	not at all self-conscious
very confident	1	2	3	4	5	6	7	very uncertain
very patient	1	2	3	4	5	6	7	very impatient
very comfortable	1	2	3	4	5	6	7	very uncomfortable
very interested	1	2	3	4	5	6	7	very bored
very open	1	2	3	4	5	6	7	very closed
very careless	1	2	3	4	5	6	7	very careful
very honest	1	2	3	4	5	6	7	very dishonest
very respectful	1	2	3	4	5	6	7	very disrespectful
very competitive	1	2	3	4	5	6	7	very cooperative

12. How candid were you when the questions involved your personal opinions and feelings?

very candid 1 2 3 4 5 6 7 not at all candid

13. How candid were you when the questions involved facts about your life?

very candid 1 2 3 4 5 6 7 not at all candid

14. The following factors may have affected you during jury selection. How much do you think each of the factors influenced you when you were answering questions?

	not at all						very much
The formality of the courtroom.	1	2	3	4	5	6	7
Other potential jurors.	1	2	3	4	5	6	7
The oath to tell the truth.	1	2	3	4	5	6	7
The judge.	1	2	3	4	5	6	7
People accepted on the jury.	1	2	3	4	5	6	7
The prosecution/plaintiff attorney.	1	2	3	4	5	6	7
The defense attorney.	1	2	3	4	5	6	7
The seriousness of the situation.	1	2	3	4	5	6	7
People excused from the jury panel.	1	2	3	4	5	6	7
The wording of the questions.	1	2	3	4	5	6	7
Being bored with the situation.	1	2	3	4	5	6	7
The time allowed to think about a question before answering it.	1	2	3	4	5	6	7

15. How important is it that potential jurors are totally honest and candid in their answers during jury selection?

very important 1 2 3 4 5 6 7 not at all important

16. During your jury service, how important was it to you to be believed by the following people?

	very unimportant						very important
Other people in the jury pool.	1	2	3	4	5	6	7
The jurors you would be with in a particular trial.	1	2	3	4	5	6	7
The judge in a trial when you would be a juror.	1	2	3	4	5	6	7
The prosecutor/plaintiff attorney in a trial when you would be a juror.	1	2	3	4	5	6	7
The defense attorney in a trial when you would be a juror.	1	2	3	4	5	6	7

17. How truthful were other jurors when they answered questions during jury selection?

very truthful 1 2 3 4 5 6 7 not at all truthful

18. People are often questioned and then excused from serving on a particular jury. How did you feel when you were excused?

very offended	1	2	3	4	5	6	7	not at all offended
puzzled	1	2	3	4	5	6	7	understanding
not irritated	1	2	3	4	5	6	7	very irritated
comfortable	1	2	3	4	5	6	7	uncomfortable
embarrassed	1	2	3	4	5	6	7	not embarrassed

19. Did you withold any information of any kind during jury selection? This includes information witheld on purpose or not on purpose for any reason whatsoever.

yes no

How often did you find that you had witheld information?

never 1 2 3 4 5 6 7 very often

What reason did you have for not giving some information?

20. If you were a criminal defendant and you wanted to be sure you did not have jurors biased against you, how would you want the jury to be picked? Please describe the way the jury could best be selected.

21. What is your major complaint about jury selection procedures?

22. What is the best way to pick a jury for you, the jurors?

Appendix C

Judge and Attorney General and Trial Questionnaires

Name _____

What is your usual role in trials? judge _____ prosecution attorney_____

plaintiff attorney _____ defense attorney in civil cases _____

defense attorney in criminal cases _____

Which county do you usually practice in? Champaign _____ Vermillion _____

WHENEVER A SCALE IS USED, PLEASE CIRCLE THE ONE NUMBER THAT BEST REPRESENTS YOUR ANSWER TO THE QUESTION. THE ENDPOINTS OF THE SCALES ARE LABELED AND, WHERE AMBIGUOUS, THE MIDPOINTS ARE ALSO LABELED.

1. In order to be accepted as a juror, how necessary is it that prospective jurors sometimes make misleading responses at voir dire.?

   very necessary 1 2 3 4 5 6 7 not at all necessary

2. How difficult is it for prospective jurors to be totally truthful during voir dire?

   very difficult 1 2 3 4 5 6 7 very easy

3. How important is it that jurors have no opinions before a trial starts?

   not at all important 1 2 3 4 5 6 7 very important

4. How important is it for prospective jurors to be totally honest and candid in their voir dire responses?

   very important 1 2 3 4 5 6 7 not at all important

5. How much are prospective jurors influenced by the following factors during voir dire?

	very much						not at all
The formality of the courtroom	1	2	3	4	5	6	7
Other prospective jurors	1	2	3	4	5	6	7
The oath to tell the truth	1	2	3	4	5	6	7
The judge	1	2	3	4	5	6	7
People accepted on the jury	1	2	3	4	5	6	7
The plaintiff/prosecution attorney	1	2	3	4	5	6	7
The defense attorney	1	2	3	4	5	6	7
The seriousness of the situation	1	2	3	4	5	6	7
People excused from the panel	1	2	3	4	5	6	7
The wording of the questions	1	2	3	4	5	6	7
Being bored with the situation	1	2	3	4	5	6	7

6. How candid are prospective jurors when the voir dire questions involve facts about their life?

very candid 1 2 3 4 5 6 7 not at all candid

7. How candid are prospective jurors when the voir dire questions involve their personal opinions and feelings?

very candid 1 2 3 4 5 6 7 not at all candid

8. How truthful should jurors be when they answer questions at voir dire?

very truthful 1 2 3 4 5 6 7 very untruthful

9. Who are prospective jurors more likely to answer truthfully at voir dire?

definitely the judge 1 2 3 4 5 6 7 definitely the lawyers

Why? _____

_____

10. How often do jurors try to give the "right" or expected answer?

almost never 1 2 3 4 5 6 7 almost always

11. How important is voir dire in a jury trial?

very important 1 2 3 4 5 6 7 very unimportant

12. How would you rate your ability to determine which prospective jurors should be accepted and rejected from a particular trial?

very skillful 1 2 3 4 5 6 7 not at all skillful

13. In general, how effective is voir dire in actually ridding a jury of relevant bias and prejudice?

not at all effective 1 2 3 4 5 6 7 very effective

14. How would you rate your overall voir dire skills as demonstrated in your present role?

very skillful 1 2 3 4 5 6 7 not at all skillful

15. How often are most prospective jurors totally honest at voir dire?

almost always 1 2 3 4 5 6 7 almost never

16. Counsel: How often do you reject jurors if you suspect they are being dishonest in their responses?

Judge: How often should jurors be rejected if dishonesty is suspected?

almost always 1 2 3 4 5 6 7 almost never

17. Judge: How much latitude do you allow counsel during voir dire of prospective jurors?

very little 1 2 3 4 5 6 7 very much

18. Counsel: How much latitude do the following judges allow counsel during voir dire? Please rate only those you have had cases under.

Champaign County	Very Little						Very Much	Vermillion County	Very Little						Very Much
Clem	1	2	3	4	5	6	7	Allen	1	2	3	4	5	6	7
DeLamar	1	2	3	4	5	6	7	Garmen	1	2	3	4	5	6	7
Jensen	1	2	3	4	5	6	7	Jursak	1	2	3	4	5	6	7
Miller	1	2	3	4	5	6	7	Meyer	1	2	3	4	5	6	7
Nicol	1	2	3	4	5	6	7	Robinson	1	2	3	4	5	6	7
Steigmann	1	2	3	4	5	6	7	Wright	1	2	3	4	5	6	7
Townsend	1	2	3	4	5	6	7								
Tucker	1	2	3	4	5	6	7								

19. How important are each of the following during voir dire?

	Very Important						Very Unimportant
Familiarize jurors with the case	1	2	3	4	5	6	7
Getting information for cause challenges	1	2	3	4	5	6	7
Discover people who can be fair	1	2	3	4	5	6	7
Get a commitment to follow the requirements of law	1	2	3	4	5	6	7
Eliminate unfavorable jurors	1	2	3	4	5	6	7
Getting information for peremptory challenges	1	2	3	4	5	6	7
Familiarize jurors about their role as jurors	1	2	3	4	5	6	7
Get a commitment to be fair and impartial	1	2	3	4	5	6	7
Establish rapport with jurors	1	2	3	4	5	6	7
Securing favorable jurors	1	2	3	4	5	6	7
Familiarize jurors with legal concepts	1	2	3	4	5	6	7
Discover people who can be impartial	1	2	3	4	5	6	7

20. Approximately how often are the lawyers evenly matched on voir dire performance in jury trials?

0% ___ 20% ___ 40% ___ 50% ___ 60% ___ 80% ___ 100% ___

21. In a civil trial, what proportion of the voir dire questions should be asked by the judge?

0% ___ 20% ___ 40% ___ 50% ___ 60% ___ 80% ___ 100% ___

22. In a criminal trial (other than capital), what proportion of the voir dire questions should be asked by the judge?

0% ___ 20% ___ 40% ___ 50% ___ 60% ___ 80% ___ 100% ___

23. How much time do you usually spend preparing for voir dire in a civil trial?_____

24. How much time do you usually spend preparing for voir dire in a criminal trial? _____

25. How long should it usually take to seat a jury in a criminal case? _____

_____

26. How long should it usually take to seat a jury in a civil case? _____

_____

27. Should judges allow counsel direct questioning for the following purposes?

	Strongly Oppose						Strongly Favor
To establish rapport	1	2	3	4	5	6	7
To establish grounds for cause challenges	1	2	3	4	5	6	7
To establish grounds for peremptory challenges	1	2	3	4	5	6	7
To familiarize the jury regarding facts of the case	1	2	3	4	5	6	7
To familiarize jurors regarding legal concepts	1	2	3	4	5	6	7
To familiarize jurors regarding their role in a trial	1	2	3	4	5	6	7



28. Please list three (3) characteristics you would find in an ideal jury?

1. _____

2. _____

3. _____

29. Please describe your background since law school. That is, how many years doing what?



Name_____

Role: Judge____ prosecution/plaintiff____ defense____

Nature of trial: civil____ felony____ misdemeanor____

Case number_____ Charge_____

FOR THE FOLLOWING QUESTIONS, PLEASE FILL IN OR CIRCLE THE ANSWER. WHEN SCALES ARE USED PLEASE CIRCLE ONLY ONE NUMBER: THE NUMBER THAT BEST REPRESENTS YOUR RESPONSE TO THE QUESTION. THE ENDPOINTS OF THE SCALES ARE LABELED. PLEASE TRY TO RESPOND AS YOU WOULD HAVE HAD YOU ANSWERED IMMEDIATELY AFTER THE JURY WAS SEATED. PLEASE DO NOT REFER TO ANY NOTES YOU MAY HAVE.

1. Approximately how long did it take to seat the jury from the time prospective jurors entered the courtroom?_____

2. How effective was the voir dire in eliminating people with relevant prejudice and bias from the jury?

not at all effective 1 2 3 4 5 6 7 very effective

3. If counsel participated, who would you rate as being better skilled at voir dire?

N/A defense much better 1 2 3 4 5 6 7 prosecution/plaintiff much better

4. How serious did you consider this case to be?

very minor 1 2 3 4 5 6 7 very serious

5. Of all the questions that were asked during voir dire, how many were asked by the judge?

none 1 2 3 4 5 6 7 all

6. How hard did prospective jurors try to figure out the answers the judge wanted or expected to her/his questions?

not at all 1 2 3 4 5 6 7 tried very hard

7. How truthful were prospective jurors in their voir dire responses when the judge asked the questions?

not at all truthful 1 2 3 4 5 6 7 very truthful

8. Did you think any prospective jurors slanted their answers in order to get seated?

definately yes 1 2 3 4 5 6 7 definately no

9. How hard did prospective jurors try to figure out the answers the lawyers wanted or expected to their questions?

tried very hard 1 2 3 4 5 6 7 not at all

10. How truthful were the prospective jurors in their voir dire responses when counsel asked the questions?

very truthful 1 2 3 4 5 6 7 not at all truthful

11. Did you think any prospective jurors slanted their answers in order to get excused?

definately yes 1 2 3 4 5 6 7 definately no

12. Who do you think prospective jurors were more candid with?

judge counsel

13. Of all the questions that were asked during voir dire, how many were asked by the prosecution/plaintiff?

none 1 2 3 4 5 6 7 all

14. Of all the questions that were asked during voir dire, how many were asked by the defense?

none 1 2 3 4 5 6 7 all

15. Approximately how much time did you spend preparing for this particular voir dire?

_____

16. How many cause challenges were attempted? _____

How many were allowed? _____

17. How many peremptory challenges did the prosecution/plaintiff have? _____

How many were used? _____

18. How many peremptory challenges did the defense have? _____

How many were used? _____

19. How favorable was the seated jury? (How you felt immediately after jury selection.)

favorable to defense 1 2 3 4 5 6 7 favorable to prosecution/plaintiff

20. How important was voir dire in this particular case?

very unimportant 1 2 3 4 5 6 7 very important

21. How would you rate the judge's performance at voir dire? If applicable, please rate yourself.

	very skillful			avg.			not at all skillful
questioning of jurors	1	2	3	4	5	6	7
treatment of counsel	1	2	3	4	5	6	7
treatment of potential jurors	1	2	3	4	5	6	7
treatment of accepted jurors	1	2	3	4	5	6	7
treatment of excused jurors	1	2	3	4	5	6	7
rulings involving voir dire	1	2	3	4	5	6	7
restrictions on counsel	1	2	3	4	5	6	7
preparation	1	2	3	4	5	6	7
appropriateness	1	2	3	4	5	6	7

22. How would you rate prosecution/plaintiff performance at voir dire? If applicable, please rate yourself.

	very skillful			avg.			not at all skillful
questioning of jurors	1	2	3	4	5	6	7
treatment of judge	1	2	3	4	5	6	7
treatment of defense	1	2	3	4	5	6	7
treatment of potential jurors	1	2	3	4	5	6	7
treatment of accepted jurors	1	2	3	4	5	6	7
treatment of excused jurors	1	2	3	4	5	6	7
preparation	1	2	3	4	5	6	7
general skill at voir dire	1	2	3	4	5	6	7
treatment of client	1	2	3	4	5	6	7
appropriateness	1	2	3	4	5	6	7

23. How would you rate defense performance at voir dire? If applicable, please rate yourself.

	very skillful			avg.			not at all skillful
questioning of jurors	1	2	3	4	5	6	7
treatment of judge	1	2	3	4	5	6	7
treatment of prosecution/ plaintiff	1	2	3	4	5	6	7
treatment of potential jurors	1	2	3	4	5	6	7
treatment of accepted jurors	1	2	3	4	5	6	7
treatment of excused jurors	1	2	3	4	5	6	7
preparation	1	2	3	4	5	6	7
general skill at voir dire	1	2	3	4	5	6	7
treatment of client	1	2	3	4	5	6	7
appropriateness	1	2	3	4	5	6	7

24. How closely did the seated jury match your ideal for jurors?

not at all 1 2 3 4 5 6 7 very closely

25. What if anything sticks out in your mind about this particular voir dire?



Appendix D

Item to Total Statistics for Honesty Dimension

Reliability of direct and indirect honesty items

Items	Correlated Item-Total Correlation	Squared Multiple Correlation	Alpha If Item Deleted
willing to change ans to sit	204	339	726
neccesary ans misleads	264	225	723
jdg made open-closed	540	620	704
jdg made honest/dishnst	511	610	705
willing to change ans so excused	333	233	717
difficulty being trthful	224	247	726
importance of honesty	085	063	734
atty made open-closed	519	643	704
atty made honest-dis	519	594	704
candor about opins - G	435	549	707
candor about facts - G	502	607	701
others truthfulness	361	201	715
withheld info	207	332	730
often withheld info	278	368	725
hard guess what jdg wanted	138	280	738
truthful to jdg	265	219	727
candor about facts - T	121	132	736
hard guess what atty wanted	475	515	704
truthful to atty	366	401	755
try to get excused	281	191	721
candor about opins - T	284	494	721
jatrth2	288	186	747

Reliability of influences on honesty items

Items	Correlated Item-Total Correlation	Squared Multiple Correlation	Alpha If Item Deleted
influenced by formality	501	443	864
influenced by potential jurors	516	504	865
influenced by oath	441	486	868
influenced by judge	603	653	860
influenced by actpd	611	605	862
influenced by pr/pl	625	907	860
influenced by def atty	629	906	860
influenced by seriousness	555	497	862
influenced by excused	415	396	868
influenced quest wording	526	433	866
influenced by boredom	330	270	870
influenced by time to think	470	409	866
belev by pool	399	633	869
belev by seated jur	489	721	865
belev by judge	548	798	863
belev by pr/pl	577	978	861
belev by def atty	579	979	861
attention to others	102	081	878
influenced by others ans	122	182	874



Reliability of all items reflecting the honesty of prospective jurors

Items	Correlated Item-Total Correlation	Squared Multiple Correlation	Alpha If Item Deleted
willing to change ans to sit	149	407	859
neccesary ans misleads	227	374	859
jdg made open-closed	480	645	854
jdg made honest/dishnst	423	654	855
willing to change ans so excused	248	276	858
difficulty being trthful	174	342	859
importance of honesty	044	201	861
atty made open-closed	440	664	855
atty made honest-dis	396	647	856
candor about opins - G	303	615	857
candor about facts - G	304	668	857
influenced by formality	436	489	854
influenced by potential jurors	529	554	853
influenced by oath	368	546	856
influenced by judge	521	692	852
influenced by acptd	580	666	852
influenced by pr/pl	603	921	850
influenced by def aty	591	924	850
influenced by seriousness	483	538	853
influenced by excused	495	472	854
influenced quest wording	504	512	852
influenced by boredom	428	422	855
influenced by time to think	442	476	854
importance of honesty	292	443	857
belev by pool	328	672	857
belev by seated jur	392	743	855
belev by judge	442	825	854
belev by pr/pl	470	982	853
belev by def atty	470	982	853
others truthfulness	353	304	856
withheld info	214	378	859
often withheld info	242	416	859
attention to others	073	156	862
hard guess what jdg wanted	204	362	860
truthful to jdg	243	355	859
try to get seated	080	191	862
candor about facts - T	322	544	857
hard guess what atty wanted	013	274	866
truthful to atty	264	459	858
try to get excused	273	334	858
candor about opins - T	279	543	860
influenced by others ans	207	432	859
jatrth2	280	218	864

Appendix E

Item to Total Statistics for Judge vs Attorney Dimension

Reliability of items relevant to voir dire questioning by court and counsel

Items	Correlated Item-Total Correlation	Squared Multiple Correlation	Alpha If Item Deleted
judge made nervous	412	756	868
judge made embarr	492	632	867
judge made ackward	400	567	868
judge made relaxed	511	754	866
judge made hesitant	429	598	868
judge made offended	446	576	868
judge made self-conscious	516	707	866
judge made confident-un	570	683	865
judge made patient-im	484	624	867
judge made un-comfortable	148	464	874
judge made interested-bored	531	749	866
jdg made open-closed	586	756	866
judge made careless-ful	404	644	869
jdg made honest/dishnst	549	812	866
judge made respectful-dis	587	844	866
judge made comp-coop	315	423	870
atty made nervous	482	725	867
atty made embarr	500	604	867
atty made ackward	425	570	868
atty made relaxed	570	712	865
atty made hesitant	480	600	867
atty made offended	374	492	869
atty made self-conscious	561	706	865
atty made confident-un	632	686	865
atty made patient-im	571	700	865
atty made un-comfortable	194	468	873
atty made interested-bored	509	778	866
atty made open-closed	600	801	866
atty made careless-ful	512	705	868
atty made honest-dis	533	749	866
atty made respectful-dis	565	770	866
atty made comp-coop	387	557	869
influenced by judge	-001	447	878
influenced by pr/pl	031	901	876
influenced by def atty	021	903	876
belev by judge	214	794	872
belev by pr/pl	187	978	873
belev by def atty5	185	979	873
def or pr/pl better	001	259	876
number judge asked	038	286	875
hard guess what jdg wanted	053	272	875
truthful to jdg	285	344	871
number atty asked	168	265	872
hard guess what atty wanted	088	242	876
truthful to atty	294	419	870
jatrth2	232	293	871
asked hardest quests	162	289	872

Appendix F

Item to Total Statistics for Socialization Dimension

Reliability of socialization (preference and referent) items

Items	Correlated Item-Total Correlation	Squared Multiple Correlation	Alpha If Item Deleted
number voir dires	045	195	851
number accepted	119	265	849
willing to change ans to sit	111	250	849
willing to change ans so excused	160	163	850
importance of honesty	020	160	851
influenced by formality	501	455	839
influenced by potential jurors	545	522	838
influenced by oath	422	502	842
influenced by judge	596	667	834
influenced by acptd	618	637	836
influenced by pr/pl 6	610	912	835
influenced by def atty	611	911	835
influenced by seriousness	542	510	837
influenced by excused	456	424	841
influenced by quest wording	528	460	838
influenced by boredom	380	326	843
influenced by time to think	468	433	840
importance of honesty	165	220	848
belev by pool	378	647	844
belev by seated jur	455	731	840
belev by judge	507	803	838
belev by pr/pl	531	980	837
belev by def atty	538	980	837
attention to others	086	104	852
try to get seated	042	094	853
try to get excused	233	294	847
influenced by others ans	159	296	848

Reliability of socialization (experiences) items

Items	Correlated Item-Total Correlation	Squared Multiple Correlation	Alpha If Item Deleted
willing to change ans to sit	133	214	843
willing to change ans so excused	178	155	844
importance of honesty	025	153	846
influenced by formality	518	441	831
influenced by potential jurors	557	518	831
influenced by oath	450	495	834
influenced by judge	626	665	826
influenced by acptd	638	635	829
influenced by pr/pl	630	910	827
influenced by def atty	638	910	827
influenced by seriousness	560	506	829
influenced by excused	471	415	834
influenced by quest wording	547	442	830
influenced by boredom	381	309	837
influenced by time to think	487	425	833
importance of honesty	161	205	843
belev by pool	333	645	840
belev by seated jur	398	727	837
belev by judge	438	795	835
belev by pr/pl	445	800	834
attention to others	088	100	847
try to get seated	047	077	848
try to get excused	236	284	841
influenced by others ans	155	264	843

Reliability of all socialization items

Items	Correlated Item-Total Correlation	Squared Multiple Correlation	Alpha If Item Deleted
number voir dires	024	247	751
number accepted	119	397	743
hard to limit to evidence	478	391	713
hard to set aside opins	574	497	703
hard to presume innocence	522	413	710
hard to not form opin	580	536	701
hard to not be influenced by status	489	452	712
hard to weigh test equal	488	410	712
hard to disregard	426	432	718
offended when exc	294	501	732
understood when exc	317	405	731
irritated when exc	327	498	729
un-comfortable when exc	089	279	768
embarr when exc	318	451	730
# new opins	190	203	742
answer diff after	130	308	742

Appendix G

Item to Total Statistics for Situation Description Dimension

Reliability of items reflecting the description of the voir dire situation

Items	Correlated Item-Total Correlation	Squared Multiple Correlation	Alpha If Item Deleted
likelihood of guilt	111	064	451
necessary ans misleads	232	139	417
judge made interested-bored	326	589	390
difficulty being trthful	084	089	452
importance of honesty	115	067	447
atty made interested-bored	269	569	406
importance of honesty	186	199	433
seriousness of case	094	093	460
number judge made	011	147	478
hard guess what jdg wanted	264	217	400
number atty made	066	136	462
hard guess what atty wanted	186	251	430
effectiveness of voir dire	223	110	418

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Education

AA, Liberal Arts, Parkland College, Champaign, IL: May, 1975

BS, Psychology, University of Illinois, Champaign-Urbana: May, 1977

MA, Psychology, Boston University: May, 1980

Ph.D., Boston University: from 1978; Dissertation defense held May 18, 1982
Dissertation: "Juror, judge, and counsel voir dire perceptions and behavior in two Illinois state courts."

Honors

AA with highest honors, Parkland College: May, 1975

Cum Laude, University of Illinois: May, 1977

Elected Phi Beta Kappa: Spring, 1978

NIMH National Research Science Award: 1979-80

Grants and Research Support

Graduate Research Fellowship, October, 1981
U.S. Department of Justice, National Institute of Justice, Project number 81-1J-CX-0040 ($11,000). A dissertation grant: "Voir dire in two Illinois judicial circuits."

Dissertation Grant-in-aid, June, 1981
Society for the Psychological Study of Social Issues ($350) for research expenses connected with dissertation.

Dean's grant, April, 1981
Boston University ($500) for research expenses connected with dissertation.

Research assistant, January, 1981 to December, 1981
National Science Foundation grant to Robert F. Kidd, "Causal explanations in social interaction." Planning and conducting laboratory experiments on the way in which people in dialogs provide causal explanations for each-other.

Research assistant, September, 1980 to May, 1981
Law Enforcement Assistance Administration to National Center for State Courts, "Scientific and technical evidence in litigation." Compiling an annotated bibliography on expert evidence in civil and criminal cases under Michael J. Saks, consultant to NCSC.

Research assistant, Summer, 1976
University of Illinois. Follow-up interviews and coding with subjects, their peers, and their parents in a juvenile diversion project by Julian Rappaport and Ed Seidman.

Research assistant, Spring and Summer, 1975
Children's Resource Center, University of Illinois. Scheduled, trained and supervised student experimenters and collected data on the effects of various reinforcement schedules and styles on young children. Supervised by Nancy Squires for William Redd.

Teaching

Summer, 1981. Instructor at Danville Area Community College, Danville, IL. Introduction to Psychology

Spring, 1981. Teaching Fellow, Boston University conducting discussion sections in Social Psychology in course taught by Amy Sonka.

Fall, 1980. Advanced Teaching Fellow, Boston University. Independent teaching of Introductory Psychology in the College of Liberal Arts and co-teaching Social Psychology in the Metropolitan College.

Summer, 1980. Instructor at Danville Area Community College. Social Psychology, Introduction to Psychology and Sociology.

Spring, 1979. Teaching Fellow, Boston University. Co-teaching Experimental Social Psychology.

Fall, 1978. Teaching Fellow, Boston University. Conducting discussion sections in Social Psychology for Professor Phil Kubzansky.

Publications

Marshall, L.L. & Kidd, R.F. Good news or bad news first? Personality and Social Behavior, 1981, 9 (2), 223-226.

Marshall, L.L. The voir dire debate: An annotated bibliography. National Journal of Criminal Defense, in press.

Kidd, R.F. & Marshall, L.L. Self-reflection, mood, and helpful behavior. Journal of Research in Personality, in press

Presentations

Marshall, L.L. & Kidd, R.F. Juror perceptions of jury selection. International Conference on Psychology and Law, sponsored by British Psychological Association, Swansea, U.K., July, 1982

Marshall, L.L. Juror perceptions of and reactions to jury selection. Colloquium at Iowa State University, Ames, IA, May, 1982

Marshall, L.L. & Kidd, R.F. Juror perceptions and honesty during jury selection. Eastern Psychological Association, 53rd Annual Meeting, Baltimore, MD, April, 1983

Marshall, L.L. Jury selection: Perceptions of jurors, judges and lawyers. New England Psychological Association, 21st Annual Meeting, Brandeis University, Waltham, MA, October, 1981

Marshall, L.L. Voir dire practices: A comparative perspective on jury selection. Moderator of symposium at the American Psychology-Law Society Biennial Convention, Cambridge, MA, October, 1981.

Marshall, L.L. & Kidd, R.F. The effects of mood and self-concern on helping behavior. Presented to the 52nd Annual Meeting of the Eastern Psychological Association, New York City, April, 1981.

Kidd, R.F. & Marshall, L.L. Self-concern, mood and helpful behavior.
New England Psychological Association, 20th Annual Meeting, Boston, October 1980.
American Psychological Association, 88th Annual Convention, Montreal, September, 1980.

Marshall, L.L. & Kidd, R.F. Good news/bad news. Presented to the 51st Annual Meeting of the Eastern Psychological Association, Hartford, April, 1980.

Marshall, L.L. Moderator and organizer of a symposium on rape. Midwest Regional Conference of the American Association of Sex Educators, Counselors, and Therapists, Chicago, October, 1976.

Professional Affiliations

American Psychological Association
Society for Personality and Social Psychology (Division 8)
Society for the Psychological Study of Social Issues (Division 9)
The Psychology of Women (Division 35)
American Psychology-Law Society
Association for the Advancement of Psychology
Association of Women in Psychology
Law and Society Association
Society for the Advancement of Social Psychology

Earlier Work Experience

Social Service. Direct Services Coordinator, Women Against Rape 8/75-3/77, Champaign County, Illinois
Planned, developed, coordinated and evaluated direct services to victims of violence against women. Included recruiting, training, scheduling and supervising the volunteers who provided those services. Developed and maintained working relationships with State's Attorney, police and hospital personnel as well as providing consultation to them regarding their procedures for raped women. Also served on the personnel committee as a board member and volunteer. Provided direct services to rape and incest victims.

Accounting/Bookkeeping. Full control of accounts payable and receivable, developing systems for their efficient handling by non-accounting employees. Designed and controlled systems for inventory, payroll, taxes, journals and ledgers.
Clark, Dietz & Assoc., Engineers, Inc., Urbana, IL, 11/77-8/78
Country Squire and Hour Glass Cleaners, Champaign, IL 4-8/75 (consultant)
Giraffe, Urbana, IL 1-4/75 (consultant)
Leisure-Time Products Corp., 9/73-1/75
Stopulus-Allen Theatres, 10/68-10/70
Marshall Barber & Beauty Supply Company, 10/68-9/73

Management
District Manager, Davis Theatres, 10/70-4/73
Assistant Manager, Stopulus-Allen Theatres, 10/68-10/70