

## Abstract

Research suggests smaller juries reach more erroneous decisions, so many courts insist on juries of 12. Researchers and consultants interested in jury decision-making rarely conduct studies with juries this size. This study reveals juries ranging from two to ten jurors may all benefit from the deliberation process. While the effects of deliberation are stronger for juries of at least six, even among smaller juries deliberation was a meaningful process in that it changed individuals' impressions of a case enough to change their overall verdict. Therefore, deliberation should not be universally omitted from mock jury studies simply based on jury size. Future analyses will combine results from seven jury studies comprising 552 mock juries and 3263 mock jurors.

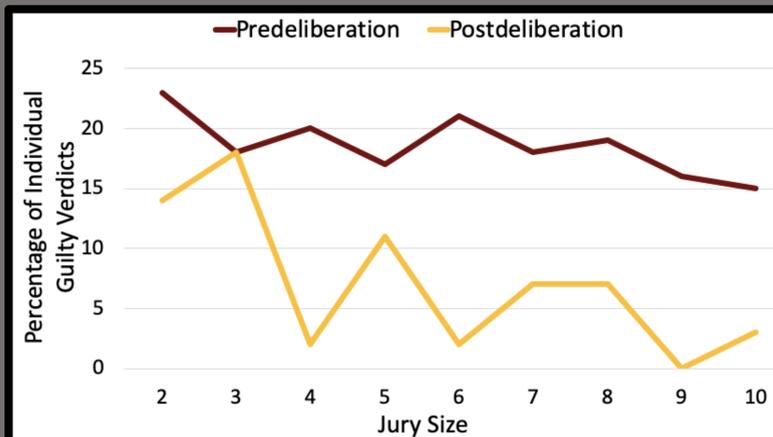
## Introduction

- Traditionally juries have been composed of 12 individuals. However, both federal and state courts have been allowed to try cases with juries of six. The U.S. Supreme Court decided in *Ballew v. Georgia* (1978) that juries of fewer than six were found to be in violation of the Constitution. The Court has relied on research suggesting the smaller the group, the greater the variability in verdicts and therefore the lower the reliability of those decisions (Saks, 1996).
- Similarly, 65.7% of researchers believe the minimally acceptable number of jurors in a mock jury is six individuals (Lieberman, Krauss, Heen, & Sakiyama, 2016).
- While most courts still defer to the use of 12 jurors, practical limitations often prompt researchers and consultants to settle for smaller juries.
- **The current study** investigates the effect of this decision. It explores how the size of mock juries influences verdict decisions to evaluate what difference may or may not exist between juries of less than six and those with six or more individuals.

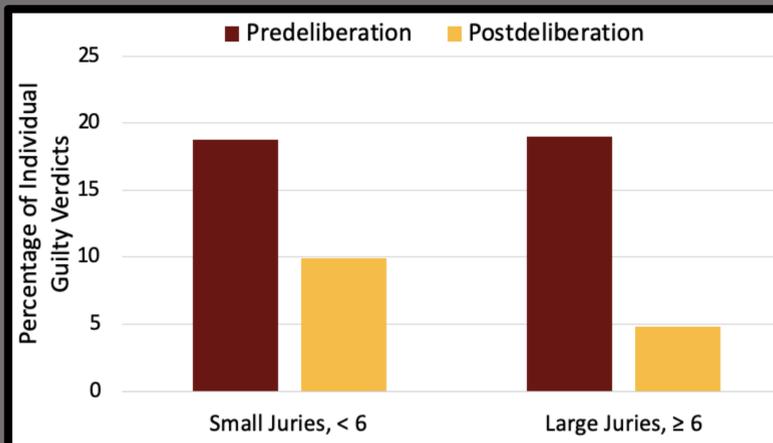
## Method

- This study used secondary data in which a total of 988 jury-eligible community members were recruited for a series of other experiments (Koehler, Schweitzer, Saks, & McQuiston, 2016).
- **Procedure:** Participants appeared in groups of two to ten which resulted in a total of 160 individual mock juries.
  - Trial video → pre-deliberation questionnaire → 30-minute deliberation → post-deliberation questionnaire

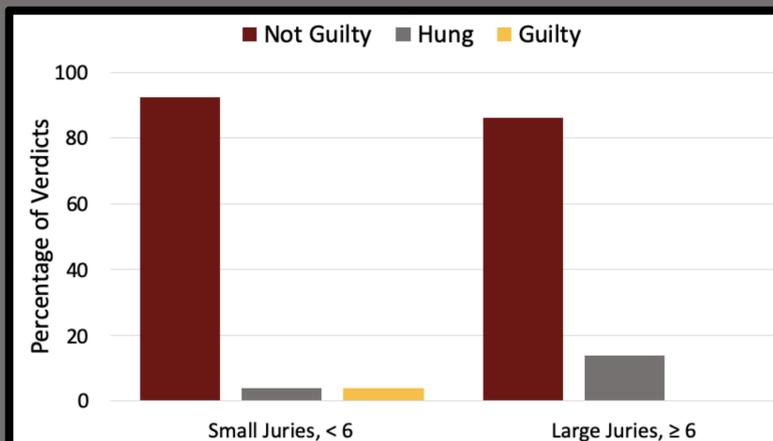
## Guilty Verdicts for Juries of All Sizes



## Guilty Verdicts for Small & Large Juries



## Relationship Between Jury Size & Group Verdicts



## Results & Discussion

### The effect of deliberation on jurors' verdicts for juries of all sizes (2-10 jurors)

Refer to top graph.

- There was a statistically significant interaction between juries of all sizes and deliberation (pre vs. post) on verdicts ( $p = .038$ ).
- This study provides empirical support for the inclusion of deliberation in jury research, regardless of jury size. Even when group sizes are small, deliberation is shown to have a meaningful effect on individuals' perceptions of the case so much as to change their final verdicts.

### The effect of deliberation on jurors' verdicts for small (2-5) and large juries (6-10)

Refer to middle graph.

- Both the small juries ( $p = .001, \eta^2 = .064$ ) and the large juries ( $p < .001, \eta^2 = .137$ ) demonstrated a significant change in verdicts as a result of deliberation.
- This reveals that the process of deliberation is a meaningful one even if juries cannot reach the often-accepted target of six individuals. Even with smaller juries, deliberation was significant in that the process changed individuals' impressions of the case enough to change their ultimate verdicts.
- There was not a significant interaction between jury size and deliberation (pre vs. post) on verdicts ( $p = .066$ ). Unsurprisingly, there was no simple main effect between small and large juries on their pre-deliberation verdicts ( $p = .918$ ), however there was a significant simple main effect between small and large juries on post-deliberation verdicts ( $p = .007$ ).
- Although deliberation has a meaningful impact on final verdicts for juries of all size, including smaller juries in analyses may diminish the impact of deliberation and the strength of one's findings while simulating a less accurate approximation of the effect of real jury deliberation.

### The relationship between jury size and group verdicts (not guilty, hung, or guilty)

Refer to bottom graph.

- The percentage of specific group verdicts did change when comparing small and large juries ( $p = .022$ ).
- At least for this case, jurors deliberating in smaller groups were more willing to change their mind in favor of a conviction compared to individuals on larger juries who moved exclusively in favor of a not guilty verdict as a result of the deliberation process.

## Contact Information

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