

THE TRIAL EXPERIENCE: CIVIC SERVICE VS. CIVIL SERVICE

“A Study of Stress From High Profile Trials Among Jurors and Court Staff”

State of North Dakota



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ABSTRACT

This project focuses on the State of North Dakota Judiciary, specifically District Court. District Courts are courts of general jurisdiction, and have original and general jurisdiction in all cases. Trial by jury in both civil and criminal cases takes place in the District Courts.

Jury service is one duty of citizenship, and plays a critical role in the pursuit of justice. Although jurors typically experience a sense of pride and accomplishment from jury duty, jury service may come with a price. This project will examine concerns related to jury duty, specifically in Class A and AA felony trials. Two questionnaires were developed in an effort to collect information from both jurors and employees affiliated with these trials.

Studies and articles reviewed in the literature review clearly indicate a growing concern over traumatization of jurors in high profile cases. The literature supports the need for post-trial services for jurors and illustrates numerous recommendations for these services. Through this project I have established a baseline for what constitutes a high profile case, identified the population to be evaluated, and collected responses statewide from a specific timeframe.

In an attempt to further explore the extent of the impact on jurors and employees, it has become abundantly clear that there is a significant degree of stress as an outcome of serving in these trials. Additionally, on every survey item answered by both groups, employees on average recorded higher levels of stress than did the jurors.

The information evaluated made it possible to establish the presence of stress and to what degree the impact exists in both jurors and employees. Furthermore, a clear comparison of this same trial experience demonstrates not only a higher degree of stress

in employees, but as a result a lack of proper oversight of the problem on the part of the court system. Employees have not been the focus for discussion of jury trial-related stress, but clearly need to be. It is evident that services and closure is greatly desired for our own employees in addition to the public.

The need for follow-up services in high profile cases has been established, and relatively simple and cost effective steps can be taken to initiate these services. Initially, these services may be somewhat generic, but with time and further examination of resources can be built upon and more comprehensive in the future. Responses indicate that simple discussions and very little effort or time is all the typical juror is asking for at the conclusion of these trials.

Employee services for court employees exposed to stressful jury trials are currently available statewide and appear to be an underutilized resource. Education about these services, identification of specific needs, and awareness of the issue itself will inevitably improve current situations and outcomes to these trials.

INTRODUCTION

The North Dakota judicial system consists of the Supreme Court, District Courts, and Municipal Courts. Together they form a judicial team responsible for providing an equal and fair system of justice to citizens of North Dakota.

District Courts are courts of general jurisdiction in North Dakota. They have original and general jurisdiction in all cases, including criminal felony and misdemeanor cases, and general jurisdiction for civil cases. The District Courts also serve as the

Juvenile Courts in the state and have exclusive and original jurisdiction over any minor who is alleged to be unruly, delinquent, or deprived.¹

The state is divided into seven judicial districts. In each judicial district a presiding judge oversees judicial services of all the courts. There is a District Court in each of the state's fifty-three counties. There is one court administrator for every two districts with the exception of the Northwest Judicial District, where there is one district and one court administrator. The Court Administrator is responsible for operational oversight, as well as working with governmental agencies, budget, facilities, records management, personnel, and contract administration. There are currently 44 District Judges and 8 Judicial Referees in North Dakota.

Trial by jury in both civil and criminal cases takes place in the District Courts. Municipal Court defendants who wish to be tried by a jury may transfer their case to the District Court.

The right to a trial by jury is one of the corner stones of this country's court system. The process known as trial by jury arrived with the colonists from England. Trial by jury is guaranteed as a fundamental right and a part of due process of law by the Constitution of the United States of America and the Constitution of North Dakota.²

Jury service is one of the duties of citizenship. Jurors play a critical role in the pursuit of justice. Jurors may benefit by participating in the decision making process.³ They may also experience a sense of pride and accomplishment which may result from

¹ North Dakota Supreme Website: <http://www.ndcourts.gov/court/brochure.htm>

² North Dakota Juror's Handbook located at: <http://www.ndcourts.gov/Court/juror.htm>

³ Daniel W. Shuman et. Al., *Jury Service-It May Change Your Mind: Perceptions of Fairness of Jurors and Nonjurors*, 46 SMU L. Rev. 449, 470 (1992)

fulfilling a civic duty.⁴ Despite the potential benefits of jury service, recent studies and anecdotal reports suggest that jury service may have an adverse effect on juror health.⁵ These studies and reports suggest that jurors may experience stress from the jury service experience itself.

Administrators and/or court personnel provide resources to jurors to help decrease stress in relation to jury duty. Although these services differ throughout the State, a majority of the Districts do provide, at a minimum, a juror handbook, website access to jury information, and the judge's instructions. Additional services such as an informational DVD to be viewed by jurors prior to initiation of the trial and post-trial questionnaires are provided in several courts. Furthermore, a number of judges conduct a debriefing session following higher profile cases. Although these services are currently provided, to what extent do these services address potential traumatization of jurors in high profile criminal cases? There has been an increased recognition of this topic. The concern for juror mental welfare in high profile cases which expose them to heinous and often graphic evidence is a growing trend throughout the nation. Although these cases are atypical in the State of North Dakota, it would be judicious to initiate a plan of action for accommodating jurors as it relates to the potential traumatic impact as a result of serving on high profile criminal cases.

PROJECT OBJECTIVES

The objectives of this project are first, to determine the potential impact of jury duty in higher profile cases on the average citizen; and second, to identify the

⁴ Id. at 458-60

⁵ E.g., Thomas L. Hafemeister & W. Larry Ventis, *What Burden Have We Placed on Our Juries?*, 3 St. Ct. J., fall 1992, at 35. Stanley M. Kaplan & Carolyn Winget, *The Occupational Hazards of Jury Duty*, 20 Bull. Am. Acad. Psychiatry L. 325 (1992)

similarities or establish the propensity of those same influences which employees of the court experience while performing a different role in the same cases.

Through this project I will establish a baseline for the level of stress jurors may experience with the focus being on high profile cases. I will distribute surveys to those individuals who have served as jurors in class A or AA felony cases over the past three years throughout the State of North Dakota.

Areas to be examined are those related to the degree of stress experienced, post-trial services provided to help alleviate stress and to process the experience, and ultimately desired post-trial services for future juror experience. I will examine similarities between not only jurors who have sat on these cases, but also employees who have worked in the courtroom during these same trial types. The comparison will demonstrate whether the same evidence and testimony had a similar effect on employees, as they did on jurors. The results of this project will aid in understanding the potential impact of serving on these cases, and in establishing consistent services and considerations state-wide. Exploration of the differences between jurors and employees, exposed to testimony and evidence that is graphic in nature, will be considered and assessed.

One may assume that an employee who has been exposed to previous trials of this nature may result in a “hardening” of emotions with a lessening of the emotional impact for that individual. Previous experiences and knowledge of the court system coupled with the familiarity of trial procedures and expectations, may perhaps dull the impact of exposure to such information.

Lastly, I will examine how gender may impact the response of not only jurors surveyed, but employees as well. Age, and whether or not there are children living at

home at the time of the trial, may have an impact on the responses to the surveys as well.

LITERATURE REVIEW

Jury duty is a civic responsibility, and although it is a privilege it can be considered a burden, and an inconvenience. It is part of due process of law, guaranteed by our United States Constitution,⁶ thereby making it vital to our judicial system.

Serving on a jury can be a stressful experience for anyone. Certain trials involving kidnapping, sexual assault and battery, and child abuse, are traumatic events that may physically and emotionally disturb a juror who is considering the evidence presented in the courtroom.⁷ The risk for extreme emotional suffering is especially a concern for jurors who must decide whether a defendant lives or dies.⁸ Jurors can be exposed to graphic evidence and testimony that is shocking, gruesome, repulsive, emotion-laden, and painful. Often times their emotional turmoil does not necessarily end with the trial.

Post-trial debriefing services have been and continue to be explored as a viable option for addressing juror stress and providing an opportunity to discuss and further process the experience. Debriefing is not to be confused with counseling. Chris Nordgren and Matthew Thelen differentiate counseling and therapy from debriefing as follows: counseling and therapy tend to be provided to those who have significant impairment in their daily functioning or those who suffer from psychopathology, whereas debriefing is an intervention that is applicable to those exposed to significant

⁶ U.S. Constitution amendments VI and VII

⁷ Shuman, Hamilton, and Daley, 1994

⁸ The Justice System Journal, Vol. 29, Number 3 (2008)

stressors which may or may not be severe enough or traumatic enough to cause such impairments or illnesses.⁹ The authors describe debriefing as a carefully structured group discussion led by a debriefer who helps individuals who have been exposed to a substantial amount of stress readjust to normalcy.¹⁰

In 1998, the National Center for State Courts (NCSC) reported results from one of the most comprehensive investigations of jury stress conducted in the United States.¹¹ This source will provide much insight to the current stress typically endured during the jury service process, as well as suggestions for addressing the consequences of such an experience.

In a 2008 Court Executive Development Program paper, written by Donna Wunderlich, *Improving the Jury Experience Through Juror Education in North Dakota*, the need for, and importance of pre-trial education of jurors was examined. Results demonstrated that an educated juror is able to alleviate certain levels of stress and provide for a much more positive experience of the judicial process.¹² I will utilize these findings to help substantiate the need for further development of post-trial services.

Stress is common among jurors and can become apparent as early as the qualification process of jury duty. The typical juror is an average citizen with no prior experience or exposure to the courts or the court system. The anticipation of what to expect can, in and of itself, weigh heavily on the average citizen. Consider the level of anxiety with being exposed to gruesome pictures and testimony that one would never

⁹ J. Chris Nordgren & Matthew W. Thelen, "Helping Jurors Manage Stress: A Multilevel Approach" (1992) 82 *Judicature* 256.

¹⁰ *Id.*

¹¹ National Center for State Courts, *Through the Eyes of the Juror: A Manual for Addressing Juror Stress* (Williamsburg, VA: NCSC, 1998)

¹² Donna Wunderlich, *Improving The Jury Experience Through Juror Education In North Dakota*, CEDP

have experienced had they not served on jury duty. Add to this anxiety, the knowledge that their decision will determine the fate of not one, but numerous individuals associated with the case. As an untrained individual with no prior experience or insight to the court system, a juror carries the burden of knowing their decision ultimately determines the outcome for the defendant accused. The decision-making process, specifically for incomprehensible crimes, has the potential for grand repercussions on a personal level to the juror faced with this responsibility.

Follow-up correspondence and being provided the opportunity to discuss the trial process may afford closure for those involved. These simple steps may be adequate to alleviate the need for future professional services. The majority of jurors surveyed in this project did not necessarily experience long-term or lasting stress as a result of jury duty. Several jurors reflect back on the experience as positive and ultimately feel a sense of pride in performing their civic duty. Naturally stress can increase as a result of unfamiliarity, anxiety of the unknown, the conflict and impact of routine practices in one's personal life, or change in and of itself. Increased emotional stress can occur when there is conflict between jurors and can ultimately be compounded with the sense of loneliness during sequestration.

It would appear that even minor steps being taken pre and post-trial can alleviate the potential for emotional stress and can ultimately provide an opportunity to process, and feel some sense of closure. I anticipate the data collected in the surveys distributed to both jurors and court employees state-wide who have personally served specifically on Class A or AA felony trials in North Dakota will support the argument that these cases impact jurors and employees on a heightened emotional

level, and that there is a need and desire for additional services to be taken to acknowledge this experience, and to address the potential impact of this experience.

PREVIOUS STUDIES

Three primary studies have been identified and will serve as a baseline for establishing the potential impact on jurors and a review of the recommendations as a result of conducting these studies. The judicial system must maintain a delicate balance in its attempts to cultivate a nontoxic environment and experience for jurors without sacrificing the appearance of neutrality and objectivity of the events at hand. This is certainly no easy feat and will be demonstrated in the recommendations and comments as they relate to the legal aspect that guides the Court's ability to address jurors.

Stanley Kaplan:

There are indications that juror stress can be traced to, among other things, the deliberation process and the hearing of grisly evidence.¹³ The earliest published work in the area of jury stress is a 1985 article penned by professor of psychiatry, Stanley Kaplan.¹⁴ Kaplan interviewed the jurors and alternates who sat on the trial of David Steffen, which took place in Cincinnati, Ohio. Steffen was charged with the murder of a 19-year-old woman whom he beat, raped, and stabbed in her bathroom. Disturbing evidence was presented to the jury. Jurors actually handled the blood stained clothes of the victim, and saw explicit photographs of her body.¹⁵

¹³ Canadian Research Institute for Law and the Family, *Juror Stress Debriefing: A Review Of The Literature And An Evaluation Of A Yukon Program* pg. 4. (2008)

¹⁴ Stanley M. Kaplan, "Death, So Say We All" (1985) 17 *Psychology Today* 7 48.

¹⁵ *Id.* at 50.

The results of Kaplan's study found that four of the jurors fit all the standard psychiatric criteria for the diagnosis of Post-Traumatic Stress Disorder (PTSD).¹⁶ Most of the other jurors satisfied several of the criteria but not enough for a diagnosis of PTSD.¹⁷ Three other jurors suffered from depression and one developed a phobic reaction to bathrooms.¹⁸ Other jurors suffered from anxiety.¹⁹ One juror sought medical assistance after the trial, and she was put on a tranquilizer and given antidepressant medication.²⁰ A number of jurors also reported suffering from intense physiological reactions including nausea, heart palpitations, shakiness, faintness, headaches, weight gain, and sleeplessness.²¹

"I often "joked" that I was suffering from PTSD and then looked up post traumatic stress disorder while serving as a juror, and found it very helpful to feel validated in my self-diagnosis – that I wasn't alone in my reactions to the trial that time would heal." Juror (current study)

Yukon Department of Justice:

In 2005, the Yukon Department of Justice conducted a study to evaluate the effectiveness of providing a jury debriefing session to mitigate stress jurors may experience as a result of service on juries in murder trials.²² The project was to

¹⁶ *Id.* Kaplan describes an abbreviated form of the criteria for PTSD as the "existence of a recognizable stressor, re-experiencing the trauma in some way, numbing of responsiveness to the external world and suffering at least two of six other specified symptoms, such as disturbed sleep or impaired memory." (*Ibid*) For a more up-to-date, authoritative, and comprehensive definition of PTSD and the criteria for its diagnosis as well as the criteria for all recognized mental disorders, see American Psychiatric Association, *Diagnosis and Statistical Manual of Mental Disorders*, 4th ed. (Washington, D.C.: American Psychiatric Association, 1994).

¹⁷ Kaplan, *Id.* note 7 at 50.

¹⁸ *Id.* at 50 and 53.

¹⁹ *Id.* at 51.

²⁰ *Id.* at 52.

²¹ *Id.* note 7 at 50 at 51.

²² Yukon Department of Justice and the Canadian Research Institute for Law and Family. *Juror Stress Debriefing: A review of the Literature and an Evaluation of a Yukon Program*, 2008.

determine the extent to which the delivery of debriefing services to jurors responds to their mental health needs and improves the administration of justice.²³

Three murder trials were held in the Yukon during the time period of this study. Three instruments were developed for data collection: (1) a post-trial survey administered prior to the debriefing session; (2) a post-debriefing session survey administered after completion of the debriefing session; and (3) a follow-up telephone interview conducted three-months following the trial. All jurors who attended the debriefing session agreed to participate in the evaluation.²⁴

Its research found that jurors were overwhelmingly pleased with the debriefing process and found it extremely beneficial.²⁵ Based on these findings the following recommendations regarding the debriefing process were made:

1. There should be an opportunity for jurors to meet with the judge following the trial. A protocol should be established for conducting the judge's briefing and to inform jurors about the debriefing session.
2. The judge's briefing should be conducted in private rather than in open court.
3. The materials handed out at the debriefing session should include a handout for family members to inform them how they can help jurors deal with the stress they may experience.
4. Consideration should be given to offering individual debriefing sessions for jurors who aren't comfortable attending a group session.

²³ *Id.* at ix.

²⁴ *Id.* at x.

²⁵ *Id.* at xii.

5. Given the extremely positive response of the jurors to the debriefing session, these services should be continued for future trials in which disturbing evidence may be presented.²⁶

The jury system presents a unique opportunity for courts to have a positive interaction with individuals from communities they serve.²⁷ The significance of the jury is not limited to its role in the decision making process. Jury service also provides citizens with an opportunity to learn, observe, and participate in the judicial process. The jury system affords an opportunity for citizens to develop an active concern for, and interest in, the administration of justice.²⁸ Courts can take advantage of the opportunity by providing a positive jury experience. “A juror, who is present to assist the judicial system and whose participation is also encouraged, should be protected from potentially negative health effects of the trial process”.²⁹

National Center for State Courts (NCSC):

The 1998 study conducted by the NCSC established a manual; “Through The Eyes Of The Juror – A Manual For Addressing Juror Stress” which provides beneficial insight to the stress associated with juror services, and identified some potential solutions to alleviate some degree of stress on the front-end of jury duty. The study, funded by the State Justice Institute and conducted by the NCSC in cooperation with the College of William and Mary’s Psychology Department, helped to determine sources of juror stress.

²⁶ *Yukon* at xiv .

²⁷ In a study of individuals reporting on jury duty, 52 percent said they would look back on their jury duty with fondness, and 56 percent indicated they would volunteer again. *Through the Eyes of a Juror* – pg. 2

²⁸ COMMITTEE ON JURY STANDARDS, AMERICAN BAR ASS’N, STANDARDS RELATING TO JUROR USE AND MANAGEMENT vii (1993) [hereinafter ABA JURY STANDARDS]. NCSC – pg. 2

²⁹ Daniel W. Shuman et al., *The Health Effects of Jury Service*, In *LAW IN A THERAPEUTIC KEY: DEVELOPMENTS IN THERAPEUTIC JURISPRUDENCE* 949, 960 (David B. Wexler & Bruce J. Winick eds., 1996).

Through a combination of survey and field research, project staff obtained information from over 1,300 judges, jurors, and unassigned members of the jury panel about the prevalence and causes of juror stress. Findings indicated that although few individuals experienced clinical stress as a result of their juror experience, approximately one-third of all individuals who sat for jury duty reported experiencing some stress as a result of their jury duty, and over half thought other jurors experienced stress during jury duty.³⁰ The findings supported commonsense notions that stress is higher for jurors sitting on cases involving capital offenses and gruesome evidence. In general, the more severe the offense, and the longer the trial, the more jurors reported stress, and the more judges suspected stress.³¹

The NCSC study encompassed findings in relation to jury stress pertaining to a juror's initial contact with the court, voir dire process, trial, jury deliberations, and post-trial proceedings. For the purpose of this project I will focus on findings pertaining to the trial process itself, jury deliberations, and the post-trial proceedings. The findings below are followed by recommendations made by the same source in these studies.

Trial:

1. Some jurors are intimidated by the formality and procedural complexity of the trial process. Explain the trial process: *Several judges in the study inform jurors about the trial process even before jurors are officially sworn in. Some judges provide jurors copies of the instructions in writing. Attorneys and jurors frequently remark that they very much appreciate instructions in writing after*

³⁰ *National.* at 4.

³¹ *Id.* at 4.

- they have been given orally. Although providing such basic information may seem insignificant, it can improve juror performance by having better-informed and more relaxed jurors.*³²
2. The role of the juror as strictly a passive listener is uncomfortable, boring and frustrating for some individuals. Allow active juror participation: *Studies indicate that juror comprehension and satisfaction are increased if jurors are allowed a more active role in trials.*³³ *The Commentary to ABA Jury Standard 16(C) recommends that jurors be permitted to take notes and submit questions in writing to the judge to ask witnesses during trials.*³⁴ *“One caveat related to the application of these techniques is to emphasize that the activities are allowed but are not required.”*³⁵
 3. Juror stress occurs most in cases (both civil and criminal) that involve actions causing severe harm to an individual. *Viewing particularly grisly evidence or listening to emotionally disturbing testimony was reported by some jurors as one of the most stressful aspects of service on jury duty.*³⁶
 4. Viewing gruesome evidence can be particularly stressful for some jurors, especially when presented with no forewarning. *Being unprepared to see gruesome evidence and testimony can exacerbate the sense of shock and stress experienced by jurors. Several judges in the study recommended warning jurors about upcoming evidence. Some judges argued that these warnings should be*

³² *National*, at 27-28.

³³ Larry Heuer & Steven Penrod, *Juror Note-taking and Question Asking During Trials.*, 18 *law & hum. Behav.* 121 (1994); David L. Rosehan et al., *Note Taking Can Aid Juror Recall*, 18 *LW & HUM. BEHAV.* 53 (1994).

³⁴ See ABA JURY STANDARDS, *supra* note 15, at 141-47.

³⁵ *National*, at 30.

³⁶ *Id.* at 30.

*made as early in the trial as possible and should be repeated once or twice before the evidence or testimony is presented to the jury. These warnings help jurors become “desensitized” to the gruesomeness of the evidence. Judges also view timing as an important factor in reducing the shock associated with gruesome evidence. Limiting the volume and time exposed to gruesome evidence is another technique used to reduce the emotional effect on jurors.*³⁷

5. Trials that are tedious and long can challenge jurors’ concentration. The struggle to remain attentive can be stressful for jurors. *The ideal solution to relieving juror stress during these cases is to make the trial more interesting. During pretrial conferences the judge can encourage attorneys to prepare deposition summaries to present to the jury rather than reading the whole deposition.*³⁸ *Using demonstrative evidence to such as charts, graphs, and video technology also can communicate a great deal of information in an effective and efficient manner, thus saving the jury from long witness presentations.*³⁹ *Stipulating to the admissibility of exhibits and deposition testimony also streamlines the trial proceedings by eliminating the need to present foundational evidence during trial.*⁴⁰ *For those cases that the nature of the evidence does not lend itself to a more riveting presentation format, the judges can attempt to*

³⁷ *National*, at 31

³⁸ *Id.* at 27. See § IV-10 *Deposition Summaries*, in *JURY TRIAL INNOVATIONS*, *supra* note 15, AT 120-22.

³⁹ *National*. at 27. See § IV-9 *Computer Simulations*, in *JURY TRIAL INNOVATIONS*, *supra* note 15, at 117-19.

⁴⁰ *Id.* at 27. See § IV-2 *Pretrial Admission of Exhibits and Deposition Testimony*, in *JURY TRIAL INNOVATIONS*, *supra* note 15, at 95-97.

- break up the proceedings with more frequent recesses to permit jurors an opportunity to stretch and get coffee or snacks before returning to trial.*⁴¹
6. The emotional tone and level of tension in the courtroom influence jurors' stress levels. *Occasionally unexpected things happen that interrupt the proceedings and threaten the decorum of the courtroom. On such occasions, the judge needs to maintain control of the courtroom.*⁴²
 7. Some jurors may be concerned about their privacy and safety. *Judges and court staff should balance the need to avoid jury prejudice toward the defendant with the need to inform jurors of special safety precaution. Judges and court staff can, if deemed appropriate, inform jurors about security measures taken on their behalf and advise jurors to alert court staff in the event that they feel uneasy or threatened. Such discussions reassure jurors that court staff have given appropriate consideration to security issues and will consider additional measures if necessary.*⁴³
 8. Some jurors may be anxious about a media presence in the courtroom and may be unaware of any parameters governing media behavior. *Judges and court staff can alleviate fears by informing jurors of the rules governing media coverage of trials, particularly those concerning jurors. Jurors should be advised to alert the judge or court staff immediately if a reporter attempts to contact the jurors or their families while they are on jury duty.*⁴⁴
 9. Unexplained and frequent interruptions of the trial schedule increase juror frustration and irritation with the trial process. *Despite the best efforts of judges*

⁴¹ *National*, at 33.

⁴² *Id.*, at 33.

⁴³ *Id.*, at 35.

⁴⁴ *Id.*, at 36.

*and attorneys, most trials involve some “downtime” for jurors. For those periods, the jury’s accommodations should be as pleasant as possible. If a disruption in the trial will be substantial, the judge should consider allowing jurors to leave the courthouse with instruction to return at a specific time.*⁴⁵

Jury Deliberations:

1. Jurors are concerned about participating in jury deliberation. *Actively orienting jurors to the trial process and helping them understand their roles are important tools for reducing juror stress.*⁴⁶
2. Jurors worry about making a mistake when reaching a verdict. *Before entering deliberations, jurors should feel comfortable about required procedures as well as applicable legal issues. Full instructions about completing necessary forms and the process for returning the verdict should be provided before the jury retires.*⁴⁷
3. Confusing jury instructions can increase the level of tension in the deliberation room. *Unclear jury instructions can contribute to jurors’ overall feelings of confusion and stress. The content of the instructions can be simplified by deleting any unnecessary information and focusing on the factual issues and legal rules that must be used by jurors. Using an informal, conversational tone when giving instructions aids juror comprehension.*⁴⁸
4. Jurors are apprehensive about sequestration. *Keeping the jury informed about the likelihood of sequestration can help jurors prepare. Jurors should be told about the possibility of sequestration at the outset of jury selection, and the*

⁴⁵ *National*, at 37.

⁴⁶ *Id.*, at 40.

⁴⁷ *Id.*, at 41.

⁴⁸ *Id.*, at 47.

*mechanics should be explained clearly. They should be updated throughout the trial of the likelihood of sequestration and encouraged to make advance preparations. If the jury is to be sequestered, having guidelines in place simplifies the process and allows the judge to give jurors full details about what will happen to them. Providing jurors with this information helps them maintain a feeling of control, both in the courtroom and in their personal lives.*⁴⁹

5. Alternate jurors often feel excluded from the process and thus have no sense of closure. *It is natural for jurors to want to experience a sense of closure at the end of the case. One suggestion for reducing disappointment and frustration is to inform jurors of their status early in the proceedings. Another option is to allow alternates to observe, but not participate in, deliberations.*⁵⁰
6. Jurors are frustrated by jury deliberations that are unproductive and disorganized. *As part of the pre-deliberation instructions, the judge could suggest procedures to include guidance on applying the instructions or recommending a general framework with which to approach deliberations.*⁵¹
7. Jurors may behave quite differently during the deliberation process when tensions are much higher. *Court officials acknowledged the need to advise the jury on how to get along and to reinforce the importance of the jury's job. Although the court can do little to help jurors while they are deliberating, guidance from the judge before starting can help manage group dynamics and*

⁴⁹ *National*, at 42.

⁵⁰ *National*, at 39. See § VI-7 *Permitting Alternates to Observe Deliberations*, in *JURY TRIAL INNOVATIONS*, *supra* note 15, at 180.

⁵¹ *Id.*, 43.

- avoid an impasse. Another approach to managing the deliberation process efficiently is to provide jurors with written or recorded jury instructions.*⁵²
8. Jurors appreciate the small gestures of court staff to make their experience less stressful. *Courts that follow the rules, but maintain a more informal atmosphere, help lessen juror anxiety. Jurors are already apprehensive about the deliberation process, and a relaxed staff can increase juror comfort. Judges can set a positive tone and atmosphere in the courtroom, encouraging jurors to communicate when they have needs, concerns, or questions. Bailiffs can also help monitor tension levels and keep the judge informed of problems.*⁵³
 9. Jurors can feel claustrophobic and uncomfortable in jury deliberation rooms without sufficient light, ventilation, or space. *At a minimum, the court should provide for the basic needs of the jurors so that they can do their job. If possible, private juror restrooms are preferable so that jurors are not forced into contact with the victim, lawyers or other parties involved in the case. In addition to providing for these basic needs, courts should make the jury room as pleasant as possible.*⁵⁴

Post-Trial Proceedings:

1. Jurors have questions about procedures and decisions made during the trial that they do not understand. *A debriefing session is an excellent time to answer questions that were not appropriate for discussion during the trial.*⁵⁵
2. Jurors worry about the accuracy of their verdict. *Concerns about having made the wrong decision can haunt jurors long after the trial is over. Judges may*

⁵² *National*, at 44.

⁵³ *Id.*, at 45.

⁵⁴ *Id.*, at 46.

⁵⁵ *Id.*, at 48.

*take this opportunity to empathize with the jurors about how hard it is to be a juror and to note that most cases that go to trial are sharply contested and difficult to decide. Judges can emphasize that jurors fulfilled their duties to the court and can encourage them to take pride in the process, de-emphasizing the verdict.*⁵⁶

3. Jurors may fear retribution by the defendant or family and friends of the defendant. *These fears are especially prevalent in trials involving violent or gang-related crimes. Judges can reassure jurors that incidents of retribution are extremely rare but provide them with information about contacting the court if a threat does occur.*⁵⁷
4. Jurors are anxious about meeting the press after the trial. *Some express confusion about whether they are required to speak to the media. To protect jurors from harassment, some courts inform jurors of constraints on the parties and their attorneys regarding future contact with jurors and provide instructions on how to invoke the protection of the court, if needed.*⁵⁸
5. Jurors are concerned about their privacy after the trial and worry that their conversations during deliberations will be discussed publicly. *Judges should take the opportunity to remind jurors to respect the privacy of the other jurors when discussing the case with the media or attorneys.*⁵⁹
6. Jurors may not understand stress symptoms they are experiencing or may not be prepared for symptoms that occur following the trial. *Talking to jurors about*

⁵⁶ *National*, at 52.

⁵⁷ *Id.*, at 53.

⁵⁸ *National*. at 47. For more information, see § VII-1 *Advice Regarding Post-Verdict Conversations*, in JURY TRIAL INNOVATIONS *supra* note 15, at 197-99.

⁵⁹ *Id.*, at 53.

*symptoms validates their feelings and helps them understand that what they are experiencing is normal. It is also important to warn jurors that even though they may not have experienced signs of stress during the trial, they may in the future. People react differently to stressful situations. Reassuring jurors that stress symptoms are a normal reaction to an abnormal experience can in itself bring considerable relief of stress.*⁶⁰

7. In addition to providing feedback for improving the jury system process, exit questionnaires allow jurors to release pent-up feelings about their jury experience. *Jury Trial Innovations suggests that to be useful to the court, questionnaires should be distributed often enough to monitor juror attitudes about jury service during periods of high and low juror usage.*⁶¹

Even though research findings dating back to the early 1990's, establish a need to further analyze the effects of traumatization of jurors as a result of high profile and particularly heinous cases, this topic is still in its infancy. Further studies demonstrate the need to heighten our awareness as it pertains to jury duty in the courts and the particular impact of this experience.

METHODOLOGY

Population Definition:

Previous research projects and studies have been conducted on juror stress. This project, focusing specifically on juror stress in high profile cases in the State of North Dakota, required determination of what would be considered a high profile case.

⁶⁰ *National*, at 54.

⁶¹ *National*. at 48.

The target population was identified as those jurors who served in trials categorized as a Class A or AA felony. These felony cases included the following case types:

- Gross sexual imposition
- Continuous sexual abuse of a child
- Abuse or neglect of a child
- Murder
- Conspiracy to commit murder
- Attempted murder
- Accomplice to murder
- Delivery of methamphetamine within 100 yards of a school
- Delivery of cocaine

High profile trials and the juror pool were identified through the use of the State of North Dakota Jury Management Program. Potential jurors are randomly selected through this system. Data is gathered through the North Dakota Voter Registration Database and the North Dakota Department of Motor Vehicles.

Jurors from January 2008 through September 2010 who served on a jury for Class A and AA felony trials were surveyed statewide. A total of 39 jury trials for offenses classified as Class A or AA felonies occurred during this timeframe. A total of 482 jurors were identified to have served on these jury trials. Questionnaires were mailed via United States Postal Service to all 482 identified jurors.

A total of 280 juror questionnaires, out of the 482 initially distributed, were received and entered into a data base for evaluation. An additional 38 questionnaires were returned undeliverable. Therefore, 444 jurors were established as the distribution total resulting in a response rate of 63%.

During the timeframe examined, 185 staff was employed with the North Dakota Court System as court clerks, court reporters, and court recorders. All 185 staff was employed in positions to potentially work these trials, therefore all were sent surveys. It is unknown how many of the 185 staff employed at that time actually had courtroom responsibilities. A total of 38 surveys were collected statewide from employees.

There were 39 trials in the time period studied and there are typically two employees in each trial process. The same employees would likely have worked multiple trials since specific clerks are assigned to the jury trial process opposed to the entire office. Likewise, court reporters and court recorders are assigned to each judge. Therefore, employees in these positions likely sat through more than one of these trials as well. This ultimately means there were a total of 78 employees out of the 185 that could have worked during these trials. This equates to approximately 50% response rate from employees with the likelihood of an even higher response rate due to repeated jury trials the same employee likely worked.

All respondents for both survey instruments remained anonymous, but were offered the opportunity to provide contact information for follow-up inquiries with willing participants.

Survey Design:

An initial questionnaire and cover letter was developed by means of two previously established studies, (Appendices F, G), and by establishing open-ended questions and demographic based inquiries. The juror cover letter can be viewed in Appendix A and the juror questionnaire can be viewed in Appendix B. A total of four questions were initially asked to establish the demographic features of each juror. The juror experience was based on three separate sections containing a total of twenty-two

questions to establish the impact each trial had on each individual juror. Utilization of a Likert scale made it possible to measure either a positive or negative response given. Four of the twenty-two questions were based on a Likert scale including the following categories: Strongly Agree, Agree, Somewhat Disagree, and Strongly Disagree. A category of Not Applicable was included as well. The remaining eighteen questions were established using this same Likert scale from 1 = “Not at All” to 5 = “Extremely” and 0 = “NA”. The questionnaire was concluded with nine questions, seven of which were open-ended, to seek responses specific to each juror willing to share thoughts and reactions to the overall trial experience, and two were multiple choice questions.

An employee questionnaire was developed that reflected many of the same questions as the juror questionnaire providing information that could be compared and analyzed with some consistency. The questionnaire consisted of the same four demographic questions; however ten of the questions in relation to the impact of the experience were excluded given that they were juror specific. The remaining twelve of the twenty-two questions related to the impact of the experience make use of the same Likert scale from 1 = “Not at All” to 5 = “Extremely” and 0 = “NA”. Ten (10) questions specifically pertaining to the juror pool were eliminated from the employee survey. Three open-ended questions concluded the questionnaire opposed to the nine included in the juror questionnaire. This employee questionnaire was distributed to 185 employees state-wide. Employees state-wide included 41 clerks of court, 98 deputy clerks, 25 court recorders, and 21 court reporters who potentially served in these same cases during the time period. The employee questionnaire may be viewed in Appendix C. This instrument was distributed via the state-wide Outlook e-mail program accompanied with a website for the electronic completion of the

questionnaire, and a short narrative to explain the purpose and need for this information. All responses for the employee questionnaire were gathered electronically.

An initial assessment test of the two survey instruments was conducted with the assistance of one local district court judge and three local district court employees, all of whom were unaware of the objectives of this project or the nature of the questionnaires. Based on the pre-testing feedback, some functional improvements were made to the survey instrument itself, as well as minor changes to the survey questions to improve clarity.

Utilization of a data analysis system, the Statistical Program for Social Science (SPSS), provided for a collection source to tabulate responses based both on demographics and the Likert scale items.

FINDINGS

Demographics of the juror population surveyed showed 55% of respondents were female and 45% of respondents were male. This is consistent with the 2010 Census for North Dakota which shows the overall population being 50.1% female and 49.9% male.⁶² (Table 1 Appendix D) Age was determined by the respondent's age as of December 31, 2010 less the year they were born. Based on the information gathered, the average juror is 51 years of age. The mean age for the average juror is 50 years and the median juror age is 51. Individuals over age 55 responded to a juror summons more consistently than those individuals less than 55 years of age. (Table 30 Appendix D)

⁶² State of North Dakota Census - 2010

Of the juror population surveyed 78% were married or living together with a partner and 22% were single, separated/divorced, or widowed. (Table 2 Appendix D) 30% had minor children under the age of 18 in the household, and 69% had no minor children in the home. 1% did not respond.(Table 3 Appendix D)

Unlike the juror demographics, 92% of employee respondents were female, 5% male, and 3% with no response.(Table 1 Appendix E)

Jurors were asked four additional questions in relation to the juror experience that the employees were not. These questions were jury specific and did not pertain to the employee's responsibilities in the trial process.(Appendix B) Juror responses indicated that 83% to 88% of all respondents were pleased with their overall experience on jury duty.(Tables 4, 5, 6, 7 Appendix D) The consensus of jurors felt this experience was rewarding demonstrated by remarks made at the conclusion of the questionnaire. These responses related to how their time was utilized, the information they were provided, their comfort level with being a juror, and whether or not they would encourage a friend to participate in a jury trial if summoned.

"Guidelines provided were concise and were helpful as jury chairman." – Juror

"Everyone should be a juror at some time!" - Juror

However, jurors were also asked seven questions in relation to the trial process itself that were also asked of the employees.(Appendix B) Responses and a comparison to employee responses can be seen in Charts 1 – 12.

Six questions were posed to the jurors in relation to their trial experience that were not included on the employee's questionnaires due to the difference in responsibilities during the trial process. The results indicate significant concern not only for being instructed that they could not discuss the trial with family and friends,

but also that they could not discuss matters of the trial with other jurors.(Table 20, 21, Appendix D)

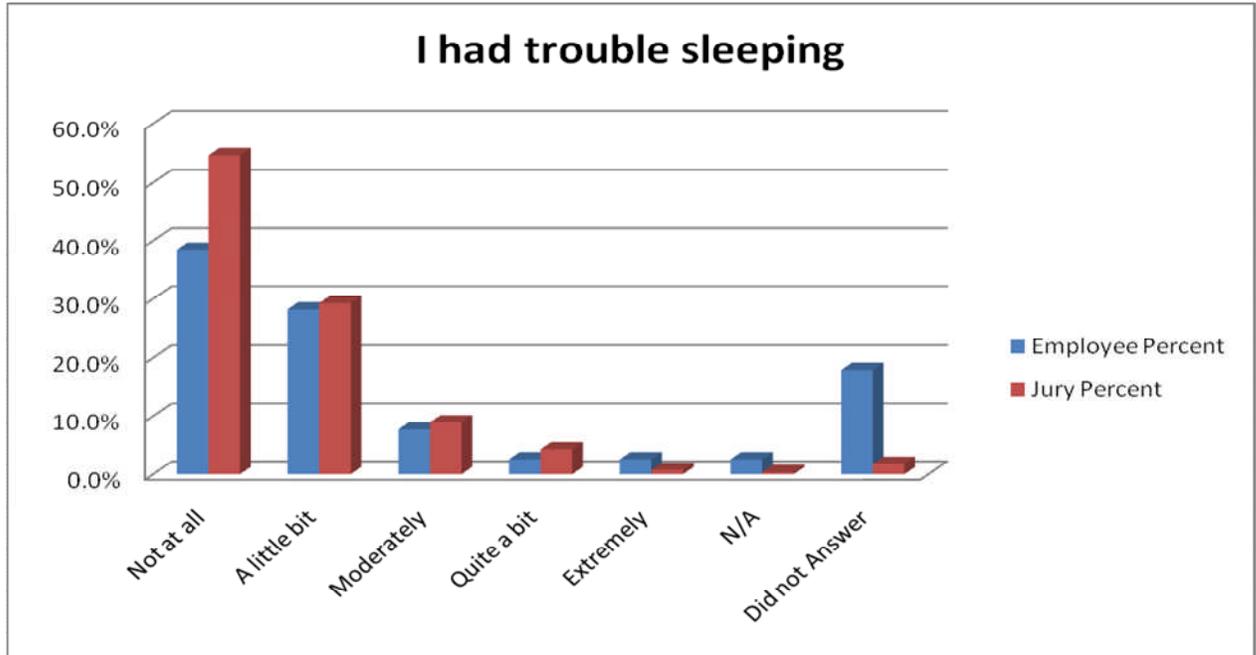
“Just being able, finally to talk to my spouse, family and friends helped. It took time to forget the trial.” – Juror

The deliberation process appears to have added to this tension evidenced by the 42% response who reported experiencing at least some anxiety during this process.(Table 22 Appendix D) This anxiety appears to be compounded with the responsibility of ultimately deciding on a verdict. Based on the responses received, a juror experiences an increase in anxiety when they cannot discuss matters, and may not have the communication skills or patience to deliberate with others when given the opportunity.

Interestingly, 54% of juror responses indicated some anxiety over deciding on a verdict and 42% of juror responses indicated some difficulty during the jury deliberations and discussions, but 88% of these same jurors polled were comfortable with their role as a juror, and 83% felt that they had all the information they needed to make a decision. (Table 4, 5, 6, 7 Appendix D)

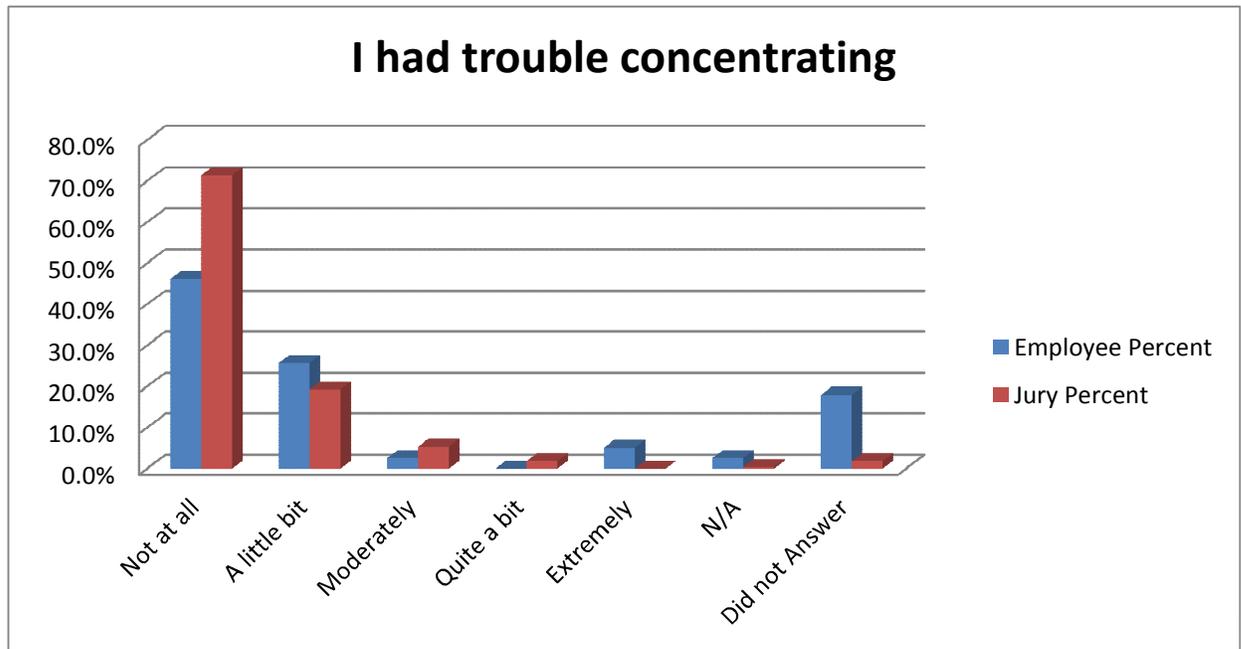
The following charts outline the cumulative results of each surveyed question from both jurors and employees. For the purposes of this study if a respondent answered “A little bit”, “Moderately”, “Quite a bit”, or “Extremely”, on any question, it was deemed as having had an effect in that area. Those respondents who answered “Not at all” were deemed as having had no impact in that area based on their trial experience. Percentage totals are rounded to the nearest .01.

Chart 1



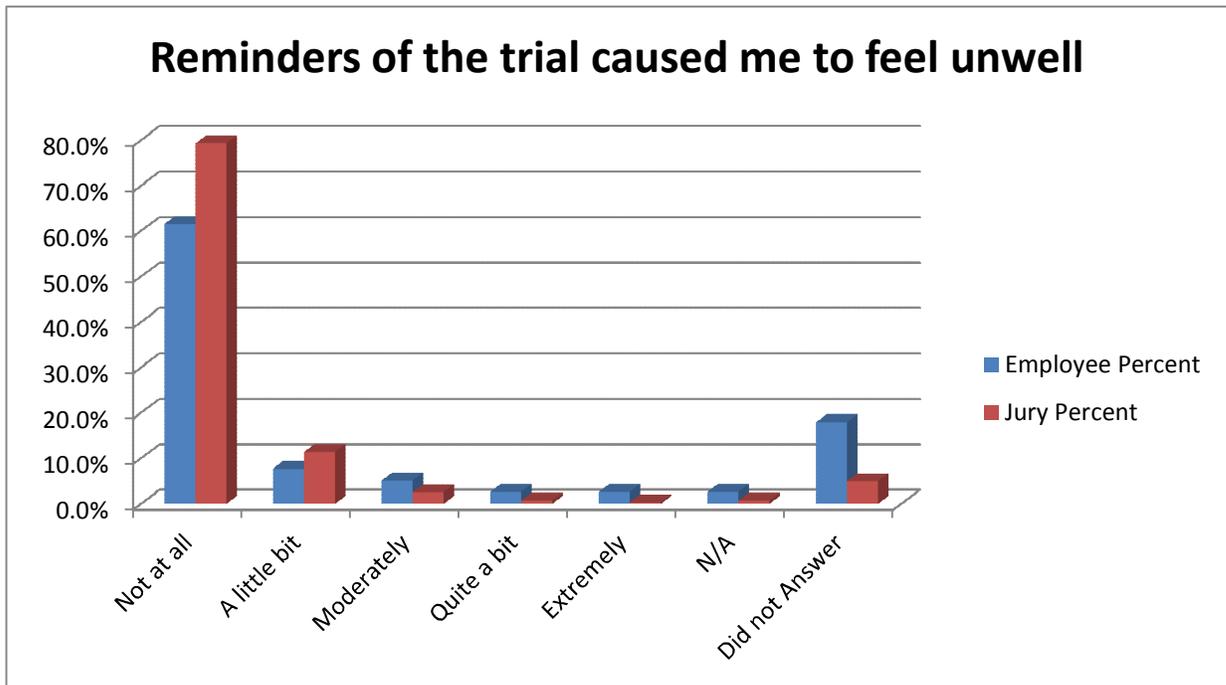
43% of jurors responded between “A little bit” and “Extremely”. Likewise, 41% of those employees who answered these same questions were identified as having some disruption in sleep patterns as a result of the trial experience.

Chart 2



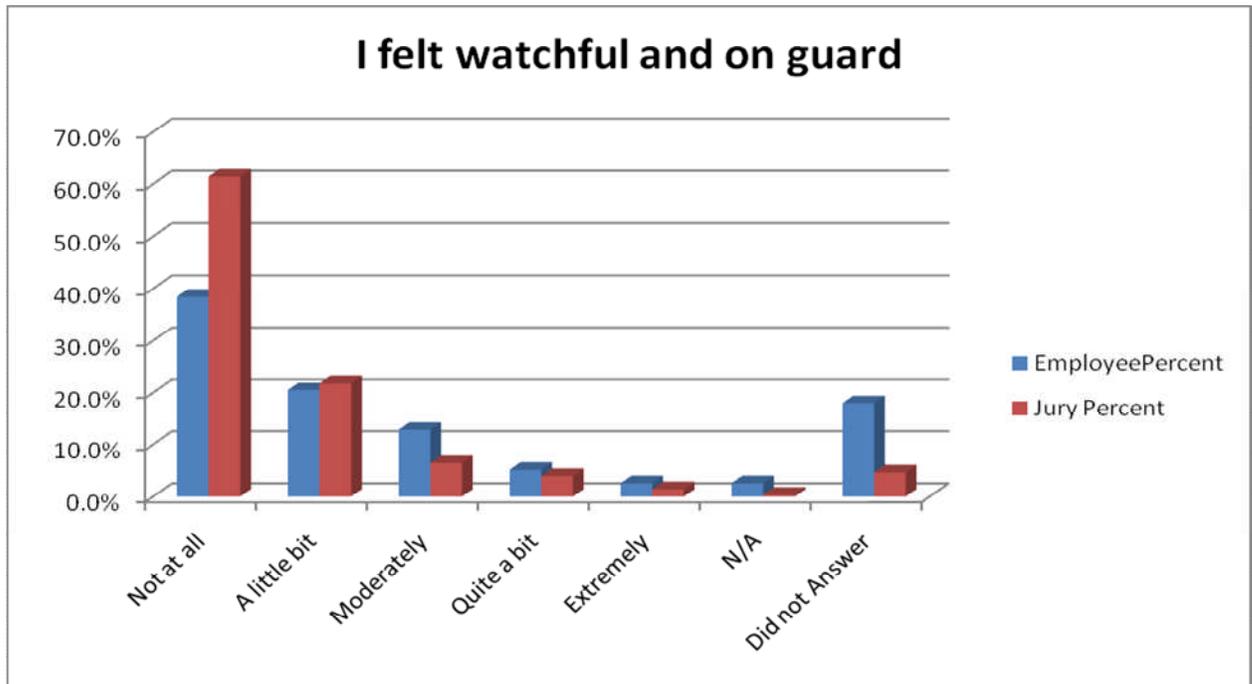
Of the jurors surveyed 27% reported some level of trouble concentrating as a result of the jury trial experience. Employees however indicated that 33% experienced some difficulty concentrating.

Chart 3



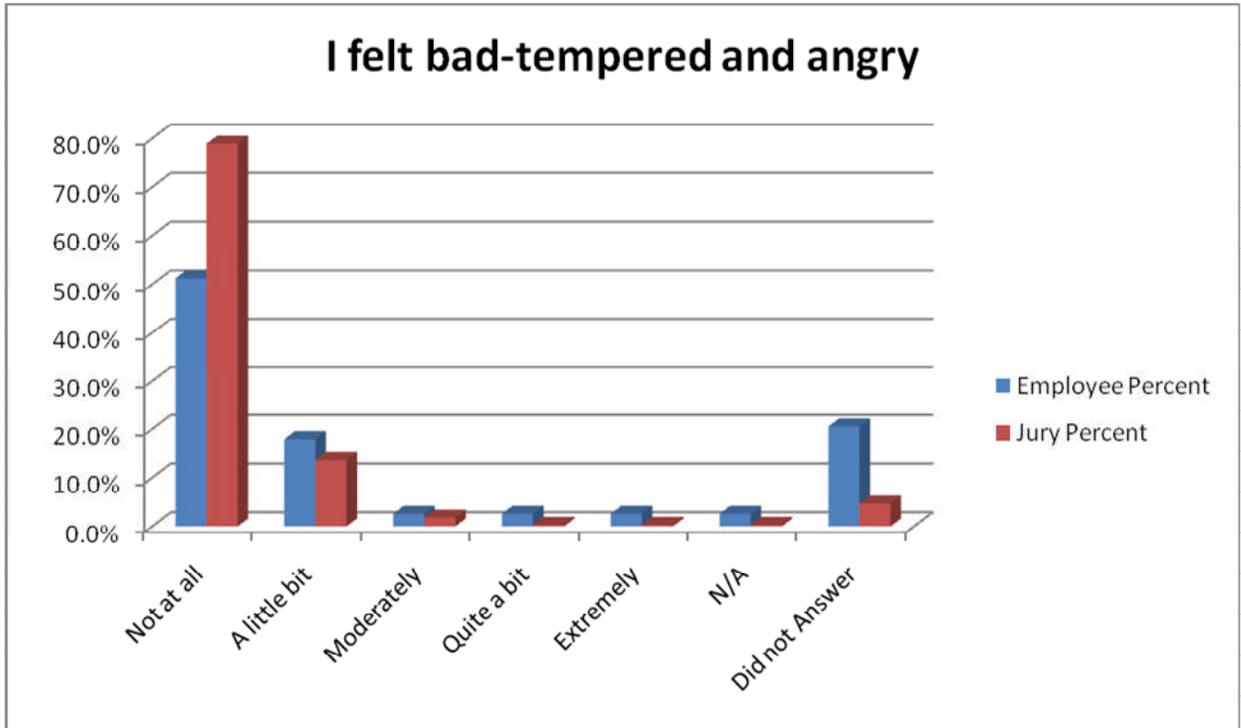
Both jurors and employees responded relatively consistent with 15% of jurors and 18% of employees experiencing some side effects, including symptoms of sweating, trouble breathing, nausea, or increased heart-rate as a result of serving on these high profile cases.

Chart 4



The chart above indicates that 34% of the jurors experienced some discomfort and sense of awareness of their role. 41% of employees responded indicating some discomfort as a result of working on these trials.

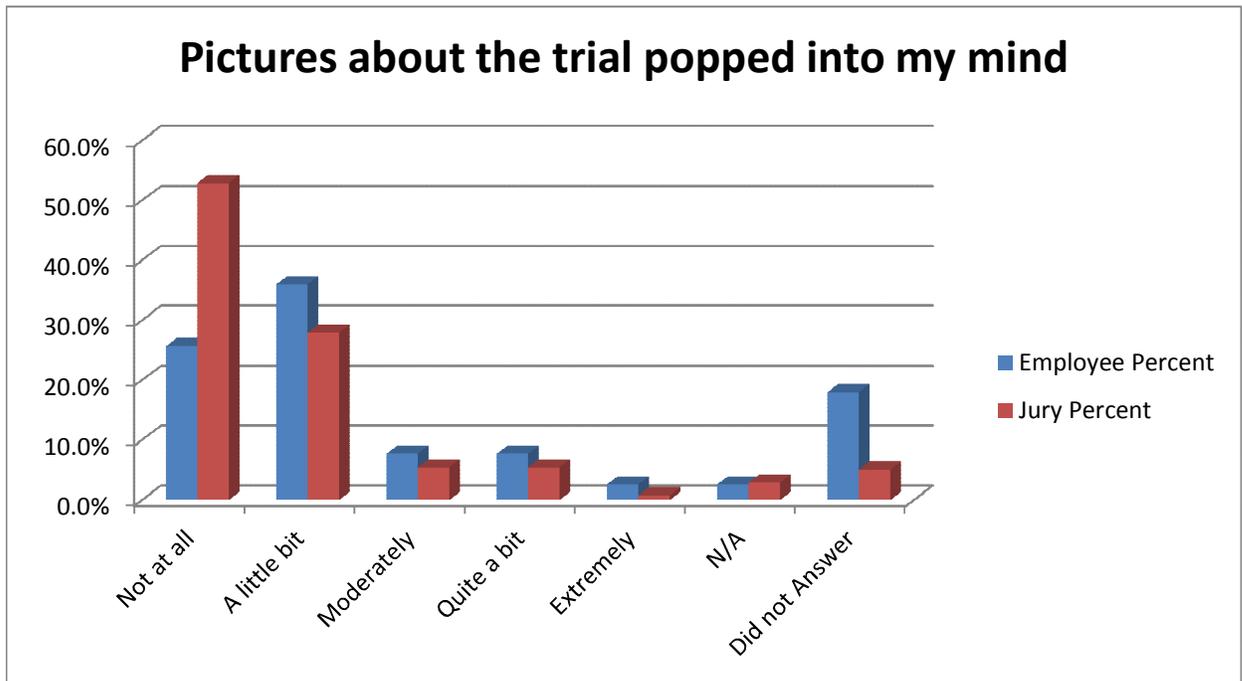
Chart 5



Juror responses indicated that 16% experienced some concerns with temperament and anger while 26% of employees indicated the same. Even though the majority did not report experiencing anger, some jurors, to the contrary, were in fact vocal about their emotional impact of the experience.

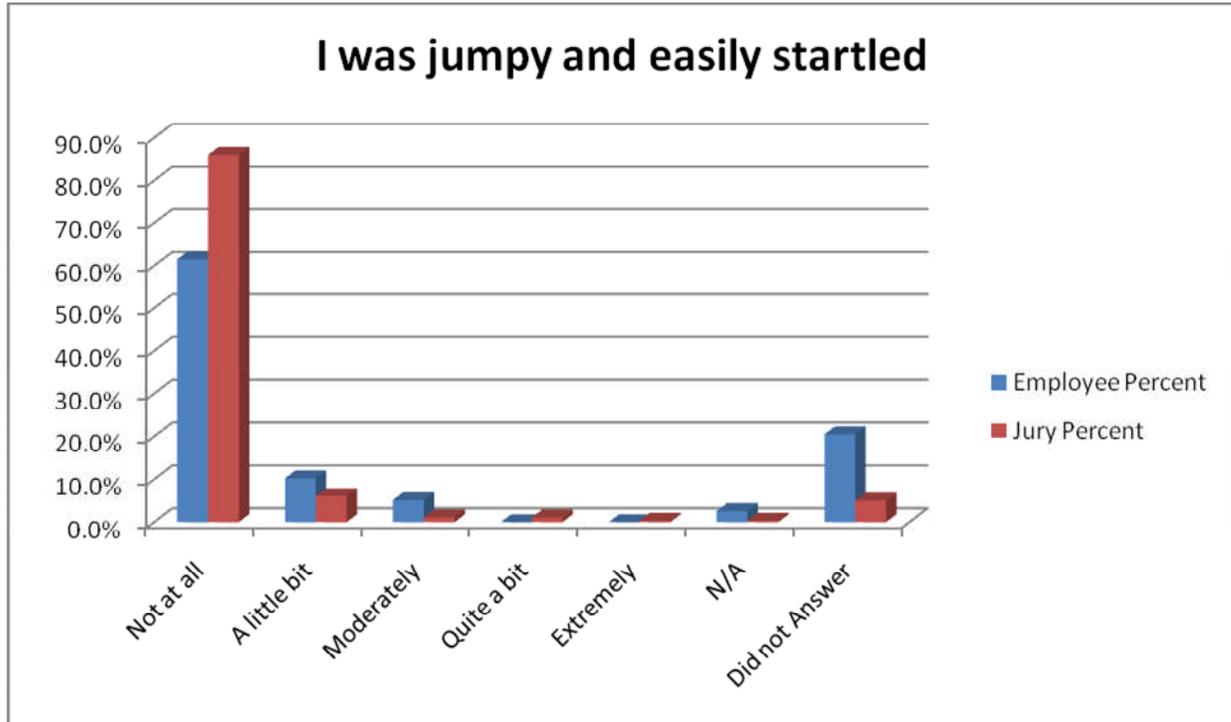
“I keep this situation to myself. I have a lot of anger and vowed to myself I will never be on a jury in this kind of situation again!” - Juror

Chart 6



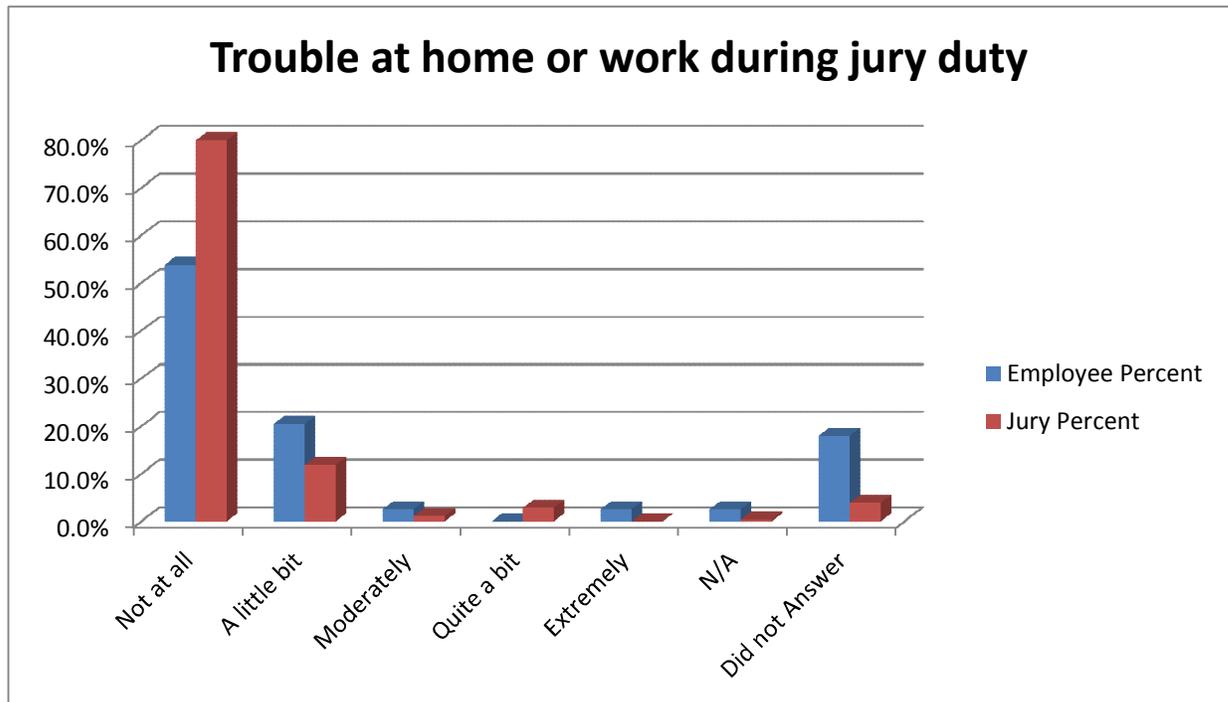
Jurors reported with a 39% response rate expressing some concerns from the trial with pictures popping into their mind. Employees responded with 54% indicating some level of discomfort. Over half the total number of employees who responded experienced some discomfort during the trial process.

Chart 7



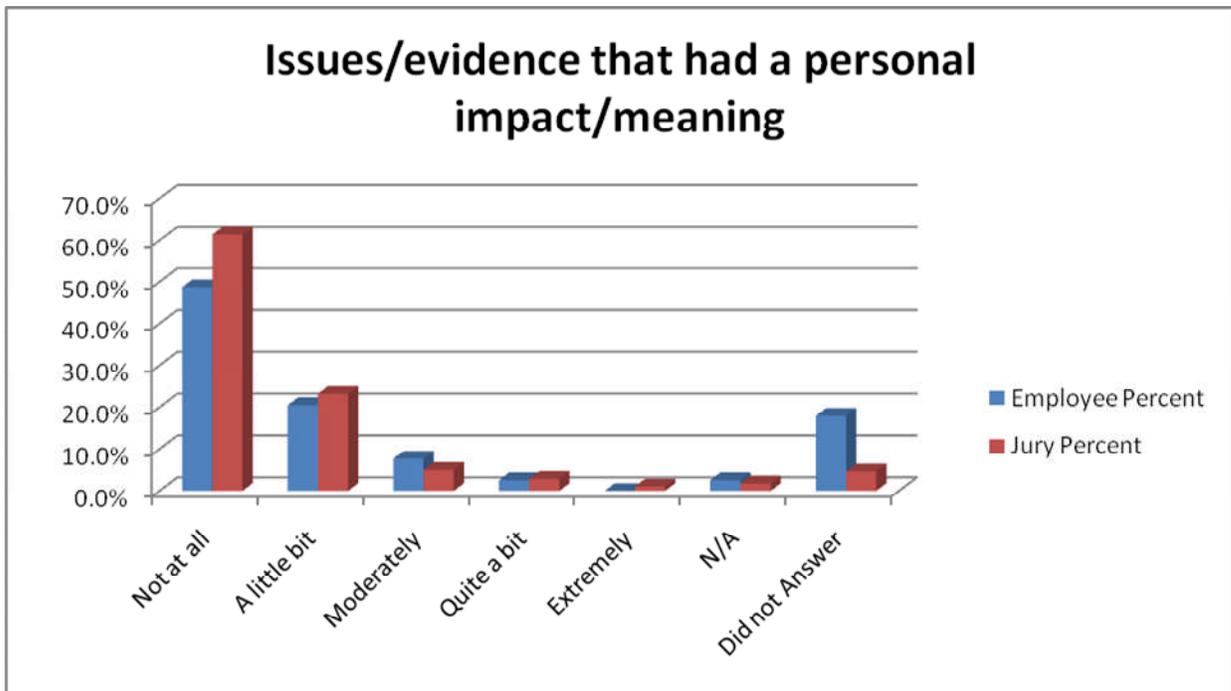
Juror responses indicated that 9% of the overall respondents were jumpy and easily startled while 15% of employee responses indicated they experienced these affects as a result of the trial experience.

Chart 8



16% of jurors questioned reported having experienced some level of anxiety due to trouble at home or work compared to 26% of employee responses indicating the same.

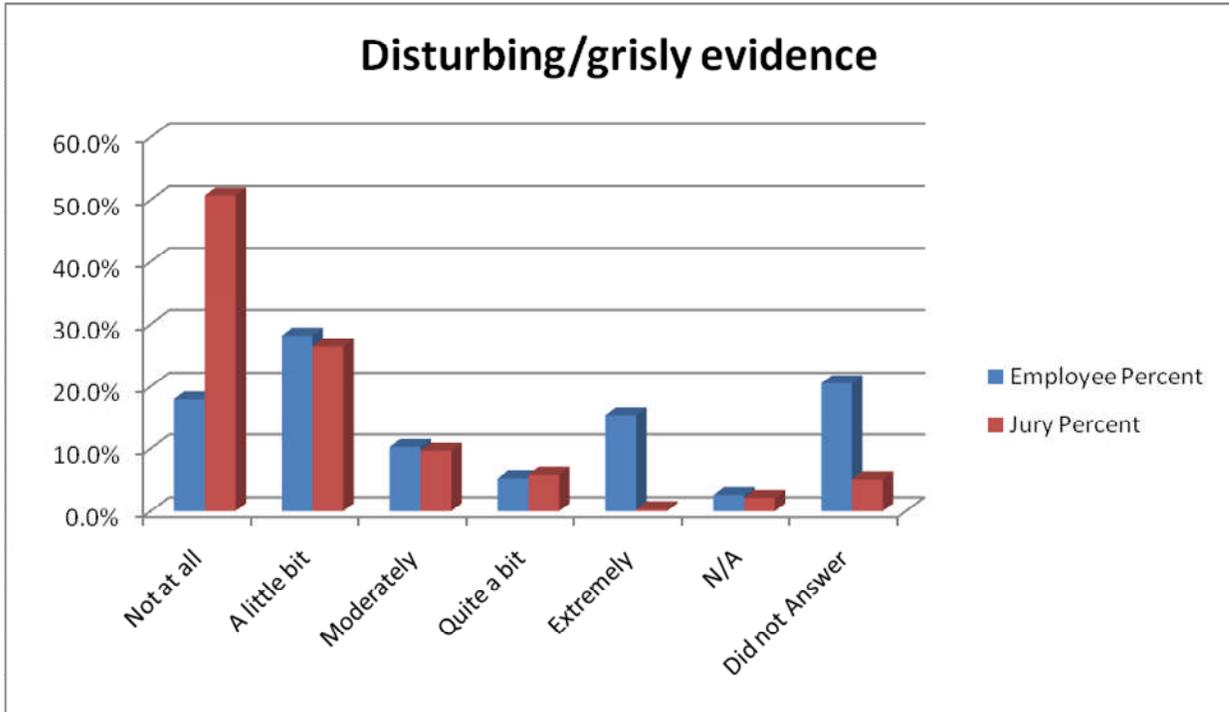
Chart 9



32% of jurors reported having issues with the evidence presented and personal impact or meaning in relation to the evidence admitted in the trial process. 44% of the employee responses indicated concern in relation to the evidence they viewed or were subject to in some manner throughout the trial process. Recognition for the potential to relate personally to evidence in specific trial situations was indicated as seen in the remark below:

“I found the case interesting. I was just thankful my case wasn’t about child abuse or sexual abuse. I don’t think I could have sat there and listened to it, since I am a mom of two young children.” – Juror

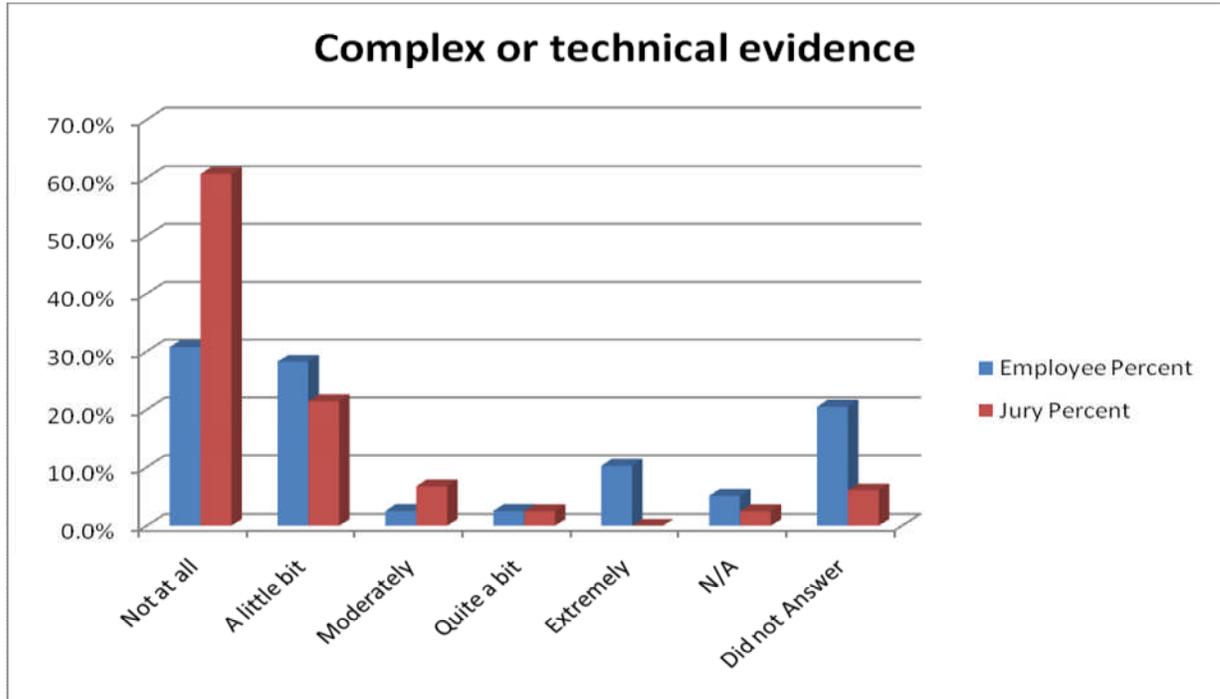
Chart 10



42% of jurors reported some concern with reviewing disturbing/grisly evidence while 59% of all employee responses indicated some concern or discomfort with the evidence presented. The chart above indicates that employees experience more discomfort than that of jurors. Jurors did however voice their need for an explanation of the evidence presented and some sort of closure to the experience.

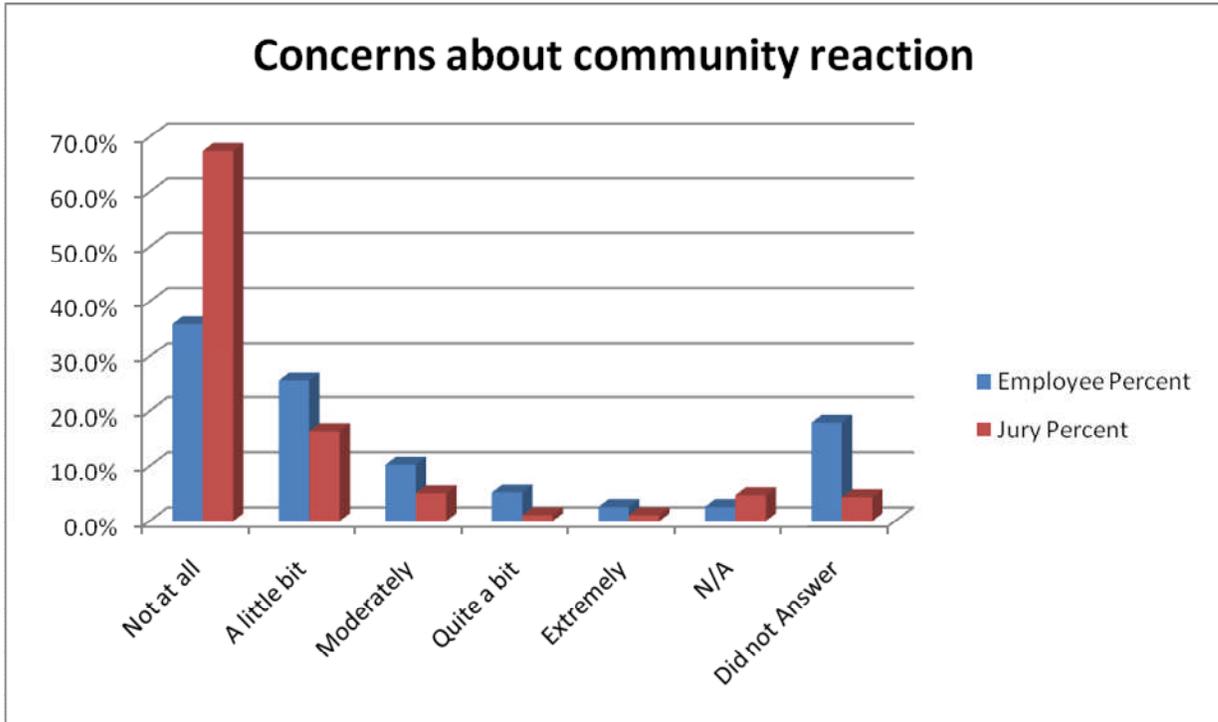
“There is a need for presenting all of the evidence of the crime. The potential jurors have to be questioned of their acceptance of any gory or grizzly evidence that may be presented during the trial. A time should be set aside after the trial or a gory assault trial to give some support to the jurors or an explanation of post-trial actions.” - Juror

Chart 11



Jurors indicated that 31% experienced some concerns with the complexity or technical evidence presented at trial as opposed to 44% of employees who responded.

Chart 12



24% of juror respondents indicated concerns about community reaction to their role as a juror while 44% of the employees polled experienced similar concerns.

“It was hard to walk out of the courtroom after the verdict was delivered. Hard to walk through groups of people from both sides. Very uncomfortable.” – Juror

Turning from charts showing the percentages selecting specific response options, Table 1 provides the average (mean) score for both employees and jurors. The mean score is consistently higher for employees than for jurors. Utilizing the Likert scale and assigning a number to each potential response beginning with “Not at all” = 1 and “Extremely” = 5, an average mean was established to measure and better illustrate the impact experienced by both jurors and employees for each question posed. (Table 1) Although I anticipated a higher response rate for jurors indicating

some degree of stress more so than that of employees, the table and charts indicate otherwise.

Table 1 demonstrates a comparison of mean scores between juror responses and employee responses to identical questions posed to both in the survey sections under Experience – Post-Trial. Mean = A simple statistical model of the centre of a distribution of scores. [A hypothetical estimate of the ‘typical’ score]. N= number of actual responses not the total questioned.⁶³

Median – The middle score of a set of ordered observations when there is an even number of observations the median is the average of the two scores that fall on either side of what would be the middle value.

⁶³ Fields, A. (2005). *Discovering Statistics Using SPSS* (2nd ed.), Sage: London, England.

Table 1

Mean Score Comparison of Employee and Jury	Employee Mean	Jury Mean
Recode Trouble sleeping	1.72	1.64
Recode Trouble concentrating	1.59	1.36
Recode Reminders of the trail	1.41	1.20
Recode Watchful and on guard	1.84	1.54
Recode Bad tempered and angry	1.48	1.20
Recode Pictures	2.00	1.58
Recode Jumpy easily startled	1.23	1.13
Recode Trouble home or work during jury duty	1.41	1.15
Recode Evidence that had personal impact meaning	1.50	1.39
Recode Disturbing evidence	2.55	1.50
Recode Complex or technical evidence	1.97	1.36
Recode Community reactions	1.84	1.28
Total	20.54	16.31

- Employee responses to having experienced trouble sleeping demonstrate a higher mean score of .8 than that of jurors.
- Employee responses to trouble concentrating demonstrate a higher mean score of .26 experiencing trouble concentrating than that of jurors.
- Employee responses to having reminders of the trial demonstrate a higher mean score of .21 than that of jurors.
- Employee responses to being watchful and on guard demonstrate a higher mean score of .30 than that of jurors.
- Employee responses to feeling bad tempered and angry demonstrate a higher mean score of .28 than that of jurors.
- Employee responses to pictures in the trial demonstrate a higher mean score of .42 than that of jurors.
- Employee responses to feeling jumpy and easily startled demonstrate a higher mean score of .10 than that of jurors.
- Employee responses to having trouble at home or work during the trial process demonstrate a higher mean score of .26 than that of jurors.
- Employee response to evidence that had person impact and meaning demonstrate a higher mean score of .11 than that of jurors.
- Employee response to disturbing and grisly evidence demonstrates a higher mean score of 1.05 than that of jurors.
- Employee response to complex or technical evidence demonstrates a higher mean score of .61 than that of jurors.
- Employee response to potential community reactions demonstrates a higher mean score of .56 than that of jurors.

CONCLUSION

Jurors:

Demographic questions were initially created to establish how these characteristics factor into the individual's overall trial experience. I anticipated these to have a significant affect on the responses I received. However, upon initial review of this data it became evident that demographics illustrated no substantial impact on the jury or employee trial experience.

It would seem likely that the younger the juror, the less likely they would be to experience stress. The elder juror with more life experience and understanding of consequences for those involved would likely experience more stress. To my surprise, the age of the juror had little impact on the responses submitted as seen in Table 30 Appendix D. Some jurors did however voice concerns over the appropriate age frame of serving as a juror.

"I would never recommend someone young (18-20) be a jury member in a murder trial. They are too young to deal with the emotional impact of the deliberations. It was very stressful on the rest of the jury members to deal with their immaturity issues plus making our own decisions." – Juror

Numerous jurors included comments that emphasized their experience and made suggestions in their concluding remarks. Clearly, some jurors felt a need for additional services, or at the very least some follow-up correspondence to help put any emotional impact and/or questions behind them. This can be seen from the statements below:

"Even though the verdict was "not guilty" a follow-up letter to the jurors would have been comforting especially since there should have been some counseling for the defendant." - Juror

The desire to understand the legal process and events that occur throughout the trial is clearly present. Many jurors were knowledgeable of court proceedings and rules

which led to both frustration in some cases, and appreciation for the legal process in others.

“I didn’t feel there was enough evidence in this case to even bring it to trial. The police didn’t do their job to secure the evidence in the first place and to follow through on their investigation. The state’s attorney let a lot of questions I had go unanswered. It felt that we (the jury) were left with the impossible task of coming up with a fair verdict.”
– Juror

“I believe we let a guilty man free largely due to me. The reason for not guilty was the attorney didn’t prove guilt. Innocent until proven guilty got him off.” - Juror

“About 10-15 years ago I was called to be on jury duty, and was uncomfortable. Things have changed for the better now as I feel more at ease this time. I felt appreciated.” – Juror

“I thought my experience was wonderful. I have told family, friends, and co-workers that I would do it as a full-time job if I could!” - Juror

Employees:

I anticipated a disparity in relation to gender in the courts. Court positions have typically been held by females opposed to males for years. 92% of the employee respondents were female and 5% male. 3% of the respondents did not indicate a gender.(Table 2 Appendix E) It may be that these positions are viewed by others as “office” positions which are typically held by women. We have however, seen an increase in male applicants through the years.

One may assume that an employee is “hardened” or less susceptible to the exposure of evidence and testimony in these cases, as a result of their court experience and understanding of the process itself. Recognition of what to anticipate in these trials would seem to better prepare staff for such exposure. The findings, however, indicate something far different than this.

Employee responses indicated 44% of all respondents experienced “A little bit” to “Extremely” having issues with evidence that had a personal impact or meaning to

them. (Chart 9) Likewise, 44% indicated experiencing some concern with the complexity or technical evidence presented at trial. (Chart 11) Additionally, 59% of the respondents indicated having concerns with reviewing disturbing/grisly evidence during the trial process. (Chart 10) Clearly the impact of a high profile case does not only concern jurors, but also employees.

Juror vs. Employee Results:

The responses to the questionnaires specifically illustrate that there is in fact an impact on both jurors and employees as a result of serving or working during these trials. Based on the results of the twelve (12) questions asked of both, the affirmative responses given in each question validate that this trial experience of Class A and AA felonies does in fact have an impact on jurors and employees. Data verifies that this trial experience may have had a significant impact on their emotional well-being/lives and confirms that services are needed to specifically focus on the impact on jurors and employees.

All twelve (12) questions posed, as they pertain to the trial experience, measured higher for employees than for jurors. What exactly contributed to the thought behind these responses is unclear, but it appears to reveal a higher level of stress for employees which may be prudent to explore. Since employees in North Dakota may work in multiple trials of this nature due to their position, it could lead to compounded levels of stress. These ratios may further indicate potential burnout for employees.

“I remember being mentally exhausted by the end of the trial. I believe I was encouraged by my boss to take a day off. In addition, after preparing the transcript, I was given the same opportunity to take a well-deserved day of vacation.” - Employee

The empathy felt by an employee for not only the victim(s) in a court trial, as well as all of those individuals involved to include the jurors, attorneys, judge, community

members, family members of both the victim(s), and/or the defendant, may further add to the personal investment they experience.

“After I read the verdict in court, the defendant exploded and it took several officers to secure him. I had the bailiff immediately escort the jury out of the courtroom. When I got to the jury room, they were huddled like a basket of kittens. In a case such as this one, counseling should have been offered to jurors” – Employee

The impact of high profile cases for an employee may well be more significant due to the amount of exposure to certain types of evidence and testimony, which on the other hand a juror may experience on a one time basis and have far less actual exposure to the evidence.

A juror’s role is to listen to the evidence and determine the facts. The court’s role is to determine the law, and have the parties follow the law in their presentation of evidence. The dichotomy comes when a party wants to introduce evidence that may be objectionable to the other side. Due to legal issues around its submission in relation to the case and the legitimacy of the evidence or the role it plays, the jury is excused and is not privy to the discussion or observation of the evidence at hand. The employee, however, remains in the courtroom and is not only subject to the discussion at hand, but also is subject to more details in relation to the alleged evidence which may include graphic pictures, video, and testimony. This ultimately results in a court employee being more knowledgeable about the case itself. This could be why the overall percentage of employees indicates a higher level of impact.

Based on the findings it would appear that employees had more concern or discomfort in relation to complex or technical evidence than jurors, as indicated in Chart 11. 31% of jurors experienced some concerns with evidence presented compared to 44% of the employees who responded. This would indicate that employees had a

more difficult time and experienced concerns with complex or technical evidence while jurors appear to have been comfortable with their experience.

Some stress indicated by employees may well be due to their responsibilities related to being the “caretaker” of evidence in trials opposed to the actual understanding of the evidentiary process. The clerk is responsible for retaining all exhibits that have been offered or received in evidence per North Dakota Rules of Court – Rule 6.4 Exhibits. Additionally, some anxiety may be a result of being responsible for ensuring technical equipment and such is in working condition throughout the trial process. Additional training may be considered to alleviate some anxiety in relation to this area of responsibility.

Both jurors and employees indicate a sense of accomplishment and overall satisfaction with the trial process.

“The judge was very appreciative and made me feel almost patriotic in my services to the court. I am very proud to have served.”

However, two jurors indicated that they found it necessary to pursue other services, e.g. counseling, at the conclusion of the trial.

RECOMMENDATIONS

The State of North Dakota is a relatively rural state. The number of Class A and AA felony trials is reasonably low. It is feasible to address traumatization and reduce the impact of these trials on both jurors and employees while maintaining the integrity of the courts. The recommendations are not cost prohibitive and may simply require awareness and leadership to properly point individuals in the direction of obtaining assistance.

Previous Studies:

Recommendations were identified and listed from studies conducted by Stanley Kaplan, Yukon Department of Justice, and National Center for State Courts previously mentioned in this project. Even though the recommendations and suggestions are geared toward improving the juror experience, it is suggested that one proceed with caution and understand the state laws and rules of court of the applicable jurisdiction. Some concerns have been identified with the suggested actions recommended by these studies. Those concerns are discussed below as they pertain to the State of North Dakota.

Trial: NCSC

The information below consists of the recommendations taken from the NCSC study and a response in bold based on North Dakota Rules of Court and courtroom protocol.

11: *recommends that jurors be permitted to take notes and submit questions in writing to the judge to ask witnesses during trials.* **North Dakota Rules of Court 6.7 allows concessions for note taking at the judge's discretion and includes cautionary instruction as it pertains to the actual course of action taken. Furthermore, N.D. R.O.C. 6.8 allows jurors to submit questions to be asked of a witness in civil cases, but does not afford this same opportunity in criminal cases.**

13: *Several judges in the study recommended warning jurors about upcoming evidence. Some judges argued that these warnings should be made as early in the trial as possible and should be repeated once or twice before the evidence or testimony is presented to the jury. Judges also view timing as an important factor in reducing the shock associated with gruesome evidence. Limiting the volume and time exposed to gruesome evidence is another technique used to reduce the emotional effect on jurors.*

Judges do not know what evidence is being introduced before-hand. Often times the judge is viewing this evidence for the first time just as the jurors are. Although the judge may in some cases have the discretion to limit the amount of evidence admitted, it is the responsibility of the attorneys to object or propose limits to the evidence being admitted.

15: Trials that are tedious or long can challenge jurors' concentration. The struggle to remain attentive can be stressful for jurors. *During pretrial conferences the judge can encourage attorneys to prepare deposition summaries to present to the jury rather than reading the whole deposition.*⁶⁴ **Even though the judge can encourage deposition summaries, the ultimate decision makers in this area are the attorney's who may deem it a necessary part of their strategy to resist a summary presentation of evidence.**

Jury Deliberations: (NCSC)

14: *Another option is to allow alternates to observe, but not participate in, deliberations.*⁶⁵ **Jurors cannot be informed of their status as an alternate until just prior to juror deliberations, nor can alternate jurors observe deliberations. N.D. R.O.C. 24 requires an alternate juror who does not replace a juror, be discharged after the jury retires to consider its verdict. Therefore, alternate jurors cannot observe even if they do not participate in the deliberation process.**

Post-Trial Proceedings: (NCSC)

10: *Judges can reassure jurors that incidents of retribution are extremely rare but provide them with information about contacting the court if a threat does occur. The*

⁶⁴ See § IV-10 *Deposition Summaries*, in JURY TRIAL INNOVATIONS, *supra* note 15, AT 120-22.

⁶⁵ See § VI-7 *Permitting Alternates to Observe Deliberations*, in JURY TRIAL INNOVATIONS, *supra* note 15, at 180.

appropriate course of action would be to contact law enforcement, as opposed to the court. The court has no authority to respond to concerns of a threatening nature.

Survey Findings

Recommendations:

1. Debriefing sessions following the conclusion of a trial has been acknowledged and recommended in numerous studies. Likewise, these have also been suggested by jurors who participated in this study. Numerous jurors expressed the desire to have an opportunity to discuss the trial process whether it be with the judge, attorneys involved, or by court personnel. The need for an explanation or clarification of the process itself was consistent throughout the questionnaires received.

“A debriefing session would have been most helpful and probably should be mandatory.” – Juror

A debriefing should take place immediately following the trial, and can be conducted in private with the jurors, court personnel, attorneys, and the judge. These proceedings are voluntary and should not be open to the public. This provides the individuals with an opportunity to discuss the trial process, ask questions pertaining to the process and introduction of evidence, and reassures them that their role is not only valuable, but also appreciated regardless of the verdict. This provides some sort of closure for everyone involved.

“We had an informal meeting after the trial and talked with the judge, prosecutors, and defense attorneys. The meeting was helpful as it was difficult case.” – Juror

The debriefing should be relatively short and should be in a comfortable setting alleviating a sense of pressure or responsibility for those in attendance. It is vital to provide additional information if requested while maintaining a neutral environment for

the jurors. A debriefing is not a time to interrogate jurors about their verdict and how they came about reaching that verdict.

“Afterwards the DA questioned us in the jury room as to why we found him not guilty. That was a little upsetting because it made me feel that perhaps we made the wrong decision.” - Juror

Debriefings are not only helpful for jurors, but can afford the same opportunity for closure to attorneys, court personnel, and ultimately the judge. Court personnel or the judge may recommend a professional facilitator depending on the nature of the crime, evidence presented, and overall tone at the conclusion of the trial. A victim advocate may be willing to facilitate such a debriefing for little to no cost.

“I wish there had been an opportunity to share emotions, feelings and the judge’s perspective on the trial.” – Juror

Additional services are available for individual counseling of employees, should it be necessary, through the State of North Dakota Employee Assistance Program, at no cost to the employee. (Judicial Branch Policy Manual – Policy109). The content of the discussions remain confidential and services are contracted through Village Family Services.

2. Follow-up correspondence from court related personnel or attorneys involved in the case appealed to many jurors and provided a sense of appreciation and value to the jurors. Including the alternate juror(s) in this process can provide some understanding and closure for individuals involved in hearing the case, but was not involved in deliberation and the process of determining the verdict.

“The Judge called to thank me. I liked that. He also asked if I was okay. The State’s Attorney wrote me and others a letter to explain all the different (bad) things the defendant had done. This helped me a lot. The life sentence the man got was correct. My mind was at ease after the letter. I finally was at ease with our decision.”

A letter to explain the trial process and to offer additional facts about the case that had not been admissible in court can provide a sense of understanding and help jurors better comprehend their role. As documented earlier, a juror's role is to listen to the evidence and determine the facts. The court's role is to determine the law, and have the parties follow the law in their presentation of evidence.

3. Often time's jurors are not present at the time of sentencing. Jurors have expressed an interest in being notified of sentencing to afford the opportunity to attend. Follow-up correspondence informing jurors of the sentencing date and/or the outcome of sentencing takes little time and resources on the court's behalf and provides some finality to the overall experience. Alternate juror(s) should be included in this process as well.

4. Support groups can be established with relatively little time and effort. On occasion, jurors have taken it upon themselves to remain in contact with fellow jurors. Jury duty can bring virtual strangers together ultimately forming strong bonds through a significant experience especially as it pertains to high profile cases. Some individuals may prefer not to participate in support groups to avoid the stress of revisiting this experience.

Establishing support groups can be accomplished easily by providing a list of contact information to the jurors with their approval for future correspondence. Many media outlets such as Facebook and Twitter are used nationwide in courts to update the public on daily functions of the courts. These same media sources can be utilized for confidential group or individual discussions on an on-going basis. Resources may be available in the community for a more organized and structured approach as well.

5. Although North Dakota is a relatively rural state and Class A and AA felony cases are intermittent, it is imperative that we be prepared to serve our jurors and employees

just as they are prepared to serve the courts. Jury service is a civic duty and one that a majority of jurors are proud to have served.

“I thought it was a great learning experience. It was very interesting and I think it would be a good experience for everyone. I was able to meet different people and cultures while in the military and believe our country and justice system is the best in the world.” – Juror

The courts can heighten awareness of how this experience impacts our citizens, and make minor improvements that will better meet their needs. A proposal for a juror stress intervention program was written by Sally Holewa, North Dakota State Court Administrator, in January of 2009 (Appendix H). This proposal included a matrix consisting of four categories using publicity and violence, and the suggested intervention for each. The estimated number of persons served in 2009 was 16 – 48 jurors per year per district. The data collected for this project reflects an estimated 25 – 55 juror pool per year per district. Ms. Holewa’s proposal also included a sample post-trial letter to jurors including a list of some of the most common stress reactions, and an outline for Judge-led debriefing sessions following the verdict. At the time of her proposal there was no current data on stress experienced by North Dakota jurors.

Through my project a solid baseline for stress experienced by jurors in high profile cases has been established. The data collected has made it abundantly clear that jurors desire more services at the conclusion of these trials that will enable them to process the information and evidence in which they were exposed, discuss any remaining questions, and provide some closure to the overall trial experience. Fortunately, these cases are easy to identify in North Dakota because there are so few of them. Likewise, few people in the community can identify with the issues the jurors are

facing as a result of this experience. Establishing a program and providing additional services would be of minor budgetary concern.

This project illustrates a need for services not only for the jurors, but court employees as well who work these high profile cases. It is recommended that the Jury Standards Committee for the State of North Dakota review the proposal initially submitted in 2009, and reconsider the impact on jurors and the need for post-trial services as a result of the findings in this project. It is further recommended that the Jury Standards Committee and the Pattern Jury Instruction Commission for the State review the “Recent Evaluative Research on Jury Trial innovations” by B. Michael Dann and Valerie P. Hans in the Spring 2004 edition of Court Review which was a special issue on jury reform. Identification of specific services currently being offered statewide and under what circumstances they are available would be an invaluable follow-up to the data now available in relation to juror stress.

This research provides information pertaining to the exploration of innovative jury-related trial procedures which may be beneficial for consideration as the State of North Dakota continues to evaluate current services, and pursue potential solutions in the future.

LIST OF REFERENCES

Antonio, M. E. (2008). Stress And The Capital Jury: How Male And Female Jurors React To Serving On A Murder Trial, *The Justice System Journal*, Vol. 29, Number 3

Canadian Research Institute for Law and the Family and the Yukon Department of Justice. Juror Stress Debriefing: A Review Of The Literature And An Evaluation Of A Yukon Program. Canadian research Institute for Law and the Family, 2008.

Jury Traumatization In High Profile Criminal Trials: A Case For Crisis Debriefing? *HeinOnline -- 16 Law & Psychol. Rev.* 201 1992

LAW.COM. Reaching Out to Juries Rocked by Evidence; Dee McAree; 2004; copyright 2010. ALM Media Properties, LLC. All rights reserved.

McAree, Dee. (2004). Reaching out to juries rocked by evidence. Retrieved from law.com

Murray, D.C., & Royer, J.M. Legal Profession Assistance Conference of the Canadian Bar Association, National Administrative Office. (n.d.). The cost of justice: a desk manual on vicarious trauma Canada: Legal Profession Assistance Conference. Retrieved from http://www.lpac.ca/main/Main/vicarious_trauma.aspx

National Center for State Courts and the State Justice Institute. Through the Eyes of the Juror A Manual For Addressing Juror Stress. Williamsburg: National Center for State Courts, 1998.

Trafford, A., & White, J. (2003). For jurors, stress of capital case can linger. *Researchers Find An Emotional Toll*, A(01), Retrieved from Washingtonpost.com

Washingtonpost.com: For Jurors, Stress of Capital Case Can Linger. Researchers Find An Emotional Toll. Abigail Trafford and Josh White. Washington Post Staff Writers; November 2003; page A01

APPENDIX A – Cover Letter to Juror Survey

October 12, 2010

Dear Juror:

Thank you on behalf of the North Dakota court system for your past service as a member of a jury panel. The jury is a critical part of our justice system. We realize that jury service demands that citizens put aside their typical responsibilities to carry out this important duty. Jurors may experience some degree of stress at every stage of jury duty, even in routine trials. To help us understand how jury service may affect citizens who are called to serve and to improve the experience of those summoned for jury duty in the future, we are requesting your participation in a survey based on your experience as a juror.

Your name was selected because our records indicate that you served on a felony jury trial within the last three years. We would sincerely appreciate it if you could take a few minutes to complete the enclosed survey and return it in the self-addressed/stamped envelope at your earliest convenience.

All information provided to this office will remain confidential and will be used solely for the purpose of improving our jury services and future juror experience.

Thank you in advance for your time and attention to this request.

Carolyn Woolf

Trial Court Administrator
Northwest Judicial District

APPENDIX B – Juror Questionnaire

Juror Experience - Pre/Post-Trial					
Juror Demographics					
<p>In an effort to better establish juror demographics please complete the questions below. The information collected in this survey will be kept confidential and used only for the purposes of improving the overall juror experience.</p>					
<p>1. Please indicate your gender.</p> <p><input type="radio"/> Male</p> <p><input type="radio"/> Female</p>					
<p>2. What year were you born?</p> <p><input type="text"/></p>					
<p>3. Which one of the following best describes your household?</p> <p><input type="radio"/> Married</p> <p><input type="radio"/> Living together but not married</p> <p><input type="radio"/> Separated or Divorced</p> <p><input type="radio"/> Widowed</p> <p><input type="radio"/> Single</p>					
<p>4. Do you have children (under 18) living in the household?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p>					
The Juror Experience					
<p>Please indicate whether you strongly agree, agree, somewhat disagree, or strongly disagree with the following descriptions of being a juror. You may mark not applicable if it does not apply.</p>					
	Strongly agree	Agree	Somewhat Disagree	Strongly Disagree	N/A
1. I was comfortable with my role as a juror.	<input type="radio"/>				
2. I had all of the information I needed to make a decision.	<input type="radio"/>				
3. My time was well used.	<input type="radio"/>				
4. I would encourage a friend to participate in a jury trial if they were summoned for service.	<input type="radio"/>				

Juror Experience - Pre/Post-Trial

The Potential Impact on Jurors

People respond differently to the experience of being a juror. In order for us to better understand the potential impact of juror experience, please read each statement below and indicate the degree, if at all, it applies to your experience.

Please select one of the five options below for each statement: not at all, a little bit, moderately, quite a bit, extremely.

	Not at all	A little bit	Moderately	Quite a bit	Extremely	N/A
1. I had trouble sleeping.	<input type="radio"/>					
2. I had trouble concentrating.	<input type="radio"/>					
3. Reminders of the trial caused me to feel unwell (sweating, trouble breathing, nausea, or a pounding heart).	<input type="radio"/>					
4. I felt watchful and on guard.	<input type="radio"/>					
5. I felt bad-tempered and angry.	<input type="radio"/>					
6. Pictures about the trial popped into my mind.	<input type="radio"/>					
7. I was jumpy and easily startled.	<input type="radio"/>					

People respond differently to the jury process itself. Please read each of the statements below and indicate the level of impact, if any, you experienced as a result of jury service.

	Not at all	A little bit	Moderately	Quite a bit	Extremely	N/A
1. Troubles at home or work during jury duty.	<input type="radio"/>					
2. Issues/evidence that had a personal impact/meaning.	<input type="radio"/>					
3. Disturbing/grisly evidence.	<input type="radio"/>					
4. Complex or technical evidence.	<input type="radio"/>					
5. Being sequestered (i.e., isolated from outside contacts)	<input type="radio"/>					
6. Ban on discussing the case with jurors during trial.	<input type="radio"/>					
7. Ban on discussing the case with family/friends.	<input type="radio"/>					
8. Jury deliberations and discussions.	<input type="radio"/>					
9. Deciding on a verdict.	<input type="radio"/>					
10. Hung jury (i.e., unable to reach verdict).	<input type="radio"/>					
11. Concerns about community reactions.	<input type="radio"/>					

Juror Experience - Pre/Post-Trial

1. What if any services were provided to help bring closure to the jury service at the conclusion of the trial (post-trial)?

2. Did a judge or any court personnel address you at the end of the trial to thank you for your service?

Yes

No

Other (please specify)

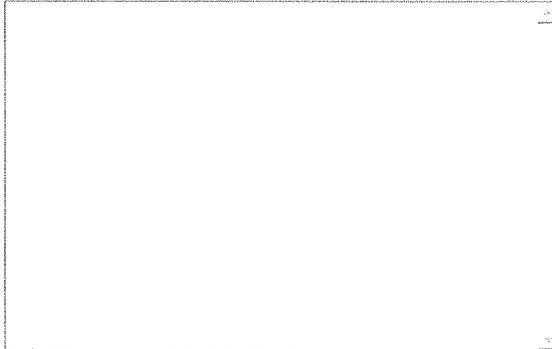
Juror Experience - Pre/Post-Trial

3. Did any judge or court personnel say anything to you that made you feel better or worse about your service following the trial?

Yes

No

If yes, please explain.

A large rectangular text input area with a thin border, intended for the respondent to provide an explanation if they answered 'Yes' to question 3.

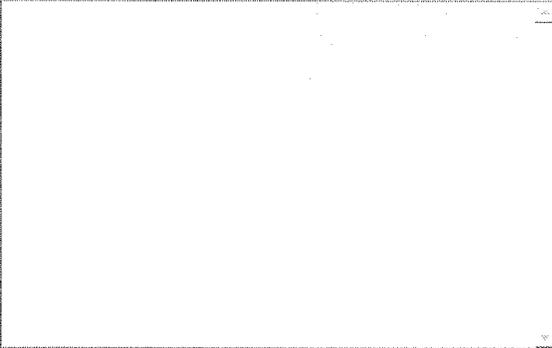
4. Was a debriefing session (group discussion with jurors and the judge or an outside professional) provided following the trial? This session offers an opportunity to discuss emotions and reactions to your experience as a juror and the trial as a whole.

yes

no

yes, but did not participate

5. If a debriefing session was provided, what impact if any did the session have on you?

A large rectangular text input area with a thin border, intended for the respondent to describe the impact of a debriefing session if one was provided.

Juror Experience - Pre/Post-Trial

6. Did you feel the need to seek out other services, e.g., counseling, after the trial?

- yes
- no
- other services were not available in my community
- Additional remarks:

Other (please specify)

7. Often times a juror is not present at the time of sentencing. In your opinion, would a follow-up letter from the court informing you of the post-trial sentencing be helpful?

- Yes No

8. Do you have any other comments or suggestions regarding your experience as a juror?

Juror Experience - Pre/Post-Trial

9. Would you be interested in discussing your experience with the Court Administrator through a follow-up phone conversation or possibly in person? This discussion may provide added insight that this survey cannot. Information discussed will again be used in hopes of improving the juror experience and remarks may be used in a research project that will be published. All personal identifying information will remain confidential. If you are interested, please list your name and phone number or e-mail address which will allow me to contact you.

Yes

No

Personal Contact Information

APPENDIX C – Employee Questionnaire

Employee Experience - Post-Trial
Employee Demographics
<p>In an effort to better establish employee demographics please complete the questions below. The information collected in this survey will be kept confidential and used only for the purposes of improving the overall trial experience.</p>
<p>1. Please indicate your gender.</p> <p><input type="radio"/> Male</p> <p><input type="radio"/> Female</p>
<p>2. What year were you born?</p> <p><input type="text"/></p>
<p>3. Which one of the following best describes your household?</p> <p><input type="radio"/> Married</p> <p><input type="radio"/> Living together but not married</p> <p><input type="radio"/> Separated or Divorced</p> <p><input type="radio"/> Widowed</p> <p><input type="radio"/> Single</p>
<p>4. Do you have children (under 18) living in the household?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p>
The Potential Impact on Employees
<p>People respond differently to the trial experience. In order for us to better understand the potential impact of this process on employees, please read each statement below and indicate the degree, if at all, it applies to your experience.</p>

Page 1

Employee Experience - Post-Trial

Please select one of the five options below for each statement: not at all, a little bit, moderately, quite a bit, extremely.

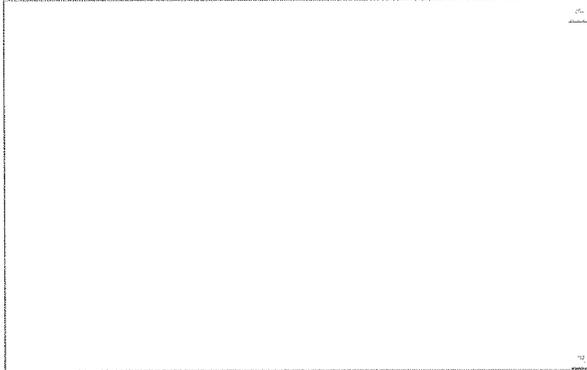
	Not at all	A little bit	Moderately	Quite a bit	Extremely	N/A
1. I had trouble sleeping.	<input type="radio"/>					
2. I had trouble concentrating.	<input type="radio"/>					
3. Reminders of the trial caused me to feel unwell (sweating, trouble breathing, nausea, or a pounding heart).	<input type="radio"/>					
4. I felt watchful and on guard.	<input type="radio"/>					
5. I felt bad-tempered and angry.	<input type="radio"/>					
6. Pictures about the trial popped into my mind.	<input type="radio"/>					
7. I was jumpy and easily startled.	<input type="radio"/>					

People respond differently to the trial process itself. Please read each of the statements below and indicate the level of impact, if any, you experienced as a result of the trial experience.

	Not at all	A little bit	Moderately	Quite a bit	Extremely	N/A
1. Troubles at home or work during the trial.	<input type="radio"/>					
2. Issues/evidence that had a personal impact/meaning.	<input type="radio"/>					
3. Disturbing/grisly evidence.	<input type="radio"/>					
4. Complex or technical evidence.	<input type="radio"/>					
5. Concerns about community reactions.	<input type="radio"/>					

Employee Experience - Post-Trial

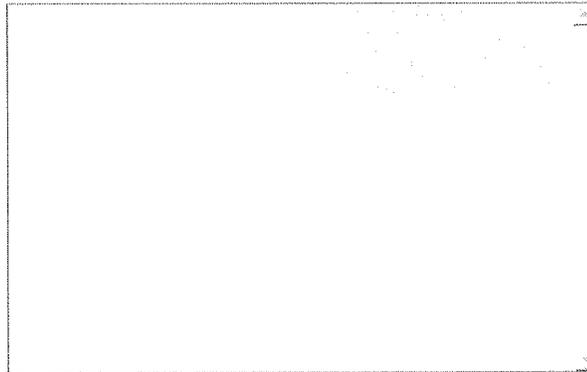
1. What if any services were provided to help bring closure to the trial process at the conclusion of the trial (post-trial)?



2. Did you feel the need to seek out other services, e.g., counseling, after the trial?

- yes
- no
- other services were not available in my community
- Additional remarks:

6. Do you have any other comments or suggestions regarding your experience as an employee working an A or AA felony trial?



Employee Experience - Post-Trial

Would you be interested in discussing your experience with the Court Administrator through a follow-up phone conversation or possibly in person? This discussion may provide added insight that this survey cannot. Information discussed will again be used in hopes of improving the overall trial experience and remarks may be used in a research project that will be published. All personal identifying information will remain confidential. If you are interested, please list your name and phone number or e-mail address which will allow me to contact you.

Yes

No

Personal Contact Information

APPENDIX D – Frequency Tables from Jury Data

The frequency tables below demonstrate the questions posed to jurors and their responses measured in an overall percentage.

Valid = questions that went unanswered.

Frequency = number of actual responses received.

Valid Percent = overall percentage of actual responses received.

Frequency Tables from Jury Data

Please indicate your gender.

Table 1		Frequency	Valid Percent
Valid	Female	155	55.4
	Male	125	44.6
	Total	280	100.0

Which one of the following best describes your household?

Table 2		Frequency	Valid Percent
Valid		1	.4
	Living together but not married	13	4.6
	Married	206	73.6
	Separated or Divorced	16	5.7
	Single	36	12.9
	Widowed	8	2.9
	Total	280	100.0

Do you have children (under 18) living in the household?

Table 3		Frequency	Valid Percent
Valid		3	1.1
	No	194	69.3
	Yes	83	29.6
	Total	280	100.0

I was comfortable with my role as a juror.

Table 4	Frequency	Valid Percent
Valid	6	2.1
Strongly agree	86	30.7
Agree	160	57.1
Somewhat Disagree	24	8.6
Strongly Disagree	2	.7
N/A	2	.7
Total	280	100.0

I had all of the information I needed to make a decision.

Table 5	Frequency	Valid Percent
Valid	4	1.4
Strongly agree	86	30.7
Agree	145	51.8
Somewhat Disagree	32	11.4
Strongly Disagree	9	3.2
N/A	4	1.4
Total	280	100.0

My time was well used.

Table 6	Frequency	Valid Percent
Valid	5	1.8
Strongly agree	92	32.9
Agree	150	53.6
Somewhat Disagree	28	10
Strongly Disagree	3	1.1
N/A	2	.7
Total	280	100.0

**I would encourage a friend to participate in a jury trial if they were
summoned for service.**

Table 7	Frequency	Valid Percent
Valid	8	2.9
Strongly agree	105	37.5
Agree	136	48.6
Somewhat Disagree	25	8.9
Strongly Disagree	1	.4
N/A	5	1.8
Total	280	100.0

Being sequestered (i.e., isolated from outside contacts)

Table 8	Frequency	Valid Percent
Valid	13	4.6
Extremely	1	.4
Moderately	10	3.6
A little bit	39	13.9
Not at all	165	58.9
N/A	52	18.6
Total	280	100.0

Jury deliberations and discussions.

Table 9	Frequency	Valid Percent
Valid	10	3.6
Extremely	7	2.5
Quite a bit	11	3.9
Moderately	33	11.8
A little bit	66	23.6
Not at all	139	49.6
N/A	14	5.0
Total	280	100.0

Ban on discussing the case with jurors during trial.

Table 10	Frequency	Valid Percent
Valid	13	4.6
Extremely	6	2.1
Quite a bit	7	2.5
Moderately	16	5.7
A little bit	48	17.1
Not at all	185	66.1
N/A	5	1.8
Total	280	100.0

Ban on discussing the case with family/friends.

Table 11	Frequency	Valid Percent
Valid	11	3.9
Extremely	7	2.5
Quite a bit	9	3.2
Moderately	15	5.4
A little bit	56	20.0
Not at all	178	63.6
N/A	4	1.4
Total	280	100.0

Deciding on a verdict.

Table 12	Frequency	Valid Percent
Valid	11	3.9
Extremely	16	5.7
Quite a bit	19	6.8
Moderately	35	12.5
A little bit	80	28.6
Not at all	104	37.1
N/A	15	5.4
Total	280	100.0

Hung jury (i.e., unable to reach verdict).

Table 13	Frequency	Valid Percent
Valid	21	7.5
Extremely	2	.7
Quite a bit	4	1.4
Moderately	10	3.6
A little bit	20	7.1
Not at all	109	38.9
N/A	114	40.7
Total	280	100.0

Did a judge or any court personnel address you at the end of the trial to thank you for your service?

Table 14	Frequency	Valid Percent
Valid	16	5.7
No	20	7.1
Yes	244	87.1
Total	280	100.0

**Did you feel the need to seek out other services, e.g.,
counseling, after the trial?**

Table 15	Frequency	Valid Percent
Valid	11	3.9
No	267	95.4
Yes	2	.7
Total	280	100.0

**Often times a juror is not present at the time of
sentencing. In your opinion, would a follow-up letter
from the court informing you of the post-trial
sentencing be helpful?**

Table 16	Frequency	Valid Percent
Valid	23	8.2
No	70	25.0
Yes	187	66.8
Total	280	100.0

**Would you be interested in discussing your experience
with the Court Administrator through a follow-up
phone conversation or possibly in person? This
discussion may provide added insight that this survey
cannot. Information discussed will again be used**

Table 17	Frequency	Valid Percent
Valid	23	8.2
No	197	70.4
Yes	60	21.4
Total	280	100.0

Age

Table 18		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	20	2	.7	.7	.7
	21	4	1.4	1.5	2.2
	22	2	.7	.7	3.0
	23	4	1.4	1.5	4.4
	24	4	1.4	1.5	5.9
	25	3	1.1	1.1	7.0
	26	2	.7	.7	7.7
	27	2	.7	.7	8.5
	28	4	1.4	1.5	10.0
	29	2	.7	.7	10.7
	30	1	.4	.4	11.1
	31	6	2.1	2.2	13.3
	32	3	1.1	1.1	14.4
	33	6	2.1	2.2	16.6
	34	2	.7	.7	17.3
	35	2	.7	.7	18.1
	36	4	1.4	1.5	19.6
	37	2	.7	.7	20.3
	38	6	2.1	2.2	22.5
	39	2	.7	.7	23.2
	40	6	2.1	2.2	25.5
	41	6	2.1	2.2	27.7
	42	2	.7	.7	28.4
	43	4	1.4	1.5	29.9
	44	3	1.1	1.1	31.0
	45	3	1.1	1.1	32.1
	46	10	3.6	3.7	35.8
	47	9	3.2	3.3	39.1
	48	9	3.2	3.3	42.4
	49	7	2.5	2.6	45.0
	50	8	2.9	3.0	48.0
	51	7	2.5	2.6	50.6
	52	7	2.5	2.6	53.1

53	7	2.5	2.6	55.7
54	11	3.9	4.1	59.8
55	4	1.4	1.5	61.3
56	5	1.8	1.8	63.1
57	9	3.2	3.3	66.4
58	9	3.2	3.3	69.7
59	3	1.1	1.1	70.8
60	7	2.5	2.6	73.4
61	6	2.1	2.2	75.6
62	9	3.2	3.3	79.0
63	5	1.8	1.8	80.8
64	6	2.1	2.2	83.0
65	4	1.4	1.5	84.5
66	6	2.1	2.2	86.7
67	4	1.4	1.5	88.2
68	3	1.1	1.1	89.3
69	6	2.1	2.2	91.5
70	2	.7	.7	92.3
71	5	1.8	1.8	94.1
72	4	1.4	1.5	95.6
73	5	1.8	1.8	97.4
75	3	1.1	1.1	98.5
84	1	.4	.4	98.9
85	2	.7	.7	99.6
87	1	.4	.4	100.0
Total	271	96.8	100.0	
Missing System	9	3.2		
Total	280	100.0		

APPENDIX E – Frequency Table from Employee Data

The frequency tables below demonstrate the questions posed to employees and their responses measured in an overall percentage.

Valid = questions that went unanswered.

Frequency = number of actual responses received.

Valid Percent = overall percentage of actual responses received.

Frequency Tables for Employee Data

1. Please indicate your gender.

Table 1	Frequency	Valid Percent
Valid	1	2.6
Female	36	92.3
Male	2	5.1
Total	39	100.0

2. What year were you born?

Table 2	Frequency	Valid Percent
Valid 1949	1	2.8
1950	1	2.8
1951	1	2.8
1952	3	8.3
1953	2	5.6
1956	2	5.6
1957	2	5.6
1958	2	5.6
1959	1	2.8
1960	1	2.8
1962	3	8.3
1963	2	5.6
1964	1	2.8
1965	3	8.3
1966	1	2.8
1967	1	2.8
1968	1	2.8
1970	4	11.1

	1971	1	2.8
	1973	2	5.6
	1985	1	2.8
	Total	36	100.0
Missing	System	3	
Total		39	

3. Which one of the following best describes your household?

Table 3		Frequency	Valid Percent
Valid		1	2.6
	Living together but not married	2	5.1
	Married	28	71.8
	Separated or Divorced	7	17.9
	Widowed	1	2.6
	Total	39	100.0

4. Do you have children (under 18) living in the household?

Table 4		Frequency	Valid Percent
Valid		1	2.6
	No	21	53.8
	Yes	17	43.6
	Total	39	100.0

Age

Table 5		Frequency	Valid Percent
Valid	25	1	2.8
	37	2	5.6
	39	1	2.8
	40	4	11.1
	42	1	2.8
	43	1	2.8
	44	1	2.8
	45	3	8.3
	46	1	2.8
	47	2	5.6
	48	3	8.3
	50	1	2.8
	51	1	2.8
	52	2	5.6
	53	2	5.6
	54	2	5.6
	57	2	5.6
	58	3	8.3
	59	1	2.8
	60	1	2.8
61	1	2.8	
	Total	36	100.0
Missing	System	3	
Total		39	

APPENDIX F – Frequency Tables from Jury and Employee Data

The frequency tables below demonstrate the questions posed to jurors and employees, and their responses measured in an overall percentage.

Valid = questions that went unanswered.

Frequency = number of actual responses received.

Valid Percent = overall percentage of actual responses received.

Frequency Tables from Jury and Employee Data

I had trouble sleeping.				
Table 1	Employee Percent	Employee Frequency	Jury Percent	Jury Frequency
Not at all	38.5%	15	54.6%	153
A little bit	28.2%	11	29.3%	82
Moderately	7.7%	3	8.9%	25
Quite a bit	2.6%	1	4.3%	12
Extremely	2.6%	1	0.7%	2
N/A	2.6%	1	0.4%	1
Did not Answer	17.9%	7	1.8%	5
Total	100.0%	39	100.0%	280

I had trouble concentrating.				
Table 2	Employee Percent	Employee Frequency	Jury Percent	Jury Frequency
Not at all	46.2	18	71.4	200
A little bit	25.6	10	19.3	54
Moderately	2.6	1	5.4	15
Quite a bit			1.8	5
Extremely	5.1	2		
N/A	2.6	1	0.4	1
Did not Answer	17.9	7	1.8	5
Total	100	39	100.1	280

Reminders of the trial caused me to feel unwell (sweating, trouble breathing, nausea, or a pounding heart).				
Table 3	Employee Percent	Employee Frequency	Jury Percent	Jury Frequency
Not at all	61.5	24	79.3	222
A little bit	7.7	3	11.4	32
Moderately	5.1	2	2.5	7
Quite a bit	2.6	1	0.7	2
Extremely	2.6	1	0.4	1
N/A	2.6	1	0.7	2
Did not Answer	17.9	7	5	14
Total	100	39	100	280

I felt watchful and on guard.

Table 4	Employee Percent	Employee Frequency	Jury Percent	Jury Frequency
Not at all	38.5	15	61.4	172
A little bit	20.5	8	21.8	61
Moderately	12.8	5	6.4	18
Quite a bit	5.1	2	3.9	11
Extremely	2.6	1	1.4	4
N/A	2.6	1	0.4	1
Did not Answer	17.9	7	4.6	13
Total	100	39	99.9	280

I felt bad-tempered and angry.

Table 5	Employee Percent	Employee Frequency	Jury Percent	Jury Frequency
Not at all	51.3	20	78.9	221
A little bit	17.9	7	13.6	38
Moderately	2.6	1	1.8	5
Quite a bit	2.6	1	0.4	1
Extremely	2.6	1	0.4	1
N/A	2.6	1	0.4	1
Did not Answer	20.5	8	4.6	13
Total	100.1	39	100.1	280

Pictures about the trial popped into my mind.				
Table 6	Employee Percent	Employee Frequency	Jury Percent	Jury Frequency
Not at all	25.6	10	52.9	148
A little bit	35.9	14	27.9	78
Moderately	7.7	3	5.4	15
Quite a bit	7.7	3	5.4	15
Extremely	2.6	1	0.7	2
N/A	2.6	1	2.9	8
Did not Answer	17.9	7	5	14
Total	100	39	100.2	280

I was jumpy and easily startled.				
Table 7	Employee Percent	Employee Frequency	Jury Percent	Jury Frequency
Not at all	61.5	24	86.1	241
A little bit	10.3	4	6.1	17
Moderately	5.1	2	1.1	3
Quite a bit			1.1	3
Extremely			0.4	1
N/A	2.6	1	0.4	1
Did not Answer	20.5	8	5	14
Total	100	39	100.2	280

Troubles at home or work during jury duty.				
Table 8	Employee Percent	Employee Frequency	Jury Percent	Jury Frequency
Not at all	53.8	21	80	224
A little bit	20.5	8	11.8	33
Moderately	2.6	1	1.1	3
Quite a bit			2.9	8
Extremely	2.6	1		
N/A	2.6	1	0.4	1
Did not Answer	17.9	7	3.9	11
Total	100	39	100.1	280

Issues/evidence that had a personal impact/meaning.				
Table 9	Employee Percent	Employee Frequency	Jury Percent	Jury Frequency
Not at all	48.7	19	61.4	172
A little bit	20.5	8	23.2	65
Moderately	7.7	3	5	14
Quite a bit	2.6	1	2.9	8
Extremely			1.1	3
N/A	2.6	1	1.8	5
Did not Answer	17.9	7	4.6	13
Total	100	39	100	280

Disturbing/grisly evidence.				
Table 10	Employee Percent	Employee Frequency	Jury Percent	Jury Frequency
Not at all	17.9	7	50.7	142
A little bit	28.2	11	26.4	74
Moderately	10.3	4	9.6	27
Quite a bit	5.1	2	5.7	16
Extremely	15.4	6	0.4	1
N/A	2.6	1	2.1	6
Did not Answer	20.5	8	5	14
Total	100	39	99.9	280

Complex or technical evidence.				
Table 11	Employee Percent	Employee Frequency	Jury Percent	Jury Frequency
Not at all	30.8	12	60.7	170
A little bit	28.2	11	21.4	60
Moderately	2.6	1	6.8	19
Quite a bit	2.6	1	2.5	7
Extremely	10.3	4		
N/A	5.1	2	2.5	7
Did not Answer	20.5	8	6.1	17
Total	100.1	39	100	280

Concerns about community reactions.				
Table 12	Employee Percent	Employee Frequency	Jury Percent	Jury Frequency
Not at all	35.9	14	67.5	189
A little bit	25.6	10	16.4	46
Moderately	10.3	4	5	14
Quite a bit	5.1	2	1.1	3
Extremely	2.6	1	1.1	3
N/A	2.6	1	4.6	13
Did not Answer	17.9	7	4.3	12
Total	100	39	100	280

APPENDIX G – Yukon Department of Justice Post-Trial Survey

POST-TRIAL SURVEY

Date (yyyy/mm/dd): _____

Are you: male female

Birthdate (yyyy/mm/dd): _____

Below is a list of reactions people sometimes have after stressful life events, such as serving as a juror on a murder trial. Please read each item, and then answer how upsetting each one has been for you.

	Not at all	A little bit	Moderately	Quite a bit	Extremely
1. Any reminder brought back feelings about the trial.	<input type="checkbox"/>				
2. I had trouble staying asleep.	<input type="checkbox"/>				
3. Other things kept making me think about the trial.	<input type="checkbox"/>				
4. I felt bad-tempered and angry.	<input type="checkbox"/>				
5. I tried not to get upset when I thought about the trial or was reminded of it.	<input type="checkbox"/>				
6. I thought about the trial when I didn't mean to.	<input type="checkbox"/>				
7. I felt as if the trial hadn't happened or wasn't real.	<input type="checkbox"/>				
8. I stayed away from reminders about the trial.	<input type="checkbox"/>				
9. Pictures about the trial popped into my mind.	<input type="checkbox"/>				
10. I was jumpy and easily startled.	<input type="checkbox"/>				
11. I tried not to think about the trial.	<input type="checkbox"/>				
12. I was aware that I still had a lot of feelings about the trial, but I didn't deal with them.	<input type="checkbox"/>				

	Not at all	A little bit	Moderately	Quite a bit	Extremely
13. My feelings about the trial were kind of numb.	<input type="checkbox"/>				
14. I found myself acting or feeling like I was back at that time.	<input type="checkbox"/>				
15. I had trouble falling asleep.	<input type="checkbox"/>				
16. I had waves of strong feelings about the trial.	<input type="checkbox"/>				
17. I tried to remove the trial from my memory.	<input type="checkbox"/>				
18. I had trouble concentrating.	<input type="checkbox"/>				
19. Reminders of the trial caused me to feel unwell (sweating, trouble breathing, nausea, or a pounding heart).	<input type="checkbox"/>				
20. I had dreams about the trial.	<input type="checkbox"/>				
21. I felt watchful and on guard.	<input type="checkbox"/>				
22. I tried not to talk about the trial.	<input type="checkbox"/>				

For the following aspects of jury duty, please indicate how much stress each of these items has caused you during your jury duty.

	Not at all	A little bit	Moderately	Quite a bit	Extremely
23. Receiving the summons to jury duty.	<input type="checkbox"/>				
24. Reporting for jury duty.	<input type="checkbox"/>				
25. Jury selection.	<input type="checkbox"/>				
26. Answering questions in front of other people.	<input type="checkbox"/>				
27. Juror pay while not at work.	<input type="checkbox"/>				
28. Changes to daily routine.	<input type="checkbox"/>				
29. Medical or psychological problems from before the trial.	<input type="checkbox"/>				

	Not at all	A little bit	Moderately	Quite a bit	Extremely
30. Troubles at home or work during jury duty.	<input type="checkbox"/>				
31. Limits on what I could do during jury duty.	<input type="checkbox"/>				
32. Fear of being attacked for being a juror/concerns for my safety.	<input type="checkbox"/>				
33. Crime against a child.	<input type="checkbox"/>				
34. Issues/evidence that had a personal impact/meaning.	<input type="checkbox"/>				
35. Disturbing/grisly evidence.	<input type="checkbox"/>				
36. Complex or technical evidence.	<input type="checkbox"/>				
37. Expert testimony.	<input type="checkbox"/>				
38. Long trial.	<input type="checkbox"/>				
39. Boring trial.	<input type="checkbox"/>				
40. Trial interruptions/delays.	<input type="checkbox"/>				
41. Ban on discussing case with jurors during trial.	<input type="checkbox"/>				
42. Ban on discussing case with family/friends.	<input type="checkbox"/>				
43. Deciding on a verdict.	<input type="checkbox"/>				
44. Jury deliberations and discussions.	<input type="checkbox"/>				
45. Fear of making a mistake.	<input type="checkbox"/>				
46. Disagreement/differences among jurors.	<input type="checkbox"/>				
47. Being in a minority position during jury deliberations.	<input type="checkbox"/>				
48. Hung jury (i.e., unable to reach verdict).	<input type="checkbox"/>				
49. Being sequestered (i.e. isolated from outside contacts).	<input type="checkbox"/>				
50. Concerns about community reactions.	<input type="checkbox"/>				

Thank you for completing this survey.

APPENDIX H – National Center for State Courts Post-Trial Survey

APPENDIX C

Jury Duty Survey

(completed by jurors, alternates, and unassigned jurors)

Please answer Yes or No to the Following Questions. Please be sure to answer all of the questions. If you were called for jury duty but not placed on a jury, "jury duty/experience" refers to your experience during the jury selection process.

	Yes	No	N
1. I am proud of what I accomplished during jury duty.	80%	20%	809
2. I found jury duty to be relatively routine.	65%	35%	822
3. I met some interesting people during jury duty.	82%	18%	829
4. I will look back on my jury duty with fondness.	52%	48%	814
5. I would volunteer again for jury duty.	56%	44%	818
6. Jury duty was annoying and irritating.	19%	81%	818
7. Jury duty was a waste of my time.	18%	82%	819
8. I believe that my experience with jury duty would cause emotional problems in most people.	14%	86%	824
9. I experienced stress as a result of my jury duty.	33%	67%	828
10. I found it necessary to talk to others about distressing aspects of my jury duty. If you answered yes, who did you talk to (e.g., spouse, family, friends)?	22%	78%	781
11. My jury duty left me feeling more fearful than I was before.	8%	92%	829
12. I have disturbing memories of my jury duty.	10%	90%	826
13. Jury duty left me feeling numb and detached.	8%	92%	826
14. I am more tense than I was before jury duty.	13%	87%	825
15. I am likely to avoid doing things that remind me of my jury duty.	9%	91%	825
16. Something should have been done to reduce our stress levels. If you answered yes, what should be done?	18%	82%	766
17. There are emotions resulting from jury duty that I have bottled up inside.	11%	89%	822
18. I think other jurors experienced stress during jury duty.	50%	50%	809
19. I think stress had an effect on the thinking of some jurors.	34%	66%	798
20. I think stress had an effect on the decisions of some jurors.	37%	63%	811

APPENDIX I – Proposal for a Juror Stress Intervention Program

Proposal for a Juror Stress Intervention Program

Submitted by: Sally Holewa

Date: January 9, 2009

The issue: Studies have documented that for several reasons jury duty is stressful for many people. Stress comes from the uncertainty of not knowing if/when you are going to have to serve, disruptions in normal daycare, work and extracurricular activity schedules, uncertainty about court decorum and the trial process, not fully understanding what is expected of you during the trial, confusion over jury instructions, exposure to disturbing testimony/evidence, conflict with other jurors during deliberation, and doubt over whether or not the right decision was reached. There are various techniques and protocols that can be used to alleviate the stress caused by each of these situations. This proposal is intended to address only the most severe kind of juror stress which is caused by exposure to disturbing evidence/testimony presented in cases involving person-to-person violence.

Why it is important to address: It is estimated that in the North Dakota Court System an average of 14 to 21 cases involving sexual assault of children, sexual assault of adults, gross abuse of children or animals, violent assaults, or murder go before a jury each year. Jurors are every day citizens who most certainly are aware that violence and degradation can occur but are seldom personally exposed to it.

Viewing graphic photographs, listening to detailed descriptions of traumatic incidents and injuries, and watching the emotional testimony of victims and their families can be unsettling. In addition, jurors are forced to come face-to-face with the fact that seemingly ordinary folks may be capable of extreme violence. This change in world view can cause general anxiety and fear about their ability to protect themselves or their families.

The more serious the offense, the greater the likelihood that jurors will also feel the burden of making the right decision. Questions and comments from family and friends, as well as post-trial exposure to information about the defendant or the crime may cause the juror to question whether the right decision was made.

Without a safe outlet for these emotions, jurors may begin to have nightmares, unexpected bouts of weeping, depression, irritability, and feelings of guilt, fear, shame, and anxiety, that can last for weeks, or even months after the trial has ended.

A citizen-jury is an important right in this country and the service in such a role is an honor that most citizens hold high. Research has shown that jurors take their duty so seriously that even years after the service is over, they can remember the names of parties, where people sat in the courtroom, who gave what testimony, and even what order the testimony was entered in. This would indicate that as jurors attempt to do the best job possible, they are committing the experience to long-term memory. This

includes graphic and upsetting information, which can continue to disrupt their sense of well-being long after the trial is over.

Proposal:

The average case will not require any kind of debriefing or counseling session for jurors. For those that do may require some sort of stress intervention, I propose a four-tiered approach based on the severity of the case based on a matrix using publicity and violence.

The four categories would be:

Low Violence/Low Publicity: Case details are mild to moderately disturbing and media attention to the case is none or slight

Low Violence/High Publicity: Case details are mild to moderately disturbing but there is heightened media attention to the case

High Violence/Low Publicity: Case details are moderately to severely disturbing but media attention to the case is none or slight

High Violence/High Publicity: Case details are moderately to severely disturbing and there is heightened media attention to the case

Court intervention to address stress would be offered on a continuum based on these categories.

Low Violence/Low Publicity	Judge-led debriefing session following the verdict. This debriefing would be very limited and the judge may allow the attorneys to remain throughout the debriefing. See attached sample outline.
Low Violence/High Publicity	Before receiving the verdict, the clerk or judge provides jurors information about the process that is about to take place in court, and about responding to contact from the media, counsel, and defendant/defendant’s family/public. A follow-up letter to jurors is sent 2 – 4 weeks after trial which includes details about jury-related stress and ways to combat the stress. See attached sample letter.
High Violence/Low Publicity	Judge instructs jurors on nature and severity of exhibits/testimony prior to trial starting; may instruct jurors on ways to deal with stress during the trial; A follow-up debriefing session for jurors is scheduled for 1-2 weeks after the trial. This

	should be held offsite and led by a mental health provider or someone trained in critical incident stress debriefing. Judges, court staff, or attorneys should not be involved in the session.
High Violence/High Publicity	<p>Immediately before receiving the verdict or after the verdict is received, the Judge provides jurors information about responding to contact from the media, counsel, and defendant/defendant's family/public.</p> <p>Judge instructs jurors on nature and severity of exhibits/testimony prior to trial starting; may instruct jurors on ways to deal with stress during the trial.</p> <p>A follow-up debriefing session for jurors is scheduled for 1-2 weeks after the trial. This should be held offsite and led by a mental health provider or someone trained in critical incident stress debriefing. Judges, court staff, or attorneys should not be involved in the session.</p>

The determination to utilize any of these intervention techniques would be made by the judge assigned to the case.

Concerns: There is always some concern that contact with jurors can lead to a mistrial or raise issues for appeal. That is a valid concern. However, the purpose of the stress intervention program is not to provide jurors an opportunity to re-hash the trial or the deliberation discussions. For this reason, it is important that judge's engaged in a de-briefing session with jurors follow a standard set of guidelines for what is discussed during the de-briefing. The judge should allow jurors a chance to ask questions or to discuss feelings but not allow jurors to wander into areas that might raise legal issues.

In those instances when a judge determines that a critical incident debriefing session is needed, the debriefing session should be led by a mental health professional, in a location not connected to the court, and court personnel, lawyers for the parties, and the trial judge should be excluded. Critical incident debriefing sessions should not occur adjacent to trial proceedings and participation by jurors should be voluntary. Reports from the mental health provider should be limited to number in attendance and compiled written comments by those attending. No individual jurors should be identified and no recommendations regarding any juror should be included.

Estimated Number of Persons Served: 16 - 48 jurors per year per district

Estimated Cost for a statewide program: \$15,750/year based on an assumed cost of \$750/debriefing session led by a mental health provider

Evaluation: Since we currently have no data on stress experienced by North Dakota jurors, an initial evaluation would be based on survey responses provided by the jurors who participate in a stress intervention event.

To form a baseline for a formal evaluation, a survey of former jurors would be conducted that would measure their perception of the amount and type of stress they experienced as a juror, solicit their perception of any lingering stress effects attributed to their jury service, and solicit their attitude toward stress intervention events. This data would then be compared against data collected from a survey of jurors who participated in a stress intervention event. The stress intervention program would be considered successful if the majority of participants indicate they feel that the program was beneficial in reducing feelings of stress or anxiety associated with their jury service.

Sample - Outline for a Judge-led De-briefing session following verdict

- I. Thank jurors for service
- II. Provide information on what will happen next with the case

- A. In criminal cases with a verdict of guilty:

- When will sentencing occur? Can jurors be notified of the date? Can jurors attend? If they chose not to attend, can they call the state's attorney or ask the state's attorney to notify them of the outcome? Will the defendant be out on bail pending sentence? What is the likelihood that the defendant or his family will attempt to contact a juror? What can they do if that occurs?

- B. In criminal cases with an acquittal:

- What will happen next? Can the case be appealed/will there be re-trial? If the defendant has been incarcerated, will he be released immediately? What is the best way for a juror to respond if someone questions their verdict? What is the likelihood that the victim or his family will attempt to contact a juror? What can they do if that occurs?

- C. In a civil case:

- What will happen next? How does an appeal work? Can the judge set aside a jury verdict?

- III. Post-trial contact by attorneys or the media

- What is the likelihood that this will occur? What can I do if I'm contacted by the media or an attorney for either side?

- IV. Allow jurors a chance to ask questions

- IV. Dismiss the jurors

Sample – Post-Trial Letter to Jurors

Dear Juror:

It has been some time since you completed your jury service. I wanted to take the time to let you know that we in the judicial system appreciate the sacrifices you made to ensure that the right to a jury trial is maintained. The case you assisted with was an especially difficult one.

Sometimes after these types of cases are over, jurors may feel out-of-sorts, anxious, or irritable. These can be symptoms of stress related to exposure to disturbing testimony or images and the pressure of making a decision that has important ramifications for those involved.

I have enclosed some information about stress, that I hope you will find useful.

Sincerely,

District Court Judge

ATTACHMENT

Some of the most common stress reactions are:

- Poor concentration or memory
- Difficulty making decisions/Slowed problem-solving skills
- Repeatedly reviewing trial events in your mind
- Feelings of anxiety, fear, guilt, shame, sadness or grief
- General irritability
- Changes in eating or sleeping habits
- Emotional withdrawal from others

These feelings are perfectly normal when you have been through an emotionally trying situation. In most cases, they will pass quickly.

If you are experiencing a stress reaction, there are some things you can do to relieve it. These include:

- Allow yourself to accept that you have been through an intense and stressful event and that you saw or heard things that are bothering you;
- Make sure you are getting enough sleep and eating healthy; limit caffeine, alcohol, or nicotine;
- Try to get regular exercise
- Make a point of being around people who are supportive of you; besides your family and friends. Jurors who sit on a long or difficult case can form close attachments, some jurors find it beneficial to continue to meet informally for coffee or lunch
- When repetitive thoughts or bad memories occur distract yourself with physical activity, playing a video game, singing out loud, or reading
- Consult a mental health profession if your symptoms are severe or persist for an extended period of time.