

§ 7.3 Debriefing Sessions to Alleviate Juror Stress

Technique

For trials in which jurors are likely to experience severe emotional distress, the court employs a professional psychologist or social worker to “debrief” the jurors following the verdict. This technique is particularly appropriate for trials in which the evidence or testimony is especially gruesome, the trial provokes a great deal of media attention, or the trial is exceptionally lengthy or requires extraordinary measures (e.g., sequestration).

Issues

- What kinds of cases require professional debriefing?
- Under what authority do courts call for professional assistance?
- What training and expertise should the people who conduct juror debriefings have?
- How do courts locate or train these individuals?
- Who is responsible for the costs of juror debriefings?
- Should a professional psychologist or social worker be available to jurors during deliberations? Should debriefing sessions be offered to alternates?
- Should the jurors be informed that a post-verdict debriefing is available before they retire to deliberate?
- Do post-verdict debriefings affect the validity of the verdict?
- Does the doctor-patient privilege apply to debriefings conducted by professional psychologists, psychiatrists, or social workers?
- Who should attend the debriefing sessions? The judge? Court personnel? Attorneys?

Procedures

Some types of trials are highly stressful events for jurors that can provoke serious stress-related symptoms for significant periods of time after the trial has concluded. In those instances, the court should consider whether a professional debriefing session would help jurors cope with their emotional reactions and readjust to their regular lives. The debriefing consists of a short group session in which the jurors have an opportunity to explore and better understand their emotional reaction to the trial and to jury service. The debriefings also include a description of the symptoms commonly associated with juror stress (e.g., nightmares, depression, insomnia) and make recommendations to the jurors about appropriate stress-management techniques.

The debriefing session typically is held after the jury returns its verdict and is released from service by the trial judge. At that time, the judge explains that he or she

REFERENCES

THROUGH THE EYES OF THE JUROR: A MANUAL FOR JUROR STRESS (National Center for State Courts, 1998).

TIMOTHY R. MURPHY, PAULA L. HANNAFORD, GENEVRA K. LOVELAND & G. THOMAS MUNSTERMAN, MANAGING NOTORIOUS TRIALS 97-98 (National Center for State Courts, 1998) (discussing post-verdict trauma).

Leigh B. Bienen, *Helping Jurors Out: Post-Verdict Debriefing for Jurors in Emotionally Disturbing Trials*, 68 IND. L. J. 1333 (1993) (describing the trial experience from the juror's perspective and recommending post-verdict counseling for jurors in some trials).

Thomas L. Hafemeister & W. Larry Ventis, *Juror Stress: What Burden Have We Placed on Our Juries?* 56 TEX B. J. 586 (1993) (describing the psychological and physiological effects of jury service in notorious cases).

STUDIES

DAWN M. RUBIO, W. LARRY VENTIS & PAULA L. HANNAFORD, EVALUATION OF THE JURY DEBRIEFING PROGRAM OF KING COUNTY (August 2000) (evaluating and making recommendations on program operations).

James E. Kelly, *Addressing Juror Stress: A Trial Judge's Perspective*, 43 DRAKE L. REV. 97 (1994) (reporting that jurors in murder trials exhibited significantly higher symptoms of stress than jurors in other types of trials).

recognizes that the jurors have been under a great deal of stress and invites any jurors that are interested to attend a short debriefing session. Alternates, regardless of whether they participated in the deliberations, may also be invited to participate in debriefings. In some cases, the trial judge participates. If the jury returns its verdict late in the day, the debriefing session may be held the following day.

A professional psychologist, psychiatrist, or social worker with expertise in post-traumatic stress disorder (PTSD) generally conducts the debriefing. The court can inquire at local mental-health centers, nearby medical schools, or other community or regional resources for information about qualified professionals. The court is responsible for the costs of debriefing, although many professionals will conduct debriefings on a pro bono basis. Unless he or she has proper training, the judge should not attempt to conduct these debriefings.

Advantages

1. Jury debriefings reduce the post-verdict stress associated with jury service in emotionally trying cases.
2. Jury debriefings provide closure to the experience of jury service.
3. Jury debriefings safeguard the mental health of jurors, thus promoting public confidence in the judicial system.
4. Jury debriefings enhance juror satisfaction with the judicial process.

Disadvantages

1. Informing jurors that a post-verdict debriefing is available may cause or increase juror stress.
2. Informing jurors that a post-verdict debriefing is available may influence the verdict.

Stanley M. Kaplan
& Carolyn Winget,
*Occupational Hazards of
Jury Duty*, 20 BULL. AM. ACAD.
PSYCHIATRY & L. 325 (1992)
(describing the sources
of juror stress in criminal
trials and the incidence of
symptomatic expression
in jurors).

RELATED APPENDICES

Appendix 6: TIPS FOR COPING
AFTER JURY DUTY (brochure
distributed by the Superior
Court of Arizona,
Maricopa County)