“So, do you think there is anything we can know for certain?”

The question was directed at me by one of the prosecuting attorneys. We were in the midst of voir dire, and I happened to be one of the twelve persons seated in the jury box at the start of juror selection. Moments before, having looked over the responses on my juror information card, the D.A. had probably noticed that I was a professor, and his question likely reflected a concern that no amount of evidence presented by the state of Indiana would be sufficient to convince me of the defendant’s guilt. I don’t recall exactly what I said in response to his question about knowing anything with certainty, something along the lines of “maybe gravity.” Whatever it was, it did not get me kicked off the panel. I sat on a twelve-person jury that decided a case involving an SVF (Serious Violent Felon) charged with possession of a firearm. The evidence was entirely circumstantial—no one actually saw the defendant with a gun. According to the arresting officer, the defendant was chased into a house and challenged while coming out of a bedroom. He refused to show his hands, backed into the bedroom, closed the door, then came out a moment later with hands raised. A gun was found in the room, and the defense could not account for its presence. We ended up convicting, and the
whole experience was kind of surreal. I drove downtown in the morning, sat through an entire jury trial, deliberated for a couple hours, sent someone to prison, and arrived back home in time for a late supper. Every once in a while, I think about that case and hope that we made the right decision. I mean, no one actually saw the guy with a gun.

This book is about juries—specifically, how they make decisions. Unlike most books on juries, this one is not focused on how a particular jury reached a particular verdict. There is a “journalistic” model of jury research that attempts to do this—often in the wake of a high-profile case where the jury outrages the general public by inexplicably acquitting—but that is not the approach taken here. We in the community are always curious to learn what happened in the jury room of a major trial and draw our own conclusions about whether the jury “got it right”—and there is no harm in that. However, if we want to learn something about juries in general, we need to look beyond what an isolated jury does and consider the patterns that emerge across many jury decisions.

Over the last several years, when asked what this book is about, I invariably replied something to the effect that it summarizes the research on jury decision making and offers a theory based on that research. By research, I mean formal studies conducted by professional scholars using social science methods; by theory, I simply mean a thorough yet concise explanation of how juries operate. Considerably more scholarly attention has been devoted thus far to conducting empirical research than tying together the results. Relatively few efforts have been made to gather the many findings about juries and synthesize them into an overarching theoretical framework. Accordingly, that is the primary goal of this book and, as such, it differs from other scholarly books on juries that mostly represent critiques of the jury system or reviews of the empirical research in a specific domain. Books of the first type provide an evaluative perspective on the jury system; books of the second type aim to extract conclusions from a relatively well-defined body of research on a particular topic or question (e.g., the effectiveness of Scientific Jury Selection). In a nutshell, this book is more “saturated” in the empirical research than those of the first type and broader in scope than those of the second.

In terms of structure, this book is divided into three sections. The first section provides a methodological and theoretical foundation for the subsequent chapters. Chapter 1 offers an overview of jury research, including how it is done, how much is out there, what makes for a good empirical study, and some of the major milestones in the study of juries. Chapter 2 presents a comprehensive summary of existing theories that address the decision
making of juries. This includes theories of how individual jurors arrive at
their opinions as well as how juries as a whole make decisions.

The second section of the book summarizes what has been learned
about juries from social science research. Each of its five chapters addresses
research on a different set of variables that may influence jury decisions:
jury-related trial practices (chap. 3), the trial context (chap. 4), character-
istics of jurors and defendants (chap. 5), the evidence (chap. 6), and the
deliberation process (chap. 7). All forms of research relevant to the behav-
ior of jurors and juries are considered, including studies of individuals and
interacting groups, simulated trial situations and real trials, and civil as
well as criminal matters. Most major lines of research on juries are covered
somewhere in these five chapters. In this section, I aim to distill and pres-
ent the major findings that emerge from the literature on juries, highlight-
ing selected individual studies that represent some of the best “flagship”
research available along the way.

The final section of the book contains two chapters that present and dis-
cuss a new theory of jury decision making. Chapter 8 offers an integrative
“Multi-Level” theory of juror and jury decision making that builds on exist-
ing theory and major findings from the empirical literature. Chapter 9 dis-
cusses the contributions of the theory in terms of its implications for advanc-
our understanding of juries and applications in the courtroom.

This book is aimed primarily at students and jury scholars but should
also be of interest to legal professionals. It will be especially useful to those
who study juries, as well as those who work with them on a daily basis (e.g.,
judges, attorneys, and court staff). For jury scholars and students, this book
provides a good overview of the field, many testable research ideas, and
jumping-off points for literature reviews. For legal professionals, it offers
numerous insights into how juries operate and associated practical implica-
tions for the conduct of trials. Throughout the book, I have minimized the
technical aspects of the research presented in favor of emphasizing the bot-
tom line regarding what we have learned about juries—you definitely do not
need to be a scientist to get something out of it. Accordingly, this book may
also be of interest to general readers who just want to find out what science
has learned about the jury system.

One last thing: This book does not offer a sweeping conclusion about the
merits of the jury system. Like all human institutions, the jury system is not
perfect—the research clearly shows that jurors are sometimes affected by
“extralegal” variables, which should ideally have no impact. But the research
also shows convincingly that juries are heavily influenced by the evidence
and, in most trials, their decisions are consistent with the weight of it. There
is certainly no foolproof alternative when it comes to making legal decisions—human judgment will always be involved, and so error will always be possible. Thus, the overarching goal of this book is to call attention to the known limitations of human information processing in the context of jury decision making so that, going forward, a pretty good system can be made even better.