SYMBOLISM IN THE COURTROOM:
AN EXAMINATION OF THE INFLUENCE OF NON-VERBAL CUES
IN A DISTRICT COURT SETTING ON JUROR ABILITY TO FOCUS
ON THE EVIDENCE

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ABSTRACT

Described in this thesis is research that examined the influence of courtroom symbolism on jurors’ ability to focus on the evidence presented in a criminal trial. This research is unique as participants were ‘real’ jurors who had, at the time of participation in the research, recently completed deliberations on a District Court trial. To date no other research has explored the interaction between symbolism in the courtroom and the juror experience.

The broad research question examined in this research was: Do symbolic elements in the courtroom environment draw juror attention away from the evidence being presented?. Three theories drawn from environmental psychology were utilised in this research (i.e., environmental uncertainty theory, environmental arousal theory and environmental load theory). Additionally, Rapoport’s (1983, 1990) theory, which was drawn from the architectural field of knowledge, was utilised. Rapoport’s theory facilitated the measurement of symbolism in the form of environmental cues found in the courtroom.

To address the broad research question, eight subordinate research questions were formulated those being: (1) Do trait anxiety and court related factors influence the amount of attention jurors pay to the elements of the courtroom environment?, (2) Do trait anxiety and court related factors influence the effect on jurors of the attention they paid to the elements of the courtroom environment?, (3) Do trait anxiety and court related factors influence the sense of stress or arousal in jurors?, (4) Is there an association between attention paid by jurors to the environmental cues found in the courtroom, their ability to perform their role as a juror and their sense of appreciation for the function of the law?, (5) Is there an association between attention paid by jurors to the environmental cues in the courtroom and a state of elevated stress?, (6) Does the amount of attention paid by jurors to environmental cues found in the courtroom
diminish over time?, (7) Does the effect on jurors of the attention they paid to the environmental cues in the courtroom diminish over time? and, (8) Does the amount of stress jurors experience diminish over time?

The eight research questions were addressed in two studies. The first involved a survey of jurors who had completed deliberations in District Court trials in Brisbane and Cairns during the period 19th July, 2001 and 18th July, 2002 (N=192). This study examined the amount of attention jurors paid to four elements of the courtroom environment (i.e., the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence and the task of being a juror). Also examined in this study was the influence on jurors of the attention they paid to the elements of the courtroom environment. Juror experience of state anxiety as measured by the State Trait Anxiety Inventory [STAI] (Spielberger, 1983) was also examined. Additionally, the influence of trait anxiety as measured by the STAI (Spielberger, 1983) and court related factors (i.e., location of trial, prior jury experience, nature of the offence and length of trial) on the juror experience was examined. Two time frames were examined (i.e., initial contact with the courtroom and midpoint of juror experience) which allowed the examination of the influence of time on the juror experience.

Interviews with jurors who had completed the survey (N=19) comprised the second study. This study allowed jurors to describe their experience on a jury from a more personal perspective. The elements of the juror experience that distracted and reinforced their ability to focus on the evidence and facilitated a sense of appreciation for the function of the law were discussed. Also discussed were the elements of the juror experience that caused jurors to experience anxiety.

Overall, the findings of this research indicated that although symbolism in the courtroom was linked to juror anxiety, this was positive and facilitated juror attention
to the evidence and a sense of respect for the criminal justice system. That anxiety experienced by jurors facilitated their focus on the evidence is consistent with environmental arousal theory in that for optimum performance one must experience a certain level of arousal. Also confirmed by the findings of this research is environmental load theory, an element of which predicts that jurors will be task driven when experiencing environmental load. That these two theories are linked by an underlying construct is evidenced by the findings of this research. These findings open up possibilities for future theoretical research using environmental arousal theory and environmental load theory.

The findings of this research also suggest that jurors found the symbolism in the courtroom environment distracting and that some elements of the juror experience were onerous and stressful. However, previous experience in the courtroom and lower trait anxiety moderated these factors. Consequently, consistent with the results of this research courts might benefit from implementing an orientation program for prospective jurors such that they are familiarised with the courtroom environment. Such a program would moderate any distress experienced by jurors. In the context of such adjustments by the courts, the influence of symbolism in the courtroom are considered beneficial to the juror experience and there is no need for the courts to alter the courtroom setting or robing practices of lawyers.
DECLARATION

This work has not previously been submitted for a degree or diploma in any university. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the thesis itself.

Chris Richardson

10th February, 2006
TABLE OF CONTENTS

ABSTRACT iii
DECLARATION vii
LIST OF FIGURES xv
LIST OF TABLES xvii
ACKNOWLEDGEMENTS xxiii
CHAPTER 1 – INTRODUCTION AND OVERVIEW 1
  1.1 Introduction 1
  1.2 Overview Of This Research 1
  1.3 Theories Utilised In This Research 2
  1.4 The Studies 4
  1.5 Thesis Plan 5
CHAPTER 2 – JURORS IN THE COURTROOM – AN OVERVIEW 9
  2.1 Introduction 9
  2.2 Symbolism 10
    2.2.1 Symbols In The Wider Context 10
    2.2.2 Symbolism In The Courtroom 12
    2.2.3 The Impact Of Symbolism In The Courtroom On Laypersons 26
  2.3 Juries 27
    2.3.1 The Historical Development Of Juries 27
    2.3.2 The Role Of Juries In The Australian Legal System 29
    2.3.3 Jury Research 33
  2.4 Summary 47
CHAPTER 5 – STUDY 1 - SURVEY
METHOD & PRELIMINARY DATA ANALYSIS

5.1 Introduction

5.2 Participants

5.2.1 Personal Factors

5.2.2 Court Related Factors

5.3 Design

5.4 Materials

5.4.1 The Courtroom Environments

5.4.2 The Survey

5.5 Procedure

5.6 Review Of Methodological Issues

5.7 Data Screening

5.8 Data Recoding

5.8.1 Personal Factors

5.8.2 Court Related Factors

5.9 State Trait Anxiety Inventory [STAI]

5.10 Independent And Co-Varying Variables

5.11 Conclusion

CHAPTER 6 – THE INFLUENCE OF PERSONAL AND COURT RELATED FACTORS ON THE JUROR EXPERIENCE

6.1 Introduction

6.2 Research Question 1

6.2.1 Hypothesis 1.1

6.2.2 Hypothesis 1.2

6.2.3 Hypothesis 1.3
6.2.4 Hypothesis 1.4 161
6.2.5 Hypothesis 1.5 163
6.2.6 Conclusion 170
6.3 Research Question 2 171
6.3.1 Hypothesis 2.1 173
6.3.2 Hypothesis 2.2 174
6.3.3 Hypothesis 2.3 179
6.3.4 Hypothesis 2.4 182
6.3.5 Hypothesis 2.5 182
6.3.6 Conclusion 186
6.4 Research Question 3 187
6.4.1 Hypothesis 3.1 188
6.4.2 Hypothesis 3.2 190
6.4.3 Hypothesis 3.3 191
6.4.4 Hypothesis 3.4 192
6.4.5 Hypothesis 3.5 193
6.4.6 Conclusion 194
6.5 Summary Of Analyses 195

CHAPTER 7 – THE EFFECTS OF ATTENTION PAID TO THE COURTROOM ENVIRONMENT & TIME ON JURORS 199

7.1 Introduction 199
7.2 Research Question 4 200
7.2.1 Hypothesis 4.1 201
7.2.2 Conclusion 226
7.3 Research Question 5 228
CHAPTER 9 – CONCLUSIONS

9.1 Introduction

9.2 Theoretical Implications

9.2.1 Environmental Uncertainty Theory

9.2.2 Environmental Arousal Theory

9.2.3 Environmental Load Theory

9.2.4 Rapoport’s Theory

9.2.5 Synthesis Of Theories

9.2.6 Summary Of Findings

9.3 Practical Implications

9.4 Limitations And Strengths

9.5 Future Research

9.6 Concluding Remarks

APPENDIX A – Photographs of courtrooms in Brisbane and Cairns

APPENDIX B – Photographs of Cairns jury assembly room

APPENDIX C – Photographs of jury rooms in Brisbane and Cairns

APPENDIX D – Supreme Court Order dated 8th June, 2001

APPENDIX E – Supreme Court Order dated 19th June, 2001

APPENDIX F – Package provided to the courts for distribution

APPENDIX G – Schedule used to structure interviews with jurors

APPENDIX H – Transcript of interviews

REFERENCE LIST
# LIST OF FIGURES

<table>
<thead>
<tr>
<th>Figure #</th>
<th>Title</th>
<th>Page #</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Illustration of a typical criminal court in Queensland</td>
<td>16</td>
</tr>
<tr>
<td>2.2</td>
<td>Illustration of the robes worn by District Court Judges in contemporary Australian Courts</td>
<td>19</td>
</tr>
<tr>
<td>2.3</td>
<td>Illustration of the robes worn by Queens Counsel, Senior Counsel and Junior Barristers in contemporary Australian Courts</td>
<td>20</td>
</tr>
<tr>
<td>2.4</td>
<td>Illustration of the three types of wigs currently worn in contemporary Australian Courts</td>
<td>23</td>
</tr>
<tr>
<td>3.1</td>
<td>The Yerkes-Dodson Law – The inverted U shape relationship between arousal and performance on complex and easy tasks</td>
<td>65</td>
</tr>
<tr>
<td>4.1</td>
<td>Vantage points from which photographs of all courtrooms were taken</td>
<td>76</td>
</tr>
<tr>
<td>4.2</td>
<td>Photograph #1 of Cairns District Courtroom illustrating symbolic elements of the setting</td>
<td>78</td>
</tr>
<tr>
<td>4.3</td>
<td>Photograph #2 of Cairns District Courtroom illustrating symbolic elements of the setting</td>
<td>79</td>
</tr>
<tr>
<td>4.4</td>
<td>Photograph #3 of Cairns District Courtroom illustrating symbolic elements of the setting</td>
<td>80</td>
</tr>
<tr>
<td>4.5</td>
<td>Photograph #1 of older style Brisbane District Courtroom illustrating symbolic elements of the setting</td>
<td>81</td>
</tr>
<tr>
<td>4.6</td>
<td>Photograph #2 of older style Brisbane District Courtroom illustrating symbolic elements of the setting</td>
<td>82</td>
</tr>
<tr>
<td>4.7</td>
<td>Photograph #3 of older style Brisbane District Courtroom illustrating symbolic elements of the setting</td>
<td>83</td>
</tr>
<tr>
<td>4.8</td>
<td>Photograph #1 of newer style Brisbane District Courtroom illustrating symbolic elements of the setting</td>
<td>84</td>
</tr>
<tr>
<td>4.9</td>
<td>Photograph #2 of newer style Brisbane District Courtroom illustrating symbolic elements of the setting</td>
<td>85</td>
</tr>
<tr>
<td>4.10</td>
<td>Photograph #3 of newer style Brisbane District Courtroom illustrating symbolic elements of the setting</td>
<td>86</td>
</tr>
<tr>
<td>4.11</td>
<td>Model devised to represent juror experience from within the parameters of the theories used in this research</td>
<td>95</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>5.1</td>
<td>Page 2 of survey distributed to participants</td>
<td>124</td>
</tr>
<tr>
<td>5.2</td>
<td>Page 3 of survey distributed to participants</td>
<td>126</td>
</tr>
<tr>
<td>5.3</td>
<td>Page 4 of survey distributed to participants</td>
<td>128</td>
</tr>
<tr>
<td>5.4</td>
<td>Page 5 of survey distributed to participants</td>
<td>130</td>
</tr>
<tr>
<td>6.1</td>
<td>Section of the model illustrating the analyses associated with Research Question 1</td>
<td>147</td>
</tr>
<tr>
<td>6.2</td>
<td>Section of the model illustrating the analyses associated with Hypothesis 1.1</td>
<td>148</td>
</tr>
<tr>
<td>6.3</td>
<td>Section of the model illustrating the analyses associated with Hypothesis 1.2</td>
<td>155</td>
</tr>
<tr>
<td>6.4</td>
<td>Section of the model illustrating the analyses associated with Hypothesis 1.3</td>
<td>158</td>
</tr>
<tr>
<td>6.5</td>
<td>Section of the model illustrating the analyses associated with Hypothesis 1.4</td>
<td>162</td>
</tr>
<tr>
<td>6.6</td>
<td>Section of the model illustrating the analyses associated with Hypothesis 1.5</td>
<td>164</td>
</tr>
<tr>
<td>6.7</td>
<td>Section of the model illustrating the analyses associated with Research Question 2</td>
<td>173</td>
</tr>
<tr>
<td>6.8</td>
<td>Section of the model illustrating the analyses associated with Hypothesis 2.2</td>
<td>174</td>
</tr>
<tr>
<td>6.9</td>
<td>Section of the model illustrating the analyses associated with Hypothesis 2.3</td>
<td>180</td>
</tr>
<tr>
<td>6.10</td>
<td>Section of the model illustrating the analyses associated with Research Question 3</td>
<td>189</td>
</tr>
<tr>
<td>7.1</td>
<td>Section of the model illustrating the analyses associated with Research Question 4</td>
<td>200</td>
</tr>
<tr>
<td>7.2</td>
<td>Section of the model illustrating the analyses associated with Research Question 5</td>
<td>229</td>
</tr>
<tr>
<td>7.3</td>
<td>Section of the model illustrating the analyses associated with Research Question 6</td>
<td>243</td>
</tr>
<tr>
<td>7.4</td>
<td>Section of the model illustrating the analyses associated with Research Question 7</td>
<td>252</td>
</tr>
<tr>
<td>7.5</td>
<td>Section of the model illustrating the analyses associated with Research Question 8</td>
<td>257</td>
</tr>
</tbody>
</table>
# LIST OF TABLES

<table>
<thead>
<tr>
<th>Table #</th>
<th>Title</th>
<th>Page #</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1</td>
<td>Frequencies, means and standard deviations of personal factors and court related factors provided by participants in Part C of the survey</td>
<td>114</td>
</tr>
<tr>
<td>5.2</td>
<td>Means, standard deviations and paired t tests on ratings of the Cairns courtroom, older style Brisbane courtroom and newer style Brisbane courtroom</td>
<td>120</td>
</tr>
<tr>
<td>5.3</td>
<td>Reliability analysis of the STAI using Chronbach’s Alpha Value</td>
<td>141</td>
</tr>
<tr>
<td>5.4</td>
<td>Correlation matrix of personal and court related variables used in the analyses of the data</td>
<td>142</td>
</tr>
<tr>
<td>6.1</td>
<td>Means and standard deviations of attention paid to the courtroom design at initial contact with the courtroom</td>
<td>149</td>
</tr>
<tr>
<td>6.2</td>
<td>Means and standard deviations of attention paid to the appearance and behaviour of court officials at initial contact with the courtroom</td>
<td>150</td>
</tr>
<tr>
<td>6.3</td>
<td>Means and standard deviations of attention paid to the appearance and behaviour of those associated with the offence at initial contact with the courtroom</td>
<td>151</td>
</tr>
<tr>
<td>6.4</td>
<td>Means and standard deviations of attention paid to the task of being a juror at initial contact with the courtroom</td>
<td>152</td>
</tr>
<tr>
<td>6.5</td>
<td>Multivariate F tests for contribution of location of trial on attention paid to all elements of the courtroom environment</td>
<td>153</td>
</tr>
<tr>
<td>6.6</td>
<td>Multivariate F tests for contribution of prior jury experience on attention paid to the courtroom design, the appearance and behaviour of court officials and the appearance and behaviour of those associated with the offence.</td>
<td>156</td>
</tr>
<tr>
<td>6.7</td>
<td>Means, standard deviations, multivariate and univariate F tests for contribution of prior jury experience on attention paid to the task of being a juror at initial contact with the courtroom</td>
<td>157</td>
</tr>
<tr>
<td>6.8</td>
<td>Multivariate F tests for contribution of nature of the offence on attention paid to the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of the relatives and friends of the accused, the victim and the relatives and friends of the victim and the task of being a juror</td>
<td>159</td>
</tr>
</tbody>
</table>
6.9 Means, standard deviations, multivariate and univariate F tests for contribution of nature of the offence on attention paid to the appearance and behaviour of the accused at initial contact with the courtroom

6.10 Summary of hierarchical regression analyses for contribution of trait anxiety on attention paid to all elements of the courtroom environment

6.11 Means and standard deviations of attention paid to the courtroom design at midpoint of participants' experience in the courtroom

6.12 Means and standard deviations of attention paid to the appearance and behaviour of court officials at midpoint of participants' experience in the courtroom

6.13 Means and standard deviations of attention paid to the appearance and behaviour of those associated with the offence at midpoint of participants' experience in the courtroom

6.14 Means and standard deviations of attention paid to the task of being a juror at midpoint of participants' experience in the courtroom

6.15 Summary of hierarchical regression analyses for contribution of length of trial on attention paid to all elements in the courtroom.

6.16 Means and standard deviations of the effect on participants of the attention they paid to the courtroom design at initial contact with the courtroom

6.17 Means and standard deviations of the effect on participants of the attention they paid to the appearance and behaviour of court officials at initial contact with the courtroom

6.18 Means and standard deviations of the effect on participants of the attention they paid to those associated with the offence at initial contact with the courtroom

6.19 Means and standard deviations of the effect on participants of the attention they paid to the task of being a juror at initial contact with the courtroom

6.20 Multivariate F tests for contribution of prior jury experience on the effect on participants of the attention they paid to all elements of the courtroom environment

6.21 Multivariate F tests for contribution of nature of the offence on the effect on participants of the attention they paid to all elements of the courtroom environment
Means and standard deviations of the effect on participants of the attention they paid to the courtroom design at midpoint of their experience.

Means and standard deviations of the effect on participants of the attention they paid to the appearance and behaviour of court officials at midpoint of their experience.

Means and standard deviations of the effect on participants of the attention they paid to the appearance and behaviour of those associated with the offence at midpoint of their experience.

Means and standard deviations of the effect on participants of the attention they paid to the task of being a juror at the midpoint of their experience in the courtroom.

Summary of hierarchical regression analysis for the influence of prior jury experience on state anxiety at initial contact with the courtroom.

Summary of hierarchical regression analysis for the influence of trait anxiety on state anxiety experienced by participants at initial contact with the courtroom.

Results of canonical correlations conducted for the effect on participants of the attention they paid to all elements of the courtroom environment.

Coefficients for the canonical variates for the relationship between attention paid to the courtroom design and the effect on participants.

Coefficients for the canonical variates for the relationship between attention paid to the appearance and behaviour of court officials and the effect on participants.

Coefficients for the canonical variates for the relationship between attention paid to the appearance and behaviour of the accused and the effect on participants.

Coefficients for the canonical variates for the relationship between attention paid to the appearance and behaviour of the relatives and friends of the accused and the effect on participants.

Coefficients for the canonical variates for the relationship between attention paid to the appearance and behaviour of the victim and the effect on participants.
7.7 Coefficients for the canonical variates for the relationship between attention paid to the appearance and behaviour of the relatives and friends of the victim and the effect on participants 222

7.8 Coefficients for the canonical variates for the relationship between attention paid to the task of being a juror and the effect on participants 224

7.9 Summary of hierarchical regression analysis for the influence of the effect on participants of the attention they paid to the courtroom design on state anxiety 230

7.10 Summary of hierarchical regression analysis for the influence of the effect on participants of the attention they paid to the appearance and behaviour of court officials on state anxiety 233

7.11 Summary of hierarchical regression analysis for the influence of the effect on participants of the attention they paid to the appearance and behaviour of those associated with the offence on state anxiety 236

7.12 Summary of hierarchical regression analysis for the influence of the effect on participants of the attention they paid to the task of being a juror on state anxiety 238

7.13 Means, standard deviations, multivariate and univariate F tests for the effect of time on attention paid to the courtroom design 245

7.14 Means, standard deviations, multivariate and univariate F tests for the effect of time on attention paid to the appearance and behaviour of court officials 246

7.15 Means, standard deviations, multivariate and univariate F tests for the effect of time on attention paid to the appearance and behaviour of the accused 247

7.16 Means, standard deviations, multivariate and univariate F tests for the effect of time on attention paid to the appearance and behaviour of relatives and friends of the accused 248

7.17 Means, standard deviations, multivariate and univariate F tests for the effect of time on attention paid to the appearance and behaviour of the victim 249

7.18 Means, standard deviations, multivariate and univariate F tests for the effect of time on attention paid to the task of being a juror 250

7.19 Means, standard deviations, multivariate and univariate F tests for the influence of time on the effect on participants of the attention they paid to the courtroom design 253
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.20</td>
<td>Means, standard deviations, multivariate and univariate F tests for the influence of time on the effect on participants of the attention they paid to the appearance and behaviour of court officials</td>
<td>254</td>
</tr>
<tr>
<td>7.21</td>
<td>Means, standard deviations, multivariate and univariate F tests for the influence of time on the effect on participants of the attention they paid to the appearance and behaviour of those associated with the offence</td>
<td>255</td>
</tr>
<tr>
<td>8.1</td>
<td>Frequencies, means and standard deviations of personal factors and court related factors provided by jurors who participated in the interview process</td>
<td>266</td>
</tr>
<tr>
<td>8.2</td>
<td>Description of jurors who agreed to participate in interviews</td>
<td>267</td>
</tr>
</tbody>
</table>
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Finally, this thesis is dedicated to the memory of my father, Major Gordon Ray Richardson M.B.E. who, for as long as I can remember, encouraged an enquiring mind in his eldest daughter during sundry philosophical discussions over many lunches and very long telephone calls.
CHAPTER 1

INTRODUCTION AND OVERVIEW

1.1 Introduction

In this chapter the development of the two studies associated with this research is briefly discussed. This is followed by a brief outline of the theories that support this research. The two studies conducted in this research are then described and then a thesis plan is presented.

1.2 Overview Of This Research

The primary focus of this research was to examine the impact of symbolism in the District Court on juror ability to focus on the evidence. This research was conducted in the context of an ongoing debate in the legal profession about whether robing practices of judges and barristers (i.e., the wearing of wigs and robes in court) are appropriate. On one hand some consider the use of symbolism in the courtroom an antiquated practice that elevates the laypersons’ level of stress. On the other hand, some consider that the use of symbolism in the courtroom facilitates a sense of respect for the legal process and that robing practices are a necessary part of lawyers’ preparation for their practice of the law.

Lawyers have for some time called for a scientific examination of the impact on lay people of robing practices and although the debate has been ongoing for several decades, until now, no such investigation has been conducted. Consequently this research is unique in that it investigates the relationship between the juror as a relatively naive individual and an environment in which symbolic representations abound. The courtroom environment is one of only a few environments in western civilisation in which symbolic representations remain a significant factor.
The above-mentioned debate relates only to the robing practices of lawyers. However, this research was not limited to the examination of the influence of robing practices of lawyers on jurors’ ability to focus on the evidence. Also examined was the influence on jurors of the idiosyncratic traditions associated with lawyer behaviour in court (e.g., bowing to the judge) along with the symbolic representations of justice found in the actual courtroom environment (e.g., the judge’s bench being elevated). The influence of the appearance and behaviour of all involved in the trial and the task of being a juror on juror ability to focus on the evidence was also examined in this research. The broad research question examined in this research was therefore:

“Do symbolic elements in the courtroom environment draw juror attention away from the evidence being presented?”

1.3 Theories Utilised In This Research

To examine the influence of symbolic representations in the courtroom environment on juror attention to the evidence, this research utilised three psychological theories, those being environmental uncertainty theory, environmental arousal theory and environmental load theory. Each of these theories were drawn from environmental psychology. Additionally a theory devised by Amos Rapoport (1983, 1990) which was drawn from the architectural field of knowledge was utilised. All four theories allowed the examination of the juror experience in the complex courtroom environment.

For each of the four theories, the fundamental unit of analysis is the ‘person in environment continuum’ rather than the less holistic and static analysis of the interaction between the individual and his or her environment. Environmental psychology allowed the exploration of the dynamic phenomena associated with the influence of the environment on the individual and vice versa. In environmental
psychology there is a recognition of the interface between the individual and his or her environment. Each aspect of the interface is intricately linked to each other and changes in one ultimately lead to changes in the other. It was this interface, in the context of the juror experience in the courtroom environment that was examined in this research.

Briefly, environmental uncertainty theory predicts that those who interact with an environment of which they have little knowledge will experience environmental uncertainty, particularly if the environment is complex in nature. Environmental arousal theory predicts that as a result of being in a complex environment arousal may result and any elevation in arousal will reduce performance, particularly for complex tasks. Environmental arousal theory also proposes that a certain level of arousal in an environment is required for optimum performance, this is described by the Yerkes-Dodson Law. Environmental load theory states that the individual can only process a certain amount of input from the environment and once critical mass has been reached overload is experienced. Once overload is experienced the individual will limit their attention to either the task at hand or the element of their experience that is causing overload. Environmental load theory also states that it is only after a period of rest or normalisation that ‘normal’ function can be resumed.

Rapoport’s (1983, 1990) theory facilitates the examination of the way in which environments communicate with individuals in the setting. Rapoport proposes that the environment communicates with the individual via environmental cues, which are similar to the subtle cues associated with body language in communications between individuals. Rapoport’s (1983, 1990) theory provided a mechanism to quantify symbolism in the courtroom environment.

To summarise, whilst Rapoport’s (1983, 1990) theory provided a mechanism for the measurement of environmental cues in the courtroom setting, the three psychological theories drawn from environmental psychology allowed the examination
of the influence of environmental cues found in the courtroom on the juror. Each of these theories describe the behaviour of an individual who finds himself or herself in a complex environment and according to the parameters of Rapoport’s (1983, 1990) theory the courtroom environment is extraordinarily complex.

These four theories have formed the basis of the current research. It was expected that jurors would experience environmental uncertainty, environmental arousal and environmental load as a result of contact with the environmental cues found in the courtroom setting. As a consequence, it was expected jurors would experience stress and focus their attention on the cues in the environment such that they could normalise their experience. The effect of their experience was expected to reduce performance and take juror focus off the evidence such that they were able to regain a sense of equilibrium in the setting.

Two studies were conducted to examine these theories in the context of the juror experience in the courtroom setting. These are briefly described in the next section.

1.4 The Studies

This research is unique in that the experience of jurors who had actually undergone the processes associated with being empanelled on a jury was examined. As a result of the sanctity of the juror deliberation process, the courts in Queensland have determined that access to jurors should be restricted. Consequently, to conduct the studies associated with this research a Supreme Court Order was required. The court system imposed significant restrictions on the study, however the Supreme Court Order allowed two studies to be conducted, one in survey format and the other as semi structured interviews with jurors.
The survey examined attention paid by jurors to four elements of the courtroom environment (i.e., the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence and the task of being a juror). Also examined was the effect on jurors of the attention they paid to the elements of the courtroom environment (i.e., their ability to perform their role as a juror and their sense of respect for the function of the law) and state anxiety experienced by jurors. Two time frames of the juror experience were examined in the survey, those being initial contact with the courtroom environment and at midpoint of juror experience.

After completing the survey jurors were asked to consider participating in an interview to further examine their experience as a juror. The interviews allowed the examination of the more personal elements of the juror experience, but focused mainly on those factors in the courtroom that distracted or reinforced juror focus on the evidence and/or caused anxiety.

1.5 Thesis Plan

This thesis has nine chapters which broadly incorporate a discussion of symbolism in courtrooms, an historical description of juries and courtrooms, a discussion of the theories used in this research, a description of the juror experience in contemporary courtrooms, a description of the methodological issues and data analyses associated with both studies and a conclusion. Specifically:

In Chapter 2 the complex nature of the juror experience in the courtroom from an historical perspective as well as in the context of the contemporary criminal justice system is described. The overall nature of symbolism in contemporary society is initially discussed and then symbolism in the courtroom is discussed from both an historical and contemporary perspective. Issues surrounding the antecedents of courtroom design
and robing practices of lawyers are then presented. This is followed by a discussion about the impact of symbolism in the courtroom on laypersons. The history of juries and the role of juries in the Australian legal system are then discussed. This is followed by an examination of jury research, with a particular emphasis on the previous research on which this study is based.

In Chapter 3 the theoretical foundation of this research is described. The particular focus of this chapter is the description of Rapoport’s (1983, 1990) theory and the three theories drawn from environmental psychology, those being environmental uncertainty theory, environmental arousal theory and environmental load theory.

In Chapter 4 an overview of the juror experience in the Queensland court system is presented. In this chapter photographs of District courtrooms are presented. Then the juror experience in the context of the Queensland Jury Act 1995 (As Amended) is presented. Also discussed in this chapter are the issues associated with gaining access to jurors for the purposes of research in Queensland. Additionally, the process of obtaining the Supreme Court Order which allowed this research to be conducted is described. A model which was developed to illustrate the juror experience in the courtroom and which facilitated the analysis of the data is then presented. Following from this the eight subordinate research questions and associated hypotheses around which the studies were conducted are presented.

In Chapter 5 the method associated with the first study, that being the survey distributed to jurors, is described. This chapter also outlines the initial data analyses which culminated in the development of a rationale for the inclusion of the independent variables and covariates used in the quantitative analyses of the data.

In Chapter 6 the quantitative analyses associated with the influence of trait anxiety and court related factors on the attention paid by jurors to the elements of the courtroom environment are presented. Also described in this chapter are the analyses
associated with the influence of trait anxiety and court related factors on the effect on jurors of the attention they paid to the elements of the courtroom environment. The analyses associated with research questions one, two and three and associated hypotheses are described in this chapter.

In Chapter 7 the further quantitative analyses of responses to the survey is presented. However, the initial focus of this chapter is the direct influence on participants of the attention they paid to the elements of the courtroom environment. Also described in this chapter are the analyses of the data associated with the influence of time on the attention paid by jurors to the elements of the courtroom environment and the influence of time on the effect on participants of the attention they paid to the elements of the courtroom environment. The analyses associated with research questions four to eight and associated hypotheses are described in this chapter.

In Chapter 8 the methodological issues associated with study two, that being interviews with jurors, are described. Also presented is a rationale for the qualitative data analysis and finally the two main themes that arose out of the interviews are presented. The analysis associated with research questions four and five, in the context of data obtained from the interviews, is described in this chapter.

Finally, in Chapter 9 an overview of this research is presented. In this chapter the findings of this research are discussed in the context of the research questions and the theories which provided the foundation of this research. Also discussed are the practical implications of this research, the limitations and strengths of this research and suggestions for future research.
CHAPTER 2

JURORS IN THE COURTROOM – AN OVERVIEW

2.1 Introduction

That juries play an important role and function in the contemporary legal system and symbolism remains a significant factor in courtroom practices and environment is the fundamental precept of this thesis. It is the influence of symbolism in the courtroom environment on the ability of jurors to attend to the evidence that was examined in this research.

Described in this chapter is the complex nature of the juror experience in the courtroom, which is an environment laden with symbolism. The foundation of the complexity of the courtroom is discussed, with a particular emphasis on the symbolic nature of the environment. Also discussed is the historical basis of the use and makeup of juries in criminal courts. An overview of the development of the jury system found in contemporary society along with a discussion of recent jury research is then presented.

The courtroom environment is one of the few contemporary environments in which symbolism is explicitly evident. It is therefore important to consider the impact of symbolism in the courtroom environment on jurors. The influence of symbolism in the courtroom environment on jurors may have significant implications in terms of a just outcome in any trial in which jurors play a part. Jurors are required to make sense of the symbolism embedded in the courtroom environment as well as to make sense of the evidence and then make a decision as to the culpability of the individual being tried. If jurors are confused or distressed at any point of their experience in the courtroom, then it is contended that a just outcome may be compromised by the juror experience. Symbolism found in the courtroom will arguably play a significant role with respect to contributing to any distress or confusion experienced by jurors.
2.2 Symbolism

In this section of the chapter the importance of symbols and the use of symbols as a way of communicating complex concepts in any given society is described. This is then followed by a description of the historical development of symbolism found in the courtroom. Examples of symbolic representations found in the courtroom environment include the use of robing practices by judges and lawyers, the expected behaviours, such as bowing to the judge when entering the courtroom and the use of symbols in the architecture, such as the Coat of Arms behind the judge’s bench.

2.2.1 Symbols In The Wider Context

Symbols are things “regarded by general consent as naturally typifying or representing something... an object, idea, function or process” (Moore, 1996, p. 1101). They are an abstraction by human beings of complex concepts. They are not always real or tangible things, but are a way of using one thing to infer meaning on another (Johnston, 1998). This is particularly salient when the ‘thing’ being represented is a complex or abstract concept (Johnston, 1998; Levi Strauss, 1968). The use of symbols provides a way we, as humans, create and understand our reality (Johnston, 1998).

For a symbol to retain validity in any culture or social setting, the symbol “must be capable of conveying meaning” (Langer, 1957, p. 53) and the interpreter must be aware of such meanings (Rapoport, 1990). Additionally, if the symbolic representation is to be utilised to the fullest potential, the symbol must convey meaning in a manner that is accessible to and understood by all participants. The way in which a symbol appropriates and conveys meaning is established in the social context in which the symbol is embedded (Turner, 1967). Consequently, the use of symbols is a social and

Whilst the genesis of a symbol is embedded in a social and cultural context, the use of symbols is not limited to social interactions. Symbolic interactions are also found in transactions between the individual and his or her environment, or ‘things’ in the environment (Csikszentmihalyi & Rochberg-Halton, 1981). An object in the environment may hold great symbolic meaning for an individual (Csikszentmihalyi & Rochberg-Halton, 1981). Additionally, the interaction an individual has with such an object may elicit a significant emotional and cognitive response, depending on the meaning attributed to the object by the individual (Csikszentmihalyi & Rochberg-Halton, 1981; Turner, 1967). The meaning ascribed to the object is generally established in the personal and cultural background of the individual and object. Thus the meaning of an object in terms of symbolic effect or affect on the individual has a socio-temporal element that is difficult to determine and/or quantify. Nonetheless, symbols and their meanings are manifest in many aspects of human interactions, whether they are with other individuals or with the environment.

An examination of symbolic interactions between an individual and the environment must consider the many facets of such an interaction. Whether symbolism is evident in the environment is one particular feature of the event, as is the awareness one has with regards to the level of symbolism in the environment. Additionally, whether the individual is able to interpret and understand the symbolism found in the environment is of paramount importance. In contemporary Western society, environments in which symbolism (in the strict sense of the word) is evident have

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1 There is a growing literature however, that indicates that chimpanzees are able to respond to symbols, particularly language (Begley, 1998, 1999; Spinozzi & Langer, 1999; Wong, 1999), and that they are able to operate from within the symbolic structure of a culture (Boesch & Tomasello, 1998). Notwithstanding such contentions by researchers however, the use of symbols and symbolism is generally considered available only to members of the human race, particularly from a social science perspective (Langer, 1962).
declined significantly (Brown, 1992; Healey, 2000; Rapoport, 1990). Consequently, the capacity of those who are members of contemporary Western society to notice and understand the meaning represented in symbolic form is diminishing (Brown, 1992; Healey, 2000; Rapoport, 1990). It is an aspect of this particular phenomenon that was examined in this thesis.

2.2.2 Symbolism In The Courtroom

The courtroom environment is one of the few environments in contemporary society in which significant symbolic representations are found (Brown, 1992; Reeves, 1992). Such representations are maintained by the judicial system in England, and by extension, Australia as a way of promoting the dignity of the court process and communicating the sombre and formal nature of the legal process (Greenberg, 1976b; Langdon, 1997; Lord Chancellor’s Department, 1992; Parker, 1998; Rozenberg, 1996). As with all symbolic representations, the origins of symbolism in the courtroom can be found in the social and cultural milieu in which it is established. The significance of such symbolic representations in Australian courts can be traced back to medieval English law, which underpins the historical foundation of the Australian legal system.

2.2.2.1 Courtroom design - An historical view

Originally, courthouses and courtrooms were designed in a way that implied and portrayed the sombre and formalised nature of the legal domain (Greenberg, 1976b; Parker, 1998). The location and design of historical courthouses both implicitly and explicitly symbolised the distinction of the law (Nicholson, 1993), such that it was ascribed a superior position relative to the mundane world of the general population (Asma, 1996). Courthouses were also expected to exemplify the role and prestigious status law had in society (Department of Construction and Facility Management,
Administrative Services Section, 1998; Langdon, 1997). The legal domain was symbolised as being representative of an earthly link between the higher powers of the Gods and monarchy on the one hand, and the profane behaviours of those who dwelt on the earthly plane on the other (Asma, 1996; Greenberg, 1976b). Consequently, architects used symbolism in their designs to enhance and facilitate the sense of importance and distinction of the legal domain to any person who entered the setting.

Architects were able to convey a sense of order and dignity in the courthouses they designed. In this respect they built courthouses that portrayed the view society had about justice and issues of a legal nature at the time of construction (Langdon, 1997). Therefore, earlier courthouses were modelled on the idea of a higher order that the law was expected to exemplify (Asma, 1996; Muhr, 1996). It was within the walls of the courthouse that the profane behaviour of mortals was played out before a representative of the higher order. Thus, the performance was consummated before the ubiquitous presence of God or the monarchy, and in many historical courthouses depictions of the particular religious order that controlled society at the time of construction were incorporated into the architectural design (Asma, 1996; Greenberg, 1976b; Muhr, 1996). Consequently, the law and issues of justice were elevated to a realm that was superior to that of the ordinary individual. Generally therefore, the legal system was, in a sense, ascribed authority and power, in part, as a result of being represented in the symbolic form.

More specifically, the actual courtroom environment was originally designed in such a fashion that those who were considered to embody ‘the law’ were elevated and removed from the layperson (Langdon, 1997). Such design symbolised the legitimacy of the power attributed to the legal representatives by the society in which they dwelt along with the social values relating to law and order at the time (Asma, 1996; Langdon, 1997). In this respect, the judge was elevated on the bench with a crucifix or Coat of
Arms placed on the wall behind him\textsuperscript{2}. Hence the judge represented, in a symbolic form, the embodiment of God or the monarchy (Asma, 1996; Foucault, trans. 1991; Greenberg, 1976b). It was the judge’s role to be the “impartial arbiter” (Langdon, 1997, p. 55). Consequently, the judge was elevated in a way that symbolically placed him closer to God or the Monarch, or alternately further away from the profane behaviours of those who were members of ordinary humanity (Asma, 1996).

The balance of the courtroom design placed further distinctions between the legal representative and the ordinary individual (Asma, 1996; Greenberg, 1976a; Langdon, 1997). The defence and prosecution were considered equals and were placed at tables that faced the judge. Although their tables were equal in elevation in the courtroom, the defence lawyers’ and prosecutors’ tables were at a lower elevation than the judges’ bench. This allowed a direct axial relationship between the lawyers and the judge (Greenberg, 1976a) and facilitated the pivotal channel of discourse within the proceedings (Asma, 1996). The accused were placed in the dock in order to keep them in safe custody as well as to isolate the “filth-ridden prisoners” from others in the courtroom (Castles, 1982, p. 344). Jurors were placed to the side of the courtroom in a jury box in a fashion that allowed them to be divorced from the relationship between the judge and the lawyers, but which also allowed them an unrestricted view of the proceedings (Greenberg, 1976a). This placement symbolised the impartiality of jurors, and allowed them to follow the proceedings from an apparently unprejudiced vantage point (Asma, 1996; Greenberg, 1967a). Consequently, the very positioning of the participants and the furniture in a courtroom was loaded with symbolic

\textsuperscript{2} It is noted that members of both genders are well represented in both judicial and legal domains in contemporary courtrooms. However, in the context of the historical development of courtroom design, judicial robes etc., the legal domain was not one in which females were permitted until recently. Consequently, when discussing this aspect of legal history, the terms “him”, “his” or “he” are considered appropriate when referring to legal representatives or judges in this context.
representations of a higher order that was expected to obtain, or determine, a just outcome in the proceedings.

### 2.2.2.2 Contemporary courtrooms in Australia

Evidence of symbolism in historical courtrooms is manifest in contemporary courts (Asma, 1996). In Australian courtrooms, the physical placement of the judge, lawyers, defendant, jury and laypeople remains similar to that found in historical English courts. The Australian legal system has attained some semblance of independence from the British system over the past two centuries (Crawford, 1988; Kercher, 1995). Nonetheless, much of the symbolism found in English courtrooms has been maintained in Australian courts (Crawford, 1988; Kercher, 1995). In effect therefore, the symbolic nature of courtrooms in Australia is the result of the historical and social milieu that influenced their genesis and ongoing development.

Shown in Figure 2.1 is a generic criminal courtroom as depicted, in caricature, by the Queensland Courts in the Jury Handbook (2005) that is provided to jurors at first contact with the Queensland Courts. That the court system in Queensland has chosen to represent the courtroom in caricature is interesting. One reason for using a caricature relates to a direction by the Chief Justice and Chief Judge in Queensland that taking photographs of courtrooms, particularly those in session, is unlawful (personal communication Neal Hansen, Sheriff of Queensland, October 4, 2005). Practical reasons also arguably came into play when considering the use of caricature rather than photographs in that it is easier to depict a large complex space with the use of graphical representations (personal communication Ian McGoldrick, Manager, Public Affairs Unit, Department of Justice and Attorney General, October 4, 2005).
Figure 2.1. Illustration of a typical criminal court in Queensland (Queensland Courts, 2005, p. 12).

The explicit reasoning for the decision to use caricature could not be confirmed because those who made the decision no longer work for the Department of Justice and Attorney General (personal communication Ian McGoldrick, Manager, Public Affairs Unit, Department of Justice and Attorney General, October 4, 2005). However, it is possible that this form of representation has been used to facilitate an understanding by jurors of the function of the courtroom setting whilst also attempting to alleviate any stress or distress jurors may experience around the uniqueness of the environment (personal communication Public Affairs Unit, Department of Justice and Attorney General, October 4, 2005). Nonetheless, even in caricature, it is possible to see that contemporary courtrooms are laden with symbolic representations of the distinction and function of the law. The architectural elements of the courtroom environment in
which symbolic representations are found are depicted in the illustration (e.g., the judge’s bench being elevated and the defence and prosecution being at similar elevations) as are the wigs and robes worn by judges and barristers. These also have an historical foundation similar to that of the design of the courtroom environment.

2.2.2.3 Robing practices - An historical view

The robes worn by legal practitioners are a further symbolic form of removing the law from the mundane (Asma, 1996). Contemporary robing practices can also be traced back to medieval times in English history (Baker, 1975, 1978; Carlyle, 1986; Reeves, 1992; Rozenberg, 1996; Windeyer, 1974). Robing practices were originally derived from the culturally accepted dress of the 15th century (Baker, 1975, 1978; Carlyle, 1986; Windeyer, 1974). Judges and barristers wore robes to emphasise the distinction between representatives of the law, as learned individuals, and the ordinary person (Baker, 1975, 1978; Carlyle, 1986; Windeyer, 1974). Such distinctions were apparent in court as well as in general social interactions. It was expected that the robed legal representative would be accorded respect on the basis of his position in society, his academic ability and his representation of the law (Baker, 1975, 1978; Carlyle, 1986; Lord Chancellor’s Department, 1992; Windeyer, 1974).

Judges’ robes. During the early stages of development, the design and types of robes originally worn by judges were dictated by the socially accepted fashion at the time (Baker, 1975, 1978). As all judges were drawn from the ranks of the serjeants-at-law (Baker, 1978; Carlyle, 1986), the robes worn by judges were derived from those worn by serjeants-at-law (Baker, 1978). Serjeants-at-law were a group of individuals who had, by decree of the monarch, “exclusive right of audience in the court” (Maitland, 1910, p. 39). The dress of serjeants-at-law was once again dictated by the dress code of the era and was originally their “private dress” (Baker, 1975, p. 15). Whilst
the style changed significantly over the years, judges’ robes remained predominantly in line with those robes being worn by members of the elite and academe. Serjeants-at-law and judges wore robes that represented their elevated status in society along with their professional status. At all times, the judge and serjeant-at-law were expected to appear in apparel that was appropriate for their stature or position in the community in which they dwelt (Baker, 1975).

Regulation of the robing practices of judges occurred in 1635 (Baker, 1978). The Judges’ Rules of 1635 dictated the types of robes to be worn by judges during the different terms of the year and gave specific directions as to how the robes were to be arranged on the judges’ body (Baker, 1978). Whilst there have been some concessions to fashion and era, the robing practices of contemporary judges remains predominantly in line with the rules and regulations of the 1635 Act (Baker, 1978; Carlyle, 1986). Judges sitting in early Australian courts were “appointed from England” (Windeyer, 1974, p. 402), consequently, their robing practices were based on traditional dress in England. Although there was much discussion during the 1800’s as to whether traditional English dress should be worn in Australia’s climate, both legal and meteorological (Kercher, 1995), the robes worn by contemporary judges remain similar to those worn by judges who sat on the bench during the early stages of the Australian legal system. Figure 2.2 illustrates the robes worn by contemporary Australian district court judges when in court.

**Barristers’ robes.** The Judicature Acts of 1873-1875 brought sweeping changes to the British legal system, the most significant of which (in terms of this discussion), was the decline of serjeants-at-law (Baker, 1978; Maitland, 1910; Windeyer, 1974). In the late 19th century, the serjeants-at-law were “superseded by Queen’s Counsel” (Windeyer, 1974, p. 401) and the ranks of the serjeants-at-law began to dwindle with the last serjeant-at-law dying in 1921 (Windeyer, 1974). Junior barristers,
or ‘apprentices’, as they were then known, were not ‘heard’ by the court until the decline of the serjeants-at-law (Baker, 1975; Maitland, 1910).

There was originally no regulation relating to the dress of barristers (Maitland, 1910), and the gown used by barristers is generally accepted as being originally donned in 1685 as mourning dress after the death of King Charles II (Baker, 1975; Rozenberg, 1996). Whilst there is some debate about the specific antecedents of barristers’ robes, the general use of the black gown was well and truly established by the 18th century (Windeyer, 1974). It has largely remained the same since (Baker, 1975; Carlyle, 1986). Members of the bar wear stuff gowns and Queen’s Counsel [Q.C.], or as they have been
known since 1994, Senior Counsel [S.C.]\(^3\), wear gowns made of silk in line with rulings of the General Council of the Bar (Windeyer, 1974). Figure 2.3 illustrates the stuff gown worn by contemporary barristers in Australian courts. The design of the gowns worn by a Q.C. or S.C. resembles that worn by a barrister, the specific distinction being the material from which the gown is made.

![Illustration of the robes worn by Queens Counsel, Senior Counsel and Junior Barristers in contemporary Australian Courts (Gaspard & Sons Ltd. 2001).](image)

**Wigs.** The use of wigs was not traditionally an element of legal dress. Wigs became fashionable in the 18\(^{th}\) century and were a statement of social status.

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\(^3\) Personal Communication Robyn Moore, Office Manager, Bar Association of Queensland, October 17, 2005.
rather than a distinctive part of the robing practices of the legal profession (McLaren, 1999; Windeyer, 1974).

During the 13th century, the only headdress worn by serjeants-at-law and judges was a coif (McLaren, 1999). Coifs were white silk caps, which were fastened under the chin (McLaren, 1999; Windeyer, 1974). The coif had symbolic significance in that receiving it was part of an investiture procedure associated with becoming a member of the ranks of serjeants-at-law (McLaren, 1999). In the 16th century judges began wearing black caps under which they wore the coif. Serjeants-at-law wore the same headdress, but they were unable to wear the cap in court and carried it with them under their arm (McLaren, 1999). When the Judges’ Rules of 1635 were invoked, all judges and serjeants-at-law were required to wear the cap as a matter of course. The wearing of the cap extended to some social settings, including attendance at church on Sundays (McLaren, 1999).

The wig became fashionable during the reign of Louis XIII in France. The wig became a symbolic representation of members of the aristocracy (McLaren, 1999) and at the end of the 18th century, wigs were worn by fashionably astute members of the higher social classes, including judges and serjeants-at-law. Wigs went out of fashion during the reign of King George III and at the end of the 19th century were worn only by “judges, barristers, coachmen and bishops” (Reeves, 1992, p. 809). However, wigs were officially sanctioned by the court in 1844 and it became the custom that to appear in court and to be ‘heard’ or ‘seen’ by a judge or the court, a barrister must be properly clothed, including the wearing of ‘correct’ headdress (McLaren, 1999).

There have been significant changes in the style of wigs over the years. However, three distinct styles of wigs had evolved by the beginning of the 20th century, all of which remain in use by contemporary judges and barristers in Australia (Rozenberg, 1996). For ceremonial occasions judges, Queen’s Counsel and Senior
Counsel wear the long, full-bottomed wig. Judges alone wear what has been nominated as the ‘bench’ or ‘bob’ wig which has a tail and frizzed sides and barristers wear a ‘tie’ wig, which has rows of curls at the side, a frizzed crown and a tail (Rozenberg, 1996). Figure 2.4 illustrates the three types of wigs in use in contemporary Australian courts. It is noted that judges and barristers remain members of the only profession that maintains the practice of wearing wigs.

The controversy regarding the continued practice of wearing of wigs and robes in court. There has been much debate over recent years as to whether judges and barristers should continue their robing practices (Brown, 1992; Carlyle, 1986; Gow, 1992; Lord Chancellor’s Department, 1992; Reeves, 1989, 1992; Rozenberg, 1996). To date, general consensus among legal practitioners has indicated that they wish to maintain such practices, notwithstanding the sundry arguments against them continuing to do so (Rozenberg, 1996). Many argue that these practices are antiquated and that the symbolism involved serves only to confuse and alienate the distinction and practice of law (Reeves, 1989, 1992). Nonetheless, the practice continues on the basis of the apparent need for tradition and symbolism in the adequate pursuit of justice (Brown, 1992).

Many judges and barristers see their robes as a symbolic representation of their stature, the solemnity of their profession, and membership of a privileged and influential group, the responsibilities of which are significant (Brown, 1992). Additionally, many use the donning of their robes as a daily symbolic reminder of their responsibility to maintain the exemplary standards that they must embrace and engender when in court (Brown, 1992). In this respect, from a lawyer’s viewpoint then, the robing practices may be considered necessary and an integral part of their daily preparation for the significant role they play in the legal system.
Figure 2.4. Illustrations of the three types of wigs currently worn in contemporary Australian Courts (The Guild of Master Craftsmen, 2001).

From top to bottom: The ceremonial wig worn by Judges, Queen’s Counsel and Senior Counsel, the bench wig worn by Judges and the tie wig worn by Barristers.
Many contend that the robing practices of judges and barristers when in court facilitate the dignity of the court process (Lord Chancellor’s Department, 1992; Rozenberg, 1996). According to the Lord Chancellor’s Department (1992), court dress “heightens the sense of occasion” (p. 14) and is an illustration of the sombre and formal nature of the legal process. Additionally, the wearing of wigs and robes is considered to provide an element of depersonalisation in the trial process (Brown, 1992), thus allowing the individual lawyer to be somewhat removed from the process and providing a sense of credibility and impartiality to the various roles they undertake in court. Other issues that are mooted as being sound reasons for the continued use of the robing practices of judges and barristers relate to the perceived need for anonymity of the barrister and judge, easy identification of legal practitioners, a reduction in stress for the layperson and the need to engender a sense of respect in relation to the legal system and process (Brown, 1992; Reeves, 1989, 1992).

In relation to the issue of ‘anonymity’, it is contended that robes and wigs make the individual lawyer ‘less visible’ (Lord Chancellor’s Department, 1992; Reeves, 1992). Such a position allows the legal representative to argue a court matter without negative repercussions to themselves in terms of their personal values, personality or ego (Brown, 1992; Lord Chancellor’s Department, 1992). A robed legal representative is considered to be symbolically an anonymous representative of the law and the court. Thus they can present their argument in terms of the law rather than their personally held views (Brown, 1992; Lord Chancellor’s Department, 1992; Reeves, 1992). This therefore allows the lawyer to argue their client’s position without being held personally responsible for the particular proposition being put forward (Brown, 1992; Lord Chancellor’s Department, 1992). Further, a judge making a judgment about the culpability of an accused is, when robed, considered to be a representative of the court rather than an ordinary individual (Brown, 1992; Lord Chancellor’s Department, 1992).
The judge therefore is seen to embody ‘a duality of person’ that removes the individual from the role and power of the judge, which is symbolically represented by the robing process (Foucault, trans. 1991).

The issue of easy identification of legal practitioners involves the sense that laypeople do not readily understand the legal process and may be confused if the lawyers are not ‘robed’ or in uniform (Brown, 1992). From this standpoint, robing adds an element of formality to the court proceedings (Brown, 1992; Lord Chancellor’s Department, 1992). Such a contention relates not only to lawyers in the courtroom, but also to lawyers present in the public areas of the courthouse being identified and therefore able to direct the uncertain layperson to the correct courtroom or person in the courthouse (Brown, 1992). This particular issue relates predominantly to lawyer-public relations and the apparent need to reduce stress for laypeople who are involved in the court process. In this respect that laypeople are able to easily identify legal personnel is considered important (Brown, 1992). Finally, robes and wigs are considered by many to facilitate a sense of respect and dignity in court (Brown, 1992; Carlyle, 1986; Lord Chancellor’s Department, 1992; Reeves, 1989).

Whilst the above arguments for maintaining the traditional dress are considered by many to be sound, there are many in the legal profession who consider that maintaining a tradition that has little to do with contemporary Australian society is antiquated and ridiculous (Reeves, 1989, 1992; Rozenberg, 1996). Such individuals consider that robing practices not only emphasise the adversarial nature of the legal system, but “heighten the drama of the trial” (Reeves, 1989, p. 1094), thus elevating the stress levels of laypeople associated with the particular court matter (Reeves, 1989).

It is undeniable that the debate continues and that the two sides of the debate appear to have little ground in common. Given that there appears to be recognition of the significant effects that the robing practices have on both lawyers and laypeople, it is
important that this debate be resolved. Some have called for a “scientific measurement of the laypeople’s views” so that resolution of the issues is attained (Brown, 1992, p. 300). It is apparent that resolution of the debate will, without doubt, require a systematic approach, which considers not only the legal implications but also the psychological implications of maintaining, discarding or altering robing practices by judges and barristers. It is hoped that this research can shine some light on the dilemma surrounding whether or not the robing practices of lawyers are appropriate.

2.2.3 The Impact Of Symbolism In The Courtroom On Laypersons

The debate described above provides evidence that lawyers are acutely aware of the effects of the symbolic nature of robing practices on the lay individual. Additionally, it is apparent from an observation of a courtroom in session, that symbolism found in the courtroom environment has a significant influence on the behaviour of both lawyers and laypersons. In 1935 Judge Thurman Arnold observed...

“...some legal symbolism is worth preserving if it is currently valued for good reason by the public. Even if people do not understand the symbols perfectly, they may still be shown to perform a function...” (Brown, 1992, p. 298).

Yet there appear to be no studies relating to the influence symbolism in the courtroom has on those involved in a court matter, the trial process or issues of justice.

It is the influence of the symbolic nature of the courtroom environment on the lay individual, as a juror, that was examined in this research. Not only is it apparent that lawyers are aware of the stress imposed on the layperson as a result of the symbolism in the courtroom (Brown, 1992; Reeves, 1989, 1992, Rozenberg, 1996), but studies in New Zealand, New South Wales and Queensland have identified that stress associated with jurors’ experiences in the courtroom has a significant impact on their ability to perform their duties appropriately (Deborah Wilson Consulting Services Pty,
However, none of the above studies have specifically identified the stress experienced by the lay individual as being associated with the symbolism in the courtroom. Symbolism in the courtroom environment is expected to negatively impact on the layperson’s ability to concentrate on and understand the court process and/or the evidence being heard. As will be outlined, such impact is expected to be experienced more intensely in the early stages of contact with the courtroom environment and less intensely as the juror becomes more familiar with the courtroom environment. It is this particular aspect of the experience of laypeople, as jurors, that was examined in this research.

2.3  

**Juries**

The issues that make jury research intrinsically difficult are founded in the unique nature of and historical development of juries. This section of this chapter is therefore historical in nature but considered necessary so that the function of contemporary juries and issues that relate to jury research are contextualised in relation to this research. Following the discussion of the historical foundation of juries is a discussion of jury research. This is presented in the context of the inherent difficulties associated with jury research. Next jury research recently conducted is presented with a particular emphasis on research in Australia and New Zealand. The unique nature of this current research is also described.

2.3.1  **The Historical Development Of Juries**

The history of juries is a long and complicated one (Lesser, 1992; Reynolds, 1997; Victorian Law Reform Committee, 1997) and there are many debates in historical texts
surrounding the origins and development of juries (Lesser, 1992; Reynolds, 1997). It is therefore difficult to determine the exact genesis and evolution of jury trials throughout the ages (Lesser, 1992; Reynolds, 1997; Victorian Law Reform Committee, 1997).

Although there is some evidence of trials by peers in ancient Egyptian and Greek civilisations (Aristophanes, trans, 1964; Ferguson & Chisholm, 1998; Kapardis, 1997; Kerr, 1987; Lesser, 1992; Plato, trans. 1963), general consensus appears to acknowledge that contemporary jury systems are derived from the protocols and traditions that were associated with medieval English law (Hanawalt, 1986; Hudson, 1996; Jennings, 1965; Kerr, 1987; Lesser, 1992; Morris, 1926; Pallister, 1971; Reynolds, 1997; Victorian Law Reform Committee, 1997).

Whilst there is some debate about the origins and evolution of juries, historians do appear to agree that the development of jury trials has been closely linked to the social, cultural and political events that have moulded communities and legal systems throughout the centuries (Hanawalt, 1986; Hudson, 1996; Jennings, 1965; Kapardis, 1997; Kerr, 1987; Lesser, 1992; Morris, 1926; Pallister, 1971; Queensland Law Reform Commission, 1985; Reynolds, 1997; Victorian Law Reform Committee, 1997).

Consequently, the makeup of juries and responsibilities of jurors have changed considerably over the centuries and contemporary juries are now an amalgamation of their historical and cultural milieu (Blake, 1988; Chesterman, 1999; Kapardis, 1997; Kerr, 1987; Lesser, 1992; Victorian Law Reform Committee, 1997). Although the role of juries and jurors has a somewhat chequered history, “the jury, in one form or the other, became the formal method of proof of the guilt or innocence of a person on trial” (Queensland Law Reform Commission, 1985, p.5).
2.3.2 *The Role Of Juries In The Australian Legal System*

The use of juries in Australian courts is a prime example of the evolution of juries from within the social and cultural context. The Australian jury system is derived from the use of peer and collective law making traditions in medieval England (Brown & Neal, 1988; Chesterman, 1999; Devlin, 1966; Gifford, D., 1997; Kerr, 1987; Victorian Law Reform Committee, 1997; Walker, 1976). In effect, the English legal system was conveyed to Australia with the first convicts in 1788 (Chesterman, 1999; Kercher, 1995; Victorian Law Reform Committee, 1997). However, at that time, felons constituted a significant proportion of the Australian population. As a result, Australian courts were originally of a military nature (Castles, 1982; Chesterman, 1999; Knox, 2005; Nagle, 1996; Victorian Law Reform Committee, 1997). Consequently, there was little need for the court structure that was evident in England at the time. In this era of Australian legal history, if there was a need for a jury trial, six military officers constituted the jury (Chesterman, 1999; Knox, 2005; Victorian Law Reform Committee, 1997).

Over time however, a need for more formalised procedures in the civil and criminal courts in the Colony became evident (Castles, 1982; Chesterman, 1999; Kercher, 1995, 1996; Victorian Law Reform Committee, 1997). Such a need resulted from the increasing numbers of ‘free’ individuals in the community, as felons became emancipated and remained in the Colony (Castles, 1982; Chesterman, 1999; Kercher, 1995, 1996; Knox, 2005; Victorian Law Reform Committee, 1997). An additional factor associated with the growing need for changes in the civil and criminal courts in the new Colony is associated with the influx of immigrants from England and Europe at the time (Castles, 1982; Chesterman, 1999; Kercher, 1995, 1996). Consequently, by 1823, the makeup of Australian social structure was no longer predominantly that of convicted felons (Castles, 1982; Chesterman, 1999; Kercher, 1995; Victorian Law Reform
Committee, 1997). As such, the structure of Australian society at the time was experiencing significant change (Castles, 1982).

In deference to the perceived changes in society at the time, the first of many judicial reforms was passed in the form of the New South Wales Act, 1823. This Act allowed a wide range of powers to the Colonial legal system (Castles, 1982; Chesterman, 1999; Kercher, 1995; Victorian Law Reform Committee, 1997). The New South Wales Act, 1823 was a reluctant response by British authorities to demands made by a more homogenous society in the Colony (Castles, 1982). Additionally, as a result of a perceived growing need for more generalised legal procedures, the Australian Courts Act of 1828 was enacted in legislation in the British Parliament (Castles, 1982; Chesterman, 1999; Kercher, 1996; Victorian Law Commission, 1997). The Australian Courts Act of 1828 ensured that the laws of England were applicable to all non-indigenous people who resided in the Australian Colony (Castles, 1982; Chesterman, 1999; Kercher, 1996; Victorian Law Reform Committee, 1997).

The Australian Courts Act of 1828 permitted trials by jury in civil matters in the Supreme Court and also empowered the Governor to introduce trials by jury in criminal matters when considered appropriate (Castles, 1982; Chesterman, 1999; Kercher, 1996; Victorian Law Reform Committee, 1997). In 1833 trials to determine issues in the criminal jurisdiction using twelve jurors were permitted in the Supreme Court (Castles, 1982; Chesterman, 1999; Kercher, 1996; Victorian Law Reform Committee, 1997). However, the accused could still elect to revert to the military panel, if they chose to do so (Chesterman, 1999; Victorian Law Reform Committee, 1997). In 1839 military panels were abolished and legislation confirmed that issues of justice were to be determined by a jury of twelve peers of the accused (Victorian Law Reform Committee, 1997).
Ex-convicts were not originally permitted to sit on juries (Chesterman, 1999). However, as a result of their newfound freedom and evolving power in the new colony ex-convicts lobbied for the right to sit on juries (Chesterman, 1999). Given their large number in the community and the force of their claim, in 1830, after amendments to the legislation, ex-convicts were permitted to serve on juries (Chesterman, 1999). The changes in the legislation occurred notwithstanding heated argument by ‘freemen’ that ex-convicts should not be permitted to perform jury duty (Chesterman, 1999). Interestingly, on contemporary juries, any person who “has been convicted of an indictable offence, …. or has been sentenced to imprisonment” is disqualified from performing jury duty (Carter, Shanahan, Irwin & Smith, 2000, p. 66075). Whilst the above quote relates specifically to Queensland legislation, disqualification from jury duty of any person who has a prior conviction of an indictable offence is now applicable in all states and territories in Australia (Chesterman, 1999).

Whilst the format of juries in Australia has largely remained the same since the mid 1800’s, the makeup of juries has changed significantly over time (Chesterman, 1999; Victorian Law Reform Committee, 1997). Once again the changes have resulted from social and cultural forces from within the wider community (Chesterman, 1999; Victorian Law Reform Committed, 1997). It was not until the 1970s that women were permitted to perform jury duty and only after the referendum in 1967 were Aborigines introduced to jury service (Cheers, 2001; Chesterman, 1999; Kapardis, 1997; Knox, 2005; Victorian Law Reform Committee, 1997). Nonetheless, Aborigines and women frequently remain under-represented on juries because of the many and varied provisions of the various state and territory jury acts (Chesterman, 1999; Kapardis, 1997; Knox, 2005; Victorian Law Reform Committee, 1997). As a consequence, in many instances, juries in contemporary Australian (and English) courts are often not

The unrepresentativeness of juries in the wider sense is not restricted simply to gender and race, but extends to occupation, education and age, to mention but a few categories that concern legal representatives when considering the issue of an individual being tried by his or her peers (Brown & Neal, 1988; Chesterman, 1999; Devlin, 1966; Freiberg, 1988; Kapardis, 1997; Kerr, 1987; Knox, 2005; Walker, 1976). However, notwithstanding the problems associated with the constitution of a jury, and sundry other issues associated with the use of juries, it is apparent from the various debates in law that a more appropriate mechanism for determining the issues of law in which juries are involved is yet to be devised (Baldwin & McConville, 1979; Cameron, Potter & Young, 1999; Chesterman, 1999; Devlin, 1966; Findlay & Duff, 1988; Kerr, 1987; Knox, 2005; Walker, 1976).

The role, value and effectiveness of jurors in the criminal jurisdiction is, however, a topic of controversy (Kapardis, 1997; Queensland Law Reform Commission, 1985). Advocates of the jury system consider the role jurors play to be sacred and a method of finding the truth of a set of circumstances to which few have direct knowledge (Kapardis, 1997; Queensland Law Reform Commission, 1985). On the other hand some denigrate the jury system with comments such as “...a jury trial (is) an inaccurate and unpredictable method of discriminating between the guilty and the innocent” (Baldwin & McConville, 1979 p.130). Nonetheless, juries remain the mechanism for determining the guilt or otherwise of an individual who has been accused of committing an indictable criminal offence in Australia (Queensland Law Reform Commission, 1985).

In conclusion therefore, the jury system in Australia has it’s genesis in ancient history and more particularly in medieval English legal history. Additionally, it is
evident that many, over the centuries, have identified sundry flaws with the system. Yet, it appears that there remains enough credibility and faith in the system for juries to be a significant factor in determining issues of justice in Australia (Chesterman, 1999; Findlay et al., 1994; Victorian Law Reform Commission, 1997). Juries remain one of the cornerstones of the justice system (Findlay, 1988; Young et al., 1999b; Young, Tinsley & Cameron, 2000).

2.3.3 Jury Research

In this section of this chapter recent jury research is presented. Jury research generally falls into two categories, those being experimental simulations using mock jurors or the use of real jurors as participants. Mock jury research will be discussed first. Included in this section will be the only research which has specifically examined the influence of the courtroom environment on mock jurors. The advantages and disadvantages of research using mock jurors or simulations will also be examined. Research involving real jurors is then examined, with a particular focus on research conducted in Australia and New Zealand. Again, the advantages and disadvantages of research using real jurors is considered. The links between the Australian and New Zealand research with real jurors and this current research are also presented in this section of this chapter. In contrasting these two research methods, it will be argued that while mock jury research allows greater control over variables, it may have questionable ecological validity. On the other hand, research with real jurors is constrained by legal impediments restricting access to jurors, and relies on retrospective self-report of the juror experience, raising issues around the accuracy of recall.
2.3.3.1  Jury research and mock jurors

As a result of the significance of juries in the criminal justice system, juries and jurors have been the focus of much research (Bornstein, 1999; Diamond, 1997; Kapardis, 1997; Vidmar, 1979). However, most research on juries and jurors has utilised mock jurors and has focused on the American legal system (Bornstein, 1999; Geddes, 2002; Kapardis, 1997; Kerr, 1987; MacCoun, 1989; McCabe, 1988). The influence of the courtroom environment on jurors has had little examination, particularly in the context of the Australian system. However, there has been one study of the influence of the courtroom environment on students who acted as mock jurors.

In 2000, Maass, Merici, Villafranca and Furlani presented their research which examined the effect on mock jurors of the architecture in the courtroom. This research used university students who imagined they were accompanying a friend who was accused of a crime to ‘old’ and ‘new’ courtrooms in Pavoda, Northern Italy. Photographic representations of the two courthouses were provided to participants. Half of the participants had experienced the environment prior to the research being conducted with the other half not having had any experience in the environment. Maass et al. (2000) hypothesised that the new courtroom, being more intimidating, would elicit a sense of discomfort in participants, particularly those who had less experience in the environment.

Participants were asked to consider the likelihood of conviction in the context of their sense of discomfort that arose from their experience in the environment. Estimated likelihood of conviction was not influenced by courtroom architecture or familiarity with the setting. However, participants who had experienced the environment reported a greater level of distress than did those who had not attended at the courthouses (Maass et al., 2000). Additionally, the more intimidating courthouse
As represented to participants by photographs) elicited a greater psychological impact than did the less oppressive courthouse (Maass, et al., 2000).

As with most research involving mock jurors as participants, ecological validity is an issue with this research. Although this research did investigate the interaction between the courtroom environment and the individual, it utilised photographic representations of the environment and mock jurors. Additionally, this research did not investigate the experience of jurors who had actually experienced the courtroom environment as participants in the legal proceedings with the added responsibility of taking in the evidence being presented whilst in the complex environment. Consequently, the overall relationship between the individual and the environment was unable to be examined with the use of photographic representations of the setting and mock jurors.

The use of mock jurors as participants, involves a particular set of advantages and disadvantages. Nonetheless, jury research using simulations and mock jurors has created a large pool of research about issues associated with the juror experience (Bornstein, 1999; Diamond, 1997; Vidmar, 1979). As a result of considerable debate surrounding the issues associated with simulated jury research, the design and methodological parameters of simulated jury research have been made more robust since the 1970s (Bornstein, 1999; Diamond, 1997; Vidmar, 1979). However, validity remains a significant flaw in simulated research about the juror experience in particular (Bornstein, 1999; Diamond, 1997; Vidmar, 1979).

The use of mock jurors does not allow the full examination of the experience of individuals in the courtroom environment. For the majority of research relating to jurors therefore, ecological validity is arguably an issue in that the results can not be generalised across settings or environmental conditions (Bornstein, 1999; Christensen, 1994; Diamond, 1997; Vidmar, 1979). External validity is also an issue in much jury
research. The exceptional nature of each jury in the complexity of the courtroom environment does not allow the generalisation of the results “across different persons, settings, and times” (Christensen, 1994, p. 455). Additionally, inability to appropriately manipulate independent variables may become an extraneous factor which produces misleading results (McMahon & Fehr, 1984). Specifically, “inconsistent findings in mock jury studies may be attributable in part to factors not manipulated by researchers...” (McMahon & Fehr, 1984, p. 278). Nonetheless, given the restrictions imposed on jury research by court sanctions, the use of mock jurors and/or simulations is often the only mechanism which facilitates an examination of the juror experience (Bornstein, 1999; Kapardis, 1997).

2.3.3.2 Jury research and real jurors

Given the complexity of gaining access to jurors for the purposes of research, jury research using real jurors is difficult to find. The apparent dearth of research on real jurors relates to the sanctity of the jury in terms of their decision making process (Geddes, 2002; Kapardis, 1997; MacCoun, 1989) and lawyers’ attitudes relating to media intrusion (Chesterman, 1999; Findlay et al., 1994; McCabe, 1988; Queensland Law Reform Commission, 1985). As a result of legislation in many countries, juries cannot be observed when making their deliberations, and they cannot be questioned about their experiences in the jury room (Chesterman, 1999; Findlay et al., 1994; Geddes, 2002; Kapardis, 1997; MacCoun, 1989; McCabe, 1988).

In Australia, three states and one territory have determined that it is unlawful for jurors to be questioned about their experience on juries. The remaining states and territories rely on laws relating to ‘Contempt of Court’ charges to silence jurors (Chesterman, 1999). In Queensland, the Jury Act, 1995 (As Amended) specifically precludes jurors from being approached, particularly by the media (Carter et al., 2000;
Findlay et al., 1994; Queensland Jury Act, 1995 (As Amended); Queensland Law Reform Commission, 1985). However, to allow research regarding the juror experience, the Queensland Law Reform Commission (1985) recommended that a provision be made in the Act to allow access to jurors for the purposes of research. Consequently, Section 70, Subsection 9 of the Jury Act, 1995 (As Amended) specifies that once a successful application has been made to the Supreme Court by the Attorney General, on behalf of the researcher, access to juries might be possible for research purposes only. Such research may be authorised by the court with whatever “conditions the court considers appropriate” (Carter et al., 2000, p. 66566). The process of obtaining permission to gain access to jurors for the purposes of research is a protracted one. It is therefore difficult to find any research that examines Australian jurors who have actually experienced jury duty.

Notwithstanding such difficulties experienced by researchers in obtaining permission to interview jurors however, in recent years there has been one Australian study which focused on the relationship between the courts and the public and also considered some issues relating to juror experiences (Parker, 1998). Additionally there have been four substantial studies of juror behaviour in Australia (Chesterman, Chan & Hampton, 2001; Deborah Wilson Consulting Services Pty. Ltd. 2000a, 2000b; Findlay et al., 1994; Victorian Law Reform Committee, 1997). Finally, one study examined the experience of jurors who had been empanelled on juries in New Zealand (Young et al., 1999a, 1999b).

The research by Parker (1998) focused on the interaction between the courts and the public. The terms of reference for the study were centred on the examination of “ways in which Australian courts might improve their relationship and communication...” with the public (Parker, 1998, p. 2). Those who were interviewed were generally associated with the legal system in one way or another, and were drawn
from all jurisdictions in Australia (Parker, 1998). There is little focus on jurors or juries and certainly no description of the experience jurors have when in the courtroom. With the exception of acknowledging that jurors are a resource from whom the courts might “extract... value” (Parker, 1998, p. 113) little is reported by Parker (1998) about jurors as members of the public with whom the courts might have a more improved relationship or communication.

The balance of the Australian research was performed in Victoria, New South Wales and Queensland. With respect to the Victorian research, the focus was of a legal nature. The findings were published by the Victorian Law Reform Committee in 1997. Initially the historical development of juries in Victoria was described. Then issues relating to the responses by jurors to the complex nature of some trials were addressed as were issues relating to gender and the multicultural nature of juries in Victoria. This study did not address issues associated with the experience of jurors when in the courtroom.

The first New South Wales study examined juror experiences in the New South Wales courts with a specific focus on jury management and administration (Findlay et al., 1994). It was an extensive study of the juror experience and took into account such issues as:-

- Knowledge held by jurors about jury service;
- Previous experience on a jury;
- Juror experience in the courthouse;
- Juror experiences during trials and the deliberation process;
- The effects of jury duty on other aspects of jurors’ lives;
- The level of understanding of court and legal processes held by jurors; and
- The ability of jurors to concentrate both during the trial and deliberation processes.
Findlay et al. (1994) maintained that many jurors were confused about their role, responsibilities and rights. Jurors were also, on many occasions, unable to understand the evidence and felt that they had been “thrown in at the deep end” (Findlay et al., 1994, p. 144). Findlay et al. (1994) found that jurors had been marginalised and felt intimidated when in the courtroom. This caused some jurors heightened stress (Findlay et al., 1994). Additionally, 30% of jurors surveyed indicated that they had difficulty concentrating during the trial (Findlay, 1994). In this respect 8% of jurors indicated that the difficulty in concentrating related to the “physical conditions of the court” (Findlay et al., 1994, p. 86). Other reasons put forward as being associated with difficulties in concentrating on the evidence were “length of trial, tiredness and boredom” (Findlay et al., 1994, p. 86). That Findlay et al. (1994) found that jurors experienced confusion and stress relating to their responsibilities and inability to concentrate during the trial is relevant to this current research.

The second New South Wales study by Chesterman et al. (2001) examined the impact of prejudicial publicity on the verdict made by jurors. Chesterman et al. (2001) interviewed jurors on 41 trials during the period mid 1997 to mid 2000. Additionally, lawyers and judges involved on the selected trials were interviewed. Jurors provided information as to their knowledge of publicity and the influence such publicity had on their ability to reach an unprejudiced decision. Judges and barristers provided information as to whether they considered the decision made by jurors was in line with their perception of the evidence. Also elicited from the judges and barristers was their opinion as to whether they considered the publicity, of which jurors may have been aware, had influenced juror decisions (Chesterman et al., 2001). Chesterman et al. (2001) found that in most cases publicity did not prejudice jurors’ ability to independently come to a decision as to the culpability of the accused. This study did not investigate the impact of the courtroom environment on jurors’ ability to focus on
the evidence, nor the stress experienced by jurors as a result of being in the courtroom environment.

In Queensland, a recent study sought to determine the impact being on a jury had on the individual juror (Deborah Wilson Consulting Services Pty. Ltd., 2000a, 2000b). It was commissioned by the Queensland Courts to determine juror satisfaction with various elements of their experience (Deborah Wilson Consulting Service Pty. Ltd. 2000a). The issues reviewed in the study related to information provided to jurors by the courts, facilities and services available at the courts, jury empanelment, serving on the jury and juror demographics. The study asked questions of jurors in rural Queensland as well as in Brisbane (Deborah Wilson Consulting Service Pty. Ltd., 2000a, 2000b).

In relation to the stress experienced by jurors, the research by Deborah Wilson Consulting Service Pty Ltd found that of all jurors surveyed 42% indicated that “information or evidence during the trial caused them some concern or stress”. Of those who reported stress 7% indicated that they experienced “a great deal of stress” (2000a, p. 14). Additionally, 45.7% of jurors indicated that they experienced stress during the deliberation process (Deborah Wilson Consulting Service Pty. Ltd., 2000a). Overall, some 42-46% of all jurors surveyed reported some level of stress as a result of their experience (Deborah Wilson Consulting Service Pty. Ltd., 2000a). Again the stress experienced by Queensland jurors is relevant to this research.

The Young et al. (1999) research was an extensive study on juries in New Zealand. It was commissioned by The Law Commission, Te Aka Matua O Te Ture to examine juror experiences with regards to:

- Their ability to make sense of the evidence;
- How jurors interpreted the law associated with the case upon which they were expected to make a decision;
• Exploring juror decision making processes both individually and collectively;

• Exploring the impact any media reports had on juror decisions; and

• Identifying any problems jurors had during their experience whilst being empanelled on a jury (Young et al., 1999a, 1999b).

The Young et al. (1999a, 1999b) research was a comprehensive study, with a legal focus and does not especially focus on the psychology of the individual juror. Nonetheless, Young et al. (1999a, 1999b) found that “many jurors were surprised and even shocked by the pressures and responsibilities involved in jury service” (1999a, p. 6). Additionally they found that “…in 20 of the 48 cases, one or more jurors commented on their failure to absorb material during the early part of the trial due to (the) settling in process” (Young et al., 1999a, p. 13). These findings are relevant to, and form the fundamental basis of this thesis.

From the Australian and New Zealand studies, it is apparent that the use of real jurors as participants is an appropriate mechanism of gaining insight into the juror experience. However, given the difficulties experienced in gaining access to jurors, the restrictions generally imposed on such access create a new set of limitations with which the researcher must contend. Other research that has used real jurors as participants has identified such limitations. Heuer and Penrod (1988), Moran and Comfort (1982), Reifman, Gusick and Ellsworth (1992) and Sandys and Dillehay (1995) have all completed studies which involved real jurors as participants. With the exception of the Sandys and Dillehay (1995) study which utilised telephone interview techniques after participants had completed their deliberations to obtain their data, all studies surveyed jurors after their experience on a jury for data collection.
The Heuer and Penrod (1988) study examined the influence on the juror experience of note taking and the ability to ask questions of the judge. The study elicited mixed results with respect to the hypotheses proposed. However, of more significance to this discussion, the method used in this study is rare in that it allowed the manipulation of the variable of interest with a real set of jurors. According to Bornstein (1999), in jury research this particular method is rare as a result of the inherent logistical difficulties associated with gaining access to real jurors. He concluded that as such “simulation studies are likely to continue as a norm” (Bornstein, 1999, p. 88).

The Moran and Comfort (1982) study examined the influence juror demographic and personality variables had on the jury verdict. The results indicated that demographic and personality variables did, in some instances, influence jury verdict (Moran & Comfort, 1982). However, their comments regarding the conduct of research using real jurors is more salient to this discussion. Moran and Comfort (1982) concluded that as a result of the complexity of research using real jurors the data becomes “noisy” (p. 1054). Consequently, the use of multivariate statistical analyses is the most appropriate mechanism of processing the data (Moran & Comfort, 1982).

The Reifman et al. (1992) study examined juror comprehension of the law as presented in the judge’s instructions to the jury. This study replicated previous research using mock jurors which sought an understanding of juror ability to comprehend the judge’s instructions in terms of the law. The tension between the use of mock and real jurors is discussed. The distrust by policy makers and legal representatives of social science research is the particular focus of the discussion by Reifman et al. (1992). Bornstein (1999), confirms this stance when he reports “...the courts have not welcomed psychological research findings with open arms, especially when they derive from
methods that are neither very realistic or representative of actual legal processes” (p. 88).

The Sandys and Dillehay (1995) study examined the association between final jury verdicts and the first ballot votes by real jurors. With some caution, their results from interviews with jurors confirmed their hypothesis. However, again it is the methodological issues that Sandys and Dillehay (1995) addressed that is salient to this discussion. Although their research is based on assumptions founded in simulated research, Sandys and Dillehay (1995) discussed at length the difficulties associated with laboratory research in terms of ecological validity of the findings. They concluded that what occurs in a mock jury may not correspond to what occurs in the courtroom with real jurors.

The juror experience, although a social phenomenon, is a relatively exclusive domain in which the human condition is removed from day to day occurrences. Consequently the exceptional experience of being on a jury requires specialised and specific examination utilising research design that facilitates as ‘real’ an apprehension of the phenomenon as possible. One particular set of difficulties associated with obtaining a real sense of the juror experience is linked to the retrospective self report by participants of their experience in the courtroom environment. Access to jurors whilst they are in the midst of their experience on a jury is generally disallowed such that the research process does not contaminate the juror experience or influence their ability to perform their role. Consequently, the examination of the juror experience often must be negotiated by way of retrospective self reporting. This therefore involves the memory by jurors of their experience which in itself elicits difficulties in terms of validity of responses and results (Loftus, 1979; Powell, Thomson & Deitz, 1997; Sutherland & Hayne, 2001; Tenenbaum, Lloyd, Pretty & Hanin, 2002; Wilson & Ross, 2003; Wyer, 2004; Wyer, Adaval & Colcombe, 2002).
Issues which impact on the perception by an individual of an event fall into two general categories, those being event factors and witness/perceiver factors (Loftus, 1979). Such factors as exposure time, frequency, detail salience, type of fact and violence of an event fall into the event factors category, whilst stress, expectations and perceptual activity fall into the witness/perceiver factors category (Loftus, 1979).

In the context of event factors, those that will impact negatively on the appropriate reporting of jurors' memory of their experience in the courtroom are arguably; exposure time and frequency. In this respect, although some jurors may be involved in long trials, generally exposure time is limited to a relatively short period of time in the context of their everyday experiences. Additionally, frequency of jury duty is generally limited to one or two experiences throughout an individual's lifetime (personal communication Mr. Frank Vogel, Queensland Jury Administration System Information Technology Consultant, December 16, 2005). Finally, such issues as the influence on juror memory of knowledge of the outcome of the trial, the evidence being presented in a trial as well as any attributions made by jurors about the individuals involved in the case and in the courtroom may cause difficulties with respect to the uncontaminated recall by jurors of the events to which they were a party (Christensen-Szalanski & Willham, 1991; Hawkins & Hastie, 1990; Powell & Thomson, 1997; Powell et al., 1997). On the other hand however, given that being on a jury is a relatively exceptional experience, such factors as detail salience, type of fact and violence of an event arguably become more salient to the juror experience. It is the “extraordinary, colourful, novel, unusual, and interesting scenes (that) attract our attention and hold our interest (with) both attention and interest being important aids to memory...” (Gardner, 1933, p. 394).

In the context of witness/perceiver factors, stress, particularly too much or too little stress, have been shown to negatively influence the making of memory and the
ability to retrieve information from memory (Loftus, 1979). Personal expectations and perceptual activity are also known to influence the making of and retrieval of memory (Loftus, 1979). These factors also influence how it is that an individual engages with an environment in which they experience uncertainty. The impact of stress, personal expectations and perceptual activity on the individual are discussed more fully in Section 3.3 of this thesis.

The process of obtaining information about jurors’ experiences after a trial is also problematic, particularly in the context of the above issues around memory. Given that questioning jurors about their experience during the trial is disallowed by the Courts data collection must be administered post the event. Consequently, juror report of their experience and emotional state may not be accurate or stable (Ericsson & Simon, 1980) and may be contaminated by other elements of their experience (Keuler & Safer, 1998; Levine, 1997; Safer, Levine & Drapalski, 2002; Tenenbaum et al., 2002). Additionally, cognitive and emotional processes may not be able to be retrieved by the juror, particularly in free recall (Ericsson & Simon, 1980; Tenenbaum et al., 2002). To limit such difficulties in the appropriate recall of an event, some mechanism to prompt recall may be required such that the juror can adequately express their experience (Tenenbaum et al., 2002). Likert scale items and other scales are more likely to elicit an uncontaminated apprehension of the juror experience in terms of their cognitions and emotional state than are free recall (Ericsson & Simon, 1980; Tenenbaum et al., 2002). Additionally, being asked to consider their experience more than once allows more accurate and stable retrieval of juror memory (Searleman & Hermann, 1994; Tenenbaum et al., 2002).

The issue of memory of participants involved in research causing difficulties with the validity of results relates to the ability of participants to have a clear recall of the events or issues to which they have been asked by the researchers to turn their
minds. It is generally considered that recall of an event that occurred some time prior to being questioned about it retrospectively will elicit incorrect responses (Bornstein, 1999). However, in his discussion about research using real jurors Bornstein (1999) concluded “although this method has the drawback of potential memory bias in jurors’ retrospective reports, it tends to support the findings of simulation studies” (p. 87). Additionally, Sandys and Dillehay (1995) found that although they had interviewed jurors up to 22 months after their trial had completed jurors were able to have good recall about that which they were questioned. Having more than one juror participant on each trial examined allowed Sandys and Dillehay (1995) to determine that recall by jurors was relatively precise. Finally, Reifman et al. (1992) reported that as their results were similar to those of simulated research the issue of recall did not influence their findings which have in effect been triangulated with mock jury research. These findings indicate that the juror experience is a salient one for participants. Consequently, the degeneration of the memory of jurors’ experience over time is arguably negligible.

The above considerations highlight the inherent disadvantages and benefits associated with the use of both mock and real jurors in the investigation of the juror experience. In the context of the complexities associated with jury research, it is apparent that there is little research in Australia that examines jurors, less research that examines jurors who have experienced jury duty, and no research that examines the impact the symbolic nature of the environment has on jurors when they are in the courtroom. Given the lack of research in Australia in which the experience of real jurors in the courtroom setting has been investigated, this research is unique. The particular focus of this research was the interaction between the juror experience and the courtroom environment. Notwithstanding the inherent difficulties associated with the use of real jurors, using mock jurors for this research would not have allowed the adequate investigation of the phenomenon of interest.
2.4 **Summary**

The use of symbolism in the courtroom setting has historically been utilised to facilitate a sense of the distinction of the law. Over the ages, the use of symbolic representations of a higher order have been incorporated in the courtroom setting and the layout of the courtroom setting represents a separation of the legal and public domains. The use of robes and wigs by lawyers and judges also facilitates a sense of separation from the mundane. Each of these symbolic representations of the legal system remains in use in contemporary courtrooms. Whether the continued use of symbolic representations of the law in the courtroom environment is appropriate is examined in this research.

The history of juries in the English legal system is long and complicated and one that has been the topic of considerable debate by historians. Nonetheless, it appears that general consensus is that juries have been, and continue to be, an integral part of the legal system both in England and, by extension, Australia. There is a substantial body of research into jurors and juries, however most has been performed in the United States of America and with mock jurors. There is little research in Australia and almost no research that has studied jurors who have experienced jury service. Additionally, there is no research that examines the interaction between symbolism in the courtroom environment and the 'real' juror ability to focus on the evidence being presented in a trial in the criminal jurisdiction.

This research examined the effect symbolism in the courtroom had on jurors during their settling in phase of jury duty as well as at midpoint of their experience. As has previously been revealed in the research of Deborah Wilson Consulting Services Pty Ltd (2000a, 2000b) and Findlay et al. (1994) jurors experience stress as a result of being empanelled on a jury. Additionally, in accordance with the findings of Young et al. (1999a, 1999b), jurors experience difficulty concentrating on the evidence. This research
examined these two aspects of the juror experience. However, this research attempted to find a link between the juror experience in the extraordinary environment in which they find themselves and their ability to focus on the evidence. It was expected that lack of knowledge of the meaning of symbols in the courtroom by jurors would have a significant influence on their state and that any distress experienced by jurors would negatively impact on their ability to focus on the evidence.

This chapter has focused on the historical basis of the phenomena that was examined in this research. It was considered that such a description was necessary to situate this research appropriately in the context in which it is founded. This discussion will now deviate from the historical and sociological focus apparent to this point. The next chapter will describe the particular theories that formed the foundation of this research. The theories provided a psychological basis that supported this study as well as facilitated the measurement of symbolism in the courtroom setting.
CHAPTER 3

THEORETICAL FOUNDATIONS

3.1 Introduction

In this chapter the theories upon which this research is based are explained. The theories chosen facilitated the examination of the complex interaction between the courtroom environment and jurors.

This research examined the influence of symbolism in the courtroom environment on jurors’ ability to focus on the evidence presented in a criminal trial. Given the complex nature of the interaction between the juror and the courtroom environment, this research utilised a combination of theories to explore the influence of symbolism in the courtroom on jurors. One theory was drawn from architectural research and three from environmental psychology. The theory drawn from the architectural field of knowledge was developed by Amos Rapoport (1983, 1990). Those theories drawn from environmental psychology were environmental uncertainty theory, environmental arousal theory and environmental load theory. All four theories explain the interaction between an individual and his or her environment and how one impacts on the other. Additionally, these theories allowed the examination of the courtroom environment from a global perspective and encouraged a broader or ‘molar’ view of the phenomena being studied. Consequently, the most applicable theories that underpin this research are those in which the fundamental unit of analysis is the “person in the environment system” (Wapner, 1990, p. 261) rather than having an emphasis on a reductionist view of the person/environment interaction.

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4 In the context of environmental psychology, Bell, Fisher, Baum and Greene (1996) suggest that in their definition of the field, the term molar refers to the concept that “... the whole is greater than the simple sum of its parts”... and such a definition “helps to draw boundaries between environmental psychology and sensory or other areas of psychology” (p. 7).
This chapter has three sections. In the first, the theory that facilitated an empirical examination of symbolism in any given environment is discussed. That is the theory that has been developed by Amos Rapoport (1983, 1990). Whilst Rapoport’s (1983, 1990) theory is situated predominantly in the context of the architectural field of knowledge, his focus remains on the human/environment continuum and specifically relates to the measurement of symbolism in the environment. Initially, Rapoport’s theory is described. Then how it is that Rapoport’s theory related to this research is discussed.

In the second section of this chapter those theories used in this research and which were derived from environmental psychology are discussed. Initially an argument is made as to why environmental psychology was considered the most appropriate paradigm from which to examine the relationship between the juror and the courtroom environment. Then issues surrounding the influence on the individual of environmental uncertainty and complexity are discussed. Levels of arousal experienced by an individual and environmental load are then discussed in the context of the influence environmental stressors have on the individual and his or her ability to function adequately in a complex environment. The way in which the three theories drawn from environmental psychology related to this research is then discussed. Finally, in the last section of this chapter, a summary of the theories used in this research is presented.

The purpose of this chapter therefore is to situate the research undertaken in a theoretical context. That environmental psychology was chosen as the primary paradigm from which to carry out this research is a significant factor. Environmental psychology allowed the examination of the juror experience in the courtroom environment from a ‘molar’ perspective rather than taking a reductionist view of the phenomena. Additionally, although situated in architectural practice, Rapoport’s (1983,
1990) theory is seen as an adjunct to environmental psychology in that his fundamental unit of analysis is the person/environment continuum. Rapoport’s (1983, 1990) theory also provided a mechanism for arguing the basis of and executing the methodology of this research.

3.2  Rapoport’s Theory And The Measurement Of Symbolism

The identification and measurement of symbolism in an environment is a difficult task to undertake. Such difficulties lie in the elusive nature of symbols and symbolic meaning. In this respect a theoretical and methodological base that is conceptually grounded in an appropriate field of knowledge was required. Rapoport’s (1983, 1990) theory was considered the most appropriate in this regard. This section will describe Rapoport’s theory and discuss the methodological issues associated with the measurement of symbolism in the courtroom environment.

Initially, in this section, Rapoport’s concerns about the term ‘symbolism’ (1983) are described. Then Rapoport’s (1983, 1990) argument that culminates in his determining that the examination of symbolism in an environment is inappropriate with respect to theoretical and methodological issues is described. His alternate proposition is then discussed. Once the foundation for the terminology used by Rapoport has been presented, the concept of how an environment can convey meaning is discussed. This includes a description of the specific domains in which features or cues in the environment are present. Finally, the way in which Rapoport’s (1983, 1990) theory has been utilised in this research is described in this section of the chapter.

3.2.1  Symbolism –v- Levels Of Meaning

Rapoport (1983), in his earlier text, argues that the examination of symbolic representations in an environment is not an appropriate form of analysis. He describes
at length his arguments against the symbolic and semiotic approaches (Rapoport, 1983). Briefly, Rapoport’s argument is that to be able to determine the level of meaning being conveyed by an environment, one must look to the non-verbal cues found therein (Rapoport, 1983). However, in the later version of his text, Rapoport concedes that symbolism “may represent a different type of meaning that some built environments may communicate” (1990, p. 221). He proposes that the “term symbolic refers, then, not so much to an approach as to a distinct type or level of meaning” (1990, p. 221). He subsequently describes three levels of meaning that the cues in an environment might convey, those being “high”, “middle” and ‘low” (Rapoport, 1990, p. 221). High-level meanings are those that are generally known by only a few learned individuals. They relate to “cosmologies, cultural schemata, worldviews, philosophical systems and the sacred” (Rapoport, 1990, p. 221). This, according to Rapoport (1990) is the only level of meaning that in any way resembles the symbolic nature of an environment.

According to Rapoport (1990), high-level meanings are not often present in contemporary environments. Nor is the understanding of high-level meanings necessary for the adequate functioning of the setting. However, Rapoport does concede that in some contemporary environments high-level meanings remain present. The courtroom setting is arguably one contemporary environment in which high-level meanings are found. Additionally, although only a few individuals are able to adequately understand the cosmological and philosophical basis of such meanings, the symbolism associated with high-level meanings in a courtroom is evident in many elements of the environment. Hence, there is an expectation that lay individuals will experience confusion when they enter the setting. Such confusion is associated with the limited knowledge most have of the high level meanings in the courtroom environment along with the abundance of high level meanings found in many elements of the courtroom setting.
Middle and low-level meanings are generally known by most people in any given cultural setting. Middle level meanings generally “communicate identity, status, wealth and power” (Rapoport, 1990, p. 221) and low-level meanings are “everyday and instrumental meanings” (Rapoport, 1990, p. 221). Such considerations as expected behaviour in the environment, way finding and environmental factors that determine how one ‘is’ in the environment are low level meanings (Rapoport, 1990). It is with the middle and low level meanings that the environment influences and controls the behaviour of those who are in the setting (Rapoport, 1990). Rapoport (1990) considers that these must be evident in the environment for the setting to function properly.

Whilst high and middle level meanings may not always be explicitly apparent in the environment, Rapoport (1990) considers that low-level meanings must be continually present. They provide the user of the environment with directions and prompts that mould the behaviour of the user (Rapoport, 1990).

So that a setting might function in a way that is appropriate for all participants, as well as in response to the expectations of the valid functioning of the environment, knowledge of at least the lower and middle levels of meaning is required (Rapoport, 1990). According to Rapoport environmental cues relate to middle and low-level meanings and are representative of the facets of the environment that communicate to the individual appropriate behaviour in the setting. Therefore, the way an environment elicits appropriate behaviour is via the use of non-verbal cues (Rapoport, 1983, 1990). In this respect, the setting or environment must convey meaning in a manner that is accessible to all participants, and all participants must be able to understand the cues being communicated by the environment.

Having regard to Rapoport’s arguments relating to symbols and cues, in this thesis the term ‘cues’ will relate to lower and middle levels of meaning, in accordance with the parameters of Rapoport’s theory. However, given that the courtroom
environment has been identified as one in which much symbolism is apparent, and this stands valid in terms of Rapoport’s high level of meaning, the term symbolism will relate to that which is associated with the cosmological and philosophical elements of the courtroom setting. Although there is an acceptance that the symbolic nature of the courtroom, in terms of the cosmology and philosophy associated with courtroom design in a historical sense, has a significant impact on the setting, it is accepted that, in accordance with Rapoport’s theory, what is being examined in this study are the cues resident in the environment. Consequently, from this point forward, the non-verbal cues of, and communication by, the courtroom environment will be the topic of discussion, rather than the abstract ‘symbolic nature of the courtroom’. This is consistent with the concepts embedded in Rapoport’s theory.

3.2.2 Environmental Non-Verbal Communication

Rapoport (1983, 1990) speaks of non-verbal cues found in an environment. He considers that the environment, via non-verbal cues, is able to communicate with, and direct the behaviour of users of the environment. He argues that environments convey meaning to the individual and such meaning will be understood by the individual as a result of the cues resident in the environment. In this respect, Rapoport likens the cues resident in the environment to non-verbal communication between individuals. He speaks about the importance of such cues when individuals are attempting to find meaning in their transactions with others, and also with their environments.

So that a setting can function adequately, all users of the environment must have some understanding of the cues through which the meanings are being communicated (Eaton, 1991; Rapoport, 1983, 1990). Not only must the cues be present, but they must also be understood, accepted and acted upon appropriately by the user (Rapoport, 1990). Additionally, for environmental cues to be noticed and understood by
an individual, one must be enculturated or acculturated into the society in which the environment and cues originate (Langer, 1957; Rapoport, 1990; Russell, 1999). The experience of enculturation is a learning process that occurs at the early stages of life. It involves learning culturally specific behaviours and understandings throughout childhood years and is a normal developmental process (Berry, Poortinga, Segall & Dasen, 1995; Rapoport, 1990). The experience of acculturation is a learning process that occurs later in life and generally relates to those experiences of people who move to another culture and are required to learn any culturally specific behaviours (Berry et al., 1995; Rapoport, 1990).

No matter whether an individual is enculturated or acculturated in terms of understanding the cues in a specific environment, the culture and cues are intrinsically tied to the social and historical context in which they are found (Langer, 1957, 1962; Rapoport, 1983, 1990). Having differing backgrounds and experiences can therefore lead to misinterpretations of that which the cues are expected to represent (Russell, 1999). Hence individual differences and, in particular, differing levels of experience in an environment, will inevitably impact on the experience and understanding one has of any particular environment (Rapoport, 1983, 1990). It is impossible to understand how an environment requires one to behave unless the contextual elements of the person in environment continuum are ‘known’.

3.2.3 Environmental Elements In Which Non-Verbal Cues Are Found

The elements of the environment that provide the information from which one is expected to determine appropriate behaviour are considered by Rapoport (1983, 1990) to be fixed, semi-fixed and non-fixed elements.

Fixed elements generally relate to the architecture of the environment. They remain relatively static in both a spatial and temporal sense and represent the cultural
state at the time of construction of the environment (Rapoport, 1983, 1990). In the courtroom for example, the décor and layout of the court environment are fixed elements of the environment. The judge’s bench being elevated, the placement and elevation of the lawyer’s tables, the jury box and the witness box, for example, are found in the fixed elements of the courtroom environment.

Semi-fixed elements constitute the balance of the non-human component of the environment and are less static in nature than fixed elements. The environment may be redefined with the astute movement of semi-fixed elements. Examples of semi-fixed elements include furnishings, art and plants. They are often used to define the distinction between private and public spaces and can be manipulated to shift the emphasis of the environment (Rapoport, 1983, 1990). An examination of the courtroom environment provides no evidence of semi-fixed elements of the environment. The courtroom environment has an explicit purpose around which the fixed elements of the environment have been designed. Consequently, the space does not require change which would ordinarily be facilitated by using semi-fixed elements of the environment. There is therefore no purpose for the use of semi-fixed elements in this specialised environment.

Finally, non-fixed elements are those that are associated with the human aspect of the environment. These are fluid and are considered to be easily read indicators of such concepts as social status and may “set the scene for social encounters” (Rapoport, 1990, p. 98). Rapoport considers that the behaviour of an individual, both intra personal as well as inter personal, and interactions with the environment to be non-fixed elements of the environment. Additionally, appearance, dress, and deportment are considered by Rapoport to be non-fixed elements of the environment. In the courtroom setting, the behaviour and robing practices of the judge and lawyers and in contrast, the
behaviour and appearance of the accused, are facets of the non-fixed elements of the environment.

It is the interaction between the individual and the cues obtained from the fixed, semi-fixed and non-fixed elements of the environment that provide the basis of the ‘person in environment’ continuum. An individual will read the cues resident in the elements of the environment to determine appropriate behaviour in that setting. Assuming they have an understanding of the message the cues are communicating, the setting will function adequately. However, should the person in the environment not understand the cues, or should the message be so complex that the cues are unable to communicate the appropriate ‘message’, then inappropriate behaviour and confusion may ensue.

The message the courtroom setting is attempting to convey is extraordinarily complex. As a consequence, the lay individual who enters the complex environment of the courtroom is likely to experience difficulty reading the appropriate behaviours ‘expected’ in and by the environment. Additionally, given that most people are generally naive with respect to the courtroom culture, the lay individual may not be able to easily understand the behaviours expected of them in the courtroom setting. As a result, the layperson is likely to become confused and experience distress. The inability of the layperson to adequately understand that which is being communicated by the courtroom setting is arguably because of the high-level meanings embedded in the environmental cues in the setting.

3.2.4 Rapoport’s Theory And This Research

In this research the courtroom setting was examined in terms of two of the elements of the courtroom environment in which cues are found in an attempt to determine how it was that lay people, as jurors responded to such cues. The two
elements in which environmental cues are found in the courtroom environment are fixed and non-fixed. Those elements of the courtroom setting which are fixed and which were examined in this research relate to the architectural features of the courtroom (e.g., the judges’ bench being elevated). Those elements of the courtroom setting which are non-fixed and which were examined in this research relate to the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence and the task of being a juror. The categorisation of these elements of the courtroom setting are consistent with Rapoport’s (1983, 1990) theory.

In this respect, it was necessary to determine whether lay individuals, as jurors, noticed and paid attention to the cues in the environment that are representative of high level meanings or the symbolic nature of the courtroom. Additionally, jurors were expected to focus on how they should behave, because they were unsure as to what appropriate behaviour in the courtroom setting entailed or because they were focusing on the elements of the courtroom environment of which they felt unsure, rather than knowing how they should behave as a result of an appropriate reading of the environmental cues. Should this be the case, then it must be considered that jurors were not concentrating on the evidence being presented to them at that point in time. This may well have implications in terms of a just outcome in any trial in which jurors feel uncomfortable or confused because of a sense of uncertainty in the exceptional and complex environment in which they find themselves.

The next section of this chapter describes the theories that allowed the examination of the interaction between complex environments and the experience of individuals who find themselves in such an environment.
3.3  

*Environmental Psychology*

This section will begin with a broad discussion of environmental psychology. Then the specific issues relating to this research are discussed in the context of the three theories used, all of which are drawn from the parameters of environmental psychology.

3.3.1  *The Person/Environment Continuum*

It is apparent to environmental psychologists that individuals do not act in isolation to their environment (Ittleson, Franck & O’Hanlon, 1976; Stokols, 1995). In fact, Ittleson et al. (1976) argue that the environment and the individual are inextricably bound to one another. There is a subtle dance that occurs between each of these two components of the interaction. The act of having an experience in an environment, whether that experience includes a social component or not, influences and potentially changes both the individual and the environment. Such changes and influences may not necessarily be perceptible to the individual who is having the experience, nor do the changes or influences necessarily become apparent immediately upon the individual having the experience (Ittleson et al., 1976). Yet, there is an undeniable interplay between the individual and his or her environment (Ittleson et al., 1976; Stokols, 1995).

The way in which an individual interacts with his or her environment is contingent upon many factors (Bell et al., 1996; Gifford, R., 1997; Kitchin, 1996; Kitchin, Blades & Golledge, 1997). Such factors may originate in the individual, social, cultural or symbolic level of analysis and may vary in both a temporal sense as well as spatially (Bell et al., 1996; Gifford, R., 1997; Kitchin, 1996; Kitchin et al., 1997). It is important that all factors are considered when appraising or examining the person/environment interaction (Kitchin, 1996; Kitchin et al., 1997). Unless all elements of the interaction are considered, a full understanding of what has occurred will not be achieved. Hence
there is an emphasis in environmental psychology on the molar relationships or the
gestalt of an interaction (Bell et al., 1996; Stokols, 1995).

The emphasis on a molar examination of the interaction between the person and
his or her environment translates into environmental psychologists having
consideration of the transactional and phenomenological view when examining
experiences individuals have in particular environments (Bell et al., 1996; Gifford, R.,
1997; Wapner, 1987, 1990). However, environmental psychologists do not reduce the
level of analysis to that of individual or internal processes, but rather the “person-in-
environment system” is studied (Wapner, 1990, p. 261). Whilst there is an emphasis on
the experience of the individual in his or her environment, such an emphasis does not
restrict the examination to the influence of the environment on the individual or vice
versa. Environmental psychology presumes that each has an influence on the other and
that changes in one will lead to changes in the other (Wapner, 1990). Hence, there is a
perceived continuum in the person/environment relationship, rather than a dissection
of the person from his or her environment (Altman & Christensen, 1990; Bell et al.,
1996; Gifford, R., 1997; Stokols, 1995; Stokols & Altman, 1987).

3.3.2 Complex Environments And Environmental Uncertainty

When an individual enters a complex environment he or she may experience
distress at being confronted with what is termed environmental uncertainty. Many
factors play a role in the overall experience one has in any given environment. The
aesthetics of the environment, as well as complexity found in the environment are
significant factors, as are the previous experience one has in the environment and
perceptions an individual has of the environment (Garling, Biel & Gustafsson, 1998;
Streufert & Streufert, 1978; Ulrich, 1983). These factors will play a role in the
experience one has in the environment, whether that is positive, neutral or negative.
In the context of a negative experience in an environment, overwhelming environmental uncertainty may be a significant factor. It must be noted however, that environmental uncertainty is not always linked to a negative experience in the setting. Some uncertainty may be considered ideal and necessary for the environment to be enjoyed or perceived as being stimulating. However, there are limits to the level of uncertainty one can assimilate and beyond such limits stress or overload may be experienced (Garling et al., 1998; Kaplan, 1987; Kaplan & Kaplan 1982). Should stress or overload be experienced, then issues of control come into play. If an individual perceives a certain level of control, then stress or overload may be moderated and/or diminished. A perception of control allows the individual to embrace their experience in the environment (Garling et al., 1998), notwithstanding the level of environmental uncertainty evident.

Although environmental uncertainty is a multifaceted phenomenon, it is predominantly determined by two factors that are involved in an interaction between an individual and the environment, those being; complexity of the environment and lack of knowledge by the individual (Garling et al., 1998). A complex environment is one in which information from the environment is inconsistent and therefore incomprehensible to the individual (Garling et al., 1998). Some examples of properties of a complex environment include;-

- Lack of information;
- Too much information;
- Inability to predict present or future events; and
- Redundancy or non-redundancy in the environment (Garling et al., 1998).

When one perceives properties such as these in an environment, the experience of stress or overload that is related to environmental uncertainty may result. On the other
hand, “coherent environments which are redundant and easy to perceptually-cognitively organise increases the possibility of making sense” (Garling et al., 1998, p. 77) and thus reduce the possibility of stress or overload.

One internal or intrapsychic factor that relates to environmental uncertainty is lack of knowledge of the environment. When an individual has had little or no experience in a particular environment they may not be able to predict events in the present and future (Garling et al., 1998). Perceived control over the environment is another factor that is considered important when experiencing environmental uncertainty (Garling et al., 1998). When an individual has little knowledge of an environment and experiences unpredictability and lack of control over his or her experience, stress or overload will generally be experienced (Garling et al., 1998).

In order to reduce stress, assuming the individual has the opportunity and access to resources, he or she will attempt to make sense of the experience and gain some control over the environment (Garling et al., 1998). There is a “…basic assumption that human beings are driven by a need for making sense of information they encounter. However they want to be challenged but not overloaded” (Garling et al., 1998, p. 77). When attempting to gain a sense of equilibrium in his or her environment, the individual may endeavour to increase or decrease environmental uncertainty (assuming they have the resources and power to do so) so that their experience is optimised (Garling et al., 1998). Alternately, rather than attempting to change the environment he or she may attempt to learn about the environmental cues of which they are uncertain. Falk, Martin and Balling (1978), for example, found that when an individual finds himself or herself in an environment of which he or she was unsure “setting oriented learning took precedence over task oriented conceptual learning” (p. 32).

Jurors experience both components of environmental uncertainty in the courtroom environment. In many instances the individual has had little or no
experience in a courtroom and the courtroom environment is, as previously discussed, considered a complex one. Additionally, the individual, as a juror, experiences little control over the events in the courtroom and the courtroom facilitates low levels of predictability in terms of the layperson’s experience. As a consequence of their experience of environmental uncertainty, in a negative sense, it is expected that the lay individual, as a juror, will experience stress and overload as being a concomitant of their experience of environmental uncertainty.

In this current research therefore, in accordance with the research of Falk et al. (1978), jurors were expected to seek to orient themselves in the complex and uncertain environment in which they found themselves, often for the first time. Consequently, it was proposed that jurors would not be focused on the evidence being presented in a trial, at least at the initial phase of settling into their role as a juror and the courtroom environment.

3.3.3 Complex Environments And Environmental Arousal

Another theoretical approach ascribed to by environmental psychologists is that of environmental arousal. This theory examines the influence various elements of the environment have on the individual’s state and then examines the resultant behaviour. Consequently, the level of arousal one experiences as a result of his or her interaction with the environment is considered an intervening factor that impacts on future behaviour and/or behaviour elicited at the time of arousal. Arousal is considered to be a continuum in which sleep is the manifestation of lowest end of the continuum and states in which the individual is highly agitated are manifestations of the higher end of the continuum (Bell et al., 1996).

When an individual finds himself or herself in a situation in which a significant change in arousal is experienced, there is a tendency for the individual to seek out an
explanation for the change in the level of arousal experienced (Bell et al., 1996). Such information is initially sought from internal states and then the individual is likely to engage in social comparison techniques to explain their experience (Festinger, 1954; Wills, 1981). In this respect, an examination of internal states will provide the individual with information as to how they are feeling, and perhaps why they are experiencing the level of arousal. Such information may also be sought from the environment, in the context of attributions made about factors in the environment that impact on the individual’s experience (i.e., is there a threat to personal safety or integrity in the environment?). With respect to social comparison, the individual will compare his or her level of arousal to that of others in the environment. If the individual determines that the level of arousal experienced appears to be similar to that of those around them, then this may normalise his or her experience (Hansson, Noulles & Bellovich, 1982).

No matter whether or not an individual is able to adequately explain his or her level of arousal, the level of arousal experienced has a significant impact on behaviour and performance (Allan-Flynn et al., 1996; Bell et al., 1996; Cotterell, 1984; Evans, Allen, Tafalla & O’Meara, 1996; Glass & Singer, 1972; Graveling & Brooke, 1978; Knez & Enmarker, 1998). Research has found that there is a curvilinear relationship between levels of arousal and performance (see Figure 3.1). The Yerkes-Dodson Law indicates that intermediate levels of arousal maximises performance (Mehrabian & Russell, 1974) with a significant drop off in performance as arousal levels increase and/or decrease (Bell et al., 1996). However, it should be noted that for complex tasks, the optimum level of arousal is slightly lower than for simple tasks (Bell et al., 1996).

The level of arousal that is optimal with regards to performance can be influenced by various environmental factors. Confusing architectural design, excessive noise, inappropriate levels of lighting, crowding, and air pollution have all been shown
to increase levels of arousal to beyond optimum levels of performance (Allen-Flynn et al., 1996; Cotterell, 1984; Evans et al., 1996; Glass & Singer, 1972; Graveling & Brooke, 1978; Knez & Enmarker, 1998). However, a number of internal or intrapsychic factors can also influence the response an individual might have to an environmental factor or stressors. Such things as perception of an environmental stressor and perceived level of control will influence one’s perception of the stressor and thus one’s level of arousal (Baron & Rodin, 1978; Evans et al., 1996; Freedman, 1975; Stokols, 1976; Vietch & Gifford, R., 1997). Consequently, although an environmental stressor may exist in an environment, it is often the perception of the stressor that influences arousal and therefore performance (Baron & Rodin, 1978; Freedman, 1975; Garling et al., 1998; Stokols, 1976; Suedefeld & Steel, 2000; Vietch & Gifford, 1997). Similarly the factors of perception of control over the stressor and predictability of the environment will reduce hyperarousal and therefore increase performance (Garling et al., 1998).

Figure 3.1. The Yerkes-Dodson Law - The inverted U-shape relationship between arousal and performance on complex and easy tasks.
With respect to this research, it was expected that jurors who found themselves in a courtroom, particularly those who were empanelled for the first time, would experience high levels of environmental arousal. The courtroom environment is one in which jurors are arguably unable to predict events or understand the environmental cues of which they generally have little experience. Additionally, it is noted that jurors have little control over their experience when in the courtroom environment.

### 3.3.4 Complex Environments And Environmental Load

Another theoretical approach that explains the interaction between the individual and environmental stressors is environmental load theory (Sundstrom, Bell, Busby & Asmus, 1996). Environmental load theory is particularly relevant in the context of environments in which novel or unwanted stimuli exist (Bell et al., 1996). This speaks to the experience an individual has when entering an environment of which they are uncertain. Many environmental and personal issues arise which impact on that particular individual’s experience in the environment (Bell et al., 1996; Garfinkel, 1984; Mehrabian, 1972, 1976; Sundstrom et al., 1996). The combination of these issues may result in a perceived lack of control or experience of cognitive and emotional overload for the individual. The experience of overload has the potential to influence the individuals’ ability to function effectively in the particular environment being examined (Bell et al., 1996; Mehrabian, 1976). Anything in the environment that increases the “sense of pressure” an individual experiences relates to environmental load (Driver, Brousseau & Hunsaker, 1993, p. 39).

One specific issue which is considered by environmental psychologists in the examination of the influence an environment has on an individual relates to orientation of the individual. Orientation may be assisted by way-finding aids or the availability of information from the environment which gives some indication of preferred or expected
behaviour. Other issues relate to the multiple functionality of the environment; the size and complexity of the environment; and the symbolic nature of the environment (Russell & Snodgrass, 1987; Sundstrom et al., 1996). Each of these can be categorised in terms of their level of meaning and cues are generally found in the environment to convey such meanings (Rapoport, 1990). The presence or absence of any or all of these types of cues will have a profound impact on the way an individual interacts with the environment in which they find themselves (Rapoport, 1990).

Environmental load theory relies on four basic tenets. The first is that the ability of an individual to process stimuli is limited (Bell et al., 1996; Cohen, 1978). At any one time, attention to incoming stimuli from the environment is limited and as a consequence, when the level of stimulus reaches critical mass the individual experiences overload (Bell et al., 1996). The second tenet relates to the experience once overload is reached. At this point the individual must reduce his or her focus and ignore those stimuli that are considered to be unimportant or distracting and focus specifically on those stimuli that are considered more salient to the experience (Bell et al., 1996; Cohen, 1978).

The third tenet relates to how the individual deals with unfamiliar stimuli and the level of uncertainty experienced as a result of particular stimuli (Bell et al., 1996; Cohen, 1978). If, when a stimulus is experienced, a level of arousal is also experienced, the individual will pay greater amounts of attention to either the stimulus or the experience of uncertainty, depending upon which is more salient or predictable at the time. Such a response is adaptive and relies on coping mechanisms available to the individual at the time of their experience (Bell et al., 1996; Cohen, 1978).

The fourth tenet of the theory acknowledges that the level of attention an individual can pay to environmental stimuli fluctuates and is related to the whole experience of the individual. In this sense, if an individual has experienced
environmental overload, then they are likely to experience a deficit in attention for some time after the overload experience has passed (Bell et al., 1996; Cohen, 1978). It is only after a period of rest and normalisation of their experience that ‘normal’ function will resume (Bell et al., 1996; Brierley Newell, 1997; Cohen, 1978; Kaplan, 1995; Kaplan & Kaplan, 1989).

When an individual experiences overload, the things to which they pay attention may be somewhat arbitrary and the theory does not predict the influence of environmental overload on behaviour (Cohen, 1978). However, some research indicates that the individual will pay attention to the task that is most important to them at the time (Brown & Poulton, 1961; Evans et al., 1996) or alternately those tasks to which they are directed to pay attention (Cohen, 1978). Nonetheless, as a result of the experience of environmental overload, there is a significant decrease in ‘input’ allowed or perceived by an individual from the environment (Cohen, 1978). Additionally, some stimuli will elicit immediate attention notwithstanding the level of overload. However, attention to these stimuli will be at the expense of attention to other less intrusive stimuli (Cohen, 1978). Such stimuli that seize the attention of an individual even when experiencing environmental overload include those that are “novel, intense, surprising, complex, conflicting or having some special learned significance” (Cohen, 1978, p. 7). Additionally, as indicated in Section 2.3.3 of this thesis, these attributes of an event facilitate the appropriate recall of the memory of the experience.

Given the complex nature of the courtroom environment, it was expected that the cues that are found in the environment, by virtue of their novel, perhaps surprising and complex nature, would seize the attention of those individuals who may be experiencing increased arousal as a result of their unusual or unexpected experience. It was hypothesised in this thesis therefore that performance would suffer as a result of the overload and hyperarousal experienced by jurors when first entering a courtroom.
Additionally, prior experience in the courtroom might reduce arousal and overload and thus increase performance. However, for those who had experienced the courtroom on one occasion only, it was expected that due to the effects of overload, in many cases (particularly those where the courtroom experience was short), the impact would continue throughout jury service. This is consistent with the last tenet of environmental load theory.

3.3.5 Environmental Psychology And This Research

The theories that have formed the basis of this research and that are drawn from the psychological field of knowledge all seek to explain how it is that a person responds to a complex environment.

In the context of this research, environmental uncertainty theory allows the examination of the impact of an environment on individuals who find themselves in a setting of which they have little or no knowledge. An experience of overload or stress may be experienced by individuals who find themselves in a complex environment which does not provide them adequate information or alternately too much information or in which the information is redundant and in which they are unable to predict future events. Such an experience elicits behaviours in the individual which facilitate a sense of orientation in the environment. In this current research orientation seeking behaviour was expected to take juror focus off the evidence being presented in the trial on which naive lay individuals, as jurors, were empanelled.

Environmental arousal theory acknowledges that optimal performance is facilitated by a certain level of arousal or stress. However, the level of arousal or stress that facilitates optimal performance is difficult to quantify and is different for each set of circumstances. In contrast, as described by the Yerkes-Dodson Law, complex tasks and higher levels of arousal elicit poorer performance. This is particularly salient in
complex environments. Also acknowledged by environmental arousal theory is that once changes in arousal are perceived the individual will seek to explain their experience either by an investigation of their internal state or social comparison techniques. This will arguably take jurors’ focus off the evidence being presented.

Finally, environmental load theory, in the context of this research speaks to the experience of naive individuals in an environment in which unwanted or surprising stimuli are experienced. This theory suggests that an individual has a limited capacity to process stimuli and should critical mass be reached overload is experienced. When in a state of overload the individual must limit their focus to either the task at hand, the complex environment in which they find themselves or the experience of uncertainty. Environmental load theory also suggests that it takes some time to overcome the psychological impact of overload and one must rest or normalise the experience before a sense of equilibrium is once again experienced.

In the context of the theories drawn from environmental psychology therefore, the juror who enters the very complex and potentially incomprehensible courtroom environment was expected to experience distress related to environmental uncertainty. Additionally, as a result of the stress and/or overload experienced, which is a concomitant of environmental uncertainty, it was expected that the juror would experience the effects of environmental arousal and environmental load. The experience of environmental arousal and environmental load will impact on the juror’s psychological state and potentially their ability to focus on the evidence being presented in the trial on which they have been empanelled.

3.4 Summary Of The Theories Used In This Research

To conclude therefore, Rapoport’s theory has been utilised in this research to quantify symbolism in the courtroom, in the form of environmental cues. In accordance
with Rapoport’s theory, the courtroom environment is complex. Accordingly, when an individual, as a juror, enters the courtroom, particularly if it is his or her first experience, he or she will attempt to make sense of the information made available via the environmental cues embedded in the setting. Given the relative naivety of most jurors particularly at initial stages of the trial, and given also that the cues embedded in the environment are complex, it was expected that the juror would experience confusion about what behaviours were expected or appropriate in the setting. The level of confusion experienced is explained by the theory in which environmental uncertainty is described. In this respect jurors experience both factors involved in environmental uncertainty, those being their relative lack of knowledge of the environment and their being situated in a complex environment.

As a result of the confusion experienced by jurors because of the environmental uncertainty inherent in the courtroom setting he or she was expected to experience a state of arousal which, when heightened, will influence performance and overload, which will then influence attention. In this respect, jurors were expected to focus their attention on the novel, complex and perhaps surprising nature of the environment rather than being able to focus on the evidence as is required of them during jury duty.

3.5 Conclusion

The experience of a juror in the courtroom environment is one that involves complex interactions between the individual and the environment. In this chapter the theories that facilitated the examination of the interaction between jurors and the courtroom environment have been described. Also described was Rapoport’s theory which facilitated the measurement of symbolism in the courtroom, or more specifically, the environmental cues to which jurors were expected to pay attention when first entering the courtroom environment.
In the next chapter the experience of a juror in the Queensland court system is described. Additionally, in Chapter 4 the model which was developed to illustrate the juror experience in the courtroom is presented and described. Finally the research questions and hypotheses examined in this research are presented and explained in the context of the theories which have been described in this chapter.
CHAPTER 4

OVERVIEW OF RESEARCH

4.1 Introduction

The focus of this chapter is a description of the juror experience in a contemporary courtroom environment with a particular emphasis on courtroom environments in Brisbane and Cairns, Queensland, Australia. This chapter has five sections. The first three sections relate to the juror experience in the courtroom environment. The last two sections relate to the development of a model of the juror experience and the research questions and hypotheses.

Initially, in this chapter, the courtrooms in Brisbane and Cairns will be described. The description of the settings will be enhanced by photographs taken of courtrooms in both Brisbane and Cairns. In the next section, the experience of jurors from initial contact from the court system advising them of their impending jury duty to when they are discharged by the judge after reaching their verdict is described. This section of the chapter is written from within the parameters of and with specific reference to The Queensland Jury Act, 1995 (As Amended). Following this, the difficulties associated with gaining access to jurors in Queensland is discussed in the context of the problems encountered at the initial phase of this research project.

In the fourth section of this chapter a model of the juror experience in the courtroom is presented. The model illustrates the links between the theoretical foundation of this research and the experience of jurors in the courtroom and later provides a basis around which the data analysis is organised. Finally, in the fifth section, the research questions and associated hypotheses that underpin this research are presented and discussed in the context of the theories presented in Chapter 3.
4.2 The Courtroom Environment

The courtroom environment is one laden with symbolism and environmental cues. However, courtrooms in various centres in Queensland differ significantly. Although the court environment is designed and built in accordance with the philosophical parameters described in Chapter 2, each court centre differs in décor and environmental attributes. Such differences relate to time of construction and facilities and materials available when the setting was built. Consequently, it was considered appropriate to examine an urban court complex and a court complex located in a provincial centre. In this respect the Brisbane court system was the most appropriate urban court environment to examine as it is located in the capital city of Queensland. The population of Brisbane at the time this research was conducted was 1.6 million (Australian Bureau of Statistics, 2003).

The Cairns court system is one in which District and Supreme Court judges reside and it is located some 1700 kilometres north of the Brisbane centre. The Cairns court system is the third largest centre in Queensland and is fed by the northern and cape regions of Queensland. In size and functionality, it is one of the busier provincial centres in Queensland (personal communication Mr. Neal Hansen, December 13, 2005). At the time this research was conducted, the population of the catchment area for the Cairns court system was 250,000 (Australian Bureau of Statistics, 2003). Consequently, the Cairns court environment was considered an appropriate provincial centre to examine in this research.

It was noted after observing the courtroom both in session and when uninhabited, that semi-fixed elements of the environment are not present. Specifically, there was no evidence of those elements of the courtroom environment that might be used to change the tone or focus of the space. Non-fixed elements of the courtroom setting are however evident when the court is in session and fixed-elements of the
setting are evident at both stages (i.e., in session, when uninhabited). In this respect, the courtroom environment is somewhat static in terms of functionality. The form and purpose of the courtroom, in principle, remains constant in a temporal sense. Additionally, although architecture and materials change over ages, the ‘look’ of the courtroom remains predominantly the same.

To provide a foundation from which to identify the environmental cues and symbolism found in contemporary courtrooms, permission was sought from the Principal Registrar and Administrator of Queensland Courts to photograph District Courtrooms in Brisbane and Cairns. After obtaining permission to photograph the District Court environments in Brisbane and Cairns, a series of photographs were taken in each location. As Cairns courtrooms are similar in design and décor, photographs were taken of one courtroom at the Cairns Courthouse. Brisbane on the other hand has two separate types of courtrooms, one relatively contemporary and the other an older style. Consequently, photographs of two courtrooms were taken in the Brisbane region. Each courtroom was photographed from eight distinct angles such that all depictions of the courtrooms were the same (see Figure 4.1 for the locations at which all photographic series were taken).

In each setting the first photograph was taken from the mid point of the back wall of the courtroom (i.e., generally facing the Judge’s bench). Subsequent photographs were taken by moving clockwise throughout the setting to the corner and then the mid point of the wall to the left of the location from which the previous photograph was taken. In all, eight photographs of each courtroom were taken with a total of twenty four photographs (i.e., eight in Cairns and sixteen in Brisbane) being utilised to illustrate the level of symbolism and environmental cues evident in the fixed elements of the courtrooms with which jurors are expected to contend. All photographs have been presented in Appendix A (on CD ROM).
Figure 4.1. Vantage points from which photographs of all courtrooms were taken

Each courtroom, although different in décor and, in some respects lay out, has significant levels of environmental cues relating to the power of that which occurs when a courtroom is in session. Unfortunately it was impossible to take photographs of courtrooms whilst in session (personal communication Neal Hansen, Sheriff of Queensland, October 4, 2005). Nonetheless, even without the symbolic representations of the law generally observed with respect to legal attire and lawyer behaviour, the courtroom exudes a sense of importance and propriety that is difficult to ignore, particularly when one finds oneself in the environment.

Features of the courtroom setting in which environmental cues representing high level meanings, in accordance with Rapoport’s (1983, 1990) theory, were found are illustrated in the photographs. The particular features which were examined in this research are:

- The Coat of Arms behind the judge’s bench;
- The judge’s bench being elevated;
• The witness box being separated from the rest of the court;
• The lawyers’ tables being at the same elevation as each other;
• The gallery which separates observers from the court proceedings;
• The private door used by the judge;
• The dock which holds the accused;
• The jury box that holds the jury;
• The interior design of the courtroom; and
• The positioning of court staff between the judge and all others in the courtroom.

These components of the setting are all found in the fixed element of the environment as described by Rapoport (1983, 1990). Figures 4.2 to 4.4 illustrate the Cairns courtroom that was photographed. Figures 4.5 to 4.7 illustrate the older style Brisbane courtroom that was photographed and Figures 4.8 to 4.10 illustrate the newer style Brisbane courtroom that was photographed. With the exception of the interior design of the courtroom, the elements of the courtroom listed above have been labelled in each photograph. The interior design of the courtroom is illustrated in all photographs.

The nine photographs depicted in Figures 4.2 to 4.10 were rated by ten non jurors. From the ratings, the Cairns courtroom was considered less traditional than both of the Brisbane courtrooms. Additionally, the Cairns courtroom was considered less complex and less imposing than the new Brisbane courtroom and less formal than the old Brisbane courtroom. There were no significant differences in ratings of Brisbane courtrooms. The data analyses associated with the rating of the courtrooms in Cairns and Brisbane has been set out in Section 5.4.1 of this thesis.
Figure 4.2. Photograph #1 of Cairns District Courtroom illustrating symbolic elements of the setting.
Figure 4.3. Photograph #2 of Cairns District Courtroom illustrating symbolic elements of the setting.
Figure 4.4. Photograph #3 of Cairns District Courtroom illustrating symbolic elements of the setting.
Figure 4.5. Photograph #1 of older style Brisbane District Courtroom illustrating symbolic elements of the setting.
Figure 4.6. Photograph # 2 of older style Brisbane District Courtroom illustrating symbolic elements of the setting.
Figure 4.7. Photograph #3 of older style Brisbane District Courtroom illustrating symbolic elements of the setting.
Figure 4.8. Photograph #1 of newer style Brisbane District Courtroom illustrating symbolic elements of the setting.
Figure 4.9. Photograph #2 of newer style Brisbane District Courtroom illustrating symbolic elements of the setting.
Figure 4.10. Photograph #3 of newer style Brisbane District Courtroom illustrating symbolic elements of the setting.
As the courtroom environment is complex and provides the user with limited information as to how they are expected to behave, it was anticipated that jurors who entered the courtroom would be overwhelmed by the setting. However, such an experience was expected to be more salient for Brisbane jurors than Cairns jurors. Specifically, it was hypothesised that jurors in Brisbane who were confronted with the more traditional courtrooms used by the Brisbane courts would experience a sense of being overwhelmed in both courtrooms (i.e., newer style, older style). In the context of feeling overwhelmed, it was expected that jurors in Brisbane would pay greater attention to the elements of the setting such that they could make sense of their experience than would Cairns jurors who entered a comparatively less imposing setting.

The remainder of the elements of the courtroom examined in this research relate to the behaviour of court officials, the accused, the victim, relatives and friends of the accused and victim along with factors relating to the task of being a juror. These elements of the juror experience are unable to be photographed for reasons identified above as well as ethical reasons. Also given that the task of being a juror is an intrapsychic phenomenon it was not able to be represented in photographic format. However, the appearance and behaviour of court officials and those associated with the offence and the task of being a juror were considered significant factors that would impact on juror ability to focus on the evidence. These elements along with personal differences of jurors, when considering Rapoport’s (1983, 1990) theory are aspects of the non-fixed elements of the courtroom environment. All these factors, along with the elements found in the fixed features of the setting make up the components of the courtroom environment examined in this research.
The juror experience commences when the potential juror receives notification from the Court that they have been selected to be on a jury panel. Potential jurors are randomly selected from the Queensland Electoral Roll (Queensland Jury Act, 1995, As Amended, s.16) and are notified by post of their legal obligations (Queensland Jury Act, 1995, As Amended, s.18). Potential jurors are eligible for selection on a jury if:

- the person is enrolled as an elector; and
- the person’s address as shown on the electoral roll is within the jury district; and
- the person is eligible for jury service (Queensland Jury Act, 1995, As Amended, s.4, pp. 5-6).

Those persons not eligible for jury service are:

- The Governor;
- A member of Parliament;
- A local government mayor or other councillor;
- A person who is or has been a judge or magistrate (in the State or elsewhere);
- A person who is or has been a presiding member of the Land and Resources Tribunal;
- A lawyer actually engaged in legal work;
- A person who is or has been a police officer (in the State or elsewhere);
- A detention centre employee;
- A corrective services officer;
- A person who is 70 years or more, if the person has not elected to be eligible for jury service under subsection (4);
- A person who is not able to read or write the English language;
• A person who has a physical or mental disability that makes the person incapable of effectively performing the function of a juror;

• A person who has been convicted of an indictable offence, whether on indictment or in a summary proceeding; and

• A person who has been sentenced (in the State or elsewhere) to imprisonment (Queensland Jury Act, 1995, As Amended, s. 4, p. 6).

At the time of being notified that they have been selected for jury duty, potential jurors are provided with a Juror Hand Book (Queensland Courts, 2005) which is also available on the World Wide Web (www.qldcourts.gov.au) and which informs prospective jurors about their responsibilities, expected payment and all other matters relevant to their experience prior to attending at the courthouse (personal communication Neal Hansen, Sheriff of Queensland, October 18, 2005).

Unless the potential juror is able to be excused from jury duty because jury duty would result in hardship to the individual, their work, the public or the any dependent of the individual (Queensland Jury Act, 1995, As Amended, s. 21) the potential juror must attend at the court at the nominated time. Failure to do so can result in significant penalties.

Upon entering the courthouse on the first day of jury duty, the potential juror is ushered to the jury assembly area (see Appendix B on CD ROM for photographs of the jury assembly area in Cairns). In the assembly area potential jurors are advised by court staff of their obligations and responsibilities. At this point potential jurors are required to watch a video made available by the courts. The video lasts approximately sixteen minutes and essentially provides an overview of the process of empanelment and what is expected of jurors in the courtroom (personal communication Neal Hansen, Sheriff of Queensland, October 18, 2005).
Until empanelled on a jury, it is the duty of each potential juror to ascertain their responsibility on the next court day. To do so, the potential juror must contact the court every day for the term of their jury experience to determine whether they are to attend at the courthouse. This involves the prospective juror (when not empanelled on a jury) checking the newspaper every morning or telephoning the courthouse every evening to determine whether they have been nominated for the jury panel the next day. This responsibility can last for up to six weeks (i.e., the average time of jury duty in Queensland) depending upon whether or not the potential juror has been empanelled (personal communication Neal Hansen, Sheriff of Queensland, October 18, 2005).

When a trial is to commence a prospective panel of jurors is taken to the courtroom whereupon the twelve members of the jury are selected. The selection process involves the potential of being challenged by either the defence, prosecution and in some cases the judge (Queensland Jury Act, 1995, As Amended, ss. 39-48). Should the prospective juror not be challenged, however, he or she is ‘sworn in’ or makes ‘an affirmation’ (Queensland Jury Act, 1995, As Amended, s. 51). Section 17 of The Queensland Oaths Act, 1867 dictates that a juror may make an affirmation, however, jurors generally swear an Oath which, according to Section 22 of The Queensland Oaths Act 1867 is in a similar format to the following:-

“You will conscientiously try the charges against the defendant (or defendants) [or the issues on which your decision is required] and decide them according to the evidence. You will also not disclose anything about the jury’s deliberations other than as allowed or required by law. So help you God” (pp. 12-13).

The judge will then make his or her opening remarks which generally provide jurors with an understanding of the proceedings in which they have become involved. After all these processes, the trial begins.
Whilst empanelled on a jury, jurors are expected to pay attention to and understand the evidence being presented by both the defence and prosecution. Jurors are supervised at all times and are also expected to adhere to legal responsibilities that if ignored can result in severe penalties, such responsibilities include:

- Not separating until they have given their verdict or have been discharged by the judge (Queensland Jury Act, 1995, As Amended, s. 53); and

- Not communicating with any person except other members of the jury without the judge’s leave (Queensland Jury Act, 1995, As Amended, s. 54);

Additionally, while in the courtroom, jurors are expected to adhere to the protocols associated with acceptable behaviour in the courtroom. However, rather than being explicitly communicated by the courts, it appears that such behaviours have been passed down and gradually modified over generations (personal communication Philip Bovey, Lawyer, August 20, 2002). Mr. Bovey reported that “…even at university lawyers don’t get taught how to behave in a courtroom, they learn by being in the court and copying the behaviour of other lawyers” (personal communication, October 18, 2005). Consequently, those who have little or no knowledge of, and little time to observe or learn, the protocols involved in the court process are likely to have difficulty understanding the behaviour expected of them.

Once the evidence has been heard, jurors retire to the jury room where they are expected to determine the guilt or otherwise of the defendant (See Appendix C on CD ROM for photographs of jury rooms in Brisbane and Cairns). The deliberation process is one that is sanctioned by the Court. As previously indicated in Section 2.3.3 of this thesis, the deliberation process is one about which few are permitted to discuss (Queensland Jury Act, 1994, As Amended, s. 54). There are severe penalties for not adhering to this aspect of the Act. The deliberation process may take from a relatively short time to several hours or days and may involve the jury being ‘locked up’ overnight.
Once a decision has been agreed upon the jury is brought back to the courtroom to deliver their verdict after which the jury is discharged. In Queensland District Court criminal trials, a unanimous verdict must be made (Queensland Jury Act, 1994, As Amended, s. 59). Possible outcomes are ‘guilty’, ‘not guilty’ or what is termed a ‘hung jury’ if a unanimous decision can not be made on the evidence.

With the exception of the deliberation process, about which, in Australia, it is unlawful to question jurors, the current research examined a substantive proportion of the experience of jurors in the courtroom setting. However, access to jurors in Queensland is difficult to obtain. Such difficulties are related to consideration by those who advise the courts that the role of being on a jury is sacrosanct and should not be tampered with (Queensland Law Reform Commission, 1985). The difficulties experienced with respect to gaining access to jurors for the purposes of the current research have been described in the next section.

4.4 Access To Queensland Jurors For Research

Prior to having access to jurors as participants, permission from the Attorney General in Queensland was required. Section 70, Subsection 9 of the Queensland Jury Act, 1995 (As Amended) requires that the Attorney General make an application to the Supreme Court on behalf of the researcher. In Queensland, it is only after a Supreme Court Order has been made that any juror can be approached to discuss their experience on a jury for the purposes of research.

In this instance, the process of obtaining the Supreme Court Order took two and a half years. Negotiations with the Attorney General’s Department commenced in November, 1998. During such consultations the format of the research and what it was that the Court would sanction during the research was discussed and negotiated. An initial Supreme Court Order was delivered on the 8th June, 2001 (See Appendix D in
which the Interim Supreme Court Order that was made on the 8th June, 2001 is presented). The Order sought further information and made certain recommendations. After further consultation with the relevant Government Departments and the Supreme Court Registry, the final Supreme Court Order was made in July, 2001 (see Appendix E which presents the Final Supreme Court Order made on the 19th July, 2001). Only after a copy of the final Order was made available by Crown Solicitors was this research able to commence. However, the Supreme Court placed restrictions on the parameters of the research. Such restrictions included the following:-

- At no time prior to the survey being returned to Griffith University was contact allowed between the researcher and jurors;
- Surveys had to be handed to jurors by Bailiffs of the Court, the researcher was not permitted to attend at either of the courthouses to assist;
- There was no recourse for follow-up once surveys had been distributed, there was no record of names of those to whom the survey was given;
- A time limit of one year for distribution of surveys and eighteen months for the organisation of interviews was imposed, thus restricting the number of surveys distributed and interviews performed; and
- Significant restrictions were made with respect to what could be asked of jurors in the survey and interviews.

Notwithstanding the above limitations to the process, the Supreme Court Order facilitated the conduct of this current research. With these limitations in mind, a model was devised to illustrate the juror experience in the courtroom. The parameters of this research, in the context of the model devised, are presented in the next section of this chapter.
Model Of The Juror Experience In The Courtroom

The juror experience in the courtroom setting is complex. Consequently, it was considered appropriate to develop a model of the juror experience from within the parameters of the theories used to support this research. See Figure 4.11 in which the model is presented.

The model incorporated all elements of the juror experience considered relevant to this research. The elements included in the model are personal differences in terms of demographic information as well as court related differences, the components in the courtroom environment that are found in the fixed and non-fixed elements of the environment and what has been termed ‘effect on juror experience’. Additionally in accordance with the theories relating to environmental arousal and environmental load, state and trait anxiety have been included in the model. A state of anxiety was expected to impact on juror ability to focus on the evidence being presented.

Specifically, jurors bring the inherent personal factor of trait anxiety to their experience on a jury. Demographic factors such as gender, age, education and occupation also influence the juror experience. Court related factors such as location of trial, prior jury experience, nature of the offence and length of trial are also evident when considering the juror experience. With the exception of length of trial, all court related factors, trait anxiety and demographic factors are relatively static. Length of trial is a dynamic variable. Each of these factors contribute to the way in which the juror engages with the courtroom setting and their overall experience as a juror. The overall effect on juror experience, in this model, was measured by five questions which directed juror attention to their sense of respect for the criminal justice system and their ability to perform their role as a juror.
Figure 4.11 Model devised to represent juror experience from within the parameters of the theories used in this research.
It was expected that all these factors would influence three aspects of the juror experience. Firstly, it was hypothesised that trait anxiety, demographic and court related factors would influence the amount of attention jurors paid to the elements of the courtroom environment (i.e., the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence and the task of being a juror). This particular aspect of the juror experience is represented in the model by the red continuous line. Secondly, it was hypothesised that attention paid to these factors would influence juror ability to perform their role as a juror and elicit a sense of appreciation for the function of the law and criminal justice system. The effect on jurors of the attention they paid to the elements of the courtroom environment with respect to their ability to perform their role and experience a sense of appreciation for the function of the law has been nominated in the model as “effect on juror experience”. This aspect of the juror experience is represented by the blue continuous line. Thirdly, it was hypothesised that trait anxiety, demographic and court related factors would influence state anxiety experienced by jurors. This aspect of the juror experience has been represented by the green continuous line.

To investigate the influence of trait anxiety, demographic and court related factors on the juror experience, two time frames were examined, the first being at initial contact with the courtroom environment, the second being at midpoint of the trial on which jurors were empanelled. This was done because length of trial, being a dynamic factor was not in the knowledge of jurors at initial contact with the environment. Consequently the influence of length of trial, whilst controlling for demographic factors, was investigated at midpoint of the trial on which jurors were empanelled. As trait anxiety, location of trial, prior jury experience and nature of the offence are static factors, the influence of these factors, whilst controlling for the influence of
demographic factors, was investigated at initial contact with the courtroom environment.

Additionally, the attention jurors paid to the elements of the courtroom environment (i.e., the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence and the task of being a juror) was expected to have a direct influence on jurors' ability to perform their role as a juror and elicit a sense of appreciation for the function of the law (i.e., effect on juror experience). This has been represented by the purple continuous line. This aspect of the juror experience was then expected to influence state anxiety experienced by jurors. This has been represented by the black continuous line. Again both time frames were examined in this research. This allowed a more comprehensive examination of the juror experience.

Finally, it was expected that the attention jurors paid to the elements of the courtroom environment (i.e., the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence and the task of being a juror), the ability of jurors to perform their role as a juror and experience a sense of appreciation for the function of the law (i.e., the effect on juror experience) and state anxiety would diminish over time. These aspects of the juror experience have been represented respectively by the black, blue and red broken lines.

As has been previously mentioned, it was proposed in this research that the attention paid by jurors to all aspects of their experience in the courtroom environment would have a flow on effect on their ability to determine a just outcome in the trial on which they have been empanelled. From a psychological perspective, such an impact is related to juror attention being diverted from the evidence by the elements of the exceptional and complex courtroom environment in which they found themselves.
4.6 Research Questions And Hypotheses

The overarching research question associated with this research was:

Do symbolic elements in the courtroom environment draw juror attention away from the evidence being presented?

Such that this research question could be adequately investigated, and in the context of the model presented in Figure 4.11, eight subordinate research questions were developed. Each research question and associated hypotheses along with an explanation of the theories that underpin these have been presented below.

**RQ 1** Do trait anxiety and court related factors influence the amount of attention jurors pay to the elements of the courtroom environment?

*This has been represented in the model by the continuous red lines.*

Five hypotheses are associated with this research question. The specific theories relevant to these hypotheses are environmental uncertainty theory, environmental arousal theory and environmental load theory. Given that jurors have little scope for changing the complex courtroom environment of which they have generally had little experience and of which they are uncertain it was expected that they would attempt to make sense of the environment by reading the cues found therein. It was expected that jurors would pay significant levels of attention to the environment in an attempt to relieve any uncertainty they were expected to experience. With this in mind, the following hypotheses were proposed:

1.1 That jurors in Brisbane will pay greater attention to the courtroom environment than will Cairns jurors.
It was expected that as a result of the differences in décor of courtrooms in the two locations jurors in Brisbane and Cairns would experience differing levels of attention paid to the environmental cues. As can be seen from the photographs presented in Section 4.2 and as has been confirmed by the self report of objective raters, there are differences in the style of the courtrooms in both locations. Consequently, it was expected that the complexity of the more traditional environments of Brisbane would elicit greater attention from jurors than would the more contemporary environments of Cairns.

1.2 That jurors who have had no prior jury experience will pay greater attention to the courtroom environment than will jurors who have had previous jury experience.

As a consequence of having previously been in the courtroom setting, those jurors who have prior jury experience would arguably find the environment less alien or intimidating compared with jurors who have had no prior jury experience. Consequently, those with prior jury experience were not expected to moderate their experience via a need to read the environment by paying attention to the environmental cues. Previous experience in the environment will arguably impact on jurors’ attention. Theoretically, therefore, jurors who have been to some extent ‘acculturated’ by previous experience would be more likely to pay attention to the evidence, rather than the environment of which they are somewhat more certain than would jurors who were relatively naive in the new and complex environment of the courtroom.

1.3 That jurors who were empanelled on a trial in which the accused was charged with a personal offence will pay less attention to the courtroom environment but will pay greater attention to their nominated task (i.e., determining the guilt or otherwise of the accused)
and the task of being a juror than will jurors who were empanelled on a trial in which the accused was charged with a non personal offence.

Environmental load theory indicates that the task is often more salient to individuals than is the environment, particularly when there is a factor of ‘overload’ involved. It is therefore hypothesised that given the emotive content associated with a personal offence jurors would be more likely to be task driven rather than concerned about their environment. Their attention would therefore be focused on the task of being a juror and those aspects of the environment which would allow them to focus on determining the guilt or otherwise of the accused as a result of the nature of the offence for which the accused has been charged.

1.4 That jurors who experience high levels of trait anxiety will pay greater attention to the courtroom environment than will jurors who experience lower levels of trait anxiety.

Environmental arousal theory predicts that those who perceive changes in arousal will seek out an explanation for their experience of arousal. Those who have elevated trait anxiety are more likely to experience arousal in the context of a complex environment. Consequently, it was expected that those who experienced greater levels of trait anxiety would pay more attention to the courtroom environment to gain an understanding of their distress than would those who experienced lower levels of trait anxiety.

1.5 That jurors who were empanelled on longer trials will pay less attention to the courtroom environment than will jurors who were empanelled on shorter trials.
As with the hypothesis 1.2, those who were ‘in’ the environment for longer periods of time were expected to have their experience moderated and as such be less likely to pay attention to the environment at the cost of paying attention to other facets of their experience.

**RQ 2**  
*Do trait anxiety and court related factors influence the effect on jurors of the attention they paid to the elements of the courtroom environment? This has been represented in the model by the continuous blue lines.*

Again five hypotheses are associated with this research question. The theories that underpin this set of hypotheses are once again those relating to environmental uncertainty, environmental arousal and environmental load. There is a particular emphasis on environmental arousal and environmental load theories. It was expected that as a result of their relative lack of experience in the courtroom setting jurors would experience arousal and would be overloaded by the experience. Consequently it was expected that in the context of trait anxiety and court related factors and the attention they paid to the courtroom environment, jurors would feel overwhelmed, which in turn was expected to distract them from the evidence. Additionally, it was expected that the attention jurors paid to the elements of the courtroom environment would be linked to an awareness of the importance of their role as a juror, a sense of feeling uncertain as to what they were expected to do as a juror and sense of respect for the criminal justice system. To examine these theories in the context of this research question, the following hypotheses were proposed:

2.1  
That as a result of the attention they paid to the courtroom environment jurors in Brisbane will be less able to perform their role as
Hypothesis 1.1 proposed that the differences in courtroom décor in the two locations would elicit differing levels of attention from jurors. It was hypothesised that jurors in Brisbane would pay more attention to the courtroom environment than would Cairns jurors. In hypothesis 2.1 it was expected that the greater attention Brisbane jurors paid to the courtroom environment would elicit a greater effect on them than would Cairns jurors who it was hypothesised would pay less attention to the courtroom environment.

2.2 That as a result of the attention they paid to the courtroom environment jurors who have had no previous jury experience will be less able to perform their role as a juror but feel a greater appreciation for the function of the law than will jurors who had previously experienced jury duty.

Again, in hypothesis 1.2 it was proposed that jurors who had previous jury experience would pay less attention to the elements of the courtroom environment than would jurors who had no previous jury experience. It was expected that the effect on jurors of the attention they paid to the elements of the courtroom environment would have a greater influence on jurors who have had no prior jury experience than those who had previously been in the courtroom setting.

2.3 That as a result of the attention they paid to the courtroom environment jurors who were empanelled on a trial in which the accused was charged with a personal offence will be less able to perform their role as a juror but feel a greater appreciation for the
function of the law than will jurors who were empanelled on a trial in which the accused was charged with a non personal offence.

With hypothesis 1.3, which also examined the influence of nature of the offence on jurors, it was argued that jurors who were empanelled on a jury in which the accused was charged with a personal offence would pay less attention to the environmental cues in the courtroom. However, for this hypothesis, it was expected that jurors who were empanelled on trials which dealt with personal offences would be more overwhelmed and distracted from the evidence as a result of the salience and emotive content of personal offence than would those who were empanelled on juries which dealt with non personal offences.

2.4 That as a result of the attention they paid to the courtroom environment jurors who experience greater levels of trait anxiety will be less able to perform their role as a juror but feel a greater appreciation for the function of the law than will jurors who experience lower levels of trait anxiety.

With hypothesis 1.4 it was hypothesised that those who experienced greater levels of trait anxiety would pay greater attention to the elements of the courtroom environment than would those who experienced lower levels of trait anxiety. It was expected that the attention paid to the courtroom environment by those who experienced greater levels of trait anxiety would influence the effect on them to a greater extent than for those who experienced lower levels of trait anxiety.

2.5 That as a result of the attention they paid to the courtroom environment jurors who were empanelled on shorter trials will be less able to perform their role as a juror but feel a greater appreciation for
the function of the law than will jurors who were empanelled on longer trials.

Again, in hypothesis 1.5 it was argued that length of trial would influence the amount of attention jurors paid to the courtroom environment. Specifically, it was hypothesised that those on a longer trial would pay less attention to the courtroom environment at midpoint of their experience than would those empanelled on a shorter trial. For hypothesis 2.5 it was argued that the effect on jurors of the attention they paid to the courtroom environment would be greater for those who were on shorter trials than for those on longer trials.

**RQ 3** *Do trait anxiety and court related factors influence a sense of stress or arousal in jurors? This has been represented in the model by the continuous green lines.*

Again, five hypotheses were associated with this research question. The theories that underpin these hypotheses are once again those relating to environmental uncertainty, environmental arousal and environmental load, but again particularly environmental arousal and environmental load theories. It was expected that as a result of the influence of trait anxiety and court related factors jurors would experience arousal and would be overloaded by the experience. To examine these theories in the context of this research question, the following hypotheses were proposed:

3.1 That jurors in Brisbane will experience a greater level of state anxiety than will Cairns jurors.

3.2 That jurors who have had no previous jury experience will experience a greater level of state anxiety than will jurors who had previously experienced jury duty.
3.3 That jurors who were empanelled on a trial in which the accused was charged with a personal offence will experience a greater level of state anxiety than will jurors who were empanelled on a trial in which the accused was charged with a non personal offence.

3.4 That jurors who experience greater levels of trait anxiety will experience a greater level of state anxiety than will jurors who experience lower levels of trait anxiety.

3.5 That jurors who were on shorter trials will experience a greater level of state anxiety than will jurors who reported being empanelled on longer trials.

RQ 4 Is there an association between attention paid by jurors to the environmental cues found in the courtroom, their ability to perform their role as a juror and their sense of appreciation for the function of the law? This has been represented in the model by the purple lines.

After the influence of trait anxiety and court related factors on the attention paid by jurors to the courtroom setting and the effect on them of the attention they paid to the environmental cues was examined, it was considered appropriate to examine whether there was any direct relationship between these two factors (i.e., does the attention paid by jurors to the courtroom environment impact on them in the context of 'effect on juror experience' as represented in the model). In this respect, the following hypothesis was proposed.

4.1 That the attention jurors paid to the environmental cues found in the courtroom is correlated with their ability to perform their role as a juror and their experience of a sense of appreciation for the function of the law.
Environmental arousal and environmental load theories relate to this research question and hypothesis. It was expected that as a result of paying attention to the elements of the courtroom setting jurors would experience arousal and overload and this would influence their ability to perform their role as a juror. Questions asking jurors to signify their sense of being distracted from the evidence and feeling overwhelmed in the context of the attention they paid to the elements of the courtroom elicited responses that related to their ability to perform their role as a juror. Additionally, in the context of task driven behaviour which is proposed in environmental load theory, it was expected that jurors would experience a sense of appreciation for the function of the law in the context of the attention they paid to the elements of the courtroom setting. In this respect, jurors were asked to signify their sense of feeling uncertain as to what they were expected to do as a juror, having the importance of their role as a juror impressed upon them and feeling respect for the criminal justice system in the context of attention paid to the elements of the courtroom environment. Consequently, both elements relating to the influence of environmental load on an individual were addressed in the context of the juror experience (i.e., To what did jurors pay attention in the context of their experience in the courtroom environment, their state of arousal or the task of being a juror?).

RQ 5  
Is there an association between attention paid by jurors to the environmental cues in the courtroom and a state of elevated stress?

This has been represented in the model by the black continuous lines.

As with hypothesis 4.1, it was considered appropriate to examine the direct relationship between the influence on jurors of the attention they paid to the elements
of the courtroom environment and any stress or anxiety they experienced. In this respect the following hypothesis was proposed:

5.1 The effect on jurors of the attention they paid to the environmental cues found in the courtroom is correlated with an experience of state anxiety.

Once again environmental arousal and environmental load theories relate to this research question and hypothesis. As with the previous hypothesis, it was expected that the attention jurors paid to the elements of the courtroom setting would be associated with an experience of arousal and overload and thus anxiety.

**RQ 6** Does the amount of attention paid by jurors to environmental cues found in the courtroom diminish over time? This has been represented in the model by the black broken line.

Environmental load theory describes the initial discomfort one might experience at first contact with a complex environment. This theory also describes the moderating influence of experience in the environment in that after one has an understanding of the environment then the need to pay attention to the environment such that distress is moderated will diminish. It was expected therefore that after having experienced the courtroom environment for a period of time, jurors would pay less attention to the environmental cues on which they were focused at initial contact. To examine the efficacy of this theory in the context of this research the following hypothesis was proposed:

6.1 That attention paid by jurors to the environmental cues found in the courtroom environment will be greater at initial contact with the courtroom than at the midpoint of their experience.
RQ 7  Does the effect on jurors of the attention they paid to the
environmental cues in the courtroom diminish over time? This has been
represented in the model by the blue broken line.

The same theoretical foundation that provides the basis for research question
six and hypothesis 6.1 has founded hypothesis 7.1 that being:-

7.1 That attention paid by jurors to the environmental cues found in the
courtroom will have a greater influence on their ability to perform
their role as a juror and elicit a greater sense of appreciation for the
function of the law at the initial phase of their experience than at
midpoint of their experience.

RQ 8  Does the amount of stress jurors experience diminish over time? This
has been represented in the model by the red broken line.

Again environmental load theory explains the parameters of this research
question and allowed the following hypothesis to be proposed:-

8.1 That anxiety experienced by jurors will be greater at the initial phase of
their experience than at midpoint of their experience.

To examine the eight subordinate research questions and associated hypotheses
two studies were performed. The first was a survey of jurors which facilitated the
examination of all eight research questions and associated hypotheses. The second
study was an interview with jurors which facilitated the examination of research
questions four and five.
4.7 Conclusion

A description and photographic depiction of courtroom environments in Cairns and Brisbane has been presented in this chapter. This has been done in the context of the consideration that courtrooms in urban and provincial centres should be examined in this research. Also in this chapter is a description of the juror experience in Queensland courts from within the parameters of the Jury Act, 1995, (As Amended). Additionally a brief description of the difficulties involved in gaining access to jurors for the purposes of research in Queensland has been presented. The limitations placed on this research by the Supreme Court Order made on the 19th July, 2001 have also been outlined. These limitations had significant implications on the method, data analyses and outcomes of this research.

The model which was developed to illustrate the complex experience of jurors in the courtroom has also been explained in this chapter. The model takes into account the interaction between the juror and the courtroom setting and was developed from within the parameters of the theories on which this research is based. Finally, the research questions and associated hypotheses which were developed in the context of the theoretical foundation of this research and the model were presented.

Two studies were conducted to examine the juror experience in the courtroom setting. The method and data analyses associated with the first study, that being the survey of jurors, have been described in Chapters 5 to 7. The method and data analysis of the interviews with jurors have been described in Chapter 8.
CHAPTER 5

STUDY 1 – SURVEY

METHOD & PRELIMINARY DATA ANALYSIS

5.1 Introduction

In this chapter the method associated with the first study is described. The initial analyses of the data obtained in the surveys are also described. Also detailed is an explanation for the organisation and recoding of the independent and co-varying variables used in the later analyses of the data.

5.2 Participants

Participants were jurors who had completed deliberations in a trial in the District Court in either Brisbane or Cairns, Queensland between August, 2001 and July, 2002. Seven hundred and fifty surveys were distributed through the Brisbane Court and 250 through the Cairns Court.

A total of 203 surveys were returned. The overall response rate for those who were provided with the survey therefore was 20.30%. It was considered that not having recourse to follow up of participants once they were handed surveys by bailiffs along with the restrictions on time as determined by the Supreme Court Order played a significant role in this relatively low response rate. However, it is noted that generally a response rate of 20-30% is considered typical for mail out surveys when there is no recourse to follow up (Christensen & Stoup, 1991). Although this research did not strictly utilise the mail out method, the distribution of surveys was in effect similar to mail out methodology. The refusal rate was difficult to quantify as there were no statistics held by the court system for the Cairns region during the period the survey
was being distributed. In Brisbane however, during the distribution period 2037 jurors were empanelled. The refusal rate for Brisbane participants was 74.13%.

Eleven participants failed to complete over 50% of the questions in the survey. These were deleted from the dataset. It was noted that the 11 participants were all in the age group 50 to 69, predominantly female with just under half no longer in the workforce. Additionally, the highest level of education for approximately half of these participants was grade 12 with the balance having attended school to grade ten level. All of these participants resided in the Brisbane region and the majority had experienced jury duty once before. This group of participants is not representative of the balance of participants. It is possible that their level of education and occupation, in the context of their age, impacted on their ability to understand the content of the survey. It was considered that deleting these cases would have minimal impact on the data set as the number was relatively small.

In all, once the eleven incomplete surveys were deleted, there remained 192 surveys, the responses on which were utilised in the further analyses of the data. Table 5.1 sets out demographic factors obtained from the 192 surveys used in this study.

### 5.2.1 Personal Factors

Overall the ratio between male and female participants was similar, with women comprising slightly more than half of participating jurors. Participants were aged between 18 and 69 with one participant not providing information relating to age. The mean age was 46.2 years (SD 13.29). In the context of the time frame of this research (i.e., between the 19th July, 2001 and 18th July, 2002), according to the Australian Bureau of Statistics (2005) in 2001 males constituted 49.97% of the Queensland population with females making up the remaining 50.03%. The percentage of males in Queensland decreased slightly in 2002 to 49.72% and as a consequence the female population
increased slightly to 50.28%. The median age for the Queensland population in 2001 was 34.9 and in 2002, 35.3 (Australian Bureau of Statistics, 2005). Consequently, this sample, in the context of the overall Queensland population was representative with respect to gender, but older with respect to age. However, it must be noted that an individual cannot be called for jury duty unless he or she is registered on the electoral roll which discounts all individuals under the age of 18. As a result of the format of the Australian Bureau of Statistics data, it was not possible to determine the percentage of individuals in Queensland’s population who were older than 18.

The level of education of participants varied from ‘not having completed grade ten’ to having a ‘post graduate degree’. The seven categories in the survey included ‘did not complete grade 10’, ‘completed grade 10’, ‘completed grade 11’, ‘completed grade 12’, ‘TAFE or equivalent qualifications’, ‘undergraduate degree’ and ‘postgraduate degree’. Overall, approximately one third of participants had an education of up to grade twelve level, with just under one third having completed a TAFE or equivalent course and just over one third having completed a university or post graduate degree. According to the Australian Bureau of Statistics (2005) in 2001, 37.4% of Queensland school leavers had not completed the highest level of secondary school and 28.3% were in the process of completing higher education courses. Additionally, of those who had attained qualifications after leaving school, 14.3% had attained a bachelor degree or above and 31.1% had achieved an advanced diploma or below (Australian Bureau of Statistics, 2005). In 2002, 36.6% of Queensland school leavers had not completed the highest level of secondary school, 31.1% were completing higher education courses, 15% had completed bachelor degrees or above and 31% had completed an advanced diploma or below (Australia Bureau of Statistics, 2005). These statistics indicate that participants who completed the survey had a higher level of education than did the general Queensland population.
Table 5.1. Frequencies, means and standard deviations of personal factors and court related factors provided by participants in Part C of the survey.

<table>
<thead>
<tr>
<th>Variable</th>
<th>N</th>
<th>%</th>
<th>Mean</th>
<th>SD</th>
</tr>
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<tbody>
<tr>
<td>Gender</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>84</td>
<td>43.75</td>
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<tr>
<td>Female</td>
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<td>56.25</td>
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<td></td>
</tr>
<tr>
<td>Age</td>
<td></td>
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<td>46.15</td>
<td>13.29</td>
</tr>
<tr>
<td>Education</td>
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<tr>
<td>Less than grade 10</td>
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<td>6.25</td>
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<td></td>
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<tr>
<td>Completed Grade 10</td>
<td>30</td>
<td>15.63</td>
<td></td>
<td></td>
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<tr>
<td>Completed Grade 11</td>
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<td></td>
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<tr>
<td>Completed Grade 12</td>
<td>22</td>
<td>11.46</td>
<td></td>
<td></td>
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<tr>
<td>TAFE or equivalent</td>
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<td>29.69</td>
<td></td>
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<tr>
<td>Undergraduate Degree</td>
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<td>22.91</td>
<td></td>
<td></td>
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<tr>
<td>Postgraduate Degree</td>
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<td>Occupation</td>
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<tr>
<td>Not in workforce</td>
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<td>Management &amp; Professionals</td>
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<tr>
<td>Trades &amp; Labourers</td>
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<td>Clerical &amp; Sales</td>
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<tr>
<td>Brisbane</td>
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<td>Cairns</td>
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<tr>
<td>Number of times previously on a jury</td>
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<td>1.16</td>
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<tr>
<td>Length of trial (days)</td>
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<td>3.46</td>
<td>3.58</td>
<td></td>
</tr>
<tr>
<td>Offences</td>
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<td></td>
</tr>
<tr>
<td>Sexual</td>
<td>71</td>
<td>38.80</td>
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<tr>
<td>Traffic</td>
<td>10</td>
<td>5.46</td>
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<td>Stealing</td>
<td>22</td>
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<tr>
<td>Assaults</td>
<td>54</td>
<td>29.51</td>
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<td>1.64</td>
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<td>Not guilty</td>
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<td>45.16</td>
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<tr>
<td>Jury discharged</td>
<td>19</td>
<td>10.22</td>
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</table>
Occupations reported by participants were originally coded into 10 categories in accordance with the Australian Standard Classification of Occupations (Australian Bureau of Statistics, 2000). Original categories were ‘not in the workforce’ (i.e., participants who reported they were students, home makers or retired), ‘managers’, ‘professionals’, ‘associate professionals’, ‘tradespeople’, ‘clerical’, ‘intermediate clerical’, ‘production and transport’, ‘sales’, and ‘labourers’. However, these categories were refined to the four categories of ‘not in the workforce’, ‘management and professionals’, ‘trades and labourers’ and ‘clerical and sales’. Four participants did not provide information as to their occupation. Overall, just over one third of participants were not in the workforce, approximately one third of participants worked in management and professional positions, with the balance working in trades and labourers or in clerical and sales positions.

According to the Australian Bureau of Statistics (2005), during 2001 and 2002 the unemployment rate in Queensland was 7.9%. Consequently, participants in this research are not representative of the overall Queensland population at the time of data collection. However, it is noted that those not in the workforce have a greater opportunity to perform jury duty than do those in the workforce. It is possible to cite difficulties with work as a reason for not performing jury duty – See Section 4.3 of this thesis, in which Section 21 of the Queensland Jury Act, 1995 (As Amended) is described. Section 21 of the Queensland Jury Act (As Amended) provides the parameters of being excused from jury duty.

5.2.2 Court Related Factors

Of the 192 surveys, 140 were from participants who resided in Brisbane and 52 were from Cairns residents. As Brisbane is a busier court system than is Cairns (personal communication, Mr. Neal Hansen, Sheriff of Queensland, December 13, 2005),
it was expected that the number of surveys returned from Brisbane would be greater than from Cairns. After the eleven surveys with significant amounts of missing data were removed from the dataset, the adjusted response rate for Brisbane participants was 18.67% and for Cairns participants, 20.80%.

Participants had between one and ten experiences on a jury (including the trial for which they had been surveyed). Two participants did not provide any information about their previous jury experience. The majority of all participants had never experienced being empanelled on a jury before with just over one fifth having experienced jury duty once or twice before. During the survey period, jurors in Brisbane reported having between one and ten experiences on a jury with 68.78% having served on a jury once and .01% of jurors having been on 10 juries (personal communication Mr. Frank Vogel, Queensland Jury Administration System Information Technology Consultant, December 16, 2005). Both Mr. Hansen and Mr. Vogel advised that there were no statistics available with respect to prior jury experience for the Cairns court system for the period of the study (personal communication, December 13, 2005).

Length of trials on which participants were empanelled ranged from one to 25 days with the overall mean being around three and a half days (SD 3.58). Three participants did not provide information relating to the length of the trial on which they were empanelled. Mean length of trials in Brisbane during the survey period was 3.11 (SD 2.89). Again, Mr. Hansen, Sheriff of Queensland indicated there was no available data with respect to length of trial in the Cairns region at the time of this research (personal communication December 13, 2005).

Participants reported a variety of charges with respect to the trial on which they had been empanelled. Types of offences were coded into six categories, those being ‘sexual offences’, ‘traffic offences’, ‘stealing offences’, ‘assaults’, ‘property offences’, and
‘miscellaneous offences’. All were serious indictable offences. Nine participants did not provide details of the offences to which their jury experience related. Consequently, 183 offences were included in the dataset. Overall, the majority of participants were empanelled on trials that dealt with offences of a sexual nature with the next largest group being empanelled on assault trials. Approximately 30% of all offences in the Brisbane region during the survey period were of a sexual nature and 41% of all offences in the Brisbane region during the survey period were associated with assaults. Statistics relating to offences in Cairns for this period were not available (personal communication, Mr. Neal Hansen Queensland Sheriff, December 13, 2005).

Possible outcomes nominated in the survey were ‘guilty’ or ‘not guilty’ with a further option of indicating that the trial on which participants were empanelled had the ‘jury discharged’. One hundred and eighty six participants provided responses to this question. Overall, just over 10% of participants were on juries that were discharged with a relatively even split of ‘guilty’ and ‘not guilty’ verdicts for the balance of participants. In Brisbane during the survey period, 39% of trials resulted in a guilty verdict, 56% resulted in a not guilty verdict with the remaining 5% resulting in jury disagreement (hung juries) or mistrials. Again, records of outcome of the trial in the Cairns courts were not kept by the Queensland court system during the time this research was being performed (personal communication Mr. Neal Hansen, December 13, 2005).

Participants were also asked to indicate whether they were aware of the presence of the accused, the relatives and friends of the accused, the victim and the

5 As can be seen from Table 5.1 ‘miscellaneous offences’ constituted 1.64% of the total pool of offences. In this respect, three participants indicated that they were empanelled on a trial which dealt with drug trafficking offences. According to Mr. Philip Bovey, Lawyer in a personal communication of September 26, 2006, Drug’s Misuse Act offences are dealt with in the Magistrates Court or Supreme Court depending on the quantity and type of drug. However some Commonwealth drug offences can be dealt with in the District Court but this is an unusual occurrence. As a consequence, the charges nominated as ‘drug offences’ by the three participants have been categorised into miscellaneous offences for the purposes of data analysis.
relatives and friends of the victim in the courtroom at both points of time (i.e., initial contact with the courtroom and midpoint of their experience). In all cases the accused was present in the courtroom. However, in several instances participants indicated that they had not identified relatives or friends of either the accused or the victim and in some instances there was no victim present in the courtroom.

Fifty participants indicated that they did not identify relatives and friends of the accused in the courtroom at the initial stages of their experience and 54 participants reported not being aware of relatives or friends of the accused in the courtroom at the midpoint of their experience in the courtroom. Additionally, 45 participants reported not being aware of a victim in the courtroom during initial stage of their experience with 61 reporting not being aware of the victim in the courtroom during the midpoint of their experience. Finally, 93 participants reported not being aware of any relatives and friends of the victim in the courtroom during their initial phase of their experience and 102 reported not being aware of relatives and friends of the victim at the midpoint of their experience.

5.3 Design

A survey was considered the most appropriate method of obtaining information about participants’ experience in the courtroom. The decision to use survey methodology confers a number of advantages and is at times an ideal strategy, particularly when the research relates to the examination of social phenomena (Keppel, Saufley & Tokunaga, 1992; Kumar, 1996; Neuman, 1994). However, it is acknowledged that there are some inherent difficulties associated with responses to survey questions by participants, particularly given the number of items to which participants in this research were asked to indicate they paid attention. In this respect, the possibility of
mid-range responses from participants having to average across the items and producing null results must be considered. However, as indicated in Section 2.3.3 of this thesis, the distinctive nature of the juror experience was expected to counter such an effect. Additionally, it must be noted that other methods of enquiry were limited by restrictions such as those deemed necessary by the Supreme Court.

5.4 Materials

In this section the validation of the environmental dimensions of Cairns and Brisbane courtrooms examined is discussed. Then the survey used to elicit participants’ response to the courtroom setting is described.

5.4.1 The Courtroom Environments

To validate the expected differences between Cairns and Brisbane courtrooms, ten non jurors were shown photographs of the Cairns courtroom, an older style Brisbane courtroom and a newer style Brisbane courtroom. Participants were a convenience sample of colleagues and friends in the Cairns region. All were eligible for jury duty with respect to their electoral roll status and age, mean age was just under 43 years (SD 16.04). Gender was evenly distributed, all were employed and all had attained grade twelve level of education with 33% having gone on to complete undergraduate studies.

The photographs used were those illustrated in Section 4.2 of this thesis. Participants were asked to rate the courtrooms on the dimensions of how; traditional, intimidating, modern, formal, complex and imposing they considered each courtroom. A five point Likert scale was presented to participants with possible responses being ‘not at all’, ‘somewhat’, ‘moderately’, ‘substantially’ and ‘very’. See Table 5.2 for a summary of the dimensions on which courtrooms were rated by participants.
Table 5.2: Means, standard deviations and paired t tests on ratings of the Cairns courtroom, older style Brisbane courtroom and newer style Brisbane courtroom N=10.

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Courtroom</th>
<th>M</th>
<th>SD</th>
<th>df</th>
<th>T</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traditional</td>
<td>Cairns</td>
<td>1.50</td>
<td>.53</td>
<td>1,9</td>
<td>-3.86**</td>
</tr>
<tr>
<td></td>
<td>Brisbane Old</td>
<td>3.30</td>
<td>1.42</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cairns</td>
<td>1.50</td>
<td>.53</td>
<td>1,9</td>
<td>-4.71**</td>
</tr>
<tr>
<td></td>
<td>Brisbane New</td>
<td>3.10</td>
<td>1.20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intimidating</td>
<td>Cairns</td>
<td>2.40</td>
<td>.84</td>
<td>1,9</td>
<td>-.69</td>
</tr>
<tr>
<td></td>
<td>Brisbane Old</td>
<td>2.80</td>
<td>1.32</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cairns</td>
<td>2.40</td>
<td>.84</td>
<td>1,9</td>
<td>-1.10</td>
</tr>
<tr>
<td></td>
<td>Brisbane New</td>
<td>2.90</td>
<td>1.20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Modern</td>
<td>Cairns</td>
<td>2.10</td>
<td>1.37</td>
<td>1,9</td>
<td>-.186</td>
</tr>
<tr>
<td></td>
<td>Brisbane Old</td>
<td>3.30</td>
<td>1.16</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cairns</td>
<td>2.10</td>
<td>1.37</td>
<td>1,9</td>
<td>-.67</td>
</tr>
<tr>
<td></td>
<td>Brisbane New</td>
<td>2.60</td>
<td>1.58</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Formal</td>
<td>Cairns</td>
<td>2.50</td>
<td>1.08</td>
<td>1,9</td>
<td>-4.99**</td>
</tr>
<tr>
<td></td>
<td>Brisbane Old</td>
<td>3.80</td>
<td>.79</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cairns</td>
<td>2.50</td>
<td>1.08</td>
<td>1,9</td>
<td>-.96</td>
</tr>
<tr>
<td></td>
<td>Brisbane New</td>
<td>3.20</td>
<td>1.48</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Brisbane Old</td>
<td>3.80</td>
<td>.79</td>
<td>1,9</td>
<td>.85</td>
</tr>
<tr>
<td></td>
<td>Brisbane New</td>
<td>3.20</td>
<td>1.48</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Complex</td>
<td>Cairns</td>
<td>2.30</td>
<td>1.16</td>
<td>1,9</td>
<td>-.67</td>
</tr>
<tr>
<td></td>
<td>Brisbane Old</td>
<td>2.60</td>
<td>1.17</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cairns</td>
<td>2.30</td>
<td>1.16</td>
<td>1,9</td>
<td>-2.57*</td>
</tr>
<tr>
<td></td>
<td>Brisbane New</td>
<td>3.50</td>
<td>1.08</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Brisbane Old</td>
<td>2.60</td>
<td>1.17</td>
<td>1,9</td>
<td>-1.45</td>
</tr>
<tr>
<td></td>
<td>Brisbane New</td>
<td>3.50</td>
<td>1.08</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Imposing</td>
<td>Cairns</td>
<td>2.10</td>
<td>.74</td>
<td>1,9</td>
<td>-1.86</td>
</tr>
<tr>
<td></td>
<td>Brisbane Old</td>
<td>3.10</td>
<td>1.45</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cairns</td>
<td>2.10</td>
<td>.74</td>
<td>1,9</td>
<td>-5.24**</td>
</tr>
<tr>
<td></td>
<td>Brisbane New</td>
<td>3.70</td>
<td>.82</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Brisbane Old</td>
<td>3.10</td>
<td>1.45</td>
<td>1,9</td>
<td>-.94</td>
</tr>
<tr>
<td></td>
<td>Brisbane New</td>
<td>3.70</td>
<td>.82</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*p<.05  
**p<.01
The ratings were analysed using a paired sample t-test. Assumptions for t-tests are: data should be interval or ratio, scores should be randomly sampled from the population of interest and the scores should be normally distributed in the population (Tabachnick & Fidell, 1996, 2001). Assumption testing was performed and the data did not violate any assumptions for t-tests.

There were no significant differences between the three courtrooms on the dimensions of intimidating and modern. Additionally, there were no significant differences between the two Brisbane courtrooms on any dimension. The Cairns courtroom however was significantly different from the older style Brisbane courtroom on the dimensions of traditional and formal. The Cairns courtroom was also significantly different from the newer style Brisbane courtroom on the dimensions of traditional, complex and imposing. In all cases the Cairns courtroom was considered to be less traditional, formal, complex and imposing than were the Brisbane courtrooms.

5.4.2 The Survey

A survey was developed and was divided into three sections, Parts A through to C (see pages 359 to 373 of Appendix F in which the survey has been presented). Participants were asked to consider their experience on the “last or most recent trial on which (they) were a juror”. Questions and format of Parts A and B were identical. In Part A participants were requested to consider “the time from when (they) first entered the courtroom and were empanelled to the initial stages of cross-examination of witnesses...the time when (they) were settling into (their) role as a juror”. Part B related to participants’ “intermediate experience as a juror, i.e., the half way point of (their) experience”. Participants were reminded that “the questions in parts ‘A’ and ‘B’ are the same, but have a different focus in time”. Part C asked “a number of questions that provide(d) general information” about participants.
5.4.2.1 The survey – Part A

Part A of the survey comprised five sections those being:

1. Form Y-1 of the State Trait Anxiety Inventory [STAI] (Spielberger, 1983);
2. Attention paid to the courtroom design;
3. Attention paid to the appearance and behaviour of court officials;
4. Attention paid to the appearance and behaviour of those associated with the offence; and
5. Attention paid to the task of being a juror (see Appendix F, pages 361 to 365).

Section one reproduced Form Y-1 of the STAI (Spielberger, 1983). The remaining scales used in Part A of the survey were developed in accordance with Rapoport’s (1983, 1990) theory relating to environmental cues. These scales were intended to elicit responses from participants about the attention they paid to the elements of the courtroom environment at initial contact with the environment. The elements of the courtroom were broken down into four sections, those relating to the ‘courtroom design’ (or fixed elements of the environment), the ‘appearance and behaviour of court officials’, the ‘appearance and behaviour of the people associated with the offence’ and ‘the task of being a juror’ (or non-fixed elements of the environment). Participants were requested to indicate on a five point Likert scale whether they paid ‘no attention’, ‘a little attention’, ‘moderate attention’, ‘a lot of attention’, or ‘full attention’ to the elements identified in the sections of the survey. In addition, after indicating the amount of attention they paid to the courtroom environment participants were asked to consider ‘the overall effect’ attention paid to each of the elements combined had on their ability to function as a juror and their sense of appreciation for the function of the
law. Participants were required to indicate whether the elements ‘had no effect’, ‘had a little effect’, ‘had moderate effect’, ‘had a lot of effect’, or ‘had full effect’ on them.

**Section 1: The STAI – Form Y-1:** The STAI was considered appropriate for use in this research as it measures both the state (STAI – Form Y-1) and trait (STAI – Form Y-2) levels of anxiety of the individual at any point in time (Spielberger, 1983). The STAI is a well validated measure of an individual’s state and trait anxiety (Karlsgodt, Lukas & Elman, 2003; Oei, Evans & Crook, 1990). According to Spielberger, the STAI “has been used extensively in research...and comprises separate self report scales for measuring state and trait anxiety” (1983, p.6). In Part A of the survey, participants’ state anxiety was measured at the initial point of their experience. An individual’s state anxiety is considered by Spielberger as being “personality states (that) may be regarded as temporal cross sections in the stream of life of a person... a state that exists at a given moment in time and at a particular level of intensity” (1983, p. 4), it is generally a transient experience. However, the STAI not only allows the assessment of “...how people feel ‘right now’, the STAI, S-Anxiety scale may also be used to evaluate how they felt at a particular time in the recent past...” (Spielberger, 1983, p.6).

**Section 2: Attention paid to the courtroom design design:** Figure 5.1 shows page two of the survey which illustrates this section of the survey. Specifically participants were asked to nominate the amount of attention they paid to the following elements of the courtroom design:

- The Coat of Arms behind the judge’s bench;
- The judge’s bench being elevated;
- The witness box being separated from the rest of the court;
- The lawyer’s tables being at the same elevation as each other;
Part A Cont.

This section also focuses on your INITIAL experience as a juror, please remember how you felt when you were first empanelled onto the jury.

With this experience in mind, please indicate how much attention you paid to the following elements of the courtroom design:-

1 = Paid no attention  2 = Paid a little attention  3 = Paid moderate attention  4 = Paid a lot of attention  5 = Paid full attention

<table>
<thead>
<tr>
<th>Element</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Coat of Arms behind the judge’s bench.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>The judge’s bench being elevated.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>The witness box being separated from the rest of the court.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>The lawyers’ tables being at the same elevation as each other.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>The gallery which separates observers from the court proceedings.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>The private door used by the judge.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>The dock which holds the accused.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>The jury box that holds the jury.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>The interior design of the courtroom.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>The positioning of courtroom staff between the judge and all others in the courtroom</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

Please now indicate the overall effect the above elements of the courtroom design had on you:-

1 = Had no Effect  2 = Had a little effect  3 = Moderate effect  4 = Had a lot of effect  5 = Had full effect

<table>
<thead>
<tr>
<th>Effect</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a juror.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>They distracted me from the evidence.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>They made me feel overwhelmed.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>They impressed upon me the importance of my role as a juror.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

Please ensure that you have answered all questions on this page

Figure 5.1. Page 2 of survey distributed to participants
• The gallery which separates observers from the court proceedings;
• The private door used by the judge;
• The dock which holds the accused;
• The jury box that holds the jury;
• The interior design of the courtroom; and
• The positioning of the courtroom staff between the judge and all others in the courtroom.

Participants were asked to nominate on a five point Likert scale whether they paid ‘no attention’, ‘a little attention’, ‘moderate attention’, ‘a lot of attention’ or ‘full attention’ to these features of the courtroom design.

Participants were then asked to determine whether these elements of the court design to which they paid attention:-

• Made (them) feel uncertain as to what (they) were expected to do as a juror;
• Distracted (them) from the evidence;
• Made (them) feel overwhelmed;
• Impressed upon (them) the importance of (their) role as a juror; and
• Made (them) feel a sense of respect for the criminal justice system.

Participants were asked to indicate on a five point Likert scale whether the attention they paid to the elements of the courtroom design had ‘no effect’, ‘a little effect’, ‘moderate effect’, ‘a lot of effect’ or ‘full effect’ on them with respect to the above items.

Section 3: Attention paid to the appearance and behaviour of court officials: In this section of Part A of the survey, participants were asked to consider the appearance and behaviour of court officials. Figure 5.2 shows page three of the survey which illustrates this section of the survey. Participants were asked to nominate how much attention they paid to:-
Part A Cont.

Once again with your INITIAL experience in the courtroom in mind, please indicate how much attention you paid to the following elements of the appearance and behaviour of the officials in the courtroom:

1 = Paid no attention  2 = Paid a little attention  3 = Paid moderate attention  4 = Paid a lot of attention  5 = Paid full attention

The swearing in of witnesses using the Bible. 1 2 3 4 5
The wigs and robes worn by the judge and barristers. 1 2 3 4 5
The conduct of the lawyers during the trial. 1 2 3 4 5
The way everyone has to bow to the judge when entering and exiting the courtroom. 1 2 3 4 5
The way everyone has to stand when the judge enters and exits the court. 1 2 3 4 5
The formal language used by lawyers (e.g. "my learned friend"). 1 2 3 4 5
The legal terminology used by the lawyers. 1 2 3 4 5
The accused being kept separate from the rest of the court. 1 2 3 4 5
The presence of the police in the courtroom. 1 2 3 4 5
The presence of the Bailiff in the courtroom. 1 2 3 4 5

Please now indicate the overall effect the above elements of the appearance and behaviour of the officials in the courtroom had on you:

1 = Had no effect  2 = Had a little effect  3 = Moderate effect  4 = Had a lot of effect  5 = Had full effect

They made me feel uncertain as to what I was expected to do as a juror. 1 2 3 4 5
They distracted me from the evidence. 1 2 3 4 5
They made me feel overwhelmed. 1 2 3 4 5
They impressed upon me the importance of my role as a juror. 1 2 3 4 5
They made me feel a sense of respect for the criminal justice system. 1 2 3 4 5

Please ensure that you have answered all questions on this page

Figure 5.2. Page 3 of survey distributed to participants
• The swearing in of witnesses using the Bible;
• The wigs and robes worn by the judge and barristers;
• The conduct of the lawyers during the trial;
• The way everyone has to bow to the judge when entering and exiting the courtroom;
• The way everyone has to stand when the judge enters and exits the court;
• The formal language used by lawyers;
• The legal terminology used by the lawyers;
• The accused being kept separate from the rest of the court;
• The presence of the police in the courtroom; and
• The presence of the bailiff in the courtroom.

Participants were then asked to nominate the effect on them of the attention they paid to the appearance and behaviour of court officials. The questions were the same as those in Section 2 of the survey.

Section 4: Attention paid to the appearance and behaviour of those associated with the offence: This section of Part A of the survey sought to examine the amount of attention participants paid to the appearance and behaviour of those associated with the offence. Figure 5.3 illustrates this section of the survey. Participants were asked to consider the attention they paid to:
• The conduct of the accused in the dock;
• The physical appearance of the accused;
• The closeness of the accused to (them);
• The conduct of the relatives/friends of the accused in the courtroom;
• The physical appearance of the relatives/friends of the accused;


**Part A Cont.**

Once again with your INITIAL experience in the courtroom in mind, please indicate how much attention you paid to the following elements of the appearance and behaviour of the those associated with the offence in the courtroom:

1 = Paid no attention  
2 = Paid a little attention  
3 = Paid moderate attention  
4 = Paid a lot of attention  
5 = Paid full attention

<table>
<thead>
<tr>
<th>Element</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>The conduct of the accused in the dock.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The physical appearance (eg. dress) of the accused.</td>
<td></td>
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</tr>
<tr>
<td>The closeness of the accused to you.</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The conduct of the relatives/friends of the accused in the courtroom.</td>
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<tr>
<td>The physical appearance (eg. dress) of the relatives/friends of the accused.</td>
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</tr>
<tr>
<td>The closeness of the relatives/friends of the accused to you.</td>
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<tr>
<td>The conduct of the victim in the courtroom.</td>
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<tr>
<td>The physical appearance (eg. dress) of the victim.</td>
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<td>The closeness of the victim to you.</td>
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<tr>
<td>The conduct of the relatives/friends of the victim in the courtroom.</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>The physical appearance of relatives/friends of the victim in the courtroom.</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The closeness of the relatives/friends of the victim to you.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* If there were no relatives/friends of the accused please tick (✓) here

* If there was no victim please tick (✓) here

◊ If there were no relatives/friends of the victim please tick (✓) here

Please now indicate the overall effect the above elements of the appearance and behaviour of the those associated with the offence in the courtroom had on you:

1 = Had no effect  
2 = Had a little effect  
3 = Moderate effect  
4 = Had a lot of effect  
5 = Had full effect

<table>
<thead>
<tr>
<th>Element</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a juror.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>They distracted me from the evidence.</td>
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<td></td>
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<tr>
<td>They made me feel overwhelmed.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>They impressed upon me the importance of my role as a juror.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please ensure that you have answered all questions on this page

---

Figure 5.3. Page 4 of survey distributed to participants
• The closeness of the relatives/friends of the accused to (them);
• The conduct of the victim in the courtroom;
• The physical appearance of the victim;
• The closeness of the victim to (them);
• The conduct of relatives/friends of the victim in the courtroom;
• The physical appearance of relatives/friends of the victim in the courtroom; and
• The closeness of the relatives/friends of the victim to (them).

There was an allowance in this section for participants to nominate that the relatives/friends of the accused, the victim and/or the relatives/friends of the victim were not present in the courtroom during the initial phase of their experience in the environment.

After nominating how much attention participants paid to the appearance and behaviour of those associated with the offence, participants were asked to indicate the overall effect the appearance and behaviour of those associated with the offence had on them. Again as in sections two and three of Part A of the survey, the same questions were asked of participants. However, in this section the focus was the effect on participants of the attention they paid to the accused, the victim and the relatives and friends of the accused and victim.

Section 5: Attention paid to the task of being a juror: Finally participants were asked to consider the amount of attention they paid to the task of being a juror. Figure 5.4 illustrates this section of the survey. Specifically, participants were asked how much attention they paid to:

• The seriousness of the offence with which the accused was charged;
Part A Cont.

Once again with your INITIAL experience in the courtroom in mind, please indicate how much attention you paid to the following elements of the task of being a juror:-

1 = Paid no attention  2 = Paid a little attention  3 = Paid moderate attention  4 = Paid a lot of attention  5 = Paid full attention

<table>
<thead>
<tr>
<th>Element</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>The seriousness of the offence with which the accused was charged.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The nature of the crime for which the accused was charged.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The responsibility of having someone’s future in your hands.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Making sure that the outcome was fair.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upholding the law.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Doing the right thing by the victim.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taking care of the rights of the accused.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trying to find the truth in the evidence.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Making sure you come to the right decision.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ensuring that justice was done.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please now indicate the overall effect the above elements of the task of being a juror had on you:-

1 = Had no effect  2 = Had a little effect  3 = Moderate effect  4 = Had a lot of effect  5 = Had full effect

<table>
<thead>
<tr>
<th>Effect</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a juror.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>They distracted me from the evidence.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>They made me feel overwhelmed.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>They impressed upon me the importance of my role as a juror.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please ensure that you have answered all questions on this page

Figure 5.4. Page 5 of survey distributed to participants.
• The nature of the crime for which the accused was charged;
• The responsibility of having someone’s future in (their) hands;
• Making sure the outcome was fair;
• Upholding the law;
• Doing the right thing by the victim;
• Taking care of the rights of the accused;
• Trying to find the truth in the evidence;
• Making sure (they) came to the right decision; and
• Ensuring justice was done.

Again, as in the previous three sections, participants were asked to indicate on a five point Likert scale whether they felt uncertain, distracted from the evidence, overwhelmed, the importance of their role as a juror was impressed upon them and a sense of respect for the criminal justice system. The focus in this section was the effect on participants of the attention they paid to the task of being a juror.

5.4.2.2  The survey – Part B

Part B of the survey has but one distinction from Part A, that being that participants were requested to “consider how (they) felt half way through the trial in which (they) were empanelled” as opposed to “when (they) were first empanelled” (see pages 366 to 370 of Appendix F). This allowed the examination of changes over time in attention paid by participants to the elements of the courtroom environment as well as changes over time of the effect on participants of the attention they paid to the elements of the courtroom environment. Beyond this Part B of the survey asked the same questions of participants regarding their state anxiety, to what they paid
attention and the effect on them of the attention they paid to the elements of the courtroom environment, but at a later time of their experience.

5.4.2.3 The survey – Part C

Part C of the survey comprised Form Y-2 of the STAI and questions seeking demographic information about participants as well as information about their experience on the jury on which they had been empanelled. Additionally, in accordance with a request from the Supreme Court, questions relating to the efficacy of information provided to participants by the court were asked (Part C of the survey is set out in pages 371 to 373 of Appendix F).

Form Y-2 of the STAI measures an individual's trait anxiety, which according to Spielberger “refers to relatively stable individual differences in anxiety proneness” (1983, p.5). It was considered appropriate to incorporate this form into the survey so that any influence on their experience of participants' propensity to experience anxiety as a personality trait might be considered when analysing the data.

After responding to questions which comprised Form Y-2 of the STAI, participants were asked how much attention they paid to 'the juror handbook', 'the video shown to (them) before (they) were empanelled', and 'the judge’s opening remarks'. Possible responses ranged, as in Parts A and B from ‘paid no attention’ to ‘paid full attention’. Participants were then asked to indicate how helpful they considered the handbook, video and judge’s remarks to be. Possible responses in this section were ‘not helpful at all’, ‘provided a little help’, ‘provided moderate help’, ‘provided a lot of help’ and ‘provided a great deal of help’.

---

6 It should be noted that questions relating to the information provided by the Courts were included in the survey as a response to the Supreme Court Order of 19th July, 2001. However, this data is inconsequential to the research questions and hypotheses and is therefore not further examined in this document.
Participants were also asked to provide details about the trial on which they had been empanelled, including ‘the month and year of the trial’, ‘how long the trial lasted’, ‘what the accused was charged with’, ‘what the outcome of the trial was’ and the ‘total number of times (they) had been on a jury’. Finally demographic information was elicited in relation to participants’ ‘level of education’, ‘gender’, ‘age’, and ‘occupation’.

Participants were then thanked for their time and assistance and requested to consider participating in an interview about their experience. Participants were reminded that they were under no obligation to participate in the interview, but advised that their further contribution to this research would be of assistance and that their involvement would be appreciated. They were also reminded that should they change their mind, then they had the right to withdraw from participation in the interview.

5.5 Procedure

Griffith University ethical clearance to perform the research was obtained on the 16th May, 2000.

Once the Supreme Court Order of the 19th July, 2001 was received from Crown Solicitors, 1000 packages were made available to the Brisbane and Cairns courts for distribution by court bailiffs to jurors once they had finalised their deliberations on the trial on which they had been empanelled. The packages that were provided to the courts for distribution included the following:

- An introductory letter to participants;
- A feedback request form;
- A form which acknowledged agreement by participants to engage in a semi-structured interview;
• A form which addressed issues relating to ethical standards;
• The survey and;
• A self addressed envelope for the return of surveys and other documents to Griffith University (see Appendix F).

Initially, 600 survey packages were provided to the Brisbane District Court and 400 to the Cairns District Court for distribution by bailiffs. However, the Brisbane court system is busier than is the Cairns court system and surveys in Brisbane were distributed at a faster rate than were those in Cairns. Consequently, at the beginning of 2002 it was apparent that the Brisbane courts had few surveys left whereas the Cairns courts had distributed only 50% of the surveys provided to them. The time for distribution of the surveys (as nominated in the Supreme Court Order of the 18th July, 2002) was coming to an end and further sittings of the District Court in Cairns were limited. Accordingly, it was decided that 150 of the remaining 200 surveys being held in Cairns should be provided to the Brisbane courts for distribution. In March, 2002 the Brisbane courts were furnished with the additional surveys. Therefore, a total of 750 surveys were distributed through the Brisbane courts and 250 through the Cairns courts.

The Supreme Court allowed the distribution of surveys to participants by court bailiffs only and would not allow any direct contact between participants and researchers unless participants consented to contact being made. Contact was only allowed at the stage of follow-up interview and not until the survey had been completed and returned to Griffith University. Consequently, there was no recourse for follow up once surveys had been distributed by court bailiffs. Court bailiffs were also not permitted to keep a record of those who chose to take the survey and those who did not. No physical record of names and addresses of participants provided with surveys
was permitted. Absolute anonymity of participants was therefore preserved unless participants noted their desire to be interviewed and/or receive further information about the study once completed.

The courts were vigilant about there being absolutely no contact between the researcher and participants at this level of the study. The agreed protocol therefore was that bailiffs would hand out the surveys at the end of all District Court trials in Brisbane and Cairns until all surveys were distributed. Bailiffs were provided with a script (that was sanctioned by the Supreme Court) and which they were requested to read at the time of handing out the surveys. The script bailiffs were required to read as they handed the surveys to participants is as follows:

*I have in these packages some questionnaires about your experience as a juror. This research has been authorised by the Supreme Court and the questions do not ask you about any aspect of your deliberations. They ask you how you perceived the courtroom environment and your general experience as a juror. You are under no obligation to answer the questions, but we would appreciate your completing the questionnaire and sending it on to the University.* Thank you!

The first survey was received at Griffith University in August, 2001 and the last survey was received in October, 2002.

### 5.6 Review Of Methodological Issues

This study investigated the impact of symbolism in the courtroom environment, in the form of environmental cues, on jurors’ ability to focus on the evidence being presented in a District Court trial. During the twelve months from July 19th, 2001 and July 18th, 2002, jurors in Brisbane and Cairns were issued with surveys after completing deliberations on the trial on which they were empanelled.
As a result of significant constraints on this research by the Supreme Court Order there were a number of limitations to this research. Such limitations included methodological constraints on how participants were allowed to be questioned about their experience in the courtroom, restrictions on what could be asked of participants in the survey, inability to follow up on participants who had been provided with the survey which resulted in a relatively small sample size, and restrictions with respect to time allowed for data collection. Nonetheless, without the Supreme Court Order, it would have been impossible to undertake this research.

Once the surveys were received the data was entered into SPSS Version 11.5 for analysis. In the next section of this chapter the process of data cleaning and recoding and analysis of reliability of the STAI have been described. Additionally the rationale for using the independent and co varying variables utilised in the analysis of the survey data has been presented.

5.7 Data Screening

The data were screened for data entry errors. Any errors identified were corrected.

Examination of the data set revealed two types of missing data. The most substantial of which related to missing data from 11 participants who failed to complete over 50% of questions in the survey. As previously indicated in Section 5.2 these responses were deleted from the dataset.

The second type of missing data related to responses in which participants circled two options on a particular question and/or missed questions in an apparently random manner. Less than 5% of responses to any question were missing. Data that were missing as a result of mistakes by participants was adjusted by using the ‘mean substitution’ function. The decision to ‘replace the mean’ was made in the context of
the continuing debate surrounding the most appropriate form of replacing missing data (Pallant, 2001; Tabachnick & Fidell, 1996, 2001). After taking note of the relevant advantages and disadvantages of the three methods generally utilised when replacing missing data (i.e., using prior knowledge of the theory, data and participant base; mean substitution; or regression), ‘mean substitution’ was considered the most appropriate method in this case. The decision to utilise ‘mean substitution’ was made as a result of the relatively small number of data points that were missing after the previously mentioned responses by the 11 participants were deleted.

### 5.8 Data Recoding

It was apparent from an examination of the independent variables that for three variables small cell sizes would cause difficulty with data analysis (i.e., education, occupation, nature of the offence). Additionally two variables elicited skewed results (i.e., jury experience, length of trial) and two were theoretically inconsequential to data analysis (i.e., outcome, date of trial). Consequently, it was necessary to recode four of the theoretically relevant variables and transform the other. The rationale for the decision to recode, transform or disregard each of these variables has been set out below. The two variables that were determined as being theoretically irrelevant to this research were not included in further analyses.

#### 5.8.1 Personal Factors

Education of participants was collapsed into two categories as a result of small cell sizes. The categories ultimately used were ‘pre university’ and ‘university’. The ‘pre university’ category included ‘did not complete grade 10’, ‘completed grades 10, 11 and 12’ and ‘TAFE or equivalent qualifications’. The category ‘university’ included responses which indicated that participants had completed either an undergraduate or
postgraduate degree. When using the two collapsed categories, approximately 34% of participants had completed either an undergraduate or postgraduate university degree with the remaining 66% having completed schooling at high school level or TAFE.

With respect to occupation, once again as a result of small cell sizes it was necessary to collapse this category into two, those being ‘in the workforce’ and ‘not in the workforce’ (which included students, home makers and retired participants). After recoding occupation, just under 62% of participants were in the workforce with just over 38% being students, home makers or retired and therefore categorised as ‘not in the workforce’.

5.8.2 Court Related Factors

Prior jury experience was originally a continuous variable with a minimum value of one and a maximum value of 10. However responses were skewed and it was considered more appropriate from a theoretical standpoint to recode responses into two categories rather than transform the variable. Consequently, the data were recoded into the two categories of ‘no prior jury experience’ and ‘prior jury experience’. After recoding it was apparent that 71.58% of participants had never experienced jury duty previously with the remaining 28.42% having previously been on a jury.

Length of trial as entered into the dataset had a skewed distribution, consequently, transforming the variable was required. After examining the shape of the distribution a logarithmic transformation was executed. Once transformed this variable was considered appropriate for use in further analyses of the data. Length of trial was conceptually and theoretically relevant to this research, in that the greater amount of time one ‘is’ in an environment, any impact of the environment was expected to be moderated as a result of normalisation of the experience. However, in the context of responses to the survey at initial contact with the courtroom environment, all jurors
had experienced the same amount of time in the setting. It was only at midpoint of their experience in the setting that any differences in experience could become apparent. Consequently, length of trial, being a dynamic variable, could only be considered when analysing responses relating to the midpoint of participants' experience.

Nature of the offence also elicited small frequencies in the original categories. Consequently, it was necessary to collapse the data into two categories, those being ‘personal and ‘non-personal offences. This decision was made in the context of theoretical considerations as well as to allow the inclusion of ‘offences’ in further analyses of the data. In this respect, it was considered that personal offences would elicit a more salient affective response from participants than would non-personal offences. Consequently, ‘sexual offences’ and ‘assaults’, being offences against the person, were included in ‘personal offences’. ‘Traffic offences’, ‘stealing offences’, ‘property offences’ and ‘miscellaneous offences’ were included in ‘non-personal offences’. Overall, 68.31% of participants were empanelled on trials in which the offence was considered ‘personal' in nature with the remaining 31.69% of participants being empanelled on trials in which the offence was considered 'non-personal' in nature.

Outcome was considered inconsequential to further data analysis and it was considered inappropriate to include ‘outcome’ in further analyses. The reason for not including outcome as a variable relates to the timing of the verdict in the context of the focus of questions asked of participants. Specifically, participants were asked to consider how much attention they paid to the elements of the courtroom environment at the beginning and midpoints of their experience. The verdict (i.e., the outcome) was the culmination of their experience and arguably could not impact on juror experience during the trial. Consequently, although it is acknowledged that jurors would no doubt be forming their opinion about the guilt or otherwise of the accused during the course of the trial, the outcome was not known to them during their experience (i.e., prior to
making a decision as to the culpability of the accused). Outcome has therefore not been utilised in further analyses of the data.

The date of the trial is theoretically inconsequential to further analyses and given the variance in dates, it was impossible to collapse dates into any meaningful categories. Date of the trial was therefore not considered for inclusion in the further analyses of the data.

5.9 *State Trait Anxiety Inventory (STAI)*

Responses to the STAI, Form Y-1, were obtained in Parts A and B of the survey and responses to the STAI, Form Y-2, in Part C of the survey. Responses were coded in accordance with the STAI manual (Spielberger, 1983). Chronbach’s alpha values on all scales were conducted to determine internal consistency. Alpha values on all three scales were greater than .7 (see Table 5.3). Consequently, the scales are considered reliable with this sample (Pallant, 2001).

Participants’ state anxiety scores at initial phase of contact with the environment ($M = 38.31, SD = 10.59$) were higher than the norms reported by Spielberger (1983, p. 13) (i.e., adult males, $M = 35.72, SD = 10.40$ and females, $M = 35.20, SD = 10.61$). However, at midpoint of their experience, participants’ state anxiety scores ($M = 35.30, SD = 9.67$) were closer to the norms as reported by Spielberger (1983). Trait anxiety was slightly lower in this sample than the norms reported by Spielberger (1983). Mean Trait Anxiety for participants in this research was 33.96 ($SD = 8.65$) whereas from the norms presented by Spielberger, (1983, p. 13) Trait Anxiety for males was ($M = 34.89, SD = 9.19$) and females, ($M = 34.79, SD = 9.22$). Consequently, in this sample, although trait anxiety and state anxiety at midpoint of participants’ experience was similar to the norms
reported by Spielberger (1983), state anxiety at initial contact with the courtroom environment was elevated.

**Table 5.3.** Reliability analysis of the STAI using Chronbach’s Alpha Value.

<table>
<thead>
<tr>
<th>Scale</th>
<th>M</th>
<th>SD</th>
<th>α</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Anxiety Inventory Time 1</td>
<td>38.31</td>
<td>10.59</td>
<td>.92</td>
</tr>
<tr>
<td>State Anxiety Inventory Time 2</td>
<td>35.30</td>
<td>9.67</td>
<td>.90</td>
</tr>
<tr>
<td>Trait Anxiety Inventory</td>
<td>33.96</td>
<td>8.65</td>
<td>.91</td>
</tr>
</tbody>
</table>

### 5.10 Independent And Co-Varying Variables

The personal and court related variables considered suitable for use in further analyses of the data were gender, age, education (recoded), occupation (recoded), trait anxiety, location of trial, prior jury experience (recoded), nature of the offence (recoded) and length of trial (transformed). To structure the further analyses of the data a correlation matrix was run to determine any associations among the variables. Table 5.4 sets out the correlation matrix which guided further analyses of the data and which have been described in the next two chapters.

As can be seen from the matrix several of the variables to be used in the further analyses of the data correlate with one another. In this respect, when independent variables were utilised in the analyses, those variables which correlated with the independent variable were included as covariates. Additionally, in the analyses where another independent variable correlated to the independent variable analysed, that variable was included as a covariate. This allowed for a full investigation of the influence of all of the variables of theoretic interest on responses to the survey.
Given the relatively small number of participants who responded to the survey and the large number of dependent variables included in the survey it was impossible to do one overall analysis of the data. Consequently, the data analysis had to be ‘broken down’ into a series of analyses. The analyses were conducted with trait anxiety and the key court related variables (i.e., location of jury, prior jury experience, nature of the offence and length of trial) utilised as independent variables and the remaining factors (i.e., gender, age, education and occupation) as covariates.

Table 5.4. Correlation matrix of personal and court related variables used in the analyses of the data with significant correlations noted in bold.

<table>
<thead>
<tr>
<th></th>
<th>Gender</th>
<th>Age</th>
<th>Education (recoded)</th>
<th>Occupation (recoded)</th>
<th>Trait Anxiety</th>
<th>Location</th>
<th>Jury experience (recoded)</th>
<th>Offence (Recoded)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td></td>
<td>- .20</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education (recoded)</td>
<td>- .00</td>
<td>- .19</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Occupation (recoded)</td>
<td>- .07</td>
<td>- .42</td>
<td></td>
<td></td>
<td>.17</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trait Anxiety</td>
<td>- .03</td>
<td>- .15</td>
<td></td>
<td></td>
<td>.18</td>
<td>.04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location</td>
<td>.07</td>
<td>- .06</td>
<td></td>
<td></td>
<td>- .04</td>
<td>- .03</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jury experience (recoded)</td>
<td>- .13</td>
<td>.21</td>
<td></td>
<td></td>
<td>- .12</td>
<td>- .19</td>
<td>- .00</td>
<td>.11</td>
</tr>
<tr>
<td>Offence (Recoded)</td>
<td>- .21</td>
<td>.04</td>
<td></td>
<td></td>
<td>.10</td>
<td>.07</td>
<td>.09</td>
<td>- .15</td>
</tr>
</tbody>
</table>
| Length of trial (transformed) | - .07|  .11 |                      |                      | - .05         | - .11    | - .04                    | - .24            | .11              | .35
5.11 Conclusion

In this chapter the methodological parameters of the first study associated with this research have been set out. Additionally, the data screening and recoding of data obtained in the survey has been described. Potentially there were vast possibilities in terms of the direction the analyses of the data could have taken. In this respect, the data analyses incorporated into this thesis have followed the model introduced in Chapter 4 and have rigorously been driven by the research questions and hypotheses.

In the next two chapters the analysis of data obtained from the surveys in the context of the eight research questions and associated hypotheses is presented.

In Chapter 6 the influence of trait anxiety and court related variables on attention paid by participants to the elements of the courtroom environment nominated in the survey, the effect on participants of the attention they paid to the courtroom environment and state anxiety experienced by participants when in the setting is examined.

In Chapter 7 the core influence of attention paid by participants to the courtroom environment on their ability to perform their duty as a juror, their sense of appreciation for the function of the law and state anxiety at both the initial phase of their experience as well as at midpoint of their experience in the courtroom is explored. Also explored in Chapter 7 is the effect of time on attention paid to the courtroom environment, the effect on participants of the attention they paid to the courtroom environment and state anxiety.

To provide a visual guide for the analyses of the survey data, the model presented in Chapter 4 has been ‘broken down’ into subsections so as to manage and direct the reader through the complexity of the analyses set out in the next two chapters.
CHAPTER 6

THE INFLUENCE OF PERSONAL AND COURT RELATED FACTORS ON THE JUROR EXPERIENCE

6.1 Introduction

In this chapter the first three subordinate research questions are addressed, those being:

RQ 1 Do trait anxiety and court related factors influence the amount of attention jurors pay to the elements of the courtroom environment?

RQ 2 Do trait anxiety and court related factors influence the effect on jurors of the attention they paid to the elements of the courtroom environment? and

RQ 3 Do trait anxiety and court related factors influence a sense of stress or arousal in jurors?

Each of the research questions and associated hypotheses will be addressed in separate sections of this chapter.

Given the complexity of the analyses the description of the data analysis in this chapter and the next chapter has been organised in terms of the model which was introduced in Chapter 4. Sections of the model have been included at the beginning of each set of analyses for ease of reference.

6.2 Research Question 1

*Do trait anxiety and court related factors influence the amount of attention jurors pay to the elements of the courtroom environment?*
The first research question explores the influence of trait anxiety and court related factors on attention paid by participants to the courtroom environment. Hypotheses 1.1 to 1.5 are associated with this research question. These are investigated in this section of this chapter. Hypotheses 1.1 to 1.5 are:

1.1 That jurors in Brisbane will pay greater attention to the courtroom environment than will Cairns jurors.

1.2 That jurors who have had no prior jury experience will pay greater attention to the courtroom environment than will jurors who have had previous jury experience.

1.3 That jurors who were empanelled on a trial in which the accused was charged with a personal offence will pay less attention to the courtroom environment but will pay greater attention to their nominated task (i.e., determining the guilt or otherwise of the accused) and the task of being a juror than will jurors who were empanelled on a trial in which the accused was charged with a non personal offence.

1.4 That jurors who experience high levels of trait anxiety will pay greater attention to the courtroom environment than will jurors who experience lower levels of trait anxiety.

1.5 That jurors who were empanelled on longer trials will pay less attention to the courtroom environment than will jurors who were empanelled on shorter trials.

Figure 6.1 shows the segment of the model that is to be explored in this section of the data analyses.
6.2.1  Hypothesis 1.1

That jurors in Brisbane will pay greater attention to the courtroom environment than will Cairns jurors.

To address this hypothesis a series of one way MANCOVAs were conducted. For all these analyses the independent variable was location of trial (i.e., Brisbane/Cairns). Since nature of the offence was correlated with location of trial (see correlation matrix in Section 5.10), the covariate for this series of analyses was nature of the offence (i.e., personal offences/non personal offences). Although length of trial (in days) was also correlated with location of trial, as discussed in Section 5.8.2 length of trial related only to responses about the midpoint of participants’ experience. For this set of
analyses responses at initial phase of participants’ experience have been utilised as it was at this time frame that the experience was expected to be more salient for participants.

The dependent variables were attention paid to the courtroom environment at initial contact with the setting. Four different components of the courtroom environment were identified (i.e., the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence and the task of being a juror) and different questions were asked in relation to each component. The means and standard deviations for these variables have been set out and discussed in four separate sections.

Figure 6.2 shows the subsection of the model to be examined in this set of analyses.

**Figure 6.2.** Section of the model illustrating the analyses associated with Hypothesis 1.1.
Courtroom design: The 10 dependent variables used to examine attention paid to the courtroom design were measured on a five point Likert scale from 1 ‘paid no attention’ to 5 ‘paid full attention’. The means and standard deviations for these variables at initial contact with the courtroom are listed in Table 6.1.

Table 6.1. Means and standard deviations of attention paid to the courtroom design at initial contact with the courtroom, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>The dock which holds the accused</td>
<td>3.43</td>
<td>1.14</td>
</tr>
<tr>
<td>The interior design of the courtroom</td>
<td>3.31</td>
<td>1.10</td>
</tr>
<tr>
<td>The jury box that holds the jury</td>
<td>3.29</td>
<td>1.18</td>
</tr>
<tr>
<td>The positioning of courtroom staff between the judge and all others in the courtroom</td>
<td>3.11</td>
<td>1.15</td>
</tr>
<tr>
<td>The private door used by the judge</td>
<td>3.09</td>
<td>1.34</td>
</tr>
<tr>
<td>The witness box being separated from the rest of the court</td>
<td>3.06</td>
<td>1.24</td>
</tr>
<tr>
<td>The gallery which separates observers from the court proceedings</td>
<td>2.84</td>
<td>1.22</td>
</tr>
<tr>
<td>The Judge’s bench being elevated</td>
<td>2.76</td>
<td>1.28</td>
</tr>
<tr>
<td>The lawyers tables being at the same elevation as each other</td>
<td>2.47</td>
<td>1.37</td>
</tr>
<tr>
<td>The Coat of Arms behind the Judge’s bench</td>
<td>2.19</td>
<td>1.13</td>
</tr>
</tbody>
</table>

With a midpoint of 3 (paid moderate attention) on a scale of 1 to 5, the means set out in Table 6.1 indicate the amount of attention participants paid to the courtroom design at initial contact with the setting was between ‘a little’ and ‘moderate’. Specifically, participants paid a little attention to the Coat of Arms behind the judge’s bench and the lawyer’s tables being at the same elevation as each other. However, they predominantly paid a moderate amount of attention to the remaining factors in the courtroom.
**Appearance and behaviour of court officials:** The 10 variables used to examine attention paid by participants to the appearance and behaviour of court officials at initial contact with the courtroom environment are listed in Table 6.2.

Table 6.2. Means and standard deviations of attention paid to the appearance and behaviour of court officials at initial contact with the courtroom, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>The conduct of the lawyers during the trial</td>
<td>4.34</td>
<td>.80</td>
</tr>
<tr>
<td>The swearing in of witnesses using the Bible</td>
<td>3.88</td>
<td>1.04</td>
</tr>
<tr>
<td>The legal terminology used by lawyers</td>
<td>3.73</td>
<td>1.08</td>
</tr>
<tr>
<td>The way everyone has to stand when the judge enters and exits the courtroom</td>
<td>3.70</td>
<td>1.20</td>
</tr>
<tr>
<td>The accused being kept separate from the rest of the court</td>
<td>3.49</td>
<td>1.23</td>
</tr>
<tr>
<td>The formal language used by lawyers (e.g., “my learned friend”)</td>
<td>3.47</td>
<td>1.20</td>
</tr>
<tr>
<td>The way everyone has to bow to the judge when entering and exiting the courtroom</td>
<td>3.43</td>
<td>1.22</td>
</tr>
<tr>
<td>The presence of the Bailiff in the courtroom</td>
<td>3.28</td>
<td>1.22</td>
</tr>
<tr>
<td>The wigs and robes worn by the judge and barristers</td>
<td>3.21</td>
<td>1.16</td>
</tr>
<tr>
<td>The presence of the police in the courtroom</td>
<td>3.01</td>
<td>1.34</td>
</tr>
</tbody>
</table>

It is apparent from the means and standard deviations set out in the above table that participants paid moderate to a lot of attention to all elements associated with the appearance and behaviour of court officials at initial contact with the courtroom environment.

**Appearance and behaviour of those associated with the offence:**

Participants were asked how much attention they paid to four sets of people who were associated with the offence and who were in the courtroom environment (i.e., the accused, the relatives and friends of the accused, the victim and the relatives
and friends of the victim). For a number of cases the relatives and friends of the
accused, the victim and the relatives and friends of the victim were not in the
courtroom. Consequently, data for each of the four sets of people associated with the
offence have been analysed separately. The variables for attention paid to each set of
people associated with the offence are listed in Table 6.3.

Table 6.3. Means and standard deviations of attention paid to the appearance and
behaviour of those associated with the offence at initial contact with the courtroom.

<table>
<thead>
<tr>
<th>Variable</th>
<th>N</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The accused</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The conduct of the accused in the dock</td>
<td>192</td>
<td>3.68</td>
<td>1.07</td>
</tr>
<tr>
<td>The physical appearance (e.g., dress) of the accused</td>
<td>192</td>
<td>3.36</td>
<td>1.16</td>
</tr>
<tr>
<td>The closeness of the accused to you</td>
<td>192</td>
<td>2.35</td>
<td>1.25</td>
</tr>
<tr>
<td><strong>The relatives and friends of the accused</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The conduct of the relatives/friends of the accused in the courtroom</td>
<td>142</td>
<td>2.73</td>
<td>1.32</td>
</tr>
<tr>
<td>The physical appearance (e.g., dress) of the relatives/friends of the accused</td>
<td>142</td>
<td>2.42</td>
<td>1.30</td>
</tr>
<tr>
<td>The closeness of the relatives/friends of the accused to you</td>
<td>142</td>
<td>2.11</td>
<td>1.33</td>
</tr>
<tr>
<td><strong>The victim</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The conduct of the victim in the courtroom</td>
<td>147</td>
<td>4.15</td>
<td>1.07</td>
</tr>
<tr>
<td>The physical appearance (e.g., dress) of the victim</td>
<td>147</td>
<td>3.61</td>
<td>1.19</td>
</tr>
<tr>
<td>The closeness of the victim to you</td>
<td>147</td>
<td>2.37</td>
<td>1.40</td>
</tr>
<tr>
<td><strong>The relatives and friends of the victim</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The conduct of the relatives/friends of the victim in the courtroom</td>
<td>99</td>
<td>2.83</td>
<td>1.44</td>
</tr>
<tr>
<td>The physical appearance (e.g., dress) of relatives/friends of the victim in the courtroom</td>
<td>99</td>
<td>2.53</td>
<td>1.44</td>
</tr>
<tr>
<td>The closeness of the relatives/friends of the victim to you</td>
<td>99</td>
<td>2.10</td>
<td>1.31</td>
</tr>
</tbody>
</table>
It is apparent from the means and standard deviations set out in Table 6.3 that participants paid moderate to a lot of attention to the conduct of and physical appearance of the accused and the victim. Additionally, participants reported paying a little to moderate attention to the closeness to them of the accused, the victim, the relative and friends of both the accused and victim and the conduct and physical appearance of the relatives and friends of the accused and victim.

**The task of being a juror:** The 10 variables which measured attention paid by participants to the task of being a juror at initial contact with the courtroom environment are listed in Table 6.4. An examination of the means and standard deviations in Table 6.4 reveals that the task of being a juror was particularly salient to participants with means indicating that they paid moderate to full attention to all elements of this aspect of their experience.

**Table 6.4.** Means and standard deviations of attention paid to the task of being a juror at initial contact with the courtroom, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trying to find the truth in the evidence</td>
<td>4.93</td>
<td>.32</td>
</tr>
<tr>
<td>Making sure that the outcome was fair</td>
<td>4.90</td>
<td>.32</td>
</tr>
<tr>
<td>Making sure you come to the right decision</td>
<td>4.87</td>
<td>.488</td>
</tr>
<tr>
<td>The responsibility of having someone’s future in your hands</td>
<td>4.76</td>
<td>.63</td>
</tr>
<tr>
<td>Ensuring that justice was done</td>
<td>4.74</td>
<td>.64</td>
</tr>
<tr>
<td>The nature of the crime for which the accused was charged</td>
<td>4.71</td>
<td>.59</td>
</tr>
<tr>
<td>The seriousness of the offence with which the accused was charged</td>
<td>4.69</td>
<td>.56</td>
</tr>
<tr>
<td>Upholding the law</td>
<td>4.67</td>
<td>.67</td>
</tr>
<tr>
<td>Taking care of the rights of the accused</td>
<td>4.46</td>
<td>.91</td>
</tr>
<tr>
<td>Doing the right thing by the victim</td>
<td>4.13</td>
<td>1.18</td>
</tr>
</tbody>
</table>
The assumptions of a MANCOVA are: cell sizes greater than 30, univariate and multivariate normality, linearity, homogeneity of regression, homogeneity of variance-covariance matrices and multicollinearity and singularity (Pallant, 2001; Tabachnick & Fidell, 1996, 2001). Assumption testing was performed and as indicated in Section 5.8.2 small cell sizes were an issue with the variable of nature of the offence. Once this variable was recoded the data did not violate any assumptions for MANCOVA.

The analyses for the influence of location of trial on attention paid to the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence and the task of being a juror were not significant. Table 6.5 sets out these analyses.

**Table 6.5.** Multivariate F tests for contribution of location of trial on attention paid to all elements of the courtroom environment.

<table>
<thead>
<tr>
<th>Element of Courtroom</th>
<th>( N )</th>
<th>( df )</th>
<th>( F )</th>
</tr>
</thead>
<tbody>
<tr>
<td>Courtroom design</td>
<td>183</td>
<td>10,171</td>
<td>.59</td>
</tr>
<tr>
<td>Appearance and behaviour of court officials</td>
<td>183</td>
<td>10,171</td>
<td>1.70</td>
</tr>
<tr>
<td>Appearance and behaviour of the accused</td>
<td>183</td>
<td>3,178</td>
<td>.41</td>
</tr>
<tr>
<td>Appearance and behaviour of the relatives and friends of the accused</td>
<td>135</td>
<td>3,130</td>
<td>.99</td>
</tr>
<tr>
<td>Appearance and behaviour of the victim</td>
<td>138</td>
<td>3,133</td>
<td>.60</td>
</tr>
<tr>
<td>Appearance and behaviour of the relatives and friends of the victim</td>
<td>94</td>
<td>3,89</td>
<td>2.27</td>
</tr>
<tr>
<td>Task of being a juror</td>
<td>183</td>
<td>10,171</td>
<td>.43</td>
</tr>
</tbody>
</table>

**Summary:** From these analyses, it is apparent that location of trial did not influence the amount of attention paid by participants to the elements of the courtroom environment measured in the survey. Consequently, there is no significant difference
between the two environments (i.e., Brisbane/Cairns), in terms of participant perception. Hypothesis 1.1 is therefore not supported by the data and the conclusion made that Brisbane courtrooms did not elicit greater attention from participants than did the environment in Cairns.

6.2.2 Hypothesis 1.2

*That jurors who have had no prior jury experience will pay greater attention to the courtroom environment than will jurors who have had previous jury experience.*

To address this hypothesis seven one way MANCOVAs were again conducted. These analyses examined the influence of prior jury experience on attention paid to the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of the accused, the relatives and friends of the accused, the victim, the relatives and friends of the victim and the task of being a juror. For all these analyses the independent variable was jury experience (no prior jury experience/previous experience on a jury) and the covariates were age (in years) and occupation (not in the workforce/in the workforce). These two variables were correlated with prior jury experience (see correlation matrix in Section 5.10). The dependent variables were again, attention paid to the elements of the courtroom environment at initial contact with the setting (i.e., the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence and the task of being a juror).

Figure 6.3 shows the subsection of the model to be examined in this set of analyses.
Assumption testing was performed and as indicated in Section 5.8.2 the variable of prior jury experience was skewed and was recoded. Additionally, as indicated in Section 5.8.1 the variable of occupation as originally coded elicited small cell sizes and as a consequence was recoded. Once these two variables were recoded the data did not violate any assumptions for MANCOVA.

The analyses for the influence of prior jury experience on attention paid to the courtroom design, the appearance and behaviour of court officials and the appearance and behaviour of those associated with the offence were not significant. Table 6.6 sets out these analyses.

There was a significant multivariate effect for the influence of prior jury experience on attention paid to the task of being a juror. \( F(10, 172) = 1.90, p<.05 \). These
results have been set out in Table 6.7. Examination of univariate between subjects effect revealed that attention paid to the responsibility of having someone’s future in their hands and doing the right thing by the victim were particularly salient to participants. In both instances the more experience participants had as a juror the less attention they paid to these aspects of the task of being a juror.

**Table 6.6.** Multivariate F tests for contribution of prior jury experience on attention paid to the courtroom design, the appearance and behaviour of court officials and the appearance and behaviour of those associated with the offence.

<table>
<thead>
<tr>
<th>Element of Courtroom</th>
<th>N</th>
<th>df</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Courtroom design</td>
<td>185</td>
<td>10,172</td>
<td>1.11</td>
</tr>
<tr>
<td>Appearance and behaviour of court officials</td>
<td>185</td>
<td>10,172</td>
<td>1.32</td>
</tr>
<tr>
<td>Appearance and behaviour of the accused</td>
<td>185</td>
<td>3,179</td>
<td>1.62</td>
</tr>
<tr>
<td>Appearance and behaviour of the relatives and friends of the accused</td>
<td>137</td>
<td>3,131</td>
<td>1.40</td>
</tr>
<tr>
<td>Appearance and behaviour of the victim</td>
<td>140</td>
<td>3,134</td>
<td>1.89</td>
</tr>
<tr>
<td>Appearance and behaviour of the relatives and friends of the victim</td>
<td>95</td>
<td>3,89</td>
<td>.46</td>
</tr>
</tbody>
</table>

**Summary:** From these analyses, it is apparent that after controlling for age and occupation, more experienced jurors paid less attention to facets of the task of being a juror than did jurors who had no prior experience as a juror. However, prior jury experience did not influence attention paid by participants to the courtroom design, the appearance and behaviour of court officials and the appearance and behaviour of those associated with the offence.

Given the above, hypothesis 1.2 is partially supported by the data, particularly with respect to the influence of previous experience on a jury on attention paid to the task of being a juror. Consequently, participants who had previously been empanelled
on a jury paid less attention to the elements of the task of being a juror identified in the
above analyses than did participants with no previous experience. Therefore previous
experience did, in some respects, moderate attention paid to the courtroom
environment (particularly the task of being a juror).

Table 6.7. Means, standard deviations, multivariate and univariate F tests for
contribution of prior jury experience on attention paid to the task of being a juror at
initial contact with the courtroom, N=185.

<table>
<thead>
<tr>
<th>Variable</th>
<th>No Jury Experience</th>
<th>Jury Experience</th>
<th>df</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>SD</td>
<td>M</td>
<td>SD</td>
</tr>
<tr>
<td><strong>Multivariate</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q1. The seriousness of the offence with which the accused was charged</td>
<td>4.69</td>
<td>.57</td>
<td>4.71</td>
<td>.53</td>
</tr>
<tr>
<td>Q2. The nature of the crime for which the accused was charged</td>
<td>4.67</td>
<td>.62</td>
<td>4.79</td>
<td>.45</td>
</tr>
<tr>
<td>Q3. The responsibility of having someone’s future in your hands</td>
<td>4.84</td>
<td>.49</td>
<td>4.62</td>
<td>.74</td>
</tr>
<tr>
<td>Q4. Making sure that the outcome was fair</td>
<td>4.91</td>
<td>.29</td>
<td>4.87</td>
<td>.39</td>
</tr>
<tr>
<td>Q5. Upholding the law</td>
<td>4.68</td>
<td>.67</td>
<td>4.68</td>
<td>.61</td>
</tr>
<tr>
<td>Q6. Doing the right thing by the victim</td>
<td>4.23</td>
<td>1.18</td>
<td>3.90</td>
<td>.91</td>
</tr>
<tr>
<td>Q7. Taking care of the rights of the accused</td>
<td>4.51</td>
<td>.86</td>
<td>4.42</td>
<td>.82</td>
</tr>
<tr>
<td>Q8. Trying to find the truth in the evidence</td>
<td>4.95</td>
<td>.29</td>
<td>4.91</td>
<td>.30</td>
</tr>
<tr>
<td>Q9. Making sure you come to the right decision</td>
<td>4.85</td>
<td>.53</td>
<td>4.91</td>
<td>.30</td>
</tr>
<tr>
<td>Q10 Ensuring justice was done</td>
<td>4.73</td>
<td>.66</td>
<td>4.79</td>
<td>.57</td>
</tr>
</tbody>
</table>

*p < 0.05
6.2.3 Hypothesis 1.3

That jurors who were empanelled on a trial in which the accused was charged with a personal offence will pay less attention to the courtroom environment but will pay greater attention to their nominated task (i.e., determining the guilt or otherwise of the accused) and the task of being a juror than will jurors who were empanelled on a trial in which the accused was charged with a non personal offence.

Figure 6.4 shows the subsection of the model to be examined in this set of analyses.

To address this hypothesis seven one way MANCOVAs were again conducted. For all these analyses the independent variable was nature of the offence (personal
offences/non personal offences) and the covariates were location of trial (Brisbane/Cairns) and gender (male/female). These two variables were correlated with nature of the offence (see correlation matrix in Section 5.10). The dependent variables were again, attention paid to the elements of the courtroom environment at initial contact with the setting (i.e., the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence and the task of being a juror).

Assumption testing was performed and as indicated in Section 5.8.2 the variable of nature of the offence elicited small cell sizes and was recoded. After recoding, the data did not violate any assumptions for MANCOVA.

With the exception of attention paid to the appearance and behaviour of the accused, none of these analyses were significant. Table 6.8 sets out these analyses.

Table 6.8. Multivariate F tests for contribution of nature of the offence on attention paid to the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of the relatives and friends of the accused, the victim and the relatives and friends of the victim and the task of being a juror.

<table>
<thead>
<tr>
<th>Element of Courtroom</th>
<th>N</th>
<th>df</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Courtroom design</td>
<td>183</td>
<td>10,170</td>
<td>.81</td>
</tr>
<tr>
<td>Appearance and behaviour of court officials</td>
<td>183</td>
<td>10,170</td>
<td>1.31</td>
</tr>
<tr>
<td>Appearance and behaviour of the relatives and friends of the accused</td>
<td>135</td>
<td>3,129</td>
<td>.84</td>
</tr>
<tr>
<td>Appearance and behaviour of the victim</td>
<td>138</td>
<td>3,132</td>
<td>1.41</td>
</tr>
<tr>
<td>Appearance and behaviour of the relatives and friends of the victim</td>
<td>94</td>
<td>3,88</td>
<td>.13</td>
</tr>
<tr>
<td>Task of being a juror</td>
<td>183</td>
<td>10,170</td>
<td>.83</td>
</tr>
</tbody>
</table>
With respect to attention paid to the appearance and behaviour of the accused, there was a significant multivariate effect. \((F(3, 177) = 3.95, p<.05)\). Examination of univariate between subjects effect revealed that attention paid to the closeness of the accused to participants was particularly salient to them. The more personal in nature the offence the more attention participants paid to the closeness to them of the accused. The results for these analyses have been set out in Table 6.9.

**Table 6.9.** Means, standard deviations, multivariate and univariate F tests for contribution of nature of the offence on attention paid to the appearance and behaviour of the accused at initial contact with the courtroom, \(N= 183\).

<table>
<thead>
<tr>
<th>Variable</th>
<th>Personal Offences</th>
<th>Non personal Offences</th>
<th>(Df)</th>
<th>(F)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(M)</td>
<td>(SD)</td>
<td>(M)</td>
<td>(SD)</td>
</tr>
<tr>
<td>Multivariate</td>
<td>3.177</td>
<td>3.95*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Univariate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q1. The conduct of the accused in the dock</td>
<td>3.65</td>
<td>1.14</td>
<td>3.81</td>
<td>.96</td>
</tr>
<tr>
<td>Q2. The physical appearance of the accused</td>
<td>3.35</td>
<td>1.20</td>
<td>3.36</td>
<td>1.14</td>
</tr>
<tr>
<td>Q3. The closeness of the accused to you</td>
<td>2.53</td>
<td>1.29</td>
<td>2.03</td>
<td>1.14</td>
</tr>
</tbody>
</table>

*p < .05

**Summary:** After controlling for gender (male/female) and location of trial (Brisbane/Cairns), the nature of the offence (personal offences/non personal offences) influenced the amount of attention participants paid to the appearance and behaviour of the accused (in particular the closeness of the accused to participants).

Consequently, hypothesis 1.3 is partially supported by the data, particularly with respect to the influence of nature of the offence on attention paid by participants to the appearance and behaviour of the accused. Attention paid to the appearance and
behaviour of the accused was related to the task at hand, and this would certainly fit with environmental load theory that is associated with this hypothesis. The theory proposes that the task is often more salient to individuals than is the environment, particularly if they are experiencing 'overload'. Of all the environmental cues in the courtroom to which participants could be paying attention, in the context of the offence, they were paying attention to the appearance and behaviour of the accused. However, they did not report paying attention to the task of being a juror (in the context of the nature of the offence) as was expected.

6.2.4 Hypothesis 1.4

*That jurors who experience high levels of trait anxiety will pay greater attention to the courtroom environment than will jurors who experience lower levels of trait anxiety.*

To examine this hypothesis a series of hierarchical regression analyses were conducted. The dependent variables were those questions that elicited responses regarding attention paid by participants to the courtroom environment at initial contact with the setting. Once again attention paid to the four elements of the courtroom were examined (i.e., the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence and the task of being a juror). Trait anxiety (responses to Form Y-2 of the STAI) was entered as the independent variable and age (in years) and education (pre university/university) were entered as covariates for all analyses associated with this hypothesis. The covariates were correlated with trait anxiety (see correlation matrix in Section 5.10).
Figure 6.5 shows the subsection of the model to be examined in this set of analyses.

The assumptions for the hierarchical regression analysis are: ratio of cases to independent variables is greater than 20 times with a minimum of five times more cases than independent variables, outliers are modified, multicollinearity and singularity and normality, linearity, homoscedasticity and independence of residuals (Pallant, 2001; Tabachnick & Fidell, 1996; 2001). Assumption testing was conducted and after recoding education (as indicated in Section 5.8.1) the variables were found to conform with the assumptions associated with hierarchical regression analyses.

None of these analyses were significant. Table 6.10 sets out the results for these analyses.
Table 6.10. Summary of hierarchical regression analyses for contribution of trait anxiety on attention paid to all elements of the courtroom environment.

<table>
<thead>
<tr>
<th>Element of Courtroom</th>
<th>N</th>
<th>$R^2$</th>
<th>df</th>
<th>$F_{inc}$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Courtroom design</td>
<td>191</td>
<td>.12</td>
<td>10,178</td>
<td>1.54</td>
</tr>
<tr>
<td>Appearance and behaviour of court officials</td>
<td>191</td>
<td>.04</td>
<td>10,178</td>
<td>.69</td>
</tr>
<tr>
<td>Appearance and behaviour of the accused</td>
<td>191</td>
<td>.01</td>
<td>3,185</td>
<td>.38</td>
</tr>
<tr>
<td>Appearance and behaviour of the relatives and friends of the accused</td>
<td>141</td>
<td>.03</td>
<td>3,135</td>
<td>1.27</td>
</tr>
<tr>
<td>Appearance and behaviour of the victim</td>
<td>146</td>
<td>.02</td>
<td>3,140</td>
<td>.81</td>
</tr>
<tr>
<td>Appearance and behaviour of the relatives and friends of the victim</td>
<td>98</td>
<td>.05</td>
<td>3,92</td>
<td>1.51</td>
</tr>
<tr>
<td>Task of being a juror</td>
<td>191</td>
<td>.04</td>
<td>10,178</td>
<td>.80</td>
</tr>
</tbody>
</table>

**Summary:** After controlling for age and education, trait anxiety did not influence the amount of attention paid by participants to any element of the courtroom environment identified in Part A of the survey. Consequently hypothesis 1.4 was not supported by the data. In this respect the data did not support the proposition that those who experienced higher levels of trait anxiety (as measured by Form Y-2 of the STAI) paid more attention to the courtroom environment than those who experienced lower levels of trait anxiety.

6.2.5 Hypothesis 1.5

*That jurors who were empanelled on longer trials will pay less attention to the courtroom environment than will jurors who were empanelled on shorter trials.*
Figure 6.6 shows the subsection of the model to be examined in this set of analyses.

To examine this hypothesis a series of hierarchical regressions were conducted. Length of trial (in days) was entered as the independent variable and location of trial (Brisbane/Cairns) and nature of the offence (personal offences/non personal offences) were entered as covariates for all analyses associated with this hypothesis. The covariates are correlated with the independent variable (see correlation matrix in Section 5.10). The dependent variables were attention paid to the courtroom environment. Once again attention paid to the four elements of the courtroom were examined (i.e., the courtroom design, the appearance and behaviour of court officials,
the appearance and behaviour of those associated with the offence and the task of being a juror). However, with this set of analyses responses at midpoint of participants’ experience in the courtroom environment were used. As explained in Section 5.8.2 length of trial is a dynamic variable of which participants were not aware at the initial phase of their experience. The means and standard deviations for these variables are set out and discussed in four separate sections.

**Courtroom design:** The 10 variables used to examine attention paid to the courtroom design at midpoint of participants’ experience are set out in Table 6.11. The means and standard deviations indicate that participants paid moderate attention to the dock which holds the accused and little attention to all other elements of the courtroom design at midpoint of their experience.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>The dock which holds the accused</td>
<td>2.88</td>
<td>1.30</td>
</tr>
<tr>
<td>The witness box being separated from the rest of the court</td>
<td>2.42</td>
<td>1.36</td>
</tr>
<tr>
<td>The private door used by the judge</td>
<td>2.42</td>
<td>1.32</td>
</tr>
<tr>
<td>The positioning of courtroom staff between the judge and all others in the courtroom</td>
<td>2.42</td>
<td>1.31</td>
</tr>
<tr>
<td>The jury box that holds the jury</td>
<td>2.36</td>
<td>1.42</td>
</tr>
<tr>
<td>The interior design of the courtroom</td>
<td>2.32</td>
<td>1.20</td>
</tr>
<tr>
<td>The gallery which separates observers from the court proceedings</td>
<td>2.27</td>
<td>1.27</td>
</tr>
<tr>
<td>The Judge’s bench being elevated</td>
<td>2.15</td>
<td>1.27</td>
</tr>
<tr>
<td>The lawyers tables being at the same elevation as each other</td>
<td>2.04</td>
<td>1.36</td>
</tr>
<tr>
<td>The Coat of Arms behind the Judge’s bench</td>
<td>1.91</td>
<td>1.18</td>
</tr>
</tbody>
</table>
Appearance and behaviour of court officials: The 10 dependent variables used to examine attention paid by participants to the appearance and behaviour of court officials at midpoint of their experience are set out in Table 6.12. From the means and standard deviations set out in Table 6.12 it is apparent that with the exception of two elements, participants paid moderate to a lot of attention to all aspects of the appearance and behaviour of officials in the courtroom. Those elements to which participants did not pay a large amount of attention at midpoint of their experience were the wigs and robes worn by the judges and barristers and the presence of the police in the courtroom.

Table 6.12. Means and standard deviations of attention paid to the appearance and behaviour of court officials at midpoint of participants’ experience in the courtroom, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>The conduct of the lawyers during the trial</td>
<td>4.02</td>
<td>.99</td>
</tr>
<tr>
<td>The swearing in of witnesses using the Bible</td>
<td>3.42</td>
<td>1.28</td>
</tr>
<tr>
<td>The legal terminology used by lawyers</td>
<td>3.42</td>
<td>1.25</td>
</tr>
<tr>
<td>The formal language used by lawyers (e.g., “my learned friend”)</td>
<td>3.19</td>
<td>1.31</td>
</tr>
<tr>
<td>The way everyone has to stand when the judge enters and exits the courtroom</td>
<td>2.89</td>
<td>1.39</td>
</tr>
<tr>
<td>The presence of the Bailiff in the courtroom</td>
<td>2.78</td>
<td>1.28</td>
</tr>
<tr>
<td>The accused being kept separate from the rest of the court</td>
<td>2.75</td>
<td>1.34</td>
</tr>
<tr>
<td>The way everyone has to bow to the judge when entering and exiting the courtroom</td>
<td>2.69</td>
<td>1.31</td>
</tr>
<tr>
<td>The wigs and robes worn by the judge and barristers</td>
<td>2.39</td>
<td>1.22</td>
</tr>
<tr>
<td>The presence of the police in the courtroom</td>
<td>2.34</td>
<td>1.35</td>
</tr>
</tbody>
</table>
Appearance and behaviour of those associated with the offence: Again, four sets of people associated with the offence were identified, those being the accused, the relatives and friends of the accused, the victim and the relatives and friends of the victim. Table 6.13 sets out the means and standard deviations for the variables.

Table 6.13. Means and standard deviations of attention paid to the appearance and behaviour of those associated with the offence at midpoint of participants’ experience in the courtroom.

<table>
<thead>
<tr>
<th>Variable</th>
<th>N</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>The accused</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The conduct of the accused in the dock</td>
<td>192</td>
<td>3.61</td>
<td>1.15</td>
</tr>
<tr>
<td>The physical appearance (e.g., dress) of the accused</td>
<td>192</td>
<td>3.03</td>
<td>1.30</td>
</tr>
<tr>
<td>The closeness of the accused to you</td>
<td>192</td>
<td>2.05</td>
<td>1.24</td>
</tr>
<tr>
<td>The relatives and friends of the accused</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The conduct of the relatives/friends of the accused in the courtroom</td>
<td>138</td>
<td>2.61</td>
<td>1.30</td>
</tr>
<tr>
<td>The physical appearance (e.g., dress) of the relatives/friends of the accused</td>
<td>138</td>
<td>2.33</td>
<td>1.32</td>
</tr>
<tr>
<td>The closeness of the relatives/friends of the accused to you</td>
<td>138</td>
<td>1.88</td>
<td>1.28</td>
</tr>
<tr>
<td>The victim</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The conduct of the victim in the courtroom</td>
<td>131</td>
<td>3.97</td>
<td>1.14</td>
</tr>
<tr>
<td>The physical appearance (e.g., dress) of the victim</td>
<td>131</td>
<td>3.26</td>
<td>1.33</td>
</tr>
<tr>
<td>The closeness of the victim to you</td>
<td>131</td>
<td>2.25</td>
<td>1.31</td>
</tr>
<tr>
<td>The relatives and friends of the victim</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The conduct of the relatives/friends of the victim in the courtroom</td>
<td>90</td>
<td>2.57</td>
<td>1.38</td>
</tr>
<tr>
<td>The physical appearance (e.g., dress) of relatives/friends of the victim in the courtroom</td>
<td>90</td>
<td>2.46</td>
<td>1.38</td>
</tr>
<tr>
<td>The closeness of the relatives/friends of the victim to you</td>
<td>90</td>
<td>1.97</td>
<td>1.32</td>
</tr>
</tbody>
</table>
Once again varying numbers of participants were aware of the presence of the victim and relatives and friends of the accused and victim in the courtroom at this point of their experience. Consequently, as with this section in Part A of the survey the number of responses differed on the variables. From the means and standard deviations set out in Table 6.13 it is apparent that at midpoint of their experience participants paid no to little attention to the closeness to them of the relatives and friends of the accused and the victim. Additionally, they paid little to moderate attention to the closeness to them of the accused and the victim, the conduct and physical appearance of the relatives and friends of the accused and victim. However, participants indicated that they paid moderate to a lot of attention to the conduct and physical appearance of the accused and victim.

*The task of being a juror:* The 10 dependent variables that measured attention paid by participants to the task of being a juror at midpoint of their experience are set out in Table 6.14. From the means and standard deviations presented in Table 6.14, it is apparent that all factors examined in the survey were salient to participants with responses indicating that participants paid a lot to full attention to the task of being a juror.

Assumption testing was performed and after the variable of nature of the offence was recoded, the data were found to conform with the assumptions associated with hierarchical regression analyses.

None of the analyses that examined the influence of length of trial on attention paid to the courtroom environment were significant. Table 6.15 sets out the results for these analyses.
Table 6.14. Means and standard deviations of attention paid to the task of being a juror at midpoint of participants’ experience in the courtroom, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trying to find the truth in the evidence</td>
<td>4.90</td>
<td>.36</td>
</tr>
<tr>
<td>Making sure you come to the right decision</td>
<td>4.82</td>
<td>.54</td>
</tr>
<tr>
<td>Making sure that the outcome was fair</td>
<td>4.72</td>
<td>.56</td>
</tr>
<tr>
<td>Ensuring that justice was done</td>
<td>4.71</td>
<td>.68</td>
</tr>
<tr>
<td>The responsibility of having someone’s future in your hands</td>
<td>4.66</td>
<td>.74</td>
</tr>
<tr>
<td>Upholding the law</td>
<td>4.62</td>
<td>.69</td>
</tr>
<tr>
<td>The nature of the crime for which the accused was charged</td>
<td>4.59</td>
<td>.72</td>
</tr>
<tr>
<td>The seriousness of the offence with which the accused was charged</td>
<td>4.37</td>
<td>.70</td>
</tr>
<tr>
<td>Taking care of the rights of the accused</td>
<td>4.41</td>
<td>.95</td>
</tr>
<tr>
<td>Doing the right thing by the victim</td>
<td>4.13</td>
<td>1.18</td>
</tr>
</tbody>
</table>

Table 6.15. Summary of hierarchical regression analyses for contribution of length of trial on attention paid to all elements of the courtroom.

<table>
<thead>
<tr>
<th>Element of Courtroom</th>
<th>N</th>
<th>$R^2$</th>
<th>df</th>
<th>$F_{inc}$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Courtroom design</td>
<td>182</td>
<td>.04</td>
<td>10,169</td>
<td>.86</td>
</tr>
<tr>
<td>Appearance and behaviour of court officials</td>
<td>182</td>
<td>.04</td>
<td>10,169</td>
<td>.83</td>
</tr>
<tr>
<td>Appearance and behaviour of the accused</td>
<td>182</td>
<td>.03</td>
<td>3,176</td>
<td>1.81</td>
</tr>
<tr>
<td>Appearance and behaviour of the relatives and friends of the accused</td>
<td>131</td>
<td>.02</td>
<td>3,125</td>
<td>.99</td>
</tr>
<tr>
<td>Appearance and behaviour of the victim</td>
<td>123</td>
<td>.03</td>
<td>3,117</td>
<td>1.12</td>
</tr>
<tr>
<td>Appearance and behaviour of the relatives and friends of the victim</td>
<td>86</td>
<td>.05</td>
<td>3,80</td>
<td>1.63</td>
</tr>
<tr>
<td>Task of being a juror</td>
<td>182</td>
<td>.05</td>
<td>10,169</td>
<td>1.02</td>
</tr>
</tbody>
</table>
Summary: From the above analyses, after controlling for nature of the offence and location of trial, length of trial did not influence the amount of attention paid by participants to any element of the courtroom environment identified in the survey. Consequently hypothesis 1.5 was not supported by the data. In this respect the data did not support the proposition that the longer one ‘is’ in the courtroom environment the less likely one is to pay attention to the environmental cues.

6.2.6 Conclusion

In this section of this chapter, the first research question was examined. These analyses examined hypotheses 1.1 through to 1.5 of which two were partially supported by the data. Overall, the above analyses indicated that:-

Hypothesis 1.1 was not supported by the data and in this sample location of trial had no significant influence on the amount of attention participants paid to the courtroom environment at initial contact with the setting;

Hypothesis 1.2 was partially supported by the data. Prior jury experience did influence the amount of attention participants paid to the task of being a juror with particular emphasis on the responsibility of having someone’s future in their hands and doing the right thing by the victim. Participants who had experienced jury duty previously paid less attention to the task of being a juror than did participants who had no prior experience on a jury;

Hypothesis 1.3 was partially supported by the data. Nature of the offence influenced participants’ attention to the accused, particularly the closeness of the accused to them. Participants empanelled on a trial in which the offence was personal in nature paid more attention to the appearance and behaviour of the
accused than did participants who were empanelled on trials in which the charge was non personal in nature;

Hypothesis 1.4 was not supported by the data and in this sample trait anxiety did not influence the amount of attention paid by participants to the elements of the courtroom environment at initial contact with the setting;

Hypothesis 1.5 was not supported by the data and in this sample length of trial did not influence attention paid by participants to the elements of the courtroom environment at mid point of their experience.

In the context of the first research question therefore, the data provides evidence that trait anxiety, location of trial, and length of trial did not influence the attention participants paid to elements of the courtroom environment. However, prior jury experience and nature of the offence did influence the attention participants paid to elements of the courtroom environment.

In the next section of this chapter the influence of personal and court related variables on the effect on participants of the attention they paid to the courtroom environment will be addressed.

6.3 Research Question 2

Do trait anxiety and court related factors influence the effect on jurors of the attention they paid to the elements of the courtroom environment?

In this section of this chapter the second research question and hypotheses 2.1 to 2.5 are explored. Hypotheses 2.1 to 2.5 are:
2.1 That as a result of the attention they paid to the courtroom environment jurors in Brisbane will be less able to perform their role as a juror but feel a greater appreciation for the function of the law than will Cairns jurors.

2.2 That as a result of the attention they paid to the courtroom environment jurors who have had no previous jury experience will be less able to perform their role as a juror but feel a greater appreciation for the function of the law than will jurors who had previously experienced jury duty.

2.3 That as a result of the attention they paid to the courtroom environment jurors who were empanelled on a trial in which the accused was charged with a personal offence will be less able to perform their role as a juror but feel a greater appreciation for the function of the law than will jurors who were empanelled on a trial in which the accused was charged with a non-personal offence.

2.4 That as a result of the attention they paid to the courtroom environment jurors who experience greater levels of trait anxiety will be less able to perform their role as a juror but feel a greater appreciation for the function of the law than will jurors who experience lower levels of trait anxiety.

2.5 That as a result of the attention they paid to the courtroom environment jurors who were empanelled on shorter trials will be less able to perform their role as a juror but feel a greater appreciation for the function of the law than will jurors who were empanelled on longer trials.

Again, sections of the model introduced in Chapter 4 have been presented to guide the reader through the analyses associated with the second research question.

Figure 6.7 shows the segment of the model that is explored in this section of the data analysis.
6.3.1 Hypothesis 2.1

That as a result of the attention they paid to the courtroom environment jurors in Brisbane will be less able to perform their role as a juror but feel a greater appreciation for the function of the law than will Cairns jurors.

Location of trial had no significant influence on attention paid by participants to the elements of the courtroom setting (see Section 6.2.1). Consequently the influence of location of trial on the effect on participants of the attention they paid to the elements of the courtroom environment was not further analysed.

Figure 6.7. Section of the model illustrating the analyses associated with Research Question 2.
6.3.2 Hypothesis 2.2

That as a result of the attention they paid to the courtroom environment jurors who have had no previous jury experience will be less able to perform their role as a juror but will feel a greater appreciation for the function of the law than will jurors who had previously experienced jury duty.

Figure 6.8 shows the subsection of the model to be examined in this set of analyses.

To address this hypothesis a series of one way MANCOVAs were conducted. For all these analyses the independent variable was jury experience (no prior jury experience/previous experience on a jury) and the covariates were age (in years) and occupation (not in the workforce/in the workforce). The dependent variables for these
analyses were the five questions relating to the effect on participants of the attention they paid to the courtroom design. Four components of the environment were again identified (i.e., the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence and the task of being a juror). The means and standard deviations for these variables have been set out and described in four separate sections.

**Courtroom design:** The five variables relating the effect on participants of the attention they paid to the courtroom design are listed in Table 6.16. Each question was measured on a five point Likert scale from 1 ‘had no effect’ to 5 ‘had full effect’. From the means and standard deviations listed in Table 6.16 it is evident that participants indicated the attention they paid to the courtroom design had little to moderate effect on them. Specifically, participants reported that the attention they paid to courtroom design had no or little effect on a sense of uncertainty as to what they were expected to do as a juror, the level of distraction from the evidence they experienced and they did not feel overwhelmed. However, attention paid to the courtroom environment did have a moderate effect on participants in that it impressed upon them the importance of their role as a juror and made them feel a sense of respect for the criminal justice system.

**Appearance and behaviour of court officials** The five variables that measured the effect on participants of the attention they paid to the appearance and behaviour of court officials at initial contact with the courtroom environment are listed in Table 6.17.
Table 6.16. Means and standard deviations of the effect on participants of the attention they paid to the courtroom design at initial contact with the courtroom, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>They impressed upon me the importance of my role as juror</td>
<td>3.21</td>
<td>1.24</td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system</td>
<td>3.20</td>
<td>1.25</td>
</tr>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a juror</td>
<td>1.63</td>
<td>1.10</td>
</tr>
<tr>
<td>They made me feel overwhelmed</td>
<td>1.39</td>
<td>.70</td>
</tr>
<tr>
<td>They distracted me from the evidence</td>
<td>1.35</td>
<td>.66</td>
</tr>
</tbody>
</table>

Table 6.17. Means and standard deviations of the effect on participants of the attention they paid to the appearance and behaviour of court officials at initial contact with the courtroom, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>They impressed upon me the importance of my role as juror</td>
<td>3.47</td>
<td>1.28</td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system</td>
<td>3.29</td>
<td>1.29</td>
</tr>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a juror</td>
<td>1.50</td>
<td>.81</td>
</tr>
<tr>
<td>They distracted me from the evidence</td>
<td>1.40</td>
<td>.66</td>
</tr>
<tr>
<td>They made me feel overwhelmed</td>
<td>1.32</td>
<td>.63</td>
</tr>
</tbody>
</table>

From the means and standard deviations in Table 6.17, responses ranged from no or little effect to moderate effect with respect to the influence on participants of the attention they paid to the appearance and behaviour of court officials. Specifically, participants reported that the attention they paid to the appearance and behaviour of court officials had no or little effect with respect to making them feel uncertain as to
what they were expected to do as a juror, distracting them from the evidence or making them feel overwhelmed. Participants did however report that attention paid to the appearance and behaviour of court officials had a moderate effect on their sense of being aware of the importance of their role as juror and a sense of respect for the criminal justice system.

*Appearance and behaviour of those associated with the offence:* The five variables used to measure the effect on participants of the attention they paid to the appearance and behaviour of those associated with the offence at initial contact with the courtroom environment are listed in Table 6.18.

| Table 6.18. Means and standard deviations of the effect on participants of the attention they paid to those associated with the offence at initial contact with the courtroom, N=192. |
|---|---|---|
| Variable | M | SD |
| They impressed upon me the importance of my role as juror | 2.90 | 1.47 |
| They made me feel a sense of respect for the criminal justice system | 2.65 | 1.46 |
| They distracted me from the evidence | 1.35 | .68 |
| They made me feel uncertain as to what I was expected to do as a juror | 1.33 | .82 |
| They made me feel overwhelmed | 1.25 | .66 |

It is apparent from the means and standard deviations that attention paid by participants to the appearance and behaviour of those associated with the offence had little influence on their sense of feeling uncertain as to what they were expected to do as a juror, their sense of being distracted from the evidence or their sense of being overwhelmed. Participants did however report that the attention they paid to the appearance and behaviour of those associated with the offence had a moderate
influence on their sense of the importance of their role as juror and their sense of respect for the criminal justice system.

The task of being a juror The five variables used to measure the effect on participants of the attention they paid to the task of being a juror at initial contact with the courtroom environment are listed in Table 6.19.

An examination of the means and standard deviations revealed that participants did not consider the attention they paid to the task of being a juror impacted greatly on their sense of being uncertain as to what they should do as a juror, their being distracted from the evidence or their sense of being overwhelmed. However, attention paid to the task of being a juror did have a lot of effect on participants’ sense of the importance of their role as juror and a moderate effect on their sense of respect for the criminal justice system.

Table 6.19. Means and standard deviations of the effect on participants of the attention they paid to the task of being a juror at initial contact with the courtroom, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>They impressed upon me the importance of my role as juror</td>
<td>4.12</td>
<td>1.28</td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system</td>
<td>3.64</td>
<td>1.34</td>
</tr>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a juror</td>
<td>1.69</td>
<td>1.14</td>
</tr>
<tr>
<td>They made me feel overwhelmed</td>
<td>1.69</td>
<td>1.06</td>
</tr>
<tr>
<td>They distracted me from the evidence</td>
<td>1.41</td>
<td>.88</td>
</tr>
</tbody>
</table>

Assumption testing was performed and as indicated in Section 5.8.2 the variable of prior jury experience was skewed and was recoded. Additionally, as indicated in Section 5.8.1 the variable of occupation as originally coded elicited small cell sizes and
as a consequence was recoded. Once recoding was completed the data did not violate
any assumptions for MANCOVA.

None of the analyses which examined the influence of prior jury experience on
the effect on participants of the attention they paid to the courtroom environment were
significant. Table 6.20 sets out these results.

Table 6.20. Multivariate F tests for contribution of prior jury experience on the
effect on participants of the attention they paid to all elements of the courtroom
environment.

<table>
<thead>
<tr>
<th>Element of Courtroom</th>
<th>$N$</th>
<th>$df$</th>
<th>$F$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Courtroom design</td>
<td>185</td>
<td>5,177</td>
<td>1.54</td>
</tr>
<tr>
<td>Appearance and behaviour of court officials</td>
<td>185</td>
<td>5,177</td>
<td>1.86</td>
</tr>
<tr>
<td>Appearance and behaviour of those associated with the offence</td>
<td>185</td>
<td>5,177</td>
<td>.92</td>
</tr>
<tr>
<td>Task of being a juror</td>
<td>185</td>
<td>5,177</td>
<td>.34</td>
</tr>
</tbody>
</table>

Summary: From the above analyses it is apparent that prior jury experience
did not influence the effect on participants of the amount of attention they paid to the
elements of the courtroom environment measured in Part A of the survey. Consequently
hypothesis 2.2 was not supported by the data. Previous jury experience therefore did
not have any significant influence on participants’ sense of feeling uncertain, distracted,
overwhelmed, having the importance of their role as a juror impressed upon them or
feeling a sense of respect for the criminal justice system.

6.3.3 Hypothesis 2.3

That as a result of the attention they paid to the courtroom environment
jurors who were empanelled on a trial in which the accused was charged with a
personal offence will be less able to perform their role as a juror but will feel a greater appreciation for the function of the law than will those jurors who were empanelled on a trial in which the accused was charged with a non personal offence.

Figure 6.9 shows the subsection of the model to be examined in this set of analyses.

To address this hypothesis a series of one way MANCOVAs were again conducted. For all these analyses the independent variable was nature of the offence (personal offences/non personal offences) and the covariates were location of trial (Brisbane/Cairns) and gender (male/female). The dependent variables were again the questions relating to the effect on participants of the attention they paid to the
elements of the courtroom environment at initial contact with the setting (i.e., the
courtroom design, the appearance and behaviour of court officials, the appearance and
behaviour of those associated with the offence and the task of being a juror).

Assumption testing was performed and as indicated in Section 5.8.2 small cell
sizes were an issue with the variable of nature of the offence. After this variable was
recoded the data did not violate any assumptions for MANCOVA.

None of the analyses which examined the influence of nature of the offence on
the effect on participants of the attention they paid to the courtroom environment were
significant. Table 6.21 sets out these results.

Table 6.21. Multivariate F tests for contribution of nature of the offence on the effect
on participants of the attention they paid to all elements of the courtroom environment.

<table>
<thead>
<tr>
<th>Element of Courtroom</th>
<th>N</th>
<th>df</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Courtroom design</td>
<td>183</td>
<td>5,175</td>
<td>1.20</td>
</tr>
<tr>
<td>Appearance and behaviour of court officials</td>
<td>183</td>
<td>5,175</td>
<td>0.51</td>
</tr>
<tr>
<td>Appearance and behaviour of those associated with the</td>
<td>183</td>
<td>5,175</td>
<td>0.93</td>
</tr>
<tr>
<td>offence</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Task of being a juror</td>
<td>183</td>
<td>5,175</td>
<td>0.75</td>
</tr>
</tbody>
</table>

**Summary:** From these analyses it is apparent that nature of the offence did
not influence the effect on participants of the amount of attention they paid to the
elements of the courtroom environment measured in Part A of the survey. Consequently
hypothesis 2.3 is not supported by the data. Nature of the offence therefore did not have
a significant influence on participants’ sense of feeling uncertain, distracted,
overwhelmed, having the importance of their role as a juror impressed upon them or
feeling a sense of respect for the criminal justice system.
6.3.4 Hypothesis 2.4

*That as a result of the attention they paid to the courtroom environment jurors who experience greater levels of trait anxiety will be less able to perform their role as a juror but will feel a greater appreciation for the function of the law than will jurors who experience lower levels of trait anxiety.*

Trait Anxiety had no significant influence on attention paid to the elements of the courtroom setting (see Section 6.2.4). Consequently the influence of Trait Anxiety on the effect on participants of the attention they paid to the elements of the courtroom environment was not further analysed.

6.3.5 Hypothesis 2.5

*That as a result of the attention they paid to the courtroom environment jurors who were empanelled on shorter trials will be less able to perform their role as a juror but will feel a greater appreciation for the function of the law than will jurors who were empanelled on longer trials.*

Length of trial had no significant influence on attention paid to the elements of the courtroom setting (see Section 6.2.5). Consequently the influence of length of trial on the effect on participants of the attention they paid to the elements of the courtroom environment was not further analysed. However, in the interests of comprehensiveness, the means and standard deviations for the five dependent variables at midpoint of their experience (i.e., the five questions relating to the effect on participants of the attention they paid to the courtroom setting) for each of the four elements of the courtroom (i.e., the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence and the task of being a juror) have been presented in four separate sections.
Courtroom design: The five variables which measured the effect on participants of the attention they paid to the courtroom design at midpoint of their experience in the environment have been set out in Table 6.22.

From the means and standard deviations set out in Table 6.22, attention paid to the courtroom design had no or little effect on participants with respect to their sense of uncertainty about what they were expected to do as a juror, being distracted from the evidence and being made to overwhelmed. However, the attention paid to the courtroom design did have a ‘little’ to ‘moderate’ effect on participant’s sense of having the importance of their role as juror impressed upon them as well as a sense of respect for the criminal justice system.

Table 6.22. Means and standard deviations of the effect on participants of the attention they paid to the courtroom design at midpoint of their experience, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>They made me feel a sense of respect for the criminal justice system</td>
<td>2.88</td>
<td>1.46</td>
</tr>
<tr>
<td>They impressed upon me the importance of my role as juror</td>
<td>2.78</td>
<td>1.43</td>
</tr>
<tr>
<td>They distracted me from the evidence</td>
<td>1.24</td>
<td>.57</td>
</tr>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a juror</td>
<td>1.21</td>
<td>.58</td>
</tr>
<tr>
<td>They made me feel overwhelmed</td>
<td>1.14</td>
<td>.44</td>
</tr>
</tbody>
</table>

Appearance and behaviour of court officials: The five variables which measured the effect on participants of the attention they paid to the appearance and behaviour of court officials at midpoint of their experience in the environment have been set out in Table 6.23.
From the means and standard deviations in Table 6.23, it is apparent that the attention participants paid to the appearance and behaviour of court officials at midpoint of their experience had a moderate effect on their sense of the importance of their role as juror and the sense of respect for the criminal justice system, but no or little effect on the remaining three elements of their experience.

Table 6.23. Means and standard deviations of the effect on participants of the attention they paid to the appearance and behaviour of court officials at midpoint of their experience, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>They impressed upon me the importance of my role as juror</td>
<td>3.14</td>
<td>1.37</td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system</td>
<td>3.09</td>
<td>1.42</td>
</tr>
<tr>
<td>They distracted me from the evidence</td>
<td>1.37</td>
<td>.75</td>
</tr>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a juror</td>
<td>1.30</td>
<td>.77</td>
</tr>
<tr>
<td>They made me feel overwhelmed</td>
<td>1.27</td>
<td>.69</td>
</tr>
</tbody>
</table>

Appearance and behaviour of those associated with the offence:

The five variables which measured attention participants paid to the appearance and behaviour of those associated with the offence at midpoint of their experience in the environment are set out in Table 6.24.

From the means and standard deviations in Table 6.24, it is apparent that the attention participants paid to the appearance and behaviour of those associated with the offence had little effect on their sense of feeling uncertain as to what they were expected to do as a juror, being distracted from the evidence and feeling overwhelmed and a moderate effect on their sense of having their role as a juror impressed upon them and feeling a sense of respect for the criminal justice system.
Table 6.24. Means and standard deviations of the effect on participants of the attention they paid to the appearance and behaviour of those associated with the offence at midpoint of their experience, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>They impressed upon me the importance of my role as juror</td>
<td>3.07</td>
<td>1.47</td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system</td>
<td>2.86</td>
<td>1.46</td>
</tr>
<tr>
<td>They distracted me from the evidence</td>
<td>1.26</td>
<td>.56</td>
</tr>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a juror</td>
<td>1.22</td>
<td>.59</td>
</tr>
<tr>
<td>They made me feel overwhelmed</td>
<td>1.18</td>
<td>.58</td>
</tr>
</tbody>
</table>

The task of being a juror  The five variables which measured the effect on participants of the attention they paid to the task of being a juror at midpoint of their experience are set out in Table 6.25.

Table 6.25. Means and standard deviations of the effect on participants of the attention they paid to the task of being a juror at the midpoint of their experience in the courtroom, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>They impressed upon me the importance of my role as juror</td>
<td>4.02</td>
<td>1.18</td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system</td>
<td>3.58</td>
<td>1.33</td>
</tr>
<tr>
<td>They made me feel overwhelmed</td>
<td>1.56</td>
<td>1.02</td>
</tr>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a juror</td>
<td>1.43</td>
<td>.97</td>
</tr>
<tr>
<td>They distracted me from the evidence</td>
<td>1.32</td>
<td>.83</td>
</tr>
</tbody>
</table>

With respect to the impact paying attention to the task of being a juror had on participants at midpoint of their experience, the means and standard deviations set out
in Table 6.25 indicate that the task of being a juror had a moderate to a lot of effect with respect to participants’ sense of the importance of their role as juror and their sense of respect for the criminal justice system. The remaining three factors, in the context of the impact of attention paid to the task of being a juror, had no to little effect on participants.

6.3.6 Conclusion

In this section of this chapter the second research question was examined. As these analyses relied upon significant results to corresponding hypotheses regarding the influence of trait anxiety and court related factors on attention paid to the courtroom environment some of the hypotheses associated with research question two were not examined. As indicated in Section 6.2, location of trial, trait anxiety and length of trial did not significantly influence the amount of attention participants paid to the courtroom environment, therefore in this section of this chapter only two hypotheses were examined. These analyses therefore examined hypotheses 2.2 and 2.3 neither of which was supported by the data. Overall, it is apparent from the above analyses that:

*Hypothesis 2.1* was not investigated as location of trial did not significantly influence attention paid by participants to the elements of the courtroom environment at initial contact with the setting.

*Hypothesis 2.2* was not supported by the data and in this sample prior jury experience did not influence the effect on participants of the attention they paid to the courtroom environment at initial contact with the setting;
Hypothesis 2.3 was not supported by the data and in this sample nature of the offence did not influence the effect on participants of the attention they paid to the courtroom environment at initial contact with the setting.

Hypothesis 2.4 was not investigated as trait anxiety did not significantly influence attention paid by participants to the elements of the courtroom environment at initial contact with the setting.

Hypothesis 2.5 was not investigated as length of trial did not significantly influence attention paid by participants to the elements of the courtroom environment at midpoint of their experience.

In the context of the second research question therefore, the data indicated that trait anxiety and court related factors did not influence the effect on participants of the attention they paid to the elements of the courtroom environment.

In the next section of this chapter, the influence of personal and court related factors on state anxiety experienced by participants in the courtroom environment is examined.

6.4 Research Question 3

Do trait anxiety and court related factors influence a sense of stress or arousal in jurors?

In this section of this chapter research question three and hypotheses 3.1 to 3.5 are explored. Hypotheses 3.1 to 3.5 are:

3.1 That jurors in Brisbane will experience a greater level of state anxiety than will Cairns jurors.
3.2 That jurors who have had no previous jury experience will experience a greater level of state anxiety than will jurors who had previously experienced jury duty.

3.3 That jurors who were empanelled on a trial in which the accused was charged with a personal offence will experience a greater level of state anxiety than will jurors who were empanelled on a trial in which the accused was charged with a non personal offence.

3.4 That jurors who experience greater levels of trait anxiety will experience a greater level of state anxiety than will jurors who experience lower levels of trait anxiety.

3.5 That jurors who were on shorter trials will experience a greater level of state anxiety than will those jurors who reported being empanelled on longer trials.

Once again, sections of the model introduced in Chapter 4 have been presented to guide the reader through these analyses. Figure 6.13 shows the segment of the model that is to be explored in this section of the data analyses.

6.4.1 Hypothesis 3.1

That jurors in Brisbane will experience a greater level of state anxiety than will Cairns jurors.

To address this hypothesis an hierarchical regression analysis was conducted. The dependent variable was state anxiety at initial phase of contact with the courtroom environment (i.e., responses to Form Y-1 of the STAI in Part A of the survey). The
independent variable was location of trial (Brisbane/Cairns) and the covariate entered was nature of the offence (personal offences/non personal offences).

Assumption testing was performed for this analysis and the data were found to conform with the assumptions associated with hierarchical analyses.

This analysis did not elicit significant results. After step 2, with the inclusion of all variables in the equation $R$ was not significantly different to zero ($R^2 = 0.25, F_{inc}(1, 180) = 3.48, p > .05$). Consequently, after controlling for nature of the offence, location of trial did not influence state anxiety at initial phase of contact with the courtroom environment. Hypothesis 3.1 is therefore not supported by the data.
6.4.2 Hypothesis 3.2

That jurors who have had no previous jury experience will experience a greater level of state anxiety than will jurors who had previously experienced jury duty.

To address this hypothesis an hierarchical regression analysis was conducted. The dependent variable was again state anxiety at initial phase of contact with the courtroom environment (i.e., responses to Form Y-1 of the STAI in Part A of the survey). The independent variable was jury experience (no prior jury experience/previous experience on a jury) and the covariates entered were age (in years) and occupation (not in the workforce/in the workforce).

Assumption testing was performed for this analysis and the data were found to conform with the assumptions associated with hierarchical analyses.

R was significantly different from zero after each step. After the second step, with all variables in the equation, \( R^2 = .37, F(3, 181) = 9.77, p < .001 \). After step one with age and occupation in the equation, \( R^2 = .09, F_{inc}(2, 182) = 9.32, p < .001 \). With the inclusion of prior jury experience \( R^2 = .05, F_{inc}(1, 181) = 9.77, p < .001 \). Consequently, after controlling for age and occupation, prior jury experience influenced participants’ state anxiety at initial contact with the courtroom environment. The greater amount of experience participants had on a jury, the less state anxiety was experienced. These results have been set out in Table 6.26.

Hypothesis 3.2 is supported by the data. Prior jury experience did influence state anxiety experienced by participants and it is apparent from this analysis that the more experience as a juror participants had the less anxiety they experienced at initial contact with the courtroom.
Table 6.26. Summary of hierarchical regression analysis for the influence of prior jury experience on state anxiety at initial contact with the courtroom, N = 185.

<table>
<thead>
<tr>
<th>Variable</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Step 1</td>
<td></td>
<td></td>
<td></td>
<td>Step 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>SE B</td>
<td>β</td>
<td>t</td>
<td>B</td>
<td>SE B</td>
<td>β</td>
<td>t</td>
</tr>
<tr>
<td>Age</td>
<td>-.24</td>
<td>.06</td>
<td>-.30</td>
<td>-3.84**</td>
<td>-.21</td>
<td>.61</td>
<td>-.26</td>
<td>-3.37**</td>
</tr>
<tr>
<td>Occupation</td>
<td>.30</td>
<td>1.70</td>
<td>.01</td>
<td>.17</td>
<td>-.26</td>
<td>1.67</td>
<td>-.01</td>
<td>-.16</td>
</tr>
<tr>
<td>Jury experience</td>
<td>-.52</td>
<td>1.67</td>
<td>-.22</td>
<td>-3.13**</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

** p<.01

6.4.3 Hypothesis 3.3

That jurors who were empanelled on a trial in which the accused was charged with a personal offence will experience a greater level of state anxiety than will jurors who were empanelled on a trial in which the accused was charged with a non personal offence.

To address this hypothesis an hierarchical regression analysis was conducted. The dependent variable was again state anxiety at initial phase of contact with the courtroom environment (as measured by responses to Form Y-1 of the STAI in Part A of the survey). The independent variable was nature of the offence (personal offences/non personal offences) and the covariates entered were location of trial (Brisbane/Cairns) and gender (male/female).

Assumption testing was performed for this analysis and the data were found to conform with the assumptions associated with hierarchical analyses.

The results for this analysis were not significant. After step 2, with the inclusion of all variables in the equation ($R^2 = .01, F_{inc} (1,179) = 1.10, p > .05$). Consequently, after controlling for location of trial and gender, nature of the offence did not influence state anxiety.
anxiety experienced by participants at initial contact with the courtroom environment. Hypothesis 3.3 was therefore not supported by the data.

6.4.4 Hypothesis 3.4

That jurors who experience greater levels of trait anxiety will experience a greater level of state anxiety than will jurors who experience lower levels of trait anxiety.

To address this hypothesis an hierarchical regression analysis was conducted. The dependent variable was again state anxiety at initial phase of contact with the courtroom environment (responses to Form Y-1 of the STAI in Part A of the survey). The independent variable was trait anxiety (as measured by responses to Form Y-2 of the STAI) and the covariates entered were age (in years) and education (pre university/university).

Assumption testing was performed for this analysis and the data were found to conform with the assumptions associated with hierarchical analyses.

\[ R \] was significantly different from zero at the end of each step. After the second step, with all variables in the equation, \( R = .46, F(3, 187) = 16.26, p<.001 \). After step one with age and education in the equation, \( R^2 = .11, F_{inc}(2, 188) = 11.10, p<.001 \). With the inclusion of trait anxiety in the equation \( R^2 = .10, F_{inc}(1, 187) = 23.89, p<.001 \). Consequently, after controlling for age and education, trait anxiety influenced participants’ state anxiety at initial contact with the courtroom environment. The greater level of trait anxiety experienced by participants the more likely they were to experience state anxiety at initial contact with the courtroom environment. These results have been set out in Table 6.27.
Hypothesis 3.4 is therefore supported by the data. Trait anxiety influenced state anxiety experienced by participants at initial contact with the courtroom environment. The greater trait anxiety reported by participants, the greater state anxiety they were likely to experience.

Table 6.27. Summary of hierarchical regression analysis for the influence of trait anxiety on state anxiety experienced by participants at initial contact with the courtroom environment, N = 191.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Step 1</th>
<th>Step 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>SE B</td>
</tr>
<tr>
<td>Age</td>
<td>-.23</td>
<td>.06</td>
</tr>
<tr>
<td>Education</td>
<td>2.36</td>
<td>1.57</td>
</tr>
<tr>
<td>Trait Anxiety</td>
<td>.40</td>
<td>.08</td>
</tr>
</tbody>
</table>

** p<.01

6.4.5 Hypothesis 3.5

That jurors who were on shorter trials will experience a greater level of state anxiety than will jurors who reported being empanelled on longer trials.

To address this hypothesis an hierarchical regression analysis was conducted. The dependent variable was again state anxiety but for this analysis responses at midpoint of participants’ experience in the courtroom environment were used (responses to Form Y-1 of the STAI in Part B of the survey). See Section 6.2.5 for an explanation as to why the midpoint experience of participants was used in these analyses. The independent variable was length of trial (in days) and the covariates entered were location of trial (Brisbane/Cairns) and nature of the offence (personal offences/non personal offences).
Assumption testing was performed for this analysis and the data were found to conform with the assumptions associated with hierarchical analyses.

The results for this analysis were not significant. After step 2, with the inclusion of all variables in the equation $R$ was not significantly different to zero ($R^2 < .00, F_{inc}(1, 178) = .75, p > .05$). Consequently, after controlling for location of trial and nature of the offence, length of trial did not influence state anxiety experienced by participants at midpoint of their experience in the courtroom environment. Hypothesis 3.5 is therefore not supported by the data.

6.4.6 Conclusion

In this section of this chapter the third research question was examined. These analyses examined hypotheses 3.1 through to 3.5 two of which were supported by the data. Overall it is apparent from the above analyses that:

Hypothesis 3.1 was not supported by the data and in this sample location of trial did not influence state anxiety experienced by participants at initial contact with the setting;

Hypothesis 3.2 was supported by the data. Prior jury experience influenced state anxiety experienced by participants. Specifically, those who had experienced jury duty previously experienced lowered state anxiety at initial contact with the setting;

Hypothesis 3.3 was not supported by the data and in this sample nature of the offence did not influence state anxiety experienced by participants at initial contact with the setting;
Hypothesis 3.4 was supported by the data. Trait anxiety reported by participants influenced state anxiety experienced by participants. Specifically, those who experienced greater levels of trait anxiety also experienced greater levels of state anxiety at initial contact with the setting.

Hypothesis 3.5 was not supported by the data and in this sample length of trial did not influence state anxiety experienced by participants at midpoint of their experience in the courtroom setting.

In the context of the third research question therefore, the data provides evidence that trait anxiety and prior jury experience influenced a sense of stress or arousal experienced by participants. Location of trial, nature of the offence and length of trial did not.

6.5 Summary Of Analyses

In this chapter the influence of trait anxiety and court related factors on the juror experience was examined. These analyses examined research questions one, two and three and associated hypotheses some of which were partially supported by the data. Overall, it is apparent from the above analyses that:

- **Location of trial** had no significant influence on the attention paid by participants to any element of the courtroom environment. Consequently, the influence of location of trial was not further examined in the context of the ‘effect’ on participants of the attention they paid to the elements of the courtroom environment. Finally, location of trial had no significant influence on state anxiety experienced by participants.
• **Prior jury experience** influenced attention paid by participants to the task of being a juror but did not influence attention paid to the remaining three elements of the courtroom environment (i.e., the courtroom design, the appearance and behaviour of court officials and the appearance and behaviour of those associated with the offence). Prior jury experience did not influence the effect on participants in the context of the attention they paid to the various elements of the courtroom environment. Prior jury experience did however have a negative relationship with state anxiety experienced by participants (i.e., those who had experienced jury duty previously were less likely to report experiencing elevated state anxiety);

• **Nature of the offence** influenced attention paid by participants to the appearance and behaviour of the accused in that the more personal in nature the offence the more attention participants paid to the appearance and behaviour of the accused. Nature of the offence however did not influence attention paid to any other element of the courtroom environment. Additionally, nature of the offence did not influence the effect on participants in the context of the attention they paid to the elements of the courtroom environment or participants' level of state anxiety.

• **Trait anxiety** had no significant influence on attention paid by participants to any element of the courtroom environment. As with location of trial, trait anxiety was not further investigated with respect to the influence of trait anxiety on the effect on participants of the attention they paid to the elements of the courtroom environment. Nonetheless, trait anxiety did have a positive association with the level of state anxiety experienced by participants.
• *Length of trial* did not influence attention paid by participants to the elements of the courtroom or participants’ experience of state anxiety. Again as a consequence of there being no significant influence of length of trial on the attention participants paid to the elements of the courtroom environment, further analysis of the influence of length of trial on the effect of participant attention to the courtroom environment was not undertaken.

In this chapter the influence of personal and court related factors on the juror experience in the courtroom setting has been examined. In the next chapter the direct relationship between attention paid to the elements in the courtroom environment by participants and the effect on participants of such attention at both stages of their experience is examined. Also examined is the influence of time on attention paid by participants to the courtroom environment as well as the influence of time on the effect on participants of the attention they paid to the courtroom environment. In this respect, the analysis of the data relating to research questions four to eight and associated hypotheses is discussed in Chapter 7.
CHAPTER 7

THE EFFECTS OF ATTENTION PAID TO THE COURTROOM ENVIRONMENT & TIME ON JURORS

7.1 Introduction

This chapter has six sections. In the first five sections research questions four to eight will be addressed. In the last section of this chapter the analyses associated with research questions four to eight will be summarised. Each research question and associated hypotheses will be addressed in separate sections. Research questions four to eight are:

RQ 4 Is there any association between attention paid by jurors to the environmental cues found in the courtroom, their ability to perform their role as a juror and their sense of appreciation for the function of the law?

RQ 5 Is there an association between the attention paid by jurors to the environmental cues in the courtroom and a state of elevated stress?

RQ 6 Does the amount of attention paid by jurors to environmental cues found in the courtroom diminish over time?

RQ 7 Does the effect on jurors of the attention they paid to the environmental cues in the courtroom diminish over time?

RQ 8 Does the amount of stress jurors experience diminish over time?

As with the previous chapter, for ease of reference, the analyses of the data in this chapter have been organised in terms of the model which was introduced in
Chapter 4. Again sections of the model have been included at the beginning of each set of analyses.

7.2  

Research Question 4

Is there any association between attention paid by jurors to the environmental cues found in the courtroom, their ability to perform their role as a juror and their sense of appreciation for the function of the law?

Figure 7.1 shows the segment of the model that is to be explored in this section of the data analysis.

Figure 7.1. Section of the model illustrating the analyses associated with Research Question 4.
The fourth research question explores the overall effect on participants of the attention they paid to the courtroom environment at both stages of their experience (i.e., at initial contact with the courtroom environment and at midpoint of their experience).

7.2.1 Hypothesis 4.1

*That the attention jurors pay to the environmental cues found in the courtroom is correlated with their ability to perform their role as a juror and their sense of appreciation for the function of the law.*

Hypothesis 4.1 is associated with research question 4. The analyses for this hypothesis are described in this section of this chapter. To address this hypothesis a series of canonical correlations were conducted. Four groups of analyses were performed to examine participants’ attention to the environmental cues for each of the four elements of the courtroom environment (i.e., the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence and the task of being a juror). The appearance and behaviour of those associated with the offence was sub divided into a further four elements (i.e., the accused, the relatives and friends of the accused, the victim and the relatives and friends of the victim). Within each of these elements two canonical correlations were conducted, the first addressing participants’ experience at initial contact with the environment (Time 1) and the second addressing their experience at midpoint of their experience (Time 2). Consequently, in all, 14 canonical correlations were conducted.

The canonical correlations examined the relationship between two sets of variables. The first set examined how much attention participants paid to the elements of the courtroom environment. The number and content of variables used in this set varied depending upon which element of the courtroom environment was examined.
The second set of variables were the five variables that examined the effect on participants of the attention they paid to the elements of the courtroom environment.

Assumptions for canonical correlations are: interval level data are assumed, linearity, low multicollinearity, homoscedasticity, minimal measurement error, unrestricted variance, similar underlying distributions, multivariate normality, non-singularity in the correlation matrix of original variables, 20 times as many cases as variables, and no or few outliers (Tabachnick & Fidell, 1996, 2001). Assumption testing was performed and sample size was found to be an issue. Although the results have been interpreted cautiously it is noted that consistent patterns in the data were found which endorsed greater confidence in the results.

The results of the canonical correlations conducted are presented in Table 7.1. The coefficients for the canonical variables will be presented. In line with Tabachnick & Fidell (1996, 2001) only values greater than .3 will be interpreted. Each of the significant canonical variates will be interpreted in separate sections.

Courtroom design: For these analyses there were three significant canonical variates. These have been set out in Table 7.2. Each canonical variate will be interpreted in this section of this chapter.

First Canonical Variate (Time 1) The variables from the first set that were correlated with the first canonical variate were the judge's bench being elevated, the lawyers' tables being at the same elevation as each other and the jury box that holds the jury. From the second set those variables that correlated with the first canonical variate were participants' sense of having the importance of their role as a juror impressed upon them and their sense of respect for the criminal justice system. The first canonical variate therefore indicated that attention paid to the judge's bench being elevated, the lawyers' tables being at the same elevation as each other and the jury box that holds the
jury influenced attention paid to each other as well as participants’ sense of importance of their role as a juror and a sense of respect for the criminal justice system.

Table 7.1 Results for canonical correlations conducted for the effect on participants of the attention they paid to all elements of the courtroom environment.

<table>
<thead>
<tr>
<th>Element of the Courtroom</th>
<th>N</th>
<th>Canonical Correlation</th>
<th>Overlapping Variance %</th>
<th>$\chi^2$</th>
<th>Df</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Courtroom design</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initial contact (Time 1)</td>
<td>192</td>
<td>.56</td>
<td>31</td>
<td>123.71***</td>
<td>50</td>
</tr>
<tr>
<td>Midpoint (Time 2)</td>
<td>192</td>
<td>.51</td>
<td>26</td>
<td>104.11***</td>
<td>50</td>
</tr>
<tr>
<td>Midpoint (Time 2)</td>
<td>192</td>
<td>.34</td>
<td>12</td>
<td>52.99*</td>
<td>36</td>
</tr>
<tr>
<td><strong>Appearance &amp; behaviour of court officials</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initial contact (Time 1)</td>
<td>192</td>
<td>.56</td>
<td>31</td>
<td>109.98***</td>
<td>50</td>
</tr>
<tr>
<td>Midpoint (Time 2)</td>
<td>192</td>
<td>.59</td>
<td>35</td>
<td>129.66***</td>
<td>50</td>
</tr>
<tr>
<td>Midpoint (Time 2)</td>
<td>192</td>
<td>.34</td>
<td>12</td>
<td>52.99*</td>
<td>36</td>
</tr>
<tr>
<td><strong>Appearance &amp; behaviour of:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>The accused</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initial contact (Time 1)</td>
<td>192</td>
<td>.35</td>
<td>12</td>
<td>37.78***</td>
<td>15</td>
</tr>
<tr>
<td>Midpoint (Time 2)</td>
<td>192</td>
<td>.37</td>
<td>14</td>
<td>39.21***</td>
<td>15</td>
</tr>
<tr>
<td><strong>Relatives &amp; friends of the accused</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initial contact (Time 1)</td>
<td>192</td>
<td>.35</td>
<td>12</td>
<td>34.15***</td>
<td>15</td>
</tr>
<tr>
<td>Midpoint (Time 2)</td>
<td>192</td>
<td>.35</td>
<td>12</td>
<td>34.15***</td>
<td>15</td>
</tr>
<tr>
<td><strong>The victim</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initial contact (Time 1)</td>
<td>147</td>
<td>.35</td>
<td>12</td>
<td>34.15***</td>
<td>15</td>
</tr>
<tr>
<td>Midpoint (Time 2)</td>
<td>131</td>
<td>.43</td>
<td>19</td>
<td>43.93***</td>
<td>15</td>
</tr>
<tr>
<td><strong>Relatives &amp; friends of the victim</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initial contact (Time 1)</td>
<td>99</td>
<td>.45</td>
<td>20</td>
<td>29.44*</td>
<td>15</td>
</tr>
<tr>
<td>Midpoint (Time 2)</td>
<td>90</td>
<td>.34</td>
<td>12</td>
<td>18.26*</td>
<td>15</td>
</tr>
<tr>
<td><strong>Task of being a juror</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initial contact (Time 1)</td>
<td>192</td>
<td>.49</td>
<td>24</td>
<td>86.34***</td>
<td>50</td>
</tr>
<tr>
<td>Midpoint (Time 2)</td>
<td>192</td>
<td>.50</td>
<td>25</td>
<td>96.19***</td>
<td>50</td>
</tr>
</tbody>
</table>

*** p<.001
** p<.01
*  p<.05
Table 7.2.  Coefficients for the canonical variates for the relationship between attention paid to the courtroom design and the effect on participants. Significant results have been highlighted in bold, \( N=192 \).

<table>
<thead>
<tr>
<th>Variable</th>
<th>Time 1</th>
<th>Time 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>First</td>
<td>Second</td>
</tr>
<tr>
<td></td>
<td>Canonical Variate</td>
<td>Canonical Variate</td>
</tr>
<tr>
<td>Attention paid to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Coat of Arms behind the judge's bench</td>
<td>-.03</td>
<td>.34</td>
</tr>
<tr>
<td>The judge's bench being elevated</td>
<td>-.32</td>
<td>.08</td>
</tr>
<tr>
<td>The witness box being separated from the rest of the court</td>
<td>.07</td>
<td>-.66</td>
</tr>
<tr>
<td>The lawyers tables being at the same elevation as each other</td>
<td>-.31</td>
<td>-.08</td>
</tr>
<tr>
<td>The gallery which separates observers from the court proceedings</td>
<td>.00</td>
<td>-.75</td>
</tr>
<tr>
<td>The private door used by the judge</td>
<td>.14</td>
<td>.63</td>
</tr>
<tr>
<td>The dock which holds the accused</td>
<td>-.29</td>
<td>.35</td>
</tr>
<tr>
<td>The jury box that holds the jury</td>
<td>-.33</td>
<td>.24</td>
</tr>
<tr>
<td>The interior design of the courtroom</td>
<td>-.07</td>
<td>-.73</td>
</tr>
<tr>
<td>The positioning of courtroom staff between the judge and all others in the courtroom</td>
<td>-.04</td>
<td>.55</td>
</tr>
<tr>
<td>Effect on participants:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a juror</td>
<td>-.10</td>
<td>-.27</td>
</tr>
<tr>
<td>They distracted me from the evidence</td>
<td>-.27</td>
<td>-.41</td>
</tr>
<tr>
<td>They made me feel overwhelmed</td>
<td>.16</td>
<td>1.04</td>
</tr>
<tr>
<td>They impressed upon me the importance of my role as a juror</td>
<td>-.70</td>
<td>-.51</td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system</td>
<td>-.36</td>
<td>.54</td>
</tr>
</tbody>
</table>
There was a positive association among all variables indicating that the more attention participants paid to the elements of the courtroom environment that were significant to them the more likely they were to sense the importance of their role as a juror and experience a sense of respect for the criminal justice system. Additionally, the more their role as a juror was impressed upon them, the more participants were likely to feel a sense of respect for the criminal justice system.

Second Canonical Variate (Time 1) The second canonical variate is somewhat more difficult to interpret. There are positive associations as well as inverse associations among some of the variables.

Attention paid to the Coat of Arms behind the judge’s bench, the private door used by the judge, the dock which holds the accused and the positioning of courtroom staff between the judge and all others in the courtroom were all positively associated with each other as well as a sense of feeling overwhelmed and a sense of respect for the criminal justice system. Additionally, attention paid to the witness box being separated from the rest of the court, the gallery which separates observers from the court proceedings and the interior design of the courtroom were positively associated with each other as well as participant’s sense of feeling distracted from the evidence and having the importance of their role as a juror impressed upon them.

These associations indicated that participants’ sense of being overwhelmed and respect for the criminal justice system were linked with the attention they paid to the Coat of Arms behind the judge’s bench, the private door used by the judge, the dock which holds the accused and the positioning of courtroom staff between the judge and all others in the courtroom. Additionally, participants’ sense of being distracted from the evidence and having their role as a juror impressed upon them was associated with the attention they paid to the witness box being separated from the rest of the court,
the gallery which separates observers from the court proceedings and the interior design of the courtroom. Also indicated by these results was that elevations in attention paid to the Coat of Arms behind the judge’s bench, the private door used by the judge, the dock which holds the accused and the positioning of courtroom staff between the judge and all others in the courtroom were associated with each other as were elevations in attention paid to the witness box being separated from the rest of the court, the gallery which separates observers from the court proceedings and the interior design of the courtroom. Finally, the more participants felt overwhelmed the more likely they were to experience a sense of respect for the criminal justice system and the more distracted they were from the evidence, the more likely they were to have the importance of their role as a juror impressed upon them.

With respect to inverse associations among the correlated variables, the results set out in Table 7.2 indicate that the more attention participants paid to the Coat of Arms behind the judge’s bench, the private door used by the judge, the dock which holds the accused and the positioning of courtroom staff between the judge and all others in the courtroom the less likely they were to pay attention to the witness box being separated from the rest of the court, the gallery which separates observers from the court proceedings and the interior design of the courtroom and participants were less likely to be distracted from the evidence or to have the importance of their role as a juror impressed upon them. Additionally, lower levels of attention paid to the witness box being separated from the rest of the court, the gallery which separates observers from the court proceedings and the interior design of the courtroom were linked to participants feeling more overwhelmed and a greater sense of respect for the criminal justice system. Finally, the greater participants’ sense of feeling overwhelmed and respect for the criminal justice system the less likely they were to be distracted from the evidence or have the importance of their role as a juror impressed upon them.
First Canonical Variate (Time 2) The first set of variables that were correlated to
the first canonical variate included the judge's bench being elevated and the jury box
that holds the jury. From the second set those variables that correlated with the first
canonical variate were participants' sense of feeling overwhelmed, having the
importance of their role as a juror impressed upon them and experiencing a sense of
respect for the criminal justice system. All variables were positively correlated
indicating that the more attention participants paid to the elements in the courtroom
that were significant the more likely they were to experience feeling overwhelmed, a
sense of importance of their role as a juror and a sense of respect for the criminal justice
system at midpoint of their experience. Additionally, the more overwhelmed
participants were, the more likely they were to have their role as a juror impressed
upon them and experience a sense of respect for the criminal justice system.

It is apparent from these analyses that participants paid attention to a greater
number of elements in the courtroom at initial contact with the setting than at
midpoint of their experience. It is also apparent that participants' sense of being
overwhelmed, having the importance of their role as a juror impressed upon them and
feeling a sense of respect for the criminal justice system were salient for them at both
stages of their experience in the context of attention they paid to the courtroom design.
With respect to participants' sense of being distracted from the evidence, it is noted
that some elements of the courtroom environment facilitated a sense of distraction, yet
others moderated participants' distraction from the evidence. Finally, although being
distracted from the evidence as a result of attention they paid to the courtroom design
was a factor at initial contact with the setting, it was not a factor at midpoint of
participants' experience.
Appearance and behaviour of court officials: For these analyses there were three significant canonical variates. These have been set out in Table 7.3.

Table 7.3. Coefficients for the canonical variates for the relationship between attention paid to the appearance and behaviour of court officials and the effect on participants. Significant results have been highlighted in bold.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Time 1</th>
<th>Time 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>First Canonical Variate</td>
<td>First Canonical Variate</td>
</tr>
<tr>
<td>Attention paid to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The swearing in of witnesses using the Bible</td>
<td>.27</td>
<td>-.16</td>
</tr>
<tr>
<td>The wig and robes worn by the judge and barristers</td>
<td>.21</td>
<td>-.06</td>
</tr>
<tr>
<td>The conduct of the lawyers during the trial</td>
<td>.02</td>
<td>.02</td>
</tr>
<tr>
<td>The way everyone has to bow to the judge when entering and exiting the courtroom</td>
<td>.31</td>
<td>-.28</td>
</tr>
<tr>
<td>The way everyone has to stand when the judge enters and exits the court</td>
<td>-.10</td>
<td>.09</td>
</tr>
<tr>
<td>The formal language used by lawyers</td>
<td>.14</td>
<td>-.24</td>
</tr>
<tr>
<td>The legal terminology use by the lawyers</td>
<td>.32</td>
<td>-.14</td>
</tr>
<tr>
<td>The accused being kept separate from the rest of the court</td>
<td>-.10</td>
<td>.26</td>
</tr>
<tr>
<td>The presence of the police in the courtroom</td>
<td>-.01</td>
<td>.18</td>
</tr>
<tr>
<td>The presence of the bailiff in the courtroom</td>
<td>.32</td>
<td>-.37</td>
</tr>
<tr>
<td>Effect on participants:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a juror</td>
<td>-.11</td>
<td>-.01</td>
</tr>
<tr>
<td>They distracted me from the evidence</td>
<td>.15</td>
<td>-.12</td>
</tr>
<tr>
<td>They made me feel overwhelmed</td>
<td>.18</td>
<td>-.30</td>
</tr>
<tr>
<td>They impressed upon me the importance of my role as a juror</td>
<td>.73</td>
<td>-.46</td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system</td>
<td>.30</td>
<td>-.48</td>
</tr>
</tbody>
</table>
First Canonical Correlate (Time 1)  
Three variables from the first set were correlated to the canonical variate, those being the way everyone has to bow to the judge when entering and exiting the courtroom, the legal terminology used by lawyers and the presence of the bailiff in the courtroom. From the second set, those variables that correlated with the canonical variate were participants’ sense of having the importance of their role as a juror impressed upon them and a sense of respect for the criminal justice system. All variables were positively associated indicating that elevations in attention paid to one variable associated with the appearance and behaviour of court officials was linked to elevations in the other variables of significant association. Additionally, the more attention participants paid to the elements relating to the appearance and behaviour of court officials that were significant the more likely they were to experience a sense of having the importance of their role as a juror impressed upon them and a sense of respect for the criminal justice system at initial contact with the courtroom environment. Finally, participants experienced a greater sense of respect for the criminal justice system when they experienced a greater sense of having their role as a juror impressed upon them.

First Canonical Variate (Time 2)  
From the first set, one variable was correlated with the first canonical variate at midpoint of participants’ experience in the courtroom, that being the presence of the bailiff in the courtroom. From the second set feeling overwhelmed, having the importance of their role as a juror impressed upon them and feeling a sense of respect for the criminal justice system were all correlated with the canonical variate. All variables were positively associated indicating that greater attention paid to the presence of the bailiff in the courtroom was linked to a greater sense of being overwhelmed, having the importance of their role as a juror impressed upon them and feeling a sense of respect for the criminal justice system.
Additionally, these results indicate that elevations in the experience of feeling overwhelmed, having the importance of their role as a juror impressed upon them and feeling a sense of respect for the criminal justice system were all linked.

Second Canonical Variate (Time 2) For this analysis there were both positive and inverse associations among the variables.

Attention paid to the swearing in of witnesses using the Bible, the conduct of the lawyers during the trial and the formal language used by the lawyers were positively associated with each other as well as participants’ sense of respect for the criminal justice system. Additionally, attention paid to the wigs and robes worn by the judge and barristers, the legal terminology used by the lawyers and the accused being kept separate from the rest of the court were positively associated with each other as well as participants’ sense of feeling uncertain as to what they were expected to do as a juror and having the importance of their role as a juror impressed upon them. Finally, feeling uncertain as to what they were expected to do as a juror was positively associated with participants’ sense of having the importance of their role as a juror impressed upon them.

These associations indicate that the greater amount of attention participants paid to the swearing in of witnesses using the Bible, the conduct of the lawyers during the trial and the formal language used by the lawyers the more likely they were to experience a sense of respect for the criminal justice system. Additionally the greater amount of attention participants paid to the wigs and robes worn by the judge and barristers, the legal terminology used by the lawyers and the accused being separated from the rest of the court, the more likely they were to feel uncertain as to what they were expected to do as a juror and have the importance of their role as a juror impressed upon them. There were positive associations among the swearing in of
witnesses using the Bible, the conduct of the lawyers during the trial and the formal language used by lawyers. Consequently elevations in the variables were linked to elevations in the others. Similarly attention paid to the wigs and robes worn by the judge and barrister, the legal terminology used by the lawyers and the accused being separated from the rest of the court were all positively associated, therefore elevations in the variables were linked with each other. Finally, a greater sense of feeling uncertain as to what they were expected to do as a juror was linked to a greater sense by participants of having the importance of their role as a juror impressed upon them.

The inverse associates among the variables indicate that the more attention participants paid to the swearing in of witnesses using the Bible, the conduct of the lawyers and the formal language used by lawyers the less likely they were to pay attention to the wigs and robes worn by the judge and barristers, the legal terminology used by the lawyers and the accused being kept separate from the rest of the court and experience a sense of uncertainty as to what they were expected to do as a juror and have the importance of their role as a juror impressed upon them. Additionally, the more attention paid by participants to the wigs and robes worn by the judge and barristers, the legal terminology used by the lawyers and the accused being kept separate from the rest of the court, the less likely they were to feel a sense of respect for the criminal justice system. Finally the more uncertain participants felt as to what they were expected to do as a juror and the more they felt the importance of their role as a juror was impressed upon them the less likely they were to experience a sense of respect for the criminal justice system.

It is apparent from these analyses that the effect on participants in the context of the appearance and behaviour of court officials was linked to the attention they paid to a greater number of elements in the courtroom at midpoint of their experience than at initial contact with the setting. It is also apparent that participants’
sense of having the importance of their role as a juror impressed upon them and feeling a sense of respect for the criminal justice system were salient for them at both stages of their experience in the context of attention they paid to the appearance and behaviour of court officials. Additionally, although feeling uncertain as to what they were expected to do as a juror, and feeling overwhelmed as a result of attention participants paid to the appearance and behaviour of court officials was a factor at midpoint of their experience these were not experienced by participants at initial contact with the setting.

**The appearance and behaviour of those associated with the offence:** For this set of analyses four sets of people associated with the offence were identified (i.e., the accused, the relatives and friends of the accused, the victim and the relatives and friends of the victim). The analyses for each set is described in separate sections.

**The accused:** For these analyses there were two significant canonical variates. These have been set out in Table 7.4.

*First Canonical Variate (Time 1)* From the first set, two variables were correlated with the canonical variate, those being attention paid to the physical appearance of the accused and the closeness of the accused to participants. From the second set, those variables that correlated with the canonical variate were participants’ sense of feeling distracted from the evidence and their sense of respect for the criminal justice system. Participants’ sense of being distracted from the evidence and their sense of respect for the criminal justice system were inversely associated with attention paid to the physical appearance of the accused and positively associated with the closeness of the accused to them. Consequently the more attention participants paid to the closeness of the accused to them the less likely they were to pay attention to the physical appearance of the accused but they were more likely to feel distracted from the
evidence and feel a sense of respect for the criminal justice system. Additionally the more distracted from the evidence participants were the more likely they were to feel a sense of respect for the criminal justice system. Finally, a reduced sense of feeling distracted and experiencing a sense of respect for the criminal justice system was linked with greater attention paid to the physical appearance of the accused.

**Table 7.4.** Coefficients for the canonical variates for the relationship between attention paid to the appearance and behaviour of the accused and the effect on participants. Significant results have been highlighted in bold.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Time 1</th>
<th>Time 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>First Canonical Variate</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Attention paid to:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The conduct of the accused in the dock</td>
<td>.02</td>
<td>-.03</td>
</tr>
<tr>
<td>The physical appearance of the accused</td>
<td>.39</td>
<td>-.17</td>
</tr>
<tr>
<td>The closeness of the accused to you</td>
<td>-1.15</td>
<td>-.89</td>
</tr>
<tr>
<td><strong>Effect on participants:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>They made me feel uncertain as to what I was</td>
<td>.28</td>
<td>-.11</td>
</tr>
<tr>
<td>expected to do as a juror</td>
<td></td>
<td></td>
</tr>
<tr>
<td>They distracted me from the evidence</td>
<td>-1.24</td>
<td>-.43</td>
</tr>
<tr>
<td>They made me feel overwhelmed</td>
<td>.26</td>
<td>-.17</td>
</tr>
<tr>
<td>They impressed upon me the importance of my role as a juror</td>
<td>.20</td>
<td>-.19</td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system</td>
<td>-.37</td>
<td>-.56</td>
</tr>
</tbody>
</table>

*First Canonical Variate (Time 2)* One variable from the first set was correlated to the canonical variate, that being the closeness of the accused to participants. From the second set, those variables that correlated with the canonical variate were participants’ sense of feeling distracted from the evidence and their sense of respect for the criminal
justice system. All variables were positively associated. Consequently the more attention participants paid to the closeness of the accused to them the more likely they were to feel distracted from the evidence and feel a sense of respect for the criminal justice system. Additionally, the more participants felt a sense of respect for the criminal justice system, the more likely they were to feel distracted at midpoint of their experience.

It is apparent from these analyses that in the context of attention paid to the appearance and behaviour of the accused the closeness of the accused to them was salient for participants at both stages of their experience. The physical appearance of the accused was salient to participants only at initial contact with the courtroom. At both stages of their experience, in the context of attention paid to the closeness of the accused to them, participants were distracted from the evidence and felt a sense of respect for the criminal justice system. However, attention paid to the physical appearance of the accused appears to have moderated participants’ sense of being distracted from the evidence and sense of respect for the criminal justice system.

**The relatives and friends of the accused:** For these analyses there were two significant canonical variates. These have been set out in Table 7.5

*First Canonical Variate (Time 1)*  
All variables from the first set were correlated to the canonical variate. From the second set, four variables were correlated with the canonical variate. These results indicated that attention paid to the closeness of the relatives and friends of the accused was positively linked to participants’ sense of being overwhelmed, yet also linked to a reduced sense of being distracted from the evidence, feeling uncertain as to what they were expected to do as a juror and having the importance of their role as a juror impressed upon them. Additionally, the more attention participants paid to the conduct of the relatives and friends of the accused,
the more likely they were to pay attention to the physical appearance of the relatives and friends of the accused and the more likely they were to feel uncertain as to what they were expected to do as a juror, be distracted from the evidence and have their role as a juror impressed upon them. Feeling uncertain as to what they were expected to do as a juror, being distracted from the evidence and having the importance of their role as a juror impressed upon them were positively linked. Consequently, elevations in one were linked to elevations in the others. Finally an elevation in participants’ sense of feeling overwhelmed was linked to a reduced sense of feeling uncertain as to what they were expected to do as a juror, being distracted from the evidence and having the importance of their role as a juror impressed upon them.

*First Canonical Variate (Time 2)* For this analysis two variables from the first set were correlated to the first canonical variate, those being, attention paid by participants to the physical appearance and closeness to participants of the relatives and friends of the accused. From the second set, two variables were correlated to the canonical variate, those being participants’ sense of being distracted from the evidence and feeling a sense of respect for the criminal justice system. There was a positive association among all variables indicating that participants’ sense of being distracted from the evidence and respect for the criminal justice system was linked with attention paid to the physical appearance and the closeness to them of the relatives and friends of the accused at midpoint of their experience. Additionally, greater attention paid to the physical appearance of the relatives and friends of the accused was linked to greater attention paid to the closeness of the relatives and friends of the accused to participants. Finally, the greater sense of being distracted from the evidence the more likely participants were to feel a sense of respect for the criminal justice system.
Table 7.5. Coefficients for the canonical variates for the relationship between attention paid to the appearance and behaviour of the relatives and friends of the accused and the effect on participants. Significant results have been highlighted in bold.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Time 1</th>
<th>Time 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>First Canonical Variate</td>
<td>First Canonical Variate</td>
</tr>
<tr>
<td>Attention paid to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The conduct of the relatives/friends of the accused in the courtroom</td>
<td>-.37</td>
<td>-.03</td>
</tr>
<tr>
<td>The physical appearance of the relatives/friends of the accused</td>
<td>-.77</td>
<td>-.31</td>
</tr>
<tr>
<td>The closeness of the relatives/friends of the accused to you</td>
<td>.46</td>
<td>-.74</td>
</tr>
<tr>
<td>Effect on participants:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a juror</td>
<td>-.36</td>
<td>-.28</td>
</tr>
<tr>
<td>They distracted me from the evidence</td>
<td>-.97</td>
<td>-.37</td>
</tr>
<tr>
<td>They made me feel overwhelmed</td>
<td>.89</td>
<td>-.24</td>
</tr>
<tr>
<td>They impressed upon me the importance of my role as a juror</td>
<td>-.33</td>
<td>-.11</td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system</td>
<td>-.28</td>
<td>-.47</td>
</tr>
</tbody>
</table>

It is apparent from these analyses that in the context of attention paid to the appearance and behaviour of the relatives and friends of the accused, the physical appearance and closeness of the relatives and friends of the accused to them was salient for participants at both stages of their experience. The conduct of the relatives and friends of the accused was salient only at initial contact with the setting. At both stages of their experience, in the context of attention paid to the relatives and friends of the accused, participants were more likely to be distracted from the evidence. Participants’ sense of being uncertain as to what they were expected to do as a juror and feeling
overwhelmed were salient only at initial contact with the courtroom. Nonetheless, the effect on participants of the attention they paid to the appearance and behaviour of the relatives and friends of the accused was both facilitated and moderated by such attention at initial contact with the courtroom setting.

*The victim:* For these analyses there were four significant canonical variates. These have been set out in Table 7.6.

*First Canonical Variate (Time 1)* All three variables from the first set were correlated to the first canonical variate at initial contact with the courtroom environment. From the second set of variables, feeling overwhelmed, having the importance of their role as a juror impressed upon them and feeling respect for the criminal justice system were correlated with the first canonical variate. There were both positive and inverse associations among the variables.

With respect to positive associations, the results indicated that the greater the attention paid to the conduct of the victim in the courtroom the more likely participants were to experience a sense of having their role as a juror impressed upon them. Additionally, greater attention paid to the physical appearance of the victim the more likely participants were to pay attention to the closeness of the victim to them and feel overwhelmed and a sense of respect for the criminal justice system. Finally, the more participants felt overwhelmed the more likely they were to feel a sense of respect for the criminal justice system.

With respect to inverse associations, the results indicated that the more attention participants paid to the conduct of the victim in the courtroom the less likely they were to feel overwhelmed or a sense of respect for the criminal justice system. Additionally the more attention participants paid to the physical appearance of the victim and the closeness of the victim to them the less likely they were to pay attention
to the conduct of the victim and have the importance of their role as a juror impressed upon them. Finally the more overwhelmed participants felt and the more they experienced a sense of respect for the criminal justice system, the less likely they were to have the importance of their role as a juror impressed upon them.

Table 7.6 Coefficients for the canonical variates for the relationship between attention paid to the appearance and behaviour of the victim and the effect on participants. Significant results have been highlighted in bold.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Time 1</th>
<th>Time 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>First Canonical Variate</td>
<td>Second Canonical Variate</td>
</tr>
<tr>
<td>Attention paid to:</td>
<td>First Canonical Variate</td>
<td>Second Canonical Variate</td>
</tr>
<tr>
<td></td>
<td>First Canonical Variate</td>
<td>Second Canonical Variate</td>
</tr>
<tr>
<td>The conduct of the victim in the</td>
<td>-.30</td>
<td>-1.01</td>
</tr>
<tr>
<td>courtroom</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The physical appearance of the victim</td>
<td>.43</td>
<td>-.15</td>
</tr>
<tr>
<td>The closeness of the victim to you</td>
<td>.83</td>
<td>.42</td>
</tr>
<tr>
<td>Effect on participants:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>They made me feel uncertain as to</td>
<td>.06</td>
<td>.08</td>
</tr>
<tr>
<td>what I was expected to do as a juror</td>
<td></td>
<td></td>
</tr>
<tr>
<td>They distracted me from the evidence</td>
<td>-.13</td>
<td>-.18</td>
</tr>
<tr>
<td>They made me feel overwhelmed</td>
<td>.65</td>
<td>.65</td>
</tr>
<tr>
<td>They impressed upon me the</td>
<td>-.57</td>
<td>-.92</td>
</tr>
<tr>
<td>importance of my role as a juror</td>
<td></td>
<td></td>
</tr>
<tr>
<td>They made me feel a sense of respect</td>
<td>1.05</td>
<td>-.08</td>
</tr>
<tr>
<td>for the criminal justice system</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Second Canonical Variate (Time 1) From the first set two variables were correlated with the second canonical variate, those being the conduct of the victim and the closeness of the victim to participants. With respect to the effect on participants of the
attention they paid to the victim, the variables that relate to participants feeling
overwhelmed and having the importance of their role as a juror impressed upon them
were correlated to the second canonical variate. Again there are both positive and
inverse associations among the variables.

With respect to positive associations among the variables, the results indicated
that the greater attention participants paid to the conduct of the victim the more likely
they were to have the importance of their role as a juror impressed upon them.
Additionally the more attention participants paid to the closeness of the victim to them
the more likely they were to feel overwhelmed.

With respect to the inverse associations the results indicated that the greater
attention participants paid to the conduct of the victim in the courtroom the less likely
they were to pay attention to the closeness of the victim to them or feel overwhelmed.
Additionally the greater attention participants paid to the closeness of the victim to
them the less likely they were to feel a sense of having the importance of their role as a
juror impressed upon them. Finally, a greater a sense of having their role as a juror
impressed upon them was linked to a lesser sense of being overwhelmed by
participants.

First Canonical Variate (Time 2) From the first set, one variable was correlated to
the first canonical variate, that being the physical appearance of the victim. From the
second set three variables were correlated to the first canonical variate. These variables
were, made me feel overwhelmed, impressed upon me the of importance of my role as a
juror and made me feel a sense of respect for the criminal justice system. Again there
were both positive and inverse associations among the variables.

With respect to positive associations, the results indicated the greater attention
participants paid to the conduct of the victim in the courtroom the more likely they
were to have the importance of their role impressed upon them and feel a sense of respect for the criminal justice system. Additionally, a greater sense of having the importance of their role as a juror impressed upon them was linked to a greater sense of respect for the criminal justice system in participants.

With respect to the inverse associations, the results indicated that the greater attention participants paid to the conduct of the victim in the courtroom the less likely they were to feel overwhelmed. On the other hand participants were more likely to feel overwhelmed in the context of experiencing a reduced sense of having the importance of their role as a juror impressed upon them and a lowered sense of respect for the criminal justice system.

Second Canonical Variate (Time 2)  

The second canonical variate relating to attention paid by participants to the presence of the victim in the courtroom at midpoint of their experience comprised two variables, those being the conduct of the victim in the courtroom and the closeness of the victim to participants. With respect to the effect on jurors of the attention they paid to the presence of the victim, the variables that related to participants feeling overwhelmed, having the importance of their role as a juror impressed upon them and experiencing a sense of respect for the criminal justice system were correlated with the second canonical variate. There were both positive and inverse associations among the variables.

With respect to positive associations, the results indicated that the greater attention participants paid to the conduct of the victim in the courtroom the more likely they were to have the importance of the importance of their role as a juror impressed upon them. Additionally the more attention participants paid to the closeness of the victim to them the more likely they were to feel overwhelmed and feel a sense of respect for the criminal justice system. Finally the more overwhelmed
participants were the more likely they were to feel a sense of respect for the criminal justice system and vice versa.

With respect to inverse associations, the results indicated that that the greater attention participants paid to the conduct of the victim in the courtroom the less likely they were to pay attention to the closeness of the victim to them or feel overwhelmed and a sense of respect for the criminal justice system. Additionally the greater attention participants paid to the closeness of the victim to them the less likely they were to have the importance of their role as a juror impressed upon them. Finally the greater sense participants had of the importance of their role as a juror impressed upon them the less likely they were to be overwhelmed and experience a sense of respect for the criminal justice system.

It is apparent from these analyses that participants paid greater attention to the appearance and behaviour of the victim at initial contact with the courtroom environment than at midpoint of their experience. However, participants felt overwhelmed, had the importance of their role as a juror impressed upon them and felt a sense of respect for the criminal justice system at both stages of their experience in the context of attention paid to the appearance and behaviour of the victim.

*The relatives and friends of the victim:* For these analyses there was one significant canonical correlation the results for which have been set out in Table 7.7.

*First Canonical Variate (Time 1)*

From the first set two variables were correlated to the canonical variate, those being the conduct of and physical appearance of the relatives and friends of the victim. From the second set, all five variables were correlated with the canonical variate. Again there were both positive and inverse associations among the variables.
With respect to positive associations among the variables, the results indicated that greater attention paid by participants to the conduct and physical appearance of the relatives and friends of the victim was linked to a greater likelihood that they would feel uncertain as to what they were expected to do as a juror, feel overwhelmed, have the importance of their role as a juror impressed upon them and feel a sense of respect for the criminal justice system. Additionally participants’ sense of feeling uncertain as to what they were expected to do as a juror, feeling overwhelmed, having the importance of their role as a juror impressed upon them and feeling a sense of respect for the criminal justice system were all linked. Consequently, elevations in one was linked to elevations in the others.

Table 7.7. Coefficients for the canonical variates for the relationship between attention paid to the appearance and behaviour of the relatives and friends of the victim and the effect on participants. Significant results have been highlighted in bold.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Time 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Canonical Variate</td>
<td></td>
</tr>
<tr>
<td><strong>Attention paid to:</strong></td>
<td></td>
</tr>
<tr>
<td>The conduct of the relatives/friends of the victim in the courtroom</td>
<td>-.78</td>
</tr>
<tr>
<td>The physical appearance of the relatives/friends of the victim</td>
<td>-.40</td>
</tr>
<tr>
<td>The closeness of the relatives/friends of the victim to you</td>
<td>.18</td>
</tr>
<tr>
<td><strong>Effect on participants:</strong></td>
<td></td>
</tr>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a Juror</td>
<td>-.52</td>
</tr>
<tr>
<td>They distracted me from the evidence</td>
<td>.42</td>
</tr>
<tr>
<td>They made me feel overwhelmed</td>
<td>-.38</td>
</tr>
<tr>
<td>They impressed upon me the importance of my role as a juror</td>
<td>-.43</td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system</td>
<td>-.30</td>
</tr>
</tbody>
</table>
With respect to the inverse associations among the variables, the results indicated that a lowered sense of distraction from the evidence was linked to greater attention paid by participants to the conduct and physical appearance of the relatives and friends of the victim. A lowered sense of being distracted from the evidence was also linked to participant's experience of a greater sense of being overwhelmed, having the importance of their role as a juror impressed upon them and feeling a sense of respect for the criminal justice system.

The above analyses indicate that in the context of attention paid to the appearance and behaviour of the relatives and friends of the victim participants paid greater attention to the relatives and friends of the victim at initial contact with the courtroom than at midpoint of their experience. Additionally, the effect on participants of the attention they paid to the appearance and behaviour of the victim was more salient to them at initial contact with the courtroom environment than at midpoint of their experience.

**Task of being a juror:** For these analyses there were two significant canonical variates. These have been set out in Table 7.8.

*First Canonical Correlation (Time 1)* From the first set, four variables were correlated to the canonical variate, those being the seriousness of the offence with which the accused was charged, upholding the law, making sure they came to the right decision and ensuring justice was done. From the second set, those variables that correlated with the canonical variate were participants’ sense of being uncertain as to what they were expected to do as a juror and a sense of respect for the criminal justice system. There were both positive and inverse associations among the variables.
Table 7.8. Coefficients for the canonical variates for the relationship between attention paid to the task of being a juror and the effect on participants. Significant results have been highlighted in bold.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Time 1</th>
<th>Time 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Attention paid to:</strong></td>
<td>First Canonical Variate</td>
<td>First Canonical Variate</td>
</tr>
<tr>
<td>The seriousness of the offence with which the accused was charged</td>
<td>.38</td>
<td>.19</td>
</tr>
<tr>
<td>The nature of the crime for which the accused was charged</td>
<td>.19</td>
<td>.25</td>
</tr>
<tr>
<td>The responsibility of having someone's future in your hands</td>
<td>-.11</td>
<td>-.11</td>
</tr>
<tr>
<td>Making sure that the outcome was fair</td>
<td>.06</td>
<td>-.06</td>
</tr>
<tr>
<td>Upholding the law</td>
<td>.76</td>
<td>.59</td>
</tr>
<tr>
<td>Doing the right thing by the victim</td>
<td>.26</td>
<td>.22</td>
</tr>
<tr>
<td>Taking care of the rights of the accused</td>
<td>-.03</td>
<td>-.09</td>
</tr>
<tr>
<td>Trying to find the truth in the evidence</td>
<td>.20</td>
<td>.02</td>
</tr>
<tr>
<td>Making sure you come to the right decision</td>
<td>.42</td>
<td>.50</td>
</tr>
<tr>
<td>Ensuring that justice was done</td>
<td>-.35</td>
<td>-.07</td>
</tr>
<tr>
<td><strong>Effect on participants:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a juror</td>
<td>-.31</td>
<td>.09</td>
</tr>
<tr>
<td>They distracted me from the evidence</td>
<td>-.04</td>
<td>-.23</td>
</tr>
<tr>
<td>They made me feel overwhelmed</td>
<td>.10</td>
<td>-.07</td>
</tr>
<tr>
<td>They impressed upon me the importance of my role as a juror</td>
<td>.29</td>
<td>.49</td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system</td>
<td>.72</td>
<td>.59</td>
</tr>
</tbody>
</table>

With respect to positive associations among the variables, the results indicated that the greater attention participants paid to the seriousness of the offence with which
the accused was charged, upholding the law and making sure they came to the right decision the more likely they were to feel a sense of respect for the criminal justice system. Additionally the greater attention participants paid to ensuring justice was done the more likely they were to feel uncertain as to what they were expected to do as a juror.

With respect to the inverse associations among the variables, the results indicated that the more attention participants paid to the seriousness of the offence with which the accused was charged, upholding the law and making sure they came to the right decision the less likely they were to pay attention to ensuring justice was done and feel uncertain as to what they were expected to do as a juror. Additionally, the greater attention participants paid to ensuring justice was done the less likely they were to feel a sense of respect for the criminal justice system. Finally, the more participants felt uncertain as to what they were expected to do as a juror the less likely they were to feel a sense of respect for the criminal justice system.

*First Canonical Variate (Time 2)* From the first set, two variables were correlated to the canonical variate, those being upholding the law and making sure they came to the right decision. From the second set, those variables that correlated with the canonical variate were participants’ sense of having the importance of their role as a juror impressed upon them and a sense of respect for the criminal justice system. All variables were positively associated with each other. Consequently the more attention participants paid to upholding the law the more likely they were to pay attention to making sure they came to the right decision. Additionally, the more likely participants were to pay attention to these to elements of the task of being a juror the more likely they were to have the importance of their role as a juror impressed upon them and feel a sense of respect for the criminal justice system. Finally, the greater sense participants
had of the importance of their role as a juror being impressed upon them, the more likely they were to feel a sense of respect for the criminal justice system.

The above analyses indicate participants paid greater attention to elements of the task of being a juror at initial contact with the courtroom than at midpoint of their experience. Additionally, although they felt a sense of respect for the criminal justice system at both points of their experience, they were more uncertain as to what they were expected to do as a juror at initial contact with the courtroom but had a greater sense of the importance of their role as a juror being impressed upon them at midpoint of their experience.

7.2.2 Conclusion

The above analyses addressed hypothesis 4.1. It was expected that attention paid to the elements of the courtroom environment would be associated with an increase of participants’ sense of being distracted from the evidence and feeling more overwhelmed. Additionally it was expected that attention paid to the elements of the courtroom environment would be associated with a greater sense of feeling uncertain as to what they were expected to do as a juror, having the importance of their role as a juror impressed upon them and respect for the criminal justice system. However the findings associated with these analyses provided mixed results which indicated that participants’ sense of being uncertain as to what they were expected to do, being distracted from the evidence, feeling overwhelmed, having the importance of their role impressed upon them and feeling a sense of respect for the criminal justice system were both moderated and made more prominent in the context of attention paid to the elements of the courtroom environment (i.e., the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence and the task of being a juror).
There were some surprising findings from these analyses. Firstly, attention paid by participants to elements of the courtroom design (particularly the Coat of Arms behind the judge’s bench, the private door used by the judge and the dock which holds the accused) was linked with a reduced sense of being distracted. It is noted that attention paid to these elements of the courtroom design was also linked with a reduced sense of having the importance of their role as a juror impressed upon them, but a greater sense of respect for the criminal justice system. It is possible therefore that attention paid to the Coat of Arms behind the judge’s bench, the private door used by the judge and the dock, which are arguably the most prominent symbols of justice investigated in this section of the research, facilitated participants’ ability to perform their role as a juror.

Also unexpected were the findings that participants felt overwhelmed but not uncertain as to what they were expected to do as a juror (in the context of attention paid to the appearance and behaviour of the relatives and friends of the accused). Other unexpected findings were that although participants felt overwhelmed, they were not distracted from the evidence (in the context of attention paid to the courtroom design and the appearance and behaviour of the relatives and friends of the accused and the victim). Additionally, participants were overwhelmed yet were aware of the importance of their role as a juror being impressed upon them (in the context of attention paid to the courtroom design, the appearance and behaviour of court officials and the appearance and behaviour of the relatives and friends of the victim). Finally, participants were overwhelmed, but still felt a sense of respect for the criminal justice system (in the context of attention paid to the courtroom design, the appearance and behaviour of court officials, the victim and the relatives and friends of the victim). These findings provide evidence of an emerging trend in the data analyses associated with the influence of anxiety on participants’ ability to perform their role as a juror.
From a theoretical standpoint, it is argued that performance has been enhanced by the stress experienced by participants. This is consistent with the Yerkes-Dodson Law associated with environmental arousal theory.

Notwithstanding the above surprising findings, the above analyses partially supports hypothesis 4.1. Attention paid by participants to the elements of the courtroom was both inversely and positively associated with their ability to perform their duty and their appreciation for the function of the law.

7.3 Research Question 5

Is there an association between the attention paid by jurors to the environmental cues in the courtroom and a state of elevated stress?

Figure 7.2 shows the segment of the model that is to be explored in this section of the data analysis.

The fifth research question explores the influence of the attention paid by participants to the courtroom environment at both stages of their experience in the courtroom (i.e., at initial contact and at midpoint of their experience) on their experience of state anxiety.

7.3.1 Hypothesis 5.1

The effect on jurors of the attention they paid to the environmental cues found in the courtroom is correlated with an experience of state anxiety.

Hypothesis 5.1 is associated with this research question. The analyses for this hypothesis are described in this section of this chapter.
To address this hypothesis a series of hierarchical regression analyses were conducted. In each regression state anxiety was entered as the dependent variable (i.e., responses to Form Y-1 of the STAI) and the five questions relating to the effect on participants of the attention they paid to the elements of the courtroom environment were entered as the predictor variables. Again as four components of the courtroom environment were identified (i.e., the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence, the task of being a juror) these analyses will be described in four separate sections.

Additionally, as both time frames of participants’ experience in the courtroom environment were investigated (i.e., at initial contact with the courtroom environment,
at midpoint of participants' experience in the setting), two sets of analyse for each component of the environment have been described.

Assumption testing was performed and the data did not violate any assumptions for multiple regression analysis.

Courtroom design: The results for these analyses have been set out in Table 7.9.

Table 7.9. Summary of hierarchical regression analysis for the influence of the effect on participants of the attention they paid to the courtroom design on state anxiety, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Time 1</th>
<th></th>
<th></th>
<th></th>
<th>Time 2</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>SE B</td>
<td>β</td>
<td>t</td>
<td>B</td>
<td>SE B</td>
<td>β</td>
<td>t</td>
</tr>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a juror</td>
<td>-.09</td>
<td>.78</td>
<td>-.09</td>
<td>-.12</td>
<td>2.49</td>
<td>1.32</td>
<td>.15</td>
<td>1.89</td>
</tr>
<tr>
<td>They distracted me from the evidence</td>
<td>2.54</td>
<td>1.23</td>
<td>.16</td>
<td>2.06*</td>
<td>.02</td>
<td>1.26</td>
<td>.00</td>
<td>.01</td>
</tr>
<tr>
<td>They made me feel overwhelmed</td>
<td>2.52</td>
<td>1.21</td>
<td>.17</td>
<td>2.08*</td>
<td>4.28</td>
<td>1.79</td>
<td>.20</td>
<td>2.40*</td>
</tr>
<tr>
<td>They impressed upon me the importance of my role as a juror</td>
<td>.27</td>
<td>.82</td>
<td>.31</td>
<td>.33</td>
<td>.57</td>
<td>.81</td>
<td>.08</td>
<td>.70</td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system</td>
<td>-2.04</td>
<td>.78</td>
<td>-.24</td>
<td>-2.61*</td>
<td>-2.18</td>
<td>.80</td>
<td>-.33</td>
<td>-2.74**</td>
</tr>
</tbody>
</table>

* p < .05  ** p < .01

Initial contact with the courtroom: State anxiety at initial contact with the courtroom was predicted by the effect on participants of the attention they paid to the courtroom design, ($F(5,186) = 4.91, p < .001$). Three of the predictor variables were linked to an experience of state anxiety at initial contact with the courtroom environment, those
being participants’ experience of being distracted from the evidence, feeling overwhelmed and feeling a sense of respect for the criminal justice system.

It was apparent from the direction of the association among all coefficients, that all were positively associated with the exception of feeling uncertain as to what they were expected to do as a juror and feeling a sense of respect for the criminal justice system. Consequently, feeling overwhelmed, feeling distracted from the evidence and having the importance of their role impressed upon them were all positively linked as were feeling uncertain as to what they were expected to do and feeling a sense of respect for the criminal justice system. Additionally, the covariates of feeling uncertain as to what they were expected to do as a juror and feeling a sense of respect for the criminal justice system were inversely associated with the remaining coefficients. Consequently participants who were distracted from the evidence, overwhelmed and had the importance of their role impressed upon them were less likely to feel uncertain as to what they were expected to do as a juror in the context of state anxiety experienced when considering attention paid to the courtroom design at initial contact with the environment.

Additionally, examination of the coefficients revealed a significant positive association between state anxiety at initial contact with the courtroom environment and participants’ sense of being distracted from the evidence and feeling overwhelmed in the context of the attention they paid to the courtroom design. There was a negative association between state anxiety at initial contact with the courtroom environment and participants’ sense of respect for the criminal justice system in the context of the attention they paid to the courtroom design. These results indicate that at initial contact with the setting, after having regard to the attention they paid to the courtroom design, participants’ experience of elevated state anxiety was linked to their experience
of being distracted from the evidence and feeling overwhelmed, but lower state anxiety was linked to a greater sense of feeling respect for the criminal justice system.

*Midpoint of participants’ experience:* State anxiety at midpoint of participants’ experience was predicted by the effect of attention paid to the courtroom design, \( F(5,186) = 5.89, p < .001 \). Two predictive variables influenced state anxiety at midpoint of participants’ experience in the courtroom environment, those being feeling overwhelmed and feeling a sense of respect for the criminal justice system.

There were positive associations among all variables with the exception of feeling a sense of respect for the criminal justice system. In this respect, the more uncertain participants were as to what they were expected to do as a juror, distracted from the evidence, overwhelmed and the more they had the importance of their role impressed upon them the less likely they were to feel a sense of respect for the criminal justice system. Additionally, elevations in any one of the four variables that were positively associated were linked to elevations in the others.

Examination of the coefficients also revealed a significant positive association between state anxiety and participants’ sense of feeling overwhelmed and a negative association between state anxiety and participants’ sense of respect for the criminal justice system in the context of the attention they paid to the courtroom design at midpoint of their experience. Consequently, half way through the trial on which they were empanelled, after having regard to the attention they paid to the courtroom design, participants experienced elevated state anxiety in the context of feeling overwhelmed, but as with the previous analysis, a lowered sense of anxiety was linked with a greater sense of respect for the criminal justice system.

*Appearance and behaviour of court officials:* The results for these analyses have been set out in Table 7.10.
Table 7.10. Summary of hierarchical regression analysis for the influence of the effect on participants of the attention they paid to the appearance and behaviour of court officials on state anxiety, N = 192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>B</th>
<th>SE B</th>
<th>β</th>
<th>t</th>
<th>B</th>
<th>SE B</th>
<th>β</th>
<th>t</th>
</tr>
</thead>
<tbody>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a juror</td>
<td>.54</td>
<td>.91</td>
<td>.04</td>
<td>.60</td>
<td>-1.13</td>
<td>.10</td>
<td>.12</td>
<td></td>
</tr>
<tr>
<td>They distracted me from the evidence</td>
<td>.79</td>
<td>1.23</td>
<td>.05</td>
<td>.64</td>
<td>1.96</td>
<td>1.13</td>
<td>.15</td>
<td>1.75</td>
</tr>
<tr>
<td>They made me feel overwhelmed</td>
<td>5.89</td>
<td>1.31</td>
<td>.35</td>
<td>4.50**</td>
<td>1.62</td>
<td>1.25</td>
<td>.12</td>
<td>1.30</td>
</tr>
<tr>
<td>They impressed upon me the importance of my role as a juror</td>
<td>1.18</td>
<td>.81</td>
<td>.14</td>
<td>1.46</td>
<td>1.48</td>
<td>.83</td>
<td>.21</td>
<td>1.77</td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system</td>
<td>-2.56</td>
<td>.79</td>
<td>-.31</td>
<td>-3.23**</td>
<td>-2.53</td>
<td>.81</td>
<td>-.37</td>
<td>-3.13**</td>
</tr>
</tbody>
</table>

* p < .05
** p < .01

Initial contact with the courtroom: State anxiety at initial contact with the courtroom was predicted by the effect on participants of the attention they paid to the appearance and behaviour of court officials, (F(5,186) = 9.51, p < .001). Two variables predicted state anxiety, those being they made me feel overwhelmed and they made me feel a sense of respect for the criminal justice system.

All variables were positively associated with the exception of feeling a sense of respect for the criminal justice system. Elevations in the four positively associated variables therefore were linked to elevations in the others, but a lowered sense of respect for the criminal justice system. When first in the courtroom environment, after having regard to the influence on them of the attention they paid to the appearance and behaviour of court officials, participants experienced elevated state anxiety in the
context of feeling overwhelmed but a greater sense of respect for the criminal justice system was associated with lowered state anxiety.

Examination of the coefficients revealed a significant positive association between state anxiety and participants’ sense of being overwhelmed and a negative association between state anxiety and participants’ sense of respect for the criminal justice system. Consequently, at initial contact with the courtroom setting, after having regard to the attention participants paid to the appearance and behaviour of court officials, participants experienced elevated state anxiety in the context of feeling overwhelmed, but less anxious in the context of a greater sense of respect for the criminal justice system.

Midpoint of participants’ experience: State anxiety experienced half way through the trial on which participants were empanelled was predicted by the effect on participants of the attention they paid to the appearance and behaviour of court officials, \(F(5,186) = 4.68, p< .001\). One predictive variable significantly influenced state anxiety experienced by participants at midpoint of their experience, that being feeling a sense of respect for the criminal justice system.

There were positive associations between participants’ sense of feeling uncertain as to what they were expected to do as a juror and feeling a sense of respect for the criminal justice system. Additionally being distracted from the evidence, feeling overwhelmed and having the importance of their role as a juror impressed upon them were all positively associated with each other. With respect to inverse associations it was apparent that participants who felt uncertain as to what they were expected to do as a juror and a sense of respect for the criminal justice system would be less likely to be distracted from the evidence, feel overwhelmed or have the importance of their role as a juror impressed upon them.
Examination of the coefficients revealed a significant negative association between state anxiety and participants’ sense of respect for the criminal justice system. Consequently, after having regard to the effect on participants of the attention they paid to the appearance and behaviour of court officials at midpoint of their experience, lowered state anxiety was linked to a greater sense of respect for the criminal justice system.

*The appearance and behaviour of those associated with the offence:*

Table 7.11 sets out the results for these analyses.

*Initial contact with the courtroom:* State anxiety at initial contact with the courtroom was predicted by the effect on participants of the attention they paid to the appearance and behaviour of those associated with the offence, \((F(5,186) = 3.67, p<.001)\). Three of the variables predicted state anxiety at initial contact with the courtroom, those being they distracted me from the evidence, they impressed upon me the importance of my role as a juror and they made me feel a sense of respect for the criminal justice system.

An examination of the direction of the coefficients revealed that elevations in feeling uncertain as to what they were expected to do as a juror was linked to elevations in participants’ feeling a sense of respect for the criminal justice system. Additionally elevations in being distracted from the evidence, feeling overwhelmed and having the importance of their role as a juror impressed upon them were all positively associated, thus elevations in one were linked to elevations in others. With respect to inverse associations, the results indicated that elevations in participants’ sense of feeling uncertain as to what they were expected to do as a juror and feeling a sense of respect for the criminal justice system were linked to a reduced sense of being distracted from the evidence, feeling overwhelmed and having the importance of their role as a juror impressed upon them.
Table 7.11  Summary of hierarchical regression analysis for the influence of the effect on participants of the attention they paid to the appearance and behaviour of those associated with the offence on state anxiety, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>$B$</th>
<th>$SE$</th>
<th>$\beta$</th>
<th>$t$</th>
<th>$B$</th>
<th>$SE$</th>
<th>$\beta$</th>
<th>$t$</th>
</tr>
</thead>
<tbody>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a juror</td>
<td>-1.76</td>
<td>1.13</td>
<td>-.14</td>
<td>-1.57</td>
<td>-1.94</td>
<td>1.54</td>
<td>-.12</td>
<td>-1.26</td>
</tr>
<tr>
<td>They distracted me from the evidence</td>
<td>2.91</td>
<td>1.44</td>
<td>.19</td>
<td>2.03</td>
<td>3.74</td>
<td>1.64</td>
<td>.22</td>
<td>2.28</td>
</tr>
<tr>
<td>They made me feel overwhelmed</td>
<td>.97</td>
<td>1.50</td>
<td>.06</td>
<td>.65</td>
<td>1.37</td>
<td>1.38</td>
<td>.08</td>
<td>.99</td>
</tr>
<tr>
<td>They impressed upon me the importance of my role as a juror</td>
<td>2.10</td>
<td>.81</td>
<td>.29</td>
<td>2.59</td>
<td>1.14</td>
<td>.68</td>
<td>.17</td>
<td>1.69</td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system</td>
<td>-2.24</td>
<td>.82</td>
<td>-.31</td>
<td>-2.72</td>
<td>-2.19</td>
<td>.68</td>
<td>-.33</td>
<td>-3.23</td>
</tr>
</tbody>
</table>

*  p <.05  
** p <.01

Additionally, an examination of the coefficients revealed a significant positive association between state anxiety, participants’ sense of being distracted from the evidence and experiencing a sense of the importance of their role as a juror but a negative association between state anxiety and participants’ sense of respect for the criminal justice system. Consequently, when first in the courtroom environment, after having regard to the attention they paid to the appearance and behaviour for those associated with the offence, participants experienced elevated state anxiety in the context of being distracted from the evidence and having the importance of their role as a juror impressed upon them, but once again those who experienced reduced state anxiety also experienced a greater sense of respect for the criminal justice system.
At midpoint of participant’s experience:  State anxiety at midpoint of participants’ experience in the courtroom was predicted by the effect on them of the attention they paid to the appearance and behaviour of those associated with the offence, \( F(5,186) = 4.21, p<.001 \). Two of the variables predicted state anxiety, those being they distracted me from the evidence and made me feel a sense of respect for the criminal justice system.

The directions of the coefficients for this analysis are the same as those for participants’ experience at initial contact with the courtroom in the context of attention paid to the appearance and behaviour of those associated with the offence. Examination of the coefficients revealed a significant positive association between state anxiety and being distracted from the evidence but a negative association between state anxiety and participants’ sense of respect for the criminal justice system. Consequently, at midpoint of participants’ experience in the courtroom after having regard to the effect on participants of the attention they paid to those associated with the offence, an experience of elevated state anxiety was linked to a sense of being distracted from the evidence but once again those who experienced a greater respect for the criminal justice system also experienced lowered state anxiety.

The task of being a juror:  Table 7.12 sets out the results for these analyses.

Initial contact with the courtroom environment:  State anxiety at initial contact with the courtroom was predicted by the effect on participants of the attention they paid to the task of being a juror, \( F(5,186) = 5.65, p<.001 \). Two variables predicted state anxiety, those being they made me feel overwhelmed and made me feel a sense of respect for the criminal justice system.

The direction of the coefficients revealed a positive association between participants feeling uncertain as to what they were expected to do as a juror, feeling distracted from the evidence and feeling a sense of respect for the criminal justice system
system. Also positively associated were participants’ sense of feeling overwhelmed and having the importance of their role as a juror impressed upon them. Inverse associations revealed that participants’ sense of feeling overwhelmed and having the importance of their role as a juror impressed upon them was linked to a lowered sense of feeling uncertain as to what they were expected to do as a juror, being distracted from the evidence and experiencing a sense of respect for the criminal justice system. These results were again surprising yet consistent with the developing trend in the data that became evident in Section 7.2.

Table 7.12  Summary of hierarchical regression analysis for the influence of the effect on participants of the attention they paid to the task of being a juror on state anxiety, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Time 1</th>
<th></th>
<th></th>
<th>Time 2</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>They made me feel uncertain as to what I was expected to do as a juror</td>
<td>-1.19</td>
<td>.72</td>
<td>-.02</td>
<td>.34</td>
<td>.91</td>
<td>.03</td>
</tr>
<tr>
<td>They distracted me from the evidence</td>
<td>-1.41</td>
<td>1.17</td>
<td>-.12</td>
<td>-1.20</td>
<td>.05</td>
<td>1.11</td>
</tr>
<tr>
<td>They made me feel overwhelmed</td>
<td>3.72</td>
<td>.97</td>
<td>.37</td>
<td>3.82**</td>
<td>2.85</td>
<td>.83</td>
</tr>
<tr>
<td>They impressed upon me the importance of my role as a juror</td>
<td>1.11</td>
<td>.82</td>
<td>.13</td>
<td>1.34</td>
<td>.33</td>
<td>.76</td>
</tr>
<tr>
<td>They made me feel a sense of respect for the criminal justice system</td>
<td>-2.00</td>
<td>.77</td>
<td>-.25</td>
<td>-2.60*</td>
<td>-1.29</td>
<td>.67</td>
</tr>
</tbody>
</table>

*  p < .05
** p < .01

Examination of the coefficients revealed a significant positive association between state anxiety and a sense of being overwhelmed but a negative association between state anxiety and participants’ sense of respect for the criminal justice system.
Consequently, when first in the courtroom environment, after having regard to the effect on participants of the attention they paid to the task of being a juror, an elevation in state anxiety was linked to a sense of feeling overwhelmed, but a greater sense of respect for the criminal justice system was linked to a reduced experience of state anxiety.

**Midpoint of participants' experience:** State anxiety at midpoint of participants' experience in the courtroom was predicted by the effect on them of the attention they paid to the task of being a juror, \((F(5,186) = 5.86, p<.001)\). One variable predicted state anxiety, that being they made me feel overwhelmed.

The direction of the coefficients revealed a positive association among all variables with the exception of participants' sense of respect for the criminal justice system. Consequently elevations in each of these positively associated variables led to elevations in the others and a lowered sense of respect for the criminal justice system. Additionally, examination of the coefficients revealed a significant positive association between state anxiety and participants' sense of being overwhelmed. Consequently, at midpoint of their experience in the courtroom environment after having regard to the effect on participants of the attention they paid to the task of being a juror, participants' experience of elevated state anxiety was linked to their sense of feeling overwhelmed.

7.3.2 **Conclusion**

The above analyses addressed hypothesis 5.1. It was expected that the effect on participants of the attention they paid to the elements of the courtroom environment would be linked to elevations in state anxiety. The influence of each of these elements of the juror experience on state anxiety have been discussed below.
Feeling uncertain as to what they were expected to do as a juror: At no point during their experience did participants report experiencing elevated state anxiety in the context of feeling uncertain as to what they were expected to do as a juror.

Being distracted from the evidence: Participants reported experiencing elevated state anxiety at both stages of their experience in the courtroom in the context of being distracted from the evidence. Distraction from the evidence was experienced in the context of the attention participants paid to the appearance and behaviour of those associated with the offence at both initial phase and midpoint of their experience in the courtroom and attention paid to the courtroom design at initial contact with the setting.

Feeling overwhelmed: Participants reported experiencing a sense of elevated state anxiety in the context of feeling overwhelmed. At initial contact with the courtroom environment the sense of feeling overwhelmed was experienced in the context of the attention participants paid to the courtroom design, the appearance and behaviour of court officials and the task of being a juror. At midpoint of their experience, participants reported experiencing a sense of elevated state anxiety in the context of feeling overwhelmed as a result of the attention they paid to the courtroom design and the task of being a juror. Again the evolving trend in the analyses of the effect on participants of the attention they paid to the courtroom environment in which elevations in being overwhelmed was linked to a reduction in being distracted from the evidence and feeling uncertain as to what participants were expected to do as a juror were evident in these analyses.

Having the importance of their role as a juror impressed upon them: Participants reported experiencing elevated state anxiety at initial contact with the
courtroom environment in the context of having the importance of their role as a juror being impressed upon them. Having the importance of their role as a juror impressed upon them was experienced by participants in the context of attention paid to the appearance and behaviour of those associated with the offence. There was no significant influence on state anxiety experienced by participants at midpoint of their experience in the courtroom in the context of feeling a sense of the importance of their role as a juror.

**Feeling a sense of respect for the criminal justice system:** Participants reported experiencing a reduced sense of state anxiety at initial contact with the courtroom in the context of feeling a sense of respect for the criminal justice system. This was experienced in the context of attention participants paid to the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence and the task of being a juror. At midpoint of their experience, participants’ sense of reduced state anxiety was linked to feeling a sense of respect for the criminal justice system in the context of the attention they paid to the courtroom design, the appearance and behaviour of court officials and those associated with the offence. Consequently, it appears that a sense of respect for the criminal justice system, in the context of attention paid to all elements of the courtroom environment at both stages of their experience (with the exception of the task of being a juror at midpoint of their experience) was linked to a moderation of participants’ experience of state anxiety.

The above analyses therefore partially support hypothesis 5.1 and it can be concluded from this sample that the effect on participants of the attention they paid to the elements of the courtroom environment did generally elicit an experience of elevated state anxiety. The two exclusions were participants’ experience of feeling
uncertain as to what they were expected to do as a juror and feeling a sense of respect for the criminal justice system.

In this section of this chapter the influence of the effect on participants of the attention they paid to the courtroom environment on state anxiety experienced by participants was examined. It is apparent that there were mixed results. State anxiety was elevated at both stages of participants’ experience in the context of their being distracted from the evidence and feeling overwhelmed and at initial contact with the courtroom in the context of having the importance of their role impressed upon them. The sense of feeling uncertain as to what they were expected to do as a juror at both stages of participants’ experience and being distracted from the evidence at midpoint of their experience was not linked to elevated state anxiety in participants. Finally participant’s who experienced lowered levels of anxiety were more likely to feel a sense of respect for the criminal justice system.

The next section of this chapter examines the effect of time on both the attention paid by participants to the elements of the courtroom environment and the effect on participants of such attention.

7.4 Research Question 6

Does the amount of attention paid by jurors to environmental cues found in the courtroom diminish over time?

The sixth research question explores the influence of time on attention paid by participants to the elements of the courtroom environment.

Figure 7.3 shows the segment of the model that is to be explored in this section of the data analysis.
Hypothesis 6.1 is associated with this research question. The analyses for this hypothesis are described in this section of this chapter.

7.4.1 Hypothesis 6.1

*That attention paid by jurors to the environmental cues found in the courtroom environment will be greater at initial contact with the courtroom than at the midpoint of their experience.*

To address this hypothesis a series of repeated measures MANOVAs were conducted. For each analysis the questions in which participants were asked to indicate how much attention they paid to the elements of the courtroom environment...
at initial phase of contact with the setting and at midpoint of their experience in the setting were entered. Again four components of the courtroom environment were identified (i.e., the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence, the task of being a juror). Consequently these will again be addressed in four separate sections.

The assumptions for repeated measures MANOVA are independence of observations, multivariate normality and sphericity (Stevens, 1986). Assumption testing was performed and the data did not violate any assumptions for repeated measures MANOVA.

**Courtroom design:** Responses to the 10 questions in which participants were asked to indicate the amount of attention they paid to the courtroom design at initial contact and at midpoint of their experience were used for this analysis. The results for these analyses are set out in Table 7.13.

There was a significant multivariate effect, \( F(10,182) = 19.24, p<.001 \). Examination of the univariate analyses indicates that attention paid to all elements of the courtroom design differed significantly over time. It is noted from the means that attention paid to all elements of the courtroom design diminished over time.

**The appearance and behaviour of court officials:** The results for these analyses are set out in Table 7.14.

Responses to the 10 questions in which participants were asked to indicate the amount of attention they paid to the appearance and behaviour of court officials at initial contact and at midpoint of their experience were used for this analysis.
There was a significant multivariate effect, \( (F(10,182) = 18.28, p<.001) \). Examination of the univariate analyses indicates that attention paid by participants to all elements of the appearance and behaviour of court officials differed significantly over time. Examination of the means and standard deviations revealed that in all cases, attention paid to the appearance and behaviour of court officials diminished over time.

Table 7.13. Means, standard deviations, multivariate and univariate F tests for the effect of time on attention paid to the courtroom design, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Time 1</th>
<th>Time 2</th>
<th>df</th>
<th>( F )</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Multivariate</strong></td>
<td>( M )</td>
<td>( SD )</td>
<td>( M )</td>
<td>( SD )</td>
</tr>
<tr>
<td><strong>Univariate</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q1. The Coat of Arms behind the judge's bench</td>
<td>2.19</td>
<td>1.13</td>
<td>1.91</td>
<td>1.18</td>
</tr>
<tr>
<td>Q2. The judge's bench being elevated</td>
<td>2.76</td>
<td>1.28</td>
<td>2.15</td>
<td>1.27</td>
</tr>
<tr>
<td>Q3. The witness box being separated from the rest of the court</td>
<td>3.06</td>
<td>1.24</td>
<td>2.42</td>
<td>1.36</td>
</tr>
<tr>
<td>Q4. The lawyers tables being at the same elevation as each other</td>
<td>2.47</td>
<td>1.37</td>
<td>2.04</td>
<td>1.36</td>
</tr>
<tr>
<td>Q5. The gallery which separates observers from the court proceedings</td>
<td>2.84</td>
<td>1.22</td>
<td>2.27</td>
<td>1.27</td>
</tr>
<tr>
<td>Q6. The private door used by the judge</td>
<td>3.09</td>
<td>1.34</td>
<td>2.42</td>
<td>1.32</td>
</tr>
<tr>
<td>Q7. The dock which holds the accused</td>
<td>3.43</td>
<td>1.14</td>
<td>2.88</td>
<td>1.30</td>
</tr>
<tr>
<td>Q8. The jury box that holds the jury</td>
<td>3.29</td>
<td>1.18</td>
<td>2.36</td>
<td>1.42</td>
</tr>
<tr>
<td>Q9. The interior design of the courtroom</td>
<td>3.31</td>
<td>1.10</td>
<td>2.32</td>
<td>1.20</td>
</tr>
<tr>
<td>Q10. The positioning of courtroom staff between the judge and all others in the courtroom</td>
<td>3.11</td>
<td>1.15</td>
<td>2.42</td>
<td>1.31</td>
</tr>
</tbody>
</table>

\( **p < .01 \)
Table 7.14. Means, standard deviations, multivariate and univariate F tests for the effect of time on attention paid to the appearance and behaviour of court officials, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
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<th></th>
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</tr>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10,182</td>
<td>18.28**</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td><strong>Univariate</strong></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Q1. The swearing in of witnesses using the Bible</td>
<td>3.88</td>
<td>1.04</td>
<td>3.42</td>
<td>1.28</td>
<td>1,191</td>
<td>35.61**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q2. The wigs and robes worn by the judge and barristers</td>
<td>3.21</td>
<td>1.16</td>
<td>2.39</td>
<td>1.22</td>
<td>1,191</td>
<td>105.60**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q3. The conduct of the lawyers during the trial</td>
<td>4.34</td>
<td>.80</td>
<td>4.02</td>
<td>.99</td>
<td>1,191</td>
<td>20.74**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q4. The way everyone has to bow to the judge when entering and exiting the courtroom</td>
<td>3.43</td>
<td>1.22</td>
<td>2.69</td>
<td>1.31</td>
<td>1,191</td>
<td>86.12**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q5. The way everyone has to stand when the judge enters and exits the courtroom</td>
<td>3.70</td>
<td>1.20</td>
<td>2.89</td>
<td>1.39</td>
<td>1,191</td>
<td>110.88**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q6. The formal language used by the lawyers</td>
<td>3.47</td>
<td>1.20</td>
<td>3.19</td>
<td>1.31</td>
<td>1,191</td>
<td>12.31**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q7. The legal terminology used by lawyers</td>
<td>3.73</td>
<td>1.08</td>
<td>3.42</td>
<td>1.25</td>
<td>1,191</td>
<td>18.48**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q8. The accused being kept separate from the rest of the court</td>
<td>3.49</td>
<td>1.23</td>
<td>2.75</td>
<td>1.34</td>
<td>1,191</td>
<td>89.43**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q9. The presence of the police in the courtroom</td>
<td>3.01</td>
<td>1.34</td>
<td>2.34</td>
<td>1.35</td>
<td>1,191</td>
<td>65.15**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q10 The presence of the bailiff in the courtroom</td>
<td>3.28</td>
<td>1.22</td>
<td>2.78</td>
<td>1.28</td>
<td>1,191</td>
<td>46.76**</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**p < .01

The appearance and behaviour of those associated with the offence: For a number of cases the relatives and friends of the accused, the victim and the relatives and friends of the victim were not in the courtroom. Consequently, to address the influence of time on attention paid to the appearance and behaviour of those associated with the offence four repeated measures MANOVAs were conducted. Responses to the three
questions in which participants were asked to indicate the amount of attention they paid to the appearance and behaviour of each set of people associated with the offence at initial contact and at midpoint of their experience were used for these analyses. Each of these has been addressed in separate sections.

The accused: There was a significant multivariate effect, \( F(3,189) = 10.73, p<.001 \) when examining the influence of time on attention paid by participants to the appearance and behaviour of the accused. Table 7.15 sets out the results for this analysis. Examination of the univariate analyses indicated that attention paid by participants to the physical appearance of the accused and the closeness of the accused to them were significantly different at the two time frames. Examination of the means indicated that attention paid to these variables diminished over time. Attention paid to the conduct of the accused did not change over time.

Table 7.15 Means, standard deviations, multivariate and univariate F tests for the effect of time on attention paid to the appearance and behaviour of the accused, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Time 1</th>
<th>Time 2</th>
<th>df</th>
<th>F</th>
</tr>
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<tr>
<td><strong>Univariate</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q1. The conduct of the accused in the dock</td>
<td>3.68</td>
<td>1.07</td>
<td>3.61</td>
<td>1.15</td>
</tr>
<tr>
<td>Q2. The physical appearance of the accused</td>
<td>3.36</td>
<td>1.16</td>
<td>3.03</td>
<td>1.30</td>
</tr>
<tr>
<td>Q3. The closeness of the accused to you</td>
<td>2.35</td>
<td>1.25</td>
<td>2.05</td>
<td>1.24</td>
</tr>
</tbody>
</table>

**p < .01

The relatives and friends of the accused: There was a significant multivariate main effect, \( F(3,130) = 3.91, p<.05 \) when examining the influence of time on
attention paid by participants to the appearance and behaviour of the relatives and friends of the accused. Table 7.16 sets out the results for these analyses. Examination of the univariate analyses indicated that attention paid by participants to the conduct of the relatives and friends of the accused in the courtroom and the closeness of the relatives and friends of the accused to them changed significantly over time.

Examination of the means and standard deviations revealed that in all cases in which the univariates were significant, attention paid to the appearance and behaviour of the relatives and friends of the accused diminished over time.

**Table 7.16.** Means, standard deviations, multivariate and univariate F tests for the effect of time on attention paid to the appearance and behaviour of the relatives and friends of the accused, N=133.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Time 1 M</th>
<th>Time 1 SD</th>
<th>Time 2 M</th>
<th>Time 2 SD</th>
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<tr>
<td></td>
<td>3,130</td>
<td>3.91*</td>
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<td>Univariate</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Q4. The conduct of the relatives and friends of accused in the courtroom</td>
<td>2.80</td>
<td>1.32</td>
<td>2.61</td>
<td>1.31</td>
<td>1,132</td>
<td>4.17*</td>
</tr>
<tr>
<td>Q5. The physical appearance of the relatives and friends of the accused</td>
<td>2.49</td>
<td>1.30</td>
<td>2.34</td>
<td>1.33</td>
<td>1,132</td>
<td>3.64</td>
</tr>
<tr>
<td>Q6. The closeness of the relatives and friends of the accused to you</td>
<td>2.17</td>
<td>1.34</td>
<td>1.86</td>
<td>1.28</td>
<td>1,132</td>
<td>11.35**</td>
</tr>
</tbody>
</table>

*p <.05  **p <.01

*The victim:* There was a significant multivariate effect, (F (3,125) = 7.24, p <.001) when examining the influence of time on attention paid by participants to the appearance and behaviour of the victim. Table 7.17 sets out the results for these analyses. Examination of the univariate analyses indicated that attention paid by participants to the conduct of the victim in the courtroom and physical appearance of the victim changed significantly over time. Examination of the means and standard
deviations revealed that in both cases in which the univariate analyses were significant, attention paid to the appearance and behaviour of the victim diminished over time.

Table 7.17. Means, standard deviations, multivariate and univariate F tests for the effect of time on attention paid to the appearance and behaviour of the victim, N=128.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Time 1</th>
<th>Time 2</th>
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</tr>
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<td>SD</td>
<td>M</td>
<td>SD</td>
</tr>
<tr>
<td>Multivariate</td>
<td>3.125</td>
<td>7.24**</td>
<td>1,127</td>
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</tr>
<tr>
<td>Univariate</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Q7. The conduct of the victim in the courtroom</td>
<td>4.19</td>
<td>1.07</td>
<td>3.95</td>
<td>1.14</td>
</tr>
<tr>
<td>Q8. The physical appearance of the victim</td>
<td>3.66</td>
<td>1.18</td>
<td>3.24</td>
<td>1.41</td>
</tr>
<tr>
<td>Q9. The closeness of the victim to you</td>
<td>2.40</td>
<td>1.41</td>
<td>2.23</td>
<td>1.31</td>
</tr>
</tbody>
</table>

**p <.01

Relatives and friends of the victim: There was no significant multivariate main effect, (F(3,82) = 2.26, p>.05) when examining the effect of time on attention paid by participants to the appearance and behaviour of the relatives and friends of the victim.

The task of being a juror: There was a significant multivariate effect, (F(10,182) = 3.18, p<.001) when examining the effect of attention paid to the task of being a juror. The results for these analyses are set out in Table 7.18.

Examination of the univariate analyses indicated that attention paid by participants to four aspects of the task of being a juror differed significantly over time. The elements of the task of being a juror that changed significantly over time were attention paid by participants to the seriousness of the offence with which the accused was charged, the nature of the crime for which the accused was charged, the responsibility of having someone’s future in their hands and making sure the outcome
was fair. In each case participants paid less attention to these four variables at midpoint of their experience than at initial contact with the courtroom environment.

Table 7.18. Means, standard deviations, multivariate and univariate F tests for the effect of time on attention paid to the task of being a juror, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Time 1</th>
<th>Time 2</th>
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<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>SD</td>
<td>M</td>
<td>SD</td>
</tr>
<tr>
<td>Multivariate</td>
<td>10,182</td>
<td>3.18**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Univariate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q1. The seriousness of the offence with which the accused was charged</td>
<td>4.69 .56</td>
<td>4.57 .70</td>
<td>1,191</td>
<td>8.52**</td>
</tr>
<tr>
<td>Q2. The nature of the crime for which the accused was charged</td>
<td>4.71 .59</td>
<td>4.59 .72</td>
<td>1,191</td>
<td>7.08**</td>
</tr>
<tr>
<td>Q3. The responsibility of having someone’s future in your hands</td>
<td>4.76 .63</td>
<td>4.66 .74</td>
<td>1,191</td>
<td>6.42*</td>
</tr>
<tr>
<td>Q4. Making sure that the outcome was fair</td>
<td>4.90 .32</td>
<td>4.72 .56</td>
<td>1,191</td>
<td>25.96**</td>
</tr>
<tr>
<td>Q5. Upholding the law</td>
<td>4.67 .67</td>
<td>4.62 .69</td>
<td>1,191</td>
<td>2.24</td>
</tr>
<tr>
<td>Q6. Doing the right thing by the victim</td>
<td>4.13 1.18</td>
<td>4.13 1.18</td>
<td>1,191</td>
<td>.00</td>
</tr>
<tr>
<td>Q7. Taking care of the rights of the accused</td>
<td>4.46 .91</td>
<td>4.41 .95</td>
<td>1,191</td>
<td>.90</td>
</tr>
<tr>
<td>Q8. Trying to find the truth in the evidence</td>
<td>4.93 .32</td>
<td>4.90 .36</td>
<td>1,191</td>
<td>1.06</td>
</tr>
<tr>
<td>Q9. Making sure you come to the right decision</td>
<td>4.87 .48</td>
<td>4.82 .54</td>
<td>1,191</td>
<td>2.23</td>
</tr>
<tr>
<td>Q10 Ensuring justice was done</td>
<td>4.74 .64</td>
<td>4.71 .68</td>
<td>1,191</td>
<td>.64</td>
</tr>
</tbody>
</table>

**p < .01

There were no significant changes over time with respect to the remaining six variables associated with the task of being a juror. However, it is noted that in each case, with respect to the six variables on which there was no significant change, participants paid ‘a lot of attention’ to ‘full attention’ at both stages of their experience.
Consequently, these elements of the task of being a juror remained salient to participants throughout their experience.

7.4.2 Conclusion

In this section of this chapter the influence of time on attention paid by participants to the elements of the courtroom environment was examined. These analyses allowed the examination of hypothesis 6.1. Overall, it is apparent from the above analyses that time influenced attention paid by participants to all elements of the courtroom except the appearance and behaviour of the relatives and friends of the victim. In all cases where there was a significant change over time, attention paid to the elements diminished. There is no substantive reason for attention to the appearance and behaviour of the relatives and friends to remain the same (or, in some cases, from an examination of the means, to have increased).

7.5 Research Question 7

Does the effect on jurors of the attention they paid to the environmental cues in the courtroom diminish over time?

Figure 7.4 shows the segment of the model that is to be explored in this section of the data analysis.

The seventh research question explored the influence of time on the effect on participants of the attention they paid to the elements of the courtroom environment.

7.5.1 Hypothesis 7.1

That attention paid by jurors to the environmental cues found in the courtroom will have a greater influence on their ability to perform their role as a
juror and elicit a greater sense of appreciation for the function of the law at the initial phase of their experience than at midpoint of their experience.

Hypothesis 7.1 is associated with research question seven. The analyses for this hypothesis are described in this section of this chapter.

To address this hypothesis a series of repeated measures MANOVAs were conducted. For each analysis the five questions in which participants were asked to indicate the effect on them of the attention they paid to the elements of the courtroom environment at initial phase of contact with the courtroom environment and at
midpoint of their experience in the setting were entered. Four components of the courtroom environment were identified (i.e., the courtroom design, the appearance and behaviour of court officials, the appearance and behaviour of those associated with the offence, the task of being a juror). Consequently these will again be addressed in four separate sections.

Assumption testing was performed and the data did not violate any assumptions for repeated measures MANOVA.

**Courtroom design:** Responses to the five questions in which participants were asked to indicate the effect on them of the attention they paid to the courtroom design at initial contact and at midpoint of their experience were used for this analysis. The results for these analyses are set out in Table 7.19.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Time 1</th>
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<th>df</th>
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</tr>
</thead>
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<tr>
<td></td>
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<td>SD</td>
<td>M</td>
<td>SD</td>
</tr>
<tr>
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<td>11.32**</td>
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<td></td>
</tr>
<tr>
<td>Univariate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q1. They made me feel uncertain as to what I was expected to do as a juror</td>
<td>1.63</td>
<td>1.10</td>
<td>1.21</td>
<td>.58</td>
</tr>
<tr>
<td>Q2. They distracted me from the evidence</td>
<td>1.35</td>
<td>.66</td>
<td>1.24</td>
<td>.57</td>
</tr>
<tr>
<td>Q3. They made me feel overwhelmed</td>
<td>1.39</td>
<td>.70</td>
<td>1.14</td>
<td>.44</td>
</tr>
<tr>
<td>Q4. They impressed upon me the importance of my role as a juror</td>
<td>3.21</td>
<td>1.24</td>
<td>2.78</td>
<td>1.43</td>
</tr>
<tr>
<td>Q5. They made me feel a sense of respect for the criminal justice system</td>
<td>3.20</td>
<td>1.25</td>
<td>2.88</td>
<td>1.46</td>
</tr>
</tbody>
</table>

* p < .05
** p < .01
There was a significant multivariate effect, \( F(5,187) = 11.32, p<.001 \). Examination of the univariate analyses indicated that all elements associated with the effect on participants of the attention they paid to the courtroom design differed significantly over time. An examination of the means and standard deviations revealed that the effect on participants of the attention they paid to the courtroom design diminished over time.

*The appearance and behaviour of court officials:* Responses to the five questions in which participants were asked to indicate the effect on them of the attention they paid to the appearance and behaviour of court officials at initial contact and at midpoint of their experience were used for this analysis. The results for these analyses are set out in Table 7.20.

**Table 7.20.** Means, standard deviations, multivariate and univariate F tests for the influence of time on the effect on participants of the attention they paid to the appearance and behaviour of court officials, N=192.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Time 1</th>
<th>Time 2</th>
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<th>F</th>
</tr>
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</tr>
<tr>
<td>Multivariate</td>
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<td>5.187</td>
</tr>
<tr>
<td>Univariate</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q1. They made me feel uncertain as to what I was expected to do as a juror</td>
<td>1.50</td>
<td>.81</td>
<td>1.30</td>
<td>.77</td>
</tr>
<tr>
<td>Q2. They distracted me from the evidence</td>
<td>1.40</td>
<td>.66</td>
<td>1.37</td>
<td>.75</td>
</tr>
<tr>
<td>Q3. They made me feel overwhelmed</td>
<td>1.32</td>
<td>.63</td>
<td>1.27</td>
<td>.69</td>
</tr>
<tr>
<td>Q4. They impressed upon me the importance of my role as a juror</td>
<td>3.47</td>
<td>1.28</td>
<td>3.14</td>
<td>1.37</td>
</tr>
<tr>
<td>Q5. They made me feel a sense of respect for the criminal justice system</td>
<td>3.29</td>
<td>1.29</td>
<td>3.09</td>
<td>1.42</td>
</tr>
</tbody>
</table>

**p < .01**
There was a significant multivariate effect, $(F(5,187) = 5.79, p<.001)$. Examination of the univariate analyses revealed a significant difference over time with respect to participants’ experience of feeling uncertain as to what they were expected to do as a juror, their sense of the importance of their role as a juror, and their sense of respect for the criminal justice system. From the means it is apparent that the effect on participants with respect to these variables diminished over time.

*The appearance and behaviour of those associated with the offence:*  
Responses to the five questions in which participants were asked to indicate the effect on them of the attention they paid to the appearance and behaviour of those associated with the offence at initial contact and at midpoint of their experience were used for this analysis. The results of these analyses are set out in Table 7.21.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Time 1</th>
<th>Time 2</th>
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<th>F</th>
</tr>
</thead>
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<td>$SD$</td>
<td>$M$</td>
<td>$SD$</td>
</tr>
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<td></td>
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<tr>
<td></td>
<td>5,187</td>
<td>2.72*</td>
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<td></td>
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<tr>
<td>Univariate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q1. They made me feel uncertain as to what I was expected to do as a juror</td>
<td>1.33</td>
<td>.82</td>
<td>1.22</td>
<td>.59</td>
</tr>
<tr>
<td>Q2. They distracted me from the evidence</td>
<td>1.35</td>
<td>.68</td>
<td>1.26</td>
<td>.56</td>
</tr>
<tr>
<td>Q3. They made me feel overwhelmed</td>
<td>1.25</td>
<td>.66</td>
<td>1.18</td>
<td>.58</td>
</tr>
<tr>
<td>Q4. They impressed upon me the importance of my role as a juror</td>
<td>2.90</td>
<td>1.47</td>
<td>3.07</td>
<td>1.47</td>
</tr>
<tr>
<td>Q5. They made me feel a sense of respect for the criminal justice system</td>
<td>2.65</td>
<td>1.46</td>
<td>2.86</td>
<td>1.46</td>
</tr>
</tbody>
</table>

* $p<.05$  
** $p<.01$
There was a significant multivariate effect, \( F(5,187) = 2.72, p<.05 \). Examination of the univariate analyses revealed a significant difference over time with respect to participant’s sense of respect for the criminal justice system. However, after examining the means for Time 1 and Time 2 on this univariate, rather than diminishing over time, participants’ sense of respect for the criminal justice system strengthened as a result of the attention they paid to those associated with the offence.

**The task of being a juror:** Responses to the five questions in which participants were asked to indicate the effect on them of the attention they paid to the task of being a juror at initial contact and at midpoint of their experience were used for this analysis.

There was no significant multivariate effect, \( F(5,187) = 2.08, p>.05 \), indicating that the effect on participants of the attention they paid to the task of being a juror did not change or diminish over time.

7.5.2 **Conclusion**

From the above analyses it is apparent that hypothesis 7.1 has been partially supported by the data. The influence on participants of the attention they paid to all elements of the courtroom environment with the exception of the task of being a juror changed significantly over time. It is noted however that when considered in the context of attention paid to the appearance and behaviour of those associated with the offence, participants’ sense of respect for the criminal justice system increased. Nonetheless apart from these exceptions, the environmental cues resident in the courtroom environment to which participants paid attention had a significantly greater influence on their ability to perform their duty as a juror and elicited a greater sense of
appreciation for the function of the law at the initial phase of their experience than at midpoint of their experience.

7.6 Research Question 8

Does the amount of stress jurors experience diminish over time?

The eighth research question explores the influence of time on state anxiety experienced by participants.

Figure 7.5 shows the segment of the model that is to be explored in this section of the data analysis.

**Figure 7.5.** Section of the model illustrating the analyses associated with Research Question 8.
7.6.1 **Hypothesis 8.1**

*That anxiety experienced by jurors will be greater at the initial phase of their experience than at midpoint of their experience.*

Hypothesis 8.1 is associated with this research question. The analysis for this hypothesis is described in this section of this chapter. To address this hypothesis a paired sample t-test was conducted to evaluate changes over time in State Anxiety experienced by participants. Responses to Form Y-1 of the STAI at initial contact with the courtroom environment and at midpoint of participants’ experience in the setting were used for this analysis.

Assumption testing was performed and the data did not violate any assumptions for t-tests.

There was a significant difference in state anxiety experienced by participants at initial contact with the courtroom and midpoint of their experience \( t(191) = 5.12, p < .001 \). An examination of the means and standard deviations revealed that state anxiety was greater at initial contact with the courtroom environment, \( M = 38.31, SD = 10.59 \) than at midpoint of participants’ experience \( M = 35.30, SD = 9.67 \).

7.6.2 **Conclusion**

This section of the chapter described the analysis associated with hypothesis 8.1 which is supported by the data. State anxiety experienced by participants diminished over time from initial contact with the courtroom environment to the midpoint of their experience.
Summary Of Analyses

In this chapter the effect on participants of the attention they paid to the courtroom environment and the effect of time on the experience of participants in the courtroom environment has been examined. These analyses examined hypotheses 4 to 8 the first four of which were partially supported by the data. Hypothesis 8 was supported by the data. These results have been summarised in terms of attention paid to the elements of the courtroom environment and the juror experience.

Attention paid to the elements of the courtroom environment: generally diminished over time with the exception of attention paid to the appearance and behaviour of the relatives and friends of the victim.

Feeling uncertain as to what they were expected to do as a juror: was both made more prominent for participants and/or moderated by the attention they paid to the elements of the courtroom environment at both stages of their experience. However, feeling uncertain as to what they were expected to do as a juror did not influence state anxiety experienced by participants. Finally, feeling uncertain as to what they were expected to do as a juror diminished over time.

Being distracted from the evidence: was both made more prominent for participants and/or moderated by the attention they paid to the elements of the courtroom environment at both stages of their experience. Being distracted from the evidence was also linked to an elevated state anxiety in participants at both stages of their experience. Finally, being distracted from the evidence diminished over time.

Feeling overwhelmed: was both made more prominent for participants and/or moderated by the attention they paid to the elements of the courtroom environment at both stages of their experience. Participants’ experience of being
overwhelmed also influenced state anxiety at both stages of their experience, but diminished with the effect of time. However, the results associated with participants’ experience of feeling overwhelmed revealed a surprising trend which evolved throughout these analyses. Although not evident in all analyses, it became apparent that feeling overwhelmed was linked to a sense in participants of feeling more certain about what they had to do as a juror and feeling less distracted from the evidence. These findings are contrary to the hypotheses which expected the complex environment of the courtroom to have a more profoundly negative effect on participants. However, these results revealed that for this sample an experience of elevated anxiety facilitated their ability to perform their role as a juror. This is consistent with the Yerkes Dodson Law associated with environmental load theory.

*Having the importance of their role as a juror impressed upon them:* was either made more prominent and/or moderated for participants as a result of the attention they paid to the elements of the courtroom environment at both stages of their experience. Additionally, having the importance of their role as a juror impressed upon them influenced state anxiety experienced by participants at initial contact with the courtroom environment, but not at midpoint of their experience. Finally, having the importance of their role as a juror impressed upon them as a result of the attention participants paid to the elements of the courtroom examined in the survey diminished over time.

*Feeling a sense respect for the criminal justice system:* was made more prominent and/or moderated by the attention participants paid to the elements of the courtroom environment. Additionally, participants’ sense of respect for the criminal justice system increased over time. Finally, feeling a sense of respect for the criminal
justice system was inversely linked to state anxiety experienced by participants at both stages of their experience in the courtroom.

State anxiety: diminished over time.

In this and the previous chapter the analyses of all research questions and hypotheses associated with the data obtained from the survey has been presented. In the next chapter the method and analysis of the data obtained from the interviews with jurors who agreed to further discuss their experience after completing the survey is presented.
CHAPTER 8

STUDY 2 - JUROR INTERVIEWS

8.1 Introduction

Interviews with jurors constituted the second study associated with this research. Initially, in this chapter the method of this study is discussed. This is followed by a description of jurors who were interviewed. The analysis of the interview data is then described in the context of the two research questions associated with this study. Finally, results are summarised.

8.2 Method

8.2.1 Aims And Themes

Although the survey examined a significant proportion of the juror experience in the courtroom and provided a large amount of data, it did not provide any indication of how jurors perceived their experience from a more personal perspective. Consequently, the interviews were designed to elicit information from jurors as to how they engaged with their role as juror in the Queensland criminal justice system and any other issue that was salient to them.

This study examined research questions four and five. These are:

RQ 4 Is there any association between the attention paid by jurors to the environmental cues found in the courtroom, their ability to perform their role as a juror and their sense of appreciation for the function of the law?

RQ 5 Is there any association between the attention paid by jurors to the environmental cues in the courtroom and a state of elevated stress?
The purpose of this study was to determine, from semi-structured interviews with jurors, the influence their experience on a jury had on their ability to perform their role as a juror and whether their experience as a juror caused stress or distress. The particular focus of the interviews was to determine whether there was anything that distracted jurors’ attention from the evidence and how their experience made them feel. However, the interviews also elicited responses about the influence of jurors’ experiences in the courtroom on their perceptions of issues of justice, from a practical as well as a theoretical and functional perspective. Issues such as perceptions of and attributions about the appearance and behaviour of judges and barristers, the running of the court system, perceptions of issues of justice and how participants, as jurors, experienced the presentation of evidence were discussed with interviewees. These factors all influenced the attention jurors paid to the evidence and their experience of anxiety or stress.

8.2.2 Participants

All participants who completed surveys in Brisbane and Cairns were requested to consider participating in the interview process. Potential interviewees were jurors who had completed jury service in both locations and who had agreed to participate in a further interview. Seventy-eight participants agreed to be interviewed. When contact with jurors was attempted, if jurors did not answer the telephone, a message was left where possible. If no return call was received from the juror a further two calls were made. Of the 78 jurors who provided contact details:

- 8 were not available on the telephone number they had provided;
- 21 either did not return the call after messages were left or there was no answer after three calls;
- 1 juror advised that he could no longer participate because he was working;
- 7 were unable to be interviewed until after the limitation period nominated in the Supreme Court Order (i.e., 18th January, 2003).
- 2 were not at the nominated place of interview when arranged;
- 20 advised that they would be happy to be interviewed but when further contact was made to organise a time there was no answer or response to messages;
- 19 jurors were interviewed.

Table 8.1 sets out the personal and court related factors obtained from the survey completed by the 19 jurors who were interviewed.

With respect to personal factors, overall the ratio between male and female jurors who were interviewed was similar, with females comprising just over half of all jurors interviewed. This ratio is similar to that of the overall sample. Jurors who were interviewed were aged between 29 and 66. The mean age was around 49 years (SD 12). This group is slightly older than the overall sample. The majority of jurors who were interviewed had university education. This departs significantly from the overall sample in which 34% of participants were educated to university level. The group of jurors who were interviewed were predominantly not in the workforce. However, a slightly larger proportion of jurors interviewed were in the workforce (42%), compared to the overall sample (38%).

With respect to court related factors, all jurors who were interviewed resided in the Brisbane region. The number of times jurors who were interviewed had been empanelled on a jury was similar to that of the overall sample when considering responses at the time of completing the survey. The length of trials on which jurors were interviewed ranged from one to twenty five days. This is the same range as was the overall sample. However, given the smaller number of jurors interviewed, the overall mean was around five days (SD 6.3) rather than three and a half days (SD 3.6) as was
the overall sample. As with the overall sample, jurors reported a variety of charges with respect to the trial on which they had been empanelled, these were coded into personal and non personal offences. Almost 75% of jurors interviewed were empanelled on trials that were personal in nature. With the exception of one trial on which the outcome involved the jury being discharged there was an even split between guilty and not guilty verdicts when considering the information made available in the survey. Trials on which jurors were empanelled ranged from September, 2001 to February, 2002. This is a less expansive timeframe than dates of trial for the overall sample which ranged from August, 2001 to July, 2002.

Table 8.1. Frequencies, means and standard deviations of personal factors and court related factors provided by jurors who participated in the interview process.

<table>
<thead>
<tr>
<th>Variable</th>
<th>N</th>
<th>%</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>9</td>
<td>47.37</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>10</td>
<td>52.63</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td>49.32</td>
<td>12.12</td>
<td></td>
</tr>
<tr>
<td>Education</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High school to TAFE</td>
<td>9</td>
<td>47.37</td>
<td></td>
<td></td>
</tr>
<tr>
<td>University studies</td>
<td>10</td>
<td>52.66</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Occupation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not in workforce</td>
<td>11</td>
<td>57.90</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employed</td>
<td>8</td>
<td>42.10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brisbane</td>
<td>19</td>
<td>100.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cairns</td>
<td>0</td>
<td>00.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of times previously on a jury</td>
<td>1.53</td>
<td>0.75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Length of trial</td>
<td></td>
<td>5.26</td>
<td>6.31</td>
<td></td>
</tr>
<tr>
<td>Offences</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal</td>
<td>14</td>
<td>73.68</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non Personal</td>
<td>5</td>
<td>26.32</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outcome</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guilty</td>
<td>9</td>
<td>47.37</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not guilty</td>
<td>9</td>
<td>47.37</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jury discharged</td>
<td>1</td>
<td>00.06</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
When jurors were interviewed however, it became apparent that seven had experienced another empanelment subsequent to returning the survey and another juror had been empanelled twice after completing the survey. Consequently, the interviews related to 28 trials on which jurors had been empanelled. With the added experiences reported by jurors at the time of interview, 67.86% reported being empanelled on trials of a personal nature and the remaining 32.14% were empanelled on trials of a non personal nature. The outcomes in additional trials reported by jurors were not addressed in the interview.

Although the demographic and situational factors of the jurors who agreed to participate in the interview process has been set out in Table 8.1, a brief description of jurors has been set out in Table 8.2. This provides a background of jurors who were interviewed.

<table>
<thead>
<tr>
<th>Interviewee</th>
<th>Circumstances</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>J1</strong></td>
<td>A 60 year old female who had attained TAFE or equivalent qualifications. She nominated home duties as her occupation. She had been on one jury prior to the experience about which she completed the survey. The trial on which she was empanelled occurred in January, 2002 and lasted for three days. The charges were personal in nature and the outcome was ‘not guilty’. A further trial on which J1 was empanelled after she completed the survey also related to personal offences.</td>
</tr>
<tr>
<td><strong>J2</strong></td>
<td>A 50 year old male bank manager who had an undergraduate degree. His trial was in January, 2002 and lasted four days. The charges were personal in nature and the outcome was ‘not guilty’. He had never been empanelled on a trial prior to the experience about which he completed the survey.</td>
</tr>
<tr>
<td><strong>J3</strong></td>
<td>A 61 year old retiree who had attained post graduate qualifications. He had been on two juries prior to the jury about which he completed the survey. His trial was in January, 2002, lasted one day and the charges were personal in nature. The outcome was ‘not guilty’.</td>
</tr>
<tr>
<td><strong>J4</strong></td>
<td>A 53 year old female homemaker who had attained TAFE or equivalent qualifications. Her trial occurred in February, 2002 and lasted seven days. This was the only jury on which she had been empanelled. The charges were non personal in nature and the accused was found ‘guilty’.</td>
</tr>
</tbody>
</table>

(table continues)
Table 8.2. (continued)

<table>
<thead>
<tr>
<th>Interviewee</th>
<th>Circumstances</th>
</tr>
</thead>
<tbody>
<tr>
<td>J5</td>
<td>A 40 year old female who nominated home duties as her occupation. She had attained post graduate qualifications. She had been on one trial only which related to personal offences and in which the accused was found 'guilty'. The trial occurred in November, 2001 and lasted two days.</td>
</tr>
<tr>
<td>J6</td>
<td>A 56 year old female retired bank teller who had completed grade 12. Her trial lasted twenty five days, was in August and September, 2001 and this was the only trial on which she had been empanelled. The offence was non personal in nature and the accused was found 'guilty'.</td>
</tr>
<tr>
<td>J7</td>
<td>A 53 year old male who was a retired painter. He did not complete grade 10. The trial on which he was empanelled and which related to the survey he completed was one of two jury experiences he had had. The offence was non personal in nature and the accused was found 'guilty'. The trial occurred in November, 2001 and lasted three days. A further trial on which J7 was empanelled after he completed the survey related to charges of a personal nature.</td>
</tr>
<tr>
<td>J8</td>
<td>A 44 year old female who nominated marketing as her occupation. She had completed an undergraduate degree. The trial on which she was empanelled and about which she completed the survey lasted five days and occurred in August, 2001. The charges were non personal in nature and the accused was found 'not guilty'. J8 had been on a jury once before. A further trial on which J8 was empanelled after she completed the survey related to charges of a non personal nature.</td>
</tr>
<tr>
<td>J9</td>
<td>A 30 year old female bank officer who had completed grade 10. The trial on which she was empanelled lasted two days and occurred in August, 2001. The offences were personal in nature and the accused was found 'not guilty'. She had never been on a jury prior to the experience about which she completed the survey. A further trial on which J9 was empanelled after she completed the survey related to charges of a non personal nature.</td>
</tr>
<tr>
<td>J10</td>
<td>A 40 year old male microbiologist who had an undergraduate degree. His trial was in November, 2001 and related to a personal offence. The trial lasted for two days and the accused was found 'guilty'. He had never been a juror before.</td>
</tr>
<tr>
<td>J11</td>
<td>A 62 year old female retiree who had completed grade 10. She had been on a jury once before the trial on which she was empanelled and about which she completed the survey. Her trial was in September, 2001 and lasted three days. The charges were personal in nature and the accused was found 'guilty'. A further trial on which J11 was empanelled after she completed the survey related to charges of a non personal nature.</td>
</tr>
</tbody>
</table>
Table 8.2. (continued)

<table>
<thead>
<tr>
<th>Interviewee</th>
<th>Circumstances</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>J12</strong></td>
<td>A 62 year old male retired teacher who had completed an undergraduate degree. The trial on which he was empanelled and about which he completed the survey was his third experience as a juror. The trial occurred in November, 2001 and lasted 20 days. The offences were non personal in nature and the accused was found 'guilty'. A further trial on which J12 was empanelled after he completed the survey related to charges of a non personal nature.</td>
</tr>
<tr>
<td><strong>J13</strong></td>
<td>A 64 year old male retired engineer who had completed an undergraduate degree. The trial on which he was empanelled and about which he completed the survey was his third experience on a jury. The trial occurred in September, 2001 and lasted one day. The offences were personal in nature and the accused was found 'not guilty'.</td>
</tr>
<tr>
<td><strong>J14</strong></td>
<td>A 56 year old housewife who had completed grade 10. Her trial was in January, 2002 and lasted three days. The offences were personal in nature and the accused was found 'guilty'. This was J14's only experience as a juror.</td>
</tr>
<tr>
<td><strong>J15</strong></td>
<td>A retired 66 year old male who had attained TAFE or equivalent qualifications. The trial about which he completed the survey was his only experience on a jury. The trial occurred in August, 2001 and lasted 10 days. The offences were personal in nature and the accused was found 'not guilty'.</td>
</tr>
<tr>
<td><strong>J16</strong></td>
<td>A 37 year old female finance manager who had attained an undergraduate degree. The trial about which she completed the survey was her second experience on a jury. The trial related to personal offences and the accused was found 'guilty'. The trial occurred in December, 2001 and lasted three days. A further trial on which J16 was empanelled after she completed the survey also related to charges of a personal nature.</td>
</tr>
<tr>
<td><strong>J17</strong></td>
<td>A 29 year old male technician who had attained TAFE or equivalent qualifications. His trial occurred in November, 2001 and lasted four days. This was the only trial on which J17 had been empanelled at the time of completing the survey. The charges were personal in nature and the accused was found 'not guilty'. A further trial on which J17 was empanelled after he completed the survey related to non personal offences.</td>
</tr>
<tr>
<td><strong>J18</strong></td>
<td>A 28 year old female public servant who was studying at undergraduate level. Her trial was in January, 2002 and lasted one day. The charges were personal in nature and the accused was found 'not guilty'. This was the only trial on which J18 had been empanelled.</td>
</tr>
<tr>
<td><strong>J19</strong></td>
<td>A 46 year old male electrical engineer who had attained an undergraduate degree. The trial on which he was empanelled and about which he completed the survey occurred in January, 2002 and lasted two days. The offences were personal in nature and the accused was found 'not guilty'. This was the only jury experience J19 had.</td>
</tr>
</tbody>
</table>
During negotiations associated with the application for the Supreme Court Order, discussions with court representatives about what could and could not be asked of jurors during the interview process revealed that the court would not sanction any discussions about the deliberation process or any other matter associated with jurors’ reaching their verdict. Consequently, it was agreed that a schedule would be followed during the interview process. See Appendix G in which the schedule that was agreed upon during the negotiation period and later sanctioned by the Supreme Court has been presented. The schedule as shown in Appendix G formed part of the application to the Supreme Court and in a general sense guided the flow of the interviews with jurors.

The interviews were carried out in a semi structured format. As a result of the exceptional experience of being a juror, it was anticipated that jurors would be vocal about the issues that arose for them during jury duty. The semi structured format of the interview allowed jurors to ‘debrief’ and discuss their experience in the first instance and then allowed jurors to discuss any concerns they had as a result of being empanelled on a jury. The focus of questions was related to the survey, but allowed jurors to expand on their experience in the courtroom. However, the Supreme Court had specifically disallowed any discussion about jury deliberations or the process of attaining a verdict in the trial on which jurors were empanelled. Consequently, discussions were channelled towards jurors’ perception of the courtroom, the judge and barristers, the accused and others in the courtroom, the task of being a juror and their perceptions of the criminal justice and jury systems.
8.2.4 Procedure

After completing the survey, participants were asked to consider taking part in an interview about their experience on a jury. Once consent to contact jurors to organise an interview was received, jurors were telephoned so that a mutually convenient time and place for the interview could be arranged. All interviews were carried out in the Brisbane region. Fifteen interviews took place at jurors’ residences, two at the workplace of jurors and for the remaining two jurors who worked in the city, it was agreed that they would attend at rooms in the Queensland Bar Association building for the interview.

After obtaining permission from jurors, all interviews were taped. Once jurors had settled and the dictaphone activated, they were thanked for agreeing to be interviewed and then procedure was followed with respect to the protocol as determined appropriate by the Supreme Court Order of July, 2001 (see Appendix G). Once the interview was concluded jurors were again thanked for their time and the interview was ended. Interview times ranged from between 30 to 60 minutes.

The first interview was conducted on the 4th March, 2002 with the final interview being conducted on the 26th July, 2002. All interviews were transcribed (see Appendix H on the attached CD ROM for a transcript of interviews).

8.3 Rationale For Data Analysis

The coding of the interviews was done manually, rather than using a computer program. Computerised coding has its advantages, including being a useful filing resource for text data (Rice & Ezzy, 1999; Seale, 2000a, 2000b; Silverman, 2001; Taylor & Bogdan, 1998); and allowing a sense of “validity and reliability of the simple counting enabled by most programs” (Seale, 2000b, p. 173). However, computer aided coding
systems inevitably remove the researcher from the data and can impose artificial categories on the data (Rice & Ezzy, 1999; Seale, 2000a, 2000b; Silverman, 2001; Taylor & Bogdan, 1998). Additionally, the intuitive component of qualitative data analysis which is a necessary element of such analyses is negated by computer programs (Rice & Ezzy, 1999; Seale, 2000a, 2000b; Silverman, 2001; Taylor & Bogdan, 1998). Consequently, it was considered appropriate to code the text manually, particularly given the relatively small number of interviews completed.

### 8.4 Analysis Of Interviews With Jurors

The analysis of the interviews has been structured around the two research questions associated with this study. Each of these will be discussed in separate sections.

Although jurors were quite vocal about their experience in the interview and discussed a variety of issues associated with their experience in the courtroom, for the purposes of this analysis the focus has been limited to those elements of the juror experience that related to the two research questions associated with this study.

#### 8.4.1 Research Question 4

*Is there any association between the attention paid by jurors to the environmental cues found in the courtroom, their ability to perform their role as a juror and their sense of appreciation for the function of the law?*

To address this research question juror responses in which attention paid to the evidence and comments about perceptions of the legal system was mentioned were coded. Three broad themes were identified. The three themes and sub themes associated with the analysis of the data relating to the fourth research question are as follows:
• Those aspects of the juror experience which distracted them from the evidence, including:
  o The appearance and behaviour of court officials, including judges, barristers and court staff; and
  o Issues associated with the presentation of the evidence.

• Those aspects of the juror experience which reinforced their focus on the evidence, including:
  o The courtroom environment;
  o The appearance and behaviour of the court officials, particularly judges;
  o The appearance and behaviour of those associated with the offence;
  o Taking notes and asking questions; and
  o The task and responsibility of being a juror.

• Perceptions about the legal system including:
  o Judgements about other jurors; and
  o Perceptions about jury duty.

Each of these themes are examined in this section of this chapter.

It is apparent from the interviews that jurors took their role and task seriously and were mindful to focus on the evidence. Although some elements of their experience reinforced their ability to focus, other elements of their experience distracted them. Nonetheless jurors were aware of the need to focus and although they reported distractions, some of which were significant for them, without exception they reported they brought their attention back to the task at hand once they were aware of the influence the distracting element was having on them. Given their relative naivety in
the courtroom setting the challenge for some, was quite exhausting and onerous. It is commendable that they were able to perform their duty with such commitment and tenacity given some of the difficulties they experienced. Such difficulties are described below. This will be followed by a discussion of the elements of the juror experience, as discussed in the interviews, which reinforced their role and attention to the evidence.

8.4.1.1 Factors that distracted jurors from the evidence

Although jurors reported that they tried to keep their focus on the evidence, there were some aspects of their experience that distracted them from the evidence. Such things as the appearance and behaviour of the judge, the barristers and in some cases other court staff caused jurors to be distracted for a short period of time. Additionally, the way in which the evidence was presented was found to be confusing and distracting. Each of these aspects of the juror experience is described in separate sections in the context of comments made by jurors.

The appearance and behaviour of court officials: Overall the appearance and behaviour of court staff had little impact on juror attention to the evidence. However, in some respects the appearance and behaviour of judges influenced juror attention to the evidence and the appearance and behaviour of the barristers had a significant impact on jurors.

Although comments about the appearance and behaviour of judges were generally positive, three jurors reported being distracted because the judge on the trial on which they had been empanelled appeared to be asleep (J5, J7, J9) and in one case simply was not paying attention (J7). Juror 5 noted being distracted because she was...
“…looking at the judge and seeing, was he actually listening or was he asleep because they sit back, you know, lay back” (p. 44).

Juror 9 was aware that in her second trial the judge was falling asleep and...

“...it did take our attention away a little bit because you’d sit there and watch him nod off and then somebody would cough or something and the neck, it would pop up again ... At that stage I think there were probably times when we were too busy watching him than watching the um witness” (p. 77).

Juror 7, who was also on two trials, was aware that one of his judges was inattentive and the other appeared to be falling asleep. He reported...

“...you know, I mean one time in the second case, um I think the judge really wasn’t listening because you know the prosecutor ... finished with the witness and said ‘That’s all the questions I have’ and sat down and there was this real sort of pause and then the judge sort of went ‘Oh yeah ok’, you know ‘Well uh we’ll adjourn’ or what ever else, ... and I thought to myself gosh you know” (p 63).

Additionally, Juror 7 reported on his first trial the...

“...judge looked like he was asleep but we found from a couple of jurors that could actually sort of see behind where he was that he had a notepad down and was always writing, you know, so when he had his eyes down like that it looked like he was asleep but he was actually on the ball” (p. 63).

The behaviour of barristers had a significant distracting influence on jurors. Several jurors found barristers' behaviour disturbing and many reported being aware of the tactics the barristers used to distract them and witnesses from the evidence.
Comments from jurors about the appearance and behaviour of the barristers with which they had contact were overwhelmingly negative.

The way barristers approached their role in the courtroom influenced Juror 18 who reported he was somewhat distracted by...

“...the way they sat, um the the prosecutor and the defence um, were very comfortable in the courtroom I think. That’s what I remem- recall cause they’d sit back in their chair and you know, they were, I don't know, the most comfortable people in the room I think other than the judge and he seemed okay. ...Otherwise yeah I was listening really intently to the person in the box speaking” (J18, p.153).

The tactics to distract jurors and witnesses from the evidence was also noted by five jurors (J3, J4, J6, J14, J16). However, two indicated that the behaviour of the barristers did not distract them with one reporting she and her fellow jurors “were very wary of people trying to distract us from the evidence” (J16, p.150) and another indicated that she was accustomed to focusing so she was not distracted from the evidence by the barristers’ behaviour (J4). Nonetheless, three reported comments such as the antics of the barristers were or could have been distracting. One was “extremely aware of the bluffing” tactics used by barristers (J3, p. 26). Additionally, when asked whether anything distracted her from the evidence Juror 6 reported “I suppose the antics of the barristers did” (p. 48). She went on to report ...

“...it wasn't a complete distraction but certainly it sort of um well a bit of light relief some of the time really” and,

“Um well you know, they they sort of, they overplay everything and and make it like into a big acting thing and you know they get all exasperated and puff and blow and you know, take their wigs and throw them down and all that sort of stuff” (p. 50).
Juror 14 reported that although the behaviour of the barristers did not take her full attention away from the evidence she...

“...could feel like sometimes when they got up ... it was rather pompous. I thought ‘Why don’t you just come out and say it?’ You know like sort of poncing around and in a way it like annoyed me a little bit the way they went on” (p. 127).

She went on to say:

“I guess it’s the terminology they use all the time and its meant to be like respect for the other party or something but you could read right through it. ... You knew that like when it was over they’d go and probably have a beer together and laugh about it you know. ... Yeah it was a little bit disappointing in that ... it was just my impression that they were there because they were being paid to be there and I had a little inkling that yeah this is just another case and we’re just going through the motions... I just did not feel that they were really focused on what they were doing, they would rather be somewhere else and not doing that trial. It was just something that sort of a couple of times sort of crept in where I had that feeling” (pp. 127-128).

The treatment of witnesses by barristers distracted four jurors (J12, J15, J16, J18). However, all attempted to disregard the behaviour of the barrister and not be swayed by their judgements about the barristers’ behaviour. Juror 12 was most vocal about his attitude about the treatment of witnesses, he reported:

“I know what the job of the defence lawyer is, it’s to try and denigrate any witness in front of the court and they do it extremely well ... So I always tend to think there was a bit of a negative attitude from the jury towards the defence counsel because of the way they try literally to tear people down. I suppose we have to have it in that respect, but I think they unnecessarily go for the jugular through the left armpit, you know what I mean? Very convoluted, and I think very unfairly but that is the process of law. ... I know a lot of (other jurors) had steam coming out of
their ears when we ... entered the jury room, absolute steam. (They said) ‘How dare he say that to them!’ And I said, ‘Well, he’s doing his job, you know.’ But other than that I think um, most juries do their damndest to try and do their best, that’s the feeling I had” (p. 110).

Three jurors were concerned that the defence and prosecution were ‘priming’ their witnesses and clients (J2, J15, J16). One was aware from photographs he surreptitiously viewed that the appearance of the accused on the day of the offence was not as ‘clean shaven’ as he was when he presented in court (J15). Another was aware that the accused had his baby and partner present on the day they were to deliberate and she wondered “is this just a coincidence or is this a ploy?” (J16, p. 144). Additionally, two wondered if the barrister told the accused and witness how to dress and act (J2, J16).

Overall, four jurors (J5, J6, J7, J12), viewed the behaviour of barristers as being “actors in a play and they play their roles very well in deed” (J12, p.109) and such behaviour does influence jurors...

“...especially if you were doing it day after day, you’d be irritated by it. You could easily think, ‘Oh he’s out to get him’, his attitude, that sort of thing (but) I don’t know whether it would sway you or you know, to find adversely” (J5, p. 46).

One last comment represents the way three participants felt about the impact of barrister behaviour on their perceived role as a juror in that it made them feel that their task was unimportant in some regards. Juror 6 reported:

“I suppose that it did cross my mind that like the way they present things, and that’s their job, um they can present things in such a way that they’re not actually being dishonest but they’re they’re um kind of with a sort of an innuendo type of effect” (p. 55).

She went on to say:
“Yeah and they’re particularly clever at doing it obviously or like nobody would represent criminals would they? ...But yeah I don’t know whether, I could be wrong in saying, but I think that they may pick up cases where they’re representing somebody who they think is a criminal you know, um and so they’re going to try and turn it around to present it to the jury in a different sort of a way. Oh I suppose that’s their job. I don’t know it just seems to me not something that I would like to do myself, from a moral standpoint” (J6, p.55).

It appears from these comments that jurors are aware of the way in which the defence and prosecution run their cases and that they were not terribly impressed with the way witnesses were treated and evidence presented. Comments by jurors that specifically focused on their concerns about the presentation of the evidence are elaborated further below.

Jurors who discussed the behaviour of barristers during the interview appeared to have paid significant attention to their appearance and behaviour. They made attributions about the personality of the lawyer on the basis of their conduct in the courtroom. This is evidenced by two jurors who were on the same trial reporting one barrister was nicknamed ‘razorblade’ as a result of his behaviour and somewhat unfortunate appearance (J6, J12). Jurors have acknowledged that their attention to the evidence was distracted in some sense by the way barristers appear and behave in the courtroom.

The balance of court staff were significantly less distracting than was the appearance and behaviour of barristers in the courtroom.

Bailiffs distracted one juror only. Juror 6 found one bailiff who had a cold and whose coughing somewhat distracting.

Generally, the role of stenographer was considered impressive and three specifically noted how intrigued they were at the skill of the stenographers (J7, J11, J17).
All who commented on stenographers indicated that although they were aware of the movement with the stenographers coming in and out of court at regular intervals, the movement was not particularly disruptive to them. However, one noted...

“...that was quite intriguing how they could put, you know, words in just with one button you know, and one would come in and they’d swap over and then one would go out, I was tempted to watch that a bit” (J17, p. 149).

One juror was particularly intrigued by the power the stenographers carry in the courtroom and noted...

“...everybody else sort of bowed and scraped to the judge and all of a sudden a stenographer would just stop everything, you know, sort of mid sentence, and say ‘Look I didn’t hear that’, you know, ‘What do you mean? What’s that word? I’ve never heard it before.’ ... The judge would sort of say ‘oh oh ah um’, you know ‘can you’, you know ‘explain that in a different way?’ and it was like the stenographer was telling the judge what to do” (J7, p. 62).

Finally, the balance of court staff to which jurors paid attention generally elicited positive comments. However, juror 12 was amused, yet somewhat concerned that the security guard went to sleep. He reported...

“...and they did it with monotonous regularity. ... I said to somebody, I said, ‘Isn’t it silly when you think about it?’ I said, ‘they’re armed., it’s in a holster, it’s probably a regulation 38 standard issue.’ I said, ‘but the way some of those guys are sleeping, the prisoner could literally lean over, take it out and cause mayhem.’ And I said, ‘to me, a guy with a weapon doesn’t sleep unless there’s another guy with a weapon awake beside him.’ ... Well that gave me a bit of concern, a little bit of concern because I thought ‘well this is a court of justice, ... and he’s gone to sleep’. I did think that was strange, maybe because of my army experience, I don’t know, but I just thought it was wrong to go to sleep with a weapon with a prisoner right next to you.
Nobody else may have noticed that but I did and it concerned me a bit ... when perhaps I should have been listening to evidence” (p. 110).

Five jurors noticed the judge's associate and were aware of how busy they were (J5, J9, J11, J13, J19). Although their attention was drawn to the movement of the judge's associate none found the behaviour or appearance of the judge's associate to be particularly distracting.

Finally, ten jurors reported being distracted from the evidence by events in the courtroom and other people entering and leaving the courtroom (J1, J2, J5, J6, J7, J8, J11, J12, J14, J17). One reported the defence lawyer's wig not fitting properly annoyed her to the point of distraction (J1), and three reported being distracted by school children entering and exiting the courtroom (J11, J12, J14). The media in the gallery (J8, J17) and other members of the public in the courtroom (J2, J5) also took jurors’ attention away from the evidence.

Overall from the above comments about the appearance and behaviour of court officials, it is apparent that barristers were not considered in the most positive light. Their behaviour was seen as disruptive and distracting and in such a context, jurors were aware of the need to maintain focus. Additionally, although the appearance and behaviour of judges and other court staff generally elicited positive comments, in some cases jurors were disappointed to find their judge inattentive and/or appearing to fall asleep. Beyond these, apart from the odd incident which appeared to be anomalous rather than generally accepted behaviour, in terms of the appearance and behaviour of court officials, there was little that jurors indicated that distracted them from the evidence.
Issues associated with the presentation of the evidence: Although jurors were aware of the importance of focusing on the evidence, they experienced some difficulties with the presentation of the evidence. It appears from their comments that jurors did not expect to encounter such difficulties. Boredom was a significant factor for jurors and some reported they sought out distractions to stave off the boredom they were experiencing. Gaps in the evidence was a significant concern for jurors and some found it difficult to determine the guilt or otherwise of the accused as a result of questions not being asked or expected witnesses not giving evidence. Some had difficulties with the complexity and content of the evidence that was presented during the trial. Finally, some had concerns about making sense of the evidence in the context of having to make a decision. Overall, it appears that the jurors who were interviewed were aware of the need to focus on the evidence and although they had some difficulties they were aware of the parameters from which they were expected to work and took their responsibility seriously.

Three jurors reported that they were bored with the repetition in the evidence (J6, J9, J10). Two reported that the barristers’ and judge’s ‘going over’ the evidence both during evidence in chief and cross examination and again in the summing up was tedious and boring (J6, J9). One indicated that...

“...it was interesting to listen to people tell their story, provided they only did it once or twice and when they started doing it three, four, five times it really got boring” (J10, p. 84).

Juror 6, who was on a case in which the defendant changed lawyers after having heard two weeks of evidence reported the new lawyers after having heard...
biased so when you are sitting there for a few hours its hard to sort of just keep really interested if they've already done it” (J6, p. 50).

Additionally, four jurors were annoyed at being “shuffled” or “whipped” out because a point of law was being argued by the lawyers (J6, J7, J10, J11). One reported she thought “they would have sorted out a couple of things beforehand” (J6, p. 54), another presumed that “well I suppose we had to go because they may have confused us” (J10, p. 86). All indicated that these disruptions in the trial were both boring and distracting. Nonetheless, two jurors reported distractions were sought with one indicating:

“When there was nothing happening you sort of would look around the room and hope that somebody would come in to entertain you” (J7, p. 62).

and the other reported:

“There are certain things that happen in the courtroom that do take your mind away, and in a way it's probably not a bad thing sometimes because you go back and you listen twice as much and those few seconds you're not listening, you know, you get your brain cells back into it” (J12, p. 110).

Finally, one juror indicated she...

“...can see how people, especially in a long trial, get very easily distracted cause ..., people just aren't used to sitting and looking and listening to things anymore, I don't think” (J5, p. 45).

It is apparent from the above that the process of a trial inherently involves distractions from the evidence. Mostly, such distractions were noticed and the juror turned their attention again to the evidence. However, in some cases distractions were sought to relieve the boredom experienced by some jurors. Boredom in itself might be considered a distraction from the evidence.
Apart from boredom, gaps in the evidence caused significant difficulties for ten jurors (J2, J3, J4, J5, J7, J9, J11, 12, J14, J19). Four jurors (J3, J7, J9, J14) indicated frustration and concern about not being able to ask questions so that their understanding of the evidence could be augmented such that they could make a decision on the whole story rather than with “the jigsaw pieces (that) won’t fit” (J2, p. 14).

Two wondered why the defendant did not give evidence (J5, J11) and one reported she...

“...would have liked to have heard that person’s story because that person was there but they weren’t calling that person as a witness for some reason. So you just felt like you were getting only one side of the story and there was enough there to suggest that they mightn’t be quite telling the way it was or they might be putting a bit of a bent on it that gives a different impression. But there might have been a reason why they didn’t call the others ... I mean they just... the people were mentioned throughout the evidence ... and they should be called, I just felt yeah, that I wasn’t getting as much as I probably would have liked to make the decision” (J14, p. 129).

As a result of a perceived lack of evidence two reported feeling the need to ‘fill the gaps in the evidence’ (J3, J4) and that some of the decisions made by jurors are influenced by gaps in the evidence (J3). On the other hand, one indicated that:

“What evidence was brought forward in both cases, there were holes in it, so unfortunately you have to go for the not guilty if there’s a hole” (J9, p. 72).

Another was vigilant about making his decision on the evidence and not on the gaps in the evidence (J2). He reported:

“Yeah yeah that was my thinking you know, I have really got to listen to what’s said here because um if I don’t listen I’m going to be making up my mind based on evidence or based on gaps in the evidence ... and um it could just be those small things that that really make the
difference. I think my idea was, you know, I've got to really try as this is going through, try and build the overall picture. So if I miss a little bit maybe the jigsaw won't fit and I know in court cases the jigsaw doesn't necessarily fit anyway .... It was made quite clear to us that unless, you know, it was beyond reasonable doubt or whatever it was that he had done it, well then, we must find him not guilty which makes it hard for prosecution I think” (J2, p. 14).

It was noted by five jurors that the charge impacted on their perception of their role (J3, J5, J6, J9, J10). One reported “if some people saw it as being unwarranted and not important enough they could turn off of it and just start not concentrating” (J3, p.20). Juror 6 reported it could be more difficult to just weigh up the facts if there was a victim, and Juror 10 reported “the case predicts what you're going to do, how you're going to feel” (p.83).

However, Juror 9 reported that she “didn't think the different charges made any difference as far as the experience, it was basically what evidence was brought forward” (J9, p.72), and Juror 6 reported “the charge shouldn't actually make the job more difficult because you're just trying to weigh up all the facts” (J6, p.56). Additionally, one juror was concerned that the investigation of the matter before him was not as thorough as he would have done himself and that “the gaps in the evidence might have made the verdict different” (J7, p. 60). Finally, one juror indicated:

“Well that’s part of being on a jury isn't it? Weighing everything up and saying, ‘well hang on, what is that piece of the jigsaw?’” (J12, p. 112).

Three jurors reported difficulties with the complexity and content of the evidence (J3, J4, J7), with one indicating that:
“Some of these trials can be complicated, particularly if finance is involved, and there’s a lot of explanation to do and a lot of technical things to understand... And I think they, they possibly could get lost” (J2, p. 23).

Another reported she and her fellow jurors “just had masses and masses of paperwork, which I thought was bad” (J4, p. 33). Another juror reported the technical evidence was boring and sometimes not something in which she and her fellow jurors were interested. She reported there was a lot of evidence that seemed irrelevant and there was no continuity to the evidence (J7).

In the context of difficulties with the presentation of the evidence juror 11 was particularly interested in how questions were asked and phrased and indicated:

“It’s interesting watching people being asked questions and the way the question is phrased and then the way the answer comes back, and then you know, when you know somebody is lying, it’s just interesting, at least I thought it was” (J11, p. 103).

She went on to indicate she was aware that barristers...

“...don’t follow sequence, which you think, ‘well if I’m going to ask all about what she did or such and such, you’d ask a series of questions’ But they don’t, they leap back and then they come back and say, ‘well on the 17th,’ and you think, ‘hey what were they talking about? ‘” (J11, p. 105).

From the above comments, it is apparent that gaps in the evidence and difficulties understanding the evidence was a significant issue for most who were interviewed. Jurors were aware that the presentation of the evidence did not necessarily follow an intuitive sequence or provide a full picture and all of the ‘pieces of the jigsaw’ were not always provided. Consequently, they were required to expend significant amounts of attention and energy to focus on what was presented in court,
but were aware that they should not fill the gaps with their own experience and/or assumptions.

Overall the presentation of the evidence caused significant difficulties for the jurors who were interviewed. Boredom, distractions, gaps in the evidence and difficulties with the sequence and presentation of the evidence by the barristers all caused concern for jurors. Nonetheless, they reported that they attempted to decipher the evidence presented and ultimately make a decision as to the guilt or otherwise of the accused, notwithstanding having to fit the pieces of the ‘jigsaw puzzle’ that was not necessarily complete.

**Summary:** Several elements of the juror experience in the courtroom caused distractions for them. The distractions experienced by jurors limited the focus they were able to have on the evidence and negatively influenced their ability to perform their role as a juror. Such factors included the appearance and behaviour of the legal representatives, particularly barristers, but also in some respects judges and the presentation of the evidence.

### 8.4.1.2 Factors that reinforced jurors’ focus on the evidence

Jurors were acutely aware that their primary responsibility was to focus on the evidence and then to make a decision as to the guilt or otherwise of the accused. All jurors who were interviewed took advantage of whatever mechanisms were available to them such that they were able to facilitate and maintain focus on the evidence. Interestingly the courtroom environment was considered by some to reinforce their role as a juror and their focus on the evidence. Also nominated as reinforcing factors were the positive aspects of the judges’ behaviour, the appearance and behaviour of the accused, the ability to take notes during the trial and ask questions during the
deliberation process and embracing the sense of empowerment which their perception of the task of being a juror bestowed upon them.

Each of these aspects of the juror experience is described in separate sections in the context of comments made by jurors.

**The courtroom environment:** Although jurors were generally critical of the courtroom environment, in terms of functionality and décor it appears that the courtroom environment had a significant reinforcing effect on jurors. Rather than distracting them from the evidence, for a significant period of time, the attention they paid to the environment reinforced their perception of their task and role as a juror. Generally, although the environment was considered imposing and formal in nature, participants considered that any other environment would have been inappropriate for their role as a juror.

Eight jurors indicated they found the courtroom official, daunting, formal and/or overwhelming (J2, J3, J8, J10, J12, J15, J16, J19) yet none reported that such attributions about the courtroom took their focus off the evidence or their task of being a juror. Additionally, seven jurors reported that the environment did not intimidate them or have any significant impact on them (J3, J5, J7, J12, J15, J16, J18) and three indicated that the environment made them feel comfortable (J4, J15, J19). Two jurors reported experiencing a sense of importance from the environment (J10, J12). Juror 10 considered the environment to be “conforming” (p.81). However, Juror 12 reported:

“Now obviously it’s a courtroom, they’re not meant to (be friendly), but I think it affects the jury just as much as it affects the prisoner at the bar and everybody else and I just felt they could have livened up the atmosphere a little bit.” (p.107).

He also noted that the symbolism in the courtroom...
“...puts a sense of occasion, it puts a sense of justice; it puts a sense of regularity and uniformity into a situation... I have no problem with that at all... I think it did affect some of the others a little bit until we got used to it I think. I like it, it puts a formality into it, which is needed...” (J12, p. 108).

Additionally, Juror 8 reported the courtroom environment “fitted what you were there for” (p.68). Juror 7 noticed the “quietness... and the feeling of authority” (p.57), and Juror 19 noted the “silence... and serenity” (p. 157) and that “there were no real distractions outside the room or anything like disturbing noises or anything like that, it was all appropriate” (p.157).

Two reported being aware of the formal nature of the environment, (J1, J3) with one reporting she was “happy with the formality and the symbolism in the courtroom” (J1, p.3) and the other reporting:

“I just got what I expected, which was um, a somewhat formal situation where people could at least be intimidated and frightened and I can understand that, but people of the world would probably just take that in their stride” (J3, p.17).

Three other jurors reported that the courtroom was as they expected (J2, J3, J8) with one reporting he...

“...expected everything to be very structured and very regimented and that there would be certain things that would be in particular order and that you would be expected to behave in a particular way” (J2, p.8).

Another juror who had been in the courtroom previously reported there “were no surprises” (J13, p.119), yet for someone who had never been in a courtroom, Juror 7 reported he was “interested to see how it was laid out, um, but I didn’t find it imposing or anything like that” (p. 57). One juror indicated that the courtroom was “an appropriate setting for a court case” (J19, p.157) and another reported:
“I tend to react in a new environment and I know that given, you know, ten minutes or whatever it might be that starts to dissipate and you get on with whatever you’re there to do” (J2, p.15).

Of the fourteen jurors who spoke about the impact the courtroom environment had on them, nine indicated that it made them aware of their role as a juror and reinforced what they were expected to do (J4, J7, J8, J9, J10, J12, J14, J15, J16). In this respect, such comments as the following were representative of attitudes reported by jurors:

“I think um (it) reinforced that it was um, it’s like the end of the line um, it’s serious. For instance I wouldn’t have liked to have walked in there and hearing soft music playing and beautiful pictures on the wall. I don’t think that’s the environment. I certainly didn’t have any problems with it. I think the environment portrayed what it actually was” (J8, p.67).

She went on to say the courtroom was...

“...very austere, it was unwelcoming, um it certainly had that air of authority about it. I guess that’s what the whole aim of it is” (J8, p.67).

Additionally, juror 10 reported:

“It makes you sort of sit up and realise that you’ve got something important to do, which I think you need to know. It’s come across there” (p.81).

Finally, Juror 9 indicated:

“There were no windows... It was all wood. They’re like the old. I had never been into a courtroom so it was more the real old feel as though that it was, um not that it was something that was ancient or prehistoric or something like that, but it gave just a feeling of importance” (p.73).

Overall, the above comments indicate that jurors did pay attention to the environment in which they found themselves whilst being empanelled on a jury.
However, the court environment achieved the purpose of reinforcing on them the task of being a juror. Additionally, all jurors who commented on the environment considered that a less formal environment would have been inappropriate for the purpose of a court matter and would have detracted from the importance of the proceedings in which they were involved.

*The appearance and behaviour of court officials:* Although three jurors reported being distracted when the judge on the trial on which they were empanelled appeared to be asleep or not paying attention to the proceedings, generally comments about judges were positive. Judges about whom jurors commented generally made a positive impression on jurors when considering the clear and concise directions they gave jurors with respect to how they were expected to engage in the process of being a juror, consider the evidence and make their decisions (J3, J5, J6, J8, J9, J10, J11, J12, J13). The following comments all evidence such attitudes by jurors:

“The judges were very courteous and seemed to be going out of the way to ease the jury into the situation, I thought they did a good job” (J3, p. 18),

“The judge made you aware that, that it is important that you listen to the evidence... If you were in there with the right attitude I think it was just a natural progression that you would listen, and you would absorb and you would try to be fair at the end” (J10, p.83) and

“The judge reinforced many times that we were not to allow personal thoughts and beliefs to come into um dealing with making a decision on the facts and I think in that particular case the judge did an excellent job in reinforcing that” (J8, p.69).

Overall, it is apparent that the appearance and behaviour of judges was considered to be appropriate and helpful for most jurors with respect to being able to focus on and sort through the evidence presented in the trial. This was considered beneficial by jurors with respect to their ability to perform their role as a juror.
There was one positive comment only with respect to the influence the barrister had on encouraging focus on the evidence. Juror 10 reported:

“Sometimes it was better to listen to the barrister’s voice. The inflections in their voice, to try and keep yourself awake. ... One was very very good with his voice modulation, the other one was ‘wuhh,’ like that and he was like, ‘cahh’. But um, yeah he was really good. ... You knew yourself it was going to be interesting because he’d raise his voice” (p.84).

Beyond this comment, as previously reported, barristers were not seen in a terribly positive light with respect to engendering a focus on the evidence.

*The appearance and behaviour of those associated with the offence:*

The appearance and behaviour of the accused engendered a sense of responsibility to focus on the evidence in jurors. All jurors interviewed were aware of their role in determining the guilt or otherwise of the accused. Some watched the accused to get clues as to whether their evolving decision was correct. Yet others refused to look at the accused so that they did not make assumptions based on preconceived stereotypes.

So that they were not making assumptions about the accused prior to hearing the evidence, three jurors tried not to look at the accused (J2, J5, J18). Juror 5 indicated that she tried not to...

…”pay a lot of attention to um, to the accused at all, standing up there because there’s something about not wanting to make eye contact because you want to be impartial ... I don’t want to form an idea of what someone looks like or how they’re dressed or whatever. Um, so I tried to avoid looking at him” (p. 39).

Another “wasn’t really interested in what the accused was doing” (J16, p. 141). On the other hand two jurors paid a great deal of attention to the accused (J2, J11). One reported:

“You occasionally look around to see what his reaction to certain things would be and I think I tended to do that if there was something that I thought ‘crikey you know if that was me I would
be a bit shocked that somebody’s come out and made such a definite statement about
something’. You know, what’s your reaction? So you know, you constantly, not constantly, but
quite regularly look back and forth to him” (J2, p. 10).

Another who was watching the accused intently reported:

“When the girl was giving evidence I was watching his reaction and I mean I could see it very
closely, and I studied him particularly because, you know, I wanted to make sure I was right
with my verdict” (J11, p. 95).

With respect to the response by the accused after hearing the verdict two jurors
reported they watched the behaviour of the accused (J2, J11). Both indicated that doing
so helped them to determine that they had made the right decision. One reported:

“You know I watched him very closely when this, the verdict was given, I thought, “I’m going to
watch you, see what you're reaction is,” it was the first time anything showed on his face” (J11,
p. 95).

The other reported:

“I, to some extent felt that when we walked out I would have had this nagging doubt in my mind,
‘Did we make the right decision?’, ‘Was it, the correct decision to make?’ and I think it was and I
know despite my having, maybe he deserved an Oscar but the way he just, you know, there is this
grown man that’s not normally seen in our society, ah he just burst into tears and ah, just
standing there sobbing and because he’d either got away with what he did or the right decision
had been been made. I guess we’ll never know, but I mean we made the decision, his behaviour
tended to fit in with what you’d expect a very relieved person to do if they were going to become
emotional” (J2, pp. 15-16).

Finally, one juror reported a significant need to take care of the accused (J5) and
another reported she was concerned she had somebody’s reputation in her hands (J9).
It was apparent from juror responses that the appearance and behaviour of the accused was both explicitly and implicitly important to them. Whilst some did not wish to engage with the accused at any level such that their decision was not swayed by inbuilt prejudices, others watched them keenly in an attempt to ascertain the direction of their decision. Interestingly, two watched the accused intently when the verdict was delivered, predominantly to determine whether their decision was correct. The influence of the demands associated with finding the guilt or otherwise of an accused on attention paid to the evidence was evident in responses made by jurors about this aspect of their experience.

_Taking notes and asking questions:_ The fact that jurors were not able to ask questions during the trial was distracting for most but particularly those who were concerned about the gaps in the evidence. However, although jurors were not allowed to ask questions during the trial, they were allowed access to transcripts of the proceedings and ask questions of the judge during their deliberations. Additionally, jurors were allowed to take notes during the trial and all who took advantage of this concession by the courts reported the benefits of doing so.

The concept of focusing on the evidence was salient to most jurors and taking notes assisted several jurors in this respect. One juror reported:

“Yeah I knew that we had to come to that decision and that uh, we had to use all the evidence to actually come to that decision and that we couldn’t take any, make any assumptions throughout. So I think that it was mainly the first court case I was actually taking notes and different things that I was writing down. I think I may have actually done it for both, I knew that we did have to come to that conclusion um yeah, so I was prepared for it” (J9, pp. 74-75).
Another indicated “I tried very hard to do what I was supposed to do and that is listen very carefully and write myself notes” (J11, p. 97). One reported that she “found if I wrote in the book often that helped stave off boredom” (J10, p. 85). Another reported...

...“you see I chose to take notes because I used to be a secretary, so I’ll be more comfortable. I thought I’d just sort of make notes and I was really glad I did, it made a big difference that I actually had notes later on but there were only, I think there were only three of us took notes the others just sat back” (J4, p. 29).

Finally, three other jurors were happy that they could ask questions of the judge and/or have copies of the transcripts if there was any disagreement between jurors when considering the evidence (J4, J9, J11).

The techniques of taking notes, asking questions of the judge and checking transcripts assisted jurors pay attention to the evidence and later in their deliberations. Taking notes in particular, was beneficial with respect to helping jurors focus on the evidence being presented and making sense of the evidence once in the jury room. That some had taken notes enabled juries to resolve disputes in the jury room as was the ability to ask for transcripts or have questions answered by the judge during their deliberations.

The task of being a juror: Overall the task of being a juror and associated responsibilities were salient to all jurors who were interviewed. All jurors took their role very seriously and in most cases the task over-rode any other concerns they had. For some jurors the task made them focus more intently on the evidence, yet for a few it had little impact with respect to their ability to focus on the evidence. However, all who commented on the task of being a juror were aware of the seriousness of their role which impacted on them significantly.
All jurors who commented about the task of being a juror spoke about the influence the task and responsibility of being a juror had on them. One reported “I felt impressed and I felt honoured to be doing what I was doing” (J1, p. 1) and that feeling remained with her throughout her experience as a juror. Yet another reported she enjoyed the responsibility of the task of being a juror (J4), and another reported the thing she noticed most was the responsibility of being a juror (J5). One reported “the task of being a juror hits home when you get into the courtroom” (J15, p. 134).

Ten reported that the task of being a juror was a significant factor for them and that it made them focus more intently on the evidence and/or took away their focus on the environment or other distractions (J3, J5, J6, J7, J8, J9, J10, J12, J14, J15). One indicated that she “could focus on the task of being a juror because there wasn’t much else in the room to look at” (J18, p. 153). Yet five indicated that the task did not stress them or make them focus on the evidence any more than they would have ordinarily (J1, J6, J8, J13, J18). Additionally, Juror 18 felt uncomfortable with having the responsibility of being a juror placed on her and Juror 11 indicated that the task negatively “effected me a lot especially in the first trial” (p. 97).

In the context of having their role as a juror impressed upon them, Juror 19 reported that:

“Before the trial I was, you know, a little bit concerned about um, that responsibility of um deciding whether someone was guilty or not guilty” (p. 160).

Juror 3 indicated that he had...

“...to treat it seriously because of the person who was in the dock and of course, the um, the victim, that they both had to get their story across and be judged fairly” (p. 20).

Juror 5 reported:
“You know, it has far reaching consequences if you’re found guilty of a particular crime or not guilty for various other things, so you have to take it seriously and so I, you know, thought I need to do it justice” (p. 40).

Additionally, Juror 7 indicated “you realise you’re there to do a pretty important job” (p. 60) and Juror 12 reported that he “thought the jury were made well aware why they were there” (p. 120).

Two jurors made comments which reflect the balance of comments jurors made about the influence on them of the task of being a juror. Juror 7 said the task...

“...changed. At the beginning you wondered if you were doing the right thing, you know whether you should be taking as many notes as, as what was there, ah how you were going to remember it all, um you know, um sort of, how you start to categorise things. Whereas towards the end it was more, you had the evidence and you know how you were going to sift through it and sort of figure it all out” (p. 61).

Whereas Juror 14 indicated:

“I mean you are walking in there and you’re really deciding somebody’s fate, um and that’s something that’s quite serious and you should take it seriously because what ever you decide effects that whole persons, persons rest of his life. No matter what they’ve done, it is still something that you shouldn’t take lightly” (p. 127).

However, she went on to say:

“Yeah but I mean it wasn’t such that the, you know it made me want to fall apart or crack up or get so stressed out about it but it was just a feeling that, yeah this is quite serious you know. Whether it’s a minor or major charge, you should take this very seriously and really think about it and don’t be frivolous with your answers and really consider what’s there um, yeah before you make a decision” (p. 127).
From these comments it is apparent that the task of being a juror was taken seriously by all who were interviewed. Jurors’ perception of their task focused their attention on their role in the proceedings and reinforced their focus on the evidence.

**Summary:** Several elements of the juror experience in the courtroom reinforced their focus on the evidence. Those elements of the juror experience that reinforced their role as a juror included attention paid to the courtroom environment, the appearance and behaviour of court officials, particularly judges, the appearance and behaviour of those associated with the offence, particularly the accused, taking notes and the task of being a juror.

### 8.4.1.3 Perceptions of the legal system

Two themes arose when considering jurors’ perceptions of the legal system. The first related to their perceptions of other jurors and the second related to perceptions about jury duty, rather than the task of being a juror which has been addressed above. Each of these themes have been discussed in separate sections below.

**Perceptions of other jurors:** Nine jurors commented about the behaviour or demeanour of other jurors (J3, J5, J6, J8, J9, J12, 13, J16, J18) with two indicating the age and gender of other jurors caused some problems for them. One reported:

“It was pretty noticeable that the older ones of us thought a little bit differently from the younger people in the jury and the younger people in the jury were more, well were absolutely going to believe the young person who was the main, ah witness you know. I don’t know that they really weighed it up as well as they ought to have done” (J6, p. 53).

The other, who did not want to appear chauvinistic reported:
“Then you get people who, what can I say, are bored and retired or out of work and bored, anything, it’s a diversion for them. Then you get what I would class as ladies who want to get out of the house. That sounds a little bit chauvinistic and it’s not meant to be and I can understand why they do it, you know, especially makes a change from cooking three meals a day and that sort of thing. Some others are very good but some of them I think, I don’t think they even want to concentrate while they’re in there. They’re just so glad to be away from the household things that they, they’re probably thinking, ‘Well you know, somebody didn’t press his shirt properly this morning’, and uh, you know, that judge’s wig is not sitting really nicely for his head, you know. You could almost see them, um, and every witness that came in they were looking at the cut of his cloth. Perhaps I am demeaning them too much, but I did get the feeling that we had a couple who really weren’t in it other than it was a nice diversion from the other side of their life. But we had a fascinating jury” (J12, pp. 115-116).

One juror reported her perceptions of other jurors...

“...was a dilemma for me because you know I just approached it from the idea that the person was innocent until proven guilty but a lot of the other people didn’t..... I mean that bothered me right from the start because somebody, one person made up their mind the first day.... just you know, on racial grounds” (J6, p. 53).

She went on to say:

“You’re going to wind up with people who have all sorts of inbuilt prejudices and, and things, and are really not perhaps diligent enough about the innocent until proven guilty thing. By and large I suppose you just get a good random mix of people and hopefully you’re going to wind up with the right thing” (J6, p. 56).
Juror 9 indicated that she was concerned about some jurors being negative and

Juror 12 indicated:

“It’s difficult to choose people who are prepared to be unbiased and are prepared to concentrate and listen. I found the women were very good, they would nit pick every little thing and find, you know, which was good. Men, because of their nature, I think tend to see the overview and the women tend to go into the minutiae of it and between the two they did pretty well. Um, but I can’t see a better system quite frankly” (p. 117).

Juror 8 reported being...

“...generally disappointed in the way a lot of the jury people were. Three of them had the flu because it was so cold in the jury room and um, they wanted to get out and we just weren’t going anywhere. Yeah so that was disappointing” (p. 67).

To address concerns about other jurors, Juror 17 reported:

“I think they could put a background into the jurors. Cause a couple of them in our jury room or in our jury, like the guy admitted or one of the guys said that his daughter had been raped and so I thought ‘Well you shouldn’t be in here because you can’t make a fair objective decision about it cause he had just gone at it you know, you’re guilty so that was a bit of a drama” (p. 151).

She went on to say:

“I may have been listening that keenly but not everybody does you know, and you know, other people weren’t as interested in being there as what I had been. I was curious actually, because I would have thought ‘If you didn’t want to do it you would have done everything in your power to have not been in that courtroom’ cause you can get a letter from an employer which is quite easy” (J17, p. 162).
On the other hand she reported “I was generally pleased with the panel and how well most of the other panel members were quite sensible I thought” (p. 146).

Two jurors realised from their experience that truth and justice are not necessarily the same and that the outcome can be influenced by juror attributes. One reported:

“It can depend very much ... on the quality of the jury too. How much they can understand or can’t, ... if they’re going to feel sorry for you and say, “Oh look he’s a nice bloke he couldn’t have done it.”” (J3, p. 26).

He went on to report that professional jurors or a judge alone might be a better alternative to having juries. However, another indicated that “juries are a good thing in most cases” (J5, p. 40) and another considered the “electoral roll... gives a nice broader face” to the jury (J10, p. 87). Yet another indicated that he thought the variety of people on juries was good because “you get different viewpoints from different people” (J15, p. 137).

The most poignant of comments came from three jurors who were concerned about the quality of jurors should they or their family and friends find themselves in the dock (J3, J5, J8). All were concerned about whether the jury were paying attention and whether they or their family and friends “would get a fair go” (J3, p. 25).

**Perceptions about jury duty:** All nineteen jurors interviewed made comments about their perceptions of jury duty. Although this could be considered a similar theme to the task of being a juror, interviewees made comments about their perceptions of jury duty which had little to do with the actual responsibility of being a juror.

Seven jurors made general observations about jury duty (J1, J2, J3, J4, J5, J7, J16). Representative comments made by these jurors about jury duty are as follows:
One indicated that the experience on a jury “was new and mysterious the first time” (J1, p. 5), another “was impressed with the fairness” (J7, p. 57) and another indicated his experience was positive and went on to say:

“I mean the courts are there to dispense justice and that’s an extremely important notion and it’s the cornerstone for our whole civilised society” (J3, p. 18).

Additionally, jury duty had a significant impact on two jurors with one indicating she could still recall the details of the trial on which she was empanelled several months after the trial had finished (J4) and the other indicating:

“I suppose I understand a bit better how when in the papers you only see a small bit. And you think, “how can they reach a verdict on something that happened thirty years ago?” But then they don’t always publish everything in the papers” (J16, pp. 146-147).

Five jurors made negative comments about jury duty (J2, J3, J4, J8, J13), with two indicating they didn’t enjoy being on a jury (J2, J4), one went on to say:

“It is a little bit harrowing in the sense that you could argue that you’ve got somebody’s future in your hands, whether they do or don’t get penned up” (J2, p. 12).

Additionally, one reported he “felt powerless” (J3, p. 20) and went on to say: “...one thing they can do of course is to bring in a majority decision, that would help a little bit.” (J3, p. 24). One still remembers feeling anxious about being on a jury notwithstanding the length of time that had elapsed between when on a jury and when being interviewed (J4).

Another, with an implied sense of acceptance of the inevitable, reported:

“Oh, its one of those social necessities. It’s something that ah, oh a bit of a burden but ah, you know we have to um have it just um, as part of the justice system” (J13, p. 122).

There were more positive comments from jurors than negative with nine indicating that jury duty was a relatively positive experience for them (J1, J2, J7, J9, J10,
J12, J14, J15, J18). Two reported they wanted or were looking forward to the experience (J10, J14) and it was a good or rewarding experience (J10, J14). Another reported “I thoroughly enjoyed it, I got totally engrossed and involved in it” (J12, p. 116). One juror reported: “I found it interesting, yes. It was interesting learning about the court process and about the law and the whole jury process. I’ve never been on a panel, I’ve never been in, called for jury service before. So yeah it was interesting” (J16, p. 138).

Another reported:
“I remember feeling more comfortable when I found out that it had to be a unanimous um verdict. ... Like it couldn’t be divided because I wasn’t sure about that. Then I sort of felt a bit empowered that way because I thought you know at least now I know that whatever my feelings are will count and you know this thing can’t just be snowballed you know, or or with a voting process sort of thing. So I remember feeling more comfortable when I found that out, thinking ‘oh good’ because I may have been a person um, who would have had a differing opinion” (J18, p. 153).

With respect to her attitude about the unanimous decision, Juror 2 reported:
“I normally don’t have problems making a decision if, if I have to make a decision, whether it’s comfortable or not. If its got to be made I make it, um but I think in a jury situation its almost slightly watered down to the extent that you have other people who are making the decision with you. So it’s not just a matter of me saying yep, bang, he’s guilty or he’s not guilty” (J2, p. 11).

Fourteen jurors commented on their attitudes about being a juror again (J1, J3, J4, J5, J6, J8, J9, J10, J11, J12, J14, J17, J18, J19). Of those four indicated that they would prefer not to be on a jury again (J3, J4, J8, J19). Juror 4 indicated that she “had had a belly
full” (p. 36) but if called again she would be prepared to be on a jury again. Another indicated:

“It wouldn’t be my preferred option of a thing to do for a few weeks. I can’t say I enjoyed it, um but it, I just think it’s a public duty and somebody has to do it. When you’re numbers up, your numbers up basically, you just get on and do it. I can’t say I enjoyed it, I mean I didn’t hate but if all of a sudden the system changed and it was by volunteer basis I don’t know that I would volunteer for it that’s for sure” (J8, pp. 69-70).

One also indicated he would be on a jury again, but “wouldn’t volunteer” (J19, p. 160) to do it and another indicated:

“I would do it again if I was asked to do it as community service, I would simply regard it as a waste of my time to go and do it” (J3, p. 22).

The remaining nine were generally happy to be on a jury again.

Four jurors made comments about the impact of their jury duty on their faith in the criminal justice system (J1, J3, J8, J16). Of those, two indicated they had faith in the system or were more assured about the system as a result of their experience (J1, J16). However one indicated:

“It’s important that members of the community are involved in our judicial system, I think its important that even though I don’t agree wholeheartedly with the process that’s used for the jury um, I just think it’s, it’s a lot of people’s responsibility, communities responsibility. I mean we can’t sit back there and read newspapers and hear stories and assume an arbitration on something that we’re not prepared to get in and be involved in. While that is the law of the land here then you abide by it” (J8, p. 70).

The remaining juror indicated his experience on a jury added to his lack of faith in the criminal justice system. He reported:
“Perhaps the thing that would concern me the most would be that if ever I'm in court, myself personally in the dock with a serious criminal offence hanging over my head, um, I just think I’d want to have a little bit more faith in the system than I have now. That I’m going to get a fair go” (J3, p. 25).

**Summary:** Jurors’ perceptions of the legal system generally fell into two themes during the interviews, those being perceptions about other jurors and perceptions about jury duty. It is apparent that experiences with other jurors caused some concern for jurors who were interviewed, some of whom wondered if they would ‘get a fair go’ if they were the accused. Nonetheless, although they could identify flaws in the jury system, none could come up with solutions to their perceived problems, with the exception of one juror who indicated that perhaps having a majority decision or judge alone deciding the culpability of the accused might be beneficial. Yet two others were happy to have the unanimous decision because it made their role and task less onerous.

Overall, the jurors who were interviewed reported relatively positive experiences when performing jury duty. However, for some, the experience was somewhat harrowing and some have indicated they would prefer not to perform jury duty again. Additionally, some reported having lost faith in the system as a result of their experience on a jury. The experience of being on a jury has in the main been a profound one for most with several jurors considering the pros and cons of the jury system in the context of their experience.

**8.4.1.4 Summary of analyses**

The qualitative analysis of the data which examined the fourth research question was described in this section of this chapter. The fourth research question
asks if there is an association between attention paid by jurors to the environmental cues in the courtroom, their ability to perform their task and their sense of appreciation for the function of the law.

From these analyses it is apparent that jurors were distracted from the evidence by the appearance and behaviour of the barristers, and in some instances the judge and other courtroom staff. Additionally, the presentation of evidence was found to be distracting by jurors who were concerned about fitting the jigsaw puzzle together. Boredom and people entering and exiting the courtroom were also identified as being distracting elements of their experience by jurors who were interviewed.

Juror focus on the evidence was however reinforced by the courtroom environment, the appearance and behaviour of the judge, the accused and elements of the task of being a juror. Jurors’ comments about the environment indicated that had the courtroom setting been anything less than formal it would not have been an appropriate environment in which to perform their duty. The assistance they gained from the judge was considered invaluable and one considering the voice of a barrister helpful. Focus on the appearance and behaviour of the accused helped some determine whether they were making the right decision while others decided not to look at the accused so that any stereotypical assumptions were not made. The task of being a juror had a significant impact on jurors with all indicating that their sense of responsibility to their role gave them a foundation from which to work.

The responsibility of being a juror and perceptions of other jurors however did not elicit such positive responses. Jurors were, in the main, critical of other jurors. They were concerned that should they be charged with a criminal offence they would not be granted a fair trial on the basis of their negative perceptions about other jurors. Additionally, jurors questioned their faith in the system in the context of their
experience on a jury, yet none could voice a workable solution to their perceived difficulties with the way the system functions.

8.4.2 Research Question 5

*Is there any association between the attention paid by jurors to the environmental cues in the courtroom and a state of elevated stress?*

To address this research question juror responses in which stress was mentioned were coded. One dominant theme was evident, that being that jurors experienced stress as a result of their experience on a jury. The dominant theme and sub themes that were examined in the data analysis associated with research question 5 are as follows:

- Those aspects of the juror experience which were associated with an experience of stress or distress, including:
  - The empanelment process;
  - Issues of personal safety;
  - The appearance and behaviour of those associated with the offence, including the nature of the offence (i.e., charge); and
  - Problems combining their personal life with jury duty.

Each of these themes will be fully addressed in this section of this chapter.

8.4.2.1 Factors that caused stress for jurors

That jurors experienced stress or anxiety in the context of their experience on a jury was apparent from comments they made in the interviews. Four elements of the juror experience were identified by those interviewed as being factors which caused a state of elevated stress (i.e., the empanelment process, issues of personal safety, the appearance and behaviour of those associated with the offence and problems combining
their personal life with jury duty). The impact of each of the facets of the juror experience are examined in separate sections.

The empanelment process: Being empanelled elicited an experience of stress and anxiety for jurors. Seven jurors reported that whilst they were waiting for the empanelment process to occur they felt a sense of nervousness and apprehension and/or found the process daunting (J2, J4, J5, J11, J16, J18, J19). They reported that they were trying to concentrate on what they were expected to do with one indicating:

“I sat there in the beginning listening desperately for your number, terrified you’d forget what number you were, and this was my fear…” (J11, p. 98).

Although one indicated that “nothing was sort of overwhelming” (J18, p. 152), this aspect of the juror experience was stressful and distressing for all others who commented on it. Additionally, a significant consideration for one juror was what to do with her coat (J2) and for another, concerns about what to do with her handbag were salient to her (J4). Neither knew what they should do with their belongings when their number was called.

Being challenged was a significant issue for seven jurors (J4, J5, J9, J10, J11, J12, J16). One reported that she was concerned about being challenged (J4) and three found the process of being challenged a personal affront (J5, J10, J11). Yet Juror 9 indicated that she was challenged but she was not concerned about being challenged. Another wondered “if I’m going to get picked or not, or do I have to go back to work or not?” (J13, p. 126). Two jurors reported watching the process and trying to figure out who would be challenged and who would not (J12, J16). In this respect, Juror 12 reported:

“Everyone was watching everyone, you know what I mean? I think as they walked across it was very interesting. I knew that the people standing at the back watching were having the same reactions as I was, watching as the person who’s walking across at that same time. Will I be
chosen? When am I chosen? If I walk this way, will they not pick me? Or if I walk that way? It was an unsureness which, in a way I suppose, is a good thing because at least the prisoner has got no idea who’s going to be chosen. And I think that not knowing bit was quite fascinating, it was like watching a drama. Who is going to be chosen? You know, and why was that person chosen? Why wasn’t that person chosen? That was quite a fascinating thing” (p. 107).

For those who were not challenged the issue of making an Oath or Affirmation was a significant factor for four jurors (J4, J5, J13, J14). Two indicated they wanted to affirm with one reporting she “did an Affirmation, so that was automatically, um, a different thing” (J5, p. 45). The other indicating he was not offered the choice of affirming, he reported “we were expected to, if we weren’t challenged, to take an Oath on the ah, on the Bible which might be offensive to Muslims” (J13, p. 120). Two jurors reported being concerned about the process of making an Oath, with one indicating she was “a bit worried about when you had to, like repeat that Oath or something and I thought ‘Oh I wonder if I’ll get a croaky voice’” (J14, p. 126). The other reported:

“I knew because I had watched the others that I had to walk around, you sort of think ‘Do you hold the Bible?’ you couldn’t remember, ‘Do you put your hand on the top?’ or you sort of felt really that you just didn’t know what you were doing. That was the worst part” (J4, p. 29).

Finally, uncertainty as to what they were expected to do in the courtroom caused anxiety for six jurors (J2, J4, J5, J10, J18, J19). Comments made by Juror 4 represented the overall sense jurors had of the empanelment process. She reported that although she saw the video presented by the court:

“To me it was completely different to the actual experience. You know I just thought... I know its probably impossible with the number of people but having been called up and having, you know, knowing that you were going to go on, it would have been good if they just had like a just
a couple of hours waiting to go in and walk into the courtroom and somebody say ‘Well this is
where the accused is, you’re on the jury you’re over here and the judge will come out here. You
could sort of take it all in before you were actually on stage sort of thing’ (J4, p. 29).

It is apparent from these comments that although jurors are shown a video
about the empanelment process, this did not reduce the stress experienced by those
who commented about being empanelled. All aspects of the empanelment process
elicited a sense of anxiety in jurors.

**Issues of personal safety:** Issues of personal safety were salient to, and
caused distress for, jurors at all stages of their experience.

During the empanelment process, issues of personal safety were salient to two
jurors. One reported:

“Actually some jurors had to sit, prospective jurors, have to sit right behind the accused, you
know they could have touched each other if there wasn’t a glass panel. So it was kind of like a bit
of a shock to be that close to the accused and up that close and personal” (J16, p. 139).

The other was distressed that her name and suburb were called out in court in front of
the accused. She reported:

“Well the fact that our names were given out, I objected to that. I thought it would be number
two and number three. But our names were clearly given out and the suburbs we were in, and
especially in the second trial I thought well if he’s got a good memory, and he wasn’t pleased
with the verdict. Actually his companion wasn’t pleased with the verdict, well she was the one
on trial, and I thought well it would be very easy to remember or even write down where we
were living and if we lived near him. I really found that very strange, I didn’t expect that at all...
and we were, had to identify ourselves, so, um; no I wasn’t terribly pleased with that’’ (J11, pp. 93-94).

Her concerns became more salient for Juror 11 at the end of the trial when again her name and suburb were called out in front of the accused, who was found guilty and who was unhappy with the verdict. She reported:

“I think because it was a very draining three days and just the enormity of our decision, it hit me harder than I was expecting, probably because yeah, we were I mean, ... I mean the jury box you know its all solid and you feel quite cocooned and cosy but when you’re standing out there you go ‘Oh you can see me’, even though he could see us before but yeah, you think ‘has he got his little friends going oh I know who that person is?’ You just never know you hear so much...”

(J11, pp. 129-130).

Issues of personal safety were also salient to jurors in the context of the appearance and behaviour of the accused and the relatives and friends of the accused both in the courtroom and the court environment (J5, J6, J11, J12, J14). Outside of the courtroom, three jurors encountered difficulties and concerns about personal safety (J4, J5, J11). Juror 4 reported:

“We were all scared of the accused and we saw his wife going out to have coffee and that him and his family and his brothers and they were looking at us and they knew who we were because they’d seen us in court. We were all really uncomfortable, we really were” (J4, p. 35).

Juror 5 reported being...

“...in the little cafe thing at the bottom (and) I turned around and there’s the guy and his parents, you know, making judgement. And you think, ‘Oh my goodness me!’ You know, um, but I suppose in a way that’s a good thing about society, it shows that we don’t judge people prior to (them being found guilty)..... so you could look on that as a positive thing.... But it
certainly put a couple of people off and it was very hard once we, um, once we’d come back with our verdict and came down. We were waiting to go to lunch and the parents came out and that was hard because we found him guilty. So, um, they look at you and you sort of think, you know” (J5, p. 162).

Concerns about personal safety extended to outside of the courthouse for one juror who found the accused close to her on the street after court had adjourned for the day. She reported that afterwards:

“I was very aware of looking for him when I went to court. I mean the first time with the first man I would just walk to the station and not sort of look at people. But when I found him so close to me the first time, I watched, the next day I went, I watched very carefully but I couldn’t see him so I didn’t particularly want to be close to him because at that stage a verdict hadn’t been given. And um, you know, I felt well, who knows what people do?” (J11, p. 94).

Her anxiety was elevated when she heard from a friend who ....

“...was on another case, and this was a murder case and the woman that was up for the trial, she went to the loo and she was next door to her. You know, that frightened her actually and she came out of the toilet and there was a little coffee bar there and she came into the coffee bar and I was sitting there having a coffee and I said, “Oh you look a little bit white, what happened in the girls?,” and she said. “Well the woman was next door,”... and she said, “I sat there not wanting to come out because she was a very large lady and you know, who knows what people will do? I didn’t think they would be allowed to wander around” (J11, pp. 94-95).

That the appearance and behaviour of the accused and the relatives and friends of the accused caused significant anxiety for jurors, in the context of issues of personal safety is apparent from the above comments. Although it was noted by one that having the accused exercise his or her right to freedom until ‘proven guilty’, there was a sense
from comments made that jurors would prefer not to be confronted by the accused
and/or their relatives and friends either in the courtroom or courthouse. This aspect of
their experience was stressful for them.

The appearance and behaviour of those associated with the offence:

Comments by jurors relating to concerns about the appearance and behaviour of
the accused in the context of issues of personal safety have been addressed above.
However, it was also apparent from comments by jurors that attention paid to the
appearance and behaviour of the accused and others associated with the offence was
anxiety inducing.

The appearance and behaviour of the family of the accused and victim caused
distress for some jurors. Five jurors made comments about the family of the accused
and/or victim (J2, J5, J11, J14, J18). In each instance when the presence or absence of a
relative or friend of the accused or victim was noticed the juror who commented on this
facet of their experience was distressed and/or concerned. Such a response had a
significant emotive effect on them.

With respect to the victim’s mother, Juror 11 was surprised that she was
supporting her husband who had been charged with indecently assaulting her
daughter. Juror 11 had difficulty understanding why the victim’s mother wasn’t
supporting her daughter. When asked whether the emotion she was feeling about this
aspect of her experience impacted on her ability to perform her role as a juror
objectively, she replied:

“No, I don’t think so because I sort of controlled it all, I didn’t sort of feel that until it was over.
I thought at first, well now I’ve got to be very careful … because it’s awful, so I’ve really got to
concentrate and I did, I concentrated very hard on everything. I watched him very very
carefully for some signs of “I wouldn’t have done that!” You know, with most men, if you’d said
to them “did you behave like that to your daughter?” Or was it stepdaughter? No I think it was, I can’t remember. They would immediately show a reaction because they wouldn’t want anybody to think that. And that’s why I watched very carefully to see some kind of reaction from him. The only reaction we got was when he was sentenced. And I was close enough to watch him, I deliberately watched him as well as watching the girl and I watched her very carefully. ....So I did, I think I worked harder than I would have normally done because I wanted to be so sure that this was going to be an honest... So I feel that it took perhaps more out of me than I realised, no, I think the worst part was not being able to come and say to my husband “Gosh that was a dreadful day”” (J11, pp. 100-101).

With respect to the relatives of the accused one juror found it distressing that the accused had no one to help him and felt “not ready to burst into tears but you felt moved in that direction because he just seemed so alone” (J2, p. 13). On the other hand Juror 5 was intimidated when she noticed the parents of the accused in the court environment.

Responses about the relatives and friends of the victim and the accused indicated a certain compassion and curiosity from jurors about the peripheral elements of the trial on which they were empanelled. Jurors appeared to be watching those associated with the offence closely and noticing their behaviour. This focus of attention appears to be associated with the need for jurors to make sure they are coming to the right decision.

The charges also had a significant impact on jurors. Five indicated that the seriousness of the offence had a significant impact on them with some indicating the charges were distracting (J3), onerous (J13), very emotional (J15), daunting (J17) and the biggest problem (J19). Juror 17 reported:
“When they read the charges out and stuff, you think ‘how could I make that decision about him?’ then once you sort of get into the evidence and stuff and see, get a picture of what happens its easier to make a decision ...” (J17, p. 150).

Additionally, two jurors reported significant concerns about how the charges affected them. One indicated:

“You felt you know, um a lot of sympathy for the for the younger person and um, you also realised that it was a fairly serious offence and the person would have um you know, affected his life, affected that person's life a great deal so um, it it um, that type of trial definitely didn't make it a pleasant experience” (J19, p. 160).

The other indicated after the verdict was handed down that:

“Of course what we didn't know until the end of the trial, that two other trials had been unsuccessful. See you don't have that evidence, which I suppose is good. Um, but it made us feel very good because we thought well we have done the right thing, if we had let him go we would have felt dreadful. .... having heard afterwards that he'd already been up on charges before and one was a missed trial that he got away with it, made us feel better...” (J11, p. 95).

With respect to the events prior to and after the trial, one juror reported:

“One of the things that struck me about this, we had this young fellow who was accused and in the middle of it he had a marriage, his marriage had broken broken down um he, and this had dragged on for something like eighteen months and I just thought 'It must have been hell for him as well' ....and I suppose when I thought about it later I thought ‘You know, the poor bugger, he's been to hell and back over the last eighteen months, he's had this hanging over his head not knowing whether he was going to gaol or what's going on”’ (J2, p. 12).

Juror 2 then reported concerns about the way the accused coped with the verdict. He reported:
'I guess there are some, there are questions in my mind about the whole process that you know obviously are outside of ... what I was there to do but I don't know what happens to this guy when he's set free and he's been you know, living on, on his nerves perhaps for the last eighteen months. You know, how does he cope? I mean is his life totally wrecked? and does he, should he be getting some support from somewhere? Because he didn't seem to get it in the courtroom and I'm not saying that the court system should provide it, but his family didn't, so will they later? I don't know, maybe they think he's a thief, a liar and a duder and they don't want to know him but um, but I just wonder how people cope.” (J2, p. 14).

It is apparent from the above that attention paid by jurors to the appearance and behaviour of those associated with the offence elicited a significant emotive response. Their attention was not limited to the behaviour of those in the courtroom, but extended to concerns about the victim and behaviour of the relatives and friends of the accused and victim. Additionally, concerns about how the accused dealt with the events that led to him being tried and his coping mechanisms and support afterwards were expressed by one juror. That jurors are aware of and consider these factors in the context of performing jury duty are notable.

Problems combining their personal life and jury duty: It is apparent from comments made by jurors that factors associated with combining their role in the jury system with their personal life was stressful for them. Issues involved in organising their private life around jury duty were onerous and difficult to deal with for some jurors. Although some attempted to find solutions for the difficulties they experienced, most were simply aware of the difficulties and attempted to work their experience around the problems they encountered.
The effort involved in being on a jury panel for approximately six weeks was distressing for jurors. That jurors had to check most nights if they were to report to the courthouse the following day was a stressful chore for many and several reported that the impact on their family and work was onerous. Jurors complained about the inconvenience of being in the jury system for six weeks. Juror 11 was most vocal about this aspect of her experience. She indicated that the system with which she had to contend “was unorganised confusion” (J11, p. 98) and:

“The thing that was most irritating (was) you had to ring and find out whether you were needed in court and because even if you weren’t on the trial you had to go in because you were booked for a month, so you had a month. And ... um, the first time I didn’t go because I didn’t hear my number and they wouldn’t say, they would sort of say ‘Numbers 200 to 360’, and then ’70 to 45’ and kept on going on, and she only had actually three or two minutes to say all these numbers. I complained because they actually sent me a letter because I didn’t appear one day, I didn’t honestly hear the number. So you had to (telephone the court) two or three times to make sure that you heard it properly because she would rattle it off in such a hurry to get through all the numbers, and I did complain to them I said “Look, you’ve got to do it a little bit slower, because the first recording sort of clonked out on me”, ... You wouldn’t always be called the next day, it would be very strange, sometimes you’d go on a Monday and you wouldn’t be called again until a Thursday. If you were on a trial of course you knew you had to be there. So I thought that was very poor and I thought there must be another system that they could do or spend another thruppence and get a larger tape, you know, that was my comment, God save us, spend a little bit more money. And then the other comment was ‘well you can look it up in the paper’, .... you could ring after five o’clock to find out, I like to know the night before what I was doing, I didn’t particularly want to rush out in the morning, run to get the paper and then see if my trial was
listed, so I didn't consider it, looking in the paper, I wanted to find out the night before, you
know, when I was going to be needed” (J11, p. 98).

Additionally, two jurors indicated that the challenge of organising their day around work and children was inconvenient (J14, J19). Juror 19 reported:

“I guess the other thing it must be a, ah you know, big inconvenience for some people to attend
jury service um, because they don't pay you, they don't pay you very much. I was lucky because
my work would keep paying me(and) I actually ... just took some flexi time off for it”. (J19, p.
162).

Juror 14 experienced significant difficulties because she had to go back to work sometimes because of the responsibilities of her employment. She also found it frustrating that she “had to run around the streets to find my own lunch” (p. 131) because there was a change in policy at the courthouse regarding the supplying of lunch to jurors.

Finding a balance between their responsibility to the jury system and personal life, outside of jury duty, impacted on jurors and caused anxiety. Such difficulties no doubt impacted on jurors whilst they were empanelled. Trying to focus on the evidence in the context of having to consider personal issues that were impacting on them as a result of their jury duty in the background conceivably increased the stress experienced by jurors.

**Conclusion** It is apparent from the above responses that jurors experienced a state of stress in the context of their experience on a jury. The factors that jurors reported were associated with their state of anxiety included, the empanelment process, issues of personal safety, the appearance and behaviour of those associated with the offence and problems combining their personal life and jury duty.
8.4.2.2 Summary of analyses

In this section of this chapter the data analyses associated with the fifth research question has been examined. These analyses indicate that jurors do experience stress as a result of their experience on a jury. Those aspects of their experience which were most salient to jurors who were interviewed were apparent at the very beginning of their role as a juror. The empanelment process caused significant distress to jurors who were uncertain as to what they were expected to do. Additionally, for some, issues of personal safety caused concern during the empanelment process. Issues of personal safety continued for some who were confronted by the accused and/or the relatives and friends of the accused in the courthouse and for one juror, after leaving the court environs. Additionally, concern for the victim and accused caused a significant emotive response for jurors. Finally, having the responsibility of organising their personal life around the duties associated with being a juror were tedious and stressful for jurors.

8.5 Summary Of Findings

In this chapter the qualitative analyses of the data associated with research questions four and five have been examined. It is apparent from comments made by jurors in the interviews that they were both distracted from the evidence as a result of the factors associated with their experience on a jury and had their focus reinforced by elements in the courtroom. Additionally, juror appreciation for the function of the law was generally negatively influenced by their perceptions of other jurors and the criminal justice system once they had first hand experience as a juror. Finally, jurors reported that several aspects of their experience were linked to an experience of being stressed and anxious.
Those factors that distracted jurors from the evidence were found in the non-fixed elements of the courtroom, those being the appearance and behaviour of court officials and the presentation of the evidence by barristers.

On the other hand, jurors’ focus on the evidence was enhanced and reinforced by other elements of the courtroom environment. The factors involved in the juror experience that reinforced their focus on the evidence were associated with both fixed and non-fixed elements of the courtroom environment. In this respect the courtroom design (being a fixed element of the environment) engendered in jurors a sense of authority in the context of the proceedings in which they were to play a significant role. With respect to the non-fixed elements of the courtroom setting, the appearance and behaviour of judges involved in the trials on which they were empanelled were helpful for jurors with respect to their focus. The appearance and behaviour of the accused caused jurors to focus on the evidence particularly with a view to enhancing their ability to determine the guilt or otherwise of the accused. From a practical sense, taking notes assisted jurors focus as did the availability of transcripts and being able to ask questions of judges when deliberating. The task of being a juror significantly influenced their ability to focus on the evidence.

Those factors that caused jurors to reconsider their appreciation of the function of the law in the context of their experience as a juror were found in the non-fixed elements of the courtroom. The behaviour of other jurors and the responsibilities associated with being a juror negatively influenced juror appreciation for the function of the law. It is apparent that having the experience of being on a jury and seeing first hand, the flaws apparent in the way jurors come to a decision have caused some to lose faith in the system. Nonetheless none were able to come up with a better method of determining the guilt or otherwise of the accused. Additionally, most considered that jury duty was a social responsibility and although some would prefer not to be called
again for jury duty, most indicated that they would participate should they be again called to perform such a socially important function.

Those factors that were linked to elevated levels of anxiety for jurors were resident in the non-fixed elements of the courtroom environment as well as the court system and included elements of the empanelment process, issues of personal safety, the appearance and behaviour of those associated with the offence and problems combining their personal life with jury duty.

From the above therefore, it appears that anything in the courtroom which disempowered jurors or made them feel concerned, uncertain or anxious about what they were to do as a juror negatively influenced juror ability to focus on the evidence and perform their role as a juror appropriately. Alternately those things that empowered them as jurors and allowed them to have a sense of authority in their role as a juror engendered in them a focus on the evidence that was difficult to shift, notwithstanding the disruptions during the course of a trial.

To this point all eight subordinate research questions have been examined. In this respect, all research questions and associated hypotheses examined in the surveys and the two research questions associated with the interviews have been addressed. The next chapter will bring together that which has been discussed and described in the previous chapters. The findings of this research are discussed in the context of the research questions, hypotheses, themes and theories presented to this point. Finally, theoretic and practical issues and implications for further research are also discussed in the context of the findings of this research.
CHAPTER 9

CONCLUSIONS

9.1 Introduction

In this chapter the analysis of the data from both the survey and juror interviews is summarised in the context of the theories and primary and subordinate research questions which have been the focus of this research. Practical implications of this research are then discussed as are the limitations and strengths associated with the two studies conducted. Finally possibilities of future research are presented.

9.2 Theoretical Implications

The primary focus of this research is:

Symbolism in the courtroom: An examination of the influence of non-verbal cues in a district court setting on juror ability to focus on the evidence.

The overarching research question that facilitated the examination of the influence of symbolism in the courtroom environment on juror ability to focus on the evidence is:

Do symbolic elements in the courtroom environment draw juror attention away from the evidence being presented?

To facilitate the examination of the overarching research question eight subordinate research questions were developed. All eight subordinate research questions and associated hypotheses formed the basis around which the quantitative data analysis of juror responses to survey was conducted. The fourth and fifth research questions
formed the basis around which the qualitative data analysis of juror interviews was conducted.

The theoretical foundation of this research was drawn from environmental psychology and the architectural field of knowledge. Three theories associated with environmental psychology were utilised in this research, those being environmental uncertainty theory, environmental arousal theory and environmental load theory. The theory drawn from the architectural field of knowledge was Rapoport’s (1983; 1990) theory. The findings of this research are presented in the context of the three psychological theories upon which this research is based. Also discussed is the way in which Rapoport’s’ theory was linked to this research.

9.2.1 Environmental Uncertainty Theory

Participants were expected to experience the elements of environmental uncertainty as a result of finding themselves in the complex environment of the courtroom setting. Factors that influence environmental uncertainty include, the complexity of the environment, previous experience in the environment and perceptions by the individual of the environment. The first, second and third research questions were linked to environmental uncertainty theory. This aspect of the research examined the influence of personal and court related factors on attention paid by participants to the courtroom environment and the effect on participants of such attention.

In this research it was argued that limited experience in the setting would be influenced by prior jury experience and length of trial and complex environments would be influenced by location of trial. It was expected that those who had limited experience in the environment and who found themselves in a complex environment would pay more attention to the environmental cues in the environment and
experience a greater effect on them of the attention they paid to the environmental cues as a result of environmental uncertainty. Elevated anxiety was also expected. The influence of other personal factors such as gender, age, education and occupation were controlled for in each of the analyses.

Five hypotheses were developed for each of the three research questions with which environmental uncertainty theory was associated. These allowed the examination of the influence of location of trial, prior jury experience, nature of the offence, trait anxiety and length of trial on attention paid to the elements of the environment examined in the survey, the effect on participants of such attention and state anxiety.

**Location of the trial:** For this sample location of trial had no influence on participants in terms of attention paid to the elements of the court environment, the effect on participants of such attention or state anxiety. Consequently, although the two court locations have differing styles of courtrooms (as was illustrated in Section 4.2) the influence of the differing courtrooms on participants was not significantly different in any facet of participants’ experience in the courtroom.

**Prior jury experience:** Prior jury experience did influence the attention participants paid to the task of being a juror, particularly with respect to attention paid to the responsibility of having someone’s future in their hands and doing the right thing by the victim. Those who had previous jury experience paid significantly less attention to these elements of their experience. Additionally prior jury experience influenced state anxiety in that those who had experienced jury duty previously had lowered state anxiety. However, prior jury duty did not influence the effect on participants of the attention they paid to the elements of the courtroom environment.

**Nature of the offence:** Nature of the offence influenced attention paid to the appearance and behaviour of the accused, the implications of which are not related to
environmental uncertainty. These results have been addressed in the discussion of the predictions of environmental load theory on the juror experience. Nature of the offence had no influence on the attention participants paid to the balance of environmental cues found in the courtroom, the effect on participants of the attention they paid to the setting or state anxiety experienced by participants.

*Trait anxiety:* Trait anxiety did not influence attention paid to the elements of the environment or the effect on participants of the attention they paid to the setting. Elevations in trait anxiety were however associated with elevations in state anxiety.

*Length of trial:* Length of trial had no influence on participants in terms of the attention they paid to the elements of the courtroom environment, the effect on them of such attention or state anxiety.

These findings provide support for one element of environmental uncertainty theory, that being that those who have experienced the courtroom environment before experienced lower levels of anxiety and paid less attention to the task of being a juror than did novices in the environment. The elements of environmental uncertainty which relate to complexity and perceptions of the environment were not supported by this research.

### 9.2.2 Environmental Arousal Theory

The first five research questions were associated with this theory. An experience of arousal by participants was expected as a result of them finding themselves in an environment which is unpredictable and over which they had little control (i.e., the courtroom setting). An experience of arousal influences performance and elicits a sense of needing to maintain equilibrium in the setting. This effect was expected to be represented in elevated stress experienced by participants. Also expected was a decrease in participants’ ability to perform their role as a juror as a
result of the influence of arousal. This aspect of the juror experience is explained by the Yerkes-Dodson Law which proposes that a certain level of arousal is required for optimum performance. However, after the optimum level of arousal is reached, the Yerkes-Dodson Law indicates that as arousal increases performance decreases, particularly in the context of complex tasks (i.e., the role of juror and paying attention to the evidence). The level of arousal that facilitates optimum performance is arbitrary and linked to the complexity of the task.

In this research therefore, it was expected that those who experienced elevations in stress or arousal would pay more attention to the courtroom environment and experience a greater effect on them as a result of the attention they paid to the courtroom environment. Hypothesis 1.4 which examined the influence of trait anxiety on the attention paid by participants to the elements of the courtroom environment, hypothesis 2.4 which examined the influence of trait anxiety on the effect on participants of the attention they paid to the environmental cues in the setting and hypothesis 3.4 which examined the influence of trait anxiety on state anxiety experienced by participants partially addressed this theory. Hypotheses 4.1 which addressed the effect on participants of the attention they paid to the elements of the courtroom environment and hypothesis 5.1 which addressed the influence of the effect on participants of the attention they paid to the elements of the courtroom environment on state anxiety also addressed environmental arousal theory.

**Trait anxiety:** Trait anxiety did not influence attention paid by participants to the elements of the courtroom environment or the effect on participants of the attention they paid to the courtroom setting. Predictably however, trait anxiety influenced state anxiety experienced by participants.

**Feeling uncertain as to what they were expected to do as a juror:** At initial contact with the courtroom participants reported feeling uncertain as to what they were
expected to do as a juror as a result of attention they paid to the appearance and behaviour of the accused and the relatives and friends of the victim and ensuring that justice was done which was an element of the task of being a juror. However participants' experience was moderated by the closeness of the accused to them and elements of the task of being a juror. At midpoint of their experience the feeling of uncertainty was made more prominent and also moderated by elements of the appearance and behaviour of court officials. This aspect of the juror experience was confirmed in the interviews which indicated that the appearance and behaviour of the judge in particular moderated yet also made more prominent their feelings of uncertainty and distraction from the evidence. The appearance and behaviour of the barristers however was predominantly seen in a negative light by jurors who were interviewed.

*Being distracted from the evidence:*

Being distracted from the evidence at initial contact with the courtroom was both moderated and made more prominent by attention paid to the courtroom design, the appearance and behaviour of the accused and relatives and friends of the accused and moderated by the appearance and behaviour of the victim. At midpoint of their experience being distracted from the evidence was made more prominent by the appearance and behaviour of the accused and the relatives and friends of the accused. From the interviews, jurors reported that the court environment enhanced their experience in that it reinforced their role as a juror and their focus on the evidence. Also from the interviews, the behaviour of the barristers was distracting for many jurors as was the appearance and behaviour of the accused. Other elements that were identified as being distracting by jurors were other people in the courtroom environment and issues associated with the presentation of the evidence.
Feeling overwhelmed: Feeling overwhelmed was both moderated and made more prominent for participants at initial contact with the courtroom setting by attention paid to the courtroom design, the appearance and behaviour of the accused and victim. At midpoint of their experience feeling overwhelmed was made more prominent and moderated by attention paid to the courtroom design, the appearance and behaviour of the victim but made more prominent by the appearance and behaviour of court officials.

Also apparent in the analysis of the survey data was a surprising trend which was evident in the context of participants' sense of feeling overwhelmed and being able to focus on the evidence. Feeling overwhelmed was inversely linked, in several of the analyses with feeling uncertain as to what participants were expected to do as a juror and being distracted from the evidence. It was apparent from the analyses that a certain level of arousal was required such that participants could feel less uncertain as to what they were expected to do as a juror and feel less distracted from the evidence. This aspect of the juror experience was confirmed in the interviews in that boredom was seen as a negative aspect of the juror experience. This trend is consistent with the proposition put forward in the Yerkes-Dodson Law in which it is argued that a certain level of arousal is required for optimum performance. However, in this research it was expected that the complex task and the complex environment combined would decrease performance. This surprising trend is further discussed in the section which addresses environmental load theory and Section 9.2.5 in which a synthesis of the theories utilised in this research is discussed.

Having the importance of their role as a juror impressed upon them: Having the importance of their role as a juror impressed upon them was both moderated and made more prominent for participants at initial contact with the courtroom environment as a result of attention they paid to the courtroom design, the appearance and behaviour of
the accused and the appearance and behaviour of the victim but made more prominent by the appearance and behaviour of court officials and the appearance and behaviour of the relatives and friends of the victim. At midpoint of participants’ experience having their role as a juror impressed upon them was made more prominent and moderated by attention paid to the appearance and behaviour of court officials, the appearance and behaviour of the victim but made more prominent by attention paid to the courtroom design and the task of being a juror. During the interviews jurors indicated that the importance of their role as a juror was primary for them and reinforcing in terms of the attention they paid to the evidence.

*Feeling a sense of respect for the criminal justice system:* Feeling a sense of respect for the criminal justice system was made more prominent and moderated for participants at initial contact with the courtroom environment by attention paid to the courtroom design, the appearance and behaviour of the accused, the appearance and behaviour of the victim and the task of being a juror but made more prominent as a result of attention paid to the appearance and behaviour of court officials and the appearance and behaviour of the relatives and friends of the victim. At midpoint of their experience a feeling of respect for the criminal justice system was made more prominent and moderated for participants as a result of attention paid to the appearance and behaviour of court officials and the appearance and behaviour of the victim but made more prominent by attention paid to the courtroom design, the appearance and behaviour of the accused and relatives and friends of the accused.

Respect for the criminal justice system was also discussed in the interviews in the context of distraction from or reinforcing the need to focus on the evidence. Jurors indicated that their role in the criminal justice system enhanced their ability to focus on the evidence which was a primary factor for them. Yet, many jurors who were
interviewed revealed that the experience of jury service diminished their respect for the criminal justice system.

State anxiety: State anxiety was not influenced by participants’ sense of feeling uncertain as to what they were expected to do as a juror. State anxiety was however positively associated with participants’ being distracted from the evidence, feeling overwhelmed and feeling a sense of respect for the criminal justice system at both stages of their experience. Consequently elevations in state anxiety were associated with elevations in being distracted from the evidence, feeling overwhelmed and feeling a sense of respect for the criminal justice system. In the interviews participants indicated that they experienced anxiety as a result of the empanelment process, issues of personal safety, the appearance and behaviour of those associated with the offence and trying to combine their personal life with the responsibilities of jury duty.

To summarise these findings, in the context of environmental arousal theory, although some aspects of the juror experience moderated the effect on them of the environment, participants did experience elevations in state anxiety and a decrease in the ability to perform their role. Consequently, this research supports the propositions put forward in environmental arousal theory.

9.2.3 Environmental Load Theory

All eight research questions were associated with environmental load theory. Environmental load theory proposes that the capacity for an individual to process information is limited, particularly in complex and unknown environments. Once the processing capacity reaches critical mass, overload is experienced. At the point of overload the individual’s ability to function in the environment is compromised. The individual will then become selective about that to which they pay attention. Research indicates that the individual will pay attention to the environment or that which is
overloading’ them to make sense of their experience, yet research also indicates that the individual will pay attention to the task at hand. Finally environmental load theory predicts that after overload is experienced a period of rest or normalisation of the experience is required such that the individual can resume ‘normal’ function. The factors that influence an experience of overload are complexity of the environment and knowledge of the environment.

In this research all hypotheses addressed environmental load theory. The hypotheses associated with the first research question which examined the influence of personal and court related factors on attention paid to the courtroom environment predicted that as a result of participants’ experience of overload they would pay attention to the elements of the courtroom environment to moderate their experience. However hypothesis 1.3 predicted that as a result of the affective element of nature of the offence, those empanelled on trials in which offences of a personal nature were being heard would pay more attention to the task of being a juror than would those who were empanelled on trials in which the offence was less personal in nature. This hypothesis was partially supported in that participants were paying attention to the appearance and behaviour of the accused which is arguably an element of their role. Also partially supported was Hypothesis 1.2 which examined the influence of prior jury experience on attention paid to the elements of the courtroom. The task of being a juror was particularly salient to those who had no previous experience in the courtroom environment. The remaining hypotheses which examined the influence of location of trial, trait anxiety and length of trial on attention paid to the courtroom environment were not supported by the data.

The findings associated with the hypotheses that were supported by the data are consistent with environmental load theory. That those who are more familiar with the environment paid less attention to the task of being a juror fits with environmental
load theory in that for participants who had previously been in the environment, environmental load is less likely to be experienced, consequently their attention to either the environment or the task is less likely to be salient for them. For those who were empanelled on trials in which personal offences were heard however, the task of determining the guilt or otherwise of the accused was more salient to them. This is consistent with environmental load theory in that these participants who were arguably overloaded as a result of the nature of the offence were task driven.

The hypotheses associated with the second research question examined the influence of personal and court related factors on the effect on participants of the attention they paid to the courtroom environment. The hypotheses associated with the third research question examined the influence of personal and court related factors on the state anxiety experienced by participants. The hypothesis associated with the fourth research question examined the direct relationship between attention paid to the elements of the courtroom environment and the effect on participants of such attention. The hypothesis associated with the fifth research question examined the influence on state anxiety experienced by participants of the effect on them of the attention they paid to the elements of the courtroom environment.

The results for these have been discussed in the context of environmental arousal theory. In the context of environmental load theory, once again, although some aspects of the environment moderated participants’ experience their ability to function adequately was compromised as a result of the influence on them of the attention they paid to the elements of the courtroom environment. However, with respect to environmental load theory again the surprising trend associated with participants’ feeling overwhelmed increasing their ability to focus on the evidence and feeling more certain about what they were expected to do as a juror did not support the hypotheses proposed in this research. Although it was hypothesised that an experience of
environmental overload would negatively influence participant’s ability to perform their role as a juror, an experience of being overwhelmed facilitated participants’ ability to focus on the evidence and perform their role. This is consistent with the second tenet of environmental load theory which indicates that in some cases those who are overloaded will focus on the task at hand. Although this was expected in the context of the nature of the offence, it was not expected in the context of participants’ sense of being overwhelmed or anxious.

The hypotheses associated with the sixth, seventh and eighth research questions examined the influence of time on the attention paid by participants to the elements of the courtroom environment, the effect on participants of such attention and state anxiety experienced by participants. These analyses allowed the examination of the last tenet of environmental load theory, that being that it is only after a period of rest or normalisation that ‘normal’ function will be resumed. It was expected that attention paid to the elements of the courtroom, the effect on participants of such attention and state anxiety experienced by participants would reduce after a period of time in the courtroom environment. All elements of the juror experience diminished over time with the exception of attention paid to the appearance and behaviour of the relatives and friend of the victim and the effect on participants of the attention they paid to the task of being a juror. There is no substantive reason for attention to the relatives and friends of the victim to remain the same. However with respect to the effect on participants of the attention they paid to the task of being a juror, it is possible that the impending deliberation process at midpoint of their experience caused the task to remain salient to them and they were task driven at both stages of their experience.

In the context of environmental load theory therefore this research does generally support the predictions of the theory. The results indicated that as a result of finding themselves in the complex courtroom environment, participants experienced
overload. The effect of the experience of overload elicited a focus on the task of being a juror (particularly in the context of the influence of the nature of the offence on attention paid to the appearance and behaviour of the accused) when considering responses to the survey and a focus on the evidence when considering comments in the interviews. Finally, attention paid by participants to the environmental cues and the effect of such attention and their experience of stress diminished over time.

9.2.4 Rapoport’s Theory

Although the findings of this research can not be discussed in the context of Rapoport’s (1983; 1990) theory, this theory provided a sound theoretical basis from which the examination of the juror experience in the complex courtroom environment could be conducted. Rapoport’s theory allowed the symbolic cues in the courtroom environment to be quantified.

9.2.5 Synthesis Of Theories

The courtroom environment is one in which complex cues are embedded. Rapoport’s (1983; 1990) theory provided a basis upon which the cues could be measured and therefore examined. Environmental uncertainty theory describes the influence of a complex environment on a naive individual and this research provides some evidence of the influence of environmental uncertainty on the juror who finds themselves for the first time in the courtroom environment.

Environmental arousal theory proposes that as arousal increases, performance will decrease, particularly with complex tasks. The Yerkes-Dodson Law proposes that a certain amount of arousal is required for optimum performance. However, in the context of environmental load theory once overload is reached attention will be focused on that which created the experience of overload or the task at hand. In this research it
was hypothesised that as a result of environmental arousal and environmental load, performance would decrease and with the exception of one hypothesis (i.e., hypothesis 1.3 which proposed that attention would be focused on the task of being a juror as a result of the emotive content of the offence) attention would be paid to the environment such that the experience of arousal and load could be moderated. This is consistent with both theories, particularly given the complexity of the environment and the task of being a juror. However the results supported both the Yerkes-Dodson Law associated with environmental arousal theory and environmental load theory which proposes that those who are overloaded will focus on the task at hand. Consequently, the results elicited from this research are in fact evidence of an underlying construct which is common to both theories.

9.2.6 Summary Of Findings

In conclusion therefore although some results were contrary to those expected from the predictions of the three psychological theories upon which this research is based, the findings of this research are predominantly consistent with the predictions set out in environmental uncertainty theory, environmental arousal theory and environmental load theory. Arguably the anomalies in the results, apart from those addressed in Section 9.2.5, are predominantly linked to the complexity of the phenomenon being examined in this research, that being the influence of symbolism in a district court setting on juror ability to focus on the evidence. Although the survey and interviews obtained a substantive amount of data and were structured around Rapoport’s theory which provided a mechanism for categorising the elements of the courtroom environment, the total experience of the juror could not be examined. Those factors that could not be examined undoubtedly impacted on responses and the results
but were unable to be controlled for in the analysis of the data. These and other limitations of this research are elaborated in Section 9.4.

9.3 Practical Implications

This research has provided evidence that the juror experience is a complex one and one that has a significant impact on them. Such an impact was evident in their inability, at times, to pay attention to the evidence being presented in the trial on which they were empanelled. This, it is argued, could have implications with respect to a just outcome in any trial on which the jurors’ attention is taken away from the evidence.

Several factors impacted on the juror ability to focus on the evidence. One factor that influenced juror ability to focus on the evidence was found in the fixed elements of the courtroom environment, that being the courtroom design. Those factors that influenced juror ability to focus on the evidence and that are found in the non-fixed elements of the courtroom environment included the appearance and behaviour of court officials and the appearance and behaviour of those associated with the offence. Other factors that influenced juror ability to focus on the evidence included the task of being a juror and other personal issues which were either related to personal factors (including trait anxiety and prior jury experience) or outside factors that are background considerations for jurors when in the courtroom.

Contrary to the fundamental precept of this thesis, the courtroom environment was nominated as being a reinforcing factor for jurors with respect to their focus on the evidence and role as a juror. When interviewed jurors indicated that a less formal environment would be inappropriate for the processes that occur in a criminal trial. Nonetheless, the courtroom environment was also found intimidating and jurors paid attention to the elements of the setting arguably at the cost of paying attention to the evidence. In this respect, it might be useful to acculturate jurors, in an environmental
sense, and take them through the environment prior to the empanelment process such that the environment is not unfamiliar to them when their role in the criminal justice system commences. This would limit the attention jurors pay to the environment when first on a jury and allow them to pay attention to the task at hand. Whilst an orientation program is available to jurors in the Brisbane courts, there is no direction from the courts that this must happen in all jurisdictions and according to Mr. Hansen, Sheriff of Queensland, “it’s up to each Registrar” (personal communication, December 23, 2005).

The appearance and behaviour of court officials had a significant impact on jurors, particularly the behaviour of barristers and in some respects the judges. However, it is noted from interviews with jurors that the behaviour of judges was generally considered to be helpful. Nonetheless, the negative comments about some judges and barristers in general indicate that their behaviour does distract jurors from the evidence. Additionally the way in which barristers elicit evidence was of significant concern for many jurors. It might be useful for barristers to consider the confusion elicited in jurors by the way they present evidence. Additionally it might be useful for barristers and judges to be aware that their behaviour in the courtroom is being watched and judged by jurors and make adjustments such that their appearance and behaviour is not the primary focus for jurors. It could be argued that the rights of the accused are, in a sense, being violated by the behaviour of the barristers in particular and by the behaviour of judges when they appear to be falling asleep or not paying attention to the proceedings.

The appearance and behaviour of those associated with the offence also impacted on juror ability to focus on the evidence. However, unless barristers are encouraged to advise their clients and family how to behave in court, a course of action which was a concern for some jurors who reported being aware that barristers were
‘priming’ their clients, there is little that can be done about this aspect of the juror experience.

The task of being a juror was an element of participants’ experience that they took very seriously and although it generally facilitated a focus on the evidence some found it surprising and overwhelming. Although the courts provide a handbook and video which give some information to jurors about their role in the criminal justice system, it might be useful for the courts system to discuss the juror role at a more personal level. A support group or counselling service might have been useful to jurors who, at the time this research was conducted, felt distressed about their experience. It is noted that since the 1st January, 2005 a juror support group has been set up in Queensland (Neal Hansen, Sheriff of Queensland, personal communication December 23, 2005).

Prior jury experience moderated juror distress. It might be useful for the courts system to have ‘buddy’ jurors who have experienced jury duty previously and who can assist naive jurors through their first experience. It is unknown how this might work, given that jury panels are randomly selected and jurors can be challenged on other factors apart from their experiences on a jury. However, the courts might consider implementing such a system so that juries have at least one experienced juror on the panel.

Trait anxiety was a significant factor for those who experienced intrinsically elevated anxiety. However, apart from testing all jurors prior to being empanelled, it is unlikely that this factor can be controlled when considering the make up of juries.

Other personal factors that caused concern for jurors included the system that dictated that they telephone every night to find out if they were required at court the next day and having to work their lives around the inconvenience of being on a jury panel for four to six weeks. A more appropriate mechanism for advising jurors that they
are expected the next day might be useful. It is intrusive on the jurors’ life that they are expected to organise the elements of their life that are outside of the jury experience with such short notice. Additionally, jurors’ attention is taken away from the evidence as a result of the background concerns about aspects of their life which they have not been able to organise and about which they are concerned. Better communication between the courts and jurors is called for here.

Finally, issues of personal safety caused significant levels of distress for some jurors who were interviewed. It might be beneficial for the court system to consider mechanisms such that jurors and defendants and their family and friends are kept separate in the court environs.

Each of these practical implications places some responsibility on the courts and lawyers to make substantive changes to their behaviour and approach to jurors. That jurors play a significant role in the criminal justice system should be honoured and that they are inconvenienced to a significant degree by being empanelled on a jury should be acknowledged. Jurors are not simply a resource from which the courts might extract some benefit, they are individuals who have a social conscience and who, in the main, take their responsibility very seriously. They should be treated as important individuals with whom the courts system should negotiate such that their concerns and distress are limited. This would facilitate a sense of empowerment in the juror and a more positive experience for the juror and consequently jurors who are more capable of discharging their duty appropriately.

9.4 Limitations And Strengths

Firstly in this section the limitations of this research are discussed. This is followed by the strengths associated with the conduct of this research.
The limitations of this research were as a result of restrictions imposed on the conduct of the research by the Supreme Court Order. Such restrictions caused methodological difficulties with respect to access to jurors. As a consequence of the restrictions placed on this research by the Supreme Court Order, retrospective reporting by jurors and the issue of adequate recall of their experience became the primary limitation of this research.

This research was undertaken in the context of a legal climate that does not readily allow access to juries. The Supreme Court Order that facilitated this research was also restrictive in that it limited what could be asked of jurors, how jurors could be asked about their experience, did not allow any contact between the researcher and prospective participants, did not allow for follow-up once the surveys were distributed and significant time constraints with respect to data collection.

The juror experience in the courtroom could only be investigated by retrospective survey and interview techniques. The court would not sanction any other mechanism of enquiry. Retrospective reporting is therefore a limitation associated with this research in that it relied on juror memory of their experience. This is particularly salient in the context of the stress experienced by jurors during their experience. Participants were asked to consider two time frames of their experience (i.e., initial contact with the courtroom and midpoint of their experience) in the survey. In each time frame, participants were asked to indicate the attention they paid to the elements of the courtroom environment and then to indicate the effect on them of such attention. Additionally, they were asked to indicate their state anxiety at both time frames. The adequate recall of emotional states, as asked in the STAI, and cognitive state, in terms of those elements of the courtroom setting to which they paid attention, is arguably a difficult task.
Nonetheless, all mechanisms available were utilised such that juror memory was enhanced. Such mechanisms included the use of Likert scales and the validated STAI as well as repeated questions. Additionally, as found in previous research which utilised retrospective report of jurors, the juror experience appears to have been a salient one for participants and as such recall was considered to be consistent with the experience (Bornstein, 1999; Reifman et al., 1992; Sandys & Dillehay, 1995). Moreover, participants in this research, when interviewed several months after having been empanelled, were also able to recall specific information relating to the trial. This was confirmed by two jurors on one trial who had similar memories of one of the barristers. Finally, the shifts in the data from initial phase to midpoint of participants’ experience provide some evidence that jurors were aware of their state at initial contact with the courtroom environment and again at midpoint of their experience.

Another factor which potentially impacted on juror recall was that the survey was handed to participants by bailiffs after the jury was discharged. There was no way of knowing or controlling when jurors completed the survey. It is expected that jurors would not be particularly inclined to complete a survey after having to engaged in the process of deliberations just prior to being handed the survey. Nonetheless, again, as the juror experience was salient to those interviewed some months after being empanelled and most had vivid memories of the events in the courtroom, it is likely that when participants completed the survey their experiences were well represented. Again, previous jury research indicates that up to 22 months after being empanelled, jurors were able to adequately recall elements of their experience (Sandys & Dillehay, 1995). Consequently, as their experience on a jury was a significant experience for most, in this instance, the impact of retrospective reporting, although acknowledged, is arguably limited.
Not having recourse to contact or follow up with those who had been handed the survey had significant implications with respect to the number of participants who took part in this research. The courts would not allow any contact with jurors prior to the survey being returned to the university. Additionally, time constraints imposed by the Supreme Court Order limited the number of surveys that could be distributed and the number of jurors who could be interviewed. Finally, contact with prospective interviewees was difficult and as a result only nineteen jurors were able to be interviewed. Consequently the sample size in both studies was relatively small. This had implications with respect to the analyses of the data. It was originally hoped that structured equation modelling could be utilised in the data analysis, however small cell sizes did not allow such an analysis.

It is noted that all research methods, particularly in the social sciences, are in some respects problematic and have inherent limitations. There are effectively two models of jury research, those being the use of mock jurors and the use of real jurors as participants. Whilst both have their advantages and disadvantages, the focus of this research, being the interaction between the juror and the courtroom environment, dictated that real jurors were considered the most appropriate participants. As such the unavoidable limitations mentioned above are an intrinsic element of this research. The mechanisms set in place in the research design have arguably restricted the impact of such limitations. However, it is acknowledged that there is possibly an influence on the data and data analysis over which there was little control as a result of the limitations placed on this research by the Supreme Court Order.

Nonetheless, the task of obtaining a Supreme Court Order such that access to jurors was sanctioned has been undertaken during the course of this research. This process in itself is an element of juror research which is often considered an impediment to research with real jurors. Many will not undertake such a process
because of the cost both in terms of finances and time. Consequently, this research might be seen as contributing to the relatively small pool of jury research which utilises real jurors as participants and to the relatively large pool of research into the juror experience.

The strengths of this research are predominantly that this research was conducted with participants who were actually on a jury and that the research was able to investigate a significant portion of the juror experience. This research is unique in that it examined the experience of jurors who had participated in the significant role of being empanelled on a jury. Additionally, it is the only research to date which has examined the impact on jurors of the symbolism found in the courtroom environment.

Other research which has investigated the juror experience has generally utilised mock jurors. This allows the examination of phenomena which relate to the juror experience without having to impose on the juror whilst they are performing their duty. Mock juror research also allows the investigation of phenomena without having to go through the rigorous process of obtaining permission to gain access to jurors for the purposes of research. Using mock jurors does not however allow the investigation of jurors who have experienced the pleasures and inconveniences associated with jury duty. From an empirical sense, such research struggles with validity. This research on the other hand is valid with this exceptional group of people in the complex environment in which they find themselves.

Another strength associated with this research is that it is theoretically driven and all stages of both studies were conducted from within the parameters of the three theories drawn from environmental psychology and Rapoport’s (1983; 1990) theory which is drawn from the architectural field of knowledge and which facilitated the quantification of symbolism in the courtroom environment. Additionally, the use of
both survey and interview techniques allowed triangulation of the data. In this respect the results from both sets of analyses were consistent with each other.

That this research was able to investigate a significant portion of the juror experience is also a strength of the two studies. Although the total experience of the juror could not be examined because of the limitations imposed by the Supreme Court Order, an understanding of the juror experience in the complex courtroom environment has been made possible by this research. Finally, although some would argue that the investigation of phenomena should be able to be generalised, it is argued that in this case this would not be possible. The experience of the juror in the courtroom is an exceptional one in that the responsibilities of the juror do not translate to other aspects of an individual’s life and the courtroom environment is one of the few environments in western society in which symbolism is evident. Although this investigation of the juror experience can not be transferred to other environments, it is considered that attempting to do so would not honour the distinction of the juror experience in the courtroom.

9.5 Future Research

After having regard to the parameters and findings of this research, it is argued that further research using as a template the two studies involved in this research and the model set out in Chapter 4 might be useful. Should the courts be amenable to further research, and such that the influence of the recommendations set out in Section 9.3 above that relate to the court system could be investigated, it might be useful to seek out two court environments in which there are differing levels of support for jurors to determine whether the supports recommended have any significant influence on the juror experience. It is unlikely that the recommendations made about the appearance and behaviour of legal representatives could be investigated as there are few
protocols that could be set in place to adjust, in an empirical sense, the appearance and behaviour of lawyers.

Given that the Brisbane courts have initiated the orientation program for jurors and there is now a facility for juror support in Queensland it might be interesting to investigate the influence of these two facilities on the juror experience. Additionally, should the courts system put into place protocols that assist jurors organise their private life around the responsibilities of being on a jury and facilitate a sense of personal safety for jurors in the court environs, the influence of these factors could be further investigated.

Additionally, any further research based on this research might benefit from negotiations with the court system such that those jurors who agree to participate are required to complete the survey immediately after their experience as a juror is finalised. Although not altogether controlling for the difficulties with retrospective reporting, this would minimise the complications associated with recall and memory as limitations of the research. Moreover, having jurors complete the survey immediately after their experience, particularly if the researcher is allowed to be present, also facilitates the potential of a larger sample both at the survey and interview stages.

Finally, replication of this research with mock jurors might be an appropriate course of enquiry. However, mock jurors are not involved in the court process, and as a consequence the focus of such research would be limited in terms of the juror experience. Nonetheless, attention paid by mock jurors to the courtroom environment upon initial contact with the setting could be investigated. This stage of the experience in the courtroom setting is similar to that of a juror who first enters the environment. Such research would enable the investigation of the influence of memory on the report by jurors of their experience thus facilitating triangulation of some of the results of this research.
9.6 Concluding Remarks

The primary distinction of this research is that it has examined the relationship between the juror experience and symbolism in the courtroom environment and this particular course of enquiry is unique. Lawyers have for some time been calling for a considered investigation into the impact on jurors and lay people of the symbolism associated with robing practices. Such an investigation has now been conducted. It is apparent that although jurors are aware of the ‘different’ apparel used by judges and barristers, the robing practices have little impact on jurors and the continued use is of little consequence to anyone but the lawyers themselves. Should lawyers regard the continued use of robing practices beneficial to their role, as long as, in their view, this facilitates the distinction of the law then this research supports such practices.

With respect to the symbolism in the actual courtroom, although not expected, the findings of this research indicated that symbolism in the courtroom is beneficial in that it promotes juror focus on the evidence. Additionally, a certain level of arousal facilitated performance and unless juror arousal is elevated such that it causes distress, this is beneficial to the legal process. Consequently, with some adjustments to court procedures which might guide the layperson through the initial phases of contact with the setting, the findings presented in this thesis recommend the maintenance of symbolism in all elements of the courtroom environment.
The Appendices have not been published. They are available in the original document which is held in the Griffith University Library.
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