

Understanding the effects of jury service on jurors' trust in courts

Liana Pennington¹ | Matthew J. Dolliver²

¹Saint Anselm College, Manchester, New Hampshire, USA

²The University of Alabama, Tuscaloosa, Alabama, USA

Correspondence

Liana Pennington, Saint Anselm College,
100 Saint Anselm Drive, Manchester, NH 03102,
USA.

Email: lpennington@anselm.edu

Funding information

College of Arts and Sciences at The University of
Alabama; Saint Anselm College

Abstract

Jury service is a positive, even transformative, experience for many jurors. Prior research establishes that jurors who deliberate on a court case develop more positive views of courts in the relatively short time of jury service, but we know little about the reasons underlying why these positive changes develop. This research focuses on changes in jurors' views after serving on criminal cases because jury service is one of the few opportunities community members have to participate directly in the criminal justice system, with jurors acting as the conscience of the community regarding the extent of prosecutorial power. Unlike most work using actual jurors, this research utilizes surveys with jurors both before and after jury service to understand how jury service brings about increased trust in courts. We examine the influence of three categories of potential factors, deliberating on a case, juror satisfaction, and jurors' attitudes relating to law and justice, finding all three categories work together to significantly predict whether jurors' trust in courts increases, decreases, or stays the same. Policy suggestions include developing innovative ways to capitalize on the positive and overall legitimizing aspects of jury service in criminal cases by increasing community members' meaningful involvement in the courts.

INTRODUCTION

Jury service is a positive, even transformative, experience for many jurors. Beyond fulfilling an important civic duty, the experience of serving as a juror often has lasting influence on jurors' attitudes and views of the justice system. Research consistently finds participating in jury service increases trust in courts for most jurors (Bornstein & Greene, 2017; Cutler & Hughes, 2001; Gastil et al., 2010; Rottman, 1998), even though initially many individuals are reluctant to serve (Bloeser et al., 2012; Musick et al., 2015). Serving as a juror in a criminal case likely has a particularly influential effect on jurors' views. Prior work finds deliberating on a criminal case even affects jurors' future civic engagement (Gastil et al., 2010; Gastil & Weiser, 2006). However, we know relatively little about why these increases in trust occur and which experiences during jury service contribute the most to these powerful, even transformative, changes. Understanding the reasons behind these trust increases

can lead to new ways to capitalize on the potential legitimacy-building aspects of jury service. This is particularly important as public trust in legal institutions and the criminal justice system continues to decline (Kochel, 2019; Morin & Stepler, 2016; Newport, 2016; Norman, 2016). The positive and transformative nature of jury service likely has ripple effects throughout a community as jurors communicate within their social network about their experience (Diamond, 1993; Shuman & Hamilton, 1992). In this way, understanding the processes through which jury service leads to increased trust in courts for many jurors can have important implications for the legitimacy of our court system. Appreciating the strength of these legitimacy effects and the processes through which they develop is particularly timely as the number of cases going to jury trial declines (Hale, 2016; Reaves, 2013; Thomas, 2016) and many of these positive effects of jury participation are lost.

Jury service is one of the few ways that individual community members can have direct input on how the criminal justice system works. Unlike nearly all other aspects of the criminal justice system, with jury trials members of the public are asked to take on a direct and active role in the justice process. When deciding on the guilt of criminal defendants, society depends on jurors to ensure that those responsible for criminal activity are found guilty and to protect defendants against unwarranted prosecutions. Jurors in criminal cases function as an important check on prosecutorial overreach and act as the conscience of the community when deciding whether conduct remains within permissible social boundaries (Barkov, 2003; Kalven & Zeisel, 1966). As stated by Judge Bazelon of the D.C. Circuit Court, “The very essence of the jury’s function is its role as spokesman for the community conscience in determining whether or not blame can be imposed” (United States v. Dougherty, 1972, p. 1142). In this way, jurors deliberating in criminal cases engage in an important type of active citizenship, working to help constitute what justice means in their communities, which is particularly significant given current societal debates concerning police conduct. Jurors in criminal trials are said to be “co-producers of justice,” along with criminal justice agencies and legal institutions (Moore, 1997, p. 6). Throughout the United States, the actions of police officers, particularly in communities of concentrated disadvantage, have been the subject of controversy and social unrest. Jurors in criminal trials have a crucial voice on these controversies concerning police behavior and the justice system, since not guilty verdicts are unreviewable in criminal cases as jeopardy attaches.

This research focuses on understanding why jury service is such a positive experience for many jurors who sit on criminal cases. We know that jury service generally, and in criminal cases particularly (Gastil et al., 2010; Gastil & Weiser, 2006), has a positive and even transformative effect on jurors’ views of the court system in a short time. However, more research is needed that focuses on understanding why these positive effects of jury service occur (Cutler & Hughes, 2001; Diamond, 1993). This research adds to the small body of literature that surveys actual jurors both at the beginning and at the end of their jury service to begin to address the issues of causation present in most research using real jurors. Very few research studies have been able to survey jurors before jury service given the serious ethical issues involving the risk of tainting jurors before trial (see, Allen, 1977; Consolini, 1992; Gastil et al., 2010). For this reason, the vast majority of research in this area uses surveys conducted at one time period, at the end of jury service, asking jurors about their trust in legal authorities only after the trial is finished (Bornstein et al., 2005; Farrell et al., 2013; Hannaford-Agor et al., 2002). However, without collecting data from both the beginning and end of jury service it is nearly impossible to determine change because researchers are asking respondents to report their initial views after jurors recently played an integral role in the court process. In addition, by using data from both the beginning and end of jury service, this research can account for potential selection effects in jury selection. Prior research indicates that individuals who appear for jury duty may be particularly civically minded (Rose et al., 2018), suggesting this characteristic in jurors may account for the high levels of trust in courts measured after jury service. This study design is able to account explicitly for these types of selection effects by using data collected at two time periods, focusing on the effects of jury service itself on jurors’ views of courts.

We find that jury service significantly changes jurors' views during this relatively short time and that many factors come together to increase jurors' trust in courts during their jury service. We find that jurors' trust builds through a combination of engaging in the deliberative process, being treated well by legal authorities, and having the ability to act on particular attitudes concerning law and justice. Deliberation and juror satisfaction factors emerge as particularly influential. Understanding why jurors' trust in courts increases can help lay the foundation to develop successful policy initiatives that enhance the positive legitimacy effects of meaningful lay participation in the justice system.

The positive, even transformative, impact of jury service on jurors

Serving on a jury increases jurors' positive views of the court system. We know from prior research that jurors who are seated on a jury, hear evidence, and deliberate on a court case leave the court process with more positive views than individuals who appear for jury duty but who are then excused from jury service. For example, Cutler and Hughes (2001) finds that seated jurors generally leave the process with more positive views of the jury system's ability to be fair than individuals who appear for jury service but who are not seated on a jury. Other work comparing jurors' perceptions of court fairness with the perceptions of prospective, but excused, jurors finds that jurors who served had more positive views of courts than individuals who did not serve (Shuman & Hamilton, 1992). In addition, research with jurors surveyed post trial finds that jury service enhances general trust in courts. A series of statewide surveys by the judicial branches in 21 states between 1984 and 1998 finds generally that jurors had more positive attitudes towards the courts than individuals without the experience of serving on a case (Rottman, 1998). Other work also finds that approval of the courts is particularly high among individuals with jury experience (Benesh & Howell, 2001; Howell, 1998) and that jurors leave jury service with an overall positive view of the court system (Bornstein et al., 2005; Gastil et al., 2010).

Not only does jury service increase positive views of the court system, but also deliberating on a criminal jury can significantly affect individuals' future civic engagement. Put simply, deliberating on a jury is believed to have "*transformative power*" on jurors themselves (Gastil & Weiser, 2006, p. 606, emphasis in the original). Jurors who deliberated on criminal cases were significantly more likely to vote in future elections than jurors who deliberated on civil cases and those not seated on a jury (Gastil et al., 2002, 2010; Gastil & Weiser, 2006). In addition, jurors who describe their jury experience as positive and as exceeding their expectations demonstrate greater political and civic activity such as an increase in discussing public affairs, staying informed on civic issues, and participating in political groups (Gastil & Weiser, 2006). Although this civic engagement effect may also be present with civil juries in some situations (Hans et al., 2014), criminal juries are unique in their general unanimity requirement and that jurors are posed to serve as a check on the government and prosecutorial overreach. Gastil and Weiser (2006) write that the act of deliberating as a juror, particularly with criminal cases, is so transformative that "[s]imply put, deliberation promises to change how people act as citizens" (p. 606).

However, we still do not understand whether these positive and transformative effects of jury service hold equally for members of all racial groups. The influence of juror race on how jurors view the courts is still unclear (Bornstein & Greene, 2017), with some research finding nonwhite jurors have more negative views of the jury system and courts than white jurors (Rose, 2005; Shuman & Hamilton, 1992). Using a general population sample, prior work also finds Black and Hispanic members express less trust in the jury system than whites (Rose et al., 2008). As members of racial minority groups consistently have lower trust in the criminal justice system and legal institutions overall (Kochel, 2019; Morin & Stepler, 2016; Newport, 2016), it may be expected that nonwhite jurors would have similarly more negative views of the courts after jury service than white jurors. Blacks and other racial minority groups have faced a long history of racist and exclusionary behavior in the

United States regarding jury service (e.g., see, Swain v. Alabama, 1965). However, other research on jurors' views after jury service does not find that views vary by racial group membership (Cutler & Hughes, 2001). Cutler and Hughes suggests that these findings indicate that jury service may be "a domain in which appraisals [of the system] are less sensitive to background influences" such as demographics (p. 317). More research is needed to understand whether the effect of jury service on jurors' trust in the courts varies by racial group, examining whether the generally positive effects of jury service hold for nonwhite as well as white jurors.

Understanding why jury service transforms jurors' views

The experience of serving on a jury has a powerful impact on many jurors' views, however, little is understood about the processes through which jury service affects jurors' views of courts in criminal cases. While prior work focused on understanding the negative experiences of some jurors (Chomos et al., 2011; Cutler & Hughes, 2001; Diamond, 1993), this research focuses on the reasons underlying why jury service positively affects many jurors' views of courts. We focus on three categories of factors suggested from prior research that likely impact why jury service affects trust in courts: experiences during jury deliberation, satisfaction with the court process, and attitudes relating to law and justice.

One important aspect of a juror's experience that likely affects views of the court system is jury deliberation. Jury deliberation is a unique opportunity where members of the community participate directly in the justice process. This collective experience in participating in the decision-making burden likely builds trust in the court process as each juror shares responsibility for the ultimate verdict. In criminal cases, jury verdicts must be unanimous with each juror having an equally important vote. Each juror in the deliberation room has the opportunity to voice his or her own views of how the law should apply in the case and whether the government has met its burden of proof. Work in procedural justice and legitimacy generally finds that people have more trust in institutions and processes when they perceive themselves as having a meaningful voice (Lind & Tyler, 1988; Tankebe et al., 2016; Tyler, 1990). Having voice in the jury deliberation process may be particularly influential in changing one's views. When participating in a deliberative forum, such as jury duty, individuals from diverse backgrounds must come together "to clarify their opinions, consider alternatives, and work toward compromise" (Polletta, 2008, p. 17). The research on the specific effects of deliberation experiences on jurors' views is limited. Consolini (1992) suggests jurors' experiences in the deliberation process provide an opportunity for active citizenship, as jurors work together to arrive at a group decision that best represents community standards and the public interest. Consolini finds that following deliberation, jurors were more likely to report that the jury system works well and that the courts are fair. Having the opportunity to speak and feel listened to by others may be particularly important when examining the effect of jury service on views of the courts. John Gastil et al. (2010) suggest with their "participation hypothesis" that the heavy burden of deciding on a defendant's guilt in a criminal trial through group decision-making is what transforms individuals' views and future civic behavior. Using a series of post-trial surveys with actual jurors, Gastil et al. (2010) finds that jurors who feel that other jurors gave them sufficient opportunity to express their opinions were more likely to have higher levels of overall satisfaction with deliberations. Other work with student participants analyzing trial vignettes finds that respondents valued jury deliberations which were perceived as thorough, which listened to holdout jurors, and which took measures to minimize bias (MacCoun & Tyler, 1988). How jurors subjectively view the deliberation process may or may not differ by racial group membership and other characteristics. Winter and Clair (2018) finds that non-white jurors with lower levels of education are less likely to feel they had sufficient time to express themselves in the jury process than more educated white jurors. However, Cornwall and Hans (2011) finds that black jurors report significant higher rates of participation during deliberations than white or Hispanic jurors, even as socioeconomic factors such as education and income continue to predict level of jury participation in deliberations.

Jurors' satisfaction with the court process may also contribute to the transformative impact of jury service on jurors, explaining at least some of jurors' increased trust. Generally, procedural justice research suggests that individuals trust processes where they perceive themselves as being treated with dignity and respect (Lind & Tyler, 1988; Tankebe et al., 2016; Tyler, 1990). Individuals generally leave jury duty satisfied with their experiences with jury service, leading to more positive views of the courts and more trust that the judiciary system is operating as it should. Jurors report feeling that their time was well spent by the court (Bornstein et al., 2005; Cutler & Hughes, 2001; Munsterman et al., 2006; NCSC, 1999) and that they enjoyed serving on a jury (Sicafuse et al., 2013). Jury satisfaction studies have examined a variety of factors affecting how jurors perceive the jury experience, such as the length of jury service, the comfort of physical spaces, the ability of jurors to take notes and ask questions, and the quality of jury orientation programs (Chomos et al., 2011). Satisfaction with the jury experience leads to jurors being more approving of the courts and having more trust in the courts as a legal institution (Benesh & Howell, 2001). While the majority of jurors report being satisfied, this line of research has focused mainly on increasing satisfaction levels among dissatisfied jurors and explaining why some jurors are unhappy with their jury experiences (Bornstein et al., 2005; Cutler & Hughes, 2001; Diamond, 1993). For example, Bornstein et al. (2005) focus on juror stress, finding that the most stressful elements for jurors relate to the complexity of the trial and the decision-making process. Other well-studied factors in juror dissatisfaction are disruptions to daily living, trial complexity, and complicated jury instructions (Cutler & Hughes, 2001; Diamond, 1993; Greene & Bornstein, 2000; Mott et al., 2000; NCSC, 1999). Given the focus of prior work on understanding juror dissatisfaction and negative juror experiences, we understand less regarding how satisfaction with jury service contributes to more positive views of courts for most jurors.

Jurors do not enter jury service as a blank slate (Devine, 2012; Hastie et al., 1983); instead, jurors hold attitudes relating to law and justice that may influence whether jurors' trust in courts changes as a result of jury duty. Previous research finds that a number of juror attitudes relate to trust in courts and views of the criminal justice system. People who believe that courts successfully protect defendants' constitutional rights are more likely to view the court system as fair (NCSC, 1999; Rottman, 2005; Tyler, 2001). Similarly, individuals who view juries as representative of the community and courts as in touch with the problems of their community are more likely to have positive views of the courts and see courts as fair and just institutions (NCSC, 1999). In addition, people's views on whether crime is a serious problem in their community may affect how they evaluate whether courts effectively address issues relating to crime and disorder (NCSC, 1999; Rose et al., 2018). Individuals who live in communities with high levels of crime tend to have less trust in legal authorities and justice institutions than those living in communities with less crime (Bell, 2017; Kirk & Matsuda, 2011). Jurors' experiences within the court process may either confirm or disprove these law and justice related attitudes, particularly as jurors themselves are actively engaged in the decision making process and have the opportunity to act on some of these beliefs. The effects of these attitudes on whether trust in the courts changes because of jury service may vary by racial group membership. Prior work suggests that nonwhite jurors may be more likely to act on their trust in legal authorities in jury deliberations (Farrell et al., 2013), which may lead to changed views of courts. This research examines whether attitudes relating to law and justice interact with deliberation and juror satisfaction variables to predict whether jurors' trust in courts changes from the beginning to the end of jury service.

RESEARCH QUESTIONS AND METHODS

This research surveys actual jurors concerning their trust in the courts at both the beginning and end of jury service. Most research on jurors' experiences employs either mock juries (Devine, 2012) or surveys of actual jurors only after their jury service is concluded (Bornstein et al., 2005; Farrell et al., 2013; Hannaford-Agor et al., 2002). This research uses survey data at two time periods to

capture change, examining whether jurors' trust in courts changes from before jury service to after jury service and what factors help to explain these changes. Based on theory and prior research, we focus on three categories of factors to examine why jurors' trust in courts increases, decreases, or stays the same: (1) quality of the deliberation experience, (2) general satisfaction with the jury process, and (3) attitudes relating to law and the justice system. Our research questions are:

1. Does serving on a criminal trial result in a statistically significant change in jurors' level of trust in the courts?
2. If such a change does exist, what factors distinguish jurors' increasing, decreasing, or static belief in trust in the courts?

Data: Participants and instruments used

Data for this research are comprised of individuals appearing for jury service in one courthouse in the Southeastern United States. This courthouse serves a rural area and a small city housing a large public university. In this courthouse, typically 70–125 people report for jury selection each month. This research includes data collected from nine jury selections from September 2014 to May 2015. Jurors in this jurisdiction appear for a 2-week period of jury service. Once qualified to serve, jurors may begin hearing a court case that same day, be scheduled to hear a case later that week or the next week, or eventually be dismissed without hearing a case. This research was approved by the appropriate university human subjects board.

Surveys were administered to jurors both at the beginning and at the end of their jury service. We conducted the first survey (Time 1) on the first day when all jurors appearing for jury service for that two-week period meet in one courtroom to be greeted by a judge. Jurors consenting to participate in the research were asked to fill out a short survey concerning their trust in legal authorities and their views of the jury system. The Time 1 surveys were necessarily brief due to ethical concerns relating to possibly tainting jurors before they heard evidence in a trial. Seven hundred and fifteen jurors completed the Time 1 survey with a response rate of 81.9%. The second survey was given at the end of the jurors' service (Time 2). The Time 2 survey was considerably longer, including the same questions relating to trust in legal authorities as Time 1 as well as additional questions concerning the experience of serving on a jury and attitudes relating to the justice system. The timing of the Time 2 survey varied depending on whether the juror had actually served on a trial during the two-week jury service period. The vast majority of Time 2 surveys were given at the courthouse, although a small number ($n = 9$) of surveys were returned by mail (about 2%). We had 405 jurors complete the Time 2 survey for a calculated response rate of 56.43% from Time 1 to Time 2. The response rate at Time 2 is lower than at Time 1 given the greater difficulty in locating jurors after jury service since jurors could be dismissed at any point during the two-week period.

Most research on actual jurors has not surveyed jurors at the start of jury service because of difficult and complex ethical concerns. To address these issues, we developed a system to protect jurors' privacy and the integrity of the trial process. We did not collect jurors' names at either Time 1 or Time 2 to preserve juror anonymity. Instead, we used a unique yet nonidentifiable ten-digit code to match jurors' surveys at the two stages of the research process, a technique known as subject-generated identification (Dilorio et al., 2000; Grube et al., 1989; Kearney et al., 1984). This technique is particularly useful when conducting research where assuring subjects' confidentiality is essential (McGloin et al., 1996; Schnell et al., 2010). In this research, the ten-digit code was created through asking respondents identical preference and demographic questions at both time periods. Personal preference questions consisted of five questions concerning their favorite color, type of music, type of dessert, subject in high school, and movie genre out of six given choices. These questions were selected to be stable preferences and subjects were asked to respond the same way at both time periods. Demographic information such as race, sex, education level, age, and employment status

was also used in the ten-digit code to match jurors from Time 1 to Time 2. No two jurors had the same ten-digit code. When conducting the matching process, we wanted to ensure a high degree of confidence that the matches were correct. Therefore, this analysis includes only respondents with matched data on all ten digits at Time 1 and nine or more matched digits at Time 2. All matches were independently confirmed by both members of the research team. The resulting data include 248 jurors with matched data from Time 1 to Time 2.¹ Next, we used a set of *t*-tests to compare matched and unmatched jurors using the Time 1 data. First, we conducted a Welch's *t*-test to confirm that matched jurors included in the final sample did not sufficiently differ in trust in courts ($t[403] = 0.396, p = 0.530$) from unmatched respondents. The Welch's *t*-test is robust and can be used with data with highly unequal sample sizes between groups (Lewis-Beck et al., 2011; Lu & Yuan, 2012). Next, we used two separate Welch's *t*-tests to confirm that those in the matched and unmatched groups did not differ on either gender ($t[403] = 0.073, p = 0.787$) or race ($t[403] = 1.196, p = 0.275$). Of the 248 jurors with confirmed matches from Time 1 to Time 2 (61.23% of Time 2 surveys), 136 of these jurors (54.8%) had deliberated in a criminal case.² Among these 136 cases, five were missing significant amounts of data on the set of independent variables of interest in this study, and as a result were removed list-wise from the analysis. This left a final sample of 131 jurors who deliberated on criminal cases with completed responses on all of the variables of interest in this study.

Variables of interest

The key variable of interest is jurors' trust in courts. At both Time 1 and Time 2, respondents were asked, "How much trust do you have in your local courts?" on a 7 point Likert scale, ranging from 1 "no trust" to 7 "a great deal of trust." On account of the ethical issues involved with pretrial surveys, we were limited to asking only a few questions regarding jurors' trust in legal authorities and views of the jury process at Time 1. These questions were deemed to not potentially jeopardize the court process because they are topics jurors are already introduced to by the prosecutor or the defense attorney in jury selection. While research in other contexts employs multiple measures of global trust (Franke et al., 2010; Hamm et al., 2011), that was not possible when using a pretrial survey with jurors. Prior work with actual jurors has used a similar single item measure of institutional trust in legal authorities (Farrell et al., 2013; Garvey et al., 2004; Hannaford-Agor et al., 2002).

Multiple variables were examined to determine which factors lead to changes in jurors' trust in courts. Jurors were asked questions in three categories of potential factors: (1) questions relating to the deliberation experience, (2) questions relating to their general satisfaction with the jury process, and (3) attitudinal questions related to law and justice. These questions were adapted from similar questions used by the Jury and Democracy Project (Gastil et al., 2010), the Hung Jury Dataset by the National Center of State Courts (Hannaford-Agor et al., 2002), and the How the Public Views the State Courts National Survey (NCSC, 1999).

Jurors were asked specific questions concerning their experiences in jury deliberations. To measure whether jurors perceived themselves to have participated in a true deliberative forum that fully examined the evidence, jurors were asked to disagree or agree with the following statement, "Jurors thoroughly discussed the relevant facts of the case." To examine jurors' perceived level of respect for each other, jurors were asked their agreement with the statement, "All of the jurors listened respectfully to each other during deliberation." Jurors were asked about their own ability to voice their beliefs in deliberations through the statement, "During deliberations the other jurors gave me a

¹We discuss problems with the matching process in the [Conclusion and Limitations](#) section, including suggestions for future researchers to utilize a matching system more successfully.

²One hundred and five jurors with matched data did not deliberate on any case, either because the defendant pled guilty or because the court already had a sufficient number of jurors. Seven jurors responded that they had deliberated on a civil case and were excluded from the analysis. There were no hung juries in the sample.

chance to express my opinions about the case.” All three deliberation experience measures were measured from Strongly disagree (1) to Strongly agree (7) at Time 2, the survey after jury deliberations.

Questions relating to general satisfaction included jurors’ overall experience, whether their time was used well, and their satisfaction with the final verdict. Jurors were asked, “Overall, how would you rate your experience as a juror?” on a 7 point scale with 1 as less than satisfactory and 7 as excellent. The court’s ability to use jurors’ time efficiently was measured by asking, “I feel that my time as a juror was well-used by the court.” Jurors were asked to respond whether they Strongly disagree (1) to Strongly agree (7). To measure jurors’ individual level of satisfaction with the case outcome, jurors were asked, “How would you rate your satisfaction with the jury’s final verdict?” Jurors were asked to rate their satisfaction from Very unsatisfied (1) to Very satisfied (7). These questions were all asked in the longer survey at Time 2 at the end of jury service.

In the third category, jurors were asked questions concerning their attitudes relating to law and the justice system. These four questions were measured as agree/disagree statements on a 7-point scale with Strongly disagree (1) to Strongly agree (7). At Time 1, the start of jury service, jurors were asked about their perceptions of the jury system with the statement, “The jury system is the fairest way to determine guilt or innocence of a person who has been accused of a crime.” All other questions in this category were asked at the end of jury service. Given these jurors had deliberated on criminal cases, we asked jurors about perceived levels of crime in their community. Individuals living in neighborhoods with high levels of crime and disorder may have more negative views of the justice system’s legitimacy than those living in lower crime areas (Bell, 2017; Kirk & Matsuda, 2011). Therefore, jurors were asked their agreement with the statement, “Crime is a serious problem in my community.” To examine whether respondent jurors viewed juries as a balanced cross-section of the community, jurors were asked their views concerning the statement, “Most juries are not representative of the community.” Finally, to look at jurors’ attitudes relating to the court’s role in protecting due process, jurors were asked their level of agreement concerning the statement, “Courts protect defendants’ constitutional rights.”

Juror demographics

Juror demographic variables, composed of race, sex, age, and household income, were also measured. Among the 131 jurors, 81 (61.8%) self-identified as white, 44 as Black, 2 as Hispanic, 2 as Native American, and 2 as other (or 38.2% non-white). Given this breakdown, we coded respondents’ race “1” for white and “0” for non-white.³ Juror sex was coded “1” for male and “0” for female. Among our sample, 51% of jurors were female and 49% were male. Jurors were asked to identify their age using six categories, which were coded “1” for the youngest jurors (19–25) to “6” for the oldest jurors (over 65). Table 1 illustrates the demographic breakdown for this sample. Data were checked against known population parameters on key demographics. As this research utilizes actual jurors whereby it was not possible to stratify participants based on demographics, we used a set of tests to assess the representativeness of the sample. According to the US Census Bureau (2018), whites compose 63.2% of the county from which jurors were drawn, compared with about 61.8% in this group of seated jurors. We determined this difference was not statistically significant ($\chi^2 [1,131] = 5.45$, $p = 0.07$). Similarly, the sample was 51.1% female compared with 51.6% in the county which was also found to be a nonsignificant difference ($\chi^2 [1,131] = 1.65$, $p = 0.20$). The average household income of jurors in the sample was between \$25,000 and \$49,999, and the median household income fell in the range between \$50,000–\$74,999, which is comparable with Census data average household

³Given the unique history African Americans have with the criminal justice system, we confirmed that the statistical findings were similar whether or not the six non-white/non-Black jurors were omitted from the non-white category.

TABLE 1 Sample demographics ($N = 131$)

Variable	Deliberating jurors ($N = 131$)		County Percentage
	Count	Percentage	
Age			
19–25 years old	19	14.5%	18.1%
26–35 years old	21	16.0%	13.3%
36–45 years old	20	15.3%	11.0%
46–55 years old	28	21.4%	11.1%
56–65 years old	31	23.7%	17.5%
65+	12	9.2%	11.2%
Race			
White	81	61.8%	63.2%
Non-white	50	38.2%	36.8%
Sex			
Male	64	48.9%	48.4%
Female	67	51.1%	51.6%
Household income			
<\$10,000	10	7.6%	8.2%
\$10–14,999	9	6.9%	6.0%
\$15–24,999	18	13.7%	12.1%
\$25–34,999	14	10.7%	11.8%
\$35–49,999	11	8.4%	13.8%
\$50–74,999	25	19.1%	17.5%
\$75–99,999	18	13.7%	12.0%
>\$100,000	26	19.8%	18.6%

income of \$53,326 and median of \$71,528. The average age of jurors in the sample was between 36 and 45, and jurors ranged in age from 19 to 65 or older, also keeping with Census data.

Analytic strategy

Before examining our research questions, we first checked the data on a number of dimensions. Among the 136 deliberating jurors initially sampled, 131 provided complete responses. The five cases failing to provide a complete set of responses were removed list-wise from the data set. Removal of these cases (at 3.6%) was less than 10% of the overall data set, and therefore fell within standard practice for list-wise deletion (Allison, 2002). Next, the data were checked for normality, outliers, heteroscedasticity, and potential multicollinearity and were found to be within normal ranges for each. Additionally, an ANOVA (with post hoc) was used to confirm that there was no significant difference between jurors' levels of trust in the courts at Time 2 across the 9 months in which jurors in the study were selected to serve ($F[8,239] = 0.82, p = 0.59$).⁴

Research Question 1 asked whether there was a change in trust in courts from the beginning to the end of jury service. We used a paired-samples t-test to answer this question. This test compared

⁴Given the particular concerns with juror anonymity here, we were not allowed to track and record the specific trials on which jurors served. This means that we cannot estimate any nested effects.

jurors' level of trust in the courts before trial and again following deliberation. As detailed in the findings below, the results showed a significant difference in how much jurors trust the courts from the beginning compared to the end of jury service.

As a result of this finding in Research Question 1, the differences in jurors' levels of trust were recoded for examination in Research Question 2. We coded the differences in jurors' scores into three groups: those increasing, decreasing, and showing no substantial change. The no change group was defined as jurors with a ± 1 point change in scores or no change in scores. Subsequently, those in the increase and decrease groups were defined to have a ± 2 point change or more, respectively. Using these defined groups provided two primary benefits to increase the face validity of the change measure. First, since this research centers on identifying factors that distinguish *changes* in trust because of jury service, defining a meaningful no change group helped to delineate those increasing and decreasing in trust. Second, using these definitions created this delineation without under-representing either of the increasing or decreasing change groups.⁵ Each of the three post deliberation groups was confirmed as being composed of 20 or more jurors, and the total sample size ($n = 131$) was in excess of the recommended four to five times the number of independent variables (13) in this study (Mertler & Reinhart, 2017). Following the delineation of these groups, we examined Research Question 2.

Research Question 2 asked which factors helped to explain whether a juror increased, decreased, or had no change in trust in courts from the beginning to the end of jury service. We used a Discriminant Analysis (DA) to determine which, if any, variables suggested by prior literature constituted a statistically significant predictor of jurors' change in trust in courts. Discriminant Analysis is a helpful tool for predicting group membership and operates as a reversal of Multivariate Analysis Of Variance (MANOVA). With Discriminant Analysis, the dependent variable represents group membership measured at the nominal level, and the independent variables represent characteristics determining that membership measured at the continuous level (Tabachnick & Fidell, 2012). As part of the broader set of General Linear Modeling (GLM) techniques, Discriminant Analysis predicts group membership by fitting a linear plane through the cloud separating points for multiple independent variables. In other words, Discriminant Analysis is used to predict whether a juror's levels of trust will increase, decrease, or stay the same, using a number of juror characteristics. As an analysis of covariance, Discriminant Analysis can measure the power of a predictor variable when removing the effects of the other independent predictors, increasing its ability to predict new cases in the future. In addition, as Maddala (1983) notes, when the assumption of normality is met (as in this analysis), Discriminant Analysis is the true maximum likelihood estimator and the best predictor of group membership. Another strength of Discriminant Analysis is the ability to look at the relevant impact of each variable compared with the other variables in the model as well as the independent effect of each variable directly on the dependent variable. We first looked at the standardized canonical coefficients, which examine the relevant weight of each individual variable in predicting group membership when compared to other variables in the model. We also look at the structural coefficients, which examine how much each variable contributes to the overall ability of the model to predict whether a juror changes in trust, regardless of other variables.

FINDINGS

For Research Question 1, we first conducted a paired-sample t-test to compare jurors' trust in courts at the beginning of jury service with jurors' trust in courts at the end of jury service. The results showed that there was a significant difference ($t[130] = -2.63, p = 0.01$) in how much jurors trusted

⁵We initially attempted a K-means cluster analysis, which is a technique commonly used when there are known groups for analysis. However, the K-means grouping procedure ($K = 3$) had trouble distinguishing between the decreasing and no change group, yielding a no change group that extended ± 3 -point around zero and including 51% of those decreasing in trust.

the courts before ($M = 4.17$, $SD = 4.09$) and after deliberation ($M = 4.88$, $SD = 3.48$). This suggests jury service does change an individual's level of trust in the court system.

In light of these paired-sample t -test results establishing a statistically significant change, we used a Discriminate Analysis to help identify factors distinguishing jurors whose trust increased, decreased, or stayed the same. We ran the analysis using a 'leave-one-out' or 'jack-knife' classification analysis, which categorizes each case using a function created with all other cases except for the one being classified. Utilizing this process helps to create an unbiased assessment of the discriminate function's ability to classify new cases in the future (Tabachnick & Fidell, 2012). A per-case test of Mahalanbois distances showed no significant multivariate outliers. Additionally, Box's M for the homogeneity of variance-covariance pairs for all groups in the independent variable was significant ($M = 465.124$, $p < 0.000$), indicating this assumption was met (Field, 2013). The prior probabilities for series membership were equal for all series (at 0.333 each) so that initially equal weight was given to each of the three groups.

Since with Discriminant Analysis each canonical discriminant function differentiates between two groups in a data set, the analysis found two functional equations, or functions, emerged which distinguished the three states of juror trust (increasing, decreasing, or no change). The first function in the Discriminant Analysis explains the largest portion of variance between two groups in the set; in this data, the first function distinguishes between jurors increasing in trust and those not increasing in trust (combining both the decreasing and no change groups). The second function explains the remaining variance and distinguishes the groups not used in the analysis above, here distinguishing between jurors decreasing in trust and those jurors showing no change in trust. In this research, the first function was significant and the second function was not significant.

Function 1, which distinguished between jurors who increase in trust and jurors who either decrease or show no change, explained 91.9% of the variance, compared with just 8.1% for Function 2, which distinguished between jurors who decrease and jurors who show no change.⁶ Additionally, the canonical correlation for Function 1 was 0.73, suggesting that the groups were meaningfully distinguished. Function 1 reached significance with a Wilks's Lambda (Λ) of 0.431 ($\chi^2 = 102.92$, $p < 0.000$). This is important because as Klecka (1985) notes, "a significant lambda means we are safe in assuming that the results [came] from a population which did have differences between the groups" (p. 40). Function 2, however, had a canonical correlation of just 0.30, and failed to reach significance ($\Lambda = 0.91$, $\chi^2 = 11.50$, $p = 0.487$). Given that such a large percentage of the variance is explained by the Function 1 analysis, the failure to find significant results in Function 2 is not surprising. The group centroids for Function 1 also demonstrate a meaningful distinction between groups. The centroids indicate the graphical point with the center (or group mean) for each of the variables in the function (Klecka, 1985). That is, the centroid is the point at the center of each group in multi-dimensional space. Showing that each of the group centers (centroids) is meaningfully spaced suggests how well the groups of increased, decreased, and static trust are distinguished from one another. Since only the first function reached significance, and explained almost 92% of the variance in this data, we focus our interpretation on this model.

Table 2 shows the standardized and structural coefficients for both discriminant functions. Focusing on the significant function, Function 1, we first look at the standardized coefficients, or estimated beta coefficients, which indicate the relative impact of each variable in defining a particular group when compared to the other variables. The standardized canonical coefficients are analogous to the standardized betas in linear regression, meaning the magnitude of the values are the relevant aspects to interpret and not the positive or negative signs. Since these coefficients are standardized, the magnitudes (or absolute values) of each variable can be directly compared to one another. The standardized canonical coefficients in Function 1 demonstrate that the model as a whole is able to significantly discriminate between jurors who increase in trust from jurors who either decrease or

⁶Function 1 and Function 2 total 100% because the variance being measured is the proportion of variance each function measures in comparison to the other.

TABLE 2 Discriminant function analyses for jurors' change in trust for the courts ($N = 131$)

Variable	Standardized canonical coefficient		Structural coefficient	
	Fn. 1	Fn. 2	Fn. 1	Fn. 2
Juror demographics				
Juror gender	-0.43	-0.01	0.76	-0.05
Juror race (as white or non-white)	-0.06	0.02	-0.13	-0.15
Juror income	-0.16	0.00	0.02	-0.06
Experiences deliberating on a case				
Discussed the facts of the case	-1.53	4.95	0.71	0.02
Other jurors listened	-0.32	-1.17	0.67	0.04
Other jurors let me talk	-1.83	-2.30	0.65	0.03
General juror satisfaction				
Overall experience as a juror	0.42	-0.26	-0.01	-0.03
Time as a juror was used well	-0.43	0.04	0.56	-0.01
Satisfaction with the jury's final verdict	0.08	-0.94	0.37	0.18
Juror attitudes on issues of law and justice				
Pretrial belief that the jury system is fair	1.03	0.01	0.01	-0.04
Crime is a serious problem in my community	-0.02	0.14	-0.24	-0.07
Most juries are not representative of the community	0.36	0.34	0.23	0.03
Courts protect defendants' constitutional rights	-0.38	-0.49	-0.02	0.00

stay the same. Variables having an absolute value of greater than 1.0 are interpreted here as contributing the most to the equation. Among these standardized coefficients in Function 1, three variables have the greatest impact on group membership: *pretrial belief that the jury system is fair* (1.03), *jurors discussed the facts of the case* (-1.53) and *other jurors let me talk* (-1.83). These findings also indicate that the category of deliberation related factors appear to hold more importance than the other variables when looking at the relative impact of each variable in predicting whether a juror's trust in courts increases, decreases, or stays the same.

We next turn to the structural coefficients, which represent the correlations between the discriminant function and group membership. The structural coefficient analysis makes comparisons between each independent variable and the overall prediction of whether a juror was in the increase, decrease, or no change group, and is not affected by relationships with other variables. That is, structural coefficients indicate how much a given variable contributes to the overall predictive strength of the model, relating each variable directly to its influence on jurors' change in trust. This is in contrast to the standardized coefficient analysis above, which explains the relative weight of each variable in comparison to the other variables in the model. In order to interpret the structural coefficients we followed Tabachnick and Fidell's (2012) guidance that the inclusion of lower loadings is a matter of researcher interpretation, but coefficients of 0.30 or greater are generally viewed as adding to the model. However, it is important to note that Tabachnick and Fidell (2012) make clear that ultimately researchers should make these choices in the context of a given study. In light of this guidance, we find that many factors loaded onto Function 1. Looking at the significant variables by category, we first see that among the demographics, only juror gender was above the 0.30 guidance (0.76), suggesting that men were more likely to experience an increase in trust as a result of serving on a jury.⁷ Neither juror race nor income significantly contributed to the model. Next, all three factors

⁷When analyzing structural coefficients, the magnitude indicates the strength of the relationship and the sign indicates whether it is a direct or inverse relationship.

TABLE 3 Group classification results for jurors' change in trust ($N = 131$)

Actual group	<i>n</i>	Predicted group membership (% [count])		
		No change	Increased	Decreased
No change	20	52.9% (27)	12.9% (7)	34.2% (17)
Increased	60	11.0% (7)	81.2% (49)	7.8% (5)
Decreased	51	29.5% (4)	3.9% (1)	76.6% (15)

Note: The bolded values along the diagonal highlight the comparison of predicted and actual values for the three groups.

relating to experiences deliberating on a case, *discussed the facts of the case* (0.71), *other jurors listened* (0.67), and *other jurors let me talk* (0.65), were all well above the threshold guidance of 0.30. Turning next to the factors concerning juror satisfaction, we found that while *overall experience as a juror* was not significant, both *time as a juror was used well* (0.56) and *satisfaction with the jury's final verdict* (0.37) loaded on to the function. This suggests that these satisfaction factors have some impact on jurors' increase in trust, although not as strongly as the deliberation factors. Finally, turning to the measures on jurors' attitudes relating to law and justice, we find that none of these variables reaches the 0.30 recommended threshold. However, jurors' views that *crime is a serious problem in my community* (-0.24) and *most juries are not representative of the community* (0.23) both come marginally close to the 0.30 guidance for interpretation. The negative sign attached to the coefficient with the first variable indicates that those jurors with more of a belief that crime is a problem are less likely to increase their trust in the courts. The positive coefficient with the second variable indicates those with a greater belief that juries are not representative are more likely to increase in trust after jury service.

Finally, Fishers' classification results indicated that the model correctly classified 69.5% of jurors into their trust group of increasing, decreasing, or no change. Table 3 shows the full breakdown between actual and predicted group membership. Looking along the diagonal of the table shows that the no change group, at just 52.9% correct classification, fared the worst at prediction. However, the model did much better predicting jurors who either increased or decreased in their trust in the court system. About 81% of those increasing in trust and about 77% of those decreasing in trust were accurately predicted. While this does show a fair amount of accuracy in the prediction of the two change groups, there were still approximately one in every five cases incorrectly grouped. Moreover, the increase group was fairly evenly split in its incorrect classifications between predicting they would have no change (11.0%) or a decrease in change (7.8%). The model was somewhat less successful with separating out and predicting the membership of the decrease group from the no change group. The decrease group was overwhelmingly incorrect in favor of predicting they were in the no change group (29.5%), which echoes the difficulty in distinguishing the decrease and no change groups noted above regarding the centroids. Jurors who increased in their trust in courts were more likely to increase a lot, sometimes 3 or 4 points on a 7-point scale, while jurors who decreased in their trust in courts were more likely to decrease only a small amount. This is particularly interesting because both the increasing and decreasing groups start out with similar mean levels of trust in courts at the start of jury service, at 3.63 and 3.25, respectively. Following jury service the increasing group had a mean of 4.35 compared with just 3.18 for the decreasing group. These numbers indicate that the experience of jury service itself matters and that jury service is affecting trust in courts in different ways for different people. This smaller rate of change with the decrease group leads to the model being less able to accurately predict whether a juror will decrease in trust or stay the same. However, the classification functions are able to strongly predict jurors whose trust in courts increases because of jury service.

In sum, we find a statistically significant change in juror trust from the beginning to end of jury service. We examine three categories of factors, quality of the deliberation experiences, general satisfaction with the jury process, and attitudes relating to law and justice, along with demographic variables to understand these changes in views. We were able to explain nearly 92% of the variance

regarding whether and in which direction jurors' trust in courts changes after jury service. This high percentage, combined with the Wilks's Lambda score, demonstrates that there are three meaningful groups of jurors who can be categorized as having increased trust in courts, decreased trust in courts, and no change in trust in courts after jury service. It also indicates that these identified factors can accurately explain the distinctions between groups, although the deliberation and satisfaction categories of factors are more predictive than the attitude category. The model does an overall strong job in distinguishing change, predicting who increases in trust with 81.1% accuracy and who decreases in trust with 76.6% accuracy, but it has some difficulty distinguishing the no change group from the group who decreases.

DISCUSSION

Many jurors experience an increase in their trust in courts in the relatively short time of jury service, but we have known little about the factors leading to this change. This research takes an important step in understanding why jury service, here with jurors who deliberate on criminal cases, increases levels of trust in courts for many jurors and why trust increases for some jurors and not others. Surveying jurors both before and after their jury service, we focus on three categories of potential factors, finding that each of these categories contributes to whether a juror's trust in courts increases, decreases, or stays the same. Jurors with positive deliberation experiences and jurors who were more satisfied with the jury process were particularly likely to increase in trust. This research is one of the few studies that surveys jurors both at the beginning and at the end of jury service, and the only study using two time periods to examine the reasons underlying jurors' change in trust in courts. By matching pre- and post-trial surveys, we are able to begin to address the concerns with causation and selection bias present in earlier work, allowing us to focus on changes in trust that occur because of jury service.

This research examines three categories of potential factors to explain jurors' positive increase in courts: experiences deliberating on a case, satisfaction with the jury process, and jurors' attitudes relating to law and the justice system. We find that jurors' views of their experiences in the deliberation process are particularly important in understanding jurors' change in trust. Whether jurors thoroughly discussed the facts of the case, whether jurors listened respectfully to each other, and whether other jurors let them express their opinions were each important influencers in jury service leading to more positive views. Jury deliberation is a collective, rather than purely individual, process. Similar to prior socio-legal research finding that individuals' assessments of a legal process depend on their social interactions (Berrey et al., 2012; Ewick & Silbey, 1998), this research suggests that the process of building trust in courts through jury service is at least partly relational, developed through the quality of communication with others. Yet we also find that individual-level factors relating to jury satisfaction continue to be important as to whether jurors' trust in courts changes. Jurors with increased trust believed that the court used their time well and were satisfied with the jury's final verdict. However, on their own these satisfaction factors do not provide a full explanation of how jury duty transforms views in such a short time period. This research provides further support that while levels of satisfaction with the jury process continue to provide some insight as to why jury service changes one's views of the court system, juror satisfaction needs to be examined as it interacts with other factors to fully understand changes in trust.

Our third category of factors, juror attitudes relating to law and justice, is also influential in the model, but has less predictive effect than either of the deliberation or satisfaction categories. Jurors who do not see juries as representative of the community were more likely to increase their trust in courts. This increase may be partly explained by positive jury experiences challenging their negative beliefs, with jurors experiencing the jury process as being fairer and more representative than expected. However, it is also possible that jurors with increased trust served on juries which were not particularly diverse, leaving these jurors more satisfied with their jury experience. This conclusion

would be in line with research showing that more homogenous groups experience less interpersonal conflict (McLeod et al., 1996; Sommers, 2006). Future research in this area should include measures of diversity within the jury to fully examine this issue. Jurors who believe that crime is not a problem in their community were also more likely to increase in trust. This suggests that jurors who experience their neighborhoods as safe and orderly may not place an expectation on courts to address problems relating to crime. It may also reflect the findings of previous research that individuals living in areas with high levels of crime and disorder tend to view legal authorities as less legitimate, with the findings here demonstrating that these attitudes are resistant to change through jury service. More research is needed which examines how these attitudes intersect during jury service and whether additional attitudes relating to law and justice are also influential. At least with these jurors, it appears there is a deeper story here concerning the role of jury service in creating and sustaining high levels of trust in the court system. Jurors' views of the justice system and their expectations for courts should be examined alongside deliberation and satisfaction factors to fully understand how jury service brings about increases in trust.

Juror demographics do not take a central role here in explaining which jurors have more trust in the courts after jury service. Neither juror race nor juror income appears to influence whether a juror's views of the courts change. Only juror gender has a moderate impact, with male jurors more likely to increase their levels of trust in courts. The lack of significant results regarding juror race here is surprising. Work focusing on juror race and jury verdicts finds that juror race is a significant factor in jury deliberations, with white jurors more likely to vote for guilt than black jurors (Sommers, 2006, 2007), particularly in cases with white jurors and black defendants (Sommers & Ellsworth, 2001). In addition, research not specific to jurors consistently finds significant differences among racial groups concerning levels of trust in criminal justice institutions (Morin & Stepler, 2016; Newport, 2016; Rottman & Hansen, 2001; Tyler & Fagan, 2008; Weitzer & Tuch, 2006). It is possible that the courthouse selection process used here led to the early dismissal of individuals with less trust in the courts and more cynical views of the legal system. These selection processes could have been non-race neutral, making differences by juror race less likely to occur when examining whether a juror's trust in courts changes because of jury service. However, prior work on how juror race influences how jurors view the jury system has not been conclusive. Although some research in this area finds significant differences between the views of black and white jurors (Rose, 2005; Shuman & Hamilton, 1992), other work has found no significant race effects regarding views of jury service (Bornstein & Greene, 2017; Cutler & Hughes, 2001). Prior research has not specifically addressed whether a juror's racial group membership predicts dynamic change in trust, rather than static levels of trust in legal institutions. Our findings here are more in line with work in procedural justice, which finds that members of different racial groups value similar processes in the justice system, such as having voice and being treated with dignity, even as non-whites have less positive views of legal authorities than whites overall (Tyler, 1990; Tyler & Huo, 2002). Similar to procedural justice research, we find that racial group membership does not affect the processes underlying change in trust, with similar factors predicting change for both white jurors and non-white jurors.

This research demonstrates how jurors' trust in courts changes in the short period from the beginning to the end of jury service, leading to a more complex understanding of how trust in courts develops and operates through jury participation. Future research should take a closer look at these explanatory factors to gain a deeper understanding of how these factors interact and whether other factors, such as the racial composition of the jury and jurors' previous experiences with courts and the police, also influence jurors' change in trust. It would be important for future research to examine whether juror race influences whether trust in courts increases with some combinations of factors and not with others. This type of research agenda will be challenging to undertake. Researchers will find it difficult to conduct qualitative interviews or more detailed surveys with jurors pretrial given the strict ethical guidelines concerning researchers having any contact with jurors before jury service is completed. The ability of any retrospective analysis to obtain accurate data is questionable

since researchers would be asking jurors to report what their views had been before trial after just playing an integral role in the court process. However, we are hopeful that future researchers can find creative ways around these constraints to complete further research on this transformative space of jury service. This research demonstrates that having pretrial contact with jurors, in at a least a limited way, is possible.

Although prior research demonstrates that jury service can lead to long-lasting changes in jurors' behavior (Gastil et al., 2010), this increase in jurors' trust in courts may be fleeting. Future research could examine the strength of this effect in more detail. Regardless of whether or not these changes in views endure, this dramatic increase in trust in the short period of jury service is powerful. These positive court experiences likely have greater societal effects beyond the experience of each one individual juror. Many individuals discuss their jury experience and their views of courts after jury service concludes (Diamond, 1993; Kalven & Zeisel, 1966; Shuman & Hamilton, 1992), with these positive views having a ripple effect through communities. Jurors' trust in courts is shaped through their positive court experiences, and subsequently jurors' interactions with their friends, family, and other community members likely magnifies these positive effects. In this way, the trust in the courts that jurors develop and have reinforced through jury service can have a legitimizing effect felt throughout communities.

POLICY IMPLICATIONS

This research highlights how the growing decrease in jury trials in the United States may affect the legitimacy of the court system. Nationwide, only a small percentage of criminal cases proceed to jury trial, with the vast majority of criminal cases instead ending in guilty pleas (Flango & Clarke, 2015; Hale, 2016; Reaves, 2013; Thomas, 2016). In contrast to jury trials which emphasize the active participation of citizens, professional court actors control the plea negotiation process, the prosecutor and, perhaps to a lesser extent, the judge and the defense attorney. The current process of plea negotiations includes little or no involvement by members of the public. Jury trials in criminal cases have been called "the antidote to coercive plea bargaining" (Neily, 2019, p. 284) as jury trials allow lay people to come in and act as the conscience of the community. Fewer jury trials directly translates into fewer opportunities for lay people to have a direct participatory experience in the court system, and correspondingly, less opportunity for jury deliberation to positively affect individuals' trust of courts. Many important consequences of the "vanishing trial phenomenon" (Galanter, 2004, p. 515) have been cited, such as concentrating power in prosecutors (Barkow, 2006; Bibas, 2012), increasing the secretive nature of the court process (Bibas, 2012; Conrad Jr. & Clements, 2018; Vidmar & Hans, 2007), and weakening defendants' constitutional trial rights (Conrad Jr. & Clements, 2018; Ferguson, 2012). This research demonstrates how we must also pay attention to how the decline of jury trials also means losing an important way to build trust in the legal system among members of the public.

Serving on a jury and deliberating on a criminal case substantially increase individuals' trust in the court system at a time when most justice institutions are suffering from low levels of trust and belief in their legitimacy. This research supports the need to find additional ways to develop new opportunities for members of the public to participate directly in the justice system. Legal advocates have advanced a number of proposals with this objective in mind, such as juries that review plea negotiations (Appleman, 2010; Bibas, 2012; Mazzone, 2003), sentencing recommendations (Barkow, 2003; Iontcheva, 2003), constitutional questions in criminal cases (Ryan, 2014), and bail decisions (Appleman, 2012). Each of these proposals maximizes the meaningful input of community members in the criminal court process. Although these recommendations have focused on increasing lay participation in the criminal context, analogous initiatives such as settlement reviews by jury, could achieve comparable goals with civil cases. These proposals theoretically would provide similar legitimacy benefits as jury trials since they also involve groups of diverse individuals from the

community coming together to meaningfully deliberate on important issues in the criminal justice system.

CONCLUSION AND LIMITATIONS

Most jurors leave jury service with transformed views of the court system. This research fills a gap in prior work by examining the factors that influence this rapid change in jurors' trust in courts. Prior work has focused on explaining juror dissatisfaction with jury duty, but has not focused on the majority of jurors who leave jury service with more positive views. This research is one of the few studies utilizing surveys of jurors at two time periods, before and after jury service, to capture these changes in trust. This research design begins to address the causation issues in most jury research where jurors are asked after jury service to reflect on what their views were before jury service. We find that factors relating to positive deliberation experiences, satisfaction with the jury process, and juror attitudes relating to law and justice all interact to bring about a rapid and meaningful increase in trust in courts for many jurors. Importantly, the factors that are most directly under the court's control, deliberation and juror satisfaction, are particularly influential in increasing jurors' trust in courts.

Unfortunately, the matching process we used to capture change from the beginning to the end of jury service resulted in a loss of data with many jurors. To survey jurors pretrial we needed to design a procedure that was both anonymous and untraceable. The procedure needed to be untraceable because defense attorneys could potentially subpoena research data in a motion arguing the defendant did not receive a fair trial. To address this issue, we asked jurors the preference questions described above, since methods used in prior research such as assigning participants a number to match the two surveys were deemed insufficient. Although we tried to ask matching questions that respondents would answer consistently from Time 1 to Time 2, different questions may have led to a more successful matching procedure. Future researchers might also consider asking participants to assign themselves a codename that they repeat on the second survey in addition to the preference questions. We recommend that future researchers spend additional time pre-testing the matching questions, allowing for sufficient time between the two surveys that mimics the actual study. In this research, we were able to match the majority of jurors with Time 2 data with their Time 1 survey, but the large number of unmatched surveys was disappointing. However, we are able to show that unmatched jurors did not differ in any significant way with matched jurors concerning demographic information and trust in courts.

There are a number of additional limitations to this research beyond issues with the matching process. Although large enough to obtain statistically significant results, this study involves a comparably small number of jurors. The jurors here served in one courthouse in the Southeast United States and findings may differ with jurors in other locations. The measure of trust in courts is limited to one question because of the important ethical concerns involved in surveying jurors at the start of jury service just before they hear evidence in a criminal case. Although this limits how to interpret what trust means to this group of jurors, this research demonstrates that the concept measured by this trust variable clearly changes from the beginning to the end of jury service, for the most part leading to increased trust. The process of selecting a jury is not a random process and attorneys may be striking potential jurors whose trust in courts may have had a different rate of change. However, this research design using actual jurors accurately represents the jury process, including how the final group of jurors selected to hear a case might not fully represent the jury pool. This study is not able to explain why some jurors decrease in their trust in courts as clearly as it explains why more jurors increase their trust in courts. In addition, this research does not account for the nested nature of jurors' experiences, a limitation similarly faced with other empirical studies using actual jurors (Garvey et al., 2004; Hannaford-Agor et al., 2002; Waters & Hans, 2009). Specific to this research, the human subjects board would not allow tracking jurors at the trial level because this

increased the risk that jurors could be identified. However, we were able to confirm that jurors' levels of trust in courts at Time 2 did not significantly differ by the month in which jurors served. Lastly, this research does not account for the racial composition of particular juries. Prior work finds more racially diverse juries generally take a longer time to deliberate, engage in a more comprehensive discussion of the relevant issues, and are generally more accurate in their evaluation of the case facts (Sommers, 2006, 2008). Future research should examine whether the racial composition of the jury affects how jurors experience jury service and how their views of courts may change. However, through its ability to identify factors influencing individual jurors' increase in trust, this research takes an important step towards filling an identified gap in prior research, understanding the processes through which positive views of the courts develop through jury service.

Despite these limitations, there are a number of important implications from the findings presented here. This research demonstrates the significance of active participation of lay people in the court process to build trust in our justice institutions. As society faces declining levels of trust in legal institutions and the criminal justice system generally, many jurors in criminal cases experience a noteworthy increase in their trust in courts after jury service. A judicial system which values creating and maintaining high levels of trust and legitimacy should consider implementing reforms aimed at bolstering jury trials, including measures aimed at addressing the coercive nature of plea bargaining (see, e.g., Murray, 2019). In addition, court actors and others in the justice system must start to seriously consider other meaningful avenues that would increase public voice and direct participation to build trust, such as plans to create lay juries to decide important criminal justice issues in addition to trial verdicts (see, e.g., Appleman, 2010; Barkow, 2003; Ryan, 2014). Creating new opportunities for public involvement in criminal courts is an important strategy to building and sustaining high levels of legitimacy in the justice system.

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AUTHOR BIOGRAPHIES

Liana Pennington, JD/PhD, is an associate professor of criminal justice in the Department of Criminal Justice, Saint Anselm College. Her research includes work published in *Criminology*, *British Journal of Criminology*, *Law & Social Inquiry*, *Justice System Journal*, *Law & Policy*, and *The Ohio State Journal of Criminal Law*.

Matthew J. Dolliver, PhD, is an assistant professor of criminology in the Department of Criminology and Criminal Justice, The University of Alabama. He has published in the journals *Deviant Behavior* and *Women & Criminal Justice* and co-authored the book *Policing Cyberspace: Law Enforcement and Forensics in the Digital Age*.

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