What We Can Learn from Jury Note Taking: A Content Analysis

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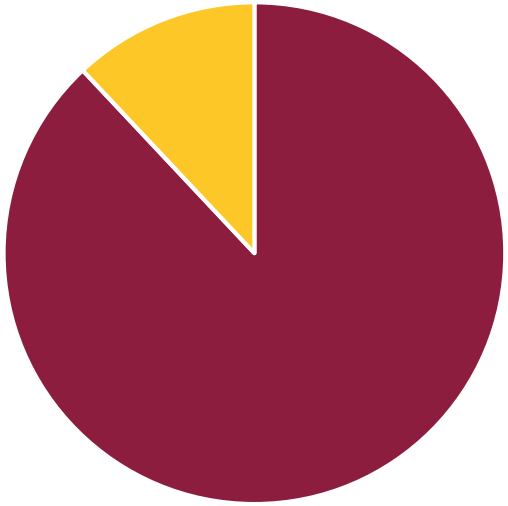
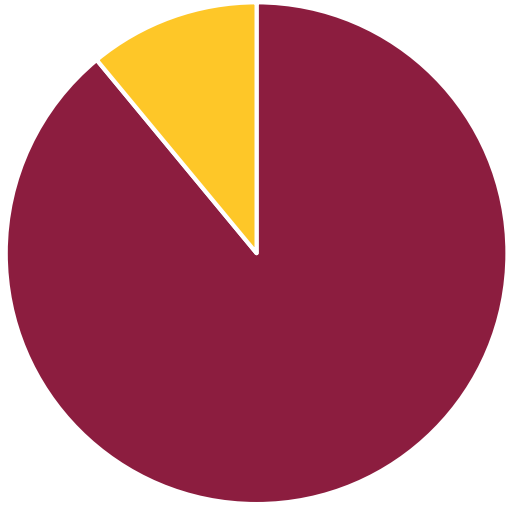
Jury Note Taking

- Memory aid vs. distraction
- What are jurors writing about
- Dann, Hans, and Kaye (2005)



88% took notes

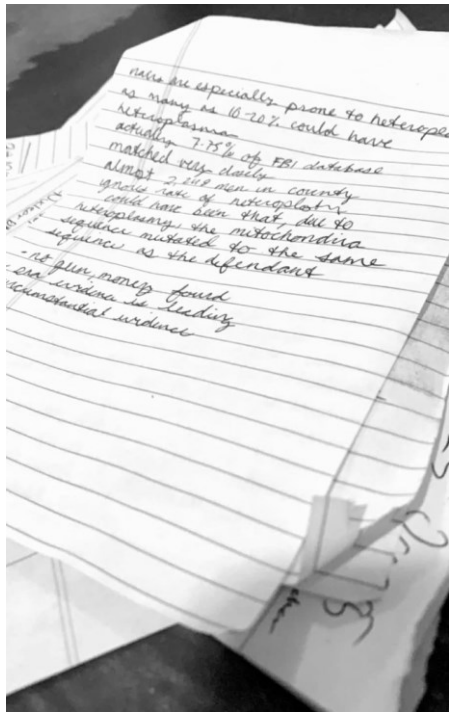
270 words



89% rated notes favorably

Jury Note Taking

- Memory is fallible
- Notetaking can enhance encoding and retrieval
- How are jurors remembering and applying case evidence?
  - Notes provide an insight



Aim of the Present Study

- What information are jurors writing about?
- What do they think is important?
- Content analysis
  - Simple vs. Complex evidence
  - Gist vs. Specific information

Fuzzy Trace Theory

- Reyna & Brainerd, 1995
- Gist vs. Verbatim representation

Gist

- gloves
- gun
- sweater

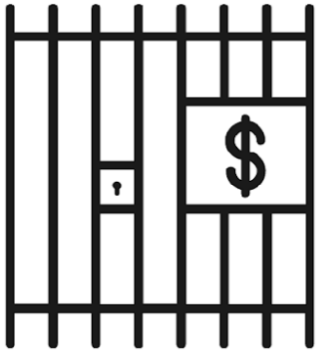
VS

Verbatim

- Green leather gloves worth $80
- .38 Caliber Smith & Wesson Revolver
- Blue Adidas sweatshirt with a small white logo on front right side

Present Study

- 45-minute mock bank robbery trial
- Evidence: defendant testimony, witness testimony, prosecution expert witness, defense expert witness
  - Expert witnesses: complex DNA evidence
- $n_{notes} = 94$
- $n_{lines} = 4705$ ($M_{per\ person} = 50.06$, $SD = 27.36$)
- $M_{words} = 176.50$

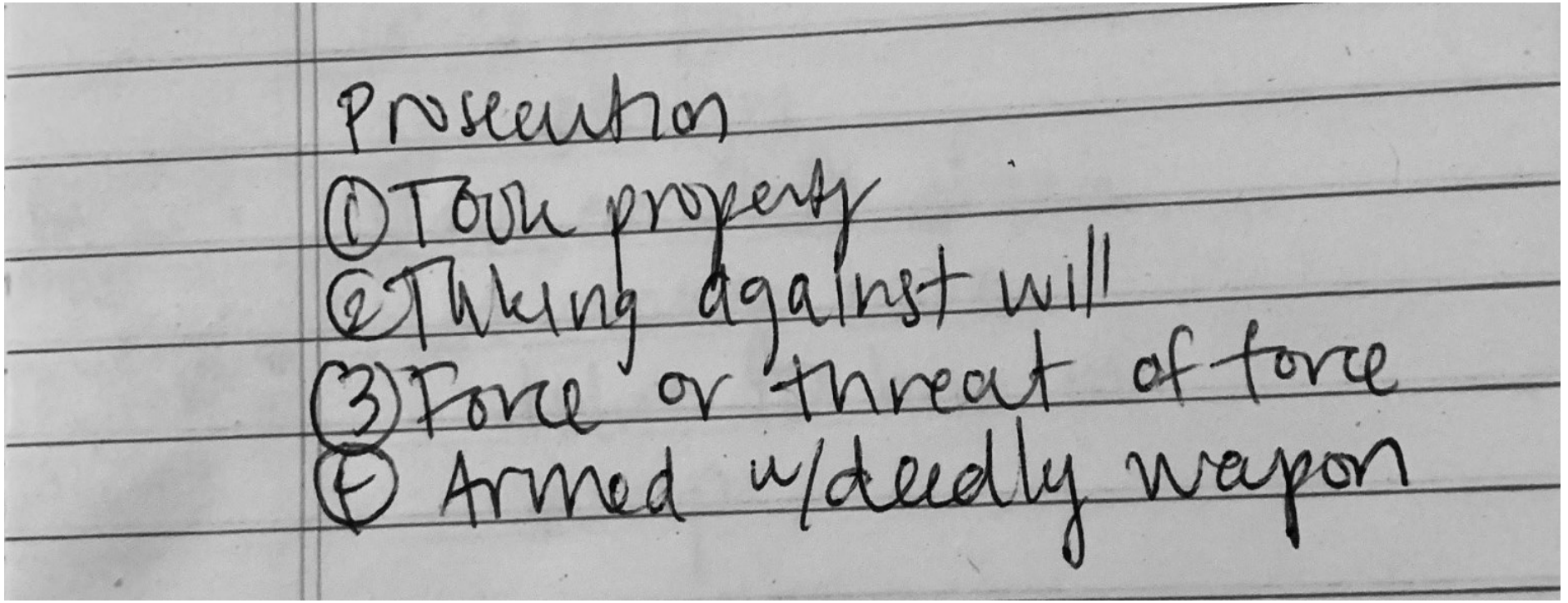


Coding Guide

- Jury instructions
- Gist vs Specific
- General Evidence vs Expert Evidence
  - General Evidence: gun, sweater, money, scar
  - Expert Evidence: DNA evidence
- Expert Evidence Related To?
- Expert Evidence Reliability?
- Kappas: .87-1.00

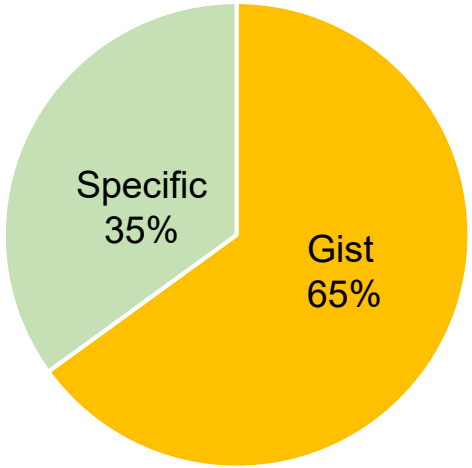
Jury Instructions

- N jurors = 66 (70%)
  - Dann, Hans, and Kaye (2005) – 85%

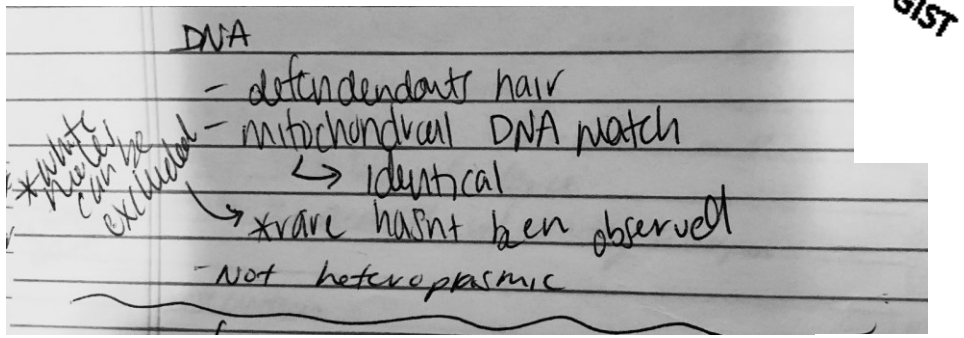


Gist information vs. Specific information

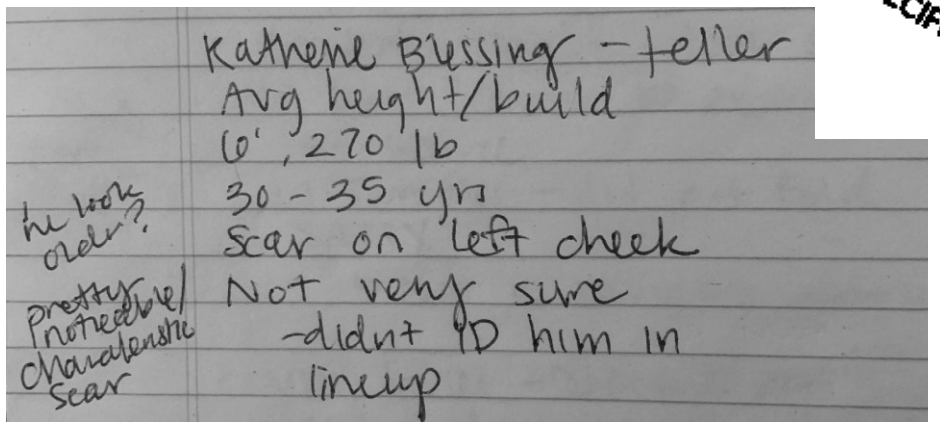
- Gist = 1115 (65%)
  - "Rare, hasn't been observed"
- Specific = 600 (35%)
  - "6', 270 lb, 30-35 yrs"



GIST



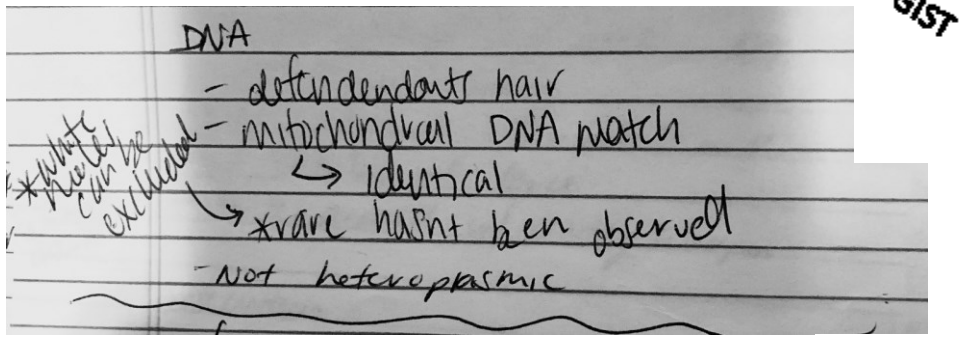
SPECIFIC



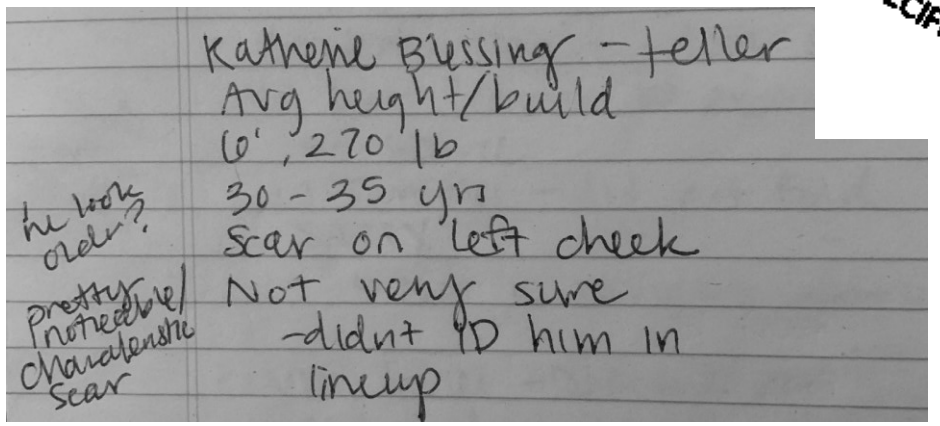
Gist information vs. Specific information

- Gist = 1115 (65%)
  - "Rare hasn't been observed"
  - General evidence = 421 (37.8%)
  - Complex evidence = 690 (61.9%)
- Specific = 600 (35%)
  - "6', 270 lb, 30-35 yrs"
  - General evidence = 329 (54.9%)
  - Complex evidence = 270 (45.1%)

GIST



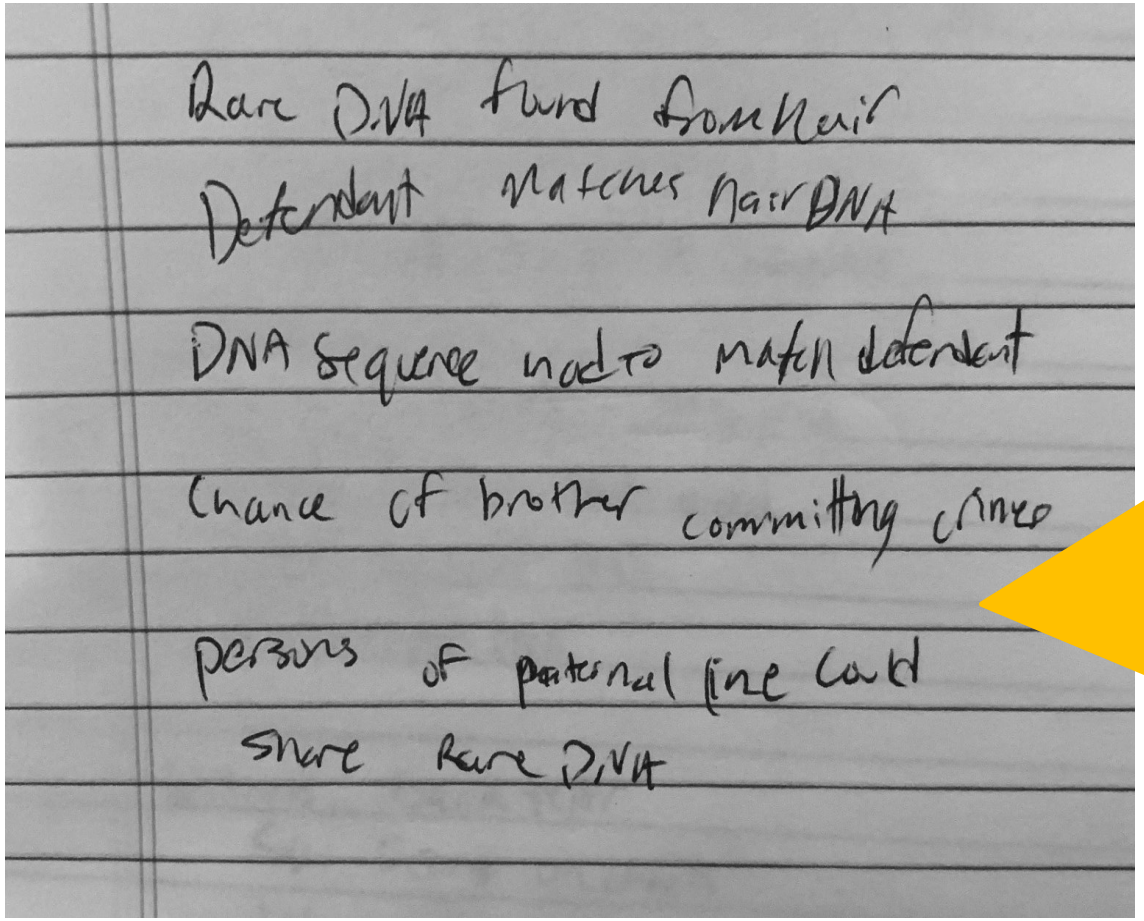
SPECIFIC



Content of DNA mention

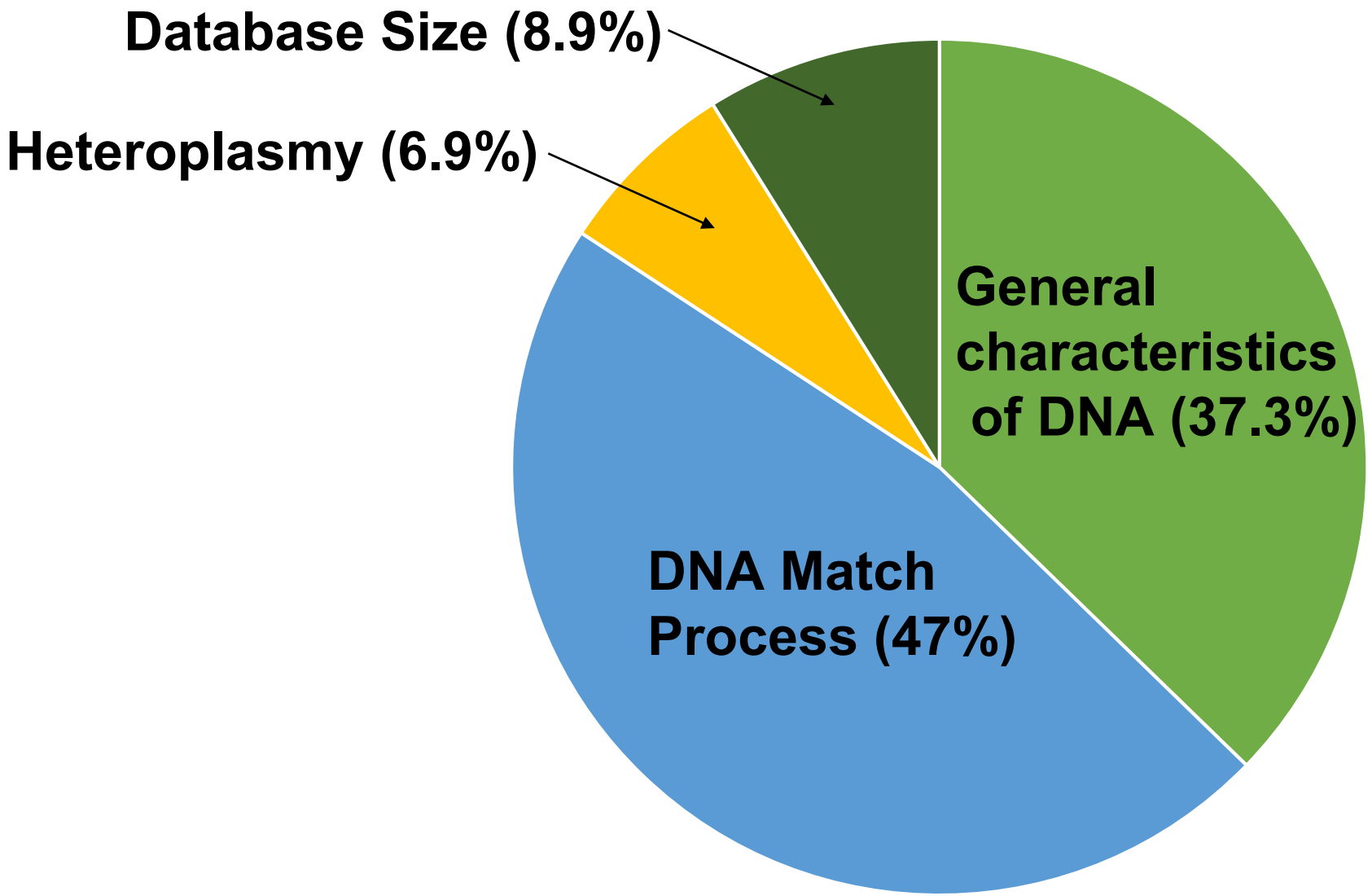
- General characteristics of DNA
- DNA match process
- Heteroplasmy
- Database size

Example: DNA Match Process



- Rare DNA found from hair
- DNA sequence had to match defendant
- Chance of brother committing crime

Content of DNA mention



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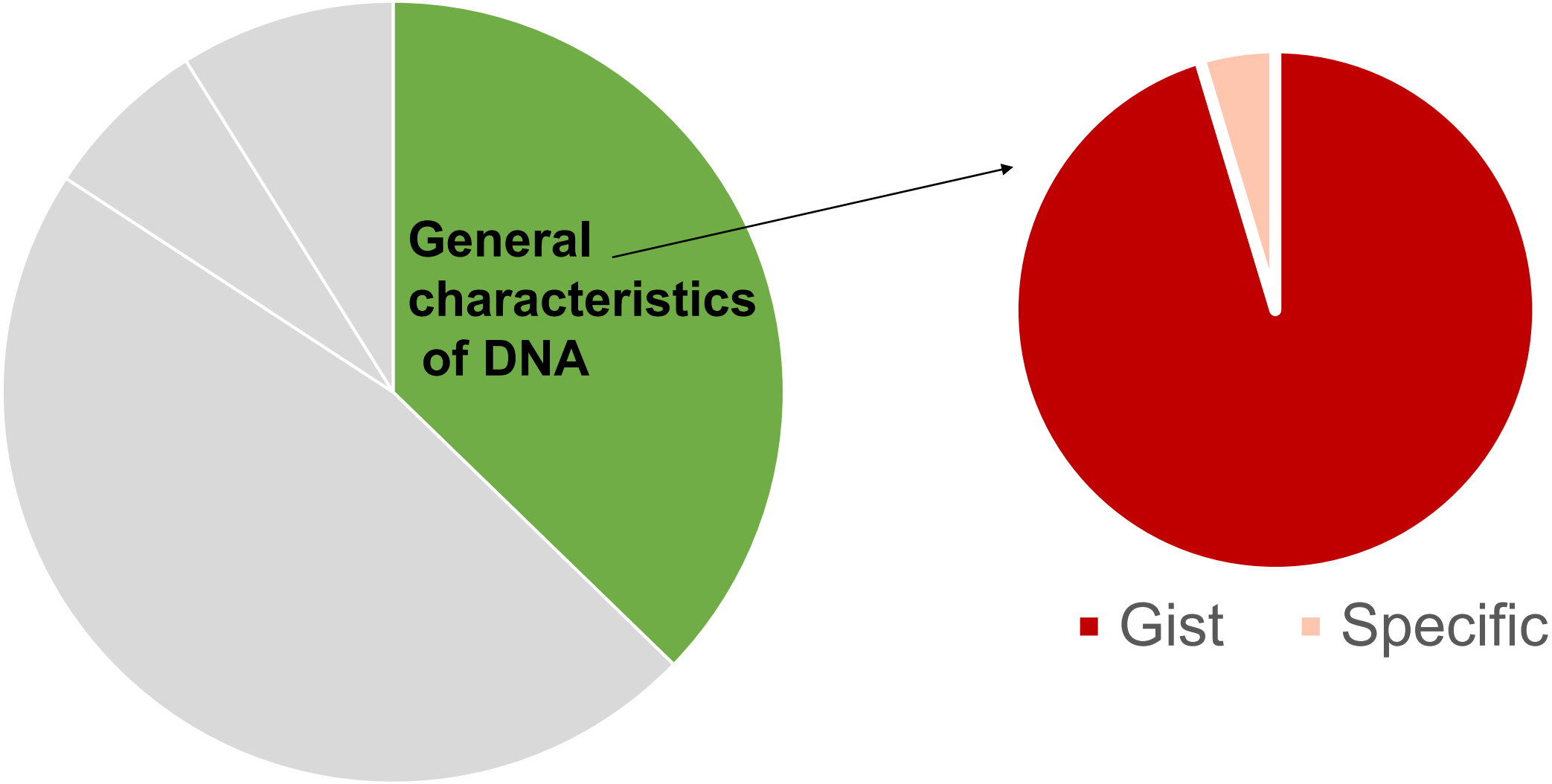

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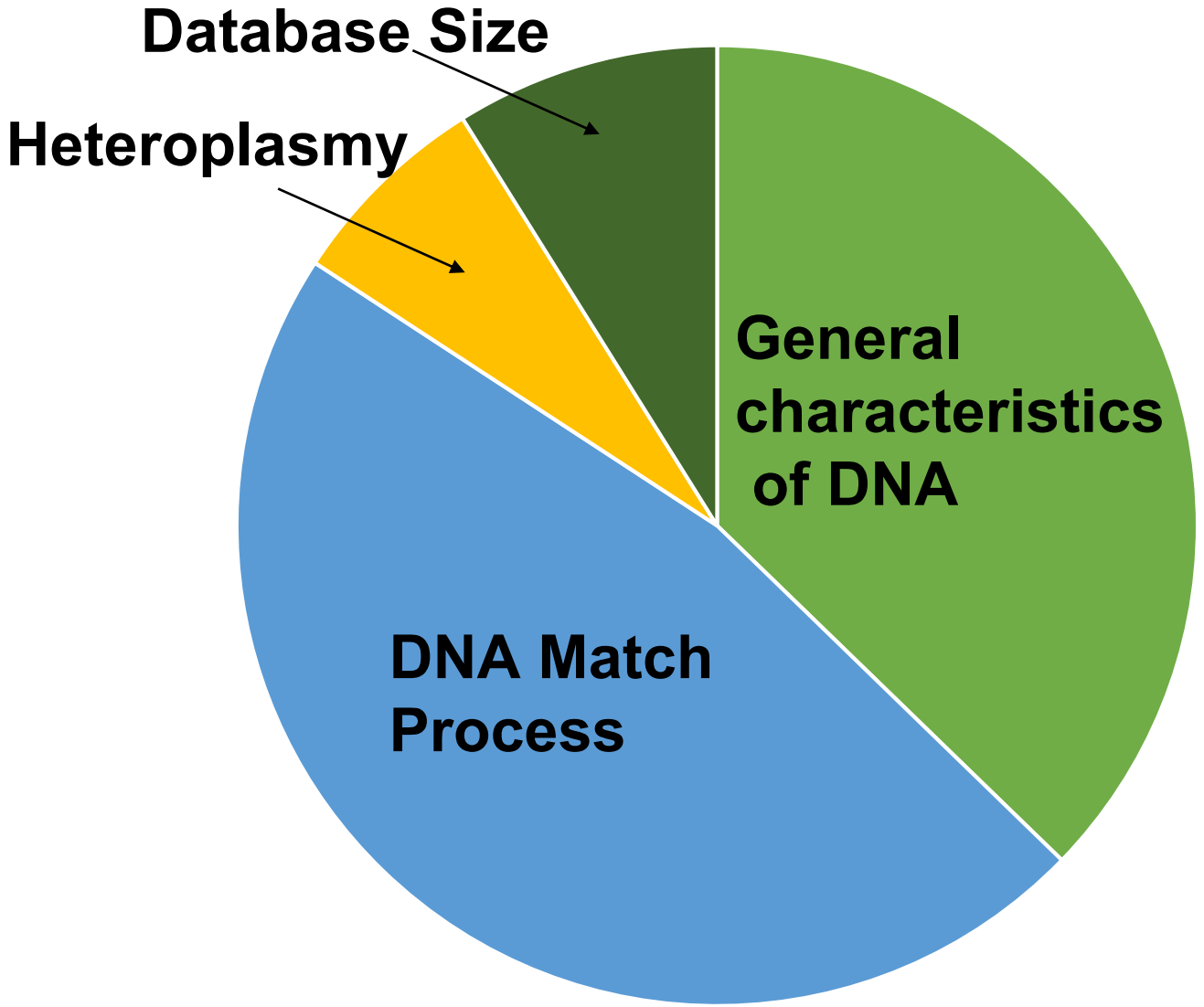
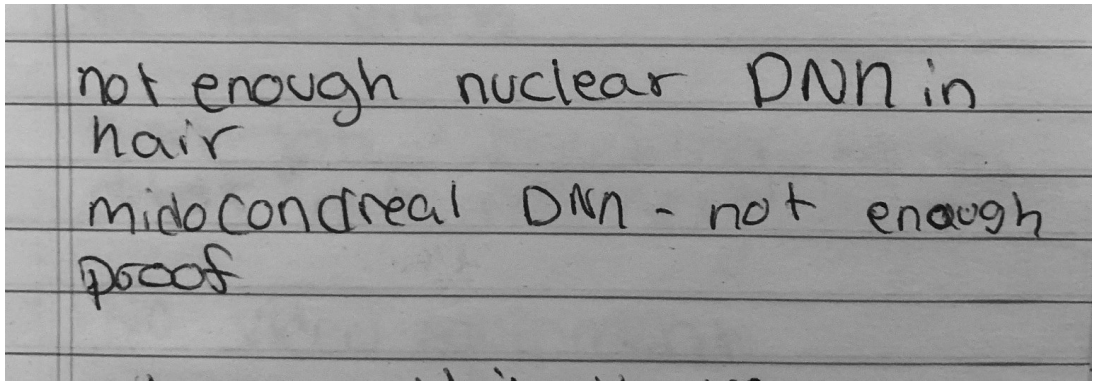


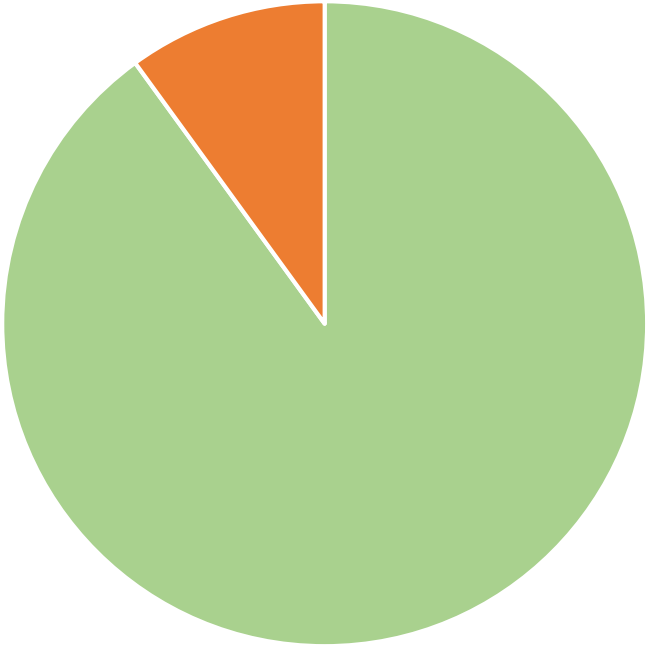
- General characteristics of DNA
  - **Gist = 94.1%**
  - Specific = 4.6%
- DNA match process
  - **Gist = 52.8%**
  - Specific = 47.2%
- Heteroplasmy
  - **Gist = 70.6%**
  - Specific = 29.4%
- Database size
  - **Gist = 60.2%**
  - Specific = 39.8%

Mentions Evidence Reliability

- Reliability – 219, 22.1%
- “not enough proof”



90% of jurors mentioned evidence reliability



Discussion

- Jurors create both gist and verbatim representations of evidence in their notes, but gist representations are more common
- Jurors are focusing equally on scientific and non-scientific evidence
  - Attending to both kinds of evidence
- Future directions
  - Do juror notes focus more as a memory aid than an understanding aid?
  - How do juror notes correlate with deliberation behaviors?
  - Do jurors with more verbatim representations have more impact in deliberation processes?
  - Do individual differences in jurors' cognitive styles relate with how they take notes? Do these differences matter during deliberation?"

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