

Cognitive Depletion and Motivation to Avoid Prejudice during Jury Deliberation

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This thesis is dedicated to my husband, Jerry. Words cannot express how grateful I am for your love and support. You have been my oasis of sanity, certainty, and calm. You believed in me and showed it every day. You never questioned my choices, even when they made our lives a little harder and pushed the rewards a little farther down the line. I am humbled every day by your kindness, humor, and wisdom. I want you to know how much I love and admire you for being a better, more selfless person than I could ever be.

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SUMMARY

Racial diversity in juries ensures representation of minority voices and can reduce racial bias in verdicts. But can diversity also jeopardize verdict fairness by placing a strain on individual jurors' self-regulation and cognitive resources, and in turn, weakening the performance of the group? I tested a contextual model of cognitive depletion during jury deliberation in racially homogeneous and racially diverse juries, aiming to reconcile the contradiction that diverse juries seem to perform better than homogeneous ones (Sommers, 2006), although there are detrimental effects of interracial interactions on cognitive processes (Richeson & Trawalter, 2005).

In a mock jury deliberation paradigm, White jurors viewed an evidence presentation from the criminal trial of a man accused of murdering his wife, including a manipulation of defendant race (White, African American). Then they deliberated with three other White participants and either 2 White or 2 African American confederates (resulting in all-White or diverse juries) and completed several measures including verdicts, cognitive depletion (i.e., the Stroop task), memory for case facts (a measure of performance), motivation to reach a fair verdict, individual difference moderators (i.e., action/state orientation and motivation to avoid prejudice), and control measures (i.e., racial prejudice, demographics). For other measures of performance, transcripts were coded to quantify the number of total, correct, and new case facts brought up by each juror during deliberation.

Results indicated that, as predicted, jurors in diverse versus all-White juries were more depleted after deliberation. Yet their performance (i.e., ability to recall and discuss case facts) did not suffer as a result, regardless of defendant race. Further justifying the importance of racially diverse juries, jurors on all-White juries performed better when

SUMMARY (continued)

they judged a White (versus Black) defendant, yet racially diverse juries performed just as well when the defendant was Black. Results also indicated that jurors were overall more lenient toward a Black (versus White defendant) before and after deliberation. Regarding juror individual differences, action- versus state-oriented jurors performed better in some experimental conditions, but worse in others; action orientation was not related to depletion. Motivation to control prejudice did not moderate the effects of experimental manipulations.

Overview of the Issue

Over the past 40 years, legislative reforms to jury selection processes have helped increase representation of women and ethnic minorities on American juries, so that juries are less likely to comprise the proverbial twelve (angry) White men. White jurors still usually constitute the majority and sometimes the sole members of juries, because White people are still the majority in most jurisdictions, because jury selection relies primarily on voter registration lists where minorities are under-represented (Sweeney & Dizikes, 2013), and because ethnic minorities are often eliminated through peremptory challenges (Baldus, Woodworth, Zuckerman, Weiner, & Broffitt, 2001; Liptak, 2007).

Increased diversity in juries ensures broader representation of minority voices and can reduce racial bias in decisions (Bowers, Steiner, & Sandys, 2001; Sommers, 2006). Yet diversity can also jeopardize group performance by placing a strain on jurors' cognitive and emotional resources and thereby can introduce evidence processing errors. Such strain is documented in actual cases. For example, Renaud (2010) described a corruption trial in which the only African-American juror slammed his hand on the table and accused the others of "wanting to hang the Black man," and a murder trial, in which a White juror accused a Black juror of flashing gang signs at her during an argument, a statement uncorroborated by other jurors, which might reflect prejudiced misinterpretation of another's behavior in a highly emotional confrontation. How does racial diversity affect jurors' mental processes and decisions, and when and how does it help or hinder just verdicts?

A useful psychological approach to jury research is to account not only for the output (i.e., verdicts) and information-sharing aspects of jury deliberation, but also for the interpersonal processes of group deliberations such as motivation to reach a fair verdict (Sommers, 2006). Diversity might present unique psychological challenges to a group decision context: The potential for conflict and tension increases compared to non-diverse juries, and more cognitive and emotional resources might be required to monitor the interaction and to ensure a thoughtful decision. Does diversity have positive or negative effects on juries' group dynamic and performance, and does this depend on whether the case involves a minority defendant?

In researching group processes, social psychologists have focused mostly on social interactions, while organizational and legal psychologists have focused on group output. Self-regulation and cognitive-depletion theories have the potential to bring these two aspects together into a single explanatory framework, because both social interactions and task performance require a common resource: self-regulation. The strength model of self-regulation states that people have limited abilities to regulate their behavior, thoughts, and emotions. Therefore, regulatory efforts result in ego-depletion and diminished performance (Muraven, Tice, & Baumeister, 1998; Schmeichel, Vohs, & Baumeister, 2003). In a group deliberation context, jurors' desire to manage social interactions and to perform well by reaching a just decision (task performance) might become competing goals that guide cognitive and regulatory resource allocation. Thus, to investigate the effects of diversity on jurors' performance, I relied on self-regulation, depletion, and interpersonal processes theories to test a model of interracial group deliberations that incorporates both task and interpersonal considerations.

Using a self-regulation perspective, I aimed to reconcile two sets of contradictory findings from two different literatures, while advancing theories about self-regulation, interracial interactions, and decision making. Specifically, on the one hand, some research shows that racially diverse (versus all-White) decision groups perform worse in managerial tasks (e.g., Watson, Kumar, & Michaelsen, 1993), a finding theoretically understandable because people are cognitively depleted after interacting with individuals from other racial groups (Richeson & Shelton, 2003; Richeson & Trawalter, 2005). On the other hand, psychology-and-law work shows that mixed-race juries are less racially biased and more thoughtful than all-White juries when they judge cases involving an African-American defendant (Bowers et al., 2001; Sommers, 2006). What can explain this discrepancy in research outcomes? There might be something particular about decisions that affect other people (especially members of disadvantaged groups), such as a strong desire to reach a fair decision, that motivates decision makers to overcome depletion by increasing their effort to render thoughtful decisions. The present project is a test of several hypotheses, especially the hypothesis that interracial deliberations *are* more depleting than racially homogeneous ones, but that White jurors' motivation to avoid being or appearing prejudiced against an African-American defendant (particularly when they deliberate with African-American jurors) overcomes depletion.

The goal is to compare jurors' decision-making performance in diverse and homogeneous groups and to understand any differences by determining the sources and consequences of cognitive depletion during group deliberation. This work extends Sommers' (2006) comparison of jury performance in homogeneous and diverse juries who judge a Black defendant by crossing jury composition (all-White, racially diverse)

with defendant race (White, Black). That is, in a mock jury study, Sommers asked White and Black jurors to watch a taped summary of a rape trial involving a Black defendant, render individual verdicts, and deliberate in groups of six. These groups were either racially homogeneous (6 White jurors) or diverse (4 White and 2 Black jurors). He found that the mere anticipation of deliberating with Black jurors motivated White jurors to be more lenient toward the Black defendant in pre-deliberation individual verdicts. More importantly, during deliberations with Black jurors, White jurors remembered and discussed more factual information, indicating that they were motivated to perform their duty as jurors well, not only to be lenient toward a Black defendant. Sommers (2006) argued that the presence of Black jurors made defendant race salient to White jurors, thereby providing the motivation they needed to overcome biases and process the case carefully in an effort to reach a just verdict. In an extension of that theory and of his original study, I argue that the *combination* of the defendant's race (Black) and jury's racial composition in his study provided White jurors with the motivation necessary to overcome depletion and to be as thoughtful as possible. That is, he did not include a condition in which the defendant was White, which I have done, expecting that when the defendant is White, the presence of Black jurors might not be particularly motivating to White jurors, because their race is not relevant to the trial/defendant. In that context, the depleting effects of interracial interactions would be unchecked, resulting in poorer cognitive performance. This explanation is in line with the one suggested by Sommers – that race salience improves jurors' motivation to process evidence carefully. Yet this explanation also accounts theoretically for social psychological findings that interracial interactions diminish performance via depletion. Thus, the present study extends Sommers's work by accounting theoretically for the mechanisms of self-regulation and

depletion in addition to motivation, and tested these mechanisms with an experimental design that fully crossed defendant race and jury composition, which Sommers' original study did not do. I hypothesized that, when judging a White (but not a Black) defendant, the depletion effects predicted by work such as that of Richeson and colleagues (2003; 2005) would affect White jurors' memory for case facts and performance during deliberation, as well as their verdicts, because there is no additional motivation to process carefully. In the next sections, I detail the theoretical model supporting the hypotheses tested, then describe the present study in detail.

Diversity Effects on Group Interactions and Performance

Organizational psychology has a long tradition of investigating diverse group mechanisms and the potential benefits and pitfalls of diversity in work groups. Some studies have found beneficial effects of ethnic and other types of diversity (DeGrassi, Morgan, Walker, Wang, & Sabat, 2012; McLeod, Lobel, & Cox, 1996); others found diversity detrimental to group performance and task enjoyment (Harvey, 2013; Jehn & Bezrukova, 2004; Watson et al., 1993) or no diversity effects (Oetzel, 2001). A recent meta-analysis of this work revealed that demographic diversity (race/ethnicity, gender, age) had a small but consistently negative effect on performance (Joshi & Roh, 2009). Thus, there appears to be a negative "net effect" of diversity. How can that be, when our society is striving for diversity in college admissions, the workplace, and political decision bodies? The effects of diversity on group performance can largely depend on the context and the nature of the group task.

On the one hand, diversity can provide a valuable range of knowledge and perspectives, which is most helpful in idea-generating tasks (Cox & Blake, 1991; McLeod et al., 1996). Heterogeneous groups are also more likely than homogeneous

groups to reach a correct decision in an ethical business dilemma (DeGrassi et al., 2012), because these groups tend to deliberate longer and consider a wider array of alternatives and scenarios. One study found that the presence of minority (i.e., African American) group members resulted in higher integrative complexity for White college students, because it lead them to consider multiple perspectives (Antonio, Chang, Hakuta, Kenny, Levin, & Milem, 2004).

On the other hand, however, the task-output benefits of diversity might be limited to idea-generating tasks, where success is measured by the quantity and quality of solutions. In decision-making tasks, where all team members must reach a consensus and provide one single solution (as jurors have to do in nearly all U.S. criminal trials), diversity seems to decrease performance (Harvey, 2013; Triana et al., 2013; Watson et al., 1993). Several mechanisms have been investigated as mediators of diversity's negative effects on group processes and performance: reduced helping behavior and collaboration, decreased attachment to group members, unequal turn taking, and majority rather than unanimous decisions (DeStephen & Hirokawa, 1988; Oetzel, 1998; Triana, Porter, DeGrassi, & Bergman, 2013; Tsui, Egan, & O'Reilly, 1992; Watson et al., 1993; but cognitive depletion has not been investigated before as a potential mechanism). For example, Watson et al. (1993) found that ethnically homogeneous groups performed better than heterogeneous ones on tasks that required providing a single correct solution to a real-life management problem after a one-hour deliberation – a situation that is similar to jury deliberations. Jurors are members of a newly formed group, tasked with making an important and complex unanimous decision with high accuracy and often under time pressure. Thus, in line with research that shows detrimental effects of diversity in newly formed groups tasked with reaching a single

unanimous decision, jury performance might be negatively affected by the interpersonal effects of diversity. Yet, from jury research, we know that jury performance is actually increased (e.g., Sommers, 2006), at least in cases where the defendant is also member of a minority group. A depletion account, as mentioned above and discussed next, would explain why diverse (versus homogeneous) groups perform better in creativity than in decision making tasks (Cox & Blake, 1991; McLeod et al., 1996; Watson et al., 1993), given that decision making requires more self-regulatory resources than other types of tasks (Vohs, Baumeister, Schmeichel, Twenge, Nelson, & Tice, 2014) and therefore might be more susceptible to the depletion effects of interacting with racially dissimilar others.

Ego-Depletion during Interracial Group Deliberations

Self-Regulation Theory of Depletion

Self-control (self-regulation) is the limited ability to regulate and control one's behavior, thoughts, and emotions in light of current goals (Muraven, Tice, & Baumeister, 1998). The strength model of self-control posits that exerting self-control during one task results in *ego-depletion* and poorer performance for subsequent tasks that require self-control, even when the tasks are unrelated (e.g., Muraven & Slessareva, 2003; Muraven et al., 1998). Empirical support for this model was found across several domains of self-regulation. Engaging in self-regulatory processes such as behavior monitoring and emotion regulation can have detrimental effects on memory (Richards & Gross, 2000), logical decision making (Baumeister, Vohs, & Tice, 2007; Schmeichel, Vohs, & Baumeister, 2003), self-presentation and impression management (Vohs, Baumeister, & Ciarocco, 2005), and subsequent regulatory efforts such as emotion regulation (Muraven et al., 1998), because they all tap into the same resource: self-control

strength (Baumeister, Muraven, & Tice, 2000). Regulatory efforts are cognitively depleting, depend on working memory capacity, and share neural pathways (i.e., anterior cingulate cortex; dorsolateral prefrontal cortex) with cognitive control (see also Baumeister & Vohs, 2007; Govorun & Payne, 2006; Hoffman, Friese, Schmeichel, & Baddeley, 2008; Schmeichel, Volokhov, & Demaree, 2008; Kuhl & Koole, 2004; Robinson, Schmeichel, & Inzlicht, 2010). Thus, like others (e.g., Richeson & Trawalter, 2005; Burkley, Anderson, & Curtis, 2011), I discuss cognitive depletion as a form of ego-depletion. Regardless of the explanatory model of depletion mechanisms, the relation between level of effort in the first task and performance in the second task should be maintained: The higher the effort in the first task, the poorer the performance in the second task.

In recent years, ego-depletion theory has come under theoretical and empirical scrutiny (e.g., Carter & McCullough, 2014; Carter, Kofler, Forster, & McCullough, 2015; Inzlicht & Berkman, 2015; but see also Inzlicht, Gervais, & Berkman, 2015; Tuk, Zhang, & Sweldens, 2015). For example, although the ego-depletion effect has been considered one of the most robust in social psychology, recent failures to replicate (Carter & McCullough, 2014) raise the question of whether this effect has simply benefitted from publication bias (Inzlicht & Berkman, 2015). The debate is ongoing, with evidence from both sides (Baumeister & Vohs, 2016).

Importantly, the theoretical model of ego-depletion has received some recent revisions that are very much in line with the present study's emphasis on juror motivation as a driver of performance under depleting conditions. These revisions encourage a reconceptualization of depletion that moves away from the resource account and replaces it with a mechanistic, iterative process to which motivation to self-

regulate, not regulatory resources, is central. Inzlicht and Schmeichel (2015) point out that the empirical support for the resource depletion account relies on a sequential task paradigm, where self-control depletion in Task 1 affects performance in Task 2. (In contrast, in simultaneous tasks, some even found that exerting self-control in one domain actually improved self-control in another, Tuk et al., 2015). Rather than attributing performance reductions in the second task to a reduction in regulatory resources (i.e., ability to self-regulate), the authors suggest that engaging in self-control in Task 1 shifts people's motivation and attention toward self-gratification. In other words, after working hard to self-regulate during Task 1, people are less *motivated*, not less *able* to work hard in Task 2. This view is similar to Personality Systems Integration Theory (Koole & Jostmann, 2004; Kuhl & Koole, 2004), which states that self-control exertion is followed by a motivational shift toward self-maintenance. Thus, people might be unmotivated to continue engaging in self-control after they have already done so in a prior task. This new theory about mechanism does not invalidate my hypotheses about self-regulation and depletion effects – in fact, both accounts of self-regulatory processes and their effects on cognitive performance would predict similar patterns.

On a final note, although the mechanistic model is logically sound and perhaps even more sophisticated than the resource model, there is not yet enough empirical evidence to distinguish between the two or to invalidate the latter. In fact, the resource model also accounts for the role of motivation: Just as people tend to conserve physical resources and expend them only when particularly motivated (e.g., running a marathon), they might do the same with regulatory resources (e.g., Muraven & Slessareva, 2003; Muraven, Shmueli, & Burkley, 2006). Thus, people do not have to be

completely depleted to register performance deficits; they reserve some regulatory resources and employ them only when they are motivated to do so.

Sources of depletion during interracial interactions. Although there is no research specifically on the depleting effects of *group* deliberations, there is informative research from the dyadic interactions literature. For example, tasks that require social coordination with even one other person are difficult (Finkel et al., 2006), perhaps because the interactions compete with the task itself for cognitive resources. In a group deliberation context, efforts to argue, persuade, or understand people with multiple perspectives and opinions tax regulatory resources. Persuaders must not only expose their arguments, but must also monitor and regulate their verbal and non-verbal behavior to convince their audience. The more difficult the communication process, then, the more depleted group members should become during deliberations. Furthermore, I expected these efforts to be greater in racially diverse groups because racial diversity (a) fosters diversity of background and perspectives and (b) prompts concerns with appearing prejudiced. For example, Apfelbaum, Sommers, and Norton (2008) identified colorblindness (i.e., the attempt to completely ignore race as a descriptor in an effort to not appear racist) as a depleting and inefficient strategy employed by Whites when they interacted with a Black confederate in a photo-description task. White participants went to great extents to not mention race when they were paired with Black participants, resulting in decreased team performance (because race was a central descriptor) and individual ego-depletion (because it was difficult to inhibit mentioning a salient social category such as race).

From other research on dyadic interactions, we know that self-regulation during interracial interactions has a cognitively depleting effect on Whites (Apfelbaum,

Sommers, & Norton 2008; Richeson & Shelton, 2003; Richeson & Trawalter, 2005; Zabel, Olson, Johnson, & Phillips, 2015) and on African Americans (Murphy et al., 2012), potentially through mechanisms such as anxiety and behavior monitoring. Richeson and Shelton (2003) found that White participants who interacted with a Black (versus White) experimenter performed worse on a cognitive-control measure (i.e., Stroop test). This effect was even more pronounced for those high in implicit prejudice – perhaps because these participants had to work harder to control prejudiced thoughts and behaviors. They also found that White participants engaged in more behavioral control when they interacted with Black participants, and that behavioral control was related to worse Stroop performance. Following up on these findings, Richeson and Trawalter (2005) manipulated the self-regulatory demands of the interactions. In one study, they increased these demands by giving participants false feedback on the implicit prejudice measure. Participants who received “high prejudice” feedback were indeed more depleted after interracial interactions, suggesting that concerns about appearing prejudiced drove the depletion effects. In a second study, they decreased these demands by giving participants a script meant to reduce concerns with saying the “wrong things.” Participants who received the script demonstrated reduced depletion effects on the Stroop test.

One of the likely mechanisms of depletion in interracial interactions, apart from behavior monitoring, is anxiety. Whites are often anxious that they will be perceived as prejudiced by members of a racial minority (e.g., Vorauer, Hunter, Main, & Roy, 2000; Plant & Devine, 2003) – a depleting mechanism similar to stereotype threat (Steele, 1997). Mere exposure to photographs of out-group members elicits an automatic threat response (Amodio, 2009; Amodio, Harmon-Jones, & Devine, 2003; Hart et al., 2000;

Kubota, Banaji, & Phelps, 2012). These negative emotional responses are intrinsically unpleasant, but they might also be disturbing to their owners because they signal prejudicial attitudes. The affect-as-information models of emotion (Forgas, 1995; Schwarz & Clore, 1983) stipulate that people rely on their experienced emotions to appraise situations. Automatic negative affect in response to out-group members might be attributed (erroneously or not) to personal prejudice – the worry that one is racist. Given that people are generally motivated to suppress the experience and expression of prejudice (Dovidio & Gaertner, 2004), White jurors might attempt to stifle the “prejudiced” emotional reaction. Like other forms of self-regulation, emotion suppression requires cognitive and regulatory resources (Baumeister et al., 2007; Schmeichel et al., 2008). Thus, both the experience of anxiety and efforts to suppress negative emotion in general are potential mechanisms of depletion in interracial interactions. In support, Richeson and Trawalter (2005, Study 3), found that when participants were given a benign source (i.e., the experimental room’s two-way mirror) to justify anxiety, they were less depleted after interracial interactions. The authors concluded that attributing anxiety to a benign source reduced participants’ need to regulate it, resulting in less depletion. I also investigated the role of anxiety as a potential mediator of group composition effects on regulatory depletion.

Effects of depletion. Depletion is likely to have negative effects on the quality of social interaction and might explain why people in diverse work groups rate others as less likeable and are less satisfied with the interaction (Watson et al., 1993; McLeod et al., 1996). For example, when White participants are depleted by stress or cognitive load, they are less likely to display friendly behavior toward a stigmatized target (Mendes & Koslov, 2013). Of more importance, regulatory depletion has robust negative

effects on cognitive performance (Muraven, Tice, & Baumeister, 1998; Schmeichel et al., 2003). A recent meta-analysis (Hagger, Wood, Stiff, & Chatzisarantis, 2010) found a significant effect of ego-depletion on performance across a variety of cognitive tasks including those involved in jury and other types of group decision-making, such as memory, consideration of relevant facts, and logical thinking. That is, in the case of jury deliberation, group members must remember many aspects of the evidence, decide between opposing testimony, and disregard irrelevant but prejudicial factors or inadmissible evidence (i.e., evidence they learned, but were instructed to disregard). Depletion could affect jurors' ability to reason carefully about the evidence, to distinguish between valid and invalid evidence, and to integrate multiple factors in the process of constructing the most likely turn of events. Although it is hard to predict how depletion would affect the *outcome* of a deliberation (i.e., whether it would result in a *guilty or not guilty* verdict), it could affect the deliberation *process* by impairing jurors' memory for case facts, decreasing the breadth and complexity of issues raised during deliberation, and increasing the number of factual errors. Thus, it is important to study the effects of depletion in a jury context, yet none has done so.

Overcoming Depletion Effects: Motivation to Avoid Prejudice

Motivation helps overcome depletion. Motivation, a central component of self-regulation, is one of the few factors that can counter the pernicious effects of depletion on performance (Baumeister & Vohs, 2007). Masicampo, Martin, & Anderson's (2014) review of depletion literature highlights two strategies to reduce ego-depletion: rest and motivation. When regulatory strength is waning, motivation steps in and helps overcome depletion effects, perhaps because people automatically attempt to reserve some resources during demanding tasks and expand these "backup" resources when properly

motivated (Muraven & Slessavera, 2003). Like physical exhaustion, regulatory depletion should be overcome at least temporarily when people are motivated to gather their last resources and persist in a task. According to Inzlicht and Schmeichel's (2012) model of self-regulation, motivation is a central factor to depletion – when motivation shifts from task pursuit to self-gratification after people exert self-control for a while, the ensuing dip in performance reflects a lack of effort to keep engaging self-control resources, not a lack of resources. If that is the case, during interracial deliberations, the necessary motivation might be provided by factors inherent to the case, such as White jurors' desire to be non-prejudiced toward a Black defendant in their verdict decisions. In other words, if jurors in diverse juries become depleted by the additional regulatory efforts and anxious thoughts associated with the intergroup interaction, they would shift motivation away from the unpleasant, tiring task of deliberating, and their performance would suffer as a result -- unless their motivation is maintained by some other factor such as the desire to avoid being/appearing prejudiced toward a defendant who belongs to the same minority group as some of the other jurors. In this case, White jurors' performance should not suffer, because regulatory efforts are not associated with a decrease in motivation and attention shift to self-gratification.

This might explain why, although the depletion account paints a rather grim picture of interracial deliberation by showing that the cognitive and regulatory loads of dealing with dissimilar others impair memory and logical reasoning, jury research actually illustrates that jury diversity has a *positive* effect on decision quality. That is, the latter work tested the impact of diversity for outcomes in cases involving minority defendants. Also, it focused less on group processes that underlie jury decisions (with some exceptions, e.g., Sommers, 2006), perhaps because the primary practical

concern when it comes to jurors is optimal task performance (i.e., correct and unbiased verdict), not jurors' comfort and enjoyment or psychological processes during the task. In any case, that research shows that diverse juries are less conviction-prone than all-White juries *when the defendant belongs to an ethnic minority* (Bowers et al., 2001; Perez, Hosch, Ponder, & Trejo, 1993). In that case, White jurors even render more lenient verdicts for minority defendants at the mere anticipation of interacting with minority jurors (Kerr, Hymes, Anderson, & Weathers, 1995). In addition, diverse (versus all-White) juries judging a minority defendant discussed more case facts, produced fewer factual inaccuracies, and were more likely to correct inaccurate statements (Sommers, 2006), all indicators of increased effort and motivation to reach a fair verdict. Sommers' (2006) seminal study reveals that the presence of Black jurors does not simply motivate White jurors to be lenient toward a Black defendant, but rather motivates them to be "better jurors." Why do White jurors perform better under conditions that foster depletion and that should theoretically hinder performance? Sommers (2006) argued that White jurors' desire to avoid prejudice is activated when the presence of Black jurors makes the race of a Black defendant salient to them. Yet he did not test this theory, as I have done in the present study.

Aversive racism theory. Modern and aversive racism theories stipulate that modern cultural values prompt Whites' concerns with fairness, social justice, and racial equality, while unconscious negative feelings and beliefs toward Black Americans still persist (Dovidio & Gaertner, 1998; Dovidio & Gaertner, 2004). Thus, most people are motivated to be non-prejudiced and therefore make an effort to inhibit their biases. For this motivational mechanism to be activated, however, people must first be aware that the potential for bias exists. For this reason, racial biases are expressed in indirect and

rationalizable ways. For example, in a jury study, the presentation of inadmissible damning evidence increased judgments of guilt for a Black, but not for a White defendant (Johnson, Whitestone, Jackson, & Gatto, 1995). Bias is also most likely present in situations where race is not a highlighted issue and the criteria for judgment are ambiguous (for example, in jury trials with Black defendants where race is not salient, Sommers & Ellsworth, 2001). In contrast, when race is made salient during the trial, White jurors are motivated to avoid prejudice and disparities in guilt judgments between White and Black defendants are reduced (Sommers & Ellsworth, 2000; Sommers & Ellsworth, 2001).

Sommers (2006) relied on aversive racism theory to explain his findings; that is, that the presence of Black Americans on a jury judging a Black defendant drew White jurors' attention to the defendant's race (i.e., increasing race salience), thereby activating White jurors' motivation to avoid racially prejudiced verdicts and their increased systematic information processing, resulting in decreased likelihood of a guilty verdict for a Black defendant (as compared to when deliberating with only White jurors). If diversity generally improves jurors' performance in cases involving a Black defendant, would the same be true if the defendant were White? Prior studies of diversity effects on jury decisions were understandably concerned with the implications for minority (especially Black) defendants, who have historically been victims of racial bias in the justice system. To provide a more nuanced understanding of diverse juries and to test adequately the theory that motivation overcomes the effects of depletion during jury deliberations, however, it is necessary to include the conditions that have been missing from prior studies: all-White and diverse juries judging a White defendant. If race salience is the motivating factor, then its motivating effects should be evident

only when both the target of the judgment (i.e., defendant) and some of the jurors are Black – a situation that makes race salient. When that is not the case (e.g., in trials involving White defendants), jury-diversity effects should mirror those found by Watson et al. (1993) and others who have studied managerial tasks: impaired individual and group performance. The present study tests a pattern of results in line with ego-depletion effects on interracial interactions and jury decision-making research. Specifically, I predicted that White jurors would be more depleted when they interact with Black jurors (vs. only White jurors), regardless of defendant race. When they interact with Black jurors to judge a Black (vs. White) defendant, depletion effects would be even stronger because White jurors would be particularly worried about appearing racist not only toward Black jurors, but also toward the defendant. But jury diversity would negatively affect their performance *only* when it is not countered by motivation to avoid a prejudiced verdict, that is, when they judge a White (vs. Black) defendant. When White jurors interact with Black jurors to judge a Black defendant, they would be able to overcome depletion because race salience would motivate them to do so.

Moderators of Race Effects on Jurors' Performance

Of course, individual differences can greatly influence responses to the situational restrictions that define experimental manipulations. There are many such factors that could potentially moderate the effects of defendant race and jury composition on depletion and performance. I focused on two such theoretically relevant factors: action/state orientation (i.e., people's ability to allocate regulatory resources in a flexible, adaptive manner) and motivation to avoid prejudice.

Action versus state orientation. An interesting factor from the self-regulation literature is individual differences in people's ability to allocate regulatory and cognitive

resources in a flexible, fluid manner. In complex tasks that require self-control on multiple levels, such as group deliberations, this individual difference could significantly affect depletion. Personality Systems Integration Theory (Koole & Jostmann, 2004; Kuhl & Koole, 2004) states that people self-regulate and maintain balance between goal-orientation and personal maintenance. Action-oriented (vs. state-oriented) people are better at mobilizing their self-regulatory resources in demanding situations (goal-orientation) and switching to self-maintenance to restore positive feelings when negative mood ensues. There are parallels between these regulatory states and the view of group deliberations portrayed (i.e., as a competition between task and social interaction for the same regulatory resource). Just as people focus on self-control or self-maintenance according to their needs in the moment, group members focus on the task portion of the interaction (i.e., verdict), or on the social aspect (i.e., maintaining a pleasant interaction), and this focus is likely to shift multiple times during deliberation. Action-oriented (vs. state-oriented) jurors might be better at allocating their regulatory resources and thus might become less depleted during interracial deliberations. A recent study provides support for this prediction: After a varied set of depleting first tasks, state-oriented participants performed worse than action-oriented participants on several self-control measures, including the Stroop (Gropel, Baumeister, & Beckmann, 2014). Thus, I expected that in depleting conditions (i.e., interracial juries) jurors who are action-oriented would be less depleted and, as a result, would perform better than jurors who are state-oriented. Further, I expected the difference in performance to be particularly large in the White defendant condition, where the buffering effect of motivation is absent. Action/state orientation might also affect jurors in the non-depleting conditions (i.e., all-White juries) but to a lesser extent, because action-oriented jurors

would be less depleted and perform better than state-oriented jurors, regardless of defendant race.

Motivation to avoid prejudice. The proposed effects of motivation to avoid prejudice on jury performance should not necessarily be true for *all* White jurors – only for those who want to be (or at least to appear to be) non-prejudiced. Although aversive racism effects are commonly found among liberals and others who endorse egalitarian principles, they are less likely among prejudiced Whites (Dovidio & Gaertner, 2004). For this reason, jurors' general motivation to avoid prejudice (Dunton & Fazio, 1997) should moderate the effects of defendant race and jury composition on motivation to perform the task as well as possible. Specifically, jurors who are motivated to avoid prejudice in general would be more depleted than jurors who are not so motivated when they interact with Black jurors, and especially so when the defendant is also Black. But, for them, the effect of motivation to reach a correct verdict and to work harder would also be stronger, and thus they should perform especially well in the Black defendant/diverse jury condition. In addition, these jurors might also be motivated to avoid prejudiced verdicts when they judge a Black defendant as part of an all-White jury, and therefore their performance might be better even in the absence of Black jurors.

Because motivation to avoid prejudice might also depend on jurors' general attitudes toward Black Americans, measures of warmth toward and stereotypes about this group were also included. For example, it is possible that people who feel warmer (versus colder) feelings toward Black Americans would be less depleted during interracial deliberations, because they worry less about appearing racist and would not have to inhibit negative emotions (e.g., Richeson & Trawaler, 2003). In addition, for these jurors, general motivation to avoid prejudice would be overall high, and would not

affect depletion or performance, because it would not be hard for them to avoid prejudice regardless of motivation. In contrast, for jurors who feel colder toward Black Americans, motivation to avoid prejudice would play a larger role: Inasmuch as these jurors are motivated to avoid showing prejudice, they would have to expend considerable effort to do so. In addition, people who are more (vs. less) aware of (and likely to endorse) legally relevant racial stereotypes about Blacks as criminal, dangerous, or violent might become more depleted than when they judge a Black defendant, especially if they are motivated to avoid prejudice. Thus, I expected that jurors who endorse (vs. do not endorse) criminal stereotypes and are motivated to avoid prejudice would have to work harder to inhibit their bias, and as a result, would be more depleted. In contrast, there would be no difference in depletion for jurors who have little motivation to avoid prejudice. In addition, prejudiced jurors with low motivation to avoid prejudice would perform worse than non-prejudiced jurors when they judge a Black defendant, because they lack the motivation to reach a fair verdict. All the possible interactions between motivation to avoid prejudice, attitudes, and stereotypes are beyond the scope of this study, yet because prejudice and stereotypes might be important moderators, I included these measures as controls.

Study Overview, Design, and Hypotheses

In a mock jury deliberation paradigm, groups of six jurors¹ viewed an evidence presentation from a murder trial (including photographs of either a White or Black defendant) and deliberated for 40 minutes or until they reached a unanimous verdict. Each group was formed of four White participants and two confederates, the latter who were either both White or both Black, resulting in racially homogeneous or racially mixed juries. Thus, the study had a 2 (Defendant Race: White, Black) X 2 (Jury

Composition: all White, mixed) design. Because Sommers (2006) suggested that the increased quality and depth of jury deliberations in diverse juries is due not only to Black jurors' informational contributions, but also to White jurors' increased effort, I provided a more controlled test by ensuring that confederates always contributed the exact same informational arguments to deliberation, regardless of race.

Dependent variables were performance on a Stroop task as an indicator of depletion (because the task measures the ability to inhibit a dominant response, which requires self-regulatory resources, e.g., Richeson & Trawalter, 2005); memory for case facts and number of accurate statements as indicators of performance; post-deliberation anxiety; motivation to reach a fair verdict; and verdicts. Measures of two potential moderators of the effects were included: action/state orientation and general motivation to avoid prejudice. Measures of prejudice against and stereotypes about Black Americans were measured as control variables.

As detailed next, I predicted that defendant race and jury composition would elicit a different pattern of effects for ego-depletion than for performance, because strong motivation to avoid prejudice, elicited primarily when race is salient (i.e., when the defendant and the confederates are Black), would help jurors overcome depletion effects on accuracy.

Increasing Depletion Hypothesis. I predicted a main effect of jury composition on depletion. Because interracial interactions are more depleting than same-race interactions, White jurors would be more depleted and perform worse on the Stroop task (i.e., fail to inhibit dominant responses) when they deliberated in juries that included Black (versus White) confederates. This effect would be qualified by a two-way interaction between defendant race and jury composition. According to Sommers and

Ellsworth (2001), concerns about appearing prejudiced and motivation to avoid prejudice are most likely to occur when race is salient (i.e., in the presence of Black jurors). Thus, for all-White juries, defendant race alone should not necessarily trigger an awareness that race is an issue of concern, nor the regulatory efforts that come with such concerns. But judging a Black (versus White) defendant would elicit additional concerns about appearing racist in front of Black co-jurors (Dovidio & Gaertner, 2004; Sommers, 2006), and this would result in even poorer Stroop performance for White jurors who deliberate with Black confederates to judge a *Black* (versus *White*) defendant.

Increasing Performance Hypothesis. If interracial interactions result in cognitive depletion, what makes White jurors perform so well on diverse juries? One explanation is that race salience, in addition to its depleting effects, also has motivational effects. I predicted that on mixed juries, White jurors who judge a Black defendant would be particularly motivated to avoid succumbing to racial prejudice, and thus might be particularly likely to perform well by remembering case facts correctly and making more correct and varied comments. Thus, on mixed juries, performance would be lower when the defendant is White (versus Black), because there is no motivation to overcome depletion or to avoid prejudice against the defendant. On all-White juries, however, I predicted a decrease in performance when the defendant is Black rather than White, reflecting less motivation to counter personal biases with careful information processing (Sommers, 2006).

Increasing Leniency Hypothesis. I expected to replicate prior findings that race salience would prompt White jurors to be more lenient toward a Black defendant when they served on diverse versus all-White juries (Sommers, 2006). In contrast, I

hypothesized that White jurors would be more lenient toward the White defendant when they served on all-White versus diverse juries, because the presence of out-group observers (i.e., Black jurors) would motivate White jurors to (a) distance themselves from the potential murderer defendant (i.e., black sheep effect) and (b) avoid appearing biased in favor of an in-group member (Kerr, Hymes, Anderson, & Weathers, 1995; Marques & Yzerbyt, 1988; Vorauer, 2003).

Resource Allocation Hypothesis (moderating effect of action/state orientation). Whether people become depleted during a difficult social interaction might depend on their ability to allocate their limited regulatory resources efficiently. Action-oriented (vs. state-oriented) jurors might be better at allocating their regulatory resources and thus might become less depleted during interracial deliberations. I predict a three-way interaction between action/state orientation, group composition, and defendant race. Specifically, on mixed juries, jurors who are action-oriented (versus state-oriented) would be less depleted. Action/state orientation would also affect jurors on all-White juries, but to a lesser extent. In these conditions, action-oriented jurors would be less depleted than state-oriented jurors, regardless of defendant race, but the difference between state- and action-oriented jurors would be smaller than in the mixed-juries conditions.

Overall, action-oriented jurors would perform better than state-oriented jurors. On all-White juries, this difference would be smaller and would not be affected by defendant race. On mixed juries, the difference would be larger than on all-White juries, and particularly large in the White (versus Black) defendant condition, where the buffering effect of motivation is absent.

Moderating role of general motivation to avoid prejudice. People differ in their motivation to avoid being or appearing prejudiced, and this individual difference is likely to affect both depletion and performance. On all-White juries, motivation to avoid prejudice would not affect depletion because the interaction does not place any strain on regulatory and cognitive resources, regardless of motivation. On mixed juries, however, there would be an interaction between defendant race and general motivation to avoid prejudice. In the White-defendant condition, jurors high (versus low) in motivation to avoid prejudice would be more depleted because they would try harder to regulate behavior and negative emotions toward Black jurors. In the Black-defendant condition, the difference in depletion levels between high- and low-motivation jurors would be even larger, because jurors high in motivation would be more careful to avoid racial bias against the defendant *and* against Black jurors, while jurors low in motivation would not.

Individual motivation would also affect performance. On all-White juries, jurors who are high (versus low) in motivation to avoid prejudice would perform better when they judge a Black defendant, and their performance would match that of all jurors when they judge a White defendant; jurors low in motivation who judge a Black defendant would perform worse than all other groups. On mixed juries, jurors high (versus low) in motivation who judge a Black defendant would perform better than all other groups; no other differences would emerge.

Proposed model. Figure 1 represents the model developed to capture the theoretical relationships described thus far.

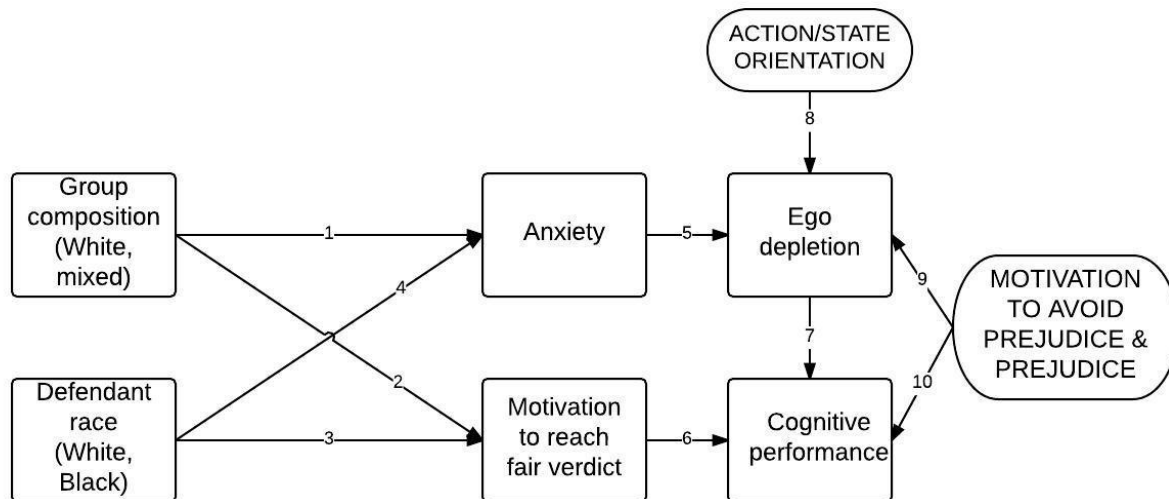


Figure 1. Proposed model of jury deliberation processes. Group composition and defendant race are experimentally manipulated variables. Anxiety, motivation to reach a fair verdict, and ego-depletion are measured mediators and dependent variables. Cognitive performance is operationalized via jurors' factual contributions during deliberation and jurors' scores on a post-deliberation memory test. Individual difference moderators and controls are indicated by oval figures with capitalized titles.

Race salience is the proposed mechanism through which jury composition, and more so, the combination between defendant race and jury composition, affect depletion and motivation to overcome it. Thus, race salience is a conceptual representation of the interactive effect between the two independent variables, rather than something I capture through measurement. Therefore, it is not represented in the model but emerges from the combination of the two focal independent variables.

First, I tested whether jury composition and defendant race affected ego-depletion (Increasing Depletion Hypothesis), and whether anxiety mediated these effects (paths 1, 4, 5). Second, I tested whether depletion affected cognitive performance (path 7) as a function of experimental condition. Third, I tested the effect of jury composition and defendant race on motivation to reach a fair verdict (paths 2, 3) and the effect of such motivation on cognitive performance (path 6). Fourth, I tested whether action/state orientation moderated the effects of the manipulated variables on ego-depletion (path 8) and performance. Finally, I tested the effects of individual general motivation to avoid prejudice on ego-depletion (path 9) and cognitive performance (path 10), controlling for racial prejudice.

Method²

Participants

Two hundred and twenty-four jury-eligible (i.e., United States citizens older than 18 years), White community members (N = 211) and University of Illinois at Chicago students (N = 13) participated in 56 juries. Community members were recruited via Craigslist ads, mass mails to faculty and staff at the University of Illinois at Chicago, fliers posted in the community, and word of mouth. Interested participants contacted me by email or phone. In response to their inquiries, participants received a demographic questionnaire via email or over the phone, asking for the following information: age, citizenship status, race/ethnicity, English proficiency, whether they were enrolled in the UIC student subject pool (none of the participants who responded to the ad were), gender, and history of jury service. Additional undergraduate participants were recruited from the UIC subject pool, which has procedures that allowed only students who were eligible to sign up for the study.

An additional 20 participants (15 community members and 5 students) were excluded from 4 jury sessions, one session each because: (a) one of the confederate jurors was absent, (b) experimenter error (i.e., the evidence presentation and the printed materials were from different conditions), (c) one of the participants appeared to know that the study included confederates, and (d) a person participated twice (by signing up using a different email address and phone number). Forty seven of the 52 remaining juries included 6 members (4 participants and 2 confederates) and 5 juries included only 5 members (3 participants and 2 confederates). (Analyses with and without the 5-person juries revealed no differences.) An additional 6 participants were excluded after sessions were conducted, because they failed the defendant-race

manipulation check, leaving a final sample of 197 jurors. Only the individual-level data from these participants were excluded (including contributions to the deliberation); the juries on which they served were not. One participant asked to be removed from the deliberation part of the study due to his concerns over what he said in reaction to another juror's comments; therefore, his contributions were not transcribed or coded and the deliberation video was deleted after transcription of the other participants' verbal contributions, which were not excluded.

In the final sample of 197, by experimental cell, there were 13 juries ($N = 48$) in the White defendant/all-White jury condition, 13 juries ($N = 51$) in the White defendant mixed jury condition, 13 juries ($N = 51$) in the Black defendant all-White jury condition, and 13 juries ($N = 47$) in the Black defendant mixed-jury condition. Age ranged from 18 to 82 years ($M = 38$ years, $SD = 15$ years), and 47.2% were women. All participants endorsed White as their ethnicity, but five also endorsed one other ethnicity: one was White and American Indian, and four were White and Hispanic. Because all these had self-identified as White on the eligibility questionnaire, and because none of them indicated African American as an ethnicity, they were not excluded from the final sample. Of all, 63.1% identified as extremely liberal, liberal, or slightly liberal; 26.3% as moderate; and 10.6% as extremely conservative, conservative, or slightly conservative. Almost all mock jurors were native English speakers (95.6%), and all jurors who were not native speakers indicated they had completed at least 10 years of English in school. The sample was well educated, with 5.9% having a high school degree or GED as the highest degree obtained, 24.3% having some college, 47.4% a college degree, and 22.4% a graduate or professional school degree. All participants were paid \$42 cash at the end of the study.

Materials

Trial stimulus (Appendix A). The trial evidence presentation was based on an actual court case (R. v. Valevski, 2000) in which the defendant was accused of murdering his wife after an intense fight witnessed by his parents, during which she threatened to leave him. The victim was found dead from a knife wound to the throat in the locked bedroom of their home the following day. The defense argued that the victim had committed suicide. Forensic and pathology experts testified for both sides. Several of my prior studies (Salerno & Peter-Hagene, 2013; Salerno & Peter-Hagene, 2015; see also Footnote 2) involving this trial stimulus have demonstrated that the evidence is ambiguous enough to result in variability in *Guilty* (46% - 30%) and *Not guilty* (54% - 70%) verdicts, which suggests that jurors would have to deliberate to reach a unanimous verdict, allowing for the hypothesized interpersonal processes to occur. A printed list of all the characters involved in the trial was given to participants to keep throughout the study. The evidence was presented via PowerPoint slides on a 23' diagonal computer screen with photographs, printed information, and a voiceover to facilitate understanding and reduce strain. The presentation included written summaries of the opening and closing statements, eyewitness testimony establishing a timeline of events, expert forensic testimony, coroner's report, as well as graphic photographs of the crime scene, weapon, and other evidence – the same types of information that a real trial would contain. There was a large amount of information, some of it technical, allowing for acceptable variation in responses on a memory test and in verdicts.

Defendant race was manipulated via arrest photographs, which were actually computer-generated images that maintain the same age, weight, facial symmetry, emotional expression, and image texture while changing only the ethnicity parameter

(FaceGen Modeller). Pilot testing revealed no significant differences in perceptions of how dangerous, suspicious, or criminal the defendants looked, all t s < .1.5, all p s < .15.

Pilot testing indicated that using a White victim in all conditions made jurors suspicious that the study was concerned with race, because the interracial marriage stood out to the jurors. In fact, Bottoms, Davis, and Epstein (2004) found that interracial sexual abuse draws fewer guilty verdicts than same-race abuse because jurors think that it is less plausible. Therefore, the victim's (i.e., wife's) race was varied along with the race of the defendant (the husband), making the crime always intra-racial. The wife's race was manipulated by having her name be either stereotypically White (Emily) or Black (Lakisha; Bertrand & Mullainathan, 2004). No pictures of the wife were included in the trial stimulus.

Illinois Pattern Jury Instructions for First-Degree Murder (State of Illinois, 2014, Appendix B). Jurors received the same jury instructions that would be given in the state of Illinois for this crime. Instructions were written and accompanied by a voiceover, and informed jurors of the function of the jury, the court, and the attorneys, provided guidelines of how to rely on the evidence presented during trial, advised against biases, and stated the importance of the duty of jurors. Then, specific elements of the crime of first-degree murder were provided, as well as the two verdict options (*guilty* or *not guilty*).

Individual and group verdicts (Appendix C). Verdicts (*Guilty*, *Not guilty*) and confidence in verdicts on a 10-point Likert scale ranging from 1 (*not at all confident*) to 10 (*extremely confident*) were assessed privately before and after deliberation. Dichotomous guilt judgments were combined with the confidence scale to create a more sensitive 22-point degree-of-guilt scale ranging from 1 (*not guilty, extremely confident*)

to 22 (*guilty, extremely confident*) (see Table 1). This continuous measure is used routinely in jury decision making research because it captures more variation (and thus is scientifically more informative) than a dichotomous measure of guilt (e.g., Kassin & Wrightsman, 1979; Krauss, McCabe, & Lieberman, 2012).

After deliberation, jurors also rendered a final, public group/jury verdict which was recorded on a group verdict form and recorded by the experimenter at the end of deliberation. Because one of the confederates always voted *Not guilty*, no matter the deliberation process and other jurors' arguments and opinions, the two verdict options for the group were either *Not guilty* or *hung jury* (i.e., the jury could not reach a unanimous guilty decision).

Negative emotion scale and task enjoyment (Appendix D). A self-reported measure of negative emotions consisted of separate multi-item anxiety and anger subscales with response options ranging from 1 (*Not at all*) to 7 (*Very much*).

Anxiety scale. The anxiety scale included four items: anxious, nervous, comfortable (reverse coded), and relaxed (reverse coded). These scale items, drawn from prior research on intergroup relations (e.g., Mallett, Wilson, & Gilbert, 2008; Pearson, West, Dovidio, Powers, Buck, & Henning, 2008; Stephan et al., 2002; West, Magee, Gordon, & Gullet, 2014), were included because they (a) were commonly used, (b) captured the concept of anxiety in the most face valid manner, and (c) included positive and negative emotional descriptors. The scale was reliable in the current sample, $\alpha = .81$ (Table 1).

Anger scale. The anger scale items (angry, annoyed, and irritated) were also drawn from prior work for similar reasons (e.g., Butz & Plant, 2006; Lambert, Peak,

Eadeh, & Schott, 2014; O'Mara, Jackson, Batson, & Gaertner, 2011; Shepherd, Spears, & Manstead, 2013). . The scale was reliable in this sample, $\alpha = .81$ (Table 1).

Task enjoyment. One additional item measured task enjoyment (i.e., *How much did you enjoy the jury deliberation task?*) on a scale of 1 (*Not at all*) to 7 (*Very much*), which might reflect negative/positive emotions more indirectly (Table 1).

Stroop task (Stroop, 1935, Appendix E). This classic measure of executive control asks participants to report, as quickly as possible, the font color for a stimulus word or string of letters. In control trials, a string of nonsense letters are presented. In congruent trials, a word is presented (i.e., red, green, blue, black) that is the same color as its font. In incongruent trials, the word is not the color of its font, so participants have to inhibit the dominant response – reading and reporting the word's meaning rather than the font – which requires regulatory resources that should be impaired upon depletion (e.g., Inzlicht, McKay, & Aronson, 2006; Webb & Sheeran, 2003). This measure has been used successfully in prior investigations of interracial interactions and depletion (Apfelbaum, Sommers, & Norton, 2008; Richeson & Shelton, 2003; Richeson & Trawalter, 2005).

The task was administered on individual laptops via E-Prime Software and consisted of 20 practice trials followed by 80 experimental trials. Each word was presented for a maximum of 2000 ms, preceded by a fixation cross (+), and with an intertrial interval of 1500 ms. I used valid latencies to compute Stroop interference scores (mean latency for incongruent trials minus mean latency for control trials), with higher numbers indicating greater cognitive depletion (Table 1; Apfelbaum et al., 2008; Richeson et al., 2005).

Motivation to reach a fair verdict (Appendix F). A 9-item self-report scale ranging from 1 (*not at all*) to 5 (*extremely*) measured how motivated jurors were to reach a just verdict, work hard and remember all the evidence, reach an unbiased verdict without considering the defendant's race, have a good and collaborative interaction with the other jurors, and avoid appearing prejudiced to other jurors. An additional item was dropped to increase scale reliability ("*I tried hard to persuade others when I thought they were wrong.*") from $\alpha = .59$ to $\alpha = .65$. Overall, jurors reported being highly motivated to deliberate and reach a fair verdict (Table 1).

Recognition test for case facts (Appendix G). A 35-item true/false memory test measured jurors' recognition of case facts presented in the trial stimulus. Questions were detailed enough to capture variation in careful processing of information and covered all aspects of the case, from forensic evidence (e.g., "Traces of blood were found on the defendant's clothing") to timeline of events (e.g., "The defendant took his parents to his sister's house Sunday morning") and witness testimony ("The neighbor testified the defendant seemed distressed"). Participants received a point for each correct answer for a maximum possible score of 35. Overall, participants remembered a large number of case facts (see Table 1).

Action Control Scale (ACS-24, Kuhl, 1994, Appendix H). Two 12-item subscales measured two aspects of action/state orientation: hesitation and preoccupation, administered together as per the author's recommendation (Kuhl, 1994). Scale items describe a hypothetical situation with two response choices reflecting state or action orientation. Scores reflect the number of action-oriented answers endorsed, with a possible range of 0 to 12 for each subscale. Although Kuhl recommends scoring ASC subscales separately, others (e.g., Diefendorff, Hall, Lord, & Streat, 2000) found

that these two scales load on the same factor and conceptually measure one construct: ability to maintain an action-oriented processing state. Therefore, I used these two subscales as a single scale. The scale is reliable with reported Cronbach α s between .70 and .78 (Diefendorff et al., Kuhl, 1994). In the present sample, both ACS Preoccupation ($\alpha = .80$) and ACS Hesitation ($\alpha = .81$) were reliable, as was the composite ACS scale ($\alpha = .86$, Table 1).

Suspicion question. An open-ended question asked participants “What do you think this study was about?”

Motivation to control racial prejudice (Dunton & Fazio, 1997, Appendix I). The 17-item questionnaire measures people’s trait motivation to avoid prejudice against African Americans on a scale from -3 (*Strongly disagree*) to + 3 (*Strongly agree*) with a midpoint, recoded 1 to 7, respectively, for analyses (e.g., “I always express my thoughts and feelings, regardless of how controversial they might be”; “I feel guilty when I have a negative thought or feeling about a Black person”). The scale is reliable with Cronbach’s α s ranging from .74 to .81 in the original study, and $\alpha = .80$ in the present study (Table 1).

Thermometer measure of racial attitudes (Appendix J, e.g., Greenwald, McGhee, & Schwartz, 1998; Hugenberg & Bodenhausen, 2004; Miller, Smith, & Mackie, 2004). A “thermometer” scale ranging from 1 (*Very cold*) to 7 (*Very warm*) assesses participants’ general feelings of warmth toward Black ($M = 4.76$, $SD = 1.09$) and White Americans ($M = 4.95$, $SD = 1.27$), indicating general positive or negative attitudes toward these groups. A difference score (i.e., [White Americans – Black Americans]; Hugenberg & Bodenhausen, 2004) was used as a relative measure of explicit prejudice,

with higher scores indicating higher preference for White versus Black Americans, $M = .16$, $SD = 1.23$ (see Table 1).

Endorsement of racial stereotypes (Devine & Elliott, 1995, Appendix K). This measure assesses participants' belief that various adjectives are representative of African-Americans as a whole. I included the 15 most-endorsed adjectives in this study from the original list of 93 (e.g., athletic, musical, poor, criminal, hostile, loud, loyal). As others have done before (e.g., Miller et al., 2004), I used a continuous response scale from 1 (*Not at all representative*) to 7 (*Extremely representative*) instead of the original yes/no scale, $M = 3.59$, $SD = 1.13$, $\alpha = .92$ (Table 1).

Manipulation check (Appendix L). Two separate items assessed the success of the defendant and the victim race manipulation by asking participants to indicate whether the defendant and the victim were White or African American.

Demographic information and English proficiency (Appendix M). Participant age, gender, ethnicity, political orientation ("When it comes to politics, how liberal or conservative do you consider yourself to be?" on a scale from 1 [*Extremely liberal*] to 7 [*Extremely conservative*], with a midpoint), and education ("What is the highest level of education you have completed?" on the following scale: 1 [*Less than 12th grade*], 2 [*High school or GED*], 3 [*Some college*], 4 [*College degree*], 5 [*Graduate or professional school*]) were assessed. Two questions prompted participants to indicate whether they (a) were native English speakers, (b) attended at least 10 years of school in English.

Procedure

Participants saw study flyers or read recruitment ads online (i.e., Craigslist, reddit, listervs) or contacted me through word of mouth (see Appendix N for recruitment materials) and, if interested, inquired via email or phone. I responded with a short

screening questionnaire (Appendix O) meant to establish eligibility, including ethnicity. The questionnaire also included the same English proficiency questions described under Materials. English proficiency was included as a screening factor because there is evidence that non-native English speakers perform worse than monolingual English speakers on the Stroop task (e.g., Rosselli et al., 2002). Only participants who were either native speakers or had attended at least 10 years of school in English were allowed to participate. These questions were selected after a consultation with a cognitive psychologist who studies bilingual cognition and text comprehension and has used the Stroop task extensively (G. Raney, personal communication, March 2015).

If eligible, participants were scheduled, given detailed instructions and a map to the laboratory building entrance, and sent reminder emails, texts, and a confirmation phone call the day before and the day of their scheduled session. A research assistant met participants in the building lobby, escorted them to the session room, and assisted the experimenter throughout the study. Confederates arrived for the session from the lobby, just like all other jurors. One of the confederates was instructed to mention she had a hard time finding the building, to increase her believability as a community member and not a UIC student.

Two undergraduates from the UIC subject pool were scheduled for each session, to replace up to 2 community members who did not show up – although it was never the case that we needed to replace two community members for the same session. If all community members did show up, students were excused or given a shorter, individual version of the study materials (and received course credit in either case). One student participated in deliberations in each of 8 of the 52 sessions.

The mock-jury sessions took place in a laboratory room provided with a large deliberation table and chairs, a desktop computer for presenting case stimuli and for video-recording the deliberation, a mounted camera, and chairs and desks for the experimenter and the assistant. Participants were randomly assigned to seats numbered from 1 to 4. To ensure consistency across sessions, confederates always had to sit in the same two places at the table. Therefore, the seats closest to the door, Seats 5 and 6, were always assigned to the confederates, who were instructed to lag behind in the group and come into the room among the last, so they could inconspicuously be assigned to these seats. The experimenter explained the procedures and participants signed consent forms that included consent for participation and for being videotaped. All participants consented to being videotaped for research purposes, with most participants also agreeing that their video data could be used for research dissemination purposes. After giving general oral instructions about the session and highlighting the importance of mock trial research, the experimenter started the trial stimulus. Then, mock jurors heard and read actual Illinois pattern jury instructions for first-degree murder. Then mock jurors rendered their pre-deliberation verdict decision and their confidence in that verdict. Then the experimenter reminded jurors about the importance of their decision, told them they had up to 40 minutes to reach a unanimous verdict, but to deliberate as if they had plenty of time, because real juries do not have to deliberate under such stringent time limits and therefore it would not be realistic to rush to a conclusion. As is the case in most trials, no further instructions were provided as to how to deliberate (which unfortunately led one of the juries to separate into smaller teams and tackle each aspect of the evidence separately, which made the latter part of the session impossible to transcribe and code). Before

leaving the room, the experimenter and assistant started the two cameras. The desktop camera was connected to a TV screen in the adjacent lab room, which allowed for monitoring the deliberations live. After 35 minutes, an experimenter entered the room, asked jurors if they thought they would reach a unanimous verdict, and reminded them of the time limit. She left, and if 40 minutes elapsed without jurors reaching a unanimous verdict, the experimenter stopped the deliberation and the jury was deemed “hung.”

The confederates were trained research assistants who delivered scripted lines in a conversational, natural manner. The statements were based on real participants’ comments made in prior studies using the same trial stimulus (Salerno & Peter-Hagene, 2013; 2015) and were selected to be relatively neutral (Appendix P). That is, confederates maintained a non-committal stance during deliberation for as long as possible to allow the actual participants to guide discussions. When a jury called for a vote, one confederate always voted *not guilty* while the other remained undecided and eventually sided with the majority. If the majority leaned toward *not guilty*, this could result in a unanimous verdict (provided there were no holdouts who maintained a *guilty* vote). If the majority leaned toward *guilty*, this resulted in a hung jury with at least one confederate maintaining a *not guilty* vote until the end of the deliberation. Standardizing confederates’ verbal contributions in this way across conditions controlled for contributions to the discussion, allowing for isolation of the effects of minority jurors’ mere presence.

After deliberation, because some community members were not familiar with the laptops or the online Qualtrics platform for the questionnaires, all were offered paper measures, except for reaction time computer tasks (i.e., Stroop, IMAP). Measures were completed in this order: emotion ratings, the Stroop task, motivation to reach a fair

verdict, memory for case facts, and the Action Control Scale. At this point, before mock jurors saw any of the race-related measures, they indicated what they thought the study was about. After this open-ended question, participants completed the remaining measures: Implicit Motivation to Avoid Prejudice scale³ (IMAP, Glaser & Knowles, 2008; Park, Glaser, & Knowles, 2008), motivation to avoid prejudice against African-Americans, thermometer measures, and stereotype endorsement. Finally, they completed the defendant and victim race manipulation checks and demographic measures. Although the online Qualtrics version of the questionnaire prompted participants repeatedly to complete the manipulation checks, and so all of those participants did so, four of the participants using paper measures skipped the manipulation checks. At the end of the study, participants were debriefed, asked if they had suspected anything about the confederates, and paid for their participation. No participants indicated suspecting the confederates before or after the study purpose was revealed. Trial materials, instructions, and measures were all reviewed by an attorney to ensure ecological validity.

Deliberation coding. Deliberations were filmed and transcribed by trained research assistants. Using a detailed coding manual (Appendix R), two independent coders and I coded 20% of all deliberations (N = 11) to establish reliability. All coders were blind to the experimental conditions, which were not evident in the written transcripts. After establishing reliability, we separately coded the remaining 41 sessions: One coder coded 13 sessions, and two coders coded 14 sessions each. Overall, both independent coders reached acceptable reliability: over 80% agreement with me and 76% with each other (see Table 2 for all % agreement and mean Kappas). Agreement was above 73% for all codes with the exception of incorrect codes.⁴ Therefore, I focused

on only the reliably coded measures of total, correct, and new facts as indicators of performance.

As described in detail in the coding manual in Appendix R, we coded each time a juror mentioned a case fact.⁵ To eliminate redundancy and to avoid giving credit to jurors who repeated the same statements during a single turn, we only coded each fact the first time it was mentioned during a juror's single turn. For example, a juror said: "The door was locked, if you see a locked door, you automatically assume the person is still inside. If you find the door locked, that means they're still in there." This statement was only coded once for the fact that the defendant found the bedroom door locked. If the same juror repeated this statement after other jurors spoke, however, the statement was coded again, as part of a new speaking turn.

Once a statement was coded as factual (i.e., after it received a Fact code), coders decided whether the fact was correct or incorrect – the statement received a Correct/Incorrect code (Figure 2). Thus, the first coding level was to decide whether a statement was factual in the first place; the second coding level was to decide whether jurors accurately recalled the case facts they were referencing. Only for facts coded as Correct, we then decided whether that fact was being mentioned for the first time during deliberation. Thus, for the third coding level, each Fact - Correct statement was further coded as New or Old. To ensure accuracy, each transcript was accompanied by the detailed list of case facts and coders crossed out each new case fact as they encountered it. This made it easy to decide whether facts were new or old by checking the list. When two jurors spoke at once to contribute a new fact, both contributions were coded as *New*, because I did not want to penalize either juror for bringing up a new fact at the same time with another.

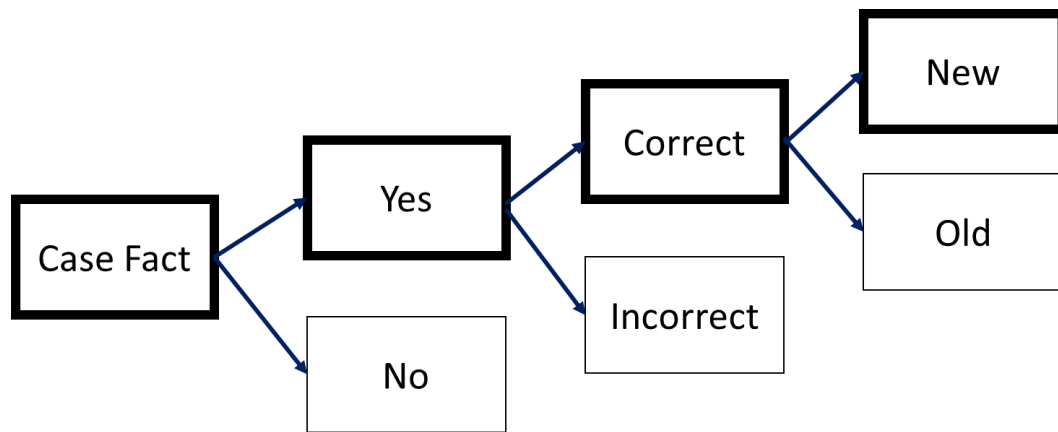


Figure 2. Coding scheme decision tree describing how coding decisions were made at each coding level: Only factual comments were coded correct/incorrect; only correct comments were coded new/old.

Deliberation coding measures. The following measures were developed as a result of deliberations coding.

Number of case facts mentioned during deliberation. Based on a coding scheme described below and list of case facts, the total number of facts mentioned by each juror was calculated to measure jurors' general reliance on evidence and ability to focus on case facts (Table 1).

Number of correct case facts mentioned during deliberation. Out of the total number of facts, the number of times jurors correctly recalled a case fact was calculated to reflect accuracy during deliberation (Table 1). Although the amount of correct case facts was very similar to the total number of case facts, because there were very few incidences of jurors mentioning incorrect facts, both correct and total facts are included because they reflect slightly different aspects of performance: reliance on factual information from the trial and the accuracy of jurors' memory for this factual information.

Number of new correct case facts mentioned during deliberation. Correct facts were coded as *New* the first time they were mentioned during that deliberation as a measure of breadth, an indicator of individual cognitive performance (Sommers, 2006) (Table 1).

Proportion of new correct case facts mentioned during deliberation. In addition to the raw number of new case facts, the proportion of new facts out of the total number of correct facts was also calculated to account for the fact that some jurors focused on bringing in new evidence, instead of repeating facts that had been stated already (Table 1).

Results

Preliminary Analyses

Several variables had missing data: four participants did not complete the pre-deliberation verdict confidence measure, and therefore did not have a pre-deliberation degree-of-guilt score; four participants had missing data for the anxiety scale, 5 participants for the Motivation to Control Prejudice scale, 6 for the thermometer and stereotypes measures, and 10 for the Stroop difference scores. All participants were included in analyses for which they provided data (pairwise deletion). Analyses conducted with and without 4 participants who omitted the defendant-race manipulation check revealed no differences, so these participants were not excluded from analyses.

Three additional participants indicated some suspicion that the study was related to demographic characteristics or diversity, as reflected in their responses to the suspicion question: “How people make decisions on juries when the jury is comprised of individuals very similar to their own demographics”; “How people from different backgrounds can work together for the good or bad in a jury deliberation”; “Diversity of a jury pool. Limit facts + see how it goes”. These participants were not excluded, because they did not make explicit references to jury racial composition or to defendant race.

Computing of the depletion measure based on Stroop latency scores. I prepared the Stroop results for analysis using the following procedures. Of 18,480 responses given in the 80 experimental trials, 1,045 (5.7%) were inaccurate (i.e., participants responded with the incorrect color) and were excluded from analyses of reaction times because they are essentially noise (Holoien & Shelton, 2012) and because the error rate was too low to use as a separate measure of depletion. I calculated the mean latency for remaining trials and removed trials that had a response

time below 250 ms or 3 SD above the mean (i.e., above 1813 ms), resulting in the exclusion of 286 observations (1.64%). The remaining data were normally distributed for congruent trials ($M = 850$ ms, $SD = 267$ ms, skewness = .86, kurtosis = .77), incongruent trials ($M = 921$ ms, $SD = 278$ ms, skewness = .67, kurtosis = .36), and control trials ($M = 857$ ms, $SD = 259$ ms, skewness = .79, kurtosis = .82), and were not transformed.

Repeated measures analyses of variance (ANOVA) illustrated that classic Stroop effects were observed in this sample: Reaction times varied significantly by Stroop condition, $F(2, 372) = 69.25$, $p < .001$, *partial* $\eta^2 = .27$. Pairwise comparisons with Bonferroni-adjusted confidence intervals revealed that reaction times in incongruent trials ($M = 939$ ms, $SD = 215$ ms) were significantly larger than reaction times in congruent ($M = 850$ ms, $SD = 170$ ms), 95% CI for mean difference = [113, 65] and control trials ($M = 856$ ms, $SD = 197$ ms), 95% CI for mean difference = [60, 105]. There were no significant reaction time differences between congruent and control trials, 95% CI = [-19, 5].

Two participants had difference scores between incongruent and control trials of -890 and -462, meaning that these participants responded much faster to incongruent, compared to neutral trials. Because of these unusual scores, analyses involving the difference scores were performed with and without these outliers. The pattern was the same regardless of whether they were included, with the effects being slightly larger when the outliers were excluded from analyses but no difference in statistical significance of the results. The effects reported reflect analyses with the outliers excluded.

Covariates and correlations among focal variables. Before testing the study hypotheses, I tested the relations of potential covariates with focal independent and dependent variables. Juror gender was significantly related to (a) memory for case facts, with women remembering more case facts ($M = 28.93$, $SD = 3.53$) than men ($M = 27.92$, $SD = 2.76$), $F(1, 185.53) = 8.56$, $p < .001$, $d = 1.28$, and (b) motivation to control prejudice, with women being more motivated ($M = 4.26$, $SD = .78$) than men ($M = 4.02$, $SD = .82$), $F(1, 190) = 4.42$, $p = .04$, $d = 1.20$. Gender did not vary significantly by defendant race, $\chi^2(N = 193) = 1.91$, $p = .20$, or by jury composition, $\chi^2(N = 193) = .24$, $p = .67$.

Correlation analyses (Pearson product moment coefficients) also revealed that participant age was significantly related to anxiety and memory for case facts: Older participants were less anxious, $r = -.37$, $p < .001$, and remembered fewer case facts compared to younger participants, $r = -.17$, $p = .02$. Political conservatism was significantly related to anxiety: Conservatives were less anxious than liberals, $r = -.27$, $p < .001$. Age and political conservatism did not vary significantly by experimental condition, although participants were marginally older in the White (versus Black) defendant condition, $F_s < 3.25$, $p_s > .08$. I controlled for gender, age, and political orientation in analyses that involved dependent variables to which they were significantly related.

Measures of racial prejudice (i.e., thermometer difference measure) and stereotype endorsement were unrelated to the dependent variables, with one exception: A higher score on the stereotype endorsement scale was significantly related to poorer memory for case facts (Table 3). Stereotype endorsement and thermometer difference

measure did not vary significantly by condition, all F s < 1.58, all p s > .21. I controlled for stereotype endorsement in analyses involving the memory measure.

Zero-order correlations (see Table 4 for coefficients) revealed several significant relationships among dependent variables and proposed mediators, which prompted further investigation with the more complex mixed-model analyses described in future sections. Anxiety was negatively related to the dependent measures of factual contributions to deliberation: The fewer facts and correct facts that jurors contributed, the more anxiety they experienced after deliberation. The same was true for task enjoyment: The more jurors contributed facts, correct facts, new facts, and the higher their memory test scores, the more they reported enjoying the deliberation. Surprisingly, enjoyment was also positively related to depletion, with jurors who reported enjoying the task more having higher depletion scores.

Primary Hypotheses Testing

Analyses testing my primary hypotheses (i.e., with depletion and performance measures as dependent variables), as well as defendant race and jury composition effects on degree-of-guilt ratings for individual jurors were conducted via mixed models to account for the nested nature of the data. Unless otherwise specified, the models included (a) jury composition (all-White, diverse), (b) defendant race (White, Black), (c) experimental session as a random factor covariate, (d) interaction terms, and (e) control variables when specified. Means and standard deviations for each experimental cell are reported in Table 5; significance tests are reported in Table 6. I also performed group-level analyses for deliberation contributions, to test whether the quality of deliberation at a group level follows the same pattern as those for individual contributions. Where applicable, group-level analyses are reported along with individual-level mixed models.

Increasing depletion hypothesis. Results supported one of the central predictions of my model: that interracial interactions would be cognitively depleting for jurors, even when the Black and White confederates act in the same way and say the same things. First, analyses with the difference scores in Stroop latencies between the incongruent and control trials revealed that jurors on mixed juries were significantly more depleted than jurors in all-White juries. Contrary to my prediction, however, this effect was not qualified by defendant race: Jurors on mixed juries were not more depleted when they had to judge a Black versus a White defendant (Figure 3).

I also tested this central hypothesis with a repeated measures design where jurors' performance on the incongruent and control trials was included as a repeated, within-juror factor, and Session was included as a random factor. First, the within-subject effect was significant: Jurors took significantly longer to respond to incongruent, compared to control trials, $F(1, 181) = 160.45, p < .001, \text{partial } \eta^2 = .47$ (see Table 1 for means and SDs). There was also a significant interaction between jury composition and the Stroop within-juror factor, $F(1, 181) = 5.53, p = .02, \text{partial } \eta^2 = .03$. On all-White juries, the effect of the within-subject factor (i.e., the difference between latencies on incongruent and control trials) was significant, $F(1, 93) = 60.35, p < .001, \text{partial } \eta^2 = .39$. On diverse juries, the effect was also significant and stronger, confirming that deliberation had been a more depleting process in this condition, $F(1, 88) = 99.89, p < .001, \text{partial } \eta^2 = .53$ (see Table 5 for all cell means).

Finally, I analyzed the effects of jury composition and defendant race on reaction times on incongruent and on control trials separately. For incongruent trials, the effect of jury composition was significant, with higher reaction times in the diverse, versus all-White jury condition, $F(1, 185) = 4.48, p = .03, d = .32$. For neutral trials, the effect of jury

composition was not significant, $F(1, 185) = 1.58$, $p = .21$, $d = .19$. No other effects were significant. This pattern also supports the hypothesis that the Stroop effect in this study demonstrates regulatory depletion, because jury composition only affected jurors' reaction times on the difficult trials that require self-control (i.e., incongruent), but not on easier trials.

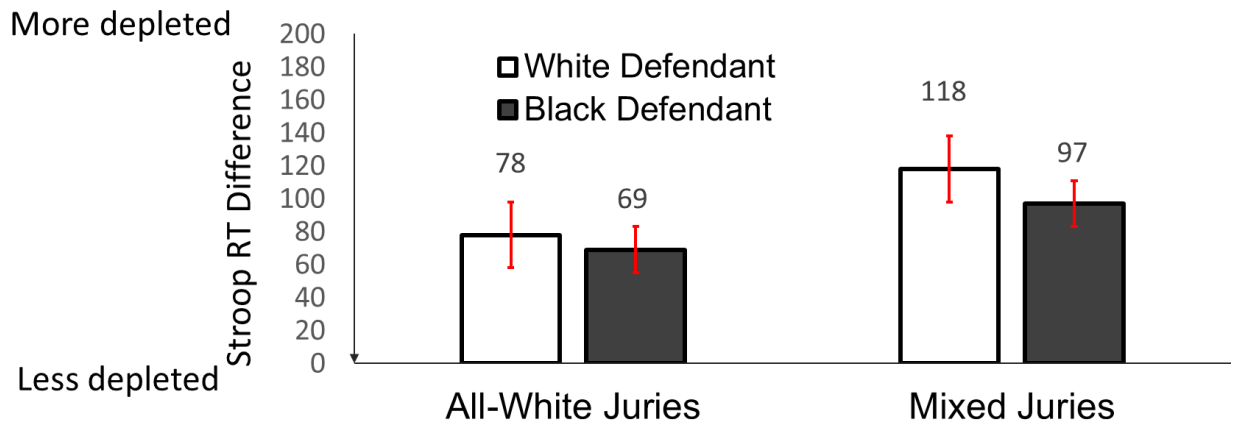


Figure 3. Increasing Depletion Hypothesis. Effects of jury composition and defendant race on cognitive depletion measured by the difference score in ms between incongruent trials (i.e., when the word meaning and word font were mismatched) and control trials (i.e., where the non-word stimulus, “XXX” was presented in various font colors). Larger difference scores indicated more depletion. Means are reported for each bar and SEs are represented by error bars.

Increasing performance hypothesis. I predicted that on mixed juries, individual jurors' performance would be lower when the defendant is White (versus Black), but that in contrast, on all-White juries, performance would be lower when the defendant is Black rather than White. This hypothesis was tested with several measures of jurors' performance: (a) scores on the post-deliberation recognition test (i.e., number of correct responses to true/false questions about the case), (b) the overall number of case facts mentioned during deliberation, (c) the number of correct case facts, (d) the number of new facts, and (e) the proportion of new facts out of all correct facts. For all indices of performance during deliberation (i.e., the coded measures, b-e), I also performed group-level analyses where juries, not jurors, were the level of analysis. These analyses are included under each dependent variable heading, and discussed together with individual juror results, given that the patterns were very similar. These analyses were performed with two-way ANOVAs.

Recognition test for case facts. The main effects of defendant race and jury composition and their interaction on the jurors' recognition memory for case facts were not significant, all $ps > .12$. The pattern of results was the same with and without gender, age, and stereotype endorsement as control variables.

Number of case facts. The main effects of defendant race and jury composition on the number of case facts mentioned by each juror during deliberation were not significant; however there was a significant interaction between the two factors. Follow-up analyses of simple effects revealed that, on all-White juries, jurors mentioned significantly more case facts when the defendant was White compared to Black, $F(1, 95.06) = 4.58, p = .03, d = .43$. In contrast, on mixed-race juries, the difference was not significant, but the means trended in the opposite (and predicted) direction: Jurors

mentioned more case facts when the defendant was Black compared to White, $F(1, 95.03) = 2.54$, $p = .11$, $d = -.35$. Power analyses based on this effect and sample size suggest that the analysis was not under-powered (.92).

Group-level analyses testing the effects of independent variables at the jury level (i.e., the mean factual contribution on each jury) revealed a similar pattern (see Table 7 for cell descriptives). There was a significant interaction, $F(1, 48) = 7.23$, $p = .01$. On all-White juries, marginally more facts were mentioned when the defendant was White versus Black, $F(1, 48) = 3.48$, $p = .07$, $d = .73$. In contrast, on mixed juries, marginally more facts were mentioned when the defendant was Black versus White, $F(1, 48) = 3.96$, $p = .06$, $d = -.78$. Power analyses based on this effect and number of juries suggest that the analysis was not under-powered (.96).

Number of correct case facts. The main effects of defendant race and jury composition on the number of *correct* case facts mentioned by jurors during deliberation were not significant, however there was a significant interaction. Follow-up analyses revealed that, on all-White juries, jurors mentioned significantly more case facts when the defendant was White compared to Black, $F(1, 94.93) = 5.05$, $p = .03$, $d = .46$. In contrast, on mixed-race juries, the difference was not significant, but just as it was the case with total number of case facts, the means trended in the opposite (and predicted) direction: Jurors mentioned more case facts when the defendant was Black compared to White, $F(1, 94.83) = 2.64$, $p = .11$, $d = -.36$ (Figure 4).

Group-level analyses revealed a significant interaction, $F(1, 48) = 7.67$, $p = .01$, and a similar pattern (Table 7). On all-White juries, marginally more correct facts were mentioned when the defendant was White versus Black, $F(1, 48) = 3.78$, $p = .06$, $d = .89$ (Power = .98). In contrast, on mixed juries, marginally more correct facts were

mentioned when the defendant was Black versus White, $F(1, 48) = 4.03$, $p = .06$, $d = -1.03$.

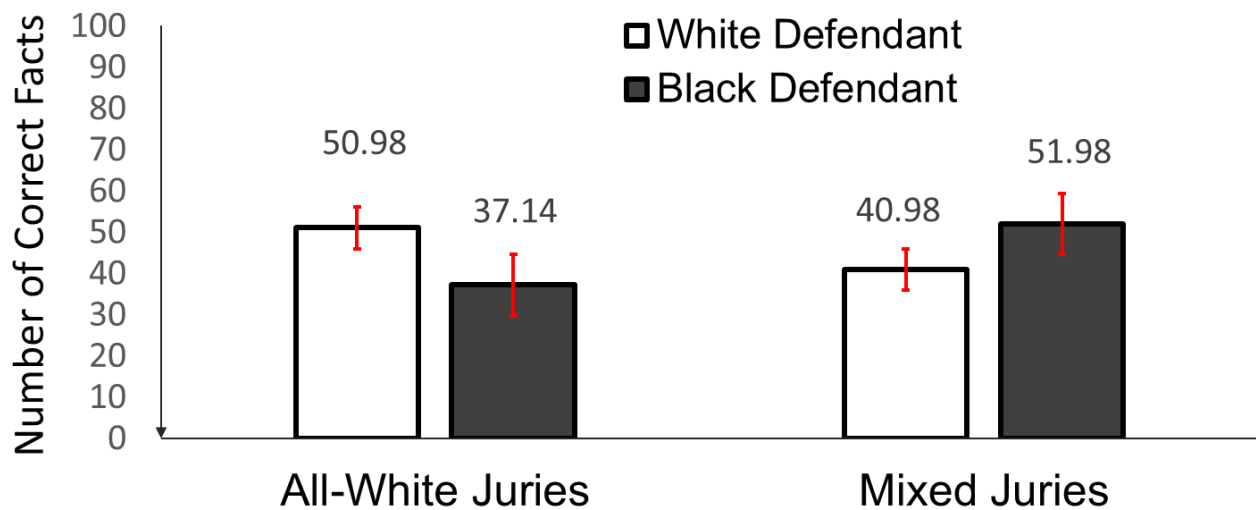


Figure 4. Increasing Performance Hypothesis. Effects of jury composition and defendant race on the number of correct case facts contributed by each jurors during deliberation, a measure of jurors' reliance on factual information and thus of good performance of their task as jurors. Means are reported for each bar and SEs are represented by error bars.

Number of new case facts. The main effects of defendant race and jury composition were not significant, and the interaction term was marginally significant (see Tables 5 and 6). The pattern of means mirrored the one for total and correct facts: On all-White juries, jurors brought up more new facts when the defendant was White versus Black, but on mixed-race juries jurors brought up more new case facts when the defendant was Black, compared to White.

Group-level analyses revealed a significant interaction, $F(1,48) = 6.64, p = .01$. On all-White juries, marginally more new facts were mentioned when the defendant was White versus Black, $F(1, 48) = 3.08, p = .10, d = .68$. In contrast, on mixed juries, marginally more facts were mentioned when the defendant was Black versus White, $F(1, 48) = 3.64, p = .07, d = -.75$ (Power = .97).

Proportion of new case facts. The main effects of defendant race and jury composition on the proportion of new case facts (i.e., the number of new facts mentioned by each juror divided by the total number of correct facts mentioned by that juror) were not significant, however there was a significant interaction between the two factors (Table 6). Follow-up analyses revealed a pattern opposed to the ones described above, and not consistent with my predictions. On all-White juries, the proportion of new case facts was higher when the defendant was Black compared to White, $F(1, 94.97) = 6.01, p = .02, d = .57$. In contrast, on mixed-race juries, the difference was not significant, $F(1, 98.00) = .27, p = .61, d = .09$ (Figure 5).

It is possible that the proportion measure, which I had conceptualized as indicative of higher performance (i.e., jurors' tendency to bring up novel information, instead of repeating old information), the same as the raw number of new facts, actually favored jurors who had an overall low factual contribution. For these jurors, the number

of correct total facts would be low, and thus the number of new facts would appear proportionally large. In support of this explanation, the proportion measure is negatively correlated with total number of facts and number of correct facts, both $r_s(196) = -.27, p < .001$. In addition, results for the count measure of new facts were in line with the predicted pattern, albeit non-significant.

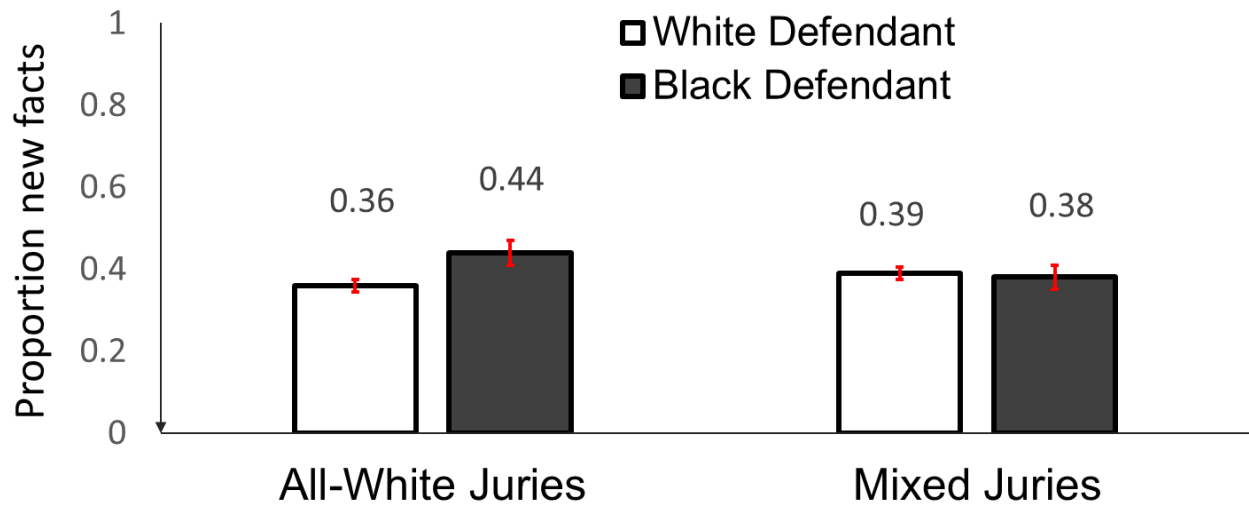


Figure 5. Increasing Performance Hypothesis. Effects of jury composition and defendant race on the proportion of new facts contributed by each juror during deliberation, calculated as the number of new facts over the total number of correct facts contributed by that juror. Means are reported for each bar and SEs are represented by error bars.

Increasing leniency hypothesis. Overall, 62% (N = 32) of juries reached a *Not guilty* verdict for their public, post-deliberation judgment, while 38% (N = 20) hung. As for individual private verdicts, 56% (N = 114) of participants gave a *Not guilty* verdict before deliberation, which increased to 66.5% (N = 135) after deliberation.

My hypothesis that jurors would be more lenient toward the Black (versus White) defendant on diverse juries, and more lenient on the White (versus Black) defendant on all-White juries was not supported. Instead, juries were more likely to reach a *Not guilty* verdict when the defendant was Black versus White, $\chi^2 = 19.98$, $p < .001$, and when the jury was all-White versus mixed, $\chi^2 = 23.77$, $p < .001$ (Figure 6).

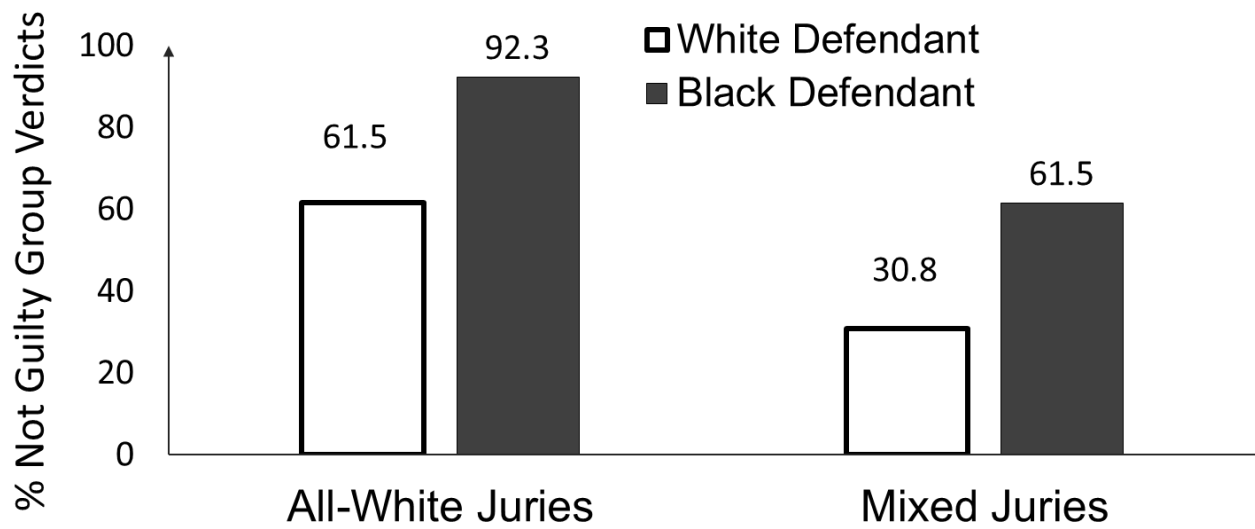
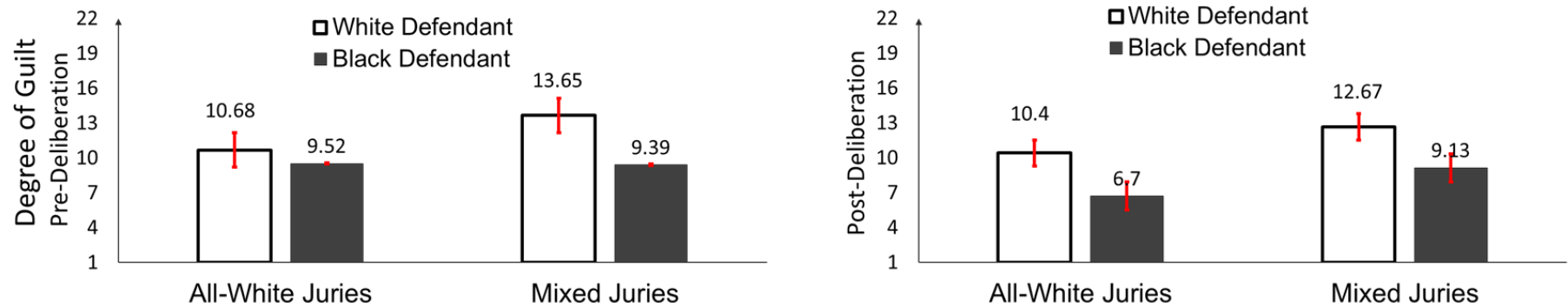


Figure 6. Increasing Leniency Hypothesis. Effects of jury composition and defendant race on group verdicts. Higher scores indicate higher percentage of juries who reached a unanimous *Not Guilty* verdict in each condition.

Mixed model analyses revealed a similar significant effect of defendant race on private, pre-deliberation degree-of-guilt: Jurors were significantly more punitive toward the White compared to Black defendant, $F(1, 199.79) = 9.82, p = .002, d = .43$ (Figure 7). Post-deliberation, the effect remained: Jurors were significantly more punitive toward the White compared to Black defendant $F(1, 202.45) = 15.44, p < .001, d = .53$. In addition, jurors in mixed-race juries were more punitive compared to jurors on all-White juries, $F(1, 202.45) = 15.44, p < .001, d = .34$ (Figure 7; also see Table 5 for cell descriptives).

None of the other dependent variables and mediators were related to pre-deliberation degree-of-guilt, but the following were related to post-deliberation degree-of-guilt. Performance measures during deliberation were overall positively related to degree-of-guilt: The more facts, correct facts, and new facts jurors discussed, the more punitive they were after deliberation (see Table 4). In addition, the more jurors endorsed guilt, the less anxious jurors were after deliberation.



*Figure 7. Increasing Leniency Hypothesis. Effects of jury composition and defendant race on pre-deliberation (left) and post-deliberation (right) degree of guilt. Higher scores indicate higher certainty in a *Guilty* verdict, lower scores indicate higher certainty in a *Not guilty* verdict. Means are reported for each bar and SEs are represented by error bars. The higher the bar, the harsher individual degree-of-guilt judgments (i.e., confidence in the defendant's guilt) in that condition.*

Secondary Hypotheses Testing

These hypotheses were tested with mixed models including all main effects, the random group factor, and control variables where appropriate; in subsequent steps, the two-way and three-way interaction terms were added to the models. To follow up significant three-way interactions, I tested the two-way interaction between defendant race and the moderators separately for all-White and mixed-race juries. Overall, my predictions about the effect of action/state orientation on depletion were not supported. My predictions about the effect of action/state orientation on performance were partially supported: Action (versus state) orientation was related to better performance, but only under specific experimental conditions, when jurors were on all-White juries judging a White defendant. In other experimental conditions, this variable had either no effect, or had the opposite effect than what I had predicted.

Resource allocation hypothesis.

Moderating effect of action/state orientation on depletion. Mixed regression models with defendant race and jury composition as Level 2 group-level predictors and action/state orientation as the Level 1 individual-level predictor revealed no significant main or interaction effects on depletion involving action/state orientation, contrary to my prediction. Additional analyses with the separate ACS-Failure and ACS-Decision scales as moderators revealed no significant main or interaction effects (Table 8).

Moderating effect of action/state orientation on performance.

Recognition test for case facts. There was no significant main effect of action/state orientation on the number of correctly recognized facts. The two two-way interactions with defendant race and jury composition were significant, but were qualified by a significant three-way interaction (see Table 9 for all effects). I followed up

the simple interaction between action/state orientation and defendant race at each level of jury composition.

On all-White juries, the two-way interaction was significant, $B = -.93$, $t(99.00) = -4.07$, $p < .001$. Simple slopes analyses revealed that, when the defendant was White, as predicted, the higher jurors' action orientation, the more questions they answered correctly on the memory test, $B = .52$, $t(99.00) = 3.12$, $p = .002$. In contrast, when the defendant was Black, contrary to my prediction, the higher jurors' action orientation, the fewer questions they answered correctly, $B = .42$, $t(99.00) = -2.58$, $p = .01$.

On mixed juries, the two-way interaction was only marginally significant, $B = .50$, $t(96.71) = 1.67$, $p = .10$. Although the interaction was marginal, the simple slopes for action orientation varied significantly by defendant race. When the defendant was White, contrary to my prediction, the higher the jurors' action orientation, the worse their memory test performance, $B = -.52$, $t(87.29) = -2.76$, $p = .01$. When the defendant was Black, action orientation had no effect on jurors' test scores, $B = -.03$, $t(97.77) = -.13$, $p = .90$ (Figure 8).

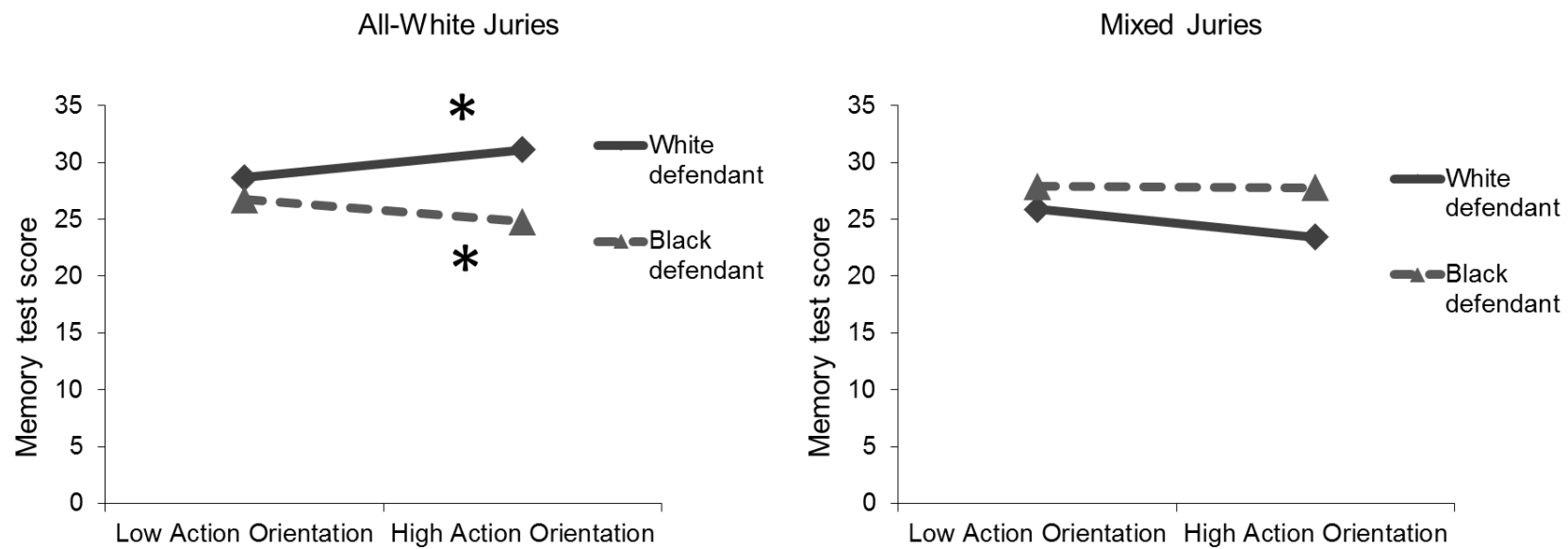


Figure 8. Resource Allocation Hypothesis. Effect of action/state orientation on post-deliberation memory for case facts as a function of jury composition and defendant race. The simple slopes for action orientation at each level of defendant race (White, Black) are represented for all-White juries (left) and mixed juries (right).

Number of case facts. There was no significant main effect of action orientation on the number of new case facts brought up during deliberation. Both two-way interactions (i.e., action/state orientation with defendant race and action/state orientation with jury composition) were also significant, but all main effects and interactions were qualified by a significant three-way interaction (see Table 10 for all effects in this analysis). I followed up the simple interactions of action/state orientation with defendant race separately for all-White and diverse juries.

On all-White juries, the two-way interaction of defendant race and action orientation was only marginally significant, $B = -3.93$, $t(108.56) = -1.72$, $p = .09$. In diverse juries, the two-way interaction was not significant, $B = 2.72$, $t(93.40) = 1.14$, $p = .26$. Despite the significant three-way interaction, and contrary to my prediction, the simple slopes for action orientation were not significant in any condition.

Number of correct case facts. There was no significant main effect of action orientation on the number of new case facts brought up during deliberation. The two two-way interactions with defendant race and jury composition were also significant, but all main effects and interactions were qualified by a significant three-way interaction, $B = 6.68$, $t(194.30) = 2.05$, $p = .04$ (see Table 10 for all effects in this analysis).

On all-White juries, the two-way interaction was marginal, $B = -3.80$, $t(97.64) = -1.74$, $p = .09$. On diverse juries, the two-way interaction was not significant, $B = .256$, $t(97.33) = 1.06$, $p = .29$. Contrary to my predictions, the effect of action orientation on new contributions was not significant, regardless of condition.

Number of new case facts. There was no significant main effect of action orientation on the number of new case facts brought up during deliberation. The two two-way interactions with defendant race and jury composition were also significant, but

all main effects and interactions were qualified by a significant three-way interaction (see Table 11 for all effects in this analysis). Again, the simple interactions between action/state orientation and defendant race were analyzed for all-White and diverse juries.

On all-White juries, the two-way interaction was significant, $B = -1.88$, $t(92.87) = -2.33$, $p = .02$. Simple slopes analyses revealed that, when the defendant was White, as predicted, the higher jurors' action orientation, the more new case facts they mentioned, $B = 1.26$, $t(93.16) = 2.11$, $p = .04$. In contrast, when the defendant was Black, the effect of action/state orientation on new contributions was not significant, $B = -.62$, $t(87.40) = .27$, $p = .27$. On diverse juries, contrary to my prediction, the two-way interaction was not significant, $B = .32$, $t(93.40) = .35$, $p = .72$; the effect of action orientation on new contributions was not significant, regardless of defendant race (Figure 9).

Proportion of new case facts. There was no significant main effect or interactions of action/state orientation on the number of correct case facts mentioned during deliberation (see Table 11).

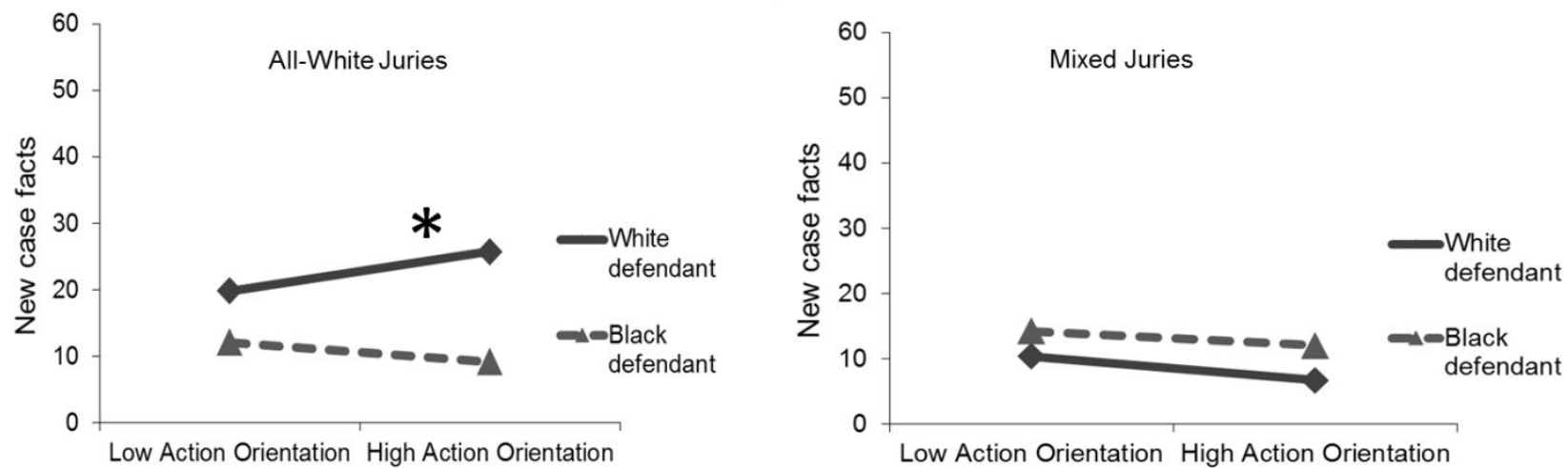


Figure 9. Resource Allocation Hypothesis. Effect of action/state orientation on number of new case facts mentioned by jurors during deliberation as a function of jury composition and defendant race. The simple slopes for action orientation at each level of defendant race (White, Black) are represented for all-White juries (left) and mixed juries (right).

Moderating role of motivation to avoid prejudice. Mixed regression models with defendant race and jury composition as Level 2 group-level predictors and motivation to control prejudice as the Level 1 individual-level predictor were used to test this set of hypotheses on depletion and performance. Overall, my hypotheses regarding the effect of motivation to control prejudice were not supported; this individual characteristic had very little effect on depletion and performance, with one exception detailed below.

Moderating effect of motivation to control prejudice on depletion. Analyses revealed no significant main or interaction effects involving the proposed moderator (Table 12).

Moderating effect of motivation to control prejudice on performance.

Recognition test for case facts. There was a marginal main effect of motivation to control prejudice on memory for case facts: The more jurors were motivated, the more they remembered. None of the interaction effects involving motivation to control prejudice were significant (Table 13).

Number of case facts. Analyses revealed no significant main or interaction effects involving individual motivation to control prejudice on the number of case facts mentioned during deliberation (Table 14).

Number of correct case facts. Analyses revealed no significant main or interaction effects involving individual motivation to control prejudice on the number of correct case facts mentioned during deliberation (Table 14).

Number of new case facts. There was a significant main effect of motivation to control prejudice on the number of new case facts mentioned during deliberation: The

higher jurors' motivation to control prejudice, the fewer new facts they contributed to deliberation. No interactions involving this variable were significant (Table 15).

Proportion of new case facts. There were no significant main or interaction effects involving individual motivation to control prejudice on the proportion of new case facts contributed during deliberation (Table 15).

Effects of depletion on performance as a function of experimental conditions. Mixed regression models with defendant race and jury composition as Level 2 group-level predictors and the Stroop difference measure of depletion as the Level 1 individual-level predictor were used to test the effect of depletion on performance in each condition. To follow up significant three-way interactions, I tested the two-way interaction between defendant race and depletion separately for all-White and mixed-race juries.

Recognition test for case facts. The main effect of depletion on jurors' memory scores was marginally significant, $B = .003$, $t(155.84) = 1.74$, $p = .08$: Contrary to my prediction, the more depleted jurors were, the better their recognition memory for case facts. No interaction effects involving depletion were significant.

Number of case facts. The main effect of depletion on the number of case facts was not significant, $B = -.01$, $t(130.33) = .76$, $p = .45$. There was a significant three-way interaction, $B = -.20$, $t(156.19) = -2.55$, $p = .01$. On all-White juries, the two-way interaction was significant, $B = .17$, $t(48.88) = 3.29$, $p = .002$. Simple slopes analyses revealed that, when the defendant was White, depletion was not significantly related to the number of case facts, $B = -.01$, $t(35.47) = -.26$, $p = .80$. In contrast, when the defendant was Black, contrary to my prediction, the more depleted jurors were, the more facts they contributed to deliberation, $B = .16$, $t(51.04) = 3.41$, $p = .001$: On mixed

juries, again contrary to my prediction that depletion would affect performance for the White, but not Black defendant, the two-way interaction was not significant, $B = -.04$, $t(86.89) = -.67$, $p = .51$; depletion was unrelated to performance regardless of defendant race.

Number of correct case facts. The main effect of depletion on the number of case facts was not significant, $B = .01$, $t(129.82) = .74$, $p = .46$. There was a significant three-way interaction, $B = -.18$, $t(157.28) = -2.39$, $p = .02$. On all-White juries, the two-way interaction was significant, $B = .13$, $t(90.29) = 1.97$, $p = .05$. Simple slopes analyses revealed that, when the defendant was White, depletion was not significantly related to the number of case facts, $B = -.002$, $t(36.69) = -.14$, $p = .89$. In contrast, when the defendant was Black, contrary to my prediction, the more depleted jurors were, the more facts they contributed to deliberation, $B = .13$, $t(93.28) = 2.94$, $p = .01$. On mixed juries, contrary to my prediction, the two-way interaction was not significant, $B = -.03$, $t(86.91) = -.48$, $p = .63$; depletion was unrelated to performance regardless of defendant race (Figure 10).

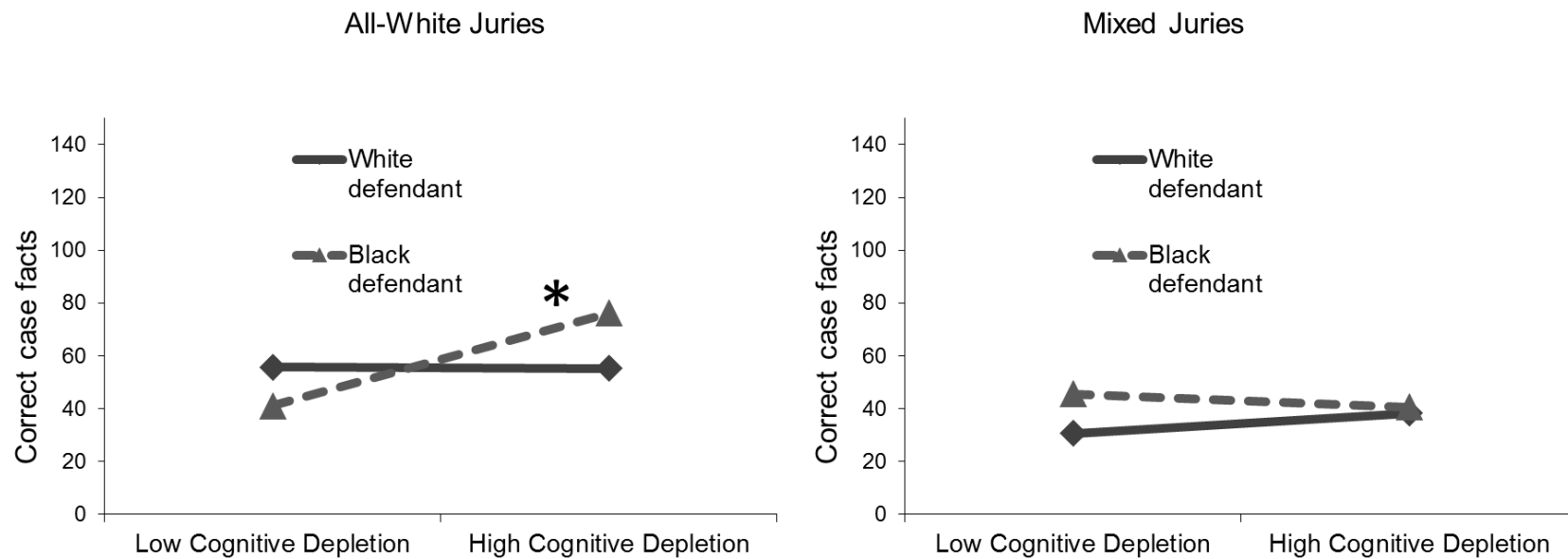


Figure 10. Effect of cognitive depletion on number of correct case facts as a function of jury composition and defendant race. The simple slopes for depletion at each level of defendant race (White, Black) are represented for all-White juries (left) and mixed juries (right).

Number of new case facts. There were no significant main or interaction effects involving depletion on the number of new facts contributed during deliberation.

Proportion of new case facts. The main effect of depletion on the proportion of new case facts was not significant, $B = 2.25$, $t(142.29) = .30$, $p = .76$. There was a significant three-way interaction, $B = .001$, $t(165.19) = 2.25$, $p = .03$. On all-White juries, the two-way interaction was significant, $B = -.001$, $t(62.37) = -2.31$, $p = .02$. Simple slopes analyses revealed that, when the defendant was White, depletion was not significantly related to the proportion of new case facts, $B = -.01$, $t(35.47) = -.26$, $p = .80$. In contrast, when the defendant was Black, the more depleted jurors were, the lower (marginally) was the proportion of new facts they contributed to deliberation, $B = -.0004$, $t(64.65) = -1.94$, $p = .055$. On mixed juries, the two-way interaction was not significant, $B = .00002$, $t(86.52) = .89$, $p = .38$; depletion was unrelated to performance regardless of defendant race (Figure 11).

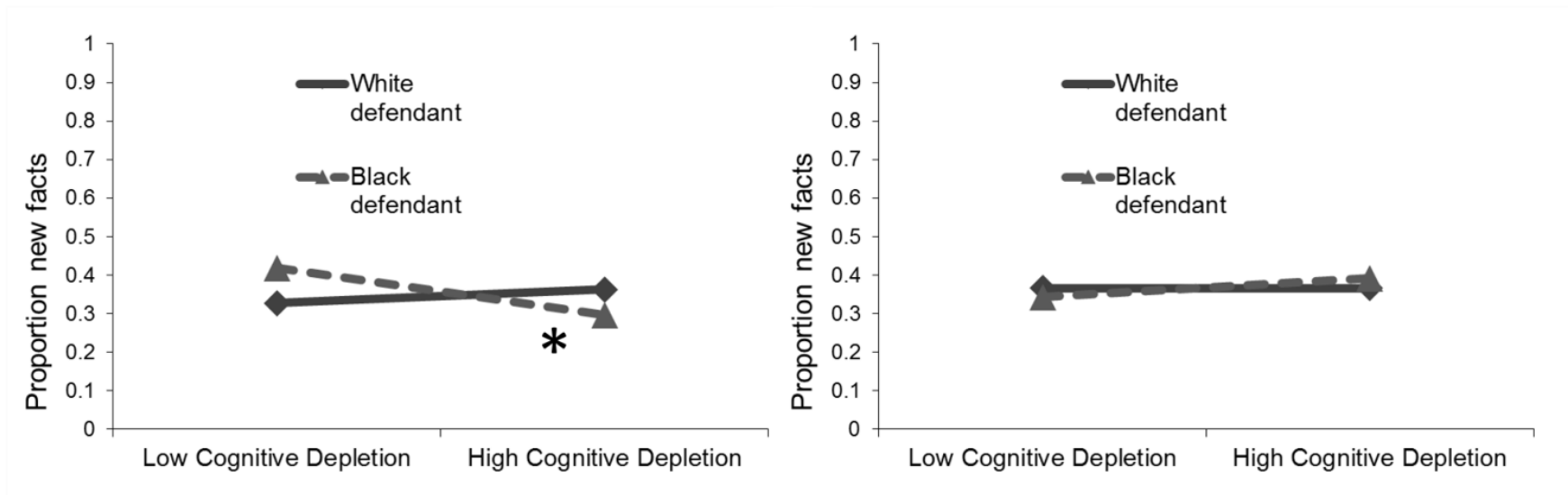


Figure 11. Effect of cognitive depletion on proportion of new case facts as a function of jury composition and defendant race. The simple slopes for depletion at each level of defendant race (White, Black) are represented for all-White juries (left) and mixed juries (right).

Mediation Hypotheses

To investigate proposed mediators, I first ran analyses to test whether the independent variables affected the mediators in the first place, as well as the relationship between mediators and dependent variables. Because, as presented next, the mediation hypotheses were overall not supported, I did not conduct mediation analyses.

Anxiety scale. Mixed regression models with jury composition and defendant race as independent variables revealed no main effect of jury composition, $F(1, 193) = .02, p = .90$, defendant race, $F(1,193) = 2.33, p = .13$, and no interaction effect, $F(1, 193) = .46, p = .50$ (see Table 5 for means and SDs) on jurors' anxiety scale scores. In addition, anxiety was not significantly related to depletion, $B = -5.86, SE = 7.93, t(193) = -.74, p = .46$. Thus, contrary to my hypothesis, anxiety did not mediate the effects of jury composition and defendant race on depletion. The same pattern emerged when I controlled for age and political orientation.

Analyses with the task enjoyment item revealed similar results: no main effect of jury composition, $F(1, 196) = .85, p = .36$, defendant race, $F(1,196) = .05, p = .83$, and no interaction effect, $F(1, 196) = .02, p = .89$. Although task enjoyment significantly predicted depletion, $B = 13.40, SE = 6.50, t(186) = 2.06, p = .04$, this relationship was in the opposite direction than predicted: The more jurors enjoyed deliberating, the more depleted they were. In addition, task enjoyment was positively correlated with performance: The more jurors enjoyed deliberating, the more case facts they contributed, and the more they remembered after deliberation. Thus, it appears that participants who worked hard during deliberation found the experience more satisfying. This suggests that, in this study, depletion was influenced primarily by jurors' levels of

effort and engagement during deliberation, and that it was neither a result of negative emotion such as anxiety, nor a detrimental factor to jurors' cognitive performance.

Motivation to reach a fair verdict. Mixed regression models with defendant race and jury composition as Level 2 group-level predictors revealed no significant main effect of jury composition, $F(1, 197) = 1.08$, $p = .30$, defendant race, $F(1,197) = .04$, $p = .84$, nor interaction, $F(1, 197) = .08$, $p = .78$ (Table 5). The more motivated jurors were to reach a fair verdict, the more accurate they were on the recognition test, $B = 2.81$, $SE = .56$, $t(192.51) = 4.97$, $p < .001$. The more motivated jurors were, the more case facts they mentioned during deliberation, $B = 18.87$, $SE = 5.29$, $t(159.45) = 3.56$, $p < .001$, including correct facts, $B = 18.48$, $SE = 4.98$, $t(157.63) = 3.71$, $p < .001$, and new facts, $B = 7.82$, $SE = 1.80$, $t(156.91) = 4.33$, $p < .001$. However, although overall motivation increased jurors' performance, it did not act as a mediator between the experimental manipulations and performance indicators.

Discussion

In a highly controlled mock trial study, I manipulated jury composition and defendant race to demonstrate that, although interracial interactions result in cognitive depletion compared to same-race interactions, depletion does not always impair performance in a complex, group deliberation setting. This study resolves an interesting discrepancy across several areas of social psychological research: On the one hand, psychology and law research had found that diversity on juries improves decision making, but on the other hand, basic social and organizational psychology findings suggest that diversity can impair performance, through the mechanism of cognitive depletion. I found that, although diversity can have depleting effects, it also helps reduce discrepancies in jurors' performance levels for White versus Black defendants. In fact, a robust outcome across several measures of performance was the lack of significant differences between White and Black defendant conditions for jurors who deliberated in diverse juries.

Specifically, my results are consistent with research on minimal, dyadic interactions (e.g., Richeson & Trawalter, 2005): White jurors who deliberated in a racially mixed jury were more depleted than jurors who deliberated with only White jurors. These effects cannot be attributed to the different behaviors of Black and White jurors: The use of confederates to manipulate group diversity ensured that verbal and non-verbal behaviors of White and Black confederate jurors were kept constant across condition. The mere presence of Black group members resulted in depletion for White jurors.

Yet the results are also consistent with jury deliberation research that found mixed juries perform better than all-White juries (Sommers, 2006). By manipulating

defendant race, in addition to jury composition, I proved that the key to understanding whether the depletion of diverse interactions results in hindered group performance is the central motivating factor originally suggested by Sommers -- race salience, present when a defendant is Black, not White. That is, as predicted, jurors performed better when all-White juries deliberated about a White (versus Black) defendant, but there were no significant differences in performance when jurors deliberated in diverse juries – arguably because race salience motivated them to expend the same amount of effort for the Black, as they did for the White defendant.

Increasing Depletion Hypothesis

I found support for my increased depletion hypothesis. As others before (Apfelbaum et al., 2008; Richeson & Shelton, 2003; Richeson & Trawalter, 2005; Zabel et al., 2015), I found that people are more cognitively depleted after interracial interactions, but I extended this effect to a more realistic and complex situation, one in which people spend longer time together, discuss a verdict decision that is unrelated to racial issues and of great importance, and interact with a larger group in which they are still the majority.

Some research suggests that the mere effort to reach a decision is depleting (Vohs et al., 2014). The raw means on the Stroop task were overall higher than those reported in other studies (e.g., 939 ms versus 462 ms for incongruent trials, Stahl & Ellemers, 2016), and the difference score mean was comparable to or higher than other studies that also induced depletion through interracial interactions: 91 ms in this study, compared to 69 ms (Richeson & Shelton, 2003), 109 ms (Richeson & Trawalter, 2005), and 30 ms -60 ms (Apfelbaum et al., 2008). As jurors, participants in this study had to reach a verdict decision in an ambiguous case, where evidence was ample but arguably

did not reach the “reasonable doubt” bar. Few jurors were certain of their verdicts before, during, or after deliberation. For most of them, deliberation was a complex task that involved remembering case facts, weighing opposing interpretations of forensic evidence, and arguing their opinion to others who disagreed. All these processes likely taxed cognitive and regulatory resources, and the fact that even with several other potential sources of depletion, the race of the confederates had a significant effect, demonstrates that this effect is robust and not limited to laboratory settings where the only possible source of depletion is the interracial interaction.

Although the main prediction regarding the effect of mixed-race deliberations was supported, the effect was not moderated by defendant race. I had reasoned that, on mixed juries, deliberating about a Black defendant with Black jurors would be particularly depleting, because it would prompt people to self-regulate more for fear of saying something racist about the defendant, would also contribute to people’s anxiety about appearing racist (Plant & Devine, 2003; Vorauer et al., 2000), and prompt additional evaluative concerns (i.e., concerns with how one is regarded by out-group members, Vorauer, 2006). In this study, however, jurors on mixed juries were not more depleted when they judged a Black versus White defendant.

One potential explanation is suggested by the fact that, overall, jurors were more lenient toward the Black (versus White) defendant, even before deliberating. Thus, jurors in these conditions were going to predominantly argue for a not-guilty verdict, a verdict that favored the defendant – giving them little reason to feel anxious about appearing racist to the other jurors. Although the methodology used here does not allow me to elucidate the cause of this lenience, a likely possibility, given that only defendant race differed between the cases, is that jurors were concerned with rendering (or

appearing to favor) biased verdicts against a Black defendant. In recent years, racial biases in the criminal justice system have been at the forefront of public discourse, and some research suggests that media coverage of racial bias can subsequently reduce it (Pope, Price, & Wolfers, 2014). Awareness of widespread racial bias might motivate jurors to give Black defendants the benefit of the doubt, especially when evidence is ambiguous. This overcorrection would then reduce jurors' concern with appearing prejudiced, and the ensuing cognitive depletion, regardless of jury composition.

The mediating role of anxiety. Although interracial interactions were depleting, anxiety did not appear to be one of the responsible mechanisms. Anxiety was neither affected by the experimental manipulations, nor was it predictive of depletion. One possibility is that the face-value measure of anxiety did not capture jurors' actual feelings. For future analyses, I will code jurors' speech disfluency and non-verbal indicators of anxiety during deliberation. Another possibility is that any anxiety experienced by jurors was overcome during deliberation, if jurors' focus shifted from concerns about the interracial interaction to the task of delivering a verdict. In support, when people engage in interracial interactions that are task-oriented (versus social-interaction oriented), the effects of depletion are diminished because prejudice is less of a concern (Babbitt & Sommers, 2011). Perhaps one of the reasons why depletion effects are reduced by task focus is decreased anxiety. Another possibility is that jurors might have experienced some anxiety about the social interaction at the onset, but as deliberation went on and they had pleasant/neutral interactions with the confederates, they became less and less concerned about how they might be perceived due to increased familiarity with confederates and confederates' neutral demeanor.

My indirect or proxy measure of anxiety -- jurors' level of enjoyment during the deliberation task -- was not affected by jury composition or defendant race. In fact, the more jurors enjoyed deliberating, the more depleted they were after. Although this relation is opposite my prediction, it is consistent with the other results in this study. The story that emerged from the data, as I detail below, is not that depletion hurt jurors' performance, but rather that task enjoyment and focus on case facts resulted in post-deliberation depletion: The harder jurors worked on reaching a fair verdict, the more they enjoyed deliberating, and the more cognitively tired they were after deliberation.

Increasing Performance Hypothesis

I found partial support for my second central hypothesis, that jury composition and defendant race would interact to affect jurors' performance as measured by factual contributions to deliberation and memory for case facts after deliberation. The dependent measures were meant to capture several aspects of "good" jury deliberations: reliance on evidence and case facts, accuracy in recalling case details, and breadth of the evidence discussed (e.g., Cowan, Thompson, & Ellsworth, 1984; Horowitz & Bordens, 2002; Sommers, 2006). Overall, jurors on all-White juries performed better when the defendant was White (versus Black), while on mixed juries the effect of defendant race was not significant.

There was one exception: proportion of new facts contributed during deliberation. Although I had conceptualized this measure as indicative of better performance (i.e., jurors' efforts to broaden the scope of deliberation, instead of repeating the same information), the formula ($\text{New}/[\text{New} + \text{Old}]$) might have penalized jurors for discussing a larger number of case facts if they did so after the initial mention, arguing about important case details that required referring to the same evidence repeatedly, or

speaking more toward the end of deliberation, after many facts had already been brought up by other jurors. Thus, the larger the number of old facts mentioned by a juror, the smaller the proportion of new case facts.

One important divergence between my predictions and the results was that, although jurors on mixed juries performed worse when they judged a White (versus Black) defendant, this difference was not statistically significant. Although the means trended in the direction I had predicted with medium effect sizes, indicating slightly better performance when the defendant was Black rather than White, a power analysis revealed the study had adequate power to detect mean differences, and thus the lack of significant differences was not due to lack of power. I concluded that my initial hypothesis, that diverse juries' performance would suffer in the absence of race salience, was not confirmed – indicating that there seem to be no performance-related drawbacks to jury diversity, regardless of defendant race. If jurors were depleted by efforts to monitor the interracial interaction and not particularly motivated to overcome depletion (or, as newer models of self-regulatory resources suggest, not motivated to exert self-regulation and cognitive resources in both tasks), this did not reduce their performance significantly. This is encouraging, because it demonstrates that jury diversity does not necessarily reduce the quality of the deliberation process for White defendants. Next, I investigated the role of motivation to reach a fair verdict as a buffer against depletion effects.

Mediating effect of motivation. Motivation to reach a fair verdict was significantly related to better performance, indicating that jurors who care about reaching a fair outcome do indeed try harder and pay more attention to the evidence, and are more involved in the deliberation process. This variable was not affected by the

experimental manipulations and therefore I did not investigate its role as mediator of jury composition and defendant race on performance. Not surprisingly, jurors who reported being more motivated also mentioned more facts, correct facts, and new facts during deliberation and remembered more correct information after deliberation. But, contrary to my predictions, motivation was not higher for White defendants in all-White juries or Black defendants in mixed juries. This could have reflected a ceiling effect: On a scale from 1 to 5, the mean was 4.6 – most jurors endorsed the maximum on each scale item, and no juror had a mean below 3, the scale midpoint. This face-value measure of motivation was likely high in demand characteristics – few jurors would admit not taking the deliberation task seriously. By including items that measured motivation for specific aspects of jury decision (deliberation, remembering case facts, persuading others, concern with outcome fairness), I had hoped to reduce demand characteristics and increase variability.

Even though participants might have overestimated their level of motivation, with few exceptions, they were actually interested in the case, took their role as jurors seriously, and were engaged in the study overall. Before deliberation, I highlighted the importance of jury research and the implications it can have for real defendants in the future, by shaping evidence-based policies and procedures. After deliberation, all juries were very interested in the real case outcome, many tried to continue deliberating, and asked many questions about the legal aspects of the case during debriefing. It was the experimenters' overall impression that participants were, in fact, highly motivated. Therefore, I could not attribute the ceiling effect entirely to demand characteristics. Regardless of the reason why the reported motivation scores were so high, the lack of variability could be responsible for the lack of significant effects. In future studies, I

would rely on an indirect measure of motivation to reach a fair verdict – for example, the word count during deliberation, or, as others have done before (e.g., Sommers & Kassir, 2001), by measuring jurors' variation in verdicts in response to unreliable evidence. Although, in this study, the measure of motivation was not optimal for capturing interpersonal differences, it was still informative to observe that mock jurors are overall highly motivated to perform individual behaviors that increase the likelihood of just verdicts.

Effect of depletion on performance as a function of jury composition and defendant race. Overall, depletion was not significantly related to performance indicators. Although depletion was related to jury composition, I also investigated the *moderating* effect of jury composition and defendant race on the relation between depletion and performance to test the hypothesis that, on all-White juries, depletion effects on performance would not vary with defendant race, while on mixed juries, depletion would reduce performance when the defendant was White, but not when the defendant was Black. Results actually revealed the opposite: The effect of depletion on performance was moderated by defendant race on all-White, but not on mixed juries. Specifically, on all-White juries, the effect of depletion on number of total/correct case facts was not significant when the defendant was White, but when the defendant was Black, the more depleted the jurors, the better their performance. This likely means that jurors had to expand significantly more cognitive and regulatory (or motivational) control to work hard when the defendant was Black, but did so more effortlessly when the defendant was White.

An alternative explanation is that jurors were overall more careful discussing the Black defendant, which resulted in depletion – or lack of sustained motivation to focus

on the task -- for the subsequent Stroop task, but not necessarily during deliberation. This alternative is not supported, however, by my finding that on all-White juries, jurors performed better when they judged a White, versus Black defendant. It would therefore be difficult to argue that depletion on the Stroop task was caused by increased effort during deliberation, given that jurors performed worse during deliberation in this condition. My hypothesis about the effect of depletion on performance on mixed juries was not supported: Depletion had no effect on performance, regardless of defendant race.

Overall, the relations between depletion, performance, and experimental manipulations suggest that diversity helps diminish the effects of defendant race on the process and outcome of deliberation. This is one of the strongest arguments for increasing jury diversity in general. Although interracial interactions resulted in increased depletion after deliberation, they did not significantly decrease performance *during* deliberation, even in the absence of race salience and its motivating effects. In this light, depletion effects are less problematic than I had anticipated, because they affect performance only in subsequent, unrelated tasks (i.e., Stroop). As Inzlicht and Schmeichel (2012) point out, the sequential tasks in classic strength models of self-regulation might reflect people's decreased motivation to exert effortful self-control in the second task, and not actual depletion of limited regulatory resources. In support of this novel view, during simultaneous tasks, exerting self-control in one task helps performance in a concurrent task that also requires self-control (Tuk et al., 2015). If the strength model were correct, it should not matter whether the competing tasks are performed simultaneously or in sequence; dividing regulatory resource between two tasks should always result in reduced performance for at least one of them. To mirror an

muscle analogy, performing two physically exhausting tasks at the same time reduces performance in both, just as it reduces performance if one is performed after the other. But that does not seem to be the case with tasks requiring self-regulation, which suggests that, as long as people are task-focused and direct their motivation and attention toward exerting self-control, they perform well. It is only after they complete one task and allow their motivation and attention to switch to self-gratification (or self-maintenance, as a similar process is called in Personality Systems Integration Theory, Koole & Jostmann, 2004; Kuhl & Koole, 2004) that their performance suffers. Jurors in this study exerted a significant amount of regulatory and cognitive effort, seemingly more so when they served on diverse than all-White juries. Yet their deliberation performance did not mirror the depletion effects, and apparently not because of the additional motivation provided by race salience. Their performance did not suffer (it was even improved in one condition) likely because depletion effects did not set in until the second task, and reflected a shift toward self-gratification after a hard hour's work of remembering evidence, weighing case facts, and reaching a difficult decision.

Resource Allocation Hypothesis

Contrary to my theoretical predictions and prior research (Gropel et al., 2014), action/state orientation (i.e., people's ability to flexibly allocate self-control resources toward a goal or relax self-control to engage in self-maintenance) had no effect on depletion, regardless of jury composition or defendant race. Action/state orientation did, however, affect performance in some experimental conditions: On all-White juries, action orientation improved jurors' performance on number of new facts brought up during deliberation as well as memory for case facts, but only when the defendant was White. When the defendant was Black, action orientation was either not related, or

negatively related to performance. On diverse juries, action orientation did not predict performance when the defendant was Black, but higher action orientation predicted poorer memory for case facts when the defendant was White.

Although not what I had predicted, this pattern actually fits with the theory nicely. It looks like action-oriented people are rather good at performing well when doing so is especially desirable and unencumbered by additional self-control requirements (i.e., when they judge a White defendant in an all-White jury), and good at not expending much effort when conditions are not particularly motivating or when their self-control resources are needed to monitor the social interaction (i.e., when they judge a Black defendant in an all-White jury, or a White defendant in a mixed jury). In other words, action-oriented jurors were better at selectively engaging in effortful processing, just as the theory predicts. This means they are able to not only mobilize self-regulatory resources when they are motivated to do so, but are also able to switch to self-maintenance and relax their self-control when that is the optimal strategy. My results have implications for future research on action/state orientation, because they qualify prior findings that action orientation is preferable to state orientation. Although action orientation is clearly a more adaptive trait characteristic for individuals, it might not always be desirable from an outcome or task quality perspective, at least not in group settings. If action-oriented people opportunistically engage in effortful self-control only when they are strongly motivated to do so or when there are no other self-control demands, they can actually perform worse than state-oriented people under some circumstances.

Motivation to Control Prejudice

The explicit measure of motivation to control prejudice had no effect on depletion or performance regardless of experimental manipulations. The one exception, a negative relation between motivation and the number of new case facts contributed, is hard to justify theoretically in the absence of moderation by the race-related IVs and could be due to chance, given the large number of dependent variable indicators.

Overall Support for the Proposed Model

Several aspects of the model were supported, while others were not (Figure 1). Jury composition affected depletion, although anxiety did not mediate this effect (paths 1 and 5). Although motivation to reach a fair verdict was not affected by jury composition or defendant race (paths 2 and 3), the more motivated jurors were, the better they performed during deliberation and on the recognition test (path 6). Group composition and defendant race affected cognitive performance and influenced the effect of depletion on performance, although not always in the predicted direction. Finally, action-oriented jurors performed better than state-oriented jurors under the least demanding conditions (i.e., all-White jury, White defendant) but not under the more demanding conditions, while motivation to avoid prejudice did not have significant effects on depletion or performance (paths 9, 10).

Implications for Understanding the Fairness of Jurors' Verdicts in Diverse Juries

What are the implications of these results for the quality and fairness of jurors' verdicts? My results confirm the robust leniency bias effect found by many jury scholars (e.g., MacCoun & Kerr, 1988; Devine et al., 2004; Diamond, 1997): Deliberation reduces the number of guilty verdicts, because jurors are more easily swayed to acquit than to convict, given the reasonable doubt standards highlighted in jury instructions.

In this study, group and individual verdicts favored the Black (versus White defendant): Jurors endorsed higher degree of guilt for the White (versus Black) defendant before and after deliberation, and juries were more likely to reach a *Not guilty* verdict when the defendant was Black. Jurors were more punitive toward the White defendant even when they did not deliberate with Black jury members. The pattern of means (Table 5), however, indicates that, before deliberation, defendant race did not affect all-White juries much, whereas mixed juries were more punitive toward the White defendant – perhaps in an effort to avoid in-group bias in the presence of Black confederates. On all-White juries, after deliberation, jurors considered the Black defendant less guilty compared to pre-deliberation and compared to the White defendant – and the lowest in all conditions, pre- and post-deliberation.

Racial biases against African American defendants in legal decisions are historically robust in real life and in psychological research (e.g., Sommers & Ellsworth, 2001; Sweeney & Haney, 1992). As it has become less socially desirable to appear racist, however, mock jurors' traditional anti-Black biases can disappear in race-charged cases because they are afraid of appearing racist by convicting a Black defendant (Sommers & Ellsworth, 2009). Although the trial used in my study was not racially charged in an explicit way (i.e., victim and defendant were of the same race, racial issues were not mentioned in the trial stimulus, the confederates did not bring up race), one could argue that all trials involving Black defendants or victims are, to some degree, racially charged in today's broader social context in which racial disparities in the criminal justice system are at the forefront of public discourse, providing a background that heightened race salience outside of the narrower context of the trial. In the past five years in particular, videos and media coverage of Black males killed by police officers

sparked a strong social movement and increased awareness of racial bias in the criminal justice system as pervasive and systemic. Even President Obama has spoken out about the issue, calling the criminal justice system “unfair” and openly discussing racial bias (Hudson, 2015). Increased awareness of racial bias might have motivated jurors in this study to overcorrect and render more lenient verdicts for a Black defendant. Even before the public outrage provoked by the shooting of Michael Brown in Ferguson, MI (e.g., Swaine, 2015) made race such a salient issue in legal contexts, race effects similar to the ones found in this study emerged. For example, an American Psychology-Law Conference symposium from 2012 included several studies with counterintuitive race results such as lenience toward Black, compared to White defendants (Salerno & Stevenson, 2012). Although race was not a salient issue in those studies either, it is possible that concerns with appearing racist are automatically activated whenever some mock jurors (and hopefully actual jurors) are faced with Black defendants in criminal trials, prompting these jurors to be lenient out of egalitarian concerns.

There is an alternative explanation that takes into consideration the fact that the victim’s race was manipulated along with the defendant’s race. For example, jurors are more likely to convict defendants when the victims are White, rather than Black (Baldus & Woodworth 2003, Mazzella & Feingold 1994), and Black victims of violence are perceived less favorably than White victims (Murray & Stahly, 1987). In addition, research on the specific topic of domestic violence revealed racial differences as well: The stereotypical victim of domestic violence is a White woman, and Black women victims of domestic violence are perceived as more aggressive and more responsible for the assault (Harrison & Willis Esqueda, 1999). It is therefore possible that the White

(compared to Black) victim in this case elicited more empathy and was a more believable victim, which was indirectly reflected in increased punitiveness for the White defendant. Thus, the apparent bias in favor of the Black defendant could be due to a negative bias *against* the Black victim, yet this explanation could only be accurately tested by completely crossing the race of the defendant and victim, which was beyond the scope of the study. In the future, analyses of deliberation content for references to the victim (e.g., as innocent, weak, or manipulative and mentally disturbed) could provide partial answers within this dataset.

Contributions, Strengths, and Limitations

The study makes several theoretical and practical contributions to existing literature on group deliberations, interracial interactions, and jury decision making. Research that increases understanding of the interpersonal and cognitive processes at the heart of jury deliberations can inform courts, policy makers, and the public about the psychological effects of deliberation on jurors and juries, explaining verdicts and deliberation processes and informing court practices. Jury research also has the potential to make significant theoretical contributions to existing models of group decision making by reconciling divergent theoretical accounts and empirical findings.

Applying self-regulation theory to group decisions is a completely novel approach with many questions left to answer, and therefore might open the door for a new area of fruitful research within social psychology. The present study advances social psychological literature on depletion by accounting for the social and motivational factors that moderate depletion effects on decision-making in a group context. Although there has been research on self-regulatory mechanisms during dyadic interracial interactions, little is known about the potential depleting effects of such efforts on group decision making.

The study also contributes to existing social psychological literature on group decision-making, which mostly focuses on how information is shared and portrays an entirely cognitive, cold process. In reality, group decisions are perhaps even more likely than individual decisions to be colored by emotional, motivational, and behavioral factors that lead to, or are affected by, ego-depletion. In future research, I plan to apply nonverbal behavior coding developed for dyadic interactions (e.g., Mendes & Koslov, 2013) to assess friendly behavior exhibited by White jurors toward the Black and White

confederates during deliberations, testing for the mediating effects of behavior monitoring on depletion, but also to provide data about the interpersonal aspects of group deliberations. For example, I anticipate finding that White jurors are more likely to engage in behavior monitoring when they serve on diverse (versus all-White) juries, and that increased behavior monitoring is related to increased depletion after deliberation, especially in diverse juries. Yet this effect might further depend on the type of behavioral responses. For example, Trawalter, Richeson, and Shelton (2009) note that Whites can respond to interracial interactions with negative (freezing, avoiding, antagonizing), or positive (engaging, overcompensating) behaviors. Thus, comparing both negative and positive behavioral reactions between jurors in all-White and diverse juries could also help distinguish between the depleting effects of different behavior monitoring strategies. This data could be analyzed from the videos of jury deliberations already collected to answer these questions in the future. This dataset will also allow me to test future hypotheses about the role of interracial interactions in persuasion and heuristic processing, and the relation between heuristic processes and depletion in a realistic group context.

Another strength of the research is that results can be used to influence policy recommendations about how to maximize the benefits of diversity by reducing depletion. For example, because interracial deliberations result in depletion, my findings could encourage courts to (a) allow multiple breaks during deliberations, because even short periods of rest can restore regulatory and cognitive resources; (b) inform jurors about the negative effects of fatigue on the quality of their verdict; and (c) highlight the common goal and identity as jurors to facilitate harmonious social interactions and result in fewer demands on regulatory resources in mixed-race juries. Of course, changes in

court procedures do not come about easily, due to practical constraints, and any recommended interventions should be mindful of these constraints and of the need for replication.

Of importance, although in this study I did not confirm a negative relationship between post-deliberation depletion and performance during deliberation, this does not necessarily reduce the concerns that regulatory depletion could impair performance in general. In future studies, for example, a depleting task could be introduced before the trial. This procedure would allow for a more direct test of depletion effects on jurors' performance, and of any differences in performance based on jury composition and defendant race.

This research is also relevant to more systemic issues, such as sentencing disparities in capital cases, where all jurors must pass death qualification questions. These questions assess jurors' willingness to impose the death penalty if the aggravating circumstances of the case legally warrant this punishment. People who indicate that they would never impose the death penalty are excluded from these juries (e.g., Cowan, Thompson, & Ellsworth, 1984). It has been proven by many studies that death qualification – jurors' willingness to give the death penalty, in principle, should the circumstances demand it -- is highly correlated not only with propensity to convict, but also with modern racism, which has the unintended effect of stacking capital trial juries with prejudiced citizens, because they are more likely to "pass" the death qualification questions (Butler, 2007). This is particularly problematic because depletion during interracial interactions affects high-prejudiced people the most (Richeson & Shelton, 2003). Thus, in real-life jury deliberations, depletion effects could have their most serious implications for jurors who (a) have to make substantial efforts to avoid

expressing prejudice, and (b) are not very motivated to avoid prejudiced verdicts.

Implementing procedures aimed at reducing depletion effects might therefore be especially beneficial in capital cases. In this study, although indicators of racial prejudice were not significantly related to depletion, they were related to performance, motivation, and verdicts: Jurors who endorsed racial stereotypes performed worse on the memory test, and were marginally less motivated to reach a fair verdict than jurors who did not. In addition, racially prejudiced jurors were more punitive. The implications are troublesome, because lack of motivation and poorer memory could not be less desirable characteristics in high stakes, death penalty trials, regardless of defendant race.

In addition to contributions to psychology and law, the theoretical model could apply to various scenarios where people of different backgrounds have to interact to make decisions about minority targets. I found that diversity motivates group members, despite depletion, to perform equally well whether their decision involves minority or majority targets, while racially homogeneous groups seem to work harder when their decision involves an in-group member. When we develop policies that could disproportionately affect minority groups (e.g., voter registration laws, marriage equality, punishment for juvenile offenders), it is important that members of these groups are represented in the decision-making process. It therefore becomes more and more important to understand the challenges of interactions between majority group members and members of underrepresented minorities, and the cognitive consequences of these interactions on the quality of group decisions, especially when these decisions are about people in general, and disadvantaged groups in particular.

The study had several limitations. First, the intentionally ambiguous trial evidence ensured that jurors would deliberate at length, and that there would be variability in

verdicts. There was a drawback to this choice, however: I cannot claim that one verdict is more accurate than another. In fact, it appeared that better performance was related to increased confidence in the defendant's guilt. On an anecdotal note, jurors who voted not guilty and were vocal about their verdict during deliberation spent much time discussing legal standards of reasonable doubt and the moral implications of potentially convicting an innocent defendant. Although I observed a significant leniency effect toward the Black (versus White) defendant, this effect does not necessarily mean jurors were more thoughtful about the evidence – only that they were careful about avoiding racial bias in verdicts. In future studies, it would be interesting to manipulate evidence strength directly, which provides a measure of verdict “accuracy” in legal terms, in addition to defendant race and jury composition.

Another limitation was that, despite piloting efforts, one of the scales used in this study had relatively low reliability: jurors' motivation to reach a fair verdict. Factor analyses did not provide a straightforward multi-factor solution. I will continue to revise the scale for future research.

On balance, this study was, however, very strong in terms of other important methodological elements. For example, I used a community sample that was more diverse in terms of education, age, and background, and more representative of the jury pool than a student sample. Although differences between student and community samples are debated in the psychology and law field (for reviews, see Bornstein, 1999; Bornstein, Golding, Neuschatz, Reed, Kimbrough, Key, Luecht, & Magyarics, 2015), the use of a community sample can greatly increase the ecological validity of jury studies. Study materials were based on actual trial evidence and jury instructions and reviewed by a legal professional to ensure realism and increase ecological validity. In addition to

individual judgments, jurors deliberated to reach a unanimous verdict, under conditions similar to those encountered by real jurors: They were allowed to keep a copy of jury instructions during deliberation (as is the standard procedure in Cook County), they were not allowed to take notes during the evidence presentation, and they were not given specific instructions about how to deliberate (e.g., whether they should take a vote or discuss the evidence first).

Finally, in addition to steps taken to increase ecological validity, the study also involved considerable experimental control through the inclusion of confederates. Research assistants spent several months training in pilot sessions and in mock-deliberation sessions with colleagues, in an effort to cover many potential situations that could (and sometimes did) arise during the actual study. They were therefore able to maintain their contributions to the script lines in every session. This procedure allowed me to isolate the effects of jurors' race when everything else was held constant and these effects could not be attributed to any other aspect of the deliberation, such as differential contributions from Black versus White jury members. The defendant race manipulation was also successful, with very few manipulation failures. Thus, this study combined experimental rigor with high ecological validity.

Conclusion

This research increases our understanding of the implications of diversity for jurors' performance by testing two competing models of group interactions: One that draws on the detrimental effects of diversity on performance through regulatory depletion, and one that highlights the motivating effect of diversity on jurors' performance when race is salient. Although interracial interactions are depleting, racial

diversity in juries not only ensures representation of minority voices, but also motivates all jurors to perform their duty diligently regardless of defendant race.

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Footnotes

¹ Although the Supreme Court allowed for the use of 6-person juries in criminal trials (*Williams v. Florida*, 1970), in most jurisdictions, murder trial juries must be made up of 12 jurors. Yet, for practical considerations, many jury researchers use 6-person juries when studying the individual and group processes that shape jurors' verdicts (e.g., Bottoms, Schmidt, & Epstein, 1998; Bray & Noble, 1978; Crowley, O'Callaghan, & Ball, 1994; Davis, Kerr, Stasser, Meek, & Holt, 1977; Haegerich, Salerno, & Bottoms, 2013). Likewise, I used 6-person juries to facilitate scheduling and to ensure that deliberations could be accurately transcribed and coded. Although there are some important differences between 12- and 6-person juries (e.g., likelihood of a hung jury), there are few differences in the deliberation process that should influence the results of a study such as this (Kerr & MacCoun, 1985). In fact, a recent review of jury researchers' (i.e., authors, reviewers) perceptions of acceptable practices revealed that only 6% of those surveyed indicated that more than 6-person juries were necessary (although 64% of respondents reported that 12-person juries were ideal; Lieberman, Krauss, Heen, & Sakiyama, 2016). Thus, as a first step toward understanding cognitive depletion and its relationship to performance under various conditions, this methodology provides a reasonable test of psychological mechanisms, one that is widely accepted in the field and commonly used.

² A preliminary study informed aspects of the proposed research. Using participants from the online platform Mechanical Turk, I investigated the effects of defendant race and self-regulation efforts aimed at suppressing emotions on jurors' memory and verdicts. Although the source of regulatory depletion was different (emotion suppression rather than interpersonal interactions), its effects were informative concerning how regulatory efforts in general affect memory and verdict decisions. Participants read instructions that either prompted them to suppress their emotions or that did not mention emotion (control), viewed the evidence presentation, indicated verdicts and verdict confidence, and completed a short memory test.

The study revealed that ego-depletion induced via emotion regulation instructions reduced participants' memory for case facts. Specifically, jurors who were instructed to suppress their emotional reactions to graphic evidence performed worse on the memory test (correct items, $M = 6.69$, $SD = 1.47$) than jurors who were not so instructed ($M = 7.56$, $SD = 1.27$), $t(114) = -2.72$, $p = .01$. In addition, a factorial ANOVA revealed a significant Defendant Race x Emotion Regulation interaction, $F(1,112) = 3.97$, $p = .05$. The effect of defendant race was significant only in the control condition, where jurors were more punitive toward the Black ($M = 12.86$, $SD = 7.69$) than toward White defendant ($M = 7.17$, $SD = 7.53$), $F(1,112) = 7.15$, $p = .01$. In the suppression condition, however, the effect of defendant race was not significant, $F(1,112) = .02$, ns . Thus, the study provided preliminary evidence that the race manipulation captured the theorized racial bias predicted when jurors are not particularly motivated to avoid it, and that self-regulatory efforts can reduce racial bias even when they are not specifically aimed at racial prejudice.

Although depletion was not measured directly in this preliminary experiment, a robust body of research indicates that emotion suppression is depleting and therefore has detrimental effects on cognitive functioning (Baumeister, Vohs, & Tice, 2007; Richards & Gross, 2000). Thus, I inferred, rather than empirically confirmed, that

regulatory depletion was the mechanism by which emotion suppression impaired memory for case facts. As for the manipulations' effects on verdicts, it is possible that the emotion suppression instructions led jurors to suppress any negative emotions toward the Black defendant, or motivated jurors to suppress not only emotions, but also other potential sources of bias. Thus, the emotion suppression instructions might have, on the one hand, depleted participants, and on the other hand, motivated them to control their racial bias, through mechanisms at least partially similar to the self-regulatory efforts, depletion, and motivation that stem from interacting with Black jurors.

³ The study included a measure of implicit motivation to avoid prejudice, developed by Glaser and Knowles (2008) as an implicit associations test (IAT) paradigm and modified by Park, Glaser, and Knowles (2008) into a Go/No-Go association task paradigm (recommended by the authors). This measure operationalizes the concept along two dimensions: implicit negative attitudes toward prejudice (reaction times to pairing good/bad with words indicating prejudice or tolerance) and implicit belief that one is prejudiced (measuring reaction times to pairing first-person pronouns with words indicating prejudice or tolerance). During data collection, it became clear that this task was posing significant problems for participants. Despite attempts to simplify instructions and provide more training, during most sessions participants became either confused, frustrated, or amused by the task's difficulty, and often voiced their reactions, distracting other participants. I have not analyzed these data given the low completion rates and high levels of distraction.

⁴ Coders did not achieve reliability for incorrect codes, for several potential reasons. First, because the incidence of jurors making incorrect comments was very low (maximum score of any one juror was 24, which was an outlier; $M = 2.50$, $SD = 2.81$), each coder disagreement was proportionally large. Second, it was often difficult for trained coders to distinguish incorrect facts from non-facts. For example, the following statement: "The kids were not even home, where were the kids?" could be coded as incorrect (i.e., there was no mention of the children's whereabouts, so the juror mistakenly recalled information that was not provided) or as non-factual (there was no explicit mention about the children's whereabouts, so the statement is speculative).

⁵ The coding scheme included coding of all non-factual comments, in addition to factual ones. During training and reliability meetings, it became clear that trying to chunk and code non-facts was extremely difficult and yielded unreliable results. Given the difficulty of the task, the unreliable coding results during training, and the limited usefulness of Non-facts (i.e., only to compute a proportion score for factual comments: $\text{Facts}/[\text{Facts} + \text{Non-facts}]$), only factual comments were coded. This greatly simplified the work and increased reliability even for factual comments, because it made it much easier for coders to focus on identifying them.

Table 1

Grand Means, Standard Deviations, and Ranges for Continuous Measures

	N	Mean	Standard Deviation	Minimum	Maximum
Main Dependent Measures					
Stroop difference score	185	91	97	-105	487
Stroop RT incongruent trials	185	943	209	471	1673
Stroop RT control trials	185	853	167	506	1410
Recognition test for case facts	197	28.34	3.27	8.00	35.00
Number of all case facts during deliberation	196	47.26	29.27	0.00	158.00
Number of correct case facts during deliberation	196	44.77	27.71	0.00	151.00
Number of new correct case facts during deliberation	196	16.61	10.04	0.00	60.00
Proportion of new correct case facts during deliberation	196	.39	.13	.00	.83
Degree of Guilt Measures					
Pre-deliberation degree-of-guilt	194	10.86	6.57	1.00	22.00
Post-deliberation degree-of-guilt	197	9.73	7.29	1.00	22.00
Mediator and Moderator Variables					
Anxiety scale	193	2.68	1.18	1.00	6.50
Enjoyment during deliberation	196	5.35	1.45	1.00	7.00
Motivation to reach fair verdict	197	4.60	.39	3.00	5.00
Action/state orientation total scale	197	5.01	2.36	0.00	9.00
Action/state orientation decision scale	197	2.91	1.57	0.00	5.00
Action/state orientation failure scale	197	2.11	1.31	0.00	4.00
Motivation to control prejudice	192	4.13	.81	2.35	6.12
Covariates					
Anger scale	194	2.06	1.31	1.00	6.00
Stereotype endorsement scale	191	3.59	1.13	1.00	6.00
Thermometer measure African Americans	191	4.76	1.09	2.00	7.00
Thermometer difference measure	191	.16	1.23	-5.00	5.00

Table 2

Frequencies for Each Code as Coded by Each Coder and Agreement Between Coders

	Coder 1	Coder 2	Coder 3	Coders 1 & 2 % agreement	Coders 1 & 3 % agreement	Coders 2 & 3 % agreement	Mean Kappa
Number of case facts	2012	1840	2074	.87	.87	.81	.76
Number of correct facts	1898	1765	1940	.83	.83	.76	.75
Number of correct new facts	639	660	733	.82	.81	.73	.73
Number of correct old facts	1259	1105	1207	.81	.81	.74	.74
Overall				.83	.84	.77	.75

Note. Coder reliability was calculated based on 20% of the data (11 transcripts). Only correct facts were further coded into New or Old facts.

Table 3

Bivariate Correlations between Main Variables and Proposed Covariates

	Anger scale	Stereotype endorsement scale	Thermometer measure African Americans	Thermometer difference measure
1. Stroop difference score	-.09	-.02	.08	-.01
2. Memory for case facts	-.01	-.16*	-.02	-.09
3. Number case facts	.02	-.01	-.01	.08
4. Number correct case facts	.02	-.01	-.01	.08
5. Number new case facts	-.03	-.03	.02	.10
6. Proportion new case facts	-.07	-.03	.10	-.13^m
7. Anxiety scale	.37**	.06	-.14^m	-.02
8. Enjoyment	-.17*	.08	.16*	-.07
9. Motivation fair verdict	-.04	-.12^m	.09	-.06
10. Action/state orientation total	.01	-.10	.10	-.09
11. Action/state orientation decision	-.05	-.08	.15*	-.07
12. Action/state orientation failure	.06	-.09	.01	-.07
13. Motivation to control prejudice	-.07	-.10	.05	-.02
14. Pre-deliberation degree of guilt	.04	-.04	-.05	.21**
15. Post-deliberation degree of guilt	.04	-.05	-.13^m	.15*

Note. All *ns* = 183 – 197. The cognitive depletion measure was assessed as a difference score between latencies for incongruent (i.e., difficult) Stroop trials and neutral Stroop trials, where larger numbers are indicative of more cognitive depletion. Number of case facts, correct case facts, new case facts, and proportion of new case facts were derived from jurors' deliberation transcripts based on a coding scheme.

^m $p < .10$. * $p \leq .05$. ** $p \leq .01$.

Table 4

Bivariate Correlations among Main Dependent Measures, Mediators, and Continuous Moderators

	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.
1. Stroop difference score	--													
2. Memory test for case facts	-.02	--												
3. Number of case facts	.05	.12 ^m	--											
4. Number of correct case facts	.04	.12 ^m	.99**	--										
5. Number of new case facts	.03	.18*	.86**	.87*	--									
6. Proportion of new case facts	.03	.08	-.27**	-.27**	.15*	--								
7. Anxiety scale	-.11	.10	-.18*	-.18*	-.11	.12	--							
8. Enjoyment	.17*	.16*	.28**	.30**	.28**	-.07	-.35**	--						
9. Motivation fair verdict	.19**	.34**	.26**	.27**	.30**	.10	-.21**	.44**	--					
10. Action/state orientation total	.10	-.11	-.01	-.02	-.03	.06	-.10	-.06	.02	--				
11. Action/state orientation decision	.15*	-.10	-.02	-.03	-.01	.07	-.02	.03	.05	.85**	--			
12. Action/state orientation failure	-.01	-.07	.01	-.01	-.02	.02	-.17*	-.14*	-.01	.78**	.35**	--		
13. Motivation to control prejudice	-.03	.11	-.09	-.09	-.16*	- .13 ^m	.13^m	-.04	-.03	-.23**	-.09	-.31	--	
14. Pre-deliberation degree of guilt	-.09	-.12	.12	.12	.07	-.08	-.02	-.06	-.01	.09	.08	.08	.03	--
15. Post-deliberation degree of guilt	-.01	-.10	.26**	.27**	.20**	-.11	-.20**	-.01	.09	.19**	.13^m	.18**	-.09	.51**

Note. All *ns* = 183 – 197.

^m *p* < .10. * *p* ≤ .05. ** *p* ≤ .01.

Table 5

Means and Standard Deviations for Main Variables as a Function of Jury Composition and Defendant Race

	All-White Jury						Mixed Jury					
	White Defendant			Black Defendant			White Defendant			Black Defendant		
	N	M (SE)	SD	N	M (SE)	SD	N	M (SE)	SD	N	M (SE)	SD
Stroop difference score	46	78(16)	109	49	69(10)	73	47	118(16)	111	43	97(14)	92
Stroop incongruent trials	46	925(31)	214	49	898(29)	202	47	1003(34)	231	43	948(26)	171
Stroop control trials	46	847(27)	184	49	828(24)	171	47	885(27)	183	43	852(18)	118
Memory test for case facts	48	28.13 (.40)	2.76	51	28.86 (.42)	3.01	51	27.84 (.59)	4.21	47	28.53 (.40)	2.77
Number of case facts	47	51.89 (4.63)	31.78	51	39.70 (3.34)	23.86	51	43.96 (3.39)	24.21	47	54.45 (5.09)	34.87
Number of correct case facts	47	49.09 (4.39)	30.09	51	37.14 (3.01)	21.56	51	41.76 (3.22)	23.03	47	51.98 (4.88)	33.48
Number of new case facts	47	17.28 (1.64)	11.25	51	14.69 (1.11)	7.93	51	15.75 (1.23)	8.78	47	18.98 (1.71)	11.72
Proportion of new case facts	47	.36 (.02)	.12	51	.44 (.02)	.16	51	.39 (.02)	.13	47	.38 (.01)	.10
Anxiety scale	48	2.48 (.16)	1.08	50	2.86 (.17)	1.17	48	2.62 (.19)	1.31	47	2.76 (.17)	1.16
Enjoyment	48	5.44 (.22)	1.49	50	5.42 (.17)	1.18	51	5.20 (.23)	1.66	47	5.34 (.21)	1.46
Motivation fair verdict	48	4.56 (.07)	.46	51	4.58 (.05)	.37	51	4.63 (.05)	.36	47	4.63 (.05)	.35
Pre-deliberation degree of guilt	47	10.68 (.95)	6.53	50	9.52 (.87)	6.12	51	13.65 (.96)	6.86	46	9.39 (.88)	5.96
Post-deliberation degree of guilt	48	10.40 (1.18)	8.17	51	6.70 (.72)	5.14	51	12.67 (1.08)	7.73	47	9.13 (.97)	6.62

Table 6

Mixed Models Results for Dependent Variables as a Function of Jury Composition and Defendant Race

	<i>F</i>	<i>df</i>	<i>p</i>	<i>d</i>
Stroop difference score				
Defendant race	1.18	185.00	.28	.001
Jury composition	5.51	185.00	.02	.35
Defendant race * Jury composition	.28	185.00	.60	.002
Memory for case facts				
Defendant race	1.34	187.65	.25	.22
Jury composition	.34	187.29	.56	.10
Defendant race * Jury composition	.06	187.08	.81	-.10
Number of case facts				
Defendant race	.05	196.00	.83	.05
Jury composition	.66	196.00	.42	.09
Defendant race * Jury composition	7.35	196.00	.01	.09
Number of correct case facts				
Defendant race	.02	189.35	.88	.05
Jury composition	.36	189.09	.55	.11
Defendant race * Jury composition	7.36	188.47	.01	.11
Number of new case facts				
Defendant race	.05	190.77	.82	.03
Jury composition	.52	190.52	.47	.10
Defendant race * Jury composition	3.56	189.80	.06	.06
Proportion of new case facts				
Defendant race	2.39	194.22	.12	.29
Jury composition	.75	194.08	.75	.39
Defendant race * Jury composition	5.78	193.63	.02	-3.00

Table 7

Means and Standard Deviations for Group-Level Deliberation Performance Indicators as a Function of Jury Composition and Defendant Race

	All-White Juries			Mixed Juries		
	N	M (SE)	SD	N	M (SE)	SD
Number of case facts						
White defendant	13	52.56 (5.40)	19.47	13	43.85 (3.38)	12.18
Black defendant	13	39.48 (4.46)	16.08	13	54.34 (4.03)	14.56
Number of correct case facts						
White defendant	13	49.71 (5.13)	18.48	13	41.67 (3.30)	11.88
Black defendant	13	36.97 (4.07)	14.69	13	51.87 (3.87)	13.94
Number of new case facts						
White defendant	13	17.54 (1.44)	5.21	13	15.80 (1.11)	4.01
Black defendant	13	14.68 (.80)	2.89	13	19.05 (1.29)	4.65
Proportion of new case facts						
White defendant	13	.37 (.01)	.06	13	.39 (.02)	.07
Black defendant	13	.44 (.04)	.12	13	.38 (.02)	.07

Table 8

Mixed Models Results for Resource Allocation Hypotheses, Depletion

	<i>B</i>	<i>SE</i>	<i>df</i>	<i>t</i>	<i>p</i>
Intercept	68.11	17.58	185.00	3.87	.001
Defendant race	-14.60	14.07	185.00	-1.0	.54
Jury composition	30.85	14.24	185.00	2.17	.03
Action/state orientation	3.44	3.03	185.00	1.14	.26
Defendant race * Jury composition	-20.28	28.64	185.00	-.70	.49
Defendant race * Action/state orientation	3.39	6.08	185.00	.56	.58
Jury composition * Action/state orientation	5.08	6.10	185.00	.83	.41
Defendant race * Jury composition * Action/state orientation	-.63	12.20	185.00	-.05	.96

Table 9

Mixed Models Results for Resource Allocation Hypotheses, Memory for Case Facts

	<i>B</i>	<i>SE</i>	<i>df</i>	<i>t</i>	<i>p</i>
Intercept	27.39	.57	174.49	47.42	.00
Defendant race	.50	.61	189.97	.82	.41
Jury composition	-.11	.60	193.31	-.18	.85
Action/state orientation	-.14	.10	196.39	-1.41	.16
Defendant race * Jury composition	.10	.87	192.70	.11	.91
Defendant race * Action/state orientation	-.99	.26	193.29	-3.83	.00
Jury composition * Action/state orientation	-1.00	.26	194.43	-3.92	.00
Defendant race * Jury composition * Action/state orientation	1.45	.38	196.06	3.86	.00

Table 10

Mixed Models Results for Resource Allocation Hypotheses, Number of Facts and Correct Facts

	<i>B</i>	<i>SE</i>	<i>df</i>	<i>t</i>	<i>p</i>
Number of case facts					
Intercept	50.35	5.46	143.57	9.21	.00
Defendant race	-13.13	5.82	189.52	-2.25	.03
Jury composition	-9.72	5.84	185.97	-1.66	.10
Action/state orientation	-.28	.88	191.47	-.24	.81
Defendant race * Jury composition	21.18	8.09	189.64	2.62	.01
Defendant race * Action/state orientation	-4.34	2.40	190.34	-1.81	.07
Jury composition * Action/state orientation	-5.07	2.36	191.83	-2.15	.03
Defendant race * Jury composition * Action/state orientation	7.20	3.45	194.47	2.09	.04
Number of correct case facts					
Intercept	41.47	4.58	142.56	9.053	.000
Defendant race	-.77	3.86	189.13	-.20	.84
Jury composition	2.37	3.89	185.47	.601	.54
Action/state orientation	-.39	.833	191.15	-.47	.64
Defendant race * Jury composition	20.85	7.62	189.26	2.73	.01
Defendant race * Action/state orientation	-4.08	2.26	190.10	-1.80	.07
Jury composition * Action/state orientation	-4.75	2.22	191.51	-2.13	.03
Defendant race * Jury composition * Action/state orientation	6.68	3.25	194.30	2.05	.04

Table 11

Mixed Models Results for Resource Allocation Hypotheses, Number and Proportion of New Facts

	<i>B</i>	<i>SE</i>	<i>df</i>	<i>t</i>	<i>p</i>
Number of new case facts					
Intercept	15.37	1.87	152.76	8.17	.00
Defendant race	-2.87	1.99	178.00	-1.44	.15
Jury composition	-1.92	2.00	177.81	-.96	.34
Action/state orientation	-.05	.31	183.139	-.15	.88
Defendant race * Jury composition	5.99	2.83	181.21	2.11	.04
Defendant race * Action/state orientation	-2.01	.83	184.62	-2.41	.02
Jury composition * Action/state orientation	-2.19	.84	177.68	-2.60	.01
Defendant race * Jury composition * Action/state orientation	2.41	1.21	186.41	2.00	.05
Proportion of new case facts					
Intercept	.316	.02	157.29	12.82	.00
Defendant race	.075	.03	176.44	2.88	.01
Jury composition	.034	.03	176.85	1.29	.20
Action/state orientation	.01	.01	185.33	1.28	.20
Defendant race * Jury composition	-.100	.04	179.33	-2.67	.01
Defendant race * Action/state orientation	-.011	.01	183.17	-1.06	.29
Jury composition * Action/state orientation	-.018	.01	176.89	-1.67	.10
Defendant race * Jury composition * Action/state orientation	.016	.02	185.12	1.06	.29

Table 12

Mixed Models Results for Moderating Effect of Motivation to Control Prejudice, Depletion

	<i>B</i>	<i>SE</i>	<i>df</i>	<i>t</i>	<i>p</i>
Intercept	66.90	18.30	181.00	3.65	.000
Defendant race	-12.78	14.37	181.00	-.89	.38
Jury composition	30.48	14.37	181.00	2.12	.04
Motivation to control prejudice	-3.81	8.90	181.00	-.43	.67
Defendant race * Jury composition	-13.87	28.80	181.00	-.49	.62
Defendant race * Motivation to control prejudice	-12.97	26.48	181.00	-.49	.62
Jury composition * Motivation to control prejudice	-9.88	24.33	181.00	-.41	.68
Defendant race * Jury composition * Motivation to control prejudice	1.29	36.03	181.00	.04	.97

Table 13

Mixed Models Results for Moderating Effect of Motivation to Control Prejudice, Memory for Case Facts

	<i>B</i>	<i>SE</i>	<i>df</i>	<i>t</i>	<i>p</i>
Intercept	27.82	.60	192.000	46.35	.00
Defendant race	1.01	.61	192.000	1.66	.10
Jury composition	-.15	.62	192.000	-.26	.80
Motivation to control prejudice	.46	.27	192.000	1.67	.10
Defendant race * Jury composition	-.49	.88	192.000	-.56	.58
Defendant race * Motivation to control prejudice	1.13	.82	192.000	1.38	.17
Jury composition * Motivation to control prejudice	1.06	.74	192.000	1.44	.15
Defendant race * Jury composition * Motivation to control prejudice	-1.72	1.10	192.000	-1.57	.12

Table 14

Mixed Models Results for Moderating Effect of Motivation to Control Prejudice, Number of Facts and Correct Facts

	<i>B</i>	<i>SE</i>	<i>df</i>	<i>t</i>	<i>p</i>
Number of case facts					
Intercept	51.91	5.77	158.28	8.99	.00
Defendant race	-1.13	4.12	197.00	-.27	.78
Jury composition	2.66	4.11	197.00	.65	.52
Motivation to control prejudice	-3.16	2.56	197.00	-1.23	.22
Defendant race * Jury composition	26.26	8.39	180.56	3.13	.002
Defendant race * Motivation to control prejudice	6.45	7.77	183.97	.83	.41
Jury composition * Motivation to control prejudice	5.09	7.16	178.00	.71	.48
Defendant race * Jury composition * Motivation to control prejudice	.89	10.40	185.75	.09	.93
Number of correct case facts					
Intercept	42.09	4.48	124.01	9.39	.00
Defendant race	-.81	3.77	181.31	-.22	.83
Jury composition	.87	3.77	183.40	.23	.82
Motivation to control prejudice	-3.41	2.34	176.23	-1.46	.15
Defendant race * Jury composition	25.29	7.94	180.12	3.19	.002
Defendant race * Motivation to control prejudice	5.99	7.35	183.69	.816	.42
Jury composition * Motivation to control prejudice	4.78	6.78	177.59	.71	.48
Defendant race * Jury composition * Motivation to control prejudice	1.16	9.84	185.53	.12	.91

Table 15

Mixed Models Results for Moderating Effect of Motivation to Control Prejudice, Number and Proportion of New Facts

	<i>B</i>	<i>SE</i>	<i>df</i>	<i>t</i>	<i>p</i>
Number of new case facts					
Intercept	14.69	1.77	197.00	8.29	.00
Defendant race	-.09	1.40	178.00	-.07	.95
Jury composition	1.30	1.40	177.81	.93	.35
Motivation to control prejudice	-1.94	.87	183.00	-2.23	.03
Defendant race * Jury composition	6.56	2.87	181.21	2.28	.02
Defendant race * Motivation to control prejudice	2.13	2.66	184.62	.80	.42
Jury composition * Motivation to control prejudice	2.35	2.45	177.68	.95	.34
Defendant race * Jury composition * Motivation to control prejudice	-.48	3.47	197.00	-.14	.89
Proportion of new case facts					
Intercept	.36	.02	196.00	15.79	.00
Defendant race	.03	.02	196.00	1.41	.16
Jury composition	-.01	.02	196.00	-.59	.56
Motivation to control prejudice	-.02	.01	196.00	-1.42	.16
Defendant race * Jury composition	-.09	.03	196.00	-2.40	.02
Defendant race * Motivation to control prejudice	-.01	.03	196.00	-.01	.99
Jury composition * Motivation to control prejudice	.01	.03	196.00	.42	.67
Defendant race * Jury composition * Motivation to control prejudice	-.01	.04	196.00	-.21	.83

Appendix A

Character List

This is a list of all the people involved in this trial, just to help you remember the main actors. Please keep this sheet in front of you throughout the study.

Emily Stevens -- The deceased victim, 25 years old, the defendant's wife.

Michael Stevens – The defendant, accused of killing his wife, Emily Stevens, and charged with first-degree murder.

PROSECUTION: Attorneys arguing against the defendant, Michael Stevens

CORONER: Government official who examines bodies to investigate violent, sudden, or suspicious deaths. Established cause of death.

POLICE OFFICERS: Testified about crime scene evidence and timeline of events.

DEFENDANT'S (MICHAEL'S) PARENTS: Testified about timeline of events.

COUNSELING CENTER EMPLOYEE: Testified about timeline of events.

LOCKSMITH EXPERT WITNESS: Testified about crime scene evidence.

DR. OETTLER, PATHOLOGIST: Pathologists are doctors who determine causes of disease or death by examining bodily organs, tissue, and fluids. Dr. Oettler testified about the victim's injuries from a prosecution perspective (against Michael, the defendant).

DEFENSE: Attorneys arguing in favor of the defendant, Michael Stevens.

THE DEFENDANT: Michael Stevens, accused of murdering his wife, Emily Stevens.

WILLIAM MORGAN, THE NEIGHBOR: Testified in favor of the defendant, Michael.

DR. LAWRENCE, FORENSIC SCIENTIST: Expert working for the police, responsible for collecting and testing physical evidence. Testified about crime scene evidence.

DR. BRADHURST, PATHOLOGIST: Pathologists are doctors who determine causes of disease or death by examining bodily organs, tissue, and fluids. Dr. Bradhurst testified about the victim's injuries from a defense perspective (in favor of Michael, the defendant).

R v. Stevens, 2000

Evidence and Testimony Summary

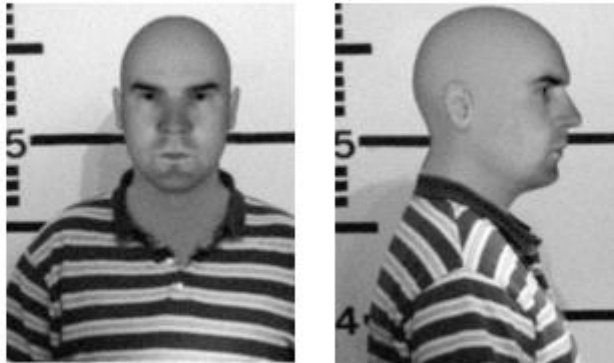


Murder Case: R v. Stevens, 2000

- VICTIM: Lakisha Stevens
- Age: 25
- Found dead in her bedroom on June 19, 1999.
- Time of death: between Sunday night and Monday morning.

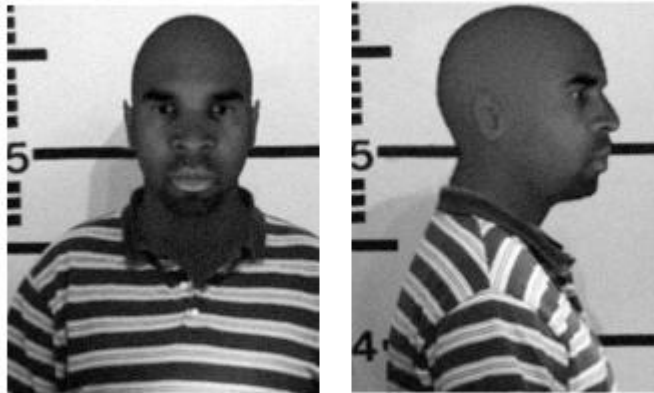


The Defendant: Michael Stevens



- Accused of killing his wife, Emily Stevens.

The Defendant: Michael Stevens



- Accused of killing his wife, Lakisha Stevens.



Opening Statements

Opening statements are arguments made by the prosecution and defense based on their interpretation of the facts. They are not evidence.



Prosecution Opening Statement

Michael killed Lakisha based on the following facts:

1. Michael and Lakisha had an intense fight, during which she said she was going to take their children and leave him.
2. Michael's behavior during the morning following their fight was suspicious.
3. The crime scene and pathology evidence indicated that Lakisha was murdered.



Defense Opening Statement

Lakisha committed suicide based on the following facts:

1. Crime scene and pathology evidence indicated that Lakisha committed suicide by slitting her own throat.
2. Lakisha had a history of depression and threatened to commit suicide.
3. Michael was trying to resolve their conflict by seeking help and advice the day following the fight.



Prosecution Case



Trial Evidence: Coroner's Report (1)

Cause of death: A major wound across the victim's throat, caused by two separate cuts.

1. The wound spans from the left side of the neck all the way to the right side.
2. The wound is gaping and has a half-moon shape.
3. The edges of the wound appear smooth everywhere.
4. The wound is roughly 2 inches wide at the front of the throat.



Trial Evidence: Coroner's Report (2)

5. Because the skin was pulled back, the larynx is exposed. It is visible that one of the cuts was deep enough to go through the larynx.
6. The internal jugular vein and the common carotid artery on each side of the throat were cut.
7. There are superficial parallel cuts along the edge of the wound.
8. There are some blood smudges on the victim's face and chest.



Trial Evidence: Crime Scene

The bedroom where the victim's body was found:



Trial Evidence: Defendant's Shoe

- Forensic analyses found traces of blood on Michael Stevens's shoe in the area indicated
- The blood matched Lakisha Stevens's blood type



Trial Evidence: Murder Weapon

- The knife was found underneath the victim's body
- Michael Stevens's fingerprints were found on the handle



Prosecution Timeline

The timeline presented next was revealed by eyewitness testimony from:

- the defendant's father
- police officers
- a counseling center employee



Prosecution Timeline (DAY 1)

SUNDAY, JUNE 18, 1999

7:15 pm	Michael and Lakisha had an intense argument, witnessed by Michael's parents, who also lived in the house. Lakisha said that she was going to move out with their three children.
8:00 pm	Lakisha locked herself in the master bedroom. The defendant spoke to his parents for about two more hours.



Prosecution Timeline (DAY 1)

SUNDAY, JUNE 18, 1999

10:00 pm	Michael went to sleep in a guest bedroom next to the main bedroom.
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Prosecution Timeline (DAY 2)

MONDAY, JUNE 19, 1999

6:00 am	The next morning, Michael tried to open the master bedroom door but found it locked from the inside. He drove his parents (who lived with them) to his sister's house.
10:30 am	On his way back home, Michael stopped at the local counseling center. He told a social worker that he had "family and marriage problems" and asked her for marital advice.

Time of death was estimated between Sunday night and Monday morning.



Prosecution Timeline (DAY 2)

MONDAY, JUNE 19, 1999

1:00 pm	Michael called Lakisha's aunt to see if she had heard from Lakisha. He told the aunt he was worried because he could not find his wife.
3:30 pm	The police received a call from Michael's neighbor, who was with Michael. The police came to Michael and Lakisha's house. They broke open the bedroom door and found Lakisha's body collapsed by the bed in a pool of blood.

Time of death was estimated between Sunday night and Monday morning.



Prosecution Expert Witness: Locksmith

- The police found the bedroom door locked from the inside.
- The locksmith expert testified that the lock could be maneuvered from the outside to make it look locked from the inside.



Prosecution Expert Witness: Pathologist, Dr. Oettle

Pathologists are doctors who determine causes of disease or death by examining bodily organs, tissue, and fluids.

HIS TESTIMONY: Lakisha was murdered because:

- The angle and depth of the wounds were more consistent with homicide than with suicide by a right-handed person.
- Lakisha was found face down, but she had blood on her back. This means the body was turned after much of the bleeding took place. The suicide scenario would require her to be conscious enough to get up and change her position after cutting her throat the first time, which is unlikely.



Prosecution Expert Witness: Pathologist (continued)

HIS TESTIMONY: **Lakisha was murdered because:**

- Blood smears (which might have been finger marks, but evidence was not conclusive) on Lakisha's left leg and the position of her nightgown suggested her body might have been dragged.
- Lakisha was wearing several necklaces, which is uncommon because people usually remove "obstacles" such as jewelry before they commit suicide.
- The bruises on her right arm indicate that she was attacked and tried to defend herself.



Defense Case



Defense Witnesses

NAME: Michael Stevens (the defendant)

TESTIMONY:

- During their argument, Lakisha was very upset and said, "You will be sorry when I'm gone," which he interpreted as a threat that she was leaving him.
- He slept in the guest bedroom.
- The next morning the master bedroom door was locked. Thinking Lakisha was still upset, he took his parents away, so he could talk to her alone.



Defense Witnesses

NAME: Michael Stevens (the defendant, continued)

- On the way back home, he spoke with a marriage counselor at the counseling center.
- When he got home, the bedroom door was still locked, so he asked relatives and neighbors if they had heard from his wife. He grew more and more worried because she had been depressed lately. He began to think that her comment was a suicide threat.
- He asked a neighbor to call the police on his behalf.



Defense Witnesses

NAME: William Morgan (Michael's neighbor)

TESTIMONY:

- At about 3:30 pm, the defendant asked him and other neighbors if they had seen his wife.
- Michael seemed really distressed and told William that he was worried Lakisha “had done something to herself.”
- William called the police because Michael was too upset to talk.
- Lakisha had confided in William and his wife that she often felt depressed, but they never thought it was that serious.



Defense Expert Witness: Forensic Scientist, Dr. Lawrence

Forensic scientists work for police departments and are responsible for the collection and testing of physical evidence, such as fiber, tissue, hair, body fluids, that may be used to solve a crime.

TESTIMONY: Lakisha was not murdered because:

- The murderer would have had a large amount of blood on his clothing.
- There was no trace of blood in any other part of the bedroom, house, or in the drainage system.
- The blood on Michael's shoe could have gotten there after he went in the bedroom with the police.
- There was no sign of any attempt to remove blood stains.



Defense Expert Witness: Pathologist, Dr. Bradhurst

Pathologists are doctors who determine causes of disease or death by examining bodily organs, tissue, and fluids.

TESTIMONY: Lakisha committed suicide:

- The knife was found under Lakisha's body, in a position consistent with her falling while holding it in her right hand.
- The pattern of bloodstains on the wall indicated that the victim was coughing blood for a while after the first cut, which means that the two cuts were not made at the same time. This is inconsistent with a homicide scenario, where the perpetrator would make both cuts at once.



Defense Expert Witness: Pathologist (continued)

TESTIMONY: Lakisha committed suicide:

- There was no evidence of struggle or defense injuries to the victim's arms and hands.
- There were superficial cuts along the edges of the main wound, consistent with the wounds being self-inflicted, because people who commit suicide often make tentative, superficial cuts before the fatal ones.



Defense Expert Witness: Pathologist (continued)

TESTIMONY:

Dr. Bradhurst responded to the testimony from the prosecution's expert pathologist, Dr. Oettle

- The height of the blood stains on the wall indicate that the victim's throat was cut while she was lying on her back. Blood could have seeped onto the ground and stained the back of her gown.
- Although there was considerable bleeding, the victim did not die right away. Blood from the first cut would have gotten into her airways, prompting her to get up, have a second attempt, and fall face down.



Closing Statements

Closing statements are arguments made by the prosecution and defense based on their interpretation of the facts. They are not evidence.



Closing Statement Summaries

Prosecution: The defendant, Michael Stevens, was proven guilty of murder, based on the following arguments:

- The defendant and his wife Lakisha had a fight, and Lakisha had threatened to leave him, which gave him motive.
- His behavior during the time surrounding the incident was suspicious, and nobody else had access to the victim.
- Crime scene and pathology evidence indicate that Lakisha was murdered.



Closing Statement Summaries

Defense: The defendant was not proven guilty beyond reasonable doubt, based on the following arguments:

- The defendant's behavior indicated that he wanted to resolve the conflict with his wife and that he was worried about her.
- Lakisha had a history of depression and made a comment that could be interpreted as a suicide threat
- Crime scene and pathology evidence indicate that Lakisha committed suicide.



Illinois Pattern Jury Instructions for First-Degree Murder

Jury instructions

DIRECTIONS: The following are the jury instructions that are used in the state of Illinois. Please read and listen to **every word** and pay close attention as these instructions are very complex. You should follow them when delivering your verdict. It is very important that you read through these **very carefully** and understand them before delivering a verdict.

THE JUDGE'S INSTRUCTIONS TO YOU, THE JURY

Members of the jury, the evidence and arguments in this case have been completed, and I now will instruct you as to the law. The law that applies to this case is stated in these instructions, and it is your duty to follow all of them. You must not single out certain instructions and disregard others. It is your duty to determine the facts and to determine them only from the evidence in this case. You are to apply the law to the facts and in this way decide the case. Neither sympathy nor prejudice should influence you. The evidence which you should consider consists only of the testimony of the witnesses – all of the information saw or heard in the case summary presentation. You should consider all the evidence in the light of your own observations and experience in life. By these instructions I do not mean to indicate any opinion as to the facts or as to what your verdict should be. Faithful performance by you of your duties as jurors is vital to the administration of justice.

The defendant is presumed to be innocent of the charge against him of first degree murder. This presumption remains with him throughout every stage of the trial and during your deliberations on the verdict. This presumption is not overcome unless, from all the evidence in this case, you are convinced beyond a reasonable doubt that the defendant is guilty. The State has the burden of proving that the defendant is guilty of first degree murder, and this burden remains on the State throughout the case. The defendant is not required to prove his innocence.

Only you are the judges of the believability of the witnesses and of the weight to be given to the testimony of each of them. In considering the testimony of any witness, you may take into account his or her ability and opportunity to observe, age, memory, manner while testifying, any interest, bias, or prejudice he or she may have, and the reasonableness of his or her testimony considered in the light of all the evidence in the case. You should judge the testimony of the defendant in the same manner as you judge the testimony of any other witness.

YOU HAVE TWO VERDICT OPTIONS IN THIS CASE:

- FIND THE DEFENDANT, Michael Stevens, **GUILTY** OF FIRST-DEGREE MURDER.
- FIND THE DEFENDANT, Michael Stevens, **NOT GUILTY**.

To sustain the charge of first degree murder, the State (the Prosecution) must prove the following Propositions:

1. *First Proposition:* That the defendant, Michael Stevens, performed the acts which caused the death of Emily [Lakisha] Stevens.

AND

2. *Second Proposition:* That when the defendant, Michael Stevens, did so

[a] he intended to kill or do great bodily harm to Emily [Lakisha] Stevens.

[or]

[b] he knew that such acts would cause death to Emily [Lakisha] Stevens.

[or]

[c] he knew that such acts created a strong probability of death or great bodily harm to Emily [Lakisha] Stevens.

If you find from your consideration of all the evidence that any one of these propositions (1 or 2) has not been proved beyond a reasonable doubt, you should return a verdict of **not guilty**.

If you find from your consideration of all the evidence that each one of these *propositions* has been proved beyond a reasonable doubt, you should return a verdict of **guilty**.

Appendix C

Individual and Group Verdicts

Pre-Deliberation

Do you find the defendant “not guilty” or “guilty”? Please choose ONE:

☐ NOT GUILTY

☐ GUILTY

How confident you are in your verdict?

0% Not at all confident	10%	20%	30%	40%	50%	60%	70%	80%	90%	100% Completely confident
☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Post-Deliberation

Regardless of how your group decided to vote (Guilty or Not guilty), do you now think the defendant is “Not guilty” or “Guilty”? Please choose ONE:

☐ NOT GUILTY

☐ GUILTY

Please use the scale below to indicate how confident you are in your verdict.

	Not at all confident 0%	10%	20%	30%	40%	50%	60%	70%	80%	90%	Completely confident 100%
How confident are you in your verdict?	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Appendix D

Negative Emotion Scale (Anxiety and Anger) and Task Enjoyment Item

For each of the following moods, please circle the ONE response that best describes how you are feeling RIGHT NOW, on the following scale:

	Not at all						Very much
Nervous	☐	☐	☐	☐	☐	☐	☐
Angry	☐	☐	☐	☐	☐	☐	☐
Comfortable	☐	☐	☐	☐	☐	☐	☐
Annoyed	☐	☐	☐	☐	☐	☐	☐
Anxious	☐	☐	☐	☐	☐	☐	☐
Irritated	☐	☐	☐	☐	☐	☐	☐
Relaxed	☐	☐	☐	☐	☐	☐	☐

Please use this scale to indicate how much you enjoyed the jury deliberation task.

	Not at all						Very much
How much did you enjoy the jury deliberation task?	☐	☐	☐	☐	☐	☐	☐

Appendix E

Stroop Color Naming Task (Stroop, 1935)

Participants will receive the following instructions:

In the following trials you will see words presented in different colors. Your task is to indicate the COLOR in which each word is printed while ignoring what the words actually say. Indicate the color of the words by pressing either of the following keys:

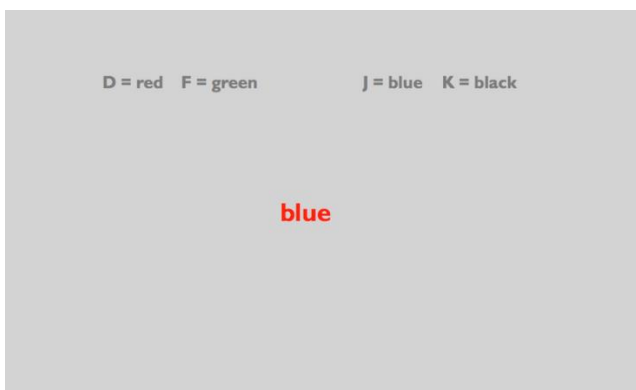
- d for red words
- f for green words
- j for blue words
- k for black words

Example: if you see the word RED printed in GREEN press “f” for green words regardless of the meaning of the word.

Try to respond as quickly and accurately as you can, because you will be timed. If an incorrect response is made, a red X will be flashed on the screen.

Place your index and middle fingers on the “d”, “f”, “j”, and “k” keys so that you are ready to respond.

On each trial, the word “red,” “yellow,” “green,” or “blue” will appear on the screen either in red, yellow, green, or blue font. On compatible trials, the color name will appear in the same color of its semantic meaning (e.g., “red” will appear in red font). On incompatible trials, the color name will appear in a color other than its semantic meaning (e.g., “blue” will appear in red font, like in the sample screen below).



Appendix F

Jurors' Motivation to Reach a Fair Verdict

Please rate to what extent you had these concerns, thoughts, or feelings during deliberation:

	Not at all	Slightly	Moderately	Much	Very much
I wanted to make sure that my verdict was fair.	☐	☐	☐	☐	☐
I wanted to do my job as a juror well.	☐	☐	☐	☐	☐
I tried to express myself clearly.	☐	☐	☐	☐	☐
I tried hard to persuade others when I thought they were wrong.	☐	☐	☐	☐	☐
I suppose I could have spoken more during deliberation.	☐	☐	☐	☐	☐
I worked hard to remember everything about the case.	☐	☐	☐	☐	☐
I didn't really care whether justice was done.	☐	☐	☐	☐	☐
To be honest, I was not very motivated to deliberate.	☐	☐	☐	☐	☐
I didn't really care about the outcome of the deliberation.	☐	☐	☐	☐	☐

Appendix G

Recognition Test for Case Facts

How well do you remember the details of the case? Please read each of following statements and indicate whether they are TRUE or FALSE.

	TRUE	FALSE
The crime scene showed evidence of a struggle.	☐	☐
The prosecution's expert (testifying against the defendant) testified that someone from the outside could have locked the bedroom door.	☐	☐
Traces of blood were found in the drainage system of the victim's house.	☐	☐
Blood patterns on the wall suggested that very little time elapsed between the victim's two wounds.	☐	☐
For this question please select the True option, to ensure that you are reading the questions carefully.	☐	☐
Blood patterns on the wall suggested that the victim was lying down when her throat was cut.	☐	☐
Traces of blood were found on the defendant's clothing.	☐	☐
There was no evidence that someone tried to remove bloodstains in the house.	☐	☐
Time of death was Monday night.	☐	☐
The knife used to kill Michael's wife was found under her body.	☐	☐
The prosecution's expert (testifying against the defendant) testified that there were multiple minor, tentative wounds around the main wound, which is common when people kill someone close to them.	☐	☐
The defense expert testified that the victim was not wearing her necklaces, indicating she planned to cut her own throat.	☐	☐
The victim's body might have been dragged, according to the prosecution.	☐	☐
Michael's neighbor testified that the defendant Michael asked him if he had seen his wife early Sunday morning.	☐	☐

The defendant did the following activities on the day his wife was found:

	TRUE	FALSE
Drove to his parents' house to ask for marital advice	☐	☐
Went to a counseling center	☐	☐
Drove his parents to his sister's house	☐	☐
Called his sister for advice	☐	☐
Went for a drink at a local bar	☐	☐
Took his kids to school	☐	☐
Called his wife's aunt for marital advice	☐	☐
Called his wife's sister looking for his wife	☐	☐

Evidence was presented that the following body parts were cut:

	TRUE	FALSE
Internal jugular vein	☐	☐
Spine	☐	☐
Larynx	☐	☐
Carotid artery	☐	☐
Esophagus	☐	☐
Vocal chords	☐	☐
Trachea	☐	☐

Blood was found on the victim's:

	TRUE	FALSE
Face	☐	☐
Back	☐	☐
Chest	☐	☐
Left leg	☐	☐
Arm	☐	☐
Back of her head	☐	☐
Right leg	☐	☐

Action Control Scale (Kuhl, 1994)

The following questions have two different answers. Please choose the alternative (A or B) that applies best to you.

1. When I have lost something valuable and can't find it anywhere:
A) I have a hard time concentrating on anything else.
B) I don't dwell on it.
2. When I know I must finish something soon:
A) I have to push myself to get started.
B) I find it easy to get it done and over with.
3. When I've worked for weeks on one project and then everything goes completely wrong:
A) It takes me a long time to get over it.
B) It bothers me for a while, but then I don't think about it anymore.
4. When I don't have anything in particular to do and I am getting bored:
A) I have trouble getting up enough energy to do anything at all.
B) I quickly find something to do.
5. When I'm in a competition and lose every time:
A) I can soon put losing out of my mind.
B) The thought that I lost keeps running through my mind.
6. When I am getting ready to tackle a difficult problem:
A) It feels like I am facing a big mountain that I don't think I can climb.
B) I look for a way that the problem can be approached in a suitable manner.
7. If I had just bought a new piece of equipment (for example, a laptop) and it accidentally fell on the floor and was damaged beyond repair:
A) I would get over it quickly.
B) It would take me a while to get over it.
8. When I have to solve a difficult problem:
A) I usually get on it right away.
B) Other things go through my mind before I can get down to working on the problem.
9. When I have to talk to someone about something important and, repeatedly, can't find her/him at home:
A) I can't stop thinking about it, even while I'm doing something else.
B) I easily forget about it until I can see the person again.

10. When I have to make up my mind about what I am going to do when I get some unexpected free time:
A) It takes me a while to decide what I should do.
B) I can usually decide on something to do without having to think it over very much.
11. When I've bought a lot of stuff at a store and realize when I get home that I paid too much - but I can't get my money back:
A) I can't concentrate on anything else.
B) I easily forget about it.
12. When I have work to do at home:
A) It is often hard for me to get started.
B) I usually get started right away.
13. When I am told that my work has been completely unsatisfactory:
A) I don't let it bother me for too long.
B) I feel paralyzed.
14. When I have a lot of important things to do:
A) I often don't know where to begin.
B) I find it easy to make a plan and stick with it.
15. When I'm stuck in traffic and miss an important appointment:
A) At first, it's difficult for me to start doing anything else at all.
B) I quickly forget about it and focus on something else.
16. When there are two things that I really want to do, but I can't do both of them:
A) I quickly begin one thing and forget about the other.
B) It's not easy for me to put the thing that I couldn't do out of my mind.
17. When something is very important to me, but I can't seem to get it right:
A) I gradually lose heart.
B) I just forget about it and go do something else.
18. When I have to carry out an important but unpleasant task:
A) I do it and get it over with.
B) It can take a while before I can bring myself to do it.
19. When something really gets me down:
A) I have trouble doing anything at all.
B) I find it easy to distract myself by doing other things.
20. When I am facing a big project that has to be done:
A) I often spend too long thinking about where I should begin.
B) I don't have any problems getting started.

21. When several things go wrong on the same day:
A) I don't know how to deal with it.
B) I just keep on going as though nothing had happened.
22. When I have a boring assignment:
A) I usually don't have any problem getting through it.
B) I sometimes just can't get moving on it.
23. When I have put all my effort into doing a really good job on something and the whole thing doesn't work out:
A) I don't have too much difficulty starting something else.
B) I have trouble doing anything else at all.
24. When I have an obligation to do something that is boring and uninteresting:
A) I do it and get it over with.
B) It usually takes a while before I get around to doing it.

Appendix I

Motivation to Control Prejudice (Dunton & Fazio, 1997)

Remember, your answers are completely confidential and will never be tied with your name or identity, so please answer truthfully. Please rate how much you agree or disagree with the following statements using the following scale. Pick the option that best expresses your level of agreement:

Strongly disagree	Disagree	Slightly disagree	Neither agree nor disagree	Slightly agree	Agree	Strongly agree
-3	-2	-1	0	1	2	3

	-3 Strongly disagree	-2	-1	0	1	2	3 Strongly agree
1. In today's society it is important that one not be perceived as prejudiced in any manner.							
2. I always express my thoughts and feelings, regardless of how controversial they might be.							
3. I get angry with myself when I have a thought or feeling that might be considered prejudiced.							
4. If I were participating in a group discussion and a Black student expressed an opinion with which I disagreed, I would be hesitant to express my own viewpoint.							
5. Going through life worrying about whether you might offend someone is just more trouble than it's worth.							
6. It's important to me that other people not think I'm prejudiced.							
7. I feel it's important to behave according to society's standards.							
8. I am careful not to offend my friends, but I don't worry about offending people I don't know or don't like.							

	-3 Strongly disagree	-2	-1	0	1	2	3 Strongly agree
9. I think that it is important to speak one's mind rather than to worry about offending someone.							
10. It's never acceptable to express one's prejudices.							
11. I feel guilty when I have a negative thought or feeling about a Black person.							
12. When speaking to a Black person, it's important to me that he / she not think I'm prejudiced.							
13. It bothers me a great deal when I think I've offended someone, so I'm always careful to consider other people's feelings.							
14. If I have a prejudiced thought or feeling, I keep it to myself.							
15. I would never tell jokes that might offend others.							
16. I'm not afraid to tell others what I think, even when I know they disagree with me.							
17. If someone who made me uncomfortable sat next to me on a bus, I would not hesitate to move to another seat.							

Appendix J

Prejudice Measures

Thermometer measure of racial prejudice (Greenwald, McGhee, & Schwartz, 1999)

How COLD or WARM do you feel toward White people as a whole:

- ☐ Very cold
- ☐ Cold
- ☐ Slightly cold
- ☐ Neutral
- ☐ Slightly warm
- ☐ Warm
- ☐ Very warm

How COLD or WARM do you feel toward African-American people as a whole:

- ☐ Very cold
- ☐ Cold
- ☐ Slightly cold
- ☐ Neutral
- ☐ Slightly warm
- ☐ Warm
- ☐ Very warm

Appendix K

Endorsement of racial stereotypes (Devine & Elliott, 1995)

To what extent do you think of the following characteristics as being representative of African-Americans as a whole?

	Not at all representative						Extremely representative
Musical	☐	☐	☐	☐	☐	☐	☐
Unintelligent	☐	☐	☐	☐	☐	☐	☐
Athletic	☐	☐	☐	☐	☐	☐	☐
Loud	☐	☐	☐	☐	☐	☐	☐
Criminal	☐	☐	☐	☐	☐	☐	☐
Hostile	☐	☐	☐	☐	☐	☐	☐
Poor	☐	☐	☐	☐	☐	☐	☐
Uneducated	☐	☐	☐	☐	☐	☐	☐
Lacking resources	☐	☐	☐	☐	☐	☐	☐
Threatening	☐	☐	☐	☐	☐	☐	☐
Friendly	☐	☐	☐	☐	☐	☐	☐
Dangerous	☐	☐	☐	☐	☐	☐	☐
Tradition loving	☐	☐	☐	☐	☐	☐	☐
Lazy	☐	☐	☐	☐	☐	☐	☐
Loyal	☐	☐	☐	☐	☐	☐	☐

Appendix L

Manipulation Check

Participants will read the following message right before the manipulation check question for defendant race, on a prior page of the survey:

The time allowed to complete this survey is running low. Please answer the next questions as fast as possible to ensure that your responses are registered.

What was the race/ethnicity of the defendant?

- ☐ White
- ☐ African American

What was the race/ethnicity of the victim?

- ☐ White
- ☐ African American

Appendix M

Demographic Information

Your age: _____

Are you a US citizen?

- ☐ Yes
☐ No

Your gender:

- ☐ Male
☐ Female

Your ethnicity (Please check ALL that apply):

- ☐ American Indian or Alaska Native
☐ Asian
☐ African American
☐ Native Hawaiian or Other Pacific Islander
☐ White
☐ Hispanic
☐ Other

When it comes to politics, how liberal or conservative do you consider yourself to be? Please choose ONE:

	Extremely liberal	Liberal	Slightly liberal	Moderate	Slightly conservative	Conservative	Extremely conservative
Political orientation	☐	☐	☐	☐	☐	☐	☐

Are you a native English speaker?

- ☐ YES
☐ NO

Have you attended at least 10 years of school in English?

- ☐ YES
☐ NO

At what age did you learn English? _____

Have you ever served on a jury in a court of law?

- ☐ Yes
- ☐ No

What is the highest level of education you have completed?

- ☐ Less than 12th grade
- ☐ High school graduate (or GED)
- ☐ Some college
- ☐ College degree
- ☐ Graduate or professional school

What is your total household income per year, before taxes?

- ☐ \$10000 or less
- ☐ \$10000-\$19000
- ☐ \$20000-\$29000
- ☐ \$30000-\$39000
- ☐ \$40000-\$49000
- ☐ \$50000-\$59000
- ☐ \$60000-\$69000
- ☐ \$70000-\$79000
- ☐ \$80000 or more

Appendix N

Study Flyer and Internet Recruitment Message

Evidence and Decisions, Flier #1, 09/08/2015

PAID RESEARCH STUDY ON GROUP DECISIONS

**Researchers are seeking participants for a study
to better understand group decisions.**

Are you at least 18 years old? ✓

Are you a U.S. citizen? ✓

STARTS **APPROVAL** EXPIRES
SEP 17 2015 TO MAY 06 2016
UNIVERSITY OF ILLINOIS AT CHICAGO
INSTITUTIONAL REVIEW BOARD

If you answered YES to these questions, you are invited to participate in a confidential study of group decisions on the University of Illinois at Chicago campus.

The study will last approximately 2 hours. You will learn about a specific topic, discuss it with other participants, and complete questionnaires and computerized tasks.
Group discussions will be videotaped for research purposes.

You will be compensated \$42: \$30 for your participation and \$12 for travel expenses.

If you are interested please email Liana at cpeter26@uic.edu for more information.

The research study is being conducted by Liana Peter-Hagene, M. A. (cpeter26@uic.edu) and Dr. Bette L. Bottoms (bbottoms@uic.edu) in the Psychology Department at the University of Illinois at Chicago (UIC).

University of Illinois at Chicago - Psychology Department
Behavioral Sciences Building (MC 285)
1007 West Harrison Street
Chicago, IL 60607-7137
312.996.3036

Easy to reach by Blue Line, bus, and car
Only 1 mile from Loop

The study is sponsored by the National Science Foundation and approved by the UIC Institutional Review Board (2015-0133)

Group Decisions Study
cpeter26@uic.edu
773-443-8613

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Group Decisions Study
cpeter26@uic.edu
773-443-8613

Please email cpeter26@uic.edu to volunteer for a research study being conducted by Liana Peter-Hagene, M. A. (cpeter26@uic.edu) and Dr. Bette L. Bottoms (bbottoms@uic.edu) in the Psychology Department at the University of Illinois at Chicago (UIC).

You must be at least 18 years old and a U.S. citizen to participate.

The purpose of the study is to gain a better understanding of Americans' views about several topics, such as people who commit crimes. This study will take you approximately 2 hours to complete. You will come to the UIC campus and participate in one of our research rooms. You will receive information via computer presentations about various situations that occur, much like those you read about in newspapers or see on the news. You will be asked to discuss the situations with other participants in groups of 4-6. You will also complete questionnaires and other tasks individually and confidentially, on individual laptops provided by the researchers.

All responses are entirely confidential and there is no way that you can be identified; no names or email addresses are kept once you come to UIC and participate. Part of the study will be videotaped, however; video recordings will be stored and used for research purposes with your consent. A small number of video excerpts might also be used for illustration purposes at academic presentations, but only if you agree to allow us to use your videos for this purpose.

You will be compensated \$30 for your participation. You will also be compensated \$12 for travel expenses for any mode of transportation (including walking).

If you are interested please email Liana at cpeter26@uic.edu for more information.

Thank you for your time.

Questions and requests for information regarding this research should be directed to the principal investigator:

Liana Peter-Hagene

University of Illinois at Chicago - Psychology Department
Behavioral Sciences Building (MC 285)
1007 West Harrison Street
Chicago, IL 60607-7137
312.996.3036

Screening Questionnaire

Please provide the following demographic information about yourself. This information will be used to establish whether you are eligible to participate in this research, and it will not be shared with anyone other than the principal investigator, Liana Peter-Hagene. The information will not be stored for any purposes once your eligibility is established, and we will inform you whether that is the case as soon as possible via email. To ensure your information is confidential, however, please do not mark your name or email address on this form. We will reply to the email address the attachment was sent from, and then delete your email to ensure your confidentiality.

Your Phone number:_____

Your age:_____

Are you a US citizen?

- ☐ Yes
- ☐ No

Your gender:

- ☐ Male
- ☐ Female

Your ethnicity:

- ☐ American Indian or Alaska Native
- ☐ Asian
- ☐ African American
- ☐ Native Hawaiian or Other Pacific Islander
- ☐ White
- ☐ Hispanic
- ☐ Other

Have you ever served on a jury in a court of law?

- ☐ Yes
- ☐ No

Are you currently a student at University of Illinois at Chicago, enrolled in Psychology 100 and participating in the Psychology Subject Pool?

- ☐ Yes
- ☐ No

Are you a native English speaker?

- ☐ Yes
- ☐ No

If you answered No above, please answer the following questions:

Have you attended at least 10 years of school in English?

- ☐ Yes
- ☐ No

At what age did you learn English? _____

Do you have any uncorrected vision or hearing impairments (disabilities) that prevent you from being able to read text, hear oral instructions, or participate in group discussions?

- ☐ Yes
- ☐ No

Script and Instructions for Confederate Jurors

About 7-8 minutes before the session, confederates will downstairs by the BSB elevators and look around. At this point, they are in character: A confused outsider who showed up at this weird building for a study, and they are a bit disoriented. Another RA will ask them, as they ask everyone, if they are here for a study, and they will say yes.

Confederates will provide the following arguments during deliberation, when it is their turn to contribute. The confederates will provide each argument when it appears that it is expected of them to contribute. For example, good times to say their lines would be: if jurors take turns explaining their preliminary verdicts at the beginning, when other jurors seem to expect a contribution, or when too much time passed from their last contribution. Another great time to say your lines would be after another juror has already said the same thing or something similar, as if in agreement to their statement, OR to disagree with them. For example, if a juror says: "He was worried about her, the neighbor said so", you can counter with: "I thought that was weird, going to the neighbors...etc. (Confederate 1) OR "If Michael was that worried about his wife, he would have immediately called the police instead of going to his neighbors...ETC." (Conf. 2). The arguments are limited in number and are meant to portray a neutral/undecided stance, regardless of the confederate's final verdict decision. They are also meant to cover a relatively small portion of the case facts, to allow actual jurors to contribute the novel information in deliberations.

Non-Verbal Behavior

- Each confederate will maintain a neutral demeanor, not too friendly, but not hostile. You might be tempted to be nice and smile, because you are all nice people. But remember that it is very important to maintain the EXACT SAME expression and demeanor session after session.
- But be careful – sometimes a neutral look might come across as hostile. For example, if another juror makes a joke and expects a reaction, it is OK to smile, etc. Use your best judgment: If your neutrality becomes "weird" or inappropriate given the context, you can act in a friendly manner and then go back to being neutral.
- Another danger of the neutral stance is that you might seem disconnected and uninterested. So, you should make up by nodding when others are talking, leaning toward the table sometimes, (though sometimes slouching back), and generally acting engaged in the discussion. Say "hmmm" a couple of times throughout after others speak.

Confederate 1 (Not Guilty)

Confederate 1 will be undecided but leaning toward Not Guilty during the round of comments, and then when pressed to make a verdict decision will vote Not Guilty. If the confederate is in

the minority (i.e., remains the only holdout) she will repeat the two arguments that there is not enough proof to convict (arguments 1 and 3).

- Before going in the jury room, as the confederates wait outside (or before the study begins) make a comment about how hard it was to find the place, and how confusing the building is.

DURING DELIBERATION

Make the following comments. Usually jurors start by going around the room and saying what they think. Because you want to postpone bringing up case facts, at these early stage you will open with statement 1, and if necessary statement 3. Statements 4 and 5 should ideally come after someone else brings up the issues (struggle, knife under body). Statement 6 should come later in the deliberation.

1. "There is no solid evidence that Michael did it. The pathologists disagreed whether it was a suicide or murder, it's just a matter of who you believe." AND "It's almost like a game of what he said she said, between the experts."
2. "He had been acting weird, with going to the neighbors. He automatically assumed she harmed herself, that's strange."
3. "There is no clear proof he murdered her. There were no witnesses that testified "I saw Michael Stevens murder his wife."
4. "There were no reported signs of a struggle, how did she just let him kill her? Even if he took her by surprise, I mean there would still be something, after he made the first cut."
5. "The knife was found under her body, like she fell while holding it. The way that happened just makes me think she did it. Because if he did it the knife would be near the body or something."
6. "I just can't bring myself to vote guilty, what if I'm sending an innocent man to prison?"

IF C1 REMAINS IN THE MINORITY AND IS PRESSURED BY OTHER JURORS TO COME UP WITH ARGUMENTS IN FAVOR OF A NOT GUILTY VERDICT, SHE CAN USE THIS ARGUMENT:

"The prosecution has to prove guilt over any reasonable doubt, it said in the instructions the defense does not have to prove his innocence"

Non-Verbal Behaviors Confederate 1: rest head on your hand, elbow on table; slouch back in your chair for about 5 minutes; pick up the character sheet and study it.

Confederate 2 (Undecided)

Confederate 2 will remain undecided repeating statement #5, and finally side with the majority. If Confederate 1 (who always votes Not Guilty) and three of the other jurors vote Not Guilty, Confederate 2 will make a clear verdict decision toward Not Guilty but only at the end. If all 4 participants vote Guilty (Confederate 1 again votes Not Guilty), Confederate 2 will make a clear

verdict decision toward Guilty while Confederate 1 will maintain the Not Guilty decision until the end of deliberation. Confederate 2 must maintain an undecided stance throughout most of the deliberation, however. So, at least until 30 minutes have elapsed. If Confederate 1 is the only Not Guilty verdict left, C2 must help her out by maintaining doubt and saying “Maybe he is innocent” a couple of times, without actually voting Not Guilty or Guilty. Do not pick the majority side until the very end.

If it looks like most people lean Not Guilty, then C2 must maintain the undecided stance again until the end, to make sure deliberations do not end before the 40 minutes are up. But, if it really seems like all the jurors are decided on Not Guilty and don’t have anything else to say, and you’ve tried hard, then let it go – there is only so much we can control. It would be too artificial to keep the conversation going with just the script and people might get suspicious.

- When C1 comments on having a hard time getting here, C2 should nod in agreement.

DURING DELIBERATION

Make the following comments. Usually jurors start by going around the room and saying what they think. Because you want to postpone bringing up case facts, at these early stage you will open with statement 5. Make the depression statements (2 and 4) ideally after another juror mentions the victim was depressed – this usually happens early on.

1. If Michael was that worried about his wife, he would have immediately called the police instead of going to his neighbors. When he went to his neighbors, it made me think that he was just trying to make his story sound believable.
2. If she was depressed, that could go both ways, that she killed herself or that she was getting so crazy she was really taking his children. I mean even that evidence doesn’t really make things clear for me.
3. The victim died during the night, his parents were still home. They would have heard something, I think – if he was killing her right there in the house with them. I don’t know, not sure how big or well insulated the house is...
4. I can’t imagine being so depressed you just take a big kitchen knife and do that, was she trying to like teach him a lesson or get some revenge on him or something? Either that or he just did it and blamed it on depression.
5. I’m just not sure, he could be guilty he could be innocent. Each story makes some sense but also each story has these holes in it – neither makes complete sense.

IF OTHER JURORS AGREE ON GUILTY, THE UNDECIDED CONFEDERATE SHOULD “HELP OUT” C1 BY SAYING:

“Maybe he is innocent, who knows”.

IF IT LOOKS LIKE OTHERS ARE ACTUALLY LEANING TOWARD NOT GUILTY AND SAY THAT THERE WAS NO BLOOD IN THE HOUSE, YOU CAN BRING UP THIS POINT:

“But he left the house at some point, he could have taken off his clothes before leaving the bedroom, and then just throw them out in a gym bag or something on his drive.”

Non-Verbal Behaviors Confederate 2: gesture with your hands (balance) when you talk about the two sides of the story; rub your eye (at a different time than confederate 1); rest head on your hand, elbow on table.

Transcripts Coding Manual

Deliberation Coding Manual

GENERAL INSTRUCTIONS

When coding, always have a copy of the FACTS LIST to help with chunking, identifying case facts, and crossing out each case fact when it is brought up for the first time. Each coded deliberation should have its own copy of the trial facts list attached to it.

- Read the fact list once before each coding session to refresh your memory of where each fact is easily found and refer to it constantly when coding. Do not try to rely on your own memory of the facts.
- Code each deliberation transcript in one single coding session.
- Rely on context to make your judgment about coding each statement.
- ALL Comments should receive a comment type code (FACT, NON-FACT, UNCLEAR). ONLY Factual comments should also receive correctness codes (CORRECT, INCORRECT), and ONLY correct facts should receive novelty codes (NEW, OLD).
- Write down all coding questions and observations in the coding notebook, referencing the exact transcript, page, and line.
- Do not make inferences. Inferences are the enemy of reliability, because it is not likely that other coders would make the exact same inference.
- Remember to highlight each fact on the facts list once it is mentioned. This will make it possible to attribute the NEW/OLD codes reliably. Do not cross it out instead of highlighting, because you will still need to read it when you judge correctness.

Each unit will be coded as:

1. Statements of fact versus opinion.

CODES: FACT, NON-FACT, UNCLEAR

2. ONLY statements of fact will be coded as correct or incorrect.

CODES: CORRECT, INCORRECT

3. ONLY correct factual statements will be coded as new or old.

CODES: NEW, OLD

Coding Units (i.e., “chunking”)

One “unit” is defined as the smallest possible comment that could be considered a meaningful phrase that stands alone. You should break down any block of text into the smallest units possible that still communicate something meaningful. If someone were to see each unit in isolation, it would make sense on its own.

Do not include *yeah, uh-huh, hmmm, right, good point, or something, like*.

For factual comments (FACTS), each piece of information that is presented in a single rubric in the facts list counts as a chunk. For other comments follow the rules below.

- **EXAMPLE:**

“I’m leaning towards not guilty [NON-FACT] // just because like, well the pathologists said different things [FACT, CORRECT], // one said it was homicide [FACT, CORRECT] // and one said it was suicide [FACT, CORRECT], // so the evidence doesn’t really add up there [NON-FACT].”

Break this down into 5 meaningful units:

1. I’m leaning towards not guilty. (NON-FACT)
2. the pathologists said different things. (FACT)
3. one said it was homicide. (FACT)
4. one said it was suicide. (FACT)
5. the evidence doesn’t really add up there. (NON-FACT)

For factual statements, this step should be easy – each piece of evidence from the facts list counts as a chunk. As you code, refer to the list of facts for each statement.

- **EXAMPLE:**

“They found the knife under her body [FACT, CORRECT] //, which indicates suicide [FACT, CORRECT].”

There are two facts in this statement, both of them in the facts list:

1. The knife was found under the victim’s body. [FACT]
2. The defense pathologist interpreted this as indicative of suicide. [FACT]

Some comments will contain a combination of facts and opinions derived from the facts, and should be coded as both FACT and NON-FACT.

- **EXAMPLE:**

“Mothers [FACT, CORRECT] // just don’t kill themselves [FACT, CORRECT; NON-FACT].”

There are two FACTS in this sentence:

1. The victim was a mother (which in the facts sheet is also written as “Victim and defendant had three children”, both refer to the same fact)
2. Suicide was argued during the trial.

There is also a NON-FACT: the juror’s personal opinion that mothers don’t kill themselves.

There are 3 pieces of information, two directly related to the case (FACTS), and one non-evidentiary opinion (NON-FACTS).

Connectors like “because” make it seem like two parts of a statement are one unit. If you look at each half of that it might seem incomplete, because the connector makes it seem like the statement is missing a part. If you cross out “because,” however, each piece stands on its own.

- **EXAMPLE:**

“I’m leaning towards not guilty [NON-FACT] // just because...because like, well the pathologists said different things [FACT, CORRECT].”

This statement might look like one unit describing the juror's verdict, but it is in fact comprised of two pieces of information:

1. The juror is leaning toward not guilty (NON-FACT)
2. The pathologists gave different interpretations of the evidence (FACT)

Similar connectors include *since, on account of, even though, although, etc.*

It is ok if units are not full grammatical sentences. This coding scheme is about informational value.

- **EXAMPLES:**

“Blood on the floor [FACT, CORRECT]”

“Her depression [FACT, CORRECT]”

These count as independent factual comments. Even though you might not be able to tell what they are trying to say with each point, they clearly remembered that piece of evidence and made that particular point during deliberation.

Some comments will include a conditional statement that appears to link two facts, when in fact it links a fact and an opinion.

- **EXAMPLE:**

“If he did murder her, then wouldn't there be like, bruises, or something [FACT, INCORRECT; NON-FACT]?”

In this case, “If he did murder her” is not a case fact, because it was not intended to mean that he did murder her, as the prosecution claims. The information is:

1. there were no bruises (FACT, INCORRECT)
2. him killing her would have left bruises (NON-FACT).

Not all conditional statements are meant to be taken as a single unit. You have to rely on context to decide whether that is the case.

- **EXAMPLE:**

“If the door was locked [FACT, CORRECT], // if I was her husband, I would have broken the door down myself [NON-FACT].”

This is a good example because it has two conditional statements, one of which stands alone and one that doesn't.

1. “If the door was locked” stands alone, because you know from the evidence presentation that this is not a hypothetical – the door was actually locked. Removing the “if” does not change the meaning of the statement.

2. “if I was her husband”, is not a separate piece of information, because the juror is not saying he was the victim's husband. This part does not stand alone, independent of “I would have broken the door down” because removing the “if” changes its meaning. Thus, this statement should be chunked as two separate units:

1. If the door was locked [FACT]
2. if I was her husband, I would have broken the door down myself [NON-FACT].

1. Fact versus Non-fact

Each unit will be coded as either:

- (a) FACT, if the comments contains recalled evidence from the trial presentation.
- (b) NON-FACT, if the comment does not contain a piece of evidence from the trial presentation
- (c) UNCLEAR, if it is unclear what the juror meant by the comment.

(a) Statements of fact (FACT)

It is clear that the unit demonstrates that the participant recalls *something* that was presented in the evidence presentation. Statements of fact should match one of the facts in the fact sheet. The participant's recall does not have to be correct, but you have to be confident that they intended their comment as a fact, and not as a speculation or a hypothetical.

- **EXAMPLES:**

“He drove his children to his sister’s place [FACT, INCORRECT].”

You would code that as a recalled unit (FACT) because it was clear that the participant intended to relate a fact from the evidence presentation, but (s)he remembered it wrong (the defendant drove his *parents* to his sister’s).

“They had two bedrooms over here [FACT, CORRECT] and then the master bedroom [FACT, CORRECT].”

“How much can she struggle [FACT, CORRECT; NON-FACT], // she’s got a knife to her throat [FACT, CORRECT].”

The juror is contributing two case facts and states an opinion.

1. She did not struggle (FACT, CORRECT) – there were no signs of struggle.
2. She was killed by a knife wound to the throat (FACT, CORRECT)
3. The juror believes one could not struggle under those circumstances (NON-FACT).

“The process of committing suicide [FACT, CORRECT] // for me is the biggest evidence [NON-FACT].”

This comment might look like a statement of opinion, but it actually also contains a piece of information from the trial, that the defense argued the victim committed suicide. It should therefore be coded as two units:

1. It was argued that the victim committed suicide (FACT, CORRECT)
2. To the juror, that was the most convincing evidence (NON-FACT).

Sometimes the comments are phrased as questions:

- **EXAMPLES:**

“What about the parallel cuts though?” [FACT, CORRECT]

Even though this is posed as a question, the statement denotes that the juror remembers parallel cuts were mentioned in the evidence presentation.

“Didn’t the parents hear them fight?” [FACT, CORRECT]

You have to be familiar enough with the evidence presentation to know that this is not in reference to a hypothetical struggle right before the victim died, but in reference to the couple’s fight earlier in the evening.

Sometimes (not always) jurors will also indicate the source of the statement they are making. When they do, the statement about the source should be coded as a separate fact (correct or incorrect).

- **EXAMPLE:**

“The defense pathologist said [FACT, CORRECT] she was coughing blood [FACT, CORRECT].”

These chunks denote a specific type of fact, but the relevant part is that they contribute factual information about who provided the evidence. These comments do add extra information to the mere mention of the evidence (i.e., that the victim was coughing blood) and denote that the juror paid attention and remembered the source of the evidence. All source statements should be coded as separate facts.

Note that in the fact list, several facts are italicized. These facts were mentioned several times during the presentation, from different sources. If jurors mention any of these sources, then they are correct. You have to be careful and make sure you look in the Other Source column, to make sure you credit participants if they mention any of the possible sources.

- **EXAMPLE:**

“They had a big fight [FACT, CORRECT], // he said that himself [FACT, CORRECT].”

Here the juror is referring to the defendant, who did indeed testify about the fight.

“I mean, they argued, [FACT, CORRECT] // when was that in the timeline [FACT, CORRECT], // around 10 at night [FACT, INCORRECT]?”

Here the juror is referring to the prosecution timeline of events, a different source for the same information.

(b) Non-factual statements (NON-FACT)

These comments include everything jurors say that is not directly based on the evidence presentation. These comments most often include the categories described below. Some of these categories are clearly non-facts, but some are trickier. Rely on the examples and justifications below when in doubt.

Subjective opinions about the evidence, trial characters, or the case in general

- **EXAMPLES:**

“I don’t buy the pathologist’s story” [NON-FACT]

“That neighbor sounded shady [NON-FACT], // maybe he had an affair with the victim [NON-FACT].”

Sometimes a juror will express an opinion but in doing so will clearly rely on a piece of evidence from the trial. Most statements of opinion will be based on some factual evidence, and therefore many statements will need to be coded both as fact and non-fact. If a case fact is explicitly embedded in the statement, then it can be coded as fact and non-fact; if not, code it only as non-fact.

- **EXAMPLES:**

“Nobody kills themselves [FACT, CORRECT; NON-FACT] with a knife to the throat [FACT, CORRECT].”

This sounds like an opinion, but the juror actually mentions case facts in combination with the opinion about how people commit suicide:

1. It was argued that the victim killed herself (FACT, CORRECT)
2. The victim died of a knife wound (FACT, CORRECT)
3. to the throat (FACT, CORRECT)
4. Nobody kills themselves that way (NON-FACT)

“The blood on his shoe [FACT, CORRECT] // was the tiniest little bit [FACT, CORRECT]. I would have expected a little bit more [NON-FACT]. Maybe that’s just shoddy clean-up or something [NON-FACT].”

This passage contains two factual statements:

1. there was blood on the shoe (FACT, CORRECT)
2. it was just a drop (FACT, CORRECT)
3. I would have expected a little bit more (NON-FACT, opinion)
4. maybe that’s shoddy cleanup (NON-FACT, speculation)

“It’s also possible that he was holding her [NON-FACT], and the knife [FACT, CORRECT; NON-FACT], up against her throat [NON-FACT] and threatening her for a little bit [NON-FACT]”

This statement is not based in facts, the only hard fact here is that a knife caused the victim’s death, but the juror is not stating that explicitly. Therefore, it should be chunked and coded as follows:

1. It is possible that he was holding her (NON-FACT, speculation)
2. and holding the knife (NON-FACT, speculation)
3. a knife was the weapon used (FACT, CORRECT)
4. up against her throat (NON-FACT, speculation)
5. and threatened her a bit (NON-FACT, speculation)

There is no reference to the defendant doing this in the evidence presentation, this is a hypothetical description, not fact.

“I think he is guilty [NON-FACT] // because his behavior was suspicious [FACT, CORRECT] //– besides most wife deaths in history are because their husband killed them [NON-FACT].”

This would be coded as 3 units:

1. I think he is guilty (NON-FACT, opinion)
2. his behavior was suspicious (FACT, CORRECT)
3. besides most wife deaths in history are because their husband killed them (NON-FACT, opinion)

You have to know the case evidence well enough and refer back to the facts list to spot when a unit came from the evidence. For example, his behavior being suspicious sounds like a subjective opinion, except the evidence presentation explicitly states that his behavior was suspicious.

Evidence that jurors would have found convincing

Jurors will often point out **missing evidence**, or evidence that would have clarified some aspects of the case for them. This includes potential facts that were not presented in the trial, but that jurors could reasonably expect to be mentioned in a case like this one. These statements sound like facts, because they are often true – the evidence the jurors say is missing is indeed missing. But they actually denote the jurors’ **opinion** that the evidence they mention should have been included, not an actual piece of information from the actual trial. Thus, they are coded as NON-FACT.

- **EXAMPLES:**

“There was no DNA evidence” [NON-FACT]

“We don’t know where the children were [FACT, CORRECT; NON-FACT], // could he kill her with the children in the house? [NON-FACT].”

These statements sometimes have a factual component (i.e., the couple had children, which is a case fact), but also another component that cannot be classified as fact. This example should be coded as:

1. the victim and defendant had children (FACT),
2. no information was given about their whereabouts (NON-FACT)
3. it is unlikely that the defendant killed his wife with children in the house (NON- FACT) - personal opinion.

“No one talked about her being incapacitated in any way [NON-FACT], // like drugs or alcohol [NON-FACT].”

This is true, there was no such information – but again, there is no line in the fact sheet to state there was no information about the victim’s substance use, so it cannot be coded as fact.

Speculation and hypothetical statements

- **EXAMPLE:**

“They must have had a bad marriage [NON-FACT], // she seemed really crazy [NON-FACT].”

General knowledge about the world

- **EXAMPLE:**

“Parents tend to cover up for their children [NON-FACT]”

“In many families men do the dishes and put the knives away [NON- FACT].”

Comments that are not about the case, such as jokes, or offhand comments

- **EXAMPLE:**

“My house isn’t that big [NON-FACT]”

Comments about the deliberation dynamic

- **EXAMPLES:**

“You’re staring at me [NON-FACT].”

“I thought you were gonna say something [NON-FACT].”
“You’re in the minority, you have to convince us [NON-FACT].”

(c) Unclear (UNCLEAR-FACT)

Use this code only when you do not understand what the juror meant to say, and therefore cannot make a judgment about which category the comment belongs to.

2. Correct versus Incorrect

Each of the units coded as fact (NOT statements of lack of evidence, opinion, or irrelevant), should also be coded as either:

- (a) Correct (CORRECT)
- (b) Incorrect (INCORRECT)

(a) Correct (CORRECT)

Use this code if the juror’s factual statement is correct – i.e., it matches what is written in the fact sheet. The juror need not use the exact wording, but they need to capture the exact information.

- **EXAMPLES:**

“She was a mother [FACT, CORRECT], // I don’t think she killed herself [NON-FACT].”

This is a correct recall of the fact that the victim had children.

“Why did he take his parents away [FACT, CORRECT]?”

This information is correct even if it is not complete -- the presentation states he drove them to his sister’s house.

A statement can be partially correct; in this case, each unit in the statement receives the appropriate correct code. In other words, do not code all units in statement as INCORRECT just because one unit is incorrect.

- **EXAMPLE:**

“The blood on his shoe [FACT, CORRECT] // matched her DNA [FACT, INCORRECT].”

This sentence has two units:

1. there was blood on his shoe (FACT, CORRECT)
2. the blood matched the victim’s DNA (FACT, INCORRECT)

Although the juror clearly remembered something about the blood probably belonging to the victim, he did not remember it accurately. In such cases, be conservative and do not code that statement as correct.

NOTES:

-- Jurors will repeat the same correct facts, making them redundant. If a juror makes the same correct statement several times during the same argument, do not code it twice as correct.

- **EXAMPLE:**

“She had two cuts [FACT, CORRECT] across her throat [FACT, CORRECT] //....She had two cuts [FACT], the defense said [FACT, CORRECT] she got up and did it again [FACT, CORRECT].”

This should be coded as follows:

1. She had two cuts (FACT, CORRECT)
2. across her throat (FACT, CORRECT)
3. She had two cuts (FACT, but redundant, so no correct code)
4. The defense said (FACT, CORRECT)
5. She got up and did it again (FACT, CORRECT)

-- Jurors will sometimes correct others' inaccurate statements

- **EXAMPLES:**

J1: “There were bruises on her leg [FACT, INCORRECT].”

J2: “No, on her arm [FACT, CORRECT].”

J1: “Didn’t he say [FACT, CORRECT] // he called his aunt or something [FACT, INCORRECT]?”

J2: “It was her aunt [FACT, INCORRECT].”

The first juror correctly remembered the source (the defendant), so she gets credit for that, but misremembered the second fact. The second juror receives a correct code for providing the correct information.

(b) Incorrect (INCORRECT)

Use this code if jurors' factual statements are wrong. If the information shared by the jurors does not match the information in the fact sheet, then the statement is incorrect. If a juror makes the same incorrect statement several times, only code it as INCORRECT once, just as we did for correct statements.

- **EXAMPLE:**

“If you have a legitimate concern that your wife is suicidal [FACT, CORRECT] //, but make no effort to know where she is [FACT, INCORRECT] ...I mean, he didn’t really try to get to her [FACT]”

This statement can be separated into:

1. the defendant was concerned his wife was suicidal (FACT, CORRECT)
2. he made no effort to know where she was (FACT, INCORRECT)
3. he did not try to get to her (FACT, but redundant so no incorrect code).

The statement could reflect the juror's opinion that the defendant did not do enough, but you cannot speculate about that. What you know for sure is that the defendant did in fact make some efforts to locate the victim, and the jurors said that he had not – so the juror was factually wrong.

Coding the source statements:

Source statements should be coded just like the others, correct or incorrect.

- **EXAMPLES:**

“The prosecution expert said [FACT, CORRECT] // the door was locked on the inside [FACT, CORRECT].”

The juror attributed the source correctly, although the juror did not specify it was the locksmith who provided the testimony, but it is still correct that it was a prosecution witness.

“The prosecution pathologist said [FACT, INCORRECT] // that her larynx was cut [FACT, CORRECT].”

The juror attributed the source incorrectly, the actual source was the coroner report. Source comments cannot be coded by themselves for correctness, they are always coded as a function of the actual content of the testimony.

NOTES:

-- Several case facts are repeated by multiple sources. For example, the coroner and defense pathologist said there were two cuts. The timeline witnesses, defendant, and neighbor inform jurors that the neighbor called the police. All repeat facts are written in italics in the trial facts sheet, and a column to the right indicates where else that particular fact is stated. Any of the sources (primary and Other) are correct.

3. New versus Old

Using the facts list, assign codes of NEW or OLD to all CORRECT comments. This coding will be highly contextual, which is why these codes were not included in the examples above. Here is how to attribute these codes:

- Each time you code a piece of information as FACT, CORRECT by looking at the list, highlight it (unless it is already highlighted) and give it a NEW code.
- If a piece of information is already highlighted, it means it was mentioned before, and you should give it a code of OLD.
- DO NOT rely on your memory, even if you remember that a fact was mentioned a page before, you ALWAYS have to check the list. This might take more time but if everyone adopts this habit, there will be much less of a chance for error.

Sometimes a juror will bring up a new piece of information and then develop the idea or go in more detail later. Be careful in coding these. If there is *any* new contribution, then the new comments are coded as new.

- **EXAMPLE:**

“But also in two different cuts [FACT, CORRECT, NEW]”

...and minutes later: **“She cut herself once deeply [FACT, CORRECT, NEW], // then get up [FACT, CORRECT, NEW] //, and then cut again [FACT, CORRECT, NEW] // and then fall with the knife [FACT, CORRECT, NEW]”.**

First, we learn that there were two different cuts. Then, we learn what the defense said about the way these cuts were inflicted. Although these pieces of information are closely related (and the longer second statement incorporates the first one), we can say that they each contribute a novel fact:

1. there were two cuts
2. she cut herself once deeply
3. she got up
4. cut herself again
5. fell with the knife.

Some facts are repeated by several sources. A juror should not get credit twice for stating the same fact, just because the fact is in the list twice. If, however, sources are stated explicitly every time a fact is mentioned, the juror should receive credit for identifying the new source.

- **EXAMPLE:**

Juror 1: “The prosecution expert said [FACT, CORRECT, NEW] // there was blood on her back [FACT, CORRECT, NEW].”

...and later:

Juror 2: “The defense pathologist said [FACT, CORRECT, NEW] // there was blood on her back [FACT, CORRECT, OLD], // how did it get there [NON-FACT]?”

Sometimes the same juror makes both comments; the same rule applies.

Sometimes two jurors speaking at the same time will make the same contribution, and it is new. In this case, they are both credited.

List of Case Facts

R v. Stevens, 2000
Evidence and Testimony Facts

The facts in *italics* were mentioned by several different sources. They are listed under the primary source, with a note as to the other source in the next column. References to the source should be coded as correct if they include any of the options in this list (primary and Other source).

Fact:	Other source	Side
Trial Information		
- Victim: Lakisha/Emily Stevens		
- Defendant: Michael Stevens		
- Victim was 25 years old		
- Victim and defendant were married		
- Victim and defendant had three children / Victim was a mother / Defendant was a father		
- Prosecution argued that the defendant killed his wife		
- Defense argued the victim committed suicide		
Circumstances		
- Victim was found dead		
- In her bedroom		
- On June 19, 1999		
- Time of death between Sunday night and Monday morning		
Prosecution Opening Statement		
Michael and Lakisha had an intense fight		
She said she would take the children and leave him		

Michaels's behavior during the morning after was suspicious		
Crime scene and pathology evidence indicated victim was murdered		
Defense Opening Statement		
Michael tried to resolve the conflict with his wife by seeking help and advice the following day		
Victim had a history of depression		
Victim made a comment that could be interpreted as suicide threat		
Crime scene and pathology evidence indicated victim slit her own throat		
Source: Coroner Report -- Injury Description		
- Cause of death: A major wound		
- Wound was across/on the victim's throat		
- <i>Wound was caused by two separate cuts</i>	Defense pathologist	
- Wound spans from the left side of the neck all the way to the right side		
- Wound is gaping		
- Wound has a half-moon shape		
- The edges of the wound appear smooth everywhere		
- Wound is roughly 2 inches wide at the front of the throat		
- The skin was pulled back		
- The larynx is exposed		
- One of the cuts was deep enough to go through the larynx		
- The internal jugular vein was cut		
- The common carotid artery was cut		
- <i>There are superficial cuts</i>	Defense pathologist	
- <i>The superficial cuts were parallel to the wound</i>	Defense pathologist	
- The superficial cuts were along the edge of the wound.		
- <i>There are some blood smudges</i>	Defense pathologist	
- Blood smudges were on the victim's face		
- Blood smudges were on the victim's chest.		
Source: Prosecution Forensic Evidence -- crime scene		
- The bedroom where the victim was found contained blood		
- <i>Blood was splattered on the walls</i>	Defense pathologist	
- Blood was splattered on the floor.		
- <i>Forensic analyses found traces of blood on the defendant's shoe</i>	Defense forensic	Pros
- Blood was at the top of the defendant's shoe.		Pros
- The blood on the defendant's shoe matched the victim's blood type.		Pros
The wound was caused by a knife		
- The knife was found at the scene		Pros
- <i>The knife was underneath the victim's body.</i>	Defense pathologist	Def

- Michael Stevens's fingerprints were found on the handle.		Pros
- The police found the bedroom door locked		Def
- The bedroom door was locked from the inside.		Def
- A locksmith testified as a prosecution expert witness.		Pros
- The locksmith expert testified that the lock could be maneuvered from the outside to make it look locked from the inside.		
Source: Prosecution Timeline of events		
- The prosecution claimed the defendant's actions were suspicious		Pros
- The defendant's father testified for the prosecution		Pros
- Police officers testified for the prosecution		Pros
- A counseling center employee/ social worker/ marriage counselor testified for the prosecution.		Pros
- <i>The defendant and victim had an intense argument</i>	Defendant	Pros
- In their house		
- On Sunday, June 18, 1999 at 7:15pm		
- <i>The victim said that she was going to move out</i>	Defendant	Pros
- She was going to take their three children.		Pros
- The argument was witnessed by the defendant's parents.		Pros
- The defendant's parents lived with the victim and defendant.		
- The victim locked herself in the master bedroom		
- On Sunday, June 18, 1999 at 8:00pm		
- The defendant spoke to his parents		
- The defendant and his parents spoke for about two hours.		
- On Sunday, June 18, 1999 at 8:00pm		
- <i>The defendant went to sleep</i>	Defendant	
- On Sunday, June 18, 1999 at 10:00pm		
- <i>The defendant went to sleep in the guest bedroom</i>	Defendant	
- The guest bedroom was next to the master bedroom.		
- The defendant tried to open the master bedroom door	Defendant	
- On Monday, June 19, 1999 at 6:00am		
- <i>But the defendant found it locked from the inside.</i>	Defendant	
- <i>The defendant drove his parents</i>	Defendant	Def
- To his sister's house		Pros
- On Monday, June 19, 1999 at 6:00am		
- <i>The defendant stopped at the local counseling center</i>	Defendant	
- On Monday, June 19, 1999 at 10:30am,		
- On his way back home.		
- <i>*The defendant spoke to a social worker // marriage counselor also correct</i>	Defendant*	
- The defendant told the social worker that he had "family and marriage problems"		
- The defendant asked the social worker for marital advice.		
- The defendant called the victim's aunt		Pros
- The defendant wanted to see if the aunt had heard from the victim.		Pros

- On Monday, June 19, 1999 at 1:00pm		Pros
- The defendant told the aunt that he was worried because he could not find his wife.		
- <i>The police received a call from the defendant's neighbor, William</i>	Defendant, Neighbor	
- On Monday, June 19, 1999 at 3:30pm		
- <i>The neighbor (William) was with the defendant.</i>	Defendant, Neighbor	
- The police came to the victim and defendant's house		
- On Monday, June 19, 1999 at 3:30pm		
- The police broke open the bedroom door		
- The police found the victim's body		
- The victim's body was collapsed by the bed		
- The body was in a pool of blood.		
Source: Prosecution Pathologist Testimony		
- Dr. Oettle, a pathologist, testified as a prosecution expert witness.		Pros
- Dr. Oettle testified that the victim was murdered.		Pros
- Dr. Oettle analyzed the angle and depth of the wounds		Pros
- Dr. Oettle concluded the wounds were more consistent with homicide		Pros
- And less consistent with suicide by a right handed person.		Pros
- The victim was found face down		Pros
- <i>But she had blood on her back.</i>	Defense pathologist	Pros
- Prosecution pathologist concluded that the victim was turned		Pros
- After much of the bleeding took place.		Pros
- The suicide scenario would require the victim to be conscious enough		Pros
- To get up and change her position		Pros
- After cutting her throat the first time,		Pros
- Which is unlikely according to the prosecution pathologist.		Pros
- <i>Blood smears were found on the victim's body</i>	Coroner	Pros
- The blood smears might have been finger marks,		Pros
- But evidence was not conclusive		
- Blood smears were on victim's left leg		Pros
- This suggested that her body might have been dragged.		Pros
- The victim was wearing a nightgown		
- The nightgown's position suggested that her body might have been dragged.		Pros
- Victim was wearing several necklaces.		Pros
- Prosecution pathologist found this (necklaces) uncommon		Pros
- Because people usually remove "obstacles" such as jewelry before they commit suicide.		Pros
- There were bruises on the victim's right arm		Pros
- Which indicated that she was attacked		Pros
- And tried to defend herself.		Pros
Source: Defense Defendant Testimony		

- The defendant, Michael Stevens, testified.		
- The defendant claims that the victim was very upset		Def
- The victim said, "You will be sorry when I'm gone."		Def
- <i>The defendant interpreted the victim's response as being a threat that she was leaving him.</i>	Timeline	Def
- <i>The defendant went to sleep</i>	Timeline	Def
- <i>He slept in the guest bedroom.</i>		Def
- The next morning he checked the door		Def
- <i>The master bedroom door was locked.</i>	Timeline	Def
- The defendant thought that the victim was still upset		Def
- <i>The defendant took his parents away</i>	Timeline	Def
- The defendant did that so he could talk to her alone.		Def
- * <i>The defendant spoke with a marriage counselor // social worker also correct</i>	Timeline	Def
- <i>At the counseling center</i>	Timeline	Def
- <i>On his way back home.</i>	Timeline	Def
- Then the defendant went home		Def
- The bedroom door was still locked.		Def
- <i>The defendant talked to relatives and neighbors</i>	Neighbor	Def
- <i>The defendant talked to neighbors</i>	Neighbor	Def
- <i>The defendant asked them if they had heard from his wife.</i>	Neighbor	Def
- <i>The defendant grew more and more worried</i>	Neighbor	Def
- The defendant was worried because the victim had been depressed lately.		Def
- The defendant began to think that the victim's comment was a suicide threat.		Def
- The defendant asked a neighbor to call the police on his behalf.	Neighbor	Def
Source: Defense Neighbor Testimony		
- William Morgan, the defendant's neighbor, testified for the defense.		Def
- <i>The neighbor claims that the defendant asked him if he had seen his wife</i>		Def
- <i>The defendant asked other neighbors if they saw his wife</i>	Defendant	Def
- This happened at about 3:30 pm	Defendant	Def
- The defendant seemed really distressed		
- The defendant told the neighbor that he was worried	Defendant	Def
- The defendant thought that the victim "had done something to herself."		Def
- The neighbor called the police	Timeline, Defendant	
- Because the defendant was too upset to talk.		Def
- William said that the victim had confided in him and his wife		Def
- That she often felt depressed		Def
- But they never thought it was that serious.		Pros
Source: Defense Forensic Evidence		
- Dr. Lawrence, a forensic scientist, testified as a defense expert witness.		
- Dr. Lawrence testifies that the victim was not murdered.		Def

- The murderer would have had a large amount of blood on his clothing.		Def
- There was no trace of blood where it would be incriminating		Def
- No blood in any other part of the bedroom		Def
- No blood in the house		Def
- No blood in the drainage system.		Def
- The defendant went in the bedroom with the police		Def
- <i>The blood that was on the defendant's shoe</i>	Prosecution forensic	Pros
- Could have gotten on the shoe when he went in the bedroom with the police		Def Def
- There was no sign of any attempt to remove blood stains.		
Defense pathologist testimony		Def
- Dr. Bradhurst, a pathologist, testified as a defense expert witness.		
- Defense pathologist testified that the victim committed suicide.		Def
- <i>The knife was found under her body</i>	Prosecution forensic	Def
- It was in a position consistent with her falling while holding it		Def
- In her right hand.		Def
- <i>There was a pattern of bloodstains on the wall</i>	Prosecution forensic	
- The pattern indicated that the victim was coughing blood		Def
- This (coughing blood) happened for a while after the first cut.		Def
- Defense pathologist claims that <i>the two cuts</i> were not made at the same time.	Coroner	Def
- The perpetrator would make both cuts at once,		Def
- Which makes the coughing inconsistent with a homicide scenario.		Def
- There was no evidence of struggle		Def
- No evidence of defense injuries to the victim's arms and hands.		Def
- <i>There were superficial cuts along the edges of the main wound</i>	Coroner	Def
- This was consistent with the wounds being self-inflicted.		Def
- Defense pathologist claims that people who commit suicide often make tentative, superficial cuts before the fatal ones.		Def
- The defense pathologist responded to the prosecution pathologist's testimony.		
- The victim's throat was cut while she was lying on her back.		Def
- Blood could have seeped onto the ground		Def
- That would explain how it <i>stained the back of her gown</i> .	Prosecution pathologist	Def
- There was considerable bleeding		
- But the victim did not die right away		Def
- Blood from the first cut would have gotten into her airways		Def
- This prompted her to get up		Def
- She made a second attempt		Def
- She fell face down this time		Def

Prosecution Closing Statement

Michael and Lakisha had an intense fight

She said she would leave him

This gave Michael motive to kill her

Nobody else had access to the victim

Michael's behavior during the morning after was suspicious

Crime scene and pathology evidence indicated victim was murdered

Defense Opening Statement

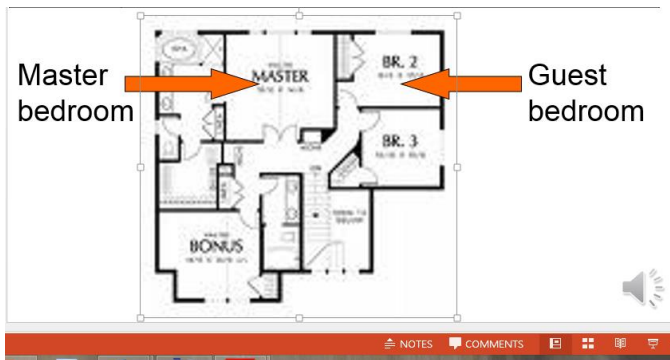
Michael tried to resolve the conflict with his wife

His behavior indicated he was worried about her

Victim had a history of depression

Victim made a comment that could be interpreted as suicide threat

Crime scene and pathology evidence indicated victim slit her own throat



UNIVERSITY OF ILLINOIS
AT CHICAGO

Office for the Protection of Research Subjects (OPRS)
Office of the Vice Chancellor for Research (MC 672)
203 Administrative Office Building
1737 West Polk Street
Chicago, Illinois 60612-7227

Approval Notice
Initial Review (Response To Modifications)

May 15, 2015

Liana (Claudia) Peter-Hagene, MA
Psychology
Criminology, Law and Justice
1007 W Harrison, M/C 285
Chicago, IL
Phone: (773) 443-8613

RE: Protocol # 2015-0133
“A Self-Regulation Perspective on Jury Decision-Making”

Dear Dr. Peter-Hagene:

Your Initial Review (Response To Modifications) was reviewed and approved by the Expedited review process on May 7, 2015. You may now begin your research

Please note the following information about your approved research protocol:

Protocol Approval Period: May 7, 2015 - May 6, 2016
Approved Subject Enrollment #: 1000
Additional Determinations for Research Involving Minors: These determinations have not been made for this study since it has not been approved for enrollment of minors.
Performance Sites: UIC
Sponsor: Society for Psychological Study of Social Issues
PAF#: - Not available
Grant/Contract Title: Cognitive Depletion and Motivation to Avoid Prejudice during Jury Deliberations: A Self-Regulation Perspective on Interracial Group Decision Making
Research Protocol(s):
a) Self Regulation and Juror's Decisions; Version 1, 01/21/2015

Recruitment Material(s):

- a) Email Scripts in Response to Participation Inquiries; Version 1, 03/30/2015
- b) Eligibility Screening Questionnaire; Version 1, 03/30/2015
- c) Recruitment Message; Version 3, 04/14/2015
- d) No recruitment materials will be used for Psychology Subject Pool subjects, Pool procedures

will be followed.

Informed Consent(s):

- a) Debriefing Script; Version 2, 03/30/2015
- b) CM DEL; Version 4, 05/05/2015
- c) UIC DEL; Version 4, 05/05/2015
- d) An alteration of consent has been granted under 45 CFR 46.116(d) for the use of deception in this research, subjects will be provided with a debriefing document at the end of the study and given the option to destroy their data; minimal risk.

Your research meets the criteria for expedited review as defined in 45 CFR 46.110(b)(1) under the following specific category(ies):

(6) Collection of data from voice, video, digital, or image recordings made for research purposes., (7) Research on individual or group characteristics or behavior (including but not limited to research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices and social behavior) or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies.

Please note the Review History of this submission:

Receipt Date	Submission Type	Review Process	Review Date	Review Action
01/28/2015	Initial Review	Expedited	01/30/2015	Modifications Required
04/03/2015	Response To Modifications	Expedited	04/06/2015	Modifications Required
04/24/2015	Response To Modifications	Expedited	04/30/2015	Modifications Required
05/06/2015	Response To Modifications	Expedited	05/07/2015	Approved

Please remember to:

→ Use your **research protocol number** (2015-0133) on any documents or correspondence with the IRB concerning your research protocol.

→ Review and comply with all requirements on the enclosure,
"UIC Investigator Responsibilities, Protection of Human Research Subjects"
(<http://tiger.uic.edu/depts/ovcr/research/protocolreview/irb/policies/0924.pdf>)

Please note that the UIC IRB has the prerogative and authority to ask further questions, seek additional information, require further modifications, or monitor the conduct of your research and the consent process.

Please be aware that if the scope of work in the grant/project changes, the protocol must be amended and approved by the UIC IRB before the initiation of the change.

We wish you the best as you conduct your research. If you have any questions or need further help, please

contact OPRS at (312) 996-1711 or me at (312) 355-0816. Please send any correspondence about this protocol to OPRS at 203 AOB, M/C 672.

Sincerely,

Alison Santiago, MSW, MJ
IRB Coordinator, IRB # 2
Office for the Protection of Research Subjects

Enclosure(s):

- 1. UIC Investigator Responsibilities, Protection of Human Research Subjects**
- 2. Informed Consent Document(s):**
 - a) Debriefing Script; Version 2, 03/30/2015
 - b) CM DEL; Version 4, 05/05/2015
 - c) UIC DEL; Version 4, 05/05/2015
- 3. Recruiting Material(s):**
 - a) Email Scripts in Response to Participation Inquiries; Version 1, 03/30/2015
 - b) Eligibility Screening Questionnaire; Version 1, 03/30/2015
 - c) Recruitment Message; Version 3, 04/14/2015

cc: Michael E. Ragozzino, Psychology, M/C 285
Bette Bottoms (Faculty Sponsor), Psychology, M/C 285

CURRICULUM VITAE
Liana C. Peter-Hagene

University of Illinois at Chicago
Psychology Department
1007 W. Harrison, MC 285
Chicago, IL, 60607

email: cpeter26@uic.edu
phone: 773-443-8613

EDUCATION

University of Illinois at Chicago, 2011-2016

- Ph.D. in Psychology (expected May, 2016)
- Major area: Social and Personality Psychology
- Minor area: Statistics, Methods, & Measurement
- Dissertation: "*Cognitive depletion and motivation to avoid prejudice during jury deliberation: A self-regulation perspective on interracial group decision-making*"
- Advised by Dr. Bette L. Bottoms

University of Illinois at Chicago, 2011-2013

- M. A. in Psychology
- Major area: Social and Personality Psychology
- Thesis: "*Nullification instructions and anger increase jurors' reliance on attitudes in verdict decisions*"
- Advised by Dr. Bette L. Bottoms

University of Illinois at Chicago, 2009-2011

- M. A. in Criminology, Law and Justice, University of Illinois at Chicago

University of Illinois at Chicago, 2007-2009

- B. A. in Psychology; Criminology, Law and Justice
- *cum laude* with departmental distinction in Criminology, Law and Justice

AWARDS AND GRANTS

2015	National Science Foundation Dissertation Grant, \$26,714
2015	University of Illinois at Chicago Dean's Scholar Award, \$35,754
2014	Society for the Psychological Study of Social Issues Grant-in-Aid, \$2000
2014	American Psychology/Law Society Grant-in-Aid Award, \$750
2014	Psi Chi Grant-in-Aid Award, \$1500
2012	University of Illinois at Chicago Provost's Award
2012	American Psychology/Law Society Grant-in-Aid Award, \$700
2012-15	Eight institutional travel awards, totalling \$2375
2009	Chicago Bar Association Award for Academic Excellence

RESEARCH INTERESTS

- legal judgment and decision making
- the role of self-regulation in group decision making

- the influence of emotion on jurors' decisions
- victims' disclosure of and recovery from abuse
- stereotyping, racism, and prejudice

TEACHING EXPERIENCE

SP 2016	Instructor, Statistical Methods in Behavioral Sciences
SP 2015	Teaching assistant, Statistical Methods in Behavioral Sciences. UIC Department of Psychology. Individual responsibility for teaching weekly discussion sections
FA 2014	Teaching assistant, Statistical Methods in Behavioral Sciences. UIC Department of Psychology. Individual responsibility for teaching weekly discussion sections
SP 2010	Teaching assistant, Violence Prevention, UIC Department of Criminology, Law, and Justice
FA 2009	Teaching Assistant, Criminal Justice Organizations, UIC Department of Criminology, Law, and Justice

Undergraduate student supervision:

Honors Capstone Theses (PSCH 399, HON 322)

9 students (Fall 2012, Spring 2013, Fall 2014, Spring 2015, Fall 2015, Spring 2016)

Directed Research (PSCH 396, HON 225)

14 students (Fall 2011, Spring 2012, Fall 2012, Spring 2013, Spring 2014, Fall 2015, Spring 2016)

Supervised Undergraduates Who Won Research Awards:

Honors College Research Grant - 7 students (Spring 2015, Spring 2016)

Chancellor's Undergraduate Research Award – 4 students (Fall 2015, Spring 2016)

PROFESSIONAL AFFILIATIONS

American Psychological Association (APA)

American Psychology and Law Society (AP-LS, APA Division 41)

Society for Psychological Studies of Social Issues (SPSSI, APA Division 9)

Society for the Teaching of Psychology (Division 2)

Society for Personality and Social Psychology (SPSP)

American Society of Criminology (ASC)

Honorary:

Psi Chi, International Honor Society in Psychology

Phi Kappa Phi Honors Society

SERVICE

2015 Member, Society for Personality and Social Psychology Outstanding
Research and Best Poster Awards Selection Committee

2011-2014 American Psychology-Law Society (APA Div. 41) Student Section Campus
Representative

2010 Assisted in creating process and website for the UIC Undergraduate
Research Experience, a campus-wide initiative matching
undergraduates with faculty research mentors (www.ure.uic.edu)

Ad-hoc reviewer:

Division 9 (SPSSI) APA Conference Proposal Reviewer

Law and Human Behavior

Journal of Interpersonal Violence

Applied Cognitive Psychology

PUBLICATIONS

Peter-Hagene, L. C., & Ullman, S.E. (In press). Longitudinal effects of sexual assault victims' drinking and self-blame on posttraumatic stress disorder. *Journal of Interpersonal Violence*.

Peter-Hagene, L. C., Sanchez, M., & Salerno, J. M. (In press). Expressing anger increases male jurors' influence, but decreases female jurors' influence, during mock jury deliberation. *The Jury Expert*.

Salerno, J. M., & **Peter-Hagene, L. C.** (2015). One angry woman: Male anger increases social influence, but female anger decreases social influence during mock jury deliberation. *Law and Human Behavior*, Advanced online publication, <http://dx.doi.org/10.1037/lhb0000147>.

Peter-Hagene, L. C., & Ullman, S.E. (2015). Sexual assault characteristics effects on PTSD and psychosocial mediators: A cluster analysis approach to sexual assault types. *Psychological Trauma*, 7, 162-170.

Peter-Hagene, L. C., & Ullman, S. E. (2014). Social reactions to sexual assault disclosure and problem drinking: Mediating effects of perceived control and PTSD. *Journal of Interpersonal Violence*, 29, 1418-1437.

Peter-Hagene, L. C., Jay, A. C., & Salerno, J. M. (2014). The emotional components of moral outrage and their effect on mock juror verdicts. *The Jury Expert*, 22,16-25.

Bottoms, B. L., **Peter-Hagene, L.C.**, Epstein, M. A., Wiley, T. R., Reynolds, C. E., & Rudnicki, A. G. (2014). Abuse characteristics and individual differences related to disclosing childhood sexual, physical, and emotional abuse and witnessed domestic violence. *Journal of Interpersonal Violence*. Published online first. DOI: 10.1177/0886260514564155.

Bottoms, B. L., **Peter-Hagene, L.C.**, Stevenson, M. C., Wiley, T. R. A., Schneider, T., & Goodman, G. (2014). Explaining gender differences in jurors' reactions to child sexual assault cases. *Behavioral Sciences and the Law*, 32, 789-812.

Salerno, J. M., Stevenson, M. C., Najdowski, C. N., Wiley, T. R. A., Bottoms, B. L., & **Peter-Hagene, L. C.** (2014). The application of sex offender registry laws to juvenile offenders: Biases against stigmatized adolescents. In M. K. Miller & J. C. Chamberlain (Eds.), *Psychology, law, and the wellbeing of children*. Oxford Press.

Ullman, S. E., & **Peter-Hagene, L. C.** (2014). Longitudinal relationships of social reactions, PTSD, and revictimization in sexual assault survivors. *Journal of Interpersonal Violence*. Published online first. DOI: 10.1177/0886260514564069.

Ullman, S. E., & **Peter-Hagene, L. C.** (2014). Social reactions, coping, perceived control, and PTSD in sexual assault victims. *Journal of Community Psychology*, 42, 495-508.

Ullman, S.E., **Peter-Hagene, L.C.**, & Relyea, M. (2014). Coping, emotion regulation, and self-blame as mediators of sexual abuse and psychological symptoms in adult sexual assault. *Journal of Child Sexual Abuse*.

Salerno, J. M., & **Peter-Hagene, L. C.** (2013). The interactive effects of anger and disgust on moral outrage and jurors' verdicts. *Psychological Science*, 24, 2069-2078.

Ullman, S. E., Relyea, M., **Peter-Hagene, L. C.**, Vasquez, A. (2013). Trauma histories, substance use coping, PTSD, and problem substance use among sexual assault victims. *Addictive Behaviors*, 38, 2219-2223.

PUBLICATIONS IN PROGRESS

Peter-Hagene, L. C., & Bottoms, B. L. (Revise and resubmit, *Psychology, Public Policy, and Law*). Nullification instructions and incidental anger increase jurors' reliance on euthanasia attitudes in verdict decisions.

Salerno, J. M., Bottoms, B. L., & **Peter-Hagene, L. C.** (Submitted for review). Mock jury deliberations about opposing expert witnesses: The effects of central and peripheral arguments on individual versus group decision making accuracy.

Salerno, J. M., **Peter-Hagene, L. C.**, & Jay, A. C. (Submitted for review). The angry Black stereotype: Anger expression creates racial disparity in social influence during group deliberation.

Peter-Hagene, L. C. (Manuscript in preparation). The role of self-regulation-induced depletion on interpersonal processes and decision accuracy during interracial jury deliberations: A theoretical model.

Peter-Hagene, L. C. (Manuscript in preparation). Is the cure worse than the disease? Emotion suppression impairs jurors' memory for case facts and increases punitiveness.

Bottoms, B. L., Davis, S. L., **Peter-Hagene, L.C.**, Nysse Carris, K. L. (Manuscript in preparation). Social support in the forensic interview: Improving children's memory accuracy immediately and after a one-year delay.

CONFERENCE PRESENTATIONS

*Alvarado, T., **Peter-Hagene, L.C.**, & Bottoms, B.L. (2016, April). *Does political orientation serve as a predictor of prejudice?* Poster presented at the UIC Research Forum, April 12th, 2016.

*Bellamy, S., **Peter-Hagene, L.C.**, & Bottoms, B.L. (2016, April). *Juror age and motivation to reach a fair verdict.* Poster presented at the UIC Research Forum, April 12th, 2016.

*Dabah, S., **Peter-Hagene, L.C.**, & Bottoms, B.L. (2016, April). *The influence of jurors' group performance style on memory for case evidence.* Poster presented at the UIC Research Forum, April 12th, 2016.

*Malagon, E., **Peter-Hagene, L.C.**, & Bottoms, B.L. (2016, April). *Does similarity of verdict and race affect likability among jurors?* Poster at the UIC Research Forum, April 12th, 2016.

*Papadakis, D., Peter-Hagene, L.C., & Bottoms, B.L. (2016, April). *How jurors' gender and motivation affect decision making after jury deliberation*. Poster presented at the UIC Research Forum, April 12th, 2016.

Peter-Hagene, L. C., & Salerno, J. M. (2016, March). *The dual effects of emotion suppression on jurors' memory, racial bias, and negative emotion*. Paper presented at the annual meeting of the American Psychology-Law Society, Atlanta, GA.

Peter-Hagene, L. C. (2016, March). *Jury diversity increases leniency and motivation to reach a fair verdict for African-American -- but not White -- defendants*. Paper presented at the annual meeting of the American Psychology-Law Society, Atlanta, GA.

Salerno, J. M., & **Peter-Hagene, L.** (2015, October). *Emotion expression creates race and gender gaps in minority influence during group decision making*. Paper presented at the 2015 annual meeting of the Society for Experimental Social Psychology, Denver, CO.

*Abuzir, S., **Peter-Hagene, L.C.**, & Bottoms, B.L. (2015, April). *Jurors' political orientation affects their punishment decisions for juvenile offenders*. Poster presented at the UIC Research Forum.

*Vaitla, K., **Peter-Hagene, L.C.**, & Bottoms, B.L. (2015). *The influence of jurors' aggression on punishment decisions for juvenile offenders*. Poster presented at the UIC Research Forum.

Peter-Hagene, L. C., Bottoms, B. L., & *Elayan, A. (2015, March). *Disgust mediates the effect of angry jurors' attitudes on verdicts*. Paper presented at the annual meeting of the American Psychology-Law Society, San Diego, CA.

Peter-Hagene, L. C., & Ullman, S. E. (2015, March). *The effect of sexual assault victims' drinking and self-blame on posttraumatic stress disorder in a longitudinal study*. Paper presented at the annual meeting of the American Psychology-Law Society, San Diego, CA.

Peter-Hagene, L. C., Bottoms, B. L., & Salerno, J. M. (2015, February). *Is the cure worse than the disease? Emotion suppression impairs memory for case facts and increases punitiveness for jurors with low emotion-regulation self-efficacy*. Paper presented at the annual meeting of the Society for Personality and Social Psychology, Long Beach, CA.

Salerno, J. M., **Peter-Hagene, L. C.**, & Devault, A. (2014, July). *Emotion expression creates race and gender gaps in minority influence during mock jury deliberation*. Paper presented at the biannual meeting of the European Association for Social Psychology, Amsterdam, Netherlands.

Salerno, J. M., & **Peter-Hagene, L. C.** (2014, June). *The interactive effect of anger and disgust in moral outrage and legal judgments*. Paper presented at the annual meeting of the International Society for Justice Research. New York, NY.

Peter-Hagene, L. C., & Bottoms, B. L., & Elayan, A. (2014, March). *Jurors' Attitudes Affect Verdicts in a Euthanasia Trial via Emotional, but not Cognitive, Mediators*. Paper presented at the annual meeting of the American Psychology-Law Society, New Orleans, LA.

Peter-Hagene, L. C., Bottoms, B. L., Davis, S. L., & Nysse-Carris K. L. (2014, March). *Mediators and Moderators of Supportive Child Interviewing After One Year*. Paper presented at the annual meeting of the American Psychology-Law Society, New Orleans, LA.

Ullman, S. E., & **Peter-Hagene, L. C.** (2014, March). A longitudinal study on positive and negative social reactions, PTSD, and sexual revictimization in victims of sexual assault. Paper presented at the Association for Women in Psychology Conference, Salt Lake City, Utah.

Salerno, J. M., & **Peter-Hagene, L. C.** (2013, June). *How gender, race, and emotion expression affect holdout jurors' influence during jury deliberation*. Paper presented at the annual meeting of the Law and Society Association, Boston, MA.

Peter-Hagene, L. C., & Bottoms, B. L., & Elayan, A. (2013, March). *Nullification instructions and anger: Moderators of attitudes effect on verdicts in a euthanasia trial*. Paper presented at the annual meeting of the American Psychology-Law Society, Portland, OR.

Peter-Hagene, L. C., Bottoms, B. L., Davis, S. L., & Nysse Carris K. L. (2013, March). *Effects of social support and secure attachment on children's suggestibility after one year*. Poster presented at the annual meeting of the American Psychology-Law Society, Portland, OR.

Salerno, J. M., & **Peter-Hagene, L. C.** (2013, March). *Incidental—but not integral—emotional evidence moderates the effect of defendant race on guilt judgments*. Paper presented at the annual meeting of the American Psychology-Law Society, Portland, OR.

Ullman, S.E., & **Peter-Hagene, L.C.** (2013, March). *Social reactions, coping, control and PTSD in female survivors of sexual assault*. Paper presented at the Association for Women in Psychology, Salt Lake City, UT.

Salerno, J. M., **Peter-Hagene, L. C.** & Lytle, B. (2013, January). *One angry woman: Emotion expression minority influence in a jury deliberation context*. Paper presented at the annual meeting of the Society for Personality and Social Psychology Psychology & Social Psychology Pre-Conference, New Orleans, LA.

Peter-Hagene, L. C., & Ullman, S. E. (2012, November). *Social support, perceived control over recovery, and drinking to cope in a sample of sexual assault survivors*. Paper presented at the annual meeting of the American Society of Criminology, Chicago, IL.

Ullman, S. E., **Peter-Hagene, L.C.,** & Relyea, M. (2012, July). *Cumulative impact of child and adult traumatic events in adult female survivors of sexual assault*. Paper presented at the International Conference on Family Violence., Portsmouth, NH.

Ullman, S. E., Relyea, M., **Peter-Hagene, L. C.,** & Bhat, M. (2012, June). *Problem drinking and drug abuse in women sexual assault survivors: Role of trauma history, coping, and PTSD*. Poster presented at the Research Society for Alcoholism, San Francisco, CA.

Peter-Hagene, L. C. & Salerno, J. M., (2012, March). *The interactive effect of anger and disgust on moral outrage and jurors' verdicts*. Poster presented at the annual meeting of the American Psychology-Law Society, San Juan, Puerto Rico.

Salerno, J. M., Bottoms, B. L., **Peter-Hagene, L. C.,** (2012, March). *Peripheral processing can help juries evaluate expert witness quality—when in the correct hands*. Paper presented at the annual meeting of the American Psychology-Law Society, San Juan, Puerto Rico.

Peter-Hagene, L. C., Salerno, J. M., & Bottoms, B. L. (2011, March). *Defendant race and juror gender effects on verdicts in a murder case*. Poster presented at the annual meeting of the American Psychology-Law Society, Miami, FL.

Salerno, J. M. & **Peter-Hagene, L. C.** (2011, March). *Gruesome evidence: Probative or prejudicial? The effect of probative versus non-probative photographs and defendant race on jurors' verdicts*. Paper presented at the annual meeting of the American Psychology-Law Society, Miami, FL.

Salerno, J. M., Bottoms, B. L., **Peter-Hagene, L. C.,** Roy, K., & Vargas, M. (2010, March). *Jurors' reliance on peripheral versus central processing of expert testimony during deliberation*. Paper presented at the annual meeting of the American Psychology-Law Society, Vancouver, B.C., Canada.

MEDIA COVERAGE

The Takeaway National Public Radio – Can Photos Change our Laws? (01/07/2016)
UIC News – Jurors influenced by gender, emotion, moral outrage (11/24/2015)
Time – Why Angry Men Are more Influential than Angry Women (10/27/2015)
Voice of America – Angry Men more Influential than Angry Women (10/27/2015)
Medical Daily – Female Anger: Impassioned Women Are Dismissed as Emotional and Tend to Lose Influence in Arguments (10/15/2015)

Elite Daily – It's not All in Your Head: Women who Show Anger Lose Respect
(10/15/2015)

New York Magazine – Women Who Show Anger Are Taken Less Seriously
(10/13/2015)

Pacific Standard – Anger Reduces Women's Ability to Influence Others (10/07/2015)

Pacific Standard – The Emotions that Prosecutors Elicit to Make Jurors Vote Guilty
(12/03/2013)