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ORAL COMMUNICATION APPREHENSION: SOME CONSIDERATIONS OF  
THE TRAIT-LIKE AND SITUATIONAL CONDITIONS ON JURY VENIRES AND  
DELIBERATING TRIAL JURIES

*The University of Arizona*

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ORAL COMMUNICATION APPREHENSION: SOME CONSIDERATIONS  
OF THE TRAIT-LIKE AND SITUATIONAL CONDITIONS ON  
JURY VENIRES AND DELIBERATING TRIAL JURIES

by

William Randolph Derr

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A Dissertation Submitted to the Faculty of the  
DEPARTMENT OF COMMUNICATION

In Partial Fulfillment of the Requirements  
For the Degree of

DOCTOR OF PHILOSOPHY  
WITH A MAJOR IN COMMUNICATION

In the Graduate College  
THE UNIVERSITY OF ARIZONA

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As members of the Final Examination Committee, we certify that we have read the dissertation prepared by William Randolph Derr entitled Oral Communication Apprehension: Some Considerations of the Trait-Like and Situational Conditions on Jury Venires and Deliberating Trial Juries

and recommend that it be accepted as fulfilling the dissertation requirement for the Degree of Doctor of Philosophy.

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SIGNED: William T. Shaw

## DEDICATION

This dissertation is dedicated, with love and thanks, to Eugene Kies Derr, my father; Lema Pope Derr, my mother; and Mary Elizabeth Derr, my wife. I have drawn strength from each of these three and they have given of themselves without reservation to me, many times without my thanks.

My father, an accomplished and recognized Civil Engineer, was both a technician and an artist. He instilled in me a sense of practicality and an appreciation for beauty. My mother provided me with an understanding of the propriety of accomplishing a worthwhile task once begun and a sense of inner quietness from which one might draw personal strength. My wife, a gracious and charming Southern Lady, showed me how to accept a state of being without the angst of becoming. For this, I thank you, PAL.

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Quite literally, this work could not have proceeded beyond a point of speculation had I not received the permission of the Superior Court of Pima County, Arizona, to conduct the research. I respectfully thank each of the trial judges who granted me their permission to come into their courtrooms to observe trials and collect data from impaneled jurors at the conclusion of these trials. In particular, I am indebted to the Honorable G. Thomas Meehan, Presiding Judge of the Court, and the Honorable John G.

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Jury Commissioner Teal Harris, and her staff, deserve my sincere thanks for their able assistance to me during the time that I spent collecting data from members of the venire. I also wish to thank Bailiff Karen Downing for her help in administratively handling the multitude of data collection instruments from various court divisions.

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Finally, I wish to thank the citizens of the City of Tucson and Pima County, Arizona, who, as venire members and jurors in the trials I observed, willingly participated with me by providing data for analysis. These persons are anonymous to me but without them this research would not have been possible. These persons determine the guilt or innocence of an accused person or entity under our system of jury trial. Their responsibilities are great and when they have finished their work and reached their verdicts, they will be praised by some and damned by others.

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## ABSTRACT

This dissertation measures the levels of trait-like and situational oral communication apprehension in jury bodies and provides some interpretation of these measurements on these bodies. By extending research on oral communication apprehension to juries, a clearer understanding of the impact of this phenomenon on specialized small groups is possible. Juries constitute a specialized small group because of the manner by which jurors are selected, the rules applying to their discussion of trial matters, their isolation from external influences during a trial, and their objective to determine a trial verdict for which they have personal impunity. Results of this study were obtained from analysis of data acquired from actual venire members and jurors in the Pima County Superior Court in Tucson, Arizona.

The study uses a data collection instrument that is a modification of the Personal Report of Communication Apprehension-24 combined with the Situational Communication Apprehension Measure. This research determined that the overall trait-like oral communication apprehension level of venire members is below that normally found in other groups, whereas, the situational apprehension level of jurors is

generally above that level found in nonjury small groups. This situational apprehension level varies considerably depending on the ethnicity of the individual venire member or jurors and the nature of the trial on which the juror is impaneled. The study further determined that certain factors normally associated with leadership role fulfillment appear to be altered inside the jury deliberation room. Jury service appears to serve as a motivational drive that lowers the fears and anxieties that high communication apprehensives associate with interactive speaking in small groups.

## CHAPTER 1

### STATEMENT OF THE PROBLEM

#### Introduction

G. K. Chesterton implied the importance of trial juries when, in his essay entitled "Twelve Men," he wrote:

Our civilization has decided, and very justly decided, that determining the guilt or innocence of men is a thing too important to be trusted to trained men. . . . When it wants a library catalogued, or a solar system discovered, or any trifle of that kind, it uses up its specialists. But when it wishes anything done that is really serious, it collects twelve of the ordinary men standing around (Simon, 1975, p. 14).

Jurors accomplish a vital service to their communities when they reach a final verdict in a court case. We assume that there is a high level of interactive oral communication among all jurors in a specific panel as they consider what their verdict will be. Does such interactive communication actually take place? Is the deliberation process, itself, hampered in any way by a lack of communication among all the jurors? The answers to these questions are uncertain.

Matlon et al. (in press) reported that some social scientists have become interested in studying actual trial juries. Such studies offer methodological challenges to researchers because of the difficulties encountered in

collecting data on jurors for subsequent analysis and interpretation. In part, these difficulties stem from the protection and isolation of juries demanded by courts.

Consequently, human communication (as well as other) scientists possess limited accurate knowledge about speaking behaviors of jurors. Such knowledge as is presently available derives from four sources: venire research, "mock" jury studies, trial observations, and published interviews given by former actual jurors. Information obtained from these sources under these circumstances is subject to problems inherent in self-reporting and source subjectivity. However, such information is fundamental to researchers who hope to achieve better understanding of what is really going on inside juries. Taylor (1985) suggested that the "research community interested in the field of legal communication is doing the best it can" to advance our knowledge about juries.

Speaking behaviors of deliberating jurors have been studied from a number of perspectives. Researchers have reported findings that are inconsistent and, in some cases, dichotomous. Broadly, these findings indicate that deliberating jurors speak among themselves at sharply different rates and some of them fail to talk at all during this process. There has been little attempt, if any, to explain this divergent speaking behavior. Possibly, such behavior can be accounted for, in part, by the individual

juror's felt levels of trait-like and situational oral communication apprehension (TLCA and SCA) (McCroskey, 1970; Richmond, 1978).

#### Research Purpose

The purpose of this dissertation is to measure the levels of TLCA and SCA in juries and provide some interpretation of these measurements. This information does not currently exist.

#### Research Need

The original oral communication apprehension (OCA) construct was advanced by McCroskey (1970) who has concentrated most of his efforts, to this point, on studying the trait-like, long-term characteristics of this communicative dysfunction in the school and workplace environments. McCroskey's (1981) "Reconceptualization" article acknowledged the situational or state-like aspect, a rather more transitory condition, of OCA and encouraged investigation of this component. Furthermore, McCroskey suggested that these investigations attempt to account for the measurements and effects of this component in areas in addition to those studied for TLCA.

By extending research on the measurements and effects of TLCA and SCA to juries, we can begin to understand impacts of oral communication apprehension on specialized small groups. Juries constitute a specialized

category because of the way in which jurors are selected (statistical randomness and legal representativeness), the rules that apply to their discussions of trial matters (secrecy), their isolation and insulation from all external influences during the trial (court monitored protective systems), and their objective to determine the final outcome of a trial by their verdict (with personal impunity for their decision). Few other, if any, small groups are assembled under these conditions.

#### Research Hypotheses

In order to accomplish the research purpose of this study, the following hypotheses are formulated. Limited rationale will be provided for each working hypothesis:

RH1: In twelve-member juries, the numerical proportion of jurors who score high or low levels of TLCA (beyond one standard deviation above or below mean) will be the same as in eight-member juries.

The purpose of RH1 is to establish some initial calculations about the number of jurors scoring high or low levels of TLCA in eight- and twelve-member panels and compare these calculations between the two groups. This will establish estimates of the distribution of high and low trait-like oral communication apprehension (H/LCA) levels in venires and juries. Such information does not exist currently.

These calculations will be compared with the McCroskey estimates of TLCA distribution in sample populations he has studied (primarily from the school and workplace settings). McCroskey (1977) reported approximately 20% of these samples scored HCA levels and 20% scored LCA levels (McCroskey, 1985). This dissertation will refer, henceforth, to these two estimates as the "McCroskey Estimates."

Therefore, we expect eight- and twelve-member jury panels to contain, respectively, 1.6 and 2.4 jurors each scoring either high or low OCA levels. Arithmetically and practically, these figures should be read as two jurors in either panel size who will score these levels of TLCA. It is important to note here that these calculations are made to establish data where none currently exists.

RH2: In twelve-member juries, the proportion of jurors scoring high SCA levels (beyond one standard deviation above mean) will be greater than in eight-member juries.

The purpose of this hypothesis is to establish initial calculations about the proportional distribution of SCA levels within deliberating juries. This information does not currently exist.

Our expectation for the direction of this hypothesis is based on research indicating that as jury panel size increases, speaking frequencies of individual jurors in the

larger juries decrease (Kalven and Zeisel, 1966). Further, conventional wisdom suggests that as the size of a group increases, the group offers members a greater opportunity to speak infrequently or remain silent altogether. In juries, this conventional wisdom seems to be corroborated by the Kalven and Zeisel finding. McCroskey (1977) reported that persons with HCA levels avoid speaking to others when they can do so in order to reduce the fears and anxieties they associate with interactive communication. Even in a group setting, these highly communicative apprehensives speak to others only when they must. Certainly, this form of hiding is a mechanism that reduces speaking interactions with others.

RH3: Jurors scoring low TLCA and SCA levels (beyond one standard deviation below mean) will be selected forepersons and will perceive themselves to be opinion leaders in juries.

The purpose of this hypothesis is to investigate leader role assumption in juries. McCroskey (1985) reported that a clear indication of a person's attempt to become a leader within a group (and, therefore, perceive him or herself fulfilling such a role) is that individual's efforts to initiate and expand oral communication with others in the group. In general, low oral communication apprehensives are perceived as talkers and talkers tend to assume leader roles

in groups, and others seek the opinions of these leaders when decisions (verdicts) are required (McCroskey, 1985).

RH4: In juries containing high and low socioeconomic status members, levels of SCA will be lower among high socioeconomic status members.

The purpose of this hypothesis is to investigate leader role assumption in juries from the socioeconomic status perspective of jurors. In general, socioeconomic status is a function of one's tangible physical possessions, income and occupation levels, and educational status. The greater the amount of these factors, the greater the socioeconomic status of the holder. As broad indicators of socioeconomic status in this study, data were collected by this researcher only on the educational levels and current employment positions of subjects. Therefore, it is on these two variables that determination of socioeconomic status was made. Subjects who reported a university degree of undergraduate or graduate level and a current occupation normally associated with professional status (or retirement therefrom) were considered to be high socioeconomic status members. Subjects who reported a business or high or trade school educational level and a current occupation normally associated with the trades or a low level office position were considered to be low socioeconomic status members. In unusual situations (such as a subject with less than a university degree but one obviously filling a professional

position), each case was considered on its own merits with assignment to high or low socioeconomic status made accordingly.

The two indicators (education levels and current occupational positions) used to establish high or low socioeconomic status are subjective, imprecise, and a "judgment call." Research subjects were not requested to provide information on their individual income levels. We argue that if these subjects were asked to assess their personal socioeconomic status then each assessment would have been a subjective one based on personal perceptions of factors comprising such status.

Buss (1980) isolated certain variables, of which socioeconomic status is one, that contribute to an increase or decrease in a person's level of SCA. Low socioeconomic status contributes to increased levels of SCA. High socioeconomic status is viewed by others as an indication of leader qualities. Therefore, high socioeconomic status might be predictive of leader role assumption (foreperson) in deliberating juries containing all low socioeconomic status members except one who enjoys high socioeconomic status.

RH5: In juries composed of mixed genders, the SCA levels of females will not be greater than those of males.

Research on matters of juror competency and objectivity during deliberation has generated more unfavorable information concerning female jurors than males. For example, Strodtbeck and Mann (1955) reported that male jurors in civil case deliberations perceived that their female counterpart jurors assumed passive roles that focused on tension reduction among male jurors. Simon (1975) reviewed a portion of this literature regarding male perceptions of female jurors. She reported in the civil case juries she studied, male jurors viewed female jurors as emotional, sympathetic, and more likely to return verdicts favoring attractive male plaintiffs, while demonstrating intolerance for the complaints of female litigants. However, in criminal case verdict deliberations, female jurors were evaluated by their male counterparts to be as expressive in discussing their views as males.

These views that some male jurors hold of female jurors might be traced to deep-seated, psychologically-based perspectives that these males have traditionally held about women whom they perceive as the more nurturing of the two genders. In the mid-1980's, some females have moved into workplace hierarchies previously occupied by only males. It seems reasonable to assume that some female jurors, today, will participate in civil or criminal trial verdict deliberations with the same degree of speaking interaction

and frequency that many of their male counterparts bring to this activity.

RH6: In juries containing Hispanic-Americans whose primary language is Spanish, levels of SCA among these jurors will be greater than among those jurors whose primary language is English.

McCroskey et al. (1985), studying TLCA levels among Spanish speaking (primary language) students at the University of Puerto Rico, reported that these subjects scored among the lowest levels when speaking Spanish but among the highest levels when speaking English. Although, at this point, we have no official language in the United States, English (or translation of a foreign language or document into English) is required in our court systems.

This hypothesis is important to this study because of its location: Pima County and Tucson, Arizona. Tucson, where the Pima County Superior Court is located, is a growing city with approximately 595,000 residents (1985 mid-decade census, United States Government). Bejarano (Frias, 1985) reported that about 25% of this population is Hispanic-American (approximately 148,750 residents). Many of these persons probably use Spanish as a primary language and many of them are subject to call for jury service.

RH7: Levels of SCA of the oldest (65 years or older) and youngest (under 21 but at least 18 years) jurors

will be greater than those of jurors between the ages of 21 and 64 years.

McCroskey (1977) reported that 20% of adult population samples scored high levels of TLCA and 20% scored low levels of TLCA (McCroskey, 1985). Such calculations do not exist, currently, for SCA levels in these age groups from which juries are drawn in Arizona.

Assumptions regarding "oldest" and "youngest" jurors appear to be realistic. Those persons 65 years of age or older, who are otherwise qualified, are eligible for full social security benefits from the federal government and those persons at least 18 years of age are called for jury service in this state.

RH8-RH10: These three hypotheses are grouped together. The reason for this grouping will be explained in the rationale section accompanying the hypotheses statements.

RH8: As facts and issues in the trial become more complex, the levels of SCA of all jurors will increase.

RH9: As issues in the trial become more sensitive, the levels of SCA of all jurors will increase.

RH10: As the judge's instructions in a trial become more complex, the levels of SCA of all jurors will increase.

These three hypotheses are grouped together because they investigate two points: an individual juror's perception of the complexity of case-specific facts, issues, and

law instructions and that juror's perception of the sensitivity of case-specific issues. In this study, "complexity" is defined as a confusion variable inhibiting a juror's clear understanding of these matters and "sensitivity" is defined as the power that a particular piece of trial information or evidence has to shock or revolt the emotions of that juror.

Nichols (1961) established that there is an inverse correlation between perceived complexity of information received by a person and that person's effectiveness and attentiveness in listening to the information. The more complex a person perceives a piece of information to be, the less effectively that person will listen to that information because it (the information) falls outside that person's normal frame of reference. Jurors receive most of the information they get in trials through their sense of hearing. In many trial instances, jurors are confounded and confused by bits and pieces of testimony (stories) that seem to be disjointed and unconnected. Such testimony may be provided, over the course of a long and complicated trial, by a number of witnesses called by either or both the prosecution or defense lawyers. Experienced lawyers will understand, quickly, that one important task facing them is to help jurors make sense out of this testimony. Such lawyers will provide coherent accounts that have

recognizable beginnings, middles, and endings, in order to accomplish this task.

In addition to variables affecting listening and comprehension, Hunt (1980) isolated several speaking variables that inhibit understanding of information passed among members of small groups. Two such variables are condensation (the shortening of information and possible deletion of important details by a source speaking to a receiver) and assimilation (a receiver who must fill in assumed details in order to make sense of information containing gaps that was provided by a speaking source who omitted important details).

Finally, conventional wisdom suggests that as individuals receive information they perceive to be sensitive in nature, some of them will tend to be reluctant to discuss these emotion-laden issues or even avoid doing so altogether if possible.

RH11: The level of SCA of a juror with previous jury experience will decrease during current deliberations.

McCroskey (1982) reported that previous success in speaking with others causes persons to feel greater confidence that future activities involving oral communication, on their part, will also be successful. Such positive feelings are based on expectancy learning and learned helplessness (Seligman, 1975). In the context of this hypothesis, we recognize that we are suggesting that some

linkage exists between the concepts of "previous success" and "previous experience." Normally, these two concepts are not automatically or necessarily identical. However, it seems reasonable to assume that a current juror who has previous jury experience (including his or her previous success in speaking interactions with others) should manifest a lower SCA level than jurors who are experiencing jury service for the first time.

#### Study Limitations

This study investigates levels and effects of oral communication apprehension in juries. Responsible scholarship dictates that caution must be strongly urged in any attempt to generalize these findings beyond the specified setting.

Trial juries attend only to the centrality of decision making. Jurors do not define the question facing them; courts do. Jurors do not implement the verdicts they reach; courts do. Jurors do not explain their verdict because the court requires no such explanation from them. Their sole function, after making their decision, is to report it to the Court.

However, juries bear a tremendous community responsibility in determining the guilt or innocence or the liability or nonliability of persons or entities against whom charges or complaints are brought. In this respect,

juries are unlike any other kind of small group. We place a high value on our justice system. The core of that system is the verdict-reaching jury. In accomplishing their work, jurors enable us to order our personal and professional lives.

#### Preview of the Following Chapters

The following chapters will describe jury research, oral communication apprehension, and the specific nature of this study. Chapter 2 will present a limited review of the literature concerning the topic under investigation. Chapter 3 will describe the research methodology. Chapter 4 will present the data obtained in this study. Chapter 5 will discuss the results of the analysis of these data, suggest interpretations for them, recommend areas for further research, and address what new information has been learned about oral communication apprehension in general and in specific application to the jury deliberation process.

## CHAPTER 2

### LITERATURE REVIEW

The purpose of this chapter is to present a limited review of the literature concerning small group deliberation dynamics, the jury deliberation process, and oral communication apprehension (OCA). A number of mathematical models of juror decision making exist. These models fall outside the scope of this study because such models focus, generally, on verdict outcome rather than the deliberation process. A review of some of these models is included in Hastie, Penrod, and Pennington (1983).

#### Small Group Dynamics

Cartwright and Zander (1968) reported four generalizations about small groups: they are inevitable and ubiquitous, they mobilize powerful forces and produce effects of the utmost importance to individuals, they generate good and bad results, and they are characterized by dynamics the correct understanding of which enable us to enhance the desirable consequences produced.

These generalizations appear to be applicable to trial juries. Juries are inevitable and ubiquitous because they are integral to our justice system. Juries set powerful, court-controlled forces in motion through the

verdicts they reach. These verdicts are of the utmost importance to all parties in a trial. Juries produce good results by arriving at legally supportable verdicts in the context of the evidence presented during the trial they hear and bad results when their verdicts are legally unsupportable.

Juror deliberation dynamics are not well understood by researchers because of scant accurate data available for analysis and interpretation. The deliberation activity of jurors is, however, not completely unlike decision-making dynamics that operate in other small groups. Decision making in nonjury small groups has been studied quite thoroughly, and it is possible to obtain some indication of the operating dynamics in juries from the knowledge we have about such dynamics in nonjuries.

For example, Fisher (1970) provided one view of nonjury deliberation (decision-making) dynamics known as the Decision Emergence Model. This model posits four phases of small group deliberation: orientation, conflict, emergence, and reinforcement. Goldberg and Larson (1975) summarized this model as one in which a basic decision-making pattern was observed wherein alternative decision proposals are advanced by group members. As small groups move toward a final decision, members become involved in advancing and arguing for or against these decision proposals until a single decision proposal becomes the preferred choice of all

or a majority of the group members. Implicitly, this process involves verbal (and, probably, nonverbal) communication interaction among the members of the small group. This model appears to be a framework through which the deliberation dynamics of a verdict-reaching jury can be studied as the jury proceeds through the phases of acquaintanceship, discussion and/or argumentation about verdict candidates, unanimous or majority agreement on final verdict, and psychological bolstering for the agreed outcome.

#### Functions and Characteristics of Juries

Juries are microcosms of the communities from which they are drawn. Their verdicts represent a broader community statement about the matter they decide. Faced with the serious responsibilities of verdict-achievement, jurors might expect guidance from the judicial system about how they should accomplish their task.

Such guidance exists at an abstract level in the Sixth Amendment to the United States Constitution and in certain, somewhat more concrete, statements provided by the United States Supreme Court. Hastie, Penrod, and Pennington (1983) summarize this guidance from the functional and characteristic perspectives.

Functionally, juries exist to (1) protect citizens from arbitrary law enforcement, (2) protect accused parties

from overzealous prosecutors and/or eccentric judges, and (3) provide lay judgement and shared community responsibility for deciding the guilt or innocence of the accused.

Characteristically, juries should be:

1. Constituted from and represent cognizable classes of citizens within the community from which they are drawn.

2. Composed to include all community biases and viewpoints.

3. Accurate fact-finders who draw conservative yet reasonable inferences from propositions they hear.

4. Able to interpret correctly law instructions and issues such as presumption of innocence, proof burden, reasonable doubt, and preponderance of evidence.

5. Able to arrive at accurate, proper verdicts that free not-guilty and convict guilty parties without hanging on their final verdict.

#### Verbal Behavior of Jurors

The verbal behavior of jurors has been studied from a number of different perspectives. Generally, the findings reported from this research focus on interactive oral communication episodes and leave out considerations of the effect of nonverbal communication. This literature contains little, if any, reference to the more comprehensive investigation of the complete rhetorical dimension of communication

interactions between or among members of a small group. Such a comprehensive analysis of the rhetorical dimension would include, in part, assessments of variables such as the intent of the speaker, content of the message, speaker knowledge of the subject, issues of substance, speaker adaptation to an audience, the situation at hand driving a speaker to utter or argue a position on the matter, and certainly consideration of issues concerning content, style, and delivery.

Rather, available research on speaking behaviors of jurors appears to report such variables as frequencies of oral utterance(s) by a juror or faction of jurors and dominance of communication within a particular setting. Frequencies seem to be interpreted broadly as the number of times a particular person speaks in a setting and dominance attempts to identify the individual who speaks more than any other in a particular oral communicative episode. Some indication of the issues of speaker frequency and domination of the speaking setting are provided in the following reported findings.

For example, Strodtbeck, James, and Hawkins (1957) reported that in twelve-member juries more than one-half of the verbal communication is accounted for by only three members. Unfortunately, this study did not indicate whether this figure (more than one-half) was based on the frequency of separate speaking contributions or on the time consumed

by each speaker while talking. Kessler (1973) found that in six-member juries 95% of the jurors (effectively all) contributed to the deliberation discussions by making some kind of oral statement or statements but only 75% of the jurors in twelve-member panels do so. Kessler appears to suggest, based on this finding, that 25% of the members of this body (3 jurors) do not speak during the process. Saks (1978) reported that approximately 20% of the deliberating jurors remain silent. Unfortunately, Saks failed to indicate the size of the juries he studied, however, a straight multiplication of this percentage to six-, eight-, and twelve-member juries indicates that 1.2, 1.6, or 2.4 jurors remain silent (make no oral statement) throughout the verdict determination process.

Hawkins (1962) and Kalven and Zeisel (1966) studied the formation of factions (subgroups) within juries. In general, the formation of a faction within a small group is an indication of positional siding of the members within the faction on a particular issue. This research indicated that as the factions grow in size by gaining additional members (a process that obviously involves some degree of persuasive speaking by members of the gaining group), these factions account for increased amounts of verbal communication. However, the amounts of verbal communication of each member of the faction decreased in quantity under this condition. Further, Kalven and Zeisel (1966) reported that the larger

factions were able to influence (the act of persuading, involving some degree of oral communication) the overall jury to vote a final verdict outcome in the direction of the initial majority vote in nine out of ten cases.

Simon (1959) studied the effects of educational levels of jurors on their individual speaking amounts (frequency and quantity) during jury deliberation. She reported that highly educated (not further defined) jurors speak more than less educated (not further defined) jurors during this process. However, she reported no statistically significant differences in the influence capacity of one group over the other (highly educated jurors who speak more when compared to less educated jurors who speak less). Concerning educational levels of jurors, an interesting yet general observation reported by Simon (1967) is that more educated jurors tend to convict accused parties. However, this finding is inconsistent with that of Mills and Bohannon (1980) who reported that as educational levels of jurors increase, acquittals also increase.

Hastie, Penrod, and Pennington (1983) reviewed other research findings of the verbal communication behaviors of deliberating jurors. For example:

1. Deliberation time increases as the case complexity and strictness of the decision (verdict) rule increase (p. 27). Thus, trial judges who direct a unanimous verdict in a complex case should expect juries to take more

time in their discussions of and arrival at the final verdict.

2. Verdict achieving jurors reach this outcome three times faster than jurors who "hang" on their final verdict (p. 27). Although a "hung" jury may be said to be making a kind of final statement concerning the accused, it is a statement that falls outside the strict definition of a final verdict. In cases where juries "hang" on a verdict, trial judges are prone to encourage such juries to try again to reach a final decision so as to attain proper case disposition. In general, in the legal community such encouragement is known as the Allen (dynamite) charge. At the abstract level, the purpose of this charge is to focus the jury's attention on the right of the court and the community to expect closure in a trial.

3. Eighty percent of the verbal communication of "mock" deliberating jurors is relevant to their final verdict determination (p. 28).

4. Male jurors speak more than female jurors during deliberation (p. 28). (Speaking measure is not defined as to frequency or quantity. This comment applies also to items 5 and 6 following.)

5. High socioeconomic status jurors (gender undifferentiated) speak more than low socioeconomic jurors during deliberation (p. 28).

6. Jurors who occupy seats at the ends or middles of rectangular deliberating tables speak more than jurors who sit in chairs at corner or flank locations (p. 28). This finding reports only on the quantity of verbal output of jurors occupying seats around a deliberation room table. It does not explain why such increased verbal activity is found in jurors who take certain chair locations around the table nor does it respond to identification of the independent or dependent variables in the situation.

7. Minority faction jurors talk more and are more influential in juries that must achieve a unanimous verdict than in juries where a majority-vote verdict is acceptable (p. 31).

8. Deliberating jurors reach the critical deliberation point more quickly in majority-vote juries than in unanimous verdict juries (pp. 29-32). The critical deliberation point is defined as the point in deliberation when argument for one verdict outweighs argument for any other verdict so that reversal of a jury's opinion is effectively precluded.

This completes a review of the literature applicable to the verbal communication behavior of deliberating jurors. This literature review will continue with findings regarding oral communication apprehension.

### Oral Communication Apprehension

The oral communication apprehension concept (McCroskey, 1970) is based on two earlier constructs: stage fright (Clevenger, 1959) and reticence (Phillips, 1965). McCroskey (1981, p. 139) identified stage fright as the "oldest of the conceptualizations related to oral communication apprehension" and the original view of reticence as the "immediate antecedent" of his work. Stage fright is defined as the fear (anxiety) a person feels when he or she must speak in public. Reticence, a cognitive condition found in persons of diminished speaking competence, goes beyond stage fright to encompass multiple oral communication episodes wherein one of the interactants becomes taciturn with another or others.

McCroskey (1970, p. 269) originally defined OCA as a "broad-based anxiety related to oral communication" and identified communication apprehensives as persons whose "fear of communicating with others outweighs projections of gain from such an activity." McCroskey (1978, p. 78) subsequently redefined OCA as an "individuals' level of fear or anxiety associated with either real or anticipated communication with another person or persons." The focus of this definition remains on the oral component of communication (McCroskey, 1981) as compared to a writing apprehension component (Daly & Miller, 1975) or a singing apprehension component (Andersen, Andersen, & Garrison, 1975).

### Reconceptualization of OCA

By 1981, McCroskey noted over 200 published pieces concerning OCA or related material. Payne and Richmond (1984) compiled a comprehensive bibliography of over 800 published pieces on this subject.

McCroskey (1981) deemed a reconceptualization of his construct appropriate in order to provide the interested research community with his thinking on this topic. His efforts here focused on two points: the oral dimension and the acknowledgement of a situational condition of OCA.

McCroskey differentiated between persons manifesting TLCA and SCA. He described a person manifesting TLCA as one who is apprehensive across a wide variety of speaking encounters and a person manifesting SCA as one who is apprehensive under state-specific speaking encounters. This differentiation created debate among interested researchers about the existence of a true trait-state dichotomy between the two types of apprehension. Richmond (1978) cautioned that "it would be erroneous to think of the distinction as dichotomous" and McCroskey (1981, p. 147) rejected a "false state-trait dichotomy" urging that OCA resides on a continuum from the "extreme trait pole to the extreme state pole, although neither the pure trait nor the pure state probably exists as a meaningful consideration."

McCroskey (1981) identified four points on the continuum representing distinct types of OCA: "trait-like,"

"generalized-context," "person-group," and "situational." For clarity, McCroskey (1984, p. 181) retitled "generalized-context" as "context-based" and "person-group" as "audience-based" but retained the other two qualifiers "to reflect the basis of CA more clearly." The first three qualifiers are relatively long-term conditions; the last rather more passing in nature.

McCroskey (1981, p. 147) defined "trait-like" OCA as a "relatively enduring, personality-type orientation toward a given mode of communication across a wide variety of contexts," "context-based" apprehension as a "relatively enduring, personality-type orientation toward a given mode of communication in a given type of context," "audience-based" apprehension as a "relatively enduring orientation toward communication with a given person or group of people" (p. 148) and "situational" apprehension as a "transitory orientation toward communication with a given person or group of people" (p. 148).

Trait-like and context-based OCA levels are measured with the Personal Report of Communication Apprehension (current version PRCA-24) (McCroskey, 1982). Audience-based and situational OCA levels are measured with the Situational Communication Apprehension Measure (SCAM) (Richmond, 1978; Richmond & McCroskey, 1985). The SCAM is a modified version of the Spielberger (1966) State Anxiety Measure. Both the PRCA-24 and the SCAM will be described in Chapter 3.

### Etiology of OCA

The etiology of OCA is unknown. Heredity and environment are suggested as two broadly interrelated causes; however, the degree to which each variable contributes to OCA is also unknown. McCroskey (1981, p. 153) puts the etiology of OCA simply and directly: "We can be born with it or we can learn it."

Research aims to establish, where possible, cause-effect relationships. Kagan (1985), a Harvard medical researcher, has observed an interesting, but undefined, relationship believed to demonstrate a possible correlation between the human brain chemical, cortisol, and shyness (Zimbardo, 1977). Shyness is a concept closely related to OCA (McCroskey, 1981). Kagan posited that shyness might be a "biologically-based temperamental quality present at birth." His assertion is based on longitudinal research concerning a sample (n=100) of children from toddler to primary school age. His research indicated that 10% of these children were "timid and fearful" and another 10% were "extroverted and outgoing." Kagan attributed these "temperamental extremes" to the "consequences of neural circuitry which makes them [the children] react differently to stress." The quantities of cortisol in the brains of the timid, fearful children were found to be higher than those quantities in the brains of the extroverted, outgoing children at all times. Kagan's finding merits further

research as a possible cause of both shyness and OCA, however, such a study is well beyond the scope of this dissertation.

The position of this researcher is that TLCA is cognitively-focused, learned in childhood, and based on degrees of positive or negative reinforcement received during attempts to speak with others. Psychological reinforcement is given by significant others who fulfill important roles in the life of the communicant. Some of these significant others might be father, mother, siblings, other relatives, or close friends. Generally, an individual who receives positive reinforcement for engaging in a behavior (in this case, speaking) will continue in the behavior. Persons receiving consistent negative reinforcement for engaging in some behavior will avoid such behavior when it is possible to do so. McCroskey (1981) reported that consistent negative reinforcement elevates levels of OCA and other physical and mental anxieties when a person is forced into situations where a particular behavior (speaking) cannot be avoided.

Taugher (1981, p. 7) agreed with a reinforcement perspective of learned TLCA asserting that:

this view assumes that external reinforcement (both positive and negative) has a major impact on an individual's level of communication. If a certain stimulus is perceived as generating a certain response (after some number of reinforced trials), the individual associates the two (the stimulus and the response). If the stimulus is communication,

and the communication results in punishment (response), the individual will attempt to avoid communication.

Causes of TLCA are difficult to establish, however, causes of SCA are more clearly understood. Buss (1980) isolated certain variables that appear to contribute to elevated levels of SCA: novelty, formality, subordinate status, conspicuity, unfamiliarity, dissimilarity, and perception of amounts of attention received from others. Daly and Hailey (1980) reported that when an individual has failed (not further defined) in an interpersonal speaking attempt, the SCA level of that individual becomes elevated when the person is required to repeat such an activity in a current situation. As yet, no accurate determination has been made of the combinatorial ways in which these variables act to elevate levels of SCA. However, all of these variables seem to apply to juries and a limited description of each variable will be provided in the following section.

#### Variables Elevating SCA

##### Novelty

Novel situations include elements of newness, dissimilarity, and the unknown for most people experiencing such situations. First-time jurors could well interpret jury service as novel. In general, these jurors might be uncertain about acceptable norms of personal behavior in fulfilling their new roles within the formal setting of a

court of law. Such uncertainty demands rapid personal assessment of acceptable behaviors, including speaking behavior. Trial and error might be the only basis for rapidly developing these new behaviors and such an approach might lead to elevated levels of personal SCA.

#### Formality and Status

Trials are formal proceedings. Jurors are treated in a formal fashion inside the courtroom and these jurors become preconditioned to such a style. Such formality that exists among jurors inside the courtroom may or may not extend into the deliberation room; however, it seems to be a reasonable assumption that some modicum of this formality will carry over (at least initially) to the verdict deliberation phase of the trial. Formal situations incorporate embedded personal behavior protocols. Regarding speaking behaviors and role fulfillment expectations between seniors and subordinates in small groups, McCroskey (1981) established that the lower the perceived degree of latitude for deviation from expected norms (as perceived by the subordinate member), the higher the potential for a subordinate's elevated (increased) level of SCA. Certainly an argument can be made here that as a jury sits together over the course of a long trial, issues of formality and personal status become less of an influence as these jurors become better acquainted. However, a counterargument can

also be made that although some trials are lengthy, most are concluded rather quickly. In the six trials observed in this study, none required more than two working days to complete and none of the juries were sequestered. Therefore interpersonal relationships that might have sprung up among these jurors, because of the length of their acquaintance-ship, probably did not occur to any appreciable extent. Consequently, the relationships among these jurors were likely to have remained on a somewhat formal plane.

#### Unfamiliarity, Dissimilarity, and Attention

Jurors are impaneled through random selection. Ideally, a jury would contain all viewpoints represented within the community from which the jurors were drawn. Legal representativeness is a strongly worthwhile characteristic of a jury so that the accused will be judged by a peer panel who, in fact, represent all the community perspectives. From a communication apprehension perspective, legal representativeness contributes to high uncertainty and low probability.

For example, when impaneled, jurors will probably be unfamiliar with their new duties and with each other, dissimilar in personal characteristics (e.g., gender, profession, age, and ethnicity), and divergent in their individual opinions about the alleged offense. Further, all of these jurors will experience differing levels of

discomfort as other jurors (on the same panel) pay greater or lesser attention to them and to what they might say regarding the trial and the verdict outcome. McCroskey (1981, p. 156) reported that for most people a moderate degree of attention from others is the most comfortable situation. Therefore issues of unfamiliarity, dissimilarity, and high attention from others tend to elevate personal levels of SCA.

### Conspicuity

Conspicuity seems to be embedded in situational novelty. A person can both feel and be conspicuous. A person is conspicuous when behaving in ways considered by others to be outside the norms of surrounding behavior. A person feels conspicuous when he or she perceives that personal circumstances are different from those of others in the immediate vicinity. McCroskey (1981) reported that conspicuity elevates SCA levels. This variable will probably be found to operate in juries because of the novelty of jury service.

### Previous Speaking Outcomes

McCroskey (1981, p. 156) asserted that success or failure of a person's previous attempts to speak with others "may be the most important of all" variables elevating SCA. McCroskey (1981, p. 158) assumed that people not only develop expectations concerning other people and situations

in which they become involved but they also develop such expectations about the probable outcomes of engaging in certain behaviors, such as speaking with other people. Situational confidence develops from finding that these expectations are confirmed. However, when these expectations are found to be inaccurate, and these inaccuracies recur, lack of confidence is established in the individual. The individual is now confronted with the problem of developing new expectations. These newly developed expectations produce fear for the individual when they entail negative outcomes that appear to be unavoidable.

A deliberating juror with a high SCA level who has experienced previous failed attempts to speak with others might well view this deliberation as yet one more situation in which the speaking outcome will result in another failure. Therefore, his or her expectations about this event have an embedded sense of negativism. To reduce these negative outcomes, this juror might well attempt to avoid speaking with other jurors at every possible opportunity to do so and, thereby, reduce the available number of inputs for the other jurors to consider in reaching a final verdict.

#### General Effects of Oral Communication Apprehension

McCroskey (1977) reported that high TLCA is based on three theoretical propositions. Of these three

propositions, one is significant to this study: "High apprehensives withdraw from and avoid where possible communication with others." Since this is a general proposition regarding the effects of trait-like oral communication apprehension, it seems reasonable to assume that such behavior will operate among high apprehensives of this kind who are currently serving as jurors. Other findings regarding the effects of high TLCA levels that appear to be of consequence in deliberating juries are these:

1. Persons with high TLCA levels talk less than others in small groups (Fenton & Hopf, 1973). (Frequency or quantity of talking was not specified.)

2. Persons with high TLCA levels make significantly less relevant statements than others during small group discussions (Weiner, 1973).

3. Persons with high TLCA levels are less assertive and responsive and are less likely to be considered opinion leaders than others in small groups (Knutson & Lashbrook, 1976).

When considering the overall effects of these findings, one might conclude that a person with a high TLCA level is uninvolved, unconcerned, and noncontributing as a member of a small group. Such a conclusion may be inaccurate. These high apprehensives might wish to behave in such a way as to be perceived by others as contributing

members of a small group; however, their fear of speaking with others overrides their capacities to do so.

Gross Distribution of  
Communication Apprehension in Juries

No estimates of SCA levels within juries currently exist. One purpose of this study is to establish these initial calculations. Estimates of TLCA levels in various populations were provided in Chapter 1. These estimates apply, as part of the overall sample McCroskey and others have studied, to adult and senior populations from which juries are drawn.

Presently, there are no reliable means available to determine accurately the number of jurors who are required to sit on the various jury trials held in all echelons of the court systems of the United States. However, certain estimates of these requirements do exist. For example, Hastie, Penrod, and Pennington (1983) report that 300,000 jury trials are conducted annually in the United States. Another estimate derives from a recent Public Broadcasting Service (PBS) television documentary film (Inside the Jury Room, Frontline, April, 1986) wherein the commentator (Judy Woodruff) asserted that 5,000,000 Americans serve as sitting jurors annually. Wishman (1986) reported that 1,200,000 jurors are needed per year, however, his assertion is based on an estimate provided by a former Chief Justice of the

United States Supreme Court (Burger) in an article prepared for and published in a popular monthly magazine (Reader's Digest, February, 1981, p. 126).

The difficulty of estimating the number of jurors needed annually (or in any other period of time) is confounded further by the makeup of survey instruments themselves. Some instruments might account for jurors with several periods of jury service as one entry (lower figures) while other instruments might account for each period of jury service separately (higher figures).

Estimating potential gross distribution of oral communication apprehension in juries, based on the McCroskey estimate of approximately 20% high levels of communication apprehension and using the most conservative estimate available of the number of jurors needed annually, indicates that about 240,000 of these jurors will be highly communication apprehensive. Certainly, no estimates of the number of six-, eight-, or twelve-member jury panels needed can be made before a court docket of cases has been established. However, potentially any jury might contain jurors who are highly communication apprehensive and therefore will avoid speaking with other jurors during the verdict deliberation process to the extent that such avoidance behavior is possible.

### Speaking Behaviors In An Actual Deliberating Jury

Recently, the Public Broadcasting Service aired a television documentary film of an actual jury deliberating and reaching a trial verdict (Inside the Jury Room, Frontline, April, 1986). This film provides a unique opportunity to observe and analyze speaking behaviors of jurors engaged in determining a trial outcome in that this is the first allowance of television recording cameras inside a jury deliberation room. The extent to which the unusual circumstance of filming this jury may have affected each juror's normal behavioral patterns (including speaking patterns) is unknown. However, each juror was made aware that PBS had secured the Court's permission to make this film and each juror had agreed previously to participate in this project.

The purpose of this section is to report an initial description and analysis of the speaking behaviors of the members of this particular jury. Caution in an attempt to generalize this information must be recommended until such time as a much broader sample has been acquired and studied. The Decision Emergence Model (Fisher, 1970) will serve as a framework for this analysis. The four phases of group dynamics within this model include orientation, conflict, emergence, and reinforcement.

The case involved a previously convicted black defendant now facing a new criminal charge (felony

possession of a firearm). This trial was concluded in two-and-one-half days. The trial judge directed that a unanimous verdict rule would apply to the jury's final decision. The jury deliberated for approximately four-and-a-half hours over a two-day period and returned a verdict of not guilty.

The twelve-member jury consisted of seven males and five females. By ethnicity, gender, and occupational factors, the jury was composed of an Anglo, male toolmaker; an Anglo, male production analyst; a black, female teacher; an Anglo, male firefighter; an Anglo, male English professor; an Anglo, male M.D.; an Anglo, male data analyst; an Anglo, female food service manager; a black, male laborer; an Anglo, female teacher; an Anglo, female housewife; and an Anglo, female school psychologist. The black male juror indicated he had served on four previous juries.

On entering the deliberation room, the jurors seated themselves around a rectangular table. One male occupied a seat at the position normally considered the head and another male occupied the other end seat at the table. Other jurors occupied the flank and corner seats around the table so that four males and one female occupied one side (M, F, M, M, M) and four females and one male occupied the other (F, F, F, M, F).

The jurors immediately and unanimously declared the Anglo, male toolmaker (seated at one end of the table) as

the foreperson. The foreperson asked the jurors to discuss their initial positions on the verdict and be prepared to make the first vote (on verdict) as soon as these discussions were completed. In presenting their initial views on the verdict, each juror included certain reasoning statements in his or her initial position.

When all the jurors had completed their initial remarks, the foreperson called for the first vote. At this time the jury had been in the deliberating room for less than five minutes. The result of the first ballot indicated that three factions were beginning to form about final verdict: two jurors believed the defendant guilty, five felt him not guilty, and five were undecided. In discussing their initial views on verdict outcome and in completing their first ballot, the jurors appeared to have completed the orientation phase of their deliberation dynamics. The foreperson of this jury appeared to be a task-oriented small group leader (at least, initially) by calling for immediate input and vote on resolving and accomplishing the primary job (verdict achievement) assigned to this small group.

At this point, the jury appeared to enter the conflict phase of deliberation dynamics. Various jurors initiated argument for their faction's position on verdict. During these active exchanges, each juror exercised caution to avoid interrupting another juror who was speaking. The minority faction believing the defendant guilty argued that

the State had proven its case in accordance with the applicable elements of proof and the judge's instructions on applicable case law. The faction perceiving the defendant not guilty focused their arguments on his (defendant's) ability to understand his current situation. The faction that remained undecided argued that the jury should look more deeply than it already had at the issues of the case so as to arrive at a just verdict.

At one hour and four minutes into the deliberation, the foreperson called for and got a second written vote from all jurors on their newest position on the verdict. The vote resulted in nine jurors declaring for a not guilty verdict and three jurors calling for the defendant's conviction. Much position-taking and preference-stating was evidenced in the discussions that followed this vote. During this time, at least one juror actively fulfilled the role of story-teller by attempting to place the entire trial in logical segments that appeared to fit together in a kind of integrated whole. Certain of the jurors indicated to the "story-teller" that his actions were helpful in creating a more understandable sequence of events and that they were beginning to look at the case events from different perspectives than they held when they came into the deliberation room.

Finally, at two hours into the deliberation, the foreperson called for the third written ballot from jurors.

This ballot resulted in eleven jurors voting the defendant not guilty while one continued to press for conviction. The formation of such a sizable faction clearly indicates that this jury was approaching decision emergence in its deliberation. The juror arguing for conviction of the defendant had made his identity known to the remaining jury members. This juror continued to argue that the State had proven its case to his satisfaction and the remaining jurors seemed to be overly concerned with irrelevant matters (in his opinion) concerning the defendant. At this point, the jury broke off deliberation for the first day.

On reconvening the next morning, certain members of the majority faction began to discuss the case from a kind of abstract level concerning themselves with the kind of messages that would be sent to the court and the public were they to find the defendant not guilty. During these discussions, the dissenting juror announced that although he would not feel "good" about a verdict of not guilty, he would accommodate the jury by changing his opinion so that the jury could report itself to be unanimous. At two-and-a-half hours, a final vote was taken and all jurors agreed to acquit the defendant. From this point a number of jurors openly discussed their views that the jury had "done the right thing" and arrived at a "just verdict." Clearly, in the context of the Decision Emergence Model, some group members were engaged in reinforcing the correctness of the

decision the group had reached and in the correctness of rejecting all other decision (verdict) proposals. Others of the group remained silent during these conversations.

As a final closure to this jury's discussions, one of the jurors suggested that neither they nor any jury would ever be free from the ambiguities of uncertainty about the correctness of a final verdict. According to this juror, all jurors who reach a final verdict in any case will be "damned" by the losing side and "praised" by the winning side; as jurors, he continued, "You just really are not sure what to do."

Of the twelve members of this jury, one member spoke only once during the entire deliberation process, two spoke twice, and three spoke only three times. Reasons for their limited speaking during the verdict deliberation process cannot be accounted for completely, however, the possibility that these jurors might well have been highly communication apprehensive cannot be rejected.

## CHAPTER 3

### METHODOLOGY

The purpose of this chapter is to describe the research methodology used in this study and to report the procedure used to collect data for analysis. The chapter is divided into six major subsections: an organizational overview of the Pima County Superior Court, a description of the procedure used to constitute a jury venire in this jurisdiction, a discussion of the preparation of this venire for jury service, a description of the subjects and the data collection instrument, a discussion of the procedures used to collect data about the subjects for analysis, and a discussion of the treatment of the data.

#### Organizational Overview

Table 1 depicts the organization of the Pima County Superior Court. The Court has six branches: criminal, civil, juvenile, probate, domestic, and float. Twenty-one judges, including two judges pro tem, are seated in this Court.

#### Constituting the Venire

Three times each calendar year, the Jury Commissioner of the Pima County Superior Court requests a

listing of eligible jury candidates. This listing, randomly generated by computer, contains the names of Pima County residents who are either or both registered voters or licensed motor vehicle operators.

Table 1 - Organizational Chart of the Pima County Superior Court

Civil Branch		Criminal Branch		Float Branch	
Brown*	[ 9]**	Valiz	[ 2]	Rodriques	[ 1]
Fenton	[10]	Scholl	[ 3]	Miller	[ 7]
Hannah	[12]	Carruth	[ 5]	Fleishman	[19]
Buchanan	[13]	Velasco	[11]		
Gin	[14]	Meehan***	[16]		
Arnold	[15]	Hawkins#	[17]		
		Collins	[Pro Tem]		
		Alfred	[Pro Tem]		
Domestic Branch		Probate Branch		Juvenile Branch	
Sherrill&	[18]	Truman°	[ 6]	Farhinger°	[ 8]
Fisher	[ 4]				

\* Honorable Michael Brown: Associate Presiding Judge, Superior Court; Presiding Judge, Civil Branch.

\*\* Indicates division.

\*\*\* Honorable G. Thomas Meehan: Presiding Judge, Superior Court.

# Honorable John G. Hawkins: Presiding Judge, Criminal Branch.

& Honorable William N. Sherrill: Presiding Judge, Domestic Branch.

° Honorable Alice Truman: Presiding Judge, Probate Branch.

° Honorable Philip Farhinger: Presiding Judge, Juvenile Branch.

The number of names appearing on each list varies as a function of the jury commissioner's statement of anticipated need for jurors. A second randomly generated list is developed from each of the original lists. Teal Harris (personal communication, October 22, 1985) reported that the second list contains the names of approximately 12,000 candidates who become the general jury venire.

Each person whose name appears on the second list receives a questionnaire from the office of the jury commissioner. Each recipient must complete and return this questionnaire to the commissioner's office. The questionnaire requests demographic information about each candidate and any details that should be considered by the jury commissioner as the basis for excuse from service. All questionnaires are reviewed by the jury commissioner's staff. Requests for excuse from service are settled by a face-to-face interview between the requester and a staff member of the jury commissioner's office. After any excuses are granted, the jury venire is established for a particular ninety-day period.

An individual listed as a venire member may expect to be called to the courthouse for possible jury service approximately six times during the ninety-day period. Whether a venire member actually sits on a jury is a

function of that person being so selected during the voir dire process.

Harris (personal communication, October 22, 1985) reported that this venire selection process meets the broad guidelines of the United States Supreme Court and is sufficiently appropriate to assure statistical randomness and legal representativeness within this jurisdiction.

#### Venire Preparation

Newly selected venire members are prepared for jury service on the Monday that begins their ninety-day period of call for this duty. Administrative processing, the responsibility of the jury commissioner, is conducted in the jury assembly room of the Pima County Superior Court.

On this Monday, venire members assemble at 8:00 a.m., and a member of the jury commissioner's staff completes roll call. Travel expense information is obtained from each venire member for reimbursement for these expenses from residence to courthouse and return to residence for each time the venire member is called to the courthouse for possible jury service. Next, venire members view a 30-minute television film entitled "Jury Duty and You" that explains the official functions of a judge, a bailiff, and the jury commissioner and how they will interface with jurors. The film also explains what jurors can expect over

the following ninety-day period concerning their service. Administrative processing requires approximately two hours to complete.

When the processing phase is complete, venire members are free to move about the assembly room. However, they must remain in close proximity should they leave this area. The assembly room is furnished with chairs and food and drink vending machines. This room is partitioned into a smoking and nonsmoking sections. Although the room contains two color television receivers on which jurors may watch commercial programming, many of them occupy their time with reading material, handicraft, or office paperwork while they wait to be called to a court division.

Almost immediately after processing is completed, Court bailiffs enter the assembly room and call out names of venire members. The bailiffs group venire members into contingents depending on the size of juries required for various Court divisions. Usually, eight-member panels hear civil cases and twelve-member panels hear criminal cases. The number of venire members in each of these contingents is always greater than the number of jurors required for an actual case. Some contingents number as many as forty members who go forward to a Court division in which only eight or twelve of them will be impaneled as jurors.

Bailiffs escort venire contingents to Court divisions where the venire members undergo the voir dire

process ("voir," French meaning "to see" corrupted from "verus," Latin meaning "true"; "dire" French meaning "to speak"; ergo voir dire to be translated "true speaking") for selection as impaneled jurors. Venire members who are not selected to become impaneled jurors must return to the jury assembly room to await another call for this process.

Venire members selected as impaneled jurors come immediately under the control of the division judge in whose Court they will sit for the course of a particular trial. These individuals wear "JUROR" placards attached to their outer garments. These placards identify these individuals as impaneled jurors. When these jurors are in recess in the hallways immediately outside the Court in which they are sitting, these placards and other large posted signs in these areas (reading: "DO NOT DISCUSS ANY CASES WITH JURORS") admonish all others to refrain from talking to or in the vicinity of these jurors about ongoing trials.

#### Subjects of the Study and the Data Collection Instrument

Subjects of this study were residents of Pima County, Arizona, who were called for a ninety-day period of jury service to the Superior Court of this County whose service began on Monday, November 25, 1985, in the City of Tucson, Arizona. This venire consisted of 180 persons.

The Court, in granting its permission to conduct this research, directed that participation of subjects in this project was to be strictly voluntary. In full compliance with this directive, this condition was announced, by this researcher, to all venire members during their administrative processing. One hundred seventeen venire members (65% of this total group) volunteered to participate. To avoid data contamination, the project was identified only as one dealing with an interest in the speaking behaviors of jurors. These voluntary venire members composed the first sample of this study. Data concerning TLCA levels of these subjects were obtained from this group.

Actual trial jurors composed the second sample (n=52) in this study. These subjects had just participated in reaching a final verdict in the trials they heard. These 52 subjects were part of 6 trial juries (3 civil with 24 jurors and 3 criminal with 36 jurors). Twenty-two of the civil trial and thirty of the criminal trial jurors agreed to participate in this research project (87% of the total subjects). Data concerning SCA levels of these subjects were obtained from this group. This researcher cannot report any cogent reason why either sample of these subjects might be considered atypical of the overall population available for jury service in the community in which this research was conducted.

The complete data collection instrument will be found in Appendix 1. Pretesting of the instrument (sample  $n=15$ ; 8 males, 5 females) was conducted using continuing education adult students enrolled in the University of Phoenix where this researcher served as a member of the teaching faculty. These students (age range 20-65, mean=41.5) agreed to provide feedback comments on the ease of use of the instrument. Several of their suggested alterations were incorporated in the final version of this tool.

The instrument is a four-part, self-report questionnaire based on two previously validated human communication research tools: the Personal Report of Apprehension-24 (PRCA-24) (McCroskey, 1982) and the Situational Communication Apprehension Measure (SCAM) (Richmond, 1978; Richmond & McCroskey, 1982). The PRCA-24 has an internal reliability of .97, a mean of 65.48, and a standard deviation of 16.46 (McCroskey, 1985). This tool is a four-part (six questions/part), self-report, Likert-type (scale=1-5) questionnaire measuring TLCA in four contexts: small group discussions, small group meetings, dyadic conversations, and public speaking. The SCAM is a one-part (20 questions), self-report, Likert-type (scale=1-7) questionnaire measuring personal levels of SCA. Richmond (1978) reported the internal reliability of this tool between .92 and .94. In a personal letter to this

researcher, Richmond (personal communication, October 10, 1985) reported the standard deviation of the SCAM to be approximately 18.0 and the mean to vary as a function of differing inductions of the instrument from a low of 37 to a high of 53.

In this study, the instrument used is called the Juror Communication Apprehension Index (JCAI), a composite of the PRCA-24 and the SCAM. The JCAI deletes section 4 (public speaking component) of the PRCA-24 but retains all of the SCAM questions. Section 4 of the PRCA-24 was deleted because, in this researcher's evaluation of the oral communication behaviors of deliberating jurors, it appears that these subjects do not engage in the traditionally accepted definition of public speaking while serving as venire members or impaneled jurors. This modification was discussed with Professor James McCroskey (personal communication, November 9, 1985) and it received his encouragement and his estimate that the internal reliability of the modified instrument would range between .84 and .87. Obtained reliability for the JCAI is .87. Means and standard deviations will be reported in Chapter 4.

Part I of the JCAI (see Appendix 1) requests subjects to report personal demographic data, previous juror/jury foreperson selection, current occupation, and highest educational level. Part II obtains data from subjects concerning their felt levels of TLCA in three

contexts: small group discussions, small group meetings, and dyadic conversations. Part II is scored according to the PRCA-24 (less section 4). Minimum and maximum scores for the JCAI are 18-90, whereas, these scores for the PRCA-24 are 24-120. Part III (current jury service) asks jurors to indicate if they were selected as foreperson, the nature of the charge or complaint against the defendant, and the individual juror's assessment (evaluation) of the complexity of law instructions (from the trial judge) and case facts and issues, and the sensitivity of case issues and, finally, the juror's perception of his or her role as opinion leader during deliberation. Part IV obtains data from each subject on his or her felt level of SCA experienced during deliberation. This part is scored as established by Richmond (1978) with minimums and maximums from 20-140.

#### Data Collection Procedure

Appendix 1 contains letters requesting permission of the Court and the Jury Commissioner to conduct this research. A complete copy of this packet was mailed to each judge within the criminal and civil branches of the Court. The researcher waited almost one month for the Court's reply. During this time, he telephoned each judge, noted above, and the jury commissioner to discuss this project, responding to their inquiries, reducing their concerns, and

clarifying issues raised. Finally, both the Court and the jury commissioner gave permission to conduct this research project. Fifty percent of the criminal branch (three of six) and fifty percent of the civil branch judges (four of eight) gave their permission to enter their courtrooms and conduct this research with their impaneled jurors.

Parts I and II of the JCAI were administered to the venire by this researcher during initial administrative processing. Parts I, III, and IV of the JCAI were administered in various courtrooms immediately after the juries involved had delivered their final verdicts in open court and before the trial judge dismissed them from court service.

#### Treatment of the Data

This section describes how the raw data obtained in this study will be treated. Each RH is designed to yield data sets of either TLCA or SCA levels of all subjects under study. Means and standard deviations for each data set will be established. These calculations permit us to assign subjects to high, middle, or low levels of either TLCA or SCA. Certain of these RHs will be investigated using arithmetic approaches and numerical comparisons. As written, RHs 1, 2, 3, 7, 8-10, and 11 will be investigated by inspecting the raw data or by calculating and inspecting percentages or ratios calculated from the raw data.

RHs 4, 5, and 6 will be investigated by calculating independent scores t-tests to compare SCA means differences of high and low socioeconomic status jurors (RH4), SCA levels of male and female jurors in mixed-gender juries (RH5), and SCA levels of jurors whose primary language is English or Spanish (RH6). This procedure establishes a metric of statistical significance (if one exists) in differences between two means when so compared. The independent scores t-test (as differentiated from the paired scores t-test) is an appropriate statistical procedure to use when comparing two independent groups of subjects who have been randomly selected and whose group scores are normally distributed. The F statistic (comparison of multiple means above two [ANOVA]) will be calculated in order to determine significant differences (should they exist) in the SCA levels of groups of jurors impaneled on specific trials observed in this study.

Should the raw data include apparent heterogeneous datapoints, normalization procedures will be applied to rid the data sets of these outliers. However, since this study establishes initial calculations of the levels of TLCA and SCA in the particular bodies under investigation, we do not believe that any obtained data can be discarded at this point.

## CHAPTER 4

### RESEARCH FINDINGS

The purpose of this chapter is to report the findings obtained in this study. General descriptive tables of the venire and the jurors will be found in Appendix 2. These tables report TLCA levels of the venire and SCA levels of jurors and demographic data regarding both samples in composite form. The purpose of the tables presented in this chapter is to provide statistical calculations obtained regarding TLCA and SCA levels in the samples under study. Table 2 presents an "Abbreviation Key" for use in reading the composite tables as well as the tables that appear in this chapter. Readers are encouraged to become familiar with these abbreviations before they use the data tables.

#### TLCA in the Jury Venire

Tables 3-5 present an overview and gender differentiated data display concerning TLCA levels and ages in this jury venire. This sample consisted of 117 subjects between the ages of 20 and 75 years of age whose TLCA scores ranged from a low of 18 to a high of 81. Twenty of these subjects scored TLCA levels beyond one standard deviation above the mean (43.77) and are, therefore, high oral communication apprehensives. Fourteen of these subjects scored TLCA

levels beyond one standard deviation below the mean and are, therefore, low oral communication apprehensives.

Table 2 - Abbreviation Key

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Abbreviations keyed to definitional phrases in study.

<u>Abbreviation</u>	<u>Definitional Phrase</u>
1. TLCA	Trait-like oral communication apprehension
2. SCA	Situational oral communication apprehension
3. HCA	High oral communication apprehension
4. LCA	Low oral communication apprehension
5. Age	Subject's age
6. G	Subject's gender
7. L	Subject's primary language: E = English S = Spanish O = Other
8. ET	Subject's ethnicity: A = Anglo H = Hispanic B = Black NA = Native American O = Other
9. ED	Subject's attained educational level: ES = Elementary school HT = High/trade school BU = Business school C = College/university GR = Graduate school L = Law school M = Medical school D = Dental school
10. Occupation/OCC	Subject's current occupation

Table 2 - Abbreviation Key (cont.)

11.	JB	Juror before. Previous service as an impaneled juror.
12.	FB	Foreperson before. Previous service as a jury foreperson.
13.	SF	Selected jury foreperson in current trial.
14.	I	Juror's perception of complexity of judge's instruction(s): VS = Very simple S = Simple U = Undecided C = Complex HC = Highly complex
15.	F	Juror's perception of complexity of case facts/issues: See item 14.
16.	SN	Juror's perception of sensitivity of case issues: NS = Not sensitive NVS = Not very sensitive U = Undecided S = Sensitive HS = Highly sensitive
17.	OL	Juror's perception of self as opinion leader during deliberation: Y = Yes N = No
18.	n	Number of subjects in statistical sample
19.	Mean	Statistical mean (average)
20.	Sx	Statistical standard deviation
21.	1 Sx > Mean	One standard deviation greater than mean
22.	1 Sx < Mean	One standard deviation less than mean
23.	> 1 Sx > Mean	Greater than one standard deviation above mean.
24.	> 1 Sx < Mean	Greater than one standard deviation below mean.

Table 3 - TLCA Levels &amp; Ages of Jury Venire Members (n=117)

TLCA			Age			
Mean	Sx	Range	HCA*	LCA**	Range	Mean
43.77	12.13	18-81	17.09%	11.97%	20-75	42.92

\* 20 subjects > 1 Sx > Mean; 2.91% < McCroskey estimate.\*\*\*

\*\* 14 subjects > 1 Sx < Mean; 8.03% < McCroskey estimate.\*\*\*

\*\*\* 20% (Approximate). All remaining tables in this chapter are compared to these estimates where applicable.

It is immediately obvious that the overall TLCA mean (43.77) of this venire is considerably below the mean (65.48) determined by McCroskey for TLCA levels of other small groups. The reader is reminded that the TLCA for the venire was established using a modified version (JCAI) of the PRCA-24 instrument that deleted the last six-item section of the PRCA-24. Therefore the JCAI contains only 18 items. The upper maximum score of the PRCA-24 is 120, whereas, the maximum upper score of the JCAI is 90. If the PRCA-24 were modified to a three-section instrument (a reduction of 25%), the new mean would be approximately 49.11. The differences in the means of the JCAI and the three-section PRCA would then be much less divergent.

Table 4 - TLCA Levels &amp; Ages of Males in Venire (n=53)

TLCA				Age		
Mean	Sx	Range	HCA*	LCA**	Range	Mean
41.92	10.32	18-72	13.21%	13.21%	23-75	43.51

\* 7 subjects > 1 Sx > Mean; 6.79% < McCroskey estimate.

\*\* 7 subjects > 1 Sx < Mean; 6.79% < McCroskey estimate.  
45.30% of venire sample.

Table 5 - TLCA Levels &amp; Ages of Females in Venire (n=64)

TLCA				Age		
Mean	Sx	Range	HCA*	LCA**	Range	Mean
45.34	13.27	23-81	17.18%	12.51%	20-73	42.44

\* 11 subjects > 1 Sx > Mean; 2.82% < McCroskey estimate.

\*\* 8 subjects > 1 Sx < Mean; 7.49% < McCroskey estimate.  
54.70% of venire sample.

#### TLCA of Ethnic Groups in Venire

This venire is composed of 91 Anglo-, 14 Hispanic-, 10 Native-, 1 black-, and 1 other-Americans. The ethnic group designator of the "other-American" is unavailable. TLCA levels of the Anglo-, Hispanic-, and Native-Americans will be reported in Tables 6-8. TLCA levels of the remaining ethnic groups will not be reported because of insufficient size of the two samples. Tables 6-8 are not differentiated by genders.

Table 6 - TLCA Levels & Ages of Anglo-Americans in Venire  
(n=91)

TLCA			Age			
Mean	Sx	Range	HCA*	LCA**	Range	Mean
42.89	11.23	20-72	18.68%	13.19%	23-75	44.00

\* 17 subjects > 1 Sx > Mean; 1.32% < McCroskey estimate.

\*\* 12 subjects > 1 Sx < Mean; 6.81% < McCroskey estimate.  
77.78% of venire sample.

#### Hispanic-American Members

This research sample size is small (n=14), however, it is important to this study because it constitutes a sample of an important segment of residents from this County and community who are drawn for jury service. The data displayed in Table 7 represent initial calculations of TLCA levels in this ethnic group (in the context of this study). Caution is recommended in any attempt to generalize these findings until a statistically reasonable database has been developed, analyzed, and reported in the literature.

Table 7 - TLCA Levels & Ages of Hispanic-Americans in Venire  
(n=14)

TLCA			Age			
Mean	Sx	Range	HCA*	LCA**	Range	Mean
43.86	16.53	18-81	14.92%	14.92%	20-51	33.57

\* 2 subjects > 1 Sx > Mean; 5.72% < McCroskey estimate.

\*\* 2 subjects > 1 Sx < Mean; 5.72% < McCroskey estimate.  
11.97% of venire sample.

Lowest TLCA score (18) in the venire reported by a 30-year-old, male, underground miner.

Highest TLCA score (81) in the venire reported by a 26-year-old, female, office manager.

#### Native-American Members

This research sample is, also, quite small (n=10). However, these data are important to this study because little, if any, information about TLCA levels of this ethnic group exists currently and even less data exists concerning the TLCA levels of this group in jury bodies. Native Americans represent approximately 5.3% of the population of the State of Arizona (Federal census, 1980) and qualified members of this ethnic group are called for jury service. Caution, of course, is encouraged in using these preliminary findings as a basis for generalized statements regarding TLCA levels within Native-American ethnic groups.

Table 8 - TLCA Levels & Ages of Native Americans in Venire  
(n=10)

TLCA				Age		
Mean	Sx	Range	HCA*	LCA**	Range	Mean
50.90	11.34	36-72	20.00%	20.00%	31-66	46.60

\* 2 subjects > 1 Sx > Mean; @ McCroskey estimate.

\*\* 2 subjects > 1 Sx < Mean; @ McCroskey estimate.  
8.50% of venire sample.

TLCA of Venire Members with Prior Jury Service

Thirty-three members of this venire sample reported previous jury service. In this sample, three males and seven females reported more than one previous service with a jury body (whether this service was as a venire member only or as an impaneled juror is unknown). One 63-year-old, Anglo, female reported 7 previous exposures to jury service, a fact that should probably be viewed as unusual. Table 9, which is undifferentiated by genders, reports data concerning this sample.

Table 9 - TLCA Levels & Ages of Venire Members with Prior  
Jury Service (n=33)

TLCA				Age		
Mean	Sx	Range	HCA*	LCA**	Range	Mean
42.63	10.81	23-72	18.19%	12.12%	23-73	48.44

\* 6 subjects > 1 Sx > Mean; 1.81% < McCroskey estimate.

\*\* 4 subjects > 1 Sx < Mean; 7.88% < McCroskey estimate.

TLCA of Venire Members by Educational Levels

The venire sample contains 18 members who hold graduate degrees, 53 members who hold undergraduate degrees, 5 members who hold certificates of completion of a business college program, 39 members who hold either a high or trade school diploma or certificate, and 2 members who reported holding their record of completion of elementary school. Tables 10-12 report TLCA levels of venire members holding graduate or undergraduate degrees or high/trade school diplomas or certificates. TLCA levels data will not be reported for the remaining members of this sample because of the insufficiency of the two samples.

Table 10 - TLCA Levels & Ages of Venire Members with Graduate Degrees (n=18)

TLCA					Age	
Mean	Sx	Range	HCA*	LCA**	Range	Mean
45.00	13.04	20-66	22.22%	16.67%	28-75	46.38

\* 4 subjects > 1 Sx > Mean; 2.22% < McCroskey estimate.

\*\* 3 subjects > 1 Sx < Mean; 3.33% < McCroskey estimate.  
15.38% of venire sample.

Table 11 - TLCA Levels & Ages of Venire Members with Undergraduate Degrees (n=53)

TLCA			Age			
Mean	Sx	Range	HCA*	LCA**	Range	Mean
40.63	9.60	18-65	7.54%	16.98%	23-69	41.95

\* 5 subjects > 1 Sx > Mean; 12.46% < McCroskey estimate.

\*\* 9 subjects > 1 Sx < Mean; 3.02% < McCroskey estimate.  
45.30% of venire sample.

Table 12 - TLCA Levels & Ages of Venire Members with High/Trade School Diplomas/Certificates (n=39)

TLCA			Age			
Mean	Sx	Range	HCA*	LCA**	Range	Mean
46.92	14.06	23-81	15.38%	5.12%	20-73	40.94

\* 6 subjects > 1 Sx > Mean; 4.62% < McCroskey estimate.

\*\* 2 subjects > 1 Sx < Mean; 14.88% < McCroskey estimate.  
33.33% of venire sample.

#### Overview of SCA of Deliberating Jurors

Tables 13-15 present an overview and gender differentiated display of data concerning the SCA levels and ages of members of the six deliberating juries observed in this study. This sample consisted of 52 subjects between the ages of 20 and 73 years whose SCA scores ranged from a low of 28 to a high of 120. Nine of these subjects scored SCA levels beyond one standard deviation above the mean (67.77) and are, therefore, high oral communication apprehensives. Eleven of these subjects scored SCA levels beyond one

standard deviation below the mean and are, therefore, low oral communication apprehensives.

Table 13 - SCA Levels & Ages of Deliberating Jurors (n=52)

SCA			Age			
Mean	Sx	Range	HCA*	LCA**	Range	Mean
67.77	22.73	28-120	17.31%	21.15%	20-73	41.69

\* 9 subjects > 1 Sx > Mean; 2.69% < McCroskey estimate.

\*\* 11 subjects > 1 Sx < Mean; 1.15% < McCroskey estimate.

A considerable difference exists between the SCA mean (67.77) of impaneled jurors and the TLCA mean (43.77) (difference=24) obtained for venire members in this study, although the SCA mean of these jurors is in line with the mean (65.48) determined by McCroskey for other small groups. An explanation of the lower oral communication apprehension levels of persons in a venire (a much larger group than eight- or twelve-member juries) may be that the venire affords a greater degree or sense of anonymity to each person. Persons in a venire bear no responsibility for discussions about a trial verdict nor for the verdict outcome. Consequently, their individual communication apprehension levels are a function of their personal traits at the point where they have not yet been selected as a juror. Even when these venire members are called to a specific court for possible impanelment as a juror, if they are deselected by the voir dire process they still bear no

responsibilities for outcome (verdict) of the trial. It is only when a venire member is selected for impanelment as a juror in a trial that his or her personal level of trait-like oral communication apprehension is replaced by a higher level of situational oral communication apprehension. Impaneled jurors are responsible for discussions about and determination of the verdict in the trial they hear. The eyes of the court and the community are on jurors. Once impaneled under the circumstances of a court trial, the juror loses the capacity to be uninvolved in the proceedings. However, the level of situational oral communication apprehension of that juror may affect his or her speaking behaviors during the deliberation process.

Table 14 - SCA Levels & Ages of Male Deliberating Jurors  
(n=27)

SCA				Age		
Mean	Sx	Range	HCA*	LCA**	Range	Mean
64.44	20.40	31-100	22.23%	18.52%	20-73	41.69

\* 6 subjects > 1 Sx > Mean; 2.23% < McCroskey estimate.

\*\* 5 subjects > 1 Sx < Mean; 1.48% < McCroskey estimate.  
51.92% of jury sample.

Table 15 - SCA Levels & Ages of Female Deliberating Jurors  
(n=25)

SCA			Age			
Mean	Sx	Range	HCA*	LCA**	Range	Mean
71.36	24.36	28-120	12.00%	24.00%	20-67	41.44

\* 3 subjects > 1 Sx > Mean; 8.00% < McCroskey estimate.

\*\* 6 subjects > 1 Sx < Mean; 4.00% < McCroskey estimate.

Sample contains subjects who reported lowest (28) and highest (120) SCA scores in jury sample.

#### SCA of Jurors by Ethnic Groups

The ethnic composition of this jury sample includes 37 Anglo-, 7 Native-, 4 Hispanic-, 2 black-, and 2 other-Americans. Further ethnic definition of the "other-Americans" is not known. From the perspective of legal representativeness, the jury is composed of 71.15% Anglo, 13.46% Native Americans, 7.69% Hispanic, and 3.85% each black and other-Americans.

Only data concerning SCA levels of Anglo- and Native-Americans will be presented here because of the insufficient sample size of the remaining ethnic groups. The Native-American sample size is small also. However, such sparse information is presently available concerning this ethnic group as jurors that this information is considered important to this study. Caution must be exercised in use of the data until a broader database can be established and studied and results published. Tables 16-17

report SCA levels in Anglo- and Native-American groups within this sample.

Table 16 - SCA Levels & Ages of Anglo-American Jurors (n=37)

SCA				Age		
Mean	Sx	Range	HCA*	LCA**	Range	Mean
65.35	21.77	28-100	21.63%	18.92%	20-73	41.84

\* 8 subjects > 1 Sx > Mean; 1.63% < McCroskey estimate.

\*\* 7 subjects > 1 Sx < Mean; 1.08% < McCroskey estimate.

Table 17 - SCA Levels & Ages of Native American Jurors (n=7)

SCA				Age		
Mean	Sx	Range	HCA*	LCA**	Range	Mean
73.71	27.00	31-120	14.28%	14.28%	23-67	47.43

\* 1 subject > 1 Sx > Mean; 5.72% < McCroskey estimate.

\*\* 1 subject > 1 Sx < Mean; 5.72% < McCroskey estimate.

#### SCA of Jurors with Prior Jury Service

Thirteen subjects in this sample reported prior jury service. Of these thirteen, four subjects reported more than one previous exposure to this duty. Whether these previous exposures resulted in impanelment or only venire membership is not known. One 62-year-old female reported five previous calls for such service. Table 18, which is undifferentiated by gender, reports SCA data concerning this portion of the jury sample.

Table 18 - SCA Levels & Ages of Jurors with Prior Jury Service (n=13)

SCA			Age			
Mean	Sx	Range	HCA*	LCA**	Range	Mean
72.77	21.17	28-100	15.38%	15.38%	24-62	46.00

\* 2 subjects > 1 Sx > Mean; 4.62% < McCroskey estimate.

\*\* 2 subjects > 1 Sx < Mean; 4.62% < McCroskey estimate.  
25.00% of jury sample.

#### SCA of Selected Forepersons

Although this research sample is small (n=6), it represents the complete number of jurors selected forepersons in the six trials observed during this study. Therefore, data reported by this sample are important to this study. These data were reported within a very few minutes of the time after these juries reached their final verdict, reported the verdict to the trial judge, and it was read in open court. However, caution must be exercised in generalizing these findings until a larger database has been developed and studied and the results reported in the literature. Table 19 reports SCA levels this portion of the jury sample. This table is undifferentiated by gender.

Table 19 - SCA Levels &amp; Ages of Selected Forepersons (n=6)

SCA				Age		
Mean	Sx	Range	HCA*	LCA**	Range	Mean
69.17	25.44	31-100	16.67%	16.67%	47-69	57.33

\* 1 subject > 1 Sx > Mean; 3.33% < McCroskey estimate.

\*\* 1 subject > 1 Sx < Mean; 3.33% < McCroskey estimate.

#### SCA of Jurors by Educational Levels

The jury sample contains 5 members who hold graduate-level degrees, 21 members who hold undergraduate-level degrees, 4 members who hold business college certificates, 20 members who hold high or trade school diplomas or certificates, and 2 members who hold records of elementary school completion. The SCA levels of sample members holding undergraduate degrees and high or trade school diplomas or certificates will be reported in Tables 20-21. SCA data for the remainder of this sample will not be reported because of the insufficiency in size of the samples. Unreported elements constitute, respectively, 9.62% (graduate degrees), 7.69% (business college certificates), and 3.85% (elementary school completion) of the overall sample. Remaining elements will be reported immediately below.

Table 20 - SCA Levels & Ages of Jurors with Undergraduate Degrees (n=21)

SCA				Age		
Mean	Sx	Range	HCA*	LCA**	Range	Mean
69.43	22.50	31-100	23.80%	23.80%	20-61	37.85

\* 5 subjects > 1 Sx > Mean; 3.80% < McCroskey estimate.

\*\* 5 subjects > 1 Sx < Mean; 3.80% < McCroskey estimate.  
40.38% of jury sample.

Table 21 - SCA Levels & Ages of Jurors with High/Trade School Diplomas/Certificates (n=20)

SCA				Age		
Mean	Sx	Range	HCA*	LCA**	Range	Mean
66.10	19.45	30-98	25.00%	20.00%	20-63	42.85

\* 5 subjects > 1 Sx > Mean; 5.00% < McCroskey estimate.

\*\* 4 subjects > 1 Sx < Mean; @ McCroskey estimate.  
38.46% of jury sample.

#### SCA of Opinion Leaders on the Jury

Eighteen members of the jury sample perceived themselves to be opinion leaders during deliberations. Table 22 reports SCA data for this sample element. This table is undifferentiated by gender.

Table 22 - SCA Levels & Ages of Opinion Leaders on Jury  
(n=18)

SCA			Age			
Mean	Sx	Range	HCA*	LCA**	Range	Mean
64.17	21.30	31-97	16.67%	16.67%	24-69	40.61

\* 3 subjects > 1 Sx > Mean; 3.33% < McCroskey estimate.

\*\* 3 subjects > 1 Sx < Mean; 3.33% < McCroskey estimate.  
34.62% of jury sample.

SCA of Non-Opinion Leaders on the Jury

Thirty-four members of the jury sample perceived themselves not to be opinion leaders during deliberations. Table 23 reports SCA data for the sample element. This table is undifferentiated by gender.

Table 23 - SCA Levels & Ages of Non-Opinion Leaders on Jury  
(n=34)

SCA			Age			
Mean	Sx	Range	HCA*	LCA**	Range	Mean
69.68	23.54	28-120	8.82%	17.64%	20-73	42.26

\* 3 subjects > 1 Sx > Mean; 11.18% < McCroskey estimate.

\*\* 6 subjects > 1 Sx < Mean; 2.36% < McCroskey estimate.  
65.38% of jury sample.

This completes the general overview of SCA levels among deliberating jurors in this sample. The following section will present data concerning these subjects in the actual jury trials to which they were assigned as impaneled, verdict-reaching jurors.

### SCA of Jurors in Specific Trials

The purpose of this section is to report data concerning the SCA levels of jurors assigned to six specific trials (three civil, three criminal actions) all heard in the Pima County Superior Court (Tucson, Arizona) during December, 1985, through January, 1986. Each trial will be described as fully as possible, however, the names of trial judges and their divisions (of the Court) will be omitted to provide anonymity of the trial officials involved. Data regarding the three civil trials will be presented first, followed by data concerning the three criminal trials.

#### Civil Trial One

This trial was brought in December, 1985. The matter concerned an award of monetary damages sought as a result of physical injuries sustained by the plaintiffs (an elderly Anglo husband and wife) in an automobile accident. The defendant was an elderly Anglo female. The plaintiffs' attorney recommended the jury award an amount of \$34,000. The trial judge applied a two-thirds decision rule on the verdict and the jurors deliberated for one-and-a-half hours before deciding for the plaintiffs in the amount of \$8,000. The jury in this trial was an eight-member panel. All eight of these members completed and returned the data collection instrument. Table 24 (gender undifferentiated) presents SCA data concerning this jury. Table 25 presents SCA level and

demographic data on each juror and details about that juror's perception of trial matters.

Table 24 - SCA Levels & Ages of Jurors, Civil Trial One (n=8)

SCA					Age	
Mean	Sx	Range	HCA*	LCA**	Range	Mean
64.37	17.23	33-87	12.50%	12.50%	20-53	35.37

\* 1 subject > 1 Sx > Mean; 7.50% < McCroskey estimate.

\*\* 1 subject > 1 Sx < Mean; 7.50% < McCroskey estimate.

Table 25 - SCA Levels, Demographics, & Trial Perceptions of Individual Jurors in Civil Trial One (n=8)

SCA	Age	G	ET	ED	I	F	SN	OL	Occupation
87	33	F	A	HT	S	S	U	Y	Food Service
78	32	M	A	HT	S	U	S	N	Prog. Analyst
76	25	M	A	C	S	C	NVS	Y	Bank Teller
72	34	F	A	HT	S	S	NS	N	Bank Supervisor
58	20	M	A	HT	S	S	NVS	N	Grocery Stocker
57	53	F	A	HT	VS	VS	NVS	Y	Secretary*
54	53	M	A	HT	S	S	NVS	N	Mechanic
33	33	F	H	HT	S	S	U	N	Sales Manager

\* Foreperson.

All jurors reported English as primary-use language.

No juror reported previous jury duty.

#### Civil Trial Two

This trial was brought in December, 1985. The matter concerned an adult Hispanic-American defendant charged with damaging the personal property (automobile) of

the plaintiff (a Hispanic-American adult female). This trial jury was an eight-member panel, six of whom completed the data collection instrument (75% return). The trial judge applied a two-thirds decision rule and the jury required two hours to return a verdict of guilty as charged against the defendant. Table 26 (gender undifferentiated) presents SCA data concerning this jury. Table 27 presents SCA data and demographic data on each jurors and that juror's individual perceptions of trial matters.

Table 26 - SCA Levels & Ages of Jurors, Civil Trial Two  
(n=6)

SCA			Age			
Mean	Sx	Range	HCA*	LCA**	Range	Mean
61.83	17.79	42-91	16.67%	16.67%	25-69	39.67

\* 1 subject > 1 Sx > Mean; 3.33% < McCroskey estimate.

\*\* 1 subject > 1 Sx < Mean; 3.33% < McCroskey estimate.

Table 27 - SCA Levels, Demographics, & Trial Perceptions of Individual Jurors, Civil Trial Two (n=6)

SCA	Age	G	ET	ED	I	F	SN	OL	Occupation
91	27	M	A	HT	U	U	NVS	N	Mechanic
68	35	F	A	HT	S	U	NVS	N	Assembler
67	48	F	A	C	S	C	NVS	Y	Reg. Nurse
57	69	M	A	BU	C	C	NS	Y	Ret. Legsltr.*
46	34	M	A	C	S	U	NS	Y	Plumber
42	25	M	A	HT	S	S	NVS	N	Security Ofcr.

\* Foreperson.

All jurors reported English as primary-use language.  
No juror reported previous jury duty.

#### Civil Trial Three

This trial was brought in January, 1986. The matter concerned an Anglo-American adult male defendant charged with damaging certain personal property (electronic sound equipment) of the plaintiff (an Anglo-American adult male). This trial jury was an eight-member panel of whom all completed and returned the data collection instrument. The trial judge applied a two-thirds decision rule on the verdict and the jury required three hours to return a guilty as charged verdict against the defendant. Table 28 (gender undifferentiated) reports SCA data concerning this jury and Table 29 reports SCA levels and demographic data on each juror and that juror's perceptions of trial matters.

Table 28 - SCA Levels & Ages of Jurors, Civil Trial Three  
(n=8)

SCA					Age	
Mean	Sx	Range	HCA*	LCA**	Range	Mean
84.75	6.01	77-97	12.50%	12.50%	33-63	52.00

\* 1 subject > 1 Sx > Mean; 7.50% < McCroskey estimate.

\*\* 1 subject > 1 Sx < Mean; 7.50% < McCroskey estimate.

Table 29 - SCA Levels, Demographics, & Trial Perceptions of  
Individual Jurors in Civil Trial Three (n=8)

SCA	Age	G	ET	ED	I	F	SN	OL	Occupation
97	58	F	A	HT	S	S	NVS	N	Clerk
89	62	F	A	HT	S	S	NVS	N	Homemaker* **
85	55	F	O	GR	VS	VS	NS	N	Teacher***
84	41	M	H	HT	U	C	U	Y	Co. Employ***
83	52	F	NA	BU	S	S	S	N	Secretary
82	63	F	A	HT	VS	S	NS	N	Homemaker
81	52	M	NA	C	VS	S	NVS	N	Salesman
77	33	F	A	C	VS	U	NS	N	Unemployed***

\* Foreperson

\*\* 5 previous jury duties.

\*\*\* 1 previous jury duty.

All jurors reported English as primary-use language.

#### Criminal Trial One

This trial was brought in January, 1986. The matter concerned an adult Anglo-American male defendant charged with first-degree murder of and second-degree burglary of property of the deceased victim (an adult Anglo-American

male). This trial jury was a twelve-member panel, seven of whom completed and returned the data collection instrument (58.33% return). The trial judge applied the unanimous decision rule and the jurors required seven-and-one-quarter hours (over two days) to return a guilty as charged verdict on both counts against the defendant. Table 30 (gender undifferentiated) reports SCA data concerning these jurors and Table 31 reports SCA levels and demographic data of each juror and that juror's perceptions of trial matters.

Table 30 - SCA Levels & Ages of Jurors, Criminal Trial One  
(n=7)

SCA					Age	
Mean	Sx	Range	HCA*	LCA**	Range	Mean
84.71	24.90	31-120	14.29%	14.29%	24-67	41.57

\* 1 subject > 1 Sx > Mean; 5.71% < McCroskey estimate.

\*\* 1 subject > 1 Sx < Mean; 5.71% < McCroskey estimate.

Table 31 - SCA Levels, Demographics, & Trial Perceptions of Individual Jurors, Criminal Trial One (n=7)

SCA	Age	G	ET	ED	I	F	SN	OL	Occupation
120*	67	F	NA	ES	S	U	U	N	Apt. Manager
95	24	F	A	C	C	C	S	Y	Reg. Nurse
92	20	F	A	C	S	C	S	N	Accounts Clerk
90	41	F	A	C	C	C	S	N	Manager
85	47	M	A	C	C	C	S	Y	Manager**
80	59	M	A	BU	C	C	NVS	Y	Retired***
31	33	M	A	C	HC	HC	HS	Y	Miner****

\* Highest SCA level recorded in jury sample.

\*\* 1 previous jury duty.

\*\*\* 3 previous jury duties.

\*\*\*\* Foreperson.

All jurors reported English as primary-use language.

#### Criminal Trial Two

This trial was brought in December, 1985. The matter concerned an adult Hispanic-American male defendant charged with two counts of aggravated assault against an adult Anglo-American male. This trial jury was a twelve-member panel, eleven of whom completed and returned the data collection instrument (91.66% return). The trial judge applied the unanimous decision rule and the jurors required six-and-one-half hours to return a guilty as charged verdict against the defendant. Table 32 (gender undifferentiated) reports SCA data concerning this jury. Table 33 reports SCA and demographic data on each juror and that juror's perceptions of trial matters.

Table 32 - SCA Levels &amp; Ages of Jurors, Criminal Trial Two (n=11)

SCA				Age		
Mean	Sx	Range	HCA*	LCA**	Range	Mean
69.18	23.41	33-100	18.18%	18.18%	21-73	40.36

\* 2 subjects > 1 Sx > Mean; 1.82% < McCroskey estimate.

\*\* 2 subjects > 1 Sx < Mean; 1.82% < McCroskey estimate.

Table 33 - SCA Levels, Demographics, &amp; Trial Perceptions of Individual Jurors, Criminal Trial Two (n=11)

SCA	Age	G	ET	ED	I	F	SN	OL	Occupation
100	61	M	A	C	C	C	NS	N	Retired* **
97	28	F	A	C	U	HC	NVS	Y	Alch. Cnslr.***
92	21	M	O	C	HC	HC	S	N	Grad. Student
91	23	F	NA	C	HC	C	NS	N	Med. Asst.
77	38	M	A	GR	C	HC	NS	Y	Educator
63	31	F	H	C	C	C	NVS	N	IBM Admstrtror.
59	51	F	A	HT	C	C	S	N	Manager***
58	44	M	A	HT	C	C	NVS	N	Food Srvc.* #
47	31	F	A	C	C	C	S	Y	Court Clerk
44	43	F	A	C	C	C	NS	Y	Prgmr. Analyst
33	73	M	A	GR	HC	S	NS	Y	Retired

\* 4 previous jury duties; # 1 previous foreperson duty.

\*\* Foreperson.

\*\*\* 1 previous jury duty.

All jurors reported English as primary-use language.

### Criminal Trial Three

This trial was brought in December, 1985. The matter concerned an adult Anglo-American male defendant charged with sexual assault, kidnapping, and domestic

violence against his spouse (an Anglo-American adult female). The trial jury was a twelve-member panel all of whom completed and returned the data collection instrument. The trial judge applied the unanimous decision rule, and the jury required seven-and-one-half hours (over two days) to return a verdict of guilty of the sexual assault charge only. Table 34 (gender undifferentiated) reports SCA data concerning this jury. Table 35 reports SCA and demographic data on each juror and that juror's perceptions of trial matters.

Table 34 - SCA Levels & Ages of Jurors, Criminal Trial Three (n=12)

SCA				Age		
Mean	Sx	Range	HCA*	LCA**	Range	Mean
50.50	19.98	28-88	16.67%	16.67%	24-55	41.92

\* 2 subjects > 1 Sx > Mean; 3.33% < McCroskey estimate.

\*\* 2 subjects > 1 Sx < Mean; 3.33% < McCroskey estimate.

Table 35 - SCA Levels, Demographics, & Trial Perceptions of Individual Jurors, Criminal Trial Three (n=12)

SCA	Age	G	ET	ED	I	F	SN	OL	Occupation
88	33	M	H	HT	C	S	U	N	Equip. Optr.+
87	33	M	B	GR	VS	S	S	N	Reg. Nurse
58	37	M	B	C	S	S	NVS	N	Architect
58	38	M	NA	C	S	U	S	N	Draftsman*
55	53	M	NA	ES	S	S	NS	N	General Manager
49	55	M	A	HT	VS	S	NS	N	Retired*
45	47	M	A	HT	VS	C	HS	Y	Elec. Insptr.
40	40	M	A	C	S	S	NS	Y	Self-Employed
40	38	M	A	GR	S	S	NS	N	Real Est. Agnt.
31	47	F	NA	C	S	S	NS	N	Housewife**
30	47	F	A	HT	VS	S	NVS	N	Homemaker
28#	24	F	A	BU	VS	S	U	N	Housewife*

\* 1 previous jury duty.

\*\* Foreperson.

# Lowest reported SCA level reported for jury sample (overall).

+ Spanish reported as primary-use language. All other jurors reported English as primary-use language.

In summary, the complaints or charges brought in these six trials included one matter of award of damages in an automobile accident, two matters of damages to personal property, one matter of murder and burglary, one matter of aggravated assault, and one matter of sexual assault, domestic violence, and kidnapping. In order to determine if there were significant differences in the situational oral communication apprehension levels of jurors serving on each

of these six different trial juries, means comparison tests were applied to the data with the following results.

The SCA means of the jurors in each of these trials are 64.37, 61.83, 84.75, 84.71, 69.18, and 50.50 respectively (from civil trial number one through criminal trial number three). Four of these means comparisons indicated significance. The mean SCA level (64.37) of jurors in civil trial one (award of damages, automobile accident) is significantly different from the mean SCA level (84.75) of jurors in civil trial three (personal property damage),  $t(14)=3.157$ ,  $p=6.982$ . The mean SCA level (61.83) of jurors in civil trial two (personal property damage) is significantly different from the mean SCA level (84.75) of jurors in civil trial three (personal property damage),  $t(12)=3.430$ ,  $p=4.983$ . The mean SCA level (84.75) of jurors in civil trial three (personal property damage) is significantly different from the mean SCA level (50.50) of jurors in criminal trial three (sexual assault, domestic violence, and kidnapping),  $t(18)=4.617$ ,  $p=2.138$ . Finally, the mean SCA level (84.71) of jurors in criminal trial one (murder, burglary) is significantly different from the mean SCA level (50.50) of jurors in criminal trial three,  $t(17)=3.144$ ,  $p=5.915$ . In all four of these comparisons, significance is, at least, at the .02 level.

Tables 23, 25, 27, 29, and 33 in this chapter may be consulted for details regarding the jurors who were

impaneled on each of these juries. The highest SCA mean (84.74) of a trial jury was found in civil trial three, a damage suit involving a piece of personal property on which the jury found the defendant guilty as charged. The lowest SCA mean (50.50) of a trial jury was found in criminal trial three which involved multiple charges including sexual assault, domestic violence, and kidnapping on which the jury found the defendant guilty only of the sexual assault charge. The differences in the SCA levels of jurors in these trials might be attributed, in part, to the composition of the juries and the nature of the trials. It is interesting to note that these findings indicate that the communication apprehension level of jurors hearing a damage suit against property were higher (the jurors were more apprehensive about discussing the case, in general) than those of a jury hearing a matter regarding gross abuses against a person.

This completes the presentation of data concerning the SCA levels, demographics, and trial perceptions of individual jurors impaneled in the six trial juries observed during this study. Tables 36 and 37 are provided as composites of information. Table 36 reports the overall comparison of TLCA and SCA means and standard deviations determined for the venire and impaneled jurors by complete sample; gender, ethnic, and educational differentiation; prior jury service; selection of forepersons in current

juries; and perception of opinion/non-opinion leadership role fulfillment. Table 37 reports the comparison of high and low TLCA and SCA levels of venire members and impaneled jurors with the standardized estimates of 20% high/low TLCA levels in groups provided by McCroskey. Reporting categories established for Table 36 apply to Table 37.

Table 36 -- Comparison of TLCA and SCA Means and Standard Deviations of Venire Members (n=117) and Impaneled Jurors\* (n=52)

Categories	TLCA Levels of Venire Members		SCA Levels of Impaneled Jurors	
	Mean	Sx	Mean	Sx
Overall Sample	43.77	12.13	67.77	22.73
Males	41.92	10.32	64.44	20.40
Females	45.34	13.27	71.36	24.36
Anglo-Americans	42.89	11.23	65.35	21.77
Native-Americans	50.90	11.34	73.71	27.00
Hispanic-Americans	43.86	16.53	Insufficient sample	
Prior Jury Service	42.63	10.81	72.77	21.17
Members with Grad. Degrees	45.00	13.04	Insufficient sample	
Members with U/grad. Degrees	40.83	9.60	69.43	22.50
Members with High/Trade School Certs.	46.92	14.06	66.10	19.45
Current Foreperson	Not applicable		69.17	25.44
Opinion Leaders	Not applicable		64.17	21.30
Non-Opinion Leaders	Not applicable		69.68	23.54

\* Calculations based on overall jury sample, not jurors in specific trials.

Table 37 -- Comparison of High and Low TLCA and SCA Levels of Venire Members (n=117) and Impaneled Jurors\* (n=52) ([ ] indicates % above or below McCroskey estimate [20.00%])

Categories	Venire Members		Impaneled Jurors	
	HCA%	LCA%	HCA%	LCA%
Overall Sample	17.09% [-2.91%]	11.97% [-8.03%]	17.31% [-2.69%]	21.15% [+1.15%]
Males	13.21% [-6.79%]	13.21% [-6.79%]	22.23% [+2.23%]	18.52% [-1.48%]
Females	17.81% [-2.19%]	12.51% [-7.49%]	12.00% [-8.00%]	24.00% [+4.00%]
Anglo-Americans	18.68% [-1.32%]	13.19% [-6.81%]	21.63% [+1.63%]	18.92% [-1.08%]
Native-Americans	20.00% [0.0%]	20.00% [0.0%]	14.28% [-5.72%]	14.28% [-5.72%]
Hispanic-Americans	14.92% [-5.08%]	14.92% [-5.08%]	Insufficient sample	
Prior Jury Service	18.19% [-1.81%]	12.12% [-7.88%]	15.38% [-4.62%]	15.38% [-4.62%]
Members with Grad. Degrees	22.22% [+2.22%]	16.67% [-3.33%]	Insufficient sample	
Members with U/grad. Degrees	7.54% [-12.46%]	16.98% [-3.02%]	23.80% [+3.80%]	23.80% [+3.80%]
Members with High/Trade School Certs.	15.38% [-4.62%]	5.12% [-14.88%]	25.00% [+5.00%]	20.00% [0.0%]
Current Forepersons	Not applicable		16.67% [-3.33%]	16.67% [-3.33%]
Opinion Leaders	Not applicable		16.67% [-3.33%]	16.67% [-3.33%]
Non-Opinion Leaders	Not applicable		8.82% [-11.18%]	17.64% [-2.36%]

\* Calculations based on overall jury sample, not jurors in specific trials.

## CHAPTER 5

### CONCLUSIONS

The purpose of this chapter is to present some conclusions concerning the research hypotheses (RHs) raised in this study, to suggest some interpretations of these data, to recommend further areas for study, and to point out what has been newly learned about oral communication apprehension and its effects on the jury deliberation process.

#### Research Hypothesis 1

The purpose of RH1 is to establish initial calculations of oral communication apprehension scores in venires and jury panels, to compare these calculations with the McCroskey estimates of TLCA found in other groups, and to compare the proportion of jurors scoring high or low oral communication apprehension levels in eight-member panels with jurors scoring these levels in twelve-member panels. Such data do not currently exist in the literature.

Table 38 reports high and low oral communication apprehension levels in the venire and eight- and twelve-member juries and compares these levels with those established by McCroskey.

Table 38 - High & Low Oral Communication Apprehension Levels  
(by %) in Jury Bodies

Body	HCA%#	Diff from McCroskey Est.*	LCA%##	Diff from McCroskey Est.*
Venire	17.09%	-2.91%	11.97%	-8.03%
Eight- Member Panel	13.64%	-6.36%	18.18%	-1.82%
Twelve- Member Panel	20.00%	0.00%	16.67%	-3.33%

# > 1 Sx > Mean.

## > 1 Sx < Mean.

\* 20.00%

When the McCroskey estimates are applied to juries, mathematically we expect 1.6 jurors scoring either high or low apprehension in eight-member panels and 2.4 jurors scoring either high or low apprehension in twelve-member panels. In practical terms, however, two high apprehensive jurors and two low apprehensive jurors in eight- and twelve-member panels should be expected.

Table 39 reports the numbers of high and low apprehensive jurors in the six trials observed in this study and compares these numbers with the practical expectations of the McCroskey estimates.

Table 39 - High & Low Oral Communication Apprehensive Jurors  
in Eight- & Twelve-Member Juries

Trial	HCA	Expected	LCA	Expected
Civil 1	1	2	1	2
Civil 2	1	2	1	2
Civil 3	1	2	1	2
Criminal 1	1	2	1	2
Criminal 2	2	2	2	2
Criminal 3	2	2	2	2

Practical interpretation of these data suggest the proportion of high or low apprehensives in eight-member panels is equal to the proportion of high or low apprehensives in twelve-member panels. RH1 is accepted.

In general, these data suggest that fewer high or low oral communication apprehensives will be found in jury bodies than in other groups. A speculative explanation for this finding is that performing jury service is a kind of motivational drive causing a communication apprehensive person to overcome, in part, his or her fears about speaking with others selected for this duty.

#### Research Hypothesis 2

For acceptance, RH2 must demonstrate that the proportion of jurors scoring high situational communication apprehension in twelve-member panels is greater than that of

jurors in eight-member panels. Of the 22 civil trial jurors in this study, 3 jurors scored high levels of apprehension (3:22). Of the 30 criminal trial jurors, 5 jurors scored high levels of apprehension (5:30). The proportion of civil trial jurors scoring high apprehension is roughly 1:7 (2:8) in eight-member panels. The proportion of criminal trial jurors scoring high apprehension is 1:6 (2:12) in twelve-member panels. RH2 is accepted.

Statistically, an increased number of jurors who are potential high communication apprehensives is to be expected as jury panel size increases. With such increases, the negative behaviors associated with communication apprehension (e.g., reduced interpersonal speaking or speaking avoidance where possible) increase, potentially, as well.

### Research Hypothesis 3

For acceptance, RH3 must demonstrate that jurors scoring low levels of communication apprehension will be selected forepersons and will perceive themselves to be opinion leaders in juries on which they serve. In this study, eight jurors scored low apprehension levels. Of these eight, only two perceived themselves as opinion leaders and only one was selected foreperson. Table 40 ranks selected forepersons, opinion leaders, and non-opinion leaders of this jury sample by low, middle, and high communication apprehension levels.

Table 40 - Communication Apprehension Levels of Forepersons, Opinion Leaders, and Non-Opinion Leaders

	LCA (Low 20%)	Middle 80%	HCA (High 20%)
Forepersons (n=6)	1	4	1
Opinion Leaders (n=18)	3*	12	3
Non-Opinion Leaders (n=34)	6	25	3

\* Includes selected foreperson.

These data do not account for differences between a subject's perception of his or her role as opinion leader and the perceptions of other subjects. They do not account for a situation where a foreperson, failing to secure adherence of other group members to his or her position, perceives him/herself a non-persuader, non-opinion leader whereas other group members might perceive the foreperson to be an opinion leader.

These data suggest that low apprehensive jurors are not selected forepersons nor do they generally perceive themselves to be opinion leaders on jury panels. An explanation of this phenomenon is elusive without further study. Possibly, characteristics normally associated with low communication apprehensives (e.g., assertive personal behavior, talkativeness, and the perception of others that these persons possess and demonstrate leader qualities) are

altered in some way inside the deliberation room. Certainly, these findings indicate that group dynamics operating inside a jury merit further research. RH3 is rejected.

#### Research Hypothesis 4

For acceptance, RH4 must demonstrate that communication apprehension levels of high socioeconomic status jurors are lower than those of low socioeconomic status jurors. This jury sample contains 26 high (SCA mean=66.19) and 26 low (SCA mean=69.61) socioeconomic status subjects. An independent t-test indicated no significant differences exist between the two means,  $t(50)=.5419$ . Classification of jurors into high or low socioeconomic status was discussed in Chapter 1. RH 4 is rejected.

Assignment of subjects to status categories is subjective and may have prompted the results obtained. Until a larger sample can be studied, the difference in SCA levels between high and low socioeconomic status jurors appears insignificant.

#### Research Hypothesis 5

For acceptance, RH5 must demonstrate that communication apprehension levels among female jurors are not greater than among male jurors. In the venire sample, 20 subjects scored high and 14 subjects scored low trait-like communication apprehension levels. In the jury sample, eight

subjects scored high and eight subjects scored low situational communication apprehension levels. Table 41 displays apprehension levels of these subjects within the venire and the six trials observed.

Table 41 - High & Low Communication Apprehension Levels by Gender in Venire (n=34) and Juries (n=16)  
[ ]=Gender

Venire		Trials	
HCA	LCA	HCA	LCA
81 [F]	31 [M]	120 [F]	77 [F]
74 [F]	30 [M]	100 [M]	44 [F]
72 [F]	30 [M]	99 [F]	42 [M]
72 [F]	29 [F]	97 [F]	33 [F]
72 [M]	28 [F]	91 [M]	33 [M]
66 [F]	28 [F]	88 [M]	31 [M]
65 [F]	27 [F]	87 [M]	30 [F]
65 [F]	27 [M]	87 [F]	28 [F]
63 [F]	27 [M]		
63 [F]	26 [F]		
62 [F]	23 [F]		
62 [M]	23 [F]		
60 [M]	20 [M]		
60 [M]	18 [M]		
60 [F]			
58 [F]			
58 [F]			
58 [M]			
57 [M]			
56 [M]			

These data indicate that the communication apprehension scores of females in these two samples are both higher and lower than those of males. A comparison of the means of the TLCA scores of males (41.92) and females (45.34) indicated no significant differences between the two,  $t(115)=1.538$ ,  $p=.1266$ . A comparison of the means of the SCA scores of males (64.44) and females (71.36) indicated no significant differences between the two,  $t(50)=1.098$ ,  $p=.2773$ . A comparison of the means of the high TLCA scores of males (60.71) and females (65.92) indicated no significant differences between the two,  $t(18)=1.707$ ,  $p=.1049$ . A comparison of the means of low TLCA scores of males (26.14) and females (26.28) indicated no significant differences between the two,  $t(12)=6.64$ ,  $p=.9481$ . A comparison of the means of high SCA scores of males (91.50) and females (100.25) indicated no significant differences between the two,  $t(6)=1.152$ ,  $p=.2929$ . Finally, a comparison of the means of low SCA scores of males (35.33) and females (42.40) indicated no significant difference between the two,  $t(6)=.5718$ ,  $p=.5881$ . RH5 is accepted.

#### Research Hypothesis 6

RH6, dealing with the effect of communication apprehension on jurors who use Spanish as a primary language, is untestable because of insufficient data. This situation is both frustrating and a major shortfall of this

study. Of the 14 subjects who reported Hispanic-American ethnicity, only 2 of them reported Spanish as their primary language; all others reported English. Pima County (Tucson), Arizona--the locale in which this study was conducted--has a population segment of 25% Hispanic-Americans of whom qualified members are subject to jury service. In light of the considerable percentage of Hispanic-American residents in this locale, two working assumptions were made. First, we assumed that an appropriate representative sample of these residents would be found in a given jury body. Second, we assumed that because of their predominantly Mexican cultural heritage, a proportion of these subjects would report Spanish as their primary language. These assumptions proved to be in error.

However, some interesting observations can be made about this group. Descriptive data regarding Hispanic-American venire members are reported in Table 7, Chapter 4.

The TLCA mean (43.86) of this group is only slightly higher than those means for the overall venire sample (43.77) and the Anglo-American element (42.89), although, the differences are not statistically significant,  $t(103) = .2312$ ,  $p = .8176$ . This group represented only 11.97% (less than half the population segment percentage) of the overall venire. Unless this representational percentage within the venire is a unique case, questions of legal representativeness of a cognizable class might be raised.

An explanation of why 16 of these 18 Hispanic-American jurors reported English as their primary language is elusive. Certainly, some of the younger members of this group might have grown up using English as a primary language even while residing in a household where elder relatives spoke only Spanish. Such a situation may have been driven by an inculturation process operating to gain these subjects entrance into and acceptance by a dominantly Anglo-American society. A second possibility is that some of these subjects might have concealed their true primary language so as to be perceived by others (not only in their jury service but also in their daily personal and professional contacts) as "fitting in" to a dominantly Anglo-American Society and professional workplace. Both of these possibilities are, of course, speculative. RH6 merits further study.

#### Research Hypothesis 7

For acceptance, RH7 must demonstrate that communication apprehension levels of deliberating jurors who are 65 years of age or older and those of jurors between the ages of 18 and 20 years are greater than those of jurors between the ages of 21 and 64 years. Jurors meeting the older and younger age criteria are limited in this study (3 jurors are 65 years of age or older; 2 jurors are 20 years of age). Such paucity of data permits, at best, an initial trend

analysis. Table 42 reports SCA scores of the oldest and youngest jurors and compares these scores with the SCA means of the overall jury sample.

Table 42 - SCA Scores of Oldest & Youngest Jurors Compared with Jury Sample Mean (67.77) (n=5)

SCA Scores (Oldest)	Diff from Mean	SCA Scores (Youngest)	Diff from Mean
120 [67]*	+52.23	92 [20]*	+24.23
57 [69]*	-10.77	58 [20]*	-9.77
33 [73]* #	-34.77		

\* Juror's age.

# Oldest juror in sample.

Note: The SCA range of jurors between the ages of 21 and 64 years is 28 to 97.

Although these samples are small, the data suggest that the communication apprehension levels of neither the oldest nor the youngest jurors are greater than those of jurors between the ages of 21 and 64 years. RH7 is rejected.

#### Research Hypotheses 8-10

For acceptance, RHs 8-10 must demonstrate that communication apprehension levels of all deliberating jurors increase under three conditions: (1) when jurors perceive the trial judge's instructions to be complex, (2) when they perceive the trial facts and issues to be complex, and (3)

when they perceive the main issue of a trial to be sensitive. Ideally, in order to address these hypotheses, a data collection protocol would be required that would gather the communication apprehension levels of jurors immediately prior to their deliberations. Such an interruption of an actual trial is most unlikely.

Therefore, these data permit a trend analysis only. An indication of a juror's perceptions of the complexity or sensitivity of trial matters can be obtained by comparing his or her SCA score with the mean SCA score for a given sample (the trial on which the juror was impaneled) and by the juror's self-report on these points. Tables 25, 27, 29, 31, 33, and 35 in Chapter 4 provide comprehensive details about jurors in each of the six trials observed in this study. Self-reports of each juror concerning his or her perception of matters of complexity and/or sensitivity are included in these tables.

RH8 deals with juror perceptions of the complexity of trial facts and issues and posits that the SCA levels of all jurors will increase as these facts and issues are perceived to increase in complexity. In the six trials observed in this study, 21 jurors (40.3%) of the 52 members of this overall sample perceived the facts and issues (of the trial on which they were impaneled) to be complex. Of these 21 jurors, 12 of them (57.1%) scored SCA levels above the SCA mean score (67.77) for the overall jury sample.

RH9 deals with juror perceptions of the sensitivity of the main trial issue and posits that the SCA levels of all jurors will increase as the main issue is perceived to increase in sensitivity. In the six trials, 13 jurors (25%) of the overall juror sample perceived the main issue of their trial to be sensitive. Of these 13 jurors, 8 of them (61.5%) scored SCA levels above the SCA mean score overall.

RH10 deals with juror perceptions of the complexity of the trial judge's instructions and posits that the SCA levels of all deliberating jurors will increase as these instructions are perceived to increase in complexity. In the six trials, 17 jurors (32.6%) of the overall juror sample perceived the trial judge's instructions to be complex. Of these 17 jurors, 9 of them (52.9%) scored SCA levels above the SCA mean score overall.

Of the overall jury sample, 16 jurors in all were undecided about matters of complexity or sensitivity (in the context of these hypotheses). Seven jurors were undecided about the complexity of the facts and issues of the trial and five of these jurors (71.4%) scored SCA levels above the SCA mean score overall. Six jurors were undecided about the sensitivity of the main issue of the trial and four of them (66.6%) scored SCA levels above the SCA mean score overall. Three of these jurors were undecided about the complexity of the trial judge's instructions and all three (100%) scored SCA levels above the SCA mean score overall.

An interesting observation can also be made about jurors who did not perceive these trial matters to be either complex or sensitive. Of the 24 jurors who reported trial facts and issues noncomplex, 10 of them (41.67%) scored individual SCA levels above the SCA mean score. Of the 33 jurors who reported the main trial issue nonsensitive, 15 of them (45.45%) scored individual SCA levels above the SCA mean score. Of the 32 jurors who reported the judge's instructions noncomplex, 15 of them (46.87%) scored individual SCA levels above the SCA mean score.

Technically, these data indicate that the SCA levels of all deliberating jurors do not increase under the conditions stated in the hypotheses. Therefore, RH8-RH10, as written, must be rejected. However, there is a strong practical indication that the trend of these data suggest that the SCA levels of a number of these jurors increased as they perceived trial matters involving complexity and sensitivity to increase. The increase in SCA levels appeared to be greatest among jurors who were undecided concerning these matters, followed by jurors who perceived increased complexity and sensitivity of these trial matters. However, even a number of these jurors (over 40% in all three cases) who reported that they did not perceive these trial matters to be complex or sensitive scored individual SCA levels above the SCA mean score for the overall jury sample.

Indecision about and perceptions of complexity and sensitivity concerning trial matters, therefore, appear to increase levels of situational oral communication apprehension in deliberating juries. These hypotheses merit further investigation to ascertain their more precise effects on deliberating jurors.

#### Research Hypothesis 11

For acceptance, RH11 must demonstrate that previous jury experience will decrease SCA levels of currently deliberating jurors. Within the six trials observed in this study, 13 jurors reported previous jury experience. Four of these 13 jurors reported multiple previous jury experience. Tables 18, 29, 31, 33, and 35 in Chapter 4 may be consulted for details regarding these jurors.

The SCA mean score of jurors with previous jury experience is 72.77, and the SCA mean score for the overall jury sample is 67.77. Of these 13 jurors, 2 of them scored SCA levels beyond one standard deviation above the SCA mean score overall (including the juror who scored the second highest SCA level in the entire jury sample and who indicated four previous exposures to jury service) and 1 of them scored an SCA level on standard deviation below this overall mean (the lowest SCA level obtained in this entire deliberating juror sample). Although the remaining 10 jurors in the previous jury sample element scored SCA levels

within one standard deviation of the overall SCA mean, 6 were above the mean and 4 were below it. Table 43 reports comparisons of SCA levels of jurors with previous jury experience with the overall SCA mean of the jury sample.

Table 43 - SCA Levels of Jurors with Previous Jury Experience Compared with Overall Jury SCA Mean (Mean=67.77) (n=13) (Ranked by SCA score)

Trial	Juror SCA	Times Previous Juror	SCA Mean of Trial on which Impaneled
Criminal 2	100* #	4	69.18
Criminal 2	97* #	1	69.18
Civil 3	89 #	5	84.75
Civil 3	85 #	1	84.75
Criminal 1	85 #	1	84.71
Civil 3	84	1	84.75
Criminal 1	80	3	84.71
Civil 3	77	1	84.75
Criminal 2	59	1	69.18
Criminal 2	58	4	69.18
Criminal 3	58 #	1	50.50
Criminal 3	49	1	50.50
Criminal 3	28**	1	50.50

\* SCA score is above 1 Sx above SCA mean score overall.

\*\* SCA score is below 1 Sx below SCA mean score overall.

# Individual SCA score is above SCA mean score for trial on which juror was impaneled.

On the basis of these data, RH11 is rejected. These data indicate a trend that suggests that the SCA levels of some jurors with previous jury experience will, in fact, increase during current deliberations. This finding should be investigated further because of its implications for expectancy theory. Under expectancy theory, we are informed that when a previous exposure to some activity has been perceived as successful our apprehensions and fears about that activity tend to be reduced when we are exposed, anew, to that same or a similar activity. In the case of situational oral communication apprehension levels of some jurors with previous jury service, there appears to be some indication that these apprehensions and fears are not reduced but, in fact, are increased when these persons are called upon to perform this community service once again. An explanation of this phenomenon is unclear at this point. Possibly some citizens called for jury service, even though they have been exposed previously to this activity, continue to place a higher degree of importance and personal responsibility on this task than on many other tasks they might face in their personal or professional lives. Consequently, their individual tension levels including their oral communication apprehension levels, are increased. It is also possible that some current jurors who have been previously exposed to jury service would view this previous service as stressful, distasteful, and ghastly. Under these negative conditions

when these jurors were exposed, anew, to this activity (jury service) their oral communication apprehension levels would be expected to increase. Of course, until further investigation of this phenomenon is done, this comment is speculative.

#### Suggestions for Further Research

The major contribution of this study is that it established baseline data concerning oral communication apprehension levels in venires and juries. This is the first study of this kind. Further examination of communication apprehension effects in jury bodies should be conducted to confirm or refute these data and develop this knowledge base. This investigation pointed out methodological difficulties encountered in data collection, but it demonstrated that research can be conducted involving actual venires and juries. A key issue in obtaining the Court's permission to conduct this kind of research is the approach made to convince such officials that this research is both practically and scholastically beneficial and will not interrupt judicial procedures.

This research concentrated on the effects of oral communication apprehension on jury bodies in the Southwestern United States in general and Pima County, Arizona, in particular. As such, one of its major objectives was to obtain data concerning oral communication

language (Spanish) other than English as their primary language. This objective was not realized due to a limited number of these subjects in the sample obtained for study. Therefore, additional research should be conducted to obtain and analyze such data in counties where Hispanic-Americans constitute the majority, or a sizable segment, of the general populace. In the State of Arizona, Santa Cruz and Yuma Counties are strong candidates for this research locale. The Superior Court of Santa Cruz County is located in Nogales, Arizona, which is contiguous to Nogales, Sonora State, Mexico, and the Superior Court of Yuma County is located in Yuma which is approximately 15 miles from San Luis, Sonora State, Mexico. Both locations contain a considerable Hispanic-American population segment many of whom are subject to calls for jury service in the Superior Courts of their respective counties.

Additionally, the numbers of black- and oriental-American subjects in this study are minimal. Further research in geographical areas of the United States with high concentrations of these two population segments that focused on the effects of this kind of apprehension on these two ethnic groups would add to the available data baseline.

This research must note, and hopefully draw attention to, the limited data available concerning Native Americans in contrast to much broader research findings available on other ethnic groups within the United States.

The published research holdings on Native Americans as jurors are almost nonexistent. The limited number of Native-American subjects obtained in this study scored the highest mean (50.90) TLCA and the highest mean (73.71) SCA levels. In the State of Arizona, there are 17 reservations with Tribal Courts to administer justice regarding Tribal Laws. However, Native Americans are subject to calls for jury service in both the Courts of their County of residence and their own Tribal Courts. Comparative studies concerning the effects of and levels of oral communication apprehension of this ethnic group (as differentiated from individual Tribal groups) under call for jury duty in these contrasting Court systems would add important information to the knowledge base. Such studies are encouraged.

Finally, the important topic of the older American juror provides a significant area for research. Political surveys report, in general, older Americans are registered voters. Voter registration, at the county level, is a significant contributor to development of general jury wheels. The 1980 Federal Census indicates that the number of Americans 65 years of age or older is increasing. It is reasonable to expect that this group will, therefore, be called upon for jury service in increasing numbers. This study has established, in general, that persons in this age group are not more communication apprehensive than others when serving as jurors. Additional research should expand

the knowledge base regarding the effects and levels of oral communication apprehension on this category of juror.

#### Closing Comments

When a research project is completed, the researcher should be prepared to answer at least two significant questions. The first question is: "Are the data true?" The second is: "What has been learned from the research effort?"

This project was built on the concepts of trait-like and situational oral communication apprehension. The project applied these concepts to the legal domain in general and the areas of venires and juries, specifically. The project had two objectives. The first objective was to collect, analyze, and determine levels of both trait-like and situational oral communication apprehension in venires and juries. The second objective was to determine what effects, if any, these two concepts have on the speaking interaction behaviors of jurors involved in the verdict deliberation process.

The extension of the oral communication apprehension concept into the juror communication process is basic and descriptive research, at this point. As such, this extension only begins to answer some rudimentary questions, but it raises others the answers to which may be pursued by others.

The answer to the first question is that these data are true but tentative. Trait-like oral communication apprehension data were obtained from actual venire members at the administrative in-processing phase of their venire service. Situational oral communication apprehension data were obtained from actual trial jurors at an almost real time point at which these jurors had reached their verdict in either civil or criminal cases which they heard.

The venire contained a cross-section of persons available from the general population base in the locale from which it was drawn. Therefore, there is no cogent reason to suspect that the representative levels of trait-like oral communication apprehension are atypical of the population base as a whole in this locale. The situational oral communication apprehension data were obtained from jurors who served as fact-finders in a broad spectrum of both civil and criminal trials.

These data require additional investigation to add to this newly developed knowledge base. Therefore, the measurements obtained here concerning the levels of oral communication apprehension existing in jury bodies should be considered as estimates and used only as such. Further work will tend to make these initial estimates more accurate.

The following comments respond to the second question. This study determined several interesting findings. The overall level of trait-like oral

communication apprehension in a venire is well below that level found in other groups in school and workplace settings; however, the overall level of situational oral communication apprehension in jury panels is generally above that found in other types of small groups reported by McCroskey or Richmond. The trait-like and situational communication apprehension mean levels of various ethnic group members composing either a venire or a jury panel vary considerably. This study determined that Native-American venire members and jurors manifest the highest mean levels of both trait-like and situational oral communication apprehension. In general, the percentage of high trait-like oral communication apprehensives found in the venire is lower than in other kinds of small groups. This finding is also true for the percentage of high situational communication apprehensives in jury panels; however, the percentage of low oral communication apprehensives in these panels is slightly higher than that found in other kinds of groups. This finding may indicate that jury service serves as a motivational drive and in some way lowers the fears and anxieties that high communication apprehensives associate with interactive speaking.

This study indicated that speaking frequency and socioeconomic status, two of the traditional indicators of the assumption of the leader role in a small group, do not seem to apply to deliberating jurors. Low communication

apprehensives, generally perceived as more talkative than others, are not routinely selected as jury forepersons nor do they view themselves as opinion leaders within the jury. The perceived high socioeconomic status of a juror is not an automatic predictor that such a juror will be selected as foreperson. These findings may indicate that traditional leader role assumption predictors are altered, in some way, inside the deliberation room.

This study determined that some female jurors participate in verdict deliberations in both civil and criminal trials as assertively as their male counterparts. In fact, a number of the female jurors in this study manifested much lower levels of communication apprehension than their male counterparts regardless of the nature of the charge or complaint or the gender mix of the jury on which the female was impaneled. This finding suggests that many female jurors today will interact coequally and nonpassively with all other members of the jury during verdict deliberation.

Finally, this study determined that when jurors are undecided about or perceive the trial facts and issues to be complex and/or sensitive and the trial judge's instructions to be complex, their individual levels of situational oral communication apprehension increase.

The general literature on American juries indicates that over 95% of these bodies reach a verdict in the trial

to be complex, their individual levels of situational oral communication apprehension increase.

The general literature on American juries indicates that over 95% of these bodies reach a verdict in the trial on which they are impaneled. For the most part, even if a jury were composed of members all manifesting either high or low oral communication apprehension, that jury would reach a verdict. Juries engaging in discussions and arguments about a verdict that the Court might consider excessively lengthy could be encouraged, by that Court, to come to their final decision. On the other hand, highly apprehensive jurors might rush towards contributing to a verdict without exhaustively contributing to discussions of trial facts and issues in order to reduce or avoid the fears and anxieties they have come to associate with the process of interactive speaking. Under this condition, the mechanics of reaching a verdict will have been satisfied. The guilt or innocence of a defendant will have been legally decided. However, the question of whether justice has been administered will remain open to debate.

Finally, another important lesson from this project is this--when completed, a piece of research seems more to be a beginning rather than a final answer.

APPENDIX 1

DATA COLLECTION INSTRUMENT

Packet Number \_\_\_\_\_

General Information

This research is being conducted to learn more about how trial jurors make decisions and reach verdicts. Your responses to these questions are very important. Please answer all questions honestly and frankly. There are no right or wrong answers. Your privacy is guaranteed because we do not ask you to give us your name. Part I asks you for some general information about yourself. Please do not discuss your answers with anyone else. Thank you very much for your help. When finished, please return this packet to the researcher.

Part I

1. What is your gender?     Male     Female
2. What is your ethnic background? (Check only one.)  
 Anglo     Hispanic     Black  
 Native American     Other
3. What is your age? \_\_\_\_\_ (Write in.)
4. What is your primary language? (Check only one.)  
 English     Spanish     Other
5. Have you ever served as a juror before?  
 Yes     No
6. If you answered "yes" to Q. 5, how many times have you served as a juror before?  
\_\_\_\_\_ (Write in.)
7. Have you ever served as jury foreperson before?  
 Yes     No
8. If you answered "yes" to Q. 7, how many times have you served as a jury foreperson?  
\_\_\_\_\_ (Write in.)

9. What is your present occupation?

\_\_\_\_\_ (Write in.)

10. What is your highest educational level? (Check only one.)

- |  |  |
|--|--|
| <input type="checkbox"/> Grade School    | <input type="checkbox"/> High/Trade School |
| <input type="checkbox"/> Business School | <input type="checkbox"/> College           |
| <input type="checkbox"/> Graduate School | <input type="checkbox"/> Law College       |
| <input type="checkbox"/> Medical College | <input type="checkbox"/> Dental College    |

### Part II

#### Personal Report of Communication Attitudes & Feelings

##### Directions

This instrument contains 18 statements about your attitudes and feelings concerning speaking with other people. Please indicate in the spaces provided the degree to which each statement applies to you by marking whether you:

- |                   |                      |
|-------------------|----------------------|
| 1. strongly agree | 4. disagree          |
| 2. agree          | 5. strongly disagree |
| 3. are undecided  |                      |

There are no right or wrong answers. Please work quickly and record your first impressions. Please do not discuss your answers with anyone else. Thank you for your help.

Example: If you "agree" with the statement, "I dislike participating in group discussion," then you would mark "2" in the space provided.

\_\_\_\_\_ I dislike participating in group discussion.

\_\_\_\_\_ Generally, I am comfortable while participating in group discussions.

\_\_\_\_\_ I am tense and nervous while participating in group discussions.

\_\_\_\_\_ I like to get involved in group discussions.

\_\_\_\_\_ Engaging in a group discussion with new people makes me tense and nervous.

- \_\_\_\_\_ I am calm & relaxed while participating in group discussions.
- \_\_\_\_\_ Generally, I am nervous when I have to participate in a meeting.
- \_\_\_\_\_ Usually, I am calm and relaxed while participating in meetings.
- \_\_\_\_\_ I am very calm and relaxed when I am called upon to express an opinion at a meeting.
- \_\_\_\_\_ I am afraid to express myself at meetings.
- \_\_\_\_\_ Communicating at meetings usually makes me uncomfortable.
- \_\_\_\_\_ I am very relaxed when answering questions at a meeting.
- \_\_\_\_\_ While participating in a conversation with a new acquaintance, I feel very nervous.
- \_\_\_\_\_ I have no fear of speaking up in conversations.
- \_\_\_\_\_ Ordinarily, I am very tense and nervous in conversations.
- \_\_\_\_\_ Ordinarily, I am very calm and relaxed in conversations.
- \_\_\_\_\_ While conversing with a new acquaintance, I feel very relaxed.
- \_\_\_\_\_ I'm afraid to speak up in conversations.

Packet Number \_\_\_\_\_

General Information

The information that we ask you to provide here concerns the trial you just heard as a juror. Your answers to these questions are very important. Please answer all questions honestly and frankly. There are no right or wrong answers. Your privacy is guaranteed because we do not ask you for your name. Please do not discuss your answers with anyone else. When you finish this part, please go on and complete Part IV. After you have finished Part IV, please give this packet to the representative. Thank you very much for your help.

Part III

1. Were you selected to serve as foreperson in the case you just heard?  
( ) Yes ( ) No
2. If you were selected as foreperson, were you:  
( ) appointed by the judge?  
( ) selected by the other jurors?
3. What was the complaint/charge against the defendant?  
(Please write in.)  

---
4. Just before you went into the deliberating room, the judge gave you some instructions. In your opinion, how would you rate the complexity of those instructions? (By complexity, how complicated were the instructions for you to understand?)  
( ) very simple ( ) simple ( ) undecided  
( ) complex ( ) highly complex
5. In your opinion, how complex were the main facts and issues of the case you just heard? (By complex, how complicated were the facts and issues for you to understand?)  
( ) very simple ( ) simple ( ) undecided  
( ) complex ( ) highly complex

6. In your opinion, how sensitive were the main issues of the case you just heard? (By sensitive, how shocking or revolting were the main issues to you?)
- ( ) not sensitive                      ( ) not very sensitive  
( ) undecided                              ( ) sensitive  
( ) highly sensitive
7. Do you think that you were an opinion leader in the jury? (By opinion leader, do you think that when you spoke with other jurors you swayed their opinions?)
- ( ) Yes              ( ) No
8. How many jurors sat on the jury in the case you just heard?
- ( ) eight              ( ) twelve  
( ) some other number \_\_\_\_\_ (Please write in.)

#### Part IV

#### Communication Feelings and Attitudes Inventory

##### Directions

This instrument contains 20 statements about your feelings and attitudes about speaking with other jurors during the deliberation you have just finished. Please indicate in the spaces provided how accurately these statements apply to you by marking:

- 1 if the statement is extremely inaccurate
- 2 if the statement is moderately inaccurate
- 3 if the statement is somewhat inaccurate
- 4 if the statement is neither inaccurate or accurate
- 5 if the statement is somewhat accurate
- 6 if the statement is moderately accurate
- 7 if the statement is extremely accurate

There are no right or wrong answers. Please work quickly and record your first impressions. Please do not discuss your answers with anyone else.

Example: If you feel that the statement "I was apprehensive" is moderately accurate in describing your feelings and attitudes about your participation in this jury deliberation, then you would mark "6" in the space provided.

_____ I was apprehensive.	_____ I was bothered.
_____ I was disturbed.	_____ I felt satisfied.
_____ I felt peaceful.	_____ I felt safe.
_____ I was loose.	_____ I was flustered.
_____ I felt uneasy.	_____ I was cheerful.
_____ I was self-assured.	_____ I felt happy.
_____ I was fearful.	_____ I felt dejected.
_____ I was ruffled.	_____ I was pleased.
_____ I felt jumpy.	_____ I felt good.
_____ I was composed.	_____ I was unhappy.

You have completed all parts of the questionnaire. Please return this packet to the representative. Once again we remind you of your privacy because we do not ask you for your name, and we thank you very much for your help in this project.

Table 44 - Research Hypotheses Correlated with Data  
Collection Instrument Questions

Research Hypothesis Number	Applicable Questions on Data Collection Instrument*
<b>I. Dependent Variables</b>	
1. Trait CA**	II; III, Q. 8.
2. State CA**	III, Q. 8; IV.
<b>II. Independent Variables</b>	
1. Foreperson	I, Qs. 5, 6, 7, 8; II; III, Qs. 1, 2, 7; IV.
2. Socioeconomic Status	I, Qs. 9, 10; IV.
3. Gender	I, Q. 1; IV.
4. Language	I, Qs. 2, 4; IV.
5. Age	I, Q. 3; IV.
6. Complexity	III, Qs. 3, 5; IV.
7. Sensitivity	III, Qs. 3, 6; IV.
8. Instructions	III, Q. 4; IV.
9. Prior Service	I, Qs. 5, 6; IV.

\* Roman numerals indicate instrument part.

\*\* Communication apprehension.



THE UNIVERSITY OF ARIZONA  
TUCSON, ARIZONA 85721

DEPARTMENT OF COMMUNICATION  
FACULTY OF SOCIAL AND BEHAVIORAL SCIENCES  
(602) 621-1366

October 25, 1985

The Honorable  
Pima County Superior Court, Division  
110 West Congress Street  
Tucson, Arizona 85701

Dear Judge

We request your permission to conduct a research project that will involve juries and the jury venire of Pima County Superior Court. The primary researcher, Mr. William R. Derr, is a graduate student who is completing his dissertation in the Department of Communication at this university. He is investigating the impact of oral communication apprehension ( a communication dysfunction ) on small specialized decision-reaching groups and is focusing, specifically, on both civil and criminal juries. A copy of his proposal is attached for your review.

Mr. Derr has designed a four-part questionnaire, a copy of which is also attached for your review. Parts I and II will be administered to the venire with the permission of the Jury Commissioner. A separate letter has been sent to her office requesting her permission to conduct this research on the venire. Parts III and IV will be administered to actual jurors after they have reached their verdict and announced it in open court. We request that you, as the trial judge, manage this administration in your courtroom by asking the jurors to complete it before you dismiss them from service to your court. This activity should not take more than a few minutes of your time or theirs. Mr. Derr hopes to gain your permission to use this instrument in your court with, at least, one deliberating jury in November and/or December, 1985. Therefore, we trust that you will be able to give your permission for Mr. Derr to conduct this research as soon as possible.

We sincerely thank you for your kind attention. Mr. Derr will be calling you within the next week to see if you have any questions and will grant your permission for this research. Meanwhile, if you wish to contact either one of us, please telephone 621-1366. Thank you.

Very respectfully,

RONALD J. MATLON, PhD  
Associate Professor  
Department of Communication  
Dissertation Chairman

WILLIAM R. DERR  
Doctoral candidate  
Department of Communication

Enclosures (3)



THE UNIVERSITY OF ARIZONA  
TUCSON, ARIZONA 85721

DEPARTMENT OF COMMUNICATION  
FACULTY OF SOCIAL AND BEHAVIORAL SCIENCES  
(602) 621-1366

October 25, 1985

Jury Commissioner Teal Harris  
Pima County Superior Court  
110 West Congress Street  
Tucson, Arizona 85701

Dear Commissioner Harris:

We request your permission to conduct a research project that will involve the jury venire and juries of Pima County Superior Court. The primary researcher, Mr. William R. Derr, is a graduate student who is completing his dissertation in the Department of Communication here at the university. He is investigating the impact of oral communication apprehension ( a communication dysfunction ) on small specialized decision-reaching groups and is focusing, specifically, on both civil and criminal juries. He will need to collect data on the trait-like condition of this dysfunction within the jury venire. A copy of his dissertation proposal is attached for your review.

Mr. Derr has designed a four-part questionnaire, a copy of which is also attached for your review. We request that you permit him to administer Parts I and II to the jury venire. A separate letter has been sent to each criminal and civil judge in Pima County Superior Court requesting their permission to administer Parts III and IV to jurors who have completed their deliberations, reached their verdict, and announced it in open court. Mr. Derr hopes to gain your permission to use Parts I and II of this instrument in the jury venire in November or December, 1985. Therefore, we trust that you will be able to give your permission for Mr. Derr to conduct this research as soon as possible.

We sincerely thank you for your kind attention. Mr. Derr will be calling you within the week to see if you have any questions and will grant permission for this research. Meanwhile, if you wish to contact either of us, please telephone 621-1366. Thank you.

Very respectfully,

RONALD J. MATLON, PhD  
Associate Professor  
Department of Communication  
Dissertation Chairman

WILLIAM R. DERR  
Doctoral candidate  
Department of Communication

Enclosures (3)

**APPENDIX 2**

**VENIRE AND JURY OVERVIEWS**

Table 45 - Overview of Jury Venire  
 Trait-Like Oral Communication Apprehension Levels  
 x Age x Gender x Ethnic Group x Education x  
 Occupation (n=117)

TLCA	Age	G	ET	ED	Occupation	Remarks
[HCA: Beyond 1 Sx > Mean]						
81	26	F	H	HT	Manager	
74	31	F	H	HT	Sales Clerk	
72	28	F	A	HT	Admin. Asst.	
72	42	F	NA	HT	Bookkeeper	JB1
72	26	M	A	HT	Meter Reader	JB1
66	60	F	A	GR	Teacher	
65	33	F	A	C	Registered Nurse	
65	32	F	A	GR	Librarian	
63	31	F	NA	GR	Housewife	
63	44	F	A	C	Homemaker	
62	62	F	A	GR	Retired	
62	42	M	A	HT	Machinist	
60	33	M	A	BU	Glass Blower	
60	42	M	NA	HT	Warehouse Manager	
60	36	F	A	HT	Office Manager	JB2
58	25	F	A	C	Retail Clerk	
58	39	F	A	HT	ER Room Clerk	JB1
58	48	M	A	HT	Technician	JB4
57	43	M	A	C	Engineer	
56	42	M	A	GR	Law Officer	
[Within 1 Sx of Mean]						
55	50	F	H	HT	Warehouse Clerk	Spanish
55	48	F	A	BU	Insurance Sales	JB1
55	44	F	NA	HT	Cashier	
55	68	F	A	HT	Secretary	JB1
54	45	F	NA	HT	Realtor	
53	59	F	A	C	Homemaker	JB1, FB1
51	55	M	A	HT	Self-Employed	
50	29	M	A	C	Manager	
50	27	M	A	C	Engineer	
49	25	M	A	C	Graduate Student	
49	28	M	A	C	Manager	
48	25	M	H	C	Industrial Sales	
48	30	F	A	C	Expediter	
48	34	F	O	GR	Teacher	JB1
48	52	F	A	GR	Registered Nurse	
48	28	M	A	C	Manager	
48	66	F	NA	C	Retired	JB1

Table 45 - Overview of Jury Venire (cont.)

TLCA	Age	G	ET	ED	Occupation	Remarks
47	54	M	A	C	Unemployed	
46	28	F	A	GR	Business Owner	
46	31	F	H	HT	Receptionist	
46	45	F	A	C	Insurance Sales	JB1
46	37	F	A	C	Admin. Asst.	
46	63	F	A	HT	Retired	JB7
45	23	F	A	C	Assistant Manager	
45	58	F	A	BU	Bookkeeper	
45	27	M	H	C	Computer Programmer	
44	36	M	A	C	Realtor	
44	39	M	A	GR	College Teacher	
44	54	M	A	C	Business Owner	JB1
44	55	M	A	C	Contractor	
44	69	M	A	C	Retired	JB1
44	44	F	A	GR	Realtor	
44	44	F	A	GR	Housewife	
43	42	M	A	C	Engineer	
43	58	M	A	C	Engineer	
43	60	M	NA	GR	Teacher	JB2
42	59	M	A	C	Investor	
42	34	F	A	C	Registered Nurse	
42	45	F	A	BU	Receptionist	JB1
42	27	F	A	HT	Clerk	
41	45	M	NA	HT	Butcher	
41	59	M	A	ES	Retired	
41	75	M	A	GR	Ret. Prof. Engr.	
40	51	M	H	HT	Machinist	JB1
40	58	M	A	C	Engineer	
40	49	F	A	HT	City Bus Driver	
40	41	F	A	C	Registered Nurse	
40	26	F	A	C	Electronic Sales	JB1
39	26	F	H	HT	Homemaker	
39	26	F	A	C	Property Manager	
39	37	M	A	C	Estimator	
39	55	M	A	ES	Retired	JB1,FB1
38	63	M	A	GR	Retired	JB1
38	66	M	A	C	Accountant	JB1
38	28	M	A	C	Engineer	
38	27	M	A	HT	Welder	
38	73	F	A	HT	Self-Employed	JB3
38	45	F	A	HT	Accountant	
38	55	F	A	HT	Secretary	
38	43	F	H	HT	Nurse Technician	
38	37	F	H	HT	Personnel Clerk	
38	45	F	A	BU	Housewife	

Table 45 - Overview of Jury Venire (cont.)

TLCA	Age	G	ET	ED	Occupation	Remarks
37	24	M	A	C	Landscape Architect	
37	38	M	NA	HT	Businessman	
36	23	M	A	HT	Therapy Aide	JB1
36	42	M	H	C	Firefighter	JB1
36	42	M	A	HT	Planner	
36	56	F	A	C	Consultant	JB4, FB1
36	59	F	A	C	Homemaker	
36	38	F	A	HT	Insurance Clerk	JB1
36	34	F	A	C	Trust Officer	
36	53	F	NA	HT	Sales Director	
36	68	F	A	HT	Retired	JB2
35	40	M	A	GR	Photographer	JB1
35	44	M	A	HT	Supervisor	
35	48	M	B	C	Inventory Analyst	JB4
34	44	M	A	HT	Technician	
34	49	F	A	GR	Homemaker	
33	37	F	A	C	Claims Examiner	
33	34	F	A	C	Teacher	
33	20	F	H	HT	College Student	
32	56	M	A	C	Aircraft Mechanic	
32	56	F	A	C	Retired	
[LCA: Beyond 1 Sx < Mean]						
31	50	M	A	C	Executive	
30	29	M	A	GR	Retail Manager	JB1
30	49	M	A	C	County Employee	
29	57	F	A	C	Housewife	
28	25	F	A	HT	Security Supervisor	
28	69	F	A	C	Retired	
27	26	F	A	C	Teacher	
27	32	M	A	GR	Scientist	
27	42	M	A	C	IBM Project Manager	
26	44	F	A	C	Executive	JB2
23	30	F	A	C	Sales Manager	JB2
23	31	F	H	HT	Contract Admin.	JB1
20	63	M	A	GR	Retired	
18	30	M	H	C	Underground Miner	

All subjects indicate English as primary language except one (as noted in remarks).

Table 46 - Overview of Deliberating Jurors  
 Situational Oral Communication Apprehension Levels x Age x Gender x Ethnic  
 Group x Education x Trial Variables x Occupation (n=52)

SCA	AGE	G	ET	ED	SF	I	F	SN	OL	OCC	Remarks
[HCA: Beyond 1 Sx > Mean]											
120	67	F	NA	ES	N	S	U	U	N	Apartment Manager	
100	61	M	A	C	Y	C	C	NS	N	Retired	JB4
97	28	F	A	C	N	U	HC	NVS	Y	Alcohol Counselor	JB1
97	58	F	A	HT	N	S	S	NVS	N	Clerk	
95	24	F	A	C	N	C	C	S	Y	Registered Nurse	
92	20	F	A	C	N	S	C	S	N	Accounts Clerk	
92	21	M	O	C	N	HC	HC	S	N	Graduate Student	
91	23	F	NA	C	N	HC	C	NS	N	Medical Assistant	
91	27	M	A	HT	N	U	U	NVS	N	Mechanic	
[Within 1 Sx of Mean]											
90	41	F	A	C	N	C	C	S	N	Manager	
89	62	F	A	HT	Y	S	S	NVS	N	Homemaker	JB5
88	33	M	H	HT	N	C	S	U	N	Equipment Operator	Spanish
87	37	M	B	GR	N	VS	S	S	N	Registered Nurse	
87	33	F	A	HT	N	S	S	U	Y	Food Service	
85	55	F	O	GR	N	VS	VS	NS	N	Teacher	JB1
85	47	M	A	C	N	C	C	S	Y	Manager	JB1
84	41	M	H	HT	N	U	C	U	Y	County Employee	JB1
83	52	F	NA	BU	N	S	S	S	N	Secretary	
82	63	F	A	HT	N	VS	S	NS	N	Homemaker	
81	52	M	NA	C	Y	VS	VS	NVS	N	Salesman	

Table 46 - Overview of Deliberating Jurors (cont.)

SCA	AGE	G	ET	ED	SF	I	F	SN	OL	OCC	Remarks
80	59	M	A	BU	N	C	C	NVS	Y	Retired	JB3
78	32	M	A	HT	N	S	U	S	N	Production Analyst	
77	33	F	A	HT	N	VS	U	NS	N	Unemployed	JB1
77	38	M	A	GR	N	C	HC	NS	Y	Educator	
76	25	M	A	C	N	S	C	NVS	Y	Bank Teller	
72	34	F	A	HT	N	S	S	NS	N	Bank Supervisor	
68	35	F	A	HT	N	S	U	NVS	N	Assembler	
67	48	F	A	C	N	S	C	NVS	Y	Registered Nurse	
63	31	F	H	C	N	C	C	NVS	N	Service Administration	
59	51	F	A	HT	N	C	C	S	N	Manager	JB1
58	44	M	A	HT	N	C	C	NVS	N	Food Service	JB4,FB1
58	37	M	B	C	N	S	S	NVS	N	Architect	
58	20	M	A	HT	N	S	S	NVS	N	Grocery Stocker	
57	53	F	A	HT	Y	VS	VS	NVS	Y	Secretary	
57	69	M	A	BU	Y	C	C	NS	Y	Retired Legislator	
55	38	M	NA	C	N	S	U	S	N	Draftsman	JB1
55	53	M	NA	ES	N	S	S	NS	N	General Manager	
54	53	M	A	HT	N	S	S	NVS	N	Mechanic	
49	55	M	A	HT	N	VS	S	NS	N	Retired	JB1
47	31	F	A	C	N	C	C	S	Y	Court Clerk	
46	34	M	A	C	N	S	U	NS	Y	Plumber	

Table 46 - Overview of Deliberating Jurors (cont.)

SCA	AGE	G	ET	ED	SF	I	F	SN	OL	OCC	Remarks
[LCA: Beyond 1 Sx < Mean]											
45	47	M	A	HT	N	VS	C	HS	Y	Electrical Inspector	
44	43	F	A	C	N	C	C	NS	Y	Programmer Analyst	
42	25	M	A	HT	N	S	S	NVS	N	Security Officer	
40	40	M	A	C	N	S	S	NS	Y	Self-Employed	
40	38	M	A	GR	N	S	S	NS	Y	Realtor	
33	33	F	H	HT	N	S	S	U	N	Sales Manager	
33	73	M	A	GR	N	HC	S	NS	N	Retired	
31	47	F	NA	C	N	S	S	NS	N	Housewife	
31	33	M	A	C	Y	HC	HC	HS	Y	Underground Miner	
30	47	F	A	HT	N	VS	S	NVS	N	Homemaker	
28	24	F	A	BU	N	VS	S	U	N	Housewife	JB1

All subjects indicate English as primary language except one (as noted in remarks).

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