

Factors affecting juror satisfaction and confidence in New South Wales, Victoria and South Australia

Kate O'Brien, Jane Goodman-Delahunty, Jonathan Clough and Jessica Pratley

To examine factors affecting juror satisfaction with the jury experience and confidence in the criminal justice system, exit surveys were administered to 628 empanelled and 1,048 non-empanelled jurors in New South Wales, Victoria and South Australia. Overall, empanelled jurors reported higher levels of satisfaction with the experience of jury service than non-empanelled jurors, while jurors in Victoria were significantly more satisfied with the comfort of the physical facilities than jurors in New South Wales or South Australia. A substantial majority of participants regarded juror remuneration as inadequate. Although increased involvement in the jury process enhanced perceptions of the criminal justice system, satisfaction with the jury experience significantly predicted overall confidence in the criminal justice system. These results suggest that satisfaction with the jury experience, and therefore confidence in the criminal justice system, may be increased by facilitating increased participation in jury service, improving jury facilities and increasing juror remuneration.

Toni Makkai
Director

Jury trials represent a small proportion of cases dealt with by the courts, but remain an important feature of the Australian criminal justice system. A jury that is representative, impartial and independent is central to our conception of a fair trial (Horan & Tait 2007), applying the law in a way which is 'consonant with community conscience' (Findlay 1994).

Juries have been the focus of considerable academic study, although little research has investigated the influence of the nature and extent of jurors' experience on their satisfaction with jury service. Juror satisfaction is an important element to explore, as jurors who are dissatisfied with their experience and who share their views with others may influence citizens' willingness to participate in jury service. Since jury service is often a citizen's only contact with the court, dissatisfaction with this experience may erode an individual's overall confidence in the criminal justice system (Diamond 1993).

US citizens who served on a jury reported higher confidence in the court processes, higher satisfaction with the jury experience and more positive attitudes to jury service than jurors who were not empanelled (Cutler & Hughes 2001). These findings were partially replicated in a UK Home Office study, based on interviews with 361 jurors who had recently completed jury service: 43 percent reported more confidence in the criminal justice system following their jury service, while 20 percent emerged from the experience with less confidence in the system (Matthews, Hancock & Briggs 2004). Although participation in the trial process appears to increase confidence in the criminal justice system (Indermaur & Roberts 2006), the impact of particular aspects of jury service on overall satisfaction with the process is less well understood.

ISSN 0817-8542

ISBN 978 1 921185 77 9

GPO Box 2944
Canberra ACT 2601
Australia
Tel: 02 6260 9200
Fax: 02 6260 9299

For a complete list and the full text of the papers in the *Trends & issues in crime and criminal justice* series, visit the AIC website at: <http://www.aic.gov.au>

Disclaimer:
This research paper does not necessarily reflect the policy position of the Australian Government.

Aims

Drawing on data gathered as part of a study commissioned by the Criminology Research Council (Goodman-Delahunty et al. 2007), this study examined facets of the quality and scope of the jury experience in three jurisdictions. The aims of this project were to investigate:

- the impact on overall satisfaction with the jury experience of the degree of jury participation (empanelment vs non-empanelment), the comfort of the physical facilities and the amount of remuneration for jury service
- the influence of overall satisfaction with the jury experience on confidence in the criminal justice system
- commonalities and differences between three states with different legislative and administrative jury systems: New South Wales, Victoria and South Australia.

The physical environment that jurors experience is a substantial contributor to their comfort, and may influence their overall satisfaction with the experience of jury service. A Queensland study revealed that jurors expressed greater dissatisfaction where the quality of the jury facilities and physical comforts were lower (Deborah Wilson Consulting Services 2000). The quality of court facilities varies considerably, both within and between states. For example, the Victorian Supreme Court dates from the 19th century, while the Downing Centre in Sydney and the Sir Samuel Way Building in Adelaide are refurbished department stores. More modern courtrooms in the three states date from the 1990s, while the Victorian County Court, opened in 2002, features spacious, purpose-built areas for jurors. Given such variability, we examined juror responses to the jury assembly area where they first attend jury service and where they wait until they are empanelled or discharged.

Despite mixed results regarding juror perceptions of jury facilities and of jury service (Cutler & Hughes 2001; Deborah Wilson Consulting Services 2000), a consistent finding was that jurors were least satisfied with the economic

inconvenience of jury service (Bornstein et al. 2005). In each jurisdiction, jurors are paid a prescribed fee together with a travel allowance (if applicable). In New South Wales and South Australia, jurors are entitled to the fee only if their employer does not pay them while they are on jury service (s 72 of the *Jury Act 1977* (NSW), reg 5 of the *Jury Regulation 2004* (NSW), s 70 of the *Juries Act 1927* (SA) and reg 5(1) of the *Juries (Remuneration for Jury Service) Regulations 2002* (SA)). In South Australia, the juror’s employer is entitled to be reimbursed the amount to which the juror would otherwise have been entitled. In Victoria, the juror’s employer is required to reimburse the juror the difference between the fee and the amount that the employee could reasonably expect to have been paid during that period (ss 51 and 52 of the *Juries Act 2000* (Vic)). Table 1 compares jury allowances in the three states.

The maximum attendance fee that jurors can receive for the first week of service varies by state: \$500 (SA), \$419.50 (NSW) and \$180 (Vic). In long trials, this can increase to \$1,000 (SA), \$720 (Vic) and \$568.50 (NSW). Australian average weekly earnings in November 2007 were \$1,110.20 (ABS 2007).

Method

Jurors were surveyed in District/County and Supreme Courts in metropolitan and regional areas in the three target states between March and May 2007.

Responses from non-empanelled jurors who attended jury service but were ultimately not empanelled in a trial were compared with those of empanelled jurors to investigate whether the experience of serving on a jury differentially influences juror satisfaction and perceptions of the criminal justice system.

A total of 628 empanelled jurors (25% in NSW, 50% in Vic and 25% in SA) and 1,048 non-empanelled jurors (30% in NSW, 45% in Vic and 24% in SA) completed the exit survey at the conclusion of their jury service. The majority of jurors in both categories served in metropolitan courts. Profiles of the two groups were similar on demographic indicators (Table 2). Approximately the same number of males and females responded to the survey. Less than one percent of empanelled jurors self-identified as of Aboriginal or Torres Strait Islander descent; only three percent of empanelled jurors came from a non-English language background.

Empanelled jurors in all states completed the survey prior to their release from jury service. In South Australia, jurors must be available for a month, and most are ultimately empanelled in that period. The non-empanelled group therefore consisted of jurors who were not selected for a trial during the first week or who were not empanelled by the end of their month-long service. In New South Wales and Victoria, non-empanelled jurors completed the survey after learning that

Table 1: Attendance fee and other allowances payable to jurors, by state

State	Days attended	Daily pay	Allowances
NSW	• Day 1: Under 4 hours not selected	Nil	<i>Travel:</i> 28.1 cents per km (min. \$3.95, max. \$28.10 each way) <i>Refreshment:</i> \$6.10 per day
	• Under 4 hours and selected	\$41.80	
	• Over 4 hours	\$83.90	
	• 2–5 days	\$83.90	
	• 6–10 days	\$97.50	
	• 11 days or more	\$113.70	
Vic	• 1–6 days	\$36.00	<i>Travel:</i> (regional jurors only) 38c per km exceeding 8 km from court; one way only
	• 7 days – 12 months	\$72.00	
	• 12 months or more	\$144.00	
SA	• If no financial loss	\$20.00	<i>Travel:</i> 20c per km
	• If financial loss or costs incurred	\$100.00 max.	
	• If designated by minister as a long trial	\$200.00 max.	

Source: Goodman-Delahunty et al. (2007)

Table 2: Demographic profiles of empanelled and non-empanelled jurors in the study sample

	n	Empanelled jurors %	Non-empanelled jurors %
Level of court			
District/County Court	1,435	84.2	86.5
Supreme Court	240	15.6	13.5
Age group (years)			
18–29	263	18.6	13.9
30–39	263	15.9	15.6
40–49	402	26.4	22.5
50–59	360	21.0	21.8
60+	229	12.8	14.2
Highest educational qualification			
High school or less	597	39.0	33.6
Trade certificate or equivalent	255	14.5	15.6
Diploma or equivalent	238	15.0	13.7
University degree	430	26.1	25.4
Occupation			
Professional	574	34.7	34.0
Trade/labourer	265	17.4	14.9
Admin/clerical	170	15.0	13.5
Retiree/pensioner	132	5.9	9.1
Home duties/unemployed	116	7.8	6.3
Self-employed	85	5.7	4.7
Casual employee	81	6.1	4.1
Student	25	1.4	1.5
Total n	1,676	628	1,048

Note: Figures may not total, as the court attended by one participant was unidentified
 Source: Goodman-Delahunty et al. (2007)

they would not serve on a trial before they were formally released from service.

Assuming each criminal jury consisted of 12 persons at the completion of the trial, a response rate from empanelled jurors of 72 percent (of 18 NSW juries), 71 percent (of 37 Vic juries) and 81 percent (of 16 juries in SA) was obtained. Precise computation of the response rates for non-empanelled jurors is infeasible, as the jury administration staff did not record the number of questionnaires distributed in the jury assembly rooms.

Empanelled and non-empanelled jurors individually rated their satisfaction with the jury assembly area, financial remuneration and overall satisfaction with the experience of jury service. Satisfaction with the level of remuneration was measured by summing responses to two items addressing daily juror fee and travel allowances to produce a composite

score for satisfaction with remuneration. Scores on a series of 11 questions measured participants' confidence in the criminal justice system and were summed to produce an overall confidence score. Satisfaction and confidence were reported on a five-point Likert scale. Jurors also reported whether their confidence increased, decreased or stayed the same compared with how they felt prior to jury service.

A series of two (empanelled vs non-empanelled jurors) by three (state) between-subjects analyses of variance were conducted to assess the impact of degree of jury participation and state on satisfaction with jury service and confidence in the criminal justice system. Post-hoc comparisons using the Tukey procedure explored differences between mean scores, and significant interaction effects were further assessed using a simple main effects analysis. All reported

results are statistically significant unless otherwise stated.

Results

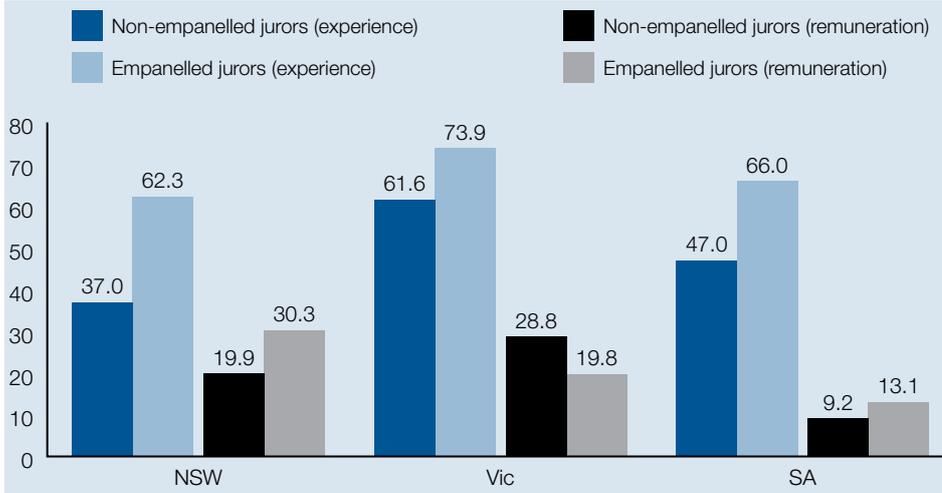
Overall satisfaction with the jury experience

More empanelled than non-empanelled jurors were satisfied with their overall experience of jury service (67% vs 48%) [F(1,1518)=8.36, p<0.001, ηp2=0.05]. Victorian jurors reported higher satisfaction with their overall jury experience (68%), than jurors in New South Wales and South Australia (50% and 56% respectively), whose satisfaction did not differ significantly [F(2,1566)=24.96, p<0.001, ηp2=0.03]. The interaction between degree of jury participation and state [F(2,1566)=5.22, p<0.01, ηp2=0.01] revealed that empanelled jurors in all three states were more satisfied with their overall experience of jury service than non-empanelled jurors. The difference between empanelled and non-empanelled jurors was most pronounced in New South Wales (62% vs 37%), followed by South Australia (66% vs 47%) and then Victoria (74% vs 62%) (Figure 1).

Comfort of the jury assembly area

Differences in juror satisfaction with the comfort of the assembly area were not as marked but were statistically significant [F(1,1633)=4.97, p<0.05, ηp2=0.00], with empanelled jurors (51%) reporting greater satisfaction than non-empanelled jurors (46%). The diversity of court buildings and facilities between the states was reflected in differences in satisfaction with the juror facilities among the three states. Satisfaction with the comfort of the assembly area was higher in Victoria (64% satisfied or very satisfied) than in South Australia (47%), while New South Wales jurors consistently expressed lower satisfaction with their facilities (37%) [F(2,1636) = 64.82; p<0.001; ηp2=0.07]. The interaction between degree of jury participation and state on satisfaction with the comfort of the assembly area was not significant.

Figure 1: Overall satisfaction with the experience of jury service; and juror satisfaction with remuneration, by state (percentage)



Source: Goodman-Delahunty et al. (2007)

Juror remuneration

Overall, only one-fifth of jurors were satisfied with their remuneration (Figure 1). Although differences in satisfaction between empanelled and non-empanelled jurors were small (21% vs 19%), they were significant [F(1,1518)=8.36, p<0.01, ηp2=0.01]. Dissatisfaction was most extensive in South Australia, where only 11 percent of surveyed jurors expressed satisfaction with the amount of remuneration for jury service. Jurors in New South Wales and Victoria reported higher levels of satisfaction (25% vs 24%) [F(2,1518)=21.32, p<0.001, ηp2=0.03].

The interaction between degree of jury participation and state was significant [F(2,1518)=29.50, p<0.001; ηp2=0.04]. Empanelled jurors in New South Wales (30%) were more satisfied with the amount of remuneration than were non-empanelled jurors (20%) [F(1,1518)=50.0, p<0.001]. The reverse was found in Victoria, where empanelled jurors reported lower satisfaction (20%) than non-empanelled jurors (29%) [F(1,1518)=10.83 p<0.01]. Differences in levels of satisfaction with remuneration in South Australia between empanelled and non-empanelled jurors were not statistically significant (13% vs 9%) [F(1,1518)=0.00, p>0.05].

Fifty-two percent of all jurors reported that they were paid by their employer

while on jury service (46% in NSW, 53% in Vic and 57% in SA). Slightly more empanelled than non-empanelled jurors (56% vs 50%) were paid by their employer. Jurors who were paid by their employer while on jury service duty did not report significantly different levels of satisfaction with remuneration (14%) than jurors who were not (18%) [F(1,1336)=0.51, p>0.05]. Length of trial did not significantly influence empanelled jurors' satisfaction with remuneration. Jurors who served on trials lasting one to four days reported similar levels of satisfaction (18%) to jurors serving on trials lasting five days or more (22%) [F(1,567)=1.89, p>0.05].

Predictors of overall satisfaction with the jury experience

A hierarchical regression was conducted to examine the impact of juror participation, comfort and remuneration on overall satisfaction. All three factors were independent predictors of overall satisfaction with the jury experience (after statistically controlling for variability between states).

Confidence in the criminal justice system

Impact of degree of jury participation on confidence

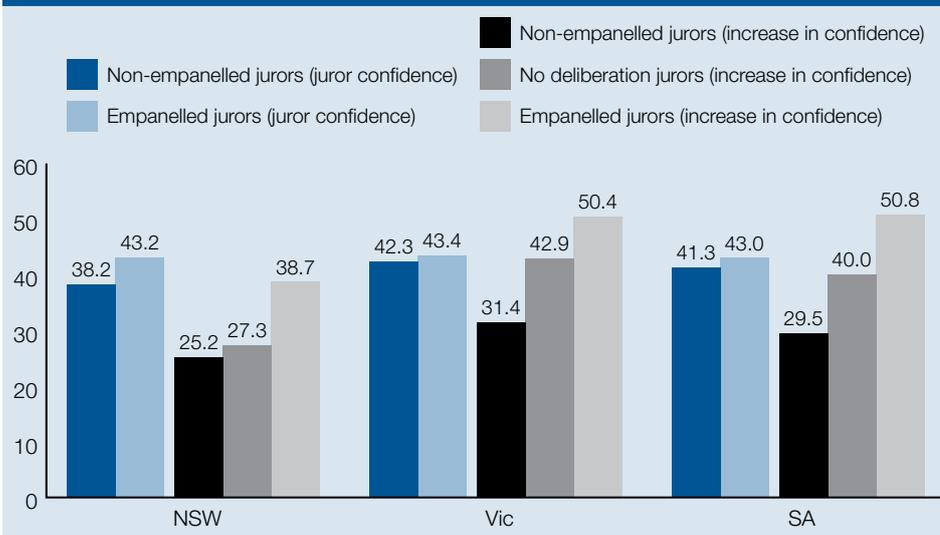
Empanelled jurors reported significantly higher confidence in the criminal justice

system (43%) than non-empanelled jurors (41%) [F(1,1291)=25.99, p<0.001, ηp2=0.02] (Figure 2). Jurors in Victoria were more confident in the criminal justice system than jurors in New South Wales (43% vs 40%). South Australian jurors' confidence (42%) did not differ significantly from that of either Victoria or New South Wales jurors [F(2,1291)=6.92, p<0.01, ηp2=0.01].

A significant interaction emerged between degree of jury participation and state [F(2,1291)=5.44, p<0.01, ηp2=0.01]. The difference between empanelled and non-empanelled jurors was most pronounced in New South Wales (43% vs 38%) [F(1,1285)=26.04, p<0.001]. Differences between empanelled and non-empanelled jurors in New South Wales and Victoria did not reach statistical significance [F(1,1285)=2.74 and F(1,1285)=3.18, p>0.05 respectively].

Self-reported changes in confidence after the experience of jury service followed the same trends as satisfaction with jury service: empanelled jurors were more likely than non-empanelled jurors to report an increase in their confidence in the criminal justice system (45% vs 30%) (χ² = 58.94, df = 2; p<0.001). To assess the impact of degree of jury participation, changes in reported confidence among empanelled jurors who deliberated to a verdict were compared with changes among empanelled jurors who were discharged prior to deliberation, and with changes among non-empanelled jurors. The positive influence of more extensive jury participation was confirmed, with more empanelled jurors who deliberated (48%) reporting an increase in confidence, compared with empanelled jurors who were discharged before deliberation (39%) and non-empanelled jurors who never served on a jury (29%) [χ² =62.56, df=4, p<0.001]. Conversely, non-empanelled jurors were more likely to report that their confidence remained the same (67%), compared with empanelled jurors who deliberated (55%) and those who did not (54%). Overall, relatively few jurors (8% of deliberating empanelled

Figure 2: Juror confidence in the criminal justice system; and self-reported increases in confidence in the criminal justice system, by state (percentage)



Source: Goodman-Delahunty et al. (2007)

jurors, 7% of non-deliberating empanelled jurors and 4% of non-empanelled jurors) reported a decrease in confidence in the criminal justice system following their experience of jury service.

This general pattern continued in each state (Figure 2): Victorian and South Australian empanelled jurors who deliberated (50% and 51% respectively) were more likely to report an increase in confidence following jury service than empanelled jurors who did not deliberate (43% and 40% respectively) and non-empanelled jurors (31% and 29% respectively) [$\chi^2=37.27$ and 18.02 respectively, $df=4$, $p<0.01$]. Jurors in New South Wales showed a slightly different trend, with 39 percent of empanelled jurors reporting an increase in confidence, but jurors who did not deliberate and non-empanelled jurors reported similar increases in confidence following their jury experience (27% and 25%) [$\chi^2=13.28$, $df=4$, $p<0.01$].

Influence of overall satisfaction on confidence

To examine whether the quality of the jury experience influences perceptions of the criminal justice system, changes in confidence were investigated for jurors who reported high versus low levels of overall satisfaction with the jury

experience. Jurors who reported high levels of satisfaction were more likely to report an increase in confidence following jury service (47%) than jurors reporting dissatisfaction with the experience (12%) [$\chi^2=119.18$, $df=2$, $p<0.001$]. Conversely, dissatisfied jurors were much more likely to report a decrease in confidence in the criminal justice system (22%) than were satisfied jurors (3%).

A positive correlation emerged between overall satisfaction with the experience of jury service and confidence in the criminal justice system ($r = 0.39$; $N = 1256$, $p<0.001$). A hierarchical regression revealed that the degree of jury participation and overall satisfaction with the jury experience independently contributed to the prediction of overall confidence in the criminal justice system, after statistically controlling for variability between states. The standardised beta-coefficients for this regression model suggest that overall satisfaction is a stronger predictor of confidence in the criminal justice system than the degree of jury participation.

Discussion

A common social narrative about jury duty is that the experience is inconvenient, entails much boring

down time in unpleasant institutional surroundings and is best avoided (Mendelsohn 2007). Understanding the factors that affect jurors’ perceptions of the jury experience can assist jury administrators to increase the willingness of the community to participate in jury service.

The results of this study demonstrate first, that degree of jury participation, comfort of jury facilities and satisfaction with the level of remuneration significantly influence overall satisfaction with jury service. Second, overall satisfaction with jury service influences confidence in the criminal justice system to a greater extent than degree of jury participation, although both independently predict overall confidence in the criminal justice system.

The comparison of three groups of jurors – non-empanelled, empanelled who did not deliberate to a verdict and empanelled who deliberated to a verdict – revealed that failure to be empanelled did not produce a significant decrease in confidence. Rather, more in-depth participation in the jury system (i.e. deliberating to verdict) produced the greatest increase in confidence in the criminal justice system.

Further analysis of the relationship between satisfaction and confidence clarified that jurors with low satisfaction and high participation were most likely to report a decrease in confidence in the criminal justice system following jury service. Conversely, jurors who were most satisfied with the experience were those most likely to report an increase in confidence in the criminal justice system, irrespective of whether they were empanelled or participated in deliberation. In sum, several analyses converged to confirm that satisfaction, rather than the extent of participation, exerted more influence on confidence in the criminal justice system.

While these results indicate that confidence in the courts and the jury system can be enhanced by increasing participation in jury service, increases in overall satisfaction should produce the

most dramatic increases in confidence. These outcomes support the view of Kritzer and Voelker (1998) that improvements in people's perceptions of the courts following contact with the court system are responsive to specific positive experiences, whereas specific negative experiences diminish perceptions of the courts. One limitation of the study is that no longitudinal measures were included to assess whether the reported increases in confidence are short-term or enduring. Recent research shows that higher levels of confidence assist the development of stable attitudes, which in turn predict future behaviour (Glasman & Albarracín 2006). This suggests that increased confidence as a result of positive jury experience may produce stable positive attitudes towards the criminal justice system, which in turn may increase willingness to participate in jury service.

Participants in this study were all actual jurors, and the response rate for empanelled jurors was 75 percent, ensuring the representativeness of the sample and the degree to which results could be generalised. The similarity in the demographic profiles of empanelled and non-empanelled jurors reduced concerns about potential lack of representativeness of the latter group.

These findings have some significant practical implications for policymakers and administrators, bearing in mind that the specific qualitative features of an individual juror's experience influences jury satisfaction. Resources allocated

to increasing jury satisfaction may have far-reaching implications in enhancing the confidence of the community in the criminal justice system. Enhancement of the jury facilities and increases to the daily jury fee and travel allowances may increase jury satisfaction and make jurors feel valued rather than inconvenienced. The negative effects of refusing to pay jurors who are not empanelled on the first day of jury service can readily be counteracted by paying these jurors for their time, even if it is a half day.

Improving juror satisfaction has implications beyond the comfort of individual jurors: it accords juries due respect and dignity, demonstrates recognition for the important role that jurors perform in the criminal justice system and also contributes to improved confidence in the criminal justice system.

Acknowledgments

This research was funded by the Criminology Research Council. Other members of the research team were Professor Neil Brewer, Dr Jacqueline Horan, Professor James Ogloff and Associate Professor David Tait. The researchers are grateful for the assistance of the Attorneys-General, Chief Justices and Chief Judges of New South Wales, Victoria and South Australia, the New South Wales Jury Manager, the Sheriff of South Australia and the Victorian Juries Commissioner. Most of all, we thank the jurors who gave their time to provide the information used in this report.

References

All URLs correct at 28 February 2008

- Australian Bureau of Statistics (ABS) 2007. *Average weekly earnings, Australia*. ABS cat. no. 6302.0. Canberra: ABS. <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/6302.0Main+Features1Nov%202007?OpenDocument>
- Bornstein BH, Miller MK, Nemeth RJ, Page GL & Musil S 2005. Juror reactions to jury duty: perceptions of the system and potential stressors. *Behavioral sciences & the law* 23: 321–346
- Cutler BL & Hughes DM 2001. Judging jury service: results of the North Carolina Administrative Office of the Courts Juror Survey. *Behavioral sciences & the law* 19: 305–320
- Deborah Wilson Consulting Services 2000. *Executive summary: survey of Queensland jurors, December 1999*. <http://www.courts.qld.gov.au/publications/SJA/Executive%20Summary%20Jurors%0Survey.PDF>
- Diamond SS 1993. What jurors think: expectations and reactions of citizens who serve as jurors, in Litan RE (ed), *Verdict: assessing the civil jury system*. Washington, DC: Brookings Institute: 282–305
- Findlay M 1994. *Jury management in New South Wales*. Carlton South, Victoria: Australian Institute of Judicial Administration
- Glasman LR & Albarracín D 2006. Forming attitudes that predict future behavior: a meta-analysis of the attitude-behavior relation. *Psychological bulletin* 132: 778–822
- Goodman-Delahunty J, Brewer N, Clough J, Horan J, Ogloff J & Tait D 2007. *Practices, policies and procedures that influence juror satisfaction in Australia*. Report to the Criminology Research Council
- Horan J & Tait D 2007. Do juries adequately represent the community? A case study of civil juries in Victoria. *Journal of judicial administration* 16: 179–199
- Indermaur D & Roberts L 2006. Perceptions of crime and justice, in Wilson S, Meagher G, Gibson R, Denmark D & Western M, *Australian social attitudes: the first report*. Sydney: UNSW Press: 141–160
- Kritzer HM & Voelker J 1998. Familiarity breeds respect: how Wisconsin citizens view their courts. *Judicature* 82: 58–64
- Matthews R, Hancock L & Briggs D 2004. *Jurors' perceptions, understanding, confidence and satisfaction in the jury system: a study of six courts*. Findings 227. London: Home Office
- Mendelsohn N 2007. *Jury duty: the brand that serves you back*. http://www.brandweek.com/bw/magazine/features/article_display.jsp?vnu_content_id=1003587820