Mock Jury Simulations: Adapting to Online Methodologies

Abstract

Trial by jury has long been considered an essential feature of a fair and just criminal justice system in England and Wales. Promoting lay participation within justice discourse, the jury system is upheld as a cornerstone of democratic due process. However, due to safeguards implemented under the Contempt of Court Act (1981), research within the jury room in England and Wales is prohibited, meaning this central feature of justice discourse remains somewhat secretive and concealed. Mock jury simulations, therefore, provide an invaluable research tool, mirroring the process of a "real" jury within controlled experimental conditions. It enables researchers to gain insight into not only what decisions jurors make but also why and how they come to these. While some mock jury research has been undertaken in the UK, it remains a relatively underused methodology, arguably due to substantial time and resource constraints typically associated. Moreover, there has been no mock jury research in the UK, to my knowledge, that has been conducted entirely online. This case study focuses upon my own doctoral research to explore the benefits and practical considerations associated with conducting mock jury simulations online. It discusses how my own simulations were adapted to online methods as a result of the COVID-19 pandemic and illustrates some key advantages of using online methodology in practice. For example, access to larger and more diverse participant pools as well as lessening time, resource, and cost constraints for both participants and researchers, ultimately making this an arguably more accessible methodology.

Learning Outcomes

By the end of this case, students should be able to:

- Outline key justifications for conducting a mock jury simulation online
- Identify the benefits and limitations associated with the online recruitment of mock jurors
- Evaluate the practical considerations associated with developing an online mock jury
- List key benefits of online mock jury simulations compared to face-to-face
- Identify added ethical considerations associated with doing mock jury research online

Context of the Research

In the current context of unprecedented discussion of sexual violence, both in the UK and internationally (Smith, 2018), there has emerged extensive debate surrounding the suitability of juries to deliver justice in rape trials and even calls to abolish juries in such context. Ultimately, this controversy relies upon the assumption that jurors often rely on widespread rape myths and stereotypes in their deliberation and therefore cannot make fair and impartial verdicts (Leverick, 2020; Willmott, 2017).

Arguably, one of the most contentious and enduring of these rape myths relates to evidence of a complainant's previous sexual history, either with the defendant or third parties. This evidence has been shown to correlate with decreased conviction rates, increased trauma for complainants and is argued to endorse misguided stereotypes regarding character, credibility, and a complainant's

perceived likelihood to consent (Kelly et al., 2006; McGlynn, 2017). Yet, while there have been calls to reform the law on sexual history evidence, there remains a fundamental paucity of research regarding how jurors interpret and discuss this evidence within deliberations. My doctoral research thereby focused explicitly on assessing the impact of this evidence on jurors, using mock jury simulations to gain such insight.

The following case study draws upon my own research of 18 mock juries, examining the impact of sexual history evidence. This was conducted entirely online due to challenges presented by the COVID-19 pandemic. While Herriott (2022) provides a how-to guide which outlines the key stages of developing a mock jury simulation, this case study focuses explicitly on the use of online mock juries and the unique considerations associated with doing this type of research online.

Section Summary

- Significant controversy exists surrounding the use of juries in rape trials due to widespread rape myths and stereotypes.
- This case explores the use of online mock jury simulations to examine jury deliberations in rape trials.

Justifying Online Mock Jury Simulations

Research with real juries is prohibited in England and Wales under s.8 Contempt of Court Act (1981). Mock jury simulations are therefore used to mimic the role of "real" juries, using volunteer participants in controlled experimental conditions. This enables researchers such as myself to gain insight into this central feature of the justice system and establish the reasoning behind juror verdicts and decision-making processes (Bornstein, 1999). In my doctoral research, mock jury simulations were selected to gain original, first-hand insight into jurors' understandings, interpretations, and judgments of previous sexual history evidence, so as to inform reform debates.

However, as a direct consequence of the COVID-19 pandemic, my mock jury simulation project was comprehensively redesigned to utilize online, rather than face-to-face, methods. To my knowledge, this was the first mock jury simulation in the English and Welsh context to be conducted entirely online and thereby represents an innovative approach to this methodology. This case study will highlight the benefits, limitations, and practical considerations associated with this innovative approach to mock jury research and will conclude by highlighting its accessibility and effectiveness for future mock jury researchers to use.

Before outlining my research design, however, it is useful to examine the justifications for conducting mock jury research online. The concept of online virtual jury trials for real cases has gained significant prominence in response to the COVID-19 pandemic. Multiple US states conducted "real" jury trials online during the lockdown period, in attempts to minimize backlog in both civil and criminal trials (Adler, 2021; Morris, 2020, August 11). While there have been mixed responses toward the constitutional legitimacy of this (Biesenthal et al., 2020; Shammas, 2020, May 4), the process of online juries has proved largely effective (Morris, 2020, August 11).

A similar move was mooted in the UK but was deemed overly complex to implement for jury trials due to issues surrounding privacy, software choices, and cost, for this short-term solution (Hamilton & Flemming, 2020, April 24). Nevertheless, online trials were used for the Supreme Court and Tribunals system. Moreover, the legal organization JUSTICE piloted online mock juries in England and

Wales using volunteer participants, in order to assess the practicalities of such a move. Mulcahy et al. (2020) provide an excellent evaluation of this pilot, presenting it as a notable success and suggesting that there is a "convincing case" to roll this out further as a means to process the dangerous backlog of cases emerging as a result of the pandemic. Moreover, the Coronavirus Act (2020) expands the availability of video and audio links in court proceedings, further endorsing the potential of online trials. Thus, with online methods having been evaluated and deemed as potentially suitable for "real" trials, it lends support to the premise of using similar technology to facilitate the use of online juries for research purposes.

Alongside these discussions of online juries in response to the pandemic, it is also worth drawing on the notion of virtual jury pools or "cyberjuries" that have been used widely and effectively in the United States for many years (Marder, 2006). It is important to establish here that these do not reflect the same type of academic jury research being discussed in the current case. Instead, this type of jury research is used by individual prosecutors as a way to test specific case evidence on members of the public, before presenting their case at the real trial. It is therefore a technique used by prosecutors to pre-empt decisions of "real" juries, so as to effectively strategize before trial, and must not be conflated with academic jury research which examines broader impacts of evidence or procedure on jurors. Nevertheless, Marder (2006) commends the use of cyberjuries, as a cheaper, quicker, and more accessible alternative to traditional face-to-face methods.

In light of this growing evidence base and amidst ever-growing access to technology throughout modern life (Boydell et al., 2014), the use of online methodologies to facilitate mock jury simulation research is justifiable. Inevitably, this represents a deviation from the task of "real" jurors, who deliberate in person, however, the impact that this has upon outcomes remains unknown and is overwhelmingly complex to ascertain given the multitude of different variables at play. Nevertheless, I submit that online simulations continue to provide insight into jury decision-making processes and represent a time and cost-effective alternative to traditional face-to-face mock jury research.

Section Summary

- Mock jury simulations provide insight into the central reasoning behind juror verdicts, where research with real juries is prohibited.
- There is growing discussion of the potential for online jury trials as a result of the COVID-19 pandemic, which arguably justifies the case for online mock jury simulation research.

Research Design

Mock jury simulations require multiple stages of development, and the research design can vary considerably depending on the methodological choices of the researcher. Yet, at their core, all simulations will involve the development of a trial stimulus—being the evidence that jurors read, listen to, or watch—and the development of a juror task which can range from asking jurors to return an individual verdict, to rate levels of guilt on a scale, to answer questions regarding interpretations of the evidence or to take part in a full group deliberation.

In my mock jury research, the trial stimulus was a 60-minute filmed recreation of a trial, which participant jurors were required to watch and then were asked to deliberate in a group to come to a unanimous (or majority) verdict. A traditional face-to-face format of this research would require jurors to come together in a set location, watch the trial film together, and then deliberate with

fellow jurors in one room. Yet, in my study, as a result of the COVID-19 pandemic, the entirety of this process took place online via Zoom software and represents an innovative approach to this methodology.

This case will focus on this adaption from face-to-face to online methods and highlight specific considerations associated with developing and conducting a mock jury simulation online. The current section outlines these considerations in reference to each stage of the research design: trial stimulus, sampling and recruitment, and juror task.

Trial Stimulus

The trial stimulus is the material that participant jurors will read, listen to, or watch before being asked to return a group or individual judgment. This can range from a written outline of a trial scenario, written transcript of a real or fictional trial, or an audio, video, or live-re-enactment of a trial scenario, either based on a real or fictional case (Juhnke et al., 1979). I discuss the various strengths and limitations associated with differing trial stimuli in Herriott (2022), but the current section highlights the practicalities of delivering a trial stimulus within an online mock jury simulation.

Positively, online methodologies support each of the aforementioned stimulus formats, and therefore, the development of your trial stimulus does not change significantly whether your simulation is online or faceto-face. Nevertheless, it is important to consider the practicalities of creating and dispersing trial material to participants online, software choices, and the impact of the chosen stimulus upon the task of participant jurors.

In my doctoral research, I created a video recreation of a trial based on real case facts and used student actor participants to act out roles of legal counsel and witnesses. Crucially, this requires some in-person elements to create the stimulus; however, once recorded, it was then easily shared with participants online. It was shown to participant jurors using the screen-sharing facility of "Zoom" software, which enabled jurors to both watch and hear the entirety of the trial stimulus in real-time. This also meant that I did not have to distribute copies of the trial stimulus to participants, thereby maintaining control over who was able to view the stimulus and with who it was shared.

Notably, however, Finch and Munro (2008) suggested that a video stimulus can create a distance between participant jurors and trial proceedings, replicating television and therefore reinforcing the fictitious nature of the task. They, therefore, suggest that a live enactment of the trial is favorable. However, I argue that a videorecorded stimulus holds distinct benefits to the experimental nature of a mock jury simulation, as it ensures standardization of the trial stimulus throughout the study. This eliminates the risk of variation in performance impacting upon juror's perceptions of a case and skewing the findings of your study (Ellison & Munro, 2013; Ross et al., 1994).

It is, however, important to recognize that Finch and Munro (2008) assertion that a video stimulus may replicate television arguably becomes even more relevant when discussing online rather than face-to-face simulations. Even where a live re-enactment is produced online via live link, this may arguably seem more like a video stimulus due to delivery through a screen online. Yet, the impact of this is complex to ascertain, and the literature remains mixed (Bornstein, 1999). It is necessary to consider, however, that both the Youth Justice and Criminal Evidence Act (1999) and the Coronavirus Act (2020) have made provisions to witnesses to give evidence via a live link or pre-recorded interview in real trials. This perhaps makes online delivery of case facts in mock jury research more acceptable and less of a deviation from the task of "real" jurors since this type of evidence delivery may occur to some extent in many real trials.

Sampling and Recruitment

Sampling is perhaps the most contentious aspect of mock jury research due to the frequent use of wholly undergraduate student samples. While these typically include jury-eligible individuals and can provide crucial insights into participant reasoning, they do not represent a typical cross-section of the jury eligible population and, therefore, are criticized for (un)generalizability (Leverick, 2020; Wiener et al., 2011).

However, arguably widespread access to technology has made mock juror recruitment easier and more accessible for future researchers, meaning that a more representative sample may be obtained. In my doctoral research, I utilized multiple online recruitment methods, as explored below, to gather a whole community sample.

Social Media Recruitment

Social media recruitment has substantially grown in popularity in recent years, as it enables quick, convenient, and free access to potential participants globally (Andrews, 2012). In my doctoral research, I used both "Twitter" and "Facebook" to advertise my research, posting on various local community groups and "tagging" various interest groups. Moore et al. (2015) suggest that the notion of tagging and retweeting—to contact your own followers and the followers of third parties—is an online form of the more traditional snowball sampling technique. This can be highly effective in reaching large numbers of potential participants, particularly within key interest groups.

Nevertheless, Boydell et al. (2014) highlight the practical considerations of this "snowballing," as research advertisements may be "lost" within rapidly changing and updating feeds. This was an issue experienced in my study, meaning I had to repeat or recreate posts once or twice a week in order to regenerate interest. While tempting to post more often, it was equally important not to over-post and cause disengagement. To further combat these issues, I also repeatedly redesigned advertisements to gain renewed interest and posted an image alongside the text, as this typically resulted in increased engagement with posts.

Yet, despite the growing popularity of social media as a recruitment tool, there remains a fundamental lack of specific regulatory guidance regarding appropriate ethical practice. Both Fileborn (2016) and Gelinas et al. (2017) provide excellent commentary on key ethical issues to be considered within social media recruitment, and these should be at the forefront of developing your mock juror recruitment strategy. In my research, for example, I contacted group moderators before posting, ensured that participants were given all the facts through digital participant information sheets, and emphasized the voluntary nature of participation throughout each stage of the recruitment process.

Further Online Recruitment Tools

Alongside social media recruitment, I advertised on websites including the university bulletin board, university staff bulletin, and on a paid participant recruitment site "Call for Participants." Like social media, these platforms boast significant reach to a large number of prospective participants with relatively little effort required from researchers Temple and Brown (2011).

"Call for Participants" proved especially successful in my research, returning 52 expressions of interest. This site was chosen over other paid participant sites, as it only required a small, one-off fee of £20 to advertise my study, whereas many other such sites require a small fee per participant.

Different sites may thereby be more or less cost-effective depending upon your own desired number of participants.

Moreover, participant sites not only boast reach to a vast participant pool but may also pre-screen participants to meet the eligibility criteria, thereby again minimizing pre-screening tasks of you as the researcher (Terrell & Kruusimagi, 2013, July 19). It is, however, worth noting that all online recruitment is somewhat limited in this sense, as it requires you to trust that participants are who they say they are and genuinely meet the eligibility criteria. This is equally the case in face-to-face research; however, the added distance and anonymity of online methods arguably heighten this as an issue.

Liaising With Participants Online

Alongside recruiting participants online, the necessity to retain participants is crucial to a mock jury project. In my doctoral research, an entirely separate email address was used solely for participant recruitment and interactions to ensure that these emails did not get lost amongst a wider inbox. This enabled immediate, free communication between participants and myself as the researcher and also meant that participants had this email address on record should they have had any queries or concerns.

Equally, digital participant information sheets and consent forms were sent via email and also ensured quick communication without the cost or time constraints of printing or posting relevant information. This worked highly effectively in my research and enabled me to check that participants had received all relevant information and to engage quickly with any queries or concerns that participants had. This was also ethically very positive by enabling participant jurors to contact me immediately and directly to alleviate any worries or concerns. This was particularly beneficial as my research was being conducted during the COVID-19 pandemic, and therefore, participants were facing added pressures such as increased anxiety and potential social isolation. As such, alongside rigorous participant information sheets which outlined the entire mock jury procedure, I also sent self-care sheets to all participants, which outlined methods to decompress following participation, as well as links to support services and charities, as a means to minimize the risk of harm.

Positively, as my recruitment advertisement required participants to email me first to register their interest, I did not encounter any issues relating to my messages entering participants' junk inboxes, etc. Email communication also enabled me to easily keep an electronic record of all communication between myself and each participant. While inevitably some dropout did occur, participants would generally email to notify me beforehand, again illustrating the benefits of this quick and easy communication method.

Limitations of Online Recruitment

Despite its benefits, it is important to recognize that online recruitment may also be critiqued as somewhat exclusionary, as it requires a degree of computer literacy and access to technology, thus potentially excluding certain segments of a population (Moore et al., 2015). This is an intrinsic limitation of all online methodologies, and therefore, it remains the task of the researcher to acknowledge the characteristics of their target audience and implement a methodological design which is as inclusive as possible. My research sought to target a cross-section of the jury eligible population in England and Wales; however, my participant pool was still skewed toward younger and more educated individuals. This is arguably an inherent limitation of all mock jury research as it tends to attract younger, more socially engaged citizens. However, such a skew may have been exacerbated by the use of online methodology, especially platforms such as Twitter which invariably

attract younger and more educated individuals. Understanding your target participants pool, therefore, remains central to deciding appropriate recruitment and liaison methods.

Juror Task

In my doctoral research, all juror participants were asked to deliberate with fellow jurors, after having watched the trial film, to reach a unanimous (or failing that majority) verdict of guilty or not guilty. Alongside this central deliberative element, jurors were also asked to answer three supporting online questionnaires. Together, these tasks enabled insight into not only what verdicts the jurors reached but also how and why they reached these.

Pretrial Questionnaire

Before signing up to deliberate, all participants were required to complete an online, pre-participation questionnaire with embedded demographic questions and attitudinal scales to assess who was taking part in the study. "Online Surveys" were used to create the questionnaire as my University already subscribed to this software. It enabled quick and easy development of the questionnaire without incurring any cost. The questionnaire link was then distributed individually to participants via email when they agreed to participate.

This approach was favorable over a printed questionnaire; first, as it enabled participants to complete this in their own time before participation, without the pressures of having fellow participants or the researcher around them. Second, it meant all data were automatically stored and grouped online, and all compulsory questions had to be answered. This ultimately made data analysis far easier and negated any need for transcription.

Booking a Jury "Slot"

Only once participant jurors had completed the initial questionnaire, were they given the link to register for a jury deliberation slot via Eventbrite. Eventbrite is free to use for free events and enables you to set multiple times and dates, as well as limits on numbers for each slot. It is, therefore, an effective tool for researchers and participants to book onto jury panels and keep track of event details. Once signed up for a deliberation slot, participant jurors were sent a Zoom link and joining instructions for the online deliberation.

It is worth highlighting, however, that Eventbrite events are searchable online and thereby some participants in my study were able to register via Eventbrite, without having contacted me or completed the questionnaire. This represents a limitation of using public event forums and may be overcome using different systems. In my own research, however, this only occurred in five instances and was typically easily resolved by simply contacting the individual via the email address registered on Eventbrite and sending the participant information sheet followed by the questionnaire link. Once all jurors had received this link and logged onto the Zoom meeting, the main data collection task could begin.

Section Summary

- The development of a mock trial stimulus online does not differ significantly from traditional face-to face simulations.

- Online participant recruitment enables access to a significantly larger participant pool and arguably makes recruitment of a representative sample easier; however, it remains essential to consider your target audience and develop recruitment strategies accordingly.
- Online questionnaire formats are valuable to ensure that all compulsory questions are answered while removing the need for transcription of answers.

Research in Action: Mock Jury Procedure Online

Once all jurors were present on the Zoom call, the mock jury task could commence. First and foremost, all participants were given a full oral briefing to outline the process and considerations of taking part in the research. Opportunity to withdraw was offered to all participants in line with good ethical practice; however, this was only formally exercised by one participant throughout the entire data collection phase. Nevertheless, Evans et al. (2008) suggested that online research may make the right-to-withdraw easier as it removes a sense of obligation associated with face-to-face interactions. While researchers may see this as a limitation, it is fundamentally positive from an ethical perspective to ensure the well-being of participants. This was of particular concern in my research, which required participants to discuss the highly emotive and potentially distressing topic of sexual violence.

Following the oral briefing, all participants were muted and the screen sharing facility was used to show participants the filmed trial stimulus alongside fellow jurors. Screen sharing is an excellent option to ensure that all participants view the trial stimulus concurrently and immediately before the deliberation, as would be the process for "real" juries. The Zoom software also enabled me to mute all participants during the showing of the trial film so as to limit any background noise or distractions coming from jurors' homes. However, it is worth noting that when using screen sharing, you as the researcher cannot monitor jurors' engagement with the trial stimulus nor can you access the private chat function to respond to questions or queries. In my own research, I therefore instructed jurors to email me if they had any questions or concerns, as this could be accessed via a separate device. However, the inability to monitor juror engagement with the trial stimulus is an inherent limitation of online platforms for this methodology.

After having seen the full trial film, the chat function was then used to send all participants the link to the pre-deliberation questionnaire (and equitable post-deliberation questionnaire) which embedded Willmott et al. (2018) juror decision scale. Again, this represents a distinct benefit of online methods, as participants could complete the form entirely digitally, thereby removing your task as a researcher to transcribe these answers onto a digital platform. It also enabled me as the researcher to immediately check when each juror had completed the survey, thus ensuring that all participants had completed the questionnaire before moving on to the deliberative task.

Having completed the pre-deliberation questionnaire, participant jurors were then asked to deliberate as a group, until they could return a unanimous, or failing that, majority verdict of guilty or not guilty. Deliberations took place on the Zoom call, using audio only. While this may be critiqued on the basis of removing nonverbal cues between participants (Fern, 2001), it was deemed ethically sound to ensure the anonymity of participants due to the format of being their own homes and discussing a highly emotive topic. Nevertheless, online formats equally allow for audio-visual deliberations, which may be favored by other researchers.

In practice, there were some pauses in discussion whereby participant jurors were seemingly waiting to hear whether someone else would speak; however, generally, discussions flowed effectively and

produced a wealth of data to analyze. Despite the mock nature of the task, participants appeared actively engaged in these deliberations, routinely citing the potentially life-changing consequences of their verdict upon both defendant and complainant. These discussions often became animated where jurors did not agree and thereby reflected the weight and gravity that participant jurors attached to the task at hand.

However, while these discussions and disagreements among jurors are somewhat inevitable in real jury deliberations and are thereby positive for the data obtained, they must also be scrutinized ethically within the mock jury research context. While in real juries, no facilitator or court official is present during the deliberation; in my research, I remained on the Zoom call throughout all deliberations as a means to ensure the well-being of participants. This was justified for ethical purposes; however, as a researcher, you must prepare for when you will or will not "step in," in order to balance ethical practice alongside normal and expected disagreements. In practice, in my study, I did not step in as a facilitator at any point; however, I would have done so if insulting language was used, voices were raised, or if a participant sounded audibly distressed.

These issues are particularly relevant to the online context, as, unlike face-to-face deliberations, direct cues are not available for researchers to observe distress among participants (Evans et al., 2008). Researchers must therefore be attuned to signals of distress such as long silence or dropping out of the discussion (Boydell et al., 2014). The value of the direct chat function on Zoom was also highly valuable as it enabled participants to share concerns with me immediately and confidentially should they wish. In practice, this did not occur in my dataset; however, this facility was ethically very positive.

Nonetheless, in practice, deliberations typically ran smoothly throughout my dataset and provided extensive qualitative data. Each deliberation was recorded using in-built services on Zoom, which not only recorded the full deliberation but also tracked who was speaking at what point. Again, this represents a distinct advantage of online methods, enabling accurate recording of all deliberative discussions and removing the necessity for a physical recording facility, therefore, minimizing time, resource, and technological constraints.

Section Summary

- When developing an online mock jury simulation, it is essential to consider ethical issues such as how to observe distress among participants and how you would respond to the distress of disagreements among jurors.
- Online deliberations, while potentially removing some nonverbal cues between participants, continue to provide a wealth of in-depth data regarding interpretations of evidence and deliberation dynamics.

Research Practicalities

While there are multiple benefits associated with online mock jury simulations, the practicalities of adapting the previous methodology to online platforms must also be considered. For example, jury deliberation slots must be "full" in order for these to run effectively with a group deliberation element, meaning if there was insufficient interest, the slot would have to be canceled. This is a practical limitation of all jury research that requires group deliberation and is not exclusive to online methods. However, it is arguably harder to over-recruit when using online platforms. In traditional face-to-face mock juries, it is commonplace to run multiple juries at once and assign over-recruited

"spare" jurors to individual tasks. While online software may allow "break-out" rooms to run multiple deliberations at the same time, issues present in terms of recording each deliberation and having a facilitator present. Thus, while online software does not make it impossible to run multiple deliberations at once, this is arguably harder to organize than with face-to-face deliberations and harder to over-recruit "spare" jurors.

Moreover, in my research, some further dropouts emerged during deliberation slots with jurors failing to join the online meeting or facing technological issues that meant they could not complete the entire task. It is essential to plan how you would respond to these situations in practice. In my research, for example, some flexibility in jury sizes was implemented, meaning that while I aimed for juries of eight and recruited eight participants to each slot, these continued to run using groups of 6–8 participants to account for dropout.

Alongside these research design issues, software choice must be central to developing an online mock jury simulation. In my mock jury simulation, Zoom software was chosen as it was easy to use, inexpensive, and offered increased anonymity for participants compared to other videoconferencing software. Zoom is marketed to the general population as distinctly user-friendly (Archibald et al., 2019) and does not require users to download an app or set up an account. This minimized the level of technological proficiency required from jurors, both mitigating against technological delays and increasing perceived accessibility for participants. I also attempted to mitigate against technological delays by producing a simple user guide for participants and sent this to all participants alongside the meeting link. In practice, there were no major technology-related delays in my study other than whereby participants lost internet connection.

As well as being user-friendly, the ability for users to join the Zoom call without being logged into an account was also beneficial for anonymity. Participants could therefore join the call using their anonymous Juror ID numbers, and no participant information such as name or email address was displayed. This is a substantial benefit of Zoom over other platforms, which often display participant email addresses and thereby compromise the anonymity of a study. Furthermore, Zoom provided the facility to create password-protected meetings which again helped to protect the integrity and confidentiality of the research.

Section Summary

- Inevitably, there will be some dropout in your mock jury simulation research, and it is, therefore, essential to plan in advance how you would respond to this and how it may impact your findings.
- Multiple online software choices exist for mock jury research, and therefore, it is essential to explore key merits and demerits of different software to find that which best suits your research aims and any resource constraints.

Practical Lessons Learned

While online platforms offer some distinct benefits for mock jury researchers, including access to a larger participant pool and mitigating against some cost and resource constraints, I equally learned a number of lessons along the way.

First and foremost, mock jury simulations require multiple stages of development whether online or face-to-face. Therefore, the organization remained critical to successfully undertaking this project,

with each stage of development reliant upon completion of the previous stage. It is therefore important to create a clear and realistic timeline for this type of research, which outlines each stage of the research design and details how each stage will be executed. This may include contingency plans and flexibility, should certain aspects of the research design take longer than expected. For example, in my project, the redesign from face-toface to online deliberations substantially delayed data collection, and thereby transcription and analysis were performed alongside data collection in order to make up time.

Second, I learned that participant engagement was absolutely essential to the mock jury simulation project, which relied on participants all joining the Zoom call at the specified time in order to run an effective deliberation. This again necessitated good organization, and the use of email was highly beneficial. I ensured that participants were sent reminder emails that included all necessary information in the days leading up to the deliberation slot. Within these emails, I also emphasized that if jurors were now unable to attend the chosen slot, it would be beneficial if they could contact me in advance to let me know. This worked effectively as where jurors did withdraw, I was often able to re-recruit other participants to fill this space. Nevertheless, some jurors simply failed to attend, and therefore, the flexibility of jury size from six to eight participants was crucial.

Finally, I would like to highlight the value of the deliberative exercise in my mock jury simulation. Not all simulations will embed a full group deliberation, often favoring individual verdicts or questionnaires (Finch & Munro, 2008). However, the inclusion of a full deliberative element in my project provided a vast and rich qualitative dataset to inform my research aims and give a clear insight into juror reasoning and interpretations of the evidence. While a deliberative is inevitably more time and resource-intensive than individual tasks, the use of Zoom software to facilitate this slot online worked extremely effectively and enabled me to gather this wealth of information. I suggest that online software have mitigated against many of the time, resource, and cost constraints typically associated with face-to-face deliberations and as such provides a more accessible research tool for future researchers to include a deliberative element.

Section Summary

- The nature of a jury simulation project requires extensive organization and thorough planning, whether online or face-to-face.
- Flexibility of participant size is favorable for an online simulation as over-recruiting participants is more difficult.
- Online platforms facilitate a group deliberation element well and, therefore, arguably make this element more accessible to future mock jury researchers.

Conclusion

This case has summarized my experience of developing an online mock jury simulation and outlined my own experience of redesigning a face-to-face mock jury format to the one which ran entirely online. It has outlined the key benefits, limitations, and practical considerations associated with doing mock jury research online. While I acknowledge that drawbacks of online simulations do exist and am not suggesting the complete removal of face-to-face mock juries, I submit online mock juries are a useful and justifiable alternative for mock jury researchers. It is therefore hoped that these insights will provide practical guidance for future mock jury researchers and encourage further online mock jury simulations to be carried out.

Classroom Discussion Questions

1. What are some of the key justifications for adapting face-to-face mock jury methodology to online mock jury methodology?
2. What are the potential drawbacks or limitations associated with this methodological change?
3. Discuss three ways in which an online mock jury simulation differs from a traditional face-to-face mock jury simulation?
4. Outline a potential recruitment strategy for your own online mock jury simulation project. What practical considerations are involved?
5. Choose a software for a future mock jury simulation and outline how you would justify this.

Further Reading

- Archibald, M. M., Ambagtsheer, R. C., Casey, M. G., & Lawless, M. (2019). Using zoom videoconferencing for qualitative data collection: Perceptions and experiences of researchers and participants. International Journal of Qualitative Methods, 18, 1609406919874596. 10.1177/1609406919874596
- Boydell, N., Fergie, G., McDaid, L., & Hilton, S. (2014). Avoiding pitfalls and realising opportunities: Reflecting on issues of sampling and recruitment for online focus groups. International Journal of Qualitative Methods, 13(1), 206–223. 10.1177/160940691401300109
- Finch, E., & Munro, V. (2008). Lifting the veil: The use of focus groups and trial simulations in legal research. Journal of Law and Society, 35(1), 30–51.
- Herriott, C. (2022, forthcoming). Researching rape trials using online mock jury simulations. SAGE Research Methods Cases.
- Ormston, R., Chalmers, J., Leverick, F., Munro, V., & Murray, L. (2020). Scottish jury research: Findings from a large-scale mock jury study. Scottish Government.

References

Adler, M. (2021). More U.S courts plan virtual jury trials to move civil cases. Bloomberg law. https://news.bloomberglaw.com/us-law-week/more-u-s-courts-plan-virtual-jury-trials-to-move-civil-cases

Andrews, C. (2012). Social media recruitment. Applied Clinical Trials, 21(11), 32–42.

Archibald, M. M., Ambagtsheer, R. C., Casey, M. G., & Lawless, M. (2019). Using Zoom videoconferencing for qualitative data collection: Perceptions and experiences of researchers and participants. International Journal of Qualitative Methods, 18, 160940691987459. 10.1177/1609406919874596

Biesenthal, B., Chung, T., & Grode, T. (2020). Criminal Jury trials in a global pandemic: Safeguarding the constitutional rights of the accused [White Paper]. Jones Day.

Bornstein, B. H. (1999). The ecological validity of jury simulations: Is the jury still out? Law and Human Behavior, 23(1), 75–91. 10.1023/A:1022326807441

Boydell, N., Fergie, G., McDaid, L., & Hilton, S. (2014). Avoiding pitfalls and realising opportunities: Reflecting on issues of sampling and recruitment for online focus groups. International Journal of Qualitative Methods, 13(1), 206–223. 10.1177/160940691401300109

Contempt of Court Act. (1981).

Coronavirus Act. (2020).

Ellison, L., & Munro, V. E. (2013). Better the devil you know? 'Real rape' stereotypes and the relevance of a previous relationship in (Mock) juror deliberations. The International Journal of Evidence & Proof, 17(4), 299–322. 10.1350/ijep.2013.17.4.433

Evans, A., Elford, J., & Wiggins, D. (2008). The SAGE handbook of qualitative research in psychology. SAGE Publications Ltd. Fern, E. F. (2001). Advanced focus group research. SAGE Publications.

Fileborn, B. (2016). Participant recruitment in an online era: A reflection on ethics and identity. Research Ethics, 12(2), 97–115. 10.1177/1747016115604150

Finch, E., & Munro, V. E. (2008). Lifting the veil: The use of focus groups and trial simulations in legal research. Journal of Law and Society, 35(s1), 30–51. 10.1111/j.1467-6478.2008.00423.x

Gelinas, L., Pierce, R., Winkler, S., Cohen, I. G., Lynch, H. F., & Bierer, B. E. (2017). Using social media as a research recruitment tool: Ethical issues and recommendations. The American Journal of Bioethics, 17(3), 3–14. 10.1080/15265161.2016.1276644

Hamilton, J., & Flemming, J. (2020April24). Covid-19 – is trial by jury still in jeopardy? Lexis Nexis. https://www.lexisnexis.co.uk/blog/covid-19/covid-19-is-trial-by-jury-still-in-jeopardy

Herriott, C. (2022). Researching rape trials online using mock jury simulations. Sage Research Methods Cases.

Juhnke, R., Vought, C., Pyszczynski, T. A., Dane, F. C., Losure, B. D., & Wrightsman, L. S. (1979). Effects of presentation mode upon mock jurors' reactions to a trial. Personality and Social Psychology Bulletin, 5(1), 36–39. 10.1177/014616727900500107

Kelly, L., Temkin, J., & Griffiths, S. (2006). Section 41: An evaluation of new legislation limiting sexual history evidence in rape trials. https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.628.3925&rep=rep1&type=pdf

Leverick, F. (2020). What do we know about rape myths and juror decision making?International Journal of Evidence & Proof, 24(3), 255–279. 10.1177/1365712720923157

Marder, N. S. (2006). Cyberjuries: A new role as online mock juries. University of Toledo Law Review, 38(1), 239.

McGlynn, C. (2017). Rape trials and sexual history evidence: Reforming the law on third-party evidence. Journal of Criminal Law, 81(5). https://doi.org/10.1177/1365712720923157

Moore, T., McKee, K., & McCoughlin, P. (2015). Online focus groups and qualitative research in the social sciences: Their merits and limitations in a study of housing and youth. People, Place and Policy Online, 9(1), 17–28. 10.3351/ppp.0009.0001.0002

Morris, A. (2020August11). Lessons Learned, 'History Made' in First Zoom Jury Trial in a Criminal Case. Texas Lawyer. https://www.law.com/texaslawyer/2020/08/11/lessons-learned-history-made-in-nations-firstzoom-trial/

Mulcahy, L., Rowden, E., & Teeder, W. (2020). Exploring the case for Virtual Jury Trials during the COVID-19 crisis An evaluation of a pilot study conducted by JUSTICE. In Justice.org.uk. https://www.brookes.ac.uk/templates/pages/staff.aspx?wid=3&op=full&uid=p0088879. 10.2139/ssrn.3876199

Ross, D. R., Ceci, S. J., Dunning, D., & Toglia, M. P. (1994). Unconscious transference and mistaken identity: When a witness misidentifies a familiar but innocent person. Journal of Applied Psychology, 79(6), 918–930. 10.1037/0021-9010.79.6.918

Shammas, M. (2020May4). Memorandum: The Permissibility & Constitutionality of Jury Trial by Videoconference. Civil Jury Project: NYU School of Law. https://civiljuryproject.law.nyu.edu/memorandumthe-permissibility-constitutionality-of-jury-trial-by-videoconference/

Smith, O. (2018). Rape trials in England and Wales: Observing justice and rethinking rape myths. 10.1007/ 978-3-319-75674-5

Temple, E. C., & Brown, R. F. (2011). A comparison of Internet-based participant recruitment methods: Engaging the hidden population of cannabis users in research. Journal of Research Practice, 7(2), D2.

Terrell, M., & Kruusimagi, M. (2013July19). The 'Call for Participants' platform connects researchers with participants so as to improve the efficiency and accuracy of research trials, LSE Blogs, [Online]. https://blogs.lse.ac.uk/impactofsocialsciences/2013/07/19/callforparticipants-platform/

Wiener, R. L., Krauss, D. A., & Lieberman, J. D. (2011). Mock jury research: Where do we go from here?Behavioral Sciences & The Law, 29(3), 467–479. 10.1002/bsl.989

Willmott, D. (2017). An examination of the relationship between juror attitudes, psychological constructs, and verdict decisions within rape trials. University of Huddersfield.

Willmott, D., Boduszek, D., Debowska, A., & Woodfield, R. (2018). Introduction and validation of the Juror decision scale (JDS): An empirical investigation of the story model. Journal of Criminal Justice, 57(1), 26–34. 10.1016/j.jcrimjus.2018.03.004

Youth Justice and Criminal Evidence Act. (1999).