



Jury News

BY PAULA HANNAFORD-AGOR

A New Option for Addressing Juror Stress?

One issue with which trial courts struggle is how to assist jurors who have served in particularly difficult trials, especially trials involving gruesome evidence or emotional testimony, lengthy trials, and high-profile trials. These types of trials can provoke serious stress-related symptoms in jurors, including anxiety, depression, nightmares, and even physical symptoms such as nausea, elevated blood pressure, chest pain, and shortness of breath. For most jurors, these symptoms disappear on their own shortly after the trial, but some jurors continue to experience symptoms for weeks or even months after the trial has concluded. Most courts have only limited resources to offer jurors in terms of post-trial assistance, but the Employee Assistance Program (EAP) offered to federal government employees by the U.S. Department of Health and Human Services may provide a useful model for state courts to emulate.

What is Juror Stress?

The term “juror stress” generally refers to an emotional or physical reaction to jury service. For most jurors, stress is perceived as a sudden event (jury service) that causes feelings of a loss of control and predictability. To some extent, stress can be a positive reaction that enhances psychological and physical functioning, helping jurors pay close attention to the trial evidence and deliberate effectively with their fellow jurors. But stress that persists for an excessive length of time or occurs in excessive degrees can result in anxiousness or depression. An estimated 70 percent of all jurors report some stress from jury service, but less than 10 percent report high levels of stress. Juror stress is caused by a number of factors: disruptions to daily routine, the invasiveness of voir dire, trial evidence and testimony, restrictions on jurors’ behavior, and the difficulty of jury deliberations. In other words, stress accumulates over the course of jury service.

Efforts to prevent juror stress, therefore, include steps to return control and predictability to jurors’ lives throughout the jury trial, including providing information about daily expectations, using jurors’ time efficiently and effectively, providing tools to facilitate informed decision-making, and minimizing the impact of especially stressful trials. Post-trial treatment options range from purely informational brochures (e.g., “Tips for Coping After Jury Duty,” see pg. 55) that alert jurors to the potential symptoms of juror stress and suggest common-sense coping techniques to “debriefing sessions” or referrals to local mental health agencies. Debriefing sessions consist of a short group counseling session in which jurors have an opportunity to explore and better understand their emotional reaction to the trial and to jury service. The debriefings also include a description of symptoms commonly associated with juror stress and make recommendations to the jurors about appropriate stress-management techniques. (Information about juror debriefing sessions and about juror stress generally are available on the NCSC Center for Jury Studies website at http://www.ncsconline.org/WC/Publications/Res_Juries_JurorStressPub.pdf).

There are a couple of drawbacks to these approaches, however. First and foremost is simply the lack of resources addressing juror stress. Most courts that have provided this type of assistance to jurors in high-stress trials have done so on an ad hoc basis using pro bono assistance from local mental health practitioners. Consequently, the quality of assistance can vary considerably depending on the training and expertise of those practitioners. The fact that these services are offered on a purely ad hoc basis inevitably means that jurors in some high-stress trials receive no assistance at all, either because the judge and court administrators do not realize the need to provide such assistance or they don’t know how to access these services. Moreover, some jurors are not interested in attending a debriefing session immediately following the trial. Often they are emotionally numb and physically exhausted by the ordeal

Tips for Coping After Jury Duty

From the Superior Court of Arizona, Maricopa County, Jury Service Website at <http://www.superiorcourt.maricopa.gov/JuryServices/GeneralInformation/coping.asp>

The Jury Duty Experience

Thank you for serving your community. Being on a jury is a rewarding experience which in some cases may be quite demanding. You were asked to listen to testimony and to examine facts and evidence. Coming to decisions is often not easy, but your participation is appreciated.

Serving on a jury is not a common experience and may cause some jurors to have temporary symptoms of distress.

Not everyone feels anxiety or increased stress after jury duty. However, it may be helpful to be aware of the symptoms if they arise.

Some temporary signs of distress following jury duty include: anxiety, sleep or appetite changes, moodiness, physical problems (e.g. headaches, stomach aches, no energy, and the like), second guessing your verdict, feeling guilty, fear, trouble dealing with issues or topics related to the case, a desire to be by yourself, or decreased concentration or memory problems.

Symptoms may come and go, but will eventually go away. To help yourself, it is important to admit any symptoms you may have and deal with any unpleasant reactions.

Coping Techniques After Serving On A Jury

- Talk to family members and friends. One of the best ways to put your jury duty experience in perspective is to discuss your feelings and reactions with loved ones and friends. You may also want to talk with your family physician or a member of the clergy.
- Stick to your normal, daily routines. It is important to return to your normal schedule. Don't isolate yourself.
- Before you leave the court, you may wish to get the names and numbers of at least two of your fellow jurors. Sometimes it is helpful to talk to people who went through the experience with you. This can help you to remember that you were part of a group (jury) and are not alone.

- Remember that you are having normal responses to an unusual experience.
- You can deal with signs of distress by cutting down on alcohol, caffeine, and nicotine. These substances can increase anxiety, fatigue and make sleep problems worse.
- Relax with deep breathing.
- Breathe in slowly through your nose.
- Breathe out through your mouth.
- Slow your thoughts down and think about a relaxing scene.
- Continue deep breathing until you feel more relaxed.
- Cope with sleep problems.
- Increase your daily exercise, but do not exercise just before bedtime.
- Decrease your caffeine consumption, especially in the afternoon or evening.
- Do "boring" activities before bedtime.
- Listen to relaxation tapes or relaxing music before bedtime.

Final Thoughts

- Remember that jury service is the responsibility of good citizens.
- Resist negative thoughts about verdict.
- No matter what others think about the verdict, your opinion is the only one that matters.
- You don't have to prove yourself to anyone.
- Sometimes it takes a lot of courage to serve on a jury. Some cases are very violent and brutal and hard to deal with. The case is now over and it is important for you to get on with your life.
- If you are fearful of retaliation or if you are threatened after the trial, tell the court and/or law enforcement immediately.

If signs of distress persist for two weeks after the jury service has ended consider contacting your physician.

and just want to go home to decompress. Others are just uncomfortable with the idea of group counseling; they would rather work out their emotions in private. For some, the desire for counseling doesn't come until days or weeks later.

A New Model for Accessing Mental Health Services for Jurors

Beginning sometime in mid-2005, the federal courts initiated a program to provide assistance to jurors serving in high-stress trials in federal courts. That program extends a mental health benefit offered to federal employees through the Employee Assistance Program (EAP) administered by the U.S. Department of Health and Human Services to jurors serving in federal jury trials. The EAP can provide both “critical incident debriefing” services to jurors as well as up to six free counseling sessions annually with a licensed mental health worker. If jurors require additional assistance after the six counseling sessions, the EAP can help identify other local mental health agencies. According to the eligibility criteria, EAP counseling services can be provided as long as the jurors are serving, but they are not available once jurors have been dismissed from service. Accordingly, in cases where the trial judge wants to authorize these services for jurors at the conclusion of the trial, the judge enters an order near the end of the trial extending the jurors' term of service “for administrative purposes” for a long enough period to allow individual jurors to obtain counseling. At the conclusion of the trial, the judge provides a letter thanking the jurors for their service and providing the EAP contact information for those jurors who want to access these services. The counseling sessions are completely free to jurors, and there is no insurance “paper trail” showing that the juror requested mental health assistance, which still carries some stigma for many individuals.

I first heard about the EAP counseling services at a jury management workshop for federal court employees this past March. Most states have equivalent EAP programs for state employees through their state HHS agencies, so it occurred to me that this approach might be replicable for jurors serving in high-stress trials in state courts. In most jurisdictions, the costs to the state HHS department would be fairly negligible — typically only a couple dozen jurors would access these services each year — but the consistency and quality of service would be greatly improved. Ed Juel is the attorney advisor at the Administrative Office of the U.S. Courts who acts as the liaison between the federal courts and the U.S. Department of Health and Human Services for this program. Readers who want additional information about this program can contact him at edward_juel@ao.uscourts.gov.

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