

**Appendix Three:
Bibliography**

Appendix Three: Discussions of Jury Instructions and Decisionmaking

The following materials discuss various aspects of jury instructions and decisionmaking.

Walter F. Abbott et al., *JURY RESEARCH: A REVIEW AND BIBLIOGRAPHY* (1993).

Christine M. Shea Adams & Martin J. Bourgeois, *Separating Compensatory and Punitive Damage Award Decisions by Trial Bifurcation.*, 30 *LAW HUM. & BEHAV.* 11 (2006).

American Bar Association Principles for Juries & Jury Trials, SL044 ALI-ABA 653 (2005).

Martin J. Bourgeois et al., *Nominal and Interactive Groups: Effects of Preinstruction and Deliberations on Decisions and Evidence Recall in Complex Trials*, 80 *J. APPL. PSYCHOL.* 58 (1995).

David C. Brody & John Neiswender, *Judicial Attitudes Towards Jury Reform*, 83 *JUDICATURE* 298 (2000).

A. Barry Cappello & G. James Strenio, *Juror Questioning: The Verdict Is In*, 36 *JUN TRIAL* 44 (2000).

Joe S. Cecil et al., *Citizen Comprehension of Difficult Issues: Lessons from Civil Jury Trials*, 40 *AM. U. L. REV.* 727 (1991).

Robert P. Charrow & Veda R. Charrow, *Making Legal Language Understandable: A Psycholinguistic Study of Jury Instructions*, 79 *COLUM. L. REV.* 1306 (1979).

Charting a Future for the Civil Jury System: Report from an American Bar Association / Brookings Symposium (1992).

The Civil Juror: A Research Project Sponsored by the Roscoe Pound Foundation (1988), in John Guinther, *The Jury in America* (1988).

Neil P. Cohen & Daniel R. Cohen, *Jury Reform in Tennessee*, 34 *U. MEM. L. REV.* 1 (2003).

Neil P. Cohen, *The Timing of Jury Instructions*, 67 *TENN. L. REV.* 681 (2000).

Committee on Federal Courts of the New York State Bar Association, *Improving Jury Comprehension in Complex Civil Litigation*, 62 *ST. JOHN'S L. REV.* 549 (1988).

Appendix Three: Bibliography

- 1 Donna Cruse & Beverly A. Browne, *Reasoning in a Jury Trial: The Influence of Instructions*,
2 114 J. GEN. PSYCHOL. 129 (1987).
3
- 4 B. Michael Dann & George Logan III, *Jury Reform: The Arizona Experience*, 79 JUDICATURE
5 280 (1996).
6
- 7 B. Michael Dann., "*Learning Lessons*" and "*Speaking Rights*": *Creating Educated and*
8 *Democratic Juries*, 68 IND. L.J. 1229 (1993).
9
- 10 B. Michael Dann et al., *Can Jury Trial Innovations Improve Juror Understanding of DNA*
11 *Evidence?*, *Champion*, April 27, 2007, at 26.
12
- 13 Dennis J. Devine et al., *Jury Decision Making: 45 Years of Empirical Research on Deliberating*
14 *Groups*, 7 PSYCHOL. PUB. POL'Y & L. 622 (2001).
15
- 16 Shari Seidman Diamond, *How Jurors Deal with Expert Testimony and How Judges Can Help*,
17 16 J.L. & POL'Y 47 (2007).
18
- 19 Shari Seidman Diamond, *Beyond Fantasy and Nightmare: A Portrait of the Jury*, 54 BUFF. L.
20 REV. 717 (2006).
21
- 22 Shari Seidman Diamond, Beth Murphy & Mary R. Rose, *The "Kettleful of Law" in Real Jury*
23 *Deliberations: Successes, Failures, and Next Steps*, 106 NW. U. L. REV. 1537 (2012).
24
- 25 Shari Seidman Diamond et al., *Juror Questions During Trial: A Window into Juror Thinking*, 59
26 Vand. L. REV. 1927 (2006).
27
- 28 Shari Seidman Diamond et al., *Juror Discussions During Civil Trials: Studying an Arizona*
29 *Innovation*, 45 ARIZ. L. REV. 1 (2003).
30
- 31 Shari Seidman Diamond & Neil Vidmar, *Jury Room Ruminations on Forbidden Topics*, 87 VA.
32 L. REV. 1857 (2001).
33
- 34 Bethany K. Dumas, *Jury Trials: Lay Jurors, Pattern Jury Instructions, and Comprehension*
35 *Issues*, 67 TENN. L. REV. 701 (2000).
36
- 37 Amiram Elwork et al., *Juridic Decisions: In Ignorance of the Law or in Light of It?*, 1 LAW &
38 HUM. BEHAV. 163 (1977).
39
- 40 Amiram Elwork et al., *MAKING JURY INSTRUCTIONS UNDERSTANDABLE* (1982).
41
- 42 Victor E. Flango, *Would Jurors Do a Better Job if They Could Take Notes?*, 63 JUDICATURE 436

**Appendix Three:
Bibliography**

1 (1980).

2
3 Lynne ForsterLee & Irwin A. Horowitz, *The Effects of Jury-Aid Innovations on Juror*
4 *Performance in Complex Civil Trials*, 86 JUDICATURE 184 (2003).

5
6 Lynne ForsterLee & Irwin A. Horowitz, *Enhancing Juror Competence in a Complex Trial*, 11
7 APPLIED COGNITIVE PSYCHOL. 305 (1997).

8
9 Lynne ForsterLee et al., *Effects of Notetaking on Verdicts and Evidence Processing in a Civil*
10 *Trial*, 18 LAW & HUM. BEHAV. 567 (1994).

11
12 Lynne ForsterLee et al., *Juror Competence in Civil Trials: Effects of Preinstruction and*
13 *Evidence Technicality*, 78 J. APPLIED PSYCHOL. 14 (1993).

14
15 Paula L. Hannaford et al., *The Timing of Opinion Formation by Jurors in Civil Cases: An*
16 *Empirical Examination*, 67 TENN. L. REV. 627, 650 (2000).

17
18 Paula L. Hannaford et al., *Permitting Jury Discussions During Trial: Impact of the Arizona*
19 *Reform*, 24 LAW & HUM.BEHAV. 359 (2000).

20
21 Valerie P. Hans, *Empowering the Active Jury: A Genuine Tort Reform*, 13 ROGER WILLIAMS U.
22 L. REV. 39 (2008).

23
24 Valerie P. Hans, *Judges, Juries, and Scientific Evidence*, 16 J.L. & POL'Y 19 (2007).

25
26 Valerie P. Hans, *Inside the Black Box: Comment on Diamond and Vidmar*, 87 VA. L. REV. 1917
27 (2001).

28
29 Valerie P. Hans & Stephanie Albertson, *Empirical Research and Civil Jury Reform*, 78 NOTRE
30 DAME L. REV. 1497 (2003).

31
32 Valerie P. Hans et al., *The Arizona Jury Reform Permitting Civil Jury Trial Discussions: The*
33 *Views of Trial Participants, Judges, and Jurors*, 32 U. MICH. J.L. REFORM 349 (1999).

34
35 Larry Heuer & Steven Penrod, *Trial Complexity: A Field Investigation of Its Meaning and Its*
36 *Effects*, 18 LAW & HUM. BEHAV. 29 (1994).

37
38 Larry Heuer & Steven Penrod, *Juror Notetaking and Question Asking During Trials: A National*
39 *Field Experiment*, 18 LAW & HUM. BEHAV. 121 (1994).

40
41 Larry Heuer & Steven D. Penrod, *Instructing Jurors: A Field Experiment with Written and*
42 *Preliminary Instructions*, 13 LAW & HUM. BEHAV. 409 (1989).

**Appendix Three:
Bibliography**

- 1
2 Larry Heuer & Steven Penrod, *Increasing Jurors' Participation in Trials: A Field Experiment*
3 *with Jury Notetaking and Question Asking*, 12 LAW & HUM. BEHAV. 231 (1988).
4
5 Rebecca Hollander-Blumoff & Matthew T. Bodie, *The Effects of Jury Ignorance about Damage*
6 *Caps: The Case of the 1991 Civil Rights Act*, 90 IOWA L. REV. 1361 (2005).
7
8 Alayna Jehle & Monica K. Miller, *Controversy in the Courtroom: Implications of Allowing*
9 *Jurors to Question Witnesses*, 32 WM. MITCHELL L. REV. 27 (2005).
10
11 Saul M. Kassin & Lawrence S. Wrightsman, *On the Requirements of Proof: The Timing of*
12 *Judicial Instruction and Mock Juror Verdicts*, 37 J. PERSONALITY & SOCIAL PSYCHOL.
13 1877 (1979).
14
15 J. Clark Kelso, *Final Report of the Blue Ribbon Commission on Jury System Improvement*, 47
16 HASTINGS L.J. 1433 (1996).
17
18 Geoffrey P. Kramer & Dorean M. Koenig, *Do Jurors Understand Criminal Jury Instructions?*
19 *Analyzing the Results of the Michigan Juror Comprehension Project*, 23 UNIV. MICH. J.
20 L. REFORM 401 (1990).
21
22 Richard Lempert, *Civil Juries and Complex Cases: Taking Stock after Twelve Years*, in *Verdict:*
23 *Assessing the Civil Jury System* (Robert E. Litan ed. 1993).
24
25 Joel D. Lieberman & Bruce D. Sales, *What Social Science Teaches Us About the Jury Instruction*
26 *Process*, 3 PSYCHOL. PUB. POL'Y & L. 589 (1997).
27
28 Nancy S. Marder, *Bringing Jury Instructions into the Twenty-First Century*, 81 NOTRE DAME L.
29 REV. 449 (2006).
30
31 Nancy S. Marder, *THE JURY PROCESS* (Foundation Press 2005).
32
33 Nicole L. Mott, *The Current Debate on Juror Questions: "To Ask or Not to Ask, That Is the*
34 *Question,"* 78 CHI.-KENT L. REV. 1099 (2003).
35
36 New York State Unified Court System, *Final Report of the Committees of the Jury Trial Project*
37 (2005), available at <http://www.nyjuryinnovations.org/>.
38
39 Steven D. Penrod & Larry Heuer, *Tweaking Commonsense: Assessing Aids to Jury Decision*
40 *Making*, 3 PSYCHOL. PUB. POL'Y & L. 259 (1997).
41
42 Alan Reifman et al., *Real Jurors' Understanding of the Law in Real Cases*, 16 LAW & HUM.

**Appendix Three:
Bibliography**

1 BEHAV. 539 (1992).

2
3 David L. Rosenhan et al., *Notetaking Can Aid Juror Recall*, 18 LAW & HUM. BEHAV. 53 (1994).

4
5 Jessica M. Salerno & Shari Seidman Diamond, *The Promise of a Cognitive Perspective on Jury*
6 *Deliberation*, 17 PSYCHONOMIC BULLETIN & REV. 174 (2010).

7
8 Leonard B. Sand & Steven Alan Reiss, *A Report on Seven Experiments Conducted by District*
9 *Court Judges in the Second Circuit*, 60 N.Y.U. L. REV. 423 (1985).

10
11 William W. Schwarzer, *Communicating with Juries: Problems and Remedies*, 69 CAL L. REV.
12 731 (1981).

13
14 William W. Schwarzer, *Reforming Jury Trials*, 1990 U. CHI. LEGAL F. 119.

15
16 Vicki L. Smith, *Prototypes in the Courtroom: Lay Representations of Legal Concepts*, 61 J.
17 PERSONALITY & SOCIAL PSYCHOL. 857 (1991).

18
19 Vicki L. Smith, *Impact of Pretrial Instruction on Jurors' Information Processing and Decision*
20 *Making*, 76 J. APPLIED PSYCHOL. 220 (1991).

21
22 Vicki L. Smith, *The Feasibility and Utility of Pretrial Instruction in the Substantive Law: A*
23 *Survey of Judges*, 14 LAW & HUM. BEHAV. 235 (1990).

24
25 Peter Meijes Tiersma, *Reforming the Language of Jury Instructions*, 22 HOFSTRA L. REV. 37
26 (1993).

27
28 Jeannine Turgeon & Elizabeth A. Francis, *Improving Pennsylvania's Justice System through*
29 *Jury System Innovations*, 18 WIDENER L.J. 419 (2009).

30
31 Neil Vidmar & Valerie P. Hans, AMERICAN JURIES: THE VERDICT (2007).

32
33 Neil Vidmar & Matthew W. Wolfe, *Fairness through Guidance: Jury Instruction on Punitive*
34 *Damages after Philip Morris v. Williams*, 2 CHARLESTON L. REV. 307 (2008).

35
36 Ryan J. Winter & Edith Greene, *Juror Decision-Making*, in HANDBOOK OF APPLIED COGNITION
37 739–761 (Francis Durso ed., 2nd ed. 2007).