

## Reading along helps: an MTurk study on jury instruction comprehension

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### Abstract

“Failure of recollection is common. Innocent misrecollection is not uncommon.”\*

Jurors are confused by “jury instructions” – the complicated directives that the judge reads to them before they deliberate a case (Charrow & Charrow, 1979; Diamond et al. 2012). This has led to disengaged jurors as well as misinformed verdicts (Benson, 1985; Marder, 2006). Our previous studies (Randall, J. et al., 2015; Randall & Graf, 2014) found that comprehension improves when subjects read the jury instructions as they listen to them. However, the subjects in these studies were Northeastern undergraduates who are not representative of the jury pool in Massachusetts, half of whom have not gone beyond 12<sup>th</sup> grade (2013 Census Data). Our new study uses a more diverse set of subjects, recruited via Amazon’s Mechanical Turk, an online survey platform. The results show a stronger improvement in comprehension for these subjects as compared with NU students, suggesting that the Massachusetts justice system would benefit from supplementing its oral jury instructions with written versions.

### Background

In 2003, California rewrote its jury instructions because jurors found them too confusing. Are MA jurors confused by our current instructions? The Plain English Jury Instruction Project is trying to find out. We are studying the comprehension of a sample of MA instructions to examine which factors (e.g. juror education level, linguistic complexity, how the instruction is given – orally or with text) affect understanding. Though we do not have access to actual jurors, our new study approximates juror performance using a variety of methods and subject pools.

One study of jurors found that > 25% couldn’t define:

“  
... burden of proof ...  
... impeach ...  
... admissible evidence ...  
... inference ...”



### Previous Findings

(Randall, J. 2015)

A study using Northeastern undergraduates (n=214) tested their comprehension of six jury instructions on true/false questions. Half of the subjects listened to the jury instructions while reading the accompanying transcriptions [R+L] and the other half only listened [L]. Results showed that the subjects who read while listening performed better on the comprehension test than subjects who only listened (p=.05), as shown in Figures 1 and 2.

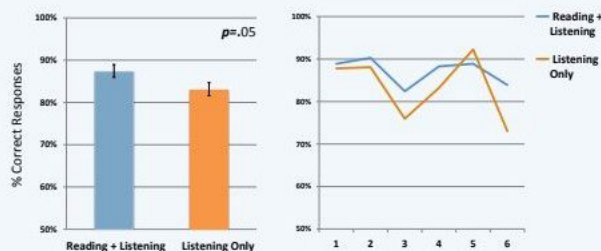


Figure 1 NU undergraduates, overall comprehension, 6 instructions

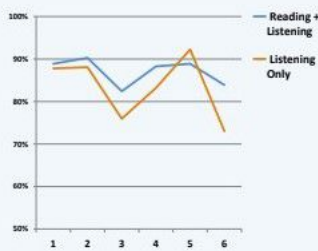


Figure 2 NU undergraduates, comprehension rates by instruction

### Footnote & References

- \* California Book of Approved Jury Instructions (BAJI), 2.21. [http://www.courts.ca.gov/partners/documents/caci\\_2012\\_edition.pdf](http://www.courts.ca.gov/partners/documents/caci_2012_edition.pdf)
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### Our New MTurk Study – A wider range of subjects

#### Hypotheses

1. As in our earlier study, subjects who read and listen [R + L] will understand instructions better than those who only listen [L].
2. The improvement of [R + L] over [L] will be greater for this more diverse group of Mturk subjects than for NU undergraduates.

#### Materials

- Audio recordings and transcripts of 6 current Massachusetts jury instructions

### Results

1. Hypothesis 1 was confirmed. As in our earlier studies, reading along with listening improved comprehension significantly across the instructions overall (Figure 3), and for all but one of the instructions individually (Figure 4).
2. Hypothesis 2 was confirmed. The more diverse MTurk subjects showed greater improvements in comprehension than NU undergraduate subjects (compare Figure 3 with Figure 1 and Figure 4 with Figure 2).

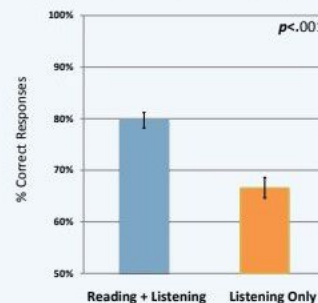


Figure 3 MTurk subjects, overall comprehension, 6 instructions



Figure 4 Mturk subjects, comprehension rates by instruction (1-6)

### Discussion & Conclusions

In this new study, our results confirmed that subjects who read a written transcript while listening to verbal jury instructions [R+L] understood them better than those who only listened [L]. The differences for the instructions overall (Figure 3) and for 5 of the 6 instructions individually (Figure 4) were larger and more significant than the results of our earlier studies using NU undergraduates (Figures 1 and 2). These results are important for the Massachusetts judicial system, since the education level of the MTurk subjects is more representative of the state’s jury pool, nearly half of whom (46%) have not gone beyond high school (see Figure 5). These results suggest that presenting the instructions both orally and in writing will improve understanding, allowing jurors to participate more fully in trials and return more informed and just verdicts.

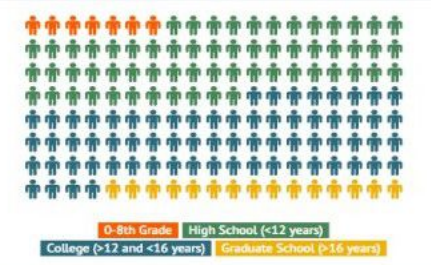


Figure 5 46% of MA citizens age 18+ have completed 12 or fewer years of schooling (2013 Census Data)

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