

Arguments for Diverse Juries

- **Constitutionality**
- **Morality**
- **Perceived Legitimacy**
- **Jury Performance**

Source for these notes: Professor Samuel Sommers, Behavioral Scientist – Tufts University

Why and How Diverse Juries Matter

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05.25.22

What message does the jury composition send to the community at large?

perceived legitimacy

 **NEWS**

Family outraged by racial makeup of jury in Arbery slaying

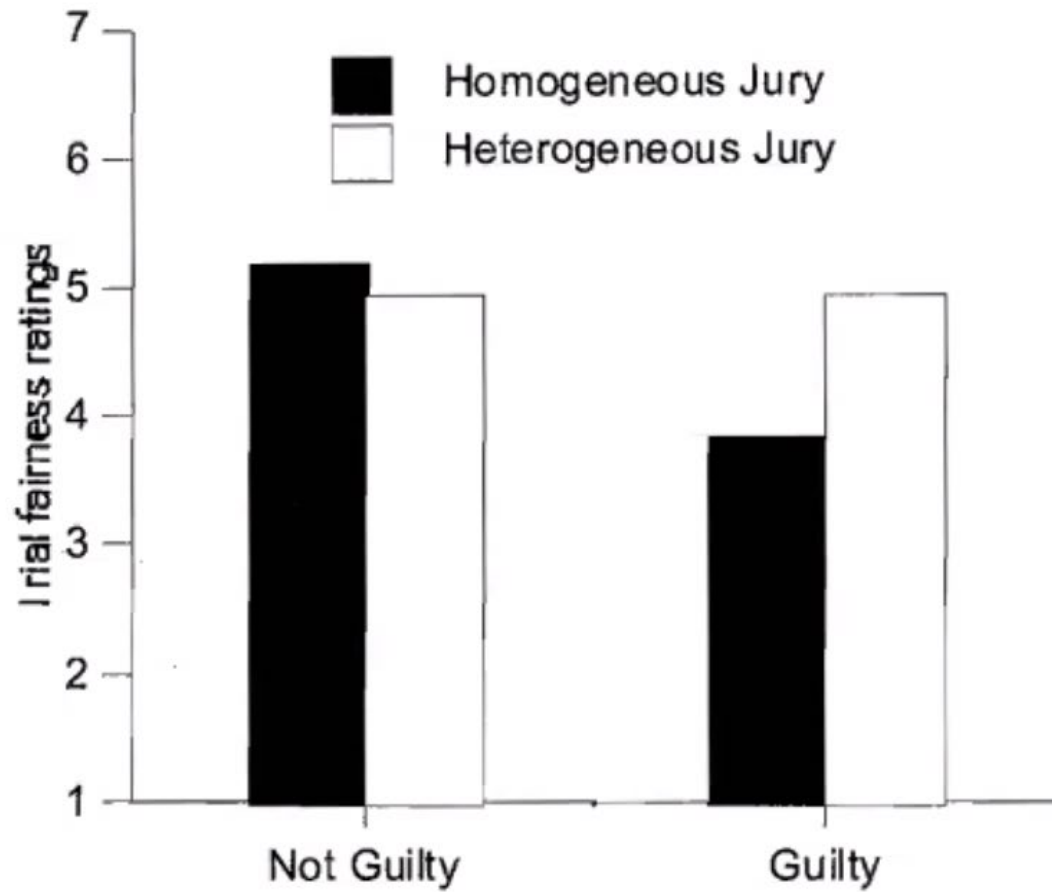
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Ellis & Diamond (2003)

- Examined effects of jury racial composition on perceptions of legitimacy
- Asked 320 jury-eligible citizens to read trial summary with Black defendant
- Varied jury composition (all-white vs. racially-diverse) and verdict (guilty vs. not guilty)

Ellis & Diamond (2003)



Perceived Legitimacy

“You want, especially at the outset, [for] this thing to not only be fair but look fair. This court system depends on people believing that you get a fair shake.”

- Judge David Coar
Northern District of Illinois

“Jury verdicts are perceived as more fair by outsiders when they are rendered by diverse versus homogeneous juries.”

- Dr. Sonia Chopra
The Trial Lawyer (2014)

jury performance

Jury Performance

“When any large and identifiable segment of the community is excluded from jury service, the effect is to remove from the jury room qualities of human nature and varieties of human experience, the range of which is unknown and perhaps unknowable. It is not necessary to assume that the excluded group will consistently vote as a class in order to conclude, as we do, that its exclusion deprives the jury of a perspective on human events that may have unsuspected importance in any case that may be presented.”

-Thurgood Marshall, *Peters v. Kiff* (1972)

Effects of Racial Diversity

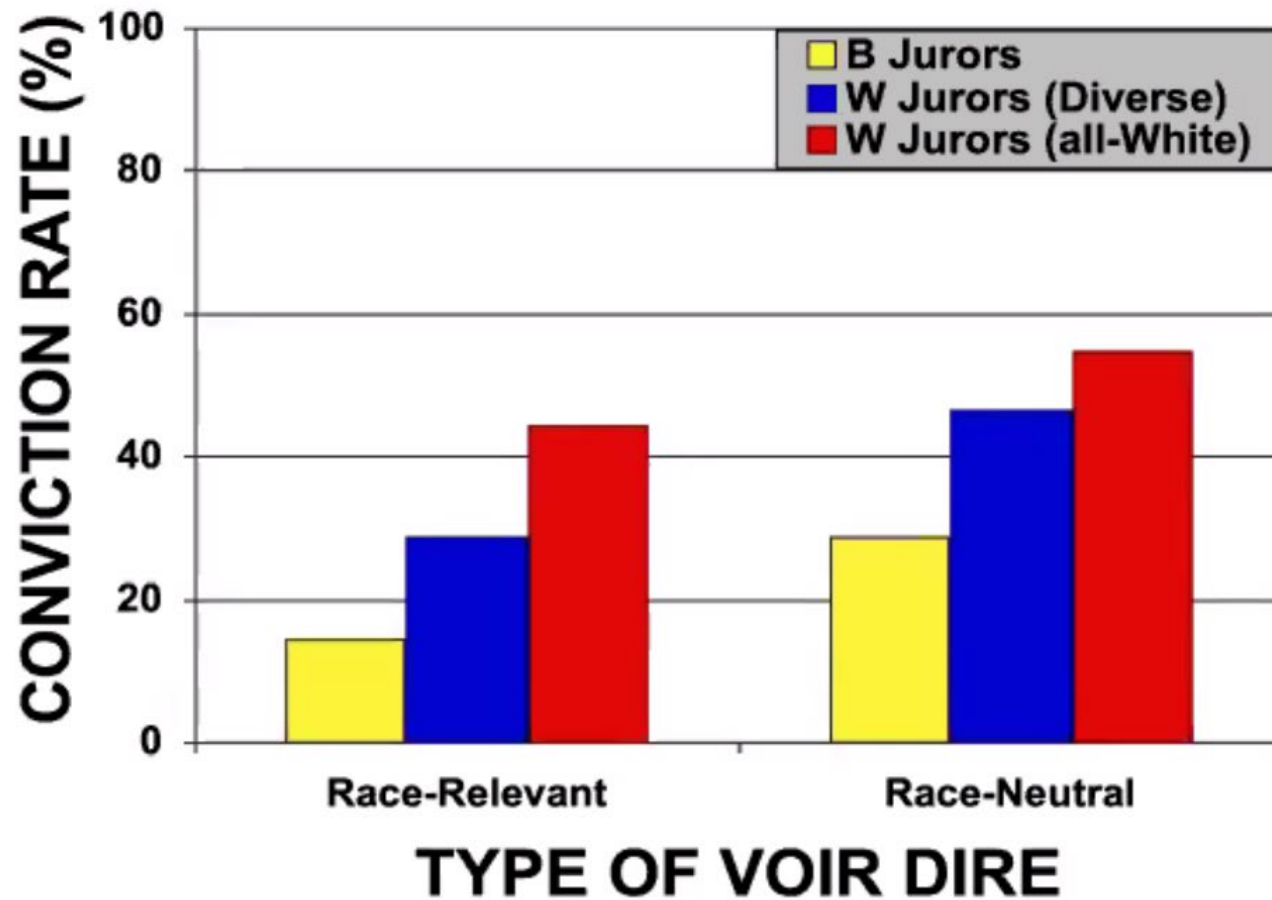
“Microsoft is a mosaic of women and men of varied backgrounds, races, and religions... Microsoft needs the insight, creativity, and diverse perspectives that a range of employees can bring to the table.”
- Claudette Whiting, General Manager,
Global Diversity & Inclusion, Microsoft

“Collective diversity... [is] essential to good engineering... At a fundamental level, men, women, ethnic minorities, racial minorities, and people with handicaps experience the world differently. Those differences in experience are the ‘gene pool’ from which creativity springs.”
- William Wulf, President,
National Academy of Engineers

Sommers (2006)

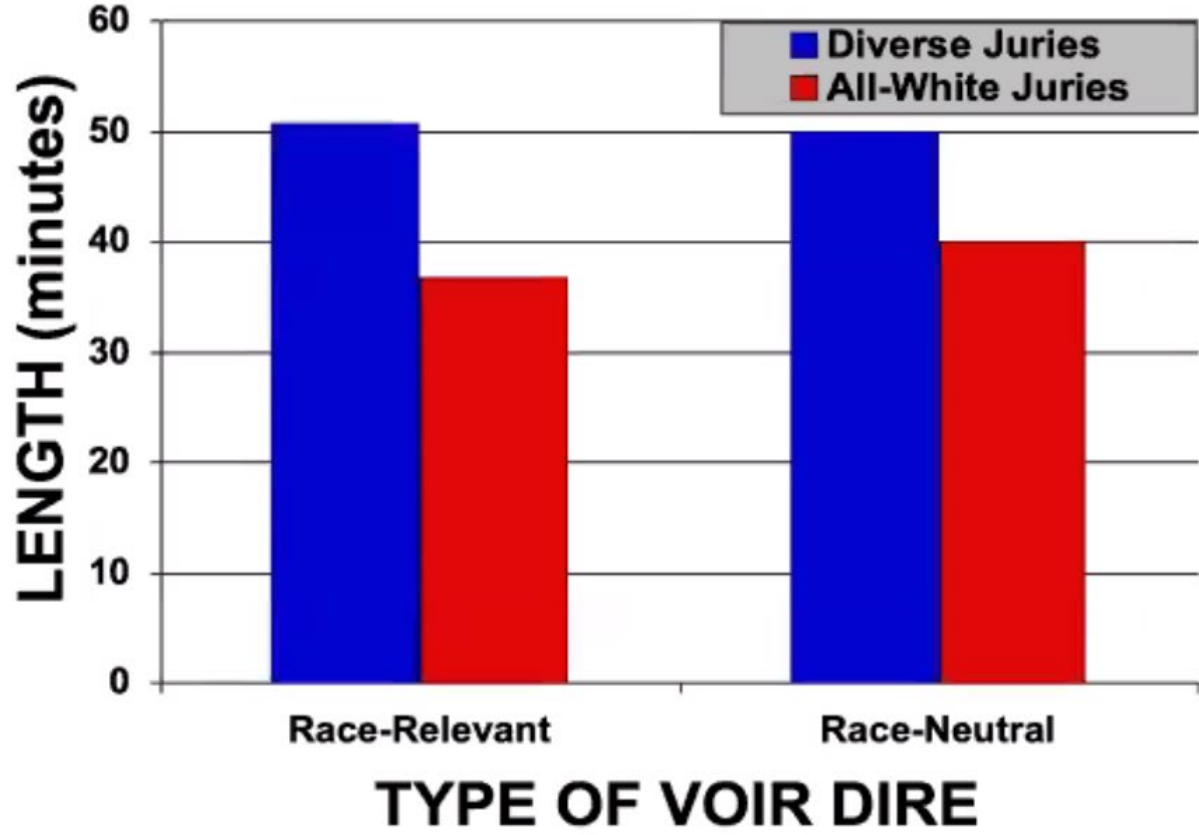
- Ps recruited from actual jury pool in SE Michigan
- 6-person juries watched trial video with Black defendant
 - Half all-White
 - Half 4 White and 2 Black
- Deliberations videorecorded

Predeliberation Data



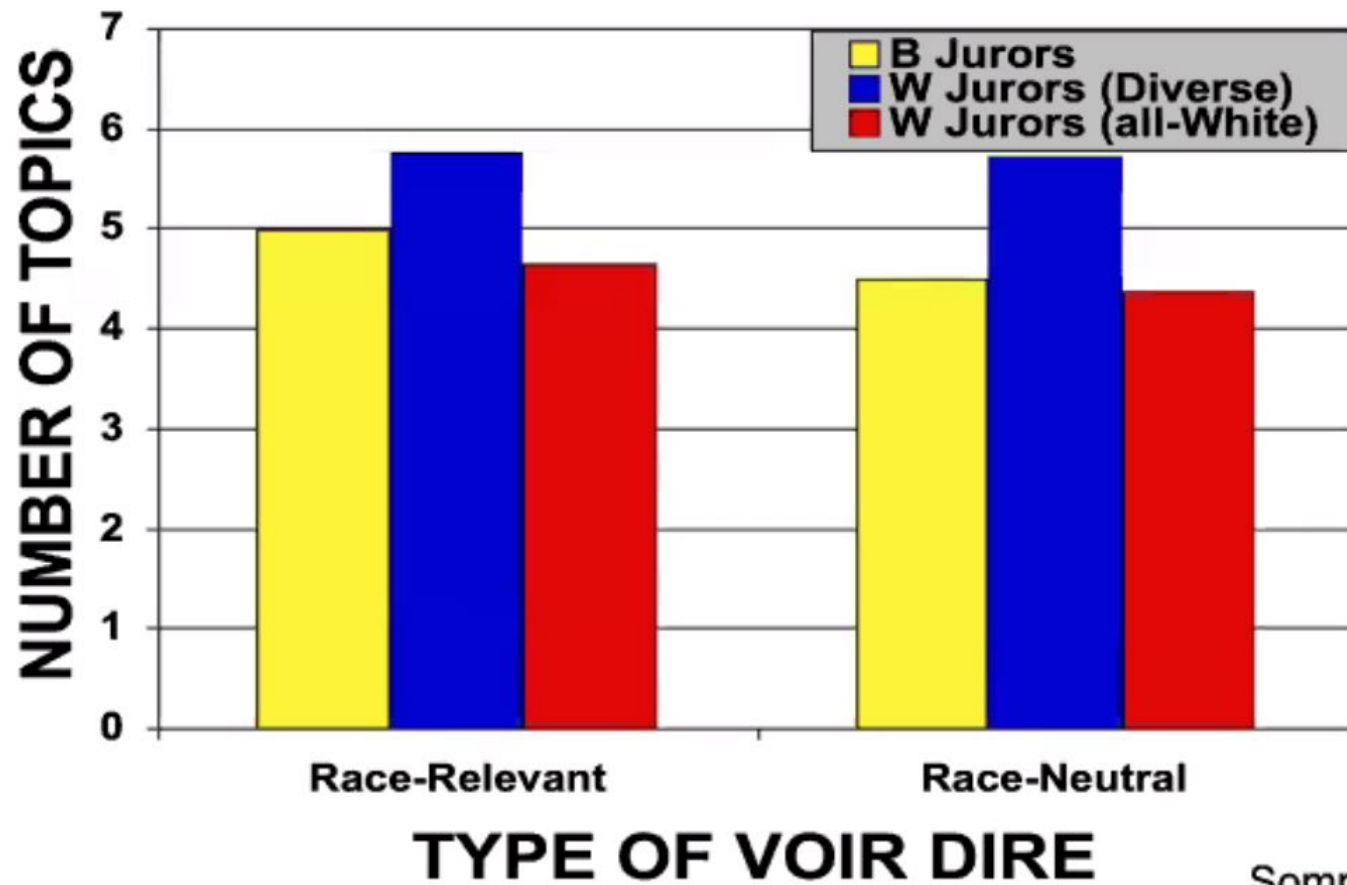
Sommers (2006)

Deliberation Length



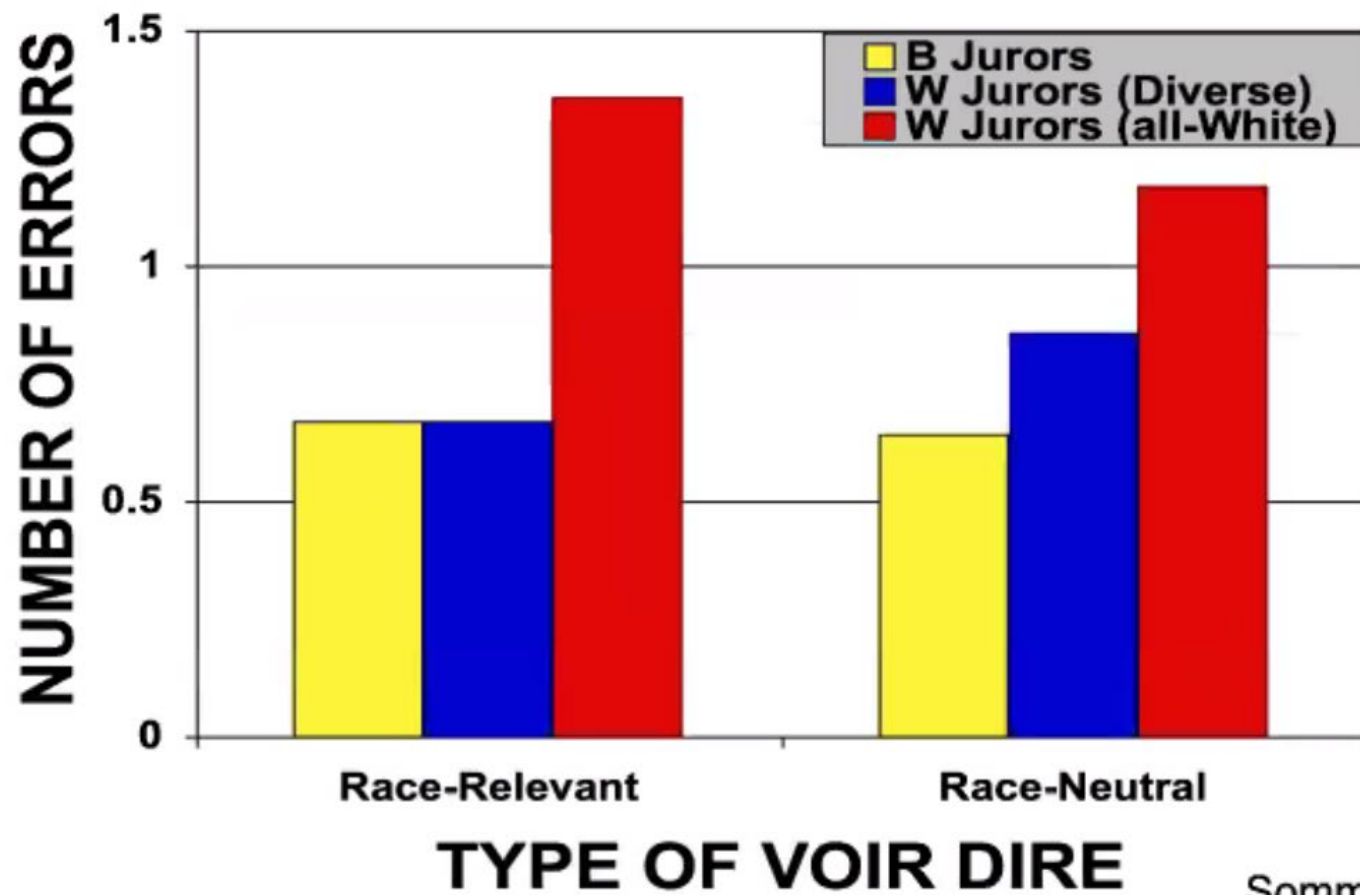
Sommers (2006)

Deliberation Content



Sommers (2006)

Factual Errors



Jury Performance

- In Sommers (2006), diverse juries discussed more information and did so more accurately
- Jury representativeness can be about more than morality, Constitutionality, legitimacy
- These findings are consistent with other research on how a group's composition affects its dynamics and performance

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https://as.tufts.edu/psychology/sites/g/files/lrezom206/files/styles/large/public/tufts_feeds/people_fis/ssomme01.jpeg?itok=LH3jaMVa

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Education

- PhD, Psychology, University of Michigan, United States, 2002
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- BA, Psychology, Williams College, United States, 1997

Biography

Professor Sommers is an experimental social psychologist who studies racism, racial equity, and group diversity. His research explores racial inequities (and efforts to ameliorate them) in real-world domains including higher education, the criminal justice system, and popular media coverage. In recognition of this work, in 2008 he received the Saleem Shah Award