

# JURORS, JUDGES, AND VICARIOUS TRAUMA

Dawn McQuiston, Ph.D.

Wofford College



TRAUMA IS NOT  
JUST A FIRST-HAND  
EXPERIENCE

- *Vicarious Trauma*: Experiencing psychological trauma from second-hand exposure to traumatic situations
- A negative consequence can be *secondary traumatic stress*: similar symptoms as PTSD

CAN JURY DUTY BE HAZARDOUS TO YOUR HEALTH?

POLITICS

## The Trauma of Jury Duty

Jurors in the United States are often exposed to horror—and, like those empaneled in the Tsarnaev case, would benefit from access to post-trial counseling and services.

## The Stress of Jury Duty

Researchers seek ways to mitigate the trauma that many people experience after long criminal trials

By *Peter Monaghan* | APRIL 14, 1995 [PREMIUM CONTENT FOR SUBSCRIBERS. SUBSCRIBE TODAY](#)

Health

## It's still a nightmare: The case of jurors released with PTSD and little or no help after verdict

## The Hidden Horrors of Jury Duty

Jurors suffer long after the trial has ended.

Posted Mar 16, 2015

## Serving Jury Duty? Why Jurors Are Often Left Without Counseling

## Emotional toll of jury duty revealed by jurors sitting in judgment at criminal trials

[ABC Radio Canberra](#) By [Louise Maher](#)

Posted 12 Jul 2017, 7:41pm

# CAN JURY DUTY BE HAZARDOUS TO YOUR HEALTH?

- Free-flowing interviews with capital jurors / jurors from traumatic cases (Kaplan, 1985; Kaplan & Winget, 1992) → **Many experienced symptoms consistent with PTSD and depression**
- Structured investigations/surveys
  - 36% met the criteria for a mood/anxiety disorder during trial (DeLipsy, 1994)
  - 35% showed PTSD symptoms post-trial (Palmer, 2005)
  - Traumatic cases resulted in more PTSD and depression symptoms than non-traumatic cases during and after trial (Shuman et al., 1994)
  - Capital Jury Project: 60% emotionally upset and 36% had insomnia and loss of appetite (Antonio, 2008)
    - **Many reported long-term side effects consistent with PTSD: intrusive thoughts and memories, flashbacks, insomnia, nightmares, increased substance use**

## WHAT CONTRIBUTES TO JURORS' SYMPTOMS?

Gruesome/graphic evidence

Emotionally disturbing testimony

Being sequestered

Deliberation

Inability to discuss trial

Profound empathy for victim

Having experienced a past trauma

Guilt over the verdict

- Traumatic stress symptoms can worsen in the following weeks/months after trial
- Women demonstrate more severe symptoms than men (Bornstein et al., 2005; Huber, 2008; Kelly, 1994; Robertson et al., 2009; Shuman et al., 1994)

## EFFORTS TO REDUCE JUROR STRESS

- Pre-trial conversations with jurors – education about the potential to experience stress-related symptoms
- Post-verdict debriefing - led by judge, clinician; gives opportunity to discuss experience and emotions
- Post-trial counseling - jurors offered a series of free counseling sessions
  - Wisconsin pilot study
  - Alaska Legislation

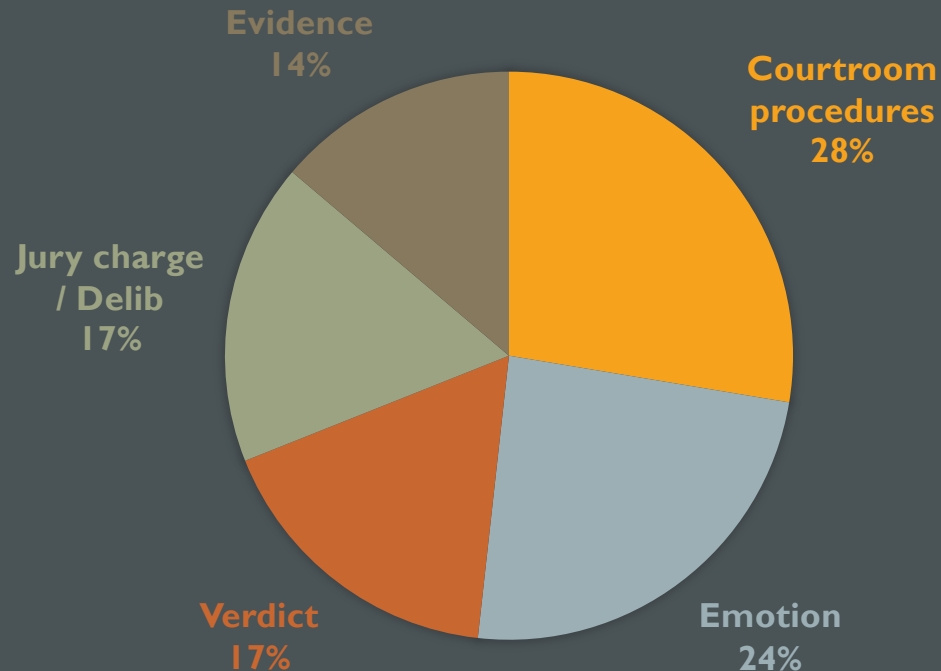
# STUDY I: JUDGES' PERCEPTIONS OF JUROR STRESS

Examined  $N=13$  South Carolina judges' impressions of:

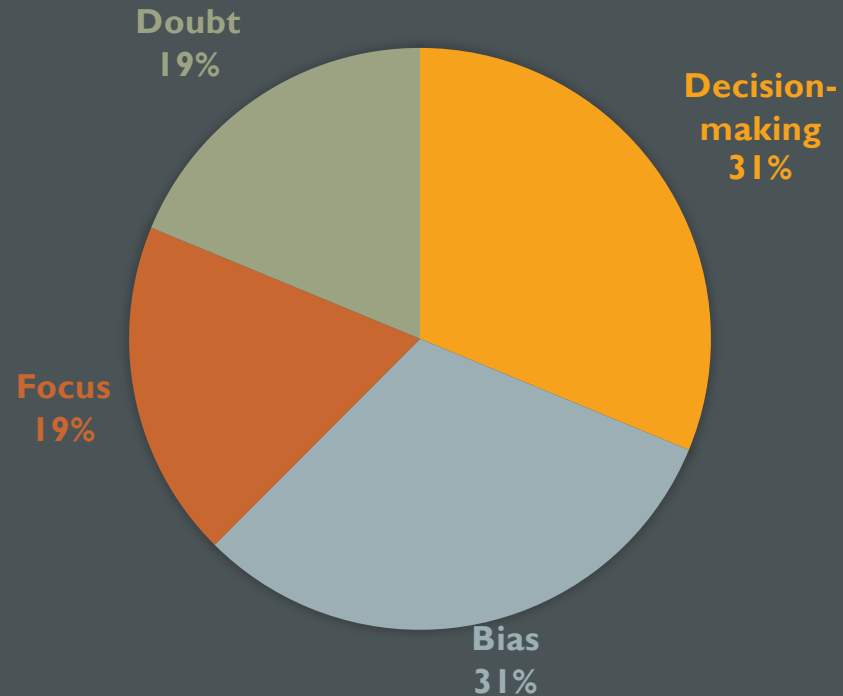
- Sources of stress jurors experience
- Possible long-term effects of serving on a jury
- Current debriefing programs being implemented



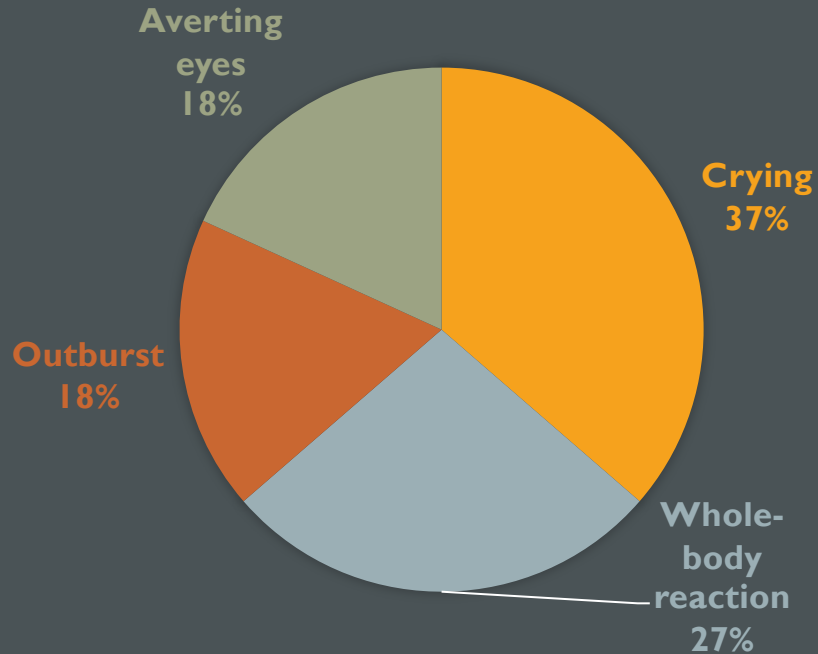
# SOURCES OF JUROR STRESS DURING TRIAL



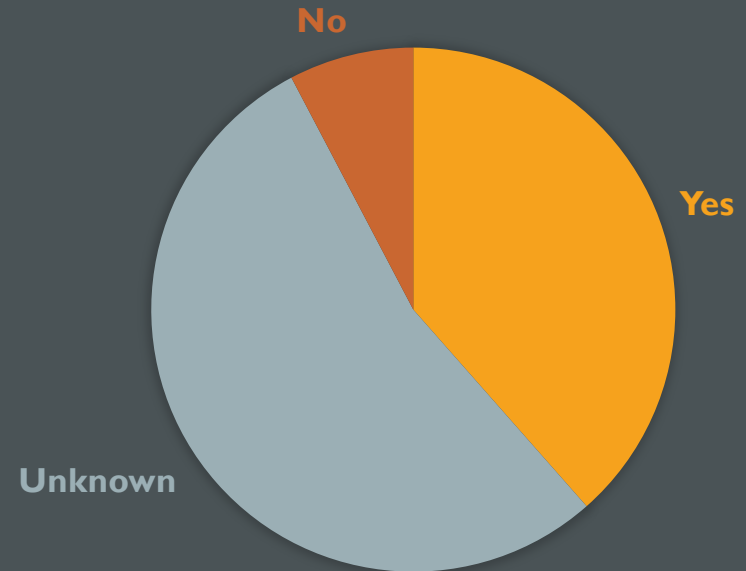
# HOW STRESS AFFECTS JURORS' PARTICIPATION



## SOURCES OF JUROR STRESS DURING TRIAL



## JUROR STRESS POST TRIAL?



## RESEARCH ON JUDICIAL STRESS

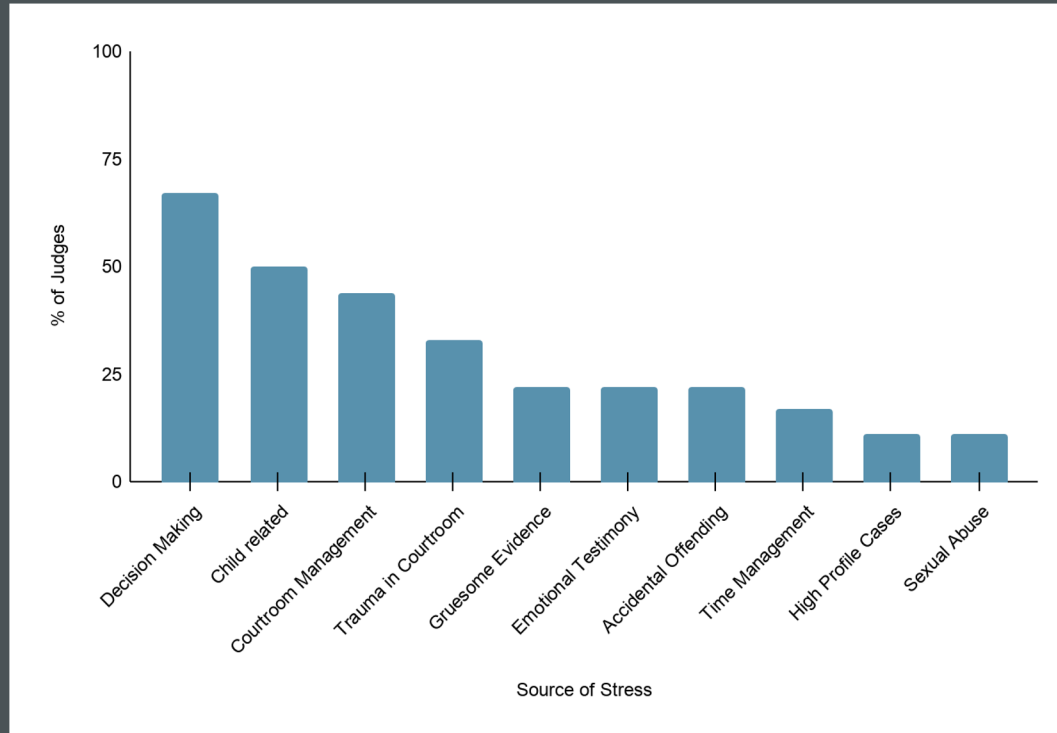
- Top sources of stress (Crystal, 2020; Edwards & Miller, 2019; Flores et al., 2009)
  - Impact of decisions / heightened community responsibility
  - Heavy workload
  - Dealing with unprepared attorneys and self-represented litigants
  - Repeatedly presiding over the same case with no resolution
  - Personal safety
  - Gruesome evidence & emotional family court situations
    - At risk of negative outcomes like job satisfaction, depression and burnout (varies as a function of social support, age, gender and coping ability)
- ABA (2019) coping mechanisms: hotlines, mentorship programs, sabbaticals

## STUDY 2: JUDICIAL STRESS

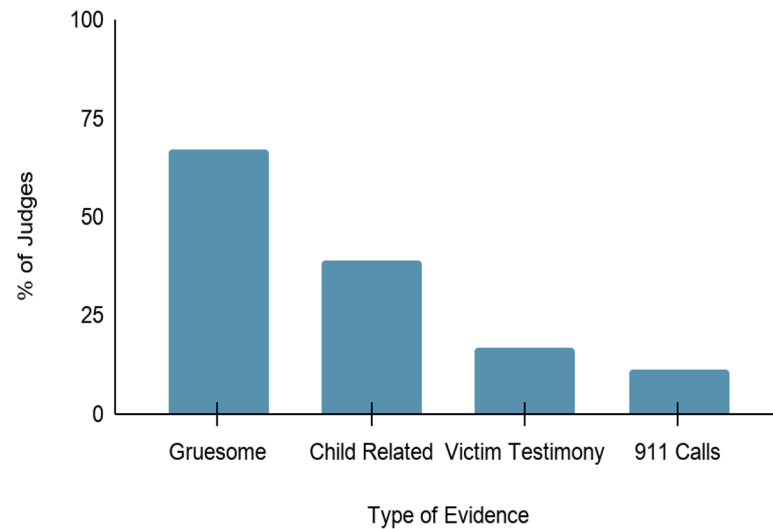
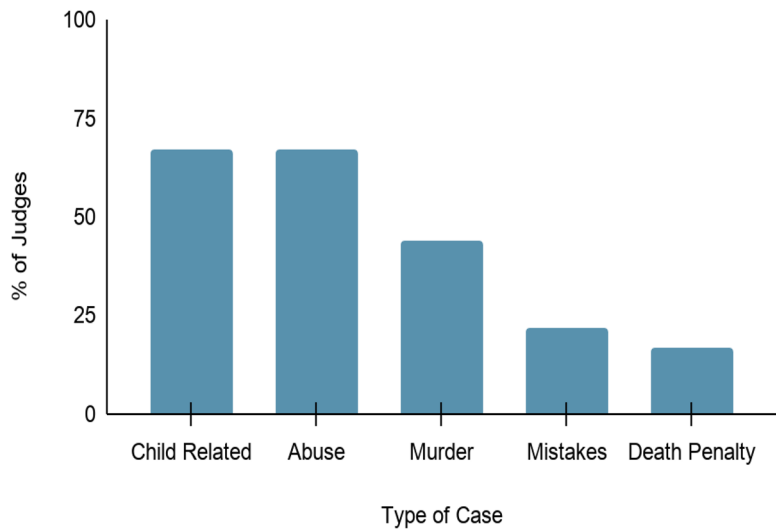
Examined  $N=18$  South Carolina and North Carolina judges' impressions of:

- Sources of judicial stress (focused on courtroom experiences)
- The effects of that stress mentally and physically
- Stress management

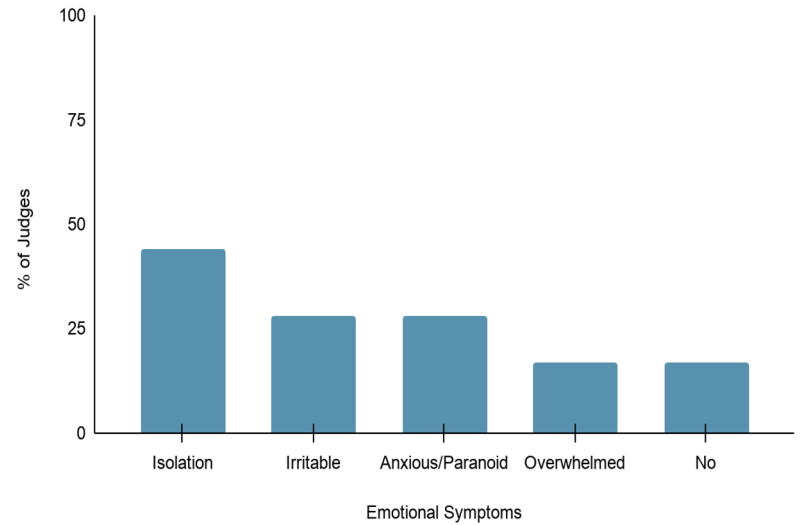
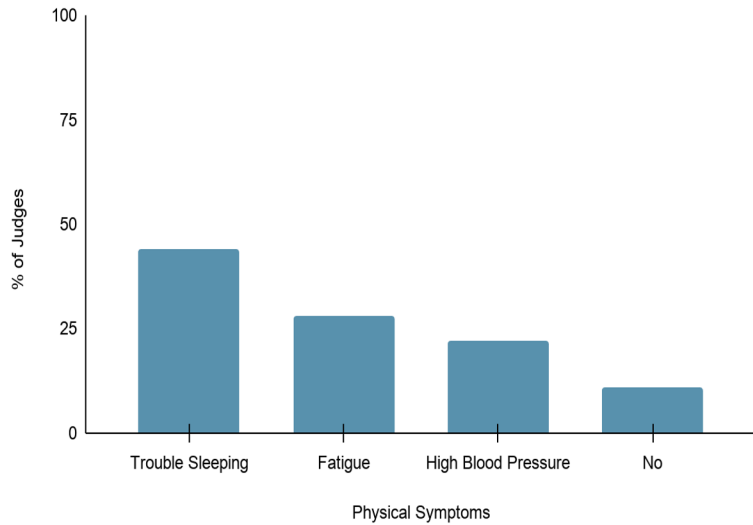
# SOURCES OF STRESS



# CASES/EVIDENCE THAT HAVE THE MOST IMPACT

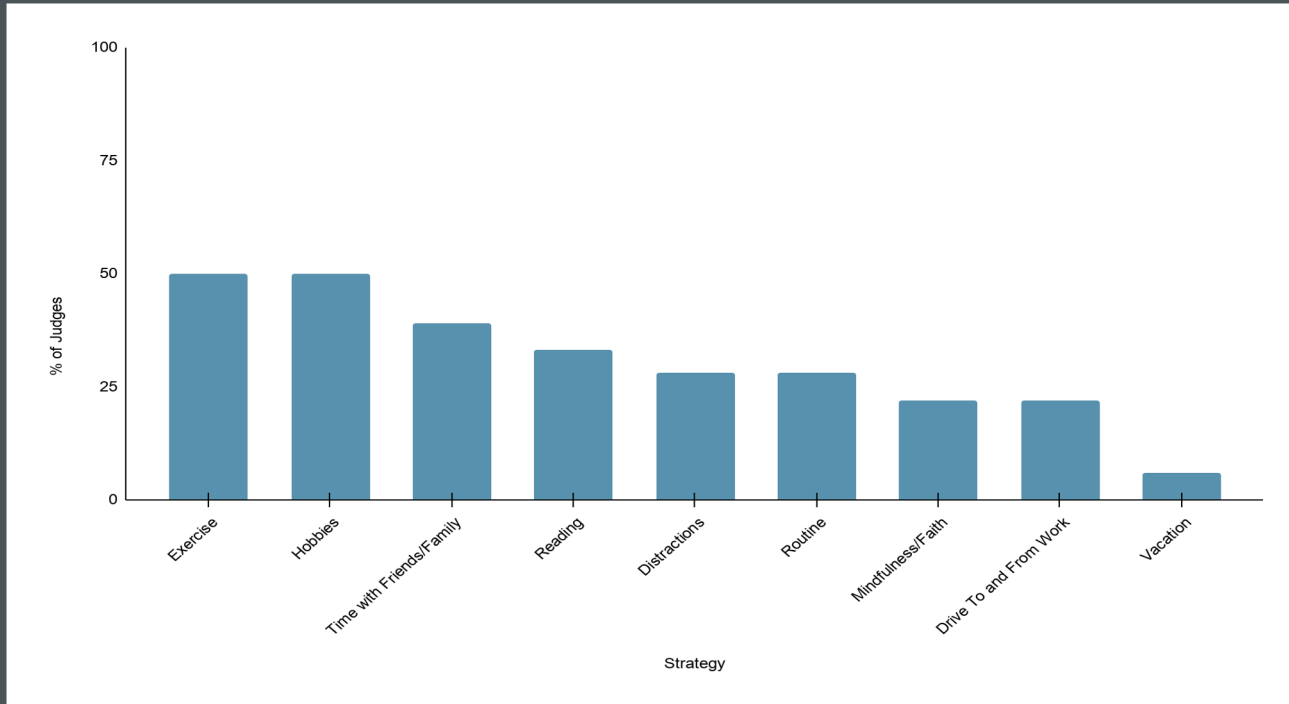


# PHYSICAL AND EMOTIONAL EFFECTS OF STRESS

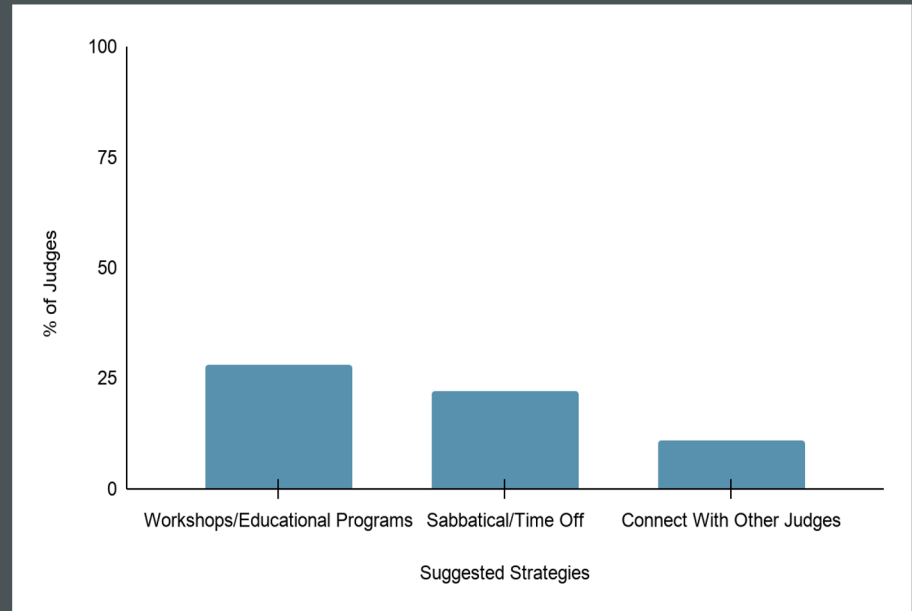
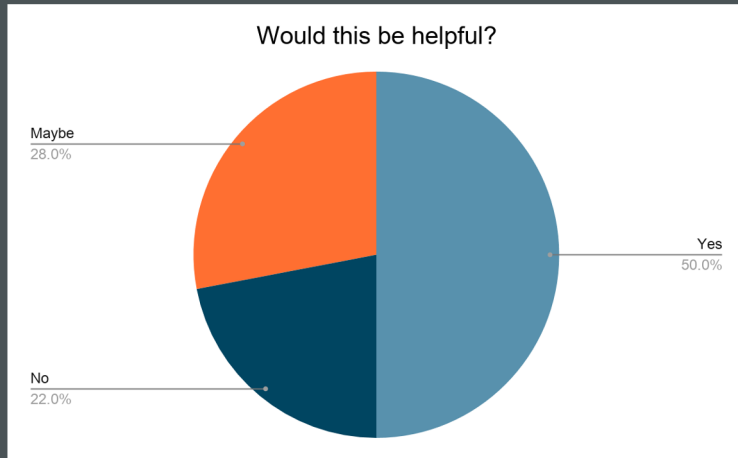




# STRESS REDUCTION STRATEGIES



# ORGANIZATIONAL LEVEL STRESS-REDUCTION



## CONCLUSIONS: JUROR HEALTH

“It is time to reform the age-old jury selection process to bring it into line with our modern awareness of mental health issues, especially since jurors are duty-bound to serve if selected, despite the risk of injury to their mental health.” (Leslie, 2017)

- We need to think seriously about designing appropriate mental health resources needed by ex-jurors
- They may need immediate *and* delayed counseling to treat trauma-related symptoms

## CONCLUSIONS: JUDICIAL HEALTH

Implications of STS is an under-studied field and deserves more empirical attention

- How does judicial stress affect decision-making?
- Are workshops, sabbaticals, etc. effective at reducing judicial stress? Are they practical strategies?

# ACKNOWLEDGEMENTS

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