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"Speaking rights"

Evaluating juror discussions during civil trials

Permitting jurors to discuss evidence during civil trials may facilitate understanding and provide an outlet for their thoughts and questions, and does not appear to lead to prejudgment or prejudice.

by Paula L. Hannaford-Agor, Valerie P. Hans, and G. Thomas Munsterman

The command of the Seventh Amendment that "the right of trial by jury shall be preserved" does not require that old forms of practice and procedure be retained. It does not prohibit the introduction of new methods for determining what facts are actually in issue, nor does it prohibit the introduction of new rules of evidence. Changes in these may be made. New devices may be used to adapt the ancient institution to present needs and to make of it an efficient instrument in the administration of justice. Indeed, such changes are essential to the preservation of the right. The limitation imposed by the Amendment is merely that enjoyment of the right to trial by jury be not obstructed, and that the ultimate determination of issues of fact by the jury be not interfered with.

—Justice Louis Brandeis in *Ex Parte Peterson* (1920)

Justice Brandeis encouraged periodic reexamination and reform of the American jury to keep the institution vital and effective. In recent years, courts and legislatures have acted on his words with a fury, introducing an array of reforms that are impressive both in number and scope. But only a handful of courts have introduced reforms as comprehensive and far-reaching as those enacted by the Arizona Supreme Court in 1995. The Arizona Supreme Court endorsed the objective that jury trials "allow for a more democratic juror experience" and "that are more educational and less adversarial"[1] and urged judges and trial attorneys to be "open to doing some old things in new ways, to be more receptive to the jurors' needs to learn better and to actively participate to a greater degree in the fact-finding process."[2] Acting on 55 recommendations of its Committee on the More Effective Use of Juries,

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the court enacted rules giving jurors the right to take notes and to submit questions to witnesses, and encouraged judges to employ a number of other techniques to improve juror performance and satisfaction in both civil and criminal trials.

Most of the techniques were adopted with few objections from judges and lawyers. Many judges throughout the state had used various forms of them for years with no adverse consequences. Indeed, some of these techniques were so straightforward that judges and lawyers found it difficult to imagine why anyone would object to them.

But one reform—permitting jurors in civil cases to discuss the evidence among themselves before final deliberations—proved to be more controversial. No jurisdiction explicitly permitted this practice and, in fact, a significant body of case law condemned it as prejudicial to the rights of criminal defendants.[3] Very little empirical research had been done examining the potential impact of the change, and none of it in the context of actual jury trials. Upon hearing of the rule change, a number of judges, lawyers, and commentators privately wondered whether the dry, hot Arizona weather had finally gotten the best of the Arizona judiciary.

Fortunately, the court also incorporated an evaluation of the juror discussions reform as part of its implementation plan. The National Center for State Courts conducted the evaluation. This article summarizes the results and the implications for other jurisdictions.

The pros and cons

Case law dating as far back as the 1800s gave the decision to permit jurors to take notes or to submit questions to witnesses to "the sound discretion of the trial judge." In recent years, empirical studies have documented that these and other techniques can significantly increase juror comprehension and recall without jeopardizing the rights of litigants. But this was not the case for permitting jurors to discuss the evidence before final deliberations. Appellate courts had uniformly condemned juror discussions, citing concerns that discussions would encourage jurors to prejudge the evidence and that the act of discussing the case would tend to fix jurors' opinions permanently.[4] Some social scientists concurred, arguing that juror discussions would heighten the effect of shared biases. The result, said opponents of juror discussions, would be a violation of defendants' rights to an impartial jury under the Sixth and Seventh Amendments and due process rights under the Fifth and Fourteenth Amendments.

Proponents countered that permitting jurors to discuss the evidence during trial would be beneficial to jury decision making.[5] Juror discussions would improve comprehension, permit jurors to ask questions and share impressions on a more timely basis, test individual jurors' tentative and preliminary judgments against the group's knowledge, and reduce the formation of divisive cliques and forbidden conversations among jurors. In combination with other reforms, juror discussions would bring the experience of being a juror in Arizona much closer to the ideal of the educational model of jury trials envisioned by the Arizona judiciary rather than the passive model that is traditionally employed. And as a purely pragmatic matter, permitting jurors to discuss the evidence during trial would provide an outlet to replace illicit discussions that jurors might be tempted to have among themselves and with family and friends.

A field experiment

Theoretical arguments had been made both in support and against the reform, but no empirical study had been conducted. To fill this void, the National Center for State Courts, in cooperation with the Arizona Supreme Court and with funding by the State Justice Institute, initiated a field experiment with the superior courts in Maricopa, Pima, Mohave, and Yavapai counties.

From June 15, 1997 through January 30, 1998, all civil jury trials in those four courts were randomly assigned to either a "Trial Discussions" or "No Discussions" condition in which jurors were instructed at the beginning of the trial that they could, or could not, discuss the evidence before final deliberations.[6] Juries that were permitted to discuss the evidence before final deliberations were subject to two important conditions: (1) jurors could only discuss the evidence in the jury room and (2) only when all of the jurors were present. (See "Instructions given to jurors who were permitted to discuss the evidence before final deliberations", page 243) At the end of each trial, the judge, jurors, attorneys, and litigants filled out questionnaires asking their opinions about the case, including assessments about the evidence, jury comprehension, the decision-making process, and interpersonal dynamics. They also gave their views about trial discussions.

By the end of the six-month evaluation period, the NCSC had collected information and usable questionnaires from 161 civil jury trials, accounting for approximately 80 percent of the civil jury trials held in Arizona during that period. Seventy-six of the trials in the study were assigned to the No Discussions condition and 85 to the Trial Discussions condition.

In most respects, the two groups of cases were comparable. There were two significant differences between the Trial Discussions and No Discus-

1. JURORS: THE POWER OF 12, REPORT OF THE ARIZONA SUPREME COURT COMMITTEE ON MORE EFFECTIVE USE OF JURIES 3. (Nov. 1994).

2. *Id.*

3. For a detailed discussion of the case law, see Hans, Hannaford & Munsterman, *The Arizona Jury Reform Permitting Civil Jury Trial Discussions: The Views of Trial Participants, Judges, and Jurors*, 32 U. MICH. J. L. REF. 349, 352-60 (1999).

4. For a detailed discussion of the case law, see *id.*

5. *See, e.g., supra* n. 1, at 96-99; Dann, *"Learning Lessons" and "Speaking Rights": Creating Educated and Democratic Juries*, 68 IND. L. REV. 1229, 1262-68 (1993); U.S. v. Wexler, 657 F. Supp. 966 (E.D. Pa. 1985) (*overturned on other grounds*, U.S. v. Wexler, 838 F.2d 88 (3d Cir. 1988)); Munsterman et al., eds., JURY TRIAL INNOVATIONS 138-40 (National Center for State Courts, 1997).

6. For a detailed description of the methodology, see Hannaford, Hans & Munsterman, *Permitting Jury Discussions During Trial: Impact of the Arizona Reform*, 24 LAW & HUM. BEHAV. 359, 363-66 (2000).

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sions cases. By chance, the No Discussions cases were slightly more complex. And, in the Pima County cases, judges reported that the trial evidence favored the plaintiff in the Trial Discussions cases significantly more often than in the No Discussions cases. Both of these differences were taken into account in the analyses of the data.

Not all jurors talk

The fact that Trial Discussions juries were permitted to discuss the evidence during trial did not necessarily mean that jurors did so. A substantial portion (31 percent) of the juries reported that they didn't have any discussions before deliberations. During interviews with jurors in a pretrial pilot test, several jurors explained that the constraints on juror discussions (e.g., only in the jury room, only in the presence of all jurors) prevented them from discussing the evidence as often as they would have liked. Jurors in short, uncomplicated trials were less likely to discuss the evidence during the trial, probably because they had fewer opportunities to talk before final deliberations began. More complex cases tended to be lengthier, so jurors may have found more opportunities to engage in discussions as well as more topics to discuss.

Individual differences among jurors also explain the reluctance of some jurors to discuss the evidence before final deliberations. On average, jurors who were permitted to discuss the evidence but did not do so reported that they were less comfortable with discussing the evidence. Demographics may have also played a part. Jurors who chose not to discuss the evidence tended on average to be older, less educated, and to have lower annual household income than jurors who engaged in discussions. Finally, some jurors just didn't believe the judge's instruction that they *could* discuss the evidence. As one juror explained, "I was shocked.... I thought, did I hear her right? I still didn't believe it. Even when we got to the room, I still wasn't sure."

Despite the reluctance of some jurors to discuss the evidence during trial, we found that jurors in both the Trial Discussions and No Discussions conditions admitted to discussing the case informally with other jurors and with family and friends to a much greater degree than previous estimates. Fourteen percent of jurors assigned to the No Discussions group reported that they violated the admonition to refrain from discussing the case with other jurors. Another 14 percent reported they discussed the case with family or friends during the trial, although only 4 percent of jurors reported that they violated both the admonition concerning discussions with other jurors and discussions with family and friends.

In contrast, 31 percent of jurors in the Trial Discussions groups admitted they had informal discussions with other jurors and 11 percent admitted they discussed the case with family or friends (6 percent violated both admonitions). Being allowed to discuss the evidence seems to break down jurors' inhibitions about engaging in informal discussions with other jurors, although it is possible that some jurors may have reported that they engaged in informal discussions if some jurors were not present for discussions. Jurors who were able to speak to other jurors about the case during trial were marginally less likely to talk about the evidence with family and friends than jurors who were given the traditional prohibition against talking with other jurors during trial, which suggests that being allowed to discuss the evidence provides an outlet that reduces the need to discuss the case with family and friends.

Levels of support

One focus of the evaluation was the level of support for permitting juror discussions by judges, jurors, lawyers, and litigants. In this regard, the Arizona Supreme Court understood that the perception of fairness is often as important—and sometimes even more important—than the reality of fairness. Even if the evaluation showed no prejudice from juror discussions, it would still be worrisome if judges, jurors, lawyers, and litigants continued to believe that these discussions encouraged jurors to prejudge the evidence or otherwise undermined the parties' rights to a fair trial.[7]

To examine this issue, each of the questionnaires asked about the respondents' support for the reform and views about its advantages and disadvantages. Lawyers, litigants, and jurors who were permitted to discuss the evidence during trial were also asked how comfortable they felt about juror discussions. Jurors who were not permitted to discuss the evidence during trial were asked whether they would have liked to discuss the evidence.

Overall, judges and jurors were more positive about the reform than lawyers and litigants. See Figure 1. A total of 40 judges participated in the study. Of those, 73 percent supported the reform, 13 percent were neutral, and 15 percent opposed the reform. This level of support correlated strongly with judges' beliefs that juror discussions improve comprehension (78 percent) and that discussions do not encourage premature judgments about the evidence (70 percent).

Jurors were also very supportive of trial discussions. A total of 471 jurors were assigned to the Trial Discussions condition and engaged in at least one discussion before final deliberations. These jurors overwhelmingly supported the reform (77 percent) and agreed that discussions improved juror comprehension of the evidence (81 percent). Specifically, they said that during the trial discussions, the trial evidence was remembered accurately (85 percent), and that the discussions helped them understand the evidence in the case (79 percent). They also agreed overwhelmingly that all jurors' points of view were considered in the trial discussions (87 percent) and reported feeling very comfortable during the discussions (83 percent). Only a minority agreed that discussions encouraged prema-

7. *Id.* at 366.

ture decision making.

Overall, the jurors who actually engaged in discussions were more supportive of the reform than those who did not. See Figure 2. One possible explanation is that the experience of engaging in discussions reduces concerns about the reform. Another possibility is that jurors who had more serious concerns about the reform were less likely to engage in discussions.

Lawyers and litigants were less enthusiastic about the reform. Fifty-one percent of lawyers and 47 percent of litigants supported the reform. The majority (51 percent of lawyers and 61 percent of litigants) agreed that juror discussions improve juror comprehension, but also agreed that they encourage premature decision making (55 percent of lawyers and 52 percent of litigants). Those who opposed the reform did not do so in predictable ways. For example, there was no observable difference between plaintiff and defense lawyers' views about the reform, even though one of the biggest objections to juror discussions is the belief that they would be prejudicial to the defendant.

The primary difference between lawyers who supported the reform and those who opposed it was the length of time they had practiced law. Lawyers who had tried more than 100 jury trials were the most negative, with approximately two-thirds of that group opposing the rule. For litigants, the primary difference was whether the jury in their trial was permitted to discuss the evidence. Litigants whose cases were randomly assigned to permit juror discussions were more likely than litigants in the control group to support the reform.

No evidence of prejudgment

The most frequent objection to juror discussions during trial is that jurors will reach conclusions about the merits of the case before hearing all of the evidence. Our post-trial questionnaire methodology was limited in that we were not able to keep track of jurors' ongoing opinion formation. That said, we found no clear evidence that jurors who are permitted to discuss the evidence with one another

Figure 1. Opinions about trial discussions

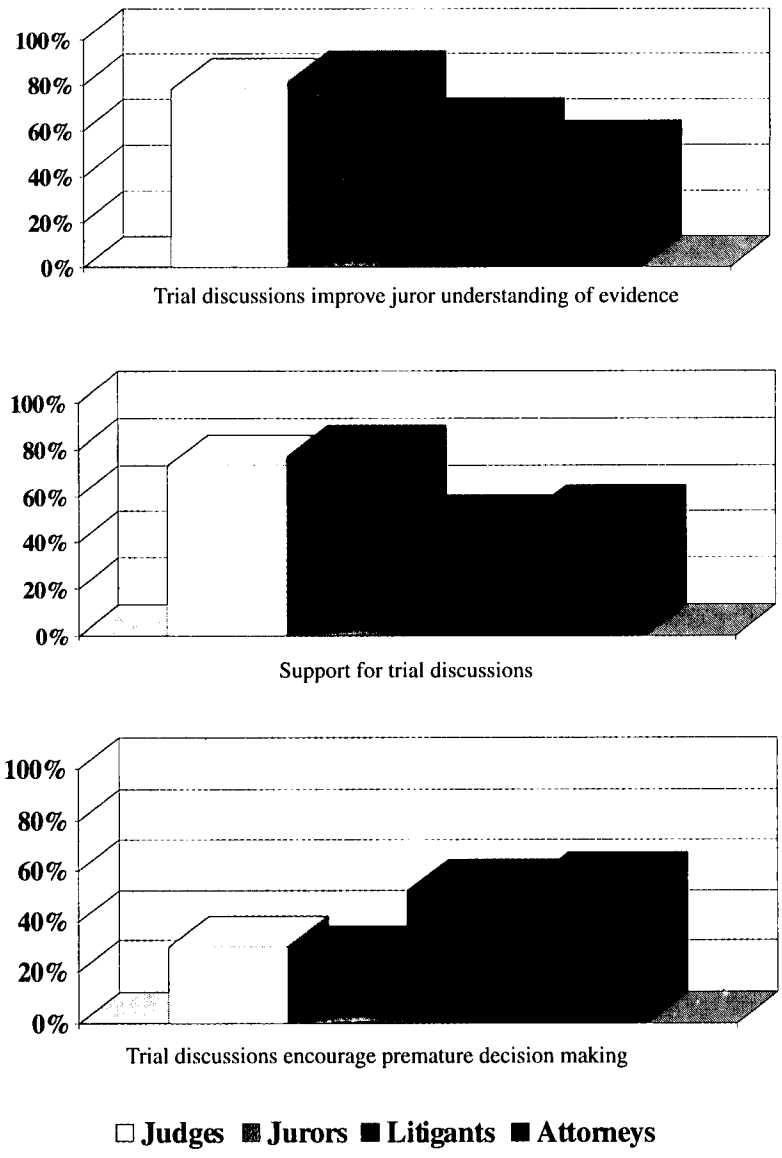

Figure 2. Jurors' opinions about trial discussions

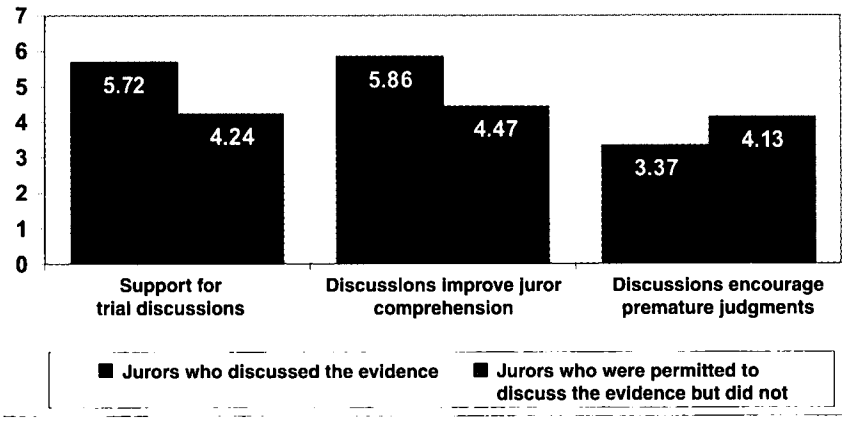

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Table 1. "When did you start leaning to one side or the other?"

Began to lean during...	Trial discussions %	No discussions %
Plaintiff's opening	5.3	4.1
Defendant's opening	4.4	4.6
Plaintiff's evidence	22.8	24.8
Defendant's evidence	18.5	18.9
Plaintiff's closing	4.6	3.8
Defendant's closing	9.5	8.8
Judge's instructions	7.0	6.7
Jury discussions	7.0	5.7
Jury deliberations	20.9	22.7
	n=681	n=613

Table 2. "When did you change the direction in which you were leaning?"

Changed during...	Trial discussions %	No discussions %
Never changed	2.4	4.0
Plaintiff's opening	4.4	4.6
Defendant's opening	9.9	14.8
Plaintiff's evidence	15.1	17.9
Defendant's evidence	10.7	8.3
Plaintiff's closing	10.7	10.0
Defendant's closing	4.6	6.5
Judge's instructions	8.1	5.2
Jury discussions	21.4	21.9
Jury deliberations	39.3	38.4
	n=700	n=630

before final deliberations reach conclusions about the evidence earlier than jurors who are prohibited from discussing the evidence.

To measure the timing of juror opinion formation, we included three questions in the juror questionnaires.

- When would you say that you started leaning toward one side or the other in this case?
- Did you find yourself changing your mind about the direction you were leaning during any ... of the stages of the trial?
- When would you say that you made up your mind about which side should win the lawsuit?

For each question, jurors were asked to indicate at which stage of trial they began leaning, changing their minds, or making up their minds about the evidence. The stages listed as options were the plaintiff and defendant opening statements; the plaintiff and defendant evidence; the plaintiff and defendant closing arguments; the judge's final jury instructions; discussions with jurors during trial; and the jury's final deliberations.

As Tables 1 and 2 illustrate, there was no observable difference in the timing of opinion formation by jurors between the Trial Discussions and No Discussions groups. Jurors who engaged in discussions reported that discussing the evidence was only moderately helpful (4.7 on a scale of 1 to 7) in deciding who should win the case. Contrary to fears that trial discussions might solidify early opinions, jurors assigned to the Trial Discussions group reported that they changed their minds just as often as those assigned to the No Discussions group.

There was, however, a great deal of variation in the timing of juror opinion formation, much of which could be explained by factors other than whether jurors discussed the evidence among themselves. A juror's education was related to when jurors said they began leaning and how often they changed their minds, but not to when they made up their minds.[8] Jurors with more education tended to begin leaning earlier, but changed their minds more frequently, than jurors with less education. It is possible that more educated jurors are better equipped to make critical assessments about the evidence. Or it may be that jurors with higher education levels are more confident in their preliminary assessments about the evidence, and thus more likely to reveal early opinion formation.

Case complexity and the strength of the evidence were two additional factors. The less complex the case, the earlier jurors began leaning and making up their minds and the less often they changed their minds.[9] Cases in which the evidence was very close—that is, the evidence didn't strongly favor one party or the other—was another factor that tended to delay juror opinion formation. Moreover, when the evidence was more evenly balanced, jurors tended to rely more heavily on each other to reach their final conclusions about the case.

What effect did these factors have on the juries' ultimate verdicts? Jurors who voted for the defendant were significantly more likely to begin leaning and to make up their minds earlier than jurors who voted for the plaintiff.[10] In civil cases, the plaintiff has the burden of proving his or her case by a preponderance of the evidence. So the tendency to form opinions earlier may reflect the order of evidence presentation rather than prejudicial prejudgment. If the plaintiff fails to present a persuasive case, it seems logical that jurors would begin leaning and making up their minds without the need to hear a vigorous rebuttal from the de-

8. Hannaford, Hans, Mott, & Munsterman, *The Timing of Opinion Formation by Jurors in Civil Cases: An Empirical Examination*, 67 TENN. L. REV. 627, 638-41 (2000).
9. *Id.* at 641-42.
10. *Id.* at 642-45.

fense. Conversely, if the plaintiff meets the burden of persuasion, a prudent juror will wait for the defendant's evidence before making final judgments on the merits.

Juror comprehension

The methodology used in this study was designed only to measure jurors' own assessments of comprehension, but not actual comprehension of evidence and testimony. Jurors who engaged in discussions reported that they found these discussions very helpful for resolving confusion about the testimony and evidence presented during trial. This is an encouraging result, but it does not necessarily mean that trial discussions actually improved comprehension.

Ratings of jury verdicts by legal experts provide an indirect method of assessing the impact of jury reforms. If comprehension problems are so serious that they cause jurors to arrive at mistaken verdicts, and jury reforms improve comprehension and lead to more accurate verdicts, then we would expect legal experts to rate the jury verdicts of Trial Discussions juries more positively. The judge-jury agreement rate—that is, the rate of agreement between the judge's assessment of the evidence and the jury's verdict—is one measure that social scientists have used to assess judicial opinions about jury verdicts.[11]

The judges' questionnaires asked judges to describe the extent to which the evidence presented at trial favored the plaintiff or defendant (1=evidence strongly favors the plaintiff, 7=evidence strongly favors the defendant). Jury verdicts closely tracked judicial assessments of the evidence. In the Trial Discussions group, the jury's verdict converged with the judge's assessment of evidence in 82 percent of the cases compared to 86 percent of the cases in the No Discussions group, which was not statistically different. Thus, at least according to the judges' assessments, there was no evidence in this study that juror discussions either improved or reduced the accuracy of jury verdicts.

Conflict and unanimity

Both opponents and proponents of juror discussions believe that the opportunity to discuss the evidence before final deliberations will affect the interpersonal dynamics of the jury, mainly by increasing overall cohesiveness. Opponents view this as a disadvantage in that shared biases will develop, potentially keeping jurors from considering evidence that contradicts those biases. Proponents of the reform, in contrast, view cohesiveness as a beneficial trait that may reduce the number of divisive cliques.

Surprisingly, we saw no evidence of greater cohesiveness among jurors who discussed the evidence during the trial. In fact, jurors who discussed the evidence reported slightly more conflict among jurors than jurors that did not discuss the evidence. The average level of conflict in the Trial Discussions juries was 2.1 (on a scale of 1 to 7) compared to 1.9 in the No Discussions juries.

Arizona does not require that civil juries be unanimous; instead, three-fourths of the jurors must agree on the verdict. The increased conflict reported by Trial Discussions juries was manifested in a significantly greater proportion of non-unanimous verdicts. Only 29 percent of the juries that engaged in trial discussions rendered a unanimous verdict, compared to 38 percent of juries that were permitted to discuss the evidence but did not, and 49 percent of juries that were not permitted to discuss the evidence.

Did the opportunity to discuss the evidence actually cause greater conflict among the jurors? That is one possibility, but the data suggest that the level of conflict may be related to some other characteristic of the jury or of the case. For example, the extent to which one or two jurors dominated discussions and deliberations was significantly related to the level of conflict reported. Also related was the extent to which all of the jurors' views were considered during discussions and deliberations. Neither of these variables was related to whether jurors engaged in discussions during trial.

Case complexity and strength of the evidence were additional factors. The more complex the case and the more closely balanced the evidence, the more conflict the jurors reported. When controlling for all of these variables simultaneously, we found that case complexity, strength of the evidence, domination by one or two jurors, and consideration of all jurors views' were significant causes of conflict among jurors, but the opportunity to engage in trial discussions was not.

What we don't know

The Arizona experiment provides a great deal of information about the effects of the reform and confirms a number of long-held beliefs about jury decision making. However, several questions remain to be answered, one of the most important of which is whether the introduction of a unanimity requirement for verdicts would alter the study findings. Only 40 percent of the verdicts in the study reflected the unanimous consensus of the jury. If required to deliberate until a unanimous verdict had been reached, would Trial Discussions juries report even greater levels of conflict and decreased satisfaction? Conversely, would jurors deliberating under unanimity requirements be more solicitous of their colleagues, knowing that consensus might be achieved more likely through persuasive dialogue than through heated debate?[12] If unanimity were required in Arizona, would the study findings have reflected greater judge-jury agreement rates or other indicia of improved jury comprehension that was not detectable in these data?

These questions are important for two reasons. First, many of the states considering the reform currently have unanimity requirements for civil verdicts. Although non-unanimous verdicts are relatively common in civil jury trials, at least 20 states require

11. *See generally* Kalven. & Zeisel, THE AMERICAN JURY 55-65 (1966).

12. *See* Hans & Vidmar, JUDGING THE JURY (1986).

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unanimity and 3 additional states permit non-unanimous verdicts only after the jury has deliberated for a substantial period of time.[13] Second, and perhaps more critical, is the impact that unanimity requirements might have if the reform were extended to criminal trials. Only two states permit majority verdicts in felony trials.

The impact of unanimity requirements is neither the only, nor necessarily the most critical, issue complicating the question of expanding juror discussions to criminal trials. Several additional factors also weigh heavily. For example, would differences in the burdens of proof between civil and criminal trials affect the impact of trial discussions? In civil trials, the plaintiff generally must prove his or her case by a preponderance of the evidence whereas the prosecution in criminal trials must establish the guilt of the defendant beyond a reasonable doubt. What effect would trial discussions have on conviction rates, which currently average around 80 percent in criminal jury trials?

Second, would the increased salience of criminal trials for jurors affect how the reform might work? In civil cases, the plaintiff generally seeks compensation for a past injury. Only rarely is the issue of public safety raised during civil trials, usually in conjunction with a demand for punitive damages. In criminal trials, public safety is almost always an issue. Would trial discussions about this issue tend to encourage prejudgment or fix jurors opinions in ways that do not occur in civil trials?

A related concern is the composition of juries. Over the past 30 years, the pools from which civil juries are selected have become much more representative and inclusive of their communities. Ideally, juries are composed of people who are capable of seeing both sides of a dispute. They can imagine themselves injured through the negligence of another as well as injuring others through their own negligence, and thus can make judgments about the liability of the parties. In criminal trials, however, jurors may identify more routinely with crime victims or prosecution witnesses than with the defendant. Would juror discussions during criminal trials provide jurors with an opportunity to compare differing viewpoints? Or would they instead serve to strengthen shared biases held by the individual jurors?

Finally, the Arizona study does not provide much insight about the substantive dynamics of juror discussions. What do jurors talk about during these discussions? Do they understand the distinction between discussing the evidence and making conclusions about the ultimate issues to be decided during deliberations? Even if they do understand this distinction, do they abide by judicial admonitions to keep an open mind until after all the evidence has been presented? This study was not designed to explore these questions, but fortunately a second study has just been completed in the Pima County Superior Court, in which researchers videotaped 50 civil jury trials, including jury discussions and jury deliberations in their entirety.[14] This study will undoubtedly shed a great deal of light on the content of trial discussions and their effect on the dynamics of jury decision making.

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The adage that nothing is ever as good or as bad as you thought it would be seems an appropriate summation of the effects of this particular reform technique. Discussions about the evidence during civil jury trials did not appear to lead to prejudgment or prejudice, at least to the extent we were able to measure in our study. Nor did we detect dramatic improvements in jury decision making across cases that affected jury verdicts. Nevertheless, if the jurors' own reports are to be believed, this technique may be quite helpful to jurors both for understanding the evidence and as an appropriate outlet for jurors' thoughts and questions that might otherwise be discussed with family or friends.

Instruction given to jurors who were permitted to discuss the evidence before final deliberations

"You jurors may discuss the evidence during the trial, but only among yourselves and only in the jury room when all of you are present. Despite what you have heard about or experienced in other trials, where jurors cannot discuss the evidence among themselves during the trial, that rule has been changed in Arizona to permit jurors to talk with each other about the evidence during trials in civil cases like this one.

"The kinds of things you may discuss include the witnesses, their testimony and exhibits. However, you must be very careful not to discuss or make up your minds about the final outcome, or who should win the case, until you have heard everything—all the evidence, the final instructions of law and the attorneys' arguments—and your deliberations have begun. Obviously, it would be unfair and unwise to decide the case until you have heard everything."

13. *See* U.S. Department of Justice, STATE COURT ORGANIZATION 1998 (Rottman et al.), Table 42 (2000).

14. Shari S. Diamond (American Bar Foundation and Northwstern University Law School) and Neil Vidmar (Duke University School of Law) conducted the research under a State Justice Institute grant to the Arizona Superior Court in Pima County with support by the American Bar Foundation, the Duke University School of Law, and the National Science Foundation. Hon. Michael J. Brown chairs the Advisory Committee and Paula Nailon, J.D., is the Project Director. The final report for this study is located at http://www.law.northwestern.edu/diamond/papers/arizona_civil_discussions.pdf and http://www.law.duke.edu/curriculum/courseHomepages/460_02/ArizonaCivilDiscussions.pdf.

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