

# The Influence of Communication on Jury Decision-Making

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## ABSTRACT

Communication plays a critical role in jury decision-making, influencing perceptions, deliberations, and verdicts. Legal professionals utilize verbal, nonverbal, and written communication to present arguments and shape jurors' understanding of cases. However, factors such as legal jargon, persuasion tactics, media influence, cultural differences, and cognitive biases affect how jurors interpret evidence and reach decisions. This paper examines the various forms of courtroom communication, the psychological aspects of jury decision-making, and the impact of group dynamics. Additionally, it explores ethical concerns, best practices, and future trends in legal communication, highlighting the need for reforms to enhance jury comprehension and fairness.

**Keywords:** Jury decision-making, legal communication, persuasion techniques, courtroom dynamics, media influence, cultural bias, cognitive biases.

## INTRODUCTION

The legal system depends upon a process of communication. This process may involve communication between the prosecution and the defense, communication between attorneys and judges, and communication between attorneys and jurors. However, the process of effective communication can be very complex. To begin with, certain information survives in the courtroom setting for a prolonged period, despite efforts to restrict or exclude it. In addition, an individual may be constantly bombarded with efforts to comprehend and retain information. It is vital to understand exactly how certain forms of information impact jurors. Courts produce evidence to aid jurors in processing information and imparting assumptions. For example, judges often value instructions that talk about how evidence is to be considered. Depending on the legal system, judges may offer competing definitions regarding what to consider. Views of the systems offer differing interpretations or patterns of evidence or have rules concerning who must carry the burden of factoring it. Or, a judge might dismiss pending channels of evidence or question one side cannot introduce. They may do this at any point during a trial, when argument is drawn, or after it is over. The most common procedure for the judge to revolve around motions by both the prosecution and defense. It is a process dealing with the experiences of these events all various with the initiation and the quick training. One method that on their knowledge about the present reality by conducting mock trials, usually call without for present evidence [1, 2].

### The Role of Communication in Legal Contexts

The phrase "legal communication" suggests the study of either legal verbalizations or communication about the law. Legal verbalizations can be such things as statutes, regulations, judicial opinions, treaties, contracts, written instructions, legal letters, wills, pleadings, interrogatories, findings, judgments, charge-to-the-jury and Rules of Court. Legal verbalizations are generally written; they are the end product of language. As such, legal communications in this sense may be the study of legal writing, of paradigms of legal texts, or of understanding oral legal pronouncements like a will when it is read or a decision when it is rendered. Legal language can be a kind of technical language or 'can't', like medicine's 'I invoked the spousal privilege with respect to that conversation'. Or it can be pure and simple legal jargon, another language entirely, like polymer's 'Each party is hereby ordered to file a list of ontological witnesses.' More mundanely, some contracts are hardly comprehensible to the lay person, the draftsman playing to

his own peculiar and opaque logic. Counsel's telling the jury he shall 'adduce further evidence' and the like is readily subject to comprehension by the eight. A lawyer may define as follows: "Those unofficial standard English words and compound words that are over six years old and are unlikely ever to be used during conversation with friends or family." Faced with complicated medical testimony or arcane economic evidence, the average person is prone to a simple sort of reification: 'call it technical talk'; a kind of glossolalia. Nonverbal communication from trial lawyer to listener can be employed to discern additional thoughts occurring in the listener's mind. This can be important to a trial lawyer because beyond the speaking—listening relationship there is additional latent information about what the listener is really thinking. A judge, for example, may be speaking one thing but thinking something altogether different. Incremental findings suggest that women are superior to men in the decoding of nonverbal cues; women tend to possess a nonverbal advantage because they are more relationally oriented and affiliative than men. Nonverbal communication can work equally well with judges during pretrial motions or during jury waived trials. Furthermore, nonverbal communication is a two-way street. Although much has been written about how to use nonverbal cues to detect deception, trial lawyers must also be aware of the potential that they are himself or herself emitting incongruent and potentially damaging nonverbal cues. Indicators of nonverbal deceit may best be described as clusters of mutually reinforcing cues or as incongruities between body language and the spoken word [3, 4].

### **Understanding Jury Decision-Making**

The role of the jury in the criminal justice system is pivotal. Juries decide whether a defendant is guilty or not guilty beyond a reasonable doubt but are afforded little understanding of the legal rules and reasoning procedures that guide their decisions. They instead rely on their information processing abilities to make sense of the persuasive content presented to them in trials. Therefore, there are a variety of psychological and cognitive factors that influence how evidence and arguments are interpreted. Overall, 2 models are presented that have been advanced as characterizing lay juror decision making in groups: a simple group model of group members exchanging their individual information and a group polarization perspective based on social comparison and informational influence. Jurors are expected to be impartial. Each defendant is entitled to a trial before an impartial jury. However, it is all but impossible for jurors to put aside all preconceptions they may have about a case or the persons involved. In examining the preclusion of a juror for cause, the kind of bias that will disqualify someone is a strong feeling regarding the guilt or innocence of the defendant. Reasons for disfavor may vary from a belief that all individuals accused of such a crime are guilty to a belief that there are too many acquittals by juries nowadays. Note that the bias need not relate to the defendant: trivial things may prompt negative attitudes as well. For instance, "I find that a terrible hairstyle; I'd never trust them" – should that person be seated on a jury for that defendant? Bias may stem from other sources as well. A juror may simply not trust police officers despite the prosecution's assertion that they are more trustworthy than a civilian. As juries expand in number, the potential for bias increases. Although individuals may be eliminated if necessarily disclosed biases are present, there may be undisclosed biases. These may arise from information relevant to one juror but not revealed to the entire pool. For example, a juror may recognize a defendant, a witness, or a victim. Alternatively, a juror may recognize a lawyer and make inferences about the case from his or her usual clientele [5, 6].

### **Types of Communication in Courtrooms**

Throughout the Western world, accused persons are prosecuted, defended, and judged through a process of oral advocacy in a courtroom. Legal argument and witness testimony are accompanied by a multitude of texts. Documents, artefacts, and written texts are presented as evidence, while visual representations (charts, diagrams, plans, and photographs) explain, elucidate, and clarify. When examined in detail, the most striking aspect of courtroom communication is its complexity. Attorneys, accused, judges, jurors, expert witnesses, standard witnesses, the clerk of the court, jurors' note-takers, audiences, bystanders, and court staff communicate in diverse ways. Starting with opening speeches, a normative 'story of the case' is created to engender comprehension and guide perceptions. This analysis examines in detail how speakers communicate with gestures, body language, and non-verbal cues. In verbal communication, the way something is said is as important as what is said. Different styles of communication can lead to different interpretive understandings of the same information. The complexity of communication and the necessity for comprehension have been exacerbated since the 1980s by the introduction of technology, leading to the collapse of the distance separating co-participants. By identifying and categorising different aspects of communication in the courtroom, the efficacy of its use can be examined. Orality and the norms of adversarial legal process legality rely on the aural communication of an articulated argument and spoken judgment to affect immunity. Arbitration, with its different procedures and avoidance of oral trials, can

avoid a substantial part of this communicative process. Judgements are instead reached through the study of voluminous documents, and this was a feature of trials called for by the Constitution. The presence of an oral jury trial can question the legibility of this judgment, potentially rendering it ineffective. In 2016, South Africa amended its Constitution, which threatens to remove this provision altogether. This contribution argues that the aural performance of a judgment in open court cannot be so easily replaced, and substitutes cannot replicate the efficacy of speaking anonymity. The links between orality, publicity, and performance in the understanding and efficacy of communication within the South African courtroom are expounded [7, 8].

### **The Impact of Jury Instructions**

As citizens, we are often called to serve on juries, making us fact-finders tasked with determining guilt or innocence. The trial by jury is a cornerstone of our justice system, yet research has primarily focused on the legal system, neglecting jurors' participation. An important area of study is the role of communication in the judicial process and its effects on trial outcomes. Beginning in the late 1960s, extensive research was initiated, initially funded by the Law Enforcement Assistance Administration and later by the National Science Foundation. This research led to a resurgence of interest in jury studies, addressing practical juror issues and examining the reliability and validity of jury verdicts, including the persuasive effects of evidence. However, early investigations resulted in a limited body of literature. Studies cover cross-examination, jury isolation, and verdict processes, important for the ongoing national jury project. These studies explore how jurors are influenced by attorneys' arguments, evidence admission, and judicial instructions, revealing social psychological impacts on jurors' decision-making. Recent analyses of mock jury studies suggest that deliberation involves forming and applying "schemas" to evidence, allowing jurors to simplify reality based on past experiences. Schemas help interpret evidence to confirm specific verdicts. Nonetheless, significant controversy exists in the legal community, with some arguing that research showing jury influence can inform reforms to enhance the legal system's effectiveness in producing fair verdicts [9, 10].

### **Persuasion Techniques in Legal Arguments**

From the standpoint of a communication scholar, a courtroom might be examined as a kind of theater. In this theater, a jury observes the actions in question—one of which is performed by an attorney—who also reports them to judges, witnesses, and other attorneys. Attorneys are known primarily for their use of rhetoric; skillfully combining words and symbols, they tell stories, make arguments, and ask questions in efforts to persuade others. One specific circumstance in which attorneys attempt to persuade is the giving of a legal argument. The giving of a legal argument is a refined persuasive skill, undertaken after the fact, directed at changing a decision about the fact, and intended to shape a belief or an emotion. The use of legal argument by attorneys is particularly rich in strategies of persuasion to shape the jury's beliefs or emotions to fit with their clients' desired jury decision. Many of these strategies resemble persuasion techniques employed in lay arguments. Attorneys who give legal arguments make extensive use of rhetorical techniques while also making formal legal moves. An attorney's legal argument is as much a vehicle for storytelling, argumentation, and factual appeals as it is anything else. An attorney's legal argument can be broken down into four common rhetorical strategies: storytelling, analogies, factual appeals, and argumentation. Through the presentation of each of these rhetorical strategies, attorneys vary in the extent to which they facilitate jurors' access to the social issues at question. In the most skilled and manipulative uses of these rhetorical moves, attorneys actively interfere with the truth by withholding or distorting information. Starting with an assumption that legal argument is given by attorneys in the form of storytelling, analogies, facts, and argument, it will be possible to conceptually describe the persuasive techniques of legal argument in the courtroom, the impact of such techniques on the fact-belief decisions of jurors, and the ethical implications of these persuasive tactics. Attorneys attempt to control the information a jury accesses concerning the evidence to shape their fact-belief decisions. Most notably, the information critical to the case is withheld from the jurors. It is well known that a case can be unraveled by simply telling it backwards, that all it takes is just one special fact for the case to magically turn in one's favor, and that "X did not make the case". Each of the examples represents a "hidden" story. The attorney never mentioned the \$100 charge or the attempted stuffing of the television set [11, 12].

### **Group Dynamics and Communication**

Social dynamics follow a set of principles largely established during the 20th century and, indeed, rooted in ancient philosophy. Delineations of jury communication need to be examined alongside phenomena of group dynamics. Since the pioneer work of Muzafer Sherif, an illuminating picture of the 'rules of the game' of group interactions is available. An individual can be swayed to change norms quickly when the

setting for interactions involves individuals socially. Conformity is one of the fundamental dynamics of communication in a group. A related phenomenon is groupthink, in which the whole group collectively adopts a pattern of belief at the expense of discussing alternative views. Another influential line of study is the research on leadership, which shows how few participants will often take the floor in a group, using a rhetoric strategy to assert their dominance over the subject. Despite the peculiar setting, deliberations indicate how individuals rely on easily manifestable signals such as being in the majority or, conversely of feeling guilty, rather than an active data evaluation. Many studies highlight the importance of conversations in shaping behaviors and opinions, presumably through means of social comparison and peer pressure. However, such dynamics are more complicated than they seem. For example, in a simple majority vote, the probability of one juror changing a decision against the majority is only one-third. The synchronicity of discussions does not follow abrupt changes in the belief of the participants. Early studies using experimental paradigms find that participants facing a situation in which they receive information independently do not collaborate constructively and are often distracted by the task at hand. Another aspect of discussions is cultural, where the content of conversations depends on the backgrounds and viewpoints of the participants. In general, the presence within the communication of individuals from different backgrounds is beneficial. When the final verdict is not merely a factual gateway but a collective position beyond a reasonable doubt, there is no clear criterion to determine how profound a debate should be. A basic rule of conversational dynamics says that half of the observed topics do not survive the first intervention of the interlocutor. Another interesting fact thence emerged from the observation of the communications is how few participants dominate the floor [13, 14].

### **The Role of Media in Shaping Perceptions**

There is an argument that jurors often deny being influenced by media, yet research shows that media representations impact their opinions before and after trials. Many jurors may already have formed opinions before entering the courtroom. In today's digital age, televised news can shape the views of the young and ill-informed, often through sensationalized content. This situation calls for optimism, as even cynical journalists in Australia chase stories that may misrepresent scientific facts for ratings. Thus, it's logical to assume that news can incite biased opinions among seemingly unbiased individuals. Consider the influence of documentaries and social media narratives that circulate before trials while jurors are not sequestered and can access these biased information sources. Such media releases, not authorized by the court, can serve specific agendas, which complicates the legal proceedings. Although this doesn't imply all non-publicized works are inaccurate, it highlights the profit-driven nature of sensational storytelling. These media narratives can significantly affect public perception of a case, which emphasizes the ethical obligations of both the prosecution and defense. Advocating for disenfranchised groups is not enough; understanding how media bias can sway jurors is crucial, even among educated individuals. This analysis examines a case study to reveal the complexities and biases that inform jury perspectives, essential for recognizing the right to a fair trial in a democratic society. The ability of media biases to impact jury decision-making underscores the need for comprehensive understanding in legal contexts [15, 16].

### **Cultural Considerations in Jury Communication**

Understanding and making oneself understood is the primary goal of communication, yet key cultural factors are often overlooked. "Culture" here encompasses any human aspect impacting communication, particularly in jury settings. Although many relevant issues remain unaddressed, this paper examines how cultural understanding and competence can assist court practitioners in the communication process. The examples provided are broad generalizations and do not apply to all individuals within the "cultural groups" mentioned. Populations cannot be quantified as individuals; the focus is on broad groups to prompt discussion. Jurors from varied backgrounds possess significant differences in their interpretations of trial evidence and arguments. Individual assumptions about normalcy, right, and wrong vary widely, influencing how evidence is seen. Arguments from less recognized sources may be viewed skeptically, while those from credible sources are more readily accepted. Jurors not familiar with legal matters may require more explicit explanations of the evidence's implications. The background of jurors impacts the presentation and comprehension of information. While English is commonly spoken, its nuances may differ across groups, causing common metaphors and idioms to be interpreted in various ways or overlooked entirely. Communication barriers arise from the diverse cultural landscape in the US, making the cultivation of cultural competence increasingly vital for legal practitioners. Cultural biases can lead to conflicts among jurors during deliberation, highlighting the subtle influences of culture on communication. For instance, in Japan, cultural norms discourage open confrontation, possibly misrepresenting jurors' genuine opinions. The interpretation of jury materials can vary by cultural background; white Americans might perceive defendants with unfamiliar names more negatively than

those with Anglo-Saxon names. These situations underscore the cultural factors affecting jury function. A better grasp of these influences can enhance legal practitioners' cultural competence, improving the communication of ideas and evidence. Judgments depend on the information presented, and different juror backgrounds result in diverse interpretations of what is considered important or convincing. Integrating these perspectives fosters a deeper understanding. Research shows low comprehension rates among jurors, regardless of background, when faced with lengthy and complicated instructions. Juries often juggle domestic responsibilities alongside the demands of trials. A nuanced understanding can emerge only from diverse jury participation, allowing for the integration of multiple viewpoints [17, 18].

### **The Psychological Aspects of Decision-Making**

The law, grounded in reason yet influenced by human biases, ultimately depends on individual decisions shaped by emotions, especially in uncertain situations. These decisions can overshadow logical evidence when influenced by the unpredictable reactions of jurors. Lawyers craft their arguments to connect with juries, aiming to sway opinions despite the emotional challenges present in deliberations. Engaging ordinary citizens means navigating the complexities of legal interpretations and societal values. The emotional impact on jurors, particularly regarding prosecution evidence, can blur their judgment over a trial span. While many believe offenders should evade justice, basic legal concepts often resonate within society, influenced by local law enforcement. Memory plays a critical role not just in recalling specific facts but also in the perceptual processes that shape how information is interpreted. Additionally, the strategic decision-making involved in legal proceedings is complex, often jarring as one attempts to link legal phenomena with their broader implications. Law experts must continuously reflect on their roles, realizing that comments like "Let's get one thing straight" can lead to unintended consequences, distancing jurors from the intended arguments and perceptions [19, 20].

### **Case Studies on Jury Communication**

Meador Hurst, an attorney and Ph.D. candidate, participated in civil juries during the spring of 2002 in Arkansas, providing a unique perspective as both juror and legal scholar. His observations during jury deliberations offered valuable insights for attorneys, legal educators, and students. This study examines communication events and deliberative functioning from seven juries he was part of and is enhanced by conversation analysis methodology. Jurors today often assess substantial damages, a responsibility previously uncommon. Confidential interviews and surveys indicate that jurors frequently overlook expert differential diagnoses, focus excessively on causation and treatment, and struggle with technical definitions. Recent advancements in video and audio recording of jury deliberations have allowed conversation analysts to evaluate how jurors' lay understandings contrast with the legal proceedings. The study also addresses the impact of lay definitions on verdict-driven bargaining and the conditions under which a dissenting juror can succeed. The analysis aligns with ethno-methodological research into collective legal consciousness, revealing that jurors depend heavily on common sense to interpret trial processes. This challenges traditional legal education that aims to foster respect for legal experts and promote deference to judges and attorneys. Instead, it emphasizes the equivalency of lay definitions to legal discourse, highlighting their significant influence on jury behavior [21, 22].

### **Best Practices for Legal Communication**

The second annual study of good professional practices overviews more effective ways to: conduct and comport oneself in the company of difficult people, to gain their trust and, in time, their respect; contribute more effectively to collective decision making; hire good people who will continue to respect the law; urge clients to say, or not say, to others in given situations; write, revise, and deliver instructions to laypeople for use on jury duty; prepare witnesses for a trial or deposition; formulate a successful argument when the facts and controlling law are unsympathetic; and tactfully communicate to clients that fees necessitate abortion of an ongoing matter. Attending litigators seek juries readier and, when necessary by promptings, better able to penalize. To this end, advocacy unfolds shortened stories, crafted time upside down. But should make advocate balderdash, that's overly fainthearted. Yet monition find place before colloquy, ere incept soy. More good practice seeks; quainter story fashion on down top, or so forth as tale begotten. Visuals adjoin and, so as playful theor, seek understanding in picture. Further, pictorial simpleness seek in notion complex. To wit, representation blacken, polished amassing, student hopefuls slay. Seem thence terrible coloration unlikely, otherwise good practice tech style. Best bearing demographics variegation, oddly eq, terrify such great endeavor to him so. Overcome him will. Unquestionably, the service provided proper diligence, such variable undertaking was manageable. Immunize feast thence perhaps juries, 12 strong each, salve given attention deem require [23, 24].

### **Training For Legal Professionals**

In 2001, the New York State Judicial Institute held a conference examining innovative approaches to improve jury experiences. Observing the transitions and questioning periods, the discussions primarily focused on juror education and jury deliberations. Nonetheless, the overarching goal is to better understand, and ultimately improve, how legal professionals communicate with jurors. The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities highlights the need for legal systems to ensure that national, religious, and linguistic minorities have access to cultural activities. A recent study examines the plausibility of developing cultural competency training programs for legal professionals in complex legal systems. When subjected to the same training experiences while representing different cultural backgrounds, legal professionals significantly differ in outcome after training, regardless of their level of legal expertise. Much like scientific training in medicine or engineering, comprehensive training programs that address communication competencies should be developed for legal professionals. Innovative approaches designed to improve outcomes of proceedings in court (adjudication in particular) should focus on training judges and lawyers in the effective way of operating in a multi-ethnic court environment. Critical training components should focus on mastering techniques for effectively persuading the audience, enhancing skills for adopting the audience's perspective, and learning how to effectively channel legal expertise to the audience. Experiential training methods, such as workshops or mock trials, may be particularly effective because of the intertwined complexities of cultural, language, and strategic factors that require competence. Regardless of the type of training received, legal professionals significantly improve abilities through training and this improvement is maintained after training [25, 26].

### **Future Trends in Jury Communication**

A wide range of technological advancements is fostering the need for innovation in jury communication strategies. Legal communication practices have already been transformed by a reliance on electronically published rules and court proceedings. Courtroom technology continues to advance as computer screens, video conferencing, and electronic evidence become more prevalent. Future trends suggest that digital evidence re-enactments with virtual reality headsets may eventually be commonplace. Virtual courtrooms and remote jury duty through video-conferencing could be employed so that jurors can live in the comfort of their homes while they listen to testimony. On a wider scale, artificial intelligence and advancing data analytics are revolutionizing jury selection techniques. Using data available in surveys or even from social media and purchase histories, it is no longer difficult to create black-box algorithms that predict how likely a juror is to take on a lawsuit or potentially be biased. Real-time feedback on a jury's perceptions, interpretations, and biases could be obtained from companies paying exiting jurors to complete an online survey. With dynamic data collection during a trial, attorneys could be given targeted advice on jury notes, questions, or even the specifics of a summation in upcoming deliberations, all on an individual basis. Considering the sudden development of these individual or combined innovations, it behooves attorneys and social scientists to begin raising issues of confidentiality early on to ensure that the unbiased decision-making process is preserved. It is important to adapt current practices or create new communication strategies alongside the development of case or courtroom innovation. Ongoing research, assessments, and improvisational adaptations to new technologies are required to ensure the best communication practices take advantage of future innovations as they arise [27, 28].

### **Ethical Considerations in Jury Communication**

Ethical standards are crucial in developing techniques for communicating with juries. Courts must ensure fairness and transparency, making their processes clear and accessible. Jurors should be treated with respect and dignity, and information should be presented honestly without deception. Legal professionals must uphold their ethical standards in such interactions. A primary dilemma arises when sharing information about the trial system, as this can unintentionally favor one side. Collaborating with attorneys may help achieve balance. Another issue is ensuring the jury comprehends the case, as repeated clarifications can frustrate judges, who hold the power to convict. Moreover, conflicts may emerge between courtroom impartiality and the pressures to conduct cases in specific ways. Unethical behaviors, like bribing jurors or misleading them, threaten jury integrity and public trust in the legal system. Given the recent trends, ethical considerations are becoming increasingly important, and legal practitioners should focus on training related to ethical jury communication. Guidelines from legal organizations should be acknowledged, and a responsible party within the profession is recommended to oversee adherence to ethical standards. By studying cases of ethical misconduct, insights can be gained about the potential consequences for violations of ethical norms [29, 30].

## CONCLUSION

Effective communication is fundamental to the fairness and integrity of jury trials. Various verbal, nonverbal, and written communication forms shape jurors' perceptions, while psychological and social factors influence their decision-making processes. Legal professionals must balance persuasive argumentation with ethical considerations, ensuring transparency and fairness in their interactions with jurors. The growing influence of media, cultural diversity, and technological advancements necessitates ongoing reforms in legal communication strategies. Training programs should emphasize cultural competence, cognitive psychology, and clear legal instruction to improve jury comprehension and decision-making. By addressing these challenges, the legal system can enhance the accuracy and impartiality of jury verdicts, ultimately strengthening public trust in judicial outcomes.

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