

STRESS AND THE CAPITAL JURY: HOW MALE AND FEMALE JURORS REACT TO SERVING ON A MURDER TRIAL*

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Previous research findings gathered by the Capital Jury Project showed that many jurors who served on capital murder trials experienced significant stress and suffered extreme emotional setbacks. The present analysis extends these findings by focusing on gender-specific variations in responses given by male and female jurors as revealed through extensive in-depth interviews. Findings from structured questions and juror narrative accounts about psychological and physical suffering revealed that more females than males reported generalized fear, felt an overwhelming sense of loneliness or isolation, and experienced a significant loss of appetite during the trial. While male and female jurors both mentioned becoming emotionally upset about the crime-scene evidence and trial testimony, experienced sleeping problems, and started using prescription drugs or illicit substances, these issues were discussed more often by females.

The modern capital-punishment system has been the topic of vigorous debate among politicians and legal professionals for sometime. Recently, attention has focused on the psychological and physical well-being of jurors who served on capital cases (Saewitz, 2005; Eaton and Silcox, 2004). The present analysis extends previous research findings about capital jurors' experience of stress and emotional setbacks as uncovered by the Capital Jury Project (Antonio, 2006; Bienen, 1993). This article presents evidence about the severe physical and emotional suffering jurors experienced as a result of their jury service and focuses on gender-specific variations in responses given by male and female jurors during extensive in-depth interviews.

Serving on a jury can be a stressful experience for anyone, regardless of whether the case is a criminal or civil matter. Certain trials involving kidnapping, sexual assault and battery, or child abuse are traumatic events that may physically and emotionally disturb a juror who is considering the testimony and evidence presented in the courtroom (Shuman, Hamilton, and Daley, 1994). The risk for extreme emotional suffering is especially a concern for jurors who must decide whether a defendant lives or dies.

Jurors serving on a capital murder trial can be adversely affected by their experiences. Indeed, some facets of capital trials are particularly difficult for jurors to endure. The guilt or evidence phase of a capital trial may include gory details about the killing and explicit narrative accounts or testimony from eyewitnesses or crime-scene investigators. Researchers in one study found that jurors in murder cases were

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particularly upset by seeing photographs of the victim and blood-tainted physical evidence from the crime scene, as well as having to sentence the defendant to death (Kaplan and Winget, 1992).

Jurors also have expressed concern about being sequestered. In capital cases jurors may be sequestered for long periods of time, and their access to news or media sources may be severely restricted. Jurors have worried about how being sequestered would "affect them, their family, or their jobs" as well as evoked a general fear response about "where they will sleep and eat and how they will contact their families" (National Center for State Courts, 1998; also see Feldman and Bell, 1991).

Other research has compared differences in post-traumatic stress disorder (PTSD) symptoms among jurors in capital cases who made the life-or-death decision. Jurors who imposed a death sentence sustained greater PTSD symptoms than did jurors who imposed a life sentence (Cusack, 1999). Because of these adverse reactions, it is not uncommon for jurors to suffer from other psychological or physical symptoms that result from their jury service, including nightmares, nervousness, tension, and depression (Costanzo and Costanzo, 1994; Shuman, Hamilton, and Daley, 1994; Kaplan and Winget, 1992).

Recent research findings from extensive in-depth interviews with capital jurors showed that many experienced significant stress and suffered extreme emotional setbacks (Antonio, 2006). Specific findings from that analysis showed that female jurors, overall, mentioned crying and relational problems more than males, while female jurors from death cases noted suffering adverse long-term effects, and females in life cases often dreamt about the defendant seeking revenge on them. While these gender-specific effects were observed, the overall conclusion was that male and female jurors both experienced extreme stress and emotional setbacks as a result of their jury service.

Further examination of the narrative accounts, conducted with a focus on gender-specific effects, revealed additional themes that showed differences among male and female jurors in their reaction to serving on a capital trial. The present analysis indicates that female jurors were more adversely impacted by certain aspects of the trial and suffered greater psychological and physical symptoms than males. These findings raise important questions about the impact and responsibility the courts and trial attorneys have for protecting the psychological and physical well-being of jurors who serve on a capital case.

THE CAPITAL JURY PROJECT

The data to be used in this analysis were collected as part of the Capital Jury Project (CJP). Bowers (1995) stated that the objectives of the CJP were to examine and systematically describe jurors' exercise of capital-sentencing discretion; identify the sources and assess the extent of arbitrariness in jurors' exercise of capital discretion; and assess the efficacy of the principal forms of capital statutes in controlling arbitrariness in capital sentencing.

The study began in 1990 in eight death penalty states; however, as the project developed, an additional six states were added. The fourteen states that comprised the CJP sample were Alabama, California, Florida, Georgia, Indiana, Kentucky, Louisiana, Missouri, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia. These states were chosen because they represented the principal variations in guided-discretion capital statutes (e.g., threshold, weighing, and directed¹). Some of the states included were those that carried out the largest number of executions.

The intent was that four jurors from each case in the study would be interviewed by university-based investigators (graduate students and college professors) located throughout the country. The jurors were contacted by letter and telephone and were asked if they would participate in the research study, which would include an in-depth interview lasting approximately three to four hours. During the interviews, jurors were asked both structured and open-ended questions to document their experiences and decision making over the course of the trial, to identify points at which various influences may have come into play, and to reveal the ways in which jurors reached their final sentencing decisions (Bowers, 1995).

The present CJP working sample includes 1,198 jurors from 353 capital trials. From the juror interviews, data were collected on some 700 variables from both the structured questions and the numerous open-ended questions where jurors were allowed to provide their own narrative response. For the purposes of the present analysis, two structured questions about their experience serving on a capital trial were explored. Jurors were asked to respond “Yes” or “No” to the following questions, “Did you find the experience emotionally upsetting?” and “During the trial or right after it, did you have any trouble sleeping, any bad dreams or nightmares, or lose your appetite?” Through the use of open-ended questioning, jurors were given the opportunity to elaborate on their responses.

The primary focus of the present analysis is to draw on the rich narrative accounts generated from the two structured questions. The many jurors who chose to offer details about their experience that went beyond the simple “Yes/No” response—not all did so—provided another means by which to understand how being a capital juror affected them emotionally and physically.² Overall, 534 jurors who indicated

¹ States with *threshold* statutes required jurors to find at least one *aggravating* factor associated with the murder before imposing a death sentence. Once this factor was identified, jurors could consider other *aggravating* and *mitigating* circumstances for reaching their final decision about punishment. States with *weighing* statutes required jurors to compare *aggravating* versus *mitigating* factors when reaching a decision about punishment. The relative “weight” of the factors determined the sentencing outcome. States with *directed* statutes required jurors to answer questions pertaining to future dangerousness, criminal responsibility, and *mitigating* circumstances when deciding about punishment. Sentencing outcome was based on the responses to these questions.

² Some of the open-ended questions asked during the interview, including the juror’s description of the crime, were coded to record specific aspects of the murder (e.g., stabbing, shooting, burning, etc.). The purpose was to allow for the possibility of additional statistical analyses using multivariate regression techniques (not presented here). This coding process was not performed on all open-ended questions asked during the interview, but was conducted as needed for specific projects of interest.

they felt emotionally upset because of their jury experience and 327 jurors who indicated they had experienced specific problems during and after the trial offered additional narrative responses, in length varying from a single-word answer to several paragraphs of detailed information. Only those narratives that were one or more sentences in length and provided a clear theme were examined thoroughly. Overall, approximately 25 percent of jurors' comments about being emotionally upset ($n=130$) and 28 percent about other specific problems ($n=90$) were considered in this analysis, and only the most comprehensive and detailed responses are used here. Often jurors did not limit their narrative to only one theme but instead spoke broadly about many matters of their jury duty experience that they thought were upsetting or troubling. The names of the defendant, the victim, and their families, as well as the specific location of the crime or trial, have been removed to protect the anonymity of individual jurors.

RESULTS

How male and female jurors responded to structured questions about their emotional and physical reactions to serving on a capital trial will be presented first, followed by the themes generated from the jurors' narrative accounts about their experiences. Comparisons of male and female jurors mentioning each theme will be shown. The last section will draw upon the actual, narrative accounts that jurors provided in response to the structured questions. The themes that will be presented relate to their psychological and physical problems, generalized fear, and feelings of isolation.

Structured Questions. Over 60 percent of respondents ($n=711$) found the experience of serving as a capital juror emotionally upsetting; fewer, however (36.0 percent, $n=423$), reported trouble sleeping or eating during or after the trial (see Table 1). More female jurors reported being emotionally upset because of serving on a capital trial than male jurors (70.8 percent compared to 50.4 percent), and females also more often mentioned trouble sleeping and eating than their male counterparts (47.7 percent vs. 23.7 percent). Jurors who served on capital trials that resulted in a death sentence were only slightly more likely to indicate that the experience was emotionally upsetting compared to jurors who served on cases that resulted in life sentences (63.3 percent vs. 57.6 percent). Whether the case resulted in a death or life sentence had little impact on jurors' experience with trouble sleeping or problems eating (37.7 percent compared to 33.7 percent).

These findings indicate that all jurors, not just those who served on death cases, may experience significant stress and extreme emotional setbacks because of their jury service. Moreover, these findings show that to fully understand the psychological and physical impact of serving on a capital jury, the issue of gender must be explored further.

Themes from Juror Narrative Accounts. Multiple themes emerged from jurors' narrative accounts about being emotionally upset during and after serving on a capital jury. Forty-one jurors mentioned being upset by evidence shown in court, including

Table 1
Jurors Saying They Were Emotionally Upset or Had Experienced Other Troubles Because of Their Jury Service

For all jurors

Did you find the experience emotionally upsetting? Yes 60.9 % (n=711)

During the trial or right after it, did you have any trouble sleeping, any bad dreams or nightmares, or loss your appetite? Yes 36.0 % (n=423)

By gender and sentencing outcome

		Juror Gender			Sentencing Outcome		
		%Male	%Female	p	%Death	%Life	p
Did you find the experience emotionally upsetting?	Yes	50.4	70.8	**	63.3	57.6	*
During the trial or right after it, did you have any trouble sleeping, any bad dreams or nightmares, or loss your appetite?	Yes	23.7	47.7	**	37.7	33.7	n.s.

Probability levels * p < .05, ** p < .001

photographs of the crime scene and victims, and trial testimony from witnesses and experts. More female jurors commented about this than did males (73.2 percent compared to 26.8 percent, a difference of 46.4 percentage points; see Table 2). Thirty-two jurors also noted that during the trial proceedings, they felt isolated; again, this was more often mentioned by females than males (78.8 percent compared to 11.2 percent, a difference of 67.6 percentage points). Females also were more likely than males to note problems they encountered during the trial, including frustrations associated with being sequestered (88.9 percent compared to 11.1 percent, a large difference of 77.8 points).

Many of the themes about jurors' reactions to serving on a capital trial concerned thoughts or feelings that developed after the trial proceedings ended. Many jurors (38) reported long-term side effects, such as chronic physical or emotional problems and difficulties relating to family, friends, or coworkers that occurred in the days, weeks, or months following the trial. More female jurors than males noted these long term effects (76.3 percent compared to 23.7 percent). Similarly, more female jurors than male jurors (76.9 percent vs. 23.1 percent) mentioned a general fear of reprisal from the defendant, the defendant's family or friends, or the victim's family or friends. Some jurors even feared criticism from their own family or friends because of the decisions that were reached during the trial. These findings showed some very large differences (52.6 points and 53.8 points, respectively) in the percentage of responses given by male and female jurors for suffering long-term side effects and a generalized fear. Jurors also expressed the sentiment that if they were asked to serve

Table 2
**Themes Generated from Juror Responses About Being Emotionally Upset
 from Having to Serve on a Capital Jury**

Juror Themes	% male	% female	# of responses
Reactions during the trial			
Crime-scene evidence	26.8	73.2	41
Feeling isolated	11.2	78.8	32
Being sequestered	11.1	88.9	9
Reactions after the trial			
Long-term side effects	23.7	76.3	38
Fear of reprisal	23.1	76.9	26
Refusal to serve again	20.0	80.0	15
Accepted decisions	53.8	46.2	13
Regretted decisions	18.2	81.8	11
Sought counseling	37.5	62.5	8

Note: Thematic categories were generated from 130 juror narrative accounts. Some juror narratives included multiple themes.

on another capital case in the future, they would refuse to do so (80 percent for females compared to 20 percent for males, a 60-percentage-point difference).

After the trial ended many jurors started to reflect upon their decisions. It was not until this time that the reality about what they did began to set in. Some jurors were content with the decisions made during the trial, either at finding the defendant guilty of a capital crime or imposing a life or death sentence on the defendant. However, male jurors were more likely to be content than were females (53.8 percent compared to 46.2 percent). Likewise, a higher proportion of female jurors than male jurors expressed regret for the decisions that were made during the trial (81.8 percent vs. 18.2 percent, a difference of 63.6 percentage points). Finally, more female jurors expressed a need for or sought counseling after the trial to deal with the stress than did males (67.9 percent compared to 37.5 percent, a difference of 30.4 percentage points).

As to psychological and physiological symptoms experienced as a result of serving on a capital case, 327 jurors provided additional comments to the structured question about specific troubles experienced during or after the trial. Approximately 28 percent of these accounts (n=90) were chosen for this analysis. Forty jurors complained about dreams and nightmares, either general or specific in nature, relating to what they viewed or heard inside the courtroom, with female jurors reporting this more often than did males (62.5 percent compared to 37.5 percent). As noted during their interviews, many jurors believed jury duty to be an awesome responsibility. Because of this, it was not unexpected to find some jurors emotionally affected by their experience. Specifically, more females than males described their jury service as draining (81.8 percent vs. 18.2 percent), stressful (80.0 percent vs. 20.0 percent), and straining (68.8 percent vs. 31.2 percent), differences which were large (63.6, 60, and

Table 3
**Themes Generated from Juror Responses About Having Experienced
 Trouble Sleeping or a Lost Appetite**

Juror Themes	% male	% female	# of responses
Dreams/nightmares (general or specific)	37.5	62.5	40
Draining	18.2	81.8	22
Stressful	20.0	80.0	20
Straining	31.2	68.8	16
Prescription drugs, alcohol, or smoking	28.6	71.4	7

Note: Thematic categories were generated from 90 juror narrative accounts. Some juror narratives included multiple themes.

37.6 points, respectively). Finally, a handful of jurors commented that the emotional stress was so much to bear that they reverted to prescription drugs, drinking, or smoking to cope with the stress (71.4 percent for females vs. 28.6 percent for males, a difference of 42.8 percentage points).

As previous research indicates that many jurors became emotionally upset and suffered significant stress as a result of serving on a capital case, we need to know why jurors react in such a manner. What is it about serving on a capital case that impacted these jurors? Answers to this question may come, in part, from what the jurors viewed or heard during the trial proceedings. Therefore, we now turn to the actual comments given by capital jurors about their psychological and physical problems, fear of retaliation or reprisal, and feelings of isolation and loneliness associated with being sequestered. While male and female jurors both mentioned having these thoughts and feelings, female jurors more often expressed these concerns.

Psychological and Physiological Symptoms. It is not uncommon for jurors serving on capital cases to be exposed to graphic imagery or evidence during the trial and for them to be affected physically and emotionally by this evidence. Indeed, forty-one of the interviewed jurors reported being emotionally upset or shocked by eyewitness and expert testimony and by having to view the photographs presented at the trial; these included eleven males—seven from cases resulting in a death sentence (D) and four from cases resulting in a life sentence (L)—and thirty females (20D, 10L). A female juror from a life case observed that “just to see the pictures of (the victim) lying in the grave, hearing the testimony of the family, and, of course, it was upsetting to hear how the bullets went in his head and came out.”

For many jurors, however, the graphic photographs alone—apart from trial testimony—were enough to affect them emotionally. One male juror from a death case described the impact that photographs of the victim’s body had on him:

the picture of her dead, her eyes open. That was another shocking thing too. Part of the trial, when they presented the evidence, they had a slide

show and they had this one slide of . . . showed the one victim, her eyes open. You thought for a minute that it was her at some time in her life when she was alive, but then they tell you, no, this is a morgue shot. You don't think of these things when you see a dead body on TV or in the movies or whatever. You usually don't see them with their eyes open, you see them closed. Here is this lifelike looking face, looking at you, but this person is dead. That kinda bothered me.

Jurors have reported a host of psychological and physiological symptoms resulting from their jury experience. In this sample, most comments concerned cognitive disturbances including dreaming or having nightmares about the trial, in addition to physical reactions including developing eating disorders, becoming physically ill, or needing drugs to cope with their stress. Many jurors, regardless of their gender or the outcome of the case on which they served, reported having dreams or nightmares that lasted long after the trial ended. Altogether, 25 jurors (7 male, 4D, 3L; 18 female, 10D, 8L) reported specific dreams or nightmares concerning the manner in which the victim was killed or which related to the crime scene, although the nature of their dreams or nightmares varied in scope and intensity. Another fifteen jurors broadly discussed dreams or nightmares they experienced during or after the trial, but did not mention the defendant or specific aspects of the crime (e.g., "Had bad dreams and trouble sleeping during and right after").

In addition to sleeping problems during and after the trial, others reacted to their jury experience with physiological symptoms. Eleven jurors (1 male, 1L; 10 female, 4D, 6L) reported having a loss of appetite during the trial, but most made general statements about appetite loss without detailed elaboration. For example, a female juror from a life case described that her "loss of appetite was in the guilt phase because of the difficulty in deciding" and a female juror from another life case added, "I also had loss of appetite. It was just all of the emotions—stress!"

A handful of jurors (2 males, 1D, 1L; 5 females, 3D, 2L) engaged in smoking or drinking during or after the trial or were prescribed medication by a physician. Most of the jurors who commented about these factors were short but direct in their statements, like these two female jurors from separate life cases who "started smoking again" and "drank more. I know sometimes I just couldn't wait to come home and to have a drink. It was a terrible experience."

Fear and Retaliation. Other findings revealed that jurors experienced intense fear from serving on a capital case. A few female jurors from both life and death cases were concerned because they believed the defendant could or did learn of their personal contact information, including names, addresses, and phone numbers. One female juror mentioned that

it upset me that he was allowed to have pen and paper during jury selection. That he knew I had a nine-year-old daughter. That was scary to me that the defendant is allowed, while they're questioning the jurors, to write stuff

down. That was kind of scary, because you have to give your name and address. That kind of hit home. The lady next to me was a bit concerned with that, too.

Surprisingly, several jurors learned after the trial had ended that they knew someone who was actually a friend of the victim, the victim's family, or the defendant. Jurors who gave the death penalty were particularly fearful of retaliation from friends of the defendant; conversely, jurors who sentenced the defendant to life feared reprisal from people who were friends of the murder victim. One female juror from a life case knew people who were familiar with the victim's family and she mentioned how these individuals were angry with the jury for not sentencing the defendant to death. As she described the situation,

I mean I have to go back to work and I did not realize the people that I worked with knew the (victim's family), they went to church with them. I was afraid to tell them I was on the case and that I made the decision not to electrocute him. I couldn't talk about it if somebody asked me, I would say 'I cannot talk about it. I'll tell you in a few weeks whenever I get to feeling better.' I mean somebody said 'boo' and I would just broke down. I was just a nervous wreck. I was totally wacked out.

Loneliness and Isolation. Having feelings of loneliness was another theme that emerged from the juror narratives. Indeed, jurors described in detail the loneliness about being sequestered. Nine jurors (1 male, 1D; 8 female, 4D, 4L) spoke about how uncomfortable and frustrating it was to be sequestered during the trial, including not being able to see or communicate with family or friends and not having contact with the outside world. A female juror from a death case said,

You know, it was kind of an ordeal. First, they get you up at 6 in the morning and they, I mean, by the time they get you back to your motel and you can't talk, you know about the case, (but you can't) talk about the stuff. So it was like 10:00 - 11:00 pm by the time you hit the sack and your back up again, and you're cut off from everything, you know, and it's like if you got a newspaper, (but) there wasn't anything left on it they would have (removed some of the articles) . . . picked up the phone and the TV- Out! . . . and so it was just you and your roommate, and you just hoped that you got along.

Another female juror, who served on a separate death case, was upset by the experience. As she described it,

after the trial you know we would just have to go to our rooms and lock, you know, we were told to go in our rooms and lock the door. There wasn't any kind of recreation or any way for us to vent any of what we were going through. I mean a couple of us asked, you know, could we go down to the

pool for a couple of hours. That wasn't feasible. . . . We could not leave the room. If we were in the hallway we were asked to step in our room. We were not allowed to visit with one another, we were discouraged.

Some jurors even compared their experience of being sequestered with that of being imprisoned. A female juror from a different death case noted, "First of all being sequestered is like prison. The juror is in a prison. A very padded and nice prison, but nevertheless a prison. It's very upsetting to have all contact with the outside world shut off. All the people that you care about, no connection with them." Whereas this juror described her experience as being in "a prison," others used the term "isolated" to convey their feelings of loneliness. Altogether 32 jurors (7 males, 2D, 5L; 25 females, 18D, 7L) mentioned that their jury experience felt isolating. One female juror from a life case said that as a sequestered juror, "(you) don't get to talk with anyone about (your) experience until the end. (It's) isolating . . . (the) experience overall is difficult." Similarly, a female juror in a death case commented, "being sequestered, feeling isolated because of it. I found it difficult to talk to others on everything."

CONCLUSIONS AND IMPLICATIONS

All trials for which individuals are asked to serve as jurors have the potential for presenting evidence inside the courtroom that some may find disturbing. Traumatic cases involving harm to certain victims may facilitate severe psychological and emotional responses among some jurors. Prior research suggests that male and female jurors who served on murder cases experienced extreme stress and emotional setbacks. The present analysis, which used data gathered by the CJP to extend previous research findings, showed that male and female jurors differed in their response to various sources of stress. Some of the themes that emerged from this analysis, including psychological and physiological symptoms, fear of retaliation, and isolation and loneliness, were uncovered only through narrative accounts.

Overall, more females found the experience emotionally upsetting and suffered sleeping and other problems as a result of their jury service. Specifically, females were more likely to comment about seeing the crime-scene evidence presented at trial, feeling isolated, and being frustrated with being sequestered. Females also more often mentioned suffering from long-term side effects, fearing reprisal, seeking counseling, refusing to serve again, and regretting their decisions more than males. Males, however, did report being content with their decision making more often than females. Finally, females mentioned experiencing dreams or nightmares; feeling drained, stressed, and strained; and using prescription drugs or alcohol or smoking more after the trial as a result of their jury service.

Juror narrative accounts about psychological and physical suffering revealed that more females compared to males reported generalized fear, felt an overwhelming sense of loneliness or isolation, and experienced a significant loss of appetite during

the trial. While male and female jurors both mentioned becoming emotionally upset about the crime-scene evidence and trial testimony, experienced sleeping problems, and started using prescription drugs or illicit substances, these issues were discussed more often by females. Often, these findings were much greater than a two-to-one ratio, indicating that many more female jurors than male jurors suffered from these problems.

Males also may have experienced these thoughts and feelings to a greater degree, but were less likely to indicate so during the interview. However, large differences by gender (20 to 25 percentage points) in structured questions during the CJP interviews (see Table 1) indicate that the gender-specific variations shown here are not solely the product of a greater tendency for female jurors to articulate emotional or stressful reactions, although they could reflect a gender difference in willingness to acknowledge such emotional reactions.

Female jurors from cases in which the jurors voted for death indicated feeling isolated and lonely and being affected by crime-scene evidence more than did female jurors from cases in which a life sentence was the penalty. Overall, however, few differences with regard to sentencing outcome were found among jurors' responses, suggesting that serving on a capital-murder case contributes to significant stress and emotional suffering regardless of whether the jury decides to impose a life sentence or death sentence.

The findings from this analysis have important implications for the modern capital-punishment system and should be taken seriously by the courts and trial attorneys alike. As evidenced by their narrative accounts, capital jurors are adversely affected by what occurs inside the courtroom, but certain aspects of the trial affect female jurors more than males. If the death penalty continues to be used to punish capital offenders, certain issues pertaining to the general well-being of jurors must be addressed by policy makers. Indeed, mental-health-care professionals, including psychologists and psychiatrists, should be consulted to determine whether average citizens have the capacity and fortitude to withstand the stress and pressure associated with serving on a capital trial. Legal professionals also need to determine what responsibilities the courts and trial attorneys have for ensuring the psychological and physical well-being of capital jurors both during and after the trial, including such standard measures as mandatory debriefing or counseling for all jurors who served on a capital-murder trial. Only through such reform can the immediate needs of a capital jury can be met. **jsj**

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