

# EXHIBIT C

## Part 2 of 4

Aggregate Ratings Analysis

The analysis considered most reliable for these observational data is the comparison of the means of the experimental observations with the means of the baseline observations for each attribute. These means are computed from the aggregated observations, experimental or baseline, for each attribute. The results of this process are depicted in Table IV-6. The means emerge from a scale of 1.0 - 6.0 with 2.0 being defined as the "normally good" standard for nearly all of the attributes under scrutiny. The 1.0 - 6.0 scale may be interpreted summarily as:

1.0 - 1.4	Excellent
1.5 - 1.9	Very Good
2.0 - 2.4	Good
2.5 - 2.9	Average
3.0+	Below Average

Table IV-6 clearly shows that, for the attributes measured, participants perform as well in EMC proceedings as they do in conventional media coverage proceedings. Judges are on the average just as attentive with cameras present as when they are not; judges appear to exercise marginally better control of the courtroom with EMC present than with conventional-only media present. Jurors are quite attentive in both EMC and conventional circumstances, exhibiting slightly greater attentiveness when cameras are present. For the evaluators' judgment of courtroom "calm", the global judgment measuring disturbance and disruption, EMC conditions proved to be just as calm as conventional-only media conditions.

TABLE IV-6

Means of Observational Ratings on Courtroom  
Environment Issues (Disturbance,  
Distraction, Dignity and Decorum)

	<u>EMC Ratings Means</u>	<u>Baseline Ratings Means</u>
Judge Attentiveness	1.75 <sup>1</sup>	1.71 <sup>5</sup>
Judge Control	1.75 <sup>2</sup>	1.94 <sup>6</sup>
Juror Attentiveness	1.49 <sup>3</sup>	1.59 <sup>7</sup>
Courtroom Calm	1.66 <sup>4</sup>	1.92 <sup>8</sup>

<sup>1</sup>Based upon 357 observations in 19 cases.

<sup>2</sup>Based upon 358 observations in 19 cases.

<sup>3</sup>Based upon 523 observations in 11 cases.

<sup>4</sup>Based upon 353 observations in 19 cases.

<sup>5</sup>Based upon 262 observations in 16 cases.

<sup>6</sup>Based upon 260 observations in 16 cases.

<sup>7</sup>Based upon 395 observations in 12 cases.

<sup>8</sup>Based upon 258 observations in 16 cases.

This methodical process of rating behavior and environment confirms the predominant theme of interview responses that the introduction of EMC equipment and operators into a courtroom does little or no harm to the participants' ability to concentrate on the business at hand. In fact, in high publicity cases, participants appear to do quite well in the areas measured, and courtrooms appear to be more than adequately "calm", whether or not cameras are present.

The differences in the ratings averages in all of the four attributes are so slight that one cannot conclusively say that participants are "better" or "worse" with cameras present. One can legitimately conclude that there generally is an absence of effect of EMC presence with respect to distraction, disturbance, or impairment to dignity and decorum.

More detailed data on the above discussed attributes appear in Appendix G, which presents a dispersal of means by case for each attribute using five ranges: excellent (1.0-1.4), very good (1.5-1.9), good (2.0-2.4), average (2.5-3.0) and below average (3.0+).<sup>32</sup> This dispersal is shown for EMC and baseline cases in a side by side comparison.

#### Directly Comparable Case Means Analysis

As documented in Section II, baseline observations came from court proceedings receiving conventional-only coverage and from proceedings in which cameras were present

<sup>32</sup>The distributions in Appendix G show means by case. Each case mean is based upon a variable number of observations. Therefore, one cannot compute the overall means for each attribute from the appendix tables. This would be "averaging averages" and is statistically unsound. The true means, using individual ratings as the unit of measurement are presented in Table IV-6 above.

TABLE IV-7

"Directly Comparable" Observational Data for Distraction/Disturbance Issues (Means)

<u>Criminal Cases</u>	Judge Attentiveness	Judge Control	Juror Attentiveness	Courtroom Calm
	Peo. vs. Robbins (experimental)	2.3	1.8	1.4
Peo. vs. Robbins (baseline)	2.1	1.9	1.8	1.7
Peo. vs. McDermand (experimental)	1.7	1.8	2.0	1.9
Peo. vs. McDermand (baseline)	2.2	2.0	2.0	1.3
Peo. vs. Nickel (experimental)	1.0	2.0	1.1	1.1
Peo. vs. Nickel (intermittent baseline)	1.4	2.0	1.1	1.3
Peo. vs. Nickel	2.3	2.0	2.1	1.9

TABLE IV-7 cont.

	Judge Attentiveness	Judge Control	Juror Attentiveness	Courtroom Calm
<u>Criminal Cases</u>				
Peo. vs. Cassazza et al (experimental)	1.9	1.9	1.8	2.1
Peo. vs. Cassazza et al (baseline)	1.9	2.0	1.6	2.3
<u>Civil Cases</u>				
Smith vs. Gayle et al (experimental)	1.3	2.0	1.2	1.6
Smith vs. Gayle et al (baseline re-trial)	1.2	1.7	1.1	1.2

only part of the time. One might suggest that even with the large sample of cases and observations which were ultimately collapsed into respective experimental and baseline cells, comparison of the means of each attribute is inappropriate because the participants and courtroom environment are not completely matched in the experimental and baseline cells. Therefore, as a supplementary analysis, it is fitting to look at the experimental (EMC present) and baseline (conventional-only media present) data in which the participants and courtroom environment are the same. This occurs in two modes: 1) experimental and baseline data taken from a proceeding in which cameras were present intermittently; and 2) baseline data taken from a trial which was subsequently re-tried with cameras present (or *vice-versa*). Table IV-7 shows the means by case for proceedings which yielded data of direct comparability in this fashion. There exists no pattern showing that EMC presence negatively affects the attributes measured; nor is there a pattern showing the reverse. Judges are shown to be marginally more attentive when cameras are present in three of the five cases. Judge control is the same regardless of EMC presence. Jurors appear to be highly attentive under both circumstances and courtrooms can be said to be very calm with both extended and conventional-only media presence.

#### Analysis of Potential Distraction Sources

In collecting observational data, the evaluators monitored a number of additional factors which are potential sources of disturbance and distraction and could be compared to the factor of EMC presence. Judgments were made regarding the disturbance/distraction level of:

- other media presence--visual and auditory;
- the audience--visual and auditory;
- frequency of audience change;
- courtroom personnel--visual and auditory;
- trial participants--visual and auditory; and
- auditory distraction from external sources.

Global judgments for these items were made for both EMC and conventional-only media proceedings.

Table IV-8A shows the distribution of evaluator judgments from Very Low to Very High on the visual and auditory distraction of EMC equipment and personnel compared to "other media". Because conventional (i.e. "other") media are present at EMC as well as conventional coverage proceedings, two categories of "other media" comparisons may be made.

For visual distraction, a large majority of proceedings were rated Very Low and Low with regard to EMC presence with similarly large majorities in these ranges for both "other media" ratings. The auditory distraction rating reveals a different result. EMC presence was rated as a Medium distraction level in 44% of the proceedings, a stark contrast to the auditory distraction rating for other media. This is attributable directly to the noise created by shutter clicks of still cameras. The in-court observations of the evaluators confirm what is reported by proceeding participants, that still camera shutter noise is the singly most distracting element of extended media coverage.

In high publicity cases, there is often a large audience, media presence in the hallway, and other factors which



TABLE IV-8A

VISUAL DISTRACTION OF EMC EQUIPMENT AND PERSONNEL VS. OTHER MEDIA

	EMC Cases		Other Media In EMC Cases		Media in Baseline Cases	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
Very Low	2	11%	5	28%	10	63%
Low	13	72%	9	50%	5	31%
Medium	2	11%	2	11%	1	6%
High	1	6%	2	11%	0	0%
Very High	0	0%	0	0%	0	0%

Table IV-8A Cont'd.

AUDITORY DISTRACTION OF EMC EQUIPMENT AND PERSONNEL VS OTHER MEDIA

	EMC Cases		Other Media In EMC Cases		Media in Baseline Cases	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
Very Low	5	28%	4	22%	10	63%
Low	5	28%	11	61%	5	31%
Medium	8	44%	2	11%	1	6%
High	0	0%	1	6%	0	0%
Very High	0	0%	0	0%	0	0%

may be a source of visual or auditory distraction. One may postulate that the "circus like" atmosphere, which opponents of EMC commonly predict, is attributable to phenomena other than or in addition to camera presence, such as the audience, court personnel, the trial participants themselves, or external noise sources such as media presence in the hallway. Therefore, global judgments on these factors were made during on-site observation.

The data in Tables IV-8B, through IV-8F indicate that these factors account for Low to Moderate levels of distraction and that their occurrence is roughly the same under EMC and conventional-only media presence.

Visual and auditory audience distraction (see Table IV-8B) does not appear to be a serious problem although in 33% of the EMC proceedings observed, a Medium visual audience rating was made. Audience change (people moving in and out) probably accounts for the Medium audience visual distraction rating. In Table IV-7C, which measures frequency of audience change, about one-third of the proceedings were rated at Medium or High levels. Baseline cases show generally Low levels of disturbance due to audience-visual, audience-auditory, or audience change frequency.

Visual and auditory distraction from court personnel is somewhat less than from the audience with a large majority of proceedings rated in the Low range for both EMC and conventional media only conditions (see Table IV-8D). Trial participants show the same distribution as court personnel in their disturbance level with almost all cases being rated in the Very Low and Low ranges (see Table IV-7E).

TABLE IV-6B

## EVALUATOR RATING OF AUDIENCE DISTRACTION

VISUAL DISTRACTION OF AUDIENCE					
EMC CASES			BASELINE CASES		
	Abs. Freq.	Pct.		Abs. Freq.	Pct.
Very Low	4	22%	Very Low	5	31%
Low	8	45%	Low	11	69%
Medium	6	33%	Medium	0	0%
High	0	0%	High	0	0%
Very High	0	0%	Very High	0	0%
AUDITORY DISTRACTION OF AUDIENCE					
EMC CASES			BASELINE CASES		
	Abs. Freq.	Pct.		Abs. Freq.	Pct.
Very Low	3	17%	Very Low	7	44%
Low	11	61%	Low	6	37%
Medium	4	22%	Medium	3	19%
High	0	0%	High	0	0%
Very High	0	0%	Very High	0	0%

TABLE IV-8C

## EVALUATOR RATING OF AUDIENCE CHANGE FREQUENCY

EMC CASES <sup>1</sup>			BASELINE CASES <sup>2</sup>		
	<u>Abs. Freq.</u>	<u>Pct.</u>		<u>Abs. Freq.</u>	<u>Pct.</u>
Very Low	6	32%	Very Low	8	50%
Low	6	32%	Low	6	38%
Medium	5	26%	Medium	2	12%
High	2	10%	High	0	0%
Very High	0	0%	Very High	0	0%

External noises are rated at a Medium level of distraction in three of the 18 EMC cases observed (17%) with one case at both the High and Very High ranges. This is somewhat similar to the conventional-only ratings on external noises. In all the cases of Medium to Very High distraction on this factor, the cause was documented as either media presence in the hallway or construction noise inside or outside the building.

The extent of distraction attributable to factors other than EMC presence is about the same as EMC--generally Low with occasional incidences of High distraction. This conclusion, drawn from observational data on other

TABLE IV-8D

## EVALUATOR RATINGS OF DISTRACTION FROM COURT PERSONNEL

VISUAL DISTRACTION OF COURT PERSONNEL					
EMC CASES			BASELINE CASES		
	Abs. Freq.	Pct.		Abs. Freq.	Pct.
Very Low	3	17%	Very Low	6	38%
Low	12	67%	Low	10	62%
Medium	2	11%	Medium	0	0%
High	1	5%	High	0	0%
Very High	0	0%	Very High	0	0%
AUDITORY DISTRACTION OF COURT PERSONNEL					
EMC CASES			BASELINE CASES		
	Abs. Freq.	Pct.		Abs. Freq.	Pct.
Very Low	3	17%	Very Low	4	25%
Low	13	72%	Low	12	75%
Medium	2	11%	Medium	0	0%
High	0	0%	High	0	0%
Very High	0	0%	Very High	0	0%

TABLE TWENTY

## EVALUATOR RATINGS OF DISTRACTION FROM TRIAL PARTICIPANTS

VISUAL DISTRACTION OF TRIAL PARTICIPANTS					
EMC CASES			BASELINE CASES		
	Abs. Freq.	Pct.		Abs. Freq.	Pct.
Very Low	5	28%	Very Low	2	13%
Low	12	67%	Low	11	69%
Medium	1	5%	Medium	2	12%
High	0	0%	High	0	0%
Very High	0	0%	Very High	1	6%
AUDITORY DISTRACTION OF TRIAL PARTICIPANTS					
EMC CASES			BASELINE CASES		
	Abs. Freq.	Pct.		Abs. Freq.	Pct.
Very Low	5	28%	Very Low	4	25%
Low	12	67%	Low	10	63%
Medium	1	5%	Medium	1	6%
High	0	0%	High	0	0%
Very High	0	0%	Very High	1	6%

TABLE IV-8F

## EVALUATOR RATINGS OF AUDITORY DISTRACTION FROM EXTERNAL SOURCES

EMC CASES			BASELINE CASES		
	Abs. Freq.	Pct.		Abs. Freq.	Pct.
Very Low	3	17%	Very Low	5	31%
Low	10	54%	Low	8	50%
Medium	3	17%	Medium	1	6%
High	1	6%	High	1	6%
Very High	1	6%	Very High	1	6%

factors, is consistent with observational data on participant behavior and interview data. Courtrooms generally are dignified, formalized environments and while sometimes the tone in courtrooms is "relaxed" or "warm", the business conducted follows highly structured procedures. Protocol is at a premium and judges have recognized authority to control the courtroom environment and sanction the behavior of participants and attendants (media and public). This fundamental ordering of roles and relationships is not altered by the introduction of electronic or photographic media.

While on-site, the evaluators made note of the size of the total press corps. One may theorize that proceeding participants in registering any distraction to EMC are being influenced in their response by a large press corps presence which happens also to include cameras and micro-



phones. Alternatively, one may theorize that camera presence not accompanied by a large press corps in the courtroom would be more distracting because the cameras cannot "blend in" with a large press corps. A cross tabulation of Judge Distraction responses with Size of Total Press Corps provides a clue to which theory is more credible.

Table IV-9 which produces this cross tabulation suggests that the latter theory is more viable than the former. Most of the Definitely and Extremely Distracting responses appear in the lowest Press Corps Size cells, although the predominance of EMC events having six or less total media persons present makes it difficult to be conclusive. It is in itself interesting that so few events attract a large press corps. Camera presence generally occurs with few other reporters present and is just as likely to be distracting in this circumstance as in the circumstance of a large press corps. (The likelihood of distraction in both instances is low).

#### B. Participant Behavior

Will trial participants or prospective trial participants, knowing that their words or pictures will be or are being recorded, broadcast or taken for possible use on television, radio or in newspapers or magazines, change their behavior in a way that interferes with the fair and efficient administration of justice?

This second major evaluation question requires an assessment of the behavior of all participant types under experimental (EMC present) and baseline (conventional-only media present) conditions. Participants at EMC proceedings were asked questions relating to their own behavior and to the behavior of others at the proceeding. Observational data were collected

TABLE IV-9

## JUDGE DISTRACTION LEVEL VS. TOTAL PRESS CORPS

LEVEL OF DISTRACTION	TOTAL PRESS CORP					Totals
	0-3	4-6	7-10	11-20	21+	
Not at All	61	7	1	0	1	70 67%
At First	16	0	1	0	1	18 17%
Slightly	5	1	0	1	0	7 7%
Somewhat	3	1	0	0	1	4 4%
Definitely Distracting	4	0	0	0	1	5 5%
Extremely	1	0	0	0	0	1 1%
TOTAL:	89 85%	9 9%	2 2%	1 1%	4 4%	105 100%

on a specific behavioral attribute, Effective Communication, an attribute considered primary in the performance of the roles of judges, attorneys, and witnesses.<sup>33</sup>

#### 1. Interview Data

##### Judge Behavior

Attorneys and jurors were asked to assess the behavior of the judge in EMC proceedings with respect to any effects of camera presence. Table IV-10 displays the responses. A majority of all types of attorneys and a majority of jurors thought there were no effects whatsoever. The minority of respondents who felt there were some effects were split between viewing them as positive or negative.

Although judges were not formally asked to assess their own behavior beyond the dimension of awareness and distraction, the interviews often evoked such a self-assessment. Most judges reported no effects on their own behavior from EMC presence. Those that did generally noted a minor effect such as, "it made me a little more careful".

##### Attorney Behavior

Attorney behavioral reaction to EMC was assessed by judges, opposing counsel, and jurors. Table IV-11 displays the responses. Judges generally perceived no

<sup>33</sup> Other attributes measured by observations (Attentiveness, Supervisory Responsibility) are in a broad sense types of "behaviors". However, these measures are, for purposes of discussion, presented under the previous section on distraction due to EMC. The above section more narrowly defines "behavior" in the form of an active attribute--Effective Communication.

TABLE IV-10

JUDGE BEHAVIOR CHANGE DUE TO EMC

	Plaint. Att. Response		Pros. Att. Response		Def. Att. Response		Juror Response	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
None	8	67%	12	92%	14	61%	40	72%
Yes, Some Positive	4	33%	0	0%	2	9%	3	5%
Yes, Some Negative	0	0%	0	0%	6	26%	8	14%
No Opinion	0	0%	1	8%	1	4%	5	9%

TABLE IV-11

ATTORNEY BEHAVIOR CHANGE DUE TO EMC

	Judge Response		Attorney Response (Re: Other Counsel)		Juror Response	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
None	71	72%	38	79%	39	70%
Yes, Some Positive	11	11%	0	0%	3	5%
Yes, Some Negative	10	10%	7	15%	9	16%
No Opinion	7	7%	3	6%	5	9%

TABLE IV-12

ATTORNEY SELF ASSESSMENT REGARDING BEHAVIOR CHANGE DUE TO EMC

	STRATEGY CHANGE			PRESENTATIONAL QUALITY	
	Abs. Freq.	Pct.		Abs. Freq.	Pct.
Yes, Affected	5	10%	Yes, Affected (Negatively)	1	2%
			Yes, Affected (Positively)	1	2%
No, Not Affected	43	90%	No, Not Affected	46	96%

effects (72%) with 11% noting positive effects and 10% noting negative effects. Attorneys also generally perceived no effects on opposing counsel, but of those who did, all viewed the effects as negative. Jurors' responses are similar to those of judges and attorneys--most perceived no effects (70%), a few saw positive effects (5%) and a few more saw negative effects (16%).

Attorneys were asked to assess their own behavior in reaction to EMC. The question of "strategy change" was posed to attorneys along with an inquiry as to effects on presentational quality. As Table IV-12 shows, 90% of respondents reported no strategy change and 96% felt there was no effect on their presentational quality. The few instances in which attorneys reported some effect on strategy (10%) were perceived not to be of major significance to the course of the case. For example, prospective jurors were sometimes asked in *voir dire* whether or not the presence of cameras in the courtroom would influence them or bother them. EMC presence in this example had an influence on attorney "strategy" for selecting jurors.

#### Witness Behavior

Witness behavior change due to EMC presence was evaluated by judges, attorneys, and jurors during interviews. Large majorities in all three groups perceived no effects, as displayed in Figure IV-13. Those who did see behavioral change in witnesses tended to view that change as negative--12% of judges, 22% of attorneys, and 16% of jurors. Only a few individuals concluded that EMC had a positive effect on witnesses.

TABLE IV-13

## Witness Behavior Change Due to EMC

	Judge Response		Attorney Response		Juror Response	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
None	44	86%	25	78%	34	61%
Yes, Some Positive	1	2%	0	0%	2	4%
Yes, Some Negative	6	12%	7	22%	9	16%
No Opinion	0	0%	0	0%	11	19%

TABLE IV-14

## WITNESS SELF ASSESSMENT REGARDING TESTIMONY CHANGE DUE TO EMC

	Abs. Freq.	Pct.
No	55	98%
Yes	1	2%

In assessing themselves, witnesses overwhelmingly reported no effects due to EMC presence (see Table IV-14). Only one of 56 witness respondents thought EMC had an effect on the content or delivery of testimony.

#### Juror Behavior

Perceptions of juror behavior follow the general pattern of other perceptions of participant behavior. Most respondents (judges and attorneys) detected no effects with a few judges and some attorneys perceiving negative effects on jurors (see Table IV-15).

Besides reporting on their "awareness" and "distraction" due to EMC, jurors assessed themselves by rating EMC "influence on deliberations." Table IV-16 clearly shows that jurors did not feel that EMC influenced deliberations. Only one juror perceived a direct influence on the case due to EMC; two jurors responded to the question by saying that the media generally had an influence on the deliberation process.

#### 2. Observational Data

##### Aggregate Ratings Analysis

To supplement the self-report data on participant behavior, the evaluators measured the attribute of Effective Communication of judges, attorneys, and witnesses under both experimental (EMC present) and baseline (conventional-only media present) conditions. The mean rating for all observations in both cells is contained in Table IV-17.



TABLE IV-15

JUROR BEHAVIOR CHANGE DUE TO EMC

JUDGE RESPONSES			ATTORNEY RESPONSES		
	Abs. Freq.	Pct.		Abs. Freq.	Pct.
None	31	94%	None	22	79%
Yes, Some Positive	0	0%	Yes, Some Positive	1	3%
Yes, Some Negative	2	6%	Yes, Some Negative	5	18%
No Opinion	0	0%	No Opinion	0	0%

TABLE IV-16

JURY DELIBERATION INFLUENCE

	Abs. Freq.	Pct.
None	48	94%
Yes, Influence of EMC	1	2%
Yes, Influence of Media Generally	2	4%

TABLE IV-17

Means of Observational Ratings  
on Participant Behavior Issues  
(Effective Communication)

	EMC Ratings Means	Baseline Ratings Means
Judge Effective Communication	1.83 <sup>1</sup>	1.98 <sup>5</sup>
Plaint. Att./ Prosecutor Effective Communication	1.88 <sup>2</sup>	1.79 <sup>6</sup>
Defense Attorney Effective Communication	1.85 <sup>3</sup>	1.99 <sup>7</sup>
Witness Effective Communication	1.85 <sup>4</sup>	1.95 <sup>8</sup>

<sup>1</sup>Based upon 330 observations in 18 cases.

<sup>2</sup>Based upon 264 observations in 18 cases.

<sup>3</sup>Based upon 233 observations in 18 cases.

<sup>4</sup>Based upon 226 observations in 12 cases.

<sup>5</sup>Based upon 256 observations in 16 cases.

<sup>6</sup>Based upon 189 observations in 16 cases.

<sup>7</sup>Based upon 160 observations in 16 cases.

<sup>8</sup>Based upon 218 observations in 12 cases.

Again, a 1.0 - 6.0 scale is used and may be summarized as:

1.0 - 1.4	Excellent
1.5 - 1.9	Very Good
2.0 - 2.4	Good
2.5 - 2.9	Average
3.0+	Below Average

As with observational rating means for disturbance/distraction measures (discussed earlier), the fundamental conclusion of the data is that participants perform well on the rated attribute under both EMC and conventional-media conditions. With three of the four participant types, the mean is slightly lower with EMC present than with conventional-only media present, although given the degree of difference, one must conclude that the experimental and baseline scores are virtually the same with all participant types. The ability of judges, attorneys, and witnesses to communicate generally is not impaired by the presence of extended media or conventional media.

In Appendix H, the dispersal of behavioral ratings by case mean is presented. This presentation of the data groups the average Effective Communication rating of each case into five categories--Excellent to Below Average.

#### Directly Comparable Case Means Analysis

As was done with observational data on the distraction/disturbance issue, a comparative analytical approach may be taken with the behavioral issue by comparing the means of rating scores or participants on an individual

TABLE IV-10

## Directly Comparable Observational Data for Participant Behavior Issues

	Judge Effective Communication	Prosecutor/ Plaint. Att. Effective Communication	Defense Att. Effective Communication	Witness Effective Communication
People vs Robbins (experimental)	2.1	2.2	1.1	---
People vs Robbins (baseline)	1.9	1.8	1.9	2.8
People vs. McDermand (experimental)	1.4	1.9	2.0	1.4
People vs McDermand (baseline)	1.5	2.0	1.8	1.7
People vs. Nickell (experimental)	2.0	1.0	1.8	1.8
People vs. Nickell (intermittent baseline)	2.0	1.2	1.5	1.9
People vs. Nickell (re-trial baseline)	2.0	2.3	1.8	---
People vs. Cassazza et al (experimental)	2.0	2.2	2.3	2.0
People vs. Cassazza et al (baseline)	2.0	2.1	2.2	1.7

TABLE IV-18 cont.

	<u>Judge Effective Communication</u>	<u>Prosecutor/ Plaint. Att. Effective Communication</u>	<u>Defense Att. Effective Communication</u>	<u>Witness Effective Communication</u>
<u>Civil Case</u>				
Smith vs. Gayle et al (experimental)	2.0	1.3	1.3	---
Smith vs. Gayle et al (baseline)	1.8	1.5	1.2	1.3

-112-

case basis. In this approach, the experimental and baseline scores are from the same participants within the same courtroom environment. Table IV-18 presents these data.

Clearly, EMC presence had no discernable negative impact on the communicative abilities of judges, attorneys, or witnesses in these "directly comparable" cases. Nearly all scores hover around the "normally good" point of the rating scale--2.0. This confirms what is suggested by the aggregated mean scores for EMC vs. baseline ratings, that generally participants in media coverage proceedings communicate well whether or not extended media is present.

### 3. Summary Discussion of Participant Behavioral Effects

In exploring communicative ability, the evaluators were looking for effects of divergent types. Communication ability might be impaired by excessive nervousness or communication behavior might subtly change as attorneys or judges "play to the camera" and "exploit the media".

One might logically theorize that jurors and witness, to whom courtrooms generally are unfamiliar environments, are particularly prone to nervousness in front of the TV cameras, still cameras, and microphones. In fact, many witnesses were cognizant of nervousness particularly before they began testifying. The source of the nervousness commonly was reported to be a combination of factors, only one of which was EMC presence. A major factor was apprehension about the proceeding itself--being cross examined or generally being subjected to a trying experience. Some witnesses were in fact the defendants in the proceeding and were generally nervous about case outcome. Upon reflection, many witnesses were surprised at

how focused they were on the proceeding itself, often becoming oblivious to the media once they took the stand. Jurors, whose role is more passive than witnesses, were rarely nervous about EMC except in the sense that many desired complete anonymity in the media coverage.

According to the interviews, attorneys and judges experienced the same feeling as witnesses in becoming surprisingly unaware of EMC presence once the proceeding began. Attorneys are perhaps the most active of all participants and although occasional signs of nervousness were apparent to evaluation observers, they were never alarming. Often, attorneys later evaluated any apparent nervousness as "natural" and due to numerous factors besides EMC. No attorney or judge admitted to "playing to the camera" for personal or political gain and in no instance did evaluators observe an obvious display of such behavior.

As with the issues of distraction and disruption, it is fitting to elaborate upon the small minority of instances in which behavior reportedly was altered by EMC.

One veteran attorney, representing an industrial plant being sued for dumping industrial waste, was certain that the judge ruled on a motion largely to create a favorable impression in the media. The attorney, who has experience in politics, perceived classic signs of "playing to the camera". The judge reported that camera presence did not alter his behavior at all.

In a major civil case, the plaintiff's attorney felt that the defense attorney damaged his case by "playing to the camera and not to the jury". The defense attorney reported no sense of this nor did the judge or evaluators perceive

this as occurring. In another major criminal trial, the defense attorney thought the judge "played to the cameras for political gain".

In the Segraves vs. State of California trial, the presence of the media took on a significance of somewhat unusual dimensions. The creationist movement, represented by the Segraves, seeks publicity and public support as does any other movement, and the evolutionist/creationist legal "showdown" was not isolated from media coverage--extended or conventional. The behavior of many participants throughout the trial was influenced by perceptions of how the "debate" would be publicized by the media. The judge, and many of the participants, viewed this as a healthy airing of a public interest issue and an appropriate role for the media.

Throughout the experimental year, a few witnesses, and fewer attorneys expressed a decided uncomfortableness with cameras in the courtroom. One person said "I constantly felt that I was on camera--it hindered my concentration, I was concerned about the impact my testimony was having." Others did not like the presence of cameras but did not feel that the cameras hindered their concentration or affected their testimony.

Interview data show concerns about EMC which do not pertain to immediate behavioral change. For example, the possibility of prejudicial pre-trial publicity was a concern to some lawyers. In the People vs. Carpenter case (the "hillside killer" case), the prosecution feared that cameras in the courtroom for first appearance would threaten the integrity of the impending "line-up" identification by certain witnesses, an event which was to take place shortly after first appearances. Therefore, arrange-



ments were made to complete the line up immediately after the first appearance, before the defendant's picture could be widely broadcast and published.

The defense attorneys in Carpenter share with many other defense attorneys severe reservations about EMC at any stage of the proceeding. Pre-trial publicity, juror contamination and witness intimidation are high on their list of concerns. A portion of all participant types expressed reservations about the capabilities of television news to accurately or adequately present a story about the courtroom experience. On the other hand, a portion of all participant types warmly welcomed EMC as exposing the public to the realities of the judicial process and educating them on court systems and procedures.

Few concrete manifestations of EMC opponents' apprehension about EMC effects occurred during the experimental year. Although the data do not address many of the concerns beyond immediate behavioral and environmental effects, they do identify the extent of perceived problems in an immediate behavioral and environmental sense. Given the exercise of judge discretion in restricting EMC from situations with an obvious potential for creating problems (e.g. testimony of a rape victim), EMC rarely changes the behavior of proceeding participants in a significantly detrimental fashion.

#### C. Additional and Summary Interview Data

Some of the interview questions put to EMC proceeding participants were not focused narrowly on the two major evaluation questions. Rather, these questions sought perceptions and feelings which supplement or place in perspective their re-

sponses about disturbance/distracton or behavioral change, or which sought summary judgments on the experience of participating in an EMC event. The topics of the questions are:

- general experience characterization (positive, neutral, negative);
- surprises or problems encountered;
- reluctance to participate again in an EMC event;
- preference regarding EMC presence;
- fear of harm due to EMC; and
- main impression as to EMC effects.

#### Experience Characterization

Judges and attorneys were asked to characterize their experience with "cameras in the courts" as positive, neutral, or negative. The responses presented in Table IV-19 show interesting distributions. Judges are evenly split between "positive" and "neutral" (48% and 45% respectively) and only 7% said "negative". Attorneys are less positive than judges: 33% said "positive", 40% "neutral", and 27% "negative". One of every four attorneys reported their experience with EMC to be negative.

TABLE IV-19

#### CHARACTERIZATION OF EMC EXPERIENCE

##### GENERAL

Judges Response			Attorneys Response		
	Abs. Freq.	Pct.		Abs. Freq.	Pct.
Positive	44	48%	Positive	16	33%
Neutral	41	45%	Neutral	19	40%
Negative	6	7%	Negative	13	27%

In an attempt to explain the negative responses, a test was made to determine whether major EMC events are more likely to result in a negative experience as characterized by the judge. A cross tabulation of the variables Judge Experience Characterization and Evaluator Importance Rating (based upon "amount" of EMC as earlier defined) reveals that all four judges at the "most important" EMC events viewed the experience as Positive (see Table IV-20). The Negative responses were predominantly at the Low to Moderate "importance" EMC events. There is no evidence to suggest that more EMC presence (in terms of continuousness and size of the pool) is more likely to result in a negative experience (as characterized by the judge).

#### Surprises or Problems

Judges and attorneys also were asked if they perceived any "problems or surprises" during their EMC experience (see Table IV-21). Again, attorneys are more negative towards EMC--half did perceive "problems or surprises" and half did not. Judges reported fewer problems and surprises--21% said there were some and 79% said there were none.

#### Regrets

Throughout the experimental year, judge consent was required before extended media were permitted access to courtrooms. When asked after an EMC experience if he or she had any regrets over consenting, nearly all judges (95%) had none (see Table IV-22).

#### Reluctance to Participate Again

All participant types were asked if they would be reluctant to participate again in a court proceeding covered by electronic

TABLE IV-20

## JUDGE EXPERIENCE CHARACTERIZATION VS. IMPORTANCE RATING

Importance Rating	JUDGE EXPERIENCE CHARACTERIZATION				Total
	Positive	Neutral	Negative	No Answer	
Low Import					
1	3	6	0	2	11 11%
2	4	10	0	1	15 15%
3	7	12	5	4	28 28%
4	11	4	0	1	16 16%
5	6	4	0	0	10 16%
6	5	3	0	0	8 8%
7	2	1	1	0	4 4%
8	2	1	0	0	3 3%
9	4	0	0	0	0 0%
High Import					
Totals	44 45%	41 41%	6 6%	8 8%	99 100.0%

TABLE IV-21

SURPRISES/PROBLEMS

Judges Response			Attorneys Response		
	Abs. Freq.	Pct.		Abs. Freq.	Pct.
Yes	19	21%	Yes	25	52%
No	72	79%	No	23	48%

TABLE IV-22

REGRETS ABOUT CONSENTING (Judges)

	Abs. Freq.	Pct.
None	89	95%
Yes, Has Regrets	5	5%

and photographic media. Although this question is primarily another way of characterizing the EMC event just experienced by the participant, it also speaks to the hypotheses that jurors and witnesses will be reluctant to serve because of apprehension about the effects of extended coverage. The data in Table IV-23 indicate that neither the "civilian participants" (jurors and witnesses) nor other participants (judges and attorneys) show significant reluctance to participate again in an EMC proceeding. Defendants show the most reluctance, but large majorities of all participant types reported no reluctance.

TABLE IV-23

RELUCTANCE TO PARTICIPATE AGAIN IN AN EMC COURT PROCEEDING

	Judge Response		Attorney Response		Witness Response		Juror Response	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
No Reluctance to Participate Again	85	89%	39	81%	25	86%	47	87%
Has Reluctance to Participate Again	0	0%	7	15%	2	7%	6	11%
Would Depend on the Case	10	11%	2	4%	2	7%	1	2%

Preference

All participant types were asked if they would have preferred cameras not be present. The notion of preference is distinguished from a perception of effects; presumably one could perceive no effects yet still prefer cameras not be present. Table IV-24 contains the distribution of responses for the preference question.

A somewhat greater percentage of individuals said they would prefer cameras not be present than indicated either reluctance to participate again or a negative overall feeling about EMC presence. Among judges, 28% preferred cameras not be present, 38% of attorneys so indicated, 24% of witnesses, and 20% of jurors preferred no cameras. About equal percentages among each participant type registered no preference one way or the other. Judges were the most positive of all types in saying EMC presence is acceptable (i.e. does not prefer cameras not be present--60%) and attorneys were the most negative (25% indicated camera presence acceptable). Witnesses and jurors show a similarity in their response patterns: one-half accepting EMC presence, one-fourth preferring they not be present, and one fourth having no preference.

Judge response patterns to the questions of experience characterization and preference are somewhat different. It is therefore interesting to cross tabulate these responses as is done in Table IV-25. As expected, judges who characterized their EMC experience as positive tended to say that EMC presence was acceptable (did not prefer EMC not be present). Those who viewed it as a neutral experience tended to say either they had no preference or that they preferred cameras not be present. The negative judges tended to prefer cameras not be present, but two registered no preference and one said EMC presence was acceptable despite the negative experience. Three judges who said their experience was positive also said that they prefer EMC not be present.

TABLE IV-24

PREFERENCE REGARDING EMC PRESENCE

	Judges Response		Attorneys Response		Witnesses Response		Juror Response		Total	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
Prefer EMC Not Present	21	23%	18	38%	7	24%	11	20%	57	25%
EMC Presence Acceptable	44	47%	12	24%	14	48%	27	49%	97	43%
No Preference	28	30%	18	38%	8	28%	17	31%	71	32%



TABLE IV-25

## PREFERENCE

EXPERIENCE CHARACTERIZATION	Prefer EMC Not Present	EMC Presence Acceptable	No Preference	No Opinion	Total
Positive	3	33	8	0	44 42%
Neutral	13	9	18	6	46 44%
Negative	3	1	2	0	6 6%
No Opinion	2	1	0	6	9 9%
TOTALS	21 20%	44 42%	28 27%	12 11%	105 100%

Fear of Harm

Witnesses, jurors, and defendants were asked if they feared any harm attributable to electronic/photographic media coverage of the proceeding: physical, psychological, financial, or reputational. Very few in any group responded in the affirmative. One witness (2%) seven jurors (16%) and two defendants (29%) reported a fear of harm (see Table IV-26).

Main Impression Regarding Effects of EMC

Judges and jurors, the "decision-makers" in court proceedings, were asked specifically to describe their main impression of the effects of EMC on the proceeding. Table IV-27 records

the answers. Half of all judges said there were no effects; equal minorities characterized the effects as positive or mixed positive/negative (18% and 20% respectively) and a few judges (8%) had the main impression that EMC effects were negative.

Jurors show a more dispersed distribution. Thirty percent (30%) reported no effects, 32% said positive effects occurred, 16% said mixed positive/negative, and 21% said the effects were negative.

TABLE IV-26

"FEARFUL OF HARM" DUE TO EMC

	Witness Response*		Juror Response*		Defendant Response*	
	Abs. Freq.	Pct.	Abs. Freq.	Pct.	Abs. Freq.	Pct.
Not Fearful	55	98%	38	84%	5	71%
Fearful	1	2%	7	16%	2	29%

\*Four witnesses and one juror indicated general apprehension about cameras but had no fears in the instant case.

TABLE IV-27

MAIN IMPRESSION REGARDING EMC IMPACT

JUDGES			JURORS		
	Abs. Freq.	Pct.		Abs. Freq.	Pct.
None	53	54%	None	17	30%
Positive	18	18%	Positive	18	33%
Mixed, Positive & Negative	20	20%	Mixed Positive & Negative	9	16%
Negative	8	8%	Negative	12	21%

To test whether the high "importance" EMC events are more or less likely to exhibit negative effects in the view of the judge, an analysis was conducted by cross tabulating judge response on General Added Effects with Evaluator Importance rating (see Table IV-28). The four "highest importance" EMC events are distributed evenly across None, Positive, Mixed, and Negative. The Negative responses overall are distributed across Importance Rating in about the same pattern as other Added Effects judge responses in the table. No pattern exists to support the theory that the more major EMC events are more likely to have negative effects.

TABLE IV-2K

## Importance Rating vs. Added Effects

IMPORTANCE RATING	JUDGE ADDED EFFECTS JUDGMENT					Total
	No, None	Yes, Some Positive	Yes, Mixed	Yes, Some Negative	No Opinion	
Low Import 1	4	2	0	0	5	11 11%
2	4	6	2	0	3	15 15%
3	12	2	5	3	6	28 28%
4	7	3	2	1	3	16 16%
5	1	2	5	0	2	10 10%
6	1	2	2	1	2	8 8%
7	1	0	1	2	0	4 4%
8	1	0	2	0	0	3 3%
9 High Import	1	1	1	1	0	4 4%
TOTALS	32 32%	18 18%	20 20%	8 8%	21 21%	99 100%

The analysis of interview and observational data presented in this section documents a record of experience during California's experiment which is generally favorable towards EMC. Negative effects of EMC, either reported or observed, are consistently low across all measures. The attitudinal survey data discussed in the next section (V) is not so positively disposed towards EMC. The relationship of case specific findings and attitudinal analysis results subsequently is addressed in Section VI.

R  
R

## V. ATTITUDINAL SURVEYS DATA ANALYSIS

This report section analyzes the general attitudinal data collected from judges, attorneys and jurors. The first part of the section presents analysis from judge and attorney surveys. Attorneys are divided into prosecutor and defense groups and both judges and attorneys ultimately were categorized as experienced or inexperienced with EMC. The second part of the section analyzes juror attitudinal data and also compares the responses of experienced and inexperienced groups.

For discussion purposes throughout this section, the General Attitudinal Survey: Judges and Attorneys will be referred to as General Attitudinal Survey, or simply Survey as distinguished from the Juror Attitudinal Questionnaire, or simply Questionnaire.

### A. General Attitudinal Survey: Judges and Attorneys

#### 1. Results Overview

While there is not one overall measure of the attitude of judges, prosecutors and defenders toward EMC, there is, nonetheless an obvious aggregate range of attitudes: it is from quite negative to neutral. It cannot be said that among these three groups there is a positive overall attitude toward cameras in the courts.

Of course, the EMC issues and the attitude dynamics are complex, as the divisions in this section which follow

will demonstrate. But even after sorting through the complicating effects of experience and the passage of time on these groups, the most significant attitude changes move some groups only to a midpoint of neutrality, while others remain firmly negative.

To illustrate the general attitudes of these three occupational groups, Tables V-1A, V-1B, and V-1C summarize the frequency distribution of respondents' answers, pre-test<sup>34</sup> and posttest,<sup>35</sup> to Items 26a, b, and c on the Survey: Should EMC be allowed in Appellate, Civil and Criminal proceedings? Tables similar to these for all remaining items on the survey are found in Appendix

These frequency distributions show that, in general, the three groups are more favorable (or less negative) toward EMC in appellate proceedings than in civil or criminal proceedings. On the posttest, 69% of the judges and 70% of the prosecutors approve (combined Agree and Strongly Agree percentages) of EMC in appellate proceedings, while only 30% of the defenders approve.

For civil proceedings, judges on the posttest approve (combined Agree and Strongly Agree percentages) at a 58% margin, prosecutors at 43% and defenders at 20%. The disapproval (combined Disagree and Strongly Disagree percentages) rate for judges is 31%, prosecutors 35% and defenders 61%. A higher frequency of No Opinion is registered by prosecutors and defenders on this item than the other two items.

---

<sup>34</sup>Survey administered prior to the experiment.

<sup>35</sup>Survey administered after June 30, 1981.

TABLE V-1A

FREQUENCY DISTRIBUTIONS PRE-POST  
 FOR ALL THREE OCCUPATIONAL GROUPS ON  
 GENERAL ATTITUDINAL SURVEY ITEM 26a  
 "EMC should be allowed in appellate proceedings."

Response Category	ALL JUDGES		ALL PROSECUTORS		ALL DEFENDERS	
	PRE FOY	POST FOY	PRE FOY	POST FOY	PRE FOY	POST FOY
Strongly Agree 1	67	51	49	35	26	12
Agree 2	130	102	59	42	40	20
No Opinion 3	77	29	19	11	21	15
Disagree 4	72	30	28	13	40	26
Strongly Disagree 5	29	10	20	10	42	34
Number of Cases	375	222	175	111	169	109
Mean	2.64	2.31	2.49	2.29	3.19	3.47



TABLE V-1B

FREQUENCY DISTRIBUTION PRE-POST  
 FOR ALL THREE OCCUPATIONAL GROUPS ON  
 GENERAL ATTITUDINAL SURVEY ITEM 26b  
 "EMC should be allowed in Civil proceedings."

Response Category	ALL JUDGES		ALL PROSECUTORS		ALL DEFENDERS	
	PRE FOY	POST FOY	PRE FOY	POST FOY	PRE FOY	POST FOY
Strongly Agree 1	33	27	4	11	7	4
Agree 2	129	103	29	36	26	15
No Opinion 3	59	24	18	25	42	25
Disagree 4	109	52	30	26	44	26
Strongly Disagree 5	44	18	19	12	50	30
Number of Cases	174	224	174	110	169	107
Mean	1.01	2.69	3.32	2.93	3.62	1.77

TABLE V-1C

FREQUENCY DISTRIBUTION PRE-POST  
 FOR ALL THREE OCCUPATIONAL GROUPS ON  
 GENERAL ATTITUDINAL SURVEY ITEM 26C  
 "EMC should be allowed in criminal proceedings."

Response Category	ALL JUDGES		ALL PROSECUTORS		ALL DEFENDERS	
	PRE FQY	POST FQY	PRE FQY	POST FQY	PRE FQY	POST FQY
STRONGLY AGREE 1	29	12	8	14	5	2
AGREE 2	120	93	45	37	19	11
NO OPINION 3	45	17	8	2	8	6
DISAGREE 4	107	59	44	30	36	21
STRONGLY DISAGREE 5	66	27	70	27	101	61
Number of Cases	375	222	175	110	169	107
Mean	3.14	2.86	3.70	3.17	4.24	4.27

131

For EMC of criminal proceedings, few respondents had No Opinion. Fifty-four percent of the judges approve on posttest (combined Agree and Strongly Agree), 47% of the prosecutors and only 13% of the defenders. Disapproval rates for the three groups on posttest are: judges, 39%; prosecutors, 51% and defenders, 82%.

These tables also show the general trend among judges and prosecutors of movement toward a more positive attitude as indicated by changes in the mean scores pre to post and by the increasing percentages in the Agree categories pre to post.

The overall trend found in the attitudes of the three key professional groups of disapproving of, or being neutral toward, EMC in the courtroom provides the background for this entire analysis section.

## 2. Survey Administration

In June, 1980, the General Attitudinal Survey was administered to judges, prosecutors, and defense attorneys throughout California. In this report these surveys are referred to as the "Pretest". All 600+ Superior Court judges, 279 prosecutors (District Attorneys' Offices), and 259 public defenders and private defense attorneys received the survey. Of the total 1,140 surveys mailed out, 855 were returned (75%): 464 judges, 203 prosecutors and 188 defenders. During the course of the experimental year, the evaluation team also administered the survey immediately after an EMC event to those judges in whose court the event occurred. A total of 63 of these surveys were returned. These surveys are hereinafter referred to as the "During Posttest".

In July, 1981, the entire group of judges, prosecutors and defenders were again sent the Survey for what may be called the "After Posttest". Of the 1,140 total surveys mailed out, 225 judges, 112 prosecutors and 110 defenders returned the survey (39%). Table V-2 summarizes the numbers of surveys returned during each test administration.

TABLE V-2

Number of General Attitudinal Surveys  
Returned by Occupation

	Survey Administration Schedule		
	Pretest June 80	During Post- test (After EMC event)	After Post- test July 81
Judges	464	63	225
Prosecutors	203	--	112
Defenders	188	--	110

Table V-3 identifies the 10 respondent groups used in the analysis. At the time of the Pretest in June 1980, prior to the onset of the EMC experiment, none of the subjects surveyed had had EMC experience; hence, groups 1, 2, and 3 (judges, prosecutors and defenders) are labelled "EMC Inexperienced" or simply "Inexperienced."

At the time of the After Posttest in July 1981, some judges, prosecutors, and defenders had had direct EMC experience. These are groups 5, 7, and 9: "EMC-Experi-

enced; or simply "Experienced". Others in these same occupational categories still had not had direct EMC experience; hence groups 4, 6, and 8 continue to be labelled "EMC-Inexperienced" or simply "Inexperienced."

Group 10 is an "EMC-Experienced" group--those who completed the During Posttest. The attitudes of these individuals (judges only) were surveyed during the experimental year, right after an EMC event in their courtroom.

TABLE V-3

Summary of General Attitudinal Survey Administration  
Schedule by Groups

<u>Groups Surveyed</u>	<u>Survey Administration Schedule</u>		
	<u>Pretest June 80</u>	<u>During Post- test (After EMC event)</u>	<u>After Post- test July 81</u>
<u>JUDGES</u>			
EMC-Inexperienced	1	—	4*
EMC-Experienced	—	10	—
<u>PROSECUTORS</u>			
EMC-Inexperienced	2	n/a	6
EMC-Experienced	—	—	7
<u>DEFENDERS</u>			
EMC-Inexperienced	3	n/a	8
EMC-Experienced	—	—	9

### 3. Analysis Procedures

#### Factor Analysis

The 29 items comprising the General Attitudinal Survey were subjected to factor analysis using a varimax rotation. Factor analysis is a correlational procedure that groups items into orthogonal dimensions. The technique identifies patterns of intercorrelations among those many items which, for all intents and purposes, "measure the same thing". Specifically, a measure of the degree of generalizability found between each item and each factor is calculated and referred to as a factor loading. Items that "load" on a particular dimension of the factor structure are extracted by the analysis. Thus, the factor loadings identify items which group together in close relationship to some derived factor or dimension.

The purpose of factor analysis is to summarize the interrelationships among the items in a concise and accurate manner as an aid to conceptualization. In so doing, a maximum amount of information from the original items (or variables) is included in as few derived variables, or factors, as possible to keep the solution understandable. Factor analysis is an aid in describing data parsimoniously.

There are several important conceptual and statistical advantages associated with treating the General Attitudinal Survey responses as factors, rather than analyzing single item scores. The summed items making up a factor provide a more stable, reliable measure than single item indices, and factor scores produce a much more manageable and more easily interpreted data array. Thus, inferences concerning the nature of the construct represented by the dimension are allowed.

After determining how many factors existed and how many items loaded onto each factor, attitude scores for each factor were arrived at by summing each respondents' answers to the Survey items contained in the factor and dividing by the number of items. Thus, each respondent had an attitude measure regarding EMC for each of the factors instead of 29 measures (one for each item from the Survey).

Reliability coefficients were determined for the items on the factors. Reliability is the accuracy (consistency and stability) of measurement. Reliability information indicates how much confidence can be placed in a measurement. If high, the coefficients indicate that the items on the factor would group together again if the survey instrument were used again. In summary, the factors derived from the factor analysis became the new sets of data for the analyses which follow.

#### Slopes Analysis

The attitude measures (factors yielded in the factor analysis) were subjected to a number of analyses using a statistical program that generates the slopes of regression lines from Time 1 (Pretest) to Time 2 (Posttest) attitude measures. This technique permitted determination of the categories of respondents (judges, prosecutors, defenders) that changed significantly from pretest to posttest and whether there were significant differences in the rates of change from pretest to posttest for members of the three professional categories (e.g., whether or not the rate of change for judges was significantly different than the rate of change for defense attorneys or prosecutors). Finally, these slope analyses also were used to determine whether or not there were

differences in the rate of attitude change within occupational categories for those respondents who had direct experience with EMC as opposed to those respondents who had no direct experience.

#### Correlated T-Tests

To determine if the magnitude of changes in factor mean scores within occupational groups from pretest to posttest were significant, correlated t-tests of means were computed and significance determined. The scores are correlated because pairs of respondents pre to post are used. That is, the same respondent has both a pretest score and a posttest score on the factors.

#### Discriminant Function Analysis

Discriminant function analysis is a statistical procedure using occupational group scores on the factors to develop two canonical discriminant functions for each group. The functions (weighted standards) are then applied to the raw scores, resulting in new group classifications for each attitude measure. Ideally, the discriminant would classify (predict) each individual into the correct group. Such is not typically the case, however, since groups are not usually that homogeneous in the first place, and the two discriminant functions are approximations. Discriminant function gives an indication of group cohesiveness as well as the stability (or change) in the patterns of responses on an instrument.

#### Frequency Distribution Analysis

The frequency distributions for selected items on the survey were examined for trends and directional changes.



In particular, Items 17 and 25, the party consent questions, and Items 26a, b, and c, the attitude poll questions, were tabulated and presented in the body of the text in this section. The results of the examination of Items 26a, b, and c have already been presented in the Results Overview section above.

#### 4. Analysis Results

##### Factor Analysis

Question: What patterns of intercorrelations are there between the items on the Survey such that the minimum number of factors will emerge? Which items load onto the factors and what is the reliability of the items on the factors?

Four factors emerged from the factor analysis of the General Attitudinal Survey. The factors are identified in Table V-4 along with the 18 items from the survey which comprise, or "load onto", the factors.

Factor 1, which consists of eight of the 29 items, is characterized by statements referring to various effects that EMC might have on courtroom trials and is thus labelled General Effects Factor. Factor 2 consists of six items alluding to ways in which EMC might exert a coercive or restrictive influence on behaviors of trial participants and is therefore labelled Influence Factor. The remaining two factors, each consisting of two items, have been labelled Civilian Concern and Mutual Consent.

Reliability coefficients were calculated to determine the reliability of items in each survey factor. Table V-5 summarizes the results of the reliability analysis. The computed reliability (alpha) coefficients indicate

TABLE V-4  
 General Attitudinal Factor Analysis Items Grouped By Factors

Factor Name	Item from Survey
1. General Effects Factor	Q.1. Extended media coverage (EMC, popularly referred to as "Cameras in the court") of courtroom proceedings will <u>not</u> detract from the decorum of the judicial process.
	Q.3. EMC of courtroom proceedings will increase citizens' willingness to become involved in the judicial process.
	Q.4. EMC of courtroom proceedings will improve the quality of courtroom advocacy.
	Q.10. EMC of courtroom proceedings will <u>not</u> affect a judge's ability to maintain courtroom order.
	Q.16. EMC of courtroom proceedings will increase jurors' attentiveness to testimony.
	Q.26a. EMC should be allowed in Appellate Proceedings
	Q.26b. EMC should be allowed in Civil Proceedings
	Q.26c. EMC should be allowed in Criminal Proceedings.
	Q.7. EMC of courtroom proceedings will cause judges to avoid unpopular positions or decision.
	Q.8. EMC of courtroom proceedings will affect voting at the next election of elected officials represented at the proceeding.
2. Influence Factor	Q.9. Jurors' decision making will be influenced by their friends' and acquaintances' attitudes about the case because of EMC of the trial.
	Q.15. EMC of bail proceedings will improperly influence a judge in setting bail.
	Q.18. EMC of courtroom proceedings will cause prosecutors to "play up" to the media to enhance the re-election prospects of the District Attorney.
	Q.24. EMC of sentencing proceedings will will improperly influence a judge in the sentencing decision.

Table V-4 cont.

- 3. Civilian Concern Factor
  - Q.19. EMC will make witnesses more reluctant to testify.
  - Q.22. EMC of courtroom proceedings will make people more apprehensive about participating in legal processes.
- 4. Mutual Consent Factor
  - Q.17. EMC of criminal proceedings should be allowed only with the consent of the parties.
  - Q.25. EMC of noncriminal proceedings should be allowed only with the consent of the parties.

that high confidence can be placed in the accuracy and consistency of the attitude measures taken in this evaluation. The coefficients indicate that, if used again, the same items would group together again, forming the same factors, even with different samples of judges, prosecutors, and defenders. In short, the General Attitudinal Survey accurately measures the attitudes of the target populations sampled.

TABLE V-5

RELIABILITY OF ITEMS IN EACH FACTOR IN THE GENERAL  
ATTITUDINAL SURVEY ANALYSIS

Factor Name	Reliability Coefficients		
	Pretest	During Posttest	Posttest
1. General Effects Factor (Items 1,3,4,10,16,26a, 26b,26c)	.87	.85	.88
2. Influence Factor (Items 7,8,9,15,18,24)	.85	.86	.88
3. Civilian Concern Factor (Items 19,22)	.79	.90	.84
4. Mutual Consent Factor (Items 17,25)	.79	.80	.81

Slopes Analysis: Rates of Change Over Time

Between Occupational Groups

Question: Over time, are attitude changes, if any, occurring uniformly to judges, prosecutors, and defenders? Is any one of the three groups changing their attitudes toward EMC faster or slower than others? Is one group becoming more negative toward EMC while others become more positive?

To determine if EMC-Inexperienced judges, prosecutors and defenders rates (or slopes) of change on attitudinal factors from pretest to after posttest differed from one occupational group to the other (between groups), slopes of regression lines were generated from pairs of pre and post measures for each group. The same was done for EMC-Experienced judges, prosecutors and defenders.

Table V-6 summarizes the result. On three of the four factors, significantly different rates of change were found between the EMC-Inexperienced judges, prosecutors, and defenders. The same was true between EMC-Experienced groups. In general, it can be concluded that for both EMC-Inexperienced occupational groups and EMC-Experienced occupational groups, the changes in their attitude measures are occurring at different rates. Put another way, judges, prosecutors, and defenders changed at significantly different rates over time (pre to post) on their attitudes toward EMC whether or not they had direct EMC experience.

Why would both Experienced and Inexperienced occupational groups show different rates of change? One could presume that the indirect or vicarious effects of such a high publicity occurrence such as the "cameras in the courts" phenomenon might affect equally all three occupational

TABLE V-6

RESULTS OF PRE TO POST SLOPES ANALYSIS ON FACTORS BETWEEN OCCUPATIONS

Factor	EXPERIENCE LEVEL EMC--Inexperienced Judges, Prosecutors and Defenders	EMC-Experienced Judges, Prosecutors, and Defenders
1 General Effects	Not significant	Significant beyond .01 level
2 Influence	Significant beyond .01 level	Significant beyond .025 level
3 Civilian Concern	Significant beyond .025 level	Not significant
4 Mutual Consent	Significant beyond .01 level	Significant beyond .01 level



groups. Any one individual in any of the groups, whether receiving direct EMC experience or not, was undoubtedly aware of and affected by news about and knowledge of the experiment. Receiving an attitude survey from the evaluation team would be an example of such vicarious participation. Hence, it is not too surprising that changes in attitude measures occurred in even the EMC-Inexperienced groups.

EMC-Inexperienced. The three EMC-Inexperienced occupational groups rates of change on Factor 1, General Effects, were not significantly different. Whatever changes may have occurred on this factor did so uniformly over time across groups. On Factor 2, Influence, however, the three groups changed at different rates. Factor 2 is comprised of Survey items 7, 8, 9, 15, 18, and 24, all of which highlight concern that EMC possibly may have a deleterious effect on either the decision makers in court proceedings or on those public figures who could gain or lose from media exposure. To understand how the slopes analysis works, Table V-7 below, extracted from Table V-8, illustrates the sense of this result.

TABLE V-7

General Attitudinal Survey Factor 2 Mean Scores

Factor 2	EMC-Inexperienced		
	Judges	Prosecutors	Defenders
Pretest Mean Score	2.91	2.99	1.82
Posttest Mean Score	3.01	3.08	1.84



TABLE V-8

General Attitudinal Survey Factor Means Used to Calculate Pre-Post Slopes Between Occupations and Within Occupations

Factor	EMC-Inexperienced			EMC- Experienced	
	Pre	(After) Post		Pre	(After) Post
1*	3.11	3.10	Judges	2.86	2.79
	2.61	3.38	Prosecutors	3.14	2.88
	3.74	3.72	Defenders	3.92	4.00
2**	2.91	3.01	Judges	2.95	3.05
	2.99	3.08	Prosecutors	3.22	3.33
	1.82	1.84	Defenders	1.74	1.87
3**	2.41	2.51	Judges	2.65	2.90
	2.00	2.06	Prosecutors	2.24	2.44
	2.02	2.05	Defenders	1.88	1.88
4**	2.12	2.49	Judges	2.38	2.81
	2.02	2.16	Prosecutors	2.00	2.61
	1.64	1.68	Defenders	1.44	1.4

\*Lower mean score indicates a more positive attitude toward EMC

\*\*Higher mean score indicates a more positive attitude toward E

The judges pretest mean score of 2.91 is the summed score for all six items on this factor for all judges divided by six and divided by the number of judges. Their post-test mean score is 3.01, a gain, or change, of .10 units. The same amount of change in the same direction occurred for prosecutors, but not for defenders. The overtime change from pre to post, (the rate of change), is significantly different for the defenders than for judges and prosecutors. Hence, for Factor 2, Influence, we can say confidently that the three occupational groups are changing at significantly different rates and that the defenders, by not changing, are the cause of the significance.

On Factor 3, Civilian Concern, the three EMC-Inexperienced groups changed at significantly different rates also. Factor 3 consists of Survey items 19 and 22, indicating potential EMC effects of reluctance and apprehension in witnesses and in people in general. Table V-8 shows that the judges and prosecutors change but the defenders do not. The pattern continues even more graphically on Factor 4, Mutual Consent, consisting of Survey items 17 and 25, the "Party Consent" questions. From the means listed in Table V-8, it can be seen that all three groups are changing at very different rates: the defenders not at all; the judges considerably; and the prosecutors in between.

EMC-Experienced. The rates of change for the three EMC-Experienced occupational groups on Factors 1, 2, and 4 are significantly different.

Factor 1, General Effects, consists of Survey items 1, 3, 4, 10, 16, 26a, 26b, and 26c, all of which when taken together describe general, or global, "good-bad" effects attributable to EMC. Factor 1 items are also those items

which are likely to be affected by direct EMC experience. In other words, a judge who had had EMC in his courtroom may have first-hand knowledge that his ability to maintain order (item 10) was not diminished. His pre to post measure on that item might reflect his experience, a fact which might not hold time for those individuals who remained inexperienced. As seen in Table V-8, it is the EMC-Experienced prosecutors whose rate of change (.26 units) is significantly different from the other two groups. The defenders' score in this case changed in the opposite direction, a fact which magnifies the change rate differences between the groups; hence, the passage of time resulted in different growth rates in attitude for this measure.

In Factor 2, Influence, the defenders show the greatest change in magnitude while in Factor 4, Mutual Consent, the prosecutors' and judges' rates of change are vastly different from those of defenders.

Overall, the rates of change over time in attitude measures for the three occupational groups for both EMC-Experienced and EMC-Inexperienced show significant differences on the four factors. The attitude scores for judges and prosecutors, by-and-large, change over time. The EMC-Experienced judges and prosecutors, in addition, have the largest change rates. Defenders, on the average, seem to have changed only minimally, if at all. In summary, attitude changes over time are occurring, but not uniformly between the three occupational groups.

#### Within Occupational Groups

Question: Does experience with EMC affect the rate at which attitude scores change? Would Experienced judges'

attitudes change faster in regard to EMC than Inexperienced? Will Experienced prosecutors develop a negative attitude toward EMC while Inexperienced prosecutors stay the same? What happens within each occupational group to the rates at which its members' attitudes change?

To determine if rates of change (or slopes) on attitude measures from Pretest to After Posttest differed within occupational groups between EMC-Inexperienced members and EMC-Experienced members, slopes of regression lines were generated from pairs of pre and post measures.

Table V-9 summarizes the results and indicates that the rate of change pre to post for EMC-Inexperienced vs. EMC-Experienced members was not significantly different for any of the three occupational groups on any of the four factors. For illustration purposes, Table V-10

TABLE V-9

Results of Pre-Post Slopes Analysis on Factors  
Within Occupational Groups

Factor	EMC-Inexperienced and EMC-Experienced		
	Judges	Prosecutors	Defenders
1	Not Significant	Not Significant	Not Significant
2	Not Significant	Not Significant	Not Significant
3	Not Significant	Not Significant	Not Significant
4	Not Significant	Not Significant	Not Significant

TABLE V-10

## General Attitude Survey Factor 4 Mean Scores

Factor Four	EMC Inexperienced Judges	EMC Experienced Judges
Pretest Mean Score	2.12	2.38
Posttest Mean Score	2.49	2.86

For illustration purposes, Table V-10 above depicts the mean scores (from Table V-8) for judges on Factor 4. As indicated, the amount of change made by the EMC-Inexperienced judges pre to post (2.12 to 2.49) is roughly paralleled by the amount of change made by the EMC-Experienced judges pre to post (2.38 to 2.86). Thus, the EMC-Inexperienced judges changed their attitude at the same rate as did EMC-Experienced judges; the rate of change is similar and not significantly different.

In similar fashion, no significant rates of changes are found for any factor within any of the occupational groups. Direct experienced with EMC was not a factor which affected the rates at which the groups changed their attitudes toward EMC.

As stated at the beginning of this section, it is not surprising that parallel changes were made by members of one occupational group with or without EMC experience. The vicarious experience that was available to these individuals appears to have transcended actual

and direct EMC experience. The general effects of the statewide experiment in EMC evidently were received in the same manner by members of an occupational group. As will be seen below, the magnitude of the changes in attitude varied, even though the rates of change were similar.

#### Correlated t-Tests on Factor Means

##### Within Occupational Groups

Question: How large were the changes in attitude as measured by the factors made by members of each occupational subgroup? Were the changes, pre to post within groups, large enough to be considered significant? Did any groups not change at all? Which groups showed the largest amounts of significant changes in their attitudes toward EMC?

Table V-11 summarizes the results of the correlated t-tests on factor means for each of the seven groups on which pre to post pairs of measures were available.

Defenders. On none of the four factors for either group of defenders were the mean difference pre to post scores significant. In other words, the defenders' attitude factor scores were very similar in June, 1980 and July, 1981.

Prosecutors. EMC-Inexperienced prosecutors mean scores changed pre to post on Factor 1 significantly. Located in Table V-8, the mean score is seen to drop from 3.61 to 3.38, a lowering of their concern for possible general negative effects of EMC. Their change is in the positive direction, though still on the negative side of the attitude midpoint. Thus, the EMC-Inexperienced

TABLE V-11  
 Correlated T-Test on Factors Pre to Post  
 Within Occupational Groups

Factor	EMC Inexp. Judges	EMC Exper. Judges (after)	EMC Exper. Judges (during)	EMC Inexp. Prosec.	EMC Exper. Prosec.	EMC Inexp. Defenders	EMC Exper. Defenders
<sup>1</sup> General Effects	---	---	---	signif. beyond .01	---	---	---
<sup>2</sup> Influence	signif. beyond .01	---	signif. beyond .01	---	---	---	---
<sup>3</sup> Civilian Concern	---	---	signif. beyond .01	---	---	---	---
<sup>4</sup> Mutual Consent	signif. beyond .01	signif. beyond .01	signif. beyond .01	---	signif. beyond .01	---	---

prosecutors are significantly less negative, though not positive, about the possible adverse general effects of EMC. The survey items in Factor 1 relate to decorum, citizen apprehension, quality of advocacy, judge ability to maintain order, juror distraction, and type of proceeding in which EMC should be permitted.

The EMC-Inexperienced prosecutors came to believe that on this "good-bad" general factor there was less cause for concern after one year of the experiment.

EMC-Experienced prosecutors also changed significantly on only one factor--Factor 4, Mutual Consent. From Table V-8 their mean score is seen to move significantly from 2.0 to 2.69, pre to post. This factor consists of survey items 17 and 25 which polled the respondents on their attitude about party consent. The EMC-Experienced prosecutors, while still on the negative side of the attitude midpoint, shifted dramatically on this issue.

Judges. EMC-Inexperienced judges showed significant mean score change on Factor 2, Influence, and Factor 4, Mutual Consent. Mean scores (Table V-8) on Factor 2 changed from 2.91 to 3.01 and 2.12 to 2.49 on Factor 4. The EMC-Inexperienced judges moved exactly to the midpoint on the agree-disagree attitude scale on Factor 2. On Factor 4 they still are on the negative side of the attitude midpoint although their movement is significant and toward the positive.

The After Posttest EMC-Experienced judges (those measured in July, 1981) showed significant mean score change on Factor 4, Mutual Consent, from 2.38 pre to 2.86 post. The movement is large, toward the positive side of the scale, but remains on the negative side of the attitude midpoint.



The During Posttest EMC-Experienced judges (those measured right after an EMC event in the courtroom during the experimental data collection year) are the one group showing the most numerous and the largest pre-to-post changes on the Factors. Factors 2, 3, and 4 all exhibit significant change scores. Table V-12 shows the pre-post mean scores for this group of judges.

TABLE V-12

Pretest to During Posttest Means for Judges  
on Factors on General Attitudinal Survey

Factor	Pretest Mean Score	During Posttest Mean Score
1*	2.82	2.61
2**	3.08	3.33
3**	2.37	2.94
4**	2.48	3.26

\*Lower mean score indicates a more positive attitude toward EMC.

\*\*Higher mean score indicates a more positive attitude toward EMC.

For this group of EMC-Experienced judges, all their mean scores show change toward a more positive attitude about EMC. On Factor 4, Mutual Consent, the mean scores change Pretest to During Posttest from 2.48 to

3.26, from well below to well past the midpoint on the agree-disagree attitude scale. Though not a resounding endorsement of the no party consent rule, these judges do, on the average, favor it, and their score represents them as the only group whose overall attitude is positive toward the no party consent rule.

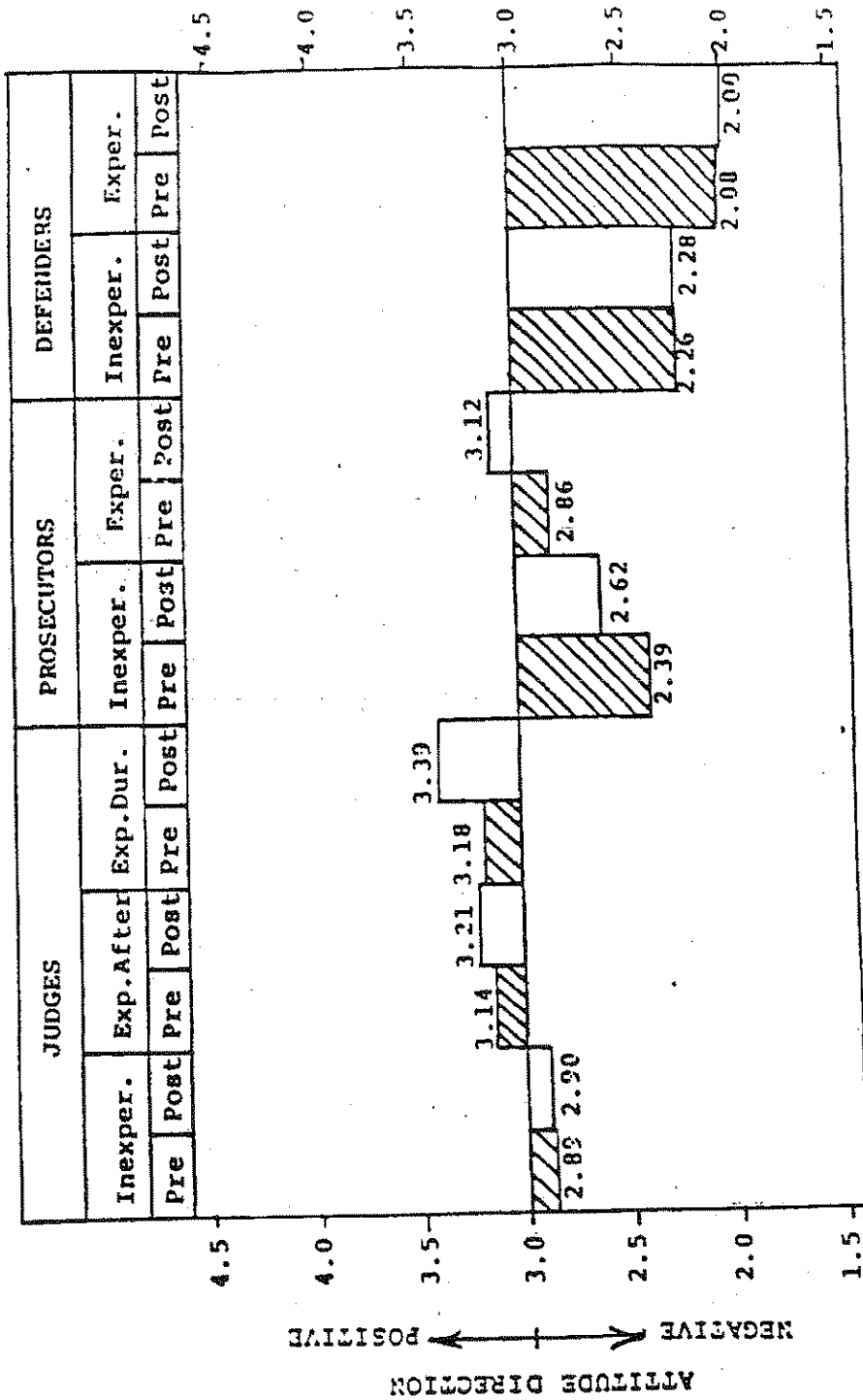
On Factor 3, Civilian Concern, these interim-measured judges show a significant mean score change. Factor 3 refers to reluctance and apprehension in witnesses and other civilian participants; i.e., the judges feel that there is now less cause for concern about these elements. On Factor 2, Influence, these judges, whose scores on the Pretest already were at the midpoint on the agree-disagree attitude scale moved further toward positive (3.08 to 3.28), indicating a further relaxation of concern about the potential negative effects represented by the elements in this factor.

Even though not significant at the .05 level, the change score on Factor 1 continued the above positive trend and changed a sizeable amount, from 2.82 to 2.61 (transposed for direction correction to achieve consistency with the other factors, the means moved from 3.18 to 3.39). This score (3.39) for this group of judges (during Post-test) represents the most positive attitude of any group on any factor on the Survey.

#### Overall Attitude Characteristics

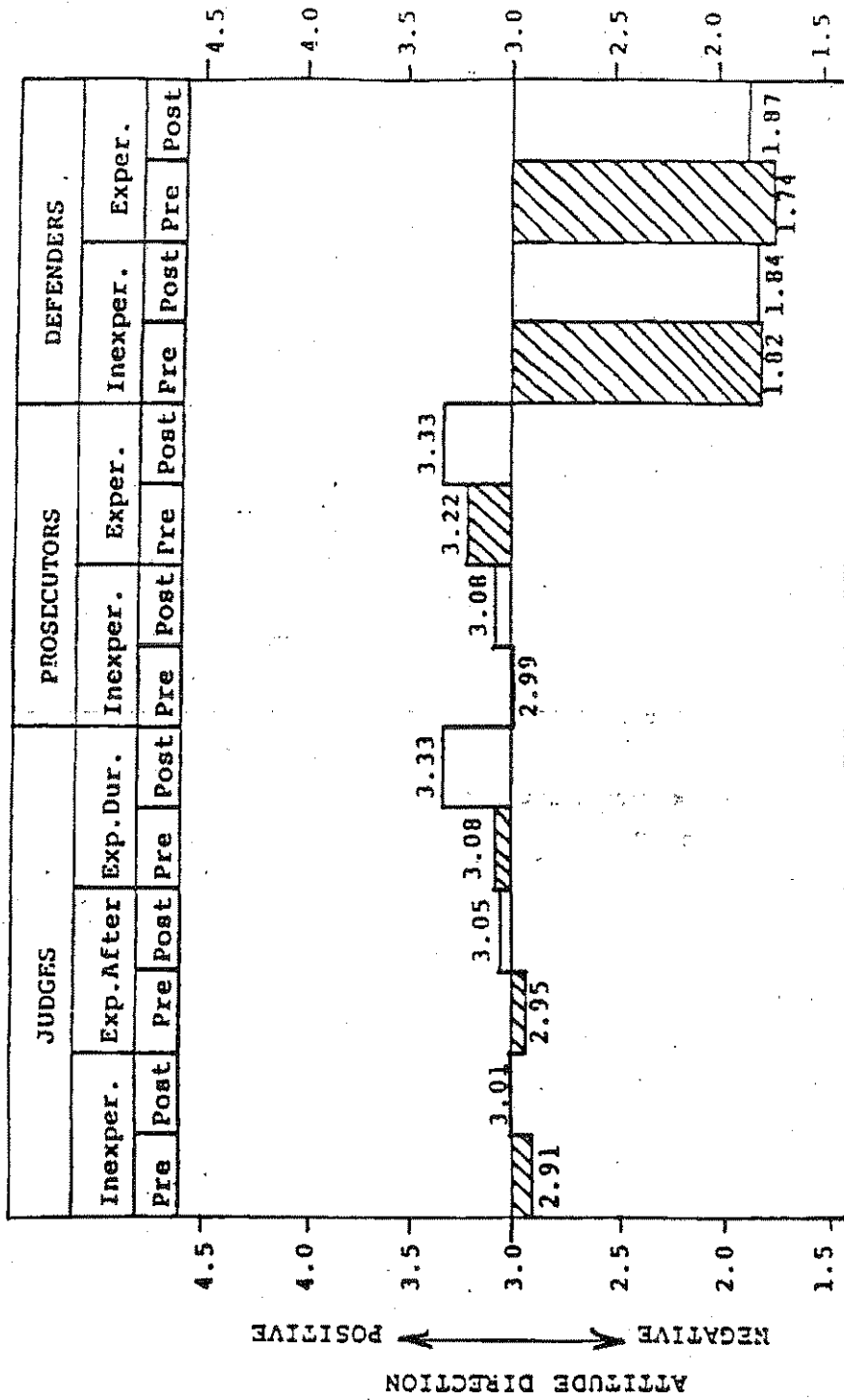
The bar graphs, in Figures V-13A-D provide visual illustration of the attitudes in general and of the attitude differences between and among the groups measured by the Survey. The bar graphs show the practical significance of the

FIGURE V-13A  
 FACTOR ONE BAR GRAPHS  
 GENERAL ATTITUDINAL SURVEY  
 PRE-POST MEANS FOR OCCUPATIONAL GROUPS



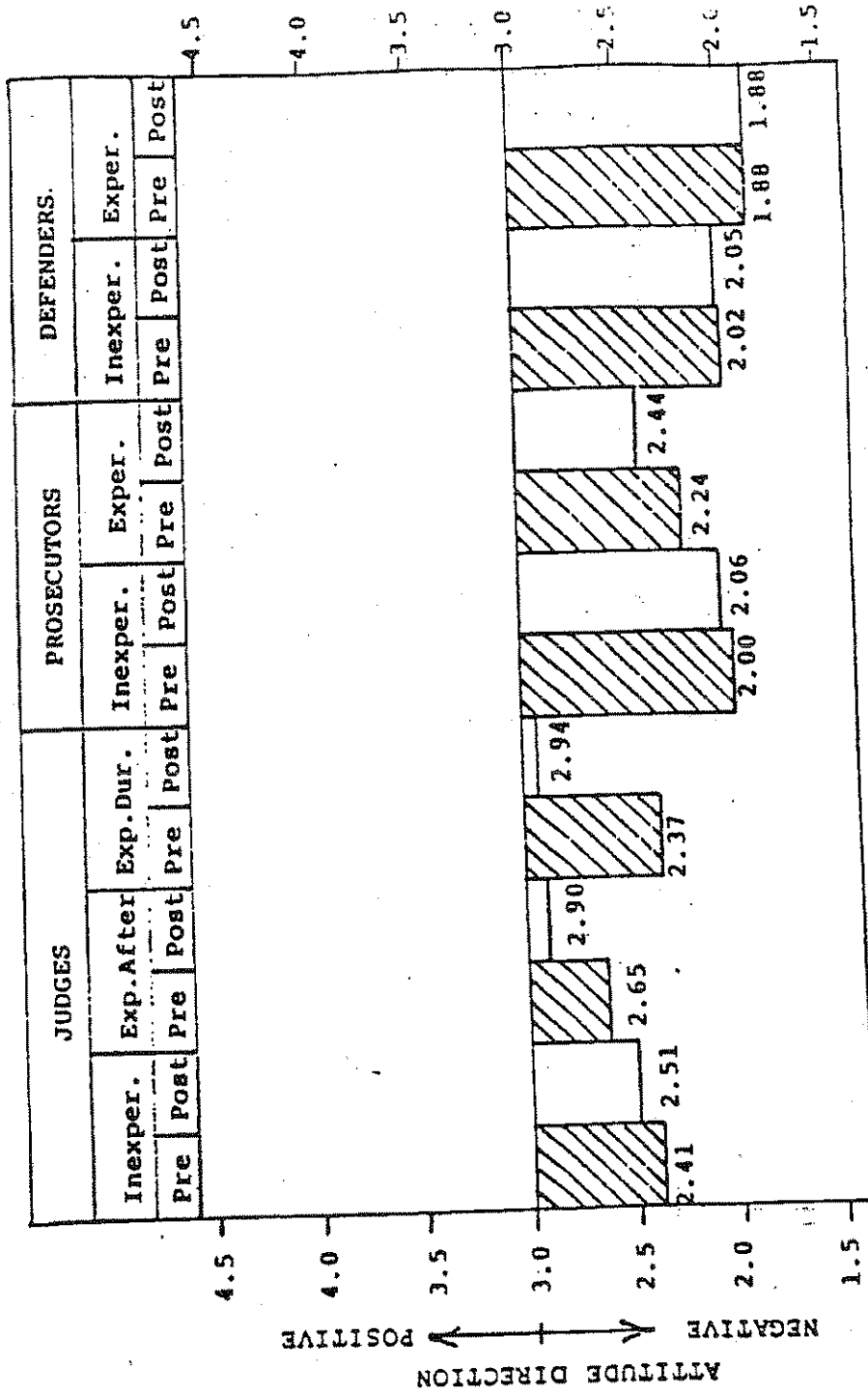
FACTOR ONE: GENERAL EFFECTS  
 Survey Items: 1, 3, 4, 10, 16, 26a, b, c

FIGURE V-13B  
 FACTOR TWO BAR GRAPHS  
 GENERAL ATTITUDINAL SURVEY  
 PRE-POST MEANS FOR OCCUPATIONAL GROUPS



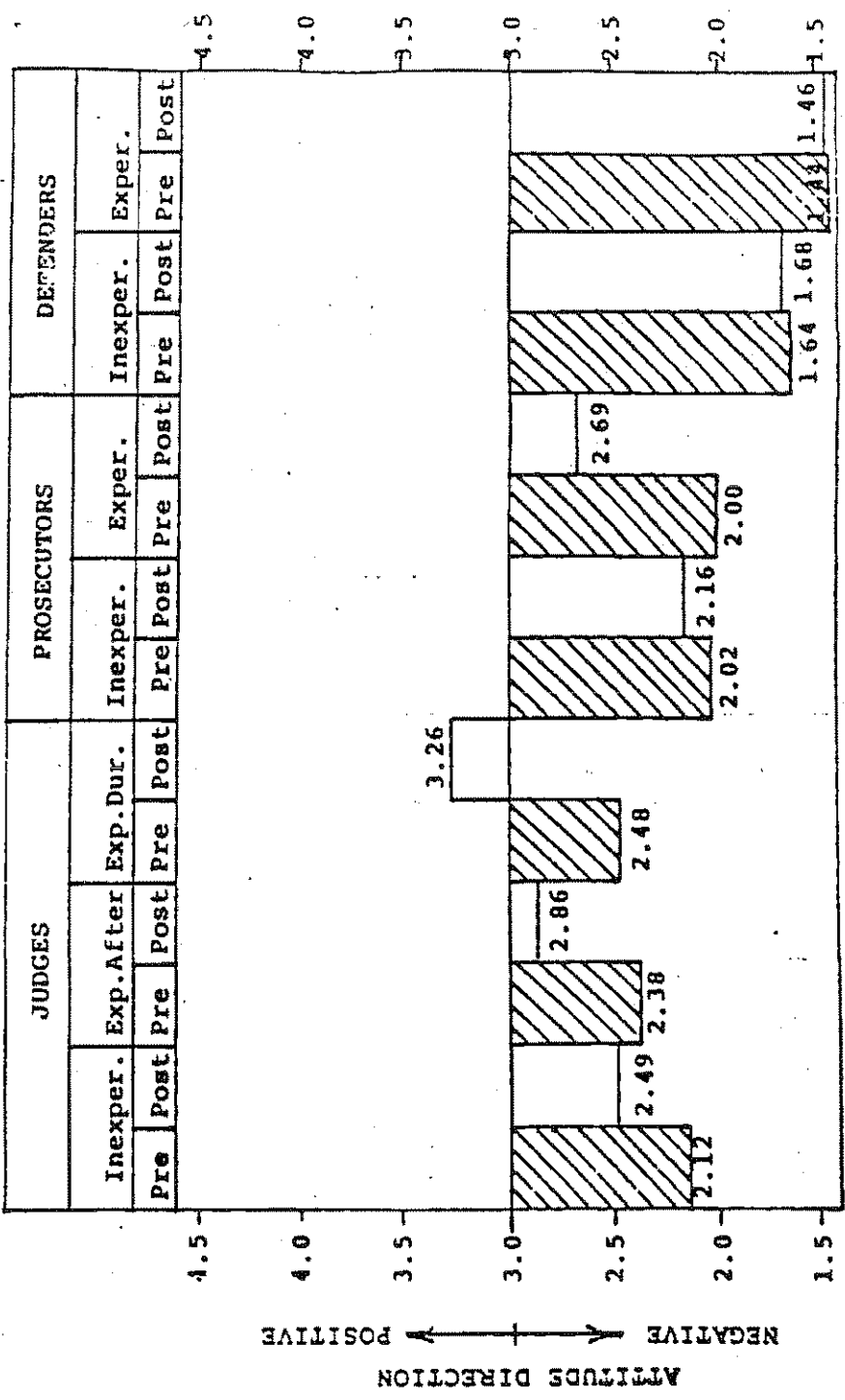
FACTOR TWO: DECISION INFLUENCE  
 Survey Items: 7, 8, 9, 15, 18, 24

FIGURE V-13C  
 FACTOR THREE BAR GRAPHS  
 GENERAL ATTITUDINAL SURVEY  
 PRE-POST MEANS FOR OCCUPATIONAL GROUPS



FACTOR THREE: CIVILIAN CONCERN  
 Survey Items: 19, 22

FIGURE V-13D  
 FACTOR FOUR BAR GRAPHS  
 GENERAL ATTITUDINAL SURVEY  
 PRE-POST MEANS FOR OCCUPATIONAL GROUPS



FACTOR FOUR: MUTUAL CONSENT  
 Survey Items: 17, 25

Survey results. It is best for a reader to examine the graphs as a group of four in relation to one another, using Table V-14, which shows the means for each item, as an aid. Factor 1 scores were transposed directionally.

The four most outstanding characteristics shown by the graphs are: 1) the predominantly negative to only mildly neutral tone in attitudes toward EMC across all groups; 2) the clear trend in post-testing toward a more positive attitude except for defenders; 3) the overwhelming and persistent negative attitude on all factors by the defender groups, and 4) the posttest factor scores of experienced judges and prosecutors.

Negative Attitude Toward EMC. Although some of the analysis results showed significant changes in a positive direction on the attitude scale in several groups on several factors, the general or overall attitude of respondents can only be characterized as negative. On Factor 1, only, for judges and prosecutors and Factor 2 for judges can one conclude even a neutral or mildly positive attitude toward EMC. There is not a widespread or strongly positive attitude among the three professional groups toward EMC.

Posttest Trend. On every factor, all groups except defense attorneys showed posttest movement toward a less negative attitude. The trend seems to indicate an openness in examining the results of the current experiment in terms of personal experience and perceived effects. For judges, their posttest trend toward the positive may be the manifestation of an attempt to bring their own attitudes in line with the U.S. Supreme Court decision on Chandler, which allows states to permit EMC over the objections of defendants. Each of the three judge groups made significant changes on Factor 4, which is the party consent issue. While judges (and perhaps prosecutors as well) may feel some inclination to align themselves with

TABLE V-14

CORRELATED T-TEST RESULTS ON PRE-POST SURVEY ITEM MEANS GROUPED BY FACTOR WITHIN OCCUPATIONS

Fac- tor	Survey Item	Inexp. Judges		Exp. Judges (after)		Exp. Judges (during)		Inexp. Prosecutors		Exp. Prosecutors		Inexp. Defense		Exp. Defense	
		Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post
1 <sup>B</sup>	Q1 Decorum	3.22	3.31	*2.94	2.60	*2.93	2.36	*3.98	3.54	*3.64	2.93	4.02	3.88	4.41	4.53
	Q3 Willingness	3.47	3.61	3.19	3.44	*3.59	3.28	3.86	3.86	3.54	3.46	3.89	3.91	3.7	3.95
	Q4 Advocacy	*3.32	3.52	3.37	3.50	3.25	3.39	3.96	3.82	3.57	3.36	3.95	3.84	4.30	4.40
	Q10 Order	2.48	2.59	2.27	2.21	2.00	2.03	*3.32	3.00	2.54	2.46	3.05	3.05	3.33	3.30
	Q16 Attentive- ness	3.51	3.50	3.28	3.39	3.23	3.30	3.72	3.54	3.59	3.63	3.73	3.73	*3.60	4.11
	Q26a Appellate EMC	*2.79	2.42	2.35	2.07	2.37	2.17	2.53	2.60	*2.30	1.89	3.37	3.50	3.62	3.38
	Q26b Civil EMC	3.02	3.88	*2.72	2.46	*2.63	2.17	*3.53	3.21	2.93	2.52	3.66	3.63	3.96	3.73
	Q26c Criminal EMC	3.13	3.02	2.76	2.65	2.93	2.57	*3.91	3.52	3.26	2.78	4.19	4.18	4.54	4.46
2 <sup>B</sup>	Q7 Decisions	3.10	3.18	3.27	3.15	*3.33	3.67	2.58	2.68	2.71	3.07	1.75	1.64	1.74	1.48
	Q8 Elections	*2.34	2.68	*2.38	2.73	2.52	2.78	2.54	2.60	2.57	2.71	1.91	2.06	1.96	2.31
	Q9 Influence Juror	3.01	3.20	3.31	3.21	3.32	3.46	2.95	3.09	3.11	3.21	2.23	2.27	2.07	2.07
	Q15 Bail	3.24	3.20	3.21	3.26	3.33	3.52	3.02	3.09	3.36	3.50	1.67	1.60	1.56	1.56
	Q18 Grandstanding	*2.67	2.89	2.51	2.62	*2.45	2.83	3.65	3.74	3.85	4.19	1.77	1.77	*1.59	1.93
	Q24 Sentencing	*3.15	3.38	3.24	3.50	3.45	3.59	3.21	3.23	3.59	3.44	1.56	1.69	1.44	1.70



TABLE V-14 cont.

CORRELATED T-TEST RESULTS ON PRE-POST SURVEY ITEM MEANS, GROUPED BY FACTOR WITHIN OCCUPATIONS

Factor	Survey Item	Inexp. Judges		Exp. Judges (after)		Exp. Judges (during)		Inexp. Prosecutors		Exp. Prosecutors		Inexp. Defense		Exp. Defense	
		Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post
3 <sup>B</sup>	Q19 Reluctance	2.33	2.46	2.57	2.77	*2.32	2.86	1.89	2.07	2.15	2.38	1.95	1.97	1.80	1.8
	Q22 Apprehension	2.50	2.56	2.78	3.09	*2.50	3.11	2.11	2.05	2.35	2.46	2.08	2.13	1.85	1.9
4 <sup>B</sup>	Q17 Criminal Consent	*2.09	2.43	*2.24	2.80	*2.21	3.21	1.91	2.04	1.96	2.52	1.44	1.44	1.23	1.3
	Q25 Noncriminal Consent	*2.32	2.56	*2.52	2.91	*2.76	3.31	2.12	2.28	*2.04	2.85	1.83	1.92	1.67	1.6

A = Lower mean score indicates more positive attitude toward EMC.  
 B = Higher mean score indicates more positive attitude toward EMC.  
 \* = Difference pre to post significant .05 and beyond.

a newly promulgated legal guideline, defenders, in contrast, apparently feel no such obligation.

Defender Attitude. In interpreting the strong anti-EMC attitude possessed by defense attorneys, the evaluators were reminded of many personal interviews held with defense attorneys during the course of data collection. Many attorneys held that EMC on principle was wrong, and that they would never change their minds. The survey results seem to correspond with these interview comments. No change in scores of any consequence occurs for defenders during the 13 months between testing. Attitudes which are based on perceived principle are much less susceptible to change by either additional information or personal experience. What is perceived as morally or politically wrong becomes a tenacious perception.

Other actors, judges notably, may have attitudes toward EMC which are based less on moral premises and more on rational examination of the issues involved. Such an attitude dynamic is more malleable and much more vulnerable to revision.

Experienced judges and prosecutors. For judges and prosecutors, experience appears to alter attitude. Of particular interest is the judge group whose posttest was taken during the year, soon after an EMC event in their courtroom. These judges show the most positive, or least negative, attitude toward EMC.

From on-site observation, the evaluation team found, generally, that actual EMC events were not negative

experiences for participants and when interviewed, most judges concurred. As a result, when a particular judge completed an attitudinal survey soon after an EMC event in his courtroom, very likely he could have responded from the framework of a relatively positive recent experience. Hence, these "during posttest" judge attitudes may reflect their views of the specific event just concluded. The other two judge groups responded to the Survey from a more abstract or distant perspective; i.e., EMC in general, a perspective of overall attitude and overall experience with the media, and not from the perspective of a recently completed event.

Attitudes toward EMC are long held and probably rather firmly held. There may be an immediate impact on a judge from an EMC event which could alter temporarily the attitude only to have it revert back toward the older (more negative) attitude after the passage of time. The "After Posttest" scores therefore may be somewhat lower than the During Posttest scores because of this "regression toward the mean" phenomenon.

#### Discriminant Function Analysis

Question: How cohesive are the patterns of attitude response within occupational groups? Can occupation of respondent be predicted from response patterns on the survey? Is there any relationship between group cohesiveness and attitudes toward EMC?

The discriminant analysis procedure when applied to the 685 valid General Attitudinal Survey pretests and the 432 valid Survey posttest resulted in 53% and 55% of the grouped cases correctly classified. Table V-15 illustrates how the discriminant function analysis supports the other findings in this evaluation.

TABLE V-15

CLASSIFICATION RESULTS  
 DISCRIMINANT FUNCTION ON PRETEST FACTORS BY OCCUPATION

Actual Group	No. of Cases	Predicted Group membership		
		1	2	3
Judge 1	352	144 41%	102 29%	106 30%
Prosecutor 2	168	46 27%	94 56%	28 17%
Defender 3	165	28 17%	9 5%	128 78%

Percent of grouped cases correctly classified: 53%

CLASSIFICATION RESULTS  
 DISCRIMINANT FUNCTION ON POSTTEST FACTORS BY OCCUPATION

Actual Group	No. of Cases	Predicted Group Membership		
		1	2	3
Judge 1	219	88 40%	84 38%	47 22%
Prosecutor 2	109	31 28%	64 59%	14 13%
Defender	104	12 11%	8 8%	84 81%

Percent of grouped cases correctly classified: 55%

Judges and prosecutors, on the average, in the posttest classification became more similar to one another. In the pretest classification results, 70% of the judges were predicted into either the judge or prosecutor groups. On the posttest, 78% of the judges were predicted into either the judge or prosecutor group. In the pretest, 83% of the prosecutors were predicted into either the prosecutor or judge groups while in the posttest 87% of the prosecutors were predicted into either prosecutor or judge groups. Attitude differences between judges and prosecutors faded over the course of the year. Fewer judges and prosecutors on the posttest were predicted into the defender group than on the pretest. Put another way, the attitudes toward EMC of both judges and prosecutors on the posttest measures became less like the attitudes of defenders.

The defenders were the easiest group to classify correctly. On the pretest, 78% of the defenders were classified as defenders and on the posttest the percentage rose to 81%. Defenders were least likely to be predicted in the prosecutor category. This means that the response pattern of the defender group is very homogeneous and predictable. On the posttest, 81% of the time the defender's occupation can be predicted correctly on the basis of their responses on the Survey. In a graphic way, the defenders became, one year later, an even more cohesive group. One might say they became more predictably "defenders", showing a more unified force in the display of their attitudes toward EMC.

There was on the pretest and remained on the posttest more diversity in the prosecutor group than the defender group. Prosecutors are least likely to be classified as defenders (13% on the posttest) and most likely to be classified as prosecutors (59% on the posttest).

The judges are the most diverse and least cohesive group. On the posttest, 22% of the judges' response patterns result in their being classified as defenders and 38% of them are classified as prosecutors. On both the pre and posttest, only about 40% of the judges are classified correctly as judges. Because of the diversity of their opinions, it is very difficult to predict correctly the occupation of judges on the basis of their responses to the survey. Due to the diversity of attitude in the judge and prosecutor groups, the percentage of grouped cases correctly classified remains at 55%. This is relatively low although it indicates predictability above that of pure chance.

The classification results also indicate that the prosecutors and judges are groups which are shifting their attitudes toward EMC while defenders appear not to be changing. These findings are entirely consistent with other earlier findings on rates and amounts of attitude change.

One might extrapolate from the most recent discriminant function Posttest-Classification a description of the political forces operating in California among these three occupational groups in regard to EMC. Defense attorneys seem adamant in their opposition to EMC and present a unified front with few dissenters. Prosecutors are less cohesive as a group than defenders and more likely to line up with non-defender-like judges. Judges are the least unified group, the most diverse of the three groups, as of July 1981. About four-fifths of the judges are similar to non-defender-like prosecutors. The non-defender-like judges and prosecutors may represent the pro-EMC forces.

If one assumes (as the earlier data analysis show) that the defenders are, as a group, the most opposed or negative toward EMC, there still remains a sizeable group of prosecutors (13%) and a larger group of judges (22%) who stand with the defenders in their opposition to EMC.

#### Frequency Distributions

Question: What frequency of distribution patterns in general occur pre post among the total judge, prosecutor and defender groups on each item in the survey? What do particular patterns among the groups' frequency distributions illustrate about their overall attitudes toward EMC and the no party consent rule?

Among all three occupational groups sampled by the survey, there is considerable and persistent opposition to the ruling which removed party consent as a condition for EMC. Judges and prosecutors over the course of one year's time during the experiment did modify their views and object somewhat less to the ruling by July, 1981. Defenders made no such change.

Table V-16 shows the frequency distribution of responses for all judges, prosecutors and defenders pre and post on item 25, Noncriminal Consent. Judges mean scores change from 2.31 pre to 2.71 post; prosecutors from 2.12 to 2.50 and defenders from 1.85 to 1.87. By July, 1981, 55% of the judges, 57% of the prosecutors and 82% of the defenders either Agree or Strongly Agree with the item (requiring consent). At the same point in time 37% of the judges, 18% of the prosecutors and 7% of the defenders either Disagree or Strongly Disagree with the item (no consent needed). Consistent with the general findings in the analysis of the Survey results, the defense attorneys

TABLE V-16

OPPOSITION TO NO CONSENT RULE  
 FREQUENCY DISTRIBUTION OF SURVEY ITEM 25  
 "EMC of noncriminal proceedings  
 needs consent of parties."

Category Label	ALL JUDGES		ALL PROSECUTORS		ALL DEFENDERS							
	PRE FOY	POST FOY	PRE FOY	POST FOY	PRE FOY	POST FOY						
STRONGLY AGREE 1	85	22	34	15	29	17	74	43	45	41		
AGREE 2	184	49	91	40	80	46	45	38	45	41		
NO OPINION 3	26	7	18	8	20	11	27	24	18	11	12	1
DISAGREE 4	69	18	71	32	24	14	13	12	12	7	2	2
STRONGLY DISAGREE 5	13	3	11	5	1	1	7	6	2	1	5	5
Number of Cases	377		225		175		111		171		109	
Mean	2.31		2.71		2.12		2.50		1.65		1.87	



are in solid and unchanging opposition to removing the consent rule on noncriminal EMC proceedings. As well, neither the judge nor prosecutor group, on the average, are in favor of removing the consent rule.

Table V-17 shows the frequency distribution of responses for all judges, prosecutors and defenders pre and post on Item 17, Criminal Consent. Opposition to no party consent in criminal proceedings for the three groups, judges, prosecutors, and defenders, on pretest (combining Agree and Strongly Agree) starts out at 80%, 79%, and 91% respectively for the three groups. A small minority of 16%, 18%, and 7% (combining Disagree and Strongly Disagree) respectively favors no party consent. Almost none of the respondents in any group has No Opinion.

One year later judges opposition to the no party consent rate changed considerably. Their percentage of Agree plus Strongly Agree responses favoring party consent being required dropped to 61%, with a corresponding increase from 16% to 35% in those who favor no party consent. Prosecutors made smaller changes though in the same direction. Defenders made no change at all.

As of July, 1981, judges, prosecutors, and defense attorneys in California as groups oppose the no party consent required rule for EMC of criminal proceedings by the large percentages of 61%, 79%, and 90%. The graphs shown in Figure V-18 illustrate the magnitude of opposition to the no party consent rule and the spread of levels of opposition between the respondent groups.

Frequency distributions for survey Items 26a, b, and c are located in Table V-1 in the Results Overview (page of this section of the report. The tables for the remaining items in the survey are located in Appendix I.

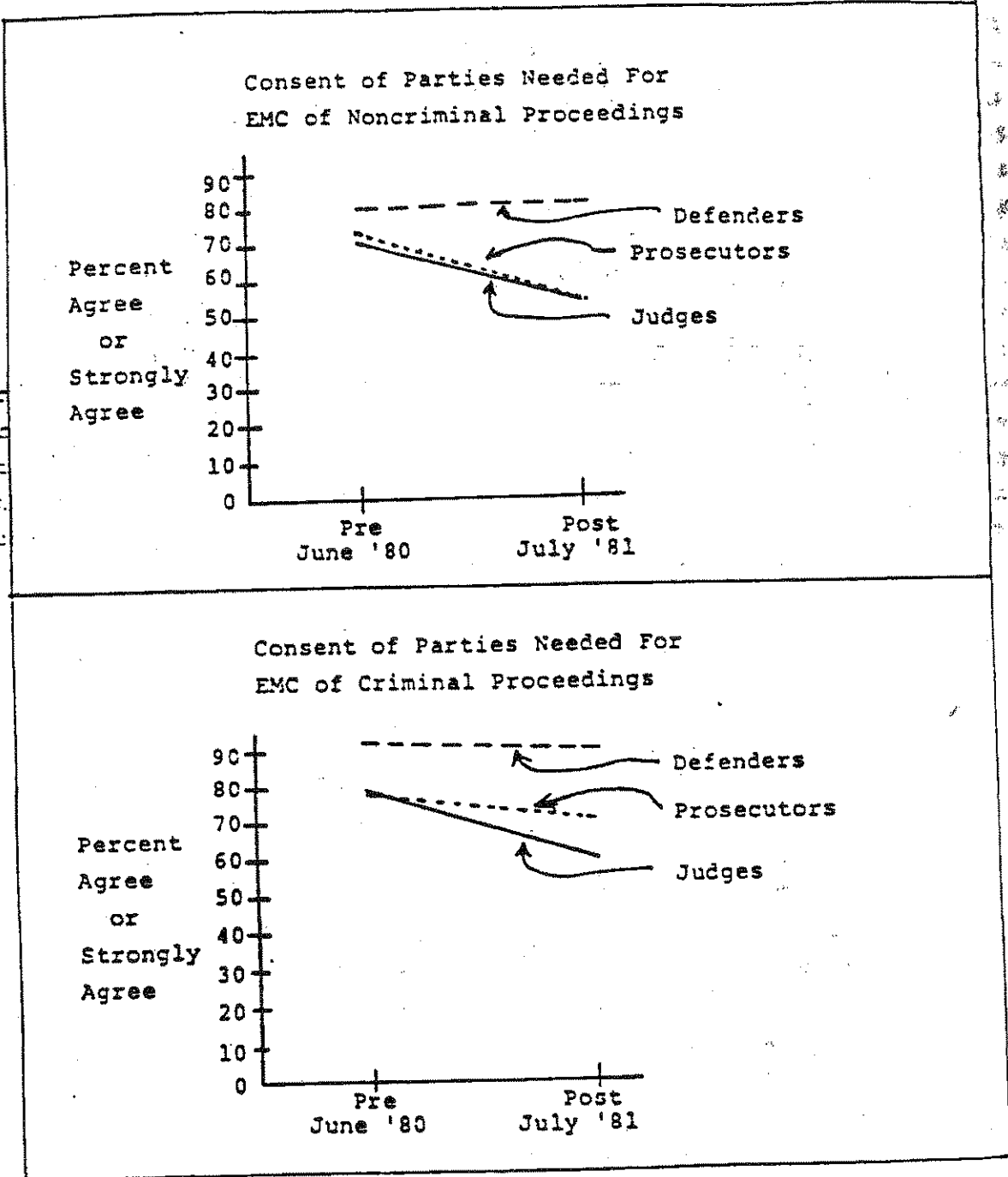
TABLE V-17

OPPOSITION TO NO CONSENT RULE  
 FREQUENCY DISTRIBUTION OF SURVEY ITEM 17  
 "EMC of criminal proceedings should be  
 Allowed only with the consent of the parties"

Category Label	ALL JUDGES		ALL PROSECUTORS		ALL DEFENDERS	
	PRE FOY	POST FOY	PRE FOY	POST FOY	PRE FOY	POST FOY
STRONGLY AGREE 1	149	45	88	50	42	38
AGREE 2	151	92	51	29	37	33
NO OPINION 3	12	9	4	2	3	3
DISAGREE 4	54	68	23	13	24	22
STRONGLY DISAGREE 5	9	10	9	5	5	4
Number of Cases	375	220	175	111	170	108
Mean	2.00	2.58	1.94	2.22	1.45	1.49

FIGURE V-18

LEVEL OF OPPOSITION PRE AND POST  
TO REMOVAL OF THE PARTY CONSENT RULE  
JUDGES, PROSECUTORS AND DEFENDERS



Finally, the frequency distribution tables of remaining items in Appendix I and table of means in Appendix J. show the continued general trend of transference of responsibility (items 4, 7, 8, 10, 13, 14, 15, 18, 24, and 27). Transference of responsibility is a phenomenon which permits respondents to agree with statements that suggest possible negative effects of EMC on the behaviors or the required roles of members of one or both of the other two groups, but not with statements that suggest their own professional group will be somehow negatively impacted by EMC. The phenomenon can best be seen on Item 18 (refer to Table V-14, in this section) which suggests that prosecutors will "play up to the camera." On the pretest and the posttest defenders strongly agree with this statement. Prosecutors strongly disagree. EMC experience and the passage of time does little for these groups to modify this human tendency to see the problem as centered in the other party, not oneself.

##### 5. Discussion and Summary

The attitude measures are important since decisions and actions are, at times, determined by attitudes. If attitude changes follow from experience, as theory suggests, then the trends found in the present evaluation paint a relatively bright picture for eventual acceptance of EMC by judges and attorneys, despite the current level of mixed findings. The evaluation evidence strongly suggests that specific EMC experience altered attitudes toward EMC in judges and prosecutors. Even many of those who did not have direct EMC experience evidenced changes. For those subgroups within these two groups and for defense attorneys who oppose EMC on principle, experience may not so easily modify their attitudes.

To sum up briefly, the data analysis first yielded four salient factors which summarize the respondents' general attitudes: General Effects; Decision Influence; Civilian Concern; and Mutual Consent.

When each factor was tested for change over time, the three occupational groups (judges, prosecutors, and attorneys) showed significantly different rates of change on most factors. Experience with EMC did not prove to be an element affecting rates of change; occupation was the element. Within occupational groups, each occupational group showed similar change rates over time on the factors irrespective of EMC experience.

Magnitude of change over time on the factors (within occupational groups divided into Experience and Inexperience subgroups) proved significant on a selective basis.

- Neither Experienced nor Inexperienced defenders changed on any factor attitude scores pre to post.
- Inexperienced prosecutors became less concerned about the potential negative EMC general effects.
- Experienced prosecutors became less concerned about the potential negative effects of removing the party consent rule.
- Inexperienced judges a) became less concerned about potential negative EMC influence on decisions; and, b) became less concerned about the potential negative effects of removing the party consent rule.
- Experienced judges during (posttested during the year right after an event) a) became less concerned about potential negative EMC influence on decisions; b) became less concerned about the potential negative EMC effects on civilian participants; and, c) became less concerned about the potential negative effects of removing the party consent rule.

- Experienced judges after (posttested in July, 1981) became less concerned about the potential negative effects of removing the party consent rule.

Except for defenders, all other experienced groups became significantly less concerned about the negative effects of removing the party consent rule. However, only the Experienced judges, posttested during the year, ended up on the positive side of midpoint on the scale measuring this factor. Thus, while the no party consent issue stirred the greatest amount of attitude change among experienced judges and prosecutors, their current attitude can best be described as neutral.

In the discriminant function analysis, the defender group proved to be the most cohesive and predictable of the three groups, followed by prosecutors, with judges least cohesive. The history of controversy surrounding EMC in California seemed validated by these results.

Unanswered, and unknown at this point is why do judges, prosecutors, and defenders have such negative overall attitudes toward EMC? In direct contrast to the observed events and to most of the interview data, the global negative to neutral attitudes toward EMC of the three professional groups is puzzling. However, we do know, now, that the attitudes, as measured, are complex and multi-faceted. There is not a single, overall attitude; rather there are attitudes toward EMC. The factors uncovered in the analysis are constructs which seemed to identify the major sources of vitality for these differences in attitude.

## B. Juror Attitudinal Questionnaires

## 1. Results Overview

Just as there is no one overall measure of the attitudes of judges, prosecutors and defenders toward EMC, there is no parallel global indicator of juror attitudes. Contrary to the negative aggregate range of attitudes for the professional groups in court proceedings, however, the juror group's aggregate range of attitudes varies from neutral to positive.

To support this Attitudinal Questionnaire finding, Table V-19 below summarizes the general opinion jurors have toward EMC as gathered using interviews.

Table V-19

General Opinion About EMC  
Expressed by Jurors in Interviews

Opinion Category	Abs. Freq.	Pct.
Very Unfavorable	7	13%
Unfavorable	1	2%
Neutral	13	23%
Favorable	18	32%
Very Favorable	17	30%

EMC-Experienced jurors show an overall favorable percentage of 62%. Strong objection to EMC is not coming from this citizen group. The second major trend

found in the study of juror attitudes toward EMC is that the EMC-Experienced Jurors basically see themselves, see others in and out of the system, and see the judicial system itself as able to withstand whatever potential negative effects the intrusion of EMC may bring. These two overall results provide a background against which the more detailed analyses of the juror attitude questionnaire is positioned.

## 2. Survey Administration, Sample Size and Sample Characteristics

A total of 1,340 prospective jurors were sampled for their perception of and attitudes toward conventional and extended media coverage of proceedings in California state courts. Table V-20 shows the geographical and chronological breakdown of the jury pool sample. All 1,340 individuals had been called for jury service and were gathered in juror pools when surveyed. The Questionnaire was administered to groups of prospective jurors as they received their orientation from the jury commissioner. Either a member of the evaluation team or a member of the jury commissioner's staff administered the Questionnaire. Throughout the balance of this section, this sample of jurors will be referred to as the Inexperienced group, meaning that they did not have EMC experience.

In addition to the Inexperienced group, a small sample of Experienced jurors was measured for their attitudes toward conventional and extended media coverage. In total, 34 jurors who served at conventional high publicity trials and 79 jurors who served at EMC high publicity trials responded to the Questionnaire. Experience means that these jurors had actual trial experience with either conventional or extended media coverage. The total number of Experienced and Inexperienced jurors sampled was 1,453.



TABLE V-20

## Statewide Jury Pool Sample Sizes

	Fresno	Los Angeles	Sacramento	San Diego	Total
Baseline	0	171	223	0	394
Experimental	87	443	215	201	946
Total	87	614	438	201	1,340

This evaluation focused primarily on possible effects of extended media coverage on the conduct of trials and on the behaviors of trial participants. To establish an existing frame of reference for understanding issues relating to EMC, it was deemed useful to sample the public's perception (through prospective jurors) of the impact of conventional media coverage (i.e., reporters and sketch artists) on courtroom atmosphere and trial conduct. This step was accomplished prior to the beginning of the experimental year by designing and administering a Juror Attitudinal Questionnaire comprised of 14 items which sought to tap the perceived impact of the conventional media on the courts. (See Section II Research Design.) This questionnaire was administered to a sample of 394 prospective jurors in Sacramento and Los Angeles. Prospective jurors were defined as those who had been called for service but who as yet had not been assigned to a trial. They may or may not have had prior jury duty.

Because the items on the Questionnaire for conventional coverage attitudes differed from those on the Questionnaire for EMC attitudes, subsequent comparisons of the latter

(This page intentionally left blank)

with the former instrument is not possible, other than from a heuristic perspective. Nevertheless, as emphasized above, responses to the Questionnaire measuring perceived attitudes toward conventional media coverage provide a useful descriptive frame of reference for assessing juror perceptions of the additional impact, if any, of EMC.

During the experimental year between July 1, 1980 and June 30, 1981, a second, larger group of prospective jurors was sampled for their perceived attitudes toward the impact of extended media coverage. The Juror Attitudinal Questionnaire used in this assessment also was comprised of 14 items. The items were identical to the ones used in the earlier instrument. EMC phrasing was substituted for conventional media phrasing. Thus, it was expected that roughly the same kinds of attitudes would be measured. Sampling from jury pools in Sacramento, San Diego and Los Angeles, the evaluators measured 946 prospective jurors. In addition, this EMC Questionnaire was collected from 79 EMC-Experienced jurors, those who had served on high publicity EMC trials during the year.

The characteristics of the Inexperienced jurors are summarized in Table V-21. Two thirds of the 1,340 had not served before on a jury. Of those who had prior experience, only 5% could remember any media attention paid to the trial(s) on which they served as jurors. As a result of this fact, it is reasonable to conclude that at the time of survey administration this sample of prospective jurors was almost totally unfamiliar with media coverage of any kind associated with the courts other than experience gained in normal life activity as a citizen of the community.

TABLE V-21

CHARACTERISTICS OF JURY POOL SAMPLE			
INEXPERIENCED JURORS			
( N = 1,340 )			
PRIOR JURY DUTY		EDUCATION	
YES	34%	ELEMENTARY SCHOOL	2%
NO	66%	HIGH SCHOOL	40%
		ATTENDED COLLEGE	50%
		GRADUATE DEGREE	9%
AMOUNT OF MEDIA COVERAGE FOR THOSE WITH PRIOR JURY DUTY			
DON'T KNOW	49%		
NONE	45%		
SOME	4%		
EXTENSIVE	1%		
		OCCUPATION	
		PROFESSIONAL/ MANAGERIAL	32%
		BUSINESS/SALES SERVICE	14%
		TECHNICAL	9%
		TRADE/AGRICULTURE	8%
		CLERICAL	12%
		HOUSEWIFE/STUDENT RETIRED/UNEMPLOYED	22%
		UNSKILLED	3%
SEX			
MALE	46%		
FEMALE	54%		
		AGE	
UNDER 25	10%		
25 - 34	24%		
35 - 44	21%		
45 - 54	21%		
55 +	25%		

Fifty-four percent of the sample was female; 46% was male. About 25% of the sample was between the ages of 25 and 34. Another 25% was 55 or older. Ten percent was under age 25 and the remaining two-fifths of the sample evenly divided between the 35-44 age group and the 45-54 age group.

The prospective juror sample seemed well educated. Nine percent held Masters degrees or some other graduate degree. One-half of the sample had attended college. Forty-two percent had terminated their education at or below high school.

One-third of the prospective juror sample identified their occupation as managerial or professional. Those in business sales or service totalled 14%. Technical occupations, skilled trade, and agriculture accounted for 17%. Clerical occupations were represented by 12% of the sample. Only 3% were unskilled. The remaining 22% were housewives, students, unemployed or retired.

### 3. Analysis Procedures

#### Factor Analysis

The 14 items comprising the Juror Attitudinal Questionnaire were subjected to factor analysis using a varimax rotation. The same procedures were applied to these Questionnaires as were applied to the General Attitudinal Surveys for judges, prosecutors, and defenders. Attitude scores for each factor were arrived at by summing each respondent's answers to the items contained in the factor and by dividing by the number of items. Thus, each respondent had one measure for each of the factors derived instead of 14 measures (one from each item).

t-Tests on Factor Means

It was determined that the EMC-Inexperienced Juror group measures on factors would be compared to those of the EMC-Experienced Juror group measures, since it appeared on examination of the early printouts on frequency distribution that the two groups were responding differently. These calculations yielded information about whether or not the magnitude of change in mean scores on the factors was significant.

Frequency Distribution Analyses: Conventional Media Coverage Questionnaire

The frequency distributions of all 14 Questionnaire items were examined for trends and differences showing between the EMC-Inexperienced Jurors and the EMC-Experienced Jurors. These descriptive analyses would show potential differences in response approaches between these two groups.

Cross-Tabulations: EMC Questionnaire

Cross-tabulations were computed between certain Questionnaire items and demographic variables. Sex, education, and age were examined in contrast to EMC-Inexperienced jurors' responses to certain items on the Questionnaire.

Chi-square

Chi-square tests were applied to determine the significance of frequency distribution deviations on all Questionnaire items grouped by factors for the EMC-Inexperienced Jurors in contrast to the EMC-Experienced Jurors.

#### 4. Analysis Results

##### Factor Analysis

Question: What patterns of intercorrelations are there between the items on the Questionnaire such that the minimum number of factors will emerge? Which items load onto the factors and what is the reliability of the items on the factors?

Five factors emerged from the factor analysis of the Juror Attitudinal Questionnaire. The factors are identified in Table V-22 along with the 14 items from the questionnaire which comprise, or "load onto", the factors.

Factor 1, which consists of two items (items 4 and 5), is characterized by statements suggestive of a positive motivating effect on jurors and witnesses. It is labeled Positive Task Motivation. Factor 2 consists of two items (items 10 and 13) referring to EMC effects on judge and juror ability to perform within their prescribed roles, and is thus labeled Role Performance. Factor 3 consists of three items (items 6, 7, and 11) which allude to ways in which EMC might exert a coercive or restrictive influence, especially on decisions and is thus labeled Decision Influence. Factor 4, which consists of two items (items 9 and 12) suggests EMC may have a general effect on jurors in producing an uneasiness or discomfort in projected or actual service. It is labeled General Juror Attitude. Factor 5 consists of the remaining five items (items 1, 8, 2, 3, and 14). Each of these items refers to one of a combination of affects, such as distraction, disturbance, wariness, uneasiness, or tempering behavior. It is labeled Distraction and Inhibition.

TABLE V-22

ITEM COMPOSITION OF FACTORS IN  
JUROR ATTITUDINAL QUESTIONNAIRE

ITEM ON QUESTIONNAIRE

FACTOR NAME

FACTOR

Q 4. Allowing television cameras, still cameras, and radio equipment in the courtroom will motivate witnesses to be truthful in their testimony.

Q 5. Allowing television cameras, still cameras, and radio equipment in the courtroom will increase jurors' attentiveness to testimony.

Q10. Allowing television cameras, still cameras, and radio equipment in the courtroom will not affect my ability to judge wisely the merits of the case.

Q13. Allowing television cameras, still cameras, and radio in the courtroom will not affect a judge's ability to maintain courtroom order.

Q 6. Allowing television cameras, still cameras, and radio equipment in the courtroom will affect sentencing decisions.

Q 7. Allowing television cameras, still cameras, and radio equipment in the courtroom will cause judges to avoid unpopular positions or decisions.

Q11. Allowing television cameras, still cameras, and radio equipment in the courtroom will affect the outcome of trials.

POSITIVE TASK  
MOTIVATION

ROLE  
PERFORMANCE

DECISION  
INFLUENCE

1

2

3

- 181 -



TABLE V-22 Cont'd.

<u>FACTOR</u>	<u>FACTOR NAME</u>	<u>ITEM ON QUESTIONNAIRE</u>
4	GENERAL JUROR ATTITUDE	<p>Q 9. Allowing television cameras, still cameras, and radio equipment in the courtroom will affect my willingness to serve.</p> <p>Q12. Allowing television cameras, still cameras, and radio equipment in the courtroom will cause me to have to defend my actions as a juror.</p>
5	DISTRACTION AND INHIBITION	<p>Q 1. The presence and operation of television cameras, still cameras, and radio equipment will lead to disruption of courtroom proceedings.</p> <p>Q 8. Allowing television cameras, still cameras, and radio equipment in the courtroom will lead to increased distraction of participants.</p> <p>Q 2. Juror's decision-making will be influenced by their friends' and acquaintances attitudes about the case because of television, radio, and still camera coverage of the trial.</p> <p>Q 3. Allowing television cameras, still cameras, and radio equipment in the courtroom will make people more apprehensive about participating in legal processes.</p> <p>Q14. Allowing television cameras, still cameras, and radio in the courtroom will cause witnesses to be overly guarded in their testimony.</p>

The results and recommendations in this evaluation are related to and predicated on the rules of the experiment. The evaluation findings and conclusions only apply in the context of the rules; any weakening of these rules would tend to invalidate the applicability of the research results. The generally high marks from the experiment thus far should not be taken as license to grant *carte blanche* access by extended media or to ignore the guidelines in the rules.

California's experiment thus far with cameras in the courts has not been tainted by an Estes or a Hauptman. The safeguards against turning the judicial arena into a circus arena are working. Indeed, no "circus-like" atmosphere, to send a clear signal that justice is threatened, may occur under present controls. The threat to a fair trial in the present era of cameras in the courts is a more subtle one. It would take a mixing of subtle elements to create real problems, and the wrong combination of elements could result in injustice. For example, cameras in the courts in the context of an overly aggressive media, a susceptible judge, a vulnerable witness, and a volatile community issue could do irreparable harm to justice in the case.

The structure of California's rules on extended media coverage place the judge in a pivotal position. It is up to the judge to recognize when the wrong combination of elements is present and to take steps to diffuse the danger. Because the judge's role is so central, it should be protected from compromise. The media should not assume an absolute right to access with their cameras and microphones. The burden to obtain consent should remain with the media; no burden should be placed on the judge to justify to the satisfaction of the media that denial of access is appropriate.

function of jurors and demonstrate that past experience and present safeguards minimize the likelihood of EMC-related problems. This EMC-orientation could be accomplished in a neutral fashion without advocating and promoting EMC as inherently good or bad. The EMC phenomenon when it occurs can and should be treated as simply one more aspect of court life about which jurors need and should have briefing prior to service.

#### D. Conclusion

One of the most intriguing aspects to this evaluation has been the perspective gained from in-court observation. The evaluators were able to see for themselves if witnesses were nervous, if prosecutors "played up to the camera", if jurors were distracted, and if judges were unable to keep order. In general, none of the postulated disturbance-distraction-decorum effects occurred. There seemed little reason, in event and after event, to have many fears about the presence of EMC equipment and personnel inside the courtroom, under the controlled experimental conditions.

The experiment was highly structured, heavily monitored and tightly controlled. Media representatives were asked to conform to strict rules and procedures, request in writing to cover a news event, wait for approval, and then gather their news under controlled conditions. As the experiment developed, it would have been quite unexpected and shocking if grossly disruptive or wildly distracting episodes had occurred. The rules and resultant structure virtually eliminated all possibility of extreme immediate impact. In response, the evaluators developed increasingly refined discriminations to analyze behavior attributes and verbal comments from interviews. The "ordinariness" of EMC at court proceedings, is, of course, a major finding. The lack of extremes in behavioral and environmental impacts is important.

The critics of "cameras in the courts" point to this very fact, the brevity of television news reports, as an argument against allowing cameras coverage in judicial proceedings. Some even suggest that the media should be forced to show "all of it or none at all". Public education in light of this highly selective editing cannot possibly take place, say these critics.

This evaluation was not required to offer an opinion on the quality of television news coverage of judicial proceedings. Suffice it to say that highly selective editing does occur and that this necessary practice is one of the most controversial issues associated with cameras in the courts. Little scientific inquiry has been done to contribute knowledge to the debate. This issue and other long range effects on society at large represent the main frontier of "cameras in the courts" research.

### 3. Inexperienced Jurors

Prior to their service in an EMC event, some jurors evidence concern about their own abilities to remain free of EMC influence. These prospective jurors believe that their own functioning and that of the judicial system in general may be somewhat impaired with the presence of EMC. Experience with EMC changes this perception. If EMC becomes a permanent fixture in the courts, the California judiciary may want to consider how jurors who are assigned to EMC trials could come to enter the experience with their confidence high, rather than low. Jurors should be assured that their ability, role and functioning, that of other trial participants and of the system itself will not be diminished by the presence of EMC.

Methods exist today to orient and instruct jury pools in the phenomena and issues associated with EMC. Video tape programs could be developed and shown to prospective jurors. These tapes would present factual information relevant to the role a.

The first group is a vocal minority of persons, particularly judges and attorneys, who were skeptical about the media's ability or inclination to cover the courts fairly and accurately. These individuals point to the commercial aspect of the media and assert that sensationalism and a desire to "sell soap" dominates the coverage. In the recent camera coverage of oral arguments at the Supreme Court (an historic first) one Justice expressed disappointment that the Court had "bowed to the persistence of an entertainment medium."

The second group is a substantial number of individuals who applauded the introduction of electronic and photographic media in the courtroom as contributing to public revelation on how the system works--its failings and its strengths. These persons viewed the media more as an essential component in the workings of democracy than as a commercial industry.

The largest group of interviewees offering an opinion on this issue had a totally different attitude. They recognized that the time constraints for a news story are such that only small portions of the courtroom proceeding can be used. Therefore, say these persons, little opportunity exists either to educate or bias the public. Generally, these individuals felt that on balance the TV news reporters "did a good job" in covering the story accurately and fairly. What stands out to many of these persons (and to the evaluators) is how little in-court material actually is used in the story. Much of the in-court footage that is used is "dubbed over" by a reporter's summary of events, relegating the camera coverage to visual background. Sound and visual images combined constitute a small portion of the story and the story is at best only a few minutes long.<sup>37</sup>

---

<sup>37</sup>As documented in Section III, the overwhelming number of EMC applications are for news stories. Very few "gavel to gavel" broadcasts of trials occurred.