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Does the 'CSI Effect' Sway Jurors?

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Associate professor of law and jury expert Thaddeus Hoffmeister explains in a CNN.com opinion titled "Did 'CSI' effect sway Anthony jury?" that programs such as CSI: Crime Scene Investigation are thought by many prosecutors and legal analysts to create unreasonable expectations for jurors deciding fates in the real world.

Within the first six hours of being posted, the article received more than 290 comments and nearly 400 Facebook recommendations.

Hoffmeister further explains in the piece, "Prosecutors have long argued that the CSI effect is real and creates unreasonable expectations in the minds of jurors. They maintain that the standards for obtaining a conviction these days have been raised because jurors now expect and want scientific evidence linking the defendant to the crime, especially in a circumstantial case. To combat this problem, many prosecutors try to lower the bar during jury selection by telling potential jurors not to expect what they see on television to be played out in the courtroom."

Click on the related link to read the entire piece.

Hoffmeister, author of the Juries blog, also looks at how social media and the Internet are affecting juries and the outcomes of cases. Within the past few years, Hoffmeister said, jurors have taken to the Internet to divulge details of cases and conduct their own investigations.

"Judges instruct jurors not to go to the crime scene or to the jail to see if someone is there, or talk about the case," Hoffmeister said. "But now jurors can go to Google Earth and see the crime scene. They can get on the county or city website to see who is incarcerated. And, since MTV's Real World has come out, you have a generation who want to tell the world what they're doing at all times."

To help combat juror curiosity or confusion, Hoffmeister suggests allowing jurors to ask questions during the case. Another tactic Hoffmeister suggests is "virtual sequestration."

"It's cheaper than (the traditional) physical sequestration, and it's better for jurors rather than being in a hotel," Hoffmeister said.

What would Hoffmeister tell jurors to do if he were a judge: "It's natural to be curious. There's nothing wrong with being curious. Just don't act on that curiosity. You are open to penalties. Consider the parties involved. Your actions could cause a mistrial. The state and the parties involved have to continue to pay for a new trial. The mother of the victim could have to testify again. I'm not asking you to give up the Internet for the rest of your life, just while you're on jury duty."

Hoffmeister has been enthralled with jury dynamics since law school. After law school, he clerked for a judge working on trying to improve the way juries work.

"Judging your peers is an amazing power to give everyday citizens," said Hoffmeister, whom The Wall Street Journal, Chicago Tribune and The Washington Post have quoted in stories about juries. "Outside of voting, it may be the second-biggest thing in a democracy."

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