

Proposal for a Wisconsin Court System Counseling Program for Jurors Subject to Detrimental Stress

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ABSTRACT

This study addresses ameliorating juror stress resulting from exposure to graphic evidence from high profile and violent crimes. Research has shown that the impacted jurors experience physical and/or psychological symptoms that negatively affect their well-being. Although most jurors undergo minimal stressors, some are unable to effectively deal with the information from the trial, thus benefiting from third party counseling services. There are a variety of existing programs used by courts in states other than Wisconsin that have been successful. An analysis of these current programs has concluded that utilization of the Employee Assistance Program would be most beneficial for these jurors in Wisconsin.

INTRODUCTION / LITERATURE REVIEW

Overview of Juror Stress

Paula Hannaford-Agor, the director of the Center for Jury Studies at the National Center for State Courts, defines juror stress as the “emotional or physical reaction to jury service”.¹ Many jurors experience stress during their time serving on a trial. Individuals worry about their qualifications to participate as a juror, as they have minimal experience in the courtroom and no training in the law to decide a person’s guilt.² Seven significant factors cause stress among jurors, including that of disruption to routine, trial complexity, evidence reactions (how the victim and defendant felt), decision making (limited contribution in the decision and lack of knowledge on the consequence associated with the decision), jury duty (anticipation of trial), juror interactions, and external sources (fear of revenge from parties affected).³ Fortunately, the stress is often minimal because the content of the cases are not intense and the trials are not under public scrutiny. However, for violent crime trials, jurors are more likely to be seriously impacted.

This paper will first explain the traumatic evidence associated with violent crime trials, as well as the negative impact that it may cause to the affected juror population. Correspondingly, there is mention of previous studies that have proven the harsh consequences that follow these types of trials. Then, current methods of intervention in assisting jurors with stress management are discussed, along with the issues that coincide with these methods. Following this, the idea of counseling is introduced, as well as the regulations currently in place that provide this service. To determine whether counseling is feasible in the state of Wisconsin, methodology is shown to calculate utilization rates based upon county size. Last, derived from the evaluated results of these calculations, a proposal to implement a counseling program for eligible jurors is given.

¹ Paula Hannaford-Agor, “A New Option for Addressing Juror Stress?,” *Jury News*, 2012, 50, accessed February 7, 2017, <http://www.ncsc-jurystudies.org/~media/Microsites/Files/CJS/Jury%20News/A%20New%20Option%20for%20Addressing%20Juror%20Stress.ashx>.

² Monica K. Miller and Brian H. Bornstein, “The Experience of Juror: Reducing Stress and Enhancing Satisfaction,” in *Stress, Trauma, and Wellbeing in the Legal System*, 1st ed. (Oxford: Oxford University Press, 2013), 248.

³ Brian H. Bornstein, Monica K. Miller, Robert J. Nemeth, Gregory L. Page, and Sarah Musil, 2005, “Juror reactions to jury duty: perceptions of the system and potential stressors,” *Behavioral Science & The Law* 23, no.3: 331.

Traumatic Evidence

Various studies have concluded that jurors exposed to trials involving traumatic evidence are more likely to develop stress symptoms.⁴ These criminal trials may contain graphic evidence in picture and testimony form that jurors must witness to make an informed decision for the defendant. Attorneys presenting evidence try to make a lasting impression on the jurors, so they will introduce it in ways that will get an emotional rise out of them. The criminal justice system is compelled to utilize graphic evidence to their benefit, which is a technique that will continue to be an issue in terms of invoking emotional responses from jurors. Jurors are often exposed to the evidence more than once throughout the trial and during the deliberation period. However, they have minimal time to process the information in between, making it difficult to minimize the stress and cope with it.⁵

A study conducted by Daniel W. Shuman concluded that “traumatic” trials caused more serious stress impact than the trials considered “nontraumatic”. Jurors were six times more likely to experience symptoms related to depression than those involved in “nontraumatic” trials.⁶ Overall, 10% of jurors claimed that they experienced high stress levels while serving⁷ and, often times, the response to the stress occurs in the days or weeks that follow the verdict.⁸ High profile trials involving gruesome evidence and testimony can prompt physical and psychological stress symptoms in jurors serving on these trials, which can have long lasting effects.⁹

Typical stress symptoms are related to those of mood and anxiety disorders, such as Post-traumatic Stress Disorder (PTSD) and depression.¹⁰ Negative effects of PTSD include “intrusive memories, distressing dreams/nightmares, insomnia/difficulty sleeping, flashbacks, psychological distress and psychological reactions when exposed to memory cues, behavioral avoidance of memory cues, negative cognitions and moods, feelings of detachment from others, diminished interest in activities, irritability and anger, hypervigilance, and difficulty with concentration among others”.¹¹ Unfortunately, the individuals serving on violent crime trials have suffered through these negative effects caused by their time on the jury.

The Capital Jury Project. The Capital Jury Project consisted of systematic interviewing of jurors, aimed to identify themes among their experiences throughout the process of jury duty.¹² Pertinent to this study, the Capital Jury Project found that evidence presented during a trial could have lasting effects on jurors, similar to PTSD:

- 534 people elaborated on a question asking them if they experienced emotional distress and 25% of these people were examined further.¹³
- 327 people explained in more detail on a question asking them if they experienced specific issues after the trial and 28% of these people were examined further.¹⁴
- These interviews resulted in a further analysis of 130 of the replies touching on their experiences of emotional upset and 90 in discussion of the ways they were affected by certain issues they developed.¹⁵

⁴ Thomas L. Hafemeister and W. Larry Ventis, “Juror Stress: Sources and Implications,” *Trial* 30, no. 10 (October 1994): 68.

⁵ *Ibid.*, 70.

⁶ Monica K. Miller and Brian H. Bornstein, “Juror Stress: Causes and Interventions,” *Thurgood Marshall Law Review* 30 (Fall 2004): 241, accessed February 7, 2017, LexisNexis.

⁷ Hannaford-Agor, “A New Option for Addressing Juror Stress?,” (see footnote 1).

⁸ Miller and Bornstein, “Juror Stress: Causes and Interventions” (see footnote 7).

⁹ Hannaford-Agor, “A New Option for Addressing Juror Stress?,” (see footnote 1).

¹⁰ Miller and Bornstein, “Juror Stress: Causes and Interventions” (see footnote 7).

¹¹ Michelle Lonergan, Marie-Ève Leclerc, Mélanie Descamps, Sereena Pigeon, and Alain Brunet, “Prevalence and severity of trauma- and stressor-related symptoms among jurors: A review,” *Journal of Criminal Justice* 47 (December 2016), accessed March 30, 2017, doi:10.1016/j.jcrimjus.2016.07.003.

¹² Of the 1,198 jurors surveyed, 353 individuals’ responses were analyzed from different capital trials throughout 14 states (see footnote 13)

¹³ Michael E. Antonio, 2006, “‘I Didn’t Know It’d Be So Hard’: Jurors’ Emotional Reactions to Serving on a Capital Trial,” *Judicature* 89 (5): 284, <http://libweb.uwlax.edu/login?url=http://search.proquest.com/docview/274665142?accountid=9435>.

¹⁴ Antonio, “‘I Didn’t Know It’d Be So Hard’” (see footnote 13): 284.

¹⁵ Michael E. Antonio, “Stress and the Capital Jury: How male and Female Jurors React to Serving on a Murder Trial,” *The Justice System Journal* 29, no. 3 (2008): 399, December 31, 2013, accessed March 30, 2017, www.ncsc.org/~media/Files/PDF/Publications/Justice%20System%20Journal/Stress%20and%20the%20Capital%20Jury.ashx.

- 41 of the 130 jurors shared that they were distressed specifically by the graphic evidence and testimony presented at the trial.¹⁶
- In addition, 38 jurors discussed the effects the trial had on them in the long-term following the weeks and months after the trial.¹⁷

Among the descriptions of the effects, there were themes in which most of the impacts from the trial could be placed. Jurors experienced the “post jury blues”, referring to the nightmares based on details of the cases and continuous thoughts about the final decision and the general trial.¹⁸ Others found they had issues with spouses, friends, and coworkers, as they were unable to discuss the trial.¹⁹ Some had sleep disturbances involving nightmares, felt physical illness when reminded of the case, and had regret in the decision they made from pressure by other jurors or worry that the correct punishment was not given.²⁰ Last, jurors were fearful that the defendant or the defendant’s family would seek vengeance, in addition to having nervousness over the public’s reaction to their decision.²¹ Although juror stress is not heavily recognized, methods do exist for the court to utilize. The next section will address the options available including post-trial debriefing, judge-led debriefing, pre-trial intervention, videotaped intervention, and counseling.

Post-Trial Debriefing

Literature regarding post-trial debriefing sessions consistently states that debriefings, conducted by mental health professionals, take place immediately with the jurors after the decision has been given. Debriefings allow jurors to understand the process they were a part of, to express their emotions and stress, and to learn the ways to cope with it to continue their daily routines.²²

Issues with Post-Trial Debriefing. The major problem with debriefing is a lack of funding that prevents debriefing services from being offered. Courts must hire mental health professionals from local agencies or train employees locally to administer the sessions, which can be a significant expense.²³ This constraint results in jurors not having access to the debriefing session treatment because the court administration is unable to offer the service or because there is a lack of mental health professionals. Where staff is available, they are often volunteering their time pro bono. Although highly praised for their time, it is likely that the debriefing for the jurors may not be of sufficient quality, as these staff are not as highly trained in the mental health field.²⁴

Second, the type of debriefing that is offered may not be effective for jurors. Typical debriefings are modeled after the Critical Incident Stress Management protocol, which is used for professional first responders and must be modified for everyday citizen participation.²⁵ Such modifications are ineffective because the protocol requires prolonged interaction, consisting of a variety of training sessions. Conversely, juror debriefing sessions are only held once, not allowing for adequate time for the jurors to benefit from the program. Often the debriefings are conducted by personnel unfamiliar with the Critical Incident Stress Management program methods, thereby limiting efficacy.²⁶

Last, most debriefings are available promptly after the trial. It is very likely that this is too short of time for many jurors.²⁷ For those jurors who experience stress in the weeks or months after the trial, they will be unable to benefit from a short-lived program held immediately after the verdict is given. Along with this, many jurors do not want to partake in a debriefing session after the stressful verdict, and some may be more comfortable with individual counseling rather than in a group.²⁸

¹⁶ Ibid., 402.

¹⁷ Antonio, “I Didn’t Know It’d Be So Hard” (see footnote 13): 285.

¹⁸ Ibid.

¹⁹ Ibid., 286.

²⁰ Ibid.

²¹ Ibid., 287.

²² Miller and Bornstein, “Juror Stress: Causes and Interventions” (see footnote 6): 249; Hannaford-Agor, “A New Option for Addressing Juror Stress?” (see footnote 1); Miller and Bornstein, “The Experience of Juror” (see footnote 2): 256; Bornstein et al., “Juror reactions to jury duty” (see footnote 3): 324.

²³ Miller and Bornstein, “Juror Stress: Causes and Interventions” (see footnote 6): 255; Miller and Bornstein, “The Experience of Juror” (see footnote 2): 261.

²⁴ Hannaford-Agor, “A New Option for Addressing Juror Stress?” (see footnote 1).

²⁵ Miller and Bornstein, “Juror Stress: Causes and Interventions” (see footnote 6): 252.

²⁶ Ibid.

²⁷ Ibid., 254.

²⁸ Hannaford-Agor, “A New Option for Addressing Juror Stress?” (see footnote 1).

Overall, although jurors perceived the post-trial debriefing session to be valuable, it was found that debriefing did not have an effect on the stress levels, including those related to PTSD and depression. Juror stress seemingly decreased over time, but the decline was not due to the debriefing session held immediately after the trial.²⁹ This suggests that debriefing may not be an effective solution to the stress that jurors experience.

Judge-Led Debriefing

Judge-led debriefings are similar to those conducted by mental health professionals, however, they relate to the jurors more in that they were exposed to the trial.³⁰ This type of debriefing allows jurors to share their experiences with the judge who was exposed to similar stressors and who is able to discuss the details of the case if needed.³¹ Also, these types of debriefings do not have the stigma that typically attaches to counseling, which could foster greater participation. Unfortunately, judge-led debriefings have showed no signs in reducing stress levels of jurors.³²

Issues with Judge-Led Debriefing. Judges are acting in a similar manner and providing the service in the same ways as the debriefing professionals, so there are similar issues with the techniques used.³³ These sessions are modeled after the Critical Incident Stress Management protocol, which cannot be properly executed by the courts due to the methodology necessary for it to be successful (i.e., prolonged contact). Second, judges are not experts in mental health and may not be able to aid the jurors in an effective manner that an expert in the field could provide. The judges may recognize stress in jurors; however, they are not qualified in identifying the jurors that may need further counseling and those susceptible to stress-related disorders.³⁴ Last, there are ethical problems in judges conducting debriefings, as they may discover wrongdoings of jurors. This places them in a difficult position if they believe a mistrial is in order. Also, judges involved in discussion following a decision could create biases and persuasion of future cases for the plaintiffs and defendants in similarly situated trials, hindering their efficacy.³⁵

Other Sources of Intervention and Issues

Pre-trial intervention is conducted before the trial to educate jurors on the stress that may come about during and after the trial, while giving them methods for coping with the stress to minimize its effects.³⁶ There is not sufficient data, however, on pre-trial intervention effectiveness.³⁷ Another method includes videotaped intervention, which entails showing the jurors a video after the trial to enlighten them on the stress-related symptoms they may be experiencing, as well as to instruct them on methods of coping with future stress.³⁸ Videotaped interventions are problematic because the videos are for general use and would be unable to focus on the details of the trial and the specific needs of the jurors. In addition, the videos may not be recognized as a serious method in dealing with stress by the jurors, resulting in a lack of attention.³⁹

Counseling

One of the least utilized but potentially most effective method to cope with juror stress is counseling. The use of counseling in the court system is a rare occurrence, especially in the state and local courts. Only the state of Alaska has passed legislation that requires free counseling available to jurors who have been exposed to graphic evidence; otherwise, all other states have no obligations. The federal government, however, utilizes counseling for jurors through the Employee Assistance Program.

Alaska Bill. The Alaska House bill 52 allows jurors to receive counseling for their mental health, paid for by the state, after trials involving gruesome evidence. To be eligible for the counseling, the jurors must serve on trials involving murder, manslaughter, criminally negligent homicides, felonious assaults, or sexual offenses. Under this act jurors are able to receive up to 10 hours of free group or individual counseling within 180 days after the trial

²⁹ Bornstein et al., "Juror reactions to jury duty" (see footnote 3): 337.

³⁰ Miller and Bornstein, "The Experience of Juror" (see footnote 2): 256.

³¹ Miller and Bornstein, "Juror Stress: Causes and Interventions" (see footnote 6): 255.

³² Miller and Bornstein, "The Experience of Juror" (see footnote 2): 256.

³³ Miller and Bornstein, "Juror Stress: Causes and Interventions" (see footnote 6): 258.

³⁴ Ibid.

³⁵ Ibid., 259.

³⁶ Ibid., 247.

³⁷ Miller and Bornstein, "The Experience of Juror" (see footnote 2): 256.

³⁸ Ibid.

³⁹ Miller and Bornstein, "Juror Stress: Causes and Interventions" (see footnote 6): 260.

verdict is given.⁴⁰ Alaska is the only state that provides this service to their jurors in the court system at a local and state level.

Employee Assistance Program. A few federal circuit courts use the Employee Assistance Program (EAP) as a means to providing counseling to jurors serving on trials that have caused high levels of stress.⁴¹ The EAP is intended to provide federal employees with limited aid in coping with their personal or work issues that affect their mental health.⁴² The pilot court service allows up to six free counseling sessions, group or individual, to jurors with a mental health professional at the discretion of the judge.⁴³ If more counseling is recommended, the EAP can direct jurors to local agencies. Since EAP is only available to public employees, jurors must be currently serving to be eligible. Judges are able to extend the jurors' service for "administrative purposes" to enable the jurors to access the counseling service.⁴⁴

Considering the multitude of issues associated with the current interventions, counseling would be a more beneficial method. The following section will discuss the proposition for adopting a counseling program in Wisconsin for the jurors who served on violent crime trials.

METHODOLOGY

To determine the feasibility of a counseling program for the jurors in the state of Wisconsin, the potential population of juror utilization must first be identified. Statistical court data from the years of 2014 to 2016, as shown in Table 1 (the red, dotted line indicates the numbers used in a formula explained in succeeding paragraphs), was used to determine baseline averages.⁴⁵ Specifically, the focus was the number of jury trials that could most likely contain gruesome evidence, which include the following: 1) 1st degree intentional homicide, 2) 1st degree reckless homicide, 3) other homicide, 4) sexual assault, 5) 1st degree sexual assault-child, and 6) 2nd degree sexual assault-child. Gathering the number of these types of trials for the state of Wisconsin for the years of 2014, 2015, and 2016, the three-year average was calculated to arrive at approximately 234 jury trials each year. This average may seem low, however, one must take into consideration that the number is only cases that went to a trial by a jury, and does not include those cases disposed of through dismissal, bench trial, and plea bargaining. The total number of cases disposed is shown in Table 1 to portray the low percentage of cases that make it to a jury trial.

Table 1. Wisconsin Criminal Court Data (2014-2016)

	Year	Total Disposed	Jury Trials	Jurors	
Wisconsin	2014	1593	210	14	
	2015	1636	238	14	
	2016	1581	254	14	
	Average	1604	234	14	0.06 ≈ 197

To calculate the number of individuals that may be exposed to the evidence associated with these criminal trials, the study multiplied 234 jury trials by the number of jurors serving on each trial. To ensure that the number of jurors involved in these trials would not be underestimated, the upper limit of 14 jurors for each trial was used. There is a Wisconsin statute that states, "A jury in a criminal case shall consist of 12 persons unless both parties agree on a lesser number as provided in s. 972.02".⁴⁶ Taking this statute that accounts for 12 jurors and adding two jurors on to

⁴⁰ "Juror Counseling Following Graphic Evidence or Testimony", Am. H.B. No. 52, 2009-2010 Alaska Legis. AS 12.45.018.

⁴¹ Deborah R. Gilg, "Juror Stress in High Profile or Violent Crime Trials," *The Nebraska Lawyer*, May 2014, 38, accessed February 7, 2017, <https://herculesandtheumpire.files.wordpress.com/2014/05/juror-stress-gilg.pdf>; Hannaford-Agor, "A New Option for Addressing Juror Stress?" (see footnote 1): 51.

⁴² "Employee Assistance Program," Behavioral Health Services, accessed March 30, 2017, <https://foh.psc.gov/fohservices/bhs/eap.html>.

⁴³ Gilg, "Juror Stress in High Profile or Violent Crime Trials" (see footnote 41).

⁴⁴ Hannaford-Agor, "A New Option for Addressing Juror Stress?" (see footnote 1): 51.

⁴⁵ "Publications, reports and addresses: Circuit court statistics," Wisconsin Court System, accessed April 2, 2017, <https://www.wicourts.gov/publications/statistics/circuit/circuitstats.htm>.

⁴⁶ "Jury Selection", Wis. Stat. § 756.06(2)(a) (1970). <https://docs.legis.wisconsin.gov/statutes/statutes/756/06/2/a>.

this number to signify alternate jurors who would be exposed to the same evidence, results in a total of 14 jurors serving on each of these trials. If the average 234 jury trials is multiplied by 14 jurors serving on each trial, approximately 3,276 jurors will serve each year in the state of Wisconsin.

This, however, is not equivalent to the number of jurors that would likely need a counseling program after the trial. Prior research has shown that approximately 6% of jurors that have experienced graphic evidence from violent crime trials required counseling.⁴⁷ This 6% is the last piece of the formula, shown in Figure 1, to find the amount of people who may potentially use a counseling program in the state of Wisconsin each year after serving on criminal cases containing gruesome evidence. Filling in the proper numbers with the formula (the numbers outlined with the red, dotted line in Table 1 indicate the numbers used in the formula), there are 234 jury trials, 14 jurors on each trial, and the 6% concluded from previous research, resulting in the number of 197. The number of 197 is the likely upper range of jurors that would possibly utilize counseling in Wisconsin in a one-year period after witnessing graphic evidence. To ensure that the amount of jurors that may use a counseling program is not underestimated, the calculations show that 197 is the absolute upper limit. Even if all the eligible jurors utilized counseling, there would not be enough to have a fiscal impact at the state or local level, which is explained further in sections to follow.

(Avg. Jury Trials)*(Avg. # of Jurors on each trial)*(.06) =
 Maximum amount of jurors that would utilize
 a counseling program after witnessing gruesome evidence in a year

*.06 (6%) equals the percentage of jurors that have experienced graphic evidence
 from crime trials that required counseling*

Figure 1. Formula for calculating the amount of jurors that would utilize a counseling program after serving on trial with gruesome evidence

RESULTS

Since the trial courts are administered by the county, to determine the financial impact of a counseling program it is necessary to break out the numbers by county using the same formula, as shown in Figure 1, that was used for Wisconsin as a whole. Based on population size, counties considered small, medium, and large were used. For the study, statistical court data from the years of 2014-2016 for Lincoln County (small), La Crosse County (medium), and Milwaukee County (large) were analyzed, as shown in Table 2, along with their calculated three-year averages.⁴⁸

Table 2. Wisconsin County Criminal Court Data (2014-2016)

<u>Milwaukee County</u>		Year	Total Disposed	Jury Trials	Jurors		
Population: 956,023		2014	387	88	14		
		2015	340	88	14		
		2016	333	102	14		
		Average	354	93	14	0.06	≈79
<u>La Crosse County</u>		Year	Total Disposed	Jury Trials	Jurors		
Population: 116,713		2014	25	2	14		
		2015	22	2	14		
		2016	23	5	14		
		Average	24	3	14	0.06	≈3
<u>Lincoln County</u>		Year	Total Disposed	Jury Trials	Jurors		
Population: 28,684		2014	6	4	14		
		2015	10	1	14		
		2016	9	2	14		
		Average	9	3	14	0.06	≈3

⁴⁷ Antonio, “ “I Didn’t Know It’d Be So Hard” ” (see footnote 13): 287; Antonio, “Stress and the Capital Jury” (see footnote 13): 401.

⁴⁸ “Publications, reports and addresses: Circuit court statistics,” Wisconsin Court System (see footnote 45).

Due to the small numbers, there is little variance between small and medium-sized counties. First, with a population of 28,684, Lincoln was considered a small county. Referring to Table 2, the numbers outlined in the red, dotted line were substituted into the formula (Figure 1), resulting in three people each year in the county of Lincoln who would possibly use a counseling program after serving on a trial with impactful evidence. Second, La Crosse County, with a population of 116,713 people, was considered a medium-sized county. When calculating the number of jurors that would likely utilize counseling after the trial, the conclusion was the same as Lincoln County's, three individuals each year.

Last, the largest county in Wisconsin, Milwaukee County, with a population of 956,023, was analyzed as the large county. Placing the numbers into the formula associated with Milwaukee County, it was found that for a large-sized county there would be 79 people that may possibly utilize a counseling service, if offered.

PROPOSAL / CONCLUSION

This study indicates, even if using the most upper range, there are very few people in each of the Wisconsin counties that would likely utilize a counseling program. This increases the likelihood that the implementation of a counseling program for jurors would not financially burden municipalities. The likely best course of action would be to extend county EAP eligibility to affected jurors. Based upon the La Crosse County EAP, such a program appears feasible to implement throughout the state, as currently used in some federal circuit courts.

As explained by Linda Kloet, the La Crosse County EAP extends counseling for county employees and their family members for up to five visits per issue. The La Crosse County EAP is paid by a flat fee based on the annual full-time equivalent (FTE) employee count for the county. The most recent EAP contract report states that there were 1,150 FTE positions in 2015.⁴⁹ Though the contract is negotiated for 1,150 FTE positions, the county, however, is never at 1,150 onboard employees. When examining the average employee turnover rate for non-profit organizations (15.7%) and the federal government (6.2%), it was shown that there is an approximate 10% rate of attrition in these organizations.⁵⁰ This translates into about a 10% rate of turnover in employment involved in the government positions that have access to the counseling service under the EAP. With as few as three people projected to use a counseling service after serving on a jury trial in La Crosse County, it will not require negotiating contract terms. The existing EAP contract would easily accommodate the minimal number of jurors that would need counseling with no cost to the county, while also remaining a free service for the jurors. Considering jurors as employees of the state for the time needed to access this counseling and adding jurors as beneficiaries to the contract would benefit all parties involved. Not only will the government be taking care of their obligations by ensuring the wellbeing of the people forced to serve on these gruesome trials, but also these individuals will have access to the counseling they need in order to carry on with their lives after this difficult time.

As with the federal EAP, program changes would have to be made to extend eligibility to jurors in Wisconsin. The author recommends legislation to make jurors in Wisconsin public employees for the sole and limited purpose of EAP eligibility. To limit any potential for abuse, such legislation should require judicial certification explaining the juror's exposure to graphic evidence. Since it is our civic duty to serve on juries that occasionally involve gruesome evidence, the government has an obligation to ensure that the participants are not negatively affected in the long-term. If those accused of crimes are given protections, there should be protections in place for those serving on the juries of these criminal trials. The most valuable solution to the jurors would be a mandated counseling program for them to take advantage of if they are eligible.

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⁴⁹ Linda Kloet, "La Crosse County Employee Assistance Program," Interview by author and James Szymalak, Ph.D., April 26, 2017.

⁵⁰ Ann Bares, "2016 Turnover Rates by Industry," Compensation Force, April 21, 2017, accessed May 30, 2017, <http://www.compensationforce.com/2017/04/2016-turnover-rates-by-industry.html>. ; "Fed Figures: Federal Departures," Eenews.net, 2015, accessed May 30, 2017, https://www.eenews.net/assets/2014/08/14/document_pm_01.pdf.

could result in legislation addressing the need for a counseling program for Wisconsin. The project would not have been successful without his efforts.

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