

AP-LS Teaching Techniques

Deliberating the Benefits of Learning Through Focus Groups

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Abstract

This article describes how students in an undergraduate legal psychology class utilized focus group research (i.e., a jury simulation exercise) to assist in planning strategies for trial. In addition to conducting the focus group, students were responsible for providing an analysis of the results, and preparing their team for trial. Ultimately, students reported the focus group exercise helped them develop trial strategies, understand the role of trial consultants, and gain a better understanding of scientific jury selection. Rationale, course objectives, and a description of the activity are outlined, as well as suggestions for including this exercise in an upper-level legal psychology course.

Deliberating the Benefits of Learning through Focus Groups

Focus groups are one of the most widely used tools available to help attorneys understand juror perceptions of critical case issues, are focus groups (Berman, 2004; Bray & Kerr, 1979; Strier, 1999). Focus groups typically consist of 8 to 10 participants that are recruited based on the demographics of the county in which the trial will take place. Attorneys present both sides of the case either in summary format or by presenting some aspect of the trial (e.g., opening arguments, direct and cross examination of a key witness). Participants then deliberate on case issues and reach a verdict. After deliberations, focus group moderators may ask participants specific questions about case issues, trial themes, or verdicts. After running the appropriate mock trial or focus groups, trial consultants write a detailed report for the attorneys. This data is then used to assist attorneys in trial preparation by identifying strengths and weaknesses of the case.

Comparable to critical thinking exercises, focus groups provide attorneys with the opportunity to consider a variety of possible explanations and viewpoints regarding their case. Focus groups help attorneys to develop case themes, prepare witnesses, and estimate mock-jurors' reactions to opening or closing arguments (Strier, 1999). Additionally, focus groups help attorneys learn what questions potential jurors may have about the evidence so they are better prepared to answer these questions at trial (Abbott & Batt, 1999). Properly conducted focus groups allow attorneys insight into the reasoning processes jurors may follow during deliberations. Moreover, focus groups help attorneys deliver complex information and concepts to jurors in a way that is easily understood. The proposed active learning exercise assists students in understanding how focus groups depict an overall sense of the case issues and themes that may resonate through a jury's deliberations.

Using Focus Groups as an Active Learning Exercise

Researchers agree that active learning fosters critical thinking (Andreoli-Mathie et al., 1993; Gokhale, 1995; Leonard, Mitchell,

Meyers, & Love, 2002). For active learning to be successful, teaching must be viewed as a process of developing and enhancing students' ability to learn. The instructor serves as a facilitator for learning, guiding students through the learning process. Developing and organizing meaningful learning exercises stimulates students' thinking through real-world experiences. Such practical approaches are effective because they engage students as active participants in the learning process (Benjamin, 1991; Heath, 2000). Research on active learning has demonstrated that participating in teamwork exercises not only generates student interest, but enhances critical thinking (Rau & Heyl, 1990). Additionally, students working in groups develop higher-level thinking and memory skills compared to students working alone (Johnson & Johnson, 1986; Totten, Sills, Digby, & Russ, 1991).

A recent review of the types of activities included in legal psychology courses reveals a trend toward those that focus on practical experiences. Exercises in jury selection, interviewing techniques, and issues in eyewitness identification require solving problems and making decisions as a team (Bennett, 1999; Berman, 1998, 2004; Miller, 1997; Platania, 2004). These types of exercises help prepare students for a changing workplace environment – one that emphasizes teamwork. Therefore, developing critical thinking skills through the small group experience is an important goal in legal psychology courses (Berman, 1999; Perry, Huss, McAuliff & Galas, 1996). This article describes how students in an undergraduate legal psychology course designed and implemented a focus group activity to assist in planning strategies for trial. The effectiveness of this exercise as it relates to learning outcomes for undergraduate students enrolled in a psychology and law course will be discussed.

Course Objectives

One course objective was to demonstrate, through focus group research, how social science can help attorneys conceptualize the case from the prospective juror's point of view, thus avoiding the use of heuristics when selecting jurors for trial. Prior to the introduction of pre-trial research, attorneys' perceptions of juror reactions to case issues were largely based on intuition. It was assumed that certain salient demographic characteristics could predict a juror's response to case-specific issues (e.g., women would be more likely to sympathize with a rape victim). As a result of this limited and nonscientific strategy, juror *profiles* were developed and used by attorneys when selecting a jury. Social science was viewed as having little to offer in understanding the process of jury selection.

A second course objective was for students to learn what is involved when individuals perform as a team. Although some class time was set aside for teamwork, the majority of the preparation

for the project, as well as the project itself, took place outside of class. At the beginning of the semester, the first author prepared them as *professionals* – emphasizing the similarities between the focus group classroom experience and that of the real-world focus group experience. The practical analogy encouraged a positive attitude among students and allowed them to exercise a sense of control on the task. Students worked collaboratively, rather than individually, with minimal complaints about the project or their teammates.

Description of Focus Group Activity

The focus group activity was part of a course requirement in the first author's legal psychology course. Early in the semester, students are randomly assigned to prosecution or defense teams, and given a transcript of a murder case, developed for a criminal procedure course in law school. Within each team, students assume various roles required to complete the assignment (e.g., trial consultants, attorneys, and witnesses). Students assuming the roles of trial consultants are responsible for developing and carrying out focus group research to help their respective attorneys prepare for trial. Instructions for conducting focus group research in a jury simulation context were supplied by the second author, a part-time trial consultant with ten years experience. In the real world, focus group research provides attorneys with valuable information on how to best prepare for trial. With this in mind, student-consultants for both sides prepared their research to help the attorneys gain insight into the reasoning processes jurors may follow during deliberations. Student-consultants are responsible for recruiting undergraduates to act as mock-jurors, developing questionnaires designed to assess participants' case-specific reactions and presenting the most important aspects of their case. After the prosecution or defense presents their case, student-jurors are read a 200 word summary from pattern criminal jury instructions in the state of Rhode Island and told to deliberate on the issues presented to them. Consultants carefully monitor the deliberation process from behind a one-way mirror. Student-consultants are then responsible for facilitating post-deliberation discussion sessions. At the completion of the exercise, student-jurors are thanked for their time and in most instances awarded extra credit for participation. The entire process takes approximately two hours.

When writing the report, student-consultants drew on theory and research in both legal and social psychology to help their attorneys understand the case-specific issues jurors discussed during deliberations. One group explained how jurors process the information presented at trial in an attempt to develop a story for what happened (Pennington & Hastie, 1993). Another group encouraged attorneys to use themes as a means to search for confirming evidence and to devalue disconfirming evidence. Student-consultants also emphasized how jurors' perceptions of their own life experiences affected how they discussed the case issues (Higgins & Bargh, 1987). In every instance, students provided research to support their observations.

Activity Evaluations

Students are required to write a focus group report. When preparing the focus group report, student-consultants were told to consider the following questions: "What can psychology add to your observations of juror reactions to the case issues?" "Did you

observe any relation between jurors' beliefs and attitudes and verdict?" Final reports consisted of: case overview; description of student-jurors; group deliberation analysis; psychological theories used to describe the process; and, recommendations for proceeding to trial. At the completion of the exercise, student-consultants completed a 13-item evaluation form. The table below displays responses to 5 items measured on a 6-point Likert-type scale from 0 (*Strongly Disagree/Do Not Recommend*) to 6 (*Strongly Agree/Recommend*). Data were obtained from student-consultants participating in this activity in two legal psychology classes ($N=27$; 23 females and 4 males). See Appendix for mean responses to five of the items in the focus group evaluation form. Overall, recommending this activity for future use was significantly related to: understanding scientific jury selection: $r(27) = +.58, p < .01$; educational value: $r(27) = +.66, p < .01$; and, overall effectiveness of the focus group activity: $r(27) = +.53, p < .01$.

Conclusion

Student responses to the evaluation form indicated that the focus group was an effective strategy for active learning and for getting them to work together. Student comments about the exercise included "I feel as though the class learned a lot from the experience and it was an effective learning tool." "It helped us prep witnesses and attorneys for the mock jury." In addition, students said the activity helped clarify ideas through discussion, and helped them decide how best to proceed to trial. "It was fun, informative, a great experience – helped us understand what we were learning." "It pointed out our weaknesses and showed us what to improve upon." Alternatively, team responsibilities and out-of-class time devoted to the project, emerged as the primary responses to the aspect they enjoyed *least* about the project. "A lot of time is needed to conduct the focus group." "It takes time to get everyone together." The focus group exercise was successful in preparing students for the real-world experience of working in teams.

The authors recommend this activity to faculty teaching upper-level courses in legal psychology. This exercise has been used in classes ranging from 12-31 students. Students gain the value of using social science theory and research to explain mock-jurors' attitudes and identify effective trial strategies. Upon completion of the mock trial, students often say they have a better understanding of trial consulting and scientific jury selection.

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Appendix

Mean Responses to Focus Group Evaluation Form – N = 27
(6 = strongly agree / recommend)

Item	Mean
The focus group helped me develop trial strategy.	5.63
The focus group helped me understand jury selection.	5.30
I would recommend this activity be used in future classes.	5.81
The focus group was educationally valuable.	5.70
Overall, the focus group was an effective exercise.	5.63

The Teaching Techniques column, sponsored by the AP-LS Teaching, Training, and Careers Committee, offers useful ideas for those of us who teach (or who plan to teach) courses in Psychology and Law, Forensic Psychology, or more specialized areas of legal psychology. We hope that the Teaching Techniques column of the Newsletter will become the best place to find activities, simulations, and demonstrations that engage students in the learning process and help professors to teach important content in psychology and law.

Editors welcome your comments, ideas, suggestions, or submissions. We are especially interested in articles describing techniques that promote active learning in psychology and law. Please send submissions, questions, or ideas for articles to any of the four editors listed below.

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