

Perspectives on Computational Research

Problem Set: Computational Papers

(Roach Anleu, S., & Mack, K. (2015). Performing Authority: Communicating Judicial Decisions in Lower Criminal Courts. *Journal of Sociology*, 51(4), 1052-1069.)

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Critical Review

Research question

This research finds the effect of interactions in a courtroom on the legal process. The research question the authors pose is if the delivery of legal decision depends on the kind of legal decision. Specifically, the authors question if interaction pattern of delivering decisions (looking at or speaking to defendants) of Australian magistrates differ between sentencing and non-sentencing decisions such as adjournments and if the type of decisions (sentencing or non-sentencing decisions) and the communication order of decisions (result first then reasons, a decision only, or summarizes then decision) under the existence of legal representative

(present or absent).

Data

In this study, the data was utilized from the prior national court observation study of criminal cases in Australian lower courts (Bogoch 1999; Drew and Atkinson 1979; Drew and Heritage 1992; Lynch 1997) and the court record for defendants' demographic data and offense categories.

For the observation data, a total number of 1,287 observations of criminal cases in Australian lower courts was coded following pre-prepared templates by two researchers. The researchers observed 27 different magistrates conducting 30 different court sessions in 20 different locations. The researchers confirmed that the sample of magistrates in their observation matches the gender, age and years as a magistrate distribution with the entire Australian magistrates.

The court record was obtained to identify case information from the observation data. Using the court record, the demographic information such as gender, age, and ethnicity and the court session information such as offense categories and court location were supplemented.

Theory

The current study referenced Weber's *theory of authority* to address conventional perspective toward authority. According to Weber's theory, legal authority entails impersonal, unemotional detachment (Roach Anleu and Mack 2005; Mack and Roach Anleu 2010).

To present another side of the aspect, this study introduced a concept called *interaction order* suggested by Goffman. Goffman proposed that it needs to be acknowledged the dynamics of interaction in the legal process is inevitable as the face-to-face encounter between the magistrates and the defendant is engaged (Goffman 1983: 8, [1967] 1982; Roach Anleu and Mack 2005; Rock 1991).

Descriptive & identification study

The combination of descriptive and identification study was conducted in this research. The research provides basic descriptive statistics of courtroom practice from the observation study in the beginning part of the 'Communicating decisions' section. For the main analysis, the authors identified the relationships between interaction pattern of delivering decisions (looking at or speaking to defendants) of Australian magistrates by the type of decisions (sentencing or non-sentencing decisions) and the

existence of legal representative (present or absent).

Computational methods

The descriptive study reveals general information about the court practice. The descriptions present 26% of the case involved a sentencing decision and 68% of the defendant was present in the court.

The identification study utilized two sets of Chi-Square test as a statistical analysis. In the first analysis, authors examined the type of decisions (sentencing or non-sentencing decisions) and the magistrates' interaction pattern of delivering decisions (looking at or speaking to defendants). The result of the first test showed the type of decisions has a significant effect on the magistrates' interaction pattern of delivering decisions. This means the magistrates look at or speak to the defendant significantly more when delivering sentencing decisions.

The second analysis examined the type of decisions (sentencing or non-sentencing decisions) and the communication order of decisions (result first then reasons, a decision only, or summarizes then decision) under the existence of legal representative (present or absent). The result shows that sentencing decisions are likely to be communicated by the manner of summarization then decision, whereas non-sentencing decisions are likely

to be communicated by the manner of decision only. This communication order was influenced by the existence of legal representative only when making sentencing decisions.

Suggestions

First, the current study can be improved by increasing the number of sample size. As the magistrates entail individual differences in legal processes, collecting a larger number of data sets will eliminate individual differences to better approximate the general result.

Second, this study can enhance the objectivity of the observation data through cross-checking the coding of the observation by increased number of coders. By comparing multiple coding results from different coders, the observation data will obtain better objectivity for the analysis.

Third, the present study can have an even advanced model by considering other critical variables in the future analysis. It's possible that the demographics of magistrates and defendants may influence the outcome of the statistical analysis.