

# Jury Discrimination\*

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### *Abstract*

This paper tests for jury discrimination on the basis of age, gender, and race using a unique data set of all felony trials in Sarasota County, Florida between 2004-2009. Recognizing that the composition of the seated jury for a trial is not random for a number of potential reasons, we propose a test of discrimination based on only the quasi-random day-to-day variation in the composition of the pool of jurors called for jury duty on a given day. We show that this variation is strongly correlated with composition of the seated jury but uncorrelated with observable characteristics of the defendant, charges, and other details of the case. We find no direct evidence of discrimination on the basis of age or gender. Because over 90 percent of the residents of Sarasota County are white, the interesting variation in the data regarding racial discrimination is between trials in which any member of the jury pool is black and those that are all white. In trials in which at least one black potential juror is present in the pool, conviction rates on the first (most serious) offense for white and black defendants are almost identically 76 percent. When no black potential jurors are present in the pool (about half of the trials), black defendants are convicted of the first offense 86 percent of the time while white defendants are convicted only 70 percent of the time. These differences are statistically significant and imply substantial racial discrimination.

## **1. Introduction**

The Sixth Amendment of the U.S. Constitution states that “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; ....” Given the ideal of a trial by an impartial jury, a practical question of first order importance is how close the U.S. criminal justice system comes to achieving this. Of special concern are settings where jury impartiality may be difficult to achieve – for example, when a minority member of a population (defined along any of a number of dimensions) is tried in a setting where few, if any, members of the same minority are likely to serve on the jury. Throughout U.S. history, this concern has arisen repeatedly in the context of the race: because blacks comprise 12 percent of the total U.S. population, they are a small minority in the vast majority of U.S. states, counties, and cities. Vastly unequal outcomes – blacks made up 46 percent of the U.S. prison population in 2000 – along with anecdotal evidence from many cases have led many to question whether the U.S. criminal justice system treats black defendants fairly.

Despite longstanding concerns about jury discrimination, especially in these contexts, there has been little formal statistical analysis. This is due to two obvious difficulties in testing for discrimination. The first is simply that data characterizing the defendant and members of the jury as well as the case and trial outcomes are needed. Unfortunately, the number of jurisdictions that routinely record and allow access to these sorts of data is very limited. As a result, the majority of the studies that have examined jury discrimination have used data from mock trials. These studies have found evidence that the race of jurors matter, although the effect depends on the type of case (Overland, 2009). The drawback of mock trial data, of course, is that it is extraordinarily difficult to replicate a realistic pool of potential jurors, the setting and

circumstances, and especially the stakes of actual trials.

A second important difficulty in testing for jury discrimination is that the composition of the seated jury for a trial is not random for any of a number of potential reasons. In particular, the seated jury represents a selected sample that has made it (i) into a pool of potential jurors present at the court on the day the jury is seated and (ii) through jury selection, including any strikes for cause and peremptory challenges, onto the seated jury. These processes might create a wide range of potential correlation between the composition of the seated jury and the characteristics of a case, including a defendant's potential guilt, which any credible test for jury discrimination must confront.

In light of these serious challenges to developing a credible test for jury discrimination, the aim of this paper is straightforward. Simply put, our goal is to provide the first test for jury discrimination that combines data from actual trials with a strategy for isolating quasi-random variation in the composition of the seated jury.<sup>1</sup> In particular, we combine a unique data set from Sarasota, Florida that contains information on all felony trials for which jury selection began between January 1, 2004 and June 1, 2009 with a test for discrimination designed to exploit the day-to-day variation in the composition of the pool of jurors available for jury selection. The dataset is especially rich in characterizing defendants and the pool of jurors. For each trial, we have information on the age, race, and gender of each member of both the seated jury and the jury pool. We also have information on the race and gender of the defendants, the crimes with which they were charged, and the final jury verdict.

The composition of the jury pool on a given day will be determined by the combination of the random selection of a portion of the eligible local population called for jury duty on that

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<sup>1</sup>A recent study by Abrams et. al (2009) considers the potential role played by judges. They study whether there are disparities across judges in the racial gap in sentencing, taking advantage of the fact that cases are randomly assigned to judges. Mustard (2001) studies race and gender disparities in federal sentencing.

day with whatever process governs whether an individual shows up for jury duty. As long as the characteristics of a particular case, which should be unknown to potential jurors before they arrive at court, are not correlated with the attributes of those that show up for jury duty on a particular day, the variation in the composition of the jury pool on a given day will be quasi-random. We exploit this quasi-random variation in jury composition directly by analyzing how the outcomes of various kinds of trials vary with the composition of the jury pool. We also use the pool composition as instruments for the composition of the seated jury in a number of IV specifications.

We begin our analysis by presenting evidence that the day-to-day variation in the composition of the jury pool is (i) strongly correlated with the composition of the seated jury and (ii) essentially uncorrelated with the characteristics of the defendant, case, and trial. We then examine the impact of variation in jury composition on average trial outcomes. These results imply that the racial and gender compositions of the jury have little impact on average, while the number of older jurors (age 61+) leads to a higher conviction rate.

To test for racial discrimination, we begin by dividing trials into two sets, those in which there is at least one potential black juror in the pool and those in which there are none.<sup>2</sup> Because over 90 percent of the residents of Sarasota County are white, the latter are about half the cases. In trials in which at least one black potential juror is present in the pool, conviction rates on the first (most serious) offense for white and black defendants are 76.8 and 75.4 percent, respectively. When no black potential jurors are present in the pool, black defendants are convicted of the first offense 85.7 percent of the time while white defendants are convicted only 70.0 percent of the time. The latter differences are statistically significant at the 98 percent level

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<sup>2</sup> The average jury pool in our sample consists of 27 people from which an average of 7 are seated as 6 regular members and 0-2 alternates of the jury.

of significance.

The results discussed above can also be viewed as the reduced form of an IV specification in which the racial composition of the jury pool is used to instrument for the racial composition of the seated jury. When the pool composition is used as an instrument for the seated jury composition, the results of our analysis imply that the presence of a single black juror (relative to an all-white jury) reduces the likelihood of conviction for a black defendant (relative to a white defendant) by over 40 percentage points. If one were to assume that the average outcomes of jury trials with both races represented on the jury represent those of a fair trial, our point estimates would imply that all-white juries both convict black defendants and acquit white defendants too often.

The remainder of the paper proceeds as follows. Section 2 provides background information on jury selection in the United States, jury trials in Florida, and relevant literature. Section 3 describes the data while Section 4 outlines the empirical methodology. Section 5 presents the results and Section 6 concludes.

## **2. The Jury Trial**

### *2.1. Overview of the Jury Selection Process*

The jury trial is a prominent part of the U.S. justice system. Hannaford-Agor, Mize, and Waters (2007) estimate that there are 154,000 jury trials per year in the U.S., 66 percent of which are criminal trials. They also estimate that 32 million people are summoned each year for jury service and that 1.5 million jurors are impaneled each year.

Many features of the jury trial are determined at the state level. Despite this, the fundamental process in which a jury is created for a criminal trial is fairly constant across

jurisdictions. For instance, each jurisdiction has a list of individuals that are considered to be potential jurors: 19 states use a combined list of registered voters and licensed drivers (Hannaford-Agor, Mize, and Waters, 2007). Eligibility criteria for jury service are also fairly consistent across states: individuals must be a U.S. citizen, a resident of the geographic jurisdiction served by the court, able to speak/understand English, and not under a legal disability (felony conviction or incompetence) (Rottman and Strickland, 2006).

Individuals from this list of potential jurors are randomly selected to receive a summons for jury service. Upon receipt of such a summons, an individual is typically requested to appear at the courthouse on a given date for jury selection (*voir dire*). To give a brief overview of the process, let us suppose that 100 individuals receive a summons to appear (and that they actually do appear) on a given day. For simplicity, assume that the jury for just one trial is to be chosen. Of the 100 summoned jurors, it could be that 30 jurors are called into the courtroom to be in the *venire*, i.e. the actual pool of jurors from which the jury is chosen. How these 30 are chosen and the order in which they file into the courtroom varies across states. In Texas, for instance, the jury summons has a random number on it that is used for these purposes. The prosecutor and defense attorneys (or the judge, depending on the state) then get to ask the potential jurors a series of questions, which are designed to determine whether the individual is fit to serve as an impartial member of the jury. Some individuals are simply excused from service, perhaps because of a medical condition. Other individuals are removed for cause by the judge because they cannot be impartial or follow the law; for instance, they may have a personal relationship with the defendant or state that they are unwilling to impose a particular punishment, like the death penalty. Both prosecutor and defense attorneys can request a removal for cause, and there is generally no limit to the amount of such requests.

Finally, both the prosecutor and defense attorneys have the option to use peremptory challenges to strike potential jurors from the jury. Such challenges are differentiated from removals for cause in that the attorneys do not have to state the reason for the strike and there are a limited number of peremptory challenges available to both the prosecution and defense. The number of challenges allocated to both sides depends on the state and type of trial (criminal or civil, felony or misdemeanor, capital or non-capital); in some states, the prosecution and defense are allotted different numbers of strikes. Though the attorneys do not have to provide a reason for dismissing a juror, a peremptory challenge cannot be used to strike a juror solely on the basis of his race or gender.<sup>3</sup> Unfortunately, as believed by many researchers and court observers, this does not imply that the use of the peremptory challenge is race-neutral.

Thus, we began with a jury pool of 30 individuals. This slowly diminished in size as potential jurors were excused, removed for cause, and struck via the peremptory challenge. Those who survive voir dire make up the jury, the size of which depends on the jurisdiction and type of trial. Historically, juries were composed of 12 individuals; 12-member juries are still used in many states and especially in serious criminal trials. In part to reduce court costs, however, many states now use smaller juries (6-8 jurors) for civil trials and less serious criminal trials (Hannaford-Agor, 2009; Waters, 2004). If not enough jurors remain in the jury pool to fill all of the seats in the jury, then an additional 30 potential jurors will be called in for voir dire. In addition, one or two alternates are often chosen at this time (through the same set of questioning and dismissing procedures).

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<sup>3</sup> The Supreme Court first confronted the issue of race-based peremptory challenges in 1965 in *Swain v. Alabama*, in which they ruled that the "State's purposeful or deliberate denial to Negroes on account of race of participation as jurors in the administration of justice violates the Equal Protection Clause". However, the burden of proof on the defendant of such bias was very high, as they had to show that there was a systematic striking of black jurors in the whole county, and not just in their own case. *Batson v. Kentucky* (1986) significantly lessened the burden of proof on the defendant, as they now could rely on the record only in their own case.

## *2.2. Florida Jury Trials*

In Florida, circuit courts have jurisdiction over felonies, family law matters, civil cases of over \$15,000, probate/guardianship/mental health, and juvenile dependency and delinquency. County courts have jurisdiction over misdemeanors, small claims (up to \$5,000), civil cases of \$15,000 and less, and traffic offenses. We will be studying felony jury trials, and hence are using data from a circuit court (in particular, Sarasota County Circuit Court).

Chapter 913 of The 2009 Florida Status provides details about the jury trial in Florida. First, capital cases have 12-person jurors, while six jurors constitute a jury in all other criminal cases. As we will be studying non-capital criminal cases, all of our juries have six jurors (and zero, one, or two alternates). Second, the state and the defendant are both allocated equal numbers of peremptory challenges, which depend on the type of offense. If the offense is punishable by death or life imprisonment, then there are ten challenges; if the offense is punishable by imprisonment of more than 12 months, then there are six challenges; for all other offenses, there are three challenges.

## *2.3. Literature Review*

The majority of the literature examining the impact of race on jury decision-making has focused on whether the racial composition of the jury has an effect on trial verdicts. Due to difficulties in obtaining trial level data, previous studies have analyzed this question using both aggregate level data and data from mock juries.

Aggregate level studies look at the overall correlation between an area's racial demographics and the conviction pattern of jurors in that area. For example, Eisenberg and

Wells (2002) look at the relationship between plaintiff success rates and black population percentages in state civil trials and find no significant relationship between the two. There are two main drawbacks to this type of approach. First, the racial composition of an area can often be a poor proxy for the racial composition in both the jury pool and the eventual seated jury. Until recently, several states still had a key-man system in place which allowed discretion in the selection of eligible jurors. Second, it is likely that areas with different racial compositions are different along many other dimensions. This makes it difficult to determine whether the racial composition of the area actually has a causal effect on trial outcomes in that area, or if this is just proxying for other characteristics about the area.

Studies using data from trial simulations recruit study participants to render a verdict to a condensed version of a trial. These “mock trials” have the advantage of being able to identify the race of the mock juror and to control for all of the other characteristics of both the juror and the case to determine the true impact of race on decision making in this setting. Controlling for mock jurors gender, education level, income, age, political ideology, business attitudes, and litigation attitudes, Overland (2009) finds that black jurors were more likely to find for the plaintiff in mock civil trials. The main drawback of these studies is that it is difficult to generalize these results to what happens on real juries. Jurors in these studies make individual decisions that might be quite different than the ones they would actually make in a courtroom setting, when they must work in tandem with other jurors to form a decision that has real life consequences.

Despite the plethora of research examining if white and black jurors behave systematically different, very few studies have attempted to determine if this results in racial discrimination in jury decision making. Lee (2009) finds evidence that states that switched from key-man jury

selection procedures to more random selection procedures saw a resulting drop in the share of new admissions to prison accounted for by non-whites. Although this result is consistent with racial discrimination on the part of juries, there are many other reasons this relationship could be found. States moving from a key-man system to random selection could potentially have more minorities on the jury, but they could also contain white jurors from more diverse backgrounds than before. It is difficult to know to which group the drop should be attributed. Furthermore, this drop in the share of new prisoners that are non-whites could have nothing to do with actual differences in jury decision making and might instead just reflect changes in the behavior of non-white criminals over time.

Alesina and La Ferrara (2009) use a rank order test to test for racial bias in capital sentencing using information on both the race of the defendant and the race of the victim. They find strong evidence of racial bias, although this conclusion requires that the composition of the jury remains the same no matter what the racial combination of the defendant and victim are. This is unlikely to be the case, as one would expect the manner in which prosecutors and defense attorneys use their peremptory challenges to depend on the racial combination of the defendant and the victim.

### **3. Data**

#### *3.1. Description of Sarasota County Jury Data*

The data set used in this project was provided by the office of the Clerk of the Sarasota County Circuit Court. In particular, we obtained data on all felony trials for which jury selection began between January 1, 2004 and June 1, 2009. Note that because of the (oftentimes long) lag between the date at which an offense is filed with the courts and the date at which a verdict is

rendered, our data set contains trials for offenses dating as far back as 1999. For each trial, we have two types of information: (i) defendant and (ii) jury.

The defendant data includes the name, race, and gender of the defendant as well information about the charged offenses, including a detailed crime code, the date that the offense was filed, the date that the judgment was handed down, and the verdict. We restrict our sample to trials in which at least one of the charged offenses resulted in a verdict of guilty, not guilty, or not guilty by reason of insanity.<sup>4</sup> The jury data includes the name, date of birth, gender, and race of each individual in the jury pool as well as whether they were seated and not seated. Unfortunately, we do not know the reason for which they were not seated: excused, challenged for cause, or peremptory challenge. Nor do we know which party (prosecution or defense) dismissed them. Finally, we also know the judge who presided over jury selection and the date that jury selection began.

Since all felony trials in Florida other than capital trials have six-member juries, we exclude the seven capital trials during this time period from our analysis. We also exclude the one trial in which just five jurors appear to have been seated. We are left with a data set of 401 felony jury trials, which have 6-8 jurors seated. That is, there are six jurors and zero, one, or two alternates; however, we cannot distinguish the alternates from the seated members of the jury.

### *3.2. Summary Statistics*

Table 1 presents descriptive statistics for both the defendant and jury variables for all 401 felony trials and broken down by race of the defendant (e.g. black, white, or Hispanic). Approximately 38% of the defendants are black while 55% are white and the remainder is

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<sup>4</sup> Charges for which the verdict was neither guilty nor not guilty had the following possible outcomes: dropped, Noelle prosequi, filed, dismissed due to speedy trial, dismissed with no reason given, consolidated, adjudication withheld by judge and unable to stand trial.

Hispanic. The average number of charges is 2.55 overall. We categorize offenses as murder (non-capital), robbery, other violent offenses, property offenses, drug offenses, sex offenses, weapons offenses, and other offenses. Overall, the most common crime categories are other offenses (33%) and drug offenses (28%). Just 2.7% of defendants are charged with murder and 8% for weapons and robbery. There are some differences in the distribution of crime types across defendant race, however. 44% of black defendants have at least one drug charge compared with 16% of white defendants and 38% of Hispanics. In contrast, 7.2% of black defendants are charged with a sex offense compared to 18.1% of white defendants.

Given that there are multiple charges in each trial, we consider three possible outcome measures or verdicts: whether the defendant was found guilty of the first (most serious) offense, whether the defendant received at least one not guilty verdict, and the percent of the first five offenses for which the defendant was found guilty. Approximately 78% of the sample was found guilty of their most serious offense. This statistic varies somewhat across races: 81% of black defendants, 74% of white defendants, and 91% of Hispanic defendants were convicted of their most serious offense. We use this measure in our baseline specifications and the other measures to assess whether our results are robust across alternative definitions of the dependent variable.

On average, seven individuals are seated on each jury: approximately 85% of our juries have one alternate and 4% have two alternates. These juries are chosen from jury pools with approximately 28 individuals, on average. What does the seated jury look like? In the entire sample, the average proportion of female jurors is 53.6%. The average proportion of seated jurors who are age 40 or younger is 19.9% while the proportion that is between the ages of 40 and 60 is 50.2%. These statistics are fairly constant across defendant race. Finally, the average proportion of black and white jurors is 3.1% and 95.3%, respectively. In fact, the vast majority of

juries do not have any black jurors. In the entire sample, just 19.2% have at least one black juror (18.3% for black defendants, 19.0% for white defendants, and 29.2% for Hispanic defendants). Thus, juries in Sarasota County are predominantly white. This is not surprising given that the US Census Bureau estimates that the population of Sarasota County, Florida in 2008 was 92.8% white and 4.8% black. Relative to the distribution of white and blacks in the population, blacks appear to be somewhat under-represented on the jury and whites appear to be somewhat over-represented. However, the under-representation of blacks on juries, relative to the size of the black population, is not due to the voir dire questioning and strike process. Rather, the jury pools from which the juries are chosen are disproportionately less black than the population; the average jury pool in our sample is 2.8% black.

#### **4. Empirical Methodology**

##### *4.1. Research Design*

The goal of this paper is to estimate the effects of jury composition on trial outcomes in a manner that deals with the fact that the seated jury is not a random sample selected from the jury pool. Rather, as described above, the seated jury represents a selected sample that has made it through a number of processes, including strikes for cause and peremptory challenges. Consequently, the non-random nature of a given jury has the potential to bias inferences about the effect of jury composition on trial outcomes.

For instance, consider the case of a black defendant. Previous legal research indicates that the greater the proportion of black jurists, the less likely it is that the defendant will be convicted (or assigned a harsher punishment). Given this probability, research has shown that prosecutors generally tend to use their peremptory challenges to strike potential black jurors in cases in

which the defendant is black, potentially doing so in a manner that eliminates those black jurors who are most likely to acquit. Thus, the black jurors who are actually seated on the jury are less likely to convict than a random sample of black individuals. In contrast, research has shown that defense attorneys in cases in which the defendant is black are more likely use their challenges to strike white jurors, again potentially in a manner that eliminates those whites that are most likely to convict.

To get an unbiased effect of jury composition on trial outcomes, we propose a rather straightforward methodology. The main idea is to isolate the variation in the composition of the seated jury that comes from the composition of the potential jury pool for a given trial. That is, we will focus on the variation in the composition of the jury that comes from the day to day variation in the composition of the jury pool; for instance, the jury pool may be 10% black on one day and 20% black on another day. Thus, by using only the quasi-random variation in the racial composition of the jury that comes from case-to-case variation in the composition, we can identify the impact of jury composition on trial outcomes in a manner that is not subject to the bias resulting from the peremptory challenge system.

$$(1) \quad Y_{ij} = \beta_0 + \beta_1 J_{ij} + Z_{ij} \gamma + \varepsilon_{ij}$$

The above equation displays the general empirical model that we take to the data.  $Y_{ij}$  captures the verdict for defendant  $i$  in trial  $j$ . Given that each trial can contain multiple charges, we consider a few alternative measures of trial outcomes, including: (i) whether the defendant is found guilty of the most serious offense, (ii) the proportion of the first five charges for which the defendant is found guilty, and (iii) whether the defendant is found guilty on any charges. We use

the first measure in our baseline specifications.  $J_{ij}$  measures the composition of the jury (e.g. the proportion of the jury that is black or the proportion of the jury that is female). Finally, some specifications include a vector of defendant and trial characteristics,  $Z$ , such as types of offenses, total number of offenses, and judge identifiers.

Due to the non-random nature of the composition of the jury, estimating this model with OLS will yield potentially biased estimates of  $\beta_2$ . Thus, we instrument for the composition of the seated jury with the composition of the jury pool from which that jury was chosen. In this way, we eliminate that variation in the composition of the seated jury that derives from the selection process.

#### *4.2. Validity of the Research Design*

First, intuition would suggest that the proposed instrument is relevant. If there are no blacks in the jury pool, for instance, then there can be no blacks on the jury. The more blacks there are in the pool, the greater the potential is to have a higher proportion of blacks on the jury. Likewise for the gender and age distributions of the jury pool and jury. Table 2 presents formal evidence that the composition of the jury pool is a relevant (and strong) instrument for the composition of the seated jury. Columns (1) – (6) present regressions of the gender, race, and age compositions of the seated juries on the comparable gender, race, and age compositions of the jury pools. For instance, column (1) indicates that an increase in the proportion of females in the jury pool by 10 percentage points would increase the proportion of females seated on the jury by 8.3 percentage points. In addition, by itself, the variation in the proportion of females in the pool explains 17% of the variation in the proportion of females seated on the jury. Column (4) presents the first stage results for the proportion of the jury that is black: a 10 percentage point

increase in the proportion of the pool that is black yields a 12 point increase in the proportion of the seated jury that is black. 33% of the variation in the proportion of blacks on the jury is explained by the proportion of blacks in the pool. Columns (7) – (12) replicate these specifications when controlling for defendant characteristics: gender, race, offense category dummies, and number of charges. Including these controls has virtually no impact on the estimated jury pool coefficients.

The validity of our identification strategy rests on the assumption that the composition of the jury pool is uncorrelated with the error term in equation (1). That is, the composition of the jury pool must be uncorrelated with other potential determinants of verdict, such as defendant and case characteristics. A priori, one would not expect there to be a relationship between the composition of the jury pool and the verdict since the individuals who receive a summons are randomly determined. Specific case/juror characteristics are not taken into account when sending out jury summons. In addition, individuals who receive a summons are not aware of what case they are called in for or who the defendant is; thus, one would not expect there to be a relationship between the characteristics of individuals who respond to the summons and the case/defendant characteristics.

As described above, Table 2 provides some preliminary evidence that the composition of the jury pool is a valid instrument. A comparison of columns (1) – (6) and (7) – (12) indicate that there is little impact of controlling for defendant and case characteristics. We attempt to look at this more directly by regressing our instruments on defendant characteristics (race and gender) and case characteristics (offense categories and the total number of charges). These results are presented in Table 3 for seven potential instrumental variables: the percent of the jury pool that is black, white, other, female, young, middle-aged, and old. First, all of the coefficients in the table

are very small, if not equal to zero. Second, the R-squared in each of these regressions is only between 0.01 and 0.03: these 12 defendant and case characteristics explain very little of the variation in the composition of the jury pool. Third, of the 84 coefficients presented in this table, just six are significant and none of the defendant and case characteristics are significantly related to the racial composition of the jury pool (see columns (1) – (3)). While these regressions cannot rule out the possibility that the composition of the jury pool is related to other characteristics of the defendant and case that are unobservable to us, they are suggestive that this should not be a significant concern.

#### *Evidence of Non-Random Jury Composition*

We use a second data set from Lake County, Florida to provide evidence that the composition of the seated jury is not random and that an identification strategy like the one proposed above is necessary. Data was provided to us by the Lake County Clerk of Courts for all felony jury trials from March 1, 2000 to April 2, 2010. During this time, there were approximately 580 such trials.<sup>5</sup> As is the case with the Sarasota County data, we have information on all 17,365 jurors in the jury pools for these trials. For each potential juror, we know their race, gender, date of birth and zip code, though we have yet to make use of the zip code information. A unique feature of the Lake County data, however, is that we also know what happened to each juror: seated on the jury, an alternate on the jury, struck for cause, struck via a defense peremptory challenge, struck via a prosecution peremptory challenge, questioned, and not reached in questioning. There are also about 1,500 individuals for whom the outcome is not recorded.

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<sup>5</sup> Right now, this number is based on unique defendant names and we need to double check whether there are any typos. The few that I did find actually had unique case numbers, so I think this a fairly accurate number.

Table 4 provides summary statistics for the Lake County data. Approximate 5% of the jury pool is black, 2.3% is Hispanic and 1.2% is another race. According to U.S. Census estimates, 87.4% of the Lake County population is white and 9.7% is black. Thus, while the population distribution is not identical to Sarasota County (i.e. there are more minorities in Lake County), both counties have a relatively low share of minorities in the population. Table ??? also indicates that about 27% of the jury pool is young (less than 40) and 47% is middle aged (between 40 and 60), where age is defined as age at the time that the case was filed.<sup>6</sup> Finally, we see that 26% of the potential jurors are seated on the jury or as an alternate, 16.5% are struck by a defense peremptory challenge, 12.1% are struck by a prosecution peremptory challenge, and about 8% are struck for cause.

Table 5 provides evidence that the composition of the jury is not random. Columns (1) through (6) present the results of regressing the various juror outcomes on the potential juror's race, gender, and age. When looking at the seated jury in column (1), we see that a black potential juror is 6.0 percentage points more likely to be selected for a jury or as an alternate than a white potential juror; this is highly significant. Column (2) looks at peremptory challenges by the defense. Though peremptory challenges are meant to be race neutral, we see that a black potential juror is 8.2 percentage points less likely to be struck by a defense peremptory challenge compared to a white juror. We also see that relative to young jurors, middle aged jurors are 1.6 percentage points more likely to be struck and old jurors are 1.6 percentage points more likely to be struck by a defense peremptory challenge. When looking at prosecutorial peremptory challenges in column (3), we do not see a significant relationship with whether a juror is black. But we do see that jurors of other races are 6.0 percentage points more likely to be struck by the prosecutor than a white juror and that middle aged and old jurors are 2.4 and 4.1 percentage

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<sup>6</sup> This is the only date (year) that we have for the case.

points, respectively, less likely to be struck than young jurors. Finally, column (4) considers whether jurors were struck for cause. Blacks and Hispanics as well as females and old jurors are significantly (at least at the 10% level) more likely to be struck. Thus, these results show that the composition of the jury and the use of strikes are not random with respect to juror characteristics.

Columns (5) and (6) provide a robustness test of sorts for these results. The dependent variables in these regressions are whether the juror was questioned in voir dire (but not reached in the striking process) and whether the juror was not questioned at all in voir dire. Here, we would not expect juror characteristics to be significantly related to the outcomes. This is exactly what we find: none of the juror characteristics are significant and the coefficients are all very small.

Finally, columns (7) – (12) replicate these regressions while including defendant name (i.e. case) fixed effects. Thus, though we have very little information about defendant and case characteristics (i.e. we only know the defendant's name), we can still control for these unobservables. The results of these specifications are virtually identical to the ones presented in columns (1) – (6).

## **5. Results**

### *5.1. Main Results*

Table 6 shows how the demographic composition of the seated jury affects the overall trial outcome. In all specifications, we run the models using both OLS and IV. For the IV specifications, all of the seated jury demographic composition variables are treated as endogenous, with the corresponding jury pool demographic composition variables serving as the

instruments. Because the seated jury variables are potentially endogenous, we mainly focus on the IV results.

In specification 1, we regress an indicator of whether the defendant is convicted of their most serious offense on both the proportion of the jury that is black and the proportion of the jury that is in a racial group classified as “other”.<sup>7</sup> The coefficients in the IV specification imply that going from an all white jury to one that is composed of 15% blacks will increase the probability a defendant is convicted by about 5.5% ( $.369 \cdot .15$ ).<sup>8</sup> Going from an all white jury to one composed of 15% others will increase the probability that a defendant is convicted by about 8.9%. Neither effect is statistically significant, implying that the racial composition of the jury does not affect the overall likelihood a defendant will be convicted.<sup>9</sup>

In specification 2, we add in controls for the proportion of seated female jurors, the proportion of seated jurors between the ages of 41 to 60 (termed middle age jurors), and the proportion of jurors older than 60 (termed old age jurors). The IV results indicate that neither the racial nor gender composition of the jury matter, but that older jurors are more likely to convict defendants. Specifically, increasing the percentage of the seated jury that is old by 15% results in the defendant being 6.7% more likely to be convicted.

In specification 3, we add in further controls for the total number of offenses a defendant has, the crime category of their major offense, and judge fixed effects. If our instrument is truly exogenous, the coefficients on the IV specification should not change much between specification 2 and 3, which is indeed what we find.

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<sup>7</sup> For the jury pool, 55% of those we classify as “other” race are Hispanic, 15% are Asian, and 2% are Native American. The remaining 28% were classified as “other” on the jury form.

<sup>8</sup> It is extremely rare that the seated jury includes more than one non-white member. Thus, our coefficient on proportion black and proportion other is only reliably estimated in the range of 0-15% minority (i.e, either 0 minorities or 1 minority), and thus the results should not be extrapolated out further.

<sup>9</sup> It should be noted that the coefficient on proportion other is similar in magnitude in both the IV and OLS specification, but is only significant in the OLS one. Thus the reason the coefficient does not show up as significant in the IV specification might be because the IV estimator is inefficient, and not because the variable is endogenous.

We now turn to our analysis of jury racial composition on trial outcomes for white and black defendants. Table 7 and 8 present the results for regressions that provide our test for racial discrimination. Each specification includes a set of controls for defendant and case characteristics along with three key variables: an indicator for whether the defendant is black, a measure of the racial composition of the jury, and the interaction of these two variables. Our test for racial discrimination is a test for whether the coefficient on this interaction term is different than zero.

We estimate each specification for two dependant variables: (i) whether the defendant is convicted on the first (most serious) offense and the fraction of the first five offenses that the defendant is convicted. In each table, the first two columns represent the reduced form of our IV strategy – i.e., the direct regression of trial outcomes on characteristics of the jury pool. The middle columns represent the naïve OLS estimation of outcomes on characteristics of the seated jury, and the final two columns report our IV specification, which uses the characteristics of the jury pool to instrument for those of the seated jury.

Because of the small fraction of blacks in the Sarasota population, the interesting variation in the sample is between trials with vs. without any black jurors (301 of 371 trials have no black jurors and only 9 have more than one). When looking at the reduced form, a simple way to cut the data is to divide cases into those without and without a potential black juror in the jury pool. In nearly half of the cases (176 cases out of 371) no blacks are included in the jury pool itself. The first two columns of Table 7 effectively report conviction rates for cases with and without a black juror in the pool. With no blacks in the pool, white defendants are convicted 70 percent of the time and black defendants are convicted 86 percent of the time. When at least one black appears in the pool white defendants are convicted 76.8 percent of the time and black

defendants 75.4 percent of the time. Our test for racial discrimination using this reduced form specification is statistically significant at the ten percent level. Similar results obtain for the alternative dependant variable.

Since jury pools are typically much larger than seated juries (27 vs. 7 members), the presence of a single black potential juror leads to a seated black juror only about 30 percent of the time. As a result, the implications of the reduced form estimates in the first two columns for the implied IV estimates are actual very sizeable in magnitude. The final two columns of Table 5 report the results of our main specification, instrumenting for the presence of a black, seated jurist with the presence and fraction of blacks in the jury pool. The results provide strong evidence of discrimination. The presence of a single black juror reduces conviction rates for black defendants from 84 percent to 67 percent and increases conviction rates of white defendants from 68 percent to nearly 100 percent.

The nearly 100 percent conviction rates for white defendants for cases in which there is a single black juror may seem high, this would be consistent with a broader equilibrium model in which, knowing they are likely to face all white juries, prosecutors with an objective function that waits conviction percentage positively, bring only the strongest cases against white defendants. David Simon (1991) writes about the analogous issue in Baltimore, where knowing they would face majority black juries, prosecutors were unwilling to bring any but the strongest cases against black defendants to court.

The explicit comparisons made in the IV specifications reported in Table 7 are between trials with no black jurors to those with one and in rare cases two black jurors. While it is never possible to determine jury composition leads to the closest approximation to a fair trial without making additional assumption, it seems more reasonable to us to think that there would be more

room for partiality in trials without jury representation from each race than those with at least some representation. In this way, if one takes the trials with any black jurors as the baseline representation of a fair trial, the point estimates suggest that all white juries are both acquitting white defendants at much too high a rate (this point estimate is statistically significant) and convicting black defendants too often. A direct test of the latter result is not statistically significant, but the estimate of the coefficient on the interaction term makes clear that black defendants are treated systematically harsher than white defendants by all white juries.

Table 8 presents a set of specifications analogous to those presented in Table 7 but using the fraction of blacks in the jury pool and seated jury as the variables of interest rather than indicators of the presence of any blacks. In all cases, the statistical significance of the point estimates is increased in these alternative specifications and the results are qualitatively similar to those presented in Table 7.

### *5.2. Robustness Checks (to be completed)*

Interactions

Other definitions of the dependent variable: guilty of any offense, % guilty of first five offenses

Robust to excluding potentially high profile cases: e.g. murder

Across broad crime categories: drugs, violent, property and other

Additional Data Sets (another county in Florida and Houston, Texas)

## **6. Conclusion**

This paper is the first rigorous empirical study of the effect of the demographic composition of the jury on trial verdicts that takes into account the endogenous nature of the

seated jury, i.e. the fact that the seated jury represents individuals ‘selected’ by both the prosecution and defense in voir dire. Specifically, we obtained a unique data set of felony trials that contained information on the race, gender and age of all individuals in the jury pool, and not just those on the seated jury. We took advantage of the day to day (random) variation in the composition of the jury pool to identify an exogenous source of variation in the composition of the seated jury – the more blacks there are in the jury pool, the greater the potential there is that a black will be seated on the jury. Thus, we use the composition of the jury pool as an instrument for the composition of the seated jury.

We conduct our analysis in two stages. We first look at all trials, regardless of the race of the defendant. These specifications indicate that neither the racial composition nor the gender composition of the jury has an effect on the overall conviction rate of defendants. But, we do find marginal evidence that having more old jurors leads to a higher conviction rate. The second stage of our analysis tests for discrimination by considering black and white defendants separately. These results reveal strong evidence of racial discrimination in jury trials.

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Table 1. Summary Statistics

	All Cases		Black Defendants		White Defendants		Hispanic Defendants	
	Mean	Sd	mean	sd	mean	sd	Mean	Sd
def_black	0.382	0.486	1	0	0	0	0	0
def_hisp	0.06	0.238	0	0	0	0	1	0
def_white	0.551	0.498	0	0	1	0	0	0
def_male	0.908	0.29	0.941	0.236	0.878	0.328	0.958	0.204
Drugs	0.284	0.452	0.444	0.499	0.163	0.37	0.375	0.495
Murder	0.027	0.164	0.039	0.195	0.018	0.134	0.042	0.204
Other	0.334	0.472	0.275	0.448	0.362	0.482	0.458	0.509
other_violent	0.267	0.443	0.261	0.441	0.258	0.438	0.333	0.482
Property	0.209	0.407	0.19	0.393	0.222	0.416	0.25	0.442
Robbery	0.082	0.275	0.131	0.338	0.059	0.236	0	0
Sex	0.135	0.342	0.072	0.259	0.181	0.386	0.125	0.338
Weapons	0.082	0.275	0.118	0.323	0.068	0.252	0	0
total_charges	2.551	2.18	2.355	2.008	2.686	2.346	2.625	1.689
not_guilty	0.289	0.454	0.281	0.451	0.312	0.464	0.125	0.338
foff_guilty	0.776	0.417	0.808	0.395	0.739	0.44	0.913	0.288
pct_guilty	0.756	0.401	0.775	0.387	0.727	0.418	0.904	0.288
jury_seated	6.928	0.384	6.895	0.366	6.941	0.406	7	0.295
jury_pool	27.613	7.175	26.771	6.41	27.914	7.532	30.417	8.124
pctfem_seat	0.536	0.194	0.548	0.185	0.531	0.197	0.5	0.222
pctfem_pool	0.51	0.095	0.511	0.097	0.505	0.095	0.541	0.082
pctyoung_seated	0.199	0.164	0.199	0.171	0.203	0.158	0.18	0.177
pctyoung_pool	0.224	0.091	0.231	0.096	0.221	0.085	0.217	0.107
pctmiddle_seated	0.502	0.188	0.506	0.19	0.502	0.192	0.477	0.139
pctmiddle_pool	0.495	0.099	0.496	0.101	0.498	0.101	0.466	0.072
pctblack_seated	0.031	0.068	0.03	0.067	0.029	0.061	0.071	0.119
pctblack_pool	0.028	0.032	0.024	0.029	0.03	0.033	0.039	0.044
pctwhite_seated	0.953	0.083	0.955	0.083	0.955	0.077	0.923	0.119
pctwhite_pool	0.952	0.04	0.957	0.039	0.949	0.039	0.943	0.047
pctother_seated	0.015	0.047	0.015	0.045	0.017	0.05	0.006	0.029
pctother_pool	0.02	0.027	0.02	0.028	0.021	0.026	0.018	0.029
Anyblack_seated	0.192	0.394	0.183	0.388	0.190	0.393	0.292	0.464
N	401		153		221		24	

Table 2. First Stage Regression Results

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
	pctfem_ seat	pctyoung_ seated	pctmiddle_ seated	pctblack_s eated	pctwhite seated	pctother seated	pctfem_ seat	pctyoung_ seated	pctmiddle seated	pctblack seated	pctwhite seated	pctother seated
pctfem_pool	0.828** [0.093]						0.806** [0.094]					
pctyoung_pool		0.960** [0.077]						0.959** [0.078]				
pctmiddle_pool			0.949** [0.082]						0.950** [0.084]			
pctblack_pool				1.209** [0.087]						1.219** [0.088]		
pctwhite_pool					1.058** [0.089]						1.061** [0.090]	
pctother_pool						0.734** [0.080]						0.724** [0.081]
Constant	0.114* [0.048]	-0.016 [0.019]	0.032 [0.041]	-0.002 [0.004]	-0.055 [0.085]	0.001 [0.003]	0.106 [0.059]	-0.042 [0.034]	0.03 [0.053]	-0.01 [0.012]	-0.054 [0.087]	0.006 [0.009]
Observations	401	401	401	401	401	401	399	399	399	399	399	399
R-squared	0.17	0.28	0.25	0.33	0.26	0.17	0.21	0.3	0.26	0.35	0.28	0.18

Standard errors in brackets.

\* significant at 5%; \*\* significant at 1%

Columns (1)-(6) include no additional controls.

Columns (7)-(12) control for defendant gender, race, offense category dummies, and total number of charges.

Table 3. Regressions of instruments on defendant and case characteristics

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
	pctblack_ pool	pctwhite_ pool	pctother_ pool	pctfem_ pool	pctyoung_ pool	pctmiddle_ pool	pctold_ pool
<i>Defendant Characteristics</i>							
def_black	-0.006 [0.004]	0.007 [0.005]	-0.001 [0.003]	-0.001 [0.011]	0.022** [0.011]	-0.007 [0.011]	-0.015 [0.011]
def_hisp	0.009 [0.007]	-0.007 [0.009]	-0.002 [0.006]	0.031 [0.021]	0.003 [0.020]	-0.035 [0.022]	0.032 [0.022]
def_male	0 [0.006]	0.001 [0.007]	-0.002 [0.005]	0.007 [0.017]	-0.004 [0.016]	0.005 [0.018]	-0.001 [0.017]
<i>Case Characteristics</i>							
drugs	0.001 [0.005]	0 [0.006]	0 [0.004]	0.016 [0.014]	-0.027* [0.014]	0.007 [0.015]	0.02 [0.015]
murder	0 [0.011]	-0.003 [0.013]	0.003 [0.009]	0.063** [0.031]	-0.015 [0.030]	0.018 [0.033]	-0.003 [0.032]
other	-0.003 [0.004]	0.005 [0.005]	-0.002 [0.003]	0.001 [0.011]	-0.007 [0.011]	-0.002 [0.012]	0.009 [0.012]
other_violent	-0.005 [0.004]	0.001 [0.005]	0.004 [0.004]	-0.01 [0.013]	-0.019 [0.012]	-0.005 [0.013]	0.024* [0.013]
property	0.004 [0.005]	-0.001 [0.006]	-0.003 [0.004]	-0.006 [0.014]	-0.01 [0.014]	-0.001 [0.015]	0.011 [0.015]
robbery	-0.006 [0.006]	0.003 [0.008]	0.004 [0.005]	0.017 [0.018]	-0.035** [0.018]	0.012 [0.019]	0.024 [0.019]
sex	-0.004 [0.006]	0.002 [0.007]	0.002 [0.005]	-0.002 [0.018]	-0.003 [0.017]	-0.027 [0.018]	0.03 [0.018]
weapons	-0.006 [0.006]	0.003 [0.008]	0.004 [0.005]	-0.012 [0.018]	-0.008 [0.018]	-0.006 [0.019]	0.014 [0.019]
total_charges	0 [0.001]	0 [0.001]	0 [0.001]	0.002 [0.002]	0.002 [0.002]	0.003 [0.003]	-0.006** [0.002]
Constant	0.032*** [0.007]	0.947*** [0.008]	0.022*** [0.005]	0.494*** [0.019]	0.235*** [0.019]	0.489*** [0.020]	0.275*** [0.020]
Observations	399	399	399	399	399	399	399
R-squared	0.03	0.01	0.01	0.03	0.03	0.02	0.03

Standard errors in brackets

\* significant at 10%; \*\* significant at 5%; \*\*\* significant at 1%

**Table 4: Summary Statistics - Lake County Florida**

Variable	mean	sd	N
jblack	0.05	0.218	17222
jhispanic	0.023	0.151	17222
jotherrace	0.012	0.111	17222
jwhite	0.914	0.28	17222
jfemale	0.51	0.5	17365
jyoung (<40)	0.274	0.446	17325
jmiddle (40<= age <60)	0.467	0.499	17325
jold (>=60)	0.259	0.438	17325
Seated on the Jury or an Alternate	0.261	0.439	15815
Peremptory Challenge by Defense	0.165	0.372	15815
Peremptory Challenge by Prosecution	0.121	0.326	15815
Struck for Cause	0.08	0.272	15815
Question in Voir Dire but not reached with Challenges	0.346	0.476	15815
Not Reached (I.e. not questioned at all)	0.023	0.15	15815

Note: We have data on 17325 jurors for 580 number of felony (non-capital cases) since March 2000.

On average, 30 individuals in pool for each trial.

A handful are missing race and date of birth information.

About 1500 are missing information about the juror outcome, i.e. seated, struck, etc.

All regressions are based just on the sample for whom the outcome is known.

**Table 5: Regressions of Juror Outcomes on Juror Characteristics - Lake County Florida**

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
	seat_alter	perempt_ defense	perempt_ pros	cause	voirdire	not_ reached	seat_alter	perempt_ defense	perempt_ pros	cause	voirdire	not_ reached
jblack	0.060** [0.016]	-0.082** [0.014]	-0.013 [0.012]	0.021* [0.010]	0.012 [0.018]	0 [0.006]	0.060** [0.017]	-0.086** [0.014]	-0.014 [0.012]	0.021* [0.010]	0.015 [0.017]	0 [0.005]
jhispanic	-0.026 [0.023]	-0.004 [0.020]	0.015 [0.017]	0.026 [0.014]	-0.003 [0.025]	-0.004 [0.008]	-0.035 [0.024]	-0.011 [0.020]	0.002 [0.017]	0.026 [0.014]	0.016 [0.024]	0.002 [0.007]
jotherrace	-0.031 [0.032]	-0.037 [0.027]	0.060* [0.024]	0.023 [0.020]	-0.004 [0.035]	-0.007 [0.011]	-0.03 [0.033]	-0.039 [0.027]	0.067** [0.024]	0.029 [0.020]	-0.033 [0.033]	0.008 [0.009]
jfemale	-0.012 [0.007]	0.006 [0.006]	-0.004 [0.005]	0.009 [0.004]	0.004 [0.008]	-0.004 [0.002]	-0.01 [0.007]	0.007 [0.006]	-0.003 [0.005]	0.009* [0.004]	-0.001 [0.007]	-0.003 [0.002]
jmiddle	0.011 [0.008]	0.016* [0.007]	-0.024** [0.006]	0.005 [0.005]	-0.006 [0.009]	0.001 [0.003]	0.008 [0.009]	0.017* [0.007]	-0.025** [0.006]	0.007 [0.005]	-0.007 [0.009]	0.001 [0.002]
jold	0.002 [0.010]	0.046** [0.008]	-0.041** [0.007]	0.01 [0.006]	-0.018 [0.010]	0.003 [0.003]	0 [0.010]	0.050** [0.008]	-0.044** [0.007]	0.012* [0.006]	-0.026** [0.010]	0.007* [0.003]
Constant	0.259** [0.008]	0.146** [0.006]	0.144** [0.006]	0.070** [0.005]	0.352** [0.008]	0.024** [0.003]	0.331** [0.096]	0.230** [0.080]	0.163* [0.071]	0.224** [0.058]	0.051 [0.097]	0 [0.027]
Observations	15654	15654	15654	15654	15654	15654	15654	15654	15654	15654	15654	15654
Def Name (Case) Fixed Effects	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES
R-squared	0	0	0	0	0	0	0.04	0.05	0.04	0.08	0.16	0.34

Standard errors in brackets

Table 6. OLS and IV Regressions of a Guilty Verdict for the Most Serious Offense on the Demographic Composition of the Seated Jury

Specification	(1)		(2)		(3)	
	OLS	IV	OLS	IV	OLS	IV
prop black	.032 (.337)	.369 (.569)	.089 (.337)	.345 (.583)	.110 (.337)	.580 (.613)
prop other	** .718 (.348)	.594 (1.03)	*** .850 (.337)	.729 (1.03)	*** .791 (.325)	.623 (1.21)
prop female			-.022 (.103)	.249 (.192)	-.017 (.106)	.243 (.273)
prop 40<age≤60			.265 (.156)	.391 (.290)	.219 (.162)	.441 (.308)
prop age>60			.173 (.162)	* .448 (.274)	.131 (.166)	.452 (.283)
constant	*** .764 (.025)	*** .756 (.033)	*** .587 (.130)	.290 (.240)	** .418 (.203)	.040 (.307)
observations	371	371	371	371	368	368
R squared	.006		.015		.11	
other controls?	N	N	N	N	Y	Y

Standard errors in brackets

\* significant at 10%; \*\* significant at 5%; \*\*\* significant at 1%

**Table 7: The Effect of Presence of Blacks in Jury Pool and on Seated Jury on Conviction Rates**

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	<b>Convicted on First Offense</b>	<b>Percentage of Offenses Convicted</b>	<b>Convicted on First Offense</b>	<b>Percentage of Offenses Convicted</b>	<b>Convicted on First Offense</b>	<b>Percentage of Offenses Convicted</b>
<b>Constant</b>	0.700*** (0.044)	0.673*** (0.042)	0.717*** (0.032)	0.707*** (0.031)	0.681*** (0.041)	0.668*** (0.039)
<b>Def_Black</b>	0.157** (0.064)	0.125** (0.062)	0.105** (0.050)	0.079 (0.048)	0.159** (0.061)	0.119** (0.058)
<b>Any Black in Pool</b>	0.068 (0.059)	0.102* (0.056)				
<b>Def_Black* Any Black in Pool</b>	-0.171* (0.091)	-0.152* (0.087)				
<b>Any Black on Seated Jury</b>			0.116 (0.076)	0.132* (0.073)	0.317** (0.159)	0.349** (0.151)
<b>Def_Black* Any Black on Seated Jury</b>			-0.188 (0.116)	-0.186* (0.111)	-0.484** (0.219)	-0.409* (0.209)
<b>Observations</b>	371	371	371	371	371	371
<b>Method</b>	OLS	OLS	OLS	OLS	IV	IV

---

Note: The IV specifications presented in columns (5) and (6) use the composition of the jury pool (and any interactions) to instrument for the composition of the seated jury. \*\*\*, \*\*, and \* indicate significance at the 1 percent, 5 percent, and 10 percent levels, respectively.

**Table 8: The Effect of Racial Composition of Jury Pool and Seated Jury on Conviction Rates**

	Convicted on First Offense	Percentage of Offenses Convicted	Convicted on First Offense	Percentage of Offenses Convicted	Convicted on First Offense	Percentage of Offenses Convicted
<b>Constant</b>	0.682*** (0.039)	0.671*** (0.037)	0.724*** (0.032)	0.713*** (0.031)	0.679*** (0.041)	0.668*** (0.039)
<b>Def_Black</b>	0.157** (0.059)	0.115** (0.057)	0.097* (0.050)	0.071 (0.048)	0.157*** (0.060)	0.117** (0.057)
<b>Pct Black Pool</b>	1.926** (0.904)	2.044** (0.904)				
<b>Def_Black* Pct Black Pool</b>	-3.230** (1.488)	-2.501** (1.488)				
<b>Pct Black Seated Jury</b>			0.522 (0.507)	0.660 (0.485)	2.205** (1.059)	2.341** (1.014)
<b>Def_Black* Pct Black Seated Jury</b>			-0.918 (0.717)	-0.937 (0.687)	-3.103** (1.347)	-2.657** (1.290)
<b>Observations</b>	371	371	371	371	371	371
<b>Method</b>	OLS	OLS	OLS	OLS	IV	IV

Note: The IV specifications presented in columns (5) and (6) use the composition of the jury pool (and any interactions) to instrument for the composition of the seated jury. \*\*\*, \*\*, and \* indicate significance at the 1 percent, 5 percent, and 10 percent levels, respectively.