

Identifying The Sources And Impacts Of Juror Contamination

By **Clint Townson** (October 24, 2025)

The Tallahassee, Florida, jury trial of Donna Adelson this summer was riveting for folks who study juror dynamics. Before the trial began, the case received 92 million media impressions, which raised questions about how such pretrial publicity would allow for an unbiased pool.[1]

After the verdict was rendered, there were accusations of juror misconduct related to the foreperson offering insights into the deliberations on her TikTok account,[2] and another juror appearing on a true-crime podcast.[3]



Clint Townson

Only on the rarest occasions are jurors physically separated from the outside world, and even in those matters, they know they're being sequestered for a reason. There are a multitude of extra-legal factors that can affect jurors' decision-making, and these factors may influence jurors from their first day in the courthouse. Such influences can be collectively referred to as juror contamination, and they come in several forms, ranging from pretrial publicity to juror-to-juror conversations.

Jurors are, after all, human. Many are sociable. Many are curious. All find themselves thrust into an environment relatively unique to their lives. A judge's pretrial admonitions are, ironically, mostly geared to requiring jurors to ignore their social instincts: Do not let your biases or empathy impact you; do not independently research something you do not understand; do not interact with others and tell them what has been going on in your day-to-day lately.

As a result, these sources of contamination are understandably pervasive and come in many forms, and it can be useful to identify them. Trial teams in high-stakes matters thus must understand how to identify and mitigate the occurrence of such contamination.

Types of Contamination

The first factor is one that has been studied extensively for nearly a century: pretrial publicity.[4] Communities big and small have tended to take an interest in the latest sensational local dispute or celebrity who find themselves embroiled in a high-profile trial. Numerous cases, even in just the past two decades, have been deemed the "Trial of the Century."

Such public interest inevitably leads to substantial pretrial publicity.

Research affirms that pretrial publicity exerts small but significant effects on jurors' ultimate verdict decisions in both criminal and civil cases.[5] The potential impact of pretrial publicity is arguably higher than it has ever been, given the pervasiveness of social media.

The American Psychological Association explored this exact issue just as the Adelson trial was getting underway.[6] Even a juror who is responsibly seeking to avoid news articles could be inundated with online opinions and coverage simply by logging onto Facebook. There are myriad channels through which biased information can pass in the modern era.

Simple word of mouth, of course, predates online social media. Particularly in venues where jurors are forced to part with their mobile device upon entry into the courthouse, they are often left without anything else to keep them engaged other than the jurors sitting next to them.

During lengthy delays, e.g., an extended voir dire process, sidebars, lunch breaks extended to accommodate meetings with counsel, etc., jurors may dip their toe into conversing with their neighbor about something they have in common — namely, the jury trial on which they are serving.

This occurrence — jurors discussing the case while waiting for lunch — was the basis for the defense's motion for a retrial in a battery case against Duane Davis, the man charged in Tupac Shakur's murder, in *U.S. v. Davis* in the Clark County, Nevada, District Court.[7]

Even in instances where the conversations between jurors are innocuous, they can lead to the formation of coalitions during deliberations. Familiarity among three or four jurors can often result in a voting bloc forming in favor of one side during deliberations.

The complete opposite can also occur. One juror may find that they dislike another juror on the basis of their personality, habits or even attitudes expressed during open voir dire. This attitude can then contaminate the deliberation and lead to a hung jury.

Occasionally a juror may offer an opinion or describe an experience during voir dire that affects the entire panel.

Commonly, judicial or attorney voir dire is conducted in open court in the presence of the remaining panel of prospective jurors. As a result, a singular juror voicing their perspective to a question can influence the entire group, either favorably or unfavorably.

They may loudly and vociferously recount a horrible experience they had with a doctor in a medical malpractice case or relay strong beliefs about law enforcement in a criminal matter. These types of incidents can affect the verdict, particularly if jurors recall hearing about the experience and make reference to it a part of their deliberations.

Finally, contamination can even result from a juror considering how their service may be received by the outside world. Notably, this could be both a positive and a negative influence.

Regarding the former, in June, after the retrial of Karen Read in a Massachusetts Superior Court for the killing of John O'Keefe, the foreperson of the jury spoke out that he understood they needed to view Read as innocent on day one, and that her guilt had to be proven. When asked a question by the media about who he thought actually killed O'Keefe, he responded "That's not my job." Both of these responses exhibit the notion that some jurors on high-profile case understand their decision will be heavily scrutinized, and they adhere to the law accordingly.

In other instances, the thought of post-trial notoriety can be a negative influence. Most famously, an alternate juror in the 1995 O.J. Simpson murder trial was dismissed after an accusation that he was compiling notes for a book deal, while another juror was dismissed after being accused of making a bet with a friend that Simpson would be acquitted.[8]

Even cases with less media attention but similarly high stakes can occasionally pose a risk when a juror has ulterior motivations for serving. Most big cases are tried in thorny

environments where at least one of the above sources of contamination are in play. So how can attorneys mitigate these risks?

Addressing Contamination

Historically, methods for addressing juror contamination have included judicial admonitions and pretrial instructions. While research generally indicates that such admonitions have limited effect and that the human brain is not wired to ignore information in the manner that judges instruct, these studies do not allege there is no effect.[9]

Indeed, juror misconduct related to discussing the case or plans for post-verdict fame is most commonly detected through jurors who adhere to the rules and report others who are not.

Instructions from the judge should still serve as one of the first lines of defense, and indeed, counsel may seek to enhance them through added repetition, revising the language for laypersons, and attaining an individual oral or written affirmation that the juror will abide by such rules.

Regarding the latter, studies show that honesty oaths specific to moral norms may indeed increase compliance.[10]

Another approach that has traditionally been directed at curbing pretrial publicity is a change in venue motion.

Like admonitions, this approach falls within the existing structure of the court, but it also shows limited utility given judges are generally hesitant to grant such motions. A recent study published in Behavioral Sciences & the Law found that less than a quarter of change in venue motions are granted even in high-profile murder cases.[11]

Moreover, such motions do not address the entirety of contamination issues described here, as even nonlocal jurors could gossip about the big case coming to their town. Still, enhanced and detailed motions that involve community survey data to document the level of contamination may increase judges' receptiveness.

The most direct method for addressing juror contamination is enacted through the jury selection process — often the sole opportunity attorneys have to converse directly with jurors. Expansive jury selection offers an opportunity to identify contamination among prospective jurors, and deselect those who seem predisposed to affect the verdict unfairly.

A supplemental jury questionnaire — which offers time and privacy for jurors to respond — is another tool for gleaning insights about jurors' pretrial awareness of a case without the risk of exposing others to such influences.

Indeed, if a judge asks a group of 30 jurors in open court "Has anyone heard about this case?" and 29 hands shoot up, the one juror who didn't raise their hand will be tempted to wonder "What in the world have I missed on the news lately?"

This could invite jurors to do independent research and seek out information as a different form of contamination.

Frequently, high-profile matters involve lengthy questionnaires that may ask for jurors to reflect on their knowledge of a party, the attorneys, the witnesses and the dispute itself.

Supplemental juror questionnaires may not only encourage the disclosure of a juror's contamination but also instill reflective processes that help curb future contamination.

In other words, asking a juror to think carefully about barriers to their service and maintaining confidentiality in a difficult case may increase compliance among those who are empaneled.

In a corollary element of jury selection, private attorney and judicial voir dire is an effective means for all parties to generate a nuanced understanding of each juror without potentially spoiling another juror.

Much of the contamination that occurs among jurors can happen during voir dire in open court, with jurors responding to questions in the presence of their peers. A private discussion of potential biases and attitudes may free a juror to speak more candidly than they would in open court.

While judges are occasionally reticent to grant this private voir dire time, the issue of juror contamination should take priority over the efficiency of the process.

Additionally, most trial teams now implement some form of social media research into their jury selection practice. Such research may expose jurors who have posted about the case or commented on news related to the parties.

Many judges grant cause challenges on such a basis — some have gone as far as to supply the list of prospective jurors to the trial teams days in advance to allow for more stringent exploration.

Initial social media scans can be conducted before a jury is seated, and in closely watched cases, attorneys may continue observing jurors' social media during trial service to detect subsequent juror contamination.

Lastly, vigilance on the part of the entire trial team can be an overlooked factor in dealing with juror contamination.

Attorneys are in the courthouse and courtroom when the jurors are. Occasionally, an observant attorney may overhear an improper conversation among jurors or note that media has exposed entering or exiting jurors to information not in the case.

Prudent judges will act upon those observations with the proper corroboration; even without it, most judges will seek to make some remedy. Attentiveness is thus a critical skill for each member of the trial team.

While contamination is unlikely to be completely eradicated in jury trials, active steps can be taken to attenuate its impact on verdicts. Early in the life of a case, there should be a frank evaluation of how these issues could influence the outcome, with an action plan articulated to address the issue of contamination.

Clint Townson is the founder of Townson Litigation Consulting LLC.

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[1] <https://www.tallahassee.com/story/news/local/2025/06/13/judge-to-hear-donna-adelson-request-to-move-trial-out-of-tallahassee/84163063007/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epti=z11xx87p119950n11----c11----e001200v11xx87b0051xxd005165&gca-ft=288&gca-ds=sophi>

[2] <https://www.youtube.com/watch?v=5HMP-bmwMEU>

[3] <https://open.spotify.com/show/2gl2rraodJSZV6NwU9G3fP>

[4] Simon, Rita James. "Murder, juries, and the press: Does sensational reporting lead to verdicts of guilty?" *Trans-action* 3, no. 4 (1966): 40-42.

[5] Hoetger, Lori A., Dennis J. Devine, Eve M. Brank, Ryan M. Drew, and Rebecca Rees. "The impact of pretrial publicity on mock juror and jury verdicts: A meta-analysis." *Law and Human Behavior* 46, no. 2 (2022): 121.

[6] Vallano, Johnathan P. and Traub, Jonathan. " Does pretrial publicity overly bias the prospective jury pool?" *Monitor on Psychology* 56, no. 4 (2025).

[7] <https://www.8newsnow.com/investigators/las-vegas-juror-denies-discussing-keffe-d-fight-outside-trial-no-one-was-talking-about-the-case/>

[8] Associated Press. "Profiles: Who are the O.J. Simpson jurors?" *USA Today* (October 18, 1996).

[9] Studebaker, Christina A., and Steven D. Penrod. "Pretrial publicity and its influence on juror decision making." *Psychology and law: An empirical perspective* (2005): 254-275.

[10] Zickfeld, Janis H., Karolina Aleksandra Ścigała, Alexa Weiss, John Michael, and Panagiotis Mitkidis. "Commitment to honesty oaths decreases dishonesty, but commitment to another individual does not affect dishonesty." *Communications Psychology* 1, no. 1 (2023): 27.

[11] Goldschmied, N., Ancona, A., & Yap, A. (2025). Survey of change-of-venue motions in appellate court transcripts of murder trials (2000–2020): Which factors make a difference? *Behavioral Sciences & the Law*, 43(1), 135-148.