

# Juror Mental Health

## Trigger Warning - Sexual Abuse of a Minor

It was not the usual invitation. A criminal trial, Commonwealth of Pennsylvania v. Spartak A. Fedorovich, was scheduled before Judge Robert L. Steinberg in Lehigh County Court of Common Pleas in courtroom 4A. I was asked if I wanted to attend. Why? To deepen the work of the Interbranch Commission's Jury Service Committee, which has been focused on improving juror mental health supports. The allegations were difficult to hear. The Commonwealth argued that a 36-year-old man groomed and sexually assaulted (vaginally, orally, and anally) the 13-year-old daughter of a woman with whom the Defendant shared a small child. The sexual contact purportedly began when the victim was 12 years old.

During the multi-day trial, there was testimony from the still underage victim, her mother, police officers, and an investigator as well as evidence in the form of cellphone records, love letters, condoms, and text messages. What's more? There was a video of a sexual encounter between the Defendant and the victim. The Commonwealth intended to play a 3-minute portion of the video for the jurors.

When I received the invitation, my mind immediately went to the jurors. Jurors are compelled, under the threat of jail, to take time away from their lives. They are given little in the way of compensation (as little as \$9/day and as much as \$25/day). They are required to bear witness to days of evidence and testimony. They do not have the choice to look away or opt out.

The decision to play the video was not without care. The district attorney's office had more video available that could have been played for the jury. Judge Steinberg ordered the closing of the courtroom to all non-essential individuals for the duration of the video. The only individuals in the courtroom when the video was shown were Judge Steinberg, the sheriffs, tipstaff, district attorneys, public defenders, the defendant, the jurors, and me. (I was permitted to stay due to my role as Executive Director of the Interbranch Commission for Gender, Racial, and Ethnic Fairness.) Judge Steinberg gave a jury instruction cautioning the jury against allowing the video to stir their emotions and passions. After all, the verdict must be based on the law and the facts.

And yet, as a person who also bore witness to some (but not all) of the evidence and testimony, it was impossible to not be affected. I suspect that I was not alone. The arresting officer, Matthew J. Faherty, testified that he "could not unsee" what he saw during his investigation. So, why would we expect anything different of the jurors? And more importantly, what, if any, support would be available to these jurors after their service came to an end? Unlike most of the attorneys, officers, and staff in the room, including me, they did not choose this. Quite the opposite, jurors, who are an indispensable feature of our criminal justice system, are compelled by force of law to participate in trials. We owe jurors. We owe them fair compensation. We owe them support to deal with vicarious trauma that we know can and does result from jury service. In a recent survey, 26% of jurors admitted to struggling with persistent negative emotions after completing jury duty, with 50% reporting high levels of anxiety, guilt, shame, anger, and fear that persist for an average of two years post jury service.<sup>1</sup> One recommendation, outlined in *Citizens on Call: Responding to the Needs of 21<sup>st</sup> Century Jurors*, is to mitigate vicarious trauma caused by jury service by providing jurors with written information about potential

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<sup>1</sup> Nat'l Ctr. for St. Cts., *Citizens on Call: Responding to the Needs of 21<sup>st</sup> Century Jurors* 1, 27 (Dec. 2023), [https://cosca.ncsc.org/data/assets/pdf\\_file/0024/97251/COSCA-Citizens-on-Call.pdf](https://cosca.ncsc.org/data/assets/pdf_file/0024/97251/COSCA-Citizens-on-Call.pdf).

juror stress. To that end, Interbranch Commission has developed a post-trial juror service pamphlet that can be easily modified for use in all sixty judicial districts.

On November 14, the Defendant was found guilty of two counts of involuntary deviate sexual intercourse; three counts of statutory sexual assault; one count of unlawful contact with a minor involving sexual offenses; aggravated indecent assault; corruption of minors; endangering the welfare of children; and indecent assault of a person less than 16. He is scheduled to be sentenced on February 12. His jail sentence could range from 10 to 146 years in prison.

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The Pennsylvania Interbranch Commission for Gender, Racial, and Ethnic Fairness

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