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# Will an Online Court System Go Off the Tracks?

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**Abstract.** This article identifies psychological concerns with the development of cybercourts for the adjudication of civil and criminal issues.

The New York Times reports that the Governor of the State of Michigan is seeking to establish a cybercourt for cases involving technology and high-technology businesses. As the Times reports, briefs could be filed online, evidence viewed by streaming video, oral arguments delivered by teleconferencing, conferences held by e-mail. Supporters of cybercourts note the potential values of timeliness and flexibility of scheduling. Opponents note problems with delineating the jurisdiction of cybercourts and certain aspects of accountability. Less noted has been the issue of the psychology of judicial decisionmaking in a cyberenvironment.

For example, methodologies have been developed by Frey (2000) to identify how moral intensity in decision making within a business context may vary on and off the web; by McGraw et al (2000) to compare many psychological phenomena with relevance to legal adjudication on and off the web; by Aranu et al (2001) to assess whether different user interface response formats in a Web-based activity change the latent structure of responses; and by Schenkman & Joensson (2000) to explore web aspects that increase the aesthetic pleasure and preference of perceivers that, in turn, could interact with the many psychological variables affecting judicial sentencing (cf. Fleming et al, 1999; Haire et al, 1999; Lovegrove, 1999). So far, as with computerized psychological testing (cf. Kramer, 1987) and with initial explorations of political decisionmaking (The political psychology, 1997), preliminary but incomplete data suggest that there may not be very significant differences between cyber and non-cyber trials.

However, the experimental data may not appropriately generalize to actual cybertrials, while the empirical data collected is insignificant. In the meantime, hopefully, justice will not be a casualty. (See Aranu, R.C., Thompson, R.L., & Cook, C. (2001). Do different response formats change the latent structure of responses? An empirical investigation using taxometric analysis. *Educational and Psychological Measurement*, 61, 23-44; Belluck, P. (February 22, 2001). Michigan plans a high-tech lure. *The New York Times*, p. A10; Fleming, M.A., Wegener, D.T., & Petty, R.E. (1999). Frey, B.F. (2000). Investigating moral intensity with the Worldwide Web: A look at participant reactions and a comparison of methods. *Behavior Research Methods, Instruments and Computers*, 32, 423-431; Haire, S.B., Lindquist, S.A., & Hartley, R. (1999). Attorney expertise, litigant success, and judicial decisionmaking in the U.S. courts of appeals. *Law and Society Review*, 33, 667-686; Kramer, J.J. (1987). On the question of professional standards for computer-based test interpretation. *American Psychologist*, 42, 889-890; Lovegrove, A. (1999). Theoretical and methodological issues in the psychological study of judicial sentencing. *Psychology, Crime and Law*, 5, 217-250; McGraw, K.O., Tew, M.D., & Williams, J.E. (2000). The integrity of Web-delivered experiments: Can you trust the data? *Psychological Sciences*, 11, 502-506; Schenkman, B.N., & Joensson, F.U. (2000). Aesthetics and preferences of web pages. *Behavior and Information Technology*, 19, 367-377; The political psychology of virtual reality: Scandinavian trail blazing. (1997). *IBPP*, 2(12).) (Keywords: Cyberpsychology, Judicial Decisionmaking, Michigan.)