

Group Decision-Making During the Legislative Session

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The Utah State Legislative Session is a 45-day assembly in which bills are proposed, debated and passed or failed based on the votes of the House of Representatives and Utah State Senate. The Legislature, made up of the House of Representatives and Senate, uses these 45 days to pass bills that they hope will make Utah communities a better place. Several bills are presented at the beginning of the Session but not all the bills make it to voting. Sometimes the bills are 'killed' or dismissed during debate. Bills are only passed to the Governor to be made into law when the bill receives the majority vote from either the House of Representatives or the Senate. For this session to be successful, there must be concise, clear, and informative communication between every individual that is involved. Functional Perspective on Group Decision Making Theory is used during the Legislative Session to make informed and educated decisions, with communication processes that can be promotive, disruptive, and counteractive.

I. Positionality

To meet all the requirements for my Bachelor of Integrated Studies Degree, I was required to complete 140 hours of community service by working with an entity that tied in my three areas of my focus. I was tasked to find an organization that would allow me to incorporate English, Communications, and Legal Studies. This was very difficult. English and Communication easily integrated into any organization but adding Legal Studies to the equation made it more challenging. In order to incorporate Legal Studies, I called, emailed and visited law enforcement agencies, legal departments in specific cities, and law firms, but I was striking out. Nothing seemed to be available.

I was losing all hope in finding an organization I could work with. Then, when hope seemed to be lost, I stumbled across the available internship with the Attorney General's

Office. I did an internet search on legal internships and the first one that appeared was an opportunity to intern for the Attorney General's Office. When I saw this, I was intrigued. I clicked the link so I could further research what the internship consisted of. As I was researching the position, I discovered that the internship would be working during the 2017 Legislative Session helping the Attorney General's Office track, research, and report on bills that are important to their office. After reading the synopsis of the internship, I made up my mind that this is exactly what I was looking for and I needed to do everything in my power to earn the internship.

At first, I did not think I would meet all the requirements to be considered for the internship. The list for all the materials that needed to be submitted to the Attorney General's Office was extensive. The list consisted of filling out a four-page application, submitting a letter of recommendation, turning in a cover letter, a writing sample, and my Weber State University transcripts with my overall GPA. Under normal circumstances this would not be a problem but this was not a normal circumstance. What made this situation abnormal was the fact that the day I found the internship was the same day as the application deadline. Fortunately, I found the internship very early in the morning and it gave me all day to complete the task. To my surprise, I was able to turn in every item that was asked for.

Within a few days of submitting my application, I received an email asking if I would be interested in interviewing with the Attorney General's Office. I was ecstatic to accept the interview. I showed up for my interview at 9:00am on a Thursday morning in business dress. As I sat waiting to be called back for my interview, I thought to myself, "I could sit here and look at social media on my phone or I could carry on a casual conversation with the secretary."

Stepping out of my comfort zone, I began chatting with Mrs. Pat who was the front office secretary. We had a great ten-minute conversation. I knew from that conversation, I had made an impact on someone in the office. It also slightly eased my anticipation for the interview.

My interview had a 3-person panel which included: Katherine Rhodes-Executive Assistant, Communications, Internship Coordinator, Missy Larsen-Chief of Staff, and Wade Farraway-Assistant Attorney General Government Affairs. As I walked into the room, I was nervous and intimidated. As the interview continued, my nervousness subsided and I began to feel like I was meant to be there. I was able to answer every question without hesitation. When I left the interview, I felt very confident that I would be one of the candidates chosen to work with the Attorney General's Office during the 2017 Legislative Session. Two days after my interview, I received a confirmation email congratulating me on being chosen as one of the six interns out of several applicants.

We had orientation on January 12, 2017 to explain what our job duties would be and what to expect during the session. During the orientation, I learned that it would be my responsibility to track and take notes on bills that were of importance to the Attorney General's Office. We were also instructed to look out for the Attorney General's Office by making sure no one was misrepresenting the office during the committee meetings and during floor time debate. This felt like a lot of pressure and I was nervous that I would let down the Attorney General's Office. Regardless of how I was feeling, I was very excited and had a sense of anticipation waiting for the Legislation Session to get started.

The first day of the 2017 Legislative Session, January 23, 2017, was the beginning of a great adventure. I arrived at the office at 7:00am where I met the rest of the interns and Wade,

the Assistant Attorney General who oversees the interns. At this time, we were given detailed assignments and expectations. Wade and our lead intern, Shykell, gave us a list of bills that were of special interest to the Attorney General's Office along with committee assignments and floor time debate assignments. Each committee had an agenda with several bills to be discussed. Each day, Wade went through that list and starred the bills he wanted us to pay special attention to. These starred bills were bills that were not yet on the list of bills that were of special interest to the Attorney General's Office. At the end of each committee, it was my responsibility to turn in a report that relayed the notes I had taken on each of the bills that were starred. My notes and reports were to consist of an overview of the bill explaining what its main purpose was, who sponsored the bill, which representatives and senators supported the bill and which ones opposed the bill, and what the final vote count was. The purpose of the overview was to help the Attorney General's Office decide if it was a bill they were interested in or not. If it became a bill of interest, then it was the responsibility of the interns to keep track of that bill throughout the session.

Floor time debate was assigned the same way. Half of the interns would be assigned the Senate floor debate and the other half would be assigned to the House floor debate. Whichever floor time debate I was assigned to, it was my responsibility to text Wade and Shykell to let them know when a priority bill was next to be debated on the floor. Of the bills, we were tracking they were color coded to emphasize the level of priority. Once a bill came up that was of interest to the Attorney General's Office, I took notes on the bill. At the end of floor time debate, I turned in a report on the notes I had taken explaining what happened with each bill. I repeated this process every day for forty-five days.

This process may seem daunting and redundant but I absolutely enjoyed it. I looked forward to it every single day. This internship helped me realize what I wanted to do for a career. During the session, I was in a majority of the committees where programs were discussed and passed to help Juvenile Delinquents. I realized these committees greatly piqued my interest. I decided that I want to be someone who helps incorporate these programs to help troubled youth. I want to be someone who helps troubled youth realize that there are still individuals who have faith in them and are willing to help them gain their place back in society. I understand that in this role I would not be able to help every juvenile delinquent but if I could change the lives for a few, every minute of my time would be worth it.

II. Attorney General's Office Interface

The "National Association of Attorneys General" webpage gives a great example why each state has an Attorney General. The webpage states, "As the chief legal officer of the states, commonwealths and territories of the United States, the attorneys general serve as counselors to their legislatures and state agencies and also as the "People's Lawyer" for all citizens. Originating in the mid-13th century in the office of England's "King's Attorney," the office had become, by the American Revolution, one of advisor to the Crown and to government agencies.

While varying from one jurisdiction to the next due to statutory and constitutional mandates, typical powers of the attorneys general include the authority to issue formal opinions to state agencies; act as public advocates in areas such as child support enforcement, consumer protections, antitrust and utility regulation; propose legislation; enforce federal and state environmental laws; represent the state and state agencies before the state and federal

courts; handle criminal appeals and serious statewide criminal prosecutions; institute civil suits on behalf of the state; represent the public's interests in charitable trust and solicitations; and operate victim compensation programs” (National Association of Attorneys General, Lines 1-12).

Our current Utah State Attorney General, Sean Reyes, and all future Attorney Generals are appointed to represent the people. To allow the Attorney General to carry such a heavy responsibility, there are several individuals that work inside the office. Each of these individuals make up the Executive Team. In the Executive Team, there are five different positions which include: Chief of Staff, Solicitor General, Chief Federal Deputy & General Counsel, Chief Civil Deputy, and Director of Communications. The Chief of Staff “manages the office’s policy, resource, and staffing functions, and is General Reyes’ First Assistant” (Executive Team, 63-64). The Solicitor General oversees the Appellate Department. The Chief Federal Deputy & General Counsel “provides legal research and advice to the Attorney General, his staff and other divisions of the office regarding a wide variety of constitutional and statutory issues. As Chief Federal Deputy, he litigates or manages Utah’s legal matters in federal court in concert with the Solicitor General and the Constitutional Defense Section. He and the Solicitor General manage and coordinate amicus briefs and Attorney General Office writes or joins in concert with other states or parties. And he drafts and coordinates the Attorney General Office’s white papers in policy matters” (Executive Team, Lines 40-46). The Chief Civil Deputy “oversees all civil litigation in the Environment & Health, Highways & Utilities, Litigation, Natural Resources, State Agency Counsel, and Tax, Financial Services & Antitrust divisions” (Executive Team, Lines 1-4). The final member of the Executive Team is the Director of Communications. This individual

oversees all communication related to informing the public about what goes on inside the Attorney General's Office. He keeps the public informed with current work of the Attorney General's Office. Each of these members allow the Attorney General to focus on the bigger issues that the state is faced with at the current time.

The Attorney General's Office has a Mission Statement that reads, "The Utah Attorney General's mission is to uphold the constitutions of the United States and of Utah, enforce the law, and protect the interests of Utah, its people, environment and resources" (Mission, Lines 1-3). By studying the Mission Statement, we can better understand why the Attorney General is a part of the Legislative Session. This is evident by reading, "enforce the law, and protect the interests of Utah, its people, environment and resources" (Mission, Lines 2-3). During the Legislative Session, State Representatives and Senators sponsor bills that are supposed to be in the best interest of the people and the State. To ensure that the Attorney General can perform his duties, he must stay current with the law by being aware of bills that could pass the Legislative Session.

The Attorney General is able to stay up to date on current legislature during the Legislative Session because he assigns an individual to be directly involved with the Session. This individual is the Assistant Attorney General. The Assistant Attorney General is over all the interns and guides them in the direction they need to go. It is the Assistant Attorney General's responsibility to speak with Senators and Representatives about bills that are of importance to the Attorney General's Office. He does this by meeting with each of them face-to-face to explain the position of the Attorney General's office with their bills. According to Christopher Z. Mooney, "the legislative process is often seen as an "insiders game", with legislators

exchanging information only among themselves and those close to the process.” (Mooney, 445, Lines 15-17). This also allows for the Attorney General’s Office to obtain a more in depth understanding of the purpose of the bills and to make decisions on which bills the office will support. At the end of each day, it is the Assistant Attorney General’s duty to return and report on the progress of the bills that are important. He shares this information with everyone in the Attorney General’s Office. Afterward, the Assistant Attorney General receives direction on how he should proceed.

The Attorney General’s Office also proposes bills to be presented during the Legislative Session. These bills mainly help the Attorney General do his job in protecting the citizens and the State of Utah. To make sure these bills pass, the Assistant Attorney General meets with a majority of the Representatives and Senators to explain the purpose of the bill and expresses the need for it to pass and become a law. To help all this flow smoothly, each intern works with the Assistant Attorney General by communicating with him throughout the day via text message, email, phone call and/or face-to-face interaction. This keeps everyone on task and informed of current progress of all the bills. This flow of communication allows for the Assistant Attorney General to report back with accurate information.

III. The Legislative Process

The website le.utah.gov gives a very brief explanation of how the Legislative Process works. Below are the steps a bill takes to becoming a law:

1. “An idea is Developed. A legislator draws from numerous sources in deciding what should be introduced in the Legislature as a bill. Major sources of ideas come from

constituents, government agencies, special interest groups, lobbyists, the Governor, and the legislator.

2. "The Bill is Drafted. The idea is submitted to the Office of Legislative Research and General Counsel, a nonpartisan legislative staff office, in the form of a bill request. The assigned bill drafting attorney reviews existing law, researches the issues, and prepares the bill in proper technical form. The bill is given a number. A fiscal review is conducted and "Fiscal Note" is attached. The bill is also reviewed for statutory or constitutional concerns.
3. "The Bill is Introduced. The bill is introduced into the Legislature and referred to the Rules Committee.
4. "The Bill Receives Standing Committee Review and Public Input. The Rules Committee recommends to the presiding officer the standing committee to which the bill should be referred. The standing committee, in an open meeting, reviews the bill and receives public testimony. The committee may amend, hold, table, substitute, or make a favorable recommendation on the bill.
5. "The Bill Is Returned to the Floor. Following the committee hearing the bill is returned to the full house with committee report. The committee reports the bill out favorably, favorably with amendments, substituted, or that the bill has been tabled.
6. "The Bill is Debated in Open Session. The bill is debated in open session. During the floor debate, the bill can be amended or submitted. It can be held (circled). In order for a bill to pass the House of Representatives, it must receive at least 38 votes. The bill must receive at least 15 votes in the Senate in order to pass.

7. "The Bill Passes Both Houses in the Legislative. After the bill has gone through both houses, it is signed by both presiding officers (the Senate President and the Speaker of the House).
8. "The Bill is Prepared for the Governor's Action. The Office of the Legislative Research and General Counsel prepares the bill in final form. This called the "enrolled" bill.
9. "The Bill Receives the Governor's Action. The enrolled bill is sent to the Governor for his action. He can either sign the bill, veto it, or allow it to become law without his signature.
10. "The Bill Become Effective. A bill enacted by the Legislature is effective 60 days following adjournment, unless another date is specified in the bill. It then becomes law" (How Ideas Become Bills, Then Law, Lines 1-20).

This outline was followed throughout the Legislative Session. The very first day of the session, during Senate and House floor time, the Speaker and the President read several bills for the first time. After reading them aloud for the first time, they are then sent to their appropriate committees to be discussed and debated before coming onto the floor for debate. This process was continued every day until every bill was read for the first time. Except for the first day, each day started with standing committees discussing and debating bills that were read for the first time the day before. After the committee meetings, floor time debate was in progress for Representatives and Senators to discuss the bills to see which bills would be passed or failed. This process proceeded for 45-days. Understanding this process was important for the interns and the Assistant Attorney General. We were required to know exactly how to track bills and where they were going to end up after floor time. Having this

process engraved in our minds allowed us to stay on top of our goal to track, take notes, and report on what happened to a bill during the Session.

IV. Communication Theory Illustrated during the Legislative Session

Communication is key to successful decision making. During the Legislative Session, it is obvious that proper communication needed to take place. The ideas presented were bills that our governing body felt needed to become laws. To make this possible, the sponsors of each bill were required to present the bills in such a way that would be convincing not only to the committees, other representatives, and senators but also to the public. Every day of the session, I attended two to three committee meetings including Senate and House floor time debate where each bill was debated and discussed. While being present at each of these meetings, I could see the importance of communication.

I was also able to relate some of the sponsors' communication to the "Functional Perspective on Group Decision Making Theory." In the Eight Edition of *A First Look at Communication Theory*, Griffin defines functional perspective as, "A perspective approach that describes and predicts task-group performance when four communication functions are fulfilled" (Griffin, 233). The four communication functions Griffin is referring to include:

1. Problem Analysis-"Determining the nature, extent, and cause(s) of the problem facing the group" (Griffin, 235).
2. Goal Setting-"Establishing Criteria by which to judge proposed solutions" (Griffin, 235).
3. Identification of alternatives-"Generation of options to sufficiently solve the problem" (Griffin, 236).

4. Evaluation of Positive and Negative Characteristics-“Testing the relative merits of each option against the criteria; weighing the benefits and costs” (Griffin, 237).

These four functions are essential as a group navigates the decision-making process. Utilizing these functions allows a group to come to a decision that is more informative and educational. This process allows the group to dissect the problem and analyze it from every angle bringing them to a concrete solution for rectifying the problem. One of the key concepts that is crucial to arriving to a more definite solution is examining the negative consequences of alternative solutions. Griffin states, “that of the four functions, evaluation of negative consequences of alternative solutions is by far the most crucial to ensure a quality decision” (Griffin, 239).

In the Scholarly Article titled, “To Err is Human, To Correct For it Divine: A Meta-Analysis of Research Testing the Functional Theory of Group Decision-Making Effectiveness,” Orlitzky and Hirokawa study the functional theory of group decision-making. In their article, they explain that for this process to be successful a group does not have to follow the four functions in order from analyzing the problem to evaluating the positive and negative characteristics. However, each function contributes to a higher quality decision. At the end of their study, they made an astonishing discovery: that the function of evaluating negative alternatives for a group decision is a critical part of this theory. They explain, “The results suggest that evaluation of negative consequences of alternative solutions, problem analysis, and establishment of solution criteria (in this order) are the strongest predictors of group decision-making effectiveness” (Orlitzky and Hirokawa, 313, Lines 3-5). We must pay just as much attention to the negative effect of our decisions as we do to the positive effect. We cannot afford to be biased towards the positive end of the spectrum or negate alternative solutions.

With the advancement of technology and use of social media platforms another avenue of communication is opened. A way for representatives and senators to weigh the pros and cons of a bill is by tweeting about specific bills and reading comments and mentions regarding their bills. In an article titled, "Relationships Among Twitter Conversation Networks, Language Use, and Congressional Voting," there was a study done to show relationships among Twitter action and voting records. One of the findings in the study was that tweeting and receiving mentions on Twitter influence congressional voting partially due to the availability of raw information. "We emphasize that Twitter allows public officials to avoid the filters of traditional media and communicate directly to their followers. This can exacerbate the negative effects of the incomplete information held by voters, which already occurs via traditional media outlets" (Hemphill, Otterbacher, & Shapiro, 3, Lines 10-12). Effective verbal communication is already a challenging task between legislatures and their constituents that having social media platforms can help but it can also hinder if the information shared is not accurate.

During the time of the Legislative Session, I followed a few Senators and Representatives on Twitter. I received notifications when they would post on Twitter and I would check to see what they were tweeting. Majority of their comments were posted during floor time debate and during committee meetings. They would tweet about a bill that was being discussed or tweeted to inform their constituents that they were about to present their bill. I noticed the Senators and Representatives who posted more frequently on Twitter seemed to have more public discussion on bills they tweeted about. There were times when several public citizens were present at the committees to speak on a bill and the time would run out not leaving time to discuss the bill that many the public was there to speak on. Those

committee members who frequented Twitter would tweet to inform the public that the bills they were not able to discuss in days' past would be on the next agenda, allowing the public time to come and share their comments. Twitter and other social media platforms were used as a tool to keep the public informed and involved with the day-to-day activities during the Legislative Session.

As verbal communication continues during the group decision making process, there can be three different types of verbal communication. They are as follows:

1. Promotive-“interaction that moves the group along the goal path by calling attention to one of the four requisite-making functions” (Griffin, 240).
2. Disruptive-“interaction that diverts, retards, or frustrates group members’ ability to achieve the four task functions” (Griffin, 241).
3. Counteractive-“interaction that members use to get the group back on track” (Griffin, 241).

What I have discovered is that during any debate, especially during the Legislative Session, each of these different types of communications are present. Promotive discussion is important because it allows the group to move forward during the decision-making process.

Unfortunately, disruptive communication is the most common among the three. Griffin reiterates, “most comments from group members disrupt rather than promote progress toward the goal” (Griffin, 241). Counteractive communication is crucial during any debate and or discussion to keep the group on track to making a quality decision, essentially, this moves disruptive communication to promotive.

I frequently noticed the above functions during the committees I attended throughout the Legislative Session. I observed that the goals for each of these committees was to make sure good legislation were passed along to floor debate. More specifically I witnessed these four functions integrated in the Session when House Bill 123 titled, “Juvenile Offenses Amendments” was debated in the Law Enforcement Committee. This bill was a very hot topic up on the hill. The sponsor of the bill began his presentation by analyzing the problem in our statute when it comes to charging minors when they have sexual contact with other minors. The statute used to charge these minors with was created to charge adults when they sexually assault minors. The sponsor felt that we should not be charging minors with a statute that was meant for adults. He felt we should not be ruining the lives of the minors by giving them the title of “sex offender”. A title they would be branded with for the rest of their lives. The sponsor explained the problem even deeper when he displayed that most of these minors that are being charged did not offend their sexual partner. In most cases, the action that took place was agreed to by both partners but because of our statute, a minor cannot legally consent to sex until they are 16 years of age.

The next part of the sponsor’s presentation was to explain and define his bill as an alternative to the current statute that is an issue. The sponsor continued to expound by introducing his bill. House Bill 123 “Juvenile Offenses Amendments” was designed to lower the age of consent to 12-years old covering minors ranging from age of 12 to 17. The sponsor felt by doing this, it would solve the problem we have with our current statute.

After the sponsor’s presentation, the Chair opened up the committee for discussion of the bill. As soon as the Chair made this motion, it was obvious that the committee had

problems with lowering the age of consent to 12-years old. After a lofty discussion, they all agreed that our current statute was a problem but hoped for a better way to fix it. At this point during the discussion, the committee members along with the bill sponsor debated and discussed the positive and negative characteristics that followed with this decision: The age of 12 was too young to allow these minors to agree to an act that could change their lives forever.

After an hour and a half of debate, they came to a compromise for this new legislation and it passed committee. Now, the bill states that a minor has to be 14-years old to consent to sex and it is a Class B Misdemeanor for minors that are 12 and 13 years of age to be involved sexually. By each member of this discussion debating the positive and negative characteristics of House Bill 123, they were able to find a more plausible solution to the current problem.

In addition to the four functions, I observed the three different types of communication listed above in the committees I attended. They were promotive, disruptive, and counteractive communications. Disruptive was the most common form of communication present during the Session. When the legislation was created, a phrase was also created to redirect or counteract this form of communication. They titled the phrase, "Point of Order." There were several times I heard this phrase used during the Session. "Point of Order" was said when a Representative or Senator made comments that were not germane to the bill that was being discussed. When this phrase was called out by any member of the committee, the Chair, Speaker or President would have to remind the individual who is speaking to keep his comments germane to the bill or he would be asked to sit down and stop talking. This phrase was the counteractive tool to get the group back on track with the bill. It was the Chair's, President's, and/or Speaker's

responsibility to counteractively interact with the group to keep the committee on track with reaching their goal of thoroughly discussing, debating and passing as many bills as possible.

Another bill that was discussed dealt with a pill that helps with abortion. The purpose of the bill was to hold doctors accountable to inform their patients of all the risk factors of taking this specific pill. With the word "abortion" in the bill, there was a heated discussion against the bill. There were several Representatives who felt the bill was trying to stop abortion. Their arguments were to explain that we should not be passing a bill that keeps women from deciding to abort their fetus. There were other Representatives who pointed out that the bill was not stopping women from making their own decisions when it came to abortion but rather requiring doctors to provide more detailed information in regard to all of the options for an unwanted pregnancy. After a long discussion back and forth, they had a better understanding of why the bill was created and why it may be necessary to pass the bill. The discussion on this bill was mostly promotive. Although disagreements took place they were pertinent to the discussion. Rather than digressing from the bill at hand the committee was able to openly share opinions without being disruptive. From what I witnessed those debates were the most effective because although disagreements took place they were able to discuss the positive and negative effects of passing the bill.

V. Conclusion

Functional Perspective on Group Decision Making Theory is used during the Legislative Process to make informed and educated decisions, with communication processes that can be promotive, disruptive, and counteractive. These decisions need to be of high quality as they guide and govern the citizens of the State of Utah. Having the opportunity to work for the

Attorney General's Office as an intern during the 2017 Legislative Session was the most rewarding internship I could have asked for. I learned more during the 45-day Legislative Session working as an intern than I could have learned sitting in a classroom. This internship allowed me to be placed in the epicenter of how laws become laws. Working for the Attorney General's Office as an intern allowed me to incorporate my three areas of focus for my Bachelors of Integrated Studies Degree including English, Communications, and Legal Studies. It is my hope that our state capitol will always and forever remain a beacon of hope, trust, and protection for its people and never cast a shadow of doubt, fear, or mistrust over those this great building represents.

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