Law 4122: Judging the Jury
Professor Valerie Hans, Cornell Law School
Spring 2013
Course Syllabus – REVISED 3-30-13

Jury Box, Moscow Regional Court, Russia, October 2011

Course Description

The jury is praised by some as an important symbol of democracy, yet sharply criticized by others as incompetent and biased. This course evaluates claims about the strengths and limitations of the contemporary jury. We will examine the image of the jury in popular culture, then explore the work of lawyers, legal scholars, psychologists, and other social scientists who have studied the jury in depth. Questions we’ll address during the course include: Do juries represent all segments of their communities? Can lawyers stack a jury in their favor? Are jurors influenced by the “CSI effect?” What should judges do about googling and tweeting jurors? How do jurors use trial evidence and legal rules to decide on verdicts, damage awards, or decisions to sentence a defendant to death? By the course’s end, students should be able to reach their own informed judgment about this perennially controversial institution.
Course Objectives

- Students will discover the political, legal, and cultural values served by the jury.
- Students will discover the challenges facing the jury in contemporary society.
- Students will learn about legal rules governing trial by jury, and about social science research findings about the jury system.
- Students will apply social science theory, research, and methodology to solve problems faced by the jury.
- Students will develop a deeper understanding of the factors that contribute to their own views and attitudes toward the jury.
- And finally, more a fond hope than a course objective: Students will be more likely to serve as jurors when they are called.

Course Activities and Evaluation

Our class sessions, reading assignments, individual and group activities, and the final exam are all designed to meet these course objectives.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>Course objectives</th>
<th>Points</th>
<th>Due date</th>
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</thead>
<tbody>
<tr>
<td>Images of the jury</td>
<td>Post to Blackboard and bring to class an image or depiction of the jury; add your brief (3-5 sentence) description of what the image suggests about trial by jury</td>
<td>Discovery of the cultural significance, values, and challenges faced by the jury</td>
<td>5</td>
<td>1/24</td>
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<tr>
<td>Interview a person who has served on a jury</td>
<td>Class will develop core set of questions; you will conduct a short (no more than 1 hour) interview of a juror, write 3 page paper summarizing and reflecting on the interview, and post to Blackboard</td>
<td>Discovery of the political &amp; legal values served by the jury; challenges faced by individual jurors</td>
<td>15</td>
<td>2/12</td>
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<tr>
<td>Group project on jury representativeness, Nudging New Yorkers into Jury Service: group blog post &amp; class presentation</td>
<td>Students will work in small groups to research methods of increasing representativeness and to develop creative ideas to nudge New Yorkers into jury service. Two group products: (1) a blog post of approximately 500 words for the Cornell Journal of Law and Public Policy Blog, describing and justifying their recommendations; and (2) a classroom presentation about their ideas.</td>
<td>Discovery of legal rules and social science research findings; application of social science theory, research, and methodology to solve problems faced by the jury</td>
<td>25</td>
<td>Blog post 3/3; presentation 3/5</td>
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<td>Presentation recommending a jury reform</td>
<td>Identify a specific jury trial procedure reform, review theory and research, and develop &amp; make presentation advocating the reform</td>
<td>Discovery of legal rules and social science research findings; application of social science theory, research, and methodology to solve problems faced by the jury</td>
<td>25</td>
<td>4/11, 4/16, 4/18, 4/23 (date assigned)</td>
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<td>Final exam</td>
<td>Exam questions will allow students to integrate what they've learned about the values and challenges of the jury system</td>
<td>Exam questions will address all course objectives</td>
<td>25</td>
<td>5/16/2013, 2:00-4:30 pm</td>
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<td>Class attendance, participation &amp; clicker questions</td>
<td>In addition to class attendance and participation, most classes will include clicker questions related to readings and assignments</td>
<td>All course objectives</td>
<td>5</td>
<td>Throughout semester</td>
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Readings and other Materials for the Course


The course syllabus and other assigned readings, including legal opinions, research articles, and book excerpts, will be on our Blackboard course website or directly linked through our syllabus.

We’ll be using IClickers regularly in class; they are devices that allow you to respond to polling and other questions in class. If you don’t already own one, please purchase one from the Cornell Bookstore, and bring it to class each time. Either the older or newer models should work.

Here is information about how to register your IClicker for use in our class this semester. Login to Blackboard at http://blackboard.cornell.edu

- Under your list of “My Courses” click on the name of our course.
- Click on the “Tools” button in your Course Menu.
- Click on “IClicker Remote Registration”.
- Type in the IClicker Remote ID on the back of your clicker.
- Click Submit.

NOTE: Registering your clicker for one Blackboard course will automatically register your clicker for ALL Blackboard courses each semester.

If you cannot read your IClicker ID, to find your IClicker ID #, please stop in to one of these locations with your clicker:

- Carpenter Hall Reading Room (1st floor) between 9:00am – Noon, Monday – Friday
- Uris Library Tower Room between 9:00am – Noon, Monday – Friday
- The Academic Technology Center, 124 Computing & Communications Center building (on the Ag Quad, next to Bailey Hall), between 9:00am – 5:00pm, Monday – Friday

one of the staff can confirm your IClicker ID #. Once it has been confirmed, please write it on a small piece of paper and place it inside the battery compartment.

Contact Information for Professor, TA and Administrative Assistant

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Administrative Assistant Bonnie Jo Coughlin, Myron Taylor Hall. Email: bjc42@cornell.edu
Academic Integrity

As in all classes at Cornell, your work in this class should adhere to the principles of academic integrity as outlined in Cornell University’s Code of Academic Integrity. Submission of work for academic credit comes with the expectation that the work is your own; any outside assistance must be explicitly indicated. If you have any questions about whether your work conforms to the guidelines, please consult the professor and the TA before submitting the work. Cornell’s policy may be found at: http://cuinfo.cornell.edu/Academic/AIC.html.

Schedule of Class Topics, Readings, Activities, and Assignments

January 22. First class meeting and discussion. Our world and legal system are increasingly complex; why are lay citizens still deciding cases? Shouldn’t we leave it to the professionals? We’ll discuss the legal, political, and empirical questions that interest you most about the jury, and why.
Reading:
- Vidmar & Hans, Introduction.

January 24. Images of the jury. We’ll talk about images of the jury in historical accounts, literature, social science, film, news stories, the blogs, cartoons, jokes, and more. **Before class today, post to our course Blackboard site, and bring a copy to class if possible, an example of a depiction of a jury.** Any jury! Any depiction! It could be a story about a recent (or ancient) legal case decided by a jury, a favorite movie or TV episode that features the jury, a Youtube video, a blog post rant about juror stupidity, a heartfelt account of a person’s experience on jury duty, a research study on jury decision making. Accompanying the image or depiction, please write and attach a paragraph about what you think the image says about trial by jury. In class, we’ll discuss the depictions, and reflect on what the set of images reveal about the cultural significance of the jury system.

January 29 & 31. The job of the juror. How do people react when they’re called for jury duty? What are the effects on individuals of serving as jurors? We’ll consider what the research suggests, then work in class to develop questions for students’ juror interviews.
Reading:
- Frida Ghitis, Why I helped send a man to jail for life, CNN Opinion, Nov. 29, 2011.
- Jonathan Miller, Jury Duty [on Blackboard]
- Visit The Jury and Democracy Project website and look around; read Chapter 1 of The Jury and Democracy, made available to you online by the authors.
February 5 & 7. History and functions of lay participation in legal decision making. Guest lecture on February 5 by Thomas McSweeney (JD/PhD History Cornell).

What do historical & comparative perspectives tell us about the multiple functions of the jury trial as an institution? Thomas McSweeney will visit our class on February 5 to provide an expert perspective on the history of the jury trial.

(Image of all-woman jury, Los Angeles 1911, from Library of Congress)

Reading:

February 12. The right to trial by jury: A legal perspective. Lecture by TA Linda Mohammadian.
- US Const. amend VI, VII (constitutional rights to a criminal and a civil jury)

February 14. Classroom discussion of juror interviews. *Post your 3 page summary of your juror interview to Blackboard by midnight February 12.* so that we can consider the collected interviews in our class today.

February 19, 21, 26, 28. Assembling a representative jury. Group project on Nudging New Yorkers into Jury Service. Time will be set aside in class for groups to work together during all 4 class sessions.

Special guests:
Feb. 19, video conference call with Paula Hannaford-Agor, Director, Center for Jury Studies, National Center for State Courts (scheduled for 9:30 a.m.)
Feb. 21: Charles Perreaud, Jury Commissioner, Monroe County, will visit our class on Feb. 21 to discuss efforts in his jurisdiction to improve citizens’ responses to jury summonses.

*Group blog post drafts should be uploaded to Blackboard by midnight March 3.*

Reading:
March 5. Presentations of group projects on Nudging New Yorkers into Jury Service.

Reading:

Reading:

March 19 & 21. No class, Cornell University’s spring recess.

March 26, 28. How juries make decisions. Discussion and analysis of group decision making models that describe how individual jurors combine their perspectives into a group verdict.
Reading:

(Scene from the movie *Twelve Angry Men*, showing jurors played by Henry Fonda and Lee Cobb deliberating about the defendant’s guilt. Image from www.moderntimes.com.)

April 2. Reforming the criminal jury.
Reading:
- Vidmar & Hans, Chapter 9 (Judging Criminal Responsibility: Erroneous Convictions, the CSI Effect, and the Victim’s Role)
- What does the *Innocence Project* indicate about the most pressing needs for reform of the criminal jury?

April 4 & 9. Reforming the civil jury.
Reading:
- Vidmar & Hans, Chapter 13 (Civil Liability: Plaintiff vs. Defendant in the Eyes of the Jury); Chapter 14 (Deciding Compensatory Damages: Million-Dollar Questions).
April 11, 16, 18, 23. *Student jury reform presentations.*

April 25. Jury nullification. One of the most fascinating issues in the study of the jury is jury “nullification,” that is, the jury's ability to ignore or bend the law to comport with its own sense of justice. Before class, review the Web site of the Fully Informed Jury Association, a group that promotes the selective use of jury nullification. Do you agree with Professor Paul Butler?

Reading:

- Vidmar & Hans, Chapter 11 (Jury Nullification: The War with the Law)
- Read about the case of Julian Heicklen, charged with jury tampering because he distributed jury nullification materials around the US District Court in Manhattan.

April 30. Juries and the death penalty.

Reading:

- Vidmar & Hans, Chapter 12 (Death is Different: Juries and Capital Punishment)

Part VI: The Future of the Jury

May 2. Review, reflections, and predictions: Will the jury survive?

Reading:

- Vidmar & Hans, Chapter 17 (Concluding: The Verdict on Juries)

FINAL EXAM: Thursday, May 16, 2:00-4:30 pm (25 points)