CRN/IRC Lay Participation in Law sessions and events

Law and Society Association Annual Meeting

Washington, DC. May 30-June 2, 2019

Our events include five LSA conference sessions, a business meeting, and a CRN/IRC dinner. Please join us!

**Business meeting and dinner** (Friday evening May 31)

CRN 04: Lay Participation in Legal Systems Business Meeting

Fri, 5/31: 6:45 PM - 8:00 PM
Business Meeting
Hyatt -- Room: Yosemite

A group dinner at a nearby restaurant (arrangements underway) will directly follow the business meeting.

**Conference sessions**

1. **With the Jury in Mind: A Look at Evidence and Participation Decisions in Capital Punishment Trials**

Fri, 5/31: 8:00 AM  9:45 AM
1127
Paper Session
Friday Session 1
Hyatt
Room: Capitol A

This panel explores the ways that jurors shape decisions in capital punishment cases. Some work considers the broad field of the capital trial and how the narratives and claims about death sentences line up with how it is actually practiced/"performed." A second line of work, by two different authors, considers juror selection decisions, examining patterns of peremptory use in all types of trials, as well as practices that are specific to capital cases. Finally, we consider what jury verdict forms reveal about decision making in capital cases. Federal verdict forms have a special verdict format, which lists out all mitigating an aggravating factors, as well as votes each obtained. They provide a rare instance of the jury revealing not just its verdict but components of it.

**Chair**

*Meredith Rountree,* Northwestern Law
Discussant

Shari Diamond, Northwestern U Law School/American Bar Foundation

CRN

04: Lay Participation in Legal Systems

Primary Keyword

Lay Participation, Juries and Other Forms of Lay Participation

Secondary Keyword

Punishment, Prison Studies, Sentencing, and Formal Social Control

Presentations

A Conduit for Discrimination: How Death Qualifying Conversations Enable Racism in Capital Jury Selection

Catherine Grosso, Michigan State University College of Law
Barbara O'Brien, Michigan State University College of Law

Dancing with the Jury: A Field Theory of Capital Sentencing

Sarah Beth Kaufman, Trinity University

Explaining Justice: How Capital Jurors Account for their Sentencing Decisions

Meredith Rountree, Northwestern Law
Mary Rose, University of Texas

Peremptory Challenges as a Barrier to Transforming Citizens into Jurors

Nancy Marder, IIT Chicago Kent College of Law

The Capital Jury Speaks: Exploring Mitigating Factors that Jurors Offer on Verdict Forms

Mary Rose, University of Texas
Meredith Rountree, Northwestern Law
2. The Dignity of the Argentine Jury: Procedural Challenges and Innovative Reform

Fri, 5/31: 10:00 AM - 11:45 AM
2234
Paper Session
Friday Session 2
Hyatt
Room: Regency D

The dignity of lay participation in the Argentine criminal justice system has been reflected in the increasing spread of jury trials. The most recent addition has been the passage of the jury bill in the Province of Mendoza in October, 2018. The papers in this session analyze what this jury movement has brought to the legal systems, including standards juries bring to self defense claims, changes faced by lawyers as they face trying cases in the new systems, and thoughtful responses from influential national and international courts to features of jury trials that have dramatically altered traditional civil law procedures. Distinctive innovations introduced in Argentina include a quota approach to gender representation on the jury, providing a new opportunity to analyze the sources of dignity and legitimacy.

Chair/Discussant

Paula Hannaford-Agor, National Center for State Courts

CRN

04: Lay Participation in Legal Systems

Primary Keyword

Lay Participation, Juries and Other Forms of Lay Participation

Presentations

Gender on the Argentine Jury

Shari Diamond, Northwestern U Law School/American Bar Foundation
Valerie Hans, Cornell Law School

Jury Trials and Self Defense Cases in Argentina

Aldana Romano Bordagaray, Instituto de Estudios Comparados en Ciencias Penales y Sociales (INECIP)
Sidonie Porterie, Instituto de Estudios Comparados en Ciencias Penales y Sociales (INECIP)
Lawyers in the Argentinian Jury Trial System: Assessing the Challenges of Adapting to a New System

*Santiago Mollis,* Cornell University

The InterAmerican Court of Human Rights Ruling and the Expansion of the Jury in Argentina and Latin America

*Andrés Harfuch,* Asociación Argentina de Juicio por Jurados

The Mixed Court of Córdoba: Recent Changes Empowering Lay Jurors

*Natali Chizik,* Asociación Argentina de Juicio por Jurados / Peter Allard School of Law
*Shari Diamond,* Northwestern U Law School/American Bar Foundation

### 3. Deliberative Voices: Who Should Serve as Jurors and How Well Do They Perform?

Fri, 5/31: 2:45 PM  4:30 PM

3093

Paper Session
Friday Session 4

Hyatt

**Room: Yellowstone**

Around the world, deliberating bodies face similar challenges: how do we ensure that people are competent to serve, how do we ensure that bias in decision making is limited (or even eliminated), and how do we increase the legitimacy of results from deliberative bodies? This panel takes a crossnational look at these questions, examining challenges to seating jurors from an aging population, confronting issues of bias in selection and/or deliberation, and thinking about the jury's role in the broader criminal justice system. We also explore the causes and consequences of changes to the jury, looking at the recent decision to require only unanimous decisions from criminal juries in Louisiana.

**Chair**

*Nancy Marder,* IIT Chicago Kent College of Law

**Discussant**

*Mary Rose,* University of Texas

**CRN**

04: Lay Participation in Legal Systems
Primary Keyword

Lay Participation, Juries and Other Forms of Lay Participation

Secondary Keyword

Psychology and Law

Presentations

A New Challenge for the Spanish Jury Law: Encouraging Older Citizens to Serve as Jurors

Regina Garcimartín, Universidad de Zaragoza

Juror Racial and Ethnic Bias in Deliberative Context: Evidence from Felony Jury Trials in Four Jurisdictions

Erin York Cornwell, Cornell University

Jury Selection Reform in Canada: In Search for a More Representative or a More Controlled Jury?

Nikolai Kovalev, Wilfrid Laurier University

Jury Trials in District Courts: First Steps in Russia

Ekaterina Khodzhaeva, Institute for the Rule of Law, European University at Saint Petersburg

Legal History and Modern Society: The Movement to End Nonunanimous Criminal Juries in Louisiana

Thomas Aiello, Valdosta State University

The Elimination of Peremptory Challenges in Canada Does the Legislative Change Combat Race Based Challenges?

Marie Comiskey, University of Toronto

4. Cutting Edge Lay Participation Research
This session explores recent developments in the lay participation research. It begins with the analysis of legal advice provided online by volunteers at the McKenzie Friends. It then contains a paper with a Bayesian modeling of the juror evaluation and reevaluation of evidence, followed by a study about the power of jury instructions in the EEOC cases. The session closes with the paper presenting the results of two randomized controlled experiments in virtual trials.

**Chair/Discussant**

*Nancy Marder*, IIT Chicago Kent College of Law

**CRN**

04: Lay Participation in Legal Systems

**Primary Keyword**

Lay Participation, Juries and Other Forms of Lay Participation

**Secondary Keyword**

Judges and Judging

**Presentations**

*Caught Between Professionalism and Populism: A Big Data Analysis of Lay Participation System in China*

*Xiaohong Yu*, Tsinghua University

---

*Juries in Virtual Reality: How Might They Work?*

*David Tait*, Western Sydney University

*Meredith Rossner*, London School of Economics and Political Science

---

*Linguistic and SocioLegal Analysis of Online Advice by McKenzie Friends*

*Tatiana Tkacukova*, Birmingham City University
Modeling How Jurors Update and ReEvaluate Evidence to Reach a Verdict

Ryan Murphy, ICON

The Power of Jury Instructions: Evidence from EEOC Cases

Reid Krell, University of Alabama

5. The Rise and Fall of Citizen Participation in Legal Decision Making

Sat, 6/1: 12:45 PM  2:30 PM  
2040  
Roundtable Session  
Saturday Session 3  
Hyatt  
Room: Regency A Table 10  
This roundtable will examine the causes and consequences of the rise and fall of lay participation in law. Juries and lay judges have been longstanding features of common law and civil law legal systems. However, in recent years, some countries have newly introduced lay participation to their legal systems, while others have restricted or eliminated citizens from legal decision making. The panel, composed of lawyers and scholars from the USA, Europe, and Latin America, will discuss the political, legal, cultural and other factors contributing to these shifts. Participants will weigh in on debates over the "vanishing trial" as well as the significance of legal transplants. Roundtable participants will also consider how changes in the presence or absence of citizens in law makes a difference to process, outcomes, and legitimacy.

Chair

Valerie Hans, Cornell Law School

Discussant

Andrés Harfuch, Asociación Argentina de Juicio por Jurados

Participants

Hiroshi Fukurai, University of California Santa Cruz  
Mar Jimeno Bulnes, Universidad de Burgos  
Richard Jolly, University of California, Berkeley, School of Law  
Richard Lempert, University of Michigan  
Martin Sabelli, Law offices of Martin A Sabelli