

## **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 and 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

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### **Dancing with the Jury: A Field Theory of Capital Sentencing**

*Sarah Beth Kaufman*, Trinity University

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### **Explaining Justice: How Capital Jurors Account for their Sentencing Decisions**

*Meredith Rountree*, Northwestern Law

*Mary Rose*, University of Texas

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### **Peremptory Challenges as a Barrier to Transforming Citizens into Jurors**

*Nancy Marder*, IIT Chicago Kent College of Law

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

*Mary Rose*, University of Texas

*Meredith Rountree*, Northwestern Law

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## **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

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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

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### **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)

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## **Lawyers in the Argentinian Jury Trial System: Assessing the Challenges of Adapting to a New System**

*Santiago Mollis*, Cornell University

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## **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

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## **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

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### **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

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

*Erin York Cornwell*, Cornell University

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

*Nikolai Kovalev*, Wilfrid Laurier University

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### **Jury Trials in District Courts: First Steps in Russia**

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

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

*Thomas Aiello*, Valdosta State University

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

*Marie Comiskey*, University of Toronto

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## **4. Cutting Edge Lay Participation Research**

Sat, 6/1: 8:00 AM 9:45 AM

4176

Paper Session

Saturday Session 1

Hyatt

Room: Yellowstone

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

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

*David Tait*, Western Sydney University

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

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

*Tatiana Tkacukova*, Birmingham City University

*Hilary Sommerlad*, University of Leeds

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## **Modeling How Jurors Update and ReEvaluate Evidence to Reach a Verdict**

*Ryan Murphy*, ICON

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## **The Power of Jury Instructions: Evidence from EEOC Cases**

*Reid Krell*, University of Alabama

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### **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