

Lay Participation in Law IRC (International Research Collaborative)

News and Information

June 24, 2007

Visit the updated IRC webpage at:

http://www.lawschool.cornell.edu/research/lay_participation_in_law/index.cfm.

From Professor Valerie Hans

I am looking forward to seeing a number of you at the 2007 Joint Annual Meeting of the Law and Society Association and the Research Committee on Sociology of Law (International Sociological Association), which will be held at Humboldt University in Berlin, Germany from Wednesday, July 25 - Saturday, July 28. This international conference is co-sponsored by the Socio-Legal Studies Association (UK), the Japanese Association of Sociology of Law, the Vereinigung für Rechtssoziologie, and the Sociology of Law Section of the German Sociological Association.

Our IRC is sponsoring six sessions, including an exciting roundtable on the implications of jury service for political and civic engagement and a grand finale session on the classic jury movie "12 Angry Men." If you examine these sessions and the others, you'll see a remarkable mix of scholarly presenters from all over the globe.

Our IRC will also have an organizational/business meeting, to discuss present and future activities, on Wednesday, July 25, at 2:30 pm, in Room 144 of the Law School Building. The meeting will directly follow our roundtable panel on jury service. Please come to the meeting with your ideas for IRC activities!

And thanks to Stefan Machura, there is an IRC-initiated excursion to a German criminal court with lay and professional judges (Schöffengerichtsverfahren), scheduled for Thursday morning July 26. Two extraordinarily knowledgeable German judges, Hasso Lieber, a former judge and now State Secretary in the Berlin Administration of Justice, and Christoph Rennig, judge at the State High Court in Frankfurt/Main, will be our tour leaders. If you haven't done so already, sign up for the (free) tour by registering online at <http://www.lsa-berlin.org/program/social-program/socio-legal-tours/tour-s5/>.

There are also papers about lay participation in other sessions throughout the meetings. You can search for them by the keyword Lay Participation in the Legal System, through the Law & Society Association conference website at http://www.lawandsociety.org/ann_mtg/am07/call.htm.

Sessions and activities, in order:

1. Wed, Jul 25 - 8:15am - 10:00am Building/Room: HU / 34
The Impact of Lay Participation on Law Reform 1134

Chair/Discussant: Murray NMI Levine, SUNY at Buffalo

Participants:

Hiroshi Fukurai, University of California Santa Cruz & Kaoru Kurosawa, Toyo University, Impact of Popular Legal Participation on Forced Confessions and Wrongful Convictions in Japan's Bureaucratic Court

Nikolay Kovalev, Queen's University, Belfast, Ethnic Tensions and Trial by Jury in Russia

Stephen Landsman, DePaul University, Miscarriages of Justice as the Impetus for Reforms Increasing Lay Participation in Criminal Trials

Dmitry I. Nurumov (The Organization for Security and Co-operation in Europe), Kazakhstani New Lay Participation System in Criminal Trials: Legal Framework and Prospects

Session description:

How does the involvement of laypersons in the adjudicatory process affect the legal system itself in terms of either substantive or procedural law? Does the impact of lay involvement differ in an adversarial system compared to an inquisitorial system of justice? Does that impact differ in the context of criminal justice compared to civil or administrative justice? Presenters in this session will address these questions as they have arisen in diverse countries.

2. Wed, Jul 25 - 12:30pm - 2:15pm Building/Room: HU / 30

Roundtable--The Jury and Democracy: The Implications of Jury Service for Political and Civic Engagement 1330

Chair: Valerie Hans, Cornell University

Participants:

Eugene (Perry) Deess (New Jersey Institute of Technology)

Edmundo D. Hendler (Federal Judiciary of Buenos Aires)

Sangjoon Kim (Supreme Court of South Korea)

Stephen C. Thaman (Saint Louis University)

Session description:

Alexis de Toqueville praised jury service for its role in educating citizens about self-government. Yet until recently, the value of jury service in promoting deliberative democracy was no more than an untested theory. Fortunately, the Jury and Democracy Project is beginning to shed light on how jury service affects individuals' participation in the political and civic life of their communities. Research from this project has found that the act of deliberating as a juror resulted in increased political and civic engagement,

raising questions about potential societal impact on those countries that have recently introduced jury trials and other forms of lay participation in the justice system.

Perry Deess, a Principal Investigator on the Jury and Democracy Project, will present key findings from the research and will discuss their implication for civic and political engagement in the United States and elsewhere. His remarks will be followed by those of commentators from several countries that have recently introduced or are in the process of implementing various forms of lay participation in the justice system, especially their thoughts about the implications of the findings in the context of the democratic practices in their respective countries.

3. Wed. July 25, 2:30 pm-4:15 pm or when finished. Room 144, Law School Building. International Research Collaborative's organizational/business meeting, to discuss present and future activities. Please bring your ideas and suggestions for the IRC!

4. Thurs., July 26. 8 a.m. IRC-sponsored tour, Criminal Court with Lay Judges (Schöffengerichtsverfahren). You must pre-register for the tour. A mixed court, or Schoeffen, at German lower criminal courts consists typically of one professional judge and two lay judges. The group will visit a local Schoeffengericht and observe a trial. Two experts have agreed to discuss with the group. Hasso Lieber is President of the German Association of Lay Judges and Dr. Christoph Rennig has done extensive psychological research on German mixed courts. Both have served as professional judges with Schoeffen.

5. Fri July 27 8:15 am-10:00 am Building/Room: HU / 11
Citizens and Experts 3111

Chair/Discussant: Judith Fordham, Murdoch University

Participants:

Antoine Pelicand, University of Nantes, Peace Judges, Proximity Judges: The Changes of Lay Status in French Legal System

Joao Salm, Arizona State University, Thinking Community Mediation as Paulo Freire's Political Process of Education

Gerald Thain, Law Professor and Foreperson of a Jury: How I spent (Some of) Last Summer

This session contrasts lay and expert legal decision making.

6. Sat, Jul 28 - 10:15am - 12:00pm Building/Room: HU / 17
Historical and Contemporary Perspectives on Lay Participation 4217

Chair/Discussant: Ellen Cohn, University of New Hampshire

Participants:

Adriana Sylwia Bartnik (University of Warsaw), The Role of Lay Judges in the Justice System of the Republic of Poland: Sociological and Legal Analysis

Nikolay P Kovalev (Queen's University Belfast) & John D Jackson (Queen's University Belfast), Lay Adjudication and Human Rights in Europe

Marc Musick (University of Texas, Austin) & Mary R. Rose (University of Texas, Austin), The Role of Religion in the Production of Attitudes toward the Jury
Zhuoyu Wang (University of Birmingham) & Sally Lloyd-Bostock (London School of Economics), Lay Assessors in China: 100 Years of History and the Present Institution

7. Sat, Jul 28 - 10:15am - 12:00pm Building/Room: HU / 22
Lay Decision-Making in the Justice System 4222

Chair/Discussant: Nicole L. Waters (National Center for State Courts)

Participants:

Shari Seidman Diamond (Northwestern University), Mary R. Rose (University of Texas, Austin), Balance in Deliberations: Over Time, By Case Type, and Across Jurors
Valerie Hans, Cornell University, & Ted Eisenberg, Cornell University, Taking a Stand on Taking the Stand
Neal Feigenson (Quinnipiac University), Effects of PowerPoint on Juror Decision Making
Masahiro Fujita (National Graduate Institute for Policy Studies), Lay Participation in Japan: Lessons from Mock Mixed Jury Trials by Real Professional Judges and Citizens

Session description: How do laypersons decide factual or legal issues in adjudicatory proceedings? What factors do they take into account? And how do these factors differ from those relied upon by legal professionals? What implications do techniques or strategies to strengthen the decision-making role of laypersons in adjudicatory proceedings have on the unique perspective that laypersons bring to these proceedings? Presenters will address these questions in this session.

8. Sat. Jul 28 4:30-6:15 pm Building/Room HU / 23
The 50th Anniversary of “12 Angry Men”

Chair/Discussant: Nancy Marder, Illinois Institute of Technology

Participants:

Robert Burns, Northwestern University, A Jury between Fact and Norm
Mar Jimeno-Bulnes, University of Burgos, A Different Argument for “12 Angry Men” from the Spanish Perspective: The Rule of the Majority for the Verdict
Austin Sarat, Amherst College, Fathers in Law: Violence and Reason in “12 Angry Men”
Stephen Thaman, Saint Louis University, The Good, the Bad, and the Indifferent: “12 Angry Men” in Russia

Session description:

The year 2007 will mark the 50th anniversary of the movie "12 Angry Men." This movie offers the only portrayal of an active jury in the history of American film-making. The movie has withstood the test of time, not only because of the great ensemble cast, but also because it portrays the jury as a group of twelve ordinary men who learn in the course of their deliberations what it means to be a jury. The learning process is not an easy one.

The deliberations are marked by clashing personalities and marred by prejudice. Yet, the jurors, led by the persevering and patient Henry Fonda, eventually learn to put aside prejudice and personal enmity, to piece together the evidence with a critical eye, and to deliver a verdict of not-guilty based on their reasonable doubt.

When this movie was released fifty years ago, audiences greeted it with little enthusiasm. Yet, the movie has endured and is now recognized as a classic. Even though the movie offers a fictional account, it provides a rare glimpse into jury deliberations. It continues to raise such questions as: Is this how a jury should deliberate? Is this fictional jury deliberation consistent with actual jury deliberations now that we have fifty years of empirical studies? How do audiences in other countries view this classic American film on the jury?