

## CRN4 and IRC42 Sessions at Global Law and Society Meeting

**CRN/IRC organizers for the Lisbon Meeting: Mar Jimeno Bulnes, Shari Seidman Diamond, Valerie Hans, Sanja Kutnjak Ivković, Nancy Marder, and Mary Rose**

**Lisbon, Portugal July 2022**

**Wednesday, 7/13**

### [Lay Participation around the World](#)

7/13/2022, 12:45 PM — 2:30 PM, Ala Autónoma, AA 3.29

Session Type: Paper Session

IRC: 42-Lay Participation in Law around the Globe

The widespread use of lay participation in legal decision-making has only recently begun to receive systematic attention and a focus on what features are associated with the benefits claimed for infusing legal decisions with a lay perspective. The papers in this session take on this important examination. They include a world-wide exploration of the relationship between societal characteristics and the existence of lay participation and a cross-cultural historical assessment of how identity politics may undermine impartiality by lay tribunals. The panel also explores how a human rights perspective has infused the distinctive choices made in designing new jury systems in response to particular cultural values.

Jérémy Boulanger-Bonnely, University of Toronto, Session Chair

Mary Rose, University Texas, Austin, Discussant

Session Papers

The Civil Jury Outside the U.S.: The Case of Chaco

Shari Seidman Diamond, Northwestern U/American Bar Foundation; Valerie Hans, Cornell University

The right to equality and non-discrimination in the Argentine jury trial Innovations on the selection of the jury panel and the jury instructions

Analía Reyes, Poder Judicial Buenos Aires, Argentina

Exploring the Relationship between Society-Wide Factors and Lay Participation

Sanja Kutnjak Ivkovich, Michigan State University & Valerie Hans, Cornell University

Identity politics in jury trials: post-totalitarian perspective

Nikolai Kovalev, Wilfrid Laurier University, Giorgi Meladze, Ilia State University (Tbilisi, Georgia), Anna Zhvania, Ilia State University, & Sergei Nasonov, Kutafin Moscow State Law University

**The Spanish Jury at the Crossroads: Origin, Participants and Verdict/ El Jurado Español en La Encrucijada: Origen, Participantes Y Veredicto Co-Sponsored with IRC42 (Session in Spanish)**

**7/13/2022, 2:45 PM — 4:30 PM**, Sedas Nunes, Auditório ONE02 –Caiano Pereira

Mar Jimeno-Bulnes, Universidad de Burgos, Chair  
Regina Garcimartin Montero, University of Zaragoza, Discussant

Session Description

The session focuses on examining the Spanish Jury model in accordance with the Organic Law of the Jury Court in force in Spain since 1995. For this purpose, three aspects will be analyzed: origin, participants and verdict. In the first place, the analysis of the origin of the institution of the Jury, which seems to go back to the Greco-Roman period. Secondly, the participants in the Jury Court are examined: on the one hand, the jurors, analyzing the requirements to form part of the Jury Court, and on the other, the role played by both the presiding magistrate and the Counsel for the Administration of Justice (ex Clerk of the Court). Thirdly, the concept of verdict under Spanish law is analyzed from a critical perspective, doubting its existence despite its legal provision.

Session Papers

The Greco-Roman Origin of the Trial by Jury  
Juan Antonio Andino Lopez, Universitat Pompeu Fabra

REQUISITOS PARA SER MIEMBRO DEL TRIBUNAL DEL JURADO  
Maria Angeles Perez Marin, Universidad de Sevilla

Las funciones del Letrado de la Administración de Justicia en España: tenor literal de la norma y consejos para la práctica forense  
Luis Revilla, Ministerio de Justicia

El Veredicto del Magistrado que Preside el Jurado  
Lorca Navarrete, Instituto Vasco de Derecho Procesal

The Spanish Jury at the Crossroads: Origin, Participants and Verdict/ El Jurado Espanol en la Encrucijada: Origen, Participantes y Veredicto  
Mar Jimeno-Bulnes, Universidad de Burgos

**Thursday, 7/14**

**[Legal Issues Related to Gender and Gendered Violence: Challenging Misconceptions, Reckoning with Intersectionality](#)**

7/14/2022, 8:15 AM — 10:00 AM, Ala Autónoma, AA 3.29

Jennifer Hunt, University of Kentucky, Chair/Discussant

This session examines gender and gendered violence in several legal contexts, showing how common misconceptions and biases may contribute to intersectional gender inequalities. The first two papers address assumptions about rape, including how nonverbal behaviors may be misinterpreted as consent and how geographical characteristics are associated with different types of stranger rape. The next two papers address intersectional effects in juror decision-making, examining how gender, race, and other factors influence judgments in child neglect cases and cases in which women are criminally charged following miscarriage. The final paper examines assumptions about gender and deliberation, showing that women and men use normative influence strategies similarly. Discussion will consider intersectional forms of rage, reckoning, and remedy.

Session Papers

Exploring the Defense of Consent in Sexual Assault Cases  
Twila Wingrove, Appalachian State University

Patterns and Predictors of Stranger Rape Locations  
Samantha Lundrigan, Policing Institute for the Eastern Region & Mandeep Dhami,  
Middlesex University

The Influence of Defendant Gender and Race on Mock Jurors in a Child Neglect Trial  
Araby Roberts, Carleton University & Evelyn Maeder Carleton University

“Bad Would-be Mothers”: How Race and Class Influence Criminal Judgments about Pregnancy Loss  
Jennifer Hunt, University of Kentucky; Baylee Jenkins, University of Kentucky; &  
Alexis Le Grand, University of Kentucky

Gender and Influence Type in Jury Deliberations  
Evelyn Maeder, Carleton University & Roxana Ehsani-Moghaddam, Carleton University

## CRN04 Lay Participation in Legal Systems Business Meeting

7/14/2022, 10:15 AM — 12:00 PM, Sedas Nunes, 1E.10

**CRN4/IRC42 Business meeting. All are welcome to attend!**

- **Special guest speaker: Governor Jorge Milton Capitanich, Province of Chaco, Argentina, who will speak about the introduction of criminal and civil jury systems in Chaco.**
- **Discussion of current and future projects on lay participation.**

## Lay Justice in Latin America: Comparisons and New Developments

7/14/2022, 12:45 PM — 2:30 PM, Ala Autónoma, AA 2.28

Session Type: Paper Session

IRC: 42-Lay Participation in Law around the Globe

The papers in this session look closely at the developments in lay justice in Latin America. The themes focused on include the role of elites and community, the influence of human rights on the make-up and instructions that jurors receive, and the expansion of lay justice from criminal to civil cases. Comparisons within and across countries reveal how cultural context, both local and national, influences the form that lay justice takes.

Shari Diamond, Northwestern U/American Bar Foundation, Session Chair

Richard Lempert, University of Michigan, Discussant

Session Papers

Trial by jury in Argentina: judges, scholars and the fall of an ancient resistance The anti-democratic conceptualism of criminal law dogmatics

Andres Harfuch, AAJJ-INECIP; Matias Deane, Poder Judicial Provincia de Buenos Aires; Cristian Penna, Facultad de Derecho, Universidad de Buenos Aires; Alejandro Cascio, Poder Judicial Provincia de Buenos Aires

Who Are Jurors in Argentina? An Analysis of the Representativeness of Juries Before and After the Pandemic

Aldana Romano, INECIP; Maria Porterie, Instituto de Estudios Comparados en Ciencias Penales y Sociales

The Professionalization of Civil Lay Justice: From Colombia to England and Wales

Jeremy Boulanger-Bonnely, Faculty of Law, University of Toronto

The Beginning of the Classic Jury in Argentina. Neuquen's experience

Maria Porterie, Instituto de Estudios Comparados en Ciencias Penales y Sociales; Aldana Romano, INECIP; & Valerie Hans, Cornell University

### Lay Participation and Democracy Co-Sponsored by IRC42

7/14/2022, 2:45 PM — 4:30 PM, Sedas Nunes, Auditório 1

Session Type: Paper Session

Papers in this session take different approaches to analyzing the relationship between lay participation in legal decision making and democracy. Juries and other forms of lay legal decision making are said to have democratizing influences. This set of papers underscores the multiple factors to consider in assessing the democratizing effects of lay participation service, including war, pandemics, unexpected consequences, and other crises.

Nancy Marder, IIT Chicago-Kent School of Law, Session Chair

Sanja Kutnjak Ivkovich, Michigan State University, Discussant

Session Papers:

The Jews and the French Criminal Jury in times of Revolution (1792-1811). The Impact of Lay Participation in Legal System on the Integration of Jewish Communities

Emmanuel Berger, ISCTE-Instituto Universitario de Lisboa

Lay Participation and Democratization of Justice: Preliminary Reflections from an Ethnography of Jury Trials in a Judicial Department in Greater Buenos Aires

Leticia Barrera, CONICET & Santiago Amietta, Keele University

Community Justice Delivery Amidst Covid-19 Pandemic in Nigeria: the Role of Lay Participators

Mariam Abdulraheem-Mustapha, University of Ilorin, Ilorin, Nigeria

Coping with the Undesired Consequences of Jury Reform: How does the Russian Criminal Justice System Control an Acquittals Spike over the Reform 2018-2021?

Konstantin Skoblik, Center for Sociological Research, Russian Presidential Academy of National Economy and Public Administration (RANEPA)

Expanding the View: New findings on Race and Cause Strikes

Barbara O'Brien, Michigan State University & Catherine Grosso, Michigan State University

**Friday, 7/15**

**Democracy in Justice, Respect for Individuals and Popular Sovereignty- Honoring Professor Satoru SHINOMIYA**

**7/15/2022, 10:15 AM — 12:00 PM**, Building II Auditório B2.03 –Ferreira de Almeida

**Session Type:** Paper Session

Professor Satoru Shinomiya has played the most prominent role in promoting democracy in Justice in Japan. In the early 2000s', Prof. Shinomiya had served as a Director of the Research Office for Judicial Reform of JFBA and also as a member of the Governmental Task Force to draft the bills to establish the Lay Judge System. As a law professor and criminal defense lawyer, Prof. Shinomiya has contributed greatly in the discussion of instituting lay participation in justice systems and improving law school education, clinical legal education, and legal training programs. In June 2022, the Festschrift to honor Prof. Shinomiya, "The Prospect for Democracy in Justice," is published. In this session, the contributors present their papers on democracy in justice from various perspectives. Professor Hiroshi FUKURAI joins as a session co-chair.

Mari Hirayama, Hakuoh University, Session Chair

Valerie Hans, Cornell University, Discussant

Professor Shinomiya's Search for Democracy in Justice in America and Japan  
Charles Weisselberg, UC Berkeley

Professor Shinomiya as an Advocate for the Reform of Japan's Legal Training System  
Eri Osaka, Toyo University

Satoru Shinomiya's Contributions to Clinical Legal Education  
Peter Joy, Washington University in St. Louis School of Law

A Comparative Look at Argentina's New Jury Systems  
Stephen Thaman, Saint Louis School of Law

My Long and Winding but Lucky Road to Democracy in Justice in Japan  
Satoru Shinomiya, Kokugakuin University

**Considering Decision Making in Criminal Legal Systems**

**7/15/2022, 10:15 AM — 12:00 PM**, Seda Nunes, Auditório 1

**Session Type:** Roundtable

As the U.S. struggles to reform its criminal legal systems and carceral institutions in the face of accusations of bias, it must address questions about discretionary decision making. We will examine what types of decision makers are empowered and what types of decisions they are empowered to make. We will consider lay decision makers (jurors) and professional decision makers (e.g. police, judges). We will focus on U.S. systems, but other systems will be discussed, particularly the use of models that couple professional and lay decision makers. We will also consider the types of information accessible to decision makers. This will include formalized information (e.g. assessment tool data and sworn statements), as well as informal information that may include implicit and explicit biases or may open spaces for equitable analysis.

Jenny Carroll, University of Alabama School of Law, Session Chair

Roundtable Participants: Julia Simon-Kerr, The University of Connecticut School of Law; Erin Collins, University of Richmond School of Law; Anna Roberts, St. John's University School of Law; Jenny Carroll, University of Alabama School of Law

### [New Developments in Lay Participation in Legal Decision-making Co-Sponsored by IRC42](#)

**7/15/2022, 12:45 PM — 2:30 PM, Virtual 06**

Session Type: Paper Session

Papers in this session document new developments in how countries are using lay citizens in legal decision-making contexts. Informal lawmaking with respect to the World Health Organization, reforms in China and Russia, and how countries are responding to the challenges of implicit bias illustrate some of the dramatic changes in lay participation in law.

Sanja Kutnjak Ivkovich, Michigan State University, Session Chair

Nancy Marder, IIT Chicago-Kent College of Law, Discussant

Session Papers

Jury penalty á'la russe: time and regional differences in sentencing in Russian district courts after the reform of jury trials

Ekaterina Khodzhaeva, European University at Saint Petersburg

Drafting Jury Instructions to Counter-Act Unconscious Bias and Stereotypes: Canada's Weighty Expectations of Trial Judges (CRN4)

Marie Comiskey, University of Toronto

Lay Participation Reform in China: Opportunity and Challenges

Zhiyuan Guo, China University of Political Science and Law

Reckoning of the World Health Organization? the quiet shift towards informal lawmaking  
Tsung-Ling Lee, Taipei Medical University

**Juries in a Time of Crisis and Change Co-Sponsored by IRC42 and CRN04**

**7/15/2022, 2:45 PM — 4:30 PM, Sedas Nunes, Auditório 1**

Session Type: Paper Session

The past year has been one of crisis. It has been marked by protests against systemic racism, politics characterized by polarization, and an ongoing pandemic. The theme of this year's meeting, "Rage, Reckoning, and Remedy," reflects this sense of crisis and asks what can be done about it. This panel will address this question through the lens of the jury. Are there steps that countries or states have taken to reduce bias in their jury system, and if so, have they been effective? During the pandemic, some court proceedings have been conducted online. How have virtual juries fared? Are juries even "in crisis," and which methods are best suited to assess this question? As part of this year's "global" meeting, this panel will explore these questions in juries around the world, including the United States, Canada, and Australia.

Mary Rose, University Texas, Austin, Session Chair/Discussant

Session Papers

A Comparison of In-Person Juries and Virtual Juries

Valerie Hans, Cornell University; Vivian Rotenstein, Cornell University; & Krystia Reed, University of Texas, El Paso

How Can You Tell If There is a 'Crisis'? Data Challenges in Jury Representation Assessment

Marc Musick, University of Texas, Austin & Mary Rose, University of Texas, Austin

Virtual Juries: The Impact of Immersive Technologies on how Jurors Respond to Evidence

David Tait, Western Sydney University & Meredith Rossner, Australian National University

A Fresh Look at Voir Dire: Revisiting Ways to Mitigate the Influence of Stereotypes on Jury Selection

Catherine Grosso, Michigan State University & Barbara O'Brien, Michigan State University

Reexamining Jury Selection and Deliberation to Eliminate Discrimination

Nancy Marder, IIT Chicago-Kent School of Law



## [Reimagining the Jury: Creating Tools for Change](#)

**7/15/2022, 4:45 PM — 6:30 PM, Virtual 11**

Session Type: Roundtable

The U.S. jury selection process needs to be ambitiously reimagined because the population of criminal defendants is disproportionately people of color, and yet jury pools across the country are disproportionately white. This roundtable considers how to share with the public the rich scholarship on combatting systemic racial discrimination in jury selection. To that end, each participant will produce a “jury reform tool” for a non-academic audience, such as community organizers, lawyers, judges, or legislators. These “jury reform tools” will be short documents, presentations, or social media content that be used to challenge and reform local jury systems. In this way we hope to bridge the gap between academic research and real-world reforms, and use the expertise of the participants to produce accessible and concrete tools for change.

Nina Chernoff, City University of New York (CUNY School of Law), Session Chair

Roundtable Participants: Sonali Chakravarti, Wesleyan University; Premal Dharia, Institute to End Mass Incarceration; James Binnall, California State University Long Beach; Dean Strang, Loyola University Chicago; Sonia Gipson Rankin, University of New Mexico School of Law; Mary Rose, University Texas, Austin

**Saturday, 7/16**

## [The Movements of Recent Public Participation in Justice: The Cases of Japan, Korea and Beyond](#)

**7/16/2022, 8:15 AM — 10:00 AM, Virtual 06**

Session Type: Paper Session

The jury, lay assessor and other forms of public participation in justice have spread all over the world. This session considers the cases of Japan and Korea from a socio-legal point of view. Both countries introduced and developed unique semi-jury systems in recent years. In Japan, the court has held some hundreds of meetings with former saiban-in (semi-jury). The treatment of non-appearance of saiban-in candidates is becoming the serious issue. The public participation in criminal justice has also had a great effect on the criminal defense. Korea’s jury system has evolved while coping with difficulties. The papers of this session deal with the above-mentioned topics. The discussants (Satoru Shinomiya and Andrés Harfuch) will give insightful comments and introduce recent movements of Taiwan and Argentine.

Takayuki Ii, Senshu University, Session Chair

Andrés Harfuch, AAJJ-INECIP & Satoru Shinomiya, Kokugakuin University, Discussants

Session Papers

Evaluating Governing-Subject-Consciousness of Saiban-in: With Quantitative and Qualitative Text Analyses of Records of Ex-saiban-in Round-Table Talks

Masahiro Fujita, Kansai University

The Public Sphere of Deliberations in Saiban-in Trials in Japan: Insights from a Thematic Analysis of Former Saiban-ins' Remarks

Aki Shima, Niigata University

The Treatment of Rising Non-Appearance Rate of Saiban-in Candidates

Chiharu Sugizaki, Senshu University Graduate School

“Development and Future of Criminal Defense in Japanese Saiban-in System

Takeshi Nishimura, Shimada & Nishimura Law Office

Evaluation of Korean Jury System

Taegyung Gahng, Korean Institute of Criminology and Justice