

Seminar on the Jury Trial Spring

2013

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Syllabus

Class Session 1

Bring for Discussion: A current news article about some aspect of the jury.

Read Albert W. Alschuler and Andrew G. Deiss, *A Brief History of Criminal Jury in the United States*, 61 U. Chi. L. Rev. 867 (1994); and Jeffrey Abramson, We, The Jury (hereafter Abramson) pp 1-55. Prepare to Discuss the Hypothetical below:

ROLE OF THE COURT SYSTEM

(Adapted from Broun and Meisenholder, Problems in Evidence)

You are special advisor to the attorney general of the emerging Micronesian nation of Sagaluci. Deep in the jungles of one of the Sagalucian Islands lives a strange and primitive tribe. The tribal members believe that the spirit of the Supreme Being which they worship is incorporated into the deadly cobras found on the island and that the actions of the cobras are therefore controlled by the Being. Given these beliefs and tribe's criminal procedure has been quite simple. A person charged with a crime is tried by spending the night in a 10 by 10 foot enclosure with a cobra. If the person survives, he goes free. If the person does not survive, of course the tribal court is spared the bother of a sentencing hearing.

One evening while you are in the village to investigate the possibility of making changes in the tribe's legal system, one of the village girls levels a charge of rape against a young villager. The youth, Chata, is apprehended by the girl's brother and brought to the family hut. In the spirit of fairness, he is offered an opportunity to undergo trial by cobra. He refuses, but before he can be forced into the enclosure by the girls' family, other members of the tribe rush in and take him to the chief's hut. The chief is not told of Chata's refusal to submit to the cobra ordeal.

Assume you believe you can persuade the chief to implement a different method of dispute resolution. Would you attempt to persuade the chief to change the procedure? If

you were to design a new procedure, what would be your primary goals for the new system? Design a procedure that implements these goals.

Class Session 2

Bring for Discussion: A current news article about some aspect of the jury.

Read: 1. Marc Galanter, *An Oil Strike in Hell: Contemporary Legends About the Civil Justice System*, 40 Ariz. L. Rev. 717 (1998); and
2. Jeffrey Abramson, *The Jury and Popular Culture*, 50 DePaul L. Rev. 497 (2000). We will also talk about your paper topic and your research to date.

Class Session 3

Bring for Discussion: A current news article about some aspect of the jury.

Read: 1. Paul Butler, *Racially Based Jury Nullification: Black Power in the Criminal Justice System*, 105 Yale L.J. 677 (1995); and
2. Abramson pp.57-95.

Be prepared to talk about your research progress on your paper. Be prepared to tell the class about one or two research sources you found and how they will relate to your topic.

Class Session 4

Read: 1. J.E.B v Alabama, 511 U.S. 127 (1994); and
2. Charles Elliott, *Juries, Sex and Emotional Affect*, 1 Law & Psychology Review 37 (2011).
3. Abramson pp.100-141.

Be prepared to talk about your research progress on your paper. Be prepared to tell the class about one or two research sources you found and how they will relate to your topic

Class Session 5

Read Abramson pp.143-205.

Be prepared to talk about your research progress on your paper. Be prepared to tell the class about one or two research sources you found and how they will relate to your topic

I will schedule the remaining assignments after I know what your research topics are.

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Course Requirements

1. Students will prepare an in-depth research paper (topic subject to approval) including original analysis and footnotes or endnotes with proper citation form. You will prepare an advanced draft to be discussed in class and a final draft. The paper must include a bibliography of authorities cited and authorities consulted but not cited. Students will provide a one to two page critique of at least 2 advanced drafts submitted by other students. The class will assist you in enhancing your research, writing, editing and oral presentation skills as well as provide an in depth perspective about the jury trial process. I hope it will stimulate your intellectual curiosity and make you a better lawyer.

2. Each student will lead a class session involving some aspect of the student's paper topic. Advanced drafts of Research papers shall be sent to Twen at least 36 hours before the presentation.

3. There will be no final examination.

4. Attendance is mandatory. Missing more than two of the class sessions is excessive and will affect your grade. Coming in substantially late or leaving substantially early will be treated as an absence.

5. The Final grade will be determined as follows:

a. Class participation, class presentation of paper topic, attendance, critiques of other papers--25%.

b. Advanced draft-- 25%. The advanced draft is not a rough draft. It should be something in good enough shape to be reviewed by your colleagues. You may have a section not quite completed, and you likely will need additional research on some points. Most of the paper should be close to final form.

c. Bibliography and depth of research- 10%. The preliminary bibliography must be submitted by email and include eight to ten sources with a very brief description about how you believe these sources will relate to your thesis.

d. Final Redraft- 40%.

6. The grade on late papers will be lowered.

7. Due Dates

a. Paper topic submitted by email to me by August 30.

b. Preliminary Bibliography hard copy handed in class or in my mail box by September 9.

c. Presentation Draft sent to Twen---- 36 hours before presentation or October 25 whichever is sooner.

d. Final version of paper with final bibliography due December 18..

8. Computer Policy.

There is little need for you to bring your computer to take notes in this class. A computer might be useful to assist in some of the presentations. You may use your computer in class for matters pertaining to the current class session only. Do not use it for personal purposes during this class.