

American Bar Association

NATIONAL SYMPOSIUM ON THE AMERICAN JURY SYSTEM

Washington and Lee University School of Law

October 15, 2004

TENTATIVE AGENDA

Overview: ABA President Robert Grey is convening this national symposium to discuss the consolidation and updating of the current ABA standards on the jury system. The revised standards covering jury composition, treatment, comprehension and related issues, will be brought before the ABA House of Delegates during the ABA Midyear Meeting in February 2005. Symposium participants include judges, lawyers, academics, jury experts, court administrators, bar leaders and others interested in jury system issues. Those present will have an opportunity to help shape ABA policy on issues central to the health of the American jury system. All participants will receive a copy of the American Jury Project's proposed standards at least two weeks prior to the symposium.

Friday, October 15, 2004

7:45 – 10:30 a.m. Registration
- *Outside Moot Courtroom*

8:15 a.m. Continental Breakfast

8:45 – 9:15 a.m. Opening Session
- *Moot Courtroom*

Welcome: David Partlett, Dean, Washington and Lee University School of Law

Introduction: Patricia Lee Refo, Chair, ABA American Jury Project; Immediate Past Chair, ABA Section of Litigation

Opening Remarks: ABA President Robert J. Grey, Jr.

During panel discussions 1, 2 and 4, the American Jury Project's recommendations for consolidated and updated ABA standards regarding juries will be presented and discussed by the full assemblage. AJP members will give a brief overview of the recommendations and describe the Project's process of formulating them. A panel of AJP members will comment on the recommendations. For each session, AJP members will then lead a large group discussion of the recommendations, soliciting as many viewpoints as possible from the audience. PowerPoint presentations will be used for the presentation of recommendations. All participants will have further opportunity to comment on the standards during the afternoon breakout sessions.

9:15 – 10:30 a.m. **Panel I:** Managing Jury Trials/Deliberations and Decision Making – length of trials, aids for jurors (notebooks, note taking, etc.), rules regulating judicial communications with jurors, instructions to jurors, juror discussion of the evidence during the pendency of litigation, juror “blindfolding,” jury deliberations, verdict forms and hung juries.

Friday, October 15, 2004 (continued)

Co-Moderators: Patricia Lee Refo, Chair, American Jury Project; and
Stephan Landsman, Reporter, American Jury Project

Panelists: Dennis Drasco, Chair, ABA Section of Litigation
Hon. Michael Dann, Visiting Fellow at the National
Institute of Justice;
Shari Diamond, Senior Research Fellow, American Bar
Foundation; Professor of Law and Psychology,
Northwestern University Law School;
Neal Ellis, Partner, Hunton & Williams [Tentative]
David Biderman, Perkins Coie LLP;
Carlos Singh, President, Hispanic National Bar
Association
Hon. William J. Caprathe, Bay County Circuit Court

10:30 – 11:45 a.m. **Panel 2: Bringing Jurors into the Adjudicatory Process** – conditions of jury service, questions about venue, constitution of jury pools, random selection procedures, jury privacy in the selection process, jury questionnaires, voir dire, peremptory challenges, and appropriate use of alternative jurors

Co-Moderators: Patricia Lee Refo and Stephan Landsman
Panelists: Hon. Louraine Arkfeld, Chair, ABA Judicial Division
G. Thomas Munsterman, Director, Center for Jury
Studies, National Center for State Courts;
Patricia G. Brady, League of Women Voters;
Mark Curriden, Vinson & Elkins;
Hon. Charles N. Clevert, Jr., U.S. District Court,
Eastern District of Wisconsin

11:45 – 1:00 p.m. Lunch

- *Law School Lawn*

1:00 – 2:15 p.m. **Panel 3: Juror Panel** – moderated panel with a few jurors from well-known cases and a few “regular jurors”

Co-Moderators: Patricia Lee Refo and Stephan Landsman
Panelists: Oscar H. Criner, Juror, Arthur Andersen Trial; Co-
Chair, ABA Commission on the American Jury;
Michael Roddy, juror, criminal trial (capital);
Denise O. Dancy, juror, criminal trial;
Sheila Barth, juror, civil trial;
Grant Todd, juror, civil trial

Friday, October 15, 2004 (continued)

- 2:15 – 3:30 p.m. **Panel 4: General Principles Regarding the Right to Jury Trial/Post-Verdict Activity** – right to jury trial, right to serve on juries, appropriate jury size, jury unanimity, jury responsibility in complex cases, jury waiver, review of jury decisions
- Co-Moderators:** Patricia Lee Refo and Stephan Landsman
Panelists: Margaret Love, Member, ABA Criminal Justice Section Council;
 Paul Butler, Professor of Law, George Washington University Law School
- 3:30 – 3:40 p.m. Transfer Break
- 3:40 – 4:40 p.m. **Breakout Discussions**
- 1) Managing Jury Trials/Deliberations and Decision Making
 - *Classroom A*
- 2) Bringing Jurors into the Adjudicatory Process
 - *Classroom B*
- 3) General Principles Regarding the Right to Jury Trial/Post-Verdict Activity
 - *Classroom C*
- 4:40 – 4:50 p.m. Transfer Break
- 4:50 p.m. **Wrap Up/Closing Remarks**
- Patricia Lee Refo, Chair, American Jury Project
 Robert J. Grey, Jr., President, American Bar Association
- 5:15 p.m. Buses depart for Evans Hall
- 5:30 p.m. Reception, *Faifax Lounge*
6:30 p.m. Dinner, *Evans Hall*
- 8:30 p.m. Buses return guests to hotels