

CRN 04

Annual Meeting of the
Law & Society Association

Lay Participation in Legal Systems

June 6-9, 2024

Denver, Colorado



Cornell
Law School

ABOUT CRN 04

The purpose of this CRN is to bring together scholars working on different forms of lay participation in legal decision making. The legal systems of many countries incorporate laypersons in some decision-making capacity, including lay judges or assessors, mixed tribunals of law-trained and lay judges, and the jury.

Lay participation in the justice system has been justified on multiple grounds. It is said to improve decision making, to reduce the impact of biased or corrupt judges, to keep the system responsive to changing community values, to better represent the diversity of citizen experiences and perspectives, and to enhance the legitimacy of the system. Lay involvement is strongly criticized on multiple grounds as well, including charges that lay participants are incompetent or biased decision makers, lack crucial knowledge of law, or ignore the law. Scholars have also questioned whether lay participation has any real impact on legal system outcomes or whether it serves only a legitimacy function.

This CRN will help facilitate the exchange of research findings and comparative research about lay involvement in legal decision making. What are the strengths and drawbacks of different forms of lay participation as practiced in different countries? How do a country's historical and contextual factors shape the forms of lay participation? To what extent does lay participation fulfill its multiple functions?

Link: <https://www.lawandsociety.org/crn04/>

CRN 04 EVENTS

Business Meeting (3635)

Friday, June 7, 4:45 PM - 6:30 PM

Room: Sandstone

Please come to hear about the latest projects of our members, and to share ideas and information about lay participation in legal decision making.

Group Dinner

Friday, Jun 7, at 7:00 PM

Our traditional group dinner for CRN members will be held this year at one of the restaurants in the Hyatt Hotel (the conference hotel): Former Saint Craft Kitchen and Taps.

Note: This CRN04 booklet presents information about sessions that are sponsored and cosponsored by our CRN. Presentations on juries and lay participation can also be found in other places in the program, including through CRN 54, Law, Psychological Science, and Society. See, for example, a paper session on Thursday at 2:45 pm: Influences and Consequences of Jury Decision Making, in Capitol 2.

CRN 04 SESSION

Friday, June 7

Global Perspectives on Lay Participation in Law (2155)

10:00 AM - 11:45 AM

Paper Session

Room: Granite A

This session includes papers that analyze the use of lay participation around the globe. Close to two-thirds of the world's countries rely on some type of lay participation, including juries, mixed courts of lay and professional judges, lay courts, and lay magistrates. In this session we will examine some of the variety of lay fact-finding in African, European, and South American countries.

Chair:

Valerie Hans, *Cornell University*

Discussant:

Mary R. Rose, *University Texas, Austin*

Presentations:

An Empirical Assessment of Lay Participation in Criminal Cases in Africa

Presenter

Sanja Kutnjak Ivkovich, *Michigan State University*

Non-Presenting Co-Author

Valerie Hans, *Cornell University*

Crime Victim Participation in Japan: On the Effect of Victim Statement

Presenter

Shozo Ota, *Meiji University School of Law*

Current Status and Limitations of Citizen Participation in Criminal Trials in South Korea

Presenter

Yoori Seong, *Korean Institute of Criminology & Justice*

Deciding without Deliberating: Voices from Brazilian Jurors

Presenter

Valerie Hans, *Cornell University*

Non-Presenting Co-Author

Gabriela Almeida, *Universidade Federal de São Carlos*

Putting the Jury on Trial: Exploring the Possibility of Removing Juries in Rape Trials in Ireland

Presenter

Sarah Bryan O'Sullivan, *The Open University*

Improving Jury Participation and Jury Selection Practices (2086)

2:45 PM - 4:30 PM

Paper Session

Room: Granite A

This panel will consider the pros and cons and empirical support for a number of steps in the jury selection process, considering both efforts to increase participation through higher juror pay, the legal legitimacy of peremptory challenges, the effect of eliminating challenges, language used in jury selection, and a range of efforts to increase jury inclusion.

Chair:

Mary R. Rose

University Texas, Austin

Discussant:

Valerie Hans

Cornell University

Presentations:

A Decade and a Half After an Increase in Juror Pay: Results from Texas Counties

Presenter

Mary R. Rose

University Texas, Austin

Non-Presenting Co-Author(s)

Faris Husain

The University of Texas at Austin

Max Lisch

The University of Texas at Austin

Courtroom Language During Jury Selection in Canada

Presenter

Nancy Marder
IIT Chicago-Kent College of Law

The Constitutional Right to Peremptory Challenges in Jury Selection

Presenter

Richard Jolly
Southwestern Law School

The Impact of Arizona's 2022 Ban on Peremptory Challenges

Presenter

Jessica Salerno
Arizona State University

Non-Presenting Co-Author(s)

Valena Beety, *Arizona State University Sandra Day O'Connor College of Law*

Henry Fradella, *Arizona State University*

Hannah Phalen, *Arizona State University*

Cassia Spohn, *Arizona State University*

Alia Wulff, *Arizona State University*

Shi Yan, *Arizona State University*

Wither Jury Reform? Legislation, Litigation, and Limitations

Presenter

Catherine Grosso, *Michigan State University*

Non-Presenting Co-Author

Barbara O'Brien, *Michigan State University*

Saturday, June 8

Frontline Justice Workers: Engagement, Research, and Evaluation (2840)

10:00 AM - 11:45 AM

Roundtable Session

Room: Agate A

A range of innovative non-lawyer justice worker initiatives have recently been launched. Alaska Legal Services is pioneering Community Justice Workers. Delaware has approved a Qualified Tenant Advocate program; new programs in South Carolina and Oklahoma are training community service providers in "Legal First Aid," and Arizona is training lay legal advocates to represent survivors in DV cases. This roundtable will investigate how community engagement informs the creation and shape of these programs and discuss approaches to research and evaluation. It will also consider prevailing and community-specific evaluative models and explore the appropriate outcomes to gauge the success of these programs, including enhanced legal capabilities among stakeholders, legal knowledge dispersion, and client and community experience. Co-sponsored by CRN04 and CRN39.

Chair:

Matthew Burnett

American Bar Foundation

Participants:

Tanina Rostain

Georgetown Law Center

Rebecca Sandefur

Arizona State University and American Bar Foundation

Michele Statz

University of Minnesota

James Teufel

Help Justice

Lay Understanding of Justice Concepts (3710)

12:45 PM - 2:30 PM

Paper Session

Room: Capitol 2

This session explores how lay people understand key terms and processes. One paper uses qualitative and quantitative approaches to measure how lay people understand “beyond a reasonable doubt” and the grounds for it. Another paper breaks down the different components that are seen to underlie “reasonableness”; this work experimentally tests which components most strongly predict reasonableness perceptions as well as asks whether jury instructions affect which components people use to judge reasonableness. A third paper studies perceptions of fairness and procedural justice in early states of small-claim proceedings in the Netherlands, exploring how people evaluate the fairness with which they are treated. The degree to which people understand key legal procedures and terms affects perceptions of and participation in the legal system. Co-sponsored by CRN04 and CRN54 (Law, Society & Psychological Science)

Chair/Discussant:

Gilat Bachar

Temple Law School

Presentations:

Beyond Reasonable Doubt: Ordinary Peoples’ Views of an Extraordinary Concept

Presenter

Mandeep Dhani

Middlesex University London

Non-Presenting Co-Author

Samantha Lundrigan

Policing Institute for the Eastern Region

Canadian Mock-Jurors and the Presumption of Innocence: Differentially Interpreted and Not Influenced by Instruction or Reading Ability

Presenter

Michelle Bertrand
University of Winnipeg

Non-Presenting Co-Author

Richard Jochelson
Faculty of Law, University of Manitoba

Mapping Reasonableness

Presenter

Christopher Jaeger
Baylor Law School

“I Do Not Have an Opinion About That Yet”: Perceived Procedural Justice in Early Stages of Small-Claim Procedures in the Netherlands

Presenter

Anne Janssen
Montaigne Centre, Utrecht University

Non-Presenting Co-Author(s)

Kees van den Bos
Utrecht University

Kim van der Kraats
Universiteit Utrecht

The Trump Trials (2182)

2:45 PM - 4:30 PM

Roundtable Session

Room: Agate A

This roundtable will examine the four criminal jury trials that will take place in the coming months ever since former president Donald J. Trump was indicted in four jurisdictions. Participants will discuss a range of questions, including one that is currently being raised by the media which is whether Donald Trump can receive a fair jury trial. Some in the media argue that jurors will simply vote based on their political affiliations. However, there are many ways in which being a juror is not like casting a vote for a favored political candidate. In addition, judges have recourse to a number of tools, such as sequestering jurors and keeping them anonymous, to limit their exposure to outside influences. This roundtable will also consider whether Trump's behaviors inside and outside the courtroom require new responses from judges. Co-sponsored by CRN04, CRN43 (Innovations in Judging), and CRN45 (Law and the Media).

Chair

Nancy Marder

IIT Chicago-Kent College of Law

Participants:

Marie Comiskey

*Centre for Criminology & Sociolegal Studies,
University of Toronto*

Valerie Hans

Cornell University

Christine Harrington

New York University

Barbara O'Brien

Michigan State University

CRN 04 ORGANIZERS

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LAY PARTICIPATION WEBSITE

Cornell Law School hosts our group's webpage and email list. See <https://www.lawschool.cornell.edu/academics/centers-programs/lay-participation-in-law/>. If you are interested in joining us as a member of our CRN, contact the CRN organizers at their emails above.