

JURY SUMMIT

2001

A G E N D A

WEDNESDAY JANUARY 31

- 3 - 7 P.M. **Registration** (*Marquis / 9th Floor*)
7 - 9 P.M. **Reception** (*Sky Lobby / 37th Floor*)

THURSDAY FEBRUARY 1

- 7:00 A.M. **Continental Breakfast** (*9th Floor*)
7:30 A.M. **Registration** (*9th Floor*)
7:30 A.M. **Resource Rooms** (*Olmstead, Gotham / 7th Floor*)
9:00 A.M. **Welcome** (*Marquis / 9th Floor*)
9:15 A.M. **Plenary Session:** (*Marquis / 9th Floor*)
Creating a Democratic Jury System
10:30 A.M. **Break** (*7th and 9th Floors*)
10:45 A.M. **Concurrent Panels:**
 - Using Multiple Lists and Stratified Selection Methods (*Cantor / Jolson / 9th Floor*)
 - Who Are Non-Responders and What Should Courts do? (*Empire / 7th Floor*)
 - Reducing Juror Hardship and Increasing the Opportunity to Serve (*Soho / 7th Floor*)
 - Is Your Jury System Defensible? (*Marquis / 9th Floor*)

Noon **Lunch and Speaker** (*Sky Lobby / 37th Floor*)
Honorable Rudolph W. Giuliani
1:30 P.M. **Plenary Session:** (*Marquis / 9th Floor*)
 - Research in Jury Selection
 - Selecting a Fair Jury (Mock Voir Dire)

3:30 P.M. **Break** (*9th Floor*)
3:45 P.M. **Juries at the Movies** (*Marquis / 9th Floor*)
4:30 P.M. **Adjourn**

FRIDAY FEBRUARY 2

- 7:00 A.M. **Continental Breakfast** (*9th Floor*)
7:30 A.M. **Registration** (*9th Floor*)
7:30 A.M. **Resource Rooms** (*Olmstead, Gotham / 7th Floor*)
8:30 A.M. **Plenary Session:** (*Marquis / 9th Floor*)
Communicating with Jurors
10:15 A.M. **Break** (*7th and 9th Floors*)
10:30 A.M. **Concurrent Panels:**
 - Notices, Handbooks, Orientation, Post-Verdict Information, Exit Surveys (*Soho / 7th Floor*)
 - Public Interest: Court Support and Education Programs (*Cantor / Jolson / 9th Floor*)

FRIDAY FEBRUARY 2 CONTINUED

- Press Communication with Jurors (*Marquis / 9th Floor*)
 - Juror Privacy vs. The Public's Right to Know (*Empire / 7th Floor*)
- Noon **Lunch and Speaker** (*Sky Lobby / 37th Floor*)
Dan Rather
1:30 P.M. **Concurrent Panels:**
 - Innovative Trial Procedures (*Two sessions: Marquis and Cantor / Jolson / 9th Floor*)
 - Improving Pattern Jury Instructions (*Empire / 7th Floor*)
 - Deliberation Assistance and Post Verdict Discussions with Jurors (*Soho / 7th Floor*)

3:00 P.M. **Break** (*9th Floor*)
3:15 P.M. **Plenary Session:** (*Marquis / 9th Floor*)
Implementing State Jury Programs
4:30 P.M. **Excerpts: "Trial By Jury"** (*Marquis / 9th Floor*)
5:00 P.M. **Adjourn**

SATURDAY FEBRUARY 3

- 7:00 A.M. **Continental Breakfast** (*9th Floor*)
7:30 A.M. **Registration** (*9th Floor*)
7:30 A.M. **Resource Rooms** (*Olmstead, Gotham / 7th Floor*)
8:30 A.M. **Concurrent Panels:**
 - Current Jury Research (*Marquis / 9th Floor*)
 - New Jury System Ideas (*Soho / 7th Floor*)
 - Cutting Edge Jury Automation/Web Sites (*Empire / 7th Floor*)
 - Jury Systems Around the World (*Cantor / Jolson / 9th Floor*)

10:00 A.M. **Break** (*7th and 9th Floors*)
10:15 A.M. **Concurrent Panels:**
 - Death Penalty Jury Issues (*Marquis / 9th Floor*)
 - Jurors with Disabilities: Practical and Legal Issues from Summoning to Verdict (*Empire / 7th Floor*)
 - Jury Issues in Notorious Trials/Mass Torts (*Soho / 7th Floor*)
 - National Jury Website (*Cantor / Jolson / 9th Floor*)

11:30 A.M. **Chiefs' Roundup:** (*Marquis / 9th Floor*)
What's New, What's Next?
Noon **Closing Remarks**

WEDNESDAY, JANUARY 31, 2001

REGISTRATION (<i>Marquis/9th Floor</i>)	3:00P.M. - 7:00P.M.
NEW YORK CITY SOCIAL EVENT DESK (<i>Outside Marquis 9th Floor</i>)	3:00P.M. - 7:00P.M.
RECEPTION (<i>Sky Lobby/37th Floor</i>)	7:00P.M. - 9:00P.M.

Host: Roger K. Warren, President, National Center for
State Courts

Honorable Judith S. Kaye - Welcoming Remarks and
Introduction of Special Guests

THURSDAY, FEBRUARY 1, 2001

CONTINENTAL BREAKFAST (*9th Floor*) 7:00A.M. - 9:00A.M.

REGISTRATION (*9th Floor*) 7:30A.M. - 5:00P.M.

RESOURCE ROOMS (*Olmstead/Gotham/7th Floor*) 7:30A.M. - 5:00P.M.

NEW YORK CITY SOCIAL EVENT DESK 7:30A.M. - 5:00P.M.

~~(*Outside Marquis Ballroom/9th Floor*)~~

WELCOME BY HOSTS (*Marquis/9th Floor*) 9:00A.M. - 9:15A.M.

Honorable Judith S. Kaye, New York
Roger K. Warren, National Center for State Courts

G. Thomas Munsterman, National Center for State
Courts (Conference Coordinator)

**"A JURY OF YOUR PEERS?" - CREATING A
DEMOCRATIC JURY SYSTEM** (*Marquis/9th Floor*) 9:15A.M - 10:30A.M

The U. S. Constitution requires an impartial jury. Our courts have interpreted this to mean one selected from a cross-section of the community. How can a cross-section be achieved? Is it proper to 'engineer' a cross-section? Is it important for the jury system to be inclusive as well as representative? How do long term of service, exemption, peremptory challenges, non-response, low fees, strict postponement policies, inadequate source lists and juror hardship work against a democratic jury?

Professor Charles J. Ogletree Jr., Massachusetts
(Moderator)
Zachary W. Carter, New York
Ronald Jay Cohen, Arizona
Gloria Gomez, California
Professor Nancy King, Tennessee
Honorable Colleen McMahan, New York
Annie King Phillips, District of Columbia
Professor Jon M. Van Dyke, Hawaii
Roger K. Warren, Virginia

BREAK (*7th & 9th Floors*) 10:30A.M - 10:45A.M

THURSDAY, FEBRUARY 1, 2001

(1) USING MULTIPLE LISTS AND STRATIFIED SELECTION METHODS (*Cantor/Jolson/9th Floor*)

10:45A.M - 12:00Noon
(Concurrent Session)

The source list is the starting point in the court's mission to produce a jury list which reflects a cross-section of the community. This panel explores the type and quality of source lists and discusses the pros and cons of attempting to engineer a cross section by using stratified selection.

Professor Nancy King, Tennessee (Moderator)
Kay Berris, Connecticut
Professor Joseph B. Kadane, Pennsylvania
Chester Mount, New York

(2) WHO ARE NON-RESPONDERS AND WHAT SHOULD COURTS DO? (*Empire/7th Floor*)

10:45A.M. - 12:00Noon
(Concurrent Session)

Whether due to inconvenience, cynicism, disenchantment, apathy or laziness, high non-response rates damage cross-section, hamper the courts' ability to provide short and infrequent service and erode confidence in the jury system. This panel will explore who the recalcitrants are, how a high non-response impairs jury system improvement efforts and discuss what enforcement efforts are being tried by the court.

Honorable Thomas H. Barland, Wisconsin (Moderator)
Professor Robert Boatright, Pennsylvania
Frank Davis, Massachusetts
Vincent Homenick, New York

Nancy Lucadamo (Facilitator)

THURSDAY, FEBRUARY 1, 2001

- (3) REDUCING JUROR HARDSHIP AND INCREASING THE OPPORTUNITY TO SERVE (*Soho/7th Floor*) 10:45A.M. - 12:00Noon
(Concurrent Session)

This panel will discuss the steps which courts can take to reduce juror hardship and thus increase the opportunity for all members of society to serve on jury duty. How does reducing and spreading the burden of jury service help increase the opportunity for all to serve? Conversely, how does increasing the opportunity help reduce and spread the burden of jury service?

Honorable Jonathan Lippman, New York (Moderator)
Honorable Daniel J. Berschauer, Washington
Norman Goodman, New York
Honorable Dallas Holmes, California
Honorable Gregory E. Mize, District of Columbia
Honorable Shirley Troutman, New York

Anthony Manisero (Facilitator)

- (4) IS YOUR JURY SYSTEM DEFENSIBLE? 10:45A.M. - 12:00Noon
(*Marquis/9th Floor*) (Concurrent Session)

On what basis can the jury system be successfully challenged and how can courts design a system that can withstand such a challenge? What would be the contents of a report card that assesses a court's susceptibility to a jury challenge?

Barry Kamins, New York (Moderator)
Sherry Dorfman, California
Honorable Lewis L. Douglass, New York
Michael F. Garrahan, New Jersey
Susan Macpherson, Minnesota

Martha Perez (Facilitator)

Lunch (Sky Lobby/37th Floor)

12:00Noon - 1:30P.M.

Speaker: Honorable Rudolph W. Giuliani

Introduction By: Honorable Judith S. Kaye

THURSDAY, FEBRUARY 1, 2001

SELECTING A FAIR JURY: HOW DO WE ACCOMPLISH THE
REAL PURPOSE OF VOIR DIRE? (*Marquis/9th Floor*)

1:30P.M. - 3:30P.M.

This session will explore the tensions between obtaining the necessary information about jurors and protecting juror privacy. Issues involved in making the difficult decision about whether or not to excuse a juror for cause when the juror claims that he or she can be fair even though the juror's experience or answers to some of the questions suggests that the juror may not be impartial will be discussed.

Professor Shari Diamond, Illinois (Moderator)
B. Michael Dann, Virginia
Honorable Gregory E. Mize, District of Columbia

Mock Voir Dire Honorable Rosalyn Richter, New York (Judge)
Majorie Fisher, New York (Prosecutor)
Robin Steinberg, New York (Defense Counsel)
Honorable Joan B. Carey, New York (Juror)
Honorable L. Priscilla Hall (Juror)
Honorable Joseph J. Traficanti Jr., New York (Juror)

BREAK (*9th Floor*)

3:30P.M. - 3:45P.M.

**JURY SELECTION AND JURY COMMUNICATION IN
THE MOVIES** (*Marquis/9th Floor*)

3:45P.M. - 4:30P.M.

How does Hollywood portray the jury?

Honorable Patricia D. Marks, New York
Honorable Alan D. Marrus, New York

FRIDAY, FEBRUARY 2, 2001

CONTINENTAL BREAKFAST (9th Floor) 7:00A.M. - 8:30A.M.

REGISTRATION (9th Floor) 7:30A.M. - 5:00P.M.

NEW YORK CITY SOCIAL EVENT DESK (9th Floor) 7:30A.M. - 5:00P.M.

~~RESOURCE ROOM (Olmstead, Gotham/7th Floor) 7:30A.M. - 5:00P.M.~~

8:30A.M. - 10:15P.M.

COMMUNICATING WITH JURORS (Marquis /9th Floor)

Do jurors really understand what is going on during the trial and do they comprehend the judge's instructions? Courts are starting to consider jurors as more than just silent partners. What, if any, are the problems with the traditional jury's passive role and why is a more active jury desirable? What are the elements of an active jury and what are courts doing to more fully engage the jury? What problems do these active juries bring?

George Freeman, New York (Moderator)
Desmond T. Barry, New York
Morrie Cohen, Hawaii
Mark Curriden, Texas
B. Michael Dann, Virginia
Zelda M. DeBoyes, Colorado
Honorable Stanley Feldman, Arizona
Claire P. Gutekunst, New York
Samuel Harahan, District of Columbia
Kenneth Nolan, New York

BREAK (7th & 9th Floors)

10:15A.M. - 10:30A.M.

FRIDAY, FEBRUARY 2, 2001

**(1) NOTICES, HANDBOOKS, ORIENTATION,
POST-VERDICT INFORMATION, EXIT
SURVEYS
(Soho/7th Floor)**

**10:30A.M. -
12:00Noon
(Concurrent Session)**

Courts are becoming more sophisticated about how they communicate with jurors. Summonses, orientation programs, handbooks and web sites are being used not only to notify and give information but also to educate potential jurors. Exit questionnaires serve as valuable sources of feedback to the court.

Gordon Griller, Arizona (Moderator)
Matthew L. Benefiel, Florida
Gloria Gomez, California
Anthony Manisero, New York
Ted Steeg, New York

**(2) PUBLIC INTEREST: COURT SUPPORT AND
EDUCATION PROGRAMS (Cantor/ Jolson/9th
Floor)**

**10:30A.M. -
12:00Noon
(Concurrent Session)**

There is a growing movement by community groups and educational institutions to inform, educate and support the over five million jurors who serve on jury duty each year. Work is being done through community organizations, bar associations, and schools at all grade levels. Court support organizations are even setting up shop in the jury room to provide information amenities and support.

Steven Zeidman, New York (Moderator)
Annette Kirby, California
James McFadden, District of Columbia
Emil Zullo, New York

Nancy Lucadamo (Facilitator)

FRIDAY, FEBRUARY 2, 2001

(3) PRESS COMMUNICATION WITH JURORS
(Marquis/9th Floor)

10:30A.M. -
12:00Noon
(Concurrent Session)

The press often want to hear directly from jurors about their jury experience and about the reasoning behind their decisions - particularly after high-profile trials. What information does the press want and how do they obtain it? What are the juror privacy issues? What role, if any, should the court play in the press effort to obtain information from jurors?

George Freeman, New York (Moderator)
David Bookstaver, New York
Honorable Stephen Crane, New York
Mark Curriden, Texas
Lucy Quin Livan, Minnesota
David Rohde, New York

Chester Mount (Facilitator)

(4) JUROR PRIVACY VS. THE PUBLIC'S RIGHT TO
KNOW (Empire/7th Floor)

10:30A.M. -
12:00Noon
(Concurrent Session)

Jury service requires people to divulge sensitive and personal information about themselves, family and friends to a host of strangers: defendants, litigants, fellow jurors, court staff and anyone who happens to be in the courtroom during jury selection. This experience can evoke discomfort and even fear from some jurors who may be disturbed about publicly displaying their private lives to the press or to a dangerous defendant.

Paula L. Hannaford, Virginia (Moderator)
Michael Colodner, New York
Andy Madsen, Florida
Mary Rose, Illinois

Martha Perez (Facilitator)

LUNCH & (Sky Lobby/37th Floor)

12:00Noon - 1:30P.M.

Speaker: Dan Rather, CBS News

Introduction By: Honorable Judith S. Kaye

FRIDAY, FEBRUARY 2, 2001

(1) INNOVATIVE TRIAL PROCEDURES (*Two Sessions*)

1:30P.M. - 3:00P.M.
(Concurrent Session)

This session will explore the characteristics of the active jury: notetaking, jurors submitting questions to witnesses, preinstructing the jury, notebooks, interim commentary, discussions about the evidence during trial, and other topics. what has been tried, what works and what doesn't?

Panel 1 (*Marquis 9th Floor*)

Gregory P. Joseph, New York (Moderator)
Morrie Cohen, Hawaii
Honorable Jacqueline Conner, California
B. Michael Dann, Virginia
Honorable Peter M. Lauriat, Massachusetts

Martha Perez (Facilitator)

Panel 2 (*Cantor Jolson 9th Floor*)

Honorable Niles Jackson, Oklahoma (Moderator)
Honorable Frederic Block, New York
Honorable Judith C. Chirlin, California
Ronald Jay Cohen, Arizona
Annie King Phillips, District of Columbia
Honorable F. Dana Winslow, New York

Anthony Manisero (Facilitator)

FRIDAY, FEBRUARY 2, 2001

(2) IMPROVING PATTERN JURY INSTRUCTIONS
(Empire/7th Floor)

1:30P.M. - 3:00P.M.
(Concurrent Session)

A discussion of the challenges of preparing pattern instructions that are both understood by jurors and are legally correct. What are the characteristics of clearer instructions? What efforts are currently underway to improve instructions? What does the research say about the benefits of clearer instructions. How do appellate court decisions encourage or discourage improving instructions?

Honorable Leon D. Lazer, New York (Moderator)
Honorable Susan Del Pesco, Delaware
Honorable Stephen W. Fisher, New York
Professor Peter Tiersma, California

Chester Mount (Facilitator)

**(3) DELIBERATION ASSISTANCE AND POST-
VERDICT DISCUSSIONS WITH JURORS**
(Soho/7th Floor)

1:30P.M. - 3:00P.M.
(Concurrent Session)

In many jurisdictions, jurors are given instructions and sent to the deliberation room to decide the verdict with no help as to how to conduct deliberation. This session discusses the effort that are now underway to provide deliberation guidance. Also, what can and should a judge discuss with jurors after the verdict is in, or is that asking for trouble?

Honorable Thomas H. Barland, Wisconsin (Moderator)
Professor Robert Boatright, Pennsylvania
Paula L. Hannaford, Virginia
Honorable Michael Juviler, New York

Nancy Lucadamo (Facilitator)

BREAK (9th Floor)

3:00P.M. - 3:15P.M.

FRIDAY, FEBRUARY 2, 2001

IMPLEMENTING STATE JURY PROGRAMS

3:15P.M. - 4:30P.M.

(Marquis/9th Floor)

It is one thing to write a report recommending jury system changes but quite another to make those changes happen. In this session, we hear from those who have made changes describe what they did and how they did it.

G. Thomas Munsterman, Virginia (Moderator)

David Byers, Arizona

Cathlin Donnell, Colorado

Michael F. Garrahan, New Jersey

Honorable Dallas Holmes, California

Honorable Peter H. Lauriat, Massachusetts

Honorable Jonathan Lippman, New York

Honorable Gregory E. Mize, District of Columbia

Honorable Shackley Raffetto, Hawaii

“Excerpts from Trial by Jury” By Gilbert and Sullivan

4:30P.M. - 4:45P.M.

Performed by “Members of the Blue Hill Troupe, Ltd.” ***(Marquis/9th Floor)***

SATURDAY, FEBRUARY 3, 2001

CONTINENTAL BREAKFAST (9th Floor) 7:00A.M. - 8:30P.M.

**REGISTRATION (9th Floor) 7:30A.M. -
12:00Noon**

**RESOURCE ROOMS (Olmstead, Gotham/7th Floor) 7:30A.M. -
12:00Noon**

**NEW YORK CITY SOCIAL EVENT DESK (9th Floor) 8:30A.M. -
12:00Noon**

**(1) CURRENT JURY RESEARCH PROJECTS 8:30A.M. -10:00A.M.
(Marquis/9th Floor) (Concurrent
Session)**

An overview of the latest research being done in the areas of juror cognition and decision making, the group dynamics of the jury, jury verdicts, the jury's ability to understand scientific experts, the factors that determine jury awards and other topics all in just one hour.

Honorable Michael J. Brown, Arizona (Moderator)
Joe Cecil, District of Columbia
Professor Valerie Hans, Delaware
Brian Ostrom, Virginia

G. Thomas Munsterman, Virginia (Facilitator)

**(2) NEW JURY SYSTEM IDEAS (Soho/7th Floor) 8:30A.M. -10:00A.M.
(Concurrent
Session)**

Who says there's nothing new under the sun. Taking a peek at what is new and what may be on the horizon.

Professor Nancy S. Marder, Illinois
Honorable Donald E. Shelton, Michigan

Anthony Manisero (Facilitator)

SATURDAY, FEBRUARY 3, 2001

(3) CUTTING EDGE JURY AUTOMATION AND WEB SITES (*Empire/7th Floor*)

**8:30A.M. -10:00A.M.
(Concurrent
Session)**

A discussion of the latest technology being used to support jury system management: advanced duplicate detection software, bar code scanning, on-line qualification, qualification and postponement by phone. Also, how the web is being used for juror information, orientation, qualification and postponement.

Chester Mount, New York (Moderator)
Matthew L. Benefiel, Florida
Gloria Gomez, California
Edward Spath, New York

**(4) JURY SYSTEMS AROUND THE WORLD
(*Cantor/Jolson/9th Floor*)**

**8:30A.M. -10:00A.M.
(Concurrent
Session)**

Learn about jury system in other countries. Explore the similarities and differences between the U.S. jury system and those from around the world. What problems do the different systems have in common? How does the U.S. jury system compare with those around the world?

Professor Richard O. Lempert, Michigan
Professor Neil Vidmar, North Carolina

Martha Perez (Facilitator)

BREAK (7th Floor and 9th Floor)

**10:00A.M. -
10:15A.M.**

SATURDAY, FEBRUARY 3, 2001

- (1) DEATH PENALTY JURY ISSUES (*Marquis/9th Floor*)** **10:15A.M. - 11:30A.M.**
(Concurrent Session)

An overview of the unique issues that arise in the selection, management, instruction and decision making of a death penalty jury.

Paula L. Hannaford (Moderator)
Honorable John J. Connell, New York
Professor Shari Diamond, Illinois
Honorable George D. Marlow, New York

Martha Perez (Facilitator)

- (2) JURORS WITH DISABILITIES: PRACTICAL AND LEGAL ISSUES FROM SUMMONING TO VERDICT (*Empire/7th Floor*)** **10:15A.M. - 11:30A.M.**
(Concurrent Session)

To what extent does the law require the courts to provide accommodations for jurors with disabilities? How best can judges and attorneys determine whether a juror with a disability is capable of serving in a particular case? What practical ways have the courts found to accommodate jurors with disabilities?

Honorable Rosalyn Richter, New York (Moderator)
Vincent Homenick, New York
Oral Miller, District of Columbia

Anthony Manisero (Facilitator)

SATURDAY, FEBRUARY 3, 2001

(3) JURY ISSUES IN NOTORIOUS TRIALS AND MASS TORTS (*Soho/7th Floor*)

**10:15A.M. - 11:30A.M.
(Concurrent Session)**

An overview of the unique issues that arise in the conduct of jury trials in notorious and mass tort cases. Mass tort jury trials have, of necessity, produced new ways of trying cases. Notorious trials mean jury problems will be seen by the world. How can judges plan for these special situations?

Honorable Helen E. Freedman, New York

Honorable Hiller B. Zobel, Massachusetts

Nancy Lucadamo (Facilitator)

(4) NATIONAL JURY WEBSITE (*Cantor/Jolson/9th Floor*)

10:15A.M. - 11:30A.M.

The Jury Summit will serve as a forum for exchanging ideas about how the jury system can be improved. The Summit's legacy will be the National Jury Web Site: a place to continue the exchange of ideas and experiences. This session will discuss the possible content, format, organization and funding of the National Jury Web Site. To the extent possible, each state and federal court in attendance should send a representative to this session.

Chester Mount

G. Thomas Munsterman

**CHIEF'S ROUNDUP: WHERE DO WE GO FROM HERE?
(*Marquis/9th Floor*)**

**11:30A.M. -
12:00Noon**

Chief Justices, Chief Administrators and Summit Executive Committee members will summarize their plans for future jury system improvement.

G. Thomas Munsterman, Virginia (Moderator)

Honorable Shirley S. Abrahamson, Wisconsin

Zelda DeBoyes, Colorado (NACM)

Honorable Gerald Elliott, Kansas (AJA)

Honorable Judith S. Kaye, New York

Honorable Joseph E. Lambert, Kentucky

Honorable Elizabeth A. Weaver, Michigan

Honorable Thomas A. Zlaket, Arizona

CLOSING REMARKS - (*Marquis/9th Floor*)

12:00Noon

Honorable Judith S. Kaye, New York
