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TRIAL BY JURY: DOES THE AMERICAN JURY SYSTEM BRING ABOUT JUSTICE?



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The Jury System In America

Stacy Pratt McDermott



The Jury System In America:

Jury System in America Rita James Simon, 1975-09

The American Jury System Randolph N. Jonakait, 2008-10-01

How are juries selected in the United States? What forces influence juries in making their decisions? Are some cases simply beyond the ability of juries to decide? How useful is the entire jury system? In this important and accessible book, a prominent expert on constitutional law examines these and other issues concerning the American jury system. Randolph N. Jonakait describes the historical and social pressures that have driven the development of the jury system, contrasts the American jury system to the legal process in other countries, reveals subtle changes in the popular view of juries, examines how the news, media, movies, and books portray and even affect the system, and discusses the empirical data that show how juries actually operate and what influences their decisions. Jonakait endorses the jury system in both civil and criminal cases, spelling out the important social role juries play in legitimizing and affirming the American justice system. **We, the Jury** Jeffrey B.

Abramson, 2000. This magisterial book explores fascinating cases from American history to show how juries remain the heart of our system of criminal justice and an essential element of our democracy. No other institution of government rivals the jury in placing power so directly in the hands of citizens. Jeffrey Abramson draws upon his own background as both a lawyer and a political theorist to capture the full democratic drama that is the jury. **We the Jury** is a rare work of scholarship that brings the history of the jury alive and shows the origins of many of today's dilemmas surrounding juries and justice. **The Jury in America** Dennis Hale, 2016-02-09. The jury trial is one of the formative elements of American government, vitally important even when Americans were still colonial subjects of Great Britain. When the founding generation enshrined the jury in the Constitution and Bill of Rights, they were not inventing something new but protecting something old, one of the traditional and essential rights of all free men. Judgment by an impartial jury would henceforth put citizen panels at the very heart of the American legal order. And yet at the dawn of the 21st century, juries resolve just two percent of the nation's legal cases, and critics warn that the jury is vanishing from both the criminal and civil courts. The jury's critics point to sensational jury trials like those in the O.J. Simpson and Menendez cases and conclude that the disappearance of the jury is no great loss. The jury's defenders, from journeyman trial lawyers to members of the Supreme Court, take a different view, warning that the disappearance of the jury trial would be a profound loss. In **The Jury in America**, a work that deftly combines legal history, political analysis, and storytelling, Dennis Hale takes us to the very heart of this debate to show us what the American jury system was, what it has become, and what the changes in the jury system tell us about our common political and civic life. Because the jury is so old, continuously present in the life of the American republic, it can act as a mirror reflecting the changes going on around it. And yet because the jury is embedded in the Constitution, it has held on to its original shape more stubbornly than almost any other element in the American regime. Looking back to juries at the time of America's founding and forward to the fraught and diminished juries of our day, Hale traces a transformation in our understanding of ideas about

sedition race relations negligence expertise the responsibilities of citizenship and what it means to be a citizen who is good and true and therefore suited to the difficult tasks of judgment Criminal and civil trials and the jury decisions that result from them involve the most fundamental questions of right and so go to the core of what makes the nation what it is In this light in conclusion Hale considers four controversial modern trials for what they can tell us about what a jury is and about the fate of republican government in America today Verdict; the Jury System Morris J. Bloomstein,1968 This discussion of the jury system traces its early beginnings and discusses juries around the world but concentrates on the system in America It covers selection of jurors different kinds of verdict the roles of judge and lawyers at a trial variations in state and federal jury requirements and practices the pros and cons of retaining the system today **American Juries** Neil Vidmar,Valerie P. Hans,2009-09-25 This monumental and comprehensive volume reviews more than 50 years of empirical research on civil and criminal juries and returns a verdict that strongly supports the jury system The Jury System in America Charles Locke Curtis,1883 **The Jury in Lincoln's America** Stacy Pratt McDermott,2012-01-23 In the antebellum Midwest Americans looked to the law and specifically to the jury to navigate the uncertain terrain of a rapidly changing society During this formative era of American law the jury served as the most visible connector between law and society Through an analysis of the composition of grand and trial juries and an examination of their courtroom experiences Stacy Pratt McDermott demonstrates how central the law was for people who lived in Abraham Lincoln's America McDermott focuses on the status of the jury as a democratic institution as well as on the status of those who served as jurors According to the 1860 census the juries in Springfield and Sangamon County Illinois comprised an ethnically and racially diverse population of settlers from northern and southern states representing both urban and rural mid nineteenth century America It was in these counties that Lincoln developed his law practice handling more than 5 200 cases in a legal career that spanned nearly twenty five years Drawing from a rich collection of legal records docket books county histories and surviving newspapers McDermott reveals the enormous power jurors wielded over the litigants and the character of their communities Verdict Robert E. Litan,2011-09-01 The right to a jury trial is a fundamental feature of the American justice system In recent years however aspects of the civil jury system have increasingly come under attack Many question the ability of lay jurors to decide complex scientific and technical questions that often arise in civil suits Others debate the high and rising costs of litigation the staggering delay in resolving disputes and the quality of justice Federal and state courts crowded with growing numbers of criminal cases complain about handling difficult civil matters As a result the jury trial is effectively being challenged as a means for resolving disputes in America Juries have been reduced in size their selection procedures altered and the unanimity requirement suspended For many this development is viewed as necessary For others it arouses deep concern In this book a distinguished group of scholars attorneys and judges examine the civil jury system and discuss whether certain features should be modified or reformed The book features papers presented at a conference cosponsored by the Brookings

Institution and the Litigation Section of the American Bar Association together with an introductory chapter by Robert E Litan While the authors present competing views of the objectives of the civil jury system all agree that the jury still has and will continue to have an important role in the American system of civil justice The book begins with a brief history of the jury system and explains how juries have become increasingly responsible for decisions of great difficulty Contributors then provide an overview of the system s objectives and discuss whether and to what extent actual practice meets those objectives They summarize how juries function and what attitudes lawyers judges litigants former jurors and the public at large hold about the current system The second half of the book is devoted to a wide range of recommendations that will both improve citizens access to jury determinations and help resolve disputes in a more effective and efficient manner Among their many suggestions the authors call for changes in trial procedures and techniques that would improve the ability of jurors to understand the lay and evidence a reduction in administrative costs and delays and a change in they way juries are chosen The authors also recommend shorter hours and more pay for jurors greater flexibility in court schedules and elimination of alternate jurors In the final chapter the civil jury is considered in the broader context of how society resolves or manages civil disputes

The Jury Crisis Drury R. Sherrod, 2019-02-08 Juries have a bad reputation Often jurors are seen as incompetent biased and unpredictable and jury trials are seen as a waste of time and money In fact so few criminal and civil cases reach a jury today that trial by jury is on the verge of extinction Juries are being replaced by mediators arbitrators and private judges The wise trial of Twelve Angry Men has become a fiction As a result a foundation of American democracy is about to vanish The Jury Crisis What s Wrong with Jury Trials and How We Can Save Them addresses the near collapse of the jury trial in America its causes consequences and cures Drury Sherrod brings his unique perspective as a social psychologist who became a jury consultant to the reader applying psychological research to real world trials and explaining why juries have become dysfunctional While this collapse of the jury can be traced to multiple causes including poor public education the absence of peers and community standards in a class stratified racially divided society and people s reluctance to serve on a jury the focus of this book is on the conduct of trials themselves from jury selection to evidence presentation to jury deliberations Judges and lawyers believe wrongly that jurors can put aside their biases sit quietly through hours days or weeks of conflicting testimony and not make up their minds until they have heard all the evidence Unfortunately the human brain doesn t work that way A great deal of psychological research on jurors and other decision makers shows that our brains intuitively leap to story telling before we rationally analyze facts or evidence Weaving details into a narrative is how we make sense of the world and it s very hard to suppress this tendency Consequently a majority of jurors actually make up their minds before they have heard much of the evidence Judges arbitrators and mediators have similar biases The Jury Crisis deals with an important social problem namely the near collapse of a thousand year old institution and proposes how to fix the jury system and restore trial by jury to a more prominent place in American society

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The Jury System In America Introduction

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