

Crawford
4551
Soc. 499 Fall 86

SPECIAL TOPICS IN CRIMINOLOGY

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THE AMERICAN JURY AND THE RESOLUTION OF CRIMINAL AND CIVIL CONFLICTS

Sociology 4551

A study in human influence, decision making, and the jury system.

DISCIPLINARY FOCUS.-- This course is an interdisciplinary seminar designed for the student of Sociology, Psychology, Communication, Linguistics, Political Science, Prelaw, and others who are interested in the study of the psychological, sociological, communication, and jurisprudential dimensions surrounding the jury trial and the jury system.

COURSE GOALS AND OBJECTIVES.-- Each student enrolled in this course should expect to gain insights into and an increased understanding of:

1. The historical development of the jury system.
2. The historical and contemporary role of the lawyer in the jury system.
3. The role of human persuasion in the decision-making process of the American jury.
4. The nature of jury deliberation.
5. The nature and role of evidence and argument in a jury trial.
6. The impact of individual juror personality variables on the outcome of a jury trial.
7. The strengths and weaknesses of the modern jury system as related to resolving civil and criminal societal problems.

CONTENT QUESTIONS TO BE EXPLORED.-- In addition to the arenas suggested above, the following represent some of the questions to be raised and explored during this seminar:

1. Has the jury system outlived its usefulness in today's American society?
2. Is the contemporary jury trial format consistent with fairness and appropriateness as a decision-making forum?
3. What kinds of personality types and systems make "good" jurors?
4. How may a lawyer discover the strengths and weaknesses of a potential juror?
5. What are the implications of settling a case out of court and of plea bargaining?
6. What is the role of the lawyer as a negotiator?
7. What is the psychological nature of evidence?
8. Can jurors be manipulated beyond the substantive evidence?
9. How significant is human pathos as a factor in jury decision making?

10. What are some ethical dilemmas posed as a lawyer faces a jury with the goal of winning a favorable verdict?
11. What are some of the most significant language variables which operate during a jury trial?
12. What are the major nonverbal dimensions surrounding a jury trial?
13. What are the ramifications of pre-trial publicity as related to a defendant's right to a fair trial?
14. What are the implications of the current movement to limit damage awards in civil cases?
15. What are the implications of the movement toward the non-unanimous verdict in criminal cases?
16. What courtroom problems are created by eye witness testimony?
17. What does effective cross examination really do?
18. What is the significance of using video tape in trial and of video taping trials for jurors?
19. What are the most significant persuasion dimensions surrounding a jury trial?

COURSE REQUIREMENTS.--Each student will be expected to accomplish the following:

1. Read the two works available at the university bookstore:
COMMUNICATION STRATEGIES IN THE PRACTICE OF LAWYERING and
"Communication in the Courtroom"
2. Read broadly in the area of the jury trial and the jury system.
3. Write a ten-page library research paper focusing on one aspect of the jury system.
4. Attend a jury trial or part of a trial and report to the class your evaluation of the event.
5. Attend class and participate in class discussions.
6. Take a mid-term and final examination.
7. Participate in any assigned oral classroom exercises including mock trial experiences.

THE ASSIGNMENT OF GRADES.--Semester grades will be awarded in relation to the following criteria:

1. Test scores.
2. Quality of class participation.
3. Quality of term paper.
4. Quality of student performance during classroom reporting of trial observation and other assigned exercises and reports.

SUPPLEMENTAL READINGS

- Bailey, F. Lee, & Rothblatt, Henry B., Fundamentals of Criminal Advocacy, New York: The Lawyers Co-Operative Publishing Co., 1974.
- Bailey, F. Lee, The Defense Never Rests, New York: New American Library (1971).
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- Blumberg, Abraham S., Criminal Justice, Watts, Franklin, Inc., 1967.
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- Crawford, Richard J., "Closing Argument: High Noon at the Penthouse Corral". Trial Diplomacy Journal (1983):12-17.
- Crawford, Richard J., "Courtroom Lovers." Trial Diplomacy Journal 6 (1983):19-21.
- Crawford, Richard J., "Defense Voir Dire: Communication Strategy." Criminal Defense 6 (1979):5-7.
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- Crawford, Richard J., "Public Defender Acquittal Rates in One Colorado County." Briefcase 38 (1981):69-70 (with Jeff Duke).
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- Ginger, Ann Fagan, Jury Selection in Criminal Trials. California, Lawpress, 1975.
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- Jeans, James, Trial Advocacy, St. Paul, MN: West Publishers, 1975.
- Julien, Al, Opening Statements, Callaghan and Company, Wilmette, IL, 1980.
- Keeton, Robert E., Trial Tactics and Methods, Boston: Little, Brown and Co., 1973.
- Kerr, Norbert L., & Bray, Robert M., The Psychology of the Courtroom, New York: Academic Press Inc., 1982.
- Larson, Charles U., Perception and Responsibility: Persuasion. Third Ed., Belmont, CA: Wadsworth Publishing Co., 1983.

- Loftus, Elizabeth, & Wells, Gary, Eyewitness Testimony: Psychological Perspectives, Cambridge; New York: Cambridge University Press, 1985.
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