Thursday, October 23

8:00 a.m.          REGISTRATION

8:00 a.m. – 8:45 a.m.   BREAKFAST

9:00 a.m. – 9:20 a.m.   WELCOME REMARKS
Dick Semerdjian, Chair, Commission on the American Jury
Prof. Kevin Cole, University of San Diego
Vice Dean Mary Jo Wiggins, University of San Diego
Honorable David J. Danielsen, Superior Court of San Diego County

9:30 a.m. – 10:45 a.m.   SESSION 1
EXCLUSIONS – WHO CANNOT SIT AND WHY NOT?
HISTORICAL PATTERNS AND RECENT TRENDS
Moderator: Prof. Shari Seidman Diamond, Northwestern University School of Law,
Research Professor, American Bar Foundation
Chief Judge Fernando R. Macias, Third Judicial District Court, Las Cruces, NM
James M. Binnall, University of Cal., Irvine, CA
Hon. Heather Welch, Marion Superior Court, Indianapolis, IN
Allen Pusey, Editor of the ABA Journal

The jury has grown increasingly representative over time. Our panel will trace
this expansion and examine further changes that the future may bring. Most,
but not all, jurisdictions currently require jurors to speak English and preclude
service by convicted felons. Some proposals call for jury service by non-
citizens and volunteers. What will the jury of the future look like? What should
it look like?

10:45 a.m. – 11:45 a.m.   JUDGES SESSION
KEY TIPS FOR A JURY TRIAL: WHAT JUDGES WANT YOU TO KNOW
Moderator: Dick Semerdjian, Schwartz Semerdjian Ballard & Cauley LLP
Hon. Jeffrey Barton, Assistant Presiding Judge, San Diego Superior Court
Hon. Joan Weber, Criminal Judge, San Diego Superior Court and President
(Elect) of California Judges Association
Hon. Joel Pressman, Independent Calendar Civil Judge, San Diego Superior
Court

12:00 P.m. – 1:15 p.m.   LUNCH

Keynote: Associate Justice Marvin R. Baxter, Supreme Court of California

1:30 p.m. – 2:45 p.m.   SESSION 2
REDUCING THE BURDEN OF JURY SERVICE: POLICIES AND PRACTICES TO
MINIMIZE HARDSHIP
Moderator: Paula Hannaford Agor, Director, Center for Juries Studies, National Center
for State Courts
Michael Maguire, Esq., State Farm Mutual Automobile Insurance Company
Hon. Christopher Whitten, Maricopa County Superior Court
Terri Brewton, Branch Director, San Diego County Superior Court

Qualification and exemption criteria are not the only factors that determine
whether the jury pool reflects the demographic and attitudinal diversity of the
community; formal and informal policies regarding term of service, juror
compensation, deferral, and trial management affect the extent to which
jurors can serve without experiencing substantial financial hardship or
disruption to their daily lives. This session will examine those factors including
court policies and practices that can minimize juror hardship, making it possible for more jurors to be available and willing to serve if selected.

**Thursday, October 23 (continued)**

2:45 p.m.  
BREAK

3:00 p.m. – 4:30 p.m.  
SESSION 3  
IMPLICIT BIAS – EXPOSING IT  
**Moderator:** David Deehl, Deehl & Carlson PA  
Sarah E. Redfield, Professor of Law Emerita, University of New Hampshire

Achieving an impartial jury is critical to the credibility of our judicial system. The American Bar Association has supported a project to consider this impartiality by focusing on issues of implicit bias. The *Achieving an Impartial Jury* project has involved training and development of a toolbox that courts can use to lessen bias. This presentation will discuss the concepts of implicit bias generally and in the context of this ABA project and will engage the audience in discussion of how best to approach these issues going forward.

4:30 p.m. – 6:30 p.m.  
Hosted Cocktail Reception –  
Sponsored by the American Board of Trial Advocates

**Friday, October 24**

8:00 a.m.  
REGISTRATION

8:00 a.m. – 8:45 a.m.  
BREAKFAST

9:00 a.m. – 9:10 a.m.  
REMARKS  
Dick Semerdjian, Schwartz Semerdjian Ballard & Cauley LLP  
Honorable Larry A. Burns, U.S. District Court for the Southern District of California

9:15 a.m. – 10:30 a.m.  
SESSION 4  
SOCIAL MEDIA ISSUES AND ONLINE RESEARCH OF JURORS  
**Moderator:** Hon. Christopher Whitten, Maricopa County Superior Court  
Dennis J. Drasco, Lum, Drasco & Positan, LLC  
Dick Semerdjian, Schwartz Semerdjian Ballard & Cauley LLP  
Philip Anthony, DecisionQuest, Los Angeles, CA  
Mark P. Robinson, Jr., National President of the American Board of Trial Advocates, Newport Beach, CA  
K. Thomas Slack, Beale, Micheaels & Slack  
Janice F. Mulligan, Mulligan, Banham & Findley

We all know that jurors are prohibited from using the internet to do research about the case they are deciding or the lawyers, but should that prohibition work the other way - keeping jurors' internet footprint safe from the view of the lawyers in their case? In a recent ethics opinion, the ABA confirmed that lawyers may use information they gather about potential jurors using the internet and social media during voir dire. This session will explore whether doing so is effective and the related ethical limitations. Is this the future of voir dire?

10:30 a.m.  
BREAK
Jurors enter the courtroom with a variety of pre-existing attitudes and life experiences from which they will judge your case. Understanding these predispositions, how jurors process information and how group dynamics impact jury decision making are key to reaching a jury verdict in your favor. This panel presentation provides opportunities for audience participation in terms of generating and posing voir dire questions, also, we will discuss techniques for maximizing strategic advantage of voir dire in terms of identifying unfavorable jurors, conveying key case themes and concepts where possible, and building rapport with jurors along the way.