National Symposium on the American Jury System

The Optimal Jury Trial

Criminal and Civil Jury Trials in Action

Symposium Co-Chairs:
Chief Judge James F. Holderman and Professor Shari Seidman Diamond

October 4–5, 2012

Thorne Auditorium
Northwestern University School of Law
375 East Chicago Avenue
Chicago, Illinois
October 4–5, 2012

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The Optimal Jury Trial is the theme of the 2012 National Symposium on the American Jury System. The symposium will use a pair of parallel simulated civil and criminal trials to reveal the challenges faced by the modern jury and how the jury trial can be enhanced with modern jury procedures. By showing, not merely describing, how these jury procedures can realistically and efficiently be implemented, the symposium will demonstrate how to produce a jury trial in which the parties, the jurors, and the public receive optimal treatment. Expert panelists, including state and federal judges, attorneys, jury scholars, and jurors will discuss these modern jury procedures, giving additional attention to controversial reforms and the continuing challenges of electronic media. Current jury procedures will be compared with realistic reform.
Thursday, October 4

8:45 a.m. – 9:20 a.m.  Breakfast

9:20 a.m.  Welcome
Dean Daniel B. Rodriguez, Northwestern University School of Law

9:30 a.m.  Opening Remarks and Introductions
Prof. Shari Diamond, Northwestern University School of Law
Videos introducing the Civil and Criminal Cases

9:45 a.m. – 10:35 a.m.  SESSION TITLE:  Jury Summons and Selection Methodologies: Panel Discussion
Descriptive Paragraph:
Ensuring a fair cross-section in the jury venire before selection is challenging. Written jury questionnaires are useful tools for jury selection, but they can also raise many juror privacy issues. Panelists will discuss the appropriate procedure for summoning jurors, using jury questionnaires, and handling issues of privacy protection.

Moderator:
Chief Judge Judith Kaye (ret.), New York Court of Appeals
Panelists:
Prof. Jeffrey Abramson, University of Texas, Austin
Judge Stephanie Domitrovich, PA State Trial Court Judge
Paula Hannaford-Agor, National Center for State Courts (NCSC)
Connie Wilson, Juror from Blagojevich II trial

10:35 a.m. – 11:40 a.m.  SESSION TITLE:  12-Person Juries and Importance of Voir Dire: Case Videos and Panel Discussion
Descriptive Paragraph:
While many lawyers are comfortable with juries of less than twelve, research has indicated that twelve-person juries are more diverse and tend to deliver more reliable verdicts. Appropriate voir dire procedures help streamline the jury selection process, leading to the selection of fair and impartial jurors. Panelists will discuss the pros and cons of seating twelve jurors on a civil trial as well as proper voir dire procedures.

Moderator:
Prof. Stephan Landsman, DePaul University College of Law
Panelists:
Dennis J. Drasco, Lum, Drasco & Positan, LLC
Dr. Leslie Ellis, TrialGraphix
District Judge Matthew F. Kennelly, U.S. District Court, N.D. Ill.
Judge Greg Mize, Senior Judge, Superior Court of the District of Columbia and Judicial Fellow, NCSC
11:40 a.m. – 11:45 p.m.  
**Case Video Preview of Procedures**

11:45 a.m. – 1:15 p.m.  
**Lunch**
Keynote Speaker: Robert Grey, Hunton & Williams, LLP

1:15 p.m. – 2:45 p.m.  
**SESSION TITLE:**  
Preliminary Instructions and Assisting Juror Comprehension:  
Case Video and Panel Discussion

*Descriptive Paragraph:*  
Once jurors are selected, the court should provide instructions to the jury in simple and understandable terms. Panelists will provide insight into how to ensure a juror understands the evidence and instructions, including use of juror tutorials in complex cases.

*Moderator:*  
Prof. Lawrence Solan, Brooklyn Law School

*Panelists:*  
Kimball Anderson, Winston & Strawn  
Chief Judge Charles N. Clevert, Jr., U.S. District Court, E.D. Wis.  
Prof. Shari Diamond, Northwestern University School of Law  
District Judge Virginia A. Phillips, U.S. District Court, C.D. Cal.

2:45 p.m. – 3:00 p.m.  
**Break**

3:00 p.m. – 4:30 p.m.  
**SESSION TITLE:**  
Controversial Issues: Case Video and Panel Discussion

*Descriptive Paragraph:*  
Panelists will debate the questions: Should jurors be given instructions before argument? When a court interpreter is used to translate witness testimony, how should courts deal with jurors who speak that language? Are background checks on jurors necessary or an invasion of privacy? Should counsel be permitted to make interim statements? Should time limits be placed on the trial? If so, how? Should jurors be allowed to discuss the case before deliberation? What should a judge do if evidence suggests that a juror is refusing to deliberate or follow the law?

*Moderator:*  
Prof. Stephan Landsman, DePaul University College of Law

*Panelists:*  
Prof. Paul Butler, Georgetown University Law Center  
Bob Clifford, Clifford Law Offices  
Chief Judge James F. Holderman, U.S. District Court, N.D. Ill.  
Juror from patent trial

4:30 p.m. – 6:30 p.m.  
**Reception**  
Thorne Auditorium Lobby
**National Symposium on the American Jury System**

**Friday, October 5**

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<th>Panelists</th>
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| **9:00 a.m. – 10:30 a.m.** | **SESSION TITLE:** Presentation of Evidence: Case Video and Panel Discussion | Once the trial has begun, courts can permit a number of procedures to assist the jury: juror notetaking; jury questions for witnesses; back-to-back expert testimony; tutorials and glossaries for technical testimony. The panel will discuss how these techniques can be used fairly and efficiently. | Prof. Valerie Hans, Cornell Law School | Robert L. Byman, Jenner & Block  
Judge William J. Hughes, Superior Court of Hamilton County, Indiana  
Justice Rebecca Kourlis (ret.), Colorado Supreme Court, now Institute for the Advancement of the American Legal System  
Judge J. Edward Prochaska, Circuit Court of Winnebago County, Illinois |
| **10:30 a.m. – 10:45 a.m.** | **Break**                                           |                                                                                                       |                               |                                                                                                 |
| **10:45 a.m. – 12:15 p.m.** | **SESSION TITLE:** Jury Deliberation: Case Video and Panel Discussion | Once closing arguments are made and the judge has instructed the jury, what does the jury do? What procedures facilitate effective deliberations? What can the judge and attorneys do to assist if the jury appears to need further help? Panelists will discuss the social psychology of decision-making, as well as how to understand how jurors deliberate. | Prof. Shari Diamond, Northwestern University School of Law | Judge B. Michael Dann (ret.), Superior Court of Arizona, Maricopa County  
Judge Lynn M. Egan, Circuit Court of Cook County, Illinois  
Prof. Mary Rose, University of Texas, Austin  
Connie Wilson, Juror from Blagojevich II trial |
| **12:15 p.m. – 1:30 p.m.** | **Lunch**                                           |                                                                                                       |                               |                                                                                                 |
1:30 p.m. – 3:00 p.m.  
SESSION TITLE:  
Issues involving the Internet: Panel Discussion  

Descriptive Paragraph:  
A hot legal topic concerning jury trials is what courts and counsel can do to address legally improper use of the Internet by jurors during a trial. Current empirical research on juror use of electronic media will be presented, and a panel of legal experts will discuss the practices that can be employed by trial judges and trial counsel to curtail improper tweeting, texting, and internet research by jurors, as well as jurors’ access to cell phones in the courthouse during trial and during deliberations.

Moderator:  
Patricia Refo, Snell & Wilmer

Panelists:  
James Figliulo, Figliulo & Silverman, P.C.
Dr. Arthur Patterson, DecisionQuest
District Judge Amy St. Eve, U.S. District Court, N.D. Ill.
Dr. Nicole L. Waters, National Center for State Courts

3:00 p.m. – 3:15 p.m.  
Closing Remarks and Adjournment  

Chief Judge James F. Holderman, U.S. District Court, N.D. Ill.

Scholarships are available for this program.  
For more information, please contact Kris Berliant at 312-988-5700.

ABA programs ordinarily receive CLE credit in AK, AL, AR, AZ, CA, CO, DE, FL, GA, GU, HI, IA, ID, IL, IN, KS, KY, LA, ME, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, VI, WA, WI, WV, and WY. These states sometimes do not approve a program for credit before the program occurs. This transitional program is approved for both newly admitted and experienced attorneys in NY. For more information about CLE accreditation in your state, contact Kris Berliant at kris.berliant@americanbar.org or call 312.988.5700.
The Optimal Jury Trial Symposium Biographies

Jeffrey Abramson is a professor of law and government and fellow of the Frank Erwin Chair in Government, University of Texas at Austin, where he teaches courses on constitutional law, jury practice, and political theory. He is the author of several books, including Minerva’s Owl: The Tradition of Western Political Thought (Harvard, 2009) and We, the Jury: The Jury and the Ideal of Democracy (Harvard, 2000). Professor Abramson’s most recent law review article, together with Professor Mary Rose, is “Data, Race, and the Courts: Some Lessons on Empiricism from Jury Representation Cases,” in the Michigan State Law Review (Winter, 2011).

Professor Abramson has also served as a jury expert in challenges to federal jury selection practices in the District of Massachusetts, the Southern District of California, and the Northern District of Illinois. Professor Abramson served as a special assistant attorney general in Massachusetts, an assistant district attorney, and as law clerk to the late Chief Justice Rose Bird of the California Supreme Court.

Kimball R. Anderson is a nationally known commercial trial lawyer with 35 years of experience at Winston & Strawn LLP. He concentrates in the areas of professional liability, product liability, patent and trademark infringement, class actions, antitrust, and insurance coverage.

He has tried many complex commercial cases to verdict in state and federal courts around the country. He has also argued cases before the federal courts of appeals, including two arguments before the Supreme Court of the United States.

Mr. Anderson is recognized as one of “America’s Leading Lawyers for Business” in Chambers USA. Mr. Anderson has been voted by his peers in 2007 through 2012 as a “Top 100 Illinois Super Lawyer” as a top attorney for business litigation. Additionally, Mr. Anderson is a Laureate of the Illinois Academy of Lawyers and is listed as a “Leading Lawyer” by the Leading Lawyers Network. He is also a Fellow of the American College of Trial Lawyers. He was honored as the “Person of the Year” by Chicago Lawyer magazine in 1996 and received the ABA’s Pro Bono Publico Award in 2003.

Paul Butler is Professor of Law at Georgetown University Law Center. Professor Butler teaches criminal law, race relations law, and critical theory. His scholarship has been published in many leading scholarly journals. Professor Butler is one of the nation’s most frequently consulted scholars on issues of race and criminal justice. His scholarship has received much attention from the popular media, including 60 Minutes and The New York Times. He lectures regularly for the American Bar Association and the NAACP, and at colleges, law schools, and community organizations throughout the United States. Professor Butler received the Soros Justice Fellowship and was elected to the American Law Institute in 2003.

Before joining Georgetown’s faculty, Professor Butler was the Carville Dickinson Benson Research Professor of Law at George Washington University Law School, where he served as Associate Dean and was awarded the Professor of the Year award three times by the GW graduating class. Professor Butler has been a visiting professor at the University of Pennsylvania Law School.

Professor Butler served as a federal prosecutor with the U.S. Department of Justice, where his specialty was public corruption. Professor Butler is a cum laude graduate of Yale, and a cum laude graduate of Harvard Law School. He clerked for the Hon. Mary Johnson Lowe in the United States District Court in New York, and then joined the law firm of Williams & Connolly in Washington, D.C., where he specialized in white collar criminal defense.

Robert L. Byman, a partner at Chicago’s Jenner & Block, is a Regent of the American College of Trial Lawyers and has tried dozens of jury and bench trials to verdict.

Mr. Byman was responsible for the electronic discovery issues in Coleman (Parent) Holding v. Morgan Stanley and is a frequent speaker on e-discovery issues. Mr. Byman has authored numerous articles and chapters on trial practice subjects and is a regular columnist on discovery issues for the National Law Journal.

In 2009–10, Mr. Byman served as lead counsel to Jenner’s Chairman, Tony Valukas, in his role as the Court-appointed Examiner in the Lehman Bankruptcy. Mr. Byman is a regular columnist on Federal Civil Procedure issues for the National Law Journal and has authored more than eighty articles, chapters and texts on various trial practice subjects. He is a frequent speaker and faculty member at seminars, continuing legal education and law school trial advocacy programs. Mr. Byman devotes a substantial amount of his practice to pro bono work and has represented clients in a number of cases that have attracted national media attention and have been the subject of books and feature films. Early in his career, Mr. Byman served as Assistant General Counsel of the A.C. Nielsen Company.

Chief Judge Charles N. Clevert, Jr. is the Chief U.S. District Judge of the Eastern District of Wisconsin, and has been part of the American Jury Project since its inception. He served as U.S. Bankruptcy Judge for more than 18 years including ten years as Chief Bankruptcy Judge for the Eastern District of Wisconsin. Clevert is a member of the ABA’s House of Delegates, National Conference of Federal Trial Judges, and the Senior Lawyer’s Division. Previously, he was a member of ABA’s Federal Judicial Improvements Committee.

Robert A. Clifford was inducted as the 135th President of the Chicago Bar Association. He served as President of the 25,000-member group for 2011–12. He was inducted into the International Society of Barristers, an honor society of outstanding trial lawyers chosen by their peers on the basis of excellence and integrity in advocacy, as well as the Inner Circle of Advocates. He also was elected to the American Law Institute. In 2008, Mr. Clifford was elected to a second term as the Illinois State Delegate to the House of Delegates of the American Bar Association (ABA).

He is Past President of the Illinois Trial Lawyers Association and a Past President of the Chicago Inn of Court. He has been inducted into the American College of Trial Lawyers and the International Academy of Trial Lawyers. He has been selected to be a member of the National Judicial College. Robert Clifford
serves on the Board of Overseers of the Rand Institute for Civil Justice. He was appointed a member of the Illinois Supreme Court Committee on Civility which was established to discover and promote appropriate ways to promote civility among Illinois lawyers. He also was elected to be a trustee of the Supreme Court Historical Society, a non-profit organization supporting historical research and publications of the Supreme Court of the United States.

B. Michael Dann Following his retirement from the Superior Court of Arizona (Phoenix) twelve years ago, Judge B. Michael Dann completed two research fellowships: one at the National Institute of Justice (the research wing of the U.S. Department of Justice); the other at the National Center for State Courts, Williamsburg, VA. He is the author of the classic “Learning Lessons” and “Speaking Rights: Creating Educated and Democratic Juries” (Indiana Law Journal), which set the agenda for jury trial optimization. He has published a dozen or so more recent articles on juror comprehension. An Arizona trial judge for 20 years, he became a superior court judge in Maricopa County, Arizona in 1980, and by 1985 was the presiding judge. He received his B.S. from Indiana University; his law degree from Harvard, and his LL.M. from the University of Virginia Law School. He chaired the Arizona Jury Reform Committee, and has spoken nationally and globally on reforms adopted and used in Arizona. He received the 1997 Rehnquist Award for Judicial Excellence at the U.S. Supreme Court for his national work in jury trial reform. Later, he was co-recipient of the ABA’s Inaugural Jury Impact Award.

Shari Seidman Diamond is the Howard J. Trienens Professor of Law and Professor of Psychology at Northwestern and a research professor at the American Bar Foundation. An attorney and social psychologist (J.D., University of Chicago; Ph.D., Northwestern University), she is one of the foremost empirical researchers on jury process and legal decision-making, including the use of science by the courts. She has published more than a hundred articles in behavioral science journals and legal publications. She is currently completing a book on juries based on a unique field experiment in which cameras recorded real jury deliberations.

Professor Diamond practiced law at Sidley Austin, taught at the University of Chicago, Harvard, and the University of Illinois at Chicago, and served as editor of the Law & Society Review. She received the 2010 Harry Kalven, Jr. Award from the Law and Society Association and the 1991 American Psychological Association Award for Distinguished Contributions to Research in Public Policy. As a member of the ABA’s American Jury Project, she helped draft the 2005 Principles for Juries and Jury Trials. She served on the executive committee of the American Jury Project Commission of the Seventh Circuit Bar Association and currently serves on the standing committee of the Seventh Circuit on Pattern Criminal Jury Instructions. She is a Special Advisor to the ABA Commission on the American Jury Project. She was elected in 2012 to the American Academy of Arts and Sciences.

Judge Stephanie Domitrovich has served as an elected general jurisdiction state trial judge of the Sixth Judicial District of Pennsylvania since 1989. Judge Domitrovich received her B.A. from Carlow University (summa cum laude) in 1976 and her J.D. from Duquesne University School of Law in 1979. She holds an M.S.J. and Ph.D. in Judicial Studies (2006) from the University of Nevada, Reno (UNR).

In 2010–11, Judge Domitrovich served as Chair of the National Conference of State Trial Judges (NCSTJ). In 1996, she participated in the United States Agency for International Development (USAID) sponsored program to educate judges in the former Soviet Republic nations of Kazakhstan and Kyrgyzstan in developing their judicial systems. Judge Domitrovich also teaches for the NJC, NCSTJ and Gannon University in Erie, Pa.

She has presented papers to the American Board of Forensic Document Examiners, Law and Society Association, American Psychology-Law Society, the Jurisprudence Section of American Academy of Forensic Sciences, and the Scottish Institutes in Glasgow, Scotland. The Women’s Law Association of Duquesne University School of Law presented her with the 2007 Woman of the Year Award. In 2009, she was awarded Edinboro University of Pa. President’s Martin Luther King Award for her outstanding commitment to enhancing access to opportunity for all members of the community. In 2009, Judge Domitrovich was awarded the Carlow University Laureate award for demonstrating exceptional professional achievement and outstanding leadership. In 2009, Judge Domitrovich earned Fellow status with ASTAR (Advanced Scientific & Technological Adjudication Resource).

Dennis J. Drasco is a Certified Civil Trial Attorney in New Jersey and is listed in The Best Lawyers in America, New Jersey Super Lawyers (Top 100), Chambers USA-America’s leading lawyers in Business and Who’s Who in American Law. He is a Fellow of the American College of Trial Lawyers, the International Academy of Trial Lawyers, and the Litigation Counsel of America. He is a New Jersey Court Approved Mediator.

He is a member of the House of Delegates of the American Bar Association and former Chair of the ABA Section of Litigation, having served as Chair of the Section in 2004-2005. He was previously Vice-Chair and Chair-Elect. The Section of Litigation is the largest Section in the ABA with over 70,000 members.

He previously served as a member of its Council and as Co-Chair of the Condemnation, Land Use & Zoning and Construction Litigation Committees, where he wrote articles and served on several programs as a panelist, including programs entitled “ADR in Construction Litigation”, “When the Banker Becomes Builder”, and “Environmental Contamination on the Construction Site.”

and chapters in two books published by the ABA on Condemnation Practice.

Judge Lynn M. Egan was appointed to the bench of the Circuit Court of Cook County, Illinois in 1995 and elected in 1996. Currently, as a judge in the Law Division, she is responsible...
for resolution of contested motions, case management, settlement conferences and jury trials. Judge Egan began her career as an Assistant State’s Attorney in the Appellate Division. She later moved to Juvenile where she was assigned to a Delinquency courtroom and tried hundreds of bench trials. She left the State’s Attorney’s Office in 1987 for the law firm of Hinshaw & Culbertson, where she represented individual and corporate defendants in professional negligence cases.

Judge Egan currently serves on the Executive Committee of the Illinois Judicial Conference. She has served as a member of the Board of Directors for numerous organizations, including the John Marshall Law School Alumni Association, Illinois Judges’ Association, and Southwest Bar Association. She is frequently a faculty member at judicial seminars and bar association programs. She has been appointed to numerous committees, including the Illinois Judges’ Association Judicial Ethics Committee, and has been appointed to serve as a Mentor Judge for new judges. Judge Egan received her B.A. from DePaul University in 1981 and her J.D. from The John Marshall Law School in 1985. She received The John Marshall Law School Distinguished Alumnus Award in 2000.

Leslie Ellis is a Senior Jury Consultant with TrialGraphx, and she has been studying jury and judicial decision making for almost 20 years. She works with clients around the country on civil and white collar criminal matters, and assists with developing trial strategies and themes, conducting jury research exercises and juror attitude surveys, preparing witnesses for depositions and testimony, and jury selection. Dr. Ellis received her Ph.D. and M.A. in Social Psychology from the University of Illinois at Chicago, where she also minoried in Psychology & Law and Statistics, Methods & Measurement, and her B.A. in Psychology from Northwestern University.

James R. Figliulo is a trial lawyer with over 35 years of experience in business and professional related litigation. Jim is a Fellow of the American College of Trial Lawyers and recently served as Chair of its Upstate Illinois Committee. Jim served as President of the Seventh Circuit Bar Association in 2005-06. He also was Co-Chair of the Seventh Circuit American Jury Project. Jim serves as a member of the Illinois Supreme Court Rules Committee. He is a founder and past President of the Chicago Inn of Court. Jim was honored with the 2010 American Inns of Court Professionalism Award for the 7th Circuit. Jim is also a co-editor and author of the book Your Witness: Lessons on Cross-Examination. Jim has also been recognized among, and profiled in, Leading Lawyers in Illinois and has been noted by it as one of the Top Ten Business Litigators in Illinois. Jim has also been recognized by Best Lawyers in America for fifteen years and is listed as a Best Lawyer in “Bet-The-Company Litigation”; Commercial “Litigation”; “Legal Malpractice Litigation—Plaintiffs and Defendants” and “Banking and Finance Litigation.” Jim is also recognized as one of the top ten business litigators in Illinois by “Super Lawyer.”

Jim is a founder of Figliulo & Silverman, P.C., a 15 lawyer litigation firm which is ranked in the US News & World Reports—Best Lawyers as a Metropolitan First Tier Firm for Commercial Litigation, Legal Malpractice Litigation (Plaintiff and Defendants), Banking & Finance Litigation and Eminent Domain & Condemnation Litigation.

Robert J. Grey, Jr. is a partner with Hunton & Williams LLP and serves as Vice Chair of the firm’s Pro Bono Committee. Mr. Grey focuses his practice on administrative matters before state and federal agencies. He continues his practice in mediation and counsels businesses with concerns before government officials.

Mr. Grey was the first African American to be an officer in the American Bar Association, serving as Chair of the ABA House of Delegates and later as President of the ABA. During his term as president of the ABA he worked for better justice through better juries via the America Jury Initiative, which produced the 2005 ABA Principles for Juries and Jury Trials.

In 2010 Mr. Grey was appointed by President Obama and confirmed by the Senate to the Board of the Legal Services Corporation. In the same year, Mr. Grey was selected to be the Executive Director of the Leadership Council on Legal Diversity (LCLD).

He received his B.S. in 1973 from Virginia Commonwealth University and his law degree in 1976 from Washington and Lee University, where he currently serves on its Board of Trustees.

Paula L. Hannaford-Agor, the Director of the Center for Juries Studies at the National Center for State Courts, joined the Research Division of the National Center in May 1993. In this capacity, she regularly conducts research and provides technical assistance and education to courts and court personnel on the topics of jury system management and trial procedure; civil litigation; and complex and mass tort litigation.

She has authored or contributed to numerous books and articles on the American jury including Jury Trial Innovations (2d ed, 2006), The Promise and Challenges of Jury System Technology (NCSC 2003), and Managing Notorious Trials (1998). She is faculty for the ICM courses Jury System Management and Promise and Challenges of Jury System Technology. As adjunct faculty at William & Mary Law School, she teaches a seminar on the American jury. Ms. Hannaford-Agor received the 2001 NCSC Staff Award for Excellence. In 1995, she received her law degree from William & Mary Law School and a Master’s degree in Public Policy from the Thomas Jefferson Program in Public Policy of the College of William and Mary.

Valerie P. Hans is Professor of Law at Cornell Law School, where she teaches torts, social science and law, and a seminar on the contemporary American jury. She holds a Ph.D. in Psychology from the University of Toronto. She conducts empirical studies of law and is one of the nation’s leading authorities on the jury system. She has carried out extensive research and lectured and written widely about the jury and jury reforms. Her books on the jury include American Juries: The Verdict (2007, coauthored with Neil Vidmar), The Jury System: Contemporary Scholarship (2006); Business on Trial: The Civil Jury and Corporate Responsibility (2000); and Judging the Jury (1986, also coauthored with Neil Vidmar). She is a member of the New York Jury Demographics Working Group sponsored by the Office of Court Research, State of New York.

Judge William J. Hughes has served on the bench of Hamilton Superior Court 3, Noblesville, Indiana since July 1, 1988. He received his Bachelor’s degree in Psychology from the University of Evansville, magna cum laude, and Juris Doctor from Indiana University School of Law at Indianapolis, magna
Chief Judge James F. Holderman has been a United States District Judge in Chicago since 1985, and has been the Chief Judge of the Northern District of Illinois since 2006. Before his appointment to the United States District Court, Chief Judge Holderman was a partner at Sonnenschein Nath & Rosenthal (now SNR Denton), where he specialized in federal court litigation. Earlier, he was an Assistant United States Attorney in Chicago and received several Department of Justice awards for distinguished service.

Chief Judge Holderman currently chairs the ABA’s Commission on the American Jury and served as co-chair of the Seventh Circuit Bar Association American Jury Project Commission, which conducted a three-year study of jury trials throughout the Seventh Circuit on procedures to improve the jury system. He is a founding member of the ongoing Seventh Circuit Electronic Discovery Pilot Program.

Chief Judge Holderman is a member of the board of the Federal Judicial Center. He has been a speaker at numerous judicial and bar association seminars, both nationally and internationally. Additionally, Chief Judge Holderman has taught various courses at the University of Chicago, The John Marshall Law School, and the University of Illinois College of Law. He has received several awards and honors from various bar associations and organizations including the Distinguished Judicial Service Award by the Intellectual Property Law Association of Chicago for exemplary service in continuing legal education.

Chief Judge Holderman has written numerous articles for law reviews and other legal publications. He received both his undergraduate degree and his law degree from the University of Illinois at Urbana-Champaign, where he served as the managing editor of the law review.

Judith S. Kaye joined Skadden’s Litigation Group in 2009. Before joining the firm, she served as Chief Judge of the New York Court of Appeals for 15 years until her retirement in 2008, longer than any other Chief Judge in New York’s history. She first was appointed in 1983 by Gov. Mario Cuomo as an Associate Judge of the Court of Appeals, becoming the first woman ever to serve on New York’s highest court.

Ms. Kaye gained a national reputation for both her groundbreaking decisions and her innovative reforms of the New York court system. She streamlined New York’s jury system and established specialized courts to focus on issues such as drug addiction, domestic violence and mental health issues. Before her appointment to the bench, she practiced law at Sullivan & Cromwell, IBM and Olwine, Connolly, Chase, O’Donnell & Weyher, where she became that firm’s first female partner.

Ms. Kaye is the author of more than 200 publications, including articles on legal process, state constitutional law, women in law, juvenile justice, professional ethics and problem-solving courts.

She has received numerous awards recognizing her judicial and scholarly accomplishments, such as the New York State Bar Association’s Gold Medal, the ABA Justice Center John Marshall Award, the National Center for State Courts’ William H. Rehnquist Award for Judicial Excellence, and the ABA Commission on Women in the Profession’s Margaret Brent Women Lawyers of Achievement Award.

Judge Matthew F. Kennelly was appointed to the United States District Court for the Northern District of Illinois by President Bill Clinton in 1999. Before his appointment to the court, Judge Kennelly worked as an attorney in private practice in Chicago, Illinois. His law practice involved representing individuals and corporations in complex civil cases and in criminal cases of all types, in both trial and appellate courts. In 1996, he was a co-recipient of the American Bar Association’s Pro Bono Publico award. That same year, he was a co-recipient of a Public Interest Law Initiative citation for distinguished public service and of the Mexican-American Legal Defense and Education Fund’s Community/Public Service award. In 1993, the Chicago Chapter of the Federal Bar Association awarded him its Walter J. Cummings Award for excellence in advocacy.

Since 1999, Judge Kennelly has taught appellate advocacy at Northwestern University School of Law and has lectured extensively on a variety of subjects, including civil and criminal procedure. Judge Kennelly serves as a member of the Seventh Circuit Criminal Jury Instruction Committee and the Seventh Circuit Civil Jury Instruction Committee. He chaired the committee that drafted the Northern District of Illinois’ Local Patent Rules and that periodically updates those rules. In 2011, the Intellectual Property Law Association of Chicago awarded Judge Kennelly its Judicial Service Award.

Judge Kennelly received a B.A. with highest honors from the University of Notre Dame in 1978 and a law degree with high honors from Harvard Law School in 1981, where he served as Executive Director of the Harvard Legal Aid Bureau (1980-81).

Rebecca Love Kourlis served Colorado’s judiciary for nearly two decades, first as a trial court judge and then as a Justice of the Colorado Supreme Court. She resigned from the Supreme Court in January 2006 to establish the Institute for the Advancement of the American Legal System (IAALS), where she serves as Executive Director. IAALS is a national, independent research center dedicated to continuous improvement of the process and culture of the civil justice system.

Kourlis began her career with the law firm of Davis, Graham and Stubbs. In 1987, Kourlis was appointed as a trial court judge and worked as an arbitrator and mediator for the Judicial Arbiter Group. She was appointed to the Colorado Supreme Court in 1995. While on the court, Kourlis spear-headed jury reform.
Justice Kourlis received the 2007 Legal Reform Organization of the Year honor from the U.S. Chamber of Commerce, on behalf of IAALS. She has also received numerous individual honors, including the American Bar Association (ABA) Justice Center’s 2012 John Marshall Award, the ABA Judicial Division’s 2009 Robert B. Yegge Award For Outstanding Contribution In The Field Of Judicial Administration and the 2008 Regis College Civis Principes citizenship award.

Stephan Landsman is a nationally recognized expert on the civil jury system, and through his on-going study of the American jury, has become a leader in applying social science methods to legal problems. He is a sought-after speaker at professional conferences and symposia, and among his recent writings are empirical and historical pieces regarding the jury, as well as an examination of legal responses to human rights abuses. He is presently at work on a book about a series of famous Holocaust trials. He has successfully advocated in the Supreme Court of the United States, and is a member of the leadership of the American Bar Association Litigation Section.

Judge Gregory E. Mize is currently a judicial fellow at the National Center for State Courts. He is also the project director of “Jury Trial Management for the 21st Century” which features a set of judicial education curricula focusing on jury selection and jury deliberations.

President George H. W. Bush appointed Judge Mize to the trial bench in 1990. In that capacity, he presided over hundreds of civil and criminal jury trials in the Superior Court of the District of Columbia. In 2002, he assumed senior judge status. He is also an adjunct professor at the Georgetown University Law Center.

Arthur H. Patterson has been a litigation consultant and a social psychologist for over 25 years. He is a graduate of Clark University, and obtained his M.A. and Ph.D. degrees from Northwestern University. He has provided research and strategic counsel to over 300 clients worldwide, including law firms, governmental entities, and corporations. In the course of his long career, he has provided counsel with every aspect of trial consulting, including bench trials and arbitrations, conducting surrogate jury research groups, preparing witnesses, creating juror attitude and decision-maker surveys, and providing expert testimony on juror biases.

Dr. Patterson uses his extensive experience and creative skills to help clients deal with real-world problems. He applies his psychological knowledge to the problems of trial teams and other clients to help them persuade juries, judges, arbitrators, and other key decision makers. He has lectured frequently to organizations such as the American Bar Association, the Florida Bar Association, the Pennsylvania Bar Association, the National Institute for Trial Advocacy (NITA), ALI-ABA, and the American Psychological Association. Prior to joining DecisionQuest, Dr. Patterson was a tenured professor at the Pennsylvania State University.

Judge Virginia A. Phillips sits on the United States District Court for the Central District of California, Eastern Division, where she has served since 1999. She previously served as a Magistrate Judge in the Central District from 1995 until 1999, and she sat on the California Superior Court for four years before joining the federal bench.

Judge Phillips graduated magna cum laude from the University of California, Riverside and received her law degree from the University of California, Berkeley (Boalt Hall) in 1982. She regularly teaches courses in civil and criminal procedure, legal ethics, and federal trial practice, and for many years taught Constitutional Law at UCR. She is a founding member of the local chapter of the Federal Bar Association, and is also a founding member of the local chapter of the American Inns of Court. Judge Phillips serves as the chair of the Ninth Circuit’s Jury Trial Improvement Committee.

Before her appointment to the bench, Judge Phillips was a partner in Best, Best & Krieger, with a litigation practice emphasizing real property, business, contract and employment matters. She has been honored for her contributions in law by the Asian Pacific American Bar Association for Public Service, the Fair Housing Council of Riverside County as a “Champion for Justice,” the Federal Bar Association for “Dedication and Commitment to Justice,” and the Leo A. Deegan Inn of Court with the Judge Elwood Rich Outstanding Jurist Award.


Judge Prochaska was appointed as an Associate Circuit Judge in the 17th Circuit Court, State of Illinois in 1996 and was elected as a Circuit Judge in 2006. During his sixteen years as a Judge, he has been assigned a wide variety of cases, including DUIs, misdemeanors, and felonies on the criminal side, and small claims, probate, law, and chancery on the civil side. He has presided over 165+ jury trials. He is currently the Presiding Judge of the Civil Division and hears major civil cases in Winnebago County. Judge Prochaska founded the 17th Circuit Judicial Speakers Bureau in 2007 and is a member of the Winnebago County Bar Association and American Bar Association.

Patricia Lee Reťo is a partner at Snell & Wilmer L.L.P in Phoenix, Arizona, where she concentrates her practice in complex commercial litigation. She has been named as one of The Best Lawyers in America since 2003, and The National Law Journal has named her one of the 50 Most Influential Women Lawyers in America. She represents business clients in a variety of complex matters, including class actions and claims involving fiduciary duty, contract, business torts, securities fraud and professional malpractice.

She was Chair of the American Jury Project of the American Bar Association and is a former Chair of the ABA Section of Litigation. She served as a member of the Advisory Committee on the Federal Rules of Evidence for the United States Judicial Conference (2000-2006) and on the Arizona Supreme Court’s Ad Hoc Committee on Rules of Evidence. She is a Fellow of the American Bar Foundation, the ABA Section of Litigation, and the Arizona Foundation for Legal Services and Education. She is on the Editorial Board of The National Law Journal. She is the Arizona State Delegate in the ABA House of Delegates chair the ABA’s Standing Committee on Membership.
She is the author of numerous publications and has been a featured speaker at more than 100 continuing legal education programs. Ms. Reffo is a graduate of the University of Michigan and the University of Michigan Law School.

Mary R. Rose received an A.B. in Psychology from Stanford University and a Ph.D. in social psychology from Duke University. Formerly a research fellow at the American Bar Foundation, she is currently an associate professor of sociology and law at the University of Texas at Austin, where she teaches courses on social science and law as well as social psychology and research methods. Her research examines lay participation in the legal system and perceptions of justice, and she has written on a variety of topics including the effects of jury selection practices on jury representativeness and citizens’ views of justice, jury trial innovations, civil damage awards, and public views of court practices. She is also an investigator on the landmark study of decision making among 50 deliberating juries from Pima County, Arizona. She serves on the editorial boards of Law & Social Inquiry, Law & Society Review and is a trustee of the Law & Society Association. In 2005, her research on the peremptory challenge was cited in the U.S. Supreme Court decision, Miller-el v. Dretke (Breyer, J., concurring).

Judge Amy St. Eve was appointed as a United States District Court Judge for the Northern District of Illinois in 2002 at the age of 36. Judge St. Eve also serves as an Adjunct Professor at Northwestern Law School where she teaches trial advocacy. St. Eve is the author of “Ensuring A Fair Trial in the Age of Social Media,” 11 Duke L. & Tech. Rev. 1 (2012).

Judge St. Eve was a litigation associate at Davis Polk & Wardwell (1990-1994), worked as Associate Independent Counsel for the Whitewater independent counsel in Little Rock, Arkansas (1994-1996), served as an Assistant United States Attorney in the Northern District of Illinois (1996-2001), and became Senior Counsel in Litigation at Abbott Laboratories in 2001, where she worked until she joined the Court.

Judge St. Eve graduated from Cornell University and received her law degree magna cum laude from Cornell Law School where he was first in her class and Articles Editor of the Cornell Law Review. She is a member of the Seventh Circuit Pattern Criminal Jury Instruction Committee; the Seventh Circuit Representative to the Judicial Conference Committee on Court Administration and Case Management; a member of the Northern District of Illinois Patent Local Rules Committee; and the Seventh Circuit Representative to the Federal Judges Association. Judge St. Eve is on the Board of Directors of the Chicago branch of the Federal Bar Association.

Lawrence M. Solan is the Don Forchelli Professor of Law and Director of the Center for the Study of Law, Language and Cognition at Brooklyn Law School. He holds a Ph.D. in Linguistics from the University of Massachusetts and a J.D. from Harvard Law School. His writings address such issues as statutory and contractual interpretation, the attribution of responsibility and blame, and the role of the expert in the courts. His books include The Language of Judges, Speaking of Crime (with Peter Tiersma), and The Language of Statutes: Laws and their Interpretation, all published by the University of Chicago Press. He and Peter Tiersma recently published The Oxford Handbook of Language and Law (2012). Solan has been a visiting professor at the Yale Law School, and in the Psychology Department and Linguistics Program at Princeton University. Prior to joining the Brooklyn Law School faculty in 1996, he clerked for Justice Stewart G. Pollock of the Supreme Court of New Jersey, and then was a partner at a New York law firm.

Nicole L. Waters, a Principal Court Research Consultant, has been with the Research Division of the National Center for State Courts, Williamsburg, VA since 2000. Current work includes examining the policy and social implications of jury procedures, investigating the evidence-based research on problem-solving courts, and evaluating issues of civil justice. Dr. Waters has co-authored: “Jurors 24/7: The Impact of New Media on Jurors, Public Perceptions of the Jury System, and The American Criminal Justice System,” “The Googling Juror Redux” and “Jury System in the Information Age,” and “Juror and Jury Use of New Media: A Baseline Exploration.”

Dr. Waters has taught courses for court administrators, court managers, and judges and serves on the advisory board of NCSC’s educational division, the Institute for Court Management. Dr. Waters has taught at The College of William and Mary at the University of Delaware. She received the Bob Tobin Achievement Award in 2005 and the Florence McConnell Staff Award in 2007. At the University of Delaware, She received a Ph.D. in sociology from the University of Delaware, her M.A. in general experimental psychology from California State University in Fresno, and her B.A. in psychology and statistics from St. Olaf College in Northfield, MN.

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Acknowledgements

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On Flash Drive:
Bibliography of cases citing the 2005 ABA Principles for Juries and Jury Trials
David Rivelli
Bibliography of articles on the optimal jury trial
Erin Frohardt, plus contributors from the symposium
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