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Scientific Jury Selection (Law And Public Policy)



Synopsis

The authors provide a thorough review of the most common techniques used to select jurors, and a critical evaluation of the ultimate effectiveness of these methods. This critique is based upon an examination of the social science literature. Psychologists and other social scientists as well as practicing trial consultants who read the book should gain a better understanding of the current state of research relevant to scientific jury selection, and areas where new research needs to be conducted to advance the field. Attorneys who read the book should be better able to decide whether or not to hire consultants to assist in future litigation, and if so, what types of services these consultants should provide.

Book Information

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Customer Reviews

I give this book 5 stars for the simple reason that learning jury selection is a do-it-yourself process. Law schools tend to fail miserably in teaching anything about jury selection (among many other things) and so this book is a good starter that can be safely referred to. It's backed up by case examples and other citations.

Most people do not realize that jury consultation was an outgrowth of the 1970s antiwar movement, created to assist in the defense of political activists such as the Harrisburg Seven and the Indians at Wounded Knee. The field has expanded far beyond its progressive roots, to the point that it may be exacerbating the inequities in a system in which money buys justice. Or not. After all, how scientific

are jury selection techniques? And how much difference does even the best consultant make to the bottom line, that is, the outcome of a trial? That's the topic of this encyclopedic tome. The book catalogs both the social science literature and attorney how-to manuals. It systematically addresses each of the many demographic and attitudinal factors considered by trial attorneys in challenging individual jurors. We learn that many of these factors turn out to be more mythology than fact, and attorneys don't do much better than chance in detecting jurors who are likely to be biased against their client. We are also treated to an interesting discussion of nonverbal signifiers of bias, another area in which both attorneys and jury consultants may fall short. I've always felt that jury selection plays only a small role in the outcome of a case. As a former legal affairs reporter, I remember that we members of the press corps could usually predict the outcome of a case we were covering, based on the strength of the evidence alone. Authors Lieberman and Sales concede this point, saying that demographic and personality variables together account for less than 10% to 15% of the variance in jury verdicts. Jury consultation is likely to be most helpful in weak cases, they say. But at any rate, they add, it's unlikely to do much harm, except in draining the bank account of the retaining party. It can also be helpful in developing effective themes for trial, and in arguing for a change of venue due to prejudicial publicity. Besides the little problem of evidence, another problem with focusing on potential bias among jurors is that they do not render verdicts. Rather, an entire jury renders a verdict, usually after careful and exhaustive deliberation. I had that understanding driven home recently, when I had the great fortune to get to serve on a jury and experience its group dynamics up close. As social scientists have long known, groups do not always behave in a manner predictable by their individual components. This too is a point acknowledged by Sales and Lieberman. This is a balanced, organized, and well written look at a complex topic. Although it is dense and dry, I highly recommend it to attorneys, social scientists, and anyone else interested in jurors and the jury system.

This is really a remarkable study of the issues faced when selecting a jury. Dr. Lieberman is clearly the leader in his field.

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