

## **POLS 407-5 I: Juries and Democracy**

**Instructor:** Dr. Laura Moyer

**Email:** [laura.moyer@louisville.edu](mailto:laura.moyer@louisville.edu) [24-hour response time, excluding weekends]

**Class meetings:** Online. Fall, 1<sup>st</sup> half session (August 21 – October 11).

**Office hours:** Tuesdays noon – 1:00 p.m. or by prior appointment via email. Go to “Office Hours” tab in Blackboard to access the online session, OR come in person to 404 Ford Hall

### **Course description and objectives**

POLS 407 is a 3-credit topics course in law and jurisprudence taught in a compressed 8-week term. This semester, the topic of the course is *Juries and Democracy*. By the end of the term, students should be able to demonstrate that they can do the following:

- Articulate major differences between civil and criminal juries, as well as federal and state juries
- Accurately analyze how the American jury compares to legal systems around the world
- Evaluate arguments for and against the use of juries, drawing on course materials
- Identify trends in the use of juries in U.S. trials
- Assess how jury selection tools and doctrines affect fair representation in a democratic society
- Communicate the ruling and significance of court decisions about juries
- Based on course materials, construct a compelling explanation about why some aspect of juries is important to understand.

### **Course schedule**

This is a 3-credit hour course that is compressed into 8 weeks, rather than the usual 15-week session. What this means is that the same amount of work that usually takes place over an entire semester is concentrated into half the amount of time (similar to summer sessions). It is very important to keep up with the work schedule, as missing one week in this class is comparable to missing two weeks of class in a regular semester-long course.

## **REQUIREMENTS FOR THE COURSE**

### **Technology Expectations**

*\*If you have concerns about your ability to obtain the technology described below, please contact the instructor as soon as possible so that solutions can be worked out.*

**Tech requirements:** Because this class will not meet in person and will run entirely through Blackboard, you will need to have access to a computer with reliable high-speed internet access and with the ability to play video and audio and to upload and download files. If you do not have access at home, you may use computers at the Ekstrom Library or other locations on campus. Make sure you have access to a computer for several hours a week.

Assignments and exams will be posted and submitted using Blackboard. Use your university username and password to login to Blackboard.

Communication: All announcements and communication about the class will be sent to your **university email address**, so check your account and Blackboard announcements regularly.

Tools in Blackboard: We will use several free tools regularly.

- To attend office hours, you may either come in person or use the link in Blackboard to join the Zoom session. This does not require you to purchase any software.
- For quizzes and written participation exercises, we'll use the free tool **Formative**, linked through Blackboard. (The first time you use Formative, you will need to register for a free account and use a class code to be added to our class. Use your UofL login information to set up your username and password.)

### **Quizzes (40%)**

There will be regular, timed, "open-book" quizzes through Blackboard based on the assigned materials. The lowest grade will be dropped.

### **Participation (30%)**

There will be regular written (or audio) participation exercises that will ask students to analyze or reflect on what they have learned. These exercises will be posted on Blackboard. The lowest grade will be dropped.

To earn full credit for these assignments, submissions should reflect preparation (i.e., having read/listened to all assigned material), thoughtful consideration of the questions/prompt posed, completion of all parts of the assignment, and adequate documentation of sources when requested.

In addition, all students must attend a scheduled meeting with the instructor by the withdrawal deadline in Week 5. Attending this meeting will be equivalent to full credit on one participation exercise.

### **Jury Case Profile (10%)**

Students will select one court case about juries that we have not read in class and complete a profile of it, following the instructions on Blackboard. (A list of eligible cases will be provided.)

### **Final Exam (20%)**

There will be a cumulative exam due on the last day of the term, October 11. The exam will become available during Week 7.

## GRADING

The course is graded on a 100-point scale. There is **no extra credit available** for any student. For confidentiality reasons (instructor emails are subject to Open Records Requests), grades will NOT be discussed over email, so please make an appointment to set up a phone call or in-person meeting with me if you have any questions.

A+: 97-100	C+: 76-79
A: 93-96	C: 73-75
A-: 90-92	C-: 70-72
B+: 86-89	D (60-69)
B: 83-85	F (59 & below)
B-: 80-82	

### Required texts:

- Assigned materials (including digital resources) will be available through Blackboard or Ekstrom library's database.

## POLICIES

### Academic Honesty

Academic dishonesty is prohibited at the University of Louisville. It is a serious offense because it diminishes the quality of scholarship, makes accurate evaluation of student progress impossible, and defrauds those in society who must ultimately depend upon the knowledge and integrity of the institution and its students and faculty. For more information, visit the [Code of Student Rights and Responsibilities](#) (Sections 5. and 6.).

**In this class, students are not allowed to use ChatGPT or other AI tools to complete graded assignments.** If you are uncertain about whether your use of any outside materials constitutes a violation of academic honesty, please ask the instructor first.

Work that violates the tenets of academic honesty will be turned over to the College of Arts and Sciences, and a failing grade will be given for any assignment that violates the Code. Use of AI technology for assignments constitutes a violation of the code of academic honesty.

### Students with disabilities

Students with documented disabilities should notify me immediately to discuss your accommodation. Contact the Disability Resource Center (Stevenson Hall, 502.852.6938) for verification of eligibility and determination of specific accommodations.

### Observance of Religious Holy Days

Students who observe work-restricted religious holy days are allowed to do so without jeopardizing their academic standing in any course. I will accommodate students' request(s) for

adjustments in course work on the grounds of religious observance, provided that the student(s) make such request(s) in writing during the first two (2) weeks of term.

Please note that the syllabus represents a general plan for the course and may be subject to change, based on the discretion of the instructor. Any changes will be communicated through university email and BB Announcements.

## COURSE SCHEDULE

- Drop-add ends August 25. September 19 is the last day to withdraw.
- Each week, graded work will be due at 8 p.m. on Mondays and Thursdays.

### **Week 1: Introduction to Juries and Democracy (August 21 – 25)**

#### **I.A. Welcome and What to Expect**

- **Reading/listening:**
  - Syllabus and course objectives [BB]
  - Dr. Moyer's introduction video [BB]
- **Written participation #1:** Introductory exercise (record in Formative). Due Thursday, August 24 (by 8 p.m.):

#### **I.B. Basics about Juries**

- **Reading/listening:**
  - Selections from *Kentucky Juror Handbook* [BB]
  - U.S. Constitution and what it says about juries [BB]
  - Mini-lecture (BB)
- **Quiz #1** due Thursday, August 24 by 8 p.m.
  - Students adding class after Thursday should contact instructor

### **Week 2: Juries in Comparative Context (August 28 – September 1)**

#### **2A: Juries and lay judges from British commonwealth countries**

- **Reading/listening:**
  - Mini-lecture [BB]
  - “Magistrates’ Court in England and Wales (from *Juries, Lay Judges, and Mixed Courts: A Global Perspective*) [BB]
- **Quiz #2** due Monday August 28 by 8 p.m.

#### **2B: Juries and lay judges from around the world**

- **Reading/listening (pick ONE reading from below):**
  - “Lay Participation in Criminal Trials in Japan” (from *Juries, Lay Judges, and Mixed Courts: A Global Perspective*) [BB]
  - OR
  - “Rise of the Jury Trial in Argentina” (from *Juries, Lay Judges, and Mixed Courts: A Global Perspective*) [BB]
- **Written participation #2** due Thursday, August 31 by 8 p.m.

### **Week 3: Selecting Fair and Representative Juries (September 4-8)**

Group A check-in with instructor this week for Participation credit. (See Announcements to see who is in Group A.)

*Labor Day – no work due Monday*

- **Reading/listening:**
  - Mini-lecture on problems with jury selection systems
  - “Jury of Peers: Democratic Goals” (pp. 65-81)
  - “Voir Dire” (pp. 89-105)
  - Challenges in selecting a fair jury in Donald Trump’s cases:  
<https://theconversation.com/a-jury-of-ex-presidents-no-but-trumps-fate-will-be-decided-by-12-citizen-peers-in-a-hallowed-tradition-of-us-democracy-207384>
- **Written participation #3** due Thursday September 7 by 8 p.m.

### **Week 4: Race, Gender, and Jury Selection (September 11 – 15)**

Group B check-in with instructor this week for Participation credit. (See Announcements to see who is in Group B.)

#### **4A. Constitutional law and jury selection**

- **Reading/listening:**
  - *More Perfect Podcast*, Episode “Object Anyway.” Link and transcript:  
<https://www.wnycstudios.org/podcasts/radiolabmoreperfect/episodes/object-anyway>
  - *Batson v. Kentucky* [BB]
  - *J.E.B. v. Alabama ex rel.* [BB]
- **Written participation #4** due Monday by 8 p.m.

#### **4B. The legacy of the all-white jury**

- **Reading/listening:**
  - *In the Dark* podcast, S2 E7: “The Trials of Curtis Flowers” (1 hour):  
<https://www.apmreports.org/episode/2018/06/05/in-the-dark-s2e7>
    - Alternatively, the transcript is here:  
<https://features.apmreports.org/documents/?document=6006376-In-the-Dark-transcript-Season-2-Episode-7-The>
  - Supreme Court ruling in *Flowers v. Mississippi*, Justice Brett Kavanaugh majority opinion, summarized from the bench: <https://www.oyez.org/cases/2018/17-9572>
  - How to get an all-white jury (interactive article):  
<https://features.apmreports.org/in-the-dark/curtis-flowers-trial-six-jury-selection/>
- **Quiz #3** due Thursday by 8 p.m.

### **Week 5: Civil and Criminal Juries (September 18 - 22) – “W” deadline 9/19**

Group C check-in with instructor this week for Participation credit. (See Announcements to see who is in Group C.)

#### **5A. Civil Juries and “Runaway Juries” in Tort Litigation**

- **Reading/listening:**
  - Mini-lecture on civil juries in Kentucky and federal court [BB]
  - Tao Dumas, “How Much is A Leg Worth? What do Civil Trial Courts Do, and Why Should We Care?” <https://open.oregonstate.education/open-judicial-politics/chapter/how-much-is-a-leg-worth/>
- **Quiz #4** due Monday September 18 by 8 p.m.

#### **5B. Non-unanimous juries in criminal cases**

- **Reading/listening:**
  - NPR summary of case (3 minutes): <https://www.npr.org/2020/04/20/839101826/supreme-court-guarantees-right-to-unanimous-verdict-in-serious-criminal-trials>
  - Read *Ramos v. Louisiana* case syllabus (summary of facts and majority opinion): <https://supreme.justia.com/cases/federal/us/590/18-5924/#tab-opinion-4238653>
  - Identify two amicus briefs filed in *Edwards v. Vannoy* (about whether *Ramos* decision applies retroactively) and use to answer the questions in the written participation: <https://www.scotusblog.com/case-files/cases/edwards-v-vannoy/>
- **Written participation #5 due** Thursday September 21 by 8 p.m.

### **Week 6: The decline of the jury trial in civil and criminal cases (September 25 - 29)**

- Submit case selection (from BB list) for Jury Case Profile Assignment Monday by 8 p.m.
- **Reading/listening:**
  - Weiser, Benjamin. “Trial by Jury, Hallowed American Right, is Disappearing.” [BB]
  - Diamond, Shari Seidman and Jessica M. Salerno. 2020. “Reasons for the Disappearing Jury Trial: Perspectives from Attorneys and Judges.” *Louisiana Law Review* 81(1). [BB]
  - Interview with (UofL law professor) Dan Cannon, author of *How Plea Bargaining Creates a Permanent Criminal Class* (transcript also at link below) <https://www.wnycstudios.org/podcasts/takeaway/segments/how-plea-bargaining-creates-permanent-criminal-class>
- **Quiz #5** due Thursday by 8 p.m.

### **Week 7: Jury Case Profile and Take-Home Final (October 2 – 6)**

- *Case profile assignment is due Thursday by 8 p.m. See assignment details posted on Blackboard.*
- *Final Exam will become available by Thursday, October 5.*

### **Week 8: FINAL EXAM DUE WEDNESDAY, OCTOBER 11 BY 8 P.M.**

## Appendix: University Policies and Support

### Title IX/Clery Act Notification

Sexual misconduct (including sexual harassment, sexual assault, and any other nonconsensual behavior of a sexual nature) and sex discrimination violate University policies. Students experiencing such behavior may obtain confidential support from the PEACC Program (852-2663), Counseling Center (852-6585), and Campus Health Services (852-6479). To report sexual misconduct or sex discrimination, contact the Dean of Students (852-5787) or University of Louisville Police (852-6111).

Disclosure to University faculty or instructors of sexual misconduct, domestic violence, dating violence, or sex discrimination occurring on campus, in an University-sponsored program, or involving a campus visitor or University student or employee (whether current or former) is not confidential under Title IX. Faculty and instructors must forward such reports, including names and circumstances, to the University's Title IX officer.

For more information, see the [Sexual Misconduct Resource Guide](#).

### Basic Needs Support

Doing well in classes (and in life, for that matter) means getting a good night's sleep, having enough to eat, and being able to get to where you need to go. If you are having any difficulties with these basic necessities, remember that UofL has resources to assist you. These challenges are unfortunately more common than we would wish. Please reach out to me or to one of these great resources if you find yourself in need at any time during this course or after.

- Food (fresh and non-perishable), household and toiletry items: [Cardinal Cupboard](#) (SAC W312)
- Clothing, shoes, household items and office/art supplies: [UofL Free Store](#) (SAC 303C)
- If you're experiencing any academic, financial, or personal difficulties, a [Student Success Coordinator](#) in UofL's Student Success Center can work with you individually to provide guidance and support as well as connect you to relevant resources.
- The UofL Concern Center can help you find and connect with relevant resources: <https://louisville.concerncenter.com/>
- You can also reach out to the Dean of Students Office at 502.852.5787 or <http://louisville.edu/dos>

### Mental Health Support

To schedule an appointment with the UofL Counseling Center, call 502-852-6585 or stop by the office in the Student Activities Center Room W-204. More info: <http://louisville.edu/counseling/>

Additional Counseling Resources:

- [24/7 Adult Crisis Line](#): 502-589-4313 or 800-221-0446 (available 24/7)
- [The National Suicide Prevention Lifeline](#): 1-800-273-TALK (8255) (available 24/7)
- [Crisis Text Line](#): Text HOME to 741741 (available 24/7)
- [The Trevor Project](#): 1-866-488-7386 (available 24/7 for individuals ages 13-24 who identify as LGBTQ)