

**JURIES: COMPLEX TRIALS AND SCIENTIFIC EVIDENCE**

**LAW LIBRARY**

SUPERIOR COURT OF ARIZONA, MARICOPA COUNTY

January 2022

CONTENTS

BOOKS .....	3
REPORTS .....	3
PAPERS .....	4
ARTICLES .....	4

**BOOKS**

- Arkfeld, Michael R., Robert D. Bohm and Kevin W. Keenan. *Successfully Presenting the Complex Case to an Arizona Jury*. Eau Claire, WI: National Business Institute, 2000.
- Austin, Arthur D. *Complex Litigation Confronts the Jury System: A Case Study*. Frederick, MD: University Publications of America, Inc., 1984.
- Hans, Valerie P. *Business on Trial: The Civil Jury and Corporate Responsibility*. New Haven: Yale University Press, 2000.
- Inside the Juror: The Psychology of Juror Decision Making*. Reid Hastie, ed. New York: Cambridge University Press, 1993.
- Lubet, Steven, JC Lore. *Modern Trial Advocacy: Analysis and Practice*. Boulder, CO: National Institute for Trial Advocacy. 2015.
- Marriott, David R., *Trial by Jury, 2015*. New York: Practising Law Institute. 2015.
- Munsterman, G. Thomas, Paula L. Hannaford and G. Marc Whitehead, ed. *Jury Trial Innovations*. Williamsburg, VA: National Center for State Courts, 1997.
- Neufer, Nancy L. *Complex Evidence and Communication: The Good, the Bad and the Ugly*. Section of Litigation, Chicago IL: American Bar Association, 2001.
- Selvin, Molly and Larry Picus. *The Debate over Jury Performance: Observations from a Recent Asbestos Case*. Santa Monica, CA: Rand Corporation, 1987.
- Sward, Ellen E. *The Decline of the Civil Jury*. Durham, NC: Carolina Academic Press, 2001.
- Verdict: Assessing the Civil Jury System*. Robert E. Litan, ed. Washington, DC: Brookings Institution, 1993.
- Vidmar, Neil. *Medical Malpractice and the American Jury: Confronting the Myths about Jury Incompetence, Deep Pockets, and Outrageous Damage Awards*. Ann Arbor, MI: University of Michigan Press, 1995.
- Vincenti, Leonard M., *The Jury Trial*. Lawyers & Judges Pub. Co. 2014.

**REPORTS**

- American Bar Association. [Civil Trial Practice Standards](#). Chicago, IL: American Bar Association, August 2007.
- Arizona Supreme Court. [Arizona Task Force on Jury Data Collection, Policies, and Procedures. Reports and Recommendations](#). October 4, 2021.
- Arizona Supreme Court. Committee on More Effective Use of Juries. [Jurors: The Power of 12](#). Phoenix, AZ: The Committee, 1994.
- Arizona Supreme Court. Committee on More Effective Use of Juries. [Jurors: The Power of 12, Part 2](#), 1996.

Arizona Supreme Court. [Statewide Jury Selection Workgroup: A Workgroup of the Task Force on Jury Data Collection, Practices, and Procedures](#). November 1, 2021.

Committee on Federal Courts, New York State Bar Association. "Improving Jury Comprehension in Complex Civil Litigation." [62 St. John's Law Review 549](#) (1988).

Jury Service Committee of the Ohio Judicial Conference, Ohio Judicial Conference. "[Jury Resource Manual](#)." September 30, 2021.

[Jury Service in Victoria: Final Report, v. 3](#). Melbourne, Victoria: Parliament of Victoria, Victorian Law Reform Committee, 1997.

Jury Trial Project, New York State Unified Court System. "[Final Report of the Committees of the Jury Trial Project](#)." 2005.

Sentell, R. Perry Jr. *The Georgia Negligence Jury*. Athens, GA: Carl Vinson Institute of Government, University of Georgia, 1995. Summary available at Georgia Civil Justice Foundation, *In Defense of the Georgia Negligence Jury*, <http://www.civiljustice.org/Pages/06-NegligenceJury.html>.

## PAPERS

Dewitt, John S. [Novel Scientific Evidence and the Juror: A Scientific Psychological Approach to the Frye-Relevancy Controversy](#). Thesis (Ph. D.) - University of Nevada, Reno, 1991.

Goodman, Jane. [Probabilistic Scientific Evidence: Jurors' Inferences](#). Thesis (Ph. D.) - University of Washington, 1986.

## ARTICLES

Alleman, Thomas B. "Don't Shy Away From Science: Litigators Should Embrace Scientific Data as a Means of Calming Juror Fears." 152 *New Jersey Law Journal* S15 (June 8, 1998).

Beecher-Monas, Erica. "Heuristics, Biases, and the Importance of Gatekeeping." 2003 *Michigan State DCL Law Review* 987.

Bell, Rosalyn B. "Instructing Juries in Genomic Evidence Cases." [36 Judges Journal 42](#) (Summer 1997).

Berg, Martin. "Experts Wonder: Did the Jury Understand the DNA Evidence? (O.J. Simpson Murder Trial)." 108 *The Los Angeles Daily Journal* 8 (May 11, 1995).

Brewer, Scott. "Scientific Expert Testimony and Intellectual Due Process." [107 Yale Law Journal 1535](#) (1998).

Browne, M. Neil, Terri J. Keeley and Wesley J. Hiers. "The Epistemological Role of Expert Witnesses and Toxic Torts." [36 American Business Law Journal 1](#) (1998).

Broyles, Keith E. "Taking the Courtroom into the Classroom: A Proposal for Educating the Lay Juror in Complex Litigation Cases." [64 George Washington Law Review 714](#) (1996).

- Cecil, Joe S., Valerie P. Hans and Elizabeth C. Wiggins. "Citizen Comprehension of Difficult Issues: Lessons from Civil Jury Trials." [40 \*American University Law Review\* 727](#) (1991).
- Chilton, Ellen and Patrician Henley. "[Improving the Jury System: Jury Instructions: Helping Jurors Understand the Evidence and the Law.](#)" *PLRI Reports* (Spring 1996). University of California, Hastings College of the Law, Public Law Research Institute.
- Cho, Susie. "Capital Confusion: The Effect of Jury Instructions on the Decision to Impose Death." [85 \*Journal of Criminal Law and Criminology\* 532](#) (1994).
- Collins, Daniel P. "Making Juries Better Factfinders." [20 \*Harvard Journal of Law & Public Policy\* 489](#) (1997).
- Cooley, Craig M. "Forensic Individualization Sciences and the Capital Jury: Are Witherspoon Jurors More Deferential to Suspect Science Than Non-Witherspoon Jurors?" [28 \*Southern Illinois University Law Journal\* 273](#) (2004).
- Cooper, Joel, Elizabeth A. Bennett and Holly L. Sukel. "Complex Scientific Testimony: How Do Jurors Make Decisions?" *20 Law and Human Behavior* 379 (1996).
- Cowell, Susan E. "Pretrial Mediation of Complex Scientific Cases: A Proposal To Reduce Jury and Judicial Confusion." [75 \*Chicago-Kent Law Review\* 981](#) (2000).
- Daniels, Stephen. "The Question of Jury Competence and the Politics of Civil Justice Reform: Symbols, Rhetoric, and Agenda-Building." [52 \*Law and Contemporary Problems\* 269](#) (Autumn 1989).
- Danois, Derek. "Computer Animation Helps Win Cases: By Visualizing Complex Evidence, Juror Comprehension Rises." *18 Pennsylvania Law Weekly* S8 (July 17, 1995).
- "Developments in the Law: Confronting the New Challenges of Scientific Evidence." [108 \*Harvard Law Review\* 1481](#) (1995).
- DeWitt, John S. "Juries and Experts: Sensing and Comprehending in Cases That Hinge on Expert Testimony." *3 Nevada Lawyer* 18 (April 1995).
- Diamond, Shari Seidman and Judith N. Levi. "Improving Decisions on Death by Revising and Testing Jury Instructions." [79 \*Judicature\* 224](#) (1996).
- Diamon, Shari Seidman, et al. "Juror Discussions During Civil Trials Studying An Arizona Innovation." [45 \*Arizona Law Review\* 1](#) (Spring 2003).
- Ewing, Jack. "Conn. Jury Disregards DNA Test." *12 National Law Journal* 9 (April 23, 1990).
- Fitzgerald, Brian P. "Can the Pattern Jury Instruction on Medical Malpractice be Revised to Reflect the Law More Accurately?" *71 New York State Bar Journal* 32 (November 1999).
- Goyal, Meha. "An Exception to Trial by Jury in Complex White-Collar Crime Cases." [31 \*Georgetown Journal of Legal Ethics\* 621](#) (2018).
- Grenig, Jay E. "The Civil Jury In America: Improving the Jury's Understanding of a Case." [24 \*American Journal of Trial Advocacy\* 93](#) (2000).

- Handberg, Roger B. "Expert Testimony on Eyewitness Identification: A New Pair of Glasses for the Jury." [32 American Criminal Law Review 1013](#) (1995).
- Hannaford, Paula L. and G. Thomas Munsterman. "Beyond Note Taking: Innovations in Jury Reform." *33 Trial* 48 (July 1997).
- Hannaford, Paula L., B. Michael Dann and G. Thomas Munsterman. "How Judges View Civil Juries." [48 DePaul Law Review 247](#) (1998).
- Hans, Valerie P., Paula L. Hannaford and G. Thomas Munsterman. "The Arizona Jury Reform Permitting Civil Jury Trial Discussions: The Views of Trial Participants, Judges, and Jurors." [32 University of Michigan Journal of Law Reform 349](#) (1999).
- Harmon, Rockne P. "Legal Criticisms of DNA Typing: Where's the Beef?" [84 Journal of Criminal Law and Criminology 175](#) (1993).
- Harris, Michael D. "In L.A. Courts, Jurors Begin to Ask Questions: Innovative Program an Attempt to Improve the Quality of Jury Service." *112 Los Angeles Daily Journal* 1 (August 23, 1999).
- Heuer, Larry and Steven Penrod. "Increasing Juror Participation in Trials Through Note Taking and Question Asking." [79 Judicature 256](#) (1996).
- Heuer, Larry and Steven Penrod. "Increasing Jurors' Participation in Trials: A Field Experiment With Jury Notetaking and Question Asking." *12 Law and Human Behavior* 231 (1988).
- Higgins, Michael. "Not So Plain English: In Many States, Jury Instructions Are Confusing." [84 ABA Journal 40](#) (June 1998).
- Horowitz, Irwin A. and Lynne Forster Lee. "The Effects of Note-taking and Trial Transcript Access on Mock Jury Decisions in a Complex Civil Trial." *25 Law and Human Behavior* 373 (2001).
- Imwinkelried, Edward J. "Judge Versus the Jury: Who Should Decide Questions of Preliminary Facts Conditioning the Admissibility of Scientific Evidence?" [25 William and Mary Law Review 577](#) (1984).
- Imwinkelried, Edward J. "The Standard for Admitting Scientific Evidence: A Critique From the Perspective of Juror Psychology." [28 Villanova Law Review 554](#) (1983).
- Jacobs, Michael S. "Testing the Assumptions Underlying the Debate About Scientific Evidence: A Closer Look at Juror 'Competence' and Scientific 'Objectivity'." [25 Connecticut Law Review 1083](#) (Summer 1993).
- Jeffers, John L. "How to Present Complex Economic Evidence to a Jury." [7 Litigation 30](#) (Fall 1980).
- Kehoe, Robert E. Jr. "New Techniques for Improving Complex Jury Charges." *143 Chicago Daily Law Bulletin* 6 (November 11, 1997).
- King, Nancy Jean. "The American Criminal Jury." [62 Law and Contemporary Problems 41](#)

(1999).

- Koehler, Jonathan J. "On Conveying the Probative Value of DNA Evidence: Frequencies, Likelihood Ratios, and Error Rates (O.J. Simpson and the Criminal Justice System on Trial)." [67 \*University of Colorado Law Review\* 859](#) (1996).
- Kovera, Margaret Bull, Bradley D. McAuliff and Kellye S. Herbert. "Reasoning About Scientific Evidence: Effects on Juror Gender and Evidence Quality on Juror Decisions in a Hostile Work Environment Case." *84 Journal of Applied Psychology* 362 (1999).
- Kramer, Geoffrey and Durean M. Koenig. "Do Juror Understand Criminal Jury Instructions? Analyzing the Results of the Michigan Comprehension Project." [23 \*University of Michigan Journal of Law Reform\* 401](#) (Spring 1990).
- Kreiling, Kenneth R. "Scientific Evidence: Toward Providing the Lay Trier With the Comprehensive and Reliable Evidence Necessary to Meet the Goals of the Rules of Evidence." *32 Arizona Law Review* 915 (1990).
- Laguzza, Ross P. "Finding Out How Jurors Think." *22 Legal Times* S42 (June 7, 1999).
- Landsman, Stephan. "The Civil Jury in America." [62 \*Law and Contemporary Problems\* 285](#) (1999).
- Lee, Lynne Forster and Irwin A. Horowitz. "The Effects of Jury-Aid Innovations on Juror Performance in Complex Civil Trials." [86 \*Judicature\* 184](#) (2003).
- Lempert, Richard O. "The Jury and Scientific Evidence." [9 \*Kansas Journal of Law & Public Policy\* 22](#) (1999).
- Lew, Avi. "Preliminary Screening Hearings in Products Liability Litigation: Trampling on the Fundamental Constitutional Right to Trial by Jury." *16 Journal of Products and Toxics Liability* 37 (1994).
- Longhofer, Ronald S. "Jury Trial Techniques in Complex Civil Litigation." [32 \*University of Michigan Journal of Law Reform\* 335](#) (1999).
- Lowe, John C. "Making Complex Litigation Clear." *33 Trial* 46 (April 1997).
- Lowe, John C. "Reinventing an Outdated Wheel: Innovations in Complex Litigation." *2 Virginia Journal of Law and Technology* 6 (Fall 1997). Available at <http://www.freedomlaw.com/VJOLTjq.html>.
- Magnusson, Eric and Ben Selinger. "Jury Comprehension of Complex Scientific Evidence: The Inference Chart Concept." *14 Criminal Law Journal* 389 (1990).
- Margolis, Daniel H. "The Case Against Trial by Jury in Complex Civil Litigation." [7 \*Litigation\* 19](#) (Fall 1980).
- Marquess, Kate. "Technical Difficulties; Litigating Computer-Related Cases Means Bringing the Judge and Jury Up To Speed On the Complexities of a Fast-Paced Industry." [87 \*ABA Journal\* 54](#) (January 2001).
- McDonald, James J. Jr. "Daubert in Employment Litigation: A Potent Weapon Against

- Dubious Science." 24 *Employee Relations Law Journal* 35 (1998).
- McDonald, Ryan. "Juries and Crime Labs: Correcting the Link in the DNA Chain." [24 \*American Journal of Law and Medicine\* 345](#) (1998).
- McMahon, Terrence P. and Amy Landers. "Hi-Tech Visuals Tell a Story; Complex Computer or Scientific Cases Require Sophisticated Trial Graphics to Educate a Jury." 23 *National Law Journal* B11 (November 27, 2000).
- Menon, Jody Weisberg. "Adversarial Medical and Scientific Testimony and Lay Jurors: A Proposal for Medical Malpractice Reform." [21 \*American Journal of Law and Medicine\* 281](#) (1995).
- Miller, Michael Owen and Thomas A. Mauet. "The Psychology of Jury Persuasion." [22 \*American Journal of Trial Advocacy\* 549](#) (1999).
- Munsterman, G. Thomas and Paula L. Hannaford. "Reshaping the Bedrock of Democracy: American Jury Reform During the Last 30 Years." 36 *Judges Journal* 4 (Fall 1997).
- Myers, Hon. Robert D., Hon. Ronald S. Reinstein and Gordon M. Griller. "Complex Scientific Evidence and the Jury." [83 \*Judicature\* 150](#) (1999).
- Nace, Barry J. "Daubert: Victory for the Jury." 29 *Trial* 7 (October 1993).
- O'Malley, Kathleen. "Trial by Jury: Why it Works and Why it Matters." [68 \*American University Law Review\* 1095](#) (2019).
- Ostrom, Brian J., David B. Rottman and John A. Goerdt. "A Step above Anecdote: A Profile of the Civil Jury in the 1990s; Empirical Data Provided by the Civil Trial Court Network Project Illuminate the Debate over Jury Reform." [79 \*Judicature\* 233](#) (1996).
- Randall, Janet. "How to Talk So Juries Will Listen." [95 \*Chicago-Kent Law Review\* 647](#) (2020).
- Recer, Paul. "Is DNA Evidence Distracting Juries?" 137 *Chicago Daily Law Bulletin* 1 (February 15, 1991).
- Reifman, Alan, Spencer M. Gusick and Phoebe C. Ellsworth. "Real Jurors' Understanding of Law in Real Cases." 16 *Law and Human Behavior* 539 (1992).
- Rein, Bert W. "The Role of the Jury in the Evaluation of Scientific Evidence." [9 \*Kansas Journal of Law & Public Policy\* 28](#) (1999).
- Rowe, Brenda Inman. "A Possible Solution for the Problem of Juries Slighting Nonscientific Evidence: A Bayesian-like Judicial Instruction." [24 \*American Journal of Criminal Law\* 541](#) (1997).
- Saks, Michael J. "Scientific Evidence and the Ethical Obligations of Attorneys." [49 \*Cleveland State Law Review\* 421](#) (2001).
- Salman, Robert R. "No Hermits for the Jury." 17 *National Law Journal* A21 (May 15, 1995).
- Sand, Leonard B. "Experiments in the Second Circuit with Techniques for Aiding Juror



- Comprehension." [8 \*University of Bridgeport Law Review\* 325](#) (1987).
- Sanders, Joseph. "Jury Deliberation in a Complex Case: Havner v. Merrell Dow Pharmaceuticals." [16 \*Justice System Journal\* 45](#) (1993).
- Sanders, Joseph. "Scientifically Complex Cases, Trial by Jury, and the Erosion of Adversarial Processes." [48 \*DePaul Law Review\* 355](#) (1998).
- Schklar, Jason and Shari Seidman Diamond. "Juror Reactions to DNA Evidence: Errors and Expectancies." *23 Law and Human Behavior* 159 (1999).
- Schneider, David. "Jury Deliberations and the Need for Jury Reform: An Outsider's View." [36 \*Judges Journal\* 23](#) (Fall 1997).
- Schutz, James S. "The Expert Witness and Jury Comprehension: An Expert's Perspective." [7 \*Cornell Journal of Law and Public Policy\* 107](#) (1997).
- Schutz, Ronald J. and Martin R. Lueck. "Computer Animation Tutors Jury; in Complex Litigation, High-Tech Graphical Presentations Help the Jury Understand Difficult Issues." *18 National Law Journal* C1 (September 11, 1995).
- Shoop, Julie Gannon. "ABA Section Says Jury Reforms Should Be Standard Practice; ATLA Criticizes Proposals." *34 Trial* 86 (February 1998).
- Shoop, Julie Gannon. "Study Debunks Myths About Juror Notes and Questions." *30 Trial* 85 (January 1994).
- Shuman, Daniel W. "Assessing the Believability of Expert Witnesses: Science in the Jurybox." [37 \*Jurimetrics\* 23](#) (1996).
- Smith, Douglas G. "The Historical and Constitutional Contexts of Jury Reform." [25 \*Hofstra Law Review\* 377](#) (1996).
- Strier, Franklin D. "The Road to Reform: Judges on Juries and Attorneys." [30 \*Loyola of Los Angeles Law Review\* 1249](#) (1997)
- Sullivan, Eugene R. and Akhil R. Amar. "Jury Reform in America - A Return to the Old Country." [33 \*American Criminal Law Review\* 1141](#) (1996).
- Tiersma, Peter. "The Rocky Road to Legal Reform: Improving the Language of Jury Instructions." [66 \*Brooklyn Law Review\* 1081](#) (2001).
- Tully, Izabelle. "The Courtroom Turned Classroom: A Model Procedure for Educating the Gatekeepers of Expert Evidence in Complex Toxic Tort Cases." [40 \*Cardozo Law Review\* 2405](#) (2019).
- Vidmar, Neil. "Are Juries Competent to Decide Liability in Tort Cases Involving Scientific/Medical Issues? Some Data from Medical Malpractice." [43 \*Emory Law Journal\* 885](#) (1994).
- Vidmar, Neil. "The Performance of the American Civil Jury: An Empirical Perspective." [40 \*Arizona Law Review\* 849](#) (1998).

"View From the Bar: Helping the Jury Understand Scientific Evidence." 34 *Journal of the Forensic Science Society* 113 (1994).

Wesley, John W. "Scientific Evidence and the Question of Judicial Capacity." [25 \*William and Mary Law Review\* 675](#) (1984).

Woodsome, Edwin V. Jr. and David G. Meyer. "Comprehension Complex; Trial Techniques, Technology Help Juries Grasp the Inexplicable." 115 *Los Angeles Daily Journal* 8 (May 21, 2002).

Young, Elizabeth V. "Outsourcing the Jury: *Bartlett v. DuPont* and the Role of Alternative Adjudication in Preserving Jury "Fairness" in Complex Scientific Litigation." [77 \*Ohio State Law Journal\* 15](#) (2016).

---

August 1999; revised September 2002, December 2004, revised December 2021.