



2021 FORUM FOR STATE APPELLATE COURT JUDGES
Juries, Voir Dire, *Batson*, and Beyond: Achieving Fairness in Civil Jury Trials

AFTERNOON Discussion Group Questions
&
Points of Agreement

Prof. Diamond's Paper and Panel Discussion

Moderator names: _____

1. Should courts be more willing to find discriminatory exclusion in the exercise of peremptory challenges in light of the evidence for implicit as well as explicit bias?

2. Should court systems encourage legislatures to expand eligibility for jury service to include felons who have completed their sentences? To include legal permanent residents?

3. How many challenges should be permitted for a jury of twelve? For a jury of six?

4. How many jurors should a civil jury have? Why?

5. "EXTRA CREDIT:" (If you have time to get to this) Professor Diamond discusses possible changes in jury management:

- Expand eligibility to include convicted felons who have completed their sentences;
- Use up-to-date and comprehensive juror lists;
- Adopt the "objective observer" standard to judge a *Batson* challenge;
- Limit availability of peremptory challenges; and
- Increase jury size to increase jury diversity.

Which of these do you think would enhance the fairness of civil jury trials?
