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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

Series: Law and Public Policy

Hardcover: 261 pages

Publisher: American Psychological Association (APA); 1 edition (January 1, 2007)

Language: English

ISBN-10: 1591474272

ISBN-13: 978-1591474272

Product Dimensions: 7.3 x 0.8 x 10.1 inches

Shipping Weight: 1.5 pounds

Average Customer Review: 5.0 out of 5 stars [See all reviews](#) (3 customer reviews)

Best Sellers Rank: #1,818,571 in Books (See Top 100 in Books) #86 in [Books > Law > Rules & Procedures > Jury](#) #1691 in [Books > Law > Rules & Procedures > Civil Procedure](#) #5461 in [Books > Medical Books > Psychology > Clinical Psychology](#)

Customer Reviews

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.

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