

# KIRKUS REVIEWS

## TITLE INFORMATION

### THE JURY CRISIS

*What's Wrong with Jury Trials and How We Can Save Them*

Drury R. Sherrod

Rowman & Littlefield (192 pp.)

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## BOOK REVIEW

A jury researcher examines why trial by jury may be heading for extinction in the U.S.

Although trial by jury is enshrined in the U.S. Constitution, it hasn't been receiving much respect of late. The number of jury trials has plummeted over the past few decades, with the outcomes of such high-profile trials as the O.J. Simpson murder case and the McDonald's "hot coffee" civil lawsuit contributing to negative perceptions. "Jury trials are so disparaged for their cost, length, and seeming reckless verdicts that trial by jury is on the road to extinction," debut author Sherrod, a partner in a jury research firm, observes in his thought-provoking analysis of America's legal system. The author makes effective use of everything from real-life case vignettes and his own firm's mock trials to evolutionary psychology to explore questions like "Can a jury be impartial in today's United States?" and "Should the whole process of dispensing justice be handed over to 'experts'?" The human brain, he explains, evolved in part by "Jumping to conclusions from limited evidence," but "this built-in, hard-wired process does not work as well" in today's courts, where jurors must assess complicated evidence and trials may last for weeks or months. Jurors are also vulnerable to "informational and normative influences"—exemplified by a juror in an auto accident trial who told Sherrod's firm in a post-trial interview that she "just got fed up and switched sides" so she wouldn't have to come back to court another day. Sherrod, however, is more convincing in diagnosing the jury system's ills than suggesting remedies. He ultimately concludes that the jury trial needs to be preserved, preferring such improvements as making juries more demographically representative and presenting opening statements in narrative form to replacing juries with panels of "experts" such as judges and mediators. With their biases and "cognitive illusions," judges "function much like other people, such as jurors," Sherrod argues. But he fails to mention the experiences of countries that have abandoned the jury system—a study of Switzerland's recent switch to judicial panels in criminal cases found it to work well. The author also doesn't address whether jury trials should at the very least be abandoned in capital murder cases since the convictions of 164 death row inmates have been overturned since 1973, according to the Death Penalty Information Center.

Effectively outlines the ills of America's jury system but doesn't propose any improvements.

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