

Learning for Life ladies,

Two esteemed legal scholars, four cases currently in front of the Supreme Court, and a room full of engaged women.

Shari Diamond opened the jury process to us and introduced us to some reasons we have jury trials. She discussed why 12, pointing out that it increased community representation. In one of Shari's studies she found that while minorities make up 25 percent of the jury pool, in cases with 6-person juries, 28 percent of juries had no minorities. Among 12-person juries, the number fell to only 2 percent of juries with no minorities. In addition, Shari pointed out, that 12 people increases the quality of the group's deliberation. Shari also set up a thoughtful examination of unanimity, which results in the value and legitimacy of our juries, and the potential effects of the non-unanimity rule. That brings us to Supreme Court case number one: Last year Louisiana approved a constitutional amendment to end non-unanimous verdicts (Louisiana, along with Oregon, are the only two states that do not require unanimity). Watch for the Supreme Court's ruling on *Ramos v. Louisiana*.

Kim Yurakacko, dean of the Pritzker School of Law, introduced us to three more cases currently on the Supreme Court's docket. Kim framed an interesting set of questions around the Civil Rights Act of 1964 and Title VII. An almost side note in the history of the Civil Rights Act, Kim noted, is that sex was added as a protected class only a day before the act was passed, and it was done so in an effort to get the act to fail. It didn't, but it did set up a trajectory of consideration of sex by the courts in employment discrimination or Title VII cases. Kim now studies the courts' actions surrounding the use of Title VII to protect individual's sexual orientation and transgender people. The courts generally saw no protections for gay, lesbian and transgender people before the Obama administration. However, the Obama administration and the EEOC issued administrative guidance that being gay, lesbian or transgender be qualified as sex under Title VII. The White House was ahead of the courts on this, and with the change in administration we saw a reversal in policy from the executive branch. Under the Trump administration, there's been a tack back to protect for only for sex. So now, in three Supreme Court cases, the question of whether sexual orientation or transgender qualify for protection under Title VII will be decided.

By the way, in the context of answering a question about her service on the Seventh Circuit Committee on Pattern Criminal Jury Instruction, Shari mentioned the long list of jury instructions which you can find online. Should you have some curiosity, see the guiding document for judges [here](#).

And in case reading court documents isn't for you, some podcast recommendations: Shari suggested *In the Dark*, which discusses the six trials--meaning FIVE retrials--in *Foster v. Mississippi* that Shari mentioned in class. Kim encouraged us to listen to *Amicus with Dahlia Lithwick*.

Together in learning, rdm

RACHEL DAVIS MERSEY, PhD (she|her|hers)  
PROFESSOR | NORTHWESTERN UNIVERSITY  
ASSOCIATE DEAN for RESEARCH | Medill School of Journalism, Media, Integrated Marketing  
Communications  
FACULTY FELLOW | Institute for Policy Research  
*twitter.* @rdmersey | *phone.* 847.491.2196  
*office.* McCormick Foundation Center (MFC), 4-138  
*address.* 1870 Campus Drive, 3rd Floor, Evanston, IL 60208