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Juries

Law Prof's Article on His Jury Experience Leads to Overturned Verdict

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By [Debra Cassens Weiss](#)

Updated: A law professor's article on his experiences as a juror in a slip-and-fall case has resulted in a new trial for a grocery store found liable for \$876,000.

A New Jersey appeals court ruled today that the defendant deserved a new trial, in part because the professor's explanation of legal concepts to his fellow jurors had a tendency to influence the verdict. The court's [opinion](#) (PDF) said the defendant was deprived of a fair trial because of the tendency and other cumulative trial errors, [Legal Profession Blog](#) reports.

The influence issue came to light after [Seton Hall](#) law professor [Robert Martin](#) wrote a December 2006 article for the New Jersey Law Journal reflecting on his experiences as foreman of the jury. Martin wrote that he was surprised that none of the lawyers used peremptory challenges to exclude him, even though he was a law professor, practicing lawyer and New Jersey state senator.

In the article, published in December 2006, Martin wrote that other jurors were relying on him to deal with abstract legal concepts. "I remain undecided as to whether it's advisable to have a lawyer serve on a jury—especially as its foreman," he said.

"For example, I was asked to clarify what the judge meant by 'proximate cause' and its significance in proving a negligence claim," Martin wrote. "I do think my familiarity with the law proved helpful to fellow jurors. I am convinced that in our case my opinions swayed other jurors and were extremely influential in the final outcome."

A trial court concluded after a hearing examining Martin's influence that the professor overstated his impact on the other jurors and he had no special role in deliberations. But the appeals court said it could not easily accept that assertion, noting that the professor proposed the amount of damages ultimately awarded by the jury. "It is *not* the role of the foreperson to explain legal concepts to the other jurors," the court said.

Martin made this statement in an e-mail to the ABA Journal on Monday: "I obviously disagree with the decision, but do not wish to comment further at this time."

Updated at 11 a.m. CT on Monday to include a statement by Martin.