

Proposed Reforms to the Criminal Justice System as a Reaction to the *Simpson* Verdict

by Eric C. Johnson

Introduction

"What are they [the Legislature] going to do, do away with not guilty verdicts?"

--San Francisco Deputy Public Defender Grace Suarez [1]

As a result of the October 3, 1995 not guilty verdicts in *People v. Simpson*, numerous proposals to reform the criminal justice system have been put forward. [2] The suggestions have primarily targeted on the structure and role of the jury, quickening the pace of trials, changing evidence rule to focus on "the law" rather than tangential or emotional issues, and retaining the dignity of the courts through restrictions on the lawyers and cameras in courtrooms.

These proposal have not gone unheeded by the Judiciary or the Legislature. For example, on October 27, 1995, the Judicial Council of California proposed altering the jury system by reducing the number of jurors in civil cases to eight, eliminating unanimous verdicts in some criminal cases, increasing juror pay, and banning cameras from the courtroom. [3] Other proposals being taken under consideration include curtailing sequestration and limiting lawyers' statements during closing arguments. [4] The council has created a special task force to suggest improvements to the jury system. [5]

Background

Past high-profile cases in California have also led to judicial reform. San Francisco Mayor George Moscone and Supervisor Harvey Milk were shot by Supervisor Dan White; his subsequent conviction for manslaughter rather than murder, due to the so-called "Twinkie defense," led to the passage of the Proposition 8--the "Victim's Bill of Rights." Passed in 1981, Proposition 8 created a victims' restitution fund, eliminated independent state grounds for the exclusionary rule, reduced availability of pretrial bail, eliminated the diminished capacity defense, limited plea bargains for certain violent felonies, and created a sentence enhancement scheme for repeat serious or violent felons. [6] Similarly, in 1990 after the acquittals in the McMartin preschool case in Los Angeles, Proposition 115 was passed, which altered jury selection, rules regarding the admissibility of evidence at preliminary hearings, and discovery requests. [7] More recently, the abduction and murder of Polly Klaas in Petaluma helped to pass Proposition 184 in 1994; the "three strikes and you're out" law doubled the prison sentence for felons with one prior serious or violent felony conviction and imposed 25 years to life for a felon with two



such prior convictions. [8]

Similarly, other trials likewise have affected the nation's attitude towards criminal trials. After John Hinckley, Jr. was found not guilty by reason of insanity of attempting to assassinate President Ronald Reagan in 1981, many states toughened their insanity laws. [9] The "Son of Sam" killings in New York during the 1970s inspired several states to attempt to limit criminals from profiting from their crimes. [10] After the Lindbergh baby kidnapping trial, many stringent kidnapping laws were enacted and courtroom cameras were banned; only until the 1970s did states start to allow cameras back into the courtroom. [11] And, less recently, Sir Walter Raleigh's trial for treason during the 17th century led to prohibitions on hearsay (statements made outside the courtroom) evidence. [12]

The following is a list of reform proposals grouped broadly by topic. No analysis is made as to whether any proposal is likely to pass, have its intended effect or even be found constitutional.

The Proposals

Jury Verdicts

Allow nonunanimous jury verdicts. Using 11-1 and 10-2 verdicts in noncapital cases have both been suggested. [13] Assembly Member Richard Rainey (R-Concord) in May 1995 proposed a nonunanimous verdict bill, but it stalled in committee; [14] a similar Senate bill was also rejected this year. [15] Gregory Totten, Executive Director of the California District Attorneys Association and author of "three strikes," is gathering support for the Public Protection Act of 1996, a ballot initiative that will, among other proposals, allow 10-2 verdicts in noncapital cases. [16]

Implement the "Scots" verdict system. State Senator Quentin Kopp (I-San Francisco) has proposed a verdict system with three possible outcomes: guilty, not guilty, and not proven. [17]

Set a minimum time limit for deliberation. Upset by the four hour Simpson verdict, it is felt that a minimum limit would induce greater weighing of the evidence. [18]

Jury Composition

Let juries consist of less than twelve jurors. While a tradition in the United States, the Constitution does not require twelve jurors for state trials.

Change venue rules. Alter the rules governing where a trial may be held to ensure a more diverse jury pool. [19] The idea is create a jury that is a cross-section of society and more racially balanced. [20]

Reduce the ability to escape jury duty. Related to this concept is not allowing judges excuse potential jurors for "knowing too much." [21]

Eliminate peremptory challenges. Or, at the least, require an articulated reason for dismissing a potential juror. [22] The idea is to use the first twelve people in the jury box whenever possible.

Use professional jurors. Train and pay people to be jurors, allowing them to gain job experience and a "big picture" view. [23] A more drastic solution, which involves repealing the 6th Amendment, would be to eliminate juries altogether--a practice used in many European countries. [24]

Question potential jurors in the judge's chambers. The greater sense of privacy will encourage jurors to be more honest about their bias and preconceptions. [25] Implicit in this concept is not letting the lawyers ask questions directly, but rather through the judge. [26]

Shorten time period for jury duty. In California, jury duty is usually ten days or one trial. By shortening the time commitment, more people will be willing to serve. [27]

Raise the pay for jurors. Less people will be able to cite financial hardship as a way to escape jury duty. One proposal would be to require employers to pay for the first three days, with the state paying \$40 a day thereafter. [28]

Strengthen laws requiring employers to pay jurors while serving. Jurors often don't wish to serve, for fear of not being paid or losing their job if they are away too long. [29] It has been suggested that employers be given tax incentives to fully pay its employees during jury duty. [30]

Create an electronic jury. Trials would be televised, with verdicts transmitted via satellites. [31]

Jury Sequestration

Eliminate jury sequestration. The burdens (distressed jurors with an interest in a quick verdict) outweigh the benefits (jurors exposed to less information the judge has ruled inadmissible). [32]

Build better sequestration facilities. Make the experience as pleasant as possible. [33]

Let jurors work with the bailiffs in making sequestration rules. That way, they feel like part of the process, and understand why certain restrictions are placed on them. [34]

Hold court on Saturdays and have attorneys argue motions at night. This would be done to reduce the amount of time a jury is sequestered. [35]

The Role of the Jury During Trial

Allow jurors to submit questions. Questions through the judge, subject to the attorneys' approval, would clarify any problems jurors might have about the evidence as it is being presented. [36]

Allow deliberations before the case is submitted to the jury. Permitting jurors to "talk among themselves" would allow for a continuous dialogue and let jurors to do what many believe they do already. [37]

Reducing the Length of Trials

Use only court-appointed experts. Not only would this reduce the number of experts, but also cut down on the "battle of the experts," where they all endlessly contradict each other. [38]

Force state judges to issue time limits. Many federal judges already set time schedules. [39]

Require most motions to be made before the trial begins. Once a jury has been seated, only truly "emergency" motions could be heard. [40]

Limit each side to one speaking lawyer. This is done to avoid repetition and confusion. [41]

Limit the number and length of sidebar conferences. They waste too much of the jury's time. [42]

Limit how long a witness can testify. Many felt, for example, the week-long interrogation of the coroner in the Simpson trial added little, but wasted valuable time. [43]

Place a time limit on closing arguments. Arguments should only succinctly state the case. [44]

Tighten rules on what is "discoverable." Discovery, as it is, is too expansive; lawyers spend too much time arguing over what should be admitted. [45]

Tighten the leash on lawyers and judges. Judges need clearer guidelines and stronger tools to prevent the lawyers from controlling the courtroom. [46] Judges, too, must not become self-absorbed in their role, but focus on justice. [47]

Set a minimum number of hours of testimony per day. This is done to ensure that court days are effective. [48]

Video tape trials. Jurors would watch prerecorded trials, which would significantly reduce the amount of their time required. [49]

Gagging the Lawyers

Prevent lawyer from commenting on ongoing trials. The Judicial Council recently let stand an ethical rule that would effectively prevent press conferences by lawyers during a trial. [50] Many lawyers, however, believe this rule is unconstitutional; it is currently being challenged in a Mendocino County murder trial. [51]

Limit the content of closing arguments. Closing arguments should reflect on only the evidence presented. [52] "Political" topics, such as race, should not be addressed. [53]

Cameras in the Courtroom

Completely ban cameras from the courtroom. Many, including Governor Pete Wilson, have suggested removing courtroom cameras to preserve the integrity of the

judicial process. [\[54\]](#)

Evidence Rules

Loosen the rules of evidence. Let people testify more freely and plainly. [\[55\]](#)

Change the definition of "reasonable doubt." Make the standard less demanding, or at least more clear. [\[56\]](#)

Limit the rules of evidence. Focus only on the actual trial; no tangential issues. [\[57\]](#)

Stop pointless interrogation. Keep the lawyers focused and on track. [\[58\]](#)

Restrict the selective application of the 5th Amendment. Once a person has testified, a witness or defendant should not be allowed to later invoke the 5th Amendment to protect themselves. [\[59\]](#) Or, at the least, let the jury weigh the person's refusal to testify into the verdict. [\[60\]](#)

Restrict the use of defense experts. Limit defense experts only to the evidence relevant to the case. [\[61\]](#)

Make it more difficult to impeach a witness. Too much time is spent on tangential issues, in an attempt to impeach a witness. [\[62\]](#)

Define technical standards for DNA evidence, and the weight it must be given. Juries need understandable standards. [\[63\]](#)

Give jury instructions in "plainer English." Make it easier for the jury to weigh the evidence. [\[64\]](#)

Get evidence from the victim, like Nicole's diary, in front of the jury. This would require altering the hearsay and character evidence rules. [\[65\]](#)

Judge Selection

End political influence in judicial appointments. The selection process is too biased towards prosecutors and defense attorneys. [\[66\]](#)

Disqualify judges with potential conflicts of interest. State Senator Dan Boatwright (D-Concord) and two other legislators sponsored SB 1364, which prevents judges with spouses in law enforcement from presiding over criminal trials. [\[67\]](#)

Profiting from Crimes Legislation

Prevent accused criminals from selling their stories. The original New York law, an outcome of the "Son of Sam" killings, has been ruled unconstitutional by the United States Supreme Court. [\[68\]](#) Nonetheless, state Senator Charles Calderon (D-Montebello) introduced SB 287, which would permit a judge to freeze the assets that are the results of a crime of any accused felon. [\[69\]](#)

Prevent witnesses and jurors from selling their stories to the media.

One such law, sponsored by State Senator Kopp and then-Assembly Speaker Willy Brown (D-San Francisco) and passed by the Legislature, was ruled unconstitutional in federal court. [\[70\]](#)

Police Reforms

Strengthen the chain of custody of evidence. Teach the police and crime labs proper evidence preservation techniques. [\[71\]](#)

End racism in the police force. Bigoted officers must be fired. [\[72\]](#)

Weed out bad cops. Identify "rogue cops" and retrain or terminate them. [\[73\]](#)

Introduce community-based policing. Require community-relations training and discipline officers for excessive use of force. [\[74\]](#)

Criminalize evidence planting. Make it illegal for police to plant evidence, with harsh penalties. [\[75\]](#)

Reducing Criminals' Rights

End diversion for spousal abusers. A recently passed law requires accused spouse beaters to plead guilty or stand trial; previously, suspects could enter a counseling program, and if successfully completed, the charges would be dropped. [\[76\]](#)

Stop treating criminals better than victims. Also part of the Public Protection Act of 1996 that would allow nonunanimous verdicts, this initiative repeals the "Criminal's Bill of Rights," ends conjugal visits, makes parole more difficult to obtain, and other measures to remove rights afforded criminals. [\[77\]](#)

Wealth of the Litigants

Appoint a public defender for every defendant. To prevent wealth from distorting the process, no private lawyers would be allowed in criminal trials. [\[78\]](#)

Ban nonlawyers from serving as jury consultants. A bill proposed in Illinois would make it a misdemeanor if any nonlawyer served as jury consultant in any criminal or civil case. [\[79\]](#)

Notes

[1] Bill Kisliuk & Howard Mintz, *Defense Bar Dreading a Simpson Backlash*, Recorder, Oct. 4, 1995, at 1, 15. ([return to text](#))

[2] Professor Paul Rothstein of Georgetown University Law Center claims to have a list of the "top 14" reforms that ought to be made. *News* (CNN television broadcast, Oct. 4, 1995), available in LEXIS, News Library, Curnws File. ([return to text](#))

[3] Harriet Chiang, *Jury System Reviewed by State Panel*, S.F. Chron., Oct. 31, 1995, at A13. ([return to text](#))

[4] Laura Mansnerus, *Under Fire, Jury System Faces Overhaul*, N.Y. Times, Nov. 4, 1995, at A9. ([return to text](#))

[5] Harriet Chiang, *Jury System Reviewed by State Panel*, S.F. Chron., Oct. 31, 1995, at A13. ([return to text](#))

Background

[6] Sandra Michioku, *Regional News*, UPI, May 18, 1982, available in LEXIS, News Library, Arcnws File. ([return to text](#))

[7] See Anne Krueger & Valerie Alvord, *O.J. Simpson Trial After the Verdict*, San Diego Union-Trib., Oct. 4, 1995, at A1. ([return to text](#))

[8] See Bill Ainsworth, *Simpson Case Spawns Spate of Bills*, N.J. L.J., Oct. 9, 1995, at 16. ([return to text](#))

[9] Stephen Labaton, *Lessons of Simpson Case Are Reshaping the Law*, N.Y. Times, Oct. 6, 1995, at A1. ([return to text](#))

[10] Marc Fisher, *The Simpson Legacy*, Wash. Post, Oct. 6, 1995, at A1. ([return to text](#))

[11] Jan C. Greenburg & Ginger Orr, *Experts Predicting Legal Reform*, Chicago Trib., Oct. 4, 1995, at N17. ([return to text](#))

[12] Marc Fisher, *The Simpson Legacy*, Wash. Post, Oct. 6, 1995, at A1. ([return to text](#))

Jury Verdicts

[13] The need for this reform has been questioned, as the Simpson jury reached a verdict in only four hours. "People will react to this verdict and want some legislation that relates to the criminal justice system and particularly the jury part," said [state Senator Quentin] Kopp [(I- San Francisco)]. "Don't ask for a rational connection." Prosecutors and victims' rights groups hope to place it on the November 1996 ballot as an initiative. Reynolds Holding, *Case May Bring Change to Legal System*, S.F. Chron., Oct. 4, 1995, at A9.

The effectiveness of nonunanimous verdicts has been questioned. In a seminal study on jury verdicts, California's unanimous juries were found to hang in 5.6% of criminal trials, while Oregon's 10-2 juries hung only 2.5% of the time. As the percentage of cases that actually go to trial, however, is relatively small, nonunanimous jury verdicts had an effect in only .5% of all criminal trials. See Jon M. Van Dyke, *Jury Selection Procedures* 209 (1977). Similarly, a 1994 study by the Los Angeles County Public Defender's Office found that of its 3600 cases that went to trial, 33 juries hung 11-1 for conviction; 12 of those defendants were retried and eight were found guilty. Bill Ainsworth, *Simpson Case Spawns Spate of Bills*, N.J. L.J., Oct. 9, 1995, at 16.

It is also feared that minority voices, especially of people of color, will not be listened to when a verdict can be reached, despite their protest. The result anticipated is the use of peremptory challenges to excuse most, but not all, potential jurors of one race; while the effect will be the same as total exclusion, it will be legally harder to challenge the jury composition as there will be some diversity. *Talk Back Live!* (CNN cable broadcast, Nov.

17 1995), *available in* LEXIS, News Library, Curnws File. ([return to text](#))

[14] Harriet Chiang, *Assembly Panel Stalls Plan to End Unanimous Verdicts*, S.F. Chron., May 10, 1995, at A22. ([return to text](#))

[15] Reynolds Holding, *Unanimous Jury Rule Is Unpopular*, S.F. Chron., Sept. 12, 1995, at A13. ([return to text](#))

[16] *Talk Back Live!* (CNN cable broadcast, Nov. 17 1995), *available in* LEXIS, News Library, Curnws File. Currently, only Oregon and Louisiana use nonunanimous jury verdicts in all criminal trials; Oklahoma allows nonunanimous verdicts for misdemeanor cases. Thirty-two states, including California, allow for supermajority verdicts in civil trials. David B. Rottman et al., U.S. Dept of Justice, No. NCJ-148346, *State Court Organization* 1993, at 274-79 tbl. 37 (1995). ([return to text](#))

[17] *Rules of the Court*, L.A. Times, Oct. 8, 1995, at S5. ([return to text](#))

[18] Mike Lewis & Tom Dresslar, *Legislation Focuses on Jury Reform*, S.F. Daily J., Oct. 4, 1995, at 1, 6. This suggestion may soon be submitted to the California Senate. David A. Kaplan, *Disorder in the Court*, Newsweek, Oct. 16, 1995, at 58. ([return to text](#))

[19] *After O.J.*, Investor's Bus. Daily, Oct. 4, 1995, at A2. ([return to text](#))

[20] Mike Lewis & Tom Dresslar, *Legislation Focuses on Jury Reform*, S.F. Daily J., Oct. 4, 1995, at 1, 6. ([return to text](#))

[21] Mike Lewis & Tom Dresslar, *Legislation Focuses on Jury Reform*, S.F. Daily J., Oct. 4, 1995, at 1, 6. Currently, not reporting for jury duty is contempt of court, punishable by a fine and jail time. Harriet Chiang, *Lousy Pay, Tedious Work*, S.F. Chron., Nov. 14, 1995, at A1. ([return to text](#))

[22] Mike Lewis & Tom Dresslar, *Legislation Focuses on Jury Reform*, S.F. Daily J., Oct. 4, 1995, at 1, 6. ([return to text](#))

[23] Kate Robinson, *Simpson Verdict, Jury Trials*, L.A. Times, Oct. 5, 1995, at B8. ([return to text](#))

[24] David A. Kaplan, *Disorder in the Court*, Newsweek, Oct. 16, 1995, at 58. ([return to text](#))

[25] *News* (CNN television broadcast, Oct. 6, 1995), *available in* LEXIS, News library, Curnws file. ([return to text](#))

[26] David A. Kaplan, *Disorder in the Court*, Newsweek, Oct. 16, 1995, at 58. ([return to text](#))

[27] *Don't Rush to Judge the Jury System*, L.A. Times, Oct. 6, 1995, at B8. ([return to text](#))

[28] California currently pays its jurors \$5 a day; it is one of three states that pay less than \$10 a day. Tony Mauro, *OJ Trial Could Spell Change to Justice System*, USA Today, Oct. 5, 1995, at 1A; Harriet Chiang, *Jury System Reviewed by State Panel*, S.F. Chron., Oct. 31, 1995, at A13. *Contra* Bill Ainsworth, *Legislature Ignores Lucas' Plea for Cost-*

Saving Moves, Recorder, Sept. 12, 1995, at 2 (California Chief Justice Malcom Lucas suggesting suspending juror compensation as money-saving maneuver for the judiciary). ([return to text](#))

[29] *Don't Rush to Judge the Jury System*, L.A. Times, Oct. 6, 1995, at B8. ([return to text](#))

[30] Harriet Chiang, *Lousy Pay, Tedious Work*, S.F. Chron., Nov. 14, 1995, at A1. ([return to text](#))

[31] Robert Gordon, *O.J. Simpson and the Electronic Jury*, Texas Lawyer, Aug. 22, 1994, at 27. ([return to text](#))

Jury Sequestration

[32] *U.S.-Style Justice Was on Trial, Too*, Cincinnati Enquirer, Oct. 4, 1995, at A9. It has been speculated the sequestration led to the quick deliberations. Reynolds Holding, *Case May Bring Change to Legal System*, S.F. Chron., Oct. 4, 1995, at A9. ([return to text](#))

[33] Tony Mauro, *OJ Trial Could Spell Change to Justice System*, USA Today, Oct. 5, 1995, at 1A. ([return to text](#))

[34] *The Jury System*, L.A. Times, Oct. 8, 1995, at S4. ([return to text](#))

[35] *News* (CNN television broadcast, Oct. 6, 1995), available in LEXIS, News library, Curnws file. ([return to text](#))

The Role of the Jury During Trial

[36] Jan C. Greenburg & Ginger Orr, *Experts Predicting Legal Reform*, Chicago Trib., Oct. 4, 1995, at N17. Starting December 1995, Arizona will permit this practice; Delaware is also considering this proposal. Laura Mansnerus, *Under Fire, Jury System Faces Overhaul*, N.Y. Times, Nov. 4, 1995, at A9. ([return to text](#))

[37] Mike Lewis & Tom Dresslar, *Legislation Focuses on Jury Reform*, S.F. Daily J., Oct. 4, 1995, at 1, 6. Arizona will also permit this practice starting December 1995; Delaware too is also considering this proposal. Laura Mansnerus, *Under Fire, Jury System Faces Overhaul*, N.Y. Times, Nov. 4, 1995, at A9. ([return to text](#))

Reducing the Length of Trials

[38] *After O.J.*, Investor's Bus. Daily, Oct. 4, 1995, at A2. A superior court judge in Orange County, in an effort to speed up a trial, appointed an expert witness rather than let the parties present their own. Davan Mahara et al., *The Wheels of Justice Haven't Spun the Same in O.C. Courts Either*, L.A. Times, Oct. 4, 1995, at A12. ([return to text](#))

[39] Charles B. Camp, *Case May Bring Changes to System*, Dallas Morning News, Oct. 4, 1994, at 15A. ([return to text](#))

[40] Bill Kisliuk & Howard Mintz, *Defense Bar Dreading a Simpson Backlash*, Recorder, Oct. 4, 1995, at 1, 15. ([return to text](#))

[41] *Trial raises questions for judicial system*, Dallas Morning News, Oct. 4, 1995, at 20A. ([return to text](#))

[42] Tony Mauro, *OJ Trial Could Spell Change to Justice System*, USA Today, Oct. 5, 1995, at 1A. ([return to text](#))

[43] Tony Mauro, *OJ Trial Could Spell Change to Justice System*, USA Today, Oct. 5, 1995, at 1A. ([return to text](#))

[44] This has been suggested by state Senator Kopp, among others. Bill Ainsworth, *Anti-Crime Politicians Quick to Exploit Verdict*, Recorder, Oct. 4, 1995, at 14. ([return to text](#))

[45] Tony Mauro, *OJ Trial Could Spell Change to Justice System*, USA Today, Oct. 5, 1995, at 1A. ([return to text](#))

[46] *Don't Rush to Judge the Jury System*, L.A. Times, Oct. 6, 1995, at B8. ([return to text](#))

[47] David A. Kaplan, *Disorder in the Court*, Newsweek, Oct. 16, 1995, at 58. Judge Lance Ito told Simpson jokes, forced the attorneys to watch comic skits about himself, and entertained celebrities in his chambers. Howard Chua-Eoan & Elizabeth Gleick, *Making the Case*, Time, Oct. 16, 1995, at 48. ([return to text](#))

[48] Stephen Labaton, *Lessons of Simpson Case Are Reshaping the Law*, N.Y. Times, Oct. 6, 1995, at A1. ([return to text](#))

[49] Thomas E. Brennan, *Break Litigation Gridlock*, Dallas Morning News, June 11, 1995, at 1J. ([return to text](#))

Gagging the Lawyers

[50] This went into effect starting October 1, 1995. Tony Mauro, *OJ Trial Could Spell Change to Justice System*, USA Today, Oct. 5, 1995, at 1A. State Senator Kopp authored this new rule; the California Supreme Court let the rule stand. Bill Ainsworth, *Simpson Case Spawns Spate of Bills*, N.J. L.J., Oct. 9, 1995, at 16. ([return to text](#))

[51] Michael Gebhardt, *Serra Challenges Language of Gag Rule*, Recorder, Nov. 28, 1995, at 1. Many lawyers criticize the law, as prohibits attorneys from talking about anything that has a "substantial likelihood" of "materially" prejudicing a case. Moreover, San Francisco Assistant Public Defender Peter Keane noted that law enforcement officials were not similarly bound. There is an exception to the rule, which allows attorneys to respond to "substantial undue prejudicial effect of recent publicity." Keith Donoghue, *Gag Rule Has Counsel Walking on Eggshells*, Recorder, Oct. 18, 1995, at 1. ([return to text](#))

[52] Governor Pete Wilson suggested lawyers should be preventing from presenting closing arguments with a "wider political appeal that is an effort to influence jurors." Reynolds Holding, *Case May Bring Change to Legal System*, S.F. Chron., Oct. 4, 1995, at A9. ([return to text](#))

[53] According to attorney Frank Z. Leidman, Johnny Cochran was ethically obligated to impeach Detective Mark Fuhrman on his racist belief; it would be malpractice if he did

not. "It was extraordinarily ordinary. He impeached a witness for bias. . . . It's done all the time," stated Leidman. David Armstrong, *O.J. Trial: A Case of Business as Usual*, S.F. Examiner, Oct. 15, 1995, at D1. ([return to text](#))

[54] Legislation banning cameras in the courtroom has been recommended. Anne Krueger & Valerie Alvord, *O.J. Simpson Trial After the Verdict*, San Diego Union-Trib., Oct. 4, 1995, at A1. In a letter to Chief Justice Malcom Lucas, Governor Wilson suggested removing the discretion of trial judges to allow cameras in. Mike Lewis & Tom Dresslar, *Legislation Focuses on Jury Reform*, S.F. Daily J., Oct. 4, 1995, at 1.

State Senator Charles Calderon (D-Whittier), chair of state Senate Judiciary Committee, considers Governor Wilson's unnecessary since judges already have the discretion to ban cameras. Ken Chavez & Dan Berstein, *Wilson Takes Swipe at Defense Lawyer*, Sacramento Bee, Oct. 4, 1995, at A10. Presently, thirty-eight states currently permit cameras in courtrooms. Tom McNamee, *Little Change Is Expected as Result of Unique Trial*, Chicago Sun-Times, Oct. 4, 1995, at 12.

CNN Executive Vice President Ed Turner, however, attributed the backlash against cameras on the behavior of the lawyers and journalists outside the courtroom, not the camera in the courtroom. Court TV advocates as a compromise, a fixed camera to curtail reaction shots of victims and their families crying. Phil Kloer, *Backlash Against Cameras in Court Feared*, Atlanta J. & Const., Oct. 4, 1995, at 6C. ([return to text](#))

Evidence Rules

[55] "People are appropriately appalled as they see Judge Ito demanding that lawyers rephrase questions, for reasons no one can understand," stated Professor Albert Alschuler. Jan C. Greenburg & Ginger Orr, *Experts Predicting Legal Reform*, Chicago Trib., Oct. 4, 1995, at N17. ([return to text](#))

[56] Joe Lambe & Tom Jackman, *Case Throws Shadows over Legal System*, Kansas City Star, Oct. 4, 1995, at A15. ([return to text](#))

[57] Joe Lambe & Tom Jackman, *Case Throws Shadows over Legal System*, Kansas City Star, Oct. 4, 1995, at A15. ([return to text](#))

[58] Joe Lambe & Tom Jackman, *Case Throws Shadows over Legal System*, Kansas City Star, Oct. 4, 1995, at A15. ([return to text](#))

[59] Mike Lewis & Tom Dresslar, *Legislation Focuses on Jury Reform*, S.F. Daily J., Oct. 4, 1995, at 1, 6. ([return to text](#))

[60] David A. Kaplan, *Disorder in the Court*, Newsweek, Oct. 16, 1995, at 58. ([return to text](#))

[61] Bill Kisliuk & Howard Mintz, *Defense Bar Dreading a Simpson Backlash*, Recorder, Oct. 4, 1995, at 1, 15. ([return to text](#))

[62] Tony Mauro, *OJ Trial Could Spell Change to Justice System*, USA Today, Oct. 5, 1995, at 1A. ([return to text](#))

[63] *Rules of the Court*, L.A. Times, Oct. 8, 1995, at S5. ([return to text](#))

[64] *Don't Rush to Judge the Jury System*, L.A. Times, Oct. 6, 1995, at B8. ([return to text](#))

[65] Marc Fisher, *The Simpson Legacy*, Wash. Post, Oct. 6, 1995, at A1. ([return to text](#))

Judge Selection

[66] *Quick Acquittal May Spark Review of Jury System*, Detroit News, Oct. 4, 1995. ([return to text](#))

[67] James P. Sweeney, *Ito Inspires Bill Involving Judges' Kin*, San Diego Union-Trib., Aug. 24, 1995, at A4; Bill Ainsworth, *Sacramento Succumbs to O.J. Mania*, Recorder, Sept. 26, 1995, at 1. ([return to text](#))

Profiting from Crimes Legislation

[68] Anne Krueger & Valerie Alvord, *O.J. Simpson Trial After the Verdict*, San Diego Union-Trib., Oct. 4, 1995, at A1. ([return to text](#))

[69] Mike Lewis & Tom Dresslar, *Legislation Focuses on Jury Reform*, S.F. Daily J., Oct. 4, 1995, at 1, 15. The bill was inspired by the Goldman family's unsuccessful attempt to freeze Simpson's assets after his payments for trading card contracts increased substantially. Donations to a defense fund are exempt. Bill Ainsworth, *Simpson Case Spawns Spate of Bills*, N.J. L.J., Oct. 9, 1995, at 16. ([return to text](#))

[70] Tony Mauro, *OJ Trial Could Spell Change to Justice System*, USA Today, Oct. 5, 1995, at 1A; Bill Ainsworth, *Sacramento Succumbs to O.J. Mania*, Recorder, Sept. 26, 1995, at 1. ([return to text](#))

Police Reforms

[71] *After O.J.*, Investor's Bus. Daily, Oct. 4, 1995, at A2. ([return to text](#))

[72] *The Verdict Is in: A City Divided*, L.A. Times, Oct. 4, 1995, at B8. ([return to text](#))

[73] In 1983, the Los Angeles police department knew that Detective Mark Fuhrman was a racist, had admitted to torturing suspects, and ought to have been prohibited from carrying weapons, as recommended a department psychiatrist. *The Verdict Is in: A City Divided*, L.A. Times, Oct. 4, 1995, at B8. ([return to text](#))

[74] Charles M. Madigan & Linnet Myers, *Cops, Prosecutors See Verdict as Wakeup Call*, Chicago Trib., Oct. 5, 1995, at N1. ([return to text](#))

[75] A similar measure, suggested by the American Civil Liberties Union after the Rodney King beatings, was vetoed due to police union pressure. Bill Ainsworth, *Anti-Crime Politicians Quick to Exploit Verdict*, Recorder, Oct. 4, 1995, at 14. ([return to text](#))

Reducing Criminals' Rights

[76] *California Toughens Stance on Domestic Violence*, UPI, Oct. 5, 1995, available in LEXIS, News library, Curnws file. ([return to text](#))

[77] *Talk Back Live!* (CNN cable broadcast, Nov. 17 1995), available in LEXIS, News Library, Curnws File. ([return to text](#))

Wealth of the Litigants

[78] *Bernie Ward Show* (KGO radio broadcast, Oct. 6, 1995) (citing Gregory Totten). ([return to text](#))

[79] Michael Gillis, *Philip Wants to Curb Jury Consultants*, Chicago Sun-Times, Oct. 30, 1995, at 6. While the bill would cover all litigants, its obvious focus is on defendants. The bill does not preclude a lawyer serving as a jury consultant due to the 6th Amendment right to counsel. ([return to text](#))