

The Law of Juries

7th EDITION

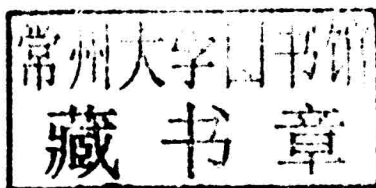
Judge Nancy Gertner
and
Judith H. Mizner

The Law of Juries

Seventh Edition

Judge Nancy Gertner

Judith H. Mizner



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About the Authors

Judge Nancy Gertner **United States District Court, District of Massachusetts**

Judge Nancy Gertner is a graduate of Barnard College (B.A. 1967) and Yale Law School (J.D. 1971) where she was an editor on *The Yale Law Journal*. She also received her M.A. in Political Science at Yale University. She has been profiled on a number of occasions as a civil rights and criminal defense lawyer and as a judge in the *Boston Globe*, the *Boston Herald*, the *ABA Journal*, *Boston Magazine*, and *The Wall Street Journal*.

After more than two decades as an acclaimed criminal defense lawyer and civil rights activist, in April of 1994 she was appointed by President William J. Clinton to the United States District Court for the District of Massachusetts. Both careers, as a lawyer and as a judge, have been honored by numerous organizations.

On August 9, 2008, at the organization's national conference, Judge Gertner received the Thurgood Marshall Award from the American Bar Association, Section of Individual Rights and Responsibilities for lifetime achievement in civil rights and civil liberties. She is the second woman to receive this honor (Justice Ruth Bader Ginsburg was the first). Judge Gertner was described by *Massachusetts Lawyer's Weekly* as one of "The Most Influential Lawyers of The Past 25 Years," and in 1999 was voted by its readers as the "best" federal judge in Boston. That year she also received the Public Service Award for Recognition of Outstanding Contributions Towards Building the Foundation for Civil Rights from The Lawyers Committee for Civil Rights Under the Law of the Boston Bar Association. In 2005 she received the *Massachusetts Lawyer's Weekly* Judge Twoomey Judicial Excellence award. She received the "Great Friend of Justice" award from the Massachusetts Bar Foundation in 2006. In 2007, Judge Gertner received the Charles P. Kindregan Award from Suffolk University Law School. The award is designed to honor those who have given exceptional service to Suffolk's Advanced Legal Studies program.

Judge Gertner has combined an academic career with her active practice and judgeship, focusing on sentencing and juries. She teaches sentencing at Yale Law School and comparative sentencing institutions and has done so since 1998. She has taught seminars on "The Jury System" at Boston University Law School, Boston College Law School and most recently, at the William S. Richardson School of Law at the University of Hawai'i at Manoa. In addition, she has taught at Harvard

Law School, given lectures across the country and internationally, and was the *Charles R. Merriam Distinguished Professor* at Arizona State Law School (February 2002).

Her book, *The Law of Juries*, co-authored with attorney Judith Mizner, was first published in 1997 (Glasser Legalworks). She has written countless articles and book chapters, as well as given numerous lectures on sentencing and the American guideline system.

Since becoming a judge, Judge Gertner has expanded her teaching internationally. She has been on the faculty of the American Bar Association - Central European and Eurasian Law Initiative (ABA-CEELI) and is now on its advisory board. She has taught judges from the former Soviet Union, including those from the Czech Republic, Bosnia & Herzegovina, Croatia, Bulgaria, Romania, Serbia and Central Asia (Tajikistan, Georgia, Uzbekistan, and Kyrgyzstan). In October of 1999, she was part of a delegation of lawyers and judges from the Lawyers' Committee for Civil Rights Under Law to Turkey, exploring human rights issues and issues concerning judicial independence. In July of 2001 and again in 2002, she participated in programs co-sponsored by the Ministry of Justice in Israel and Fordham University Law School. She has also worked with Yale Law School's China Project, The Spangenberg Group, and the Wellesley College's Center for Women, traveling to China on several occasions. She has also visited Vietnam to participate in seminars co-organized with the Institute of Law of the Chinese Academy of Social Sciences and The All China Women's Federation. In 2005 she traveled to Cambodia to train lawyers who were to appear before the War Crimes Tribunal dealing with the Khmer Rouge. Recently, she has been working with Chinese judges and scholars on sentencing reform. In 2008, she was part of a delegation to Liberia to address the reconstruction of their legal system after 14 years of civil war. Judge Gertner is a member of the Leadership Council of the International Center for Research on Women (2008). She is a fellow of both the American College of Trial Lawyers and the American Bar Foundation, and a Lifetime Honorary member of the National Association of Criminal Defense Lawyers. As part of the American Law Institute, Judge Gertner is an Advisor to the Model Penal Code: Sentencing Project. She is a member of the Massachusetts and Boston Bar Associations; the National Association of Women Judges and she is on the Louis Stein Center for Law and Ethics Board of Advisors at Fordham Law School. Judge Gertner has presented papers in Glasgow, Scotland, at the University of Strathclyde; in Melbourne, Australia, at the Monash University School of Law; and, in Budapest, Hungary, at the Eotvos Lorand University (Suffolk University Law School's International LL.M Program).

She is presently writing an autobiography, tentatively titled, *From Red Suit to Black Robe*.

Judith H. Mizner
Member of the Massachusetts Bar

Judith H. Mizner is a graduate of Wellesley College (B.A. 1973) and Boston College Law School (J.D. 1976).

Ms. Mizner was in private practice from 1977 to 2004, focusing primarily on criminal defense and related issues at both the trial and appellate levels. She was associated with the firm of Oteri & Weinberg in Boston, Massachusetts from 1977 to 1981, and then joined the firm of Silverglate & Gertner where she became a partner in 1985. In 1988 Ms. Mizner moved to Newburyport, Massachusetts, where she maintained a practice as a sole practitioner. In 2004 Ms. Mizner joined the office of the Federal Public Defender for the Districts of Massachusetts, New Hampshire and Rhode Island. She is currently the head of the appellate unit.

Ms. Mizner has lectured at continuing legal education programs addressing issues relevant to criminal defense and appellate practice.

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