

# Contents

|   |                                                                                      |     |
|---|--------------------------------------------------------------------------------------|-----|
|   | <i>Preface</i>                                                                       | vii |
|   | Introduction                                                                         | 1   |
| 1 | The Scope of the Seventh Amendment Guarantee                                         | 5   |
| 2 | The “Complexity Exception”                                                           | 17  |
| 3 | Law versus Fact                                                                      | 25  |
| 4 | Determining Damages: The Seventh Amendment, the Writ of Inquiry, and Punitive Awards | 45  |
| 5 | The Jury of Matrons                                                                  | 80  |
| 6 | The Self-Informing Jury                                                              | 115 |
| 7 | The English Origins of the Special Jury                                              | 127 |
| 8 | Special Juries in England: Nineteenth-Century Usage and Reform                       | 153 |
| 9 | Special Juries in the United States and Modern Jury Formation Procedures             | 174 |
|   | <i>Appendix 1</i>                                                                    | 213 |
|   | <i>Appendix 2</i>                                                                    | 217 |
|   | <i>Appendix 3</i>                                                                    | 219 |

|                          |     |
|--------------------------|-----|
| <i>Appendix 4</i>        | 220 |
| <i>Notes</i>             | 229 |
| <i>Table of Statutes</i> | 313 |
| <i>Table of Cases</i>    | 321 |
| <i>Index</i>             | 333 |
| <i>About the Author</i>  | 355 |