

# LEVERHULME TRUST \_\_\_\_\_

Northumbria Law School welcomes Leverhulme Visiting Professor Henry Zhuhao Wang, joining us in May 2024. We are grateful for the support of the Leverhulme Trust in funding this visit.

Henry is currently Tallahassee Alumni Professor at Florida State University College of Law. His research interests include evidential issues, law and technology and comparative Chinese law studies. Whilst at Northumbria Law School, Henry will be delivering a number of sessions open to Law staff, students and the wider academic community, including three Leverhulme lectures.

## Seminar and Guest Lecture Series

### **Seminar 1: Multi-examination on “Beyond a Reasonable Doubt” standard of proof. 29<sup>th</sup> May 2024, CCE1 222, 13.00 - 14.00 pm in person and via [Teams](#).**

For a long period of time, the golden standard in judicial fact-finding of criminal cases in the United States and many other countries has been the “Beyond a Reasonable Doubt” (BARD) standard – every person accused of a crime is presumed to be innocent unless, and until, his or her guilt is established beyond a reasonable doubt. The BARD standard’s undergirding principle is one of error distribution, where wrongful conviction of the innocent is a much greater wrong than failed conviction of the guilty. This concept was famously expressed by the English jurist William Blackstone in 1760s: “It is better that ten guilty persons escape than that one innocent suffer.” This principle is widely regarded as the Mount Everest of legal mantras. And yet, a closer look at the BARD standard reveals many potential doubts: What is meant by eliminating reasonable doubt? Where does this standard come from? There is no clear answer so far. Given the passage of time, does the Blackstone Principle still accurately reflect the policy or value choice of today’s society? How can empirical studies be done on the effectiveness of the BARD standard in practice?

This seminar seeks to give the BARD standard the careful attention it deserves by querying it from historical, epistemological, and empirical perspectives. Even though each of these three areas of inquiry involves its own unique controversy or difficulty, we can come even closer to an understanding of BARD by studying its origins, its ideological underpinnings, and its workings in practice. In particular, this seminar will discuss a novel empirical formula to approximate the effect of BARD in restraining wrongful convictions through the lens of indirect but available statistical data on acquittals, reversals, and non-prosecutions.

### **Guest Lecture: Asynchronous Trials.**

**31<sup>st</sup> May 2024, CCE1 418, 13.00 – 14.00 pm in person and via [Teams](#).**

For thousands of years, trials had been held in brick-and-mortar courthouses. Then COVID-19 Pandemic ravaged the world, and many businesses and professions, including lawyers and judges went online. For the first time many people realized, accepted, and benefited from online trials held on videoconference software like Zoom. But Zoom fatigue is real. As the epidemic subsides, we must explore the next exciting growth-point for judicial reforms.

Outside the courtroom, since the second half of the twentieth century, a revolution in communication methods has profoundly affected people’s daily life: we have switched from almost entirely real-time, synchronous human interactions, such as in-person meetings and phone calls, to diversified

asynchronous communications, such as texting, voice messaging, emailing and social media postings. This also represents a generational divide – the younger the generation, the more people are addicted to asynchronous communications.

This lecture will discuss the exciting opportunity to merge trials and asynchronous communications, to produce asynchronous trials for civil small claims. State courts and jurisdictions in other parts of the world have begun to explore this possibility. Courts in the United States, however, have been slower to realize this potential than several other countries. This lecture will probe this issue and explain the hesitancy and one might even say hostility to asynchronous trials. I will further explore the pros and cons of asynchronous trials and provide preliminary proposals on how to develop procedural and evidentiary rules for asynchronous trials in the future.

## **Seminar 2: How ChatGPT and other AI technologies will change legal practice and legal education.**

**5<sup>h</sup> June 2024, CCE1 418, 13.00 – 14.00 pm in person and via [Teams](#).**

The rapid advancement of Generative Artificial Intelligence (GAI) tools like Large Language Model (LLM) chatbots is transforming the legal domain. Legal professionals and educational institutions are keen on understanding and leveraging this technology. American law schools and firms are offering various educational programs to equip individuals with essential AI knowledge, ensuring they stay updated with this swift technological evolution.

This seminar will discuss the impact and implications of AI on legal education and practice. I argue that AI is not a threat but an opportunity for legal education and industry. The key points include the need for law schools and firms to adapt their curriculums (as well as final exams) or continuing legal education (CLE) to include the latest and most useful AI and technology. I believe that AI can enhance legal education and practice by providing students and lawyers with skills relevant to the modern legal market and service. More importantly, the client(s) nowadays and in the future would expect lawyers to know and use AI. I will also emphasize the importance of ethical considerations.

## **Seminar 3: The Shadow Effect of the Rules of Evidence on ADR.**

**10<sup>th</sup> July 2024, CCE1 418, 13.00 – 14.00 pm in person and via [Teams](#).**

It has been conventional wisdom and general practices that the rules of evidence, featured by the Federal Rules of Evidence ("FRE"), do not apply in various Alternative Dispute Resolutions ("ADR"). Yet it has also been widely recognized that evidentiary rules cast somewhat of a shadow over various ADR events. For example, in civil cases, the result of settlement may vary dramatically depending on whether a disputant's apology will be excluded if the case later proceeds to trial. Likewise, in criminal cases, nothing influences the plea-bargaining process more than pretrial rulings by the trial judge on evidentiary matters, such as whether a defendant's confession or criminal history will be admitted at trial. Thus, even though the FRE are inapplicable in various ADR events, their implicit impact is still considerable.

However, such a popular and important concept is oversimplified in theory. Research on the shadow effect of the FRE on ADR is extremely thin. This seminar aims to fill in this gap by developing a theoretical framework to analyse the shadow effect of the rules of evidence on ADR. My central claim is that the impact of the rules of evidence on ADR is real, but not in the same way the conventional theory describes the shadow of law. This seminar will further explore three questions: 1) how to better describe such an impact; 2) how to measure such an impact in different types of ADR, and 3) how to optimally cope with such an impact.