#### A. Interpretation: The aff may only defend that jury nullification ought to be used in the face of perceived injustice. They may not defend a government or policy action informing jurors of their right to nullify. Their plan is extra or *at best* effects-topical. *A plan is effects-topical when it itself doesn’t constitute a resolutional action, but merely affirms because it leads to the resolutional action as a consequence.*

#### B. Violation: they defend informing juries, 1. AC 2. CX

#### C. Standards:

#### 1. Textuality – Jury nullification is used by jurors to nullify unjust laws, Linder:

“What is Jury Nullification” By Doug Linder (2001)

Jury nullification occurs when a jury returns a verdict of "Not Guilty" despite its belief that the defendant is guilty of the violation charged.  The jury in effect nullifies a law that it believes is either immoral or wrongly applied to the defendant whose fate they are charged with deciding.

#### The juror’s perspective shapes the legal process, Hagene ‘14:

Hagene, Peter. “The emotional components of moral outrage and their effect on mock juror verdicts.” May 7, 2014. The University of Illinois at Chicago.

When we ask **jurors** to judge a defendant for his or her crime, we are often also asking them to evaluate a moral transgression. Committing a murder, for example, violates not only a law, but also society’s deep-seated sense of moral right and wrong. The cold, cognitive realization that a law has been broken is therefore accompanied by an emotional reaction to the moral violation, often conceptualized as “moral outrage.” Therefore, jurors’ verdict **decisions might be influenced** not only by careful consideration of evidence, testimony, and reasonable guilt standards (i.e., assessments of legal guilt), but also **by** jurors’ more intuitive, emotional **responses to the defendant’s moral transgression** (i.e., moral outrage). But what is moral outrage, exactly? We know intuitively that moral outrage has a strong emotional component, but what emotions are involved? Does the extent to which jurors feel morally outraged by a criminal act predict the likelihood of their reaching a particular guilt verdict? And if so, does this mean that guilt verdicts are susceptible to the potential prejudicial effects of moral outrage and its emotional components? We will draw upon social psychological research and our own research findings ([Salerno & Peter Hagene, 2013](http://www.sciencedaily.com/releases/2013/12/131203141808.htm)) to discuss the implications of the emotional side of moral outrage for jury decision making in service of informing attorneys’ and judges’ decisions about the potentially prejudicial effect of emotionally evocative evidence. More specifically, we will discuss how the combination of jurors’ anger and disgust produces moral outrage, which in turn can make jurors more likely to vote guilty. Finally, we will discuss the legal implications of these findings for the use of evidence that can arouse both anger and disgust in jurors. Moral Outrage and Legal Decisions Given that laws were codified to reflect societal views of what behavior is right and wrong, broken laws often reflect behaviors that society finds immoral. Thus, illegal behavior is often behavior that would be considered immoral by the majority of jurors. Unlike judgments of fact, which can be largely dispassionate and cold, moral judgments have a strong emotional component (Darley & Pittman, 2003; Haidt, 2003; Rozin, Lowery, Imada, & Haidt, 1999). Therefore, psychological research about **how people react to** moral **transgressions** emotionally **might provide insight into how jurors’** emotional **reactions to a crime might affect their verdict** decisions. Research in moral psychology has demonstrated that when people witness moral transgressions, they react with moral outrage. Moral outrage has been defined as a constellation of cognitive (e.g., attributions of blame), behavioral (e.g., desire to punish), and emotional (e.g., anger) responses to perceived wrongdoing (Fiske & Tetlock, 1997; Skitka, Bauman, Mullen, 2004; Tetlock, Kristel, Elson, Green, & Lerner, 2000). Moral outrage is a very important concept that legal professionals should be aware of, given that it predicts many legally relevant behaviors, such seeking retribution for perpetrators and compensation for victims (Carlsmith, Darley, & Robinson, 2002; Lotz, Okimoto, Schlosser, & Fetchenhauer, 2011; Tetlock et al., 2000). Generally speaking, the more moral outrage legal decision makers experience, the more they will punish the offender. Many consider moral outrage to be our way of **assessing** the amount of **harm** committed (Carlsmith et al., 2002), in order **to exact** the proportionate (i.e., correct) level of **retribution**. In other words, **the more** moral outrage we feel, the more harm we **perceive[d]** had been done, and **the more punishment** is necessary to counter the harm and restore the balance of justice. In our own research, we have found several legal contexts in which moral outrage is a powerful force in punishment decisions. When judging juvenile sexual offense cases, people who read about a more severe offense (i.e., a rape case) compared to a less severe offense case (i.e., sexual harassment) experienced more moral outrage toward the offender, which in turn made them support more punitive sex offender registration policies (Salerno, Najdowski, Stevenson, et al., 2010). We have also found that reducing moral outrage can make jurors less supportive of harsh punishment. More specifically, when politically conservative jurors read about a “gay panic” defense (in which a murder defendant claimed the victim provoked him by making a gay sexual advance) they experienced less moral outrage, relative to when they read a similar provocation defense that did not include the gay advance.

#### Two implications – a. since you defend a policy you straight up don’t affirm since the actor should be the juror. Proving a different actor has some different obligation has no bearing on the resolution, which means your advocacy is totally non-jurisdictional, which outweighs on T since the judge literally can’t affirm. Also means you’re unpredictable, meaning I can’t fairly engage or clash and b. The core of the topic literature is related to how a juror reacts to injustices, meaning the question of whether or not they should nullify is better topic education than some broader policy action.

#### 2. Ethics education – my interp allows us to gain valuable topical and philosophical education about individual obligations and action in the criminal justice system rather than have a policy focus. This type of education outweighs – A. the last nine of ten circuit LD topics have concerned government action, and Jan/Feb is probably a government action topic as well. This topic is a unique chance for us to get more personal ethics education rather than about government obligations and B. real world – regular people have a good chance of needing to serve jury duty at some point but most of us aren’t going to become policymakers meaning talking about jurors duty’s is more likely to be educationally useful than roleplaying policymakers.

#### 3. Limits: In your world if FX T affs are permissible the case list is infinite since any plan that causes juries to nullify is allowed. Even just for the example of informing the jury your implementation ground and parametrization ability are exploded – you can defend education, explicit instruction, etc. Limits are key to fairness since they ensure the neg can adequately prepare. Also, research shows that information overload leads to superficial education, meaning we won’t get any education. Chokshi:

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When it comes to focus, turning on the spotlight may not matter as much as our ability to dim the ambient light. Nicholas Carr argued on Saturday in The Wall Street Journal that the Internet is making us dumber and on Monday The New York Times had a front-page feature on the mental price we pay for our multi-tasked lifestyles. If we are indeed losing our ability to think deeply, the key to fighting back may lie in a subtlety: focus may be more about our ability to filter out distractions than our ability to home in on the issue at hand. Carr posed his idea that technology is making us stupid in a 2008 Atlantic cover story and his forthcoming book "The Shallows" is a longer rumination on the theory. According to professors and research cited in The Times piece "the idea that information overload causes distraction was supported by more and more research." And those distractions, according to research Carr cites, are forcing us to change the way we think. Deep thought is losing ground to superficiality. **So, if** our multitasking lifestyle causes distraction, and distraction leads to superficial thinking**, how do we fight back? Carr offers some advice:**

#### D. Voter: Vote on fairness. Debate is a competitive activity governed by rules. You can’t evaluate who did better debating if the round is structurally skewed, so fairness is a gateway to substantive debate.

Drop debater 1. Skewed by AC 2. deter abusive advocacies 3. No advocacy

No RVI – 1. No reason to vote for being topical/fair 2. Incentivize prepping long counterinterps

Use CI