

JURIES 2	
ADVANTAGES	DISADVANTAGES
<i>1. Public Confidence</i>	
Right to be tried by one's peers is a bastion of liberty against the State. Lord Devlin: "the lamp that shows that freedom lives".	Twelve strangers who have no legal knowledge or training.
<i>2. Jury Equity</i>	
Can decide cases on their idea of fairness, eg <i>R v Ponting</i> (1984). Civil servant leaked info to a MP on the ground of public interest; jury refused to convict despite no legal defence.	Can reach perverse decision which is not justified. Have refused to convict in clear cut cases eg <i>R v Randle and Pottle</i> (1991) where D's wrote a book, 25 years later, about their crime: helping a spy to escape from prison.
<i>3. Open System of Justice</i>	
Legal system more open because members of public involved and whole process in public.	Juries deliberate in private and no one can inquire into what happened in the jury room. Juries do not have to give reasons; judges give a judgment which can be challenged.
<i>4. Secrecy of the Jury Room</i>	
Jury protected from pressure and outside influences when deciding verdict.	No way of knowing if jury understood case and came to decision for right reasons, eg <i>R v Young</i> (1993), the ouija board case!
<i>5. Impartiality</i>	
Randomly selected and cross-section of society. Not case hardened.	Jury challenging and vetting. High rate of excusals leads to an unrepresentative jury.
<i>6. Racial Bias</i>	
	Some jurors may be biased, eg against the police or racially prejudiced. See <i>R v Gregory</i> (1993) (juror showing racial overtones) and research by Baldwin & McConville (1979): doubt in 5% of cases by professionals.
<i>7. Media Influence</i>	
	Media coverage may influence jurors, eg <i>R v Taylor</i> (1993) – newspapers gave false impression of video sequence.
<i>8. Jury's Inability to Understand</i>	
	Jurors may not understand the case which they are trying. See Runciman Commission (1992): just under 10% of jurors admitted difficulty with a case.

9. Fraud Trials

	Fraud trials can be complex and very long. Jurors may have difficulty understanding a fraud case. Roskill Committee (1986) recommended abolishing juries. In New Zealand the D can elect trial by jury or judge alone.
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10. High Acquittal Rates

	High acquittal rates? In 1995 juries acquitted only 35% of defendants. (Present rate is 40% compared with 25% in the MC)
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11. Other Disadvantages

	Compulsory nature unpopular. Jury 'nobbling' does occur (retrial can now be ordered under CPIA 1996). Slow trials and expensive.
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JURIES IN CIVIL CASES

1. Amount of Damages

	Amount of damages unpredictable. They award too much money in defamation cases, eg <i>Rantzen v Mirror</i> (1993) £250,000 reduced to £110,000 by CA under CLSA 1990.
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2. Unreasoned Decision

	No reason for the amount of damages.
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3. Bias

	Different bias in civil cases, eg defamation cases involving public figures, and biased against the press.
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4. Cost

	Civil cases are expensive and juries increase the cost as cases last longer.
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ALTERNATIVES
1. Trial by a single judge. (This occurs in civil cases and some criminal trials in N. Ireland)
2. Panel of judges. (Some continental countries and Divisional Courts, Court of Appeal and House of Lords)
3. Judge and lay assessors. (Scandinavian countries)
4. Mini-jury. (Spanish jury of 9)

Above notes from Jacqueline Martin, *The English Legal System*, Chapter 14.

RECENT PROPOSALS FOR REFORM
<p>1. In February 1998, the Government issued a consultation paper outlining ways to try complex fraud cases, which might be more efficient. Alternatives include:</p> <p>(a) trial by judge alone; or (b) by a judge and lay assessors.</p>
<p>2. In July 1998, the Government issued a consultation paper to consider whether a defendant in an either-way case, which the magistrates are willing to hear, should continue to be able to decide where he should be tried. The paper set out the arguments for and against the status quo and a number of options for reform:</p> <p>(a) the reclassification of minor theft or other specified offences as summary only; (b) the outright abolition of election for trial (leaving it up to the magistrates to decide); or (c) the abolition of election for trial where the defendant has previous convictions.</p> <p>In November 1999, the Government chose option (b) and published the Criminal Justice (Mode of Trial) Bill. However, the Bill was rejected by the House of Lords in January 2000. Nevertheless, the Government introduced a No 2 Bill in February 2000. This too was rejected in October 2000. The Bill may be re-introduced in the next Parliament by the Labour Government.</p>