

**DISCUSS WHETHER JURY TRIALS IN ENGLAND AND WALES SHOULD BE
ABOLISHED?**

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A jury is a group of people given the mandate to make findings and render a verdict for a trial (Cornell Law School, 2022). The juries are tasked to work on the evidence provided to produce a verdict and these are the right to jury trial is seen in most developed especially United States and United Kingdom (Stanley, 2022). There is a distinction between the verdicts provided by the juries and judges. The Juries form part of the legal process in some countries and they determine the facts available in a specific case based on the specific evidence attached (Stanley, 2022). The Judges are the ones who determine the law and the legal issues associated with the cases (Stanley, 2022). According to Goldbach and Hans (2014), jurors are selected randomly from the electoral register of people. The selected people are those from the community.

During the selection, about 15 to 18 potential jurors are sent to the court to begin a trial on a case after which 12 are selected. Juries are summoned to work on criminal cases in the Crown courts after a case is examined and sent to them by magistrates (Citizen Information, 2022). The issue of whether a jury trial in England and Wales should be abolished has become a major debate especially during the current Post covid periods where there are backlogs of cases. In this essay, I will discuss why Jury trial in England and Wales should not be abolished.

Firstly, there is a fair selection process for jury selection in England and Wales. Juries act 1974 makes the selection criteria for juries clear indicating its fairness. Anyone with the qualifications and qualities which does not go against the criteria for application to become a jury is eligible to apply regardless of gender or race (Trevelyan, 2022). This indicates that not only a group of people is represented in the jury panel therefore makes it fair. The only issue that makes one ineligible or to be disqualified from becoming a jury is when the person has been convicted of an offence which led to imprisonment, when someone is mentally disabled since it's a matter of brain action (Trevelyan, 2022). For the panel of jurors to be selected for

a case, there is an automatic selection of juror names from the electoral register at the central office. Since the jury is from the general public, the parties whose case is to be heard are given the right to look into the panel if they think someone is not supposed to sit in the panel (Trevelyan, 2022). The selected jurors are grouped into 15 and given a court case to work on of which 12 out of the 15 potential jurors will be selected at random by the court clerk (Trevelyan, 2022). The juror can be removed from the jury on two basis thus if any of the party is related to a juror and if a party is able to challenge that the process of selecting that particular juror is on biased way. This makes the parties involved in the hearing build confidence in the verdict being provided by the jury and also they feel a part of the law. Therefore the trial by jury needs to be sustained.

Secondly, trial by juror breaks cultural restraint and brings about public participation. The justice system has made the public developed the notion that the people of the law makes it obvious that the public demands more punishment (Crawford, 2004). Research has found it that the law is more rigid as compared to public judgement (Crawford, 2004). The issue of being more tolerant about punishment on wrongdoings is more common amongst the public as compared to what the politicians makes the society believe (Hough and Roberts, 1998). This is because when the juror who is part of the public serving their interest based on the evidence provided assess the circumstances under which the offence was committed, they are able to provide less punishment (Crawford, 2004).

Crawford (2004) indicates that people are more thoughtful of events they have knowledge about or involved personally than those they abstractly have thoughts of. Because the jurors are in to ensure that public judgement is more lenient, that is why they involve in bringing the confidence level of the public high (Crawford, 2004). Hence, jury trial in England and Wales should not be abolished.

Thirdly, the presence of a jury ensures that the proceedings are kept simple. According to the American Bar Association (2022), the jury is set up to listen to the evidence and facts available to know which basis of facts lies their decision on the trial. In making the case simple, they ensure that they come up with a verdict as to whether a defendant is guilty or not in a criminal case and liable or not liable in a civil case (American Bar Association, 2022). The Crown Prosecution service (2022) indicates that the jury must come up with unanimous verdict indicating that they should all agree on whether the person in question is guilty or not. If they cannot come up to a conclusion, they should come up with a majority of 10 jurors agreeing to a decision to conclude (Crown Prosecution Service, 2022). This, makes it simple for the judges to provide their judgement on cases instead of the judges going through the stress of finding the facts before they sit on the main case and decide on who is guilty or not. For example, the case of Cornor and Rollock in 2001 where they were convicted of wounding Rollock's mother with the intention of causing harm to her body (Parliament UK, 2022). Rollock who was with Cornor indicated that he was unaware that the friend possessed a knife but upon trial by the jury, these people were found guilty. This made it simple for the trial judge to come up with a verdict easily. Hence the need for the trial by jury sustained.

Fourthly, trial by jury helps the judges to be certain with the evidences and facts which discourages miscarried justice (Greer, 2012). The issue of miscarried justice has become a major issue which still stands as a debate in the justice systems worldwide (Crawford, 2001). There are various cases ruled which accounts to about 5% of all cases ruled by judges which comes as a result of lack of trial by jury to rectify the evidences provided (Criminal Justice Degree Hub, 2022). A study by the University of Michigan Law School (2012) indicated that, there are over 2000 cases where people are sentenced due to bad lawyering, inaccurate forensic, plain lies and mistaken identity of witnesses (Mataconis, 2012). An example is the trial by fire case in New York where an unemployed mechanic named Todd was convicted

for killing his three children by setting fire in his house (Meyer and Thompson, 2013). The basis of the execution was on junk science investigation report from a fire investigator and the witness had unstable mental illness and an addiction history (Meyer and Thompson, 2013). A fire scientist who was hired by the state commission found out that the initial investigators had no basis to the claim. If there was a trial by jury, this uncertainty would have been pointed out for proper verdict and decision making. Hence, the trial by jury must be retained.

To conclude, the trial by Jury must be maintained and proper reforms need to be made to ensure the smooth running of its operations. It has been found that trial by jury benefits both the judiciary system and the general public. Some of the advantage is making the proceeding simple, creating public confidence in the justice system and breaking the public restraints. It is recommended that there should be legislations to increase the fee paid to the jurors. The amount paid the jurors is not encouraging thereby making it difficult to get more jurors on board to hear cases and provide verdicts. This has created lots of backlogs of cases especially after the covid pandemic. Therefore, an increase in their salary will encourage others to take up the role to enhance efficiency and its service effectiveness in the justice system.

Again, there should be legislations that will require that employers of a certain scale should pay their employees regular wages while on the jury duty. Most people would like to be part of the panel but due to the salary cut which they will experience at their main employment setting, they ignore a call for jury duty. Therefore, if a legislation could be put in place to ensure employers of certain size pay their employees on jury duty their regular pay, most people would take up the role of a juror and reduce the cost burden on the government.

With these reasons in place and the recommendations put in place, the trial by jury which is paramount to the general public would be sustained and not abolished. Therefore, the trial by jury in England and Wales should not be abolished.

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