

Article review on can jury trial survive google

[Law](#), [Criminal Justice](#)



In the article *Can Jury Trial Survive Google?*, the author Caren Myers Morrison (2011) describes a budding problem in the American jury system and provides recommendations to address these problems.

According to Morrison (2011), the jurors' misuse of technology is negatively affecting their impartiality, which is supposed to ensure the fairness of trials. Because of the accessibility of information via the Internet and because of the ease of communication that technology affords, more and more jurors are engaging in behaviors that compromise their impartiality towards the cases that they're hearing.

In particular, Morrison (2011) identifies four ways by which jurors misuse technology. One is that they use the Internet to conduct factual research. They also use it to conduct legal research. Moreover, they blog or tweet about the details of a case or about their feelings towards the case and they also use social media websites to make contact with people who are involved in the case.

In order to address these issues, Morrison (2011) suggests that it is important to first identify the reasons that jurors engage in these kinds of behavior. According to her, jurors try to search for factual information over the Internet because they feel that they are not provided with sufficient information about a case (Morrison, 2011). They are also frustrated that they are restricted from reviewing all of the available evidence. However, with jurors searching for information on their own, they may find information that the court does not allow to be used as evidence but that may nevertheless influence the jurors' judgment. To address this problem, Morrison (2011) suggests that jurors be provided with instructions about not searching for

information online before the trial starts and again before the deliberations. The judge should also provide the reasons for such prohibition and about how the said behaviors can lead to unfairness. In addition, the jurors should be allowed more involvement in the case in that they should be allowed to take notes, ask questions, and request for clarifications.

Another way that jurors misuse technology is that they use the Internet to search for the meanings of legal terms, especially if they are not satisfied with the explanations provided by legal counsel. While this may be inconsequential in most cases, it can cause problems if the jurors start to research about the sentencing terms, which can influence their decision about the verdict. To prevent this from happening, Morrison (2011) suggests that instructions be provided to the jurors in plain and simple language and that the jurors be allowed to ask for clarification about the terms that they don't understand.

As well, although the law prohibits jurors from providing information about their thoughts and deliberations, some jurors still blog or tweet about the events of a case or about their thoughts and feelings on the case. This undermines the inscrutability of jury verdicts, which can compromise the system's legitimacy. In addition, this can lead to jurors feeling uncomfortable about actively participating in discussions inside the jury room. In this regard, Morrison (2011) asserts that with the high level of stress involved in the tasks of jurors, they should be allowed to discuss the case among themselves throughout the duration of the trial as long as they don't prematurely go into deliberations. Aside from preventing them from blogging or tweeting about a case, this can also provide them with an outlet for their

anxiety.

Finally, jurors make use of social media websites to make improper contact.

Such instances include the juror befriending the defendant or vice versa.

These contacts can influence the juror's decision and can in turn invalidate

the verdict. To curb this behavior, Morrison (2011) suggests that jurors be

penalized for this type of misconduct and that the justice system implement

a zero-tolerance policy with regards to this behavior.

In conclusion, Morrison(2011) asserts that the only way to prevent jurors

from engaging in these types of behavior would be to enlist their

cooperation. She also encourages the justice system to remain vigilant and

to keep developing creative solutions in order to ensure the fairness of all

trials (Morrison, 2011).

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References

Morrison, C. M. (2011, Winter). Can jury trial survive Google? *Criminal Justice*, 25 (4).

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References