

American jury trial system



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The American jury trial system places twelve citizens in power to hear the sides of the accused and the complainant and decide what verdict should be given for the case. It has been estimated that the United States of America accounts for ninety percent of all jury trials in the world. The system adapted the different trial systems from the Egyptian, Greek, Roman, and European jury customs (Nineteenth Judicial Circuit Court). The goal of this paper is to analyze and assess the American jury trial system and to be able to identify to what extent it can be improved.

First, let us discuss about the system's history and evolution. England had an uneven system of juries during the time of Alfred (871-901 A. D.). Representatives of the tithing were brought jointly to fix on the questions set prior to them. While statement of witnesses did initiate to emerge, when Alfred died, the system collapsed. The Normans used the Saxon court system; including the appeals to the King, legal witnesses and ordeals; unraveling the secular and religious courts and selected “ circuit” judges to embody the King all over the country.

In addition, trials were introduced through warfare (Nineteenth Judicial Circuit Court). Moreover, it is the Norman England that which instituted the fundamentals of modern jury system. The system gradually developed for cases wherein trial by combat was inappropriate. Restricted residents were brought to court to decree on matters they had beheld. In the 12th century under Henry II, the use of juries had increased. The defendants were offered to choose from trial by jury or by combat. Then, in the reign of Edward III, the characterization of jurors started to shift.

And, by the end of the 15th century, a jury is no longer a group of witnesses but a body that examined the statements of witnesses and necessarily convicts a criminal in a trial with a unanimous decision (Nineteenth Judicial Circuit Court). More evolution and development happened in the jury system between the 15th and 18th century. When knighthood wasn't a necessity for a juror anymore, trial by "peers" turned out to be more valid. Professionals and experts started to be used as witnesses and exemptions from jury duty were continuously developing, e.

g. Quakers, who couldn't pledge to oaths. For cause at common law indicates that the exemptions of being a juror include: having served on the accusing jury; being a serf or servant; being convicted of certain crimes; having a relation with one of the parties or the sheriff; or stating his opinion of the case in public. Eventually, calling of witnesses by the defendants and cross-examining of witnesses by the defense counsel were tolerated (Nineteenth Judicial Circuit Court).

Throughout the American colonialism, the jury became one of the emblems of revolt against the king of England. The colonists mainly protested about refutation of rights established to all other Englishmen as well as the right to a jury trial as guaranteed by the Magna Carta of 1215. An example of quotations in the Magna Carta state that "the Common Pleas gatherings shall not follow the imperial court, but be held in some definite area", and "the juries shall be composed of honest men of the neighborhood" (Nineteenth Judicial Circuit Court).

Magna Carta has been the basis of many essential concepts of law in America. In over one hundred decisions, the US Supreme court has traced

the reliance on Magna Carta for the understanding of suitable practice of law, trial by jury of one's peers, the significance of a prompt and unprejudiced trial, and defense against bail or fines or cruel and unusual sentence (The Baronial Order of Magna Carta). However, trial by jury wasn't absolutely deprived of to the explorers.

In 1607, Virginia Company established the Jamestown that mentions the right for jury. In New York, John Peter Zenger was proven innocent by the jury in the libel case in 1735 after verifying that his writings about the governor were factual. In settling a verdict, Virginia jurors had an enormous autonomy. The British Vice-Admiralty courts had made the rage of the colonists rise (Nineteenth Judicial Circuit Court).

As a result of these disagreements of inequality and the abrogation of rights, the colonists incorporated in their earliest documents pledge of the right to trial by jury which includes: The First Congress of American Colonies in 1765; The First Continental Congress in 1774 (declaring that the colonies were unconstrained to the common law of England as well as to have an equal access to trial by peers of the vicinage); the 1787 United States Constitution, and the 1897 first ten amendments.

The US Constitution and the ten amendments were products of Thomas Jefferson's complaints against King George in the Declaration of Independence such as obstruction of administration of justice due to refusal of his Assent to Laws for confirming Judiciary Powers, denials for Trial by Jury, and transportation of defendants overseas for trial (Nineteenth Judicial Circuit Court). And today, according to the Sixth Amendment to the U. S.

Constitution, an individual has a right to undergo a fast and public trial by an impartial jury in cases of criminal prosecutions.

He has the right to know the nature and causes of the allegation; to be confronted with the witness against him; and to have compulsory process for obtaining witness in his favor, and to have the Assistance of Counsel for his defense (USINFO Database). Due to some criticisms against the American jury trial system, several major changes have occurred in the past decade which includes: reduction in size of the juries; the discarding of the unanimity rule; and the exemption rules. So what kind of trial system does America has today? Let us discuss how trial systems work.

In the United States, there are two kinds of juries: the Petit jury, and the grand jury. Petit jury, which is composed of five to twelve members, hears criminal and civil cases. The regular jury trial lasts for about one two days, but some takes longer (Watson). During the trial, lawyers of the same parties question witnesses to support their arguments and serve as proofs. They also make opening and closing remarks to the jury (Watson). Then, the judge makes a final statement to the jury, explaining the laws that preside over the resolution the jury must construct (Watson).

Juries conduct a confidential meeting to arrive at a certain judgment. Most states require a unanimous decision while few states consider a majority vote. If the jury fails to reach a verdict, it is called a hung jury (Watson). In a grand jury, the panel is composed of as much as twenty-one members. There are two kinds of grand jury in the American law: the charging grand jury and the investigatory grand jury. The charging grand jury decides

whether a case should be brought to court only if there is sufficient evidence against the accused person (Watson).

In the investigatory grand jury, the jurors are asked to approve efforts to gather evidence furtively. This kind of grand jury is also used against government officials who happen to be accused of wrongdoings (Watson). Jurors are being chosen lists of voters or automobile drivers wherein they receive questions through mail. People called to jury must be an American citizen, can understand English, no physical or mental disability, etc. (Watson). A judge asks more questions as well as the lawyers from the two parties to determine whether they can be good members.

In most cases, the ones who seem most sympathetic are chosen which is claimed by other to be not fair at all (Watson). Supposedly, jurors should not form opinions or must have little knowledge about the case before the trial begins; however, it is difficult to find people like that (Watson). Before, if the accused is proven guilty, he is sentenced with death. So the jury serves as the savior of the defendant to prove that he is innocent of the crime accused to him. But as time goes, evolutions and developments had come.

As a well known procedure today, the juries are the ones who decide whether someone is guilty or not through a due process under a trial system. Juries examine the truth and falsehood of a testimony and the facts presented. The judge will then establish what penalty should be given. In Arizona, the judge decides between life or death sentences and reserves that decision for the jury. However, the judge has the power to refuse the jury and ease the sentence from death to life if he wanted, but this has not come about yet in a real trial.

The story of the jury, from its ancient origins to its role in the current justice system today, reflects the historical movement toward popular self-governance. It also illustrates the gradual expansion of individual rights to all members of American society. Jury duty can be serve as an education; the people employs the law so they must learn to understand what it is and how it affects the case brought to them. On a personal note, it seems that the modern system works poorly. There exists numerous trials and most of them are for minor offenses which could have been managed in a well-organized manner.

Moreover, court calendars are overloaded, which causes delays before an accused individual is brought to trial. Some public defenders cannot give accurately valuable support to the underprivileged people whom they serve because of overwork. There are also public prosecutors that enter into entreaty bargains that frequently punish those accused of minor crimes while those with serious felonies receive minimal penalties (USINFO Database). There are also some people who question the effectiveness of the jury in determining the truth.

In recent years, the competence of juries has been attacked by judges, lawyers and laymen who claim that juries fail to base their decisions upon legal precedent. They contend that juries base their decisions upon emotion; they are unable to understand complex evidence or legal theories and they ignore the law in reaching what they consider to be an equitable verdict. Legal reformers believe that eliminating juries can improve the quality of trial verdicts and decrease both the cost and time involved with litigation.

In earlier times, the panel members are all from the same neighborhood who knows both parties as well as the facts about them so that they can come up with fair and just decision. But now, juror panels are chosen from voting lists of jurisdictions that comprise hundreds of square miles and surround millions of people. The jurors hardly ever know the accused, and if by chance they do, they would not be allowed to be included in the panel to avoid bias assuming that personal acquaintance with one of the parties involve may affect their judgment.

In deeper cases that involve issues about economic and accounting issues, some question the ability of an average citizen to really understand the issues. For example in charges of stock manipulation and fraud, how much knowledge to these jurors has to fully examine the case and give the proper judgment (USINFO Database). It's like having a cooking competition in which the judges came from the engineering field or other field irrelevant to the subject. Are there better criminal trial method?

In Great Britain, where the trial of jury rooted, the use juries in civil trials accounts only one percent while the criminal trials accounts five percent only. A system called “ bench trials” involves a single judge or a panel of judges without a jury to hear the case. This system takes less time, cost lessmoney, and since it is unrestricted and may be assessed by appellate courts, it is well thought-out by many to be just and well-organized. In addition, in cases involving complicated matters of law, judges are more equipped to make a determination than some commoners or layback persons (USINFO Database).

In effect of such considerations, in the area of civil law in the USA, movements towards unprejudiced settlement continually grow, wherein the parties agree to be bound by the verdict of a neutral outsider. Arbitration is faster (no delays caused by overfilled court calendars), fair, and it allows the parties to have the decision made based on the rules of the marketplace if business involved (USINFO Database). Some criticisms also involve issues that divide Americans in general such as race and wealth. Corruptions and racisms can not be totally eliminated. In reality, there are actually people who consider skin colors in making a judgment.

Bias is all around. Moreover, there are people who accept payments to settle on the decisions. Influential and rich people often make use of their wealth to control different negotiations, and justice is one of those. However, even if the trial system is not by jury, such circumstances can never be avoided, no matter what criminal trial method is used. Lastly, juries are charged of disreputably inconsistency. They can even disregard the law when they come to a decision that a defendant had a good *raison d'être* to do what was done at all, or they can be controlled by devious lawyers (USINFO Database).

These criticisms are based in fact and are true in some measure. Actually, the American systems of criminal and civil justice nowadays rely on a diversity of forms including bench trials, and arbitration. In addition, good police work often yields such a credible amount of proofs that suspects will appeal accountable without a jury trial. Emotions are also one erratic weakness of a jury system that relies on the decisions of ordinary citizens, thus result in ignoring the law. Moreover, there had also been an incident of “jury nullification” due to the belief of having unjust laws.

Before the American Revolution, local juries rebuffed to condemn their neighbors accused of smuggling because they thought that the English trade and navigation are unjust (USINFO Database). What suggestions can I offer to further improve the jury trial system in America? I have read about the book written by Steven Adler entitled "The Jury". He suggested some main points for the reform of the trial system. I agree to his suggestions for a better justice system. One of his points is the elimination of exemptions. In some states, certain categories of workers are excused from jury service which is not fair.

If jury is an obligation and a right to all American citizens, then everyone must be given a chance to undergo qualification testing regardless of race, employment, and wealth (American Bar Association). Make a "one-day, one-trial" plan or similar procedures to make services less time-consuming. In this procedure, prospective jurors who are not selected for a case should be dismissed after their first day of service (American Bar Association). Eliminate or at least severe limitations on unconditional trials. Organize the system well, to avoid wasting of time, effort and money (American Bar Association).

Educate the jurors well, and give them better instructions and make them fully understand their role, the differences between argument and evidence, steps in a trial, and much other relevant information at the beginning of trials. The future of the people involve depend on the hands of the jurors. It is not good that someone will be given a wrong judgment or verdict just because the people who decided and examined his case have very little

understanding and knowledge about the process and the case as well (American Bar Association).

Permit jurors to take notes to better study the case (American Bar Association). Provide mechanisms to enable jurors to suggest questions for witnesses during the trial and to receive clarification on points of law (American Bar Association). Lastly, the judge should provide instructions which are shorter yet clearer for the jury just before they deliberate to avoid confusions about the case (American Bar Association). Different countries have different trial systems though they are somehow the same in some instances.

Let us discuss the different procedures of trial systems in different countries. In Brazil, according to their constitution, all cases of first degree murder must be judged by juries. However, there are cases wherein authorities are judged by judges even if it falls into first degree murder: only crime that makes use of juries in this country. Jurors vote confidentially whether the accused is guilty or innocent of the crime, then the majority's decision will be considered the final judgment. In France, the same jurisdictions are implied.

The jury sits on an equal footing with three professional judges. The jury and judges first consider the questions of guilt. Then if applicable, they consider the penalty to apply (Did you mean Database). The jury trial system in Spain is not traditionally established but when Franco's dictatorship had ended, their constitution was reformed and finally legislate the jury trial system. There are also some countries which don't use a jury system such as the Philippines wherein a court system is being applied.

Here, only one person called the Court Judge hears the case and decides whether a person is guilty or not, and what appropriate penalties should be given to the proven guilty suspects. In Germany, jury trials have been abolished on 1924 due to perceived unjust verdicts given. The German criminal justice contrasts sharply with the American system in many ways. Likewise in America, the states in Germany are responsible for the administration of criminal justice; however, Germany has a single national code of criminal procedure and a unified court system.

The police and prosecution are state-level rather than local agencies. There is no death penalty, and sentences for either major or minor crimes are considerably lower than in the US. A judge decides in minor cases whether the accused is innocent or guilty. In more serious cases, a judge and two lay members are involved while in the most serious cases, a panel of three judges and two lay members which requires at least two-thirds vote give sentences. Some people would like to abolish the jury trial system in America due to many criticisms that is being thrown to the process.

However, elimination of trial by jury due to perceived defects in the system will hinder against democratic government itself. Bench trial or arbitration can be a good option, but for many, the only hope of establishing their innocence is to go before a jury of their peers, where the state must establish the issue of guilt "beyond a reasonable doubt" (USINFO Database). Jury service continues to provide the sense of responsibility and participation of the citizens because nowadays, as society grows more complex, average citizens are growing disconnected from the government (USINFO Database).

It seems that participating in a trial as part of the jury is as essential as voting for national elections to practice your right and privilege as an American citizen. A free and fair trial by a jury of one's peers remains a critical right of the people, for the two parties and the panel members as well. So it is very important that the jury system should be improved more and be more organized. Moreover, jury trial system in America may not be perfect and ideal; however, it is still seen as the best means for making certain that the strictness of the law can be shaped to integrity and justice in any definite state of affairs.

The key for a fair judgment and sentences is more improvements and developments for the whole system. In earlier times, changes in the constitution regarding the trial system were based upon experiences and different situations that have been brought to court. There are still more rooms for improvements. Many more cases will be brought to court, and hopefully, better changes can improve the whole system for the benefit of all American citizens. Works Cited American Bar Association. Trial by Jury. 25 November 2007 < <http://www.abanet.org/publiced/lawday/talking/jurytalk.html>>. Did You Mean Database. Jury. 26 November 2007 < <http://www.did-you-mean.com/Jury.html>>. Nineteenth Judicial Circuit Court. Origins and Foundations of American Courts. 24 November 2007 . USINFO Database. Rights of the People: Individual Freedom and the Bill of Rights. “ Chapter 7: Trial by Jury” 25 November 2007 . The Baronial Order of Magna Carta.

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