

THE JURY SYSTEM – ARE JURIES OUTMODED?

I. History

- A. Our jury system can be traced to the Magna Carta in 1215 A.D.
- B. The jury system arose from a need to separate the judicial process from the sovereign.
- C. Protection of juror independence can be traced to early English and American appellate courts which protected jurors from reprisal for reaching the “wrong result.”

II. Modern Trials

- A. Modern trials combine the input of three independent parties: The trial judge, the jury, the attorneys.
- B. The roles of the judge, the jury and the attorneys are separate and distinct, but are designed to provide a fair and impartial forum for resolving disputes.
- C. The safety valve for the trial process is the appellate court.

III. Criticism

- A. increasingly technical and complex litigation
- B. cost of litigation
- C. unpopular results

IV. Why it Works

- A. The jury system was conceived to insure a fair and impartial method of resolving disputes. Perceived delay and inefficiency does not mean the process is unfair.
- B. Criticism of the jury system is often the result of “unpopular results” fostered by undue media focus and bias.