

It's Time we Get Rid of Jury Trials

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Abstract: *This paper shows that the process of jury trials are not needed in a modern society as the trial by a judge is more than enough to meet the tenets of the justice system of a fair, just, balanced, unbiased and impartial trial. We need to totally and completely abolish this giant elephant in the room from medieval ages and make the judicial process more efficient, better and quicker by introducing the trial by single judge as a norm.*

Keyword: *Justice System, Promoting Fairness, Diversity*

I. INTRODUCTION

Juries trials are considered as an important part of the legal system of today because they are expected to provide a fair and impartial assessment of a case. They are made up of individuals from various backgrounds and perspectives, ensuring that the verdict is not influenced by a single judge or legal professional. Juries also help to uphold the principle of "innocent until proven guilty" by allowing the accused to have their case heard by a group of their peers. Additionally, juries act as a check on the power of the government and ensure that decisions are made by the people rather than solely by those in authority. Overall, juries are considered an essential component of the justice system, promoting fairness, diversity, and public confidence in the legal process [2][11][12][13][14]. The jury is typically made up of a group of randomly selected individuals from the community who are deemed eligible and unbiased. During a jury trial, both the prosecution and the defence present their arguments, examine witnesses, and present evidence to support their respective positions. The jury listens to these presentations and then deliberates to reach a verdict. The jury's role is to evaluate the evidence, assess the credibility of witnesses, and determine the facts of the case based on the instructions provided by the judge [3] & [4][15]. Once the jury reaches a verdict, they communicate their decision to the judge, who then announces it in open court. In criminal cases, the verdict can be "guilty" or "not guilty," while in civil cases, it can be "liable" or "not liable." The jury's decision is generally considered final, although there are procedures for appeals and post-trial motions if either party believes there were errors in the trial process [8]. The history of jury trials dates back to ancient civilizations, but the concept as we know it today has evolved over centuries. The practice of resolving disputes through a group of people predates recorded history.

In ancient Greece, for example, juries were used in some legal proceedings. Similarly, ancient Rome had a system where citizens would act as judges in certain cases. The modern jury trial system has its roots in medieval England. In the 12th and 13th centuries, juries were first used to determine guilt or innocence, as well as to provide information about local matters. These early juries were composed of local residents who were familiar with the events and circumstances surrounding the case. The modern jury system as we know it today began to take shape in England during the 17th and 18th centuries. Key developments included the emergence of the concept of impartiality, the idea of unanimous verdicts, and the right to a trial by a jury of one's peers. These principles were enshrined in important legal documents like the Magna Carta and the English Bill of Rights. The concept of jury trials gradually spread to other parts of the world during the era of colonialism. Common law jurisdictions, influenced by English legal traditions, adopted the jury trial system, including countries like the United States, Canada, Australia, and India. Over time, different legal systems have developed variations of the jury trial. Some countries, like the United States, use juries primarily in criminal cases, while others, like the United Kingdom, have a broader range of cases where juries are involved. It's important to note that the jury trial system has faced criticism throughout history. The main concept of the jury trial remains a fundamental component of many legal systems, designed to ensure fair and impartial justice through the participation of ordinary citizens [7], [9] & [10]. Also, there is no clear trend indicating a decrease in the use of juries in modern-day court cases. It's important to recognize that the decision to use a jury or not ultimately depends on the legal system, the specific case, and the discretion of the parties involved. The use of juries varies across jurisdictions and depends on the legal system and the type of case. In many countries, jury trials are still prevalent and considered an essential component of the justice system.

II. OBSERVATIONS

At a judge trial, also referred to as a bench trial, the judge makes all procedural and evidentiary decisions to determine whether the defendant is guilty or not guilty. Some of the pros of a trial by judge are as shown below [1]:

1. **Unbiased Decision:** Judges are generally not biased and are significantly less inclined to let their emotions affect the outcome of a case. It is their responsibility to put their personal feelings aside and only look at the facts of the case.

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2. **Expertise in Law:** Judges have a full understanding of the law which unlike most jurors, judges fully understand not only the technical terms that are used in the courtroom but are also experienced in passing judgement, have a degree or better in law and understand the daily proceedings in a typical court of law. A layperson on the jury may not be familiar with phrases such as “beyond a reasonable doubt,” “preponderance of evidence,” or “statute of limitations.”
3. **Fast Trials:** Judge trials are often quicker as they take significantly lesser time to reach a decision than juries. This is due to many reasons, but for one, the jury selection process is time-consuming. In addition, jurors require lengthy explanations on various courtroom topics, such as ballistics, toxicology, and law terms in general. As a result, judge trials take less time and can therefore be less expensive if you are paying for a private attorney.
4. **Complexity of the Case:** In some cases, the subject matter is highly technical or complex, making it difficult for a jury of laypeople to fully understand the evidence and make an informed decision. In such instances, a judge with expertise in the relevant field may be better equipped to come to a fair and accurate verdict.
5. **Time and Cost:** Jury trials can be time-consuming and expensive. In cases where the stakes are relatively low or the evidence is straightforward, it may be more efficient and cost-effective to have a judge decide the case alone. This can help expedite the legal process and reduce the burden on the court system.
6. **Public Interest or Safety Concerns:** In certain high-profile or sensitive cases, there may be concerns about the potential influence of public opinion on the jury's decision. This could include cases involving influential individuals, cases with significant media attention, or cases where there are concerns about juror bias. In such situations, a judge-only trial can help ensure a fair and impartial judgment.
7. **Specialized Areas of Law:** Some areas of law, such as patent law or tax law, require specific technical knowledge and expertise. In these cases, a judge with expertise in the relevant field may be better suited to assess the evidence and make a well-informed decision.
8. **Specific Circumstances and/or Legal Requirements:** It's important to note that the decision of whether to have a jury trial or not is typically made by the parties involved in the case, based on the specific circumstances and legal requirements.

Below are the cons that are believed to exist in the trials by judge and is the general expectation of the judicial community [1]:

1. **Single Decision Source:** Only the judge decides in a trial by judge the defendant's fate. This disadvantage may depend on the details of the case but many agree that it can be a bit risky to rely on one man's individual decision.
2. **Knows All Evidence:** At a trial, the judge ultimately decides what evidence will be admitted. The jury never sees untrustworthy, irrelevant, or prejudicial evidence, as it is excluded by the judge. But when there is no jury, the judge sees all the evidence and can't unsee it. It

might be difficult for a judge to disregard inadmissible evidence, no matter how unbiased and conscientious the judge might be.

3. **Peer Representation:** Jury trials provide a mechanism for ordinary citizens to participate in the administration of justice and ensure that decisions are made by a group of individuals representing a cross-section of society. It is general expectation that this design will ensure fair and impartial justice through the participation of ordinary citizens.
4. **Check on Authority of Government:** Juries act as a check on the power of the government and ensure that decisions are made by the people rather than solely by those in authority.

III. DISCUSSIONS

The ultimate goal of an judicial arm of any country is to ensure that people receive a justice that is not only fair, just and balanced but also unbiased and blinded (the lady justice with blindfolds). The main driver of a jury trial is an expectation of receiving a fair and impartial justice based on decisions made by people who represent a cross section of the community, our peers, our local folks. So the question to be asked is why not the judge provide the same service if he is the ultimate person solely responsible for making sure the justice imparted is fair and impartial? If we train the judges and select the ones that are grounded or in other words unlike the judges of today who are thinking at 50,000 feet level but choose one's who are in-par, in-part and in-the community and thinking at level 0 or ground level. So what's wrong with only a single person making a judgement if he is capable, unbiased, incorrupt and follows the basic tenet's of justice system rather than rest the decision on a group of people? Actually a single person can make the same decision that a group of people make and sometimes even better. A judge will use the same criteria to make a judgement and may even talk to few people to get a second opinion of his own before making a judgement. Plus a judge has more experience, expertise and empathy than a jury. In addition a judgment by a single person is always quicker, less expensive and takes into account a gamut of evidences that makes the final judgement even more closer to the truth or the real truth itself that is judicious, fair and just. This also goes on to say that all the advantages of a judge trial overrides the cons of a jury trial if we make sure that the implied cons of the judge trial are taken care by hiring grounded, competent and experienced judges to our court systems. We all know that the jury trail can also be very biased and countries like India, Malaysia have gone so far to say that there are no competent, efficient people in their country to represent a jury and have long abolished jury trails completely and absolutely. The people in Western countries [5] & [6] on the other hand are more responsible, incorrupt and disciplined but again there is still bias percolating through the cracks, could be swayed by emotions, are inexperienced compared to the judge, slow in handling the case due to more than one people and the list goes on and on.



Gone where the medieval times when the judges were completely under the authority of the king and hence representation was called by people for the people to get a fair and balanced justice. This is the modern day world where the judicial arm is completely removed from the executive and legislative. Even in a dictatorial settings where there is one ultimate authority controlling all the arms of the government, the jury trial will be equally biased as a trial with the judge as the people selected will never “really” represent the true statistical random purity but have vested interests. The above discussions prove that the best judgement is always by a single judge who might consults others, or other judges but in the end it is the sole authority who takes a decision that is just, fair, balanced, unbiased and impartial. Let’s further say that the jury trial needs to be abolished as the thing of the past, not the present day looking at all the cons and provided the pros are addressed by the judge trial. In modern society, we need better, quicker and efficient process that does the job and the judicial system is not left behind.

IV. CONCLUSION

This paper proves that the trial by judge is the best way to impart justice as it provides for a “true” justice, provided we hire grounded, competent and experienced judges to our court systems. We have to thus completely abolish the jury trial process that is inefficient, biased and unjudgmental and make trial by judge equally cent per cent acceptable.

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