A jury is a sworn body of people convened to render an impartial verdict (a finding of fact on a question) officially submitted to them by a court, or to set a penalty or judgment. Modern juries tend to be found in courts to ascertain the guilt, or lack thereof, in a crime. In Anglophone jurisdictions, the verdict may be guilty, not guilty, or (in Scotland) not proven.

The old institution of grand juries still exists in some places, particularly the United States, to investigate whether enough evidence of a crime exists to bring someone to trial.

The jury arrangement has evolved out of the earliest juries, which were found in early medieval England. Members were supposed to inform themselves of crimes and then of the details of the crimes. Their function was therefore closer to that of a grand jury than that of a jury in a trial.

The word jury derives from (Norman) French, "juré (sworn)". Juries are most common in common law adversarial-system jurisdictions. In the modern system, juries act as triers of fact, while judges act as triers of law. A trial without a jury (in which both questions of fact and questions of law are decided by a judge) is known as a bench trial.

Jury’s verdict cannot usually be disputed. However, in some US states there exists an institute of N.O.V. (Non Obstante Verdicto), judgment notwithstanding the verdict. A judgment N.O.V. is one that reverses the determination of the jury, and is granted when a judge determines that the jury verdict had no reasonable support in facts or was contrary to law.

Types of jury

The "petit jury" (or "trial jury") hears the evidence in a trial as presented by both the plaintiff (petitioner) and the defendant (respondent). After hearing the evidence and often jury instructions from the judge, the group retires for deliberation, to consider a verdict. The majority required for a verdict varies. In some cases it must be unanimous, while in other jurisdictions it may be a majority or supermajority. A jury that is unable to come to a verdict is referred to as a hung jury. The size of the jury varies; in criminal cases involving serious felonies there are usually 12 jurors, although Scotland uses 15. A number of countries that are not in the English common law tradition have quasi-juries on which lay judges or jurors and professional judges deliberate together regarding criminal cases. However, the common law trial jury is the most common type of jury system.

In civil cases many trials require fewer than twelve jurors. Juries are almost never used in civil cases outside the United States and Canada. Other states with a common law tradition sometimes use them in defamation cases, in cases involving a governmental eminent domain power, and in cases involving alleged wrongful conviction. Civil law countries generally do not use civil juries. Civil juries are available in theory in the United States and Canada in almost all cases where the only remedy sought is money damages, although in practice they are sought only in large dollar cases.

A grand jury, a type of jury now confined almost exclusively to federal courts and some state jurisdictions in the United States, determines whether there is enough evidence for a criminal trial to go forward. Grand juries carry out this duty by examining evidence presented to them by
a **prosecutor** and issuing **indictments**, or by investigating alleged crimes and issuing **presentments**. A grand jury is traditionally larger than and distinguishable from the petit jury used during a trial, usually with 12 jurors. It is not required that a suspect be notified of grand jury proceedings. Grand juries can also be used for filing charges in the form of a **sealed indictment** against unaware suspects who are arrested later by a surprise police visit.

**Serving on a jury** is normally compulsory for individuals who are qualified for jury service. A jury is intended to be an impartial panel capable of reaching a verdict. Procedures and requirements include a fluent understanding of the language, or the ability to test jurors' neutrality or otherwise exclude jurors who are perceived as less than neutral or more partial to one side or the other. Juries are initially chosen randomly, usually from the eligible population of adult citizens residing in the court's jurisdictional area. **Jury selection** in the United States usually includes organized questioning of the prospective jurors (jury pool) by the lawyers for the plaintiff and the defendant and by the judge—**voir dire**—as well as rejecting some jurors because of bias or inability to properly serve ("**challenge for cause**"), and the discretionary right of each side to reject a specified number of jurors without having to prove a proper cause for the rejection ("**peremptory challenge**"), before the jury is **impaneled**.

A head juror is called the "**foreperson,**" "**foreman**" or "**presiding juror**". The foreperson is sometimes chosen before the trial begins, and sometimes upon the beginning of deliberations. The foreperson may be selected by the judge or by vote of the jurors, depending on the jurisdiction. The foreperson's role may include to ask questions (usually to the judge) on behalf of the jury, to **facilitate** jury discussions, and sometimes to read the verdict of the jury. Since there is always the possibility of jurors not completing a trial for health or other reasons, often one or more alternate jurors are selected. Alternates are present for the entire trial but do not take part in deliberating the case and deciding the verdict unless one or more of the impaneled jurors are removed from the jury.

1 **Pre-reading activity**

1 Have you ever seen a movie or read a book where jury was deciding on guilt or innocence of an accused?
2 What were the merits of the case?

2 **Reading for gist**

Skim the following article and decide whether these statements are true or false:

1 There are about 50,000 jury trials each year in Britain.
2 Jurors can freely speak on the topic of their deliberations.
3 Jurors are likely to give verdict of guilty against attractive defendants.
4 Dishonest witnesses can easily fool the jurors.
5 The word jury means a “sworn body”.
6 Juries are used only in criminal process in Britain.
7 Right to a jury trial can’t be overridden in England.
8 Sir Patrick Devlin in 1957 spoke against jury.
9 People having information about the case are today excluded from the jury.
3 Close reading

Read the article closely and answer the following questions:

1 What Act stipulates the conduct of jurors?
2 What does the recent study of jury conduct suggest?
3 How many people were involved in the American experiment?
4 What were the percentage results in respect to witness statements?
5 In what parts of legal system are the juries used?
6 In what cases is there a qualified right to a jury trial in QBD?
7 What idea did Sir Devlin express?
8 What is the major difference between the contemporary and the past jury?

4 Text

The Law Explored: the judgment of jurors

How good is the judgment of jurors? It is an important question, as there are about 30,000 jury trials each year.

Substantial research on the workings of the modern British jury is difficult because, under section 8 of the Contempt of Court Act 1981, it is unlawful for jurors to disclose what went on while the jury was deliberating its verdict. But a recent study presented to the British Psychological Society's annual conference, based in simulating jury conditions, suggested that jurors are less likely to give guilty verdicts against attractive defendants. Ninety-six volunteers were given a transcript of a fictitious mugging case and a photograph of the defendant. The respondents were more reluctant to convict the attractive defendants.

There is also some evidence that people can be fooled by dishonest witnesses. In one American experiment involving 715 people, a truthful speaker was judged to be lying by 74.3 per cent of the subjects and a lying witness was judged to be truthful by 73.7 per cent.

Technically, juries are bodies of persons convened by process of law to represent the public at a trial or inquest. They must discharge their duties on oath (religious) or affirmation (secular). The word "jury" (from the Latin, jurata) denotes a "sworn body" - in other words, a group of people who have given a sworn undertaking to find the truth. Juries are used in all three main parts of the legal system: the civil process, the criminal process, and the coronial process (in coroners’ inquests).

In civil cases, in the Queen's Bench Division, there is a qualified right to a jury in cases involving fraud, defamation, false imprisonment and malicious prosecution. Under section 69 of the Supreme Court Act 1981, the right can be overridden if the trial requires a prolonged examination of documents or accounts, or any scientific or local investigation which cannot conveniently be made with a jury. In other types of civil case, the court has a discretion to order a jury trial but such orders are rarely made.

In 1957, Sir Patrick Devlin observed that the jury was a protection of democracy. He
said: “The first object of any tyrant in Whitehall would be to make parliament utterly subservient to his will; and the next to overthrow or diminish trial by jury, for no tyrant could afford to leave a subject’s freedom in the hands of 12 of his countrymen.”

For the first part of its British history from the 12th century, the jury was established from people (juratores) who were sworn to testify about their personal knowledge of the people or places in issue. Nowadays, the opposite is true, and anyone knowing anything about the case from direct experience is excluded from the panel of jurors.

The jury, however, has earlier origins. In classical Greek times the courts were very large, and in the 4th century BC would often include a great many jurors - 201 was the minimum number for a private action and 501 the minimum for a public action. Jurors voted after hearing the speeches from the claimant or prosecutor, the defendant and witnesses. Defence lawyers were not used. This arose from the desire to make the administration of justice demotic - “of the people”. In today’s miasma of regulations, though, democracy is enhanced by access to articulate advocates who know all the rules.

Over time, British jurors have done some odd things. These include making suggestions of an amorous nature to a barrister, trying to communicate via a séance with murder victims to find out who murdered them, getting drunk on vodka poured into water bottles, fighting with each other and asking the judge for the defendant’s star sign. But, on the whole, the jury is an admirable truth-finding institution.

One safeguard against the tilting of justice by beauty is the fact that High Court and crown court trials are heard by 12 jurors: enough people to overcome a swoon factor. In a standard instruction, the judge says to a jury “Each of you takes into the jury box with you your individual experience and wisdom. Your task is to pool that experience and wisdom.” The jurors’ varied ages, different sexes, and diverse backgrounds form a check against the seduction of reason by allure. The findings of the recent “attractive defendant” experiment are weakened by the fact that all 96 volunteers were students.

Speaking approvingly of the “wonderfully beautiful face” of Dorian Gray, Oscar Wilde’s character Lord Henry says “It is only shallow people who do not judge by appearances”. The law, though, takes a different view. People serving on juries must not be affected by a defendant’s looks. Undoubtedly, looks can be potent. "It was a blonde" wrote Raymond Chandler, “A blonde to make a bishop kick a hole in a stained glass window." Jurors, though, must judge the facts not the face.

Garry Slapper, The Times, April 4, 2007

Professor Gary Slapper is Director of the Centre for Law at The Open University
7 Exercises

1 Match the following two columns

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>jury</td>
<td>a witnesses</td>
</tr>
<tr>
<td>2</td>
<td>substantial</td>
<td>b body</td>
</tr>
<tr>
<td>3</td>
<td>contempt of</td>
<td>c verdict</td>
</tr>
<tr>
<td>4</td>
<td>recent</td>
<td>d research</td>
</tr>
<tr>
<td>5</td>
<td>guilty</td>
<td>e court</td>
</tr>
<tr>
<td>6</td>
<td>dishonest</td>
<td>f trial</td>
</tr>
<tr>
<td>7</td>
<td>sworn</td>
<td>g study</td>
</tr>
</tbody>
</table>

2 Find synonyms to the words used in the preceding text and RS:

<table>
<thead>
<tr>
<th>nouns</th>
<th>verbs</th>
<th>adjectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>section</td>
<td>to diminish</td>
<td>substantial</td>
</tr>
<tr>
<td>contempt</td>
<td>to judge</td>
<td>unlawful</td>
</tr>
<tr>
<td>verdict</td>
<td>to discharge</td>
<td>convenient</td>
</tr>
<tr>
<td>inquest</td>
<td>to override</td>
<td>subservient</td>
</tr>
<tr>
<td>witness</td>
<td>to swear</td>
<td>prolonged</td>
</tr>
<tr>
<td>affirmation</td>
<td>to testify</td>
<td></td>
</tr>
</tbody>
</table>

3 Find the proper meaning:

**mugging**

- a assault
- b throwing a mug
- c making sb silly

**coronial**

- a investigating the cause of death
- b investigating a Crown issue
- c investigating a heart attack

**reluctant**

- a willing
- b not willing
- c anxious

**fraud**

- a stealing
- b battery
- c trickery

**to convene**

- a to dissolve
- b to cancel
- c to summon

**defamation**

- a false representation
- b deception
- c libel
oath       malicious

a solemn promise        a evil
b burden                b unfounded
c belief                c ordered

undertaking      panel

a enterprise        a team
b duty              b institution
c will              c office

4 Create word families:

verb                      noun                              adjective

contempt

to disclose               deliberating

to present                defendant

fictitious

to mug                    reluctant

affirmation

to denote

5 Fill in the proper prepositions:

It is complicated to make a substantial research ..... this issue.
........ section 5 of the Companies Act the registration .... such company is compulsory.
It is illegal ..... the jurors to disclose their deliberations.
The panel tackled the topic .... private .... hours.
Any layman can be fooled .... dishonest testimony.
The petit jury is convened .... process of law and represents the public....the trial.
The jury panel exercise their duties .... oath, as they were sworn ..... 
..... the USA everyone charged ..... a crime has a right .... a trial .... jury.
It is ........ the court’s discretion to order a jury procedure.
Parliament should never become subservient ... a tyrant’s will.

8 Practise your translation skills

1 Porota je zbor laikov reprezentujúci jednotlivé spoločenské vrstvy.
2 Členstvo v porote je povinné a neplatené a je možné sa mu vyhnúť iba v presne stanovených prípadoch.

3 Právny zástupca vzniesol námietku zaujatosti proti potenciálnemu porotcovi.

4 Počas výberu poroty sa ukázalo, že bude nevyhnutné zmeniť miesto konania procesu.

5 Ak sa preukáže, že porotciovia boli pòcas hlavného pojednávania pod nátlakom, súd vyhlási zmätočné konanie a nariadi nový proces.

6 Počet ostrých výhrad voči potenciálnym porotcom je obmedzéný zvyčajne na nie viac ako 10.

7 Porotca nezverejnil, že je zainteresovaný na výsledku konania, a preto navrhuje jeho vylúčenie.

8 Porotcovia majú tendenciu oslobodiť atraktivnejších obvinených a uveriť nepravdivým sugestivým svedectvám.

9 Veľká porota sa stotožnila s názorom prokurátúry a vydala formálnu žalobu voči podezrivým.

10 Porota prijala rozhodnutie jednohlasne.

11 V prípadoch s hroziacim trestom smrti nie je možné prijať váčšinový verdict.

12 V minulosti mohli v porote zasadať aj ľudia, ktorí dobre poznali obvineného.

13 Aj niektoré štáty kontinentálnej Európy pozajú inštitút poroty.

14 Ak procesná strana požaduje ekvitnú náhradu, nie je jej podľa Ústavy USA umožnený proces pred porotou.

15 Mnohí obvinení sa radšej vyhnú procesu pred porotou práve kóli jeho nepredvídaťnému výsledku.

8 Subject-matter comprehension check
Use as much new vocabulary and information as possible to discuss:

1 Role of a jury in the common law system
2 Types of jury
3 The process of jury selection
4 Jury verdicts
5 Some views on jury contained in the article