

Some Proposals for Reform of the Criminal Jury Trial

Oscar Gelpi

"[Jurors], with us are often times ignorant persons, at least seldom or never are they so judicious as to understand such intricate matters as [lawyers] represent to them."

(Sir George Mackenzie, 1678.)

"I can't believe OJ got away with it. He was clearly guilty and they let him off the hook. But what do you expect from 12 people too stupid to get off a year's worth of jury duty?"

(Joan Rivers, 1995)

This paper examines the perception in this country that the jury system is hopelessly inadequate to achieve consistent, fair results in criminal trials. Regardless of the reality of objectively "wrong" results reached by jurors, as long as the perception of juror incompetence exists, there will be a lack of confidence in the jury by participants in the criminal justice system as well as by the public at large. In addition to the question of wrong results by incompetent jurors, this research examines the possibility that jurors are working in a flawed system, and questions whether the jury system in criminal trials should be abolished or reformed.