**Jury System in the UK**

- 1215 – Magna Charta – introduces the jury system

Criminal Cases

- jury in the criminal cases is used only in case of serious crimes/offences

- jury is created only if the person pleads “not guilty” – does not admit his guilt

Civil Cases

- rare

- e.g. defamation (*poškodzovanie dobrého mena*)

- in criminal cases, the jury decides about the facts of the case (guilty or not) but it is the judge who decides about the punishment

- in civil cases, the jury decides in favor of the parties but the jury may also award damages (*rozhodnúť o náhrade škody*)

**Eligibility for jury service** (*spôsobilosť byť protcom*)

* Age – 18 – 70
* The person must be on a electoral register
* The potential juror must have lived in the UK at least 5 years after reaching the age of 13

**Ineligible to serve as a juror:**

* Lawyers
* Police officers
* Judges
* Members of the clergy (*cirkevní hodnostári*)

**The issue of Excusals:**

* As of right - 65+, doctors, MP’s (members of parliament)
* Discretionary – e.g. pregnancy, health problems

- the judge decides about it

**Selection of Jurors:**

1. The computer randomly chooses some names
2. “summonity officer” invites these persons to attend the court

- the document is called “jury summons” (*predvolanie*)

1. The clerk of the court has a stack of cards with the names of the potential jurors. He draws cards from the top of the deck
2. The juror then proceeds to the jury box to take an oath (*religious, prísaha*) or make an affirmation (*non-religious, prehlásenie*)
3. Juror

**Challenging of Jurors** *(vylúčenie porotcov)*

* Peremptory challenge – the juror is excluded and the lawyer does not need to provide a reason
* Challenge for cause – the lawyer must provide a reason
* Challenge to the array – the whole jury is excluded because the choice of the jurors was unlawful

- the prosecution has the right to put a juror on stand-by – the juror is not excluded, but he becomes a juror if there are no more persons available

-the number of jurors is 12, if some jurors are discharged, it can never fall under 9

**The verdict:**

Unanimous – *jednohlasný*

Majority – 10 people of 12 must be in favor

11 = 10 + 1

10 = 9 + 1

9 = 9 + 0

**Hung jury –** a jury that is not able to come to a decision in a reasonable time. In this case, a new jury Is created and a new trial will be initiated

**Jury System in the US**

- the right to trial by jury is anchored in The Bill of Rights

**Types of Juries**

* Grand jury
* Petit jury

- the grand jury was abolished in England in 1933

The petit jury (trial jury)

- the petit jury is used in a trial which in a criminal case decides about the defendant’s guilt and in a civil case decides in favor of one of the parties

- The six amendment of Bill of Rights guarantees the right to trial by impartial jury for all criminal prosecutions. The US Supreme Court interpreted this guarantee as applying only to prosecutions for **crimes of a more serious nature**

- The seventh amendment guarantees the right to trial by jury for private law disputes, only if the **value or amount of controversy** (the value of money for which the plaintiff is suing the defendant) exceeds 20 dollars

- juries are used in the area of tort law

- in criminal cases, the defendant to the prosecution or in civil cases, both parties can  **waive their right to a trial by jury**. In that case, the trial will be conducted by the judge

- some states do not permit defendants charged with a more serious crime to waive their right to trial by jury

The traditional petit jury consists of 12 members, but the US Supreme Court approved the use of juries with less than 12 members. Some states are using the juries of six.

The grand jury convenes only in cases of serious criminal matters. It is responsible for deciding, whether the person should be formally accused of having committed a crime. This formal accusation is called an **indictment.** It is a document written by a prosecutor containing a list of criminal offences the prosecutor claims the accused has committed. Only if the grand jury agrees, the individual will be actually charged with these crimes, or **indicted.**

- the idea behind the grand jury system is to guarantee that the individual is not brought to a trial by prosecutor who is partial to one of the parties

- the role of the grand jury is to decide whether the evidence is sufficient for bringing the accused to a trial

- the grand jury is composed of 23 members. Twelve members (a simple majority) have to agree with the prosecutor in order to indict the accused.

**Grand Jury Hearing**

- the grand jury meets in sessions closed to the public and the media (protection of the identity of the accused in case he was not indicted)

- the grand jury convenes only with the prosecutor, the defendant and his legal representative are not present during the hearings

- the proceedings are similar to the proceedings at a normal trial, but limited to the presentation of evidence by the prosecutor, who may call in witnesses to testify

- every word said during the hearing is recorded in a written transcript, called the **minutes**

- the minutes is forwarded to the judge so he can supervise the hearing

- if the prosecutor is unsuccessful with the first grand jury, he may gather more evidence and initiate grand jury hearings again with a new jury

**Selection of the Grand and Petit Jury**

- the members of the jury are selected randomly from the general population by the **jury commissioner**

- discrimination of the jurors on the basis of race, color, gender, religion etc. is illegal

- to be permitted to serve on either the grand or petit jury, the prospective jurors must be citizens of the US, at least 18 years old, able to read, write and speak English and have no previous convictions of disqualifying mental condition

**Challenging**

- 3 major challenges lawyers can exercise:

* Challenge to the array
* Challenge for cause
* Peremptory challenge

- the selection phase of the trial to choose jurors who will serve at a particular trial including examination of prospective jurors whether they are suitable to serve on a jury is referred to as **voir dire**

- in England, the lawyers are not permitted to conduct any voir dire examination of the prospective jurors. In the US, the lawyers have more leeway in conducting the voir dire examination and sometimes jury selection can become one of the most difficult aspects of the trial

**The voir dire examination:**

- at first, the judge questions members of the venire as a group

- he will explain them the nature of the trial and inform them of the identities of the both parties and the lawyers representing them

- he will ask whether any of the prospective jurors knows one of the parties or lawyers from both personal and business context

- if the case has been publicized in the media, he will ask if any of the jurors is already convicted that the defendant is guilty

- in criminal cases, the judge also asks if any of them was the victim of a similar case (the experience could result in the juror favoring the victim of the crime)

- if the judge is of the opinion that any particular individual could not be fair as a juror in the case, he must excuse the juror from service

- after the judge has competed questioning the venire, each of the lawyers will be able to question the venirepersons individually

- the rules of this questioning vary from state to state

- the lawyer’s intention will be to keep those on the jury who will be easy to convince of their client’s view on the case

- sometimes the lawyers hire psychologist to observe the potential jurors while the voir dire questioning

- the jury selection process can usually be completed within a few hours

- in some highly publicized cases, the selection of the jury can also take months, because it is difficult to find persons who know nothing or very little about the case

- the use of peremptory challenges – each party has the same number of peremptory challenges determined by the judge before the voir dire begins