

Improving the Jury System: Reducing Jury Size *

by Margo Hunter

Abstract

Critics of the jury system characterize it as inefficient, unreliable and unpopular. The system, they argue, contributes significantly to the expense and delay that characterize both the civil and criminal justice systems today. Verdicts, at least in several recent and highly publicized cases, appear to depart from what common sense and the evidence, as the media report it, seem to dictate. The public seems disillusioned, and increasingly views jury service as inconvenient and intrusive.

One suggestion that frequently surfaces is to reduce the expense of jury trials, and the number of citizens who must be inconvenienced by service, by reducing the number of jurors in civil or criminal cases. The evidence suggests, however, that the savings from reducing jury size would be relatively small, particularly in comparison with the total cost of judicial administration. The evidence also suggests that some minority communities would be less well represented on smaller juries. Moving to smaller juries would not apparently introduce a systematic bias in favor of either party, but damage awards in civil cases might be more variable and unpredictable.

* This paper is one of four in this volume on improving the jury system. The other papers are: *Peremptory Challenges*, *Jury Instructions: Helping Jurors Understand the Evidence and the Law*, and *Nonunanimous Verdicts*.