An Exploratory Study of Jury Representativeness in Ireland

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Jury Service

An Exploratory Study of Jury Representativeness in Ireland

by

Josephine Mulherin
Declaration

I hereby certify that the material which is submitted in this thesis towards the award of the Masters in Criminology is entirely my own work and has not been submitted for any academic assessment other than part-fulfilment of the award named above.

Signature of candidate: Josephine Mulherin

Date: 29th September 2018
Abstract

This research explores the representative nature of jury pools in Ireland and examines how the various stages involved in the jury selection process have the potential to compromise the achievement of a representative jury. Specifically this research addresses how the categories of those who failed to respond to their jury summons, those who were deemed ineligible or disqualified, and those who were excused as of right and for good reason shown, impact the achievement of a representative jury. The headings under which representativeness were examined included age, gender, occupation and nationality. The study was conducted using mixed methodologies and involved a sample of 930 potential jurors who comprised two groups randomly selected for jury duty. Research on the representative nature of jury pools in Ireland is limited, and therefore, jury representativeness was the primary focus of this research.

Findings revealed that the random sample selected in both jury pools examined was representative under the headings of occupation and gender. They were not representative from an age perspective specifically in relation to the under 30 age categories. Findings could not be established with regard to nationality. Of particular importance, in this research, was the high number of potential jurors who, through the various selection procedures, were removed from the pool of potential jurors from which a panel could be selected prior to their appearing in court. This research study revealed that this number comprised over three quarters of the total cohort of potential jurors summoned for jury duty. What was also notable were the number of potential jurors who failed to respond to their jury summons in any way in addition to those who respond but failed to provide complete information despite being asked for it. The findings from this study will inform future policy generation and will create a platform from which future research can be conducted.
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Chapter 1  Introduction

1.1  Context of the Research

The right to jury trial in Ireland is provided for under Article 38.5 of the Constitution of Ireland 1937. This mandatory requirement bestows a very important role on the jury as its members have the power to determine an individual’s guilt or innocence in serious crimes based on the evidence presented to them (Ashworth & Redmayne, 2010).

Coupled with the right of an individual to be tried by a jury for serious crimes is their entitlement to a jury who is selected from a jury pool broadly representative of a cross-section of the community (O’Malley, 2009). In Ireland, the Juries Act, 1976 provides for the law relating to juries and their selection. It dictates the procedures to be followed when selecting a jury and deals with issues including qualification and liability for jury service, selection and service of jurors and individuals who are ineligible and excusable from jury service. It also provides for the removal of potential jurors from the final jury panel by both the prosecution and the defence.

In order to qualify for jury service in Ireland an individual must be 18 years or upwards, be registered on the Dáil electoral register for the county or city in question and be an Irish citizen (Juries Act, 1976). The Irish Nationality and Citizenship Act 1956, as amended, provides that every person born in Ireland prior to the 1st January 2005 has an entitlement to Irish citizenship (Law Reform Commission, 2013 – hereafter referred to as the LRC).

While many aspects of the jury have attracted significant levels of attention and research, the representative nature of juries has not been explored in any detail with the result that little is known about the extent to which the pool from which Irish juries are selected are representative of a cross section of the community. In that regard, research in the Irish context has called for jury panels to be reviewed to determine whether the pool from which potential jurors are being selected reflect the community as a whole (LRC, 2013).

This research is an exploratory study of the extent to which the jury pools from which jury panels are chosen reflect a cross section of the community. This will involve an examination of the issues associated with achieving a representative jury in Ireland with a particular focus on Juries Act, 1976 and how the requirements contained within it have the potential to impact the achievement of a representative jury. This will enlighten a discussion on the potential
restrictions policy and legislation places on the ability to achieve representativeness in Irish juries.

1.2 Rationale

Anecdotal evidence suggests that Irish juries are composed mainly of young people, the unemployed and the lower social classes, thereby failing to meet the representativeness standard (Jeffers, 2008). The aim of this research is to determine the extent to which such anecdotal evidence has any basis by presenting evidence clearly outlining the composition of a sample of Irish juries and the extent to which they are representative of a cross-section of the community from which they are selected. The findings from this research will not only inform future policy creation but will also provide a platform from which future research can be conducted.

1.3 Aims and Objectives

1.3.1 Aims

To determine the extent to which the jury pools randomly selected for jury service in Ireland are representative of a cross-section of the community and to determine how the subsequent selection processes impact jury representativeness.

1.3.2 Objectives

- To address the knowledge gap regarding the reality of jury representativeness in Ireland.
- To examine the impact each section of the Jury Act, 1976 has on the achievement of a representative jury taking into account those disqualified, those excused as of right or for good reason shown and those who do not reply in any way to their summons.
- To present accurate findings on the impact of all excusals including peremptory challenges on jury representativeness.
- To contribute towards policy generation and legislative change which, it is argued, are necessary to address jury representativeness in Ireland.

1.4 Research Questions

- What is the representative nature of the jury pool randomly selected under the headings of age, gender, occupation and nationality at the outset of jury selection?
- What impact has the category of those ineligible/disqualified on representativeness?
What impact have excusals as of right and for good reason shown on representativeness?

How does the failure to respond to a jury summons impact representativeness?

1.5 Research Design

This is both a quantitative and qualitative piece of research conducted through the analysis of raw data and through observation of court proceedings. Non-probability sampling in the form of convenience sampling will be used with the sample being selected from a court office on a date which was dictated by their court calendar. Data analysis was conducted using Microsoft Excel.

1.6 Summary of Chapters

Chapter 2 will present an in depth analysis of the Juries Act, 1976 from the perspective of the potential impact particular sections within it have on the achievement of a representative jury. Attention will then focus on the theoretical perspectives of citizenship and impartiality as they relate to jury service. Empirical research from other jurisdictions regarding the representative nature of juries will be explored. The chapter will conclude with research in the Irish context relating to jury representativeness.

Chapter 3 will focus on the research approach and methods used within the study including information on the mixed methods approach which was selected for this research and justification for having done so. The procedures followed together with ethical considerations and limitations of the study will also be outlined.

Chapter 4 is divided into two sections. The first section will open with detailed information on the quantitative findings of the research followed by the qualitative findings. Findings will be presented using tables, bar charts and figures as appropriate supported by a narrative.

Chapter 5 will comprise an amalgamation of the discussion, conclusions and recommendations as a result of the study. The discussion will be supported by research from the literature review and additional research, where appropriate, which supports the findings from this research.

The Chapter which follows will comprise a review of the literature consulted for this research.
Chapter 2  Literature Review

2.1 Introduction

This literature review chapter will begin an in depth examination of the Juries Act, 1976 and how the requirements contained within it have the potential to impact the achievement of a representative jury. This will enlighten a discussion on the potential restrictions policy and legislation places on the ability to achieve representativeness in Irish juries.

Attention will then be directed towards the theoretical perspectives of impartiality and citizenship as they relate to jury service. This will facilitate an exploration and critical analysis of the institution of jury service with specific emphasis being directed towards how they impact representativeness. Empirical evidence from an international perspective will be relied upon to support this discussion and to facilitate a comparative analysis of the difficulties encountered in achieving a representative jury.

The term representativeness, as it relates to jury trial in Ireland;

"encompasses the concepts of random selection and independence ...... this means that juries are intended to be composed of a representative cross-section of the community, which is ensured through the process of random selection from a pool of potential jurors, and which thereby promotes the independent nature of the jury, and society’s participation in the institution" (LRC, 2013, p. 12).

Representativeness as it applies to the makeup of jury panels has been acknowledged as a complex issue (Howlin, 2012). A combination of factors such as age, gender, ethnicity, race and occupation has the potential to impact the achievement of a broadly representative jury (Jeffers, 2008). Research argues that representativeness gets to the heart of what the modern jury is for by allowing lay persons to participate in the criminal justice process in a meaningful way (Ashworth & Redmayne, 2010). This, they argue, reduces the possibility of subjective and objective bias by jurors which strengthens the overall fairness of the criminal trial.

2.2 Critical Analysis of the Juries Act, 1976

The Juries Act, 1976 was enacted in response to concerns expressed about the representative nature of juries in Ireland as provided for in the Juries Act, 1927. The 1927 Act restricted eligibility to serve on juries to property owners. It excluded women, even if they met the property-owning requirement, unless they themselves made an application to serve. Indeed, a challenge to the constitutionality of this legislation in the De Burca and Anderson v the
Attorney General was the ultimate catalyst for the acceleration of the enactment of the Juries Act, 1976 (O’Malley, 2009).

This case involved two members of the Irish Women’s Liberation Movement who were arrested and charged with obstructing a police officer. Having both pleaded not guilty and electing to have the charges against them tried by a jury, they began proceedings challenging the constitutionality of the Juries Act, 1927 which restricted jury service to certain categories of property owners, which, in effect, excluded women. Prior to their case being heard in the High Court, the Report of the Commission on the Status of Women, 1972 was published which provided that women should be qualified and liable for jury service on the same terms as men. This Report, coupled with recommendations made in 1965 by the Committee on Court Practice and Procedure, culminated in the subsequent enactment of the Juries Act, 1976 which currently outlines the law relating to juries in Ireland today (LRC, 2013).

This research aims to show how the requirements contained in the Juries Act, 1976 have the potential to impact representativeness in jury composition when selecting juries. In support of this contention, each section of the Act, which it is argued reduces the pool from which potential jurors can be selected, will be examined separately. Statistics from the Central Statistics Office and other Government websites will be relied upon to support this discussion.

2.2.1 Qualification and liability for jury service

Section 6 of the Juries Act, 1976 sets out the conditions under which a person qualifies and is liable for jury service. It directs that;

> “every citizen aged eighteen years or upwards and under the age seventy years who is entered in a register of Dáil electors in a jury district shall be qualified and liable to serve as a juror for a trial” (Juries Act, 1976, p. 2).

This in effect means that if you are not an Irish citizen you are not entitled to serve as a juror in Ireland (Howlin, 2012). The impact of this requirement from a numerical perspective has been highlighted by the Law Reform Commission who advise that removing the citizenship requirement of itself could have the potential to add an additional 200,000 persons to the jury pool qualified for jury service (LRC, 2013).

Records from the Central Statistics Office suggest this number could be much higher as, in the year 2016, 347,233 non-Irish nationals were recorded as forming part of the labour force in Ireland with a further 41,093 in the category of recent immigrants also employed in Ireland at that time (CSO, 2016). It is suggested that not only would the removal of the citizenship
requirement increase the jury pool from which potential jurors could be called from a numerical perspective, but it would also assist in selecting a jury which is broadly representative of a cross-section of the community as opposed to being representative of some particular group (Kettles, 2012).

2.2.2 Ineligibility

Section 7 of the Juries Act, 1976 directs that those listed in Part I of the First Schedule to the Act shall be ineligible for jury service. This list, which is quite extensive, includes those primarily involved in the administration of justice. The schedule begins with the President of Ireland and proceeds to include a myriad of persons who meet the ineligibility criteria including judges, former judges, practicing solicitors and barristers, members of the Garda Síochána and court employees. Persons in charge of a forensic science laboratory and members of the Defence Forces are also included in the list together with members of the Reserve Defence Force. Incapable persons described as having an insufficient capacity to read, deafness or other permanent infirmity or those with a mental illness which require hospitalisation or regular treatment by a medical practitioner also make up the list of ineligible persons.

The potential impact of a sample of these exclusions are revealed when statistical data reflecting those employed in some of these ineligible categories is examined. For example, the Department of Justice and Equality reported a staff compliment of 22,260 during the year 2017 (Annual Report, 2016). Furthermore Defence Forces numbers account for 9,500 (Annual Report, 2016). Solicitors employed in Ireland during the same year amounted to 10,000 with barristers numbering 2,300 (CSO, 2016). The rationale for the exclusion of those working within the justice system appears to reside in the possibility that impartiality may be undermined by the fact that such employees may have knowledge of the case or of those involved in prosecuting or defending the case (The Modern Scottish Jury in Criminal Trials, paragraph 4.2).

Coupled with the reduction in numbers of potential jurors from which to choose is the absence of the potential experience and expertise these professions have to bring to the jury panel and the deliberation process. In that regard, Fukurai (1999) argues that juries which are representative of the community complement the other goals of jury selection such as competence and independence, which promote impartiality by reflecting a greater cross-section of community experience (and prejudice) so that no one view dominates.
In the Irish context, this view is supported by Jeffers (2008) who argues that because virtually all categories of professionals are either ineligible or excusable as of right, the well-educated are unlikely to serve on Irish juries. This, he argues, makes it clear that the current jury system does not create pools representative of Irish society. This view is further supported by Coen (2010) who suggests that as many of the exemptions or excusals from jury duty relate to persons employed in the public service, this represents a poor endorsement of the jury system by the State and consequently results in an unfair burden being placed on the private sector.

2.2.3 Disqualification

Section 8 of the Juries Act, 1976 disqualifies those who have received a prison sentence of five years or more in their lifetime or those who have served a term of three months or more in prison or in an institution in the preceding ten years. It follows, therefore, that a person might be convicted of a serious offence of tax evasion and be punished solely with a fine and thereby remain eligible for jury service. Conversely, a person sentenced to a term of imprisonment greater than three months for a minor theft would remain disqualified for ten years after the expiration of the sentence (O’Malley, 2009). These issues have caused researchers to enquire as to why the emphasis is placed on imprisonment as opposed to conviction? (Shaughnessy, 2010). In that regard, the Victorian Law Reform Committee (1996) in New Zealand suggested that while the representativeness of the jury pool is hindered by the disqualification of individuals with a history of imprisonment, the rationale for doing so is linked with the concept of impartiality. In that regard they argue that past criminal behaviour may indicate that a person may be unwilling or unable to come to the jury bench with an unbiased view to allow them pass judgement in a case. They further argue that confidence in the administration of justice may suffer if a person with a recent and serious criminal record is allowed to serve as a juror.

While there are difficulties associated with estimating the number of potential jurors this could disqualify, an examination of the numbers serving prison sentences last year in Ireland suggests that this could be relatively high given that the daily average of individuals in custody during 2017 amounted to 3,680 (Irish Prison Service, 2017)

2.2.4 Excusal from jury service as of right

Section 9 of the Juries Act, 1976 permits the County Registrar to excuse any person whom they have summoned as a potential juror if they are one of the persons listed in Part II of the First Schedule in the Act. This list is again extensive and includes Members of Parliament, the Comptroller and Auditor General, The Clerk of Dail Eireann and Seanad Eireann, and persons
in holy or religious orders. Professionals such as doctors, veterinary surgeons, dentists, nurses, mid-wives and pharmacists also have the potential to be excused provided they can show they are currently practicing in their respective professions. A member of staff of either House of the Oireachtas, Heads of Government Departments and Offices and any civilian employed by the Minister for Defence may also be excused on certificate from the head of their respective Departments confirming the urgency or the public importance of their role which cannot be reasonably performed by another or postponed. Principals or heads of colleges, schools or universities also fit the criteria to be excused, again, if they can show that their role cannot reasonably be performed by another or postponed. The same criteria applies to whole-time students. Those aged sixty-five or upwards are also included in this list.

Again, from a numerical perspective, a sample of those in the teaching profession reveals that 91,571 individuals have the potential to be excused from jury service by the County Registrar if they are in a position to show good reason for such excusal (Department of Education & Skills 2016/2017). In other professions, for example, doctors, who numbered 19,000 in 2017, the option to be excused also applies (CSO). It is argued that the proportion of persons with the potential to fit into the excusals bracket poses a considerable problem to and dramatically undermines the achievement of jury representativeness (Cameron, Potter & Young, 2000).

To counteract this difficulty, researchers have argued that limitations be placed on such excusals. For example Jeffers (2008) suggests that the right to be excused could be limited to certain groups during certain times of the year. Taking the clergy as a case in point, Jeffers (2008) argues that they could remain excusable during important religious festivals such as Christmas and Easter. With regard to students and teachers they could remain excusable during term time but should remain obliged to serve if called to do so during the holiday period. This, Jeffers (2008) contends, would go some way towards enhancing the jury pool from a numerical and representativeness perspective.

It is also argued that groups who fall within a number of skilled occupational groups who can claim excusal as of right, deprive the jury pool of a significant stratum of educated members (Chesterman, 2000). Indeed Byrne (2009) contends that by such individuals availing of the right to be excluded, they deny the jury system their specialised knowledge and experience which has the potential to compromise the random selection requirement. In support of such views, recommendations have been made to repeal the existing excusal as of right from jury service and replace it with the right to excusal for good cause shown (LRC, 2013).
2.2.5  Excusals by county registrar for good reason shown

Section 9(2) enables the county registrar to excuse any person summoned for jury service if they can satisfy him/her that there is good reason why they should be excused. Jonakait (2003) suggests that often as many as half the jury panel have the potential to be excused because they claim some pressing or business reason that conflicts with their ability to serve. Noting that such excuses are accepted uncritically as neither the defence nor the prosecution desire to have an unwilling juror confined to the jury box for many weeks, Jonakait (2003) argues that people who are qualified to serve should not be able to compromise the representative nature of juries by seeking to avoid jury service other than on acceptable grounds.

Fukurai (1999) highlights the link between an individual’s socio-economic background and their ability to serve on a jury. Attention is drawn to the potential juror’s ability to make the necessary financial sacrifice to take time off work to attend jury service. In Ireland, lunch and hotel accommodation expenses (where necessary) are met, however there is no compensation to meet the ancillary expenses incurred by jurors. Any out of pocket expenses have to be incurred by the juror themselves rendering it impossible for many people on limited income to participate in the jury system (Shaughnessy, 2010).

This contrasts with the jury system in England and Wales which provides for the payment of travel expenses and subsistence (Juries Act, 1974). Jurors in these jurisdictions are also allowed to claim for any financial loss suffered as a direct result of jury service for example, loss of earnings or benefits, fees paid to carers or child minders, or any other payments made solely as a result of jury service. In that regard, recommendations have been made for a modest daily flat rate payment for jurors in Ireland to enable them discharge travel and subsistence costs. (LRC, 2013). However, at the time of writing, this recommendation has not been implemented.

2.2.6  Challenges for and without cause shown

Section 20 and 21 of the Juries Act, 1976 provides for challenges for cause shown and for challenges without cause shown, often referred to as peremptory challenges in civil and criminal cases. In relation to challenges without cause shown this means that in every criminal trial involving a jury, each accused person and the prosecution may challenge up to seven jurors each without having to provide a reason to the court why they are challenging these jurors. These challenges do not involve any questioning of the juror, hence their peremptory nature. Any challenge without cause shown is generally made immediately prior to a juror taking the
oath. If a juror is challenged, they are not included in the jury panel and are excused by the Judge.

In respect of challenges with cause shown, the prosecution and defence teams can object to any number of jurors each but a reason must be given to the Court as to why the objection is being made at the time of the challenge. Whenever a juror is challenged for cause shown and this challenge is allowed by the judge, the juror shall not be included in the jury (Juries Act, 1976).

Peremptory challenges have been criticised extensively throughout several common law jurisdictions predominantly due to their capacity to discriminate against minority groups particularly in multiracial and multicultural societies (Fukurai, 1999) While there is little research in Ireland as to the reasons why jurors are challenged, Jeffers (2008) argues that there is ample anecdotal evidence that peremptory challenges are used to achieve a certain gender, age or racial profile in some cases. It is argued that such challenges suggest “a subjective assessment of the likely attitude of the juror to the challenger’s case, based on matters such as age, sex, appearance, address or employment” (Walsh, 2002, p.835).

The right of peremptory challenge was abolished entirely in England and Wales in 1988 followed by Scotland in 1995. Under Section 13 of the Justice and Security (Northern Ireland) Act, 2007 the entitlement to peremptory challenges was also abolished in order to prevent the appearance of biased selection procedures (Thomas, 2010).

In the United States all jurisdictions have some system of peremptory challenges in place which facilitates the questioning by counsel for both sides prior to the jury being empanelled (Vidmar, 2000). Research suggests that the main purpose of peremptory challenges is to rid the jury of the types of jurors the prosecution and defence teams find most threatening, and that these types tend to correlate with age, gender, and particularly, race (Myres-Morrison, 2014). It is argued that the use of peremptory challenges raises concerns about the fairness of trials in the state of Florida where evidence suggested that juries formed from all-white jury pools convicted black defendants more often than white defendants. This gap in conviction rates was entirely eliminated when the jury pool included at least one black member (Anwar, Bayer & Hjalmarsson, 2012). While the representative and impartial jury ideal holds no place for peremptory challenges on either side, their use by both sides tends to result in a more homogenous group than that of the population at large and therefore goes against achieving the representativeness of that population (Bennett, 2010).
In that regard Thomas (2010) highlights the desirability of the jury to express the conscience of the entire community and not just the conscience of those least obnoxious to the prosecution and the defence. The process of jury selection should not be a tactical manoeuvre by which each side tries to secure the twelve most sympathetic jurors from their particular point of view as this may cause important classes of the population to be either excluded or disproportionately represented (Thomas, 2010). However, despite the extensive criticism directed towards the use of peremptory challenges throughout several common law jurisdictions, no recommendation has been made to amend the legislation surrounding their use in Ireland (LRC, 2013).

2.3 Impartiality and Citizenship

2.3.1 Impartiality

The Law Reform Commission (2013, p.14) draw on the definition of impartiality proposed by the American sociologist Robert Blauner as follows:

“…. impartiality and independence involves judgement by persons who have no direct involvement in the trial or who, from an objective standpoint of the reasonable observer, would not be regarded as partial or biased .... the concept of impartiality also assumes judgement by persons of independence, with opinions and beliefs and other experience of the realities of living in today’s society”.

While, historically, jurors were selected on the basis of their local knowledge of the facts or from the locality where the case was centred, modern jurors are chosen randomly and on the basis of their complete lack of knowledge of the case or of the parties involved in it (Kettles, 2012). During the empanelling process in Ireland, potential jurors are obliged to bring to the attention of the Court their prior knowledge of any party involved in the proceedings as this invariably causes them to be excused as a juror from that particular case (Juries Act, 1976).

In relation to the achievement of an impartial jury, some research appears to suggest that the concepts of impartiality and representativeness can often come into direct conflict with one another. In that regard Jeffers (2008) contends that a representative jury may not be impartial while an impartial jury may be far from representative. He argues that the perspective from which the right to trial by jury is viewed can determine the importance attached to impartiality. Therefore, if the jury is viewed from the perspective of it being a democratic institution, then greater importance must be attributed to its representative character. However, if it is to be viewed from the perspective of the right of the accused then impartiality must prevail (Jeffers, 2008).
The Law Reform Commission (2013) argue that jury impartiality and jury representativeness are distinct concepts suggesting that jury partiality can be divided into the categories of interest prejudice (which suggests having a pecuniary or personal interest in the outcome of a case) or specific prejudice (having attitudes about specific issues which prevent the juror from reaching an verdict with an impartial mind). Citing tests of reasonable apprehension of bias, attention is directed towards the view of the European Court of Human Rights who hold that the personal impartiality of jurors must be presumed until there is proof to the contrary (LRC, 2013).

From an international perspective, Kettles (2012) draws our attention to the central considerations which govern the jury selection process in Canada. He argues that the impartiality of the jury is assured by virtue of its representativeness in that prejudice is randomly distributed and a multiplicity of viewpoints have the effect of either overcoming or drowning out the bias or prejudice of an individual. However, he cautions that courts frequently promote competence or impartiality at the expense of representativeness. In support of this argument he contends that the use of police and other databases to access significant personal information about jurors is inappropriate given the fact that it is inevitable that vetting practices create bias by firstly reducing the representativeness of juries and secondly reducing the confidence the public have in the administration of justice (Kettles, 2012).

The process of acquiring personal information on potential jurors informs the challenging process when the jury is being empanelled. During this process, the prosecution and defence teams can object to a certain number of potential jurors based on the information they have about their personal circumstances. The defendant on trial and the details of the case being tried will also have an impact on the ‘type’ of juror the prosecution and defence teams are hoping will be placed on the jury panel. Noting research from the United States which suggests that an unrepresentative jury can never be viewed as fully impartial Jeffers (2008) highlights the view that jurors can be seen to be bringing the preconceived beliefs of their gender or race to the deliberation process rather than deliberating on the evidence presented.

From an Irish perspective, O’Malley (2003) argues that the impartiality of a jury may be questioned on several grounds. These include the pre-trial publicity a case has attracted which has the potential to introduce bias into jury decision making or indeed matters coming to light during the trial, for example the behaviour of a juror, which may cause the jury to be discharged. To emphasise this point O’Malley (2003) draws attention to People (Attorney General) v. Singer where it transpired that the foreman of the jury was one of the victims in a
fraudulent scheme for which Mr. Singer was on trial. Jeffers (2008, p. 2) argues that the requirement for impartiality seems;

“fundamental in the modern criminal justice system” as it would seem to be a key component of the right to a fair trial, which he contends, is now viewed as “an elementary feature of most western legal systems”.

In Ireland, the difficulties associated with the achievement of an impartial jury were more recently evident in the trial of DPP –v- Sean Fitzpatrick where the presiding Judge gave the final jury panel selected for the trial a final opportunity to reflect on whether they were certain of their ability to approach the trial with impartiality. In this case the presiding Judge advised the jury that they must be absolutely impartial to all the parties involved in the case and to return a verdict only in accordance with the evidence presented to them in Court. It was notable, in this instance, that a specially enlarged jury panel of fifteen members (as opposed to the normal twelve) had been sworn in at the Dublin Circuit Criminal Court for the trial with over seventy potential jurors being excused for various reasons prior to the final panel of jurors being sworn in (Ferguson, 2016).

2.3.2 Citizenship

The term ‘citizenship’ can denote many different meanings. Various historical definitions of the term are dealt with succinctly by Howlin (2012, p.156) who notes that “socio-political definitions emphasise citizenship as a status denoting membership of a society”. In that regard she explains that citizenship has to be understood in the context of the power relationships which exist in that society and the political, economic and cultural factors which affect it. Philosophical definitions, she continues, are concerned with questions surrounding the model of citizenship that can best deliver a just society, the role of the state in providing for its citizens’ needs and what the state can expect from the individual in terms of duties. Finally, Howlin (2012) advises that legal definitions of citizenship tend to equate to nationality and to define the rights and duties of citizens in relation to the nation-state.

The citizenship requirement to qualify for jury service in Ireland has been questioned by many researchers who argue that such limitations many impact the representativeness of the jury panel. These include O’Malley (2003) who contends that the citizenship requirement is questionable given the number of non-citizens becoming long-term residents in Ireland. He also references the requirement that potential jurors be drawn from the Dáil electoral register for the relevant jury district. This, he argues, would be acceptable if it was the case that most of the adults living in a particular locality were registered as electors in that locality. However,
the need for many young people to work in an alternative location to where they are actually registered to vote calls this into question. Jeffers (2008) argues that virtually all juries are likely to be racially and ethnically homogenous as qualification for jury service is limited to Irish citizens who are Dáil electors. In that regard he notes that as the number of non-citizens living in Ireland is on the increase, this can only result in Irish juries becoming increasingly unrepresentative of Irish society.

In support of this view Shaughnessy (2010) also highlights the demographic transformation in Ireland today and suggests that if the jury pool is to be truly representative of the community the extension of jury service to non-citizen permanent residents or to European citizens resident in Ireland may offer an appropriate solution to this problem. As the jury pool in Ireland represents approximately half of the total population it is questionable as to how jury composition can possibly reflect demographic realities. This view is held by Howlin (2012) who contends that as little thought has been given to the validity of the exclusion of non-Irish citizens from Irish juries that a rationale to justify their continued exclusion is warranted.

The multicultural nature of Irish society today has been acknowledged and various recommendations have been proposed to broaden the jury pool (LRC, 2013). These include the adoption of a similar practice to the United Kingdom where individuals are qualified for jury duty if they satisfy the residential qualification of at least five years since the age of thirteen years. The residency requirement is even lower in New Zealand where, under the Electoral Act, 1993, individuals are entitled to perform jury service if they are over the age of eighteen and have lived continuously in New Zealand for one year. However, while many proposals to extend the jury pool have been recommended, these have not, as yet, been incorporated into the selection of juries in Ireland.

2.4 Summary

The above discussion on the representative nature of the jury pool in Ireland has provided a platform from which the current study can be placed in terms of research, theoretical discussion and policy context. The questions posed relating to representativeness in this research study become more relevant and pertinent in the light of the information which has been revealed in the above literature review. The question of jury representativeness, it is argued, has a practical significance in addition to its implications for future policy and legislative change within the criminal justice system.
Chapter 3  Methodology

3.1  Research Approach and Method

The purpose of this research project was to examine the issues associated with achieving a representative jury in Ireland. In that regard, specific emphasis was directed towards the Juries Act, 1976 which governs the selection of juries and how the requirements contained in this Act have the potential to impact the achievement of a representative jury. Attention was also directed towards the objectivity and subjectivity associated with jury selection and the potential impact such practices may have on the representative nature of the final jury panel. As such the approach to data collection and the epistemological reasoning behind the study needed to take cognisance of a variety of philosophical approaches.

As the intention was to collect statistical information in addition to conducting observational research, the pragmatist approach was chosen. The pragmatist approach allows the researcher to take into account a variety of data collection methodologies whilst simultaneously allowing for an analysis of the information which can be interpreted from a number of different perspectives (Cherryholmes, 1992). A pragmatist perspective also facilitates the application of a mixed methodology approach which includes both quantitative and qualitative data collection processes (Creswell, 2003). The mixed methods approach also gives the researcher the freedom to use different philosophical systems in which to interpret the data, allows for the “what and how” which balances issues of objectivity and subjectivity and permits the mixing of these methodological practices” (Creswell, 2003, p.12). Due to the fact that there were elements of objectivity and subjectivity within the research study, it was important to organise the data collection in a way that was efficient and accessible.

As the standard practice in court offices is to summons potential jurors six weeks in advance of the court date on which they are due to appear, the qualitative aspect of the study was conducted in the first instance followed by the quantitative approach. This decision was informed by the dates on which the Circuit Court was due to sit, (which is dictated by legislation) and by the fact that the raw data available on the Court file relating to the potential jurors summoned for jury service would not be impacted in any way due to the passage of time.

3.1.2  Observation methodology

The use of observation methodology as part of the data collection process relies on an ethnographic approach which takes cognisance of human interaction. It is a challenging
approach as the nuances of non-verbal human communication have high levels of differing interpretation and the author needed to be aware of these in order to make sense of the interactions being observed (Morgan, Pullon, Macdonald, McKinlay & Gray, 2016). The observational information then needed to be interpreted in a way that allowed for the relevant extraction of data that could appropriately inform the research question. Event sampling was used to note behaviours of potential jurors prior, during and directly after the court proceedings. The impact random selection of potential jurors had on the representative nature of the final jury empanelled and the role peremptory challenges had to play on representativeness was also noted. The style of the observation methodology was naturalistic/non participatory as by its very nature jury selection cannot be affected by outside forces. This meant that the research environment could not be controlled or manipulated and this was important in the context of understanding the core question within the study.

By observing the flow of the interactions within the jury selection process, the author was enabled to identify and interpret the information as it “unfolded, cascaded, rolled and emerged” (Lincoln & Guba, 1985, p. 86). Although this observational methodological approach was guided by a question – how do the interactions being observed affect the outcome of jury representativeness – the method of recording necessitated a raw data process that required interpretation at a later stage. A two stage process informed the observational methodology. The first included an initial process of observation of potential jurors being introduced to the selection process and the ways in which random selection of potential jurors by the court registrar had the potential to impact jury representativeness. The follow-up observational process took cognisance of the intentional removal of potential jurors by both the prosecution and defence teams through the use of peremptory challenges. It also focussed on the reasons presented to the judge by potential jurors themselves to be excused from having to serve on the jury at the penultimate stage of the final jury being empanelled.

3.1.3 Statistical data

In order to support this data gathering process and to contextualise the more global aspects of jury representation the author engaged in a statistical analysis of the actual numbers that make up the pool of potential jury participants at the beginning of the selection process and how each subsequent stage of selection impacted the representative nature of the final jury panel. With this in mind a quantitative analysis was undertaken to compare and contrast the potential and the actual jury representations. This informed the observations made within the context of the
research question. By breaking down the characteristics of the population in the region and gaining an understanding of the socio-economic structures of the said population the author could make some assumptions on the validity of the jury process in the context of its representativeness. The observational methodology added another context which, when combined with the statistical analysis, allowed for a cogent exploration of the underlying principles of the question being asked.

3.2 Sampling

Purposeful non-probability availability sampling was used and data available in the court office selected for study was relied upon. The use of this method of sampling results in not all members of the population having an equal chance of participating in the study. Availability sampling involves the selection of participants as they are readily available and accessible to the researcher (Burton, 2000).

In relation to the quantitative aspect of the study the author was given access to the court office where information relating to the potential jurors summoned for jury service was stored in manual files. These files contained rich data relating to potential jurors’ demographics and, more importantly, contained information relating to individuals who were ineligible, excused as of right, did not reply to their summons or those who were excused by the county registrar for good cause shown. The author was also permitted to gain access to the courtroom on four separate occasions to observe the process involved in juries being empanelled as it happened.

3.3 Survey Design and Data Collection

In order to capture the optimum amount of data to inform the research question, the decision was taken to use a mixed methods approach - observational and statistical data collection. In relation to the observational data collection aspect of the study, the author attended court by appointment on a date a jury was due to be empanelled to get a feel for the process and to establish if the observation method of data collection had the potential to reveal the required information to compliment the statistical data relating to potential jurors.

The initial visit was organised for the end of April 2018 and after this visit it was agreed that the author would attend on three further dates on which potential juries were summoned to appear for jury duty to observe and take notes on the process involved in a jury being empanelled as it happened live in the courtroom. The author attended on the three further dates as agreed. However, it transpired that just one jury had been empanelled during those three
visits and therefore one further date had to be arranged with the court office in order to gather what was considered to be a reasonable sample of data for analysis. Observational data collection was conducted on three dates in May 2018 and one during June 2018. During these four visits to observe proceedings, two juries were empanelled.

The normal practice in the court office under study is to summons potential jurors to appear in court at 9:45 a.m. on each day a jury is to be empanelled so that a call over of attendees can be conducted by the court registrar prior to the judge coming on to the bench at 10:30 a.m. On each date of observation the author was in attendance at 9:50 a.m. to secure a seat in a location conducive to achieving the maximum view of proceedings as they played out. During the period prior to 10:30 am, notes were taken on the layout of the courtroom itself and what was contained within it. These details were noted as courtrooms and their surroundings were most likely new to the majority of potential jurors in attendance as indeed they may be to the reader of this research.

Notes were then taken on all proceedings observed as they occurred in real time. Some comments made by potential jurors relating to what they were observing and how they were feeling about the process as it played out which were audible to the author were also noted as it was believed such comments would enhance a discussion on possible apathy or openness towards performing jury service. In total, observation notes were taken on proceedings over four days encompassing a total of 6 hours forty-four minutes observation time.

In relation to statistical data collection, the author attended the court office by appointment on the 20th July 2018 and was given an explanation on how the computer programme selects a list of potential jurors to be called for jury service. It became apparent at this stage that the computer system could only be used on a ‘read only’ basis and that any statistical information would have to be transcribed onto an excel spreadsheet for analysis at a later stage. In that regard, the manual files which contained completed jury summonses relating to the potential jurors being reported on in this study were made available to the author. One file contained details of the first 450 potential jurors summoned for jury service and the other contained details on the second group of 480 potential jurors summoned.

The reason for two files instead of four is that when the court office summonses potential jurors for jury service, they call what they consider to be an adequate number of individuals from which more than one jury panel can be formed. Therefore, potential jurors called for jury duty attend on the first day and depending on whether or not a jury is empanelled on that date, they
are asked to return the following week for a second time. After having attended on two dates as requested, potential jurors, whether sworn in to the final panel or not, are excused from jury service for a period of three years. This period of three years can be increased by the Judge in cases where a juror has performed jury service but the evidence heard is of such explicit or serious content that the juror can be excused for longer periods or in some cases, for life.

Therefore, information on 930 potential jurors required transcribing from each jury summons to an excel spreadsheet in order that the data could be analysed. The information available from the summonses included the name, address, date of birth and occupation of jurors who completed and returned their summonses to the court office. There were 143 potential jurors for which there was no corresponding completed or returned summons on the files. Due to the anonymous nature of the research, names and addresses were not recorded by the author. Instead, as each juror had an individual number assigned to them by the court office, information where available was recorded by juror number, gender, date of birth and occupation. The jury summonses also included valuable information on those ineligible for jury service or those excused from jury service and the reasons why. This information was also recorded for analysis.

3.4 Data Analysis

Research contends that a combination of factors such as age, gender, ethnicity, race and occupation have the potential to impact the achievement of a broadly representative jury and therefore, it was on the basis of information available under these headings that the collected data was recorded and categorised for the purposes of later analysis (Jeffers, 2008). While categorisation was relatively straight forward for age and gender - ethnicity, race and occupation proved more difficult. As information regarding ethnicity or race of potential jurors was not requested to be completed on the jury summons, this information could not be analysed.

In relation to occupation the variety of roles reported by potential jurors warranted categorisation to facilitate analysis. On that basis it was decided to utilise the categories of employment used by the Central Statistics Office who display their census data on employment records using twenty-seven occupational groups (CSO, 2016). As there was no obvious category under which to place students (who featured amongst potential jurors summoned for jury service) it was decided to add an additional category named ‘student’ to include this group. Data analysis was conducted using Excel spreadsheets. In addition to facilitating the recording of the many variables in the dataset under study, the Excel spreadsheet programme allowed the
user to generate statistical results and assisted in the presentation of these results using tables, graphs and charts.

The qualitative data collected for this research required an alternative type of analysis and in that regard thematic analysis was used to reflect common themes in the research findings. As the focus was on the potential impact the Juries Act, 1976 may have on the achievement of a representative jury, attention was directed towards the role of the court clerk, the judge, the prosecution and defence teams and the jurors themselves. Recurring themes were also noted from the pre and post court conversations amongst potential jurors on the court process involved in jury selection. The results are reflected in the research as deemed appropriate.

3.5 Ethical Considerations

The British Society of Criminology Ethical Code outlines the standards to be maintained when conducting criminological research (Code of Ethics, 2006). Consideration was given to these requirements in this research. Informed consent was sought and approved in respect of all parties observed with the exception of the potential jurors themselves. As the study was anonymous in its location and the actions of the jurors were not deemed to impact on the selection process it was determined that the anonymity of potential jurors would be safeguarded in the study. Cognisance was also afforded to the ethical considerations dictating data security and storage and in that regard the laptop used was password encrypted. Raw data was stored in a court office at all times.

The dataset was anonymised and therefore were not subject to data protection requirements (Healy, 2009). While Thomas (2010) highlights the requirement to ensure secrecy when conducting research on juries the current research meets such a requirement as it did not interfere with jury deliberations or court outcomes and was conducted as exploratory research into jury representativeness generally.

3.6 Contribution of the study

Criminological research is not merely undertaken for the benefit of academic disciplinary advancement but also to impact on government policy and to advocate for developments or change in social policies and practices of the criminal justice system (Chamberlain, 2013). It is hoped that the findings from this research will contribute to the generation of policy and procedure surrounding the selection of juries, specifically how they can reflect, to a greater extent, a representative sample from the communities from which they are drawn. This
research will generate knowledge on jury representativeness in the Irish context where there is a gap at present by providing specific data on how jury representativeness is impacted at each stage of the jury selection process. As a result, this research has the potential to have wide ranging benefits for society as a whole.

3.7 Limitations of the Study

Firstly it must be acknowledged that while the number of participants in this study may meet the requirements of being a representative sample, it must be acknowledged that there were two jury pools examined. Therefore, the research findings can be said to represent a snapshot of the numerous juries that are sworn in on a national scale annually. Secondly, with regard to the use of the observational method, those who observe may have an unintended influence on the proceedings in question by their very presence (Morgan et al., 2016). The author also needs to be cognisant of their own bias when engaging in observational data gathering methodologies. One’s own experiences and perceptions can influence these viewpoints and so the observer must ensure that they gather all evidence and not simply notice evidence that fits in with the hypothesis of the research questions (Maxfield, 2016). This is especially important as there was no co-observer. It is also important to note that due to the small scale nature of the observation milieu there was the danger of over generalising the position of representativeness on a wider scale (although the statistical analysis will go some way to rectifying this situation).

The reliability of the observational method also needs to be questioned in this respect because the manipulations of variations (or control over extraneous variables) which influence cause and effect relationships cannot be established (McCloud 2015). Consequently, the observational model was not used to determine the causes of certain behaviours and is not meant to be illustrative of the actual representativeness of the selection process. It is a vehicle for contextualising the reality of the selection process and witnessing the practical hands on methodology of such a process as it takes place. So the author’s actions within the observational process were informed by her being cognisant of not over generalising, ensuring an accurate reflection of proceedings by reporting all verbal interactions observed, ensuring that no determinations were made at the point of the data gathering process and being faithful to the transcribing of notes after the observational activity had ceased (Morgan et. al., 2016).

In terms of the statistical analysis of large quantities of information it is important to allow the information to inform the research question as opposed to answer it. Statistics can be one dimensional and easily manipulated and as such the author has taken care to juxtapose the
information gathered with her own observational methodology findings (Peck, 2016). This combination needs to report its conclusions without the influences of a proof driven analysis. The research question has optional conclusions and as such this gives licence to the author to stand back and see what unfolds within the context of the study.
Chapter 4  Presentation of Findings

4.1 Introduction

This chapter will present the findings by plotting the stages involved in selecting a jury panel from the point at which summonses are issued to potential jurors through to the final jury being sworn in. The findings will identify what happens at each of the screening processes involved in jury selection. In so doing, it pieces together a comprehensive account of jury selection and forms the platform from which jury representativeness can be examined in the discussion chapter.

As outlined in Chapter 3 there are two stages involved in the selection of juries in court offices in Ireland. The first stage (the administration stage) involves issuing a summons to a randomly selected number of individuals by a computer programme from the Registrar of Electors. The second stage (the court stage) involves the process of jury selection in the courtroom during which a jury is sworn in. The findings from this research are broadly structured around these two stages. The first phase of findings presents demographic data on potential jurors and detailed information on how a large pool of randomly selected individuals (typically 450 to 500 individuals) filters down to form the final jury panel of 12 individuals. This phase draws on comprehensive analysis of court records. The second phase of findings focuses on the data that emerged from the court observations undertaken for the study. Collectively the findings chapter tells the story of the process and the outcome of jury selection based on two cases in a court location in Ireland.

Table 1 – Summary profile of the potential jurors summoned for jury service

<table>
<thead>
<tr>
<th>Profile</th>
<th>Number and gender of Participants summoned</th>
<th>% of participants</th>
<th>% of population geographical location under study</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>Male: 447</td>
<td>48%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Female: 483</td>
<td>55%</td>
<td></td>
</tr>
<tr>
<td>Age Range</td>
<td>Male</td>
<td>Female</td>
<td></td>
</tr>
<tr>
<td>18-20</td>
<td>4</td>
<td>2</td>
<td>.06</td>
</tr>
<tr>
<td>21-30</td>
<td>43</td>
<td>44</td>
<td>.27</td>
</tr>
<tr>
<td>31-40</td>
<td>78</td>
<td>72</td>
<td>.37</td>
</tr>
<tr>
<td>41-50</td>
<td>76</td>
<td>100</td>
<td>.48</td>
</tr>
<tr>
<td>51-60</td>
<td>60</td>
<td>70</td>
<td>.43</td>
</tr>
<tr>
<td>61-70</td>
<td>54</td>
<td>61</td>
<td>.48</td>
</tr>
<tr>
<td>Over 70</td>
<td>40</td>
<td>59</td>
<td>.46</td>
</tr>
<tr>
<td>Age not provided</td>
<td>92</td>
<td>75</td>
<td></td>
</tr>
</tbody>
</table>
4.2 Main Findings - Quantitative

4.2.1 Gender

The first case study included 450 individuals summoned for jury service, while the second consisted of 480 (both groups are represented separately at Appendix A). As outlined in Table 1 above, these randomly selected groups of potential jurors consisted of a slightly higher proportion of females (55%) than males (48%). The gender breakdown broadly reflects Central Statistics Office (CSO) data which identifies that there is a ratio of 100 females to 97.8 males living in Ireland (CSO, 2016).

4.2.2 Age

Under this heading it is noteworthy that almost one-fifth of individuals (18%) across both case studies did not provide details of their age in responding to the jury summons despite it being requested. Of the remainder, 10% were aged 18 to 30 years, over one-third (35%) were aged 31 to 50 years, 26% were aged 51 to 70 years and 11% were aged over 70 years (Table 1).

Comparative analysis of the age profile of the random sample with the CSO figures for the number of individuals belonging to those age categories and residing in the geographical location under study found that those aged 21 to 30 were under-represented and those aged 18 to 20 years were severely underrepresented. For example, in the four age categories 41-50, 51-60, 61-70 and over 70 between 0.43% and 0.48% of the population belonging to these age groups were represented in the random sample selected. This compares to 0.27% of those aged 21-30 and 0.06% of individuals between the ages of 18 and 20 (Table 1).

4.2.3 Occupational status

Previous research argues that occupational status is a factor to take into consideration when determining the representative nature of juries (Jeffers, 2008). Occupational status was systematically recorded for each of the 930 individuals across the two cases in this study and categorised based on the occupational categories used by the CSO. A percentage breakdown of potential jurors belonging to each occupational category compared to the numbers randomly selected from those occupational categories was established. Findings revealed that 0.38% of those employed in professional occupations; 0.38% of other employed individuals, 0.44% of retired persons, 0.27% of those unemployed and 0.14% of students were represented in the random sample. In terms of the specific breakdown of the jury summons sample, 17% held professional occupations, 29% were in other employment, 17% were retired, 4% unemployed,
5% students, 13% did not state their occupation and 15% did not respond (for full details on all occupational groups represented please see Appendix B). With the exception of culture, media and sports occupations and secretarial and related occupations, all other occupational groups were represented in the random sample of individuals summoned for jury service.

4.2.4 Jurors who accepted the summons to perform jury service

A total of 85% (n=793) of the total number summoned for jury service completed and returned their jury summons to the court office in both case studies. There was no response from 65 and 72 potential jurors in Group 1 and Group 2 respectively. A noteworthy finding was that of the individuals who completed and returned their summons to the court office (n=793), only 22% in Group 1 and 20% in Group 2 confirmed they were in a position to perform jury service on the proposed date (for a breakdown of figures see Appendix C).

It is argued that these findings are critical in the context of this study in that 78% and 80% respectively of potential jurors summoned were not in a position to attend for jury service. While the information which follows will reveal the reasons given as to why this was the case, one would have to question why over three quarters of those summoned were not in a position to perform their civic duty. Perhaps such a low acceptance rate may provide some explanation as to why court offices summons such a high number of individuals in the first place.

Health professionals represented the lowest acceptance rate for jury duty relative to the number called from that occupational category. Of the 34 health professionals summoned, none accepted the summons for jury service (a breakdown of the number from each occupation summoned relative to the number who accepted is at Appendix B).

4.2.5 Ineligibility and disqualification

Under Section 7 and Section 8 of the Juries Act, 1976, potential jurors are deemed ineligible or disqualified from serving on a jury either due to their occupation, for specific medical reasons or if they have a previous criminal history\(^1\). Findings revealed that 6% of potential jurors in Group 1 and Group 2 respectively claimed ineligibility or disqualification. Across both groups 48% of the total excluded claimed ineligibility due to mental illness. Twenty per

\(^1\) Individuals employed in the criminal justice system, incapable persons described as having an insufficient capacity to read, deafness or other permanent infirmity or those with a mental illness which requires hospitalisation or regular treatment by a medical practitioner make up the list of ineligible persons. Those who have served a term of imprisonment of 3 months in the past 10 years are disqualified as are those who have been detained in St. Patrick’s Institution or a corresponding institution in Northern Ireland for 3 months or more are also disqualified.
cent were ineligible due to being employed in the criminal justice system with a further 18% claiming an intellectual disability. Nine percent of individuals reported being ineligible due to a brain injury, a hearing impairment or a physical disability. Five percent were disqualified as they had served a prison sentence of three months or more in the previous ten years.

Figure 1 Potential jurors ineligible or disqualified from jury service

In compliance with the Juries Act, 1976, all ineligibility claims made due to medical reasons were medically/professionally certified.

4.2.6 Excusal from jury service by the county registrar as of right

Under Section 9 of the Juries Act, 1976 individuals have the right to be excused from jury duty if they satisfy certain criteria such as the occupation they are employed in or their having served in the recent past as a juror. This list of occupations excused as of right are set out in the Juries Act, 1976 and include many professional groups, medical professionals, individuals employed by the State and those in Holy Orders. In this research, 24% (n=107) individuals claimed excusal as of right from Group 1 summoned and 28% (n=136) from Group 2 summoned. Such excusals represented 26% of the total number summoned for jury duty. Age (60%) emerged as the main reason given for excusals across both groups followed by working as a teaching or educational professional (15%), being a student (13%), working as a health professional (9%) or having served as a juror in the last 3 years (3%). The numbers under each category who claimed excusals for both groups are shown below.
4.2.7 Excusals by the county registrar for good reason shown

Section 9(2) of the Juries Act, 1976 further permits the county registrar to excuse potential jurors if they show good reason why they cannot perform jury duty on the date requested.

Overall, the data identified that excusals for good reason shown resulted in the removal of almost one-third (31%) of the total number of jurors summoned across both groups. In total, 140 potential jurors (31%) from Group 1 and 148 (31%) from Group 2 sought permission to be excused through this route. The four main reasons under which excusals were claimed for both groups were work commitments (33%), medical reasons (23%), travel plans (13%), not being resident in the county under study (8%) and childcare (8%). Other reasons included not being resident in Ireland (6%), gone away (3%), working as a fulltime carer (3%), no transport to get to court (1%), inability to speak English (1%), and other issues (driving test and bereavement) (1%).
Again it is argued that these findings are critical in the context of this study with regard to the impact they have on the representative nature of the group from which a jury can be selected.

At this stage of the research, quantitative analysis has revealed that in respect of Group 1 there are 99 potential jurors who have confirmed their attendance for jury selection out of a starting total of 450. In respect of Group 2 there are 98 potential jurors who have confirmed their availability to attend from a total number of 480. As illustrated in Figures 1 and 2 overleaf, the filtering of the jury pool through the jury selection process has resulted in a considerable reduction in the numbers that will report to court for jury selection.

Consequently, across both groups, just over one fifth of the potential jurors called will comprise the jury pool from which a jury can be selected. Those who no longer form the jury pool from which the final jury can be selected are 15% (n=137) who failed to respond to their summons, 6% (n=56) who satisfied the disqualified or ineligibility criteria, 26% (n=243) who were excused as of right and 31% (n=288) who were excused for good reason shown. With regard to Group 1, 351 potential jurors are no longer available for selection and in respect of Group 2, this number amounts to 382. The visuals which follow represent this information and the starting point from which the observational section of data collection commenced in this research.
4.3 Main Findings - Qualitative

This section tracks the numbers remaining for selection from Groups 1 and 2 respectively and charts the pathway of these potential jurors from their attendance at court to the final jury panel of 12 being sworn in. Before doing so, the context is set by providing a description of the court and court proceedings. On all dates when the author attended court but specifically on the two
dates the juries were sworn in, there were a large number of people present. These included
the circuit court judge, court staff, potential jurors, Gardaí, prison officers, barristers, solicitors,
reporters, probation officers and defendants.

Group 1 comprised 99 potential jurors who accepted their jury summons. In this group 85%
(n=84) were employed, 4% unemployed, 3% retired, 1% student and there were no details
provided regarding occupation for 7%. Group 2 comprised 98 potential jurors who accepted
their jury summons, 76% (n=74) reported being employed, 3(3%) were retired, 1(1%) was
unemployed, there were 7 (7%) students. No details regarding occupation was available for
13(13%) of individuals.

4.3.1 Physical description of the courtroom
The same courtroom was used on all four occasions proceedings were observed. A judge’s
bench, which was raised by comparison to the general seating area of the remainder of the
courtroom was located to the centre of the back wall. Directly behind this bench was a door
leading to the judges’ chambers or waiting area and it is through this door that the judge entered
the courtroom to signal the start of proceedings. To the left hand side of the bench was a seating
area to accommodate 12 individuals and this was where the final jury panel would sit when
chosen. To the front of the judge’s bench and again raised and centred to the room was another
bench where the court registrar sat to face forward toward the courtroom. To the front of this
bench and on ground level were three long tables one placed behind the other and again centred
to the floor space of the room where barristers and solicitors sat. All aforementioned benches
and tables had microphones on them.

Besides two further designed seating areas marked ‘Press’ and ‘Garda’ containing 6 and 12
seats respectively, the rest of the courtroom was given over to a general seating area where all
other people were permitted to sit. There were three doors which facilitated entry to and exit
from the courtroom for all other court users.

4.3.2 Call-over by court registrar
Proceedings across all observed events began with the court registrar explaining to potential
jurors present what was going to happen. They were advised that they would be called by their
name and their corresponding juror number and were asked to respond when called. They were
also informed that a jury would be required if the defendants before the court pleaded not guilty.
(A detailed breakdown of proceedings observed on all four dates is available at Appendix D).
A call-over to establish who was present was then conducted and as potential jurors acknowledged their presence, their corresponding jury number was placed in a wooden box. For those who did not answer, their numbers were placed to one side. During the call-over session for Group 1, 14% (n=14) of potential jurors did not respond. In respect of the Group 2, 10% (n-11) did not respond. On completion of the call-over potential jurors were advised by the court registrar to remain in the courtroom until the judge advised them otherwise.

What was notable were the 14% and 10% of potential jurors who did not respond when called. It was assumed by the author that contact had not been made by these individuals with the court office to say their circumstances had changed since they initially confirmed their availability for jury service. Otherwise, why would their names have been called? Also notable were the 26 (3%) potential jurors across both groups who had attended in court but who advised the registrar that their names had not been called during the call over. In relation to those who showed up when not expected and those who failed to do so when they were expected, it was not possible to identify why this was the case.

4.3.3 Waiting time between call over being completed and the judge coming on to the bench

A height of activity was observed in the courtroom during this time. People were constantly entering and leaving the courtroom. Many were carrying files and discussing the contents of them with each other. Barristers and solicitors were entering and exiting the courtroom on a regular basis and consultations involving small groups of barristers, solicitors and their clients appeared to be taking place in any available standing space the courtroom. Of particular note was the large number of people present which caused many to have to stand up during proceedings. While many potential jurors were chatting, looking at their phones and reading, others were observing the activity as it played out.

The period of time potential jurors had to wait between the call over being completed and the judge coming on to the bench varied between twenty minutes and two hours over the four dates proceedings were observed. The days on which a jury was not sworn in reflected the shortest period between call over and potential jurors being released by the judge. On the days during which jurors had a longer period to wait, some appeared to grow impatient. This was noted from the audible loud sighs and from those who kept checking their watches. One juror summed up the frustration felt by some as he described jury service as “a gruelling process, you get a summons about eight weeks before the date you are due to be called – after you send
it back to say you’ll go you hear absolutely nothing back after that. You would think with computer systems such as they are that you would get a reminder! – I forgot my time and I couldn’t check the correct time as the office does not open till 10:00 o clock – you can see how people do not turn up – they probably forget”! Further comments like “it’s a slow process – like watching paint dry – I could do without it” also suggested a sense of frustration, for some, with the process (see full details at observation 4, Appendix D)

4.3.4 Call over of cases on court list

On the first day Group 1 attended court, a jury was required. When the judge came on to the bench to signal the start of court, the registrar proceeded to call the names of the cases which were on the list to be dealt with. The defendant in the first case called pleaded guilty. However, the second case called which involved four co-defendants (estimated to be aged between 30 and 40 years), required a jury as three of the four defendants in that case pleaded not guilty when the charges were put to them. A sense of dread was noted from one potential juror sitting next to the author who whispered “oh no” when the plea of not guilty was entered (for full details see observation 1, Appendix D).

All four defendants were before the court charged with violent disorder, two had a further charge of public order offences and one had two further charges involving the production of a dangerous article and assault. One defendant pleaded guilty to his one charge of violent disorder. The other three defendants pleaded not guilty which meant that a jury would be required.

With regard to Group 2, a jury was not required on the first date they appeared as the three cases before the court were not in a position to proceed. Therefore, all potential jurors were requested to return to court again one week later on the same day at 10:00 am. On this occasion a jury was required as one young male defendant pleaded not guilty to an offence of endangerment which involved driving through red traffic lights. He was also charged with the seizure of a motor vehicle and thirteen further charges relating to dangerous driving to which he replied not guilty to all.

4.3.5 Judge addressing potential jurors

During all proceedings observed, a consistent explanation of what would happen next was provided to potential jurors by the sitting judge. Emphasis was placed on the need for them to inform the court if they felt they were not qualified to serve as a juror of if they knew any of the defendants before the court or any of the Gardaí involved in the case as this would have
excluded them from serving on the jury. The judge, having established the length of time the cases would take, advised the potential jurors that they must be available for this period of time and that if they were not they should advise him, if selected at random, prior to be sworn in. The judge then explained, in great detail, that both the defence and prosecution teams had the right to challenge any potential juror prior to them being sworn in. After detailed information had been provided to all potential jurors present in court, the registrar was requested by the judge to begin the random selection process.

4.3.6 Random selection of jurors

For both groups the procedure followed by the registrar was consistent. It began with the random selection of juror numbers from the wooden box where the names were placed earlier during the call-over. As each number was picked the matching potential juror’s name was called out and they were asked to come forward to the front of the courtroom. Despite only 12 jurors being required to make up a jury panel, 19 were called from Group 1 and 18 were called from the Group 2. Additional numbers of potential jurors are normally called to facilitate the peremptory challenge process.

Potential jurors from Group 1, selected at random by the court registrar, comprised 16 employees, one self-employed person, one housewife and one individual who had not provided their occupation. Females outnumbered males by 68% (n=13) to 32% (n=6). There was one individual in the age category 21-30 with nobody represented in the 18-20 age category or the over 70 age category. Randomly selected jurors from Group 2 included 15 employed individuals, one retired person, one individual who was self-employed and one student. Males outnumbered females by 61% to 39%. With the exception of the over 70 age category, all other age categories were represented. Details of the individuals selected at random from both groups are available at Appendix E and F respectively.

4.3.7 Peremptory challenges

Any party to court proceedings, which involves the case being heard by a jury, are entitled to receive a copy of the list of potential jurors in advance. This entitlement is provided for under Section 16(1) of the Juries Act, 1976.

Prior to the final stage of the jury being sworn in, the prosecution and defence teams have the right to challenge up to seven jurors each without having to give a reason for doing so. In relation to the Group 1, as there were three co-defendants, the defence had the right to challenge 21 potential jurors without cause shown and the prosecution had the right to challenge
seven. In Group 2, as there was one defendant, peremptory challenges were limited to seven each for both the prosecution and defence.

There were no peremptory challenges on behalf of the prosecution for either group. The defence challenged three potential jurors Group 1. All were female and were over the age of 50 (full details are available at Appendix G). The final panel selected from Group 1 showed that females outnumbered males 58% to 42% respectively and four age categories were represented. Ten individuals were employed, one was self-employed and the occupation of the final individual was not known. The final jury panel is shown at Table 2 below.

**Table 2 – Final Jury Panel – Group 1**

<table>
<thead>
<tr>
<th>Occupational Group</th>
<th>Occupation</th>
<th>Gender</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health and social care associate professionals</td>
<td>Special needs assistant</td>
<td>F</td>
<td>33</td>
</tr>
<tr>
<td>Skilled agricultural and related trades</td>
<td>Farmer</td>
<td>M</td>
<td>64</td>
</tr>
<tr>
<td>Textiles printing and other skilled trades</td>
<td>Instructional designer</td>
<td>M</td>
<td>31</td>
</tr>
<tr>
<td>Caring personal service occupations</td>
<td>Care assistant</td>
<td>F</td>
<td>41</td>
</tr>
<tr>
<td>Process plant and machine operatives</td>
<td>Factory worker</td>
<td>F</td>
<td>62</td>
</tr>
<tr>
<td></td>
<td>Factory worker</td>
<td>F</td>
<td>43</td>
</tr>
<tr>
<td>Elementary administration and service occupations</td>
<td>Postwoman</td>
<td>F</td>
<td>53</td>
</tr>
<tr>
<td></td>
<td>Office worker</td>
<td>F</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td>Collector</td>
<td>M</td>
<td>52</td>
</tr>
<tr>
<td>Other – not stated</td>
<td>CSM</td>
<td>F</td>
<td>53</td>
</tr>
<tr>
<td></td>
<td>Self employed</td>
<td>M</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>Unknown</td>
<td>M</td>
<td>31</td>
</tr>
</tbody>
</table>

In Group 2, the defence challenged four potential jurors, three were male and one was female. Three of those challenged were over the age of 50. The fourth was aged 22. Two potential jurors were excused as they advised the court that they knew some of the witnesses involved in the case (further details of those challenged are available at Appendix H). The final jury panel for Group 2 revealed that males outnumbered females 58% to 42% respectively. Eleven of the jurors were employed and one juror was a student. The final jury panel included four age categories and is shown at Table 3 below.
Table 3 – Final Jury Panel – Group 2

<table>
<thead>
<tr>
<th>Occupational Group</th>
<th>Occupation</th>
<th>Gender</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate managers and directors</td>
<td>Company director</td>
<td>F</td>
<td>54</td>
</tr>
<tr>
<td>Science research engineering and technology professionals</td>
<td>IT technician</td>
<td>F</td>
<td>36</td>
</tr>
<tr>
<td>Engineering and technology professionals</td>
<td>Engineer</td>
<td>M</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td>Civil Engineer</td>
<td>M</td>
<td>33</td>
</tr>
<tr>
<td>Teaching and educational professionals</td>
<td>Preschool teacher</td>
<td>F</td>
<td>44</td>
</tr>
<tr>
<td>Skilled metal electrical and electronic trades</td>
<td>Mechanic</td>
<td>M</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>Fitter</td>
<td>M</td>
<td>42</td>
</tr>
<tr>
<td>Leisure travel and related personal service occupations</td>
<td>Chef</td>
<td>M</td>
<td>51</td>
</tr>
<tr>
<td>Sales occupations</td>
<td>Shop assistant</td>
<td>F</td>
<td>24</td>
</tr>
<tr>
<td>Process plant and machine operatives</td>
<td>Factory worker</td>
<td>M</td>
<td>29</td>
</tr>
<tr>
<td>Elementary trades and related occupations</td>
<td>Maintenance technician</td>
<td>M</td>
<td>39</td>
</tr>
<tr>
<td>Students</td>
<td>Student</td>
<td>F</td>
<td>21</td>
</tr>
</tbody>
</table>

4.3.8 Other points noted during observation

Comments observed from some potential jurors over the four days reflected a certain fear associated with performing jury service. This view was deduced from comments overheard like “I’m glad I was not picked”, “I hope I’m not picked” and “all that stress for nothing”.

A sense of surprise was also noted from the potential jurors who were asked to return for a second date. In this research both groups summoned for jury service were required to return to court a week later for a second time. An examination of the literature attached to the summons issued to potential jurors did not suggest that they were aware that they may be required to return for a second time and this lack of knowledge would have been notable from comments observed like “they haven’t a notion of me coming back next week – I’m on holidays” or “will have to come up with an excuse not to come. I won’t get another day off work” (full details of comments observed are at Appendix D).

The requirement that potential jurors return for a second date can be determined by the number of cases requiring a jury, the defendants before the court pleading guilty or the legal teams not
being in a position to proceed with the case. As any defendant has the right to plead guilty up to and including the date on which their case is due for hearing, it can happen that the potential jurors who have attended on day one may not be required and consequently, they are asked to return on a second date. In this research there were two days from four that a jury was not required as the defendants before the court either pleaded guilty or the cases before the court were not ready to proceed. The potential jurors in the two groups examined who were not sworn on to the final jury panel were excused for jury for three years on the basis that they had attended court for selection on two occasions.
Chapter 5  Discussion, Conclusion and Recommendations

5.1  Introduction
This research set out to examine the representative nature of two jury pools from which Irish juries are selected and the extent to which they comprised a cross section of the community from which they were randomly selected. It found that 78% of potential jurors from the first group summoned and 80% of potential jurors from the second group summoned were not in a position to attend for jury service when summoned to do so. The discussion which follows will explore the implications of these findings on the representative nature of the jury pool from which the final jury panel could be selected.

5.2  Discussion

5.2.1  Nationality
The extent to which representativeness was achieved in this research, from the perspective of nationality, was rendered impossible to determine due to the fact that nationality was not a requirement to be completed on the jury form sent to potential jurors. Research has acknowledged the changing demographics in Ireland relating to the number of non-Irish nationals who now comprise the Irish population and the barriers the citizenship requirement places on the achievement of a representative jury from this perspective (Howlin, 2012). However, despite the LRC (2013) having acknowledged that qualification for jury service be extended to persons other than Irish citizens, to date no amendment has been made to the Juries Act, 1976 to reflect this view.

While there are some jurisdictions who, similar to Ireland, also require that jurors must be citizens (Australia and Canada) there are other jurisdictions, who have dispensed with this requirement. For example, in England and Wales, the Criminal Justice Act, 2003 permits anyone on the electoral register to serve as a juror on the basis of their having resided for five years or more in the UK, the Isle of Man or the Channel Islands from the age of thirteen years. In New Zealand, where the citizenship requirement has also been removed, the residency requirement is even lower than England and Wales at just one year (Juries Amendment Act, 2000).
5.2.2 Age

From the information available to the author, findings revealed that potential jurors under the age of 30 were underrepresented in the two groups called when compared with the number of individuals in this age category residing in the geographical location under study. This suggests that either the computer system used to randomly select a representative jury pool failed to do so or that the individuals belonging to the age categories of 30 years and under had not registered their names on the Register of Electors.

The failure of younger people to add their names to the Register of Electors may have some merit. This view is supported by recent events in Ireland which revealed a focussed effort on ensuring that younger members of the population were registered to vote in the Referendum to Repeal the Eight Amendment held in May, 2018. National newspapers estimated the number who were expected to register prior to the Referendum at approximately 125,000 people, many of which were noted to be younger voters (Ó Cionaith, 2018).

The second point of note relates to the 18% of individuals who replied to their summons, but did not provide details of their date of birth in addition to the 15% of individuals who failed to respond in any way to their summons. While responsibility rests with the potential jurors to provide complete information and indeed there is a legal obligation on them to respond, it can also be argued that the system facilitated these failures, firstly by accepting incomplete summonses and secondly by the absence of a follow up with a prosecution for those who failed to respond.

Despite the fine for non-appearance on a jury summons recently increasing to €500.00, reports and research suggest that since 2009 there have been no prosecutions in the Irish Courts for failure to answer a jury summons (O’Connor, 2018; LRC, 2013). The failure of potential jurors to respond has also been highlighted as an issue in other jurisdictions. For example, the English Crown Court reported having to summons six times as many jurors as they required for the London area and up to four times as many as they required elsewhere in England and Wales (Darbyshire, 2001). Research also suggested that if jurors ignored their summons, many Crown Court centres took no steps to pursue them (Darbyshire, 2001).

5.2.3 Ineligibility and disqualification

The highest number who claimed ineligibility in this research did so under the category of mental illness. The ineligibility status assigned to those suffering from a mental illness in
Ireland under the Juries Act, 1976 reflects practice in England and Wales and in the United States (Criminal Justice Act, 2003; Jury Selection and Service Act, 1968). However, questions have been raised about the automatic ineligibility status assigned to many other individuals, specifically those working in the criminal justice system in Ireland (O’Malley, 2003).

In that regard it has been argued that if individuals are not directly involved in the administration of justice then they should not be deemed ineligible (O’Malley, 2003). The categories of ineligible persons as provided for in Ireland is not reflected in other jurisdictions. For example, research regarding the composition of juries in England and Wales reveals that anyone on the electoral register is eligible to serve as a juror if they meet the residency requirement referred to above. The only exceptions are those who are mentally ill or those disqualified due to a criminal conviction (Howlin, 2012).

While the Law Reform Commission has conceded that civilians employed by An Garda Síochána and members of the Permanent and Reserve Defence Forces should be eligible for jury service it continues to support a large number of individuals involved in the administration of justice remaining in the list of those deemed ineligible (LRC, 2013). This will continue to result in the exclusion of many potential jurors with the consequential implications this will have for the representative nature of the jury pool.

5.2.4 Excusals by the county registrar as of right

Excusals under this category alone resulted in the removal of over one quarter of the total number of jurors summoned across the two groups. Excusals on the grounds of age removed 145 individuals from the jury pool. While being over the age of 65 is a legitimate reason for excusal, the option is open to these individuals to serve on a jury whether over the age of 65 or not, should they wish to do so. The number of applications to be excused on age grounds does not reflect submissions received by the Law Reform Commission (2013, p.78) that some juries are mainly composed of young persons and those over 65.

A high number of health professionals (65%) and educational professionals (82%) were excused from the jury pool as of right. These findings reflect research which argues that confidence in the criminal justice system is being jeopardised by the removal of professional classes which were historically considered the best qualified members of society to serve on juries (Carey, 2000). The removal of 26% of the total number summoned further reflects research findings which argue that the proportion of persons with the potential to fit into the excusals bracket poses a considerable problem to and dramatically undermines the achievement
of jury representativeness (Cameron, Potter & Young, 2000). Research in England and Walsh found no reason that potential jurors should be excused simply due to the occupation they held with the result that all those summoned for jury service must make an application to be excused if their acceptance of the summons would either not be in the public interest or citing reasons why they are not in a position to serve (Criminal Justice Act, 2003).

With regard to the teaching professionals who were excused under this heading, consideration must be given to the time of year this study was conducted, as many students would be coming up to examination time and this may possibly go some way towards explaining the high application rate for excusals from this occupational category. Perhaps, as research has suggested, deferring jury service to a date more suitable, (June or July) would facilitate the inclusion of this group into the jury pool which would increase representativeness and bring to the deliberation process the benefit of the experience of individuals in these occupations (Jeffers, 2008).

5.2.5 Excusals by the county registrar for good cause shown

Excusals under this category accounted for the highest number of potential jurors being removed from the jury pool at 31% (n=288). Findings from this research broadly reflect research conducted in England and Wales, California and New Zealand which found that the reasons put forward for excusals in those jurisdictions related to problems with childcare, family commitments, employment problems and potential lost income (Darbyshire, 2001).

With regard to work commitments, which represented the heading under which the highest number of potential jurors claimed excusals, research has suggested that as jury duty is a function performed by individuals which benefits the criminal justice system, the costs associated with it should be borne by the state (LRC, New South Wales Report, 2007). At present there is no provision for compensating jurors summoned for jury service in Ireland with the exception of lunch and hotel accommodation expenses (where appropriate) if a potential juror is selected. This approach is not reflected in Northern Ireland where jurors are entitled to claim for loss of earnings and expenses as a result of jury service; England and Wales where jurors receive payment for travel and subsistence or Australia and New Zealand where there is provision for the payment of an allowance or for expenses as a result of attendance for jury service (LRC, 2013).

While the Juries Act, 1976 provides that employers must pay their employees while they are serving on juries or attending for jury selection, this places a significant burden on employers
which may encourage applications for excusals from jury duty (Shaughnessy, 2010). It is also likely that those engaged in casual labour or zero hour contracts may not have the benefit of being compensated by their employer should they wish to perform jury duty with the result that these individuals may claim excusals.

A similar argument applies in the case of those who perform child care duties. As there is no provision made in Ireland for payment to potential jurors who are fulltime carers for their children, not only have they to endure the cost of attending at court but they are also obliged to find somebody to take care of their children with the possible costs associated with that. This is not reflected in other jurisdictions where jurors are entitled to claim for any financial loss incurred as a direct result of jury service. This includes an entitlement to claim fees paid to carers or childminders which is payable in England and Wales (Juries Act, 1974), child-minding and babysitting expenses which are payable in Scotland (Juries Act, 1949) and in New Zealand where payments are made to potential jurors based on the costs of childcare which they have incurred as a direct result of having performed jury service (Jury Rules, 1990).

With regard to those who reported not being resident in the county this would be reflective of research from O’Malley (2003) who argues that representativeness is impacted by the fact that individuals are registered to vote in one geographical location but live and work in another.

5.2.6 Peremptory challenges and excusals granted to potential jurors

Peremptory challenges represent the final stage of the jury selection process and the last opportunity during which the representative nature of the jury can be changed. It is argued that this stage of the process has received the most attention from research as it involves the conscious removal of potential jurors prior to their being selected for the final jury.

This research found that seven potential jurors in total were challenged across the two groups. While research suggests many reasons why the prosecution or defence teams may challenge a juror (Myres-Morrison, 2014; Anwar et al., 2012; Bennett, 2010) it is argued that in respect of the jury sworn in from Group 1, that the defence were looking for a final jury panel who had a more balanced number of males to females. With regard to the Group 2, the defence team again appear to have been leaning towards a more balanced gender representation as despite three males being challenged, they still outnumbered females seven to five in the final jury panel. The challenge to potential jurors over the age of 50 in this group may also suggest that the defence were looking for a younger age group in the final panel sworn. It could be argued that this was achieved as the only two individuals over the age of 50 made up the
final twelve sworn in. It could also be argued that a younger age group would have been preferable on the jury as they may be more sympathetic to the young male who was on trial.

As mentioned at the outset of this study, the peremptory challenge process has been removed from the criminal justice systems in England, Scotland, Wales and Northern Ireland. In the Irish context, an interview for the Irish Times reflecting the comments of some barristers reveals varying views on the benefits of peremptory challenges (Gartland, 2013). For example one barrister suggests that peremptory challenges are “all voodoo” but it “doesn’t do any harm and it does weed out really inappropriate people”. It was also suggested that challenges can give the accused a sense of ownership or a small influence on what is happening to him to her. However, holding the opposite view is a criminologist with City Colleges and Trinity College, Dublin, John O’Keeffe who is quoted as saying that challenging a jury without cause is “patently unfair and not just a potential gross miscarriage of justice for the accused but for society as a whole” (Gartland, 2013).

Despite such varying views, the Law Reform Commission has made no recommendations to either abolish or reduce the number of peremptory challenges available to both the prosecution and defence as, in its view, “the process of peremptory challenges generally result in juries that reflect the panel or pool from which they emerge (LRC, 2013, p. 40).

5.3 Conclusion

This research set out to examine the representative nature of the jury pools from which jury panels are selected and how the requirements contained within the Jury Act, 1976 regarding jury selection had the potential to impact the achievement of a representative jury. It took, as a first step, the initial pool of jurors summoned for jury service and examined the extent to which they represented a cross-section of the community. It then followed each of the selection stages until the final 12 jurors were empanelled. While, at a glance, it would seem that the final two jury panels appeared to be representative, an examination of the process of selection reveals a different reality.

As a first step, representativeness was compromised by the exclusion of residents in the geographical location under study who, due to their citizenship status, were not included in any stage of the jury selection process. Secondly, representativeness was further compromised by the high number of potential jurors who failed to respond in any way to their jury summons. Finally, representativeness was further adversely affected by the removal of entire occupational
groups who did not reach the court stage of selection due to them being ineligible, disqualified or excused either as of right or for good cause shown.

This study has highlighted the main areas where it has argued that the representative nature of juries has been compromised. While the issues associated with citizenship could be addressed to reflect the changing demographics in Ireland, the absence of any response from potential jurors and the applications to be excused may prove more difficult to address. It is hoped that the reasons for such excusals highlighted in this study may inform policy making decisions in to the future to facilitate the attendance of a more inclusive group of potential jurors. In that regard, these findings may go so way towards informing the decisions made by the Working Group on Juries which was established by the Irish Government in May, 2018 to consider the recommendations of The Law Reform Commission Report on Jury Service 2013.

It is noted that this Report recommended that the blanket excusal for members as of right be replaced with a general right of excusal for good cause shown (LRC, 2013). In that regard, the findings from this research suggests that the benefits of such a change may prove minimal in that the numbers excused for good cause shown exceeded those excused as of right for both jury pools summoned. Perhaps the introduction of guiding principles to assist county registrars in determining applications for such excusals may address this issue (LRC, 2013, para. 5.57).

Finally and in conclusion, this research identified that there were issues regarding the representative nature of the two jury pools summoned at the outset. Representativeness continued to be compromised as each stage of jury selection continued, with the result that the number who eventually attended court to be selected represented less than one fifth of the total number summoned to attend at the outset which, in the view of the author, compromised its representative nature on many levels.

5.4 Recommendations

As a starting point, it is recommended that further research be conducted on a larger scale to assess the extent to which the findings in this research are replicated at a national level. This would inform policy provision and legislative change which may be imminent from the Working Group established in May 2018 to examine the Law Reform Commission findings on Jury Service in 2013.

It is also recommended that the question regarding a potential juror’s nationality be added to the jury summons. This would facilitate future research on the extent to which the removal of
the citizenship requirement (should this happen) impacts jury representativeness under this heading.

Findings in this research could not determine the reason why potential jurors did not respond. However, the research did highlight a sense of fear, apathy, frustration and confusion amongst potential jurors observed in court which may have contributed, to some degree, to the non-response from 137 potential jurors. Perhaps a public information link in video format could be made available on the courts service website providing clarity on the process involved in jury selection thereby addressing some of these issues.

It is hoped that the findings revealed in this study will assist in addressing the difficulties associated with achieving representativeness within the Irish jury system in the near future.
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Appendix A

Summary profile of potential jurors summoned for jury service for Group 1 and Group 2

<table>
<thead>
<tr>
<th>Profile</th>
<th>Group 1</th>
<th>Group 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>213 – 47%</td>
<td>234 – 49%</td>
</tr>
<tr>
<td>Female</td>
<td>237 – 53%</td>
<td>246 – 51%</td>
</tr>
<tr>
<td>Age Range</td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>18-20</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>21-30</td>
<td>19</td>
<td>24</td>
</tr>
<tr>
<td>31-40</td>
<td>38</td>
<td>42</td>
</tr>
<tr>
<td>41-50</td>
<td>37</td>
<td>55</td>
</tr>
<tr>
<td>51-60</td>
<td>28</td>
<td>31</td>
</tr>
<tr>
<td>61-70</td>
<td>27</td>
<td>27</td>
</tr>
<tr>
<td>Over 70</td>
<td>21</td>
<td>28</td>
</tr>
<tr>
<td>Age not provided</td>
<td>41</td>
<td>29</td>
</tr>
</tbody>
</table>

Age breakdown of both groups summoned for jury service and % of the population in each age category residing in the geographical location under study.

<table>
<thead>
<tr>
<th>Profile</th>
<th>Number and gender of Participants summoned</th>
<th>% of participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>447</td>
<td>48%</td>
</tr>
<tr>
<td>Female</td>
<td>483</td>
<td>55%</td>
</tr>
<tr>
<td>Age Range</td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>18-20</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>21-30</td>
<td>43</td>
<td>44</td>
</tr>
<tr>
<td>31-40</td>
<td>78</td>
<td>72</td>
</tr>
<tr>
<td>41-50</td>
<td>76</td>
<td>100</td>
</tr>
<tr>
<td>51-60</td>
<td>60</td>
<td>70</td>
</tr>
<tr>
<td>61-70</td>
<td>54</td>
<td>61</td>
</tr>
<tr>
<td>Over 70</td>
<td>40</td>
<td>59</td>
</tr>
<tr>
<td>Age not provided</td>
<td>92</td>
<td>75</td>
</tr>
</tbody>
</table>
### Appendix B

#### Occupation groups summoned and those who accepted

<table>
<thead>
<tr>
<th>Occupation Category</th>
<th>Number of individuals employed in occupational group</th>
<th>Number of Participants called</th>
<th>Number who accepted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate Managers and Directors</td>
<td>5111</td>
<td>10</td>
<td>3</td>
</tr>
<tr>
<td>Other Managers and Proprietors</td>
<td>3221</td>
<td>22</td>
<td>13</td>
</tr>
<tr>
<td>Science Engineer and Technology Professionals</td>
<td>6121</td>
<td>21</td>
<td>10</td>
</tr>
<tr>
<td>Health Professionals</td>
<td>6229</td>
<td>34</td>
<td>0</td>
</tr>
<tr>
<td>Teaching and Educational Professionals</td>
<td>6070</td>
<td>45</td>
<td>5</td>
</tr>
<tr>
<td>Business Media and Public Service Professionals</td>
<td>4865</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Science Engineering and Technology Associate Profess</td>
<td>2605</td>
<td>10</td>
<td>3</td>
</tr>
<tr>
<td>Health and Social Care Associate Professionals</td>
<td>1411</td>
<td>12</td>
<td>3</td>
</tr>
<tr>
<td>Protective Service Occupation</td>
<td>1071</td>
<td>11</td>
<td>2</td>
</tr>
<tr>
<td>Culture Media and Sports Occupations</td>
<td>2039</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Business and Public Service Associate Professionals</td>
<td>5410</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Administrative Occupations</td>
<td>8963</td>
<td>16</td>
<td>2</td>
</tr>
<tr>
<td>Secretarial and Related Occupations</td>
<td>2072</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Skilled Agricultural and Related Trades</td>
<td>6030</td>
<td>18</td>
<td>3</td>
</tr>
<tr>
<td>Skilled Metal Electrical and Electronic Trades</td>
<td>4347</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>Skilled Construction and Building Trades</td>
<td>4497</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>Textiles Printing and Other Skilled Trades</td>
<td>3342</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>Caring Personal Service Occupations</td>
<td>6289</td>
<td>25</td>
<td>6</td>
</tr>
<tr>
<td>Leisure Travel and Related Personal Service Occupations</td>
<td>2647</td>
<td>19</td>
<td>8</td>
</tr>
<tr>
<td>Sales Occupations</td>
<td>6536</td>
<td>29</td>
<td>14</td>
</tr>
<tr>
<td>Customer Service Occupations</td>
<td>968</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Process Plant and Machine Operatives</td>
<td>7978</td>
<td>44</td>
<td>26</td>
</tr>
<tr>
<td>Transport and Mobile Machine Drivers and Operatives</td>
<td>3617</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>Elementary Trades and Related Occupations</td>
<td>2277</td>
<td>22</td>
<td>7</td>
</tr>
<tr>
<td>Elementary Administration and Service Occupations</td>
<td>7567</td>
<td>54</td>
<td>30</td>
</tr>
<tr>
<td>Other (not stated) including retired</td>
<td>11691</td>
<td>277</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>34,906 (inclusive of 154 retired)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unemployed – looking for first regular job</td>
<td>14,008</td>
<td>39</td>
<td>5</td>
</tr>
<tr>
<td>Student</td>
<td>25,000</td>
<td>45</td>
<td>8</td>
</tr>
<tr>
<td>Unknown</td>
<td>137</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix C

Breakdown of the total number of jurors summoned, those who replied, those who accepted and those gave no response to their jury summons

<table>
<thead>
<tr>
<th>Number Called</th>
<th>Number Replied</th>
<th>Number Accepted</th>
<th>No Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1</td>
<td>Group 2</td>
<td>Group 1</td>
<td>Group 2</td>
</tr>
<tr>
<td>450</td>
<td>480</td>
<td>385</td>
<td>408</td>
</tr>
<tr>
<td></td>
<td></td>
<td>99</td>
<td>98</td>
</tr>
<tr>
<td></td>
<td></td>
<td>65</td>
<td>71</td>
</tr>
</tbody>
</table>
APPENDIX D

OBSERVATION NOTES

Before the observation begins, briefly describe below what you expect to be observing and why you have selected it.

I expect to be observing the behaviour of all people involved in the selection of a jury panel to hear a case or cases which are before the circuit court. This will include observing the circuit court Judge, the circuit court registrar, the Gardai, State solicitors, barristers and solicitors. I will also be observing those who are before the court charged with the offences for which a jury is required to hear evidence and finally, I will be observing the individuals who attend on foot of a summons issued by the court directing them to make themselves available for jury selection. I am here to observe the court procedure involved in selecting a jury.

Subject of the Observation

The process involved in jury selection which leads to the final twelve jurors being empanelled is the focus of my observation. This means that I will be directing my attention towards the random selection of potential jurors by the court registrar and how that procedure plays out. I will also be noting peremptory challenges by the prosecution or defence teams on behalf of their clients. My particular focus is on these two main areas as I want to establish how they impact jury representativeness, which is the topic of my research.

Describe the setting (colour, size, shape, number of desks/tables, number of windows, furniture, equipment in the space room, temperature, noise level)

Starting at the top of the room and looking down, the setting is as follows. Firstly there is a Judges bench located to the centre of the back wall of the room. This is raised in relation to the general seating area of the courtroom. There is one chair at this bench facing forward towards the main seating area in the courtroom. Directly behind it is a door which leads in to another room – from my experience I know that behind this door is the Judges’ chambers or waiting area and it is through this door that the Judge enters the room to signal the start of court. On the Judge’s bench there is a micro phone and computer screen. To the left hand side of the Judges bench there is a wooden panel box shape structure with a microphone on it and a bible. This is where the person who is called to give evidence sits and is called the witness box. Further left of the Judges’ bench there is a seating area for two people with two computer screens and directly beside that there is another door. Above the Judges bench there is a large copper harp fixed to the wall.

To the right hand side of the Judges bench and located along the wall is a seating area to accommodate 12 people. It is surrounded by wooden panelling to the front and sides and can be accessed from both sides. The chairs are wooden and covered in a blue material. They are located in two rows of six and the back row is slightly raised in relation to the front row.

To the front of the Judges bench and again raised and centred to the room is another bench. There are two chairs facing this bench which are facing downwards toward the body of the courtroom. There are two microphones and two computer screens on this bench and it can be accessed from either the right or left hand side.

To the front of this bench and on ground level are three long tables one placed behind the other and again centred to the floor space of the room. The first of these tables located closest to the raised bench has seating for up to six people both sides. The next two tables are of equal length and have seating facing forward towards the Judges bench only. All three tables have two microphones on them.

Behind these benches are five rows of blue material covered chairs to accommodate six people in each row. Behind this again there is a raised seating area which is the entire width of the room and each row (three rows in total) can accommodate up to fifteen people.

On the right hand side wall of the room there are three large windows which have blinds and these windows are almost the entire height of the wall. There is one piece of art work on this wall. There are three air conditioning units. There is also seating for six people with a sign above this area saying ‘Press’.

On the left hand side wall there are three doors leading out of the courtroom. One at the top, one mid-way and one at the back. From watching those who I believe to be jurors the door at the back appears to be the one most in use during my early observation of proceedings. Where I am sitting along this wall there are similar blue material covered chairs to accommodate twelve people and above this seating area there is a sign marked ‘Garda’.
At the very beginning of the observation describe the setting. Be sure to note any changes in setting as the observation proceeds. Also note how the session begins.

9:50 am
I walk in to the courtroom and find a place to sit along the side wall as I have the best view of proceedings sitting in this location. There are two rows of chairs along the wall where I am sitting, with six chairs in each. I sit in the chair which is in the corner with the intention of not making my presence and notetaking obvious. The room is full of people with every available seat in the courtroom taken. I estimate the number present to be between 80 and 100. There appears to be a higher number of females present than males. Dress is smart/casual. There is lots of talking and many people are engaging with one another – it is quite loud. A number of people are looking at their mobile phones and I observe two people reading.

Describe how the session begins (who is present, what exactly was said at the beginning).

10:01 am
Garda enters the room and sits to the left hand side of the Judges bench where the two screens are located. Talking stops – Garda leaves one minute later and talking resumes again as normal

10:02 am
Female person enters the room wearing long black robe and white tabs and collar around her neck. From my experience I know that she is a barrister. Talking stops again. It is interesting to note that for those who are not used to the court experience, they may not have any idea what role this person plays in the process.

10:03 am
The middle door on the right hand side opens and some people in suits enter carrying files and putting them on the long benches with seating facing forward only. Again my experience tells me these are solicitors.

At this point two people enter (one male and one female) through the middle door carrying lots of files and make their way to the second raised bench facing forward towards the room. The male introduces both himself and the person beside him who he advises will be helping him today. He identifies himself by name and says that he will be working as the court registrar today. He explains to everybody the reason why they are there and that it is hoped that a jury could be sworn in today. He then goes on to explain what was going to happen as follows:-

He explains that today we are here because we have three cases before the court. In one case there are four co-accused which means that they were all allegedly involved in the same crime. There are two other cases where there is one defendant charged in relation to each. If these people, after being arraigned, plead guilty then their case will go on to trial. Arraigned means the charge will be put to the defendant and at this stage they can plead guilty or not guilty to the charge. If they plead not guilty then their case will go on for hearing and we will need a jury. If they plead guilty then we will not need a jury.

The registrar explains that firstly, everybody’s name and the jury number that they have been assigned will be called. The registrar asks that if people are in present in the courtroom they should reply when called ‘present’ or ‘here’ loudly so that he will be able to note their attendance accordingly. Everybody is asked to turn their mobile phones off or to put them on silent. He also tells everybody the name of the Judge sitting today. He confirms that the Judge will come out on to the bench behind him at 10:30 when court will begin. He says the process should not take too long. He also asks that if anybody has any queries or questions that they leave them to the end and at that point they can approach him and ask any questions then.

10:04 am
The registrar begins to call each person’s name and their jury number one at a time. Each person is assigned a jury number which comes from the number on the top of the jury summons served on them inviting them to
participate in jury service. If people acknowledge they are present their jury number is placed in a wooden box on the bench. If they are not present their number is placed to one side. During the name call session, there are 14 people who did not answer. The registrar then asks if there is anybody present whose name was not called and if so that they should make themselves known to him. 9 people go up to him and from what I can hear, it appears that they did not return their summons to say whether or not they would be attending. The registrar gives them the option to stay or go. They all choose to stay. The registrar then advises everybody that they must remain in the courtroom until the Judge who will be coming on to the bench tells them otherwise.

10:08am

A barrister enters the courtroom with lots of file. More barristers follow and they all sit at the bench closest to the registrar’s bench. They talk amongst themselves and make and receive phone calls

10:13am

State solicitor comes in to the room – wearing black robe and white tabs. He is known to me as I needed his permission to observe the jury selection process

10:16am

Prison officer comes in to the courtroom. I know he is a prison officer as he goes up to the bench where the Registrar and his assistant are sitting and tells them that he has people in custody who are on the Court list for today and he calls out their names. He asks that the registrar or his assistant let him know when he is to bring the people in custody up to the courtroom.

10:20am

Female person enters the room and sits beside Garda who is sitting at the computer screen – I later find out that she works for the local newspaper.

Judges’ assistant enters the courtroom from the room where the Judge will enter the courtroom. He brings files and water and puts them on the Judges bench. He talks to the registrar and his assistant.

10:26am

The courtroom is now full. There is only standing room available now. It is not clear if the people standing around the courtroom are before the court on charges or members of the general public. There are 12 Gardaí in the courtroom now.

The registrar asks those sitting in the two long benches towards the front of the courtroom to move as these seats are reserved for solicitors. They move in to the twelve seats which will eventually be occupied by a jury if one is sworn in.

Some of the potential jurors, at this stage, are observing what is going on. Others are looking at their phones. Some are talking to one other.

10:30am

More people enter the courtroom now carrying files. I know them to be solicitors but this would not be obvious to the general observer.

10:35am

A solicitor enters with young man beside her. She asks him to stand along the side of the wall near the top of the courtroom. My view is now obscured due to the numbers of people entering and leaving.

10:45am

I observe a young man is standing at the back of the courtroom in front of the tiered seating area. He is suited and is standing beside an older lady. I presume this person to be his mother but do not know for sure. He appears very nervous.

People are now beginning to look slightly impatient and are looking at their watches and sighing a lot. Looks of frustration are passing between some.

10:46am
The Judge enters the courtroom from the door behind his bench. Everybody is asked to stand. When the Judge sits down everybody else does likewise. He greets everybody and says good morning. The court registrar starts to call names of the cases on the court list for today. The Judge asks him to do so as it appears there are cases on the list which do not need a jury and these are referred to as short matters.

The first name on the list is called by the court registrar. It is the young man whom I referred to earlier who is standing with the older lady. The Judge addresses the young man and asks “Are you Mr. X”. The young man answers “Yes”. The Judge tells him that he is now going to be arraigned – he goes on to say what this means. He explains to the young man that the Registrar is going to read out to him the details of the charge that he is before the court for and he has to tell the court if he is pleading guilty or not guilty. The young man answers that he understands. The charge is one of Dangerous Driving Causing Harm under Section 53 of the Road Traffic Act. After the registrar calls out the charge to the young man he asks him “Are you pleading guilty or not guilty”. The young man replies “guilty”. The registrar says “guilty Judge”. The solicitor for the young man asks that the case be put back to a later date for sentencing and asks that a probation report be requested in the case. The Judge replies “Granted”. The young man, on instruction from his solicitor, leaves the court with the older lady who had accompanied him.

10:48am

The next case to be called refers to four defendants who appear to be charged with the same offence. The registrar calls out the four names. A female barrister stands up and indicates to the court that a jury may be required for this case.

At this point the Judge addresses all those present for jury service and tells them that this next case may require a jury to hear the evidence. He says that if, after the charge being read out to each defendant, they plead not guilty, then the evidence will have to be heard by a jury and “that is where you come in”. The Judge explains that each of the four men will be arraigned which means that the charge will be read out to them and they will be asked to plead guilty or not guilty. If they plead guilty, he continued, then a jury will have to be sworn in. The Judge also asks everybody to listen out for the defendants names and addresses in the event that they may know them as if they do, then they cannot serve as a juror in their case.

10:50am

Defendant 1 is called forward. The registrar reads out the charge to him. It is a charge of violent disorder. He pleads not guilty. Potential juror close to me whispers “oh no”!

Defendant 2 is called forward. The registrar reads out the charge to him. It is a charge of violent disorder. He pleads guilty.

Defendant 3 is called forward. The registrar reads out the charge to him. There is more than one charge put to this defendant – there are four charges read out to him. They all refer to the same date and include violent disorder, production of a dangerous article, assault and a public order offence. After each charge is called out to him he is asked if he pleads guilty or not guilty. The defendant turns to his solicitor before he answers. He pleads not guilty to all four charges.

Defendant 4 is called forward. The registrar reads out the charge to him. In this case there are two charges. One of violent disorder and one of public order under the Criminal Justice and Public Order Offences Act, 1994. He pleads not guilty.

At this stage all four defendants leave the courtroom.

10:56am

The Judge says that before he will empanel a jury that he would like the rest of the court list to be called.

10:58am

A barrister stands and asks that she be allowed to take instructions from her client. There appears to be some confusion over the four people who were arraigned as one of them pleaded guilty and the other three not guilty and there is talk about whether or not a jury should be sworn in.

The Judge asks the barrister what she wants him to do. She asks that he rise for a moment. The Judge addresses those in attendance for jury service and asks them for their patience for another while until such time as a decision is made as to whether or not they would be required.
The Judge then leaves the bench. When he gets up his assistant asks everybody to “rise” and everybody stands up – the Judge then leaves the bench. At this point people start to come and go again and it is very loud. Some potential jurors look frustrated. Some are just observing proceedings and others are talking to each other.

11:05am

To my left a female potential juror approaches a Garda and tells him that she is late for jury service as she got caught in traffic. He advises her to speak to the registrar at the top of the room which she does. She then proceeds to sit down.

All the solicitors and barristers leave the room at this point through the door to the top left of the room.

The registrar and his assistant stay seated at the bench during this time. On various occasions people go up to them to ask questions but it is not clear from where I am seated what information they are looking for.

11:30am

All solicitors and barristers now come back in to the Courtroom. The Judges comes back in. Everybody is asked to “rise” which they duly do and then all sit down when the judge is seated.

The Judge addresses the barrister he was speaking to prior to leaving the bench and asks when she intends starting the evidence in the case where the defendants pleaded not guilty. She replies 2:30.

11:34am

The Judge calls the three names of the defendants already charged and asks “are you ready to be tried”? There is no answer and the Judge asks where the defendants are. Somebody answers that they have gone outside. The Judge asks that another case be called while these three defendants are being located.

11:36am

Defendant 5 name is called. He walks up to the top of the courtroom. He is dressed in a suit and is on his own. The registrar calls out the charges to him. There are 7 charges put to him in total, one of fraud and six of theft. When each charge is put to him he is asked whether he is pleading guilty or not guilty. He replies guilty to all of the charges. As he replies guilty to each charge the registrar says guilty Judge. When all charges have been called out the case is put back by the Judge to a later date for sentencing. The man leaves the courtroom.

11:40am

The Judge now confirms that he is going to go ahead and empanel the jury. He explains to the potential jurors what is going to happen as follows: the registrar will pick cards out of the brown box at random which have a juror number on them. If a person’s number is called they should come up to the jury box. At this point anybody sitting in the jury box are asked to vacate it. Judge advises jurors that it is really important that before being sworn in for jury service that each juror advises him firstly if they know any of the parties involved in the case, if they know anything about the case, if they know any Gardaí or witnesses involved in the case or if anybody has approached them about the case.

He continues that any juror called can take the oath on the Bible or can affirm to the Court if they do not wish to take the Bible.

The Judge asks the state solicitor how long the evidence will take – the state solicitor replies that it will take three days. So the Judge confirms that anybody who is called at random must be prepared to be available to hear evidence in the case today and for the next three days.

The Judge then confirms that he is going to explain to the potential jurors that if they believe they are ineligible to serve as a juror or if they are disqualified from serving that they should advise him prior to being sworn in. He explains that ineligible or disqualification details were on the summons they received but if anybody still was not clear then they should ask him prior to taking the oath. In that regard he further explains that it is a criminal offence to serve on a jury if you know you are not eligible.

The judge then proceeds to explain that a potential juror, when called and prior to being sworn in, can be challenged by either the prosecution or defence in the case. He explains that each defendant can object to up to 7 jurors each without having to give a reason why. He further explains that each defendant has the entitlement to object to as many jurors as they wish if they give a reason to the court and the court (the Judge) accepts their
reason. The prosecution also have the right to the same objections as the defence. The Judge assured people that this is an absolute right in law to both sides and that potential jurors should not take it personally if objected to.

Therefore, the Judge explains to jurors “if challenged please return to the body of the courtroom”. If name called, step up and swear on the Bible or make an affirmation.

The Judge then asks the female barrister in the case to call out the names and addresses of the defendants again in the case. He then asks that the names of the Gardaí and names of any witnesses in the case be called out. He asks that all potential jurors listen carefully in case they know anybody involved in the case. If in any doubt, potential jurors are to tell the Judge before being sworn in, and he will decide whether they are excused or not.

11:45am

Each potential juror number is called as follows

42(female), 6(female), 387 (female), 197 (female), 404 (female), 405 (male – not present), 148 (female), 435 (male), 269 (female), 172 (male), 237 (female), 298 (male), 146(male), 34(male), 232 (female), 193(female), 83(female), 450 (female), 396 (female)

The all enter the jury area – twelve sit and seven stand.

11:51am

The Judge asks the registrar to start swearing in each potential juror. The barristers in the front bench with seats facing both sides are now looking at the list of names – I know this to be the potential juror list as they are entitled to receive a copy of this list from the court at least three days prior to a jury being sworn in.

Potential juror number 42 is asked to stand. She swears on the Bible by repeating what the court registrar says. When she has finished repeating what he says she sits down

Potential juror number 387 is asked to stand. She swears on the Bible by repeating what the court registrar says. When she has finished repeating what he says she sits down.

Potential juror number 197 is asked to stand. Before the process begins to swear her in the barrister says “challenge on behalf of the defence”. The Judge asks which of the defendants are challenging this witness. The barrister replies “challenge on behalf of defendant X”. The potential juror is asked to return to the body of the courtroom by the Judge.

Potential juror number 404 is asked to stand. She swears on the Bible by repeating what the court registrar says. When she has finished repeating what he says she sits down

Potential juror number 405 is no longer present in Court. Nobody seems to enquire as to his whereabouts.

Potential juror number 148 is asked to stand. Before the process begins to swear her in the barrister says “challenge on behalf of the defence”. The Judge asks which of the defendants are challenging this witness. The barrister replies “challenge on behalf of the defendant X”. The potential juror is asked to return to the body of the courtroom by the Judge.

Potential juror number 435 is asked to stand. He swears on the Bible by repeating what the court registrar says. When he has finished repeating what he says he sits down.

Potential juror number 269 is asked to stand. She swears on the Bible by repeating what the court registrar says. When she has finished repeating what he says she sits down.

Potential juror number 172 is asked to stand. He swears on the Bible by repeating what the court registrar says. When he has finished repeating what he says he sits down.

Potential juror number 237 is asked to stand. Before the process begins to swear her in the barrister says “challenge on behalf of the defence”. The Judge asks which of the defendants are challenging this witness. The barrister replies “challenge on behalf of defendant X”. The potential juror is asked to return to the body of the courtroom by the Judge.

Potential juror number 298 is asked to stand. He swears on the Bible by repeating what the court registrar says. When he has finished repeating what he says he sits down.
Potential juror number 146 is asked to stand. He swears on the Bible by repeating what the court registrar says. When he has finished repeating what he says he sits down.

Potential juror number 34 is asked to stand. He swears on the Bible by repeating what the Court Registrar says. When he has finished repeating what he says he sits down.

Potential juror number 232 is asked to stand. She swears on the Bible by repeating what the court registrar says. When she has finished repeating what he says she sits down.

Potential juror number 193 is asked to stand. She swears on the Bible by repeating what the court registrar says. When she has finished repeating what he says she sits down.

Potential juror number 83 is asked to stand. She swears on the Bible by repeating what the court registrar says. When she has finished repeating what he says she sits down.

11:56am

Judge now addresses the jury. He advises that they now need to elect a foreman. He explains that it can be a man or a woman but he is using the legal term. He continues that the role of the foreman is that they are basically a spokesperson for the group, they sit closest to the Judge and they are the person through whom questions are asked to the Judge. The Judge further explains that there are no set rules when electing a foreman that it is a “matter for yourselves”. He then explains that they must go with the Garda sergeant who is charged with taking care of them through the stairs behind the wooden panel to the Judges left hand side to where he is sitting. This door is to the right hand side of where the jury are sitting and it means that when the jury leave or enter the courtroom they do not have contact with any members of the public.

The Judge asks that the Garda sergeant who is taking care of the jury be sworn in. The registrar swears the Garda sergeant in. The Judge then asks the Garda sergeant to take the jury to the jury room and to let him know by ringing the buzzer when a foreman has been elected.

12:00

The buzzer sounds and the jury return to the courtroom through the exit from which they left. They sit in the jury box and a female jury member sits in the seat to the front row closest to the Judge. She advises the Judge that she is the selected foreman.

The Judge then says to the Jury that they must come back to the courtroom to hear the evidence at 2:30p.m. He goes on to say that one of the benefits or compensations for serving on the jury, besides the personal satisfaction it gives, is the fact that lunch will be provided. He names the location of the hotel and advises the jury that the Garda sergeant will take care of them. He cautions them not to speak to anyone about the case and if anybody approaches them about the case to bring it to his attention.

One juror asks if he can make a call home to advise his family that he had been selected for jury service.

The Judge confirmed that he could.

How does the observation end?

The Judge then advises the rest of the potential jurors present that unfortunately he would not be in a position to offer them lunch. He thanked them for coming to court and advised them that he would require them to return to the court next week at 10:00 am as another jury may be required at that stage. From enquiries with the court office it appears that when potential jurors are summoned for jury service it is the intention of the court office that more than one jury panel can be sworn in to perform jury service. In that regard, it is often the case that potential jurors are asked to return to the courtroom on more than one occasion in the event that a jury may be required.

The Judge thanked everybody for coming to court and advised all potential jurors present that he was discharging them for today.

12:15pm – as everybody is leaving the courtroom general whispered comments can be heard as follows:

I’m glad I was not picked

I don’t think I can come back next week – I wonder what I can do about that?

That was a long time
At the very beginning of the observation describe the setting. Be sure to note any changes in setting as the observation proceeds. Also note how the session begins.

10:00 am
I am in the same Courtroom as I was on the first day of observation. I am back today observing the potential jurors who I observed last week who were not sworn in as jurors and who were asked to return again today. On entering the Courtroom I find the same place to side along the wall as I did last time. The room is not as full as the first day and a quick head count at this stage of my observation suggests 53 people present. There also appears to be an even mix of male and female potential jurors and I recognise some of the people from the previous week. At this stage I am not sure if the group present are solely made up of potential jurors from last week with the exception of the twelve people who were chosen of if there are new people in attendance today. People are reading, chatting and looking at their phones.

10:05 am
A female enters the room with lots of files. She makes her way to the bench located to the front of the Judges’ bench and leaves the files down. She starts working on the computer and speaks to the state solicitor who is the only person, at this point, seated at the table located closest to the registrar’s bench.

10:08 am
A young male approaches the registrar’s bench and starts speaking to her. He begins to explain that he is not in a position to stay for jury service today but I cannot hear the reason he gives for this. The registrar explains to him that if he stays for an hour, if not chosen, he could be exempt from jury service for 3 years. The young man appears adamant to leave and on that basis he is excused by the registrar.

At this point four people have queued up at the registrar’s bench to talk to her. The first person, a young female appears to want to know the procedure involved and when the registrar finishes explaining this to her, she is asked to take a seat.

Another female juror approaches the registrar – she appears to be in her early twenties and hands a piece of paper to the registrar. It appears she has a driving test to go to today. The registrar thanks her for coming to court, tells her she is free to go and wishes her luck with her test.

A young male speaks to the registrar next. He explains that he was not in a position to attend last week but I do not hear the reason he gives as to why. The registrar asks for his name and appears to add his name to the list. She then asks him to take a seat.

Yet again another young male approaches the registrar – she greets him in a friendly way – what can I do for you? He too explains that he was not in a position to attend last week – the registrar thanks him for coming to court and asks him to take a seat.

10:15 am
The female registrar appears to be working alone today. She introduces herself to everybody in the courtroom and explains that for those who were present last week that the process today is going to be the same. She will call each person’s name and jury number. If they are present they are to let her know. She also goes on to explain that whether or not those present are picked for jury service today, the fact that they have presented themselves for jury service on both today and last week, this renders them exempt for three years.

In that regard, she further explains, that as names are picked randomly by a computer programme from the Register of Electors to call potential jurors in the first place, the system does not recognise those who have already been called for jury service, so if anyone present is called again for jury service in the next three years, they must return...
their summons to the court office giving details of the dates they attended for jury duty and they will be excused for that reason.

The register also advises that if anybody needs to get a letter for their employer to confirm they were in court today for jury service that they should go to the office at the top of the stairs and the court office staff will arrange to print up a letter for them.

The registrar starts to call each potential juror name and number. The call over is much faster than last week. Numbers 23, 66, 97, 229, 262, 320, 359, 376, 396 and 442 did not respond when called.

After the call over is complete a young male approaches the registrar’s bench. He explains that he could not attend last week and that he was very sorry. The registrar asks the young male to take a seat and confirms that she has now added him to the list. A young female goes up next and explains that she too could not make the call over last week. She too is added to the list and is asked to take a seat.

I am confused as to how these people, if they had not attended last week, knew that they were to return this week. Perhaps contact had been made with the court office upstairs that I am not aware of at this stage.

The registrar then explains to everybody that it will be the same Judge as was sitting last week and that the same procedure will apply when the Judge comes on to the bench.

10:20am

A Garda enters the courtroom and takes a seat beside the Judge’s bench where the two computer screens are located.

From a scan of the room it appears that everybody is more relaxed today than last week. There is general chatting going on and body language in general is relaxed. A Garda enters the room now and goes to the registrar’s bench. They engage in conversation and then start to go through the court list. The Garda then stands along the wall on the left hand side of the courtroom.

The top three long tables are still vacant at this stage.

A female juror approaches the bench and explains she missed the call over. Her corresponding potential juror number card is put into the brown wooden box and she is asked to take a seat.

10:23am

The Judge’s assistant comes in to the courtroom and speaks to the registrar. He then leaves. Solicitors start to come in now and leave files on the front tables and leave.

10:24am

The court reporter enters and sits beside Garda who is sitting at the two computer screens. Solicitors come in now and start to sit at the tables towards the front of the courtroom.

A young female approaches the registrar and advises her that she missed the call over of the potential jurors. Her number is added to the wooden box and she is asked to take a seat.

This appears to be a pattern today suggesting a more relaxed view of potential jurors on the second day when they know how the procedure works. I note that it was 10:45 on the first day I observed jury empaneling before the Judge came on to the bench which might explain the late arrival of some potential jurors today.

10:25am

The two state solicitors come in to the courtroom and sit at the table closest to the registrar’s bench. A female barrister who I recognise from last week comes in and speaks to both state solicitors and they go through the court list. I presume this is happening so that each of them know what the other will be saying to the Judge when he comes on to the bench and also what cases may require a jury. Looking at the court list which is available on the Courts Service website to all members of the public there are three cases for hearing and two people to be arraigned.

The court registrar now leaves her bench and goes to the front table to advise she has been given probation reports which need to be given to the appropriate barristers/solicitors in respect of their clients. She enquires who is representing these defendants and she hands the probation reports to them.

10:30am
Numerous barristers now enter the courtroom. I count 15 in total. The courtroom is not as packed as last week and there is seating room for everybody. There are five Gardai in the courtroom at this stage.

Registrar goes in to the Judge’s room located to the back of his bench.

10:32am

Solicitor walks in with a young man and introduces him to a barrister. He is advised to stand along the wall to the left hand side of the courtroom.

A further number of barristers enter the courtroom. There are more barristers here today than on the first day.

The Judge’s assistant comes in from the Judge’s room and puts files, a laptop and water on the Judge’s bench. The registrar returns to the bench where she was sitting.

10:33am

The Judge’s assistant, followed by the Judge enter the courtroom. The assistant calls out “all rise” and everybody stands up. When the Judge sits down, everybody sits down.

The registrar starts to call over the court list.

The first case is called. A barrister stands up and advises the Judge that there will be a plea in this case. The registrar stands up with paperwork in her hand and asks defendant 1 to step forward. X steps to the top of the courtroom. She is asked by the registrar “are you X”, X replies “yes”. The charge is then read out to X by the registrar – it refers to violent disorder under the Criminal Justice Act. When asked “how do you plead?”, X replies “Guilty”. The registrar says “defendant pleads guilty Judge”.

At this stage X’s barrister asks the Judge for a probation report before sentencing and it is agreed that X will be remanded on bail on the same terms as she is already on to a later date for sentencing.

10:38am

The second case is called. It is DPP –v- X & Y. A barrister stands up and says there will not be a plea in this case. The Judge asks how long the case will take and the barrister replies “four days”. The Judge replies “as you are aware we do not have four days”. The barristers asks if the Judge could let the matter stand. Letting the matter stand means leaving it until the other cases are dealt with until a decision is made as to what to do with it.

10:40am

The third case is called. It is Z. The Registrar asks Z to step forward to be arraigned. Before the Registrar calls the charge out to Z a different barrister stands up and advises that there are three charges, one under Section 15, one under Section 15A and one under Section 3. It appears that the defendant is prepared to plead guilty to Section 3 if the other offences are taken into consideration.

The Judge requests the registrar to arraign Z. She proceeds – “are you Z”, to which he replies yes. He is asked to step forward. The charge is read out to him. It refers to possession of a controlled drug, cannabis, for use or supply. When asked how he pleads Z replies “guilty”. The registrar says to the Judge “defendant pleads Guilty”. The Judge requests Z to sit down. The barrister in the case applies to the Judge for a probation report in respect of Z and also that he be given the benefit of psychiatric services. It is agreed the case will go back to a later date for sentencing. The Judge says that Z can be remanded on the same terms to that date

2 Remanded on bail means that if a person is charged with an offence for which it is not considered necessary by the Gardaí or the Court that they remain in custody until they are tried for that offence, they can be given bail – this means that they can sign what is called a bail bond or bail recognisance which is a promise that they will turn up at every Court in respect of their case and that if they do not turn up a bench warrant will be issued by the Court for their arrest. Sometimes they have to lodge money which enforces the promise to appear in Court. Then, if they do not appear on the date to which the case is adjourned, they lose this money to the state. On other occasions, they can enter a monetary bond – in order words they promise to pay a certain sum of money determined by the Gardaí or the Court Judge if they fail to turn up for the adjourned hearing of their case. If they do not turn up they are fined the amount of the bond they entered.
At this point the Judge refers to the second case called. He says that as that trial is not going on as it will take four days he is not going to be holding on to potential jurors while the rest of the list is being called.

At this point he addresses the potential jurors. He explains that unfortunately he has “no work for you today as we have had two people plead guilty and the case where the defendants pleaded not guilty is going to go on for four days and we do not have four days to hear it”. (In that regard, I presume that the current Circuit Court session finishes at the end of this week which only leaves four days including today and there is more work on the list to be done).

There is laughter and sighs of relief from many of the potential jurors. The Judge thanks them very much for coming to court and explains to them that as they have attended today and last week that they have done what has been asked of them in relation to their civic duty and that they are now excused from jury duty for 3 years.

The Judge then says “I am going to release the jury panel – you are free to leave the courtroom – thank you for coming to Court”. The Judge stands up and goes to the room behind his bench. Many potential jurors get up and leave the courtroom. Some remain seated. I also leave and observe the following comments as I am leaving the courtroom:-

“so glad I came now – I’m excused for three years – brilliant”

A group of four females are chatting “nice to have met you – enjoy the rest of your day off”

One male says to another “what a waste of time” to which the other replies “all that stress for nothing!”.

I go back into the courtroom and the Judge is back on the bench. The majority of potential jurors have left now but some older members appear to be staying on to hear the proceedings. I leave the courtroom at 11:15 am

**Observation Protocol – Number 3**

**Name of Research** Jury Representativeness

**Observer’s Name** Josephine Mulherin

**Date** May 2018 **Time Observation Began** 9:50am **Time Ended** 10:45 am

At the very beginning of the observation describe the setting. Be sure to note any changes in setting as the observation proceeds. Also note how the session begins.

**9:50 am**

I am in the same courtroom as I was on the first day of observation. On entering the courtroom I find the same place to side along the wall as I did last time. There appears to be a mix of male and female attendees and the courtroom is approximately half full. To my right hand side one potential juror says to the person beside them “I hope I’m not picked”. Everybody is looking around and observing. As this is the first date on which this group of potential jurors have attended for jury service, they seem to be much more reserved. It appears that on the first day people seem to be at a loss as to how the process is going to play out whereas if they are called back again a second time the body language appears much more relaxed, people are chatting more on the second day and people also arrive later on the second day. A gentleman wearing white dungarees over his clothes covered in paint enters the courtroom and sits towards the front. A female beside me says to the person beside her “the way he’s dressed is really saying he does not want to be called!!”. This gentleman then moves in beside where I am sitting and states that “I am only here because my wife told me I had to come”.

**9:50 am**

The benches where the legal teams sit are now filling up as potential jurors do not know that they cannot sit there. In general people are on their phones, reading and chatting to each other. The air conditioning is on as it is a very hot day.

**10:01 am**
Garda enters – everybody stops talking. He leaves quite soon after entering and everybody resumes what they are doing.

The same Garda comes back in again but on this occasion people continue what they are doing. He goes to the bench where the court registrar sits. At this stage the person acting as court registrar for today enters the room. She explains to the people sitting in the front rows that they will have to move as these seats are reserved for the legal teams. A comment beside me “the importance of legal eagles” is whispered. After everybody moves out of the front benches as requested, one female potential juror is left standing up. The man beside me offers her his seat but she declines. The people in the row in front of me offer to squeeze up to make room for her but again she advises that she is happy to stand.

A barrister enters the courtroom and leaves again soon afterwards. There are two large brown cardboard boxes on the front bench closest to where the court registrar sits.

10:02 am
Up to 15 people come in to the courtroom together through the door located at the end of the room. I assume these are potential jurors as they all line up on the left hand side of the courtroom. There are no seats available for them.

10:03 am
A registrar enters with files. The talking in the room amongst potential jurors gets much louder now. A male and female approach the registrar’s bench. They talk to her. I am not sure what the conversation is about. The man leaves the Courtroom and the woman is asked to take a seat.

10:05 am
The court registrar gives the court list to a female Garda who goes up to the bench. A second female comes into the courtroom carrying more files. She sits beside the other court registrar. This is the person who was assisting the male court registrar the last date. The attention of the potential jurors now focusses on the two females sitting at the registrar’s bench.

10:07 am
Male approaches bench. Opens red folder and writes in it and sits down.

10:08 am
Prison officer enters and asks the registrar for the court list. Barrister enters and introduces himself to the registrar at the front bench.

Female potential juror approaches bench and talks to registrar. Not clear what is being said but she is asked to take a seat.

10:09 am
Two prison officers look at the court list now. Female barrister introduces herself to the Registrars at the front bench and they talk. The female barrister then sits in the area closest to the registrar’s bench.

10:11 am
Female approaches bench. She gives her name to the registrar sitting there and after a short discussion is asked to take a seat. This she cannot do as all the seating room is occupied so she stands along the left hand side wall of the courtroom. There are at least 20 people standing at this stage.

10:12 am
Solicitor enters with lots of files. She goes to the front bench and leaves files on the table there. The registrar goes through the names on the court list with the prison officer again to establish who is in custody. The air conditioning is turned off by the registrar. The room is much quieter now.

10:13 am
One of the female registrars addresses everybody in the courtroom by saying good morning to everybody and thanking them for coming to court especially on such a hot day. She asks the people at the back to move in fully into the room so that they can hear what she is saying. She gives her name and introduces the female registrar
sitting beside her. She explains that she is responsible for the smooth administration of the court and that part of the function is the empanelling of a jury. She then explains that she will call everybody’s name and number. She explains the importance of listening very carefully to what she is saying as if people do not hear their names being called they will be marked as absent. This, she goes on to say, could result in a prosecution for not attending on foot of a jury summons. She asks that when she calls a person’s name and number that they respond loudly to her “here”. She also asks that everybody turn off their mobile phones.

She then tells everybody the Judge’s name who is sitting today and that when he comes on to the court bench that there will be a call over of the court list. At that stage if the defendants on the list plead guilty then there will be no need to empanel a jury. However, she explains that if they plead not guilty then a jury will have to be sworn in and that “this is where you come in”. Potential jurors, at this point, are advised that if they have any queries to leave them until after the call over has been completed.

The registrar proceeds to call everybody’s name and number. In total I note that she calls 95 names. Out of that number there are eleven non responses. By the names called I note this to be 7 males and 4 females.

After the call over is complete ten people approach the registrar’s bench – after a brief discussion with each of them they are all asked to take a seat and their names are added to the list. I am not clear on the reasons why their names were not called but can only assume that they did not return their summons to say that they would be in attendance today.

The courtroom is getting very busy now with people coming and going. Lots of solicitors and barristers are coming and going. The people standing on the left hand side of the courtroom are asked to move to the body of the courtroom as they are blocking the exits. They now move to a standing position at the back of the courtroom.

10:24 am

Three Gardaí enter the courtroom. The noise level has increased dramatically now as lots of business appears to be being done. There are still people at the registrar’s bench with queries and these people are being dealt with by both registrars at each side of the bench that they are sitting at.

10:27 am

An older male barrister enters the courtroom wearing a wig. It is the first time during my observation that I have seen a barrister wearing the wig and it generates some discussion beside me – much of it centred around they fact that he may hold greater importance than the other barristers who are just wearing black gowns and white tabs.

As space in the courtroom is at a premium now two prison officers take a seat in the area reserved for the jury and go through the court list together.

10:30 am

There are about 15 barristers present in Court now and with the exception of some space left in the jury box the courtroom is filled to capacity. A comment beside me enquires “where are they all coming from – there must be a serious case on the list today with so many people here – they will definitely be empanelling a jury!”.

10:31 am

There is a solicitor talking to a young male. He looks very worried. She is explaining to him that nothing is going to happen today but that he needs to stay in Court.

10:32 am

The Judge’s assistant emerges from the door behind the Judge’s bench as says “all rise”. Everybody stands up and the Judge comes on to the bench and says good morning to everybody and then sits down.

The registrar starts to call the list as follows:-

DPP –v- X – a barrister stands up and advises the Judge that the state is not in a position to proceed with this case.

The Registrar then calls DPP –v- Y – the same barrister answers that there is a similar position in this case.

The Registrar then calls the third case. A different barrister stand up and tells the Judge that this case is not going ahead. The Judge then says he is going to address the jury. He thanks them for coming to Court and explains to them that there is no case going on today for which a jury will be required. He goes on to explain that he has good news and bad news for them. The good news is that he does not require their services today but the bad news is
that he will require them to return to Court next Tuesday at 10:00 am. Judge thanks all potential jurors most sincerely for coming to Court and tells them they are now free to go.

As with my previous observation, the majority of potential jurors leave the Courtroom and a small minority remain. The comments I observed following people out as they were leaving included:

“Oh my God”

“Waste”

“Wonderful but a waste”

“Delighted we can enjoy the good weather”

“They haven’t a notion of me coming back next week – I’m on holidays to which the other person replied – I’m not, but will have to come up with an excuse not to come. I won’t get another day off work.”

**Observation Protocol 4**

<table>
<thead>
<tr>
<th>Name of Research</th>
<th>Jury Representativeness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Observer’s Name</td>
<td>Josephine Mulherin</td>
</tr>
<tr>
<td>Date</td>
<td>June 2018</td>
</tr>
<tr>
<td>Time Observation Began</td>
<td>9:50am</td>
</tr>
<tr>
<td>Time Ended</td>
<td>12:18 pm</td>
</tr>
</tbody>
</table>

At the very beginning of the observation describe the setting. Be sure to note any changes in setting as the observation proceeds. Also note how the session begins.

**9:50 am**

I am in the same courtroom as I was on the first day of observation. On entering the courtroom I find the same place to side along the wall as I did last time. The room is not as full as the first day at this stage. There also appears to be an even mix of male and female potential jurors and I recognise some of the people from the previous week. It is a very hot day and people are dressed in summer clothing and the air conditioning is turned on. People appear very relaxed, some are reading, some are chatting. From my recollection of the faces from last week I can see that some have occupied the same seats as they did last week and have started up conversations with those who sat beside them last week.

**9:50 am**

Male registrar enters the courtroom and sits at the registrar’s bench. He works on the computer – he is the same registrar from the first day I observed jury empanelling.

**9:54 am**

The female who was with the other female registrar last week comes in to the courtroom and goes up to the registrar’s bench. They talk and he appears to be explaining the procedure to her. Two young males in suits enter the courtroom and stand along the wall.

A prison officer enters and talks to one of the registrars. They discuss what prisoners he has in custody for Court today and where they are on the court list. All available seating for potential jurors is taken up now. Perhaps people came earlier today to avoid having to stand up as they did last week.

**9:58 am**

Both registrars leave the bench where they are sitting and exit through the door at the top of the courtroom. All seating at the benches towards the front of the courtroom and the jury box is vacant. Otherwise all other seating is occupied and one potential juror is standing along the wall. Volume of talking increases. Two males standing on the left hand side of the courtroom are holding very large bounded files. I am guessing that they are witnesses for one of today’s cases but am not sure.

**10:00 am**
Despite all the seating being taken, there are less potential jurors here at this stage than last week. I do not know the reason for this but it may become apparent at juror call over stage. There appears to be an equal mix of male and female potential jurors.

10:03 am

Female Garda comes in to the courtroom and speaks to the two men standing at the side with the bounded files. All three leave together.

10:05 am

Both registrars return to the bench. A female approaches the bench now and speaks to one of the registrars. She thanks them and then leaves. I am not sure of the content of this conversation

10:08 am

The male registrar addresses everybody in the courtroom and wishes everybody a good morning. He explains that it will be a different Judge sitting today than last week. The male registrar explains that for those potential jurors who were here last week that it will be the same process. He goes on to say that he will conduct a call over by calling people’s names and their numbers. They are to reply loudly to him if they are here or present as he wants to mark them as such. He explains that there are a few cases on the list today which may require a jury but that he will not know that until the defendants are arraigned and plead guilty or not guilty. If they plead guilty the jury will not be required but he explains that is how it goes sometimes. He further explains that as the air conditioning is on people will have to speak loudly for him to hear them. He also asks that if anybody is here but their name is not called that they should leave their queries to the end of the call over and he will deal with them at that stage.

The call over of potential jurors begins and the registrar calls 86 names – that is 10 less than last week – I do not know the reason for this but it may become apparent when I examine the Court file relating to the empanelling of today’s jury. Out of the 86 names called 11 did not respond, 7 males and 4 females. Again they may have made contact with the office to excuse themselves for this week and again this may also become apparent when I study the court file.

10:15 am

After call over is completed five people approach the bench, 3 male and 2 female. All but one, after a brief discussion, are asked to take a seat.

10:18 am

A barrister approaches the bench and speaks to the registrar. The court reporter enters the courtroom and sits beside the Garda who is sitting in front of the two screens to the side of the Judge’s bench. At this stage barristers and solicitors are entering and leaving the courtroom and placing files on the benches located towards the front of the courtroom.

A male approaches the registrar’s bench. He has a piece of paper in his hand which turns out to be a summons for another Court – he is advised by the court registrar where the courtroom that he should be in is located.

One of the state solicitors comes in to the courtroom and sits at the front bench – a barrister opens the red file at the witness box and signs it. The male registrar knocks on the door to the Judge’s chambers and goes in.

10:23 am

A prison officer approaches the bench where the female registrar is still sitting. They talk but it is not clear what is being said.

A potential juror seated in front of me says to the person beside her “so delighted to be here on my day off” to which the person sitting beside her says “it’s a slow process – like watching paint dry – I could do without it!”.
appears, as their conversation continues, that one of them has been called four times for jury service and has never been selected.

The man beside me is talking to the person beside him. He explains that jury service “is a gruelling process, you get a summons about 8 weeks before the date you are due to be called – after you send it back to say you’ll go you hear absolutely nothing back after that. You would think with computer systems such as they are that you would get a reminder!”. “I forgot my time and I couldn’t check the correct time as the office does not open till 10:00 o clock – you can see how people do not turn up – they probably forget!”.

This man went on to explain that he has been here three times and that he knows the process now. “its slow and you just have to put up with it”. Other people comment on the number of legal practitioners here today. The man beside me asked me if I ever heard if anybody got fined for not showing up. I told him I did not know. The man sitting to his right suggested that he thought they got excused and added that despite him having been called four times, his wife had never been called.

10:27 am

There are six barristers in courtroom now – 4 male and two female. There are a lot of mini meetings going on in groups within the courtroom involving barristers, solicitors and I presume the other people with them to be their clients.

10:38 am

There is a young man standing to the back of the courtroom. He looks to be in his early twenties and looks nervous. Ten barristers come into the courtroom now. All the seating room is now occupied in the courtroom with the exception of the Jury box.

The door of the Judge’s chambers opens, his assistant comes out first and says “all rise”. Everybody stands up and the Judge comes in to the courtroom and sits at his bench. Everybody sits down once he is seated. He nods to the registrar to indicate that he is ready to start.

The first case is called – DPP –v- X – the state solicitor stands up and confirms to the Court that there is to be no prosecution in this case. The Judge strikes the matter out.

The second case is called – DPP –v- Y – a barrister stands up and confirms that a jury will be required in this case but there is one matter which needs to be confirmed so could the Judge agree to let the matter stand? The Judge agrees

The third case is called – DPP –v- Z. – a barrister stands up and advises the Court that he is instructed in this case and that a jury will be required. He explains that this case is a relatively lengthy matter and asked if the Judge would let the matter go back to second calling. The Judge agrees to do so.

The next case DPP –v- A is called. A barrister stands and confirms that his client can be arraigned in this case (this means that the charge can be read to him and he will then be given the opportunity to plead guilty or not guilty). The register calls A and says “are you A?” A confirms that he is. The registrar says “I am now about to arraign you”. The first charge read out refers to sexual exploitation of a child. After the charge is read out to A he is asked if he pleads guilty or not guilty. He replies “guilty”. The registrar says “guilty Judge”. The Judge is writing at this time. The barrister then asks if the matter can be put back for sentencing. The Judge asks if an up to date probation report is required and the barrister replies “no, not for the moment”. The case is adjourned by the Judge to a later date for sentencing with liberty to re-enter regarding the report. It is confirmed that A is to be remanded on bail on the same conditions as heretofore. At this stage A leaves the Courtroom.

The next case is called. It is DPP –v- B. A barrister advises that the case is going on but asks to let the matter stand.

10:45 am
The Judge then says that he is now going to address those who have attended for jury service. He then speaks to those present wishing them a good morning and expressing his thanks that they answered their summons. The Judge then explains that jury service is a civic function and an important one. He apologises for the delay in speaking with them but explained that matters arise in these cases which one cannot foresee and that the process has to be adhered to. He asks for their patience until such time as it can be determined what is happening with the cases before the Court today.

The next case is then called. It is C and it is a case which the probation service has re-entered. The barrister explains to the Judge that a psychiatric report would be required in this case and also advised another Judge had seisin of this case (this means that evidence has already been heard by one Judge and the case should stay with him until completed). The sitting Judge enquired if the case could be moved to where that Judge is presently sitting but it appeared this could not happen. Again the barrister asked if the matter could be let stand.

The Judge then confirms that he is going to rise for a moment and he gets up and returns to his chambers. Loud talking resumes in the courtroom and the majority of legal practitioners leave the courtroom at this stage too.

10:56 am

A very young man is talking to a barrister beside where I am sitting. The barrister is explaining to him what is going to happen today in the Court and how the process works. A female in her very early twenties joins the young man and they speak – she then leaves and the young man sits down. When the young female comes back in she stands beside where the young man is sitting and they talk.

11:00 am

The barristers and solicitors now start returning to the courtroom. Judge’s assistant goes in to the Judge’s chambers.

11:04 am

A female barrister signals to the court registrar that they are ready to go.

11:08 am

The Judge comes back in to the courtroom after everybody has been asked to stand up. The court registrar talks to the Judge. DPP –v- Y is called. A barrister on behalf of Y stands up and says his client can be arraigned. Y is called. He is the person I had referred to earlier with the young girl. He is asked by the registrar “Are you Y?” – Y replies “yes”. The registrar then begins to call out the charges to Y. The first charge involves an offence of endangerment and involves driving through red traffic lights. When asked if he pleads guilty or not guilty he replied “not guilty”. The next charge refers to unlawful seizure of a vehicle on the same date. Again he replies “not guilty” to the charge after which the Registrar repeats “not guilty Judge”. A further thirteen charges are read out to Y relating to offences of Dangerous Driving. In reply to each further charge put to him Y replies “not guilty” and the registrar repeats after him “not guilty Judge”.

After all the charges have been put to Y by the court registrar the Judge again addresses the potential jurors and thanks them for their patience and forbearance explaining that this is normal administration of Court proceedings. The Judge then explains to the potential jurors that they cannot serve on a jury if they are disqualified or ineligible stating that explanations under both these headings were set out on the jury summons each potential juror received. The Judge also advised that a person could not serve on a jury if they know the accused, if they know any of the witnesses or parties associated with the case or if they were connected to the offence in any way. The Judge further explained that if a potential juror felt they would not be available for the entirety of the trial then they needed to bring this to his attention as there was little point advising him of that fact when the trial had started.

Potential jurors were then advised that if they had an enduring impairment which they felt would impact on their ability to serve as a juror they should bring this to the Judge’s attention. He also advised that if they had been convicted of an offence or had served 3 months in prison during the last 10 years that they would not be eligible
to serve. The Judge then advised that if a person does serve if they are ineligible or disqualified that they are liable to be prosecuted.

Details were then given by the Judge as to how individuals would be called. He advised that they would be called in batches of 18 by their name and number. When called, potential jurors should make their way to the jury box. They would be called in a group firstly and then would be called individually by their name and number. At this point they would be asked to take the Oath or could affirm, whichever suited them best. Prior to being sworn is the time that jurors should bring to the attention of the Judge any reason they believed they could not serve. The Judge advised that if this reason was of a personal or private nature they could approach the bench, let him know the reason, and he would make a decision then.

The judge then went on to explain the juror challenges process. He advised that the prosecution and defence were entitled to challenge potential jurors prior to them being sworn in. He asked that people not be upset by this and quoted Judge Paul Carney who, in relation to the challenge procedure suggested that some men could be challenged for simply not wearing a tie whereas others could be challenged for the act of wearing one.

The Judge then explained that the case would take up to 3-4 days but people should make themselves available for a fifth day just in case. He then gave the names of the prosecuting and defence barristers and explained to the potential jurors that they had already been made aware of the charges. He then asked the prosecuting barrister to call out the details of the Gardaí and witnesses involved in the case and he asked potential jurors to listen carefully in the event that they may know them or be connected to them in some way.

The barrister called out all the names of the Gardaí, the Garda stations they were attached to, and the names and addresses of the witnesses. When she had finished the Judge again advised that if any potential juror was acquainted in any way with any of the names called out that they should not serve and should bring this to his attention if called. The Judge then advised “I am now going to empanel a jury”.

The first person number 369, a female approximately in her 30s was called – she was handed the Bible by the Judge’s assistant. The male Registrar stood up and asked her to repeat after him. Nobody objected and she took the oath and sat down.

The next person number 320, a male in his 50s was called. A challenge was lodged on behalf of the defence and he was asked to step down.

The next person, number 475, a male was called. He took the oath and sat down.

The next person, number 463, a female was called. She took the oath and sat down.

The next person, number 344, a male in his 30s was called. He took the oath and sat down.

The next person, number 111, a male in his 40s was called. He took the oath and sat down.

The next person, number 478, a female in her 60s was called. She was challenged by the defence and was asked to step down.

The next person, number 159, a male in his 40s was called. He took the oath and sat down.

The next person, number 459 was called. She advised that she knew one of the witnesses as he was her husband and she was excused by the Judge.

The next person, number 46, a female in her 20s was called. She took the oath and sat down.

The next person, number 250, a male in his 20s was called. He was challenged by the defence and was asked to step down.

The next person, number 50, a male was called. He took the oath and sat down.

The next person, number 56, a male in his 40s was called. He was challenged by the defence and was asked to step down.
The next person, number 58, a female was called. She took the oath and sat down.

The next person, number 342, a male was called. He said he knew one of the witnesses. The Judge asked him which witness he knew. The man confirmed by pointing to a witness that he knew them but not their name. The Judge enquired “you know him but you do not know his name?” The man replied yes. The Judge then told the man he was excused.

The next person, number 312 a female was called. She took the oath and sat down.

The next person, number 192, a male was called. He confirmed that one of the Gardaí involved in the case was his neighbour. The Judge told him that he was excused.

The next person, number 186, a male was called. He took the oath and sat down.

As that covered all the 18 selected in the first batch of people called and fell short by one person, the Registrar proceeded to call a further four people, 308 a female, 339 a female, 249 a female and 191 a female.

When number 308 a female was called. She took the oath and sat down.

11:49 am

The registrar now informed the Judge that a Jury had been empanelled. The Judge then addressed the jury panel and explained to them that they would be given a jury room in which they could deliberate on the facts they had heard. He explained to them that their first job was to pick a foreman. The Judge explained that they were entitled to choose a man or a woman to be their foreman. He advised that there was no prescribed way or method in doing so that it was up to themselves. The purpose of the foreman was then explained to the jury panel by the Judge in that they sit closest to him, they are the person nominated to speak to him on behalf of the jury panel, and they preside over deliberations and ultimately, if appropriate, sign the issue paper at the end of trial. He then asked the jury panel to now retire to the jury room to elect a foreman and when they have done so to let the Jury Garda know and they can come back to Court and advise him who their foreman is.

The registrar then gets up and speaks quietly to the Judge. The jury panel are asked to retire to the jury room to elect a foreman.

The Registrar then calls number 6 on the Court list DPP –v- C and it is agreed that this case can go back to a later date on the same bail terms as already in existence. Everybody is asked to rise and the Judge leaves the bench.

11:55 am

The buzzer is sounded to confirm that the jury panel have selected a foreman. The Judge returns to the bench and asks the Garda to bring the jury back in to courtroom. They advise the Judge that they have selected a foreman. It is a female jury member. When asked by the Judge her name she confirms it to him. The Judge explains that the trial will commence at 2:30 this afternoon. He then says that one of the very few advantages of serving on a jury is an entitlement to a lunch. He said that the panel did not have to have lunch but if they wanted to have it they were welcome to do so. He asked that they be back in Court at 2:25pm and asked them not to be late. The jury panel were then released.

12:00 noon

The next case was called. It was DPP –v- D. and involved 30 charges under Section 4 of the Criminal Justice Theft and Fraud Offences Act, 2001. After each charge was read out to the defendant he replied guilty to each one to which the registrar replied “guilty Judge”.

12:12 pm

The next case is called. DPP –v- Z. The state solicitor stands up and confirms to the Court and Z can be arraigned on count numbers 32, 37, 44 and 47. They are all charges under the Theft Act which were allegedly committed during 2014 and 2016. After each of the four charges were read out by the registrar to Z he replied “guilty” to which the registrar replied “guilty Judge”. After all four charges were called out the state solicitor asked that the
case be further adjourned to a later date when further instructions from the DPP would be available in this case. A Probation & Welfare Report in this case was also requested which the Judge granted.

The judge thanked the defendant for coming to Court and the defendant left the courtroom.

12:17 pm

Addressing the barristers the Judge then asked if he was in a position now to release the remainder of the potential jurors and it was confirmed that he was. He then addressed the potential jurors thanking them for their patience explaining that steps needed to be taken to ensure the process was followed properly in relation to the cases before the Court. He advised them that their services were no longer required. He thanked them for performing their civic duty and advised them that they were now exempt from jury service for the next three years. He advised “you are now excused, take care”.

12:18 pm

The majority of potential jurors leave the Courtroom.
### Appendix E

**Group One – potential jurors randomly selected from those present when the call over was conducted**

<table>
<thead>
<tr>
<th>Occupational Group</th>
<th>Occupation</th>
<th>Gender</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health and social care associate professionals</td>
<td>Special needs assistant</td>
<td>F</td>
<td>33</td>
</tr>
<tr>
<td>Skilled agricultural and related trades</td>
<td>Farmer</td>
<td>M</td>
<td>64</td>
</tr>
<tr>
<td>Textiles printing and other skilled trades</td>
<td>Instructional designer</td>
<td>M</td>
<td>31</td>
</tr>
<tr>
<td>Caring personal service occupations</td>
<td>Healthcare assistant</td>
<td>F</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>Care assistant</td>
<td>F</td>
<td>41</td>
</tr>
<tr>
<td>Sales occupations</td>
<td>Shop assistant</td>
<td>F</td>
<td>52</td>
</tr>
<tr>
<td></td>
<td>Shop assistant</td>
<td>F</td>
<td>31</td>
</tr>
<tr>
<td>Process plant and machine operatives</td>
<td>Factory worker</td>
<td>F</td>
<td>62</td>
</tr>
<tr>
<td></td>
<td>Factory worker</td>
<td>F</td>
<td>43</td>
</tr>
<tr>
<td>Elementary trades and related occupations</td>
<td>Painter</td>
<td>M</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>Interior designer</td>
<td>F</td>
<td>53</td>
</tr>
<tr>
<td>Elementary administration and service occupations</td>
<td>Civil servant</td>
<td>F</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>Postwoman</td>
<td>F</td>
<td>53</td>
</tr>
<tr>
<td></td>
<td>Office worker</td>
<td>F</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td>Collector</td>
<td>M</td>
<td>52</td>
</tr>
<tr>
<td>Other – not stated</td>
<td>CSM</td>
<td>F</td>
<td>53</td>
</tr>
<tr>
<td></td>
<td>Self employed</td>
<td>M</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>Unknown</td>
<td>M</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>Housewife</td>
<td>F</td>
<td>47</td>
</tr>
</tbody>
</table>
### Appendix F

**Group Two – potential jurors randomly selected from those present when the call over was conducted**

<table>
<thead>
<tr>
<th>Occupational Group</th>
<th>Occupation</th>
<th>Gender</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate managers and directors</td>
<td>Company director</td>
<td>F</td>
<td>54</td>
</tr>
<tr>
<td>Science research engineering and technology professionals</td>
<td>IT technician</td>
<td>F</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>Engineer</td>
<td>M</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td>Civil Engineer</td>
<td>M</td>
<td>33</td>
</tr>
<tr>
<td>Teaching and educational professionals</td>
<td>Preschool teacher</td>
<td>F</td>
<td>44</td>
</tr>
<tr>
<td>Skilled metal electrical and electronic trades</td>
<td>Mechanic</td>
<td>M</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>Electrician</td>
<td>M</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>Fitter</td>
<td>M</td>
<td>42</td>
</tr>
<tr>
<td>Textiles printing and other skilled trades</td>
<td>Hairdresser</td>
<td>M</td>
<td>47</td>
</tr>
<tr>
<td>Caring personal service occupations</td>
<td>Care worker</td>
<td>M</td>
<td>56</td>
</tr>
<tr>
<td>Leisure travel and related personal service occupations</td>
<td>Chef</td>
<td>M</td>
<td>51</td>
</tr>
<tr>
<td>Sales occupations</td>
<td>Shop assistant</td>
<td>F</td>
<td>24</td>
</tr>
<tr>
<td>Process plant and machine operatives</td>
<td>Factory worker</td>
<td>M</td>
<td>29</td>
</tr>
<tr>
<td>Elementary trades and related occupations</td>
<td>Maintenance technician</td>
<td>M</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td>Assistant supervisor</td>
<td>M</td>
<td>52</td>
</tr>
<tr>
<td>Other – not stated</td>
<td>Retired</td>
<td>F</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>Self employed</td>
<td>F</td>
<td>46</td>
</tr>
<tr>
<td>Students</td>
<td>Student</td>
<td>F</td>
<td>21</td>
</tr>
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### Appendix G

**Group One - Potential jurors from the final 19 called but not sworn in and the reasons why**

<table>
<thead>
<tr>
<th>Occupational Group</th>
<th>Occupation</th>
<th>Reason not sworn in</th>
<th>Gender</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caring personal service occupations</td>
<td>Healthcare assistant</td>
<td>Challenged by the defence</td>
<td>F</td>
<td>60</td>
</tr>
<tr>
<td>Sales occupations</td>
<td>Shop assistant</td>
<td>Challenged by the defence</td>
<td>F</td>
<td>52</td>
</tr>
<tr>
<td>Elementary administration and service occupations</td>
<td>Civil servant</td>
<td>Challenged by the defence</td>
<td>F</td>
<td>65</td>
</tr>
<tr>
<td>Elementary trades and related occupations</td>
<td>Painter</td>
<td>Not present in courtroom when called</td>
<td>M</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>Interior designer</td>
<td>Quota of 12 achieved and empanelled</td>
<td>F</td>
<td>53</td>
</tr>
<tr>
<td>Sales occupations</td>
<td>Shop assistant</td>
<td>Quota of 12 achieved and empanelled</td>
<td>F</td>
<td>31</td>
</tr>
<tr>
<td>Other-not stated</td>
<td>Housewife</td>
<td>Quota of 12 achieved and empanelled</td>
<td>F</td>
<td>47</td>
</tr>
</tbody>
</table>

### Group One Final Jury Panel

<table>
<thead>
<tr>
<th>Occupational Group</th>
<th>Occupation</th>
<th>Gender</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health and social care associate professionals</td>
<td>Special needs assistant</td>
<td>F</td>
<td>33</td>
</tr>
<tr>
<td>Skilled agricultural and related trades</td>
<td>Farmer</td>
<td>M</td>
<td>64</td>
</tr>
<tr>
<td>Textiles printing and other skilled trades</td>
<td>Instructional designer</td>
<td>M</td>
<td>31</td>
</tr>
<tr>
<td>Caring personal service occupations</td>
<td>Care assistant</td>
<td>F</td>
<td>41</td>
</tr>
<tr>
<td>Process plant and machine operatives</td>
<td>Factory worker</td>
<td>F</td>
<td>62</td>
</tr>
<tr>
<td></td>
<td>Factory worker</td>
<td>F</td>
<td>43</td>
</tr>
<tr>
<td>Elementary administration and service occupations</td>
<td>Postwoman</td>
<td>F</td>
<td>53</td>
</tr>
<tr>
<td></td>
<td>Office worker</td>
<td>F</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td>Collector</td>
<td>M</td>
<td>52</td>
</tr>
<tr>
<td>Other – not stated</td>
<td>CSM</td>
<td>F</td>
<td>53</td>
</tr>
<tr>
<td></td>
<td>Self employed</td>
<td>M</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>Unknown</td>
<td>M</td>
<td>31</td>
</tr>
</tbody>
</table>
**Appendix H**

**Group Two - Jurors from the final eighteen called but not sworn in and the reasons why**

<table>
<thead>
<tr>
<th>Occupational Group</th>
<th>Occupation</th>
<th>Reason not sworn in</th>
<th>Gender</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caring personal service occupations</td>
<td>Care worker</td>
<td>Challenged by the defence</td>
<td>M</td>
<td>56</td>
</tr>
<tr>
<td>Other – not stated</td>
<td>Retired</td>
<td>Challenged by the defence</td>
<td>F</td>
<td>65</td>
</tr>
<tr>
<td>Skilled metal electrical and electronic trades</td>
<td>Electrician</td>
<td>Challenged by the defence</td>
<td>M</td>
<td>22</td>
</tr>
<tr>
<td>Elementary trades and related occupations</td>
<td>Assistant supervisor</td>
<td>Challenged by the defence</td>
<td>M</td>
<td>52</td>
</tr>
<tr>
<td>Other – not stated</td>
<td>Self employed</td>
<td>Potential juror advised Judge she knew witnesses</td>
<td>F</td>
<td>46</td>
</tr>
<tr>
<td>Textiles printing and other skilled trades</td>
<td>Hairdresser</td>
<td>Potential juror advised Judge he knew witnesses</td>
<td>M</td>
<td>47</td>
</tr>
</tbody>
</table>

**Group Two – Final Jury Panel**

<table>
<thead>
<tr>
<th>Occupational Group</th>
<th>Occupation</th>
<th>Gender</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate managers and directors</td>
<td>Company director</td>
<td>F</td>
<td>54</td>
</tr>
<tr>
<td>Science research engineering and technology professionals</td>
<td>IT technician</td>
<td>F</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>Engineer</td>
<td>M</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td>Civil Engineer</td>
<td>M</td>
<td>33</td>
</tr>
<tr>
<td>Teaching and educational professionals</td>
<td>Preschool teacher</td>
<td>F</td>
<td>44</td>
</tr>
<tr>
<td>Skilled metal electrical and electronic trades</td>
<td>Mechanic</td>
<td>M</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>Fitter</td>
<td>M</td>
<td>42</td>
</tr>
<tr>
<td>Leisure travel and related personal service occupations</td>
<td>Chef</td>
<td>M</td>
<td>51</td>
</tr>
<tr>
<td>Sales occupations</td>
<td>Shop assistant</td>
<td>F</td>
<td>24</td>
</tr>
<tr>
<td>Process plant and machine operatives</td>
<td>Factory worker</td>
<td>M</td>
<td>29</td>
</tr>
<tr>
<td>Elementary trades and related occupations</td>
<td>Maintenance technician</td>
<td>M</td>
<td>39</td>
</tr>
<tr>
<td>Students</td>
<td>Student</td>
<td>F</td>
<td>21</td>
</tr>
</tbody>
</table>