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CAN THE PRESENT JURY SYSTEM BE IMPROVED.

PROF. B. M. THOMPSON.

There is unquestionably much dissatisfaction with the quality of the modern jury, and with the character of its work. Since juries are composed of men possessing finite intelligence, at best, we ought not to expect that their verdicts would show evidence of infinite wisdom. But the most charitable, who do not expect the impossible are often disappointed at the quality of the possible. All this goes without saying and consequently the question is often discussed, how can the system be improved?

We suggest the following changes. None of them are revolutionary, although a few may be regarded as somewhat radical.

First; Reduce the pay of jurors from two to one dollar per day. Two dollars is not sufficient to induce the best men to serve for the pay and is sufficient, especially in cities to be attractive to a certain class who are undesirable. One dollar per day will cover a juryman's actual expenses and no more and he will thus be giving his time to the public service. We shall at once by this change rid ourselves of the professional juryman and make the position more attractive to the men whose services we seek to obtain.

Second; Reduce the number of the jury in all civil suits from twelve to six. The unanimous verdict of six intelligent men of character and ability is all that parties litigant ought to demand—and if jurymen are to serve, practically, without compensation such service should be made as light as practicable and subserve the ends of justice.

Third; No general verdict, except in actions founded upon tort, to be rendered. In all other cases the jury to render a special verdict in answer to interrogatories to be prepared and submitted to them by the litigants under the direction of the court, and upon the special verdict so found the court to render judgment. Under this system the jury would be exclusive judges of fact and questions of law would be left exclusively to the court.

Fourth; All suits involving less than two hundred dollars, over and above all set offs, to be tried by the court. At least one half of all the causes tried in the circuit courts belong to that class. At the

present time the cost of a jury to the taxpayers of each county is at least fifty-four dollars per day while the jury is in attendance, made up of forty-eight dollars pay of twenty-four jurymen and six dollars pay of two officers in attendance. I think if we had access to the exact facts we should find that the actual cost to the taxpayer in furnishing a jury in this class of cases exceeds the amount involved. I do not question the right of litigants to play for small stakes, nor indeed their duty to do so in very many cases. But I submit that, so far as the public is concerned there is no principle involved, and when from a pecuniary standpoint, the game is not worth the candle the taxpayers should not be required to furnish any more light than is reasonably necessary.

I have not made any effort to elaborate the arguments in favor of these several changes nor indeed to so much as to enumerate them. Neither have I indicated at all in detail the proper practice and proceedings in case these changes were made, that being mere matter of detail.

The primary object of any change should be, of course, to better the situation, but it is not unworthy of mention that the changes suggested would save the taxpayers of the state over \$100,000, per annum, a very pretty penny.