

Topic: "This house would replace the jury system with judicial panels."

Speaker (third government, 5 minutes):

The opposition has built its case around two claims. First, that juries represent the conscience of the community. Second, that a panel of judges, however expert, is dangerously narrow. I want to address both, and then make a positive argument the opposition has not yet engaged with.

On the first claim, the conscience of the community is a beautiful phrase but it does not survive contact with data. Studies of jury decisions across multiple jurisdictions have consistently found that juries are influenced by factors that are not the evidence. The race of the defendant. The race of the jurors. The attractiveness of the lawyers. The order in which witnesses appear. None of these correlates with guilt or innocence, but all of them predict the verdict. If the jury is the conscience of the community, the conscience of the community is not what we have been claiming.

On the second claim, narrowness, the opposition assumes a panel of judges will share the same biases. But a panel can be designed not to. Three judges from different professional backgrounds, with different career paths, deliberating in writing with reasoned decisions, produce a kind of accountability that juries cannot produce. A jury vote is a black box. A panel decision is a published document with reasons that can be appealed.

Now, my positive argument. The strongest case for replacing juries is not that juries are bad. It is that juries are unreviewable. When a jury gets a verdict wrong, there is no mechanism to identify what went wrong, because juries do not explain themselves. A panel decision can be appealed on its reasoning. A jury verdict can only be appealed on procedural grounds. This means the legal system has no way to learn from its mistakes when juries make them. We are running a system at scale that cannot improve. That is not a feature. It is a defect.

The opposition will respond that the panel system removes the citizen from the legal system. I would respond that the citizen has been removed already, by complexity, by length of trials, by the cost of participation. The current jury is not randomly drawn, citizen. It is whoever can afford to take three weeks off work. Replacing that with a panel of trained reviewers does not remove the citizen. It acknowledges that the citizen is already gone and replaces the fiction with something accountable.

I urge you to support the motion. Thank you.

