



THOMSON REUTERS

NEWS RELEASE

FOR IMMEDIATE RELEASE

Almost a quarter of jurors confused about rule on internet use during a trial, according to new research published in Criminal Law Review.

Researchers from University College London urge Law Commission to adopt findings to avoid a “perfect storm” of juror contempt

LONDON, May 15, 2013 – Almost a quarter of jurors (23 percent) currently misunderstand the contempt rule in relation to internet use during a trial according to preliminary research published in *Criminal Law Review*, a Thomson Reuters journal.

Among jurors who misunderstand the rule on internet use, 16 percent believe they cannot use the internet at all, even to check their own emails, while serving on a jury; 5 percent believe there is no restriction at all on their use of the internet during a trial; and 2 percent believe they can look for information about their case during the trial as long as it does not influence their judgment.

The findings follow a number of cases in recent years involving jurors’ inappropriate use of the internet, which have led to a number of juries being discharged, or trials abandoned, and in two cases have resulted in prosecutions and convictions of jurors for contempt. The team that led the research is urging the Law Commission to base any recommendations for reform of contempt of court in England and Wales on reliable, empirical evidence.

“These findings show that the vast majority of jurors understand and follow the rules on how jurors can use new media during trial but the message is not getting through and is confusing to a significant minority of jurors,” said Cheryl Thomas, Professor of Judicial Studies at University College London’s Faculty of Laws, and author of the research.

“Ensuring that trial by jury can effectively operate in the new media age requires empirical evidence about what jurors do, what they think and what are the best tools to provide them with to do their job to the best of their ability. Contrary to popular belief this kind of research can legally be conducted with real juries in this country, and that is precisely what the UCL Jury Project is doing,” said Professor Thomas.

The research findings reported in the *Criminal Law Review* are from the first stage of a four-stage research project working with real juries at Crown Courts in England and Wales. The Stage 1 findings provide the first empirical evidence in this country on: juror understanding of the rules on contempt, awareness of recent prosecutions of jurors, willingness to report improper conduct, and desire for guidance on conducting deliberations and written directions on the law from the judge.

Other key findings from Stage 1 include:

- Only very small proportions of jurors said they used the internet in ways that could be legally problematic: 6 percent looked up information about legal terms used in the case; 1 percent visited the crime scene on Google Earth, Streetview or other internet sites; 1 percent looked up information about parties to the case.
- In terms of social media, 3 percent of jurors shared their experience of jury service on social networking sites such as Facebook and Twitter, and 1 percent blogged or chatted online about doing jury service.
- Almost all jurors (82 percent) said they would have liked more information on conducting



THOMSON REUTERS

deliberations.

- Two aspects of deliberations where jurors feel they need more guidance are crucial elements in ensuring proper deliberations and preventing juror contempt: what to do if jurors are confused about a legal issue (49 percent) and what to do if something goes wrong during deliberations (35 percent).
- Among jurors that received written directions, every single juror (100 percent) said they found them helpful. Among jurors that did not receive written directions, 85 percent said they would have found them helpful
- Jurors are less likely to report instances of fellow jurors misusing new media than other behavior such as potential jury tampering and bullying in the deliberating room because they feel uncomfortable reporting this.

“In order to minimise juror contempt in the new media age, jurors must understand the rules on improper conduct, know how and when to report improper conduct when they see it, and they should be able to do so with ease. If we ignore these critical factors, then we run the risk of creating the ideal conditions for a perfect storm of juror contempt,” said Professor Thomas.

The research was conducted with juries at Crown Courts between 2012–13 and builds on previous work conducted by the UCL Jury project, as part of the 2010 study *Are Juries Fair?*. The research is funded by the Economic and Social Research Council and has been conducted with cooperation from the Judiciary of England and Wales, Her Majesty’s Courts and Tribunals Service and Ministry of Justice.

THOMSON REUTERS

Thomson Reuters is the world's leading source of intelligent information for businesses and professionals. We combine industry expertise with innovative technology to deliver critical information to leading decision makers in the financial and risk, legal, tax and accounting, intellectual property and science and media markets, powered by the world's most trusted news organization. With headquarters in New York and major operations in London and Eagan, Minnesota, Thomson Reuters employs approximately 60,000 people and operates in over 100 countries. For more information, go to www.thomsonreuters.com.

CONTACT

Paul Sandell

Thomson Reuters

+44 (0) 207 393 7386

paul.sandell@thomsonreuters.com