

Single Judge Trial Working Group – Evidence Briefing Commission

Who: Single Judge Trial Pilot Working Group	Timeframe: 30 May - 31 July 2022
Commission: Rapid Evidence Review exploring alternatives to Jury Trials for serious sexual offences, with a particular focus on single judge only trials.	
Purpose of Commission: To support and inform deliberations and the wider debate on the merits and challenges associated with alternatives to jury trials in cases of serious sexual assault.	
<p>Scope of Commission:</p> <p>The commission seeks commentary on the questions set out below, with a particular focus on identifying any developments (including legal, commentary or proposed further reform) in the legal jurisdictions considered by the Lady Dorrian Review (e.g. New Zealand referenced at paragraphs 5.45-5.50 of the Review Report) since the Review Report was published in March 2021, including any jurisdictions not identified which have introduced or are considering the introduction of alternatives to juries, and any further literature or evidence published on the evaluation of the alternatives to jury trials considered by Lady Dorrian’s Review (single judge; panel of judges; judge with lay person(s); professional jurors). The Working Group is particularly interested in information in jurisdictions where such alternatives have been introduced as a change/reform to an existing regime of jury trials and how the additional information available adds to or impacts the existing body of evidence regarding the criminal justice system’s response to serious sexual offence cases.</p> <ul style="list-style-type: none"> • How has any academic literature/evidence published since the Lady Dorrian Review was released in March 2021 progressed discussions about the impact of alternatives to Jury trials (single judge trials, a panel of judges and combined judge and lay panel) on rape and serious sexual offences with specific regard to: <ul style="list-style-type: none"> ○ the experience of complainers during the trial process; ○ the rights of the accused; ○ public confidence in the justice system; and ○ Conviction Rates. • With a view to informing consideration and discussion on the implement of a single judge pilot, what are the key themes, challenges (both legal and practical) and lessons learnt (as applicable) that have emerged from those jurisdictions in which alternatives to jury trials (particularly single judge trials) for serious sexual offences have been introduced, or are proposed to be introduced;. We are interested in particular on <ul style="list-style-type: none"> ○ the experience of complainers during the trial process; ○ the rights of the accused; ○ public confidence in the justice system; and ○ conviction rates. <p>Focus should be on those countries in which a jury system has been in place. Identification of the type of criminal legal system (i.e. inquisitorial or adversarial), its constitutional position.</p>	

Bibliography:

Consideration could be given to

1. MacDonald. E, In the Absence of A Jury: Examining Judge-Along Rape Trials
Canterbury University Press, 2022,
2. Research conducted and collated for the Lady Dorrian Review, accessible at
Single Judge Trial Pilot - Working Group - Rapid Evidence Review Material
details - Objective ECM (scotland.gov.uk)