



Crime Facts Info

No. 186 13 March 2009

Juror understanding of judicial instructions

The overwhelming majority of jurors understand judicial instructions and judges' summing-up of evidence in criminal trials, according to a report by the New South Wales (NSW) Law Reform Commission and the NSW Bureau of Crime Statistics and Research (Trimboli 2008). The report is based on a survey from July 2007 to February 2008 of 1,221 jurors involved in selected criminal trials in the Supreme Court and District Court of NSW. Respondents completed the surveys at the end of the relevant trial, juror participation being voluntary. Regarding the judge's instructions on the law, the majority of jurors (99.7%) stated that they either understood completely or understood most things the judge said. Concerning the judge's summing-up of the trial evidence, the vast majority of jurors stated that the judge used words that were easy to understand; most viewed it as 'about the right length'; and 85.3 percent stated that they understood 'everything' or 'nearly everything'. The majority of jurors perceived the judge's summing-up to be the most significant help to the jury in reaching a verdict.

Extent of jurors' self-reported understanding of the judge's summing-up of evidence

	Number	Percent ^a
Understood everything judge said	702	57.5
Understood nearly everything judge said	340	27.9
Understood most things judge said	176	14.4
Understood very little of what judge said	3	0.3
Total	1,221	100.1

Source: Trimboli 2008

a: Because of rounding the total does not sum to 100.

Reference

Trimboli L 2008. Juror understanding of judicial instructions in criminal trials. *Crime and justice bulletin* no. 119. NSW Bureau of Crime Statistics and Research. [http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/CJB119.pdf/\\$file/CJB119.pdf](http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/CJB119.pdf/$file/CJB119.pdf)