Observations and Analysis of the Lay Judge Mock Trials －A Proposal to the Application of Model Instructions, Best Behavioral Practices and Decision Trees

Mong-Hwa Chin[*]

Abstract

This article describes the observations of a series of lay judge mock trials held between 2018 to 2019 in the district courts of Taiwan. It focuses on key procedures and issues including voir dire, opening statement, evidence investigation, the comprehension of law by lay judges, and deliberation (guilt and sentencing). It points out the importance of implementing tools such as "model instructions" for lay judges and "best practices guidelines" for professional judges, as well as "decision trees" to limit the cognitive loading of decision-making for both lay judges and professional judges. Finally, this article argues that these tools should be reviewed and maintained by a national committee and develop into a national standard.

Keywords: Lay Judge System, Mock Trial, Model Instruction, Best Practices Guidelines, Decision Tree

[*]　Associate Professor, National Chiao Tung University School of Law; S.J.D. Duke University School of Law.