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The Application of the Lay Judge Selection Process: Comparing with American Juries

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Abstract

The selection process is an essential process in which lay people must go through to become lay judges. However, in the moot courts held by the Judicial Yuan, questions were raised regarding the selection process. This article looks at the American jury system and related social science studies. This article argues that the selection process's primary goal is to exclude bias to ensure a fair trial and to increase legitimacy through procedural justice. The exclusion of bias can only be achieved by gathering enough information about the lay judge candidates; to increase legitimacy, opportunities for participation must be guaranteed. This article suggests expanding the use of written questionnaires before trial. Based on the findings of the questionnaires, the court should allow the parties to interview a limited number of lay judge candidates. Equally important, the court should use group interviews to increase the participation of all other lay judge candidates.

Keywords: Lay Judge, Selection Process, Procedural Justice, Questionnaire, Bias

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