

Kuah Rui Yi

‘Juries are appropriate for every type of case, including complex medical cases.’ Discuss.

Untrained juries adjudicate some of the most serious cases before the courts, an arrangement that has drawn increased scrutiny over their role in the justice system. In 2015, a jury convicted doctor Hadiza Bawa-Garba of gross negligence manslaughter (GNM), deciding that her actions significantly contributed to the death of a child in her care at the Leicester Royal Infirmary.¹ Because complex medical cases are not a class of cases unto themselves, the more salient distinction is between complex and non-complex cases. Hence, this essay will argue that in England and Wales, the opacity of jury verdicts, combined with the risks of arbitrariness, inexperience, and delay, renders juries inappropriate for any type of case, including complex medical cases.

Here, the justice system is defined as involving the creation of legislation, the enforcement of legislation, and the provision of redress. The function of the judiciary is outlined by Bentham’s ‘rectitude of decision’, as expounded by Twining,² where the judicial process aims to determine the facts of a case, and apply the law to those facts. Rawls outlined another key principle of justice systems, namely that harm to individuals cannot automatically be justified by the greater good.³ Though Rawls’s argument concerns social institutions, it also applies to the justice system, as a justice system which tolerates arbitrary verdicts in pursuit of societal benefit fails in its primary aim to deliver justice to individuals under the law. These two principles thus yield a two-part test: Juries are only appropriate if they fulfil the Rawlsian condition of protecting individual justice, and advance the rectitude of decision, relative to judge-only trials.⁴

¹ *R v Bawa-Garba* [2016] EWCA Crim 1841.

² William Twining, *Rethinking Evidence: Exploratory Essays* (Cambridge University Press 2010) 41.

³ John Rawls, *A Theory of Justice* (Rev edn, Harvard University Press 1999) 3.

⁴ In the vast majority of civil cases, judge-only trials are conducted. Even in the Crown Court, judge-only trials can be conducted where jury tampering is suspected. See the Senior Courts Act 1981, s 69. Also see the Criminal Justice Act 2003, s 44.

No group of cases is legally classified as ‘complex medical cases’ per se, as medical cases can be either criminal or tortious. Most criminal medical cases are tried by jury in the Crown Court.^{5 6 7 8} However, virtually all civil cases, including civil medical cases, are tried without juries.⁹

However, the question’s assumption that complex medical cases are a special class of cases is flawed. The immense complexity of medical cases is not unique, for other cases can be similarly complicated.¹⁰ Consider rape cases, where Bayesian evidence was found to be so complex as to ‘almost certainly’ confuse jurors.¹¹ Even if evidence in complex medical cases is disputed,¹² evidence in other complex cases can be similarly problematic.¹³ Others argue that complex medical cases concern especially emotive issues, which juries cannot adjudicate dispassionately. However, other cases, such as sexual offence cases, are similarly emotive.

Even if complex medical cases merited different treatment, there remains no legal test to determine what constitutes such a case,¹⁴ so handling those cases differently would be wholly arbitrary. Instead, all complex cases should be considered separately, due to the difficulties juries may face in understanding the case material.¹⁵

⁵ Medical professionals tend to be charged with gross negligence manslaughter. See *R v Adomako* [1995] 1 AC 171.

⁶ Gross negligence manslaughter must ordinarily be tried before a jury, as it is an indictable-only offence. See Oliver Quick, ‘Prosecuting “gross” medical negligence: manslaughter, discretion, and the Crown Prosecution Service’ (2006) 33 *Journal of Law and Society* 421. Also see Crown Prosecution Service, ‘Gross Negligence Manslaughter’ (CPS, 14 March 2019) <<https://www.cps.gov.uk/legal-guidance/gross-negligence-manslaughter>> accessed 9 July 2026.

⁷ Crime and Disorder Act 1998, s 51.

⁸ Courts and Tribunals Judiciary, ‘Crown Court’

<<https://www.judiciary.uk/courts-and-tribunals/crown-court/>> accessed 2 July 2026.

⁹ This change was enacted under the Administration of Justice Act 1933, and re-enacted under the Senior Courts Act 1981, though the Act does provide for the entitlement to trial by jury in cases of fraud, malicious prosecution, and false imprisonment, though even that entitlement can be withdrawn in the event that the trial is too complex for a jury. The Courts can also order a trial by jury in other cases if they see fit. See Senior Courts Act 1981, s 69.

¹⁰ Sir Robin Auld, *Review of the Criminal Courts of England and Wales* (TSO 2001) ch 5, para 183.

¹¹ *R v Adams* [1997] EWCA Crim 2474 [24].

¹² See *R v Cannings* [2004] EWCA Crim 1 [178]. Also see *R v Clark* [2003] EWCA Crim 1020 [96].

¹³ See *R v McKenny* [1991] EWCA Crim 2 [140].

¹⁴ The only legislation that defined complexity is the Criminal Justice Act 2003, but its definition is confined to fraud cases. See Criminal Justice Act 2003, s 43(5). Section 43 of the Act was later repealed. See Protection of Freedoms Act 2012, s 113.

¹⁵ Sir Robin Auld, *Review of the Criminal Courts of England and Wales* (TSO 2001) ch 5, para 183.

Juries' unreasoned verdicts fail to meet a key requirement of modern justice systems. According to the European Court of Human Rights (ECtHR),¹⁶ defendants have a right to understand verdicts.¹⁷ However, juries often do not provide explicit reasoning.¹⁸ The ECtHR does allow for Route-to-Verdict instructions to function as procedural safeguards against arbitrariness in place of expressly reasoned verdicts.^{19 20} However, juries' reliance on such guidelines, and by extension the efficacy of these safeguards, cannot be established, due to the legally protected secrecy of jury deliberations.^{21 22} Though this secrecy lets jurors deliberate freely, it also hinders the pursuit of justice. Jury verdicts only indirectly, and sometimes inadequately, meet the ECtHR's standard that defendants understand verdicts. In *Bawa-Garba's* case, the jury never stated what made her conduct 'truly exceptionally bad',²³ depriving her and the medical profession of an explanation of why her conduct constituted GNM. In contrast, judges convicting defendants in Crown Court judge-only trials are legally bound to provide their reasoning.^{24 25} Lord Hewart CJ famously noted that 'justice should not only be done, but should... be seen to be done'.²⁶ Jury trials fall short of this standard, failing to provide additional clarity to defendants vis-à-vis trials by judges alone, endangering both the administration of justice and defendants' rights.

Juries' potential arbitrariness raises further concerns. The principle of jury equity,²⁷ which affords juries the liberty to acquit on the basis of conscience,²⁸ has long been celebrated as a defence against tyranny and unjust laws,²⁹ a purpose it fulfilled in

¹⁶ Though not strictly a domestic court, arguments and precedent from the ECtHR will be cited here, as the UK has ratified the European Convention on Human Rights (ECHR), and transposed the Convention rights into domestic legislation, thus binding the UK in decisions of the ECtHR in which the UK is a party, and creating precedent domestic courts must take into account when making decisions. See Human Rights Act 1998. Also see ECHR, art 46(1).

¹⁷ *Taxquet v Belgium* (2012) 54 EHRR 26 [90].

¹⁸ *ibid*, [56].

¹⁹ *ibid*, [92].

²⁰ Judicial College, 'The Crown Court Compendium, Part I: Jury and Trial Management and Summing Up' (Judicial College, March 2026), s 1-4.

²¹ Criminal Justice and Courts Act 2015, s 74(1).

²² *R v Connor and another* [2004] UKHL 2 [41].

²³ *R v Bawa-Garba* [2016] EWCA Crim 1841 [36].

²⁴ Criminal Justice Act 2003, s 48(5)(a).

²⁵ Sir Robin Auld, *Review of the Criminal Courts of England and Wales* (TSO 2001) ch 5, para 89.

²⁶ *R v Sussex Justices, ex parte McCarthy* [1924] 1 KB 256, 259.

²⁷ The principle was established in the landmark case, *Bushell's Case*. See *Bushell's Case* (1670) Vaughan 135, 124 ER 1006, 1011.

²⁸ *R v Webster and Ors* [2026] EWCA Crim 9 [53].

²⁹ Sir William Blackstone, *Commentaries on the Laws of England* (1765–69), Book IV ch 27.

curtailing absolute monarchs' powers. However, this falls short of the modern fact-finding purpose of the jury.³⁰ The glorification of jury equity belies the latitude it affords juries to moralise, and the dire consequences that result, for judges are barred from ever directing juries to convict,³¹ with the 'conscience of the jury' the only safeguard against 'perverse acquittal'.³² Consistency, where like cases are tried alike, is fundamental to justice systems.³³ ³⁴ Having juries act according to their views, rather than the law, is a 'blatant affront' to the purpose of the justice system,³⁵ and exceeds juries' fact-finding remit.³⁶ A justice system cannot retain public confidence when defendants' fates hinge solely on the sympathy of the jury. Thus, jury equity renders juries unfit for purpose.

Even if juries adjudicated on facts alone, they would likely still produce more arbitrary outcomes than judge-only trials. Juries lack the breadth of knowledge to make decisions in line with established standards, and also only adjudicate individual cases,³⁷ ³⁸ so their decisions fall far short of judges' wealth of experience and consistent decisions across cases. The lack of oversight into juries' deliberations means that wholly arbitrary decisions may go unchecked. Juries undermine the right to a fair trial, which entails being judged on the same standards as other defendants, hence impairing systemic fairness.

The use of juries also hampers the functioning of the justice system. Timeliness is a key principle of the English justice system, enshrined in the Magna Carta.³⁹ However, jury trials entail procedures not utilised in judge-only cases,⁴⁰ imposing a time premium on jury trials. In 2026, the median waiting time for defendants in jury trials was 48 weeks, compared to 10.6 weeks for all defendants at the Crown Court.⁴¹

³⁰ *R v Wang* [2005] UKHL 9 [8].

³¹ *R v Wang* [2005] UKHL 9 [10].

³² *Chandler v DPP* [1964] AC 763, 803-804.

³³ HLA Hart, *The Concept of Law* (3rd edn, Oxford University Press 2012) ch VIII.

³⁴ AV Dicey, *Introduction to the Study of the Law of the Constitution* (Liberty Fund 1982) 120.

³⁵ Sir Robin Auld, *Review of the Criminal Courts of England and Wales* (TSO 2001) ch 5, para 105.

³⁶ *ibid.*

³⁷ *Ward v James* [1966] 1 QB 273 (CA).

³⁸ Sir Robin Auld, *Review of the Criminal Courts of England and Wales* (TSO 2001) ch 5, para 81.

³⁹ Magna Carta 1215, Clause 40.

⁴⁰ Sir Brian Leveson, *Independent Review of the Criminal Courts: Part 1* (Ministry of Justice 2025) ch 9 paras 10-11.

⁴¹ The waiting time is the duration between case receipt and first main hearing for all defendants dealt with at the Crown Court. See Ministry of Justice, 'Criminal Court Statistics Quarterly: January to March 2026' (25 June 2026)

While jury trials do concern more complex offences, estimates suggest that trying cases by judges alone would reduce sitting times by 20%,⁴² helping to reduce the backlog of cases.⁴³ Juries thus threaten the timeliness of justice for defendants and victims alike, putting their rights at risk.

Juries are especially problematic in cases which are so complex as to put 'justice at risk'.⁴⁴ Complex cases often involve technical issues, and juries make determinations based on their potentially limited understanding of the evidence. Consider *R v Bawa-Garba*, where the jury had to determine whether Bawa-Garba's gross negligence contributed significantly to the victim's death.⁴⁵ Lay juries are ill-equipped to assess such technical questions.⁴⁶ While expert witnesses may assist juries, juries' grasp of the information is impossible to ascertain.⁴⁷ In some complex medical cases, the experts' testimony is itself contested, such as in *R v Clark*, where Sally Clark was convicted of murdering her two sons,⁴⁸ partly on the basis of evidence which was later found to be incomplete and 'statistically invalid'.^{49 50 51} To reach an accurate verdict, the jury would have had to evaluate the reliability of highly technical evidence, something lay juries cannot reasonably be expected to do. Appeals fail to remedy such wrongful convictions adequately, for undisclosed errors by juries cannot form grounds for appeal, and lengthy appeals subject appellants to wrongful

<<https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-january-to-march-2026/criminal-court-statistics-quarterly-january-to-march-2026>> accessed 9 July 2026.

⁴² Sir Brian Leveson, *Independent Review of the Criminal Courts: Part 1* (Ministry of Justice 2025) ch 9 para 34.

⁴³ In March 2026, the backlog of cases at the Crown Court stood at 80,061. See Ministry of Justice, 'Criminal Court Statistics Quarterly: January to March 2026' (25 June 2026)

<<https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-january-to-march-2026/criminal-court-statistics-quarterly-january-to-march-2026>> accessed 9 July 2026.

⁴⁴ Sir Robin Auld, *Review of the Criminal Courts of England and Wales* (TSO 2001) ch 5, para 183.

⁴⁵ *R v Bawa-Garba* [2016] EWCA Crim 1841 [20].

⁴⁶ Fraud Trials Committee, *Report* (Cmnd 9658, 1986) ch 8 para 8.34.

⁴⁷ No test is administered to assess jurors' comprehension of material in the case; existing precedent and statutes prohibit any investigation into jurors' deliberations, which would encompass their understanding of the case. See *R v Connor and another* [2004] UKHL 2 [41]. Also see Criminal Justice and Courts Act 2015, s 74(1).

⁴⁸ *R v Clark* [2003] EWCA Crim 1020 [1].

⁴⁹ *ibid*, [93].

⁵⁰ *ibid*, [138]-[142].

⁵¹ Evidence was cited by a prosecution witness that the chance of two infants dying of SIDS in the Clark family by chance was 1 in 73 million. That statistic was later described as 'statistically invalid' and lacking 'empirical justification' by the Royal Statistical Society. See *R v Clark* [2003] EWCA Crim 1020 [96]. Also see Royal Statistical Society, 'Royal Statistical Society Concerned by Issues Raised in Sally Clark Case' (Royal Statistical Society, 23 October 2001)

<<https://rss.org.uk/RSS/media/File-library/Membership/Sections/2020/Sally-Clark-RSS-statement-2001.pdf>> accessed 4 July 2026.

imprisonment.^{52 53} Indeed, the Court of Appeal held in *Cannings* that where there is a dispute on essential technical evidence between 'reputable experts',⁵⁴ it is often unsafe to proceed.⁵⁵

While juries tend to try cases on the evidence and the law,⁵⁶ that fairness is impossible to verify in individual cases. This unverifiability is itself harmful. A defendant convicted without reasons has no reassurance that the conviction is fair, a result that falls short of Hewart's standard that justice 'be seen to be done'.⁵⁷ Though a judge's comprehension is no more certain, a judge's lack of comprehension may be exposed in their grounds of decision,⁵⁸ enabling appeals and thus recourse.

Of the arguments for retaining jury trials, the first posits a right to trial by jury,⁵⁹ with proponents arguing that the Magna Carta confers such a right.⁶⁰ However, no entrenched right against Parliament to jury trials in England or Wales exists,⁶¹ nor does the ECHR confer one.⁶²

Lord Devlin best elucidates another main argument for retaining juries, describing them as 'the lamp that shows that freedom lives',⁶³ as jury trials provide a check on state power,⁶⁴ and ensure societal participation in the justice system.⁶⁵ However, his thesis is fundamentally flawed.

⁵² Clark only succeeded on her second appeal on the basis of new evidence that emerged, over 3 years after her initial conviction. Her first appeal upheld her conviction. See *R v Clark* [2003] EWCA Crim 1020 [1]-[4].

⁵³ Clark served over 3 years in prison before her convictions were quashed as unsafe. See *R v Clark* [2003] EWCA Crim 1020 [1]-[4].

⁵⁴ *R v Cannings* [2004] EWCA Crim 1 [178].

⁵⁵ *ibid.*

⁵⁶ Cheryl Thomas, *Are Juries Fair?* (Ministry of Justice Research Series 1/10, February 2010) 31.

⁵⁷ *R v Sussex Justices, ex parte McCarthy* [1924] 1 KB 256, 259.

⁵⁸ Criminal Justice Act 2003, s 48(5)(a).

⁵⁹ Sally Lloyd-Bostock and Cheryl Thomas, 'The Continuing Decline of the English Jury' in Neil Vidmar (ed), *World Jury Systems* (OUP 2000) 53.

⁶⁰ Sir Robin Auld, *Review of the Criminal Courts of England and Wales* (TSO 2001) ch 5, para 7.

⁶¹ *ibid.*, para 8.

⁶² *Twomey, Cameron and Guthrie v UK* (2013) 57 EHRR SE15 [30].

⁶³ Patrick Devlin, *Trial by Jury* (Stevens & Sons 1956) 164.

⁶⁴ *ibid.*, 159-160.

⁶⁵ *ibid.*, 164.

First, the jury's check on state authority is one-sided. While juries can prevent unjust convictions, few safeguards against perverse acquittals exist.^{66 67} Because juries' exercise of jury equity is secret, it is unaccountable in spite of its potential arbitrariness and injustice. Moreover, a perverse acquittal denies the victim redress. In contrast, judges are neither beholden to the state, as seen by the multitude of rulings by judges against the government,⁶⁸ nor unaccountable,⁶⁹ for their reasoned judgments can be appealed.

Second, while juries might protect defendants' rights in especially controversial cases, the systemic harms to other defendants caused by juries' opaque and lay nature cannot plausibly be justified by the benefits of juries in the fringe cases where they provide a check on prosecutorial power.

Third, societal participation is not indispensable to the justice system. While juries are, on aggregate, racially unbiased,^{70 71} that individual verdicts are unbiased cannot be verified under jury secrecy legislation,⁷² so juries provide limited protection from discrimination. In contrast, judges' reasoned judgments can form the basis of appeals, should judges prove to be racially biased.⁷³ By Rawls's principle, the increased confidence in the justice system juries might engender cannot justify the risk juries pose to individual defendants.⁷⁴

Societal participation also does not legitimise jury verdicts. To treat the lay, deliberative nature of juries as ensuring just verdicts is to treat jury trials as pure

⁶⁶ *Chandler v DPP* [1964] AC 763, 803-804.

⁶⁷ Perverse acquittals can rarely be appealed by the prosecution. Retrials can only be ordered if new and compelling evidence emerges, of which a perverse acquittal provides none, and it is in the interests of justice for such a retrial to be ordered. See Criminal Justice Act 2003, ss 78-79.

⁶⁸ See *R (on the application of Miller) v The Prime Minister* [2019] UKSC 41. Also see *A v Secretary of State for the Home Department* [2004] UKHL 56.

⁶⁹ Sir Robin Auld, *Review of the Criminal Courts of England and Wales* (TSO 2001) ch 5, para 105.

⁷⁰ David Lammy, *The Lammy Review: An Independent Review into the Treatment of, and Outcomes for, Black, Asian and Minority Ethnic Individuals in the Criminal Justice System* (Ministry of Justice 2017) 32.

⁷¹ Cheryl Thomas, *Are Juries Fair?* (Ministry of Justice Research Series 1/10, February 2010) 22.

⁷² *Gregory v UK* (1997) 25 EHRR 577 [44].

⁷³ Criminal Justice Act 2003, s 48(5)(a).

⁷⁴ John Rawls, *A Theory of Justice* (Rev edn, Harvard University Press 1999) 3.

procedural justice,⁷⁵ with no independent standard of ‘rightness’.⁷⁶ However, criminal trials are a form of imperfect procedural justice.⁷⁷ The defendant’s guilt, or lack thereof, provides an independent standard of rightness, but the courts cannot always reach the right verdict. While neither judges nor juries are infallible, the flaws of juries, combined with judges’ experience and familiarity with precedent, mean that judge-only trials are better placed to further the rectitude of decision.

Others propose reforming juries instead of abolishing them, though that too is unfeasible. Specialised juries for complex trials would effectively amount to judge-and-assessor trials,^{78 79} forfeiting the lay, representative nature of juries that defenders invoke. Requiring juries to produce reasoned verdicts would also be ineffective, as the authenticity of such reasoning would be unverifiable under secrecy provisions.⁸⁰ Curtailing jury equity by permitting judges to direct juries to convict would require overturning *R v Wang*,⁸¹ and prevent juries from making independent determinations of guilt. Increased oversight over juries would also produce a chilling effect on juries’ otherwise candid and free deliberation,⁸² impairing juries’ deliberative function.⁸³ Thus, juries’ flaws cannot be remedied without abolishing the defining features of jury trials.

Legislators and judges have also relied on the sanctity of juries to preserve jury trials.^{84 85} However, this contravenes the Rawlsian principle of individual inviolability,

⁷⁵ As outlined by Rawls, pure procedural justice refers to a form of justice where the utilisation of a correct or fair process guarantees a correct or fair outcome, with no independent criterion of whether the outcome is right. See John Rawls, *A Theory of Justice* (Rev edn, Harvard University Press 1999) 75.

⁷⁶ *ibid.*

⁷⁷ Imperfect procedural justice refers to a form of justice where there exists an independent criterion of whether a decision is right, namely whether the verdict aligns with the defendant’s guilt or lack thereof, but the flaws inherent in the justice system make it impossible to reach the ‘right’ decision in every single instance. See John Rawls, *A Theory of Justice* (Rev edn, Harvard University Press 1999) 75.

⁷⁸ Judge-and-assessor trials consist of judges trying the case, assisted by assessors, who are experts in the subject matter of the case. During the trial, assessors answer any questions on their area of expertise put to them by the judge. See Anthony Dickey, ‘The Province and Function of Assessors in English Courts’ (1970) 33 MLR 494, 501.

⁷⁹ Sir Robin Auld, *Review of the Criminal Courts of England and Wales* (TSO 2001) ch 5, para 180.

⁸⁰ *R v Connor and another* [2004] UKHL 2 [11].

⁸¹ *R v Wang* [2005] UKHL 9 [8].

⁸² *R v Connor and another* [2004] UKHL 2 [13].

⁸³ *Gregory v UK* (1997) 25 EHRR 577 [44].

⁸⁴ See *R v Connor and another* [2004] UKHL 2 [7].

⁸⁵ HL Deb 9 July 2026, vol 858, col 371.

for it impairs individual defendants' right to a fair trial in favour of preserving a public institution which fails to advance the rectitude of decision.

Jury trials fail on both counts of the two-part test due to their opacity, arbitrariness, inexperience, and delay. While these flaws are more pronounced in complex cases, the principles of the justice system, and the risks juries pose to them, are universal. Consider again Bawa-Garba's case. When a lay jury convicted her of GNM,⁸⁶ it left no reasons explaining what made her conduct 'truly exceptionally bad'. Yet, when her erasure from the Medical Register was appealed, judges produced transparent, reasoned decisions grounded in precedent, and ultimately overturned her erasure.⁸⁷ Juries are therefore not appropriate for any type of case, including complex medical cases. After all, the best defender of a defendant's rights is not a jury of laypersons, deliberating in secret, but a judge, sworn to be impartial, and transparent in their reasoning.

(1998 words)

⁸⁶ *R v Bawa-Garba* [2016] EWCA Crim 1841 [1].

⁸⁷ *Bawa-Garba v General Medical Council* [2018] EWCA Civ 1879 [97]-[98].

Bibliography

Cases

European Court of Human Rights

Gregory v UK (1997) 25 EHRR 577.

Taxquet v Belgium (2012) 54 EHRR 26.

Twomey, Cameron and Guthrie v UK (2013) 57 EHRR SE15.

United Kingdom

A v Secretary of State for the Home Department [2004] UKHL 56.

Bawa-Garba v General Medical Council [2018] EWCA Civ 1879.

Bushell's Case (1670) Vaughan 135, 124 ER 1006.

Chandler v DPP [1964] AC 763.

R v Adams [1997] EWCA Crim 2474.

R v Adomako [1995] 1 AC 171.

R v Bawa-Garba [2016] EWCA Crim 1841.

R v Cannings [2004] EWCA Crim 1.

R v Clark [2003] EWCA Crim 1020.

R v Connor and another [2004] UKHL 2.

R v McKenny [1991] EWCA Crim 2.

R v Sussex Justices, ex parte McCarthy [1924] 1 KB 256.

R v Wang [2005] UKHL 9.

R v Webster and Ors [2026] EWCA Crim 9.

R (on the application of Miller) v The Prime Minister [2019] UKSC 41.

Ward v James [1966] 1 QB 273 (CA).

National Legislation

Administration of Justice Act, 1933.

Crime and Disorder Act, 1998.

Criminal Justice Act, 2003.

Criminal Justice and Courts Act, 2015.

Human Rights Act, 1998.

Magna Carta, 1215.

Protection of Freedoms Act, 2012.

Senior Courts Act, 1981.

International Legal Instruments

European Convention on Human Rights, 1950.

Books

Blackstone W, *Commentaries on the Laws of England* (1765–69).

Devlin P, *Trial by Jury* (Stevens & Sons 1956).

Dicey AV, *Introduction to the Study of the Law of the Constitution* (Liberty Fund 1982).

Hart HLA, *The Concept of Law* (3rd edn, Oxford University Press 2012).

Lloyd-Bostock S and Thomas C, 'The Continuing Decline of the English Jury' in Vidmar N (ed), *World Jury Systems* (OUP 2000) 53.

Rawls J, *A Theory of Justice* (Rev edn, Harvard University Press 1999).

Twining W, *Rethinking Evidence: Exploratory Essays* (Cambridge University Press 2010).

Journal Articles

Dickey A, 'The Province and Function of Assessors in English Courts' (1970) 33 MLR 494.

Quick O, 'Prosecuting "gross" medical negligence: manslaughter, discretion, and the Crown Prosecution Service' (2006) 33 Journal of Law and Society 421.

Other Sources

Auld R, *Review of the Criminal Courts of England and Wales* (TSO 2001).

Courts and Tribunals Judiciary, 'Crown Court'

<<https://www.judiciary.uk/courts-and-tribunals/crown-court/>>.

Crown Prosecution Service, 'Gross Negligence Manslaughter' (CPS, 14 March 2019)

<<https://www.cps.gov.uk/legal-guidance/gross-negligence-manslaughter>>.

Fraud Trials Committee, *Report* (Cmnd 9658, 1986).

HL Deb 9 July 2026, vol 858, col 371.

Judicial College, 'The Crown Court Compendium, Part I: Jury and Trial Management and Summing Up' (Judicial College, March 2026).

Lammy D, *The Lammy Review: An Independent Review into the Treatment of, and Outcomes for, Black, Asian and Minority Ethnic Individuals in the Criminal Justice System* (Ministry of Justice 2017).

Leveson B, *Independent Review of the Criminal Courts: Part 1* (Ministry of Justice 2025).

Ministry of Justice, 'Criminal Court Statistics Quarterly: January to March 2026' (25 June 2026)

<<https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-january-to-march-2026/criminal-court-statistics-quarterly-january-to-march-2026>>.

Royal Statistical Society, 'Royal Statistical Society Concerned by Issues Raised in Sally Clark Case' (Royal Statistical Society, 23 October 2001)

<<https://rss.org.uk/RSS/media/File-library/Membership/Sections/2020/Sally-Clark-RSS-statement-2001.pdf>>.

Thomas C, *Are Juries Fair?* (Ministry of Justice Research Series 1/10, February 2010).