

The Effects of Trial Procedure Factors and Deliberation Factors on Shadow Jurors' Perceptions about the Fairness of Jury Trials in Korea*

Jisuk Woo**, June Woong Rhee***, Jae-Hyup Lee****

Abstract

Using survey data collected from 295 shadow jury participants in 20 jury trial cases between January and June of 2012 in South Korea, we examined whether various factors in the court proceedings and deliberations affected the shadow jurors' perception of trial fairness and their evaluation of the jury trials in general. We found that the shadow jurors' perceptions about the fairness of the trial were accounted for by their perceptions of how well the judges managed the trials and of how helpful the judges were in assisting the deliberation process. The shadow jurors did not think the trial was less fair because they perceived the case to be complex. Nor did they think the trial was fairer because the prosecutor made a good case against the defendant or because the defense counsel made a good defense.

On the other hand, the shadow jurors' support of the jury system in general was influenced by very different explanatory variables. The jurors' personal characteristics, such as their degree of cognitive wants, influenced how desirable they thought the jury system is for the fairness of the trial. The shadow jurors who enjoyed debates and were willing to solve difficult problems and to learn new things were more likely to appreciate the jury trial as an institution to advance fairness in criminal justice. Also, the more the shadow jurors thought that they actively participated in the discussion process, the more desirable they considered to the jury system to be in advancing fairness. In conclusion, the shadow jurors' attitudes toward the desirability of the

* A much expanded version of this article was originally published in the Korean language, and this article is a summarized translation of the original article. For the original article, refer to Jisuk Woo, June Woong Rhee & Jae-Hyup Lee, *Jaepanui Gongjeongseonge Daehan Insiye Yeonghyangul Michinun Yoine Daehan Yeongu* [The Effects of Trial Procedure Factors and Deliberation Factors on the Perception of Fairness About the Trial – Based on Shadow Jurors' Experiences at Jury Trials in Korea], 54 SEOUL. L. J. 261 (2013) (In Korean).

** Professor, Graduate School of Public Administration, Seoul National University.

*** Professor, Department of Communication, Seoul National University.

**** Professor, Seoul National University School of Law.

jury trial most depends on the assessment of their own cognitive abilities and wants and their willingness to actively participate in the discussion.

KEYWORDS: Fairness, Jury System, Shadow Jury, Korean Jury Trial, Deliberation

I. Introduction

According to previous surveys, Korean people's perception about the fairness of the judiciary is generally negative. Koreans are often associate 'authoritarian' or 'unfair' with the word 'law.' People who think that law enforcement and trials are administered unfairly outnumber those who think that they are administered fairly.¹⁾ One survey shows that many people think the law is enforced in a discriminatory way depending on the socio-economic status of those who violate law.²⁾ Overall, trust in the judicial system in Korea is quite low. The fairness of the judiciary, especially people's perception about the fairness of trials, is an important factor that constitutes people's trust of the judiciary.³⁾ The negative perception about the fairness of trials can lead to a decline of the trust in the judiciary and consequently undermine the legitimacy of the judicial system.

Some have pointed out that the perceptions about the fairness of criminal trials will be a decisive factor influencing the perception of the fairness of the judicial system.⁴⁾ Courts' inconsistent interpretations and applications of criminal law, as well as sentences that are perceived as unjust by the general public, have been suggested as important reasons for

1) SEJEONG LEE & SANGYOON LEE, GUKMIN BEOBUISIK JOSAYEONGU [RESEARCH ON THE 2008 KOREAN PEOPLE'S LEGAL CONSCIOUSNESS] 102 (2008) (In Korean).

2) EUIGI SHIN & EUN YEONG KANG, BEOBJIPHAENGUI GONGJEONGSEONGE DAEHAN GUKMINUISIK JOSAYEONGU [A STUDY ON PUBLIC PERCEPTION OF FAIRNESS IN LAW ENFORCEMENT] 117 (2012) (In Korean).

3) Sangwon Lee, *Sabeobsinroiheongseonggujowa Jaepanui Gonggae* [Public Trust Building Structure of the Judiciary and Access to Justice], 53 SEoul L. J. 307, 308-309 (2012) (In Korean).

4) Daniel W. Shuman & Jean A. Hailton, *Jury Service-It may Change Your Mind: Perceptions of Fairness of Jurors and Nonjurors*, 46 S. M. U. L. REV. 449, 451 (1992).

the mistrust of the judicial system in Korea.⁵⁾

As a way to enhance the credibility of the judiciary and to increase democratic participation, a jury system was introduced in Korea in 2008.⁶⁾ By the end of 2019, a total of 2,822 jury trials had been held, and the number of jury trials has consistently increased from year to year.⁷⁾ The Korean jury system, as envisaged in the Act for Civil Participation in Criminal Trials of 2007 [*Gukminui Hyeongsajaepan Chamyeye Gwanhan Beobrul*] (the “Act”),⁸⁾ incorporates elements of both the U.S.-style system and the German lay assessor system.⁹⁾ The idea of utilizing the two primary styles of lay participation was to experiment with both of them in the Korean context in order to identify the most appropriate model. The past five years of experiences have been evaluated as a success rather than a failure by the legal community and the media, with expectation that the jury system will be improved and more widely used in the future. But whether the jury system actually enhances people’s perception about the fairness of trials is yet to be examined, and this study tries to answer this question by analyzing the experiences of those who participated as shadow jurors in Korea.

The general public’s perception about the fairness of the judicial system has been examined before,¹⁰⁾ and some studies were conducted regarding the perception of the participants of criminal or civil trials. Few studies have been conducted, however, on the perception of those who

5) Taehoon Ha, *Sabeobe Daehan Sinroe [Public Trust in the Justice System]*, 134 JUSTICE 575, 584 (2013) (In Korean).

6) For a general overview of the background and history of the Korean jury system and the relevant legal provisions, see Jae-Hyup Lee, *Getting Citizens Involved: Civil Participation in Judicial Decision-Making in Korea*, 4 E. ASIA L. REV. 177, 182-197 (2009); see also Jae-Hyup Lee, *Korean Jury Trial: Has the New System Brought About Changes?*, 12 ASIAN-PACIFIC L. & POL’Y J. 58 (2010).

7) NATIONAL COURT ADMINISTRATION, 2008-2019 GUKMIN CHAMYEO JAEPAN SEONGGWABUNSEOK [ANALYSIS OF PERFORMANCE OF THE CIVIL PARTICIPATORY CRIMINAL TRIALS, 2008-2019], 2 (on file with the author, June 2020) (In Korean).

8) *Gukminui Hyeongsajaepan Chamyeye Gwanhan Beobrul* [Act for Civil Participation in Criminal Trials] (Act No. 8495, June 1, 2007) (S. Kor.) [hereinafter the Act].

9) In Sup Han, *Hangukui Baesimwonjaepan [Criminal Jury Trials in South Korea: Issues and Initial Experiments]*, 50 Seoul L. J. 681, 695 (2009) (In Korean).

10) EUIGI SHIN & EUN YEONG KANG, *supra* note 2.

participated in trials as jurors. Jurors formulate their perceptions through more concrete experiences than the general public, while being not as attached to the results of the trials as the other trial participants. Unlike judges, prosecutors, defense counsels, defendants, and victims of crimes, jurors do not have a direct interest in the trial. Therefore, studying jurors will provide important implications of the ways in which perceptions about the fairness of trials are formed. It is meaningful to investigate the relationship between the jurors' experiences in participating in the trial process and their perception about the fairness of the trials.¹¹⁾ The study of jurors' perception about fairness can provide an important clue to understand how people's perception about fairness of the judicial system is shaped.

Previous studies have shown that personal characteristics (e.g., race) or prior experiences with the government influence individual perceptions of the government.¹²⁾ It was suggested that the perception about the fairness of the judicial system was related to the evaluation of procedural fairness. In the U.S., those who participated in trials as jurors have more favorably viewed the fairness of trials. However, few studies explored the reasons why the experiences as jurors enhanced the perception about the fairness of trials. In particular, no comprehensive studies have examined what kind of the experiences in the jury deliberation processes influenced the jurors' perception of the fairness. We aim to explore various factors both in trial procedures and in deliberation processes and to examine how these factors affect the perception of the fairness of trials.

11) Daniel W. Shuman & Jean A. Hailton, *supra* note 4, at 451.

12) Tom R. Tylor, Jonathan D. Casper & Bonnie Fisher, *Maintaining Allegiance Toward Political Authorities: The Role of Prior Attitudes and the Use of Fair Procedures*, 33 AM. J. POL. SCI. (1989); Bernadyne Turpen & Anthony Champane, *Perceptions of Judicial Fairness*, in JAMES A. INCIARDI & KENNETH C. HAAS eds., *CRIME AND THE CRIMINAL JUSTICE PROCESS* (1978).

II. Methods

1. *Research Model*

This research explores how jurors' perceptions about trial fairness and their evaluations about jury trials in general are influenced by their observations of the trial and its participants that were obtained through the trial procedure ("trial factors"), and by their perceptions about how deliberations were conducted ("deliberation factors"). Trial factors include: (1) the complexity of the trial as perceived by jurors, (2) evaluation about the judge, (3) evaluation about the defense counsel, (4) the evaluation about the prosecutor, and (5) evaluation about whether defendants had a sufficient opportunity to make their arguments at trial. Deliberation factors include: (1) the level of exchange of jurors' opinions during deliberations, (2) the level of participation of the juror, (3) evaluation of how well the foreperson has managed the deliberation process, (4) evaluation of the judge's assistance during deliberations, (5) the level of difficulty the juror experienced in reaching a final decision. In addition to these variables, we added (6) the level of satisfaction about the deliberations in general and (7) the level of satisfaction about the final court judgment.

Our research model is provided in Figure 1. As suggested, we expected that the trial factors and deliberation factors would affect the perception of fairness of the trials in which the shadow jurors participated and their evaluation of jury trials in general. However, to explore the independent effects of these variables, we controlled the socio-demographic variables (e.g., gender, age, educational level) and individual variables (the level of cognitive wants or the level of trust in other people in general).

Figure 1. Research model

Control variables	Independent variables 1	Independent variables 2	Dependent variables
Demographic backgrounds and individual characteristics	Trial factors	Deliberation factors	Evaluation of the jury trial system
<ul style="list-style-type: none"> - gender - age - education - level of trust in other people in general - level of cognitive wants - type of shadow jury 	<ul style="list-style-type: none"> - complexity of the trial perceived by jurors - evaluation of the judge - evaluation of the defense counsel - evaluation of the prosecutor - evaluation of whether defendants had a sufficient opportunity make their arguments at trial 	<ul style="list-style-type: none"> - level of exchange of jurors' opinions - level of participation of the juror him(her)self - evaluation of how well the foreperson has managed the deliberations - evaluation of judge's assistance during deliberations - level of difficulty of the juror him(her)self in reaching a final decision - level of satisfaction about deliberations in general - level of satisfaction about the final court judgment 	<ul style="list-style-type: none"> - perception of fairness of the trials in which the shadow jurors participated - evaluation of the jury trial in general

2. Characteristics of the Sample

The present paper used the data we collected for the shadow jury deliberation studies that were conducted between January 2012 and June 2012 (20 cases). Two types of shadow jury groups were selected. One group is composed of juror candidates who were not selected during the *voir dire* ("research jury"). Another group of shadow jurors were composed of people who were recruited by the court to serve as shadow

jurors (“participatory jury”).¹³⁾ In any given trial, therefore, one or two groups of shadow jurors are studied, rather than the members of the empaneled juries.

As illustrated in Table 1, compared to the research jury group, the participatory jury is relatively younger, more homogenous (e.g., members from the same school or workplace), and more knowledgeable in law (e.g., students attending law school or trainees at the Judicial Research and Training Institute). The distribution of gender of these two jury groups is not meaningfully different.

Table 1. Demographic characteristics of the sample*

		Total	Research Jury	Participatory Jury
Gender (n=281)	Male	125	55 (44.0)	70 (56.0)
	Female	156	66 (42.3)	90 (57.7)
Age (n=283)	20s	158	30 (19.0)	128 (81.0)
	30s	48	25 (52.1)	23 (47.9)
	40s	24	20 (83.3)	4 (16.7)
	50s	36	35 (97.2)	1 (2.8)
	60s and over	17	13 (76.5)	4 (23.5)
Education (n=278)	Middle School and under	15	15 (100.0)	0 (0.0)
	High School	111	43 (38.7)	68 (61.3)
	College or over	152	63 (41.4)	89 (58.6)

* Discrepancy in numbers due to incomplete responses

13) In Korea, a number of district courts around the country started a “shadow jury program” in September 2010, in order for people to actually experience the judicial process through voluntary participation. The court intended to improve the public perception of the judiciary’s credibility through this program. So far the program has been successfully administered. The Seoul Central District Court, for instance, has administered the shadow jury program more than 30 times since January 2011. More than 400 people volunteered to become shadow jurors. Gukminchamyoejaepan Geurimjabaesim Chamyeo Annaemun [A Guide to the Shadow Jury Program], available at newsletter.seoulbar.or.kr/system/webzine/viewDownFile.php?id=167. We categorized this shadow jury group as “participatory shadow jury” in our study.

We tried to make the environment of shadow juries as similar as possible to that of real juries. Each shadow jury sat through the applicable trial, retired and then reached a verdict in parallel to the real jury. They were also given the case overview from the court, just like the real jurors. They were assigned different rooms so that deliberations were conducted in secret. When the judge's intervention was needed, an associate judge from the panel went into each room to discuss the case with the shadow jurors.¹⁴⁾ The shadow jurors remained until the final court judgment was rendered, oftentimes late at night.

The shadow jurors answered survey questions at three different stages: pre-deliberation, post-deliberation, and post-judgment. The total number of respondents was 295 (126 from research jury and 169 from participatory jury). Some did not participate in the survey, and some of those who did, did not respond to all the questions (e.g., questions on participants' education and occupation). Thus, the number of respondents differs in certain of the survey questions.

The first survey included questions regarding the overall proceedings of the court, such as jurors' recognition of the complexity of relevant facts of the case, recognition of the complex legal issues, evaluation of the judge's capacity in presiding over the case, evaluation of the performance of the defense lawyer and the prosecutor in providing evidence and arguments, and of their inappropriate remarks as well.

The second survey constituted questions of general evaluation, regarding the perception of jurors after they have participated in the deliberation process; whether the jurors had changed their opinions during the process, whether the jurors were able to have open discussion, whether they had witnessed any irrationality among their fellow jurors, how each juror had participated in the discussion and considered himself/herself to have influenced the deliberation process, whether the jurors were able to form intimacy, and whether they had been given enough time to comment, amongst other perceptions. A survey of the participants' demographic characteristics was also conducted in this stage.

The third survey was conducted after the judgment was made by the

14) All jury trials in Korea are conducted by the three-judge panel.

court. Along with an evaluation of the judges' overall capacity in presiding over the trial, this survey included an evaluation on the fairness of the court proceedings and an evaluation of the jury trial itself (dependent variables).

3. Measurement of the Variables

1) Trial Factors

We measured the recognition of the complexity of the case using four questions. These consisted of two questions we asked after the conclusion of the trial proceeding: (1) the complexity of the legal issues and (2) the complexity of the facts, and two additional questions we asked after the court delivered the final judgment: (3) the complexity of the legal issues and (4) the complexity of the facts.

We took the values, averaging out the responses to each question as 'very complex,' 'somewhat complex,' 'somewhat easy,' 'very easy'. The numerical representation of the complexity responses ranges from 1 to 4, and the average value was 2.21 (S.D.=.71). The reliability value for the internal consistency of the four questions was .84.

We measured the evaluation of the judge with five questions. They are: (1) clarity of the judge's statements, (2) clarity of the jury instruction, (3) respect for jurors, (4) fair management of the trial, and (5) competent and smooth management of the trial. We averaged the value of jurors' responses to these five questions, ranging from 1 to 4. The average value was 3.67 (S.D.=.38) and the reliability value for the internal consistency was .71.

We measured the evaluation of the defense counsel and the prosecutor with three questions. They are: (1) legitimacy of the evidence presented, (2) competency of proving guilt or innocence of the defendant, and (3) appropriateness of their statements. The average value of each was 2.89 (S.D.=.62) and 3.11 (S.D.=.58), respectively, and the reliability value for the internal consistency was .61 and .60.

Lastly, we included an evaluation of the defendants' opportunity to make their arguments at trial in the research model, as we thought it to be an important factor for the recognition of fairness in the trial procedure. This variable was measured in a single question, and the average value was 3.02 (S.D.=.89).

2) *Deliberation Factors*

There are 6 deliberation factors: (1) evaluation of how well the foreperson managed the deliberation process, (2) the level of exchange of jurors' opinions during deliberations, (3) the level of participation of the juror himself or herself, (4) evaluation of the judge's assistance during deliberations, (5) the level of difficulty of the juror himself or herself in reaching a final decision, and (6) the level of satisfaction about the deliberations in general. We also included the level of satisfaction about the final court judgment.

In measuring the evaluation of how well the foreperson has managed the deliberation process, we asked three questions: whether the foreperson provided sufficient opportunities to jurors to speak, whether he/she managed the deliberations impartially, and whether he/she managed the deliberations smoothly. The average value of three questions was 3.52 (S.D.=.55), and the reliability value for the internal consistency was .55.

The level of exchange of jurors' opinions during deliberations was measured by three questions: whether the jurors were open to other people's opinions, whether they listened to others' opinions attentively, and whether they actively exchanged opinions. The average value of the three questions was 3.59 (S.D.=.49), and the reliability value for the internal consistency was .73.

The level of participation of the juror himself or herself was measured by four questions: whether he/she sufficiently spoke, whether he/she listened to others' opinions attentively, whether he/she actively participated in deliberations, and whether he/she had sufficient time to speak. The average value of three questions was 3.54 (S.D.=.55), and the reliability value for the internal consistency was .74.

The evaluation of the judge's assistance during deliberations was measured by a single question: whether the judge was helpful in deliberations. The difficulty in reaching a final decision was measured by a single question: whether the juror had difficulty in deciding because the defendant or his/her family may suffer hardship due to the decision. The average values for these two variables were 3.38 (S.D.=.77) and 2.32 (S.D.=.93) respectively.

The level of satisfaction about the deliberations in general was

measured by asking a single question: whether the juror was satisfied with the deliberations. The average value was 3.30 (S.D.=.65). Finally, the level of satisfaction about the final court judgment was measured by asking whether the juror agreed with the court's final verdict. The average value was 3.52 (S.D.=.70).

3) *Dependent and Control Variables*

The dependent variables for this study are (1) the perception of fairness of the trials in which the jurors participated and (2) the evaluation of the jury trial system in general. We asked, "Do you think this trial was administered fairly?" and "Do you think the jury trial is desirable for the purpose of the fairness of the trial?" The average values for these questions were 3.43 (S.D.=.65) and 3.48 (S.D.=.58), respectively.

Besides gender, age, and educational level, we measured the level of cognitive wants and the level of trust in other people in general as control variables. "Cognitive wants" means one's tendency to think through the matters and explore the issues. Those with a high level of cognitive wants are expected to participate in the trial process and in deliberations more actively. Specifically, we measured the cognitive wants by asking whether the juror (1) enjoys debates, (2) enjoys solving unfamiliar problems, (3) is regarded by others as logical, and (4) wants to learn about new matters. The average value of these questions was 3.12 (S.D.=.42), and the reliability value for the internal consistency was .73.

"General trust" is the degree of trust in other people and institutions. Those with a high level of general trust are expected to take a more positive outlook toward the judicial system. We asked whether the juror agreed with the following three statements: (1) Koreans are reliable to deal with, (2) law and legal principles are well-accepted in Korea, and (3) Koreans tend to repay as far as they trust others. The average value was 2.64 (S.D.=.52), and the reliability value for the internal consistency was .68.

Table 2. Descriptive statistics of variables in models

Variables	n	Value (low)	Value (high)	Average	Standard Deviation	# of Qs	Reliability Value*
Male	281	.00	1.00	.44	.50	1	-
Age	283	2.00	6.00	2.96	1.30	1	-
Education	278	1.00	3.00	2.49	.60	1	-
Cognitive Wants	284	1.50	4.00	3.12	.52	4	.73
Trust in Other People	283	1.00	4.00	2.64	.52	3	.68
Research Jury	294	.00	1.00	.43	.50	1	-
Complexity of Trial	293	1.00	4.00	2.21	.71	4	.84
Evaluation of Judge	292	2.40	4.00	3.67	.38	5	.71
Evaluation of Prosecutor	292	1.33	4.00	3.11	.58	3	.60
Evaluation of Defense Counsel	292	1.00	4.00	2.89	.62	3	.61
Defendants' Sufficient Opportunity	246	1.00	4.00	3.02	.89	1	-
Foreperson's Management	287	1.67	4.00	3.52	.55	3	.55
Jurors' Exchange of Opinions	283	1.00	4.00	3.59	.49	3	.73
Participation of the Juror Him(Her)self	287	1.00	4.00	3.54	.55	4	.74
Judge's Assistance during Deliberations	270	1.00	4.00	3.38	.77	1	-
Difficulties in Reaching a Final Decision	280	1.00	4.00	2.32	.93	1	-
Satisfaction about Deliberations	282	1.00	4.00	3.30	.65	1	-
Satisfaction about the Final Court Judgment	284	1.00	4.00	3.52	.70	1	-
Fairness of the Trial in which Jurors Participated	281	1.00	4.00	3.43	.65	1	-
Evaluation of Jury Trial System in General	275	1.00	4.00	3.48	.58	1	-

* Internal consistency among questions measured by Cronbach's alpha

III. Results

Table 3 illustrates the result of the regression analysis, based on the perception of the fairness about the trial in which the jurors participated and the evaluation of the jury trial system in general as dependent variables. In order to explain the two dependent variables, ⟨Model 1⟩ provides the trial factors as independent variables, whereas ⟨Model 2⟩ additionally provides the deliberation factors as independent variables.

In ⟨Model 1⟩, the evaluation of the judge's management of the trial and the competency of the prosecutor meaningfully influenced the jurors' perception of the fairness of the trial. In other words, the shadow jurors thought the trial was fairer the more they thought the judge managed the trial well and the more they thought the prosecutor was competent. In ⟨Model 2⟩, among the trial factors, the evaluation of the judge remained meaningful in its effect, but the evaluation of the competency of the prosecutor lost statistical significance. Among the deliberation factors, only the evaluation of the judge's assistance turned out to influence the perceptions of fairness. Other deliberation factors did not have any meaningful effects. So, when jurors thought they were more assisted by the judge during the deliberations, their perception of the fairness of the trial improved. This indicates that the role of the judge is still viewed as critical, even in jury trials.

We also investigated the assessment of the jury system in general. In ⟨Model 1⟩, none of the trial factors influenced the evaluation of jury trials in general, but only the level of cognitive wants had a meaningful effect. The factors related to the trial procedures did not have any influence, whereas jurors with strong cognitive wants, e.g., those who enjoy debates and problem-solving, responded that the jury trial is desirable for the fairness of the trial. In ⟨Model 2⟩, the trial factors remained ineffective. Among the deliberation factors, the level of participation of the juror himself or herself had a meaningful influence. Among control variables, whether or not the jurors were from the research jury group had an effect. In conclusion, jurors with stronger cognitive wants, who are in the research jury group, and who spoke up during deliberations, who listened to others attentively, who actively took part in the deliberations, and who had sufficient time to

speak, thought that the jury system was desirable for enhancing the fairness of the trial.

Table 3. Regression results of the perception of the fairness of trial and the evaluation of the jury system

	Perception of Fairness of Trial		General Assessment of Jury Trial System	
	Model 1(β)	Model 2(β)	Model 1(β)	Model 2(β)
Male	.013	.033	-.110	-.088
Age	.107	.013	.131	.051
Education	-.071	-.028	-.027	.000
Cognitive Wants	.108	.093	.210**	.183*
Trust in Other People	.107	.120+	-.048	-.044
Research Jury	-.035	.051	.123	.168*
Complexity of Trial	-.011	.025	-.005	.002
Evaluation of Judge	.177*	.165*	.049	-.001
Evaluation of Prosecutor	.150*	.102	.089	.052
Evaluation of Defense Counsel	.035	-.022	.086	.087
Defendants' Sufficient Opportunity	.001	-.026	.088	.045
Foreperson's Management		.073		.004
Jurors' Exchange of Opinions		.021		-.107
Participation of the Juror Him(Her)self		.055		.314**
Judge's Assistance during Deliberations		.225**		.082
Difficulties in Reaching a Final Decision		.103		.083
Satisfaction about Deliberations		.042		.038
Satisfaction about the Final Court Judgment		.273***		.038
R2	.360***	.557***	.393**	.493***
Δ R2		.181***		.088**
n	208	208	203	203

* $p < .05$, ** $p < .01$, *** $p < .001$

IV. Discussion and Conclusion

Using the survey data collected from the 295 participants of shadow juries in 20 jury trial cases between January and June of 2012 in South Korea, we examined whether various factors in the court proceedings and deliberations affected the perception of fairness of the trials in which the shadow jurors participated and the support of the jury trial system in general. We found that the shadow jurors' perceptions about the fairness of the trial were influenced by their perceptions of how well the judges managed the trials and of how helpful the judges were in assisting the deliberation process. The shadow jurors did not think the trial was less fair just because they perceived the case to be complex. Nor did they think the trial was fair because the prosecutor made a good case against the defendant or because the defense counsel made a good defense. Even whether the shadow jurors perceived that the defendants were given sufficient time and opportunity to speak during the trial did not have an influence on their perception of how fair they thought the trial was. Similarly, whether the jurors themselves actively participated in the discussion, whether the jurors thought that the foreperson managed the deliberations well, whether the jurors were satisfied with the deliberation process, and whether the juror agreed with the verdict did not affect the perception of fairness, either. It was the shadow jurors' evaluation of the judge's role that played a critical role in their perception of the fairness of the trial. It is suggested that even the shadow jurors who participated in the new jury trial system based their evaluation of the trial in the performance of the judges.

On the other hand, the shadow jurors' support of jury trials in general was influenced by very different explanatory variables. None of the factors related to the court proceedings affected the jurors' support of jury trials. Rather, the jurors' personal characteristics, such as their level of cognitive wants, influenced how desirable they thought jury trials are for the fairness of the trial. The shadow jurors who enjoyed debates and were willing to solve difficult problems and to learn new things were more likely to appreciate jury trials as an institution that advances the fairness of trials. Also, the more the shadow jurors thought that they actively participated in

the discussion process, the more desirable they thought jury trials are for fair trials. None of the other deliberation-related factors, such as the role of the foreperson or the degree of satisfaction with the deliberations, influenced the jurors' attitudes toward jury trials. In conclusion, the shadow jurors' attitudes toward the desirability of jury trials depends more on their own cognitive abilities and wants and on their experience of active participation in the deliberation process.

In conclusion, the role of the judges is a determinative factor in shaping jurors' perceptions of the fairness of the trial. Given that the role of the judges in our study was examined in terms of the judge's fair administration of the trial, being clear and understandable in their statements, showing respect for the jurors, and providing appropriate explanations, the importance of the judges in the trial process cannot be emphasized enough. This result suggests that the Korean courts' efforts to focus on oral proceedings more and to promote active communication between the judges and other participants during the trial process have been very pertinent. On the contrary, the support for jury trials in general was greatly influenced by the characteristics and behavior of the jurors. This result is consistent with the long-held theory that the jury system contributes to the enhancement of civic virtues and provides the opportunity for civic education. It is suggested that not only do the experiences of participating in jury trials strengthen the participants' ability in deliberations and their willingness to participate, but also that the increased ability and willingness to participate will be critical in the successful administration of jury trials in the future. This study also suggests that the jury system can be an arena in which citizens can develop a greater sense of trust in the judicial system and the government can enhance the efficacy of its democratic institutions.