

30 May 2014

Warren Fraser
Manager Courts and Tribunals Policy
Ministry of Justice
PO Box 180
WELLINGTON 6140

Dear Mr Fraser

Consultation on proposals to amend the Jury Rules 1990

Thank you for your letter of 23 April 2014. The New Zealand Law Society appreciates being consulted on the Ministry's proposals to amend the Jury Rules 1990. This submission has been prepared with the assistance of the New Zealand Law Society's Criminal Law Committee.

Our brief comments on the Ministry's four proposals to amend the Jury Rules 1990 are as follows.

Proposal one – Allow the use of a single jury panel for District and High Courts

The Law Society supports the proposal to allow District Courts and High Court registries housed in the same building to draw on the same jury panel.

Proposal two – Removing registrar signature from summons forms

The Law Society supports the proposal to amend form 1 of the Jury Rules 1990 to replace a registrar's signature on a summons form with a requirement for a court identifier. We agree this will provide a more uniform and cost-effective method of verifying the authenticity of summons forms.

Proposal three – Allowing for an electronic pre-balloting process

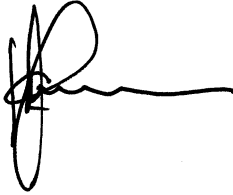
The Law Society supports the proposal to allow for an electronic pre-balloting process that would allow registrars to ballot jurors before requiring them to attend court, as long as the number pre-balloted allows for a sufficient pool of jurors. The experience of the criminal bar is that it is necessary to allow for a large number of "no shows" as there are frequently not enough panel members to fill a jury. This problem may be exacerbated if jury summons are sent by email, as we understand the receipt rate of email is not particularly high.

Proposal four – Mandating the collection of electronic contact juror details

The Law Society supports the proposal to collect electronic contact details of jurors. The proposal could be extended to include directions such as exemptions from serving on juries for a set period. Judges often grant such exemptions after difficult trials, but we understand there are administrative problems with these arrangements.

The Law Society hopes this feedback is of assistance to the Ministry of Justice. If you wish to discuss the feedback please contact the Criminal Law Committee convenor Jonathan Krebs, through the committee secretary, Rhyn Visser (phone (04) 463 2962 or email rhyn.visser@lawsociety.org.nz).

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized initial 'C' followed by a horizontal line extending to the right.

Chris Moore
NZLS President