

CITIZEN PARTICIPATION IN CRIMINAL TRIALS OF KOREA: A STATISTICAL PORTRAIT OF THE FIRST FOUR YEARS¹

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ABSTRACT

Participatory trial (jury trial) was introduced to South Korea in 2008 by the “Act on Citizen Participation in Criminal Trials” to enhance the public confidence in the judicial system. The Supreme Court of Korea, concerned about the negative public sentiments against the judiciary and motivated to increase the transparency of trials by strengthening the principle of oral proceeding in open court, is currently driving a policy to facilitate secure implementation of the new trial system and expand its scope of eligibility to all cases that are traditionally assigned to a panel of three judges. Accordingly, an additional courtroom designed for participatory trials is currently under construction in each of the 18 district courts throughout the country. The present paper evaluates the participatory trials with juries in

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South Korea for the last 4 years since its first introduction in 2008 by looking at the statistical trends and suggests some possibilities for further improvements.

In part 2 of this paper we analyze a total of 574 criminal cases which have been tried with jury in Korea since 2008 in terms of request, withdrawal of the defendant, or exclusion of the court, jury size, jury selection process, deliberation, verdict, and appeals by the prosecution and/or defendant. In part 3, the paper discusses important issues that may arise this year when the Committee for Citizens' Participation in the Judicial System will be formed by the Supreme Court of Korea to discuss and decide a bill about the final form or type of lay participation in criminal trials.

I. INTRODUCTION

Two recent movies based on real criminal trials attracted enormous popularity in South Korea. *SILENCED*(도가니, Samgeori Pictures 2011), directed by Hwang Donghyuk, highlighted corruption among judicial officials and lenient punishment for teachers who raped disabled children in a special education facility over a period of years. Within five days of the film's release, more than one million people bought tickets to watch the movie. Another movie, *UNBOWED* (부러진 화살, Aura Pictures 2012), directed by Cheong Jiyong, was released in January 2012 to even greater commercial success. *Unbowed* tells the story of a former mathematics professor who confronted an appellate judge with a crossbow in his hand at the gate of the judge's residence. The professor's legal struggle for 12 years to reverse the denial of tenure appointment by his university was ultimately decided against him by an appeals court presided over by the judge. During a brief physical struggle, the crossbow was fired and allegedly injured the appellate judge in the abdomen. But the judge's inner shirt showed no sign of blood from an arrow; an arrow stained with the judge's blood was never found; and the appellate judge refused to show his wound in court. Nonetheless, the former professor was convicted in a non-jury criminal trial. The film raises questions about the evidence presented at trial, and dramatically portrays the trial proceedings in which the court handled the defendant's motions and objections in an extremely biased and authoritarian manner.

The popularity of both movies reflects grave public distrust of the fairness and integrity

of the judiciary.⁴ According to a recent survey by a legal watchdog, 77 percent of respondents believed that the Korean justice system is unfair.⁵

Participatory trial (jury trial) was introduced to South Korea in 2008 by the Gukmin-eui Hyongsa Jaepan Chamyeo-e Gwanhan Beobryul [Act on Citizen Participation in Criminal Trials], Act. No. 11155, Jan. 17, 2012 (“the Act” hereafter) to enhance public confidence in the judicial system. Under the current Act, the verdict of the jury is not binding on the judge, and the judges and the jurors deliberate partly together, so the Korean system should be called “trial with jury” rather than “trial by jury” that is found in common law countries such as the USA and Great Britain. Another key feature of the Korean jury trial is that the defendant’s consent is required. The court shall ask a defendant in an eligible case whether he or she requests a trial with the participation of the jury. The Supreme Court of Korea, concerned about the negative public sentiment against the judiciary and motivated to increase the transparency of trials by strengthening the principle of oral proceedings in open court, is currently supporting the full implementation of the new trial system and working to expand its scope of eligibility to all cases that are traditionally assigned to a panel of three judges. Accordingly, an additional courtroom designed for participatory trials is currently under construction in each of the 18 district courts throughout the country.⁶

This article describes statistical trends in the use of participatory trials with juries in South Korea during its first four years of implementation, and suggests some possibilities for further improvements.

II. STATISTICS AND TRENDS

A. REQUEST, WITHDRAWAL, AND EXCLUSION

The defendant shall submit a written statement, describing whether he/she requests a participatory trial, within seven days from the date on which a duplicate of the indictment is

⁴ *Movie Sheds Light on Distrust in Judiciary*, KOREA TIMES, Jan. 20, 2012, http://www.koreatimes.co.kr/www/news/nation/2012/01/117_103276.html. See also *Judiciary Under Attack*, KOREA TIMES, Jan. 27, 2012, http://www.koreatimes.co.kr/www/news/bizfocus/2012/03/376_103600.html (suggesting that Koreans usually view politics, government, and the judiciary as corrupt). See also *S. Koreans View Society and Government as Corrupt, Study Shows*, HANKYOREH, Dec. 10, 2011.

⁵ *U.S. Prosecutor Shares Jury System Know-how*, KOREA HERALD, Feb. 19, 2012, <http://view.korea.herald.com/kh/view.php?ud=20120219000220>.

⁶ *Toward the Communicative Court*, LAW TIMES, Mar. 12, 2012 (in Korean).

serviced or before the first day of pretrial proceeding (Art. 8 of “the Act”). If the defendant fails to submit a written statement, it is assumed that the defendant does not request a participatory trial. The defendant may change his/her previously stated intention before the initial (preparatory) proceeding of a trial begins.

Table 1 Number of requests for participatory trial and exclusions by the courts

Year	Request	Processed				In progress
		Withdrawn	Tried with jury	Excluded	Total	
2008	233	90	64	61	215	18
2009	336	138	95	75	308	46
2010	437	176	162	75	413	70
2011	484	178	253	63	494	60
Total	1,490	582	574	274	1,430	60

Source: The Supreme Court of Korea (unpublished)

Table 1 shows the number of defense requests for the jury trial and reveals that the number of requests has increased steadily over the first four years: 233 cases in 2008, 336 cases in 2009, 437 cases in 2010, and 484 cases in 2011. However, defendants may withdraw their requests at a later time, and courts may determine that the case is unsuitable for jury trial. Table 1 shows the numbers in each of these categories as well.

Table 2 Numbers of eligible, requested, withdrawn, excluded, and tried with jury cases by offense type

Case	Homicide(including attempt)	Battery, injury	Robbery (resulting in death)	Violent Sex Crime	Other	Total
Eligible	3,237 (14.8%)	844 (3.9%)	6,371 (29.1%)	8,280 (37.8%)	3,180 (14.5%)	21,912 (100%)
Requested	352 (23.6%)	86 (5.8%)	394 (26.4%)	329 (22.1%)	329 (22.1%)	1,490 (100%)
Withdrawn	105 (18.0%)	26 (4.5%)	155 (26.6%)	148 (25.4%)	148 (25.4%)	582 (100%)
Excluded	38 (13.9%)	13 (4.7%)	76 (27.7%)	82 (22.1%)	65 (23.7%)	274 (100%)
Tried with jury	209 (33.0%)	47 (7.4%)	163 (25.7%)	99 (15.6%)	116 (18.3%)	634 (100%)

Source: The Supreme Court of Korea (unpublished)

Table 2 breaks down these data further by the type of case. Felony cases are eligible for the participatory trial. Among the 21,912 eligible cases, defendants requested a trial with a jury in 6.8% (1,490) of the cases. Interestingly, defendants were seemingly more reluctant to request a trial with a jury in violent sexual assault cases. Defendants withdrew their requests in 39.1% (582) of the cases in which they originally made requests, and another 18.4% (274)

were excluded by the courts. Thus, the number of cases that were actually tried with jury was 634 (42.6% of the requests), including 60 cases that are currently in progress. Overall, 2.89% of all eligible cases have been heard by a trial with a jury.

Tables 3 and 4 identify the reasons the courts provided for ruling that a trial with a jury was inappropriate. Article 9 of the Act provides that a court may decide not to proceed to a trial with jury for a period after the indictment is filed and before the preparatory proceeding ends. Article 11 of the Act provides that the court may decide to remove the case from the participatory trial and transfer it to a collegiate panel of a competent district court. Exclusion by Article 9 is made before the participatory trial convenes, while a transfer for “ordinary proceeding” (bench trial) by Article 11 is made at a point during the proceeding of a participatory trial.

Table 3 Clauses applied by the courts for exclusion

Clause	Number of Excluded Cases
9-(1)-1: Risks for the safety and fairness of jurors	1 (0.4%)
9-(1)-2: Accomplices opting against participatory trials	41 (15.0%)
9-(1)-3: Other reasons	232 (84.7%)

Source: The Supreme Court of Korea (unpublished)

Table 3 shows that the third clause (“other reasons for inappropriateness”) was used by the courts most frequently to exclude the cases from the participatory trial. Table 4 shows that the defendant’s intention to withdraw, the refusal of the victim (of a sex crime), and the absence of a particular issue or argument were the most frequent reasons for the inappropriateness

Table 4 Reasons for judicial determination of a case’s inappropriateness for the participatory trial

	Reason	Number
Defendant’s side	Intention to withdraw (D’s change of mind)	85
	Incompetence	12
	Expectation for additional indictments against the D	7
	Expectation for prolonged detention of the D	6
	Disease or illness	9
	Uncertainty of the D’s attendance for trial	3
	Unpredictability of the D’s demeanor	3
	Failure to file the request on time	2
Subtotal		127
Witness’s side	Victim of Sexual crime	31
	Crime against family members	5
	Others	21
Subtotal		57
Case specification	No argument between the parties	43
	Complication with difficult issues or many witnesses	21

	Case with little consequence	6
	Not eligible for citizen participation trial	7
	Excessively gross and cruel crime	2
	The case being subject to dismissal (withdrawal of indictment)	9
	Court's assignment to a bench trial	9
Subtotal		97

Note. Only the major reason for the exclusion of a case was counted. When multiple major reasons were specified, all of them were counted separately. When both the victim and the defendant in a case of sex crime refused the participatory trial, the case was counted in the "Witness" category.

Source: The Supreme Court of Korea (unpublished)

B. CONFESSIONS

A defendant who makes a confession can also be tried with jury because the jury can recommend a sentence to the judge. Among the 574 participatory trials that have been concluded, in 167 cases (29.1%) the defendant confessed to the primary offense.⁷ The percentage of confession cases was 28.1% in 2008, 29.5% in 2009, 22.2% in 2010, and 50.9% in 2011.

C. JURY SELECTION

The number of jurors serving for a participatory trial can be 5, 7, or 9 depending on the severity of the offense (Article 13 of the Act). Table 5 shows that the percentage of the cases tried with 5 jurors was 9.9%, with 7 jurors was 57.1%, and with 9 jurors was 32.9%. Among the confession cases, 61.1% (102) were tried with 7 jurors.

Table 5 Number of cases of each jury size, and average numbers of summons and show-ups

Jury Size	Number of Cases	Number of Summons of prospective jurors			Average Number of Show-up
		Average	Maximum	Minimum	
5	57 (9.9%)	81.4	134	50	22.6 (27.8%)
7	328 (57.1%)	97.2	180	55	27.5 (28.3%)
9	189 (32.9%)	137.9	500	80	38.9 (28.2%)
Total	574 (100%)	109.1	-	-	30.8 (28.2%)

Source: The Supreme Court of Korea (unpublished)

A juror candidate can be dismissed either by a challenge for cause or a peremptory challenge of the parties during the jury selection procedure. Successful challenge for cause was rare. On the average, just .35 candidates per case were dismissed by a challenge for cause. In 384 cases, no candidate was dismissed by the challenge. The parties need not give a

⁷ Confession of defendant in Korea is different from guilty plea in USA, in that the defendant who confessed shall be tried however speedy the trial may be.

reason to dismiss a juror candidate by exercising their limited number of peremptory challenges. Each party is entitled to 5 dismissals in a case with the jury size of 9 jurors, 4 dismissals in a case with 7 jurors, and 3 dismissals with 5 jurors. On the average, 4.9 candidates per case were dismissed by the peremptory challenges of both parties. However, for sex crime cases, 6 candidates per case on average were dismissed by peremptory challenges. The average number of candidates dismissed by the peremptory challenge was 1.2 greater in cases with not-guilty pleas compared to cases with confessions.

Jury selection procedure took 1 hour and 14 minutes on the average for the cases with the jury size of 5 jurors, 1 hour and 17 minutes for the cases served by 7 jurors, and 1 hour and 27 minutes for the cases tried with 9 jurors. It took 1 hour and 27 minutes for sex crime cases and 1 hour and 13 minutes for the other cases on the average, which shows that the length of jury selection procedure seemed to depend more on the way in which the judge directed the procedure and the degree to which the counsel were prepared for questioning than on whether the defendant confessed, or the severity and the type of the offense.

D. TRIAL PROCEEDING

The first proceeding of a participatory trial was held, on average, 89.5 days from the receipt of indictment or the defendant’s request. It was quicker than the first proceeding of the ordinary collegiate bench trials with the defendant detained (89.6 days on the average) or without detention (127.2 days on the average), as shown in Table 6.⁸

Table 6 Average days elapsed between the defendantse request and the first day of trial

Participatory Trials			Collegiate Bench Trials with defendant detained
From Request to Preparatory Hearing	From Preparatory Hearing to Trial	From Request to Trial	
35.5 days	54.0 days	89.5 days	89.6 days

Source: The Supreme Court of Korea (unpublished)

All defendants of participatory trials are mandatorily assisted by defense counsels. In 81.5% (468) of the cases tried with citizen participation, the courts appointed defense lawyers for the defendants, if they cannot afford to hire their own attorney.

⁸ For the first year of the lay-judges trials in Japan, the average procedural period from the indictment to the judgment was between 5.8 months and 6.0 months in guilty-plea cases and 6.8 months in contested cases. Makoto Ibusuki, “*Quo Vadis?*”: *First Year Inspection to Japanese Mixed Jury Trial*, 12 ASIAN-PAC. L. & POL’Y J. 24 (2011).

E. DELIBERATION

Table 7 reports the average and range of jury deliberation times for different types of offenses, jury sizes, and pleas. Jury deliberation took 89 minutes for the confession cases, and 105 minutes for the not-guilty plea cases on average. However, the variability in the deliberation time was substantial, ranging from 20 to more than 180 minutes even among similar types of cases. The deliberation time seemed to vary depending more on issue complexity and sentencing factors than on the pleas or offense types. According to a study, an average jury in Oregon, USA deliberates for 114 minutes prior to reaching a decision.⁹

Table 7 Jury deliberation time

		Number of Cases	Maximum	Minimum	Average
Plea	Confession	167	3 h 30 min	20 min	1 h 29 min
	Not-guilty	409	3 h 30 min	20 min	1 h 45 min
Jury Size	5	57	2 h 30 min	30 min	1 h 14 min
	7	328	4 h 10 min	20 min	1 h 35 min
	9	189	4 h 50 min	30 min	1 h 51 min
Offense	Homicide	192	3 h 30 min	30 min	1 h 36 min
	Robbery	158	4 h 50 min	20 min	1 h 46 min
	Injury resulting death	46	2 h 40 min	30 min	1 h 35 min
	Sex Crime	91	4 h 10 min	30 min	1 h 46 min
	Others	87	3 h 25 min	30 min	1 h 21 min
Total			-	-	1 h 38 min

Source: The Supreme Court of Korea (unpublished)

F. JURY DECISION AND VERDICT

In the participatory trials, the jury deliberates alone on the issue of guilt after receiving instructions from the judge, provided that the jury may hear opinions of the judges when a majority of jurors requests it. If the jury is initially unable to reach a unanimous verdict, the jurors shall hear the judge's opinion; then the jurors may find the defendant guilty or not guilty by a simple majority outside the presence of the judge. If the jury finds that the defendant is guilty, they deliberate with the judge on the sentence, and each individual juror gives a punishment recommendation (e.g., 9 recommendations of sentence from a jury composed of 9 jurors) (the Act, art. 46 § 1-3). The jury's recommendations on the issues of

⁹ See Thomas L. Brunell et al., *Factors Affecting the Length of Time a Jury Deliberates: Case Characteristics and Jury Composition* 5 REV. L. & ECON. (2009).

guilt and sentence do not bind the judge's verdict and sentence (the Act, art 46 § 5).

The juries reached unanimous decisions on all counts in 470 cases (81.9%); 419 convictions and 51 acquittals. While the juries' decisions in other cases were partial guilty verdicts reached either unanimously or by simple majority. In 90.6% of all cases tried with jury, the judges' verdicts were consistent with the juries' recommendations. In 50 inconsistent cases, the juries acquitted but the judges convicted the defendants. The reverse was true in 4 inconsistent cases. The number of cases in which the judge disagreed with the jury's decision to acquit was 7 in 2008, 6 in 2009, and 13 in 2010. But the number increased sharply to 24 in 2011.

During the four years from 2008 to 2011, the defendants in 48 trial cases with jury received "not-guilty" verdicts by the judges on the major counts, which accounts for 8.4% of all participatory trials during the period. In the same period, the overall rate of not guilty verdicts from all cases tried by a collegiate bench was 3.3%. The acquittal rate of the participatory trials was almost 3 times as high as that of ordinary bench trials.

If the jury's verdict is guilty, jurors discuss sentencing with the judges and express their opinions. For the sentence deliberation, the presiding judge explains the extent of punishment, conditions of sentencing, and, when they are applicable, sentencing guidelines. Consequently, judges' sentences were very close to the majority opinions of the jurors in 92.6% of all cases of conviction. The discrepancy between the judges' sentences and the majority opinions of the jurors was no greater than 1 year in 450 cases (92.6%), juror's recommendation was harsher than judge's sentence in 13 cases (2.7%), the opposite was 23 cases (4.7%).¹⁰ In Korea, sentencing guidelines on major crimes came into effect in 2009, and in many cases the guidelines are provided to the jury during deliberation, even though they are not mandatory to the judge or the jury.

G. APPEALS

The appeal rate of the cases tried with citizen participation was 85.5%, which is somewhat higher than that (68.0%) of ordinary bench trials. The defendants of the

¹⁰ For the first year of lay-judges trials in Japan, where no sentencing guidelines are in effect, notable differences emerged not in verdicts but in the patterns of sentencing: (1) heavier penalties on sexual crimes, (2) wider variations of the incarcerative penalty on other crime categories, and (3) a higher rate of requests for parole in suspended sentences. The lay-judge panel gave probation sentences in 59.2 percent of the cases. On the other hand, in the professional judge trial, the probation rate was given in 36.6 percent of the cases. Ibusuki, *supra* note 8.

participatory trials (66.6%) appealed more frequently than the defendants of ordinary trials (59.4%).¹¹ Appeals by prosecutors showed a more dramatic difference between participatory trials (50.2%) and ordinary bench trials (23.3%). Although prosecutors in Korea have a legitimate right to appeal, an abuse of the right by the prosecutors may raise problems.

In the appellate courts, the appeal was dismissed in 319 cases (76.0%) out of 420 cases in total. The verdict from the participatory trial was overturned in 23.3% and the sentence was changed in 19.8% of the appealed cases. The percentage of sentence change by the appeals court was smaller for the participatory trials than for ordinary trials (32.2%) appealed to higher courts throughout the nation.

The cases tried with citizen participation were appealed all the way to the Supreme Court more frequently (42.8% of the cases reviewed at an appellate court) than were the cases of bench trials (36.1% of the cases reviewed at an appellate court). Among the 169 cases that were appealed to the Supreme Court from an appellate court, the appeals of 158 cases (93.5%) were dismissed. The Supreme Court overturned just a single case that was originally tried with citizen participation. Thus, the reversal rate at the Supreme Court was much lower (0.6%) for the cases that were originally tried with citizen participation than for the cases that were originally tried by a bench panel (3.9%).

III. DISCUSSION

The trial with jury in Korea is now a kind of experimental form. Article 55 of the Act provides that the Supreme Court shall establish “Gukminui Sabeob Chamyero Wiwonhoe” [the Committee for Citizens' Participation in the Judicial System] in order to make a decision on the final form of the participatory system through analysis on the progress of implementation of the participatory trial system. The committee is expected to convene in July to draft an amendment of the Act.

There are several important issues that should be considered by the committee to

¹¹ A report issued by the Supreme Court Office of Japan indicated that the rate of appeals in the lay-judges trial was 29 percent, which is lower than the professional judge trial for the same crimes (Supreme Court Office, *Saiban-in Saiban no Jisshi Jokyō ni tsuite* [The Status of the Implementation of the Lay Judge Trial] (2010), available at http://www.saibanin.courts.go.jp/topics/pdf/saibanin_kekka.pdf.) Unfortunately, there have been no surveys conducted in an effort to uncover the reasons as to why the defendants decided to give up their rights to appeal. Ibusuki, *supra* note 8.

sculpture the “final form” of the participatory system of Korea.¹² One issue is the status of jury’s decision in the criminal procedure of Korea which is currently advisory; another is the status of the jury itself in the judiciary which is currently not independent from the judges. Finally, the committee should consider the status of the participatory trial in the judicial system which is currently optional and peripheral rather than mandatory and central.

The first issue is whether the jury’s decision, which is currently advisory for the judge’s verdict, should bind the court.¹³ Although the statistics of the participatory trials in the first four years showed that the judicial verdict was consistent with the jury’s decision in about 90% of the cases, some argue that the 10% discrepancy between the two judgments may still negatively affect public confidence in the judiciary.

The basic motivation underlying the introduction of the participatory trial system to Korea was to improve public confidence in the judiciary. However, double judgments, which would inevitably be incongruent with each other from time to time, can reduce the confidence of the public in the judicial verdict.¹⁴ As cases accumulate in which the court’s verdict is incongruent with the jury’s decision, public confidence in the judiciary may significantly deteriorate in the long run. Thus, an advisory jury may be antithetical to the very purpose of the jury system in Korea.

The status of the jury is the second issue. The current system has both elements of European mixed tribunal system and Anglo-American jury trial system. For instance, the jury renders a verdict, albeit advisory, rather independently from the influences of judges, but sentencing recommendations of the jurors depend heavily on the judges’ leads. It will be an issue whether the Korean system of citizen participation should lean more heavily on either style. Given the importance of and the emphases on sentencing for criminal trials in Korea, the function and the competence of professional judges, and the absence of experience in citizen participation in the history of Korea, it is also possible that the current style would still be maintained at least for a while.

The third issue is the status of the participatory trial. In the current system, the

¹² *What will be the Korean Participatory Trial Model*, LAW TIMES, Apr. 12, 2012 (in Korean).

¹³ HEE SUNG TAK & SOO HYEONG CHOI, STUDIES ON THE CRIMINAL JUSTICE POLICIES AND JUDICIAL SYSTEMS (V) - FOCUSED ON EVALUATION RESEARCH ON CIVIL PARTICIPATION IN CRIMINAL TRIALS, (Korean Institute of Criminology, 2011) (in Korean).; Dong Hee Lee, *The Reality of Korean Jury System and Its Remedy*, 30 CHONBUK L. REV. 29 (2010) (in Korean).; Gidu Oh, *The Ability of Jury to find Fact*, 96 THE JUSTICE 124 (2007) (in Korean).

¹⁴ Kwangbai Park, et al., *The Effect of Double Judgments on Public Confidence in Court Decisions for the Trial by Citizen-Participation in Korea*, 38 INT’L J. L. CRIME & JUST. 166 (2010).

participatory trial is optional for the defendants in eligible cases. But it is conceivable that the bench trial is made optional while the participatory trial is assumed to be the basic right of the defendants. Or as is the case in Germany and Japan, the participatory trial could be mandatory for certain types of cases. By making a participatory trial mandatory for felony cases, cases like the SILENCED case and the UNBOWED case would be adjudicated with the participation of lay citizens.

Other important issues may include jury size,¹⁵ jury selection method,¹⁶ the court's exclusion of cases from the participatory trial, the length of participatory trials,¹⁷ the procedure of jury decision-making,¹⁸ jurors' participation in sentencing, and a limitation on the prosecutor's right to appeal.¹⁹

The introduction of the citizen participation in criminal trials was a stunning landmark in the history of law in Korea. A trial was considered as property monopolized by elite judges for a long time and there has been no way for ordinary citizens to take parts in or influence legal decisions and judicial policies. Such an institutional hypocrisy and legal defect was at odds with the overall trend of Korea since 1987 when all social sectors began substantial democratization. The four years of experience in citizen participation has been encouraging enough to raise expectations about the capacity of ordinary people of Korea and about the sincerity of the judiciary to democratize themselves. The National Assembly has now passed a revision bill (Act no. 11155) to expand the scope of eligibility for a participatory trial to all cases that are traditionally assigned to a collegiate panel of three judges, which will take effect on July 1, 2012. And the Supreme Court is also seeking for diverse ways to restore and improve public confidence in the judiciary with the assistance of civil participation.

The reforms that reshaped the judicial system since 2008 were responses to the demands of Korean society to democratize the judicial process. However, those reforms seem to be just the beginning of a bigger change. The democracy in the justice system and judicial processes is far from completion. In this sense, the year 2012 will be an important one for citizens' participation in the judicial system in Korea

¹⁵ Tak & Choi, *supra* note 13.

¹⁶ Sang Hoon Han, *A Study on Jury Selection Process of [Civil Participation in Criminal Trials Act] in Korea – Focusing on a Mock Jury Trial on April 12, 2006*, 19 KOREAN J. CRIMINOLOGY 65 (2007) (in Korean).

¹⁷ Lee, *supra* note 13.

¹⁸ Tak & Choi, *supra* note 13; see also Jae Suk Lee, *Reforms of Criminal Justice System: The Judicial Participation System of Citizens at Criminal Trials*, 8 KOREAN J. COMPARATIVE CRIM. L. 777 (2006) (in Korean).

¹⁹ These issues will be addresses later in other papers.

Keywords; jury, citizen, lay participation in criminal trials, Korea.

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