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| **FEATURE ARTICLE** | | |
| Marco D. Nunez is a 3rd year law student at the Universtiy of San Francisco School of Law              **"**  In *Twelve Angry Men* we **never** see the jury review or discuss a single jury instruction. Instead, we see that the jury is **motivated by the facts** and their own sense of drama.    **"**    **"**     After seeing *Twelve Angry Men*, my view is that, although **the system is imperfect,** justice can still be achieved.    **"** |  | ***Twelve Angry Men***  by Mark Nunez     Before writing this essay, I casually asked a friend what her thoughts were regarding the jury system in our country. She laughed and replied, "It doesn’t work. Everybody knows it’s just a joke." Changing the subject, she asked: "So, what are we doing after dinner?" My friend’s conclusory statement bothered me. She obviously presumed that I embraced what she perceived as the majority view and that, therefore, the subject did not merit further discussion. I had just finished watching *Twelve Angry Men* and thus felt inspired to challenge what she hastily regarded as settled.  *Twelve Angry Men* is a wonderful film that dramatizes the "imperfections" inherent in the American jury system. Simultaneously, it delivers the powerful message that because we are human beings and not machines, it is in the nature of things that justice demands such a system.     At the outset, eleven jurors vote in favor of convicting the accused without even discussing a single shred of the evidence presented at trial. Only one brave juror refuses to vote. He openly admits that he does not know whether the accused is guilty or innocent and that he finds it necessary to simply talk about the case. What follows is not only a discussion of the particular facts of the case, but an intense examination of the personal baggage that each jury member brings to the room.     It’s great that the film is not overtly critical of the fact that the juror’s personal baggage is not checked at the door. Many critics argue that the jury system works against justice because a jury is not trained to distance itself from a case in the same way that a lawyer or judge is trained to do. On a certain level, this argument makes sense. At least it’s a rational argument. However, how is it possible for human beings to check their lived experience at the door? Is it necessarily "bad" that jurors scrutinize the evidence through the unique filters with which they view the world? After all, are they not called upon to speak on behalf of the diverse community in which we live? These are key questions *Twelve Angry Men* begs us to ask. They’re good questions because they force us to reevaluate our thinking before hastily reaching the conclusion that the system doesn’t work or that it amounts to nothing more than a mere joke.     The film also does a great job of not being overtly critical of the fact that some people merely follow their "gut" when it comes time to cast their vote. One particular juror in *Twelve Angry Men* votes in favor of convicting the accused. When challenged, however, he readily admits that he doesn’t know why he thinks that the accused is guilty. This man’s character is used as a vehicle to expose a serious flaw in the system. We see that sometimes jurors completely abandon reason. Many critics advance the rational argument that the power of a juror to decide one way or another for no apparent reason cannot possibly work to achieve justice. However, the film also exposes us to those jurors in the room who openly express their thoughts, ideas, and feelings about the case. This juxtaposition of characters in the jury room is ultimately consistent with the fact that the room should reflect the diverse community in which we live.     Still, what happens when the jury doesn’t understand the legal definition of murder? In *Twelve Angry Men* we never see the jury review or discuss a single jury instruction. Instead, we see that the jury is motivated by the facts and their own sense of drama. Ultimately, they reach a consensus based on a combination of the facts and their own personal baggage. Thus, the film raises yet another thought-provoking question: Does the power of the jury to go its own way warrant abandoning the system altogether?     After seeing *Twelve Angry Men*, my view is that, although the system is imperfect, justice can still be achieved. We breathe a sigh of relief when we see that one man is willing to challenge what eleven other jurors have regarded as settled at the outset. We see that the system works and think justice is achieved when this man’s uncertainty and reasonable doubt slowly but surely become every man’s uncertainty and reasonable doubt. In the final analysis, we all pull for that one courageous man who instigates the doubt in the room and opens the eyes of the blind to the truth. Thus, abandoning the system altogether is not the answer.     Maybe we’re supposed to walk away from *Twelve Angry Men* with a better understanding of how unrealistic it is to expect the human element to remain completely independent from the rule of law. Perhaps we leave the film with ideas for jury reform to make the system less imperfect. Maybe some of us think jurors should be paid a decent salary so as to motivate them to dutifully fulfill their civic duty. Maybe some of us think that a jury should consist of a panel of judges, a group of distinguished citizens, or hybrids (judges with lay people). Maybe some would like to afford a jury with the services of a lawyer ex-officio to help the jury figure out the meaning of the law. In the end, however, the system remains.  *Posted April 2000*     |  | | --- | |  |      |  |  | | --- | --- | |  |  | |  |  | |  |  | |  |  | |  |  | |  |  | |  |  |      |  | | --- | |  | |

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