



The Evolution and Challenges of Korean Participatory Trials

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Restoration of trust in the Judiciary
: Participation in Justice

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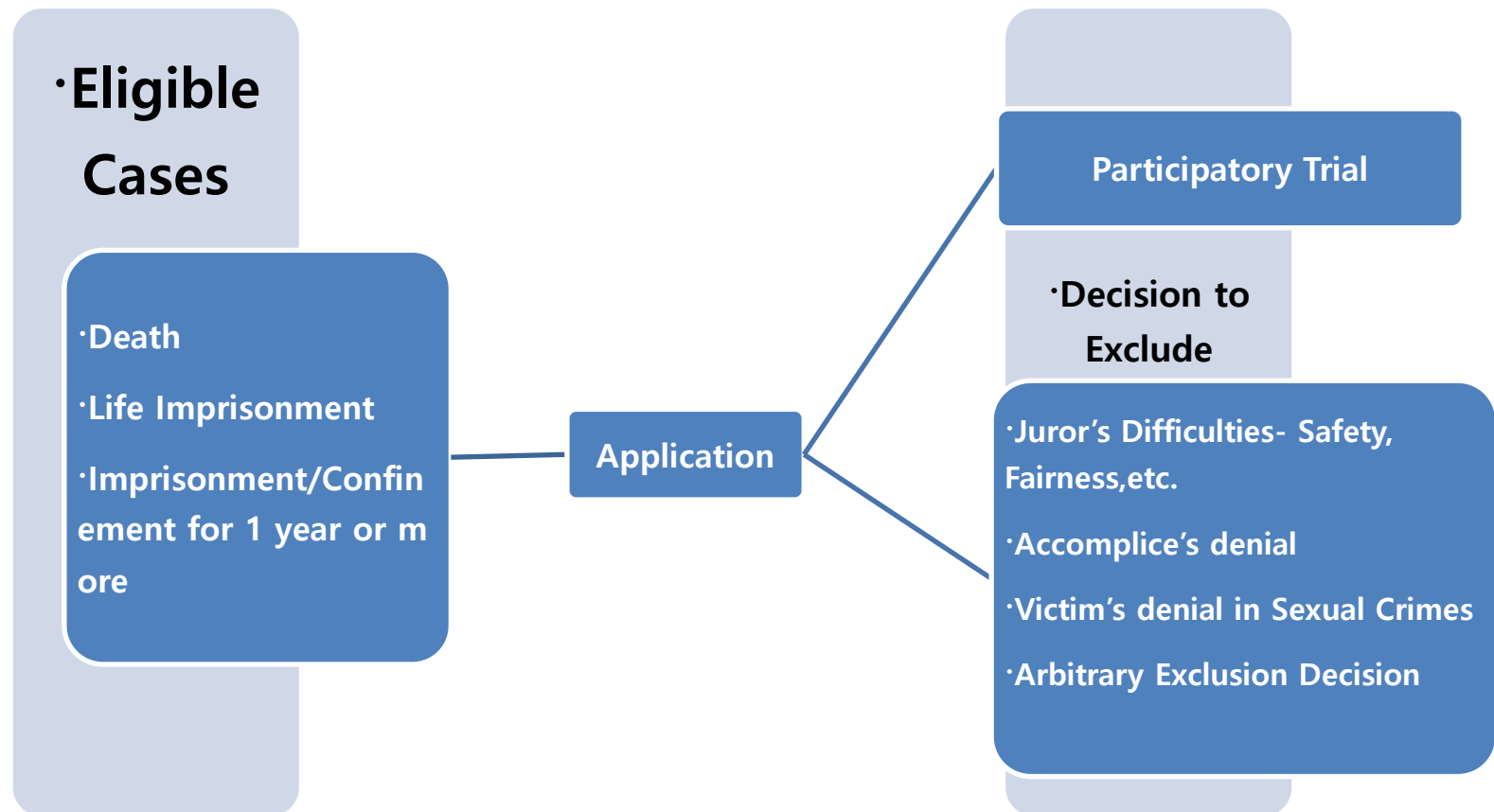
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2. The Operation of the Participatory Trials

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- 9,7,5 jurors up to the case



Disqualification

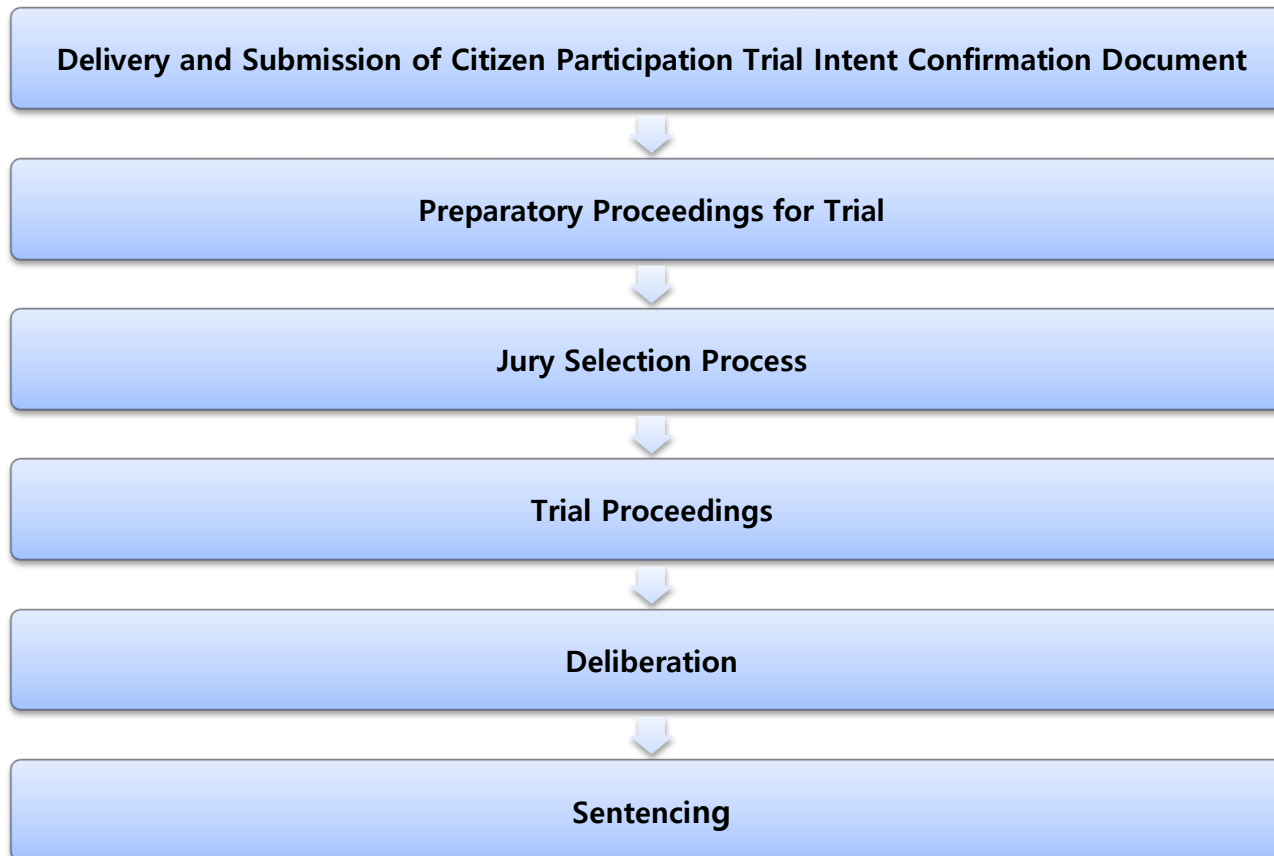
Exception due
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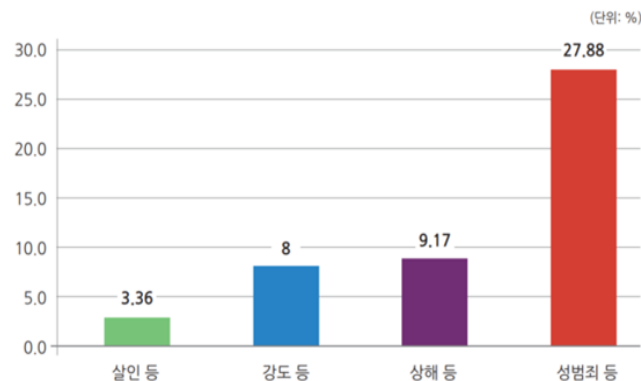
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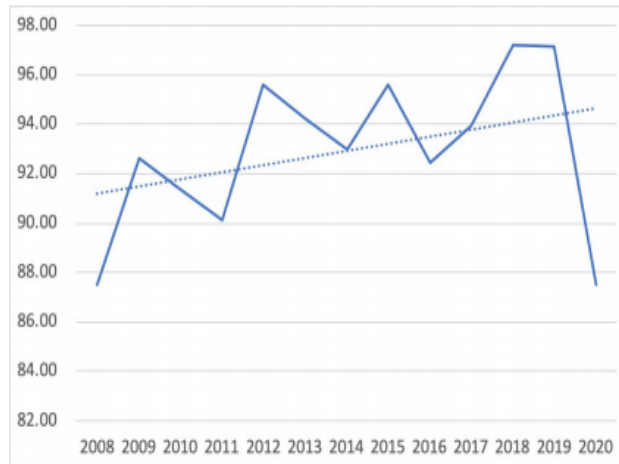


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〈그림 3〉 국민참여재판 판결/판결 일치율



연도	일치		불일치		합계
	건수	비율(%)	건수	비율(%)	
2008	56	87.50	8	12.50	64
2009	88	92.63	7	7.37	95
2010	148	91.36	14	8.64	162
2011	228	90.12	25	9.88	253
2012	262	95.62	12	4.38	274
2013	325	94.20	20	5.80	345
2014	252	92.99	19	7.01	271
2015	194	95.57	9	4.43	203
2016	282	92.46	23	7.54	305
2017	277	93.90	18	6.10	295
2018	175	97.22	5	2.78	180
2019	170	97.14	5	2.86	175
2020	84	87.50	12	12.50	96
합계	2,541	93.49	177	6.51	2,718

4. Issues with Participatory Trials

3) Decreasing Implementation Rate

(단위: 건, %)

사유	2014년	2015년	2016년	2017년	2018년	2019년	2020년
제4호 배제사유	60	58	116	144	153	137	245
전체 배제사유	107	106	151	195	183	187	293
제4호 사유/전체 사유	56.07%	54.72%	76.82%	73.85%	83.6%	73.26%	83.62%

구분	합계	비율	살인 등		강도 등		상해 등		성범죄 등		기타	
			건수	비율	건수	비율	건수	비율	건수	비율	건수	비율
접수	7,861	22.7%	974	15.8%	875	18.0%	220	13.6%	1,856	33.3%	3,936	21.1%
배제	1,738		152		157		29		602		798	

4) Increased Workload in Participatory Trials



5. Conclusion

▶ Strategies for Expanding Participatory Trials

Thank you for your attention!

National Report

Criminal Defense in the System of Trials with the Participation of Jurors

Korean Participatory Trials have shown remarkable growth in their 15 years of implementation and below is presented an assessment of the current situation along with future prospects.

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Criminal Defense in the System of Trials with the Participation of Citizens

Korea Legal Aid Corporation¹

Attorney Jiyoung Lee²

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¹ Established in 1987, the total number of personnel at KLAC is 755.5, consisting of 136 attorneys and 619.5 staff members as of Aug. 1, 2023.

² Central Seoul Branch

1. Introduction

Participatory trials³ were introduced under the Act on Citizen Participation in Criminal Trials, enforced on January 1, 2008. to realize national sovereignty and restore judicial trust. However, the rate of Participatory trials (hereinafter referred to as 'PT') in progress is on the decline. Below are the brief guide of the Act on Citizen Participation in Criminal Trials (hereinafter referred to as 'ACPCT'), which is the basis for the PT, the characteristics of Korean PT, and the tasks and suggestions of the PT.

1) The Background of the PT

The Interest in judicial participation had also increased along with the citizen's legislative and administrative participation, starting with legal corruption (bribery, etc.), break-down of the privileges of former post, democratic legitimacy of justice, and restoring judicial trust. The system for realizing the citizen's participation in justice is largely divided in 2 ways, the composition of the court and the participation in the trial. Representative examples of the former include judge election system, judge selection committee system, and national examination system. In the latter, people trial system (people's trial), jury system, schoeffengericht, and participation system in prosecution procedures are the examples. Among them, jury system, schoeffengericht and their modified form are implemented in criminal cases, and hereinafter, how the PT was introduced and implemented in Korea will be examined.

As an early judiciary reform model, the judicial reform committee,

³ Under the Act on Citizen Participation in Criminal Trials, citizen participatio trials are rferred to as 'participatory trials.'

established in 1999, had reviewed jury system, schoeffengericht, and the subsequent Supreme Court-led Judicial Reform Committee, launched in 2003, suggested that "Aimed at implementing an institution that substantially guarantees the participation of the citizen in the judiciary in 2012, first of all, as a 1st phase, the national judicial participation shall be operated and the performance will be empirically, and then a complete national judicial participation system suitable for Korea will be implemented in 2012, as to the 1st national judicial participation system, a specific type of the jury system or schoeffengericht will not be selected, but the mixed one of the jury or schoeffengericht will be adjusted." The President's Judicial System Reform Promotion Committee submitted a bill on the participation of the Citizen in criminal trials to the National Assembly on December 6, 2005, and legislation was completed in 2007. In 2012, the National Judicial Participation Committee under the Supreme Court confirmed the final form of a mixture of the jury system and the schoeffengericht through a public hearing⁴.

2) The Enactment of the ACPCT

The Participation Trial is based on the ACPCT. The ACPCT consists of 7 chapters and 60 articles. From the general provisions of Chapter 1, each chapter covers how to operate the PT.{Chapter 2 eligible cases and jurisdiction, Chapter 3 jury (general provisions, qualifications, selection, dismissal, etc.), Chapter 4 procedure (preparation, trial proceedings, deliberation, verdict, discussion, and sentencing), Chapter 5 measures for protection of jurors, Chapter 6 research organization, Chapter 7 penalty provisions}. As a special law of the Criminal Act and the Criminal Procedure

⁴ https://www.scourt.go.kr/nm/min_9/min_8/index.html

Act, the rules excluding summary trial procedures and excluding jury from judgment on admissibility of evidence, etc. were enacted under the principles of the criminal evidence act demanding, implementing the principle of the national sovereignty⁵.

2. The Operation of the PT

1) The Requirements

The PT within the criminal litigation process involving judges, prosecutors, and defendants, includes lay jurors. This adds an additional burden on prosecutors and defendants, requiring them to persuade not only the judge but also the jurors. Despite the overarching principles of strict evidentiary rules and the presumption of non-guilt in the criminal trial process, the characteristics of citizen participation trials, where lay jurors are involved, are as follows:

(1) Eligible Cases

Under the Court Organization Act, certain cases falling under the jurisdiction of the collaborative division involve offenses carrying a sentence of death, life imprisonment, or imprisonment or confinement for one year or more. There is no mandatory requirement to refer cases to PT, and even if some charges are withdrawn or amended, ongoing PT can continue. However, when it is deemed inappropriate to proceed with a citizen participation trial, the case may be heard at the local court's collaborative division. In summary, PTs do not apply to summary cases or cases heard by a single judge, and even if there are changes in the charges, ongoing PT can proceed, but they

⁵ Appendix 2: Act of Citizen Participation in Criminal Trials

may be concluded through a collaborative division hearing as above.

PTs, not compulsory, but based on application, have limitations due to conflicts with authoritarianism factors such as the nature of the case, victim testimony rights, and exclusion decisions, etc.

(2) Composition of Jurors, etc.

Under Article 13 of the ACPCT, the composition of jurors can vary depending on the seriousness of the case, with options for 9, 7, or 5 jurors, and there can be up to 5 alternate jurors.

Jurors must be citizens of the Republic of Korea who are at least 20 years of age, and there are regulations regarding occupational restrictions, disqualifications, exceptions due to occupation, exclusions and exemptions. Additionally, jurors are randomly selected from a list of juror candidates with a review of disqualifications, exceptions due to occupation, exclusions and exemptions. In addition to the court's questionnaire, the prosecutor and the defendant can apply for avoidance of possession in order to secure a jury. Dismissal or resignation is possible even after jury selection.

Alternate jurors are selected, usually up to 5, but their status may not be disclosed until after the conclusion of the trial, and they are not allowed to participate in deliberations.

2) The Procedure of the PT

Citizen participation trials follow a similar structure to the conventional criminal trial procedure, which is led by the court with a prosecutor and

defendant at the forefront. Even with the addition of jurors, they hold a position equivalent to that of the court. Both the jury and the judges share the responsibility of ensuring justice without bias towards the victim or the defendant. They work together through deliberation and decision-making, ultimately aiming to uncover the true essence of the case. In PTs, additional stages of "jury selection" and "deliberation" are introduced to the typical criminal trial procedure. The trial proceeds as follows:

[국민참여재판 Q&A - 형사 - 전자민원센터 \(scourt.go.kr\)](http://scourt.go.kr)



(1) Delivery and Submission of Citizen Participation Trial Intent Confirmation Document

When a case is indicted, the court sends the defendant or their defense counsel a copy of the indictment along with a guide to citizen participation trials and a Citizen Participation Trial Intent Confirmation Document.

A defendant who wishes to proceed with a citizen participation trial must submit a written statement to the court indicating their intent to do so within 7 days from the date of receiving the copy of the indictment. However, if this period has passed, the defendant may still submit the written statement before the first trial date.

Upon receiving the Citizen Participation Trial Intent Confirmation Document, the court proceeds with the PTI. However, in cases where concerns exist regarding the safety of sexual crime victims or when it is deemed unsuitable for PTs for other reasons, the court may make an exclusion decision after hearing opinions of the prosecutor, defendant, or defense counsel no later than the day following the conclusion of the pretrial preparation hearing.

PTs take place at the main seat of the collegiate panel of district courts. Therefore, if a case is indicted in the collegiate panel of a branch of a district court and the defendant wishes to have a PT, the court may make a referral decision and transfer the case to a collegiate panel of the competent district court.

(2) Preparatory Proceedings

Preparatory proceedings are imperative in PT, once the desire of a PT confirmed by a defendant. If the one who wishes to commence a PT withdraws the PT or the exclusion decision is made, the preparatory proceedings can be closed.

Prosecutors and defendant counsels should to cooperate collecting and arranging evidence in advance to progress the PT smoothly. The presiding judge shall designate the date of preparatory proceedings in order to arrange

arguments and evidence and establish a plan for the trial.

Jurors are not allowed to participate in preparatory proceedings, and the fact is they are not being summoned or selected before the trial.

(3) Jury Selection Process

The jury selection process involves randomly selecting a certain number of jury candidates from the list of prospective jurors prepared by each court. These selected candidates are then notified of a selection date and are questioned by the court to confirm their qualifications and determine if they can impartially judge the case. Based on this process, both jurors and alternate jurors are selected.

– Questioning of Juror Candidates

Judges, prosecutors, and defense attorneys question juror candidates to determine if they have the qualifications to fairly adjudicate the case. These questions are typically brief and pertain to matters relevant to juror selection.

– Honest Responses

Juror candidates are required to provide truthful and complete answers to the questions asked during the selection process.

– Juror Disqualification

Juror candidates who do not meet the qualifications or are believed to have biases or preconceived notions that would make it difficult for them to render a fair verdict may not be selected as jurors. Prosecutors and defense attorneys can challenge juror candidates without providing specific reasons.

- Selection of Jurors and Alternate Jurors

Once the necessary number of jurors and alternate jurors are selected, the juror selection process is concluded. Information about who will serve as jurors and alternate jurors is typically disclosed after the conclusion of the trial. Alternate jurors have the same rights and responsibilities as regular jurors, except they cannot participate in deliberations.

(4) Trial Proceedings

Jurors participate in the trial procedure by listening to the arguments presented by the prosecutor and defense attorney and observing the process of evidence examination. Jurors must focus during the trial, understand the laws explained by the presiding judge, and remember the evidence presented in court.

- Juror Oath

When the trial begins, jurors take an oath in accordance with the law, pledging to perform their duties fairly.

- Evidence Examination

Jurors participate in the process of examining evidence such as observing the examination of witnesses, including victims and eyewitnesses.

- Note-Taking

Jurors are allowed to take notes on the key points of the case and the results of evidence examination with the permission of the presiding judge. They must be cautious not to let other jurors see their notes, and they can refer to them during deliberations.

- Request for Questions

Jurors can ask questions if they have inquiries when questioning witnesses or the defendant. These questions are typically written down and submitted to the presiding judge immediately after questioning.

- Final defense by prosecutor/defense attorney

After the examination of evidence is completed, the prosecutor and defense attorney persuade the jurors regarding the issues and evidence in the case through final arguments.

- Presiding Judge's Final Explanation

Once arguments are concluded, the presiding judge explains to the jurors the key points of the case, the evidence, the applicable laws, and the principles of judgment. Jurors must listen carefully to this explanation and organize the issues of the case for deliberation.

(5) Deliberation

Deliberation is the process in which jurors who have observed the court proceedings discuss the defendant's guilt or non-guilt in the deliberation room, and the verdict is the final judgment reached by jurors through deliberation. Jurors participate in deliberation by presenting their arguments, listening to opposing opinions, and making a fair judgment based on the evidence presented in court, without being swayed by emotions.

- Selection of Juror Foreperson

First, a juror foreperson is selected. The juror foreperson presides over

deliberation and has responsibilities such as requesting the opinions of the court, aggregating the verdict, preparing the verdict document, and delivering it.

– Deliberation Process

Jurors discuss the guilt or non-guilt of the defendant based on the evidence presented in court and the explanations provided by the presiding judge. If there are divided opinions on guilt or non-guilt, efforts are made through discussion and persuasion to reach a unanimous decision. If a majority of jurors request it, the opinions of the court can be sought.

– Confirmation of Unanimous Verdict

The juror foreperson confirms the jurors' opinions on guilt or non-guilt and aggregates the verdict. When a unanimous verdict is reached, a verdict document is prepared and delivered to the court.

– Hearing the Court's Opinion

If there is a lack of unanimity in the opinions on guilt or non-guilt, the court's opinion is necessarily sought. After hearing the court's opinion, deliberation continues thoroughly. Once a verdict is reached, the juror foreperson prepares the verdict document and informs the court.

– Sentencing Discussion

In cases where a guilty verdict is reached, discussions on the appropriate sentence to be imposed on the defendant are held with the court. Information on sentencing criteria is available on the Sentencing Commission's website, and there is a sentencing experience program called 'You Are the Judge'

(available at <http://sc.scourt.go.kr>).

3) Implementation in Practice

The schedules for citizen participation trials nationwide are publicly available on the court's website every month, allowing anyone to attend and confirming the number of cases conducted. However, the actual number of cases conducted is not very high, as there are cases where PTs are not conducted due to reasons such as the defendant's withdrawal of their request or the court's exclusion decision based on reasons such as victim protection in serious crimes(Article 9 (1) the ACPCT). Therefore, despite an increase in the number of cases received, the actual implementation rate is on the decline.

●National Court Administration, Analysis of the Results of Citizens' Participatory Trials(2008~2020), Supreme Court of Korea, 2021

(단위: 건, %)

연도	2014년	2015년	2016년	2017년	2018년	2019년	2020년
대상건수	21,397	19,521	20,924	19,615	19,717	17,948	19,314
접수건수	608	505	860	712	665	630	865
접수/대상	2.8%	2.6%	4.1%	3.6%	3.4%	3.5%	4.5%
진행	271	203	305	295	180	175	96
진행/접수	44.4%	38.6%	38.9%	37.2%	28.8%	28%	12.4%

●2008.~2020. Current Status of Citizens' Participatory Trials Processing, National Court Administration, 2021

연도	접수	처리							미제
		국민참여재판		배제		철회		합계	
		건수	비율(%)	건수	비율(%)	건수	비율(%)	건수	
2008	233	64	29.77	61	28.37	90	41.86	215	18
2009	336	95	30.84	75	24.35	138	44.81	308	46
2010	438	162	39.13	75	18.12	177	42.75	414	70
2011	489	253	51.21	63	12.75	178	36.03	494	65
2012	756	274	40.53	124	18.34	278	41.12	676	145
2013	764	345	43.29	118	14.81	334	41.91	797	112
2014	608	271	44.35	107	17.51	233	38.13	611	109
2015	505	203	38.59	106	20.15	217	41.25	526	88
2016	860	305	38.90	151	19.26	328	41.84	784	164
2017	712	295	37.15	195	24.56	304	38.29	794	82
2018	665	180	28.85	183	29.33	261	41.83	624	123
2019	630	175	28.00	187	29.92	263	42.08	625	128
2020	851	96	12.42	293	37.90	384	49.68	773	207
합계	7,847	2,718	35.57	1,738	22.75	3,185	41.68	7,641	1,357

3. Characteristics of Korean-style PT system.

1) The integration of jury system and schoeffengericht

(1) Operation – Coexistence of Unanimous Decision and Majority Decision

The Korean-style Citizen Participation Trial System combines elements of the jury system and schoeffengericht. In jury system, citizens form a jury and independently determine guilt or non-guilt, while the court follows the jury's decision. In contrast, schoeffengericht involves citizens participating as equals with professional judges in determining guilt or non-guilt as well as sentencing. Jury system, such as those in the United States and the United Kingdom, rely on lay jurors who independently decide on guilt or innocence with judges following their verdict. Schoeffengericht, seen in countries like Germany and France, involves citizen jurors working alongside professional judges with equal authority to decide both factual and legal issues.

The Korean PT system uniquely combines elements of both the jury system and the schoeffengericht. Its characteristics include:

- jurors generally make unanimous decisions independently of judges, but if unanimous agreement cannot be reached, judges' opinions are considered, and a majority decision is made.

- jurors discuss sentencing issues alongside the presiding judge but do not directly participate in the sentencing decision; they only provide their opinions.

- jurors' verdicts are not binding on the court but carry advisory influence.

In summary, in Korea's PT System, decisions are made unanimously by jurors similar to the jury system. However, if unanimity cannot be achieved, a majority decision is reached, similar to schoeffengericht.

(2) Effect of Verdicts

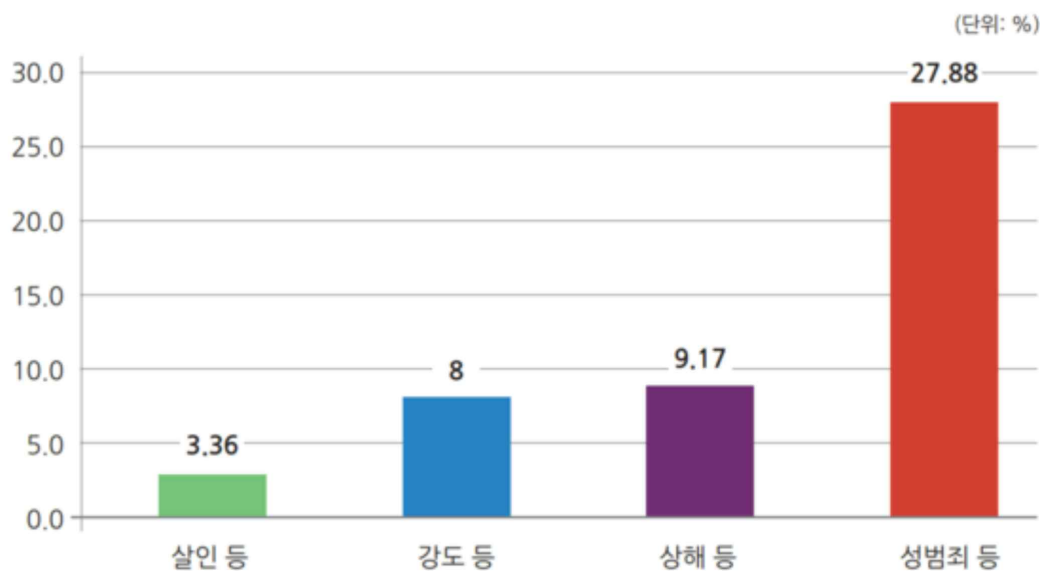
Jurors in the jury system as well as in the schoeffengericht, engage in discussions regarding sentencing, but unlike in the schoeffengericht, they do not have the authority to determine the sentencing. Instead, they provide their opinions, and their verdicts do not bind the court but have an advisory effect. In cases where the lay judges unanimously declare a defendant not guilty in the Korean PT, the court is not required to follow their decision. However, according to Article 48 of the ACPCT, if the opinions of the judges and lay judges differ, the reasons must be explained to the defendant and must be recorded in the verdict. This makes it difficult for the court to disregard the jurors' verdicts. In a 2020 case, even though a unanimous jury decision resulted in an acquittal in the first trial of a Korean PT, the appellate court subsequently found the defendant guilty after conducting additional

witness examinations regarding the victim. The Supreme Court acknowledged the binding effect of the jury verdict in the context of the PT, criticizing the appellate court's decision for unreasonably reversing the evaluation and acceptance of evidence, which led to a misunderstanding of the principles of trial centering on the main trial, substantive direct examination, and evidence tria(SC 2010.3. 25. SNT 2009도14065)l.

2) A High Acquittal Rate in Sexual Offense Cases

In PTs, from 2008 to 2020, the acquittal rate for sexual offenses in Korea was 27.88%, which is significantly higher than that for other violent crimes such as murder, robbery, and assault⁶.

[그림 9] 강력범죄에 대한 배심원의 전부 무죄 판결 비율(2008년~2020년)²²⁰⁾



⁶ Kippeum Park, A Study on the Particularity of Sexual Violence Crimes and the Jury Instructions in Korean Jury Trial, Judicial Policyh Research Institute, 2022, p.104.

It is pointed out that if the victim's statement is practically the sole evidence, jury's wrong perception of victims of sexual violence crimes cannot be ruled out⁷. In other words, it has been observed that the aged group of mock jurors can influence their tendency to blame the victim, and their acceptance of prevailing stereotypes about rape. Moreover, the level of acceptance of these common sense can impact the severity of penalties for the accused. Therefore, it is necessary to break the common sense on sexual crimes through the selection process of jurors who are members of the verdict, jury guidelines, and education to determine whether or not sexual crimes.(e.g. rape) happened in a specific case.

Furthermore, since the non-guilt rate varies by crime, and it can not ruled out that the possibility of PT be abused due to a high rate of acquittals in sexual assault crimes, it appears necessary to provide continuous training for lay judges and to elaborate on the specific content of questions and guidelines during the selection of lay judges. Additionally, efforts to dispel misconceptions about sexual assault, as mentioned earlier, should also be a part of these initiatives.

⁷ Hyemin Shin·Eunkyung Jo, On the Prospects of the Participatory Trial, Journal of Criminal Law Research Vol. 6, Iss 1., 2023, p.4.; Kippeum Park, A Study on the Particularity of Sexual Violence Crimes and the Jury Instructions in Korean Jury Trial, Judicial Policyh Research Institute, 2022, p.105.

4. Issues with PTs

1) Concerns about Violation of the Right to Trial by Judges

Constitution of the Republic of Korea

Article 27, all citizens have the right to be tried by judges appointed by law.

Concerns have been raised about whether the introduction of PTs infringes upon the right to be tried by judges. Some argue that the PT system violates the current Constitution, which is based on the separation of powers and trials conducted by professional judges. However, to realize national sovereignty, the right to trial by professional judges may also be limited and systematically interpreted. A Supreme Court bill has been proposed that allows jurors to discuss the guilt or non-guilt of the defendant under the guidance of judges and provide advisory opinions on sentencing, and the controversy over its constitutionality has subsided.

On the other hand, citizen participation rates, the means of reaching citizen consensus, and the effect of verdicts are also related to whether the judges' judgments are bound by the verdicts of jurors. To address these concerns, it is legislated that the final composition of a court for PT consists of 3 professional judges and 5-9 jurors will discuss guilt or non-guilt under the guidance of the judges, and the verdict of jurors has advisory effect. This legislative measure has resolved the conflict with the constitutional provision.

2) Consistency between PT's Verdicts and judgements, Acquittal Rates, and Appeal Rates

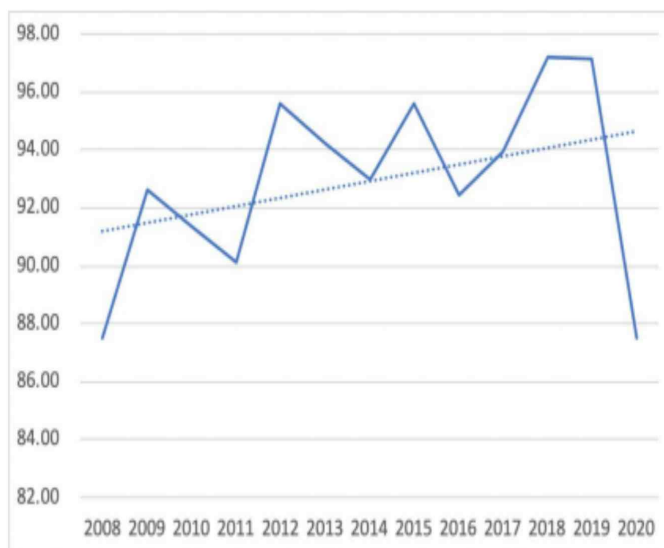
How consistent are the verdicts of the jury in PTs with the court's

judgments? In Korean PTs, even though the verdicts of the jury do not bind the decisions of judges, there is a considerable level of consistency between the verdicts and judgments. In other words, the consistency rate increased from 87.5% in 2008 to exceed 97% in 2018–2019, indicating a high level of alignment⁸.

However, can we conclude that trials are fair and error-free solely based on this high consistency rate? PTs exhibit higher acquittal rates and appeal rates compared to regular trials. Specifically from 2008 to 2018, the average acquittal rate in PTs was 10.9%, while the acquittal rate in the first trial from the collegiate panel cases was 4.3 for the same period. This suggests that the average acquittal rate in PTs is higher than that of regular trials.

● Introduction and Operational Analysis of Citizen Participation in Criminal Trial, 22

〈그림 3〉 국민참여재판 판결/판결 일치율



⁸ Hyemin Shin·Eunkyung Jo, On the Prospects of the Participatory Trial, Journal of Criminal Law Research Vol. 6, Iss 1., 2023, 4, Sun Choi, Introduction and Operational Analysis of Citizen Participation in Criminal Trial, Legislative Debate Vol. 16, Iss 2., 2021, p.21.

●The Concordance Rate Between the Verdicts and the Judgments(2008.~2020)

연도	일치		불일치		합계
	건수	비율(%)	건수	비율(%)	
2008	56	87.50	8	12.50	64
2009	88	92.63	7	7.37	95
2010	148	91.36	14	8.64	162
2011	228	90.12	25	9.88	253
2012	262	95.62	12	4.38	274
2013	325	94.20	20	5.80	345
2014	252	92.99	19	7.01	271
2015	194	95.57	9	4.43	203
2016	282	92.46	23	7.54	305
2017	277	93.90	18	6.10	295
2018	175	97.22	5	2.78	180
2019	170	97.14	5	2.86	175
2020	84	87.50	12	12.50	96
합계	2,541	93.49	177	6.51	2,718

Furthermore, since the introduction of PTs(2008–2019), the appeal rates for citizen participation trials and regular trials have shown significant differences. The appeal rate of the PT and the general trial were 80.3% and 63.5% respectively, 16.8%p higher in the PT. When examining the appeal rate of cases involving prosecutors specifically, citizen participation trials exhibit an even larger difference⁹. The appeal rate for cases involving prosecutors in citizen participation trials is 48.6%, whereas in regular trials, it is 28.6%, showing a 20 percentage point difference.

The high appeal rate in PTs can be attributed to the acquittal rates. Over a ten-year period from 2008 to 2017, the acquittal rate for major crimes like murder in regular trials was only 1.4%. In contrast, the same crimes in PTs had an acquittal rate of 8.0%, which is over five times higher. Notably, in

⁹ National Court Administration, Analysis of the Results of Citizens' Participatory Trials(2008~2020), Supreme Court of Korea, 2021.

cases involving sexual offenses, regular trials had an acquittal rate of 2.4%, while citizen participation trials had an acquittal rate of 18.0%, which is approximately 7.5 times higher. Some point out that PTs are especially abused in sexual offense crimes due to the high rate of acquittals, and accordingly, prosecutors and victims are opposed to PTs.

3) Decreasing Implementation Rate

The decreasing implementation rate of PTs raises concerns about the effectiveness of the system. Statistics show that less than 5% of the cases subject to public participation trials are not large, and the number of applications has more than tripled from 233 in 2008 to 851 in 2020, but the total number of eligible cases has also increased, so there is no significant difference in the application ratio.

On the other hand, the number of cases excluded from PTs among those that applied for them has been steadily increasing, leading to a decrease in the actual number of citizen participation trials being conducted. From 2008 to 2020, the rate of cases excluded from PTs by court decision was 22.7%. A significant portion of these exclusions (83.6% in 2020) were based on the court's discretion, particularly citing that "conducting PTs is not considered appropriate" as per Article 9, Clause 1, Subclause 4 of the ACPCT¹⁰. There have been criticisms that these criteria should be more clearly defined (Legislative Research Service). Additionally, the withdrawal rate has seen a significant increase, rising from 38.3% in 2017 to 50.2% in 2021. Whether this is a temporary phenomenon due to the COVID-19 pandemic or if it will

¹⁰ National Court Administration, Analysis of the Results of Citizens' Participatory Trials(2008~2020), Supreme Court of Korea, 2021.

continue in the future remains to be seen.

Overall, the declining rate of implementation, coupled with increased exclusions and withdrawals, highlights concerns regarding the effectiveness and practicality of the citizen participation trial system.

●National Court Administration, Analysis of the Results of Citizens' Participatory Trials(2008~2020)

(단위: 건, %)

사유	2014년	2015년	2016년	2017년	2018년	2019년	2020년
제4호 배제사유	60	58	116	144	153	137	245
전체 배제사유	107	106	151	195	183	187	293
제4호 사유/전체 사유	56.07%	54.72%	76.82%	73.85%	83.6%	73.26%	83.62%

●National Court Administration, Analysis of the Results of Citizens' Participatory Trials(2008~2020)

구분	합계	비율	살인 등		강도 등		상해 등		성범죄 등		기타	
			건수	비율	건수	비율	건수	비율	건수	비율	건수	비율
접수	7,861	22.7%	974	15.8%	875	18.0%	220	13.6%	1,856	33.3%	3,936	21.1%
배제	1,738		152		157		29		602		798	

In order to increase the ratio of applications for PTs, measures to expand the eligibility of PTs, strengthen the requirements for exclusion of applications or lower the cancellation rate, and permit the binding force of jury verdicts are being discussed.

4) Increased Workload in PTs

Contrary to the original intent behind introducing citizen participation trials, the actual preference for such trials among those involved in the legal

process is not very high. In 2019, a survey by the Korea Institute for Criminal and Legal Policy found that 52 out of 55 responding judges (94.5%), 52 out of 52 prosecutors (100%), and 203 out of 237 lawyers (85.7%) prefer general trial procedures to PTs. In addition, the fact that only 3,496 out of 10,932 people who were notified of their attendance as jury candidates around 2020 also puts pressure on the jury to proceed with the PT, which takes a considerable amount of time.

Additionally, in 2020, out of 10,932 individuals who received notices to appear as prospective jurors, only 3,496 actually attended. This highlights the considerable time pressure citizen jurors face in participating in PTs. Therefore, to improve the practical operation of PTs, ongoing research is necessary to identify measures that can alleviate the burden on legal professionals and participants. These measures may include establishing dedicated trial divisions, encouraging juror attendance, and fostering a conducive societal atmosphere for PTs.

5. Conclusion – Strategies for Expanding PTs

The implementation of PTs has led to a significant increase in public approval regarding the fairness, transparency, and trustworthiness of judicial processes. This achievement should be duly recognized¹¹.

¹¹ According to a 2015 public opinion survey conducted by KBS Broadcasting Culture Research Institute regarding citizen participation in trials, 88.5% of respondents answered positively when asked if the trials conducted through citizen participation were conducted fairly. Similarly, 92.3% of respondents believed that these trials were conducted transparently. Furthermore, 87.5% of respondents expressed that they would have more trust in the trial results, and 74.4% believed that the human rights of the accused would be better protected. These results indicate that citizen participation in trials has been positively evaluated by the public in terms of fairness, transparency,

However, as 15 years have passed since the introduction of PTs, concerns have arisen, including a decrease in the participation rate, a rise in exclusion decisions, and a disproportionately high number of not-guilty verdicts, particularly in cases of sexual assault. Consequently, it is imperative to continue conducting relevant research and engaging in discussions alongside statistical analysis. Current research efforts encompass topics such as enhancing the binding authority of juror verdicts, expanding the scope of cases eligible for PTs, adjustments, improving procedures related to exclusion decisions and juror candidate summons, exploring restrictions on appeals in PTs, and researching the expansion of these trials into civil cases.

Furthermore, during the International Forum for Legal Aid (IFLA), various discussions pertaining to the implementation and challenges of PTs in different countries are anticipated to contribute to the ongoing enhancement of the institutional framework of PTs.

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Introduction of Korea Legal Aid Corporation

1. Introduction

Established in 1987, Korea Legal Aid Corporation (KLAC) is a representative legal aid organization in Korea. The mission of KLAC is 'efficient legal aid, protection of the nation's fundamental human rights and promotion of legal welfare.' The vision of KLAC is described as maintaining 'the central legal welfare organization.'

KLAC aims at 'expanding legal welfare service, providing substantive legal aid service to the low-income citizens, and enhancing prestige as a leading legal aid agency.'

In Korea, Korea Family Legal Welfare Counseling Center, Korea Familylaw Counseling Center, Korean Bar Association Legal Aid Foundation, etc. are good examples for legal aid organizations besides KLAC. Recently private organizations and law firms offering consulting and litigation service related to public interest law are on the increase, and courts also perform legal aid tasks, designating criminal public defenders and making decisions on civil litigation aid. However, KLAC is the unrivaled legal aid corporation with 30-year history, nationwide network and financial aid from the authorities

concerned.

This year celebrating its 30th foundation anniversary, KLAC would share its legal aid work system and refer to this conference outcome for its operation.

Below we will introduce you National Report on KLAC's legal aid service.

2. The Composition of KLAC

1) The Distribution and Structure of KLAC

KLAC is founded for efficient implementation of legal aid on Legal Aid Act Article 8. KLAC has headquarters, 18 district offices located in the jurisdictions of district court/prosecutors' office, 41 local branch offices in the jurisdictions of branch courts/prosecutors' offices, 71 sub branch offices in the jurisdictions of county courts/prosecutors' offices, Law-related Education Center and 7 individual rehabilitation and bankruptcy comprehensive support centers nationwide.

KLAC is a public corporation registered to the Minister of Justice under the guidance and supervision of the Ministry of Justice, and the Minister of Justice authorizes KLAC's revision of the articles of association and enactment of rules. In other words, KLAC is a public institute under the direction of the Ministry of Justice, subjected to recently enforced 'the Improper Solicitation and Graft Act.'

2) Human Resources

KLAC has 2 executive officers(8 non-permanent), 98 staff attorneys, 17 victim's public defenders, 156 public-service advocates, 42 staffs in the Housing Lease Dispute Arbitration Committee, 485 staffs, and 139 assistants.

KLAC has staff attorneys to represent legal aid cases exclusively, and sets up the rules of KLAC for appointment and dismissal of attorneys and management of KLAC, etc. under the approval of the Minister of Justice. KLAC operates staff-lawyer system, which a legal aid organization employs staff attorneys to deal with legal aid cases. Since limited budget can be executed efficiently, this staff-lawyer system, which can provide independent and organized legal aid service, is an optimized one compared to judicare system, in which lawyers not hired by a legal aid institute handle each legal aid case. Public service advocates, especially, who belongs to the Ministry of Justice for the compulsory military periods, dispatched to KLAC, take a great part of performing main legal aid service, legal counseling and representation.

3. The Operation of KLAC

Legal aid service and other service under KLAC will be reviewed below.

1) Legal Aid Service

Legal aid service consists of ① legal counseling, ② representation of litigations, and ③ other aids, etc(Legal Aid Act article 2). Let us see what KLAC does as legal aid service.

(1) Legal Counseling

(a) KLAC provides free legal counseling service to the whole nation including foreigners in the country in every district/branch/sub-branch office. While legal counseling in other law firms and law offices is paid, KLAC with nationwide network offers free legal consulting through neutral and manageable staffs to broaden the nation's access to justice. As Legal Aid Act article 7 bans charging fees on legal aid, legal counseling in KLAC is not paid.

(b) Current Legal Counseling Reports

KLAC had performed about 150 million legal counseling cases (in person, phone, letter, on-line). ARS 132 is in service for phone counseling, staff attorneys and public service advocates are in charge of on-line counseling. In-person counseling is supervised and confirmed by staff attorneys after done by staffs. Letter counseling doesn't take meaningful portion of total counseling.

Exclusive on-line counseling for overseas Koreans, multi-cultural families,

North Korea defectors is also being provided.

[Table 1] The recent 5 year legal counsel chart

(unit: cases)

구 분	2011	2012	2013	2014	2015
In-person	630,670	658,782	696,520	714,445	713,850
Phone	565,885	703,920	739,476	739,892	721,515
Letter	3,041	2,983	2,720	2,748	4,947
On-line	43,187	44,231	44,046	48,614	46,483
Sum	1,242,783	1,409,916	1,482,762	1,505,699	1,486,795

(2) Representation of Litigation

(a) Litigation Cases

KLAC covers almost every litigation case containing

civil·criminal·administrative cases, bankruptcy and rehabilitation cases , etc.

Civil and criminal cases by civil aid decisions and public defender's

designation decisions from courts and delegation contracts from KLAC's legal

counseling are cases KLAC represents. KLAC specializes in ① wage payment

cases related to the Ministry of Employment and Labor and Korea Workers'

Compensation and Welfare Service and ② family registration cases for people

without a registered domicile.

(b) Eligibility

Representation of litigation is accessible to those whose eligibility is limited by income, occupations, etc. such as referred in Legal Aid Act (e.g. the disabled, North Korea defectors, etc.), whereas free legal counseling is open to the public. Litigation is represented for free or costs of lawsuit, attorney-at-law fees in Legal Aid Act, because the Act bans collection of aid fees on any purpose except costs of lawsuit, attorney-at-law fees, and that corresponds to what legal aid intends

(c) Litigation Performers

Each staff attorney represents litigation cases KLAC is entrusted with, while other law firms and legal organizations describe themselves as representatives. This difference is based on Legal Aid Act article 5, which forbids legal aid corporations from representing litigations, administrative claims and other law practices related to legal aid service. In other words, staff attorneys in KLAC under regulations of Attorney-at-law Act should be held responsible for representation of litigation. However, if the employees of KLAC bear the liability for illegal acts in the execution of the office, KLAC also assumes vicarious liability and reimburses from the tortfeasor, thereafter

KLAC and its employees are not free from liability for illegal acts (Legal Aid Act Article 32-2).

(d) The Recent 5 years' Lawsuit Output

KLAC handled total 169,920 cases (148,171 civil cases, 21,759 criminal cases each) in 2015 only, and total litigation cases KLAC represents are on the rise.

[Table 2] KLAC Lawsuits Output (2011~2015)

(unit : case/hundred million won)

	Lawsuits				Value of Subject-Matter
	Civil-Family Case	Administrative-Constitutional case	Criminal case	Sum	
2011	121,727	330	13,888	135,945	29,241
2012	126,658	240	13,612	140,510	34,996
2013	136,531	216	16,257	153,004	37,140
2014	143,645	208	21,546	165,399	36,984
2015	147,985	176	21,759	169,920	40,629
Sum	676,546	1,170	87,062	767,778	178,990

2) Investigation-Research on Legal Aid System

'Strategy and Planning team' in 'Legal Aid and Policy Department' from headquarters in KLAC investigates and researches on legal aid system and KLAC management, hosts a yearly legal aid seminar and suggests KLAC's development plans, gathering staff attorneys' opinions across the country.

3) Enlightenment Projects to Enhance Law-abiding Spirit

KLAC opened KLAC Law-related Education Center in June 3rd, 2011 giving multi-cultural children, students, public officials and local residents law-abiding lectures on practical matters related to daily life (e.g. inheritance, lease, etc.) in the Center. Expert staff attorneys with skillful legal aid know-how are in charge of those lectures.

4) Other Projects Necessary for Accomplishing the Object of KLAC

KLAC has been deploying urgent extra human resources (e.g. staff attorneys, staffs, assistants, etc.) and funding to disaster scenes where large scale damages are foreseen from unprecedented massive catastrophes besides projects above. (① 'Seohaean Oil Leaks Legal Aid Office Opening' in 2013 for local residents from massive oil leaks disaster in 2007, ② 'Blaze Victim Legal Aid' for vendors from Daegu Seomoon Traditional Market Blaze in 2016, Yeosu Fish Market Blaze in 2017, etc.) Moreover, moving legal counseling buses have been rendering one-stop

service around the disabled facilities, industrial complex, etc. where residents in need of legal aid are not easily accessible to visit KLAC since July, 2010, giving lectures on legal issues, counseling, investigation, and receiving cases.

5) Protection of and Support for Victims of Crimes

In rendering legal aid services, KLAC legally protects and supports victims of crime in order to properly guarantee the rights of such victims of crime and help them speedily restore from their damage.(Legal Aid Act Article 21-2). Already representing victims of crimes in compensation litigations for the practical damage recovery of victims, KLAC has been expected to guarantee victims of crimes, rendering representation of accusation and prevention of collateral damages, etc.

KLAC appointed 17 victim's public defenders since 2013 based on 'Act on Special Cases concerning the Punishment, etc. of Sexual Crimes' and 'Act in Special Cases concerning the Punishment, etc. of Child Abuse Crimes.' A Victim's public defender takes 16 cases a month, being present at an investigation, submitting documents, and attending trials, etc. 17 Victim's public defenders belong to KLAC at present, dispatched to the branch offices of KLAC and counseling centers nationwide, representing victims of the sexual violence and child maltreatment.

4. Recent Activities – The Housing Lease Dispute Arbitration Committee (ADR)

KLAC operates the Housing Lease Dispute Arbitration Committees nationwide since May 30th, 2017, coming to a premature termination of disputes, and preventing expansion of conflicts with pretrial ADR. The Committees were established in 6 major KLAC branches (Seoul Central · Suwon · Daejeon · Daegu · Busan · Kwangju Branch) to mediate disputes between lessors and tenants under the regulations of Housing Lease Protection Act from May 30th to July 7th this year. The Committee addresses overall disputes over housing lease, such as evacuation, deposit return and repair costs, which will be highlighted as an alternative to a lengthy and costly litigation process.

5. Financial Resources of KLAC

1) Sources of Incomes

The 2 main resources of KLAC are subsidies provided by the Government and proceeds derived from business of KLAC (Legal Aid Act Article 4, 7, 24). Specifically the resources of KLAC consist of ① contributions and subsidies provided by the Government, ② cash and other property contributed by persons, other than the Government, ③ borrowed funds prescribed in Article 26, ④ proceeds derived from business of KLAC, ⑤ other proceeds. Among

these, contributions and subsidies provided by the Government are resources for free legal aid service, and those are funds from the Government or private institutes. Proceeds from KLAC are incomes from paid-free legal aid service and those from deposit interest, etc.

2) The Financial Resources in Recent 4 Years

Among the budget of KLAC, the proportions of government subsidies and proceeds are 44-45% and 54-56% respectively, and the ratio annually remains still.

[Table 3] Financial Resources Ratio per year (2012~2015)

(unit : million won, %)

Per Year	'12	%	'13	%	'14	%	'15	%
o Total Budget	74,048	100	78,405	100	80,560	100	83,527	100
- Subsidies	32,869	44.4	35,406	45.2	35,454	44	37,834	45.3
- Proceeds	41,179	55.6	42,999	54.8	45,106	56	45,693	54.7

3) The Proceeds from KLAC in recent 5 Years

The KLAC's own income is divided into business proceeds and non-

business proceeds. The former includes proceeds from costs of lawsuit, attorney-at-law fees, public defenders' fees, special account deposits, and the latter contains interests on deposits and other miscellaneous incomes.

Regarding costs of lawsuit, attorney-at-law fees, KLAC pays costs of lawsuits in advance, and reimburses costs of lawsuits and attorney-at-law fees after trials. However, they will be reimbursed from the beneficiary of charged cases while reimbursed from free legal aid reserve prepared for free cases.

In the table below, reimbursement from costs of lawsuits and reimbursement from attorney-at-law fees refer to the reimbursement for all cases, and the amount in parentheses means reimbursement for free cases. Public defenders' fees are rewards on counseling criminal defendants from courts.

Compared to public defenders' fees and special account deposits, reimbursement from costs of lawsuits and special account deposits take large portions of revenues. In 2015, reimbursement from costs of lawsuits was 20.4 billion won, and that from costs of attorney-at-law fees was 17.9 billion won. This reimbursement accounts for 84.3% (53.3% of reimbursement from costs of lawsuits, 46.7% of reimbursement from costs of attorney-at-law fees) among self-revenues. Public defenders' fees are on the rise from 1.5~1.9

billion won in 2011-2013 to 3.1~3.3 billion won in 2014, 2015. However, public defenders' fees are expected to decrease due to the change of courts' public defender appointment institution in 2017. Deposit interest stays at a constant rate from 3 billion won to 4.3 billion won.

[Table 4] The Ratio Analysis of Proceeds from KLAC per Year (2011~2015)

(unit : million won)

Per Year			'11	'12	'13	'14	'15
SUBSIDIES			29,720	32,869	35,406	35,454	37,834
P R O C E E D S	Busine s	reim. fr. costs of lawsuits	19,603 (19,290)*	21,306 (21,077)	20,568 (20,326)	21,167 (20,773)	20,437 (20,051)
		reim. fr. attorney fees	13,583 (12,549)	14,374 (13,280)	15,929 (14,201)	16,131 (14,014)	17,930 (15,719)
		public defenders' fees	1,698	1,547	1,909	3,103	3,298
		special account deposits	0	0	0	262	276
	Non- Busines s	deposit interest, etc	3,340	3,282	3,034	4,324	3,573
	Sum		38,224	40,509	41,440	44,987	45,514
	Total Sum		67,944	73,378	76,846	80,441	83,348

[Table 5] KLAC Revenue Ratio

Revenue(2015)		
Subsidies (45.4%)		
Proceeds (54.6%)	○ Reimbursement	84.3%
	· costs of lawsuits	(53.3%)
	· attorney-at-law fees	(46.7%)
	○ public defenders' fees	7.2%
	○ reimbursements from counter-part	6.8%
	○ extra incomes, etc.	1.7%

4) Budget Plans for KLAC

Most legal aid organizations are concerned about their financial resources. Although the revenue ratio of KLAC consists of subsidies from the Government and proceeds from KLAC itself by half each, the increase of subsidies may be taken into account in the perspective of legal welfare. In addition, it is under discussion that fines, deposits, etc. can be resources as well in the aspect of parts of litigations. It is argued that subsidies from MOU/agreements between KLAC and local governments could add to the resources, building new free legal aid reserve institutes.

Recently KLAC has increased its own income by the rise of attorney-at-law fees contained by total costs of litigations. However, considering the necessity of expanding the legal welfare of the nation, it is necessary to

consult foreign examples regarding future funding.

6. Cooperation with Other Organizations

In order to expand legal service, KLAC has executed business agreements with various organizations such as national institutes, legal organizations, administrative organizations, and private companies

1) Completion of Establishment of Multi-agency Link System

On April 24, 2017, KLAC has completed the establishment of a 'multi-agency link system' that can exchange information and share the progress of cases with the Ministry of Employment and Labor, the Assistance Center, and the Ministry of Justice.

KLAC receives legal aid requests from 'village attorneys' of the Ministry of Justice, and provides legal service to more local residents, representing some litigations. ② KLAC sends finalized judgments of wage claims to the Ministry of Employment and Labor and the Korea Labor Welfare Corporation so that small substitute payments could be paid to the unpaid workers, contributing to the rapid relief of workers and improving efficiency. ③ KLAC also serves applying for an order to implement child-care allowance to Family Courts, which cooperates with the Ministry of Gender Equality and Family Affairs and Child Support Agency to speed up child support work.

2) Administrative Information Joint-use

The portal for administrative information joint-use was first introduced to the administrative field such as military service and tax starting from 2010. Recently KLAC started to use the portal with clients' agreement. Almost every staff in KLAC has been able to read and issue documents related to personal information such as resident registration copies through the portal, leading to rapid and efficient legal aid.

3) Sign of MOU

KLAC has also executed MOUs with a variety of legal organizations and private companies, including the Korean Bar Association, the Korean Female Bar Association, the Seoul Bar Association, and the Pro Bono Center for the sake of enlarging legal aid service. KLAC is reviewing some ways to coexist with private lawyers, including how to delegate cases which are not qualified for legal aid to external lawyers. In addition, KLAC made MOUs with private companies that need help such as the "Alba Heaven", etc., in order to serve part-timers with legal aid on payment, employment agreements, etc.

7. Conclusion

1) Demands on the Increase for Staff Attorneys

Staff attorneys in KLAC are engaged in legal aid service, representing litigations, giving lectures, etc. Only 98 staff attorneys are representing more than 600 cases per capita, placed in the district/branch offices of KLAC across the country.

In accordance with the increasing trend of lawsuits and demand on legal aid, more staff attorneys will join KLAC. In parallel, detailed researches are required for the labor conditions of staff attorneys(e. g. wage calculation, ranking and rotation system, proper scale of lawyers, division of work, etc.) to render efficient and prompt legal aid.

2) Sustainable Development

In celebration of 30th foundation anniversary, KLAC will broaden legal welfare service, reviewing the increase of MOU, budget plans and making ADR settled. KLAC under staff-lawyer system leads legal aid service in Korea at low-cost and high efficiency, where no more than 98 staff attorneys and 156 public service advocates, hundreds of staffs are struggling to provide legal aid service nationwide currently. If KLAC offers diverse legal service with stable financial resources under the current system in the midst of fierce competitive legal circles, it will be still regarded as a main institute of legal aid in Korea. Thank you!

ACT ON CITIZEN PARTICIPATION IN CRIMINAL TRIALS

[Enforcement Date 26. Jul, 2017.] [Act No.14839, 26. Jul, 2017., Amendment by Other Act]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to clarify the power and responsibilities of citizens who take part in criminal trials under the participatory trial system that is hereby adopted to raise democratic legitimacy and confidence in judicial process and to provide for special cases for trial procedure and other necessary matters.

Article 2 (Definitions)

For the purposes of this Act:

1. The term "juror" means a person who is selected pursuant to this Act to take part in a criminal trial;
2. The term "participatory trial" means a criminal trial in which jurors are participating.

Article 3 (Citizens' Rights and Duties) (1) Every person has a right to a participatory trial, as provided by this Act.

(2) Every citizen of the Republic of Korea has a right and duty to take part in a participatory trial, as provided for by this Act.

Article 4 (Relationship to other Acts and Subordinate Statutes)

Except as otherwise provided expressly by this Act, the Court Organization Act, the Criminal Procedure Act, and other Acts and subordinate statutes shall apply to participatory trials.

CHAPTER II ELIGIBLE CASES AND JURISDICTION

Article 5 (Eligible Cases) (1) A case enumerated in any of the following subparagraphs shall be eligible for a participatory trial (hereinafter referred to as "eligible case"): [<Amended by Act](#)

No. 10258, Apr. 15, 2010; Act No. 11155, Jan. 17, 2012>

1. Cases falling under the jurisdiction of a collegiate panel under Article 32 (1) (excluding subparagraphs 2 and 5) of the Court Organization Act;
 2. Cases of an attempt of, abetment, aiding, preparation, or conspiracy to commit an offense among cases falling under subparagraph 1;
 3. Cases falling under subparagraph 1 or 2, and those falling under Article 11 of the Criminal Procedure Act, which are consolidated for a trial as a single case.
- (2) If a defendant does not want a participatory trial or if a decision to exclude is made pursuant to Article 9 (1), such case shall not proceed to a participatory trial.

Article 6 (Revision to Prosecuted Facts) (1) A court shall continue proceedings of a trial under this Act even where a case is no longer eligible for a participatory trial due to partial retraction of or revision to prosecuted facts: Provided, That if a court determines that it is inappropriate to proceed to a participatory trial in view of status of inquiry or other circumstances, the court may have a collegiate panel of the competent district court continue the trial without necessarily proceeding to a participatory trial.

(2) No objection shall be raised against a decision made pursuant to the proviso to paragraph (1).

(3) If a decision is made pursuant to the proviso to paragraph (1), jurors and alternate jurors who have participated in the trial shall be deemed dismissed.

(4) Proceedings conducted before a decision under the proviso to paragraph (1) is made shall remain effective and valid after such decision is made.

Article 7 (Requirement of Court-Appointed Defense Counsel)

If a defendant eligible for a participatory trial under this Act has no defense counsel, the court shall appoint such counsel at its discretion.

Article 8 (Ascertainment of Intention of Defendant) (1) A court shall inquire a defendant of an eligible case, in writing or by other means without exception, of whether he/she desires a participatory trial. In such cases, the further specific method of inquiry of a defendant's intention shall be prescribed by the Rules of the Supreme Court, and the court shall ensure to assure a defendant of his/her right to a participatory trial to the maximum.

(2) A defendant shall submit a written statement, describing whether he/she desires a participatory trial, within seven days from the date on which a duplicate of indictment is serviced. In such cases, a written statement is deemed submitted at the time when the defendant sends the statement by mail or when the defendant in a correctional institution or a detention center submits the statement to the head of the correctional institution or detention center or a person acting for or on behalf of the head of the correctional institution or detention center.

(3) If a defendant fails to submit a written statement under paragraph (1), it shall be deemed that the defendant does not desire a participatory trial.

(4) No defendant may change his/her previously stated intention after a decision to exclude is made pursuant to Article 9 (1), a decision to remove is made pursuant to Article 10 (1), preparatory proceedings for a trial are closed, or the initial proceeding of a trial begins.

Article 9 (Decision to Exclude) (1) A court may decide not to proceed to a participatory trial for a period beginning after an indictment is filed and ending on the day after the closing of preparatory proceedings for a trial in any of the following cases: [<Amended by Act No. 11155, Jan. 17, 2012>](#)

1. If a juror, an alternate juror, or a prospective juror has difficulties in attending a trial or is unlikely to be able to duly perform his/her duties under this Act because of a violation or likely violation of the life, body, or property of the juror, alternate juror, prospective juror, or any of his/her family members.
2. If some of the accomplices do not want a participatory trial and it is considered difficult to proceed to a participatory trial;
3. If a victim of any offence prescribed in Article 2 of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes is committed, or his/her legal representative does not want a participatory trial;
4. If it is considered inappropriate to proceed to a participatory trial due to any other cause or event.

(2) A court shall hear opinions of the public prosecutor and the defendant or defense counsel before making a decision pursuant to paragraph (1).

(3) An immediate appeal may be filed against a decision made pursuant to paragraph (1).

Article 10 (Special Cases for Cases under Jurisdiction of Branch Courts) (1) If a defendant manifests an intention that he/she desires a participatory trial and the collegiate panel of a branch of a district court does not make a decision to exclude pursuant to Article 9 (1), the court shall make a decision to remove the case from a participatory trial and transfer the case to a collegiate panel of the competent district court.

(2) Each collegiate panel of a district court shall have jurisdiction over a case over which the collegiate panel of a branch court has jurisdiction to make a decision, but makes a decision to remove the case from a participatory trial pursuant to paragraph (1).

Article 11 (Transfer for Ordinary Proceedings) (1) If proceedings of a trial have been suspended for a long time due to the defendant's illness or any other cause, if the period of confinement of the defendant expires, if a court is to protect a victim of a sexual crime, or if it is considered inappropriate to continue a participatory trial in view of circumstances of a trial due to any other cause or event, the court may decide to remove the case, at its discretion or at the request of the prosecutor, the defendant, or defense counsel, so that a collegiate panel of the competent district court can make a judgment on the case without a participatory trial. [<Amended by Act No. 11155, Jan. 17, 2012>](#)

(2) A court shall hear opinions of the public prosecutor and the defendant or defense counsel before making a decision pursuant to paragraph (1).

(3) No objection may be raised against a decision made pursuant to paragraph (1).

(4) Article 6 (3) and (4) shall apply mutatis mutandis to cases for which a decision under paragraph (1) is made.

CHAPTER III JURY

SECTION 1 General Provisions

Article 12 (Power and Duties of Jurors) (1) Jurors shall have the power to find facts and present opinions on the application of Acts and subordinate statutes and the determination of punishment with respect to the case for which they take part in a participatory trial.

(2) Every juror shall abide by Acts and subordinate statutes and perform his/her duties independently and sincerely.

(3) No juror shall divulge confidential information known to him/her in the scope of his/her duties nor shall he/she commit any act of undermining fairness of a trial.

Article 13 (Number of Jurors) (1) Nine jurors shall participate in a participatory trial for an eligible case the statutory punishment for which shall be death penalty or life imprisonment with or without prison labor, while seven jurors shall participate in a participatory trial for an eligible case other than those set forth above: Provided, That a court may have five jurors if the defendant or defense counsel admits essential elements of prosecuted facts during the preparatory proceedings.

(2) Notwithstanding paragraph (1), a court may determine the number of jurors, either seven or nine, by decision, only if it finds that extraordinary circumstances exist in view of the substance of a case and the prosecutor and the defendant or defense counsel consent.

Article 14 (Alternate Jurors) (1) A court may have five or less alternate jurors in preparation for a vacancy of the jury.

(2) Provisions applicable to jurors of this Act shall apply mutatis mutandis to alternate jurors, unless any of such provisions contravenes the nature of alternate jurors.

Article 15 (Travel Expenses and Allowances)

Jurors, alternate jurors, and prospective jurors may be entitled to travel expenses and allowances, as prescribed by the Rules of the Supreme Court.

SECTION 2 Qualifications of Jurors

Article 16 (Qualifications of Jurors)

Jurors shall be selected from among citizens of the Republic of Korea who shall be not less than 20 years of age, as provided by this Act.

Article 17 (Grounds for Disqualification)

No person falling under any of the following subparagraphs shall be qualified for a juror:<Amended by Act No. 13762, Jan. 19, 2016>

1. A person under adult guardianship or a person under limited guardianship;
2. A person declared bankrupt but not yet reinstated;

3. A person in whose case five years have not passed since imprisonment without prison labor or any heavier punishment sentenced to him/her was completely executed (or is deemed completely executed) or discharged;
4. A person in whose case two years have not passed since suspension of imprisonment without prison labor or any heavier punishment had been sentenced to him/her and the period of suspension was completed;
5. A person in whose case a sentence of imprisonment without prison labor or any heavier punishment was suspended but who is still in the period of suspension;
6. A person whose qualification is deprived of or suspended by a court judgment.

Article 18 (Grounds for Exception due to Occupation, etc.)

A person falling under any of the following subparagraphs shall not be selected as a juror:<Amended by Act No. 14184, May 29, 2016>

1. The President;
2. A member of the National Assembly, the head of a local government or a member of a local council;
3. A public official in political service in the legislative branch, the judiciary, the executive branch, the Constitutional Court, the National Election Commission, or the Board of Audit and Inspection of Korea;
4. A justice, judge, or public prosecutor;
5. An attorney at law or a certified judicial scrivener;
6. A public official in a court or public prosecutors' office;
7. A police officer, correctional officer, or a probation officer;
8. A military serviceman, civilian military employee, fire officer, or a reserve force who is called out for service or who performs his/her duty to receive education and training pursuant to the Reserve Forces Act.

Article 19 (Grounds for Exclusion)

No person falling under any of the following subparagraphs shall be selected as a juror for the relevant case:

1. A victim;
2. A person who is or was a relative of a defendant or a victim;

3. A legal representative of a defendant or a victim;
4. A witness, an expert witness, or the representative of a victim in the relevant case;
5. The representative, defense counsel, or an assistant of a defendant in the relevant case;
6. A person who performed duties as a prosecutor or a judicial police officer in connection with the relevant case;
7. A person who was involved in a preceding trial of the relevant case or an investigation or examination on which the relevant case is based.

Article 20 (Grounds for Exemption)

A court may exempt any of the following persons from duties as a juror at its discretion or at the request of the person:

1. A person who is not less than 70 years of age;
2. A person who has ever attended selection proceedings as a prospective juror during the past five years;
3. A person whose case prosecuted for an offense punishable by imprisonment without prison labor or any heavier punishment is still pending;
4. A person who is under arrest or confinement pursuant to any Act or subordinate statute;
5. A person whose performance of duties is likely to cause harm to him/herself or a third party or is likely to sustain irrecoverable damage to his/her career;
6. A person who has difficulties in making an appearance before court due to serious illness, injury, or disabilities;
7. A person who has difficulties in performing duties as a juror due to any other unavoidable cause or event.

Article 21 (Demand for Reporting or Forwarding Documents)

The head of a district court or a presiding judge may demand the State, a local government, a public institution, or any other legal entity or organization to submit a report or forward a document in its custody as may be necessary for making determination on selection or dismissal of prospective jurors, jurors, and alternate jurors.

SECTION 3 Selection of Jurors

Article 22 (Preparation of Jury Pool List) (1) In order to prepare a jury pool list, each year the head of a district court may request that the Minister of the Interior and Safety extract, from the resident registration information on citizens who are not less than 20 years of age and who reside within its jurisdiction, the resident registration information on names, dates of birth, addresses, and gender of a certain number of prospective jurors, and forward such information in the form of an electronic file. <Amended by Act No. 11155, Jan. 17, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(2) The Minister of the Interior and Safety shall, upon receipt of such request under paragraph (1), forward the resident registration data to the head of a relevant district court within 30 days. <Amended by Act No. 11155, Jan. 17, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(3) Each year the head of a district court shall prepare a jury pool list using the resident registration data.

Article 23 (Determination of Prospective Jurors and Summons for Attendance) (1) A court shall choose a required number of prospective jurors by random selection from the jury pool list and serve summons for proceedings of selection of jurors and prospective jurors.

(2) Prospective jurors who are summoned pursuant to paragraph (1) shall attend selection proceedings.

(3) A court shall immediately revoke the summons served to a prospective juror, when it finds that, after notice under paragraph (1), a prospective juror falls under any of the grounds under Articles 17 through 20 until the he/she completes the scheduled period for performing duties.

Article 24 (Presiding over Selection Process) (1) A court may authorize an associate judge of the collegiate panel to preside over the selection process. In such cases, the authorized judge shall have the same authority as the court or the presiding judge.

(2) Selection proceedings shall not be open to the public.

(3) Care shall be exercised in selection proceedings to prevent degrading the reputation of prospective jurors and intruding their privacy.

(4) A court may set another date for continuing selection proceedings. In such cases, if a new date of proceedings is notified to prospect jurors who attend a selection proceeding, such

notice shall be deemed to have the same effect as summons for attendance is served.

Article 25 (Questionnaire) (1) A court may use a questionnaire to ascertain whether any ground specified in Article 28 (1) is applicable to a prospective juror.

(2) Every prospective juror shall answer questions in the questionnaire and submit the answer to the court, unless he/she has a justifiable reason otherwise.

Article 26 (Service of Prospective Juror List) (1) A court shall deliver a prospective juror list, describing the names, gender, and dates of birth of prospective jurors, to the public prosecutor and defense counsel by no later than two days before the date set for selection.

(2) A court shall, when it uses a questionnaire for selection process, distribute each copy of questionnaires submitted by prospective jurors to the public prosecutor and defense counsel before it proceeds to selection proceedings.

Article 27 (Participants in Selection Proceedings) (1) A court shall notify the public prosecutor and the defendant or defense counsel of the date set for selection.

(2) The prosecutor and defense counsel shall make an appearance on the date set for selection, while the defendant may make an appearance with the permission of the court.

(3) A court shall, if the defense counsel fails to appear on the date set for selection, appoint a court-appointed attorney.

Article 28 (Questioning of and Challenges against Prospective Jurors) (1) A court may question prospective jurors to find whether a prospective juror falls under any provision of Articles 17 through 20 or his/her judgement is likely to be biased. The prosecutor and the defendant or defense counsel may request the court to ask questions as may be necessary, and the court may allow the prosecutor or defense counsel to ask direct questions.

(2) No prospective juror shall refuse to make a statement on a question asked pursuant to paragraph (1) without a justifiable reason or make a false statement thereon.

(3) A court shall, if it finds that a prospective juror falls under any provision of Articles 17 through 20 or his/her judgement is likely to be biased, make a decision to dismiss the prospective juror at its discretion or upon a challenge by the public prosecutor, the

defendant, or defense counsel. The court shall, when it dismisses a challenge made by the public prosecutor, the defendant, or defense counsel, notify the party of the ground therefor.

Article 29 (Objections) (1) An objection may be raised immediately against a decision to dismiss a challenge pursuant to Article 28 (3).

(2) A decision on an objection raised pursuant to paragraph (1) shall be made by the court that made a decision to dismiss the relevant challenge.

(3) No objection may be raised against a decision made on an objection.

Article 30 (Peremptory Challenges) (1) The public prosecutor and defense counsel may have peremptory challenges without giving a reason to reject prospective jurors (hereinafter referred to as "peremptory challenges") within the following limits:

1. Five persons if the jury is comprised of nine persons;
2. Four persons if the jury is comprised of seven persons;
3. Three persons if the jury is comprised of five persons.

(2) A court may not select a prospective juror as a juror against which a peremptory challenge is made.

(3) A court shall allow the public prosecutor and the defendant or defense counsel to make peremptory challenges in due turn.

Article 31 (Decision to Select or Dismiss) (1) A court shall randomly choose prospective jurors equivalent to the number of jurors and alternate jurors required for the trial from among prospective jurors who are present and then shall make a decision to dismiss some of the prospective jurors at its discretion and according to challenges and peremptory challenges.

(2) If a decision to dismiss prospective jurors is made pursuant to paragraph (1), the procedure under paragraph (1) shall be repeated for the number of such dismissed prospective jurors.

(3) If candidates for jurors and alternate jurors are finally selected to meet the number of jurors and alternate jurors required for a trial through the procedures under paragraphs (1) and (2), the court shall randomly select jurors and alternate jurors. If alternate jurors are two or more persons, an order of priority between them shall be established.

(4) A court may omit to inform jurors and alternate jurors of who are selected as jurors.

SECTION 4 Removal of Jurors

Article 32 (Removal of Jurors) (1) A court may, if a juror or an alternate juror falls under any of the following subparagraphs, make a decision to remove the juror or alternate juror at its discretion or at the request of the prosecutor, the defendant, or defense counsel:

1. If a juror or an alternate juror fails to take the oath under Article 42 (1);
2. If the court finds that a juror or an alternate juror breaches any duty under Article 41 (2) and is disqualified from performing his/her duties;
3. If a juror or an alternate juror breaches his/her duty to attend and he/she is found disqualified from continuing to perform his/her duties;
4. If a juror or an alternate juror falls under any provision of Articles 17 through 20 or his/her judgement is likely to be biased;
5. If it is discovered that a juror or an alternate juror made a false statement in the questionnaire or that a juror or an alternate juror refused to make a statement, or made a false statement, on a question asked in selection proceedings without justifiable grounds and he/she is found disqualified from continuing to perform his/her duties;
6. If a juror or an alternate juror does not follow an order issued by the judge in the court or obstructed proceedings of the trial by using violent language or any other improper speech or behavior.

(2) A court shall, when it makes a decision pursuant to paragraph (1), seek opinions of the public prosecutor and the defendant or defense counsel and provide an opportunity to make a statement to the juror or alternate juror who is present at the proceedings.

(3) No objection may be raised against a decision made pursuant to paragraph (1).

Article 33 (Resignation from Jury Service) (1) Any juror or alternate juror who has difficulties in continuing his/her service may file an application for resignation with the court.

(2) A court may, if it finds that an application filed pursuant to paragraph (1) has reasonable grounds, make a decision to dismiss the juror or alternate juror.

(3) A court shall hear opinions of the public prosecutor and the defendant or defense counsel when it makes a decision pursuant to paragraph (2).

(4) No objection may be raised against a decision made pursuant to paragraph (2).

Article 34 (Additional Selection of Jurors) (1) If there is a vacancy in the jury due to a cause or event referred to in Article 32 or 33, an alternative juror shall replace a juror according to the prescribed order of priority. If there is no alternate juror who can fill a vacancy in the jury, a juror shall be additionally selected.

(2) A court may, if it finds improper to select a juror additionally to have him/her take part in the course of a participatory trial in view of the progress of the trial, make a decision to continue the participatory trial only with remaining jurors in accordance with any of the following manner: Provided, That the foregoing shall not apply if remaining jurors are less than five persons:

1. If the jury is short of one juror, the court shall hear opinions of the public prosecutor and the defendant or defense counsel;
2. If the jury is short of two or more jurors, the court shall obtain consent of the public prosecutor and the defendant or defense counsel.

Article 35 (Termination of Jury Service)

The service of jurors and alternate jurors shall terminate when any of the following events occurs:

1. A final judgment is notified;
2. A decision to transfer to ordinary proceedings is notified pursuant to the proviso to Article 6 (1) or Article 11.

CHAPTER IV PROCEDURE FOR PARTICIPATORY TRIALS

SECTION 1 PREPARATION FOR TRIALS

Article 36 (Preparatory Proceedings for Trial) (1) A presiding judge shall, when a defendant manifests that he/she desires a participatory trial, commence preparatory proceedings:

Provided, That the foregoing shall not apply to cases where a decision to exclude is made pursuant to Article 9 (1) before the commencement of the preparatory proceedings.

(2) A court may close preparatory proceedings if a defendant manifests that he/she does not want a participatory trial, or a decision to exclude is made pursuant to Article 9 (1), after the preparatory proceedings are commenced.

(3) A case transferred by the collegiate panel of a branch of a district court to a collegiate panel of the competent district court pursuant to Article 10 (1) may commence preparatory

proceedings, if necessary, even through the case has gone through preparatory proceedings.

(4) The public prosecutor and the defendant or defense counsel shall collect and arrange evidence in advance and give cooperation otherwise so that preparatory proceedings can be progressed smoothly.

Article 37 (Date for Preparatory Proceeding) (1) A court shall designate the date of preparatory proceedings in order to arrange arguments and evidence and establish a plan for the trial.

(2) A court may authorize an associate judge of the collegiate panel to preside over preparatory proceedings. In such cases, the authorized judge shall have the same authority as the court or the presiding judge with respect to preparatory proceedings.

(3) Preparatory proceedings shall be open to the public: Provided, That a court may decide not to make preparatory proceedings open to the public if open proceedings are likely to obstruct the progress of the proceedings.

(4) The jury shall not participate in preparatory proceedings.

SECTION 2 Trial Proceedings

Article 38 (Summons for Trials)

Summons for a trial shall be served to each of jurors and alternate jurors.

Article 39 (Seats for Participants in Litigation) (1) A trial court shall be duly open with judges, jurors, alternate jurors, the public prosecutor, and defense counsel present at the trial.

(2) The public prosecutor shall sit on the opposite side of the defendant and defense counsel at an equal level: Provided, That a defendant shall be on the witness stand when the defendant is examined.

(3) Jurors and alternate jurors shall sit at the left side of the space between judges and the public prosecutor, the defendant, and defense counsel.

(4) The witness stand shall be located at the right side of the space between judges and the public prosecutor, the defendant, and defense counsel, facing jurors and alternate jurors.

Article 40 (Stenographic Notes and Audio Recording in Trial Court) (1) A court shall employ

a stenographer to take stenographic notes of the trial or shall record sounds or images by using audio or video recording devices in the absence of any special reasons to the contrary.

(2) Stenographic notes, audio recording tapes, or video recording tapes shall be preserved separately from trial records, and the public prosecutor, a defendant, or defense counsel may request a copy of stenographic notes, audio recording tapes, or video recording tapes, upon the payment of the cost and expense thereof.

Article 41 (Procedural Rights and Duties of Jurors) (1) Every juror and alternate juror may conduct any of the following acts:

1. Requesting the presiding judge to examine a defendant or witness on necessary matters;
2. Taking notes and use them for deliberation, subject to permission of the presiding judge, if considered necessary;

(2) No juror or an alternate juror shall commit any of the following acts:

1. Leaving the court while the trial is in session or leaving the place of deliberation, verdict, or discussion without permission of the presiding judge before deliberation, verdict, or discussion is completed;
2. Expressing or discussing his/her opinion on the relevant case before deliberation begins;
3. Collecting information on, or investigating into, the relevant case in addition to the trial proceedings;
4. Divulging confidential information specified by this Act under deliberation, verdict, or discussion.

Article 42 (Oath) (1) Every juror and alternate juror shall take an oath to perform his/her duties impartially, in accordance with Acts.

(2) The presiding judge shall explain, to jurors and alternate jurors, the power and duties of jurors and alternate jurors, trial procedures, and other matters necessary to perform their duties smoothly.

Article 43 (Exclusion from Application of Provisions for Summary Trial Procedure)

@Article 286-2 of the Criminal Procedure Act shall not apply to participatory trials.

Article 44 (Exclusion of Jury from Judgment on Admissibility of Evidence)

No jurors or alternate jurors may involve in the court's examination on admissibility of evidence.

Article 45 (Renewal of Trial Proceedings) (1) If a new juror or alternate juror take part in a trial after trial proceedings have begun, the trial proceedings shall be renewed.

(2) The renewal procedures under paragraph (1) shall be conducted to help a new juror or alternate juror understand issues and examined evidences, but the court shall ensure not to make the proceeding excessively burdensome.

SECTION 3 Deliberation, Verdict, Discussion, and Sentencing

Article 46 (Presiding Judge's Explanation, Deliberation, Verdict, and Discussion) (1) The presiding judge shall, upon closing of pleadings and arguments, explain to jurors in the court about essential points of prosecuted facts, applicable provisions of Acts, essential points of pleadings and arguments of the defendant and defense counsel, admissibility of evidence, and other significant matters. In such cases, an explanation about essential points of evidence may be also given, if necessary.

(2) Jurors taking part in a trial shall deliberate on whether guilty or not guilty after hearing the explanation under paragraph (1), and may deliver a verdict if the jury reaches an unanimous verdict: Provided, That the jury may hear opinions of judges who take part in the trial when a majority of jurors requests to do so.

(3) If the jury fails to reach an unanimous verdict of guilt or non-guilt, the jury shall hear opinions of judges who take part in the trial before delivering a verdict. In such cases, a verdict of guilt or non-guilt shall be concluded by a majority decision. Judges who take part in the trial shall not participate in the verdict, even in cases where they attend the deliberation and make statements on their opinions.

(4) If a verdict delivered pursuant to paragraph (2) or (3) is guilty, jurors shall discuss sentencing with judges who take part in the trial and shall express their opinions. The presiding judge shall explain the extent of punishment and conditions of sentencing before discussing sentencing.

(5) No verdict and opinions under paragraphs (2) through (4) shall be binding on the court.

(6) Documents compiled with results of a verdict under paragraphs (2) and (3) and opinions

under paragraph (4) shall be filed in the relevant trial records.

Article 47 (Confidentiality of Deliberation)

No juror shall divulge opinions of any of judges and jurors, the distribution of such opinions, and other facts, known to him/her in the course of deliberation, verdict, and discussion.

Article 48 (Sentencing Proceedings) (1) A sentence shall be pronounced on the proceedings in which pleadings and arguments are closed: Provided, That the date for a separate proceeding may be designated if extraordinary circumstances exist.

(2) Where a sentence is pronounced in the proceedings on which pleadings and arguments are closed, a written judgment may be prepared after sentencing.

(3) The date for sentencing proceedings under the proviso to paragraph (1) shall be determined within 14 days after closing pleadings and arguments.

(4) The presiding judge shall notify the defendant of results of the jury verdict at the time of sentencing, and shall explain, to the defendant, reasons why the sentence pronounced differs from the jury's verdict, if such is the case.

Article 49 (Mandatory Descriptions of Written Judgment) (1) A written judgment shall

describe the fact that jurors have taken part in the trial and may include the jury's opinions.

(2) If a judgment pronounced differs from the jury's verdict, the written judgement shall include reasons therefor.

CHAPTER V MEASURES FOR PROTECTION OF JURORS

Article 50 (Prohibition of Unfavorable Treatment)

No one shall dismiss, or unfavorably treat, any employee otherwise on the basis of the fact that the employee serves as a juror, an alternate juror, or a prospective juror.

Article 51 (Regulation on Contact with Jurors) (1) No one shall make contact with a juror or an alternate juror purposely to exercise influence on a trial or obtain any confidential information that the juror or alternate juror has acquired in the course of performing his/her

duties.

(2) No one shall get in contact with a person who has ever served as a juror or an alternate juror purposely to obtain any confidential information that the juror or alternate juror has acquired in the course of performing his/her duties: Provided, That the foregoing shall not apply to cases where such information is necessary for research.

Article 52 (Prohibition of Disclosure of Personal Information of Jurors) (1) Except as

otherwise provided by Acts or subordinate statutes, no one shall disclose the name, address, and other personal information of a juror, an alternate juror, or a prospective juror.

(2) Personal information of a person who has ever served as a juror, an alternate juror, or a prospective juror may be disclosed, only if the person consents to the disclosure.

Article 53 (Protective Measures for Jurors) (1) The presiding judge may, when he/she finds

that a juror or alternate juror is threatened, or is likely to be threatened, to be harmed by the defendant or any other person or when fair trial or deliberation is threatened, or is likely to be threatened, to be obstructed, take measures for protection, separation, accommodation, and other measures necessary for the safety of the juror or alternate juror.

(2) The public prosecutor, the defense counsel, a juror, or an alternate juror may request the presiding judge to take measures under paragraph (1).

CHAPTER VI RESEARCH ORGANIZATION

Article 54 (Judicial Participation Planning Task Force) (1) The Supreme Court may have a task

force for planning of judicial participation to have the task force carry out surveys and research on the participatory trial system.

(2) The task force for planning of judicial participation shall undertake the following missions:

1. Conducting of mock trials;
2. Video-recording and analysis of participatory trials;
3. Research on investigation, defense, and trial procedures;
4. Education of legal professionals;
5. Education and public relations activities for citizens;
6. Holding public hearings and academic discussions;

7. Other activities necessary for research on the participatory trial system.

(3) The organization and activities of the task force for planning of judicial participation and other necessary matters shall be prescribed by the Rules of the Supreme Court.

Article 55 (Committee for Citizens' Participation in Judicial System) (1) The Supreme Court shall have a 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.

(2) The organization and activities of the committee for citizens' participation in the judicial system and other necessary matters shall be prescribed by the Rules of the Supreme Court.

CHAPTER VII PENALTY PROVISIONS

Article 56 (Solicitation of Jurors, etc.) (1) Any person who solicits a juror or an alternate juror to grant a favor in connection with his/her duties shall be punished by imprisonment with prison labor for not more than two years or by a fine not exceeding five million won.

(2) Paragraph (1) shall also apply to a person who solicits a prospective juror to grant such a favor.

Article 57 (Threatening of Jurors, etc.) (1) Any person who threatens a juror or an alternate juror in a defendant's case in connection with the defendant's case, or a person who has ever served as a juror or an alternate juror in such case or any of his/her relatives, by telephone, mail, interview, or other means to make him/her feel fear or apprehension shall be punished by imprisonment with prison labor for not more than two years or by a fine not exceeding five million won.

(2) Paragraph (1) shall also apply to a person who threatens a prospective juror in a defendant case in connection with the defendant case or any of his/her relatives by any means under paragraph (1).

Article 58 (Divulgence of Confidential Information by Jurors, etc.) (1) Any juror or alternate juror who divulges confidential information known to him/her in the scope of his/her duties shall be punished by imprisonment with prison labor for not more than six months or by a

fine not exceeding three million won.

(2) Paragraph (1) shall also apply to a person who has ever served as a juror or an alternate juror and divulges confidential information known to him/her in the scope of his/her duties: Provided, That the foregoing shall not apply to cases where a person provides such information to give cooperation necessary for research.

Article 59 (Giving and Receiving of Money or Goods by Jurors, etc.) (1) Any juror, alternate juror, or prospective juror who gives, receives, demands, or promises to give valuables or an interest in property in connection with his/her duties shall be punished by imprisonment with prison labor for not more than three years or by a fine not exceeding ten million won.

(2) Paragraph (1) shall also apply to a person who promises to give, gives, or expresses his/her intention to give valuables or an interest in property under paragraph (1) to a juror, alternate juror, or prospective juror.

Article 60 (Administrative Fines for Absence of Prospective Jurors, etc.) (1) A court shall, by decision, impose an administrative fine not exceeding two million won on a person who falls under any of the following subparagraphs:

1. If a juror, an alternate juror, or a prospective juror who is summoned for attendance fails to attend the proceedings at the designated date and time without good cause;
2. If a juror or alternate juror refuses to take the oath under Article 42 (1) without good cause,
3. If a prospective juror makes a false statement in the questionnaire for the selection of jurors or alternate jurors and submits it to the court or makes a false statement in response to a question in the selection proceedings.

(2) An immediate appeal may be filed against a decision made pursuant to paragraph (1).