

# Juries 'best' in damages cases

JUDGES were just as inclined as juries to be prejudiced, and they often took as long to hear a case on their own as they did with a jury, a Dublin Senior Counsel said last night.

Mr. Peter Maguire, S.C., speaking to the Insurance Institute of Dublin on "Juries—a costly system?", called for the retention of the jury system for cases involving claims against insurance companies for compensation or damages. Those suing the insurers wanted sympathy and compassion, and not the law, to decide their case, he said. "Sympathy and pity become decisive factors."

The arguments against the jury system, were "wholly unconvincing." Jury system opponents argued that trial by jury was more expensive than trial by judge alone, he said.

"I am in favour of the retention of juries for trials. They are not perfect, or cheap, but then neither is insurance, or medical treatment," Mr. Maguire said.

Trials by judges alone were usually long and extremely expensive. He had found no significant difference in the time taken by judges to try an issue, compared to that taken by jury trials.

"Judges are human, and like juries, have prejudices. Some judges have a known tendency to lean one particular way."

The judge allocated to hear a case can have a direct influence on the last minute offers made, in a bid for settlement, outside the court room on the morning of the hearing, he said.

Some procedural changes could make the jury system cheaper—by making it mandatory for each side to exchange lists of witnesses to be called; and to limit to once the number of times each side could address the jury on the issue. Medical reports should also be exchanged before a case comes to court.

He also criticised insurance companies for not making realistic offers to reach a settlement early enough, thus reducing the number of cases going to trial.

Mr. Liam Collins, of the Insurance Corporation of Ire-

land, on the high settlements being made in liability claims, said that one recent two car crash had cost his company £110,000.

He claimed that it was impossible for an insurance company to win a case if it was heard by a jury. "Juries rarely hear, or understand, all of the evidence. There is no more cumbersome way of settling claims than through the present legal system," he said.

He urged insurers to settle early in claims "for if it goes the full way, the defendant suffers."