

# Review

## Representativeness of lay judges – a study of lay judges appointed for the period 1 January 2020 to 31 December 2023

### *Background and objectives:*

- The objective of this study is to establish the extent to which the lay judges appointed for the period 2020-2023 can be described as representative of the proportion of the population that is eligible to serve as lay judges.
- The composition of lay judges should aim to be representative of men and women, of the age groups 18-30 years, 31-50 years and 51-80 years, and of immigrants and descendants, for which reason the main focus of the study is on the variable factors of gender, age and origin.

### *Research design:*

- The study is based on information from the Eastern High Court and Western High Court on the persons selected as eligible to serve as lay judges in the period 1 January 2020 to 31 December 2023. The selection involved a good 13,000 persons randomly selected from basic lists comprising approximately 21,000 persons. The basic lists are prepared by the Basic List Committees of the local authorities.
- The approximately 13,000 persons selected as eligible to serve as lay judges are checked against the proportion of the Danish population that is eligible to serve as lay judges under sections 69 to 70 of the Danish Administration of Justice Act. The said proportion comprises Danish citizens aged 18-75 living in Denmark as at 1 January 2019, all of whom are of good character and none of whom are disqualified due to their occupation. In the study, this group is referred to as ‘Danish citizens’. The group has been defined by the Danish Ministry of Justice and selected from records by Statistics Denmark, and it comprises 3,579,974 members of the Danish population.
- In the study, adjustments have been made to the basis for comparison for lay judges relative to previous, similar studies. Accordingly, direct comparisons between the findings of this study and the findings of previous studies are subject to reservations.

### *Findings:*

- The lay judges appointed for the period 2020-2023 are representative of the Danish citizens in respect of gender and origin. The latter is worth noting. In previous studies, immigrants and descendants have been underrepresented among the studied groups of lay judges.
- In respect of age distribution, the lay judges appointed for the period 2020-2023 differ statistically from Danish citizens. There is a statistically significant lower share of persons in the age group 18-30 years among lay judges appointed for the period 2020-2023 than among Danish citizens. Conversely, the opposite applies to the age groups 31-50 years and 51-80 years.
- As for the highest level of education completed, it can be concluded in particular that there is a statistically significant higher share of persons with high-level or medium-level education among the lay judges appointed for the period 2020-2023 than among Danish citizens. Conversely, there is a statistically significant lower share of persons with basic general education and vocational education among the lay judges appointed for the period 2020-2023.
- As for occupational status, it can be concluded in particular that there is a statistically significant higher share of persons occupied as employees with managerial responsibilities, top-level employees and mid-level employees among the lay judges appointed for

the period 2020-2023 than among Danish citizens. Conversely, there is a statistically significant lower share of persons occupied as entry-level employees and persons outside the labour force among the lay judges appointed for the period 2020-2023.