NOTICE TO THE BAR AND PUBLIC

JUDICIAL CONFERENCE ON JURY SELECTION – PRELIMINARY INFORMATION AND INVITATION TO PARTICIPATE

The Supreme Court in State v. Andujar (A-6-20) (decided July 13, 2021) announced a Judicial Conference on Jury Selection, which will be conducted in accordance with the principles of Rule 1:35. This notice provides preliminary information about that Judicial Conference, including dates and format as well as areas of focus. It also explains the ways in which stakeholder organizations, individual attorneys, and members of the community can contribute to and participate in this important event designed to provide the Supreme Court with information and recommendations on all aspects of jury selection with a goal of improving the process.

Dates; Location; Hybrid Format

Chief Justice Stuart Rabner will host the Judicial Conference on Jury Selection at the New Jersey Law Center (1 Constitution Square, New Brunswick) on Wednesday, November 10 and Friday, November 12, 2021. The two-day event will include a series of plenary sessions, all of which will be open to the public. In light of current COVID-19 protocols, limited on-site seating will be available. Real-time participation through virtual platforms will also be supported. Further details will be provided.

Areas of Focus

The upcoming Judicial Conference will examine implicit bias in jury selection, including but not limited to the potential effects of the allotment and exercise of peremptory challenges on juries and juror experiences in criminal trials. To support well-informed and robust discourse on those important issues, the Judicial Conference will include plenary sessions on the following topics:

- **Implicit Bias and Peremptory Challenges**. This opening keynote will address key terms and concepts and explain the ways in which biases affect decision-making by individuals and groups, specifically in the justice system. It will summarize current research, including as to how structural adjustments can mitigate against unintended negative consequences of implicit bias. The keynote will focus on peremptory challenges as a tool of both intentional and unconscious discrimination and a barrier to equitable justice.

- **Jury Representativeness**. This session will include a brief primer on pre-voir dire processes, including the sources from which prospective jurors are selected, qualification criteria, and statutory excusals. Experts will discuss jury representativeness and the relationship between implicit bias and peremptory challenges.

- **Peremptory Challenges and the Right of Civic Engagement**. This session will address how jury selection shapes public perceptions of the justice system, including for the more than 10,000 individuals who report annually without reaching the jury box for questioning because of available peremptory challenges in criminal matters and for otherwise qualified jurors who are peremptorily challenged.

- **Toward Representative Juries.** This plenary will highlight a number of options to mitigate against the potential consequences of implicit bias in jury selection. Experts will discuss court rules adopted in other jurisdictions to address the discriminatory exercise of peremptory challenges. Panelists will discuss the current allotment of peremptory challenges in criminal matters in New Jersey and other jurisdictions.

- **Supporting Juror Impartiality.** This session will introduce a new video developed to support jurors in recognizing and avoiding judgments based on implicit bias. It will focus on new juror voir dire questions and enhancements to the model jury charges to address implicit bias.

- **Juror Records and Demographic Data.** This session will focus on transparency as to jury selection processes in general, as well as how the Judiciary will carry out the Court's direction in State v. Dangcil (A-56-20) (decided August 16, 2021) that the Administrative Office of the Courts shall collect juror demographic data at the juror qualification phase.

In addition to keynote and panel presentations, the Judicial Conference will feature in-person, virtual, and pre-recorded public testimony.

Invitation to Members of the Bar and Public

This notice is intended to outline the structure of the Judicial Conference and to set forth the various areas of focus. A more detailed guidance document will be issued before the Conference. These and other resource materials – including case law, legal scholarship, research studies, and relevant commentary on implicit bias

and jury selection – will also be accessible on the Judiciary's public website on a new page dedicated to the Judicial Conference.

The Supreme Court encourages attorneys and members of the community to contribute to and participate in the upcoming Judicial Conference on Jury Selection. To that end, a future notice to the bar will request public comments, which will be included in the official record. A limited number of commenters will also be invited to speak at the Conference. Please await further details and instructions before submitting written comments or asking to speak.

The Judicial Conference is intended to assist the Supreme Court in the consideration of improvements in the practice and procedure of jury selection. All written and oral comments submitted before and during the Conference will be considered by the Court. A post-Conference report will be published with an additional opportunity for public comment.

General Questions

Questions on the Judicial Conference on Jury Selection may be directed to the Office of the Administrative Director of the Courts at (609) 376-3000.
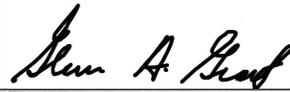
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Chief Justice Stuart Rabner   Administrative Director Glenn A. Grant

Dated: September 28, 2021