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Judicial Conference Committee Releases Recommendations for Improving Jury Selection

A Supreme Court Committee formed to find ways to improve the jury selection process in New Jersey released a series of recommendations today that seek to expand jury pools and enhance fairness in the selection process.

The Committee of the Judicial Conference on Jury Selection, established and chaired by Chief Justice Stuart Rabner, brought together leaders of all three branches of government as well as other key stakeholders in the legal community. Its report includes 25 [recommendations](#) that will be considered by the Supreme Court this summer after a period of public comment. A number of recommendations would require action by the Legislative and Executive branches.

“I want to thank the committee members for their hard work over the past few months. They have proposed important recommendations designed to create more representative jury pools, provide greater support for people summoned to jury service, and reduce the effects of bias in jury selection. Taken together, the recommendations seek to create a fairer and more equitable process to select juries,” Chief Justice Rabner said.

The effort to improve New Jersey’s jury selection process began in July 2021 with a unanimous state Supreme Court decision in [State v. Andujar](#), which highlighted problems in the jury selection process. The opinion called for a conference that brought together members of the New Jersey bar, national experts on jury selection, and Chief Justices from three other states that undertook jury reforms. The two-day conference was held in November 2021.

The 35-member committee, which met over a period of five months, formed three groups that focused on different topics highlighted in [Andujar](#) and at the

conference: systemic barriers to jury service, voir dire and peremptory challenges, and strategies to address institutional and implicit bias.

One of the key recommendations of the report is a proposed new court rule intended to reduce bias in the jury selection process. The proposal would change the way courts consider whether a peremptory challenge was exercised properly.

Other recommendations would:

- ask the Supreme Court to authorize a voluntary pilot program for criminal cases that shifts the questioning of jurors from judges to attorneys. The program would also include a consent-based reduction in the number of peremptory challenges available to each party.
- adopt a one-day-or-one-trial term for petit jury service in most counties.
- add questions on race, ethnicity, and gender to the juror qualification questionnaire.

The report also recommends that the Legislature consider increasing juror compensation and explore restoring eligibility to serve on juries to individuals with certain prior criminal convictions.

In addition to leaders from the three branches of government, the Committee of the Judicial Conference on Jury Selection also included the Office of the Attorney General, the Office of the Public Defender, the New Jersey State Bar Association, the County Prosecutors Association of New Jersey, the Association of Criminal Defense Lawyers of New Jersey, the Garden State Bar Association, the Hispanic Bar Association of New Jersey, the American Civil Liberties Union, the NAACP of New Jersey, the New Jersey Institute for Social Justice, the League of Women Voters of New Jersey, the New Jersey Business and Industry Association, the Trial Attorneys of New Jersey, Legal Services of New Jersey, and representatives of Rutgers and Seton Hall law schools.

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