

Hidden in Plain Sight: The Due Process Alternative to Batson's Failed Equal Protecting Approach

Tuesday, March 5, 2024 | 6:30 p.m. – 8:15 p.m. (Eastern time)

Rutgers Law School, 123 Washington Street, Newark, NJ and Zoom Webinar

In *Batson v. Kentucky*, the Supreme Court sought to both eliminate invidious discrimination in jury selection and to preserve counsel's use of peremptory challenges. In its attempt to accommodate these irreconcilable objectives, the Court accomplished neither of them. Thirty-six years later, it is widely recognized that the *Batson* approach simply does not work.

This program is about an alternative approach to jury selection proposed by former New Jersey Superior Court Judge Martin Cronin. Judge Cronin will explain this alternative approach, which is primarily based upon due process rather than equal protection; the rights of the prospective jurors rather than only those of the litigants; juror inclusion rather than exclusion; individual juror competency rather than group stereotyping; and the citizenship which unites us rather than any group classification which may divide us.

Then a distinguished panel moderated by John J. Farmer Jr., former Rutgers Law School dean and current director of the Eagleton Institute of Politics will discuss the merits and implications of this alternative approach. Joining Dean Farmer will be former New Jersey Supreme Court Justice Barry T. Albin and former Colorado State District Judge Morris B. Hoffman, both of whom are former trial attorneys who addressed the Judicial Conference on Jury Selection recently convened by New Jersey Supreme Court Chief Justice Stuart Rabner.

See page 2 for the speakers' biographies; see page 3 for CLE details.

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SPEAKERS



Judge Martin Cronin (ret.) (Presenter)

Judge Martin Cronin (ret.) served over 20 years as a judge in the Superior Court of New Jersey. During that time, Judge Cronin served on the Supreme Court's Joint Committee on Criminal Justice which recommended systemic reforms in New Jersey's bail and speed trial system. Judge Cronin continues to serve on the Supreme Court's Committee on Jury Selection in Civil and Criminal Trials and has made recommendations to address invidious discrimination and the denial of prospective juror rights during the jury selection process.



[John J. Farmer, Jr., Esq.](#) (Moderator)

John J. Farmer, Jr. a former New Jersey Attorney General and Senior Counsel to the 9/11 Commission, has served as Director of Eagleton since September 2019. During his term, AG Farmer established the [NJ Attorney General's Advocacy Institute](#) to enhance the administration of justice in the State and ensure the highest degree of professionalism by attorneys representing governmental agencies before the Courts.



[Justice Barry T. Albin \(ret.\)](#) (Panelist)

Justice Barry T. Albin (ret.) served as an associate justice on the New Jersey Supreme Court from 2002-2022. He began his career as a Deputy Attorney General in the Appellate Section of the New Jersey Division of Criminal Justice, and then served as an Assistant Prosecutor in Passaic and Middlesex Counties before entering private practice and ascending to the bench of New Jersey's court of last resort.



[Judge Morris B. Hoffman \(ret.\)](#) (Panelist)

Judge Morris Hoffman (ret.) was a district judge in the state of Colorado from February 1991 through his retirement in May 2021. He has taught jury history and selection, law and the biology of human nature, and law and neuroscience at the law schools at the University of Colorado, Boulder, and the University of Denver. Judge Hoffman also participated in New Jersey's Judicial Conference on Jury Selection

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