



# Hidden in Plain Sight: The Due Process Alternative to Jury Selection

Wednesday, April 17, 2024

5:30 p.m. – 7:15 p.m. (Eastern time)

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

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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 there will be a panel discussion moderated by the **Honorable Joseph A. Greenaway** and including **Michael G. Donahue, III, Esq.** and **Yannick Wood, Esq.** Each panelist authored comments addressing the jury selection process, including the continued viability of peremptory challenges, to the Judicial Conference on Jury Selection ("JCJS").

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.



### **Judge Joseph A. Greenaway, Jr.** (ret.) (Moderator)

Judge Joseph A. Greenaway is a partner at Arnold & Porter. In addition to his thirteen years as a judge on the U.S. Court of Appeals for the Third Circuit, and an equally long tenure on the U.S. District Court for the District of New Jersey, Judge Greenaway served earlier in his career as an Assistant U.S. Attorney (including as Chief of Narcotics); as in-house counsel at Johnson & Johnson; and in private practice at a New York-based law firm.



### **Michael G. Donahue, III, Esq.** (Panelist)

Michael G. Donahue, III, Esq. is the Managing Shareholder of Stark & Stark Attorneys at Law, where he oversees the day-to-day operations and long-term strategic planning of the Firm. He is an expert certified as a civil trial attorney by the Supreme Court of New Jersey. Mr. Donahue continues to serve as a leader of professional associations dedicated to protecting the right to a jury trial and preserving access to our courts. He currently serves on the Board of Governors of the American Association for Justice (AAJ).



### **Yannick Wood, Esq.** (Panelist)

Yannick Wood is the Director of the Criminal Justice Reform Program at the New Jersey Institute for Social Justice. In this capacity, he manages the Institute's efforts to transform New Jersey's youth incarceration system as well as create initiatives to keep law enforcement accountable to the communities in which they serve. Yannick was an assistant district attorney with the Queens County District Attorney for over five years. While leading prosecutions of simple offenses to violent felonies, he advocated for diversion programs, substance abuse and mental health treatment programs, and alternatives to incarceration.

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