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April 28, 2022

Sent via e-mail

Hon. Glenn A. Grant
Administrative Director of the Courts
Richard J. Hughes Justice Complex
P.O. Box 037
Trenton, New Jersey 08625

Dear Director Grant,

Thank you for your April 25, 2022 letter concerning our ongoing discussion regarding the important work of the Judicial Conference on Jury Selection convened by Chief Justice Rabner last fall. I would like to take this opportunity to reiterate my appreciation for the hard work Chief Justice Rabner, yourself, and members of the Judicial Conference have invested into developing strategies to improve the jury selection process in New Jersey.

I am especially grateful for the opportunity to participate in the deliberations of the Subcommittee on Systemic Barriers to Jury Service (the subcommittee) and for your willingness to include this letter, expressing my comments and concerns, in the final report of the Judicial Conference. I also wish to thank you for taking some of my concerns into account when determining which recommendations, and in what form, they would be included in the final report. Although some of my concerns remain, as this letter will explain, I truly appreciate your efforts to adapt the recommendations to accommodate the issues that I have raised.

As you and I have discussed, in a letter I sent to subcommittee Chair Judge Caposela on March 11, 2022, I highlighted three of the recommendations under consideration by the subcommittee: (1) *extending eligibility for jury service to individuals who have been convicted of an indictable offense*; (2) *eliminating citizenship as a baseline eligibility requirement for jury service*; and (3) *increasing juror pay*. I address each of these recommendations below.

With respect to the first recommendation highlighted in my March 11, 2022 letter, *extending eligibility for jury service to individuals who have been convicted of an indictable offense*, I must commend Judge Caposela for his thoughtful consideration of the concerns I raised and his willingness to offer a compromise. Initially, the subcommittee considered including convicted felons – who may still be in the process of serving their sentences under parole or probation – in the group of people to whom juror eligibility would be extended. Although, as of this writing, I have not yet seen the final report, it is my understanding that this recommendation

will now exclude convicted persons who remain on parole or probation. I believe this to be a significant improvement. However, I remain concerned about allowing those who have been convicted of morally abhorrent crimes, such as rape or murder, to serve on a jury, and I continue to be of the view that good character is and should always be a nonnegotiable eligibility requirement for any person with the power to administer justice.

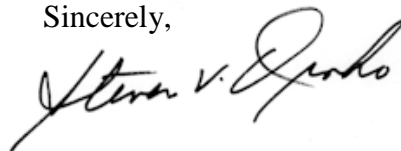
Regarding the second recommendation discussed in my March 11, 2022 letter, *extending eligibility for jury service to individuals who are not citizens of the United States*, I am pleased to learn that, due to concerns raised by myself and others, this recommendation is no longer going to be included in the final report. Rather, as noted in your April 25, 2022 letter, the Judiciary has elected to “advance that issue separately at some point in the future.” Accordingly, I believe it is prudent for me to restate my concerns here, for inclusion in the final report which you have noted will “soon be published for public comment,” in the hope that we might stimulate a public conversation on the matter, with the goal of taking public sentiment into account before reversing centuries of legal precedent.

As I previously noted and you have agreed, jury service is one of the most significant civic responsibilities a citizen has and requires an understanding of and commitment to the values that define the American justice system. American citizens are educated on these values as schoolchildren and those who gain citizenship in adulthood are likewise educated, and thereafter take an oath swearing to support and defend the Constitution and laws of the United States. Empaneling juries with noncitizens, especially those who hold only a temporary visa, would diminish the ability of Americans to be judged by a jury of their “peers,” which is a longstanding principle of the Western legal tradition established several hundred years prior to the birth of our great nation. While opinions may differ on the merits of this proposal, I am confident that we are in full agreement regarding the importance of a thoughtful, robust, and transparent discourse that seeks to maximize public engagement prior to its implementation.

Finally, the third recommendation discussed in my March 11, 2022 letter was *increasing juror pay*. Although I agree that jurors should be better compensated, the potential cost implications of this recommendation are concerning, particularly as the State works to stabilize its financial health in the wake of COVID-19. Therefore, it is imperative that a sustainable funding source be identified before this proposal moves forward.

Thank you again for the opportunity to include my comments in the report of the Judicial Conference on Jury Selection. I look forward to continuing to work with you, Chief Justice Rabner, and other members of the Judiciary to root out all barriers to justice in our current jury selection process and anywhere else such barriers may exist.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven V. Oroho". The signature is fluid and cursive, with the first name "Steven" being the most prominent.

Steven V. Oroho
Senate Republican Leader