

CJ Griffin and Raymond M. Brown Quoted in Articles in Law360 and in New Jersey Law Journal Regarding "Monumental" NJ Supreme Court Ruling on Implicit Bias in Jury Selection

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CJ Griffin, Director of the Justice Gary S. Stein Public Interest Center at Pashman Stein Walder Hayden, and Raymond M. Brown, partner at Pashman Stein, were quoted in New Jersey Law Journal article, "Unanimous NJ Supreme Court Rules Selective Background Checks Are Discriminatory." The article discusses the recent New Jersey Supreme Court decision in *State v. Edwin Andujar* (A-6-20)(084167), in which CJ Griffin and Raymond M. Brown represented the Association of Criminal Defense Attorneys of New Jersey as *amicus curiae*. In a unanimous decision, the Supreme Court upheld the Appellate Division decision overturning the defendant's conviction, asserting that a prosecutor cannot unilaterally run a criminal background check on a juror without judicial approval.

The Supreme Court agreed with the argument set forth in our brief that the prosecutors were driven by implicit racial bias when they ran a criminal background check on a Black juror and had him arrested (after the judge refused to remove him for cause); incorporated implicit bias into the Batson/Gilmore test and discussed how implicit bias is just as harmful as intentional discrimination; held that prosecutors may no longer run criminal background checks on jurors without obtaining court permission first; and reversed the defendant's murder conviction. In addition, the Supreme Court is convening a Judicial Conference on Jury Selection this fall to address how to eliminate discrimination from the jury selection process, stating: "We invite the legal community as a whole to take part in a probing conversation about additional steps needed to root out discrimination in the selection of juries."

Raymond Brown and CJ Griffin at Pashman Stein Walder Hayden jointly represented amicus curiae ACDL-NJ.

“It’s a very thoughtful decision,” said Brown in a phone call. “I don’t know how many state supreme courts have gone this far in this realm, in terms of reaching out to implicit bias. This is monumental.”

“The court has said that implicit bias will not be permitted in jury selection,” Brown added. “And if implicit bias is injected into that process, it can result in a constitutional defect. It could cause even a murder conviction to be reversed. It’s a very forward-leaning opinion.”

Added Griffin: “It’s a recognition ... that we shouldn’t just focus on intentional bias, but implicit bias is just as problematic.”

For the full text of the *New Jersey Law Journal* article, [click here](#).

Griffin and Brown were also quoted in a Law360 article discussing the case, “NJ High Court Sets Rules For Criminal Checks on Jurors.”