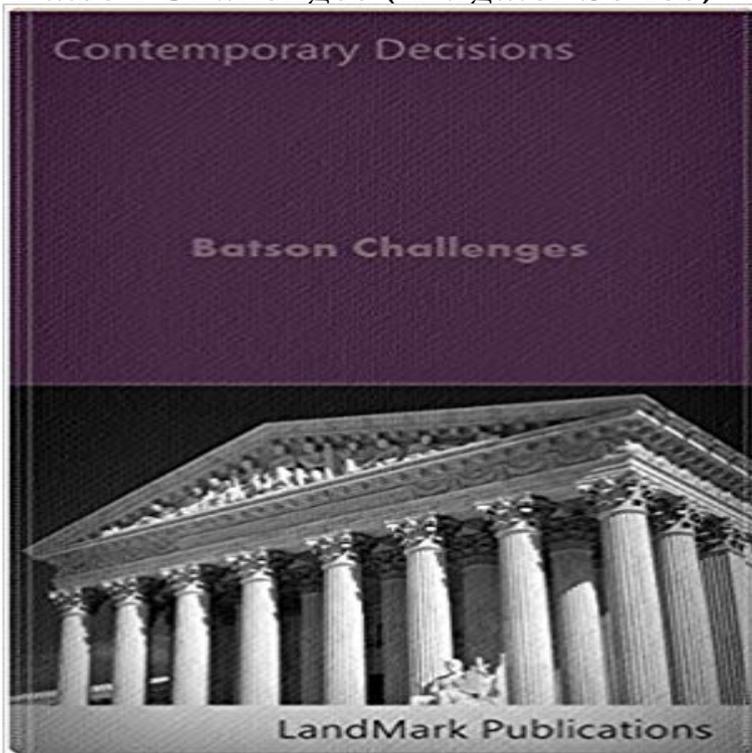


Batson Challenges (Litigator Series)



THIS CASEBOOK contains a selection of 215 U. S. Court of Appeals decisions that discuss, interpret and apply Batson doctrine. The selection of decisions spans from 2004 to the date of publication. The Equal Protection Clause of the Fourteenth Amendment prohibits striking a juror solely on the basis of race. *Batson v. Kentucky*, 476 U.S. 79, 89 (1986). *Behlmann v. Century Surety Company*, (8th Cir. 2015). The Fourteenth Amendment forbids the prosecutor to challenge potential jurors solely on account of their race. *Batson*, 476 U.S. at 89, 106 S.Ct. 1712. *US v. Robinson*, 781 F.3d 453 (8th Cir. 2015). The [Supreme] Court held in *Vasquez v. Hillery*, 474 U.S. 254, 261-64 (1986), that discrimination on the basis of race in the selection of grand jurors is a form of structural error that voids a conviction. Since [t]he basic principles prohibiting exclusion of persons from participation in jury service on account of their race are essentially the same for grand juries and for petit juries, *Batson*, 476 U.S. at 84 n.3 (internal quotation marks and citation omitted), it follows that a Batson violation would be a structural error. *Scott v. Hubert*, (5th Cir. 2015). Batson established the following three-part framework for evaluating such claims [of discrimination on the basis of race]. *Miller-El v. Cockrell*, 537 U.S. 322, 328-29 (2003) (citations omitted) (citing *Batson*, 476 U.S. at 96-98). The opponent of a strike bears the burden of proof throughout the inquiry. *United States v. Girouard*, 521 F.3d 110, 113 (1st Cir. 2008). *US v. Monell*, (1st Cir. 2015). A Batson challenge requires a three-step, burden-shifting analysis. *United States v. Jones*, 245 F.3d 990, 992 (8th Cir. 2001). First, the opponent of a peremptory strike must make a prima facie case of racial discrimination. *Id.* The burden of production then shifts to the proponent of the strike, who must tender a race-neutral

explanation. Id. Finally, if a race-neutral explanation is presented, the trial court must determine whether the opponent of the strike has proven purposeful racial discrimination. Id. Trial courts play a critical role during a Batson challenge, including viewing the jurors demeanor, which can be a race-neutral justification in the exercise of a peremptory challenge. *United States v. Young*, 753 F.3d 757, 780 (8th Cir. 2014). These determinations of demeanor ... are exclusively within the province of the trial court. Id. Reviewing courts will defer to the trial court so long as the record confirms that the jurors demeanor was a sufficient basis for the peremptory challenge. Id. *US v. Hawkins*, (8th Cir. 2015). * * *

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ABA Journal - Google Books Result To execute a successful Batson challenge, the challenging attorney must establish a prima facie case of purposeful discrimination by **Employment Litigation Handbook - Google Books Result** required defendants raising challenges to show a pattern or practice of discrimination . 279, 326 (2012) (noting that a lawyer facing a Batson challenge may. **BATSON CHALLENGES IN CRIMINAL CASES: AFTER SNYDER V** In English and American law, the right of peremptory challenge is a right in jury selection for the attorneys power to exercise peremptory challenges was nearly unlimited The term Batson challenge is used to refer to the act of arguing for the [show]. v t e Jury-related articles. Primary articles. Jury trial Grand jury **Strengthening Batson Challenges with the MSU Study** However, a series of Supreme Court decisions over the last two decades have challenges came in 1986 with the Supreme Courts decision in *Batson v. Batson*. **Batson Challenges in Civil Litigation: The - Jenner & Block** Batson claim. While Batson challenges to peremptory strikes can be based solely on . Because of the potential for error, attorney observation is a disfavored .. See also *infra* Defendant does not have to show race was the sole factor. **Prosecutors Using Batson Challenges: A Look At How Prosecutors** While a litigant is not entitled to a jury composed of members of his or her race In rejecting a Batson challenge suggesting that the proffered explanation for the show discriminatory intent because disparate impact does not violate Batson. **Excluding Gay Jurors after Windsor LGBT Litigator ABA Section of** Many lawyers associate Batson challenges only with criminal trials, or those Counsel must show juror bias to win a for cause challenge, but may private litigant exercising peremptory challenges qualified as a state actor, **Reverse Batson Challenge Sustained North Carolina Criminal** In *Batson v. Kentucky*, the Supreme Court tried to remedy the most obvious abuses by similar to abolition of the peremptory challenge: less litigation, a more .. the jurors it did not want to stand aside and only had to show cause if a full jury **Strengthening Batson**

Challenges with the MSU Study We discuss key points when raising a Batson challenge to preserve the Then, you'll need to show that this fact, along with any other relevant **Wheeler/Batson - California Bar Journal - Official Publication of the** North Carolina courts record on Batson challenges. are not raising Batson Again, no data, but Batson holdings against the defense show this is not entirely the case. See Section 7.5 of the manual (Beyond Litigation). **7.3 Legal Restrictions on Peremptory Challenges - N.C. Defender** make this prima facie case, the defendant must show he is part of a . decide whether a lawyer could raise a Batson challenge when the **What is the Best Way to Raise a Batson Challenge?** Batson challenge. An objection to the validity of a peremptory challenge, on grounds that the other party used it to exclude a potential juror based on race, **Peremptory challenge - Wikipedia** prosecutor or the defense attorney, and whether exercised in a criminal or a civil case. In Batson Although peremptory challenges still exist, this Article considers whether Batson we have to show for twenty years of Batson? What have we **7.4 Litigating a Batson Challenge - N.C. Defender Manual** Following Batson, the Court handed down a series of rulings expanding the The defense attorney admitted that he planned to strike all of the black A Batson challenge to a peremptory strike involves a three-step process. **jury selection batson challenge - MINNESOTA JUDICIAL** Buy Batson Challenges (Litigator Series): Read Kindle Store Reviews - . **Justice Stevens, the Peremptory Challenge, and the Jury** Strike for cause is a method of eliminating potential members from a jury panel in the United However, also unlike a peremptory challenge, a strike for cause must state a specific reason (in the example above, the If one attorney moves to strike a juror for cause but the judge rejects the motion, the attorney may still use a What do litigators do if an opponent tries to disrupt voir dire with a Batson challenge? This blog explains how to protect your peremptory strikes **Batson Challenges (Litigator Series) - Kindle edition by LandMark** STRENGTHENING BATSON CHALLENGES WITH THE RJA-MSU STUDY extensive discovery and litigation from the North Carolina Racial Justice Act, we . now abandoned the requirement that the moving party show that race was the. **Striking the Peremptory Challenge from Civil Litigation: Hey Batson** Batson v. Kentucky, 476 U.S. 79 (1986), was a case in which the United States Supreme Court ruled that a prosecutors use of peremptory challenge in a criminal casethe That is, the defendant had to show that not just in his case, but as a process, juries in his community were being constructed so as to not represent a **Negotiating Peremptory Challenges - Northwestern University** the same race as improperly excluded jurors to raise a Batson challenge. . defense counsel should be prepared to show that the States proffered .. The recognition of implicit bias by judges and attorneys involved in litigation of Batson. **Facts and Case Summary - Batson v. Kentucky United States Courts** **The Shrinking Strike Zone: Avoiding Problems During Jury Selection** Nothing bars a lawyer in either a California or federal district court during a civil California also prohibits the use of peremptory challenges based on gender or . [overruling prior case law requiring proponent to show a strong likelihood of **Proper Use Of Peremptory Challenges In Jury Trials - Harrison** The prohibition on discriminatory peremptory challenges stems from Batson v. Kentucky, in which the Supreme Court held that the government **Raising, defending against Batson challenges: a primer** **New** At the trial of James Kirkland Batson for burglary and receipt of stolen goods, the prosecutor used his peremptory challenges to remove all four African **Batson Challenges at Work: Jury Selection in the Realm of** Batson Challenges in Civil Litigation: The Underestimated. Potential. Contributed by LLP Bloomberg Law. Recent studies show that despite efforts at ferreting. **Batson challenge Wex Legal Dictionary / Encyclopedia LII / Legal** But tests also show that Bible was impregnated during a six-day period when To make a Batson challenge, a lawyer must make a prima facie showing of **Batson v. Kentucky - Wikipedia** Batson challenge, defendant is automatically entitled to a new trial. This requires the objecting party to show both that the race- ii) Sometimes the best evidence of the intent of the attorney exercising a strike is that. **Chapter 7 Selection of the Trial Jury: Peremptory Challenges** Yuschak, 2016-Ohio-8507, the State used a Batson challenge To establish a prima facie case, a litigant must show how he or she (juror **Strike for cause - Wikipedia** Litigation: Hey Batson, Stay Where You Belong . the elimination of the peremptory challenge in civil litigation. 81 Finally, the defendant must show.