

The final reckoning on this issue, therefore, is suggestive that significant change is on the horizon. To the extent that the decision of Justices Moldaver and Brown was not that of the majority, it was in relation to the proper approach to challenge for cause and to the amended stand-aside power. In each of those cases, a majority of the Court expressed sympathy, at a minimum, towards views that depart from the current orthodoxy on representativeness, and move towards the notion of “tailoring” juries to protect diversity. Given that even the decision from which those judgments differ already reflected a loosening of attitudes towards how readily challenge for cause should be available, it seems very possible that future decisions will move us even further down that path.