**By the Court:**

STATE OF NEW JERSEY, : SUPERIOR COURT OF NEW JERSEY

: LAW DIVISION-CRIMINAL PART

Plaintiff : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_COUNTY

:

:

vs. : INDICTMENT NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_

:

, : **TRIAL ORDER** : **On ACVD Process**

Defendant :

:

The Supreme Court in its July 12, 2022 Order authorized a Pilot Program for Attorney-Conducted Voir Dire (ACVD). In ACVD, the attorneys (rather than the judge) take the lead in questioning jurors, without the use of mandatory voir dire questions. Participation in the ACVD pilot program requires the parties’ knowing consent to waive a certain number of peremptory challenges, and to proceed with a new approach to handling an objection to a proposed peremptory challenge.

The attorneys and defendant on [DATE] confirmed that the above-captioned matter would participate in the ACVD Pilot Program. Consent to participate in the ACVD pilot program was memorialized on the record and in the attached Consent and Waiver dated [DATE].

The above matter having come before the Court on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, **IT IS HEREBY ORDERED** as follows:

1. **Trial Date; Jury Selection.** The trial in the above matter is scheduled for [DATE] with in-person jury selection to commence on [DATE]. Jury selection will be conducted using ACVD rather than judge-led voir dire.
2. **Rule 1:8-5 Petit Jury List; Withdrawal of Consent.**
   1. The Rule 1:8-5 petit jury list will be generated 10 days before the jury selection date and provided to the attorneys as of that date.
   2. Consent to participate in the ACVD pilot program cannot be withdrawn later than 10 days before the jury selection date.
3. **Voir Dire.**
   1. One of the key elements of the ACVD pilot program is the use of a case-specific electronic questionnaire that will be completed by jurors after reporting to the courthouse for jury selection. Counsel have reviewed and consented to a case-specific electronic questionnaire for this case, which has been filed under seal. A URL link will be provided, not later than \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, so that counsel can test and confirm the functionality of the questionnaire. Counsel may review the questionnaire with the defendant but may not provide a hard copy or an electronic copy of the questionnaire to the defendant or any other person.
   2. Jurors will complete the case-specific questionnaire electronically, using either their own device or one provided by the Judiciary. The responses of all jurors will be compiled in an Excel spreadsheet and emailed by court staff to the Court and counsel. Time will be provided for counsel (and the defendant) to review juror responses in the spreadsheet. The spreadsheet of juror responses is confidential and may be viewed but not retained by counsel and the defendant. The Court will retain a copy of the spreadsheet with juror responses under seal.
   3. The Court will review the questionnaire response spreadsheet with counsel and the defendant on the record in a closed (non-public) setting.
      1. During this review, the Court may dismiss a prospective juror for lack of qualification or may excuse a prospective juror for hardship or for cause based on the juror’s responses to the questionnaire.
      2. Any such dismissal or excusal will be made on the record following consultation with counsel.
      3. In addition, based on a juror’s response to the questionnaire, the Court may determine to bring the juror to the courtroom for sidebar discussion before the start of group voir dire.
   4. Consistent with the Court’s July 12, 2022 Order on the ACVD Pilot Program, the following number of peremptory challenges shall be afforded each side: As to the State: \_\_\_; As to Defendant: \_\_\_. The order and manner of exercise will be determined before Jury Selection.
   5. Consistent with the Court’s July 12, 2022 Orders, any objections to a peremptory challenge will be handled consistent with the provisions of Rule 1:8-3A (“Reduction of Bias in the Exercise of Peremptory Challenges”).
4. **Jury Instructions.** If applicable, the Court may make minor adjustments to the wording of the preliminary instructions or other jury charges in order to reflect the ACVD process, e.g., to avoid references to the judge as the questioner.
5. **Surveys**. In order to assess the ACVD approach, participants will be asked to complete surveys. Individual survey responses will be kept confidential. Aggregate survey results may be shared as part of reporting on the ACVD pilot program.
   1. A survey will be distributed to jurors at the conclusion of service.
   2. A survey will be distributed to counsel at the conclusion of trial and before jury deliberations.
6. **Compliance.** Failure by counsel or any party to comply with any of the requirements outlined in this Trial Order on ACVD Process may result in imposition of sanctions in accordance with the Court Rules.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

[Trial Judge], P.J.Cr./J.S.C.

Copy to:

Defense Counsel

Prosecutor

Criminal Division Manager/Assistant Criminal Division Manager

Jury Manager

Assistant Trial Court Administrator (if applicable)

Team Leader

Law Clerk