**By the Court:**

STATE OF NEW JERSEY, : SUPERIOR COURT OF NEW JERSEY

: LAW DIVISION-CRIMINAL PART

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

:

:

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

:

, : **Notice of Hearing on Participation in**

Defendant : **ACVD Pilot Program & Case Conference**

:

In this matter, the State is represented by \_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the Defendant, \_\_\_\_\_\_\_\_\_\_\_\_\_\_, is represented by \_\_\_\_\_\_\_\_\_\_\_\_\_\_. Counsel have advised the Court that they want to opt into the Attorney-Conducted Voir Dire (ACVD) Pilot Program as authorized by the Supreme Court in its July 12, 2022 Order.

Accordingly, this matter is scheduled for a [virtual / in-person] hearing to memorialize consent to participate in the ACVD pilot program at \_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022, before the Hon. \_\_\_\_\_\_\_\_\_\_\_\_\_\_. The defendant shall appear and shall be produced by \_\_\_\_\_\_\_\_\_\_\_\_\_\_ for the hearing.

Promptly following the hearing and execution of the consent and waiver, the Court will conduct an on-the-record conference on the ACVD voir dire process, after which a Trial Order on ACVD Process will be entered, consistent with the attached template.

As part of the ACVD process, jurors will complete a case-specific electronic questionnaire after reporting to the courthouse. The Court and counsel will attempt to finalize that questionnaire during the ACVD conference. The attached template provides a starting point. Existing questions can be deleted. New questions can be added. Counsel will confer to attempt to agree on revisions to the questionnaire, which will be subject to approval by the Court.

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

[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

**TEMPLATE**

***Case-Specific Electronic Questionnaire – To be Completed by Jurors in ACVD Pilot Cases***

We are using your answers to this questionnaire to get information directly from you to help us pick trial jurors who can be completely fair to both sides for this particular case.

Your answers to the following questions are very important to the proceedings in this case. Please answer each question honestly and completely.

We all have attitudes, feelings, opinions, and life experiences that can affect the way we consider the testimony of a witness or how we evaluate evidence. It is okay to admit and talk about these feelings, opinions, and life experiences, and we need you to do so to ensure justice is served in this case.

Please do not withhold information. Please make sure your answers are as complete as possible. Complete answers are more helpful and will likely shorten the time it takes to select a jury. Do not be concerned with whether your answers are “right” or “wrong”; this is not any sort of test. Just be honest and candid in your answers.

You are not allowed to do any research or investigation regarding this case. You may not look up the parties or the lawyers. As a trial juror you must decide the case based only on the evidence presented during trial.

The information you provide will be reviewed only by the court, the lawyers, and the parties in this case. For purposes of the public record, your name and identifying information will be deleted.

If you have trouble reading, understanding, or filling out this questionnaire, please ask court staff for help.

**Identifying Information** – these questions are mandatory

1. Juror Number (provide description of this number)
2. Name (last name, first name)

**Qualifying Information** – these questions are mandatory

1. Are you a resident of X County?

□ Yes □ No

1. Are you a citizen of the United States?

□ Yes □ No

1. Have you been convicted of an indictable offense?

□ Yes □ No

1. Do you have difficulty understanding or reading English?

□ Yes □ No

1. Do you have any difficulty seeing or hearing, or have any other medical problems that may affect your ability to serve as a juror?

□ Yes □ No

**Availability**

1. This trial is scheduled to start XX and continue until XX. The daily schedule will be Monday through Thursday, from XX a.m. to 4:30 p.m., with no trial on Fridays. There is a lunch break from noon until 1:00 p.m., and usually one mid-morning and one mid-afternoon break. The law provides that a juror can be excused from service only if their absence from work would impose an undue hardship on the juror.

Is there anything about our anticipated trial schedule that presents an undue hardship for you?

□ Yes □ No □ Unsure

1. What is your current employment status?

□ Employed full time

□ Employed part time

□ Retired

□ Student

□ Unemployed looking for work

□ Unemployed not looking for work

□ Caregiver or homemaker

□ Other [with narrative field]

1. If applicable, what is your occupation?

**Case Information**

1. This section provides you with information about the case. [TO BE ADDED BY THE JUDGE AND ATTORNEYS]

Have you seen, heard, or read anything about this case?

□ Yes □ No

1. You have been given a list of people who may testify at trial: Do you think you might know any of these people?

□ Yes □ No □ Unsure

1. Have you, or any family member or close friend ever been involved in a case with facts similar to this?

□ Yes □ No □ Unsure

1. Is there anything about the nature of this case that might cause you to favor one side over the other?

□ Yes □ No □ Unsure

1. What caused you to answer “Yes” or “Unsure” to the prior question?

**Experiences with Courts and Law Enforcement**

1. Do you have any opinions about law enforcement officers that might cause you to favor one side over the other?

□ Yes □ No □ Unsure

1. Have you or any family member or close friend ever served as a law enforcement officer?

□ Yes □ No □ Unsure

1. Have you or any family member or close friend ever been arrested, charged, or convicted of a crime other than a minor traffic offense?

□ Yes □ No □ Unsure

1. Have you or any family member or close friend ever been the victim of a crime?

□ Yes □ No □ Unsure

1. Have you ever been called as a witness in court?

□ Yes □ No

1. Have you ever served on a jury?

□ Yes □ No

1. Do you know anyone who works at the XX County Prosecutor’s Office?

□ Yes □ No

1. Have you had any interaction with or experience with law enforcement officers from [investigating agency]?

□ Yes □ No

**Principles and Applications of Law**

1. The law requires the State to prove that a Defendant is guilty beyond a reasonable doubt. A Defendant in a criminal case is presumed by law to be innocent until proven guilty beyond a reasonable doubt. The law does not require a Defendant to testify or present any evidence. Can you accept these principles of law?

□ Yes □ No □ Unsure

1. [This and the next question would be included unless waived by the Defendant.] A Defendant has a constitutional right to remain silent. Would your opinion of the Defendant’s guilt or innocence be affected by a Defendant’s decision to remain silent?

□ Yes □ No □ Unsure

1. Do you think you would hold a Defendant’s decision to remain silent against them?

□ Yes □ No □ Unsure

1. The judge will instruct you on the law in this case. A person may think that the law should be different than it is or that certain conduct that is against the law should be legal. If you have beliefs about what you wish the law was, or if you believe that certain conduct that is against the law should be legal, will you be able to apply the facts to the law as it is?

□ Yes □ No □ Unsure

**Final Questions**

1. Is there anything that would make you unable to come to a verdict in this case?

□ Yes □ No □ Unsure

1. Is there anything else you think we should know about your ability to be a juror in this case?
2. [Insert language] will be spoken or used during this trial and the [Defendant/victim/witness] will use an interpreter because they are more comfortable hearing or viewing what is communicated in [insert language]. Do you have an opinion about the use of interpreters during trial?

□ Yes □ No □ Unsure

1. Do you speak, sign, or understand [insert language] in any way?

□ Yes □ No

1. You are required to consider the statements of the interpreter rather than your own understanding of what has been communicated in [insert language]. Would you have any difficulty in doing this?

□ Yes □ No □ Unsure

1. By typing my name, I swear or affirm the answers given in this questionnaire are true.

**Guidelines for Case-Specific Electronic Questionnaires**

* Since the use of electronic questionnaires is new, the recommendation is to keep the total number of questions under 50.
* The following types of questions are well suited for the electronic questionnaire format:
  + Questions with Yes / No responses
  + Questions with listed responses
  + Questions with short narrative options (for example, a question about whether the juror has any family members in law enforcement could include a narrative option to list which family members)
* The following types of questions in general should be avoided:
  + Compound questions
  + Questions that use legal terminology or other language not familiar to jurors
  + Detailed hypotheticals that attempt to “pre-try” the case
  + Intrusive questions (for example, if a juror has answered that they could not listen to testimony about X offense, the questionnaire should not ask the juror to explain why)
  + Numerous open-ended narrative questions
* Questions about individual juror demographic information are prohibited.