

NOTICE TO THE BAR

Automated Model Criminal Jury Charges System (AMCJCS)

In State v. O'Brien, 200 N.J. 520, 524 (2009), the New Jersey Supreme Court asked both the Civil Practice and Criminal Practice Committees to consider developing standards to guide judges in exercising their discretion to provide written instructions to the jury. The Criminal Practice Committee in the 2012 rules cycle recommended revisions to Rules 1:8-7 and 1:8-8 to require that written jury charges be provided to the jury in all criminal cases, unless the preparation of the instructions would cause an undue delay in the trial. The Practice Committee also recommended that when written jury charges are distributed for the jury's consideration during deliberations, the entire final charge should be provided. Additionally, the Committee recommended that if a party makes a request to charge, the requesting party may be required to provide specific language, in writing, in a format suitable for ready preparation and submission to the jury, at a time fixed by the trial judge.

Additionally, to assist judges and parties in preparing and tailoring the written jury instructions to the circumstances in a specific case, the Criminal Practice Committee also made a non-rule recommendation that there should be two additional versions of each model criminal jury charge without any of the footnotes or annotations, one version using male pronouns and the other using female pronouns, with those to be posted on the Judiciary Internet and InfoNet webpages. Notwithstanding its determination to hold the Criminal Practice Committee's several proposed rule amendments in abeyance, the Court directed that this particular non-rule recommendation should proceed as expeditiously as possible.

Toward that end, and to further streamline the process, the Judiciary has developed the Automated Model Criminal Jury Charges System (AMCJCS) to automatically generate charges based on two simple selections – (1) the defendant's gender, and (2) whether to keep or delete the footnotes in the charges.

Specifically, AMCJCS permits the user to:

- Select the charges that are needed for the criminal trial;
- Combine them in the order they will appear in the final document;
- Select the gender of the defendant and automatically change all singular pronouns, such as "he/she," "his/her," "him/her," and "himself/herself" throughout the charges;
- Select whether to keep or delete the footnotes; and
- Generate a Word document that can be saved on the person's computer and edited like any other Word document.

Beginning on February 1, 2013, external users can access AMCJCS by a link on the Judiciary's Internet website for the Criminal Model Charges at <http://www.judiciary.state.nj.us/criminal/juryindx.pdf>. In addition, written instructions and an instructional video have been included to take the user step-by-step through this process. Also included is a Criminal Model Charges Checklist listing all the model charges.

Questions and comments should be directed to Maria Pogue, Esq., Criminal Practice Division, Criminal Practice Division, Administrative Office of the Courts, Hughes Justice Complex, P.O. Box 982, Trenton, New Jersey 08625 (609) 633-2119.

/s/ Glenn A. Grant

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