

ADMINISTRATIVE OFFICE OF THE COURTS STATE OF NEW JERSEY

PHILIP S. CARCHMAN, J.A.D.
ACTING ADMINISTRATIVE DIRECTOR
OF THE COURTS



HUGHES JUSTICE COMPLEX
P.O. Box 037
TRENTON, NEW JERSEY 08625-0037

DIRECTIVE #4-07 **[SUPPLEMENTS AND MODIFIES** **DIRECTIVE #21-06]**

[Questions or comments may
be directed to 609-292-2634.]

TO: SUPERIOR COURT JUDGES

FROM: PHILIP S. CARCHMAN, JAD

**SUBJ: JURY SELECTION – MODEL VOIR DIRE QUESTIONS PROMULGATED BY
DIRECTIVE #21-06 – REVISED PROCEDURES AND QUESTIONS**

DATE: MAY 16, 2007

This Directive supplements Directive #21-06 (issued December 11, 2006). That earlier Directive promulgated the Jury Selection Standards (Standards), including model jury voir dire questions, as approved by the Supreme Court. This Directive provides additional explanation or further direction from the Court with regard to juror questioning at voir dire. Where this Directive modifies voir dire procedures set forth in Directive #21-06, it supersedes the relevant portions of that Directive.

The standard voir dire questions approved by the Court and promulgated by the earlier Directive – as stated in the underlying Report by the Supreme Court Special Committee on Peremptory Challenges and Jury Voir Dire (Special Committee) and in the promulgated Standards – are intended to provide for a full and complete voir dire of prospective jurors so that reasons for any appropriate challenges for cause can be discovered and so that counsel is provided with information that may be relevant to their lawful exercise of peremptory challenges. The use of the standard voir dire questions required certain new procedures, as provided for in the Standards and the earlier Directive. The explanations discussed and modifications set forth in this Directive are reflections of the complexity of the jury selection process and of those procedures.

Following implementation of the procedures required by Directive #21-06, trial judges reported regarding their experience with the application of the Standards, incorporating comments from attorneys and jurors in some instances. Those were offered in a cooperative spirit that demonstrated a common interest

in serving justice and a shared concern for efficient court operations. Such efforts are appreciated and encouraged and provide benefits not just for judges, but for others involved at trial, including jurors.

A key focus of comments involved judges being required to repeat the same question to each juror, with general agreement that such action is not necessary to ensure that jurors have heard, understood, and can fully respond to the voir dire questions being asked. Although they understood that to be the intent of the questioning using the standard voir dire questions, many judges throughout the state indicated their belief that the procedures set forth in the Standards, particularly the questioning method, could be adjusted so as to assure thorough and complete questioning of prospective jurors without requiring excessive repeated readings of questions to jurors.

The matter was considered by the newly established Supreme Court Committee on Jury Selection in Criminal and Civil Trials (Committee), which is chaired by Appellate Division Judge Joseph F. Lisa and includes experienced judges and attorneys. After thorough consideration the Committee reached a broad consensus and issued a report to the Supreme Court dated March 30, 2007, recommending adjustments to the jury selection procedures and setting forth its proposed changes in this Supplemental Directive. The Committee agreed that the requirement that each prospective juror be verbally asked each question is unnecessary and, to some extent, counterproductive to the goals of the jury selection standards. The Committee was of the view that the modified procedure, if implemented, will provide a format that ensures that each prospective juror will furnish the information requested by each question, in a more expeditious and streamlined fashion, but nevertheless in a manner designed for reliability in eliciting the information and not dependent upon the juror's recollection of questions asked of other jurors. The modified procedure recommended by the Committee also would require that a judge ask a limited number of open-ended questions at voir dire, in order to require verbal responses from, and interaction with, prospective jurors, which will provide valuable information and insight during the selection process. The Committee also recommends that the waiver of the full use of the standard questions be approved for use at criminal trials. The Committee is of the view that the modified procedures will continue to adhere to the goals and purposes of the Jury Selection Standards that the Court previously approved.

After careful review, the Supreme Court has accepted the recommendations of the Committee, with the exception of that regarding waiver in criminal trials. Accordingly, the Court hereby modifies the procedures set forth in the Jury Selection Standards promulgated by Directive #21-06, as set forth below.

A. The first modification authorizes judges, as an alternative procedure, to conduct jury voir dire without being required to verbally ask each question to

each juror. Under this alternate procedure the questions must be provided to jurors in print and, at a minimum, the voir dire elements described below must be part of the process.

1. At the beginning of the voir dire process, each prospective juror in the panel shall be furnished with a printed copy of the voir dire questions, which shall consist of all the standard questions for the case type, as supplemented and determined by the judge at the Rule 1:8-3 conference. The form of these questions calls for a yes or no answer. The names of witnesses shall be included in print, either on the form after question #4, or on a separate paper. All prospective jurors shall also be furnished with a pencil or pen.
2. Questions 1 through 6 may be addressed to the entire array in any trial, not just lengthy trials, and excusals may be made of those disqualified by their responses at the outset of the proceeding. Question 2a, pertaining to the length of the trial, may be included in this questioning regardless of the expected length of the trial.
3. The judge must read and review each question *en banc* with the first jurors seated in the box. The judge should instruct all jurors in the array to pay close attention and may tell them to mark their printed copy of the questions with their yes or no responses. The judge should instruct that, unless requested by a particular juror, the questions will not be read again, thus making this the appropriate opportunity for jurors to note their answers. The judge should also instruct that if a juror is unsure of his or her answer or is uncertain as to the meaning of the question, the juror should bring that to the judge's attention when called upon. Jurors will not place their names on the printed copies, and when a juror has completed the process, the printed copy will be returned to court staff and destroyed if written upon or damaged.
4. When reading the questions to the jurors in the box and the array, judges are encouraged to provide some explanatory commentary, in their own words, about the intent and meaning of some or all of the questions.
5. In addition to the printed questions, the judge shall also inform the jurors in the box and the array that jurors will also be individually asked several questions that they will be required to answer in narrative form. One such question will be the biographical question contained in the standard questionnaire. In addition to the biographical question, several other open-ended questions will be posed to prospective jurors, as will be discussed below. The judge may, but is not required to, distribute copies of these questions to the jurors in the box and in the array.

6. The judge may read all of the questions one time before addressing each juror in the box individually. The judge shall verify that the juror understood all of the printed questions and inquire whether the juror answered yes or uncertain to any of them. If so, appropriate follow up questions shall be asked. The judge will then ask that juror each of the open-ended questions, to which a verbal response shall be given and for which appropriate follow up questions will be asked. Each juror must then be verbally asked the two omnibus qualifying questions that follow the biographical question in the lists of standard questions for civil voir dire and criminal voir dire. Questioning shall be in open court or at sidebar, in the discretion of the court, with input from counsel.
7. As jurors are challenged for cause or peremptorily and excused from the box, the judge will seat the replacement juror(s). The judge will preliminarily ask each replacement juror if he or she understood the questions when they were read earlier. If the juror requests clarification or rereading of any one or more of the questions, the judge shall do so. The judge will then ask whether the juror answered yes or uncertain to any question and, if so, ask appropriate follow up questions. When questioning the jurors about the written form, the judge must refer to questions by number or description, sufficient to establish for the record the question to which the juror is responding. An unmarked copy of the printed form should be made part of the record as a court exhibit.
8. Some open-ended questions must be posed verbally to each juror to elicit a verbal response. The purpose of this requirement is to ensure that jurors verbalize their answers, so the court, attorneys and litigants can better assess the jurors' attitudes and ascertain any possible bias or prejudice, not evident from a yes or no response, that might interfere with the ability of that juror to be fair and impartial. Open-ended questions also will provide an opportunity to assess a juror's reasoning ability and capacity to remember information, demeanor, forthrightness or hesitancy, body language, facial expressions, etc. It is recognized that specific questions to be posed verbally might appropriately differ from one case to another, depending upon the type of case, the anticipated evidence, the particular circumstances, etc. Therefore, rather than designating specific questions to be posed verbally to each juror, the determination is left to the court, with input from counsel, in each case.

The verbal questions should be selected based upon what is deemed particularly important in the jury selection process in that case. They could be derived from the standard list of questions or be developed without regard to the standard questions by the judge, with input from counsel, to address case-specific issues. The verbal questions should elicit open-ended answers. The judge must ask at least three such questions, in addition to the biographical question and the two omnibus qualifying questions. This is a minimum number

and judges are encouraged to ask more where such action would be appropriate. If questions are derived from the standard list of questions, they must be reformulated to elicit open-ended answers.

Appended to this Supplemental Directive is a list of sample open-ended questions, provided here only for the purpose of assisting judges and counsel by illustrating the type of questions contemplated. These are examples; they are not model, or standard, open-ended questions. Some of the examples are reformulations of standard questions, and others are not. There is no requirement that any of these examples be used in any case, although they may be used. The open-ended questions shall be asked either at sidebar or in open court, in the discretion of the court, with input from counsel.

B. The following is clarification regarding Directive #21-06.

With regard to the ability of jurors to read voir dire questions that are displayed or provided in print, trial judges should keep in mind that jurors are asked on their qualification questionnaire (which they return in advance of service) whether they can read and understand the English language. Although some jurors nonetheless may raise language issues for the first time during voir dire, the Jury Management Office will have addressed any language questions that the juror indicated on his or her qualification questionnaire. Consistent with the Americans with Disabilities Act (ADA), the Judiciary will, upon request, provide reasonable accommodations regarding the printed questions, such as providing a larger print size.

While use of the standard voir dire questions is mandatory, judges in their discretion may alter the sequence of the questions as they determine is appropriate – including whether to ask key challenge for cause questions early on, to incorporate questions suggested by counsel, or to integrate case type specific questions. The earlier Report of the Special Committee suggested that judges should not be required to follow a "rigid script" in conducting voir dire. The voir dire questions to be asked, including the sequence in which to ask them, modifications of wording on a case-appropriate basis, the inclusion of supplemental questions requested by counsel, and the proposed open-ended questions, should be part of the Rule 1:8-3 conference. The promulgated standard voir dire questions are posted on the Judiciary's Internet site in Word format.

With regard to asking the "biographical" question as separate parts rather than as a whole, that question is intended to be asked as a single question so that jurors must select the topic that they want to answer first. As noted in the earlier Special Committee Report (Report at page 35): "The jurors, in responding in narrative fashion to the variety of subjects presented in the question, will also provide important information by self-selecting what they choose to talk about."

Criminal Standard Question #25 (renumbered on the attached revision as #27) was the subject of a number of specific comments. A criminal defendant may waive the inclusion of this question, which deals with that defendant's decision not to testify. Where that question is waived by defendant, the trial judge must not only ensure that the question is not asked, but also that neither the question nor any reference to the question is included in the list of questions that is distributed. The note that is included with that question in the standard criminal questions includes the following: "The defendant's decision in that regard should be discussed during the voir dire conference."

As part of its charge, the Committee on Jury Selection in Criminal and Civil Trials will be responsible for considering and making recommendations regarding any changes to the standard voir dire questions, the introduction of possible additional case type questions, the drafting of a voir dire manual, development of training programs for judges and attorneys, and other related efforts. While the membership of that committee is necessarily limited in number, the Court trusts that every judge and every attorney, not just those appointed to the Committee, will continue to be involved in our ongoing efforts to improve the trial process.

C. Also attached to this supplemental directive are revised standard voir dire questions, which supersede those earlier promulgated by Directive #21-06.

Any questions or comments regarding this Supplemental Directive (Directive #4-07), the underlying Directive (Directive #21-06), or any related materials, including standard voir dire questions and open-ended voir dire questions, may be directed to Michael F. Garrahan, Esq., of the AOC's Office of Trial Court Services (and staff to the Committee on Jury Selection) by e-mail (Michael.Garrahan@judiciary.state.nj.us) or by phone (609-292-2634).

P.S.C.

attachments

cc: Chief Justice James R. Zazzali
Associate Justices
Hon. Joseph F. Lisa
Assignment Judges
Assignment Judge Designate Travis L. Francis
Civil and Criminal Presiding Judges
Theodore J. Fetter, Deputy Admin. Director
AOC Directors and Assistant Directors
Trial Court Administrators
Operations Managers/ATCAs
Vicinage Jury Managers
Michael F. Garrahan, Jury Programs
Steven D. Bonville, Special Assistant
Francis W. Hoeber, Special Assistant

EXAMPLES OF OPEN-ENDED QUESTIONS - CRIMINAL

1. How do you feel about testimony of law enforcement officers as opposed to testimony by other witnesses who are not law enforcement officers? For example, do you think a law enforcement officer is more likely, less likely, or as likely to tell the truth as a witness who is not in law enforcement? What makes you feel the way you do about this?
2. What do you think about the principle that the defendant on trial is presumed to be innocent and must not be found guilty unless each and every essential element of an offense is proved by the State beyond a reasonable doubt? Would you have any difficulty follow that principle? What makes you feel the way you do about this?
3. What was your reaction when you first heard me explain the nature of the charges against the defendant in this case? Is there anything about the nature of the charges that will make it difficult for you to consider the evidence, the arguments of the attorneys, and my instructions on the law, with an open mind? What makes you feel the way you do about this?
4. Do you have any feelings about the fact that the defendant was arrested and charged with a criminal offense in an indictment? Do these circumstances cause you to have any preconceived notions about the defendant's guilt? What makes you feel the way you do about this?
5. Do you understand that a defendant in a criminal trial does not have to prove his or her innocence, does not have to present any evidence, does not have to testify, and does not even have to be present during the trial if he or she chooses not to be? How do you feel about these principles of our legal system? Will you be able to abide by them in deciding this case?
6. Do you believe the criminal justice system is fair and effective? Please explain.
7. How do you feel about the so-called war on drugs? For example, do you think the amount of resources the government devotes to enforcing the criminal drug laws and prosecuting suspected offenders is too much, not enough, or about right? Do you think resources could be more effectively used in other ways to address the drug problem? Why do you feel this way?
8. How do you feel about gun control laws?
9. Do you believe that you will make a good juror for this case? Please explain.

EXAMPLES OF OPEN-ENDED QUESTIONS - CIVIL

1. What do you think about large corporations that are named as defendants in law suits? Would you consider the legal rights and responsibilities of a corporation differently than those of an actual person? Why do you feel this way?
2. Do you have any feelings about whether or not our society is too litigious, that is, that people sue over things too often that they should not sue over; or do you think, on the other hand, there are too many restrictions on the right of people to sue for legitimate reasons; or do you think our system has struck the right balance in this regard? Have you heard of the concept of "tort reform" (laws that restrict the right to sue or limit the amount that may be recovered)? How do you feel about such laws?
3. There may be expert witnesses in this case. If there are, I will instruct you in more detail, but let me say for now that you do not have to accept their opinions, but you should consider their opinions with an open mind. The expected field of expertise of these witnesses is _____. How do you feel about experts in that field? Will you be able to evaluate their opinions fairly and with an open mind? Why do you feel the way you do about this?
4. Do you have any particular feelings about whether people should be allowed to sue doctors, hospitals, and other health care providers if they are dissatisfied with the results of medical treatment? Tell me how you feel about this and about what kind of circumstances you think should have to be proven before a dissatisfied patient should be allowed to recover damages?
5. How do you feel about the jury system? Do you think law suits would be better decided by some sort of professional hearing officers, arbitration panels, or judges? In our country, under our constitution, in cases such as this one, people have the right to a jury trial. If it were up to you, should that right continue to exist or be eliminated?
6. Do you believe that you will make a good juror for this case? Please explain.

MODEL JURY SELECTION QUESTIONS

Standard Jury Voir Dire

Civil

[Revised as Promulgated by Directive #4-07]

1. In order to be qualified under New Jersey law to serve on a jury, a person must have certain qualifying characteristics. A juror must be:

- Age 18 or older
- A citizen of the United States
- Able to read and understand the English language.
- A resident of _____ county (*the summoning county*)

Also, a juror must not:

- Have been convicted of any indictable offense in any state or federal court
- And must not have any physical or mental disability which would prevent the person from properly serving as a juror. Please consider that the Judiciary will provide reasonable accommodations consistent with the Americans with Disabilities Act.

Is there any one of you who does not meet these requirements?

2. a. This trial is expected to last for _____. Is there anything about the length or scheduling of the trial that would interfere with your ability to serve?

b. Do you have any medical, personal or financial problem that would prevent you from serving on this jury?

c. Do any of you have a special need or require a reasonable accommodation to help you in listening, paying attention, reading printed materials, deliberating, or otherwise participating as a fair juror? The court will provide reasonable accommodations to your special needs but I will only be aware of any such needs if you let me know about them. My only purpose in asking you these circumstances relates to your ability to serve as a juror. If you have any such request, please raise your hand and I will speak to you at sidebar.

[Note: If a juror makes a request, contact the ADA Coordinator to see if the TCA can meet the request right away (e.g., a portable speaker system available immediately) or if the juror's service should be deferred so that the TCA can arrange the accommodation timely (e.g., an ASL interpreter that may require three or four months' reservation in advance).]

3. *Introduce the lawyers and the parties.* Do any of you know either/any of the lawyers? Has either / any of them or anyone in their office ever represented you or brought any action against you? Do you know Mr./Ms _____?

Names of Parties

4. *Read names of potential witnesses.* Do you know any of the potential witnesses?

[Note: List witnesses' names here or attached a separate sheet.]

5. I have already briefly described the case. Do you know anything about this case from any source other than what I've just told you?

6. Are any of you familiar with the area or address of the incident?
7. Have you or any family member or close personal friend ever filed a claim or a lawsuit of any kind?
8. Has anyone ever filed a claim or a lawsuit against you or a member of your family or a close friend?
9. Have you or a family member or close personal friend either currently or in the past been involved as a party ...as either a plaintiff or a defendant...in a lawsuit involving damages for personal injury?
10. A plaintiff is a person or corporation [or other entity] who has initiated a lawsuit.
Do you have a bias for or against a plaintiff simply because he or she has brought a lawsuit?
11. (a) A defendant is a person or corporation [or other entity] against whom a lawsuit has been brought.
Do you have a bias for or against a defendant simply because a lawsuit has been brought against him or her?

[Ask if applicable]

- (b) The defendant is a corporation. Under the law, a corporation is entitled to be treated the same as anyone else and is entitled to be treated the same as a private individual. Would any of you have any difficulty in accepting that principle?
12. The court is aware that there has been a great deal of public discussion about something called Tort Reform (laws that restrict the right to sue or

- limit the amount recovered). Do you have an opinion, one way or the other, on this subject?
13. If the law and evidence warranted, would you be able to render a verdict in favor of the plaintiff or defendant regardless of any sympathy you may have for either party?
 14. Based on what I have told you, is there anything about this case or the nature of the claim itself, that would interfere with your ability to be fair and impartial and to apply the law as instructed by the court?
 15. Can you accept the law as explained by the court and apply it to the facts regardless of your personal beliefs about what the law is or should be?
 16. Have you ever served on a trial jury before today, here in New Jersey or in any state court or federal court?
 17. Do you know anyone else in the jury box other than as a result of reporting here today?
 18. Would your verdict in this case be influenced in any way by any factors other than the evidence in the courtroom such as friendships or family relationships or the type of work you do?
 19. Have you ever been a witness in a civil matter, regardless of whether it went to trial?
 20. Have you ever testified in any court proceeding?
 21. New Jersey law requires that a plaintiff has to prove fault of a defendant before he or she is entitled to recover money damages from that defendant. Do you have any difficulty accepting that concept?

Biographical Question

The following questions should be asked of each potential juror, one by one, in the jury box:

You have answered a series of questions about civil trials and civil cases. Now we would like to learn a little bit about each of you. Please tell us the type of work you do; whether you have ever done any type of work which is substantially different from what you do now; whether you've served in the military; what is your educational history; who else lives in your household and the type of work they do, if any; whether you have any children living elsewhere and the type of work they do; which television shows you watch; any sources from which you learn the news, i.e. the newspapers you read or radio or TV news stations you listen to; if you have a bumper sticker that does not pertain to a political candidate, what does it say? What you do in your spare time and anything else you feel is important.

[Note: This question is intended to be an open-ended question which will allow and encourage the juror to speak in a narrative fashion, rather than answer the question in short phrases. For that reason, it is suggested that the judge read the question in its entirety, rather than part by part. If the juror omits a response to one or more sections, the judge should follow up by asking, in effect: "I notice you didn't mention [specify]. Can you please tell us about that?"]

Omnibus Qualification Questions (Two)

1. Is there anything, whether or not covered in the previous questions, which would affect your ability to be a fair and impartial juror or in any way be a problem for you in serving on this jury?

2. Is there anything else that you feel is important for the parties in this case to know about you?

**STANDARD JURY VOIR DIRE
(AUTO, SLIP & FALL, MEDICAL MALPRACTICE)**

Auto

1. How many of you are licensed drivers?

2. Have you or any family member or close personal friend ever been involved in a motor vehicle accident in which an injury resulted?

3. (a) Have you or a family member or close personal friend ever been involved in litigation or filed a claim of any sort?

(b) Has anyone ever filed a claim or lawsuit against you or a family member or close personal friend?

4. Have you or a family member or close personal friend sustained an injury to the _____ or have chronic problems with _____?

5. [Ask if applicable] Have you or a family member or close personal friend utilized the services of a chiropractor?

6. The court is aware that there has been a great deal of public discussion in print and in the media about automobile accident lawsuits and automobile accident claims. Do you have an opinion, one way or the other on this subject?

Slip and Fall

1. Is anyone a tenant?
2. Is anyone a landlord?
3. Is anyone a homeowner?
4. Have you or a family member or close personal friend ever been involved ...as either a plaintiff or a defendant...in a slip and fall accident in which an injury resulted?
5. Have you or a family member or close personal friend ever been involved in litigation or filed a claim of any sort?
6. Have you or a family member or close personal friend sustained an injury to the _____ or have chronic problems with _____?

Medical Malpractice

Note: This information is not to be included on printed copies provided to jurors.

It is expected that the parties will submit a few specific questions seeking juror attitudes towards particular injury claims, such as pecuniary loss for wrongful death or a claim for emotional distress, if applicable, or juror attitudes about other particular types of claims, such as wrongful birth or informed consent issues. In particular, wrongful birth claims might require a questionnaire or separate voir dire to address attitudes about termination of pregnancy.

Before asking the questions below, explain that the trial involves a claim of medical negligence, which people sometimes refer to as medical malpractice and that the terms both mean the same thing.

1. Have you, or family member, or a close personal friend, ever had any experience, either so good or so bad, with a doctor or any other health care provider, that would make it difficult for you to sit as an impartial juror in this matter?
2. If the law and the evidence warranted, could you award damages for the plaintiff even if you felt sympathy for the doctor?
3. Regardless of plaintiff's present condition, if the law and evidence warranted, could you render a verdict in favor of the defendant despite being sympathetic to the plaintiff?
4. Have you, any family member, or close personal friend ever worked for:
 - Attorneys
 - Doctors, Hospitals or Physical Therapists
 - Any type of health care provider
 - Any ambulance / EMT / Rescue

5. Have you, or any members of your family, been employed in processing, investigating or handling any type of medical or personal injury claims?
6. Is there anything that you may have read in the print media or seen on television or heard on the radio about medical negligence cases or caps or limits on jury verdicts or awards that would prevent you from deciding this case fairly and impartially on the facts presented?
7. This case involves a claim against the defendant for injuries suffered by the plaintiff as a result of alleged medical negligence. Do you have any existing opinions or strong feelings one way or another about such cases?
8. Have any of you or members of your immediate family ever suffered any complications from [specify the medical field involved]?
9. Do you have any familiarity with [specify the type of medical condition involved] or any familiarity with the types of treatment available?
10. Are you, or have you ever been, related (by blood or marriage) to anyone affiliated with the health care field?
11. Have you or any relative or close personal friend ever had a dispute with respect to a health care issue of any kind with a doctor, chiropractor, dentist, nurse, hospital employee, technician or other person employed in the health care field?
12. Have you or any relative or close personal friend ever brought a claim against a doctor, chiropractor, dentist, nurse or hospital for an injury allegedly caused by a doctor, dentist, nurse or hospital?

13. Have you or any relative or close personal friend ever considered bringing a medical or dental negligence action but did not do so?

14. Have you or any relative or close personal friend ever been involved with treatment which did not produce the desired outcome?

MODEL JURY SELECTION QUESTIONS

Standard Jury Voir Dire

Criminal

[Revised as Promulgated by Directive #4-07]

1. In order to be qualified under New Jersey law to serve on a jury, a person must have certain qualifying characteristics. A juror must be:
 - Age 18 or older
 - A citizen of the United States
 - Able to read and understand the English language.
 - A resident of _____ county (*the summoning county*)

Also, a juror must not:

- Have been convicted of any indictable offense in any state or federal court
- And must not have any physical or mental disability which would prevent the person from properly serving as a juror.

Please consider that the Judiciary will provide reasonable accommodations consistent with the Americans with Disabilities Act.

Is there any one of you who does not meet these requirements?

2. a. This trial is expected to last for _____. Is there anything about the length or scheduling of the trial that would interfere with your ability to serve?

- b. Do you have any medical, personal or financial problem that would prevent you from serving on this jury?

c. Do any of you have a special need or require a reasonable accommodation to help you in listening, paying attention, reading printed materials, deliberating, or otherwise participating as a fair juror? The court will provide reasonable accommodations to your special needs but I will only be aware of any such needs if you let me know about them. My only purpose in asking you these circumstances relates to your ability to serve as a juror. If you have any such request, please raise your hand and I will speak to you at sidebar.

[Note: If a juror makes a request, contact the ADA Coordinator to see if the TCA can meet the request right away (e.g., a portable speaker system available immediately) or if the juror's service should be deferred so that the TCA can arrange the accommodation timely (e.g., an ASL interpreter that may require three or four months' reservation in advance).]

3. *Introduce the lawyers and the defendant.* Do any of you know either/any of the lawyers? Has either / any of them or anyone in their office ever represented you or brought any action against you? Do you know Mr./ Ms. _____?

Name of defendant

4. *Read names of potential witnesses.* Do you know any of the potential witnesses?

[Note: List witnesses' names here or attach a separate sheet.]

5. I have already briefly described the case. Do you know anything about this case from any source other than what I've just told you?
6. Are any of you familiar with the area or address of the incident?

7. Have you ever served on a jury before today, here in New Jersey or in any state court or federal court?
8. Have you ever sat as a grand juror?
9. Do you know anyone else in the jury box other than as a result of reporting here today?
10. Would your verdict in this case be influenced in any way by any factors other than the evidence in the courtroom, such as friendships or family relationships or the type of work you do?
11. Is there anything about the nature of the charge itself that would interfere with your impartiality?
12. Have you ever been a witness in a criminal case, regardless of whether it went to trial?
13. Have you ever testified in any court proceeding?
14. Have you ever applied for a job as a state or local police officer or with a sheriff's department or county jail or state prison?
15. Have you, or any family member or close friend, ever worked for any agency such as a police department, prosecutor's office, the FBI, the DEA, or a sheriff's department, jail or prison, either in New Jersey or elsewhere?
16. As a general proposition, do you think that a police officer is more likely or less likely to tell the truth than a witness who is not a police officer?

17. Would any of you give greater or lesser weight to the testimony of a police officer merely because of his or her status as a police officer?
18. Have you or any family member or close friend ever been accused of committing an offense other than a minor motor vehicle offense?
19. Have you or any family member or close friend ever been the victim of a crime, whether it was reported to law enforcement or not?
20. Would you have any difficulty following the principle that the defendant on trial is presumed to be innocent and must be found not guilty of that charge unless each and every essential element of an offense charged is proved beyond a reasonable doubt?
21. The indictment is not evidence of guilt. It is simply a charging document. Would the fact that the defendant has been arrested and indicted, and is here in court facing these charges, cause you to have preconceived opinions on the defendant's guilt or innocence?
22. I have already given you the definition of reasonable doubt, and will explain it again at the end of the trial. Would any of you have any difficulty in voting not guilty if the State fails to prove the charge beyond a reasonable doubt?
23. If the State proves each element of the alleged offense(s) beyond a reasonable doubt, would you have any difficulty in returning a verdict of guilty?
24. The burden of proving each element of a crime beyond a reasonable doubt rests upon the prosecution and that burden never shifts to the defendant. The defendant in a criminal case has no obligation or duty to

prove his/her innocence or offer any proof relating to his/her innocence.
Would any of you have any difficulty in following these principles?

25. Would you have any difficulty or reluctance in accepting the law as explained by the court and applying it to the facts regardless of your personal beliefs about what the law should be or is?
26. Is there anything about this case, based on what I've told you, that would interfere with your ability to be fair and impartial?
27. A defendant in a criminal case has the absolute right to remain silent and has the absolute right not to testify. If a defendant chooses not to testify, the jury is prohibited from drawing any negative conclusions from that choice. The defendant is presumed innocent whether he testifies or not. Would any of you have any difficulty in following these principles?

[Note: The defendant has the right to waive this question. The defendant's decision in that regard should be discussed during the voir dire conference.]

Biographical Question

The following questions should be asked of each potential juror, one by one, in the jury box:

You have answered a series of questions about criminal trials and criminal charges. Now we would like to learn a little bit about each of you. Please tell us the type of work you do; whether you have ever done any type of work which is substantially different from what you do now; whether you've served in the military; what is your educational history; who else lives in your household and the type of work they do; whether you have any children living elsewhere and the type of work they do; which television shows you watch; any sources from which you learn the news, i.e., the newspapers you read or radio or TV news stations you listen to; if you have a bumper sticker that does not pertain to a political candidate, what does it say; what you do in your spare time and anything else you feel is important.

[Note: This question is intended to be an open-ended question which will allow and encourage the juror to speak in a narrative fashion, rather than answer the question in short phrases. For that reason, it is suggested that the judge read the question in its entirety, rather than part by part. If the juror omits a response to one or more sections, the judge should follow up by asking, in effect: "I notice you didn't mention [specify]. Can you please tell us about that?"]

Omnibus Qualification Questions (Two)

1. Is there anything, whether or not covered by the previous questions, which would affect your ability to be a fair and impartial juror or in any way be a problem for you in serving on this jury?

2. Is there anything else that you feel is important for the parties in this case to know about you?