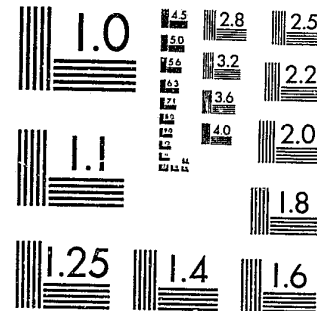


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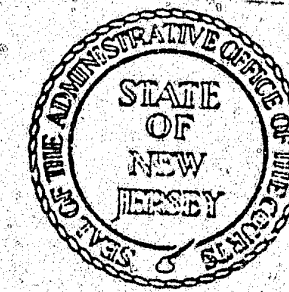
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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

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PETIT JUROR
MANUAL



89478

FOREWORD

This manual has been prepared by the Administrative Office of the Courts to serve as a convenient reference for those responsible for the selection and management of petit jurors serving the State courts. The materials contained in this manual are current to July 6, 1982.

Any questions regarding the materials in this manual should be referred to the Assignment Judge or Trial Court Administrator on the local level, or to the Administrative Director of the Courts.

Robert D. Lipscher

U.S. Department of Justice
National Institute of Justice

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I. INTRODUCTION

The selection and supervision of juries, both grand and petit, are governed generally by statutes and court rules. As the head of New Jersey's judicial system, the Chief Justice has the authority over court procedures in this area. Pursuant to R. 1:33-3, his authority is delegated on a vicinage-wide basis to the Assignment Judges. The Assignment Judge possesses the power to summon and supervise the operation of jury panels within the vicinage.¹ Much of the administrative work will, in fact, be delegated to administrative support staff such as the Trial Court Administrator and a Jury Manager.

This manual serves as the procedural guide for the selection, summoning and supervision of petit jurors. It is organized in a step-by-step sequence for easy reference and should be used by judges, administrators and jury support staff. An appendix has been added that includes relevant statutes, court rules and other information that may be helpful to its readers.

Specific procedures have been established for counties using automated jury selection processes as well as for those which conduct these procedures manually. References are made in this manual to automated, or computerized, selection and summoning procedures by use of the terms "keypunching" and "punched cards". These terms can also refer to alternate means of computer record processing and are in no way intended to limit automated record creation and manipulation.

¹In Re: Supervision and Assignment of the Petit Jury Panels In Essex County, 60 N.J. 554 (1972)

Questions arising about jury system procedures should be referred to the Assignment Judge through the Trial Court Administrator. Where the Assignment Judge feels that reference of a question to the Chief Justice is appropriate, he should forward that question to the Administrative Director.

II. THE MASTER LIST OF PROSPECTIVE JURORS

By law, voters' and drivers' registration lists must be combined to create a master prospective juror list in each county, N.J.S.A. 2A:70-4. The merging of lists may be accomplished either manually or by using automation, although automation is strongly urged where the means are available. Regardless of which procedure is used, care should be exercised to eliminate the duplication of names on the master list, as well as names of persons who are out-of-county residents.

The previous requirement that courts have between 1.5 and 3.0 times the number of qualified jurors required per session is no longer in force. The goal of the court should be to minimize the excess number of jurors qualified for the term without falling short of the number of jurors needed to serve. In determining the total number of names of potential jurors to be selected from the master list, the Assignment Judge and Jury Commissioners should rely on the court's previous qualification and summoning yield information to gauge the proper number of names to yield the number of jurors needed for the session. Prospective jurors are to be selected on a county-wide basis and proportional representation by municipality or other subdivision is no longer required.

The automated and manual procedures to be used to create the master list are as follows:

A. AUTOMATED PREPARATION

Counties which use computers or other automated means to merge the source lists should follow these procedures:

1. Voter lists should be keypunched and the format adjusted to correspond with lists from the Division of Motor Vehicles.
2. The computer programmer should prepare and run programs that will compare the names on each list and remove duplicate names. A master list of the single names from both lists should be created.
3. The master list should be manually screened for remaining duplicates. There are two means of doing this manual comparison, either of which is acceptable:
 - a. the entire master file can be manually screened prior to selection of prospective jurors; or,
 - b. names of prospective jurors can be selected first and only the file of selected jurors should be screened for duplications.

B. MANUAL PREPARATION

Counties that use manual methods to select jurors may use either of the following two procedures. The first procedure, Full List Merge, is a two-step process that

requires that the voter and driver lists be fully merged into a single master list from which prospective jurors (people receiving questionnaires) will be selected. The more practical and less time-consuming practice is the second method, Random Selection Without Full List Combination, which combines the creation of a master list and selection of prospective jurors into one step. Both approved methods are explained below.

1. Full List Merge

When the magnetic tapes containing the list of licensed drivers for the county are received from the Division of Motor Vehicles, the Jury Commissioners should arrange to have hard copies (printed lists in alphabetical order) made from the DMV list. The names of persons presently on the voter registration lists should be interfaced with the names on the drivers' registration list so that a single list is created. In the process of creating such a list obvious duplicates should be removed so that a single, alphabetized list reflecting the names and addresses of potential jurors will result. Extraneous information, such as wards and voter districts formerly used to obtain proportional representation, should not appear on the merged list. Names of out-of-county residents, if present, should be removed.

2. Random Selection Without Full List Combination

This is a method for randomly selecting names to receive juror questionnaires without previously combining

the voters and drivers lists into a single master list.

Step 1. When the magnetic tapes containing the list of licensed drivers for the county are received from the Division of Motor Vehicles, the Jury Commissioners should arrange to have hard copies (printed lists in alphabetical order) made from the DMV list.

Step 2. The drivers list should be numbered List 1 and the voters list, List 2.

Step 3. A random sample should be taken from each list in proportion to the size of the list. (The two approved methods for taking a random sample are random start sequential selection and random generation; both methods are explained on pages 9 and 10). Therefore, if List 1 has 100,000 names and List 2 has 10,000 names, 10 times as many names should be randomly selected from List 1 as from List 2.

Example:

In the example below, shown on Table A, the drivers list contains 90,000 names and the voter registration list contains 60,000 names.

1. Select 5%*, or 4500, names at random from the drivers list (List 1) and accept all of these as valid names (unless there are internal duplicates on the list, which should be removed).

*The percentage of names selected from each list will depend on the number of jurors needed for the session. Remember, however, that the same percentage of names should be selected from each list.

These 4500 names are a "primary list" and are defined as "good" names. Do not check these names against List 2.

2. Select 5% , or 3000, names at random from the voters list (List 2) and check each one of these 3000 names against the entire List 1 - not just the primary list of 4500 names. Duplicate names, even if they do not appear on the "primary" list, should be eliminated. The remaining names are considered "good" and should be added to the "primary" list. See Table B. If, for example, 500 of the 3000 names selected from List 2 also appear on List 1, they should be eliminated; the remaining 2500 names from List 2 should be added to the 'primary' list of 4500 names for a total of 7,000 names. These are the people to whom questionnaires should be sent.

TABLE A. LIST MERGING SAMPLES

Category	List 1 (Drivers List)	List 2 (Voters List)
Number of Names on List	90,000	60,000
Random Sample of 5% from Each List	4,500	3,000

TABLE B. RANDOM SAMPLING FROM LISTS 1 AND 2 TO GET THE PRIMARY LIST (A RANDOM SAMPLE FROM THE COMBINED LISTS)

Sample of Five Names From Each List		Random Samples From Combined Lists
List 1	List 2	Primary List
A	A x ¹	A B C D E F G H 8 "good" names
B	C	
D	D x ¹	
F	E	
G	H	
5 "good" names	3 "good" names	

x¹ represents duplicate names

Step 4. The order of names appearing on the primary list should be randomized if to be used for any purpose other than sending out questionnaires.

III. SELECTION OF PROSPECTIVE JURORS

A. Once the master list of prospective jurors is created, the selection of prospective jurors may occur. (Counties that have used the process of Random Selection Without Full List Combination described on page 5 to create a master list have already selected prospective jurors by virtue of that method. Those counties can, therefore, skip Section A and refer to section B on page 11.)

There are two approved methods for the selection of prospective jurors:

1. RANDOM START SEQUENTIAL SELECTION

It is recommended that counties having limited computer availability or which select jurors manually, use the random start sequential selection method.

This system involves two numbers, a starting number and a key interval number known as the "n" number. The starting number may be any number from one up to the number of potential jurors appearing on the master file. It should be scientifically selected from a table of random numbers (see appendix for table and instructions) or generated by a random computer generating system. The key interval number of "n" should be the nearest whole number greater than the quotient resulting after dividing the total number of persons on the master list by the number of potential jurors required for service. (Example: 5,000 names on master list divided by 1,550 names to be selected equals 3.23 or 4 as the "n"th number.) The required number of names is selected from the master file by beginning with the first name corresponding to the starting number and then

sequentially selecting names appearing on the master list at intervals equal to the "n"th number. This process is repeated until the required number of names is obtained.

2. RANDOM GENERATION

It is recommended that counties having computer availability use the random number generation method.

The goal of random generation is to generate numbers with a standard, uniform distribution. The method is based on the fact that any number within the range of one and the total number of potential jurors appearing on the master file has an equal probability of being selected by the computer as any other number. In this method, the number of random numbers generated should be the same as the number of prospective jurors needed. For example, if past experience shows that at least 500 prospective questionnaires must be mailed, then 500 random numbers must be generated. The computer will randomly select 500 random numbers. It will then compare the random generated numbers to the master list. If the computer generates the number 099, it will proceed to select (i.e., match) the 99th name on the master file. This process continues until the required number of names is obtained.

A random number table has been included in the appendix and can be used in place of computer generated random numbers.

RANDOM ORDER IS MAINTAINED THROUGHOUT THE ENTIRE PROCESS OF JURY SELECTION. THIS MEANS THAT PROSPECTIVE JURORS ARE ALSO SUMMONED IN THE ORDER THAT THEY WERE RANDOMLY SELECTED.

B. Randomization Without Replacement

The Administrative Office of the Courts strongly recommends the use of "randomization without replacement for an interval of time" when selecting the names of individuals to receive qualification questionnaires. The method involves withholding names of jurors who have received questionnaires for a certain interval of time so that they do not receive a second questionnaire during that period. This process alleviates, or at least minimizes, the problem inherent in random selection that results in some people receiving questionnaires yearly while others never receive them.

Where randomization without replacement is possible, counties must determine the specific interval of time that names should be withheld from the questionnaire selection process. Each court must know the approximate size of its source list (the master list of voters and drivers), calculate the percent of the source list selected each year to qualify jurors, and select the corresponding interval shown on the table below.

TABLE C

Percent of Source List Used Per Year	Interval Between Replacement
50%	2 years
33%	3 years
25%	4 years
15%	6 years
10%	8 years
5%	10 years

Demographic changes within the counties should be considered and a "safe" interval selected as a result. For example, a court that has a source list of 220,000 names and selects 20,000 names to qualify jurors each year would be using 9% of the source list per year. According to the table above, this would indicate an interval of 8 or 9 years between selections. However, because of population shifts and the high possibility of name duplication on New Jersey source lists, the court might decide that an interval of 6 or 7 years would better serve its purpose.

The Administrative Office of the Courts recognizes that institution of the randomization without replacement design may be difficult in light of the constantly changing and imperfect quality of the source lists. Where possible, however, its use should be encouraged as the purpose behind the policy is one of a more fair distribution of jury service and obtaining a wider cross-section of the jurors selected to serve.

IV. QUALIFICATION OF PROSPECTIVE JURORS

A. UNIFORM JURY QUESTIONNAIRE

In an effort to simplify the initial contact with prospective jurors, a Uniform Jury Questionnaire has been prescribed by the Administrative Director of the Courts and is reproduced on the following page. This questionnaire must be sent to every prospective juror unless a one step qualification and summoning process is followed. If any change in this form is considered desirable, it must be approved both by the Assignment Judge and the Administrative Director of the Courts prior to use. The use of the prescribed questionnaire for prospective jurors is mandatory and no juror's name should be added to a jury list unless a properly completed questionnaire is on file. Printing expenses for the forms are to be met by the county.

One Step Qualification and Summoning

A one step qualification and summoning process may be used to replace the two step process now used by most counties to select and summon jurors. When the one step procedure is used, the initial contact with the prospective juror will be a combined questionnaire and summons specifying the date for which the juror is summoned.

Each county may develop its own one step qualification and summoning form, although all forms must be approved by the Administrative Office of the Courts prior to their use. The form of the questionnaire and summons should follow the uniform prescribed forms described herein as closely as possible.

STATE OF NEW JERSEY
COUNTY OF _____

JUROR QUALIFICATION QUESTIONNAIRE

NOTICE: Please complete and return this questionnaire within 10 days.
It is an official court document and must be returned.

THIS IS A JUROR QUALIFICATION QUESTIONNAIRE. YOUR ANSWERS WILL BE USED BY THE COURT TO DETERMINE YOUR ELIGIBILITY FOR JURY DUTY. THIS IS NOT A SUMMONS - IF YOU ARE QUALIFIED TO SERVE, YOU MAY RECEIVE A SUMMONS WITHIN THE NEXT YEAR.

PLEASE PRINT CLEARLY AND CHECK THE APPROPRIATE BOXES WHERE REQUIRED. THIS QUESTIONNAIRE SHOULD BE COMPLETED PROMPTLY AND RETURNED IN THE ENVELOPE PROVIDED. PLEASE MAKE ANY NAME OR ADDRESS CORRECTIONS BELOW.

CORRECTIONS

NAME _____
ADDRESS _____
Municipality _____ County _____
State _____ Zip Code _____

1. Residence, if different from mailing address (Municipality) (County) (Zip Code) (Number & Street)		
2. Can you read, write and understand the English language?	<input type="checkbox"/> Yes/	<input type="checkbox"/> No/
3. Have you lived in New Jersey for 2 years?	<input type="checkbox"/> Yes/	<input type="checkbox"/> No/
4. Are you a citizen of the United States?	<input type="checkbox"/> Yes/	<input type="checkbox"/> No/
5. Are you between the ages of 18 and 74 inclusive? Date of Birth: _____	<input type="checkbox"/> Yes/	<input type="checkbox"/> No/
6. Have you ever been convicted of or pleaded no contest to a crime? (not traffic or municipal ordinance offenses) If yes, give Date: _____ Court: _____ Charge: _____	<input type="checkbox"/> Yes/	<input type="checkbox"/> No/
7. Have you a mental or physical disability which would prevent you from serving as a juror? NOTE: If so, you must return a Doctor's Certificate with this form.	<input type="checkbox"/> Yes/	<input type="checkbox"/> No/
8a. Have you served as a juror during the last 12 months?	<input type="checkbox"/> Yes/	<input type="checkbox"/> No/
b. Have you served as a juror in this county during the last _____ years? Date _____	<input type="checkbox"/> Yes/	<input type="checkbox"/> No/
9. Are you through your position, office or employment, directly or indirectly connected with the administration of justice? If yes, give position _____	<input type="checkbox"/> Yes/	<input type="checkbox"/> No/
10. Read statute N.J.S.A. 2A:69-2 carefully (printed on reverse side of form). Are you exempt from jury service? If yes, give exemption code (from back of form): _____ If you claim to have responsibility for care and custody of minor children, please list their age(s) _____	<input type="checkbox"/> Yes/	<input type="checkbox"/> No/
11. Do you wish to serve even though you are exempt? (You are entitled to serve if you wish to do so).	<input type="checkbox"/> Yes/	<input type="checkbox"/> No/
12. What is your social security number? _____		
13. Please supply drivers license number if you hold a N.J. license. _____		
14. Please supply telephone numbers for your: Home _____ Business _____ Nearest Phone _____		
15. What is your occupation? _____ Name of Employer _____		
I HEREBY CERTIFY THAT THE ABOVE ANSWERS ARE TRUE AND CORRECT. I UNDERSTAND THAT A KNOWINGLY FALSE ANSWER MAY SUBJECT ME TO PUNISHMENT FOR CONTEMPT OF COURT.		
(Signature of Prospective Juror) _____		(Date) _____
Signature of person completing form, if other than prospective juror. _____		
		(Date) _____

*Authorized pursuant to 5 U.S.C. 552a note (1976). 6/82

NOTE: Question 8b. may be added or may replace question 8a. if the policy of Randomization without Replacement described on p. 11 is followed. The permissive use of this question may make the questionnaire easier to screen.

Under the one step process, the master list of voters and drivers will serve as the source list from which a cross county, random selection is made. Since a preestablished master pool from which qualified prospective jurors will be summoned will not be created, it is imperative that an appropriate number of one-step forms be mailed to provide for the proper number of jurors reporting for service. Past qualification and summoning yields must be analyzed to determine how many one-step forms must be mailed to meet this need.

The one-step qualification/summoning procedure may be used for County Grand Jury summoning with little modification; however, it cannot be used for State Grand Jury selection. The two-step qualification/summoning procedure should continue to be used in the selection of State Grand Jurors.

Determining the Number of Questionnaires to be Sent

The requirement that courts have between 1.5 and 3.0 times the number of qualified jurors required per session is no longer in force. Courts should make every effort not to 'overqualify' prospective jurors, meaning that almost every eligible person should, at some time during his eligibility period, receive a summons. The number of eligible jurors who have not yet served at the end of the one year eligibility period, and whose questionnaires must then be destroyed, should be held to a minimum.

2A:69-2. Exemptions from jury service

The following persons shall be exempt from service on any panel of grand or petit jurors:

- a. Members or employees of police forces, State or local.
- b. Members of any fire department or fire patrol, volunteer or paid.
- c. Persons appointed as fish and game wardens or protectors.
- d. Regularly licensed and practicing physicians and dentists in this State.
- e. Members of State or Federal military, naval or air forces (on active duty).
- f. School teachers (under contract as full time teachers) while their schools are in session.
- g. Any person who has the actual physical care and custody of a minor child and who gives written notice to the jury commissioners of the county of his residence that jury service would interfere with the care required for such child.
- h. All officers and persons regularly employed by any agency under the authority of the Commissioner of the Departments of Corrections and Human Services, or regularly employed by hospitals.
- i. Telegraph and telephone operators and linemen and those directly engaged in the business of receiving and transmitting messages by telegraph or calls by telephone.
- j. Any person who is the holder of an exempt firemen's certificate issued pursuant to sections 40:47-52 to 40:47-59 of the Revised Statutes or any other law.
- k. Members of the State Legislature.
- l. Members of first aid and rescue squads.

CODE

A

B

C

D

E

F

G

H

I

J

K

L

The determination of the number of questionnaires to be sent should depend on the number of jurors required for the period, the number of eligible juror questionnaires already on file and the court's previous Qualification Yields. Although some 'overqualification' may inevitably result from attempts to insure a sufficient number of eligible jurors for each drawing, every effort should be made to minimize overqualification.

B. THE SCREENING PROCESS

Every effort should be made to ensure that all questionnaires are returned properly filled in. It is recommended that those not responding within a reasonable period of time be sent a second questionnaire, together with an appropriate warning of the possible penalty for contempt of court (N.J.S.A. 2A:70-5, R. 1:10). If the percent of non-responses to a questionnaire sending exceeds 15%, the clerk to the jury commission must notify the Assignment Judge of this fact. A high percentage of people not responding may call into question the quality and representativeness of the panel drawn; the Assignment Judge will then decide whether a second mailing or ultimately a court appearance will be required.

Completed questionnaires are to be reviewed by the jury commissioners' staff. Personnel should be screening the questionnaires only to determine whether the juror is eligible in accordance with N.J.S.A. 2A:69-1, 69-2 and 69-4. It is the responsibility of the jury commission to qualify or disqualify prospective jurors. It is not the responsibility of the jury commission to excuse prospective jurors.

Requests for excuse from jury service from anyone who is otherwise qualified may be considered at this time only in very unusual circumstances. In that case the request should be submitted to the Assignment Judge or to the person designated by him to hear such matters for action consistent with the Assignment Judge's policy on excusing jurors.

Qualifications for Jury Service

1. Statutory Qualification

N.J.S.A. 2A:69-1 specifies that the following requirements must be met for a person to be eligible for jury service:

- a. a citizen of the State for at least 2 years (this has been interpreted to require that a person be a U. S. citizen and a resident of New Jersey for two years. A person who has been a resident for 2 years but became a citizen yesterday is qualified unless otherwise disqualified.)
- b. must be between the ages of 18 and 74 inclusive.

• eighteen year old students called for jury duty shall be treated in all respects as adult jurors and no special status need be granted to them simply because school is in session. They should not be disqualified at the qualification stage. Likewise, elderly people 74 and under who qualify in all other respects should not

be stricken from qualified lists at this time. Judges and Trial Court Administrators hearing jury excuses may of course grant such excuses in accordance with the existing excuse policy.

- because the statute specifies a maximum age requirement of "under 75", people who are 75 years of age or older are not qualified.

c. a resident of the county for which he is selected.

d. shall have no criminal convictions

- motor vehicle offenses as well as petty disorderly or disorderly persons offenses do not constitute "crimes" and these occurrences should not disqualify prospective jurors.

• persons who indicate that they:

- had a 'record' as a juvenile,
- had their criminal record expunged, or
- had successfully completed a pretrial intervention (P.T.I.) program

are otherwise qualified. These circumstances do not constitute a criminal conviction.

- a person who has been convicted of a crime and has completed the sentence is still disqualified.

e. shall not be a person who through his office, position or employment is either directly or in-

directly connected with the administration of justice.

- Restrictions on those employed within the administration of justice are to be construed broadly. Lawyers, court personnel (except for clerical personnel in the Superior Court Clerk's office), prosecutors, sheriffs, police officers, and employees of correctional institutions are within the scope of the statutory disqualification. If in doubt as to whether a person is disqualified under this section, the jury commissioners should seek the advice of the Assignment Judge.

f. shall be able to read, write and understand English.

g. shall not have any mental or physical disability which would prevent him from properly serving as a juror.

- any temporary disability which could disappear during the juror's period of eligibility would not disqualify them under this section.

h. shall not have served as a grand or petit juror within the last 12 months (N.J.S.A. 2A:69-4).

2. Statutory Exemption

Jury commission personnel are called upon to exercise discretion as to whether or not an exemption is proper under the circumstances. The statutory language should be strictly construed so as to limit the number of

exemptions permitted. Any questions regarding the appropriateness of a particular request for exemption should be submitted to the Assignment Judge.

Exemptions do not extend to families; only the person entitled to an exemption may use it. Furthermore, exemptions can be waived by a person wishing to serve as a juror.

As specified under N.J.S.A. 2A:69-2, the following persons may claim exemptions from service.

a. members or employees of police forces, State or local;

• this exemption is actually a disqualification by virtue of section 1.e. above.

b. members of any fire department or fire patrol, volunteer or paid;

c. persons appointed as fish and game wardens or protectors;

d. regularly licensed and practicing physicians and dentists in this State;

e. members of State or Federal military, naval or air forces (on active duty);

• this exemption applies to members of the New Jersey National Guard as well as members of the federal armed forces, but only guardsmen on regular active duty or those activated for training which conflicts with the duties of a juror may claim the exemption.

- f. School teachers (under contract as full-time teachers) while their schools are in session;
- g. Any person who has the actual physical care and custody of a minor child and who gives written notice to the jury commissioners of the county of his residence that jury service would interfere with the care required for such child;
- h. All officers and persons regularly employed by any agency under the authority of the Commissioner of the Departments of Corrections and Human Services, or regularly employed by hospitals;
- i. Telegraph and telephone operators and linemen and those directly engaged in the business of receiving and transmitting messages by telegraph or calls by telephone;
- j. Any person who is holder of an exempt fireman's certificate issued pursuant to sections 40:47-52 to 40:47-59 of the Revised Statutes or any other law;
- k. Members of the State Legislature; and
- l. Members of first aid and rescue squads.

Qualification Yields

After each questionnaire mailing, jury commission staff should calculate the Qualification Yield. The Qualification Yield is the percentage of jurors qualified to serve out of the total number of questionnaires mailed. The Qualification Yield Schedule appearing on the following page can be used for this purpose; the most important figures are the number of questionnaires sent and the number of qualified jurors resulting.

Example: If 5,000 questionnaires were mailed and 2,500 were qualified to serve as jurors; the Qualification Yield would be 50%. See Table D below.

Table D : QUALIFICATION YIELD SCHEDULE

Example		For the Period of _____	
CATEGORY	NUMBER	PERCENT	
A. Total Number of Qualification Questionnaires Sent	5,000	100%	
B. Total Number Not Responding	500	10%	
C. Total Number Undeliverable	500	10%	
D. Total Number Not Qualified	1,500	30%	
E. Total Number Qualified	2,500	50%	

$$2,500 \div 5,000 = .50 \text{ or } 50\%$$

$$\text{Total sent} \div \text{Total qualified} = \% \text{ Qualification Yield}$$

The Qualification Yield should be used to estimate the number of questionnaires to send for future mailings. If 5,000 qualified jurors are needed for an upcoming session and the county has a Qualification Yield of 50%, slightly more than

10,000 questionnaires should be sent to yield 5,000 qualified jurors. Because Qualification Yields can vary from mailing to mailing, it is recommended that slightly more than the number of questionnaires needed based on the Qualification Yield be sent to ensure a sufficient number of qualified jurors for the session.

QUALIFICATION YIELD SCHEDULE

County _____ For the Period of _____

Category	Number	Percent
A. Total Number of Qualification Questionnaires Sent		100%
B. Total Number Not Responding		%
C. Total Number Undeliverable		%
D. Total Number Not Qualified		%
E. Total Number Qualified		%

For the Period of _____

Category	Number	Percent
A. Total Number of Qualification Questionnaires Sent		100%
B. Total Number Not Responding		%
C. Total Number Undeliverable		%
D. Total Number Not Qualified		%
E. Total Number Qualified		%

For the Period of _____

Category	Number	Percent
A. Total Number of Qualification Questionnaires Sent		100%
B. Total Number Not Responding		%
C. Total Number Undeliverable		%
D. Total Number Not Qualified		%
E. Total Number Qualified		%

Retention Schedule of Questionnaires and Correspondence

The following retention schedule should be followed for questionnaires of prospective jurors:

- (a) Questionnaires of eligible persons who have served may be destroyed after such service;
- (b) Questionnaires of persons not qualified or who are exempt or ineligible may be destroyed immediately upon receipt.

- (c) Questionnaires of eligible persons who have not served since the questionnaires were received should be retained for their period of eligibility (1 year) and may then be destroyed.

The jury commission can retain questionnaires for as long as necessary to check on prior service. Correspondence from jurors regarding service, excuse requests, etc., may be destroyed after their service or after the request is made, whichever is later.

By rule of court (R. 1:38(c)) the questionnaires are to be kept confidential. However, jury questionnaires may be made available to counsel who desire to check them as to possible challenges to the array. Cabinets containing the files should be kept in an appropriate office in the courthouse or other public building. The files should be locked to prevent access by unauthorized persons.

C. Preparation of Jury Lists

At least 40 days prior to each stated session, the jury commissioners are required to prepare two lists of persons who have been selected for possible jury service in the manner described below. One list, to be designated the "Grand Jury List", shall contain not less than 125 and not more than 500 names, the precise number to be determined by the Assignment Judge. The other list, to be designated the "Petit Jury List", shall contain the names of not less than 250 persons, the precise number is also to be determined by the Assignment Judge. These lists are to be in alphabetical order and consecutively numbered. They must state the name of each individual, his occupation, place of abode and municipality or mailing address.

Before names are selected from the file of active questionnaires, all questionnaires that are more than one year old should be removed. Questionnaires of eligible jurors should remain active only for a period of one year. One year should be calculated as a period of three sessions. Therefore, if a questionnaire is sent to qualify jurors for a January 1983 session, eligible jurors qualified from that mailing can be selected to serve through December 1983, the end of the September session.

The required number of questionnaires for both the grand jury list and petit jury lists should be selected from the file of active questionnaires by the sequential number method previously described on page 9. Both lists

are to be selected in the same manner and from the same pool of names.

After the names for the grand and petit jury lists have been selected, separate lists should be prepared in the following manner:

1. In Counties Where Electronic Equipment is Available:
 - a. Punch a card for each questionnaire showing name, occupation, place of abode, and municipality or mailing address.
 - b. Sort the cards into alphabetical order by last names.
 - c. Sequentially select (by random methods described on pp. 9 & 10) the number of cards required for the grand jury list. The remaining group of cards comprises those needed for the petit jury list.
 - d. Check the alphabetical order of each group of cards and number the cards in each group starting with the number 1.
 - e. From the two groups of cards, print the grand jury list and the petit jury list in the order selected. Each list should contain the sequence number, name, occupation, place of abode and municipality or mailing address.
 - f. The original and one copy of each list are to be given to the Assignment Judge. The questionnaires should be retained in the jury commission office and be made available for inspection by the Assignment Judge.

g. At least 35 days prior to the opening of each stated session, the Assignment Judge shall review the two lists with the judges of the court and the jury commissioners. This may be accomplished by meeting, telephone or other method designated by the Assignment Judge. The purpose is to facilitate a review of the lists for the purpose of striking names of unfit persons. A name may be stricken only by the Assignment Judge or acting Assignment Judge; the other judges and the jury commissioners function purely as advisors. In this regard, the Assignment Judge's authority is non-delegable.

(1) If more than 20% of a list is struck by the Assignment Judge, the jury commissioners shall fill the vacancies by random selection methods described herein, and a corrected list shall be filed with the court.

(2) If fewer than 20% of the names have been struck, the cards for any names that have been struck should be removed. The remaining cards should be renumbered sequentially and new lists should be printed. Once the lists are satisfactory to the Assignment Judge, the jury commissioners shall certify an original and four copies of each list. Two copies of each list are to be filed in the county clerk's office at least 25 days prior to the opening of the stated session. The county clerk shall post a copy in a prominent place in his office. The Assignment Judge shall also retain a copy of the two lists.

2. In Counties Where No Electronic Equipment is Available:
- Sort the questionnaires selected for the lists into alphabetical order by last names.
 - Sequentially select (by random methods described on pp. 9 & 10) the number of questionnaires necessary for the grand jury list. The remaining questionnaires are those comprising the petit jury list.
 - Check the alphabetical order of each group of questionnaires.
 - Type separate lists for grand jury and petit jury assigning consecutive numbers to each name, each list beginning with the number 1.
 - The original and one copy of each list are to be given to the Assignment Judge. The questionnaires are to be retained in the jury commission office and made available for inspection by the Assignment Judge.
 - At least 35 days prior to the opening of each stated session, the Assignment Judge shall review the two lists with the judges of the court and the jury commissioners. This may be accomplished by meeting, telephone, or other method designated by the Assignment Judge. The purpose is to facilitate a review of the lists for the purpose of striking names of unfit persons. A name may be stricken only by the Assignment Judge or acting Assignment Judge; the other judges and the jury commissioners function purely as advisors. In this regard, the Assignment Judge's authority is non-delegable.

(1) If more than 20% of a list is struck by the Assignment Judge, the jury commissioners shall fill the vacancies by random selection methods described herein, and a corrected list shall be filed with the court.

(2) If fewer than 20% of the names have been struck, the cards for any names that have been struck should be removed. The remaining cards should be renumbered sequentially and new lists should be printed. Once the lists are satisfactory to the Assignment Judge, the jury commissioners shall certify an original and four copies of each list. Two copies of each list are to be filed in the county clerk's office at least 25 days prior to the opening of the stated session. The county clerk shall post a copy in a prominent place in his office. The Assignment Judge shall also retain a copy of the two lists.

V. SELECTION OF PETIT JURY PANELS

The final step in the selection process is the drawing of the grand and petit jury panels. N.J.S.A. 2A:71-1 provides that jury panels be drawn not more than 30 days prior to the stated session, which is in conflict with N.J.S.A. 2A:72-5, which requires jurors to be served at least 30 days before their required appearance date. Until amendatory legislation is enacted to correct this conflict, jury panels may be drawn more than 30 days prior to the stated session in order to provide adequate notice to jurors.

On a day and time set by the Assignment Judge, the county clerk or his deputy and the jury commissioners are to appear in open court with the lists filed for that session. This is to be done before the Assignment Judge or a judge designated by him in counties where the selection is to be made manually. If the selection is to be made electronically, the Assignment Judge shall direct the manner of use of the electronic equipment to provide for the public and impartial drawing of the panels where the equipment is located. The Assignment Judge should specify the number of petit jury panels to be drawn together with the number of names to appear on each panel and sub-panel, if any.

A. In Counties Where Electronic Equipment is Available

The names of grand and petit jurors are to be selected separately using:

1. A table of random numbers; or

2. An electronic sorting machine to thoroughly mix the juror name cards so that they may be selected in a random manner. (Where tape or disk are used instead of cards, the same process applies.) The cards should be sorted on one or more of the following card columns:

- a. The last column of the sequence number on the jury lists,
- b. The second or third letter of the juror's last name, or
- c. The second, third or fourth letter of the municipality's name.

It is to be noted that if the sorting is based on one column only, it must be on the last column of the sequence number on the jury list. The sequence number used should also be selected by random processes.

3. The names of petit jurors are to be printed in their order of selection by panels and sub-panels.
4. Each list should show the juror's name, occupation, place of abode and municipality or mailing address.
5. Finally, the judge before whom the panels were drawn is to certify the lists and the county clerk must file them. The original goes to the county clerk's office and one copy of each list is sent to the Assignment Judge and the county sheriff.

B. In Counties Where Electronic Equipment is Not Available

The grand and petit jury panels should be individually drawn in open court in the following manner. The selection of petit jury panels should follow the selection of grand jury panels.

1. The jury commissioners are to hand the judge uniform numbered metal or plastic pieces in a consecutive order corresponding with the numbers on the jury list.
2. The judge is to examine the pieces and return them to the commissioners if they are correct.
3. Upon their return, the pieces should be deposited in their respective box (one each for grand and petit jurors).
4. After the boxes have been shaken to mix the pieces thoroughly, the jury commissioners should remove such a number of pieces from the box as the judge shall direct. The removal should be made in the presence of the judge.
5. As each number is drawn, the name, occupation, and place of abode of the person selected shall be announced publicly. Those announced constitute the panel for the next ensuing stated session.
6. As the pieces are selected and the names announced, the county clerk or his deputy is to transcribe the names onto a list in the order of drawing. The clerk shall make two copies of each list and the judge shall certify the original and both copies as true and correct. The clerk's office retains the original and one copy of each is sent to the Assignment Judge and the county sheriff.

C. Alternate Mode of Selection

As an alternate mode of selection, the use of a sequential number system for selection of panels is permitted. In employing that system, however, it is important to make sure that each person whose name appears on the lists has an equal chance of selection. To accomplish this equality, a sequence selector number must be chosen that will span the entire list of names at least one time or a multiple number of times. Each panel is assigned a "sequence selector number". That number determines which names will appear on the panel.

For example, if a panel of 280 jurors is required and there are 420 names on the petit jury list, dividing 280 into 420 gives a result of 1.5. Rounding that number off and assigning a sequence selector number of two is unsatisfactory since it will scan the whole list one and one-third times, thereby eliminating an equal chance of selection for each name. A whole number divisible by 1.5, such as three or six, is necessary to permit a full scan. The number three permits two full scans while six allows four complete scans in order to select the 280 jurors needed.

A sequence selector number is required for each panel. The computer skips names previously selected and automatically assigns jurors to sub-panels. Therefore, if the sequence selector number is six and two sub-panels are required, juror number six is put on sub-panel A, juror number twelve on sub-panel B, juror number 18 on sub-panel A, and so forth.

Upon completion of the selection of all panels, the panels are printed in numerical sequence by the computer.

VI. SUMMONING PROCESS

A. TERM OF SERVICE

The term of service shall be set by the Assignment Judge in each vicinage and shall be consistent with policies established by the Supreme Court. Terms shall be as short as practically possible to minimize the burden borne by prospective jurors and to maximize participation.

B. SUMMONING JURORS

Once the panels have been selected, the Assignment Judge exercises complete authority over the summoning process. All summons are issued under his name and should conform to the prescribed summons appearing on the following page. The exact placement of material on the form is not mandatory, but the substance should remain the same. Any changes to this form should be approved in advance by the Administrative Director of the Courts.

All jurors should be served by regular mail. However, an Assignment Judge may authorize that an alternate form of service be used if the need requires.

Jurors should be served at least 30 days before their required appearance date. As noted on p. 30 of this manual, juror panels may be drawn more than 30 days prior to the stated session in order to provide adequate notice to jurors.

SUMMONS FOR JURY SERVICE

_____ COUNTY
TO: (INSERT NAME & ADDRESS OF JUROR) _____

Insert
Printed
Facsimile
of
County
Seal

YOU ARE HEREBY SUMMONED to serve as a Petit Juror for the Superior Court
and District Court to be held at the _____ County _____
_____, in _____, New Jersey for a
(Insert Hall of Records or Court House) (Address)
period of _____ commencing on _____, at _____ A.M.
(Date)

By Order of (Name of Assignment Judge) _____

PLEASE
SEE REVERSE SIDE
FOR INSTRUCTIONS

Insert Printed Signature
of the Assignment Judge

N.J.S.A. 2A:79-1. Every person summoned as a grand or petit juror who shall either fail to appear or refuse, without reasonable excuse, to serve or be sworn, shall be fined by the court in an amount not to exceed \$50, to the use of the county where such offense was committed, and may be punished as for contempt of court.

Instructions to be included on the summons

1. Indicate place where juror should report.
2. Include any additional necessary information such as instructions regarding the juror call-in system.
3. Note availability of parking facilities.
4. State the procedure jurors must follow to be excused or to have their service postponed. Also, indicate whether excuses can be granted in response to a written or phone request or whether only a request made in person is acceptable.

C. EXCUSE/POSTPONEMENT FROM SERVICE

Requests to be excused from service or to have service postponed to another time must be handled on an individual basis. The Assignment Judge should designate a responsible court official, such as the Trial Court Administrator or jury manager, to hear jury excuses and to make determinations on same using guidelines set down by the Supreme Court and the Assignment Judge. The Supreme Court policy follows in section 1 below.

1. JUROR EXCUSE/POSTPONEMENT POLICY

The controlling philosophy for review of requests for a postponement or excuse from jury service is that service is an obligation of citizenship in which all qualified jurors are expected to participate. No person or group of persons qualified in accordance with N.J.S.A. 2A:69-1 and 69-4 shall be automatically excused from juror service at any stage of the proceedings. To encourage participation, jurors shall be permitted to postpone their service rather than be excused. Postponements shall be preferred over excuses from service as the method for resolving service date conflicts.

POSTPONEMENT

Any person seeking to be excused from service because of circumstances likely to change during the eligibility period shall have his or her service postponed to another time during the eligibility period.

EXCUSES

Excuses shall be granted only by an Assignment Judge or a responsible court employee designated by him for such purpose (such as a Trial Court Administrator). No other individual or judge shall be permitted to excuse jurors from service.

If a person seeks to be excused because jury service would impose a severe hardship on that person and the circumstances causing the hardship are not likely to change during the eligibility period, the court may consider excusing the juror. All requests for excuses shall be considered on a case-by-case basis and granted only upon proof to the court of severe hardship. It is expected that the Assignment Judge or his designee will measure hardship on an individual basis, taking into account the specific hardship alleged and the length of service in that county. Examples of severe hardship include, but are not limited to:

1. a significant loss of income as a result of serving;
 2. physical inability to serve, supported by written notice and accompanied by a physician's verifying statement.
-

2. Special Circumstances for Excusing Jurors

a. Persons receiving unemployment benefits

A person who is receiving unemployment compensation benefits must be permitted, if he is not serving on a trial, to attend job interviews and must be excused from jury duty when legitimate job offers are made. The request for release due to a job interview and job offer is subject to appropriate verification.

Unemployment benefits cannot be withheld or terminated because an individual serves as a juror and is thus unavailable for work, N.J.S.A. 43:21-4. If this problem develops, a responsible court official should contact the local unemployment office or, ultimately, the N. J. Department of Labor at (609)292-7162 on behalf of the juror.

b. Employers who threaten dismissal

The best way to deal with employers who threaten to fire employees who might be called to jury duty is to call them on the telephone and discuss the situation with them, since this eventuality is sometimes made up by the employee to get excused. No sanctions against the employer are available; therefore, such employees may be excused if so ordered by the excusing official.

c. Religious Beliefs

Individuals selected as jurors who object to serving because of their religious beliefs should be individually questioned by an Assignment Judge or a

designated court official. If the court decides that their religious belief would, in fact, prevent them from properly serving as a juror, the person may be excused from service.

3. Implementing the Postponement Policy

As noted by the foregoing policy in section 1, every effort should be made to postpone a juror's service instead of excusing him. If a juror cannot serve during the period for which he is selected to serve, every attempt must be made to postpone service for that individual to a future date. Although the court may attempt to accommodate jurors by re-scheduling them to a time when they will be available, the court, and not the juror, must select the future service date. Use of a consistent, administrative procedure for postponing jurors eliminates the possibility of abuse either by jurors or court employees. The approved procedure for rescheduling jurors is as follows:

- a. A certain number of slots during each service period should be set aside for postponed jurors; the number of slots should not exceed 15% of the number of jurors summoned for that period.
- b. The county should adopt a minimum grace period, such as one month, between the initial service date and the postponed service date. For example, a person requesting postponement from a March 1 service date would be offered the next service date with available slots for postponed jurors after April 1.

c. If the juror is unable to appear on that date, or if the slots available for postponed jurors on that date have been filled, the juror would be offered the next service date with available slots for postponed jurors.

D. SUMMONING YIELD

Once jurors report for service, the court should maintain a record of the summoning yield. The summoning yield is the percent of jurors who reported for service out of the total number expected to appear. Hence if 200 people were summoned for a term and 20 people postponed to that term, the number expected to report would be 220. If 175 people actually reported on the service date, the Summoning Yield would be 79.5%.

$\frac{\text{Total Number Reporting}}{\text{Total Number Expected}} = \text{Summoning Yield}$ $175 \div 220 = 79.5\%$

Summoning yield data is useful for management purposes. When used in conjunction with utilization records, it can be used to determine whether too many, or too few, jurors are being summoned. For example, if a court needs 150 jurors to be available for service per term, and the summoning yield is 50%, the court would have to summon 300 jurors in order to have 150 available.

$$300 \times .50 = 150$$

Courts should make every effort not to summon too many jurors as this results in unnecessary expense.

A low summoning yield can also indicate that too many jurors are being excused from service; this should be monitored accordingly. Generally, summoning yields should range between 50% and 80%.

A sample summoning yield schedule is found on the following page.

E. DEFAULTING JURORS

On the first day of each term, a list should be made of all prospective jurors who have failed to report on that date. This list should be brought to the attention of the Assignment Judge who will determine what action shall be taken. Sanctions for failure to report are set forth in N.J.S.A. 2A:79-1.

SUMMONING YIELD SCHEDULE

County _____

Category	Term Dated		Term Dated		Term Dated		Term Dated		Term Dated	
A. Total Number Summoned for Term										
B. Total Number Postponed to Term										
C. Total Number Expected to Report (A + B = C)		100%		100%		100%		100%		100%
D. Total Number Reporting		%		%		%		%		%

SUMMONING YIELD SCHEDULE

County _____

Category										
A. Total Number Summoned for Term										
B. Total Number Postponed to Term										
C. Total Number Expected to Report (A + B = C)		100%		100%		100%		100%		100%
D. Total Number Reporting		%		%		%		%		%

VII. ORIENTATION

The purpose of the orientation process should be to provide essential information to the juror to help diminish apprehension about service and to prepare him for his duties.

Juror check-in and orientation should be a rapid process completed in not more than one hour on the first day of service. The use of roll calls to take attendance should be discouraged. The goal of the court should be to briefly inform the jurors of what to expect during their term of service. The amount of time devoted to the procedures by judges and/or court staff should be pre-determined to provide a smooth, well executed greeting and presentation of necessary information. It is the responsibility of the Assignment Judge or his designee to organize and oversee the orientation program.

The required components of the juror orientation are

1) a showing of "You, the Juror", the slide presentation approved by the Administrative Office of the Courts and 2) a brief address by a judge or designated court employee to describe jury service more fully. Jurors should be sworn in by a person designated by the Assignment Judge for this purpose. It should be emphasized that juror orientation is strictly a judicial function and should not be performed by any elected official such as the Sheriff or county clerk.

A jury manager or other court employee should be available to answer specific questions raised by the jurors. Use of an information sheet that is distributed to all jurors has proved very helpful by providing pertinent information regarding:

- A. Operation of the telephone call-in system
- B. The location of any available parking areas
- C. The location of eating facilities
- D. Court closings
- E. The procedure to follow in the event of inclement weather
- F. The procedure to follow in the event of a fire or other emergency
- G. The various radio stations which participate in making spot announcements concerning their jury service.
- H. Telephone numbers to call in the event of personal illness or emergency
- I. The probable time of lunch
- J. The probable time of daily discharge
- K. The availability of other juror comforts not mentioned
- L. Process used to pay jurors.

VIII. JUROR FACILITIES

Parking

A conscientious effort should be made by the court to provide adequate and safe parking for jurors, preferably at little or no cost. The location of parking facilities should be clearly designated on the summons. Reasonable security should be provided to jurors traveling to and from parking areas.

Jury Assembly Room

Cultivating the goodwill of the citizens who serve as jurors is an important responsibility of the court. Jurors have been summoned to render an important service and they should not be forced to spend their time in uncomfortable surroundings for lack of basic facilities.

In all courts at least one room should be designated as a juror assembly room where jurors can wait to be assigned to a courtroom for voir dire. Separate rooms or areas should be designated for smokers and non-smokers. Where separate rooms are unavailable, the installation of smoke filtering devices or air purifiers are recommended. Where possible, assembly areas should be divided into quiet areas where jurors can read or work, and areas where others can converse, watch television and play games, etc. Restrooms and pay telephones should be located nearby.

Reasonable security should be provided in the assembly rooms where jurors must leave their belongings when they attend voir dire.

Furniture in the assembly areas should include comfortable chairs and tables which can be used for work, games, etc. Televisions, board games, cards and books are activities frequently made available to jurors for use while they await jury selection. Counties should contact local postoffices which will usually permit courts to take magazines designated as undeliverable for reading material in the assembly rooms. Where facilities permit, access to cafeterias or coffee carts are recommended.

Where videotape equipment or film projectors are available, counties may be able to provide educational programs in the assembly areas. Visiting speakers can also be used to educate jurors on such things as CPR, the Heimlich maneuver and mouth to mouth resuscitation, as well as non-medical subject matter.

The use of suggestion boxes in the assembly rooms can generate ideas to improve jury service. The use of exit questionnaires can also be used for this purpose. The approved exit questionnaire appears in Section X.

IX. JURY POOL OPERATION

A. JUROR UTILIZATION

Judges and administrative staff shall make every effort possible to manage the jury system efficiently. The aim of efficient utilization is to bring to the court-house only the minimum number of jurors necessary to satisfy trial activity. Judges or their staff should be contacted daily to predict trial activity for the following day and the telephone call-in system used to adjust the number of jurors brought in. Effective juror management reduces juror fees paid and increases the satisfaction of jurors serving.

B. MONITORING

To measure the efficiency of the system, a record of daily juror transactions should be maintained. The Administrative Office of the Courts requires all counties to complete and submit on a monthly basis, the Jury Utilization Summary Form found on the following page. When properly maintained, the forms can be used to calculate the various indices used to measure efficiency and thereby serve as a management tool to jury system managers. The four indices established by the state as standards for good juror utilization are explained below. Each county should attempt to manage their jury operations so as to attain these measures.

NEW JERSEY
JURY UTILIZATION SUMMARY

County _____

For the Month _____

Day	Date	Total Number Reporting to the Pool	Total Number Called Off	Total Number Sent To Voir Dire	Number of Voir Dires Held	
					Civil	Criminal
M						
T						
W						
Th						
F						
M						
T						
W						
Th						
F						
M						
T						
W						
Th						
F						
M						
T						
W						
Th						
F						
M						
T						
W						
Th						
F						
Monthly Total						
		A	B	C	D	E

Title and Name of Person Completing Form _____

Signature of Trial Court Administrator _____

Both sides of this form are to be completed monthly and forwarded by the 5th working day of the following month to:

Administrative Office of the Courts - CN 037
Jury Management Unit
Richard J. Hughes Justice Complex
Trenton, New Jersey 08625

MONTHLY UTILIZATION CALCULATIONS

1. People Brought In Per Trial - (P.B.I.) =

$$\frac{\text{Number of People Reporting to Pool}}{\text{Number of Voir Dires Held}} = \frac{A}{D + E} =$$

New Jersey Recommended Standard . 30

2. Voir Dire Attendance =

$$\frac{\text{Number of People Sent to Voir Dire}}{\text{Number of People Reporting to Pool}} = \frac{C}{A} = \%$$

New Jersey Recommended Standard . $\geq 100\%$

3. Trial Attendance =

$$\frac{\text{Number of Jurors Sworn for Trial}}{\text{Number of People Reporting to Pool}} = \frac{(D \times 8*) + (E \times 14*)}{A} = \%$$

New Jersey Recommended Standard . $> 40\%$

4. Zero Panel Call Days =

$$\frac{\text{Number of Zero Days (No People Sent to Voir Dire)}}{\text{Number of Days People Reported to Pool}} = \%$$

New Jersey Recommended Standard . $< 10\%$

5. Fees Saved By Call-In System =

$$\text{Number of People Called Off} \times \text{Daily Fee} = B \times \$5.00^{**} = \$$$

*Use average jury size in your vicinage should it not be 8 and 14.

**Substitute daily juror fee if other than \$5.00

People Brought In (P.B.I.)

State Standard ≤ 30

This is a measure that is used to compare juror utilization in the different counties. It represents the total number of people the court called in to begin the trials held during that period and measures the court's predictive capability as well as how well the court uses the jurors it calls in. The number 30 should be considered as a goal much like par on a golf course. The standard of 30 actually means that courts have called an average of 30 people for each voir dire that actually began during that particular period.

A P.B.I. of greater than 30 indicates that too many jurors were called to court. This may be caused by the court's inability to predict trial starts accurately and/or the fact that too many jurors are required to report. Closer attention to management in these two areas will improve a court's P.B.I.

The P.B.I. can be calculated on the Jury Utilization Summary in the following manner:

$$\frac{\text{Number of People Reporting to Pool}}{\text{Number of Voir Dires Held}} = \frac{A}{D + E} =$$

Voir Dire Attendance

Standard $\geq 100\%$

This measure is calculated to determine how well the jurors called in were used. The standard of $\geq 100\%$ means that every juror called in should have been used, or sent to at least one voir dire. Courts should

attempt to re-use jurors by sending them to more than one voir dire; this reduces the number of jurors that need to be called in. Voir Dire Attendance of less than 100% means that an excess of jurors was called in because some were never used.

The Voir Dire Attendance can be calculated on the Jury Utilization Summary in the following manner:

$$\frac{\text{Number of People Sent to Voir Dire}}{\text{Number of People Reporting to Pool}} = \frac{C}{A} = \%$$

Trial Attendance

Standard \geq 40%

Trial attendance measures the percent of jurors called in who actually are sworn to serve on a case. The most satisfying experience for a juror is to serve on a case and the opportunity for this should be maximized. The percent of trial attendance is strongly related to the number of persons called in. If more than a necessary number of jurors are called in, the trial attendance will be very low; if a court uses jurors efficiently, trial attendance will be high.

The trial attendance can be calculated on the Jury Utilization Summary in the following manner:

$$\frac{\text{Number of Jurors Sworn for Trial}}{\text{Number of People Reporting to Pool}} = \frac{(D \times 8) + (E \times 14)}{A} = \%$$

Zero Panel Call Days

Standard $<$ 10%

The percent of zero panel call days represents the percent of days during the month that jurors were told to report to court but no voir dire was held. It measures the court's ability to predict trial activity. The

standard indicates that 'zero days' should occur on less than 10% of the days jurors are told to report. It is calculated by dividing the number of zero days (days when jurors reported to the pool but no jurors were sent to voir dire) by the number of days jurors reported to the pool.

Zero panel call days can be calculated on the Jury Utilization Summary in the following manner:

$$\frac{\text{Number of Zero Days (No People Sent to Voir Dire)}}{\text{Number of Days People Reported to Pool}} = \frac{\text{Days People Reported but}}{\text{Number of Days People Reported to Pool}} = \%$$

C. IMPROVING UTILIZATION

Four elements are key to improving juror utilization: daily prediction of trial activity, telephone call-in system, small panel sizes and case calendaring.

Daily Prediction

The most crucial element of effective jury management is daily prediction of anticipated jury activity. Judges and their staff must cooperate with jury support personnel to predict trial activity as accurately as possible. To determine the number of jurors to call in, support staff should keep in mind that, where possible, jurors should be utilized in more than one voir dire whenever they report; this is a key to efficient juror utilization.

Every court shall make an effort to release jurors as early as possible each day once it has been determined that no more jury trials are likely to begin. Support staff should make this determination daily either by contacting courtrooms which expect to begin trials or have courtroom staff contact them.

Telephone Call-In System

Once the number of jurors to be called in for the following day has been determined, an appropriate message should be left on the call-in system to adjust the number of jurors reporting. There are several ways a call-in system can be used.

The most productive way to use the system is to have all jurors on call every day. This maximizes the opportunity

to 'call off' jurors and is the optimum way to run the system. Courts which periodically have days when little or no trial activity occurs should use their call-in systems in this manner. A second alternative is to have only part of the entire panel on call at any one time. Courts which never have 'zero days' can operate their call-in systems in this fashion. A third practice is called a mid-morning call-in system. Jurors are told to call the court on the morning of the next service day, rather than the night before, to determine whether their attendance will be required for the remainder of that day. Court staff then has more time to assess the trial calendar for that day and can then more accurately determine whether some or all jurors need report. Mid-morning call-in systems can be used by all courts but are particularly productive in small and medium size courts where trial activity is more uncertain.

Not only can the system be used to adjust the number of jurors reporting, but it can be used to inform jurors of a change in reporting time. Advising jurors of a later reporting time extends a courtesy to jurors who would otherwise spend this time waiting in the assembly area.

Small Panel Size

When operating a pool, efficient juror utilization depends largely upon the size of panels sent to a courtroom for voir dire examination. Sending large panel sizes to voir dieres creates an artificial demand on the

total jury pool and creates the impression that a large pool is needed. By satisfying the demands for overlarge panel sizes, the result is that other judges may have to wait to begin voir dres or that too many jurors are called in, thereby wasting their time and paying them unnecessary fees. For the majority of civil cases, a standard of between 20-25 jurors should be sent to voir dire. For the majority of criminal cases, a standard of between 35 to 46 jurors should be sent to voir dire. These panel sizes will permit a sufficient number of jurors to be selected for trial in at least 85% of the cases. Requests for more than the standard number of jurors should only occur in exceptional circumstances, and a judge should advise the Assignment Judge in advance, so that jury staff is advised within sufficient time to adjust the number of jurors called in.

Case Calendaring

To improve utilization, voir dire starts should be staggered wherever possible to diminish the excess drain on the pool which can result when several trials are scheduled to begin at the same time. Simultaneous calls for jurors to different courtrooms create the impression that a large pool is necessary, a situation avoided by instituting even a brief delay in trial starts. When planning the calendar in larger courts, it is equally important to distribute trial starts throughout the week, ensuring continuous court operation and optimal juror utilization.

Through the implementation of these and other case-flow management techniques, the court is able to make a more accurate prediction of the number of jurors to summon for a term.

X. DISCHARGING JURORS

Payment

Jurors should be paid as soon as possible following completion of their service. Where possible, same day payment is strongly encouraged.

In accordance with New Jersey law, jurors are paid a maximum fee of \$5.00 per day and travel expenses of \$.02 per mile (less the first mile each way). There shall be no payment of the daily fee to any juror for days on which he has been excused and does not appear at the courthouse. Petit jurors who report on the first day of their service period only to request and be granted an excuse should not be paid. (Reasonableness requires, however, that a person who is kept waiting for a significant time before the excuse is granted should be paid.) However, grand jurors who report to the courthouse but are not selected for service shall be given payment for one day's service and mileage.

When payment is made whether by mail or on the last day of service, no correspondence should accompany the payment. The inclusion of other materials by the sheriff should be prohibited.

Certificate of Appreciation

At the completion of service, jurors may receive certificates of jury service prepared and awarded by the court. No other office or person is permitted to present such certificates to jurors.

Exit Questionnaires

Jury service exit questionnaires, which have been approved by the Administrative Director of the Courts and the Assignment Judge, may be distributed upon completion of service. Questionnaires should be used at least once a year to evaluate the jurors' experiences. The questionnaire approved by the Administrative Office of the Courts is on the following page.

JURY SERVICE EXIT QUESTIONNAIRE

Your answers to the following questions will help us to improve jury service. All responses are voluntary and confidential. (Please circle answers where appropriate)

1. How many days did you report to the courthouse?

2. What percent of your time was spent in the jury waiting room?

%

3. How many times did you report to a courtroom for jury selection?

4. How many times were you actually selected to be a juror?

5. How would you rate the following factors? (Check all)

	Good	Adequate	Poor
A. Initial orientation.....			
B. Treatment by court personnel.....			
C. Physical comforts.....			
D. Personal safety.....			
E. Parking facilities.....			
F. Eating facilities.....			
G. Scheduling of your time.....			

6. Please check if you requested to be excused ☐ or postponed ☐ from this jury service period.

7. After having served, what is your impression of jury service? (Check one)

A. The same as before - Favorable?

B. The same as before - Unfavorable?

C. More Favorable than before?

D. Less Favorable than before?

8. AGE: 18-20 21-24 25-34 35-44 45-54 55-64 65-Over

9. SEX: Female Male

10. Occupation

11. RACE: Black White Other

12. Did you lose income as a result of jury service?

YES

NO

Amount \$

13. Have you ever served on jury duty before?

YES

NO

14. a. Are you a registered voter in the county?

YES

NO

b. Do you have a New Jersey driver's license?

YES

NO

15. In what ways do you think jury service can be improved? (Use reverse side if necessary)

XI. JURY COMMISSIONERS

The Chief Justice shall appoint two jury commissioners for each county in accordance with N.J.S.A. 2A:68-1. Commissioners shall be appointed for a term of one year. As a matter of policy the Supreme Court will not reappoint jury commissioners who have reached the age of 70 or who have served more than 7 terms.

By rule of the Supreme Court, jury commissioners, the clerk to the jury commissioners and other public employees working for the jury commissioners are precluded from engaging in any political activity whatsoever. They may not belong to political clubs, attend political meetings, or contribute to political parties. They are, of course, not precluded from voting in any general, primary or special election. In short, they are subject to the same limitations regarding political activity as are judges. By statute, N.J.S.A. 2A:68-5, a jury commissioner automatically forfeits his office if he assumes the duties of any other public office.

Responsibilities:

Jury commissioners are appointed to oversee the qualification and selection process in accordance with the appropriate state law and court rules. While the jury commissioners are appointed by the Supreme Court and are responsible to it, they are also responsible to the Assignment Judge of their county. It is to the Assignment Judge that they look for instructions as to the performance of their duties and it is to the Assignment Judge that they take their problems. They should rely with confidence on the instructions received from him.

The jury commissioners are responsible for the work and conduct of the clerk of the jury commissioners and any other employees assigned to work for them, even though they do not appoint such persons. If any problems arise in this regard, the jury commissioners are to refer them to the Assignment Judge.

The county has the obligation of providing jury commissioners with personnel, office space and operating equipment. Any problems in obtaining the necessary funds for the proper operation of the office shall be taken to the Assignment Judge.

Vacancies and temporary commissioners

If the office of a jury commissioner becomes vacant due to resignation, removal, death or any other reason, a successor shall be appointed by the Supreme Court to serve the balance of the term.

If a commissioner is unable to appear at the jury drawing, the judge presiding at the drawing shall sign an order appointing a temporary jury commissioner. The temporary commissioner shall have the same qualifications as the commissioner for whom he is to act and shall perform the same functions as a regularly appointed jury commissioner for the purposes of the drawing.

XII. OTHER

A. DIRECTORY NATURE OF JURY STATUTES

It has been judicially determined that statutory provisions governing the preparation of jury lists and the drawing of panels are directory only and that irregularities therein are not grounds for a challenge unless they plainly prejudice the challenging party.

All questions regarding interpretation of the statutory provisions affecting juries should be addressed to the Assignment Judge or, in the alternative, to the Administrative Director.

B. FOREIGN JURIES

A foreign jury may be ordered by a Superior Court judge. It is used in situations where the judge feels an impartial jury cannot be drawn from the panels of the county in which the trial is to take place. Such a jury is drawn from the list of a county other than that where the trial is to take place. The order shall specify the number of jurors to be drawn and shall be directed to the sheriff of the county from which the jurors shall be selected. A copy of the order, or the original, should be delivered by the sheriff to the jury commissioners of that county so that the appropriate number of jurors are selected. Jury selection for this method of service is identical to that described previously.

C. PUBLICIZING IMPORTANCE OF JURY DUTY

Every effort should be made in each county to acquaint the public with the importance of jury service and with the

fact that every eligible citizen has a duty to serve, even if it means a sacrifice.

D. PRESENTING GIFTS TO COURT EMPLOYEES

It is improper for jurors, grand or petit, to give gifts or gratuities to clerks or other attaches.

E. USE OF TALESMEN

Any decision to summon talesmen per N.J.S.A. 2A:74-3 and 74-10 must receive the prior approval of the Chief Justice or, in his absence, the Administrative Director. The need to summon talesmen can be minimized by maintaining a reserve panel of jurors.

A P P E N D I X

OATHS

I. Jury Commissioner

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the authority of the people; and that I will execute faithfully and impartially the duties of this office according to the best of my skill and understanding. So Help Me God.

II. Petit Jury Panel Member*

Every person summoned for service as a petit juror who is not excused from serving upon the panel of petit jurors for which he is summoned shall, before he begins his service upon the panel, take the following oath:

"You do solemnly swear (or affirm) that you will support the Constitution of the United States and the Constitution of this State, so help you God."

III. Sworn Petit Jurors

You do swear (or affirm) in the presence of Almighty God that you will well and truly try the matter in dispute between _____, plaintiff and _____, defendant, and a true verdict give according to the evidence.

*This oath is different than that prescribed by statute N.J.S.A. 2A:69-1.1. However, the Supreme Court recommended amendment of the oath as written above during an Administrative Conference on 12/12/67.

NEW JERSEY STATUTES
GOVERNING PETIT
JURY OPERATIONS

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JURY COMMISSIONERS

2A:68-1. Qualifications; appointment

In each county of the State there shall be appointed by the Supreme Court, two citizens, resident therein who shall not be members of the same political party, who shall constitute and be designated the jury commissioners of the county. No person holding any other public office other than that of sheriff, and no person licensed to practice law in this State shall be appointed as a jury commissioner. The certificate of appointment of each person appointed as a jury commissioner with his oath of office, shall be filed in the office of the county clerk of the county.

Amended by L.1953, c. 240, p. 1723, § 1.

2A:68-1.1. Termination of office of persons now holding office

The designations and terms of office of all commissioners of juries or jury commissioners now holding office shall terminate on June thirtieth, one thousand nine hundred and fifty-three. L.1953, c. 240, p. 1724, § 4.

2A:68-1.2. Effective date

This act¹ shall take effect June thirtieth, one thousand nine hundred and fifty-three, but any appointment authorized by this act may be made after the approval hereof by the Governor.

L.1953, c. 240, p. 1724, § 6.

¹ Sections 2A:68-1, 2A:68-1.1, 2A:68-1.2, 2A:68-4, 2A:68-6.

2A:68-2. Term of office of commissioners

Each jury commissioner shall hold office for 1 year.

2A:68-3. Oath of commissioners

Each jury commissioner shall, before entering upon the discharge of his duties, take and subscribe an oath to execute faithfully and impartially the duties of his office according to the best of his skill and understanding.

2A:68-4. Removal of commissioners

The Supreme Court may remove a jury commissioner at any time. A certificate of removal shall be filed in the office of the clerk of the county for which the removed commissioner was appointed.

Amended by L.1953, c. 240, p. 1723, § 2.

2A:68-5. Vacation of office of commissioner

The office of a jury commissioner shall become vacant, immediately upon his assuming the duties of any other public office, or if he holds the office of sheriff, immediately upon the expiration of his term of office as sheriff.

2A:68-6. Filling vacancies in office of commissioner

If the office of a jury commissioner becomes vacant by reason of his removal pursuant to section 2A:68-4 of this Title, or his death, resignation or removal from the county, or his disqualification by assuming the duties of another public office, or for any other reason, the Supreme Court shall appoint his successor for the balance of the term. A certificate of the appointment to fill a vacancy shall be filed in the office of the clerk of the county in which the vacancy existed.

Amended by L.1953, c. 240, p. 1723, § 3.

2A:68-7. Compensation of commissioners

Each jury commissioner, except a jury commissioner who holds the office of sheriff, shall receive annual compensation, payable semimonthly by the governing body of such county in such amount within the following limitations as fixed by the county: In counties having 600,000 or more inhabitants, not less than \$900.00 nor more than \$2,000.00; in counties having 400,000 or more and less than 600,000 inhabitants, not less than \$750.00 nor more than \$1,750.00; in counties having 190,000 or more and less than 400,000 inhabitants, not less than \$750.00 nor more than \$1,500.00; in counties having 100,000 or more and less than 190,000 inhabitants, not less than \$500.00 nor more than \$1,250.00; and in counties having less than 100,000 inhabitants not less than \$500.00 nor more than \$1,000.00.

Amended by L.1979, c. 127, §1, eff. July 6, 1979.

2A:68-8. Temporary commissioners; qualifications; appointment; powers and duties

If, on the day fixed for the drawing of a grand jury, petit jury or struck jurors any jury commissioner is absent or sick, the judge before whom any such jury is to be drawn shall make and sign an order appointing a temporary jury commissioner. The temporary commissioner shall have the same qualifications as the commissioner for whom he is to act. He shall attend such drawing during the absence or illness and, while so in attendance, shall have and exercise the same powers and perform the same duties as are conferred upon and required of the regularly appointed jury commissioner.

2A:68-9. Oath of temporary commissioners

Each temporary jury commissioner shall, before entering upon the performance of his duties, take and subscribe an oath to perform faithfully, impartially and justly all the duties devolved upon him by law. The oath shall be filed in the office of the clerk of the county for which he is appointed.

2A:68-10. Compensation of temporary commissioners

Each temporary jury commissioner shall receive such compensation as may be fixed by the order of the judge appointing him, and the same shall be paid by the proper officer of the county for which he is appointed.

2A:68-11. Clerk to commissioners; selection; compensation; term

The board of chosen freeholders of each county may select a clerk to the jury commissioners appointed therefor, and fix his compensation, which shall be paid semi-annually or oftener as determined by the board. A clerk appointed hereunder shall hold office for 3 years from the time of his selection.

2A:68-12. Employees in office of commissioners

The board of chosen freeholders of each county may appoint all necessary clerks and stenographers in the office of the commissioners of juries, subject to the provisions of Title 11, Civil Service, of the Revised Statutes.

2A:68-13. Stationery and equipment for commissioners

The board of chosen freeholders of each county shall provide the jury commissioners appointed for its county with such stationery and other equipment as they may require.

QUALIFICATIONS, EXEMPTIONS AND INELIGIBILITY

2A:69-1. Qualifications of jurors

Every person, male and female, summoned as a grand juror, and every petit juror returned for the trial of any action of a civil or criminal nature in any of the courts of this State, shall be a citizen of this State for at least 2 years; over 21* and under 75 years of age; a resident of the county from which he shall be taken; shall not have been convicted of a crime; and shall not, at the time of his selection, be a person who through his office, position or employment is either directly or indirectly connected with the administration of justice. Such person shall be able to read, write and understand the English language and shall not have any mental or physical disability which will prevent him from properly serving as a juror.

Amended by L.1953, c. 9, p. 1026, § 1; L.1964, c. 44, § 1.

* Effective January 1, 1973, basic civil and contractual rights and obligations heretofore applicable only to persons 21 years of age or older were extended to persons 18 years of age or older. §9:17B-1.

2A:69-1.1. Oath of petit jurors

Every person summoned for service as a petit juror who is not excused from serving upon the panel of petit jurors for which he is summoned shall, before he begins his service upon the panel, take the following oath:

"You do solemnly swear that you will support the Constitution of the United States and the Constitution of this State; that you do not believe in, advocate or advise the use of force, or violence, or other unlawful or unconstitutional means, to overthrow or make any change in the government established in the United States or in this State; and that you are not a member of or affiliated with any organization, association, party, group or combination of persons, which so approves, advocates, or advises the use of such means, so help you God."

L.1953, c. 331, p. 1880, § 2, supplementing Title 2A, ch. 74. Amended by L.1966, c. 146, § 2, eff. June 13, 1966.

2A:69-2. Exemptions from jury service

The following persons shall be exempt from service on any panel of grand or petit jurors:

- a. Members or employees of police forces, State or local.
- b. Members of any fire department or fire patrol, volunteer or paid.
- c. Persons appointed as fish and game wardens or protectors.
- d. Regularly licensed and practicing physicians and dentists in this State.
- e. Members of State or Federal military, naval or air forces (on active duty).
- f. School teachers (under contract as full time teachers) while their schools are in session.
- g. Any person who has the actual physical care and custody of a minor child and who gives written notice to the jury commissioners of the county of his residence that jury service would interfere with the care required for such child.
- h. All officers and persons regularly employed by any agency under the authority of the State Board of Control of the Department of Institutions and Agencies, or regularly employed by hospitals.
- i. Telegraph and telephone operators and linemen and those directly engaged in the business of receiving and transmitting messages by telegraph or calls by telephone.
- j. Any person who is the holder of an exempt firemen's certificate issued pursuant to sections 40:47-52 to 40:47-59 of the Revised Statutes or any other law.
- k. Members of the State Legislature.
- l. Members of first aid and rescue squads.

Amended by L.1953, c. 140, p. 1346, § 1, eff. May 7, 1953; L.1968, c. 96, § 1, eff. June 21, 1968; L.1969, c. 281, § 1, eff. Jan. 14, 1970; L.1970, c. 267, § 1, eff. Nov. 4, 1970.

2A:69-3. Persons whose names not on jury list ineligible to serve; exceptions

A person whose name does not appear on the jury lists prepared pursuant to law shall not serve as a juror if objection to his serving because of the absence of his name from the lists is made before he is sworn. This section shall not apply to a foreign or struck jury; nor to cases where talesmen are summoned pursuant to section 2A:74-3 of this title or where jurors are selected and drawn under authority of sections 2A:71-10, 2A:71-12 and 2A:72-6 of this title.

2A:69-4. Ineligibility for 1 year after service

Any person who has served as a grand or petit juror or as a struck juror shall be ineligible to serve either as a grand or petit or struck juror for 1 year thereafter.

2A:69-5. Employee of state, county or municipality or mass transportation facility; excuse from employment for jury duty; compensation

Any person employed by the State, county or municipality or by any mass transportation facility who is summoned for service as a grand juror or petit juror in any court of this State or in the United States District Court for New Jersey shall be excused from his employment on all days he is required to be present in court in response to the summons for jury service. Any full-time employee shall be entitled to receive from his employer his usual compensation for each day he is excused for jury service, or at least his actual compensation, less the amount of per diem fee for each day of such jury service as shown on a statement issued to the juror by the sheriff or other court officer making payment of juror fees.

L.1971, c. 403, § 1.

2A:69-6. Mass transportation facility defined

For purposes of this act "mass transportation facility" shall include railroads operated by steam, electricity or other power, rapid transit lines and buses.

L.1971, c. 403, § 2.

JURY LISTS

2A:70-1. Grand and petit jury lists; number of names on lists

The jury commissioners of each county shall, at least 40 days prior to the commencement of each stated session of the Superior Court in their county, make 2 lists, alphabetically arranged and consecutively numbered, of persons liable to jury duty, having regard to the just distribution of jury service among those persons qualified therefor in the various wards and municipalities of such county. The lists shall state their occupation and places of abode, showing their respective municipalities and wards, if any, in municipalities, and shall be designated respectively the "grand jury list" and the "petit jury list". The number of persons named on the grand jury list shall at no time be less than 125 nor more than 500, to be determined by the assignment judge of the Superior Court for the county. The number of persons named on the petit jury list shall at no time be less than 250, the number to be determined by such assignment judge. A copy of each list shall be delivered forthwith to such assignment judge. The board of chosen freeholders of any county by resolution may provide for the purchase and use of the jury commissioners of the county electromechanical devices commonly designated automatic business machines with punch cards and card sorting machines.

Amended by L.1957, c. 114, p. 486, § 1, eff. July 2, 1967.

2A:70-2. Jury lists checked for unqualified persons

At least 35 days prior to the commencement of each stated session of the superior court in each county, the assignment judge of the superior court for the county, together with the judge or judges of the county court of the county and the jury commissioners, shall closely check the grand jury list and petit jury list as prepared by the jury commissioners for the purpose of removing from such lists the names of such persons as may, in their opinion, be unfitted for jury service. The assignment judge may, in his discretion, strike from such lists the name of any person.

The grand and petit jury panels to be used during the next ensuing session shall be drawn from the names remaining on the lists, unless more than 20% of a list is struck, in which case the jury commissioners shall be notified by the assignment judge of the names so struck and shall forthwith fill the vacancies and file a corrected list or lists with the court. After the lists are satisfactory to the assignment judge, the jury commissioners shall renumber the names in consecutive order.

2A:70-3. Certified copies of jury lists for county clerks and assignment judges; copy posted in clerk's office

After the jury lists have been checked and are satisfactory to the assignment judge of the superior court for the county, the jury commissioners shall cause an original and 4 copies to be made of each of such lists, certifying each copy under their hand as true and correct, and shall cause 2 copies of each to be filed in the office of the clerk of their county, at least 25 days prior to the commencement of each stated session of the superior court in their county, there to remain a public record, and another copy to be delivered to such assignment judge.

Upon the filing of such lists with the county clerk he shall cause a copy of each to be posted in his office in a conspicuous place.

2A:70-4. Registry and driver license lists; use to make jury lists

For the purpose of making up the jury lists, the jury commissioners shall have access to and may copy the assessment rolls and registry lists of the several municipalities and election districts of their county and lists, which shall be compiled by the Division of Motor Vehicles, of the names and addresses of the holders of motor vehicle driver licenses who are residents of their county. The commissioners shall use these lists to compile a single list from which all jurors shall be selected.

Amended by L.1970, c. 271, § 1.

2A:70-4.1 Verification of compliance with act; annual report

The Director of the Administrative Office of the Courts shall monitor compliance with the provisions of this act, and prepare and furnish to the Legislature, on an annual basis, a report on the operation of the jury system in New Jersey, accompanying the same with any recommendations it may desire to recommend for adoption by the Legislature.

L.1979, c. 271, § 2.

2A:70-5. Notices, questionnaires or other information of persons or lists; exemption claims; excusing by court

The jury commissioners may, before certifying any lists, send notices, questionnaires or other requests for information to all persons whose names they may propose placing on such lists, requesting such persons to reply to the same and to give all pertinent information required including claims to exemption from jury duty. Persons giving satisfactory reasons for such exemption may be excused by the court.

The jury commissioners may present to the court the names of persons who, without cause, fail to respond to such requests, and the court may order such persons to respond fully and, for failure so to do, may hold them or any of them for contempt of court.

2A:70-6. Revision, correction and certification of new lists by commissioners

The jury commissioners may, from time to time, before certifying the jury lists, revise, correct and certify a new jury list or lists, which shall not contain any names theretofore stricken off within 1 year.

GRAND AND PETIT JURY PANELS

2A:71-1. Metal or plastic pieces numbered to correspond with numbers on jury lists presented to court and placed in boxes

On a day and at a time to be fixed by the assignment judge of the Superior Court for the county, which shall be not more than 30 days before the commencement of each stated session of the Superior Court, the county clerk or his deputy and the jury commissioners shall appear in open court before the assignment judge, or a judge designated by him for that purpose, with the jury lists filed for the session. The jury commissioners shall thereupon hand to the judge uniform metal or plastic pieces with numbers impressed thereon in consecutive order corresponding with the numbers set opposite the names on each of the jury lists. The judge shall examine the pieces, and, if found correct, return them to the jury commissioners, who shall thereupon deposit those pieces numbered for grand jurors in one box and those numbered for petit jurors in another box.

Amended by L.1959, c. 51, p. 158, § 1, eff. June 1, 1959.

2A:71-2. Drawing grand and petit jury panels

Immediately after the numbered pieces have been deposited in the proper boxes, the boxes shall be shaken so as to mix thoroughly the pieces therein. Thereupon and forthwith, the jury commissioners or one of them, in the presence of the assignment judge or the judge designated by him, shall draw singly from the grand jury box such number of pieces as the judge may direct and as each number is drawn, the name, occupation and place of abode of the person whose name is found on the grand jury list opposite the number shall be announced publicly. The persons whose names are announced shall constitute the panel of grand jurors for service for the county at the opening of the next ensuing stated session of the courts thereof.

In a similar manner and immediately thereafter, there shall be drawn singly from the petit jury box such number of pieces as the judge shall direct, and as each number is drawn, the name, occupation and place of abode of the person whose name is found on the petit jury list opposite the number shall be announced publicly. The persons whose names are announced shall constitute the panel of petit jurors for service in the county for the next ensuing stated session of the courts therein, or for such part thereof as the assignment judge may direct.

Amended by L.1953, c. 242, p. 1725, § 1; L.1966, c. 42, § 1, eff. May 24, 1966; L.1970, c. 160, § 1, eff. July 24, 1970.

2A:71-3. Inspection of pieces; making and filing of lists

The pieces as drawn from the boxes shall be handed to the judge for inspection and the county clerk, or his deputy, shall transcribe the names as they are announced, listing them in the order of drawing, and make an original and 2 carbon copies of such list. The original and both carbon copies shall be certified by the judge as true and correct.

The county clerk shall file the original in his office, transmit 1 copy to the assignment judge and the other copy forthwith to the sheriff of the county.

2A:71-3.1. Use of electromechanical devices in drawing grand and petit jury panels

In any county wherein the jury commissioners of the county are authorized to use electromechanical devices commonly designated automatic business machines with punch cards and card sorting machines and have in use such machines and cards, the assignment judge of the county may order the use of such machines and cards or some of them, in drawing the grand and petit jury panels in lieu of the use of metal or plastic pieces and boxes, as provided in the chapter to which this act is a supplement, and in such case the said assignment judge shall direct the manner of such use so as to provide for the public and impartial drawings of the names of the persons to constitute the said panels and the preparation of the lists of the names so drawn.

L.1958, c. 54, p. 168, § 1, eff. June 12, 1958.

2A:71-4. Drawing additional grand and petit jury panels

The procedure set forth in sections 2A:71-1 to 2A:71-3 of this title for the drawing of a panel of grand jurors and a panel of petit jurors shall be followed on a day and at a time to be fixed by the assignment judge of the superior court for the county, whenever an additional panel of grand jurors or of petit jurors is required during any stated session of the superior court as provided in this chapter or for any other cause.

2A:71-5. Number of grand juries

The assignment judge of the superior court for each county shall order and organize, in the manner provided by law, 1 or more grand juries for the county to be summoned at such times as the public interest requires. There shall be at least 1 grand jury serving in each county at all times.

2A:71-6. Second grand jury in counties having more than 250,000 inhabitants

In every county having a population exceeding 250,000 inhabitants, the jury commissioners may draw and select 2 separate grand juries, the second of which may be summoned to attend 6 weeks after the opening of the stated session of the Superior Court in such county.

When the grand jurors of the second grand jury appear for service, the court may discharge the grand jury then serving. However, the assignment judge of the Superior Court for the county, may order the sheriff to refrain from summoning such new grand jurors, in which case the first grand jury shall continue to serve until the end of the session unless sooner discharged by the court.

Amended by L.1957, c. 78, p. 150, § 1, eff. June 6, 1957.

2A:71-7. New grand jury on discharge of original before end of session; drawing and summoning

If a grand jury is discharged before the end of the period for which it is drawn, the assignment judge of the superior court for the county may order the jury commissioners of the county to draw a new grand jury panel to serve for a further period to be stated in the order. The new grand jury panel shall be drawn from the grand jury list certified by the jury commissioners under section 2A:70-3 of this title and shall be summoned in the same manner as the original grand jury.

2A:71-8. Division of general petit jury panel into separate panels

In a county in which there are 2 or more courts sitting simultaneously or where cases are tried in different parts of the county, the assignment judge of the superior court for the county may, in his discretion, by general order or by order made from time to time, divide the general panel of petit jurors summoned for the trial of causes in the county into 2 or more separate panels and designate the court and place in which each separate panel shall serve and the period of service. Where the general panel is to be so divided, each separate panel shall be drawn from the box in open court by the sheriff, clerk or some other person, under the direction of the assignment judge of the superior court for the county, and in his presence or in the presence of a judge designated by him.

2A:71-9. Designation of petit jury panel to serve for part of session only; new panel to serve for another part

The assignment judge of the superior court for each county may direct that the panel of petit jurors drawn pursuant to the provisions of this chapter shall serve only during a designated part of the next ensuing stated session of the court. In that event they shall be so summoned, and the judge may direct the jury commissioners, at a time to be fixed by him, to draw a new panel or panels of petit jurors to serve during another designated part of such session. Such new panel or panels shall be drawn and summoned as provided by this chapter from the list certified by the jury commissioners pursuant to section 2A:70-3 of this title.

2A:71-10. Selection and drawing of new petit jury panel where original panel not selected and drawn

Whenever, for any reason a general panel of petit jurors shall not have been selected at the time and in the manner provided by law, the assignment judge of the superior court for the county may order the jury commissioners or, in case of the death, disability or inability of the jury commissioners, the sheriff or 1 of the coroners of the county or elisors appointed by the court, to select and draw a panel of petit jurors, at a day to be fixed by the assignment judge, in the manner provided by this chapter.

2A:71-11. Notice to jurors selected and drawn to take place of original panel not drawn

If, pursuant to the authority conferred by section 2A:71-10 of this title, a panel of petit jurors is selected and drawn to take the place of the original panel, and there shall not be sufficient time to give the jurors so drawn the notice to attend as jurors as required by law, or if no notice has been given them, the assignment judge of the superior court for the county may direct what notice shall be given. Notice given in accordance with his direction shall be legal and valid for all purposes.

2A:71-12. New panel when original panel discharged on challenge

If, on a challenge to the array or for other good cause, the whole panel of grand or petit jurors returned by the sheriff shall be set aside, the assignment judge of the superior court for the county may order the sheriff to return a competent number of jurors to serve in place of the panel, the same to be selected through the jury commissioners in like manner as the original panel is required to be selected by this subtitle.

2A:71-13. Duties of county clerk performed by judge of the county court

If the clerk of a county, upon whom any duty is imposed by this subtitle, or his deputy authorized to act in his place, is for any cause absent at the time and place when and where any of such duties are required to be performed, a judge of the county court may perform the duties of the clerk.

2A:71-14. Existing powers not affected

No provision of this subtitle having to do with the drawing and discharge of jurors or panels of jurors shall be held or construed to affect or limit in any way the powers, vested in any court as the successor of another court or courts, which were heretofore had or exercised by the latter court or courts.

ORDERING AND SUMMONING OF JURORS

2A:72-1. Ordering of jurors; service

Grand and petit jurors shall be ordered by the assignment judge of the superior court for the county or, by his order or in his absence, by a judge designated by him for that purpose, or as provided by this chapter. The petit jurors shall serve in the superior court and county court in the county and may, if such assignment judge so orders, be required to serve in other courts of the county.

2A:72-2. Summoning of jurors listed on panels

The sheriff upon receipt of a copy of a panel of grand jurors and a panel of petit jurors, transmitted to him and certified pursuant to section 2A:71-3 or 2A:71-4 of this title, shall cause the persons constituting the panels to be summoned for service.

2A:72-3. Petit jurors for courts for which no panels are drawn; residence of

Petit jurors needed by any court for which no panel has been drawn shall be furnished by the jury commissioners of the county on order directed to them, made at least 10 days prior to the trial date of the cause in which the jurors are to sit. Such order shall be made by the magistrate or judge, or if there is more than 1 judge, the presiding judge, of the court needing the jurors and shall specify the trial date, the number of jurors, and the number of talesmen deemed necessary.

The jurors shall be selected from the petit jury list in such manner as may be prescribed by the jury commissioners of the county or, in any county in which the jury commissioners deem it advisable so to do, from members of the current general petit juror panel at that time not chosen for duty in other courts; but no new panel shall be drawn. The persons selected shall, if possible, reside in the vicinity of the trial court. A list of such jurors shall be certified to the trial court and summoned by the sheriff or by any officer in the county deputized by him for that purpose.

2A:72-4. Order for jurors; summoning of jurors by sheriff; return

Jurors shall be summoned whenever required by an order which may be made as of course by any court in the county in which an action is triable. The order shall be directed to the sheriff of the county in which the action is triable, and the sheriff or any officer of the county deputized by him for that purpose shall, as soon as may be, make return of all jurors summoned and other matters relative to the same to the court making the order. The return shall have annexed thereto the names of the jurors summoned. A copy of such list, certified by the officer, shall be filed with the clerk of said court. Except as otherwise directed by the order, jurors shall be summoned from the certified list transmitted to the sheriff of the county pursuant to section 2A:71-3 of this title. This section shall not apply where a foreign jury has been ordered.

2A:72-5. Summoning grand and petit jurors; service

Every grand and petit juror shall be summoned by the sheriff, his deputy, or by an elisor or by a peace officer or officer of a court deputized for that purpose. The summons shall be by notice in writing, under the hand or hands of the summoning officer or officers, served at least 30 days before the day on which such juror is required to appear. It shall require the person therein summoned to appear before a specified court at such time and place as shall be expressed therein, to serve upon a jury.

Each person drawn for jury service may be served personally or by leaving the same at the dwelling house of such juror, or by registered or certified mail addressed to such juror at his usual residence or business address. Unless the assignment judge specifically orders that another method be used, each person drawn for jury service shall be served by registered or certified mail addressed to such juror at his usual residence or business address. If the addressee refuses to claim or to accept delivery of the registered or certified mail, service may be made personally or by leaving the same at the dwelling house of such juror. Where service is made by mail, the summoning officer shall attach to his return the addressee's receipt for the registered or certified summons. Service by mail is complete upon mailing.

Amended by L.1968, c. 210, § 1, eff. July 19, 1968; L.1971, c. 2, § 4, eff. Jan. 15, 1971; L.1971, c. 415, § 1, eff. Jan. 20, 1972.

2A:72-6. Execution of orders for juries by elisors in particular causes

When an order shall be directed to the elisors for a jury for the trial of a particular cause, the same shall be executed and the jury thereby required shall be summoned by the elisors in the same manner as by law was required to be done in such a case prior to March 9, 1836, notwithstanding any of the provisions of this subtitle relating to the drawing, summoning and impaneling of juries.

Amended by L.1971, c. 2, § 5, eff. Jan. 15, 1971.

2A:72-7. Jurors not disqualified for race, color, creed, national origin, ancestry, marital status or sex; penalty

No citizen possessing all other qualifications prescribed by law shall be disqualified for service as a grand or petit juror in any court on account of race, color, creed, national origin, ancestry, marital status or sex, and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than \$5,000.00.

Amended by L.1974, c. 114, § 1, eff. Oct. 4, 1974.

2A:72-8. Accepting reward for summoning or excusing jurors; summoning persons applying to be summoned; forfeiture; recovery; disposition

No sheriff or other officer, or any deputy thereof, shall, directly or indirectly, take, accept or receive money or other reward or thing to summon or return any person for service on any jury or to excuse any person from being summoned or returned or from serving on any jury, nor shall any such officer summon or return any person who may have applied to him to be summoned or returned as a juror.

For every violation of this section the person guilty thereof shall forfeit \$150.00, recoverable, with costs, in an action in any court of record of competent jurisdiction. One moiety of the forfeiture recovered shall go to the State and the other moiety to any person prosecuting therefor.

Amended by L.1971, c. 2, § 6, eff. Jan. 15, 1971.

PETIT JURIES

2A:74-1. Selection of trial jury from general panel; procedure

The name of each person summoned and returned by a sheriff or other proper officer as a petit juror shall be written or printed on separate pieces of paper of as nearly as possible uniform size, color and shape. The sheriff or other proper officer or the clerk of the court, or a person designated by the sheriff, officer or clerk for that purpose, shall roll up each piece of paper separately and deposit it in a box.

When a jury is required for the trial of a cause, either civil or criminal, the box in which the names have been placed shall be shaken so as to intermix thoroughly the pieces of paper therein, and the sheriff, clerk or other person shall, by direction of the court, publicly and in open court, draw from the box, one at a time, the pieces of paper therein, until 12 persons or six persons in such civil causes as may be authorized by the New Jersey Court Rules, whose names are found written thereon, shall appear. If any of the 12 persons so appearing are successfully challenged or excused from serving on that jury, the drawing shall be continued until 12 persons or six persons in an appropriate civil cause not so challenged or excused appear, and they, being severally sworn, shall constitute the jury for the trial of such cause.

Amended by L.1975, c. 270, § 1.

2A:74-2. Impaneling of additional jurors; service of jurors

When the trial of any civil or criminal case is likely to be protracted, the court in its discretion may direct the impaneling of a jury ~~not to exceed 14~~ of such additional members as it determines to be appropriate, all having the same qualifications and impaneled and sworn in the same manner as a jury of 12 or six. All the jurors shall sit and hear the case, but the court for good cause may excuse any of them from service provided the number of jurors is not reduced to less than 12 or six in an appropriate civil cause. If more than ~~12~~ the prescribed number are left on the jury at the conclusion of the court's charge, the clerk of the court in its presence shall put their names on slips folded to conceal the names, shall place the slips in a suitable box, and from it draw ~~12~~ such number of names of jurors as will reduce the jury to the number required to determine the issues.

Amended by L.1975, c. 270, § 2.

2A:74-3. Talesmen to complete jury when general panel exhausted; qualifications, challenges and excuses

If, by reason of challenges, excuses, or the default of jurors or otherwise, a sufficient number cannot be had of the jurors on the original panel or on available additional panels, to try the issue or cause, either party may request that the court order the sheriff or other proper officer to summon such number of bystanders or other persons immediately available as may be necessary to complete the jury and make return thereof immediately. Upon such order such persons shall be summoned and a return made. The new talesmen shall be liable to the same challenges as the jurors on the original panel.

2A:74-4. Names of selected trial jurors returned by sheriff

When a jury has been selected and sworn, the sheriff or other proper officer shall make a return of their names, as the panel of jurors summoned therein. The return shall be a part of the record in the cause, but the trial of the cause may proceed forthwith although the return has not been made.

2A:74-5. Names of jurors drawn for trial jury replaced in box

After a jury has been selected and sworn, the clerk, sheriff or other proper officer shall, before the drawing of another jury, replace in the box all the pieces of paper drawn therefrom, except those containing the names of the jurors selected and sworn as the jury to try the cause. As soon as a jury so selected and sworn has rendered a verdict or is discharged by the court, the pieces of paper containing their names shall also be replaced in the box.

2A:74-6. Oath of jurors

To each juror there shall be administered the following oath:
"You do swear in the presence of Almighty God that you will well and truly try the matter in dispute between plaintiff, and defendant, and a true verdict give according to the evidence."

2A:74-7. Oath of officer attending jury

To the officer appointed to attend the jury the clerk shall administer the following oath:

"You do swear, in the presence of Almighty God, that you will, to the utmost of your ability, keep every person sworn on this jury together in some private or convenient place, and that you will not suffer any person to speak to them, nor speak to them yourself, except by order of the court, and except to ask them if they have agreed on a verdict, until they have so agreed."

2A:74-8. Selection of trial jury on division of general panel into separate panels in counties having 2 or more judges of the county court

The judges of the county court sitting for the trial of issues or causes in a county in which the general panel of petit jurors has been divided into separate panels may direct the drawing of juries from 1 or more of the separate panels. In the drawing of trial juries in such cases there shall be put into the box only the names of the jurors constituting 1 of the separate panels designated by the trial judge.

If, because of challenges, the default of jurors or otherwise, a sufficient number of jurors cannot be had from the jurors composing any separate designated panel, the court in which the issue or cause is pending shall direct the sheriff to order the jurors composing another of the separate panels into which the general panel has been divided to attend the court, and the sheriff shall put into the box the names of the jurors composing such other separate panel.

2A:74-10. Talesmen for general panel of trial jurors for trial of criminal causes

When the general panel or list of jurors served on a defendant in any criminal case in which he shall be entitled to 20 peremptory challenges shall, from any cause, be exhausted before a jury for the trial of the indictment shall be obtained, the sheriff or other proper officer shall forthwith summon, from among the bystanders or others, such additional number of persons qualified to serve as jurors as may be ordered by the court, and make return thereof immediately, and place the names of the jurors so returned in the box and draw therefrom until the jury is completed. If the first order for talesmen shall prove insufficient, other and further orders may be made until the necessary number of jurors shall be obtained.

The defendant, shall not be entitled to a service of the list of talesmen summoned by order of the court, unless the court shall specially so direct, in which case the court after the general panel has been exhausted shall fix the length of time the list of talesmen shall be so served, before the drawing of the jurors shall proceed.

Amended by L.1973, c. 118, § 1, eff. May 7, 1973.

2A:74-11. Petit jurors to serve beyond period for which drawn until completion of trial

Whenever it shall be made to appear to any trial court of this state that a petit jury serving in said court may not complete its service in any trial for which it has been chosen during the stated session or part thereof for which its members have been drawn to serve as jurors, the court may order that the members of such petit jury shall serve beyond the period for which they were drawn, and until the completion of the trial in which they are serving, even though such trial may extend into the ensuing stated session or sessions. Thereupon all acts by said jurors in said trial shall have the same force and effect, as if performed during the original session or part thereof for which they were drawn.

2A:74-12. Effect of such continuance of petit jury

The continuance of such petit jury as aforesaid shall in no wise affect the usual drawing, selecting and serving of further petit juries as provided by law.

STRUCK JURIES

2A:75-1. Struck juries; in what courts and when authorized; motion; order

Upon motion in behalf of the state, the plaintiff or defendant, in any cause, civil or criminal, triable by a jury, and in a civil cause, upon proof by affidavit or otherwise to the satisfaction of the court that the nature and importance of the matter in controversy render it reasonable and proper, the superior court or a county court may in its discretion order a jury to be struck for the trial of the cause.

2A:75-2. Order to jury commissioners; preparation of struck jury list

The order for a struck jury shall designate the time when the jury is to be struck before the court and shall direct the jury commissioners of the county in which the cause is to be tried to prepare a list of 36 or 48 persons or, in special causes or in a criminal cause, a larger number of persons, with their places of abode, the size of the list to rest in the discretion of the court making the order. The order shall describe the nature of the cause, and the jury commissioners shall, in making the list, select persons considered by them to be impartial and best qualified, with respect to knowledge, experience and otherwise, to try the cause. The jury commissioners shall certify 2 copies of the list under their hands as true and correct and, at least 5 days before the day designated in the order for the striking of the jury, shall file 1 certified copy in the office of the clerk of the county.

2A:75-3. Selection of names for struck jury panel

At the time designated in the order for the struck jury, the jury commissioners shall cause to be delivered to the court a copy of the list certified by them. Thereupon or at an adjourned day, the court may, on its own motion or on motion of any party, strike from the list the names of persons who it shall be made to appear are unfit or not well qualified for service as struck jurors.

The parties or their attorneys shall then proceed to strike single names from the list alternately, or if there are more than 2 parties, then in such order as the court directs, the party applying for the struck jury striking the first name. The striking shall continue until one-half the number of names on the list shall remain. The persons whose names remain shall constitute the jury panel returned to try the cause, and a list of their names and addresses shall be certified by the court as the panel struck for the trial of that cause, and copies of that list may be certified by the clerk of the court. If any party does not appear or is not represented or does not act at the striking, the court shall strike for him.

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2A:75-4. Service of panel upon opposing party and sheriff

The party applying for the struck jury shall, at least 12 days before the day appointed for the trial, serve upon the opposing party a copy of the panel certified by the clerk of the court and, at least 10 days before the day so appointed, deliver another copy and a copy of the order therefor, similarly certified, to the sheriff or other officer authorized to summon such jury, who shall summon the persons named and return the same as the panel to try the cause.

For failure so to serve the opposing party, the court may on his motion, and for failure so to deliver the said copies to the officer, the court shall vacate the order for a struck jury, and the cause shall then be tried by a common jury, unless the court for good cause determines otherwise.

2A:75-5. Selection of trial jury from struck jury list

Whenever a struck jury panel shall have been returned for the trial of any cause, civil or criminal, as provided by this chapter, the jury for the trial of such cause shall be selected and impaneled from the panel in as nearly as possible the same manner as a jury from the general panel is required to be selected. Should the struck jury panel be for any cause exhausted, the court shall forthwith select from that portion of the general panel of jurors serving at the time such number of additional names as the court may direct with their places of abode, from which the parties shall each strike 6 names in the usual way, and the remaining names shall be placed in the box in the presence of the court and from the names so placed in the box a jury shall be drawn in the usual way. The jurors selected shall constitute the struck jury and a list of their names and addresses shall be certified by the court as struck for the trial of that cause.

2A:75-6. No common jury unless order for struck jury vacated

An order entered for a struck jury shall remain in force until the cause is tried, and no common jury shall be summoned therein until the order is vacated by the court for good cause.

2A:75-7. Fees for striking jury in civil action; not taxable as costs

The party applying for a struck jury in any civil action shall pay the fees for striking the same and there shall be no allowance therefor upon the taxation of costs.

FOREIGN JURIES

2A:76-1. Foreign juries

The superior court or any county court may, in its discretion, order a trial by a foreign jury in any case, civil or criminal, commenced therein or removed thereto.

2A:76-2. Order for foreign jury; manner of selection; expense payable by county in which cause tried

The order for a foreign jury shall specify the number of jurors to be returned and shall be directed to the sheriff of the county from which the jury is to be taken and be made returnable to the court in which the issue is triable. The jurors shall be such as are competent jurors in the county from which they are to be taken and shall be selected in the same manner as the general panel of jurors is selected. The expense of summoning and returning foreign jurors and of their attendance at the court shall be paid by the county in which such court is to be held.

VIEW BY JURY

2A:77-1. Jury of view; procedure

The court in which any cause of a civil or criminal nature is to be tried or is being tried by a jury, petit, struck, foreign or otherwise, may, at any time after the jury is drawn or at any time during the trial, order that the jury view the lands, places or personal property in question if that will enable the jury better to understand the evidence. The view shall be had in such manner as the court shall direct.

No evidence shall be given on either side at the time of the taking of the view. The order shall be directed to the sheriff or other officer, specifying the day and place in question. The sheriff or other officer who is to execute the order shall, by a special return on the same, certify under his hand that the view has been had according to the command of the order.

2A:77-2. Trial to proceed though no view had

When a view shall have been ordered, the trial shall proceed even though no view shall be had. No objection shall be made by either side for want of a view, or that a view was not had by any particular number of jurors, or because of any procedure with respect to the view.

2A:77-3. Expenses of view

When a view is ordered, the expenses thereof shall be borne equally by both parties.

EXCUSING, DISCHARGE AND EXAMINATION OF JURORS

2A:78-1. Excusing persons drawn on grand or petit jury panel; names of persons excused added to jury list

Whenever it appears that any member of a panel of grand jurors or petit jurors should be excused from serving during the designated portion of the stated session for which the panel was drawn and summoned to serve, the assignment judge of the superior court for the county, or a judge designated by him, may excuse a grand juror, and the court which a panel of petit jurors is required to attend may excuse a petit juror. If any juror is so excused, the court may designate any portion of that session or of a future session within 1 year in which the excused juror shall serve, and certify to the jury commissioners the name of such juror to be added to the list of grand or petit jurors thereafter to be drawn and summoned to serve for such designated portion of that session or of a future session within 1 year.

2A:78-2. Discharge of juror by order of court only

No person summoned as a grand or petit juror shall be discharged from attendance except by order of the court in which his attendance may be required.

2A:78-3. Discharge where number of jurors in attendance is greater than is necessary for service

If, at any time, the number of jurors in attendance at any court is greater than is necessary for the business of the court, the court may discharge a specific number of such jurors from further attendance during the period for which they were summoned. The clerk of the court, sheriff or some person under the direction of the court shall, in open court, draw as provided in section 2A:74-1 of this title from the jury box such number of papers therein contained as the court shall direct, and the jurors whose names are found written on the papers so drawn from the jury box shall be excused from further attendance as aforesaid. This section shall not be so construed as to prevent any court from excusing or discharging individual jurors for sufficient reason.

2A:78-4. Examination of jurors

Upon the trial of any cause, civil or criminal, all parties may, within the discretion of the court, question any person summoned as a juror, after his name is drawn from the box and before he is sworn as a juror, and without the interposition of any challenge, to elicit information for the purpose of determining whether or not to interpose a peremptory challenge, and of disclosing whether or not there is cause for challenge. In all cases in which a death penalty may be imposed, the examination as to competency shall be under oath, but in other cases it shall be made without putting the juror under oath. Such questions shall be permitted for the purpose of disclosing whether or not the juror is qualified, impartial and without interest in the result of the action. The questioning shall be conducted under the supervision and control of the trial judge and in open court.

2A:78-5. Challenge to array or polls; interest in action by or against county or municipality

It shall not be a ground of objection or challenge to the array or to the polls, in any action wherein a county or a municipality is or may be parties to the record, or otherwise interested, that the sheriff, constables or jurors are inhabitants of the county or municipality, interested in such action, or liable to be taxed therein.

2A:78-6. Challenge to grand or petit jurors not qualified or legally disabled

It shall be good cause of challenge to any person summoned as a grand juror or as a petit juror on the trial of any action of a civil or criminal nature in any of the courts of this state, that he does not possess the qualifications required by section 2A:69-1 of this title, or that he has served as a petit juror within the preceding year. Such person shall be discharged upon such challenge being verified according to law or on his own oath in support thereof.

No exception to any juror, grand or petit, on account of his citizenship, age or other legal disability shall be allowed after the juror has been sworn.

2A:78-7. Peremptory challenges; number

Upon the trial of any action in any court of this state, the parties thereto shall be entitled to peremptory challenges as follows:

a. In any civil action not to be tried by a struck jury, each party, 6.

b. In any civil action to be tried by a struck jury, each party, 3.

c. Upon an indictment for treason, murder, kidnapping, misprision of treason, manslaughter, sodomy, rape, arson, burglary, robbery, forgery, perjury, or subornation of perjury, a defendant, if tried alone, 20; if 2 or more defendants are tried together, 10 each; the state, 6 peremptory challenges for each 10 allowed to the defendants. This paragraph c. shall not apply to struck or foreign juries.

d. Upon any other indictment, defendants, 10 each, the state, 10 peremptory challenges for each 10 challenges allowed to the defendants. This paragraph d. shall not apply to struck or foreign juries.

2A:78-8. Trial of challenges to array or individual jurors in civil or criminal causes

In any action, civil or criminal, all challenges to the array or to individual jurors, for any cause whatever, shall be triable by the court.

2A:78-9. Time for making challenges in civil or criminal causes

All challenges to jurors, for any cause whatever, in any action, civil or criminal, may be made at any time before the juror is sworn.

DEFAULTING JURORS

2A:79-1. Defaulting jurors; fine; contempt of court

Every person summoned as a grand or petit juror who shall either fail to appear or refuse, without reasonable excuse, to serve or be sworn, shall be fined by the court in an amount not to exceed \$50, to the use of the county where such offense was committed; and may be punished as for contempt of court.

2A:79-2. Notice by sheriff to defaulting jurors; service

The clerk of each court shall make and deliver to the sheriff of the county a certified list of defaulting jurors, in which shall be specified the fine imposed upon each of them. At least 6 days before the next stated session of the superior court, the sheriff or his deputy shall give written notice to each defaulting juror of the fine imposed upon him. The notice shall be signed by the sheriff or his deputy and shall notify the person served that the fine must be paid to the sheriff on or before the second day of the next stated session of court, specifying the day. This notice shall be served in the same manner as a summons.

2A:79-3. Process against defaulting jurors to collect fine

If a defaulting juror, upon whom a fine has been imposed, does not pay the same to the sheriff, by the second day of the stated session, pursuant to the notice, the court shall issue process, directed to the sheriff, commanding him to levy and make the fine, with costs, by distress and sale of so much of the goods and chattels of the defaulting juror as will be sufficient to satisfy the fine and costs.

2A:79-4. Refusal of grand or petit juror to be sworn or take oath of allegiance; fine and recovery

Any grand or petit juror who shall refuse, if required by the court, to take and subscribe the oath of allegiance to this state, shall, for every such refusal be fined by the court in an amount not less than \$25 nor more than \$100. The clerk of the court shall deliver to the sheriff of the county a certified list of the names of the jurors and the fines awarded, and such sheriff shall thereupon levy and make the fine, with costs, by distress and sale of such jurors' goods and chattels.

VERDICTS, GENERAL

2A:80-1. Verdicts; general

No jury shall be compelled to give a general verdict. It shall be sufficient that they find a special verdict and show the truth of the facts and require the aid of the court. If, however, the jury, of their own free will, give a general verdict, it shall be received.

2A:80-2. Verdict by five-sixths of the jury

In any civil cause wherein a jury of 12 shall be empaneled, a verdict may be rendered by 10 or more of the jury agreeing, and, if 6 be empaneled, then by 5 or more of the jury agreeing. Any verdict so rendered shall have the same force and effect as though it had been rendered by the entire jury. This section shall not apply to any cause commenced prior to September 15, 1948, or to any contract entered into prior thereto.

2A:80-3. No verdict; disagreement of jurors

If the jury disagree, new juries may be drawn in the same cause until a verdict is obtained.

JUROR FEES

22A:1-1. Attendance and mileage of jurors in Superior and County Courts

Every person summoned as a petit juror in the Superior Court and the County Courts shall receive, for each day's attendance at such courts, to be paid by the sheriff of the county in which the juror shall serve, at the expiration of each term of service or at such other time or times within such terms as the board of chosen freeholders of the county shall direct, the sum of five dollars (\$5.00). The board of chosen freeholders of any county may, in its discretion, by resolution reduce the aforesaid amount of five dollars (\$5.00) to such an amount as the board may determine.

Every person summoned as a petit juror in such courts shall receive, in addition to the above per diem allowance, for actual travel, while engaged in attending court, to and from the courthouse and his residence, mileage at the rate per mile of two cents (\$0.02). The distance from the residence of the juror to the courthouse shall be computed by the most direct and usual route of travel between the two points and the first mile both ways from the courthouse shall be excluded from the computation.

The grand jurors and struck jurors in the several counties shall receive the same compensation, and shall be paid in the same manner as the petit jurors of the several counties.
L.1953, c. 22, p. 378, § 11.

COURT RULES GOVERNING JURY SELECTION IN NEW JERSEY

1:8-1. Trial by Jury

(a) Criminal actions required to be tried by a jury shall be so tried unless the defendant, in writing and with the approval of the court, after notice to the prosecuting attorney and his opportunity to be heard, waives a jury trial; but in trials of crimes punishable by death, a jury may not be waived, unless the prosecutor has elected to waive the death penalty pursuant to R. 3:1-3.

(b) Issues in civil actions triable of right by a jury shall be so tried only if a jury trial is demanded by a party in accordance with the rules applicable to the court in which the action is to be tried and is not thereafter waived.

1:8-2. Number of Jurors

(a) **Criminal Actions.** Juries shall consist of 12 persons but at any time before verdict the parties may stipulate that the jury shall consist of any number less than 12, except in the trials of crimes punishable by death where the prosecutor has not elected to waive the death penalty pursuant to R. 3:1-3. Such stipulations shall be in writing and with the approval of the court.

(b) **Civil Actions.** Juries shall consist of six persons unless the court for good cause shown shall order a jury of 12 persons.

(c) **Verdict in Civil Actions.** In civil actions the verdict of finding shall be by five-sixths of the jurors unless the parties stipulate that a verdict or finding by a smaller majority of the jurors shall be taken as the verdict or finding of the jury. If a jury of 6 is impaneled and sworn, the parties shall be deemed to have stipulated that in the event one juror is excused, the trial shall proceed and a verdict may be rendered by 5 of the jury agreeing, unless at the time the jury was drawn, any party by statement on the record refuses to so stipulate. If a jury of 12 is impaneled and sworn, the parties shall be deemed to have stipulated that in the event one or 2 jurors are excused, the trial shall proceed and a verdict may be rendered by 10 or more of the jury agreeing, unless at the time the jury was drawn, any party by statement on the record refuses to so stipulate.

(d) **Alternate Jurors: Civil and Criminal Actions.** The court in its discretion may direct the impanelling of a jury of such number as is appropriate under the circumstances, having the same qualifications and impanelled and sworn in the same manner as a jury of 12. If a juror is excused after he has been sworn but before any opening statement is begun, another juror may be impanelled and sworn to take his place. All the jurors shall sit and hear the case, but the court for good cause shown may excuse any of them from service provided the number of jurors is not reduced to less than 12 or 6 as the case may be or such other number as may be stipulated to. If more than such number are left on the jury at the conclusion of the court's charge, the clerk of the court in its presence shall put their names on slips folded to conceal the names, shall place the slips in a suitable box and from it shall draw such number of names as will reduce the jury to the number required to determine the issues.

Following the drawing of the names of jurors to determine the issues, the court may in its discretion order that the alternate jurors not be discharged, in which event the alternate jurors shall be sequestered apart from the other jurors and shall be subject to the same orders and instructions of the court, with respect to sequestration and other matters, as the other jurors. If the alternate jurors are not discharged and if at any time after submission of the case to the jury, a juror dies or a juror is discharged by the court because he is ill or otherwise unable to continue, the court may direct the clerk to draw the name of an alternate juror to take the place of the juror who is deceased or discharged. When such a substitution of an alternate juror is made, the court shall give the jury such supplemental instructions as may be appropriate.

1:8-3. Examination of Jurors; Challenges

(a) **Examination of Jurors.** For the purpose of determining whether a challenge should be interposed, the court shall interrogate the prospective jurors in the box after the required number are drawn without placing them under oath. The parties or their attorneys may supplement the court's interrogation in its discretion. At trials of crimes punishable by death where the death penalty has not been waived pursuant to R. 3:1-3, however, the examination shall be made of each juror individually, as his name is drawn, and under oath.

(b) **Challenges in the Array; Challenges for Cause.** Any party may challenge the array in writing on the ground that the jurors were not selected, drawn or summoned according to law. A challenge to the array shall be decided before any individual juror is examined. A challenge to any individual juror which by law is ground of challenge for cause must be made before he is sworn to try the case, but the court for good cause may permit it to be made after he is sworn but before any evidence is presented. All challenges shall be tried by the court.

(c) **Peremptory Challenges in Civil Actions.** In civil actions each party shall be entitled to 6 peremptory challenges. Parties represented by the same attorney shall be deemed 1 party for the purposes of this rule.

(d) **Peremptory Challenges in Criminal Actions.** If the offense charged is kidnapping, murder, aggravated manslaughter, manslaughter, aggravated sexual assault, sexual assault, aggravated criminal sexual contact, aggravated arson, arson, burglary if it constitutes a crime of the second or third degree as defined by N.J.S.A. 2C:18-2b, robbery, forgery if it constitutes a crime of the third degree as defined by N.J.S.A. 2C:21-1b, or perjury, the defendant shall be entitled to 20 peremptory challenges if tried alone and to 10 such challenges when tried jointly; and the State shall have 12 peremptory challenges if the defendant is tried alone and 6 peremptory challenges for each 10 afforded defendants when tried jointly. In other criminal actions each defendant shall be entitled to 10 peremptory challenges and the State shall have 10 peremptory challenges for each 10 challenges afforded defendants. When the case is to be tried by a foreign jury each defendant shall have 5 peremptory challenges and the State shall have 5 peremptory challenges for each 5 peremptory challenges afforded defendants.

1:8-4. Foreman

Juror number one shall be the foreman; but if he shall be selected as an alternate juror or otherwise discharged, then the juror next drawn on the impanelling of a jury, who remains on the jury for the determination of the issues, shall be the foreman.

1:8-5. Availability of Petit Jury List

The list of the general panel of petit jurors shall be made available by the clerk of the court to any party requesting the same at least 10 days prior to the date fixed for trial.

1:8-6. Sequestration of Jurors

(a) **Prior to Instructing of Jury.** The jury shall not be sequestered in any action, civil or criminal, prior to the instructing of the jury by the court, unless the court, in its discretion so orders on its finding that there are extraordinary circumstances requiring sequestration for the protection of the jurors or in the interests of justice.

(b) **Following Instructing of Jury.** Following the instructing of the jury by the court and during the course of deliberations, the court may, in its discretion, in both civil and criminal actions, permit the dispersal of the jury for the night, for meals, and during other authorized intermissions in the deliberations.

1:8-7. Requests to Charge the Jury

At or before the commencement of the trial, or thereafter but before the close of the evidence as to issues not anticipated prior to trial any party may submit written requests that the court instruct the jury on the law as set forth in the requests. Copies of the requests shall be furnished all parties at the time they are submitted to the court. The court shall, on the record, rule on the requests prior to closing arguments to the jury. Objections to the instructions to the jury shall be in accordance with R. 1:7-2.

1:8-8. Papers, Exhibits, etc., to Jury Room

The jury may take into the jury room the exhibits received in evidence, and if the court so directs in a civil action, a list of the claims made by the parties and of the defenses to such claims, a list of the various items of damage upon which proof was submitted at the trial and a list of the verdicts that may be properly found by the jury. Any such list may be prepared by an attorney or the court, but before delivery to the jury, it shall be submitted to all parties.

1:8-9. Return of Verdict

In every trial by jury the verdict shall be returned by the jury to the judge in open court. The verdict shall be unanimous in all criminal actions and shall be rendered by at least five-sixths in civil actions.

1:8-10. Polling of Jury

If verdict is returned and before it is recorded, the jury shall be polled at the request of any party or upon the court's motion, and it shall be polled in every civil action if the verdict is not unanimous. If the poll discloses that there is not unanimous concurrence in a criminal action or concurrence by five-sixths in a civil action, the jury may be directed to retire for further deliberations or discharged.

1:16-1. Interviewing Jurors Subsequent to Trial

Except by leave of court granted upon good cause shown, no attorney or party shall himself or through any investigator or other person acting for him interview, examine or question any grand or petit juror with respect to any matter relating to the case.

1:33-3. Assignment Judges

(a) Duties. The Assignment Judge shall, subject to the direction of the Chief Justice or rule of the Supreme Court, be responsible for the administration of civil and criminal justice and for the administration of all courts in the county for which he is the Assignment Judge. His duties shall include the following:

(2) The supervision of the jury commissioners, the selection of all grand and petit jurors, and the organization and operation of the grand jury in the county.

1:34-3. Jury Commissioners

Jury commissioners shall be responsible to and under the supervision of the Assignment Judge of the county.

RULE 1:38. CONFIDENTIALITY OF COURT RECORDS

All records which are required by statute or rule to be made, maintained or kept on file by any court, office or official within the judicial branch of government shall be deemed a public record and shall be available for public inspection and copying, as provided by law, except:

- (a) Personnel and pension records;
- (b) County probation department records pertaining to investigations and reports made for a court or pertaining to persons on probation;
- (c) Completed jury questionnaires, which shall be for the exclusive use and information of the jury commissioners and the Assignment Judge, and the preliminary lists of jurors prepared pursuant to N.J.S. 2A:70-1 and 2, which shall be confidential unless otherwise ordered by the Assignment Judge;
- (d) Records required by statute or rule to be kept confidential or withheld from indiscriminate public inspection;
- (e) Records in any matter which a court has ordered impounded or kept confidential;
- (f) Records of programs approved for operation under R. 3:28 and reports made for a court or prosecuting attorney pertaining to persons enrolled in or under investigation for enrollment in such programs.

RANDOM NUMBER TABLE

Random sampling is a procedure "in which all members of the population have equal probabilities of being included." To guarantee "equal probabilities" for all, jury systems once relied on time-consuming mechanical devices, but can now achieve equal or better results with statistical tables from which a series of true random numbers can be quickly chosen. One such table, taken from Statistical Tables for Biological, Agricultural, and Medical Research, by Sir Ronald A. Fisher and Frank Yates, is shown on the opposite page.

A venire of 100 jurors listed alphabetically can be divided into panels in random order in a matter of minutes, simply by using the first 100 two-digit numbers, taken across, down or diagonally. For example, by selecting a vertical sequence, the 28th juror in the venire will be first on the panel, the 30th juror second on the panel, and the 95th third. In these tables, zero counts as a digit, making 01 or 05 a two-digit number. The horizontal numbers 28, 89, 65; are equally random as the diagonals 28, 29, 62 or the verticals 28, 30, 95. Because the table can be used backward, upward, downward, its possible variations are enormous. The only precaution is to omit duplicates as well as any numbers larger than the venire size.

For a venire of 1,000 jurors, the procedure will be the same as that for 100, except that only 3-digit numbers are chosen. These are produced simply by shifting the spaces between pairs. Thus, the horizontal 28-89-65-87-08 becomes 288-965-870-,

with the final 8 on the line carried to the next horizontal block: 813 or, for variation, to the second line of the first block: 830, thus combining horizontal and vertical into a different pattern, which remains random so long as the same pattern of selection is followed throughout.

However, to achieve true randomness in the courtroom, the same set of numbers should not be used on consecutive days. This variation is easily achieved by shifting from horizontal to vertical, or from top to bottom, or by starting at any other number. The starting point can be selected at random, letting a pencil fall to define the row, column and direction by the number indicated. Even very small courts can use the table. For numbers between 1 and 100, the two-digits are used and numbers above the venire size are discarded.

RANDOM NUMBERS

28 89 65 87 08	13 50 63 04 23	25 47 57 91 13	52 62 24 19 94	91 67 48 57 10
30 29 43 65 42	78 66 28 55 80	47 46 41 90 08	55 98 78 10 70	49 92 05 12 07
95 74 62 60 53	51 57 32 22 27	12 72 72 27 77	44 67 32 23 13	67 95 07 76 30
01 85 54 96 72	66 86 65 64 60	56 59 75 36 75	46 44 33 63 71	54 50 06 44 75
10 91 46 96 86	19 83 52 47 53	65 00 51 93 51	30 80 05 19 29	56 23 27 19 03
05 33 18 08 51	51 78 57 26 17	34 87 96 23 95	89 99 93 39 79	11 28 94 15 52
04 43 13 37 00	79 68 96 26 60	70 39 83 66 56	62 03 55 86 57	77 55 33 62 02
05 85 40 25 24	73 52 93 70 50	48 21 47 74 63	17 27 27 51 26	35 96 29 00 45
84 90 90 65 77	63 99 25 69 02	09 04 03 35 78	19 79 95 07 21	02 84 48 51 97
28 55 53 09 48	86 28 30 02 35	71 30 32 06 47	93 74 21 86 33	49 90 21 69 74
89 83 40 69 80	97 96 47 59 97	56 33 24 87 36	17 18 16 90 46	75 27 28 52 13
73 20 96 05 68	93 41 69 96 07	97 50 81 79 59	42 37 13 81 83	92 42 85 04 31
10 89 07 76 21	40 24 74 36 42	40 33 04 46 24	35 63 02 31 61	34 59 43 36 96
91 50 27 78 37	06 06 16 25 98	17 78 80 36 85	26 41 77 63 37	71 63 94 94 33
03 45 44 66 88	97 81 26 03 89	39 46 67 21 17	98 10 39 33 15	61 63 00 25 92
89 41 58 91 63	65 99 59 97 84	90 14 79 61 55	56 16 88 87 60	32 15 99 67 43
13 43 00 97 26	16 91 21 32 41	60 22 66 72 17	31 85 33 69 07	68 49 20 43 29
71 71 00 51 72	62 03 89 26 32	35 27 99 18 25	78 12 03 09 70	50 93 19 35 50
19 28 15 00 41	92 27 73 40 38	37 11 05 75 16	98 81 99 37 29	92 20 32 39 67
56 38 30 92 30	45 51 94 69 04	00 84 14 36 37	95 66 39 01 09	21 68 40 95 79
39 27 52 89 11	00 81 06 28 48	12 08 05 75 26	03 35 63 05 77	13 81 20 67 58
73 13 28 58 01	05 06 41 24 07	60 60 29 99 93	72 93 78 04 36	25 76 01 54 03
81 60 84 51 57	12 68 46 55 89	60 09 71 87 89	70 81 10 95 91	83 79 68 20 60
05 62 98 07 85	07 79 26 69 61	67 85 72 37 41	85 79 76 48 23	61 58 87 08 05
62 97 16 29 18	52 16 16 23 56	62 95 80 97 63	32 25 34 03 36	48 84 60 37 05
31 13 63 21 08	16 01 92 58 21	48 79 74 73 72	08 64 80 91 38	07 28 66 61 59
97 38 35 34 19	89 84 05 34 47	88 09 31 54 88	97 96 86 01 69	46 13 95 65 96
32 11 78 33 82	51 99 98 44 39	12 75 10 60 36	80 66 39 94 97	12 36 31 16 59
81 99 13 37 05	08 12 60 39 23	61 73 84 89 18	26 02 04 37 95	96 18 69 06 30
45 74 00 03 05	69 99 47 26 52	48 06 30 00 18	03 30 28 55 59	66 10 71 44 05
11 84 13 69 01	88 91 28 79 50	71 42 14 96 55	98 59 96 01 36	88 77 90 45 59
14 66 12 87 22	59 45 27 08 51	85 64 23 85 41	64 72 08 59 44	67 98 36 65 56
40 25 67 87 82	84 27 17 30 37	48 69 49 02 58	98 02 50 58 11	95 39 06 35 63
44 48 97 49 43	65 45 53 41 07	14 83 46 74 11	76 66 63 60 08	90 54 33 65 84
41 94 54 06 57	48 28 01 83 84	09 11 21 91 73	97 28 44 74 06	22 30 95 69 72
07 12 15 58 84	93 18 31 83 45	54 52 02 29 91	53 58 54 66 05	17 19 63 92 75
64 27 90 43 52	18 26 32 96 83	50 58 45 27 57	14 96 39 64 85	73 87 96 76 23
80 71 86 41 03	45 62 63 40 88	35 69 34 10 94	32 22 52 04 74	69 63 21 83 41
27 06 08 09 92	26 22 59 28 27	38 58 22 14 79	24 32 12 38 42	33 56 90 92 57
54 68 97 20 54	33 26 74 03 30	74 22 19 13 48	30 28 01 92 49	58 61 52 27 03
02 92 65 68 99	05 53 15 26 70	04 69 22 64 07	04 73 25 74 82	78 35 22 21 88
83 52 57 78 62	98 61 70 48 22	68 50 64 55 75	42 70 32 09 60	58 70 61 43 97
82 82 76 31 33	85 13 41 38 10	16 47 61 43 77	83 27 19 70 41	34 78 77 60 25
38 61 34 09 49	04 41 66 09 76	20 50 73 40 95	24 77 95 73 20	47 42 80 61 03
01 01 11 88 38	03 10 16 82 24	39 58 20 12 39	82 77 02 18 88	33 11 49 15 16
21 66 14 38 28	54 08 18 07 04	92 17 63 36 75	33 14 11 11 78	97 30 53 62 38
32 29 30 69 59	68 50 33 31 47	15 64 88 75 27	04 51 41 61 96	86 62 93 66 71
04 59 21 65 47	39 90 89 86 77	46 86 86 88 86	50 09 13 24 91	54 80 67 78 66
38 64 50 07 36	56 50 45 94 25	48 28 48 30 51	60 73 73 03 87	68 47 37 10 84
48 33 50 83 53	59 77 64 59 90	58 92 62 50 18	93 09 45 89 06	13 26 98 86 29

SAMPLE JURY ORDER*

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - _____ COUNTY

IN THE MATTER OF SELECTING
GRAND AND PETIT JURORS IN
AND FOR THE COUNTY OF _____
FOR THE _____
STATED SESSION OF THE 198__ TERM
OF COURT

ORDER

Pursuant to the provisions of N.J.S.A. 2A:70-1 et seq.,
N.J.S.A. 2A:71-1 et seq., N.J.S.A. 2A:72-1 et seq., IT IS HEREBY
ORDERED THAT:

1. The Jury Commissioners shall prepare a Grand Jury List of _____ persons and a Petit Jury List of _____ persons as provided by law, which shall be delivered to me by _____ (date)_____.
2. On (date) at (time) o'clock, the County Clerk or his Deputy, and the Jury Commissioners shall appear at (place), before me, or before such judge as may be assigned in my place and stead, and there present the grand and petit jury lists filed for said session, and that at the same time and place the Jury Commissioners, or one of them in presence of the Court, shall cause to be drawn the names of grand and petit jurors that shall constitute those jurors to be summoned for service in the County for the next ensuing Stated Session of the Courts.

The said panels of grand jurors are to be designated as follows:

- a. Panel G-1 to consist of _____ names for service on (date)_____.
- b. Panel G-2 to consist of _____ names for service on (date)_____.

The said panels of petit jurors are to be designated as follows:

- a. Panel P-1 to consist of _____ names for service on (date)_____.
- b. Panel P-2 to consist of _____ names for service on (date)_____.

*This form is not required but rather is included as an aid.

3. Electro-mechanical devices commonly designated as automatic business machines with punch cards and card sorting machines shall be used in the drawing of the grand and petit jury panels.
4. Persons who have attained the age of eighteen years are authorized to serve on grand and petit juries and shall be selected as prospective jurors pursuant to Chapter 81 of the Laws of 1972 known as the "Age of Majority Law".
5. Pursuant to N.J.S.A. 2A:72-5, grand and petit jurors shall be summoned by regular mail.

Assignment Judge

DATED:

SAMPLE ORDER FOR
APPOINTMENT OF A TEMPORARY
JURY COMMISSIONER*

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - _____ COUNTY

IN THE MATTER OF APPOINTMENT :
OF A TEMPORARY JURY COMMISSIONER :
IN AND FOR THE COUNTY OF _____ :

ORDER

Whereas _____ is unable to
(Duly Appointed Jury Commissioner)
(Reason Commissioner is unable to serve) _____, a temporary
replacement shall be appointed to serve in his stead pursuant to
N.J.S.A. 2A:68-8.

It is hereby ordered that _____
(Name of Temporary Jury Commissioner)
is appointed as Temporary Jury Commissioner for the County of _____
_____, to serve in that capacity through _____
Date

Assignment Judge

DATED:

*This form is not required but rather is included as an aid.

GLOSSARY

ADMINISTRATIVE COST PER JUROR - the amount of money expended to bring a prospective juror to court. This figure should be used to analyze the economic efficiency of the jury system.

CARRYOVERS - sworn jurors who are continuing in trials or voir dres started on some previous day.

CHALLENGE FOR CAUSE - a challenge to a juror for which some cause or reason is alleged.

COST PER TRIAL - the amount of jury fees and mileage paid per trial. This figure is determined by dividing the total fees and mileage paid by the number of trials held.

DISQUALIFICATION - removal of a person from consideration as a juror based on statutorily prescribed qualifications, i.e., age, citizenship, residency, etc.

EXCLUSION - removal of a person from consideration for service who meets the criteria for an excusal, exemption, or disqualification.

EXCUSAL - removal of a person from consideration for service based on the court's opinion that he fulfills the statutory requirements for an excuse from service.

EXEMPTION - removal of a person from consideration for service based upon his belonging to a class statutorily exempt from serving, i.e., firemen, telegraph operators, etc.

JUROR DAYS PER TRIAL - (JDPT) - measures the number of people brought in per voir dire and the juror days spent on carry-over trials.

JUROR - used to refer to all qualified citizens who are summoned and not excused from service. A sworn juror is one who is sworn to sit on a case; a prospective juror is one yet to be sworn on a particular case.

MASTER LIST - names randomly selected from the source list for possible jury service.

MULTIPLE VOIR DIRE - sequential voir dres during which two or more juries are selected for trials to be conducted in sequence by one judge.

NOT REACHED - jurors sent to a voir dire but neither selected for the jury nor challenged.

NOT USED - jurors who appear for service but are not selected for a voir dire during the period of interest; people who do not leave the pool.

GLOSSARY, CONTINUED

ONE DAY/ONE TRIAL - a term of service in which a person serves for one day or one trial. If selected to a jury on his first day of service, he serves until the trial is complete; otherwise his service is completed after that day of service as a prospective juror.

OVERCALL - the percent of prospective jurors in service that exceed the peak demand for voir dire during a given period.

PANEL - group of jurors selected for a term of service.

PEAK - maximum number of persons needed in court on a given day including those on juries and voir dire.

PEOPLE BROUGHT IN (PBI) - measure of the number of people brought in to pick a jury.

PEREMPTORY CHALLENGE - a species of challenge which the prosecutor or the defendant is allowed to have against a certain number of jurors, without assigning any cause.

PETIT JURY - the ordinary jury of twelve (or six) people for the trial of a criminal or civil action.

PIGGY-BACKING - starting a new trial while the previous jury is deliberating.

POOL - jurors available for panels. Initial pool size is the number available at the start of a jury term.

POOL SWAPPING - transferring jurors from one pool to another (as when separate civil and criminal pools are maintained).

QUALIFICATION PROCESS - process used to determine eligibility of prospective jurors chosen from the master list.

QUALIFIED LIST - names of persons determined to be qualified for jury service.

SESSION OF COURT - court terms during which jury trials are held; New Jersey has three sessions: September session (Sept-Dec); January Session (Jan-April) and May Session (May-August).

SINGLE DAY EMPANELMENT - jury selection conducted on a single day when enough jurors to supply the demand are brought in.

SOURCE LIST(S) - list or lists used to make up a list of potentially eligible jurors from which a master list is selected.

STAGGERED TRIAL STARTS - voir dire starting times spread uniformly over a day or week to avoid simultaneous voir dres.

GLOSSARY, CONTINUED

STAND BY JURORS - prospective jurors who are notified by telephone to report to the court as they are needed - also known as on-call jurors.

SUMMONING PROCESS - the process by which qualified jurors are noticed that they have been selected for jury service on a certain date.

TERM OF SERVICE - period of time juror is required to serve. Petit jury terms vary from one day to 2 weeks in New Jersey.

TOTAL IN SERVICE - the number of prospective jurors in the pool plus those in trial or voir dire (carryovers).

TRIAL ATTENDANCE - a measure for the percent of prospective jurors present who are actually sworn as jurors during a given period.

VOIR DIRE - examination of the panel to select a jury through the use of peremptory challenges and challenges for cause.

VOIR DIRE ATTENDANCE - a measure for the percent of prospective jurors present who are sent to a voir dire.

YIELD - percent of those called or queried who are not exempt, excused, or disqualified.

ZERO PANEL CALL DAYS - a measure for the percent of days prospective jurors reported to the courthouse but no panels were called for voir dire; people did not leave the pool.

END