



New Jersey Courts

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Voir Dire in New Jersey

November 10 and 12, 2021

Overview

- Composition of Jury Pools
- Pre-Reporting Process
- Panel Size Calculations
- Examination of Jurors During Voir Dire

Composition of Jury Pools

- The sources of the master jury list are covered in the written materials and will be reviewed -- taxation, motor vehicle, and voter registration records.
- The Assignment Judge oversees the process to ensure public and random selection of jurors.

Pre-Reporting Administrative Processes

- The Assignment Judge, or another judge or the Jury Manager as their designee, handles all pre-reporting requests for excusals.
- Initial deferrals are liberally granted.
- Excusals (for the three-year term) require substantiation.

Panel Size Calculations

- Panel size determinations generally involve the trial judge, Presiding Judge, and Assignment Judge, as well as jury management.
- Calculations are based on the nature of the case and the total number of peremptory challenges available.

Panel Size Calculations

- My experience in Monmouth is consistent with the data cited in the Lisa Report and Dr. Rose's study: attorneys on average do not use all of their peremptory challenges, and judges dismiss many more jurors for cause.
- Of the 11 criminal juries empaneled in Monmouth in 2020 and 2021, the defense used an average of 11 peremptories, and the prosecution used an average of 7 challenges

Examination of Jurors During Voir Dire

- As in the federal courts, New Jersey state court judges lead the examination of jurors.
- Consistent with statewide data, judges in Monmouth routinely grant challenges for cause.

Examination of Jurors During Voir Dire

- Attorney participation in voir dire is critically important.
- In the current model, attorneys submit open-ended questions to be posed by the judge.
- Judges also may permit attorneys to ask follow-up questions, including during side bar.

Examination of Jurors During Voir Dire

- Concern about the current jury selection process is **not about making jury selection faster.**

Examination of Jurors During Voir Dire

- Reexamination of the jury selection process is about making it better, including, possibly:
 - By reducing the number of citizens (and their employers) who incur costs for reporting for service; and
 - By finding additional ways for attorneys to participate in voir dire.