

NOTICE TO THE BAR

PUBLIC ACCESS TO JURY VOIR DIRE – PROPOSED RULE AMENDMENT – COMMENTS SOUGHT

The Supreme Court Committee on Jury Selection in Civil and Criminal Trials has submitted a proposal to the Supreme Court to add a new paragraph (g) to Rule 1:8-3 (“Examination of Jurors; Challenges”) to clarify that jury selection is to be conducted in open court and with the public afforded access to those proceedings. Under the language proposed by the Committee, the trial judge would need to determine there to be a “compelling need” in order to close any portion of the selection proceeding to the public and in such instances would be required to issue a statement explaining why.

The new paragraph (g) that the Committee proposes be added to Rule 1:8-3 would read as follows:

(g) Jury Selection Must Be Held in Open Court. Subject to subparagraphs (1) and (2) below, the public must be provided reasonable access to the courtroom during that portion of the trial.

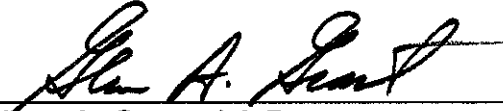
(1) The trial judge may not exclude the public from the courtroom unless there is a compelling need to do so. In making that determination, the trial judge shall first consider reasonable alternatives, such as holding jury selection in a larger courtroom, if one is available. If there are compelling reasons to exclude the public from the courtroom, the judge shall consider alternative ways to permit observation, including electronic means. The trial judge shall issue a statement of reasons for limiting or denying public access to jury selection.

(2) The requirement of public access to the courtroom during jury selection does not preclude the court from conducting the voir dire of any individual juror on the record at sidebar, or in writing.

The Court has asked that the proposed amendment to Rule 1:8-3 be published for comment before it acts on the proposal. Accordingly, any comments on the proposed rule amendment should be sent in writing by Monday, April 1, 2013 to:

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Comments on Jury Voir Dire Rule
Hughes Justice Complex; P.O. Box 037
Trenton, New Jersey 08625-0037

Comments on the proposed rule amendment may also be submitted via Internet e-mail to the following address: Comments.Mailbox@judiciary.state.nj.us.



Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: February 25, 2013