

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rules 1:8-7 and 1:8-8 of the Rules Governing the Courts of the State of New Jersey are adopted to be effective January 1, 2014.

For the Court,

A handwritten signature in black ink, appearing to read "Steven S. Rodden", is written over the text "For the Court".

Chief Justice

Dated: July 9, 2013

1:8-7. Requests to Charge the Jury

(a) . . . no change.

(b) In Criminal Cases. Prior to closing arguments, the court shall hold a charge conference on the record in all criminal cases. The parties shall, if directed by the court, make requests to charge in a format suitable for ready preparation and submission to the jury at a time directed by the court. Whenever practicable, the court in advance of the charge conference shall provide counsel with a copy of its proposed jury charge for review, which copy shall be marked as a court exhibit. At the conference the court shall advise counsel of the offenses, defenses and other legal issues to be charged and shall rule on requests made by counsel.

Note: Source-R.R. 3:7-7(a), 4:52-1 (first and second sentences); amended July 21, 1980 to be effective September 8, 1980; paragraph (a) caption and new paragraph (b) added July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; paragraph (a) amended July 5, 2000 to be effective September 5, 2000; paragraph (b) amended July 9, 2013 to be effective January 1, 2014.

1:8-8. Materials to be Submitted to the Jury (Exhibits and Lists; Jury Instructions); Note-Taking; Juror Questions

(a) Exhibits and Lists. [Materials.] 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. [The court, in its discretion, may submit a copy of its instructions to the jury for its consideration in the jury room. In civil cases, the court may consider the following factors in exercising its discretion to provide a copy of its instructions to the jury: (1) the track to which the case is assigned; (2) a request of one or more parties for submission of written instructions to the jury; (3) the length of the trial; (4) the complexity of the issues and charge; (5) whether the parties timely submitted a proposed charge to the court; (6) whether providing written instructions would unreasonably delay the proceedings; and (7) any other factor based upon the circumstances of the case.] The court may also, in its discretion and at such time and in such format as it shall determine, permit the submission to the jury of individual copies of any exhibit provided an appropriate request to employ that technique was made prior to trial on notice to all parties and provided further that the court finds that no party will be unduly prejudiced by the procedure.

(b) Copies of Jury Instructions.

(1) Civil Cases. In civil cases, the court in its discretion may submit a copy of its instructions to the jury for its consideration in the jury room. The court may consider the following factors in exercising its discretion to provide a copy of its instructions to the jury in a civil case: (1) the track to which the case is assigned; (2) a request of one or more parties for submission of written instructions to the jury; (3) the length of the trial; (4) the complexity of the issues and charge; (5) whether the parties timely submitted a proposed charge to the court; (6) whether providing written instructions would unreasonably delay the proceedings; and (7) any other factor based upon the circumstances of the case.

(2) Criminal Cases. In criminal cases, the court shall submit two or more copies of its final instructions to the jury for the jury's use in the jury room during deliberations. The court may, however, dispense with the submission of the jury instructions in writing if it finds that preparation of written instructions will cause undue delay in the trial. Counsel's failure to submit written instructions upon request of the court in accordance with Rule 1:8-7(b) shall be a consideration for a finding of undue delay in the trial.

(c) Juror Note-Taking. . . . no change to text

(d) Juror Questions. . . . no change to text

History: Source-R.R. 4:52-2; caption and text amended July 15, 1982 to be effective September 13, 1982; amended and paragraphs (a) and (b) designated July 10, 1998 to be effective September 1, 1998; new paragraph (c) added July 12, 2002 to be effective September 3, 2002; caption amended July 28, 2004 to be effective September 1, 2004; paragraph (c) amended July 27, 2006 to be effective September 1, 2006 ; paragraph (a) amended July 19, 2012 to be effective September 4, 2012; caption amended, paragraph

(a) caption and text amended, new paragraph (b) adopted (with subparagraph (b)(1) text relocated from paragraph (a) and subparagraph (b)(2) text new), former paragraphs (b) and (c) redesignated as paragraphs (c) and (d) July 9, 2013 to be effective January 1, 2014.