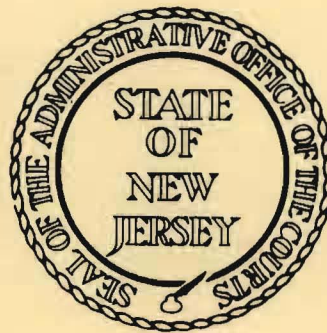


MANUAL ON THE SELECTION OF GRAND AND PETIT JURORS



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MARCH, 1973

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JUL 2 1974

JAMES R. HEANEY

FOREWORD

This manual has been prepared by the Administrative Office of the Courts to act as a convenient reference for those responsible for the selection and management of jurors serving the State courts.

The materials contained in this manual are current to March 1, 1973.

A handwritten signature in black ink, reading "Edward A. Cunell". The signature is fluid and cursive, with the first name "Edward" and last name "Cunell" clearly legible.

Administrative Director of the Courts

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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 administration, the Chief Justice has the authority over court procedures in this area. Pursuant to R. 1:33-3, his authority is delegated on a county wide basis to the Assignment Judges.

In Re: Supervision and Assignment of the Petit Jury Panels in Essex County, 60 N.J. 554(1972) held that the Assignment Judge of each county possesses the power to summon and supervise the operation of jury panels. Many of his administrative duties involving the selection and supervision of juries are delegated to his Trial Court Administrator. As the administrative assistant to the Assignment Judge, the Trial Court Administrator is required to work closely with jury commissioners, jury clerks, and associated personnel.

In order to simplify the description of jury selection procedures reference has been limited generally to the Assignment Judge and the jury commissioners. It should be understood that much of the administrative work will, in fact, be handled by the Trial Court Administrators, jury clerks, and associated personnel.

Questions arising from jury selection 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 it to the Administrative Director.

II. THE SELECTION OF PROSPECTIVE JURORS AND JURY PANELS

(A) Securing Names of Prospective Jurors:

By directive of the Supreme Court, voter registration lists are the sole source of prospective jurors. From these lists, the selection of prospective jurors is made in accordance with the random selection system explained below.

In determining the total number of names of potential jurors to be selected from the election registry, the Assignment Judge and jury commissioners should endeavor to have, for each stated session, not less than 1-1/2 nor more than 3 times the number of questionnaires in the active file as there will be names on the grand jury list and petit jury list for that stated session.

The number of names of potential jurors to be selected from the voter registration lists of each municipality within the county is determined by a simple equation. Multiply the total number of potential jurors required for that session by the percentage of the total number of registered voters in the county registered to vote in each municipality. The result is the number of names to be taken from each municipality.

If for any municipality or ward within a municipality the number of prospective jurors returning questionnaires is abnormally low, or the number of prospective jurors who are ineligible, disqualified or excused from service is abnormally high, the jury commissioners should notify the Assignment Judge. Upon his authorization, the jury commissioners can send a greater number of questionnaires to that municipality or ward so that it will be proportionately represented in the pool of qualified jury questionnaires from which selection of jury panels will be made.

The next step is the actual selection of names from the voter registry for each municipality. The approved method of doing this is the sequential number system. This system involves two numbers, a starting number and a sequence selector number which we will call "n". The starting number may be any number from one up to the number of registered voters in the least populous municipality within the county. A table of random numbers can be found in the Appendix. The sequence selector number or "n" for each municipality should be either the nearest whole number or a multiple thereof resulting after dividing the total number of registered voters in that municipality by the number of potential jurors required for that municipality. The names appearing in the voter registry for each municipality are

then counted in sequence until the name corresponding to the starting number is reached. This will be the first name selected, unless that person has had previous jury service, in which case the next eligible person in sequence will be selected. Subsequent names will be selected by counting from the last name selected until you reach the "n"th name. Again, if this person has had prior service, select the next eligible person. This process is repeated until the required number of names is obtained from that municipality.

(B) 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 set forth on page 21.

This questionnaire must be sent to every prospective juror. 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.

Every effort should be made to ensure that all questionnaires are returned properly filled in. Those not responding within a reasonable period of time should 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). The names

of those persons ignoring the second mailing should be sent to the Assignment Judge.

Completed questionnaires are to be reviewed by the jury commissioners and their staff. Requests for excuse from jury duty from anyone who meets qualifications outlined below should be submitted to the Assignment Judge or to the person designated by him to hear such matters (such as the Trial Court Administrator) for action consistent with the Assignment Judge's policy on excuses.

Questionnaires of those who have previously served as jurors or who are unqualified, ineligible, exempt or excused need not be retained, but a record of those persons should be kept so that they will not be selected again. All other questionnaires should be filed alphabetically by name, by ward or municipality.

By rule of court (R. 1:38(c)) the questionnaires are to be kept confidential. Therefore, the files should be locked to prevent access by unauthorized persons. Cabinets containing the files should be kept in an appropriate office in the courthouse or other public building. Printing expenses for the forms are to be met by the county.

(C) Statutory Qualifications:

State law requires that to qualify as a juror, every person, male and female, must be a citizen of New Jersey for at least two years, a resident of the county from which his name is drawn, over the age of 18 and under 75. Conviction of a

crime disqualifies a potential juror. A person who through his office, position or employment is directly or indirectly connected with the administration of justice is also disqualified. An ability to read, write and understand the English language is required. Finally, any physical or mental disability which would prevent proper service as a juror renders a person incapable to serve. Questionnaires of disqualified persons should be placed in an inactive file.

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, game wardens, police officers, and employees of correctional institutions are within the scope of the statutory disqualification. If in any doubt as to whether a person is disqualified, the jury commissioners should seek the advice of the Assignment Judge.

(D) Eligibility and Exemption:

After eliminating the questionnaires of those persons disqualified by statute, the commissioners should screen the forms again to determine which persons are exempt or ineligible for jury service. Under N.J.S.A. 2A:69-2, the following are exempted from service: (1) Members or employees of police forces,

State or local; (2) Members of any fire department or fire patrol, volunteer or paid; (3) Persons appointed as fish and game wardens or protectors; (4) Regularly licensed and practicing physicians and dentists in this state; (5) Members of State or Federal military, naval or air forces (on active duty); (6) School teachers (under contract as full-time teachers) while their schools are in session; (7) 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; (8) 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; (9) Telegraph and telephone operators and linemen and those directly engaged in the business of receiving and transmitting messages by telegraph or calls by telephone; (10) 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; (11) Members of the State Legislature; and (12) Members of first aid and rescue squads.

Limitations On Exemptions

Those exemptions listed above do not extend to families. Only the person entitled to the exemption may use it. Furthermore,

exemptions can be waived by a person wishing to serve as a juror. This is the difference between exemptions and the disqualifications discussed in the previous section.

Exemption (5) which restricts members of the armed forces on active duty 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.

Prior Service

In addition to the previously listed disqualifications and exemptions, N.J.S.A. 2A:69-4 states that any person serving as a juror becomes ineligible to serve again for one year. Ordinarily there should be enough names on the voter registry list to make it unnecessary for anyone to serve more than once. However, the Assignment Judge may, if circumstances in his county warrant, authorize the jury commissioners to permit persons to serve more than once.

Service by Those Eligible for Unemployment Benefits

A person who is unemployed may still serve as juror and obtain his unemployment benefits. In such a case, the court should permit the juror to attend job interviews and should

excuse the person from duty if a legitimate job offer is made, provided he is not serving on a trial.

Rescheduling Service For Excused Jurors

In the event a juror is excused by order of the Assignment Judge for grand jurors or trial judges for petit jurors under N.J.S.A. 2A:78-1, the court may designate a time when the juror should serve, either within the session for which he was called or during the sessions occurring within one year. To do this, the judge must certify to the jury commissioners the name of the juror who is to be added to the lists thereafter to be drawn. This is a special situation which is to be distinguished from the normal prohibition against reservice by a juror.

(E) Preparation of Jury Lists:

After eliminating from the active file all of the questionnaires of those persons who are not to be considered for jury duty, the jury commissioners are to prepare the grand and petit jury lists. All jury lists are to be selected in the same manner and from the same pool of names. Grand juries are not to be selected specially.

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. These lists are to be in alphabetical order and consecutively numbered. They

must state the name of each individual, his occupation and place of abode, including his municipality and ward, if any. One list, to be designated the "Grand Jury List," shall contain not less than 124 and not more than 300 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 (N.J.S.A. 2A:70-1). The number of names appearing on each list should be 1-1/2 to 3 times the number required to fill the panels for that stated session.

Before names are selected from the file of active questionnaires, all questionnaires that are more than one year old should be removed. The purged questionnaires should be placed in an inactive file and retained for one year. The remaining questionnaires should be in alphabetical order within each ward or municipality. The required number of questionnaires for both the grand jury list and petit jury list should be selected from the file of active questionnaires by the sequential number method previously described (see p. 5). The starting number should be determined by the Assignment Judge. The sequence selector number or "n" for each municipality will be the nearest whole number resulting after dividing the number of questionnaires

in the active file for that municipality by the number of names of potential jurors to be selected from that municipality as determined by its percentage of the county's population.

After the questionnaires 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, street address, occupation and municipality (and ward, if any).

b. Sort the cards alphabetically by last names.

c. Sequentially select the number of cards required for the grand jury list. The second group of cards comprises those needed for the petit jury list.

d. Check the alphabetical order of each group of cards.

e. Assign sequential numbers to each group of cards and start each group with the number 1.

f. From the two groups of cards print the grand jury list and the petit jury list in numerical sequence. Each list should contain the sequence number, name, street address, occupation, and municipality (and ward, if any).

g. The original and one copy of each list are to be given to the Assignment Judge. Both cards and questionnaires should be retained in the jury commission office and be made available for inspection by the Assignment Judge.

h. At least 35 days prior to the opening of each stated session, the Assignment Judge must meet with judge or judges of the county court and the jury commissioners for the purpose of checking the two lists. The other judges and the jury commissioners function purely as advisors. A name may only be stricken by the Assignment Judge or acting Assignment Judge. In this regard, his 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 and file a corrected list with the court.
- 2) If less 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, an original and four certified copies of each list should be prepared. 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. Another copy shall be sent to the Assignment Judge.

2. In counties where no electronic equipment is available:

- a. Sort the questionnaires selected for the lists into alphabetical order by last names.
- b. Sequentially select that number of questionnaires necessary for the grand jury list. The remaining questionnaires are those comprising the petit jury list.
- c. Check the alphabetical order of each group of questionnaires.
- d. Type separate lists for grand jury and petit jury assigning consecutive numbers to each name, each list beginning with the number 1.
- e. The original and one copy of the lists 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.
- f. A review of the lists by the Assignment Judge, the judge or judges of the county court, and the jury commissioners for the purpose of striking any names should be held in the same fashion as described in 1.h., above (p.12).

- 1) If any names were struck by the Assignment Judge, the list in question should be retyped, deleting the struck names and renumbering the remaining names consecutively. (If more than 20% of the names were struck, the vacancies are to be filled by the commissioners using the original selection procedure).
- 2) Once the Assignment Judge is satisfied with the lists the certified copies should be filed in the same manner as described in l.h., above (p. 12).

(F) Selection of Grand and Petit Jury Panels:

The final step in the selection process is the drawing of the grand and petit jury panels. On a day and time set by the Assignment Judge (not more than 30 days prior to the commencement of the stated session), 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. N.J.S.A. 2A:71-1. 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. N.J.S.A. 2A:71-3.1. The Assignment Judge should specify the number of names of grand jury panels to be drawn together with the number of names to appear on each panel

and the number of petit jury general panels and sub-panels to be drawn along with the number of names to appear on each.

1. In counties where electronic equipment is available the names of grand and petit jurors are to be selected separately using:

a. A table of random numbers; or

b. An electronic sorting machine to thoroughly mix the juror name cards so that they may be selected in a random manner. The cards should be sorted on one or more of the following card columns and on no others;

- 1) the last column of the sequence number on the jury lists,
- 2) the second or third letter of the jurors last name, or
- 3) 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.

c. The names of the grand jurors are to be printed in the order selected, by panels. The names of petit jurors are to be printed in their order of selection by panels and sub-panels.

d. Each list should show the juror's name, address, municipality and ward, and occupation.

e. 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 each is sent to the Assignment Judge and the county sheriff.

2. In counties where electronic equipment is not available, the grand and petit jury panels should be drawn in open court as follows (N.J.S.A. 2A:71-1, 2, 3):

a. 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 lists.

b. The judge is to examine the pieces and return them to the commissioners if they are correct.

c. Upon their return the pieces should be deposited in their respective boxes, one each for grand and petit jurors.

d. After the boxes have been shaken to mix the pieces thoroughly, the jury commissioners should remove such a number of pieces from the grand jury box as the judge shall direct. The removal should be made in the presence of the judge.

e. As each number is drawn, the name, occupation, and place of abode of the person selected shall be announced publicly. Those announced constitute the grand jury panel for the next ensuing stated session.

f. 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 judge shall certify the original and both copies required as true and correct. The clerk's office gets the original with one copy each to the Assignment Judge and the county sheriff.

g. Immediately thereafter, the same procedure should be used to select the petit jury panel.

3. 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 which 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.

(G) Selection of State Grand Jury Panels:

When state grand jurors are required, their names must be selected in the same manner as the county grand jurors.

N.J.S.A. 2A:73A-3,4. The state grand jurors are to be selected from the grand jury list after the county grand jurors have been selected. The number of prospective state grand jurors to be selected from each county shall be indicated by the Administrative Director of the Courts.

A list comprised of prospective grand jurors drawn from the county grand jury lists is prepared by the Administrative Director. It is from that list that the state grand juries are impanelled. There must be at least one state grand jury serving at all times. N.J.S.A. 2A:73A-2.

A state grand jury has the same number of members as a county grand jury, with the same powers and duties, but its jurisdiction is statewide. Furthermore, no more than 1/4 of the members of a state grand jury can be residents of the same county. N.J.S.A. 2A:73A-4.

III. THE SELECTION OF A GRAND JURY

After a grand jury has been selected, the Assignment Judge may order a confidential investigation of its members to be made. The State Bureau of Identification and the local Probation Office or other confidential investigators available to the Assignment Judge can be used for this investigation, but the prospective juror should not be interviewed during the course of this inquiry.

After the grand jurors have been summoned by the Assignment Judge and the excused jurors stricken from the list, the first 23 remaining names constitute the grand jury. N.J.S.A. 2A:73-1.

IV. THE SELECTION OF PETIT JURIES

Once the petit jury panels have been selected, the Assignment Judge exercises his authority over the summoning of jurors for service. Except for the first panel of each stated session, the jurors are to be given 30 days notice. N.J.S.A. 2A:72-5. The first panel must be promptly notified after their selection pursuant to, N.J.S.A. 2A:71-1.

After the petit jurors have reported for service the Assignment Judge has the ultimate authority over their attendance and dispersal. This supervisory control is provided for by R. 1:33-3 (a) (2). See also, In Re: Supervision and Assignment of the Petit Jury Panels in Essex County, 60 N.J. 554 (1972).

V. FOREIGN JURIES

A foreign jury may be ordered by a Superior or County 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 specifies the number of jurors to be drawn and is directed to the county sheriff. A copy of the order, or the original, should be delivered by the sheriff to the jury commissioners. Jury selection for this method of service is identical to that described previously.

PROSPECTIVE JUROR QUESTIONNAIRE

Approved 3/30/72

NOTICE: Failure to complete and return this questionnaire promptly may make your personal appearance before the jury commissioners necessary.

[Note: To be added in counties where name and address of prospective juror is printed on form]

If there are any errors in your name or address as printed above, please print the corrections below.

1. Mr.
Mrs.
Miss

First	Middle Initial	Last
If married woman, maiden name		
First	Last	

2. Mailing address
- | | | |
|------------------------------------|-------------|-----|
| Number and Street (or R.D. number) | Post Office | Zip |
|------------------------------------|-------------|-----|

3. Residence (if different from mailing address)
- | | | | |
|-------------------|--------------|--------|-----|
| Number and Street | Municipality | County | Zip |
|-------------------|--------------|--------|-----|

4. Have you lived in New Jersey for at least two (2) years? ☐ Yes ☐ No

5. Telephone: Home _____ Business _____ If none, nearest phone _____

6. Age _____ years Date of Birth _____
- | | | |
|-------|-----|------|
| Month | Day | Year |
|-------|-----|------|

7. Can you read, write, and understand the English language? ☐ Yes ☐ No

8. Are you now employed? ☐ Yes ☐ No What is your occupation? _____

9. Who is your employer? (If self-employed, write "self") _____
Employer's address _____

10. Are you through your office, position or employment directly or indirectly connected with the administration of justice? ☐ Yes ☐ No If yes, explain _____

11. What is your Social Security Number? _____ - _____ - _____

12. Do you have any mental or physical disability which would prevent you from properly serving as a juror? ☐ Yes ☐ No If yes, give details _____

13. Have you ever been convicted of, or pleaded guilty or no contest to, a crime? ☐ Yes ☐ No If yes, give details _____

14. Have you ever served as a juror? ☐ Yes ☐ No If yes, when and where _____

15. Read NJSA 2A:69-2 (printed below) carefully. Are you entitled by that statute to be exempt from jury service? ☐ Yes ☐ No If yes, give the reason for your claim to an exemption _____

16. If you are exempt, would you be willing to serve as a juror anyway? ☐ Yes ☐ No

17. Do you know of any reason why you could not serve as a juror? ☐ Yes ☐ No If yes, details _____

- *18. If you should be selected or summoned for jury service, check the session of court most convenient to you. If possible your choice will be honored. September to December ☐ January to April ☐ May to August ☐

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.

Dated _____
Month Day Year

Signature of prospective juror

Anyone assisting the prospective juror in completing this questionnaire should sign here

* Question 18 is, subject to the approval of the Assignment Judge, optional with the Jury Commissioners both as to its inclusion and its form.

N.J.S.A. 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 of 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 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.

GRAND (PETIT) JURY LIST

For the stated session commencing....., 19.....

..... County, State of New Jersey

<i>No.</i>	<i>Name</i>	<i>Occupation</i>	<i>Street Address</i>	<i>Municipality</i>	<i>Ward</i>
1	Doe, John J.	Plant Supervisor ABC Mfg. Co.	125 State Street	Capitol City	2
2	Public, John Q.	Chemist XYZ Laboratories	100 Degree Road	Collegetown	
3	Roe, Richard	Ass't Cashier National Bank	75 Winding Lane	Hometown	
4	Smith, Mrs. Mary	Housewife	R. D. No. 1	Smalltown	
<hr/>					
199	Taylor, James	Real Estate Broker	50 University Avenue	Collegetown	3
200	Williams, William	Civil Engineer	25 High Street	Capitol City	

We, the undersigned, the Jury Commissioners for.....County, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of the Grand (Petit) Jury List containing the names of persons selected by us according to law for service as such jurors for the stated session commencing 19.....

Signed.....

Dated:.....

Signed.....

Jury Commissioners

The foregoing Grand (Petit) Jury List has been personally checked by me and found to be satisfactory in all respects and the same is hereby approved for filing.

Dated:.....

Signed.....

Assignment Judge

January, 1973

UNIFORM JURY SUMMONS
REVISED INSTRUCTIONS

The attached jury summons is intended as a uniform statewide summons supplanting the various forms currently employed to summon grand and petit jurors.

The summons is issued under the authority of the Assignment Judge as the one responsible for the operation of the judicial branch of government within the county. The current practice of issuing the summons in the name of the sheriff is discontinued.

Wording employed in the statewide summons is direct and simplified. Legalistic language is eliminated except for recitation of N.J.S.A. 2A:79-1. That section prescribed the penalty for nonappearance. By avoiding legalistic prose, the juror knows precisely what is required of him.

Provision is made for insertion of appropriate material so that the form is applicable in each of the twenty-one counties within the State of New Jersey. Each county will use its own seal and supply the other requested information, such as location of the county court house and name of the assignment judge for the county.

To the left of the Assignment Judge's name on the face side of the form, the juror is directed to see the reverse side for needed information. Space is there provided for detailing the procedure a juror must follow to be excused from service. The mechanics of this process will vary from county to county within the limitations of the relevant statute (N.J.S.A. 2A:78-1). However, only the judge before whom a person will appear can excuse a juror from service.

Space is also provided on the reverse side for including miscellaneous information of value to the juror. Availability of parking space should be noted. The room where the jury is to report also should be stated. In some counties, the juror is required to report daily to the jury clerk as a form of attendance. If so, such requirement should be contained on the reverse of the form.

A sample form for the sheriff's return is also provided. This can be on a sheet separate from the summons, on the bottom third of the summons form itself, or on a carbon copy of the summons form. If an entirely separate sheet is used for the return, then the deputy sheriff will simply complete and return the suggested form at the time of service. If the return is placed on the bottom third of the summons, the sheet should be perforated so that the return can be easily detached at the time of service. If the return is on a carbon copy of the summons, all information above the signature of the Assignment Judge should be on such carbon copy. The remaining information on the form is standard and thus repetition on each copy is unnecessary. The return need not separately state the juror's name, address and date of appearance, and the body of the return can end with ". . . Summons for Jury Service." In all instances, the return will be completed by the deputy sheriff who will line out the two methods of service not used in each particular case.

Pursuant to the Supreme Court's decision of In Re: Supervision and Assignment of the Petit Jury Panels in Essex County, 60 N.J. 554 (1972), the Assignment Judge may designate someone other than the Sheriff's office to handle service of the jury summons. In the event that another is designated the references to the Sheriff and his deputy should be deleted.

The exact placement of material on the form is not mandatory. Utilization of modern data processing equipment may indicate a different sized form. Certain material can be transposed from the front to the reverse, if a more balanced format is produced thereby.

Only slight alteration is necessary for adopting this form for use in summoning grand jurors. Of course, "grand" will replace "petit" wherever the word petit is used. Only the Assignment Judge or one designated by him is authorized under N.J.S.A. 2A:78-1 to excuse a grand juror. The statement indicating which judge a person will appear before can be eliminated in the grand jury form as unnecessary.

S U M M O N S F O R J U R Y S E R V I C E

COUNTY

TO: (INSERT NAME & ADDRESS OF JUROR)

Insert
Printed
Facsimile
of
County
Seal

YOUR ARE HEREBY SUMMONED to serve as a Petit Juror for the Superior Court, County Court and District Court to be held at the _____ County, _____, in _____, New Jersey for a (Insert Hall of Records or Court House) period of _____ weeks commencing on _____, at 9:00 A.M.
(Date)

By Order of _____
(name of Assignment Judge)

PLEASE
SEE REVERSE SIDE
FOR INSTRUCTIONS

Insert Printed Signature
of the Assignment Judge

COUNTY
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.

[REVERSE SIDE]

Instructions for Jurors

1. State procedure juror must follow to be excused. Emphasize that only a judge is empowered to excuse a juror. 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.
2. Indicate place where juror should report.
3. Note availability of parking facilities.
4. Include any additional relevant information.

RETURN OF SERVICE BY SHERIFF'S OFFICE

I _____ Deputy Sheriff appointed by _____,
(name of deputy sheriff) (name of Sheriff)
Sheriff of the County of _____, do hereby certify and return that on
_____ I duly served by (personal service) (leaving at juror's dwelling
(date)
house) (registered or certified mail) a Summons for Jury Service on _____
(name of
_____ for jury duty commencing _____
Juror) (date)

(Signature of Deputy Sheriff)
Deputy Sheriff

RETURN OF SERVICE WHERE SHERIFF'S OFFICE NOT USED BY ASSIGNMENT JUDGE

I, _____, appointed by _____
(name of person making service and position)
_____, Assignment Judge for the County of _____, do hereby
certify and return that on _____ I duly served by (personal service) (leav-
(date)
ing at juror's dwelling house) (registered and certified mail) a Summons for Jury Service
on _____ for jury duty commencing _____
(name of juror) (date)

(signature of person making service)

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

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 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."

III. Foreman and Grand Jurors

To the foreman and acting foreman of the grand jury there shall be administered the following oath:

"You as foreman (acting foreman) of this grand inquest to sit in behalf of the State of New Jersey in and for the county of _____ 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, and that you shall diligently inquire and true presentment make of all such matters and things as shall be given you in charge, or in any way come to your knowledge touching the present service; that the counsel of the State and your own counsel you shall keep secret; that you shall present no one through envy, hatred or malice; neither shall you leave any one unrepresented for fear, favor or affection, for reward, gain or the hope thereof; but that you shall present all things truly as they shall come to your knowledge, according to the best of your skill and understanding, so help you God."

[To the grand jurors as a body there shall be administered the same oath except that the first words "You as foreman" are to be replaced with the words "You as members."]

