

United States District Court Southern District of Illinois



PLAN FOR THE RANDOM SELECTION OF JURORS

Introduction

Pursuant to the Jury Selection and Service Act of 1968, 28 U.S.C. §§ 1861-1878, as amended, the following Plan for the Random Selection of Jurors (Plan) is adopted by this Court, subject to approval by the reviewing panel of the Judicial Council of the Seventh Circuit and to rules and regulations as may be adopted by the Judicial Conference of the United States.

All litigants entitled to a trial by jury shall have the right to petit and grand juries selected at random from a fair cross section of the community in the Southern District of Illinois where the Court convenes. All citizens residing within the Southern District of Illinois shall have the opportunity to be considered for service on petit and grand juries and shall have an obligation to serve as jurors when summoned. No citizen shall be excluded from service as a petit or grand juror based on race, color, religion, sex, national origin, or economic status.

Definitions

“Chief Judge” shall mean the Chief Judge of the United States District Court for the Southern District of Illinois or his/her/their designee.

“Clerk” and “Clerk of Court” shall mean the Clerk of the United States District Court for the Southern District of Illinois or any authorized deputy clerk who assists the Clerk in the performance of functions presented by the Jury Selection and Service Act or as set forth in this Plan.

“Master jury wheel” shall mean all names selected directly from official source lists in a manner described in this Plan.

“Qualified jury wheel” shall mean a group of jurors who, based solely on the information provided on the juror qualification questionnaire, have been deemed eligible for service.

“Petit jury” or “petit juror” shall mean a jury or juror summoned to serve at a civil or criminal trial. “Grand jury” or “grand juror” shall mean a jury or juror summoned to serve at a grand jury proceeding.

Applicability of the Plan

For petit and grand jury selection purposes, the Southern District of Illinois is divided into the following divisions:

For the Court sitting at East St. Louis, jury selection will be from the counties of: Bond, Calhoun, Clinton, Fayette, Jersey, Madison, Marion, Monroe, Randolph, St. Clair, and Washington.

For the Court sitting at Benton, jury selection will be from the counties of: Alexander, Clark, Clay, Crawford, Cumberland, Edwards, Effingham, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Massac, Perry, Pope, Pulaski, Richland, Saline, Union, Wabash, Wayne, Williamson, and White.

The provisions of the Plan apply with equal force and effect to both divisions of this district.

Management and Supervision of the Jury Selection Process

The Clerk of Court shall manage the jury selection process under the supervision and control of the Chief Judge.

Master Jury Wheel Selection Sources

All juror names comprising the Master jury wheel shall be selected from the general election voter registration lists and may be supplemented with lists of licensed drivers, recipients of unemployment benefits, and state identification card holders. These lists represent a fair cross section of the community in this district. Names of jurors shall be selected by randomized procedure from these lists within the counties comprising each jury division as set forth above. The registered voters list shall consist of those individuals who are of record as registered voters, as maintained by the County Clerks, City Clerks (if separate city lists exist), or the office of the State Board of Elections for the State of Illinois. The lists of licensed drivers and those with state identification cards will consist of licensed drivers and citizens 18 years or older as recorded by the Illinois Secretary of State. The list of unemployment benefit recipients shall consist of those individuals receiving unemployment insurance benefits from the Illinois Department of Employment Security.

To the extent possible, elimination of duplicate names between the lists will be accomplished manually, by a computer system, or both.

Any reference to random selection in this Plan shall mean that all selections are part of a randomized procedure which ensures that:

- Names chosen will represent all segments of the source from which drawn;
- The mathematical odds of any single name being picked are substantially equalized; and

- The possibility of human discretion or choice affecting the selection of any individual's name is eliminated.

The Master Jury Wheel — Method and Manner of Random Selection

At the option of the Clerk after consultation with the Chief Judge, a properly programmed electronic data processing system may randomly select names for the master jury wheel from the databases of complete source lists. The Clerk may utilize a vendor for assistance in this process. The Clerk will provide detailed instructions to local and state officials and to any vendor selected regarding the electronic processing of the source lists. The Clerk will ensure that the instructions are specifically followed and that any vendor completes a Certificate of Compliance.

The Clerk must ensure the random selection of a fair cross section of the persons residing in the division where the Court convenes. The Clerk shall ensure that names of persons residing in each county within the division are placed into the master jury wheel and that each county is substantially proportionally represented in the master jury wheel for that division in accordance with 28 U.S.C. § 1863(b)(3).

The Master Jury Wheel — Creation and Refilling

This Plan contemplates the creation of two master wheels: one for each division—East St. Louis and Benton. The names and addresses of all persons randomly selected from the source lists shall be placed in each master jury wheel as described above. Pursuant to 28 U.S.C. § 1863(b)(4), the minimum number of names to be placed in the master jury wheels shall be at least one-half of one percent (.5%) of the total number of names on all county source lists. Thus, the minimum number of names in the East St. Louis division is 15,000, and the minimum number of names in the Benton division is 10,000.

The Chief Judge may order additional names to be placed in the master jury wheel for each jury division, as necessary, and in accordance with the formula described above. The master jury wheel shall be emptied and refilled every two years, not later than July 31st of the year following a general election.

The Master Jury Wheel — Drawing Names

The Clerk shall draw at random from the master jury wheel the names of as many persons as may be required for jury service. The Clerk shall post a general notice for public review in the Clerk's Office and on the Court's website explaining the process by which names are periodically and randomly drawn.

If ordered by the Chief Judge, the Clerk may prepare an alphabetical list of the names drawn from the master jury wheel, but the list shall not be disclosed to any person except pursuant to Court Order for use in challenging compliance with selection procedures pursuant to 28 U.S.C. § 1867, or for maintenance and inspection of records pursuant to 28 U.S.C. § 1868.

Qualification and Summoning Procedures

Pursuant to 28 U.S.C. § 1878, the Clerk shall use the optional one-step summoning and qualification procedure.

Completion of Juror Qualification Form

The Clerk shall utilize the juror qualification forms prescribed by the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States. The Clerk shall transmit to every person whose name is drawn from the master jury wheel a summons and request to complete the questionnaire and supplemental questionnaire through the Court's internet website using "eJuror" within ten days. If the summoned person does not respond through eJuror within ten days, he/she/they will be mailed another summons, along with a hard copy of the questionnaire and supplemental questionnaire, and a request to complete the questionnaire and supplemental questionnaire by mail to the Clerk or on eJuror within an additional ten days. Any person who fails to return the questionnaire and supplemental questionnaire within ten days after receiving the summons a second time may be summoned by the Chief Judge to appear and complete the juror qualification form.

If the summoned person is unable to fill out and return the forms, another person can complete the forms on his/her/their behalf, indicate that another has done so, and explain why the summoned person is unable to complete the forms. In any case in which it appears there is omission, ambiguity, or error, the Clerk shall return the forms to the summoned person with instructions to make corrections as necessary and return the forms to the Clerk within ten days.

For qualification forms returned to the Court as undeliverable, the Clerk shall issue new qualification forms to be mailed to addresses within the same zip code area to which the undeliverable juror qualification forms had been sent. If qualification forms from the supplemental draw are returned undeliverable, no additional qualification forms will be issued. If no names from that zip code are available, no additional qualification forms will be mailed.

Qualifications for Jury Service

The Clerk, under supervision of the Chief Judge, shall determine whether a person is unqualified for, exempt from, or otherwise should be excused from jury service based on the information provided on the juror qualification form and/or other competent evidence. The Clerk shall enter the determination on the juror qualification form and in the juror's record in the Court's jury database, Jury Management System (JMS).

The Clerk shall deem any person qualified to serve on petit and grand juries unless he/she/they:

- Is not a citizen of the United States;
- Is not at least 18 years old;

- Has not resided in the Southern District of Illinois for the previous year;
- Is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out the juror qualification form;
- Is unable to speak the English language;
- Is incapable, by reason of mental or physical infirmity, to render satisfactory jury service; or
- Has a charge pending against him/her/them or has been convicted in a state or federal court of a crime punishable by imprisonment for more than one year and his/her/their civil rights have not been restored.

Exemption from Jury Service

Pursuant to 28 U.S.C. § 1863(b)(6), the following groups are exempt and therefore barred from jury service:

- Members in active service in the Armed Forces of the United States, defined in 10 U.S.C. § 101(a)(4) as including the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard, including full-time, active Armed Forces Reserves and National Guard;
- Members of the fire or police departments of any State, county, or city (not including volunteer, commercial departments, or correctional institutions); and
- Public officers in the executive, legislative, or judicial branches of the United States, any State, county, or city, who are actively engaged in the performance of official duties.

Excuses Upon Individual Request

This Court finds that jury service by members of the following groups of persons, on individual request, would cause undue hardship or extreme inconvenience to the members of the groups, and excuse of these individuals is not inconsistent with 28 U.S.C. §§ 1861-62, 1863(b)(5)(A) and (B):

- Persons over 70 years of age;
- Persons who have, within the previous two years, served on a federal petit or grand jury;

- Persons having active care and custody of a child or children under ten years of age whose health or safety would be jeopardized by their absence for jury service;
- Persons who are essential to the care of aged or infirm persons;
- Any person whose services are so essential to the operation of a business, commercial, or agricultural enterprise that the business must close or cease to function if the person were required to perform jury service;
- Persons serving as volunteer safety personnel, who serve without compensation for a public agency, such as volunteer police, firefighters, rescue squads, or ambulance crew.

In addition to the members of groups subject to excuse from jury service as provided above, any person summoned for jury service may be temporarily excused by the Clerk upon showing of undue hardship or extreme inconvenience. The names of those persons temporarily excused will be automatically re-summoned for the first petit jury panel scheduled to appear after termination of the period of temporary excuse.

The Qualified Jury Wheel

The Clerk shall place the names of those persons from the two master jury wheels who have not been disqualified, exempted, or excused pursuant to this Plan into qualified jury wheels to administer the selection and payment of jurors. The Clerk shall ensure that an adequate number of names shall be contained in each jury wheel. The number of names to be drawn shall be determined by the Clerk based upon anticipated juror demands by the Court, plus additional names sufficient to compensate for the estimated number of juror qualification forms that will be undeliverable or not completed and returned.

The qualified jury wheels shall be maintained in the Court's jury database, JMS, which allows the Clerk to draw only a purely randomized number of jurors to be summoned, as directed by the Court. The Clerk shall post a public notice explaining the automated selection process.

The qualified jury wheel shall be emptied and refilled every two years, not later than July 31st of the year following a general election.

Selection and Length of Service of Petit and Grand Jurors

A randomized process may select names of jurors from the master wheel to which the Clerk will issue a summons for service on a petit or grand jury. Petit jury panels constitute a pool to be used by the Court in the jury division for which drawn. Petit jurors shall serve for one month or one trial. Petit jurors shall then be excused from further service, unless otherwise ordered by the Court. Names of persons summoned and appearing for petit jury service will be selected by lot for each separate trial.

Each grand jury panel will be selected by jury division and will sit in the division where drawn. Grand juries will be selected yearly, or more often as required by the Court. The Clerk shall order the drawing of the total number of grand jurors needed to be summoned from either jury division's master wheel. Grand jury panels shall serve for twelve consecutive months, unless otherwise extended by the Court.

Disclosure of Juror Names to Parties and the Public

On the first day of trial, the Clerk shall prepare separate lists for the Court and counsel of the names of persons drawn from the qualified jury wheel and assigned to each petit jury panel. The lists will only be disclosed to the parties during voir dire. However, the presiding Judge may keep the names confidential where the interests of justice so require.

The Clerk shall prepare a list of the names of persons assigned to each grand jury. After a grand jury has been obtained and sworn, the names and addresses of those on each grand jury should not be maintained in any public record or publicly disclosed except on order of the Chief Judge or the Judge at whose request the grand jury was ordered.

Frequency of Service

In any two-year period, no person shall be required to:

- Serve or attend court for prospective service as a petit juror for a total of more than 30 days, except when necessary to complete service in a particular case;
- Serve on more than one grand jury; or
- Serve as both a petit and grand juror.

Disclosure of Documents

The contents of records used by the Clerk in connection with the jury selection process during the life of the master jury wheel, including juror qualification questionnaires, shall not be disclosed or made available to the public or media, except to challenge compliance with selection procedures, pursuant to 28 U.S.C. § 1867.

When the master jury wheel is emptied and refilled, all records and papers compiled and maintained by the Clerk from the prior master jury wheel shall be preserved in the custody of the Clerk for four years or until the next cyclical audit, whichever is longer, and shall be available for public inspection for the purpose of determining the validity of the selection of any jury. Any documents related to the financial records of juror payments shall be disposed of six years and three months after the final juror payment transaction.

Juror Shortage

When there is an unanticipated shortage of available petit jurors drawn from the qualified jury wheel, the Chief Judge may order the United States Marshal to summon additional jurors from the lists of registered voters, actual voters, unemployment benefit recipients, or licensed drivers, consistent with 28 U.S.C. §§ 1861 and 1862.

Failure to Appear for Jury Service

Any person summoned for jury service who fails to appear as directed may be ordered to appear and show cause for failure to comply with the summons. Any person who fails to show good cause for noncompliance with a summons may be fined not more than \$1,000, imprisoned not more than three days, ordered to perform community service, or any combination thereof.

APPROVED AS TO FORM AND SUBSTANCE:

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive style. Behind the signature, there is a faint circular seal of the United States District Court for the District of Columbia, featuring an eagle and the text "U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA".

NANCY J. ROSENSTENGEL
Chief U.S. District Judge

September 27, 2023



JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT
219 SOUTH DEARBORN STREET
CHICAGO, ILLINOIS 60604

SARAH O. SCHRUP
CIRCUIT EXECUTIVE

February 8, 2024

VIA EMAIL

The Honorable Nancy J. Rosenstengel, Chief Judge
Melvin Price Federal Building and
United States Courthouse
750 Missouri Avenue, Room 255
East St. Louis, IL 62201

Dear Chief Judge Rosenstengel,

The Judicial Council has approved your request of September 27, 2023, for a Revised Plan for the Random Selection of Jurors on behalf of the Southern District of Illinois.

Very truly yours,

Sarah O. Schrup

Sarah O. Schrup
Circuit Executive

cc: Monica A. Stump, Clerk of Court