

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**Revised December 2006**

**AMENDED PLAN FOR RANDOM SELECTION OF GRAND  
AND PETIT JURORS**

Pursuant to the Jury Selection and Service Act of 1968, Title 28, United States Code, Sections 1861, et seq., as amended, the following plan is hereby adopted by this Court, subject to approval by the reviewing panel for the Seventh Circuit and to such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.

**APPLICABILITY OF THE PLAN**

The Southern District of Illinois is hereby divided, for jury selection purposes, pursuant to Section 1869 of the Act, as follows:

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.

**DECLARATION OF POLICY**

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

## **MANAGEMENT AND SUPERVISION OF THE JURY SELECTION PROCESS**

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

### **JURY SELECTION SOURCES**

The Judges of the Court find that the sources from which the names of jurors shall be selected at random shall be from the general election voter registration lists, and may also be supplemented with licensed drivers lists. The Judges do further find that such lists represent a fair cross-section of the community in this District. Accordingly, names of jurors serving in this Court shall be selected by randomized procedure from the lists of registered voters/licensed drivers of the counties within each division of the District. The registered voter list shall consist of those individuals who are of record as registered voters as maintained in the books or lists of the office of the County Clerks, office of the City Clerk in those cities which have separate registration lists, or the office of the State Board of Elections of the State of Illinois. The licensed driver lists will consist of those licensed drivers eighteen years or older who are of record in the office of the Secretary of State of Illinois.

Insofar as is technically and economically feasible, elimination of the duplication between the voters registration lists and licensed driver lists will be accomplished manually or through the use of a properly programmed computer system or through a combination of both.

This plan's reference to voter/licensed driver lists shall be to registered voters supplemented by licensed drivers eighteen years of age and older.

This plan's reference to random selection shall mean that all selections shall be purely randomized. This randomized procedure which is described in the next sections, insures:

1. That names chosen will represent all segments of the source file from which drawn;
2. That the mathematical odds of any single name being picked are substantially equalized;
3. That the possibility of human discretion or choice affecting the selection of any individual's name is eliminated.

### **INITIAL SELECTION OF NAMES FOR THE MASTER JURY WHEEL**

The Judges of the Court find that the initial selection of persons to be considered for service as grand and petit jurors from the lists of voters/licensed drivers shall be made by pure randomization in such a total number as may be deemed sufficient for a two (2) year period.

The number of names drawn from each county shall be substantially in the same proportion to the total number drawn from all counties within the area designated from the Court sitting at East St. Louis or for the area designated for the Court sitting at Benton as the number of names on each county's list of voters/licensed drivers bears to the total number of names on the lists of voters/licensed drivers for all counties in that portion of the District.

After first determining the total number of names needed for the master jury wheel, and then the proportionate share of names to be drawn from the list of voters/licensed drivers for each particular county, the Clerk shall proceed either manually or through the use of a properly programmed data computer system or through a combination of manual and computer methods to make the initial selection of names from the list of voters/licensed drivers of each county.

### **ONE-STEP QUALIFICATION AND SUMMONSING PROCEDURE**

Pursuant to 28 U.S.C. Section 1878, at the option of the District Court, jurors may be qualified and summoned in a single procedure, in lieu of the two separate procedures otherwise provided by the Jury Selection and Service Act and this Plan.

### **METHOD AND MANNER OF RANDOM SELECTION**

At the clerk's option, and after consultation with the Court, the selection of names from complete source list databases in electronic media for the master jury wheel may be accomplished by a purely randomized process through a properly programmed electronic data processing system. Similarly, at the option of the clerk and after consultation with the Court, a properly programmed electronic data processing system for pure randomized selection may be used to select names from the master wheel for the purpose of summoning persons to serve as grand or petit jurors. Such random selections of names from the source lists for inclusion in the master wheel by data computer personnel must insure that each county within the jury division is substantially proportionally represented in the master jury wheel in accordance with 28 U.S.C. Section 1863 (b)(3). The selections of names from the source lists and the master wheel, must also ensure that the mathematical odds of any single name being picked are substantially equal.

### **SELECTING THE NAMES BY MACHINE METHODS**

The Judges of the Court find that electronic data processing methods can be advantageously used for selecting and copying names from the voter/driver license lists of those counties which maintain these lists in machine readable forms such as magnetic tapes, or magnetic disks. It is further found that in smaller counties currently maintaining their voter lists in handwritten or printed form, it may be advantageous to employ a combination of methods whereby names are initially selected from the voter lists manually and then converted to tapes for

subsequent handling and copying of these names by electronic machine methods.

Therefore, a properly programmed electronic data processing system or a combination system employing both manual and electronic data processing system, or a combination electronic and manual system, may be used by the Clerk to select names from the qualified wheel of persons to be summoned to serve as grand or petit jurors, and for the recording of names of prospective jurors on any papers and records needed by the Court to administer the selection and payment of jurors.

If the Court elects to use electronic machine methods in connection with any or all of the District's voter records/driver license source lists, master jury wheels, or qualified jury wheels, the name selection system shall be planned and programmed. The names shall be randomly drawn by lot. If the Court utilized an outside electronic data processing center, a Certificate of Compliance by the data processing center must be completed.

This Plan contemplates two master wheels. Jurors will be drawn from that wheel which has those names from each of the two parts of the District. The names and addresses of all persons randomly selected from the lists of voters/licensed drivers at the last general election shall be placed in each master jury wheel. The physical form of record on which names for the master wheel(s) are kept may include such electronic data storage devices as magnetic tapes or magnetic disk files. Pursuant to Section 1863(b) of the Act, the minimum number of names to be placed in the master jury wheels shall be at least one-half ( $\frac{1}{2}$ ) of one-percent (1%) of the total number of names on all county voter lists. Therefore, the minimum number of names to be taken for each of the two master wheels will be as follows:

The East St. Louis area	10,000
The Benton area	7,800

The Chief Judge, or the presiding Judge in each place where the Court convenes, may order additional names to be placed in the master jury wheel for said Court from time-to-time, as necessary, and in accordance with the formula herein above described. However, the master and qualified jury wheels currently in full force and effect shall be emptied and refilled every two years, not later than June 1 of the year following a general election.

#### **DRAWING NAMES FROM THE MASTER JURY WHEELS; COMPLETION OF JURY QUALIFICATION FORMS**

The Clerk, either all at one time or at periodic intervals, shall publicly draw at random from the master jury wheels the names of as many persons as may be required to maintain an adequate number of names in the qualified jury wheels. The number of names to be drawn shall be determined by the Clerk based upon anticipated juror demands by the Court, plus a margin of

extra names sufficient to compensate for the estimated number that will turn out to be unavailable or ineligible.

The Clerk may have prepared by manual or computer means alphabetized lists of the names drawn. These lists shall not be exhibited to any person except as provided herein and in Section 1867 and 1868 of the Act, as amended. The Clerk shall, by manual or computer means, prepare and have mailed to every person whose name is so drawn, a juror qualification questionnaire form, accompanied by instructions to execute and return the questionnaire duly signed and sworn to the Clerk by mail within ten days, in accordance with Section 1864(a) of the Act, as amended. The Court 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 for this purpose. Any person who fails to return a completed juror qualification form as instructed will receive a reminder postcard that it is a second mailing and to complete their juror qualification form. Any person who fails to return the juror qualification questionnaire after receiving their second notice may be summoned by the Chief Judge or designated Judge to appear and complete their juror qualification form.

### **EXCUSES ON INDIVIDUAL REQUEST**

In accordance with Sections 1863 (b)(5)(A), Sections 1861, 1863 and 1866 (e) of the Act, Judges of this Court find that jury service by members of the following occupational classes or groups of persons would entail undue hardship or extreme inconvenience to the members thereof, and excuse of such members will not be inconsistent with the Act, as amended, and may be granted by the Court upon individual request:

1. Persons over seventy (70) years of age;
2. Persons who have, within the past two years, served on a federal grand or petit jury;
3. Persons having active care and custody of a child or children under ten (10) years of age whose health and/or safety would be jeopardized by their absence for jury service; or a person who is essential to the care of aged or infirm persons;
4. Any person whose services are so essential to the operation of a business, commercial or agricultural enterprise that must close or cease to function if such person were required to perform jury duty;
5. Persons serving as volunteer safety personnel, who serve without compensation for a "public agency" in a capacity such as volunteer police, firefighters, rescue squads, or ambulance crew.

In addition to the members of classes or groups subject to excuse from jury service on

request as herein above provided, and in accordance with Section 1866©, any person summoned for jury service may be temporarily excused by the Clerk upon a showing of undue hardship or extreme inconvenience; and 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.

### **EXEMPTION FOR JURY SERVICE**

The following occupational classes or groups of persons are barred and shall be exempt from jury service in accordance with Sections 1861, 1862 and 1863(b)(6) of the Act:

1. Public officers in the executive, legislative or judicial branches of the Government of the United States, who are actively engaged in the performance of official duties.
2. Member of any governmental police or regular fire department (not including volunteer or commercial departments).
3. Member in active service of the Armed Forces of the United States.

### **QUALIFICATIONS FOR JURY SERVICE**

In accordance with Section 1865 (a) and (b) of the Act, the Chief Judge, or Judges in each of the places for holding Court, on their initiative or upon recommendation of the Clerk, or the Clerk of the Court, under supervision of the Court, shall determine solely on the basis of the information provided on the juror qualification questionnaire, and other competent evidence, whether a person is qualified for, unqualified for, exempt, or to be excused from jury service. The Clerk shall enter such determination in the space provided on the jury qualification questionnaire or on the juror record in the Court's database. If any person fails to return a completed jury qualification form as instructed, the Clerk shall thereupon pursue the matters in accordance with the provisions of Section 1864 of the Act, as amended.

In making such determination, the District Judge, or the Clerk of the Court, shall deem any person qualified to serve on grand and petit juries in the District unless the person:

1. Is not a citizen of the United States at least eighteen (18) years old and has resided for a period of one year within the judicial district.
2. Is unable to read, write and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;

3. Is unable to speak the English language;
4. Is incapable, by reason of mental or physical infirmity, to render satisfactory jury service; or
5. Has a charge pending against him for the commission of, or has been convicted in a State or Federal Court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored.

### **QUALIFIED JURY WHEEL**

The Clerk shall maintain two master jury wheels, one from the East St. Louis counties and one from the Benton counties; and, in addition, 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. He shall ensure that at all times an adequate number of names are contained in each such jury wheel. The Clerk may, at his option, and after consultation with the Chief Judge, maintain any or all of the qualified wheels through use of either a properly programmed data computer system, or through use of manual methods. Whenever a qualified wheel is maintained on a data computer, the number of names to be summoned for a particular term will be a pure randomized number of jurors electronically drawn, upon court authorization, for the specific group of jurors to be summoned.

Each grand jury panel will be selected by division and may sit in any one of the statutory places of holding Court in the District. From time to time, as grand juries are required, the Clerk shall order the drawing from either division's master wheel, the total number of grand jurors needed to be summoned.

Electronic alphabetized lists of the persons summoned will be prepared and maintained by the Clerk. These lists shall not be exhibited to any person except as provided herein, and in Sections 1867 and 1868 of the Act, as amended.

### **PUBLIC ANNOUNCEMENT OF THE PLACE AND TIME OF AUTOMATED SELECTION OF NAMES**

Random drawings shall be publicly made in the office of the Clerk of Court at times to be publicly announced on the Court bulletin board, as provided in Section 1869 (k) of the Act, as amended.

## **IMPANELING PETIT AND GRAND JURORS**

Petit jury panels drawn as provided in this Plan constitutes a pool to be used by the Court in the division for which drawn and shall serve for one month or one trial, and are thereafter excused from further service, unless otherwise ordered. Names of persons summoned and appearing for service will be selected by lot for each separate trial panel. The Clerk shall prepare for the use of the Court and counsel a separate list of names of persons assigned to each petit jury panel.

On the date of trial, the names of persons impaneled for that trial drawn from the qualified jury wheel shall be made public, provided that any District Judge in a case or cases, where the interest of justice so requires, may order that the names be kept confidential until the time of voir dire examination.

Grand jury panels drawn as provided in this Plan constitutes a pool to be used by the Court in the division for which drawn and shall serve for twelve (12) consecutive months, unless otherwise extended by the Court. The Clerk shall prepare a separate list of names of persons assigned to each grand jury. After a grand jury has been obtained and sworn, the names and addresses of those on such grand jury should not be maintained in any public record or publicly disclosed except on the order of the Chief Judge or the district court judge at whose the request the grand jury was ordered.

## **FREQUENCY OF SERVICE**

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

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

## **NON-DISCLOSURE OF DOCUMENTS**

The contents of records or papers used by the Clerk in connections with the jury selection process, including juror qualification questionnaires, shall not be disclosed or made available to the public or media, except as provided in 28 U.S.C. § 1867 (f) and in this Plan.

## **UNANTICIPATED SHORTAGE OF JURORS**

**When there is an unanticipated shortage of available petit jurors drawn from the qualified jury wheel, the Chief Judge or designated judge may require the United States Marshal to summon a sufficient number of petit jurors selected at random from the voter registration lists, or other lists specified in the Plan, in a manner by the Court consistent with Sections 1861 and 1862 of the Act, as amended.**

### **DEFINITIONS**

The term "Chief Judge" shall mean the Chief Judge of the United States District Court for the Southern District of Illinois.

The terms "Clerk" and "Clerk of the Court" as used in this Plan shall mean the Clerk of the United States District Court for the Southern District of Illinois, or any authorized deputy clerk, and any other person authorized by the Court to assist the Clerk in the performance of functions presented by the Jury Selection Act, or as set forth herein.

The term "division" as used in this Plan shall take its usual meaning, and shall not mean "legal division."

The term "public agency" as used in this Plan means the United States, any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or other territory of the United States, "or any unit of local government, department, or instrumentality of any of the foregoing."

**The term "public officer" shall mean a person who is either elected to public office or who is directly appointed by a person elected to public office.**