United States District Court
Southern District of Illinois

David R. Herndon, Chief United States District Judge
Nancy J. Rosenstengel, Clerk of Court

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 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 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.

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.

Jury Selection Sources

Juror names shall be selected from the general election voter registration lists and may be supplemented with lists of licensed drivers. 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 Clerk, City Clerk (if separate city lists exist), or the office of the State Board of Elections for the State of Illinois. The lists of licensed drivers will consist of licensed drivers eighteen years or older as recorded by the Illinois Secretary of State.

To the extent possible, elimination of duplicate names between the lists of registered voters and licensed drivers will be accomplished manually, through the use of a computer system, or through a combination of 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.
- 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, 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, 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 petit or grand jurors. The random selection of names from the source lists for inclusion in the master wheel by data computer personnel must ensure that each county within the jury division is substantially proportionally represented in the master jury wheel in accordance with 28 U.S.C. § 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.

The Master Jury Wheel – Selection of Names by Electronic Method

The Court elects to use planned and programmed electronic methods in connection with the District's voter record source lists, licensed drivers source lists, master jury wheels, and qualified jury wheels. Names from all source lists will be randomly drawn by lot.

The Clerk will provide detailed instructions to local and state officials and to the vendor selected for electronic processing of the source lists into the master wheel. The Clerk will ensure that the instructions are specifically followed and that the vendor completes a Certificate of Compliance.

The Master Jury Wheel – Creation and Refilling

This Plan contemplates two master wheels. Jurors will be drawn from the wheel which contains names from each of the two jury divisions – East St. Louis and Benton. The names and

addresses of all persons randomly selected from the source lists of voters at the last general election and licensed drivers shall be placed in each master jury wheel in electronic form 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. Therefore, the minimum number of names in the East St. Louis jury division is 15,000, and the minimum number of names in the Benton jury division is 10,000.

The Chief Judge may order additional names to be placed in the master jury wheel for each place of Court, as necessary, and in accordance with the formula described above. The master and qualified jury wheels shall be emptied and refilled every two years, not later than June 1 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 this Plan, 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 Procedure

Pursuant to 28 U.S.C § 1878, the Clerk shall use the optional one-step summoning and qualification procedure, in lieu of two separate procedures.

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 mail to every person whose name is drawn from the master wheel a juror qualification form accompanied by instructions to fill out and return the form, duly signed and sworn, to the Clerk by mail or through the Court's internet website within ten days.

If the person is unable to fill out and return the form, another shall do it for him/her, indicate that

s/he has done so, and explain why the summoned person is unable to complete the form. In any case in which it appears there is omission, ambiguity, or error, the Clerk shall return the form to the person with instructions to make corrections as necessary and return the form to the Clerk within ten days.

Any person who fails to return a completed juror qualification form as instructed will receive a reminder postcard to complete the juror qualification form. Any person who fails to return the juror qualification form within ten days after receiving the reminder postcard may be summoned by the Chief Judge to appear and complete the juror qualification form.

Qualifications for Jury Service

The Clerk, under supervision of the Chief Judge, shall determine on the basis of information provided on the juror qualification form and/or other competent evidence whether a person is unqualified for, exempt from, or otherwise should be excused from jury service. 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 s/he:

- Is not a citizen of the United States, is not at least eighteen years old, and 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 or has been convicted in a state or federal court of a crime punishable by imprisonment for more than one year and his/her 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, 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);

- Public officers in the executive, legislative, or judicial branches of the Government 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 and 1862:

- 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, and 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 a number of additional names sufficient to compensate for the estimated number of juror qualification forms that will be undeliverable or not completed and returned.

The qualified wheels shall be maintained on 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.

Each grand jury panel will be selected by jury division and may sit in any place where the Court convenes. 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.

Selection of Petit and Grand Jurors

Petit jury panels drawn as provided in this Plan constitute a pool to be used by the Court in the jury division for which drawn and shall serve for one month or one trial. They shall then be excused from further service, unless otherwise ordered by the Court. Names of persons summoned and appearing for service will be selected by lot for each separate trial panel.

Grand jury panels drawn as provided in this Plan constitutes a pool to be used by the Court in the jury division for which drawn and 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 for the use of the Court and counsel a separate list of names of persons drawn from the qualified jury wheel and assigned to each petit jury panel. The names of persons assigned to a petit jury panel or impaneled for a trial will not be disclosed except during voir dire examination, unless otherwise ordered by a Judge where the interests of justice so requires.

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 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 thirty days, except when necessary to complete service in a particular case; or
- 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 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(f).

After the master jury wheel is emptied and refilled, and after all persons selected to serve as jurors before the master wheel was emptied have completed their service, all records and papers compiled and maintained by the Clerk before the master wheel was emptied shall be preserved in the custody of the Clerk for four years or 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, 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:

David R. Herndon
Chief U.S. District Judge David R. Herndon

November 9, 2011
Date

JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT
219 SOUTH DEARBORN STREET
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COLLINS T. FITZPATRICK
CIRCUIT EXECUTIVE
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RECEIVED
DEC 22 2011
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

December 15, 2011

Ms. Nancy J. Rosenstengel
Clerk
Southern District of Illinois
United States District Court
Post Office Box 249
East St. Louis, Illinois 62202

Dear Nancy:

The Judicial Council of the Seventh Circuit has approved the amendments to the amended Plan for Random Selection of Jurors of the Southern District of Illinois which you submitted on November 10, 2011. Pursuant to 28 U.S.C. § 1863(a), please notify the Attorney General and the Administrative Office of the amended plan.

Sincerely,

Collins

Collins T. Fitzpatrick

CTF:tlw

cc: Chief Judge Frank H. Easterbrook
Chief District Judge David R. Herndon
Gino J. Agnello