

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA



## PLAN FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS

PLAN APPROVED BY THE COURT  
FEBRUARY 22, 2021

PLAN APPROVED BY THE JUDICIAL COUNCIL  
OF THE ELEVENTH CIRCUIT  
MAY 24, 2021

<b>CHAPTER ONE</b> .....	3
<b>General Matters</b> .....	3
<b>Section 1.01 Authority</b> .....	3
<b>Section 1.02 Application</b> .....	3
<b>Section 1.03 Definitions</b> .....	3
<b>Section 1.04 28 U.S.C. § 1861, Declaration of Policy</b> .....	3
<b>Section 1.05 Discrimination Prohibited</b> .....	3
<b>Section 1.06 Management Responsibilities</b> .....	4
<b>Section 1.07 Delegation of Clerk’s Management Responsibilities</b> .....	4
<b>Section 1.08 Jury Management Divisions (See 28 U.S.C. § 1869(e))</b> .....	4
<b>Section 1.09 Emptying and Refilling the Master Jury Wheel</b> .....	5
<b>Section 1.10 Method and Manner of Random Selection of Jurors</b> .....	5
<b>Section 1.11 General Notice</b> .....	6
<b>Section 1.12 Protection of Jurors’ Employment</b> .....	6
<b>Section 1.13 Modifications</b> .....	6
<b>CHAPTER TWO</b> .....	6
<b>Source Lists, Initial Random Selection, and Master Jury Wheel</b> .....	6
<b>Section 2.01 Source List (See 28 U.S.C. §§ 1861 and 1963(b)(2) and (3))</b> .....	6
<b>Section 2.02 Size of the Master Jury Wheel (See 28 U.S.C.</b> .....	7
<b>Section 2.03 Substantial Proportional Representation and the Master Jury Wheel</b> .....	7
<b>Section 2.04 Reserve Master Wheel</b> .....	8
<b>Section 2.05 Filling the Master Jury Wheel</b> .....	8
<b>CHAPTER THREE</b> .....	8
<b>Drawing Names from the Master Jury Wheel, Juror Qualification, and Qualified Jury Wheel</b> .....	8
<b>Section 3.01 Drawing Names from the Master Jury Wheel</b> .....	8
<b>Section 3.02 Juror Qualification Questionnaires</b> .....	8
<b>Section 3.03 Errors and Failure to Submit a Juror Qualification Questionnaire or Appear</b> ....	8
<b>Section 3.04 Undeliverable</b> .....	9
<b>Section 3.05 Determining Juror Qualification Status</b> .....	9
(a) Disqualification.....	9
(b) Exemption from Jury Service.....	10
(c) Permanent Excuse.....	10
<b>Section 3.06 Qualified Jury Wheel</b> .....	11

**CHAPTER FOUR**.....11

**Selection of Grand and Petit Jurors** .....11

**Section 4.01 Selection and Empanelment of Grand and Petit Jurors (See 28 U.S.C § 1866(a))**.....11

**Section 4.02 Summoning Grand and/or Petit Jurors (See 28 U.S.C. § 1866(b))**.....12

**Section 4.03 Petit Jury Term – One Appearance/One Trial**.....12

**Section 4.04 Disclosure of Petit Juror Information (See 28 U.S.C. § 1863(b)(7))**.....12

**Section 4.05 Grand Jury Empanelment (See 28 U.S.C. § 1863(b)(8))** .....12

**Section 4.06 Term of Grand Jury** .....13

**Section 4.07 Alternate Grand Jurors**.....13

**Section 4.08 Disclosure of Grand Juror Information (See 28 U.S.C. § 1863(b)(7))**.....13

**CHAPTER FIVE**.....13

**Exclusion or Excuse from Jury Service**.....13

**Section 5.01 Procedures in Excusing and Assigning Persons to Grand and Petit Juries (See 28 U.S.C. § 1866(c))** .....13

**Section 5.02 Exclusion or Excuse from Jury Service** .....13

**Section 5.03 Frequency of Service (See 28 U.S.C. § 1866(e))**.....14

**Section 5.04 Permanent Exclusion or Excuse from Jury Service**.....14

**CHAPTER SIX**.....14

**Disclosure and Retention of Jury Selection Records**.....14

**Section 6.01 Release of Jury Plan Information**.....14

**Section 6.02 Release of Juror Records (See 28 U.S.C. § 1867(f))** .....14

**Section 6.03 Retention of Juror Records**.....15

**Section 6.04 Request to Inspect Juror Records (See 28 U.S.C. § 1868)**.....15

# CHAPTER ONE

## General Matters

### Section 1.01 Authority

This Jury Plan (hereinafter “Plan”) is adopted by the United States District Court for the Southern District of Georgia in accordance with the provision of the Jury Selection and Service Act of 1968 (Public Law 90-274), as amended and codified in 28 U.S.C. § 1861 et seq.

### Section 1.02 Application

This Plan will take effect after the approval by a reviewing panel of the United States Court of Appeals for the Eleventh Circuit pursuant to 28 U.S.C. § 1863(a). The prior Plan will be superseded as of the effective date of this revised Plan. A copy of the revised Plan, as approved by the reviewing panel, will be provided to the Administrative Office of the United States Courts and the Attorney General of the United States.

### Section 1.03 Definitions

For the purposes of this Plan:

“Jury Selection Process” will be deemed to include all activities associated with the master and qualified jury wheels relating to the random selection, qualification, summoning, and service of grand and petit jurors.

“Chief Judge” means the Chief Judge of this District, or on account of absence, disability, or inability to act, the active District Court Judge who is present in the district and has been in service the greatest length of time.

“Clerk” and “Clerk of Court” means the Clerk of this District Court, and any or all deputy clerks. In managing and supervising the Jury Selection Process, the Clerk is authorized to delegate duties as may be necessary to assist the Clerk in the performance of duties under this Plan.

### Section 1.04 28 U.S.C. § 1861, Declaration of Policy

It is the policy of the United States that all litigants in Federal courts entitled to trial by jury have the right to grand and petit juries selected at random from a fair cross section of the community in the district or division wherein the Court convenes. It is further the policy of the United States that all citizens in the district have the opportunity to be considered for service on the grand and petit juries and have an obligation to serve as jurors when summoned for that purpose.

### Section 1.05 Discrimination Prohibited

No citizen will be excluded from service as a grand or petit juror on account of race, color, religion, sex, national origin, or economic status.

## **Section 1.06 Management Responsibilities**

In accordance with 28 U.S.C. § 1863(b)(1), the Clerk of Court will manage the Jury Selection Process under the supervision and control of the Chief Judge of this District or other active District Court Judge designated by the Chief Judge. There shall be no jury commission.

The Court finds that electronic data processing methods can be advantageously used for managing this Plan. At the Clerk's option, after consultation with the Chief Judge, a properly programmed electronic data processing system or a combination system employing both manual and electronic machine methods, may be used for all randomized drawings and to perform other clerical and record-keeping jury functions.<sup>1</sup> In the event of an emergency, computer malfunction, or any overt or obvious deviation from this Plan caused by automation, the Clerk, with the approval of the Chief Judge, will manually, or by alternative electronic methods, proceed from the last step correctly implemented to manage the Plan.

## **Section 1.07 Delegation of Clerk's Management Responsibilities**

In accordance with 28 U.S.C. §§ 1863(b)(1) and 1869(a), the Clerk of Court may delegate responsibility for the day-to-day operation of the Jury Selection Process to any authorized deputy clerk, or to any non-court person or agency.

The Clerk may use the services of non-court personnel to assist in the Jury Selection Process. For purposes of this Plan, the phrase "non-court personnel" may include, but is not limited to:

- (a) County or State Officials, and their employees or agents, who are responsible for custody and maintenance of the source lists identified in Section 2.01 of this Plan.
- (b) Owners, employees, operators and/or agents of computer or data processing centers, bar coding facilities, mail handling centers, document reproduction facilities, optical scanning facilities, and similar facilities whose services are requested or employed by the Clerk to support the Jury Selection Process.
- (c) Other non-court administrative or clerical persons whose services are requested or employed by the Clerk to select, process, and/or mail the various documents and records involved in the Jury Selection Process.

Any selection performed by non-court personnel shall be conducted pursuant to detailed instructions by the Clerk and certified that work has been completed pursuant to those instructions.

## **Section 1.08 Jury Management Divisions (See 28 U.S.C. § 1869(e))**

The provisions of this Plan apply to all divisions of the Southern District of Georgia. The divisions consist of the following counties:

---

<sup>1</sup> See <http://jnet.ao.dcn/court-services/district-clerks-offices/jury-management/jury-plan/random-selection-jurors>

**Augusta Division:** Burke, Columbia, Glascock, Jefferson, Lincoln, McDuffie, Richmond, Taliaferro, Warren and Wilkes.

**Brunswick Division:** Appling, Camden, Glynn, Jeff Davis, Long, McIntosh and Wayne.

**Dublin Division:** Dodge, Johnson, Laurens, Montgomery, Telfair, Treutlen and Wheeler.

**Savannah Division:** Bryan, Chatham, Effingham and Liberty.

**Waycross Division:** Atkinson, Bacon, Brantley, Charlton, Coffee, Pierce and Ware.

**Statesboro Division:** Bulloch, Candler, Emanuel, Evans, Jenkins, Screven, Tattnall and Toombs.

Jurors will be selected for service from a single division for petit juries, from all divisions (pro rata) for grand juries, or from any combination of divisions as the Chief Judge may direct from time to time.

#### **District-Wide Jury**

When, in the discretion of a District Court Judge, it is deemed appropriate and necessary to summon a venire of petit jurors from all divisions on a district-wide basis for a specific case or group of cases, an Order to such effect shall be entered. When a district-wide petit jury venire is to be summoned, the random selection of jurors shall be conducted in the same manner and proportions as are provided for in the selection of grand juries.

### **Section 1.09 Emptying and Refilling the Master Jury Wheel**

The Clerk of Court will create and maintain a Master Jury Wheel for the district. In accordance with 28 U.S.C. § 1863(b)(4), the Clerk is directed to empty and refill the Master Jury Wheel every four (4) years, not later than September 1, using the voter registration lists for the immediately preceding General Election.

A report will be made to the Chief Judge within six months after each periodic refilling of the Master Jury Wheel, on forms approved by the Judicial Conference, giving general data relating to the Master Jury Wheel, the time and manner of name selection, the source and number of names placed in the wheel and related information, and analysis of the race and sex of prospective jurors based on returns from juror qualification forms drawn at random from the Master Jury Wheel or based on all persons who have actually reported for jury service during the period covered by the report.

### **Section 1.10 Method and Manner of Random Selection of Jurors**

Pursuant to 28 U.S.C. § 1861, all litigants "have the right to grand and petit jurors selected at random from a fair cross section of the community." Voter registration lists represent a fair cross section of the community in each division of the Southern District of Georgia. Accordingly, names of grand and petit jurors serving on or after the effective date of this Plan shall be selected at random from the voter registration lists, which are available from the Georgia Secretary of State's Office, of all counties in the relevant division.

This Court uses a two-step process to randomly select jurors. First, a Master Jury Wheel is created by selecting names at random from the lists of registered voters maintained by duly

authorized federal, state and/or local election commissions. Then, names are randomly drawn periodically from the Master Jury Wheel to receive juror qualification forms, which will aid in the determination of whether the individual is legally qualified to serve. The names of those persons who are legally qualified to serve are put on a second wheel, a Qualified Jury Wheel. As prospective jurors are needed for a specific trial or grand jury, jury summonses are sent to persons randomly selected from the Qualified Jury Wheel.

The Jury Management System ("JMS"), an electronic data processing system developed by the Administrative Office of the United States Courts, shall be used to select names from the Master Jury Wheel to fill the Qualified Jury Wheel; to select names from the Qualified Jury Wheel for persons to be summoned to serve as grand or petit jurors; and for the recording of names and other information on any papers and records needed by the Court to administer the selections and payment of jurors. This electronic data processing system for pure randomized selection ensures that the mathematical odds of any single name being picked are substantially equal.

### **Section 1.11 General Notice**

In accordance with 28 U.S.C. § 1864(a), the Clerk will post a general notice for public review in the Clerk's Office and on the Court's public website explaining the process by which names are periodically and randomly drawn from the source list and the Master and Qualified Wheels.

### **Section 1.12 Protection of Jurors' Employment**

In accordance with 28 U.S.C. § 1875, no employer shall discharge, threaten to discharge, intimidate, or coerce any permanent employee by reason of such employee's jury service, or the attendance or scheduled attendance in connection with such service. Any employer who violates the provisions of this section shall be subject to civil penalty of not more than \$5,000 for each violation as to each employee and may be ordered to perform community service.

### **Section 1.13 Modifications**

Modifications to this Plan may be made from time to time by this Court upon approval of the Eleventh Circuit Reviewing Panel of the Judicial Council and must be made when so directed.

## **CHAPTER TWO**

### **Source Lists, Initial Random Selection, and Master Jury Wheel**

#### **Section 2.01 Source List (*See* 28 U.S.C. §§ 1861 and 1963(b)(2) and (3))**

Voter registration lists represent a fair cross section of the community in each division of the Southern District of Georgia. Accordingly, names of grand and petit jurors serving on

or after the effective date of this Plan shall be selected at random from the voter registration lists, which are available from the Georgia Secretary of State's Office, of all counties in the relevant division.

**Section 2.02 Size of the Master Jury Wheel (See 28 U.S.C. § 1863(b)(4))**

The Clerk shall maintain a Master Jury Wheel for the District, with juror names from each of the six divisions as subsets of the wheel. The initial selection of names to fill the Master Jury Wheel shall be of a sufficient number as may be deemed needed for a four-year period. The minimum number of names to be placed in the Master Jury Wheel shall be at least one-half of 1 per centum of the total number of persons on the voter registration list. If the total number of names is believed to be cumbersome and unnecessary, the Plan may fix a smaller number of names to be placed in the Master Jury Wheel, but in no event less than one thousand.

At a minimum, the Clerk shall select for the Master Jury Wheel for each division approximately the following number of names, which represent at least 5% of the total number of registered voters in each division:<sup>2</sup>

Augusta Division:	<u>17,900</u>
Brunswick Division:	<u>9,000</u>
Dublin Division:	<u>3,800</u>
Savannah Division:	<u>18,600</u>
Waycross Division:	<u>4,900</u>
Statesboro Division:	<u>6,500</u>

At such time as it may become necessary, the Chief Judge of this District may order that additional names be placed in the Master Jury Wheel. Additionally, with approval of the Chief Judge, the minimum number listed above may be adjusted when creating a new Master Jury Wheel based upon the actual or projected census from the United States Department of Commerce.

**Section 2.03 Substantial Proportional Representation and the Master Jury Wheel**

The total number of names drawn from a county's voter registration list shall be substantially proportionate to the number of names that county bears to the total number of voter registration names in the entire division. For example, if there are 240,000 names on the voter registration list of all counties within the division, and there are 48,000 names on county "A's" list (twenty percent of the total), then the number of county "A's"

---

<sup>2</sup> Numbers represent 5% of the registered voters in each division plus 5% of that number to allow for NCOA and Death Suppression Records to be removed. This total number is then rounded to the nearest even amount, and this rounding margin is within 2% of the original total.

**Example:**

Augusta Division Registered Voters: 292,798  
5% of Augusta Division Registered Voters: 14,640  
5% to account for NCOA and Death Suppression: 732  
Total: 15,372  
Rounded within 2%: 15,400



names initially selected should be substantially twenty percent of the total number selected from all counties within the division.

#### **Section 2.04 Reserve Master Wheel**

Upon direction of the Chief Judge, the Clerk shall create a Reserve Master Jury Wheel at the same time that the Master Jury Wheel is created. The Reserve Master Jury Wheel will be created in the same manner as the Master Jury Wheel. The Clerk, however, shall not qualify any of the persons on the Reserve Master Jury Wheel unless and until it becomes necessary to accomplish the policy and directives of this Plan.

#### **Section 2.05 Filling the Master Jury Wheel**

Once the names for each county have been randomly selected, the data will be sorted into the appropriate divisions within the Master Jury Wheel.

### **CHAPTER THREE**

#### **Drawing Names from the Master Jury Wheel, Juror Qualification, and Qualified Jury Wheel**

##### **Section 3.01 Drawing Names from the Master Jury Wheel**

The Clerk shall, either all at one time or at periodic intervals, utilize JMS to randomly draw a sufficient number of names from the Master Jury Wheel to maintain an adequate number of names in the Qualified Jury Wheel to meet the needs of the Court. The number of names to be drawn from the Master Jury Wheel shall be determined by the Clerk based upon anticipated juror demands of the Court, plus a margin of extra names sufficient to compensate for those individuals who will be ineligible or unavailable.

##### **Section 3.02 Juror Qualification Questionnaires**

The Clerk will mail a "Notice of Juror Qualification" letter to every person randomly selected pursuant to Section 3.01 of this Plan (*see* 28 U.S.C. § 1864(a)). The notice will direct the juror to complete the questionnaire through the Court's internet website and indicate a deadline for completion. If the juror fails to complete the juror qualification questionnaire online, a second mailing containing a paper copy of the questionnaire will be sent.

##### **Section 3.03 Errors and Failure to Submit a Juror Qualification Questionnaire or Appear**

With respect to the completion of jury qualification forms, the Plan hereby incorporates the provisions of 28 U.S.C. § 1864, which reads in pertinent part:

- (a) If the person is unable to fill out the form, another shall do it for him, and shall indicate that he has done so and the reason therefor. In any case in which it appears that there is an omission, ambiguity, or error in a form, the clerk . . . shall return the form with instructions to the person to make such additions

or corrections as may be necessary and to return the form to the clerk . . . within ten days. Any person who fails to return a completed juror qualification form as instructed may be summoned by the clerk . . . forthwith to appear before the clerk . . . to fill out a juror qualification form. . . At the time of his appearance for jury service, any person may be required to fill out another juror qualification form in the presence of . . . the clerk or the court, at which time, in such cases as it appears warranted, the person may be questioned, but only with regard to his responses to questions contained on the form. Any information thus acquired by the clerk . . . may be noted on the juror qualification form and transmitted to the chief judge or such district court judge as the plan may provide.

- (b) Any person summoned pursuant to subsection (a) of this section who fails to appear as directed shall be ordered by the district court forthwith to appear and show cause for his failure to comply with the summons. Any person who fails to appear pursuant to such order or who fails to show good cause for noncompliance with the summons may be fined not more than \$1000, imprisoned not more than three days, ordered to perform community service, or any combination thereof. Any person who willfully misrepresents a material fact on a juror qualification form for the purpose of avoiding or securing service as a juror may be fined not more than \$1000, imprisoned not more than three days, ordered to perform community service, or any combination thereof.

### **Section 3.04 Undeliverable**

For all juror qualification forms returned to the Court as "undeliverable" or those to which no response has been received (after the Clerk has sent a follow-up letter to the person who has not responded), the Clerk -- as soon as practicable -- may issue the same number of new juror qualification forms to be mailed to randomly selected addresses within the same zip code area to which the undeliverable or non-responding juror qualification forms had been sent. These substitute names shall be selected from the Master Jury Wheel or the Reserve Master Jury Wheel, if necessary.

### **Section 3.05 Determining Juror Qualification Status**

The Chief Judge, *sua sponte* or upon the recommendation of the Clerk, or the Clerk of Court or designee under the supervision of the Court, will determine solely on the basis of information provided on the juror qualification questionnaire and other competent evidence whether a person is unqualified for, exempt, or to be excused from jury service (*see* 28 U.S.C. § 1865(a)). The Clerk must enter such fact in the jury management database.

#### **(a) Disqualification from Jury Service**

In accordance with 28 U.S.C. § 1865(b), any person will be deemed qualified to serve on grand and petit juries in this District unless such person:

- (1) is not a citizen of the United States eighteen years or older who 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 satisfactorily fill out the juror qualification questionnaire;
- (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.

Prospective jurors who are found to be ineligible are barred from jury service even if they indicate a desire to serve.

(b) Exemption from Jury Service

In accordance with 28 U.S.C. §§ 1863 (b)(6) and 1869(i), the following persons are barred from jury service on the grounds that they are exempt:

- (1) full-time members in active service of the Armed Forces of the United States;
- (2) full-time members of professional fire and police departments of state and local governments;
- (3) full-time public officers in the Executive, Legislative or Judicial Branches of the Government of the United States, or any State, District, Territory, Possession or subdivision thereof, who are actively engaged in the performance of official duties.  
A "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."

Prospective jurors who are found to be exempt are barred from jury service even if they indicate a desire to serve.

(c) Permanent Excuse

In accordance with 28 U.S.C. §§ 1863(b)(5); 1866; and 1869(j), this Court finds and hereby states that jury service by members of the following occupational classes or groups of persons may entail undue hardship and extreme inconvenience to the members thereof, and serious obstruction and delay in the fair and impartial administration of justice, and that their excuse will not be inconsistent with the Act and may be granted by the Court upon individual request after service of summons:

- (1) All ministers, clergy, and members of religious orders actively so engaged;
- (2) All actively practicing attorneys, physicians, physicians assistants, nurse practitioners, dentists and registered nurses;
- (3) Persons having active care and custody of a child or children under ten 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 infirmed persons;
- (4) persons age 70 years or older;
- (5) all volunteer safety personnel who serve without compensation as firefighters or members of a rescue squad or ambulance crew for a “public agency” except that volunteer safety personnel shall be excused upon individual request.

### **Temporary Excuse**

Upon application showing undue hardship or extreme inconvenience, any qualified juror may be temporarily excused from jury service for a period as the Court, the Clerk or designee deems necessary. Unless otherwise directed by the Court, those individuals temporarily excused from jury service are subject to being summoned again for another service date.

### **Section 3.06 Qualified Jury Wheel**

The Clerk shall maintain separate Qualified Jury Wheels for each division in the district and shall place in such Wheels the names of all persons drawn at random from the Master Jury Wheel and not disqualified, exempt, or excused pursuant to this Plan. Each qualification form as called for by 28 U.S.C. § 1864 shall bear the number which its addressee bears on the voter list. The Clerk shall ensure that, at all times, an adequate number of names is contained in each Qualified Jury Wheel to meet the needs of the Court. The Qualified Jury Wheel in each division shall be refilled in one drawing or in increments at the discretion of the Chief Judge or designee.

## **CHAPTER FOUR**

### **Selection of Grand and Petit Jurors**

#### **Section 4.01 Selection and Empanelment of Grand and Petit Jurors (*See 28 U.S.C § 1866(a)*)**

From time to time the Court, or the Clerk if so ordered by the Court, shall publicly draw at random from the Qualified Jury Wheel or Wheels such number of names of persons as may be required for assignment to grand and petit jury panels.

#### **Section 4.02 Summoning Grand and/or Petit Jurors (*See 28 U.S.C. § 1866(b)*)**

The Clerk shall prepare by means of JMS, will issue and serve personally, or send by first class mail, summonses to the persons whose names are so drawn.

#### **Section 4.03 Petit Jury Term – One Appearance/One Trial**

It is the policy of the Southern District of Georgia that all prospective petit jurors serve one appearance or one trial. If jury service would result in an undue hardship, the Court, the Clerk, or designee may offer a deferral/postponement of jury service to another panel within the next calendar year. Petit jurors appearing in the United States District Court for the Southern District of Georgia, upon completion of their one appearance or one trial service, may be released from further jury service obligations for a period of not less than two (2) years. The Court reserves the right to modify the provisions of this petit jury policy when the interests of justice so require.

#### **Section 4.04 Disclosure of Petit Juror Information (*See 28 U.S.C. § 1863(b)(7)*)**

- (a) **To Attorneys and Parties:** When the Clerk has assigned a venire panel to a particular trial, the panel information shall remain confidential until the morning of trial in any case. Notwithstanding this policy, if allowed by standing order or otherwise ordered by the trial judge, the list of names so assigned may be furnished to the attorneys for the parties and any parties appearing *pro se* in the case in advance. The names and information will be provided in written form only (hereafter “the jury list”). The attorneys (or party) may not share the jury list or information therein except as necessary for purposes of jury selection. Following jury selection, the attorneys (or party) provided the jury list must return to the Clerk the jury list and any copies made from the jury list provided to them and/or destroy them. All juror names and personal information are to be kept confidential where the interests of justice so require.
- (b) **To the Public and the Media:** The names of prospective and sitting petit jurors will be disclosed to the public or media only upon order of the Court. A request for disclosure of petit juror names to the media or public must be made in writing to the presiding judge.

#### **Section 4.05 Grand Jury Empanelment (*See 28 U.S.C. § 1863(b)(8)*)**

One or more grand juries will be impaneled for this District in accordance with a court order issued by the Chief Judge. The empanelment of every grand jury will not be conducted in open court or within public view. Inasmuch as our grand juries function on a district-wide basis, they shall be drawn by the Court, or the Clerk if so ordered by the Court, by drawing the number of names from each division in the same ratio that the number of registered voters in each division bears to the total number of registered voters in the entire district. The names shall be randomly drawn from the Qualified Jury Wheel, and the names so drawn shall be pooled and shall constitute the grand jury to report for duty.

#### **Section 4.06 Term of Grand Jury**

Each grand jury will serve until discharged by the Chief Judge, but no grand jury will serve more than 6 months unless the Court extends the service of the grand jury upon determination that such extension is in the public interest, in accordance with Rule 6(g) of the Federal Rules of Criminal Procedure.

#### **Section 4.07 Alternate Grand Jurors**

The Court may direct that alternate grand jurors be selected at the same time a grand jury is selected. Alternate grand jurors, in order in which they were selected, may thereafter be impaneled to replace excused grand jurors. Alternate grand jurors will be drawn in the same manner and must have the same qualifications as the regular grand jurors, and if impaneled, must be subject to the same challenges, will take the same oath, and have the same authority as the regular grand jurors.

#### **Section 4.08 Disclosure of Grand Juror Information (See 28 U.S.C. § 1863(b)(7))**

Except as authorized by written order of the Court, the names and information relating to any summoned or serving grand juror or grand jury panel will be confidential and not disclosed to any litigant or member of the public. Applications for disclosure of grand juror information must be made by motion to the Chief Judge and must set forth why disclosure should be allowed.

### **CHAPTER FIVE**

#### **Exclusion or Excuse from Jury Service**

##### **Section 5.01 Procedures in Excusing and Assigning Persons to Grand and Petit Juries (See 28 U.S.C. § 1866(c))**

The names of those jurors who have been excused from a panel for undue hardship or extreme inconvenience will be put back in the Qualified Jury Wheel where they will be subject to subsequent random selection. The grand jury panel will be selected only from names drawn from the Qualified Jury Wheel on order of a District Court Judge. The names of those jurors excused from the grand jury for undue hardship or extreme inconvenience will be placed back in the Qualified Jury Wheel.

When there is an excess of jurors present, either grand or petit, and their presence is required for only one day, the Court shall, in its discretion upon excusing the excess jurors, inform them that their names will be put back in the Qualified Jury Wheel, subject to subsequent random selection.

##### **Section 5.02 Exclusion or Excuse from Jury Service**

Except as provided elsewhere in the Plan, no person or class of persons will be disqualified, excluded, excused, or exempted from service as jurors; provided, however, that any person summoned for jury service may be:

- (a) Excluded by the Court on the grounds that such person may be unable to render impartial jury service or that his service as a juror would be likely to disrupt proceedings;
- (b) Excluded upon peremptory challenge as provided by law;
- (c) Excluded pursuant to the procedure specified by law upon a challenge by any party for good cause shown; or
- (d) Excluded upon determination of the Court, after hearing in open court, that service as a juror would likely threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberations, and that exclusion of such person will not be inconsistent with the policy stated in 28 U.S.C. §§ 1861 and 1962.

**Section 5.03 Frequency of Service (*See* 28 U.S.C. § 1866(e))**

In any two (2) year period, no person will be required to:

- (a) 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
- (b) Serve on more than one grand jury, or
- (c) Serve as both a grand and petit juror.

**Section 5.04 Permanent Exclusion or Excuse from Jury Service**

Whenever a person is permanently excluded or excused from jury service under this Plan, the Clerk will note the same on the questionnaire or in the jury management database.

**Section 5.05 Unanticipated Shortage of Jurors (*See* 28 U.S.C. § 1866(f))**

Where there is an unanticipated shortage of available petit jurors drawn from the Qualified Jury Wheel, the Court may require the Marshal to summon a sufficient number of petit jurors selected at random either from the voter registration list, list of actual voters, or from the Qualified Jury Wheel, or in a manner as may be ordered by the Court.

## **CHAPTER SIX**

### **Disclosure and Retention of Jury Selection Records**

**Section 6.01 Release of Jury Plan Information**

The Clerk of Court is authorized to provide a copy of this Plan to any person requesting information about the Jury Selection Process and will post the Plan to the Court's public website. All other requests for information about the Jury Selection Process must be submitted in writing to the Clerk of Court, who will confer with the Chief Judge prior to releasing any information.

**Section 6.02 Release of Juror Records (*See* 28 U.S.C. § 1867(f))**

The contents of records and papers used in the Jury Selection Process will not be disclosed, except upon written order of the Court. Applications for disclosure of records

related to the Jury Selection Process must be made by motion to the Chief Judge and must set forth why disclosure should be allowed.





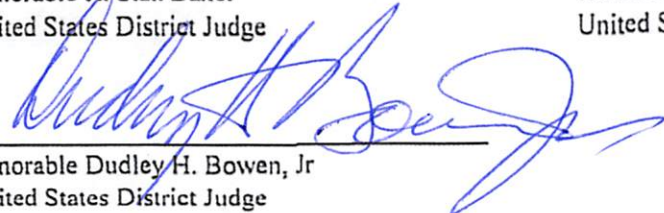
**Section 6.03 Retention of Juror Records**

In accordance with 28 U.S.C. § 1868, the Clerk of Court will keep all records and papers relating to the Jury Selection Process for four (4) years following the emptying and refilling of the Master Jury Wheels and the completion of service of all jurors selected from those Master Jury Wheels, or for such longer periods of time as the Court may require. Such records may then be destroyed by means used to ensure the privacy of their contents.

**Section 6.04 Request to Inspect Juror Records (See 28 U.S.C. § 1868)**

Applications to inspect the Jury Selection Process records to determine the validity of the selection of any jury must be made by motion to the Chief Judge and must set forth why disclosure should be allowed.

SO ORDERED, this 22nd day of February, 2021.

  
\_\_\_\_\_  
Honorable J. Randal Hall  
Chief United States District Judge  
\_\_\_\_\_  
Honorable Lisa Godbey Wood  
United States District Judge  
\_\_\_\_\_  
Honorable R. Stan Baker  
United States District Judge  
\_\_\_\_\_  
Honorable William T. Moore, Jr.  
United States District Judge  
\_\_\_\_\_  
Honorable Dudley H. Bowen, Jr.  
United States District Judge