



**JURY PLAN  
FOR THE  
RANDOM SELECTION OF GRAND AND PETIT JURORS**

Effective 1985

As amended, November 8, 2011

Pursuant to the Jury Selection and Services Act of 1968

Title 28, U.S.C. 1861, *et seq.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA

**JURY PLAN FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS**

Pursuant to the Jury Selection and Service Act of 1968, as amended, (28 U.S.C. 1861 *et seq.*), the following plan is hereby adopted by the Judges of the United States District Court for the Southern District of Indiana 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.

**EFFECTIVE DATE AND DURATION**

This Plan for jury selection shall become effective November 8, 2011, as approved by the reviewing panel as provided in Title 28, U.S.C. § 1863(c). It shall remain in force and effect until modified by the court with the approval of the reviewing panel.

IT IS SO ORDERED.



Richard L. Young, Chief Judge  
United States District Court  
Southern District of Indiana

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1. **DEFINITIONS**

- A. Words used in this Plan which are defined in Title 28, U.S.C. § 1869 of the Act, as amended, shall have the meaning therein specified.
- B. "Master jury wheel" or "master wheel" is a figurative term designating all names selected directly from official source lists in a manner described in this Plan.
- C. "Qualified jury wheel" or "qualified wheel" is composed of those jurors who, based solely on the information provided on the juror qualification questionnaire, have been deemed eligible for service.
- D. "Petit jury" or "petit juror" shall mean a jury or juror summoned to serve at a civil or criminal trial proceeding.
- E. "Grand jury" or "grand juror" shall mean a jury or juror summoned to serve at a grand jury proceeding.

2. **APPLICABILITY OF THE PLAN**

- A. The Southern District of Indiana is hereby divided for jury selection purposes into four (4) divisions, which are identical with the statutory composition of the district as set forth in 28 U.S.C. § 1869(e). Those divisions are:
  - (1) **INDIANAPOLIS** – Bartholomew, Boone, Brown, Clinton, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Randolph, Rush, Shelby, Tipton, Union and Wayne counties.
  - (2) **TERRE HAUTE** – Clay, Greene, Knox, Owen, Parke, Putnam, Sullivan, Vermillion and Vigo counties.
  - (3) **EVANSVILLE** – Davies, Dubois, Gibson, Martin, Perry, Pike, Posey, Spencer, Vanderburgh and Warrick counties.
  - (4) **NEW ALBANY** – Clark, Crawford, Dearborn, Floyd, Harrison, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Ripley, Scott, Switzerland and Washington counties.
- B. The provisions of this Plan apply to all divisions of the district unless otherwise indicated.

**3. DECLARATION OF POLICY**

- A. The purpose of this Plan is to implement the policies of the United States as set forth in 28 U.S.C. § 1861:
- (1) that all litigants in Federal Courts 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 district or division wherein the court convenes.
  - (2) that all citizens shall have the opportunity to be considered for service on grand and petit juries in the district courts of the United States, and
  - (3) that all citizens shall have an obligation to serve as jurors when summoned for that purpose.

**4. DISCRIMINATION PROHIBITED**

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

**5. MANAGEMENT AND SUPERVISION OF THE JURY SELECTION PROCESS**

- A. The Clerk, under the supervision and control of the Chief Judge and other Judges of this court, shall manage the jury selection process. Such management shall be consistent with this Plan and in accordance with 28 U.S.C. § 1863(b)(1).
- B. The Clerk may use computers and other automation technologies in implementing this Plan but shall maintain a procedures manual to govern such use. The Clerk also may hire, or contract with, persons or entities to perform the duties set forth in this Plan as long as the Clerk supervises the work of such persons or entities and they certify that work has been completed pursuant to the Clerk's instructions.

**6. JURY SELECTION SOURCES**

- A. Indiana law provides a uniform system of voter registration in all counties throughout the State of Indiana. The voter registration lists contain names which represent a fair cross section of the community in the Southern District of Indiana. Accordingly, the names of all grand and petit jurors shall be selected at random from the Indiana master voter registration lists maintained by the Indiana Secretary of State, Election Division.
- B. If the Court should find it necessary, pursuant to 28 U.S.C. § 1863 (b)(2), it may authorize the Clerk to draw names of prospective jurors from supplementary lists in addition to voter registration lists.
- C. The selection of names from such additional lists shall be done in a manner consistent with the selection procedures described within this Plan.

**7. MASTER JURY WHEELS**

- A. The names which are chosen through any of the methods listed above will be used to fill the appropriate master jury wheel. The Clerk is required to maintain separate master jury wheels for each of the divisions within the District. The names and addresses of all persons randomly selected from the source list(s) from each division shall be placed in the master jury wheel for that division.
- B. The Clerk shall maintain jury wheels in electronic format for each of the divisions, with backup media stored off-site and as directed in the court's Continuity of Operations Plan (COOP) for emergency preparedness.
- C. A record of the names within the master wheel may be kept on paper and/or electronic media. Thereafter, the names drawn may be arranged alphabetically on a list, which shall not be disclosed except as provided in 28 U.S.C. § 1867 and § 1868, by order of this court, or as provided in Sections 16 and 17 of this Jury Plan.

**8. INITIAL SELECTION OF NAMES FOR THE MASTER JURY WHEEL**

- A. Pursuant to 28 U.S.C. § 1863(b)(4), master jury wheels shall be emptied and refilled between January 1 and September 1 of each odd-numbered year (2009, 2011, etc.) unless the Chief Judge shall otherwise direct. The total number of

names drawn for each division shall be no less than one-half of 1% of the total number of persons on the source list(s) in that division. The Chief Judge may order additional names to be placed in any master wheel at any time.

**9. METHOD AND MANNER OF RANDOM SELECTION OF JURORS**

- A. At the Clerk's option, and after consultation with the court, the selection of names from complete source list database(s) 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 determining qualification for jury service, and from the qualified wheel for summoning persons to serve as grand or petit jurors. Such random selections of names from the source list(s) 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. § 1863(b)(3). The selections of names from the source list(s), the master wheel, and the qualified wheel must insure that the mathematical odds of any single name being selected are substantially equal.
  
- B. The Jury Management System (JMS), provided and supported by the Administrative Office of the U. S. Courts, shall be used to select names from the master and qualified wheels of persons to be summoned to serve as grand or petit jurors.

**10. FILLING QUALIFIED JURY WHEELS: COMPLETION OF JUROR QUALIFICATION FORMS**

- A. The Clerk shall determine the number of prospective jurors required for qualification to fill the qualified wheel in each division and shall utilize JMS to select at random that number of names from the master wheels. 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 Clerk shall post a public notice explaining the automated selection process. The qualified jury wheels

shall be emptied and refilled between January 1 and September 1 of each odd-numbered year (2009, 2011, etc.).

- B. The Clerk shall prepare an alphabetized list of names drawn from the Master Wheels. These lists shall not be exhibited to any person except as provided in Sections 1867 and 1868 of the Jury Act, as amended. The Clerk shall prepare and mail to every person whose name is so drawn, a juror qualification questionnaire form as prescribed by the Director of the Administrative Office of the United States Courts, accompanied by instructions to execute and submit the questionnaire duly signed and sworn, to the Clerk by mail or the court's Internet website within ten (10) days, in accordance with 28 U.S.C. § 1864(a) of the Jury Act, as amended.
- C. If a juror qualification questionnaire is returned to the court as undeliverable, a substitute will be mailed to a person whose name has been drawn from the Master Jury Wheel and whose address is within the same zip code to which the undeliverable juror qualification questionnaire was initially sent.
- D. The Clerk shall mail follow-up letters to prospective jurors who have not returned or otherwise responded to the juror qualification questionnaire they were sent. If any such follow-up letter fails to garner a response, the Clerk shall mail a juror qualification questionnaire to a person whose name has been drawn from the Master Jury Wheel and whose address is within the same zip code as the address of the person who has failed to respond to the questionnaire.
- E. The Clerk may submit the names on the Master Jury Wheel once a year to be updated and corrected through the national change of address system of the United States Postal Service.
- F. In accordance with 28 U.S.C. § 1878, at the option of the district court, jurors may be summoned and qualified in a single procedure, in lieu of the two separate procedures otherwise provided by the Jury Act and this Plan.

## **11. QUALIFICATIONS FOR JURY SERVICE**

- A. In accordance with 28 U.S.C. § 1865(a), the Clerk, under the supervision of the Judges of this court, shall determine solely on the basis of information provided on the juror qualification form and other competent evidence whether a person is

unqualified for, or exempt, or to be excused from jury service and shall record such determinations along with the reasons underlying them.

- B. Pursuant to 28 U.S.C. § 1865(b), any person is qualified to serve on grand and petit juries in this district unless the person:
- (1) is not a citizen of the United States eighteen (18) years old who has resided for a period of one (1) 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 or her 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 (1) year and that person's civil rights have not been restored.

## **12. PERSONS EXEMPT FROM JURY SERVICE**

- A. The Jury Act, at 28 U.S.C. § 1863(b)(6), provides that the following persons are exempt, and therefore barred, from jury service:
- (1) Members in active service in the Armed Forces of the United States, defined in 10 U.S.C. § 101(a)(4) as including only the Army, Navy, Air Force, Marine Corps, and Coast Guard.
  - (2) Members of the fire or police departments of any State, the District of Columbia, any territory or possession of the United States, or any subdivision of a State, the District of Columbia, or such territory or possession.
  - (3) "Public officers" – i.e., persons either elected to public office or directly appointed by a person elected to public office – in the executive, legislative, or judicial branches of the Government of the United States,

or of any State, the District of Columbia, any territory or possession of the United States, or any subdivision of a State, the District of Columbia, or such territory or possession, who are actively engaged in the performance of official duties.

**13. PERSONS WHO MAY BE EXCUSED FROM SERVICE UPON REQUEST**

- A. Pursuant to 28 U.S.C. § 1863(b)(5), this court finds members of the following occupational classes or groups of persons would endure undue hardship or extreme inconvenience if required to perform jury service and therefore shall be excused from such service upon individual request:
- (1) a person over seventy (70) years of age;
  - (2) a person who has served as a federal grand or petit juror within the last two (2) years;
  - (3) a person who serves without compensation as a volunteer safety personnel, such as firefighters or members of a rescue squad or ambulance crew for a public agency. Public agency, for this purpose, means the United States, any state of the United States, or any unit of local government, department or instrumentality of any of the foregoing.
  - (4) a person having active care and custody of a child under ten (10) years of age whose health and/or safety would be jeopardized by any absence for jury service; or a person who is essential to the care of aged or infirm persons;
  - (5) a person whose services are so essential to the operation of a business; commercial, or agricultural enterprise that it must close or cease to function if such person is required to perform jury duty.

**14. TEMPORARY EXCUSES**

- A. Pursuant to 28 U.S.C. § 1866(c)(1), the Clerk, or the Judges of this court, upon showing of undue hardship or extreme inconvenience, may temporarily excuse a person for such a period as the court deems necessary, at the conclusion of which, such person either shall be summoned again for jury service or, the name of such person shall be reinserted into the qualified jury wheel for selection.

- B. Upon request, an individual juror summoned for service as a grand juror may be excused by a Judge if the prospective grand juror resides more than one-hundred (100) miles from the courthouse where the grand jury will convene.

**15. SUMMONS OF JURORS**

- A. Pursuant to 28 U.S.C. § 1866(a), the Clerk shall draw at random from the qualified jury wheel such number of names of persons as may be required for assignment to grand and petit jury panels. 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. The Clerk shall prepare a separate list of grand and petit jury panels.
- B. Each petit jury panel will be summoned on a division-wide basis and will sit at the place where court is conducted within the division.
- C. Each grand jury panel will be summoned on either a district-wide basis or on a division-wide basis. The number of names drawn shall be sufficient to fill the grand jury panel as may be directed by the court. If summoned on a district-wide basis the grand jury panel may sit wherever court is conducted within the district. The Clerk shall randomly draw a pro-rata number of names from the qualified wheel of each division to ensure that each division is proportionately represented to fill a district-wide grand jury panel. If a grand jury is summoned on a division-wide basis the grand jury panel may sit where court is conducted within that division.
- D. Pursuant to 28 U.S.C. § 1866(e), in any two (2) 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.

**16. PUBLIC RELEASE OF JUROR INFORMATION**

- A. In accordance with 28 U.S.C. § 1867(f), the lists of all names drawn from any qualified wheel to fill a civil or criminal petit jury panel or a grand jury panel shall not be disclosed or made available to the general public. However, redacted copies of petit juror questionnaires may be provided by the Clerk to counsel before trial. Redacted copies of grand juror questionnaires may be provided to the United States Attorney's Office by the Clerk prior to the convening of the grand jury. At the conclusion of jury selection during a trial or grand jury proceeding, counsel shall return all copies of juror questionnaires to the Clerk for secure and immediate disposal.
  
- B. Upon request, and only after the jurors' service has concluded, the court may order the Clerk to disclose to the media or public the names of individuals who have served as jurors. The court may order any list of juror names to be kept confidential when the interest of justice so requires.

**17. MAINTENANCE AND INSPECTION OF RECORDS**

- A. After the master jury wheel is emptied and refilled pursuant to this Plan and after all persons selected to serve as jurors before the master wheel was emptied have completed such service, the records and papers compiled and maintained by the Clerk with regard to the emptied master jury wheel shall be preserved in the custody of the Clerk for four (4) years and shall be available for public inspection for the purpose of determining the validity of the selection of any jury.

INCORPORATION OF AMENDMENTS

Incorporated herein by reference is 28 U.S.C. § 1861 to § 1871, together with all amendments which may hereafter be made, and all laws hereafter enacted relating to grand and petit juries and trial by jury in the United States.

This Plan, as amended, supersedes any and all Plans heretofore adopted and shall constitute the rule of this court and become effective upon the approval of the Seventh Circuit Judicial Council.

FOR THE COURT,



RICHARD L. YOUNG, Chief Judge  
United States District Court

APPROVED BY THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT this 8<sup>th</sup> day of  
November \_\_\_\_\_, 2011.

s/Collins T. Fitzpatrick

By: Collins T. Fitzpatrick, Circuit Executive  
Seventh Circuit