

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**



**JURY PLAN**

**NICK J. LORIO  
CLERK OF COURT**

Revised November 2009

INDEX

1. EFFECTIVE DATE AND DURATION ..... 1

2. POLICY ..... 1

3. MANAGEMENT AND SUPERVISION OF JURY SELECTION PROCESS ..... 2

4. RANDOM SELECTION FROM VOTERS REGISTRATION LISTS ..... 2

5. SELECTION PROCEDURE ..... 3

6. MASTER JURY WHEEL ..... 5

7. QUALIFIED JURY WHEEL ..... 6

    GRAND JURIES ..... 7

    PETIT JURIES ..... 8

    EXCUSE FROM FURTHER SERVICE ..... 8

8. EXCUSES ON INDIVIDUAL REQUEST ..... 9

9. EXEMPTIONS FROM JURY SERVICE ..... 10

10. DETERMINATION OF QUALIFICATIONS ..... 10

11. DISCLOSURE OF RECORDS ..... 11

12. NON-DISCLOSURE OF RECORDS ..... 12

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF LOUISIANA

PLAN FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS

The United States District Court for the Middle District of Louisiana hereby adopts, subject to the approval of the Reviewing Panel for the Fifth Circuit, the following Plan for the random selection of grand and petit jurors pursuant to the Jury Selection and Service Act, 28 U.S.C. 1861, et seq., (The Act), as amended. The Plan heretofore adopted by this court and all amendments and supplementals thereto are, subject to the approval of the following Plan, hereby revoked and rescinded.

1.

EFFECTIVE DATE AND DURATION

This Plan for jury selection shall be placed in operation after approval by the reviewing panel as provided in Section 1863 (a) of the Act, and shall remain in force and effect until modified by the court with the approval of said reviewing panel.

2.

POLICY

The purpose of this Plan is to implement the policies of the United States declared in Section 1861:

- (1) 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 wherein the court convenes;

- (2) 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) All citizens shall have an obligation to serve as jurors when summonsed for that purpose.

A further purpose of this Plan is to implement the prohibition against registration contained in Section 1862, which provides that no citizen shall be excluded from service as a grand or petit juror in the district courts of the United States on account of race, color, sex, religion, national origin, or economic status.

3.

#### MANAGEMENT AND SUPERVISION OF JURY SELECTION PROCESS

The clerk of court and his authorized deputies will manage the Plan under the supervision and control of the chief judge. "Clerk" and "Clerk of Court" shall mean the clerk of the United States District Court, any authorized deputy clerk, and any other person authorized by the court to assist the clerk in the performance of his functions of jury selection.

4.

#### RANDOM SELECTION FROM VOTERS REGISTRATION LISTS

Voter registration lists represent a fair cross section of the community in the Middle District of Louisiana. Such lists constitute accurate and comprehensive compiled lists of all citizens, 18 years and older, who are duly active registered and qualified voters in each of the said parishes in this District. This court is of the opinion that the rights of all citizens are

substantially protected by the use of such lists as the source of prospective jurors; therefore, no other source is proposed. Accordingly, the names of all prospective grand and petit jurors serving in this court on or after the effective date of this plan shall be selected at random from the active registered voter lists maintained by the Department of Elections of the State of Louisiana of all active registered voters of all of the parishes within this district.

5.

#### SELECTION PROCEDURE

A master jury wheel shall be maintained for this district. The names of prospective jurors to be placed in the master jury wheel shall be randomly selected as hereinafter provided for from the active voter registration lists of all the parishes in this district. This Plan's reference to random selection from a source list, shall mean that only the first selected name shall be chosen by a purely random method. Each subsequent name for the drawing may be systematically taken at regular intervals throughout the remainder of the source list(s).

Random selection from a source list, whenever required under this Plan, shall be in accordance with the method and manner as follows:

“Determining an interval or quotient.” The clerk or deputy clerk, shall make the randomized selection by taking the total number of names on the source list and dividing that number by the minimum number of names to be selected. The number obtained will be the “quotient,” provided however, that where a remainder occurs, the quotient will be rounded to the lower whole number. For example, if the quotient is 12.15, the decimal will be dropped and the number will be 12.

“Determining a starting number.” A properly programmed electronic data processing system will be used to randomly select the starting number. This number will locate on the source list the first name to be selected. The numbers used to select the starting number will begin with the number one and end with the same number as the quotient. Should the electronic system be unavailable for any reason, the starting number may be drawn manually by lot in a purely random fashion.

“Selecting the names by machine method.” The judges of this court find that electronic data processing methods can be advantageously used for selecting and copying names from active voter registration lists and to assist in performing clerical work connected with jury selection. Accordingly, a properly programmed electronic data processing system or a combination system employing both electronic and manual methods may, at the clerk’s option and after consultation with the chief judge, be used to select names from source lists, as directed by this plan to create the master wheel from which all prospective jurors shall be chosen during the life of that wheel. Such random selections of names from the source list for inclusion in the master wheel by data computer personnel must insure that each parish within the jury district is substantially proportionally represented in the master wheel in accordance with 28 U.S.C. 1863 (b)(3).

A properly programmed electronic data processing system for pure randomized selection may also 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. The selection of names from the source list, master wheel and the qualified

wheel must insure that the mathematical odds of any single name being picked are substantially equal.

“Selecting the names by manual methods.” When selection from a source list is made manually, the choosing of the names shall be by counting names down the list, either in numerical sequence or any other logical consistent sequence. For this counting and selection process the entire list must be covered and the specific names picked will be underlined or checked according to the established “quotient” and “starting number” formula described above.

Further, in the event of computer malfunction or any overt deviation from the Plan caused by automation, the clerk, with the approval of the court, shall manually proceed from the last step correctly implemented to complete the activity then in process.

6.

#### MASTER JURY WHEEL

The clerk and his authorized deputy shall maintain a master jury wheel, into which the names of those randomly selected from the active voter registration lists shall be placed. The physical form of records on which names for the master jury wheel are kept may include such electronic data storage devices as magnetic tapes or magnetic disc files.

The minimum number of names to be contained on the master jury wheel at any time during its two year existence shall be at least one-half of one percent of the total number of names reflected on all parishes active voter lists used to comprise that master wheel. The clerk shall ensure that at all times a sufficient number of names remain on the master wheel to meet this requirement, and shall notify the court immediately should the number of names on the

master wheel fall below the minimum specified above. The chief judge may order the placing of additional names in the master jury wheel as necessary.

The master jury wheel shall be emptied and refilled every two years immediately following general elections. The refilling shall be completed by September 1.

Upon completion of the random selection of names for the master jury wheel, the individual(s) who perform the task of randomly selecting the names pursuant to this Plan shall prepare and execute a certificate acknowledging their compliance and completion of the assignment and transmit the same to the court. Additionally, a breakdown of the age, race, sex and parish of residence of the prospective jurors contained in the master jury wheel shall be attached to the certification.

A public notice is posted in the clerk's office and on the court's website announcing the random selection of names for the master jury wheel as well as for the random selection of jurors from the master jury wheel for qualification and from the qualified wheel for individual jury panels.

As required by the Judicial Conference of the United States, a report shall be prepared on a form or forms approved by this Court after each periodic refilling of the master jury wheel giving general data relating to the master jury wheel.

7.

#### QUALIFIED JURY WHEEL

A properly programmed electronic data processing system or a combination system employing both manual and electronic machine methods may also be used to select names of

persons to be sent questionnaires, to select names of persons to be summoned for grand and petit jury service and to perform other clerical and record keeping functions as the court deems necessary. All selections of potential grand or petit jurors shall be made in a purely random fashion, using the properly programmed automated system when possible. In the event of any failure in the automated system such names may be randomly selected manually by the clerk with a record maintained of the method used for such manual selection and the reason why manual, rather than automated, selection was used.

From time to time, as ordered by the court, the clerk shall draw at random from the master jury wheel as many persons as may be required to provide for all grand or petit jury service. Qualification questionnaires will be generated from the automated system and mailed to jurors together with an appropriate letter of instruction directing the completion and return within 10 days. These questionnaires shall be returned by the individual to the clerk and shall be used by the court to determine if the individual qualifies to be a juror under this Plan. All individuals so qualified will be placed into the qualified jury wheel by the clerk. He shall insure that at all times a minimum of 300 names shall be maintained in the qualified jury wheel. The qualified jury wheel shall be emptied and refilled between November 3 and September 1 every two years.

#### GRAND JURIES

Upon notification by the court of the intention to impanel a new grand jury, the clerk shall cause summons to be sent to the number of prospective jurors which the Court believes to be required. The names of those to receive summons will be randomly selected from the qualified wheel.

On the day fixed for the impaneling of the grand jury, the presiding judge shall select, by lot, from the persons appearing in answer to the summons, twenty-three persons to constitute the grand jury. From among the twenty-three persons, the presiding judge shall appoint a foreperson and deputy foreperson, who shall be sworn in first. The balance of the grand jurors selected shall then be sworn and the judge shall charge the grand jury as to its rights, powers, obligations and duties. At this time the court may also determine to select alternate jurors in the same manner.

The names of all individuals who were summoned to appear, but were not among those selected to serve as members of the grand jury shall be excused from service for the remainder of the qualified wheel.

#### PETIT JURIES

Whenever jurors are needed for petit jury service, the court shall notify the clerk of the need for such jurors, and of the number of prospective jurors which the court believes to be required to properly allow for selection of the jury in the particular case. Upon such notice by the court, the clerk or deputy clerk shall make the randomized selection of names from the qualified juror wheel, and shall issue summons to such individuals to appear on the specified date for petit jury service.

The names of all individuals who were summoned to appear, but were not among those selected by the parties for service on the petit jury shall be excused from the remainder of the qualified wheel.

#### EXCUSE FROM FURTHER SERVICE

Any individual who has been selected for service as either a grand or petit juror shall, upon the completion of such service, be excused from all further service for the remainder of the period during which the master wheel then in use remains effective.

EXCUSES ON INDIVIDUAL REQUEST

This court hereby finds 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 the excuse of such members will not be inconsistent with the objectives and purposes of the Act, and shall be granted by the court upon individual request:

- (1) All persons over seventy years of age at the time of executing the juror qualification form;
- (2) Voluntary safety personnel, described as those persons who serve without compensation as firefighters or persons who are members of a rescue squad or ambulance crew for a public agency;
- (3) Persons who have served as grand or petit jurors in federal court within the past two years.

Temporary excuses or deferments will be granted upon the court's finding that the individual would otherwise suffer undue hardship or extreme inconvenience. The Clerk of Court or his designated deputy is authorized to grant temporary excuses or deferments. In the event an individual is granted a temporary excuse or deferment for a reason that encompasses the entire remaining period for which the juror is summoned, the name of the individual so excused will be returned to the qualified wheel for possible future jury service at such time as the reason for the temporary excuse no longer exists.

EXEMPTIONS FROM JURY SERVICE

By statute, the following persons are exempt from jury service as provided by 28 U.S.C.

§ 1863 (b) (6):

- (1) Members in active service in the Armed Forces of the United States;
- (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 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, are such territory or possession who are actively engaged in the performance of official duties.

DETERMINATION OF QUALIFICATIONS

The qualification for jury service, and the procedure with reference to the same, shall be as follows:

Any judicial officer of this district, on his own initiative or upon recommendation of the clerk or deputy clerk, or the clerk or his authorized deputy under supervision of the court, shall determine whether a person is unqualified for, exempt from, or should be excused from jury service.

Whenever a person is disqualified, excused, exempt, or excluded from jury service, the clerk or deputy clerk shall note in the space provided on his juror qualification form, and/or the automated jury system, the specific reason therefor.

In accordance with 28 U.S.C. Section 1865(b), any person shall be deemed qualified to serve as a grand or petit juror in the district unless such person:

- (1) Is not a citizen of the United States, at least eighteen years old 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 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, a crime punishable by imprisonment for more than one year and his civil rights have not been restored.

11.

#### DISCLOSURE OF RECORDS

Unless otherwise ordered by the trial judge or magistrate judge, the names of petit jurors drawn for service may be disclosed to the parties of the case the day of the trial. The names of grand jurors drawn from the qualified wheel shall not be disclosed to anyone other than the

United States Attorney and his/her staff, except upon specific order of the court as provided below.

The Chief Judge or any other district court judge of this court may keep the names confidential in the interest of justice.

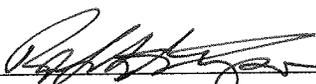
12.

NON-DISCLOSURE OF RECORDS

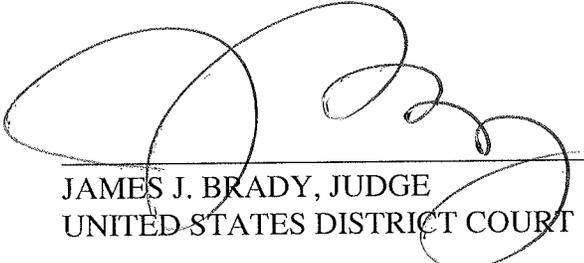
The contents of records or papers used by the clerk or deputy clerk in connection with the jury selection process, including juror qualification questionnaires, shall not be disclosed to anyone other than court personnel except as provided in 28 U.S.C. Section 1867(f) and in this Plan.

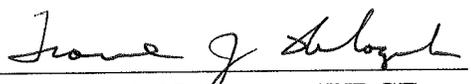
This Plan Supersedes any and all Plans heretofore adopted and shall constitute the rule of this court until amended or replaced.

ADOPTED this 7<sup>th</sup> day of DECEMBER, 2009.

  
\_\_\_\_\_  
RALPH E. TYSON, CHIEF JUDGE  
UNITED STATES DISTRICT COURT

  
\_\_\_\_\_  
JOHN V. PARKER, JUDGE  
UNITED STATES DISTRICT COURT

  
\_\_\_\_\_  
JAMES J. BRADY, JUDGE  
UNITED STATES DISTRICT COURT

  
\_\_\_\_\_  
FRANK J. POLOZOLA, JUDGE  
UNITED STATES DISTRICT COURT