

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA



**JURY PLAN**

MICHAEL L. MCCONNELL  
CLERK OF COURT

Revised May 17, 2021

**THE JUDICIAL COUNCIL OF THE FIFTH CIRCUIT**

REVIEWING PANEL --- JURY SELECTION PLAN

The Middle District of Louisiana adopted amendments to its Jury Selection Plan. The amended Plan, having been reviewed by the Reviewing Panel of this Circuit, is approved.

Entered for the Reviewing Panel at New Orleans, Louisiana, this 17th day of May 2021.



Theodore P. Cominos  
Secretary to the Judicial Council  
of the Fifth Circuit

The following judges comprised and acted as the Reviewing Panel:

(a) The Judicial Council of the Fifth Circuit:

Priscilla R. Owen  
Jennifer Walker Elrod  
James L. Dennis  
Gregg J. Costa  
Don R. Willett  
James C. Ho  
Stuart Kyle Duncan  
Kurt D. Engelhardt  
Andrew S. Oldham  
Cory T. Wilson  
Jay C. Zainey  
John W. deGravelles  
Elizabeth E. Foote  
Michael P. Mills  
Carlton W. Reeves  
Ed Kinkeade  
Lee H. Rosenthal  
Amos L. Mazzant, III  
Alia Moses

(b) United States District Judge:



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Shelly D. Dick  
Chief United States District Judge  
Middle District of Louisiana

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UNITED STATES DISTRICT COURT  
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and all amendments and supplementals thereto are, subject to the approval of the following Plan, hereby revoked and rescinded.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.

APPLICABILITY OF PLAN

This Plan is applicable to the Middle District of Louisiana which comprises nine (9) parishes: Ascension, East Baton Rouge, West Baton Rouge, East Feliciana, West Feliciana, Iberville, Livingston, Pointe Coupee, and St. Helena.

2.

POLICY

It is the policy of the United States and of this court 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 wherein the court convenes. It is further the policy of the United States and of this court 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 shall have an obligation to serve as jurors when summonsed for that

purpose. 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, religion, sex, national origin, or economic status.

3.

MANAGEMENT AND SUPERVISION OF JURY SELECTION PROCESS

The clerk of court and authorized deputy clerks will manage the Plan under the supervision and control of the chief judge or designee. "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 the functions of jury selection.

4.

SOURCE OF NAMES

The primary source from which the names of petit and grand jurors will be selected at random is voter registration lists from all parishes that comprise the Middle District of Louisiana. Voter registration lists represent a fair cross section of the community in the Middle District of Louisiana. While such lists may represent a fair cross-section of the community in this district, to foster the statutory policy of 28 U.S.C. §§ 1861 and 1862, voter registration lists may be supplemented with lists of licensed drivers and state identification card holders from all parishes within the Middle District of Louisiana using an automated system that will eliminate, as reasonably as possible, any name duplications. The court will follow procedures to ensure that only licensed drivers and state identification card holders who are U.S. citizens are included in the pool of jurors qualified to be summoned for jury service. Voter registration lists and lists of licensed drivers/state identification card holders from each of the parishes in this District will furnish a fair cross section of the

community of this District. Accordingly, voter registration lists and lists of licensed drivers/state identification card holders shall be the exclusive source of names of prospective petit and grand jurors to be randomly selected to serve this court on or after the effective date of this Plan as hereinafter provided. The list or lists used to select names for the master jury wheel will be hereinafter referred to as the “source lists.”

5.

RANDOM SELECTION PROCEDURE

A master jury wheel and qualified wheel shall be maintained for this district. The judges of this court find that electronic data processing methods can be advantageously used for selecting and copying names from source lists and to assist in performing clerical work connected with jury selection. The names of prospective jurors to be placed in these wheels shall be randomly selected, whenever required under this Plan, in accordance with the method and manner as follows:

At the clerk's option, and after consultation with the court, the selection of names from the source lists 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 lists for

inclusion in the master wheel by data computer personnel must ensure that each parish within the jury district 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, the master wheel, and the qualified wheel must also ensure that the mathematical odds of any single name being picked are substantially equal.

6.

#### MASTER JURY WHEEL

The clerk and authorized deputy clerks shall maintain a master jury wheel, into which the names of those randomly selected from the active voter registration lists shall be placed.

The minimum number of names to be contained in 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 and lists of licensed drivers/state identification card holders used to comprise that master wheel. The clerk shall ensure that at all times a sufficient number of names remain in the master wheel to meet this requirement, and shall notify the court immediately should the number of names in 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.

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.

#### DRAWING OF NAMES FROM THE MASTER 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.

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.

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.

8.

SUPPLEMENTAL DRAW FOR "UNDELIVERABLE"  
AND NON-RESPONDING JURORS

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, must issue the same number of new juror qualification forms to be mailed to addresses within the same zip code area to which the undeliverable or non-responding juror qualification forms had been sent. The clerk must draw these names from the Master Jury Wheel using the same properly programmed electronic data processing system noted in Section 5 of this Plan.

9.

QUALIFIED JURY WHEEL

All individuals so qualified will be placed into the qualified jury wheel by the clerk. The clerk shall ensure 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 the date of the November general election and the following September 1 every two years.

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.

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.

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.

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.

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.

10.

EXCUSES ON INDIVIDUAL REQUEST

This court, in accordance with applicable statutes, 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) Volunteer 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;
- (4) Any person whose services are so essential to the operation of a business, commercial, or agricultural enterprise that this enterprise must close if such person were required to perform jury duty.

- (5) Persons having active care and custody of a child or children under 10 years of age whose health and/or safety would be jeopardized by their absence for jury service; or a person who is essential to the care of aged or infirm persons;
- (6) Full-time students;
- (7) Federal law enforcement officers, such as members of the Federal Bureau of Investigation, Postal Inspectors, Customs Agents, members of the United States Border Patrol, and Deputy United States Marshals, etc.

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 the designated deputy clerk 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.

11.

#### EXEMPTIONS FROM JURY SERVICE

By statute, the following persons who are employed on a full-time basis 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, or such territory or possession who are actively engaged in the performance of official duties.

12.

#### 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 their own initiative or upon recommendation of the clerk or deputy clerk, or the clerk or an authorized deputy clerk 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 the juror's 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 them 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 their civil rights have not been restored.

Notice of persons who identify themselves as non-citizens through the juror qualification process will be provided to appropriate election officials for verifying voter registration eligibility.

13.

MAINTENANCE OF RECORDS

The clerk must maintain all records and papers compiled and used in the jury selection process. The clerk will preserve these records as required by 28 U.S.C. § 1868, and then destroy them unless otherwise ordered by the court.

14.

DISCLOSURE OF NAMES DRAWN FROM THE QUALIFIED WHEEL

Unless otherwise ordered by the trial judge or magistrate judge, the names of petit jurors drawn from the qualified wheel for service shall not be disclosed to the parties of the case until 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 court may keep the names confidential in any case in the interest of justice.

15.

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. § 1867(f) and in this Plan.

ADOPTED this 19<sup>th</sup> day of May, 2021.



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SHELLY D. DICK, CHIEF JUDGE  
UNITED STATES DISTRICT COURT



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BRIAN A. JACKSON, JUDGE  
UNITED STATES DISTRICT COURT



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JOHN W. deGRAVELLES, JUDGE  
UNITED STATES DISTRICT COURT