

**JURY SELECTION PLAN
OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS
(As amended September 20, 2018)**

Pursuant to the Jury Selection and Service Act of 1968, as amended, 28 U.S.C. §§ 1861 et seq., “the Act,” this Jury Selection Plan is hereby adopted by this court, subject to approval by the reviewing panel for the Eighth Circuit and to such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.

FILED 10/15/18
KATE M. FOGARTY

JUDGMENT ENTD
DEPUTY CLERK KJA

(1) APPLICABILITY OF THE PLAN, 28 U.S.C. §§ 1861, 1863

This Plan is applicable to the District of Minnesota.

(2) DIVISIONS ESTABLISHED, 28 U.S.C. § 1869(e)

The district is divided into divisions numbered one through six by statute. Sessions of court have been pretermitted in the first and second divisions. The counties comprising the first division must be treated as part of the third division, and the counties comprising the second division must be treated as part of the fourth division.

(3) DECLARATION OF POLICY, 28 U.S.C. § 1861

It is the policy of the court that all litigants in this court 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 divisions where the court convenes, and that all citizens who reside within the district have the opportunity to be considered for service on grand and petit juries and have an obligation to serve as jurors when summonsed for that purpose.

(4) DISCRIMINATION PROHIBITED, 28 U.S.C. § 1862

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

(5) MANAGEMENT AND SUPERVISION OF THE JURY SELECTION PROCESS, 28 U.S.C. §1863(b)(1)

The clerk of the court must manage the jury selection process under the supervision and control of the chief judge of this district. In managing the jury selection process, the clerk is authorized to delegate duties as may be necessary in the jury selection process to deputy clerks. The chief judge, or his or her judicial designee, may authorize the clerk to employ non-court personnel to assist the clerk in the performance of functions required by this Plan.

(6) JURY SELECTION SOURCES, 28 U.S.C. § 1863(b)(2)-(3)

The court has determined that the following represents a fair cross-section of the community in the District of Minnesota: voter registration lists; driver's license lists; state identification card holder lists; and other similar lists to be used by order of the court, including, but not limited to, tribal member lists. The court uses the voter registration lists as the primary source of names for federal court juries and supplements with the other above-named lists. Accordingly, names of prospective jurors for service in this district must be selected at random, following the procedures outlined in this Plan, from the most currently available lists identified in this section of all the counties within each of the six statutory divisions, and placed on the master jury wheel for the appropriate division or combination of divisions.

(7) METHOD AND MANNER OF RANDOM SELECTION, 28 U.S.C. § 1863(b)

The selection of names for the master jury wheel from the sources identified in section (6) of this Plan must be accomplished by a purely randomized process through a properly programmed electronic data processing system. A properly programmed electronic data processing system for pure randomized selection must also be used to select names from the master jury 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. In each instance, the selection of names must ensure that the mathematical odds of any single name being picked are substantially equal.

These electronic data processing systems may be located within the district court or such services may be contracted from independent vendors or agencies outside the judiciary. In those circumstances where independent vendors or agencies are used, they must provide to the court an affidavit or similar certification that the work assigned has been completed pursuant to the detailed instructions provided by the court.

(8) MAINTAINING THE MASTER JURY WHEEL, 28 U.S.C. § 1863(b)(4)

The clerk must maintain master jury wheels for the third, fourth, fifth, and sixth divisions, or a combination of divisions if ordered to do so by the court. The minimum number of names to be placed in each master jury wheel must be at least one-half of one percent of the total number of persons drawn

from the jury selection sources identified in section (6) of this Plan for each division or combination of divisions.

The chief judge, or his or her judicial designee, may order additional names be placed in the master jury wheel from time to time as necessary. The selection of the additional names must be accomplished by a purely randomized process.

The master jury wheels must be emptied and refilled no later than July 1 of each odd numbered year.

(9) PROPORTIONAL REPRESENTATION 28 U.S.C. § 1863(b)(3)

To create each master jury wheel, the number of names drawn from each county must be substantially in the same proportion to the total number drawn from all counties within the division or combination of divisions as the number of names on the county's voter registration list bears to the total number of names on the voter registration lists for each county within the division or combination of divisions. For example, if there are 100,000 names on the voter registration list of all counties within the division or combination of divisions, and there are 20,000 names on county "A's" list (twenty percent of the total), then the number of county "A's" names initially selected should be substantially twenty percent of the total number selected from all counties within the division or combination of divisions.

Proportional representation must be based on the number of registered voters, which must be updated at least once every two years.

After first determining the total number of names needed for the master jury wheel, and the proportionate share of names to be drawn from each particular county, the clerk or the clerk's authorized delegate must proceed to make the initial selection of names.

(10) DRAWING OF NAMES FROM THE MASTER JURY WHEEL; COMPLETION OF JUROR QUALIFICATION FORMS, 28 U.S.C. §§ 1863(b)(7), 1864(a), 1865(a), 1866(a), 1868, 1869(h), (k)

From time to time as directed by the chief judge, or his or her judicial designee, the clerk must draw from the master jury wheel the names of as many persons as may be required for jury service in the particular division or combination of divisions. The drawing must be accomplished by a purely randomized process in accordance with section (7) of this Plan.

The number of names to be drawn from the master jury wheel must 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. The lists of the names drawn must not be exhibited to any person except as provided in the Jury Selection and Service Act or section (21) of this Plan. The lists of names so drawn must be maintained in the clerk's office in accordance with section (22) of this Plan.

The clerk must prepare and mail to every person whose name is drawn from the master jury wheel, a notification with written instructions to: (1) complete and submit the juror qualification questionnaire form online via the Court's electronic jury administration system within ten days; or (2) wait to receive a paper copy of the questionnaire from the clerk, to be completed and returned within ten days of receipt. The clerk must send a paper copy of the juror qualification questionnaire to every person who did not submit the form electronically after the initial notification mailing. At the option of the clerk, the notification and questionnaires may be mailed by the clerk's office or by a commercial mailing service. If any person fails to return a completed juror qualification form as instructed or the returned juror qualification form contains an omission, ambiguity, or error, the clerk may thereupon pursue the matter in accordance with 28 U.S.C. § 1864(a).

(11) QUALIFICATIONS FOR JURY SERVICE, 28 U.S.C. § 1865(b)

Any person may be deemed qualified to serve on grand and petit juries unless the person:

- (a) is not a citizen of the United States, is not eighteen years old, or has not resided for a period of one year within the judicial district;
- (b) is unable to read, write, and understand the English language with a degree of proficiency sufficient to satisfactorily complete the juror qualification form;
- (c) is unable to speak the English language;
- (d) is incapable by reason of mental or physical infirmity of rendering satisfactory jury service; or
- (e) has a charge pending against him or her, or has been convicted in a state or federal court of record, for the commission of a crime punishable by imprisonment for more than one year and his or her civil rights have not been restored.

(12) EXEMPTIONS FROM JURY SERVICE, 28 U.S.C. §§ 1863(b)(6); 1869(i)

The following persons who are employed on a full-time basis are barred from jury service on the ground that they are exempt:

- (a) members of the Armed Forces on active duty;
- (b) members of professional 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; and
- (c) public officers in the executive, legislative, or judicial branches 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) EXCUSE FROM JURY SERVICE UPON INDIVIDUAL REQUEST, 28 U.S.C. § 1863(b)(5)

The judges of the court find 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 28 U.S.C. §§ 1861, 1862 and sections (3) and (4) of this Plan, and must be granted upon individual request:

- (a) persons over 70 years of age;
- (b) persons who have served by having to report to a court for duty as a grand or petit juror on a state or federal jury within the last two years from the date of the summons;
- (c) persons having primary care and custody of a child or children under 10 years of age whose health and/or safety would be jeopardized by the absence of the prospective juror; or persons who are essential to the care of aged or infirm persons; and
- (d) volunteer safety personnel serving a public agency in an official capacity, without compensation, as a firefighter, member of a rescue squad or ambulance crew.

(14) EXCUSE OR EXCLUSION FROM JURY SERVICE UPON SUMMONSING, 28 U.S.C. §§ 1866(c), 1869(j)

A person may be excused or excluded from jury service upon the grounds that:

- (a) the court, or the clerk under supervision of the court, determines that such a person summonsed for jury service has made a showing of undue hardship or extreme inconvenience or both as defined in 28 U.S.C. § 1869(j), provided that the period for which such person summonsed may be excused must be the period which the court or the clerk under supervision of the court deems necessary under the circumstances; provided further that at the expiration of the period such person may be summonsed again for jury service or be reinserted in the qualified jury wheel for selection under section (16) of this Plan;
- (b) the court determines that such person may be unable to render impartial jury service or that such person's service as a juror would be likely to disrupt the proceedings;
- (c) the court determines that such person be peremptorily challenged as provided by law;
- (d) the court determines that such person be excluded pursuant to the procedure specified by law upon a challenge by any party for good cause shown;
- (e) the court determines that the service of such person as a juror would likely threaten the secrecy of the proceedings or otherwise adversely affect the integrity of jury deliberations; provided however that no person may be excluded upon the ground of this subsection of the Plan unless the judge in open court determines that such exclusion is warranted and that the exclusion of that person will not be inconsistent with 28 U.S.C. §§ 1861, 1862; and further provided that the number of persons excluded under this subsection must not exceed one percent of the number of persons who return executed jury qualification forms during the period of approximately two years, intervening between two consecutive fillings of the master jury wheel; and provided further that the names of persons excluded under this subsection of the Plan, together with detailed explanations for the exclusions, must be forwarded immediately to the judicial council of the circuit, for its disposition under 28 U.S.C. § 1866(c).

Any person excluded from a particular jury under subsections (b), (c), and (d), above, may be eligible to serve on another jury if the basis for the initial exclusion would not be relevant to the person's ability to serve on such other jury.

(15) DETERMINATION OF QUALIFICATIONS, EXEMPTIONS AND EXCUSES, 28 U.S.C. §§ 1863(b)(5)-(6), 1865, 1866(c)-(d), 1869(i)-(j)

The court, or the clerk under supervision of the court, must determine solely on the basis of the information provided on the juror qualification form and other competent evidence whether a person is qualified, exempt, or to be excused from jury service under sections (11), (12), (13), and (14) of this Plan. Such determination must be entered in the space provided on the juror qualification questionnaire or in the juror record in the court's database.

The clerk, under supervision of the court, may disqualify, exempt, or excuse persons from jury service in accordance with sections (11), (12), and (13) of this Plan. The clerk, under supervision of the court, may temporarily excuse persons from jury service whose service on a particular day or days would create undue hardship or extreme inconvenience under section (14)(a) of this Plan. Examples of the clerk's authority to grant temporary excuses under section (14)(a) of this Plan include, but are not limited to: scheduled medical appointments; vacation plans; business travel; and certain occupations, such as full-time students, requesting that their jury service be excused for a specified period of time.

Only the court may permanently excuse persons from jury service under section (14) of this Plan.

(16) QUALIFIED JURY WHEELS AND SUMMONS FOR JURY SERVICE, 28 U.S.C. §§ 1863(b)(8), 1866

The clerk must maintain separate qualified jury wheels for each division or combination of divisions and must place in such wheels the names of all persons drawn from the master jury wheel who are not disqualified, exempt, or excused pursuant to this Plan. The clerk must ensure that at all times an adequate number of names is contained in each such qualified jury wheel to meet the needs of the court.

From time to time as ordered by the court, the clerk must cause to be drawn at random from the qualified jury wheel of each division or combination of divisions such number of names of persons as may be required for assignments to grand and petit jury panels. The clerk must prepare and mail to every

person whose name is so drawn, a summons for jury service. At the option of the clerk, summonses may be mailed by regular first class mail by the Clerk's Office, by a commercial mailing service, or they may be delivered to the United States marshal for personal service upon the jurors.

(17) ASSIGNMENT TO INDIVIDUAL PETIT JURY PANELS, 28 U.S.C. §§ 1863(b)(8), 1866(a)-(b)

The clerk must assign the necessary number of jurors summonsed and not granted temporary excuses under section (15) of this Plan to individual petit jury panels. The clerk must inform the jurors assigned to particular panels of the assignment and where and when to report for jury service. The clerk may reassign jurors to different individual petit jury panels if necessary. If it appears that services of jurors assigned to an individual panel will not be required for an indefinite time, they may be excused by the court, or the clerk under supervision of the court, and their names may be returned to the pool for subsequent drawings.

(18) UNANTICIPATED SHORTAGE OF JURORS, 28 U.S.C. §§ 1861, 1862, 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 summons a sufficient number of petit jurors selected at random either from sources identified in section (6) of this Plan or in a manner as may be ordered by the court.

(19) GRAND JURORS--DRAWING AND SUMMONSING, 28 U.S.C. §§ 1863(b)(8), 1866(a)-(b)

When the court orders a grand jury to be impaneled, the clerk must draw names from the qualified wheels at random for each of the divisions or combination of divisions, apportioning the number drawn from each qualified wheel according to the proportion which the total number of names in the qualified wheel for that division or combination of divisions bears to the total number of names in the qualified wheels for all divisions in the district. The names of jurors excused from Grand Jury service may be returned to the qualified wheel for the division or combination of divisions in which they reside. Upon appearance before the court of the persons summonsed and not excused, a drawing by lot from their number must proceed until a total of 23 members and six alternate members are impaneled as provided

by law. The names of those reporting and not impaneled may be returned to the respective qualified wheels of their division or combination of divisions.

(20) FREQUENCY OF SERVICE, 28 U.S.C. §1866(e)

In any two-year period, no person must be required to

- (a) serve actively or attend court for prospective service as a petit juror for a total of more than thirty days, except when necessary to complete service in a particular case;
- (b) serve on more than one grand jury; or
- (c) serve as both a grand and petit juror.

(21) RELEASE OF JUROR INFORMATION, 28 U.S.C. §1863(b)(7)

Names and personal information concerning prospective, sitting, and previously seated petit and grand jurors must not be disclosed to attorneys, parties, the public, or the media, except as provided in this section:

- (a) Names and personal information concerning persons who have been entered in any jury wheel under this Plan must not be disclosed, except upon order of the court.
- (b) Names and personal information concerning prospective, sitting, and previously seated petit jurors must not be disclosed to the public or media outside open court except upon order of the court, provided that such information must not be made public until the conclusion of the trial. A request for disclosure of petit juror names and personal information to the public or media must be made to the presiding judge.
- (c) Names and personal information concerning prospective petit jurors may be disclosed to attorneys or unrepresented parties with the permission of the presiding judge, unless otherwise required to be disclosed by law. An attorney or unrepresented party who obtains any juror information pursuant to this subsection must not share such information except as necessary for purposes of jury selection.
- (d) Names and personal information concerning prospective, sitting, and previously seated grand jurors must not be disclosed to the public or media except upon order of the court, with the exception of the United States Attorney for impanelment purposes.

Application for disclosure of grand juror information must be made by motion to the presiding judge and must show a particularized need for why disclosure should be allowed.

- (e) Notwithstanding the foregoing language, the presiding judge, or the chief judge if the presiding judge is unavailable, may keep the names and personal information concerning prospective, sitting, and previously seated petit jurors confidential in any case where the interests of justice so require.

(22) RECORDS TO BE MAINTAINED BY THE CLERK AND DISCLOSURE OF RECORDS MAINTAINED BY CLERK, 28 U.S.C. §§ 1863; 1867(f); 1868

After the master jury wheel has been emptied and refilled and all persons selected to serve as jurors before the master wheel was emptied have completed such service, the clerk must retain all records or papers used by the court or by the clerk in connection with the jury selection process for four years or for such longer period as may be ordered by the court. Such records or papers must not be disclosed except in the following circumstances:

- (a) when disclosure is allowed as set forth in this Plan; or
- (b) when disclosure is required in accordance with 28 U.S.C. §§ 1867, 1868.

(23) REVIEW OF JURY PLAN

The clerk or his or her designee must review this Plan in the spring of each year after the master wheel is emptied and refilled to ensure that it complies with all legislation and Judicial Conference rules and regulations, encompasses the most effective procedures, and reflects the policy preferences of the court. The clerk must maintain documentation of the Plan review in accordance with paragraph 22 of the Plan.

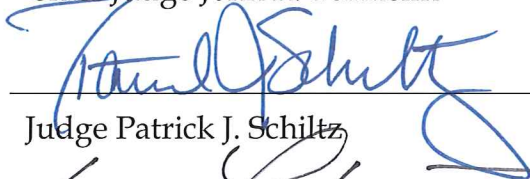
This plan has been approved by the United States Court for the District of Minnesota.

Dated this September 20, 2018.

BY THE COURT:



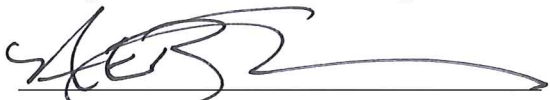
Chief Judge John R. Tunheim



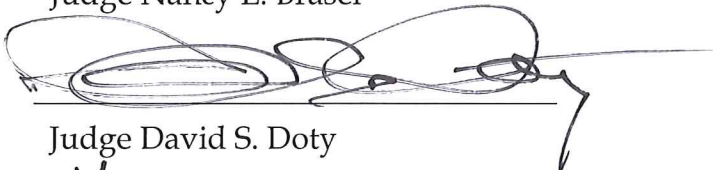
Judge Patrick J. Schiltz



Judge Wilhelmina M. Wright




Judge Nancy E. Brasel



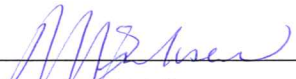
Judge David S. Doty




Judge Michael J. Davis



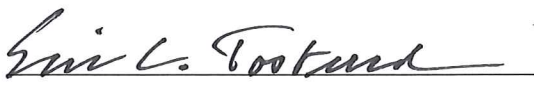
Judge Donovan W. Frank



Judge Joan N. Ericksen



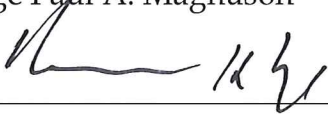
Judge Susan Richard Nelson



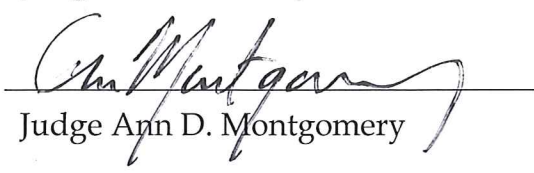
Judge Eric C. Tostrud



Judge Paul A. Magnuson



Judge Richard H. Kyle



Judge Ann D. Montgomery