

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

In re: Juror Selection Plan

Administrative Order

No. 00-AO-083

ADMINISTRATIVE ORDER

On June 5, 2000, the Judges of the United States District Court for the Eastern District of Michigan approved the attached revised Juror Selection Plan for submission to the Judicial Council of the Sixth Circuit for approval. The Plan was approved by the Judicial Council and the Certificate of Approval signed by Chief Judge Boyce F. Martin, Jr., on December 5, 2000.

NOW THEREFORE IT IS ORDERED THAT the attached Juror Selection Plan is adopted for the Eastern District of Michigan until further order of the Court.

Pursuant to 28 U.S.C. § 1863(a), copies of the revised Juror Selection Plan have been forwarded to the Attorney General of the United States, the Administrative Office of the United States Courts, and the Judicial Council of the Sixth Circuit.

This administrative order supersedes Administrative Order 98-AO-076.

FOR THE COURT:



Chief Judge Lawrence P. Zatkoff

Attachment

FILED
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CLERK OF COURT
EAST DIST MICH
DETROIT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

JUROR SELECTION PLAN

(a) Definitions.

The definitions contained in 28 U.S.C. § 1869, as amended, will apply in this Juror Selection Plan (plan) except:

- (1) "division" means a set of counties deemed a unit for the purpose of defining the geographic area of the master jury wheels; and
- (2) "chief judge" includes his or her designee.

(b) Declaration of Policy.

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. All citizens resident 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 summoned for that purpose.

(c) Discrimination Prohibited.

No citizen will 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.

(d) Designation of Divisions.

The Eastern District of Michigan is divided into the following divisions for juror selection purposes:

- (1) Grand and petit jurors serving in the Detroit division will be selected from citizens residing in the following counties:

Jackson
Lenawee
Macomb

Monroe
Oakland
St. Clair

Sanilac
Washtenaw
Wayne

(2) Grand and petit jurors serving in the Flint division will be selected from citizens residing in the following counties:

Genesee	Livingston
Lapeer	Shiawassee

(3) Grand and petit jurors serving in the Bay City division will be selected from citizens residing in the following counties:

Alcona	Gladwin	Ogemaw
Alpena	Gratiot	Oscoda
Arenac	Huron	Otsego
Bay	Iosco	Presque Isle
Cheboygan	Isabella	Roscommon
Clare	Midland	Saginaw
Crawford	Montmorency	Tuscola

(4) Petit jurors serving in the Port Huron division will be selected from citizens residing in the following counties:

Macomb	St. Clair
Oakland	Sanilac
	Wayne

(5) Petit jurors serving in the Ann Arbor division will be selected from citizens residing in the following counties:

Jackson	Oakland
Lenawee	Washtenaw
Monroe	Wayne

(e) Management of the Juror Selection Process.

(1) The clerk will manage the juror selection process under the supervision of the chief judge.

(2) Orders of the court relating to the general operation of the jury system and public notices concerning the drawing of names from the master jury wheel and the drawing of names from the qualified jury wheel for assignment to grand and petit jury panels will be posted at the appropriate court locations and distributed to the judicial officers of the court.

(f) Data Sources.

(1) Grand and petit jurors will be selected randomly from the following data sources:

(A) registered voters in the Qualified Voter File (QVF) compiled by the Michigan Secretary of State;

(B) persons licensed by the Michigan Secretary of State to drive motor vehicles; and

(C) persons who have been issued a personal identification card by the Michigan Secretary of State.

(2) The clerk will obtain data sources from the Secretary of State in the electronic form most compatible with the computer hardware and software used by the court for the random selection of names.

(g) Random Selection.

(1) The clerk may use electronic data processing systems for any tasks associated with the administration of the jury system including, but not limited to:

(A) the random selection of names from the data sources for master jury wheels;

(B) the random selection of names from the qualified wheels for grand and petit jury panels;

(C) the random assignment of prospective jurors to groups;

(D) the summoning of jurors;

(E) the payment of jurors;

(F) the preparation of documents; and

(G) statistical reports necessary for the efficient and effective administration of the jury system.

(2) For all purposes for which random selection is required by this plan, the clerk will use a purely randomized process through a properly programmed electronic data processing system.

(3) If a contractor is used to implement this plan, including the execution of any pure random selection procedures, the contractor will submit to the court on the first business day of January, April, July and October a certification that it has adhered to the requirements set forth in this plan to the degree the contractor has implemented any portion of the plan during the prior three months.

(h) Master Jury Wheels.

(1) The clerk will maintain master jury wheels for each division.

(2) The clerk will ensure that each county within a division is proportionally represented in the master jury wheel for that division. For the purpose of determining proportional representation in master jury wheels, the number of registered voters in each county in each division will be used.

(3) To increase the probability that the names and addresses on the data sources are as current as possible, the clerk will empty and refill the master jury wheels as frequently as is practicable, but at least once every four years.

(4) The clerk will determine the total number of names to be selected at random from the data sources and placed in master jury wheels.

(5) The minimum number of names to be placed in the respective master jury wheels is as follows:

Ann Arbor division	5,000
Bay City division	5,000
Detroit division	30,000
Flint division	5,000
Port Huron division	2,000

(6) The clerk will use the most current data sources from the Michigan Secretary of State for the creation of each master jury wheel.

(7) After determining the total number of names needed for any master jury wheel and the percentage of names to be drawn from each county, the clerk will direct the random selection of names from the data sources.

(i) Drawing of Names from the Master Jury Wheels.

(1) The clerk will direct the random drawing of the names of as many persons from the master jury wheels as may be needed to maintain an adequate number of names in the qualified jury wheel.

(2) The clerk will maintain records of the names drawn from the master jury wheels.

(j) Juror Qualification Forms.

The clerk will mail a juror qualification form to every person drawn with instructions for the recipient to complete, sign, and return the form within 10 days. (28 U.S.C. §1864(a)) The clerk will send a subsequent form to any person not responding to an earlier mailing.

(k) Qualifications for Jury Service.

Under 28 U.S.C. § 1865(b), a person will be deemed qualified to serve on grand and petit juries unless he or she:

(1) is not a citizen of the United States 18 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 complete 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/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 year and his/her civil rights have not been restored.

(l) Excuses on Individual Request.

(1) The court finds that jury service by the following persons would entail undue hardship or extreme inconvenience and to excuse them from jury service on individual request is not inconsistent with 28 U.S.C. §§ 1861 and 1862:

(A) persons over the age of 70;

(B) persons who have served on a grand or petit jury in a federal court within the last two years, and

(C) persons who are members of a volunteer fire department, rescue squad or ambulance crew for a public agency.

(2) In any two-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 30 days, except where 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.

(m) Exemption from Jury Service.

Under 28 U.S.C. § 1863(b)(6), the following are exempt from jury service:

(1) members in active service in the Armed Forces of the United States;

(2) members of fire or police departments; and

(3) public officers in the executive, legislative or judicial branches of the government of the United States, or of any state or subdivision of any state, who are actively engaged in the performance of official duties.

(n) Determination of Juror Qualifications.

The chief judge, upon recommendation of the clerk, will determine, based on the information provided on the juror qualification form and other competent evidence, whether a person is unqualified for, considered to be exempt from, or eligible to be excused from, jury service. The clerk will produce reports on qualification information upon request of the court.

(o) Qualified Jury Wheel.

(1) The clerk will maintain separate qualified jury wheels for each division and will place in such wheels the names of all persons drawn from the master jury wheel who are qualified and not exempt or excused under this plan. The clerk will ensure that not less than 300 names are contained in each qualified jury wheel at all times.

(2) Qualified jurors will be randomly assigned to grand and petit jury panels.

(3) The clerk will maintain records of persons summoned and assigned to grand and petit jury panels.

(4) Names drawn from the qualified jury wheel for grand jury service will not be made public except upon order of the court.

(5) Names drawn from the qualified jury wheel for petit jury service will not be made public until the jurors have been summoned and have appeared for service. Any district judge may order the names to be kept confidential in any case when the interests of justice so require.

(p) Petit Jury Panels.

(1) Petit jurors in the Detroit division will serve for a period of two weeks. Petit jurors in other divisions will serve for a period of four weeks. An additional period of two weeks may be authorized by the chief judge.

(2) Persons assigned to petit jury panels are sent a summons to appear for jury service on a specific date. Jurors are instructed to contact the appropriate clerk's office on the day prior to their scheduled date for additional information. This information may be provided by a recorded telephone message or other appropriate means.

(q) Postponement of Jury Service.

(1) If a person requests a postponement of his or her jury service for a specific reason, such as a pre-planned vacation, business commitment, health problem or similar episodic event, the clerk may reassign the juror to a different group within the same jury panel.

(2) A request for a second postponement or a postponement to another jury panel must be in writing and submitted to the clerk for decision by the chief judge.

(3) The clerk will record any postponements granted by either the clerk or the chief judge and will report on the status of any individual juror or group of jurors upon request of the court.

(r) Failure to Report for Jury Service.

A person who does not report for jury service on the date and at the time stated on his or her summons may be subject to prosecution. (28 U.S.C. § 1866(g))

(s) Maintenance of Records.

(1) The clerk may not disclose any names during the juror selection process or the juror qualification form of any person without an order of the court. A person seeking to obtain such information prior to *voir dire* must present an order to the clerk signed by the district judge to whom the case is assigned.

(2) After a master wheel is emptied and refilled, and after all persons selected have completed their jury service, the clerk will maintain and preserve all records and

papers pertaining to all master jury wheels for four years or for such longer period as may be ordered by the court. These records and papers will be available for public inspection for the purpose of determining the validity of the selection of any jury.

(3) The clerk will retain and, when requested, provide the public access to the following:

(A) Juror Selection Plan for the Eastern District of Michigan;

(B) a description of the procedure used by the electronic data processing system to randomly select and assign names during the implementation of this plan; and

(C) the clerk's directives to any contractor that implements any portion of this plan, including the execution of any pure random selection procedures, and that contractor's quarterly certifications required under (g)(3) of this plan.

(t) General Provisions.

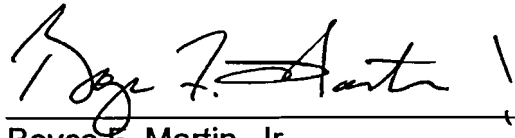
(1) The clerk will collect information to monitor the court's compliance with statutes, this plan, and the quality of the data sources provided by the Michigan Secretary of State and will distribute it periodically to the judges of the court.

(2) Incorporated in this plan by reference are the provisions of 28 U.S.C. §§ 1861 - 1971, any amendments to these sections as may be made from time to time, and all statutes enacted after this plan is approved pertaining to grand and petit jurors and trials by jury in federal courts.

CERTIFICATE OF APPROVAL

This is to certify that, in accordance with 28 U.S.C. § 1863(a), the foregoing Juror Selection Plan of the United States District Court for the Eastern District of Michigan has been duly received and approved as complying with the law by a reviewing panel consisting of the members of the Judicial Council for the Sixth Circuit.

This 5th day of December, 2000.



Boyce F. Martin, Jr.
Chief Judge
United States Court of Appeals
for the Sixth Circuit

CERTIFICATE OF FILING

This is to certify that, in accordance with 28 U.S.C. § 1863, a true copy of the foregoing revised Juror Selection Plan for the United States District Court for the Eastern District of Michigan was filed with the Administrative Office of the United States Courts, Washington, D.C., by depositing a true copy thereof in the United States mails properly addressed on this date.



Chief Judge Lawrence P. Latkoff
United States District Court
Eastern District of Michigan

Date: 12/18/00