

PLAN FOR THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS

The policy of the United States District Court is to ensure that all litigants 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 where the court convenes. All qualified citizens shall have the opportunity to be considered for service on grand and petit juries in this district court of the United States and shall have an obligation to serve as jurors when summoned for that purpose. No citizen shall be excluded from service as a grand or petit juror in this district court of the United States on account of race, color, religion, sex, national origin, or economic status. Pursuant to the Jury Selection and Service Act of 1968, 28 U.S.C. Secs. 1861-1878, the following plan is hereby adopted by this Court, subject to approval by a reviewing panel for the Eighth Circuit Judicial Council and to such rules and regulations of the Judicial Conference of the United States. In case of any such conflict between this plan and any statute, the statutory provisions shall govern.

1. **Management and Supervision.** The Clerk of Court shall manage the jury selection process, under the supervision and direction of the Chief Judge of this District or another judge designated by the Chief Judge to serve as liaison judge for jury matters.

2. **Divisions Established.** The Eastern District of Missouri is divided into three divisions by statute and is so divided for jury selection purposes into the same three divisions as follows:

[a] The Eastern Division comprises the Counties of Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Marion, Phelps, Saint Charles, Saint Francois, Saint Louis, Warren, and Washington, and the City of St. Louis.

[b] The Northern Division comprises the Counties of Adair, Audrain, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Ralls, Randolph, Schuyler, Scotland, and Shelby.

[c] The Southeastern Division comprises the Counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds,

Ripley, Sainte Genevieve, Scott, Shannon, Stoddard, and Wayne.

The provisions of this plan apply to each division in the district, except as otherwise indicated.

3. Jury Selection Sources. The names of grand and petit jurors shall be selected at random from the general election voter registration lists in each county and, in those counties which do not maintain voter registration lists, from the lists of actual voters.

Pursuant to § 1863(b) (2), Title 28, United States Code, the Court authorizes the Clerk to draw names of prospective jurors from supplementary source lists in addition to voter registration lists. Names of prospective jurors shall also be drawn from records of licensed drivers and non-driver identification holders provided by the State of Missouri. After purging duplicate names, those additional names shall be combined with the primary source list names in a manner consistent with the selection procedures described in this plan to create one combined source list from which the divisional master jury wheels will be built.

The random selection procedure, which is described in the next sections, is designed to ensure:

- [a] that names selected will represent all segments of the source file from which drawn;
- [b] that the mathematical odds of any single name being picked are substantially equalized;
- [c] that the possibility of human discretion or choice affecting the selection of any individual's name is eliminated.

At the Clerk's option, and after consultation with the Court, the selection of names from complete source list databases 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 for inclusion in the master wheel by data computer personnel must ensure that each county within the jury division is substantially proportionally represented in relation to the other counties in the divisional master jury wheel in accordance with 28 U.S.C. §1863 (b)(3). The

selections of names from the combined source list, as well as the divisional and qualified master wheels, also ensure that the mathematical odds of any single name being picked are substantially equal.

4. Selection of Names for the Master Jury Wheel. The initial selection of names to be placed on the master jury wheel for each division shall be made at random from the source lists so that the total number is deemed sufficient for a two-year period. The selection shall be accomplished by a purely randomized process through a properly programmed electronic data processing system.

The name of each person so selected shall be placed on the master jury wheel for the division in which that person resides. Pursuant to Section 1863(b)(4) of the Act, the minimum number of names to be placed in the master jury wheel for each division shall be at least one-half of one percent of the total number of persons on the source lists used for each division.

The Chief Judge may order additional names to be placed on one or more of a division's master jury lists as may be necessary.

The number of names drawn from each county or subdivision for placement in the master jury wheel of each division, and for each reel thereof, shall be substantially in the same proportion as the county or subdivision's population of registered voters bears to the total population of registered voters in the division, as required by law.

At least once every two years new master jury wheels shall be made in the same manner as set forth above.

5. Creation of the Master Wheel. After first determining the total number of names needed for the master jury wheel of each division and then the proportionate share of names to be drawn from the combined source list for each particular county, the Clerk of the Court shall proceed by the use of a properly programmed data computer, or by a combination of manual and computer methods, to make the initial selection of names for the master wheel from the source list of each county.

The Clerk shall maintain a master jury wheel for each of the divisions within the District.

6. Drawing Names from the Master Wheel. In order to maintain an adequate

number of names in the qualified jury wheels for each division, the Clerk shall draw from the master wheel, either manually or by automated random selection program, the names of as many persons as may be required for each division's qualified wheel.

The Clerk shall prepare a list of the names of the persons so drawn and submit to each person selected a juror qualification form. The instructions accompanying the form shall direct the prospective juror either to complete and return the form by mail, duly signed or to complete and transmit the on-line qualification form available on the court's website, within ten days of receipt. Both the paper and the electronic versions of the questionnaire shall inform the prospective juror that responses are provided under penalty of perjury. The form shall be the national form prescribed by the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States, shall comply with the requirements of Section 1864 of the Act, and shall include instructions for requesting an excuse or claiming an exemption as specified in Paragraphs 9 and 11 of this plan.

7. Grand Juries for the District and Their Powers. Grand juries convened in the Southeastern Division shall sit in Cape Girardeau, Missouri, and shall be drawn from a qualified jury wheel of the Southeastern Division.

Grand juries convened in the Eastern and Northern Divisions shall sit in St. Louis, Missouri. They shall be drawn from qualified jury wheels in the Eastern and Northern Divisions as indicated in Paragraph 15.

Grand juries sitting in any division may indict for any offense committed in which venue originally is in any division in the district.

8. Qualifications for Jury Service. Before a name is placed in a qualified jury wheel, the Clerk, acting on behalf of the Court, shall determine on the basis of information provided on the juror qualification form and other competent evidence whether a person is qualified, exempt, or excused from jury service. The Clerk shall enter such determination in the space provided on the juror qualification form. If any person fails to return a completed juror qualification form as instructed, the Clerk may thereupon pursue the matter in accordance with the provisions of Section 1864 of the Act.

The Clerk shall deem any person qualified to serve on grand and petit juries in the district

court unless that person:

[a] 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;

[b] Is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily 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 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 that person's civil rights have not been restored.

9. Volunteer Public Safety Personnel Excusable Upon Request. As required by 28 U.S.C. § 1863(b)(5)(B), upon individual request, volunteer public safety personnel serving a public agency in an official capacity without compensation as firefighters or members of a rescue squad or ambulance crew shall be excused from jury service.

10. Excused Individuals Not Members of a Group or Class. The Clerk, on behalf of the Court, or any judge, may pursuant to § 1866 (c) of the Act defer or excuse any person issued a Qualification Questionnaire or summoned for jury service upon grounds that such person has made a showing of significant hardship circumstances or extreme inconvenience or both as defined below.

Any judge may excuse a person from jury service upon a finding:

[a] 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;

[b] That such person has been excluded upon peremptory challenge as provided by law;

[c] That such person be excluded pursuant to the procedure specified by law upon a challenge by any party for good cause shown;

[d] That service of such person as a juror would be likely to threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberations.

Any person excluded from a particular jury under sub-paragraphs [a], [b], or [c] immediately above shall be eligible to service on another jury if the basis for initial exclusion would not be relevant to the person's ability to service on such other jury.

11. Groups and Classes Exempt from Jury Service. As required by 28 U.S.C. § 1863(b)(6) and Judicial Conference policy, members of the following groups may not serve as jurors when employed on a full-time basis:

[a] Members in active service in the Armed Forces of the United States;

[b] 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 United States territory or possession;

[c] 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. Qualified Wheels. The Clerk shall maintain a separate qualified jury wheel for each Division and shall place in each wheel the names of all persons drawn from the master jury list in each division, and not disqualified, exempt, or excused pursuant to this Plan. Each name shall also include the address and the same number as assigned to the name on the master list.

13. Drawing Petit Jury Pool. From time to time, the Clerk shall post a general notice in the Clerk's Office and on the Court's website announcing the selection from the qualified jury wheel for a particular division such number of names of as many qualified jurors as may be required for service in the jury pool. A summons shall be issued and mailed by regular first-class mail for service on each of the persons so drawn.

14. Assignment to Individual Petit Jury Panels. Names of jurors reporting pursuant to summons as set forth in Paragraph 13 shall be drawn at random using the automated jury management system, and the necessary number shall be drawn and assigned to particular panels.

When the service of jurors in the pool who are not engaged in the trial of cases is not required at that time, they may be excused subject to being called by the Clerk when needed. When jurors so excused are needed to serve on a subsequent panel, the Clerk may summon them for further service.

In any two-year period, no person shall be required:

[a] to serve actively or to attend court, or to report for duty 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] to serve on more than one grand jury, or

[c] to serve as both a grand and petit juror.

15. Grand Jurors - Drawing and Summoning. When the Court orders a grand jury to be empaneled for a division or divisions of the district, the Clerk shall draw names from the qualified wheels at random for the respective division or divisions. For a grand jury sitting in St. Louis, the number of names drawn from the Eastern and Northern Divisions' qualified wheels shall be determined according to the proportion which the total number of registered voters in the/that division bears to the total number of registered voters in the combined divisions. The names of jurors excused from grand jury service may be returned to the jury pool for the division in which they reside. Upon appearance before the Court of the persons summoned and not excused, selection shall proceed until a total of 23 members and such number of alternate members as the Court shall require are empaneled as provided by law. The names of those reporting and not empaneled may be returned to the appropriate pool of petit jurors.

16. Disclosure of Names Drawn. Names drawn from the qualified jury wheel to serve as petit jurors shall not be disclosed to the parties until the jurors have been summoned and have appeared at the courthouse. The Court in any case may order that the names be kept confidential when the interests of justice so require and may otherwise restrict the disclosure of juror information in accordance with local rules of Court.

17. Use of Electronic Data Processing Methods. The Court finds that electronic data processing methods can be advantageously used for selecting and storing names from the voter

registration lists and drivers' license lists. Therefore, a properly programmed electronic data processing system may be used to select names for the master wheel from the combined source list, provided that the required proportion of names from each county are maintained.

Similarly, an electronic data processing system may be used to select names from the master wheel or the qualified wheel, and for the creation of any reports and records needed by the Court to administer the recruitment, selection, and payment of jurors.

18. Authorization to Use Services of Contractor. The Court authorizes the Clerk to designate and contract for a competent electronic data processing service to perform any of the automated methods, tasks, and procedures required by this plan, including but not limited to the selection of prospective juror names for master and qualified wheels, maintenance of the master and qualified wheels in each division, scanning juror qualification questionnaires, and mailing summons and notices to persons selected to appear for grand or petit jury service.

19. Participation in Juror Utilization Pilot Program. The Court is a participant in the Judicial Conference Committee on Court Administration and Case Management's Juror Utilization Pilot Program. The Pilot Program is scheduled to continue through March of 2023, and its goal is to test an alternative to the current method of monitoring juror utilization through use of panel-size benchmarks in civil and criminal cases. During the Pilot Program, the Court will record information about juror use, including the type of case and number of jurors, the number of defendants in a criminal trial, the length of the trial, and a description of any atypical features of the trial. The Administrative Office will use the information to track juror usage. The Court will also provide data and feedback to the Administrative Office and the Federal Judicial Center.

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