

JUN 29 2018

AT LEXINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY**

**PLAN FOR THE RANDOM SELECTION AND QUALIFICATION OF GRAND AND
PETIT JURORS**

In accordance with 28 U.S.C § 1863, the Court adopts the following amended Plan for the Random Selection and Qualification of Grand and Petit Jurors. It is hereby ORDERED that:

POLICY

1.1 It is the policy of this Court that all persons and entities entitled to consideration by a jury shall have the right to grand and petit juries selected at random from a fair cross-section of the community in the jury division of the district wherein the court convenes; and that all qualified citizens of the district shall have the opportunity to be considered for jury service, and shall have an obligation to serve as jurors when summoned for that purpose. The use of the word "Court" in this order shall contemplate the full Court, or any judge thereof.

DISCRIMINATION PROHIBITED

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

MANAGEMENT OF JURY SELECTION PROCESS

3.1 The jury selection process shall be managed by the Clerk of the Court and no jury commission is to be established. The Clerk shall act under the supervision of the Chief Judge and such other judges of the court as may be designated. The Clerk shall establish procedures for the implementation of this plan and the operation of the jury selection process.

3.2 Separate master and qualified juror wheels for each jury division, and all records relating thereto, shall be maintained at the headquarters office in Lexington or divisional offices.

SOURCES OF NAMES FOR JURY SERVICE

4.1 It is hereby determined that the voter registration lists represent a fair cross-section of the community in this district and in each of the jury divisions in this district. Such voter registration lists are available to the Court in an automated voter registration list maintained through the Secretary of State for the Commonwealth of Kentucky. Therefore, the names of grand and petit jurors shall be selected at random from voter registration lists of each county within the respective jury divisions, on a pro rata basis, as hereafter provided and placed in the master wheel for each division (the "master wheel").

4.2 The Court may at the option of the Judges and the Clerk use electronic data processing equipment for any combination of the following tasks:

(1) Randomly selecting and copying of names for the master wheel from the voter registration data maintained by the Secretary of State of the Commonwealth of Kentucky.

(2) Randomly selecting and copying of names from the master wheel for the addressing of questionnaires and for other clerical tasks.

(3) Randomly selecting and copying names from the qualified wheel for summoning persons to serve as grand or petit jurors, and for the creation of any papers and records, necessary to recruit, select, and pay jurors.

(4) Reading, collating and otherwise processing juror information forms.

RANDOM SELECTION FROM VOTER REGISTRATION LISTS

5.1 Random selection of names from the voter registration lists for each county in the district shall be accomplished by drawing a starting number of 1 to 50, by lot, and commencing therewith on the voter registration lists, or other lists provided by this plan, selecting the names with the remaining names required to be selected in multiples to produce the number of names required for the master wheel. (For example, if the starting number drawn is 17 and the multiple

required to produce the number of names for the master wheel is 50, the names selected in each county would be 17, 67, 117, 167, etc., throughout the lists of names.)

5.2 For the purpose of determining proportionate representation in the master jury wheel, the number of registered voters in each county at the last general election for President of the United States and biennially thereafter, shall be used.

5.3 Jury divisions as used in this plan are divisions created by Order of the Court and are not statutory divisions created by law. The assignment of counties to jury divisions shall be by Order of the Court and may be changed as deemed necessary and appropriate.

5.4 At the Clerk's option, 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 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 insure that each county within the jury division 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 list, the master wheel, and the qualified wheel must also insure that the mathematical odds of any single name being picked are substantially equal for all names.

5.5 The Clerk may utilize the National Change of Address Database and/or other electronic address verification systems.

MASTER JURY WHEELS

6.1 There shall be a master jury wheel for each division into which the names of persons selected as provided in paragraph 5, above, shall be placed for drawing for consideration for jury service.

6.2 Jury divisions shall bear the name of the places of holding court in this district and their names and the counties are assigned to each are:

ASHLAND: Boyd, Carter, Elliott, Greenup, Lawrence, Lewis, Morgan, Rowan
COVINGTON: Boone, Bracken, Campbell, Gallatin, Grant, Kenton, Mason, Pendleton, Robertson
FRANKFORT: Anderson, Carroll, Franklin, Henry, Owen, Shelby, Trimble
LEXINGTON: Bath, Bourbon, Boyle, Breathitt, Clark, Estill, Fayette, Fleming, Garrard, Harrison, Jessamine, Lee, Lincoln, Madison, Menifee, Mercer, Montgomery, Nicholas, Powell, Scott, Wolfe, Woodford
LONDON: Bell, Clay, Harlan, Jackson, Knox, Laurel, Leslie, McCreary, Owsley, Perry, Pulaski, Rockcastle, Wayne, Whitley
PIKEVILLE: Floyd, Johnson, Knott, Letcher, Magoffin, Martin, Pike

6.3 The Clerk shall determine the number of names to be placed in the master jury wheel for each jury division; provided, however, that the number of names shall not be less than the following:

ASHLAND	2,000
COVINGTON	2,000
FRANKFORT	1,000
LEXINGTON	3,000
LONDON	2,500
PIKEVILLE	2,500

6.4 Jurors from any part of the district may be required to serve at any of the places where Court is held.

6.5 When ordered by the Court, the Clerk shall place additional names with proportionate representation from each county of the jury division in the master wheel to maintain a sufficient number from which names may be selected for the qualified jury wheel.

6.6 The master wheel shall be emptied and refilled by June 1 of odd-numbered years with the minimum number of names as determined by the clerk, using voter registration data as of the most recent federal general election held in the fall of even-numbered years. In the event of unforeseen circumstances, the master wheel may be emptied and refilled at other times upon order of the Chief Judge. The qualified jury wheels shall continue to be used during the master wheel emptying and refilling process. No jurors from the old qualified wheels will be placed under summons once the new master wheel is filled. Upon the completion of the master wheel process, the qualified wheels will be emptied and refilled with the names of qualified persons from the newly refilled master wheel.

EXCUSES BY INDIVIDUAL REQUEST

7.1 The Court finds that jury service by the following persons would entail undue hardship or extreme inconvenience, and to excuse them would not be inconsistent with Section 28. U.S.C. 1863(b)(5)(B), United States Code. Accordingly, members of the following class, upon individual request, may be excused by the Court or Clerk:

- (1) Persons who are volunteer safety personnel.

7.2 Additionally, the Court, or the Clerk under supervision of the Court, may excuse persons summoned for jury service upon a showing of undue hardship or extreme inconvenience for such period as the Court may deem necessary and proper. The Clerk may grant a temporary excuse to jurors on grounds of undue hardship or extreme inconvenience.

7.3 Unless otherwise directed by the Court, those individuals temporarily excused from jury service will have their names reinserted into the qualified jury wheel, or deferred until another date for service. 28 U.S.C. § 1866(c).

EXEMPTIONS AND DISQUALIFICATIONS FROM JURY SERVICE

8.1 Unless otherwise stated elsewhere in this Jury Plan, any Judge of the Court, or the Clerk under supervision of the Court, is authorized to determine whether a person is qualified for, or exempt, from jury service. Such determination is to be made on the basis of information provided on the juror qualification form and other competent evidence.

8.2 The following persons, when employed on a full time basis, shall be barred from jury service on the ground that they are exempt and their exemptions are in the public interest and would not be inconsistent with Sections 1861 and 1862 of Title 28, United States Code:

- (1) Members in active service in the Armed Forces of the United States;
- (2) Members of the fire or police departments of any state, district, territory, possession or subdivision thereof.
- (3) Public officers in the executive, legislative or judicial branch of the Government of the United States, or any state, district, territory or subdivision thereof, who are actively engaged in the performance of official duties.

8.3 All persons are deemed qualified to serve on grand and petit juries except the following:

- (1) A person who is not a citizen of the United States 18 years of age who has resided for a period of one year within the judicial district;
- (2) A person who 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) A person who is unable to speak the English language;
- (4) A person who is not capable, by reason of mental or physical infirmity, to render satisfactory jury service; or
- (5) A person who has a charge pending against him or her 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 civil rights have not been restored by pardon or amnesty.

AVAILABILITY OF NAMES OF JURORS SUMMONED

9.1(1) Upon request, the Jury Clerk shall make petit juror information forms available to counsel for the parties seven days prior to the trial for use in preparation for and during voir dire subject to the provisions of LR 47.1(a) and LCrR 24.1. Under no other circumstance shall juror information be provided to any other person or entity.

9.1(2) After voir dire is completed, counsel shall immediately return the petit juror information forms to the Jury Clerk, who shall keep them confidential, except for further use by the court in future cases.

9.2 The list provided to the parties and their counsel shall contain only the following information:

- (1) Name;
- (2) Address, including street, city and zip code;
- (3) Length of residence in State and County;
- (4) County of residence;
- (5) Place of birth;
- (6) Marital status;
- (7) Number of children;
- (8) Occupation or business, or, if retired, former occupation or business;
- (9) Name of employer or business;
- (10) Address of employer or business;
- (11) Spouse's occupation or business, or, if retired, former occupation;
- (12) Whether any felony charges are pending in Federal or State court;
- (13) Whether any felony convictions exist in Federal or State court; and, if so, whether civil rights have been restored; and
- (14) Whether employed by the Federal government.

9.3 The lists provided to the parties and their counsel shall not contain any information regarding telephone numbers, social security numbers, or email addresses.

9.4 This section applies only to persons summoned for petit juries in civil and criminal matters. No information regarding persons summoned for grand jury service is to be released.

9.5 Unless permitted by the Court, no party or attorney - or the representative of a party or attorney - may contact, interview, or communicate with any juror before, during, or after trial. No person may contact, interview, or communicate with a juror on any matter relating to the trial before or during the trial, see Local Rule 47.1 and Local Criminal Rule 24.1(a).

ASSIGNMENTS TO GRAND OR PETIT JURY PANELS

10.1 A grand jury shall be impaneled by calling for service as grand jurors and alternates the number of qualified jurors required for such service from the list of qualified jurors drawn for the jury division in which a grand jury is impaneled and continuing to call names until a sufficient number of jurors are qualified for grand jury duty. If additional grand jurors are needed to fill vacancies that may occur or to enlarge the membership of a grand jury, additional names of qualified jurors shall be called until the grand jury panel is filled.

10.2 A petit jury shall be impaneled by calling for service as petit jurors the number of qualified jurors required for such service from the list of qualified jurors drawn for the jury division in which a petit jury is required and continuing to call names until a sufficient number of jurors are qualified for petit jury duty. If additional petit jurors are needed to fill vacancies that may occur or to enlarge the membership of a petit jury, additional names of qualified jurors shall be called until petit jury panel is filled.

ADDITIONAL QUALIFIED JURORS

11.1 The Clerk shall draw panels of jurors from the qualified juror wheel as the business of the Court requires upon order of the Court. The names drawn shall be placed on lists in the order drawn, to be summoned therefrom as needed.

JUROR QUESTIONNAIRES

12.1 Juror qualification forms shall be prepared and executed in conformity with the provisions of Section 1864, Title 28, United States Code.

12.2 Persons whose names are drawn under this plan and to whom juror qualification forms are addressed shall be subject to all provisions of Section 1864, Title 28, United States Code.

DRAWING OF JURY OF THE DISTRICT

13.1 The procedure for the selection of names when the Court orders that a district-wide jury panel be summoned for the trial of a case or cases, or, if ordered, to form a grand jury, will be:

(1) The Clerk will be directed by the Court to draw a number of names sufficient to meet the needs of the Court from the qualified jury wheel of each jury division, the number from each wheel to be in proportion to the registered voters over age 18 years in each jury division;

(2) An alphabetical list of the names of the qualified jurors drawn from the qualified jury wheel for each jury division shall be made and filed by the Clerk;

(3) All names drawn from the several qualified jury wheels shall then be commingled and deposited in an empty jury wheel and shall be drawn for jury duty at the place and time provided by the order in numerical paragraph (1) above.

PRESERVATION OF RECORDS

14.1 After the master jury wheel is emptied and refilled pursuant to provision of Title 28, United States Code § 1863(b)(4) and after all persons selected to serve as jurors before the master wheel was emptied have completed such service, all records compiled and maintained by the Clerk before the master wheel was emptied shall be preserved in the custody of the Clerk for four years or for such longer period as may be ordered by the Court.

14.2 Except as otherwise provided in this Jury Plan or as may be necessary to a party's preparation or presentation of a motion under subsections (a), (b), or (c) of 28 U.S.C. § 1867, the contents of records or papers used by the Clerk in connection with the jury selection process must not be disclosed until 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 contents of records or papers used by the Clerk in connection with the jury selection process during past jury wheels may be disclosed only upon the approval of the Chief Judge.

DELEGATION OF DUTIES TO NON-COURT PERSONNEL

15.1 The Clerk is authorized to delegate such duties as may be required from time to time to non-court personnel to assist the Clerk in the performance of duties and responsibilities under this Plan.

CERTIFICATE OF APPROVAL

This is to certify that, in accordance with 28 U.S.C. § 1863(a), the foregoing Plan for the Random Selection and Qualification of Grand and Petit Jurors for the Eastern District of Kentucky 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 of the United States and the Chief Judge of the District to which the plan is applicable.

This 7th day of June, 2018.



R. Guy Cole, 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), a true copy of the foregoing Plan for the Random Selection and Qualification of Grand and Petit Jurors for the Eastern District of Kentucky was filed with the Administrative Office of the United States Courts, Washington, D.C., and the Attorney General for the United States.

This 28 day of June, 2018.



Karen K. Caldwell
Chief Judge
United States District Court for the
Eastern District of Kentucky