

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

PLAN FOR RANDOM SELECTION OF JURORS
(AS REVISED January 26, 2017)

1. PURPOSE

Pursuant to the Jury Selection and Service Act of 1968 (28 USC §1861 *et seq.*), this Court adopts this Plan for the Random Selection and Service of Jurors in the United States District for the Northern District of Illinois (Plan). It is the purpose of the Jury Plan to implement the policies declared in the Jury Act, 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 or division wherein the court convenes, 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 that all citizens shall have an obligation to serve as jurors when summoned for that purpose.

It is further the purpose of the Jury Plan to implement the prohibition against discrimination contained in 28 USC §1862, which provides that 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.

It is a violation of federal law, 28 USC § 1875, for an employer to discharge, threaten to discharge, intimidate or coerce any permanent employee by reason of such employee's jury service or the attendance or scheduled attendance in connection with such service in this court.

2. DEFINITIONS

(a) For the purposes of this Plan, "Clerk" shall mean the Clerk of Court, any authorized deputy clerk, and any other person authorized by the Court to assist the Clerk in the performance of functions under this Plan.

(b) “Jury Administrator” shall mean the Jury Administrator for the Northern District of Illinois or his or her designees.

(c) In the Eastern Division of this District, “political subdivision” refers to the City of Chicago, the remainder of Cook County, the City of Aurora, the balance of Kane County, the balance of DuPage County, and the counties of Grundy, Kendall, Lake, La Salle, and Will. In the Western Division, “political subdivision” refers to the City of Rockford, the remainder of Winnebago County, and the counties of Boone, Carroll, De Kalb, Jo Daviess, Lee, McHenry, Ogle, Stephenson, and Whiteside.

3. APPLICATION AND MANAGEMENT

Pursuant to 28 U.S.C. §1869(e), separate master jury wheels are established for each Division of the Northern District of Illinois, as follows:

Eastern Division: the counties of Cook, Du Page, Will, Lake, Grundy, Kane, Kendall, and La Salle.

Western Division: the counties of McHenry, Boone, Winnebago, De Kalb, Ogle, Lee, Stephenson, Jo Daviess, Whiteside, and Carroll.

The provisions of the Jury Plan apply with equal force and effect to both Divisions of this District.

4. MANAGEMENT AND SUPERVISION OF JURY SELECTION PROCESS

The Clerk of Court, under the direction of the Chief Judge or his or her designee, is responsible for managing the jury selection process. The Jury Administrator is authorized to assist the Clerk in the management of the jury selection process.

5. RANDOM SELECTION FROM LISTS OF REGISTERED VOTERS AND OTHERS

(a) The Court finds that a combination of official voter registration lists for the counties and cities in this district submitted annually to the Office of Voters

Registration Illinois State Board of Elections for the State of Illinois in accordance with Illinois Laws, lists of persons licensed by the Illinois Secretary of State to drive motor vehicles and persons to whom the Illinois Secretary of State has issued a personal identification card, and lists of persons who have applied and/or received unemployment insurance from the Illinois Department of Employment Security within the last two years represents a fair cross section of the community in this District. The lists of registered voters in the District's political subdivisions are maintained as identified in Section 2(c) above.

(b) In order to implement the Court's policy, the names of persons to be considered for service as grand or petit jurors in each Division shall be selected at random from the lists of registered voters residing in that Division, lists of persons licensed by the Illinois Secretary of State to drive motor vehicles and persons to whom the Illinois Secretary of State has issued a personal identification card, and persons who have applied and/or received unemployment insurance from the Illinois Department of Employment Security within the last two years.

6. SELECTING PROSPECTIVE JURORS FOR THE MASTER JURY WHEEL

(a) The Court finds that electronic data processing methods can be effectively used for selecting names from the lists compiled pursuant to Section 5(a) above. Therefore, a properly programmed electronic data processing system may be used to select names from such lists for the master jury wheel, provided that each county or political subdivision is proportionately represented in the master wheel. The selection process may be carried out using either of the methods described in this section.

(b) The selection of names for the master jury wheel may be accomplished by a purely randomized process through a properly programmed electronic data processing system. The random selection of names from the source lists by Court staff or any outside contractor must ensure that each county is substantially proportionally represented in the master wheel in accordance with 28 USC §

1863(b)(3). The selection of names from the source lists must also ensure that the mathematical odds of any single name being picked are substantially equal.

(c) The selection of names for the master jury wheel may be carried out using a process based on a quotient and a randomly selected starting number as described below.

- i. **Determining a Quotient.** After ascertaining the total number of registered voters for all counties within the Division, that total number is divided by the number of names needed for the jury wheel. The result, the ratio of selected to unselected names, is referred to as the quotient. For example, if it is determined that 5,000 names will be needed in the Western division master jury wheel to meet the Court's need for jurors over a two-year period, and if there are 100,000 names on all the lists for the Division as compiled pursuant to Section 5(a) above, the quotient would be 20 (100,000 total names divided by 5,000 names) and every 20th name should be placed in the Division's master jury wheel.

- ii. **Determining a Starting Number.** After determining the quotient, the clerk shall establish a starting number, which will identify the first name to be selected from the list compiled pursuant to Section 5(a) above. The randomly drawn starting number will be a number between one and the quotient. Pursuant to 28 U.S.C. §1864(a) and guidelines established by the Judicial Conference of the United States Courts, the random selection of the starting number shall be made in public. As an example of how the quotient and starting number are used, if we assume the quotient to be 20 and the starting number is 8, the first name chosen from each county will be the 8th name on the list, the second name would be the 28th, the third name the 48th, and so on, until the end of the list is reached.

(d) The number of names initially added to the Master Jury Wheel shall be at least 50,000 names for the Eastern Division and 4,000 names for the Western Division. The Clerk shall refill the Master Jury Wheel every two years and within 120 days of receipt of the data from the State of Illinois in conformance with this Plan or at more frequent intervals as deemed necessary by the Clerk under the supervision of the Chief Judge. The Chief Judge, or his or her designee, may order that additional names be placed in the Master Jury Wheel at other times, as needed.

7. DRAWING NAMES FROM THE MASTER JURY WHEEL AND COMPLETION OF JUROR QUALIFICATION FORMS

(a) JUROR QUALIFICATION QUESTIONNAIRE

Based on the Court's anticipated need for jurors, the Clerk shall prepare and mail a juror qualification questionnaire form to every person whose name is drawn from the master jury wheel, where the available address information indicates that the person resides within the District. Public notice of the mailing of qualification questionnaires shall be provided by the posting of information concerning the mailing on the Court's website. The mailing shall instruct the addressee to complete and return the form, duly signed and sworn, by mail to the Clerk within ten days in accordance with 28 U.S.C. §1864(a).

(b) SUPPLEMENTAL DRAW FOR UNDELIVERABLE AND NON-RESPONDING JUROR QUALIFICATION FORMS

For all 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 questionnaire to the person who has not responded), the Clerk shall 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. If qualification forms from the supplemental draw are returned undeliverable, no additional qualification forms will be issued. If no names from that zip code are available, no additional qualification form will be mailed. The

Clerk shall draw these names for additional juror qualification forms from the Master Jury Wheel.

8. QUALIFICATIONS, EXEMPTIONS, AND EXCUSES FROM JURY SERVICE

(a) QUALIFICATIONS

Under the supervision of the Chief Judge, the Clerk shall determine, solely on the basis of information provided on the juror qualification form and other competent evidence, whether a person is qualified for jury service, unqualified or exempt from service, or to be excused from jury service. The determination shall be noted on the juror qualification form or on supporting documentation, and recorded in automated records of the master jury wheel. The method used for this determination may be either mechanical or manual.

Pursuant to 28 U.S.C. §1865(b), any person shall be deemed qualified for jury service unless he or she:

- (1) is not a citizen of the United States;
- (2) is under eighteen years of age;
- (3) has resided within this District for a period of less than one year;
- (4) is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;
- (5) is unable to speak the English language;
- (6) is unable, by reason of mental or physical infirmity, to render satisfactory jury service; or
- (7) is facing a pending charge 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 his or her civil rights have been lost and have not been restored.

(b) EXEMPTIONS

The following persons are exempt from jury service pursuant to 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, district, territory, possession or subdivision thereof; and
- (3) public officers in the executive, legislative, or judicial branches of the government of the United States, or any state, district, territory, or possession or subdivision thereof, who are actively engaged in the performance of official duties. Public officer shall mean a person who is either elected to public office or who is directly appointed by the person elected to public office.

(c) EXCUSES

Upon individual request, the Clerk shall excuse the following persons from jury service:

- (1) any person over the age of seventy years;
- (2) any person who has served as a juror in this court within the previous two years; or
- (3)** volunteer safety personnel who serve without compensation as firefighters or members of a rescue squad or ambulance crew for a public agency in accordance with 28 U.S.C. §1863(b)(5)(B). Public agency shall mean the United States, the State of Illinois, or any unit of local government.

 Under the supervision of the Chief Judge, the Clerk, upon individual request showing undue hardship or extreme inconvenience, may excuse any person from jury service for the period that such extreme hardship or inconvenience exists. Because such circumstances are often temporary in nature, decisions concerning requests to be excused will normally not be made until such time as a prospective juror is summoned for service. “Undue hardship or extreme inconvenience” shall mean the illness of the juror or a member of the juror’s household; the active care and custody of a child under twelve years of age; the active full-time care of an aged or infirm person; business or recreational travel plans established before the receipt of the summons for jury service; or any other factor which the Clerk determines to be an undue hardship or to create an extreme

inconvenience to the juror. Whenever possible, arrangements will be made with any juror who is excused from serving on a particular date for his or her service to be deferred to a specific future date.

9. QUALIFIED JURY WHEEL

The results of the screening of the juror qualification forms shall be recorded for the master jury wheels of each Division. Those persons not disqualified, barred, or excused pursuant to this Plan will be deemed qualified. The qualified juror wheel of each Division shall consist of the names of all qualified prospective jurors.

10. MISCELLANEOUS

(a) No person shall make public or disclose to any person, unless so ordered by a judge of this Court, the names drawn from the Qualified Jury Wheel to serve in this Court until the first day of the jurors' term of service. Any judge of this Court may order that the names of jurors involved in a trial presided over by that judge remain confidential if the interests of justice so require, to the extent allowed by law.

(b) The contents of records and documents used in connection with the jury selection process, including the juror qualification questionnaires, shall not be disclosed except as provided in 28 USC § 1867 (f) and this Plan. Parties requesting access to these records shall petition the Court in writing setting forth the reasons for requesting access.

(c) The names of any jurors drawn from the Qualified Jury Wheel and selected to sit on a grand jury shall be kept confidential and not made public or disclosed to any person, except as otherwise authorized by an order issued by the Chief Judge.

(d) From time to time the Court may direct the Clerk to draw from the Qualified Jury Wheel for a Division such number of persons as may be required for grand and petit jury arrays or Special Panel arrays as provided for by LR 47.1(b). A "Special Panel" shall mean a list of prospective petit jurors drawn separately from the regular

terms of jurors, which will be utilized for one or more specific trials upon order of a trial judge and the Chief Judge. If any special panel of jurors is not used for the trial for which the special panel was established, the jurors may be used for trials taking place during the regular term of service, or for another special panel. In such circumstances, the members of the special panel array may become a part of the regular array until that array is terminated.

(e) All records and documents compiled and used in the jury selection process shall be maintained and filed by the clerk, using intervals of time commencing with the proceedings to fill the master wheels and ending when all persons selected to serve before the wheels were emptied have completed their service. Said records shall be preserved for four years as required by 28 USC § 1868 and shall then be destroyed unless otherwise ordered by the Court.

(f) Where the Judicial Conference of the United States, the Administrative Office of the United States Courts, or the Federal Judicial Center approve experimental programs affecting the administrative aspects of jury service, the Executive Committee may determine that the Court shall participate in such programs. Where such participation requires a temporary suspension of one or more provisions of this Plan, the Executive Committee may direct that such provisions be suspended for the duration of the Court's participation in the experimental program. Any provisions temporarily suspended pursuant to this Section shall be reinstated upon the conclusion of the experimental program or upon a finding by the Executive Committee that the Court's participation in such experimental program shall end, whichever is sooner.

EFFECTIVE DATE This plan for jury selection shall be placed in operation after approval by the reviewing panel as provided in 28 USC § 1863 as amended by the Jury Selection and Service Act of 1968. Jury service under this plan shall be required upon special order of the Court at such time as processing of the juror qualification questionnaires has been completed.

This plan shall remain in force and effect until approval of one or more modifications of this plan by said reviewing panel. Modifications of this plan may be initiated by the Court and submitted to the reviewing panel for approval; and this plan shall be modified as and when directed by said reviewing panel.

Approved by the Full Court on January 26, 2017

Approved by the Judicial Council of the Seventh Circuit on February 28, 2017