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CLERK OF THE COURT  
U.S. DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS

# **JURY SELECTION PLAN**

**CENTRAL DISTRICT OF ILLINOIS**

**EFFECTIVE JUNE 1, 2015**

**JURY SELECTION PLAN  
OF THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS  
FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS**

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 Seventh Circuit and to such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.

**APPLICABILITY OF THE PLAN, 28 U.S.C. §§1861, 1863**

This Plan applies to each of the divisions of this district as now established by law unless specifically indicated otherwise. The Central District of Illinois is hereby divided, for jury selection purposes, pursuant to Section 1869 of the Act, as follows:

The Peoria Division, consisting of the counties of: Fulton, Livingston, Marshall, McLean, Peoria, Putnam, Stark, Tazewell and Woodford.

The Urbana Division, consisting of the counties of: Champaign, Coles, Douglas, Edgar, Ford, Iroquois, Kankakee, Macon, Moultrie, Piatt, and Vermilion.

The Springfield Division, consisting of the counties of: Adams, Brown, Cass, Christian, DeWitt, Greene, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Scott and Shelby.

The Rock Island Division, consisting of the counties of: Bureau, Hancock, Henderson, Henry, Knox, McDonough, Mercer, Rock Island, Schuyler and Warren.

**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 shall have the right to grand and petit juries selected at random from a fair cross-section of the community in each division where the court convenes, and that all citizens who reside within the district shall have the opportunity to be considered for service on grand and petit juries and they shall have an obligation to serve as jurors when summoned for that purpose.

**DISCRIMINATION PROHIBITED, 28 U.S.C. §1862**

No citizen shall 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.

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

The clerk of the court shall manage the jury selection process under the supervision and control of the chief judge and each of the other judges presiding over the respective divisions of the court. In managing and supervising the jury selection process, the clerk is authorized to delegate duties as may be necessary in the jury selection process to deputy clerks.

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

The selection of names for the master jury wheel shall 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 shall 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 randomized process ensures that the mathematical odds of any single name being picked are substantially equal.

The chief judge and the court's other presiding judges have authorized use of the Jury Management System ("JMS"), an electronic data processing system, to select names from the

master jury wheel to fill the qualified wheel; to select names from the qualified wheel for persons to be summoned to serve as grand or petit jurors; and for the recording of names and other information on any papers and records needed by the court to administer the selection and payment of jurors.

Pursuant to 28 U.S.C. §1861, all litigants “have the right to grand and petit jurors selected at random from a fair cross section of the community.” The court uses a two-step process to select jurors. First, a master jury wheel is created by selecting names at random from the registered voter lists in each gubernatorial general election. Then names are randomly drawn periodically from the master jury wheel to complete juror qualification questionnaires. Individuals’ answers to these questionnaires determine whether they are legally qualified to serve. If so, the names of those persons are put in a second wheel, a qualified jury wheel. As prospective jurors are needed for a specific trial or grand jury, juror summonses are sent to persons randomly selected from the qualified wheel. All of these selections are carried out through a properly programmed electronic data processing system for pure randomized selection. The pure randomized process ensures that the mathematical odds of any single name being picked are substantially equal.

**MAINTAINING THE MASTER JURY WHEEL, 28 U.S.C. §1863(b)(3) & (4)**

The clerk shall maintain a master jury wheel for the district, with juror names from each of the four divisions in the wheel. The initial selection of names to fill the master jury wheel shall be of a sufficient number as may be deemed needed for a four-year period. The minimum number of names to be placed in the master jury wheel shall be at least one-half of 1% of the total number of names on the voter registration lists. The minimum number of names to be placed in the master jury wheel for each division will be as follows:

Peoria Division	20,000
Urbana Division	20,000
Springfield Division	20,000
Rock Island Division	20,000

The chief judge or presiding judge in each division may order additional names to be placed in the master jury wheel for said division from time to time as necessary.

The number of names drawn from each county shall be substantially in the same proportion to the total number drawn from all counties within the division 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. For example, if there are 240,000 names on the voter registration list of all counties within the division, and there are 48,000 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.

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 shall proceed to make the initial selection of names.

The master jury wheel shall be refilled every four years using the names and addresses of all persons randomly selected from the lists of voters at the last gubernatorial general election. No later than June 1, the clerk shall begin selecting names for filling the qualified jury wheels from the newly filled master jury wheel and will cease selecting names from the prior master jury wheel.

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

The judges of the court find that the source from which the names of grand and petit jurors shall be selected at random shall be from the registered voter lists in each gubernatorial general election as maintained in the books or lists of (1) the office of the County Clerk in each county, (2) the office of the City Clerk in those cities which have separate registration lists or (3) the office of the State Board of Elections of the State of Illinois within the Central District of Illinois. The judges do further find that such lists represent a fair cross section of the communities in the district.

The clerk shall issue written instructions directing the State Board of Elections to provide a list of all registered voters in the district in electronic format (“voter data files”). The clerk shall also require the State Board of Elections to provide an affidavit stating that the voter data files contain a list of all registered voters in the district.

### **SELECTING THE NAMES BY AUTOMATED METHODS**

The judges of this court find that electronic data processing methods can be advantageously used for selecting and copying names from the voters lists furnished by counties or the State Board of Elections which are submitted in machine readable forms such as magnetic tapes or magnetic discs. Therefore, a properly programmed electronic data processing system shall be used to select master wheel names from voter lists of any or all counties in the district, provided that the required proportions of names for each county are maintained as above described and the purely randomized selection process is followed.

Similarly, the judges of the court find that the Jury Management System (JMS) shall be used to select names from the master wheel of persons to complete qualification questionnaires, from the qualified wheel of persons to be summoned to serve as grand or petit jurors, and for the recording of names of prospective jurors and records needed by the court to administer the selection and payment of jurors.

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

The clerk shall, either all at one time or at periodic intervals, utilize JMS to randomly draw a sufficient number of names from the master jury wheel to maintain an adequate number of names in the qualified jury wheel to meet the needs of the court.

The clerk shall post a general notice for public review in the clerk’s office and on the court’s website explaining the process by which names are periodically and randomly drawn. The notices may be posted on a yearly basis and give actual or approximate times of regular master and/or qualified wheel drawings.

The number of names to be drawn from the master jury wheel shall 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 shall not be exhibited to any person except as provided in the Act or this Plan. Lists of names so drawn are generated by JMS and are maintained in the clerk's office.

The clerk shall prepare, by means of JMS, and mail to every person whose name is so drawn, a juror qualification letter, instructing prospective jurors to complete their qualification questionnaires online at the e-Juror link on the court's website within 10 days. Prospective jurors who fail to do so will be mailed a paper qualification questionnaire to complete. At the option of the clerk, these mailings may be handled by the clerk's office or by a commercial mailing service. If any person fails to complete a qualification questionnaire online or on paper as instructed, the court may thereupon pursue the matter in accordance with 28 U.S.C. §1864(a).

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

The presiding judges in each division, (on their own initiative or upon recommendation of the clerk) or the clerk, under the supervision of the court, shall determine solely on the basis of the information provided on the juror qualification questionnaire, and other competent evidence, whether a person is unqualified for, or exempt from, or to be excused from jury service. The clerk shall enter such determination in the space provided on the juror qualification questionnaire and in the court's JMS system. Any person shall be deemed qualified to serve on grand and petit juries unless the person:

- a. is not a citizen of the United States<sup>1</sup>, 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

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<sup>1</sup> Notice of persons who identify themselves as non-citizens through the juror qualification process will be provided to appropriate election officials for verifying voter registration eligibility.

- 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 by pardon or amnesty.

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

The judges of the court find members in active service full-time in the armed forces of the United States, full-time members of state and local fire or police departments, and public officers in the executive, legislative, or judicial branches of the United States, or the State of Illinois, who are actively engaged full-time in the performance of official duties shall be exempt from jury service under this Plan.

**EXCUSE FROM JURY SERVICE UPON INDIVIDUAL REQUEST, 28 U.S.C. §§1863(b)(5)(A) & (B); 1866(e); 1869(j) and District Court Clerk's Manual Chapter 14**

The judges of the court find that jury service by members of the following occupational classes or group of persons would entail undue hardship or extreme inconvenience to the members thereof, and the excuse of such members will not be inconsistent with the Act, as amended, and shall be granted upon individual request:

1. Persons over 70 years of age.
2. Persons who have, within the past two years, served on a federal grand or petit jury.
3. Persons having active care and custody of a child or children under 10 years of age whose health and/or safety would be jeopardized by their absence for jury service; or a person who is essential to the care of aged or infirm persons.
4. Any person whose services are so essential to the operation of a business, commercial, or agricultural enterprise that said enterprise must close if such person were required to perform jury duty.
5. Persons actively practicing or engaged full-time in one of the following: attorney or physician.



6. Volunteer safety personnel. Such personnel are defined as those who serve without compensation as firefighters or members of a rescue squad or ambulance crew for a public agency, meaning the United States, any state or territory of the United States or any unit of local government, department, or instrumentality of any of the foregoing.

**DETERMINATION OF QUALIFICATIONS, EXEMPTIONS AND EXCUSES, 28 U.S.C. §§1865(a) & (b); 1866(c)**

The presiding district judge or judges in each division, on their own initiative or upon recommendation of the clerk, shall determine solely on the basis of the information provided on the juror qualification questionnaire and other competent evidence whether a person is qualified, exempt, or to be excused from jury service. Such determination shall be entered in the space provided on the juror qualification questionnaire or shall appear on the appropriate database listing.

The clerk of court under the supervision of the court may determine whether persons are qualified, exempt or excused from jury service, with the exceptions of: (1) determining whether a person will be excused because his or her services are essential to the operation of a business, commercial or agricultural enterprise; (2) determining whether a person is disqualified because he or she is incapable by reason of mental or physical infirmity of rendering satisfactory jury service; and (3) any other determinations requiring the exercise of discretion. All matters of discretion are reserved for determination by the presiding judge unless the presiding judge specifically authorizes the clerk to make such determinations.

**QUALIFIED JURY WHEELS AND SUMMONS FOR JURY SERVICE, 28 U.S.C. §§1863(b)(8); 1866; 1868**

Separate qualified jury wheels shall be maintained in JMS for each division and the names of all persons drawn from the master jury wheel and not disqualified, exempt, or excused pursuant to this plan shall be placed in the qualified wheel. The clerk shall 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 directed by the court, the clerk shall cause to be drawn at random, by means of JMS, from the qualified jury wheel of each division such number of names of persons as may be required for assignments to grand and petit jury panels. The clerk may prepare, by means of JMS, 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 the clerk's office or by a commercial mailing service.

As grand juries are required, the clerk shall order the drawing from the appropriate divisions' qualified wheels, a pro rata share of the total number of grand jurors needed to be summoned. Prospective grand jurors summoned to the Peoria division shall be drawn from the Peoria and Rock Island qualified wheels. Prospective grand jurors summoned to the Springfield division shall be drawn from the Springfield and Urbana qualified wheels.

For those who have been summoned for jury service, the clerk, in consultation with the presiding judge, is authorized to grant temporary excuses from jury service to jurors whose service on a particular day or days would create undue hardship or extreme inconvenience. The clerk is authorized to reinsert the names of those individuals temporarily excused back in the qualified wheel. Examples of undue hardship and extreme inconvenience are scheduled medical appointments, vacation plans, and business travel.

Names of persons summoned and appearing for service may be inserted in a panel assignment wheel, from which separate trial panels will be selected by lot. The clerk shall prepare for the use of the Court and counsel a separate list of names of persons assigned to each petit jury panel.

**PENALTY FOR FAILURE TO APPEAR FOR JURY SUMMONS 28 U.S.C. §1866(g)**

The court finds any person summoned for jury service who fails to appear as directed may be ordered by the district court to appear and show cause for failure to comply with the summons. Any person who fails to show good cause for noncompliance with a summons may be fined not more than \$1,000, imprisoned not more than three days, ordered to perform community service, or any combination thereof.

**SUPPLEMENTAL ATTENDANCE FEE FOR PETIT JURORS SERVING ON LENGTHY TRIALS 28 U.S.C. §1871(b)(2)**

The court finds a petit juror required to attend more than ten (10) days in hearing one case shall be paid an additional attendance fee of \$10, for each day in excess of ten days on which the juror is required to hear such case.

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

In any two-year period, no person shall be required to (1) serve 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, or (2) to serve on more than one grand jury, or (3) to serve as both a grand and petit juror.

**PENALTY FOR EMPLOYEES WHO RETALIATE AGAINST EMPLOYEES SERVING ON JURY DUTY 28 U.S.C. §§1875(b)(3)**

No employer shall 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. Any employer who violates the provisions of this section shall be subject to a civil penalty of not more than \$5,000 for each violation as to each employee, and may be ordered to perform community service.

**RECORDS TO BE MAINTAINED BY THE CLERK AND MADE PUBLIC UPON REQUEST, 28 U.S.C. §§1863(a); 1867(f); 1868**

The clerk shall retain the following documents:

- Jury Selection Plan
- AO-12 Report on Operation of Jury Selection Plan
- Orders regarding refilling of the master jury wheel, petit juries, and grand juries
- Written instructions to State Board of Elections to provide list of registered voters
- Affidavit from State Board of Elections that instructions to provide list of registered voters were followed
- Voter data files

- Qualification questionnaires
- Individual petit jury and grand jury panel information

These records shall not be disclosed until the master jury wheel has been refilled and all persons selected as jurors from the prior master jury wheel have completed service, except (1) pursuant to this Plan, or (2) pursuant to an order of the court finding disclosure is necessary in preparation of a motion challenging the selection of a jury. Parties who have obtained an order of disclosure shall be allowed to inspect, reproduce, and copy such records at reasonable times during the preparation or pendency of the motion challenging the selection of a jury.

Upon written order of the court, except when the court orders a longer retention period, these records can be disposed of four years after the master jury wheel has been refilled and all persons selected have completed jury service in accordance with 28 U.S.C. § 1868.

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

Information on jurors drawn from the qualified jury wheel and impaneled for criminal and civil trials shall be made public only upon approval of the presiding judge and only upon formal request. The presiding judge may keep juror information confidential in any case where the interests of justice so require. In cases in which the court has authorized the release of juror information only the names will be released without further identifying information.

**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS**

**ORDER**

**IT IS HEREBY ORDERED** that in accordance with Title 28 U.S.C. Sections §1861, et. seq., the United States District Court for the Central District of Illinois hereby adopts the revised Jury Selection Plan for the random selection of jurors. This plan becomes effective immediately.

**ENTERED** this 1st day of June, 2015.

s/ James E. Shadid  
JAMES E. SHADID  
CHIEF UNITED STATES DISTRICT JUDGE

s/ Sue E. Myerscough  
SUE E. MYERSCOUGH  
UNITED STATES DISTRICT JUDGE

s/ Sara Darrow  
SARA DARROW  
UNITED STATES DISTRICT JUDGE

s/ Colin S. Bruce  
COLIN S. BRUCE  
UNITED STATES DISTRICT JUDGE