

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

AMENDED PLAN
FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS

Adopted by the District Court: 7 September 2018

Approved by the Tenth Circuit Court of Appeals: 18 October 2018

Effective Date: 1 October 2019 (by vote 21 March 2019)

Pursuant to the Jury Selection and Service Act of 1968 (Public Law 90-274), codified at 28 U.S.C. § 1861 et seq., hereinafter “Act,” the United States District Court for the District of Utah hereby adopts this Amended Plan For The Random Selection Of Grand And Petit Jurors, hereinafter “Plan” subject to such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.

A. Applicability of Plan. The District of Utah, hereinafter “District” or the “Court,” for the purposes of grand and petit jury selection, is one District consisting of the following counties:

Beaver, Box Elder, Cache, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Wayne, Washington, and Weber.

Court may be held in locations specified in 28 U.S.C. § 125 and other locations identified in special sessions orders issued under 28 U.S.C. § 141.

This plan establishes two jury divisions, as permitted by Section 1869(e) of the Act:

Northern / Central Jury Division, consisting of Box Elder, Cache, Carbon, Daggett, Davis, Duchesne, Juab, Morgan, Rich, Salt Lake, Summit, Tooele, Uintah, Utah, Wasatch, and Weber counties; and

Southern Region Jury Division, consisting of Beaver, Emery, Garfield, Grand, Iron, Kane, Millard, Piute, Sanpete, San Juan, Sevier, Washington, and Wayne counties.

Provisions of this Plan apply to the entire District unless specifically indicated otherwise.

B. Policy. Section 1861 of the Act (Chapter 121, Title 28, United States Code) expresses the policy of the United States that all litigants in federal trial 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, and, further, 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 shall have an obligation to serve as jurors when summoned for that purpose.

Section 1862 of the Act 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.

C. Management and Supervision of Jury Selection Process. The Clerk of the Court shall manage the jury selection process under the supervision and authority of the Chief Judge. To facilitate the efficient management and operation of the selection process, and subject to the provisions of the Act, this Plan, and the oversight of the Court, the Clerk is authorized to utilize

automated systems and accurate electronic databases of currently registered voters distinguished by county.

D. Random Selection from Voter Registration Lists. Voter registration lists represent a fair cross-section of each community in each of the counties that comprise the District. Accordingly, names of grand and petit jurors serving pursuant to the provisions of this Plan shall be selected at random by the Court's automated selection system from the voter registration lists of all the counties within the District. When the names of persons are randomly selected as hereinafter provided from the county voter registration lists and are placed in the District's master jury wheel, the registered voters in each county will be proportionally represented in that master jury wheel.

The Chief Judge shall instruct the Clerk as to the total number of names to be selected and placed in the master jury wheel from the voter registration lists.

The Clerk shall ensure that the number of registered voters selected from each county's list for the master jury wheel reflects the same proportion that each county's registered voters comprise of registered voters of all counties in the District. For example, if the registered voters in a particular county in the Southern Region Jury Division reflect 5% of all of the registered voters in the counties in that jury division, then the Clerk shall ensure that the total number of names selected from that county's list of registered voters is equal to 5% of the total number of names so selected from the lists of all counties in the Southern Region Jury Division.

Under the oversight of the Chief Judge, the Clerk shall determine how many names of registered voters from each county should be placed in the master jury wheel. The Clerk then will ensure that the Court's automated selection system randomly selects the appropriate number of names from each county's list. The Clerk shall ensure that the system, in randomly selecting

the appropriate number of names for the master jury wheel, is programmed to cycle completely through each county's voter registration list at least once to ensure that each name on the list, regardless of its position relative to the other names on the list, has an equivalent probability of being selected.

The voter registration list of each county, as incorporated into the electronic database, shall consist of the most current official registers of voters of all election districts in the county arranged in the order (alphabetical, numerical, or otherwise) in which the official registers are customarily kept by the county clerk.

E. Voter Registration Lists and Other Records to be Available. As provided in subsection 1863(d) of the Act, State of Utah and local government officials having custody, possession; or control of voter registration lists, lists of actual voters, or other appropriate records, shall make such lists and records available to the Clerk, or any deputy clerk, for inspection, reproduction, and copying at all reasonable times as the Clerk may deem necessary and proper for the performance of duties under the Act.

F. Master Jury Wheel. The Clerk shall maintain one master jury wheel for the District. The names of all persons randomly selected from the voter registration lists of all the counties in the District shall be placed in the master jury wheel consistent with the proportionality requirements of Section D. The minimum number of names to be placed initially in the master jury wheel for each jury division, pursuant to section 1863(b)(4) of the Act shall be:

Northern / Central Jury Division	whichever is greater, thirty-one thousand (31,000) names or at least two percent of the total number of persons on the source list for the designated counties.
Southern Region Jury Division	whichever is greater, four thousand (4000) names or at least two percent of the total number of persons on the source list for the designated counties.

The Chief Judge may order additional names to be placed in a master jury wheel from time to time as necessary.

The master jury wheel shall be filled after the Tenth Circuit approves the revised Jury Plan, on an effective date thereafter set by the Court.

The Court's master jury wheel shall be purged of all names and refilled every two years, specifically during each odd numbered year following a general election.

G. Public Notice of Drawings for the Master Jury Wheel and Qualified Jury Wheel.

Every two years, as defined in this Plan and as directed by the Chief Judge, the Clerk shall place a public notice on the bulletin board in the main lobby of the Clerk's Office as well as on the Court's website, indicating the date and time at which the automated system will be utilized to draw at random from the county voter registration lists the names of as many persons as may be required to fill the master jury wheel for the subsequent two-year period. In addition, the Clerk shall place a public notice on the bulletin board in the main lobby of the Clerk's Office as well as on the Court's website, indicating the date and time at which the automated system will be utilized to draw at random from the master jury wheel the names of as many persons as may be required for jury service in the upcoming jury terms for the subsequent two-month period.

H. Excuses on Individual Request. The District Court hereby finds, pursuant to Section 1863(b)(5)(A) of the Act, that jury service by members of the following occupational classes or groups of persons could entail undue hardship or extreme inconvenience to the members thereof, and the excuse of such members will not be inconsistent with Sections 1861 and 1862 of the Act, and shall be granted upon individual request:

1. Persons over 75 years of age;

2. A person who has served as a grand or petit juror in a state or federal court within the past two (2) years;
3. A person having active care or custody of a child or children under 10 years of age whose health and/or safety would be jeopardized by absence of the person for jury service; or a person who is essential to the care of aged or infirm persons;
4. A person whose services are so essential to the operation of a business, commercial or agricultural enterprise that it must close or cease to function if the person is required to perform jury duty;
5. Volunteer safety personnel, i.e. individuals serving in a public agency in an official capacity, without compensation, as fire fighters or members of a rescue squad or ambulance crew. "Public Agency" for this purpose means the United States, the State of Utah, or any unit of local government, department, or instrumentality of any of the foregoing; and,
6. A person residing in an area where private or public transportation to the place of holding court is not readily available.

1. Exemption from Jury Service. Section 1863(b)(6) of the Act requires exemption of the following groups of persons or occupational classes. Accordingly, on the grounds that they are exempt, members of such groups employed on a full-time basis are barred from jury service:

1. Members in active service in the Armed Forces of the United States;
2. Members of the fire or police departments of the State of Utah and any of its counties and municipalities; and
3. Public officers in the executive, legislative, or judicial branches of the Government of the United States, or the State of Utah and its subdivisions

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 a person elected to public office.

J. Determination of Qualifications, Excuses, and Exemptions. The judges of the Court, on their own initiative or upon recommendation of the Clerk, shall determine on the basis of information provided on the juror qualification form and other competent evidence whether a person is unqualified for, or to be exempted or excused from jury service. The Clerk shall enter such determination from the options on the juror qualification form or on the juror record in the Court's database. If a person, having been summoned and qualified, does not appear in response to a notice to appear for a particular case or for grand jury service, such fact may be communicated by the Clerk to the assigned judge who may initiate proceedings under 28 U.S.C. § 1866(g). The Clerk is authorized to grant temporary excuses to prospective jurors on the grounds of undue hardship or extreme inconvenience. At the Clerk's discretion, the names of individuals temporarily excused may be reinserted into the qualified wheel for possible re-noticing.

In making a determination as to qualification, the Court shall, consistent with Section 1865(b) of the Act, deem any person qualified to serve on grand and petit juries in the District Court unless that person:

1. Is not a citizen of the United States, eighteen 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 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 civil rights have not been restored.

K. Qualified Jury Wheel. The Clerk shall maintain a qualified jury wheel for the District, and shall place in such wheel the names of all persons drawn from the master jury wheel and summoned for the subsequent two-month period who have been determined to be qualified and not exempted, disqualified, or excused pursuant to this Plan. As part of the Court's one-step summoning process in Section M, at the conclusion of each two-month period, the Clerk shall purge the qualified wheel of all existing names prior to refilling it with the roster of new names selected for the subsequent two-month period. The Clerk shall ensure that a minimum of 300 names is contained in a qualified wheel at any time.

L. Jury Panels. When any judge requests a jury panel, the Clerk shall draw such panel using an automated random selection process that ensures equivalent selection probability for each name in the qualified wheel.

Generally, a jury panel shall be drawn from the jury division in which trial will be held or in which the grand jury will sit. However, on order of the judge calling the panel, the following methods may be also used when drawing names from a master jury wheel for selection of either a grand or petit jury:

1. names may be drawn from the master jury wheel from all jury divisions, on a pro-rata basis from each jury division; or

2. names may be drawn from a specific county or counties within a jury division or jury divisions.

Persons whose names are drawn for jury service may be served personally, or by registered, certified, or first-class mail addressed to them at their usual residence or business address. Unless otherwise ordered by the Court, the Clerk shall address and mail the summons/qualification forms and/or information packets via first class mail.

The Clerk shall prepare, manually or by computer means, the lists of the names drawn. These lists shall not be exhibited to any person except as provided herein and in Sections 1867 and 1868 of the Act. The Clerk shall prepare and mail to every person whose name is so drawn, a summons with instructions to execute the questionnaire process electronically through the Court's website or a paper questionnaire may be requested by the summoned juror. Summoned jurors will be instructed to complete the questionnaire process online at the Court's website which is: www.utd.uscourts.gov within ten (10) days of receipt of the summons. Any juror who fails to register online by the ten (10) day deadline will automatically be mailed a second summons with the paper questionnaire via first class mail. The questionnaire shall be completed and mailed back to the court within ten (10) days of receipt.

Unless otherwise ordered by the Court, the Clerk will make available to the parties in the case at the time of voir dire the names of jurors on the panel. The assigned judge retains the discretion to disclose additional juror information to the parties, such as that collected through use of a pre-voir dire questionnaire. Unless otherwise ordered by the Court, names drawn from the qualified jury wheel shall not be made a part of the Court's public record, neither in paper nor electronic format. A request for disclosure of juror names to the media or public may be

made to the judge to whom the case is assigned. The Clerk shall not release juror names to the media or public unless specifically authorized by the assigned judge.

When there is an unanticipated shortage of available grand or petit jurors drawn from the qualified jury wheel, the Court may require the Marshal to summon a sufficient number of petit jurors selected at random from the voter registration lists, in a manner ordered by the Court consistent with Sections 1861 and 1862 of the Act.

Jurors shall be called to serve for a period not exceeding 60 days, unless (i) exempt or previously excused by the Court for good cause, or (ii) currently serving on a case which has not been concluded upon the expiration of said period.

M. One-Step Juror Summoning and Qualification Process. The District has adopted the one-step juror summoning and qualification process whereby prospective jurors are summoned to serve and qualified for service through use of an official questionnaire form that combines into a single mailing the required elements of the summons and the qualification processes.

N. Use of Automated Systems and Electronic Databases for Jury Administration. The Court authorizes the Clerk to utilize automated systems and electronic databases to perform the random selection procedures and processes set forth in this Plan, including a properly programmed electronic data processing system for the purely random selection of names from the master jury wheel for the purpose of qualifying and summoning persons and from the qualified jury wheel to serve as grand or petit jurors. The selection of names from the master jury wheel and qualified jury wheel must ensure that the mathematical odds of any single name being picked are substantially equal. To ensure that the selection process is truly random, the Clerk shall ensure that the automated system independently generates a new random number each time

it selects a name (i) from the electronic database of registered voters for purpose of refilling the Court's master jury wheel every two years; and (ii) from the master jury wheel for the purpose of refilling the qualified jury wheel every two months. In establishing the range of numbers within which the automated system performs its random selection functions for selecting names for the master wheel, the Clerk shall ensure that the number (i) at the low end of the range is sufficiently large to require cycling through the list of registered voters for any county at least once, and (ii) at the high end is not so high as to entail the possibility of cycling through any county list with unnecessary frequency to select the required number of prospective jurors.

O. Public Access to Information Regarding the Jury Selection Process. The Clerk shall retain and, when requested, provide public access to the Court's Plan and a description of the Court's automated system for the random selection of jurors. The Clerk also shall make available for review, on request, technical documentation regarding the random number generation programming on which the Court's automated system relies for the selection process.

O. Effective Date. This Jury Plan is hereby adopted by this Court and shall become effective after approval by the review panel of the Judicial Council of the Tenth Circuit on an effective date thereafter set by the Court.

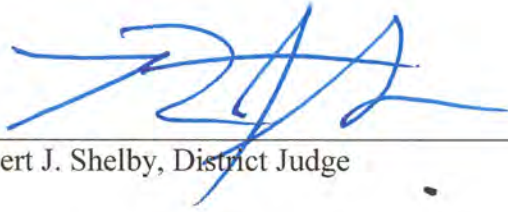
DATED this 7th day of Sept, 2018.




David Nuffer, Chief District Judge



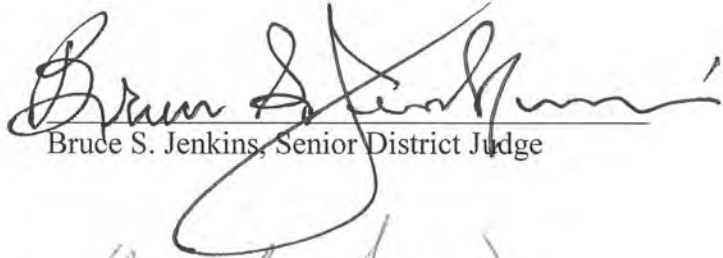
Clark Waddoups, District Judge



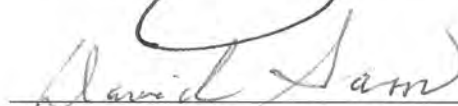
Robert J. Shelby, District Judge



Jill N. Parrish, District Judge



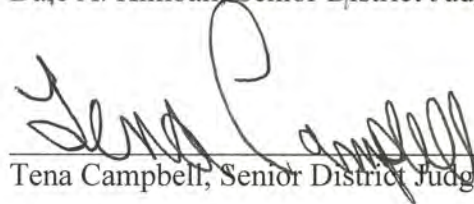
Bruce S. Jenkins, Senior District Judge



David Sam, Senior District Judge



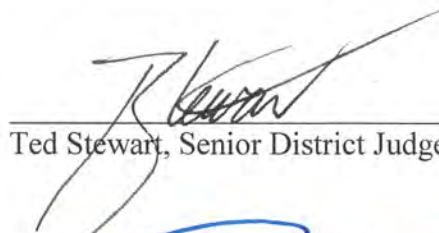
Dale A. Kimball, Senior District Judge



Tena Campbell, Senior District Judge



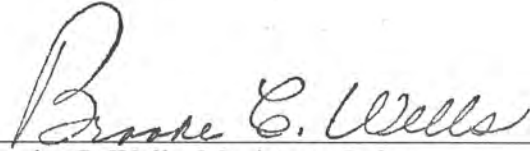
Dee Benson, Senior District Judge



Ted Stewart, Senior District Judge



Paul M. Warner, Chief Magistrate Judge



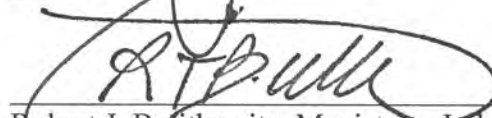
Brooke C. Wells, Magistrate Judge



Evelyn J. Furse, Magistrate Judge



Dustin B. Pead, Magistrate Judge



Robert J. Braithwaite, Magistrate Judge