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## **DISTRICT OF UTAH – JURY PLAN FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS**

**Date Approved by the District:** May 18, 2022

**Date Approved by the Circuit:** June 2, 2022

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**DISTRICT OF UTAH – JURY PLAN  
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GRAND AND PETIT JURORS**

Under the Jury Selection and Service Act of 1968, 28 U.S.C. § 1861-78 (Jury Act), as amended, the United States District Court for the District of Utah adopts the following *Jury Plan for the Random Selection of Grand and Petit Jurors* (Jury Plan), subject to the rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.

This Jury Plan supersedes the District's previous plan, which was adopted on September 7, 2018, and is effective when approved by the Reviewing Panel for the United States Court of Appeals for the Tenth Circuit, as required by 28 U.S.C. § 1863(a).

**1. DECLARATION OF POLICY [28 U.S.C. § 1861]**

The purpose of the Jury Plan is to implement the policies declared in the Jury Act that all litigants in federal courts entitled to a jury trial have the right to grand and petit juries selected at random from a fair cross-section of the community in the divisions of the district where the court convenes. All citizens have the opportunity to be considered for service on grand and petit juries in the district courts of the United States and have an obligation to serve as jurors when summoned for that purpose.

**2. PROHIBITION OF DISCRIMINATION [28 U.S.C. § 1862]**

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

### **3. PROTECTION OF JUROR EMPLOYMENT [28 U.S.C. § 1875]**

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 jury service in this Court.

For violations involving employment discharge or employment discrimination, the Court may impose sanctions as authorized by 28 U.S.C. § 1875.

### **4. DEFINITIONS USED IN THIS PLAN [28 U.S.C. § 1869]**

Words in this Jury Plan that are defined in [28, U.S.C. § 1869](#) of the Jury Act, as amended, have the meaning specified therein. The definitions below are specific to this Jury Plan:

- A. "Clerk" means the Clerk of Court, any authorized deputy clerk, and any other person (e.g., jury administrator) authorized by the Court to assist the clerk in the performance of functions under this Jury Plan.
- B. "Extreme inconvenience" or "undue hardship" means the basis for excusal from jury service authorized in 28 U.S.C. § 1866(c)(1). Under this Jury Plan, consideration for this type of excuse is afforded to the total amount of travel time incurred by the juror to the location where court convenes; the existence of a serious or life-threatening illness affecting either the juror or a family member of the juror; or the existence of a severe economic or household hardship that outweighs the juror's obligation for jury service.
- C. "Grand jury" or "grand juror" means a jury or juror summoned to serve at a grand jury proceeding.
- D. "Master jury wheel" or "master wheel" is an electronic system for storing names and addresses of identified prospective or qualified jurors. Jury wheel data may exist in non-qualified form (as a master jury wheel) or in a qualified form (as a qualified jury participant list).
- E. "Petit jury" or "petit juror" means a jury or juror summoned to serve at a civil or criminal trial proceeding.
- F. "Qualified jury participant list" means a list that is composed of those jurors who, based solely on the information provided on the juror qualification questionnaire, have been deemed eligible for jury service.

## **5. JUDICIAL DISTRICT [28 U.S.C. § 125]**

Utah constitutes one judicial district, consisting of two divisions: Northern and Central.

The Central Division contains a Southern Region. The divisions and Southern Region consist 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.

## **6. JURY DIVISIONS**

The District of Utah is subdivided into two distinct jury divisions:

- (1) The Northern Division comprises the counties of Box Elder, Cache, Davis, Morgan, Rich, and Weber. Court for the Northern Division shall be held at Salt Lake City and Ogden.
- (2) The Central Division comprises the counties of Beaver, Carbon, Daggett, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, and Wayne. Court for the Central Division shall be held at Salt Lake City, Provo, and St. George.

Under this plan and 28 U.S.C. § 1869(e), however, the court has created the following two jury divisions around designated places of holding court in Salt Lake City and St. George:

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

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

If a motion to change location has been granted and it is ordered that the case will be tried in a different jury division, jurors may be selected from citizens residing in Northern/Central Jury Division counties, Southern Region Jury Division counties, or both.

This Jury Plan applies to all jury divisions in the District in equal force and effect, unless specifically indicated otherwise.

## **7. MANAGEMENT AND SUPERVISION OF THE JURY SELECTION PROCESS**

The clerk, 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.

The clerk may use computers and other automation technologies in implementing the sections of this Jury Plan and will maintain a procedures manual to govern such use. The clerk may hire, or contract with, persons or entities to perform the duties set forth in this Jury Plan as long as the clerk supervises the work, the work is completed consistent with the clerk's instructions, and individuals' personal information is protected.

## **8. SOURCE LIST [28 U.S.C. § 1863(b)(2)]**

The source from which all persons eligible to serve as grand and petit jurors will be selected at random by the Court's automation technologies from voter registration lists (Source List), as compiled by the State of Utah.

As permitted by [28 U.S.C. § 1863\(b\)\(2\)](#), the Source List will be supplemented with data maintained (or collected) by the Department of Public Safety, Driver License Division, consisting of names and addresses of Utah licensed drivers. This supplementation of the Source List is

consistent with the Court's goal of minimizing potential barriers to jury service that may be based upon race or ethnicity.

The names of registered voters and licensed drivers contained in the Source List will be stored in electronic format and used to fill the master jury wheel. The names of registered voters and licensed drivers will be merged so that duplicate records may be purged.

## **9. VOTER REGISTRATION LISTS AND OTHER RECORDS TO BE AVAILABLE**

Under 1863(d) of the Jury Act, the State of Utah and local government officials having custody, possession, or control of voter registration lists or other appropriate records, will make those lists and records available to the clerk for inspection, reproduction, and copying at all reasonable times as the clerk may deem necessary and proper for the performance of duties consistent with this Jury Plan.

## **10. INITIAL RANDOM SELECTION OF NAMES FROM THE SOURCE LIST FOR THE MASTER JURY WHEEL [28 U.S.C. § 1863(b)(4)]**

The clerk may use electronic data processing methods and a properly programmed electronic data processing system to select names from the Source List for creation of the master jury wheel, provided that each county within the jury division is proportionately represented in the master wheel. The selection of names from the Source List for inclusion in 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 List for inclusion in the master wheel by the clerk or any outside contractor must ensure that each county within the jury division is substantially proportionally represented in the master jury wheel consistent with 28 U.S.C. § 1863 (b)(3). A properly programmed electronic data processing system for randomized

selection may be used to select names from the master wheel for purposes of sending a notice to individuals to serve as grand or petit jurors. The selections of names from the Source List and the master wheel must also ensure that the mathematical odds of any single name being picked are substantially equal.

The number of names initially added to the master jury wheel must be at least 40,000 names for the Northern/Central Jury Division and 6,000 names for the Southern Region Jury Division, under [28 U.S.C. § 1863 \(b\)\(4\)](#).

## **11. QUALIFIED JURY PARTICIPANT LIST**

The results of the screening of the juror qualification questionnaires must be recorded for the master jury wheel. Those persons not disqualified, barred, or excused pursuant to this Jury Plan will be deemed qualified. The qualified jury participant list for each jury division consists of the names of all qualified prospective jurors who are available to serve on the grand or petit juries.

## **12. EMPTYING, REFILLING, OR SUPPLEMENTING THE MASTER JURY WHEEL**

The master jury wheel will be emptied and refilled once every 2 years, commencing the year after the most recent General Election held (November 2020). Each refill will be completed so that a new master jury wheel will become operable no later than November first of each refill year (i.e., 2021, 2023, 2025, 2027, etc.).

If the demand upon the master jury wheel becomes excessive or if the possibility exists that the master jury wheel may become exhausted before its next refill, consistent with the procedures specified by this Jury Plan, a judge may order additional names to be placed into the master jury wheel. If a supplemental refill is authorized, the judge will specify the number of

names to be added and the date by which the supplemental refill is to be completed. The addition of any supplemental names to the master jury wheel will come from the combined source lists that utilizes both voter registration and Utah licensed driver records as described above.

### **13. DRAWING OF NAMES FROM THE MASTER JURY WHEEL – ONE-STEP SUMMONING [28 U.S.C. §§ 1864 & 1866]**

The District has implemented “one-step summoning and qualification”<sup>1</sup> in the selection of its grand and petit jury panels. When directed by the Court, the clerk will randomly draw from the master jury wheel, using automation technologies, the names of as many individuals as may be required for grand or petit juror service for a particular jury division. The Court will specify the number of jurors to be drawn based upon anticipated juror usage plus a margin of additional names sufficient to compensate for persons who become unavailable or ineligible to serve as jurors.

As required by 28 U.S.C. § 1864(a), as amended, the clerk will post a general notice for public review in the clerk’s office and on the Court’s [website](#) explaining the processes by which names are periodically and randomly drawn. As required by 28 U.S.C. § 1866(a), a separate list of names must be prepared of the individuals assigned to each petit or grand jury.

Based on the Court’s anticipated need for jurors, the clerk will prepare and mail along with each summons an initial juror notification letter to every person whose name is drawn from the master jury wheel, where the available address information indicates that the person

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<sup>1</sup> Title 28 U.S.C. § 1878 allows each district to summon and qualify jurors using a single process in lieu of drawing names from the master wheel (28 U.S.C. § 1864); qualifying those individuals so selected; and then adding the qualified jurors to a qualified jury participant list (28 U.S.C. § 1866). This unified procedure is commonly referred to as “one-step summoning.”

resides within the District. Public notice of the juror notification letters is provided by posting information concerning the mailing on the Court's website. The juror notification letter instructs the person to complete the jury questionnaire online through the Court's eJuror system within 10 days consistent with 28 U.S.C. §1864(a). Summoned jurors not completing the questionnaire online within that time will be mailed a paper version of the questionnaire for completion.

Each juror qualification questionnaire will require completion by the person to whom the questionnaire is addressed. If the person is unable to complete the questionnaire, another individual may do so, indicating the need and reason(s) therefore. Completed jury questionnaires that indicate a change of address between jury divisions will be reviewed to first determine the proper qualification status. Persons found to be qualified for jury service will then be included in the master jury wheel for the jury division in which the person properly resides.

If a person having been summoned and qualified, does not appear in response to a notice to appear for selection of a petit or grand jury, such fact may be communicated by the clerk to the assigned judge, who may initiate proceedings under 28 U.S.C. § 1866(g). As authorized by 28 U.S.C. § 1864(b), a person failing to appear or show good cause for noncompliance with a jury summons may be fined not more than \$1,000, imprisoned not more than 3 days, ordered to perform community service, or any combination thereof.

#### **14. SELECTION OF GRAND JURORS**

When ordered by the Court, the clerk must randomly select from the master jury wheel using a properly programmed data processing system an appropriate number of persons to be

considered for grand jury service. The names of at least 16 and no more than 23 qualified persons will then be selected at random. Upon the taking of the proper oaths, these jurors will then constitute the grand jury impaneled for service. Under Fed. R. Crim. P. 6(a)(2), the Court may also select alternate grand jurors who have the same qualifications and be selected in the same manner as any other juror.

The clerk must prepare a separate list of names of persons assigned to each grand jury panel, as required by 28 U.S.C. § 1866(a).

## **15. QUALIFICATIONS FOR JURY SERVICE [28 U.S.C. § 1865]**

The judges of the District, on their own initiative or upon recommendation of the clerk, will determine whether a person is unqualified for—or to be exempted or excused from—jury service on the basis of information provided on the juror qualification form and other competent evidence. Under this Jury Plan, however, the clerk is authorized to determine a potential juror's qualification status. A record will be created and maintained, by either manual or automated means, reflecting the person's qualification status.

A person is eligible to serve as a grand or petit juror unless that person:

- A. is not a citizen of the United States 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 complete satisfactorily the juror qualification form;
- C. is unable to speak the English language;
- D. is incapable, by reason of mental or physical infirmity, to render satisfactory jury service; or
- E. 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 1 year, and civil rights have not been restored.

## **16. OBLIGATION TO SERVE [28 U.S.C. § 1866(g)]**

All persons qualified as jurors are expected to serve as jurors when noticed. The clerk is authorized to grant temporary excuses to prospective jurors on the grounds of extreme inconvenience or undue hardship. Upon the conclusion of the period of inconvenience or hardship, individuals again become eligible to serve as jurors. At the clerk's discretion, the names of individuals temporarily excused may be reinserted into the summons pool for possible renoticing. As authorized by 28 U.S.C. § 1866(g), sanctions may be imposed upon any person who fails to show good cause for noncompliance with a summons issued for jury service.

## **17. TERMS OF SERVICE [28 U.S.C. § 1866(e)]**

Petit jurors selected under this Jury Plan typically serve, subject to trial activity, a term of approximately 2 months in the Northern/Central Division and a term of approximately 6 months in the Southern Region Jury Division. Petit jurors selected to serve on a state-wide summons pool will typically serve, subject to trial activity, a term of approximately 2 months. No petit juror will be required to serve more than 30 days unless trial activity in a particular case requires otherwise.

Grand jurors selected under this Jury Plan will not be subject to a term of service greater than 18 months, unless the Court extends the term of service. Additionally, no individual will be required to serve both as a grand juror and as a petit juror in any two-year period. 28 U.S.C. § 1866(e).

As provided for by 28 U.S.C. §§ 1871(b)(2) and (b)(3), petit jurors in active service for more than 10 days, or grand jurors in active service for more than 45 days, will be eligible for a supplemental juror fee, not to exceed \$10 for each additional day of extended service.

## **18. EXEMPTION FROM JURY SERVICE [28 U.S.C. § 1863]**

Under provisions of 28 U.S.C. § 1863(b)(6), members of the following groups of individuals who are employed on a full-time basis are barred from jury service on the grounds that they are exempt:

- A. members in active service in the Armed Forces of the United States;
- B. members of the fire or police departments of the State of Utah and any of its counties and municipalities; and
- C. public officers in the executive, legislative or judicial branches of the United States government or of any state or subdivision thereof who are actively engaged in the performance of official duties. Public Officer means a person who is either elected to public office or is directly appointed by a person elected to public office.

## **19. EXCUSES UPON INDIVIDUAL REQUEST [28 U.S.C. § 1863(b)(5)]**

The Court finds, under 28 U.S.C. § 1863(b)(5)(A) of the Act, that jury service by members of the following occupational classes or groups of persons would entail undue hardship or extreme inconvenience to the members, and the excuse of these members will not be inconsistent with Sections 1861 and 1862 of the Act, and shall be granted upon individual request:

- A. individuals over 75 years of age;
- B. individuals who have served either as a grand or petit juror in federal court within the District of Utah during the previous 2 years;
- C. persons 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 persons who are essential to the care of aged or infirm persons; and

D. persons whose services are so essential to a business, commercial, or agricultural enterprise that it must close or cease to function if the person is required to perform jury duty.

Under Section 1863(b)(5)(B) of the Act, “volunteer safety personnel” serving in 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 duty upon individual request. “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 these.

**20. DISCLOSURE OF JUROR NAMES TO PARTIES, THE PUBLIC, AND TO THE MEDIA [28 U.S.C. §§ 1863(b)(7) AND 1867(f)]**

No person shall make public or disclose to any person, unless so ordered by the assigned judge, the names of jurors empanelled until completion of the juror’s service. The assigned judge presiding over the trial may order that the names of jurors remain confidential beyond that time if the interests of justice so require, to the extent allowed by law.

The contents of records and documents used in connection with the jury selection process, including the juror qualification questionnaires, must not be disclosed, except as provided in 28 USC § 1867 (f) and this Jury Plan. Parties requesting access to these records must petition the Court in writing setting forth the reasons for requesting access. The names and any other identifying information of any potential jurors drawn from the qualified jury participant list and selected to sit on a petit or grand jury must be kept confidential and not made public or disclosed to any person, unless the assigned judge otherwise orders.

It is the policy, under this Jury Plan and Fed. R. Crim. P. 6(e), not to disclose to the media or to the public the name, address, or telephone number of any member of any grand jury. Should a request for information concerning the identity of a grand juror arise, the Chief Judge will determine whether the disclosure of personal information involving grand jury members is warranted, under Fed. R. Crim. P. 6(e) and 28 U.S.C. § 1867(f).

## **21. MAINTENANCE AND INSPECTION OF JURY RECORDS [28 U.S.C. § 1868]**

After the master jury wheel has been emptied and refilled, and after all persons selected to serve as jurors have completed their term of service, all records and papers compiled must be preserved and maintained in the custody of the clerk for a period of 4 years. These records will be available for public inspection for the purpose of determining the validity of the selection of any jury. The clerk will also make available for review, upon request, technical documentation regarding the random number generation programming on which the Court's automated system relies for the selection process. If ordered by the Court, this four-year retention period may be extended.

## **22. EFFECTIVE DATE OF THE PLAN [28 U.S.C. SECTION 1863(a)]**

This Jury Plan will become effective on the date of approval by the Reviewing Panel. A copy of this Jury Plan and any future modifications thereto will be provided to the Reviewing Panel as specified by 28 U.S.C. § 1863(a) for the purpose of ascertaining compliance with the Jury Act.

### **23. FILING COPIES OF THE PLAN [28 U.S.C. SECTION 1863(a)]**

Upon approval by the Reviewing Panel, a copy of this Jury Plan will be filed with the Administrative Office of the United States Courts and the Attorney General of the United States.

### **24. APPROVAL BY THE DISTRICT COURT**

This Jury Plan is hereby approved.

Adopted Dated: May 18, 2022

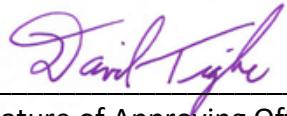


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Robert J. Sheridan, Chief District Judge

### **25. APPROVAL BY THE REVIEWING PANEL [28 U.S.C. § 1863(a)]**

This Jury Plan has been reviewed by a Panel consisting of members of the Judicial Council for the Tenth Circuit and is hereby approved for implementation.

Approval Date: June 2, 2022



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Signature of Approving Official or  
Authorized Representative

Effective Date: June 2, 2002