

**THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
PLAN FOR THE RANDOM SELECTION OF JURORS**

The Jury Plan originally adopted by this Court for the random selection of grand and petit jurors filed with the Court on December 22, 1968, including the amendments to the original Plan, is hereby revoked and rescinded. The following Plan is hereby adopted to become effective on the date approved by the Fifth Circuit Court of Appeals.

1. APPLICABILITY OF THE PLAN

This Jury Plan is applicable to all divisions in the Western District of Louisiana. The cities of Alexandria, Lafayette, Lake Charles, Monroe and Shreveport have been designated by 28 U.S.C. § 98(c) as the places of holding court. The district is hereby divided into divisions for jury selection purposes, as defined in 28 U.S.C § 1869(e), as follows:

- a. **Alexandria Division**: Avoyelles, Catahoula, Concordia, Grant, La Salle, Natchitoches, Rapides and Winn parishes.
- b. **Lafayette Division**: Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary and Vermilion parishes.
- c. **Lake Charles Division**: Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis and Vernon parishes.
- d. **Monroe Division**: Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union and West Carroll parishes.
- e. **Shreveport Division**: Bienville, Bossier, Caddo, Claiborne, De Soto, Red River, Sabine and Webster parishes.

2. DECLARATION OF POLICY (28 U.S.C. § 1861)

It is the policy of the United States 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 where the court convenes. It is further the policy of the United States 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.

3. DISCRIMINATION PROHIBITED (28 U.S.C. §1862)

No citizen will 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.

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

The Clerk of the Court will manage the jury selection process under the supervision and control of the Chief Judge or his/her designee. In the event of the simultaneous absence, disability, or inability to act by the Chief Judge and any other judges designated, the active district judge who is present in the district and has been in service the greatest length of time will be authorized to act. The use of the word “clerk” and “clerk of court” in this plan will mean the clerk of the district court of the United States, any authorized deputy clerk, and any other person authorized by the court to assist the clerk in the performance of functions under this plan (28 U.S.C. §1869(a)).

5. SOURCE OF NAMES OF PROSPECTIVE JURORS (28 U.S.C. § 1863(b)(2))

The names for the master jury wheel in each division will be selected, at random, from the voter registration lists of each parish in each division.

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

The selection of all names of persons from the voter registration lists will be placed into the master jury wheel. The clerk will maintain a master jury wheel for each of the divisions within the district.

The master jury wheel, in each division, will be emptied and refilled every four years between the date of October 1st of the Louisiana gubernatorial election year and March 31st of the following year; with said qualified wheel will be established by March 31st.

**7. METHOD AND MANNER OF RANDOM SELECTION
(28 U.S.C § 1863(b)(3))**

The selection of names from complete source list databases in electronic media for the master jury wheel will be accomplished by a purely randomized process through a properly programmed electronic data processing system. Similarly, a properly programmed electronic data processing system for pure randomized selection will 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 are designed to ensure: (a) the random selection of a fair cross section of the community, (b) that the names of persons residing in each of the parishes within the jury division are placed in the master jury wheel, and (c) that each parish within the jury division is substantially proportionally represented in the master jury wheel. The selections of names from the source list, the master wheel, and the qualified wheel must also ensure that the mathematical odds of any single name being picked are substantially equal.

In order to ensure the exercise of proper management over the automated aspects of the jury selection process, the operator of the computer will comply with the requirements of this jury plan and such other written instructions as provided by the clerk and will certify their compliance with the requirements.

**8. DRAWING OF NAMES FROM THE MASTER JURY WHEEL:
COMPLETING THE JURY QUALIFICATION FORM
(28 U.S.C. § 1864)**

This District has adopted the two-step qualification and summoning procedure. The Jury Management System (JMS) is provided by the Administrative Office of the U. S. Courts and will be used to select names from the master jury wheel for qualification and summoning of prospective jurors.

From time to time, as directed by the Court, the clerk will draw at random from the master jury wheel the names of as many persons as may be required for jury service. The clerk will mail to each person whose name is drawn from the master wheel a juror qualification form or a notice to complete the juror qualification form electronically through the Court's internet website at www.lawd.uscourts.gov.

If the person is unable to fill out the form, another may do it for him/her, indicating that they have done so and the reason why.

In any case in which it appears that there is an omission, ambiguity, or error in a form, the clerk will return the form with instructions to the person to make such corrections as may be necessary and to return the form to the clerk within ten days.

Any person who fails to complete the juror qualification form may be summoned by the clerk to appear and to personally complete such form. Any person failing to appear pursuant to a summons may be issued an order to show cause for failure to comply with the summons. A person failing to appear or show 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.

Any person who willfully misrepresents a material fact on a juror qualification form for the purpose of avoiding or securing service as a juror, may be fined not more than \$1,000, imprisoned not more than three days, ordered to perform community service, or any combination thereof.

The clerk will post a general notice explaining the process by which names are periodically and randomly drawn. Said notice will be posted for public review in the clerk's office and on the Court's website.

9. QUALIFICATION FOR JURY SERVICE (28 U.S.C. § 1865)

The clerk is authorized and directed, under the supervision of the Court, to make a determination as to whether a person is qualified, disqualified, exempt, or to be excused from jury service. Such determination shall be made solely on the basis of information furnished on the juror qualification form and other competent evidence. The clerk will enter such determination in the space provided on the jurors' questionnaire form and/or in the JMS database.

Any person will be deemed qualified to serve on grand and petit juries in the Court unless he or she:

- a. Is not a citizen of the United States, eighteen years old, and/or who 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 fill out, 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 against him/her 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 his/her civil rights have not been restored.

The names of persons found to be disqualified will not be placed in the qualified wheel.

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.

**10. EXEMPTION FROM JURY SERVICE
(28 U.S.C § 1863(b)(6))**

The Court finds and hereby states that the following persons are barred from jury service on the ground that they are exempt:

- a. Members in active service of the Armed Forces of the United States;
- b. Members of the fire or police departments of any state, district, territory, possession, or subdivision thereof;
- c. Public officers in the executive, legislative, or judicial branches of the government of the United States or any state, district, territory, possession or subdivision thereof who are actively engaged in the performance of official duties. (Public officer will mean a person who is either elected to public office or who is directly appointed by a person elected to public office.)

The names of persons found to be exempt under this section will not be placed in the qualified wheel.

**11. EXCUSES ON INDIVIDUAL REQUEST
(28 U.S.C. § 1863(b)(5)(A) & (B))**

This Court finds that jury service by members of the following occupational classes or groups of persons would entail undue hardship or extreme inconvenience to members thereof, and the excuse of such members would not be inconsistent with 28 U.S.C. § 1861 and 1862, and will be granted upon individual written request:

- a. Person having active care and custody of child(ren) under ten (10) years of age whose health and/or safety would be jeopardized by their absence for jury service;
- b. A person who is essential to the care of the aged or infirmed persons;
- c. Person over the age of 70 at the time of completing the juror qualification form;
- d. Volunteer safety personnel (personnel who serve without compensation) as fire fighters, members of a rescue squad or ambulance crew for a public agency of any state, district, territory, possession, or subdivision.

The names of persons found to be excused under this section will not be placed in the qualified wheel.

**12. QUALIFIED JURY WHEEL
(28 U.S.C. § 1866(a))**

The clerk will maintain separate qualified jury wheels for each division in the district and will place in such wheels the names of all persons drawn at random from the master jury wheel and not disqualified, exempt, or excused pursuant to this plan. The qualified wheels may be refilled in one drawing or in increments.

**13. SELECTION AND SUMMONING OF JURY POOLS
DISCLOSURE OF POOL NAMES
(28 U.S.C. § 1863(b)(8); 1866)**

From time to time the clerk will draw, at random, from the qualified jury wheel or wheels, either manually or by use of a properly programmed data computer, such numbers of names of persons as may be required for assignment to grand or petit jury pools. Each person drawn for jury service will be issued a summons or a notice to complete the juror information form electronically through the Court's internet website at www.lawd.uscourts.gov. The summons and/or notice will be served by first-class mail addressed to such person at their usual residence. The clerk will 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.

Upon good cause having been shown by either party or sua sponte by the Court, a petit jury pool may be drawn on a district-wide basis after a finding by the Court that a district-wide jury is preferred due to notoriety of the offenses or parties involved or for other reasons. The court may direct the clerk to draw a petit jury pool on a district-wide basis, instead of a division jury pool. If a district-wide jury pool is required, the clerk shall draw a pro rata, or approximately pro rata, number of names at random from the qualified jury wheels of each division in the district, and the names drawn will be pooled and will constitute the petit jurors to report for jury service.

Names drawn from the master jury wheel and the qualified jury wheel in both civil and criminal cases will be handled as follows:

- a. The names of prospective and sitting petit jurors will not be disclosed to the public or media outside open court, except upon order of the Court. A request for disclosure of petit juror names to the media or public must be made, in writing, to the presiding judge. In the interest of justice, the Chief Judge and/or any presiding judge has the discretion to keep the petit jurors names confidential from disclosure.
- b. The names of grand jurors drawn from the qualified jury wheels will not be disclosed to anyone, except upon order of the Court.

14. TEMPORARY EXCUSES & EXCLUSIONS (28 U.S.C. § 1866(c))

Upon a showing of undue hardship or extreme inconvenience, a person summoned for jury service may be excused by the clerk, under supervision of the Court, for such period of time as the clerk deems necessary. At the conclusion of such period, the person's name will be summoned again for jury service, or placed back into the qualified wheel. If the circumstances causing undue hardship or extreme inconvenience may be reasonably expected to continue for an indefinite period, the prospective juror may be excused from the current jury wheel.

If a summoned juror has changed residence from one division of the Court to another division of the Court, subsequent to the establishment of their qualification, such juror will be excused from service in the division of original residence for such period of time as the clerk deems necessary. At the conclusion of that period, the person will be summoned for jury service in the division of current residence.

- A prospective juror may be excluded by the Court for the following reasons:
- a. On the ground that such person may be unable to render impartial jury service or that his/her service as a juror would be likely to disrupt the proceedings;
 - b. Upon peremptory challenge as provided by law;
 - c. Pursuant to the procedure specified by law upon a challenge by any party for good cause shown; or
 - d. Upon determination by the Court that his/her service as a juror would be likely to threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberations. No person shall be excluded under this provision unless the judge, in open court, determines that such is warranted and that exclusion of the person will not be inconsistent with 28 U.S.C. § 1861 and 1862.

15. FAILURE TO APPEAR AS SUMMONED

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

16. SELECTION OF JURORS IN CASES OF UNANTICIPATED SHORTAGE

Upon the occurrence of any unanticipated shortage of available petit jurors drawn from any qualified jury wheel or wheels, the judge before whom a case is pending requiring additional jurors may, by order of the Court, written or verbal, require the Marshal to summon a sufficient number of additional petit jurors. These jurors will be selected at random from the qualified jury wheel or wheels, in a manner fixed by order of the Court from the division or divisions in which court is held consistent with 28 U.S.C. § 1861 and 1862. Notice of this summons may be given in person, by telephone, electronically, or otherwise provided by law. Any unanticipated shortage of petit jurors can be supplied only by drawing from the qualified jury wheel or wheels for the entire division or divisions.

17. LIMITATION OF JURY SERVICE

In any two year period, no person shall be required to:

- a. 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
- b. Serve on more than one grand jury; or
- c. Serve as both a grand and petit juror.

18. PUBLIC ACCESS

The office of the Clerk of Court will retain and, when requested, provide access to the following public documents:

- a. Jury Selection Plan
- b. Required public notices, showing where and when posted.

19. MAINTENANCE AND DISCLOSURE OF RECORDS (28 U.S.C. § 1867(f); 1868)

Maintenance of Records

- a. After the master jury wheel is emptied and refilled and after all persons selected to serve as jurors before the master wheel was emptied have completed such service, all records and papers compiled and maintained by the jury office with regard to the emptied master jury wheel will be preserved in the custody of the clerk for four years.

Disclosure of Records

a. Contents of Records

The contents of records or papers used by the clerk in connection with the jury selection process will not be disclosed to anyone except:

1. Pursuant to this plan;
2. As authorized by the Chief Judge or another Article III Judge, or
3. As may be necessary in the preparation of a motion challenging the juror selection process (28 U.S.C. §1867). The parties in a case will be allowed to inspect, reproduce and copy such records or papers at all reasonable times during the preparation and pendency of such a motion. Any person who discloses the contents of any record or paper, in violation of this subsection, may be fined not more than \$1,000, imprisoned not more than one year, or both.
4. No juror supplemental questionnaires are to be released to the public or media without written motion and prior approval of an Article III Judge.

b. Names of Trial Jurors

1. The names of trial jurors may be released to the parties, the public, or the press at the conclusion of a trial only upon leave of the Court. All requests for release of juror names must be made in writing to the presiding trial judge. In the interest of justice, the Chief Judge and/or any presiding judge has the discretion to keep the trial jurors names confidential from disclosure.
2. Lists of potential juror names and supplemental questionnaires, provided to attorneys at the beginning of jury selection, are the property of the Court and must be returned to the Court at the conclusion of the jury selection process for proper disposal.
3. Pursuant to Rule 49.1 of the Federal Rules of Criminal Procedure, this Court has determined that the names of all jurors and potential jurors will not be disclosed in the public docket or in transcripts filed with the Court absent an order of the Court. Transcripts containing voir dire proceedings will be filed under seal in the public docket pursuant to Standing Order 1.96. All requests for sealed or un-redacted transcripts must be submitted in writing to the presiding trial judge.

c. Report on Operation of the Jury Selection Plan (AO-12)

Any party seeking disclosure of the Report on Operation of the Jury Selection Plan (AO-12) must make written application to the Chief Judge or his/her designee. Disclosure will be made only upon the written approval of the Chief Judge or his/her designee.

20. GRAND JURY PANELS

Grand juries for this district will hold sessions in Lafayette and Shreveport. They will be drawn from a combination of divisions as follows:

Lafayette – Lafayette and Lake Charles Divisions

Shreveport – Alexandria, Monroe and Shreveport Divisions

The clerk will draw at random from the qualified wheels of each division such number of prospective grand jurors as may be required in the same ratio that the number of registered voters in each division bears to the total number of registered voters in the combined divisions. The Chief Judge may, by written order duly filed with the Clerk, authorize a grand jury drawn from all five divisions' qualified jury wheels on a substantially proportionate basis to serve district-wide.

Each person drawn for grand jury service will be issued a summons or a notice to complete the juror information form electronically through the Court's internet website at www.lawd.uscourts.gov. The summons or notice will be served by first-class mail addressed to such person at their usual residence.

Individuals summoned to serve as grand jurors may request excusal, temporary excusal, exemption, or disqualification pursuant to the categories described in Sections 9 – 11 & 14 of this Plan.

Each grand jury will serve until discharged by court order, but no regular, criminal grand jury will serve for more than eighteen months unless the Court extends the service of the grand jury for a period of six months or less, upon a determination that such extension is in the public interest. Special Grand Juries, as defined in 18 U.S.C. § 3331, will serve a term of eighteen months unless an order for its discharge is entered earlier by the Court. If, at the end of an eighteen-month term or any extension thereof, the Court determines the business of the grand jury has not been completed, the Court may enter an order extending such term for up to three additional six-month periods. No special grand jury term so extended will exceed thirty-six months, except as provided in 18 U.S.C. § 3333(e).

The Court may direct that alternate jurors be designated at the time a grand jury is selected. Alternate jurors, in the order in which they were designated, may thereafter be impaneled to replace excused jurors. Alternate jurors will be drawn in the same manner and will have the same qualification as the regular jurors and, if impaneled, will be subject to the same challenges, will take the same oath, and will have the same functions, powers, facilities, and privileges as the regular grand jurors.

The contents of records or papers used by the clerk in connection with the grand jury selection process may be disclosed to the United States Attorney's Office upon written request to the clerk. Names for empaneled grand jurors may be provided to the United States Attorney's Office without prior leave.

21. CHALLENGES TO THE SELECTION PROCEDURES (28 U.S.C. § 1867)

Any challenges to this Plan, the Court's compliance with the provisions of this Plan or compliance with the provisions of the Jury Selection and Service Act of 1968 shall be made in accordance with 28 U.S.C. § 1867 and any other applicable law.

**22. ADOPTION OF THE PLAN
(28 U.S.C. § 1863(a))**

The Plan is approved and adopted by the Article III Judges of this District on the date entered below. The Plan will be placed into operation in accordance with the provisions of the Jury Selection and Service Act of 1968 and 28 U.S.C. §1863(a). This Plan will be implemented and effective upon its approval by the Fifth Circuit Court of Appeals.

Dated this the 8th day of August, 2019.



Honorable S. Maurice Hicks, Jr.
Chief U. S. District Judge

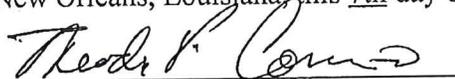
Approval by the Judicial Council of the Fifth Circuit Court of Appeals, on the 7th day of August, 2019 is attached hereto.

THE JUDICIAL COUNCIL OF THE FIFTH CIRCUIT

REVIEWING PANEL --- JURY SELECTION PLAN

The Western District of Louisiana adopted amendments to its Jury Selection Plan. The amended Plan, having been reviewed by the Reviewing Panel of this Circuit, is approved.

Entered for the Reviewing Panel at New Orleans, Louisiana, this 7th day of August 2019.



Theodore P. Cominos
Secretary to the Judicial Council
of the Fifth Circuit

The following judges comprised and acted as the Reviewing Panel:

(a) The Judicial Council of the Fifth Circuit:

Carl E. Stewart
Priscilla R. Owen
Edith H. Jones
Jerry E. Smith
Catharina Haynes
James E. Graves, Jr.
Stephen A. Higginson
Don R. Willett
James C. Ho
Stuart Kyle Duncan
Carl J. Barbier
John W. deGravelles
Elizabeth E. Foote
Debra M. Brown
Halil S. "Sul" Ozerden
David C. Godbey
Lee H. Rosenthal
Rodney Gilstrap
Philip R. Martinez

(b) United States District Judge:



S. Maurice Hicks, Jr.
Chief United States District Judge
Western District of Louisiana