

UNITED STATES DISTRICT COURT



WESTERN DISTRICT OF MICHIGAN

JUROR SELECTION PLAN

Adopted: December 11, 2006

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

JUROR SELECTION PLAN

Table of Contents

Adoption of Plan	3
1. Applicability of the Plan	4
Counties in the Southern Division at Grand Rapids	4
Counties in the Southern Division at Kalamazoo	4
Counties in the Southern Division at Lansing	4
Counties in the Northern Division at Marquette	4
2. Declaration of Policy	4
3. Discrimination Prohibited	5
4. Management and Supervision of the Jury Selection Process	5
5. Juror Selection Sources	5
6. Initial Selection of Names for each Master Wheel	6
7. Method and Manner of Random Selection	7
8. Master Jury Wheels	7
9. Selecting Names by Manual Methods	8
10. Selecting Names by Machine Methods	8
11. Drawing of Names from the Master wheels & Completion of Qualification Forms	9
12. Exemption from Jury Service	9
13. Excuse on Individual Request for Specific Groups or Classes	10
14. Determination of Qualifications, Exemptions and Excuses	10
15. Maintaining Qualified Jury Wheels and Summoning Jurors	11
16. Reporting to State Election Officials the Names of Non-Citizens	12
17. Assignment to Petit Jury Panels	12
18. Summary Trial Jurors	13
19. Selection of Grand Jurors	13
20. Maintenance of Records	14
21. Public Announcement of the Drawing of Starting & Quotients	15

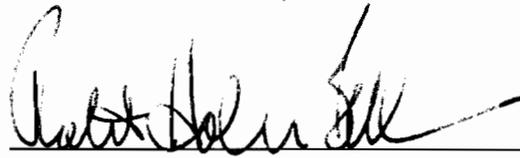
DEC 11 PM 5:02

IN THE MATTER OF THE PLAN OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN *mb*
FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS

NO. 06-098

Pursuant to the Jury Selection and Service Act of 1968 (Title 28 U.S.C. Section 1861 et seq) and by Title 28 U.S.C. Section 151, which provides for the selection, summoning, and administration of jury panels by the United States District and Bankruptcy Courts; the following plan is hereby adopted by this court subject to the approval by a Reviewing Panel as provided by law and subject to such rules and regulations as may lawfully be promulgated from time to time by the Judicial Conference of the United States.

IT IS SO ORDERED,



Robert Holmes Bell, Chief Judge

1. APPLICABILITY OF THE PLAN

This District consists of two divisions which are listed below, and this plan applies to each of the said Divisions as now established by law unless otherwise specifically indicated.

Southern Division at Grand Rapids comprising the counties of:

Antrim	Kalkaska	Montcalm
Barry	Kent	Muskegon
Benzie	Lake	Newaygo
Charlevoix	Leelanau	Oceana
Emmet	Manistee	Osceola
Grand Traverse	Mason	Ottawa
Ionia	Mecosta	Wexford
	Missaukee	

Southern Division at Kalamazoo comprising the counties of:

Allegan	Calhoun	St. Joseph
Berrien	Cass	Van Buren
	Kalamazoo	

Southern Division at Lansing comprising the counties of:

Branch	Eaton	Ingham
Clinton	Hillsdale	

Northern Division at Marquette comprising the counties of:

Alger	Gogebic	Mackinac
Baraga	Houghton	Marquette
Chippewa	Iron	Menominee
Delta	Keweenaw	Ontonagon
Dickinson	Luce	Schoolcraft

2. DECLARATION OF POLICY

It is the policy of this Court that all litigants entitled to a trial by jury shall have the right to juries selected at random from a fair cross-section of the community in the Division wherein the Court

convenes. It is further a policy of this Court that all qualified citizens within the District shall have the opportunity to be considered for service on the juries of this Court, and shall have an obligation to serve as jurors when summoned for that purpose.

3. DISCRIMINATION PROHIBITED

No citizen shall be excluded from service as a grand, petit or summary trial juror in the Court on account of race, color, religion, sex, national origin or economic status.

4. MANAGEMENT AND SUPERVISION OF THE JURY SELECTION PROCESS

This Plan shall be managed by the Clerk of the Court under the supervision and control of the Chief Judge or such other judge as may be designated to perform those duties. In this Plan, “Clerk” and “Clerk of Court” shall 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 chapter. (28 U. S. C. 1869(a), as amended.)

The Court finds that electronic data processing methods can be advantageously used for managing this plan. Therefore, a properly programmed electronic data processing system, or a combination system employing both manual and electronic machine methods, may be used to select master wheel names, select names of persons to be sent questionnaires, select names of persons to be summoned, and to perform clerical and record keeping functions as may be prescribed by the Court.

5. JUROR SELECTION SOURCES

The Court finds that the source from which the names of petit and grand jurors shall be selected at random shall be the merged lists of general election voters, licensed drivers and State Identification Card holders after the elimination of known duplicates from all the counties within the relevant division, and does further find that such lists represent a fair cross-section of the community within the district.

Accordingly, names of petit and grand jurors serving in this Court shall be selected by randomized procedures from the merged lists described above. The names of registered voters will

be obtained from the official statewide qualified voters file established and maintained by the Michigan Secretary of State pursuant to Michigan Law. The names of licensed drivers and State Identification Card holders will be obtained from the lists or automated systems also established and maintained by the Michigan Secretary of State pursuant to Michigan Law.

This Plan's reference to random selection shall mean that in any selection procedure all names shall be chosen by a purely random method.

The randomized selection procedure which is described in the next section insures (a) that the names chosen will represent all segments of the source file from which drawn, (b) that the mathematical odds of any single name being picked are substantially equalized, and (c) that the possibility of human discretion or choice affecting the selection of any individual's name is eliminated.

6. INITIAL SELECTION OF NAMES FOR EACH MASTER WHEEL

The judges of this Court have determined that the initial selection of persons to be considered for service as grand or petit jurors from the source lists described in Section 5 shall be randomly made as deemed sufficient for a two-year period.

In creating the master jury wheels, 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 that county's source lists bears to the total number of names on the source lists for all counties within a division.

For each wheel, the following procedure shall be used for selecting names of prospective jurors from the source lists:

(a) Determine the number of prospective jurors within each jury wheel according to the records as furnished by the Michigan Secretary of State.

(b) For the purpose of calculating from the source lists the total number of prospective jurors in the respective divisions within the District, the Clerk will add together the total number of prospective jurors obtained for each county. The number taken as the total for each county may be based upon either a manual, or mechanized, count of the names on the source lists.

(c) After first determining the total number of names needed for a master wheel, and

proportionate share of names to be drawn from the source list for each particular county, the clerk shall proceed either manually or through the use of a properly programmed data computer, or a combination of both, to make the initial selection of names from the source list of each county.

(d) The sequence in which source lists from various counties are to be processed for purposes of selecting names will be in a simple randomized sequence.

7. METHOD AND MANNER OF RANDOM SELECTION

At the Clerk's option, and after consultation with the Court, the selection of names from complete source list databases in electronic media for the master jury wheel may be accomplished by a purely randomized process through a properly programmed electronic data processing system. Similarly, at the option of the Clerk, and after consultation with the Court, a properly programmed electronic data processing system for pure randomized selection may 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 and petit jurors. Such random selections of names from the source lists for inclusion in the master wheel by data computer personnel must insure that each county within the jury division is substantially proportionally represented in the master jury wheel in accordance with 28 U.S.C Section 1863(b)(3). The selections of names from the source list, the master wheel, and the qualified wheel must also insure that the mathematical odds of any single name picked are substantially equal.

8. MASTER JURY WHEELS

The Clerk shall maintain a master jury wheel for each geographical area described in Section 1 above. The names of prospective jurors shall be selected from the official statewide qualified voters file maintained and provided by the Michigan Secretary of State revised and existing at the time of refilling

of the Master Jury Wheel. This selection shall be made as soon as possible after the most recent federal general election held in the fall of the even-numbered years.

The Chief Judge of this District shall determine, upon recommendation of the Clerk, the number of names to be placed in each master jury wheel, which shall be not less than one thousand. If it should at any time appear, in the judgment of the Chief Judge, that the names in a given master jury wheel will be exhausted before the prescribed time for refilling, the Chief Judge may order it be refilled in advance of that time from the most recent source list available; and such refilling shall be in lieu of, and not in addition to , the next prescribed refilling.

9. SELECTING NAMES BY MANUAL METHODS

When selection from any source list is made manually it shall be by systematic randomization. The entire source list must be covered and the specific names picked will be according to the established “quotient” and “starting number” formula described below. After determining the total number of jurors for all the counties in a division, the clerk will divide that number by the number of names needed for the master jury wheel. The result shall be referred to as the “quotient.” The quotient is the ratio of selected to unselected names. After determining the quotient, the clerk shall establish a “starting number.” The starting number shall be drawn randomly by lot from a range of numbers beginning with the number one and ending with the sum of the quotient and the “remainder”. The “remainder” is established to eliminate any risk of excluding names at the end of the list, and defined when the number of names in the wheel is not evenly divisible by the number of names to be drawn.

10. SELECTING NAMES BY MACHINE METHODS

The judges of this Court have determined that electronic data processing methods can be advantageously used for selecting names from source lists. The selection of names from the source

lists in an electronic format shall be by a purely randomized process through a properly programmed electronic data processing system. Therefore, a properly programmed electronic data processing system or combination system employing both manual and electronic machine methods may be used to select master wheel names from source lists of any, or all, counties in the District. The required proportions of names for each county shall be maintained. In addition, the judges of this Court have determined that an electronic system, or manual system, may be used to select names from the qualified wheel of persons to be summoned to serve as grand or petit jurors, and to record names of prospective jurors on any papers and records needed by the Court to administer the selection and payment of jurors. If the Court elects to use electronic system methods in connection with any, or all, of the district's source lists, master jury wheels, or qualified jury wheels, the name selection system shall be planned and programmed according to the purely randomized process.

11. DRAWING OF NAMES FROM THE MASTER JURY WHEELS AND COMPLETION OF JUROR QUALIFICATION FORMS

The Clerk shall publicly draw at random, either manually or through the use of a properly programmed data system, the names of as many persons as may be required to maintain an adequate number of names in the qualified jury wheels. The number of names to be drawn shall be determined by the Clerk based upon anticipated juror demands by the Court.

The Clerk shall have prepared, by manual or computer means, lists of names drawn. These lists shall not be exhibited to any person except as provided herein pursuant to 28 USC 1867-68, as amended. The Clerk shall, by manual or computer means, prepare and have mailed to every person whose name is drawn, a juror qualification questionnaire form, accompanied by instructions to execute and return the questionnaire duly signed and sworn in accordance with 28 USC 1864(a), as amended.

12. EXEMPTION FROM JURY SERVICE

The Court finds that exemption from jury service of the following groups of persons, or occupational classes is in the public interest and would not be inconsistent with 28 USC 1861-63; therefore, members of the following groups or classes shall be barred from jury service on the ground 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 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" shall mean a person who is either elected to public office or who is directly appointed by a person elected to public office.

13. EXCUSE ON INDIVIDUAL REQUEST FOR SPECIFIC GROUPS OR CLASSES

Consistent with 28 USC 1861 and 1862, the Court may grant excuses to the following groups of persons or classes upon individual request for:

- 1. Persons over 70 years of age;
- 2. Volunteer safety personnel;
- 3. Persons who, within the past two years, have served on a federal grand or petit jury.

14. DETERMINATION OF QUALIFICATIONS, EXEMPTIONS AND EXCUSES

The Chief Judge, or other district judge, on their initiative or upon recommendation of the Clerk, shall determine solely on the basis of information provided on the juror qualification form or other competent evidence whether a person is unqualified for, or exempt, or excused from jury service. Such determination shall be made in accordance with this plan and the laws under which this plan was adopted, and in accordance with any guidelines established by the Chief Judge. The Clerk shall

determine qualification status solely on the basis of information provided on the juror qualification form and other competent evidence whether a person is unqualified for, or exempt, or to be excused from jury service at the qualification stage. The Clerk shall enter such determination on the list of names from the master jury wheel or from the qualified jury wheel. If a person did not appear in response to a summons, such fact shall be noted on said list. In making such determination, the Chief Judge shall deem any person qualified to serve on grand and petit juries in district court unless the 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 to fill out 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;
5. has a charge pending against him or 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 civil rights have not been restored by pardon or amnesty.

15. MAINTAINING QUALIFIED JURY WHEELS AND SUMMONING JURORS

The Clerk shall maintain separate qualified jury wheels for each geographical area described in section 1 above, and shall place in such wheels the names of all persons drawn from the appropriate master jury wheel and not disqualified, exempt or excused pursuant to this plan.

The Clerk shall ensure that at all times an adequate number of names are contained in each such jury wheel. The Clerk may maintain any or all of the qualified wheels through use of either an electronic system or through use of manual methods. Whenever a qualified wheel is maintained on

an electronic system, the selection of names shall be in accordance with the purely randomized process described earlier and an Order to Draw Jurors will instruct the data system personnel to follow said randomized process in the selection of names and addresses of prospective jurors.

Upon completion of the electronic system work required, the Court shall require the execution of an affidavit by the agency providing such service. The affidavit shall state, under penalty of perjury, that the procedures set down by the Court governing the selection of its jurors have been fully met in the automated phase of the selection process.

Whenever a qualified wheel is maintained in manual record form, names of persons summoned will be manually drawn by lot. The Clerk shall draw at random from the qualified jury wheels the names of as many persons as may be required for assignment to petit jury panels by placing cards for all persons in the qualified wheel in a jury wheel drum or box. The Clerk shall prepare a separate list of the names of persons assigned to each petit jury panel and shall have issued a summons directed to each of the persons so drawn.

These lists shall upon request, be disclosed to the parties three (3) business days prior to the trial date, unless otherwise directed by the Chief Judge or the judge assigned to try the case. A request for disclosure of jury names to the media or public may be made of the judge to whom the case is assigned. The Clerk shall not release juror names to the media or public unless specifically authorized, in writing, by the assigned judge. The Chief Judge or the Judge assigned to try any case may order such lists to be kept confidential in any case where the interests of justice so require.

Each qualified jury wheel shall be emptied and refilled within three months after the time the corresponding master jury wheel is emptied and refilled. Jury panels already drawn, or jurors selected and sworn in for a particular case, shall continue to serve until this has been accomplished.

16. REPORTING TO STATE ELECTION OFFICIALS THE NAMES OF NON-CITIZENS

The Clerk shall report to the Michigan Secretary of State the names of prospective jurors that identify themselves as non-citizens at any time during the qualification stage or jury selection process.

17. ASSIGNMENT TO PETIT JURY PANELS

Persons whose names were selected pursuant to section 9 of this plan shall be summoned to appear as prospective jurors for all jury trials held in the appropriate geographic area during a specified term of service. Pursuant to 28 USC 1866(e), no person shall be required to 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. If the current panel for an area contains more persons than reasonably needed for the selection of a jury in a specific case, the Clerk shall select at random the number of individuals to be called. This selection shall be made by drawing names at random from a jury wheel drum or box.

Jurors summoned for a specific term of service who request deferral from jury service, shall have such requests submitted to the Clerk for a ruling on the request. Requests for EXCUSE shall be submitted to the Chief Judge or the Judge assigned to try the case for a ruling on the request.

If two or more jury trials are to commence on the same day in the same city in this district, a central jury pool may be used. The names of prospective jurors directed to report to any specific courtroom shall be determined at random by the Clerk. Persons excluded from service in a particular case upon peremptory challenge or upon challenge by a party for good cause shown, shall be returned to the central jury pool.

18. SUMMARY TRIAL JURORS

Jurors to be used for the purpose of summary trials will be drawn from a pool of jurors summoned and unused at the end of their term.

19. SELECTION OF GRAND JURORS

The Grand Jury for the Southern Division shall be drawn from the Grand Rapids, Kalamazoo and Lansing qualified jury wheels. The Grand Jury for the Northern Division shall be drawn from the Marquette qualified jury wheel. The number of names drawn from said qualified jury wheels shall be as near as possible in proportion to the total number or names on the current source lists for the respective division of this District, using the established purely randomized process described earlier in this plan.

When the Court orders that a new Grand Jury should be summoned, the Clerk shall publicly draw at random from the qualified jury wheels of this district, either manually or through the use of a properly programmed data system, as many persons as may be required for grand jury service. The Clerk shall prepare a list of names of persons assigned to each Grand Jury panel and shall issue a summons directed to each of the persons so drawn. Information of grand jurors shall not be disclosed to anyone at any time, except as may be directed by written court order. Upon request for excuse, and if inspection of the juror questionnaire of a person so selected reflects that the person should be excused from grand jury service, but not from petit jury service, recommendation for excuse shall be made by the Clerk to the Chief Judge and upon approval, that person shall be returned to the qualified jury wheel. Each Grand Jury shall serve for a period not to exceed eighteen months, unless extended by an order of the court, and such service shall not be affected by the

emptying and refilling of the master and qualified wheels from which it was drawn.

20. MAINTENANCE OF RECORDS

The Clerk shall preserve all records and papers compiled and maintained by the jury clerk for four years after the master wheel is emptied, or for such longer period as may be ordered by the court, and such records shall be available for public inspection for the purpose of determining the validity of the selection of any jury, pursuant to 28 USC 1868 et seq. Such records may then be destroyed, providing the means used is such to ensure the privacy of their contents.

The Clerk shall retain and provide public access to the following documents:

1. the court's "Juror Selection Plan", including the plan's verbatim description of the method used in determining the "quotient" and "starting number";
2. a copy of the Court's authorization and instruction order to the person or computer service organization which carries out automated name selection tasks for the court and the affidavit by the representative of the computer facility certifying compliance with the same;
3. copies of public announcements; and
4. orders of the court for selection of grand and petit jury panels.

21. PUBLIC ANNOUNCEMENT OF THE DRAWING OF THE STARTING NUMBER AND QUOTIENT FOR THE SELECTION OF NAMES EITHER BY AUTOMATED DATA PROCESSING EQUIPMENT OR BY MANUAL METHODS

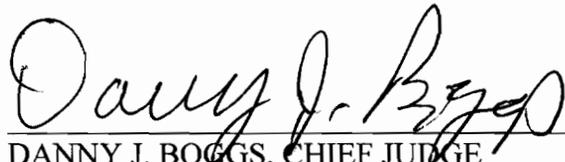
Reasonable public notice of a manual drawing or starting numbers and quotients from the master and qualified jury wheels shall be by the posting of a written announcement stating the date, place and time of said scheduled drawing on the court bulletin board or at any other public place within the

courthouse where the actual drawing take place. This posting of the announcement shall take place at such time in advance of the drawing as the district court shall in its discretion determine. Should a purely random, electronic data system be used to draw names starting numbers will not be drawn publicly and public observance of the actual computer operations shall not be required.

CERTIFICATE OF APPROVAL

This is to certify that, in accordance with 28 U.S.C. § 1863(a), the forgoing amended Jury Plan of the United States District Court for the Western District of Michigan for the random selection of Grand and Petit Jurors, has been duly received and approved as complying with the law by a reviewing panel consisting of the members of the Judicial Council of the Sixth Circuit of the United States.

This 6th Day of DECEMBER, 2006.

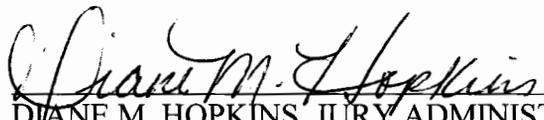


DANNY J. BOGGS, CHIEF JUDGE
United States Court of Appeals for the Sixth Circuit

CERTIFICATE OF FILING

This is to certify that in accordance with 28 U.S.C. § 1863, a true copy of the foregoing revised Jury Selection Plan for the United States District Court for the Western District of Michigan was filed with the Administrative Office of the United States Courts, Washington, D.C., by depositing a true copy thereof in the United States mails properly addressed on this date.

Dated: 12/11/06 _____



DIANE M. HOPKINS, JURY ADMINISTRATOR
United States District Court
Western District of Michigan

OFFICE OF THE CIRCUIT EXECUTIVE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
503 POTTER STEWART UNITED STATES COURTHOUSE
100 EAST FIFTH ST.
CINCINNATI, OHIO 45202-3988

JAMES A. HIGGINS
CIRCUIT EXECUTIVE

TELEPHONE (513) 564-7200
FAX (513) 564-7210

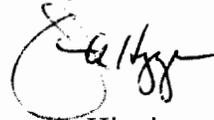
December 7, 2006

Honorable Robert Holmes Bell
Chief Judge
Western District of Michigan
602 Ford Federal Building
110 Michigan Street, N.W.
Grand Rapids, Michigan 49503

Dear Judge Bell:

At a meeting of the Sixth Circuit Judicial Council held on December 5, 2006, the Council approved the amendments to the Jury Selection Plan for the Western District of Michigan. Returned herewith are the original Amendments together with the original Certificate of Approval signed by Chief Judge Boggs.

Sincerely,



James A. Higgins
Circuit Executive

cc/encl: Ronald C. Weston, Clerk

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

FILED - GR

August 10, 2007 1:07 PM

RONALD C. WESTON, SR., CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: MA / _____

IN THE MATTER OF CHANGES
TO THE JURY WHEEL
_____ /

Administrative Order No. 07- 090

The judges of this district having unanimously approved the following changes to this District's jury wheel at their July 30, 2007 judges' meeting, effective September 4, 2007:

IT IS HEREBY ORDERED THAT the Grand Rapids Jury Wheel shall consist of the following existing counties: Emmet, Charlevoix, Antrim, Leelanau, Benzie, Grand Traverse, Kalkaska, Manistee, Wexford, Missaukee, Mason, Lake, Osceola, Oceana, Newaygo, Mecosta, Muskegon, Montcalm, Ottawa, Kent, and Ionia. In addition, Clinton, Eaton, and Ingham Counties, currently assigned to the Lansing Jury Wheel, shall be reassigned to the Grand Rapids Jury Wheel.

IT IS FURTHER ORDERED that the Kalamazoo Jury Wheel shall consist of the following existing counties: Allegan, Van Buren, Kalamazoo, Calhoun, Berrien, Cass, and St. Joseph. In addition, Branch and Hillsdale counties currently assigned to the Lansing Jury Wheel, and Barry County currently assigned to the Grand Rapids Jury Wheel, shall be reassigned to the Kalamazoo Jury Wheel.

IT IS FURTHER ORDERED that the Lansing Jury Wheel is temporarily suspended.

IT IS FURTHER ORDERED that the Northern Division jury wheel shall remain unchanged.

IT IS SO ORDERED.

Dated: August 8, 2007



ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE