

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT



JURY PLAN

Approved by Chief Judge Stefan R. Underhill: June 19, 2020

Approved by the Second Circuit Judicial Council: June 26, 2020

**FOURTH RESTATED
PLAN OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT
FOR RANDOM SELECTION OF GRAND AND PETIT JURORS**

TABLE OF CONTENTS

	<u>Page</u>
I. PRIOR PLAN	1
II. STATUTORY AUTHORITY	1
III. POLICY	1
IV. DISCRIMINATION PROHIBITED.....	2
V. PLACES FOR HOLDING COURT	2
VI. MANAGEMENT AND SUPERVISION OF JURY SELECTION PROCESS.....	2
VII. RANDOM SELECTION FROM VOTER LISTS AND MOTOR VEHICLE LISTS.....	3
VIII. THE MASTER JURY WHEEL.....	4
IX. JUROR QUALIFICATION QUESTIONNAIRE.....	5
X. QUALIFICATION FOR JURY SERVICE	6
XI. AUTOMATIC EXEMPTION FROM JURY SERVICE.....	6
XII. EXCUSES FROM JURY SERVICE ON INDIVIDUAL REQUEST	7
XIII. QUALIFIED JURY WHEELS; ASSIGNING JURORS TO PANELS	8
XIV. TEMPORARY EXCUSES AND EXCLUSIONS.....	8
XV. TERM OF SERVICE.....	9
XVI. GRAND JURIES	9
XVII. DISCLOSURE AND NON-DISCLOSURE OF RECORDS OR PAPERS.....	10
XVIII. TECHNOLOGY	11
XIX. MODIFICATIONS	12
XX. EFFECTIVE DATE.....	12

**FOURTH RESTATED
PLAN OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT
FOR RANDOM SELECTION OF GRAND AND PETIT JURORS**

I. PRIOR PLAN

The jury plan adopted by this Court for the random selection of grand and petit jurors dated August 15, 2014, including all amendments to that jury plan, is hereby revoked and rescinded, and the plan set forth herein is hereby adopted to become effective on the date it is approved by the Second Circuit Judicial Council.

II. STATUTORY AUTHORITY

Pursuant to the Jury Selection and Service Act of 1968, 28 U.S.C. §§ 1861 et seq., as amended (the “Act”), the Judges of the United States District Court for the District of Connecticut (the “Court”) adopt the following “Fourth Restated Plan of the United States District Court for the District of Connecticut for Random Selection of Grand and Petit Jurors” (the “Plan”) to provide judicial machinery for the random selection of federal juries, subject to such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.

III. POLICY

It is the policy of this Court that, in accordance with 28 U.S.C. § 1861, all litigants 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 of Connecticut (the "District"). It is further the policy of this Court that all citizens shall have the opportunity to be considered for service on grand and petit juries impaneled in the District and shall have an obligation to serve as jurors when summoned for that purpose.

IV. DISCRIMINATION PROHIBITED

No citizen shall be excluded from service as a grand or petit juror in this Court on account of race, color, religion, sex, national origin, age, sexual orientation, gender identity, or economic status.

V. PLACES FOR HOLDING COURT

The Court has considered parts of the District from which grand and petit jurors should be selected for the places where court is held and finds that a designation of the counties from which jurors will be drawn for each place of holding court will result in the random selection of jurors from a fair cross-section of the community, as required by 28 U.S.C. § 1863. This Plan shall apply to all divisions in the District pursuant to 28 U.S.C. § 1863(a). Accordingly, the District is hereby divided into divisions for jury selection purposes only, pursuant to 28 U.S.C. §§ 1863(b)(3) and 1869(e) as follows:

- FIRST** Hartford Division Consisting of the counties of Hartford, Litchfield, Windham, Tolland;
- SECOND** New Haven Division Consisting of the counties of New Haven, New London, Middlesex; and
- THIRD** Bridgeport Division Consisting of the county of Fairfield.

VI. MANAGEMENT AND SUPERVISION OF JURY SELECTION PROCESS

In accordance with 28 U.S.C. § 1863(b)(1), the Clerk of Court (the "Clerk") manages the jury selection process under the supervision and control of the Chief Judge or his/her designee. In accordance with 28 U.S.C. § 1869(a), the Clerk may delegate responsibility for the day-to-day operations of the jury selection process to a Jury Administrator, who shall be an authorized deputy clerk. The Clerk and the Jury Administrator will be assisted by the jury staff.

VII. RANDOM SELECTION FROM VOTER LISTS AND MOTOR VEHICLE LISTS

The Court finds that the lists of registered voters (Voter List), licensed motor vehicle operators, and identification cardholders (collectively, Motor Vehicle List) represent a fair cross-section of the populace in the District. Therefore, the names and addresses for the jury selection system established by this Plan shall be selected from the following:

- (1) The latest Voter List published by the Secretary of the State that is available at the time the Master Jury Wheel is emptied and refilled, or supplemented; and
- (2) The latest Motor Vehicle List. published by the Connecticut Department of Motor Vehicles that is available at the time the Master Jury Wheel is emptied and refilled, or supplemented.

The Clerk or Jury Administrator shall request by U.S. mail or e-mail that the Secretary of the State deliver to the Office of the Clerk, or to the vendor designated by the Clerk, the complete and current Voter List. The Clerk or Jury Administrator shall also request by U.S. mail or e-mail that the Connecticut Department of Motor Vehicles deliver to the Office of the Clerk, or to the vendor designated by the Clerk, a copy of the latest Motor Vehicle List. The requests shall instruct the Secretary of the State and the Connecticut Department of Motor Vehicles to certify that the list produced is the current and complete Voter List or latest Motor Vehicle List, as the case may be. These certifications shall be retained by the Clerk or the Jury Administrator.

Subject to Article XVIII, the random selection procedure shall be accomplished by selecting approximately four percent of the names appearing on each Voter List and each Motor Vehicle List as follows: a starting number from 1 to 25 shall be drawn by lot and that name shall be selected from each along with each 25th name thereafter. Thus, if the starting number drawn is 8, the 8th, 33rd, 58th, etc., names shall be picked.

VIII. THE MASTER JURY WHEEL

The Jury Administrator shall provide for a Master Jury Wheel for the District into which the master numbers representing the names of all persons selected at random in accordance with Article VII shall be placed. The Master Jury Wheel shall be emptied and refilled, as provided herein, between the first Tuesday in November not falling on the first day of the month and the 30th day of April every two (2) years, or sooner as may be ordered by the Chief Judge. In addition, the Chief Judge may order additional names to be placed in the Master Jury Wheel from time to time as necessary.

Prospective jurors will be drawn from two sources, so there is a possibility that “double entries” will occur when the name of the same individual is selected from both the Voter List and the Motor Vehicle List. Therefore, the Master Jury Wheel shall be examined for double entries. Where double entries occur, one entry shall be removed from the Master Jury Wheel. Whenever practicable, the entry from the Motor Vehicle List is to be retained and the entry from the Voter List is to be removed.

After the jury staff has drawn at random the names of as many persons as may be required to refill or fill the Master Jury Wheel, the jury staff shall mail a juror qualification questionnaire (questionnaire) to every person whose name is so drawn, with instructions to complete, sign and return such form by mail or through the Internet, within 10 days. If it appears that there is an omission, ambiguity or error in a form, the jury staff shall return the form with instructions to make such additions or corrections as may be necessary and return the revised form within 10 days.

Any person who fails to return a completed questionnaire may be summoned by the Court to appear and complete such questionnaire, unless the envelope bearing the questionnaire has been returned by the Post Office as undeliverable. Any person who fails to appear as directed, or who willfully misrepresents a material fact on a questionnaire for the purpose of evading service as a juror, may be ordered by the Court to appear and show cause why he/she should not be sanctioned.

Commencing with the first time the Master Jury Wheel is emptied and refilled after the effective date of this Plan, the following steps shall be taken with respect to each questionnaire returned by the Post Office as undeliverable: For each such questionnaire, the jury staff shall draw at random, in accordance with the process last used pursuant to Article VII, the name of a resident who lives in the same zip code to which the undeliverable questionnaire had been sent. The jury staff shall then mail a questionnaire to that resident and, thereafter, follow the procedures set forth in this Plan with respect to that prospective juror.

The physical form of the Master Jury Wheel and of the Qualified Jury Wheels may include electronic format.

IX. JUROR QUALIFICATION QUESTIONNAIRE

The questionnaire prescribed by the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States shall be used to elicit the information necessary to determine whether a person is qualified for, unqualified for, exempt from, or excused from, jury service. After completed questionnaires are returned by prospective jurors, the forms will be reviewed by the jury staff under the supervision of the Court pursuant to 28 U.S.C. § 1865(a). The determination as to whether a person is unqualified for, exempt from, or to be excused from jury service shall be made solely on the basis of information furnished on the questionnaire and other competent evidence.

Upon review, such determination shall be entered in the space provided on the questionnaire or shall appear on the appropriate database listing. The jury staff shall maintain a procedures manual to be followed in its review of questionnaires.

X. QUALIFICATION FOR JURY SERVICE

Any person shall be qualified to serve on grand and petit juries pursuant to 28 U.S.C. § 1865 unless he/she:

- (1) is not a citizen of the United States at least 18 years old who has resided for a period of one year within the District;
- (2) is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the questionnaire;
- (3) is unable to speak the English language;
- (4) is incapable, by reason of mental or physical infirmity without reasonable accommodation, to render satisfactory jury service; or
- (5) 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.

XI. AUTOMATIC EXEMPTION FROM JURY SERVICE

The following occupational classes are exempt from jury service pursuant to 28 U.S.C. § 1863(b)(6);

- (1) members in active service in the Armed Forces of the United States;
- (2) members of the fire or police departments of any State, the District of Columbia, any territory or possession of the United States, or any subdivision of a State, the District of Columbia, or such territory or possession; and
- (3) public officers in the executive, legislative, or judicial branches of the Government of the United States, or of any State, the District of Columbia, any territory or possession of the United States, or any subdivision of a State, the District of Columbia, or such territory or possession, who are actively engaged in the performance of official duties.

XII. EXCUSES FROM JURY SERVICE ON INDIVIDUAL REQUEST

The Court hereby finds that jury service by members of the following occupational classes or groups of persons would entail undue hardship or extreme inconvenience to the members thereof, and excusing such members would not be inconsistent with 28 U.S.C. §§1861 and 1862. Therefore, requests to be excused shall be granted by the Court upon individual request for:

- (1) persons over 75 years of age;
- (2) physicians and dentists actively so engaged;
- (3) any person who has served as a grand or petit juror in state or federal court for at least one day during the past two years;
- (4) full-time schoolteachers in public, parochial or private schools actively teaching;
- (5) persons having active care and custody of a child or children under 13 years of age whose health and/or safety would be jeopardized by the individual's absence for jury service, or a person who is essential to the care of an aged or infirm relative;
- (6) any person whose services are so essential to the operation of a business, commercial, or agricultural enterprise that said enterprise must close if such person were required to perform jury duty;
- (7) volunteer safety personnel (firefighters, rescue squad or ambulance crew) for a public agency; and
- (8) demonstration of undue hardship.

XIII. QUALIFIED JURY WHEELS; ASSIGNING JURORS TO PANELS

The Jury Administrator shall maintain a Qualified Jury Wheel for each seat of court containing the names of all persons drawn from the Master Jury Wheel who are qualified as jurors and not exempt or excused pursuant to this Plan. Sufficient names shall be drawn from time to time to maintain a revolving pool of prospective jurors who are available for service as petit or grand jurors. The jury staff shall draw at random from the Qualified Jury Wheel such number of names as may be required for assignment to grand or petit jury panels. The names so drawn shall not be disclosed before the date of appearance. The jury staff shall prepare a separate list of names of persons assigned to grand and petit jury panels. The jury staff shall issue and send by first class mail summons to the persons whose names are so drawn. Any person summoned for jury duty who fails to appear as directed may be ordered by the Court to appear forthwith to show cause why he/she should not be sanctioned for his/her failure to comply with the summons.

XIV. TEMPORARY EXCUSES AND EXCLUSIONS

Any person summoned for jury service may be:

- (1) deferred by the judge, or jury staff under the supervision of the Court pursuant to 28 U.S.C. § 1866(c), upon a showing of undue hardship or extreme inconvenience, for such period as deemed necessary, at the conclusion of which such person shall be summoned again for jury service in accordance with this Plan;
- (2) excluded by the judge 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;
- (3) excluded upon peremptory challenge as provided by the law;
- (4) excluded pursuant to the procedure specified by law upon challenge by any party for good cause shown; or

- (5) excluded upon determination by the judge 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.

Any person excluded from a particular jury under Clause (2), (3), or (4) above shall be eligible to sit on another jury if the basis for his/her initial exclusion would not be relevant to his/her ability to serve on such other jury.

No person shall be excluded under Clause (5) above unless the judge, in open court, determines that such an exclusion is warranted and will not be inconsistent with 28 U.S.C. §§1861 and 1862. The number of persons excluded under Clause (5) shall not exceed one percent of the total number of persons who return executed questionnaires during the course of two consecutive fillings of the Master Jury Wheel. The names of persons excluded under Clause (5), together with detailed explanations for the exclusions, shall be forwarded immediately to the Judicial Council of the Second Circuit.

XV. TERM OF SERVICE

In any two-year period, a prospective juror will (1) be on call to appear for service as a petit juror for a total of two months, except when necessary to complete service in one or more trials; (2) not serve on more than one grand jury at a time; and (3) not simultaneously sit as both a grand and petit juror.

XVI. GRAND JURIES

The names of 23 grand jurors plus alternates will be selected for service on the grand jury panel. Each grand jury shall serve for a period of 18 months unless discharged earlier by the Court. The period of service of a grand jury can be extended up to six additional months, upon request of the U.S. Attorney's Office, based on the status of the proceedings before that grand jury, upon order of the judge who selected that grand jury. When there are two or more regular grand juries in an

active status at a seat of court, they shall be called to serve in regular rotation unless the Court, for good cause shown, directs otherwise. The names of grand jurors chosen and sworn shall not be disclosed except upon order of the Court.

XVII. DISCLOSURE AND NON-DISCLOSURE OF RECORDS OR PAPERS

The contents of records or papers used by the jury staff in connection with the jury selection process shall not be disclosed except pursuant to this Plan, or as may be necessary for the preparation or presentation of a motion under 28 U.S.C. §1867(a), §1867(b) or §1867(c). In the event of such a motion, the parties shall be permitted to examine, copy, and reproduce such records or papers at reasonable times, by appointment, during the preparation and pendency of the motion. Otherwise, disclosure shall not occur until after the Master Jury Wheel has been emptied and refilled in accordance with 28 U.S.C. § 1863(b)(4), and after all persons selected to serve as jurors before the Master Jury Wheel was emptied have completed their service.

Except as herein provided, biographical information of persons whose names are drawn from the Qualified Jury Wheels may be disclosed to parties when the jurors appear in open court for jury duty. Such biographic information shall be limited to name, town of residence, gender, age, race/ethnicity, occupation, education, employer name, marital status, number of children, and spouse's occupation. Upon request and with the authorization of the judge, the names drawn from the Qualified Jury Wheels may be disclosed to the public and/or the media when the jurors appear in open court for jury duty; this is in addition to, not in lieu of, the qualified right of the public and the media to access to the examination of jurors during voir dire and transcripts thereof. The judge in any case may keep these names confidential in the interests of justice pursuant to 28 U.S.C. § 1863(b)(7).

Contact with trial jurors and grand jurors is subject to the provisions of the District's Local Rule pertaining to secrecy of jury deliberations.

All records and papers compiled and maintained by the jury staff during the term of a Master Jury Wheel shall be preserved in the custody of the Clerk for four years following the emptying of the Master Jury Wheel, and after all persons selected to serve as jurors before the Master Jury Wheel was emptied have completed their service, or for such longer period as may be ordered by the Court, and shall be available for inspection for the purpose of determining the validity of the selection of any jury.

The names of jurors and prospective jurors will not be disclosed in the public docket or in transcripts, absent an order of the Court. Transcripts will be filed in redacted form in the public docket. All requests for unredacted transcripts shall be submitted in writing to the judge who impaneled the grand jury.

XVIII. TECHNOLOGY

The Court finds that electronic means can be advantageously used for selecting and/or copying names from voter registration lists or motor vehicle lists maintained in electronic format. Accordingly, an electronic data processing system will be used to select names for the Master Jury Wheel. Appropriate software will be used to select names for the Master Jury Wheel, for selecting names from the Qualified Jury Wheels, for summoning persons to serve as grand or petit jurors, and for the creation of any papers and records required by the Court to administer this Plan.

At the Clerk's option, and after consultation with the Chief Judge, the selection of names from source lists in electronic media for the Master Jury Wheel may be accomplished by a purely randomized process through an appropriate software program. Similarly, at the option of the Clerk, and after consultation with the Chief Judge, an appropriate software program for purely randomized selection may be used to select names from the Master Jury Wheel for the purpose of determining

qualification for jury service, and from the Qualified Jury Wheels for summoning persons to serve as grand or petit jurors. All random selections of names from the source lists for inclusion in the Master Jury Wheel must ensure that each town within the division is substantially proportionally represented in the Master Jury Wheel in accordance with 28 U.S.C. § 1863(b)(3). The process for selection of names from the source lists, the Master Jury Wheel, and the Qualified Jury Wheels must also ensure that the mathematical odds of any single name being picked are substantially equal.

XIX. MODIFICATIONS

Modifications to this Plan may be made from time to time by the Court, upon the approval of the Judicial Council of the Second Circuit, and shall be made when so directed by the Judicial Council. The Court shall promptly notify the Administrative Office of the United States Courts and the Attorney General of the United States of the initial adoption and future modifications of the Plan by filing copies with each.

XX. EFFECTIVE DATE

This Plan shall become effective on the date fixed by the Second Circuit Judicial Council pursuant to the Act. This Plan shall apply to jury selections from the Master Jury Wheel on or after June 26, 2020.