UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

JUDICIAL COUNCIL

In the Matter of the Review of the	*	
Amendment to the Jury Selection Plan	*	
Submitted by the United States District	*	No. 218
Court for the Eastern District of North Carolina	*	

ORDER

The Jury Selection Plan of the United States District Court for the Eastern District of North Carolina is hereby amended by the District Court Order dated December 7, 2005 and shown in a copy of the Order attached hereto, and it is so ORDERED.

FOR THE COUNCIL:

Samuel W. Phillips, Secretary

Date: January 9, 2006

FILED

JAN 9 2006

U.S. Court of Appeals
Fourth Circuit

FILED
DEC - 7 2005
FRED L. SORCH III, CLERK
US DISTRICT COURT, EDNC
BY DEP. CLK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

PLAN FOR RANDOM JURY SELECTION PURSUANT TO THE JURY SELECTION AND SERVICE ACT OF 1968

Pursuant to the provisions of the Jury Selection and Service Act of 1968 (28 U.S.C. § 1861, et seq.), the United States District Court for the Eastern District of North Carolina adopts the following plan for the random selection of grand and petit juries from a fair cross section of the community in the divisions wherein the Court convenes.

Section 1. Clerk

The Clerk of the Court shall manage the jury selection process under the supervision and control of the Chief Judge or such other Judge of the Court as he or she may designate.

Section 2. Jury Selection Sources

The list of persons registered to vote in a general election at which votes are cast for President represents a fair cross section of the community in each of the divisions of this District and in the District as a whole. Accordingly, names of grand jurors and petit jurors serving on and after the effective date of this plan shall be selected at random from the lists of all persons registered to vote in the last general election held in the political subdivisions of the counties within the respective divisions. The counties surrounding the places where court is held in this District and heretofore designated as "divisions" by Local Rule 40.1(b),

E.D.N.C. shall be deemed divisions for the purpose of this plan.

Section 3. Master Jury Wheel

The Clerk shall provide a master jury wheel for each division into which the names, or numbers corresponding to names on file, of those selected at random in that division shall be placed. The number of names to be placed in the master wheel for the respective division shall be determined by the Chief Judge at the time the master wheel is reconstituted, taking into account the number of jurors utilized in the preceding four years and the projected caseload. The number placed in each master wheel shall be no less than one-half of one percent of the total number of persons on the source list.

Proportional representation, as nearly as practicable, shall be provided for each county in each division and a ratio established for each county to produce the required number of names. The ratio shall be applied beginning with the first name on each jury selection source. For example, if the ratio is 20, the 20th name will be the first name selected, and so on throughout the list of persons actually registered to vote in the particular political subdivision.

From time to time as directed by the Court, the Clerk shall publicly draw at random from the master jury wheel the names of as many persons as may be qualified for jury service. The Clerk shall thereupon proceed to process the jury qualification forms as directed by § 1864 of the Act.

Section 4. 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 may for pure randomized selection 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 selection of names from the source list 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 wheel in accordance with 28 U.S.C § 1863 (b)(3). The selection of names from the source list, the master wheel, and the qualified wheel must also insure that the mathematical odds of any single name being picked are substantially equal.

Section 5. <u>Excused on Individual Request</u>

The Court hereby finds that jury service by members of the following groups of persons or occupational classes would entail undue hardship or extreme inconvenience to the members thereof, and the excuse of such members will not be inconsistent with the Act, and shall be granted by the Court or Clerk upon individual request:

(1) Persons over seventy (70) years of age;

(2) Persons who have, within the past two years, served or appeared for prospective jury service on a federal or state grand or petit jury;

(3) Persons who are volunteer safety personnel, i.e., individuals who work for a public agency in an official capacity without compensation as firefighters or members of a rescue squad or ambulance crew.

Section 6. <u>Exemption from Jury Service</u>

The Court hereby finds that exemption of the following groups of persons or occupational classes is in the public interest and would not be inconsistent with the Act, and accordingly members of such groups are exempt from jury service:

(1) Members in active service in the Armed Forces of the United States;

(2) Full-time members of the fire or police departments of North Carolina or of any subdivision thereof;

(3) Public officers in the executive, legislative, or judicial branches of the government of the United States or of the State of North Carolina or subdivision thereof, who are actively engaged in the performance of official duties.

Except as provided in Sections 5 and 6 of this plan, any qualified person summoned for jury service may be excused by the Clerk or Court, upon showing of undue hardship or extreme inconvenience, for such period as is deemed necessary. At the conclusion of the period the person shall be summoned again for jury service unless the Court shall

otherwise rule at the time of granting the excuse.

Section 7. Qualified Jury Wheel

The names, or numbers corresponding to names on file, of all persons selected from the master jury wheel who are not disqualified or exempt shall be placed in the qualified jury wheel for that division.

When necessary for the conduct of the business of the Court that grand and petit jury panels be summoned, the Clerk shall select at random from the specified qualified jury wheel such numbers of jurors as the Court in its discretion shall determine for assignment to grand and petit jury panels. Such persons shall be summoned as provided by the Act.

Section 8. Grand Juries

Grand juries shall serve on a district-wide basis. A particular grand jury shall be drawn at random from the qualified jury wheel of the division in which the grand jury is to meet.

Section 9. Jury Panels

The Clerk is authorized to select by any random method the jurors assigned to each grand and petit jury panel, and shall prepare a separate list of names of persons assigned to each such panel. The identity of jurors summoned for prospective grand jury service or assigned to a grand jury panel and the identity of grand jurors actually impaneled, shall not be disclosed to any person except upon order of the Court, except that the jury clerk may provide the U.S. Attorney for the Eastern District of North Carolina a copy of the prospective juror list three (3) business days prior to a new grand jury selection.

The names drawn from the qualified jury wheel and assigned to a petit jury panel may be disclosed to counsel for the parties or to any party acting pro se on a relevant trail roster. The names shall be disclosed upon request and shall include only the juror or prospective juror's name and county of residence.

The names and county of residence of any prospective or seated juror at any particular petit term of court shall be released to members of the public on the day of jury selection or within ten (10) business days of the close of the trial, for any trial term whether civil, criminal, or bankruptcy, upon written request on the *Request for Release of Juror Information Form* with the presiding judge's written approval. Completed Release of Juror Information Forms shall be maintained in the jury file for the relevant term of court.

Upon completion of any trial, all records or papers used in the jury selection process, including but not limited to randomization lists, alpha lists, seating charts, juror qualification questionnaires, and summons response cards; except for proposed voir dire and attorney copies of the alpha list, shall be returned to the jury clerk. The contents of any such records or papers shall not be disclosed to anyone other than court personnel except as provided in 28 U.S.C. § 1867(f) and in this Plan. Any request for the release of juror information not addressed in this Plan or in the Local Rules for the Eastern District of North Carolina is properly raised in the form of a motion to the Chief Judge of this Court, or in his or her absence, the presiding judge of the relevant term of court.

The rules established under this section shall apply except that a presiding judge may order the names or other juror data for any case or term of court to be kept confidential in a case or cases where the interest of justice so require.

Section 10. Use of Electronic Data Processing and Non-Court Personnel

The Court may, at the option of the Clerk and the Chief Judge, use electronic data processing methods and utilize non-court personnel for any combination of the following tasks:

(1) Recording in machine readable form names that are initially selected manually from source lists authorized by this plan;

(2) Selecting and copying of names for the master wheel, from source lists authorized by this plan, from any or all counties that maintain these lists in machine readable form such as punch cards, magnetic tapes, or magnetic discs;

(3) Selecting and copying of names from the master wheel for the addressing of questionnaires and for other clerical tasks;

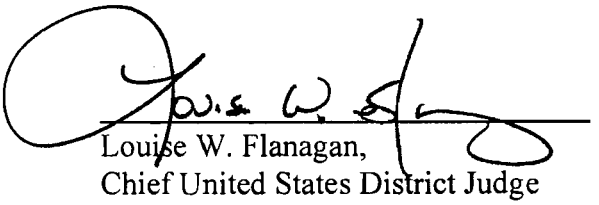
(4) Selecting and copying of names from the qualified wheel for summoning persons to serve as grand or petit jurors, and for the creation of any papers and records, necessary to recruit, select, and pay jurors.

If the Court elects to use electronic machine methods or a combination of manual and machine methods for any tasks described above, the selection system shall be planned and programmed according to a mathematical formula that ensures that any group of names chosen will represent all segments of source files from which drawn and that the mathematical odds of any single name being picked are substantially equal.

Section 11. Effective Date

This plan shall be placed into operation on the date of execution and submitted for approval to the Judicial Council of the Fourth Circuit.

Submitted with the concurrence of the Judges of the United States District Court for the Eastern District of North Carolina this 7th December 2005.



Louise W. Flanagan,
Chief United States District Judge