



United States District Court for the Western District of Wisconsin

Plan for the Random Selection of Grand and Petit Jurors for Service in
the Western District of Wisconsin

April 2013

Introduction

Pursuant to the Jury Selection and Service Act of 1968, as amended, 28 U.S.C. § 1861 et. seq., the Judges of the United States District Court for the Western District of Wisconsin adopt the following plan for the random selection of grand and petit jurors subject to the approval of the reviewing panel for the Seventh Circuit, and to such rules and regulations as may be adopted by the Judicial Conference of the United States. When approved, this plan will supersede the jury plan now in effect.

Policy

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 or division where the court convenes. All citizens in the district shall have the opportunity to be considered for service on grand and petit juries of this court, and shall have an obligation to serve as jurors when summoned for that purpose.

No citizen shall be excluded from service as a grand or petit juror in this court because of race, color, religion, sex, national origin, or economic status.

Jury Divisions

The Western District of Wisconsin is divided into five divisions for jury selection purposes:

Jury Divisions	Counties
Eau Claire	Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, St. Croix, Taylor
La Crosse	Buffalo, Crawford, Grant, Jackson, La Crosse, Monroe, Richland, Trempealeau, Vernon
Madison	Columbia, Dane, Green, Iowa, Jefferson, Lafayette, Rock, Sauk
Superior	Ashland, Barron, Bayfield, Burnett, Douglas, Iron, Polk, Price, Rusk, Sawyer, Washburn
Wausau	Adams, Juneau, Lincoln, Marathon, Oneida, Portage, Vilas, Wood

Management and Supervision of the Jury Selection Process

The clerk of court shall manage the jury selection process in the Western District of Wisconsin. In doing so the clerk shall act under the supervision and control of the chief judge of this district.

The clerk may use any reasonable electronic or manual means to perform a random selection process under this plan, including entering into contracts with state election officials. These means may also be employed in the performance of other clerical and record keeping functions as may be prescribed by the court.

Source of Names of Prospective Jurors

The names of prospective jurors shall be selected from the official lists of actual voters in the political subdivisions of the relevant division in the most recent presidential election. The court has determined that this source of jurors provides representation from a fair cross section of the community. New source lists shall be obtained every four years from state and local officials as soon as possible after the presidential election.

Master Jury Wheels

The clerk shall maintain a master jury wheel for each division within the district. The wheels shall consist of the names and addresses of persons randomly selected from the lists of actual voters from the respective divisions. As a minimum, one thousand (1,000) names shall be selected initially for each division. The chief judge may order the clerk to place additional names in the master jury wheels should the initial estimate prove inadequate for the four-year period.

The master jury wheels shall be replaced once every four (4) years, no later than one year following the presidential election. The court will continue to use the existing wheels until all created petit panels have completed their term of service. At that time, the new master wheels will be used.

Method and Manner of Random Selection of Names for the Master Jury Wheels

The selection of persons from complete actual voter lists in electronic media for the master jury wheel will be accomplished by a purely randomized process through a properly programmed electronic data processing system. For each jury division, persons will be selected randomly by a computer program to form, successively, the master jury wheel and the qualified jury list. Persons determined to be qualified for service will be used for grand or petit jury service. This automated random selection of names must ensure that each county within the jury division is proportionally represented. The selection of names from the lists of actual voters and the master jury wheel must also ensure that the mathematical odds of any single person being selected are substantially equal.

Any court authorized computer service provider contracted to create a computer program must comply with all instructions provided by the clerk and the plan. The provider must execute a declaration that services comply with the instructions and the plan.

Drawing of Names from the Master Jury Wheels, One-Step Summoning and Juror Qualification

The clerk shall draw at random from the master jury wheels, the names of as many persons as may be required to qualify and summon a sufficient number of jurors for a term of service. The number of persons to be drawn shall be determined based upon anticipated juror demands by the court plus a margin of extra names sufficient to compensate for the estimated number that will turn out to be unavailable or ineligible.

The clerk shall prepare and mail to every person whose name is drawn at random from the master jury wheels a summons and a juror qualification form that has been prescribed by the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States. The summons and qualification form shall include instructions that a prospective juror complete and return the form to the clerk or respond to the court's Internet website within ten (10) days. If a person is unable to complete the form, then another shall complete it, and the preparer shall indicate the reason therefor. In any case in which it appears that there is an omission, ambiguity, or error in a questionnaire, the clerk shall return it with instructions to the person to make additions or corrections and to return it or electronically file it within ten (10) days.

If any person fails to respond as instructed, then the clerk may send a warning letter requesting immediate return or electronic filing of the completed questionnaire and disclosing the possible ramifications of inaction. At the time of the scheduled appearance for jury service, or prior thereto, any person may be summoned to fill out another juror qualification questionnaire in the clerk's presence. If warranted, the person may be questioned, but only with regard to his/her responses to questions on the questionnaire. The clerk shall note on the questionnaire any information provided and shall transmit it to the chief judge. In the event that any person summoned by the clerk fails to appear as directed the court may order the person to appear before it and to show cause for failure to comply with the summons.

Qualifications for Jury Service

All prospective jurors shall be deemed qualified to serve on grand and petit juries in this district unless the person:

- a. is not a citizen of the United States, at least eighteen (18) years old who has resided within the judicial district for at least one year;
- 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 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 (1) year and that person's civil rights have not been restored.

Exemption from Jury Service

Full-time 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 of the Armed Forces of the United States;
- b. members of any fire or police departments; or
- c. public officers in the executive, legislative, or judicial branches of the Government of the United States, or the State of Wisconsin, or any subdivision of the State, 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.

Excuses from Jury Service

Members of the following groups or classes shall, by individual request, be excused from jury service:

- a. a person over 70 years of age; or
- b. a person who serves without compensation for a public agency as a firefighter or member of a rescue squad or ambulance crew.

In addition to the above groups, a judge of this court or clerk, under supervision of the court, may temporarily excuse any person summoned for jury service upon a showing of undue hardship or extreme inconvenience. At the conclusion of a juror's temporary excuse period, such person either shall be deferred until another date during their term of service, or be reinserted into the master jury wheel to be summoned again for jury service.

Determination of Qualifications, Exemptions, and Excuses

The chief judge or the clerk, under the supervision of the court, shall determine solely on the basis of information provided on the juror qualification form and other competent evidence whether a person is unqualified for jury service, exempt from such service, or eligible for an excuse. The clerk shall enter any such determination in the space provided on the juror qualification form or on the juror's record in the database.

Qualification and Summoning of Jurors

For each jury division, the clerk shall draw at random from the master jury wheel as many persons as required to be qualified and summoned for a specific term of service and for assignment to petit or grand jury panels. The clerk shall insure that at all times sufficient names are contained in each wheel to satisfy the requirements of that division.

The clerk shall prepare a separate list of names of persons assigned to each petit and grand jury panel. A list of petit jurors shall be available to the parties in a case on the Friday before their scheduled trial, unless otherwise directed by the chief judge or the judge assigned to try the case. At the time such a list is disclosed to the parties, the list of petit jurors shall be made available at the clerk's office to the public and the media upon written request and upon authorization by the chief judge or presiding judge. The chief judge or the presiding judge may order such list to be kept confidential in any case where the

interests of justice so require. Lists of grand jurors shall not be disclosed except as directed by the chief judge.

a. Summoning Petit Jurors

Persons whose names are selected and then qualified from the master jury wheel shall be called to appear as prospective jurors for trials in their respective divisions unless otherwise directed by the chief judge or the judge assigned to try the case.

b. Selecting Petit Jurors

The clerk shall select a jury panel for a scheduled trial by randomly drawing names from the jurors summoned. If the current pool for a division contains more jurors than reasonably needed for a specific case, then the clerk shall randomly select the number of jurors to be called. The clerk may grant requests for excuses by panel jurors for good reason. 28 U.S.C. § 1869(j)

If two or more jury trials are to commence on the same day in the same city in this district, then a central jury pool shall be used. The names of the jurors summoned and appearing for service shall constitute one petit jury pool from which the clerk will randomly select trial panels.

c. Summoning Grand Jurors

When the court orders empanelment of a grand jury, the clerk shall draw at random from the master jury wheels the names of as many persons as may be required for grand jury service. The clerk shall select a proportionate share of names from the master jury wheels for each of the five divisions. The proportionate share shall be based on the total number of persons in the source list for each division compared to the total number of persons on the source list for the entire district. The clerk shall issue a summons and qualification form for each person selected.

Terms of Service

Persons summoned shall not serve twice within a two-year period; no person shall be required to serve for prospective service as a petit juror for a total of more than thirty days, except when necessary to complete a particular case. During the term of service, no person shall be required to serve in more than 1 (one) jury trial. A person may not serve on more than one grand jury, or serve as both a grand juror and petit juror in any two-year period. Jurors empaneled to a grand jury shall serve for a term not to exceed eighteen (18) months in accordance with Fed. R. Crim. P. 6(g) unless otherwise extended by the court.

Obligation to Serve

When summoned to serve as a juror, every person shall be obligated to serve unless determined to be disqualified, exempt, excluded or entitled to be excused. Failure to appear as directed may result

in an order from the court to appear and show cause for failure to comply with the summons. Any person who fails to appear pursuant to such order or fails to show cause for noncompliance with the summons or who willfully misrepresents a material fact on a jury qualification form for the purpose of avoiding or securing service as a juror may be punished as provided in 28 U.S.C. § 1864(b) and 1866(g).

Unanticipated Shortage of Jurors

If there is an unanticipated and immediate shortage of available petit or grand jurors, the court may require the United States Marshal to summon a sufficient number of jurors selected at random from the source list specified in this plan, in a manner ordered by the court consistent with sections 1861 and 1862 of the act, as amended.

Disclosure of Records

The contents of records or papers used by the clerk in connection with the jury selection process shall not be disclosed except when disclosure is allowed as set forth in this plan, or when disclosure is required in accordance with 28 U.S.C. §§ 1867 and 1868.

Peter Oppeneer
Clerk of Court
United States District Court
Western District of Wisconsin

120 North Henry Street, Room 320
Madison, WI 53073
Peter.Oppeneer@wiwd.ucourts.gov
608-261-5795

May 3, 2013

Honorable Thomas F. Hogan
Director, Administrative Office
United States Courts
Thurgood Marshall Federal Judicial Building
One Columbus Circle, NE, Room 7-100
Washington, DC 20544

RE: Plan for Random Jury Selection – Western District of Wisconsin

Dear Judge Hogan:

Pursuant to 28 U.S.C. § 1863(a), I am notifying you of the modification of the plan for random jury selection as modified recently by the United States District Court for the Western District of Wisconsin. A copy of the modified plan is enclosed.

The plan has been approved by a reviewing panel consisting of the members of the Judicial Council of the Seventh Circuit and by the chief judge. The reviewing panel has found that the plan complies with the provisions of § 1863.

Sincerely,


Peter Oppeneer
Clerk of Court

PAO/jaf

Enclosure

cc: Collins Fitzpatrick, Circuit Executive
William M. Conley, Chief Judge

Peter Oppeneer
Clerk of Court
United States District Court
Western District of Wisconsin

120 North Henry Street, Room 320
Madison, WI 53073
Peter.Oppeneer@wiwd.ucourts.gov
608-261-5795

May 3, 2013

Eric H. Holder, Jr.
Attorney General of the United States
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

RE: Plan for Random Jury Selection – Western District of Wisconsin

Dear Mr. Holder:

This is to advise you that the district court for the Western District of Wisconsin has adopted a modified plan for random jury selection. The plan has been approved by a reviewing panel consisting of the members of the Seventh Circuit Judicial Council and the chief judge of the Western District of Wisconsin. In accordance with 28 U.S.C. § 1863, I have attached a copy of the modified jury plan for filing in your office.

Sincerely,


Peter Oppeneer
Clerk of Court

PAO/jaf

Enclosure

cc: Collins Fitzpatrick, Circuit Executive
William M. Conley, Chief Judge