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## JURY PLAN

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### A. APPLICABILITY OF THE PLAN

1. The Southern District of Ohio is hereby divided, for jury selection purposes, pursuant to 28 U.S.C. 1869(e), as follows:

a. Western Division, at Cincinnati, consisting of the counties of:

Adams	Hamilton
Brown	Highland
Butler	Lawrence
Clermont	Scioto
Clinton	Warren

b. Western Division, at Dayton, consisting of the counties of:

Champaign	Miami
Clark	Montgomery
Darke	Preble
Greene	Shelby

c. Eastern Division, at Columbus, consisting of the counties of:

Athens	Hocking	Morrow
Belmont	Jackson	Muskingum
Coshocton	Jefferson	Noble
Delaware	Knox	Perry
Fairfield	Licking	Pickaway
Fayette	Logan	Pike
Franklin	Madison	Ross
Gallia	Meigs	Union
Guernsey	Monroe	Vinton
Harrison	Morgan	Washington

d. If a District Judge determines, pursuant to Local Rule 40.1(a), that a case in the Eastern Division should be tried in Steubenville, or any other locations in the counties of Belmont, Guernsey, Jefferson, Harrison,

Monroe, Morgan, Noble, or Washington, then jurors shall be randomly selected from such enumerated counties. If a District Judge determines that a case should be tried in the afore-described eight (8) counties, the Clerk of Court shall draw potential jurors from a list of residents of such eight counties selected randomly and proportionately from the office lists referred to in Section D hereof.

2. The provisions of this Plan shall apply to all divisions in the district, unless specifically indicated to the contrary.

## **B. POLICY**

1. All litigants in this Court, entitled to a trial by jury, shall have the right to grand and petit juries selected at random from among a fair cross section of the division wherein the Court convenes.
2. All citizens residing within the Southern District of Ohio shall have the opportunity to be considered for service on grand and petit juries.
3. All citizens shall be obligated to serve as jurors when summoned for that purpose.
4. 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.

## **C. MANAGEMENT AND SUPERVISION OF THE JURY SELECTION PROCESS**

The Clerk of Court or the Jury Supervisor shall manage the jury selection process under the supervision and control of the Chief United States District Judge.

## **D. RANDOM SELECTION FROM OFFICIAL REGISTRATION LISTS**

1. Section 3503.06 of the Ohio Revised Code provides in part that “no person shall be entitled to vote at any general election...unless he is registered as an elector.” It is the opinion of the Court that electors registered to vote at general elections in this District represent a fair cross-section of citizens resident within the Southern District of Ohio. Accordingly, the names of grand and petit jurors selected for service in this Court after refilling of the master and qualified jury wheels in the year following each quadrennial general election and two years after that shall be selected at random from such official registration lists.
2. Section 3503.27 of the Ohio Revised Code provides in part that “in order to efficiently maintain accurate and current lists of registered voters, the Secretary of State shall, beginning January 1, 1979, maintain a master file of all registered voters in this state.” It is the understanding of the Court that the Secretary of State, in compliance with the above statute, is in process of collecting and maintains a current list of registered voters in the State of Ohio on a computer located in its offices in the City of Columbus, Ohio. The names of grand and petit jurors selected for service in this Court in

accordance with this order shall be selected at random first from the master file of registered voters in the offices of the Secretary of State of Ohio at Columbus, Ohio, if available, and if not from the official registration lists maintained by the several County Boards of Elections.

3. As a supplement to the voter registered list, the Chief Judge has approved the use of the Bureau of Motor Vehicle's driver's list. Names from the two source lists will be merged and edited so that licensed drivers who are also registered voters will appear only once on the merged source list.

#### **E. MAINTENANCE OF RECORDS**

The Clerk must maintain all records and papers compiled and used in the jury selection process. The Clerk will preserve these records as required by 28 U.S.C. § 1868, and then destroy them unless otherwise ordered by the Court.

#### **F. SELECTION OF NAMES BY ELECTRONIC METHODS**

1. The Court finds that electronic data processing methods may be advantageously used for selecting and copying names from the master file of registered voters of the Secretary of State of Ohio and any other master files of official lists.
2. The Court further finds that in those counties not included on said master file at the time the Clerk fills the master jury wheels of this Court, it may be advantageous to employ a combination of methods whereby names are initially selected from such county voter lists and other official lists manually and recorded for subsequent handling and copying by electronic data processing methods.
3. Therefore, a properly programmed electronic data processing system or a combination system employing both manual and electronic data processing methods may, at the Clerk's option and after approval of the Chief Judge, be used to select names from voter lists or other official lists of any or all counties in the district. The Clerk will ensure that each county within a division is proportionally represented in the master jury wheel for that division. For the purpose of determining proportional representation in master jury wheels, the number of registered voters and licensed drivers in each county in each division shall be used.

#### **G. NUMBER OF NAMES TO BE PLACED IN MASTER JURY WHEEL**

The minimum number of names to be placed on the master jury wheels shall be as follows:

Western Division, at Cincinnati	15,000
Western Division, at Dayton	15,000
Eastern Division, at Columbus	20,000

The Court finds that the number of names prescribed above, in each division, exceeds  $\frac{1}{2}$  of 1% of the number of electors voting in the most recent general election.

The minimum number of names to be placed in the master jury wheel shall be a total number deemed sufficient for at least a two (2) year period but in no event less than  $\frac{1}{2}$  of 1% of the total number of names on all Southern District of Ohio county voter registration lists. However, in future refill years the Clerk, in order to provide a representative and sufficient number of jurors and with the approval of the Chief Judge, may revise the minimum number of names for any master jury wheel without need for further amendment to this Plan, but in no event will the number of names be less than 1,000. Furthermore, the Chief Judge may order additional names to be placed in any master wheel at any time.

#### **H. METHOD AND MANNER OF RANDOM SELECTION**

At the Clerk's option and with the approval of the Chief Judge, 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 accompanied by a purely randomized process through a properly programmed electronic data processing system. Similarly, at the option of the Clerk with approval of the Chief Judge 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 jury 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 must insure that each county within the jury division is substantially proportionally represented in the master jury wheel in accordance with 28 United States Code, Section 1863(b)(3). The selections of names from the source lists, the master wheel, and the qualified wheel must also insure that the mathematical odds of any single name being picked are substantially equal. To accomplish this, either the algorithm or any other random method shall be employed.

#### **I. MASTER JURY WHEELS**

1. Thereafter, the Clerk shall, with approval of the Chief Judge, employ a data processor or computer to serve as the separate master jury wheels for the Eastern Division at Columbus, the Western Division at Cincinnati and the Western Division at Dayton.
2. The Clerk shall cause the lists obtained set forth in Section H to be placed in the master wheel computer. Thereafter, a list will be prepared for each master wheel of the number, name, and post office address of each person on each master wheel. These lists will be maintained in the appropriate division office of the clerk.
3. Thereafter, the Clerk shall determine the number of prospective jurors required for qualification to fill the qualified jury wheels at each seat of Court and shall

direct that the computer randomly select the number of names from among all the names in the appropriate master jury wheel, with all accompanying materials to allow for processing, as prescribed by the Director of the Administrative Office of the United States Courts. Each prospective juror so drawn shall be mailed a questionnaire.

4. When additional names are required to refill the appropriate jury wheels of this Court, the Clerk shall cause names to be randomly selected by the computer from the master jury wheels and questionnaires to be mailed, as provided above.

#### **J. JUROR QUALIFICATION QUESTIONNAIRES AND DETERMINATION OF EXCUSES AND EXEMPTIONS**

1. The list of the names drawn shall not be disclosed to any person, except pursuant to this Plan and to Sections 1867 and 1868 of the Act.
2. The jury qualification form prescribed by the Director of the Administrative Office of the United States Courts shall be completed by the prospective juror who will return the form, duly signed, by mail, or through the Court's internet website, within a prescribed time. If the prospective juror is unable to fill out the form, another may do it for him/her and shall indicate s/he has done so and the reason therefore. In any case in which it appears that there is a material omission, ambiguity, or error in a form, it shall be returned with instructions to the prospective juror to make such additions or corrections as may be necessary and to return the form promptly.
3. Any person who fails to return a completed juror qualification form as instructed may be summoned forthwith to appear before the Clerk of this court and directed to fill out such form.
4. At the time of his or her appearance for jury service, any prospective juror may be required to fill out an additional juror qualification form in the presence of the Court or the Clerk.
5. Pursuant to 28 U.S.C. 1865(a), the Chief Judge or the supervising judge, on his or her initiative, shall determine, solely on the basis of information provided on the questionnaire and other competent evidence, whether a person is qualified for, unqualified for, exempt from, or to be excused from jury service.

To assist the Court in evaluating the qualification status of the prospective jurors, the Clerk shall review all returned questionnaires in accordance with the qualifications criteria established in this Plan. The Chief Judge or the supervising judge shall be responsible for a final ruling upon the qualification for each prospective juror though the Clerk or authorized deputy clerks or any other person authorized by the Court to assist the Clerk in the performance of functions, may grant temporary excuses to prospective jurors on the grounds of undue hardship or inconvenience.

#### **K. RELIEF FROM JURY SERVICE BY INDIVIDUAL REQUEST**

The Court hereby finds that jury service by members of the following occupational classes or groups of persons might entail undue hardship or extreme inconvenience to members thereof.

Relief from jury service will be granted upon individual request to:

1. Persons over 70 years of age.
2. Persons who have, within the past two years, served on a grand or petit jury.
3. Persons engaged in voluntary safety, i.e., those personnel who serve without compensation as firefighters or members of a reserve squad or ambulance crew for a public agency. For purposes of this section, public agency means any unit of local government, department or instrumentality.

#### **L. EXEMPTION FROM JURY SERVICE**

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 hereby exempted 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 any state, district, territory, possession or subdivision thereof.
3. Public officers in the executive, legislative or judicial branches of the government of the United States, or any state, district, territory or 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.  
Except as provided in Sections K and L of this Plan, any qualified person summoned for jury service may be excused by the Court, upon showing of undue hardship or extreme inconvenience, for such period as the Court deems necessary, at the conclusion of which such person shall be summoned again for jury service unless the Court shall otherwise rule at the time of granting the excuse.

#### **M. DETERMINATION OF QUALIFICATION**

A person is not qualified to serve on a grand or petit jury in this district if, s/he:

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 read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the jury qualification form.
3. Is unable to speak the English language.

4. Is incapable, by reason of mental or physical infirmity, of rendering satisfactory jury service.
5. Has a charge pending against him/her for the commission of, or has been convicted in the 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.

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.

#### **N. QUALIFICATION WHEEL**

1. The Clerk shall maintain separate qualified jury wheels for each division in the district, and shall place in such wheels the names of all persons drawn from the master jury wheel and not disqualified, exempt, or excused pursuant to this Plan. In the alternative, discs or other devices bearing numbers identical to those assigned to the names on the qualified juror lists may be used. From time to time, as required, the Clerk or a deputy clerk shall draw, at random, from the qualified jury wheel, the names of as many persons as may be required for grand or petit jury service.
2. Names drawn for the qualification of jury wheel shall not be made public until the jurors have been summoned and have appeared at the courthouse, provided that any District Judge may order the names to be kept confidential in any case or cases when the interests of justice so require. Grand Jury names shall not be disclosed.
3. Notwithstanding the foregoing, the Clerk of this District and his deputies are hereby authorized to make available for copying by appropriate counsel of record, juror qualification questionnaires and any supplemental juror qualification questionnaire which may be used in the selection of jurors in any case in which such counsel is involved and in which no contrary order, as provided above, shall have been entered. The jury clerk shall make copies available at least three days before the voir dire begins.

#### **O. ASSIGNMENT TO PANELS**

1. Insofar as is feasible, jurors shall be called for grand or petit jury service in the order in which their names were drawn from the qualified jury wheel.
2. A record shall be kept of the service of each juror. After all the jurors drawn for service have been called for petit jury service for the first time, those jurors who were called once and did not serve on a jury shall be recalled. Every effort shall be made to employ the services of all jurors equally. In order to avoid an undue burden on jurors during the period of their service, the Clerk may grant reasonable requests from jurors for temporary excuses from service during the session to accommodate for vacations, necessary absences from the district, or other urgent business matters.

3. Insofar as practical, the period of availability for jury service on any petit jury panel shall be for a period of time not to exceed four (4) weeks, but under no circumstance will actual service exceed two (2) days of attendance without empanelment on one (1) trial. No juror impaneled and serving on a sitting jury will be excused for completion of service until that jury is discharged.
4. The period of jury service on any grand jury panel shall be for a period of time not to exceed eighteen (18) months unless extended by the Court, and in such case, by no more than six (6) months.
5. In accordance with 28 U.S.C. Section 1867(f), the Clerk of this Court is directed not to disclose the records or papers in connection with the jury selection process except for the parties in a specific case who are challenging compliance with jury selection procedures, and their counsel who may inspect and copy such records as they apply to the case in question. Such parties or their counsel are to be advised of the penal provisions of subsection (f) regarding any further disclosure.

In addition to the foregoing, the Clerk of this Court is to include a cover page containing the following language for all such papers for inspection, including jury questionnaires: "The document herein may not be disclosed except as provided in 28 U.S.C. 1867. A violation of such section may result in fine or imprisonment or both."

#### **P. DEFINITIONS**

1. As used in this Plan the word "divisions" shall mean the divisions established in 28 U.S.C. 115 (b) and further defined in Section A.1.(a), (b), and (c) hereof.
2. As used in this Plan the words "General Elections" shall mean an election held in the State of Ohio, other than a primary election, in which statewide voting takes place.
3. As used in this Plan, the word "Clerk" shall mean the Clerk of this Court and his or her Deputy Clerks.

Pursuant to the Jury Selection and Service Act of 1968, as amended, (28 U.S.C. 1861, et seq.), the foregoing Plan is hereby adopted by this Court, subject to approval by a reviewing panel and to such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.

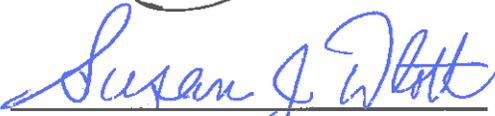
**Q. Effective Date of Plan**

This Plan became effective when approved by the Sixth Circuit Judicial Council on December 6, 2017

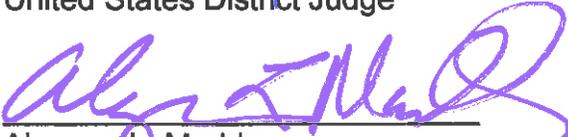
**R. SIGNATURES**

  
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Edmund A. Sargus, Jr., Chief Judge  
United States District Court

  
\_\_\_\_\_  
George C. Smith  
United States District Judge

  
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Susan J. Dlott  
United States District Judge

  
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James L. Graham  
United States District Judge

  
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Algenon L. Marbley  
United States District Judge

  
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Walter Herbert Rice  
United States District Judge

  
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Michael H. Watson  
United States District Judge

  
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Thomas M. Rose  
United States District Judge

  
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Michael R. Barrett  
United States District Judge

  
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Timothy S. Black  
United States District Judge

**CERTIFICATE OF APPROVAL**

This is to certify that, in accordance with 28 U.S.C. § 1863(a), the foregoing Jury Plan of the United States District Court for the Southern District of Ohio has been duly received and approved as complying with the law by a reviewing panel consisting of the members of the Judicial Council for the Sixth Circuit of the United States and the Chief Judge of the District to which the plan is applicable.

This 6th day of December, 2017.



R. Guy Cole, Jr.  
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), a true copy of the foregoing Jury Plan for the United States District Court for the Southern District of Ohio was filed with the Administrative Office of the United States Courts, Washington, D.C., and the Attorney General for the United States.

This 18th day of December, 2017.



Edmund A. Sargus, Jr.  
Chief Judge  
United States District Court for the  
Southern District of Ohio