

**JURY SELECTION PLAN  
FOR THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
Amended September 2020**

---

Pursuant to the Jury Selection and Service Act of 1968, as amended, 28 U.S.C. §1861, et seq., the following Jury Selection Plan is hereby adopted by this court, subject to approval by the reviewing panel for the Eleventh Circuit and to such rules and regulations as may be adopted from time to time by the Judicial Conference.

**Applicability of Plan**

*28 U.S.C. §§1861, 1863*

This plan applies to each of the divisions of this district as now established by law. The Middle District of Georgia is divided as follows:

The **Albany Division** including the counties of Baker, Ben Hill, Calhoun, Crisp, Decatur, Dougherty, Early, Grady, Lee, Miller, Mitchell, Schley, Seminole, Sumter, Terrell, Turner, Webster, Worth.

The **Athens Division** including the counties of Clarke, Elbert, Franklin, Greene, Hart, Madison, Morgan, Oconee, Oglethorpe, Walton.

The **Columbus Division** including the counties of Chattahoochee, Clay, Harris, Marion, Muscogee, Quitman, Randolph, Stewart, Talbot, Taylor.

The **Macon Division** including the counties of Baldwin, Bibb, Bleckley, Butts, Crawford, Dooly, Hancock, Houston, Jasper, Jones, Lamar, Macon, Monroe, Peach, Pulaski, Putnam, Twiggs, Upson, Washington, Wilcox, Wilkinson.

The **Valdosta Division** including the Counties of Berrien, Brooks, Clinch, Cook, Colquitt, Echols, Irwin, Lanier, Lowndes, Thomas, Tift.

**Declaration of Policy**

***28 U.S.C. §1861***

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

**Discrimination Prohibited**

***28 U.S.C. §1862***

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

**Management and Supervision of Jury Selection Process**

***28 U.S.C. §1863(b)(1)***

The clerk of the court shall manage the jury selection process under the supervision and control of the Chief Judge or any other district judge acting as his designee. In managing and supervising the jury selection process, the clerk is authorized to delegate to deputy clerks duties as may be necessary in the jury selection process.

**Method and Manner of Random Selection**

***28 U.S.C. §1863(b)***

The court uses a two-step process to select jurors. First, a master jury wheel is created by selecting names at random from lists of registered voters maintained by the Georgia Secretary of State Election Division and from supplemental source lists authorized by this Court. These source lists will be merged and duplicate records purged. Names are then randomly drawn from the master jury wheel to receive juror qualification questionnaires. Individuals' answers to these questions determine whether they are legally qualified to serve. If qualified, the names of those persons are put in a second wheel, a qualified jury wheel. As prospective jurors are needed for a specific trial or grand jury, jury summonses are sent to persons randomly selected from the qualified wheel. All of these selections are carried out through a properly programmed electronic data processing system for pure randomized selection. The pure randomized process ensures that the mathematical odds of any single name being picked are substantially equal.

At the discretion of the clerk, the selection of names from the voter registration and supplemental source lists to fill the master jury wheel may be performed by court personnel or by an outside vendor. If an outside vendor is used, the clerk shall issue written instructions directing the vendor to select the names in accordance with this plan and to certify the work done was in accordance with this plan.

The Jury Management System (JMS) developed by the Administrative Office of the United States Courts or other properly programmed electronic data processing system, may be used to select names from the master wheel to fill the qualified wheel; to select names from the qualified wheel for persons to be summoned to serve as grand or petit jurors; and for the recording of names and other information on any paper and records needed by the court to administer the selection and payment of jurors.

#### **Maintaining the Master Jury Wheel**

##### ***28 U.S.C. §1863(b)(3)&(4)***

The clerk shall maintain a master jury wheel for the district, with juror names from each of the five divisions as subsets of the wheel. The initial selection of names to fill the master jury wheel shall be of a sufficient number as deemed necessary for a four-year period. The minimum number of names to be placed in the master jury wheel shall be not less than (4) four percent of the total number of active registered voters in the district. The Chief Judge may order additional names to be placed in the master jury wheel in each division from time to time as necessary.

The number of names drawn from each county shall be substantially in the same proportion to the number of registered voters in each county at the last general election. For example, if the percentage of registered voters in county "A" is 10% of the total registered voters in the division, then the number of names selected for county "A" for inclusion in the master wheel should be approximately 10% of the total number selected from all counties in the division.

After first determining the total number of names needed for the master jury wheel, and the proportionate share of names to be drawn for each particular county, the clerk shall proceed to make the initial selection of names.

The master jury wheel shall be refilled every four years in the year following a general election for President of the United States. Not later than September 1, the clerk shall begin selecting names for filling the qualified jury wheel from the newly filled master jury wheel and will cease selecting names from the prior master jury wheel.

**Drawing of Names from the Master Jury Wheel: Completion of Juror Qualification Forms**

***28 U.S.C §1864(a)***

The clerk shall, either all at one time or at periodic intervals, utilize JMS to draw a sufficient number of names from the master jury wheel to maintain an adequate number of names in the qualified jury wheel to meet the needs of the court. The clerk shall post a general notice for public review in the clerk's office and on the court's website explaining the process by which names are drawn.

The number of names to be drawn from the master jury wheel shall be determined by the clerk based upon anticipated juror demands of the court, plus a margin of extra names sufficient to compensate for those individuals who will be ineligible or unavailable. Generally, all persons randomly selected for inclusion in master jury wheel will be sent qualification questionnaires at the time the master jury wheel is refilled.

The lists of names drawn shall not be exhibited to any person except as provided in the Act or this Plan. Lists of names so drawn are generated by JMS and are maintained in the clerk's office.

The clerk shall prepare, by means of JMS, and mail to every person whose name is so drawn, a juror qualification questionnaire form, accompanied by instructions to execute and return the questionnaire, duly signed and sworn to, either by mail or through the court's internet website within ten days. At the option of the clerk, questionnaires may be mailed by the clerk's office or by a commercial mailing service or they may be delivered to the United States Marshal for direct service upon prospective jurors.

If any person is unable to fill out the form, another person may do so for them and indicate that he

or she has done so and the reason therefor. If there appears to be an omission, ambiguity, or error on the form, the clerk shall return the form with instructions to make corrections as necessary within 10 days. If any person fails to return or submit a completed juror qualification form the clerk may thereupon pursue the matter in accordance with 28 U.S.C. § 1864(a)&(b).

**Jury Selection Sources**

***28 U.S.C. §1863(b)(2)&(3)***

Names of prospective jurors for service in this district shall be selected at random, following the procedures outlined in this plan, from the lists of all registered voters maintained by the Georgia Secretary of State Election Division. Such lists represent a fair cross section of the community in each of the divisions of the court.

If the court should find it necessary, it may authorize the clerk to draw names of prospective jurors from supplementary source lists in addition to voter registration lists. The Court authorizes the use of state issued drivers license and identification card lists as supplemental source lists. The selection of names from such additional lists shall be done in a manner consistent with the selection procedures described in this plan. These source lists will be merged and duplicate records removed. The court takes notice that when two or more source lists are used, one person's name may appear more than once. The clerk must, either manually or through automated systems, eliminate as reasonably as possible such duplicates before any selection procedures begin.

**Qualifications for Jury Service**

***28 U.S.C. §1865(b)***

Any citizen of the United States who has reached the age of 18 years and has resided for a period of one year within the District shall be deemed qualified to serve on grand or petit juries unless he or she:

1. is unable to read, write or understand the English language with a degree of proficiency sufficient to satisfactorily complete the juror qualification questionnaire;
2. is unable to speak the English language;
3. is incapable by reason of mental or physical infirmity to render satisfactory jury service; or
4. 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 or her civil rights have not been restored by pardon or amnesty.

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.

**Exemptions from Jury Service**

***28 U.S.C. §§1863(b)(6); 1869(i)***

As required by 28 U.S.C. § 1863(b)(6), the following persons are barred from jury service on the ground that they are exempt:

1. members in active service in the Armed Forces of the United States;
2. members of the fire or police departments of the state, or subdivision thereof (not including volunteer or non-governmental departments);
3. public officers in the executive, legislative, or judicial branches of the Government of the United States, or the state, or subdivision thereof, who are actively engaged in the performance of official duties.

Should the exemptions set forth in 28 U.S.C. § 1863(b)(6) be changed, modified or amended, this plan is hereby amended without further action to conform to those changes, modifications or amendments.

**Excuse from Jury Service Upon Individual Request**

***28 U.S.C. §§1863(b)(5)(A)&(B); 1866(e) & 1869(j)***

The judges of the court find that jury service by members of the following occupational classes or groups of persons may entail undue hardship or extreme inconvenience to members thereof, that excuse of such members is not inconsistent with the 28 U.S.C, § 1863 and that such persons shall be granted an excuse from service upon individual request:

1. persons over 70 years of age;
2. persons having active care and custody of a child or children under 10 years of age whose health and/or safety would be jeopardized by their absence for jury service; or a person who is essential to the care of aged or infirm persons;
3. volunteer safety personnel, e.g., individuals serving a public agency in an official capacity

without compensation as firefighters or members of a rescue squad or ambulance crew.

**Determination of Qualifications, Exemptions, and Excuses**

*28 U.S.C. §§1865(a)&(b); 1866(c)*

The clerk of the court, under the supervision of the chief judge, is authorized to determine juror qualifications, exemptions or excuses, pursuant to the provisions of 28 U.S.C. § 1865. The clerk shall determine solely on the basis of the information provided on the juror qualification questionnaire and other competent evidence whether a person is qualified, exempt or to be excused from jury service. Such determination shall be entered in the space provided on the juror qualification questionnaire or shall appear on the appropriate database listing. A deputy clerk or other designee under the supervision of the clerk of court is authorized to determine when persons are qualified, exempt or excused.

**Qualified Jury Wheels and Summons for Jury Service**

*28 U.S.C. §§1863(b)(8); 1866*

Separate qualified jury wheels shall be maintained in JMS for each division and the names of all persons from the master jury wheel not disqualified, exempt or excused pursuant to this plan shall be placed in the qualified wheel. The clerk shall ensure that at all times an adequate number of names is contained in each such qualified jury wheel to meet the needs of the court.

From time to time as directed by the court, the clerk shall cause to be drawn at random by means of JMS, from the qualified jury wheel of each division such number of names of persons as may be required for assignments to grand and petit jury panels. The clerk shall prepare, by means of JMS, and mail to every person whose name is so drawn, a summons for jury service. At the option of the clerk, summonses may be mailed by the clerk's office or by a commercial mailing service or they may be delivered to the United States Marshal for direct service upon jurors.

As grand juries are required, the clerk shall order the drawing from all divisions' qualified wheels, a pro rata share of the total number of grand jurors needed to be summoned.

For those who have been summoned for jury service, the clerk is authorized to grant temporary excuses from jury service to jurors whose service on a particular day or days would create undue hardship or extreme inconvenience. The clerk is authorized to reinsert the names of those

individuals temporarily excused back into the qualified wheel. Examples of undue hardship and extreme inconvenience are scheduled medical appointments, vacation plans, and business travel.

Names of persons summoned and appearing for service may be inserted in a panel assignment wheel, from which separate trial panels will be selected by lot. The clerk shall prepare for the use of the Court and counsel a separate list of names of persons assigned to each petit jury panel.

**Penalty for Failure to Appear for Jury Summons**

***28 U.S.C. §1866(g)***

Any person summoned for jury service who fails to appear as directed may be ordered by the court to appear and show cause for failure to comply with the summons. Any person who fails to show good cause for noncompliance with a summons may be fined not more than \$1,000, imprisoned not more than three days, ordered to perform community service, or any combination thereof.

**Supplemental Attendance Fee for Petit Jurors Serving on Lengthy Trials**

***28 U.S.C. §1871(b)(2)(3)***

A petit juror required to attend more than ten (10) days in hearing one case shall be paid an additional attendance fee of \$10, for each day in excess of ten (10) days on which the juror is required to hear such case. A grand juror may be paid an additional attendance fee of \$10.00 for each day in excess of forty-five (45) days of actual service. The presiding judge may in his discretion order that the supplemental fee be reduced or not paid at all.

**Frequency of Service**

***28 U.S.C. §1866(e)***

In any two-year period, no person shall be required to (1) serve or attend court for prospective service as a petit juror for a total of more than thirty (30) days, except when necessary to complete service in a particular case, or (2) to serve on more than one grand jury, or (3) to serve as both a grand and petit juror.

**Penalty for Employers Who Retaliate Against Employees Serving on Jury Duty**

***28 U.S.C. §1875(b)(3)***

No employer shall discharge, threaten to discharge, intimidate or coerce any permanent employee by reason of such employee's jury service, or the attendance or scheduled attendance in connection with such service. Any employer who violates the provisions of this section shall be subject to a civil penalty of not more than \$5,000 for each violation as to each employee, and may be ordered



to perform community service.

**Records to Be Maintained by the Clerk and Made Public upon Request**

***28 U.S.C. §§1863(a); 1867(f); 1868***

The clerk shall retain the following documents:

1. Jury Selection Plan
2. Orders regarding refilling the master jury wheel, petit juries and grand juries
3. Written instructions to Secretary of State to provide list of registered voters
4. Affidavit from Secretary of State that instructions to provide list of registered voters were followed
5. Voter data files
6. Jury memos from the Administrative Office and internal memos
7. Qualification questionnaires
8. Pre-screening questionnaires
9. Individual petit and grand jury panel information
10. Administrative Office reports: JS-11, JS-11G and AO-12.

These records shall not be disclosed, except (1) pursuant to this plan, or (2) pursuant to an order of the court finding disclosure is necessary in preparation of a motion challenging the selection of a jury, until the master jury wheel has been refilled and all persons selected as jurors from the prior master jury wheel have completed service. Parties who have obtained an order of disclosure shall be allowed to inspect, reproduce, and copy such records at reasonable time during the pendency of the motion challenging the selection of a jury.

Upon written order of the court, except when the court orders a longer retention period, these records can be disposed of four years after the master jury wheel has been refilled and all person selected have completed jury service in accordance with 28 U.S.C. §1868. These records are not to be transferred to the Federal Records Center.

**Public Release of Juror Information**

***28 U.S.C. §1863(b)(7)***

Names and personal information concerning petit and grand jurors shall not be disclosed to

attorneys, parties and the public or the media, except as provided herein. Names and personal information concerning persons who have been entered in the jury wheel shall not be disclosed, except upon order of the court. Names and personal information concerning prospective and sitting petit jurors shall not be disclosed to the public or media outside open court, except upon order of the court. A request for disclosure of petit juror names and personal information to the media or public must be made to the presiding judge.

The clerk may provide names and personal information concerning prospective petit jurors to the attorneys or a party if proceeding pro se in a case set for trial unless otherwise directed by the court. The names and information will be provided in accordance with Local Rules. The attorneys or party may not share the jury list or information therein except as necessary for purposes of jury selection. Following jury selection, the attorneys or party must destroy any copies of jury information provided to them as well as notes taken regarding the jury information provided. The presiding judge may keep juror information confidential in any case where the interests of justice so require.

**Sanctions for Late Settlement in Civil Cases**

In any civil case in which a settlement is reached and the court is notified of settlement later than the close of business on the last business day before jurors are scheduled to appear for jury selection, the court may assess reasonable charges reflecting the costs to the government of compensating said jurors for their unnecessary appearance. Said charges may be assessed against one or more of the parties, or against one or more counsel, as the court deems proper, and the amount collected shall be deposited by the clerk into the Treasury of the United States.

In accordance with 28 U.S.C. §1861, et. seq., the United States District Court for the Middle District of Georgia hereby adopts the revised Jury Selection Plan for the random selection of jurors.

SO ORDERED, this 3 day of September, 2020.

  
\_\_\_\_\_  
Marc T. Treadwell  
CHIEF UNITED STATES DISTRICT JUDGE