

**United States District Court  
for the District of Columbia**



**JURY SELECTION PLAN  
FOR THE RANDOM SELECTION OF  
GRAND AND PETIT JURORS**

(As Amended May 17, 2022)

Pursuant to the Jury Selection and Service Act of 1968, as amended, 28 U.S.C. § 1861 *et seq.*, (“the Act”), this Jury Selection Plan is hereby adopted by this Court, after approval by the Judicial Council of the D.C. Circuit and subject to such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.

- 1. DECLARATION OF POLICY (28 U.S.C. § 1861):** It is the policy of the United States and this Court that 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. It is also the policy of the United States and this Court that all eligible citizens who reside within the District of Columbia shall have the opportunity to be considered for service on grand and petit juries and they shall have an obligation to serve as jurors when summoned for that purpose.
- 2. DISCRIMINATION PROHIBITED (28 U.S.C. § 1862):** 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, or economic status.
- 3. MANAGEMENT AND SUPERVISION OF THE JURY SELECTION PROCESS AND OPERATION OF THIS PLAN (28 U.S.C. § 1863(b)(1)):** The Clerk of Court (“Clerk”) shall manage the jury selection process under the supervision of the Chief Judge and other such District Judge(s) as the Chief Judge may from time to time designate to serve on this Court’s Jury Committee. In managing and supervising the jury selection process, the Clerk is authorized to delegate duties as may be necessary in the jury selection process to other personnel within the Clerk’s Office.
- 4. SOURCES FOR NAMES OF PROSPECTIVE JURORS (28 U.S.C. § 1863(b)(2)):**
  - 4.1. Data Sources:** The Court will obtain names of registered voters from the Registered Voters Master File of the D.C. Board of Elections. *See* 28 U.S.C. § 1863(b)(2). The Court will also utilize supplemental sources to identify an even greater number of citizens eligible for jury service to foster the policy and protect the rights secured by 28 U.S.C. §§ 1861, 1862. The Court approves obtaining the following data sources to compile a list of names of prospective jurors:
    - a) the Registered Voters Master File of the D.C. Board of Elections (“Voter List”);
    - b) the D.C. Department of Motor Vehicles list of individuals 18 years and older who hold a driver’s license, learner’s permit, or valid identification card issued by the D.C. Department of Motor Vehicles (“DMV List”); and

c) the list of all individuals in the District of Columbia whose income tax forms are filed with the D.C. Department of Finance and Revenue (“Tax List”).

**4.2 Creation of Source List:** The data sources listed in ¶ 4.1 shall be combined, with duplicates across the data sources purged to the extent practicable, into a list called the “Source List.”

**4.3 Accuracy of Source List:** Upon creation of a new Source List pursuant to ¶ 4.2, the Clerk is directed, to the extent practicable, to remove names of persons who are deceased or do not then reside in the district and to update addresses of persons who have changed their address.

**5. MASTER JURY WHEEL (28 U.S.C. § 1863(b)(3)–(4)):**

**5.1. Establishing a New Master Jury Wheel:** The creation of a new master jury wheel shall be accomplished by placing a newly created Source List in its entirety into an emptied master jury wheel. The size of the Source List ensures, and this Plan requires, that at no time will fewer than 1,000 names be placed in the master jury wheel. *See* 28 U.S.C. § 1863(b)(4).

**5.2. Timing:** The Court intends to permit a reasonable margin of flexibility in the time chosen for the emptying and replenishing of the master jury wheel. The decision as to exact timing shall be made by the Clerk, based on the Clerk’s judgment and knowledge of when the data sources for the Source List are updated. In any event, the wheel shall be emptied and a new master jury wheel established at least every **two years**, with replenishment occurring within six months after the November elections held in even-numbered years. If additional time is needed for good cause, permission must be obtained from the Chief Judge of the District Court.

**5.3. Random Selection:** The names of prospective jurors will be selected at random from the master jury wheel, *see* ¶ 6, *infra*.

**5.4. Maintenance:** The Clerk is directed to maintain the master jury wheel by, at least annually and to the extent practicable, removing names of persons who are deceased or do not then reside in the district and updating addresses of persons who have changed their address.

**6. METHOD AND MANNER OF RANDOM SELECTION (28 U.S.C. §§ 1863(a), 1866(b)):**

**6.1. Random Selection:** As the need arises, the Clerk or a District Judge shall cause to be drawn at random from the master jury wheel the names of as many persons as may be required for jury service.

**6.2. Method:** The Clerk is authorized to use a properly programmed electronic data processing system employing a purely random selection technique to create, maintain, and randomly select names from the master jury wheel and to perform other clerical services related to the jury system. The Clerk is authorized to make such arrangements and procure such assistance as necessary to establish a properly programmed electronic data processing system to perform, in a manner that complies with this Plan for the method and manner of random selection of jurors, the following functions:

- a) Creation of the Source List and master jury wheel by merger of the Voter List, the DMV List, and the Tax List, with duplicates purged to the extent practicable, *see* ¶ 4, *supra*;
- b) Random selection of names from the master jury wheel of persons to be mailed summons and juror qualification questionnaires, *see* ¶¶ 7.1, 7.2, *infra*, for prospective service as grand or petit jurors;
- c) Random selection of names of prospective jurors directed to report to the Courthouse for jury service from the pool of persons who have been summoned, found qualified, and not been excused, based upon return of juror qualification questionnaires and any supplemental questionnaires that may be used, for a designated two-week period (the “qualified two-week pool”);
- d) Random selection of names of prospective jurors to comprise a venire panel for a

- particular case from prospective jurors reporting to the Courthouse; and
- e) Recording and storing of names and other information for records needed by the Court to administer the selection and payment of juries.

**7. ONE-STEP SUMMONING AND COMPLETION OF JUROR QUALIFICATION FORM (28 U.S.C. §§ 1878, 1864(a)–(b), 1866(g)):**

- 7.1. Summoning Process:** This Court has adopted the one-step summoning and qualification procedure. All prospective petit and grand jurors shall be qualified and summoned in a single procedure through use of the Jury Management System (“JMS”), provided and supported by the Administrative Office of the United States Courts (“AO”). The JMS shall be used to select randomly names from the master jury wheel of persons to be summoned to serve as grand or petit jurors and for the recording of names and other information on any papers and records needed by the Court to administer the selection and payment of juries. From time to time, as directed by the Court, the Clerk shall cause to be drawn at random from the master jury wheel, using a properly programmed data processing system, the names of as many individuals as may be required for jury service. The Court will determine and specify the number of names to be drawn based upon anticipated juror usage plus a margin of additional names sufficient to compensate for individuals who are unavailable or ineligible to serve as jurors or who fail to respond when summoned.
- 7.2. Mailing of Summons and Juror Qualification Questionnaire:** The Clerk shall retain the names so drawn and prepare through the JMS, and arrange to be mailed to every person whose name is so drawn, a juror qualification questionnaire form and summons accompanied by instructions to execute and return the questionnaire (either by mail or through the Court’s website) to the Clerk’s Office within ten (10) days. The qualification questionnaire used will be the national form approved as to form and content by the Judicial Conference of the United States and prescribed by the AO. In certain circumstances, for example for a trial of unusual length or public exposure, a, presiding judge may determine that use of a supplemental, case-specific juror questionnaire is appropriate.
- 7.3. Completion of Juror Qualification Questionnaire:** Each juror qualification questionnaire requires completion by the individual to whom the questionnaire is addressed. Should the addressee be unable to complete the questionnaire, another individual may do so on the addressee’s behalf, indicating the reason therefor. In cases where an omission, ambiguity or error in a completed questionnaire appears, the questionnaire will be returned to the individual with a request for corrections, additional information, or completion of a new juror qualification form.
- 7.4. Sending of Second Summons:** Any person failing to return a juror qualification questionnaire may be issued a second summons to do so.
- 7.5. Penalty for Failure to Respond to Summons:** Any person failing to appear pursuant to a summons may be ordered by the Court to appear and show cause for failure to comply with the summons. A person failing to appear pursuant to such order or show good cause for noncompliance with a jury summons may be fined not more than \$1,000, imprisoned not more than three (3) days or ordered to perform community service, or any combination thereof. 28 U.S.C. § 1864(b).
- 7.6. Notice of Penalties to Prospective Jurors:** Notice of the possible penalties set out in ¶ 7.5, *supra*, for failing to respond to the summons shall be included in the juror summons and juror qualification questionnaire mailing to supplement the public notice described in ¶ 8, *infra*.

- 8. PUBLIC NOTICE OF JURY SELECTION PROCESS:** The Clerk will post this Plan and a general notice for public review in the Clerk’s Office and on the Court’s website.

**9. REVIEW OF JUROR QUESTIONNAIRES FOR QUALIFICATION OF PROSPECTIVE JURORS (28 U.S.C. § 1866):**

**9.1. Determination of Qualification To Serve As Juror:** The Chief Judge, or any other judge presiding over a jury trial, or the Clerk under supervision of the Court, shall determine solely on the basis of information provided on the juror qualification questionnaire and other competent evidence whether a person is unqualified for, exempt from, or to be excused from jury service. A presiding judge has discretion to determine what, if any, additional procedures should be implemented in review of juror qualification questionnaires. The Clerk shall enter any such determination in the space provided on the juror qualification questionnaire and keep a record of such determination. If a person did not appear in response to a summons, such fact shall be noted. If, after summoning, a prospective juror no longer appears to reside in the District of Columbia, that prospective juror will be disqualified to serve.

**9.2. Delegation of Authority to Clerk of Court:** Except where the Clerk believes an exercise of judicial discretion is necessary, the Court authorizes the Clerk to exempt and excuse persons in the categories specified in ¶¶ 10–14, *infra*, from service as grand or petit jurors and to grant temporary excuses to prospective grand and petit jurors on the grounds of undue hardship or extreme inconvenience.

**9.3. Qualified Prospective Jurors:** Persons determined to be qualified for jury service and who are not exempted or excused shall be placed in a pool of qualified jurors on call to report to the Courthouse for possible jury service during a designated two-week period or other determined period. Persons will be randomly selected from the qualified two-week pool or other special qualified pool to report to the Courthouse for jury selection.

**10. QUALIFICATIONS FOR JURY SERVICE (28 U.S.C. § 1865(b)):** Any person shall be deemed qualified to serve on grand and petit juries in this Court *unless* that person:

- a) is not a citizen of the United States eighteen years old who has resided for a period of one year within the District of Columbia;<sup>1</sup>
- b) is unable to read, write and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification questionnaire;
- 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, or has been convicted in a state or federal court of record, of a crime punishable by imprisonment for more than one year and the person's civil rights have not been restored.

**11. EXEMPTIONS FROM JURY SERVICE (28 U.S.C. §§ 1863(b)(6), 1869(i)):** Pursuant to 28 U.S.C. § 1863(b)(6), and Judicial Conference policy as reflected in the Juror Qualification Questionnaire, the Court exempts the following classes of persons, when employed in such capacities on a full-time basis, from jury service, finding that such exemptions are in the public interest and are consistent with the Act:

- a) Members in active service in the armed forces of the United States;
- b) Members of the fire and police departments of any State, District, Territory, or possession of the United States, and of the District of Columbia; and
- c) Public officers in the executive, legislative or judicial branch of the government of the

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<sup>1</sup> Notice of persons who identify themselves as non-citizens through the juror qualification process will be provided by the Clerk to appropriate election officials for verifying voter registration eligibility.

United States, or government of the District of Columbia, who are actively engaged in the performance of public duties. A public officer is a person who is either elected to public office or who is directly appointed by a person elected to public office.

**12. EXCUSE FROM JURY SERVICE UPON INDIVIDUAL REQUEST (28 U.S.C.**

**§§ 1863(b)(5)(A)-(B), 1866(e), 1869(j)):** The Court finds that jury service by the following classes of persons would entail undue hardship or extreme inconvenience to the members thereof, and that excusing members of such classes, upon individual request, would not be inconsistent with the Act and therefore that, upon individual request, the following persons shall be excused:

- a) Persons over 70 years of age;
- b) Persons who have served as grand or petit jurors in the U.S. District Court for the District of Columbia within the past two years, *see* 28 U.S.C. § 1866(e); and
- c) Volunteer safety personnel who serve without compensation as firefighters or members of a rescue squad or ambulance crew for a “public agency.”

**13. PERSONS EXCLUDED FROM JURY SERVICE (28 U.S.C. § 1866(c)):** Any prospective juror who has been summoned for jury service may be excluded, after review by the presiding judge, upon any of the following grounds:

- a) That such person may be unable to render impartial jury service;
- b) That the service of such person as a juror would likely disrupt the proceedings;
- c) Peremptory challenge as provided by law;
- d) The procedure specified by law upon a challenge by any party for good cause shown; or
- e) Determination that the service of such person as a juror would be likely to threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberations.

**14. TEMPORARY EXCUSE FROM JURY SERVICE (28 U.S.C. § 1866(c)):** Any person summoned for jury service may be temporarily excused upon a showing of undue hardship or extreme inconvenience. The names of individuals temporarily excused shall be reinserted into the master jury wheel for possible resummoning.

**15. GRAND JURIES:**

**15.1 Random Selection from Master Jury Wheel:** When a grand jury is to be impaneled upon order of the Court, the Clerk shall cause to be drawn at random from the master jury wheel, using a properly programmed data processing system, the names of as many individuals as may be required for grand jury service. The Court will determine and specify the number of names to be drawn based upon the number of grand juries being impaneled plus a margin of additional names sufficient to compensate for individuals who become unavailable or ineligible to serve as jurors or who fail to respond when summoned.

**15.2 Qualified Grand Jury Pool:** The Clerk will follow the process set forth in ¶ 9, *supra*, to identify a qualified pool of prospective grand jurors. Depending on the size of the qualified pool, the Clerk may require all qualified prospective grand jurors to report to appear on the day of the grand jury impanelment(s) or may require a subset of the qualified grand jury pool to appear, in which case a specific number of names shall be drawn at random from the qualified grand jury pool. Following voir dire, a total of 23 members are impaneled for each grand jury, as provided by law, in the randomly selected order reflected on the venire list.

**15.3 Term of Service:** Each grand jury shall serve until discharged by the Court. No regular

criminal grand jury shall serve for more than 18 months, unless the Court determines that an extension of up to six additional months is in the public interest. *See* FED. R. CRIM. P. 6(g). Special grand juries, as defined in 18 U.S.C. § 3331, shall serve a term of 18 months unless discharged earlier by the Court. If, at the end of such term or any extension thereof, the Court determines that the business of the special grand jury has not been completed, the Court may enter an order extending such term for an additional period of six months. No special grand jury term shall exceed 36 months, except as provided in 18 U.S.C. § 3333(e).

**15.4 Alternate Grand Jurors:** all summoned and qualified prospective grand jurors who appear on the day of the impanelment(s) but who are not selected as grand jurors shall be designated alternates. Alternate grand jurors may thereafter be selected at random to be impaneled to replace excused grand jurors. Alternate grand jurors shall take the same oath and shall have the same functions, powers, facilities, and privileges as regular grand jurors. *See* FED. R. CRIM. P. 6(a)(2).

**15.5 Non-Disclosure of Names:** The list of names drawn may not be disclosed to any person except pursuant to this Plan or pursuant to 28 U.S.C. §§ 1867 or 1868.

## **16 RETENTION OF JURY SELECTION RECORDS (28 U.S.C. § 1868):**

**16.1 General Retention Period:** After the master jury wheel is emptied and refilled, and after all persons selected to serve as jurors from that master wheel have completed service, all records and papers compiled and maintained by the Clerk before the master wheel was emptied, including records regarding the qualifications, selection, and use of jurors, shall be preserved by the Clerk for a period of four years from the date the wheel was emptied, or for a longer period if so ordered by the Court, and shall be available for public inspection as provided in this Plan for the purpose of determining the validity of the selection of any jury.

**16.2 Disposal of Records:** Upon written order of the Court, except when the Court orders a longer retention period, these records may be disposed of four years after the master jury wheel has been refilled and all persons selected have completed jury service. *See* 28 U.S.C. § 1868. These records shall not be transferred to the Federal Records Center.

## **17. DISCLOSURE OF JURY SELECTION RECORDS (28 U.S.C. § 1867(f)):**

**17.1. Generally:** Records or papers used by the Clerk in connection with the jury selection process shall not be disclosed, except as provided under this Plan or order of the Court.

**17.2. Limited Disclosure to Parties Permitted:** The Clerk shall permit a party to inspect, reproduce, and copy records as may be necessary in the preparation or presentation of a motion pursuant to 28 U.S.C. § 1867(a)–(c) challenging the selection of a jury. *See* 28 U.S.C. § 1867(f). All requests for information about a particular master jury wheel or qualified jury pool shall be made in writing to the Clerk and shall specify the information sought. In responding to such requests, the Clerk shall provide notice of applicable penalties for improper disclosure, as provided in ¶ 17.4, *infra*.

**17.3. Disclosure After Master Jury Wheel is Emptied:** Pursuant to 28 U.S.C. § 1868, after a master jury wheel has been emptied and refilled, and after all persons selected from that wheel to serve as jurors have completed service, all records compiled and maintained by the Clerk before that master wheel was emptied shall be preserved for a minimum of four years, *see* ¶ 16.1, *supra*, and shall be made available for public inspection during that time for the purpose of determining the validity of the selection of any jury, subject to ¶ 18, *infra*.

**17.4. Notice of Penalties for Improper Disclosure:** Any person who discloses the contents of any record or paper in violation of the Jury Service and Selection Act and this Plan is subject to a fine of not more than \$1,000 and imprisonment of not more than one year, or

both. 28 U.S.C. § 1867(f).

**18. PUBLIC RELEASE OF JUROR INFORMATION (28 U.S.C. § 1863(b)(7)):**

**18.1. *Petit Jurors*:** Names of prospective and sitting petit jurors shall not be disclosed to the public outside of open court, except upon order of the Court. A request for disclosure of petit juror names to the public must be made to the presiding judge.

**18.2. *Grand Jurors*:** As matters occurring before a grand jury are secret, and records, orders, and subpoenas relating to grand jury proceedings are maintained under seal, the release of the identity of grand jurors to the public or to the media presents significant legal and other issues. Accordingly, to protect and preserve grand jury secrecy, no disclosure is permitted to the public or to the media of the names, addresses, or telephone numbers of any member of a grand jury, except upon order of the Court. Should a request for information concerning the identity of a grand juror arise, the Court will determine whether the disclosure of such information is warranted, consistent with the provisions of FED. R. CRIM. P. 6(e) and 28 U.S.C. § 1867(f).

**19. DEFINITIONS:** The definitions set forth in 28 U.S.C. § 1869 shall apply to this Plan unless specifically indicated otherwise.

**20. PERIODIC REVIEW OF PLAN:** This Plan shall be reviewed periodically by the Court and at least annually by the Jury Committee of this Court.

**21. EFFECTIVE DATE:** This plan, as amended and approved this 3<sup>rd</sup> day of May, 2022, by the Court, shall be effective upon approval by the Judicial Council of the D.C. Circuit, which granted such approval on this 17<sup>th</sup> day of May, 2022.