

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: AMENDMENT TO THE JUROR :
SELECTION PLAN FOR THE MIDDLE : MISC NO. 89-69
DISTRICT OF PENNSYLVANIA :

ORDER

AND NOW, this 16th day of July, 2013, having the unanimous consent of the Court, IT IS HEREBY ORDERED THAT the Juror Selection Plan for the United States District Court for the Middle District of Pennsylvania be amended to change the assignment of Bradford County from the Scranton/Wilkes-Barre Division to the Williamsport Division, effective with the implementation of a new Jury Master Wheel on January 1, 2014.

For the Court,



Yvette Kane, Chief Judge
U.S. District Court

BEFORE THE REVIEWING PANEL
OF THE THIRD CIRCUIT

FILED
SCRANTON

SEP 17 2013

IN RE: Amendment to the :
Juror Selection Plan for the :
United States District Court, :
Middle District of Pennsylvania :

MISC NO. 89-69

PER
DEPUTY CLERK

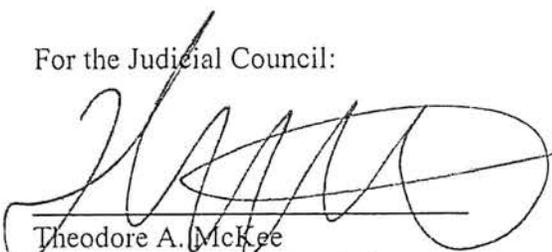
ORDER

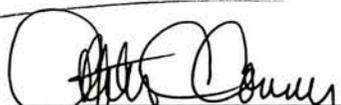
The Juror Selection Plan of the United States District Court for the Middle District of Pennsylvania has been amended by unanimous vote of its district judges to change the assignment of Bradford County from the Scranton/Wilkes-Barre Division to the Williamsport Division.

This Reviewing Panel, consisting of the members of the Judicial Council of the Third Circuit and the Chief Judge of the United States District Court for the Middle District of Pennsylvania have examined such amendments and have ascertained that they comply in all particulars with the Jury Selection and Service Act of 1968 (28 U.S.C. §1861, et seq.) and 28 U.S.C. §1878, as amended,

NOW, it is hereby ORDERED that the said amended Juror Selection Plan is approved by this Reviewing Panel as of September 12, 2013, and that said Plan shall take effect with the Court's new Master Jury Wheel on January 1, 2014.

For the Judicial Council:


Theodore A. McKee
Chief Judge, Third Circuit Court of Appeals


Chief Judge, U.S. District Court
Middle District of Pennsylvania

**JUROR SELECTION PLAN
UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Pursuant to the Jury Selection and Service Act of 1968, as amended, 28 U.S.C. §1861 et seq., (“the Act”) the following 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. Pursuant to 28 U.S.C. §1878(a), jurors are qualified and summoned in a single procedure, in lieu of two separate procedures otherwise provided for by the Act.

POLICIES

Section 101 Policy of inclusion

It is the policy of the court that all litigants have the right to grand and petit jurors selected at random from a fair cross section of the community in each division where the court convenes. All citizens shall have the opportunity to be considered for service on grand and petit juries in this court, and shall have an obligation to serve when summoned for that purpose.

Section 102 Policy of nondiscrimination

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.

APPLICABILITY OF PLAN

Section 201 Counties comprising the Middle District

This plan is applicable to the Middle District of Pennsylvania which consists of the counties of: Adams, Bradford, Cameron, Carbon, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lebanon, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Schuylkill, ¹ Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York.

Section 202 Divisions of the Middle District

The Middle District of Pennsylvania shall be divided into divisions for jury selection purposes, pursuant to §1869(e) of the Act, as follows:

¹ On April 19, 1999, Schuylkill County became part of the Middle District of Pennsylvania. See Pub. L. 105-277. Before then, it was within the Eastern District of Pennsylvania.

A. The Scranton/Wilkes-Barre Division, consisting of the counties of Carbon, Lackawanna, Luzerne, Monroe, Pike, Schuylkill, Susquehanna, Wayne, and Wyoming.

B. The Williamsport Division, consisting of the counties of Bradford, Cameron, Centre, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union.

C. The Harrisburg Division, consisting of the counties of Adams, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lebanon, Mifflin, Perry and York.

Provisions of this Plan shall apply to all divisions in the district unless otherwise indicated.

MANAGEMENT AND SUPERVISION OF THE JURY SELECTION PROCESS

Section 301 Personnel

The Clerk of Court and authorized Deputy Clerks shall manage the jury selection process under the supervision and control of the Chief Judge of the district.

RANDOM SELECTION FROM SOURCE LIST

Section 401 Voter registration lists

Voter registration lists represent a fair cross section of the community in the Middle District of Pennsylvania. Accordingly, names of grand and petit jurors serving in this court shall be selected by randomized procedure from the voter registration lists of all the counties within the relevant divisions. The voter registration lists are maintained by the Commonwealth of Pennsylvania Department of State.

Section 402 Other sources may be authorized

In accordance with 28 U.S.C. § 1863 (b)(2), the court may authorize the Clerk to draw names of prospective jurors from one or more supplementary sources of names in addition to voter registration lists where necessary to foster the policy and protect the rights secured by 28 U.S.C. §§1861 and 1862. These sources may include the Pennsylvania Departments of Transportation, State, Revenue and Public Welfare. The selection of names from such additional lists shall be done in a manner consistent with the selection procedure described in this Plan.

Section 403 Voter registration lists defined

Voter registration lists referred to throughout this Plan shall mean the voter registration lists for a statewide primary or general election as maintained by the Commonwealth of Pennsylvania Department of State on electronic data files ("voter datafiles"). The Clerk shall also obtain from the Secretary of the Commonwealth an affidavit enumerating the total registered voters in each county in the district.

Section 404 Selection to be random and proportional

After consultation with the court, the selection of names from complete source list databases in electronic media for the master jury wheel shall be accomplished by a purely randomized process through a properly programmed electronic data processing system. Random selection of names from the source list for inclusion in the master wheel by data computer personnel must ensure that each county within the jury division is substantially proportionally represented in the master jury wheel in accordance with 28 U.S.C. §1863 (b)(3). The selections of names from the source list and the master wheel must also ensure that the mathematical odds of any single name being picked are substantially equal.

After first determining the total number of names needed for the master jury wheel, the Clerk shall proceed through the use of a properly programmed data computer system to make the initial selection of names from the list of voters of each county. The number of names drawn from each county shall be substantially in the same proportion to the total number drawn from all counties within the division as the number of names on that county's list of voters bears to the number of names on the lists of voters for all counties within the Division. For example, if there are exactly 240,000 names on the lists of voters of all counties within the Division, and there are 48,000 names on County "A's" lists (twenty percent of the total), then the number of County "A's" names initially selected should be substantially twenty percent of the total number selected from all counties within the Division.

The number taken as the total for each county shall be based upon a certified affidavit enumerating the total registered voters in each county from the Secretary of the Commonwealth Department of State.

Section 405 Method for automated selection

The court has authorized use of the Jury Management System (JMS), an electronic data processing system, to select names from the master jury wheel to fill the qualified wheels; to select names from the qualified wheels for persons to be summoned to serve as grand or petit jurors, and for the recording of names of prospective jurors and other information on any papers and records needed by the court to administer the selection and payment of jurors.

MAINTAINING THE MASTER JURY WHEEL

Section 501 Master wheels maintained in each division

The Clerk shall maintain a master jury wheel for each of the divisions within the district. The names and addresses of all persons randomly selected from the lists of voters shall be placed in the master jury wheel for that division. Pursuant to 28 U.S.C. §1863(b)(4), the minimum number of names to be placed in the master jury wheel(s) shall be at least ½ of 1% of the total number of names on all county voter lists. The Chief Judge may order additional names to be placed in the master jury wheels from time to time, as necessary and in accordance with the formula herein above described.

The master jury wheels shall be emptied and refilled biennially, or more frequently if necessary, to maintain a current database of official registered voters, between December 1st and April 30th following each general election.

Section 502 Names to be drawn

The Clerk, either at one time or at periodic intervals, shall draw at random from the master jury wheels the names of as many persons as may be required to maintain an adequate number of names in the qualified jury wheels. The number of names to be drawn shall be determined by the Clerk 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.

Section 503 Disclosure of names in the master jury wheel

The Clerk may, upon order of the court, prepare an alphabetical list of the names drawn from the master jury wheel. Any list so prepared shall not be disclosed to any person except as specifically authorized by law.

Unless otherwise authorized by law, the contents of records or papers used by the Clerk in connection with the jury selection process shall not be disclosed.

Section 504 Juror qualification questionnaire and issuance of summons

The Clerk shall prepare through JMS and have 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 internet website) to the Clerk by mail within ten days, in accordance with 28 U.S.C. §1864 (a). If the person is unable to fill out the form, another shall prepare it and indicate the reason therefor. In any case in which it appears that there is an omission, ambiguity, or error in a form, the Clerk shall return the form with instructions to the person to make such additions or corrections as may be necessary and to return the corrected form to Clerk within ten days. Any person who fails to return a completed juror qualification form as instructed may be summoned by the Clerk forthwith to appear before the Clerk to fill out a juror qualification form. A person summoned to appear because of failure to return a juror qualification form as instructed and who personally appears and executes a juror qualification form before the Clerk may, at the discretion of the court, except where the person's prior failure to execute and mail such form was willful, be entitled to receive for such appearance the same fees and travel allowance paid to jurors under 28 U.S.C. §1871. At the time of a person's appearance for jury service, any person may be required to fill out another juror qualification form in the presence of the Clerk or the court, at which time, in such cases as it appears warranted, the person may be questioned, but only with regard to the person's responses to questions contained on the form. Any information thus acquired by the Clerk may be noted on the juror qualification form and transmitted to the Chief Judge.

At the option of the Clerk, the questionnaire and summons may be mailed by the Clerk's office, by a commercial mailing service, or by delivery to the United States Marshal for direct service

upon the prospective jurors.

QUALIFICATIONS FOR JURY SERVICES

Section 601 Determined by and noted on completed questionnaire

Under the supervision of the Chief Judge, the Clerk 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. The Clerk or Deputy Clerk shall enter such determination in the space provided on the juror qualification questionnaire and in JMS.

Section 602 Disqualification of potential jurors

In making such determination the Clerk, under the supervision of the Chief Judge, shall deem any person qualified to serve on grand and petit juries in the district unless the person:

- A. is not a citizen of the United States², eighteen years old, or has not resided for a period of one year within the judicial district;
- 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 felony charge pending against the person, or the person has been convicted of, in a state or federal court, a crime punishable by imprisonment for more than one year and the person's civil rights have not been restored.

EXCUSES AND EXCLUSIONS

Section 701 Excuses automatically granted on individual request

The court hereby finds that jury service by members of the following occupational classes or groups of persons would entail undue hardship or extreme inconvenience to the members thereof, and the excusing of such members for the life of the unexpired master wheel will not be inconsistent with the Act, and shall be granted upon individual request:

² 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.

1. Persons over 70 years of age;
2. Actively engaged members of the clergy;
3. Persons having active care and custody, during hours of normal jury service, of a child or children under 12 years of age whose health/safety would be jeopardized by their absence for jury service, or a person who is essential to the care of the aged or infirmed persons;
4. Actively practicing attorneys, physicians and dentists;
5. Persons who have served as a grand or petit juror in a state or federal court within the past two years;
6. Any person whose services are so essential to the operation of a business, commercial or agricultural enterprise that said enterprise must close if such person were required to perform jury duty;
7. Volunteer safety personnel who serve without compensation as firefighters, members of a rescue squad or ambulance crew for a public agency. Public agency for the purpose of this plan means the United States, the Commonwealth of Pennsylvania, or any unit of local government, department or instrumentality of any of the foregoing;
8. Teachers or students in actual attendance at a university, college, academy, or other school having a regular schedule of classes.

Section 702 Temporary excuses, exclusions (after qualification)

Requests to be excused from jury service shall be in writing. Except as otherwise provided by this Plan, no person or class of persons shall be disqualified, excluded, or exempted from service as jurors, provided that any person summoned for jury service may be (1) excused by the court or the Clerk under supervision of the court, upon a showing of undue hardship or extreme inconvenience, as defined in 28 U.S.C. §1869(j), for such period as the court deems necessary, at the conclusion of which such person shall be summoned again for jury service, or (2) excluded by the court on the grounds that such person may be unable to render impartial jury service or that the person's service as a juror would be likely to disrupt the proceedings, or (3) excluded upon peremptory challenge as provided by law, or (4) excluded pursuant to the procedure specified by law upon a challenge by any party for good cause shown, or (5) excluded upon determination by the judge in open court that the person's service as a juror would be likely to threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberation, and that exclusion of such persons will not be inconsistent with 28 U.S.C. §§1861 and 1862.

Persons excluded under (1) above shall be kept on the pool list if excused for less than the life of the pool, however, if excused for a longer period of time, but not permanently, they may be added to and summoned for another pool at a later date.

Section 703 Requests for excuses to be made in advance

Jurors who do not make a request in advance to be excused, and who report for jury service and request immediate release, will not be paid by the court for their service, unless they can prove that circumstances so warranted their making the trip to the courthouse.

Section 704 Clerk to record excuses and exclusions

Whenever a person is excused or excluded from jury service, this determination shall be noted in the Jury Management System.

EXEMPTIONS FROM JURY SERVICE

Section 801 Persons considered exempt

The following persons are barred from jury service on the grounds 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 Commonwealth of Pennsylvania or any subdivision thereof.
3. Public officers in the executive, legislative or judicial branches of the Government of the United States, or the Commonwealth of Pennsylvania or subdivision thereof, who are actively engaged in the performance of official duties.

QUALIFIED JURY WHEELS

Section 901 Qualified wheels to be maintained in each division

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 wheels and not disqualified, exempted, or excused pursuant to this plan.

Section 902 Maintenance of qualified wheels

The Clerk shall maintain the qualified wheels through the Jury Management System.

The persons to be summoned for a particular pool will be selected by a purely randomized process through JMS.

Section 903 Qualified pools

From time to time, the court may direct the Clerk to draw at random from the qualified wheels such number of persons as may be required for grand and petit jury pools.

Section 904 Disclosure of juror names and other identifying information

Names and personal information concerning petit and grand jurors shall not be disclosed to attorneys, parties, the public, or the media, except as required by law or provided herein.

Names and personal information concerning prospective and sitting petit jurors shall not be disclosed to the public or to the media outside open court, except upon order of the court. A request for disclosure of petit jurors names and personal information must be directed to the presiding judge in writing.

The Clerk may provide names and personal information concerning prospective petit jurors to the attorneys of record one week before a case is set for trial, unless otherwise directed by the court. The names and information will be provided in written form only (hereafter "the jury list"). The attorneys may not share the jury list or information contained therein except as necessary for purposes of jury selection. Following jury selection, the attorneys must return the original jury lists and any copies to the Clerk.

The court may order juror names and personal information to be kept confidential where the interests of justice so require.

The names of grand jurors shall not be maintained in any public record or otherwise disclosed to the public except upon an order of the court issued on a showing that exceptional circumstances have created a demonstrated need for disclosure.

Section 905 Limitation on requirements to serve as jurors

In any two year period, no person shall be required to (1) serve as a petit juror for a total of more than 10 days, except when necessary to complete service in a particular case, or (2) serve on more than one grand jury, or (3) serve as both a grand and petit juror.

Section 906 Those who have not served to be drawn first

Whenever petit jurors are required for service in civil or criminal cases, the Clerk at the discretion of the Court, shall first draw a sufficient number from the petit pool from those jurors not having served and then secondly from those who have served but not yet reached the required days of service for excusal from further service. The Clerk shall notify them to appear for duty at the time and place fixed for jury selection.

Section 907 Random assignment of reporting jurors for jury selection

The names of all jurors reporting for petit jury service shall be placed in a wheel or other container from which names shall be drawn at random and assigned to cases for selection as jurors. Alternatively, the names shall be drawn at random by automated means and assigned to cases for selection as jurors. The names of jurors not selected for one case shall be available for service on other cases.

Section 908 Unused jurors returned to petit pool

The names of jurors on a panel shall be returned to the petit pool when the panel is no longer needed for the case for which it was drawn.

Section 909 Petit pools remain in effect until court directs otherwise

Panels of jurors shall be drawn from the petit pool until such time as the court directs that a new petit pool be put in effect.

Section 910 Grand jury pools

The grand jury pool shall constitute the grand jury panel. The grand jury in each division shall serve until discharged by the court. The term of service shall not exceed eighteen months unless otherwise extended by the court for up to an additional six months.

RECORDS

Section 1001 Jury selection records and material

Copies of this Jury Selection Plan shall be available for public inspection at the office of the Clerk of Court.

All records necessary to effectuate and carry out this Plan shall be maintained by the Clerk. The contents of records or papers used by the Clerk in connection with the jury selection process shall not be disclosed, unless otherwise directed by this court.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :
AMENDMENTS TO THE JUROR : MISC NO 89-69
SELECTION PLAN FOR THE MIDDLE :
DISTRICT OF PENNSYLVANIA :

ORDER

AND NOW, this 4th day of October, 2013, IT IS HEREBY ORDERED THAT the Juror Selection Plan for the United States District Court for the Middle District of Pennsylvania is amended to include the following:

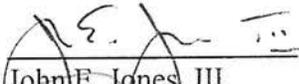
A. The Scranton/Wilkes-Barre Division, consisting of the counties of Carbon, Lackawanna, Luzerne, Monroe, Pike, Schuylkill, Susquehanna, Wayne, and Wyoming.

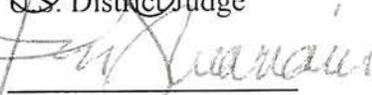
B. The Williamsport Division, consisting of the counties of Bradford, Cameron, Centre, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union.

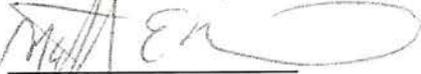
The Clerk of Court will cause notice and copies of this order to be spread upon the records of this court, and shall likewise forward a copy of this order to the Director of the Administrative Office of the United States Courts and the Attorney General of the United States as required by 28 U.S.C. § 1863(a).

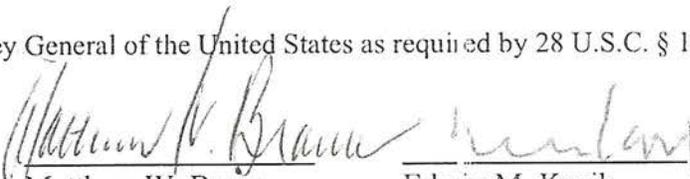

Christopher C. Conner,
Chief Judge


Yvette Kane,
U.S. District Judge

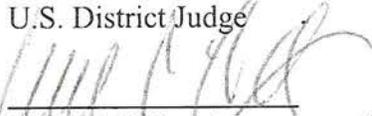

John E. Jones, III
U.S. District Judge

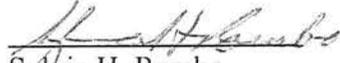

Robert D. Mariani
U.S. District Judge

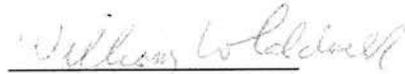

Malachy E. Mannion
U.S. District Judge

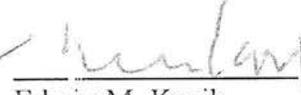

Matthew W. Brann
U.S. District Judge

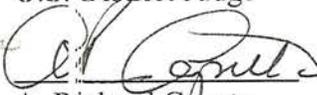

William J. Nealon
U.S. District Judge

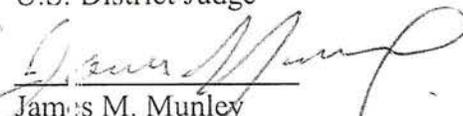

Richard P. Conaboy
U.S. District Judge


Sylvia H. Rambo
U.S. District Judge


William W. Caldwell
U.S. District Judge


Edwin M. Kosik
U.S. District Judge


A. Richard Caputo
U.S. District Judge


James M. Munley
U.S. District Judge