

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PUBLIC NOTICE

REGARDING

**MODIFICATIONS TO THE JURY PLAN OF THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

The Judges of the United States District Court for the District of Massachusetts are considering certain modification to the court's Jury Plan as proposed by the Jury Plan Committee of the United States District Court for the District of Massachusetts. These modifications are discussed in the Notes of the Jury Plan Committee and reflected in the redlined version of the plan.

Copies of the Notes of the Jury Plan Committee and the proposed Jury Plan are available for inspection in the offices of the Clerk, Suite 2300, United States Courthouse, 1 Courthouse Way, Boston, Massachusetts; on the 5th floor of the Federal Building and Courthouse, 1550 Main Street, Springfield, Massachusetts; or the 5th floor of the Donohue Federal Building, 595 Main Street, Worcester, Massachusetts. They may also be found on the court's web site at www.mad.uscourts.gov.

Those wishing to comment on these proposed modifications to the Jury Plan for the District of Massachusetts may do so in writing. All comments must be received on or before August 11, 2006 and should be addressed to:

Hon. Reginald C. Lindsay
Chairman, Jury Plan Committee
c/o Helen M. Costello, Operations Manager
United States District Court
United States Courthouse - Suite 2300
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Boston, MA 02210

/s/ Sarah Allison Thornton
Sarah Allison Thornton
Clerk of Court

Date: June 23, 2006

**Modifications to the Jury Plan of the
United States District Court for the District of Massachusetts:
Notes of the Jury Plan Committee**

The Jury Plan Committee of the United States District Court for the District of Massachusetts has proposed, and the District Court has accepted, subject to notice and comment by the Bar, certain modifications to the Jury Plan of the United States District Court for the District of Massachusetts. These modifications are reflected in the attached redlined version of the plan. The court will carefully consider any comments and reexamine this proposal in light of the comments received. The Committee anticipates that Chief Judge Mark L. Wolf will appoint an advisory committee, consisting of members of the Bar of the court, to assist the Committee and the court in their consideration of comments on the proposed modifications. Any modifications to the Jury Plan shall be placed into operation only after approval by the reviewing panel of the Judicial Council of the First Circuit.

I. Introduction

A. The Statutory Framework

The Jury Selection and Service Act (“JSSA”), 28 U.S.C. §§ 1861-1878, provides:

It is the policy of the United States that all litigants in Federal courts entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross section of the community in the district or division wherein the court convenes. It is further the policy of the United States that all citizens shall have the opportunity to be considered for service on grand and petit juries in the district courts of the United States and shall have an obligation to serve as jurors when summoned for that purpose.

28 U.S.C. § 1861. Section 1862 of the JSSA prohibits discrimination, namely, the exclusion of persons from federal jury service “on account of race, color, religion, sex, national origin, or economic status.” 28 U.S.C. § 1862. In addition, § 1863 of the JSSA requires each United States District Court to develop a written plan that will affirmatively meet the statute’s

objectives. *See* 28 U.S.C. § 1863. For most federal districts, the JSSA provides that jurors are to be drawn from either voter registration lists or lists of actual voters of the political subdivisions within the district or division, supplemented as necessary to achieve the objectives of the JSSA.

Before 1989, this court selected potential jurors from voter registration lists. In 1989, the court amended its jury plan, with the approval of a reviewing panel of the Judicial Council of the First Circuit, as required by § 1863(a) of the JSSA. Acting pursuant to the provision of §1863(b)(2) of the JSSA, which requires supplementation of voter lists, where necessary, the court authorized the selection of potential jurors from the numbered local resident lists prepared annually by the 351 cities and towns in Massachusetts. Pursuant to chapter 234A § 10, each city and town in Massachusetts is required annually to make a sequentially numbered list of the names, addresses, and dates of birth of all persons over the age of seventeen residing in the municipality and to submit that list to the Office of the Jury Commissioner. The court made an express finding in the 1989 amendment to its jury plan that the resident list “includes all registered voters, supplemented by all residents not registered to vote and represents a fair cross section of the community in this District.” The 1989 amendment, in the language of §1863(b)(2), therefore “supplemented” the list of registered voters with the annual resident lists.

In 1992, Congress amended the JSSA to provide for the primary use of the annual resident lists by the District of Massachusetts. Pub. L. No. 102-572 § 401, 1992 U.S.C.C.A.N. (106 Stat. 4506), 1992 W.L. 309178 *6. In permitting this “Massachusetts exception” to the use of voter lists or voter registration lists, as the source of the court’s jury pools, Congress explained:

The Jury Act . . . requires that, with limited exceptions, prospective jurors must be selected from voter lists. In order to obtain better

representation of minorities and otherwise advance the policy of universal service, district courts may supplement voting lists, but they are not authorized to supplant them. Uniquely in the State of Massachusetts, however, an alternative to voter lists exists that both improves the representativeness of juries and enhances administrative efficiency. This section allows the district of Massachusetts to rely on this alternative source, a comprehensive residents list exclusively.

H.R. Rep. 102-1006(I), *23, 102nd Cong., 2nd Sess. 1992, 1992 U.S.C.C.A.N., **3932; S. Rep. 102-342, 102nd Cong., 2nd Sess. 1992, 1992 WL 187372 (same).

In turning to the numbered resident list as the source for jury pools, this court and Congress concluded that the annual requirement of the cities and towns to produce a list of the names, addresses, and dates of birth of its residents over the age of seventeen would produce the most comprehensive and fairest accounting of persons eligible for jury service possible in Massachusetts.

B. Litigation

Over the years defendants in criminal cases have raised constitutional challenges to the representativeness of jury venires in this court. The First Circuit has rejected all of such challenges, concluding in each case that the defendant had not made out a *prima facie* case of a violation of the fair cross-section guarantee of the Sixth Amendment.

In *United States v. Hafen*, 726 F.2d 21 (1st Cir. 1984), the defendant unsuccessfully asserted that the jury venires in the Eastern Division -- that part of the District of Massachusetts comprising all counties east of Worcester County -- underrepresented African-Americans. As noted above, at the time of that challenge, the source list for jury pools in the Eastern Division was voter registration lists, rather than the resident lists. *Id.* In *United States v. Pion*, 25 F.3d 18 (1st Cir. 1994), the defendant asserted that jury venires in the Eastern Division underrepresented

Hispanics. The district judge in that case found, and Pion did not dispute, that “the broadest data available - resident lists - are used to make up the Master Jury Wheel from which Eastern Division jury venires are drawn.” *Id.* at 23. Thus the First Circuit concluded that “since the names included in the Master Jury Wheel are randomly drawn from the most inclusive data available . . . there can be no reasonable inference that the jury-selection process systematically excludes Hispanics at any stage” *Id.*

In *United States v. Royal*, 174 F.3d 1 (1st Cir. 1999), a defendant, for the first time, challenged the proposition that the resident lists themselves represent a fair cross-section of the community of the Eastern Division. *Id.* at 1, 11. Royal argued that the lists underrepresented African Americans, and that the underrepresentation amounted to a systematic exclusion of African Americans from Eastern Division juries, in violation of the Sixth Amendment. *Id.* at 11. He argued further that the constitutional violation was exacerbated by the failure of the selection process to provide for follow-up as to undelivered and returned summonses, a large proportion of which were traceable to areas with significant African-American populations. *Id.* Based on the record before it, the First Circuit rejected the challenge.

The most recent constitutional challenge to the court’s jury plan - - and the impetus for formation of the Jury Plan Committee - - was *United States v. Green*, 389 F.Supp. 2d 29 (D. Mass) *rev’d sub nom., In Re United States*, 426 F.3d 1 (1st Cir. 2005). The defendants in *Green*, who were African-Americans, contended that the composition of the jury wheel for the Eastern Division violated both the Sixth Amendment of the Constitution and the JSSA because it was developed from resident lists that are inaccurate and out of date, and that these deficiencies were most acute in cities and towns (and in zip code areas within municipalities) with the highest

percentages of African-Americans. *Green*, 389 F. Supp. 2d at 35-36. The district judge in *Green* had before her an extensive record concerning the operation of the resident lists, including statistical data, responses to questionnaires from all of the city and town clerks of the Eastern Division as to the manner in which each compiles the resident list, expert reports and voluminous briefing. *Id.* at 39. The factual questions concerning the jury issues were examined over several days of hearings. *Id.*

On the basis of all the evidence the district judge found that the resident lists were not “functioning as the [court’s] Jury Plan assumed they would.” *Id.* at 58-59. She found, among other things, that “the resident lists undercount African-American from the outset... [and that in many cities and towns the resident lists] are not improved and updated annually as required by state law, resulting in disproportionately high rate of undeliverable and nonresponses in heavily African-American poor, and urban communities” *Id.* at 54. The district judge concluded, however, that the defendant had not met the First Circuit’s standards for a constitutional violation, even in light of what the court found to be demonstrable defects in the exclusive use of resident lists as the source from which the jury pools are chosen. *Id.* at 63.

On the other hand, the district judge sustained the defendants’ statutory challenge to the court’s jury selection process, ruling that the court as a whole had a duty under the JSSA to supplement the resident lists to address problems that compromised the capacity of the resident lists to produce jury pools from a fair cross-section of the community of the Eastern Division. *Id.* at 69-72. The failure of the court and its personnel to discharge that duty amounted to a substantial failure to comply with the JSSA, the district judge held. To remedy the violation of the JSSA she found, the district judge ordered, for the *Green* case that, for all summonses

returned to the court as undeliverable, new summonses would be mailed to residents living in the same zip code area as the undeliverable summonses. The same procedure would be followed with respect to summonses to which there was no response after a second mailing; in other words, for all summonses for which there was no response after a follow-up second summons, new summonses would be sent to residents in the same zip code area as a nonresponders.

On the government's petition for the issuance of a writ of mandamus, the Court of Appeals for the First Circuit ruled that the remedial order of the district court in *Green* did not comport with the court's jury plan and was not justified, in any event, because the jury plan did not violate the JSSA. *In re United States*, 426 F.3d 1, 5-6 (1st Cir. 2005). Furthermore, the Court of Appeals ruled, the remedy ordered by the district judge amounted to a *de facto* amendment of the jury plan, which an individual judge of the court was not permitted to do under the JSSA. *Id.* at 7.

C. The Proposed Modification

Notwithstanding the ruling of the Court of Appeals as to the necessity and propriety of the order entered by the district judge in *Green*, the factual findings of the district judge raised an important question, one with which this court is deeply concerned: whether the determination the court made in 1989 that the annual resident list "represents a fair cross-section of the community in this District" continues to be appropriate under circumstances now existing. The Jury Plan Committee thus was established by then Chief Judge Young to review the court's jury plan in light of the district court's findings in *Green*. As originally established, the Committee consisted of five judges of this court. The clerk and two members of her staff were added to the Committee shortly after the Committee's first meeting.

The primary focus of the Jury Plan Committee to date has been to determine whether there exist more reliable sources of data on Massachusetts residents than the annual resident lists that may be used in putting together the master jury wheel for this district. The Committee has considered a number of alternative proposals for source data.

We followed with particular interest a proposal that was then pending in the Massachusetts Legislature for a comparative study of the reliability and accuracy of the residential data in the annual resident lists and residential data that would be in a list denominated “the administrative records list” and derived from a compilation of information maintained in the electronic databases of the Secretary of State, the Registry of Motor Vehicles, the Department of Revenue, the Board of Higher Education, the Department of Transitional Assistance, the Office of Medicaid, the Department of Public Health and the Division of Unemployment Assistance. The proposal was for a three-year study of whether residential data for use in developing jury pools could be more reliably obtained from the administrative records list than from the annual resident lists. Within the last several weeks, the Legislature has rejected this proposal. Thus, an avenue for the study of an alternative to the annual resident lists has been foreclosed, at least for the time being. However, if the Committee determines, in its future work, that the administrative records list or some other source of residential data is more reliable than the annual resident lists, the Committee expects to propose a comprehensive revision to the court’s jury plan to make use of that data, either in a substitution for, or in supplementation of, the annual resident lists as the source of names for the court’s master jury wheel.

In the meantime, the Committee has proposed the modification to the court’s jury plan

transmitted with this statement. The court has accepted the modification, subject to notice to the Bar and comments therefrom. As amended, the plan would permit the court's jury department to issue a new summons to a randomly selected person in the zip code area for each original summons returned to the court as undeliverable from that zip code area. Undeliverability of an original summons would be the only criterion for the issuance of a new summons; beyond that the plan envisions no geographic or other targeting for a second-round mailing of summonses. This procedure would be used in each of the court's three divisions. In addition, the plan would require the court staff to update the master list twice a year, using the national change of address system. To accomplish these changes in the existing plan, sections 5 and 6 have been substantively amended and a new section 7 has been added.

As we noted at the outset of this commentary, the policy of the JSSA goes beyond simply the elimination of discrimination. The JSSA seeks to ensure to all litigants entitled to a jury trial in the federal courts the right of a jury drawn at random from a fair cross section of the community of the relevant division of the district. The more inclusive the source list for a court's jury pool, the better may the court achieve that goal. There is no perfect source of potential jurors; voter registration lists, lists of actual voters, and annual resident lists have all proven to have flaws. It is likely that any new source, like an administrative records list, will also have flaws. The question is what source gives us the closest approximation of the fair cross-section ideal. Answering that question remains the Committee's principal work.

This much is certain: the more flawed the source of potential jurors for the master jury wheel, the more tension there will be between the JSSA's "randomness" requirement, on the one hand, and the "fair cross-section" requirement on the other. A random draw from less than

accurate lists exalts one goal over the other. This proposal attempts to restore the balance between the two.

The proposed jury plan aims at extenuating the tension inherent in an imperfect system by requiring that the initial draw of potential jurors be at random from the annual residents lists and the supplemental draw from a smaller universe consisting of citizens residing in the zip codes from which summonses were returned to the court as undelivered. In the end, we expect that, with the two draws, together with improvements in the way the court tests the accuracy of residential information and issues summonses for jury service, and with juror educational programs that the court is now considering, the court can achieve an overall improvement in its ability to develop a jury pool that assures that every litigant entitled to a jury trial in this district will get a jury randomly selected from a fair cross section of the community of the relevant division of the district.

The Committee emphasizes that the proposed jury plan revision will apply to all communities, not simply those with high minority populations or where a specific problem with a city or town census may have arisen. While the Committee expects that the number of minorities on jury panels is likely to increase under the proposal, any such increase is likely to be a by-product of an improved response rate in those cities and towns that have both substantial minority populations and outdated resident lists.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
PLAN FOR RANDOM SELECTION OF JURORS**

(AS REVISED ~~NOVEMBER 2000~~6)

Pursuant to the Jury Selection and Service Act of 1968, as amended, 28 U.S.C. §1863, the Court adopts the following Plan for the Random Selection of Jurors (the “Plan”).

This ~~c~~Court utilizes the one-step summoning and qualification procedure, as authorized by 28 U.S.C. §1878. ~~-Accordingly, jurors shall-~~ be qualified and summoned in a single procedure.

1. DEFINITIONS

For purposes of the Plan, the Clerk shall mean the Clerk of the Court, any authorized deputy clerks, and any other person authorized by the Court to assist the Clerk in the performance of functions under this Plan. ~~-The “Jury Commissioner” shall mean the Jury Commissioner for the Commonwealth of Massachusetts or his designees.-~~ The Jury Commissioner is hereby authorized to assist the Clerk in the performance of producing the master jury wheel.

2. APPLICABILITY

Pursuant to 28 U.S.C. §1869(e), the Master Jury Wheel for the District of Massachusetts is hereby divided into three divisions for petit and grand jury selection, as follows: ~~_____~~

Eastern Division: ~~-~~ The Counties of Essex, Middlesex, Suffolk, Norfolk, Bristol, Plymouth, Barnstable, Dukes, Nantucket. ~~_____~~ **Central Division:** ~~-~~ The County of Worcester.

~~_____~~ **Western Division:** ~~-~~ The Counties of Franklin, Hampshire, Hampden and Berkshire.

3. DISCRIMINATION PROHIBITED

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.

4. MANAGEMENT AND SUPERVISION OF JURY SELECTION PROCESS

The Clerk shall manage the jury selection process under the general supervision of the Chief Judge or his designee.

5. ~~RANDOM~~ FAIR CROSS SELECTION ~~FROM LOCAL RESIDENT LISTS~~ OF THE COMMUNITY

- a. It is the policy of this Court ~~that all citizens of this district shall have the opportunity to be considered for service on~~ to ensure, to the greatest extent possible, that all grand and petit juries ~~and in the three divisions of the District of Massachusetts are drawn from a pool, in the relevant division, that represents a fair cross section of the community of that division. All citizens~~ shall have an obligation to serve as jurors when summoned ~~for that~~ purpose of serving on grand and petit juries.
- b. While the Court finds that ~~the numbered local~~ resident lists submitted ~~annually~~ to the Office of the Jury Commissioner for the Commonwealth of Massachusetts ~~in accordance with Massachusetts General Laws Chapter 234A includes all registered voters, supplemented by all residents not registered to vote, and represents~~ a fair cross section of the community in ~~this District. the District of Massachusetts, so long as they are prepared in accordance with Massachusetts General laws Chapter 234A, the Court~~

concludes that an even greater number of citizens will be eligible and have an opportunity for jury service if the Court takes those additional steps described in section 7.

- c. Accordingly, in order to implement the Court's policy, the Clerk shall take the following steps. In the first step, described as the "initial draw" in section 6, the Clerk, or his or her designee, shall select names of persons to be considered for service as grand or petit jurors, on or after the effective date of the Plan ~~shall be selected,~~ at random from the numbered local resident lists within the relevant division as defined above, except those Master Jury Wheels in use as of the effective date of the Plan may be used until emptied according to the law. In the second step, described as the "second draw" in section 7, for all summonses returned to the Court as "undeliverable," suggesting inaccuracies in the resident list, the Clerk shall issue additional summonses according to the procedure described below.

6. INITIAL DRAW

a. SELECTING NAMES BY MACHINE METHOD

- i. The Court finds that electronic data processing methods can be advantageously used for selecting and copying names from the local resident lists. -Therefore, a properly programmed electronic data processing system, at the Clerk's option, exercised after consultation with the Chief Judge, may be used to select master wheel names from the local

resident lists, provided that the required proportions of names for each county are maintained.

- ii. The Clerk shall request that the Jury Commissioner utilize the procedures outlined in the Jury Commissioner's regulation entitled "Specifications of Random Selection Methods and Procedures", attached hereto, for the selection of the names to be placed in the Master Jury Wheel for each division, so that each county shall be represented in proportion to the number of names on its resident lists.

b. METHOD AND MANNER OF RANDOM SELECTION FOR INITIAL DRAW

- i. At the Clerk's option, exercised after consultation with the Chief Judge, the selection of names from complete source list databases in electronic media for the master jury wheel may be accomplished by a purely randomized process through a properly programmed electronic data processing system. -Similarly, at the option of the Clerk, exercised after consultation with the Chief Judge, a properly programmed electronic data processing system for pure randomized selection may be used to select names from the master wheel for the purpose of summoning persons to serve as grand or petit jurors.-
- ii. Such random selections of names from the source list for inclusion in the master wheel by data computer personnel must ~~insure~~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 ~~insure~~ensure that the mathematical odds of any single ~~name~~person being picked are substantially equal.

c. THE MASTER JURY WHEEL

- i. The Master Jury Wheel shall consist of the names and addresses of all persons randomly selected from the local resident lists in accordance with Section 6.a. of this Plan.- The physical form of record on which names from the Master Wheel are kept may include labels or such electronic devices as ~~magnetic~~ tapes or disc files.
- ii. Initially, the Clerk shall place in the Master Jury Wheel the number of names that are perceived to be needed in order to provide qualified jurors for the Court, but this number shall always be at least 25,000 names for the Eastern division, 4,000 names for the Central division and 4,000 names for the Western division.- The Clerk shall empty and refill the Master Jury Wheel once every year during the period between January 1st and April 30th in conformance with this Plan or at more frequent intervals as deemed necessary or expedient by the Clerk under the supervision of the Chief Judge. -The Chief Judge, or his designee, may order additional names to be placed in the Master Jury Wheel at other times, as needed.

**d. DRAWING NAMES FROM THE MASTER JURY WHEEL -AND —
COMPLETION OF JUROR QUALIFICATION FORM-**

- i.** The Clerk, either at one time or at periodic intervals, shall publicly draw at random from the Master Jury Wheel, the names of as many persons as may be required based upon the anticipated juror demands by the Court. The number of names, plus additional names sufficient to compensate for the estimated number of prospective jurors who will be unavailable or ineligible, shall be determined by the Court.
- ii.** The Clerk, by automated or manual means, shall prepare and cause to be mailed to every person whose name is drawn, a one step juror summons/qualification form accompanied by instructions to fill out and return the form, duly signed and sworn, by mail to the Clerk within ten days in accordance with 28 U.S.C. ~~§1864~~§ 1864(a).
- iii.** The Clerk shall issue summonses to the persons so drawn and serve the summonses by registered, certified or first class mail, as the Clerk shall determine with the approval of the Chief Judge, addressed to each such person at his or her usual residence or business address.

e. NATIONAL CHANGE OF ADDRESS DATABASE:

- i.** The Clerk shall submit the names on the Master Jury Wheel twice a year to be updated and corrected through the national change-of-address system of the United States Postal Service.

7 SUPPLEMENTAL DRAW FOR “UNDELIVERABLES”

- a. For all summonses returned to the Court as “undeliverable,” the Clerk shall issue the same number of new summonses to be mailed to the residents who live in the same zip code area to which the undeliverable summons had been sent. The Clerk shall draw these additional summonses randomly from a supplemental list of names drawn from the Master Jury Wheel.
- b. The Clerk shall submit the names and addresses of the “undeliverables” to the Office of the Jury Commissioner of Massachusetts (“OJC”), so that the OJC may also update its lists.

**8. QUALIFICATIONS, EXEMPTIONS, AND EXCUSES FROM JURY SERVICE ———
SERVICE —(a)— QUALIFICATIONS**

- a. **Qualifications:** Under the supervision of the Court, the Clerk, shall determine, solely on the basis of information provided on the juror qualification form and other competent evidence, whether a person is unqualified for, or exempt, or to be excused from jury service. -The determination shall be noted in the space provided on the juror qualification form or on supporting documentation. -Any person shall be deemed qualified for jury service unless he or she:
 - i. is not a citizen of the United States;
 - ii. is less than eighteen years of age;
 - iii. has not resided within the judicial district for a period of one year or more;
 - iv. is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;

- v. is unable to speak the English language;
- vi. is unable, by reason of mental or physical infirmity, to render satisfactory jury service; or-
- vii. has a charge pending against him/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/her civil rights have been lost and have not been restored.

b. Exemptions ————— ~~(b)~~ EXEMPTIONS

The following classes of persons are exempt from jury service:

- (1) members in active service in the armed forces of the United States;
- (2) 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 the person elected to public office.

————— ~~(c)~~ EXCUSES

c. Excuses

The Clerk, upon individual request, shall excuse the following classes of persons:

- (1) any person over the age of 70 years old; ~~—(2)—~~
- (2) any person who has served at least 5 days of state jury service or any federal jury service within the last 3 years;-
- (3) volunteer safety personnel who serve without compensation as firefighters or members of a rescue squad or ambulance crew for a public agency in accordance with 28 U.S.C. §1863(b)(5)(B). ~~-(Public agency shall mean the United States, the Commonwealth of Massachusetts, or any unit of local government, department, or instrumentality of the foregoing.)~~.

Under the supervision of the Court, the Clerk, upon individual request showing undue hardship or extreme inconvenience, may excuse any person from jury service for the period that such extreme hardship or inconvenience exists. ~~-"Undue hardship or extreme inconvenience"~~ shall mean illness of the juror or a member of the juror's household; the active care and custody of a child under ten years of age; the active full-time care of an aged or infirm person; or business or recreational travel plans established before the receipt of the summons for jury service.

9. MISCELLANEOUS

- a. No person~~-~~ shall make public or disclose to any person not employed by this Court the names drawn from the Master Jury Wheel until the jurors have been summoned and have appeared, or failed to appear, in response to the summons. Any judge of this Court may order that the names of jurors remain confidential thereafter if the interests of justice so require.
- b. The names of any jurors drawn from the Master Jury Wheel and selected to sit on a Grand Jury shall be kept confidential and not made public or disclosed to any

person not employed by the Court, except as otherwise authorized by a court order in an individual case pursuant to 28 U.S.C. ~~§1867~~§ 1867(f).

- c. If a judge of this Court finds that a case requires a large array of jurors but it later appears that the array is larger than necessary, the Clerk shall draw by lots the surplus jurors and assign them as is or appears appropriate. -Jurors left over in the array of jurors summoned for grand jury or petit jury service may be called in at the next impanelling of a grand jury or petit jury, together with those jurors who were temporarily excused.
- d. From time to time the Court may direct the Clerk to draw from the Master Jury Wheel such number of persons as may be required for grand and petit jury arrays and supplemental arrays.- A “supplemental array” shall mean a small list of prospective jurors which may be added to a regular array as necessary when a regular array needs additional names because of excused or increased jury requirements. -When added to the regular array, the supplemental array shall then become a part of the regular array until that array is terminated.

Mark L. Wolf
Chief United States District Judge

Reginald C. Lindsay
United States District Judge

Joseph L. Tauro
United States District Judge

Patti B. Saris
United States District Judge

Rya W. Zobel
United States District Judge

Nancy Gertner
United States District Judge

William G. Young
United States District Judge

Michael A. Ponsor
United States District Judge

Douglas P. Woodlock
United States District Judge

George A. O'Toole, Jr.
United States District Judge

Nathaniel M. Gorton
United States District Judge

F. Dennis Saylor IV
United States District Judge

Richard G. Stearns
United States District Judge