

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

IN THE MATTER )  
OF )  
LOCAL CIVIL RULES )

G.O. 01-03 ✓

**F I L E D**

APR 27 2001 ✓

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

GENERAL ORDER

EFFECTIVE this date, current Local Civil Rule 47.1 is hereby vacated in its entirety and replaced on an interim basis with the attached interim Local Civil Rule 47.1. Permanent Local Civil Rule 47.1 will be circulated to the bar for review and comment upon completion.

IT IS SO ORDERED this 27<sup>th</sup> day of April, 2001.



TERRY C. KERN, Chief  
United States District Judge



SVEN ERIK HOLMES  
United States District Judge

**LOCAL RULE 47.1**  
**(Amended 4/25/01)**

**RANDOM SELECTION OF GRAND AND PETIT JURORS**

A. Adoption of Plan. Pursuant to the Jury Selection and Service Act of 1968 (Public Law 90-274) ("the Act") the following plan is hereby adopted by this court, subject to approval by the Tenth Circuit Judicial Council and to such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.

B. Applicability of Plan. This plan is applicable to the Northern District of Oklahoma, which consists of the following counties: Craig, Creek, Delaware, Nowata, Mayes, Osage, Ottawa, Pawnee, Rogers, Tulsa, and Washington.

C. Policy. It is the policy of 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 that constitutes the Northern District of Oklahoma, and that all citizens shall have the opportunity to be considered for service on grand and petit juries and shall be obligated to serve as jurors when summoned, unless excused for valid reasons by the court.

D. Management and Supervision of Jury Selection Process. This Plan shall be managed by the Clerk of the Court under the supervision and control of the Chief Judge or such other judge as may be designated to perform these duties.

Whenever used in the Plan, the terms "Clerk" and "Clerk of the Court" shall mean the Clerk of the District Court, any authorized Deputy Clerk, or any other person authorized by the Court to assist the Clerk in performance of functions under this Plan.

The Court finds that the electronic data processing methods can be advantageously used for managing this Plan. Therefore, a properly programmed electronic data system, or a combination system employing both manual and electronic machine methods, will be used to, select Master Jury Wheel names, select names of persons to be sent questionnaires, select names of persons in the qualified jury wheel and supplemental qualified jury wheel to be summoned and to perform other clerical and record-keeping functions as the Court deems necessary.

E. Random Selection From Actual Voter Lists And Supplementation from Driver License List of Tulsa County. Actual voter lists with supplementation from the driver license list of Tulsa County represent a fair cross-section of the community in the Northern District of Oklahoma. Accordingly, names of grand and petit jurors shall be selected at random from the actual voter lists of all the counties within the district as supplemented by the driver license list of Tulsa County.

In order to establish a Master Jury Wheel of randomly selected names of prospective jurors, the Clerk shall determine the aggregate number of individuals on the actual voter lists for the last general election in each county of this district, and further determine the number of individuals on the driver license list of Tulsa County. The Court shall build 50% of its Master Jury Wheel from the actual voter lists and 50% of the Master Jury Wheel from the driver license list of Tulsa County.

For example, if the Court needs 30,000 names for the Master Jury Wheel, the Clerk will obtain 15,000 names from the actual voter lists and 15,000 names from the driver license list of Tulsa County. When a name is duplicated in both the Master Jury Wheel and the Supplemental Jury Wheel, the name will be purged from the Supplemental Wheel.

In this example, the 15,000 names drawn from the actual voter lists will comprise the primary source of names within this district. The 15,000 names drawn from the driver license list of Tulsa County will comprise a supplementary source of names in order to foster the policy and protect the rights secured by Sections 1861 and 1862 of Title 28 of the United States Code.

The Clerk is authorized to accept the voluntary assistance of the Secretary of the State Election Board and the Commissioner of Public Safety in accomplishing the requirements of this section, provided such Secretary certifies the names furnished were selected in the manner herein prescribed. The Clerk is authorized to use qualified non-court personnel to create the Master Wheel.

F. Master Jury Wheel. The Court Clerk shall maintain a Master Jury Wheel or a device similar in purpose and function for the district. The names of all persons randomly selected from the actual voter lists of the counties in the district and from the driver license list of Tulsa County shall be placed in the Master Jury Wheel. Pursuant to 28 U.S.C. §1863(b)(4), the minimum number of names to be placed initially in the Master Jury Wheel shall be one-half of one percent of the total number of persons on the lists used as a source of names for the district, but in no event shall that number be less than 1,000.

The Master Jury Wheel shall be emptied and refilled between March 1 and June 30 of the year following a general presidential election and every four years thereafter. The Chief Judge or the Judge designated by the Chief Judge may order additional names to be placed in the Master Jury Wheel, as herein provided, from time to time when necessary. In the event that the Master Jury Wheel is not emptied and refilled within the time as herein provided, the current Master Jury Wheel shall continue to serve until it is properly refilled as herein provided.

After the Master Jury Wheel is refilled, the Court shall construct a Qualified Jury Wheel and a Supplemental Qualified Jury Wheel in the manner provided in subparagraph G below. This will be done at periodic intervals as may be required to maintain an adequate number of names in the Qualified Jury Wheel and the Supplemental Qualified Jury Wheel. A juror qualification form will then be mailed to each of those persons with instructions to fill out and return duly signed and sworn to, to the Court Clerk by mail within ten (10) days in order to elicit the information necessary to determine whether a person is qualified for, exempt from, or may be excused from jury service.

G. Qualified Jury Wheel. The names of those persons deemed qualified from the actual voter list shall be placed in a Qualified Jury Wheel and the names of those persons deemed qualified from the driver license list at Tulsa County shall be placed in a Supplemental Qualified Jury Wheel. Prospective jurors will be drawn at random from each wheel in a proportion to be determined by the Court from time to time. For example, prospective jurors may be selected by drawing three names from the Qualified Jury Wheel and one name from the Supplemental Qualified Jury Wheel. The prospective jurors whose names have been drawn shall be summoned to appear for a time certain as may be designated by the Chief Judge or the Judge designated by the Chief Judge.

The Court Clerk shall draw at random from the Qualified Jury Wheel and the Supplemental Qualified Jury Wheel for this district such number of names of persons as are necessary to be summoned for the petit jury panels and prepare a list of the names drawn. Grand jurors shall be drawn from the Qualified Jury Wheel and the Supplemental Qualified Jury Wheel as ordered by the court.

Until they have made an appearance the names of persons summoned for grand or petit jury service shall not be made public, unless a judge of this court shall otherwise direct.

The contents of records or papers used by the Court Clerk in connection with the jury selection process shall not be disclosed, except upon order of the court as may be necessary in the preparation or presentation of a motion challenging compliance with the selection procedures of this plan. The parties in a case shall be allowed to inspect, reproduce, and copy such records or papers at all reasonable times during the preparation and pendency of such motion. Any person who discloses the contents of any record or paper shall be subject to penalty, as provided in the Jury Selection and Service Act of 1968 as amended.

The Court Clerk or the Clerk's duly designated deputies shall issue summonses for the required number of jurors, to be served in the manner prescribed in 28 U.S.C. §1866(b). There shall be no jury commission in this District.

When there is an unanticipated shortage of available petit jurors drawn and summoned from the Qualified Jury Wheel and the Supplemental Qualified Jury Wheel, the court may require the marshal to summon a sufficient number of petit jurors selected at random from available citizens listed either on the actual voter lists for the District or the driver license list of Tulsa County, or both in the manner ordered by the court who are found to be qualified by the court.

The names of persons drawn for the trial of a case who may be excused or not used for any reason shall be placed back in the jury pool. The names of the trial panel at the completion of the trial may also be placed back in the jury pool for subsequent cases. The procedure is to be repeated for each subsequent case tried at each session of court.

H. Determination of Qualifications For, and Exemption or Excuse From, Jury Service. Upon the initiative of the Chief Judge or any judge of the court, or upon recommendation of the Court Clerk, the judge or his designee shall determine, solely on the basis of information provided on the juror qualification form and other relevant information, whether a person is unqualified for, exempt from, or to be excused from jury service.

I. Excuses and Exemptions. In making such determination, the Chief Judge or any judge of this court shall deem any person qualified to serve on grand and petit juries in the district unless the person:

1. is not a citizen of the United States, is not eighteen years old, or has not resided for a period of one year within the judicial district;
2. is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;
3. is unable to speak the English language;
4. is incapable, by reason of mental or physical infirmity, to render satisfactory jury service, or

5. has a charge pending against him or her 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 his or her civil rights have not been restored.

J. Exemption from Jury Service. The court finds that exemption of the following groups of persons or occupational classes is in the public interest and would not be inconsistent with the Act, and accordingly members of such groups are barred 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. federal or state "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 directly appointed by a person elected to public office.

K. Excuses on Individual Request. The court finds that jury service by members of the following occupational classes or groups of persons may entail undue hardship or extreme inconvenience to the members thereof, and the excuse of such members will not be inconsistent with the Act and shall be granted upon individual request:

1. persons over seventy (70) years of age;
2. persons who have legal custody of a child or children under the age of ten (10) years, and it is essential they remain in the home for child care;
3. persons who have served as a grand or petit juror in federal court within the past two years;
4. students in actual attendance at a university, college, academy, or other school having a regular schedule of classes;
5. volunteer safety personnel (fire fighters, rescue squad, or ambulance crew) for a public agency.

The Court Clerk is authorized to grant temporary excuses to prospective jurors on the grounds of undue hardship or extreme inconvenience for such period as the Court Clerk deems necessary, at the conclusion of which such person shall be summoned again for jury service.

L. Challenges to the Selection Procedure. Any challenge to this Plan or the Court's compliance with the provisions of this Plan or compliance with the provisions of the Jury Selection and Service Act of 1968 shall be made within the times and manner provided in 28 U.S.C. §1867.