

FIFTH JUDICIAL DISTRICT

JURY ADMINISTRATION PLAN

Pursuant to Rule 804 of the Minnesota Supreme Court Jury Management Rules, the Fifth Judicial District hereby adopts this plan for the administration of the jury system in the District. This plan sets out the jury selection usage and monitoring procedures for use in all counties of the Fifth Judicial District. This plan shall apply to all Petit Juries selected and impaneled for service in the District. Further, any rule or procedure contained in either the Supreme Court Rules or this plan that is applicable to the selection and service of Grand Juries is also adopted by the implementation of this plan.

I. JURY COMMISSIONER (Rule 803)

- (A) The District Jury Commissioner shall be the Judicial District Administrator. However, in the best interest of the efficient implementation of the Jury Management Rules and the District Jury Administration Plan, the Court Administrator in each county shall be designated the Jury Commissioner.
- (B) The designated Jury Commissioner in each county shall collect and analyze, on a form prepared by the Judicial District Administrator, information on the performance of their jury system. The data shall be gathered and analyzed on an annual basis. The data gathered shall address the following issues:
 - (1) The representativeness and inclusiveness of the of the jury source list.
 - (2) The effectiveness of the one-step qualification and summoning procedures. (Rule 807)
 - (3) The responsiveness of individual citizens when summoned for jury service.
 - (4) The efficient use of jurors.
 - (5) The cost effectiveness of the jury system.
- (C) The Judicial District Administrator shall compile the information from the counties of the District and deliver to the Chief Judge an analysis of the jury system.
- (D) The Jury Commissioner for each county shall seek to secure adequate and suitable facilities for juror use in any court facility in which jury trials are held.

II. COMPUTERIZED JURY MANAGEMENT PROGRAM

Counties in the Fifth District use the Jury + Next Generation jury management program. This program provides each county with an automated process of random selection of jurors as well as providing demographic information on jurors, record keeping of days served and juror payment.

III. RANDOM SELECTION (Rule 805)

The random selection procedures used in the 5th District are performed electronically. Random selection will be done in order to provide each prospective juror an equal probability to be selected for service as a juror. Random selection will

be done at the various stages of the jury selection process as outlined in Rule 805 of the Jury Management Rules.

(A) SOURCE LIST (Rule 806)

The source list shall consist of both the voter registration list and the driver license list (which includes state identification cards). These two lists shall be merged in order to increase the inclusiveness of the adult population in the county. The source list may be supplemented as provided by Rule 806 of the Supreme Court Jury Management Rules. In the Fifth District, the voter registration list and driver license list are merged by electronic means by Jury Systems, Inc., creator of Jury + Next Generation software. The County Jury Commissioner completes an order form indicating the number of names of potential jurors they will need for a source list.

(B) AUTOMATED SELECTION

The random selection component of the Jury + Next Generation management system is used to produce a master list or the list of prospective jurors to be qualified and summoned. The juror master list is electronically loaded into each county's Jury + Next Generation database, and a Proof of Randomness Report is produced.

(C) SUPPLEMENTAL LIST

If a Jury Commissioner determines that the source list is not sufficient to provide a cross section of the adult population of the county, the source list may be increased by means of a supplemental list. Where a supplemental list is used, a copy of the list shall be filed with the Judicial District Administrator.

(D) STORAGE MEDIA

All lists created or used by the Jury Commissioner may be stored by means of electronic data processing.

(E) MASTER LIST

The local Jury Commissioner shall cause to be drawn from the "Source List" a "Master" list upon which names will be drawn for purposes of qualification and summoning. The master list shall be drawn randomly by electronic means from the source list. The master list shall contain at least 300 names or as many as the Jury Commissioner determines necessary to serve the trial court for a one-year period.

(F) EXCUSED AND DEFERRAL (Rule 810)

There are no automatic excuses or deferments except as provided in Rule 808. However, upon the request of a qualified prospective juror to be excused from jury duty, the Jury Commissioner shall determine on the basis of the qualification questionnaire, supplemented by other competent evidence, whether or not the juror may be excused or deferred. If the Jury Commissioner determines that the prospective juror should be excused or deferred due to undue hardship, extreme inconvenience or public necessity, said juror shall be excused or deferred for a period deemed necessary and reasonable.

A prospective juror who is 70 years of age or older and requests to be excused from Jury Service, shall be excused.

A record shall be kept along with the reason for the excuse or deferment by the Jury Commissioner.

- (1) **EXCUSES:** When an excuse is granted, the prospective juror's name is removed for the remainder of the jury term. The juror's name shall remain on the source list and is subject to random selection at a later date.

Conditions for excuse from jury service may fall into the following categories:

- (a) Their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors.
- (b) They request to be excused because their service would be a continuing hardship to them or the members of the public.
- (c) Jury Service would cause sufficient financial hardship.
- (d) Jury service would cause an extreme inconvenience. Examples of extreme inconvenience are:
 - a. Care for a newborn child.
 - b. Care for a dependent that requires constant attention.
 - c. Juror unable to secure transportation to and from the courthouse.
 - d. Juror has a member of the family with a serious illness.

- (2) **DEFERRAL:** Granting of a deferral is encouraged as an alternative to excuses. Deferrals are for a shorter period of time, and the juror will remain in the pool for the remainder of the term or will be placed in a subsequent term by the Jury Commissioner.

Conditions whereby the Jury Commissioner may grant a deferral:

- (a) Juror has seasonal employment (i.e. farmer, teacher, CPA at tax-time.)
- (b) Juror has a vacation planned during the period of jury service.
- (c) Woman is in advanced stages of pregnancy.
- (d) Juror has temporary illness with doctor's statement.
- (e) Juror is a full-time student.

- (3) **APPEAL:** Upon the final determination of the Jury Commissioner, a prospective juror may appeal that decision to the presiding trial judge or the administrative judge of the county.

Requests for excuses or deferrals should be in writing. The above examples are not intended to be exclusively binding on the Jury Commissioner and individual discretion shall be reserved for unique circumstances.

(G) QUALIFICATION QUESTIONNAIRE (Rule 808)

The qualification questionnaire shall be combined with the summoning process and sent out by first class mail, accompanied by self-addressed envelope for return of the questionnaire. The questionnaire shall require the prospective juror to answer those questions outlined in Rule 808. Demographic information may be requested in order to provide information for the lawyers for use during Voir Dire.

The purpose of the questionnaire is to determine qualification for service as a juror. Additional information may be obtained in order to gather statistical information necessary to determine inclusiveness and representativeness of the source list. Jurors who are disqualified from jury service shall be notified in writing by the Jury Commissioner.

Discrimination Prohibited (Rule 809)

Pursuant to Rule 809 of the Minnesota Supreme Court Jury Management Rules, a citizen shall not be excluded from jury service in the state on account of race, color, creed, religion, sex, national origin, marital status, status with regard to public assistance, disability, age, occupation, physical or sensory disability, or economic status.

(H) FAILURE TO APPEAR FOR JURY SERVICE

The Jury Commissioner shall monitor the summonses that are mailed out to assure total response. If response is not received within ten days of the initial mailing, a second questionnaire and summons shall be sent. If the Jury Commissioner suspects the summons was delivered but still does not receive a response, they shall follow up by telephone to try to ascertain why the questionnaire was not returned.

All jurors who are summoned and qualified are required to appear for jury duty unless otherwise excused or deferred.

A prospective juror who fails to appear pursuant to a summons may be found guilty of a misdemeanor.

(I) JUROR ORIENTATION

(1) **PRIOR TO SERVICE:** The first opportunity for orientation and instruction is when the questionnaire is sent to the prospective juror. Therefore, the questionnaire should contain clear and concise information that instructs the juror what they are to do and what is expected of them.

(2) **UPON FIRST APPEARANCE AT THE COURTHOUSE:** The Jury Commissioner shall see that each prospective juror receives an orientation upon their first appearance at the courthouse. Orientation of new jurors is designed to increase their understanding of the Judicial System and prepare them to serve competently as jurors. Orientation should last approximately one-half hour.

The minimum number of prospective jurors needed for a case should receive their juror orientation on the day of the first case on which they are called to serve. Jurors should not be brought in just for orientation, however, sometimes it is unavoidable if the case settles shortly before trial. The juror orientation in the Fifth District consists generally of the following three parts.

- Distribution at the orientation, or prior to orientation, of the current Fifth District "Handbook for Jurors". The Handbook will be kept up to date and distributed to each Court Administrator/County Jury Commissioner by the Judicial District Administrator.
 - Presentation of the Minnesota Judicial Branch videotape "All Rise - Jury Service in Minnesota" which gives prospective jurors an overview of jury service.
 - Optional oral presentation by resident or presiding judge along with optional presentation by County Jury Commissioner or Deputy Jury Commissioner concerning the housekeeping details of jury service.
- (3) UPON REPORTING TO A COURTROOM FOR VOIR DIRE:
The trial judge shall give a brief orientation to the prospective jurors immediately upon their arrival in the courtroom and prior to the beginning of voir dire. This orientation is intended to inform the jurors about the voir dire process.
- (4) DIRECTLY FOLLOWING IMPANELMENT: The trial judge shall give preliminary instructions directly following impanelment of the jury which at a minimum conforms to the instructions set forth in the Minnesota Civil and Criminal Jury Instruction Guides.
- (5) DURING THE TRIAL: The trial judge is responsible for instructing the jury during the trial. This includes orientation as to conduct during recesses, lunch breaks, and sequestration.
- (6) PRIOR TO DELIBERATIONS: Prior to the commencement of deliberations, the trial judge shall instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations. The trial judge is also responsible for preparing and delivering instructions, which are understood by individuals unfamiliar with the legal system.
- (7) AFTER THE VERDICT: Before dismissing the jury at the conclusion of the case, the trial judge shall:
- (a) Release the jury from their duty of confidentiality;
 - (b) Explain their rights regarding inquiries from counsel or the press.
- The judge shall express appreciation to the jurors for their service, but the judge should not express approval or disapproval of the results of the deliberation.

IV. TERM OF SERVICE (Rule 811)

The length of time that a prospective juror can be called and be available for jury service shall be the shortest period consistent with the needs of justice. The maximum length of time that a citizen shall serve as a juror is set out in Rule 811 of the Supreme Court Jury Management Rules.

The maximum length of time for the term of service in the counties of the Fifth Judicial District are as follows:

<u>COUNTY</u>	<u>POPULATION</u>	<u>TERM OF SERVICE</u>
Blue Earth County	55,941	2 months or 10 days
Brown County	26,911	4 months or 10 days
Cottonwood County	12,167	4 months or 10 days
Faribault County	16,181	4 months or 10 days
Jackson County	11,268	4 months or 10 days
Lincoln County	6,429	4 months or 10 days
Lyon County	25,425	4 months or 10 days
Martin County	21,802	4 months or 10 days
Murray County	9,165	4 months or 10 days
Nicollet County	29,771	4 months or 10 days
Nobles County	20,832	4 months or 10 days
Pipestone County	9,895	4 months or 10 days
Redwood County	16,815	4 months or 10 days
Rock County	9,721	4 months or 10 days
Watonwan County	11,876	4 months or 10 days
Total 5th District	<u>284,199</u>	

* 2000 Census Figures

V. GRAND JURY (Rule 18 of the Rules of Criminal Procedure)

Each Jury Commissioner shall randomly draw from the master list a sufficient number of prospective jurors to serve on the Grand Jury. The term of service for the Grand Jury shall be one year. A Grand Jury shall be drawn and qualified so as to begin their one-year service on January 1 of each year.

The Rules of Criminal Procedure shall govern the number and impanelment procedures for the Grand Jury.

VI. JUROR COMPENSATION

Grand or Petit Jurors shall be reimbursed for jury service at a rate of \$10.00 per day of required attendance. In addition to the daily compensation, a juror shall receive \$.27 per mile round-trip between their residence and the courthouse.

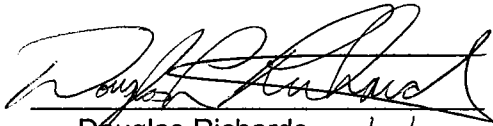
VII. AMENDMENT TO THE PLAN

The Jury Administration Plan may be amended by the Judicial District Administrator upon the advice and consent of the Chief Judge or the District Judges of the District.

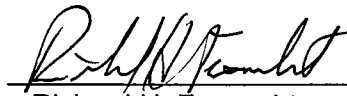
VIII. EFFECTIVE DATE

The effective date of the Fifth Judicial District Jury Administration Plan shall be upon approval of the Chief Judge and the Judicial District Administrator.

Dated this 1st day of January, 2009.



Douglas Richards 11/18/08
Chief Judge
5th Judicial District



Richard H. Fasnacht 11/21/08
District Jury Commissioner
5th Judicial District

Original Plan adopted 3/18/1993 under order of Chief Judge George Marshall.
Amended on 11/20/2006 under order of Chief Judge George Harrelson to update county population references and add Rule references.
Amended on 11/24/2008 under order of Chief Judge Douglas Richards to change Nobles Co. term of service from 3 months to 4 months effective 1/1/09.