PROPOSED AMENDMENTS TO THE JURY PLAN FOR THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

September 2013

SECTION 1. ADMINISTRATION OF PLAN, D.C. CODE Subsection 11-1904(b)

This Jury System Plan (Plan) for the Superior Court of the District of Columbia (Court), adopted pursuant to the District of Columbia Jury System Act, Chapter 19, Title 11 of the D.C. Code, shall be administered by the Clerk of the Superior Court of the District of Columbia (Clerk) under the supervision of the Board of Judges of the Court.

The Court recognizes that jury service in the District of Columbia is a civic responsibility and encourages every qualified person to serve when selected. All persons selected for jury service on grand or petit juries shall be selected at random from a Master Jury List of District of Columbia residents. All persons on the Master Jury List shall have equal opportunity to be considered for jury service and shall serve as jurors when summoned and selected for that purpose except as hereinafter provided.

SECTION 2. CREATING THE MASTER JURY LIST, D.C. CODE Subsection 11-1905(a)

A Master Jury List shall be created by merging: (1) the list of voters registered in the District of Columbia; (2) the list of drivers, eighteen (18) years or older, licensed in the District of Columbia; (3) the list of residents of the District of Columbia, eighteen (18) years or older, who have received a non-driver's identification card from the District of Columbia; (4) the most recent list of individuals to whom District of Columbia personal tax income forms have been sent by the D.C. Department of Finance and Revenue, as well as the most recent list of

individuals who have filed personal income tax forms in the District of Columbia; (5) the most recent list of individuals who have qualified to receive any type of public assistance benefits in the District of Columbia; (6) the most recent list of persons who have become naturalized citizens in the District of Columbia since the previous master jury list was created; (7) such other source lists as may become available.

SECTION 3. MAINTAINING THE MASTER JURY LIST AND ATTENDANT FILES, D.C. CODE Subsections 11-1905(a) and 11-1905(b)

The Court shall compile jury records and establish a system which may utilize technological support to perform the following functions:

(a) Merge all lists simultaneously to the maximum extent possible as described in Section 2 of this Plan, to create a Master Jury List;

(b) Identify and update information regarding individuals who have changed addresses within the District of Columbia or who no longer reside in the District of Columbia, or those who are deceased;

(c) Randomly select names from the Master Jury List to create Jury Wheels;

(d) Prepare summonses and other records needed or required by law.

SECTION 4. DISCLOSURE AND CONFIDENTIALITY OF JUROR INFORMATION, D.C. CODE Subsection 16-5102

(a) Information contained in the Master Jury List shall not be disclosed to the public except by Court order.

(b) Confidentiality of information developed during juror selection will be maintained according to applicable law.

SECTION 5. CREATING AND MAINTAINING MASTER JURY WHEELS, D.C. CODE Subsections 11-1904(a)(1), 1904(a)(4) and 1906(a)

At intervals not to exceed twenty-four (24) months, the Clerk of the Court shall utilize technological support to select randomly from the Master Jury List a Master Jury Wheel, from which petit and grand jurors shall be summoned. In determining when the Master Jury Wheel shall be updated, the Clerk shall consider the number of jurors on the Master Jury Wheel already summoned for service, and whether the number of jurors remaining on the Master Jury Wheel is adequate to meet the needs of the Court.

The technical requirements comprising the random selection process, including database utilization, random number generation, juror pool creation and juror selection factors, set forth in documents maintained on file by the Clerk of the Court, are incorporated herein by this reference and are available upon Court order.

SECTION 6. DISQUALIFICATIONS, DEFERRALS, EXCUSES, D.C. CODE Subsections 11-1902(10), 1906(b)(1), 1906(b)(2), 1908(a), 1909, and 1911

The Clerk shall have the authority, subject to review by the Chief Judge or designee, to defer or advance any term of grand or petit jury service upon a finding of undue hardship, extreme inconvenience, public necessity or temporary physical or mental disability which would affect service as a juror. Jurors may request a deferral of up to ninety (90) days from the original date of service. The deferral date must fall on the same day of the week as the original summons date and must be one on which the juror can commit to serving on a trial if selected. Any juror requesting a deferral beyond the ninety (90) days must do so in writing to the Clerk, who will either deny or grant the request and notify the juror of the decision in writing.

No individual or class of individuals may be disqualified, excluded, excused or exempted from service as a juror except the following:

(a) Persons who are not citizens of the United States;

(b) Persons who have not resided in the District of Columbia for the six (6) months immediately preceding the issuance of the summons;

(c) Persons who have not attained eighteen (18) years of age;

(d) Persons not able to read, speak or understand the English language;

(e) Persons determined to be incapable by reason of physical or mental infirmity of rendering satisfactory jury service;

(f) Persons who have a pending felony or pending misdemeanor charge;

(g) Persons convicted of a felony, except said individuals may qualify for jury service ten (10) years after the completion of their term of incarceration, probation, supervised release or parole; or

(h) Persons excused pursuant to Section 15 of this Plan.

SECTION 7. CERTIFICATION AFTER FELONY CONVICTION, D.C. CODE Subsection 11-1906(b)(2)(B)

Any juror convicted of a felony and who certified on the juror qualification form that it has been ten (10) years since the completion of the juror's incarceration, probation, supervised release or parole, or that his civil rights have been restored, may be deemed qualified by the Clerk to serve as a grand or petit juror based on the juror's certification and, if necessary, other competent evidence. Whenever requested by the Clerk, additional evidence shall be provided by such jurors to establish their qualification for jury service.

SECTION 8. AUTHORITY TO REQUEST CRIMINAL RECORDS, D.C. CODE Subsection 11-1906(b)(3)

The Clerk shall have authority to inquire into the criminal history records of any prospective or serving grand or petit juror for the purpose of corroborating and determining the juror's qualifications for jury service and shall have the right to request and receive from local, state and federal authorities such criminal history records and information as is necessary. Criminal offender record information obtained under this Plan shall be used only for the purpose stated and shall be maintained secure from access except as necessary for the administration of this Plan.

SECTION 9. JUROR QUALIFICATION FORM, D.C. CODE Subsections 11-1906(b)(3) and 1906(c)(1)

Enclosed with each juror summons shall be a juror qualification form which shall require the juror to provide or confirm the following information: name, sex, age, race, address, social security number, occupation, citizenship, previous service as a juror and such other information as the Clerk deems appropriate to determine whether the recipient is qualified for jury service.

Every grand or petit juror is required to return the juror qualification form, duly completed, by mail, electronic means or in person, within five (5) days of receipt. If unable to complete the juror qualification form, the juror may authorize another person to complete the form on the juror's behalf.

SECTION 10. JUROR SUMMONS, D.C. CODE Subsection 11-1907(a)

Persons chosen for jury duty may be summoned to appear for service as grand or petit jurors at the location and time indicated on their summons.

The Clerk shall determine the frequency and number of juror qualification forms and summonses to be mailed based on the needs of the Court.

SECTION 11. SUMMONING OF PROSPECTIVE JURORS, D.C. CODE Subsections 11-1906(c)(2), 1907(a) and 1907(b)

Any person failing to report for service after having received a juror summons may be ordered to appear before the Court to show cause why the prospective juror should not be held in contempt for failure to appear.

Upon a finding by the Court that a juror will not appear to perform or complete jury service in response to the Court's order, the Court may issue a warrant for the arrest of the juror or may take such other appropriate action as is likely to compel the juror to appear before the Court.

SECTION 12. SUPPLEMENTAL JURORS, D.C. CODE Subsection 11-1907(a)

The Clerk shall summon additional grand or petit jurors if it appears from the returned qualification forms that the number of previously summoned jurors who are scheduled to report for service will be inadequate for the needs of the Court. Any grand or petit juror who is summoned under this section is required to return the juror qualification form, duly completed, by mail, electronic means or in person, within five (5) days of receipt.

SECTION 13. FORTHWITH SUMMONS, D.C. CODE Subsection 11-1907(a)

The Clerk shall summon additional grand or petit jurors to appear for jury service forthwith or at a certain time in order to meet the urgent needs of the Court. The Clerk shall employ whatever means of notice deemed appropriate under the circumstances.

SECTION 14. CHALLENGING EXCLUSION FROM JURY PANEL, D.C. CODE Subsection 1908(c)

Parties shall have an opportunity at the bench to state objections to a particular juror's exclusion from a jury panel.

SECTION 15. LENGTH OF JURY SERVICE, D.C. CODE Subsection 11-1911

Petit jurors summoned for service in the Superior Court shall serve for such period of time as the Court shall direct.

Grand jurors summoned for service in the Superior Court shall serve for such period of time as directed in accordance with Superior Court Criminal Rule 6(g).

In any twenty-four (24) month period an individual shall not be required to serve more than once as a grand juror or petit juror except as may be necessary by reason of the insufficiency of the Master Jury List or as ordered by the Court.

The Clerk may cancel a grand or petit juror's service whenever it appears that the number of jurors scheduled to appear is in excess of the number reasonably required to conduct the business of the Court without delay.

SECTION 16. JUROR FEES, D.C. CODE Subsection 11-1912

All petit and grand jurors who are government employees or who continue to receive regular compensation from their employer during the period of jury service shall not be entitled to receive jury fees from the Superior Court.

All other petit and grand jurors shall receive payment for their jury service from the Superior Court in accordance with entitlement established by the Board of Judges.

Private employers, as a matter of civic responsibility, are encouraged to continue to compensate their employees at their regular rate of pay while the employees are serving on jury duty.

SECTION 17. PRESERVATION OF JUROR RECORDS, D.C. CODE Subsection 11-1914(a)

All official records of the Jury Office shall be preserved for at least two (2) full years after the calendar year to which they apply.

SECTION 18. COOPERATION AND COORDINATION BETWEEN COURTS, D.C. CODE Subsection 11-1917

It is not intended that the implementation of this Jury System Plan shall in any way impede the orderly process of the juror selection procedures for the U.S. District Court for the District of Columbia (District Court). Nothing in this Plan shall be construed to prevent the Superior Court and the District Court from entering into any agreement for sharing resources and/or facilities.