

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF KANSAS**

REVISED JURY PLAN FOR RANDOM JURY SELECTION

Adopted by the District Court:

July 14, 2024

Approved by the Tenth Circuit Court of Appeals:

August 21, 2024

Implementation Date:

August 26, 2024

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

REVISED JURY PLAN FOR RANDOM JURY SELECTION

Pursuant to the Jury Selection and Service Act of 1968, as amended in [28 U.S.C. §§ 1861-1878](#), this court adopts the following Revised Jury Plan for Random Jury Selection (Jury Plan). This plan is subject to the approval of the reviewing panel of the Judicial Council of the Tenth Circuit Court of Appeals. Once approved, this Jury Plan supersedes the previous Jury Plan in effect in the District of Kansas, formerly contained in Local Rule 38.1. This Jury Plan is publicly accessible on the court's website and at the clerk's office upon request.

JURY PLAN POLICY

1. **Declaration of Policy**

The policy of the United States District Court for the District of Kansas is that litigants within the district entitled to jury trial have the right to grand and petit juries selected at random from a fair cross section of the communities where the court convenes. Further, all citizens in the district have the opportunity to be considered for service on the district's grand and petit juries and an obligation to serve as jurors when summoned for that purpose.

2. **Discrimination Prohibited**

No citizen should be excluded from service as a grand or petit juror on account of race, color, religion, sex, national origin, or economic status.

3. **Applicability of Plan**

The United States District Court for the District of Kansas adopts this plan for random selection of prospective grand and petit jurors to achieve the objectives of [28 U.S.C. §§ 1861 and 1862](#). Pursuant to [28 U.S.C. § 96](#), Kansas constitutes one judicial district within which court may be held at Kansas City, Lawrence, Leavenworth, Salina, Topeka, Hutchinson, Wichita, Dodge City, and Fort Scott. For the purpose of jury selection, the court will maintain a master jury wheel to support all jury divisions in the district. This plan serves as guidance to manage the jury selection process in all the jury divisions.

4. **Plan Management**

The Clerk of the Court (clerk) will manage the jury selection process, subject to the chief judge's supervision and control. The clerk may authorize designated deputies to assist, and the chief judge may authorize non-court personnel to assist the clerk in performing the clerk's functions under this plan. The clerk will maintain court orders related to the jury selection process.

MASTER JURY WHEEL ADMINISTRATION

5. Jury Divisions

The district is divided into six jury divisions for jury selection.

Jury Division One (Kansas City-Lawrence-Leavenworth) consisting of eight (8) counties

Atchison	Douglas	Johnson	Miami
Doniphan	Franklin	Leavenworth	Wyandotte

Jury Division Two (Topeka) consisting of seventeen (17) counties

Brown	Jackson	Nemaha	Wabaunsee
Chase	Jefferson	Osage	Washington
Clay	Lyon	Pottawatomie	
Dickinson	Marshall	Riley	
Geary	Morris	Shawnee	

Jury Division Three (Wichita-Hutchinson) consisting of eleven (11) counties

Butler	Harvey	McPherson	Sedgwick
Cowley	Kingman	Reno	Sumner
Harper	Marion	Rice	

Jury Division Four (Salina) consisting of twenty-six (26) counties

Cheyenne	Jewell	Phillips	Sheridan
Cloud	Lincoln	Rawlins	Smith
Decatur	Logan	Republic	Thomas
Ellis	Mitchell	Rooks	Trego
Ellsworth	Norton	Russell	Wallace
Gove	Osborne	Saline	
Graham	Ottawa	Sherman	

Jury Division Five (Dodge City) consisting of twenty-eight (28) counties

Barber	Grant	Kiowa	Rush
Barton	Gray	Lane	Scott
Clark	Greeley	Meade	Seward
Comanche	Hamilton	Morton	Stafford
Edwards	Haskell	Ness	Stanton

Finney	Hodgeman	Pawnee	Stevens
Ford	Kearney	Pratt	Wichita

Jury Division Six (Fort Scott) consisting of fifteen (15) counties

Allen	Cherokee	Greenwood	Neosho
Anderson	Coffey	Labette	Wilson
Bourbon	Crawford	Linn	Woodson
Chautauqua	Elk	Montgomery	

6. Jury Selection Source List

- a. The names of prospective jurors will be selected at random from official voter registration lists maintained by the Kansas Secretary of State’s office for all counties within each jury division. For the 2025-2027 jury wheel, the voter registration list will be supplemented by the list of licensed drivers and state-issued adult identification cards maintained by the Kansas Department of Revenue for all counties within each jury division. Duplicate names from the two lists will be eliminated by using a properly programmed electronic data processing system. These two lists will be merged and referred to as the “source list.” The court will then conduct an analysis to discern whether using supplemental lists of licensed drivers and state-issued adult identification cards better produces a jury pool representative of Kansas’s population, and therefore whether to continue using the supplemental lists in future jury wheels.
- b. The clerk will assign a jury division indicator code to each selected name and maintain a record of the names and codes.
- c. The names of prospective grand and petit jurors for the master jury wheel will be selected from the source list.
- d. Jury selection activities performed by authorized vendors and other non-court personnel must include a certification that work is performed according to the court’s procedures.

7. Name Selection Procedures

- a. The clerk will use a properly programmed electronic data processing system to make the following selections by a systematically random process:
 - i. names from the source list to populate the master jury wheel;
 - ii. names from the master jury wheel to determine qualification for jury service and placement in the qualified jury wheel; and
 - iii. names from the qualified wheel for summoning persons to serve as grand or petit jurors.
- b. Each county within a jury division must be substantially proportionally represented in

the master jury wheel in accordance with [28 U.S.C. § 1863\(b\)\(3\)](#). The process of selecting names from the source list to refill the master jury wheel will ensure that the mathematical odds of any single name being selected are substantially equal.

8. **Master Jury Wheel**

- a. The master jury wheel is an electronic database into which the clerk must place a minimum number of names from each jury division as follows:

Jury Division One (Kansas City–Lawrence–Leavenworth): 7,500 names

Jury Division Two (Topeka): 5,000 names

Jury Division Three (Wichita–Hutchinson): 7,000 names

Jury Division Four (Salina): 1,000 names

Jury Division Five (Dodge City): 1,000 names

Jury Division Six (Fort Scott): 1,000 names

- b. The chief judge may order an additional number of names to be placed in the master jury wheel as necessary. Additional names must be selected as provided in Section 7.
- c. A new master jury wheel is created and filled every two years.

JUROR QUALIFICATION, DISQUALIFICATION, EXEMPTION AND EXCUSES

9. **Juror Qualification Form**

- a. Qualification Form. The clerk will use the juror qualification form prescribed by the Administrative Office of the United States and approved by the Judicial Conference of the United States.

10. **Completion of Juror Questionnaire**

- a. The clerk will provide jury questionnaires to prospective jurors from the master jury wheel based on the court’s anticipated juror needs, plus a margin of additional names sufficient to compensate for the estimated number of unavailable and ineligible jurors.
- b. Prospective jurors are required to complete the questionnaire within 10 days.
- c. The clerk must submit the names on the qualified jury wheel once a year to be updated and corrected through the national change-of-address system of the United States Postal Service.

11. **Supplementation for Undeliverable and Non-Responding Juror Qualification Questionnaires**

For all juror qualification forms returned to the court as “undeliverable,” or those to which no response has been received after the clerk has sent a follow-up letter, the clerk must draw

supplemental names from the master jury wheel from the same zip code area and issue new jury questionnaires.

12. **Determination of Disqualification, Exemption, and Excuses**

The clerk must determine qualification, disqualification, exemptions, and excuses, subject to the chief judge's supervision and control. This determination must be based on the information provided on the juror qualification questionnaire and other competent evidence, and then entered in the appropriate court records.

a. **Disqualification**

Pursuant to 28 U.S.C. § 1865(b), a person is qualified to serve on grand and petit juries in the district unless the person:

1. is not a citizen of the United States;
2. is not yet 18 years of age;
3. has not resided within the district for a period of one year;
4. is unable to read, write, and understand the English language with a degree of proficiency sufficient to satisfactorily fill out the juror qualification form or is unable to speak the English language;
5. is unable, by reason of mental or physical infirmity, to render satisfactory jury service; or
6. has a pending charge or conviction in state or federal court of a crime punishable by imprisonment for more than one year, and the person's civil rights have not been restored.

b. **Exemption**

Pursuant to [28 U.S.C. § 1863\(b\)](#), the following persons are barred from jury service:

1. members in active service of the Armed Forces of the United States;
2. members employed full time by the fire or police departments of any State, the District of Columbia, or such territory or possession; or
3. public officers in the executive, legislative, or judicial branches of the federal or state government, or such territory or possession, who are actively engaged in performing official duties. As defined in [28 U.S.C. § 1869\(i\)](#), a "public officer shall be defined as a person who is either elected to public office or who is directly appointed by a person elected to public office."

c. Groups or Classes That May be Excused on Request

Pursuant to [28 U.S.C. § 1863\(b\)\(5\)](#), the court finds that jury service by persons in the following categories may entail undue hardship or extreme inconvenience to the members thereof and that excusing those persons from jury service on request would not be inconsistent with [28 U.S.C. §§ 1861-1862](#):

1. persons over 70 years of age;
2. persons who have, within the past two years, served on a federal grand or petit jury;
3. persons having active care and custody of a minor child or children whose health and/or safety would be jeopardized by their absence for jury service; or a person who is essential to caring for aged or infirm person(s);
4. any person whose services are so essential to the operation of a business, commercial, or agricultural enterprise that said enterprise must close if that person were required to perform jury duty; or
5. volunteer safety personnel serving a public agency, in an official capacity without compensation, such as a firefighter or member of a rescue squad or ambulance crew.

d. Temporary Excuse from Jury Service

Pursuant to [28 U.S.C. § 1866\(c\)](#), the clerk is authorized to grant temporary excuses to prospective jurors on the grounds of undue hardship or extreme inconvenience. The names of individuals temporarily excused may be reinserted into the qualified wheel for possible resummoning or to be automatically resummoned.

QUALIFIED JURY WHEEL AND SUMMONS ADMINISTRATION

13. Qualified Jury Wheel

The qualified jury wheel is comprised of individuals deemed qualified for jury service from the six jury divisions.

14. Summoning Petit Jurors

- a. The clerk will randomly draw from the qualified jury wheel a designated number of persons to be summoned for petit jury panels.
- b. All six jury divisions will be included in creating petit jury panels. On a quarterly basis at each courthouse, as many number of persons as may be required for assignment to a petit jury panel will be randomly drawn from the qualified jury wheel as follows:
 - i. Kansas City: from the Kansas City – Lawrence - Leavenworth and Fort Scott jury divisions;
 - ii. Topeka: from the Topeka and Salina jury divisions; and

- iii. Wichita: from the Wichita – Hutchinson and Dodge City jury divisions.
- c. The clerk may also create petit jury panels from a single division or from a combination of any of the six divisions where a trial is held in a location other than Kansas City, Wichita, or Topeka, or to address other practicalities as may exist.
- d. The term of petit jury service will ordinarily be one month, or as otherwise directed by the court, but may be extended to accommodate a trial that extends beyond the end of the term.
- e. The clerk must issue summonses for a designated number of jurors to be called to be served personally or by mail, addressed to their usual residence or business address.

15. **Summoning Grand Jurors**

- a. The clerk will randomly draw from the qualified jury wheel a designated number of persons to be summoned for grand jury service.
- b. All six jury divisions will be included in creating grand jury panels as follows:
 - i. Kansas City: from the Kansas City – Lawrence - Leavenworth and Fort Scott jury divisions;
 - ii. Topeka: from the Topeka and Salina jury divisions; and
 - iii. Wichita: from the Wichita – Hutchinson and Dodge City jury divisions.
- c. The required number of persons randomly drawn for each grand jury panel must be substantially proportional to the number of registered voters in each jury division every two years.
- d. The names of grand jurors must not be maintained in any public record or otherwise disclosed to the public, except upon order of the judge in charge of the grand jury on a showing that exceptional circumstances have created a demonstrated need for disclosure.
- e. Pursuant to [Federal Rule of Criminal Procedure 6\(g\)](#), the term of grand jury service will be no more than 18 months. The court may grant an extension if it determines that an extension is in the public interest. An extension may be granted for no more than six months or as otherwise provided by statute.

PENALTIES ASSOCIATED WITH JURY SERVICE VIOLATIONS

16. **Penalty for Failure to Respond or Appear for Jury Service**

Pursuant to [28 U.S.C. § 1864\(b\)](#), the court may order any person summoned for jury service who fails to respond or appear as directed, or who willfully misrepresents a material fact for the purpose of evading jury service, to appear and show cause for failure to comply with the

summons. The court may order any person failing to show good cause for non-compliance with a summon to be fined, imprisoned, ordered to perform community service, or any combination thereof, as provided by law. The clerk may reinsert the names of individuals who do not respond to the summons or fail to appear as directed into the qualified jury wheel for possible resummoning or to be automatically resummoned.

17. Penalty for Employers who Retaliate Against Employee

Employers may not discharge, threaten to discharge, intimidate, or coerce any permanent employee by reason of such employee's jury service, or the attendance or scheduled attendance in connection with such service. Any employer who violates this section:

- a. is liable for damages;
- b. may be enjoined from further violations;
- c. is subject to a civil penalty as provided by law for each violation as to each employee;
- d. may be ordered to reinstate the employee to his position and restore benefits; and/or
- e. may be subject to attorney fees and expenses incurred by a prevailing employee in an action brought pursuant to [28 U.S.C. § 1875](#).

Complaints of intimidation or retaliation by an employer against a juror shall be referred to the presiding judge for petit jurors or the supervising judge of the relevant grand jury panel for grand jurors. Upon finding probable merit in such claim, the court may appoint the juror with counsel pursuant to [28 U.S.C. § 1875\(d\)\(1\)](#).

18. Jury Costs Assessment

As governed by the court's local rules, the court may assess jury costs against any of the parties and/or counsel when any civil action is settled in a manner that prevents the clerk from halting a jury empanelment.

19. Fees and Expenses

Payment of expenses for jury service is governed by the guidelines and regulations promulgated by the Administrative Office of the United States Courts

MAINTENANCE, INSPECTION, AND DISCLOSURE OF JUROR RECORDS

20. Maintenance

- a. Except when the court orders a longer retention period, all jury records and papers may be disposed of four years after the master jury wheel has been refilled and all persons selected have completed jury service in accordance with [28 U.S.C. § 1868](#). These records are not to be transferred to the Federal Records Center.

21. **Inspection and Disclosure**

- a. *Disclosure Prior to Qualifying and Refilling a Master Jury Wheel.* Pursuant to [28 U.S.C. § 1867\(f\)](#), prior to emptying and refilling any master jury wheel, the contents of records and papers used by the clerk in connection with the juror selection process will not be disclosed except as provided elsewhere in this plan or upon written court order.
- b. *Disclosure After Emptying and Refilling a Master Jury Wheel.* Pursuant to 28 U.S.C. § 1868, after any master jury wheel is emptied and refilled as provided in this rule, and after all persons selected to serve as jurors before the master jury wheel was emptied have completed such service, all of the records and papers compiled and maintained by the clerk before the master jury wheel was emptied will be preserved in the clerk's custody for 4 years or for such longer period as the court may order; they also may, upon leave of the court, be made available for public inspection at the clerk's office during normal business hours for the purpose of determining the validity of jury selection. No one may copy any document or remove any such document from the premises without leave of the court.
- c. *Disclosure Prior to Trial.* Except when the court directs otherwise, the list of prospective jurors will be provided to parties through counsel of record three business days before trial commences. The list will generally include juror names, city of residence, and occupation. The list will not be provided to the public or media except as ordered by the court.

This Revised Jury Plan shall become effective upon approval by the Judicial Council of the Tenth Circuit Court of Appeals.

DATED August 26, 2024

s/ Eric F. Melgren

Eric F. Melgren
Chief United States District Judge