

GENERAL ORDER 07-5

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

GENERAL ORDER AMENDING JURY PLAN

It is hereby ORDERED that the following amendments to the Appendix E, the Plan for the Random Selection of Jurors, having been approved by the judges of this court, are adopted for immediate implementation:¹

Section 7. Qualification for Service

Any judge of this district shall determine whether a person is disqualified, exempt, excused, or excluded from inclusion on a jury panel or from service as a juror while presiding over his or her respective docket. The clerk and other authorized deputy clerks of this court in the management of the jury selection process and by compliance with the criteria set out below in this Plan shall determine at the time the qualified wheels are being established whether a person is ~~unqualified~~ disqualified, exempt, or excused from inclusion on the qualified wheels. Such determinations shall be made on the basis of information provided on the juror qualification form and other competent ~~evidence~~ information. ~~Only judges of this court may rule on exclusions from jury service.~~

Whenever a person is disqualified, excused, exempt, or excluded from jury service, the clerk shall note in the space provided on the juror qualification form the specific reason therefor. If a person did not appear in response to a summons, such fact shall be noted on the juror list.

a. Disqualified for Service

Any person shall be deemed qualified to serve on grand and petit juries in this district court unless he or she:

- (1) is not a citizen of the United States ~~eighteen years old who has resided for a period~~

¹New language appears in underlined text; deleted language appears in ~~strikeout~~ text.

~~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 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 or her civil rights have not been restored;
- (6) is under eighteen years of age; or
- (7) has not been a resident of the judicial district for at least a year.

b. Exemptions from Jury Service (Barred from Service)

~~Pursuant to~~ Under the provisions of ~~Title~~ 28 U.S.C. § 1863 (b)(6), the court hereby finds that exemptions of the following groups of persons ~~or occupational classes~~ is in the public interest and would not be inconsistent with ~~sections~~ 28 U.S.C. §§ 1861 and 1862 of the Act. Accordingly, members of the following 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) 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 a public office or who is directly appointed by a person elected to public office.

c. Excuses from Jury Service

This district court, pursuant to ~~section 28 U.S.C. § 1863 of Title 28~~ and by adoption of this Plan, finds that ~~jury service by the following classes or groups would entail undue hardship or extreme inconvenience to the members thereof. Such excuse would not be inconsistent with sections 1861 and 1862 of the Act. Grounds for excuses upon individual request are~~ the following persons must be excused from jury service upon individual request:

- (1) A person who is over 70 years of age;
- (2) A person who has served in federal court as a grand or petit juror within the last two years (see 28 U.S.C. § 1866(e)); and
- ~~(3) A person having active care and custody of a child or children under ten years of age whose health and/or safety would be jeopardized by his or her absence for jury service; or a person who is essential to the care of aged or infirm persons;~~
- ~~(4) A person whose services are so essential to the operation of a business, commercial, or agricultural enterprise that it must close or cease to function if he or she is required to perform jury duty;~~
- ~~(5) A person actively practicing or engaged full-time in one of these occupations:~~
 - ~~(a) attorney~~
 - ~~(b) physician~~
 - ~~(c) dentist~~

~~(d) registered nurse~~

~~(e) member of the clergy or a religious order~~

~~(6)~~ (3) A person who serves as a volunteer (without compensation) in an official capacity as a firefighter or a member of a rescue squad or ambulance crew for a public agency. A "public agency" for this purpose means the United States, any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or other territory of the United States, or any unit of local government, department, or instrumentality of any of the foregoing.

~~(7) Full-time college students.~~

d. Individual Excuses from Jury Service

In addition to the members of classes or groups subject to excuse from jury service, any person summoned for jury service may be excused from service during the session for which the juror was summoned by the judge presiding over his or her respective docket or by the clerk based upon a showing of undue hardship or extreme inconvenience.

The names of those jurors who have been excused from a panel for hardship or extreme inconvenience reasons will be put back in the qualified jury wheel where they will be subject to subsequent random selection, unless the court should rule otherwise at the time of granting the excuse.

e. Jurors Excluded by the Court

Pursuant to the provisions of ~~section~~ 28 U.S.C. § 1866 of Title 28, any juror who has been summoned for jury service may be excluded by the judge in open court upon the following grounds:

(1) that such person may be unable to render impartial jury service or that his or her service as a juror would be likely to disrupt the proceedings; or

- (2) excluded upon peremptory challenge as provided by law; or
- (3) excluded pursuant to the procedure specified by law upon a challenge-by any party for good cause shown; or
- (4) excluded upon determination by the court that his or her service as a juror would be likely to threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberations.

Any person excluded from a particular jury under clause (1), (2), or (3) of this section shall be eligible to sit on another jury if the basis for the person's initial exclusion would not be relevant to the person's ability to serve on such other jury.

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Comment: These amendments were recommended by the Fifth Circuit Judicial Council in a resolution dated May 6, 2007. The deleted language is intended to harmonize the jury plan with U.S. Judicial Conference policy that seeks to abolish automatic excuse categories for professions on ground that “if all person in professions are excluded from jury service, the resulting juries would not be representative of the public at large.”

Signed this 6th day of June, 2007.

FOR THE COURT:


THAD HEARTFIELD
Chief Judge