

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

**ORDER ADOPTING REVISED
PETIT JURY PLAN OF THE SUPERIOR COURT
OF THE STATE OF DELAWARE**

This 6th day of June, 2002, **IT IS ORDERED:**

- (1) The attached revised Petit Jury Plan of the Superior Court of the State of Delaware is hereby adopted.
- (2) This Order shall be effective immediately.
- (3) An original of this Order shall be filed with the Prothonotary for each county.

PETIT JURY PLAN OF THE SUPERIOR COURT OF THE STATE OF DELAWARE

1. **Applicability.** This plan shall govern the selection of petit jurors in the Superior Court of the State of Delaware.

2. **Administration.** The jury manager shall administer this plan under the supervision of the court administrator. The court administrator shall report to the President Judge or to a judge assigned by the President Judge as to matters relating to the overall administration of the plan, and shall report to the Resident Judge of each county as to matters relating to the administration of the plan in that county.

3. **Jury Commissioners.** The judges resident in each county shall appoint the jury commissioners of their county. Jury commissioners pro tempore shall be appointed by the Resident Judge of each county or, if the Resident Judge is unavailable, by any other judge resident in that county. The jury commissioners shall monitor the selection process and, upon request by the jury manager, shall select the starting number for drawing names from the source list, determine the qualification of persons, rule on requests for excuse, and otherwise participate in the process.

4. **Source List.** The source list of each county shall be composed of the current list of registered voters maintained by the Department of Elections supplemented with the current list of licensed drivers and identification card holders maintained by the Division of Motor Vehicles. The lists shall be generated by computer, which shall be programmed to delete deceased persons, nonresidents, persons under the age of 18, and duplicates, insofar as feasible.

5. **Master List.** When the jury manager determines that it is desirable to increase the number of names on the master list of a county, additional names shall be drawn from the source list in the following manner: The total number of names on the source list shall be divided by the number of names required. The whole number next greater than the quotient shall be the “key number.” A “starting number” from 1 to the key number, inclusive, shall be randomly selected. The required number of names shall then be selected by computer from the source list by taking in order the first name on the source list corresponding to the starting number and then successively the names appearing on the source list at intervals equal to the key number. Names selected in this manner shall supplement the existing master lists. The clerk shall keep an alphabetized list of the names and identifying numbers of persons selected by each computer run.

6. **Qualified Wheel.** When the jury manager determines that it is desirable to increase the number of names in the qualified jury wheel of a county, a juror qualification form approved by the court shall be mailed to all or to a randomly selected number of persons on the master list with instructions to provide the information sought. The qualification of such persons shall then be determined and recorded on their juror qualification forms. The maximum time that the names shall remain in a qualified jury wheel is 2 years and the minimum number of names to be contained therein is 2,000.

7. **Summoning Panels.** When a panel of jurors is required, the clerk shall randomly draw the necessary number of names from the qualified jury wheel or from the master list, and the persons selected shall be served with a summons to report for jury service. If the names are drawn from the master list, a juror qualification form shall be served with the summons, and the qualification of the persons summoned shall be determined upon receipt of their completed juror qualification forms. The clerk shall keep a list of each jury panel.

8. **Excusing Jurors.** The court shall excuse persons from jury service only upon a showing of undue hardship, extreme inconvenience or public necessity. In lieu of excuse, service may be deferred for a period the court deems necessary, at the conclusion of which the person shall reappear

for jury service in accordance with the court's direction. The jury service of any person residing out of state for business or educational purposes shall be deferred until the person's return. Membership in the following groups or occupational classes constitutes a showing of undue hardship, extreme inconvenience or public necessity:

- served on a grand or petit jury within the past two years;
- over 70 years of age;
- jury service would violate deeply-held religious beliefs;
- primarily responsible for the care of persons who are unable to care for themselves;
- essential health care providers;
- full-time police officers or fire fighters;
- active full-time armed services of the United States, Reserve Forces of the United States, or Delaware State National Guard;
- active full-time clergy;
- self-employed or paid primarily on commission.

The clerk shall keep a record of all excuses from jury service.

9. **Excluding Jurors.** The court may exclude persons from jury service only upon a finding that such persons would be unable to render impartial jury service or would be likely to disrupt or otherwise adversely effect the proceedings. The clerk shall keep a record of all exclusions from jury service.

10. **Term of Service.** The term of service in each county shall be determined by the judges resident in the county.

11. **Recordkeeping.** The clerk shall maintain documents used in the selection process, including but not limited to master lists, completed juror qualification forms, and lists of jury panels for at least four years.

12. **Public Disclosure.** The names of persons summoned for jury service shall be made available to the public upon request unless the court determines in any instance that this information should be kept confidential or its use limited in whole or in part in the interest of justice. The contents of jury qualification forms completed by persons summoned to serve, with the exception of their addresses, social security numbers, and telephone numbers, shall be made available to attorneys or unrepresented parties in cases to be tried before those jurors upon request before voir dire examination begins, unless the court determines in any instance that this information should be kept confidential or its use limited in whole or in part in the interest of justice. The addresses, social security numbers, and telephone numbers of jurors shall be disclosed only upon specific order of the court and subject to any limitations set by the court. Records used in the selection process shall not be disclosed except as necessary in the preparation or presentation of a motion challenging compliance with the law governing jury selection or as otherwise approved by a judge.