



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
Joel W. Solomon United States Courthouse
900 Georgia Avenue
Chattanooga, Tennessee 37402**

JURIES: ACHIEVING A FAIR CROSS SECTION OF THE COMMUNITY

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Juror Appreciation Week is observed in the month of May. Jury service is among the nation's most important civic duties, and the people who serve on juries certainly deserve appreciation for their service to our country.

The founders feared governmental tyranny, so they built juries into our legal system. They believed certain functions were simply too important to be left to government officials acting alone. For this reason, prosecutors do not have the power to bring indictments requiring those under investigation to stand trial for felony criminal offenses; rather, only ordinary citizens called together into grand juries can bring indictments. Likewise, it is not judges, but ordinary citizens called together into trial juries, who decide guilt or innocence in criminal trials or liability and damages in civil trials where there are disputes about the facts.

Most of us have some idea what jurors do after they arrive in a courthouse. But what is the process to get there? And who among us is legally qualified to serve?

Federal Jury Selection Plans.

Congress has enacted laws to guarantee that all federal juries are "selected at random from a fair cross section of the community" in which the relevant court meets. 28 U.S.C. § 1861. Moreover, it is against the law for anyone to be excluded from jury service because of their "race, color, religion, sex, national origin, or economic status." 28 U.S.C. § 1862. These laws protect the Sixth Amendment rights of the people whose cases are being tried to be judged by a "jury of their peers." But these laws also give all citizens "the opportunity to be considered for service on" grand and trial juries, 28 U.S.C. § 1861, so that all citizens have a fair chance to participate in this important form of public service.

To carry out these goals, the law requires every federal district court to develop a written jury-selection plan. 28 U.S.C. § 1863(a). Every plan must be reviewed by judges from a higher court to make sure it complies with the law. Jury-selection plans also must be filed with the Attorney General of the United States, who can challenge the selection of any grand jury or trial jury if it the selection did not follow the law. 28 U.S.C. § 1867(b). In this way, all three branches of the federal government have a role in ensuring that juries are randomly selected from a fair cross

section of their communities—Congress by enacting the laws, the judiciary by developing and approving the plans, and the executive branch by reviewing and challenging jury selection when necessary.

Qualifications to Be a Juror.

Because the goal is to have a fair cross section of the community serve on juries, there are no specialized requirements for education or experience to serve. A juror must be a citizen of the United States. He or she must be at least eighteen years old and have lived for at least a year in the judicial district where the jury will sit. 28 U.S.C. § 1865. A juror must also be able to speak, read, and write English adequately, and must not have a mental or physical condition that would prevent them from being able to serve. Anyone with a pending felony charge or a felony conviction can only serve as a juror after having their civil rights restored.

Certain categories of people are exempted from federal jury service. 28 U.S.C. § 1863. People on active duty in the military and people who work for fire or police departments are exempted by law. People who serve as volunteer safety personnel may be excused at their individual request, as well. Finally, public officers of any of the branches of federal, state, or local government are exempt. These exceptions help ensure members of grand juries and trial juries are indeed the ordinary citizens the framers envisioned fulfilling these critical functions for our government.

Selecting Prospective Jurors—a Multi-Wheeled System.

The first step of any jury selection plan is to put a large, random selection of names of prospective jurors into a “master jury wheel.” These names must come either from voter registration lists or from lists of actual voters. 28 U.S.C. § 1863. District court jury-selection plans may add additional sources if necessary to achieve a fair cross section of the community. In the Eastern District of Tennessee, names for the master jury wheel come from the voter registration lists of each of the counties in the district. The relative populations of each county within a court’s jurisdiction must be proportionately represented within the master jury wheel as part of ensuring the master jury wheel represents a “fair cross section of the community.” At least once every four years, the master jury wheel must be emptied and refilled. In this district, the master jury wheel is emptied and refilled every four years, in the year after each presidential election.

The next step is for a smaller group of names to be drawn randomly from the master jury wheel. Each person whose name is drawn is then contacted and asked to fill out a questionnaire, under oath, about the person’s qualifications to be a juror. 28 U.S.C. § 1864. The names of all the people who qualify are then placed in a “qualified jury wheel.” 28 U.S.C. § 1866(a).

Then, whenever it is time to select a grand jury or a trial jury panel, the court draws names from the qualified jury wheel at random and summons those people to come to court for service. 28 U.S.C. § 1866(a), (b). Once anyone with an unavoidable conflict or hardship is excused, the required number of jurors is, once again, randomly selected. A grand jury is then complete. For trial juries, there is an additional step known as “voir dire,” an old legal term meaning “to speak the truth.”

During voir dire, judges, and often the lawyers as well, ask questions of the prospective jurors to determine if any of them are not suited to serve on that particular case. Some potential jurors may be excused “for cause,” such as a bias for or against one side or another. Each party in a lawsuit also has the right to strike a limited number of potential jurors who they believe may be unfavorable to their case for other, less-defined reasons. These “peremptory” strikes may be based on any reason or no reason at all, as long as they do not discriminate on the basis of certain categories, such as race, gender, religion, or national origin. In this way, peremptory strikes are not to be used to prevent a jury from representing a fair cross section of the community where trial is taking place.

Conclusion.

A trial by jury is a fundamental right we enjoy in this nation. This right could not exist without the people who sacrifice their time and attention to serve as jurors when called upon. Without ordinary citizens willingly stepping away from their homes and jobs, our justice system could not function. This month in particular, we appreciate those citizens who fulfill this important civic duty. And let those of us who are eligible to serve be willing to do so if and when our names are selected in this multi-randomized process.

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