

SUPREME COURT

DIVISION OF
STATE COURT ADMINISTRATION

LORETTA H. RUSH, CHIEF JUSTICE

LILIA G. JUDSON, INTERIM CHIEF ADMINISTRATIVE OFFICER
DAVID J. REMONDINI, INTERIM EXECUTIVE DIRECTOR



OF INDIANA

30 SOUTH MERIDIAN STREET, SUITE 500
INDIANAPOLIS, IN 46204-3568
317.232.2542
317.233.6586 FAX
COURTS.IN.GOV

December 4, 2015

Ms. Laura A. Briggs
United States District Court
46 East Ohio Street, Room 105
Indianapolis, IN 46204

Re: 2016 Bulk Data Renewal

Dear Clerk Briggs

Your request, on behalf of the United States District Court, Northern and Southern Districts of Indiana, to obtain bulk distribution of the Master List for Jury Pool Assembly has been renewed by the Division of State Court Administration pursuant to Indiana Administrative Rule 9(F) subject to the terms of this letter and the prior order of the Indiana Supreme Court of November 13, 2012. The renewal will expire on January 31, 2017.

As before, you need to contact our Court Technology section at 317.234.2710 in order to receive you data.

If you have any questions, please contact me at richard.payne@courts.IN.gov or (317) 232-2542.

Yours truly,

A handwritten signature in black ink, appearing to read "Richard T. Payne", with a long horizontal flourish extending to the right.

Richard T. Payne
Staff Attorney
Trial Court Management



STATE COURT
ADMINISTRATION

RECEIVED

DEC 03 2015

2016

RENEWAL REQUEST FORM
FOR ADMINISTRATIVE RULE 9(F) DISTRIBUTION APPROVAL

DIVISION OF
STATE COURT ADMINISTRATION

Entity Name(s) (including subsidiaries):	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA AND SOUTHERN DISTRICT OF INDIANA
Contact Information:	LAURA A BRIGGS, CLERK OF COURT UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA 46 E OHIO STREET, ROOM 105 INDIANAPOLIS, IN 46204
Date of Original or Most Recent Approval pursuant to A.R. 9(F)	OCTOBER 21, 2014
Previous Court Records requested	NOVEMBER 13, 2012 VIA COURT ORDER CASE NO. 94S00-1209-MX-00516
Previous Counties requested and approved	ALL INDIANA COUNTIES
Data from Indiana Supreme Court, Court of Appeals & Tax Court NOTE: The release date for this information has not been determined.	<input type="checkbox"/> None <input checked="" type="checkbox"/> Indiana Supreme Court <input type="checkbox"/> Court of Appeals <input type="checkbox"/> Tax Court
Changes proposed for 2016 approval (new counties or court records requested)	NO CHANGES
Comments:	

Date submitted: December 3, 2015

Prepared by: Linda Carmichael, Jury Administraor, United States District Court

Signature by responsible party: 

Printed name and title: Laura A. Briggs, Clerk of Court, Southern District of Indiana

Contact email address: lbriggs@insd.uscourts.gov



**Indiana Supreme Court
Division of State Court Administration**

**DISTRIBUTION RECEIPT FORM FOR BULK DISTRIBUTION OF DATA OR
COMPILED INFORMATION**

This form is to be filed with the Division of State Court Administration within thirty (30) days of receipt of bulk distribution of court records.

Identity of Requestor: Linda Carmichael, Jury Administrator
Address: U.S. District Court, Southern Dist. Ind.
46 E Ohio St, Indianapolis, IN 46204
Telephone: (319) 229-3712
E-Mail: Linda_Carmichael@insd.uscourts.gov

Bulk Data Requested (i.e. docket information, court records, record of judgments and orders):

Master List for Jury Pool Assembly

Date Received (if the distribution shall be continuous, indicate the first date the data was distributed):

October 21, 2014

Format of distributed data (i.e. electronic feed, paper copies, et cetera):

Digital Video Disc (DVD)

Expenses related to receipt of data distribution (indicate the amount paid for distribution of data):

\$ -0-

___ total ___ monthly ___ annual

Comments:

Linda Carmichael
Jury Administrator

In the
Indiana Supreme Court



IN THE MATTER OF THE REQUEST)
BY LAURA A. BRIGGS, UNITED STATES)
DISTRICT COURT FOR THE S.D. OF IND,) Case. No. 94S00-1209-MS-516
FOR RELEASE OF BULK DATA OR)
COMPILED INFORMATION)

ORDER GRANTING REQUEST UNDER ADMINISTRATIVE RULE 9(F)(4) FOR RELEASE
OF BULK DATA OR COMPILED INFORMATION THAT INCLUDES INFORMATION
EXCLUDED FROM PUBLIC ACCESS UNDER ADMINISTRATIVE RULE 9(G)

Laura A. Briggs, Clerk of Court for the United States District Court for the Southern District of Indiana, has submitted to this Court a verified Request under Indiana Administrative Rule 9(F)(4) seeking bulk records, or information compiled from such bulk records, of the Master List for Jury Pool Assembly. This master list is sought by Ms. Briggs in order to make juries in federal court more representative and inclusive than they currently are. The master list is currently in the custody of the Judicial Technology and Automation Committee (JTAC), Division of State Court Administration. It contains personal data about potential jurors, including names and complete addresses, that are culled from records at the Indiana Bureau of Motor Vehicles (BMV) and the Indiana Department of Revenue (DOR). Information relating to jurors or prospective jurors, other than for the use of parties and counsel, pursuant to Jury Rule 10, is confidential and excluded from public access. Admin. R. 9(G)(1)(b)(xii). Access to bulk or compiled case records excluded from public access may be granted by this Court only under specific circumstances pursuant to Admin. R. 9(F)(4)(c).

Under Admin. R. 9(F)(4)(a)(v), a request for bulk distribution of confidential records must provide for individual notice to all persons affected by the release of the information unless, upon prior notice to the Indiana Attorney General and a reasonable opportunity to respond, such individual notice requirement is waived by this Court. Ms. Briggs is requesting that this Court waive the requirement that individual notice be provided to all prospective jurors affected by the release of the information. The Court provided notice of the request to waive the individual notice requirement to the Indiana Attorney General and solicited a response. However, no response or objection to waiving the individual notice requirement was received. Having received no objection, and having determined that the request for bulk distribution would be unduly burdened by requiring individual notification, the Court finds that a waiver of the individual notice requirement is appropriate in this instance.

Accordingly, the Court hereby waives the requirement that individual notice of the request for bulk distribution be provided under Admin. R. 9(F)(4)(a)(v).

The Court further finds that Ms. Briggs, as Clerk of Court of the United States District Court for the Southern District of Indiana, has a substantial interest in governmental, research, evaluation, and statistical purposes as required by Admin. R. 9(F)(4)(a). Although identifying specific individuals is not ancillary to the purpose of her request, as required by Admin. R. 9(F)(4)(a), the data on prospective jurors from the master list will be used in federal court in exactly the same way that they are currently used in state court. Accordingly, this Court waives the requirement of Admin. R. 9(F)(4)(a) that the identification of specific individuals be ancillary to the purpose of the request in light of the lawful use to which the bulk data contained in the master list will be put and the laudable purpose of the request.

Likewise, the Court finds that Ms. Briggs' request satisfies the requirements of Admin. R. 9(F)(a)(i)-(iv) that the requestor be fully identified, that the requestor's interest and purpose of the inquiry be stated, that the information sought be identified, that the purpose for requesting the information and how the public interest or public education will benefit be explained, and that the requestor explain the precautions that will be taken for the secure protection of the information.

Admin R. 9(F)(a)(vi) requires that the request demonstrate by clear and convincing evidence either how the public interest will be served by allowing access or how denying access will harm the public interest or a particular person. Ms. Briggs has demonstrated that access to the data contained in the master list will help make juries in federal court more representative and inclusive than they currently are. By including the data on prospective jurors from the BMV and the DOR in the master list, the list will also contribute to making those juries a fairer cross-section of the community. This Court therefore finds that the public interest will be served by allowing Ms. Briggs to have access to the data contained in the master list.

The request may be granted only upon a determination that the information sought is consistent with the purposes of Rule 9, that resources are available to prepare the information and that fulfilling the request is an appropriate use of public resources, and further upon finding by clear and convincing evidence that the requestor satisfies the requirements of subsection (F)(4)(a), and that the purposes for which the information is sought substantially outweigh the privacy interests protected by Rule 9.

Among the purposes of Administrative Rule 9 are promoting accessibility to court records and supporting the role of the judiciary. Admin. R. 9(A)(2)(a) & (b). The Court finds that both of these purposes are implicated by the request for bulk data presented here. Furthermore, it finds that resources are available to prepare the information, since Ms. Briggs has discussed the issue with JTAC, and officials at the BMV and DOR have raised no objection to sharing the data. Fulfilling the request is also an appropriate use of public resources in light of the benefit to jury selection in federal court that should result from sharing the data from the master list. As noted above, the request also satisfies the requirements of subsection (F)(4)(a), a waiver of the ancillary requirement having been made.

Next, the purposes for which the information is sought substantially outweigh the privacy interests protected by the rule. The purpose of seeking the data from the master list is to make jury selection in federal court more representative and inclusive than it currently is. As the bulk data request reveals, many provisions exist under federal law to protect the integrity and privacy of the jury pool data that will be transferred by JTAC to the federal authorities. There is no reason to suspect that the federal court will be any less careful with these data than its state counterparts are. The interests of comity also favor providing the data contained in the master list to the federal authorities. Under these circumstances, this Court finds that the purposes for which the master list is sought substantially outweigh the privacy interests protected by the rule.

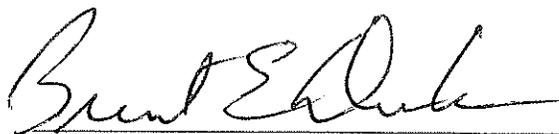
Finally, complete addresses of prospective jurors from the master list are being sought by Ms. Briggs, but Admin. R. 9(F)(4)(d) provides that, when a request includes the release of addresses, the information provided may include only the zip code of the address unless this restriction is waived by this Court after making a finding of exceptional circumstances. Ms. Briggs has filed the necessary petition to have this issue considered. In essence, she argues that the District Court's goal of achieving greater inclusiveness in jury selection cannot be achieved if complete address information is not available and that the District Court would not be able to contact prospective jurors on the master list without complete addresses. Having determined that these arguments have merit, this Court finds that exceptional circumstances justify the release of complete addresses of prospective jurors from the master list.

The Court hereby grants the request for Bulk Data/Compiled Information under Ind. Administrative Rule 9(F)(4) to the extent discussed above and notes that the United States District Court for the Northern District of Indiana may also have access to the master list upon proper request.

IT IS, THEREFORE, ORDERED that the Judicial Technology and Automation Committee (JTAC), Division of State Court Administration, grant to Laura A. Briggs, on behalf of the United States District Court for the Southern District of Indiana, access to the Master List for Jury Pool Assembly as described immediately above in this order.

The Clerk of this Court is directed to send this order to the Honorable Gregory F. Zoeller, Attorney General of Indiana, Indiana Government Center South, 302 West Washington Street, 5th Floor, Indianapolis, IN 46204; Laura A. Briggs, Clerk of Court, 46 East Ohio Street, Room 105, Indianapolis, IN 46204; and Executive Director, Indiana Supreme Court, Division of State Court Administration, 30 South Meridian Street, Suite 500, Indianapolis, IN 46204-3568.

DONE at Indianapolis, Indiana, this 13 day of Nov, 2012.



For the Court
Brent E. Dickson
Chief Justice of Indiana