

1 that county's voter registration list bears to the total number of names on the voter registration list for
2 all counties within that division.

3 For the purpose of calculating from the voter registration list the total number of registered
4 voters within a respective division within the District, the Clerk shall add together the totals obtained
5 from each county. The number as the total for each county may be based, at the Clerk's option, upon
6 either a manual or a mechanized count of the names on the voter registration list.

7 After first determining the total number of names needed for the master wheel and then the
8 proportionate share of names to be drawn from the source list of each particular county, the Clerk shall
9 proceed, either manually or through a combination of manual and computer methods, to make the initial
10 selection of names from the source list of each county.

11 **METHOD AND MANNER OF RANDOM SELECTION**

12 The selection of names from the source list for the master wheel shall be accomplished by first
13 randomizing the individual county source lists and then by drawing a starting number by lot, and
14 commencing therewith on the source list of each county in the division, selecting that name with the
15 remaining names to be selected in multiples as ordered by the Chief Judge or other designated judge(s),
16 to produce the number of names required for the master wheel.

17 The starting number will be manually drawn by lot from numbered cards placed in a jury wheel
18 or similar device. Cards used for the drawing shall begin with the card containing the number one and
19 end with a card containing the final number of the multiple to be used in selecting the desired number
20 of names. For example, if one-thousand names were to be selected from a source of seventy-five
21 thousand names, the multiple would be seventy-five. Cards numbered one through seventy-five would
22 be placed in a jury wheel or similar device and the starting number would be drawn. Thereafter, every
23 seventy-fifth name would be chosen until one-thousand names were selected.

24 At the Clerk's option, and after consultation with the court, the selection of names from complete
25 source list databases in electronic media for the master jury wheel may be accomplished by a purely
26 randomized process through a properly programmed electronic data processing system. Similarly, at the
27 option of the Clerk and after consultation with the Court, a properly programmed electronic data
28 processing system for pure randomized selection may be used to select names from the

1 master wheel for the purpose of summoning persons to serve as grand or petit jurors. Such random
2 selections of names from the source list for inclusion in the master wheel by data computer personnel
3 must insure that the county within the jury division is substantially proportionally represented in the
4 master wheel in accordance with 28 U.S.C. § 1863(b)(3). The selections of names from the source list
5 and the master wheel must also insure that the mathematical odds of any single name being picked are
6 substantially equal.

7 MASTER JURY WHEELS

8 The Clerk shall maintain a master jury wheel or a device similar in purpose and function for each
9 of the divisions within the District. The master jury wheels for each division, and the qualified jury wheels
10 for each division shall be physically retained in the Clerk's Office or at a designated Automation Data
11 Processing Center.

12 The names of all persons randomly selected from the source lists of the counties in a division shall
13 be placed in the master jury wheel for that division. Pursuant to Section 1863(b)(4), the minimum number
14 of names to be placed in the master jury wheels shall be at least ½ of 1% of the total number of names on
15 all County Voter Registration Lists.

16 The Divisions and the Counties which comprise the Divisions are:

17 **Phoenix Division:** Consisting of Maricopa, Pinal, Yuma, and La Paz and Gila Counties.

18 **Prescott Division:** Consisting of Apache, Coconino, Mohave, Navajo, and Yavapai
19 Counties.

20 **Tucson Division:** Consisting of Pima, Cochise, Santa Cruz, Graham, and
21 Greenlee Counties.

22 Names shall be obtained for the grand jury wheel from the three qualified jury wheels of the
23 respective divisions on a pro-rate basis.

24 The master jury wheel shall be emptied and refilled every two years as herein provided between
25 November 1 in the year of the general election to June 1 of the year following the general election.

26 DRAWING OF NAMES FROM THE MASTER JURY WHEELS 27 COMPLETION OF JUROR QUALIFICATION FORMS

28 The Clerk, either all at one time or at periodic intervals, shall draw at random from the master jury

1 wheels the names of as many persons as may be required to maintain an adequate number of names in the
2 qualified jury wheels. The number of names to be drawn shall be determined by the Clerk based upon
3 anticipated juror needs by the Court plus a margin of extra names sufficient to compensate for the
4 estimated number that will turn out to be unavailable or ineligible.

5 The Clerk may have alphabetized lists prepared for the names drawn. These lists shall not be
6 exhibited to any person except as provided herein and in Sections 1867 and 1868 of Title 28, as amended.
7 The Clerk shall prepare and have mailed to every person whose name is so drawn, a juror qualification
8 questionnaire form, accompanied by instructions to execute and return the questionnaire duly signed and
9 sworn, to the Clerk by mail within ten (10) days, in accordance with Section 1864 of this Act, as
10 amended.

11 Pursuant to 28 U.S.C. § 1878, jurors may be qualified and summoned in a single procedure, in
12 lieu of the two separate procedures otherwise provided for by the Jury Selection and Service Act of this
13 Plan.

14 Any person who fails to return a juror qualification form may be summoned by the Clerk to appear
15 and fill out such a form.

16 . **JUROR QUALIFICATION FORM**

17 The Juror Qualification Form prescribed by the Administrative Office of the United States Courts
18 and approved by the Judicial Conference of the United States shall be used.

19 **EXCUSES FROM JURY DUTY UPON REQUEST**

20 The Court finds that jury service by the following groups of persons or occupational classes would
21 entail undue hardship or extreme inconvenience, that the excusing of such persons from jury service
22 would not be inconsistent with Title 28 U.S.C. § 1861 and 1862, and such persons shall, upon individual
23 request, be excused from jury service.

- 24 1) A person who is over 70 years of age.
- 25 2) A person who has served as a grand or petit juror within the last two years.
- 26 3) Volunteer Safety Personnel - i.e., personnel who serve without compensation as
27 firefighters or members of rescue squad or ambulance crew for a public agency.

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1 **EXEMPTIONS FROM JURY DUTY**

2 The Court hereby finds that the following groups of persons or occupational classes are expressly
3 required to be exempted by 28 U.S.C. § 1863(b)(6), and accordingly such groups are barred from jury
4 service:

- 5 1) Members in active service in the Armed Forces of the United States.
- 6 2) Members of the fire or police departments of any state, district, territory, possession or
7 subdivision thereof.
- 8 3) Public officers in the executive, legislative or judicial branches of the Government of the
9 United States, or any state, district, territory or possession or subdivision thereof, who are actively
10 engaged in the performance of official duties. Public officer shall mean a person who is either elected to
11 public office or who is directly appointed by a person elected to public office.

12 **DETERMINATIONS OF QUALIFICATIONS, EXCUSES AND EXEMPTIONS**

13 The Chief Judge or judge(s) designated to consider juror excuse requests shall, on his initiative
14 or upon recommendation of the Clerk, decide solely on the basis of information provided on the juror
15 qualification form and other competent evidence whether a person is unqualified for, or exempt, or to be
16 excused from jury service. The Clerk shall enter such determination in the space provided on the juror
17 qualification form and/or in the juror record in the database in an automated jury system. If a person did
18 not appear in response to a summons, such fact shall be noted. In making such determination, the Chief
19 Judge or designated judge(s) shall deem any person qualified to serve on grand and petit juries in the
20 District Court unless the person:

- 21 1) Is not a citizen of the United States, eighteen years of age who has resided within the
22 judicial district for a period of one year;
- 23 2) Is unable to read, write and understand the English language with a degree of proficiency
24 sufficient to fill out satisfactorily the juror qualification form;
- 25 3) Is unable to speak the English language;
- 26 4) Is incapable, by reason of mental or physical infirmity, to render satisfactory jury service;
- 27 5) Has a charge pending against him or her for the commission of, or has been convicted in
28 a State or Federal Court of record, of a crime punishable by imprisonment for more than one year and

1 his civil rights have not been restored.

2 The Court may excuse or exclude any person summoned to jury service pursuant to 28 U.S.C.
3 § 1866(c).

4 The Clerk of Court or designee is authorized to grant temporary excuses to prospective jurors
5 on the grounds of undue hardship or extreme inconvenience. Persons granted temporary excuses shall
6 be reinstated into the qualified jury wheel or shall be resummoned at the discretion of the Clerk or
7 designee.

8 **QUALIFIED JURY WHEEL**

9 The Clerk shall maintain a separate qualified jury wheel or a device similar in purpose and function
10 for each division, and shall place in such wheel the names of all persons drawn from the master wheel and
11 not disqualified, exempt or excused pursuant to this Plan. The Clerk shall insure that at all times sufficient
12 names are contained in each such wheel to satisfy the requirements of that Division. The Clerk may
13 maintain these wheels through the use of a properly programmed data computer.

14 **SUMMONING OF JURORS**

15 Upon Court Order, the Clerk shall randomly select from the designated qualified jury wheel, the
16 designated number of persons to be summoned for a specific date. The Clerk may prepare an alphabetical
17 list of all persons summoned. Names drawn from the qualified jury wheel shall not be made public until
18 the panel of jurors have been summoned and have appeared at the Courthouse, provided that the Chief
19 Judge or designated judge(s) may order that the names be made public at an earlier date, or be kept
20 confidential in a case, when the interests of justice so require. Jurors summoned may be excused upon
21 written request of the Chief Judge or designated judge(s) who shall, in their discretion, approve or
22 disapprove such requests.

23 **IMPANELLING JURORS**

24 Petit jury panels drawn as provided in this Plan constitute a pool to be used by all courts in the
25 Division for which drawn and shall serve for one month or one trial, and thereafter excused from further
26 service, unless otherwise ordered. After having been originally summoned for service, members of such
27 pool may be notified by the Clerk to report to jury duty by telephone, by mail, or other convenient method
28 to best accomplish their efficient and economical use. The individual jurors to be called for each trial shall

1 be drawn by lot by the Clerk from the particular panel or pool to insure random selection. Additional
2 names shall be publicly drawn at random from the Qualified Juror Wheel to be added to any panel as
3 needed.

4 **GRAND JURY PANEL**

5 In selecting names for a Grand Jury array to serve at Phoenix, a proportionate share of names shall
6 be drawn from the Phoenix Division and Prescott Division qualified wheels in accordance with the
7 random selection method described in this Plan. The pro-rata share shall be based on the total number
8 of persons in the Voter Registration List of each division as compared to the total number of persons on
9 the Voter Registration List of both divisions.

10 In selecting names for a Grand Jury array to serve at Tucson, the names shall be drawn from the
11 Tucson Division qualified wheel in accordance with the random selection method described in this Plan.
12 The Clerk shall prepare a separate list of names of persons assigned to each Grand Jury.

13 Upon the meeting of a Grand Jury array summoned to appear, the Clerk, or a Deputy Clerk, under
14 the direction of a judge of the Court, shall draw by lot the names or the required number of Grand Jurors
15 to serve. Until the Grand Jury so selected has been discharged, necessary replacement jurors will be
16 selected by the Clerk by lot upon direction of a Judge of the Court from the names remaining in the array.

17 **NON-DISCLOSURE OF RECORDS**

18 The contents of records or papers used by the clerk of deputy clerk in connection with the jury
19 selection process, including juror qualification questionnaires, shall not be disclosed to anyone other than
20 court personnel except as provided in 28 U.S.C. § 1867(f) and in this Plan

21 **UNANTICIPATED SHORTAGE OF JURORS**

22 When there is an unanticipated shortage of available petit jurors drawn from the qualified jury
23 wheel, the Chief Judge or designated judge may require the United States Marshal to summon a sufficient
24 number of petit jurors elected at random from the Voter Registration Lists, or other lists specified in the
25 Plan, in a manner ordered by the Court consistent with Sections 1861 and 1862 of the Act, as amended.

26 This Amended Plan shall become effective upon approval by the Reviewing Panel of the Judicial
27 Council of the Ninth Circuit Court of Appeals, or at such time thereafter as the Panel shall direct.
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DATED this 23rd day of June 1999.

/s/ Robert C. Broomfield
Robert C. Broomfield, Chief Judge