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OCT 01, 2009

CLERK US DISTRICT COURT
DISTRICT OF ARIZONA
BY /s/ D. Lucas DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

In the matter of)
)
JURY SELECTION PLAN)
(SUPERSEDES GENERAL ORDER) GENERAL ORDER 09-17
07-21 upon approval by the Reviewing)
Panel of Judicial Council of the Ninth)
Circuit Court of Appeals.))
Approved by Judicial Council on)
October 23, 2009.)
_____)

Pursuant to the Jury Selection and Service Act of 1968, as amended, (28 U.S.C. § 1861 et seq.) the following Plan is hereby adopted by this Court, subject to approval by the Reviewing Panel for the Ninth Circuit and to such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States. When approved, this revised Plan will supersede the Plan now in effect in this District.

DECLARATION OF POLICY

It is the policy of this Court that all litigants entitled to trial by jury shall have the right to grand and petit juries selected at random, from a fair cross section of the community in the division wherein the Court convenes. It is the further policy of this Court, that all citizens within this District shall have the opportunity to be considered for service on grand and petit juries in this Court, and shall have an obligation to serve as jurors when summoned for that purpose. No citizen shall be excluded from service as a grand or petit juror in this Court on account of race, color, religion, sex, national origin, or economic status.

MANAGEMENT OF THE PLAN

This Plan shall be managed by the Clerk of the Court under the supervision and control of the

1 Chief Judge or such other judge(s) as may be designated to perform these duties.

2 The Court finds that the electronic data processing methods can be advantageously used for
3 managing this Plan. Therefore, a properly programmed electronic data processing system, or a
4 combination system employing both manual and electronic machine methods, will be used to eliminate
5 duplicated names (if necessary), select master wheel names, select names of persons to be sent
6 questionnaires, select names of persons in the qualified wheel to be summoned and to perform other
7 clerical and record-keeping functions as the Court deems necessary.

8 In order to ensure the exercise of proper supervision and management over the automated
9 aspects of jury selection and its accordance with statutory requirements, the operator of the computer
10 shall comply with the instructions for random selection of grand and petit jurors by electronic machine
11 methods contained in this Court's Plan for random selection of grand and petit jurors and such
12 additional written instructions as provided by the Court, and shall certify that the work has been
13 completed pursuant to such instructions.

14 In the event of computer malfunction or any overt and/or obvious deviation from this Plan
15 caused by automation, the Clerk, with the approval of the Chief Judge or such other judge(s) as may
16 be designated, shall manually proceed from the last step correctly implemented.

17 **JURY SELECTION SOURCES**

18 The Court finds that the sources from which the names of petit and grand jurors shall be
19 selected, at random, shall be the General Election Voter Registration Lists, excluding those voters
20 deemed "inactive" by the Secretary of State based on established criteria, from all counties within the
21 relevant division.

22 The list used to select names from the master wheel shall hereafter be referred to as the "source
23 list." Accordingly, names of petit and grand jurors serving in this District shall be selected by
24 randomized procedure from the aforementioned source list.

25 **INITIAL SELECTION OF NAMES FOR THE MASTER WHEEL**

26 The Court finds that the initial selection of persons to be considered for service as petit and
27 grand jurors from the source list shall be made at random in such a total number as may be deemed
28 sufficient for a period of two years.

1 The number of names to be drawn from each county shall be substantially in the same
2 proportion to the total number drawn from all counties within the division, as the number of names on
3 that county's voter registration list bears to the total number of names on the voter registration list for
4 all counties within that division.

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

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

13 **METHOD AND MANNER OF RANDOM SELECTION**

14 The selection of names from complete source list databases in electronic media for the master
15 jury wheel shall be accomplished by a purely randomized process through a properly programmed
16 electronic data processing system. A properly programmed electronic data processing system for pure
17 randomized selection shall be used to select names from the master wheel for the purpose of
18 summoning persons to serve as grand or petit jurors. Such random selections of names from the source
19 list for inclusion in the master wheel by data computer personnel must ensure that the county within
20 the jury division is substantially proportionally represented in the master wheel in accordance with 28
21 U.S.C. § 1863(b)(3). The selections of names from the source list and the master wheel must also
22 ensure that the mathematical odds of any single name being picked are substantially equal.

23 **MASTER JURY WHEELS**

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

28

1 The names of all persons randomly selected from the source lists of the counties in a division
2 shall be placed in the master jury wheel for that division. Pursuant to Section 1863(b)(4), the minimum
3 number of names to be placed in the master jury wheels shall be at least ½ of 1% of the total number
4 of names on all county voter registration lists.

5 The divisions and the counties which comprise the divisions are:

6 **Phoenix Division:** Consisting of Gila, La Paz, Maricopa, Pinal and Yuma counties.

7 **Prescott Division:** Consisting of Apache, Coconino, Mohave, Navajo and Yavapai
8 counties.

9 **Tucson Division:** Consisting of Cochise, Graham, Greenlee, Pima and Santa Cruz counties.

10 Names shall be obtained for the grand jury wheel from the three qualified jury wheels of the
11 respective divisions on a pro-rata basis.

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

14 **DRAWING OF NAMES FROM THE MASTER JURY WHEELS**
15 **COMPLETION OF JUROR QUALIFICATION FORMS**

16 The Clerk, either all at one time or at periodic intervals, shall draw at random from the master
17 jury wheels the names of as many persons as may be required to maintain an adequate number of names
18 in the qualified jury wheels. The number of names to be drawn shall be determined by the Clerk based
19 upon anticipated juror needs by the Court plus a margin of extra names sufficient to compensate for the
20 estimated number that will turn out to be unavailable or ineligible.

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

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

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

3 **JUROR QUALIFICATION FORM**

4 The juror qualification form prescribed by the Administrative Office of the United States Courts
5 and approved by the Judicial Conference of the United States shall be used.

6 **EXCUSES FROM JURY DUTY UPON REQUEST**

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

- 11 1) A person who is over 70 years of age.
- 12 2) A person who has served as a grand or trial juror within the last two years.
- 13 3) Volunteer safety personnel - i.e., personnel who serve without compensation as
14 firefighters or members of rescue squad or ambulance crew for a public agency.

15 **EXEMPTIONS FROM JURY DUTY**

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

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

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

27 The Chief Judge or judge(s) designated to consider juror excuse requests, on his or her initiative
28 or upon recommendation of the Clerk, or the Clerk under the supervision of the Court, shall determine

1 wheel and not disqualified, exempt or excused pursuant to this Plan. The Clerk shall ensure that at all
2 times sufficient names are contained in each such wheel to satisfy the requirements of that division.
3 The Clerk may maintain these wheels through the use of a properly programmed data computer.

4 **SUMMONING OF JURORS**

5 Upon direction by the Court, the Clerk shall randomly select from the designated qualified jury
6 wheel, the designated number of persons to be summoned for a specific date. The Clerk may prepare
7 an alphabetical list of all persons summoned. Jurors summoned may be excused upon written request
8 of the Chief Judge or designated judge(s) who shall, in their discretion, approve or disapprove such
9 requests.

10 **IMPANELING PETIT JURORS**

11 Petit jury panels drawn as provided in this Plan constitute a pool to be used by all Courts in the
12 division for which drawn and shall serve for one week or one appearance in the Phoenix and Tucson
13 Divisions and one month or one appearance in the Prescott Division, and are thereafter excused from
14 further service, unless otherwise ordered. After having been originally summoned for service, members
15 of such pool may be notified by the Clerk to report to jury duty by telephone, by mail, or other
16 convenient method to best accomplish their efficient and economical use. The individual jurors to be
17 called for each trial shall be drawn by lot by the Clerk from the particular panel or pool to ensure
18 random selection. Additional names shall be drawn at random from the qualified juror wheel to be
19 added to any panel as needed.

20 **IMPANELING GRAND JURORS**

21 In selecting names for a grand jury array to serve at Phoenix, a proportionate share of names
22 shall be drawn from the Phoenix Division and Prescott Division qualified wheels in accordance with
23 the random selection method described in this Plan. The pro-rata share shall be based on the total
24 number of persons in the voter registration list of each division as compared to the total number of
25 persons on the voter registration list of both divisions. In selecting names for a grand jury array to
26 serve at Tucson, the names shall be drawn from the Tucson Division qualified wheel in accordance with
27 the random selection method described in this Plan. The Clerk shall prepare a separate list of names
28 of persons assigned to each grand jury.

1 se party) may not copy the jury list in any manner. The attorneys (and/or pro se party) may not share
2 the jury list or information therein except as necessary for purposes of jury selection.

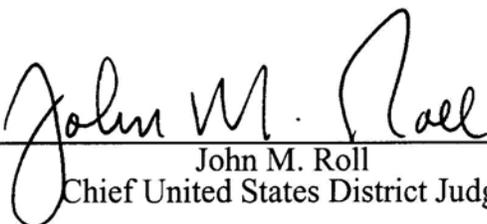
3 The Court may order juror names and personal information to be kept confidential where the
4 interests of justice so require.

5 **UNANTICIPATED SHORTAGE OF JURORS**

6 When there is an unanticipated shortage of available petit jurors drawn from the qualified jury
7 wheel, the Chief Judge or designated judge may require the United States Marshal to summon a
8 sufficient number of petit jurors selected at random from the voter registration lists, or other lists
9 specified in the Plan, in a manner ordered by the Court consistent with Sections 1861 and 1862 of the
10 Act, as amended.

11 This Amended Plan shall become effective upon approval by the Reviewing Panel of the
12 Judicial Council of the Ninth Circuit Court of Appeals, or at such time thereafter as the Reviewing
13 Panel shall direct.

14 DATED this 1st day of October, 2009.

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19 John M. Roll
20 Chief United States District Judge
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