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SEPTEMBER 19, 2023

CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

BY s/ M. Everette DEPUTY

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

In the matter of

JURY SELECTION PLAN

SUPERSEDES GENERAL ORDER 18-22
upon approval by the Reviewing Panel of
Judicial Council of the Ninth Circuit Court of
Appeals

**Approved by Judicial Council on
August 23, 2023**

GENERAL ORDER 23-15

AUTHORITY

Pursuant to the Jury Selection and Service Act of 1968, as amended, (28 U.S.C. § 1861 *et seq.*) (“Act”), the following Jury Selection Plan (“Plan”) is hereby adopted by this Court, subject to approval by the Reviewing Panel for the Ninth Circuit Court of Appeals pursuant to 28 U.S.C. § 1863(a) 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.

DEFINITIONS

For purposes of this Plan:

“Jury selection process” will be deemed to include all activities associated with the master jury wheel for each division relating to the random selection, summoning, qualification, and service of grand and petit jurors.

“Chief Judge” means the Chief Judge of this district, or any supervising judge appointed by the Chief Judge.

1 “Clerk” means the Clerk of Court, any authorized deputy clerk, or any other person
2 authorized by the Chief Judge or by this Plan to assist the Clerk in the performance of
3 duties under this Plan.

4 **DECLARATION OF POLICY**

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

12 **MANAGEMENT OF THE PLAN**

13 In accordance with 28 U.S.C. § 1863(b)(1), this Plan will be managed by the Clerk
14 under the supervision and control of the Chief Judge.

15 The Court finds that electronic data processing methods can be advantageously used
16 for managing this Plan. Therefore, a properly programmed electronic data processing
17 system or a combination system employing both manual and electronic machine methods,
18 may be used for all randomized drawings and to perform other clerical and recordkeeping
19 functions as the Court deems necessary.

20 In the event of emergency, computer malfunction or any overt and/or obvious
21 deviation from this Plan caused by automation, the Clerk, with the approval of the Chief
22 Judge, will manually, or by alternative electronic methods, proceed from the last step
23 correctly implemented.

24 **DELEGATION OF THE CLERK’S MANAGEMENT RESPONSIBILTIES**

25 In accordance with 28 U.S.C. §§ 1863(b)(1) and 1869(a), the Clerk may delegate
26 responsibility for the day-to-day operation of the jury selection process to any authorized
27 deputy clerk, or to any authorized non-court person or agency.

28 The Clerk may use the services of non-court personnel to assist in the jury selection

1 process. For purposes of this Plan, the phrase “non-court personnel” may include, but is
2 not limited to:

- 3 a. County or state officials, and their employees or agents, who are responsible for
4 custody and maintenance of the source list identified in this Plan.
- 5 b. Owners, employees, operators and/or agencies of computer or data processing
6 centers, bar-coding facilities, mail handling centers, document reproduction
7 facilities, optical scanning facilities and similar facilities whose services are
8 requested or employed by the Clerk to support the jury selection process.
- 9 c. Other non-court administrative or clerical persons whose services are required
10 or employed by the Clerk to select, process and/or mail the various documents
11 and records involved in the jury selection process.

12 **JURY MANAGEMENT DIVISIONS**

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

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

16 **Prescott Division:** Consisting of Apache, Coconino, Mohave, Navajo and
17 Yavapai counties.

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

20 A separate divisional master jury wheel will be maintained for each division. This
21 Plan applies to each divisional master jury wheel. Jurors will be selected for service from
22 a single division for petit juries or from any combination of divisions for grand juries as
23 the Chief Judge may from time to time direct.

24 **EMPTYING AND REFILLING DIVISIONAL MASTER JURY WHEEL**

25 The Clerk will create and maintain a master jury wheel for each of the divisions
26 within the district. In accordance with 28 U.S.C. § 1863(b)(4), the divisional master jury
27 wheel will be emptied and refilled every two years as herein provided between November
28 1 in the year of the general election to June 1 of the year following the general election.

1 Jurors qualified from the previous divisional master jury wheel may serve at the same time
2 with jurors selected from a later divisional master jury wheel. If additional time is needed
3 to empty and refill the divisional master jury wheel, permission must be obtained from the
4 Chief Judge of the Circuit.

5 **METHOD AND MANNER OF RANDOM SELECTION OF JURORS**

6 The randomized selection procedures set forth in this Plan must ensure that the
7 names chosen will represent all segments of the source list from which drawn and that the
8 mathematical odds of any single name being picked are substantially equal.

9 The selection of names from the source list database in electronic media for the
10 divisional master jury wheel may be accomplished by a purely randomized process through
11 a properly programmed electronic data processing system. A properly programmed
12 electronic data processing system for purely randomized selection may be used to select
13 names from the divisional master jury wheel for the purpose of determining qualification
14 for jury service, from the pool of qualified jurors for summoning persons to serve on a
15 panel for grand or petit jury service, and from the panel of jurors to serve as a jury. Such
16 random selection of names from the source list for inclusion in the divisional master jury
17 wheel by data computer personnel must ensure that each county within the jury division is
18 substantially proportionally represented in the master jury wheel for that division in
19 accordance with 28 U.S.C. § 1863(b)(3). The purely randomized selection procedure may
20 be used for all drawings.

21 **MANUAL RANDOMIZED SELECTION**
22 **OF JURY PANELS AND PETIT JURIES**

23 After the jurors have been summoned, the Clerk has the option, after consultation
24 with the Chief Judge, to randomly select jurors manually for petit or grand jury panels and
25 for petit juries for specific cases by:

- 26 a. preserving the computer prepared random sequence of names of jurors
27 summoned and assigning jurors to panels in the order listed; or preserving the
28 computer prepared random sequence of the names of jurors impaneled and

1 assigning jurors to petit juries in the order listed; or

- 2 b. drawing names at random from a box, the divisional master jury wheel or similar
3 container containing the names of the present pool or panel of jurors.

4 **JURY SELECTION SOURCES**

5 The Court finds that the source, from which the names of petit and grand jurors will
6 be selected, at random, will be the General Election Voter Registration List, excluding
7 those voters deemed “inactive” by the Secretary of State based on established criteria, from
8 all counties within the relevant division. The list used to select names for the divisional
9 master jury wheel will hereafter be referred to as the "source list."

10 **SIZE OF DIVISIONAL MASTER JURY WHEEL**

11 After consultation with the Chief Judge, the Clerk has the option of using the entire
12 source list within a jury division as the master jury wheel for the division. If it is
13 determined that the total number of names contained in the approved source list is
14 cumbersome and unnecessary for juror management purposes, the Clerk is authorized to
15 randomly select from the source list within each jury division a minimum number of names,
16 at least one-half of one percent of the names on the source list, sufficient to qualify
17 prospective jurors for a two-year period to initially fill the master jury wheel for each jury
18 division.

19 The Chief Judge may order additional names to be placed in the divisional master
20 jury wheel from time to time as necessary.

21 **SUBSTANTIAL PROPORTIONAL REPRESENTATION**
22 **OF DIVISIONAL MASTER JURY WHEEL**

23 When selecting names from the source list, specific and detailed procedures will be
24 followed to ensure the random selection of a fair cross section of the persons residing in
25 the community in the division where the Court convenes. Such random selection of names
26 from the source list for inclusion in the divisional master jury wheel will be designed to
27 ensure that each county within the division is substantially proportionately represented for
28 that division.

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FILLING DIVISIONAL MASTER JURY WHEEL

Once the names for each county have been randomly selected, the Clerk will combine and randomly sort all jury division names and enter them into the divisional master jury wheel.

DRAWING OF NAMES FROM DIVISIONAL MASTER JURY WHEEL

From time to time, the Clerk will draw at random from the divisional master jury wheel the names of as many persons as may be required for jury service. 28 U.S.C. § 1864(a). The number of names to be drawn will be determined by the Clerk based upon anticipated juror needs by the Court plus a margin of extra names sufficient to compensate for the estimated number that will turn out to be unavailable or ineligible.

JUROR QUALIFICATION QUESTIONNAIRES

The Clerk will prepare and have mailed to every person whose name is so drawn, a juror qualification questionnaire notice. 28 U.S.C. § 1864(a). The notice will direct the juror to complete a juror qualification questionnaire through the Court’s website within 10 days of receipt. If a juror does not complete the juror qualification questionnaire online, a paper copy of the questionnaire will be mailed with instructions to complete and return the questionnaire to the Clerk by mail within 10 days of receipt.

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

**FAILURE TO SUBMIT A JUROR QUALIFICATION QUESTIONNAIRE
OR APPEAR**

Any person who fails to return a completed juror qualification questionnaire may be summoned by the Clerk to appear and fill out such a form. 28 U.S.C. § 1864(a). No juror fees or costs for this appearance will be paid, unless otherwise ordered by the Court. 28 U.S.C. § 1864(b) sets forth the penalties that may be imposed by the Court.

DETERMINEING JUROR QUALIFICATION STATUS

The Chief Judge, upon recommendation of the Clerk, or the Clerk under the supervision of the Court, will determine solely on the basis of information provided on the

1 juror qualification form and other competent evidence whether a person is unqualified for,
2 exempt or to be excused from jury service. 28 U.S.C. § 1865(a). The Clerk must enter
3 such determination on the questionnaire or in the juror management database. If a person
4 did not appear in response to a summons, such fact will be noted.

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

8 **DISQUALIFICATION FROM JURY SERVICE**

9 In accordance with 28 U.S.C. § 1865(b), any person will be deemed qualified to
10 serve on grand and petit juries in the district unless the person:

- 11 a. is not a citizen of the United States, is less than 18 years of age or has not resided
12 within the judicial district for a period of one year;
- 13 b. is unable to read, write and understand the English language with a degree of
14 proficiency sufficient to fill out satisfactorily the juror qualification form;
- 15 c. is unable to speak the English language;
- 16 d. is incapable, by reason of mental or physical infirmity, to render satisfactory jury
17 service; or
- 18 e. has a charge pending against him or her for the commission of, or has been
19 convicted in a state or federal court of record, of a crime punishable by
20 imprisonment for more than one year and his or her civil rights have not been
21 restored.

22 **EXEMPTIONS FROM JURY DUTY**

23 In accordance with 28 U.S.C. § 1863(b)(6), the following persons are barred from
24 jury service on the grounds that they are exempt:

- 25 a. members in active service in the Armed Forces of the United States;
- 26 b. members of the fire or police departments of any state, district, territory,
27 possession or subdivision thereof; and
- 28 c. public officers in the executive, legislative or judicial branches of the

1 Government of the United States, or any state, district, territory, possession or
2 subdivision thereof, who are actively engaged in the performance of their official
3 duties. A “public officer” means a person who is either elected to public office
4 or who is directly appointed by a person elected to public office.

5 **EXCUSES FROM JURY DUTY UPON REQUEST**

6 In accordance with 28 U.S.C. §§ 1863(b)(5)(A) and (B), the Court finds that jury
7 service by the following groups of persons or occupational classes would entail undue
8 hardship or extreme inconvenience, that the excusing of such persons from jury service
9 would not be inconsistent with 28 U.S.C. §§ 1861 and 1862, and such persons will, upon
10 individual written 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 petit juror in a state, federal, territorial or
13 commonwealth court within the last two years; or
- 14 3) a person who serves a public agency without compensation as volunteer safety
15 personnel (such as firefighters or members of a rescue squad or ambulance
16 crew).

17 **TEMPORARY EXCUSE**

18 The Clerk is authorized to grant temporary excuses to prospective jurors on the
19 grounds of undue hardship or extreme inconvenience. Persons granted temporary excuses
20 may be resummoned at the discretion of the Clerk.

21 **NON-CITIZENS**

22 Notice of persons who identify themselves as non-citizens through the juror
23 qualification process will be provided to appropriate election officials for verifying voter
24 registration eligibility.

25 **SELECTION AND IMPANELMENT OF GRAND AND PETIT JURORS**

26 The Clerk will draw at random from the divisional master jury wheel the names of
27 as many persons as may be required for assignment to grand and petit jury panels in the
28 district.

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PETIT JUROR TERM OF SERVICE

It is the policy of this district that all prospective petit jurors serve one day or one trial during a one week on call term of service for the Phoenix and Tucson divisions and one day or one trial during a one month on call term of service for the Prescott division. Upon completion of their one day, one trial and one week or one month service, jurors will be released from further jury service obligations for a period of not less than two years. The Court reserves the right to modify the provisions of this petit jury policy when the interest of justice so requires.

PERMANENT EXCLUSION OR EXCUSE FROM JURY SERVICE

Whenever a person is permanently excluded or excused from jury service, the Clerk will note the same on the questionnaire or in the jury management database. The excuse will be only for the life of the divisional master jury wheel from which the juror was drawn.

DISCLOSURE OF PETIT JUROR INFORMATION

To Attorneys and Parties: Unless otherwise directed by the Court, the names of prospective and sitting petit jurors will be disclosed to the attorneys and parties on the morning of trial. A request for disclosure of petit juror names prior to the morning of trial must be submitted to the trial judge.

To the Public and the Media: The names of prospective and sitting petit jurors will be disclosed to the public or media only upon order of the Court. A request for disclosure of petit jurors' names to the media or public must be made in writing to the Chief Judge.

GRAND JURY IMPANELMENT

One or more grand juries will be impaneled for this district or any division or combined divisions of this district. The impanelment of every grand jury panel will not be conducted in open court or within public view.

Divisional Grand Juries: If a grand jury is to be impaneled for service in a division only, the Clerk will draw at random from the master jury wheel of that division such number of prospective grand jurors as necessary to select the grand jury panel and

1 alternates.

2 **Combined Divisional or Entire District Grand Juries:** If a grand jury is to be
3 impaneled for service in combined divisions or in the entire district, the Clerk will draw at
4 random from the master jury wheel of each division such number of prospective grand
5 jurors as necessary to select the grand jury panel and alternates, in the same ratio that the
6 number of registered voters in each division bears to the total number of registered voters
7 in the combined divisions or in the district.

8 **GRAND JURY TERM OF SERVICE**

9 Each grand jury will serve until discharged by the Chief Judge, but no regular grand
10 jury will serve more than 18 months unless the Court extends the service in accordance
11 with Fed. R. Civ. P. Rule 6(g).

12 **ALTERNATE GRAND JURORS**

13 The Court may direct that alternate grand jurors be selected at the same time a grand
14 jury is selected. Alternate grand jurors may be impaneled to replace excused grand jurors.
15 Alternate grand jurors will be drawn in the same manner and must have the same
16 qualifications as the regular grand jurors, and if impaneled, must be subject to the same
17 challenges, will take the same oath and have the same authority as the regular grand jurors.

18 **DISCLOSURE OF GRAND JUROR INFORMATION**

19 Except as authorized by written order of the Court, the names and information
20 relating to any summoned or serving grand juror or grand jury panel will be confidential
21 and not disclosed to any litigant or member of the public. Applications for disclosure of
22 grand juror information must be made by motion to the Chief Judge and must set forth why
23 disclosure should be allowed.

24 **JURY FEES FOR EXTENDED SERVICE**

25 Pursuant to 28 U.S.C. §§ 1871(b)(2) and (3), and absent an order to the contrary,
26 payment to petit jurors will be increased by \$10 per day after the 10th day of actual service
27 and payment to grand jurors will be increased by \$10 per day after the 45th day of actual
28 service. Travel days do not count towards the calculation of the 10th and 45th day.

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RELEASE OF JUROR RECORDS

The contents of records and papers used in the jury selection process will not be disclosed, except upon written order of the Court. Applications for disclosure of records related to the jury selection process must be made by motion to the Chief Judge and must set forth why disclosure should be allowed.

RETENTION OF JUROR RECORDS

In accordance with 28 U.S.C. § 1868, the Clerk will keep all records and papers relating to the jury selection process for four years following the emptying and refilling of the divisional master jury wheel and the completion of service of all jurors selected from the divisional master jury wheel identified, or for such longer periods of time as the Court may require. Such records may then be destroyed, providing the means used ensures the privacy of their contents.

REQUESTS TO INSPECT JUROR RECORDS

Applications to inspect jury selection process records to determine the validity of the selection of any jury must be made by motion to the Chief Judge and must set forth why disclosure should be allowed.

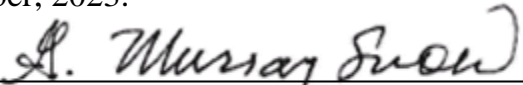
UNANTICIPATED SHORTAGE OF JURORS

When there is an unanticipated shortage of available petit jurors drawn from the divisional master jury wheel, the Chief Judge may require the United States Marshal to summon a sufficient number of petit jurors selected at random from the source list specified in the Plan, in a manner ordered by the Court consistent with 28 U.S.C. §§ 1861 and 1862 of the Act.

EFFECTIVE DATE

This amended Plan will become effective upon approval by the Reviewing Panel of the Judicial Council of the Ninth Circuit Court of Appeals, or at such time thereafter as the Reviewing Panel directs.

DATED this 19th day of September, 2023.



G. Murray Snow
Chief United States District Judge