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NOVEMBER 13, 2018  
  
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 09-17**  
upon approval by the Reviewing Panel of  
Judicial Council of the Ninth Circuit Court of  
Appeals  
  
**Approved by Judicial Council on  
September 19, 2018**

GENERAL ORDER 18-22

**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 and qualified jury wheels relating to the random selection, qualification, summoning 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 not limited to:

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

### 11 **JURY MANAGEMENT DIVISIONS**

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

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

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

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

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

### 24 **EMPTYING AND REFILLING THE MASTER JURY WHEELS**

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 master jury wheels will  
27 be emptied and refilled every two years as herein provided between November 1 in the  
28 year of the general election to June 1 of the year following the general election. When the  
master jury wheels are emptied, the existing qualified jury wheels will continue to be used

1 until the Clerk determines that an adequate number of persons from the new master jury  
2 wheels have been qualified. At that time, the old qualified jury wheels will be emptied and  
3 new qualified jury wheels created. Summoned jurors from previous qualified jury wheels  
4 may serve at the same time with jurors selected from later qualified jury wheels. If  
5 additional time is needed to empty and refill the master jury wheels, permission must be  
6 obtained from the Chief Judge of the Circuit.

### 7 **METHOD AND MANNER OF RANDOM SELECTION OF JURORS**

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

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

### 22 **MANUAL RANDOMIZED SELECTION** 23 **OF JURY PANELS AND PETIT JURIES**

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

- 27 a. preserving the computer prepared random sequence of names of jurors  
28 summoned and assigning jurors to panels in the order listed; or preserving the  
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, jury wheel or similar container containing  
3 the names of the present pool or panel of jurors.

4 **JURY SELECTION SOURCES**

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

10 **SIZE OF THE MASTER JURY WHEELS**

11 After consultation with the Chief Judge, the Clerk has the option of using the entire  
12 source list within each jury division as the master jury wheel. If it is determined that the  
13 total number of names contained in the approved source list is cumbersome and  
14 unnecessary for juror management purposes, the Clerk is authorized to randomly select  
15 from the combined source list within each jury division a minimum number of names, at  
16 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 master jury wheels  
20 from time to time as necessary.

21 **SUBSTANTIAL PROPORTIONAL REPRESENTATION**

22 **OF MASTER JURY WHEELS**

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

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**FILLING THE MASTER JURY WHEELS**

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 master jury wheel for the appropriate jury division.

**DRAWING OF NAMES FROM THE MASTER JURY WHEELS**

The Clerk, either all at one time or at periodic intervals, must draw at random from the master jury wheel of each division the names of as many persons as may be required to maintain an adequate number of names in the qualified jury wheels. 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) lists the penalties that may be imposed by the Court.

**DETERMINING 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 **DISQUALIFICATION FROM JURY SERVICE**

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

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

19 **EXEMPTIONS FROM JURY DUTY**

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

- 22 a. members in active service in the Armed Forces of the United States;
- 23 b. members of the fire or police departments of any state, district, territory,  
24 possession or subdivision thereof; and
- 25 c. public officers in the executive, legislative or judicial branches of the  
26 Government of the United States, or any state, district, territory, possession or  
27 subdivision thereof, who are actively engaged in the performance of their official  
28 duties. A “public officer” means a person who is either elected to public office  
or who is directly appointed by a person elected to public office.

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**EXCUSES FROM JURY DUTY UPON REQUEST**

In accordance with 28 U.S.C. §§ 1863(b)(5)(A) and (B), the Court finds that jury service by the following groups of persons or occupational classes would entail undue hardship or extreme inconvenience, that the excusing of such persons from jury service would not be inconsistent with 28 U.S.C. §§ 1861 and 1862, and such persons will, upon individual written request, be excused from jury service:

- a. a person who is over 70 years of age;
- b. a person who has served as a grand or petit juror in a state, federal, territorial or commonwealth court within the last two years; or
- c. a person who serves a public agency without compensation as volunteer safety personnel (such as firefighters or members of a rescue squad or ambulance crew).

**TEMPORARY EXCUSE**

The Clerk is authorized to grant temporary excuses to prospective jurors on the grounds of undue hardship or extreme inconvenience. Persons granted temporary excuses may be reinstated into the qualified jury wheel or may be resummoned at the discretion of the Clerk.

**NON-CITIZENS**

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

**QUALIFIED JURY WHEELS**

The Clerk must maintain a separate qualified jury wheel for each division, and will place in such wheel the names of all persons drawn from the master wheel and not disqualified, exempt or excused pursuant to this Plan. The Clerk will ensure that at all times sufficient names are contained in each such wheel to satisfy the requirements of that division. The Clerk may maintain these wheels through the use of a properly programmed electronic data processing system.

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



1 Selection and Service Act of this Plan.

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

3 The Clerk will draw at random from the qualified jury wheels the names of as many  
4 persons as may be required for assignment to grand and petit jury panels in the district.

5 **PETIT JUROR TERM OF SERVICE**

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

13 **PERMANENT EXCLUSION OR EXCUSE FROM JURY SERVICE**

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

17 **DISCLOSURE OF PETIT JUROR INFORMATION**

18 **To Attorneys and Parties:** The names of prospective and sitting petit jurors will  
19 be disclosed to the attorneys and parties on the morning of trial. A request for disclosure  
20 of petit juror names prior to the morning of trial must be submitted to the trial judge.

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

25 **GRAND JURY IMPANELMENT**

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



1 service. Travel days do not count towards the calculation of the 10<sup>th</sup> and 45<sup>th</sup> day.

2 **EXCLUSION OR EXCUSE FROM JURY SERVICE**

3 Except as provided elsewhere in this Plan, no person or class of persons will be  
4 disqualified, excluded, excused or exempted from service as jurors; provided, however,  
5 that any person summoned for jury service may be:

- 6 a. excluded by the Court on the grounds that such person may be unable to render  
7 impartial jury service or that his or her service as a juror would be likely to  
8 disrupt the proceedings;
- 9 b. excluded by the Court upon the finding of hardship;
- 10 c. excluded upon peremptory challenge as provided by law;
- 11 d. excluded pursuant to the procedure specified by law upon a challenge by any  
12 party for good cause shown; or
- 13 e. excluded upon determination of the Court, after hearing in open court, that  
14 service as a juror would be likely to threaten the secrecy of the proceedings, or  
15 otherwise adversely affect the integrity of jury deliberations and that exclusion  
16 of such person will not be inconsistent with the policy stated in 28 U.S.C.  
17 §§ 1861 and 1862.

18 **JURY SERVICE LIMIT**

19 In any two year period, no person will be required to:

- 20 a. serve or attend court for prospective service as a petit juror for a total or more  
21 than 30 days, except when necessary to complete service in a particular case;
- 22 b. serve on more than one grand jury; or
- 23 c. serve as both a grand and petit juror.

24 **RELEASE OF JURY PLAN INFORMATION**

25 The Clerk is authorized to provide a copy of this Plan to any person requesting  
26 information about the jury selection process, and may post the Plan to the Court's public  
27 website. All other requests for information about the jury selection process must be  
28 submitted in writing to the Clerk, who will confer with the Chief Judge prior to releasing  
any information.

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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 master jury wheels and the completion of service of all jurors selected from those master jury wheels, 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.

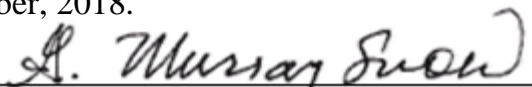
**UNANTICIPATED SHORTAGE OF JURORS**

When there is an unanticipated shortage of available petit jurors drawn from the qualified 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, or other lists 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 13<sup>th</sup> day of November, 2018.

  
\_\_\_\_\_  
G. Murray Snow  
Chief United States District Judge