



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF)
) GENERAL ORDER NO. 07- 10
PLAN OF THE)
UNITED STATES DISTRICT COURT,) (Rescinds General Order
CENTRAL DISTRICT OF CALIFORNIA) Nos. 99-8 and 03-12)
FOR THE RANDOM SELECTION)
OF GRAND AND PETIT JURORS)
_____)

General Order No. 99-8, as revised by General Order No. 03-12, is hereby rescinded and replaced by this General Order. 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.

1. Applicability of Plan

This Plan applies to the Central District of California ("District"), which consists of three Divisions: (1) The Western Division comprises the Counties of Los Angeles, San Luis Obispo, Santa Barbara, and Ventura; (2) The Southern Division comprises the County of Orange; and (3) The Eastern Division comprises the Counties of Riverside and San Bernardino.

2. Declaration of Policy

It is the policy of the United States District Court for the Central District of California ("Court") that all litigants in this Court entitled to trial by jury shall have the right to petit juries selected at random from a fair cross section of the community in the Division wherein the Court convenes. Grand juries shall be selected by Division for the Western, Southern, and Eastern Divisions.

It is further the policy of the Court that all citizens shall have the opportunity to be considered for service on grand and petit juries of the 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 on the basis of race, color, religion, gender, sexual orientation, national origin, or economic status.

3. Management and Supervision of Jury Selection Process

The Clerk of the Court ("Clerk"), any authorized deputy clerk, or any other person authorized by the Court to assist the Clerk, shall manage the jury selection process under the supervision and control of the Chief Judge of the Court ("Chief Judge"), or such other judge as the Chief Judge may designate.

4. Random Selection from Voter Lists

Registration of citizens eligible to vote is uniformly conducted throughout the District. A random selection of a fair cross section of the citizens residing in the counties of the Divisions of the District can be made from the lists of registered voters in the various counties of the Divisions which comprise the District. To foster the policy and protect the rights secured by §§ 1861 and 1862 of the Act, it is not necessary to use sources other than the voter registration lists. Accordingly, the Clerk shall request from the Registrars of Voters within the District's jurisdiction all the names, with addresses and other required data, necessary to establish jury wheels. The names of persons randomly selected from the lists of registered voters shall be referred to as the Master Jury Wheels, of which there shall be three, one for each of the above defined Divisions.

The Clerk shall require the execution of a declaration from each Registrar of Voters Office certifying that the requested information was obtained and forwarded to the Court as specified in the Court's directive. The Clerk shall then receive into the permanent record of the Court the selection instructions to each Registrar of Voters Office and the declaration certifying compliance. The instructions provided to each Registrar of Voters and each of their certifications shall be available for inspection by the public.

5. Master Jury Wheels

The Clerk shall establish and maintain the three Master Jury Wheels for the District. The names of jurors shall be selected, after reasonable public notice, at random from the voter registration lists in each Division. "Reasonable public notice" means the posting of a written announcement of the scheduled drawing on a bulletin board to which the public has access in a Courthouse of the Court located in the Division for which jurors are being selected, and on the Court's Internet site. The notice shall be posted for ten (10) consecutive days prior to the date of selection. In accordance with 28 U.S.C. § 1863(b)(3), a random selection of names of registered voters from each of the counties comprising the Divisions mentioned above shall be placed in the appropriate Master Jury Wheel in such numbers as to insure that each county in the Division is substantially proportionally represented in the appropriate Master Jury Wheel.

State, local, and federal officials having custody, possession, or control of voter registration lists shall make such lists available to the Clerk for inspection, reproduction, and copying at all reasonable times as the Clerk may deem necessary and proper for the performance of duties under 28 U.S.C. § 1863(d).

The minimum number of names to be placed in the Master Jury Wheels shall be at least one-half of 1% of the total number of persons on the lists used as a source of names. A smaller number of names may be fixed if the Clerk believes that the number of names required above is unduly burdensome and unnecessary, but in no event shall the number of names to be placed in any Master Jury Wheel be less than one thousand.

The Chief Judge, or such other judge as the Chief Judge may designate, may order additional names to be placed in any Master Jury Wheel as may be necessary from time to time. Each Master Jury Wheel shall be emptied and refilled at least annually, and may be supplemented with additional names selected on a random basis to assure an adequate supply of qualified jurors.

The names placed in the Master Jury Wheels shall not be disclosed except on order of the Court.

6. Random Selection of Names of Prospective Jurors

Names shall be selected from the Master Jury Wheels by a random process. At the option of the Clerk and after consultation with the Court, a properly programmed electronic data processing system for random selection may be used to select names from the Master Jury Wheels for the purpose of summoning persons to serve as grand or petit jurors. The process of selecting the names from the Master Jury Wheels must ensure that the mathematical odds of any single name being picked are substantially equal.

7. Data Processing and Maintenance

The Court finds it advantageous to use an electronic data processing system to perform all clerical duties related to the jury selection system. The Court authorizes the Clerk to take such steps as are necessary to establish the Master Jury Wheel for each Division, provided that the operator of the electronic data processing system shall comply with such written instructions as may be provided by the Clerk. Upon the completion of the required data processing work, the Clerk shall require the execution of a declaration by the operator of the system. Such declaration shall certify that the procedures of this Plan have been fully met in the automated phase of the selection process. The Clerk shall then receive into the permanent records of the Court the selection instructions to the computer facility providing the data and the declaration of the computer facility certifying compliance with same. The instructions provided to the operator of the computer facilities shall be available for inspection by the public.

The computer facilities and electronic data processing systems must be capable of performing the following tasks:

- a. Randomly selecting names from voter registration tape, disc, or other electronic media files for inclusion in the Master Jury Wheels;
- b. Randomly selecting names from the Master Jury Wheels for automatic addressing of the jury questionnaire and summons;

- c. Randomly selecting names from the Master Jury Wheels for issuance to jurors of letters or other notices;
- d. Storing names and addresses in the Master Jury Wheels in such physical forms as may be required;
- e. Preparing lists of juror names, questionnaires, and summonses, and other records as needed or required by law.

8. The One-Step Qualification and Summoning of Prospective Jurors

Pursuant to 28 U.S.C. § 1878, the Court adopts a one-step process to qualify and summon prospective petit and grand jurors. This one-step approach, considered to be more effective and less costly, shall be used by the Clerk in lieu of the two separate procedures otherwise provided for by the Jury Selection and Service Act, whereby prospective jurors first undergo a qualification step, which is then followed by a separate summons issued at a later date.

Each month, the estimated number of jurors needed to meet the Court's projected needs will be randomly selected from the Master Jury Wheels. Each juror selected will be mailed a juror qualification questionnaire and summons, accompanied by instructions to complete and return the questionnaire to the Clerk by mail within ten (10) days. The juror qualification questionnaire and summons shall include the date for which the prospective juror is summoned.

The juror qualification questionnaire required by 28 U.S.C. §§1864(a) and 1869(h) shall be in a form prescribed by the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States.

Persons who fail to reply to the questionnaire within the required ten (10) days, or who submit replies requiring further investigation, may be summoned for a personal interview before the Clerk should other means of communication fail to elicit a satisfactory response. Except for extraordinary cause shown, such appearance shall be without attendance fees or travel allowance.

The names of persons found not qualified for immediate service shall remain in the pool, but their individual record shall note their status as either deferred, disqualified, excused, exempt, non-deliverable, or no response. The remainder of the prospective jurors shall be deemed both qualified and available for service.

The names of persons sent and returning a juror qualification questionnaire and summons shall not be disclosed except on order of Court pursuant to 28 U.S.C. §§ 1867 and 1868. Pursuant to 28 U.S.C. § 1863(B)(7), the venire list of juror names for a particular jury panel may be released to the media and other persons with the approval of the judge presiding at trial, or by the Chief Judge if the judge presiding at trial is unavailable. The names of jurors and associated juror information may be kept confidential in any case where the interests of justice so require.

9. Qualification of Jurors

The Clerk shall review each completed juror qualification questionnaire upon receipt. All persons found to be deferred, disqualified, excused, or exempt from service as jurors shall have that fact noted on their records.

Any person shall presumptively be deemed qualified, unless such person is shown to be ineligible for one of the reasons enumerated in this Plan.

In accordance with the provisions of 28 U.S.C. § 1865(b), any citizen of the United States who has reached the age of 18 years and has resided for a period of one year within the District shall be deemed qualified to serve on grand or petit juries unless he or she:

- a. is unable to read, write, and understand the English language with a degree of proficiency sufficient to satisfactorily complete the juror qualification questionnaire;
- b. is unable to speak the English language;
- c. is incapable, by reason of mental or physical infirmity, to render satisfactory jury service; or

- d. has a charge pending against him or her for the commission of, or has been convicted in a state or federal court of record of, a crime punishable by imprisonment for more than one year and his or her civil rights have not been restored.

In accordance with the provisions of 28 U.S.C. § 1867(f), notice of persons who identify themselves as non-citizens through the juror qualification process shall be provided to appropriate election officials for verifying voter registration eligibility.

10. Exemption from Jury Service

Only those persons included in 28 U.S.C. § 1863(b)(6) are exempted from jury service.

11. Individual Requests for Excuse or Deferment

Pursuant to 28 U.S.C. § 1863(b)(1), this Plan authorizes the Clerk and designated deputies to manage the jury selection process. In so doing, the Clerk and the Clerk's deputies shall act under the supervision and control of the Chief Judge of the District Court or such other judge as the Chief Judge may designate.

Pursuant to 28 U.S.C. § 1863(5)(A), this Plan specifies below, those persons who may, on individual request, be excused or deferred from jury service.

Pursuant to 28 U.S.C. § 1866(c), the Court takes notice that any person summoned for jury service may be excused or deferred by the Clerk, upon a showing of undue hardship or extreme inconvenience, if the court's jury selection plan so authorizes.

Based on the above sections, this Plan provides that the Clerk and designated deputies are authorized to excuse or defer persons summoned for jury service for undue hardship or extreme inconvenience, or any other factor which the Court specifies in this section of the Plan. The Court finds that this delegation of authority to the Clerk and designated deputies is consistent with the intent of 28 U.S.C. § 1869(j), which defines undue hardship or extreme inconvenience as factors which the Court has determined warrant excuse or deferral.

The Court hereby finds that any person making a showing of undue hardship or extreme inconvenience, as defined by 28 U.S.C. § 1869(j), and any person who has served as a grand or petit juror or an alternate juror in a United States Federal Court within the past year, or any person who has been selected and seated as a grand juror or petit juror or an alternate juror in a state trial court within the past year, may, upon individual request, be granted an excuse or deferment of service for such period as is deemed necessary.

12. Selection of Jurors

Prospective jurors whose names have been drawn shall be randomly summoned to appear at a set date and time.

12.1 Selection of Petit Jurors

Juror selection shall be continuous, as needed by the Court, through the term of the Master Jury Wheels. Whenever required, the Clerk shall draw names from the appropriate Master Jury Wheels for service as petit jurors. Names of petit jurors called but not chosen for actual service shall be held until the next call for petit jurors has been issued.

The selection of jurors in groups drawn from the Master Jury Wheels will continue as necessary until an adequate number of names of qualified jurors are available for active jury service. Jurors from previous Master Jury Wheels may serve at the same time with jurors selected from later Master Jury Wheels.

The Clerk shall administer the appropriate oath to those chosen for petit jury service. When the jurors are in the Jury Assembly Room, the Clerk shall draw the requisite number of petit jurors for immediate service on a random basis, utilizing a computer process which selects a panel from among all prospective jurors then present. The Court may then seat prospective jurors in the random order established by the computer process. After all panels have been selected, jurors not selected for service shall be dismissed until called for jury duty by the Clerk.

12.2 Selection of Grand Jurors

The Clerk shall randomly draw from the appropriate Master Jury Wheels sufficient names to constitute a grand jury or juries as to insure that the District's needs will be met. The Clerk shall administer the appropriate oath to those chosen for grand jury service. The Court shall then give the grand jurors chosen such instruction as may be required.

The names of grand jurors chosen and sworn shall not be disclosed except on order of the Court.

At such times as may be appropriate to the needs of the Court, the Chief Judge, or such other judge as the Chief Judge may designate, may order that additional names for grand jury service shall be drawn from the Master Jury Wheels and the persons so drawn and summoned to serve as grand jurors shall be instructed and sworn.

13. Designation of Judge to Act in Place of the Chief Judge

In the event that the Chief Judge is unable to perform his or her duties under this Plan, including his or her temporary absence from the District, and has not designated another judge to do so, the judge of the Court who is authorized to perform the duties of the Chief Judge in case of his or her temporary inability to do so, as provided in 28 U.S.C. § 136(e), shall perform the duties of the Chief Judge under this Plan during the latter's inability or unavailability.

14. Effective Date

This Plan shall become effective after approval by the Ninth Circuit Judicial Council Reviewing Panel ("Panel") upon such date as the Panel shall designate, or if no such designation is made, this Plan shall become effective upon the date of its approval by the Panel.

IT IS SO ORDERED.