

**FILED**

SEP 23 1968

CLERK, U. S. DISTRICT COURT,  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF CALIFORNIA

BY \_\_\_\_\_  
District Clerk

In the Matter of Adoption )  
of a Jury Selection Plan )  
under Public Law 90-274 )

GENERAL ORDER NO. 24

The Random Jury Selection Plan of this district  
is set forth in the sixteen (16) following pages consisting  
of twelve (12) pages of text and four (4) exhibit pages.  
The said plan is approved and adopted.

It shall be fully in effect on and after  
December 22, 1968.

DATED: September 23, 1968.

  
THOMAS J. MACERIDE, Chief Judge

  
M. D. CROCKER, District Judge

  
SHERRILL HALBERT, District Judge

(See attached cover page for formal adoption of this Order)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**FILED**

SEP 23 1968

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ORDER PROVIDING METHOD OF JURY SELECTION  
IN THE EASTERN DISTRICT OF CALIFORNIA

CLERK, U. S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
Deputy Clerk

It appearing to the Court that a plan for the random selection of Grand and Petit Jurors in this District is necessary in order to comply with current recommendations of the Judicial Conference of the United States, and Public Law 90-274, 90th Congress, S.989, dated March 27, 1968.

NOW THEREFORE, subject to approval by a reviewing panel and to such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States, the following plan is hereby adopted by this Court and is ordered to be the method of jury selection of this Court.

A.

POLICY

It is the policy of this Court that all litigants entitled to trial by jury shall have the right to a jury venire selected at random from a cross-section of the citizenry in the district wherein the Court convenes. It is further the policy of this Court that all citizens shall have the opportunity to be considered for service on Grand and Petit Juries, and shall have an obligation to serve as jurors when summoned for that purpose.

B.

DISCRIMINATION PROHIBITED

No citizen shall be excluded from service as a Grand or Petit Juror on account of race, color, religion, sex, national origin, or economic status.

C.

JURY COMMISSION

There is hereby established a Jury Commission consisting of the

Clerk of the Court or his Deputy, and a Jury Commissioner, appointed by the Court for Sacramento, and a Jury Commissioner, appointed by the Court for Fresno. Such Commissioners shall be citizens of good standing, residing within the District and Community in which he serves, and a well-known member of the principal political party opposing that to which the Clerk or his Deputy then acting, may belong. Compensation for the Jury Commissioners for each of the two Courts of this district is hereby fixed at \$25.00 per day for each day necessarily employed in the performance of their duties, plus reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of such duties. The Jury Commission shall act under the supervision and control of the Chief Judge of this Court.

D.

RANDOM SELECTION

FROM REGISTERED VOTER LISTS

1. The Court finds that voter registration lists represent a fair cross-section of the citizenry in the Eastern District of California. Random selection from the said voter registration lists shall be accomplished as follows:

2. The names of prospective jurors drawn after the 23rd day of December, 1968, to serve on future Grand and Petit Juries for the two Courts of this District shall be selected at random from the voter registration lists of each of the counties served respectively by each of the two Courts of this District as shown on Exhibit B hereof and as designated by General Order No. 18 of this Court. Pursuant to Title 28, USC, Section 1869(e)(2), the Sacramento Court and the Counties it serves shall hereinafter be referred to as the Sacramento Division and the Fresno Court, together with the Counties it serves, shall be referred to as the Fresno Division.

3. The latest available voter registration list in each county shall be the sole source of prospective jurors. Where voter

registration lists are not available, the Jury Commission, with the approval of the Court, shall institute a substitute method of selecting jurors that will maintain the concept of selecting a jury venire from a cross-section of the community.

4. In order to implement the plan of random selection of the Jury venire for this District the Court finds that the Qualified Jury Wheel to be used for the Sacramento Division must contain the names of at least 800 persons qualified to serve as Grand or Petit Jurors and the Qualified Jury Wheel to be used for the Fresno Division must contain the names of at least 375 persons qualified to serve as Grand or Petit Jurors for that Court. The Court also finds that each year questionnaires must be sent to at least 2,500 persons in the Sacramento Division in order to produce the required 800 qualified jurors to serve the Sacramento Division, and 1,000 questionnaires must be sent to persons in the Fresno Division in order to produce the required 375 qualified jurors to serve the Fresno Division. Additionally, the Court finds that in order to provide the aforesaid total of 3,500 new names each year for the four-year life of each new Master Jury Wheel there must be at least 14,000 names selected at random on a proportionate basis from the voter registration lists in each of the 34 Counties in the District, i.e., 9,086 for the Sacramento District and 4,914 for the Fresno Division. Finally, the Court has determined and finds that as of January, 1968, the date of the last Official Report of Registration for California, 14,000 registered voters is equal to 1.28% of the registered voters in this District.

5. Accordingly, in order to fill the Master Jury Wheels for each Division in the District, random selection from the registered voter lists in the Counties of this District shall be made as follows:

(a) The Jury Commission for each Division, shall first establish for each County in the Division a number equal to 1.28% of the registered voters in the Division. They shall next determine for

each County in the Division at what equal interval in numbers a name shall be selected from the voters list in order to produce a list of names equal to 1.28% of the total number of registered voters. For example: If there are 5,000 registered voters in the county, 64 names should be furnished to the Master Jury Wheel: i.e.,  $.0128 \times 5,000 = 64$ . In order to assure that the 64 names will be selected at random from the total voter list, the Jury Commission shall select one name at random anywhere in the total list and thereafter every 78th name from the total list until he has selected a total of 64 names; i.e.,  $5,000 \div 64 = 78$ . As a further example: If the initial random selection by lot happens to be the 2,015th name on the list (or in the file of precinct lists where there are only precinct lists available rather than a single comprehensive list of registered voters) then every 78th name will be selected until the end of the list or the bottom of the precinct file is reached. The selection shall then be continued from the top of the list, or the top of the precinct file, down through the list or through the file until a total of 64 names have been selected.

(b) If there is no single registered voters list maintained in the County, but instead only precinct lists of registered voters are maintained, then all precinct lists for the county shall be grouped together in a single file in consecutive numerical order from top to bottom of the file. The initial random selection shall be made by lot by the Jury Commission from any precinct in the grouping. Thereafter, every 78th name would be selected as provided in the paragraph next preceding.

(c) In those counties having electronic or electric computers for the recording and maintenance of the names of registered voters, the County Clerk and the Jury Commission for the Court may elect to make the selection at equal intervals in the list of registered voters by machine after the Jury Commission has first made an initial random selection by lot of a name on the list as a starting point.

E.

MASTER JURY WHEELS

The Jury Commission in each Division shall maintain a Master Jury Wheel for the Division, which shall contain the names of all persons randomly selected from the voter registration lists of the counties in each Division. The minimum number of names to be placed initially in these Master Jury Wheels shall be as follows: 9,086 names, Sacramento Division; 4,914 names, Fresno Division. The Court may order additional names to be placed in the Master Jury Wheels from time to time as necessary. The Master Jury Wheels shall be emptied and refilled between January and June of every fourth year.

F.

DETERMINATION OF QUALIFICATIONS FOR, OR EXCUSE  
OR EXEMPTION FROM, JURY DUTY OF PERSONS WHOSE NAMES  
ARE DRAWN FROM MASTER JURY WHEEL

The determination of qualifications for, or exemption or excuse from jury service in the two Divisions of the District (as designated by General Order No. 18 of this Court) shall be made by the Chief Judge of the District for the Sacramento Division and the District Judge regularly holding court in Fresno for the Fresno Division. In each instance, and to serve each of said Divisions, the respective Judge shall, either on his own initiative or upon the recommendation of the Clerk or the Jury Commissioner serving that Division, determine solely on the basis of information provided on the Juror Qualification Form and other competent evidence, whether a person is unqualified for, or exempt, or to be excused from jury service in the Division of the Court to which his or her Juror Qualification Form has been regularly returned. The Clerk shall enter such determination and the reason for said determination in the space provided on the Juror Qualification Form and on the alphabetical list or compilation of names drawn from the Master Jury Wheel.

G.

QUALIFICATIONS TO SERVE

Any person shall be deemed qualified to serve on Grand and

Petit Juries in this Court unless the person, (1) is not a citizen of the United States, twenty-one years old, who has resided for a period of one year within this judicial district, (2) is unable to read, write, speak, and understand the English language, (3) is incapable, by reason of mental or physical infirmity, to render efficient jury service, or (4) has a charge pending against him 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 Civil Rights have not been restored by pardon or amnesty.

H.

AUTOMATIC EXEMPTIONS FROM JURY SERVICE

The exemption of members of the following occupational classes or groups of persons is in the public interest, consistent with law, and shall be automatically granted:

- (1) Members in active service in the Armed Forces of the United States.
- (2) Members of the active fire, police or law enforcement departments of any state, district, territory, possession or subdivision thereof.
- (3) Public officers in the executive, legislative or judicial branches of the government of the United States, or any state, district, territory, possession or subdivision thereof, who are actively engaged in the performance of official duties.

I.

EXEMPTIONS FROM JURY SERVICE ON REQUEST

Since jury service by members of the following occupational classes or groups of persons would entail undue hardship, extreme inconvenience, or serious obstruction or delay in the fair and impartial administration of justice, the excuse of such members would not be inconsistent with law, and may be granted of the Court on individual request:

- (1) All persons over 70 years of age.

- (2) All ministers of the gospel engaged in the active discharge of their ministerial duties.
- (3) All physicians, dentists, and attorneys engaged in actual practice.
- (4) Any person who has served as a Grand or Petit Juror in Federal or State Court within the preceding two years.
- (5) All members of the National Guard during period of time when they are on active duty.
- (6) All females who have legal custody of a child or children under the age of 12 years.
- (7) All registered, practical or vocational nurses actively engaged in the practice of their profession.
- (8) Any practitioner who treats the sick by prayer or spiritual means in accordance with the tenets, teachings or practice of any well established church or denomination, or a nurse who cares for the sick who are under treatment by such spiritual means, or a reader whose duty is to conduct regular religious services of such church or denomination.
- (9) All licensed morticians who are actively engaged in the practice of their profession.
- (10) All registered pharmacists who are actively engaged in the practice of their profession.
- (11) The wife of any man who is summoned to serve on the same jury panel.
- (12) All school teachers, which shall include public, parochial and private school teachers.
- (13) Any prospective juror residing more than 75 miles and/or more than two (2) hours driving time from the place of holding Court.

J.

QUALIFIED JUROR WHEELS

From time to time, as directed by the Court, and if not so directed then once each year, <sup>1/</sup> the Jury Commission shall publicly

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1/ Between June 1st, and November 1st.

draw at random from the Master Jury Wheels the names of as many persons as may be required for jury service. The Clerk shall prepare an alphabetical list of the names drawn, which list shall not be disclosed to any person except as hereinafter provided, and shall mail to every person whose name is so drawn, a juror qualification form, with instructions to fill out and return the form, duly signed, by mail, within ten (10) days. In drawing the names, allowance should be made for the possibility that some forms will not be returned, that some individuals may be exempt by law, and that others may not be able to comply with the statutory qualifications. Any person who fails to return a juror qualification form as instructed may be summoned by the Clerk or the Jury Commissioner to appear and fill out such a form; provided, that any person who returns an executed juror qualification form by mail, and who is subsequently summoned for jury service, may be required by the Clerk to fill out another juror qualification form. Any person who fails to appear as directed, or who wilfully misrepresents a material fact on a juror qualification form for the purpose of avoiding service as a juror, shall be ordered by the Court to appear and show cause why he committed such act or acts of omission or commission.

1. The names of all persons drawn each year from the Master Jury Wheels to whom questionnaires have been sent as aforesaid and who are deemed to be qualified jurors and not exempt, excluded or excused, under any of the provisions of Sections G through I hereof, shall be placed in the Qualified Juror Wheel for the Division in which the particular person resides.

2. For the Sacramento Division, the names of 100 potential Grand Jurors and thereafter the names of 600 Petit Jurors shall be publicly drawn from the Sacramento Division Qualified Juror Wheel which shall contain the names of not less than 800 qualified persons for each one year court term. For the Fresno Division, the names of 75 potential Grand Jurors and thereafter the names of 200 Petit

Jurors shall be publicly drawn from the Fresno Division Qualified Juror Wheel containing the names of not less than 375 qualified persons for each one year court term.

3. The two Qualified Juror Wheels for the District shall be emptied and refilled for each one year court term in the same manner as provided in the paragraph next preceding.

K.

PROCEDURE FOR SELECTION OF GRAND JURY

Once each year between the 1st day of November and the 15th day of January of the following year, the Grand Jury for each Division in the District shall be publicly selected as follows: in Sacramento, 100 names drawn from the Sacramento Division Qualified Juror Wheel shall be placed in the courtroom jury wheel. Thereafter, names shall be drawn by lot from the said wheel until 23 jurors acceptable to the Court have been selected and sworn to the office of Grand Juror. In Fresno, 75 names drawn from the Fresno Division Qualified Juror Wheel shall be placed in the courtroom jury wheel. Thereafter, the same procedure shall be followed as specified above for selection of the Grand Jury in Sacramento. In each Division of the Court the Clerk of the Court, or his designated Deputy for the Division, shall prepare and maintain for the respective Division a list of the Grand Jurors selected to serve that Division of the Court.

L.

PROCEDURE FOR ASSIGNMENT TO PETIT JURY PANELS

In order to assure all Petit Jurors an equal opportunity for jury service throughout the year of petit jury appointment, the petit jurors drawn for daily jury service shall be selected on a rotation basis. In each Division of the Court the Clerk of the Court, or his designated Deputy for the Division, shall prepare and maintain for the respective Division a list of names of persons assigned to the petit jury panel for that Division of the Court.

M.

DISCLOSURE OF NAMES OF JURORS

Upon empanelment, the entire list of names drawn from the Qualified Juror Wheels identifying persons who have been empaneled

as qualified jurors, may be disclosed to counsel for the parties, unless the Court directs otherwise. As for the jurors assigned for service on particular cases or particular days, their identity shall not be disclosed until three days prior to the trial date, provided, the Court may in any case, keep such names confidential for such period of time as it determines the interests of justice may require.

N.

#### SUMMONING JURORS FOR SERVICE

The Jury Commission or deputy clerks in each location where Court is held shall prepare a separate list of names of persons drawn for service on Grand and Petit Juries for the period of their service. When the Court orders a Grand or Petit Jury to be drawn, the Clerk shall issue summons for the required number of jurors and deliver them to the U.S. Marshal for service. Each person drawn for jury service may be served personally or by registered or certified mail, addressed to such person at his usual residence or business address. Such service shall be made by the Marshal who shall attach to his return the addressee's receipt for the registered or certified summons, ~~where service is made in that~~ manner, by mail. If a person did not appear in response to a summons, such fact shall be noted on the alphabetical list or compilation of names drawn from the Master Jury Wheel.

O.

#### SELECTION OF TRIAL JURY

1. Except as provided in Sections G, H, and I of this plan, no person, or class of persons, shall be disqualified, excluded, excused, or exempt from service as jurors: PROVIDED, That any person summoned for jury service may be (a) excused by the Court, upon a showing of undue hardship or extreme inconvenience, for such period as the Court deems necessary, at the conclusion of which such person shall be summoned again for jury service under Section N of this section of the plan, or (b) excluded by the Court on the ground that such person may be unable to render impartial

jury service or that his service as a juror would be likely to disrupt the proceedings, or (c) excluded upon peremptory challenge as provided by law, or (d) excluded pursuant to the procedure specified by law upon a challenge by any party for good cause shown, or (e) excluded upon determination by the Court that his service as a juror would be likely to threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberations. No person shall be excluded under clause (e) of this section unless the Judge, in open court, determines that such is warranted and that exclusion of the person will not be inconsistent with Sections 1861 and 1862 of Public Law 90-274, hereinafter referred to as "The Jury Selection and Service Act of 1968". The number of persons excluded under this clause (e) shall not exceed one per centum of the number of persons who returned executed jury qualification forms during the period, specified in this plan, between two consecutive fillings of the Master Jury Wheel. The names of persons excluded under this clause (e), together with detailed explanations for the exclusions, shall be forwarded immediately to the Judicial Council of the Circuit, which shall have the power to make any appropriate order, prospective or retroactive, to redress any misapplication of this clause (e), but otherwise exclusions effectuated under such clause shall not be subject to challenge under the provisions of "The Jury Selection and Service Act of 1968". Any person excluded from a particular jury under clause (b), (c), or (d) of this section shall be eligible to sit on another jury if the basis for his initial exclusion would not be relevant to his ability to serve on such other jury.

2. Whenever a person is disqualified, excused, exempt, or excluded from jury service, the Jury Commission or Clerk shall note in the space provided on his juror qualification form or on the juror's card drawn from the qualified Jury Wheel the specific reason therefor.

3. In any two-year period, no person shall be required to

(1) serve or attend court for prospective service as a Petit Juror for a total of more than thirty days, except when necessary to complete service in a particular case, or (2) serve on more than one Grand Jury, or (3) serve as both a Grand and Petit Juror.

4. When there is an unanticipated shortage of available Petit Jurors drawn from the Qualified Jury Wheel, the Court may require the Marshal to summon a sufficient number of Petit Jurors selected at random from the voter registration lists, lists of actual voters, or other lists specified in the plan, in a manner ordered by the Court consistent with Sections 1861 and 1862 of "The Jury Selection and Service Act of 1968."

5. Any person summoned for jury service who fails to appear as directed shall be ordered by the District Court to appear forthwith and show cause for his failure to comply with the summons. Any person who fails to show good cause for noncompliance with a summons may be fined not more than \$100 or imprisoned not more than three days, or both.

P.

PLAN TO BE FILED AS GENERAL ORDER OF COURT

This order shall be filed by the Clerk of this District Court in the General Order Book of the District and a copy thereof shall be filed in the book of copies of General Orders of this District maintained at Fresno.

DATED: September 23, 1968.

EXHIBIT A

The Juror Qualification Questionnaire required by Sections 1864(a) and 1869(h) of the Act shall be in the form prescribed by the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States. Until such prescription and approval, the Questionnaire shall be in the form attached.

### JUROR QUALIFICATION QUESTIONNAIRE (Please Type or Print Your Answers)

Enter name and address below if different from that shown at left.  
If same, enter word "SAME".

		_____		
		(Name)		
		_____		
		(Street Address)		
		_____	_____	_____
		(City)	(State)	(ZIP Code)
		County _____		

1. Date of birth \_\_\_\_\_  
(Month) (day) (year)

2. Sex \_\_\_\_\_

3. How long have you resided at the above address? \_\_\_\_\_ years and \_\_\_\_\_ months.

4. If the answer to Question 3 is less than 12 months, enter other places of residence within the past year.

_____	_____	_____	_____	from	_____	_____	to	_____	_____
street	city	county	state		month,	year		month,	year
_____	_____	_____	_____	from	_____	_____	to	_____	_____
street	city	county	state		month,	year		month,	year
_____	_____	_____	_____	from	_____	_____	to	_____	_____
street	city	county	state		month,	year		month,	year

5. Are you a citizen of the United States of America? \_\_\_\_\_ (yes or no).

6. Can you read, write, speak and understand the English language? \_\_\_\_\_ (yes or no).

7. Do you have any physical or mental infirmity impairing your capacity to serve as a juror?

\_\_\_\_\_ (yes or no) If so, describe it fully. \_\_\_\_\_  
\_\_\_\_\_

8. Have you ever been convicted of a State or Federal crime punishable by imprisonment for more than one year? \_\_\_\_\_ (yes or no). If your answer is yes, have your civil rights been restored by pardon or amnesty? \_\_\_\_\_ (yes or no).

9. Are any charges pending against you for the commission of a State or Federal crime punishable by imprisonment for more than one year? \_\_\_\_\_ (yes or no).

10. Do you request excuse from jury service on the basis of any of the grounds listed on the attached sheet? \_\_\_\_\_ (yes or no). If so, explain the ground of your claim. \_\_\_\_\_  
\_\_\_\_\_

11. Are you employed on a regular basis as:

(i) a member in active service in the Armed Forces of the United States? \_\_\_\_\_ (yes or no)

(ii) a member of any fire or police department? \_\_\_\_\_ (yes or no)

(iii) a public officer of the United States, State or local government who either is elected to public office or who is directly appointed by a person elected to public office? \_\_\_\_\_ (yes or no)

TO THE PROSPECTIVE JUROR

Instructions for Claiming an Excuse from Jury Service

This Court has ordered that members of the classes or groups of persons listed below may claim excuse from jury service, if they desire to do so. You may serve as a juror if you wish. However, if you are in one of the groups listed below, and it is your desire to assert a right to be excused, please circle the group listed below to which you belong and explain the ground for your claim in response to question 10 on the questionnaire form.

The members of the following groups are entitled to claim excuse if they elect to do so:

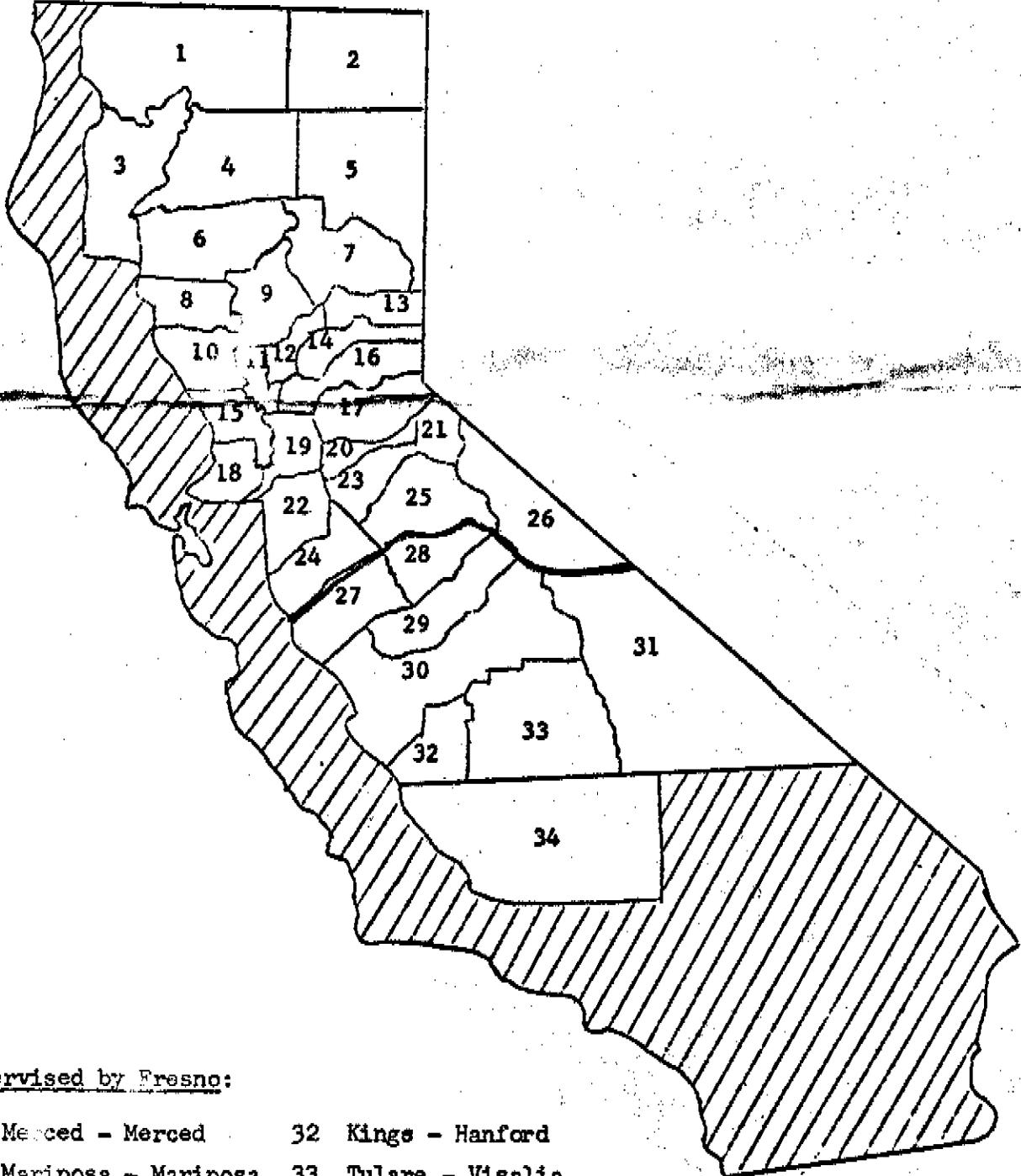
- (1) All persons over 70 years of age.
- (2) All ministers of the gospel engaged in the active discharge of their ministerial duties.
- (3) All physicians, dentists, and attorneys engaged in actual practice.
- (4) Any person who has served as a Grand or Petit Juror in Federal or State Court within the preceding two years.
- (5) All members of the National Guard during period of time when they are on active duty.
- (6) All females who have legal custody of a child or children under the age of 12 years.
- (7) All registered, practical or vocational nurses actively engaged in the practice of their profession.
- (8) Any practitioner who treats the sick by prayer or spiritual means in accordance with the tenets, teachings or practice of any well established church or denomination, or a nurse who cares for the sick who are under treatment by such spiritual means, or a reader ~~whose duty is to conduct regular religious services~~ of such church or denomination.
- (9) All licensed morticians who are actively engaged in the practice of their profession.
- (10) All registered pharmacists who are actively engaged in the practice of their profession.
- (11) The wife of any man who is summoned to serve on the same jury panel.
- (12) All school teachers, which shall include public, parochial and private school teachers.
- (13) Any prospective juror residing more than 75 miles and/or more than two (2) hours driving time from the place of holding Court.

[If you claim exemption from jury service because you are a member of any of the groups listed above, be sure to return this instruction sheet with the Questionnaire to which it is presently attached.] Regardless of whether you claim such an exemption, be sure to fully complete and return the attached Questionnaire.]

EASTERN DISTRICT OF CALIFORNIA

Supervised by Sacramento: (County & County Seat)

- |                         |                            |
|-------------------------|----------------------------|
| 1 Siskiyou - Yreka      | 14 Nevada - Nevada City    |
| 2 Modoc - Alturas       | 15 Yolo - Woodland         |
| 3 Trinity - Weaverville | 16 Placer - Auburn         |
| 4 Shasta - Redding      | 17 El Dorado - Placerville |
| 5 Lassen - Susanville   | 18 Solano - Fairfield      |
| 6 Tehama - Red Bluff    | 19 Sacramento - Sacramento |
| 7 Plumas - Quincy       | 20 Amador - Jackson        |
| 8 Glenn - Willows       | 21 Alpine - Markleeville   |
| 9 Butte - Oroville      | 22 San Joaquin - Stockton  |
| 10 Colusa - Colusa      | 23 Calaveras - San Andreas |
| 11 Sutter - Yuba City   | 24 Stanislaus - Modesto    |
| 12 Yuba - Marysville    | 25 Tuolumne - Sonora       |
| 13 Sierra - Downieville | 26 Mono - Bridgeport       |



Supervised by Fresno:

- |                        |                       |
|------------------------|-----------------------|
| 27 Merced - Merced     | 32 Kings - Hanford    |
| 28 Mariposa - Mariposa | 33 Tulare - Visalia   |
| 29 Madera - Madera     | 34 Kern - Bakersfield |
| 30 Fresno - Fresno     |                       |
| 31 Inyo - Independence |                       |