FILED

MAR 22 2000

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

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

IN RE:	)	
	)	
ADOPTION OF AMENDMENT TO GENERAL ORDER NO. 374	)	**GENERAL ORDER NO. 378**
	)	

December 30, 1999, the Judges of the Eastern District of California adopted General Order No. 374, Adoption of Amended Jury Plan (attached), pending the approval by the Judicial Council of the Ninth Circuit.

On February 24, 2000, the Judicial Council for the Ninth Circuit approved the Eastern District of California's Amended Jury Plan.

IT IS HEREBY ORDERED that the Amended Jury Selection Plan is adopted and becomes effective this date.

DATED: March 23, 2000.

FOR THE COURT:

WILLIAM B. SHUBB, Chief Judge
Eastern District of California

FILED

MAR 22 2000

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

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RE:	)	
	)	GENERAL ORDER NO. 374
ADOPTION OF AMENDED JURY	)	(Amending General Order 286)
SELECTION PLAN	)	
	)	

Pursuant to the Jury Selection and Service Act of 1968 (28 U.S.C. § 1861, et seq.), the attached Amended Plan is hereby approved by the Judges of this District, subject to approval by the Judicial Council of the Ninth Circuit.

DATED: December 30, 1999.

William B. Shubb, Chief Judge
U.S. District Court

Garland E. Burrell, Jr., Judge
U.S. District Court

Lawrence K. Karlton, Judge
U.S. District Court

Anthony W. Ishii, Judge
U.S. District Court

David F. Levi, Judge
U.S. District court

Frank C. Damrell, Jr., Judge
U.S. District Court

Oliver W. Wanger, Judge
U.S. District court

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

AMENDED PLAN FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS

Pursuant to the Jury Selection and Service Act of 1968 (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:

I

APPLICABILITY OF THE PLAN

The Eastern District of California is hereby divided, for jury selection purposes, pursuant to U.S.C. § 1869 (e) of Title 28, as follows:

SACRAMENTO DIVISION, consisting of the counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Glenn, Butte, Colusa, Sutter, Yuba, Sierra, Nevada, Yolo, Placer, El Dorado, Solano, Sacramento, Amador, Alpine, San Joaquin, and Mono.

FRESNO DIVISION, consisting of the counties of Merced, Mariposa, Madera, Fresno, Inyo, Kings, Tulare, Kern, Calaveras, Stanislaus, and Tuolumne.

The provisions of this Plan apply to both divisions in the District, unless specifically indicated to the contrary.

II

DECLARATION OF POLICY

It is the policy of the Court that all litigants in the Eastern District of California entitled to trial by jury shall have the right to grand and petit jurors selected at random from a fair cross section of the community in the division wherein the Court convenes. It is further the policy of the Court that all citizens resident within the District 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.

III

DISCRIMINATION PROHIBITED

No citizen shall be excluded from service as a grand or petit juror in the Court on account of race, color, religion, sex, national origin or economic status.

IV

MANAGEMENT AND SUPERVISION OF THE PLAN

This Plan shall be managed by the Clerk of Court under the supervision and control of the Chief Judge or such other judge as may be designated to perform these duties.

The Court finds that electronic data processing methods can be advantageously used for managing this Plan. **Therefore, a properly programmed** electronic data processing system, or a combination system employing both manual and electronic methods, will be used to eliminate duplicated names (if necessary), select master wheel names, select names of persons to

be sent questionnaires, select names of persons in the qualified wheel to be summoned and to perform other clerical and record-keeping functions as the Court deems necessary. The Clerk of Court is authorized to use non-Court personnel to assist in the performance of functions under this Plan.

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

V

JURY SELECTION SOURCE

The Court finds that the source from which the names of petit and grand jurors shall be selected, at random, shall be the voter registration records from all counties within the relevant division. The Court further finds that such records represent a fair cross section of the community in this District. Accordingly, names of petit and grand jurors serving in this District shall be selected by randomized procedure from the aforementioned source.

VI

INITIAL SELECTION OF NAMES FOR THE MASTER WHEEL

The Court finds that the initial selection of persons to be considered for service as petit and grand jurors from the voter registration records shall be made at random in such a total number as may be deemed sufficient for a period of one (1) year.

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

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

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

VII

METHOD AND MANNER OF RANDOM SELECTION

(a) Determining a "quotient". For each division, the Clerk shall make the randomized selection by taking the total number of voters from the records of registered voters of the counties in the division of the Court and dividing that number by the minimum number of names to be placed in the master jury wheel, and the number obtained will be the "quotient". The quotient is the ratio of selected to unselected names. For example, if the Clerk should determine that to supply court jury requirements for one (1) year, he will need 10,000 names in

the master wheel, and if there are a total of 1,000,000 names on all county voter registration records, the "quotient" to be used would be 1,000,000 divided by 10,000 or 100, and the Clerk would therefore take every 100th name from the records of registered voters for the master wheel.

(b) Determining a "Starting Number". After determining the "quotient", the Clerk shall establish a starting number. This number will locate on the voter registration record(s), or on the data computer's tape of such record(s), the first name to be selected. The starting number will be manually drawn by lot from numbered cards placed in a jury wheel, drum or box, as described herein, or a comparable method using a computerized random number selection program. Cards used for this drawing should begin with a card containing number one and end with a card containing the same number as the "quotient". In other words, the range of numbers from which a starting number is drawn is exactly the same as the range between number one and whatever the "quotient" number happens to be. As an example of how both the starting number and quotient are used, if we suppose the quotient to be 100 and the starting number drawn is 12, the first name chosen for each county would be the 12th name on its list of voters, the second name would be the 112th, etc., and thus continued to the end of the record(s).

(c) **At the Clerk's option, and after consultation with the court, the selection of names from complete source list databases in electronic media for the master jury wheel may be accomplished by a purely randomized process through a properly programmed electronic data processing system.**

VIII

PUBLIC ANNOUNCEMENT OF THE PLACE AND TIME OF AUTOMATED SELECTION OF NAMES BY COMPUTER CENTER

Random drawings of starting numbers shall be publicly made in the office of the Clerk of Court at times to be publicly announced on the bulletin board in the Office of the Clerk.

Drawings of names of prospective jurors by automated selection methods shall be publicly made at the designated computer center. The location and approximate time of such drawings shall be publicly announced in a public place such as the bulletin board in the Office of the Clerk.

The Clerk shall retain and, when requested, provide public access to the following documents:

(1) The Juror Selection Plan.

(2) A verbal or graphically charted description of the procedure employed in the automated selection system.

(3) A copy of the Court's authorization and instruction order to the person or computer service organization which carries out automated name selection tasks for the Court.

IX

MASTER JURY WHEELS

The Clerk shall maintain a master jury wheel or a device similar in purpose and function for each of the divisions within the District. The master jury wheels for each division, and the qualified jury wheels for each division shall be physically retained in the Clerk's Office or at a designated automated data processing center.

The names of all persons randomly selected from the voter registration records of the counties in a division shall be placed in the master jury wheel for that division.

Pursuant to 28 U.S.C. § 1863 (b)(4) of the Act, the minimum number of names to be placed in the master jury wheels shall be at least one-half of one percent of the total number of names on all county voter registration records.

The Chief Judge or designated judge may order additional names to be placed in the master jury wheels from time to time as necessary.

X

DRAWING OF NAMES FROM THE MASTER JURY WHEELS

COMPLETION OF JUROR QUALIFICATION FORMS

The Clerk, either all at one time or at periodic intervals, shall draw at random from the master jury wheels the names of as many persons as may be required to maintain an adequate number of names in the qualified jury wheels. The number of names to be drawn shall 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.

At the option of the Clerk and after consultation with the court, a properly programmed electronic data processing system for pure randomized selection may be used to select names from the master wheel for the purpose of determining qualification for jury service, and from the qualified wheel for summoning persons to serve as grand or petit jurors. Such random selections of names from the source list for inclusion in the master wheel by data computer personnel must insure that each county within the jury division is substantially proportionally represented in the master jury wheel in accordance with 28 U.S.C. § 1863 (b)(3). The selections of names from the source list, the master wheel, and the qualified wheel must also insure that the mathematical odds of any single name being picked are substantially equal.

The Clerk shall, by manual or computer means, prepare and have mailed to every person whose name is so drawn, a juror qualification questionnaire form, accompanied by

instructions to execute and return the questionnaire duly signed and sworn, to the Clerk by mail within ten (10) days, in accordance with 28 U.S.C. § 1864 (a) of the Act.

XI

JUROR QUALIFICATION FORM

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

The Court finds that jury service would not entail an undue hardship or extreme inconvenience to the members of any group of persons or occupational classes.

XII

DETERMINATION OF QUALIFICATIONS, EXCUSES AND EXEMPTIONS

The Chief Judge or designated judge, on their own initiative, or upon recommendation of the Clerk, shall 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. The Clerk shall, by manual or computer means, enter this determination in the space provided on the juror qualification form. If a person did not appear in response to a summons, such fact shall be recorded. Upon Order of the Court, the Clerk thereafter may pursue such matter in accordance with the provisions of 28 U.S.C. § 1864 of the Act.

(A) QUALIFICATIONS FOR JURY SERVICE

The Chief Judge or designated judge shall deem any person qualified to serve on grand and petit juries in this District unless the person:

(1) Is not a citizen of the United States, eighteen (18) years of age who has resided within the judicial district for a period of one year;

(2) Is unable to read, write and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;

(3) Is unable to speak the English language;

(4) Is incapable, by reason of mental or physical infirmity, to render satisfactory jury service;

(5) 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.

(B) EXCUSE FROM JURY SERVICE

In addition to the members of groups and occupational classes subject to excuse from jury service on individual request as provided in Section XII (D), infra, of this Plan, any person summoned for jury service may on request be excused by the Court, or by the Clerk of 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 notified again for jury service within a reasonable time or as the Court may direct. The name of such person shall be reinserted into the qualified jury wheel of the Court.

> "Undue hardship or extreme inconvenience: as a basis for excuse from immediate jury service under this section shall mean great distance, either in miles or travel time, from the

place of holding court, grave illness in the family or any other emergency which outweighs in immediacy and urgency the obligation to serve as a juror when summoned, or any other factor which the Court determines to constitute an undue hardship or to create an extreme inconvenience to the juror; and in addition, in situations where it is anticipated that a trial or grand jury proceeding may require more than thirty (30) days of service, the court may consider, as a further basis for temporary excuse, severe economic hardship to an employer which would result from the absence of a key employee during the period of such service.

(C) EXEMPTION FROM JURY SERVICE

Only those persons who are exempt from jury service under the provisions of 28 U.S.C. § 1863 (b)(6) of the Act, shall be exempt from jury service under this Plan.

(D) EXCUSES ON INDIVIDUAL REQUEST

The Judges of this Court find that jury service by members of the following occupational classes or groups of persons may entail undue hardship or extreme inconvenience to the members thereof, and the excuse of such members will not be inconsistent with the Act, and shall be granted upon individual request.

(1) Over seventy (70) years of age.

(2) Persons who have, within the past two years, served as a federal grand or petit juror.

(3) Volunteer safety personnel, specifically individuals serving a public agency in an official capacity, without compensation, as firefighters or members of a rescue squad or ambulance crew.

XIII

QUALIFIED JURY WHEEL

The Clerk shall maintain a separate qualified jury wheel(s) or a device similar in purpose and function for each division, and shall place in the wheel(s) the names of all persons drawn from the master wheel and not disqualified, exempt or excused pursuant to this Plan. The Clerk shall insure that at all times an adequate number of names are maintained in each wheel. The Clerk may maintain these wheels through the use of an automated system.

XIV

SUMMONING OF JURORS

Upon Court Order the Clerk shall randomly select, by manual or computer means, from the designated qualified jury wheel the designated number of persons to be summoned for a specific date. Names of persons summoned and appearing for service may be considered as a petit jury pool, from which separate trial panels will be randomly selected by lot. Pooling of jurors, staggered trials starts and multiple voir dire may be utilized in the assignment of jurors to petit jury panels. The Clerk shall prepare for the use of the Court and counsel a separate list of names of persons assigned to each petit jury panel.

Names drawn from the qualified jury wheel shall not be made public until the panel of jurors have been summoned and have appeared at the courthouse, provided that the Chief Judge or designated judge may order that the names be made public at an earlier date or to be kept confidential in a case or in cases when the interests of justice so require.

XV

GRAND JURY PANEL

From time to time as grand juries are required, the Court shall order the random drawing from each division's qualified wheel the names of persons as may be required for assignment to the grand jury panels. The total number of grand jurors to be summoned shall be based on a pro-rata share of the total number of persons on the voter registration record of each division as compared to the total number of persons on the voter registration records of all divisions. Special grand juries shall be selected in the same manner as regular grand juries.

XVI

UNANTICIPATED SHORTAGE OF JURORS

When there is an unanticipated shortage of available petit jurors drawn from the qualified jury wheel, the Chief Judge or designated judge may require the United States Marshal to summon a sufficient number of additional petit jurors. These jurors will be selected at random, in a manner ordered by the Court consistent with §§ 1862 of the Act.

XVII

FREQUENCY OF SERVICE

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 (30) 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.

XVIII

PLAN TO BE FILED AS GENERAL ORDER OF COURT

Upon approval, this Amended Plan shall be filed by the Clerk of the United States District Court in the General Order Book of the District in Sacramento, and a copy thereof shall be filed in the book of copies of General Orders of this District maintained in the Fresno divisional office.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

AMENDED PLAN FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS

Pursuant to the Jury Selection and Service Act of 1968 (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:

I

APPLICABILITY OF THE PLAN

The Eastern District of California is hereby divided, for jury selection purposes, pursuant to U.S.C. § 1869 (e) of Title 28, as follows:

SACRAMENTO DIVISION, consisting of the counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Glenn, Butte, Colusa, Sutter, Yuba, Sierra, Nevada, Yolo, Placer, El Dorado, Solano, Sacramento, Amador, Alpine, San Joaquin, and Mono.

FRESNO DIVISION, consisting of the counties of Merced, Mariposa, Madera, Fresno, Inyo, Kings, Tulare, Kern, Calaveras, Stanislaus, and Tuolumne.

The provisions of this Plan apply to both divisions in the District, unless specifically indicated to the contrary.

II

DECLARATION OF POLICY

It is the policy of the Court that all litigants in the Eastern District of California entitled to trial by jury shall have the right to grand and petit jurors selected at random from a fair cross section of the community in the division wherein the Court convenes. It is further the policy of the Court that all citizens resident within the District 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.

III

DISCRIMINATION PROHIBITED

No citizen shall be excluded from service as a grand or petit juror in the Court on account of race, color, religion, sex, national origin or economic status.

IV

MANAGEMENT AND SUPERVISION OF THE PLAN

This Plan shall be managed by the Clerk of Court under the supervision and control of the Chief Judge or such other judge as may be designated to perform these duties.

The Court finds that electronic data processing methods can be advantageously used for managing this Plan. **Therefore, a properly programmed** electronic data processing system, or a combination system employing both manual and electronic methods, will be used to eliminate duplicated names (if necessary), select master wheel names, select names of persons to

be sent questionnaires, select names of persons in the qualified wheel to be summoned and to perform other clerical and record-keeping functions as the Court deems necessary. The Clerk of Court is authorized to use non-Court personnel to assist in the performance of functions under this Plan.

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

V

JURY SELECTION SOURCE

The Court finds that the source from which the names of petit and grand jurors shall be selected, at random, shall be the voter registration records from all counties within the relevant division. The Court further finds that such records represent a fair cross section of the community in this District. Accordingly, names of petit and grand jurors serving in this District shall be selected by randomized procedure from the aforementioned source.

VI

INITIAL SELECTION OF NAMES FOR THE MASTER WHEEL

The Court finds that the initial selection of persons to be considered for service as petit and grand jurors from the voter registration records shall be made at random in such a total number as may be deemed sufficient for a period of one (1) year.

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

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

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

VII

METHOD AND MANNER OF RANDOM SELECTION

(a) Determining a "quotient". For each division, the Clerk shall make the randomized selection by taking the total number of voters from the records of registered voters of the counties in the division of the Court and dividing that number by the minimum number of names to be placed in the master jury wheel, and the number obtained will be the "quotient". The quotient is the ratio of selected to unselected names. For example, if the Clerk should determine that to supply court jury requirements for one (1) year, he will need 10,000 names in

the master wheel, and if there are a total of 1,000,000 names on all county voter registration records, the "quotient" to be used would be 1,000,000 divided by 10,000 or 100, and the Clerk would therefore take every 100th name from the records of registered voters for the master wheel.

(b) Determining a "Starting Number". After determining the "quotient", the Clerk shall establish a starting number. This number will locate on the voter registration record(s), or on the data computer's tape of such record(s), the first name to be selected. The starting number will be manually drawn by lot from numbered cards placed in a jury wheel, drum or box, as described herein, or a comparable method using a computerized random number selection program. Cards used for this drawing should begin with a card containing number one and end with a card containing the same number as the "quotient". In other words, the range of numbers from which a starting number is drawn is exactly the same as the range between number one and whatever the "quotient" number happens to be. As an example of how both the starting number and quotient are used, if we suppose the quotient to be 100 and the starting number drawn is 12, the first name chosen for each county would be the 12th name on its list of voters, the second name would be the 112th, etc., and thus continued to the end of the record(s).

(c) **At the Clerk's option, and after consultation with the court, the selection of names from complete source list databases in electronic media for the master jury wheel may be accomplished by a purely randomized process through a properly programmed electronic data processing system.**

VIII

PUBLIC ANNOUNCEMENT OF THE PLACE AND TIME OF AUTOMATED SELECTION OF NAMES BY COMPUTER CENTER

Random drawings of starting numbers shall be publicly made in the office of the Clerk of Court at times to be publicly announced on the bulletin board in the Office of the Clerk.

Drawings of names of prospective jurors by automated selection methods shall be publicly made at the designated computer center. The location and approximate time of such drawings shall be publicly announced in a public place such as the bulletin board in the Office of the Clerk.

The Clerk shall retain and, when requested, provide public access to the following documents:

(1) The Juror Selection Plan.

(2) A verbal or graphically charted description of the procedure employed in the automated selection system.

(3) A copy of the Court's authorization and instruction order to the person or computer service organization which carries out automated name selection tasks for the Court.

IX

MASTER JURY WHEELS

The Clerk shall maintain a master jury wheel or a device similar in purpose and function for each of the divisions within the District. The master jury wheels for each division, and the qualified jury wheels for each division shall be physically retained in the Clerk's Office or at a designated automated data processing center.

The names of all persons randomly selected from the voter registration records of the counties in a division shall be placed in the master jury wheel for that division.

Pursuant to 28 U.S.C. § 1863 (b)(4) of the Act, the minimum number of names to be placed in the master jury wheels shall be at least one-half of one percent of the total number of names on all county voter registration records.

The Chief Judge or designated judge may order additional names to be placed in the master jury wheels from time to time as necessary.

X

DRAWING OF NAMES FROM THE MASTER JURY WHEELS

COMPLETION OF JUROR QUALIFICATION FORMS

The Clerk, either all at one time or at periodic intervals, shall draw at random from the master jury wheels the names of as many persons as may be required to maintain an adequate number of names in the qualified jury wheels. The number of names to be drawn shall 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.

At the option of the Clerk and after consultation with the court, a properly programmed electronic data processing system for pure randomized selection may be used to select names from the master wheel for the purpose of determining qualification for jury service, and from the qualified wheel for summoning persons to serve as grand or petit jurors. Such random selections of names from the source list for inclusion in the master wheel by data computer personnel must insure that each county within the jury division is substantially proportionally represented in the master jury wheel in accordance with 28 U.S.C. § 1863 (b)(3). The selections of names from the source list, the master wheel, and the qualified wheel must also insure that the mathematical odds of any single name being picked are substantially equal.

The Clerk shall, by manual or computer means, prepare and have mailed to every person whose name is so drawn, a juror qualification questionnaire form, accompanied by instructions to execute and return the questionnaire duly signed and sworn, to the Clerk by mail

within ten (10) days, in accordance with 28 U.S.C. § 1864 (a) of the Act.

XI

JUROR QUALIFICATION FORM

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

The Court finds that jury service would not entail an undue hardship or extreme inconvenience to the members of any group of persons or occupational classes.

XII

DETERMINATION OF QUALIFICATIONS, EXCUSES AND EXEMPTIONS

The Chief Judge or designated judge, on their own initiative, or upon recommendation of the Clerk, shall 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. The Clerk shall, by manual or computer means, enter this determination in the space provided on the juror qualification form. If a person did not appear in response to a summons, such fact shall be recorded. Upon Order of the Court, the Clerk thereafter may pursue such matter in accordance with the provisions of 28 U.S.C. § 1864 of the Act.

(A) QUALIFICATIONS FOR JURY SERVICE

The Chief Judge or designated judge shall deem any person qualified to serve on

grand and petit juries in this District unless the person:

(1) Is not a citizen of the United States, eighteen (18) years of age who has resided within the judicial district for a period of one year;

(2) Is unable to read, write and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;

(3) Is unable to speak the English language;

(4) Is incapable, by reason of mental or physical infirmity, to render satisfactory jury service;

(5) 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.

(B) EXCUSE FROM JURY SERVICE

In addition to the members of groups and occupational classes subject to excuse from jury service on individual request as provided in Section XII (D), infra, of this Plan, any person summoned for jury service may on request be excused by the Court, or by the Clerk of 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 notified again for jury service within a reasonable time or as the Court may direct. The name of such person shall be reinserted into the qualified jury wheel of the Court.

> "Undue hardship or extreme inconvenience: as a basis for excuse from immediate jury service under this section shall mean great distance, either in miles or travel time, from the place of holding court, grave illness in the family or any other emergency which outweighs in immediacy and urgency the obligation to serve as a juror when summoned, or any other factor which the Court determines to constitute an undue hardship or to create an extreme inconvenience to

the juror; and in addition, in situations where it is anticipated that a trial or grand jury proceeding may require more than thirty (30) days of service, the court may consider, as a further basis for temporary excuse, severe economic hardship to an employer which would result from the absence of a key employee during the period of such service.

(C) EXEMPTION FROM JURY SERVICE

Only those persons who are exempt from jury service under the provisions of 28 U.S.C. § 1863 (b)(6) of the Act, shall be exempt from jury service under this Plan.

(D) EXCUSES ON INDIVIDUAL REQUEST

The Judges of this Court find that jury service by members of the following occupational classes or groups of persons may entail undue hardship or extreme inconvenience to the members thereof, and the excuse of such members will not be inconsistent with the Act, and shall be granted upon individual request.

(1) Over seventy (70) years of age.

(2) Persons who have, within the past two years, served as a federal grand or petit juror.

(3) Volunteer safety personnel, specifically individuals serving a public agency in an official capacity, without compensation, as firefighters or members of a rescue squad or ambulance crew.

XIII

QUALIFIED JURY WHEEL

The Clerk shall maintain a separate qualified jury wheel(s) or a device similar in

purpose and function for each division, and shall place in the wheel(s) the names of all persons drawn from the master wheel and not disqualified, exempt or excused pursuant to this Plan. The Clerk shall insure that at all times an adequate number of names are maintained in each wheel. The Clerk may maintain these wheels through the use of an automated system.

XIV

SUMMONING OF JURORS

Upon Court Order the Clerk shall randomly select, by manual or computer means, from the designated qualified jury wheel the designated number of persons to be summoned for a specific date. Names of persons summoned and appearing for service may be considered as a petit jury pool, from which separate trial panels will be randomly selected by lot. Pooling of jurors, staggered trials starts and multiple voir dire may be utilized in the assignment of jurors to petit jury panels. The Clerk shall prepare for the use of the Court and counsel a separate list of names of persons assigned to each petit jury panel.

Names drawn from the qualified jury wheel shall not be made public until the panel of jurors have been summoned and have appeared at the courthouse, provided that the Chief Judge or designated judge may order that the names be made public at an earlier date or to be kept confidential in a case or in cases when the interests of justice so require.

XV

GRAND JURY PANEL

From time to time as grand juries are required, the Court shall order the random drawing from each division's qualified wheel the names of persons as may be required for

assignment to the grand jury panels. The total number of grand jurors to be summoned shall be based on a pro-rata share of the total number of persons on the voter registration record of each division as compared to the total number of persons on the voter registration records of all divisions. Special grand juries shall be selected in the same manner as regular grand juries.

XVI

UNANTICIPATED SHORTAGE OF JURORS

When there is an unanticipated shortage of available petit jurors drawn from the qualified jury wheel, the Chief Judge or designated judge may require the United States Marshal to summon a sufficient number of additional petit jurors. These jurors will be selected at random, in a manner ordered by the Court consistent with §§ 1862 of the Act.

XVII

FREQUENCY OF SERVICE

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 (30) 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.

XVIII

PLAN TO BE FILED AS GENERAL ORDER OF COURT

Upon approval, this Amended Plan shall be filed by the Clerk of the United States District Court in the General Order Book of the District in Sacramento, and a copy thereof shall be filed in the book of copies of General Orders of this District maintained in the Fresno divisional office.