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5 UNITED STATES DISTRICT COURT
6 CENTRAL DISTRICT OF CALIFORNIA
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8 IN THE MATTER OF) GENERAL ORDER NO. 11-08
9 THE PLAN OF THE UNITED STATES) (Supersedes General Order
10 DISTRICT COURT, CENTRAL) No. 07-10 and all prior General Orders
11 DISTRICT OF CALIFORNIA,) Regarding the Selection of Grand and
12 OF GRAND AND PETIT JURORS) Petit Jurors¹)

13 Pursuant to the Jury Selection and Service Act of 1968, as amended, 28
14 U.S.C. § 1861, et seq., (“Act”), the following Jury Selection Plan (“Plan”) is hereby
15 adopted by this Court.

16 1. Applicability of Plan

17 This Plan applies to the Central District of California (“District”),
18 which consists of three Divisions: (1) The Western Division comprises the
19 counties of Los Angeles, San Luis Obispo, Santa Barbara and Ventura; (2) The
20 Southern Division comprises Orange County; and (3) The Eastern Division
21 comprises the counties of Riverside and San Bernardino. [28 U.S.C. 84(c)]

22 2. Declaration of Policy

23 It is the policy of the United States District Court for the Central
24 District of California (“Court”) that all litigants in this Court entitled to trial by jury
25 shall have the right to petit juries selected at random from a fair cross section of the
26 community in the Division wherein the Court convenes. Grand juries shall be
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28 ¹Prior General Orders regarding the Selection of Grand and Petit Jurors include General
Orders No. 55, 67, 202, 204, 319, 336, 357, 99-08, 03-02, and 03-12; all of these General
Orders, to the extent not previously superseded or rescinded, are hereby superseded.

1 selected by Division for the Western, Southern and Eastern Divisions.

2 It is further the policy of the Court that all citizens shall have the
3 opportunity to be considered for service on grand and petit juries of the Court and
4 shall have an obligation to serve as jurors when summoned for that purpose.

5 No citizen shall be excluded from service as a grand or petit juror on
6 the basis of race, color, religion, gender, sexual orientation, national origin or
7 economic status.

8 3. Management and Supervision of Jury Selection Process

9 The Clerk of the Court, any authorized deputy clerk, or any other
10 person designated by the Chief Judge of the Court (“Chief Judge”) to assist the
11 Clerk (collectively “Clerk”), shall manage the jury selection process under the
12 supervision and control of the Chief Judge, including any district judge or
13 magistrate judge (“Judge”).

14 4. Random Selection from Voter Lists

15 The Clerk’s Office receives voter registration lists from the seven
16 counties within the District. A random selection of a fair cross section of the
17 citizens residing in the counties of the Divisions of the District can be made from
18 the lists of registered voters in the various counties of the Divisions which
19 comprise the District. To foster the policy and protect the rights secured by §§
20 1861 and 1862 of the Act, it is not necessary to use sources other than the voter
21 registration lists. Accordingly, the Clerk shall request from each Registrar of
22 Voters Office within the District’s jurisdiction all the names, with addresses and
23 other required data, necessary to establish jury wheels. The names of persons
24 randomly selected from the lists of registered voters shall be referred to as the
25 Master Jury Wheels, of which there shall be three, one for each of the above
26 defined Divisions.

27 The Clerk shall require the execution of a declaration from each
28 Registrar of Voters Office certifying that the requested information was obtained

1 and forwarded to the Court as specified in the Court's directive. The Clerk shall
2 then receive into the permanent record of the Court the selection instructions to
3 each Registrar of Voters Office and the declaration certifying compliance. The
4 instructions provided to each Registrar of Voters Office and each of their
5 certifications shall be available for inspection by the public.

6 5. Master Jury Wheels

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

19 State, local, and federal officials having custody, possession or
20 control of voter registration lists shall make such lists available to the Clerk for
21 inspection, reproduction, and copying at all reasonable times as the Clerk may
22 deem necessary and proper for the performance of duties under 28 U.S.C. §
23 1863(d).

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

1 Jury Wheel be less than one thousand.

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

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

9 6. Random Selection of Names of Prospective Jurors

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

17 7. Data Processing and Maintenance

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

1 compliance with same. The instructions provided to the operator of the computer
2 facilities shall be available for inspection by the public.

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

- 5 a. Randomly selecting names from voter registration tape, disc or
6 other electronic media files for inclusion in the Master Jury
7 Wheels;
- 8 b. Randomly selecting names from the Master Jury Wheels for
9 automatic addressing of the juror qualification forms and
10 summonses;
- 11 c. Randomly selecting names from the Master Jury Wheels for
12 issuance to jurors of letters or other notices;
- 13 d. Storing names and addresses in the Master Jury Wheels in such
14 physical forms as may be required;
- 15 e. Preparing lists of juror names, juror qualification forms and
16 summonses, and other records as needed or required by law.

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

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

24 Biweekly or whenever deemed necessary, the estimated number of
25 jurors needed to meet the Court's projected needs will be randomly selected from
26 the Master Jury Wheels. The Clerk shall prepare and have mailed to every person
27 whose name is so drawn a juror qualification form and summons, accompanied by
28 instructions to execute and return the qualification form, duly signed and sworn,

1 within ten days to the Clerk by mail, by fax, or through the Court's Internet
2 website. The juror summons shall include the date for which the prospective juror
3 is summoned and the two week on-call period. At the conclusion of the on-call
4 period or after the juror's initial appearance, if the prospective juror has not been
5 empaneled, the prospective juror will be deemed to have concluded jury service.

6 The juror qualification form required by 28 U.S.C. §§ 1864(a) and
7 1869(h) shall be in a form prescribed by the Administrative Office of the United
8 States Courts and approved by the Judicial Conference of the United States.

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

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

18 The names of persons sent and returning a juror qualification form
19 shall not be disclosed except on order of Court pursuant to 28 U.S.C. §§ 1867 and
20 1868. Pursuant to 28 U.S.C. § 1863(b)(7), the venire list of juror names for a
21 particular jury panel may be released to the parties and the public with the approval
22 of the Judge presiding at trial, or by the Chief Judge if the Judge presiding at trial is
23 unavailable. The names of jurors and associated juror information may be kept
24 confidential in any case where the interests of justice so require.

25 9. Qualification of Jurors

26 The Clerk shall review each completed juror qualification form upon
27 receipt and note their status as qualified, disqualified, excused, exempt from
28 service, or deferred.

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

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

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

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

21 10. Exemption from Jury Service

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

24 11. Individual Requests for Excuse or Deferment

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

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

3 Pursuant to 28 U.S.C. §§ 1866(c) and 1869(j), this Plan provides that
4 only a Judge is authorized to excuse prospective jurors for business, employment,
5 or financial hardship. Further this Plan provides, and the Court takes notice, that
6 subject to the above limitation, the Clerk is authorized to excuse prospective jurors
7 for such period as deemed necessary for every other undue hardship or extreme
8 inconvenience reason as defined by 28 U.S.C. § 1869(j), or any other factor which
9 the Court specifies in this section of the Plan. The Court finds that this delegation
10 of authority to the Clerk is consistent with the intent of 28 U.S.C. § 1869(j), which
11 defines undue hardship or extreme inconvenience as factors which the Court has
12 determined warrant excuse or deferral.

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

20 Except for extraordinary cause shown, any appearance by a
21 prospective juror reporting for service and granted an excuse or deferral, shall be
22 without attendance fees or travel allowance.

23 12. Selection of Jurors

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

26 12.1 Selection of Petit Jurors

27 Juror selection shall be continuous, as needed by the Court,
28 through the term of the Master Jury Wheels. Whenever required, the Clerk shall

1 draw names from the appropriate Master Jury Wheels for service as petit jurors.
2 Names of petit jurors called but not chosen for actual service shall be held until the
3 next call for petit jurors has been issued.

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

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

15 12.2 Selection of Grand Jurors

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

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

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

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

