

**UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WASHINGTON**



**AMENDED PLAN
FOR THE
RANDOM SELECTION OF
GRAND AND PETIT JURORS**

**Adopted September 28, 2011
Approved by the Ninth Circuit September 20, 2011**

**AMENDED PLAN OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS**

Pursuant to the Jury Selection and Service Act of 1968 (the Act), as amended (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 Western District of Washington is hereby divided into two divisions for jury selection purposes, pursuant to § 1869(e) of the Act, as follows:

Seattle division, consisting of the counties of Island, King, San Juan, Skagit, Snohomish, and Whatcom.

Tacoma division, consisting of the counties of Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Kitsap, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum.

II.

DECLARATION OF POLICY

All litigants entitled to trial by jury in this court shall have the right to grand and petit jurors selected at random from a fair cross section of the community in each division wherein the court convenes. All citizens residing 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 this court on account of race, color, religion, sex, national origin, or economic status.

IV.

MANAGEMENT AND SUPERVISION OF THE JURY SELECTION PROCESS

The Clerk of the Court shall manage the jury selection process under the supervision and control of the Chief Judge, or under the direction of any other judge to whom authority has been delegated. The Clerk of Court is authorized to use non-court personnel to assist in the performance of functions under this Plan.

V.

JURY SELECTION SOURCES

The names of grand and petit jurors shall be selected at random from the merged lists of active voters, licensed drivers, and holders of State-issued identification cards. The court finds that such lists represent a fair cross section of the community in this district.

Accordingly, names of grand and petit jurors serving in this court shall be selected by randomized procedure from the merged lists, as aforementioned, of active registered voters

of the counties within each division, licensed drivers, and holders of State-issued identification cards as maintained in the voter registration system of the Secretary of State of the State of Washington at Olympia, Washington, and drivers' license and identification records systems of the Department of Licensing, Olympia, Washington.

This Plan's references to lists of voters shall be to active voter registration lists.

If the court, pursuant to § 1863(b)(2), should find it necessary, it may authorize the Clerk to draw names of prospective jurors from supplementary source lists in addition to the merged lists. The selection of names from such additional lists shall be done in a manner consistent with the selection procedures described in this Plan.

This Plan's reference to random selection shall mean that in any selection procedure either the initial name shall be chosen by a purely random method and that each subsequent name for that drawing may be systematically taken at regular intervals throughout the remainder of the source list(s), or the initial name and all subsequent names may be chosen by means of an automated random number generator. This randomized selection procedure, which is described in the next sections, insures: (a) that names chosen will represent all segments of the source file from which drawn, (b) that the mathematical odds of any single name being picked are substantially equalized, and (c) that the possibility of human discretion or choice affecting the selection of any individual's name is eliminated.

VI.

MASTER JURY WHEEL

A) INITIAL SELECTION OF NAMES FOR THE MASTER JURY WHEEL

The initial selection of persons to be considered for service as grand and petit jurors from the merged lists of voters, licensed drivers, and holders of State-issued identification cards shall be made at random, in a number sufficient for a two-year period.

Pursuant to §1863(b)(3) of the Act, the number of names drawn from each county on the merged list shall be substantially in the same proportion to the number of actual voters in each county at the last general election. For example, if the percentage of actual voters in County “A” is 10% of the total actual voters in the division, then the number of names selected from the merged list for County “A” for inclusion in the master wheel should be approximately 10% of the total number selected from all counties within the division.

The following procedure shall be used for selecting names of prospective jurors from the merged lists:

- (a) Determine the number of prospective jurors in each county on the merged lists for each division as furnished by the Department of Information Services, Olympia, Washington.
- (b) Determine the proportionality of names to select from each county, based on the list of actual voters, as furnished by the Secretary of State of the State of Washington at Olympia, Washington.
- (c) Determine the number of names to select for the mastery jury wheel.

- (d) Calculate the number of names to select from each county based on the proportionality of the list of actual voters.
- (e) Proceed either manually or through the use of a properly programmed computer, or a combination of both, to make the initial selection of names from the merged list for each county.

B. METHOD AND MANNER OF RANDOM SELECTION

(1) Determining the “Proportionality to Select the Master Jury Wheel.” The Clerk shall divide the total number of actual voters for each county by the total number of actual voters in the division to determine the percentage of actual voters in each county. For example, if County “A” had 10,000 names on the list of actual voters, and if there are 100,000 names in the division, then County “A” would consist of 10% of the names in the division (100,000 divided by 10,000 = 10). The Clerk would therefore select 10% of the total names from the merged list for the master jury wheel from County “A” for that division. Furthermore, if the Clerk determined that 20,000 names will be selected from the merged lists for that division for inclusion in the master jury wheel, then 2,000 names will be drawn from County “A” using the quotient and starting number procedure described below.

(2) Determining a “Quotient.” The Clerk shall divide the total number of names on the merged lists for each county by the number of names to be selected from each county for each division. The number obtained will be the “quotient,” which is the ratio of selected to unselected names. For example, if the Clerk determined that 2,000 names will be selected from County “A’s” merged listing, and if there were a total of 25,000 names on County “A’s” merged list, the quotient would be 12 (25,000 divided by 2,000, which equals 12, with a

remainder of 1,000). The Clerk would therefore take every 12th name from County “A’s” merged list for the master wheel of that division.

(3) Determining a “Starting Number.” After determining the quotient as described above, the Clerk shall establish a starting number to identify the first name to be selected from each county. The starting number will be selected using a random number generator program. The range of numbers shall begin with the number one and end with the number equal to the quotient plus the remainder. In the previous example, number 1 through 1,012 (the quotient of 12, plus the remainder of 1,000) would be entered into the random number generator program, and a starting number between 1 and 1,012 would therefore be generated. As an example of how both the starting number and quotient are used, if the quotient is 12, with a remainder of 1,000, and the starting number drawn is 55, the first name chosen from the merged list would be the 55th name on the merged list, the second name would be the 67th, the third the 79th, etc., through the end of the list.

C. SELECTING THE NAMES BY ELECTRONIC METHODS

The State of Washington maintains the merged lists of its counties in electronic format. It uses its electronic data processing systems to select master wheel names from its merged lists, ensuring that the provisions of section VI.(B) of this Plan are met.

VII.

MAINTAINING THE MASTER JURY WHEEL

The Clerk shall maintain a master jury wheel for the district, with separate subsets for each division. The names and addresses of all persons randomly selected from the merged

lists shall be maintained in the electronic jury wheel subset for their division. Pursuant to §1863(b)(4) of the Act, the minimum number of names to be placed in the master jury wheel is one half of 1% of the total number of names on all county merged lists.

The designated jury judge in each division may order additional names to be placed in the jury wheel subset, as necessary and in accordance with the formula described above.

The master jury wheel shall be emptied and refilled every two years, between January 1 and July 1.

VIII.

DRAWING OF NAMES FROM THE MASTER JURY WHEEL

The Clerk, either all at one time or at periodic intervals, shall electronically draw at random from the master jury wheel sufficient names to maintain an adequate qualified jury wheel. The number of names to be drawn shall be determined by anticipated juror demands, plus a margin of extra names for prospective jurors who are unavailable or ineligible.

The Clerk shall prepare an alphabetized list of the names drawn from the master jury wheel, if such a request is made by the court. This list shall not be disclosed to any person except as provided herein and in §§1867 and 1868 of the Act, as amended.

IX.

COMPLETION OF JUROR QUALIFICATION FORMS

The Clerk shall mail to every person whose name is so drawn a juror qualification questionnaire form, accompanied by instructions to complete, sign, and return the

questionnaire to the Clerk, either by mail or through the court's internet website, within ten days, in accordance with § 1864(a) of the Act, as amended.

The jury judge or designee in each division, or the Clerk of Court or designee, under supervision of the court, shall determine solely on the basis of the information provided on the juror qualification questionnaire, and other competent evidence, whether a person is unqualified for, or exempt, or to be excused from jury service. The Clerk shall enter this determination in the space provided on the juror qualification questionnaire or in the juror's record in the court's database.

If any person fails to return a completed juror qualification form as instructed, the Clerk shall thereupon pursue the matter in accordance with the provisions of §1864 of the Act, as amended.

X.

QUALIFICATIONS FOR JURY SERVICE

In making a qualification determination, the district judge or Clerk of Court or designee 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, is not 18 years of age, or has not resided for a period of one year within the judicial district;
2. Is unable to read, write, or understand the English language sufficiently to fill out 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; or
5. 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 has not had his or her civil rights restored.

XI.

EXEMPTION FROM JURY SERVICE

Only those persons specified under the provisions of §1863(b)(6) of the Act shall be exempt from jury service under this Plan:

1. Members of the Armed Forces on active duty;
2. Members of professional fire and police departments; and
3. Public officers of the United States, state or local governments, who are actively engaged in the performance of official duties.

XII.

QUALIFIED JURY WHEEL

The Clerk shall maintain separate divisional subsets of the qualified jury wheel for Tacoma and Seattle, and shall place in such divisional subsets the names of all persons drawn from the corresponding master jury wheel subset who are not disqualified, exempt, or excused pursuant to this Plan. The Clerk shall insure that at all times an adequate number of names are contained in each such jury wheel subset. The Clerk may, after consultation with the Chief Judge, maintain the qualified wheel subsets through use of a properly programmed data computer or through manual methods. Qualified names may be selected by computer

using a random number generator or the “quotient” and “starting number” system. Normally, the removal of names in the qualified wheel shall be accomplished by July 1 unless the court should find it necessary to authorize the Clerk to extend that time.

XIII.

GRAND JURY

A district-wide grand jury sitting at Seattle shall hear criminal matters for the entire district. The names of persons for assignment to the grand jury panels shall be drawn from the Tacoma and Seattle qualified jury wheel subsets in numbers proportionate to each division’s total merged list. Special grand juries will be selected in the same manner as regular grand juries.

An alphabetized list of persons summoned for grand jury service shall be prepared, if such a request is made by the court. This list shall not be disclosed to any person except as provided herein and in §§1867 and 1868 of the Act, as amended.

XIV.

EXCUSES ON INDIVIDUAL REQUEST

Jury service by members of the following groups of persons would entail undue hardship or extreme inconvenience, and the excuse of such members is not inconsistent with the Act, as amended, and shall be granted upon individual request:

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

2. Volunteer safety personnel, specifically individuals serving a public agency in an official capacity, without compensation, as fire fighters or members of a rescue squad or ambulance crew.

In addition to the members of groups entitled to excuse from jury service on individual request as provided above, any person summoned for jury service may on request be temporarily excused by the court, or by the Clerk of Court or designee, upon a showing of undue hardship or extreme inconvenience. This temporary excuse shall be for such period as the court deems necessary, at the conclusion of which such person shall be summoned again for jury service, or 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:

1. Great distance, either in miles or travel time, from the place of holding court;
2. Grave illness in the family or any other emergency which outweighs in immediacy and urgency the obligation to serve as a juror when summoned;
3. Any other factor which the court determines to constitute an undue hardship or to create an extreme inconvenience to the juror.

Additionally, in situations when a trial or grand jury proceeding may require more than thirty 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.

XV.

IMPANELING PETIT JURORS

Names of persons summoned and appearing for service are the petit jury pool from which separate trial panels are randomly selected through use of a properly programmed computer. Pooling of jurors, staggered trial 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.

XVI.

PUBLIC INFORMATION AND

DISCLOSURE OF IDENTIFYING JUROR INFORMATION

The Office of the Clerk of Court shall provide, upon request, a copy of the court's Juror Selection Plan. A description of the process by which juror names are periodically and randomly drawn will be posted at the Clerk's Office and on the court's internet website.

On the day of trial, the names, and in some instances certain additional biographical information, of trial jurors on each trial panel shall be provided to the court and counsel for the purpose of voir dire examination.

Names of trial jurors shall not be disclosed to the public or media outside open court, except upon order of the court. A request for disclosure of petit juror names to the public or media must be made to the presiding judge. Juror names which may be part of a transcript of court proceedings will be restricted from remote electronic public access.

XVII.

OBLIGATION TO SERVE AND PERIOD OF SERVICE

Petit jurors shall serve for a term of service not to exceed two weeks, and grand jurors shall serve for a term not in excess of eighteen months, unless extended pursuant to statute.

In any two-year period, no person shall be required to serve or attend court for prospective service as a petit juror for a total of more than ten days, except when necessary to complete service in a particular case; nor shall any person be required to serve upon more than one grand jury or to serve as both a grand and petit juror.

Grand and petit jurors shall initially be summoned for service in the manner provided in § 1866(b), Title 28 U.S. Code, for service until the next general panel is drawn or until relieved by order of the court. As needed thereafter, the Clerk, unless otherwise directed by the court, shall notify jurors of the time, date, and place to report. This notification will be made by mail, by telephone, by commercial mailing service, or by whatever other method is deemed appropriate under the particular circumstances.

Pursuant to § 1866(g), summoned jurors who fail to report for service may be ordered by the court to appear and show cause for failure to comply with the summons. A juror who fails to show good cause for noncompliance may be subject to:

1. A fine of not more than \$1,000
2. Imprisonment of not more than three days
3. An order to perform community service
4. Any combination of the above

Where there is an unanticipated shortage of available petit jurors drawn from any qualified jury wheel, the judge before whom a case is pending and requiring additional jurors, may by order of the court require the Marshal to summon a sufficient number of additional petit jurors. These jurors will be selected at random from the active voter registration records, holders of drivers' licenses and State-issued identification cards, telephone directories, or city directories in a manner fixed by order of court from the city, county, or division in which court is held, consistent with § 1861 and § 1862 of Title 28 U.S. Code.

XVIII.

EFFECTIVE DATE AND DURATION

This Plan shall become effective after approval by the reviewing panel, consisting of the members of the Judicial Council of the United States Court of Appeals for the Ninth Circuit and the Chief Judge of this district.

This Plan shall remain in force and effect until approval of one or more modifications thereof by said reviewing panel. Modifications may be initiated by the court and submitted to the reviewing panel for approval. This Plan shall be modified as and when directed by said reviewing panel or by such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.

DATED this 28th day of September, 2011



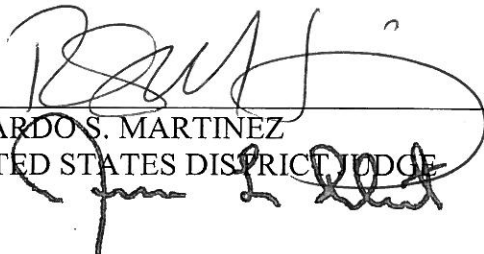
MARSHA J. PECHMAN
CHIEF UNITED STATES DISTRICT JUDGE



ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

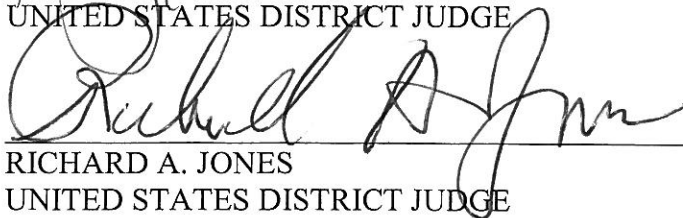


RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

JAMES L. ROBART
UNITED STATES DISTRICT JUDGE



BENJAMIN H. SETTLE
UNITED STATES DISTRICT JUDGE



RICHARD A. JONES
UNITED STATES DISTRICT JUDGE