

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

PLAN FOR RANDOM SELECTION
OF GRAND AND PETIT JURORS

JUNE, 2002

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SECTION 1. GENERAL

1.1 *Authority.* This plan is adopted in accordance with the provisions of the Jury Selection and Service Act of 1968 (Public Law 90-274), as amended, Sections 1861 *et seq.*, title 28, United States Code. This plan is subject to approval by the reviewing panel of the United States Court of Appeals for the Ninth Circuit and such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.

1.2 *Applicability.*

(a) This plan is applicable to the District of Alaska.

(b) In accordance with 28 U.S.C. § 1869(e), the District of Alaska is divided into divisions for jury selection purposes as set forth in Appendix A. Unless otherwise specifically indicated, the provisions of this plan apply to all divisions in the district.*

(c) Whenever changes in state election districts or precincts make it necessary, the District Court will, by order, amend Appendix A so that for each division the geographic area remains the same, but the area is described in terms of the new state election districts and precincts.

1.3 *Policy.*

(a) It is the policy of the United States District Court for the District of Alaska that all litigants entitled to trial by jury have the right to a jury selected at random from a fair cross-section of the community in the district or division wherein the court convened. It is further the policy of the United States District Court for the District of Alaska that all citizens have the opportunity to be considered for service on grand and petit juries in the district courts of the United States, and have an obligation to serve as jurors when summoned for that purpose.

(b) No citizen will be excluded from service as a grand or petit juror in the United States District Court for the District of Alaska because of race, color, religion, sex, national origin, or economic status.

1.4 *Management and Supervision of Jury Selection Process.* The Clerk of Court, under the supervision of the Chief Judge, will manage the Juror Selection Plan.

SECTION 2. JURY SELECTION SOURCES

2.1 *Voting Lists.* The list of registered voters [*Voter Registration List*] for the last local, state or national election represents a fair cross-section of the community in the District of Alaska. Accordingly, names of grand and petit jurors will be selected at random from the lists of registered voters within the relevant election districts. The selected registered voters with their accompanying social security number will be compared by name and social security number to the corresponding information on the Permanent Fund Dividend file to obtain the most current mailing address for those names placed in the master jury wheels. Names selected from the Voter Registration file that do not have a

* Alaska is not divided into Counties, Parishes, or similar political subdivisions; therefore, State election districts must be used.

corresponding record in the Permanent Fund Dividend file will not be included in the master jury wheels.

2.2 Master Jury Wheel.

(a) The number of jurors in the master jury wheels for each division is as provided in Appendix B.

(b) The Chief Judge may order additional names to be placed in a master jury wheel from time to time as necessary.

(c) The master jury wheels will be emptied and refilled between January 1 and July 1 of every odd numbered year.

2.3 *Use of Electronic Data Processing Method for Jury Selection.* The court finds that electronic data processing methods can be advantageously used for selecting and copying names from the voters' lists in machine readable forms such as magnetic tapes or magnetic discs.

(a) A properly programmed electronic data processing system or a combination system employing both manual and electronic machine methods may, at the Clerk's option and after consultation with the Chief Judge, be used to select names for the master jury wheels from lists of registered voters, of any or all election districts in the district, provided that the required proportions of names from each election district are maintained.

(b) An electronic data processing system or a combination electronic and manual system may, at the option of the Clerk and the Chief Judge, be used to select names from the master jury wheels, from the qualified wheel for summoning persons to serve as grand or petit jurors, and for the creation of any papers and records needed by the court to administer the recruitment, selection, and payment of jurors.

(c) If the court elects to use electronic machine methods in connection with the district's voter records and filling of the master jury wheels, the name selection system must be planned and programmed according to a "starting number" and "quotient" formula; in connection with the drawing from the master jury wheels and the qualified jury wheels the name selection system shall be planned and programmed according to a "random number generator". If the court elects to use manual methods in connection with any or all of the district's voter records, master jury wheels, or qualified jury wheels, the name selection system must be planned and programmed according to a "starting number" and "quotient" formula. These formula will insure that any group of names chosen will represent all segments of source files from which names are drawn and that the mathematical odds of any single name being picked are substantially equal.

(1) The "quotient" is simply the number of names in the source list, or wheel, divided by the number of names wanted in any one drawing (in other words, it is the increment of names passed for each name taken). For example, if there are 200,000 names on voter lists, and 4,000 of these names are to be drawn to establish the master wheel, the "quotient" for this drawing would be 50 (*i.e.*, $200,000 \div 4,000 = 50$). Or, if there are 2,000 names in the master wheel or qualified wheel, and the court wishes to draw the names of 100 prospective jurors, the "quotient" for this drawing would be 20 (*i.e.*, $2,000 \div 100 = 20$).

(2) The “starting number” is a number drawn by lot from a drum or box containing consecutively numbered cards covering the same range of numbers as the “quotient.” For example, in the qualified wheel drawing mentioned above, the Clerk would place consecutively numbered cards from one to twenty in a drum or box and draw one number. If the randomly picked number was “5”, the computer would be programmed to pick the 5th name in the wheel first and then take every 20th name thereafter – *i.e.*, the 25th, the 45th, *etc.* Randomly drawing a “starting number” by lot accomplishes three objectives:

- ▶ it establishes the location on the voter name list, or wheel, from which the first name is taken;
- ▶ it removes the possibility of human discretion or choice in selection of any individual’s name (making individual name selections unpredictable and undeterminable); and
- ▶ it insures that, at the outset of the drawing, mathematical odds of being picked are substantially equal for all names in the source from which drawn.

(d) A private Computer Service [vendor] will prepare an alphabetical list by Court Location (Ketchikan, Juneau, Anchorage, Fairbanks, and Nome) of all names selected for the master jury wheel as provided in Appendix B. The vendor will provide the court with an alphabetical list by court location of all names selected for the Master Jury Wheel.

2.4 Division Qualified Jury Wheels. The Clerk will maintain separate qualified jury wheels for each division in the district, and place in the wheels the names of all persons drawn from the master jury wheel and not disqualified, exempt, or excused under this plan.

2.5 Public Announcement of Time and Place of Drawing Names. Random drawings of starting numbers will be publicly made in the office of the Clerk of the Court at times to be announced in a public place such as the court bulletin board. Any drawing of names by automated selection methods must be publicly made at the designated computer center. The location and approximate time of such drawings must be announced in a public place such as the court’s bulletin board. The Office of the Clerk of Court will retain and, when requested, must provide public access to the following documents:

- ▶ The court’s “Juror Selection Plan,” including a verbatim description of the method used in determining the “quotient” and “starting number”;
- ▶ a verbal or graphically charted description of the procedure employed in the automated selection system, and
- ▶ 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.

2.6 *Drawing Procedure.*

(a) From time to time, as directed by the court, the Clerk or District Judge will publicly draw at random from the master jury wheels the names of as many persons as may be required for jury service.

(b) The Clerk will prepare an alphabetical list of the names drawn, which list will not be disclosed to any person except as provided in this plan and 28 U.S.C. §§ 1867 and 1868.

2.7 *Confidentiality.*

(a) Names drawn from the qualified jury wheels for petit jury service shall not be made public until after the jurors have been summoned and appeared at the Courthouse except in accordance with 18 U.S.C. § 3432; provided that the Chief Judge may order the names to be kept confidential in a case or cases when the interests of justice so require.

(b) Names drawn from the qualified jury wheels for grand jury duty must not be made public except upon order of the court for good cause shown.

SECTION 3. JUROR QUALIFICATION FORMS

3.1 *Completion by Juror.*

(a) The Clerk will mail to each person whose name is drawn from the master jury wheel a jury qualification form accompanied by instructions to fill out and return the form, duly signed and sworn, to the Clerk within 10 days.

(b) In any case in which it appears that there is an omission, ambiguity, or error on a form, the Clerk will return the form with instructions to the person to make such additions or corrections as may be necessary, and to return the corrected form to the Clerk within 10 days.

(c) The juror qualification form will be in the form prescribed by the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States.

3.2 *Failure to Complete Form.*

(a) Any person who fails to return a completed qualification form as instructed may be summoned by the Clerk to forthwith appear before the Clerk to complete a juror qualification form.

(b) A person summoned to appear before the Clerk because of a failure to return a juror qualification form, may, at the discretion of the district court, be entitled to receive for that appearance the same fees and travel allowances paid to jurors under 28 U.S.C. § 1871; except where the failure to complete, execute, and return the form was willful.

3.3 *Additional Form.*

(a) At the time of appearance for jury service, a person may be required to fill out another juror qualification form in the presence of the Clerk of the Court, at which time in those cases in which it appears warranted, the person may be questioned with regard to the responses to questions contained on the form, but not to any other matter.

(b) Any information acquired by the clerk in this manner may be noted on the juror qualification form and transmitted to the Chief District Judge.

3.4 *Failure to Appear.*

(a) Any person summoned under the Act or in accordance with this plan who fails to appear as directed will be ordered by the district court to forthwith appear and show cause for the failure to comply with the summons.

(b) Any person who fails to appear as ordered or to show good cause for noncompliance with the summons may be fined not more than \$100.00 or imprisoned for a period of not more than three (3) days, or both.

SECTION 4. EXCUSE FROM JURY SERVICE

4.1 *On Individual Request.* The district court finds that jury service by members of the following occupational classes or groups of persons would entail undue hardship or extreme inconvenience to the members thereof, and the excuse of the members of those groups is not inconsistent with the Act, and will be granted upon individual request.

(1) Persons over seventy (70) years of age.

(2) Actively engaged members of the clergy.

(3) Persons having active care and custody of a child or children under ten years of age whose health and/or safety would be jeopardized by their absence for jury service; or a person who is essential to the care of aged or infirm persons.

(4) Actively practicing attorney's, physicians, dentists, and registered nurses.

(5) Actively teaching in public, parochial or private schools.

(6) Any person whose services are so essential to the operation of a business, commercial, or agricultural enterprise, that the enterprise must close if the person were required to perform jury duty.

(7) Volunteer safety personnel, *i.e.*, personnel who serve without compensation as fire fighters or members of a reserve squad or ambulance crew for any unit of local government, department or instrumentality of the United States or any state, possession or territory.

4.2 *Exemption from Jury Service.* As provided in 28 U.S.C. § 1863(b)(6), members of the following groups are barred from jury service.

(1) Members on active duty in the armed forces of the United States;

(2) Members of fire or police departments of any state, district, territory, possession or subdivision thereof; and

(3) Public officers in the executive, legislative, or judicial branch of the United States, or any state, district, territory or possession or subdivision thereof, who actively engaged in the performance of official duties. Public officers means a person who is either elected to public office or is directly appointed by a person elected to public office.

4.3 *Exclusion or Exemption From Jury Service.* Except as set forth under paragraphs 4.1 and 4.2, no person or class of persons will be disqualified, excused, or exempt from service as a juror; provided that any person summoned for jury service may be:

(1) excused by the supervising judge or by the Clerk for such periods as deemed necessary upon a showing of undue hardship or extreme inconvenience at the conclusion of which such person will be summoned again for jury service or the name of such person reinserted into the qualified jury wheel;

(2) excluded by the trial judge in a particular case upon a finding that the person may be unable to render impartial jury service, or that service as a juror would be likely to disrupt the proceeding;

(3) excluded upon a peremptory challenge as provided by law;

(4) excluded by the trial judge upon challenge by any party for good cause shown;
or

(5) excluded as provided by law on determination by the supervising judge or trial judge that the person's services as a juror would be likely to threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberations.

4.4 *Notation on Qualification Form.* Whenever a person is disqualified, exempted, excused, or excluded from jury service, the clerk will note in the appropriate space on the juror's qualification form the specific grounds for the disqualification, exemption, excuse, or exclusion.

4.5 *Determination of Qualifications, Excuses and Exemptions.*

(a) Requests for excuse from jury duty that exceed the authority granted to the Clerk under subparagraph 4.5(b) will be referred to the Chief Judge of the District Court for determination.

(b) The Clerk is delegated authority to excuse jurors from jury duty due to emergencies, seasonal employment, vacation or illness, occupational excuses [paragraph 4.1], exemption excuses [paragraph 4.2] and hardship excuses [paragraph 4.3(1)].

(c) Whenever a person is disqualified, exempted, excused, or excluded from jury service, the Clerk must note the specific ground for such disqualification, exemption, excuse or exclusion. If a person did not appear in response to a summons, that fact must be noted.

4.6 *Basis for Determination.* In making the determination, the Chief Judge or the Clerk under supervision of the court will deem any person qualified to serve on grand and petit juries in the district court unless the person—

(1) is not a citizen of the United States at least eighteen (18) years of age, who has resided within the judicial district for a period of less than one (1) 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, provided however, this provision is not intended to disqualify blind jurors who can read Braille or jurors who have lost the use of their limbs and can not write;

(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 for the commission, or has been convicted in a state or federal court of record, of a crime punishable by imprisonment for more than one (1) year and whose civil rights have not been restored.

SECTION 5. ASSIGNMENT TO PANELS

5.1 *Grand Jury.*

(a) A centralized grand jury will be used at Anchorage.

(b) When directed by the Court, the Clerk will publicly draw at random from the qualified master jury wheels the names of as many persons as may be required for grand jury service. The names drawn from the qualified master jury wheels will be on a *pro rata* basis according to the number of voters in each division and constitutes the grand jury for the entire district.

5.2 *Petit Jury.* When a petit jury panel has been drawn and summoned, the jurors may be assigned for trials in rotation, except that left over jurors in any one trial may be directed to appear for further trials.

5.3 *Length of Service.*

(a) When a petit jury panel is ordered drawn by the Court, the members of the petit jury panel will serve on the petit jury panel for a three-month period following the day the jurors are summoned to report for jury duty.

(b) When a grand jury panel is ordered drawn by the court the members of the grand jury panel will serve on the grand jury panel for an 18-month period following the day the jurors are summoned to report for jury duty.

(c) In any two-year period, no person may be required to:

(1) serve or attend court for prospective service as a federal or state petit juror for a total of more than 30 days, except as may be necessary to complete service in a particular case;

(2) serve on more than one federal or state grand jury; or

(3) serve as both a federal or state grand and petit juror.

APPENDIX A
DIVISIONS

Ketchikan Division, consisting of State Election District 01 (except Precinct 01-180) and the following precincts from State Election District 02

02-250	Petersburg/Kupreanof
02-260	Wrangell

Juneau Division, consisting of State Election Districts 02 (except Precincts 02-250 and 02-260), 03, 04, 05 (except Precincts 05-502 and 05-555) and the following precincts from State Election District 01

02-180	Thorne Bay
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Anchorage Division, consisting of State Election Districts 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 (except Precincts 38-818, 38-830, and 38-848) and the following precincts from State Election Districts 05 and 12

05-502	Cordova
05-555	Tatitlek
12-030	Farm Loop
12-043	Sheep Mountain
12-047	Sutton
12-050	Valdez # 1
12-055	Valdez # 2
12-060	Valdez # 3

Fairbanks Division, consisting of State Election Districts 06, 07, 08, 09, 10, 11, 12 (except Precincts 12-030, 12-043, 12-047, 12-050, 12-055, and 12-060), and the following precincts from State Election Districts 38 and 39

38-818	Kalskag
38-830	Lower Kalskag
38-848	Tuluksak
39-922	Mountain Village
39-930	Pilot Station
39-932	Pitka's Point
39-940	St. Mary's

Nome Division, consisting of all of State Election District 39 (except Precincts 39-922, 39-930, 39-932, and 39-940) and 40.

APPENDIX B
ELECTRONIC DATA PROCESSING METHOD FOR JURY SELECTION

The Division of Elections for the State of Alaska has provided the United States District Court for the District of Alaska with a computer tape [Voter Registration File] of all individuals currently registered to vote in the State of Alaska. The Alaska Department of Revenue has given the Court a computer tape [Permanent Fund Dividend File] of all individuals who applied to receive a 2003 Permanent Fund Dividend from the State of Alaska.

Motznik Computer Services of Anchorage, Alaska, will program and select by computer from the Voter Registration file the number of registered voters [names] required to create the Master Jury Wheels for the District of Alaska. The selected registered voters with their accompanying social security numbers will be compared by name and accompanying social security number to the corresponding information on the Permanent Fund Dividend file to obtain the most current address for those names placed in the Master Jury Wheels. The following criteria will be applied:

- Names from the Voter Registration file not included on the Permanent Fund Dividend file will be excluded from the Master Jury Wheels unless the selected individual voted in any 2002 or 2003 elections or if they registered since January 2002.
- However, if the Permanent Fund Dividend file address is blank then the Voter Registration street address will be used.

The computer will be programmed to select names for the Master Jury Wheels as follows:

Master Jury Wheel for Ketchikan. The first name selected will be registered voter number four [4] and afterwards every fourth [4th] name will be selected from the list of registered voters for communities corresponding to Appendix A

Master Jury Wheel for Juneau. The first name selected will be registered voter number ten [10] and afterwards every thirteenth [13th] name will be selected from the list of registered voters for communities corresponding to Appendix A.

Master Jury Wheel for Anchorage. The first name selected will be registered voter number one [1] and afterwards every sixth [6th] name will be selected from the list of registered voters for communities corresponding to Appendix A.

Master Jury Wheel for Fairbanks. The first name selected will be registered voter number two [2] and afterwards every second [2nd] name will be selected from the list of registered for communities corresponding to Appendix A.

Master Jury Wheel for Nome. The first name selected will be registered voter number one [1] and afterwards every tenth [10th] name will be selected from the list of registered voters for communities corresponding to Appendix A.

The Master Jury Wheels will then contain approximately the following number of names for each division.

<u>Division</u>	<u>Number of Voters</u>
Ketchikan	2,000
Juneau	2,000

Anchorage	30,000
Fairbanks	20,000
Nome	1,000

Motznik Computer Service will prepare the following lists for the United States District Court:

1. An alphabetical list by Court Location [Ketchikan, Juneau, Anchorage, Fairbanks & Nome] of all names selected for the Master Jury Wheel.
2. Any requested list by the Clerk covering names drawn to receive juror qualification questionnaires or summons.
- (3) Any requested list by the Clerk covering names of those individuals qualified to serve as jurors.