

U. S. DISTRICT COURT
DISTRICT OF IDAHO
Filed at 1:45 P M

MAY 2 1977

UNITED STATES DISTRICT COURT BY JAC CLAPP, Clerk
FOR THE DISTRICT OF IDAHO Deputy

IN THE MATTER OF ADOPTION OF A)
JURY SELECTION PLAN UNDER)
PUBLIC LAW 90-274 AND, AS)
AMENDED APRIL 6, 1972, P. L.)
92-269.)

GENERAL ORDER No. 6

The Random Jury Selection Plan of this district is set forth in the ten (10) following pages and the exhibit attached thereto. The said plan is approved and adopted.

It shall be fully in effect on and after December 20, 1976.

Dated this 9th day of December, 1976.

Ray McNeels
Chief Judge

Marion J. Callister
District Judge

Fred M. Taylor
Senior Judge

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1 PLAN FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS
2 OF THE UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF IDAHO
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5 Pursuant to the Jury Selection and Service Act of 1968
6 (Public Law 90-274), and as amended April 6, 1972, P.L. 92-269,
7 the following plan is hereby adopted by this court, subject to
8 approval by a reviewing panel and to such rules and regulations
9 as may be adopted from time to time by the Judicial Conference
10 of the United States.

11 Applicability of Plan. This plan is applicable to
12 the entire District of Idaho. Court is presently regularly
13 held in three divisions, which divisions are as follows:

14 Northern Division, consisting of the counties of
15 Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah,
16 Lewis, Nez Perce and Shoshone;

17 Southern Division, consisting of the counties of Ada,
18 Adams, Blaine, Boise, Camas, Canyon, Cassia, Elmore, Gem,
19 Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin
20 Falls, Valley and Washington; and

21 Eastern Division, consisting of the counties of
22 Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark,
23 Custer, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida,
24 Power and Teton.

25 The provisions of this plan shall apply to each and
26 all divisions in the district.

27 Policy. The policy of this plan shall be as ex-
28 pressed in Sections 1861 and 1862 of the Act.

29 Management and Supervision of Jury Selection Process.
30 The Clerk of the Court shall manage the jury selection process,
31 under the supervision and control of the Chief Judge of the
32 Court.

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Random Selection from Actual Voter Lists. Actual

voter lists represent a fair cross section of the counties in the District of Idaho. Accordingly, names of grand and petit jurors serving on or after the effective date of this plan shall be selected at random from the actual voter lists of all the counties within each of the divisions of the district.

The clerk (and deputy clerks) shall make the random selection of names as follows: A starting number from one to ten shall be drawn by lot and that name shall be selected from the actual voter lists of each county along with each forty-fifth name thereafter in the Northern Division, and along with each sixty-ninth name in the Southern Division, and along with each fifty-eighth name thereafter in the Eastern Division.

Thus, if the starting number drawn in each county of the Northern Division is ten, the tenth, fifty-fifth, one hundredth, etc., names shall be selected from the actual voter lists of each county in said divisions. If the starting number drawn in each county in the Southern Division is ten, the tenth, seventy-ninth, one hundred forty-eighth, etc., names shall be selected from the actual voter lists. If the starting number drawn in each county in the Eastern Division is ten, the tenth, sixty-eighth, one hundred twenty-sixth, etc., names shall be selected from the actual voter lists.

Master Jury Wheels. The clerk shall maintain a master

jury wheel, or a device similar in purpose and function to a wheel, for each of the divisions within the district. The names of all persons randomly selected from the actual voter lists of the counties in a division shall be placed in the master jury wheel for that division. The minimum number of names to be placed initially in these master jury wheels shall be as follows:

1 Northern Division: one thousand seven hundred fifty
2 (1,750) names;

3 Southern Division: two thousand five hundred (2,500)
4 names;

5 Eastern Division: one thousand seven hundred fifty
6 (1,750) names.

7 The chief judge of the court may order additional
8 names to be placed in a master jury wheel from time to time as
9 necessary. The master jury wheel shall be emptied and re-
10 filled between July 1 and September 1 of every fourth year,
11 which shall be the year following the presidential general
12 election.

13 Drawing of Names from the Master Jury Wheel; Comple-
14 tion of Juror Qualification Form. From time to time as
15 directed by a judge of the court, the clerk or a district
16 judge shall publicly draw at random from the master jury wheel
17 of any division of the court the names of as many persons as
18 may be required for jury service in such division. The clerk
19 shall prepare an alphabetical list of the names drawn which
20 list shall not be disclosed to any person except pursuant to
21 Sections 1867 and 1868 of the Act. The clerk shall mail to
22 every person whose name is drawn from the master jury wheel
23 the juror qualification form accompanied by instructions to
24 fill out and return the form, duly signed and sworn, to the
25 clerk by mail within ten (10) days.

26 The provisions of Section 1864 of the Act, in regard
27 to the completion of jury qualification forms, the summoning
28 of persons for such purpose, the penalties provided for there-
29 in in regard to any person failing to appear and any person
30 who wilfully misrepresents a material fact on a juror qualifi-
31 cation form, are by reference made a part hereof as though the
32 same were set forth at length herein.

1 The court may, at the option of the clerk and the
2 chief judge, direct the use of electronic data processing
3 methods for any combination of the following tasks:

- 4 (1) Recording in machine readable form names that are
5 initially selected manually from source lists
6 authorized by this plan.
- 7 (2) Selecting and copying of names for the master
8 wheel, from source lists authorized by this plan,
9 from any or all counties that maintain these lists
10 in machine readable form such as punched cards,
11 magnetic tapes, or magnetic discs.
- 12 (3) Selecting and copying of names, from the master
13 wheel, for the addressing of questionnaires and
14 for other clerical tasks.
- 15 (4) Selecting and copying names, from the qualified
16 wheel, for summoning persons to serve as grand or
17 petit jurors, and for the creation of any papers
18 and records, necessary to recruit, select, and
19 pay jurors.

20 If the court elects to use electronic machine methods,
21 or a combination of manual and machine methods, for any tasks
22 described above, the selection system shall be planned and
23 programmed accordingly to a "starting number" and "quotient"
24 formula. This formula will ensure that any group of names
25 chosen will represent all segments of source files from which
26 drawn and that the mathematical odds of any single name being
27 picked are substantially equal.

28 Excuses on Individual Request. The District Court
29 hereby finds that jury service by members of the following
30 occupational classes or groups of persons would entail undue
31 hardship or extreme inconvenience to the members thereof, and
32 the excuse of such members will not be inconsistent with the
Act, and shall be granted upon individual request:

- 33 (1) Persons over seventy (70) years of age.
- 34 (2) Actively engaged members of the clergy.
- 35 (3) Women who have legal custody of a child or child-
36 ren under the age of ten (10) years.

- 1 (4) Actively practicing attorneys, physicians, den-
2 tists and registered nurses.
- 3 (5) Persons who have served as a grand or petit juror
4 in the state or federal court within the past two
5 (2) years.
- 6 (6) School teachers in public, parochial, or private
7 schools actively teaching.
- 8 (7) Sole proprietors of businesses.
- 9 (8) Any person who resides more than one hundred
10 (100) miles from the place of holding court.

11 Exemption for Jury Service. The District Court here-
12 by finds that exemptions of the following groups of persons or
13 occupational classes is in the public interest and would not
14 be inconsistent with the Act, and accordingly members of such
15 groups are barred from jury service:

- 16 (1) Members in active service of the Armed Forces of
17 the United States;
- 18 (2) members of the fire or police department of any
19 state, district, territory or subdivision thereof;
20 and
- 21 (3) public officers in the executive, legislative or
22 judicial branches of the Government of the United
23 States, or any state, district, territory or sub-
24 division thereof who are actively engaged in the
25 performance of official duties. Public officer
26 shall mean a person who is either elected to pub-
27 lic office or who is directly appointed by a
28 person elected to public office.

29 Determination of Qualifications, Excuses and Exemptions.

30 A judge of the court, on his own initiative or upon recommenda-
31 tion of the clerk, shall determine solely on the basis of infor-
32 mation provided on the jury qualification form and other com-
petent evidence whether a person is qualified for or exempt or
to be excused from jury service. The clerk shall enter such
determination in the space provided on the jury qualification
form and the alphabetical list of names drawn from the master
jury wheel. If a person did not appear in response to a sum-
mons, such fact shall be noted on said list.

1 In making such determination, the judge of the court
2 shall deem any person qualified to serve on grand and petit
3 juries in the District Court unless he - -

- 4 (1) is not a citizen of the United States, eighteen
5 (18) years old, who has resided for a period of
6 one (1) year in the judicial district;
- 7 (2) is unable to read, write or understand the English
8 language with a degree of proficiency sufficient
9 to fill out satisfactorily the juror qualification
10 form;
- 11 (3) is unable to speak the English language;
- 12 (4) is incapable by reason of mental or physical in-
13 firmity to render satisfactory jury service; or
- 14 (5) has a charge pending against him for the commission
15 of, or has been convicted in a state or federal
16 court of record of, a crime punishable by imprison-
17 ment for more than one (1) year and his civil
18 rights have not been restored by pardon or amnesty.

19 Qualified Jury Wheel. The clerk shall maintain sep-
20 arate qualified jury wheel for each division in the district,
21 and shall place in such wheels the names of all persons drawn
22 from the master jury wheel and not disqualified, exempt, or
23 excused pursuant to this plan. He shall insure that at all
24 times at least three hundred names are contained in each such
25 wheel. Names drawn from the qualified jury wheel shall not be
26 made public until the jurors have been summoned and have ap-
27 peared at the courthouse, provided that a judge of the court
28 may order the names disclosed to the parties prior thereto or
29 may order the names to be kept confidential in a case or cases
30 when the interests of justice so require.

31 Assignment to Panels.

32 A. Petit Jurors. From time to time, as ordered by a
judge of the court, the clerk shall select at random from the
qualified jury wheel, maintained in each division in the dis-
trict, the names of petit jurors for jury service in each divi-
sion as may be required and necessary for trials in such

1 division.

2 B. Grand Jurors. The court finds that periodic ses-
3 sions of the grand jury should be held for the entire district
4 at the United States Courthouse at Boise in the Southern Divi-
5 sion. At such times as may be ordered by a judge of the court,
6 the clerk shall select at random, from the qualified jury
7 wheels of all the divisions in the district, the names of per-
8 sons for grand jury service on a pro rata basis as follows:
9 From the Northern Division, twenty-two percent (22%); from the
10 Southern Division, forty-nine percent (49%), and from the
11 Eastern Division, twenty-nine percent (29%). The provisions
12 of Section 1866 of the Act, in regard to the selection and
13 summoning of jury panels, are by reference made a part hereof
14 as though the same were set forth at length herein.

15 Juror Qualification Questionnaire, Schedule of Excuses,
16 and Letter of Transmittal. The juror qualification question-
17 naire, required by Sections 1864(a) and 1869(h) of the Act,
18 shall be in the form prescribed by the Administrative Office
19 of the United States Courts and approved by the Judicial Con-
20 ference of the United States. Until such prescription and ap-
21 proval, the questionnaire shall be in the form attached and
22 marked Exhibit "A".

23 The instructions to be sent by the clerk to each pro-
24 spective juror for claiming an excuse from jury service shall
25 be as follows:

26 TO THE PROSPECTIVE JUROR

27 Instructions for Claiming an Excuse from Jury Service.

28 This court has ordered that members of the classes or
29 groups of persons listed below may claim excuse from jury
30 service, if they desire to do so. You may serve as a
31 juror if you wish. However, if you are in one of the

1 groups listed below, and it is your desire to assert a
2 right to be excused, please circle the group listed be-
3 low to which you belong and explain the ground for your
4 claim on the questionnaire form.

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

- 7 1. All persons over seventy (70) years of age.
- 8 2. All ministers of religion and members of
9 religious orders actively so engaged. If
10 you claim excuse under this category, YOU
11 NEED NOT FURNISH ANY INFORMATION WITH RES-
12 PECT TO YOUR RELIGION IF YOU FIND IT OB-
13 JECTIONABLE TO DO SO.
- 14 3. All actively practicing attorneys, physi-
15 cians, dentists and registered nurses.
- 16 4. Any person who has served as a grand or
17 petit juror in a state or federal court
18 during the past two (2) years. If you
19 claim excuse under this category, indicate
20 the court and dates of service on the
21 questionnaire form.
- 22 5. All school teachers in public, parochial
23 or private schools actively teaching. If
24 you claim excuse under this category, in-
25 dicate the school and its address on the
26 questionnaire form.
- 27 6. Sole proprietors of businesses.
- 28 7. All women who have legal custody of a
29 child or children under the age of ten (10)
30 years.
- 31 8. All persons residing more than 100 miles
32 from the United States Courthouse at

Street City
if summoned for petit jury service.
9. All persons residing more than 100 miles
from the United States Courthouse at
Boise, Idaho if summoned for grand jury
service.

If you claim excuse under categories 8 or 9, indicate
the distance(s) (one-way) from your residence to the
courthouse on the questionnaire form.

1 I swear or affirm that to the best
2 of my knowledge and belief I am
3 entitled to the excuse(s) I have
4 circled above, and I request to be
5 granted such excuse(s).

6 X _____
7 Signature

8 The letter sent to each prospective juror, transmit-
9 ting the questionnaire and instructions for claiming an excuse
10 from jury service, shall be in a form as follows:

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF IDAHO

13 Dear Prospective Juror:

14 Your name has been drawn by lot and you are being
15 considered for future jury service in the United
16 States District Court.

17 Jury service is both an opportunity and an obli-
18 gation of every American citizen. Trial by jury is
19 a keystone of our system of justice and depends upon
20 the intelligent and unbiased judgment of qualified
21 jurors.

22 I enclose a questionnaire. Your answers to the
23 questions on this form will determine whether you
24 are qualified. Please fill it out, sign it and re-
25 turn it within ten (10) days. A franked self-
26 addressed envelope is provided. It is important
27 that you answer each question. It will be helpful
28 if you type or print your answers legibly.

29 This is not a summons for jury service. How-
30 ever, you may be summoned for jury service at a
31 later date.

32 If you do not return this questionnaire within
ten (10) days, you are liable to be summoned to re-
port at your expense at my office for completion of
the questionnaire.

If you are unable to fill out this form yourself,
you should have someone else do it for you. If
someone else fills it out for you, such person
should indicate that he has done so and the reasons
why he, instead of you, filled it out.

If you feel that you are unable to serve by
reason of physical or mental infirmity, please give

1 detailed information in response to Question 12 and,
2 if possible, forward a letter from your doctor with
the completed questionnaire.

3 There are certain grounds for excuse from jury
4 service listed on a sheet attached to the question-
naire. If you desire to claim a right not to serve
5 as a juror, please examine this sheet and indicate
your claim on the questionnaire form. Do not ask to
6 be excused by telephone.

7 If the address to which this letter is sent is
not your present address, please so indicate your
8 present address.

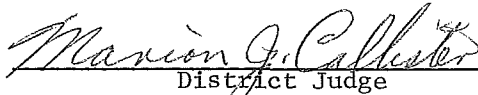
9 If, after returning this questionnaire, your
address should change, please notify me immediately
10 by letter.

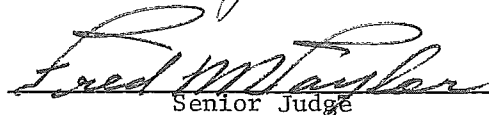
11 Clerk, United States District Court

12 Enclosure

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16 The above and foregoing plan is adopted by the under-
17 signed this 10th day of December, 1976.

18 
19 Chief Judge

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21 
22 District Judge

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24 
25 Senior Judge