

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Plan for the Random Selection of Grand and Petit Jurors
as Amended on April 20, 2023, and
Approved by the Ninth Circuit Judicial Council on August 23, 2023

CHAPTER ONE: General Matters

Section 1.01 Authority

This jury plan is adopted by the United States District Court for the District of Nevada in accordance with the provisions of the Jury Selection and Service Act of 1968 (Public Law 90-274), as amended and codified in 28 U.S.C. § 1861 et seq. This plan supersedes the version adopted on January 25, 2017, and reapproved by the Ninth Circuit Judicial Council on November 1, 2022.

Section 1.02 Application

This jury plan will take effect after approval by a reviewing panel of the United States Court of Appeals for the Ninth Circuit under 28 U.S.C. § 1863(a). The prior jury plan will be superseded as of the effective date of this revised plan. A copy of the revised plan, as approved by the reviewing panel, will be provided to the Administrative Office of the United States Courts and the Attorney General of the United States.

Section 1.03 Definitions

For purposes of this plan:

- (a) “Jury Selection Process” includes all activities associated with the master and qualified jury wheels relating to the random selection, qualification, summoning, and service of grand and petit jurors.
- (b) “Chief Judge” means the Chief Judge of this district, or any

supervising judge appointed by the Chief Judge.

- (c) “Clerk” or “Clerk of Court” means the Clerk of this district court, any authorized deputy clerk, or any other person authorized by the Chief Judge to assist the Clerk in the performance of duties under this plan.

Section 1.04

Policy

It is the policy of the court that all litigants in this court who are entitled to a trial by jury have the right to grand and petit juries selected at random from a fair cross section of the community in the district or jury division in which the court convenes. It is also the policy of the court that all citizens in the district who are not disqualified from service under 28 U.S.C. § 1865(b)(1)–(5) have the opportunity to be considered for service on grand and petit juries and have an obligation to serve as jurors when summoned for that purpose.

Section 1.05

Management Responsibilities

In accordance with 28 U.S.C. § 1863(b)(1), the Clerk of Court will manage the Jury Selection Process under the supervision and control of the Chief Judge.

The court finds that electronic data-processing methods can be advantageously used for managing this plan. At the Clerk’s option, after consultation with the Chief Judge, a properly programmed electronic data-processing system or a combination system employing both manual and electronic-machine methods, may be used for all randomized drawings and to perform other clerical and record-keeping jury functions.

In the event of an emergency, computer malfunction, or any overt or

obvious deviation from this plan caused by automation, the Clerk, with the approval of the Chief Judge, will manually, or by alternative electronic methods, proceed from the last step correctly implemented to manage the plan.

Section 1.06

Delegation of the Clerk’s Management Responsibilities

In accordance with 28 U.S.C. §§ 1863(b)(1) and 1869(a), the Clerk of Court may delegate responsibility for the day-to-day operation of the Jury Selection Process to any authorized deputy clerk.

The Clerk may use the services of non-court personnel to assist in the Jury Selection Process. For purposes of this plan, the phrase “non-court personnel” may include, but is not limited to:

- (a)** County or State officials and their employees or agents who are responsible for custody and maintenance of the source lists identified in Section 2.01 of this plan.
- (b)** Owners, employees, operators, or agents of computer or data-processing centers, bar-coding facilities, mail-handling centers, document-reproduction facilities, optical-scanning facilities, and similar facilities whose services are requested or employed by the Clerk to support the Jury Selection Process.
- (c)** Other non-court administrative or clerical persons whose services are requested or employed by the Clerk to select, process, or mail the various documents and records involved in the Jury Selection Process.

Section 1.07

Jury Divisions (28 U.S.C. § 1869(e)).

In order to facilitate the Jury Selection Process, the Clerk is directed to align Nevada's counties into the following jury-management divisions:

- (a) Las Vegas Jury Division:** Clark, Esmeralda, Lincoln, and Nye Counties.
- (b) Reno Jury Division:** Carson City, Churchill, Douglas, Lander, Lyon, Mineral, Pershing, Storey, and Washoe Counties.
- (c) Elko Jury Division:** Elko, Eureka, Humboldt, and White Pine Counties.

A separate divisional master wheel will be maintained for each division. This plan applies to each of the divisional master wheels, which comprise the master jury wheel for the district. Jurors will be selected for service from a single division for petit juries and from any combination of divisions for grand juries. For trials in Nevada's unofficial Southern Division (as defined by Nev. L.R. IA 1-6), petit jurors will be selected for service from the Las Vegas Jury Division; for trials in Nevada's unofficial Northern Division, petit jurors will be selected for service from the Reno Jury Division, the Elko Jury Division, or a combination of both; for cases originating in one of the counties within the Elko Jury Division, jurors may be selected exclusively from the Elko Jury Division if requested by a party and approved by the presiding judge. As provided in section 4.05, grand juries may be selected from any single jury division or a combination of jury divisions.

Section 1.08

Emptying and Refilling the District and Divisional Master Jury Wheels

The Clerk will create and maintain a master jury wheel for each of the jury divisions within the district. In accordance with 28 U.S.C. § 1863(b)(4), the Clerk is directed to empty and refill the master jury wheels every two

years by the first day of June of every odd year. When the master jury wheels are emptied, the existing qualified jury wheel will continue to be used until the Clerk determines that an adequate number of persons from the new master jury wheel have qualified. At that time, the old qualified jury wheel will be emptied and new qualified jury wheels created. Jurors from previous qualified jury wheels may serve at the same time with jurors selected from later qualified jury wheels. If additional time is needed to empty and refill the master jury wheels, permission must be obtained from the Chief Judge of the Circuit.

Section 1.09

Method and Manner of the Random Selection of Jurors

The randomized selection procedures set forth in this plan must ensure that the names chosen will represent a fair cross section of the source lists from which drawn, that the mathematical odds of any single name being picked are substantially equal, and that the possibility of human discretion or choice affecting the selection of any individual's name is eliminated.

- (a)** The selection of names from the complete source-list databases in electronic media for the master jury wheels may be accomplished by a purely randomized process through a properly programmed electronic data-processing system. Similarly, at the option of the Clerk and after consultation with the Chief Judge, a properly programmed electronic data-processing system for purely randomized selection may be used to select names from the master wheel for the purpose of determining qualification for jury service, from the qualified wheel for summoning persons to serve as grand or petit jurors, from the pool of jurors to serve as a panel, and from the panel of jurors to serve as a jury. The random selections of names from the source lists for inclusion in

the master wheels by data-processing personnel must ensure 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 purely randomized selection procedure may be used for all drawings. (*See* Section 2.03 for the procedures to ensure proper proportional county representation in the divisional master jury wheels.).

(b) Manual Randomized Selection of Jury Panels and Petit Juries

After the jurors have been summoned, the Clerk has the option, after consultation with the Chief Judge, to randomly select jurors manually for petit or grand jury panels and for petit juries for specific cases by:

- (1)** preserving the computer-prepared random sequence of the names of jurors summoned and assigning jurors to panels in the order listed; or preserving the computer-prepared random sequence of the names of jurors impaneled and assigning jurors to petit juries in the order listed; or
- (2)** drawing names at random from a box, jury wheel, or similar container containing the names of the present pool or panel of jurors.

Section 1.10

General Notice

In accordance with 28 U.S.C. § 1864(a), the Clerk will post a general notice for public review in the Clerk’s Office and on the court’s public website explaining the process by which names are periodically and randomly drawn from the source list and the master and qualified wheels.

Section 1.11 Protection of Jurors' Employment

No employer may discharge, threaten to discharge, intimidate, or coerce any permanent employee over such employee's jury service, or the attendance or scheduled attendance in connection with such jury service. Any employer who violates this prohibition will be subject to the penalties in 28 U.S.C. § 1875.

Section 1.12 Modifications

Modifications to this plan may be made from time to time by this court upon approval of the Ninth Circuit Reviewing Panel of the Judicial Council and when directed by the Reviewing Panel.

CHAPTER TWO: Source Lists, Initial Random Selection, and the Master Jury Wheel

Section 2.01 Source List (28 U.S.C. §§ 1861 and 1863(b)(2) and (3))

The court finds that county voter-registration lists represent a fair cross section of the citizens residing within the communities in the District of Nevada.

Section 2.02 Size of the Master Jury Wheels (28 U.S.C. § 1863(b)(4))

After consultation with the Chief Judge, the Clerk has the option of using the entire source lists within each jury division as the master jury wheel. If it is determined that the total number of names contained on the approved source lists is cumbersome and unnecessary for juror management purposes, the Clerk is authorized to randomly select from the combined source lists within each jury division the following minimum number of names sufficient to qualify prospective jurors for a

two-year period to initially fill the master jury wheels for each jury division:

- (a) Las Vegas Jury Division 5,000 names
- (b) Reno Jury Division 4,000 names
- (c) Elko Jury Division 1,000 names

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

Section 2.03 Substantial Proportional Representation and the Master Jury Wheels

When selecting names from the combined source lists, the Clerk will utilize a random-selection process to ensure a fair cross section of the persons residing in the community in the jury division where the court convenes. This random selection of names from the combined source lists for inclusion in the master wheel will be designed to ensure that each county within the jury division is substantially proportionately represented in the master jury wheels.

Section 2.04 Filling the Master Jury Wheels

Once the names for each county have been randomly selected, the Clerk will combine and randomly sort all jury-division names and enter them into the master jury wheel for the appropriate jury divisions.

CHAPTER THREE: Drawing Names from the Master Jury Wheel, Juror-Qualification, and the Qualified Jury Wheel

Section 3.01 Drawing Names from the Master Jury Wheel

At periodic intervals, the Clerk must draw at random from the master jury wheel of each division the names of as many persons as may be required for jury service in each division. 28 U.S.C. § 1864(a).

Section 3.02 Juror-Qualification Questionnaires

The Clerk will mail a juror-qualification questionnaire notice to every person randomly selected under Section 3.01 of this plan. 28 U.S.C. § 1864(a). The notice will direct the juror to complete a juror-qualification questionnaire through the court's internet website within ten days. If a juror does not complete the juror-qualification questionnaire online, a paper copy of the questionnaire will be mailed with instructions to complete and return the questionnaire to the Clerk by mail within ten days.

Section 3.03 Failure to Submit a Juror-Qualification Questionnaire or Appear

If a person fails to submit a completed juror-qualification questionnaire, the Clerk may issue a summons directing the person to appear in the Clerk's Office to complete the questionnaire. 28 U.S.C. § 1864(a). No juror fees or costs for this appearance will be paid unless otherwise ordered by the court. 28 U.S.C § 1864(b) lists the penalties that may be imposed by the court.

Section 3.04 Determining Juror-Qualification Status

The Clerk, under the supervision of the court, will determine solely on the basis of information provided on the juror-qualification questionnaire and other competent evidence whether a person is unqualified for, exempt

from, or should be excused from jury service. 28 U.S.C. § 1865(a). The Clerk must notate this designation on the questionnaire or in the jury-management database. Persons deemed unqualified for, exempt from, or excused from jury service under this section will not be called for jury service and the Clerk must update such persons' status on the questionnaire or in the jury-management database.

(a) Disqualification from Jury Service

In accordance with 28 U.S.C. § 1865(b), any person will be deemed qualified to serve on grand and petit juries in this district unless such person:

- (1) is not a citizen of the United States, is less than 18 years old, or has not resided for a period of one year within the judicial district;
- (2) is unable to read, write, and understand the English language with a degree of proficiency sufficient to satisfactorily fill out the juror-qualification questionnaire;
- (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) is the subject of a pending charge 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 civil rights restored.

(b) Exemption from Jury Service

In accordance with 28 U.S.C. § 1863(b)(6), the following persons are barred from jury service on the grounds that they are exempt:

- (1) members in active service in the Armed Forces of the United States;

- (2) members of the fire or police departments of any state, district, territory, possession, or subdivision thereof; and
- (3) public officers in the executive, legislative, or judicial branches of the Government of the United States, or any state, district, territory, possession or subdivision thereof, who are actively engaged in the performance of their official duties. A “public officer” means a person who is elected to public office or who is directly appointed by a person elected to public officer.

(c) **Excuses from Jury Service on Individual Request.**

In accordance with 28 U.S.C. § 1863(b)(5)(A) and (B), the court finds that jury service by members of the following occupational classes or groups of persons would entail undue hardship or extreme inconvenience, and excusing these persons would not be inconsistent with §§ 1861 and 1862 of 28 U.S.C; so the court will excuse members of the following classes and groups from jury service upon timely individual written request:

- (1) persons age 70 years or older;
- (2) persons who have served as grand or petit jurors in a state, federal, territorial, or commonwealth court within the past two years; or
- (3) persons who serve a public agency without compensation as volunteer safety personnel (such as firefighters or members of a rescue squad or ambulance crew).

Section 3.05 **Qualified Jury Wheel**

The Clerk must maintain a separate qualified jury wheel for each jury division within the district and will place in such wheels the names of all persons randomly selected from their respective master jury wheel who are determined to be qualified to serve as jurors and are not exempt or excused from service under this plan.

CHAPTER FOUR: Selection of Grand and Petit Jurors

Section 4.01 **Selection and Empanelment of Grand and Petit Jurors**
(28 U.S.C. § 1866(a))

The Clerk will draw at random from the qualified jury wheels the names of as many persons as may be required for assignment to grand and petit jury panels in the district.

Section 4.02 **Service of Summonses** (28 U.S.C. § 1866(b))

The Clerk will issue and serve by first-class mail summonses to the persons whose names are drawn.

Section 4.03 **Petit Jury Term – One-Day Appearance/One Trial**

It is the policy of this district that all prospective petit jurors serve one appearance or one trial. Petit jurors appearing in this district may, upon completion of their one-appearance or one-trial service, be released from further jury service obligations for a period of not less than two years. The court reserves the right to modify the provisions of this petit-jury policy when the interests of justice so require.

Section 4.04

Postponement of Jury Service

The Clerk may postpone the reporting date for any qualified juror summoned under Section 4.02 for any period that the Clerk deems necessary upon written application showing undue hardship or extreme inconvenience. A list of qualifying hardships and inconveniences will be established by the Chief Judge by general order, as amended from time to time, and posted on the court's public website. 28 U.S.C. § 1866(c).

Section 4.05

Exclusion or Excuse from Jury Service (28 U.S.C. § 1866(c)(2)–(5))

No citizen will be excluded from service as a grand or petit juror on account of race, color, religion, sex, national origin, age, disability, sexual orientation, gender identity, or economic status. And except as provided elsewhere in this plan, no person or class of persons will be disqualified, excluded, excused, or exempted from service as jurors, except that any person summoned for jury service may be:

- (a)** excluded by the court on the grounds that such person may be unable to render impartial jury service or that his or her service as a juror would be likely to disrupt the proceedings;
- (b)** excluded upon peremptory challenge as provided by law;
- (c)** excluded under the procedure specified by law upon a challenge by any party for good cause shown;
- (d)** excluded upon determination of the court, after hearing in open court, that service as a juror would be likely to threaten the secrecy of the proceedings or otherwise adversely affect the integrity of jury deliberations, and that his or her exclusion will not be inconsistent with the policy stated in 28 U.S.C. §§ 1861 and 1862.

Section 4.06

Disclosure of Petit Juror Information

- (a) **To Attorneys and Parties.** When the Clerk has assigned a venire panel to a particular trial, the list of names so assigned may be furnished to the attorneys for the parties and any parties appearing *pro se* before trial if ordered by the trial judge. This policy does not limit the right of the trial judge to order the Clerk to keep jurors' names confidential until the morning of trial in any case in which the interests of justice so require.
- (b) **To the Public and the Media.** The names of prospective and sitting petit jurors will be disclosed to the public or media only upon order of the court. A request for disclosure of petit-juror names to the media or public must be made in writing and styled as a motion to the presiding judge.

Section 4.07

Grand Jury Impanelment (28 U.S.C. § 1863(b)(8))

One or more grand juries will be impaneled for this district or any jury division or combined jury divisions of this district in accordance with court orders issued by the Chief Judge. The impanelment of every regular or special grand jury will not be conducted in open court or within public view.

- (a) **Divisional Grand Juries.** If a grand jury is to be impaneled for service in a single jury division only, the Clerk will draw at random from the qualified wheel of that jury division any number of prospective grand jurors that the Chief Judge may direct.
- (b) **Combined Divisional or Entire District Grand Juries.** If a grand jury is to be impaneled for service in combined jury divisions or in the entire district, the Clerk will draw at random from the qualified wheel of each jury division any number of

prospective grand jurors that the Chief Judge may direct, in the same ratio that the number of registered voters in each division bears to the total number of registered voters in the combined jury divisions or in the district.

Section 4.08 **Term of Regular Grand Jury**

Each grand jury will serve until discharged by the Chief Judge, but no regular grand jury will serve more than 18 months unless the court extends the service of the grand jury upon a determination that such extension is in the public interest, in accordance with Rule 6(g) of the Federal Rules of Criminal Procedure.

Section 4.09 **Term of Special Grand Jury**

Each Special Grand Jury as defined in 18 U.S.C. § 3331 will serve for a term of 18 months unless an order for its discharge or an extension of its term is entered by the court in accordance with 18 U.S.C. § 3331 or 3333.

Section 4.10 **Alternate Grand Jurors**

The court may direct that alternate grand jurors be selected at the same time a grand jury is selected. Alternate grand jurors, in the order in which they were selected, may thereafter be impaneled to replace excused grand jurors. Alternate grand jurors will be drawn in the same manner and will have the same qualifications as the regular grand jurors and, if impaneled, will be subject to the same challenges, will take the same oath, and will have the same authority as the regular grand jurors.

Section 4.11 Disclosure of Grand Juror Information (28 U.S.C. § 1863(b)(7))

Except as authorized by written order of the court, the names and information relating to any summoned or serving grand juror or grand jury panel will be confidential and not disclosed to any litigant or member of the public. Applications for disclosure of grand-juror information must be made by motion to the Chief Judge and must set forth why disclosure should be allowed.

Section 4.12 Jury-Service Limit

In any two-year period, no person will be required to:

- (a) serve or attend court for prospective service as a petit juror for a total of more than 30 days, except when necessary to complete service in a particular case;
- (b) serve on more than one grand jury; or
- (c) serve as both a grand and petit juror.

CHAPTER FIVE: Disclosure and Retention of Jury Selection Records

Section 5.01 Release of Jury-Plan Information

The Clerk is authorized to provide a copy of this jury plan to any person requesting information about the Jury Selection Process, and may post the plan to the court's public website. All other requests for information about the Jury Selection Process must be submitted in writing to the Clerk of Court, who will confer with the Chief Judge prior to releasing any information.

Section 5.02 Release of Juror Records (28 U.S.C. § 1867(f))

The contents of records and papers used in the Jury Selection Process will not be disclosed, except upon written order of the court. Applications for

disclosure of records related to the Jury Selection Process must be made by motion to the Chief Judge and must set forth why disclosure should be allowed.

Section 5.03 Retention of Juror Records

In accordance with 28 U.S.C. § 1868, the Clerk will keep all records and papers relating to the Jury Selection Process for four years following the emptying and refilling of the master jury wheels and the completion of service of all jurors selected from those master jury wheels, or for a longer period time if the court so requires. These records may then be destroyed in a manner that ensures the privacy of their contents.

Section 5.04 Request to Inspect Juror Records (28 U.S.C. § 1868)

Applications to inspect Jury Selection Process records to determine the validity of the selection of any jury must be made by motion to the Chief Judge and must set forth why disclosure should be allowed.

ADOPTED BY THE JUDGES OF THIS DISTRICT on April 20, 2023.



Miranda M. Du
Chief United States District Judge