

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

UNITED STATES OF AMERICA,  
Plaintiff,

v.

AMMON BUNDY, et al.,  
Defendants.

Case No. 3:16-cr-00051-BR

DECLARATION OF JURY  
ADMINISTRATOR

I, TERESA D. GLOVER, declare:

1. I am the Jury Administrator for the U.S. District Court for the District of Oregon.
  2. On February 2, 2015, the U.S. District Court for the District of Oregon adopted a Juror Management Plan (hereinafter, "Plan"), attached as Exhibit 1, 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.* The Judicial Council for the Ninth Circuit approved the Plan on February 18, 2015.
  3. Pursuant to Section 1.06 of the Plan, I have responsibility for the day-to-day operation of the jury management process. Exhibit 1, at p. 4.
  4. Section 1.07 of the Plan directs the Clerk to align Oregon's counties into four Jury Management Divisions and authorizes the Chief Judge to combine Jury Management Divisions. Exhibit 1, at p. 4.
  5. The Northern Jury Management Divisions of the Court are the Portland and Pendleton Jury Management Divisions.
  6. The Portland Jury Management Division includes the following counties: Clackamas, Clatsop, Columbia, Hood River, Jefferson, Multnomah, Polk, Tillamook, Wasco, Washington,
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and Yamhill. The Pendleton Jury Management Division includes the following counties: Baker, Crook, Gilliam, Grant, Harney, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wheeler. Exhibit 1, Section 1.07, at p. 4.

7. Section 4.07 of the Plan requires empanelment of one or more grand juries for "any division or combined divisions of this district in accordance with court orders issued by the Chief Judge." Exhibit 1, at p. 18.

8. Master jury wheels for each Jury Management Division within the District were created on April 3, 2015, using a purely randomized process, pursuant to Sections 1.08, 1.11(a), 2.02, and 2.03 of the Plan. Thereafter, pursuant to Chapter 3 of the Plan, the names of all persons randomly selected from the master jury wheel for each Jury Management Division who were determined qualified to serve, and who were not exempted, excused, or disqualified from service as jurors, were placed in the qualified jury wheel for the applicable division.

9. In an order signed on March 30, 2015, the Chief Judge ordered the Clerk to draw at random from the qualified jury wheels of the Portland and Pendleton Juror Management Divisions to create four grand jury venires from the combined Northern Divisions, for empanelment in Portland on or about July 8, 2015. In the Matter of the Selection and Summoning of Grand Jurors for the Northern Division, Misc. No. 3:15-mc-00157 (D. Or., Mar. 30, 2015) (hereinafter, "order"), attached as Exhibit 2.

10. The order required the names of the prospective grand jurors to be drawn from the Portland and Pendleton Jury Management Divisions in numbers proportionate to each division's percentage share of the total number of names on the State's registered voters lists for counties within the Portland and Pendleton Juror Management Divisions, as indicated on the State's list certified by Oregon's Secretary of State as of January 22, 2013. Exhibit 2.

11. The order is consistent with Section 4.07(b) of the Plan.

12. The four panels from the combined Northern Juror Management Divisions were designated Grand Jury 15-01, Grand Jury 15-02, Grand Jury 15-03, and Grand Jury 15-04.

13. Twenty-three members are assigned to each grand jury panel. Grand jurors may obtain approval for an excuse from attendance at a grand jury session. A minimum number of 16 grand jurors is required to convene the grand jury. *See* Fed. R. Crim. P. 6(a)(1).

14. The twenty-three grand jurors in Grand Jury 15-01 are from the following counties: six jurors from Clackamas County; nine jurors from Multnomah County; four jurors from Washington County; one juror from Polk County; one juror from Clatsop County; one juror from Yamhill County; and one juror from Umatilla County.

15. On February 3, 2016, the United States presented its case for the indictment as to Ammon Bundy, Jon Ritzheimer, Joseph O'Shaughnessy, Ryan Payne, Ryan Bundy, Brian Cavalier, Shawna Cox, Peter Santilli, Jason Patrick, Duane Leo Ehmer, Dylan Anderson, Sean Anderson, David Lee Fry, Jeff Wayne Banta, Sandra Lynn Pfeifer Anderson, and Kenneth Medenbach to Grand Jury 15-01. *United States v. Bundy, et al.*, 3:16-cr-00051-BR, Docket No. 58.

16. Twenty-one grand jurors from Grand Jury 15-01 were in attendance on February 3, 2016. Members of Grand Jury 15-01 in attendance from the Portland Juror Management Division included six jurors from Clackamas County; nine jurors from Multnomah County; four jurors from Washington County; and one juror from Yamhill County. Members of Grand Jury 15-01 in attendance from the Pendleton Juror Management Division included one juror from Umatilla County. A true bill was returned.

17. The twenty-three grand jurors in Grand Jury 15-02 are from the following counties: two jurors from Clackamas County; ten jurors from Multnomah County; six jurors from Washington County; one juror from Columbia County; one juror from Polk County; one juror from Jefferson County; and two jurors from Umatilla County.

18. On February 10, 2016, the United States presented its case for the indictment as to Blaine Cooper, Wesley Kjar, Corey Lequieu, Neil Wampler, Jason Charles Blomgren, Darryl William Thorn, Geoffrey Stanek, Travis Cox, and Eric Lee Flores to Grand Jury 15-02. *See United States v. Cooper, et al.*, 3:16-cr-00064-JO, Docket No. 1.

19. Twenty grand jurors from Grand Jury 15-02 were in attendance on February 10, 2016. Members of Grand Jury 15-02 in attendance from the Portland Juror Management Division included two jurors from Clackamas County; seven jurors from Multnomah County; six jurors from Washington County; one juror from Columbia County; one juror from Polk County; and one juror from Jefferson County. Members of Grand Jury 15-02 in attendance from the Pendleton Juror Management Division included two jurors from Umatilla County. A true bill was returned.

20. On March 8, 2016, the United States presented its case for the superseding indictment as to Ammon Bundy, Jon Ritzheimer, Joseph O'Shaughnessy, Ryan Payne, Ryan Bundy, Brian Cavalier, Shawna Cox, Peter Santilli, Jason Patrick, Duane Leo Ehmer, Dylan Anderson, Sean Anderson, David Lee Fry, Jeff Wayne Banta, Sandra Lynn Anderson, Kenneth Medenbach, Blaine Cooper, Wesley Kjar, Corey Lequieu, Neil Wampler, Jason Charles Blomgren, Darryl William Thorn, Geoffrey Stanek, Travis Cox, Eric Lee Flores, and Jake Ryan to Grand Jury 15-01. *See United States v. Bundy et al.*, 3:16-cr-00051-BR, Docket No. 282.

21. Twenty-three grand jurors from Grand Jury 15-01 were in attendance on March 8, 2016. Members of Grand Jury 15-01 in attendance from the Portland Juror Management Division included six jurors from Clackamas County; nine jurors from Multnomah County; four jurors from Washington County; one juror from Yamhill County, one juror from Polk County, and one juror from Clatsop County. Members of Grand Jury 15-01 in attendance from the Pendleton Juror Management Division included one juror from Umatilla County. A true bill was returned.

I declare that the foregoing is true and correct to the best of my knowledge, and this declaration was executed in Portland, Oregon, on May 11, 2016.



Teresa D. Glover  
Jury Administrator  
U.S. District Court for the District of Oregon

OFFICE OF THE CIRCUIT EXECUTIVE

UNITED STATES COURTS FOR THE NINTH CIRCUIT

JAMES R. BROWNING UNITED STATES COURTHOUSE  
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CIRCUIT & COURT OF APPEALS EXECUTIVE  
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TO: Chief Judge Anne L. Aiken, District of Oregon  
Mary L. Moran, Clerk of Court, District of Oregon

FROM: Robert E. Rucker, Ph.D., Assistant Circuit Executive

DATE: February 19, 2015

RE: District of Oregon's Amended Jury Plan

This is to notify you that the amendments to the District of Oregon's Jury Plan were approved by the Judicial Council of the Ninth Circuit on February 18, 2015.

In accordance with 28 U.S.C. § 1863(a) please send a copy of your plan to the Administrative Office and the Attorney General of the United States.

cc: Edward J. Juel, Attorney Advisor, Court Programs Division, AO



UNITED STATES DISTRICT COURT

District of Oregon

**Juror Management Plan**

Adopted by the Court on February 2, 2015

ANN AIKEN

CHIEF JUDGE

## CHAPTER ONE

### General Matters

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#### Section 1.01 Authority

This Juror Management Plan is adopted by the United States District Court for the District of Oregon 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.*

#### Section 1.02 Application

This Plan will take effect after approval by a reviewing panel of the United States Court of Appeals for the Ninth Circuit pursuant to 28 U.S.C. § 1863(a). The prior Jury Plan will be superseded as of the effective date of this revised Plan.

#### Section 1.03 Juror Management Defined

For purposes of this Plan, the phrase *juror management* will be deemed to include all activities associated with the master and qualified jury wheels relating to the selection, qualification, and service of grand and petit jurors.

#### Section 1.04 Policy

It is the policy of the Court that all litigants in this Court, entitled to trial by jury, shall have the right to grand and petit juries selected at random from a fair cross section of the community in the district or division wherein the Court convenes, and that all U.S. Citizens resident 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. No U.S. Citizen shall be excluded from service as a grand or petit juror on account of race, color, religion, sex, national origin, or economic status.

#### Section 1.05 Management Responsibilities

In accordance with 28 U.S.C. § 1863(b)(1), the Clerk of Court will manage the juror management process under the supervision and control of the Chief Judge. The term "Chief Judge" shall mean the Chief Judge of this District, or any supervising judge appointed by the Chief Judge.



(a) **Approved Management Methods:** The Court finds that electronic data processing methods can be advantageously used for managing this Plan. Therefore, a properly programmed electronic data processing system or a combination system employing both manual and electronic machine methods, may, at the Clerk's option after consultation with the Chief Judge, 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, shall manually, or by alternative electronic methods, proceed from the last step correctly implemented.

**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 management process to any authorized deputy clerk, or to any non-court person or agency authorized pursuant to Section 1.10 below.

**Section 1.07 Jury Management Divisions (See 28 U.S.C. § 1869(e) and Local Rule 3-2)**

In order to facilitate juror management activities, the Clerk is directed to align Oregon's counties into the following jury management divisions:

- (a) **Portland Jury Management Division:** Clackamas, Clatsop, Columbia, Hood River, Jefferson, Multnomah, Polk, Tillamook, Wasco, Washington, and Yamhill.
- (b) **Pendleton Jury Management Division:** Baker, Crook, Gilliam, Grant, Harney, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wheeler.
- (c) **Eugene Jury Management Division:** Benton, Coos, Deschutes, Douglas, Lane, Lincoln, Linn, and Marion.
- (d) **Medford Jury Management Division:** Curry, Jackson, Josephine, Klamath, and Lake.

Jurors will be selected for service from a single division or from any combination of divisions as the Chief Judge may from time to time direct.

**Section 1.08 Emptying and Refilling the District and Divisional Master Jury Wheels**

The Clerk of Court shall create and maintain a master jury wheel for each of the 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 odd-numbered year between January 1st and October 31st. The Chief Judge may grant additional time to empty and refill the master jury wheel as needed.

**Section 1.09 Emptying and Refilling the District and Divisional Qualified Jury Wheels**

When the master wheels are emptied, the existing qualified wheels will continue to be used until the Clerk determines that an adequate number of persons from the new master wheels have been qualified. At that time, the old qualified wheels will be emptied and new qualified wheels created. Jurors from previous qualified jury wheels may serve at the same time with jurors selected from later qualified jury wheels.

**Section 1.10 Use of Non-Court Personnel**

The Clerk may use the services of non-court personnel to assist in the juror management process. For purposes of this plan, the phrase "*non-court personnel*" may include, but is not limited to:

- (a) County or State of Oregon 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 and/or agents of computer or data processing centers, bar-coding facilities, mail handling centers, document reproduction facilities, and optical scanning facilities whose services are requested or employed by the Clerk to support the juror management process.
- (c) Other non-court administrative or clerical persons whose services are requested or employed by the Clerk to select, process, and/or mail the

various documents and records involved in the juror management process.

**Section 1.11 Method and Manner for the Random Selection of Jurors**

The randomized selection procedures set forth in this Plan ensure that the names chosen will represent all segments of the source file 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) **Purely Randomized Process:** At the Clerk's option, and after consultation with the Chief Judge, 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 pure 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. Such random selections of names from the source lists for inclusion in the master wheels by data computer 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 herein for the procedures to ensure proper proportional county representation in the divisional master jury wheels.)
  
- (b) **Systematic Randomized Process:**
  - (1) At the Clerk's option, and after consultation with the Chief Judge, the selection of names from the complete source lists, whether maintained manually or in electronic media, for the master jury wheels may be accomplished by a systematic randomized process through a properly programmed electronic data processing system, a combination system

employing both manual and electronic methods, or a manual system. Similarly, at the option of the Clerk and after consultation with the Chief Judge, a properly programmed electronic data processing system, a combination system employing both manual and electronic methods, or a manual system for the systematic randomized selection may be used for all randomized drawings. **Such random selections of names from the source lists for inclusion in the master wheels by data computer 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).

(2) The method and manner of systematic random selection shall be as follows:

(i) **Determining a "Quotient"**

The Clerk shall make the systematic randomized selection by taking the total number of names available for selection and dividing that number by the number of names needed for selection. The number obtained will be the "quotient."

(ii) **Determining a "Starting Number"**

After determining the "quotient," the Clerk shall establish a "starting number." This number will be the first name to be selected. The "starting number" will be manually drawn by lot beginning with the number one and ending with the same number as the "quotient." As an example of how both the "starting number" and the "quotient" are used, if we suppose the "quotient" to be "30" and the "starting number" to be "12," the first name chosen would be the 12<sup>th</sup> name on the list, the second name would be the 42<sup>nd</sup>, the third the 72<sup>nd</sup>, etc., and continued in the same manner to the end of the list.

(3) **Manual Systematic Random Selection:** When systematic random selection is made manually, the selection of names shall be by counting names down the list, either in numerical sequence if the names are numbered, or if they are not numbered, in any other logical consistent

sequence. For this counting and selecting process, the entire list must be covered and the specific names selected will be according to the established "quotient" and "starting number" formula described above.

(c) **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 1.12 General Notice**

In accordance with 28 U.S.C. §1864(a), the Clerk shall 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.

**CHAPTER TWO**

**Source Lists, Initial Random Selection, and the Master Jury Wheel**

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

**Voter Registration Lists:** The Court finds that Oregon county voter registration lists represent a fair cross section of the citizens residing within the communities in the District of Oregon.

**Section 2.02** Size of the Master Jury Wheels (*See* 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 source lists of the counties within each jury division the following minimum number of names to initially fill the master jury wheels. These numbers are deemed sufficient to qualify prospective jurors for a two year period.

- Portland Jury Division:** at least 65,000 names
- Pendleton Jury Division:** at least 4,000 names
- Eugene Jury Division:** at least 10,000 names
- Medford Jury Division:** at least 10,000 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**

In accordance with 28 U.S.C. § 1863(b)(3) and Section 1.07 herein, if the entire source lists are not used as the master jury wheel for a division, the Clerk will conduct the following procedures to ensure that each county is substantially proportionally represented in the master jury wheel for their appropriate jury division:

- (a) Obtain the approved source lists for each Oregon county;
- (b) In accordance with Section 2.02 herein, and with the concurrence of the Chief Judge, the Clerk will determine the number of names required from each jury division to fill the master jury wheel;

EXAMPLE	
Jury Division	Number of Names to be Randomly Selected
Medford	10,000

- (c) From the approved source lists, the Clerk will then:
  - (1) Align county source data into the appropriate jury divisions;
  - (2) Determine the total number of names on each county's approved source list;
  - (3) Determine the total number of names of all the counties within a particular jury division;
  - (4) Calculate each county's proportional share of the total number of names on the approved source lists for each jury division by dividing the total number of names on each county's approved source list by the total number of names of all the counties within a particular jury division;

(e.g.,  $10,111$  (Curry Co.)  $\div$   $59,665$  (Total Medford Division) =  $.169 \times 100\% = 16.9\%$ )

- (5) Calculate the number of names required to be initially randomly drawn from each county's approved source list in order to ensure that each county is substantially proportionally represented in the number of names for the particular jury division by multiplying the total number of names needed in the master jury wheel for a particular jury division by the proportional representation of each county as calculated in subsection (4) above.

(e.g., 10,000 (total number of names needed for Medford Master Jury Wheel)  $\times$  16.9% = 1,690 names to be selected from Curry County for the master jury wheel)

EXAMPLE Proportional Random Selection of Names from the Counties in the Medford Jury Division			
County	Total Names	Percent of Division Total	Individual County's Proportional Share of 10,000 Names
Curry	10,111	16.9%	1,690
Jackson	20,222	34.0%	3,400
Josephine	15,333	25.7%	2,570
Lake	5,444	9.1%	910
Klamath	8,555	14.3%	1,430
Total	59,665	100.0%	10,000

- (d) Employ random selection procedures to select names from each county to fill the master jury wheels in accordance with Section 1.11 herein.

#### 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**

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#### **Section 3.01 Drawing Names from the Master Jury Wheel**

From time to time as directed by the Chief Judge, the Clerk shall 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 pursuant to 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 may be mailed with instructions to complete and return the questionnaire to the Clerk by mail within ten days of receipt.

#### **Section 3.03 Failure to Submit a Juror Qualification Questionnaire**

If a person fails to submit a completed juror qualification questionnaire, the Clerk may note the failure in the juror's record and take no further action provided that the Clerk finds that there are sufficient other qualified jurors to meet the grand and petit jury requirements; or the Clerk may issue a summons to the person directing them to appear in the Clerk's Office to complete the qualification questionnaire (28 U.S.C. § 1864(a)). No juror fees or costs for this appearance shall be paid, unless otherwise ordered by the Court.

#### **Section 3.04 Determining Juror Qualification Status**

The Chief Judge, upon the recommendation of the Clerk, or the Clerk of Court or designee, under the supervision of the Court, shall determine solely on the basis of information provided on the juror qualification questionnaire and other competent evidence whether a person is unqualified for, exempt, or to be excused from jury service (28 U.S.C. § 1865(a)). The Clerk shall enter such determination 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 shall 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) has a charge pending against him 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 his civil rights have not been restored.

Notice of persons who identify themselves as non-citizens through the juror qualification process will be provided to appropriate election officials for verifying voter registration eligibility.

(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" shall mean a person who is elected to public office or who is directly appointed by a person elected to public office.

(c) **Excuses From Jury Service on Individual Request**

(1) **Permanent Excuse:** 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 to the members thereof, and the excuse of such members would not be inconsistent with §§ 1861 and 1862 of 28 U.S.C., and shall be granted upon individual written request to those:

- (i) persons over 70 years of age;
- (ii) persons having responsibility for providing in-home care and custody, or home-schooling, of a child or children during normal business hours;
- (iii) persons who are essential to the care of aged or infirm persons;
- (iv) persons who have served as grand or petit jurors in a state, federal, territorial, or commonwealth court within the past two years; or
- (v) persons who serve a public agency without compensation as volunteer safety personnel (such as firefighters or members of a rescue squad or ambulance crew).

(2) **Temporary Excuse:** Upon application showing undue hardship or extreme inconvenience, any qualified juror may be temporarily excused from jury service for such period as the Clerk deems necessary. Unless

otherwise directed by the Court, those individuals temporarily excused from jury service should either be summoned again for jury service with their pool if it is deferred, or their names should be reinserted into their respective qualified jury wheel for possible future selection.

**Section 3.05 Qualified Jury Wheel**

The Clerk shall maintain a separate qualified jury wheel for each jury division within the District and shall 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 pursuant to this Plan.

**CHAPTER FOUR**  
**Selection of Grand and Petit Jurors**

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**Section 4.01 Selection and Impanelment of Grand and Petit Jurors** (See 28 U.S.C. § 1866(a))  
The clerk, under the supervision of the Judges, shall 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. (See Section 1.11 herein for random selection procedures.)

**Section 4.02 Summoning Grand and/or Petit Jurors** (See 28 U.S.C. § 1866(b))  
The clerk shall issue summonses for the required number of jurors selected pursuant to Section 4.01 herein, directing them to report for impanelment at such times as the Judges may prescribe. Each person whose name has been drawn from the qualified jury wheel for jury service may be served personally or via first class U.S. mail at the juror's usual residence or business address.

**Section 4.03 Juror Utilization Practices**  
Unless otherwise directed by the court, prospective jurors summoned for a particular day of jury service will be available for assignment by the clerk to grand or petit jury panels. Pooling of jurors, staggered trial start times, and multiple *voir dire*s may be utilized in the assignment of jurors to grand and/or petit jury panels.

**Section 4.04 Petit Jury Term - One Day Appearance/One Trial/One Week or One Deferral**  
It is the policy of the District of Oregon that all prospective petit jurors serve "one day" or "one trial" during a one week "on call" term of service. Petit jurors appearing in the United States District Court for the District of Oregon may, upon completion of their "one day" or "one trial" service, be released from further jury service obligations for a period of not less than two years. If the trial is postponed or canceled and there are no other trials scheduled during that particular "on call" week, the prospective jurors will be notified, prior to their appearance, that their service will be deferred to a future date. If the deferred prospective jurors are not required to appear for jury service during this second "on call" week, they will be notified by the Court that they will 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 4.05 Petit Jury Pool or Panel**

If a current petit jury pool or panel contains more persons than reasonably needed for the selection of a jury in a specific case, the Clerk shall select at random, the number of persons the Judge determines should be called. (See Section 1.11 herein for random selection procedures.)

**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 shall be furnished to the attorneys for the parties and any parties appearing *pro se* in said trial at the beginning of jury selection, unless otherwise ordered by the trial judge. Notwithstanding this general policy, any trial judge may order the Clerk to keep jurors names confidential in any case where the interests of justice so require.
  
- (b) **To the Public and the Media:** The names and information relating to any prospective or sitting petit jurors shall not be disclosed to the public or media outside open court, except upon order of the Court. Applications for disclosure of petit juror names or information to the media or public must be made by motion (with a memorandum of authorities) to the presiding trial judge. The presiding trial judge may order the Clerk to keep the jurors' names confidential in any case where the interests of justice so require.

**Section 4.07 Grand Jury Impanelment (See 28 U.S.C. § 1863 (b) (8))**

One or more grand juries shall be impaneled for this district or any division or combined divisions of this district in accordance with court orders issued by the Chief Judge. The impanelment of every regular or special grand jury shall 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 division only, the Clerk shall draw at random from the qualified wheel of that division such number of prospective grand jurors as 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 divisions or in the entire district, the Clerk shall draw at random from the qualified wheel of each division such number of prospective grand jurors as 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 divisions or in the district.

**Section 4.08 Term of Regular Grand Jury**

Each grand jury shall serve until discharged by the Chief Judge, but no regular grand jury shall 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, shall 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 Sections 3331 or 3333 of 18 U.S.C.

**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 shall be drawn in the same manner and shall have the same qualifications as the regular grand jurors, and if impaneled, shall be subject to the same challenges, shall take the same oath, and shall have the same authority as the regular grand jurors.

**Section 4.11 Disclosure of Grand Juror Information** (*See* 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 (with a memorandum of authorities) to the Chief Judge and must set forth why disclosure should be allowed.



## CHAPTER FIVE

### Exclusion or Excuse from Jury Service

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#### **Section 5.01 Exclusion or Excuse from Jury Service**

Except as provided elsewhere in this Plan, no person or class of persons shall be disqualified, excluded, excused, or exempted from service as jurors; provided, however, 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 service as a juror would be likely to disrupt the proceedings;
- (b) Excluded upon peremptory challenge as provided by law;
- (c) Excluded pursuant to 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 exclusion of such person will not be inconsistent with the policy stated in 28 U.S.C. §§ 1861 and 1862.

#### **Section 5.02 Jury Service Limit**

In any two (2) year period, no person shall be required to:

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

#### **Section 5.03 Permanent Exclusion or Excuse from Jury Service**

Whenever a person is permanently excluded or excused from jury service under this Chapter, the Clerk shall note the same on the questionnaire or in the jury management database.

## CHAPTER SIX

### Disclosure and Retention of Jury Selection Records

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- Section 6.01 Release of Jury Plan Information**  
The clerk is authorized to provide a copy of this Juror Management Plan to any person requesting information about the juror management process, and may post the Plan to the court's public website. All other requests for information about the juror management process must be submitted in writing (with a memorandum of authorities) to the Clerk of Court, who will confer with the Chief Judge prior to releasing any information.
- Section 6.02 Release of Juror Records (See 28 U.S.C. § 1867(f))**  
The contents of records and papers used in the juror management process will not be disclosed, except upon written order of the court. Applications for disclosure of juror management records must be made by motion (with a memorandum of authorities) to the Chief Judge and must set forth why disclosure should be allowed.
- Section 6.03 Retention of Juror Records**  
In accordance with 28 U.S.C. § 1868, the clerk will keep all records and papers relating to the juror management 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 such longer periods of time as the Court may require. Such records may then be destroyed, providing the means used ensures the privacy of their contents.
- Section 6.04 Request to Inspect Juror Records (See 28 U.S.C. § 1868)**  
Applications to inspect juror management records to determine the validity of the selection of any jury must be made by motion (with a memorandum of authorities) to the Chief Judge and must set forth why disclosure should be allowed.

DONE on behalf of the Court, this 2<sup>nd</sup> day of February, 2015.



ANN AIKEN  
Chief Judge

UNITED STATES DISTRICT COURT      FILED 30 MAR 15 13:43 USDC-ORP  
DISTRICT OF OREGON

In the Matter of the Selection and  
Summoning of Grand Jurors for the  
Northern Division.

Misc No. 3:15-mc-00157

UNDER SEAL

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ORDER

In accordance with 28 U.S.C. Section 1861 *et seq.*, and this Court's Juror Management Plan, adopted by this Court on February 2, 2015, and approved by the Judicial Council for the Ninth Circuit on February 18, 2015, the Clerk is directed to randomly select four (4) grand jury *venires* for impanelment in Portland on, or about Wednesday, July 8, 2015. In this regard, this Court finds that:

- (a) The total number of names on the State's list of registered voters in the counties which comprise the Portland jury division<sup>1</sup> was certified by Oregon's Secretary of State to be 1,163,590 as of January 22, 2013. This figure represents 92% of the total presented in paragraph (c) below.
- (b) The total number of names on the State's list of registered voters in the counties which comprise the Pendleton jury division<sup>2</sup> was certified by Oregon's Secretary of State to be 104,961 as of January 22, 2013. This figure represents 8% of the total presented in paragraph (c) below.
- (c) Based upon the totals presented in paragraphs (a) and (b) above, the total number of names on the State's list of registered voters for the Portland and Pendleton jury divisions was 1,268,551 as of January 22, 2013.

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<sup>1</sup> Clackamas, Clatsop, Columbia, Hood River, Jefferson, Multnomah, Polk, Tillamook, Wasco, Washington and Yamhill counties comprise the Portland jury division of this Court.

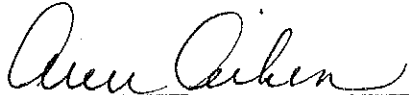
<sup>2</sup> Baker, Crook, Gilliam, Grant, Harney, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wheeler counties comprise the Pendleton jury division of this Court.

- (d) For purposes of constituting four (4) grand juries to serve the Northern Divisions of this Court, names of prospective grand jurors shall be drawn from the Portland and Pendleton jury divisions in numbers proportionate to each division's percentage share of the total number of names on the State's registered voters lists for the Portland and Pendleton divisions.
- (e) Approximately 400 jurors are required to be summoned to the United States Courthouse in Portland, Oregon, in order to empanel four (4) new grand juries.

THEREFORE, in light of these findings, and in order to ensure proportional representation in the Northern Division's grand jury *venires*, the Clerk is directed to apply the following formula to randomly select at least 400 names from the Portland and Pendleton qualified jury wheels:

<u>Jury Division</u>	<u>Formula Calculation</u>
Portland	92% times 400 names = 368 names
Pendleton	8% times 400 names = 32 names

DONE AND ORDERED this 30<sup>th</sup> day of March, 2015 in Portland, Oregon.

  
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 Ann Aiken  
 Chief Judge, United States District Court

cc: Billy Williams, Acting United States Attorney  
 David Atkinson, Assistant United States Attorney  
 Mary L. Moran, Clerk of Court  
 Steven Minetto, Courtroom Services Supervisor  
 Teresa D. Glover, Jury Administrator