Chapter 54

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Juries

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Exemptions and excuses from jury duty, 10.040, 10.050

54.010 Trial jury defined. A trial jury is a body of persons, six in number in the justices' courts, sworn to try and determine a question of fact and drawn according to the mode provided for in this chapter.

54.020 Order for a jury which is not to be selected from the jury list. When a jury has been demanded by a party to an action in the justice's court, and neither party requires that the jury be drawn from the jury list, the justice must make an order in writing, directed to the sheriff of the county, or to any constable of the district or to any marshal or policeman authorized to act as constable therein, commanding him to summon six persons to serve as jurors in the action between the parties, naming the parties, at a time and place to be named in the order. The order shall require the jurors to appear before the justice forthwith, or at some future time to which the trial of the issue may be postponed.

54.030 Service and return of order; persons to be summoned. The officer serving the order for a jury must do so impartially by selecting only such persons as he knows, or has good reason to believe, are qualified according to law to serve as jurors in the court to which they are summoned and in the particular action for which they are selected. The officer must serve the order, by giving notice to each person selected of the time and place he is required to appear and for what purpose, and return the same, according to the direction therein, with the names of the persons summoned, verified by his own certificate.

54.040 Insufficient number of jurors; summoning others; challenges. If a sufficient number of jurors does not appear at the time and place required, or if any of those appearing are peremptorily challenged, or upon a challenge for cause are found disqualified, the justice must order the proper officer to summon a sufficient number of other qualified persons until the jury is complete. Each party is entitled to three peremptory challenges, and no more.

54.050 Qualification of jurors. A person competent to act as a juror in a justice's court, in addition to the qualifications prescribed in ORS chapter 10, must be an inhabitant of the district in which the court is being held at the time he is summoned, and must have been an inhabitant of that district for three months next preceding such time.

54.060 Making of jury lists. On the first Monday of January in each year, the justice of the peace in each district shall call to his aid two freeholders of the district, otherwise qualified to serve as jurors therein, and they shall proceed to select and make from the persons of the district qualified to serve as jurors in justices' courts of such districts a jury list for the district for the following year, and until another is selected.

54.070 Number of names on list; dating, signing and filing list. The list must contain the names of not less than 50 nor more than 250 persons, if there are that number of persons in the district who are qualified as prescribed in ORS 54.050. The list, when made, shall be dated and signed by such justice and freeholders, and filed with the justice.

54.080 Making list after time prescribed. If for any reason the making of a district jury list is omitted and neglected on the first Monday in January of any year, it may be done on the first Monday of any month following, to serve until the close of the year, and until another is made.

54.090 Justice not in office or present when list was made must procure and file copy thereof. A justice of the peace not in office or attendance when a jury list is made must procure, and file in his office, a certified copy thereof.

54.100 Jury box; depositing ballots therein. Every justice of the peace must keep in his office a jury box. On filing a new jury list, he must destroy all the ballots in the jury box and prepare and deposit therein separate ballots, containing the name of each person on the jury list and folded as nearly alike as practicable so that the name cannot be seen.

54.110 Selection of jury from jury list. When a jury is demanded in a justice's court, instead of being selected by the officers, as provided in ORS 54.020 to 54.040, the jury must be drawn and selected from the jury list of the district, if either party requires it.

54.120 Manner of drawing jury panel; making and signing list of names for panel. When a jury is to be selected from a district list, the justice must draw from the box, in the presence of the parties, 12 ballots, or any greater number, if necessary, until the names of 12 persons, who are deemed able

to attend at the time and place required, are obtained. The justice must make and sign a list of the 12 names thus drawn.

54.130 Names drawn which are not entered on list of panel. If it appears to the justice that a person whose name is drawn is dead or resides out of the district, the ballot must be destroyed. If it appears to the justice, or he has good reason to believe, that a person whose name is drawn is temporarily absent from the district, or is unwell, or so engaged as to be unable to attend at the time and place required without great inconvenience, the ballot must be laid aside, without the name thereon being entered on the list drawn, and returned to the box when the drawing is completed. A person whose name is drawn is deemed able to attend within the meaning of ORS 54.120, and his name is deemed to be entered on the list drawn, except as provided in this section.

54.140 Selection of jury by striking names from the panel. When the drawing is completed, from the 12 names drawn the parties must select a jury by each striking from the list three names, alternately, commencing with the defendant. The remaining six must be summoned as jurors in the action.

54.150 Order for jury selected from jury list; manner of summoning and forming jury; challenges. The names of the six jurors so selected must be inserted in the order to summon a jury, and thereafter the proceedings in the summoning and formation of the jury must be conducted in the manner provided in ORS 54.020 to 54.040; but neither party is entitled to a peremptory challenge as to any of the six jurors.

54.160 Jurors failing to attend may be fined. If a person duly summoned to attend a justice's court as a juror fails to attend as required or to give a valid excuse therefor, he may be fined by the justice in a sum not exceeding $10.