

Chapter 54

1993 EDITION

Juries

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JUSTICES' COURTS & CIVIL PROCEEDINGS THEREIN

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 police officer authorized to act as constable therein, commanding the sheriff, constable, marshal or police officer 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. [Amended by 1991 c.67 §9]

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 the officer 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 the person 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 the certificate of the officer.

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 Qualifications of jurors. A person competent to act as a juror in a justice's court, in addition to the qualifications prescribed in ORS 10.030, must be an inhabitant of the district in which the court is being held at the time the person is summoned, and must have been an inhabitant of that district for three months next preceding such time. [Amended by 1983 c.673 §13]

54.060 Making of jury lists. The justice of the peace in each district shall, in January of each year, or in case of an omission or

neglect so to do then as soon as possible thereafter, make a jury list for the district. A preliminary jury list shall be made by selecting names of inhabitants of the district by lot from the latest jury list sources. The jury list sources are the elector registration list for the district, copies of the Department of Transportation records for the county referred to in ORS 802.260 (2) furnished to the justice at county expense by the clerk of court, as defined in ORS 10.010, for the county and any other source that the justice determines will furnish a fair cross section of the inhabitants of the district. From the preliminary jury list the names of those persons known not to be qualified by law to serve as jurors shall be deleted. The remaining names shall constitute the jury list. The preliminary jury list and jury list may be made by means of electronic equipment. [Amended by 1983 c.673 §14; 1987 c.681 §4]

54.070 Number of names on list; certifying and filing list. The jury list shall:

(1) Contain the names of at least 50 persons, if there are that number of persons in the district who are qualified as provided in ORS 54.050.

(2) Contain the first name, the surname and the place of residence of each person named therein.

(3) Be certified by the justice of the peace and placed on file in the office of the justice. [Amended by 1975 c.233 §1; 1983 c.673 §15]

54.080 [Repealed by 1983 c.673 §26]

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 the office of the justice of the peace, a certified copy thereof.

54.100 Drawing jury list; jury box; depositing ballots. Unless juries are drawn and selected from the jury list of the district by means of electronic equipment, the justice of the peace shall keep in the office of the justice a jury box. After the jury list is filed, the justice shall destroy all ballots remaining in the box and shall prepare and deposit in such box separate ballots, containing the name and place of residence of each person named in the list, and folded as nearly alike as practicable so that the name cannot be seen. [Amended by 1983 c.673 §16]

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 the jury list of the district, the justice shall draw from the box in the presence of the parties, or select by means of electronic equipment, 12 ballots or names, 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. [Amended by 1983 c.673 §17]

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 or the name deleted. If it appears to the justice, or the justice 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 or name must be laid aside, without the name being entered on the list drawn, and returned to the box or restored to the list from which selected by means of electronic equipment when the drawing is completed. A person whose name is drawn is deemed able to attend within the meaning of ORS 54.120, and the name of the person is

deemed to be entered on the list drawn, except as provided in this section. [Amended by 1983 c.673 §18]

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, the person may be fined by the justice in a sum not exceeding \$10.