



Jury service is an important part of our democracy and the justice system. This guide answers common questions to help you better understand jury service in Oregon’s state courts. If you are summoned and then selected for service, there will be an orientation to help you understand the overall process.

## A Summons for Jury Service

### Why did I receive a summons for jury service?

Every year, the Oregon Judicial Department creates a master jury list using licensed drivers and people issued Oregon identification cards from the Oregon Division of Motor Vehicles and registered voters from the Secretary of State. Names are divided into groups based on the county of residence. Each circuit court gets a list of jurors from the master list to use for the year. Each circuit court then draws names randomly from the list and summons those people for jury service. In the rare situation that the master list has been exhausted and the court needs more jurors, the court may summon more jurors from any source, even from people walking down the street.

### May I postpone, or defer, jury service to another date?

Yes. If you can show “good cause,” a judge or clerk may postpone your service to another date within one year after you were summoned. If you request another deferral, you must again show good cause and give the court a list of at least 10 dates (within six months following the date of the request) to begin jury duty.

### How do people get excused from jury service?

Only a judge or court clerk can excuse a person from jury service. If you believe you should be excused, you must submit your request to the court. Some courts may ask you to submit documents related to your request to be excused.

If you are over age 70 and cannot or choose not to serve, you will be excused. You can also be excused if you are currently breast-feeding a child, or if you regularly care for a child or other dependent during the normal hours of court operation and are unable to find or afford other care.

Other requests will be granted only if you can show undue hardship or extreme inconvenience to you, your family, your employer, or the public if you are a public servant.

All requests for excusal are reviewed by the court and they must determine if the public need for the service outweighs the individual circumstances of the person summoned.

Active members of the Oregon National Guard and the Oregon Air National Guard are exempt from jury service. Active-duty members of the U.S. armed forces may be exempt from jury service and should consult with their chain of command to learn their status when summoned for jury service.

### How do I request to have a summons excused or deferred?

You can submit your request through the online juror response portal, or by email, mail, or telephone.

### What happens if someone ignores a summons for jury service?

A person who does not respond or appear for their jury service without getting permission from the court may be punished for contempt. If you receive a summons but are unable to comply, you must request an excusal or deferral from the court.

## Employment Protection

### Can I lose my job for reporting to jury service?

No. It is illegal for your employer to fire you because of jury service. An employer may not threaten to fire, intimidate, or coerce you because of jury service. If your employer fires or threatens to fire you for reporting to jury service, you may bring a civil action or may file a complaint with the Oregon Bureau of Labor and Industries.

### Will my employer pay me while I am on jury service?

Your employer is not required to pay your salary or wages during jury service. Your employer's policies, or your employment contract, will determine whether you will be paid by your employer during your jury service.

### Can my employer force me to use paid time off for time spent on jury service?

No. Your employer is not allowed to force you to use paid time off to respond to a jury summons. Your employer is required to give you the option of taking leave without pay for jury service. If your employer does not give you that option, you may bring a civil action or may file a complaint with the Oregon Bureau of Labor and Industries.

## Compensation of Jurors

### Do jurors get paid for jury service?

Yes. The legislature sets juror fees for service. In a circuit court, a juror receives \$10 per day for the first and second day of service, and \$25 for any more days of service. Mileage reimbursement is \$0.20 per mile to travel to jury service in the circuit court. Juror pay is subject to income tax but doesn't need to be reported for Social Security. A juror receives payment for a full day if the juror arrives at the court for service, even if that person does not actually participate in trial or is excused by the court after answering the roll call. The judge may order that food, drink, lodging, or transportation be provided to a jury depending upon the case.

Usually, you must waive the juror fees if your employer pays your wages or salary for your days of jury service, even if you are using paid time off for the jury service.

# Qualifications for Jury Service

## Who is eligible for jury service?

Generally, any person who is at least 18 years old and is a U.S. citizen residing in the county when summoned. Oregon courts use an online form to determine a person's eligibility to serve as a juror.

Oregon law states that "the opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation or any other factor that discriminates against a cognizable group in this state."

## What if I have a disability and need accommodations?

If you have a disability and require accommodations, you should submit a written request to the court by email or mail. Courts are required to provide ADA accommodations to jurors, and all Oregon courts actively fulfill accommodation requests.

## What if I need an interpreter?

Courts provide language interpreters to determine if a potential juror's comprehension of English meets the needs of the trial. Courts are not required to provide a translator for jurors selected to serve on a trial, and most are unable to do so.

## Who is not eligible for jury service?

Anyone who has served on a jury in a state or federal court in Oregon within the last 24 months is not eligible. You are also ineligible if you have been convicted of a felony and are either actively incarcerated, have received a suspended sentence conditioned on service of county jail time, or have had probation revoked and must serve any portion of a suspended sentence.

For criminal trials only, a person may not serve on a jury if they have been convicted of a felony or served a felony sentence within the past 15 years. Additionally, no one convicted of a misdemeanor involving violence or dishonesty, or having served a sentence for such a crime within the previous five years, is eligible to serve as a juror on a criminal case. This disqualification does not apply to serving on a jury for a civil case.

## May a person request jury service?

No. Jury selection is intentionally random. It is illegal for any person to procure or offer to procure jury service for a person. A person may be fined for requesting or procuring jury service.

## Length of Service

### How many days will jury service last?

That depends on where you were summoned. Each county sets a different amount of time for the juror's term of service. Information about your court's term of service is available on your court's jury webpage.

# Who's Who in the Courtroom

## What are “parties” to a case?

The “parties” are the plaintiff (the person who starts the case) and the defendant (the person who has been accused of a crime or the case has been brought against). For example, in criminal cases, the plaintiff is the State of Oregon, represented by a prosecutor from the District Attorney’s office.

## What is the jury’s role?

The jury evaluates the evidence, determines how reliable it is and decides what to believe. The jury decides what the facts are and then applies those facts to the law. The trial judge will provide instructions on what the law is.

## What does the judge do?

The trial judge presides over the trial and decides what laws apply. The judge then instructs the jury about the correct law in each case. Jurors who disregard the trial judge’s instructions have violated their oath.

# Jury Selection

## How are jurors selected for a particular trial?

At the courthouse, a computer program randomly selects the names of potential jurors from the larger juror pool. The smaller group of potential jurors are then directed to a courtroom for the next step, which is called “voir dire.”

“Voir dire,” which means “to speak the truth” in French, is the process of selecting a panel of jurors by asking them questions. It usually begins with the judge or the lawyers explaining the case. Then, the possible jurors are asked to give an oath to truthfully answer any questions. The judge usually asks whether anyone knows any of the people in the case and whether any jurors know anything about the case.

The lawyers will then ask questions to learn about the prospective jurors’ backgrounds, attitudes, and general beliefs. The questions aren’t intended to be intimidating or uncomfortable. They are meant to help the lawyers and judge decide which jurors are best qualified to serve on the case. Not answering a question or intentionally leaving out information is a breach of the juror’s oath. If a person forgets and later remembers information about a question in jury selection, they should immediately tell the trial judge. Failure to bring new information to the judge’s attention may cause the trial to be restarted.

During questioning, if a lawyer believes that a potential juror is not qualified, the lawyer will say, “I challenge the juror for cause.” If the judge agrees with the lawyer’s reason for the challenge, the court will excuse the juror. After all the questions and “for cause” challenges are completed, the lawyers on each side may use “peremptory challenges,” meaning they may excuse a certain number of jurors without giving a reason. There are many different reasons why a lawyer for a party would challenge a juror without a stated cause, but a lawyer cannot use a peremptory challenge because of race, ethnicity, or gender.

## Why would a juror be disqualified?

In Oregon, a judge may disqualify a juror for the following reasons:

- A juror is not eligible to serve.
- A juror is not capable of performing their duties in the case without prejudicing a party because of a mental or physical condition.
- A juror is related by blood or marriage within the fourth degree to any party (or to the person alleged to have been injured by an alleged crime).
- A juror has an existing relationship with a party (or victim of alleged crime(s)).
- A juror is a partner in business with a party or is in an employment relation with any party.
- A juror has served as a juror on a previous trial in the same case, or in another case between the same parties for the same action, or in a case involving the same facts or transaction.
- A juror has an interest in the outcome of the action, or the principal question involved.
- A juror has “actual bias,” meaning that the juror’s opinions would interfere with their ability to fairly hear what each party has to say. For example, if a juror has already made up their mind about how the case should go after reading about it online, that counts as actual bias.

## Selecting a Jury

After voir dire is completed and excused panelists are replaced, a jury and alternates are “empaneled,” meaning they are selected to serve on the case. A second oath is given to the trial jury. The oath states that the jurors “will well and truly try the matter in issue between the plaintiff and defendant, and a true verdict given according to the law and evidence as given them on the trial.” If a person is unable to “swear” to an oath because of personal or religious beliefs, they can “affirm” instead.

## Why do some juries have different numbers of jurors?

The size of the jury is determined by things like statute, the seriousness of the crime alleged and/or the amount of money at stake in a civil case. The “importance” of the case does not determine the size of the jury — a case with six jurors can be more important than a case with 12. In some cases, alternate jurors may also be selected to hear the evidence. This is done in case the court needs to replace an empaneled juror due to illness or some other emergency. If none of the jurors are replaced, the alternates are excused when the jury retires to deliberate.

## The Trial Process

After the jury is empaneled, the trial begins. The trial judge gives the jurors some initial instructions about the trial. Then the lawyer for each party makes an opening statement. The lawyer for the plaintiff (or prosecutor in a criminal case) usually speaks first. The opening statements often describe the facts and the evidence that each party expects to present. The opening statements are not evidence. They are only outlines of what each party expects the evidence to show.

### How is evidence presented to the jury?

The plaintiffs in the case call witnesses and question them. “Direct examination” is when a lawyer questions a witness that they called. When a party questions the other party’s witnesses, it is called “cross-examination.” Usually, the plaintiff calls the first witnesses. When a party has called all of their witnesses, that party “rests,” meaning they have introduced all of their evidence. If there is more than one plaintiff, the other plaintiff then calls witnesses and then rests. After that, the defendant or defendants may call witnesses. This continues until all parties have questioned their

witnesses. In a criminal case, the burden of proof is on the prosecution, and the jury may not make any assumptions if the defendant does not call witnesses. After all the parties rest, the plaintiff may call witnesses to respond to the defendant’s witnesses. This is “rebuttal testimony.” The defendant may then call rebuttal witnesses.

### Why do lawyers make objections?

The lawyers may make objections to questions asked or evidence offered by the other side. This is part of the lawyer’s job. Lawyers object to questions they think are not allowed under the rules of evidence.

If the judge agrees with an objection, the judge will “sustain” the objection. If the judge does not agree with the objection, the judge will “overrule” the objection. If the judge overrules an objection, the jury can use the evidence to help make a decision. If the judge sustains the objection, the jury cannot use the evidence to help make a decision.

### What happens after the parties’ finish presenting the evidence?

After the parties present the evidence, the lawyers make closing arguments. In closing arguments, the lawyers try to summarize the evidence and persuade the jury to find in favor of their clients. The judge then gives the “charge,” or instructions, to the jury. These instructions define the issues that jurors must decide. When the judge has finished, the jurors retire to the jury room to deliberate the case.

### Are there parts of the trial the jury doesn’t get to hear?

Sometimes the judge may excuse the jury from the room so that a point of law or an objection can be argued. Sometimes the lawyers may speak with the judge without the jury listening. These short conversations are often held at the judge’s bench to avoid the inconvenience of having the jury file out and in again.

Bench discussion help save time for the courts and for the jurors. They happen for several reasons: To simplify issues relating to the trial, to avoid having the jury to listen to time-consuming evidence when both sides agree about the facts, to prevent a mistrial by discussing delicate topics in advance or to allow for careful consideration of legal points that could lead to appeal and retrial.

# Conduct of Jurors During the Trial

## How should jurors conduct themselves during the trial?

All jurors must arrive at the courtroom on time. Each juror must hear all the evidence, and lateness causes delay and inconvenience to the judge, the parties, the witnesses, the lawyers, and the other jurors. Usually, you must sit in the same seat in the jury box throughout the trial to help the judge, the clerk, and the lawyers to identify you. Everyone in the courtroom rises when a court session begins and the judge enters the courtroom. Jurors should pay careful attention to all the evidence presented. You should notify the judge if you cannot hear a witness, lawyer, or the judge.

## Are jurors allowed to discuss the trial before deliberation?

No. Before you deliberate in the jury room, you should not talk to anyone about the case — not even another juror. Your decision about the cases must be based only on the information you receive in the courtroom. You should not read about the trial online or consume any outside information about the trial, including from social media, the radio, television, or newspapers. You shouldn't let anyone talk to you about the case, either. Even friendly chats with the lawyers, parties and witnesses are not allowed. You also should not talk to your friends or to members of your family about the case while it is pending. Do not use any form of communication to talk about the case, including texting, email, or social media. If someone persists in talking to you about the trial, or attempts to influence you as a juror, you should report it to the judge immediately.

## Are jurors allowed to ask questions?

Some judges allow jurors to ask questions, usually in writing. But most of your questions about the case will probably be answered at some point in the trial. There are rules about what can be considered evidence, which means there are restrictions on the types of questions witnesses can be asked.

## May a juror take notes during the trial?

Yes, jurors may take notes during the trial. If you choose to take notes, do not let it interfere with your ability to pay attention to and evaluate witnesses. Keep in mind that each party is entitled to your full attention. During deliberation, you should not give too much weight to another juror's notes if those notes conflict with your recollection of the evidence. If you take notes, you must leave them in the courtroom or jury room at all times.

## Is the jury usually kept overnight?

No. It's very rare for members of the jury to be kept away from their homes during a trial. You can leave to have lunch and to go home at night, but you cannot discuss the case with anyone — even with a family member.

## What should a juror do if something improper occurs during the trial?

If you learn of something that the judge should know about, for example, if someone outside of the jury room has tried to influence your opinion on the case, you may ask to see the judge. You can send a message to the judge by the officer in charge of the jury, the bailiff, or the clerk of the court.



# Conduct in the Jury Room

## How should jurors conduct their deliberations?

After they go to the jury room to discuss the case, the jury selects a presiding juror. The presiding juror's job is to make sure the deliberations are orderly and that the issues submitted for consideration are fully and fairly discussed. The presiding juror should make sure that every juror has a chance to say what they think on every question. At the end of deliberations, the presiding juror also makes sure that everyone's vote is taken. If another jury member has a request for the judge, the presiding juror should sign the written request.

## How do jurors reach a decision?

Jurors discuss the evidence to reach a verdict, which is the final decision and outcome of the case. The judge will tell you what the jury is deciding about the case. When you deliberate, you should weigh the evidence calmly and fairly. Every juror should listen carefully and respectfully to the views of the other members of the jury and consider them with an open mind. You are not allowed look up any information online, in books or confer with anyone except your fellow jurors. You should not conduct any independent personal investigation. If you have special knowledge or information about any of the facts of the case, you should not communicate that information to other jurors. Jurors are not allowed to rely on private information. The jury's verdict must be based only on the evidence presented in court and on the judge's instructions on the law.

## How is voting conducted by the jurors?

Your final vote should represent your own opinion. When differences of opinion arise between jurors, the jurors should say what they think and why they think it. You should not hesitate to change your viewpoint during deliberation. However, jurors must not try to force agreement. Jurors need to listen to the arguments and opinions of others and can't let any decision be reached by chance or the "toss of a coin."

The number of jurors needed to agree on a verdict will change depending upon the number of jurors on the panel, whether it is a civil or a criminal case and the jurisdiction of the court. The judge will tell you the specific number of jurors necessary to agree upon the verdict in your case.

## What should a jury do once it reaches a decision?

Once the jury has reached its decision, the presiding juror completes and signs the verdict form. The judge will provide instructions explaining the verdict form. Once the verdict form is signed, the presiding juror should inform the bailiff or clerk. The entire jury panel will then re-enter the courtroom and deliver its verdict. The judge may read the verdict, or the presiding juror may read the verdict. After the verdict is read, the lawyers may ask to "poll" the jury, and each individual member of the jury may be asked to confirm his or her vote for the record.