

The Circuit Court of the State of Oregon
TWENTY-FIRST JUDICIAL DISTRICT
BENTON COUNTY CIRCUIT COURT
Benton County Courthouse
120 NW Fourth Street
Corvallis, Oregon 97330
541-243-7848
benton.juryinfo@ojd.state.or.us

Information for Jurors

TELEPHONE PROCEDURES

Call the message line at 541-243-7830 after 5:00 PM the evening before you are scheduled to appear to find out if your juror number has been called or to confirm that the trial has not been cancelled. You will be called to report by the juror number assigned to you.

You can also check online at [Benton Circuit Court Jury Call Schedule](#)

Frequently Asked Questions

Why is jury service required?

The right to a trial by jury in certain cases is guaranteed by our constitution. Any person who is entitled to a jury trial is entitled to a jury that represents the whole community. It is important that a fair cross section of our county's population is represented on the jury panel to prevent discrimination or bias.

Who is eligible to serve as a juror?

According to Oregon Revised Statute, you must be a citizen of the United States, a resident of Benton County, 18 years of age or older, and not have served as a juror in Federal or Circuit Court in Oregon within the last 24 months. If you are not eligible, please indicate on the juror Eligibility Form. Jurors who have been convicted of a misdemeanor involving violence or dishonesty or served a sentence for such crimes within the last five (5) years, or have had felony convictions or served a sentence for such a crime within the last 15 years are not eligible to serve on criminal trials. These jurors do qualify for all civil cases.

How was I chosen for jury duty?

All persons selected for jury service are chosen at random from a combination of Voter Registration and Department of Motor Vehicle records.

How long is my term of jury duty?

Petit Jurors in Benton County serve a one trial duration or one day term. Grand Jurors in Benton County service a two month term. Grand Jurors are in session on Tuesdays and Fridays, each week there is a scheduled case, for the duration of the term.

Will I get paid for jury duty?

Yes. Jurors are paid \$10.00 per day for the first two days of service and \$25.00 for each day thereafter, plus \$0.20 per mile for each day of jury service. Mileage is calculated on the total distance from your home to the Courthouse and back. Jurors will receive payment 3-4 weeks after the term ends.

What if my employer doesn't want me to serve?

Oregon law clearly states that your employer may not discharge, threaten to discharge, intimidate, or coerce you by reason of your jury service. Any violations are to be reported to the Court.

Hours of Service

Courts are normally in session from 9:00 a.m. until noon and from 1:15 p.m. until 5:00 p.m., Monday through Friday. Jury trials typically begin on Mondays, Tuesdays, and Wednesdays. Most, but not all, trials last only one day.

Jury Selection Process

The Legislature recognized that trial by jury is a cherished constitutional right and that jury service is an obligation of citizenship. All persons selected for jury service will be selected at random, from a source or sources inclusive of a representative cross-section of the population of the area served by the Court.

HANDBOOK FOR JURORS BY OREGON STATE BAR

Justice by Jury:

There is nothing else quite like them in our society: A group of strangers brought together and required to sit in silence and listen to different versions of a story in which they have no personal interest and who are then locked inside a room where they must stay while they try to sort out what they believe to be the truth from all they have heard. They are the members of the jury. There may be as few as six or as many as 12. They may be required to reach a unanimous decision or they may not. They have no purpose, no continuing function, beyond their verdict. Once they have made it, they fade back into their community with no further responsibilities toward the events which, for a brief period (sometimes no more than a few hours) or a long one (sometimes for a year or more), have held them captive. Yet, because of the conclusions they reach some who have come before them have forfeited their lives and others have been required to pay out millions of dollars to pay for the harm they were found to have done. Jury decisions, at times, have changed the course of history, have caused laws to be discarded or rewritten, have wrought guarantees of our freedoms. In accomplishing all this, the jurors give no reasons for their actions, and -- unlike any other group imaginable -- seek nothing for themselves; they are, as Supreme Court Justice William O. Douglas once said, the only agency of our government that has no ambition.

They have been described as the conscience of the community, bringing the peoples' values of right and wrong to bear upon the cold and narrow proscriptions of the law. Thomas Jefferson and others have seen them as the public's line of defense against the state when it acts oppressively, and Jefferson, for that reason, once declared that the right to trial by jury was more precious to the maintenance of a democracy than even the vote.

The Jury in America, John Guinther, Pg Xiii of the Introduction. Reprinted by permission of The Roscoe Pound Foundation Washington, D.C.

How Jurors are Selected:

Jurors are chosen from combined lists of registered voters and Department of Motor Vehicles records. The length of jury service varies from county to county, but no trial juror can be required to serve more than 10 days unless necessary to complete a trial in progress. A day of service is each day during a jury service term on which a juror is required to attend and attends. All persons are eligible to act as a juror who are at least 18 years old, are U.S. Citizens, and who reside in the county when summoned, unless the person has had their rights and privileges withdrawn for certain criminal convictions or have served jury duty in a state or federal Court in Oregon within the last 24 months. The opportunity for jury service may 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 Oregon.

Excuses from jury duty are not granted on the basis of status as a business proprietor, teacher, professor, doctor, lawyer, police officer, student, or other occupations. It is important to the administration of justice that jurors be available from the entire community and that requests to be excused be made only when there is a genuine showing of undue hardship or extreme inconvenience. If good cause is shown, the persons may request that their term of service be deferred until another term. Each county sets a different amount of time for the juror's term of service during which the juror may be required to attend. Your term of service as a juror is for one day if not selected or the duration of the trial if selected or the duration of the trial if selected. Most trials are 1-5 days in duration but can be of longer duration. You will have completed your service as a juror when excused by the Court.

Disabled Jurors:

No person is ineligible to act as a juror who is blind, hearing or speech impaired, or physically disabled on the basis of their impairment or disability alone. When a disabled juror is summoned, he or she may submit a written request for the services of a qualified interpreter or the use of an assistive communications device. The interpreter or assistive communication device may be used to determine his or her qualification to act as a juror or to perform his or her functions as a juror. On the finding by the Court that the juror requires the services of a qualified interpreter or the use of an assistive communication device, the Court will appoint an interpreter or provide an assistive communication device. The public authority will pay for the costs, compensation, and expenses necessary to accommodate such disabled juror.

EXAMINATION OF JURORS:

The first step in the actual trial of a jury case is to select from the jury panel the number of jurors required to try the case -- usually six or twelve. Ordinarily, when this is done, there are from 15 to 35 prospective jurors in attendance in the Courtroom. The clerk of the Court has the name of each of those persons typewritten on a separate slip of paper, and all of these slips are placed in a box which the clerk shakes vigorously, in order to make the selection of names completely by chance. After the name slips are shaken up in the box and the clerk withdraws them, one at a time, and calls off each name drawn from the box until the appropriate number is reached.

Next, the Judge or the Lawyers briefly explain to the jurors the general nature of the case to be tried and the names of the Lawyers and of the parties to the case. By the "parties" is meant the Plaintiff, who starts the case, and the Defendant, the person against whom the case is brought.

Questions are then directed to the prospective jurors to the prospective jurors. The Judge may direct a few questions to all the jurors at the same time, asking if any of them have any acquaintance with any of the people involved in the lawsuit, or any other information that would be of apparent interest to both sides. Then the Lawyers take turns asking prospective jurors such questions as the Attorneys desire to ask, to determine whether or not the individual jurors are qualified to act as fair and impartial Judges of the facts. Sometimes the Lawyers ask questions separately of each juror, and sometimes the Lawyers may address the entire panel of prospective jurors.

This procedure is called "voir dire" examination. The questions are designed to permit the Attorneys to become generally acquainted with the prospective jurors' backgrounds and their general beliefs and feelings with respect to the particular people and questions involved. It is important that each juror is forward in answering questions, is fully candid with the lawyers, and does his or her best to permit the lawyers to become acquainted with them.

If, during this questioning, a prospective juror indicates that he or she is not legally qualified to act as a juror in the particular case, the Attorney will then say, "I challenge the juror for cause." If the Judge is satisfied that the reason given for the challenge is sufficient, the juror will be excused.

After all the jurors have been questioned and there are no longer any challenges made by either Lawyer for "cause," the Attorneys on each side may exercise a certain number of "peremptory challenges." This means that each side may excuse a certain number of jurors without assigning any cause.

There may be many different reasons why a Lawyer for a party would challenge a juror without a stated cause, and a juror who is challenged and excused should not be offended. For instance, in a particular case a Lawyer or party might desire to excuse persons who have close friends or family in law enforcement, have been involved in an accident, or have had good or bad experiences similar to the incident that is subject to the party's legal claims. Or the Lawyer or party might want jurors who have particular educational backgrounds, training or life experiences. A Lawyer or Judge may ask a prospective juror many questions about one's personal life and beliefs which may seem unnecessary. However, such questions are proper and should be answered fairly and honestly.

During the course of a trial you will get to know a great deal about the personalities of some of the Lawyers and witnesses.

However, it is only during this voir dire examination that the Attorneys can get to know anything about you. And, often, they are as interested in your background and personality -- what kind of person you are -- as they are in anything else. This is a legitimate concern, because those of you ultimately selected will be deciding their clients' fate as to the issues in the case.

Answer the questions as openly and candidly as possible!

After both sides have completed their challenges, and the jury box has been filled up by persons to take the place of those excused, the remaining persons constitute the jury, and the jury is then administered the oath by the Court.

The importance of a case does not determine the size of the jury selected to hear it. Strategy, time limitations and other considerations, by the Court or by the Attorneys, have decided whether the jury will be six or twelve.

Therefore, a case on which only six of you sit may be more important than any case in which twelve of you are selected. In some cases, alternate jurors may be selected to hear the evidence in case the Court has to replace an impaneled juror due to illness or some other emergency. If none of the jurors are replaced, the alternates are excused at the time the jury retires to consider its verdict.

JUROR'S OATH:

The oath administered is 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." (ORCP 57E)

When members of the jury take this oath, they become Judges of every question of fact in the case and are a part of the legal machinery for determining the claims that are made by the respective parties.

They are duty bound to act fairly and impartially, and are no longer free to act upon their feelings or emotions, but only on reason and Judgment and under instructions of the Judge.

KINDS OF CASES:

In general, juries decide two kinds of cases -- civil and criminal.

A CIVIL CASE usually involves a claim for money damages or some kind of claim with respect to property. The party starting the case is called the Plaintiff. The Plaintiff, through a Lawyer, sets forth a claim in a paper called a Complaint. The person who is being sued is called the Defendant. Through another Lawyer, the Defendant files an Answer, in which there is an admission or denial of claims made in the Complaint and a statement of any special defenses he or she may have. Sometimes the Defendant may also make a claim against the Plaintiff. This is called a counterclaim. There may be more than one Plaintiff or Defendant.

A CRIMINAL CASE is brought in the name of, and by, a governmental body, be it city, county, state or the federal government. In many cases, the accusations may be taken before a Grand Jury acting under the supervision and direction of the Prosecuting Attorney, and the written charge or accusation that is brought by the Grand Jury is the Indictment. The criminal case may be started by the filing of a Complaint, Indictment, or information. The fact that a Complaint has been filed or the Grand Jury has brought an Indictment is not to be taken as any indication at all that the person accused is, or even may be guilty. The accused person has no opportunity to defend himself or herself before the Grand Jury. An Information is the name given to a written charge against a Defendant filed by the Prosecuting Attorney, and not by the Grand Jury. But, even in cases where the Defendant has the right to have a Grand Jury consider the charges against him or her, the Defendant may consent to the filing of an Information instead of Grand Jury Indictment.

In most civil and criminal cases, the written documents setting forth the claims of the respective parties are called the pleadings. The pleadings are never any evidence of the facts alleged in them. They are merely the way in which parties make their claims against each other, and may or may not be accurate.

THE STAGES OF TRIAL:

After the jury has been picked and sworn, the trial of a case proceeds in the following general states:

1. An opening statement is made by the Attorney for each party. Usually, but not always, the Plaintiff goes first. The purpose of this opening statement is to outline to the jury the factual situation involved in the particular case and what each side contends that it will establish by the evidence to follow. A general idea of what the case is about is thus presented to the jury.
2. Each party in turn then calls witnesses and examines them, in an attempt to prove his or her claims or to dispute the other party's claims. Usually, the Plaintiff calls all his or her witnesses first. The examination of witnesses by the party calling them is called "direct examination." Each party has a right to ask questions of the other party's witnesses, called "cross examination."
3. When a party has called all the witnesses he or she wishes at that time, that party "rests." The other party then calls witnesses and likewise rests, until all parties have rested.
4. After both the Plaintiff and the Defendant have rested their cases, then the Plaintiff, if he or she chooses, may call witnesses to rebut the testimony of the Defendant's witnesses, which is known as "rebuttal testimony." Defendant may then call additional witnesses to rebut the testimony of the additional witnesses called by the Plaintiff, which is known as "surrebuttal."
5. The Attorneys for the parties then make closing arguments, in which they sum up the evidence and testimony and try to persuade the jury to find in favor of their respective clients.
6. The Judge then gives the charge, or instructions, to the jury. In these instructions, the issues that jurors must decide are defined and instructions on the law governing the case are given.
7. When the Judge has finished, the jurors retire to the jury room to consider the case and reach a verdict.

WHAT IS EVIDENCE?

Evidence is what the Judge permits the jury to hear and consider. Evidence can be the testimony of live witnesses, or testimony by deposition, either audio, video, or transcript, that the parties agree can be used at trial. Any physical exhibits, such as photos, documents, or bullets which are received by the Court are also evidence.

There are, however, many things that must not be considered as evidence. For instance, what a Lawyer says or claims to have proven is not evidence. Nor is testimony that the jury has heard but that the Judge has Ordered stricken from the record.

The jury must treat all such testimony as though it had never been given. Similarly, matters that a Lawyer offers to prove, but that the Judge will not allow to be presented, are not to be considered as evidence.

A jury is not to consider any information about the witnesses, parties or Lawyers or anything connected with the case other than the evidence seen and heard in the Courtroom. The Judge will instruct the jury on what is and isn't evidence in each case.

OBJECTIONS TO EVIDENCE:

During the course of a trial, the Lawyers for both sides may make objections to questions asked, or evidence offered, by the other side. This is part of the Lawyer's job. A trial is carried on within set rules of procedure, and a Lawyer is entitled to object to questions he or she believes to be improper under the rules governing the admissibility of evidence.

If the Judge considers the question improper or the evidence inadmissible, the Judge will sustain the objection. Otherwise, it will be overruled. The Judge's ruling does not indicate favor for one side or one Lawyer over the other, and the jury should not draw any such inference from the ruling. Even though the Judge might decide every objection in favor of one side, it does not mean that side is entitled to win the case.

The rulings simply reflect the Judge's belief as to whether the questions asked are in proper form or deal with the issues the jury must decide.

CONFERENCES OUT OF THE JUROR' HEARING:

Occasionally, the Lawyers may confer with the Judge out of the hearing of the jury. Or the Judge may excuse the jury from the room, so that a point of law or an objection can be argued. In either case, the jury should not feel slighted or attempt to guess what is being said, nor should the jury feel resentment toward the Attorney who requests that the jury be excused.

Conferences are often held at the bench to avoid the inconvenience of having the jury file out and in again, and to prevent the jury from becoming confused on technical legal matters. If the jury is excused from the room, it is usually to avoid having the jury hear arguments on questions of law which concern only the Lawyers and the Judge.

Much of a juror's time is thus spent waiting to try a case or waiting while the Judge and the Lawyers are taking up legal matters outside the hearing of the jury, rather than in actually hearing evidence or arguments in a trial. Often the reasons for these delays may not be explained to you. You should know that these discussions are necessary for several reasons:

1. To simplify issues relating to the trial;
2. To enter stipulations, which makes it unnecessary for the jury to listen to time consuming evidence;
3. To prevent a mistrial by discussing delicate areas in advance; and
4. To allow for careful consideration of legal points which, if decided quickly and erroneously, could lead to appeal and retrial.

Sometimes, a case even reaches settlement during such conferences. While this may seem to be a waste of your time at the moment, a case that doesn't have to be tried saves time in the long run for Courts and for jurors, releasing them to possibly hear another case which has been waiting for Court time.

CONDUCT OF JURORS:

All jurors are required to be prompt. Since each juror must hear all the evidence, tardiness causes delay and inconvenience to the Judge, the Lawyers, the parties, the witnesses and the other jurors and is expensive to the parties and the Courts and to all concerned.

When a Court session begins and the Judge enters the Courtroom, everyone in the Courtroom rises. Careful attention should be given to every question and answer. If a juror cannot hear a witness, Lawyer or the Judge, the juror should notify the Judge. Jurors are permitted to take notes during a trial and use them during deliberations.

Generally, a juror must sit in the same seat in the jury box throughout the trial. This enables the Judge, the clerk and the Lawyers to identify the juror more easily.

While you are a juror and before you retire to deliberate in the jury room, you should not talk to anyone about the case, not even another juror, nor should you permit anyone to talk to you about it. During the trial, a juror should not communicate with any Lawyer, party or witness in the case. All friendly talk, even though not about the trial, must be avoided. You should not listen to radio or television accounts of the trial, or read articles about it in the newspapers. If any person persists in talking to you about the trial, or attempts to influence you as a juror, you should report that fact to the Judge immediately.

As a general rule, jurors should not ask questions of witnesses. Most questions which may occur to jurors in the course of a trial are answered at some point later in the trial. There are explicit rules about what can be considered evidence in a trial, and these rules can restrict the types of questions asked of witnesses -- which is why normally only an Attorney asks questions. If a juror strongly feels an important point has not been covered in the course of the trial, the juror may ask the Judge, in writing, whether such a question might be asked.

Only in rare cases are members of the jury kept away from their homes continuously during trial. A juror can leave to have lunch and to go home at night, but cannot discuss the case with anyone, even with a family member. If someone tries to talk about the case, the juror must prevent it and report it to the Judge.

In deciding a case, jurors are expected to bring to bear all the experience, common sense and common knowledge they possess, but they are not to rely on any private source of information. It follows that a juror should never make an independent investigation or inspect the scene of an accident or other event involved in the case. If it is proper and necessary for the jury to inspect a place involved in the case, the Judge will so Order.

If a juror learns of something that the Judge should know about, the juror may ask to see the Judge. The juror should send a message to the Judge by the officer in charge of the jury or by the clerk of the Court. Among the personnel that may be present in the Courtroom are the Court reporter and the clerk/bailiff. Sometimes recording equipment is sometimes used instead of having a Court reporter who manually transcribes the testimony.

CONDUCT IN THE JURY ROOM:

Upon retiring to the jury room to deliberate, the jury selects a presiding juror from the jurors.

It is the presiding juror's duty to act as the presiding officer, to see that the jury's deliberations are conducted in an orderly fashion and to see that the issues submitted for the jury's considerations are fully and fairly discussed and that every juror has a chance to say what he or she thinks upon every question. When ballots should be taken, the presiding juror should see that it is done. The presiding juror should sign any written request made of the Judge.

A good presiding juror can keep the discussion in due bounds, can save much time and can secure efficient results.

Every juror should listen carefully to the views of the other members of the jury and consider them with an open mind. A person's final vote should, however, represent his or her own opinion. As a result of the discussion with fellow jurors, a juror's opinion may have changed from that first held. A juror should not hesitate to change viewpoints after deciding that the first opinion was not right, but one who has an opinion should not change it unless his or her reason and Judgment are changed.

When differences of opinion arise between jurors, the jurors should say what they think and why they think it. A juror must not try to force another juror to agree with him or her, nor must the juror refuse to listen to the argument and opinion of the other. A juror must never shirk responsibility and must never permit any decision to be reached by chance or toss of a coin. A juror must be courageous and must honor his or her responsibilities. A juror should listen objectively to the comments of the other jurors, remain calm during the deliberations and tell other jurors what he or she believes and why and how the juror formed such beliefs.

Each juror shall discard all prejudices and sympathies. Each must follow the instructions of the Court and render a verdict in accordance with his or her best Judgment. A juror may not approve of or agree with the law which the Judge states in his or her charge, but the juror's feelings in that respect should have no effect on decisions as a juror. The jury is not deciding the law, but merely deciding the facts. The verdict must be based only on the evidence and on the Judge's instructions as to the law; it must never be based on what the juror thinks the law ought to be. Our duty as a juror is to listen to the Judge, witnesses and Lawyers and listen well; to deliberate, and deliberate calmly and fairly; and to decide, and decide intelligently and justly. All that you need to know to do this will be disclosed to you during the trial. Keep in mind at all times the oath you have taken, and remember that you are discharging a vital duty to your country and to your fellow citizens.

The number of jurors needed to return a verdict will vary depending upon the number of persons sitting on the panel, whether it is a civil or a criminal case, and the jurisdiction of the Court. The Judge will advise you in each case as to how many jurors must agree on a verdict.

COMPENSATION:

Juror fees are fixed by statute. In state Courts, a juror is entitled to \$10 per day plus \$.08 per mile traveled between residence and the Court. The \$10 per diem is subject to income tax, but it is not necessary to report it for social security purposes.

A juror is entitled to receive payment for a full day when called to Court, even though he or she may not participate in the trial of a case but is excused immediately after answering the roll call.

The fee and mileage allowance paid for attendance on jury duty obviously will not replace a regular working income and is not intended to. It is merely intended to cover minimum basic out-of-pocket expenses. For those who are employed, salary arrangements will have to be made with their own employers, whose policies in that regard may differ widely.

Jury duty may involve some financial sacrifice. It is hoped that jurors see this as a necessary and legitimate part of citizenship in our society.

FEDERAL AND STATE COURTS :

Federal Courts

The federal Courts are divided into three major categories, although there are some specialized Courts, such as the United States Court of Claims.

United States District Court

The United States District Court is the Federal Trial Court similar in many respects to the state Circuit Court, and the only one of the three Courts that conducts jury trials. The Court hears both criminal and civil matters, including breach of contract cases and personal injury suits. Criminal cases handled include

violations of the Federal Income Tax laws, mail theft and counterfeiting. Federal Courts are Courts of limited jurisdiction -- that is they are not allowed to hear as many types of cases as the state Circuit Courts.

Some cases maybe brought in either federal or state Court. The litigants will make the decision. Federal Courts are divided into districts. A district may cover an entire state, as it does in Oregon, or it may only cover a portion of a state, with several districts in one state.

United States Court of Appeals

The Court of Appeals hears a case after it has been decided by the United States District Court. If one or both of the litigants believe the decision was incorrect, the case can be appealed to the United States Court of Appeals. This Court will review the decision of the District Court and either affirm it (agree) or reverse it (disagree) or modify the District Court's decision.

If the decision is reversed, the Judgment of the District Court may have to be changed, or the case retried.

The United States Court of Appeals is divided into Circuits. Each Circuit is numbered (there are presently eleven Circuits), plus the District of Columbia, and each handles appeals from a number of United States District Courts under its jurisdiction.

United States Supreme Court

The United States Supreme Court is the highest Court in the land. It reviews decisions appealed from any of the United States Circuit Courts, or in some cases, from the State Supreme Courts. In a few instances, the Court has been designated by provisions in the Constitution to handle cases not previously heard by a lower Court. With some exceptions, the Court may determine if it will review a decision by a lower Court, either state or federal, and it may refuse to review a case if a majority of the Supreme Court justices so decide. There are presently nine justices on the United States Supreme Court. They, like the Court of Appeals, may affirm, reverse, or modify decisions of a lower Court.

Prepared as a public service by the Public Service & Information Committee of the Oregon State Bar
5/97

STATE COURTS

Circuit Court

The Circuit Court is the state's trial Court of general jurisdiction with authority to try the largest variety of cases. It is the Court which may try major criminal cases (felonies). In most counties, Circuit Courts also have jurisdiction over probate matters.

Oregon Court of Appeals

This Court has 10 Judges who are elected statewide. The Court sits in Salem and conducts its hearings in the Courtroom of the Supreme Court Building. The Court has exclusive jurisdiction over appeals from lower Courts except in appeals from convictions for aggravated murder and in matters of original jurisdiction conferred on the Supreme Court.

Oregon Supreme Court

The Oregon State Supreme Court is the Court of final appeal for state Court cases, although in some cases, a State Supreme Court decision may be appealed to the United States Supreme Court.

In deciding appeals, the Supreme Court may affirm, modify, or reverse a trial Court Judgment. The Supreme Court has the discretion to accept review of a Court of Appeals Decision, and, if it reviews, may also affirm, modify, or reverse.

In a few cases, the Court has original jurisdiction -- that is, it hears cases that have not previously been heard by another Court. Oregon law also confers on the Supreme Court general administrative authority and supervision over the Courts of the state.

Additional Courts

In addition to those Courts described, Oregon has a number of other Courts that handle specialized or minor legal matters. These Courts include the Oregon Tax Court, Justice Courts, and Municipal Courts.

TERMS OF THE COURT

Action, Case, Suit, Lawsuit:

These words mean the same thing. They all refer to a legal dispute brought into Court for trial. There are both civil actions and criminal actions.

Answer:

The paper in which the Defendant responds to the claims of the Plaintiff in a civil action.

Argument:

The presentation of the review of the evidence and summation by the Attorneys at the end of the case, after all of the evidence is in and both parties have rested.

Civil Case:

A lawsuit is called a "civil case" when it is between persons in their private capacities or relations, or when the government, whether to federal, state or local, or some department thereof, sues an individual under the law, as distinguished from prosecuting a criminal charge. It results generally in a verdict for the Plaintiff or for the Defendant and, in many cases, involves the giving or denying of money damages.

Clerk/Bailiff:

The clerk/bailiff is the officer of the Court who waits upon the Court and the jury and maintains Order in the Court. The clerk/bailiff sits at the desk in front of the Judge and keeps a record of papers filed. The clerk/bailiff has custody of the pleadings and records of the trial of the case, Orders made by the Court during the trial and the verdict at the end of the trial.

The clerk also administers the oath to jurors and all witnesses before they testify and marks all exhibits when they are received in evidence.

Complaint:

The paper in which the Plaintiff sets forth the claims against the Defendant.

Criminal Case:

"Criminal cases" are those cases in which individuals or organizations are accused of breaking a criminal law. The charges are brought in the name of a government entity, either federal, state, or city government. Jurors are asked to return a verdict of "guilty" or "not guilty" at the conclusion of the trial.

Cross Examination:

The questions which a Lawyer puts to the opposing party and witnesses at the conclusion of direct examination.

Defendant:

In a civil case, the Defendant is the person or entity against whom the lawsuit is brought. In a criminal case, the Defendant is the person charged with an offense.

Deposition:

A pretrial examination under oath usually taken in an office, that results in testimony which is later transcribed by a Court reporter in written question and answer form just as it would have been given in Court. A "deposition" may be read at the trial for cross examination or because of illness or absence of a person, or for a similar reason.

Examination or Direct Examination:

The questions which the Lawyer asks his or her own client or witnesses who are called to testify on behalf of a particular party are often referred as "examination," "direct examination," or "examination in chief."

Exhibits:

Objects, including pictures, books, letters and documents are often received in evidence. These are called "exhibits" and are generally given to the jury to take to the jury room while deliberating.

Instructions or "Charge" to Jury:

The outline of the rules of law which the jury must follow following their deliberations in deciding the factual issues submitted to them is called either the Judge's "charge" to the jury or "instructions" to the jury.

Issue:

A disputed question of fact is referred to as an "issue." It is sometimes spoken of as one of the "questions" which the jury must answer in order to reach a verdict.

Jury Panel:

The whole number of prospective jurors from which the trial jury is chosen.

Objection Overruled:

This term means that, in the Judge's opinion, the Lawyer's objection is not supported under the rules of law. The Judge's ruling, so far as a juror is concerned, is final and may not be questioned by the juror.

Objection Sustained:

When a Lawyer objects to a question or the form of a question, the Judge may say "objection sustained." This means that the Judge agrees that under the rules of law, the Lawyer's objection was correct. This ruling likewise is not subject to question by jurors.

Opening Statement:

Before introducing any evidence for his or her side of the case, a Lawyer is permitted to tell the jury what the case is about and what evidence he or she expects to bring in to prove his or her side of the case. This is called the "opening statement."

Parties:

The Plaintiff and Defendant in the case. They are also sometimes called the "litigants."

Plaintiff:

The person or entity who initiates a lawsuit by filing a Complaint.

Pleadings:

The parties in a lawsuit must file in Court papers stating their claims against each other. In a civil case, these usually consist of a Complaint filed by the Plaintiff, an answer filed by the Defendant and, often a reply filed by the Plaintiff. These are called "pleadings."

Record:

This refers to the pleadings, the pretrial motions, the exhibits and the word-for-word transcript made by the Court reporter of all the proceedings at the trial.

Reply:

The paper in which the Plaintiff answers any claims made by the Defendant in his or her answer.

Rest:

This is a legal phrase which means that the Lawyer has concluded the evidence he or she wants to introduce in that stage of the trial.

Striking testimony:

On some occasions, after a witness has testified, the Judge will Order certain evidence stricken from the record and will direct the jury to disregard it. When this is done, the jury will treat the evidence stricken as though it had never been given, and will wholly disregard it.

Subpoena:

The document which is issued for service on a witness to compel appearance in Court.

Verdict:

The finding made by the jury, or the Judge if there is no jury, on the issues submitted, is the "verdict."

Voir Dire:

Preliminary questions and answers, as those put by the Court and Attorneys to prospective jurors at the beginning of a trial.