

## Task Force on Removing Barriers to Jury Service: Glossary

- **Acquittal:** A not guilty finding by at least 10 of 12 jurors in a criminal case involving a felony. A unanimous not guilty finding by the six jurors in a misdemeanor-only criminal case. In Oregon, once a defendant has been acquitted of a crime, they may not be retried for that same crime.
- **Bench trial:** A trial that does not involve a jury but is conducted by the judge alone, in which the judge both decides the facts of the case and applies the law.
- **Challenges:** The method used by parties to request to excuse or disqualify a jury panel or an individual candidate from a jury panel during the jury selection process of a jury trial. There are two types of jury challenges: for cause and peremptory. Challenges for cause (also referred to as a strike for cause) must be requested for a specific reason and be granted by the trial judge. Peremptory challenges do not require a reason or approval by the trial judge. State law limits the number of peremptory challenges allowed by each party by case type. If both parties agree to the excusal of a particular individual and the court approves, the individual is considered excused for joint cause. Challenges are prohibited for grand juries.
- **Circuit Court:** Trial courts in each county in Oregon which are part of Oregon's unified and state-funded court system.
- **Civil Jury Trial:** A legal dispute that does not involve a criminal charge and is between parties who are individuals, businesses, or government entities; instead, one or more parties, usually called plaintiffs, seek a judgment against other parties, usually called defendants.
- **Contempt:** The willful failure to follow a court order, including failure to respond to a summons for jury service.
- **Criminal Jury Trial:** A prosecutor (a district attorney for the State of Oregon, or a city or county attorney), accuses individuals or organizations of conduct that the Oregon legislature, a city, or a county has defined as a crime. Jurors determine whether the defendant is "guilty" or "not guilty."
- **Defer/Deferral/Deferment:** Process and result of rescheduling a candidate's jury service to a date outside of the term in which they were summoned.
- **Deliberations:** Private discussions held by jurors after they have heard all the evidence and been instructed by the judge in a trial. During this process, jurors must determine the facts, apply the relevant law, and attempt to reach a verdict.
- **Disqualify/Disqualification:** Process of determining whether a candidate is qualified to serve on a jury, determined by ORS 10.030.
- **Eligibility:** Qualifications set by law to participate in jury service defined in ORS 10.030, with some differing eligibility criteria between civil trials and criminal trials or grand juries.

- **Excuse/Excusal/Exemption:** Process of determining whether a candidate should be released from serving the term of jury service determined by ORS 10.050.
- **Grand Jury:** A grand jury is a body of seven persons selected to sit on a jury that decides whether the prosecutor's evidence provides probable cause to issue an indictment. An indictment formally charges a person with committing a crime and begins the criminal prosecution process. Grand juries may also inquire into the condition and management of correctional and youth correction facilities.
- **Hung Jury:** A jury that cannot reach the required unanimity or supermajority required to reach a verdict (unanimity for a criminal conviction, 10 of 12 jurors for an acquittal in a felony case, unanimity for an acquittal in a misdemeanor case, and  $\frac{3}{4}$  of the jurors in a civil case). A hung jury is one way that a case may be declared a mistrial and may result in the case being tried again.
- **Jury:** A body of persons temporarily selected from persons who live in a particular county or district and invested with power to present or indict in respect to a crime or to decide a question of fact. There are three types of juries: grand jury, trial/petit jury, and jury of inquest.
- **Jury Coordinator:** A court employee who oversees the local jury management for a trial court.
- **Jury of Inquest:** A jury that determines the identity of a deceased person, and where, when, and how the person died. These juries are no longer used in Oregon, although they are still authorized by statute.
- **Jury Source Lists:** Lists containing the most recent list of registered voters of the county, the records furnished by the Department of Transportation as provided in ORS 10.215 and any other sources approved by the Chief Justice of the Supreme Court that will furnish a fair cross section of the citizens of the **county**.
- **Jury Summons:** An official court document notifying a person they have been ordered to jury service. A circuit court judge may also direct the clerk of the court, a sheriff, or other officer to summon jurors, though this process is rarely, if ever, used.
- **Justice Court:** Justice court is held by a justice of the peace within the county for which they were elected, which generally has jurisdiction over violations committed within county limits, most misdemeanor crimes, small claims, and most civil actions where claims do not exceed \$10,000. Along with municipal courts, also known as a local court.
- **Master Jury List:** A list containing the first name, the surname, the place of residence, and, if assigned, a juror identification number, prepared annually from the jury source lists. See "jury source lists."

- **Mistrial:** A mistrial occurs when a jury is unable to reach a verdict (see “hung jury”), or when there is a serious procedural error or misconduct that would result in an unfair trial, and the judge dismisses the case. After a mistrial, sometimes the defendant may be retried for the same crime or crimes.
- **Municipal Court:** The judicial branch of a city government, which generally has jurisdiction over violations committed within city limits and most misdemeanor crimes. Along with justice courts, also known as a local court.
- **Oregon Administrative Rules (OAR):** Rules adopted by various entities with rulemaking authority (generally state agencies) to implement or interpret Oregon laws. Can be viewed at the [Oregon Secretary of State website. \(opens link to new page on external website\)](#)
- **Oregon Revised Statutes (ORS):** The codified laws/statutes of the state of Oregon. Can be viewed at the [Oregon Legislature website. \(opens link to new page on external website\)](#)
- **Oregon Rules of Civil Procedure (ORCP):** Rules that govern civil proceedings in Oregon circuit courts. Can be viewed at the [Oregon Legislature website. \(opens link to new page on external website\)](#)
- **Panel/Panelist:** A candidate or group of candidates assigned to a case for the purpose of voir dire, or jury selection.
- **Peremptory Challenge:** See “challenges” above.
- **Petit Jury:** Another name for a trial jury.
- **Pool:** A list of candidates randomly pulled from the master jury list by a court for the purpose of summoning for a term of jury service.
- **Sequestration:** The isolation of a jury to avoid exposure to outside influence or information, particularly in high-profile cases with significant media coverage. In such cases, jurors are usually housed at a hotel, where they are not allowed to read newspapers, watch television, or access the internet, and may have only limited contact with others.
- **State Court Administrator:** The chief administrative officer of the Oregon Judicial Department, who assists the Chief Justice in supervising the state’s circuit courts.
- **Trial Jury:** A jury convened to decide facts in civil and criminal cases. Also called a “petit jury.”
- **Uniform Trial Court Rules (UTCRC):** Statewide rules that apply in Oregon circuit courts. Can be viewed at: the [Uniform Trial Court Rules & Committee website. \(opens link to new page\)](#)
- **Verdict:** The formal decision or judgment rendered by a court at the conclusion of a trial or legal proceeding. Verdicts are reached by a judge or a jury, depending on the type of trial and jurisdiction.

- **Voir dire:** The process of questioning candidates before a trial to select qualified jurors for the trial. Also called jury selection.