

JURY SERVICE AT LOCAL COURTS

Associate Judge Tucker Rossetto

Beaverton Municipal Court



Intro to Local Courts

- ▶ What are “local courts”?
 - ▶ City municipal courts and county justice courts that fall outside of the state-funded court system (i.e. OJD: Supreme Court, Court of Appeals, Tax Court, and circuit courts).
- ▶ Generally, have limited jurisdiction compared to circuit courts (detail to follow).
- ▶ Only 10 local courts are courts of record (unlike circuit courts).
 - ▶ The court maintains permanent records of the proceedings within their court, provides a court reporter or audio recording system, has a judge or justice of the peace that is a licensed attorney, and has obtained a certification as a court of record from the Oregon Supreme Court.
 - ▶ As in circuit court, appeals from courts of record go to the Court of Appeals; appeals from *non* courts of record instead go to the local circuit court and are “de novo.”

Municipal Courts

- ▶ There are **118** municipal courts throughout the state, from Athena to Beaverton to Bandon.
- ▶ Some are “full-time” (example: Beaverton Municipal Court, open for operations Monday-Friday, 7:30 a.m. to 4:30 p.m. with daily court dockets) while others are not (example: Gaston Municipal Court, which meets once every two months).
- ▶ Municipal Court Judges
 - ▶ **ORS 221.140: The council of a city created under ORS 221.010 shall appoint a municipal judge and such other officers as it deems necessary** for the proper government of the city, who shall be removable at the discretion of the council, receive such compensation as the council approves, and have such powers and duties as the council prescribes. *[note: some cities, per their charter, elect municipal court judges, e.g. Salem Municipal Court judges]*
 - ▶ Per statute, municipal court judges do not need to be a licensed attorney (although they must be so for the court to be a court of record). If they are not an attorney, they can instead complete a course on “courts of special jurisdiction.” (ORS 221.412)
 - ▶ Some municipalities require their judges to be members of the bar (example: Beaverton City Charter 4.3(b): “All municipal judges must be members in good standing of the bar of the state of Oregon.”)

Municipal Courts, Continued

- ▶ Municipal Court Jurisdiction (ORS 221.339):
 - ▶ (1) A municipal court has concurrent jurisdiction with circuit courts and justice courts over all **violations** committed or triable in the city where the court is located.
 - ▶ (2) Except as provided in subsections (3) and (4) of this section, municipal courts have concurrent jurisdiction with circuit courts and justice courts over **misdemeanors** committed or triable in the city.
 - ▶ (3) Municipal courts have **no jurisdiction over felonies, designated drug-related misdemeanors as defined in ORS 423.478 (Duties of department and counties) or Class E violations.**
- ▶ This jurisdiction covers both misdemeanor and violation offenses created by state statute and city code or ordinance.
- ▶ Unlike circuit courts and justice courts, municipal courts lack civil law jurisdiction.
- ▶ **Of the 118 municipal courts in Oregon, only 20-25 exercise criminal jurisdiction.**

Justice Courts

- ▶ Justice Court Defined – ORS 51.010
 - ▶ A justice court is a court held by a justice of the peace within the justice of the peace district for which the justice of the peace may be chosen. There are no particular terms of such court, but the same is always open for the transaction of business, according to the mode of proceeding prescribed for it.
- ▶ There are **26** justice courts throughout the state.
- ▶ Jurisdiction must be contained within a county's boundaries and the county can create up to six districts within its boundaries (example: Douglas, Gilliam, Hood River, and Morrow County each have two districts and thus two justice courts).
- ▶ ORS 51.035 allows intergovernmental agreements between cities and counties in which the justice court can also function as a municipal court for a municipality within its district (example: Malheur County Justice Court / Ontario and Nyssa Municipal Courts).

Justice Courts

▶ Justices of the Peace

- ▶ Per statute, each district may only have one justice of the peace, whom is elected to a six-year term.
- ▶ Like municipal court judges, justices of the peace do **not** need to be a licensed attorney (although they must be so in order to be a court of record). If they are not an attorney, they can instead complete a course on “courts of special jurisdiction” (ORS 51.240).
- ▶ Justices of the peace are also required to attend or participate in a certain amount of ongoing education (similar to how lawyers must complete continuing legal education).

Justice Courts, Continued

- ▶ ORS 51.050 – Criminal Jurisdiction
 - ▶ (1) Except as otherwise provided in this section, in addition to the criminal jurisdiction of justice courts already **conferred upon and exercised by them, justice courts have jurisdiction of all offenses committed or triable in their respective** counties. The jurisdiction conveyed by this section is concurrent with any jurisdiction that may be exercised by a circuit court or municipal court.
 - ▶ (2) In any justice court that has not become a court of record under ORS 51.025, **a defendant charged with a misdemeanor** shall be notified immediately after entering a plea of not guilty of the **right of the defendant to have the matter transferred to the circuit court for the county where the justice court is located**. The election shall be made within 10 days after the plea of not guilty is entered, and the justice shall immediately transfer the case to the appropriate court.
 - ▶ (3) A justice court **does not have jurisdiction over the trial of any felony or a designated drug-related misdemeanor** as defined in ORS 423.478. A justice court does not have jurisdiction over Class E violations. Except as provided in ORS 51.037 (Agreement between city and county for provision of judicial services), **a justice court does not have jurisdiction over offenses created by the charter or ordinance of any city**.
- ▶ **Only six justice courts in Oregon exercise criminal jurisdiction and only four of those hold jury trials** (the other two will transfer the case to circuit court for trial).

Justice Courts, Continued

- ▶ ORS 51.080 – Civil Jurisdiction of Justice Court
 - ▶ A justice court has jurisdiction, but not exclusive, of the following actions:
 - ▶ (a) For the recovery of money or damages only, when the amount claimed does not exceed \$10,000.
 - ▶ (b) For the recovery of specific personal property, when the value of the property claimed and the damages for the detention do not exceed \$10,000.
 - ▶ (c) For the recovery of any penalty or forfeiture, whether given by statute or arising out of contract, not exceeding \$10,000.
 - ▶ (d) To give judgment without action, upon the confession of the defendant for any of the causes specified in this section, except for a penalty or forfeiture imposed by statute.

Differences with Circuit Court

- ▶ Beyond subject matter jurisdiction, largely size and volume.
- ▶ Washington County Circuit Court
 - ▶ 17 judges (plus several volunteer pro tem judges)
 - ▶ 2025:
 - ▶ 32,788 cases filed (**2,541 felonies; 6,923 misdemeanors;** 349 violations)
 - ▶ **219** jury trials (139 felonies, 72 misdemeanors, 7 civil)
 - ▶ 2024:
 - ▶ 31,930 cases filed (**2,786 felonies; 5,988 misdemeanors;** 589 violations)
 - ▶ **208** jury trials (107 felonies, 88 misdemeanors, 12 civil)
- ▶ Beaverton Municipal Court
 - ▶ 3 judges
 - ▶ 2025:
 - ▶ 35,220 cases filed (**1,749 misdemeanors;** 3,490 parking; 29,913 violations)
 - ▶ **5** jury trials
 - ▶ 2024:
 - ▶ 27,020 cases filed (**1,934 misdemeanors;** 4,575 parking; 20,448 violations)
 - ▶ **3** jury trials

Local Courts – Trial By Jury

- ▶ In all meaningful ways, local court jury trials are identical to jury trials in circuit courts, i.e. criminal defendants have all of the same statutory and constitutional rights Ms. McCullough spoke to in our last meeting.
- ▶ ORS 221.354 – Trial by Jury in Criminal Cases:
 - “In all prosecutions for any crime defined and made punishable by any city charter or ordinance the defendant shall have the right of trial by jury, of six in number. Juries shall be selected from the latest tax roll and registration books used at the last city election in the same manner in which juries are selected for circuit courts. The verdict of the jury shall be unanimous.”
- ▶ Example: Beaverton City Code, 2.04.031:
 - “Except as otherwise provided by this code, by state law or by court rule, trials shall be conducted as trials in circuit courts. The rules of evidence shall be the same as in the state courts and shall include applicable state law regarding the introduction or admission of evidence.”

Local Courts – Jury Summons

- ▶ Reminder: less than 30 local courts have jury trials.
- ▶ Unlike OJD, which uses a uniform summons and jury management software across all circuit courts, the summons and jury management process varies from court to court.
- ▶ Example: Beaverton Municipal Court's Summons Process
 - ▶ Every quarter, we obtain a list of 500-600 Beaverton voters from Washington County's Elections Division.
 - ▶ Those who had prior jury service within the last year are automatically removed by our jury management software.
 - ▶ Jurors are mailed a letter, informing them they have been selected for the quarter and may be asked to serve on up to two trials that quarter.
 - ▶ Are also mailed an eligibility form they need to complete and return (with a preaddressed, stamped envelope) which includes fields for requests for excusal and/or deferral.

Local Courts – Jury Summons

- ▶ Beaverton Municipal Court’s Summons Process, Continued
 - ▶ By the court’s General Order, the jury coordinator can excuse a potential juror if they demonstrate they are statutorily ineligible (e.g. were convicted of a felony within the preceding 15 years) or qualify for a mandatory excusal (e.g. 70 years of age or older).
 - ▶ All other requests for excusal or deferral are reviewed by a judge.
 - ▶ Approximately 30 potential jurors from the pool are then mailed a trial summons with the trial date and time about one month prior to trial along with another questionnaire and the email address for our jury coordinator.
 - ▶ The same process regarding requests for excusal or deferral apply.
 - ▶ Jurors are given a phone number to call the night before trial to determine if trial is still scheduled (if trial is cancelled or rescheduled sufficiently far out, notice is provided in advance).

Local Courts – Jury Summons

- ▶ Of the thirty who get summoned for each trial, typically 1-5 jurors are excused pretrial upon request and an additional 1-5 do not show up day of trial.
- ▶ Most common requests for excusal:
 - ▶ Physical or mental health;
 - ▶ Need to provide care for a dependent;
 - ▶ Cost of missing work;
 - ▶ Cost of childcare;
 - ▶ Lack or cost of transportation, and
 - ▶ Prescheduled travel or appointment.
- ▶ Unique issue for some smaller jurisdictions: as the geographical boundaries and eligible populations are smaller, it is more likely that potential jurors end up being excused day of trial due to knowledge of or relationship with a party or witness.

Juror Compensation: ORS 10.061-.065

▶ Fees Payable to Jurors

- ▶ Circuit courts are required to pay jurors \$10 per day for the first two days and then \$25 a day for each day thereafter.
- ▶ Local courts are only required to pay \$10 per day (but, based on their limited subject matter jurisdiction, it is extremely unlikely that a juror's service would exceed two days).

▶ Mileage Fees and Reimbursement

- ▶ Per statute, local court mileage compensation is only eight cents per mile as opposed to 20 cents per mile for circuit court.
- ▶ The State Court Administrator may reimburse circuit court jurors for extraordinary expenses (public transportation, dependent care, etc.).
- ▶ Cities and counties may provide by ordinance for additional juror fees or reimbursement for mileage and other expenses (example: Beaverton pays a set amount of \$3.00 for mileage).