



Jury Rights in Oregon

Judge Chanpone Sinlapasai
Multnomah County Circuit Court

Task Force on Removing Barriers to Jury Service
March 12, 2026



What Juries Decide



- Generally: Issues of fact
- Whether the defendant is guilty or not of various charges in criminal cases
- Whether the plaintiff has established with evidence that the defendant has proven their claim(s) in civil cases
- Damages in civil cases
- Whether to indict in felony cases in a grand jury



Importance of Juries

- Civic Participation
- Checks and Balances
- Fairness and Impartiality
- Transparency and Public Trust
- Protection of Individual Rights





The Right to a Jury

- Foundational principle of our form of government
- Relevant provisions in the United States Constitution:
 - Article III, section 2, clause 3 (criminal cases)
 - Fifth Amendment (grand juries)
 - Sixth Amendment (criminal cases)
 - Seventh Amendment (civil cases)



Oregon Constitution's Jury Rights

- Article I - Bill of Rights
 - Section 6: No religious test for jurors
 - Section 11: Criminal prosecutions
 - Right to impartial jury in county where the crime was committed in criminal prosecutions
 - Ability to waive jury trial right
 - Outdated provision allowing nonunanimous guilty verdict in criminal cases (except for first degree murder)



Oregon Constitution's Jury Rights (cont.)

- Article I - Bill of Rights (cont.)
 - Section 16: Power of jury in criminal cases
 - Section 17: Right to jury trial in civil cases
 - Section 40: Unanimous juries to convict in aggravated murder cases
 - Section 45: Limit on criminal trial and grand jury service for individuals with certain criminal convictions



Oregon Constitution's Jury Rights (cont.)

- Article IV – Legislative Branch
 - Section 23: No laws summoning specific jurors
- Article VII – Judicial Branch
 - Section 3:
 - Right to civil jury trial if value in controversy is over \$750
 - Facts determined by the jury are generally not reexamined by the court
 - Jury instructions are appealable



Oregon Constitution's Jury Rights (cont.)

- Article VII – Judicial Branch (cont.)
 - Section 5:
 - Legislature provides law for:
 - Juror selection and qualifications
 - Drawing, summoning, empaneling, and sitting of grand juries
 - Grand jury has 7 jurors, 5 must concur to indict
 - Grand jury indictment required for felonies



Oregon Constitution's Jury Rights (cont.)

- Article VII – Judicial Branch (cont.)
 - Section 9
 - Some juries can have less than 12 but not less than 6 jurors



Statutes & Rules Regarding the Right to a Jury Trial

ORS 136.001:

Provides a “right to public trial by an impartial jury” in criminal cases.

Oregon Rules of Civil Procedure (ORCP) 50:

“The right of trial by jury as declared by the Oregon Constitution or as given by a statute shall be preserved to the parties inviolate.”



Proceedings without a Jury Trial Right

- Juvenile adjudications
- Restitution proceedings
- Infractions/violations
- Contempt proceedings
- Sentencing
- Equitable relief only
- Stalking & family abuse
- Determining title to real property
- Probate (will contests, guardianship)
- Foreclosure
- Tax
- Small claims less than \$750



Thank you!

Judge Chanpone Sinlapasai
Multnomah County Circuit Court