

Ratified – Meeting Minutes (voted on at the 5/1/26 meeting)
Task Force on Removing Barriers to Jury Service

Date: April 7, 2026

Time: 11:30 a.m. – 1:00 p.m.

Location: Virtual via WebEx Webinar

Members in Attendance: Senator Kim Thatcher, Nansi López, Chair Kimberly McCullough, Bryan Brock, Honorable Matthew Shirtcliff, Representative Tom Andersen, Timothy Dooley, Senator James Manning, Keren Farkas, Kia Tolbert, Royce Williams, Derek Sangston, Senator Kim Wallan, Honorable Tucker Rossetto; Honorable Chanpone Sinlapasai

Members Not in Attendance: None

Quorum: Yes (10 voting members present)

Ratify Prior Meeting Minutes

- Chair McCullough asked if anyone had any changes or additions to the March 12, 2026, draft meeting minutes
 - No one said that they did
- Chair McCullough asked if there were any objections to ratifying those minutes
 - No one said any objections
- Chair McCullough stated those meeting minutes are ratified

Jury Service in Oregon (Continued)

- Molly Harvis, Statewide Jury Coordinator in the Court Programs Division of the Office of the State Court Administrator (OSCA), finished presenting the PowerPoint on jury service and circuit courts from the March 12, 2026, meeting
 - Employment Protections
 - The Bureau of Labor and Industries (BOLI) website has a jury duty webpage with questions and answers for employees and employers
 - Employers may pay an employee during their jury service, but if they don't, they can't require their employee to use any annual leave to respond or participate in jury service
 - Employers with 10 or more employees are required to continue health, disability, and life insurance during an employee's jury service
 - Discussed some exceptions for small employers
 - In Oregon, a juror may not be identified by name in any court proceeding open to the public and jurors can't be recorded during trial

- Names of jurors are available to the parties unless the court determines there is good cause for them not to be
 - Any jury lists created using names from the Oregon Department of Transportation or the Secretary of State may not be disclosed
 - Presiding judges set the length of jury service
 - Some counties call jurors in for one day or one trial, others have longer terms of service
 - Statute asks the Chief Justice to take all reasonable actions necessary to implement “one day, one trial” for all counties, if possible
 - Some counties have jurors be on-call for a set period of time, rather than officially summoning them
 - More common in smaller counties and areas where many people work seasonal jobs (e.g., fire, logging, etc.)
 - If, before the final submission of a case, a juror is unable to continue, the court will discharge them and replace them with an alternate juror
 - Alternate jurors have the same rules, rights, and opportunities as jurors
 - If alternates are not used, they are excused once the jury retires to deliberation
 - Reviewed how the number of prospective jurors, jurors, and alternate jurors called for service varies by case type
 - Jury selection (voir dire) is the process of selecting individuals who will be seated as jurors by asking them questions under oath
 - Provides parties/judge an opportunity to determine who is best qualified to serve and select a fair and impartial jury
 - Discussed the definitions and uses of for-cause and peremptory challenges
 - Grand jury panels/prospective grand jurors may be excused but not challenged
- Bryan Brock, Oregon District Attorneys Association, presented a PowerPoint on jury service for grand juries
 - Reviewed what a grand jury is under Oregon Constitution Article VII § 5
 - Required to charge a person with a felony, with few exceptions
 - May issue subpoenas and hear evidence relating to potential crimes in the county in which they’re seated
 - Discussed the statutory framework of grand juries under ORS 132.310 to ORS 132.390A

- May present the crimes to the court in a presentation (less common) or an indictment (more common)
 - Provided an overview of grand jury selection criteria under ORS 132.020(1)
 - Court clerk draws names at random from the names of jurors in attendance until seven jurors are drawn and accepted by the court
 - The grand jury panel and individual jurors cannot be challenged, but may be excused per ORS 10.050 and ORS 132.030
 - Financial hardship is the most common reason an excusal is requested
 - In Clackamas County, service is typically one calendar month, but this and often jurors meet varies by county and can be longer/more often depending on the county's needs
 - If prosecutors think they may need to come back to the grand jury later, they can continue them (gives the ability to call jurors back later)
 - Reviewed an example of a grand jury docket and calendar from Clackamas County
 - Discussed how hearings with grand juries operate
 - Prosecutor decides what witnesses to call and evidence to present
 - Defendant is generally not present, but may have the right to testify if charged with a felony and they're waiting for the answer
 - There is no cross-examining of witnesses by the defense attorney
 - Evidentiary portion is recorded
 - Indictment is continental until defendant has been arraigned
 - Witnesses recorded testimony is confidential aside from being provided to the defendant in discovery to prepare their defense
 - A grand jury may indict when all evidence, taken together, is such that in the grand jury's judgment would, if unexplained or uncontradicted, warrant a conviction by a trial jury
 - Needs a concurrence of five of the seven jurors
 - A "no true bill" is issued if there's insufficient evidence to warrant a conviction at trial
- Chair McCullough asked, since the term of grand jury service is so long, how many people tend to ask for excusal due to hardship, and how does that affect the pool of prospective jurors?
 - Brock noted it's a barrier to jury service for people who work to take a month off for service, especially if their employer doesn't pay them during service

- Those serving on grand juries tend to be retired persons, those with seasonal jobs (e.g., teachers), those whose employers pay them during jury service, and those who are unemployed
 - Brock suggested that noting in the jury summons how long the service would be for would be helpful in order to not catch people off guard
 - Brock was unaware how many prospective jurors for grand juries request excusal due to hardship
- Representative Andersen noted he served as foreperson on a grand jury in Lane County for one month and that they would often only meet in the morning once a week
- Representative Wallan noted that in Jackson County grand jurors serve for 30 days but generally only meet once a week
 - How does that differ across other counties?
 - Judge Shirtcliff noted it differs across the state
 - Many eastern Oregon petit jurors serve for a few months, but only get called in for a few trials
 - Counties with more cases would need jurors to meet more often, so how it fits into jurors' lives is dependent on that

Jury Service in Local Courts

- Due to technical difficulties, Judge Rossetto's presentation on jury service in local courts was delayed and will be presented at the next meeting

Data About Circuit Courts

- Harvis presented a PowerPoint regarding data circuit courts current collect
 - Data was gathered by James Giordano (Business and Fiscal Services Division, OSCA) and Dené Paschke (Business Process Supervisor, Enterprise Technology and Services Division, OSCA)
 - Generally, the data is from 2025 to give a clear snapshot of a full year of statewide jury data and mitigate factors that could affect accuracy/completeness
 - Courts mainly collect jury information and data to run their daily operations, the data may not have everything policy makers want to know
 - Data may be influenced by how different courts across counties operate (e.g., differences in length of jury service, how often panels are called, and case management practices, business processes etc.)
 - Data can reveal statewide patterns and show where process improvements have had an effect, and outliers can show which counties need more support and where policy considerations would be helpful
 - Reviewed tables showing:

- Jury trials from 2017-2025 by six and 12 person juries
 - 2017-19: numbers may have been skewed due to less standardized data collection at the time
 - 2020-21: social distancing measures, hearing extensions, and hybrid/virtual options in place
- Jury trials by case type in 2025
 - 14 trials were removed due to erroneous data entry
- Jury trials by case type from 2017-25, with the average annual amount being 1,970
 - Criminal cases makeup about 90% and civil 10%
 - The table does not include data on grand juries
- Number of persons summoned in 2025, how many responded or not, and how many who responded qualified for jury service or not (where disqualified, deferred, or excused)
 - Summons volumes vary by county due to differences in length of jury service, how frequently panels are called for jury selection, and local trial calendar
 - The slides show a further breakdown of this information at the county level
 - Response rates can be affected by local practices, employment seasonality, address qualities, or the population's mobility or sparseness
- Summons responses by disqualification reason
 - We only have specific categories defined in our system to choose from
 - At a local level, courts may ask for more information to verify disqualification reasons, but that's not collected at the state level
 - Discussed what the "Permanent" and "Administrative" categories are used for
 - Permanent Example: the individual has a permanent, ongoing medical condition, such as needing daily dialysis
 - Administrative Example: there are erroneously duplicated records for an individual
 - Qualifying Felony and Misdemeanor categories only apply to criminal and grand juries and only if a candidate was summoned when there were no civil trials they could be called for

- Larger courts/counties may have separate jury pools for criminal/grand and civil
- Judge Sinlapasai asked, for those with non-citizen or student status, is there a procedure for them to be put in the Permanent category?
 - Harvis replied that it was previously decided that, because non-citizens may become eligible later if they become citizens, we did not want to permanently remove them
 - Judge Sinlapasai noted there are potential consequences, such as removal, if a non-U.S. citizen shows up to jury service
 - She asked if individuals could opt in/out of the “Permanent” category and urged the task force to consider this issue
 - Harvis noted that when responding to a jury summons the first question is if you are a U.S. citizen and if the answer’s “No” they’re prompted to a disqualification request
- Brock asked for further explanation on what “Permanent” disqualification entails
 - Harvis replied it’s a permanent excusal rather than disqualification, but due to system limitations it’s listed as a disqualification
 - Examples: individual is on dialysis every day and that won’t change; deceased persons
- Summons responses by excusal reason
 - Determined by statutory limits and local judicial practices
 - The system only allows one reason to be picked
 - The most common reason has always been being 70 years or older
 - Representative Andersen asked if there is ever any investigation to verify whether a candidate has a hardship (medical, financial, etc.) when they say they do
 - Harvis replied it is up to the local courts to decide if supporting documentation or anything else is needed

