

HOUSE COMMITTEE ON RULES AND REORGANIZATION

February 12, 1993 Hearing Room E 1:30 p.m. Tapes 26 - 27

MEMBERS PRESENT: Rep. John Watt, Chair Rep. Delna Jones Rep. Dave McTeague Rep. Cedric Hayden Rep. Michael Payne Rep. Eldon Johnson Rep. Fred Girod Rep. Avel Gordly

MEMBER ABSENT: Rep. Lonnie Roberts, Vice-Chair

STAFF PRESENT: Adrienne Sexton, Committee Administrator Kenneth Brady, Committee Clerk

MEASURES CONSIDERED: HB 2497 - Reduces number of jurors from 12 to 6 in civil cases

WITNESSES: Rep. Del Parks Curt Rossman Charles Williamson Edwin Peterson Bill Linden

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These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes. [--- Unable To Translate Graphic ---]

TAPE 26, SIDE A

004 REPRESENTATIVE JOHN WATT, COMMITTEE CHAIR: Convenes meeting at 1:33 as a subcommittee.

(Tape 26, Side A) HB 2497 - Reduces number of jurors from 12 to 6

010 ADRIENNE SEXTON, COMMITTEE ADMINSTRATOR: Explains HB 2497.

020 REPRESENTATIVE DEL PARKS: Speaks on the differences between a 12 and a 6 person jury. Is in support of going to 6. -No difference in racial inequities. -No justification for having 12 people if it isn't necessary.

084 REPRESENTATIVE DELNA JONES: Would the cost of the people paying for the attorney be less?

092 PARKS: Yes.

124 JONES: Do the 6 person juries make different decisions?

130 PARKS: No, I don't think so.

156 CURT ROSSMAN, JUDGE: Speaks on the differences between 12 and 6 person juries. Is in support of going to 6. -Gives example of a 6 person jury that was run in his own court. -Gives comments from jurors.

326 REPRESENTATIVE CEDRIC HAYDEN: Why doesn't what applies to a criminal case apply to a civil case in terms of the jury?

334 ROSSMAN: Responds.

375 REPRESENTATIVE MICHAEL PAYNE: Why is it different? And, is justice better served with a 12 person, racially diverse jury?

390 ROSSMAN: Responds.

400 WATT: How long have you been a judge?

404 ROSSMAN: Responds.

410 CHARLES WILLIAMSON, OREGON TRIAL LAWYERS UNION: This is not a good time to cut back on the participation of minorities in court. -Believes that cutting juries to six will decrease minority participation. -In opposition to the bill.

450 WATT: How many minorities are on your committee?

455 WILLIAMSON: I don't think there are any.

TAPE 27, SIDE A

033 JONES: Is it good for the person who's paying for the lawyer to go to a six person jury?

048 WILLIAMSON: Responds.

060 WATT: I would like to see numbers on how many minorities there are on juries.

070 WILLIAMSON: Depends on the population.

075 REPRESENTATIVE AVEL GORDLY: 17 percent in the population in Portland.

080 WILLIAMSON: Comments.

090 JONES: In the group to choose from for a jury, there's a good chance of there being minorities, right?

100 WILLIAMSON: Yes.

158 PAYNE: Isn't a twelve person jury more diverse?

174 WILLIAMSON: I can't answer that.

180 GORDLY: Are there any 'experts' on this issue?

193 WILLIAMSON: I would think that judges, etc. would be experts.

205 EDWIN PETERSON, JUDGE: The most effective size for a group is 6 as opposed to 12. -In support of HB 2497. -No difference that can be proven between the two, however. -Judicial Dept. has not taken a position on this bill. -Notes about minorities.

333 JONES: How many preemptory challenges can you have?

336 PETERSON: At least 3. -Concludes in favor of. "It's worth a try."

359 REPRESENTATIVE DAVE MCTEAGUE: Do you agree with what Rep. Parks said about whether a member of a minority would be harder on another member of a minority?

380 PETERSON: I don't know about that. -Should increase number of minorities.

415 MCTEAGUE: Has your task force looked at restrictions on preemptory challenges as a way to include more minorities?

427 PETERSON: That's on the list to do.

437 PAYNE: Would this bill make the current system worse?

448 PETERSON: I don't know.

TAPE 27, SIDE B

030 WATT: Closes hearing and goes to work session on HB 2497.

(Tape27, Side B) WORK SESSION - HB 2497

033 WATT: Notes that: -Minority issue was an unexpected thing. -No one has contacted us about the minority issue. -Requests motion to move it to the floor.

048 REPRESENTATIVE ELDON JOHNSON: Was there anything brought up about wanting it to be the same as the federal court?

052 WATT: I don't think so.

060 Discussion as to can six person juries be done optionally now? -Yes.

081 GORDLY: Not having heard from minority groups doesn't mean it's not an issue.

091 WATT: Those organizations follow the legislature closely.

096 REPRESENTATIVE FRED GIROD: We should look into expanding the list of jurors as said earlier.

112 BILL LINDEN: I think you'd need legislative action to do that, but I'll look into it.

129 GIROD: Notes the bumping process. Should bumps (preemptory challenges) be reduced if number of jurors is reduced?

140 SEXTON: That would take a legislative change.

152 WATT & GIROD discuss changes.

163 MCTEAGUE: Why do we have this bill and why isn't it in Judiciary?

166 WATT: I'm not sure. Because it reduces the cost of government?

197 SEXTON: Gives the history of this bill last session.

220 WATT: Calls a five minute recess at 3:45 p.m.

222 WATT: Returns to order at 3:50 p.m.

224 MOTION: REPRESENTATIVE ELDON JOHNSON moves that HB 2497 be referred to Judiciary.

228 JONES: Without recommendations?

234 MCTEAGUE: Do the rules allow a lateral referral?

239 SEXTON: It goes to the floor with a recommendation to be referred to Judiciary.

271 SEXTON: Clarification: the motion is to be referred to judiciary . . . without going to floor.

280 VOTE: In a roll call vote, voting AYE: Rep. Girod, Hayden, Johnson, Jones, and Chair Watt. NAY: Rep. Gordly, McTeague, and Payne. ABS: Vice-Chair Roberts.

292 WATT: Declares HB 2497 passed.

300 SEXTON: Introduces bills (EXHIBIT A).

320 HAYDEN: MOTION to accept bills.

330 WATT: Hearing no objections, bills are accepted.

338 WATT: Adjourns meeting at 3:14.

Submitted by

Reviewed by

Ken Brady
Administrator

Adrienne Sexton Clerk

EXHIBIT LOG:

A - Introduction of bills - Staff - 1 page