

**TESTIMONY ON HB 2539
BEFORE THE HOUSE COMMITTEE ON JUDICIARY
2/11/2021**

**PRESENTED BY: JUDGE TRACY PRALL, PRESIDING JUDGE, MARION COUNTY
CIRCUIT COURT
OREGON JUDICIAL DEPARTMENT**

Chair Bynum, Vice-Chairs Power and Noble, and Members of the Committee:

My name is Tracy Prall, and I am the presiding judge of the Marion County Circuit Court. I have been a judge with the court for 12 ½ years. I am speaking here today both for myself and the Oregon Judicial Department in support of House Bill 2539.

First, I'd like to thank Representative Sollman and the other Sponsors for bringing the bill forward and working with us on the concept. HB 2539 would prohibit using juror names in the courtroom but continue making them available to the parties in a case. We understand that the purpose of the bill is to protect the privacy of jurors, while ensuring that a fair and impartial jury can be selected. Proceeding with juror numbers in open court may encourage a more open exchange during jury selection, while also helping to protect jurors in other ways.

I want to take a little time to talk about jury service and how state courts currently protect jurors. As you know, jurors perform an important and vital role in our system of justice. Trial by jury is a cornerstone of our democracy. Jury service is one of the most important rights and responsibilities of our citizens. The protection of our rights and liberties is achieved by allowing jurors to decide the facts of the case before them. Jurors decide whether people charged with a crime are guilty or not guilty of the alleged conduct, including serious cases such as murder, they decide issues of liability and damages in civil cases sometimes worth millions of dollars, and they decide issues of fact in other cases that affect the lives of everyday Oregonians.

By statute, prospective juror names are generated from voter registration and driver license lists. This master list is used to randomly select people for jury duty, who receive court notices regarding their selection for jury service. The person who receives a notice then must respond back to the court confirming they are available or asking to defer their service. In Marion County they can respond online, by mail or by text.

On the day of service, jurors report to the court and attend orientation. If selected for a jury panel, they go to a courtroom where they participate in the jury selection process. They are asked questions by lawyers and the court to ensure that they will be fair and impartial finders of fact. If selected, they serve on the case until it concludes.

We take juror safety very seriously. During the COVID-19 pandemic, we have strictly limited the number of jury trials we hold, to reduce the number of people in the courthouse. When we have held a jury trial, we have used either large alternative venues or multiple courtrooms to ensure required distancing and other safety precautions.

As I understand the bill, it would not prohibit disclosure of juror names outside the courtroom, just provide minimal protection so the casual observer does not have immediate access in open court.

Some jurisdictions in Oregon already use juror numbers in open court to refer to individual jurors. Others may use names from time to time. If HB 2539 passes, all courts will only use juror numbers in open court.

Thank you for considering my comments. I am available if you have any questions.

Respectfully submitted,

Tracy Prall, Circuit Court Judge