

Gus J. Solomon Inn of Court, Group 4 (February, 2008) Jury Pool Diversity: Fact or Fiction

# OREGONIAN ARTICLES

# practice may extend back to 1992

"It was just because the return on our summonses was so small," Lamvik said. "Somebody attempted to be helpful and efficient and decided that was the way to go."

Lamvik said names of people over 70 were withdrawn last year as well. She's not sure if potential jurors were excluded in prior years. The county received an updated list of 6,500 potential jurors from the state on April 12.

"I couldn't exactly pinpoint the date of when it started," she said.

Jade said she thinks the practice may extend back to 1992, but she hasn't been able to verify that.

Judge Robert J. Huckleberry, presiding judge in Lincoln County,

said it was wrong to automatically exclude people over 70 from the juror pool, but he said the practice was an aberration that did not have a significant impact on the makeup of juries.

Huckleberry said the vast majority of citizens older than 70 exercise their statutory right to be excused from jury duty, therefore dropping those names from the jury rolls excluded only a very small number of people who wanted to serve.

"If I were 70, I don't want someone making that decision for me," Huckleberry said. "When this was brought to my attention, it took me less than a minute to fix it."

He also said he discussed the problem with other Lincoln Coun-

ty judges, and the consensus was that they were surprised.

"A good number of people who serve as jurors leave the impression they are that age or older," Huckleberry said.

Frank Stoller, a defense attorney from The Dalles who has tried capital murder cases in Lincoln County, said excluding elderly residents not only deprives them of their right to serve on juries, it deprives the legal system of their experience.

"One person older than 70 can come in and, based on their life experience, provide valuable input to other people on the jury that may get other people on the jury to talk about things they would not have talked about," he said.

Stoller also wondered whether this is an isolated incident unique to Lincoln County, or if other groups of people are being excluded elsewhere.

"What happens," he said, "if you have a clerk who says, 'We don't get much of a response from people over 60.' Or, 'We don't get a response from people involved in commercial fishing.' It guts the whole constitutional protection that an individual charged with a crime has in terms of having an impartial jury of his or her peers."



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## Deputies force citizens to drop everything when jury duty calls

*A juror shortage for a felony trial prompts Clatsop County to pull 23 candidates off the streets at random*

THE ASSOCIATED PRESS

ASTORIA — A sheriff's deputy rounded up Dennis Thomason at the post office, where he had stopped to buy a paper on his way out of town for a fishing trip.

Thomason and 22 others were summoned at random on the street Wednesday morning to serve immediate jury duty at the Clatsop County Courthouse.

"I thought he was jerking my chain," Thomason said, when the deputy told him to report. Then Thomason saw other deputies waving down cars, sometimes two at a time, and sending drivers up

the steps into the courthouse.

"The deputy seemed very desperate," he said. "I told him it'd be an honor to serve on the jury. I was only going to go fishing anyways."

Responding to Judge Paula Brownhill's call to fill jury vacancies on a felony trial, Sheriff John Raichl dispatched two deputies to round up drivers and people walking on Eighth and Commercial streets.

Jurors milled about in a waiting room with perplexed expressions, asking one another in vain what had happened, what the trial was about, and if the county had the authority to yank people off the street at random.

Tina Monnin was wearing the blue apron of Haik's Sentry Market, where she serves as the sole morning cashier, when she was pulled over on Commercial Street.

Sara Orr, a stay-at-home mom, made a few quick

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## Jury: Separate case depletes candidate pool

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calls to make sure someone could pick up her preschooler in the afternoon before a deputy funneled her into a courtroom. "This is no fun, but it's what we have to do," she said.

Judge Brownhill apologized for the inconvenience once everyone was seated. "I know a lot of you were nabbed off the street."

With 12 jurors required for the case, the court typically calls up to three times the minimum so attorneys have a large selection of possible jurors.

A murder trial, also set for the same day, depleted the pool of possible jurors, forcing the court to take to the streets for extra jurors, said Kristi Hagey, the trial court administrator.

Hagey could not recall the last time the court had resorted to on-the-spot random juror summoning but said it is a typical procedure in Umatilla County, where she had been the deputy district attorney.

Sheriff Raichl said his staff is asked to round up prospective jurors every few years. Deputies try to find out whether people have medical or child-care issues before sending them to the courthouse, he said.

By noon, attorneys had narrowed the jury down, retaining six of the people pulled from the street.

Thomason's fishing trip was a bust, but he said the roundup was an eye-opener.

"This was an educational event for me," he said. "Everybody should go through this to better understand how the county courthouse works."