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Section 55 G. is based upon ORS 44.190 with some modifications because of provisions already incorporated in the discovery rules. ORS 44.180 and 44.200 to 44.210 are eliminated as unnecessary.

Section 55 H. is based upon ORS 41.915 to 91.940. ORS 41.930 is left as a statute because it is a rule of evidence. To the extent ORS 41.945 applies beyond courts, it would remain as a statute. The only change from the existing language is in paragraph H.(2)(c), which allows inspection of the sealed documents by parties or attorneys prior to the trial or deposition.

RULE 56

TRIAL BY JURY DEFINED; NUMBER OF JURORS

12

A trial jury in the circuit court is a body of persons drawn as provided in Rule 57. ~~The jury shall consist of 12~~ persons. The parties may stipulate that a jury shall consist of any number less than 12 or that a verdict or finding of a stated majority of the jurors shall be taken as the verdict or finding of the jury.

Hollis
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~~dist~~
first
sentence

BACKGROUND NOTE

ORS sections superseded: 17.105.

COMMENT

This is based upon the existing ORS section. The last sentence was added. Note that the six-person jury provision of ORS 46.180 would continue to be applicable in district courts. Under Rule 1, the ORS section is a rule or statute providing a special procedure.

~~Add to dist court~~

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