

## Chapter 2

### 1955 REPLACEMENT PART

## Supreme Court

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**2.010 Number of judges of Supreme Court.** The Supreme Court shall consist of seven judges.

**2.020 Qualifications of judges.** (1) The judges of the Supreme Court shall be citizens of the United States, and shall have resided in this state at least three years next preceding their election or appointment.

(2) All persons elected judges of the Supreme Court must, at time of their election, have been admitted to practice in the Supreme Court of Oregon.

**2.030** [Reserved for expansion]

**2.040 Position number of judges.** The positions of the members of the Supreme Court shall be designated by the numbers 1 to 7, following the designation made by section 1, chapter 241, Laws of Oregon 1929, and each incumbent shall be designated by the same position number as the judge whom he succeeds in office.

**2.050 Chief Justice and Acting Chief Justice.** (1) On the first Monday in January of each odd-numbered year, a Chief Justice and an Acting Chief Justice of the Supreme Court shall be selected from their own number, by members of the Supreme Court. A vote of a majority of the members of the court shall be necessary for the election to each position. The Chief Justice and Acting Chief Justice shall each hold office for a term of two years and until the first Monday in January of the second year after their election.

(2) The Acting Chief Justice shall perform the duties of the Chief Justice during the periods of his absence or incapacity.

**2.060 Circuit court judge sitting temporarily as Supreme Court judge.** (1) Whenever the business of the Supreme Court is congested or any judge of that court is by reason of illness, or other good cause, absent or unable to bear his part of the work of the court, the Supreme Court may designate a circuit judge or judges to sit temporarily as a member or members of the Supreme Court while the work of the court may reasonably require the assistance of such circuit judge or judges.

(2) Any circuit judge so called to assist the Supreme Court shall perform the service so required, and shall be entitled to receive from the state his actual expenses incurred thereby, to be audited and paid as provided by law for the payment of the expenses of

circuit judges designated for service outside of their respective districts. The salary of the judge shall be the same as when discharging his duties as circuit judge, and no additional salary or compensation shall be allowed.

(3) Any decision or determination of the Supreme Court while one or more circuit judges is serving on the court under this section shall be binding to the same effect as though all judges were regular members of the Supreme Court. [Amended by 1955 c.127 §1]

**2.070 Clerical assistants for judges.** The Supreme Court may appoint and fix the compensation of such number of clerical assistants to the judges of the court as it deems necessary.

**2.080 Terms of court.** There shall be two terms of the Supreme Court held annually in the capital, commencing on the first Monday in March and the first Monday in October in each year, and at such other times as the court may appoint; and two terms at Pendleton, commencing on the first Monday in May and the last Monday in October of each year and at such other times as the court may appoint.

**2.090 Place of holding Pendleton sessions; supplies.** The courthouse at Pendleton shall be used by the Supreme Court for its sittings in that place, when the circuit court is not in session, or such other place in Pendleton as the court may direct, or the county court of Umatilla County provide; and the the Secretary of State shall furnish there the necessary stationery and books for the use of the court and for the keeping of its records.

**2.100 Quorum.** The presence of a majority of all the judges of the Supreme Court is necessary for the transaction of any business therein; but any less number may meet and adjourn from day to day, or for the term, with the same effect as if all were present.

**2.110 Departments of court; sitting in departments or in bank.** The Supreme Court may sit all together or in departments. There shall be two departments, denominated Department 1 and Department 2. The Chief Justice shall assign three judges to each department, and they may at any time interchange by agreement among themselves, or as ordered by the Chief Justice. Each depart-

ment shall have power to hear and determine causes, and all questions which may arise therein, subject to the provisions contained in this section as to hearings in bank. The presence of three judges shall be necessary to transact any business in either department, except such as may be done in chambers by any judge; and the concurrence of three judges shall be necessary to pronounce a judgment. The Chief Justice may sit in either department, and when so sitting, shall preside; but each department shall elect a presiding judge who shall preside in the absence of the Chief Justice. The Chief Justice shall apportion the business to the departments, and may, either before or after a judgment is pronounced, order a cause heard in bank; and any four judges may, either before or after judgment is pronounced, order such hearing in bank. When the court sits in bank, the concurrence of a majority of all the judges participating shall be necessary to pronounce a judgment, but in case one or more judges are disqualified and the judges participating in the hearing in bank are equally divided in their views as to the judgment proper to be given, such division shall operate to affirm the decree or judgment appealed from.

**2.120 Rules, generally.** The Supreme Court shall have power to make and enforce all rules necessary for the prompt and orderly dispatch of the business of the court, and the remanding of causes to the court below.

**2.130 Rules governing original jurisdiction.** The Supreme Court is empowered to prescribe and make rules governing the conduct in that court of all causes of original jurisdiction therein.

**2.140** [Repealed by 1953 c.345 §3]

**2.141 Distribution of copies of opinions and advance sheets; use of subscription proceeds; compensation of clerk and advance sheet indexer.** (1) The judges of the Supreme Court shall prepare or cause their opinions to be prepared in quintuplicate or more and delivered to the Clerk of the Supreme Court. The clerk shall immediately mail, without any charge therefor, one copy to the appellant or his senior counsel, one copy thereof to the respondent or his senior counsel, and one copy thereof to the Supreme Court Reporter. The clerk shall file one copy in his own office, and, upon the accumulation of a sufficient number of opinions, shall have the same suitably bound in volumes of

convenient size and properly paged and indexed, and safely keep the same in his custody. The other copy shall be delivered to the Department of Finance and Administration to be printed and bound in the manner provided by law.

(2) The Department of Finance and Administration shall cause to be printed a sufficient number of unbound copies of such opinions as required by the Clerk of the Supreme Court containing indexes and other necessary material to be used as advance sheets. The printed advance sheets shall include a subject index, which shall be prepared by a competent person to be appointed by and to be under the supervision of the judges of the Supreme Court. The Clerk of the Supreme Court, upon receipt of the printed advance sheets, shall mail copies thereof, without charge, to the persons whom the judges of the Supreme Court may designate. The clerk further may furnish such advance sheets to subscribers at \$7 a year, payable in advance, keeping a mailing list and record of receipts.

(3) All moneys collected or received by the Clerk of the Supreme Court under the provisions of this section shall be paid into the General Fund of the state treasury, and said moneys hereby are appropriated for the purpose of carrying out the provisions of this section, for the compensation to the persons provided for in subsection (4) of this section and for payments to defray the cost of services in preparing the subject index required by this section, except that all unexpended balances in excess of \$1000 remaining on June 30 of any year, of the moneys so collected and received by the clerk, shall be transferred to and made a part of the General Fund. The cost of printing the advance sheets shall be paid out of the moneys appropriated for defraying the cost of printing and binding of a public nature not chargeable to any department, in the manner that other expenses are paid out of such fund.

(4) As compensation for supervising the printing and distribution of such advance sheets, the clerk shall receive annually \$1.50 for each paid yearly subscription. The compensation of the person who prepares the subject index shall be fixed by the judges of the Supreme Court in an amount not to exceed \$1 annually for each paid yearly subscription to the advance sheets. [1953 c.345 §1]

**2.150 Publication of Oregon Reports.**

(1) The Supreme Court Reporter shall prepare and superintend and direct the publication of the decisions of the Supreme Court, which shall contain a statement of each case reported, with the names of the counsel on each side of each case, and a concise syllabus of the points decided by the court. The reporter shall insert in each volume the usual table of cases, and a complete index. The reports shall be in every respect equal to the current reports of the court, and shall be in the usual form of like reports of this and other states. Each volume shall contain, when published, not less than seven hundred pages.

(2) The reporter shall deliver to the State Printer the manuscript for printing as rapidly as the same is delivered to him by the judges and sufficient has accumulated for a volume, and he shall read and correct the proof of the work of the printer.

**2.160 Distribution of Oregon Reports.**

The Secretary of State, upon receipt of the current volumes of the Oregon Reports as they are published and delivered, shall transmit a copy each to the judges, the clerk and the reporter of the Supreme Court, the judges of the circuit courts, the district attorneys, the Governor, the Secretary of State, the State Treasurer, the Public Utilities Commissioner, the State Land Board, the State Tax Commission, the Congressional Library, the United States Supreme Court, the United States district judges in Oregon, the United States Court of Appeals at San Francisco, and two copies to the Attorney General. He also shall deposit three copies in the Supreme Court Library and two copies in the Oregon archives; and may send, if deemed advisable at any time, two copies to the Librarian of Congress for copyright purposes. Such further distribution of these and the preceding volumes of the Oregon Reports may be made by the Secretary of State as may be directed by the Department of Finance and Administration. All copies of the Oregon Reports hereafter issued, except as herein otherwise provided, shall be sold by the Secretary of State at a price to be determined as follows: The actual cost of printing and binding, plus the cost of wrapping, boxing, mailing and shipping, plus a handling charge of not more than 50 cents per volume; however, with the approval of the Department of Finance and Administration, he also may sell such reports at wholesale or in exchange for other

volumes of Oregon Reports, in such quantities, at such prices and on such terms and conditions, including the fixing of prices at which they shall be resold, as said board may determine. The copies of the Oregon Reports furnished under this section to public officers of this state shall be public property and shall be delivered over by them to their successors in office.

**2.170 to 2.300 [Reserved for expansion]**

**2.310 Administrative authority over circuit courts; assignment of circuit judges; administrative assistant to Chief Justice.** For the more speedy and efficient transaction of judicial business, including the temporary assignment of any judge as now provided by law to a court other than that for which he was selected, general administrative authority over all circuit courts of this state is vested in the Supreme Court, and subject to its rules, shall be exercised by the Chief Justice who shall appoint an administrative assistant who shall serve during and at the pleasure of the court to assist him in his administrative duties. [1953 c.34 §1]

**2.320 Compiling statistics; reports from circuit and district judges and clerks.** To assist the court in carrying out the provisions of ORS 2.310 to 2.340 the court is given authority to collect, compile and publicize past and current statistics and other data and make reports of the judicial business transacted by the circuit courts and, as hereafter provided, by the district courts, in each county in the State of Oregon. Such authority includes the power to require uniform records concerning the disposition of criminal cases and periodical statistical reports on the disposition of criminal cases including reports on sentence, parole and probation from all circuit and district courts. The Supreme Court is further given the power to examine the administrative methods and systems employed in the various judicial districts and to examine the state of the dockets and business of the circuit courts and to require reports from the circuit judges and clerks of the circuit courts, and, to the extent hereinabove stated, from the district judges and clerks of the district courts. [1953 c.34 §4; 1955 c.437 §1]

**2.330 Rules and orders.** (1) The Supreme Court is authorized to adopt and make all general rules and orders to effectuate the purposes of ORS 2.310 to 2.340.

(2) The Supreme Court is authorized to make rules, orders and directions to limit the length of time a matter may be kept under advisement by any circuit judge of the State of Oregon.

(3) It hereby is further provided that nothing contained in this section or ORS 2.310 shall be construed as giving to the Supreme Court the power and authority to

enact rules of civil procedure for circuit courts. [1953 c.34 §§2, 3, 7]

**2.340 Circuit judges and clerks to obey orders.** It shall be the duty of the judges and clerks of the circuit courts to obey all orders of the Chief Justice and of the Supreme Court made pursuant to the provisions of ORS 2.310 to 2.330. [1953 c.34 §5]

#### CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.  
Done at Salem, Oregon,  
on October 15, 1955.

Sam R. Haley  
Legislative Counsel