TITLE 1

COURTS OF RECORD; COURT OFFICERS; JURIES

Chapter 1. Courts and Judicial Officers Generally
2. Supreme Court
3. Circuit Courts Generally
4. Circuit Court Terms
5. County Courts (Judicial Functions)
7. Records and Files of Courts
8. Court Officers and District Attorneys
9. Attorneys; Law Libraries
10. Juries

Chapter 1

1959 REPLACEMENT PART

Courts and Judicial Officers Generally

COURTS

1.002 Administrative supervision by Supreme Court over other courts
1.006 Duties of Chief Justice
1.010 Powers of courts in administration of court business and proceedings
1.020 Contempt, punishment for
1.025 Duty of court and court officers to require performance of duties relating to administration of justice; enforcement of duty by mandamus
1.030 Seal, what courts have; form; custody; affixing
1.040 Sittings of court to be public; when may be private
1.050 Time for decision on submitted questions; certificate of compliance with requirement; penalty for false certificate
1.055 Term of court
1.060 Days for transaction of judicial business; business on holidays
1.070 When court deemed appointed for next judicial day
1.080 Place of holding court
1.090 Trial elsewhere than at courthouse on agreement of parties
1.100 Place of holding court in case of calamity or danger
1.110 Adjournment or postponement when judge does not attend
1.120 Proceedings unaffected by vacancy in office or failure of term
1.130 Power to adjourn proceedings
1.140 Manner of addressing application or proceeding to court or judge
1.150 Proceedings to be in English; use of abbreviations
1.160 Means to carry jurisdiction into effect; adoption of suitable process or mode of proceeding
1.170 Order for accommodation or supplies for court or jury; expense as county charge

JUDICIAL OFFICERS GENERALLY

1.210 Judicial officer defined
1.220 Judicial officer or partner thereof acting as attorney
1.230 Powers of a judge out of court
1.240 Powers of judicial officers
1.250 Contempt, punishment for
1.260 Powers of judges of Supreme Court and circuit courts; where may be exercised
1.270 Powers of other judicial officers; where may be exercised
1.280 Compliance with rules and orders of Supreme Court

RETIREMENT OF JUDGES

1.310 Involuntary retirement of judges for incapacity
1.314 Retirement based on age; eligibility for retirement pay
1.318 Eligibility for retirement pay when judge defeated for reelection
1.322 Computing length of judge's service

1.326 Retirement procedure
1.328 Compulsory retirement provisions of ORS 1.314 and 1.326 merely directory until Constitution amended
1.330 Voluntary retirement for incapacity
1.340 Retirement pay; widow's pension; administrative expenses
1.350 Judges' Retirement Fund; sources; handling
1.360 Salary deductions and state appropriations for retirement fund
1.370 Repayment of initial appropriation
1.380 Application to judges in office in 1943

JUDICIAL COUNCIL

1.810 Judicial council; membership; officers
1.820 Function of council
1.830 Meetings
1.840 Annual report

CROSS REFERENCES

Attorney is officer of the court, 9.010
Constitutional provisions relating to courts, Const. Art. 1, § 10, Art. VII (A), Art. VII (O)
Court officials, Ch. 8
Disqualification of judge, 14.210, 14.250
Election of judges, 252.010
Judicial power vested in courts, Const. Art. VII (A), § 1, Art. VII (O), § 1
Military courts, 397.505
Temporary appointment and assignment of judges, Const. Art. VII (A), § 2a
Traffic Court Rules Committee, judges as members of, 484.420
Unclaimed property held for owner by state court or public officer, 98.336, 98.302 to 98.436

1.002

Appointment of circuit judges pro tempore, 3.510 to 3.560
Compliance with rules and orders of Supreme Court, 1.280
District court, holding court outside county seat at direction of Supreme Court, 46.300
Temporary reassignment of circuit judges, 3.081
Temporary reassignment of district judges, 46.638

1.006

Administrative assistance, 2.350
Rules relating to Supreme Court library, 9.760
Selection of Chief Justice, 2.045

1.010

Bond to keep the peace, when may be required, 145.040
Judicial power vested in courts, Const. Art. VII (A), § 1, Art. VII (O), § 1
Justices of the peace may be invested with limited judicial powers, Const. Art VII (O), § 1
Power of courts to take testimony and administer oaths and affirmations, 44.320
Rules, power of courts to make:
Circuit courts of certain districts, 3.140, 3.220, 3.380
District courts, 46.280, 46.420
Subpena, disobedience to, punishable as contempt, 44.190
Subpenas, issuance of, 44.110 to 44.230
Writs, jurisdiction of Supreme Court to issue, Const. Art. VII (A), § 2

1.020

Punishment for contempt generally, 33.010 to 33.150

1.040

Courts not to be secret, Const. Art. I, § 10

1.050

Justice to be administered without delay, Const. Art. I, § 10
Written decision, when must be filed, 17.430

1.055

Circuit court terms, Ch. 4
Postponement of term, 1.110
Supreme Court terms, 2.080

1.080

Change of venue, 14.110, 14.120

1.130

Costs on postponement of trial, 20.110
Forcible entry and detainer proceeding, limit on continuance of, 105.140
Postponement of trial because of nonreturn of commission to take depositions, 45.360

1.140

Style of process, 16.760

1.160

Presumption that court acted within jurisdiction, 41.360(16)

1.210

Disqualification of judge, 14.210, 14.250

1.230

Powers of circuit judge at chambers, 3.070

1.240

Bond to keep peace, judge may require, 145.040
Jury duty, judicial officers exempt from, 10.040
Justices of the peace may be invested with limited judicial powers, Const. Art. VII (O), § 1
Magistrates, judges and justices are, 133.030
Power of judges to take testimony and to administer oaths and affirmations, 44.320
Warrant of arrest, power of magistrate to issue, 133.020

1.250

Contempt generally, 33.010 to 33.150
Disobedience to subpena punishable as contempt, 44.190

1.260

Powers of circuit court judge pro tempore, 3.530, 3.540

1.310

Public Employes' Retirement System:
Effect of eligibility under ORS 1.310 to 1.380 on membership in, 237.113
Membership of certain judges continued, 237.013
Removal of judge of Supreme Court, grounds for, Const. Art. VII (O), § 20

1.314

Retired judge as judge pro tempore of Supreme Court, 2.052
Retired judge as circuit judge pro tempore, 3.560

1.328

Mandatory retirement of judges, S.J.R. No. 3, Fiftieth Legislative Assembly (1959)

1.340

Recipients of retirement pay or pension on August 5, 1959, 1959 c.551 §9

1.810

Reimbursement of expenses incurred as member of Judicial Council, 3.060

COURTS

1.002 Administrative supervision by Supreme Court over other courts. The Supreme Court has general administrative authority and supervision over the courts of the state. The Supreme Court may make rules and orders necessary or appropriate to the exercise of its administrative authority and supervision, but this section does not authorize the Supreme Court to make rules of civil or criminal procedure. The Chief Justice of the Supreme Court shall exercise such administrative authority and supervision in accordance with such rules and orders. [1959 c.552 §1]

1.006 Duties of Chief Justice. To facilitate his exercise of administrative authority and supervision under ORS 1.002, the Chief Justice shall:

(1) Conduct studies, make recommendations and issue orders and directions concerning the administrative methods and activities, dockets, business and facilities of the courts of the state, other than the Supreme Court and municipal courts, and of the judges, clerks and other personnel of such courts.

(2) Require necessary or appropriate reports from the judges, clerks and other personnel of such courts.

(3) Collect, compile and publish statistical and other data relating to such courts and make reports on the business and condition of such courts.

(4) Take such other action as may be necessary or appropriate in the furtherance of the administration of justice. [1959 c.552 §3]

1.010 Powers of courts in administration of court business and proceedings. Every court of justice has power:

(1) To preserve and enforce order in its immediate presence.

(2) To enforce order in the proceedings before it, or before a person or body empowered to conduct a judicial investigation under its authority.

(3) To provide for the orderly conduct of proceedings before it or its officers.

(4) To compel obedience to its judgments, decrees, orders and process, and to the orders of a judge out of court, in an action, suit or proceeding pending therein.

(5) To control, in furtherance of justice, the conduct of its ministerial officers, and of all other persons in any manner connected with a judicial proceeding before it, in every matter appertaining thereto.

(6) To compel the attendance of persons to testify in an action, suit or proceeding pending therein, in the cases and manner provided by statute.

(7) To administer oaths in an action, suit or proceeding pending therein, and in all other cases where it may be necessary in the exercise of its powers or the performance of its duties.

1.020 Contempt, punishment for. For the effectual exercise of the powers specified in ORS 1.010, the court may punish for contempt in the cases and the manner provided by statute.

1.025 Duty of court and court officers to require performance of duties relating to administration of justice; enforcement of duty by mandamus. (1) Where a duty is imposed by law upon a court, or upon a judicial officer, clerk, bailiff, sheriff, constable or other officer, which requires or prohibits the performance of an act or series of acts in matters relating to the administration of justice in a court, it is the duty of the judicial officer or officers of the court, and each of them, to require the officer upon whom the duty is imposed to perform or refrain from performing the act or series of acts.

(2) Matters relating to the administration of justice include, but are not limited to, the selection and empaneling of juries as provided in ORS chapters 10 and 132, the conduct of trials as provided in ORS chapter 17, the entry and docketing of judgments as provided in ORS chapter 18 and all other matters touching the conduct of proceedings in courts of this state.

(3) The duty imposed by subsection (1) of this section may be enforced by writ of mandamus. [1957 c.565 §1]

1.030 Seal, what courts have; form; custody; affixing. (1) Each of the following courts, and no other, has a seal:

(a) The Supreme Court.

(b) Each circuit court.

(c) Each county court.

(d) Each district court.

(2) The seals shall have the arms of the state engraved in the center, with the following inscription surrounding the same:

(a) For the Supreme Court, "Supreme Court, State of Oregon."

(b) For the circuit court, "Circuit Court, —— County, State of Oregon," inserting the

name of the particular county.

(c) For the county court, "County Court, ——County, State of Oregon," inserting the name of the particular county.

(d) For the district court, "District Court,——County, State of Oregon," inserting the name of the particular county.

(3) The clerk of the court shall keep the seal, and affix it to any process, transcript, certificate or other paper required by statute. [Amended by 1957 c.246 §1]

1.040 Sittings of court to be public; when may be private. The sittings of every court of justice are public, except that upon the agreement of the parties to a civil action, suit or proceeding, filed with the clerk or entered upon the journal, the court may direct the trial, or any other proceeding therein, to be private; upon such order being made, all persons shall be excluded, except the officers of the court, the parties, their witnesses and counsel.

1.050 Time for decision on submitted questions; certificate of compliance with requirement; penalty for false certificate. Any question submitted to any judge of any court of, or any justice of the peace in, any of the courts of this state, excepting the Supreme Court and the justices thereof, must be decided and the decision rendered within three months after submission, unless prevented by sickness or unavoidable casualty, or the time be extended by stipulation in writing signed by the counsel for the respective parties and filed with the judge before the expiration of said three months. This section is mandatory, and no officer shall sign or issue any warrant for the payment of the salary or any instalment of the salary of any such judge or justice of the peace unless the voucher for such warrant shall contain or be accompanied by a certificate of such judge or justice of the peace that all matters submitted to him for decision three months or more prior to the filing of said voucher have been decided as required herein; and, in case the time has been extended by stipulation in writing, or a decision has been prevented by sickness or unavoidable casualty, said certificate shall state the facts excusing the delay. The making and filing of a false certificate shall be just cause for complaint to the legislature and removal of said judge or justice of the peace.

1.055 Term of court. (1) A term of court is a period of time appointed for the convenient transaction of the business of the court. The existence or nonexistence of a term of court has no effect on the duties and powers of the court.

(2) Notwithstanding that an act is authorized or required to be done before, during or after the expiration of a term of court, it may be done within a reasonable period of time. [1959 c.638 §1]

1.060 Days for transaction of judicial business; business on holidays. The courts of justice may be held and judicial business transacted on any day, except that no court can be opened nor can any judicial business be transacted on any legal holiday in this state for any purpose other than:

(1) To give instructions to a jury then deliberating upon its verdict;

(2) To receive the verdict of a jury, or to discharge a jury in case of its inability to agree upon a verdict; or

(3) For the exercise of the powers of a magistrate in criminal actions or proceedings of a criminal nature.

1.070 When court deemed appointed for next judicial day. If a day appointed for holding a court, or to which it is adjourned, is a legal holiday, the court is deemed appointed for or adjourned to the next judicial day.

1.080 Place of holding court. Every court of justice shall sit at the place designated by law for that purpose, except as provided in ORS 1.090 and 1.100.

1.090 Trial elsewhere than at courthouse on agreement of parties. Upon agreement of the parties to a civil action, suit or proceeding, filed with the clerk or entered upon the journal, the court may direct that the trial or any other proceeding therein, be had elsewhere within the county than at the courthouse.

1.100 Place of holding court in case of calamity or danger. (1) A judge authorized to hold or preside at a court may, by an order filed with the clerk, and published as he may prescribe, direct that the court be held or continued at any other place in the county than that appointed, when war, pestilence or other public calamity, or the danger thereof, may render it necessary; and may, in the same manner, revoke the order, and in his discretion appoint another place in the county for holding the court.

(2) When a court is held at a place appointed as provided by this section, every

person held or required to appear at the court shall appear at the place so appointed.

1.110 Adjournment or postponement when judge does not attend. If no judge attend on the day appointed for holding a court, before 4 p.m., the court shall stand adjourned until the next day at 9 a.m. In case a judge is unable to attend at the time provided by law for a regular term of court, or at the time specified for a special term, the judge may by an order made and signed anywhere in his district postpone such regular or special term until some future time. [Amended by 1959 c.638 §2]

1.120 Proceeding unaffected by vacancy in office or failure of term. No action, suit or proceeding pending in a court of justice is affected by a vacancy in the office of any or all of the judges, or by the failure of a term thereof.

1.130 Power to adjourn proceedings. A court or judicial officer has power to adjourn any proceedings before it or him, from time to time, as may be necessary, unless otherwise expressly provided by statute.

1.140 Manner of addressing application or proceeding to court or judge. An application or other proceeding addressed to a court shall be addressed to it by its style as given by statute; an application or other proceeding addressed to a judicial officer shall be addressed to him by his name, without any other title than his style of office.

1.150 Proceedings to be in English; use of abbreviations. Every writing in any action, suit or proceeding in a court of justice of this state, or before a judicial officer, shall be in English; but common abbreviations may be used.

1.160 Means to carry jurisdiction into effect; adoption of suitable process or mode of proceeding. When jurisdiction is, by the constitution or by statute, conferred on a court or judicial officer, all the means to carry it into effect are also given; and in the exercise of the jurisdiction, if the course of proceeding is not specifically pointed out by the procedural statutes, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of the procedural statutes.

1.170 Order for accommodation or supplies for court or jury; expense as county charge. If the proper authority neglects to provide any court with rooms, furniture, fuel, lights and stationery, suitable and sufficient for the transaction of its business, and for any jury attending upon it, the court may order the sheriff to do so, at the place within the county designated by law for holding such court; and the expense incurred by the sheriff in carrying such order into effect, when ascertained and ordered to be paid by the court, is a charge upon the county.

1.180 to 1.200 [Reserved for expansion]

JUDICIAL OFFICERS GENERALLY

1.210 Judicial officer defined. A judicial officer is a person authorized to act as a judge in a court of justice.

1.220 Judicial officer or partner thereof acting as attorney. Any judicial officer may act as an attorney in any action, suit or proceeding to which he is a party or in which he is directly interested. A judge of the county court or justice of the peace, otherwise authorized by law, may act as an attorney in any court other than the one of which he is judge, except in an action, suit or proceeding removed therefrom to another court for review, but no judicial officer shall, as attorney, institute or cause to be instituted any suit, action or proceeding, or act as attorney in any suit, action or proceeding with or without hire, in any court or otherwise, other than as in this section allowed. No judicial officer shall have a partner who shall practice law or act as attorney in the court over which he presides.

1.230 Powers of a judge out of court. A judge may exercise, out of court, all the powers expressly conferred upon a judge as distinguished from a court, and not otherwise.

1.240 Powers of judicial officers. Every judicial officer has power:

(1) To preserve and enforce order in his immediate presence, and in the proceedings before him, when he is performing a duty imposed upon him by statute.

(2) To compel obedience to his lawful orders, as provided by statute.

(3) To compel the attendance of persons to testify in a proceeding pending before him in the cases and manner provided by statute.

(4) To administer oaths in a proceeding pending before him, and in all other cases

where it may be necessary, in the exercise of his powers and the performance of his duties.

1.250 Contempt, punishment for. For the effectual exercise of the powers specified in ORS 1.240, a judicial officer may punish for contempt, in the cases and manner provided by statute.

1.260 Powers of judges of Supreme Court and circuit courts; where may be exercised. The judges of the Supreme Court and circuit courts have power in any part of the state:

(1) To take and certify:

(a) The proof and acknowledgment of a conveyance of real property, or any other written instrument authorized or required to be proved or acknowledged.

(b) The acknowledgment of satisfaction of a judgment in any court.

(c) An affidavit or deposition to be used in any court of justice or other tribunal of this state.

(2) To exercise any other power and perform any other duty conferred or imposed upon them by statute.

1.270 Powers of other judicial officers; where may be exercised. Every other judicial officer may, within the county, city, district or precinct in which he is chosen:

(1) Exercise the powers mentioned in subsection (1) of ORS 1.260.

(2) Exercise any other power and perform any other duty conferred or imposed upon him by statute.

1.280 Compliance with rules and orders of Supreme Court. The judges, clerks and other personnel of the courts of the state shall comply with all rules and orders made by the Supreme Court under ORS 1.002 and all orders and directions issued by the Chief Justice under ORS 1.006. [1959 c.552 §4]

1.290 to 1.300 [Reserved for expansion]

RETIREMENT OF JUDGES

1.310 Involuntary retirement of judges for incapacity. The Governor, when requested to do so by resolution of the governors of the Oregon State Bar, shall appoint a board of three physicians licensed to practice in Oregon, to examine any judge of the supreme or circuit court for the purpose of determining whether he is permanently incapacitated to perform the duties of his office. The judge shall submit to examination within 20 days of receipt by him of written notice from the Governor. The board shall promptly examine the judge and make a written report of their findings to the Governor. If a majority of the board file a written report that the judge is permanently incapacitated physically or mentally to perform the duties of his office, then the Governor shall have power, if he approves the report, to remove the judge from office and declare the office vacant. If the judge refuses to submit to examination within the time hereinbefore specified the Governor shall declare the office vacant. Any judge retired by the Governor under the provisions of this section, who is eligible for retirement pay under the other provisions of ORS 1.314 to 1.380, shall be entitled to such retirement pay as though he had retired voluntarily.

1.314 Retirement based on age; eligibility for retirement pay. (1) Any judge of the Supreme or circuit court may retire and receive the retirement pay provided in ORS 1.340 if such judge has attained an age and has served in either or both of such courts for an aggregate period, as follows:

(a) 65 years of age and 16 years of service; or

(b) 70 years of age and 12 years of service.

(2) Any judge of the Supreme or circuit court upon reaching 75 years of age shall be retired, and, if he has served as judge in either or both of such courts for an aggregate period of 12 years, may receive the retirement pay provided in ORS 1.340. [1959 c.551 §2 (ORS 1.314, 1.318, 1.322 and 1.326 enacted in lieu of ORS 1.320)]

1.318 Eligibility for retirement pay when judge defeated for reelection. (1) Any judge of the Supreme or circuit court who has served for an aggregate period of 16 years in either or both of such courts and who is defeated for reelection may, upon or at any time after attaining 65 years of age, receive the retirement pay provided in ORS 1.340 if he complies with this section.

(2) Not later than January 15 of the year next following the year in which the judge was defeated for reelection, he shall notify the Secretary of State in writing that he intends to contribute to the Judges' Retirement Fund. With such notice he shall send to the Secretary of State a sum equal to five percent of the monthly salary he was receiving at the time of his defeat for reelection. Prior to February 1 of the year next

following the year in which he was defeated for reelection and prior to the first day of each month thereafter, he shall send to the Secretary of State a sum equal to five percent of the monthly salary he was receiving at the time of his defeat for reelection, except that the duty to contribute shall cease when the judge becomes eligible for retirement pay under subsection (1) of this section. All such contributions shall be paid into the fund.

(3) A judge contributing to the fund under this section has the privilege of prepaying the amount due in any month.

(4) The Secretary of State shall grant a period of 30 days grace for the making of any contribution required under subsection (2) of this section where it appears that the failure to make the contribution was due to mistake, inadvertence or circumstances beyond the control of the judge. Failure of a judge to make any contribution on time, or within a period of grace granted by the Secretary of State, shall disqualify him from eligibility to receive retirement pay; and all amounts contributed by him to the fund shall be retained in the fund.

(5) Upon or after attaining 65 years of age, the judge may apply for retirement pay in the manner provided in ORS 1.326. [1959 c.551 §3 (ORS 1.314, 1.318, 1.322 and 1.326 enacted in lieu of ORS 1.320)]

1.320 [Amended by 1955 c.496 §1; repealed by 1959 c.551 §1 (ORS 1.314, 1.318, 1.322 and 1.326 enacted in lieu of ORS 1.320)]

1.322 Computing length of judge's service. In computing the length of a judge's service, the periods of time which he has served in the Supreme and circuit court shall be added together. Periods of time served as a judge pro tempore by a person who is not a regularly elected or appointed judge of the Supreme or circuit court shall be excluded in computing service. For the purposes of ORS 1.310 to 1.380, a person who is a regularly elected or appointed judge of the Supreme or circuit court and who serves temporarily in some other court shall during the period of such temporary service be deemed to be serving in the court to which he was regularly elected or appointed. [1959 c.551 §4 (ORS 1.314, 1.318, 1.322 and 1.326 enacted in lieu of ORS 1.320)]

1.326 Retirement procedure. (1) A judge desiring to retire under subsection (1) of ORS 1.314 or under ORS 1.318 shall file with the Secretary of State a verified notice stating his intention to retire and the facts making him eligible for retirement pay. If the Secretary of State ascertains that the judge is eligible for retirement pay, he shall so certify to the State Treasurer. If a vacancy is created by the judge's retirement, the Secretary of State shall so certify to the Governor, who shall thereupon declare the office vacant.

(2) When the Secretary of State ascertains that a judge has reached the age of retirement, as provided in subsection (2) of ORS 1.314, he shall so certify to the Governor and shall also certify whether a vacancy will be created by the judge's retirement. The Governor shall thereupon declare the judge's retirement and, if a vacancy is created, declare the office vacant. If the judge so retired is eligible for retirement pay, he may apply therefor as provided in subsection (1) of this section. [1959 c.551 §5 (ORS 1.314, 1.318, 1.322 and 1.326 enacted in lieu of ORS 1.320)]

1.328 Compulsory retirement provisions of ORS 1.314 and 1.326 merely directory until Constitution amended. (1) Until the effective date of an amendment to the Oregon Constitution authorizing the Legislative Assembly to provide by law for the mandatory retirement of judges, the provisions of subsection (2) of ORS 1.314 and subsection (2) of ORS 1.326 shall be construed as directory rather than mandatory, but thereafter the subsections shall be construed as mandatory.

(2) When the provisions of subsection (2) of ORS 1.314 and subsection (2) of ORS 1.326 become mandatory, as provided in subsection (1) of this section, such provisions shall not affect the term to which any judge shall have been elected or appointed prior to or at the time of approval and ratification of the amendment to the Oregon Constitution referred to in subsection (1) of this section. [1959 c.551 §§10, 11]

1.330 Voluntary retirement for incapacity. Any judge of the supreme or circuit court who has served as a judge of either or both of such courts for not less than six consecutive years, and who believes he has become permanently incapacitated physically or mentally to perform the duties of his office, may file with the Governor a written application for retirement with a sworn statement of his tenure and of his incapacity.

The Governor thereupon shall appoint three physicians licensed to practice in Oregon, who promptly shall examine the applicant and report their findings in writing to the Governor. If a majority of such physicians file a written report that in their opinion the judge has become permanently incapacitated physically or mentally to perform the duties of his office, and if the Governor approves the report, he shall file the report, with his approval indorsed thereon, with the Secretary of State, and, from the date of such filing, the applicant shall be retired from office and shall be entitled to the benefits of ORS 1.340 to the same extent as if he had retired under the provisions of ORS 1.314 to 1.326.

1.340 Retirement pay; widow's pension; administrative expenses. (1) Every judge or former judge of the supreme or circuit court who is qualified under ORS 1.310 to 1.330 for retirement pay shall be entitled to receive monthly during the period of his natural life out of the Judges' Retirement Fund, an amount equal to one-half of the monthly salary he was receiving as a judge at the time of his retirement, or at the time of his defeat for reelection if his claim for retirement pay is based upon ORS 1.318, to be paid to all such judges by warrant of the Secretary of State following the end of each month on or before the tenth day of the month following.

(2) The widow of any judge or former judge who at the time of his death was contributing to the Judges' Retirement Fund or was eligible to receive retirement pay from the fund, and who for a period of not less than six consecutive years served as judge of the supreme or circuit court, shall receive a monthly pension based upon the monthly salary her husband was receiving as a judge at the time of his retirement, at the time of his defeat for reelection if he retired or was eligible for retirement under ORS 1.318, or at the time of his death in office, as the case may be, according to the following schedule:

Service of judge in years	Pension of widow (percentage of monthly salary of judge)
More than 6, but not more than 8	5%
More than 8, but not more than 10	10%
More than 10, but not more than 12	15%
More than 12, but not more than 14	20%
More than 14	25%

(3) The widow's pension as provided in subsection (2) of this section shall be paid to her monthly by warrant of the Secretary of State drawn on the Judges' Retirement Fund. The first payment shall be made between the first and tenth days of the month following the date of death of her husband and a like monthly payment shall be paid to her on or before the tenth day of each month thereafter so long as she lives and remains unmarried.

(4) The widow of any judge or former judge of the supreme or circuit court who is not entitled to a widow's pension as provided in subsection (2) of this section shall receive an amount equal to the aggregate deductions from the salary of the judge as provided in ORS 1.360, without interest. Such amount shall be paid in a lump sum to the widow by warrant of the Secretary of State drawn on the Judges' Retirement Fund.

(5) The expense of medical examinations, as provided in ORS 1.310 and 1.330, and other administrative expenses shall be paid out of the Judges' Retirement Fund. [Amended by 1953 c.529 §5; 1955 c.496 §2; 1955 c.511 §1; 1959 c.551 §6]

1.350 Judges' Retirement Fund; sources; handling. There hereby is created a "Judges' Retirement Fund," which shall consist of the moneys appropriated from the General Fund in the State Treasury by section 1, chapter 294, Oregon Laws 1943, and by law from time to time thereafter and by ORS 1.360, the deductions from salaries of judges as provided in ORS 1.360, the contributions made as provided in ORS 1.318, all gifts and donations to the fund, and the rents, issues and profits thereof or proceeds of sales of assets thereof. The State Treasurer shall be the custodian of the fund and shall make disbursements therefrom upon warrants drawn by the Secretary of State as provided in ORS 1.340 and in this section. The treasurer shall keep written permanent records showing all receipts and disbursements of the fund and shall annually file a copy thereof with the Governor. The treasurer shall receive no compensation for his services hereunder other than his salary as State Treasurer. He shall keep the assets of the fund separate from his other funds and may invest any

part thereof in the same manner as other state funds. [Amended by 1959 c.551 §7]

1.360 Salary deductions and state appropriations for retirement fund. (1) Except as provided in subsection (2) of this section, for the purpose of providing moneys in the Judges' Retirement Fund, five percent shall be deducted by the Secretary of State from the monthly salary received from the state by each judge of the Supreme Court and each judge of the circuit court and paid into the fund by the Secretary of State. A sum equal to three percent of the combined salaries of the judges of the Supreme Court and the judges of the circuit court shall be drawn from the General Fund of the State Treasury and paid monthly into the Judges' Retirement Fund, which amount hereby is appropriated out of money in the General Fund not otherwise appropriated. Whenever there is insufficient money in the fund to meet the retirement payments, the additional amount necessary shall be withdrawn from the General Fund and placed in the Judges' Retirement Fund. The deductions and withdrawals shall be made on or before the tenth day of each month. Upon the death of any judge either during his term of office or after his retirement, all his rights in the fund shall terminate and no right or interest therein shall pass to his estate. No right or interest in the fund of any widow entitled to a pension as provided in ORS 1.340 shall survive her death or remarriage.

(2) No deduction shall be made from the salary of any judge who, by reason of the age at which he became a judge, cannot become eligible for retirement pay under the provisions of subsection (2) of ORS 1.314, but neither such a judge nor his widow is entitled to any benefit under ORS 1.314 to 1.340. [Amended by 1953 c.529 §5; 1959 c.551 §8]

1.370 Repayment of initial appropriation. If at any time the State Treasurer shall determine that the moneys in the Judges' Retirement Fund are sufficient so that the appropriation made by section 9, chapter 294, Oregon Laws 1943, can be returned to the General Fund and that the moneys remaining in said fund are ample to assure prompt and continuous payment of the full amount to which judges shall be entitled under ORS 1.310 to 1.380, then there shall be repaid from said Judges' Retirement Fund into the General Fund in the State Treasury the sum of $10,000.

1.380 Application to judges in office in 1943. (1) ORS 1.310 to 1.370 do not apply to any judge with respect to any unexpired term to which he was elected or appointed prior to June 9, 1943, unless such judge, within 60 days after June 9, 1943, filed with the Secretary of State a written notice and declaration that he desired to take advantage of chapter 294, Oregon Laws 1943, and consented that three percent of his salary might thereafter be deducted and paid into the Judges' Retirement Fund, but ORS 1.310 to 1.370 do apply to all judges of said courts for all terms to which such judges were or are elected or appointed after June 9, 1943.

(2) Any person deemed to have retired under the provisions of the second paragraph of section 2, chapter 294, Oregon Laws 1943, as amended by section 1, chapter 315, Oregon Laws 1949, shall receive retirement pay in the amount and under the terms prescribed in that paragraph, which is continued in force for this purpose.

1.390 to 1.800 [Reserved for expansion]

JUDICIAL COUNCIL

1.810 Judicial council; membership; officers. There hereby is created and established the Judicial Council of the State of Oregon. The council shall consist of all the judges of the Supreme Court and the circuit courts. The Chief Justice shall be chairman of the council and shall have power to invite any persons not members of the council to attend the meetings of the council and consult with it in the performance of its duties. The administrative assistant to the Chief Justice shall act as executive secretary of the council. [1955 c.470 §1; 1959 c.552 §12]

1.820 Function of council. The council shall make a continuous survey and study of the organization, jurisdiction, procedure, practice and methods of administration and operation of the various courts of the state. [1955 c.470 §2]

1.830 Meetings. The council shall meet at such time as shall be designated by its chairman, not less than once annually. [1955 c.470 §3]

1.840 Annual report. The council shall report annually to the Governor with respect to such matters, including recommendations for legislation, as it may wish to bring to the attention of the Governor or of the legislature. [1955 c.470 §4; 1959 c.552 §13]

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 November 1, 1959.

Sam R. Haley
Legislative Counsel