This Chapter I was amended in 1967, subject to constitutional amendment, which took effect in 1968 and inserted into the Code in 1968. See original 1967 version supra.

TITLE 1

COURTS OF RECORD; COURT OFFICERS; JURIES

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2. Supreme Court
3. Circuit Courts Generally
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Chapter 1

1968 REPLACEMENT PART

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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 and the Oregon Tax 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.

1968 version. See note at head of this chapter.

(c) For the Oregon Tax Court, "Oregon Tax Court, State of Oregon."

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

(e) 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; 1961 c.533 §35]

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.

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

1968 version. See note at head of this chapter.

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, Tax Court and circuit courts; where may be exercised. The judges of the Supreme Court, the Oregon Tax Court and the 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.

[Amended by 1963 c.423 §1]

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 Leaves of absence. (1) As used in this section, unless the context requires otherwise, "judge" means any judge of the Supreme Court, the Oregon Tax Court, any circuit court or any district court, but does not include any person appointed by the Supreme Court as judge pro tempore of any of those courts who does not hold the elective office of judge of any of those courts.

(2) Upon receipt of the written application of any judge, the Supreme Court may grant the judge a leave of absence without salary for a period of not more than one year. The Supreme Court may grant a leave of absence only if the court is satisfied that the administration of justice in Oregon will be enhanced by granting the leave. Application for a leave of absence is considered a waiver of salary by the applicant for the period of time he is absent under the leave granted by the court.

(3) A leave of absence shall be granted by order of the Supreme Court. The order shall state the maximum period of time for which the leave is granted. Promptly after the granting of the leave, the Clerk of the Supreme Court shall cause a certified copy of the order granting the leave to be sent to the Secretary of State and the Public Employes' Retirement Board.

(4) At the termination of his leave of absence under this section, unless he sooner dies or resigns, a judge shall resume the duties of his office and cause written notice of the resumption to be sent to the Supreme Court, the Secretary of State and the Public Employes' Retirement Board. The resumption and sending notice thereof constitutes a termination of the leave whether or not the full maximum period of time granted has expired.

(5) Absence on leave by a judge under this section does not create a vacancy in the office to which he was elected or appointed, nor is the judge subject to removal as a consequence thereof.

(6) Any period of time for which a judge is on leave of absence under this section shall be included in computing the length of his service for the purposes of ORS 1.310 to 1.380, if, within 30 days after the expiration of such period of time, the judge (if he is a judge whose salary is subject to deductions under ORS 1.360) shall cause to be deposited in the Judges' Retirement Fund an amount equal to that which would have been deducted from his salary under ORS 1.360 if he had received salary during the period of time he was on leave of absence.

(7) Within 30 days after the resumption of the duties of his office as provided in subsection (4) of this section, a judge whose salary is subject to deductions under ORS 1.360 shall cause to be deposited in the Judges' Retirement Fund an amount equal to that which would have been deducted from

his salary under ORS 1.360 if he had received salary during the period of time he was on leave of absence. If the judge fails to deposit that amount within that time, the Secretary of State shall deduct that amount from the monthly salary received from the state by the judge until the full amount that the judge failed to deposit has been deducted, and pay that amount into the Judges' Retirement Fund. For the purposes of ORS 1.310 to 1.380, except as otherwise provided in this section, the amount deposited by the judge or deducted from his salary is considered a deduction under ORS 1.360. An amount equal to the amount deposited by the judge shall be drawn from the General Fund of the State Treasury and paid into the Judges' Retirement Fund, which amount hereby is appropriated out of the money in the General Fund not otherwise appropriated.

(8) Absence on leave under this section by a judge who is a member of the Public Employes' Retirement System under ORS 237.001 to 237.315 does not break the continuity of his membership in the system.
[1965 c.12 §1]

RETIREMENT OF JUDGES

1.310 Involuntary retirement of judges for disability. (1) As used in this section:

(a) "Judge" includes any judge of the Supreme Court, the Oregon Tax Court, or of any circuit or district court, of the State of Oregon.

(b) "Subject judge" means any judge whose alleged disability is involved in proceedings under this section.

(c) "Disabled" means so incapacitated physically or mentally as to be unable to discharge the duties of judicial office.

(d) "Chief Justice" means the Chief Justice of the Supreme Court of Oregon; except that, if the Chief Justice is the subject judge, then the term "Chief Justice" means the one of the remaining judges of the Supreme Court who has served the longest period of time as a judge of that court.

(e) "Resignation" has its usual meaning, but, with respect to a judge of the Supreme or circuit court, or the Oregon Tax Court, it includes also the filing of a written application for retirement under ORS 1.330.

(2) Any judge who becomes disabled may be retired in the manner provided in this section. The Governor, the Judicial Council or the Board of Governors of the Oregon State Bar may file at any time with the Secretary of State a written request for an investigation to determine whether a judge named in such request is disabled. Upon receipt of such request, the Secretary of State shall transmit to the subject judge a certified copy of such request, with a notice to the effect that, unless such judge files his resignation within 45 days from the date of the notice, an investigation will be made to determine whether he is disabled. Such certified copy and notice shall be served on the subject judge, either by delivering them to him in person or by transmitting them by registered mail to him at his last residence address as shown in the records of the Secretary of State.

(3) If the subject judge fails to file his resignation within 45 days from the date of said notice, the Secretary of State, within 10 days after the expiration of that period, shall transmit to the Chief Justice, the Governor and the President of the Oregon State Bar certified copies of said request and notice, with his certificate to the effect:

(a) That he had served the notice and copy of the request on the subject judge as provided in subsection (2) of this section; and

(b) That the judge had not filed his resignation.

(4) Upon receipt of the certified copies and certificate referred to in subsection (3) of this section, the Chief Justice, the Governor and the President of the Oregon State Bar shall each appoint a member of a special commission, consisting of three active members of the Oregon State Bar, who shall make the requested investigation and, after hearing, determine whether the subject judge is disabled. The commission shall prepare an official record which shall include the testimony taken and the exhibits considered. If the subject judge refuses or is unable to attend, the commission may proceed with the hearing in his absence.

(5) If a majority of the members of the commission shall determine that the subject judge is in fact disabled, they shall make and sign written findings of fact upon which the determination is made and transmit them to the Secretary of State. If no appeal is filed, the office of such judge shall become vacant 10 days from the filing of such findings; and thereupon the Secretary of State shall certify to the Governor the existence of such vacancy. If a majority of the members of the commission do not find that the subject

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judge is disabled, they shall sign and file with the Secretary of State a written report to that effect, and thereupon the proceeding shall terminate. Such report, or a finding that the subject judge is disabled, shall be so filed with the Secretary of State within 45 days from the date of appointment of the commission, or within such further time as may be fixed by the Chief Justice.

(6) The member of the commission who is appointed by the Chief Justice shall be the chairman. The commission may prescribe rules of procedure for the conduct of the investigation and fix the time and place of the hearing, giving the subject judge due notice thereof. Any member of the commission may administer oaths, take depositions and issue subpenas for the attendance of witnesses and for the production of documents. If any person fails to comply with any such subpena or refuses to testify on any matter deemed by the commission to be relevant and material, the circuit court for the county in which the hearing is held may, upon request of the commission, compel obedience in the manner provided in ORS 33.010 to 33.150. The fees and mileage allowance of witnesses, including experts, shall be fixed by the commission.

(7) The subject judge shall have the right to challenge peremptorily the first member of the commission appointed by each of the appointing officials. This right shall not extend, however, to any subsequent appointment made after such challenge.

(8) Any judge retired under the provisions of this section, who is eligible for retirement pay under the provisions of ORS 1.314 to 1.380, shall be entitled to such retirement pay as though he had retired voluntarily.

(9) No judge retired under the provisions of this section shall be appointed as judge pro tempore to serve upon any court of the State of Oregon.

(10) The subject judge may appeal to the Supreme Court from a determination by the commission that he is disabled, by filing a notice with the Secretary of State within 10 days after the date of filing of the written findings of fact by the commission. The Secretary of State shall thereupon notify the commission and the Chief Justice. The commission shall forthwith transmit the official record to the Supreme Court, which upon receipt of such record shall have full jurisdiction of the proceeding.

(11) The Supreme Court shall review the proceeding de novo on the record with authority to affirm, reverse or annul the determination. Prior to such final determination, remand may also be made to the commission for additional findings of fact. In the event that the Supreme Court reverses or annuls the determination of the commission, the proceeding shall thereupon terminate and notice to that effect shall be filed with the Secretary of State. If the determination of the commission is affirmed, a decision to that effect shall be filed with the Secretary of State and the office of the subject judge shall forthwith become vacant. Thereupon, the Secretary of State shall certify to the Governor the existence of such vacancy.

[Amended by 1963 c.488 §1; 1965 c.394 §1]

1.314 Retirement based on age; eligibility for retirement pay. (1) Any judge of the Supreme or circuit court, or the Oregon Tax Court, may retire and receive the retirement pay provided in ORS 1.340 if such judge has attained an age and has served in 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 either 12 years of service or two full six-year terms.

(2) Any judge of the Supreme or circuit court, or the Oregon Tax Court, shall be retired at the end of the calendar year in which he attains the age of 75 years, and, if he has served as judge in such courts for an aggregate period of 12 years or two full six-year terms, 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); 1961 c.568 §1; 1963 c.592 §1; 1965 c.394 §2]

1.318 Eligibility for retirement pay when judge ceases to hold office. (1) Any judge of the Supreme or circuit court, or the Oregon Tax Court, who has served for an aggregate period of 16 years in such courts and who ceases to hold such judicial office before attaining 65 years of age 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 15 days after the date such judge ceased to hold such judicial office, he shall notify the Public Employes' Retirement Board in writing that he intends to contribute to the Judges' Retirement Fund.

With such notice he shall send to the retirement board his contributions to the fund for the balance of the month next following the date he ceased to hold such judicial office and for the next following month. Thereafter, he shall send to the retirement board before the first day of the month his contribution to the fund for the month. His contributions to the fund shall be computed on the basis of seven percent of the monthly salary he was receiving next before he ceased to hold such judicial office. His 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 retirement board 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 retirement board, 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); 1961 c.568 §2; 1963 c.464 §3; 1965 c.394 §3]

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, or the Oregon Tax 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, or the Oregon Tax 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, or the Oregon Tax 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); 1965 c.394 §4]

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 Public Employes' Retirement Board a verified notice stating his intention to retire and the facts making him eligible for retirement pay. If a vacancy is created by the judge's retirement, the retirement board shall so certify to the Governor, who shall thereupon declare the office vacant.

(2) When the retirement board ascertains that a judge has reached the age of retirement, as provided in subsection (2) of ORS 1.314, it 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); 1963 c.464 §4]

1.328 [1959 c.551 §§10, 11; repealed by 1961 c.568 §5]

1.330 Voluntary retirement for incapacity. Any judge of the Supreme or circuit court, or the Oregon Tax Court, who has served as a judge of such courts for not less than six consecutive years or one full six-year term, 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 Public Employes' Retirement Board, 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.

[Amended by 1961 c.568 §3; 1963 c.464 §5; 1965 c.394 §5]

968 version. See note at
ead of this chapter.

1.340 Retirement pay; surviving spouse's pension; administrative expenses. (1) Every judge or former judge of the Supreme or circuit court, or the Oregon Tax 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-twelfth of the amount set forth in the following schedule:

Supreme Court judge	$9,500
Circuit court or Tax Court judge	$8,250

to be paid to all such judges on or before the tenth day of each month following the date of such retirement. The first payment shall be computed on a pro rata basis from the date of retirement to the end of that month.

(2) No increase shall be made in the amounts set forth in the schedule under subsection (1) of this section without an actuarial report of the cost and effect of any proposed change.

(3) Any judge whose claim for retirement pay is based upon ORS 1.318 shall be entitled to receive monthly during the period of his natural life out of the Judges' Retirement Fund, an amount equal to one-twelfth of the amount set forth in the schedule under subsection (1) of this section in accordance with the law in effect at the time he ceases to hold judicial office.

(4) Except as otherwise provided in subsections (6) and (7) of this section, the surviving spouse 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 or one full six-year term served as judge of the Supreme or circuit court, or the Oregon Tax Court, shall receive a monthly pension in an amount equal to one-twelfth of the amount set forth in the following schedule:

Service of judge in years	Pension of surviving spouse	
	Tax Court	
	Circuit	Supreme
More than 14	$3,630 (Basic amount)	$4,180 (Basic amount)
More than 12, but not more than 14	80% of basic amount	80% of basic amount
More than 10, but not more than 12	60% of basic amount	60% of basic amount
More than 8, but not more than 10	40% of basic amount	40% of basic amount
Six, or one full six-year term, or more, but not more than 8	20% of basic amount	20% of basic amount

(5) No increase shall be made in the amounts set forth in the schedule under subsection (4) of this section without an actuarial report of the cost and effect of any proposed change.

(6) Except as may otherwise be provided by a judge's election to provide an additional pension to his surviving spouse under subsection (7) of this section, the pension to a surviving spouse under subsection (4) of this section shall apply without adjustment only in case the surviving spouse is not more than three years younger than the deceased judge. In all cases of a surviving spouse more than three years younger than a deceased judge, the pension shall be automatically adjusted to a pension actuarially equivalent to the unadjusted pension that would be payable to a surviving spouse not more than three years younger than the deceased judge.

(7) At any time after commencing contributions to the Judges' Retirement Fund but not later than 30 days before the date on which the first payment on account of retirement is due, a judge may elect to provide an addition to the pension to a surviving spouse provided under subsection (4) of this section, by selecting a reduced retirement benefit for himself. Such additional pension to the surviving spouse shall be actuarially equivalent to the reduction in the judge's retirement benefit and, in no event, when added to the pension provided under subsection (4) of this section, shall it exceed the reduced retirement benefit elected by the judge.

(8) The pension of the surviving spouse as provided in subsection (4) of this section shall be paid monthly. The first payment shall be made between the first and tenth days of the month following the date of death of the spouse and a like monthly payment shall be paid on or before the tenth day of each month thereafter so long as the surviving spouse lives and remains unmarried.

(9) The surviving spouse of any judge or

former judge of the Supreme or circuit court, or the Oregon Tax Court, who is not entitled to a pension as provided in subsection (4) 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 surviving spouse.

(10) 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; 1961 c.568 §4; 1963 c.464 §6; 1965 c.394 §6]

1.345 [1961 c.702 §5; repealed by 1963 c.464 §10]

1.350 Judges' Retirement Fund; sources. There hereby is created a "Judges' Retirement Fund," which shall consist of:

(1) Moneys appropriated from the General Fund in the State Treasury:

(a) In the sum of $183,000 each biennium, commencing with the 1963-65 biennium and ending with the 1993-95 biennium, and such sum hereby is appropriated for each such biennium commencing on the first day of each such biennium;

(b) By law from time to time; and

(c) By ORS 1.360.

(2) The deductions from salaries of judges as provided in ORS 1.360.

(3) The contributions made as provided in ORS 1.318.

(4) All gifts and donations to the fund, and the rents, issues and profits thereof or proceeds of sales of assets thereof.

[Amended by 1959 c.551 §7; 1963 c.464 §7]

1.355 Nature of retirement fund; handling. (1) The Judges' Retirement Fund hereby is declared to be a trust fund for the uses and purposes set forth in ORS 1.310 to 1.380, and for no other use or purpose, except that this provision shall not be deemed to amend or impair the force or effect of any law of this state specifically authorizing the investment of moneys from the fund. For all purposes the Public Employes' Retirement Board established by ORS 237.251 hereby is declared to be the trustee of the fund.

(2) The State of Oregon has no proprietary interest in the fund or in the contributions made to the fund by the state. The state disclaims any right to reclaim such contributions and waives any right of reclamation it may have in such fund.

(3) The Public Employes' Retirement Board may accept gifts of money or other property from any source, given for the uses and purposes of the fund. Money so received shall be paid into the fund. Money or other property so received shall be used for the purposes for which received. Unless otherwise prescribed by the source from which the money or other property is received, such money shall be considered as income of the fund and such other property shall be retained, managed and disposed as are investments of the fund.

(4) All moneys paid into the fund shall be deposited with the State Treasurer, who shall be custodian of the fund and pay all warrants drawn on it in compliance with law. No such warrant shall be paid until the claim for which it is drawn is first approved by the executive secretary of the Public Employes' Retirement Board and otherwise audited and verified as required by law; provided, that the Public Employes' Retirement Board may direct that the executive secretary each month prepare, certify and transmit to the Secretary of State a roll of retirement and pension benefits, showing the names of the various beneficiaries and the amount due to each of them for the month; and the Secretary of State hereby is authorized and directed to audit such roll duly certified by the executive secretary and to draw his warrant on the State Treasurer for the aggregate amount thereof, payable to the executive secretary of the Public Employes' Retirement Board, who immediately shall pay over the money thereby received to the several beneficiaries thereto entitled as certified in such roll. In the absence of the executive secretary, these duties may be performed by his assistant designated by the Public Employes' Retirement Board.

(5) All assets of the Judges' Retirement Fund hereby are transferred to the Public Employes' Retirement Board.

(6) The Public Employes' Retirement Board shall keep a separate account for the assets and prorated earnings of the Judges' Retirement Fund, and for investment purposes the moneys in the Judges' Retirement Fund shall be commingled with those of the Public Employes' Retirement Fund and shall be invested in the same manner as moneys of the Public Employes' Retirement Fund are invested.

[1963 c.464 §2]

1968 version. See note at head of this chapter.

1.360 Salary deductions and state appropriations for retirement fund. (1) Except as provided in subsections (2) and (3) of this section, for the purpose of providing moneys in the Judges' Retirement Fund, seven percent shall be deducted by the Secretary of State from the monthly salary received from the state by each judge of the Supreme Court, judge of the Oregon Tax Court, and each judge of the circuit court and paid into the fund by the Secretary of State. A sum equal to seven percent of the combined salaries of the judges of the Supreme Court, judge of the Oregon Tax 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 retirement payments based on obligations vested as of September 2, 1963, 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 surviving spouse entitled to a pension as provided in ORS 1.340 shall survive his 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 surviving spouse is entitled to any benefit under ORS 1.314 to 1.340.

(3) No deduction shall be made from the salary of any judge who is appointed to the Supreme or circuit court, or the Oregon Tax Court, from the district court and who, by reason of the age at which he became a Supreme or circuit court judge, or judge of the Oregon Tax Court, cannot become eligible for retirement pay under the provisions of subsection (2) of ORS 1.314. Such judge shall retain his membership in the Public Employes' Retirement System under ORS 237.001 to 237.315.

[Amended by 1953 c.529 §5; 1959 c.551 §8; 1961 c.702 §1; 1963 c.464 §8; 1965 c.394 §7]

1.370 [Repealed by 1963 c.464 §10]

1.380 Application to judges in office in certain years. (1) ORS 1.310 to 1.360 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 1.360 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.

(3) The schedules in subsections (1) and (4) of ORS 1.340 do not apply to:

(a) Retirement pay of judges retired prior to July 1, 1961; and

(b) Pensions payable to surviving spouses of judges deceased prior to July 1, 1961.

In these cases, retirement pay and pensions to surviving spouses hereby are ratified and approved and shall be paid in the same amounts and manner as paid on and prior to June 30, 1961.

(4) The schedules in subsections (1) and (4) of ORS 1.340 do not apply to pensions that may become payable to a surviving spouse of any judge retired prior to July 1, 1961, who dies after that date. In such case the pension to the surviving spouse shall be paid in accordance with the law in effect on June 30, 1961.

(5) Except as may otherwise be provided in subsections (2), (3) and (4) of this section, the schedules in subsections (1) and (4) of ORS 1.340 do apply, effective as of July 1, 1961, with respect to any retirement pay to a judge who retires on or after that date, to the pension payable to a surviving spouse of a judge who dies on or after that date and prior to his retirement, and to a pension paid to a surviving spouse of a judge retired on or after July 1, 1961.

(6) In the calculation of any pension payable to a surviving spouse commenced between July 1, 1961, and September 2, 1963, that calculation will govern, whichever produces the larger monthly pension to the surviving spouse, under the provisions of law in effect on June 30, 1961, or under the schedule in subsection (4) of ORS 1.340.
[Amended by 1963 c.464 §9]

COMMISSION ON JUDICIAL FITNESS

1.410 Commission on Judicial Fitness; term; Senate confirmation. (1) There is created the Commission on Judicial Fitness consisting of:

(a) Three judges appointed by the Supreme Court;

(b) Three persons appointed by the Board of Governors of the Oregon State Bar from among persons admitted to practice law in this state; and

(c) Three persons appointed by the Governor who are not qualified under either paragraph (a) or (b) of this subsection.

(2) The term of a member is six years, but whenever a member ceases to meet the qualifications under which he was appointed, his membership shall end. Before the expiration of the term of a member, his successor shall be appointed to perform the functions of a member on the day next following expiration of the term of the member. In case of a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for a six-year term.

(3) Appointments by the Governor are subject to confirmation by the Senate by the affirmative vote of two-thirds of the Senators voting on the confirmation, a quorum being present. If the appointment is made in the interim between legislative sessions, the Senate shall act pursuant to ORS 171.560.
[1967 c.294 §2]

1.415 Powers and duties of commission. The Commission on Judicial Fitness may:

(1) Subject to the State Civil Service Law, appoint such subordinates and employes as the commission considers necessary to carry out the duties and powers vested in the commission.

(2) Request the assistance of and compensate expert witnesses and special counsel.

(3) By its chairman or vice chairman, take and preserve testimony and administer oaths to witnesses on any matter within its jurisdiction.

(4) Upon majority vote of its members or upon request of the judge whose conduct is subject to a hearing under ORS 1.420, its chairman or vice chairman shall issue any processes necessary to compel the attendance of witnesses and the production of any books, papers, records or documents as may be required.

(5) The commission shall adopt rules of procedures governing proceedings under ORS 1.420.
[1967 c.294 §10]

1.420 Investigation; hearings; masters; recommendation; rules of procedure. (1) Upon complaint from any person concerning the conduct of a judge or upon request of the Supreme Court, and after such investigation as the Commission on Judicial Fitness considers necessary, the commission may:

(a) Hold a hearing pursuant to subsection (2) of this section, to inquire into the conduct of the judge; or

(b) Request the Supreme Court to appoint three qualified persons to act as masters and to report to the commission on the conduct of the judge.

(2) The commission shall adopt rules of procedure governing all proceedings under this section. The hearings shall be private unless the judge whose conduct is subject of the hearing requests a public hearing. The judge shall have the right to be present and to be heard, to be represented by counsel and to present through witnesses any competent testimony relevant to the issue. Counsel shall have the right to cross-examine witnesses.

(3) If masters are appointed, they shall conduct a hearing pursuant to subsection (2) of this section and maintain a record on the matter referred to them.

(4) If, after hearing or after considering the record and report of the masters, the commission finds that the conduct of the judge justifies removal from office, the commission shall recommend to the Supreme Court the removal of the judge.

(5) During the pendency of any proceedings under this section, the Supreme Court by order may disqualify the judge whose conduct is the subject of such proceedings from exercising any judicial function.
[1967 c.294 §6]

1.430 Supreme Court review; order of removal; effect. (1) The Supreme Court shall review the record of the proceedings under ORS 1.420 on the law and facts and

1968 version. See note at head of this chapter.

may receive additional evidence. The Supreme Court may order the judge removed from office.

(2) Upon an order for removal, the judge shall be removed from office and his salary shall cease and his office is vacant on the date of such order.
[1967 c.294 §7]

1.440 Status of records of proceedings under ORS 1.420. (1) Papers filed in proceedings under ORS 1.420 are not public records. Papers filed and testimony given in such proceedings are considered privileged communications except in judicial proceedings directly connected with the administration of ORS 1.410 to 1.480. The record filed by the Commission on Judicial Fitness with the Supreme Court becomes a public record upon such filing.

(2) Members of the Commission on Judicial Fitness, masters appointed pursuant to ORS 1.420 and all subordinates and employes of the commission shall not disclose or use the contents of any records, files, papers or communications filed with or made to any of them in their official capacity for purposes other than those directly connected with the administration of ORS 1.410 to 1.480.
[1967 c.294 §8]

1.450 Status of testimony in proceedings under ORS 1.420. Any testimony given by a witness compelled to appear before the Commission on Judicial Fitness or the masters appointed pursuant to ORS 1.420 shall not be used against him in any criminal action or proceeding, nor shall any criminal action or proceeding be brought against such witness on account of any testimony so given by him, except for perjury committed before the commission or the masters.
[1967 c.294 §14]

1.460 Judge not to participate in proceedings involving self except in defense. A judge who is a member of the Commission on Judicial Fitness or of the Supreme Court or who acts as a master under ORS 1.420 shall not participate in any proceedings involving his own conduct except in his own defense.
[1967 c.294 §9]

1.470 Service of process; proof; return; witness fees. (1) Process issued by the commission or by the chairman and vice chairman of the commission shall be served by the sheriff of the county where the person to whom it is directed is found, or by any competent person 21 years of age or older who is a resident of this state, in the manner prescribed for the service of a summons upon a defendant in a civil proceedings. The process shall be returned to the authority issuing it within 10 days after its delivery to the person for service, with proof of service or proof that the person cannot be found. A person other than an officer making service shall give proof thereof by his affidavit in the same manner as ORS 15.110. When served outside the county in which the process originated, the process may be returned by mail. The person to whom the process is delivered shall indorse thereon the date of delivery.

(2) Each witness compelled to attend any proceedings under ORS 1.420, other than an officer or employe of the state, a public corporation, or a political subdivision, shall receive for his attendance the same fees and mileage allowance allowed by law to a witness in a civil case, payable from funds appropriated to the commission.
[1967 c.294 §§11, 12]

1.475 Procedure when process not obeyed. (1) Whenever a person summoned by the Commission on Judicial Fitness fails to appear to testify or fails to produce any books, papers, records or documents as required, or whenever any person so summoned refuses to answer any question pertinent to the subject under inquiry before the commission, or the masters appointed pursuant to ORS 1.420, the commission may apply to the circuit court for the county in which the failure occurred for an order to the person to attend and testify, or otherwise to comply with the demand or request of the commission or the masters.

(2) The application to the court shall be by ex parte motion upon which the court shall make an order requiring the person against whom it is directed to comply with the demand or request of the commission within three days after service of the order, or within such further time as the court may grant, or to justify the failure within that time.

(3) The order shall be served upon the person to whom it is directed in the manner required by this state for the service of process, which service is required to confer jurisdiction upon the court. Failure to obey

an order issued by the court under this section is contempt of court.
[1967 c.294 §13]

1.480 Chairman; vice chairman; quorum; expenses. (1) The Commission on Judicial Fitness shall select one of its members as chairman, and another as vice chairman, for such terms and to perform such functions as the commission shall determine.

(2) A majority of the commission constitutes a quorum for the transaction of business. Every recommendation on matters relating to the removal of a judge to the Supreme Court must be concurred in by a majority of the members of the commission.

(3) A member of the Commission on Judicial Fitness shall receive no compensation for his services as a member; but, subject to any other applicable law regulating travel and other expenses for state officers and employes, he shall receive his actual and necessary travel and other expenses incurred in the performance of his official duties.
[1967 c.294 §§4, 5]

MINOR COURT RULES AND BAIL

1.510 Minor Court Rules Committee; members; duties; officers. (1) There is hereby established the Minor Court Rules Committee. The committee shall consist of the Attorney General, Superintendent of the Oregon State Police, the Director of the Department of Motor Vehicles, the State Game Director, the State Fisheries Director, a member of the State Marine Board, or their respective representatives, a representative of the State Highway Department appointed by the State Highway Commission, two persons appointed by the Governor, a member of the Oregon State Bar appointed by the Board of Bar Governors, and the following judges appointed by the Chief Justice of the Supreme Court:

(a) A judge of the circuit court.

(b) A person who is either a judge of a district court or a justice of the peace.

(c) A judge of a city court.

(2) The Minor Court Rules Committee shall:

(a) Recommend a schedule of amounts of minimum bail or security for various traffic offenses, boating offenses and violations of game and commercial fishing laws.

(b) Advise the Supreme Court regarding rules for the conduct of cases involving such offenses and violations.

(c) Conduct and supervise conferences and educational programs for judges of courts having jurisdiction over traffic offenses, boating offenses and violations of game and commercial fishing laws. It shall be the duty of all such judges to attend or participate in such conferences and programs.

(d) Cooperate with the Supreme Court in the supervision of such courts in establishing methods and forms of keeping court records and in making and publishing reports of court business involving such offenses and violations.

(3) The members of the Minor Court Rules Committee shall choose a chairman from their number, who shall serve as chairman for a term of two years from the date of his election and until his successor is elected and qualified. The Chief Justice of the Supreme Court shall appoint an acting chairman to serve until the election of a chairman by the committee. The members of the Minor Court Rules Committee, except the member of the State Marine Board or his representative, shall be allowed their actual travel and other expenses necessarily incurred in the performance of their duties.
[Formerly 484.420]

1.520 Supreme Court rules and bail schedules for traffic and boating offenses, game and commercial fishing violations. The Supreme Court may, with the advice of the Minor Court Rules Committee provided in ORS 1.510:

(1) Promulgate rules for the conduct of cases involving traffic offenses, boating offenses and violations of game and commercial fishing laws. Such rules, when promulgated, supersede any local rule of a state court inconsistent therewith. All city ordinances and city court rules shall conform to the rules so promulgated.

(2) Establish a schedule of recommended amounts of minimum bail or security for various traffic offenses, boating offenses and violations of game and commercial fishing laws. The schedule shall be a guide in all such offenses and violations in this state.
[Formerly 484.410]

1.530 Minor Court Rules Account. There hereby is established in the General Fund of the State Treasury an account to be known as the Minor Court Rules Account. All moneys in the Minor Court Rules Account hereby are appropriated continuously to the Minor Court Rules Committee for paying the administrative expenses of the committee.
[Formerly 484.430]

1968 version. See note at head of this chapter.

JUDICIAL COUNCIL

1.610 Judicial council; membership. There hereby is created a Judicial Council of the State of Oregon, consisting of three persons who are active members of the Oregon State Bar, five persons who are not attorneys, one circuit court judge, one district court judge, one municipal court judge and, ex officio, during their respective terms of office, the Chief Justice of the Supreme Court, the Chairman of the Senate Committee on Judiciary and the Chairman of the House Committee on Judiciary of the Legislative Assembly and the Attorney General. Except for the chairmen of the committees on judiciary of the Legislative Assembly, any member who ceases to maintain the qualifications prescribed by this section shall thereupon cease to be a member of the council.
[1965 c.494 §1; 1967 c.270 §1]

1.620 Functions of council. The council shall have the powers and shall be charged with the following duties:

(1) To make a continuous survey and study of the organization, jurisdiction, procedure, practice, rules and methods of administration and operation of each of the courts within the state, the volume and condition of business in the courts, the work accomplished and the results obtained.

(2) To receive, consider and, in its discretion, investigate criticisms and suggestions from any person pertaining to the administration of justice and to make recommendations in reference thereto.

(3) To keep advised concerning the decisions of the courts relating to procedure and practice therein and concerning pending legislation affecting the organization, jurisdiction, operation, procedure and practice of the courts.

(4) To recommend from time to time to the legislature any changes in the organization, jurisdiction, operation, procedure and methods of conducting the business in the courts which can be put in effect only by legislative action or constitutional amendment and to recommend to any court any changes in the rules and practice of the court or the method of administering judicial business therein which, in the judgment of the council, would simplify and expedite or otherwise improve the administration of justice therein.
[1965 c.494 §8]

1.630 Appointment; term; qualifications. (1) The attorney members shall be appointed by the Board of Governors of the Oregon State Bar.

(2) The circuit court judge, the district court judge and the municipal court judge shall be appointed in such manner as may be determined by their respective Oregon judicial associations. If such associations shall fail to make such appointments, they shall be made by a majority of the other members of the council.

(3) The Governor shall appoint the nonattorney members of the council from the state at large, one member representative of commerce and industry, one of education, one of labor, one of agriculture and one from the professions not otherwise represented.

(4) Each member, other than ex officio members, shall be appointed for a term of five years and shall hold office until his successor is appointed and has qualified. The terms of members first appointed by the Governor shall expire as designated by the Governor at the time of appointment, one at the end of the year, one at the end of two years, one at the end of three years, one at the end of four years and one at the end of five years after July 1, 1965. The terms of members first appointed by the Board of Governors of the Oregon State Bar shall expire as designated by the board, one at the end of three years, one at the end of four years and one at the end of five years.

(5) No member of the council appointed by the Governor may hold any national or state office in a political party. Not more than three of the members of the council appointed by the Governor may be members of the same political party. Each member of the council shall be a citizen of the United States, a resident of the State of Oregon and over the age of 21 years. Before entering upon the duties of the council, each member shall take and subscribe to an oath or affirmation to support the Constitution of the United States and of this state and to faithfully and honestly discharge the duties of his membership.
[1965 c.494 §2]

1.640 Vacancies; effect of membership. (1) If there is a vacancy in the office of the Chief Justice of the Supreme Court, or if the Chief Justice is unable to perform the duties of his office, during the period of such vacancy or inability, the majority of the justices of the Supreme Court shall designate an associate justice of that court to act in

his stead and to serve as chairman of the council.

(2) If there is a vacancy in the office of Attorney General, or if the Attorney General is unable to perform the duties of his office, during the period of such vacancy or inability, the Deputy Attorney General or the acting Attorney General shall serve instead of the Attorney General as a member of the council.

(3) Other vacancies shall be filled in the same manner as the person whose membership has become vacant was appointed, and an appointment to fill any such vacancy shall be for the remainder of the unserved term.

(4) Membership on the council by any justice, judge or the Attorney General, including any acting or Deputy Attorney General, who may become a member, shall be, in the case of any judge or justice, deemed to be one of his judicial functions and, in the case of the Attorney General or any acting or Deputy Attorney General or the Chairman of the Senate Committee on Judiciary or the Chairman of the House Committee on Judiciary of the Legislative Assembly, one of his official functions, and shall not constitute holding a public office.
[1965 c.494 §3; 1967 c.270 §2]

1.650 Officers; employes; rules. The Chief Justice of the Supreme Court shall be the chairman of the council. The council shall appoint from its members a vice chairman who, in the absence or disability of the chairman, or in the case of vacancy, shall act as chairman. The council shall appoint, and may at pleasure relieve, such employes, including persons qualified for legal research, investigating and statistical work, as may be deemed necessary to enable the council to perform its duties and administer its affairs, and from time to time to fix their salaries or compensation within the appropriation therefor made by the Legislative Assembly. The council may make and modify from time to time rules and regulations for the conduct of its proceedings and the exercise of its powers, including provisions:

(1) For regular meetings and for the method of calling special meetings of the council;

(2) Defining the number of members of the council which shall be necessary to constitute a quorum for the transactions of its business;

(3) Prescribing the duties of its executive secretary and other employes of the council; and

(4) For the conduct of hearings and investigations authorized to be conducted by the council or any committee of the council. The council may appoint regular and special committees of its members and advisory committees of nonmembers to investigate and report upon any matter relating to its duties.
[1965 c.494 §4]

1.660 Council offices. The council shall maintain its office at the capital and shall be provided by the Secretary of State with suitable office quarters.
[1965 c.494 §5; 1967 c.270 §3]

1.670 Executive secretary; term; salary. The council shall have the authority to appoint an executive secretary, without regard to the State Civil Service Law, to manage the business of the council when the council is not in session. The executive secretary shall serve the council for such periods as may be designated by the council. The executive secretary may be removed at the discretion of the council, and such discretion shall not be reviewable in any court of law. The salary of the executive secretary shall be fixed by the council, within the appropriation made therefor by the legislature.
[1965 c.494 §6]

1.680 Expenses of members. Each member of the council and of advisory committees shall serve without compensation but shall be allowed and paid his actual and necessary expenses incurred in the performance of his duties.
[1965 c.494 §7]

1.690 Reports to legislature. The council shall, 30 days before the legislature meets in regular session, make a report to the legislature of its proceedings and of the work of the various courts from the date since the last legislative session, the condition of business therein and any recommendations which require action by the Legislative Assembly to improve the administration of justice. It may make such further and supplemental reports as it deems proper. Copies of all such reports shall concurrently be transmitted to the Governor and to the Board of Governors of the Oregon State Bar.
[1965 c.494 §9]

1968 version. See note at head of this chapter.

1.700 Meetings. The council shall by rule make provision for at least four regular meetings each year, to be held to the extent practicable, so as to accommodate the persons resident in each of the several judicial districts. Such regular meetings shall include at least one session to which the general public shall be invited to submit any complaint, observation or recommendation concerning the administration of justice in the courts within the State of Oregon.
[1965 c.494 §10]

1.710 Judicial Council Account; gifts; contracts; employes. (1) An account designated as the Judicial Council Account hereby is established in the General Fund of the State Treasury. All moneys received by the Judicial Council shall be paid into the State Treasury and credited to the Judicial Council Account. All moneys in the Judicial Council Account hereby are appropriated continuously for and shall be used by the Judicial Council in the discharge of the duties imposed in ORS 1.610 to 1.710 on the Judicial Council.

(2) The Judicial Council may accept gifts, grants or services, may contract with nonprofit organizations, educational institutions, state and federal agencies, and retain such experts as in its judgment it finds necessary to effectively carry out the purposes of ORS 1.610 to 1.710.
[1965 c.494 §11; 1967 c.270 §4]

JUDICIAL CONFERENCE

1.810 Judicial conference; membership; officers. There hereby is created and established a Judicial Conference of the State of Oregon. The conference shall consist of all the judges of the Supreme Court, the Oregon Tax Court, the circuit courts and the district courts. The Chief Justice shall be chairman of the conference and shall have power to invite any persons not members of the conference to attend the meetings of the conference and consult with it in the performance of its duties. The administrative assistant to the Chief Justice shall act as executive secretary of the conference.
[1955 c.470 §1; 1959 c.552 §12; 1963 c.423 §2; 1965 c.494 §13]

1.820 Function of conference. The conference may make a continuous survey and study of the organization, jurisdiction, procedure, practice and methods of administration and operation of the various courts within the state. Such survey and study may be coordinated with any similar survey and study made by the Judicial Council of the State of Oregon.
[1955 c.470 §2; 1965 c.494 §14]

1.830 Meetings. The conference shall meet at such time as shall be designated by its chairman, not less than once annually.
[1955 c.470 §3; 1965 c.494 §15]

1.840 Annual report. The conference 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; 1965 c.494 §16]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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 December 15, 1968.

Robert W. Lundy
Legislative Counsel