TITLE 1

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Chapter 1

1979 REPLACEMENT PART

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COURTS

1.002 Administrative supervision by Supreme Court over other courts; rulemaking authority. (1) 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.

(2) The Supreme Court may adopt rules prescribing the form of all process, notices, motions and other written pleadings submitted in all civil proceedings and criminal proceedings in all of the courts of this state. For the purposes of this section, such rules do not constitute rules of civil or criminal procedure of any such courts. Such rules shall be designed to provide a standardized form of such pleadings for use throughout this state. [1959 c.552 §1; 1973 c.484 §1]

1.004 Supreme Court rules governing coordination of class actions. Notwithstanding any other provision of law or the Oregon Rules of Civil Procedure, the Supreme Court shall provide by rule the practice and procedure for coordination of class actions under ORCP 32 in convenient courts, including provision for giving notice and presenting evidence. [Formerly 13.370]

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 and municipal courts.

(3) Collect, compile and publish statistical and other data relating to such courts and municipal 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, 1973 c.630 §1]

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 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 or the Oregon Rules of Civil Procedure 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, the conduct of trials, the entry and docketing of judgments 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;1979 c.284 §40]

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

(a) The Supreme Court and the Court of Appeals.

(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 Court of Appeals, "Court of Appeals, State of Oregon."

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

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

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

(f) 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; 1969 c.198 §16]

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 Court of Appeals and the judges 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. [Amended by 1969 c.198 §17]

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 and election days. (1) Except as provided in subsections (2) and (3) of this section, the courts of justice may be held and judicial business transacted on any day.

(2) On any legal holiday in this state no court may be open or transact any judicial business for any purpose except:

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

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

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

(3) On any day on which an election is held throughout the state no circuit court or district court holding court in the county seat of a county having a population of less than 70,000, according to the latest federal decennial census, may transact any judicial business for any purpose except as provided in subsection (2) of this section. This section shall not be construed as creating another legal holiday for court employes, but merely limiting court duties in smaller counties to allow court clerks to assist in election day duties. [Amended by 1971 c 240 §1, 1973 c 512 §1]

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 Proceedings 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, furni-

ture, 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 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, Court of Appeals, Oregon Tax Court and circuit courts; where may be exercised. The judges of the Supreme Court, the Court of Appeals, 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; 1969 c.198 §18]

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 Court of Appeals, 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 State Court Administrator 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 1.390, 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 Executive Department 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 1.390, 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; 1969 c.198 §19; 1971 c.193 §8]

1.300 Senior judge; designation; assignment; duties and powers; compensation and expenses; oath. (1) A judge who retires from the district court, circuit court, Oregon Tax Court, Court of Appeals or Supreme Court after a total of 12 or more years of service as a judge of one or more of those courts, except a judge retired under the provisions of ORS 1.310, shall be designated a senior judge of the State of Oregon and shall be so certified by the Secretary of State.

(2) Upon his filing with the Secretary of State an oath of office as a senior judge as prescribed in subsection (7) of this section, a senior judge is eligible for temporary assignment, with his consent, by the Supreme Court to any state court at or below the level of the court in which he was serving at the time of his retirement, whenever the Supreme Court determines that the assignment is reasonably necessary and will promote the more efficient administration of justice.

(3) The assignment of a senior judge shall be made by an order which shall designate the court to which the judge is assigned and the duration of the assignment. Promptly after assignment of a senior judge under this section, the Supreme Court shall cause a certified copy of the order to be sent to the senior judge and another certified copy to the court to which the judge is assigned.

(4) Each senior judge assigned as provided in this section has all the judicial powers and duties, while serving under the assignment, of a regularly elected and qualified judge of the court to which he is assigned. His powers, jurisdiction and judicial authority in respect to any case or matter tried or heard by him while serving under the assignment shall continue beyond the expiration of the assignment so far as may be necessary to:

(a) Decide and dispose of any case or matter on trial or held under advisement.

(b) Hear and decide any motion for a new trial or for a judgment notwithstanding a verdict, or objections to any cost bill, that may be filed in the case.

(c) Settle a transcript for appeal and grant extensions of time therefor.

(5) A senior judge assigned as provided in this section shall receive as compensation for each day he is actually engaged in the performance of duties under the assignment an amount equal to five percent of the gross monthly salary of a regularly elected and qualified judge of the court to which he is assigned, or one-half of that daily compensation for services of one-half day or less. However, a retired judge shall not receive for his services as a senior judge during any calendar year a sum of money which when added to the amount of any judicial retirement pay received by him for the year exceeds the annual salary of a judge of the court from which he retired. The compensation shall be paid upon the certificate of the senior judge that the services were performed for the number of days shown in the certificate. Services by a senior judge under an assignment and his receipt of compensation therefor shall not reduce or otherwise affect the amount of any retirement pay to which he otherwise would be entitled.

(6) A senior judge assigned to a court located outside the county in Oregon in which he regularly resides shall receive, in addition to daily compensation, reimbursement for hotel bills and traveling expenses necessarily incurred by him in the performance of his duties under the assignment. The expenses shall be paid upon presentation of an itemized statement of the expenses, certified by the senior judge to be correct.

(7) To be eligible for assignment, a senior judge must take, subscribe and file with the Secretary of State, the following oath or affirmation:

"I, _____, do solemnly swear that as a senior judge of the State of Oregon I will support the Constitution of the United States and the Constitution of the State of Oregon, and that upon hereafter accepting any assignment to serve as a judge of a court of this state I will faithfully discharge the duties thereof to the best of my ability."

[1973 c.452 §2; 1975 c.706 §9; 1979 c.56 §1]

1.305 Commencment of judicial term of office. The term of office of a judge of the Supreme Court, the Court of Appeals, the Oregon Tax Court, or of any circuit or district court shall begin on the first Monday in January following the election of the judge. [1979 c.451 §7]

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 Court of Appeals, 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 Court, the Court of Appeals, a circuit or a district 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 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 determina-

tion. 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; 1969 c.332 §2]

1.312 "Judge" defined for ORS 1.314 to 1.380. As used in ORS 1.314 to 1.380, "judge" means any judge of the Supreme Court, the Court of Appeals, the Oregon Tax Court, a circuit court and a district court if the judge of the district court elects to contribute to the Judges' Retirement Fund. [1969 c.332 §1]

Note: 1 312 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 1 by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

1.314 Retirement based on age; eligibility for retirement pay. (1) Any judge 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;

(c) And has contributed to the Judges' Retirement Fund in amounts required by then applicable law for such years of service.

(2) Any judge 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 (1 314, 1.318, 1.322 and 1.326 enacted in lieu of 1.320); 1961 c 568 §1; 1963 c.592 §1; 1965 c.394 §2; 1969 c.332 §3]

1.316 Eligibility for retirement pay when judge serving at least 12 years ceases to hold office. (1) Any person who has served as a judge for an aggregate period of 12 years but less than 16 years, and who has contributed to the Judges' Retirement Fund for a period of 16 years, even though he 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 retirement pay as provided in ORS 1.340 if he has complied with this section, upon application in the manner provided in ORS 1.326.

(2) A person described in subsection (1) of this section may elect to continue to contribute to the Judges' Retirement Fund after he ceases to hold judicial office, until he has contributed for a period of 16 years, in the following manner. Not later than 15 days after the date he ceases to hold judicial office, he shall notify the Public Employes' Retirement Board in writing that he intends to continue payments into the Judges' Retirement Fund. He shall send to the Public Employes' Retirement Board with his notice of election, his contribution to the fund for the balance of the month during which he ceased to hold judicial office, and for the next following month. Thereafter, he shall send his contribution to the board before the first day of each succeeding month. His monthly contribution to the fund shall equal seven percent of the monthly salary he was receiving next before he ceased to hold office.

(3) The right of a person described in subsection (1) of this section to receive retirement pay shall vest when he has contributed to the fund for a total of 16 years, including the period during which he held judicial office.

(4) Contributions payable under this section may be prepaid for any month or months.

(5) The Public Employes' 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 person from whom the contribution is due. [1971 c.101 §2]

1.318 Eligibility for retirement pay when judge otherwise qualified ceases to hold office. (1) Any person who has served as a judge for an aggregate period of 16 years, who has contributed to the Judges' Retirement Fund for a period of 16 years, even though he 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.

(2) 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 (1.314, 1.318, 1.322 and 1.326 enacted in lieu of 1.320); 1961 c.568 §2; 1963 c.464 §3; 1965 c.394 §3; 1969 c.332 §4]

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

1.322 Computing length of service. In computing the length of a judge's service, the periods of time which he has served in the Supreme Court, the Court of Appeals, a circuit court, a district court, and 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 Court, the Court of Appeals, a circuit court, a district court, or the Oregon Tax Court, shall be excluded in computing service. For the purposes of ORS 1.310 to 1.390, a person who is a regularly elected or appointed judge of the Supreme Court, the Court of Appeals, a circuit court, a district 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 (1.314, 1.318, 1.322 and 1.326 enacted in lieu of 1.320); 1965 c.394 §4; 1969 c.332 §5]

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 (1.314, 1.318, 1.322 and 1.326 enacted in lieu of 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 who has served as a judge 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, or any former judge who is contributing to the Judges' Retirement Fund under ORS 1.316, or has contributed thereto for 16 years, and who believes he has become permanently incapacitated physically or mentally from performing every duty pertaining to any gainful and suitable occupation for which he is reasonably fitted, may file with the Governor a written application for retirement benefits 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 or former judge has become permanently incapacitated as aforesaid, 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, if he had not previously ceased to hold 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 and 1.318 to 1.326. [Amended by 1961 c.568 §3; 1963 c.464 §5; 1965 c.394 §5; 1969 c.332 §6; 1971 c.101 §3]

1.340 Retirement pay; surviving spouse's pension; administrative expenses. (1) As used in this section, "final average pay" means the average salary per calendar year paid to a judge:

(a) In five of the last 10 calendar years of service next preceding his termination and in which five years he was paid the highest salary; or

(b) If the number of last calendar years of service before he reaches the age of qualification for retirement is less than 10 and more than five, in five of those years in which he was paid the highest salary.

(2) Every judge or former judge who is qualified under ORS 1.310 to 1.314 and 1.318 to 1.330 for retirement pay shall be entitled to receive monthly during the period of his natu-

ral life out of the Judges' Retirement Fund, an amount equal to one-twelfth of 45 percent of his final average pay, to be paid him on or before the 10th 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. If a former judge is qualified for retirement pay solely by exercise of the election provided in subsection (2) of ORS 1.316, or by disability subsequent to such election, then the retirement pay otherwise payable to him shall be reduced actuarially to compensate for the fact that the state had paid no matching funds during the period that voluntary contributions were made.

(3) Any retirement pay due a judge or former judge that is unpaid at the time of his death shall be paid to his surviving spouse or his next of kin in accordance with his directions in writing filed with the Public Employes' Retirement Board.

(4) Except as otherwise provided in subsections (5) and (6) 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 shall receive a monthly pension in an amount equal to one-twelfth of the amount set forth in the following schedule:

Years judge contributed to fund	Pension of surviving spouse
More than 14	22.5% of the final average pay of the judge, which amount constitutes the basic amount.
More than 12, but not more than 14	80% of basic amount
More than 10, but not more than 12	60% of basic amount
More than 8, but not more than 10	40% of basic amount
Six, or one full six-year term, or more, but not more than 8	20% of basic amount

If a former judge qualified for a pension, or at the time of his death was contributing to the Judges' Retirement Fund, solely by the exercise of the election provided in subsection (2) of ORS 1.316 or by reason of disability subsequent to such election, then the amount otherwise allowable to his surviving spouse as a pension shall be reduced actuarially to compensate for the fact that the state paid no matching funds during the period that voluntary contributions were made.

(5) Except as may otherwise be provided by a judge's election to provide an additional pension to his surviving spouse under subsection (6) of this section, the pension to a surviving spouse under subsection (4) of this section shall apply without adjustment only in case the judge and his spouse have been lawfully married for 10 consecutive years prior to his death regardless of the age of the spouse or if they have been lawfully married for less than 10 consecutive years and the surviving spouse is not more than three years younger than the deceased judge. However, if the judge and his spouse have been married for less than 10 consecutive years and the surviving spouse is more than three years younger than the deceased judge, the pension shall be automatically adjusted to a pension determined by the Public Employes' Retirement Board to be actuarially equivalent to the unadjusted pension that would be payable to a surviving spouse not more than three years younger than the deceased judge.

(6) 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.

(7) 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 1st and 10th days of the month following the date of death of the judge and a like monthly payment shall be paid on or before the 10th day of each month thereafter so long as the surviving spouse lives and remains unmarried.

(8) The surviving spouse of any judge or former judge 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.

(9) 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; 1969 c.332 §7; 1971 c.101 §4]

1.343 Additional retirement pay and surviving spouse pension. A person entitled to receive retirement pay or a pension under ORS 1.314 to 1.380 on August 1, 1979, shall receive, on and after August 1, 1979, out of the Judges' Retirement Fund, an additional monthly amount as retirement pay or pension determined by applying to the retirement pay or pension paid to the person for the month of July 1979 the percentage increases before July 1, 1979, provided for in ORS 237.060 and 237.199 that would have been applicable if the person had retired and been receiving a retirement allowance under ORS 237.001 to 237.315:

(1) If the person is a retired judge, at the time the person retired under ORS 1.314 to 1.380; or

(2) If the person is the surviving spouse of a judge or former judge, at the time the judge or former judge retired under ORS 1.314 to 1.380 or died, whichever occurred first. [1979 c.609 §2]

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

1.346 Benefits for children when judge dies without leaving surviving spouse. The surviving children of any judge or former judge who dies after January 1, 1977, leaving no surviving spouse and who served as a judge and contributed to the Judges' Retirement Fund for a period of less than six consecutive years shall receive from the fund an amount equal to the aggregate deductions from the salary of the judge as provided in ORS 1.360, without interest. Each surviving child shall receive an equal share of the amount, to be paid in a lump sum. [1977 c.84 §2]

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 by law from time to time and 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; 1969 c.332 §8]

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 1.390, 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 director 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 director each month prepare and certify 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 Executive Department shall draw a warrant on the State Treasurer for the aggregate amount thereof, payable to the director 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 director, 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; 1973 c.704 §1; 1975 c.614 §1]

1.360 Salary deductions; duration; state appropriations for retirement fund. (1) Except as provided in subsections (2) to (4) of this section, for the purpose of providing moneys in the Judges' Retirement Fund, seven percent shall be deducted from the monthly salary received from the state by each judge and paid into the fund by the Executive Department. 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 10th 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 and 1.318 to 1.340.

(3) No deduction shall be made from the salary of any judge who is appointed to a court and 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. However, if the ineligible judge is a district court judge appointed to another court, he shall retain his membership in the Public Employes' Retirement System under ORS 237.001 to 237.320.

(4) No deduction shall be made from the salary of any judge after he has contributed to the Judges' Retirement Fund for an aggregate period of 16 years. [Amended by 1953 c.529 §5; 1959 c.551 §8; 1961 c.702 §1; 1963 c.464 §8; 1965 c.394 §7; 1969 c.332 §9; 1975 c.125 §3; 1975 c.614 §2]

1.370 [Repealed by 1963 c.464 §10]

1.380 Application to certain judges and spouses. (1) ORS 1.310 to 1.314 and 1.318 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 1.314 and 1.318 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.

(7) Nothing in chapter 332, Oregon Laws 1969, is intended to affect retirement pay of judges retired before June 3, 1969, or rights of the spouses of such judges to pensions accrued, or which may accrue after June 3, 1969, under existing or prior legislation.

(8) No judge who is contributing to the Judges' Retirement Fund on June 3, 1969, shall receive a lesser amount of retirement pay under chapter 332, Oregon Laws 1969, than he would have been entitled to receive upon retirement under ORS 1.314 to 1.380 prior to June 3, 1969. [Amended by 1963 c.464 §9; subsection (7) enacted as 1969 c.332 §11; subsection (8) enacted as 1969 c.332 §17]

1.385 Application to district judges. Any district judge appointed or elected for the first time after June 3, 1969, shall become subject to ORS 1.314 to 1.380 on the date his appointment or election takes effect. [1969 c.332 §15]

1.387 Application to certain circuit court judges. (1) As used in this section, "eligible person" means a person who, as a circuit court judge, made the election authorized by section 1, chapter 404, Oregon Laws 1973, and had the contributions transferred or made payments, or both, as provided in section 2, chapter 404, Oregon Laws 1973, and thereby qualified for the benefits under the Judges' Retirement Fund for any portion of the period the person served as a district court judge prior to the effective date of chapter 404, Oregon Laws 1973, and the portion of the period elected included service as a district court judge prior to July 1, 1961.

(2) Notwithstanding any provision of ORS 1.314 to 1.380, an eligible person shall be entitled to receive, upon retirement as a circuit court judge, retirement pay in an amount at least equal to an amount computed in accordance with the law relating to retirement pay of circuit court judges in effect immediately prior to July 1, 1961; that is, a monthly amount equal to one-half of the monthly salary the person was receiving as a circuit court judge at the time of retirement, as provided in ORS 1.340, as amended by section 6, chapter 551, Oregon Laws 1959.

(3) This section is applicable to:

(a) Circuit court judges who retire on or after July 24, 1979; and

(b) Payments of retirement pay made on or after July 24, 1979, to former circuit court judges who retired before July 24, 1979. [1979 c.727 §1]

Note: 1.387 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 1 or any series therein by legislative action See the Preface to Oregon Revised Statutes for further explanation

1.390 Actuarial report. At least once every five years the Public Employes' Retirement Board shall cause a competent actuary familiar with public systems of retirement and death benefits to prepare a report evaluating the current and prospective assets and liabilities of the Judges' Retirement Fund and indicating its current and prospective financial condition. In preparing the report, the actuary shall investigate the mortality, disability, service and other experience of the members of the system, and shall make such recommendations as he deems advisable to facilitate administering it properly. The board shall publish and distribute a summary of the report to members of the legislature, incumbent and retired judges and their spouses, and surviving spouses receiving pensions. [1969 c.332 §10]

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 four 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 four-year term. A person who was appointed to a six-year term before September 9, 1971, shall serve a term of four years.

(3) Appointments by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.570. If the appointment is made in the interim between legislative sessions, the Senate shall act through the Committee on Executive Appointments under ORS 171.560. [1967 c.294 §2; 1969 c.695 §16; 1971 c 511 §1]

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

(1) Subject to the State Merit System 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 censure, suspension or removal from office, the commission shall recommend to the Supreme Court the censure or suspension or 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 functions. [1967 c.294 §6, 1971 c.511 §2]

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

facts and may receive additional evidence. The Supreme Court may censure the judge or it may order the judge suspended or 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.

(3) Upon an order of suspension, the judge shall be suspended from office for the period specified in the order and his salary shall cease, if so ordered, from the date of the order until the end of the specified period. Suspension does not create a vacancy in the office of judge during the period of suspension. [1967 c.294 §7; 1971 c.511 §3]

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 a person authorized to serve summons and in the manner prescribed for the service of a summons upon a defendant in a civil action in a circuit court. 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 as for summons or that the person cannot be found. 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 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; 1973 c.827 §1; 1977 c.877 §1; 1979 c.284 §41]

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; compensation and 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 is entitled to compensation and expenses as provided in ORS 292.495. [1967 c.294 §§4, 5; 1969 c.314 §2]

MINOR COURT RULES AND BAIL

1.510 Minor Court Rules Committee; members; duties; officers; compensation and expenses. (1) The Minor Court Rules Committee is established. The committee shall be an agency of the Supreme Court to serve as an advisory committee to the Supreme Court on questions relating to the adoption of uniform citations under ORS 1.525, bail, rules, educational program procedures, records and reports in the minor courts in this state. The committee shall consist of the Attorney General, Superintendent of the Oregon State Police, the Administrator of the Motor Vehicles Division of the Department of Transportation, the State Fish and Wildlife Director, the Director of Agriculture, a member of the State Marine Board, or their respective representatives, a representative of the Highway Division of the Department of Transportation, two persons appointed by the Governor, a member of the Oregon State Bar appointed by the Board of Bar Governors, and the following people appointed by the Chief Justice of the Supreme Court:

(a) A judge of the circuit court.

(b) Two judges of the district court.

(c) A justice of the peace.

(d) A judge of a city court.

(e) A district attorney.

(f) A city attorney.

(2) The Minor Court Rules Committee shall:

(a) Recommend a schedule of amounts of minimum bail or security for various traffic offenses, boating offenses, violations of game and commercial fishing laws and violations of ORS 164.775, 618.121, 618.151 and 618.356.

(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 such offenses and violations. 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 election and until a 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 are entitled to compensation and expenses as provided in ORS 292.495. [Formerly 484.420; 1969 c.314 §3; 1971 c.404 §3; 1973 c.43 §1, 1973 c.374 §1; 1975 c.304 §2, 1979 c.477 §1]

1.520 Supreme Court rules and bail schedules for certain offenses. 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, violations of game and commercial fishing laws and violations of ORS 164.440, 164.775, 618.121 and 618.151. 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, violations of game and commercial fishing laws and violations of ORS 164.440, 164.775, 390.665, 618.121 and 618.151. The schedule

shall be a guide in all such offenses and violations in this state. [Formerly 484.410; 1971 c.404 §4; 1973 c.374 §2; 1977 c.132 §7]

1.525 Uniform citations for certain offenses. (1) The Supreme Court, with the advice of the Minor Court Rules Committee established under ORS 1.510, shall adopt:

(a) A uniform traffic citation for the purposes of ORS 484.150;

(b) A uniform boating citation for the purposes of ORS 488.220;

(c) A uniform wildlife and commercial fishing citation for the purposes of ORS 496.905; and

(d) A uniform weights and measures licensing citation for the purposes of ORS 618.421.

(2) If changes are made to a uniform citation under this section, the Supreme Court shall make a reasonable effort to minimize the financial impact of the changes on the state agencies and political subdivisions of this state that use the uniform citation. Where possible, the effort to minimize the financial impact shall include a reasonable time for the state agencies and political subdivisions to exhaust their existing supplies of the citation form before the changes become effective. [1979 c 477 §3]

1.530 [Formerly 484.430; repealed by 1973 c.43 §2]

REPRESENTATION OF JUDGES BY PRIVATE COUNSEL

1.550 Private counsel for judges. Whenever, pursuant to ORS chapter 180, the Attorney General is requested to represent a judge of the Supreme Court, Court of Appeals, Oregon Tax Court, circuit court or district court and declines to do so, the judge may, subject to the provisions of ORS 30.260 to 30.400, employ private counsel as provided under ORS 1.560. [1977 c.79 §2]

1.560 Procedure for employment of private counsel; terms and conditions. In any case in which the judge desires the appointment of private counsel, he shall so notify the State Court Administrator. The State Court Administrator, under the direction of the Supreme Court, may authorize the judge to employ private counsel under the following circumstances:

(1) Where the judge is a defendant in an action, suit or proceeding and there is no other party directly interested in the outcome of the action, suit or proceeding who should fairly bear the cost of representation; or

(2) Where the judge is a defendant in an action, suit or proceeding and the State Court Administrator concludes that no party interested in the outcome of the action, suit or proceeding will provide adequate representation for the judge; or

(3) In any action, suit or proceeding, where the State Court Administrator finds that employing private counsel is necessary to protect the public interest, the integrity of the judicial system, or the interests of the judge in performing his duties as a state officer. [1977 c.79 §3]

1.570 Claims for compensation of private counsel; approval by State Court Administrator. If private counsel is employed under ORS 1.560, such counsel shall submit to the State Court Administrator a verified and detailed claim for compensation, which claim shall include a statement of reimbursable expense incurred and the amount of time devoted to the matter on behalf of the judge. The State Court Administrator, under the direction of the Supreme Court, shall examine the claim and shall approve payment thereof in a reasonable amount. [1977 c.79 §4]

JUDGES PRO TEMPORE

1.600 Appointment pro tempore to Supreme Court or Court of Appeals; powers and duties. (1) The Supreme Court may appoint any regularly elected and qualified judge of the Court of Appeals, Oregon Tax Court or circuit court to serve as judge pro tempore of the Supreme Court, or any regularly elected and qualified judge of the Supreme Court, tax court or circuit court to serve as judge pro tempore of the Court of Appeals, whenever the Supreme Court determines that the appointment is reasonably necessary and will promote the more efficient administration of justice.

(2) An appointment under this section shall be made by order of the Supreme Court. The order shall designate the court to which the judge is appointed and the duration of the appointment. The Supreme Court shall cause a certified copy of the order to be sent to the judge appointed and another certified copy to

be filed in the records of the court to which the judge is appointed.

(3) Before entering upon the duties of a judge pro tempore, an appointee under this section shall take and subscribe, and transmit to the Secretary of State, an oath of office in substantially the form prescribed by section 7, Article VII (Amended) of the Oregon Constitution.

(4) Each judge serving as judge pro tempore as provided in this section has all the judicial powers and duties, while so serving, of a regularly elected and qualified judge of the court to which he is appointed. However, a judge pro tempore shall not participate in the review of any case in which he participated while serving on a lower court. Every decision, order or determination made by the Supreme Court or Court of Appeals while one or more judges pro tempore are serving as judges of the court shall be as binding and effective in every respect as if all of the judges participating were regularly elected and qualified judges of the court. [1975 c.706 §1]

1.605 Compensation and expenses for judges under ORS 1.600. (1) A judge of the Supreme Court serving as judge pro tempore of the Court of Appeals as provided in ORS 1.600 shall receive the regular salary and expenses of a judge of the Supreme Court, including reimbursement for hotel bills and traveling expenses necessarily incurred by him in the performance of his duties as judge pro tempore.

(2) A judge of the Court of Appeals serving as judge pro tempore of the Supreme Court or a judge of the Oregon Tax Court or circuit court serving as judge pro tempore of the Supreme Court or Court of Appeals as provided in ORS 1.600 shall receive during the period of his service as judge pro tempore, in addition to his regular salary and expenses, the following compensation and expenses:

(a) An amount equal to the salary for the period of a regularly elected and qualified judge of the court to which he is appointed diminished by the amount received by him for the period in payment of his regular salary as a judge; and

(b) If he is required to travel outside the county where his own court is located, reimbursement for hotel bills and traveling expenses necessarily incurred by him in the performance of his duties as judge pro tempore.

(3) The additional compensation and expenses payable under this section shall be paid by the state upon an itemized statement of the compensation and expenses, certified by the judge pro tempore that the services were performed and the expenses were necessarily and actually incurred. [1975 c.706 §2]

1.610 [1965 c.494 §1; 1967 c.270 §1; 1969 c.198 §27; 1969 c.577 §1; repealed by 1971 c.311 §2]

1.615 Appointment pro tempore to tax court, circuit court or district court; powers and duties. (1) The Supreme Court may assign any regularly elected and qualified judge of the Supreme Court, Court of Appeals, Oregon Tax Court, circuit court or district court to serve as judge pro tempore of the tax court, any circuit court or any district court, whenever the Supreme Court determines that the assignment is reasonably necessary and will promote the more efficient administration of justice.

(2) An assignment under this section shall be made by order of the Supreme Court. The order shall designate the court to which the judge is assigned and the duration of the assignment. Promptly after assignment of a judge under this section, the Supreme Court shall cause a certified copy of the order to be sent to the judge assigned and another certified copy to the court to which the judge is assigned.

(3) It is the duty of a judge assigned under this section to comply with the assignment. A judge assigned under this section is not required to take, subscribe or file any additional oath of office.

(4) Each judge assigned as provided in this section has all the judicial powers and duties, while serving under the assignment, of a regularly elected and qualified judge of the court to which he is assigned. His powers, jurisdiction and judicial authority in respect to any case or matter tried or heard by him while serving under the assignment shall continue beyond the expiration of the assignment so far as may be necessary to:

(a) Decide and dispose of any case or matter on trial or held under advisement.

(b) Hear and decide any motion for a new trial or for a judgment notwithstanding a verdict, or objections to any cost bill, that may be filed in the case.

(c) Settle a transcript for appeal and grant extensions of time therefor. [1975 c.706 §3, 1979 c.56 §2]

1.620 [1965 c.494 §8; repealed by 1971 c.311 §2]

1.625 Compensation and expenses for judges under ORS 1.615. (1) A judge assigned as provided in ORS 1.615 shall receive his regular salary and expenses as a judge of his own court. A judge of a district court assigned to serve as judge pro tempore of a circuit court shall receive during the period of the assignment, in addition to his regular salary, an amount equal to the salary for the period of a regularly elected and qualified judge of the circuit court diminished by the amount received by him for the period in payment of his regular salary as a judge of a district court.

(2) A judge assigned as provided in ORS 1.615 outside the county in which he regularly serves shall receive reimbursement for hotel bills and traveling expenses necessarily incurred by him in the performance of his duties under the assignment.

(3) The additional compensation and expenses payable under this section shall be paid by the state upon an itemized statement of the compensation and expenses, certified by the judge pro tempore that the services were performed and the expenses were necessarily and actually incurred. [1975 c.706 §4]

1.630 [1965 c.494 §2; 1969 c.577 §2; repealed by 1971 c.311 §2]

1.635 Appointment pro tempore of eligible person to tax court, circuit court or district court. (1) The Supreme Court may appoint any eligible person to serve as judge pro tempore of the Oregon Tax Court or as judge pro tempore of the circuit court or district court in any county or judicial district, whenever the Supreme Court determines that the appointment is reasonably necessary and will promote the more efficient administration of justice. A person is eligible for appointment if he is a resident of this state and has been a member in good standing of the Oregon State Bar for a period of at least three years next preceding the appointment.

(2) An appointment under this section shall be made by order of the Supreme Court. The order shall designate the court to which the person is appointed and the duration of the appointment. Promptly after appointment of a person under this section, the Supreme Court shall cause a certified copy of the order to be sent to the appointee and another certified copy to the court to which the appointee is appointed.

(3) An appointment under this section shall not become effective until the appointee subscribes and files in the office of the Secretary of State an oath or affirmation substantially as follows:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of the office of judge of the _____ court of the State of Oregon to the best of my ability."

[1975 c.706 §5]

1.640 [1965 c.494 §3; 1967 c.270 §2; 1969 c.198 §28; repealed by 1971 c.311 §2]

1.645 Transfer, challenge, disqualification, supervision of person appointed under ORS 1.635. (1) A judge pro tempore of a circuit court or district court appointed to serve in any county or judicial district as provided in ORS 1.635 may, at any time while serving under the appointment, be transferred and assigned by the Supreme Court to serve as judge pro tempore in any one or more other counties or judicial districts during the term of the appointment.

(2) Each judge pro tempore appointed and qualified as provided in ORS 1.635 has all the judicial powers, duties, jurisdiction and authority, while serving under the appointment, of a regularly elected and qualified judge of the court to which he is appointed or assigned.

(3) The eligibility, appointment or qualification of an appointee under ORS 1.635, or his right to hold the position of judge pro tempore in any particular county or judicial district while serving under the appointment, is subject to challenge only in a direct proceeding instituted for that purpose as provided in ORS 30.510 to 30.640. The proceeding may be instituted in the Supreme Court if it consents to take original jurisdiction thereof.

(4) A judge pro tempore appointed as provided in ORS 1.635 is subject to disqualification to sit in any case for any of the causes specified in ORS 14.210 or 14.250.

(5) A judge pro tempore appointed as provided in ORS 1.635 or assigned as provided in subsection (1) of this section to a court with one or more regularly elected and qualified judges on active duty shall be subject to the directions of the regular presiding judge of the court in respect to the assignment of cases and

the general administration of the business of the court. [1975 c.706 §6]

1.650 [1965 c.494 §4; repealed by 1971 c.311 §2]

1.655 Extension and termination of appointment under ORS 1.635; eligibility to appear as attorney. (1) It is the duty of a judge pro tempore appointed as provided in ORS 1.635 to hear, decide and dispose of all cases and matters submitted to him as promptly as the nature of the questions involved will permit. His powers, jurisdiction and judicial authority in respect to any case or matter tried or heard by him while serving under the appointment shall continue beyond the expiration of the appointment so far as may be necessary to:

(a) Decide and dispose of any case or matter on trial or held under advisement.

(b) Hear and decide any motion for a new trial or for a judgment notwithstanding a verdict, or objections to any cost bill, that may be filed in the case.

(c) Settle a transcript for appeal and grant extensions of time therefor.

(2) The Supreme Court at any time by order may:

(a) Extend the term of appointment of a judge pro tempore appointed as provided in ORS 1.635.

(b) Terminate the term of appointment of a judge pro tempore appointed as provided in ORS 1.635 as of a date specified in the order; but termination does not affect the validity of any judgment, decree, order or other action of the judge pro tempore prior to the effective date of the termination.

(3) A judge pro tempore of a circuit court or district court appointed as provided in ORS 1.635 is not eligible to appear as attorney in that court in any case tried by a jury at the same term of court during which he served as judge pro tempore. [1975 c.706 §7]

1.660 [1965 c.494 §5; 1967 c.270 §3; 1969 c.706 §64b; repealed by 1971 c.311 §2]

1.665 Compensation and expenses of persons appointed under ORS 1.635. (1) A judge pro tempore appointed as provided in ORS 1.635 shall receive as compensation for each day he is actually engaged in the performance of duties under the appointment an amount equal to five percent of the gross monthly salary of a regularly elected and qualified judge of the court to which he is appointed, or one-half of that daily compensation for services of one-half day or less. The compensation shall be paid upon the certificate of the judge pro tempore that the services were performed for the number of days shown in the certificate, and in the same manner as the salaries of the regularly elected and qualified judges are paid.

(2) A judge pro tempore appointed as provided in ORS 1.635 or assigned as provided in ORS 1.645 to serve outside the county in which he resides or maintains an office shall receive, in addition to daily compensation, reimbursement for hotel bills and traveling expenses necessarily incurred by him in the performance of his duties as judge pro tempore. The expenses shall be paid upon an itemized statement of the expenses, certified by the judge pro tempore that the expenses were necessarily and actually incurred, in the same manner as like expenses of regularly elected and qualified judges are paid. [1975 c.706 §8]

1.670 [1965 c.494 §6; repealed by 1971 c.311 §2]

1.680 [1965 c.494 §7; 1969 c.314 §4; repealed by 1971 c.311 §2]

1.690 [1965 c.494 §9; repealed by 1971 c.311 §2]

1.700 [1965 c.494 §10; repealed by 1971 c.311 §2]

1.710 [1965 c.494 §11; 1967 c.270 §4; repealed by 1971 c.311 §2]

COUNCIL ON COURT PROCEDURES

1.725 Legislative findings. The Legislative Assembly finds that:

(1) Oregon laws relating to civil procedure designed for the benefit of litigants which meet the needs of the court system and the bar are necessary to assure prompt and efficient administration of justice in the courts of the state.

(2) No coordinated system of continuing review of the Oregon laws relating to civil procedure now exists.

(3) Development of a system of continuing review of the Oregon laws relating to civil procedure requires the creation of a Council on Court Procedures.

(4) A Council on Court Procedures will be able to review the Oregon laws relating to civil procedure and coordinate and study proposals concerning the Oregon laws relating to

civil procedure advanced by all interested persons. [1977 c.890 §1]

1.730 Council on Court Procedures; membership; terms; meetings; expenses of members. (1) There is created a Council on Court Procedures consisting of:

(a) One judge of the Supreme Court, chosen by the Supreme Court;

(b) One judge of the Court of Appeals, chosen by the Court of Appeals;

(c) Six judges of the circuit court, chosen by the Executive Committee of the Circuit Judges Association;

(d) Two judges of the district court, chosen by the Executive Committee of the District Judges Association;

(e) Twelve members of the Oregon State Bar, at least two of whom shall be from each of the four congressional districts of the state, appointed by the Board of Governors of the Oregon State Bar. The Board of Governors, in making the appointments referred to in this section, shall include but not be limited to appointments from members of the bar active in civil trial practice, to the end that the lawyer members of the council shall be broadly representative of the trial bar. The Board of Governors shall include at least one person who by profession is involved in legal teaching or research; and

(f) One public member, chosen by the Supreme Court.

(2) (a) A quorum of the council shall be constituted by a majority of the members of the council. An affirmative vote of a majority of the council shall be required to promulgate rules pursuant to ORS 1.735.

(b) The council shall adopt rules of procedure and shall choose, from among its membership, annually, a chairman to preside over the meetings of the council.

(3) (a) All meetings of the council shall be held in compliance with the provisions of ORS 192.610 to 192.690.

(b) In addition to the requirements imposed by paragraph (a) of this subsection, with respect to the public hearings required by ORS 1.740 and with respect to any meeting at which final action will be taken on the promulgation, modification or repeal of a rule under ORS 1.735, the council shall cause to be published or distributed to all members of the bar, at least two weeks before such hearing or meeting, a notice which shall include the time and place and a description of the substance of the agenda of the hearing or meeting.

(c) The council shall make available upon request a copy of any rule which it proposes to promulgate, modify or repeal.

(4) Members of the Council on Court Procedures shall serve for terms of four years and shall be eligible for reappointment to one additional term, provided that, where an appointing authority has more than one vacancy to fill, the length of the initial term shall be fixed at either two or four years by that authority to accomplish staggered expiration dates of the terms to be filled. Vacancies occurring shall be filled by the appointing authority for the unexpired term.

(5) Members of the Council on Court Procedures shall not receive compensation for their services but may receive actual and necessary travel or other expenses incurred in the performance of their official duties as members of the council, as provided in ORS 292.210 to 292.288. [1977 c.890 §2]

1.735 Rules of procedure; limitation on scope and substance; submission of rules to Legislative Assembly. The Council on Court Procedures shall promulgate rules governing pleading, practice and procedure, including rules governing form and service of summons and process and personal and in rem jurisdiction, in all civil proceedings in all courts of the state which shall not abridge, enlarge, or modify the substantive rights of any litigant. The rules authorized by this section do not include rules of evidence and rules of appellate procedure. The rules thus adopted and any amendments which may be adopted from time to time, together with a list of statutory sections superseded thereby, shall be submitted to the Legislative Assembly at the beginning of each regular session and shall go into effect 90 days after the close of that session unless the Legislative Assembly shall provide an earlier effective date. The Legislative Assembly may, by statute, amend, repeal or supplement any of the rules. [1977 c.890 §3; 1979 c.284 §1]

1.740 Employment of staff; council hearing requirements. In the exercise of its power under ORS 1.735, the council:

(1) May employ or contract with any person or persons, as the council considers necessary, to assist the council; and

(2) Shall hold at least one public hearing in each of the congressional districts of the state during the period between regular legislative sessions. [1977 c.890 §4]

1.745 Laws on civil pleading, practice and procedure deemed rules of court until changed. All provisions of law relating to pleading, practice and procedure, including provisions relating to form and service of summons and process and personal and in rem jurisdiction, in all civil proceedings in courts of this state are deemed to be rules of court and remain in effect as such until and except to the extent they are modified, superseded or repealed by rules which become effective under ORS 1.735. [1977 c.890 §5; 1979 c.284 §2]

1.750 Legislative Counsel to publish rules. The Legislative Counsel shall cause the rules which have become effective under ORS 1.735, as they may be amended, repealed or supplemented by the Legislative Assembly, to be arranged, indexed, printed, published and annotated in the Oregon Revised Statutes. [1977 c.890 §6]

JUDICIAL CONFERENCE

1.810 Judicial conference; membership; officers; expenses. 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 Court of Appeals, 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 State Court Administrator shall act as executive secretary of the conference. Each member of the conference, the State Court Administrator, and each person invited by the Chief Justice, is entitled to reimbursement for his hotel bills and traveling expenses necessarily incurred by him in the performance of his duties relating to the Judicial Conference of the State of Oregon. [1955 c.470 §1; 1959 c.552 §12; 1963 c.423 §2; 1965 c.494 §13, 1969 c.198 §29; 1971 c.95 §1]

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]

Note: Chapter 611, Oregon Laws 1979, provides:

Sec. 1. It is the purpose of this Act to strengthen and improve the structure, administration and personnel of the judicial branch of the State of Oregon.

Sec. 2. (1) There is hereby created a Commission on the Judicial Branch consisting of 13 members and one ex officio member.

(2) The Chief Justice shall appoint one appellate judge, one circuit judge and one district judge as members.

(3) The President of the Senate shall appoint three Senators as members, including one from Senate Ways and Means and one from the Senate Committee on Judiciary.

(4) The Speaker of the House shall appoint three Representatives as members, including one from House Ways and Means and one from the House Committee on Judiciary.

(5) The Governor shall appoint four members, including two nonlawyers with large scale management experience in the business community, and two lawyers with substantial trial experience in the Oregon state trial and appellate courts.

(6) The Chief Justice shall serve ex officio as a member of the commission.

(7) Each member shall serve for a period of two years and shall be eligible for reappointment. The appointing authority shall fill vacancies which occur for any cause in the course of a member's term.

Sec. 3. (1) The commission shall study the structure and organization of the state court system, including matters relating to the unification of the court system, the appropriate levels and location of trial and appellate courts, the provision of and consolidation of minor courts, the administrative arrangements and responsibilities of the courts, and the statutory arrangements for the courts.

(2) The commission shall study the recruitment, training, supervision, retention and retirement of judges, court administrators and court support personnel.

(3) The commission shall study the fiscal support of the court system with particular attention to the present statutory responsibilities of the state and county governments and means of coordinating such responsibilities.

(4) The commission shall study the business assigned to the courts by legislative action and its impact upon the dockets and capacity of the court system.

(5) The commission will consider in its studies the practical experiences of other comparable judicial systems in the several states in dealing with these matters.

(6) The commission shall report to the Legislative Assembly, to the Chief Justice and to the Governor the conclusions it draws from its studies and its recommendations for statutory and administrative changes which in its judgment will improve the quality and efficiency of the court system and provide such services in the most cost-efficient manner consistent with Oregon standards of justice. In addition to its substantive reports, the commission shall report annually its receipts and disbursements and a summary of its activities in the preceding year.

Sec. 4. (1) The commission shall elect one of its members as chairperson and one as vice-chairperson, who shall serve for a term of two years.

(2) Eight members shall constitute a quorum for the transaction of business.

(3) The commission shall meet at a time and place determined by the chairperson or on call of any five members.

(4) The chairperson shall be the chief executive officer of the commission, shall be responsible for the expenditure of all funds and shall sign and approve all vouchers and agreements into which the commission may enter.

Sec. 5. (1) The commission may receive funds as grants and gifts to assist and support its activities.

(2) The commission may employ and fix the salary of an executive director, secretarial assistance and such expert and technical consulting services as may be necessary to carry out its functions within the limits of the funds which become available to it.

(3) Members of the commission shall receive no compensation for service as a member. However, legislative members shall be entitled to per diem allowances for legislative service. All members shall be entitled to reasonable and actual travel and other expenses incurred in the performance of their official duties.

(4) The commission shall have available to it the assistance of the office of the State Court Administrator to provide reasonable support services, subject to the approval of the Chief Justice. The commission may also have available to it the advice and assistance of the Legislative Fiscal office and Legislative Counsel office of the state government.

Sec. 6. The Governor shall call the first meeting of the commission on or before September 1, 1979.

Sec. 7. All moneys collected or received by the commission pursuant to this Act shall be paid into the General Fund of the State Treasury, and such moneys are appropriated continuously for and shall be used by the commission in carrying out the purposes for which the funds were received.

Sec. 8. Unless renewed by the Legislative Assembly, the commission shall terminate its activities and cease to exist on July 1, 1983.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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,
October 1, 1979.

Thomas G. Clifford
Legislative Counsel