

# Chapter 2

## 1979 REPLACEMENT PART

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## SUPREME COURT

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

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

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

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

**2.045 Chief Justice.** (1) A Chief Justice of the Supreme Court shall be selected from their own number by vote of a majority of the members of the Supreme Court. The Chief Justice shall hold office as such for a term of six years from the date of his selection.

(2) The Chief Justice's term of office as such is not interrupted by the expiration of his term of office as judge of the Supreme Court if he is elected judge of the Supreme Court for a succeeding term.

(3) A judge selected as Chief Justice may be selected to succeed himself as such. If the Chief Justice vacates his office as judge of the Supreme Court by reason of death, resignation, failure of reelection or otherwise, or if the Chief Justice vacates his office as such by reason of resignation, expiration of his term as Chief Justice or otherwise, a successor Chief Justice shall be selected for a term of six years. [1959 c.384 §2 (enacted in lieu of 2.050)]

**2.050** [Repealed by 1959 c.384 §1 (2.045 enacted in lieu of 2.050)]

**2.052** [1959 c.44 §1; 1969 c.198 §31, repealed by 1975 c.706 §10]

**2.055** [1959 c.44 §2; repealed by 1975 c.706 §10]

**2.058** [1959 c.44 §3; 1961 c.387 §1; 1969 c.198 §32; repealed by 1975 c.706 §10]

**2.060** [Amended by 1955 c 127 §1; repealed by 1959 c.44 §7]

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

**2.080** [Repealed by 1979 c.55 §1]

**2.090** [Repealed by 1979 c.55 §1]

**2.100 Quorum.** Subject to ORS 2.111, the presence of a majority of all the judges of the Supreme Court is necessary for the transaction of any business therein; but any less number may meet and adjourn from day to day, or for the term, with the same effect as if all were present. [Amended by 1959 c.44 §6]

**2.110** [Repealed by 1959 c.44 §4 (2.111 enacted in lieu of 2.110)]

**2.111 Departments of court; sitting in departments or in banc.** (1) In hearing and determining causes, the Supreme Court may sit all together or in departments.

(2) A department shall consist of not less than three nor more than five judges. For convenience of administration, each department may be numbered. The Chief Justice shall from time to time designate the number of departments and make assignments of the judges among the departments. The Chief Justice may sit in one or more of the departments and when so sitting shall preside. The Chief Justice shall designate a judge to preside in each department in his absence.

(3) The majority of any department shall consist of regularly elected and qualified judges of the Supreme Court.

(4) The Chief Justice shall apportion the business to the departments. Each department shall have power to hear and determine causes and all questions which may arise therein, subject to subsection (5) of this section. The presence of three judges is necessary to transact business in any department, except such as may be done in chambers by any judge. The concurrence of three judges is necessary to pronounce a judgment.

(5) The Chief Justice or a majority of the regularly elected and qualified judges of the Supreme Court may at any time order a cause to be heard in banc. When sitting in banc, the court may include not more than two judges pro tempore of the Supreme Court. When the court sits in banc, the concurrence of a majority of the judges participating is necessary to pronounce a judgment, but if the judges participating are equally divided in their views as

to the judgment to be given, the judgment, decree or order appealed from shall be affirmed. [1959 c.44 §5 (enacted in lieu of 2.110)]

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

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

2.140 [Repealed by 1953 c.345 §3]

### PUBLICATION OF COURT DECISIONS

**2.141 Filing of court decisions.** The judges of the Supreme Court and Court of Appeals shall cause their decisions to be prepared, in such number and manner as they may determine, and delivered to the State Court Administrator. The administrator shall file a copy of each decision in his office and cause other copies to be distributed as determined by the Supreme Court. [1953 c.345 §1; 1965 c.233 §2; 1967 c.398 §1; 1971 c.193 §9; 1971 c.348 §2; 1971 c.526 §1, 1973 c.781 §1; 1975 c.69 §4; 1979 c.876 §1]

2.145 [Formerly 2.580; repealed by 1975 c.69 §8]

**2.150 Publication and distribution of court decisions.** (1) The Supreme Court shall arrange for the publication and distribution of bound volumes of reports of decisions of the Supreme Court and Court of Appeals and of unbound copies of those decisions to be used as advance sheets. The bound volumes of reports or advance sheets shall contain additional material as the Supreme Court may direct.

(2) The bound volumes of reports or advance sheets or both may be printed and bound, as the Supreme Court shall determine, by:

(a) The Department of General Services in the same manner as other state printing; or

(b) A private printer pursuant to a contract entered into by the Supreme Court with the printer and not subject to ORS 282.020.

(3) The bound volumes of reports or advance sheets or both may be distributed, as the Supreme Court shall determine, by:

(a) The State Court Administrator;

(b) The Secretary of State; or

(c) A private distributor pursuant to a contract entered into by the Supreme Court with the distributor.

(4) The bound volumes of reports and advance sheets shall be distributed without charge as determined by the Supreme Court or sold by the distributor. If the distributor is the State Court Administrator or Secretary of State, the administrator shall determine sale prices and all moneys collected or received from sales shall be paid into the General Fund of the State Treasury to be available for the payment of general governmental expenses. [Amended by 1961 c.103 §1; 1973 c.781 §2; 1975 c.69 §5; 1979 c.876 §2]

2.160 [Amended by 1961 c.103 §2; 1971 c.193 §10; 1973 c.781 §3; 1975 c.69 §6; repealed by 1979 c.976 §4]

2.170 [1967 c.398 §9 (1), (2); 1971 c.193 §11; 1975 c.69 §7; repealed by 1979 c.976 §4]

2.310 [1953 c.34 §1; repealed by 1959 c.552 §16]

2.320 [1953 c.34 §4; 1955 c.437 §1; repealed by 1959 c.552 §16]

2.330 [1953 c.34 §§2, 3, 7; repealed by 1959 c.552 §16]

2.340 [1953 c.34 §5; repealed by 1959 c.552 §16]

2.350 [1959 c.552 §2; renumbered 8.060]

### COURT OF APPEALS

**2.510 Court of Appeals.** As part of the judicial branch of state government, there is created a court of justice to be known as the Court of Appeals. [1969 c.198 §1; 1969 c.591 §262a, 1971 c.567 §1; 1971 c.734 §33; 1975 c.611 §22; 1977 c.158 §4]

2.515 [1969 c.198 §77; repealed by 1977 c.158 §5]

**2.516 Jurisdiction of all appeals exclusive except as otherwise provided by law.** Except where original jurisdiction is conferred on the Supreme Court by the Constitution of Oregon or by statute, the Court of Appeals shall have exclusive jurisdiction of all appeals. [1977 c.158 §2]

**2.520 Procedure for review of decisions of Court of Appeals.** Any party aggrieved by a decision of the Court of Appeals may petition the Supreme Court for review within 30 days after the date of the decision, in such manner as provided by rules of the Supreme Court. [1969 c.198 §2; 1973 c.516 §1]

2.530 [1969 c.198 §3; repealed by 1977 c.158 §5]

**2.540 Number of judges of Court of Appeals; qualifications; term.** (1) The Court of Appeals shall consist of 10 judges.

(2) A judge of the Court of Appeals shall be a qualified elector of the county of his residence and be admitted to the practice of law in this state.

(3) Each judge of the Court of Appeals shall hold office for a term of six years and until his successor is elected and qualified.

[1969 c.198 §4; 1973 c.377 §1; 1977 c.451 §1]

**2.550 Chief Judge.** (1) A Chief Judge of the Court of Appeals shall be selected from among the judges by a vote of the majority of the judges. The Chief Judge shall hold office as such for a term of six years from the date of his selection.

(2) The Chief Judge's term of office, as such, is not interrupted by the expiration of his term of office as judge of the Court of Appeals if he is elected judge of the Court of Appeals for a succeeding term.

(3) A judge selected as Chief Judge may succeed himself. If the Chief Judge vacates his office as judge of the Court of Appeals, or if the Chief Judge vacates his office as Chief Judge, a successor Chief Judge shall be elected for a term of six years. [1969 c.198 §5]

**2.560 Clerical assistants for court; reporter; administrator; place of sessions; supplies; rules.** (1) The Court of Appeals may appoint and fix the compensation of such number of clerical assistants to the judges of the court as it considers necessary.

(2) The Supreme Court Reporter shall be the Reporter of the Court of Appeals.

(3) The State Court Administrator shall be administrator of the Court of Appeals.

(4) The Court of Appeals shall sit primarily in Salem, but also may sit in such other places as it considers convenient for the conduct of its business.

(5) The duty of the Secretary of State to furnish books and adequate quarters for the use of the Court of Appeals shall be the same as for the Supreme Court.

(6) The Court of Appeals may make and enforce all rules necessary for the prompt and orderly dispatch of the business of the court, and the remanding of causes to the lower courts. All forms of pleadings used by the court shall be in compliance with the rules adopted under ORS 1.002. [1969 c.198 §7; 1971 c.193 §7; 1973 c.484 §2]

**2.570 Departments of court; sitting in departments or in banc.** (1) In hearing and determining causes, the judges of the Court of Appeals may sit together or in departments.

(2) A department shall consist of three judges. For convenience of administration, each department may be numbered. The Chief Judge shall from time to time designate the number of departments and make assignments of the judges among the departments. The Chief Judge may sit in one or more departments and when so sitting shall preside. The Chief Judge shall designate a judge to preside in each department in his absence.

(3) The majority of any department shall consist of regularly elected and qualified judges of the Court of Appeals.

(4) The Chief Judge shall apportion the business of the court between the departments. Each department shall have power to hear and determine causes, and all questions which may arise therein, subject to subsection (6) of this section. The presence of three judges is necessary to transact business in any department, except such business as may be transacted in chambers by any judge. The concurrence of two judges is necessary to pronounce judgment.

(5) In the event a judge of a department of three judges dies or becomes disabled or disqualified and is therefore unable to participate in the decision of a case submitted to that department, another judge may be assigned to the department and may participate in the decision with the other two judges of the department without resubmission of the case.

(6) The Chief Judge or a majority of the regularly elected and qualified judges of the Court of Appeals may at any time order a cause to be heard in banc. When sitting in banc, the court may include not more than two judges pro tempore of the Court of Appeals. When the court sits in banc, the concurrence of a majority of the judges participating is necessary to pronounce judgment, but if the judges participating are equally divided in their view as to the judgment to be given, the judgment appealed from shall be affirmed.

[1969 c.198 §6, 1973 c.108 §1]

**2.580** [1969 c.198 §8; renumbered 2.145]

**2.590 Expenses for judges when away from state capital.** When a judge of the Court of Appeals holds court or performs any other official function away from the

state capital, his hotel bills and traveling expenses necessarily incurred by him in the performance of that duty shall be paid by the state. Such expenses are to be paid upon the certificate of the judge to the truth of an item-

ized statement of the expenses in the manner provided by law. [1969 c.198 §10]

2.600 [1969 c.198 §30; repealed by 1975 c.706 §10]

#### 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