

Chapter 8

1981 REPLACEMENT PART

Court Officers and District Attorneys

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CRIERS AND BAILIFFS

8.010 Bailiffs of higher courts. (1) The Supreme Court and the Court of Appeals may appoint such number of bailiffs for the term as may be necessary. The bailiffs shall be executive officers of the respective courts.

(2) Process in cases of original jurisdiction in the Supreme Court may be executed by the bailiff or any sheriff of the state as directed by the court. [Amended by 1953 c 382 §4, 1969 c 198 §36]

8.020 Crier and bailiffs of circuit, district and county courts. Each circuit court, district court and county court has the power to appoint a crier and such number of bailiffs as may be necessary for the term, and they shall be deemed county employes for the purposes of the provisions of the Public Employes' Retirement System only; provided, that in counties where the circuit court is in session for 10 months or more of each year the bailiffs of the circuit court may be appointed for the year at a monthly salary. The legal fees of the crier, bailiff and other officers of the court for attendance thereon shall be ascertained by the court, and directed to be paid by an order thereof, and not otherwise. Upon the presentation of a certified copy of such order to the proper officer of the county, such officer shall draw a warrant on the county treasurer for the amount therein specified. [Amended by 1965 c 225 §1; 1981 c 126 §1]

Note: The amendments to 8.020 by section 23, chapter 3, Oregon Laws 1981 (special session) become operative January 1, 1983. See section 5, chapter 3, Oregon Laws 1981 (special session) 8.020, as amended, is set forth for the users' convenience

8.020. Each county court has the power to appoint a crier and such number of bailiffs as may be necessary for the term, and they shall be deemed county employes for the purposes of the Public Employes' Retirement System only. The compensation of the crier, bailiff and other officers of the court for attendance thereon shall be fixed by the court, and directed to be paid by an order thereof, and not otherwise. Upon the presentation of a certified copy of such order to the proper officer of the county, such officer shall draw a warrant on the county treasurer for the amount therein specified.

8.030 Criars' duties. It is the duty of the crier of a court:

(1) To attend the sittings of the court for which he is appointed.

(2) To call parties, witnesses, and other persons bound to appear at the court.

(3) To make proclamation of the opening or adjournment of the court, or of any other matter under its direction.

CIRCUIT COURT ADMINISTRATORS

8.060 [Formerly 2 350; repealed by 1971 c 193 §30]

8.070 Court administrator for circuit courts; appointment; term; compensation; duties. (1) In a single county judicial district described in ORS 3.011 with a population of 70,000 or more, according to the latest federal decennial census, the presiding judge may appoint a person to serve as court administrator subject to the approval of a majority of the judges of the circuit court. The administrator holds office at the pleasure of a majority of the judges of the circuit court, and shall perform the functions prescribed by court rule adopted by the judges of the circuit court of the judicial district where appointed.

(2) A majority of the judges of the circuit court shall fix the compensation of the administrator, subject to the approval of the board of county commissioners. Such compensation shall be commensurate with the duties performed by the administrator and shall be paid by the county in the same manner as the salaries of county officers are paid.

(3) A person appointed under this section comes within the class of officers excepted pursuant to the provisions of ORS 241.025 (2).

(4) In counties with a population of 400,000 or more, according to the latest federal decennial census, the trial court administrator as described in this section shall perform all duties prescribed in ORS 205.110.

(5) All references in the Oregon Revised Statutes to clerk or clerk of the court shall be applicable to the court administrator described in subsection (4) of this section. [1965 c 328 §1, 1975 c 260 §1, 1977 c 594 §1]

Note: 8.070 is repealed operative January 1, 1983. See sections 5 and 141, chapter 3, Oregon Laws 1981 (special session)

8.075 References to certain clerks applicable to court administrators. All references delineated within the Oregon Revised Statutes referring to clerk or clerk of the court shall be applicable to court administrators as described in ORS 8.070 (4) and 205.110. [1977 c.594 §3]

Note: 8 075 is repealed operative January 1, 1983 See sections 5 and 141, chapter 3, Oregon Laws 1981 (special session)

STATE COURT ADMINISTRATOR

8.110 Appointment; term; duties. (1) The office of State Court Administrator is established

(2) The Chief Justice of the Supreme Court shall appoint after conferring with and seeking the advice of the Supreme Court, may remove at pleasure and shall fix the compensation of the State Court Administrator

(3) The State Court Administrator shall perform the duties, powers and functions of the office under the supervision and subject to the direction of the Chief Justice of the Supreme Court [Amended by 1953 c 382 §4, 1971 c 193 §1; 1981 s s c 1 §12]

Note: The amendments to 8 110 by section 12, chapter 1, Oregon Laws 1981 (special session) take effect July 1, 1982 See section 26, chapter 1, Oregon Laws 1981 (special session) 8 110 (1979 Replacement Part) is set forth for the users' convenience

8.110. The Supreme Court or a majority of the judges thereof shall appoint a State Court Administrator and fix his compensation and that of his staff The State Court Administrator shall hold his office during the pleasure of the court The State Court Administrator shall be paid monthly in the same manner as other state officers are paid

8.120 Duties as court administrator for Supreme Court and Court of Appeals. The State Court Administrator shall, for the Supreme Court and Court of Appeals:

(1) Act as court administrator for the court.

(2) Keep the seal of the court, and affix it in all cases required by law.

(3) Record the proceedings of the court

(4) Keep the records, files, books and papers pertaining to the court.

(5) File all papers delivered to the administrator for that purpose in any action or proceeding in the court.

(6) Attend the terms of the court, unless excused by the court, and administer oaths.

(7) Keep the journal of the proceedings of the court, and under the direction of the court enter its orders and judgments.

(8) Authenticate, by certificate or transcript, as may be required, the records, files or

proceedings of the court, or any paper pertaining thereto, and filed with the administrator.

(9) In the performance of duties pertaining to the court, conform to the direction of the court. [Amended by 1971 c 193 §2, 1981 s s. c 1 §13]

Note: The amendments to 8 120 by section 13, chapter 1, Oregon Laws 1981 (special session) take effect July 1, 1982 See section 26, chapter 1, Oregon Laws 1981 (special session) 8 120 (1979 Replacement Part) is set forth for the users' convenience

8.120. The State Court Administrator has power to take and certify the proof and acknowledgment of a conveyance of real property or any other written instrument, authorized or required to be proved or acknowledged, and it is the duty of the State Court Administrator

(1) To keep the seal of the court, and affix it in all cases where he is required by law

(2) To record the proceedings of the court

(3) To keep the records, files, books and papers appertaining to the court

(4) To file all papers delivered to him for that purpose in any action, suit or proceeding in the court

(5) To attend to the terms of the court, including each session at Pendleton, unless excused therefrom by the court, and to administer oaths

(6) To keep the journal of the proceedings of the court at its terms, and under the direction of the court to enter its orders, judgments, and decrees

(7) To authenticate, by certificate or transcript, as may be required, the records, files or proceedings of the court, or any paper appertaining thereto, and filed with him

(8) To exercise the powers and perform the duties conferred upon him by statute

(9) In the performance of his duties, to conform to the direction of the court

(10) To assist the Chief Justice in exercising administrative authority and supervision under ORS 1 002

8.125 Duties to assist Chief Justice and other courts. The State Court Administrator shall, to the extent directed by the Chief Justice of the Supreme Court:

(1) Assist the Chief Justice in exercising administrative authority and supervision under ORS 1 002 (1)

(2) Consistent with applicable provisions of law and rules made thereunder:

(a) Supervise the personnel plan for officers, other than judges, and employes of the courts of this state who are state officers or employes.

(b) Prescribe the form and content and supervise the preparation of consolidated budgets, for submission to the Legislative Assembly, applicable to expenditures made and revenues received by the state in respect to the courts of this state.

(c) Supervise an accounting system for the recording, monitoring and auditing of expenditures made and revenues received by the state in respect to the courts of this state.

(d) Establish and maintain inventory records of property of the state in the custody or control of the courts of this state or any judge, other officer or employe thereof.

(3) Conduct a continuing survey of the administrative methods and activities, records, business and facilities of the courts of this state and make recommendations to the Chief Justice based on the survey.

(4) Collect and compile statistical and other data relating to the courts of this state and municipal courts, including the caseload, workload, performance, status, management, expenses and revenues of those courts, and make reports on the business and condition of those courts.

(5) Establish and supervise a state-wide public information service concerning the courts of this state.

(6) Establish and supervise education programs for judges, other officers and employes of the courts of this state and municipal courts pertinent to the performance of the functions of those judges, other officers and employes.

(7) Provide to the judges, other officers and employes of the courts of this state, to attorneys and to the public appropriate assistance services relating to the administration and management of the courts of this state.

(8) Prepare and maintain a continuing long-range plan for improvement and future needs of the courts of this state. [1981 s s c 1 §15]

Note: 8 125 becomes effective July 1, 1982 See section 26, chapter 1, Oregon Laws 1981 (special session)

8.130 Fees payable to State Treasurer. Unless otherwise provided by law, all fees and other moneys collected by the State Court Administrator shall be paid to the State Treasurer promptly, and shall be deposited in the General Fund available for general governmental expenses. [Amended by 1971 c 193 §3; 1981 s s c 1 §16]

Note: The amendments to 8 130 by section 6, chapter 1, Oregon Laws 1981 (special session) take effect July 1, 1982 See section 26, chapter 1, Oregon Laws 1981 (special session) 8 130 (1979 Replacement Part) is set forth for the users' convenience

8.130. Unless otherwise provided by law, all fees and charges required to be paid to and collected by the State Court Administrator shall be by him paid over to the State Treasurer promptly, to be credited to the General Fund

8.140 [Amended by 1971 c 193 §4, repealed by 1981 s s c 1 §25]

Note: 8 140 is repealed effective July 1, 1982 See sections 25 and 26, chapter 1, Oregon Laws 1981 (special session) 8 140 (1979 Replacement Part) is set forth for the users' convenience

8.140. (1) The office of the State Court Administrator is to be kept at the seat of government, in such building or room as the court may by order designate

(2) The State Court Administrator shall keep his office open for the transaction of business as the court may by order direct

8.150 Appointment and compensation of employes. The State Court Administrator, with the approval of the Chief Justice of the Supreme Court, may appoint and shall fix the compensation of employes to perform or assist in the performance of duties, powers and functions of the administrator. [Amended by 1971 c 193 §5; 1981 s s c 1 §17]

Note: The amendments to 8 150 by section 17, chapter 1, Oregon Laws 1981 (special session) take effect July 1, 1982 See section 26, chapter 1, Oregon Laws 1981 (special session) 8 150 (1979 Replacement Part) is set forth for the users' convenience

8.150 During his continuance in office neither the State Court Administrator nor any member of his staff shall engage in the practice of law

8.160 Administrator and staff not to practice law. The State Court Administrator and employes of the administrator shall not engage in the private practice of law. [Amended by 1953 c 382 §4, 1971 c 193 §6, 1981 s s c 1 §18]

Note: The amendments to 8 160 by section 8, chapter 1, Oregon Laws 1981 (special session) take effect July 1, 1982 See section 26, chapter 1, Oregon Laws 1981 (special session) 8 160 (1979 Replacement Part) is set forth for the users' convenience

8.160. The State Court Administrator shall be allowed as many deputies as the Supreme Court determines necessary The deputies shall be appointed by the State Court Administrator, by and with the consent and approval of the court, and shall serve at the pleasure of the State Court Administrator The salaries of the deputies shall be fixed by the court or a majority of the judges thereof and shall be paid monthly in the same manner as other state officers are paid

**TRIAL COURT
ADMINISTRATORS AND
TRIAL COURT CLERKS**

8.185 Trial court administrator for judicial district, duties as administrator of circuit and district courts; when separate or combined administration. (1) There shall be a trial court administrator for each judicial district described in ORS 3.011 that is designated by the Chief Justice of the Supreme Court. In designating a judicial district for which there shall be a trial court administrator, the Chief Justice shall consider the particular needs and circumstances of the circuit and district courts in the district and whether those needs and circumstances justify establishment of the office of trial court administrator. Except as provided in subsection (2) of this section, a trial court administrator shall act as court administrator for the circuit and district courts in a judicial district.

(2) For a judicial district designated by the Chief Justice under subsection (1) of this section, the Chief Justice may provide that there shall be a trial court administrator for the circuit court in the district and another trial court administrator for the district courts in the district when the Chief Justice determines that provision is justified by the needs and circumstances of the circuit and district courts in the district.

(3) When two or more adjoining judicial districts are designated by the Chief Justice under subsection (1) of this section, the Chief Justice may provide that there shall be one trial court administrator for two or more of those districts when the presiding judges of the circuit courts in those two or more districts submit a written request therefor to the Chief Justice. [1981 s s c 3 §8]

Note: 8 185, 8 195, 8 205, 8 215, 8.225, 8 235, 8 245 and 8 255 become operative January 1, 1983 See section 5, chapter 3, Oregon Laws 1981 (special session)

8.195 Appointment of trial court administrators; removal. (1) Subject to applicable provisions of a personnel plan established by the Chief Justice of the Supreme Court, a person to serve as trial court administrator for:

(a) One judicial district shall be appointed by the presiding judge of the circuit court in the district, with the approval of a majority of the circuit and district court judges in the district.

(b) The circuit court in a judicial district shall be appointed by the presiding judge of the circuit court, with the approval of a majority of the circuit court judges.

(c) The district courts in a judicial district shall be appointed by the presiding judges of the district courts, with the approval of a majority of the district court judges.

(d) Two or more adjoining judicial districts shall be appointed by the presiding judges of the circuit courts in the districts, with the approval of a majority of the circuit and district court judges in the districts.

(2) A trial court administrator may be removed from the office by the appointing presiding judge as provided in a personnel plan established by the Chief Justice of the Supreme Court. [1981 s s c 3 §9]

Note: See note under 8 185

8.205 Trial court clerk. (1) There shall be a trial court clerk for each county in a judicial district not designated by the Chief Justice of the Supreme Court under ORS 8.185 (1). Except as provided in subsection (2) of this section, a trial court clerk shall act as court clerk for the circuit and district courts for a county.

(2) For a judicial district not designated by the Chief Justice under ORS 8.185 (1), the Chief Justice, by rule, may provide that there shall be a trial court clerk for the circuit court for a county in the district and another trial court clerk for the district court for the same county when the Chief Justice determines that provision is justified by the needs and circumstances of the circuit and district courts for the county. [1981 s s c 3 §10]

Note: See note under 8 185

8.210 [Repealed by 1973 c 781 §4]

8.215 Appointment of clerk. (1) Subject to applicable provisions of a personnel plan established by the Chief Justice of the Supreme Court, a person to serve as trial court clerk for:

(a) A county shall be appointed by the presiding judge of the circuit court for the county, with the approval of a majority of the judges of the circuit and district courts for the county.

(b) The circuit court for a county shall be appointed by the presiding judge of the circuit court, with the approval of a majority of the circuit court judges.

(c) The district court for a county shall be appointed by the presiding judge of the district court, with the approval of a majority of the district court judges.

(2) A trial court clerk appointed under subsection (1) of this section may be removed from the office by the appointing presiding judge as provided in a personnel plan established by the Chief Justice of the Supreme Court.

(3) If the services of a trial court clerk for a county or for the circuit or district court for a county are provided by the county under ORS 8.255 (2), a trial court clerk for the county or for the circuit or district court shall not be appointed under subsection (1) of this section. [1981 s s c 3 §11]

Note: See note under 8 185

8.220 [Repealed by 1973 c 781 §4]

8.225 Duties of administrator and clerk. (1) The trial court administrator for a judicial district or for a circuit or district court, and the trial court clerk for a county or for a circuit or district court, has the duties, powers and functions prescribed by law or by rules of the circuit or district courts in the district or for the county for the clerk or court administrator of a circuit or district court in the district or for the county, including duties, powers and functions so prescribed for a county clerk as clerk of the circuit and district courts.

(2) A trial court administrator or trial court clerk shall, for each court served by the officer:

(a) Keep the seal of the court, and affix it in all cases required by law.

(b) Record the proceedings of the court.

(c) Keep the records, files, books and papers pertaining to the court.

(d) File all papers delivered to the officer for that purpose in any action or proceeding in the court.

(e) Attend the terms of the court, administer oaths and receive the verdict of a jury in any action or proceeding therein, in the presence and under the direction of the court

(f) Keep the journal of the proceedings of the court, and under the direction of the court enter its orders and judgments.

(g) Authenticate, by certificate or transcript, as may be required, the records, files or proceedings of the court, or any paper pertaining thereto, and filed with the officer.

(h) In the performance of duties pertaining to the court, conform to the direction of the court.

(3) A trial court administrator or trial court clerk may take and certify the proof and acknowledgment of a conveyance of real property or any other written instrument authorized or required to be proved or acknowledged.

[1981 s s c 3 §12]

Note: See note under 8 185

Note: Section 20, chapter 3, Oregon Laws 1981 (special session), provides

Sec. 20. All records, files, books and papers pertaining to the circuit and district courts for a county that are in the custody or control of the clerk, court administrator or other officer or employe of a circuit or district court on the operative date specified in section 5 of this Act [January 1, 1983] are transferred to the trial court administrator or trial court clerk having the duties, powers and functions as clerk of those courts under subsection (1) of section 12 of this Act

8.235 Administrators and clerks as state employes. Trial court administrators appointed under ORS 8.195, trial court clerks appointed under ORS 8.215 and other nonjudicial officers and employes of the circuit and district courts who are appointed under a personnel plan established by the Chief Justice of the Supreme Court are state officers or employes in the exempt service and not subject to ORS chapter 240. However, such personnel shall retain the right to be dismissed only for just cause after hearing and appeal. [1981 s s c 3 §13]

Note: See note under 8 185

8.245 Trial court administrators, clerks and other personnel not to practice law. Trial court administrators appointed under ORS 8.195, trial court clerks appointed under ORS 8.215 and other nonjudicial officers and employes of the circuit and district courts who are appointed under a personnel plan established by the Chief Justice of the Supreme Court shall not engage in the private practice of law. [1981 s s c 3 §15]

Note: See note under 8 185

8.255 Agreement between state and county to provide services to county with county employes; payment to county; supervision of employes. (1) The State Court Administrator, on behalf of the state, and the governing body of a county, on behalf of the county, may enter into an agreement whereby services required to be provided by the state for the circuit or district court for the

county are provided by employees of the county, instead of by state officers and employees, and the expenses of the county in providing those services are paid to the county by the state from funds available for the purpose.

(2) An agreement with a county in a judicial district not designated by the Chief Justice of the Supreme Court under ORS 8.185 (1) may provide for the services of a trial court clerk provided by the county. If an agreement so provides, a trial court clerk shall not be appointed under ORS 8.215 (1).

(3) County employes providing services under an agreement shall be under the supervision and control of the trial court administrator appointed under ORS 8.195 or the trial court clerk appointed under ORS 8.215, or if there is no trial court administrator or trial court clerk so appointed, under the supervision and control of the presiding judge of the circuit court for the county. County employes providing services under an agreement are not thereby state employes. County employes providing services under an agreement shall not engage in the private practice of law.

(4) With the prior approval of the State Court Administrator, a trial court administrator appointed under ORS 8.195, on behalf of the state, and the governing body of a county, on behalf of the county, may enter into an agreement under this section in respect to services for a circuit or district court for the county served by the trial court administrator. [1981 s s c 3 §16]

Note: See note under 8 185

Note: Sections 17 and 142, chapter 3, Oregon Laws 1981 (special session), provide

Sec. 17. (1) The duties, powers and functions of the county clerk in each county as clerk of the circuit and district courts for the county are transferred to the trial court administrator or trial court clerk having the duties, powers and functions as clerk of those courts under subsection (1) of section 12 of this Act. Any reference to a county clerk as clerk of a circuit or district court in the statute laws of this state is intended to be and shall be considered a reference to the clerk of the court

(2) The Legislative Counsel, for the purpose of harmonizing and clarifying the provisions of statute sections published in Oregon Revised Statutes, may substitute for words designating a county clerk as clerk of the circuit or district court, wherever they occur in the statute sections so published, words designating the clerk of the court or other designations or references to reflect the legislative intention expressed in subsection (1) of this section

Sec. 142. (1) As used in this section

(a) "County employment" means the employment of a trial court employe before the operative date specified in section 5 of this Act [January 1, 1983]

(b) "State personnel plan" means a personnel plan for officers, other than judges, and employes of the circuit and district courts who are state officers or employes that is established by the Chief Justice of the Supreme Court

(c) "Trial court employe" means an employe of a county or an employe of a circuit or district court in a county who receives compensation paid by the county, either of whom performs duties for a circuit or district court in the county and whose position will be designated, on the operative date specified in section 5 of this Act, as a position in state employment subject to appointment under a state personnel plan.

(2) A trial court employe may elect, not later than the operative date specified in section 5 of this Act, to transfer from county employment to state employment as an appointee under a state personnel plan. The election shall be made in writing and shall be submitted to the clerk or administrator of the circuit court in the county

(3) A trial court employe who elects to transfer as provided in subsection (2) of this section shall be transferred to state employment on the operative date specified in section 5 of this Act and considered an appointee under a state personnel plan, subject to subsections (4) to (6) of this section

(4) If a trial service or probationary service period is required for the state employment of an employe transferred under subsection (3) of this section, the period of county employment of the employe shall apply to that requirement

(5) An employe transferred under subsection (3) of this section shall be credited as a state employe with the accumulated unused sick leave with pay and the accumulated unused vacation with pay to which the employe was entitled under county employment on the day before the transfer that are supported by written records of accumulation and use pursuant to a plan formally adopted and applicable to the employe under county employment

(6)(a) Notwithstanding any other provision of law applicable to a retirement system for county employes or state employes, an employe transferred under subsection (3) of this section who was participating in a retirement system under county employment other than the Public Employees' Retirement System may elect, not later than the first day of the month following the month in which is the operative date specified in section 5 of this Act, to continue under the retirement system in which participating and not to become, if eligible, a member of the Public Employees' Retirement System. The election shall be made in writing and shall be submitted to the State Court Administrator, the Public Employees' Retirement Board and the governing body of the county

(b) If an employe elects to continue under the retirement system in which participating under county employment, the employe shall continue to make required contributions to that system and the state shall make contributions on behalf of the employe required of an employer participating in that system

(c) If an employe fails to elect to continue under the retirement system in which participating under county employment as provided in paragraph (a) of this subsection

tion or was not participating in a retirement system under county employment, the employe shall become, if eligible, a member of the Public Employes' Retirement System. If the employe is eligible to become a member of the Public Employes' Retirement System, the period of continuous service of the employe under county employment immediately before the operative date specified in section 5 of this Act shall apply to the six months' service requirement of ORS 237.011.

(7) The county employment records, or a copy thereof, applicable to an employe transferred under subsection (3) of this section shall be provided by the person having custody of the records to the State Court Administrator.

(8) ORS 236.610 to 236.650 do not apply to a trial court employe.

8.260 [1953 c 34 §6, repealed by 1959 c 552 §16]

REPORTERS AND SECRETARIES FOR CIRCUIT COURTS

8.310 Circuit court reporters; qualifications; term; oath; status. (1) Each circuit judge, or the county court or county courts of each judicial district, with the approval of the circuit judge or judges of such judicial district, may appoint an individual to be attached to the court held by the appointing authority, who shall be designated as the official reporter of the _____ judicial district of the State of Oregon, and shall hold office during the pleasure of the appointing authority. Individuals appointed as reporters shall possess such qualifications as the Supreme Court may prescribe by rule. Before entering upon the discharge of official duties, each such reporter shall take and subscribe an oath faithfully to perform the duties of the office.

(2) Reporters shall be officers of the court in which they serve and of any court to which an appeal is made whenever the reporter has recorded the proceedings which are the subject of the appeal.

(3) In the nineteenth judicial district, an appointment under subsection (1) of this section may be made for each county in the district.

(4) Each such reporter shall be deemed a county employe for the purposes of the provisions of ORS 237.001 to 237.315 only. The application of ORS 237.001 to 237.315 and 238.010 to 238.140 (1979 Replacement Part) to any such reporter made prior to May 4, 1967, by the Public Employes' Retirement Board or the retirement board referred to in ORS 238.020 (1979 Replacement Part) hereby

is confirmed and ratified. [Amended by 1965 c 369 §1, 1967 c 229 §1; 1971 c 565 §2, 1981 c 126 §2]

Note: 8 310, 8 320, 8 330, 8 372, 8 375, 8 377, 8 379, 8 383, 8.385, 8 387, 8 390, 8 395, 8 400, 8 410 and 8 510 are repealed operative January 1, 1983. See sections 5 and 141, chapter 3, Oregon Laws 1981 (special session)

8.320 Reporters pro tem. Any circuit judge or circuit judge pro tem not having available the services of an official reporter may appoint an individual to act as reporter pro tem, who shall perform the same duties as the official reporter and whose report when certified shall have the same legal effect as the certified report of the official reporter. Such reporter pro tem shall possess the qualifications and take the oath prescribed for the official reporter and shall receive the same compensation. [Amended by 1971 c 565 §3]

Note: See note under 8 310

8.330 When reporter to be secretary for circuit judge; appointment and compensation of secretary. It shall be the duty of each official reporter who is paid a salary to act as secretary to the judge by or for whom appointed, in connection with the official duties of such judge. Each circuit judge may, if he does not have an official reporter available to act as secretary, appoint a private secretary and fix his compensation, which compensation shall be paid by the county of the residence of the judge, as county salaries are paid.

Note: See note under 8 310

8.340 Duty to attend court and make reports of proceedings. (1) It shall be the duty of each official reporter to attend the court for which he is appointed at such times as the circuit judge presiding may direct.

(2) Upon the trial of any cause, the judge upon his own motion may, and upon the request of either party shall, order a report of the proceedings, in which case the reporter shall, in the manner provided in subsection (3) of this section, make a report of the oral testimony and other proceedings of the trial to the extent required by the court or by the requesting party.

(3) When a report is required, the reporter shall:

(a) Take accurate notes by shorthand or by means of a mechanical typing device using paper tapes; or

(b) If the judge in his discretion so authorizes, make audio records under such rules as the Supreme Court may prescribe.

(4) The notes, tapes or audio records of the reporter shall be filed in the office of the clerk of the court subject to the provisions of ORS 7.120 and except as provided in ORS 19.069.

[Amended by 1955 c 497 §2, 1971 c 565 §4, 1975 c 481 §2]

Note: The amendments to 8 340 by section 24, chapter 3, Oregon Laws 1981 (special session), become operative January 1, 1983 See section 5, chapter 3, Oregon Laws 1981 (special session) 8 340, as amended, is set forth for the users' convenience

8.340. (1) It shall be the duty of each official reporter of the circuit court to attend the court for which the reporter is appointed at such times as the judge presiding may direct

(2) The reporter shall be appointed under a personnel plan established by the Chief Justice of the Supreme Court The reporter is an officer of the court in which the reporter serves and of any court to which an appeal is made whenever the reporter has recorded the proceedings that are the subject of the appeal

(3) Upon the trial of any cause, the judge upon own motion may, and upon the request of either party shall, order a report of the proceedings, in which case the reporter shall, in the manner provided in subsection (4) of this section, make a report of the oral testimony and other proceedings of the trial to the extent required by the court or by the requesting party

(4) When a report is required, the reporter shall

(a) Take accurate notes by shorthand or by means of a mechanical typing device using paper tapes, or

(b) If the judge so authorizes, make audio records under such conditions as the Chief Justice of the Supreme Court may prescribe

(5) The notes, tapes or audio records of the reporter shall be filed in the office of the clerk of the court subject to the provisions of ORS 7 120 and except as provided in ORS 19 069

8.350 Transcript of testimony.

When a report of the proceedings, or any part thereof, has been made in any case as provided in ORS 8.340, if the court or either party to the suit or action or his attorney requests a transcript of the notes, tapes or audio records into longhand, the official reporter shall cause full and accurate typewritten transcripts to be made of the testimony or other proceedings, which shall, when certified to as provided in ORS 8.360, be filed with the clerk of the court where such cause was tried, for the use of the court or parties. [Amended by 1955 c 497 §3]

8.360 Certified report as prima facie correct; reading as deposition; proceedings where reporter has ceased to be

official reporter. (1) The report of the official reporter, when transcribed and certified to as being a correct transcript of the notes, tapes or audio records of the testimony, exceptions taken, charge of the judge, and other proceedings in the matter, shall be prima facie a correct statement thereof, and may thereafter be read in evidence as the deposition of a witness.

(2) When the official reporter in any cause has ceased to be the official reporter of that court, any transcript made from the notes, tapes or audio records by the former official reporter, or made by a competent person under direction of the court, and duly certified to by the maker, under oath, as a full, true and complete transcript of the notes, tapes or audio records, shall have the same force and effect as though certified in the same manner by the official reporter. [Amended by 1955 c 497 §4, 1979 c 284 §42]

8.370 [Amended by 1953 c 566 §2, repealed by 1959 c 445 §1]

8.372 Minimum salaries of reporters; additional salary in one-county judicial districts. (1) The "governing body of a county," as used in ORS 8.372 to 8.387, means the county court or board of county commissioners of such county.

(2) The annual salary of each official reporter for the circuit court shall be not less than \$7,200. The annual salary shall be payable in monthly instalments throughout the year as county salaries are paid.

(3) In each judicial district composed of only one county, whenever, in the judgment of the governing body of such county, the minimum annual salary established by this section is not commensurate with the character and amount of service performed by the official reporter or reporters in the district, the governing body of the county may pay out of the funds of the county such additional amounts as will properly compensate such reporter or reporters for the services performed. [Formerly part of 8 381]

Note: See note under 8 310

8.375 Salaries in seventh, ninth and tenth judicial districts. In each judicial district composed of more than one county, but having only one circuit judge, whenever, in the judgment of the collective governing bodies of such counties, the minimum annual salary established by ORS 8.372 is not commensurate with the character and amount of

service performed by the official reporter in the district, the collective governing bodies of such counties may pay out of the funds of such counties such additional amounts as will properly compensate the reporter for the services performed. In such judicial districts the official reporter shall be paid proportionately by the counties as follows:

(1) In the seventh judicial district, Wasco shall pay 50 percent, Hood River shall pay 33-1/3 percent, and Sherman shall pay 16 2/3 percent.

(2) In the ninth judicial district, Malheur shall pay 66-2/3 percent, and Harney shall pay 33-1/3 percent.

(3) In the tenth judicial district, Union shall pay 66-2/3 percent, and Wallowa shall pay 33-1/3 percent. [Formerly part of 8 381]

Note: See note under 8 310

8.377 Salaries in first judicial district. (1) In the first judicial district, Jackson County shall pay the annual salary of the two official reporters in Jackson County, and whenever, in the judgment of the governing body of Jackson County, the minimum annual salary established by ORS 8.372 is not commensurate with the character and amount of service performed by the official reporters in that county, the governing body of that county may pay out of the funds of the county such additional amounts as will properly compensate such reporters for the services performed.

(2) In the first judicial district, Josephine County shall pay the annual salary of the two official reporters in Josephine County, and whenever, in the judgment of the governing body of Josephine County, the minimum annual salary established by ORS 8.372 is not commensurate with the character and amount of services performed by the official reporters in that county, the governing body of that county may pay out of the funds of the county such additional amounts as will properly compensate such reporters for the services performed. [Formerly part of 8.381; 1981 c 759 §9]

Note: See note under 8 310

8.379 Salaries in sixth and eleventh judicial districts. (1) In the sixth judicial district, Umatilla County shall pay 80 percent of the annual salary of one circuit court reporter and Morrow County shall pay 20 percent of the annual salary of the same reporter. Umatilla County shall pay 100 percent of the salary of any additional reporter. Whenever, in the judgment of the governing bodies of

both counties, the minimum annual salary established by ORS 8.372 is not commensurate with the character and amount of service performed by the official reporters in the district, the governing bodies of the counties may pay out of the funds of the counties such additional amounts as will properly compensate such reporters for the services performed.

(2) In the eleventh judicial district, Gilliam County shall pay four percent, Wheeler County shall pay three percent, Grant County shall pay 10 percent, Deschutes County shall pay 52 percent, Jefferson County shall pay 14 percent and Crook County shall pay 17 percent of the annual salaries of the official reporters in those counties. Whenever, in the judgment of the collective governing bodies of such counties, the minimum annual salary established by ORS 8.372 is not commensurate with the character and amount of service performed by the official reporters in such counties, the collective governing bodies of such counties may pay out of the funds of such counties such additional amounts as will properly compensate the reporters for the services performed. [Formerly part of 8 381; 1971 c 144 §1, 1971 c 390 §1]

Note: See note under 8 310

8.380 [Amended by 1953 c 550 §22; 1957 c 666 §1; 1957 c 713 §15; 1959 c.509 §1; repealed by 1961 c 447 §1]

8.381 [1961 c.447 §3; 1965 c 369 §2; 1967 c 532 §6, 1967 c.533 §16; parts renumbered 8 372, 8 375, 8.377, 8 379, 8 383, 8 385 and 8 387]

8.383 Salaries in twelfth, thirteenth and fifteenth judicial districts. (1) In the twelfth judicial district, Polk County shall pay the annual salary of the official reporter in that county, and whenever, in the judgment of the governing body of Polk County, the minimum annual salary established by ORS 8.372 is not commensurate with the character and amount of service performed by the official reporter in that county, the governing body of the county may pay out of the funds of the county such additional amounts as will properly compensate such reporter for the services performed.

(2) In the twelfth judicial district, Yamhill County shall pay the annual salary of the official reporter in that county, and whenever, in the judgment of the governing body of Yamhill County, the minimum annual salary established by ORS 8.372 is not commensurate with the character and amount of service performed by the official reporter in that county, the governing body of the county may

pay out of the funds of the county such additional amounts as will properly compensate such reporter for the services performed.

(3) In the thirteenth judicial district, Klamath County shall pay the annual salaries of the official reporters in that county, and whenever, in the judgment of the governing body of Klamath County, the minimum annual salary established by ORS 8.372 is not commensurate with the character and amount of service performed by the official reporters in that county, the governing body of the county may pay out of the funds of the county such additional amounts as will properly compensate such reporters for the services performed.

(4) In the thirteenth judicial district, Lake County shall pay the annual salary of the official reporter in that county, and whenever, in the judgment of the governing body of Lake County, the minimum annual salary established by ORS 8.372 is not commensurate with the character and amount of service performed by the official reporter in that county, the governing body of the county may pay out of the funds of the county such additional amounts as will properly compensate such reporter for the services performed.

(5) In the fifteenth judicial district, Coos County shall pay 65 percent of the annual salaries of the official reporters, and Curry County shall pay 35 percent. Whenever, in the judgment of the governing bodies of both counties, the minimum annual salary established by ORS 8.372 is not commensurate with the character and amount of service performed by the official reporters in the district, the governing bodies of the counties may pay out of the funds of the counties such additional amounts as will properly compensate such reporters for the services performed. [Formerly part of 8.381, 1981 c 759 §10]

Note: See note under 8.310

8.385 Salaries in nineteenth judicial district. (1) In the nineteenth judicial district, Tillamook County shall pay the annual salary of the official reporter in that county, and whenever, in the judgment of the governing body of Tillamook County, the minimum annual salary established by ORS 8.372 is not commensurate with the character and amount of service performed by the official reporter in that county, the governing body of that county may pay out of the funds of the county such additional amounts as will

properly compensate such reporter for the services performed.

(2) In the nineteenth judicial district, Clatsop County shall pay the annual salary of the official reporter in that county, and whenever, in the judgment of the governing body of Clatsop County, the minimum annual salary established by ORS 8.372 is not commensurate with the character and amount of service performed by the official reporter in that county, the governing body of the county may pay out of the funds of the county such additional amounts as will properly compensate such reporter for the services performed.

(3) In the nineteenth judicial district, Columbia County shall pay the annual salary of the official reporter in that county, and whenever, in the judgment of the governing body of Columbia County, the minimum annual salary established by ORS 8.372 is not commensurate with the character and amount of service performed by the official reporter in that county, the governing body of the county may pay out of the funds of the county such additional amounts as will properly compensate such reporter for the services performed.

[Formerly part of 8.381]

Note: See note under 8.310

8.387 Salaries in twenty-first judicial district. (1) In the twenty-first judicial district, Linn County shall pay the annual salaries of the official court reporters in that county, and whenever, in the judgment of the governing body of such county, the minimum annual salary established by ORS 8.372 is not commensurate with the character and amount of service performed by the official reporters in the district, the governing body of the county may pay out of the funds of the county such additional amounts as will properly compensate such reporters for the services performed.

(2) In the twenty-first judicial district, Benton County shall pay the annual salaries of the official court reporters in that county, and whenever, in the judgment of the governing body of Benton County, the minimum annual salary established by ORS 8.372 is not commensurate with the character and amount of service performed by the official reporters in the district, the governing body of the county may pay out of the funds of the county such additional amounts as will properly compensate such reporters for the services performed.

[Formerly part of 8.381, 1971 c 777 §6; 1975 c 430 §1]

Note: See note under 8.310.

8.390 Per diem pay for other reporters. Each official reporter for the circuit court for any judicial district for which a salary is not provided shall be entitled to receive compensation at the rate of \$27.50 per diem for every day actually in attendance upon the circuit court pursuant to the direction of the court, which compensation shall be paid by the county in which the court is held. The certificate of the reporter as to the number of days of attendance upon the court, when certified as correct by the judge presiding, shall be a sufficient voucher to the county clerk upon which he shall draw his warrant upon the treasurer of the county in favor of the official reporter. [Amended by 1953 c 550 §22; 1961 c 447 §2]

Note: See note under 8 310

8.395 Salaries of reporters while serving away from home. Notwithstanding the provisions of ORS 8.372 to 8.387, the official circuit court reporter in any judicial district, while serving away from home, shall be paid only by the county in which the court is held and at a per diem salary rate no less than that paid to the official court reporter in the county he is then serving. [1967 c 273 §1]

Note: See note under 8 310

8.400 Reporting default divorce cases; transcript. Each default divorce case shall be reported, and if the court in any such case shall order that a transcript of the testimony be prepared, the official reporter shall prepare and file such transcript. Nothing herein contained shall be construed as preventing the reference of divorce cases for the taking of testimony. [Amended by 1953 c 550 §22]

Note: See note under 8 310

8.410 Traveling expenses. All official circuit court reporters, while serving away from home, shall be entitled to reimbursement for their actual and necessary living and traveling expenses incurred in the performance of their duties outside of the county of their residence, to be paid by or prorated to the counties in the same proportion or manner as their salaries or per diem compensation.

Note: See note under 8 310

**SPECIAL STAFF FOR
DEPARTMENT OF PROBATE
OF MULTNOMAH COUNTY
CIRCUIT COURT**

8.510 Special staff in Multnomah County probate department; law practice by, prohibited. (1) In any county having a population of more than 400,000, wherein jurisdiction in probate matters and in matters involving mentally ill persons is vested in the circuit court, the judge assuming responsibility for such matters may appoint an administrative assistant who is licensed to practice law in the State of Oregon and an additional staff not to exceed eight persons to assist in matters of probate and in proceedings pertaining to hearings of mentally ill persons.

(2) The judge may fix the compensation to be paid such employes, subject to the approval of the board of county commissioners. The compensation of such employes shall be commensurate with the duties performed by them, and shall be paid in the same manner as the salaries of county officers are paid.

(3) Neither the administrative assistant nor any member of the staff shall engage in the practice of law. [Amended by 1953 c.566 §2, 1957 c 706 §1; 1963 c 494 §1; 1981 c.215 §9]

Note: See note under 8 310

DISTRICT ATTORNEYS

8.610 Election and term of office. A district attorney for each county shall be elected by the qualified electors of the county, at the general election next preceding the expiration of the term of the then incumbent. He shall hold office for the term of four years and until his successor is elected and qualified.

8.620 Filing certificate of election; oath. A person elected to the office of district attorney must, before entering upon such office, qualify by filing with the Secretary of State his certificate of election, with an oath of office indorsed thereon, and subscribed by him, to the effect that he will support the Constitution of the United States and of this state, and faithfully and honestly demean himself in office.

8.630 Qualifications; general powers and duties. A person elected district attorney must, at the time of his election, have been admitted to practice in the Supreme Court of Oregon. District attorneys shall possess the qualifications, have the powers, perform the duties and be subject to the restrictions provided by the Constitution for

prosecuting attorneys, and by the laws of this state.

8.640 Filling vacancies in office.

When a vacancy occurs in the office of district attorney, the Governor must appoint some suitable person to fill the vacancy until the next election and qualification of a successor at the next general election. A person appointed to fill a vacancy in the office must qualify in the same manner as a person elected there-to, and shall have like power and compensation, and perform the same duties.

8.650 District attorney as public prosecutor. The district attorney in each county is the public prosecutor therein and has the authority to appear and prosecute violations of the charter and ordinances of any city provided the district court of the county has jurisdiction with respect to violations of the charter and ordinances of each such city. In cities of a population of more than 300,000 the district attorney shall be responsible for the prosecution of all city ordinance violations. [Amended by 1971 c 633 §14]

8.660 Attending court and prosecuting offenses. (1) The district attorney shall attend the terms of all courts having jurisdiction of public offenses within the district attorney's county, and, except as otherwise provided in this section, conduct, on behalf of the state, all prosecutions for such offenses therein.

(2) A district attorney shall not conduct prosecutions under this section when:

(a) A city attorney is prosecuting traffic infractions as authorized under ORS 153.565, boating infractions as authorized under ORS 153.385 or infractions as authorized under ORS 8.665, 153.110 to 153.310 and 153.990; or

(b) A district attorney is not permitted to appear for traffic infractions under ORS 153.580, boating infractions under ORS 153.400 or infractions under ORS 8.665, 153.110 to 153.310 and 153.990. [Amended by 1975 c 451 §170; 1981 c 626 §1, 1981 c 692 §6a]

8.665 Prosecuting infractions. Upon information or complaint of any person authorized to enforce infractions subject to this section and ORS 153.110 to 153.310 and 153.990, district attorneys shall prosecute every case in which it appears that there has been violation of those infractions. [1981 c 692 §10]

8.670 Proceedings before magistrates and grand jury. The district attorney shall institute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offense has been committed, and attend upon and advise the grand jury when required.

8.675 Priority given to administration of laws relating to public assistance and enforcement of support. In the performance of his official duties, unless otherwise specifically required by law and except for criminal and juvenile proceedings, the district attorney shall give priority to the performance of those duties involving the administration of the laws relating to public assistance and reciprocal enforcement of support. [1959 c 539 §5]

8.680 Prosecuting and collecting penalties and forfeitures; prosecuting and defending for state. The district attorney shall prosecute for all penalties and forfeitures to the state that may be incurred in his county, and for which no other mode of prosecution and collection is expressly provided by statute, and in like case, prosecute or defend all actions, suits and proceedings in his county to which the state is a party.

8.685 Assisting juvenile court. (1) The district attorney shall, upon request of the juvenile court, appear in the juvenile court to assist the court in any matter within its jurisdiction.

(2) In counties having a population of more than 150,000, according to the latest federal decennial census, the district attorney shall designate a deputy to assist the juvenile court as provided in subsection (1) of this section. [1959 c 432 §63 (enacted in lieu of 8 750)]

8.690 Advising and representing county officers and employes. Upon request of a county officer, the district attorney and his deputies shall advise the county court and other county officers on all legal questions that may arise. When any action is instituted against any county officer or county employe for damages for an alleged wrongful act or omission in the performance of his official duty, the district attorney shall defend such action. He shall also prosecute and defend all actions, suits, and proceedings to which the county may be a party. For such services he shall receive no compensation

other than his salary. [Amended by 1957 c.151 §1, 1965 c.419 §1]

8.700 Register to be kept. The district attorney must keep a register of his official business, in which he shall make a note of every action, suit or proceeding commenced or defended by him in his official capacity, and the proceedings therein. The register shall, at the expiration of his term of office, be delivered by him to his successor in office.

8.710 Disqualification; appointment of special district attorney. If a district attorney fails to attend any court at which he is required to be, or is related to the accused by consanguinity or affinity, or, prior to his election as district attorney, represented the accused in the matter to be investigated by the grand jury or the crime charged in the indictment, or is associated with the accused in business, or is interested financially in the matter or property out of which the alleged crime or criminal action arose, or is a stockholder in any corporation, any officer or stockholder of which is charged with the commission of any crime, and such facts appear to the satisfaction of the court by affidavit or otherwise, the court shall appoint a regularly licensed and practicing attorney of this state to perform the duties of such attorney during his absence, or the trial or investigation of such accused. When the district attorney is disqualified as provided in this section, the person so appointed by the court shall receive reasonable compensation for his attendance, to be allowed by the court and paid from the county treasury upon order of the court.

8.720 Receiving private fee in criminal action; acting as attorney in civil action involving same controversy. A district attorney shall not receive any fee or reward from any private person for his services in any criminal action, nor during the pendency of such prosecution can he act as attorney for either party in any civil action, suit or proceeding involving substantially the same controversy.

8.725 [1957 c 645 §2; 1959 c 539 §1, 1961 c 586 §3, repealed by 1965 c 633 §4]

8.726 District attorney and deputy prohibited from privately practicing law; exceptions. (1) Except as authorized by subsections (2) and (3) of this section, a district attorney, or a deputy district attorney, who receives an annual salary of more than

\$18,000 from the state, or from the state and county, shall not engage in the private practice of law.

(2) A district attorney of Gilliam, Sherman, Wallowa or Wheeler County shall be allowed to engage in the private practice of law, unless the district attorney receives additional compensation from the county under ORS 8.830.

(3) Volunteer or pro bono legal work is not prohibited. [1965 c 633 §2, 1971 c 583 §1, 1975 c 378 §7; 1977 c 834 §5; 1979 c 418 §8, 1981 c 908 §2]

8.730 Partner prosecuting or defending certain cases. It is not lawful for any district attorney, having a law partner, to suffer such partner to prosecute or defend divorce cases or to defend cases wherein the state is plaintiff and the district attorney is the public prosecutor; and it shall be the duty of the judicial officers of this state to prohibit such practice in all cases coming before them.

8.740 [Amended by 1953 c 652 §6, 1957 c 490 §1; 1959 c 539 §2, 1961 c 586 §2, repealed by 1967 c 556 §5]

8.750 [Repealed by 1959 c 432 §62 (8 685 enacted in lieu of 8 750)]

8.760 Deputies may be authorized and paid by county. The county court or board of county commissioners may empower the district attorney to appoint one or more deputy district attorneys whose compensation shall be fixed by the county court or board of county commissioners and paid out of the county funds in the same manner as county officers are paid [Amended by 1961 c 586 §4]

8.770 [Repealed by 1961 c 586 §6]

8.780 Appointment of deputies; qualifications; duties. A district attorney shall appoint his deputies. A deputy district attorney shall have the same qualifications as the district attorney, and subject to the direction of the district attorney, has the same functions as the district attorney. [Amended by 1961 c 586 §5]

8.790 Compensation of district attorney and deputies limited to salaries. No salary, fees, percentage or compensation of any kind shall be allowed, paid to or received by any district attorney or deputy district attorney except as provided in ORS 8.010 to 8.160, 8.310 to 8.660 and 8.670 to 8.850.

8.795 [1957 c 645 §3, 1959 c 539 §3, 1961 c 586 §6a, repealed by 1965 c 633 §4]

8.800 [1953 c 652 §6; 1957 c 645 §1, 1959 c 539 §4; 1961 c 586 §1, repealed by 1965 c 633 §4]

8.801 [1965 c 633 §1; 1967 c 597 §1; 1969 c.320 §1; repealed by 1971 c 711 §6]

8.810 [Repealed by 1967 c 111 §7]

8.820 [Repealed by 1967 c 111 §7]

8.830 Additional compensation from county for district attorney and deputies paid by state. Whenever, in the judgment of any county court or board of county commissioners, the salaries paid by the state to the district attorney, or to any deputy district attorney, are not commensurate with the character of the service performed, the county court or board of county commissioners may pay out of the funds of the county such additional amounts as will properly compensate

said officers for the service performed.

[Amended by 1955 c 220 §1]

8.840 [Repealed by 1953 c 652 §6]

8.850 Offices, supplies and stenographic assistance for district attorneys and deputies. Each county shall provide the district attorney and any deputies for such county with such office space, facilities, supplies and stenographic assistance as is necessary to perform efficiently the duties of such office. [1953 c 652 §3]
