

Chapter 8

1985 REPLACEMENT PART

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8.030 [Repealed by 1983 c.77 §1]

8.060 [Formerly 2.350; repealed by 1971 c.193 §30]

8.070 [1965 c.328 §1; 1975 c.260 §1; 1977 c.594 §1; repealed by 1981 s.s.1 c.3 §141]

8.075 [1977 c.594 §3; repealed by 1981 s.s.1 c.3 §141]

STATE COURT ADMINISTRATOR; COURT STAFF

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]

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) 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; 1985 c.540 §21]

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.

(9) Supervise and maintain the law libraries of the judicial department of government of this state, including the Supreme Court Library, and excluding county law libraries established under ORS 9.820 and 9.840. [1981 s.s. c.1 §15; 1985 c.308 §1]

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: Section 1, chapter 348, Oregon Laws 1983, as amended by section 1, chapter 340, Oregon Laws 1985, and section 2, chapter 340, Oregon Laws 1985, provides:

Sec. 1. (1) As used in this section, "trust funds" means moneys deposited with a circuit or district court or the clerk of the court in a county before January 1, 1983, and not paid before that date to claimants or distributees entitled thereto.

(2) The officer of a county having custody or control of trust funds on the effective date of chapter 348, Oregon Laws 1983, including trust funds offered by the county officer to a state officer before that effective date but not accepted by the state officer, shall deliver to the State Court Administrator the amount of the trust funds. If a county officer fails to deliver the amount of the trust funds to the administrator within 30 days after the effective date of chapter 348, Oregon Laws 1983, the administrator shall certify to the Executive Department the fact of that failure. Upon receipt of the certification the department shall withhold payment to the county of shares of the moneys appropriated to counties by ORS 323.455 that the county may be entitled to receive until the administrator certifies to the department that the failure has been remedied. The administrator shall send a copy of each certification made under this subsection to the governing body of the county.

(3) Subsections (4) to (8) of this section apply to the amount of trust funds delivered on or after January 1, 1983, by the officer of a county having custody or control of the trust funds to a state officer and accepted by the state officer, and to the delivery of that amount.

(4) Delivery of an amount as provided in subsection (3) of this section constitutes a certification by the officer of the county, on behalf of the county, that the amount of the trust funds delivered is sufficient to pay all claimants or distributees entitled to payments from the trust funds.

(5) Amounts of trust funds delivered to the State Court Administrator as provided in subsection (2) of this section shall be accepted by the administrator. Amounts of trust funds delivered as provided in subsection (3) of this section shall be deposited in a suspense account established under ORS 293.445

(6) If the officer of a county delivers to the State Court Administrator, as provided in subsection (3) of this section, an amount greater than that identified as ascertainable trust funds by an accounting required by the administrator and provided and verified by the county officer, the administrator shall refund the excess to the county officer within 30 days after a written request for refund is submitted by the county

officer to the administrator. All amounts refunded to a county officer under this subsection that were held by the county for at least seven years before the effective date of chapter 348, Oregon Laws 1983, shall remain subject to the provisions of ORS 98.302 to 98.436.

(7) The amount of trust funds delivered by the officer of a county as provided in subsection (3) of this section and deposited in a suspense account as provided in subsection (5) of this section shall be paid to claimants or distributees entitled to payments from the trust funds to the extent the amount is sufficient for that purpose. To the extent possible, those payments shall be made on the basis of records transferred under section 20, chapter 3, Oregon Laws 1981 (special session), and any other records provided by the county officer who delivered the amount as provided in subsection (3) of this section. Payments made on the basis of those records are conclusively presumed proper. All other payments are rebuttably presumed proper.

(8)(a) If the amount of trust funds delivered by the officer of a county as provided in subsection (3) of this section and deposited in a suspense account as provided in subsection (5) of this section is fully disbursed by payments under subsection (7) of this section, and if it appears there are additional claimants or distributees entitled to payments from the trust funds, valid claims for those additional payments shall be paid by the state from amounts of other trust funds deposited in a suspense account that may be available for the purpose as a transfer subject to repayment. To the extent possible, those additional payments shall be made on the basis of records transferred under section 20, chapter 3, Oregon Laws 1981 (special session), and any other records provided by the county officer who delivered the amount as provided in subsection (3) of this section. Additional payments made on the basis of those records are conclusively presumed proper. All other additional payments are rebuttably presumed proper.

(b) The county is liable for additional payments made under paragraph (a) of this subsection and for interest thereon for the period beginning January 1, 1983, and ending on the date those payments are made, at the legal rate of interest on judgments applicable from time to time during that period, and shall reimburse the state for those payments and pay the state that interest as provided in this paragraph. The State Court Administrator shall send a statement of additional payments and interest thereon to the governing body of the county. The county governing body shall deliver to the administrator an amount equal to the additional payments and interest thereon set forth in the statement, and the portion of the amount received by the administrator constituting additional payments shall be deposited in the appropriate suspense account and the portion constituting interest shall be deposited in the General Fund available for general governmental expenses. If the county governing body fails to deliver the amount to the administrator within 60 days after a date set forth in the statement or, in the discretion of the administrator, within a greater period of time pursuant to a schedule of payments established by the administrator, the administrator shall certify to the Executive Department the fact of that failure and the amount then due from the county. The administrator shall send a copy of the certification to the county governing body. Upon receipt of the certification the department shall deduct the amount certified due from the

county from any payment to the county of shares of the moneys appropriated to counties by ORS 323 455 that the county may be entitled to receive, and deposit the portion of the deducted amount constituting additional payments in the appropriate suspense account and the portion of the deducted amount constituting interest in the General Fund available for general governmental expenses. [1983 c.348 §1; 1985 c.340 §1]

Sec. 2. Section 1, chapter 348, Oregon Laws 1983, is repealed June 30, 1987.

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

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]

8.155 Bailiffs of higher courts. (1) Bailiffs for the Supreme Court and the Court of Appeals shall be appointed under a personnel plan established by the Chief Justice of the Supreme Court. 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. [Formerly 8.010]

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]

8.170 Status of court officers and employes. Officers and employes of the Supreme Court, Court of Appeals and Oregon Tax Court, and employes of the State Court Administrator, 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 have the right to be dismissed only for just cause after hearing and appeal. [1983 c.763 §27]

TRIAL COURT ADMINISTRATORS AND STAFF

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]

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]

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]

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]

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) 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; 1985 c.540 §22]

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]

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]

8.255 Agreement between state and county to provide services with county

employees; payment to county; supervision of employees. (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 employees 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 employees providing services under an agreement are not thereby state employees. County employees 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]

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

COLLECTIVE BARGAINING

8.270 Collective bargaining rights of court administrators and staff. All officers and employees of the courts of this state who are referred to in ORS 8.170 and 8.235 are subject to collective bargaining to the extent provided in ORS 243.650 to 243.782, and ORS 8.170 and 8.235 shall not be construed to reduce or eliminate any collective bargaining rights those officers and employees may have under ORS 243.650 to 243.782. [1983 c.763 §27a]

REPORTERS AND REPORTS

8.310 [Amended by 1965 c.369 §1; 1967 c.229 §1; 1971 c.565 §2, 1981 c.126 §2; repealed by 1981 s.s. c.3 §141]

8.320 [Amended by 1971 c.565 §3; repealed by 1981 s.s. c.3 §141]

8.330 [Repealed by 1981 s.s. c.3 §141]

8.340 Reporter's duties. (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 or hearing 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 or hearing 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 or electronic typing device; 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 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, 1981 s.s. c.3 §24; 1985 c.496 §9; 1985 c.540 §42]

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 the party's attorney requests a transcript of the notes 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 or heard, for the use of the court or parties. [Amended by 1955 c.497 §3; 1985 c.496 §10; 1985 c.540 §43]

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 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 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 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; 1985 c 540 §44]

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

8.372 [Formerly part of 8.381; repealed by 1981 s.s. c.3 §141]

8.375 [Formerly part of 8 381; repealed by 1981 s s c.3 §141]

8.377 [Formerly part of 8 381, 1981 c.759 §9; repealed by 1981 s.s. c.3 §141]

8.379 [Formerly part of 8 381; 1971 c 144 §1, 1971 c.390 §1, repealed by 1981 s.s. c 3 §141]

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 [Formerly part of 8 381; 1981 c 759 §10, repealed by 1981 s s c 3 §141]

8.385 [Formerly part of 8.381; repealed by 1981 s.s. c 3 §141]

8.387 [Formerly part of 8 381; 1971 c 777 §6; 1975 c.430 §1, repealed by 1981 s s. c.3 §141]

8.390 [Amended by 1953 c 550 §22, 1961 c 447 §2, repealed by 1981 s.s c.3 §141]

8.395 [1967 c.273 §1, repealed by 1981 s s c.3 §141]

8.400 [Amended by 1953 c 550 §22; repealed by 1981 s.s.c.3 §141]

8.410 [Repealed by 1981 s.s c 3 §141]

8.510 [Amended by 1953 c.566 §2; 1957 c.706 §1; 1963 c.494 §1; 1981 c.215 §9, repealed by 1981 s.s.c.3 §14i]

DISTRICT ATTORNEYS

8.610 Election and term of office. A district attorney for each county shall be elected by the electors of the county, at the general

election next preceding the expiration of the term of the then incumbent. The district attorney shall hold office for the term of four years and until a 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 the certificate of election of the person, with an oath of office indorsed thereon, and subscribed by the person, to the effect that the person 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 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 thereto, 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 the district attorney 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 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 the county of the district attorney, 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 the 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 deputies of the district attorney 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 official duty, the district attorney shall defend such action. The district attorney shall also prosecute and defend all actions, suits, and proceedings to which the county may be a party. For such services the district attorney shall receive no compensation other than 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 official business, in which the district attorney shall make a note of every action, suit or proceeding commenced or defended by the district attorney in official capacity, and the proceedings therein. The register shall, at the expiration of the term of office of the district attorney, be delivered by the district attorney to the successor in office.

8.710 Disqualification; appointment of special district attorney. If a district attorney fails to attend any court at which the district attorney is required to be, or is related to the accused by consanguinity or affinity, or, prior to the district attorney's 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, or because of any other conflict cannot ethically serve as district attorney in a particular case, 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 district attorney during the district attorney's absence or inability to serve, 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 that person's attendance, to be allowed by the court. The court in such case shall order compensation to be paid by the county, except that when the person so appointed performs the district attorney's responsibilities under ORS 25.080 and 33.060, the court shall order compensation to be paid by the Executive Department of the state from funds available for that purpose. [Amended by 1985 c.611 §1]

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 services in any criminal action, nor during the pendency of such prosecution can the district attorney 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 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 8.110 to 8.150, 8.160 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]