

HOUSE AMENDMENTS TO HOUSE BILL 2322

By COMMITTEE ON JUDICIARY

March 13

1 On page 1 of the printed bill, line 2, after “1.220,” insert “2.570,”.

2 On page 4, delete lines 10 and 11.

3 In line 12, delete “(3)” and insert “(2)”.

4 Delete lines 16 through 18 and insert:

5 “(3) A judge of a county court or justice court who is an active member of the Oregon State
6 Bar:

7 “(a) May act as an attorney in a court other than the court in which the judge presides; and

8 “(b) May not be engaged in the practice of law with an attorney who appears in the court in
9 which the judge presides.

10 “(4) A judge pro tempore may not preside in an action or proceeding if an attorney who is en-
11 gaged in the practice of law with the judge appears in the action or proceeding.”.

12 On page 7, after line 41, insert:

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“APPOINTED JUDGES OF THE COURT OF APPEALS

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16 “**SECTION 13.** ORS 2.570 is amended to read:

17 “2.570. (1) In hearing and determining causes, the judges of the Court of Appeals may sit to-
18 gether or in departments.

19 “(2) A department shall consist of three judges. For convenience of administration, each de-
20 partment may be numbered. The Chief Judge shall from time to time designate the number of de-
21 partments and make assignments of the judges among the departments. The Chief Judge may sit in
22 one or more departments and when so sitting may preside. The Chief Judge shall designate a judge
23 to preside in each department.

24 “(3) The majority of any department shall consist of regularly elected [*and qualified*] **or ap-**
25 **pointed** judges of the Court of Appeals. However, if disqualifications, recusals or other events re-
26 duce the number of available judges to fewer than three, the Supreme Court may appoint such
27 number of qualified persons as may be necessary as pro tempore members of the Court of Appeals.

28 “(4) The Chief Judge shall apportion the business of the court between the departments. Each
29 department shall have power to hear and determine causes, and all questions that may arise therein,
30 subject to subsection (5) of this section. The presence of three judges is necessary to transact busi-
31 ness in any department, except such business as may be transacted in chambers by any judge. The
32 concurrence of two judges is necessary to pronounce judgment.

33 “(5) The Chief Judge or a majority of the regularly elected [*and qualified*] **or appointed** judges
34 of the Court of Appeals at any time may refer a cause to be considered en banc. When sitting en
35 banc, the court may include not more than two judges pro tempore of the Court of Appeals. When

1 the court sits en banc, the concurrence of a majority of the judges participating is necessary to
2 pronounce judgment, but if the judges participating are equally divided in their view as to the
3 judgment to be given, the judgment appealed from shall be affirmed.

4 “(6) The Chief Judge may rule on motions and issue orders in procedural matters in the Court
5 of Appeals.

6 “(7) A judge or judge pro tempore of the Court of Appeals may participate in the decision of the
7 matter without resubmission of the cause even though the judge is not present for oral argument
8 on the matter.

9 “(8) A judge or judge pro tempore of the Court of Appeals may participate in the decision of a
10 matter without resubmission of the cause in the following circumstances:

11 “(a) The judge was appointed or elected to the Court of Appeals after submission of the cause.

12 “(b) The judge is participating in the decision of a cause that was submitted to a department,
13 and the judge is participating in lieu of a judge of the department who has died, become disabled,
14 is disqualified or is otherwise unable to participate in the decision of a cause submitted to the de-
15 partment.

16 “(c) The judge is considering a cause en banc, but the judge was not part of the department that
17 originally considered the cause.”.

18 In line 45, delete “13” and insert “14”.

19 On page 8, line 3, delete “14” and insert “15”.

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