

Chapter 2

Supreme Court; Court of Appeals

2.010

CASE CITATIONS: State v. Cochran, (1909) 55 Or 157, 104 P 419, 105 P 884; Holman v. Lutz, (1930) 132 Or 185, 282 P 241, 284 P 825.

2.052

NOTES OF DECISIONS

A former similar statute did not violate constitutional provisions prohibiting the holding of two lucrative offices and limiting the Supreme Court to seven members. Holman v. Lutz, (1930) 132 Or 185, 282 P 241, 284 P 825.

A former similar statute did not violate Ore. Const. Art. VII (O), §4 requiring vacancies in the Supreme Court to be filled by the Governor. Id.

CASE CITATIONS: Lowe v. Eugene, (1969) 254 Or 518, 451 P2d 117, 459 P2d 222, 463 P2d 360.

2.070

ATTY. GEN. OPINIONS: Exemption of law clerks from membership in public employes' retirement system, 1958-60, p 154; law clerks to Supreme Court justices as holding an office, 1958-60, p 154; juvenile court authority to determine personnel salaries, (1970) Vol 34, p 977.

2.080

NOTES OF DECISIONS

A term appointed by order of court is a "regular term." Moore v. Packwood, (1874) 5 Or 325.

FURTHER CITATIONS: Judkins v. Taffe, (1891) 21 Or 89, 27 P 221; Pringle Falls Power Co. v. Patterson, (1913) 65 Or 474, 477, 128 P 820, 132 P 527; Daugharty v. Gladden, (1959) 179 F Supp 151.

2.111

CASE CITATIONS: Guthrie v. Imbrie, (1885) 12 Or 182, 6 P 664; Stevens v. Myers, (1919) 91 Or 114, 177 P 37, 2 ALR 1155; In re Edwards' Estate, (1933) 141 Or 595, 17 P2d 570.

2.120

ATTY. GEN. OPINIONS: Payment of expenses of circuit

judges sitting as pro tem judges of Supreme Court, 1956-58, p 202.

2.130

NOTES OF DECISIONS

See also cases under ORS 1.010.

FURTHER CITATIONS: Stevens v. Myers, (1919) 91 Or 114, 124, 177 P 37, 2 ALR 1155.

2.141

LAW REVIEW CITATIONS: 35 OLR 13.

2.160

ATTY. GEN. OPINIONS: To what fund surplus is credited, 1928-30, p 438.

2.510

CASE CITATIONS: Cunningham v. State Comp. Dept., (1969) 1 Or App 127, 459 P2d 892; State v. O'Malley, (1969) 1 Or App 239, 461 P2d 832, rev'd, 255 Or 544, 469 P2d 36; Thom v. Bailey, (1971) 257 Or 572, 481 P2d 355.

2.520

NOTES OF DECISIONS

When a petition for rehearing is timely filed, the judgment of the Court of Appeals is not final for the purpose of computing the time within which to file a petition for review until the petition for rehearing is denied. McDaid v. City of Pendleton, (1971) 259 Or 244, 485 P2d 1229.

Judgment of an appellate court is final for the purpose of computing time for filing a petition for review when its opinion is "handed down," i.e., "pronounced." Id.

FURTHER CITATIONS: Surratt v. Gunderson Bros. Engr. Corp., (1971) 259 Or 65, 485 P2d 410.

2.560

NOTES OF DECISIONS

Compliance with time schedules prescribed by rule of the Court of Appeals is required, with exceptions when clearly warranted by special circumstances. State v. Morgan, (1970) 4 Or App 569, 479 P2d 1018.