

**ORAP Committee**  
Oregon Judicial Department

MEETING DATE: FEBRUARY 20, 2020  
9:00 a.m. - 12:00 p.m.  
Supreme Court Courtroom, 2850 Broadway St NE, Salem, OR

***Chair***

Hon. Meagan A. Flynn, Supreme Court

***Voting Members:***

Hon. James C. Egan, Court of Appeals  
Chief Judge  
Hon. Erin C. Lagesen, Court of Appeals  
Benjamin Gutman, Solicitor General  
Ernest G. Lannet, Chief Public Defender  
Joshua Crowther, Chief Deputy Defender  
(designee)  
Aaron Landau, Appellate Practice Section  
Representative, Harrang Long  
Gary Rudnick PC  
Julie A. Smith, Attorney, Cosgrave  
Vergeer Kester, LLP  
William K. Kabeiseman, Attorney,  
Bateman Seidel et al  
Cody Hoesly, Attorney, Larkins Vacura  
Kayser, LLP  
Christine N. Moore, Attorney, Richardson  
Wright LLP  
Debbie D. Spradley, Trial Court  
Administrator

***Nonvoting Members:***

Theresa Kidd, Appellate Commissioner  
Daniel Parr, Appellate Court  
Administrator  
Stephen Armitage, Supreme Court Staff  
Attorney  
Julie E. Smith, Court of Appeals Staff  
Attorney

**AGENDA**

- A. Introduction.** ORAP Committee and members. Committee is advisory body only; it recommends proposed changes to the Supreme Court and Court of Appeals, which those courts may accept or reject.
- B. Consideration of "technical" proposals.** (See attachment.)
- a. Identification of proposals that in fact need individual discussion.** At the request of any one committee member, a "technical amendment" will be moved to part C of the agenda for proposal-specific discussion.
  - b. Collective vote on those proposals that do not need individual discussion.** These amendments will be addressed by a single vote.

**C. Consideration of proposals requiring discussion and individual votes:**

ORAP 3.05(1)	Conform Text Regarding Record on Appeal to Statute	#1
ORAP 4.22	Correct Terminology regarding Agency Submission of Record	#2
ORAP 5.40(8)(c)	Make De Novo Review More Common in Court of Appeals	#3
ORAP 5.70	Allow Reply Briefs as Matter of Right in Several Classes of Cases	#5
ORAP 5.92	Extend Page Limits for Pro Se Supplemental Briefs	#6
ORAP 6.05(3)	Permit Oral Argument Before Court of Appeals by Self-Represented Party	#7
ORAP 7.35(2)	Expand Notice Requirements for Emergency Motions in Juvenile Dependency Cases	#9
ORAP 7.55, 9.05	Clarify Rules Regarding Review of Appellate Commissioner Orders	#10
ORAP 8.15	Amicus Curiae	#11
ORAP 9.10	Clarify When/If Replies Are Permitted to Responses to Petitions for Review	#13
ORAP 11.30	Ballot Title Review -- Clarify Court Authority to Modify Timeline for Amicus Filing	#17
ORAP 12.05	Direct Appeal or Judicial Review in the Supreme Court	#18
ORAP 12.10, 5.05(2)	Automatic Review in Death Sentence Cases -- Revised Brief Length, Extensions of Time	#20 A & B
ORAP Appendix 5.05-1	Whether the Illustration of Caption Format is Prescriptive	#25
ORAP chs 1 & 16	Revise eFiling Rules into Chapter 1	#26
ORAP __	Reference Mechanism by Which Appellate Court Can Maintain Jurisdiction to Give Trial	#27

Court Opportunity to Explain Discretionary  
Ruling

ORAP 8.15, 9.05, 11.25, 12.05	Remove Some or All Footnotes	#28
ORAP 10.35	Make Permanent Temporary Rule Created by CJO 18-04	#29
Other Rules	[Any moved from agenda item B]	

**D. Assignments for work on proposals that are not yet ready for a final vote.**

**E. Adjourn.** Next meeting is Thursday, March 19, 2020, from 9 am to 12 pm.

**ATTACHMENT**  
**List of Technical Proposals**

ORAP 5.45 n 3	Replace Citation	# 4
ORAP 6.10	Correct Typographical Errors	# 8
ORAP 9.05	Petition for Supreme Court Review of Court of Appeals Decision	# 12 A & B
ORAP 10.25(1)	Conform to Amended Statute	# 14
ORAP 11.25, 11.27, 11.30, 11.32, 12.25	Renumbering Several "Original Proceeding" and "Special Supreme Court" Rules	# 15
ORAP 11.25	Bar Admission, Reinstatement, and Disciplinary Proceedings	# 16
ORAP 12.20(7)	Delete Subsection Regarding When Court Will Set Oral Argument Date	# 21
ORAP 16.03 and 16.10	eFiling, Applicability and eFilers	# 22
ORAP 16.30	Conventional Filing Requirements	# 23
ORAP Appendices 3.33-1 and 3.33-2	Correcting Citations and Removing Misleading Text from 3.33-1	# 24
ORAP 1.15 etc.	Make Permanent Temporary Rule Amendments Adopted by CJO 18-057 / CJO 18-05	# 30
ORAP 4.15 etc.	Make Permanent Temporary Amendments by CJO 18-083 / 18-08	# 31
ORAP 4.20(6)	Make Permanent Temporary Amendment to Rule by CJO 19-016 / CJO 19-02	# 32
ORAP 1.35 etc.	Make Permanent Temporary Amendment to Rule by CJO 19-052 / CJO 19-05	# 33