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December 13, 1991

Henry Kantor
Chair
Oregon Council on Court Procedures
Possi Wilson, et al.
1400 Standard Plaza
1100 S.W. 6th Avenue
Portland, OR 97204-1087

Re: OSB Procedure and Practice Committee Proposal for
Amendment to ORCP 39 C(7)

Dear Mr. Kantor:

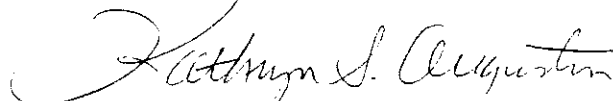
I am chair of the 1991-92 Procedure and Practice Committee. Our committee has endorsed a proposal for amendment to ORCP 39 C(7) regarding depositions by telephone. I have enclosed a copy of the proposal.

The committee requests that this proposed amendment be placed on the Council's agenda for consideration at an upcoming meeting. I previously appointed Bend attorney, Dennis J. Hubel, to be our committee's liaison to the Council.

Even though it now appears that several of our committee's meetings will be held at the same time as Council meetings, Mr. Hubel or I can certainly arrange to be present to present our proposed amendment at a convenient time and date. Thank you for your cooperation.

Sincerely,

JOHNSTON & AUGUSTSON, P.C.


Kathryn S. Augustson

KSA:sb
Enclosure

cc: Procedure and Practice Committee
Members (w/o enclosure)
William Wheatley, Esq. (w/o enclosure)
Susan Grabe, Esq. (w/o enclosure)

Proposal for Amendment to ORCP C(7). Deposition by telephone.

FOURTH DRAFT

(C)7 ^(a) Deposition by telephone. Parties may agree by stipulation, or the court may upon motion order that testimony at a deposition be taken by telephone, in which event the stipulation or order shall designate the conditions of taking testimony, the manner of recording the deposition, and may include other provisions to assure that the recorded testimony will be accurate and trustworthy.

(C) In the event of a stipulation between the parties, such stipulation shall be made a part of the record by the person authorized to administer oaths, as described in Rule 38. Acceptance of a stipulation as provided in this subsection constitutes a waiver of any objection to the telephonic transmission of the testimony.