2017 Lane County Circuit Court Proposed SLR – Summary of Changes

Rule	Change
2.501 Clarification	Clarifies that the only documents intended to be filed conventionally are those requiring a judge's signature or accompanying listed documents that require a judge's signature. 2.501 STIPULATED OR EX PARTE MATTERS FOR WHICH THE DOCUMENTS MUST BE PRESENTED CONVENTIONALLY AND MAY NOT BE ELECTRONICALLY FILED In the following subject matter areas, the listed stipulated or ex parte documents {**requiring a judge's signature**}**[**,] and any document that will be served simultaneously with a document listed in this rule, must be presented conventionally and may not be electronically filed. (1) Family Case Matters. To be presented pursuant to SLR 5.061: (a) Emergency Custody and Parenting Relief based on Immediate Danger (b) Pre-Judgment Temporary Protective Order[*s*] of Restraint (c) Temporary Order[*s*] of Financial Restraint (d) Order[*s*] of Assistance (e) Guardian ad Litem Appointment{**Order**} (f) Post Judgment Status Quo Order to Show Cause (g) {**Order**}**[***Motions*] for Modification or Dismissal of Abuse Protective Order[*s*] (2) Civil Case Matters. To be presented pursuant to SLR 5.061: (a) Guardian Ad Litem Appointment{**Order**}**[***s*] (b) Judgment Debtor Bench Warrant (c) Preliminary Injunction Show Cause (d) Provisional Process Show Cause (e) Receivership Show Cause (f) Writ of Assistance (g) Writ of Mandamus Show Cause (h) Writ of Review (i) Identity case orders (change of name or sex) (3) Protective Order Initiating Matters. To be presented to the judge assigned by the presiding judge for that day: (a) Family Abuse Prevention Act (b) Elderly Persons and Persons with Disabilities Abuse Prevention Act (c) Sexual Abuse Prevention Act (4) Presiding Judge Matters. To be presented to the presiding judge in court or chambers: (a) [*Motion*]{**Order**} to Disqualify Judge

5.005 (2)	Motions in Civil Cases. Edited for clarity. 2) [*If the case has been assigned a trial date at the time of the filing of the motion, that fact and the trial date shall constitute the first sentence of the motion.*]{**The first sentence of every motion shall state whether the case is set for trial and if so, shall state the date.**}
5.151 New	Streamlined Jury Trial Project New program established by PJO – effective 7/1/2016 {**5.120 STREAMLINED JURY TRIAL PROJECT** **(1) ELIGIBILITY: Except as provided in subsections (a) and (b) of this section, civil cases in which the only relief sought is recovery of money damages not exceeding $100,000, exclusive of attorney fees, costs, disbursements and interest, are included in the Streamlined Jury Trial Project (SJTP). This rule does not apply to consumer collections, foreclosure, domestic relations, probate ,or cases filed in the Small Claims Department.** **(a) All parties must be represented by counsel or the case will be excluded from the SJTP.** **(b) A party may serve and file a timely notice to remove the case from the SJTP. Removal is automatic subject to the following:** **(i) A plaintiff must file the notice within thirty (30) days of the filing of the action or, if a counterclaim is asserted, within fourteen (14) days of the filing of the counterclaim.** **(ii) A defendant or third party defendant must file the notice with that party's first appearance.** **(iii) A party must state the reason for removal in the notice.** **(iv) After the time for filing the notice has expired and no later than the trial date, a party may by motion request that the case be removed from the SJTP for good cause shown related to a new development that could not have been previously identified.** **(2) For all cases subject to the SJTP, the filing party must place in the title of a pleading (including a claim, counterclaim, cross claim, and third-party claim): "SUBJECT TO STREAMLINED JURY TRIAL PROJECT".**

(3) Each case assigned to the SJTP shall be exempt from mandatory arbitration, pursuant to ORS 36.405(2)(a), and from all court rules requiring mediation, arbitration, and other forms of alternative dispute resolution.

(4) For each case assigned to the SJTP, the court shall set a trial date as provided by UTCR 7.020 with a case status conference within 45 days of the date the court issues the Ready for Trial Notice. The trial date shall be set within eleven months of the case initiation date.

(5) PRETRIAL PROCEDURE: Unless otherwise agreed to by the parties or upon order of the court for good cause shown:

(a) Each party must provide to all other parties within 30 days of the date the court issues the Ready for Trial Notice:

(i) The names and, if known, addresses and telephone numbers of all persons, other than expert witnesses, likely to have knowledge that the party may use to support its claims or defenses, unless the use would be solely for impeachment.

(ii) A copy of all unprivileged ORCP 43 A(1) documents and tangible things that the party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

(iii) A copy of all insurance agreements and policies discoverable pursuant to ORCP 36 B(2).

(b) Except for good cause shown and approval by the court, no party shall:

(i) Take more than four hours of depositions.

(ii) Serve more than one set of requests for production.

(iii) Serve more than one set of requests for admission.

(iv) File a pretrial motion, including a motion for summary judgment, absent prior leave of the court.

(c) All discovery requests must be served no later than 60 days before the trial date.

(d) All discovery must be completed no later than 21 days before the trial date.

(e) Before filing a motion to compel, motion for a protective order, or any other discovery motion, the parties must contact the motions judge by

	telephone and request assistance in resolving the dispute. The motions judge may resolve the dispute informally, without requiring the parties to file a written motion or scheduling a hearing. **(f) A party's failure to request or respond to discovery is not a basis for that party to seek postponement of the trial date.** **(6) TRIAL PROCEDURE: The Oregon Rules of Civil Procedure (ORCP), Oregon Evidence Code (OEC) and Uniform Trial Court Rules (UTCR) apply to cases under the SJTP. However, the parties shall consider modification of these rules to expedite the trial and reduce the costs of litigation, including;** **(a) Stipulation to a six or eight person jury.** **(b) Stipulation to the admissibility of documents such as those described in UTCR 13.190.** **(7) The court will discuss trial procedure and modification of trial procedure and rules of evidence at the case status conference set pursuant to subsection (4) of this rule.}**
7.002 (1) UTCR Comm suggestion	Schedules of Vacation and Other Unavailable Days. Adopting UTCR Committee suggestion and adding juvenile attorneys to reflect current practice. (1) Every attorney handling criminal **{or juvenile}** cases [*in this court*]must file with the {**appropriate}[***calendar*] clerk written schedules of unavailable days at least ninety (90) days prior to any court day on which the attorney will not be available for trial for any reason.
8.011	Revised to reflect current practice and delete redundancy with ORS. 8.011 CUSTODY OR PARENTING TIME ISSUES IN PATERNITY CASES (1) {**In} [***P*]{**p**}roceedings to establish or modify custody or parenting time where paternity has been established [*must be brought pursuant to ORS 109.103. If support has been established*]in a separate proceeding and is an issue, the moving party must file [*with his/her petition*]a motion and proposed order to consolidate the cases [*into the proceeding brought pursuant to ORS 109.103*]{**with the petition**}. [*Custody or visitation proceedings brought under ORS 109.175 as modifications of administrative orders establishing paternity or support will be dismissed upon application of the opposing party or by the Court on its motion.*

	(2) The summons associated with a petition filed under (1) above shall require a written appearance within the time prescribed by ORCP for answering a complaint. Thereafter the proceeding shall be conducted in the same manner and form as in non-jury cases. *(3) If paternity has not been established as provided in ORS 109.070 and custody or parenting time is an issue, proceed under ORS 109.124 et seq.*] ({**2**}[*4*]) Custody or parenting time proceedings are subject to mediation. See Chapter 12 of these rules.
9.091	Guardianships eCourt – Clarification that "visitors copy" no longer needed. 9.091 GUARDIANSHIPS [*(1) Where the petition seeks appointment of a guardian, a copy of the petition marked "VISITOR'S COPY", with supporting documentation and proof of service attached, shall be delivered to the court clerk's office*] [*(2)*]{**(1)**} Upon receipt of [*the "VISITOR'S COPY"*]{**a petition seeking appointment of a guardian**}, the probate staff shall prepare an order appointing a [*V*]{v}isitor. The proposed guardian shall tender the [*V*]{**v**}isitor's fee to the Visitor upon receipt of a copy of the appointment. The [*V*]{**v**}isitor will not undertake an investigation pursuant to ORS 125.150 or an interview as required by ORS 125.605(4) until the fee has been tendered to the [*V*]{**v**}isitor, unless the fee has been waived or deferred by the court after receipt and review of an affidavit of indigence.
9.092	Guardians Paragraph (1) not needed except for change of address. 9.092 GUARDIANS (1) [*As an acceptance of the appointment, a guardian shall file in the proceedings his name and residence and post office address, and thereafter*]{**A guardian**} shall promptly notify the court in writing of any change [*in such data*]{**of name or address**}.
9.093	Adopted out of cycle. Included here in final version

Ch. 24 CJO required	Deleted Pursuant to Chief Justice Order 16-031, which repeals SLR Chapter 24 in all judicial districts effective August 1, 2016. With statewide implementation of the Oregon eCourt Program, the 2016 UTCR is amended to include provisions equivalent to those contained in SLR Chapter 24, rendering this chapter redundant.