



**CIRCUIT COURT OF THE STATE OF OREGON**  
TWENTY THIRD JUDICIAL DISTRICT  
LINN COUNTY

December 7, 2015

**Linn County Civil Case Flow Management Plan – 2015**  
**Finalized: 04.13.15**

**Effective May 1, 2015**

**Purpose and Principles**

The purpose of a sound case flow management system is to provide quality and timely dispute resolution. The case flow management principles that guide this plan are:

1. Each case should receive individual attention proportionate to its need. The aim of case flow management is to ensure that each case gets the time it needs without infringing on the needs of other cases.
2. Judges control and manage the process.
3. Unnecessary delay in case processing is to be prevented.
4. From beginning of litigation to resolution whether by trial or settlement any elapsed time other than reasonably required for pleadings, discovery and court events is unacceptable and should be eliminated. ABA Standard 2.50.
5. Cases should be resolved as soon in the process as possible. The only cases set for trial should be those cases that go to trial. Trial dates should be firm.

**Differential Case Management**

Differential Case Management, known as DCM, is based on the premise that the less complex a case is the less time required to resolve it; the more complex it is the more time needed. All cases should not be managed alike. Cases should be managed according to their complexity and needs.

Therefore, the committee re-adopts and confirms the following time standards, which were the standards adopted by the Oregon Judicial Conference in 1990:

1. 90% of all cases should be resolved within 12 months of filing;
2. 98% of all cases should be resolved within 18 months of filing;
3. 100% of all cases should be resolved within 24 months of filing; and
4. The court will determine whether special circumstances exist in a particular case which requires continuing review of the case management and the need for the case to take longer than the time standards adopted herein. In such cases, the court will make specific findings to support the need for a longer time standard, such as identifying the case as a “complex case.”

### **Process**

Linn County civil cases are administratively managed by the administrative judge until the case is “at issue”. At that time, the case will be assigned to a particular judge for case management according to these time standards. A case is “at issue” when at least one of the defendants, if there are more than one defendant named in the action, has filed a responsive pleading. In the event that a single defendant should file motions against the complaint or motions for summary judgment or other responses which would dispose of the case as it relates to that defendant, the case will be assigned to a judge for management, hearing and decision.

The court shall establish a disposition deadline for each case. Any extension of the disposition deadline shall require the judge’s review for good cause shown.

After the assignment of the case to the assigned judge, the following Case Progress Standards shall apply:

### **Case Management Conference**

No later than 60 days after the case is assigned to a judge, the case will be scheduled for a case management conference. This conference may be conducted by telephone if all parties are represented by legal counsel. During the case management conference, the court, in consultation with counsel or the parties, will establish timelines for the filing of motions, the conducting of discovery and whether or not a settlement conference might assist the parties in resolving the case short of trial.

At the conclusion of the Case Management Conference, an order will be entered in the case memorializing the timelines set out during the conference. A Status Conference will generally be set no later than 120 days from the Case Management Conference wherein the parties will report to the court on the status of discovery, motions or other issues which may have developed. In the event that the case is proceeding without the

need for court involvement, the parties may, after consultation, cancel the status conference. If needed, the court will schedule a court appearance to resolve any issues which may have developed. The court encourages the use of a settlement conference, which may be scheduled upon the request of the parties. A settlement conference will be set before a judge other than the judge assigned to preside over the trial of the case, unless the parties agree that the assigned judge will be the settlement judge.

A final resolution conference will be scheduled prior to setting the case for trial. At the resolution conference, the parties are expected to have within their knowledge the availability of all witnesses, including availability of expert witnesses for the four months after the final resolution conference. It is the goal of the court to have as sure a trial setting as possible prior to setting a case for trial. At the final resolution conference, the court will also set a priority for the case for the purpose of the court's managing of its trial calendar.

Prior to trial, the court may set further status conferences to ensure that the parties will be prepared for trial on the scheduled date. In the event that a case settles prior to trial, the attorneys will be responsible to advising the court of the settlement.

It is the goal of the court that all cases be resolved within the disposition deadline set for the case. Unless otherwise determined by the court, the disposition deadline shall be within the standards adopted herein.

### **Linn County Civil Case Flow Management Advisory Committee**

Jim Belshe, Trial Court Administrator  
Paul Meadowbrook, attorney  
Steven Heinrich, attorney  
Andrew Bean, attorney  
James Nelson, attorney  
Cynthia Mitchell, Court Records  
Thomas McHill, Circuit Judge