



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

**Linn County Domestic Relations Case Flow Management Plan – 2015
FINAL**

Finalized: December 4, 2015
Effective: December 15, 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 insure that each case gets the time it needs, no less and no more than 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.
 - a. The court is aware however that in domestic relations cases sometimes require more time for client decision making due to the emotional dynamics involved. Although the court will accommodate parties for this reason to some extent it will not be cause for indefinite or prolonged delay. Such delay will only occur if both sides agree and shall not exceed 90 days.
5. Cases should be resolved as soon in the process as possible.

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. Cases should be managed according to their complexity and needs.

1990 Oregon Time Standards and 2012 Model Standards for Domestic Relations Cases:

Domestic Relations	2012 Model Standards	1990 Oregon Standards
	75% w/ 120 days	90% w/ 9 months
	90% w/ 180 days	--
	98% w/ 365 days	100% w/ 12 months

The Linn County Circuit Court adopted the 1990 standards in 2001 when we last revised the case flow management plan for family law cases. Cases are assigned to a track to reflect the complexity of the case. Time standards are then applied to cases depending on complexity. It is understood that for good cause cases may be resolved more quickly or not as quickly as they standards require. However the court will endeavor to hold cases to these deadlines absent very good cause for delay.

2015 Time Standards Adopted by Linn County, Oregon

Track:	Charges:	1990 Oregon Standards Modified
1	Uncontested Case (with or without attorneys)	60 days (2 months)
2	Contested Dissolution: no custody issue (attorneys)	180 days (6 months)
3	Contested Dissolution: complex property; no custody (attorneys)	210 days (7 months)
4	Contested Dissolution or Custody Case: custody issue (attorneys)	330 days (11 months)
5	Contested Pro Se Case – no attorneys	180 days (6 months)

These time standards will be used by the court to set presumptive court dates and to monitor the progress of the case to insure it is progressing properly. All resolution case orders will state the applicable track.

Case Flow Process for Domestic Relations Cases

1. Cases should move along on the calendar as quickly as possible. No delay should be allowed unless for good cause.

Cases With One or More Pro Se Litigants:

2. Cases with at least one pro se litigant (with or without attorneys on the other side) involved will proceed as follows:
 - a. As soon as possible after the case is assigned to a judge an Early Resolution Conference (ERC) will be scheduled. (See **Appendix A** for ERC requirements)
 - b. At the ERC the case will be set for a Final Resolution Conference (FRC) at a time the court deems reasonable to have completed discovery, mediation and arbitration if applicable.
 - c. At the FRC if the case is not resolved the matter will be set for trial and/or settlement conference.

Cases with attorneys:

3. When all parties are represented by attorneys it shall proceed as follows:
 - a. As soon as possible after the case is assigned to a judge an Early Resolution Conference (ERC) will be scheduled. (See **Appendix A** for ERC requirements)
 - b. At the ERC the case will be set for Trial within the trial resolution limits set out above and a Readiness Conference at least one week prior to trial. Readiness conferences may be set on the Thursday Juvenile Readiness Conference time; on Fridays at 9:00 AM or on the judge's ERC docket or Hearings docket.
 - i. Attorneys may appear at readiness conferences by phone; it will be noted in the ERC order whether the appearance is by phone or in person; if by phone the court will initiate that call and the attorney must be available during the window of time set out in the ERC order; if counsel wish to argue any motions they must personally appear; counsel who fail to be available by phone may be required to personally appear.
 - ii. The judge presiding for readiness appearances will not rule on motions to continue trial unless it is the assigned judge.

- c. After the ERC no further court events will be scheduled before the Trial Readiness unless upon motion or request of the parties and for good cause.
4. Continuances (applies in all cases with or without attorneys.)
- a. Continuances further delay case resolution and clog the docket. They should be denied except when genuine good cause exists to allow them.
 - b. All motions for continuances shall be submitted with an affidavit setting forth the good cause for the continuance, counsel/parties's efforts to avoid the continuance, why the interests of justice require the continuance and what the other side's position is. Motions that do not set forth this information will be denied immediately.
 - c. Motions to continue will not be allowed when the cause for the motion is based on counsel/parties's failure to adequately investigate and prepare for the case or hearing.
5. Measurement
- a. The court will work to develop Odyssey reports that will provide information to us on how well we are adhering to our tracks and deadlines. The report results will be made public for counsel/parties to see and review.
 - b. Where necessary the Domestic Relations Case Flow Advisory Committee may be called to meet and consider modification of the tracks or time limits.

Linn County Domestic Relations Case Flow Management Advisory Committee

Daniel R. Murphy, Presiding Judge
Carol Bispham, Circuit Judge (Family Law Administration)
Jim Belshe, Trial Court Administrator
Evelyn Raymond, Court Operations Supervisor
Leslie Cheney, Records Supervisor
Andy Ivers, Attorney at Law
Robert McCann, Attorney at Law
Sharon Griffin, Attorney at Law
Mitzi Naucner, Attorney at Law (Legal Aid)
Heidi Strickland, Family Law Facilitator
Katy Sims, Domestic Relations Clerk

Appendix A

1. Early Resolution Conference (ERC) - At the ERC the court will make inquiries of parties who will be expected to have investigated sufficiently to provide reliable answers to these questions:
 - a. When will discovery be complete? If not what is a reasonable deadline to complete discovery?
 - b. Are there any pretrial motions anticipated? If so what is a reasonable deadline to file them? What is a reasonable deadline to respond to them?
 - c. Do counsel/parties anticipate anything to substantially delay the resolution of the case such as a competency hearing, custody study, appraisal, etc., not likely to be available or completed within the next 30 days.
 - d. Do counsel/parties anticipate any unusual circumstances or problems in this case that would prevent it from being resolved in the ordinary course?
 - e. Do counsel/parties prefer a settlement conference at this time or a Final Resolution Conference? If an FRC it should be set at a time when parties are ready to set the matter for trial. (Note: FRCs will only be set in pro se cases absent good cause. See expedited process below for cases with attorneys)
 - f. Have there been settlement discussions? If not why not?
 - g. Counsel/parties shall be expected to know the answers to these questions at the ERC and FRC.
2. Based on the questions above the court will set deadlines to complete all pretrial discovery, motions and other activities. The court will allow counsel/parties to participate in the setting of the deadlines unless the court finds that counsel/parties's proposed deadlines are not reasonable. Once the deadlines are set the court will enforce them.

Appendix B

1. Final Resolution Conference (FRC)

- a. This is a final effort to resolve individual issues in the case or the entire case. Parties should come prepared to discuss settlement and resolution of issues.
- b. If resolution is not possible the case will be set for trial.

Appendix C – Sample ERC or FRC Order

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY LINN**

In the Matter of:

▶
Petitioner,
and
▶
Respondent,

▶
Third Party.

Case Number: ▶
Bundle Number: FC
Consolidated with: ▶

RESOLUTION CONFERENCE ORDER
ERC FRC Settlement
Conference
Assigned to Judge _____
Default Judgment
Order Striking Pleadings

[Rev 082313]

Case Type:

Dissolution of Marriage	Custody	Paternity
Annulment	Modification	Other:

The captioned matter having come before the Court for resolution or settlement conference on the date below; the parties and their attorneys, if represented, appearing as indicated:

Appearances:	
Attorney for Petitioner:	
Attorney for Respondent:	
Attorney for State of Oregon:	
Petitioner:	Present
Respondent:	Present
Adult Child Party:	Not applicable in this case.
Date Filed:	
Minor Children:	
Adult Children:	
Case Flow Management:	
Assigned Case Track:	
Deadline to Resolve:	

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The Court Finds As Follows:

Status of Settlement Discussions:

Mediation (child custody/parenting time cases only)

Case not in mediation: Assign to mediation now

Arbitration (property cases only)

Refer to Arbitration Now

Discovery Status:

ERC only: Six column list notice: a six column list of all assets and debts must be submitted to the arbitrator and if the matter goes to trial to the court. The list must be complete. Any asset or debt not included on the list will not be ruled upon.

Discovery Deadline ►

Note: Deadline for Motions to Compel Discovery is 14 days after discovery deadline; motions filed after that deadline may not be allowed.

Note that you must file a Uniform Support Declaration with the Court at least one week prior to arbitration, trial or a settlement conference. SLR 8.015. Discovery is an ongoing obligation. The discovery deadline above applies to all discovery available within a party's control or access at the time of the deadline.

Case Management Deadlines:

Deadline for pretrial motions ►

Deadline for request for settlement conference ►

Deadline for all responses to motions: 14 days unless noted otherwise.

ISSUES TO BE RESOLVED:

PROPERTY:	CHILDREN	SPOUSAL SUPPORT	ATTORNEY FEES
Property Division	Custody	Type	Contempt:
Debt Division	Parenting Time	Duration	Other:
Business	Child Support	Termination/modification	
Pension	Grandparent visitation		
	Psychological Parent		

Note: issues not identified at the FRC will not be heard at trial.

IT IS ORDERED THAT THIS MATTER IS SET FOR:

Docket Priority:	P	P	P
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Type of Hearing:			
Date:			
Time:			
Courtroom:			
Length of Hearing:			

If an evidentiary hearing or trial is scheduled the petitioner or moving party must pay the trial fee in Room 107 no later than 5:00 PM today. If the trial fee is not paid the trial will be taken off the docket and set for a second FRC. Indigent parties may apply for a waiver or deferral of the trial fee in Room 107.

The parties agree and stipulate to use the Summary Domestic Relations Trial Hearing Procedure. (See details below)

Note: all parties must appear at the Final Resolution Conferences, Settlement Conferences and Trials. If you are represented by an attorney the attorney may appear for you for the Early Resolution Conference. Parties may be excused from personal appearance by the Court. This must be arranged in advance. This Court cannot provide you with legal advice. If you have questions about your legal rights and obligations you should consult an attorney.

	Petitioner may appear by phone.
	Respondent may appear by phone.
	Court will send notice to parties.
	CASE REPORTED SETTLED: ALL PENDING PLEADINGS WILL BE DISMISSED IF A STIPULATED JUDGMENT IS NOT SUBMITTED WITHIN 30 DAYS. STIPULATED JUDGMENT TO BE SUBMITTED BY:

THIS COPY CONSTITUTES NOTICE OF THE SCHEDULED APPEARANCE. IF YOU FAIL TO APPEAR AT SCHEDULED COURT TIME YOUR PLEADINGS WILL BE STRICKEN. IF BOTH PARTIES FAIL TO APPEAR THE CASE WILL BE DISMISSED WITHOUT FURTHER NOTICE. IF PROPERTY DIVISION OR VALUATION IS AT ISSUE PARTIES MUST SUBMIT A JOINT 6-COLUMN PROPERTY LIST OR CASE MAY NOT BE HEARD OR THE PROPERTY/DEBT ISSUE MAY NOT BE HEARD AT TRIAL.

Send copies to:

	Petitioner		Respondent
	Petitioner's attorney		Respondent's attorney