



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

Linn County Probate Case Flow Management Plan – 2015

Effective June 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 insure 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.

Model Time Standards for Probate Cases:

Type of Case:	Time Standards
Administration of Estates	75% within 360 days 90% within 540 days 98% within 720 days
Adult Guardianship/Conservatorship Cases	98% within 90 days

To this end this court adopts and implements the Model Time Standards for State Courts with a few adjustments

Linn County Time Standards for Probate Cases:

Type of Case:	Time Standards
Small Estates	75% within 180 days 98% within 360 days
Uncontested Probate Estates	75% within 270 days 90% within 360 days
Contested or Complex Estates ¹	75% within 360 days 90% within 540 days 98% within 720 days

Intermediate Time Standards:

- In 98% of uncontested cases, letters of administration should be issued within 90 days.
- The Court shall schedule a case management conference within 60 days of assignement to a judge.

Adult Guardianship and Conservatorship Cases

With regard to adult guardianship and conservatorship cases this court adopts and implements the Model Time Standards for State Courts. These time standards reflect the time between the filing of the petition and the establishment of the guardianship or conservatorship.

Model Time Standards for Guardianship/Conservatorship Cases:

Type of Case:	Time Standards
Adult Guardianship/Conservatorship Cases	98% within 90 days

Intermediate Time Standards:

- In 98% of cases, temporary appointments should be ordered within 72 hours.
- In 98% of cases, trial/hearing reagrding a permanent appointment should be started with 75 days.

Linn County Standards for Civil Commitment Cases:

Type of Case:	Time Standards
Civil Commitment Cases	80% within 30 days 90% within 45 days 99% within 60 days

Process:

Linn County probate cases are managed administratively by the probate administrative judge until the case becomes contested. Once a probate case becomes contested it is assigned to an individual judge for management. The assigned judge shall schedule a case management conference within 60 days of assignment. During the case management conference the court will establish deadlines for pretrial issues as well as for resolution of the case.

If the parties believe additional time is required for motions, discovery or negotiations, a final resolution conference will generally be set no later than 60 days from the case management conference. Otherwise the case will be set for trial. At the conclusion of the case management conference, an order will be entered memorializing the timelines set out during the conference. The court will encourage the use of settlement conferences. A settlement conference will be set before a judge other than the assigned judge, unless the parties agree that the assigned judge can also be the settlement judge.

If a final resolution conference is scheduled, parties will be expected to know the availability of all witnesses, including availability of expert witnesses for the four months after the final resolution conference. At the final resolution conference, the court will also set a priority for the case.

Measurement

The court will work to develop Odyssey reports that will provide information to allow monitoring of tracks and deadlines. The report results will be made public.

ⁱ Complex estates are those that require the liquidation of real estate or business interests or whose primary asset is a personal injury claim.