

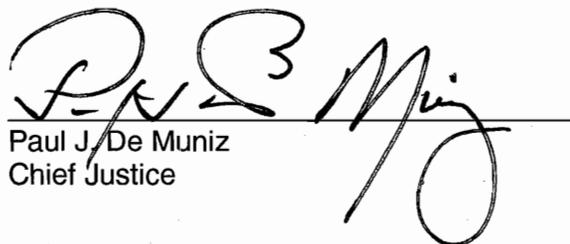
In the Matter of Out-of-Cycle Adoption of New UTCR 5.150, UTCR Form 5.150.1a, and UTCR Form 5.150.1b) CHIEF JUSTICE ORDER No. 10-025) ORDER OF OUT-OF-CYCLE ADOPTION OF NEW UTCR 5.150, UTCR FORM 5.150.1a, AND UTCR FORM 5.150.1b

I HEREBY ORDER, pursuant to ORS 1.002 and UTCR 1.020, that:

1. Good cause has been shown and the effective date, requirements, and time limits established by UTCR 1.020(2), (3), and (4) are waived for the UTCR changes implemented by this order.
2. The following rule and forms, as shown in Attachment A to this order, are adopted:
 - a. UTCR 5.150
 - b. UTCR Form 5.150.1a
 - c. UTCR Form 5.150.1b
3. Pursuant to UTCR 1.020(5), the adoption of UTCR 5.150, UTCR Form 5.150.1a, and UTCR Form 5.150.1b shall be posted for public comment as soon as is practicable and shall be placed on the agenda of the next UTCR Committee meeting, which is currently scheduled for October 15 and 16, 2010.

This order takes effect immediately.

Dated this 6th day of May, 2010.


Paul J. De Muniz
Chief Justice

UTCR 5.150 EXPEDITED CIVIL JURY CASES

- (1) A civil case eligible for jury trial may be designated as an expedited case. The availability of the designation may vary by judicial district and is dependent on the availability of staff, judges, and courtrooms. A party seeking the designation must confer with the court to determine whether the designation is available. If it is available, a party seeking the designation must do all of the following:
 - (a) Obtain the agreement of all other parties to designate the case as an expedited civil jury case.
 - (b) Submit a joint motion and an order to the presiding judge in substantially the form of UTCR Forms 5.150.1a and 5.150.1b.
- (2) The decision to accept or reject a case for designation as an expedited case is within the sole discretion of the presiding judge or designee. The judge will consider the request on an expedited basis, when possible, and enter an order granting or denying the motion. If the judge grants the motion and designates the case as an expedited case, the judge will:
 - (a) Exempt or remove the case from mandatory arbitration, pursuant to ORS 36.405(2)(a) and (b), and from all court rules requiring mediation, arbitration, and other forms of alternative dispute resolution.
 - (b) Set a trial date certain no later than four months from the date of the order with a pretrial conference to be set no later than 14 days before trial.
- (3) The parties in an expedited case may file a written agreement with the court, in substantially the form of UTCR Form 5.150.1a, section 4, stating all of the following:
 - (a) The scope, nature, and timing of discovery.
 - (b) The date by which discovery will be complete, which must be not later than 21 days before trial.
 - (c) Stipulations regarding the conduct of the trial, which may include stipulations for the admission of exhibits and the manner of submission of expert testimony.
- (4) If the parties in an expedited case do not file a discovery agreement pursuant to subsection (3) of this rule, then each party must do all of the following:
 - (a) Provide to all other parties within four weeks of the expedited case designation:
 - (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) Take no more than two depositions after a party has requested an expedited case designation.
 - (c) Serve no more than one set of requests for production after a party has requested an expedited case designation.
 - (d) Serve no more than one set of requests for admission after a party has requested an expedited case designation.
 - (e) Serve all discovery requests no later than 60 days before the trial date.
 - (f) Complete all discovery no later than 21 days before trial.
- (5) After an order designating the case as an expedited case, a party shall not file a pretrial motion without prior leave of the court.
 - (6) A party's failure to request or respond to discovery is not a basis for that party to seek postponement of the expedited case trial date.
 - (7) All expedited civil jury case trials will use six jurors, plus alternate(s), if any.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

Plaintiff)
) Case No. _____
))
))
)) **MOTION FOR AN EXPEDITED CIVIL JURY**
)) **CASE DESIGNATION**

Defendant)

1. The parties move the court for an order designating this case as an expedited civil jury case and exempting or removing it from mandatory arbitration, pursuant to ORS 36.405(2)(a) and (b), and from all court rules requiring mediation, arbitration, and other forms of alternative dispute resolution.
2. Each party agrees:
 - a. To fully comply with any agreements set forth in section 4 of this motion as to the scope, nature, and timing of discovery or, if there are no such agreements, to fully comply with the requirements of UTCR 5.150(4).
 - b. That all discovery will be completed by _____ (which must be no later than 21 days before the trial date).
 - c. That they have consulted with the office of the trial court administrator and have agreed on a trial date of _____. (The trial date must be no later than 120 days from the date of this request and is based on the understanding that ECJC designation will occur expeditiously.)
3. The parties agree: (Check one)
 - To conduct discovery in accordance with section 4 of this motion. The terms of section 4 supersede UTCR 5.150(4).
 - To conduct discovery in accordance with the requirements of UTCR 5.150(4).
4. If the parties agree to the scope, nature, and timing of discovery pursuant to UTCR 5.150(3), those discovery provisions are stated here and supersede UTCR 5.150(4).
 - a. Document discovery
 ____ Set(s) of Requests for Production per party
 Serve by _____ (date)
 Produce by _____ (date)
 - b. Depositions
 ____ Depositions per party
 Complete by _____ (date)

- c. Requests for admissions
 _____ Sets of Requests for Admission per party
 Serve by _____ (date)
 Serve response by _____ (date)
- d. Exchange names, and if known, the addresses and phone numbers, of witnesses
 Describe categories of witnesses _____ (e.g., those described in UTCR
 5.150(4)(a)(i), percipient, lay, expert, all)
 Exchange by _____ (date)
- e. Exchange existing witness statements
 Describe categories of witnesses _____ (e.g., those described in UTCR
 5.150(4)(a)(i), percipient, lay, expert, all)
 Exchange by _____ (date)
- f. Insurance agreements and policies discoverable pursuant to ORCP 36 B(2)
 Produce by _____ (date)
- g. Other, if any:
 _____ (describe)
 Produce by _____ (date)

5. The parties agree that expert testimony will be submitted at trial by (specify all that apply):

- Report (specify date for exchange) _____
- An alternative to in-person testimony _____ (describe)
- In-person testimony

6. To expedite the trial, the parties further agree as follows (describe stipulations such as those concerning marking and admissibility of exhibits, damages, and other evidentiary issues):

DATED this _____ day of _____, 20_____.

 Attorney for _____

 Attorney for _____

 Attorney for _____

