CHAPTER 23 – Oregon Complex Litigation Court

23.010 OREGON COMPLEX LITIGATION COURT

(1) The criteria used for assignment of a case to the Oregon Complex Litigation Court (OCLC), pursuant to UTCR 23.020, may include, but are not limited to, the number of parties, the complexity of the legal issues, the complexity of the factual issues, the complexity of discovery, and the anticipated length of trial.

(2) The UTCR apply to cases in the OCLC except where the rules in this chapter specifically provide otherwise.

(3) Absent a motion and order for a change of venue pursuant to ORS 14.110, assignment of a case to the OCLC does not change the venue of a case.

(4) The OCLC will be managed by a panel of three circuit court presiding judges appointed by the Chief Justice of the Oregon Supreme Court.

23.020 ASSIGNMENT OF CASES TO THE OCLC

(1) Assignment of a case to the OCLC requires agreement of the parties, the presiding judge or designee of the court with venue, and the managing panel of the OCLC.

(2) The following must occur for a case to be considered for assignment to the OCLC:

(a) The parties and the presiding judge or designee of the court with venue must confer to determine whether there is agreement to assign the case to the OCLC and to determine the special needs, facts, and issues of the case.

(b) The presiding judge or designee of the court with venue and the managing panel of the OCLC must confer to discuss whether the case is appropriate for assignment to the OCLC and to discuss the special needs, facts, and issues of the case.

(3) If the agreement required by UTCR 23.020(1) is reached and the managing panel accepts a case into the OCLC, the parties must submit a stipulated order for assignment of the case to the OCLC to the presiding judge or designee of the court with venue over the case and to the managing panel of the OCLC.

(4) Once a case is accepted into the OCLC, the managing panel of the OCLC will assign the case to a single OCLC judge.

(5) The parties must:

(a) Share equally, unless otherwise agreed, the cost of copying and providing the entire court file to the OCLC judge assigned to the case.

(b) Make all necessary arrangements to have a copy of the entire court file delivered to the OCLC judge within 14 days of assignment of the case to the OCLC judge.

(c) Continue, after assignment of the case to the OCLC judge, to file all documents in the court with venue and provide copies of all filed documents to the OCLC judge.

23.030 TERMINATION OF OCLC CASES

(1) When an OCLC judge finds good cause to remove a case from the OCLC, the judge must confer with the managing panel of the OCLC. If the managing panel agrees that the case should be removed, the managing panel will discuss the removal and return of the case with the presiding judge or designee of the court with venue before any action is taken.

(2) If venue has not been changed, the case may then be returned to the originating circuit court.

(3) If venue has been changed, the case may then be returned to the circuit court with current venue absent a motion and order for change of venue pursuant to ORS 14.110 and 14.120.

23.040 CASE MANAGEMENT

(1) Cases assigned to the OCLC are under the direct supervision of a single OCLC judge for all purposes including referral to mediation, assignment to a settlement judge, and trial.

(2) Before the date set by the court for a case management conference, all parties must do all of the following:

    (a) Explore early resolution of the case and prepare a discovery plan.

    (b) Confer concerning the matters to be raised at the conference.

    (c) Attempt to reach agreement on as many of the issues as possible.

    (d) Report the results of their conference to the court at the case management conference.

(3) No later than 10 days prior to trial, unless the OCLC judge has ordered otherwise, the parties must do all of the following:

    (a) Confer and disclose to each other all exhibits, except impeachment exhibits.

    (b) Number all exhibits.

    (c) Reach, to the extent possible, agreement on the admissibility of exhibits.

    (d) File with the court and provide to the OCLC judge a list of exhibits indicating the status of each exhibit.

    (e) Reach, to the extent possible, agreement on foundation for other exhibits to which they might have substantive objections. Any agreement must be noted on the exhibit list filed with the court.

(4) Upon compliance with UTCR 23.040(3)(a)–(e), the OCLC judge will confer with the parties to resolve any disputes on exhibits or other matters upon which a stipulation might be reached to make the trial more efficient.

23.050 CASE MANAGEMENT CONFERENCE; CASE MANAGEMENT ORDER

(1) A case management conference will be held within 30 days of assignment of a case to an OCLC judge or at such other time as the court may order. The purpose of the case management conference is to identify the essential issues in the litigation and to avoid unnecessary, burdensome, or duplicative discovery and other pretrial procedures to ensure the prompt resolution of the dispute. The case management conference may include discussion of the following:

(a) The trial date.

(b) The need for additional parties.

(c) Time limits for filing of third-party complaints or bringing in additional parties.

(d) Severance, consolidation, or coordination with other actions.

(e) A discovery plan, including a schedule for the exchange of documents, conducting discovery from third parties, use of common number systems for documents production and exhibits identification, a schedule for conducting depositions, the need for protective orders or other limitations allowed by ORCP 36 C, and a date for the close of discovery.

(f) A time schedule for motion practice and date for submission of dispositive motions.

(g) Mediation or settlement, and the identity of the assigned neutral facilitator. If the case has not settled within 45 days of the trial date, the case may be assigned for settlement conference to a judge other than the OCLC judge.

(h) Use of technology in discovery and at trial, such as electronic or physical document depositories, videotaping of depositions, videoconferencing, and teleconferencing,

(i) A master list of contact information.

(j) The method of jury selection and resolution of disputes relating to forms for juror questionnaires, if any.

(k) Scheduling of a Rule 104 hearing on scientific issues, if necessary.

(l) Scheduling of further conferences.

(m) Other matters the court or the parties deem appropriate to manage or expedite the case such as whether the parties will mutually employ a court reporter to serve for the creation of the official record, use of a trial plan having timelines for the submission and resolution of pretrial motions, motions in limine, deposition designations, submission of trial memoranda and jury instructions, and timelines for the examination of witnesses and evidentiary presentations by the parties.

(2) Following the case management conference, the OCLC judge will issue a case management order. The case management order will encompass the matters addressed at the case management conference and any other matters the judge considers appropriate for the order.

(3) The case management order may be modified or revised, as the OCLC judge deems necessary, to meet the purpose of the OCLC rules. The parties must not deviate from

deadlines and requirements established in the case management order unless authorized by the OCLC judge.

23.060 SETTLEMENTS AND DISCONTINUANCES

If a case in the OCLC is settled or dismissed, the parties must immediately inform the OCLC judge assigned to the case by telephone or email.

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