

## Oregon Complex Litigation Court

### History and Description

The Oregon Complex Litigation Court (OCLC) is part of an ongoing initiative started by former Chief Justice Paul J. De Muniz and the Oregon Judicial Department to promote efficiency and statewide sharing of judicial resources. It was established by Chief Justice Order No. 10-066, effective December 2, 2010. The order adopted the rules governing the OCLC, which are contained in Chapter 23 of the Uniform Trial Court Rules. The OCLC is available for circuit court civil cases across the state that are complex due to a variety of factors, including subject matter, number of parties, factual issues, legal issues, discovery issues, and length of trial.

The OCLC began as a local pilot program in Lane County on October 1, 2006. The Lane County program, called the Commercial Court Program, was designed to allow Lane County Circuit Court to handle complex litigation cases from out of county that would have been burdensome to a court's normal docket.

The Lane County Commercial Court cases range from complex multi-party construction litigation to medical negligence litigation to disputes between municipalities and utility companies. Examples include: *Rainier Economic Development Council v. Columbia 911 Communications and Special Districts Association of Oregon*, 16-07-11671, a case from Columbia County, where the court was asked to review the legality of an intergovernmental agreement; *Atlantic National Trust, LLC, et al. v. Mt. Hawley Insurance Company, et al.*, 16-10-03706, a case transferred from Linn County involving a dispute over insurance coverage following a fire at a mill; and *Association of Unit Owners of West Oak Condominium v. Willamette Builders Group at Grand Oaks, LLC, et al.*, 16-10-17622, a multi-party case from Benton County involving alleged construction defects at a condominium complex.

The rules governing the OCLC are the product of a bench-bar work group appointed by Chief Justice De Muniz. The work group included The Honorable Richard L. Barron, The Honorable Mary Ann Bearden, The Honorable David V. Brewer, James C. Carter, Stephen F. English, Chris Kitchel, The Honorable Jean Kerr Maurer, Jane Paulson, The Honorable Karsten H. Rasmussen (chair), Peter C. Richter, The Honorable Martha L. Walters, and Richard S. Yugler.

The OCLC offers parties targeted case management and trial by an experienced civil trial judge. The OCLC offers circuit courts a management option for cases that may overwhelm a court's docket and resources. The focus of the OCLC is on identification of essential issues, efficient discovery, structured pretrial procedures, and expedient case resolution.

Participation in the OCLC is voluntary. There must be agreement by all parties, the presiding judge of the judicial district with venue over the case, and the managing panel of the OCLC, with an emphasis on identifying the special needs of the case. The managing panel is appointed by the Chief Justice and consists of three circuit court presiding judges. The current members are The Honorable Paula Brownhill, Clatsop County Circuit Court; The Honorable Stephen K. Bushong, Multnomah County Circuit Court; and The Honorable Debra K. Vogt, Lane County Circuit Court.

Once a case is accepted into the OCLC, the managing panel will assign it to an appropriate judge in the OCLC, taking into account the special needs of the case. Membership in the OCLC is open to sitting circuit court judges who apply for membership by submitting to the managing panel a résumé and a detailed description of their civil trial experience on the bench and in the bar.

Absent a motion and order for change of venue under ORS 14.110, the venue of a case does not change upon assignment to the OCLC. Conferences and hearings will be conducted in the manner deemed by the OCLC judge to be most efficient for the court and the parties, which may include participation by video conferencing or other electronic means. Absent a change in venue, trial will be held in the county where the case was filed.

Parties must, at their expense, provide the OCLC judge with a complete copy of the court file. After assignment to an OCLC judge, parties must continue to file documents in the court with venue and provide copies to the OCLC judge.

The OCLC judge will schedule a case management conference within 30 days of assignment of the case to the judge. Before that date, parties must explore early resolution of the case, prepare a proposed discovery plan, confer on matters to be discussed at the conference, and seek agreement on as many issues as possible. The case management conference will address discovery, pretrial, and trial issues. The OCLC judge will issue a case management order addressing the items discussed at the conference and establishing a schedule with deadlines for discovery, motions, other pretrial matters, and trial. The OCLC judge will order additional conferences as needed.

The rules pertaining to the OCLC can be found at: <http://www.courts.oregon.gov/programs/utcr/Pages/currentrules.aspx>. If you have questions or comments, please contact Kim Blanding, Pro Tem Manager, Office of the State Court Administrator, at [Kim.L.Blanding@ojd.state.or.us](mailto:Kim.L.Blanding@ojd.state.or.us) or 503.986.5512.