

NOTICE SEEKING PUBLIC COMMENT ON PROPOSED UNIFORM TRIAL COURT RULES CHANGES FOR 2026

I. INTRODUCTION

This notice is provided pursuant to Uniform Trial Court Rule (UTCRC) 1.020(3), which requires official notice of proposed rule changes to be posted on the Oregon Judicial Department (OJD) website (www.courts.oregon.gov/utcr) for at least 49 days to allow submission of public comment.

The UTCRC Committee makes recommendations to the Chief Justice of the Oregon Supreme Court and to the full Supreme Court where required by rule, statute, or the constitution. At its fall meeting on October 24, 2025, the committee made preliminary recommendations on proposed changes and voted to send out other proposals for public comment without committee recommendation of approval or disapproval. The committee will review public comment and make final recommendations at its next meeting on April 29, 2026.

The committee encourages you to submit comments on these proposals, recommendations (whether for approval, disapproval, or without recommendation), and any other UTCRC action taken by the committee or the Chief Justice. To be considered by the committee, public comment must be received by the UTCRC Reporter by 11:59:59 p.m. on March 11, 2026.

SUBMISSION OF WRITTEN COMMENTS

You can submit written comments by clicking on the button next to the item of interest. You can also submit written comments by email or traditional mail:

utcr@ojd.state.or.us

or

UTCRC Reporter
Supreme Court Building
1163 State Street
Salem, Oregon 97301-2563

If you wish to appear at the spring UTCRC Committee meeting, please contact the UTCRC Reporter, Rachel Trickett, at utcr@ojd.state.or.us to schedule a time for your appearance.

Following adoption, the rules will be posted on the [OJD website](#) listed above. Additional information on the UTCRC process can be found at the same web address.

II. FUTURE MEETINGS

The UTCR Committee plans to meet twice in 2026.

SPRING MEETING: Wednesday, April 29, 2026, at 9:00 a.m., at the OJD Enterprise Technology Services Division, in Salem, Oregon. The committee will review public comment on the proposals and preliminary recommendations described in this notice and will make final recommendations to the Chief Justice on changes to the UTCR to take effect August 1, 2026 (unless otherwise noted). The committee may reconsider these proposals, the corresponding recommendations, out-of-cycle amendments, and any other UTCR action taken by the committee.

FALL MEETING: Thursday, October 22, 2026, 9:00 a.m., at the OJD Enterprise Technology Services Division in Salem, Oregon. The committee will review existing and proposed Supplementary Local Rules (SLR) and may make recommendations to the Chief Justice on disapproval of SLR pursuant to UTCR 1.050. The committee will also consider proposals for changes to the UTCR to take effect August 1, 2027. This is the only meeting at which the committee intends to accept proposals for that cycle. Committee meeting dates for the following year will be scheduled at the fall meeting.

III. SYNOPSIS OF FALL 2025 ACTIONS

A. PROPOSALS RECOMMENDED FOR APPROVAL

These are brief descriptions of UTCR changes the committee has preliminarily recommended for approval. See section IV.A for detailed explanations.

1. 1.080 – FORMAT AND LOCATION OF COURT RULES
Amend to clarify numbering requirements for Supplementary Local Rules (SLR).
2. 2.010 – FORM OF DOCUMENTS
Amend to remove the requirement to prepare pleadings, motions, and requested instructions with numbered lines.
3. 3.170 – ASSOCIATION OF OUT-OF-STATE COUNSEL (*PRO HAC VICE*)
Change references from “member” to “licensee” out of cycle to align with new legislation. See related items A.6–A.7 and A.12.
4. 3.170 – ASSOCIATION OF OUT-OF-STATE COUNSEL (*PRO HAC VICE*)
Amend out of cycle to increase the *pro hac vice* application fee.

5. 5.100 – SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS
Amend to require parties to specify the rule or statutory basis upon which a submitted document is purported to be exempt from the advance service requirement imposed under the rule.
6. 5.140 – OREGON DISCOVERY IN FOREIGN PROCEEDINGS
Change references from “member” to “licensee” out of cycle to align with new legislation. See related items A.3, A.7, and A.12.
7. 13.090 – ARBITRATORS
Change references from “member” to “licensee” out of cycle to align with new legislation. See related items A.3, A.6, and A.12.
8. 18.010 – DEFINITION
Adopt a definition of “eviction action” for purposes of proposed new rules UTCR 18.020 to 18.040. See related items A.9–A.11.
9. 18.020 – CAPTION
Adopt a new rule regarding requirements for the caption of a complaint filed in a Forcible Entry and Detainer (FED) action. See related items A.8 and A.10–A.11.
10. 18.030 – FORMAT OF COMPLAINT
Adopt a new rule regarding requirements for the form of a complaint filed in an FED action. See related items A.7–A.9 and A.11.
11. 18.040 – FORM OF ORDER OR JUDGMENT
Adopt a new rule regarding requirements for the form of a proposed order or judgment filed in an FED action. See related items A.8–A.10.
12. 21.140 – MANDATORY ELECTRONIC FILING
Change references from “member” to “licensee” out of cycle to align with new legislation. See related items A.3, A.6–A.7.

B. PROPOSALS RECOMMENDED FOR DISAPPROVAL

These are brief descriptions of UTCR proposals the committee has preliminarily recommended for disapproval. See section IV.B for a detailed explanation.

1. 2.010 – FORM OF DOCUMENTS
Amend to permit the abbreviation of document names.
2. 5.100 – SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS
Amend to create a new exception from the advance service requirement for proposed orders to show cause in remedial contempt cases.

C. PROPOSALS SENT OUT FOR PUBLIC COMMENT WITHOUT RECOMMENDATION

These are brief descriptions of UTCR proposals the committee has sent out for public comment without recommendation. See section IV.C for a detailed explanation.

1. **NEW CHAPTER 25—RECEIVERSHIPS**
Adopt the following 21 proposed new rules under a new UTCR chapter 25 to manage receivership proceedings under the Oregon Receivership Code (ORS chapter 37). See related items C.2–C.22.
2. **25.010 – SOLE CLAIM FOR RELIEF; SERVICE OF PROCESS**
Adopt a new rule regarding the appointment of a receiver as the sole claim for relief in an action. See related items C.1 and C.3–C.22.
3. **25.020 – APPOINTMENT OF RECEIVER; NOTICE**
Adopt a new rule regarding requirements for appointment hearings. See related items C.1–C.2 and C.4–C.22.
4. **25.030 – ASSIGNMENT OF SPECIFIC JUDGE FOR RECEIVERSHIP; PRESUMPTION OF COMPLEX CASE**
Adopt a new rule regarding assignment of a receivership case to a specific judge and designation as a complex case. See related items C.1–C.3 and C.5–C.22.
5. **25.040 – INITIAL CASE MANAGEMENT CONFERENCE**
Adopt a new rule to require and govern initial case management conferences following appointment of a receiver. See related items C.1–C.4 and C.6–C.22.
6. **25.050 – STATUS CONFERENCE**
Adopt a new rule regarding requests to schedule a status conference following appointment of a receiver. See related items C.1–C.5 and C.7–C.22.
7. **25.060 – ALLOWED CLAIMS**
Adopt a new rule regarding allowed claims by creditors. See related items C.1–C.6 and C.8–C.22.
8. **25.070 – INTERIM DISTRIBUTION**
Adopt a new rule regarding the allowance of interim distributions to creditors prior to the conclusion of a receivership case. See related items C.1–C.7 and C.9–C.22.
9. **25.080 – BRIDGE OVER**
Adopt a new rule regarding automatic extension of deadlines from the time a motion to extend is filed until the court rules on the motion. See related items C.1–C.8 and C.10–C.22.

10. 25.090 – [RESERVED FOR FUTURE USE]
Adopt a placeholder for future use. See related items C.1–C.9 and C.11–C.22.
11. 25.100 – DEFINITIONS OF ADJUNCT ACTION AND CONTESTED MATTER
Adopt definitions for purposes of proposed new rules UTCR 25.110 through 25.170 regarding adjunct actions and contested matters. See related items C.1–C.10 and C.12–C.22.
12. 25.110 – MANDATORY ADJUNCT ACTIONS
Adopt a new rule regarding categorization of receivership disputes as adjunct actions or contested matters. See related items C.1–C.11 and C.13–C.22.
13. 25.120 – ADJUNCT ACTIONS MUST REFERENCE RECEIVERSHIP ACTION
Adopt a new rule requiring the caption of pleadings in an adjunct action to reference the case number of the underlying receivership action. See related items C.1–C.12 and C.14–C.22.
14. 25.130 – ADJUNCT ACTIONS TO BE HEARD BY RECEIVERSHIP JUDGE
Adopt a new rule to require that an adjunct action be heard by the judge assigned to the underlying receivership action. See related items C.1–C.13 and C.15–C.22.
15. 25.140 – RECUSAL, REMOVAL, OR DISQUALIFICATION OF RECEIVERSHIP JUDGE FROM ADJUNCT ACTION
Adopt a new rule regarding the recusal, removal, or disqualification of the assigned judge from an adjunct action. See related items C.1–C.14 and C.16–C.22.
16. 25.150 – TRANSFER OF ADJUNCT ACTIONS TO RECEIVERSHIP COURT AND JUDGE
Adopt a new rule regarding the transfer of adjunct actions to the court in which the receivership action is pending under certain circumstances. See related items C.1–C.15 and C.17–C.22.
17. 25.160 – PENDING ACTIONS MAY BECOME ADJUNCT ACTIONS
Adopt a new rule regarding the circumstances in which a receiver may be joined or substituted as a party in any action pending at the time of the receiver’s appointment. See related items C.1–C.16 and C.18–C.22.
18. 25.170 – CONTESTED MATTERS WITHIN A RECEIVERSHIP ACTION
Adopt a new rule regarding the commencement of a contested matter. See related items C.1–C.17 and C.19–C.22.

19. 25.180 – SERVICE OF A CONTESTED MATTER
Adopt a new rule imposing service requirements that apply in contested matters. See related items C.1–C.18 and C.20–C.22.
20. 25.190 – DETERMINING WHETHER A HEARING IN A CONTESTED MATTER WILL BE AN EVIDENTIARY HEARING
Adopt a new rule requiring a court to implement procedures that allow parties to determine whether a hearing will be an evidentiary hearing. See related items C.1–C.19 and C.21–C.22.
21. 25.200 – TAKING TESTIMONY IN A CONTESTED MATTER ON A DISPUTED FACTUAL ISSUE
Adopt a new rule requiring that a witness’s testimony on a disputed material factual issue must be taken in the same manner as in an adjunct action. See related items C.1-C.20 and C.22.
22. 25.210 – OREGON RULES OF CIVIL PROCEDURE (ORCP) APPLY TO CONTESTED MATTERS
Adopt a new rule indicating that ORCP apply in contested matters unless a rule or court order provides otherwise. See related items C.1–C.21.
23. NEW CHAPTER 26—COLLABORATIVE LAW (ALTERNATIVE DISPUTE RESOLUTION)
Adopt the following 19 proposed new rules under a new UTCR chapter 26 to incorporate the Uniform Collaborative Law Rules (UCLR), into the UTCR. See related items C.24–C.42.
24. 26.010 – DEFINITIONS
Adopt UCLR definitions for the purposes of UTCR chapter 26. See related items C.23 and C.25–C.42.
25. 26.020 – APPLICABILITY
Adopt a new rule regarding applicability of the UCLR. See related items C.23–C.24 and C.26–C.42.
26. 26.030 – COLLABORATIVE LAW PARTICIPATION AGREEMENT; REQUIREMENTS
Adopt a new rule regarding requirements for collaborative law participation agreements. See related items C.23–C.25 and C.27–C.42.
27. 26.040 – BEGINNING AND CONCLUDING COLLABORATIVE LAW PROCESS
Adopt a new rule regarding the commencement and conclusion of a collaborative law process. See related items C.23–C.26 and C.28–C.42.

28. 26.050 – PROCEEDINGS PENDING BEFORE TRIBUNAL; STATUS REPORT
Adopt a new rule regarding proceedings pending before a tribunal. See related items C.23–C.27 and C.29–C.42.
29. 26.060 – EMERGENCY ORDER
Adopt a new rule regarding emergency orders. See related items C.23–C.28 and C.30–C.42.
30. 26.070 – APPROVAL OF AGREEMENT BY TRIBUNAL
Adopt a new rule regarding approval of agreements resulting from a collaborative law process. See related items C.23–C.29 and C.31–C.42.
31. 26.080 – DISQUALIFICATION OF COLLABORATIVE LAWYER AND LAWYERS IN ASSOCIATED LAW FIRM
Adopt a new rule regarding disqualification of a collaborative lawyer. See related items C.23–C.30 and C.32–C.42.
32. 26.090 – LOW-INCOME PARTIES
Adopt a new rule regarding representation of parties who are indigent. See related items C.23–C.31 and C.33–C.42.
33. 26.100 – GOVERNMENTAL ENTITY AS PARTY
Adopt a new rule regarding the representation of a party that is a government or governmental subdivision, agency, or instrumentality. See related items C.23–C.32 and C.34–C.42.
34. 26.110 – DISCLOSURE OF INFORMATION
Adopt a new rule regarding the disclosure of information related to a collaborative matter during the collaborative law process. See related items C.23–C.33 and C.35–C.42.
35. 26.120 – STANDARDS OF PROFESSIONAL RESPONSIBILITY AND MANDATORY REPORTING NOT AFFECTED
Adopt a new rule regarding application of standards of professional responsibility and mandatory reporting. See related items C.23–C.34 and C.36–C.42.
36. 26.130 – APPROPRIATENESS OF COLLABORATIVE LAW PROCESS
Adopt a new rule imposing requirements regarding evaluation of the appropriateness of participating in a collaborative law process. See related items C.23–C.35 and C.37–C.42.
37. 26.140 – COERCIVE OR VIOLENT RELATIONSHIP
Adopt a new rule requiring inquiry into whether prospective parties to a collaborative law participation agreement have a history of a coercive or abusive relationship. See related items C.23–C.36 and C.38–C.42.

38. 26.150 – CONFIDENTIALITY OF COLLABORATIVE LAW COMMUNICATION
Adopt a new rule regarding confidentiality of collaborative law communications. See related items C.23–C.37 and C.39–C.42.
39. 26.160 – PRIVILEGE AGAINST DISCLOSURE FOR COLLABORATIVE LAW COMMUNICATION; ADMISSIBILITY; DISCOVERY
Adopt a new rule regarding the application of privilege in a collaborative law proceeding. See related items C.23–C.38 and C.40–C.42.
40. 26.170 – WAIVER AND PRECLUSION OF PRIVILEGE
Adopt a new rule regarding waiver and preclusion of waiver during a collaborative law proceeding. See related items C.23–C.39 and C.41–C.42.
41. 26.180 – LIMITS OF PRIVILEGE
Adopt a new rule regarding the limits of privilege for collaborative law communications. See related items C.23–C.40 and C.42.
42. 26.190 – AUTHORITY OF TRIBUNAL IN CASE OF NONCOMPLIANCE
Adopt a new rule regarding authority of a tribunal in cases of noncompliance. See related items C.23–C.41.

D. DEFERRED RECOMMENDATIONS

The UTCR Committee did not issue a recommendation with regard to the following related proposals to amend UTCR chapter 12—Mediation. See section IV.D for a detailed explanation.

1. 12.010 – APPLICABILITY
Modify the rule language for readability. See related items D.2–D.14.
2. 12.020 – DEFINITIONS
Amend the rule to add definitions of “case” and “lead trainer.” See related items D.1 and D.3–D.14.
3. 12.030 – DETERMINING AUTHORITY, DETERMINING MEDIATOR
Amend the process for conditional approval of mediators. See related items D.1–D.2 and D.4–D.14.
4. 12.040 – MEDIATOR ETHICS
Amend the mediator ethics requirements. See related items D.1–D.3 and D.5–D.14.

5. 12.050 – PROVIDING AND MAINTAINING PUBLICLY AVAILABLE INFORMATION
Repeal the rule to conform with proposed amendments to UTCR 12.030 and 12.040 regarding the availability of information about a mediator’s qualifications. See related items D.1–D.4 and D.6–D.14.
6. 12.060 – QUALIFICATION AS AN APPROVED GENERAL CIVIL MEDIATOR, ONGOING OBLIGATIONS
Amend the basic training and ongoing obligations requirements for general civil mediators. See related items D.1–D.5 and D.7–D.14.
7. 12.070 – QUALIFICATION AS AN APPROVED DOMESTIC RELATIONS CUSTODY AND PARENTING MEDIATOR, ONGOING OBLIGATIONS
Amend the training and ongoing obligations requirements for domestic relations custody and parenting mediators. See related items D.1–D.6 and D.8–D.14.
8. 12.080 – QUALIFICATION AS AN APPROVED DOMESTIC RELATIONS FINANCIAL MEDIATOR, ONGOING OBLIGATIONS
Amend the training and ongoing obligations requirements for domestic relations financial mediators. See related items D.1–D.7 and D.9–D.14.
9. 12.090 – INDEPENDENT QUALIFICATION REVIEW
Change the title and revise the rule to conform with proposed amendments to UTCR 12.030. See related items D.1–D.8 and D.10–D.14.
10. 12.100 – BASIC MEDIATION CURRICULUM
Amend the basic mediation training curriculum. See related items D.1–D.9 and D.11–D.14.
11. 12.110 – DOMESTIC RELATIONS CUSTODY AND PARENTING MEDIATION CURRICULUM
Amend to change the rule title and revise the domestic relations custody and parenting mediation training curriculum. See related items D.1–D.10 and D.12–D.14.
12. 12.120 – DOMESTIC RELATIONS FINANCIAL MEDIATION TRAINING
Amend the domestic relations financial mediation training curriculum. See related items D.1–D.11 and D.13–D.14.
13. 12.130 – COURT-SYSTEM TRAINING
Amend the court-system training curriculum. See related items D.1–D.12 and D.14.

14. 12.140 – CONTINUING EDUCATION REQUIREMENTS
Amend the continuing education requirements for general civil, domestic relations custody and parenting, and domestic relations financial mediators. See related items D.1–D.13.

E. OTHER ACTIONS

These are descriptions of other UTCR Committee actions.

1. Spring 2026 Meeting
Scheduled spring meeting (April 29, 2026).
2. Fall 2026 Meeting
Scheduled fall meeting (October 22, 2026).
3. UTCR 21.140 Workgroup Update
The committee agreed to reconvene the UTCR 21.140 workgroup.

IV. DESCRIPTION OF FALL 2025 ACTIONS

Proposed deletions are in [*brackets and italics*]. Proposed additions are in **{braces, underline, and bold}**. A proposed revision (in lieu of a simpler amendment) consists of a complete rewriting of a rule or form so there is no use of [*brackets and italics*] or **{braces, underline, and bold}**. The same is true of a new rule.

A. PROPOSALS RECOMMENDED FOR APPROVAL

1. 1.080 – FORMAT AND LOCATION OF COURT RULES

Amend to clarify numbering requirements for Supplementary Local Rules (SLR).

ACTION TAKEN

Motion to preliminarily recommend approval of the proposed amendment, as modified by the committee, passed by consensus.

EXPLANATION

This proposal was submitted by Rachel D. Trickett, UCTR Reporter. The proposal would amend UTCR 1.080 to both clarify and enhance the Supplemental Local Rules (SLR) numbering requirements. Existing UTCR 1.080 establishes general numbering requirements but lacks specificity that would make the rule easier for court staff and UCTR Committee members to navigate during the annual review of existing SLR, proposed new SLR, and proposed changes to existing SLR that is required under UTCR 1.050(2). Amending the rule to be specific is meant to ensure that UTCR 1.080 serves its intended purposes to:

- Maintain consistency in SLR numbering;
- Promote the ability to correlate SLR to related UTCR; and
- Avoid confusion with UTCR of the same number.

Relatedly, a nominal conforming amendment to UTCR 1.010(3)(b) changes the citation to UTCR 1.080, updating the specific subsection from (3) to (4).

The UTCR Committee agreed, by consensus, to recommend both the amendment to UTCR 1.080 and the conforming amendment to UTCR 1.010, as shown below.

PROPOSED AMENDMENT

1.080 FORMAT AND LOCATION OF COURT RULES

- (1) All UTCR and SLR must include a table of contents.

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- (2) Each page of the SLR must include a footer that shows the following: the page number, the revision date applicable to the set of SLR, the judicial district number, and the name of the court.

{(3) SLR shall be numbered as follows:

(a) SLR must be numbered as closely as possible to and in the same chapter as related UTCR. As an example, if a court adopted SLR to carry out the scheduling provisions of UTCR 7.010, an appropriate number would be SLR 7.011.

(b) SLR numbers must fall between multiples of 10, for example, .015 or .021, not .010, to ensure they do not use numbers reserved for UTCR, which use only multiples of 10 for numbering.

(c) Specific SLR numbers required by the UTCR must be used, for example, UTCR 1.160(2) (filing of documents); 3.180(11) (electronic recording and writing); 6.200(4) (pretrial settlement conferences); and 13.010 (arbitration proceedings.)

{(3){4} A court that wishes to have a chapter dedicated to alternative dispute resolution (ADR) must use chapter 12 for all rules pertaining to the court's ADR program. *[All other SLR must be numbered as closely as possible to and in the same chapter as related UTCR, without using numbers reserved for UTCR.]* The following chapter numbers are reserved for the placement of SLR related to the subjects described for the chapter numbers:

* * * * *

1991 Commentary:

For purposes of UTCR 1.080({3}{4}) the committee did not intend that SLR required by UTCR 1.050(1)(c) be placed in chapter 1 but intended that such SLR be placed in chapter 7 or other chapters related to the particular subject.

PROPOSED CONFORMING AMENDMENT

1.010 SCOPE OF THESE RULES

(1) * * *

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- (3) Chapters 2 to 13 of the UTCR do not apply to small claims or violations or parking violations, except that:
 - (a) UTCR 7.050 applies to all cases that may be subject to a federal bankruptcy stay, including small claims cases.
 - (b) Supplementary Local Rules relating to these subjects are placed in chapters as provided by UTCR 1.080([3]{4}).
- (4) * * *

2. 2.010 – FORM OF DOCUMENTS

Amend to remove the requirement to prepare pleadings, motions, and requested instructions with numbered lines.

ACTION TAKEN

Motion to preliminarily recommend approval of the proposed amendment, as modified by the committee, passed by consensus.

EXPLANATION

This proposal was submitted by Judge Matthew A. Rowan, Circuit Court Judge, Jackson County Circuit Court. The proposal would amend UTCR 2.010(4) to require that:

- (1) All typed documents be prepared using either Arial, Calibri, or Times New Roman font and a font size no smaller than 13-point type; and
- (2) Remove the requirement that all pleadings, motions, and requested instructions be prepared with numbered lines.

The proponent provided the following written testimony:

- The proposed changes eliminate the need for pleading paper. The requirement of pleading paper is outdated and does not align with federal pleading or Oregon appellate court briefing format requirements. In a digital age, requiring numbered pages serves no purpose. In fact, most pleadings submitted by litigants do not align with the numbers on the pleading paper. Further, and more importantly, the pleading numbers (and often, lines included that separate the line numbers from text body) disrupt Optical Character Recognition scanning, making it very difficult to turn a PDF submitted to the court into an editable Word document. By eliminating the line numbers from a pleading, documents can be easily scanned and converted from PDFs to Word documents; this will allow litigants and the court to be more efficient in creating new documents out of those on record with the court through basic document conversion software (e.g., Adobe).
- The proposed changes require uniformity of font and text size. This brings the font type and size requirements into alignment with the requirements for appellate briefings. In sum, the proposed changes are designed to increase uniformity across Oregon courts and modernize pleading forms for the 21st Century in which electronic filing rules the day.

The committee discussed the following:

- One member noted that parties sometimes file court documents that are typed in very small font, which makes the documents very

difficult to read. Requiring at least 13-point type for typed documents would improve readability.

- Trying to get compliance with uniform font type and size requirements from self-represented parties could be difficult.
- The Oregon Rules of Appellate Procedure (ORAP) require 14-point type for briefs that are filed in the appellate courts. A rule requiring a particular font size in the UTCR should be consistent with the ORAP.
- Asking law firms to change the embedded font type and size they use to prepare documents would be burdensome and overly supervisory.
- Using numbered lines makes it difficult to convert a PDF into an editable Word document and can impede the use of software supporting communication for individuals who are hearing impaired (e.g., type to text).
- Removing numbered lines makes documents easier to read.
- Several members noted that using numbered lines allows the court to make precise citations to pleadings.
- One member noted that the benefits of removing the numbered lines (i.e., readability, accessibility, and efficiency) appears to outweigh the benefits of keeping the requirement.

A motion was made to modify the proposal by removing the font type and size requirement and recommend approval of the amendment as modified. The motion passed by consensus, and the modified proposal is shown below.

PROPOSED AMENDMENT

2.010 FORM OF DOCUMENTS

Except where a different form is specified by statute or rule, the form of any document, including pleadings and motions, filed in any type of proceeding must be as prescribed in this rule.

(1) * * *

* * * * *

(4) Spacing[,]{ **and**} Paging[, *and Numbered Lines*]

(a) All pleadings, motions, and requested instructions must be double-spaced[*and prepared with numbered lines*].

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- (b) All other documents may be single-spaced and the lines need not be numbered.
- (c) On the first page of each pleading or similar document, two inches at the top of the page shall be left blank.
- (d) All documents, except exhibits and wills, shall be prepared with a one-inch margin on each side.

* * * * *

3. **3.170 – ASSOCIATION OF OUT-OF-STATE COUNSEL (*PRO HAC VICE*)**

Change references from “member” to “licensee” out of cycle to align with new legislation. See related items A.6–A.7 and A.12.

ACTION TAKEN

Motion to preliminarily recommend approval of the proposed amendment out of cycle, passed by consensus. The rule was then amended out of cycle by Supreme Court Order ([SCO](#)) 25-054, effective January 1, 2026.

EXPLANATION

Background. This proposal was submitted by Rachel D. Trickett, UCTR Reporter, to align with legislation that went into effect on January 1, 2026. During the 2025 legislative session, the legislature passed Senate Bill (SB) 166 (Oregon Laws Chapter 32, 2025) that updated terminology used in ORS chapter 9 (the OSB Act) to refer to persons admitted to practice law in Oregon from “member” to “licensee.” More specifically, ORS 9.005 was amended to read that as used in ORS 9.005 to 9.757 unless the context or subject matter requires otherwise:

- “Attorney” means an attorney licensee of the Oregon State Bar (OSB).
- “Licensee” means a licensee or associate licensee of the OSB.

In 2023, Oregon introduced a new legal licensure for paralegals. Under ORS 9.241(3) and OSB’s Rules of Licensure, licensed paralegals may be admitted to the bar as “associate” (nonattorney) members with a limited scope of legal practice. Effective January 1, 2026, licensed paralegals will be admitted to the bar and referred to as associate licensees under amended ORS 9.005 to 9.757.

Proposal. The proposed amendment to UTRC 3.170(1)(c) changes “member” to “attorney licensee” to conform to SB 166 and clarify that under the rule, an out-of-state attorney must associate with a person admitted to the practice of law in this state as an attorney; the rule does not apply to licensed paralegals.

AMENDMENT

3.170 **ASSOCIATION OF OUT-OF-STATE COUNSEL (*PRO HAC VICE*)**

- (1) An attorney authorized to practice law before the highest court of record in any state or country (“out-of-state attorney”) may appear on behalf of a party in any action, suit, or proceeding pending in this state before a court or administrative body even though that

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attorney is not licensed to practice law in this state, if the attorney satisfies all of the following requirements:

* * * * *

- (c) Associates with an active [*member*]{**attorney licensee**} in good standing of the Oregon State Bar (“local attorney”) who must participate meaningfully in the matter.

* * * * *

* * * * *

4. **3.170 – ASSOCIATION OF OUT-OF-STATE COUNSEL (*PRO HAC VICE*)**

Amend out of cycle to increase the *pro hac vice* application fee.

ACTION TAKEN

Motion to preliminarily recommend approval passed by consensus. The rule was then amended out of cycle by [SCO 25-054](#), effective January 1, 2026.

EXPLANATION

This proposal was submitted by Myah Kehoe, President of the Oregon State Bar, on behalf of the Oregon State Board of Governors. The proposal would amend UTCR 3.170(6) out of cycle to increase the *pro hac vice* application fee from \$500 to \$750 dollars, effective January 1, 2026.

The proponent provided written testimony explaining the need for the fee increase as follows. The *pro hac vice* application fee has not been increased since July 1, 2014, when it was raised to \$500. Increasing the fee to \$750 reflects inflationary increases and aligns the fee with the current administrative costs associated with processing *pro hac vice* applications. According to Consumer Price Index data, \$500 in 2014 equates to approximately \$679 in today's dollars and \$699 by 2026, which is the anticipated effective date of the proposed increase if adopted.

The *pro hac vice* application fee serves two important purposes:

- Subsidizing the Bar's processing of *pro hac vice* applications; and
- Supporting the Legal Services Program, ORS 9.241(4).

Currently, six percent (6%) of *pro hac vice* application fees (approximately \$30 per application) are allocated to the Bar's Regulatory Counsel's Office for processing *pro hac vice* applications. The remaining ninety-four percent (94%) directly support legal aid through the Legal Services Program. However, the actual cost of processing *pro hac vice* applications has increased to nearly eight percent (8%) (\$40 per application) of the current \$500 fee. To account for the higher cost, the Bar's Regulatory Counsel's Office subsidizes the cost to process *pro hac vice* applications out of its own budget to avoid reducing funding of the Legal Services Program. Accordingly, increasing the *pro hac vice* application fee will: (1) cover the increased cost of processing *pro hac vice* applications; (2) realign funding of legal services that has diminished due to inflation; and (3) ensure that the *pro hac vice* fee structure remains sustainable in the long term.

The committee agreed by consensus to recommend the amendment of UTCR 3.170(6) out of cycle given that the fee has not been increased since 2014 and to timely respond to the Bar's demonstrated need to manage increased costs of processing *pro hac vice* applications and preserve funding of the Legal Services Program.

AMENDMENT

3.170 ASSOCIATION OF OUT-OF-STATE COUNSEL (*PRO HAC VICE*)

(1) * * *

* * * * *

(6) Except as otherwise provided in this rule, for each application under this rule to appear before a court, the applicant must pay to the Bar a fee of [~~\$500~~]{**\$750**} at the time of submission of information under subsection (2) of this section, including when application is sought to renew an application at the end of a current one-year grant for a case. The fee will not be refundable.

* * * * *

NOTE: UTCR 3.170 is adopted by the Oregon Supreme Court under ORS 9.241 and may be modified only by order of that court.

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5. 5.100 – SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS

Amend subsection (3) to require parties to specify the rule or statutory basis upon which a submitted document is purported to be exempt from the advance service requirement imposed under the UTCR 5.100(1).

ACTION TAKEN

Motion to preliminarily recommend approval of the proposed amendment, as modified by the committee, passed by consensus.

EXPLANATION

This proposal was submitted by Judge Matthew A. Rowan, Circuit Court Judge, Jackson County Circuit Court. The proposal would amend UTCR 5.100(3)(b) to require parties to specify the rule or statute relied upon to assert that a submitted document is not subject to the advance service requirement imposed by UTCR 5.100(1). It would also make a conforming update to UTCR 5.100(2)(b).

For background, UTCR 5.100 requires advance service on opposing parties of proposed orders and judgments (subsection (1)); requires a certification of compliance with the advance service requirement (subsection (2)(a)); and also requires that all proposed orders and judgments include a “certificate of readiness” that explains why the document being submitted is “ready” for either the judge’s signature or resolution of any outstanding objections (subsection (2)(b)). Subsection (3) then sets out exceptions to the advance service requirement, and subsection (4) sets out a single exception to the certificate of readiness requirement (presentation of the document in open court). Subsection (5) pertains to punitive damages awards, and subsection (6) permits the rule’s certifications to be combined with other certifications.

The proponent provided the following written testimony:

- Parties often submit proposed orders and check that advance service is not required. Sometimes this is true; sometimes it is not. Thus, the value of the certificates is diminished.
- When a proposed order or judgment is filed and the other party has not been advance served, the court must take time try to determine why a party believes it is excused from doing so. This is sometimes easy; sometimes it is not.
- Consequently, parties should be required to specify the rule or statute they are relying on when contending that advance service is not necessary.

A motion was made to first modify the proposed wording to clarify the new requirement, and then recommend approval of the amendment as modified. By consensus, the motion was passed. The recommended amendment, as modified, is shown below.

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PROPOSED AMENDMENT

5.100 SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS

- (1) Except as provided in subsection (3) of this rule, any proposed judgment or proposed order submitted to the court for signature must be:
 - (a) Served on each attorney not less than three days prior to submission to the court, or
 - (b) Accompanied by a stipulation by each attorney that no objection exists as to the judgment or order, or
 - (c) Served on a self-represented party not less than seven days prior to submission to the court and be accompanied by notice of the time period to object.

- (2) Except as provided in subsection (4) of this rule, any proposed judgment or order submitted to the court must include, following the space for judicial signature, a dated and signed certificate that describes:
 - (a) The manner and date of compliance with any applicable service requirement under this rule; and
 - (b) The reason that the submission is ready for judicial signature or otherwise states that any objection is ready for resolution, identifying the reason in substantially the following form:

“This proposed order or judgment is ready for judicial signature because:

 - “1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party’s signature on the document being submitted.
 - “2. Each party affected by this order or judgment has approved the order or judgment, as shown by each party’s signature on the document being submitted or by written confirmation of approval sent to me.
 - “3. I have served a copy of this order or judgment on each party entitled to service, on date ____, and:
 - “a. No objection has been served on me.
 - “b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.

- “c. [] After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.
- “4. [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise. { **Service is not required based upon the following: _____.** }
- “5. [] Each other party previously filed a waiver of appearance.
- “6. [] This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims’ Assistance Section as required by subsection (5) of this rule.
- “7. [] Other: _____.”

- (3) The requirements of subsection (1) of this rule do not apply to:
- (a) A proposed order or judgment presented in open court with the parties present;
 - (b) A proposed order or judgment for which service is not required by statute, rule, or otherwise, **provided that the submitting party sets out the specific legal basis for why service is not required**;
 - (c) A proposed order or judgment in a proceeding in which all other parties previously filed waivers of appearance;
 - (d) A proposed judgment subject to UTCR 10.090;
 - (e) An uncontested probate or protective proceeding, or a petition for appointment of a temporary fiduciary under ORS 125.605(2);
 - (f) Matters certified to the court under ORS 25.515, ORS 25.550, ORS 25.552, and ORS 25.531, unless the proposed order or judgment is ready for judicial signature without hearing; and
 - (g) A proposed order allowing attorney resignation under UTCR 3.140.
- (4) The requirements of subsection (2) of this rule do not apply to a proposed order or judgment presented and signed in open court with the parties present.
- (5) Any proposed judgment containing an award of punitive damages shall be served on the Director of the Crime Victims’ Assistance Section, Oregon Department of Justice, 1162 Court Street NE,

Salem, OR 97301, not less than three days prior to submission to the court.

- (6) The certificate required under subsection (2) may be combined with any certificate of service required by another statute or rule.

* * * * *

6. **5.140 – OREGON DISCOVERY IN FOREIGN PROCEEDINGS**

Change references from “member” to “licensee” out of cycle to align with new legislation. See related items A.3, A.7, and A.12.

ACTION TAKEN

Motion to preliminarily recommend approval passed by consensus. The rule was then amended out of cycle by Chief Justice Order [\(CJO\) 25-051](#), effective January 1, 2026.

EXPLANATION

See also the [background](#) explanation for related item A.3.

The proposed amendment to UTCR 5.140(2) changes “member” to “attorney licensee” to conform to SB 166 and to clarify that the rule applies to persons admitted to practice law in Oregon as an attorney; the rule does not apply to licensed paralegals.

The committee agreed by consensus to recommend approval of the amendment out of cycle to align with the effective date of SB 166.

AMENDMENT

5.140 OREGON DISCOVERY IN FOREIGN PROCEEDINGS

(1) * * *

(2) To obtain discovery in the state of Oregon for a proceeding pending in a foreign jurisdiction not subject to ORCP 38 C, a party must file a writ, mandate, commission, letter rogatory, or order executed by the appropriate authority in the foreign jurisdiction with a circuit court of this state. The party in the foreign proceeding or an active [~~member~~]{**attorney licensee**} in good standing of the Oregon State Bar must present in person at *ex parte* the original document or a certified copy from the foreign jurisdiction, a petition, and an order to register the document in substantially the form provided at www.courts.oregon.gov/forms. If approved by the court, the matter will be assigned a circuit court case number and appropriate process may be issued by the Oregon attorney.

* * * * *

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7. **13.090 – ARBITRATORS**

Change references from “member” to “licensee” out of cycle to align with new legislation. See related items A.3, A.6, and A.12.

ACTION TAKEN

Motion to preliminarily recommend approval passed by consensus. The rule was then amended out of cycle by [CJO 25-051](#), effective January 1, 2026.

EXPLANATION

See also the [background](#) explanation for related item A.3.

The proposed amendment to UTCR 13.090(1) and (2) changes “member” to “attorney licensee” to conform to SB 166 and clarify that the rule applies to persons admitted to practice law in Oregon as an attorney and not to licensed paralegals.

The committee agreed by consensus to recommend approval of the amendment out of cycle to align with the effective date of SB 166.

AMENDMENT

13.090 ARBITRATORS

- (1) Unless otherwise ordered or stipulated, an arbitrator must be an active attorney [*member*]{**licensee**} in good standing of the Oregon State Bar, who has been admitted to any bar for a minimum of five years, or a retired or senior judge. The parties may stipulate to a nonlawyer arbitrator.
- (2) An arbitrator who is not a retired or senior judge or stipulated nonlawyer arbitrator must be an active attorney [*member*]{**licensee**} in good standing of the Oregon State Bar at the time of each appointment. During any period of suspension from the practice of law or in the event of disbarment, an arbitrator will be removed from the court’s list of arbitrators and may reapply when the attorney is reinstated or readmitted to the Bar.

* * * * *

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8. 18.010 – DEFINITION

Adopt a definition of “eviction action” for purposes of proposed new rules UTCR 18.020 to 18.040. See related items A.9–A.11.

ACTION TAKEN

Motion to preliminarily recommend approval passed by consensus.

EXPLANATION

Background. The following related proposals to adopt new rules UTCR 18.020 to 18.040 were submitted by Danielle Ramos, Legal Policy Advisor, OJD Civil and Criminal Programs Division, to align with Oregon law.

Under ORS 105.164, OJD is required to annually set aside judgments and seal the court records for forcible entry and detainer (FED) cases that meet certain criteria set forth in the statute. ORS 105.164 went into effect in 2023; it applies retroactively to judgments entered after January 1, 2014.

Since 2023, OJD has been working to develop a centralized automated process to identify FED cases that are eligible for sealing under ORS 105.164. Development has been delayed, however, because FED case records very often do not contain the information necessary to automate identification in OJD’s case management system. The reasons for this include, for example:

- The business processes currently used to process FED cases understandably do not contemplate the requirements of ORS 105.164 and are not adequate for that purpose and vary widely among the courts.

Accordingly, OJD has been using a process of manual review to identify eligible FED cases since ORS 105.164 went into effect. To date, OJD staff have manually reviewed over 160,000 cases. Implementing an automated process would eliminate the need for this type of costly and burdensome review.

The following related proposals are intended to create uniform requirements for the form of complaints, orders, and judgments filed in FED cases. The uniformity will ensure that such filings contain the information necessary to facilitate automated identification of eligible FED cases under ORS 105.164.

A motion was made to adopt a definition of “eviction action” for purposes of the proposed new rules. The motion passed by consensus, and the proposed new rule is shown below.

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PROPOSED NEW RULE

18.010 DEFINITION

For purposes of this rule, “eviction action” means a forcible entry and detainer action that is brought under ORS chapter 90.

9. 18.020 – CAPTION

Adopt a new rule regarding requirements for the caption of a complaint filed in a Forcible Entry and Detainer (FED) action. See related items A.8 and A.10–A.11.

ACTION TAKEN

Motion to preliminarily recommend approval of the proposed amendment, as modified by the committee, passed by consensus.

EXPLANATION

See also the [background](#) explanation for related item A.8.

The proposed new rule requires that the caption of a complaint filed in an “eviction action” must include the words “Subject to Residential and Landlord Tenant Act.” The proposal is intended to permit court staff to quickly identify the case type and enter it into OJD’s case management system.

PROPOSED NEW RULE

18.020 CAPTION

In the caption of a complaint filed in an eviction action, the plaintiff must indicate if the case is subject to ORS chapter 90 in substantially the following form:

“[] Subject to the Residential Landlord and Tenant Act.”

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10. 18.030 – FORMAT OF COMPLAINT

Adopt a new rule regarding requirements for the form of a complaint filed in an FED action. See related items A.7–A.9 and A.11.

ACTION TAKEN

Motion to preliminarily recommend approval passed by consensus.

EXPLANATION

See also the [background](#) explanation for related item A.8.

The proposed new rule requires that the form of a complaint filed in an eviction action must be in substantially the same form as a forthcoming statewide form of complaint. The OJD Advisory Committee on Civil Justice’s Landlord Tenant Law Workgroup plans to work with OJD’s Statewide Forms Workgroup (formerly known as the Law and Policy Workgroup) to develop a statewide form with the intent that it will be available by August 1, 2026.

PROPOSED NEW RULE

18.030 FORM OF COMPLAINT

- (1) The plaintiff must indicate in the complaint if the case is subject to ORS chapter 90.
- (2) A complaint in an eviction action that is subject to ORS chapter 90 must be in substantially the form provided at <http://www.courts.oregon.gov/forms/>.

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11. 18.040 – FORM OF ORDER OR JUDGMENT

Adopt a new rule regarding requirements for the form of a proposed order or judgment filed in an FED action. See related items A.8–A.10.

ACTION TAKEN

Motion to preliminarily recommend approval passed by consensus.

EXPLANATION

See also the [background](#) explanation for related item A.8.

The proposed new rule imposes requirements for the form of a proposed order or judgment filed in an eviction action. The proponent provided the following testimony:

- Whether an eviction action is subject to ORS chapter 90 is ultimately a legal determination. Plaintiffs sometimes mistakenly assert that an action is subject to ORS chapter 90 and defendants sometimes dispute the plaintiff's assertion. It is important that the court determine whether an action is in fact subject to ORS chapter 90.
- Creating uniformity by requiring that all complaints filed in an eviction action are consistent with a forthcoming statewide OJD form will enable courts to more easily locate information about a case.
- If multiple defendants are named in an action, the judgment must clearly describe the judgment rendered as to each defendant because different defendants may be eligible for the set-aside or sealing of a judgment or court records at different times.

The OJD Advisory Committee on Civil Justice's Landlord Tenant Law Workgroup plans to work with OJD's Statewide Forms Workgroup to develop a statewide form with the intent that it will be available by August 1, 2026.

PROPOSED AMENDMENT

18.040 FORM OF ORDER OR JUDGMENT

- (1) Any proposed order or judgment submitted to the court must include a finding as to whether the action is subject to ORS chapter 90, in substantially the following form:

“[] This action is subject to the Residential Landlord and Tenant Act.”

- (2) If multiple defendants are named in an action, the judgment must clearly describe the judgment rendered as to each defendant.

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- (3) A judgment for forcible entry and detainer in an eviction action subject to ORS chapter 90 must be in substantially the form provided at <http://www.courts.oregon.gov/forms/>.

12. 21.140 – MANDATORY ELECTRONIC FILING

Change references from “member” to “licensee” out of cycle to align with new legislation. See related items A.3, A.6–A.7.

ACTION TAKEN

Motion to preliminarily recommend approval passed by consensus. The rule was then amended out of cycle by [CJO 25-051](#), effective January 1, 2026.

EXPLANATION

See also the [background](#) explanation for related item A.3.

The proposed amendment to UTCR 21.140(1)–(3) changes “member” to “licensee” to conform to SB 166.

The committee agreed by consensus to recommend approval of the amendment out of cycle to align with the effective date of SB 166.

PROPOSED AMENDMENT

21.140 MANDATORY ELECTRONIC FILING

- (1) An active [*member*]{**licensee**} of the Oregon State Bar must file a document using the electronic filing system, instead of using conventional filing, unless:
 - (a) The document is required to be conventionally filed under UTCR 21.070(3); or
 - (b) The filer has obtained a waiver under subsection (2) of this rule.
- (2) An active [*member*]{**licensee**} of the Oregon State Bar may seek a waiver of the requirement in section (1) of this rule as follows:
 - (a) The bar [*member*]{**licensee**} must file one of the following:
 - (i) A petition for waiver in all cases in a specific judicial district for a specific period of time.
 - (ii) A motion in an existing case for waiver in that specific case.
 - (b) A petition or motion must include an explanation describing good cause for the waiver.

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- (c) A separate petition for waiver must be filed in each judicial district in which the person desires a waiver.
 - (d) If the court grants a petition for waiver, the bar [*member*]{**licensee**} obtaining the waiver must
 - (i) File a copy of the court’s order in each case subject to the waiver; and
 - (ii) Include the words “Exempt from eFiling per Waiver Granted [DATE]” in the caption of all documents conventionally filed during the duration of the waiver.
 - (e) If the court grants a motion for waiver, the bar [*member*]{**licensee**} obtaining the waiver must include the words “Exempt from eFiling per Waiver Granted [DATE]” in the caption of all documents conventionally filed in the case.
- (3) If the electronic filing system is continuously unavailable for a period of more than 24 hours, an active [*member*]{**licensee**} of the Oregon State Bar may file documents using conventional filing until the end of the first full business day after the day on which the electronic filing system becomes available.

* * * * *

B. PROPOSALS RECOMMENDED FOR DISAPPROVAL

1. 2.010 – FORM OF DOCUMENTS

Amend to permit the abbreviation of document names.

ACTION TAKEN

Motion to preliminarily recommend disapproval of the proposed amendment passed by consensus.

EXPLANATION

This proposal was submitted by Christopher Coyle, Attorney, Sussman Shank LLP. UTCR 2.010(9) requires that certain information be included at the bottom of each page of any document filed in a proceeding (unless otherwise specified by statute or rule), including the name of the document. The proposal would amend subsection (9) to permit document names to be abbreviated.

The proponent provided the following written testimony:

- Existing UTCR 2.010(9) requires that the document title be included in the footer of each page of the document. While many documents have short names, in some cases, document titles can be quite long. For example: Plaintiff [Party Name], individually and as [capacity] of [entity] Response to Defendant's [already too long document title]. This can be abbreviated to [Party Name] Response to [Shortened document title]. Permitting abbreviation of document titles in the footer would still result in unique footer identifiers without requiring multiple lines of text.
- This proposal is based, in part, on LBR 9004-1(a)(9)(D) of the United States Bankruptcy Court for the District of Oregon, that requires the document title, or an abbreviation, to be placed in the footer of each page of each document.

The UTCR Committee discussed that:

- Abbreviated document titles would look neater.
- Abbreviated titles are less precise.
- When reviewing lengthy documents, having the complete title in the footer helps readers remember the specific document they are reviewing.
- Without a standard system of abbreviation, the types of abbreviations used could be far-ranging and difficult to interpret.

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PROPOSED AMENDMENT

2.010 FORM OF DOCUMENTS

Except where a different form is specified by statute or rule, the form of any document, including pleadings and motions, filed in any type of proceeding must be as prescribed in this rule.

* * * * *

- (9) Information at Bottom of Each Page. The name of the document **{(which may be abbreviated)}**, and the page number expressed in Arabic numerals, must appear at the bottom left-hand side of each page of each document.

* * * * *

2. 5.100 – SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS

Amend to create a new exception from the advance service requirement for proposed orders to show cause in remedial contempt cases.

ACTION TAKEN

Motion to preliminarily recommend disapproval of the proposed amendment passed by consensus.

EXPLANATION

This proposal was submitted by Joseph Lucas, Assistant Legal Counsel, Office of County Counsel for Clackamas County, in his individual capacity. The proposal would amend UTCR 5.100(3) to create a new exception from the advance service requirement for proposed orders to show cause in contempt cases seeking remedial sanctions.

The proponent provided the following written testimony:

- The Reporter’s Note that accompanies UTCR 5.100 states that “This rule does not apply in the following types of cases: criminal; proposed orders setting aside a record of arrest under ORS 137.225; contempt cases seeking punitive sanctions; juvenile under ORS chapter 419A, 419B, or 419C; or violations, parking violations, or small claims (see UTCR 1.010(3)). Nothing in this rule prohibits a court from adopting an SLR that applies this rule to matters under SLR chapters other than chapter 5.” If proposed judgments and orders are not required to be served on the other party in punitive contempt cases, perhaps they shouldn’t be required to be served on the other party in remedial contempt cases.
- A document that may be accessed online titled “Frequently Asked Questions Re UTCR 5.100 in Multnomah County Family Court” states, “It has also been the practice of the court to allow Orders to Show Cause to be signed without notice, since that action is administrative rather than merit focused (although from a professionalism standpoint notice to the other side should be considered).”
- For practical purposes, an Order to Show Cause (e.g., in a building code enforcement case) does not seem to be the type of order or judgment for which conferral would be helpful.

The UTCR Committee discussed the following:

- The proposed exception is already covered by UTCR 5.100(3)(b), which provides a catchall exception from the advance service requirement for “[a] proposed order or judgment for which service is not required by statute, rule, or otherwise.” An example situation covered by subsection (3)(b) would be where parties are permitted

to present a proposed order *ex parte*. In almost all courts, proposed remedial contempt orders are presented *ex parte*.

- The intent behind UTCR 5.100(3)(b) is to avoid listing out in the rule each and every possible exception from the advance service requirement.

PROPOSED AMENDMENT

5.100 SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS

- (1) Except as provided in subsection (3) of this rule, any proposed judgment or proposed order submitted to the court for signature must be:
- (a) Served on each attorney not less than three days prior to submission to the court, or
 - (b) Accompanied by a stipulation by each attorney that no objection exists as to the judgment or order, or
 - (c) Served on a self-represented party not less than seven days prior to submission to the court and be accompanied by notice of the time period to object.
- (2) * * *
- (3) The requirements of subsection (1) of this rule do not apply to:
- (a) * * *
- * * * * *

{(g) A proposed order to show cause in contempt cases seeking remedial sanctions.}

* * * * *

REPORTER'S NOTE (08/01/2021): This rule does not apply in the following types of cases: criminal; proposed orders setting aside a record of arrest under ORS 137.225; contempt cases seeking punitive sanctions; juvenile under ORS chapter 419A, 419B, or 419C; or violations, parking violations, or small claims (see UTCR 1.010(3)). Nothing in this rule prohibits a court from adopting an SLR that applies this rule to matters under SLR chapters other than chapter 5.

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C. PROPOSALS SENT OUT FOR PUBLIC COMMENT WITHOUT RECOMMENDATION

1. NEW CHAPTER 25—RECEIVERSHIPS

Adopt the following 21 proposed new rules under a new UTCR chapter 25 to manage receivership proceedings under the Oregon Receivership Code (ORS chapter 37). See related items C.2–C.22.

ACTION TAKEN

The UTCR Committee did not make a recommendation of preliminary approval or disapproval at the fall meeting on October 24, 2025. The committee agreed by consensus to send the suite of related proposals out for public comment in their proposed form.

EXPLANATION

Background. The following suite of related rule proposals was submitted by Danny Newman and Justin Leonard on behalf of the Oregon State Bar Debtor-Creditor Section’s Receivership Rules Task Force. The proposals create a new UTCR chapter 25 (Receiverships) that is intended to help courts and practitioners manage receivership proceedings under ORS chapter 37 (Oregon Receivership Code).

The proponent provided the following testimony:

- Receiverships are growing in popularity. Among other things, they provide a more flexible and often less expensive alternative to bankruptcy.
- ORS chapter 37 provides courts with a menu of options to choose from, depending on the complexity, size, and scope of assets in a particular case.
- Sometimes a receiver is necessary for relatively simple tasks, like safeguarding property pending its foreclosure or to merely oversee an ongoing business’s accounting practices, to provide assurance to concerned stakeholders.
- In more complex receiverships, a receiver may be appointed to, for example: investigate and unwind massive, alleged investor fraud or fraudulent transfers; clean-up environmentally contaminated commercial property; manage the rental of hundreds of multifamily units; or reorganize and/or sell the assets of a family of related legal entities.
- Unlike bankruptcy courts, Oregon’s circuit courts do not have specific rules of procedure to address management of these special proceedings, which are unlike typical state court cases.
- For comparison, bankruptcy courts have over 150 rules within the Federal Rules of Bankruptcy Procedure, along with the 87 Federal Rules of Civil Procedure. In addition, each bankruptcy court has its

own local rules (akin to Oregon circuit courts' Supplementary Local Rules), as well as the local rules of its district court. Receiverships are much simpler and do not require so many rules, but we believe some are necessary.

- The unique characteristics of receiverships have created uncertainty for courts and practitioners, especially those not already familiar with the idiosyncrasies of insolvency proceedings.
- The task force is comprised of a variety of receivership practitioners, those representing all stakeholders in the process—i.e., debtors, secured creditors, unsecured creditors, taxing authorities, and receivers.
- For some stakeholders who regularly participate in receivership cases, many of the proposed rules may seem unnecessary because they simply reinforce the current practices that many circuit courts have already implemented. However, by establishing these practices as rules, the task force seeks to ensure uniformity among the state's circuit courts, as well as to provide guidance to less experienced practitioners.
- Each of the proposed rules is based on the experiences of the practitioners and of comments from judges regarding areas that need correction, resolution, or further guidance. Many of the rules reflect decisions from courts that parties have had to obtain, sometimes repeatedly. Indeed, due to the lack of familiarity with insolvency proceedings of both courts and some state court participants, procedural disputes have arisen in courts across the state. These disputes waste resources of both parties and the Courts. These proposed rules, therefore, should help streamline future receivership proceedings and conserve the limited resources within our court system.

Due to the volume and complexity of the proposed new UTCR chapter 25 rules, the committee agreed by consensus to do the following:

- Send the proposals out for public comment in their proposed form; and
- Form a workgroup (UTCR Receivership Workgroup) to carefully evaluate each of the proposals and consider additional changes, in conjunction with public comments (if any), for consideration by the committee at its spring meeting on April 29, 2026, or at a future meeting.

The UTCR Receivership Workgroup members include Judge James Edmonds (Marion County Circuit Court), Judge Steffan Alexander (Multnomah County Circuit Court), Chase Beguin (Attorney), and Rachel Trickett (UTCR Reporter).

2. 25.010 – SOLE CLAIM FOR RELIEF; SERVICE OF PROCESS

Adopt a new rule regarding the appointment of a receiver as the sole claim for relief in an action. See related items C.1 and C.3–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent provided the following testimony:

- This rule is intended to clarify that there is no requirement under ORS 37.060 for a party seeking appointment of a receiver to assert additional claims or seek additional relief in an action. This is consistent with the language of the statute and long-standing practices (1) in commencing receivership actions under ORS chapter 37 and Oregon Rules of Civil Procedure (ORCP) 80, in which the only claim for relief is appointment of a receiver (*see, e.g., In re Portland Dev. Group Invs. LLC*, Multnomah County Case No. 19CV32355) and (2) in judicial rulings that have held that standalone receivership actions are not impermissible (*see, e.g., Starwood Property Mortgage Sub-2 LLC v. Harborsky Holding Senior LLC*, Multnomah County Case No. 23CV39232), and clears up any controversy that may exist stemming from inconsistent views or decisions.
- Like any other action, ORCP 3 must be followed to commence the action, and service is required under ORCP 7. Once an action has commenced, a motion to appoint a receiver is required to initiate the receivership under ORS 37.060.

PROPOSED NEW RULE

25.010 SOLE CLAIM FOR RELIEF; SERVICE OF PROCESS

The appointment of a receiver may be the sole claim for relief in an action. However, such action must be commenced in accordance with ORCP 3, and then a motion for appointment of a receiver must be filed within that action.

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3. 25.020 – APPOINTMENT OF RECEIVER; NOTICE

Adopt a new rule regarding requirements for appointment hearings. See related items C.1–C.2 and C.4–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent provided the following testimony:

- Subsection (1) corresponds with and incorporates ORCP 80C, which predates the Oregon Receivership Code and remains viable to the extent not inconsistent with the Code. See ORS 37.040(3) (“Except as otherwise provided by law, the provisions of the Oregon Receivership Code control over conflicting provisions of state law, including ORCP 80, with respect to receiverships governed by the Oregon Receivership Code.”)
- Subsection (2) is intended to ensure urgent consideration and relief, which is essential in receivership proceedings. Indeed, the vast majority of receivership proceedings are instigated by the need of a party to avoid irreparable harm. Yet, we see repeatedly that defendants attempt to, and often succeed in, delaying hearings for months, using a variety of procedural maneuvers available in ordinary state court litigation. This rule is intended to ensure that petitioners’ motions are heard promptly to avoid the irreparable harm.

PROPOSED NEW RULE

25.020 APPOINTMENT OF RECEIVER; NOTICE

- (1) No receiver shall be appointed without notice to the adverse party/owner at least five (5) days before the time specified for the hearing, unless a different period is fixed by order of the court, such as when provisional process is warranted under ORCP 83.
- (2) The court shall use best efforts to hold a hearing on a motion to appoint a receiver on or before the twenty-first (21st) day of filing and service of the motion. Upon request of the moving party, the hearing date may be set later than the twenty-first day.

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4. 25.030 – ASSIGNMENT OF SPECIFIC JUDGE FOR RECEIVERSHIP; PRESUMPTION OF COMPLEX CASE

Adopt a new rule regarding assignment of a receivership case to a specific judge and designation as a complex case. See related items C.1–C.3 and C.5–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent provided the following testimony:

- This rule reflects the practice of many courts throughout Oregon (and other states with similar receivership statutes), and it designed to improve uniformity and avoid logistical or procedural questions of any courts not accustomed to such proceedings.
- Assigning a specific judge to the receivership proceeding will ensure receiverships proceed as efficiently as possible. The Oregon Receivership Code requires the receiver to obtain court authority to take a number of actions. See ORS 37.180. In general, receiverships therefore require substantially more motion practice than in typical civil litigation. Assignment of a specific judge will ensure that a judge who is familiar with the matter will be adjudicating the motions, including contested motions, and will ultimately result in a more streamlined and efficient receivership proceeding.
- Where a plaintiff seeks appointment of a receiver as the sole claim for relief, trial as contemplated by UTCR 7.030(4) is rarely needed, and receiverships routinely take more than one year to conclude. Presumptive eligibility for designation as a complex case will avoid the potential dismissal of receivership proceedings for failure to set a trial date. Even where the appointment of a receiver is not the sole claim for relief, there are often reasons to delay trial until after the receiver has performed his duties under the appointment order. For example, a plaintiff-lender and defendant-borrower may require that the amount of a deficiency be determined following a receiver's sale of assets before proceeding to trial on a claim for money damages.

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PROPOSED NEW RULE

25.030 ASSIGNMENT OF SPECIFIC JUDGE FOR RECEIVERSHIP; PRESUMPTION OF COMPLEX CASE

In any case in which a receiver is appointed:

- (1) The presiding judge shall, within seven (7) days after the appointment of a receiver, assign the case to a specific judge who shall thereafter have full or partial responsibility for the case as determined by the presiding judge, unless such a judge has already been appointed in the case.
- (2) The case shall presumptively satisfy the criteria used for designation as a “complex case” under UTCR 7.030(2).
- (3) Upon the application of the receiver or any party in the case, the judge assigned to the case shall, to the extent applicable in the court where the case is pending, designate the case as a “complex case” subject to the provisions of UTCR 7.030(4).

5. 25.040 – INITIAL CASE MANAGEMENT CONFERENCE

Adopt a new rule to require and govern initial case management conferences following appointment of a receiver. See related items C.1–C.4 and C.6–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent provided the following testimony:

- ORS 37.200 provides for certain reporting that receivers are required to make following their appointment. Setting an initial hearing shortly after the statutory deadline for initial reporting will create accountability for the receiver to complete such reporting, and an opportunity for parties in interest to hear from the receiver regarding the receiver's plan for administration of the receivership estate. This hearing will ensure transparency of process, and it generally reflects the practice of many courts throughout Oregon (and other states that have similar receivership provisions).
- Furthermore, the rule will improve uniformity among Oregon courts, and it will provide some initial structure to courts not accustomed to such proceedings.

PROPOSED NEW RULE

25.040 INITIAL CASE MANAGEMENT CONFERENCE

- (1) The court shall set a hearing within seventy-five (75) days after the receiver is appointed, unless waived by the receiver or extended by the court, to discuss:
 - (a) The receiver's inventory report;
 - (b) The receiver's management plan;
 - (c) Scheduling of major, known motions and hearing;
 - (d) Additional discovery of owner, if any;
 - (e) Regular status conference dates; and
 - (f) Omnibus hearing dates

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- (2) A summary of plans for the future conduct of the receivership shall be submitted prior to the hearing date.

6. 25.050 – STATUS CONFERENCE

Adopt a new rule regarding requests to schedule a status conference following appointment of a receiver. See related items C.1–C.5 and C.7–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent provided the following testimony:

- This rule is designed to ensure that a procedure exists for obtaining timely hearings and instructions regarding the status and management of receiverships. Currently, in the absence of such a rule, it can be difficult for a receiver or other parties in interest to raise issues with the court and bring all interested parties together without engaging in motion practice, which can be unnecessarily costly and time-consuming.

PROPOSED NEW RULE

25.050 STATUS CONFERENCE

- (1) After the appointment of a receiver, any party may request a status conference before the assigned judge for the purpose of determining the course of proceedings in the receivership, including amending the case schedule and such other matters as may be appropriate for the receivership.
- (2) Upon request, the court must set such a status conference within thirty (30) days absent a showing of good cause by another party, unless the court already has a status conference or omnibus hearing scheduled in the case within forty-five (45) days of the request.

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7. 25.060 – ALLOWED CLAIMS

Adopt a new rule regarding allowed claims by creditors. See related items C.1–C.6 and C.8–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent provided the following testimony:

- This rule clarifies and integrates ORS 37.350 with ORS 37.360, including by explaining that if a proof of claim is filed in accordance with the process established by a receiver, then the creditor need not do anything further to have their claim allowed—unless and until a party in interest objects to the claim or the court orders otherwise. Such allowed claim is payable, subject to court authorization—i.e., in accordance with whatever procedures the court has established for distributions. These are important clarifications because the claims process is established by a receiver on a case-by-case basis under the Receivership Code—not uniformly fixed by statutes like in bankruptcy.

PROPOSED NEW RULE

25.060 ALLOWED CLAIMS

In accordance with ORS 37.350(6), unless the receiver or interested person objects to a proof of claim, or the court orders otherwise, the claim is deemed allowed under ORS 37.370 and is payable, subject to court authorization.

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8. 25.070 – INTERIM DISTRIBUTION

Adopt a new rule regarding the allowance of interim distributions to creditors prior to the conclusion of a receivership case. See related items C.1–C.7 and C.9–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent provided the following testimony:

- This rule addresses a potential ambiguity in the Oregon Receivership Code and adopts the current standard of practice of allowing interim distributions.
- ORS 37.110(q) provides that the court may authorize a receiver to, among other things, “(q) Make a distribution of estate property under ORS 37.370.” However, because the Receivership Code refers to “distributions” throughout the text, it does not appear that the legislature intended by this language to limit a court to authorizing only one distribution at the end of a case. In many receivership cases, there are proceeds available long before a final distribution would be made. Indeed, many cases are reliant on interim distributions to make them practical; otherwise, the petitioner and pre-receivership claimants would have to wait years for their distribution at the end of a case, even if there is ample money to pay them.

PROPOSED NEW RULE

25.070 INTERIM DISTRIBUTION

Upon motion and court approval, a receiver may exercise their business judgment to make interim distributions to creditors in accordance with the priority scheme established in ORS 37.370 at any time after such receiver has established a claim process and before case has closed.

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9. 25.080 – BRIDGE OVER

Adopt a new rule regarding automatic extension of deadlines from the time a motion to extend is filed until the court rules on the motion. See related items C.1–C.8 and C.10–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent provided the following testimony:

- This rule is intended to alleviate the resource expenditure by both parties and courts when trying to address the extension of various deadlines in receivership cases, of which there are many. Often, parties have to ask for deadlines to be extended on an emergency basis, especially early in a case, when the deadlines are numerous and come quickly. By this rule, which is an adopted local rule in many bankruptcy courts across the country, as long as a party moves to extend a deadline before the deadline expires, the court need not rule on a motion before the deadline. Courts and parties will benefit by avoiding the cost and energy of dealing with deadlines on an emergency basis, when no real emergency exists.

PROPOSED NEW RULE

25.080 BRIDGE OVER

- (1) Unless otherwise expressly provided in a court order, if a motion is filed to extend the time to take any action before the expiration of the period prescribed by the Oregon Receivership Code, the Oregon Rules of Civil Procedure, or any applicable supplemental local rule, the time for taking the action is automatically extended until the court rules on the motion.
- (2) An automatic extension under this rule does not require the issuance or entry of an order extending the time.

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10. 25.090 – [RESERVED FOR FUTURE USE]

Adopt a placeholder for future use. See related items C.1–C.9 and C.11–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

PROPOSED NEW RULE

25.090 [RESERVED FOR FUTURE USE]

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11. **25.100** – DEFINITIONS OF ADJUNCT ACTION AND CONTESTED MATTER

Adopt definitions for purposes of proposed new rules UTCR 25.110 through 25.170 regarding adjunct actions and contested matters. See related items C.1–C.10 and C.12–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent provided the following testimony:

- Unlike a typical court proceeding between plaintiffs and defendants that culminates in a trial, insolvency proceedings like receiverships and bankruptcies involve many stakeholders. Disputes can arise between any of the stakeholders, as well as between any new parties.
- Some receivership disputes warrant separate actions, which the Oregon Receivership Code refers to as “adjunct” actions. See, e.g., ORS 37.290(3) (“Actions by or against a receiver are adjunct to the receivership.”). However, as recognized by the Receivership Code, such actions are related to the underlying receivership and should be recognized accordingly by the court and parties, including to ensure the receivership judge has oversight over the receiver’s actions in that proceeding.
- Many receivership disputes can be addressed within the case itself. Those disputes can arise at any time and could require evidentiary hearings that look similar to a trial, with prehearing discovery required. The term “contested matter” is used, as in the bankruptcy rules. See F.R.B.P. 9014 (entitled “Contested Matters”). (Alternatives, such as “contested action,” “contested case,” or “contested proceeding” could be construed as a separate action. In statutes and rules in Oregon, “actions” refer to separate court proceedings with their own case numbers, which is not what is intended.)
- These definitions are intended to assist courts and practitioners in distinguishing these two types of disputes—determining what is an “adjunct action” versus a “contested matter.”

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PROPOSED NEW RULE

25.100 DEFINITIONS OF ADJUNCT ACTION AND CONTESTED MATTER

- (1) As set forth in ORS 37.290(3), an “adjunct action” is a separate civil action by or against a receiver, or that otherwise directly relates to a pending receivership.
 - (a) An adjunct action is directly related to the underlying receivership action, but it is a separate action. An adjunct action is akin to an adversary proceeding in a bankruptcy case.
 - (b) As a separate action, an adjunct action has a separate caption and case number and requires service under ORCP 7.
- (2) A “contested matter” is any dispute in a receivership action that is not an adjunct action. Akin to a contested matter in bankruptcy, contested matters are adjudicated within the receivership action itself.

12. 25.110 – MANDATORY ADJUNCT ACTIONS

Adopt a new rule regarding categorization of receivership disputes as adjunct actions or contested matters. See related items C.1–C.11 and C.13–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent provided the following testimony:

- This proposal incorporates language that corresponds with Federal Rules of Bankruptcy Procedure (FRBP) 7001 as well as references to the applicable Oregon statutes.

PROPOSED NEW RULE

25.110 MANDATORY ADJUNCT ACTIONS

The following are adjunct actions, rather than contested matters:

- (1) An action to recover money or property—including but not limited to:
 - (a) The collection of debts under ORS 37.140;
 - (b) The avoidance of transfers under ORS 95.200 *et seq.*; and
 - (c) The turnover of property under ORS 37.130, except for a motion to compel the owner or another defendant in the receivership action to deliver property to the receiver, which may be pursued as a contested matter;
- (2) An action to determine the validity, priority, or extent of a lien or other interest in property, except for adjudication of the amount of a claim, which may be pursued as a contested matter;
- (3) An action to obtain authority under ORS 37.250(7) to sell both the estate’s interest in property and that of a co-owner, unless the co-owner is already a defendant in the receivership action;
- (4) An action to obtain an injunction or other equitable relief against a third party, unless the party is already a defendant in the receivership action;

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- (5) A proceeding to subordinate an allowed claim or interest of a third party, unless the party is already a defendant in the receivership action;
- (6) An action to obtain a declaratory judgment related to any proceeding described above; and
- (7) An action transferred to the receivership court pursuant to these rules.

13. 25.120 – ADJUNCT ACTIONS MUST REFERENCE RECEIVERSHIP ACTION

Adopt a new rule requiring the caption of pleadings in an adjunct action to reference the case number of the underlying receivership action. See related items C.1–C.12 and C.14–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent provided the following testimony:

- This proposed rule implements ORS 37.290(3), which provides “All pleadings in adjunct actions must include the case number of the receivership.”

PROPOSED NEW RULE

25.120 ADJUNCT ACTIONS MUST REFERENCE RECEIVERSHIP ACTION

All pleadings in adjunct actions must reference the receivership action by including the case number of the receivership action within the caption.

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14. 25.130 – ADJUNCT ACTIONS TO BE HEARD BY RECEIVERSHIP JUDGE

Adopt a new rule to require that an adjunct action be heard by the judge assigned to the underlying receivership action. See related items C.1–C.13 and C.15–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent provided the following testimony:

- This proposed rule builds on ORS 37.290(3), which provides that: “All adjunct actions shall be referred to the judge assigned to the receivership action, unless the court does not have jurisdiction over the adjunct action or the assignment would not promote judicial efficiency.” Specifically, the rule incorporates ORS 37.100, which is entitled “Exclusive jurisdiction of appointing court” and which provides that: “(1) The court appointing a receiver has: (a) Exclusive authority over the receiver; (b) Exclusive jurisdiction over and right to control all real property and all tangible and intangible personal property constituting the estate, wherever located, to the full extent of the court’s jurisdiction; and (c) Exclusive jurisdiction to determine all controversies relating to the collection, preservation, application and distribution of the estate and all claims against the receiver arising out of the exercise of the receiver’s powers or the performance of the receiver’s duties.” ORS 37.100(1).

PROPOSED NEW RULE

25.130 ADJUNCT ACTIONS TO BE HEARD BY RECEIVERSHIP JUDGE

All adjunct actions shall be referred to the judge assigned to the receivership action, unless:

- (1) The receivership court lacks jurisdiction over the adjunct action, notwithstanding ORS 37.100, which confers exclusive jurisdiction to the receivership court over receivership matters; or
- (2) The assignment to the receivership judge would not promote judicial efficiency, which question shall be determined by the judge assigned to the receivership action.

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15. 25.140 – RECUSAL, REMOVAL, OR DISQUALIFICATION OF RECEIVERSHIP JUDGE FROM ADJUNCT ACTION

Adopt a new rule regarding the recusal, removal, or disqualification of the assigned judge from an adjunct action. See related items C.1–C.14 and C.16–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent provided the following testimony:

- This proposed rule prevents a disgruntled party from “affidavit[ing]” the receivership judge pursuant to ORS 14.260 when that judge is appointed in an adjunct action. Otherwise, ORS 14.250 and 14.260 interfere with the clear intent of the Oregon Receivership Code. ORS 37.290(3) provides that: “All adjunct actions shall be referred to the judge assigned to the receivership action, unless the court does not have jurisdiction over the adjunct action or the assignment would not promote judicial efficiency.” This proposal reflects multiple oral rulings of the Multnomah County Circuit Court’s Presiding Judge Matarazzo in *Brian Weiss v. Mark Hemstreet and Shannon Hemstreet*, which was considered by the Oregon Supreme Court on mandamus and was denied. *Weiss v. Hemstreet*, S071384 (Bushong, J., not participating) (Dec. 5, 2024).

PROPOSED NEW RULE

25.140 RECUSAL, REMOVAL, OR DISQUALIFICATION OF RECEIVERSHIP JUDGE FROM ADJUNCT ACTION

The procedure for disqualifying judges in ORS 14.250 and 14.260 is not applicable to adjunct actions for any party that had actual or constructive notice of the receivership prior to the appointment of the assigned judge in the adjunct action. Parties may still seek recusal, removal or disqualification of the assigned judge from any adjunct action in accordance with any other procedure outside of ORS 14.250 and 14.260. If a judge is recused, removed, or disqualified from an adjunct action, the judge is not removed from the underlying receivership action.

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16. 25.150 – TRANSFER OF ADJUNCT ACTIONS TO RECEIVERSHIP COURT AND JUDGE

Adopt a new rule regarding the transfer of adjunct actions to the court in which the receivership action is pending under certain circumstances. See related items C.1–C.15 and C.17–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent explained that this proposed rule implements ORS 37.290(4) and tracks its language exactly.

PROPOSED NEW RULE

25.150 TRANSFER OF ADJUNCT ACTIONS TO RECEIVERSHIP COURT AND JUDGE

If an action is filed against a receiver in a court in this state other than the court in which the receivership is pending, the court in which the action is filed shall transfer the action to the court in which the receivership is pending upon the receiver’s motion if the receiver files the motion within 30 days after service of original process upon the receiver. However, if a state agency is a party to the action, the action may not be transferred under this subsection unless the agency consents to the transfer.

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17. 25.160 – PENDING ACTIONS MAY BECOME ADJUNCT ACTIONS

Adopt a new rule regarding the circumstances in which a receiver may be joined or substituted as a party in any action pending at the time of the receiver's appointment. See related items C.1–C.16 and C.18–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent explained that this proposed rule implements ORS 37.290(5) and tracks its language exactly.

PROPOSED NEW RULE

25.160 PENDING ACTIONS MAY BE BECOME ADJUNCT ACTIONS

The receiver may be joined or substituted as a party in any action that was pending at the time of the receiver's appointment and in which the owner is a party, upon motion by the receiver to the court or agency in which the action is pending.

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18. 25.170 – CONTESTED MATTERS WITHIN A RECEIVERSHIP ACTION

Adopt a new rule regarding the commencement of a contested matter. See related items C.1–C.17 and C.19–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent explained that this proposed rule is intended to assist a court with identifying when a contested matter has arisen.

PROPOSED NEW RULE

25.170 CONTESTED MATTERS WITHIN A RECEIVERSHIP ACTION

If a dispute is not a mandatory adjunct action (thus requiring a complaint), the proceeding shall be initiated through an objection to a proof of claim, an objection to a notice served under ORS 37.170, or the like.

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19. 25.180 – SERVICE OF A CONTESTED MATTER

Adopt a new rule imposing service requirements that apply in contested matters. See related items C.1–C.18 and C.20–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent provided the following testimony:

- This proposed rule is based in part on FRBP 9014(a), customized to reflect existing Oregon rules for service. Unlike Oregon law, the Bankruptcy Code allows for service by mail under FRBP 7004.
- This provision is intended to balance the need for clear notice that a party's rights may be impacted while easing the time and expense of personal service requirements for parties who have already appeared in the pending proceeding.

PROPOSED NEW RULE

25.180 SERVICE OF A CONTESTED MATTER

A contested matter may be initiated through service to a party against whom relief is sought under ORCP 9, if that party has appeared in the receivership or otherwise submitted to the court's jurisdiction, such as by submitting a proof of claim pursuant an order of the court. Otherwise, service must comply with ORCP 7 and requires a summons, unless the court orders otherwise. In any event, reasonable notice and an opportunity to be heard must be given to each party against whom relief is sought.

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20. 25.190 – DETERMINING WHETHER A HEARING IN A CONTESTED MATTER WILL BE AN EVIDENTIARY HEARING

Adopt a new rule requiring a court to implement procedures that allow parties to determine whether a hearing will be an evidentiary hearing. See related items C.1–C.19 and C.21–C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent provided the following testimony:

- This proposed rule implements FRBP 9014(e) and tracks its language exactly.
- While this is a familiar bankruptcy rule, it is equally appropriate for receivership proceedings.

PROPOSED NEW RULE

25.190 DETERMINING WHETHER A HEARING IN A CONTESTED MATTER WILL BE AN EVIDENTIARY HEARING

The court must provide procedures that allow parties—at a reasonable time before a scheduled hearing—to determine whether it will be an evidentiary hearing at which witnesses may testify.

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21. 25.200 – TAKING TESTIMONY IN A CONTESTED MATTER ON A DISPUTED FACTUAL ISSUE

Adopt a new rule requiring that a witness’s testimony on a disputed material factual issue must be taken in the same manner as in an adjunct action. See related items C.1–C.20 and C.22.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent provided the following testimony:

- This proposed rule implements FRBP 9014(d) and tracks its language exactly.
- While this is a familiar bankruptcy rule, it is equally appropriate for receivership proceedings.

PROPOSED NEW RULE

25.200 TAKING TESTIMONY IN A CONTESTED MATTER ON A DISPUTED FACTUAL ISSUE

A witness’s testimony on a disputed material factual issue must be taken in the same manner as testimony in an adjunct action.

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22. 25.210 – OREGON RULES OF CIVIL PROCEDURE (ORCP) APPLY TO CONTESTED MATTERS

Adopt a new rule indicating that ORCP apply in contested matters unless a rule or court order provides otherwise. See related items C.1–C.21.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.1.

The proponent provided the following testimony:

- This language corresponds with FRBP 9014(c), which selects which of the standard rules of procedure should apply in contested matters. The task force believes that Oregon should adopt the same structure.
- To adapt this rule to the ORCPs, the following table (“Federal Rules of Bankruptcy Procedure versus Oregon Rules of Civil Procedure”) was created to track the bankruptcy rules with the Federal Rules of Civil Procedure (FRCP) with their ORCP analogues, if any.
- Several ORCPs do not have analogous sections of the FRCPs as follows:
 - 41 – Effect of Errors and Irregularities in Depositions
 - 53 – Consolidation; Separate Trials
 - 85 – Claim and Delivery (since seizing property (FRCP 64) and execution (FRCP 69) were included)
- Based on the following table, the proponent determined that the drafters of FRBP 9014 would have included these ORCP provisions in FRBP 9014(c), which would make them applicable in contested matters.

Federal Rules of Bankruptcy Procedure versus Oregon Rules of Civil Procedure

| FRBP Applying in Contested Case Proceeding | FRCP that Applies | ORCP Equivalent? | Title of ORCP |
|--|-------------------|--------------------|--|
| Rule 7009. Pleading Special Matters | FRCP Rule 9 | N/A | N/A |
| Rule 7017. Plaintiff and Defendant; Capacity; Public Officers | FRCP Rule 17 | ORCP Rule 81 | Definitions; Service; Adverse Claimants |
| Rule 7021. Misjoinder and Nonjoinder of Parties | FRCP Rule 21 | ORCP Rule 30 | Misjoinder and Nonjoinder of Parties |
| Rule 7025. Substitution of Parties | FRCP Rule 25 | ORCP Rule 34 | Substitution of Parties |
| Rule 7026. Duty to Disclose; General Provisions Governing Discovery | FRCP Rule 26 | ORCP Rule 36 | General Provisions Governing Discovery |
| Rule 7028. Persons Before Whom Depositions May Be Taken | FRCP Rule 28 | ORCP Rule 38 | Persons Who May Administer Oaths for Depositions; Foreign Depositions |
| Rule 7029. Stipulations Regarding Discovery Procedure | FRCP Rule 29 | ORCP Rule 36 | General Provisions Governing Discovery |
| Rule 7030. Depositions by Oral Examination | FRCP Rule 30 | ORCP Rule 39 | Depositions on Oral Examination |
| Rule 7031. Depositions by Written Questions | FRCP Rule 31 | ORCP Rule 40 | Depositions Upon Written Questions |
| Rule 7032. Using Depositions in Court Proceedings | FRCP Rule 32 | ORCP 37 | Perpetuation of Testimony or Evidence Before Action or Pending Appeal |
| Rule 7033. Interrogatories to Parties | FRCP Rule 33 | N/A | N/A |
| Rule 7034. Producing Documents, Electronically Stored Information, and Tangible Things, or Entering onto Land, for Inspection and Other Purposes | FRCP Rule 34 | ORCP Rule 43 | Production of Documents and Things and Entering Property for Inspection and Other Purposes |
| Rule 7035. Physical and Mental Examinations | FRCP Rule 35 | ORCP Rule 44 | Physical and Mental Examination of Persons; Reports of Examinations |
| Rule 7036. Requests for Admission | FRCP Rule 36 | ORCP Rule 45 | Requests for Admission |
| Rule 7037. Failure to Make Disclosures or to Cooperate in Discovery; Sanctions | FRCP Rule 37 | ORCP Rule 46 | Failure to Make Discovery; Sanctions |
| Rule 7041. Dismissing Adversary Proceedings | FRCP Rule 41 | ORCP Rule 54 | Dismissal of Actions; Offer to Allow Judgment |
| Rule 7042. Consolidating Adversary Proceedings; Separate Trials | FRCP Rule 42 | ORCP Rule 53 | Consolidation; Separate Trials |
| Rule 7052. Findings and Conclusions by the Court; Judgment on Partial Findings | FRCP Rule 52 | ORCP Rule 68 | Pleading, Allowance, and Taxation of Attorney Fees and Costs and Disbursements |
| Rule 7054. Judgments; Costs | FRCP Rule 54 | ORCP Rule 67 (&68) | Judgments |
| Rule 7055. Default; Default Judgment | FRCP Rule 55 | ORCP Rule 69 | Default Orders and Judgments |
| Rule 7056. Summary Judgment | FRCP Rule 56 | ORCP Rule 47 | Summary Judgment |
| Rule 7064. Seizing a Person or Property | FRCP Rule 64 | ORCP Rule 84 | Attachment |
| Rule 7069. Execution | FRCP Rule 69 | N/A | N/A (see Attachment above) |
| Rule 7071. Enforcing Relief for or Against a Nonparty | FRCP Rule 71 | N/A | N/A |

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PROPOSED NEW RULE

25.210 ORCPS APPLY TO CONTESTED MATTERS

Unless a rule or court order provides otherwise, the following Oregon Rules of Civil Procedure apply within a Contested Matter:

- (1) ORCP 30 (Misjoinder and Nonjoinder of Parties)
- (2) ORCP 34 (Substitution of Parties)
- (3) ORCP 36 (General Provisions Governing Discovery)
- (4) ORCP 38 (Persons Who May Administer Oaths for Depositions; Foreign Depositions)
- (5) ORCP 40 (Depositions Upon Oral Examination)
- (6) ORCP 41 (Effect of Errors and Irregularities in Depositions)
- (7) ORCP 43 (Production of Documents and Things and Entering Property for Inspection and Other Purposes)
- (8) ORCP 44 (Physical and Mental Examination of Persons; Reports of Examinations)
- (9) ORCP 45 (Requests for Admission)
- (10) ORCP 46 (Failure to Make Discovery; Sanctions)
- (11) ORCP 47 (Summary Judgment)
- (12) ORCP 52 (Postponement of Cases)
- (13) ORCP 53 (Consolidation; Separate Trials)
- (14) ORCP 54 (Dismissal of Actions; Offer to Allow Judgment)
- (15) ORCP 67 (Judgments)
- (16) ORCP 68 (Pleading, Allowance, and Taxation of Attorney Fees and Costs and Disbursements)
- (17) ORCP 69 (Default Orders and Judgments)
- (18) ORCP 81 (Definitions; Service; Adverse Claims)
- (19) ORCP 83 (Provisional Process)

(20) ORCP 84 (Attachment)

(21) ORCP 85 (Claim and Delivery)

23. NEW CHAPTER 26—COLLABORATIVE LAW (ALTERNATIVE DISPUTE RESOLUTION)

Adopt the following 19 proposed new rules under a new UTCR chapter 26 to incorporate the Uniform Collaborative Law Rules (UCLR), into the UTCR. See related items C.24–C.42.

ACTION TAKEN

The UTCR Committee did not make a recommendation of preliminary approval or disapproval at the fall meeting on October 24, 2025. The committee agreed, by consensus, to send the following suite of proposed related Uniform Collaborative Law Rules (UCLR) out for public comment in their proposed form.

EXPLANATION

Background. The following proposal was submitted by Avery Pickard, Public Affairs Legislative Attorney, Oregon State Bar, on behalf of the Bar’s Alternative Dispute Resolution (ADR) Practice Section. The proposal adopts the Uniform Collaborative Law Rules/Act (UCLR) into the UTCR under a new chapter 26.

The proponent provided the following testimony:

- Collaborative law is a specific ADR process in which parties and their attorneys commit to resolve legal issues and reach a settlement without going to court. The Uniform Collaborative Law Rules/Act standardize the most important features of collaborative law practice.
- Collaborative law is most commonly used in family law cases although the process can be applied in other contexts. Each party is represented by an independent, collaboratively trained attorney. The parties and their attorneys agree in advance to limit the scope of representation to out-of-court resolution. This limitation is reflected in the fee agreement between each client and their attorney, as well as in the participation agreement between the parties, which requires that parties direct their attorneys to withdraw from representation if the process terminates without settlement. In effect, it is a settlement-focused approach that is intended to help keep families out of court.
- Collaborative law as a process was conceived in the 1990s and has been practiced in Oregon since the early 2000s. In 2010, the Uniform Law Commission, which included Oregon’s own former Chief Justice Martha Walters, drafted the Uniform Collaborative Law Act/Rule. To date, the UCLR has been implemented in twenty-eight U.S. states in either legislative or rule form.
- In 2015, an attempt was made to codify the UCLR in Oregon. That effort was opposed by the Bar due to concerns that the legislature

should not regulate the practice of law and would intrude upon the judiciary's regulatory role. During that process, the Bar's then-acting Deputy General Counsel also raised ethical questions regarding whether there are conflicts with the operation of collaborative law practice and Oregon Rules of Professional Conduct 1.7(a)(2) (conflict of interest) and 5.6(b) (restrictions on the right to practice). In 2025, the Bar's Ethics Committee issued a letter to the ADR Section, concluding they do not have those concerns regarding the collaborative law process as it is presented in the UCLR.

- Adoption of the UCLR into the UTCR would do the following:
 - Simplify the collaborative law process with the courts. Under the UCLR, courts would be provided insight into the process through required status reports. At present, there is no formal mechanism to hold a court case in abeyance while parties participate in the collaborative law process. This creates confusion for parties about how to begin the collaborative law process after having already filed initial court pleadings.
 - Ensure there are clear guidelines and requirements for lawyers practicing collaborative law in Oregon.
 - Address consumer confusion. At present, it can be unclear from attorneys' websites and marketing materials whether they provide "friendly" litigated divorces or a specific ADR process like collaborative law, which can cause people to spend unnecessary time, money, and energy finding an attorney who facilitates the type of process they want to use. As a result, one party may hire a collaboratively trained attorney and expect a limited scope ADR process, while the other party may hire a family law attorney who promises to work "collaboratively" through litigation. The misalignment of expectations may be expensive to resolve and sets parties on course for trial.
 - Streamline and clarify aspects of the collaborative law process for attorneys and clients. For example, the UCLR provide enforcement mechanisms to address violations of the participation agreement, ensuring that the materials created during the collaborative settlement negotiations remain confidential. It would also create a clear mechanism for people who experience domestic violence to get court assistance via emergency orders, and a clear screening protocol for pro bono representation to increase access to justice.

Due to the volume and complexity of the proposal, the UTCR Committee agreed, by consensus, to do the following:

- Send the proposals out for public comment in their proposed form; and

- Form a workgroup (UTCR Collaborative Law Workgroup) to carefully evaluate the proposal and consider additional changes, in conjunction with public comments (if any), for consideration by the UTCR Committee at its spring meeting on April 29, 2026, or at a future meeting.

The Collaborative Law Workgroup members include Judge Kelly Kritzer (Klamath County Circuit Court), Shelly Perkins (Attorney), Chase Beguin (Attorney), and Rachel Trickett (UTCR Reporter).

24. 26.010 – DEFINITIONS

Adopt UCLR definitions for the purposes of UTCR chapter 26. See related items C.23 and C.25–C.42.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

PROPOSED NEW RULE

26.010 DEFINITIONS

- (1) “Collaborative law communication” means a statement, whether oral or in a record, or verbal or nonverbal, that:
 - (a) Is made to conduct, participate in, continue, or reconvene a collaborative law process; and
 - (b) Occurs after the parties sign a collaborative law participation agreement and before the collaborative law process is concluded.
- (2) “Collaborative law participation agreement” means an agreement by persons to participate in a collaborative law process.
- (3) “Collaborative law process” means a procedure intended to resolve a legal matter without intervention by a tribunal in which persons:
 - (a) Sign a collaborative law participation agreement; and
 - (b) Are represented by collaborative lawyers.
- (4) “Collaborative lawyer” means a lawyer who represents a party in a collaborative law process and who has completed a training consistent with the International Academy of Collaborative Professionals Minimum Standards for Introductory Collaborative Practice Training before participating in the collaborative process.
- (5) “Collaborative matter” means a dispute, transaction, claim, problem, or issue for resolution, including a dispute, claim, or issue in a proceeding, which is described in a collaborative law participation agreement and arises under the family or domestic relations law of this state, including but not limited to:

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- (a) Marriage, divorce, dissolution, annulment, and property distribution;
 - (b) Child custody, visitation, and parenting time;
 - (c) Alimony, maintenance, and child support;
 - (d) Adoption;
 - (e) Parentage; and
 - (f) Premarital, marital, and post-marital agreements.
- (6) “Law firm” means:
- (a) Lawyers who practice law together in a partnership, professional corporation, sole proprietorship, limited liability company, or association; and
 - (b) Lawyers employed in a legal services organization, or the legal department of a corporation or other organization, or the legal department of a government or governmental subdivision, agency, or instrumentality.
- (7) “Nonparty participant” means a person, other than a party and the party’s collaborative lawyer, that participates in a collaborative law process.
- (8) “Party” means a person that signs a collaborative law participation agreement and whose consent is necessary to resolve a collaborative matter.
- (9) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
- (10) “Proceeding” means:
- (a) A judicial, administrative, arbitral, or other adjudicative process before a tribunal, including related prehearing and post-hearing motions, conferences, and discovery; or
 - (b) A legislative hearing or similar process.

- (11) “Prospective party” means a person that discusses with a prospective collaborative lawyer the possibility of signing a collaborative law participation agreement.
- (12) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (13) “Related to a collaborative matter” means involving the same parties, transaction or occurrence, nucleus of operative fact, dispute, claim, or issue as the collaborative matter.
- (14) “Sign” means, with present intent to authenticate or adopt a record:
 - (a) To execute or adopt a tangible symbol; or
 - (b) To attach to or logically associate with the record an electronic symbol, sound, or process.
- (15) “Tribunal” means:
 - (a) A court, arbitrator, administrative agency, or other body acting in an adjudicative capacity which, after presentation of evidence or legal argument, has jurisdiction to render a decision affecting a party’s interests in a matter; or
 - (b) A legislative body conducting a hearing or similar process.

25. 26.020 – APPLICABILITY

Adopt a new rule regarding applicability of the UCLR. See related items C.23–C.24 and C.26–C.42.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

The proposed new rule makes the UCLR applicable to a collaborative law participation agreement signed after the effective date of the UCLR Act and provides that a tribunal cannot order a party to participate in the collaborative law process over that party's objection.

PROPOSED NEW RULE

26.020 APPLICABILITY

These rules apply to a collaborative law participation agreement that meets the requirements of UTCR 26.030 signed on or after the effective date of these rules.

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**26. 26.030 – COLLABORATIVE LAW PARTICIPATION AGREEMENT;
REQUIREMENTS**

Adopt a new rule regarding requirements for collaborative law participation agreements. See related items C.23–C.25 and C.27–C.42.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

The proposed new rule establishes minimum requirements for a collaborative law participation agreement, which is the agreement that parties sign to initiate the collaborative law process. The agreement must be in writing, state the parties' intention to resolve the matter (issue for resolution) through collaborative law, contain a description of the matter and identify and confirm engagement of the collaborative lawyers. The rule further provides that the parties may include other provisions not inconsistent with the UCLR.

PROPOSED NEW RULE

**26.030 COLLABORATIVE LAW PARTICIPATION AGREEMENT;
REQUIREMENTS**

- (1) A collaborative law participation agreement must:
 - (a) Be in a record;
 - (b) Be signed by the parties;
 - (c) State the parties' intention to resolve a collaborative matter through a collaborative law process under these rules;
 - (d) Describe the nature and scope of the matter;
 - (e) Identify the collaborative lawyer who represents each party in the collaborative process; and
 - (f) Contain a statement by each collaborative lawyer confirming the lawyer's representation of a party in the collaborative law process.
- (2) Parties may agree to include in a collaborative law participation agreement additional provisions not inconsistent with these rules.

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27. 26.040 – BEGINNING AND CONCLUDING COLLABORATIVE LAW PROCESS

Adopt a new rule regarding the commencement and conclusion of a collaborative law process. See related items C.23–C.26 and C.28–C.42.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

The proposed new rule specifies when and how the collaborative law process begins and how the process is concluded. It highlights that the collaborative process is voluntary—a tribunal may not order a party to participate in a collaborative law process over that party’s objection. The process begins when parties sign a participation agreement and any party may unilaterally terminate the process at any time without specifying a reason. The collaborative process is concluded by a negotiated, signed agreement resolving all or part of the matter, or termination of the process.

PROPOSED NEW RULE

26.040 BEGINNING AND CONCLUDING COLLABORATIVE LAW PROCESS

- (1) A collaborative law process begins when the parties sign a collaborative law participation agreement.
- (2) A tribunal may not order a party to participate in a collaborative law process over that party’s objection.
- (3) A collaborative law process is concluded by a:
 - (a) Resolution of a collaborative matter as evidenced by a signed record;
 - (b) Resolution of a part of the collaborative matter, evidenced by a signed record, in which the parties agree that the remaining parts of the matter will not be resolved in the collaborative process; or
 - (c) Termination of the process.
- (4) A collaborative law process terminates:

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- (a) When a party gives notice to other parties in a record that the process is ended;
 - (b) When a party begins a proceeding related to a collaborative matter without the agreement of all parties; or
 - (c) When a party in a pending proceeding related to the matter:
 - (i) Initiates a pleading, motion, order to show cause, or request for a conference with the tribunal;
 - (ii) Requests that the proceeding be put on the court's calendar; or
 - (iii) Takes similar action requiring notice to be sent to the parties; or
 - (d) Except as otherwise provided by subsection (7), when a party discharges a collaborative lawyer or a collaborative lawyer withdraws from further representation of a party.
- (5) A party's collaborative lawyer shall give prompt notice to all other parties in a record of a discharge or withdrawal.
- (6) A party may terminate a collaborative law process with or without cause.
- (7) Notwithstanding the discharge or withdrawal of a collaborative lawyer, a collaborative law process continues, if not later than 30 days after the date that the notice of the discharge or withdrawal of a collaborative lawyer required by subsection (5) is sent to the parties:
- (a) The unrepresented party engages a successor collaborative lawyer; and
 - (b) In a signed record:
 - (i) The parties consent to continue the process by reaffirming the collaborative law participation agreement;
 - (ii) The agreement is amended to identify the successor collaborative lawyer; and
 - (iii) The successor collaborative lawyer confirms the lawyer's representation of a party in the collaborative process.

- (8) A collaborative law process does not conclude if, with the consent of the parties, a party requests a tribunal to approve a resolution of the collaborative matter or any part thereof as evidenced by a signed record.
- (9) A collaborative law participation agreement may provide additional methods of concluding a collaborative law process.

28. 26.050 – PROCEEDINGS PENDING BEFORE TRIBUNAL; STATUS REPORT

Adopt a new rule regarding proceedings pending before a tribunal. See related items C.23–C.27 and C.29–C.42.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

The proposed new rule provides for an automatic application for stay of proceedings before a tribunal (court, arbitrator, legislative body, administrative agency, or other body acting in an adjudicative capacity) once the parties file a notice of collaborative law process with the tribunal. A tribunal may require status reports while the proceeding is stayed. However, the scope of the information that can be requested is limited to insure the confidentiality of the collaborative law process.

PROPOSED NEW RULE

26.050 PROCEEDINGS PENDING BEFORE TRIBUNAL; STATUS REPORT

- (1) Persons in a proceeding pending before a tribunal may sign a collaborative law participation agreement to seek to resolve a collaborative matter related to the proceeding. The parties shall file promptly with the tribunal a notice of the agreement after it is signed. Subject to subsection (3) and UTCR 26.060 and 26.070, the filing operates as a motion for a stay of the proceeding.
- (2) The parties shall file promptly with the tribunal notice in a record when a collaborative law process concludes. The stay of the proceeding under subsection (1) is lifted when the notice is filed. The notice shall not specify any reason for termination of the collaborative law process.
- (3) A tribunal in which a proceeding is stayed under subsection (1) may require the parties and collaborative lawyers to provide a status report on the collaborative law process and the proceeding. A status report may include only information on whether the process is ongoing or concluded. It may not include a report, assessment, evaluation, recommendation, finding, or other communication regarding a collaborative law process or collaborative law matter.

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- (4) A tribunal may not consider a communication made in violation of subsection (3).
- (5) A tribunal shall provide parties notice and an opportunity to be heard before dismissing a proceeding based on delay or failure to prosecute if a notice of collaborative process is filed.

29. 26.060 – EMERGENCY ORDER

Adopt a new rule regarding emergency orders. See related items C.23–C.28 and C.30–C.42.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

The proposed new rule creates an exception to the stay of proceedings by authorizing a tribunal to issue emergency orders to protect the health, safety, welfare or interests of a party or family or household member; or to protect financial or other interests of a party in any critical area in any civil dispute.

PROPOSED NEW RULE

26.060 EMERGENCY ORDER

During a collaborative law process, a tribunal may issue emergency orders to protect the health, safety, welfare, or interest of a party or family or household members as defined by ORS 107.705(4) or a successor statute.

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30. 26.070 – APPROVAL OF AGREEMENT BY TRIBUNAL

Adopt a new rule regarding approval of agreements resulting from a collaborative law process. See related items C.23–C.29 and C.31–C.42.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

The proposed new rule authorizes a tribunal to approve an agreement resulting from a collaborative law process.

PROPOSED NEW RULE

26.070 APPROVAL OF AGREEMENT BY TRIBUNAL

A tribunal may approve an agreement resulting from a collaborative law process.

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31. 26.080 – DISQUALIFICATION OF COLLABORATIVE LAWYER AND LAWYERS IN ASSOCIATED LAW FIRM

Adopt a new rule regarding disqualification of a collaborative lawyer. See related items C.23–C.30 and C.32–C.42.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

The proposed new rule provides that should the collaborative law process terminate without settlement, the collaborative lawyer and lawyers in a law firm with which the collaborative lawyer is associated are disqualified from representing a party in a proceeding before a tribunal in the collaborative matter, except to seek emergency orders or to approve an agreement resulting from the collaborative law process. The disqualification requirement is modified regarding collaborative lawyers representing low-income parties and governmental entities as parties.

PROPOSED NEW RULE

26.080 DISQUALIFICATION OF COLLABORATIVE LAWYER AND LAWYERS IN ASSOCIATED LAW FIRM

- (1) Except as otherwise provided in subsection (3), a collaborative lawyer is disqualified from appearing before a tribunal to represent a party in a proceeding related to the collaborative matter.
- (2) Except as otherwise provided in subsection (3) and UTCR 26.090 and 26.100, a lawyer in a law firm with which the collaborative lawyer is associated is disqualified from appearing before a tribunal to represent a party in a proceeding related to the collaborative matter if the collaborative lawyer is disqualified from doing so under subsection (1).
- (3) A collaborative lawyer or a lawyer in a law firm with which the collaborative lawyer is associated may represent a party:
 - (a) To ask a tribunal to approve an agreement resulting from the collaborative law process; or
 - (b) To seek or defend an emergency order to protect the health, safety, welfare, or interest of a party, or family or household

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members as defined by ORS 107.705(4) or a successor statute if a successor lawyer is not immediately available to represent that person.

- (4) If subsection (3)(b) applies, a collaborative lawyer, or lawyer in a law firm with which the collaborative lawyer is associated, may represent a party or family or household members as defined by ORS 107.705(4) or a successor statute only until the person is represented by a successor lawyer or reasonable measures are taken to protect the health, safety, welfare, or interest of the person.

32. 26.090 – LOW-INCOME PARTIES

Adopt a new rule regarding representation of parties who are indigent. See related items C.23–C.31 and C.33–C.42.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

The proposed new rule creates an exception to the disqualification of lawyers representing low-income parties in a legal aid office, a law school clinic or a law firm providing free legal services to low-income parties.

PROPOSED NEW RULE

26.090 LOW-INCOME PARTIES

- (1) The disqualification of UTCR 26.080(1) applies to a collaborative lawyer representing a party with or without fee.
- (2) After a collaborative law process concludes, another lawyer in a law firm with which a collaborative lawyer disqualified under UTCR 26.080(1) is associated may represent a party without fee in the collaborative matter or a matter related to the collaborative matter if:
 - (a) The party has an annual income that qualifies the party for free legal representation under the criteria established by the law firm for free legal representation;
 - (b) The collaborative law participation agreement so provides; and
 - (c) The collaborative lawyer is isolated from any participation in the collaborative matter or a matter related to the collaborative matter through procedures within the law firm which are reasonably calculated to isolate the collaborative lawyer from such participation.

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33. 26.100 – GOVERNMENTAL ENTITY AS PARTY

Adopt a new rule regarding the representation of a party that is a government or governmental subdivision, agency, or instrumentality. See related items C.23–C.32 and C.34–C.42.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

The proposed new rule creates a similar exception to the disqualification requirement for lawyers representing a government or governmental subdivision, agency or instrumentality.

PROPOSED NEW RULE

26.100 GOVERNMENTAL ENTITY AS PARTY

- (1) The disqualification of UTCR 26.080(1) applies to a collaborative lawyer representing a party that is a government or governmental subdivision, agency, or instrumentality.
- (2) After a collaborative law process concludes, another lawyer in a law firm with which the collaborative lawyer is associated may represent a government or governmental subdivision, agency, or instrumentality in the collaborative matter or a matter related to the collaborative matter if:
 - (a) The collaborative law participation agreement so provides; and
 - (b) The collaborative lawyer is isolated from any participation in the collaborative matter or a matter related to the collaborative matter through procedures within the law firm which are reasonably calculated to isolate the collaborative lawyer from such participation.

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34. 26.110 – DISCLOSURE OF INFORMATION

Adopt a new rule regarding the disclosure of information related to a collaborative matter during the collaborative law process. See related items C.23–C.33 and C.35–C.42.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

The proposed new rule requires that parties must, upon request of a party, make timely, full, candid, and informal disclosure of information substantially related to the collaborative matter without formal discovery, and promptly update information that has materially changed.

PROPOSED NEW RULE

26.110 DISCLOSURE OF INFORMATION

Except as provided by law other than these rules, during the collaborative law process, on the request of another party, a party shall make timely, full, candid, and informal disclosure of information related to the collaborative matter without formal discovery. A party also shall update promptly previously disclosed information that has materially changed. The parties may define the scope of disclosure during the collaborative law process.

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35. 26.120 – STANDARDS OF PROFESSIONAL RESPONSIBILITY AND MANDATORY REPORTING NOT AFFECTED

Adopt a new rule regarding application of standards of professional responsibility and mandatory reporting. See related items C.23–C.34 and C.36–C.42.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

The proposed new rule acknowledges that standards of professional responsibility of lawyers and abuse reporting obligations of lawyers and all licensed professionals apply during participation in the collaborative law process.

PROPOSED NEW RULE

26.120 STANDARDS OF PROFESSIONAL RESPONSIBILITY AND MANDATORY REPORTING NOT AFFECTED

These rules do not affect:

- (1) The professional responsibility obligations and standards applicable to a lawyer or other licensed professional; or
- (2) The obligation of a person to report abuse or neglect, abandonment, or exploitation of a child or adult under the law of this state.

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36. 26.130 – APPROPRIATENESS OF COLLABORATIVE LAW PROCESS

Adopt a new rule imposing requirements regarding evaluation of the appropriateness of participating in a collaborative law process. See related items C.23–C.35 and C.37–C.42.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

The proposed new rule deals with appropriateness of the collaborative law process. A collaborative lawyer is required to discuss with a prospective client factors the lawyer reasonably believes relate to the appropriateness of a matter for the collaborative process and provide sufficient information for a prospective client to make an informed decision about the benefits and risks of the process.

PROPOSED NEW RULE

26.130 APPROPRIATENESS OF COLLABORATIVE LAW PROCESS

Before a prospective party signs a collaborative law participation agreement, a prospective collaborative lawyer shall:

- (1) Assess with the prospective party factors the lawyer reasonably believes relate to whether a collaborative law process is appropriate for the prospective party's matter;
- (2) Provide the prospective party with information that the lawyer reasonably believes is sufficient for the party to make an informed decision about the material benefits and risks of a collaborative law process as compared to the material benefits and risks of other reasonably available alternatives for resolving the proposed collaborative matter, such as litigation, mediation, arbitration, or expert evaluation; and
- (3) Advise the prospective party that:
 - (a) After signing an agreement if a party initiates a proceeding or seeks tribunal intervention in a pending proceeding related to the collaborative matter, the collaborative law process terminates;

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- (b) Participation in a collaborative law process is voluntary and any party has the right to terminate unilaterally a collaborative law process with or without cause; and
- (c) The collaborative lawyer and any lawyer in a law firm with which the collaborative lawyer is associated may not appear before a tribunal to represent a party in a proceeding related to the collaborative matter, except as authorized by UTCR 26.080(3), 26.090(2), or 26.100(2).

37. 26.140 – COERCIVE OR VIOLENT RELATIONSHIP

Adopt a new rule requiring inquiry into whether prospective parties to a collaborative law participation agreement have a history of a coercive or abusive relationship. See related items C.23–C.36 and C.38–C.42.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

The proposed new rule obligates a collaborative lawyer to make a reasonable effort to determine if a prospective client has a history of a coercive or violent relationship with another prospective party and establishes criteria for beginning and continuing the process and providing safeguards.

PROPOSED NEW RULE

26.140 COERCIVE OR VIOLENT RELATIONSHIP

- (1) Before a prospective party signs a collaborative law participation agreement, a prospective collaborative lawyer shall make reasonable inquiry whether the prospective party has a history of a coercive or violent relationship with another prospective party.
- (2) Throughout a collaborative law process, a collaborative lawyer reasonably and continuously shall assess whether the party the collaborative lawyer represents has a history or development of a coercive or violent relationship with another party.
- (3) If a collaborative lawyer reasonably believes that the party the lawyer represents or the prospective party who consults the lawyer has a history of a coercive or violent relationship with another party or prospective party, the lawyer may not begin or continue a collaborative law process unless:
 - (a) The party or the prospective party requests beginning or continuing a process; and
 - (b) The collaborative lawyer reasonably believes that the safety of the party or prospective party can be protected adequately during the process.

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38. 26.150 – CONFIDENTIALITY OF COLLABORATIVE LAW COMMUNICATION

Adopt a new rule regarding confidentiality of collaborative law communications. See related items C.23–C.37 and C.39–C.42.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

The proposed new rule provides that oral and written communications developed in the collaborative process are confidential to the extent agreed by the parties or as provided by state law other than the UCLR.

PROPOSED NEW RULE

26.150 CONFIDENTIALITY OF COLLABORATIVE LAW COMMUNICATION

A collaborative law communication is confidential to the extent agreed by the parties in a signed record or as provided by law of this state other than these rules.

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39. 26.160 – PRIVILEGE AGAINST DISCLOSURE FOR COLLABORATIVE LAW COMMUNICATION; ADMISSIBILITY; DISCOVERY

Adopt a new rule regarding the application of privilege in a collaborative law proceeding. See related items C.23–C.38 and C.40–C.42.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

The proposed new rule creates a broad privilege prohibiting disclosure of communications developed in the process in legal proceedings.

PROPOSED NEW RULE

26.160 PRIVILEGE AGAINST DISCLOSURE FOR COLLABORATIVE LAW COMMUNICATION; ADMISSIBILITY; DISCOVERY

- (1) Subject to UTCR 26.170 and 26.180, a collaborative law communication is privileged under subsection (2), is not subject to discovery, and is not admissible in evidence.
- (2) In a proceeding, the following privileges apply:
 - (a) A party may refuse to disclose, and may prevent any other person from disclosing, a collaborative law communication.
 - (b) A nonparty participant may refuse to disclose, and may prevent any other person from disclosing, a collaborative law communication of the nonparty participant.
- (3) Evidence or information that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely because of its disclosure or use in a collaborative law process.

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40. 26.170 – WAIVER AND PRECLUSION OF PRIVILEGE

Adopt a new rule regarding waiver and preclusion of waiver during a collaborative law proceeding. See related items C.23–C.39 and C.41–C.42.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

The proposed new rule provides for the possibility of waiver of privilege by all parties, and certain exceptions to the privilege.

PROPOSED NEW RULE

26.170 WAIVER AND PRECLUSION OF PRIVILEGE

- (1) A privilege under UTCR 26.160 may be waived in a record or orally during a proceeding if it is expressly waived by all parties and, in the case of the privilege of a nonparty participant, it is also expressly waived by the nonparty participant.
- (2) A person that makes a disclosure or representation about a collaborative law communication which prejudices another person in a proceeding may not assert a privilege under UTCR 26.160, but this preclusion applies only to the extent necessary for the person prejudiced to respond to the disclosure or representation.

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41. 26.180 – LIMITS OF PRIVILEGE

Adopt a new rule regarding the limits of privilege for collaborative law communications. See related items C.23–C.40 and C.42.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

The proposed new rule provides for the possibility of waiver of privilege by all parties, and certain exceptions to the privilege.

PROPOSED NEW RULE

26.180 LIMITS OF PRIVILEGE

- (1) There is no privilege under UTCR 26.160 for a collaborative law communication that is:
 - (a) Available to the public under ORS chapter 192—Records; Public Reports and Meetings or made during a session of a collaborative law process that is open, or is required by law to be open, to the public;
 - (b) A threat or statement of a plan to inflict bodily injury or commit a crime of violence;
 - (c) Intentionally used to plan a crime, commit or attempt to commit a crime, or conceal an ongoing crime or ongoing criminal activity; or
 - (d) In an agreement resulting from the collaborative law process, evidenced by a record signed by all parties to the agreement.
- (2) The privileges under UTCR 26.160 for a collaborative law communication do not apply to the extent that a communication is:
 - (a) Sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice arising from or related to a collaborative law process; or
 - (b) Sought or offered to prove or disprove abuse, neglect, abandonment, or exploitation of a child or adult, unless the

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Oregon Department of Human Services is a party to or otherwise participates in the process.

- (3) There is no privilege under UTCR 26.160 if a tribunal finds, after a hearing *in camera*, that the party seeking discovery or the proponent of the evidence has shown the evidence is not otherwise available, the need for the evidence substantially outweighs the interest in protecting confidentiality, and the collaborative law communication is sought or offered in:
 - (a) A court proceeding involving a felony or misdemeanor; or
 - (b) A proceeding seeking rescission or reformation of a contract arising out of the collaborative law process or in which a defense to avoid liability on the contract is asserted.
- (4) If a collaborative law communication is subject to an exception under subsection (2) or (3), only the part of the communication necessary for the application of the exception may be disclosed or admitted.
- (5) Disclosure or admission of evidence excepted from the privilege under subsection (2) or (3) does not make the evidence or any other collaborative law communication discoverable or admissible for any other purpose.
- (6) The privileges under UTCR 26.160 do not apply if the parties agree in advance in a signed record, or if a record of a proceeding reflects agreement by the parties, that all or part of a collaborative law process is not privileged. This subsection does not apply to a collaborative law communication made by a person that did not receive actual notice of the agreement before the communication was made.

42. 26.190 – AUTHORITY OF TRIBUNAL IN CASE OF NONCOMPLIANCE

Adopt a new rule regarding authority of a tribunal in cases of noncompliance. See related items C.23–C.41.

ACTION TAKEN

No recommendation of preliminary approval or disapproval was issued by the committee. By consensus, the committee agreed to send the proposal out for public comment in its proposed form.

EXPLANATION

See also the [background](#) explanation for related item C.23.

The proposed new rule permits enforcement by a tribunal of an agreement made in a collaborative process if the tribunal finds that the parties intended to enter into a participation agreement, and reasonably believed that they were participating in the collaborative process.

PROPOSED NEW RULE

26.190 AUTHORITY OF TRIBUNAL IN CASE OF NONCOMPLIANCE

- (1) If an agreement fails to meet the requirements of UTCR 26.030, or a lawyer fails to comply with UTCR 26.130 or 26.140, a tribunal may nonetheless find that the parties intended to enter into a collaborative law participation agreement if they:
 - (a) Signed a record indicating an intention to enter into a collaborative law participation agreement; and
 - (b) Reasonably believed they were participating in a collaborative law process.
- (2) If a tribunal makes the findings specified in subsection (1), and the interests of justice require, the tribunal may:
 - (a) Enforce an agreement evidenced by a record resulting from the process in which the parties participated;
 - (b) Apply the disqualification provisions of UTCR 26.040, 26.050, 26.080, 26.090, and 26.100; and
 - (c) Apply a privilege under UTCR 26.160.

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D. DEFERRED RECOMMENDATIONS

CHAPTER 12—MEDIATION

Amend the UTCR chapter 12 rules that govern the qualification requirements for court-connected mediators.

ACTION TAKEN

As explained below, no recommendation of preliminary approval or disapproval was issued by the UTCR Committee at its fall meeting on October 24, 2025.

EXPLANATION

For the full history and explanation of the following proposed amendments to modify the UTCR chapter 12 rules, see the [2025 UTCR Preface](#). Briefly:

- The proposed amendments were submitted by Caitlin Jackson, OJD Alternative Dispute Resolution Analyst, on behalf of OJD’s Court-Connected Mediator Qualifications Advisory Committee in the fall of 2024.
- As explained in the 2025 UTCR Preface, the UTCR Committee at its fall 2024 meeting agreed, by consensus, to send the proposals out for public comment without making a preliminary recommendation of approval or disapproval. The committee also formed a workgroup to carefully evaluate each proposal and to consider additional changes in conjunction with public comments that will be recommended to the full UTCR Committee at a future committee meeting.
- At its spring 2025 meeting, the UTCR Reporter, Rachel Trickett, requested that the workgroup be permitted additional time to develop a recommendation. The committee agreed, by consensus, to the Reporter’s request and to defer making a recommendation of preliminary approval or disapproval until a future meeting.

At the UTCR Committee’s fall meeting on October 24, 2025, the UTCR Reporter explained that additional time is needed to complete the review of this important proposal package and make a recommendation that meets the goals of both the dedicated UTCR workgroup and advisory committee members. The committee agreed, by consensus, to permit the additional time and to defer making a recommendation of preliminary approval or disapproval until the spring committee meeting on April 29, 2026.

PROPOSED AMENDMENTS

1. **12.010 – APPLICABILITY**
Modify the rule language for readability. See related items D.2–D.14.

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2. **12.020 – DEFINITIONS**
Amend the rule to add definitions of “case” and “lead trainer.” See related items D.1 and D.3–D.14.
3. **12.030 – DETERMINING AUTHORITY, DETERMINING MEDIATOR**
Amend the process for conditional approval of mediators. See related items D.1–D.2 and D.4–D.14.
4. **12.040 – MEDIATOR ETHICS**
Amend the mediator ethics requirements. See related items D.1–D.3 and D.5–D.14.
5. **12.050 – PROVIDING AND MAINTAINING PUBLICLY AVAILABLE INFORMATION**
Repeal the rule to conform with proposed amendments to UTCR 12.030 and 12.040 regarding the availability of information about a mediator’s qualifications. See related items D.1–D.4 and D.6–D.14.
6. **12.060 – QUALIFICATION AS AN APPROVED GENERAL CIVIL MEDIATOR, ONGOING OBLIGATIONS**
Amend the basic training and ongoing obligations requirements for general civil mediators. See related items D.1–D.5 and D.7–D.14.
7. **12.070 – QUALIFICATION AS AN APPROVED DOMESTIC RELATIONS CUSTODY AND PARENTING MEDIATOR, ONGOING OBLIGATIONS**
Amend the training and ongoing obligations requirements for domestic relations custody and parenting mediators. See related items D.1–D.6 and D.8–D.14.
8. **12.080 – QUALIFICATION AS AN APPROVED DOMESTIC RELATIONS FINANCIAL MEDIATOR, ONGOING OBLIGATIONS**
Amend the training and ongoing obligations requirements for domestic relations financial mediators. See related items D.1–D.7 and D.9–D.14.
9. **12.090 – INDEPENDENT QUALIFICATION REVIEW**
Change the title and revise the rule to conform with proposed amendments to UTCR 12.030. See related items D.1–D.8 and D.10–D.14.
10. **12.100 – BASIC MEDIATION CURRICULUM**
Amend the basic mediation training curriculum. See related items D.1–D.9 and D.11–D.14.

- 11. 12.110 – DOMESTIC RELATIONS CUSTODY AND PARENTING MEDIATION CURRICULUM**
Amend to change the rule title and revise the domestic relations custody and parenting mediation training curriculum. See related items D.1–D.10 and D.12–D.14.
- 12. 12.120 – DOMESTIC RELATIONS FINANCIAL MEDIATION TRAINING**
Amend the domestic relations financial mediation training curriculum. See related items D.1–D.11 and D.13–D.14.
- 13. 12.130 – COURT-SYSTEM TRAINING**
Amend the court-system training curriculum. See related items D.1–D.12 and D.14.
- 14. 12.140 – CONTINUING EDUCATION REQUIREMENTS**
Amend the continuing education requirements for general civil, domestic relations custody and parenting, and domestic relations financial mediators. See related items D.1–D.13.

E. OTHER ACTIONS

1. Spring 2026 Meeting

Scheduled spring meeting.

ACTION TAKEN

The spring meeting was scheduled for Wednesday, April 29, 2026.

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2. Fall 2026 Meeting

Scheduled fall meeting.

ACTION TAKEN

The fall meeting was scheduled for Thursday, October 22, 2026.

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3. Update on Deferred Consideration of Amendment to UTCR 21.140

ACTION TAKEN

The committee agreed by consensus to reconvene the workgroup that was formed at the October 10, 2024, committee meeting, to further evaluate the proposed amendment of UTCR 21.140 and make a recommendation to the committee at the upcoming spring meeting on April 29, 2026.

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