

## LEGAL PRACTICE TIPS

### *Understanding the Oregon Uniform Trial Court Rules*

## Fair and Consistent

By Rachel Trickett

The Oregon Judicial Department promotes consistency, transparency and accessibility across all Oregon circuit courts. One of the key tools supporting that work is the Oregon Uniform Trial Court Rules (UTCRC), which establish statewide procedural rules for civil, criminal, family, and probate actions and proceedings in all of Oregon's circuit courts.

For attorneys, self-represented litigants and members of the public, understanding the UTCRC helps ensure a more predictable and efficient court experience. In effect, the UTCRC are the rules of the game and knowing and following those rules is essential.

### History and Purpose

The Oregon Supreme Court created the UTCRC Committee in 1983 under former Chief Justice Edwin Peterson to address inconsistencies among the growing number of local court rules that conflicted with the Oregon Revised Statutes (ORS), the Oregon Rules of Civil Procedure (ORCP) and statewide standards. This effort unfolded alongside Oregon's broader court unification process, which highlighted the need for consistent and predictable statewide procedures. Establishing the UTCRC Committee was therefore a critical step in ensuring that the newly unified system operated under a coherent set of rules.

The committee's initial objective was to eliminate unnecessary or improper variations in local rules, propose uniform procedural mechanisms and retain appropriate local practices. After two years of collaboration with the bench and bar, the committee presented its recommendations to Peterson, and the first UTCRC took effect on Oct. 1, 1985. At the same time, all existing local rules were replaced with new Supplementary Local Rules (SLRs).

Today, the UTCRC operate as the procedural framework that shapes a predictable, navigable and fair environment for resolving

legal disputes in all 36 Oregon circuit courts. They provide the statewide foundation for trial-level practice and work in tandem with the ORCP, ORS and each judicial district's SLR. Key benefits of the UTCRC include:

- **Transparency, consistency and fairness.** The UTCRC are publicly accessible<sup>1</sup> and uniformly applied, reducing confusion by establishing standardized trial-level procedures for every Oregon circuit court. This ensures that attorneys and self-represented litigants encounter the same basic expectations and allows them to anticipate how matters will be handled across the state.
- **Efficiency in daily practice.** Clear and uniform rules minimize procedural surprises and streamline routine tasks such as filing, service, motion practice, appearances and courtroom conduct. This improves court operations, reduces unnecessary delays and supports timely case resolution.
- **Responsiveness to change.** The UTCRC are reviewed and updated annually — sometimes more frequently — through a structured public comment process that is overseen by the chief justice and the UTCRC Committee. This allows the rules to adapt quickly to new statutes, evolving case law, technological developments and the practical needs of the circuit courts.

### Composition and Functions

#### *Composition of the Committee*

The UTCRC Committee is composed of 14 members — seven practicing attorneys (civil and criminal), six circuit court judges and one trial court administrator — along with the UTCRC reporter, who is an attorney in the Oregon Judicial Department's Office of General Counsel.

The chief justice appoints members of the UTCRC Committee to staggered three-

year terms with individuals eligible to serve up to two terms for a total of six years. Committee membership is drawn from circuit court judges, practicing civil and criminal attorneys, and trial court administrators, with selections made to ensure diversity of profession, geography and subject-matter expertise. In practice, this means avoiding duplicative representation, such as multiple members from the same law firm or judicial district, to ensure the committee reflects a balanced, statewide perspective.

#### *Functions of the Committee*

The UTCRC Committee:

- Recommends UTCRC changes for the chief justice to approve and adopt under ORS 1.002 and UTCRC 1.020.
- Acts as a sounding board for proposed UTCRC changes and public comments on such proposals.
- Reviews SLR and recommends to the chief justice whether proposed changes to existing SLR or adoption of new SLR should be disapproved under UTCRC 1.050(2).

To fulfill these functions, the UTCRC Committee meets twice yearly. During its annual fall meeting, the committee carefully considers every proposal to change the UTCRC that was submitted throughout the current revision cycle and issues preliminary recommendations of approval or disapproval to the chief justice. These recommendations and the proposals are then posted on the UTCRC website for a 49-day public comment period during which the public may review, comment on or otherwise provide input for the committee to consider at its annual spring meeting.

At its spring meeting, the UTCRC Committee reviews the public comments, revises its preliminary recommendations as needed and makes final recommendations about approval and disapproval to the chief

justice.<sup>2</sup> Approved UTCR changes take effect on Aug. 1 of each year unless the chief justice specifies a different effective date (usually in the case of out-of-cycle amendments).

### Advice for Submitting a UTCR Proposal

Judges, lawyers, court staff and members of the public may submit proposals for new rules or amendments to existing UTCR at any time. However, to be considered for an upcoming revision cycle, proposals must be submitted by Aug. 30. Proposals submitted after that date may be held for consideration until the following revision cycle. UTCR proposals may be submitted by email or by mail to the addresses provided at the end of this article.

Submitted proposals should be clear, concise and provide enough context for the committee to understand the issue being raised. To ensure a complete and effective proposal, make sure to include the following elements:

- **Statement of the issue.** Provide a brief description of the problem, gap or practical challenge that the proposed amendment is intended to address. This helps the committee understand the underlying need for the change.
- **Proposed solution.** Describe the change you recommend to resolve the issue. This may include adjustments to an existing rule, removal of outdated provisions or introduction of a new rule.
- **Draft wording.** While you are not required to submit drafted rule language, it is strongly encouraged that you do so. Providing proposed language allows the committee to more easily evaluate the substance and potential impact of a proposed amendment or new rule.
- **Identification of relevant rules.** If the proposal relates to one or more specific UTCR provisions, identify those rules by number. This ensures the committee can quickly locate the relevant UTCR sections and understand the context.
- **Supporting information (if applicable).** Submit any additional background materials that may assist the committee in evaluating the proposal, such as data, case examples or references to statutes or procedural requirements.

Once you have submitted the proposal, the UTCR reporter will notify you that it has been placed on the committee's agenda. The

reporter may also follow up with clarifying questions or suggest alternative or refined wording when appropriate.

The committee reviews and discusses all proposals during its fall meeting, which is typically held in mid- to late October. Attendance by the proposer is optional; however, participating in the meeting can be helpful. Having someone available to present the concept, provide context and respond to questions often improves the committee's understanding and evaluation of the proposal. Attendance may occur either in person in Salem or remotely, depending on the proposer's preference and availability.

### Key Reasons for Committee Recommendations of Disapproval

The UTCR Committee evaluates every proposed rule change with the goal of preserving uniform, efficient and legally sound circuit court procedures. Not all well-intentioned proposals meet these standards. Below are the key reasons that the committee may recommend disapproval of a proposal:

- **It conflicts with constitutions, statutes or the ORCP.** Proposals are disapproved if they contradict the constitutions, ORS, ORCP or other binding legal authority such as supreme court decisions. The UTCR are intended to complement — but may not conflict with or override — such higher legal authority.<sup>3</sup>
- **It regulates substantive law.** Proposals that attempt to create substantive legal obligations, alter legal standards, shift burdens of proof or otherwise effectively legislate beyond procedural boundaries are disapproved.
- **It is better addressed by SLR.** Some proposals concern practices that vary significantly across Oregon's 36 circuit courts. When a proposed change would unnecessarily impose statewide uniformity in an area where local flexibility is more appropriate, the committee may recommend disapproval and suggest that courts address the matter through SLR instead.
- **It does not have statewide impact or there is no need for it.** Proposals that address isolated or district-specific problems — without broader statewide relevance — may be recommended for disapproval. The committee generally recommends approval only when

proposals would meaningfully improve statewide practice and initiatives.

- **It is a policy statement, not a procedural rule.** Proposals that express goals, values or positions intended to guide broader decision-making — rather than prescribe binding procedural rules to govern how court actions and proceedings are carried out — fall outside the scope of the UTCR. The UTCR govern procedure inside the courts, not conduct or rights outside of court proceedings and actions.
- **It creates administrative or operational burdens.** Proposals that would impose unrealistic workload demands on judges or court staff, create inefficiencies or conflict with the capabilities of Oregon eCourt or other statewide systems are likely to be disapproved.
- **It is redundant.** If an issue is already addressed adequately by existing UTCR, ORCP or SLR, the committee may decline additional rulemaking to avoid unnecessary complexity. The committee also avoids recommending approval of rules that merely restate or consolidate Oregon or federal statutory or constitutional provisions, to prevent redundancy or conflicting authority and to maintain a clear distinction between legislative enactments and court rules.
- **It lacks clarity or practical workability.** Proposals that are vague, ambiguous or unworkable in real court settings are often recommended for disapproval.

In all cases, the committee's goal is to maintain a clear, coherent and functional set of rules that support fair, predictable and efficient proceedings in Oregon's circuit courts.

In summary, the UTCR unify procedural practice across Oregon's circuit courts — filling gaps left by statute and the ORCP, enhancing consistency and standardizing expectations for practitioners and litigants statewide. They are designed to operate in harmony with higher legal authorities, while SLR adapt those statewide norms to the practical realities of local court operations.

The committee will have two openings as of July 1, 2026: one for a judge-member and one for an attorney member. If you are interested in applying, please send a résumé and letter of interest (addressed to Chief Justice Meagan A. Flynn) to UTCR Reporter Rachel Trickett at [UTCR@ojd.state.or.us](mailto:UTCR@ojd.state.or.us). ■

## For More Information

Questions, proposals and communications to the committee should be directed to UTCR Reporter Rachel Trickett at [UTCR@ojd.state.or.us](mailto:UTCR@ojd.state.or.us) or by mail or phone at:

UTCR Reporter  
Office of the State Court Administrator  
1163 State Street  
Salem, OR 97301-2563  
Phone: 503-986-5500  
Oregon Relay Service 711

Additional information is available on the UTCR website at: [courts.oregon.gov/programs/utcr](http://courts.oregon.gov/programs/utcr).

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## ENDNOTES

1. Current and prior versions of the UTCR are available online at: [courts.oregon.gov/programs/utcr](http://courts.oregon.gov/programs/utcr).
2. There are three specific circumstances in which the UTCR Committee submits recommendations directly to the full Oregon Supreme Court for consideration. These circumstances arise when proposed amendments relate to subject areas that require Oregon Supreme Court approval under the applicable rules or statutes. The three circumstances are:
  - i. Pro Hac Vice Rule (UTCR 3.170)
  - ii. Contempt Rules (UTCR Chapter 19)
  - iii. Rules Concerning the Form of Written Process and Related Documents (ORS 1.006)
3. See ORS 1.002(1).