OREGON RULES OF CIVIL PROCEDURE

INTRODUCTORY COMMENT

By virtue of ORS 1.745, all provisions of law relating to pleading, practice and procedure in all civil proceedings in courts of this state are deemed to be rules of court. As such, they remain in effect until they are superseded, modified or repealed by rules promulgated by the Council on Court Procedures, which have been submitted to the Legislature and not amended, repealed or supplemented by statute as provided in ORS 1.735.

It has been the purpose of the Council on Court Procedures to undertake a systematic review of the general rules of pleading and practice, primarily contained in ORS Chapters 11 through 45, and to gradually replace the existing ORS sections with a comprehensive, integrated and logically arranged set of rules, governing civil pleading, practice and procedure.

During this biennium, the Council has concentrated upon the areas of process and personal jurisdiction, pleading, discovery, joinder and trial practice.

The Oregon Rules of Civil Procedure, numbered 1 through 64, which follow, would either entirely or substantially replace rules which now appear in ORS Chapters 11, 13, 5, 15, 16, 17, and in portions of ORS Chapters 18, 41 and 45. It is anticipated that these rules would be published as a separate "Oregon Rules of Civil Procedure" section of the Oregon Revised Statutes and that in future years other substantial portions of ORS Chapters 11 through 45 would be replaced by additional Oregon Rules of Civil Procedure.

The conversion of ORS sections to Oregon Rules of Civil Procedure in ORS Chapters 11 through 45 will never be total, and ORS sections replaced will not be limited to these chapters. Because the authority of the Council is limited to procedural rules in civil proceedings, not including rules of

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Chapters 11 through 45 will remain as statutes. Because some civil rules of pleading, practice and procedure appear throughout the Oregon statutes and changes in Chapters 11 through 45 frequently require modification in procedural rules elsewhere in ORS, the Council is either replacing some ORS sections outside Chapters 11 through 45 by Oregon Rules of Civil Procedure or promulgating characteristics while will gating characteristics as ORS sections. Finally, because changes in procedure or terminology describing procedure may require amendment of references in substitute statutes, the Council is recommending that the Legislature amend some statutes.

The rules which follow are unique Oregon Rules of Civil Procedure.

The Council sought to promulgate the best rules which could be developed for practice in Oregon courts. Existing ORS sections are heavily relied upon, for these rules, with an attempt to clarify the language of these sections where necessary and to arrange the provisions in a logical and useful sequence for guidance of litigants, attorneys, and judges. Where the existing procedures as described in the ORS sections were outmoded, however to deficient, the Council has not hesitated to become procedures at the procedure of the Federal Rules of Civil Procedure, and in some cases to develop entirely new rules.

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procedural rules in civil proceedings, not including rules of evidence or appellate procedure, some portions of existing statutes in ORS Chapters 11 through 45 will remain as statutes.

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