

RULE 2

ONE FORM OF ACTION

There shall be one form of action known as a civil action. All procedural distinctions between actions at law and suits in equity are hereby abolished, except for those distinctions specifically provided for by these rules, by statute or by the Constitution.

COMMENT TO RULE 2

This is revised ORS 11.010 previous approved by the Council.

# Oregon Rules of Civil Procedure

## I Scope and Actions

### Rule 1.

#### SCOPE

#### Background note caps)

For district courts, see: ORS 46.100 and 46.110

For justice courts, see: ORS 52.010 and 52.020

For Tax court, see: ORS 305.425(3)

For effective date of Rules, see: ORS 1.735

### Rule 2

#### one Form of Action

#### Background note caps)

For Right to Jury trial, see: Rule 56

ORS. sections replaced:

11.010

29.510

11.020

35.225

~~12.040~~

~~18.010~~

18.020

18.310

23.010

For other Rules and statutes affected see



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BACKGROUND NOTE

For right to jury trial, see: Rule 16. <sup>15.010, 16.010</sup>  
ORS sections replaced: <sup>superseded</sup> 11.010, 11.020, 18.020, 18.310, 23.010, 29.510, 35.225.

~~For other rules and statutes affected, see law - equity revisions.~~

COMMENT

This rule abolishes the last vestiges of procedural difference based upon the nature of the case being historically legal or equitable. Right to jury trial is not affected as it is a constitutional right. Different procedures are, of course, followed in cases tried to a jury and to a court. In the rules, where a "law - equity" or an "action - suit" distinction was used to specify procedures appropriate to a jury trial or non-jury trial, this has been changed to a direct reference to cases tried to a court or a jury. Dual terminology, such as "actions and suits" and "judgments and decrees" has been eliminated. Since the Oregon statutes have a number of references to special "proceedings", references to "actions and proceedings" ~~is~~ <sup>are</sup> retained.

RULE 1

SCOPE

These rules govern procedure and practice in all circuit and district courts of this state <sup>except in the small claims department of district courts,</sup> for all civil actions and special proceedings whether cognizable as cases at law, in equity, or of statutory origin except where a different procedure is specified by statute or rule. These rules shall also govern practice and procedure in all civil actions and special proceedings, whether cognizable as cases at law, in equity, or of statutory <sup>from the small claims department of district courts and</sup> origin, for all other courts of this state to the extent they are made applicable to such courts by rule or statute. These rules shall be construed to secure the just, speedy and inexpensive determination of every action. These rules, and amendments thereto, shall apply to all actions pending at the time of or filed after their effective date.

set up sub sections

p 9  
Nov 10  
memo  
transition

Hollis  
memo  
p 1  
(Filed)

BACKGROUND NOTE

For district courts, see: ORS 46.100 and 46.110. For justice courts, see: ORS 52.010 and 52.020. For tax court, see: ORS 305.425(3). For effective date of rules, see: ORS 1.735. <sup>Add last sentence below -</sup>

note practice

Hollis p 20  
citation

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p 10  
Nov 13  
memo

order book  
district

p 2  
Nov 13  
memo

State Const

BACKGROUND NOTE

For right to jury trial, see: Rule 50.

ORS sections superseded: 11.010, 11.020, 15.010, 16.010, 18.020, 18.310, 23.010, 29.510, 32.225.

COMMENT

This rule abolishes the last vestiges of procedural difference based upon a case being historically legal or equitable. Right to jury trial is not affected as it is a constitutional right. Different procedures are, of course, followed in cases tried to a jury and to a court. In the rules, where a "law - equity" or an "action - suit" distinction was used to specify procedures appropriate to a jury trial or non-jury trial, this has been changed to a direct reference to cases tried to a court or a jury. Dual terminology, such as "actions and suits" and "judgments and decrees" has been eliminated. Since the Oregon statutes have a number of references to special "proceedings", references to "actions and proceedings" are retained.

RULE 3

COMMENCEMENT OF ACTION

Other than for purposes of statutes of limitations, an action or proceeding shall be commenced by filing a complaint with the clerk of the court.

BACKGROUND NOTE

For commencement of an action and statutes of limitations, see ORS 12.020.

COMMENT

This is based on the existing rule in the first sentence of ORS 15.020.

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BACKGROUND NOTE

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## RULE 1

### SCOPE

These rules govern procedure and practice in all circuit and district courts of this state for all civil actions and special proceedings whether cognizable as cases at law, in equity or of statutory origin except where a different procedure is specified by statute or rule. These rules shall also govern practice and procedure in all civil actions and special proceedings, whether cognizable as cases at law, in equity or of statutory origin, for all other courts of this state to the extent they are made applicable to such courts by rule or statute. These rules shall be construed to secure the just, speedy and inexpensive determination of every action. These rules, and amendments thereto, shall apply to all actions pending at the time of or filed after their effective date.

### BACKGROUND NOTE

For district courts, see: ORS 46.100 and 46.110. For justice courts, see: ORS 52.010 and 52.020. For tax court, see: ORS 305.425(3). For effective date of rules, see: ORS 1.735.

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### COMMENT

This is based on the existing rule in the first sentence of ORS 15.020.

subsection (3), paragraph (a), subparagraph (i), as ORCP 7 D.  
(3)(a)(1).

COMMENT

For district courts, see: ORS 46.100 and 46.110. For justice courts, see: ORS 52.010 and 52.020. For tax court, see ORS 305.425(3). For effective date of rules, see: ORS 1.735. The Council will recommend January 1, 1980, as the effective date for these rules.

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COMMENT

For right to jury trial, see: ORCP 50.

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