

NOTICE OF PUBLIC MEETING
COUNCIL ON COURT PROCEDURES
Saturday, September 10, 2011, 9:30 a.m.
Oregon State Bar Center
16037 SW Upper Boones Ferry Rd.
Tigard, Oregon

AGENDA

- I. Call to Order (Mr. Buckle)
- II. Introductions (all)
 - A. Guests
 - B. Welcome of new members
 - C. Hand out current roster and note corrections
- III. Approval of December 11, 2010, Minutes (Mr. Buckle)
- IV. Council Rules of Procedure per ORS 1.730(2)(b) (Mr. Buckle)
 - A. Review
 - B. Council timeline
- V. Annual election of officers per ORS 1.730(2)(b) (Mr. Buckle)
 - A. Chair
 - B. Vice Chair
 - C. Treasurer
- VI. Reports Regarding Last Biennium (Chair)
 - A. Promulgated rules (Prof. Peterson)
 - B. 76th Legislative Assembly's ORCP amendments outside of Council amendments (Prof. Peterson)
- VII. Administrative Matters (Chair)
 - A. Funding (Prof. Peterson/Mr. Nebel)
 - B. Website Report (Ms. Nilsson)
- VIII. Old Business (Chair)
- IX. New Business (Chair)
 - A. Potential amendments carried over from last biennium
 - 1. Discord between ORCP 1 E and ORCP 83 A
 - 2. ORCP 19 B - claim preclusion v. issue preclusion (*State ex rel Dorothy*

English v Multnomah County)

3. ORCP 44 - medical examinations: allow disclosure by affidavit the percentage of examiner's income for forensic work and amount of charges. Mult. Co. Consensus Panel Ruling 2(A)(3)
 4. ORCP 54 A - allow dismissal of specific claims
 5. ORCP 55 F(3) - subpoenas for inmates
 6. ORCP 57 F - alternate jurors
 7. ORCP 68 C(4)(c) - hearing only if requested on objection to attorney fees
 8. Standardizing (7 day) time increments in the ORCP
- B. Potential amendments submitted since December, 2010, meeting
1. ORCP 1 E conflict with ORCP 47 D
 2. ORCP 1 F, ORCP 2, ORCP 9 C, D, E - encourage and support transition to electronic filing in state courts
 3. ORCP 7 D(3)(b) - registered agent v. managing agent
 4. ORCP 21 - beef up Rule 21 to remedy the mischief ORS 31.150 is supposed to address
 5. ORCP 24 - Oregon should adopt compulsory counterclaims
 6. ORCP 27 B - qualifications for guardians ad litem
 7. ORCP 36 - discovery rules allow for financial abuse and tools to reign in abuse are awkward, time-consuming, and inefficient with little hint at consistent standards
 8. ORCP 36 - add language regarding proportionality regarding discovery to give judges flexibility to limit discovery
 9. ORCP 36 and ORCP 39 - whether ORCP applies to Family Abuse Prevention Act and Elderly and Disabled Persons Abuse Prevention Act as depositions could be used to intimidate a petitioner
 10. ORCP 36 C(6) - require designations of the deponent in advance of the deposition
 11. ORCP 43 - Oregon lags behind other states and federal rules with respect to discovery of electronically stored information
 12. ORCP 43 - Adopting federal rules on discovery so all objections to requests for discovery are waived if response not provided within 30 or 45 days as required [ORCP 43 B(3) does this]
 13. ORCP 47 - require statements of undisputed facts in summary judgment motions as required in federal court
 14. ORCP 47 A - making clear that summary judgment can be used to attack an affirmative defense
 15. ORCP 55 F(2) - to allow Oregon non-party resident to be required to produce documents in response to a subpoena not only in resident's county, but within 50 miles of that county
 16. ORCP 68 - standardize practice, including statements for attorney fees

- and procedures for handling them, to replace UTCR and SLR, which are burdensome
- 17. ORCP 68 - clarify what qualifies as a cost and what fees for what services are allowable
 - 18. Affidavits in opposition to show cause orders which also request affirmative relief (UTCR 8.050)
 - 19. Judges to read a statement to all unrepresented litigants that gives them basic information
 - 20. Run rules through a translator as occurred with the federal rules to put them in plain English
 - 21. Provide explicitly for every individual who is a party to participate pro se or through counsel in every aspect of a civil proceeding
- C. Appointment of committees regarding any items listed in IX A & B
- X. Schedule Future Meeting Dates/Locations (Chair)
A. Hand out calendar with potential schedule
- XI. Adjournment