

NOTICE OF PUBLIC MEETING
COUNCIL ON COURT PROCEDURES
Saturday, October 5, 2013, 9:30 a.m.
Oregon State Bar Center
16037 SW Upper Boones Ferry Rd.
Tigard, Oregon

AGENDA

- I. Call to Order (Ms. David)
- II. Approval of September 7, 2013, Minutes (Ms. David)
- III. Administrative Matters (Ms. David)
 - A. Outgoing Chair Letter
 - B. Corrected Council Roster
 - C. Corrected Council Timeline
 - D. Contacting Legislators
- IV. Old Business (Ms. David)
 - A. Committee Reports
 - 1. Electronic Discovery (Ms. David)
 - 2. General Discovery (Ms. Payne)
 - 3. ORCP 1 and Legislative Counsel Suggestions (Ms. David)
 - 4. ORCP 7/9/10 Regarding Service (Mr. Bachofner)
 - 5. ORCP 13 (Judge Zennaché)
 - 6. ORCP 15 (Mr. Beattie)
 - 7. ORCP 27 (Mr. Weaver)
 - 8. ORCP 44 (Mr. Keating)
 - 9. ORCP 45 (Ms. Wray)
 - 10. ORCP 46 and 55 (Judge Gerking)
 - 11. ORCP 47 E (Ms. David)
 - 12. ORCP 54 A (Ms. Leonard)
 - 13. ORCP 54 E (Ms. David)
- V. New Business (Ms. David)
 - A. Suggestion from Mark Weaver re: ORCP 68 (timing for entry of judgment for attorney fees - possible conflict with ORS 18.005)
 - B. Suggestions from Oregon State Bar Survey Not Reviewed at September 7, 2013, Meeting
 - 1. ORCP 47 (trial judges should be given greater authority to resolve cases early on via summary judgment)

2. ORCP 55 H (make clear whether a trial subpoena for medical records does or does not need to be served on the opposing attorney at least 14 days before it is served on the provider)
3. ORCP 68 C (pleading and motion requirements for alleging a right to attorney fees should be contained in the pleading rules – e.g. ORCP 13-16 – or those rules should contain cross-references to ORCP 68 C(2))
4. ORCP 69 (require a party applying for a default order to provide a copy of the motion to the party being defaulted, even if that party has not appeared or given notice of the intent to appear) ORCP 69 B (whether the notice of default can be filed and served before the appearance period expires)
5. ORCP 79-85 (prejudgment procedural remedies; Council did not fully adopt changes to statutes made in 1972 post *Fuentes v. Shevin* [407 U.S. 67, 92 S. Ct. 1983, 32 L. Ed. 2d 556 (1972)])
6. ORCP 80-85 (review and revision)
7. UTCR 2.030 (make it mandatory for both lawyers to notify the court and the presiding judge if a trial court has not ruled within 30 days in every case)
8. No Specific ORCP (system is slow and expensive for clients I represent; rules are suited for people and companies with many resources; streamline processes for handling legal disputes)
9. No Specific ORCP (rules on mediator qualification and appointment need to be fixed)
10. No Specific ORCP (deal with foreclosure judgments for which no deficiency is sought to avoid the "money judgment" issue)
11. No Specific ORCP (procedures to remove a wrongfully recorded lis pendens)
12. No Specific ORCP (rules dealing with repetitive self-represented litigants)
13. No Specific ORCP (better communication/invitation for changes to the ORCP, more communication about proposals)
14. No Specific ORCP (make ORCP shorter and easier to understand)
15. No Specific ORCP (ORCP should contain a scheduling rule akin to FRCP 16)
16. No Specific ORCP (ORCP should clarify when a particular rule applies to a post-judgment show-cause motion)
17. No Specific ORCP (ORS 107.095 should be amended - court may not issue orders under that provision without notice and opportunity for a hearing)
18. No Specific ORCP (Please, for the love of God, convert everything to online case management)
19. No Specific ORCP (make it easier to do telephonic testimony)
20. No Specific ORCP (encourage more judge-run mediations)
21. No Specific ORCP (school records as hearsay exceptions)
22. No Specific ORCP (assign a judge from the beginning of a case as in

federal court litigation and as Washington County does for family law cases)

23. No Specific ORCP (having to prep a case fully and knowing it probably won't go is frustrating)
24. No Specific ORCP (publish a website that does for rules what OregonLaws.org does for the statutes - provides properly formatted presentation)
25. No Specific ORCP (complete plain language overhaul like the federal rules)
26. No Specific ORCP (disallow SLR from requiring orders to show cause except post-judgment when a case is closed - a simple motion should be the preferred route)

C. Appointment of committees regarding any items listed in V. A.

VI. Adjournment