

AMENDMENTS

TO ORCP 62

promulgated by

COUNCIL ON COURT PROCEDURES

1980 to 2016

RULE 62

FINDINGS OF FACT

A. Necessity. Whenever any party appearing in a civil action tried by the court so demands prior to the commencement of the trial, the court shall make special findings of fact, and shall state separately its conclusions of law thereon. In the absence of such a demand for special findings, the court may make either general or special findings. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact or conclusions of law appear therein.

B. Proposed findings; objections. Within 10 days after the court has made its decision, any special findings requested by any party, or proposed by the court, shall be served upon all parties who have appeared in the case and shall be filed with the clerk; and any party may, within 10 days after such service, object to such proposed findings or any part thereof, and request other, different, or additional special findings, whether or not such party has previously requested special findings. Any such objections or requests for other, different, or additional special findings shall be heard and determined by the court within 30 days after the date of the filing thereof; and, if not so heard and determined, any such objections and requests for such other, different, or additional special findings shall conclusively be deemed denied.

C. Entry of judgment. Upon (1) the determination of any objections to proposed special findings and of any requests for other, different, or additional special findings, or (2) the expiration of the time for filing such objections and requests if none is filed, or (3) the expiration of the time at which such objections or requests are deemed denied, the court shall enter the appropriate order or judgment. Any such judgment or order filed prior to the expiration of the periods above set forth shall be deemed not entered until the expiration of said periods.

D. Extending or lessening time. Prior to the expiration of the times provided in subsections B. and C. of this rule, the time for serving and filing special findings, or for objecting to and requesting other, different, or additional special findings, may be extended or lessened by the trial court upon the stipulation of the parties or for good cause shown; but in no event shall the time be extended more than 30 days.

E. Necessity. Requests for findings of fact or objections to findings are not necessary for purposes of appellate review.

F. Effect of findings of fact. In an action tried without a jury, except as provided in ORS 19.125, the findings of the court upon the facts shall have the same force and effect, and be equally conclusive, as the verdict of a jury.

COMMENT

Sections 62 A. through E. are based upon ORS 17.431. The last sentence was added to section 62 A. Section 62 F. is based upon ORS 17.441, changed to refer to trial by the court rather than suit in equity. Note, ORS 46.180, relating to findings of fact in district court, has not been superseded.

~~knowledge to the jury, who are bound to accept it as conclusive.
[If either party requires it, and at commencement of the trial
gave notice of that party's intention so to do, or if in the
opinion of the court it is desirable, the charge shall either be
reduced to writing, and then read to the jury by the court or
recorded electronically during the charging of the jury.] The
court shall reduce, or require a party to reduce, the charge to
writing. However, if the preparation of written instructions is
not feasible, the court may record the instructions electronically
during the charging of the jury. The jury shall take such written
instructions or recording with it while deliberating upon the
verdict and then return the written instructions or recording to
the clerk immediately upon conclusion of its deliberations. The
clerk shall file the written instructions or recording in the
court file of the case.~~

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FINDINGS OF FACT
RULE 62

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F Effect of findings of fact. In an action tried without a jury, except as provided in ORS [19.415] 19.415(3), the findings of the court upon the facts shall have the same force and effect, and be equally conclusive, as the verdict of a jury.