

COUNCIL ON COURT PROCEDURES

Minutes of Meeting of June 13, 1992

City Council Chambers, Civil Center
1155 East Main Street
Ashland, Oregon

Present: William D. Cramer, Sr. Winfrid K.F. Liepe
Lafayette G. Harter Ronald L. Marceau
Henry Kantor Michael V. Phillips

Excused: Richard C. Bemis Richard T. Kropp
Susan G. Bischoff Charles A. Sams
Susan P. Graber William C. Snouffer
Bruce C. Hamlin Janice M. Stewart
John E. Hart Elizabeth Welch
Maury Holland

Absent: Richard Barron Bernard Jolles
Paul De Muniz John V. Kelly
Lee Johnson Robert B. McConville

(Also present were: Attorney Dennis Hubel; Gilma J. Henthorne,
Executive Assistant.)

The meeting was called to order by Chair Henry Kantor at
9:45 a.m.

Agenda Item No. 1: Approval of minutes of meeting held May 9, 1992. It was pointed out that Judge Welch should be listed as present at the May 9 meeting. Since a quorum was not present at this meeting, action was deferred concerning this agenda item until the next meeting.

Agenda Item No. 3: Subpoenas without trial or deposition and hospital records (3-12-92 memorandum attached to agenda) (Chair). Attorney Dennis Hubel said that members of the Oregon State Bar Procedure & Practice Committee were concerned because both the plaintiffs' bar and defense bar as part of the committee believed that the proposed amendments to ORCP 55 H contained in the 3-12-92 memorandum would create problems. One of the committee's fears was that a deposition would actually have to be

scheduled in order to obtain records. The Chair stated that he would prepare a memo regarding the status of this item and present it to the Council for its consideration at the next meeting.

Agenda Item No. 2: Report on Executive Director search (Chair). The Chair reported his progress in connection with the search for an Executive Director. He said that he had received an inquiry from a potential applicant who wished further information. The Chair also stated that he had made calls to the deans of the various law schools informing them of the vacancy. The Chair expressed appreciation for suggestions received from Council members.

Agenda Item No. 4: Interim report of class action subcommittee (Mike Phillips). Mike Phillips reported that Maury Holland had written an excellent memo outlining both the 1980 actions of the Council and the legislative response to that, as well as comparisons with the present proposals. He stated that the intention in terms of reporting at this meeting was to identify those areas which the subcommittee felt were substantive and not procedural. He said that the only one about which the subcommittee had concurrence is the provision that would provide that attorney fees could be awarded in class action suits only as a sanction. He said that the subcommittee planned to meet later this month and would report back at the August 1 meeting.

Agenda Item No. 5: Secrecy in personal injury actions - Rule 36 C(2) (Chair). The Chair stated he would place this matter on the agenda for the August 1 meeting.

Agenda Item No. 6: Alternate jury proposal (Judge Barron). It was suggested that this matter be placed on the agenda for a subsequent meeting.

The meeting was adjourned at 10:51 a.m.

Minutes submitted by
Gilma J. Henthorne