

*Oregon Judicial Department's*

***Civil Justice  
Improvements Task  
Force***

***Report to the Chief  
Justice  
Executive Summary***



*June 20, 2018*

**OREGON JUDICIAL DEPARTMENT  
CIVIL JUSTICE IMPROVEMENTS TASK FORCE**

**REPORT TO THE CHIEF JUSTICE**

**EXECUTIVE SUMMARY**

The mission of the Oregon Judicial Department (OJD) Civil Justice Improvements Task Force was to review the recommendations set out in a report submitted to the Conference of Chief Justices, entitled *Call to Action: Achieving Civil Justice for All* (July 2016),<sup>1</sup> and to make recommendations to OJD, to the extent feasible, necessary, and appropriate, to implement improvements to Oregon's civil justice system. Oregon Supreme Court Chief Justice Order (CJO) 17-046 (2017).

The Task Force has submitted a Report to Chief Justice Thomas A. Balmer, setting out a wide variety of recommendations for OJD and the Oregon circuit courts. Key among them are the following:

- Each court should consistently apply all provisions of UTCR 7.020 -- which establishes a series of deadlines intended to ensure that civil cases move toward appropriate resolution timelines -- in all cases in which that rule applies. (Recommendation 6.1.1.1)
- Relatedly, OJD should demonstrate an institutional commitment to using UTCR 7.020(2) and (3) as the primary tool for managing uncontested cases. (Recommendation 6.12.1.1)
- Courts should set firm trial dates and adhere to them, with only limited exceptions. (Recommendation 6.1.2.1)
- Applying the practices recommended in the Task Force Report, courts should utilize the following case management pathways: Streamlined, Complex, and General. (Recommendation 6.3.1)
- Courts should adopt procedures for resolving, and encourage litigants to resolve, discovery disputes informally, so as to reduce the cost of litigation in Complex Pathway cases. (Recommendation 6.5.1.5) Relatedly, each court should have a system for quickly resolving minor discovery disputes in General Pathway cases that do not require a party to file a motion. (Recommendation 6.6.2.2)

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<sup>1</sup> The full CCJ *Call to Action* report and recommendations, together with an Executive Summary, appendices, and related materials, are available at <http://www.ncsc.org/Microsites/Civil-Justice-Initiative/Home/CCJ-Reports.aspx>.

- Current Uniform Trial Court Rule (UTCRC) 5.150 (Expedited Civil Jury Trials) should be revised to provide for a "streamlined" civil jury trial pathway and should otherwise be amended to increase flexibility, while retaining its general structural framework and some limited mandatory disclosure requirements. (Recommendations 6.4.2.2 to 6.4.2.11)
- A new UTCRC 5.180 (Consumer Debt Collection) should be adopted, applying to consumer debt collection actions filed under ORS 646A.670 (plaintiff is a debt buyer or a collector for a debt buyer), and also other consumer debt collection actions, when the plaintiff is a debt collector; and adopt conforming business processes. (Recommendations 6.11.5.1 to 6.11.5.10)

The Task Force Report sets out many other recommendations, relating to a "right-sized" pathway approach to civil case management; statewide and court business processes and programs; effective use of Oregon eCourt system ticklers and reports; judicial and staff training, as well as court information sharing; educational opportunities for judges and lawyers; best practices for the courts and litigants; and ensuring procedural fairness.

As a whole, the Task Force Report is intended to recommend court-focused civil justice improvements, within the confines of existing OJD resources. In the view of the Task Force, the recommendations will benefit the courts statewide in moving forward with effective right-sized case management. They also should help to reduce cost and delay that can occur in civil cases, improve access to justice for civil litigants, and improve procedural fairness in the courts.