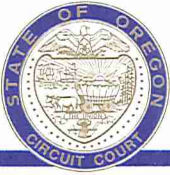


Circuit Court of the State of Oregon for Jackson County



Jackson County Justice Building – 100 S. Oakdale, Medford, OR 97501

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Tim Gerking, Judge

May 9, 2016

Counsel;

Most or all of you are aware of the Oregon Supreme Court's new Streamlined Trial Project which will provide a fast track process for those civil damage cases where the amount in controversy does not exceed \$100,000. It is first being implemented as a pilot program in Jackson and Multnomah counties and will go into effect on July 1, 2016. A copy of the recently adopted Jackson County SLR 5.151 describing the scope and contours of this new rule is enclosed.

Supreme Court Justice Martha Walters, one of the architects of this program, will be attending the May 25, 2016 Jackson County Bar meeting to fully explain the rule and answer any questions that you might have. I understand that she will be accompanied by Portland trial lawyers Dan Skeritt and Walter Sweek, and possibly Multnomah County Circuit Court Judge Janice Wilson and 9th Circuit Court of Appeals Judge Edward Leavy. As always the Bar meeting will be at noon in the Jury Assembly room in the court house.

I am writing to encourage each of you, your partners, associates and colleagues to attend. I look forward to seeing you there.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Gerking".

Hon. Timothy C. Gerking
Presiding Judge
Jackson County Circuit Court

Cc: Hon. Martha Walters
Hon. Benjamin Bloom
Peter Carini

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5.151 STREAMLINED TRIAL PROJECT

- (1) Except as provided in subsections 2 and 3 of this rule, civil cases in which the only relief sought is recovery of money damages not exceeding \$100,000, exclusive of attorney fees, costs, disbursements and interest, are assigned to the Streamlined Trial Project (STP). This rule does not apply to domestic relations, probate, juvenile, or post-conviction relief cases.
- (2) Any case in which one or more parties is not represented by counsel is excluded from the STP.
- (3) Any case in which one of the parties serves and files a timely notice to remove the case from the STP is excluded from the STP.
 - (a) A plaintiff must file the notice within thirty (30) days of the filing of the action or, if a counterclaim is asserted, within fourteen (14) days of the filing of the counterclaim.
 - (b) A defendant or third party defendant must file the notice with that party's first appearance.
 - (c) A party must state the reason for removal in the notice. Removal is automatic and the statement for removal is for planning purposes only.
 - (d) After the time for filing the notice has expired and no later than the trial date, a party may by motion request that the case be removed from the STP for good cause shown related to a new development that could not have been previously identified.
- (4) For each case assigned to the STP, the presiding judge shall exempt the case from mandatory arbitration, pursuant to ORS 36.405(2)(a), and from all court rules requiring mediation, arbitration, and other forms of alternative dispute resolution.
- (5) For each case assigned to the STP, the court shall set a trial date as provided by UTCR 7.020 with a pretrial conference no later than 14 days before trial. The trial date shall be set within ten months of the date the case is fully at issue, subject to the requirements of the court's calendar and the availability of judges.
- (6) Pretrial Procedures - Unless otherwise agreed to by the parties or upon order of the court for good cause shown:
 - (a) Each party must provide to all other parties within four weeks of the date the court issues the Ready for Trial Notice:

- (i) The names and, if known, addresses and telephone numbers of all persons, other than expert witnesses, likely to have knowledge that the party may use to support its claims or defenses, unless the use would be solely for impeachment.
 - (ii) A copy of all unprivileged ORCP 43 A(1) documents and tangible things that the party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.
 - (iii) A copy of all insurance agreements and policies discoverable pursuant to ORCP 36 B(2).
- (b) No party shall:
- (i) Take more than four hours of deposition.
 - (ii) Serve more than one set of requests for production.
 - (iii) Serve more than one set of requests for admission.
 - (iv) File a pretrial motion, including a motion for summary judgment, absent prior leave of the court.
- (c) All discovery requests must be served no later than 60 days before the trial date.
- (d) All discovery must be completed no later than 21 days before the trial date.
- (e) Before filing a motion to compel, motion for a protective order, or any other discovery motion, the parties must contact the motions judge by telephone and request assistance in resolving the dispute. The motions judge may resolve the dispute informally, without requiring the parties to file a written motion or scheduling a hearing.
- (f) A party's failure to request or respond to discovery is not a basis for that party to seek postponement of the trial date.
- (7) Trial Procedures.
- (a) The Oregon Rules of Civil Procedure (ORCP), Oregon Evidence Code (OEC), and Uniform Trial Court Rules (UTCRC) apply to cases under the STP. However, the parties shall consider modification of these rules to expedite the trial and reduce the costs of litigation, including;
 - (i) Stipulation to a six or eight person jury.

- (ii) Stipulation to the admissibility of documents such as those described in UTCR 13.190.
- (b) The court will discuss trial procedure and modification of trial procedure and rules of evidence at the pre-trial conference set pursuant to subsection 5 of this rule.