

SPEEDY JUSTICE FOR CIVIL CASES IN MULTNOMAH COUNTY

Presiding Judge Jean Kerr Maurer recently announced that Multnomah County Circuit Court is offering an expedited track for civil jury trials, effective immediately. Multnomah County Circuit Court is one of the pilot courts in Oregon implementing the new program.

On May 6, 2010, Oregon Supreme Court Chief Justice Paul J. DeMuniz signed an order implementing the expedited civil jury trial program in selected Oregon Circuit Courts. See *UTCR 5.150*. The goal is to provide speedy and economical disposition of civil cases and to increase the use of jury trials to decide civil disputes.

Chief Justice DeMuniz has acknowledged that “the volume of civil jury trials is greatly reduced in recent years. The reasons for this decline include the cost of litigation, delay in getting to trial, and the uncertainty of a trial date. In some cases, persons with meritorious claims or defenses have found it difficult to proceed to trial because of the expense. The expedited civil jury trial program aims to provide a speedy trial to the parties with less expense.” The right to a jury trial in civil cases is protected by the federal and state constitutions. According to the Chief Justice, “Jury trials in civil cases establish community values and provide guideposts for settlement. Civil jury trials in Oregon (and nationally) are disappearing. This is a cause for grave concern if the right to a jury trial is to remain meaningful. That right is in danger of becoming a hollow promise.”

Judge Maurer said that Multnomah County Circuit Court has taken a leading role in addressing this concern. A committee of local judges studied the problem and issued

a report with several recommendations, including offering an expedited and streamlined track to jury trial in civil cases.

The rule governing expedited summary jury trials is found at UTCR 5.150. Participation in the program is voluntary for the parties, who must agree to limited pretrial discovery and trial within four months after the case enters the program. Cases in the program are not subject to mandatory arbitration and are tried to a six-person jury. Unless the parties and the court agree otherwise, discovery is limited to two depositions, one set of requests for production, and one set of requests for admission. All discovery requests must be served at least 60 days before trial and discovery must be completed 21 days before trial. No pretrial motions may be submitted without leave of court.

The program is very simple. Judge Maurer has approved the following procedures for cases filed in Multnomah County:

1. Parties who wish to opt-in to the program simply fill out *UTCR 5.150-1a* and file their uncontested “Motion for Designation as an Expedited Summary Jury Trial” in the same manner they would any other uncontested motion. Upon filing, the motion will be directed to the Presiding Judge, who will assign the case to a pre-designated panel of experienced civil trial judges. For the first year of the program Judges Janice Wilson, Henry Kantor, Marilyn Litzenberger, Adrienne Nelson and Judith Matarazzo will be handling these cases.
2. One judge will actively monitor the case, make all pretrial rulings, and make sure that trial occurs within four months. The assigned judge will hold an initial case management conference with trial counsel no later than 10 days after

the Presiding Court designates the case appropriate for the expedited summary jury trial program. A firm trial date, within the next 4 months, will be set at the conference.

3. During the initial case management conference, the court will also discuss the parties' discovery plan. If the parties have not agreed to a discovery plan, the court will establish the scope, nature and timing of discovery.

4. To insure cases are ready for trial on their scheduled trial date, the judge assigned to the case will conduct a pretrial conference at least 14 days prior to trial. During that conference, the court and counsel will discuss stipulations regarding the conduct of the trial, including admissions of exhibits and the manner of submission of expert testimony. The court may also rule on *in limine* motions and review proposed jury instructions.

A copy of the state-wide rules governing the program are available on the Oregon Judicial Department website, http://courts.oregon.gov/OJD/docs/programs/utcr/CJO_10-025.pdf. Information and documents specific to Multnomah County are available on the Multnomah County Circuit Court website, [Multnomah County Circuit Court Civil Page](#).