



# PRESIDING COURT UPDATE

**The Honorable Stephen K. Bushong  
Multnomah County Circuit Court**

March 14, 2019  
World Trade Center, Auditorium

# CLE Outline

- Presiding Judge and Chief Judges
- Retired Judges
- Attorney Reference Manual
- Civil Motions Consensus Statement
- Picking Trial Dates
- New Rules
- Courthouse Statistics
- Civil Justice Improvements Task Force
- Helpful Hints From Clerks
- New Courthouse
- Contact Information



# Presiding and Chief Judges



Judge Stephen Bushong  
Presiding Judge  
Courtroom 208



Judge Patrick Henry  
Lead Probate Judge  
Courtroom 362



Judge Cheryl Albrecht  
Chief Criminal Judge  
Courtroom 508



Judge Christopher Marshall  
Chief Civil Judge  
Courtroom 228



Judge Susan Svetkey  
Chief Family Law Judge  
Courtroom 318

# Retired Judges



Judge Marilyn Litzenberger



Judge John Wittmayer



# Attorney Reference Manual

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2018

**Stephen K. Bushong, Presiding Judge**

Fourth Judicial District

Circuit Court of the State of Oregon for Multnomah County

1021 SW 4<sup>th</sup> Avenue

Portland, OR 97204

The  
Attorney  
Reference  
Manual is  
Live!

<https://www.courts.oregon.gov/courts/multnomah/go/Documents/2018ARM.pdf>

# Civil Motion Panel Consensus Statement



*Civil Motions are heard by most of the Multnomah County Judges. When it appears judges have ruled similarly over time on any particular question, it is announced to the bar as a “consensus”. A consensus statement is not a pre-determination of any question presented on the merits to a judge in an action.*

The Consensus statement covers the following topics:

1. Arbitration
2. Discovery
3. Venue
4. Motion Practice
5. Damages

# Picking Trial Dates

- Setting firm trial dates
- Time to disposition standards



# Rule Changes

## Supplementary Local Rules

Effective 2/1/2019

### **Chapter 2: Standards For Pleadings and Documents**

- **2.501 – Ex Parte Matters That Must Be Presented Conventionally**
  - Domestic Relations Matters
    - Added appointment of temporary guardians in adoption proceedings
  - Civil Matters
    - Removed petition for judicial review
    - Removed extension of time to respond to pleadings
    - Removed consent judgment



# Rule Changes

## Supplementary Local Rules

Effective 2/1/2019

### **Chapter 8: Domestic Relations, Civil Commitment, Identity Changes, and Protection Orders**

#### ◦ **8.011 – Subject Matter Jurisdiction UCCJEA Proceedings**

- Added that a pleading or motion asserting that the court lacks or should decline jurisdiction under the UCCJEA must include in the caption of that Document the phrase “UCCJEA Issue.”

#### ◦ **8.012 – Docketing**

- Added Wednesdays, in addition to Mondays and Thursdays, to the Family Law Rotation Docket for abuse prevention restraining order hearings.
- Motion to dispense with consent in an adoption proceeding no longer on list of motions that must be presented with a proposed Order to Show Cause.

# Rule Changes

## Supplementary Local Rules

Effective 2/1/2019

- **8.015- Case Assignment**

- Added that a motion for assignment of a case to an individual judge shall be filed conventionally if the trial assignment date is 30 days or closer from the date of request.
- Added procedures for when an adverse party does not appear at Trial Assignment.

- **8.045- Prejudgment Relief for Support Under ORS 107.095**

- Added as a new section

- **8.061- Child Support Worksheets**

- Added that worksheets are not required when the court lacks jurisdiction to address a child support claim.

- **8.135- Family Court Services**

- Evaluation: Added that a standard form of Order has been adopted by the court.

# Rule Changes

## Supplementary Local Rules

Effective 2/1/2019

- **8.155- Identity Changes**

- Removed section requiring the petitioner or the petitioner's attorney to be personally present at the change in identity hearing.

- **8.156- Stalking Protective Order Proceedings**

- Clarified that petitions for stalking protective orders filed by noon on judicial days are scheduled for ex parte hearing on the same judicial day as the filing.

### **Chapter 9: Probate Proceedings**

- **9.305- Order to Show Cause to Dispense With Adoption Consent in Adoption**

- Added as a new section

# Rule Changes

## Uniform Trial Court Rules

### Out-of-Cycle Amendments

#### Chapter 3: Decorum In Proceedings

- **3.010- Proper Apparel** (effective 3/22/2018)
  - Amended to specifically allow religiously-required head coverings in the courtroom.

#### Chapter 4: Proceedings in Criminal Cases

- **4.070- Dismissal Of Charges Following Successful Completion Of Diversion** (effective 1/8/2018)
  - Amended to remove the reference to marijuana diversion in conformance with Senate Bills 302 and 303 (2017).
- **4.090- Electronic Citations** (effective 10/19/2018)
  - Amended to reflect the current process for authorizing the filing of electronic citations.
- **4.110- Defendant Motion For Reimbursement** (effective 8/1/2017)
  - Adopted to establish a uniform, statewide process for a defendant to seek a constitutionally required reimbursement.

# Rule Changes

## Uniform Trial Court Rules

### Out-of-Cycle Amendments

#### **Chapter 9- Probate and Adoption Proceedings**

- **9.080- Oral Objections In Protective Proceedings And Notice Of Free And Low-Cost Legal Services** (effective 1/1/2018)
  - Amended to conform to House Bill 2630 (2017).
- **9.320- Change Of Name And Change Of Sex Proceedings** (effective 1/1/2018)
  - Repealed to conform to House Bill 2673 (2017).

#### **Chapter 19- Contempt Proceedings**

- **19.020- Initiating Instrument Requirements And Maximum Sanctions** (effective 6/6/2017)
  - Reviewed public comment on amendment to rule adopted out-of-cycle pursuant to Supreme Court Order 17-028, dated June 6, 2017.

# Rule Changes

## Uniform Trial Court Rules

Effective 8/1/2018

### **Chapter 2: Standards for Pleadings and Documents**

- **2.010(9)- Form Of Documents**

- Amended to address electronic exhibits and evidence filed as an attachment to a pleading.

- **2.010(12)(a)- Form Of Documents**

- Amended to clarify that the requirement that two lines of text must appear on the page of a proposed order or judgment that contains a judge signature applies to e-filed documents.

- **2.130- Confidential Personal Information In Family Law And Certain Protective Proceedings**

- Amended to move the Confidential Information Form (CIF) and Notice of CIF Filing from the Appendix of Forms to the OJD website.

### **Chapter 3: Decorum in Proceedings**

- **3.180- Media Or Other Public Access Coverage Of Court Events**

- Revised to update and account for changes in technology related to the use of electronic recording equipment in Oregon courts.

# Rule Changes

## Uniform Trial Court Rules



Effective 8/1/2018

### **Chapter 8: Domestic Relations Proceedings**

- **8.010- Actions For Dissolution Of Marriage, Separate Maintenance And Annulment, And Child Support**
  - Amended to move the Uniform Support Declaration from the UTCR Appendix of Forms to the OJD website.
- **8.040- Prejudgment Relief Under ORS 107.095(1)**
  - Amended to conform to the amendment to 8.010.
- **8.050- Judgment Modification Proceedings**
  - Amended to conform to the amendment to 8.010.
- **8.090- Certificate Regarding Pending Child Support Proceedings And/Or Existing Child Support Orders And/Or Judgments**
  - Amended regarding information about pending child support proceedings, orders, and judgments.

# Rule Changes

## Uniform Trial Court Rules

Effective 8/1/2018

### **Chapter 21: Filing and Service By Electronic Means**

- **21.070(3)- Special Filing Requirements**
  - Amended to address conventional filing of electronic exhibits and evidence filed as an attachment to a pleading.



# Courthouse Statistics

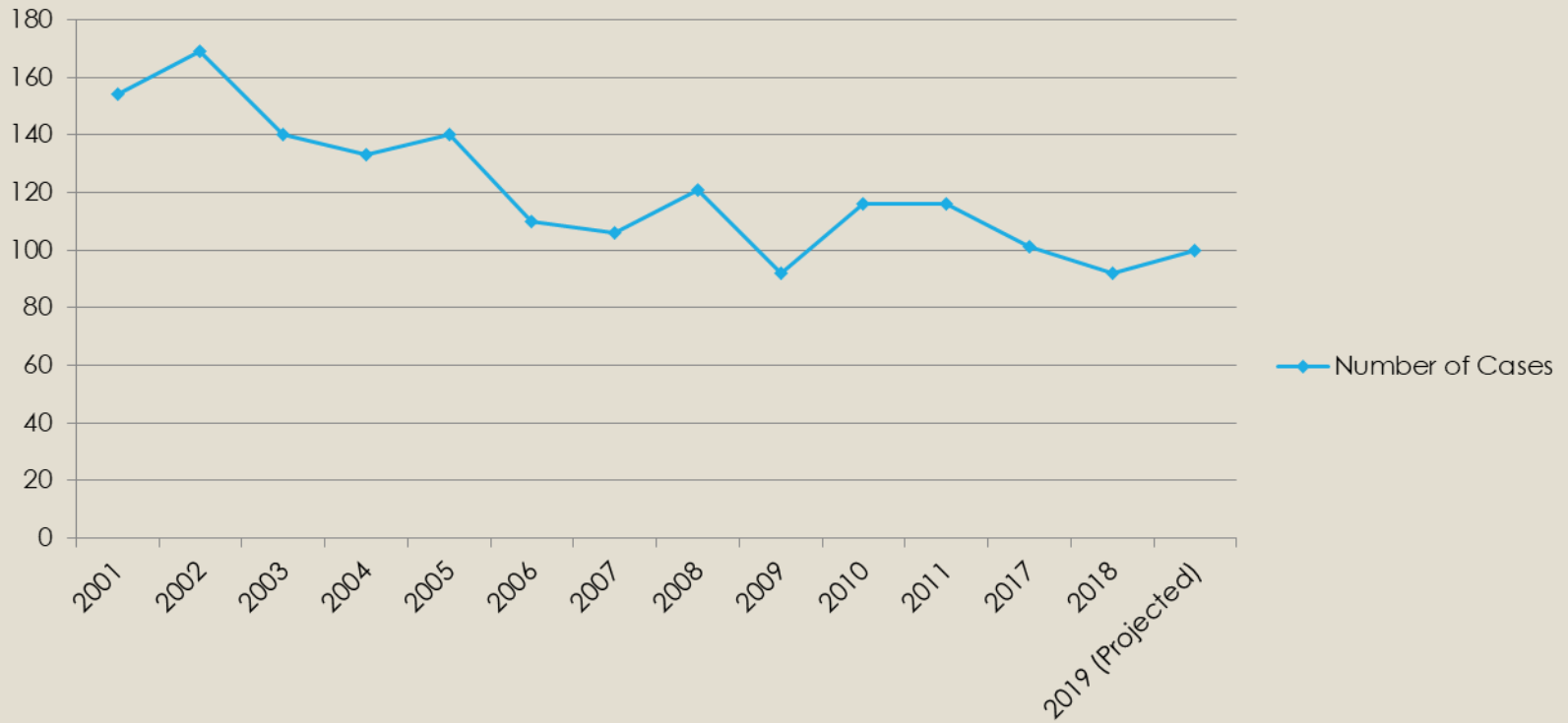
Civil Cases	
Number of Cases Filed in 2018	Change from Cases Filed in 2017
Landlord/Tenant – 5,617	3.35% increase
Small Claims – 7,725	7.58% decrease
Administrative Review - 322	2.4% increase
Contracts – 7,977	
Torts – 3,743	
Other - 865	

# Courthouse Statistics

<b>Case Type and Year</b>	<b>Number of Civil Cases Terminated Through Jury Trial</b>
Civil 2001	154
Civil 2002	169
Civil 2003	140
Civil 2004	133
Civil 2005	140
Civil 2006	110
Civil 2007	106
Civil 2008	121
Civil 2009	92
Civil 2010	116
Civil 2011	116
Civil 2017	101
Civil 2018	92
Civil 2019 (Jan-Present)	13
Civil 2019 (Projected)	100

# Courthouse Statistics

Civil Cases Terminated by Jury Trial in Multnomah County

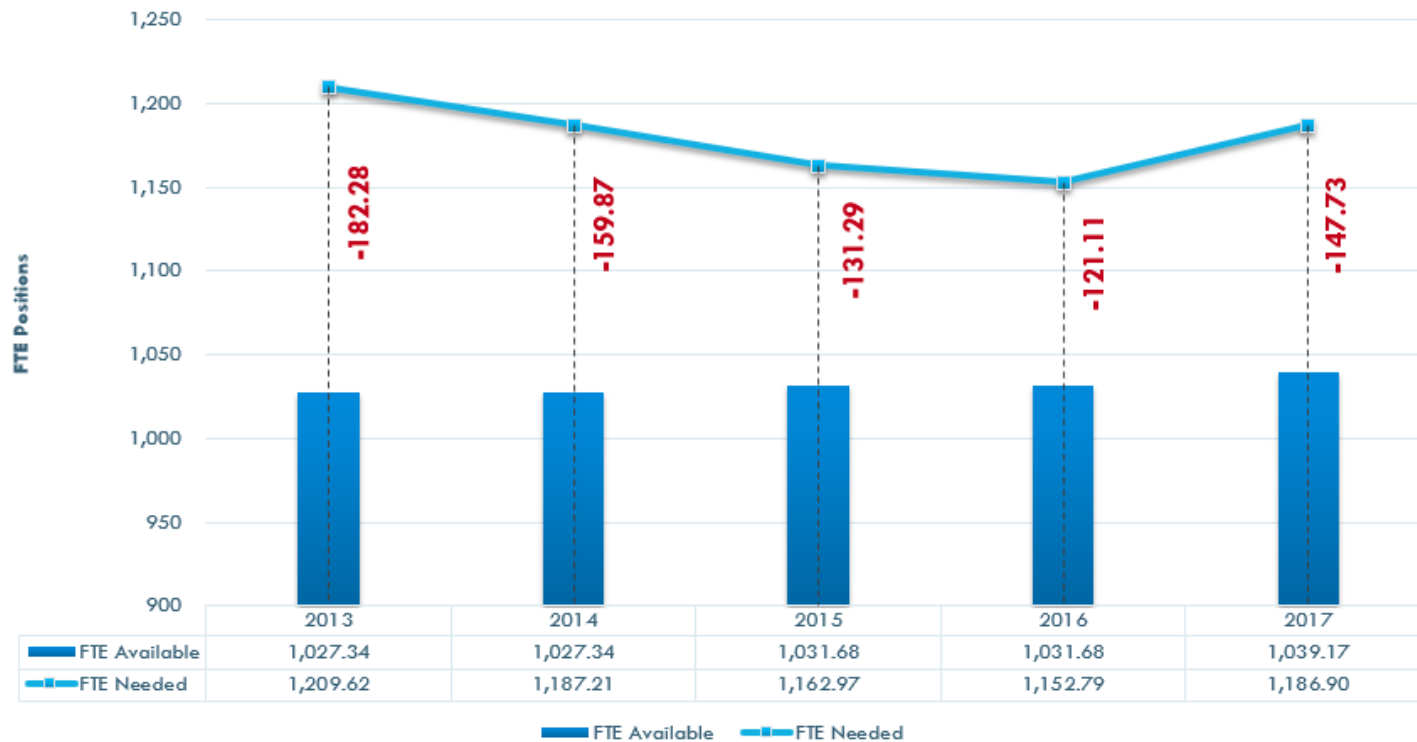


# Courthouse Statistics

Criminal Cases	
Number of Cases Filed in 2018	Change from Cases Filed in 2017
Felony – 2,992	8.39% increase
Misdemeanor – 9,785	
Parking and Violations – 397,514	
Other – 1,076	

# OJD's Budget Crisis

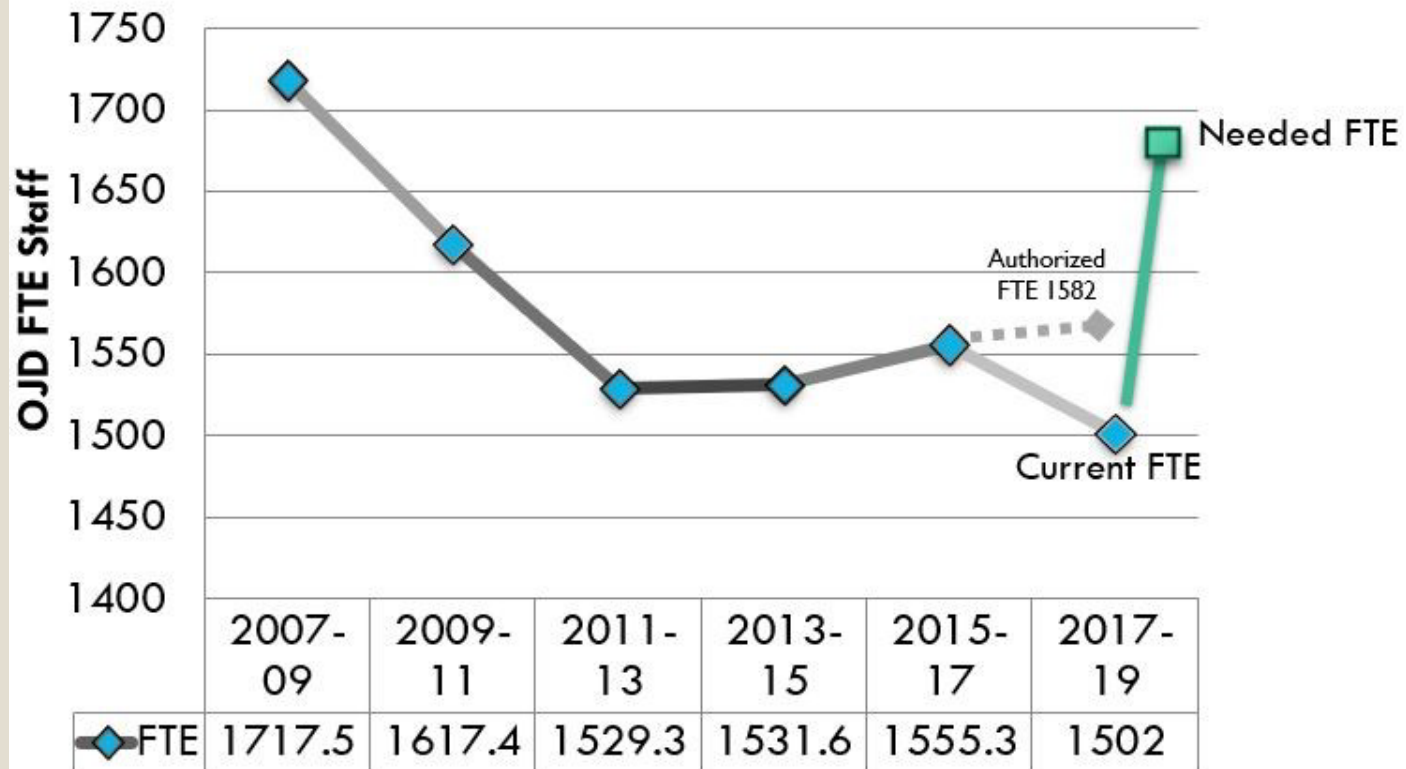
## WORKLOAD AND STAFFING TRENDS CIRCUIT COURT FTE AVAILABLE VS. FTE NEEDED



# OJD's Budget Crisis

## OJD STAFF RESOURCES

Effectively 215.5 FTE (12.5%) fewer positions in 2017-19 than in 2007-09



\* Higher staff numbers on this chart include all OJD — Circuit Courts, Tax Court, Appellate Courts, and Office of the State Court Administrator



# CIVIL JUSTICE IMPROVEMENTS TASK FORCE

# Background





# 2016 Statistical Data

## Civil Cases Filed

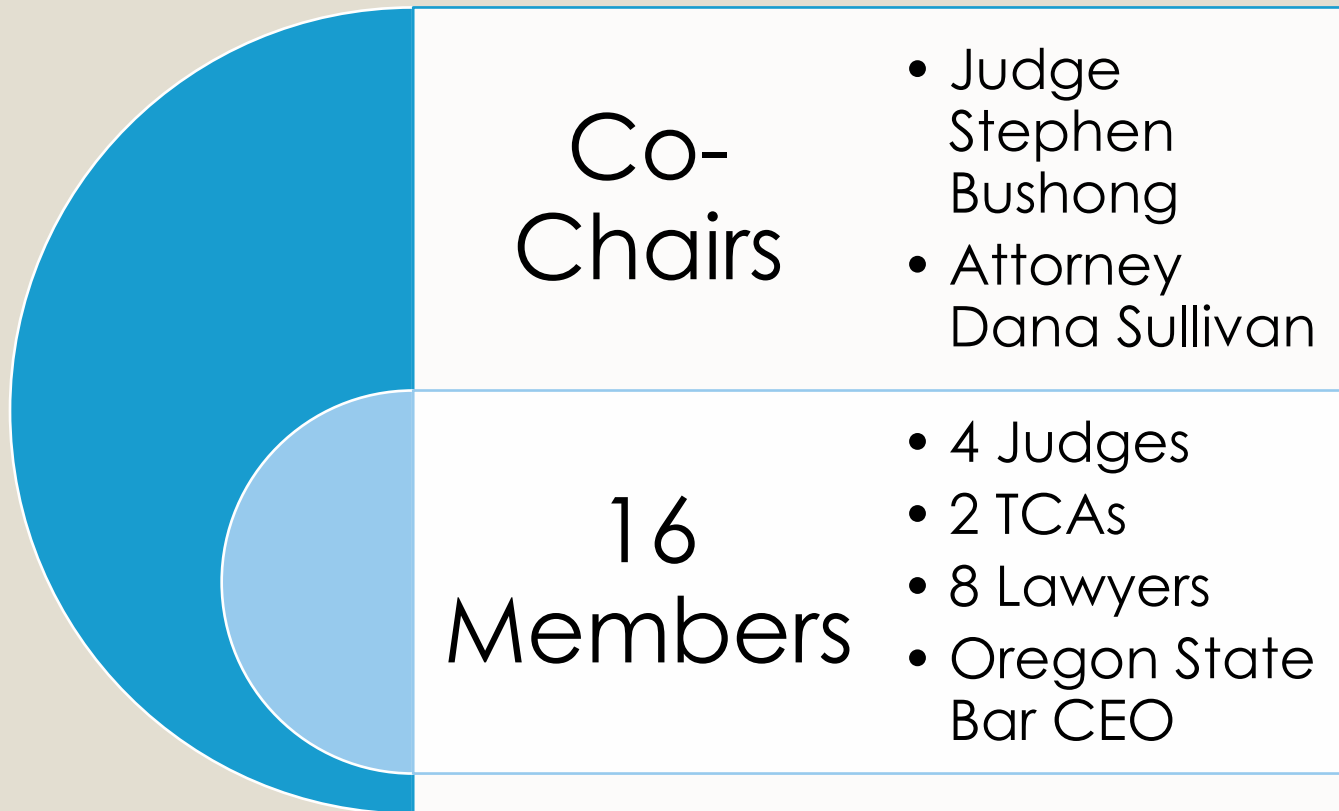
- Small Claims – 48.9%
- Contract – 23.8%
- Landlord/Tenant – 17.3%
- Tort – 6.3%

# 2016 Statistical Data

## Other Data

- 86% of Contract Cases—less than \$10,000 in dispute
- Self-Represented Litigants—85% of parties in residential landlord/tenant cases
- Jury Trials—tort cases (57%); contract cases (24%)

# Meet Our Members



# Mission

- Access to Justice
- Procedural Fairness
- Reduce Cost and Delay
- Consistent Statewide Standards
- Actively Moving Cases to Resolution
- Utilizing Existing Resources



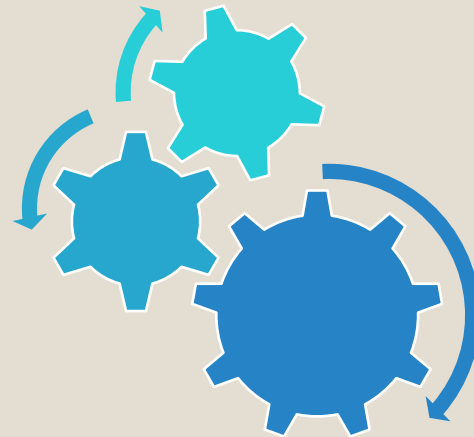
# Process

- Monthly Meetings—  
September 2017-May 2018
- Additional Sub-Group  
Meetings
- Review Data, Studies, Law,  
Other Info
- Discuss 13 *Call to Action*  
Recommendations
- Consensus Report to Chief  
Justice



# General Recommendations: Right-Sized Case Management

- UTCR 7.020
- Firm Trial Dates
- Pathway Approach
- UTCR Changes
- Best Practices and Other Recommendations



# Pathways

## Streamlined

- Small Claims—  
ORS 46.405;  
UTCRC 15.020
- Residential  
FED—ORS  
105.135 *et seq.*
- Streamlined Civil  
Jury Trials—UTCRC  
5.150
- Cases resolved  
under UTCRC  
7.020(2) and (3),  
post-filing

## Complex

- UTCRC 7.030  
Designation
- UTCRC Chapter  
23—Oregon  
Complex  
Litigation Court

## General

- All other cases

# UTCRC Amendment

- **UTCRC 5.150—Streamlined Civil Jury Trials**
  - Revises Existing Expedited Civil Jury Trial Rule
  - Eliminates Unpopular Features, Retains Benefits, Adds Flexibility
  - Remains an “Opt-In” Process



# New UTCR

- **UTCRC 5.180—Consumer Debt Collection**
  - ORS 646A.670 (brought by debt buyers and their collectors)
  - Other Debt Collection Actions
  - Key Features

# Best Practices and Other Recommendations

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Managing  
Litigant  
Expectations:

Civil Motions Consensus  
Statements

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Handling Sealed  
Documents

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Identifying Experts at Start  
of Trial

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Work with OSB Regarding  
Best Practices for Discovery

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# Best Practices and Other Recommendations

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Effective Use  
of Resources:



Sharing Information  
Among Courts

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Using Pro Tem Judges  
and Others

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Using Oregon eCourt  
System

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Training Judges and  
Staff

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# Best Practices and Other Recommendations

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Effective Case Management:

Judicial Assignments

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Setting Expectations

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Resolving Discovery Disputes

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Trial Readiness Conferences

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# Best Practices and Other Recommendations

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Procedural  
Fairness:



Procedural Fairness at  
Open Calls, Hearings,  
and Trials

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Informing Self-  
Represented Litigants of  
Procedure and Next  
Steps in the Case

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Remaining Neutral

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# Best Practices and Other Recommendations

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Access to  
Justice:



Mediation

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FED Cases

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Telephone and Video  
Conferences

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Interacting with Litigants  
and the Public

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Resources for Lawyers

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# Helpful Hints From Clerks



- Remove staples when presenting documents at ex parte
- Report cases settled- when you take a case off your calendar, call the court so we can take it off ours
- For cases expected to last five or more days, mail your early assignment letters to the Presiding Court six weeks in advance of the trial date. SLR 7.055(14).
- Check to see if your documents have been “unsigned”
- Review SLR 2.501 before attending ex parte
- In most situations, we don't give conformed copies of documents at ex parte

# The New Courthouse







- Building Completed Early 2020
- Move-in Spring 2020

# Views to the East Reserved for Public Corridors and Jury Assembly Room



## 44 Courtrooms

- 4 High Volume Courtrooms
- Presiding Court
- Civil Commitment Courtroom
- 34 Standard Courtrooms
- 3 Larger Courtrooms

# Standard Courtroom Configuration



# View from Jury Box



Keep informed about the new courthouse project:

<https://multco.us/central-courthouse>



# Helpful Contact Information

- Administration: 503-988-3957
- ADA Coordinator: 503-988-5782
- Arbitration Clerk: 503-988-9608
- Civil Calendaring: 503-988-3022 x3
- Criminal Calendaring: 503-988-3235 x3
- Family Law: 503-988-3022 x2
- Interpreter Services: 503-988-5688
- Probate: 503-988-3022 x4
- Public Information Officer: 503-988-4794
- Presiding Court: 503-988-3846