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EXPEDITED CIVIL JURY TRIALS: A WELCOME CHANGE?

By Erich Paetsch

The civil jury trial is rapidly disappearing in court rooms across the United States. Oregon is no exception. For example, one report stated that less than one percent of civil cases go to trial in Marion County, Oregon. In part, this is the result of a concerted effort to increase mediation and arbitration as an alternative to resolve civil disputes. Whatever the cause, the Oregon judiciary is evaluating options to restore the civil jury trial as a more frequent occurrence in Oregon's courtrooms.

To accomplish this goal, the judiciary is exploring a new process that would expedite the civil jury process. The intent of these rules would be to limit discovery, assure trial dates, and eliminate pre trial discovery and motion disputes. In addition, by increasing the number of civil jury trials, the public would gain a better appreciation for the work of the judiciary and lawyers as advocates.

There would also be a number of potential challenges. For example, in electing to pursue such an expedited trial, the parties are foregoing discovery rights and other procedural options that could make a significant difference in the outcome of a case. Moreover, such process must be consensual. In many instances, delay is a common tactic used by one party to their advantage. In those cases where an expedited trial may be most appropriate, it may not be possible to obtain consent.

Under a set of proposed rules, the expedited civil jury trial process would:

- be purely voluntary;
- be available for all cases but designed for "smaller" disputes with fewer parties or controversies;
- be exempt from alternative dispute requirements;
- have limited discovery requirements with strict deadlines;
- require a trial date within 4 months of an election; and
- utilize a 6 person jury.

Although it is not certain how long it will take the judiciary committee to adopt the rules for an expedited civil jury process, we will continue to keep abreast of the process and send out the information on the process and final rules as soon as they are made available. Whether the election for an expedited jury trial is appropriate in any given case will be difficult to determine. If you have any questions regarding this expedited civil process, or would like some assistance in determining whether this is a good option in your case, please contact one of the attorneys in our litigation practice group.