

## Oregon Civil Litigation - General Information

A lawsuit, (not a criminal case,) starts when one person (the plaintiff) files a “complaint” with the court claiming that the “defendant” has done him harm. The plaintiff then has the complaint and a notice called a “Summons” served on the defendant. The defendant must then file with the same court his “answer” to Plaintiff’s claims. Domestic relations (divorce) cases are civil cases, but have their own special (but similar) procedures.

If you’ve been sued, don’t panic, think! If you have an insurance policy that might cover the claims made by the plaintiff, review your policy/s immediately. See your insurance agent for whatever help he or she might provide in sorting this out. Provide a copy of the summons and complaint to your insurance carrier. If your insurance company accepts coverage of the claim, it will normally provide you with the name of an attorney whom it will pay to defend you. If not, you need to make an appointment to see an attorney of your own selection ASAP. Depending on the amount of your insurance coverage and the amount of the plaintiff’s claim, you made need to consult an attorney of your own as well as work with the one provided by your carrier.

Write out for the lawyer/s the details of how you received the copy of the complaint and the summons. When and where did you first receive it? If you did not receive it directly from the process server, how did you get it? What is the name and phone number of the person who first received it? Where was it given to them? What is his or her relation to you? Your lawyer will need this information, and more, to advise you as to whether or not you have been legally “served.” Once you have been “served,” your failure to timely file your first response (typically an “Answer” or “Motion”) with the court can allow the plaintiff to obtain a default order against you and get a court “judgment” for what he wants (usually money.)

Oregon has its own court system: Circuit Courts in each county, in which cases are tried or otherwise resolved, the Oregon Court of Appeals and the Oregon Supreme Court. The latter two are located in Salem, and usually only review claims of legal error in the Circuit court.

Within each larger state circuit court there are normally special divisions that handle:

1. Juvenile matters
2. Domestic relations (“divorce” etc.) matters
3. Small claims, where money claims of \$10,000 or less can be resolved without using an attorney. See <http://courts.oregon.gov/Washington/docs/civil/Smallclaims-ProceduresandInstructions.pdf>
4. “FED” (residential landlord and tenant eviction cases.)
5. Probate and trust matters.
6. Other matters, including civil, criminal and traffic cases

Oregon courts require that all civil cases involving only claims for money damages in amounts of no more than \$50,000, (or divorce cases where only property divisions are involved) be first processed through court mandated arbitration. Arbitrators are experienced private

attorneys designated by the court. Arbitration offers a less expensive and less formal way to resolve most disputes. Parties to any dispute may mutually agree to arbitration regardless of the types of claims or amount of money involved. Normally, any, or all, parties may appeal the arbitrator's decision and ask for a trial before a circuit court judge, or jury.

The federal government also has a system of courts, which have "limited" jurisdiction, meaning they may only hear certain types of cases. Typically federal courts hear cases involving disputes between citizens of different states, or which involve questions of federal law. The federal District courts are "trial" courts like our state Circuit Courts. There are offices for the District of Oregon federal court in Portland, Eugene, Medford and Pendleton. Then there is a Circuit Court of Appeals, and of course the United States Supreme Court. Our federal judicial circuit is the "Ninth Circuit", headquartered in San Francisco. But its cases may also be heard at the Pioneer Courthouse in downtown Portland.

The federal court system includes the United States Bankruptcy Courts.