

ORCP

*Highlighted text=topics for further discussion

SUMMONS:

7B Any time after the action is commenced, plaintiff{,} [or] plaintiff's attorney {**or licensed paraprofessional**} may issue as many original summonses as [either] {they} may elect and deliver such summonses to a person authorized to serve summonses under section E of this rule. A summons is issued when subscribed by plaintiff or an active member of the Oregon State Bar{, **including a licensed paraprofessional**}.

7C Who to serve??

C(3)(a) **In general.** All summonses, other than a summons referred to in paragraph C(3)(b) or C(3)(c) of this rule, shall contain a notice printed in type size equal to at least 8-point type that may be substantially in the following form:

NOTICE TO DEFENDANT:
READ THESE PAPERS
CAREFULLY!

You must “appear” in this case or the other side will win automatically. To “appear” you must file with the court a legal document called a “motion” or “answer.” The “motion” or “answer” must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney{ **or licensed paraprofessional**}, you may contact the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636.

C(3)(b) **Service for counterclaim or cross-claim.** A summons to join a party to respond to a counterclaim or a cross-claim pursuant to Rule 22 D(1) shall contain a notice printed in type size equal to at least 8-point type that may be substantially in the following form:

NOTICE TO DEFENDANT:
READ THESE PAPERS
CAREFULLY!

You must “appear” to protect your rights in this matter. To “appear” you must file with the court a legal document called a “motion,” a “reply” to a counterclaim, or an “answer” to a cross-claim. The “motion,” “reply,” or “answer” must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the defendant's attorney {**or licensed paraprofessional**} or, if the

defendant does not have an attorney { **or licensed paraprofessional** }, proof of service on the defendant.

If you have questions, you should see an attorney { **or licensed paraprofessional** } immediately. If you need help in finding an attorney { **or licensed paraprofessional** }, you may contact the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636.

C(3)(c) **Service on persons liable for attorney { **or licensed paraprofessional** } fees.** A summons to join a party pursuant to Rule 22 D(2) shall contain a notice printed in type size equal to at least 8-point type that may be substantially in the following form:

NOTICE TO DEFENDANT:
READ THESE PAPERS
CAREFULLY!

You may be liable for attorney fees in this case. Should plaintiff in this case not prevail, a judgment for reasonable attorney { **or licensed paraprofessional** } fees may be entered against you, as provided by the agreement to which defendant alleges you are a party.

You must “appear” to protect your rights in this matter. To “appear” you must file with the court a legal document called a “motion” or “reply.” The “motion” or “reply” must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the defendant's attorney { **or licensed paraprofessional** } or, if the defendant does not have an attorney { **or licensed paraprofessional** }, proof of service on the defendant.

If you have questions, you should see an attorney { **or licensed paraprofessional** } immediately. If you need help in finding an attorney { **or licensed paraprofessional** }, you may contact the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636.

17A **Signing by party {,} or attorney { **or licensed paraprofessional** }; certificate.** Every pleading, motion, and other document of a party represented by an attorney { **or licensed paraprofessional** } shall be signed by at least one attorney { **or licensed paraprofessional** } of record who is an active member of the Oregon State Bar. A party who is not represented by an attorney { **or licensed paraprofessional** } shall sign the pleading, motion, or other document and state the address of the party. The signature for filings may be in the form approved for electronic filing in accordance with these rules or any other rule of court. Pleadings need not be verified or accompanied by an affidavit or declaration.

47E **Affidavit or declaration of attorney { **or licensed paraprofessional** } when expert opinion required.** Motions under this rule are not designed to be used as discovery

devices to obtain the names of potential expert witnesses or to obtain their facts or opinions. If a party, in opposing a motion for summary judgment, is required to provide the opinion of an expert to establish a genuine issue of material fact, an affidavit or a declaration of the party's attorney{ **or licensed paraprofessional** } stating that an unnamed, qualified expert has been retained who is available and willing to testify to admissible facts or opinions creating a question of fact will be deemed sufficient to controvert the allegations of the moving party and an adequate basis for the court to deny the motion. The affidavit or declaration must be made in good faith based on admissible facts or opinions obtained from a qualified expert who has actually been retained by the attorney{ **or licensed paraprofessional** }, who is available and willing to testify, and who has actually rendered an opinion or provided facts that, if revealed by affidavit or declaration, would be a sufficient basis for denying the motion for summary judgment.

55A(3)(a) Subpoena:

A(3) **Who may issue.**

(3)(a) **Attorney {or licensed paraprofessional} of record.** An attorney {**or licensed paraprofessional** } of record for a party to the action may issue a subpoena requiring a witness to appear on behalf of that party.

55D(6) **Additional responsibilities of attorney {or licensed paraprofessional} or party receiving delivery of CHI.**

68A(1) A Definitions. As used in this rule:

A(1) **Attorney fees.** “Attorney fees” are the reasonable value of legal services related to the prosecution or defense of an action{ **, whether provided by attorneys or licensed paraprofessionals** }.