



Lane County

Law Library

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Pleadings Research Guide

GENERALLY: Pleadings are “the written statements by the parties of the facts constituting their respective claims and defenses.” Oregon dictates that “There shall be a complaint and an answer” and then lists other documents that may be filed in an action. (Quotes from the Oregon Rules of Civil Procedure).

This guide is not intended to provide you with every source of information related to Oregon state court pleadings, but rather, will help you navigate the resources within the library and on the internet to help you gain information. Do not hesitate to ask or contact library staff with questions related to your research. If you are still trying to figure out the nature of your legal problem, a legal dictionary, encyclopedia, or Nutshell may be of assistance.

It is important to note that when you are trying to represent yourself, there are two types of law. The first is the law of your particular case known as substantive law, such as “debt collection”. The other type of law is procedural law, which is what documents you need to serve on the other party, when to file those documents and what happens if you fail to file. This guide is meant to help research the procedural law of pleadings.

Disclaimer: It is against state law for library staff members to engage in any conduct that might constitute the unauthorized practice of law (ORS 9.160 and 9.21.) They may not interpret statutes, cases, or regulations, perform legal research, recommend or assist in the preparation of forms, or advise patrons regarding their legal rights. They may, however, assist patrons in locating materials or links that would aid individual research.

SUGGESTED RESOURCES:

BOOKS:

Oregon Rules of Civil Procedure(ORCP), Uniform Trial Court Rules(UTCR), Local Rules(SLR) - The Oregon Rules of Civil Procedure “govern procedure and practice in all circuit courts of this state.” The UTCR “apply uniformly to all proceedings and actions in circuit court.” Finally, Lane County has Supplemental Rules which, “must be read together with applicable provisions of statute, ORCP and UTCR.” These are all located online, or can be found at the Reference Desk in the *Oregon Rules of Court*.

Represent Yourself in Court - Located behind the reference desk and written for use by non-attorneys, this book contains numerous examples of motions, though the book is not written specifically for Oregon, so be sure to check the ORCP, UTCR and Local Rules for applicability and format. KF 8841.B47 2008.

Oregon Law and Practice - Located in the “Oregon Collection” area of the library. This series of books contains the law and procedure related to the Oregon Rules of Civil Procedure and Oregon Laws related to civil litigation. This book also contains examples of pleadings. KFO 2430.5.G73 OR v.1-8 2002.

2 – Pleadings Research Guide

Civil Pleading and Practice and Civil Litigation Manual - Both books are published by the Oregon State Bar and are located behind the Reference Desk (ask the librarian for access to these materials). These books contain the law and procedures of Oregon courts with regard to civil matters. They have numerous examples of documents, including pleadings. KFO 2935.A6.072 Res and KFO 2938.C58.

OTHER PRINT ITEMS: The library catalog may direct you to other helpful resources related to pleadings, and other civil litigation matters(see search terms below):

<http://www.libraryworld.net/cgi-bin/opac.pl?command=signin&libraryname=lanecountylib&guest=allow>

WEBSITES:

- 1) Oregon Rules of Civil Procedure
https://www.oregonlegislature.gov/bills_laws/Pages/orcp.aspx
- 2) Uniform Trial court Rules
<http://courts.oregon.gov/OJD/programs/utcr/utcrules.page>
- 3) Lane County Supplementary Local Rules
http://courts.oregon.gov/Lane/docs/Lane_SLR_2014.final.pdf

COMPUTER SUBSCRIPTIONS: (ASK A LIBRARIAN FOR TRAINING)

Lexis – All published Oregon cases.

Westlaw – All Oregon cases and some practice related materials.

SUGGESTED SEARCH TERMS: Complaint, Answer, Cross-Claim, Counterclaim, third Party Complaint, ORCP, other terms will likely be related to your specific case such as contracts or torts.

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