



OREGON JUDICIAL DEPARTMENT
Office of the State Court Administrator

July 31, 2019

MEMORANDUM

TO: Oregon State Bar Debtor-Creditor and Consumer Law Sections

FROM: Sam Dupree, Staff Counsel
Oregon Judicial Department (OJD), Office of Policy and Education

RE: August 1, 2019, Changes – UTCR 5.180 and UTCR 15.030

[Uniform Trial Court Rule \(UTCR\) 5.180](#) and [UTCR 15.030](#) will go into effect on August 1, 2019. UTCR 5.180(2) places requirements on debt buyers and debt collectors acting on behalf of debt buyers (collectively referred to in this memo as “Debt Buyers”). UTCR 5.180(3) places requirements on all other debt collection cases. UTCR 15.030 makes those requirements applicable to small claims debt collection cases. This memo outlines each requirement contained within the new UTCRs.

Background

UTCR 5.180 and UTCR 15.030 are the result of [recommendations](#) made by the Oregon Civil Justice Improvements Task Force (CJI Task Force), which included judges, trial court administrators, attorneys from multiple disciplines and geographic areas across the state, representatives from the Oregon State Bar, and support staff from the Oregon Judicial Department (OJD). The CJI Task Force recommended proposed UTCR 5.180 to former Chief Justice Balmer, and current Chief Justice Walters submitted that proposal to the UTCR Committee last fall. The UTCR Committee posted the proposed rule for public comment and created a workgroup to address concerns expressed by debt collectors. The workgroup made changes to proposed UTCR 5.180 and recommended the new small claims rule, UTCR 15.030. It submitted those changes to the UTCR Committee in the spring. The UTCR Committee reviewed and approved the changes, and recommended the proposed rules to Chief Justice Walters for adoption. Chief Justice Walters adopted the proposed rules, which will go into effect on August 1, 2019.

UTCR 5.180(2)(b)(i) – Title of Initial Pleading

Starting August 1, 2019, Debt Buyers will be required to include specific information in the title of their initial pleading. Debt Buyers must include “SUBJECT TO ORS 646A.670(1) and UTCR 5.180(2)” in the title of their initial pleadings. The information in the title of the pleading will be used by the OJD to generate statistics on the disposition of cases filed by Debt Buyers.

UTCR 5.180(2)(b)(ii) – OJD Debt Collection Webpage

UTCR 5.180(2)(b)(ii) requires Debt Buyers to include the statement “See the Oregon Judicial Department’s website for more information about debt-collection cases” in their initial pleadings. The webpage is: <https://www.courts.oregon.gov/help/Pages/debtcollection.aspx>, and it contains a list of links to additional resources with helpful information about debt collection cases.

UTCR 5.180(2)(b)(iii) – Consumer Debt Collection Disclosure Statement

Beginning August 1, 2019, Debt Buyers must attach a consumer debt collection disclosure statement to their initial pleading that contains the information that Debt Buyers are already required to include in their initial pleading under ORS 646A.670(1). The disclosure statement is not intended to duplicate content in the pleading; rather, it is intended to provide the means of supplying the required content to the court (via incorporation by reference). The information required by ORS 646A.670(1) must be in, or incorporated in, the pleading before the court may enter a judgment in favor of the Debt Buyer; the disclosure statement pulls that information out of the pleading so that it is easier for courts to locate. A sample disclosure statement is attached and will be available in the [OJD Forms Center](#) on August 1, 2019. The disclosure statement included with the initial pleading must be substantially in the form of the disclosure statement included in the OJD Forms Center.

UTCR 5.180(2)(c) – Notice from the Court

When the title of the initial pleading indicates that the filer is a Debt Buyer, and a disclosure statement is not included with the initial pleading, the court will send a notice to the filer indicating that the case will be dismissed 30 days from the date the notice was mailed unless the filer submits a disclosure statement to the court before the 30-day time-period expires.

UTCR 5.180(2)(d) – Declaration included with Motion for Default Judgment

In addition to the requirements above, when a Debt Buyer moves for entry of a judgment of default, the motion must include a declaration under penalty of perjury that the initial pleading complied with ORS 646A.670(1).

UTCR 5.180(3) – Other Consumer Debt Collection Actions

UTCR 5.180(3) requires all other actions for collection of a consumer debt, that are not brought by or on behalf of Debt Buyers, to include the words “SUBJECT TO UTCR 5.180(3)” in the title of the initial pleading. This requirement will allow OJD to collect statistics on the disposition of other types of consumer debt collection cases. “Consumer” and “Debt” are defined in UTCR 5.180(1).

UTCR 15.030 – Consumer Debt Collection – Small Claims

UTCR 15.030 applies the requirements of UTCR 5.180(2) and UTCR 5.180(3)(b) to small claims actions that qualify as Debt Buyer collection actions or consumer debt collection actions under UTCR 5.180, creating parity between circuit court and small claims debt collection cases.

These changes will go into effect August 1, 2019. If you have any questions, please feel free to contact me (L.S.Dupree@ojd.state.or.us; 503-986-5883).

[Sample Disclosure Document](#)