

SERVICE OF PROCESS CHECKLIST—Oregon Courts

(use in conjunction with litigation time limitations chart and litigation checklist available from the Professional Liability Fund)

Case Name:	Date Complaint Filed:
Attorney:	60 Day Service Deadline:
Date Statute Expires:	Date Service Completed:

Action	Suggest Timeline	Tickler	Due
Prepare complaint and identify parties for service. For tips in avoiding common mistakes in filing and serving a complaint, see the PLF CLE, <i>Avoiding Malpractice When Filing and Serving a Complaint</i> , available at https://www.osbplf.org/cle_classes/avoiding-malpractice-when-filing-and-serving-a-complain/view/ .	One week before anticipated filing date.		
Review ORCP 7 to determine the appropriate manner of service for each defendant being sued. Review <i>A Process Server's Handbook</i> for service requirements of complaints, petitions, notices of sale, orders, subpoenas, and other documents. This handbook also discusses the special requirements that apply when serving minors, incapacitated persons, partnerships, FEDS, notices of restitution, small claims, notices of sale in foreclosures, and protected persons in guardianships and conservatorships. This resource is part of the program materials for the PLF CLE, <i>Avoiding Malpractice When Filing and Serving a Complaint</i> , available at https://www.osbplf.org/cle_classes/avoiding-malpractice-when-filing-and-serving-a-complain/view/ .	One week before anticipated filing date.		
Obtain funds for filing and service fees, file complaint, prepare summons and true copies, deliver to process server or sheriff, and transmit courtesy copy of complaint to client.	See PLF Litigation Checklist for details.		
Follow-up with sheriff or process server re status of service on each defendant. Service should be made within 60 days from the date the complaint is filed.	See PLF Litigation Checklist for details.		
If personal service obtained:	Immediately following service.		

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<ul style="list-style-type: none"> Obtain Return of Service from process server or sheriff File Return of Service with court Docket deadline for first appearance by defendant <p>See ORS 12.020 and UTCR 7.020(2).</p>			
<p>If substituted or office service obtained:</p> <ul style="list-style-type: none"> Obtain Return of Service from process server or sheriff File Return of Service with court Follow-up with service by first class mail File Affidavit documenting proof of follow-up mailing <p>Service is complete upon such mailing.</p> <p>See ORCP 7 D(2)(b) and ORCP 7 D(2)(c).</p>	<p>Immediately following service. Mailings must be completed within 60 days of the filing of the complaint.</p>		
<p>Primary service by mail:</p> <ul style="list-style-type: none"> See ORCP 7 D(2)(d) and ORCP 7 D(3) for restrictions Not available if the defendant is a minor or incapacitated Requires two mailings—one by first class mail and one by certified or registered mail, return receipt requested or U.S. Postal Service express mail. Restricted delivery is advised.¹ Service is not effective until the defendant or “other person authorized by appointment or law” signs a receipt for the mailing File proof of service 	<p>Initiate same day as complaint is filed. Tickle follow-up re mailings for 10 days after date complaint is filed.</p>		
<p>Motor vehicle cases/accidents on premises open to the public as defined by law:</p> <ul style="list-style-type: none"> Plaintiff must make at least one attempt to serve the defendant by another method (not mailing) Requires multiple mailings to multiple addresses Affidavit of compliance must be timely filed Service on the Motor Vehicles Division is no longer permitted <p>See ORCP 7 D(4).</p>	<p>Initiate immediately when other service method(s) fail. Service is completed on the latest day on which any of the required mailings is made. Service must be accomplished within 60 days of filing complaint.</p>		
<p>Tenants of Mail Agents</p> <p>See ORCP 7 D(3)(a)(iv) and ORS 646A.340</p>	<p>Initiate immediately when other service methods fail.</p>		

¹ See ORCP 7 D(3)(a)(i) and *Edwards v. Edwards*, 310 Or 672, 680-81, 801 P2d 782 (1990).

Action	Suggest Timeline	Tickler	Due
Service by Publication: <ul style="list-style-type: none"> • Available only upon court order when all other methods exhausted • Publication must be in a newspaper of general circulation • Notice must be published 4 times in successive calendar weeks See ORCP 7 D(6).	Initiate immediately when other service methods fail. No later than 3 weeks after complaint is filed.		
File Return of Service. UTCR 7.020(2).	No later than 63 days after filing of complaint.		
First Appearance due for each defendant. ORCP 7 C(2).	Within 30 days of service unless extension obtained. ²		

² Extensions should be conditioned on the defendant agreeing to waive any potential defects in filing, service, timeliness, etc., if there is any possible statute of limitations issue.

****All tickler dates must be entered in the firm's calendar or docket.***

IMPORTANT NOTICES

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