



**5<sup>th</sup> Judicial District  
Clackamas County Circuit Court**



**INFORMATION  
FROM  
THE COURTHOUSE  
NOVEMBER 3, 2016**



# Today's Presenters



**Robert Herndon** – Presiding Judge

**Debbie Spradley** – Trial Court Administrator

**Robin Huntting** – Civil Case Unit Supervisor

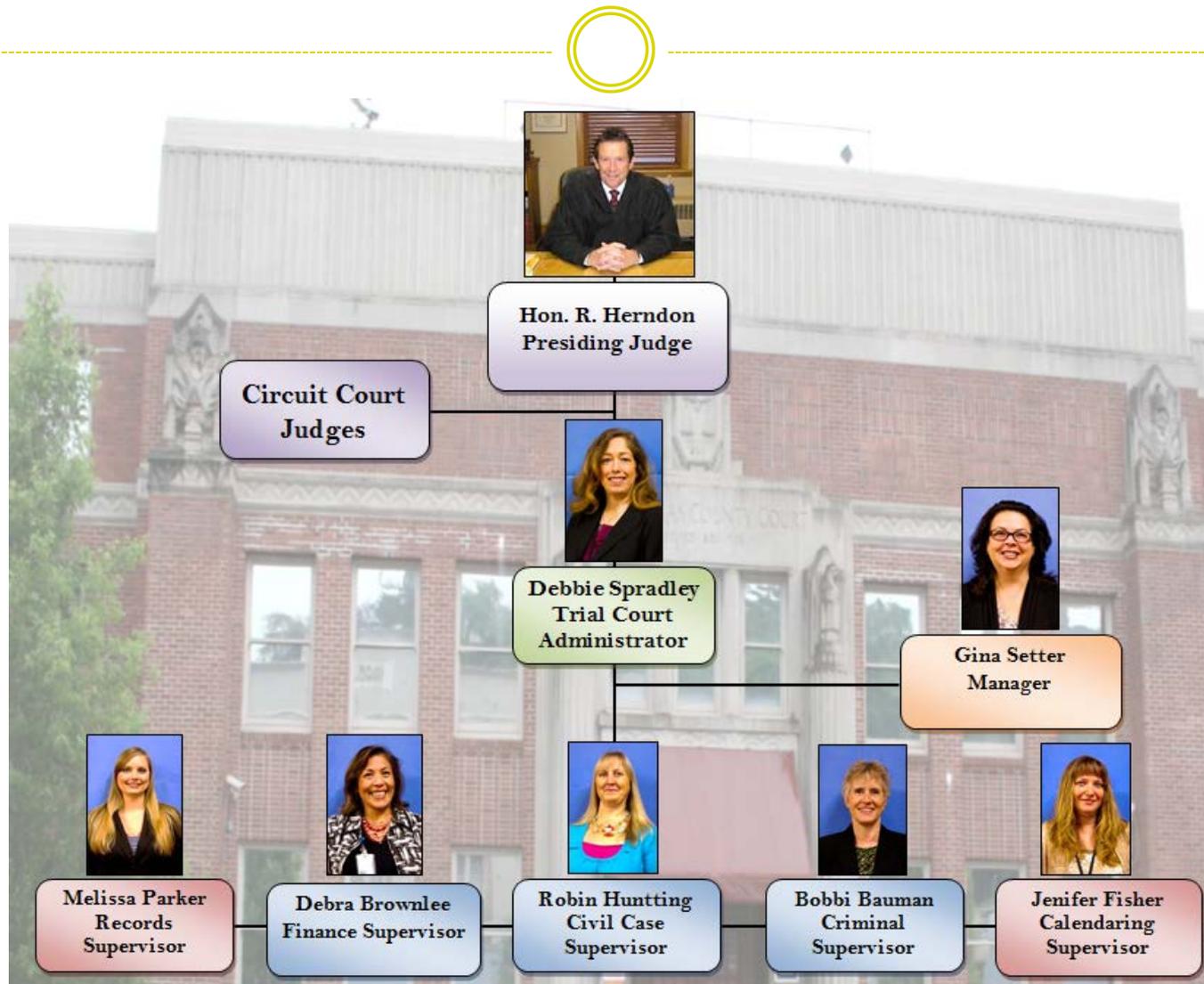
**Melissa Parker** – Records Unit Supervisor

**Elizabeth Vaughn** – Family Law Coordinator

**Jeff Petty** – Probate Coordinator



# Administrative Team





# Emergency Closures



## Notification Process - Severe Weather Conditions

### • If We Stay Open

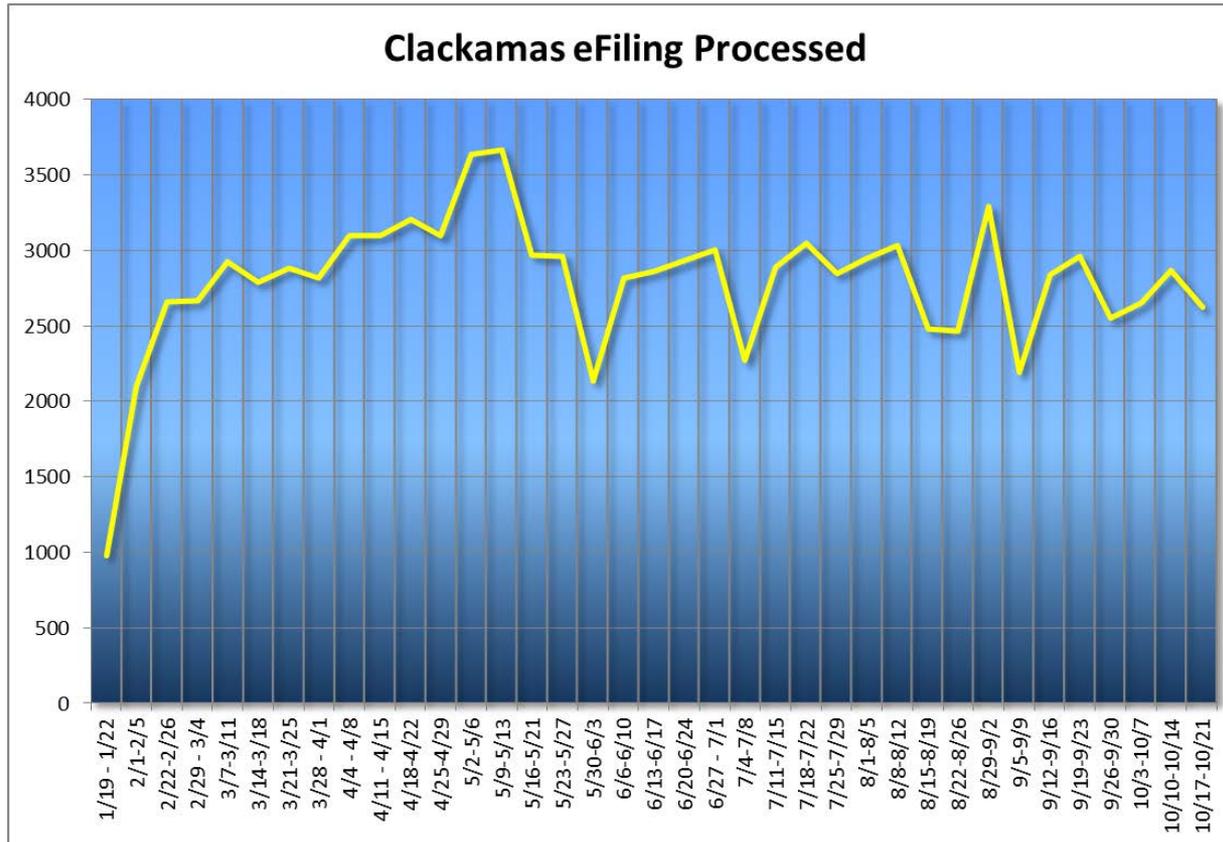
- Court's Phone Messages Changed – **503-655-8670**

### • If we Close

- Telephone Tree / Text – Staff and Judges
- TCA in Contact with County
- Court's Phone Message Changed – **503-655-8670**
- Message will be posted on the Court's Website (if possible)
- Message will be sent to news service using [www.FlashAlert.Net](http://www.FlashAlert.Net)



# eFiling Statistics



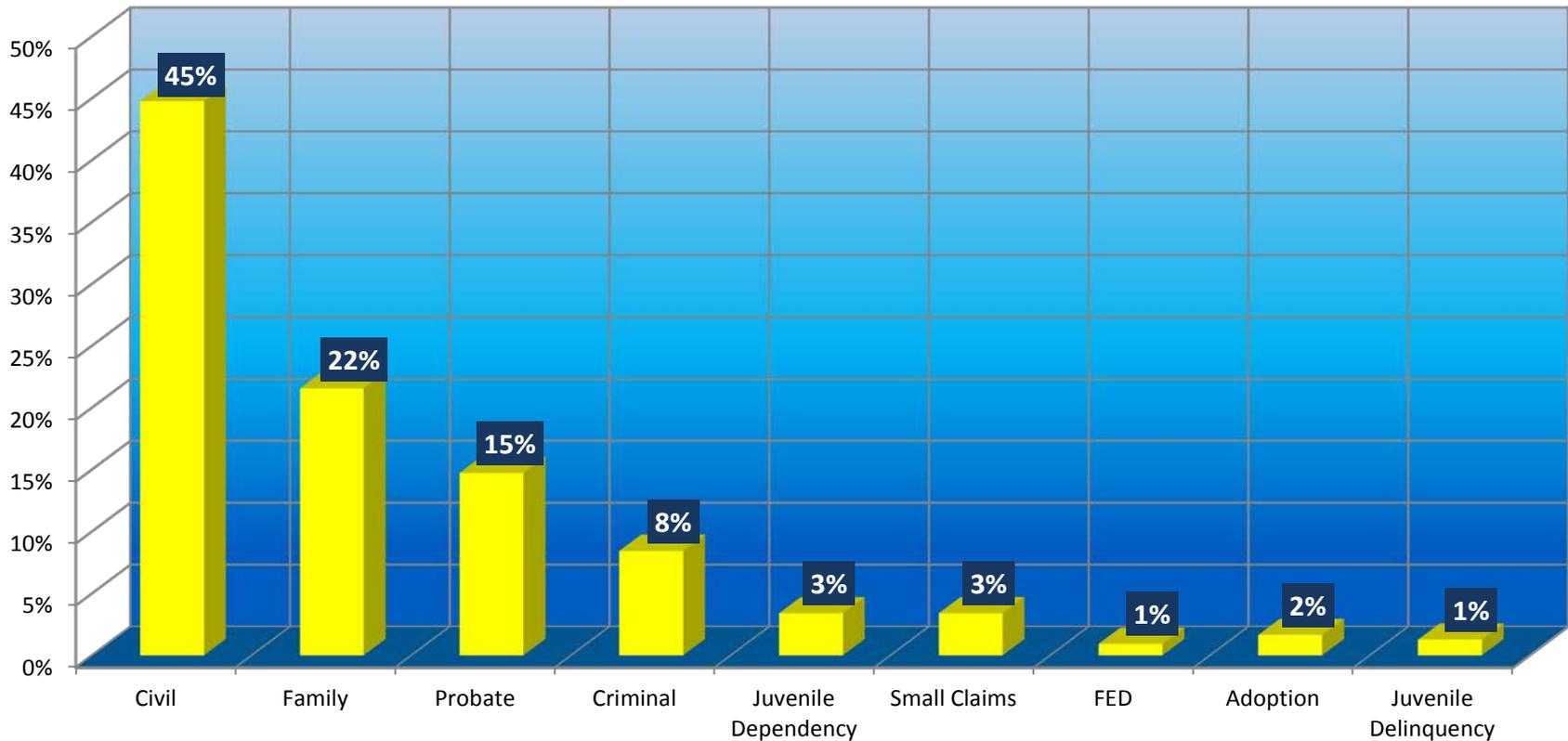
As of October 21, 2016, we have processed **103,346** filings, averaging **2,800** filings processed per week.



# eFiling Statistics, continued



## Percentage of Filings by Case Type

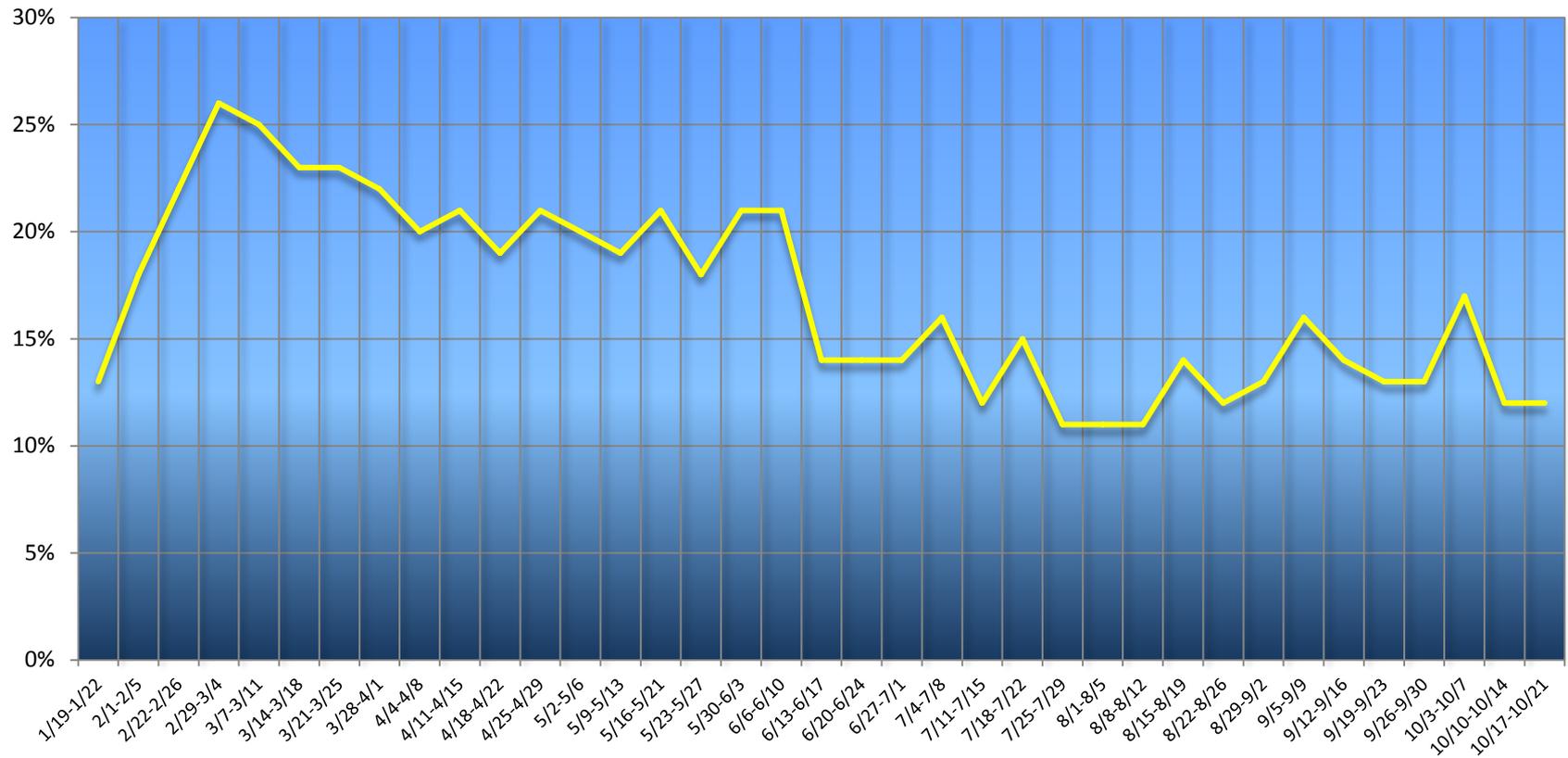




# eFiling Statistics, continued



## Clackamas % Rejected by Week





# Supplementary Local Rules - 2017



## **NEW**

- SLR 7.044 Appearance by Telephone
- SLR 8.017 Participation in Appropriate Dispute Resolution
- SLR 8.046 Compliance with Dispute Resolution Requirements



# Supplementary Local Rules - 2017



## AMENDMENTS OF NOTE

- SLR 2.016 Designation of Known Parties by Fictitious Names
- SLR 6.012(8) Conferences in Civil Proceedings
- SLR 18.005(1) FED / Landlord Tenant: Payment of Additional Filing Fees for Trial Demand



# Supplementary Local Rules - 2017



## **DELETED SLR'S**

- SLR 5.055 Stamped, Self-Addressed Confirmation Cards Required
- Chapter 24



# Lawyer's Survival Guide



**The 2016  
Clackamas County Court  
Lawyer's Survival Guide is  
now available!**

Please visit our website at:

<http://courts.oregon.gov/Clackamas/pages/guides.aspx>

*CLACKAMAS COURT LAWYERS SURVIVAL GUIDE*

**2016**



Clackamas County Circuit Court Judges



# Records



**Introducing...**

**Melissa Parker, Supervisor – Records,  
Appeals, Exhibits and Subpoenaed Records**



# Records



- File and Serve Kiosk Available
- Availability of Paper Records (not yet imaged)
- Records in OECL
- Records Requests



# Probate



**Introducing...**

**Jeff Petty, Probate Coordinator**



# Probate



- Current File and Serve turnaround 48-72 hrs.
- Alert us if there is an urgent or pressing filing – call or email Probate Coordinator.
- “Emergency” petitions must demonstrate “immediate and serious danger requiring an immediate appointment.” ORS 125.605(2)



# Probate File and Serve Rejections



- “Optional Services” only appears for certain document types - fees are found there;
- If petition fee value changes – must use PTAM, IT, ITAM or else you won’t find correct fee;
- Consolidation of documents in single PDF problems
- Rejection reason #9 – email explanation



# Court Visitors Process



- List of preapproved visitors on Court website;
- Court needs nomination – motion or petition;
- Court-generated, uniform order, emailed directly to the visitor;
- Petitioner pays the Court Visitor directly.



# Probate Show Cause



- For use when a non-party must be served or compelled to do some action;
- Contact Probate Coord. for date availability;
- eFile motion and supporting docs, Proposed order will contain set date;
- After the order is entered, moving party serves order and docs, files PRSV. Court does not send notice.



# Continuances & Extensions



- Probate docket vs. Civil Calendaring;
- Stipulated vs. contested continuances;
- Courtesy notices are a courtesy;
- First extension request (LT or RQEX) – up to 60 days from orig. due date;
- Subsequent requests or those >60 days must be motion/order.



# Bonding & Restriction



- No bond waiver in protective proceedings;
- Bond waiver in intestate estates = consent + statement re: creditors;
- Restriction must be in judgment with specific language:
  - AKRA filed within 30 days of date of jgmt;
- Specific language in AKRA – form on Court website.



# “Harmless Error” ORS 112.238



- Only for *execution* of will, not substance;
- Requires a hearing or finding of testamentary intent by affidavit;
- Requires 20-day NOTO *before* limited judgment – special parties get notice;
- If no hearing, proffering petitioner should include findings in limited judgment.



# Probate Accounting Reminders



- UTCR Ch. 9, OSB Bar Book Administering Oregon Estates;
- Asset schedule, narrative fiduciary disclosures, receipts/disbursements are essential;
- No preemptive waiver of requirement to file vouchers and depository statements



# Civil



**Introducing...**

**Robin Huntting, Supervisor - Civil, Probate,  
and Domestic Relations**



# OJD Rejection Codes – 27 Reasons



Report #	OJD Rejection Reason Codes
1	This case already exists, please file through the existing case.
2	Parties entered incorrectly. See UTCR 21.040(5).
3	A proposed order or judgment must include a Certificate of Readiness attached to the proposed order or judgment. See UTCR 5.100.
4	One or more of the pages is illegible.
5	One or more of the pages is upside-down and/or sideways.
6	Filer requested rejection.
7	PDF document conversion error; please contact Tyler Technologies at:.
8	The PDF document submitted is not text searchable.
9	Rejected:
10	The wrong case type was selected; please use the following case type:
11	The wrong filing code was selected, please use the following code:
12	Document must be submitted as Order – Proposed – PPOR
13	Document must be submitted as Judgment – Proposed – PPJG
14	Document must be submitted as Writ – Proposed – PPWR
15	<u>This is a duplicate filing, please check your records.</u>
16	<u>This filing was submitted to the wrong court location, please check your records.</u>
17	<u>This filing was submitted into the wrong case number or the document does not have a case number.</u>
18	Document does not meet ORCP/UTCR Requirements. See UTCR 21.040(4).
19	Ex Parte Filing: Please submit this document at Ex Parte. See UTCR 21.070(3)(m).
20	This document must be filed conventionally. See UTCR 21.070(3).
21	The proposed order or judgment contains an invalid date line. See UTCR 21.040(3).
22	No payment for filing fee included (See UTCR 21.050(1)), please resubmit with fee:
23	Incorrect filing fee or incorrect responsible party was selected (see UTCR 21.050(1));
24	Documents not submitted as a single unified PDF. See UTCR 21.040(2).
25	Proposed documents must be submitted as separate documents in the same envelope. See UTCR 21.040(2)(a).
26	Document fails to meet signature requirements. See UTCR 21.090.
27	A PDF document contains a confidential document that must be a separate PDF. See UTCR 21.040(2)(b).



# Certificate of Readiness – UTCR 5.100



All Proposed Orders and Proposed Judgments must contain a Certificate of readiness!

Remember to Sign and Date

Date: 10/24/16

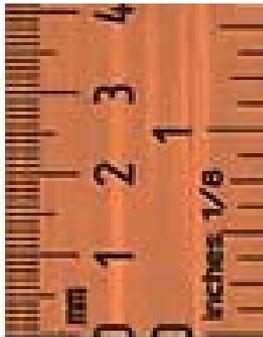
A handwritten signature in black ink, appearing to be "E. J. ...", written over a horizontal line.



# Judicial Signature Line – UTCR 21.040(3)



Pleadings requiring court signature that are submitted electronically, must include, for the purpose of affixing a signature and signature date, a blank space of not less than 1.5 inches and a blank line following the last line of text.





# Separate Documents in the Same Envelope

## UTCRC 21.040(2)(a)



Envelope # 1227942 filed July 29, 2016 at 8:56 AM by [REDACTED] on behalf of [REDACTED]

Status	Filing Code	Case Type
Accepted	Order - Proposed - PPOR	Domestic Relations Dissolution
Accepted	Declaration - DD	Domestic Relations Dissolution
Accepted	Motion - Postponement - MOPN	Domestic Relations Dissolution



Envelope # 1459757 filed October 18, 2016 at 4:51 PM by [REDACTED] on behalf of Susan L. [REDACTED]

Status	Filing Code	Case Type
Accepted	Order - Proposed - PPOR	Domestic Relations Dissolution

Envelope # 1459609 filed October 18, 2016 at 4:48 PM by [REDACTED] on behalf of Susan L. [REDACTED]

Status	Filing Code	Case Type
Accepted	Motion - Postponement - MOPN	Domestic Relations Dissolution



## UTCRC 2.010(6) All Pleadings Must be Signed and all Signatures Must Be Dated

**Electronic signatures:** A document filed electronically must include an electronic symbol intended to substitute for a signature, such as a scan of the filer's handwritten signature or a signature block that includes the typed name of the filer preceded by an "s/" in the space where the signature would otherwise appear.

**s/ John Q. Attorney** (S/ alone does not work, must have name also)

**JOHN Q. ATTORNEY**

**OSB #**

**Email address**

**Attorney for Plaintiff**

**Date:** All signatures must be dated



# Expedited Consideration Requested



If you have an **Expedited Filing** –

Include the words “**EXPEDITED CONSIDERATION REQUESTED**” in the Filing Comments field in File and Serve when submitting the filing and call the Civil Case Unit at **503-655-8447 option 3** to alert us that there is an expedited filing in our File and Serve queue.



# Orders / Judgments – Judge

When filing orders or judgments after hearing, please place who heard the matter on your pleading.

CASE No.: [REDACTED]

Originating Case No. [REDACTED]

**GENERAL JUDGMENT OF  
DISMISSAL**

Judge Douglas Van Dyk





# Using Codes that Reflect What You Are Filing



**Helpful Codes** to use instead of just MO(Generic Motion Code);

- MOPN – Motion-Postponement
- MOCB – Motion-Continue as pending case (UTCRC 7.020)
- MOSH – Motion-Show Cause
- MOCO – Motion-Continuance
- MODJ – Motion-Debtor Exam

Envelope # 1477596 filed October 25, 2016 at 7:54 AM [REDACTED]

Status	Filing Code
Under Review	<u>Motion - MO</u>
Under Review	Order - Proposed - PPOR
Under Review	Certificate - CE
Under Review	Certificate - CE

Envelope # 1478797 filed October 25, 2016 at 11:10 AM [REDACTED]

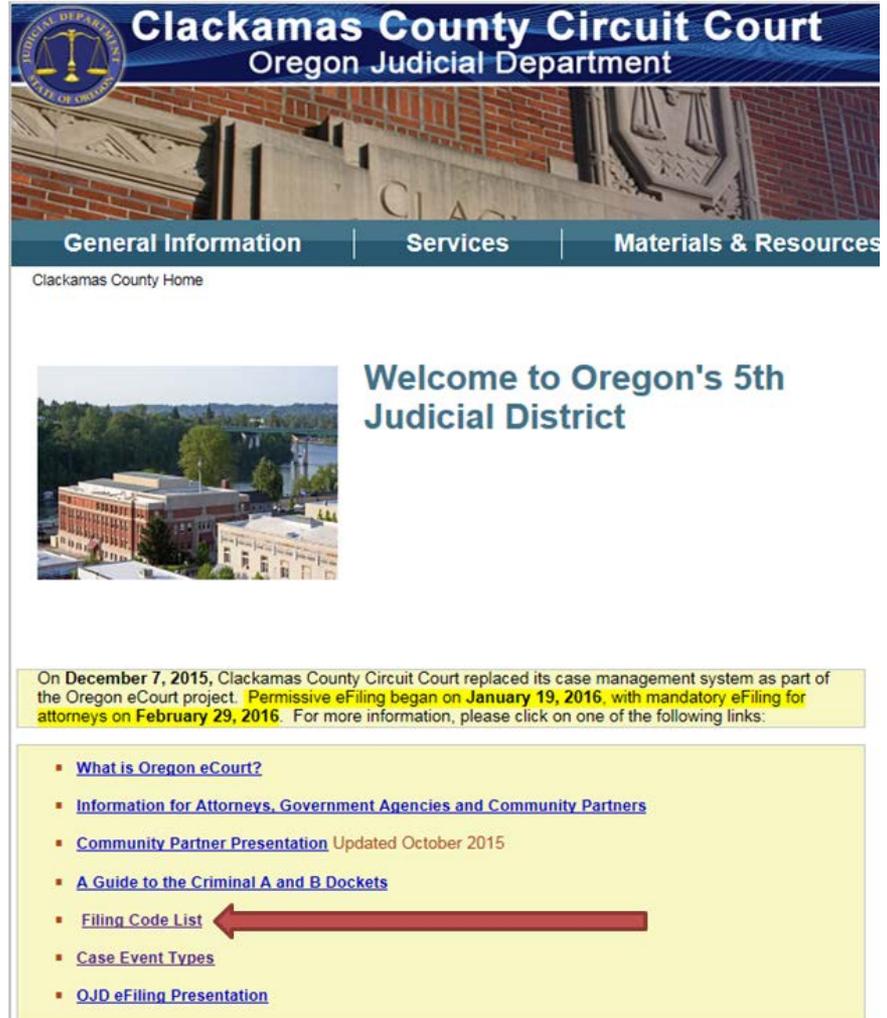
Status	Filing Code
Submitted	Affidavit - Mailing - AFMA
Submitted	<u>Motion - Default Order - MODF</u>
Submitted	Affidavit - Supporting Motion - AFSM
Submitted	Order - Proposed - PPOR



# Where to Find Available Filing Codes

Courts Website Address:

[www.courts.oregon.gov/  
Clackamas](http://www.courts.oregon.gov/Clackamas)



The screenshot shows the Clackamas County Circuit Court website. At the top, there is a header with the Oregon Judicial Department logo and the text "Clackamas County Circuit Court Oregon Judicial Department". Below the header is a navigation menu with three items: "General Information", "Services", and "Materials & Resources". Under "General Information", there is a link for "Clackamas County Home". The main content area features a photograph of a brick building and the text "Welcome to Oregon's 5th Judicial District". A yellow box contains a notice: "On December 7, 2015, Clackamas County Circuit Court replaced its case management system as part of the Oregon eCourt project. Permissive eFiling began on January 19, 2016, with mandatory eFiling for attorneys on February 29, 2016. For more information, please click on one of the following links:". Below this notice is a list of links: "What is Oregon eCourt?", "Information for Attorneys, Government Agencies and Community Partners", "Community Partner Presentation Updated October 2015", "A Guide to the Criminal A and B Dockets", "Filing Code List" (highlighted with a red arrow), "Case Event Types", and "OJD eFiling Presentation".

Clackamas County Circuit Court  
Oregon Judicial Department

General Information | Services | Materials & Resources

Clackamas County Home

Welcome to Oregon's 5th  
Judicial District

On December 7, 2015, Clackamas County Circuit Court replaced its case management system as part of the Oregon eCourt project. Permissive eFiling began on January 19, 2016, with mandatory eFiling for attorneys on February 29, 2016. For more information, please click on one of the following links:

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- Filing Code List
- Case Event Types
- OJD eFiling Presentation



# File and Serve Timelines



## eFiled

- Clerk Reviews
- **1-2 days** (average)

## Filing Accepted

- Clerk performs additional data entry and filing is forwarded to Judge's Office
- **1-3 days** (average)

## Judge's Office Review

- Staff review, Judge reviews and signs
- **1-2 weeks** (average for default judgments, others may be faster)



# File and Serve Timelines, continued

## Filing Sent Back to Clerk's Office

- Additional data entry is done
- **1-3 days** (average)

## Filing Available on OECl

- On average **10 to 22 days** processing time; Monday-Friday, excluding holidays



# Family Court Coordinator



**Introducing...**

**Elizabeth Vaughn, Family Court Coordinator**



# Role of Family Court Coordinator



Elizabeth Vaughn-Started Self-Help Center 03/01/04 for self represented litigants.

- Review completed forms (by appointment)
- Help navigate court process and procedure
- Train staff, maintain forms, help develop business processes, draft judgments after court.
- Not available to attorneys as a resource



# Family Law Motions



## Family Law Motion Processing Guide (handout)

- What motions must be conventionally filed
- What motions must require a personal appearance  
*at ex parte*
- What motions need to be set for hearing
- General process information for each motion type



# Modification Motions ORS 107.135



## Order to Show Cause must:

- Require written response within 30 days
  - Cannot order additional relief
  - Hearing will be set off response
  - Notice of Dismissal if no action after 90 days
- Contain summons language
- Contain local Notice about Written Response
- USD to be simultaneously filed if support is an issue



# Remedial Contempt



- Remedial contempt is filed under the criminal branch in Odyssey (PRMC-Procedural Matters Contempt)
- Case caption should reflect “Initiating Party” and “Defendant”
  - Only one defendant per case
- New case number will be assigned (16CN\_\_\_\_\_)



# Cash Medical Support

ORS 25.323(4)(b) requires payment of cash medical support (CMS) if private insurance is not appropriate **or** must include findings as to why it's not ordered.

- Link between OHA and DOJ/DCS is broken
- Money collected for CMS goes to obligee instead of State
  - Obligee isn't paying for public insurance
  - CMS likely is in addition to payment of uninsured expenses
- DOJ encourages findings instead of cash medical until link is fixed (several years)



# Cash Medical Support



If the answer to this question is “No,”

## Health Care Coverage

Enter the cost the parent pays for their own health care coverage. If not available, enter \$0. [more](#)

Does the parent have health care coverage available for the joint children? [more](#)

Enter the parent's out-of-pocket cost to enroll the joint children. [more](#)

[Continue >](#)

May want to change this one to “Yes.”

## Cash Medical Support

Cash medical support is required when health care coverage is not available unless there is a reason not to include it.

Is there a reason cash medical support should not be included? [more](#)

[< Previous](#)

[Continue >](#)



# Cash Medical Support

## With Cash Medical

Jane \$1646 - John \$1800 wage

	<u>Jane</u>	<u>John</u>
Cash Child Support for Minor Children \$	0.00	\$ 231.00
Cash Child Support for Children Attending School \$	0.00	\$ 0.00
Cash Medical Support for Minor Children \$	0.00	\$ 72.00
Cash Medical Support for Children Attending School \$	0.00	\$ 0.00
<b>Total Child Support \$</b>	<b>0.00</b>	<b>\$ 303.00</b>

ounts shown above? [more](#)

No

< Previous

View and Print Worksheets

Start New Calculation

## No Cash Medical

Jane \$1646 - John \$1800 wage

	<u>Jane</u>	<u>John</u>
Cash Child Support for Minor Children \$	0.00	\$ 231.00
Cash Child Support for Children Attending School \$	0.00	\$ 0.00
Cash Medical Support for Minor Children \$	0.00	\$ 0.00
Cash Medical Support for Children Attending School \$	0.00	\$ 0.00
<b>Total Child Support \$</b>	<b>0.00</b>	<b>\$ 231.00</b>

ounts shown above? [more](#)

No

< Previous

View and Print Worksheets

Start New Calculation



# Certificate of Readiness



(handout)

- EVERY proposed order/judgment must have Certificate of Readiness (whether service required or not)
- UTCR 5.100 requires copy of proposed order/judgment (in most cases) to other side prior to submitting to court
  - 3 days for counsel
  - 7 days for self-represented litigant with Notice of time frame
  - Not required if stipulated and signed by all, or in default cases



# Certificate of Readiness, continued



- When service applicable, Certificate must describe manner and compliance

Certificate of Readiness



Certificate of Service

- Clerk will still be looking for proof of service as required by ORCP



# Confidential Information



UTCRC 2.130-Filing party must provide CIF for each adult party and redact protected personal information

- from pleadings themselves that would require such information by statute or rule
- from attachments and exhibits
  - Think tax returns on USDs

CIF rule amended to include EPPDAPA, SAPO, and Civil Stalking protective orders now (FAPAs were already included).



# Confidential Information



- Do NOT include CIFs in service copies
  - Your responsibility to keep the information confidential
  - Sheriff may return information on service to public file



- UTCR 2.110 sets forth process to redact information from documents already filed with court.



# Proposed SLR Changes



## **SLR 5.105(2) Judgment in Civil Action that Includes Money Award**

- Court may require a corrected judgment if truncated information of required parties, or statement of “unknown,” is not included in award.
  - CIF rule does NOT apply to truncated information required in ORS 18.042.



# Proposed SLR Changes



## SLR 7.044 Appearances by Telephone

- Motion must include:
  - Hearing type
  - Date/time/location of hearing
  - Subject matter of witness's testimony, if for a witness
  - Position of opposing party
- If Order is granted:
  - Requesting party pays cost of telephonic appearance
  - Party may be deemed to not have appeared if court is unable to reach the party



# Proposed SLR Changes, continued



## SLR 8.017 Participation in Appropriate Dispute Resolution

- Non-exempted, domestic relations cases involving the following contested issues:
  - Child custody
  - Parenting time or visitation issues, other than enforcement
  - Spousal support
  - Allocation of assets or debts
- Require participation in some for of appropriate dispute resolution:
  - Mediation
  - Arbitration
  - Judicial settlement conference
  - Neutral-assisted settlement conference



# Proposed SLR Changes, continued



## Exemptions from Mediation Requirement

- Parties are parties in a criminal no-contact order
- Parties are parties in active civil/family protection order (FAPA, EPPDAPA, SAPO, Civil Stalking)
  - Petitioner in civil/family protective order may seek mediation
- Juvenile cases are exempt



# Proposed SLR Changes, continued



## Limitations on Issues (not subject to mediation):

- Immediate danger
- TPOR, Status Quo, Financial ROs
- Temporary spousal support
- Orders of Assistance (enforcement of custody)

\*\*\*

**Limitations do NOT override requirement on allowed issues**



# Proposed SLR Changes, continued



## Waiver of Mediation Process

- Requires court order with motion and supporting declaration
- Court may allow waiver upon good cause
  - Showing of danger
  - Other compelling circumstances



# Proposed SLR Changes, continued



## Mediation Orders

- TCA will provide forms and instruction at time initial pleading/motion is filed re CC Resolution Services
  - Party may use another form that's substantially similar
- Moving party to obtain mediation date from Family Law Department or CCRS
- Private mediation
  - Parties to agree on mediator and fees, or
  - File a motion/declaration with court requesting determination of mediator and fees



# Proposed SLR Changes, continued



## Mediation Orders cont.

- Court may order mediation for any domestic relations matter on its own motion, except in matters involving:
  - A person protected by a criminal no-contact order
  - A person protected by a protective order where the protected person has not requested mediation.
- Parties must participate in good faith.
- Certificate of Compliance required



# Proposed SLR Changes, continued



## SLR 8.046 Compliance with Dispute Resolution Requirements

- CCRS will file a notice with court when parties have attended mediation
- Parties must file form in substantial conformity with local form when requirement is completed by means other than CCRS.
  - Certificate must be filed at least 7 days in advance of court date
- Court has discretion as to whether case will proceed or not if requirement not met.



# Presiding Judge



**Introducing...**

**Honorable Robert D. Herndon, Presiding  
Judge**



# Motions to Continue



## The Do's and Don'ts of Motions to Continue

### Do:

- Read UTCR 6.030
- eFile the Following:
  - Motion
  - Declaration which contains facts which support a continuance and whether the opposing party objects.
  - Proposed Order
- File no later than 11 am the day prior to the trial or hearing
- Mark your folder containing the motion document with Odyssey code **MOPN**. This will alert staff this is a matter which needs expedited consideration.



# Motions to Continue



## The Do's and Don'ts of Motions to Continue

### **Do, continued:**

- If you are filing close to the 11 am cutoff, contact the Presiding Judge's JA to let her know it is being filed.

### **Do Not:**

- Ask to continue a case beyond the date for disposition.
  - 1 year from date of filing for a civil case.
  - 9 months from date of filing for a domestic relations case.
- Ask for a specific date without checking with the docket clerk to determine if the date is available.



# Motions to Continue



## The Do's and Don'ts of Motions to Continue

### Do Not, continued:

- To start a trial on a Monday. Trials are scheduled Tuesday through Friday.
- To just set over a case two weeks or even two months
- Take your motion to continue to *ex parte* time. Only the presiding judge can approve a reset.
- Attempt to have a case designated as a complex case when seeking a continuance.
  - A complex case must satisfy UTCR 7.030.



# Motions to Continue



## The Do's and Don'ts of Motions to Continue

### **Do Not**, continued:

- Ask to reset your family law case so a custody / parenting evaluation can be completed if it will take the case beyond the date for disposition.
- Deliver original motions to continue to the Presiding Judge's office. eFiling is mandatory for attorneys.
- Tell me a continuance will give you time to settle the case.



# Trial and Hearing Resets



## Typical Reset Timelines:

- **Criminal Trials:**

Approximately 60 to 90 days out

- **Civil Trials:**

Approximately 180 days out

- **Domestic Trials:**

Approximately 180 days out

- **OSC Hearings (over 30 minutes):**

Approximately 60 to 90 days out

- **OSC Hearing (30 minutes or less):**

Approximately 30 to 60 days out.



# Security Bypass Permit



All attorneys who are in good standing with the Oregon State Bar may apply for a security bypass permit by doing the following:

- Complete and submit an application at the Civil Division of the Clackamas County Sheriff (located on the 1<sup>st</sup> Floor)
- A criminal history check will be completed
- If all requirements are met, you will be given a photo identification card allowing you to bypass security screening through the entrance on 8<sup>th</sup> Street.



# New Courthouse



**A new courthouse...**

**It's coming \_\_\_\_\_ maybe.**



# Questions?



**This is the conclusion of our presentation.**

**Do you have questions?**