

In the Matter of Exemptions from Certain
Statutory Fees in Oregon Circuit Courts

) CHIEF JUSTICE ORDER
) No. 09-052
)
) ORDER TO ESTABLISH EXEMPTIONS
) FROM CERTAIN STATUTORY FEES IN
) OREGON CIRCUIT COURTS

I HEREBY ORDER, pursuant to ORS 1.002 and Oregon Laws 2009, chapter 885, sections 37b and 37h (HB 3199), that:

1. Good cause has been shown that the exemptions established by this order to certain statutory fees are needed for the equitable imposition of those fees.
2. Circuit Courts – Filing Fee and Additional Party Filing Fee
Oregon Laws 2009, chapter 659, section 14 (HB 2287), as amended by Oregon Laws 2009, chapter 885, section 37b, amends ORS 21.110 regarding filing fees and additional party filing fees for certain civil cases filed in circuit court. The following exemptions apply to these fees:
 - a. Those actions identified in Oregon Laws 2009, chapter 885, section 37b(2), (ORS 21.110(2) actions in which the amount claimed does not exceed \$10,000) are exempt from these fees.
 - b. Those actions identified in Oregon Laws 2009, chapter 885, section 37b(4), (ORS 21.110(4) proceedings for relief from sex offender reporting under ORS 181.823 or 181.826) are exempt from these fees.
 - c. A party may request from the presiding judge an exemption from the filing fee for more than five parties named in the pleading. A party may request from the presiding judge an exemption from the additional party filing fee for more than five additional parties named in the pleading. In determining whether to grant such exemptions, the presiding judge shall consider:
 - i. The severity of the hardship the fees impose on the requesting party, and
 - ii. Whether the number of parties named in the pleading will require additional judicial resources to process the case.
3. Circuit Courts – Ex Parte Order Fee and Judgment Fee
Oregon Laws 2009, chapter 659, section 38, as amended by HB 3199, section 37h, establishes an ex parte order fee and a judgment fee in certain circuit court civil cases.
 - a. The following documents are exempt from these fees:
 - i. Default judgments.
 - ii. Orders for appointment of a guardian ad litem.
 - iii. Orders and judgments submitted by a party who has previously been granted a waiver of fees in that case.

- b. A party must pay the ex parte order fee no later than the time the party submits the ex parte order to the court for signature by a judge.
 - c. A party must pay the judgment fee no later than the time the party submits the judgment to the court for signature by a judge.
4. A person filing a third party pleading for which a fee is due under Oregon Laws 2009, chapter 659, section 13, must pay the fee at the time the party submits the pleading for filing. The court shall not file the pleading if the fee, a request for fee waiver or deferral, or an exemption granted by the presiding judge is not presented with the pleading.
5. This order takes effect on October 1, 2009.

DATED this 22nd day of September, 2009.


Paul J. DeMuniz
Chief Justice