

UTCR 5.100 SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS – effective 8/1/16

(1) Except as provided in subsection (3) of this rule, any proposed judgment or proposed order submitted to the court must be:

- (a) Served on each counsel not less than 3 days prior to submission to the court, or
- (b) Accompanied by a stipulation by each counsel that no objection exists as to the judgment or order, or
- (c) Served on a self-represented party not less than 7 days prior to submission to the court and be accompanied by notice of the time period to object.

(2) Except as provided in subsection (4) of this rule, any proposed judgment or order submitted to the court must include, following the space for judicial signature, a dated and signed certificate that describes:

(a) The manner of compliance with any applicable service requirement under this rule; and

(b) The reason that the submission is ready for judicial signature or otherwise states that any objection is ready for resolution, identifying the reason in substantially the following form:

“This proposed order or judgment is ready for judicial signature because:

“1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party’s signature on the document being submitted.

“2. Each party affected by this order or judgment has approved the order or judgment, as shown by each party’s signature on the document being submitted or by written confirmation of approval sent to me.

“3. I have served a copy of this order or judgment on each party entitled to service and:

“a. No objection has been served on me.

“b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.

“c. After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.

“4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.

“5. This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims’ Assistance Section as required by subsection (5) of this rule.

“6. Other: _____.”

(3) The requirements of subsection (1) of this rule do not apply to:

- (a) A proposed order or judgment presented in open court with the parties present;
- (b) A proposed order or judgment for which service is not required by statute, rule, or otherwise;
- (c) A proposed judgment subject to UTCR 10.090;
- (d) Uncontested probate and protective proceedings; and
- (e) Matters certified to the court under ORS 416.422, ORS 416.430, ORS 416.435, and ORS 416.448, unless the proposed order or judgment is ready for judicial signature without hearing.

(4) The requirements of subsection (2) of this rule do not apply to a proposed order or judgment presented and signed in open court with the parties present.

(5) Any proposed judgment containing an award of punitive damages shall be served on the Director of the Crime Victims' Assistance Section, Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301, not less than 3 days prior to submission to the court.

REPORTER'S NOTE (08/01/2016): This rule does not apply in the following types of cases: criminal; contempt cases seeking punitive sanctions; juvenile under ORS chapter 419A, 419B, or 419C; or violations, parking violations, or small claims (see UTCR 1.010(3)). Nothing in this rule prohibits a court from adopting an SLR that applies this rule to matters under SLR chapters other than chapter 5. Pursuant to UTCR 1.130, computation of Uniform Trial Court Rule time requirements is subject to ORCP 10. 5.110 CLASS ACTIONS Rules relating to class actions may be found at Oregon Rule of Civil Procedure 32 and Oregon Rule of Appellate Procedure 12.15. 5.120 NOTICE TO THE DEPARTMENT OF JUSTICE, CRIME VICTIMS' ASSISTANCE SECTION, OF PUNITIVE DAMAGES (1) The notices required by ORS 31.735(3), concerning verdicts and judgments that include punitive damages, shall substantially be in the form specified in Form 5.120.1 in the UTCR Appendix of Forms. (2) The prevailing party shall promptly file with the court a copy of each notice and the proof of service.