



## 21.140 MANDATORY ELECTRONIC FILING

- (1) An active member of the Oregon State Bar must file a document using the electronic filing system, instead of using conventional filing, if the document is not required to be conventionally filed under UTCR 21.070(3) and if it
  - (a) is filed in any of the following circuit courts: Benton, Clatsop, Columbia, Crook, Jackson, Jefferson, Linn, Multnomah, Polk, Tillamook, or Yamhill; or
  - (b) is filed in a circuit court not listed in subsection (a) of this section on or after the mandatory electronic filing date applicable to that court, as set out in section (2) of this rule.
- (2) For purposes of subsection (1)(b), the "mandatory electronic filing date" of a circuit court is 30 business days after the date on which the court began using the electronic filing system. The mandatory electronic filing date is available, once the court begins using the electronic filing system, at:  
<http://courts.oregon.gov/Oregonecourt/pages/oregoneCourtMap.aspx>.
- (3) A person may seek a waiver of the requirement in section (1) of this rule as follows:
  - (a) The person must file one of the following:
    - (i) A petition for waiver in all cases in a specific judicial district for a specific period of time.
    - (ii) A motion in an existing case for waiver in that specific case.
  - (b) A petition or motion must include an explanation describing good cause for the waiver.
  - (c) A separate petition for waiver under subsection (a)(i) of this section must be filed in each judicial district in which the person desires a waiver.
  - (d) If the court grants a petition filed under subsection (a)(i) of this section, the person obtaining the waiver must
    - (i) file a copy of the court's order in each case subject to the waiver; and
    - (ii) include the words "Exempt from eFiling per Waiver Granted [DATE]" in the caption of all documents conventionally filed during the duration of the waiver.
  - (e) If the court grants a motion filed under subsection (a)(ii) of this section, the person obtaining the waiver must include the words "Exempt from eFiling per Waiver Granted [DATE]" in the caption of all documents conventionally filed in the case.
- (4) If the electronic filing system is continuously unavailable for a period of more than 24 hours, an active member of the Oregon State Bar may file documents using conventional filing until the end of the first full business day after the day on which the electronic filing system becomes available.

- (5) If a filer submits a document for conventional filing in contravention of section (1) of this rule and the filer has not obtained a waiver pursuant to section (3) of this rule nor is the electronic system unavailable as described in section (4) of this rule, then court staff may, to the extent allowed by policy adopted by the presiding judge, take any of the following actions:
- (a) Direct the filer to the court's kiosk to complete the filing electronically.
  - (b) Refuse to accept the document for filing.
  - (c) Return the document to the filer as unfiled.
  - (d) Refer the filing to a judge for consideration of sanctions under UTCR 1.090.