IN THE SUPREME COURT OF THE STATE OF OREGON
IN THE COURT OF APPEALS OF THE STATE OF OREGON

In the Matter of the Adoption of Amendments to the Oregon Rules of Appellate Procedure	)))	Chief Justice Order 13-001 Chief Judge Order 13-02

ORDER ADOPTING TEMPORARY RULES AND TEMPORARY AMENDMENTS TO THE OREGON RULES OF APPELLATE PROCEDURE

Pursuant to ORAP 1.10(2), the Supreme Court and Court of Appeals may, from time to time, adopt temporary rules and temporary amendments to the Oregon Rules of Appellate Procedure. The Supreme Court and Court of Appeals by this order

- Adopt ORAP 1.32 and ORAP 8.52;

- Adopt amendments to the following Oregon Rules of Appellate Procedure: 1.15, 1.35, 3.07, 5.05, 5.70, 5.85, 7.10, 8.15, 8.50, 9.17, 11.05, 11.20, 12.05, 16.05, 16.10, 16.15, 16.20, 16.30, 16.35, 16.40, and Appendix 7.10-1;

- Adopt additional amendments to the following Oregon Rules of Appellate Procedure that pertain to the number of copies required with a conventional filing:[1] 5.10, 5.85, 5.95, 7.10, 9.05, 9.10, 9.17, 9.20, 9.25, 11.05, 11.10, 11.30, 11.35, 12.08, 12.09, 12.20, 13.05, and 13.10; and

- Delete ORAP 16.60.

The new rules are set out below in **boldface**. The amendments are set out below in one of two ways: (1) with additions indicated in **boldface** and deletions indicated in ~~strikeout~~; or (2) for changes to the number of copies required to be filed, in a chart attached to this order. The deleted ORAP is set out below with the entire text in ~~strikeout~~. The new rule and amendments adopted by this order are effective on Monday, January 28, 2013. The new rules and amendments adopted by this order shall expire on December 31, 2014, if not previously adopted as permanent amendments.

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[1] A chart for each court that sets out the temporary amendments relating to conventional filing copies is attached to this order.

Rule 1.15

TERMINOLOGY

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(3) In these rules, unless expressly qualified or the context or subject matter otherwise requires:

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(t) "Out-of-state attorney" means an attorney admitted to the practice of law in another jurisdiction, but not in Oregon, who appears by brief or argues the cause under ORAP 6.10(4) or ORAP 8.10(4).

(~~t~~**u**) * * *

(~~u~~**v**) * * *

(~~v~~**w**) * * *

(~~w~~**x**) * * *

(~~x~~**y**) * * *

Rule 1.32

OUT-OF-STATE ATTORNEY AND SELF-REPRESENTED PARTY CONTACT INFORMATION; CHANGES IN CONTACT INFORMATION FOR ATTORNEY, OUT-OF-STATE ATTORNEY, AND SELF-REPRESENTED PARTY

(1) An out-of-state attorney who appears by brief or argues the cause under ORAP 6.10(4) or ORAP 8.10(4) and any self-represented party must provide the court with the address for that attorney or party.

(a) An out-of-state attorney also may consent to receive court notifications by e-mail by providing an e-mail address to the court.

(b) A self-represented party who consents to receive court notifications by e-mail must provide the court with an e-mail address and

(i) include a statement of consent to receive electronic notifications from the court in the party's initial filing in the cause; or

(ii) file a notice of consent to receive electronic notifications from the court.

(c) A self-represented party who has consented to receive electronic notifications from the court under paragraph (b) of this subsection may revoke that consent by notifying the court that the party's e-mail address should no longer be used and that all court notifications should be sent to the party by conventional mail.

(d) An out-of-state attorney or self-represented party who provides the court with an address or e-mail address under subsection (1) of this rule must notify the court of a change of address or e-mail address.[1]

(2) If an attorney for a party files a change of address with the Oregon State Bar or if an out-of-state attorney or a self-represented party notifies the court of a change of mailing or e-mail address in writing or otherwise, the attorney or party must inform all other parties to the cause of the change of mailing or e-mail address within seven calendar days.

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[1] ***See also*** **ORAP 16.10(2)(a)(v), regarding updated e-mail address for an Oregon State Bar member who is a registered user of the appellate electronic filing system.**

Rule 1.35
FILING AND SERVICE

(1) Filing

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(f) A correction or amendment to a previously filed document must be made by filing the entire corrected or amended document with the court. Any copy requirement or any eFiling document recovery charge that applied to the original document also applies to the corrected or amended version of the document. The caption of a corrected or amended filing must prominently display the word "CORRECTED" or "AMENDED," as applicable.

(2) Service Generally

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~~(e) If an attorney for a party files a change of address with the Oregon State Bar or with the court, or a party appearing *pro se* notifies the court of a change of address in writing or otherwise, the attorney or party must inform all other parties to the cause of the change of address within seven calendar days.~~

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RULE 3.07
INSPECTION OF CONFIDENTIAL AND SEALED MATERIALS,
INCLUDING PRESENTENCE REPORTS IN CRIMINAL APPEALS

(1) If a trial court determines that the whole or a part of the trial court file or exhibits to be transmitted to the appellate court is not subject to inspection by one or more parties, by the attorney for any party, or by the public, **and if the trial court is delivering the trial court file in paper form,** the trial court shall place such material in a separate, sealed envelope labeled as follows:

* * * * *

(7) A judge of the appellate court, the judge's legal and administrative staff, and the appellate court's legal and administrative staff may open and inspect any confidential or sealed material as necessary to **process or** decide a matter pending before the court. **If the material is contained in an envelope, t**~~T~~he person inspecting confidential or sealed material shall note on the envelope the person's name and the date of the inspection.

Rule 5.05
SPECIFICATIONS FOR BRIEFS

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(3) (a) * * *

(b) If the court grants permission for a longer excerpt of record, appendix, or combine excerpt of record and appendix, **if filed in paper form,** the excerpt of record, appendix, or combined excerpt of record and appendix shall be printed on both sides of each page and **may** ~~shall~~ be ~~plastic spiral~~ bound separately from the brief. [footnote omitted]

(4) All briefs shall conform to these requirements:

(a) **If filed in paper form, the original of all briefs, and the original and all copies of a petition for review or reconsideration in the Supreme Court or a response to a petition for review or reconsideration in the Supreme Court, must have a cover of white bond, regular finish without glaze, and at least 20-pound weight.**

(~~a~~b) If filed in paper form, ~~F~~front and back covers **of copies of briefs, other than copies of a petition for review or reconsideration in the Supreme Court or a response to a petition for review or reconsideration in the Supreme Court, must**

~~shall~~ be paper of at least 65-pound weight. The cover of the brief **copies** ~~shall~~ **must** be:

(i) For an opening brief, blue;

(ii) For an answering brief, red;

(iii) For a combined answering brief and cross-opening brief, violet;

(iv) For a reply brief, a combined reply brief and answering brief on cross-appeal, or an answering brief to a cross-assignment of error under ORAP 5.57(3)(b), gray;

(v) For the brief of an intervenor, the color of the brief of the party on whose side the intervenor is appearing;

(vi) For the brief of *amicus curiae*, green;

(vii) For a supplemental brief, the same color as the primary brief;

~~(viii) For a petition for review or reconsideration in the Supreme Court, yellow;~~

~~(ix) For a response to a petition for review or reconsideration in the Supreme Court, orange;~~

~~(x)~~**(viii)** For a brief on the merits of a petitioner on review in the Supreme Court, white;

~~(xi)~~**(iv)** For a brief on the merits of a respondent on review in the Supreme Court, tan.

(~~b~~**c**) * * *

(~~c~~**d**) * * *

(~~d~~**e**) * * *

(~~e~~**f**) * * *

(~~f~~**g**) * * *

(~~g~~**h**) * * *

(~~h~~**i**) * * *

(~~i~~**j**) * * *

Rule 5.70
REPLY BRIEF

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(3) (a) Except on request of the appellate court or on motion of a party that demonstrates the need for a reply brief, reply briefs shall not be submitted in the following cases:

(i) traffic, boating, wildlife, and other violations;

(ii) criminal, probation revocation, habeas corpus, and post-conviction relief;

(iii) juvenile court;

(iv) civil commitment;

(v) forcible entry and detainer; and

(vi) judicial review orders of the Land Use Board of Appeals and Land Conservation and Development Commission in land use cases, as provided in ORAP 4.66(1)(b) and ORAP 4.66(1)(c).

(b) A motion for leave to file a reply brief shall be submitted, without copies, within 14 days after the filing of the brief to which permission to reply is sought. **If a reply brief is submitted with the motion, then:**

(i) if the court grants the motion, the date of filing for the reply brief relates back to the date of filing for the motion;

(ii) if the court denies the motion, the court will strike the reply brief.

RULE 5.85
ADDITIONAL AUTHORITIES

(1) Any party filing a memorandum of additional authorities or a response memorandum shall submit the memorandum in the manner provided in this rule, subject to any instructions of the court. A party may submit a memorandum of additional authorities after the filing of the party's brief but before oral argument without leave of the court. After oral argument, a party **must file a motion for leave to file a** ~~may submit a~~ memorandum of additional authorities ~~only with leave of the court~~. **If the party submits a memorandum of additional authorities with the motion, then:**

(a) if the court grants the motion, the date of filing for the memorandum of additional authorities relates back to the date of filing for the motion; or

(b) if the court denies the motion, the court will strike the memorandum of additional authorities.

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(3) If a party files or is given leave to file a memorandum of additional authorities, any other party to the case who has filed a brief may file a response. Unless the court directs otherwise, a response is due

(a) 14 days after the date of filing of the memorandum of additional authori**ties**[*y*] to which the party is responding**; or**

(b) if the date of filing of the memorandum of additional authorities relates back to the date of filing of the motion under paragraph (1)(a) of this rule, 14 days after the date of entry of the order granting the motion.

RULE 7.10
PREPARATION, FILING, AND SERVICE OF MOTIONS

(1) A motion or a response to a motion, ~~including a supporting memorandum,~~ shall be on 8-1/2 x 11 inch white paper, printed or typewritten, double-spaced, and securely fastened in the upper left-hand corner with a single staple. * * * **Any supporting legal analysis must be incorporated into the motion or response and not set out as a separate memorandum of law.** The first page of the motion or response shall contain the following information:

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(2) A motion or response, ~~including any supporting memorandum,~~ but excluding appendices or exhibits, longer than 20 pages shall contain an index of contents, an index of appendices or exhibits, and an index of authorities, each with page references. [footnote omitted]

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(5) If a party files a motion for leave to file another document and submits the other document with the motion, then:

(a) if the court grants the motion, the date of filing for the other document relates back to the date of filing for the motion; or

(b) if the court denies the motion, the court will strike the other document.

(6) A motion or response that is confidential, filed under seal, or otherwise exempt from disclosure[3] must include:

(a) in the caption, prominently displayed, the words "Confidential" or "Sealed," as applicable; and

(b) in the motion or response, a statement citing the authority by which the motion is deemed confidential, sealed, or otherwise exempt from disclosure.

(7) A motion or response that includes an attachment consisting of material that is confidential, sealed, or otherwise exempt from disclosure[4] must comply with the requirements of ORAP 8.52.

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[3] ***See, e.g.*, ORS 36.222(5) regarding confidential mediation communications and agreements; ORS 135.39, ORS 433.045(3), and ORS 433.055 regarding records revealing HIV testing information; ORS 137.077 regarding presentence investigation reports; ORS 179.495 and ORS 179.505 regarding medical records maintained by state institutions; ORS 412.094, regarding nonsupport investigation records; ORS 419B.035 regarding abuse investigation records; ORS 426.160 and ORS 426.370 regarding records in civil commitment cases; and ORS 430.399(5) regarding alcohol and drug abuse records. *See generally* ORAP 16.15(5)(b) for procedure for eFiling attachments that are confidential or otherwise exempt from disclosure.**

[4] **See footnote 3 to subsection (6) of this rule.**

RULE 8.15
AMICUS CURIAE

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(3) In the Court of Appeals, the application to appear *amicus curiae* may, but need not, be accompanied by the brief the applicant would file if permitted to appear. In the Supreme Court, the application shall be accompanied by the brief sought to be filed. The form of an *amicus* brief and the number of copies of the brief shall be subject to the same rules as those governing briefs of parties. [footnote omitted] **If, consistently with this rule, a brief is submitted with the application, then:**

(a) if the court grants the application, the date of filing for the brief relates back to the date of filing for the application; or

(b) if the court denies the application, the court will strike the brief.

RULE 8.50
SEGREGATION OF PROTECTED PERSONAL INFORMATION

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(2) (a) A person or entity required to file a document in the appellate court that contains protected personal information may submit that information on a separate document together with a motion describing the information and requesting that the appellate court keep the separate document segregated from the appellate court file. **The caption of the separate document must prominently display the words "Segregated Personal Protected Information, ORAP 8.50(2)(a), Confidential."** The moving party shall serve a copy of the motion on all other parties to the appeal, review, or other proceeding. During the pendency of the motion, the separate document will not be available for public inspection.

(b) A person or entity who has filed a document in the appellate court that contains personal protected information may submit a motion to replace the document with a document that redacts the protected personal information and requesting that the appellate court keep the original document segregated from the appellate court file. **The caption of the motion must prominently display the words "Motion -- Redact Previously Filed Document, ORAP 8.50(2)(b)."** The moving party shall submit the proposed redacted document with the motion. The moving party shall serve a copy of the motion and the proposed redacted document on all other parties to the appeal, review, or other proceeding. During the pendency of the motion, the document containing protected personal information will not be available for public inspection.

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RULE 8.52
CONFIDENTIAL AND SEALED ATTACHMENTS

A document that includes an attachment containing material that is, by statute or court order, confidential, sealed, or otherwise exempt from disclosure[1] must include:

(1) in the caption, prominently displayed, the words "Includes Confidential Attachment" or "Includes Sealed Attachment," as applicable; and

(2) in the filing, a statement citing the authority by which the attachment is deemed confidential or sealed.

[1] ***See, e.g.*, ORS 36.222(5) regarding confidential mediation communications and agreements; ORS 135.39, ORS 433.045(3), and ORS 433..055 regarding records revealing HIV testing information; ORS 137.077 regarding presentence investigation reports; ORS 179.495 and ORS 179.505 regarding medical records maintained by state institutions; ORS**

412.094, regarding nonsupport investigation records; ORS 419B.035 regarding abuse investigation records; ORS 426.160 and ORS 426.370 regarding records in civil commitment cases; and ORS 430.399(5) regarding alcohol and drug abuse records. *See generally* ORAP 16.15(5)(b) for procedure for eFiling attachments that are confidential or otherwise exempt from disclosure.

Rule 9.17
BRIEFS ON THE MERITS ON REVIEW

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~~(6) Any party filing a brief on the merits on review, including any intervenor and any person who has been granted permission to appear *amicus curiae*, shall submit a copy of the brief on the merits on review in electronic form in addition to complying with the filing and service requirements in subsection (4).[1] A party who electronically files a brief using the appellate courts' eFiling system, pursuant to chapter 16 of these rules, is exempt from the requirements of this section. A person confined in a state institution and not represented by counsel who is filing a brief on the merits is exempt from the requirements of this subsection. Any party who lacks the technological capability to comply with this subsection may file a motion to be relieved from the requirements of this subsection at the same time that the party files its brief on the merits on review.~~

~~(a) The filing party shall submit the electronic form of the brief on the merits on review in Portable Document Format (PDF) configured at a resolution of 300 dpi and attach the electronic form of the brief to an e-mail sent to *briefs@ojd.state.or.us*. The subject line of the e-mail shall contain the case title and Supreme Court case number as assigned by the Administrator in substantially the following format: "Doe v. Smith, SC_____." The e-mail address is to be used for the purpose of submitting an electronic brief on the merits on review only. The Administrator will not respond to any e-mail sent to this address. Submission of any document by e-mail to this address will not constitute compliance with any other filing, service, or submission requirement of these rules.~~

~~(b) The electronic form of the brief on the merits on review shall be identical in content and format to the printed form of the brief. The filing party shall include in the electronic form of the brief on the merits on review the excerpt of record and appendices to the brief unless the filing party lacks the technological capability to convert the excerpt of record or appendices into electronic form. A party who submits an electronic version of a brief on the merits on review without the excerpt of record or appendices shall inform the court in the body of the transmittal e-mail that the party lacks the technological capability to convert the excerpt of record or appendices into electronic form.~~

~~(c) Except as provided in ORAP 5.95(6), if a brief on the merits on review contains material that is, by statute, rule, or court order, confidential or exempt from~~

~~disclosure, the filing party shall provide both a redacted version and an unredacted version in separate attachments.[2] The filing party should name the attachments so as to allow easy identification of each version.~~

~~(d) The filing party shall submit the electronic form of the brief on the merits on review via e-mail on the same day that the filing party mails or delivers the brief to the Administrator.~~

~~(e) The filing party shall certify that the e-mail attachment containing the electronic form of the brief on the merits on review has been scanned for viruses and that it is virus-free.~~

~~1 As needed, the court will post additional information regarding this subsection on the Judicial Department's website: <*http://courts.oregon.gov*>. (At the time of publication of these rules, information about e-mailing copies of merits briefs can be found as follows: select "Courts," then "Supreme Court," then the link for "requirement to email .pdf copies.")~~

~~2 *See* ORAP 5.95.~~

Rule 11.05
MANDAMUS:
INITIATING A MANDAMUS PROCEEDING

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(5) If the petition, memorandum, or an accompanying motion in a mandamus proceeding includes an attachment containing material that is, by statute or court order, confidential, sealed, or otherwise exempt from disclosure,[8] the filing must comply with the requirements of ORAP 8.52.

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[8] *See, e.g.*, ORS 36.222(5) regarding confidential mediation communications and agreements; ORS 135.39, ORS 433.045(3), and ORS 433..055 regarding records revealing HIV testing information; ORS 137.077 regarding presentence investigation reports; ORS 179.495 and ORS 179.505 regarding medical records maintained by state institutions; ORS 412.094, regarding nonsupport investigation records; ORS 419B.035 regarding abuse investigation records; ORS 426.160 and ORS 426.370 regarding records in civil commitment cases; and ORS 430.399(5) regarding alcohol and drug abuse records. *See generally* ORAP 16.15(5)(b) for procedure for eFiling attachments that are confidential or otherwise exempt from disclosure.

Rule 11.20
HABEAS CORPUS AND
QUO WARRANTO PROCEEDINGS

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(3) If the petition for a writ of habeas corpus includes an attachment containing material that is, by statute or court order, confidential, sealed, or otherwise exempt from disclosure,[1] the petition must comply with the requirements of ORAP 8.52.

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[1] *See, e.g.*, ORS 36.222(5) regarding confidential mediation communications and agreements; ORS 135.39, ORS 433.045(3), and ORS 433..055 regarding records revealing HIV testing information; ORS 137.077 regarding presentence investigation reports; ORS 179.495 and ORS 179.505 regarding medical records maintained by state institutions; ORS 412.094, regarding nonsupport investigation records; ORS 419B.035 regarding abuse investigation records; ORS 426.160 and ORS 426.370 regarding records in civil commitment cases; and ORS 430.399(5) regarding alcohol and drug abuse records. *See generally* ORAP 16.15(5)(b) for procedure for eFiling attachments that are confidential or otherwise exempt from disclosure.

Rule 12.05
DIRECT APPEAL OR JUDICIAL
REVIEW IN THE SUPREME COURT

(1) Where a statute authorizes a direct appeal from a court of law to the Supreme Court,[1] except as otherwise provided by statute or by rule of appellate procedure, the appeal shall be taken in the manner prescribed in the rules of appellate procedure relating to appeals generally~~, including submission of briefs in electronic form as outlined in ORAP 9.17(5)~~.

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Rule 16.05
DEFINITIONS

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(8) "Hyperlink" means a ~~reference or a~~ navigation**al** ~~element~~ link in ~~an~~ **the** electronic **version of a** document to another section of the same document or to another electronic document ~~that may be located on~~ **accessible via** the internet.

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Rule 16.10
eFILERS

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(2) Conditions of Electronic Filing

(a) To access the eFiling system, each eFiler agrees to and shall

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(v) advise the ~~appellate courts and the Oregon State Bar~~ **Oregon Judicial Department Enterprise Technology Services Division** of **any** changes in the eFiler's e-mail address.[1]

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[1] **Use the form located on the Judicial Department's website, at the following address:** ***http://courts.oregon.gov/OJD/OnlineServices/eFile/pages/techsupport.aspx.***

An eFiler should allow two business days for processing the update. Once the update is made, it becomes effective immediately. This obligation is independent from the obligation of Oregon lawyers to notify the Oregon State Bar when the lawyer's e-mail address changes.

Rule 16.15
FORMAT OF DOCUMENTS TO BE FILED ELECTRONICALLY

(1) Any document filed via the eFiling system must be in a Portable Document Format (PDF) that is compatible with the efiling system requirements **and that does not exceed 25 megabytes. A filer should break down a document that exceeds the size limit into as few smaller, separate documents as possible, which the filer may upload as supporting documents under ORAP 16.15(5).** [footnote omitted] The PDF document shall allow text searching and shall allow copying and pasting text into another document. **A document in a PDF/A format does not comply with this rule.**

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(5) Except as provided in subsection (1) and paragraphs (5)(a) through (c) of this rule, to the extent practicable, an electronic filing must be submitted as a unified, single PDF file, rather than as separate eFiled documents or as a principal eFiled document with additional supporting documents attached through the eFiling system.[3]

(a) A memorandum of law accompanying a petition in a mandamus, habeas corpus, or quo warranto proceeding in the Supreme Court under ORAP 11.05 or ORAP 11.20 must be submitted as a supporting document to the eFiled petition attached through the eFiling system.

(b) For an electronic filing containing an attachment that is confidential or otherwise exempt from disclosure, the eFiler must eFile the attachment separately from the principal document, not as a supporting document attached through the eFiling system. For the principal document, the eFiler must include a comment that the related eFiling is a confidential attachment to the principal document. For the eFiled attachment, the eFiler must select the document name "Notice to Court Confidential/Sealed Attachment."

(c) For an electronically filed motion seeking approval to file another document, including an application to appear *amicus curiae* with an accompanying brief, where the filer intends to submit the brief or other document for filing at the same time, the brief or other document must be electronically filed separately from the motion seeking approval or application to appear *amicus curiae*, rather than being submitted as a supporting document attached to the motion. For each electronic filing transaction under this paragraph, the eFiler must include the following comments:

(i) For the motion seeking approval or application to appear *amicus curiae*, a comment that the eFiler is submitting the brief or other document through a separate eFiling transaction; and

(ii) For the brief or other document, a comment that the electronic filing transaction relates to the earlier electronic filing transaction that submitted the motion or application to appear *amicus curiae*.

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[3] **Examples of content that should be included as part of a unified, single PDF file include: (1) notice of appeal, judgment being appealed, and certificate of service; (2) petition for judicial review, agency order as to which review is sought, and certificate of service; (3) petition for reconsideration, underlying decision as to which reconsideration is sought, and certificate of service; (4) petition for review, Court of Appeals decision as to which review is sought, and certificate of service; (5) motion, affidavit or declaration (if any), and certificate of service; (6) Supreme Court mandamus or habeas corpus petition, copy of order or written decision, and certificate of service; (7) Supreme Court memorandum in support of a mandamus or habeas corpus petition, excerpt of record, and certificate of service.**

Rule 16.30
SPECIAL FILING AND SUBMISSION REQUIREMENTS

(1) A document filed under seal, including a motion requesting that a simultaneously filed document be filed under seal or a document with an attachment that is sealed by statute or court order, must be filed conventionally.

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(~~2~~**3**) * * *

(~~3~~**4**) * * *

(~~4~~**5**) * * *

(~~5~~**6**) * * *

Rule 16.35
ELECTRONIC FILING DEADLINES

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(2) The court considers a document submitted for filing when the document is received by the eFiling system. The eFiling system will issue ~~a confirmation receipt~~ **an electronic confirmation notice** to the eFiler that includes the date and time of receipt.

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(5) In the event that the court rejects a document submitted for filing via the eFiling system, the court ~~shall~~ **will** notify the eFiler, via the eFiler's e-mail address and any other e-mail address provided by the eFiler, of the basis for the rejection. The document shall not become part of the court's file. As provided in ORAP 16.25(1)(c), to complete the filing requirements after the court has rejected a document, the eFiler may file the document conventionally or may resubmit the document using the eFiling system and repay the applicable filing fee using the electronic payment system. Except as provided in ORAP 16.35(5), the date and time of the filing of any conventionally filed document do not relate back to the date and time of the attempted electronic filing of the original document.

Rule 16.40
ELECTRONIC SIGNATURES

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(2) In addition to information required by statute or rule to be included in the document, an electronically filed document must include a signature block that includes the printed name of the eFiler~~, preceded by an electronic symbol intended to substitute for a signature (such as a scan of the eFiler's handwritten signature or "s/") in the space where the signature would otherwise appear.~~ **and an indication that the printed name is intended to substitute for the eFiler's signature. The attorney's bar number and an indication of the party the attorney represents must appear as part of or in addition to the signature block.**

Example: *s/Attorney Name*
Attorney Name
Oregon State Bar No._____
Attorney for _____

~~**Rule 16.60**~~
~~PROTECTED INFORMATION~~

~~(1) The filing and use of information contained in a document filed electronically or information accessed through the eFiling system shall be consistent with state and federal law.~~

~~(2) A party filing a document containing protected personal information may comply with ORAP 8.50 by eFiling the redacted version of a document and conventionally filing the unredacted version within three business days after the court's acceptance of the document.~~

~~(3) A party filing a brief containing confidential material must comply with ORAP 5.95 by eFiling the redacted version of the brief and conventionally filing the unredacted version within three business days after the court's acceptance of the document.~~

~~(4) Briefs in the following categories of cases shall be filed conventionally and shall not be eFiled: adoption, juvenile dependency (including termination of parental rights), juvenile delinquency, and commitment of mentally ill and mentally deficient persons.~~

APPENDIX 7.10-1

List of Commonly Used Motion Titles for
ORAP 7.10(1)(b) and (c) [footnote omitted]

Motion Titles (Motions Other Than Motions for Extension of Time–ORAP 7.10(1)(b))

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Motion–Reconsider Order
Motion–Redact Previously Filed Document, ORAP 8.50(2)(b)
Motion–Reinstate Case

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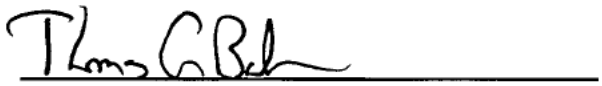
DATED this 25th day of January, 2013.



Thomas A. Balmer, Chief Justice

DATED this 25th day of January, 2013.

Rick T. Haselton, Chief Judge

SUPREME COURT -- CONVENTIONAL COPIES

Type of Proceeding/Document	Applicable ORAP	Current Copy Requirements	Amendment
Brief, On Appeal, Judicial Review, or other original proceeding	5.10(2)	original + 15	original + 7
Memorandum of Additional Authorities; Response to Same	5.85(2)(c)	original + 8	original + 7
Brief containing confidential information	5.95(1)	original + 10	original + 7
Redacted version	5.95(2)(b)	original + 8	original only (no copies)
Most Motions/Responses	7.10(3)(a) 7.10(3)(b)(i)	original + 8 as to each	original only, no copies
Petition for Review, Response to Petition	9.05(3)(b) 9.10(3)	original + 12 of each	original only, no copies
Brief on the Merits, on Review from Court of Appeals	9.17(4)	original + 12	original + 7
Memorandum on Review, responding to court's specific questions in allowing review	9.20(3)	original + 12	original only, no copies
Petition for Reconsideration	9.25(2)	original + 12	original only, no copies
Mandamus, Petition and accompanying documentation; Memo in Opposition	11.05(4)(d) 11.10(1)	original + 8 each of petition (includes excerpt of record), legal memo, and memo in opposition	original only, no copies
	11.05(4)(d)	exception: if record exceeds 50 pages, only 2 copies of record necessary	excerpt of record to be included with petition; no copies
Habeas, and Quo Warranto (Same)	11.20 (cross-reference to 11.05 and 11.10)	(same as above)	

Type of Proceeding/Document	Applicable ORAP	Current Copy Requirements	Amendment
Mandamus, Briefs	11.15(4)	original + 15	original + 7
Habeas and Quo Warranto, Briefs	11.20(1) (cross-reference to 11.15(4))	original + 15	original + 7
Ballot Title: Petition, Answering Memorandum, Reply Memorandum	11.30(5)(c) 11.30(6) 11.30(9)	original + 8	original only, no copies
Reapportionment Review: Petition plus designated part of reapportionment documentation	11.35(4) 11.35(6)(a)	original + 8 of petition	original only, no copies
	11.35(3)	petition must include 2 copies of part of reapportionment	one copy of apportionment must be included with the petition
Crime Victim Rights: Notice of Interlocutory Appeal; Response to same	12.08(3) 12.08(6)	original + 8 of notice of appeal, including excerpt of record, and response	original only, no copies
	12.08(3)	If excerpt exceeds 50 pages, only 2 copies of record needed	excerpt of record to be included with petition; no copies
Crime Victim Rights: Petition for Review; Response to same	12.09(3) 12.09(7)	original + 8 of petition, including excerpt of record, for review and response	original only, no copies
	12.09(3)	Same 2-copy exception for excerpt exceeding 50 pages	excerpt of record to be included with petition; no copies
Certified Question, Briefs	12.20(6)(c)	original + 15	original + 7
Statement of Costs/Disbursements	13.05(5)(b)	(no copy requirement, original only)	original only (no change)
Objection to Statement, Reply	13.05(5)(c)	original + 8	original only, no copies
Petition for Attorney Fees	13.10(8)	original + 8	original only, no copies
Objection to Fee Petition	13.10(8)	original + 8	original only, no copies

COURT OF APPEALS -- CONVENTIONAL COPIES

Type of Proceeding/Document	Applicable ORAP	Current Copy Requirements	Amendment
Brief, On Appeal or Judicial Review	5.10(1)	original + 13	original + 5
Balfour Brief; Response	5.10(1)(a)(i)	original + 5	(no change)
Respondent's Answering Brief Confessing Error/Not Opposing Relief Sought in Opening	5.10(1)(a)(ii)	original + 5	(no change)
Brief from self-represented party determined to be indigent or brief copied at public institution's expense; Response	5.10(1)(a)(iii)	original + 5	(no change)
Brief in case in which state, etc., represented by G, and adverse party represented by OPDS	5.10(1)(b)	original + 10	original + 5
Memorandum of Additional Authorities; Response to Same	5.85(2)(c)	original + 5	(no change)
Application for Interlocutory Appeal in Class Action from Certain Orders Involving Question of Law under ORS 19.225	5.95(1)	original + 5	original only, no copies
Answering Memo	5.95(2)(a)	original + 5	
Reply	5.95(6)	original + 5	
Brief containing confidential information	5.95(1)	original + 15	original + 5
Redacted version	5.95(2)(a), (6)	original + 6	original only; no copies
Petition for Reconsideration, from Court of Appeals decision	6.25(2)(a)	original + 4 if issued from department	(no change)
		original + 10 if issued *en banc*	(no change)
Most Motions/Responses	7.10(3)(a) 7.10(3)(b)(i)	original + 1	original only, no copies

Type of Proceeding/Document	Applicable ORAP	Current Copy Requirements	Amendment
Petition for Reconsideration, from Appellate Commissioner's Office decision	7.55(4)(a) (currently, PTRC process in 6.25(1)(a) applies, as relevant here)	original + 4	original only, no copies
Petition for Attorney Fees, Objection, Reply	13.10(8)	original + 5	original + 4