

UNIFORM TRIAL COURT RULES

Including Amendments

**Effective
August 1, 2008**

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In the Matter of the Adoption
of Amendments to the
Uniform Trial Court Rules

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CHIEF JUSTICE ORDER
No. 08-023

ADOPTING AMENDMENTS TO THE
UNIFORM TRIAL COURT RULES

I HEREBY ORDER, pursuant to ORS 1.002, UTCR 1.030, and UTCR 1.050, the following:

1. The Uniform Trial Court Rules, as amended below, are adopted and are effective August 1, 2008, pursuant to ORS 1.002.
2. All current local rules inconsistent with the Uniform Trial Court Rules as amended will be deemed ineffective on August 1, 2008, pursuant to UTCR 1.030.
3. Local rules that are consistent with the Uniform Trial Court Rules as amended remain in effect and are subject to review as provided under UTCR 1.050.
4. Those local rules that are not amended or repealed and are not disapproved on review under UTCR 1.050 remain in effect until so amended, repealed, or disapproved.

DATED this 12th day of June, 2008.



Paul J. De Muniz
Chief Justice

AMENDED UNIFORM TRIAL COURT RULES TO TAKE EFFECT AUGUST 1, 2008

PREFACE

The amended Uniform Trial Court Rules (UTCRC) take effect on August 1, 2008. The amendments are the result of suggestions and comments received from the public, bench, bar, and interested agencies. The proposed amendments were posted on the Oregon Judicial Department website and published in the Oregon Appellate Courts Advance Sheets to invite public comment. Additional information on the UTCRC can be viewed at:

<http://www.ojd.state.or.us/programs/utcr/index.htm>.

The UTCRC Committee members and staff who worked on these amendments are listed below. They deserve special recognition for their contribution of time, effort and energy in performing the committee's work.

The Hon. Richard L. Barron	Deschutes County Circuit Court
Tracey Cordes	Court Operations Manager, Multnomah County
Robert H. Fraser	Attorney, Eugene
Sam Friedenberg	Attorney, Portland
Guy B. Greco	Attorney, Newport
Lindsey H. Hughes	Attorney, Portland
The Hon. Thomas M. Hull	Josephine County Circuit Court
Russell Lipetzky	Attorney, Salem
The Hon. Marilyn E. Litzenger	Multnomah County Circuit Court
The Hon. Lorenzo A. Mejia	Jackson County Circuit Court
D. Michael Pugh	Attorney, Eugene
The Hon. Kirsten E. Thompson	Washington County Circuit Court
Debra E. Velure	Attorney, Redmond
The Hon. Russell B. West	Union County Circuit Court
Bruce C. Miller	UTCRC Reporter

The 2008 UTCRC can be obtained in an 8-1/2" x 11" format for \$12 per copy from the OJD Publications Section, 1163 State Street, Salem, Oregon, 97301-2563; 503-986-5656. The UTCRC are also available online, in PDF, at:

<http://www.ojd.state.or.us/programs/utcr/utcrules.htm>

SUMMARY OF UTCR CHANGES
Effective August 1, 2008

1.050	Amended to clarify process for submission and review of SLR changes.
1.050(1)(b)	Amended to clarify wording concerning prohibition of rules on internal operating procedures.
1.050(1)(b)	Amended to state that SLR may not conflict with Chief Justice Orders and Supreme Court Orders.
5.070	A new rule on amended pleadings.
5.080	Amended to add costs and disbursements.
Form 5.080	Amended to conform with current case law.
5.130	A new rule on obtaining an Oregon commission for a deposition to be taken in a foreign jurisdiction.
Form 5.130.1a	A new form related to new rule 5.130.
Form 5.130.1b	A new form related to new rule 5.130.
5.140	A new rule on registering a foreign deposition commission.
Form 5.140.1	A new form related to new rule 5.140.
Ch. 21	New rules on electronic filing.

LIST OF OUT-OF-CYCLE CHANGES
Between August 1, 2007, and the Present Time

4.040	Rule on communications with victims and witnesses repealed on June 19, 2008.
4.100	New rule on Crime Victims' Rights – Definitions for UTCR 4.110, 4.120, and 4.130.
4.110	New rule on Crime Victims' Rights – Presence of Victim; Scheduling Report; Suspension of Victim's Rights.
4.120	New rule on Crime Victims' Rights – Prosecutor's Certification.
Form 4.120.1	A new form related to new rule 4.120.
4.130	New rule on Crime Victims' Rights Procedure for Asserting a Claim in a Pending Case.
Form 4.130.1	A new form related to new rule 4.130.1
8.050(5)	Correction of typographical error.

2008 UTCR CHANGES

Future UTCR Committee Meetings

The next meeting of the UTCR Committee is scheduled for October 10, 2008, at the Office of the State Court Administrator, Salem, Oregon. The meeting will be carried over to the following day, October 11, 2008, if the business of the committee is not completed on the first day. The committee will review proposed changes to the UTCR and the Supplementary Local Rules. They will make recommendations to the Chief Justice on those proposals. This is the only meeting in the next UTCR cycle at which the committee intends to accept proposals for UTCR changes that would take effect August 1, 2009. Meeting dates for the following year will be scheduled at this meeting.

Additional information on the UTCR can be found at:

<http://www.ojd.state.or.us/programs/utcr/index.htm>.

Changes to the UTCR are listed below. **{New wording is in braces, underlined, and in bold}** and *[deleted wording is italicized and in brackets]*. These changes take effect August 1, 2008.

1. Amended UTCR 1.050:

1.050 PROMULGATION OF SLR; REVIEW OF SLR; ENFORCEABILITY OF LOCAL PRACTICES

(1) Promulgation of SLR

(a) * * *

* * * * *

[(e) Before the delivery of a certified copy of a local rule to the State Court Administrator, the presiding judge must give written notice of the rule to the president(s) of the bar association(s) in the affected district and give the bar association(s) at least 49 days to provide the court with comments on the rule.]

(2) Review of SLR

(a) **{The presiding judge must give written notice of any new rules and changes to existing rules to the president(s) of the bar association(s) in the affected district and allow the bar association(s) at least 49 days before the date of submission of the rules to the Office of the State Court Administrator (OSCA) to provide the presiding judge with public comment. Subsequent changes made to those SLR in response to recommendations from the UTCR Committee do not need to be submitted to the president(s) of the bar association(s) in the affected district.}**

[(a){b}] Proposed local rules will be considered by the Chief Justice or designee not more often than once each year. To be considered, the proposed rules and a written explanation of each proposed new rule and change to an existing rule must be received by *[the Office of the State Court Administrator]* **{OSCA}** on or before September 1. *[If the proposed rules are not disapproved by the Chief Justice or designee on or before*

December 15 of the same year, the proposed rules shall be deemed filed by the State Court Administrator on January 1 of the next year and shall become effective on February 1 of the next year.]

{(c) The Chief Justice or designee shall issue any disapprovals on or before December 15 of the same year.

{(d) Judicial districts shall file with OSCA a final certified copy and a final electronic copy in PDF which must be received by OSCA no later than January 1 of the next year. Those SLR shall become effective on February 1 of the next year.}

{(b){e)} Proposed local rules submitted to the Chief Justice for review under subsection (2){(a){b)} of this rule must show the proposed changes to the local rule as follows: proposed new language in the SLR and proposed new SLR will be in bold and underlined, language proposed to be deleted and SLR proposed to be repealed will be in italics and have brackets placed before and after the deleted language ([...]). When final SLR are submitted to the State Court Administrator after review under subsection (2){(a){b)} of this rule, changes [will] **{shall}** not be indicated as required by this subsection.

{(c){f)} The Chief Justice may waive the **{time}** limits [of paragraphs (1)(e) and (2)(a) above or] **{in this section upon a showing of}** good cause [shown].

{(d){g)} If a local rule is disapproved, notice of that action shall be given to the presiding judge of the court submitting the rule.

(3) * * *

* * * * *

2. Amended UTCR 1.050(1)(b):

1.050 PROMULGATION OF SLR; REVIEW OF SLR; ENFORCEABILITY OF LOCAL PRACTICES

(1) Promulgation of SLR

(a) * * *

(b) A court must incorporate into its SLR any local practice, procedure, form, or other requirement ("local practice") with which the court expects or requires parties and attorneys to comply. A court may not adopt SLR that duplicate or conflict with the constitutions, statutes, ORCP, UTCR, disciplinary rules for lawyers, judicial canons, or ORAP. A court may not adopt SLR that establish internal operating procedures of the court or trial court administrator that [neither] **{do not}** create requirements [for nor] **{or}** have potential consequences for parties or attorneys.

(c) * * *

* * * * *

(2) * * * *

* * * * *

3. Amended UTCR 1.050(1)(b):

1.050 PROMULGATION OF SLR; REVIEW OF SLR; ENFORCEABILITY OF LOCAL PRACTICES

(1) Promulgation of SLR

(a) * * *

(b) A court must incorporate into its SLR any local practice, procedure, form, or other requirement ("local practice") with which the court expects or requires parties and attorneys to comply. A court may not adopt SLR that duplicate or conflict with the constitutions, statutes, ORCP, UTCR, {Chief Justice Orders, Supreme Court Orders,} disciplinary rules for lawyers, judicial canons, or ORAP. A court may not adopt SLR that establish internal operating procedures of the court or trial court administrator that neither create requirements for nor have potential consequences for parties or attorneys.

(c) * * *

* * * * *

4. New UTCR 5.070:

{5.070 MOTION FOR LEAVE TO AMEND PLEADING

(1) Except as provided in section (2) of this rule, whenever a motion for leave to amend a pleading is submitted to the court, it must include, as an exhibit attached to the motion, the entire text of the proposed amended pleading. The text of the pleading must be formatted in the following manner:

(a) Any material to be added to the pleading must be underlined and in bold with braces at each end.

(b) Any material to be deleted from the pleading must be italicized with brackets at each end.

(2) If the motion to amend is for a pleading that was composed using preprinted forms that have been completed by filling in the blanks, the moving party may comply with this rule by making a copy of the filed pleading and formatting the text of the pleading in the following manner:

(a) Any material to be added to the pleading must be interlineated and underlined with braces at each end.

(b) Any material to be deleted from the pleading must have brackets at each end.}

5. Amended UTCR 5.080

5.080 STATEMENT FOR ATTORNEY FEES{, **COSTS, AND DISBURSEMENTS**}

In civil cases, the statement for attorney fees{, **costs, and disbursements**} must be filed in {**substantially**} the form set forth in Form 5.080 in the UTCR Appendix of Forms.

6. Amended UTCR Form 5.080

IN THE [_____] {**CIRCUIT**} COURT OF THE STATE OF OREGON
FOR { _____ } [THE] COUNTY [OF _____]

_____)	
_____)	
Plaintiff,)	CIVIL CASE NO. _____
v.)	STATEMENT FOR ATTORNEY
_____)	FEES [AND COST BILL] {, COSTS,
_____)	AND DISBURSEMENTS } FOR
Defendant.)	(PLAINTIFF/DEFENDANT)
	[JUDGE _____]

[STATE OF OREGON)
) ss.
 County of _____)]

The undersigned attorney [represents to the Court, under penalties of perjury,] {offers} the following facts [offered] in support of an award of reasonable and necessary attorney fees{, **costs, and disbursements**} [are true]:

1. Plaintiff/Defendant is entitled to recover attorney fees{, **costs, and disbursements**} pursuant to the following facts, statute or rule:

2. {**Legal Fees including**} [T]{t}he number of hours and services [rendered] {provided} in this matter [for] {by} each attorney, clerk, and legal assistant and the hourly rates for each are set forth in detail in Exhibit ["1" attached] {1. **The total sum of these fees is \$ _____.**} Exhibit ["1"] {1} is summarized as follows:

<u>Name</u>	<u>Position</u>	<u>Hourly Rate</u>	<u>Number of Hours</u>	<u>Fees</u>
-------------	-----------------	--------------------	------------------------	-------------

[3. Plaintiff/Respondent is entitled to the recovery of \$_____ for costs as authorized by _____ [cite ORCP 68A(2) and/or other authority]. As explained in Exhibit _____, such costs are billed directly to the client and are not overhead expenses already reflected in the hourly rate or fee.

4. Exhibit _____ sets forth the specific basis for the award and amount of fees as required by ORS 20.075.]

{3. The specific factors supporting an award and the amount of legal fees pursuant to ORS 20.075 or other statute or rule are set forth in Exhibit 2.

4. Litigation expenses billable directly to the client that are not overhead expenses already reflected in the hourly rate for legal services are set forth in detail in Exhibit 3. The total sum of these costs and disbursements is \$_____.

5. Costs and disbursements supported by ORCP 68A(2) or other statute or rule, including the prevailing party fee, are set forth in detail in Exhibit 4. The total sum of these costs and disbursements is \$_____.

[5]{6}. In anticipation of efforts that will be spent in postjudgment [collection] proceedings, plaintiff/defendant seeks the additional sum of \$_____ as explained more fully in Exhibit [____ attached] 5.

[6]{7}. [Based on the above] **{In summary}**, plaintiff/defendant is entitled to an award of reasonable and necessary attorney fees in the sum of \$_____, **litigation expenses in the sum of \$_____ , costs and disbursements in the sum of \$_____ , and postjudgment work in the sum of \$_____.**

I hereby declare that the above statement{, **including the information contained in the exhibits to this statement,**} is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

[DATED this _____ day of _____, 20____.

{Date _____

Signature _____

OSB# (if applicable) _____

Type or print name _____}

Page 2 - Form 5.080 – STATEMENT FOR ATTORNEY FEES [AND COST BILL]{, **COSTS, AND DISBURSEMENTS**}

FOR PLAINTIFF DEFENDANT – UTCR 5.080

(Please designate one of the above)

(Revised 8-1-[05]{08})

7. New UTCR 5.130

{5.130 INTERSTATE DEPOSITION INSTRUMENTS—OBTAINING AN OREGON COMMISSION

- (1) A party shall request a commission pursuant to ORCP 38 to permit a deposition to be taken in a foreign jurisdiction for an action pending in an Oregon circuit court by presenting a motion, affidavit, and form of order at ex parte. (See Form 5.130.1a in the UTCR Appendix of Forms). If the motion is allowed, the party shall file the motion, affidavit, and signed order with the trial court administrator in the pending civil action. When the order granting the commission is filed, the trial court administrator or the trial court administrator's designee shall issue the commission (see Form 5.130.1b in the UTCR Appendix of Forms).**
- (2) Unless otherwise requested by the party in its motion and ordered by the court, the commission shall be effective for 28 days from the date of issue.**
- (3) The commission may also serve to authorize the issuance of Subpoenas Duces Tecum in a foreign jurisdiction.}**

8. New UTCR Form 5.130.1a

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

_____,)
Plaintiff,)
v.)
_____,)
Defendant.)

No. _____

AFFIDAVIT, MOTION, AND ORDER
FOR COMMISSION TO TAKE
FOREIGN DEPOSITION

I, _____, attorney for _____, state it is necessary in the above-entitled case to take the depositions of the following people in the state or country of _____:

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Date _____
OSB# (if applicable) _____

Signature _____
Type or print name _____

Pursuant to ORCP 38 and based on the above affidavit, _____ moves this court for an order issuing a commission for depositions to be taken in the state or country of _____, and that the commission be effective for _____ day(s) from the date of signing by the clerk.

Signature

Name of Attorney Typed or Printed OSB No.

IT IS ORDERED that the requested commission be issued and that the commission shall be effective for _____ day(s) from the date of signing by the clerk.

Signed this _____ day of _____, _____.

Signature

Judge's Name Typed or Printed

9. New UTCR Form 5.130.1b

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

_____)	No. _____
Plaintiff,)	
v.)	COMMISSION TO TAKE FOREIGN
)	DEPOSITION
_____)	
Defendant.)	

TO ANY PERSON AUTHORIZED TO ADMINISTER OATHS IN _____:

Pursuant to ORCP, by order of the above-titled court made on application of _____ in the above-captioned case, you are hereby appointed, commissioned, and authorized to take the depositions of the following named people in the state or country of _____.

You are authorized to administer an oath to the above witnesses and to take their depositions on oral examination. You are further authorized and directed to cause the examinations of these witnesses to be recorded and to certify that the witnesses were duly sworn and that the deposition transcripts are a true record of the witnesses' testimony. This commission expires _____ day(s) from the date of signing.

Signed this _____ day of _____, _____.

TRIAL COURT ADMINISTRATOR

by _____

{5.140 INTERSTATE DEPOSITION INSTRUMENTS—REGISTERING A FOREIGN COMMISSION IN OREGON

- (1) To obtain discovery in the State of Oregon for an action pending in another jurisdiction, a party shall register a writ, mandate, commission, letter rogatory, or order executed by the appropriate authority in the foreign jurisdiction with a circuit court of this state. The party in the foreign action or an active member in good standing of the Oregon State Bar shall present in person at ex parte the original document or a certified copy from the foreign jurisdiction, a petition, and an order to register the document. (See Form 5.140.1 in the UTCR Appendix of Forms.) If approved by the court, upon payment of the appropriate filing fee the matter will be assigned a circuit court case number and appropriate process may be issued by the Oregon attorney.**
- (2) In the event that a foreign jurisdiction has no procedure to issue a writ, mandate, commission, letter rogatory, or order to authorize a deposition to be taken in Oregon pursuant to ORCP 38 C, at ex parte the party shall present a petition to compel the witnesses to appear and testify. The petition shall be supported by an affidavit that contains all of the following:**
- (a) The name of the foreign jurisdiction in which the litigation is pending.**
 - (b) The name of the court in which the litigation is pending.**
 - (c) The caption or other relevant title of the litigation.**
 - (d) The case number assigned by the foreign jurisdiction to the litigation.**
 - (e) The date of filing of the litigation in the foreign jurisdiction.**
 - (f) A statement that the foreign jurisdiction has no process to issue a writ, mandate, commission, letter rogatory, or order to compel a witness to appear and give testimony if the witness is located outside its jurisdictional boundary.**
 - (g) A statement that the affiant seeks authorization from the court to proceed upon notice or agreement to take the testimony of witnesses in this state as provided by ORCP 38 C(1).**
 - (h) The identity of witnesses in this state to be compelled upon notice or agreement to appear and testify.}**

11. New UTCR Form 5.140.1

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

_____)	No. _____
Plaintiff,)	
)	
v.)	PETITION AND ORDER TO REGISTER
)	FOREIGN DEPOSITION INSTRUMENT
_____)	AND ISSUE SUBPOENAS
Defendant.)	

Petitioner certifies that:

The attached mandate, writ, commission, or letter rogatory was issued by _____ Court of the State or Country of _____ on the _____ day of _____, _____, in case no. _____, requiring testimony of a witness within the State of Oregon and the authority granted by the document is in full effect.

Therefore, petitioner requests that:

The mandate, writ, commission, or letter rogatory be approved by the court for filing so witnesses may be compelled by subpoena to appear and testify in the same manner and by the same process and proceeding as may be employed for the purpose of taking testimony in proceedings pending in this state.

Signed this _____ day of _____, _____.

Signature

Name of Attorney Typed or Printed OSB No.

Petition granted. It is ordered that this petition and the attached mandate, writ, commission, or letter rogatory be filed, and upon filing, subpoena may be issued and served.

Signed this _____ day of _____, _____.

Judge's Signature

Judge's Name Typed or Printed

12. New UTCR Chapter 21

{Chapter 21 – Filing and Service by Electronic Means

21.010 DEFINITIONS

The following definitions apply to this chapter:

- (1) “Conventional filing” means a process where a filer files a paper document with the court.**
- (2) “Document” means a pleading, a paper, a motion, a declaration, an application, a request, a brief, a memorandum of law, an exhibit, or other instrument submitted by a filer, including any exhibit or attachment referenced in the instrument. Depending on the context, as used in this chapter, “document” may refer to an instrument in either paper or electronic form.**
- (3) “Electronic filing” means the process where a filer electronically transmits to a court a document in an electronic form to commence an action or to be included in the court files for an action.**
- (4) “Electronic filing system” means the system provided by the Oregon Judicial Department for the electronic filing and the electronic service of a document via the Internet. A filer may access the system through the Oregon Judicial Department’s website (<http://www.ojd.state.or.us>).**
- (5) “Electronic service” means the electronic transmission of a notice of filing or a notice of a scheduled court proceeding by the electronic filing system to the electronic mail (e-mail) address of a party registered as a filer with the electronic filing system. The notice may contain a hyperlink to access a document that is filed electronically for the purpose of effecting service.**
- (6) “Filer” means a person registered with the electronic filing system who submits a document for filing with the court.**
- (7) “Pro se litigant” means a person who by law may appear in an action without a lawyer.**

21.020 APPLICABILITY

As authorized by ORS 1.002, this chapter applies to those circuit courts that have written approval from the State Court Administrator to accept filings electronically for designated case types and filers. The Oregon Judicial Department’s website lists the circuit courts approved to accept filing electronically for designated case types and filers (<http://www.ojd.state.or.us>).

21.030 FILERS

- (1) Authorized Filers**
 - (a) The following may register as filers in the electronic filing system:**

- (i) any member of the Oregon State Bar who is authorized to practice law;**
- (ii) any lawyer admitted to the practice of law *pro hac vice* during the period of the lawyer's temporary admission;**
- (iii) a pro se litigant who is a party to the action; and**
- (iv) any other person as approved by the State Court Administrator.**

(b) A filer must complete a registration form to request a login for access to the electronic filing system and sign a user agreement. The filer must provide information sufficient to establish the filer's technical capacity to send and receive electronic filings and court notices. On receipt of the required information, notice will be sent to the filer of his or her registration status. If the filer is approved to access the electronic filing system, a filer shall be assigned a login.

(2) Conditions of Electronic Filing

To have access to the electronic filing system, each filer agrees to, and must:

- (a) register for access to the electronic filing system;**
- (b) comply with the registration conditions when using the electronic filing system;**
- (c) maintain one or more operative e-mail addresses at which the filer agrees to accept service; and**
- (d) furnish required information for case processing.**

21.040 FORMAT OF DOCUMENTS TO BE FILED ELECTRONICALLY

- (1) All documents submitted to the court must be in a text-searchable Portable Document Format (PDF).**
- (2) When viewed in an electronic format and when printed, a submitted document must comply with the requirements of ORCP 9E and UTCR 2.010 except as to any requirement that a document bear a physical signature when filed.**
- (3) Submitted documents that do not comply with these provisions may be rejected as provided in UTCR 21.080.**

21.050 PAYMENT OF FEES

(1) Payment Due On Filing

A filer must pay the filing fees for filing a document electronically at the time of electronic filing.

(2) Fee Waivers and Deferrals

A filer may apply for a waiver or deferral of court fees and costs at the time of filing a document electronically, as provided in ORS 21.682 and ORS 21.685. A filer may submit for filing a document that constitutes an appearance, motion, or pleading for which a fee is required, with an accompanying application for a waiver or deferral of a required fee. The document will not be accepted for filing unless the fee waiver or deferral is granted.

21.060 FILES OF THE COURT

(1) Electronic Filing

- (a) The electronic filing of a document is accomplished when:**
- (i) a filer submits a document electronically to the court;**
 - (ii) the electronic filing system sends a confirmation receipt to the filer that the electronic filing system received the document; and**
 - (iii) the court accepts the document for filing.**
- (b) When the court accepts the electronic document for filing, the electronic document constitutes the court's record of the document.**

(2) Converting a Conventional Filing into an Electronic Format

The court may digitize, microfilm, record, scan, or otherwise reproduce a document that is filed conventionally into an electronic record, document, or image. The court subsequently may destroy a document that is filed conventionally in accordance with the protocols established by the State Court Administrator under ORS 8.125(11) and ORS 7.124.

21.070 SPECIAL FILING REQUIREMENTS

(1) Courtesy Copies

The court may require that a filer submit, in the manner and time specified by the court, a copy of the document that was filed electronically and a copy of the confirmation receipt from the electronic filing system.

(2) Court Order Requiring Electronic Filing and Electronic Service

Except for any document that requires service under ORCP 7 or that requires personal service, the court may, on the motion of any party or on its own motion, order all parties to file and serve all documents electronically, after finding that such an order would not cause undue hardship or significant prejudice to any party.

(3) Attachments and Exhibits

- (a) A filer must submit as an exhibit or attachment only an excerpt of the referenced material that is directly germane to the matter under consideration by the court. A responding party may timely file an additional excerpt or the complete document that the party believes is directly germane. The court may require a party to file an additional excerpt or the complete document.**
- (b) A demonstrative or oversized exhibit must be filed conventionally.**
- (c) Trial exhibits may not be filed electronically or conventionally with the court and must be delivered or submitted as ordered by the assigned judge.**

21.080 ELECTRONIC FILING DEADLINES

- (1) Electronic filing is permitted at all times, except when the electronic filing system is temporarily unavailable.**
- (2) The filing deadline for any document filed electronically is 11:59:59 p.m. in the time zone where the court is located on the day the document must be filed.**
- (3) The court considers a document submitted for filing when the electronic filing system receives the document and sends a confirmation receipt to the filer. The electronic filing system will affix to each document the time of day, day of the month, month, and year that the document is received and will issue a confirmation receipt to the filer that includes the date and time of receipt.**
- (4) If the court accepts the document for filing, the date and time of filing entered in the register relates back to the date and time the electronic filing system received the document. The electronic filing system will affix the date and time of acceptance on the document.**
- (5) If the court rejects a document submitted electronically for filing, the court will affix the date and time of rejection on the document and return the document to the filer with a notice that explains why the court rejected the document. The court may require a filer to resubmit the document to meet the filing requirements. If the court requires a filer to resubmit the document, the date and time of filing of the resubmitted document relates back to the date and time of the filing of the original document. The court may, by order, strike the document from the court's file in the action if the filer receives notice from the court and does not resubmit the document within the time period specified by the court.**

21.090 ELECTRONIC SIGNATURES

- (1) The use of a filer's login constitutes the signature of the filer for purposes of these rules and for any other purpose for which a signature is required.**
- (2) In addition to information that law or rule requires to be in the document, a document filed electronically must have a signature block that includes the**

typed name of the filer preceded by an “s/” in the space where the signature would otherwise appear.

Example:

s/ John Q. Attorney
JOHN Q. ATTORNEY
OSB #

Attorney for Plaintiff Smith Corporation, Inc.

- (3) When more than one party joins in filing a document, the filer must show all of the parties who join by one of the following:
- (a) submitting a scanned document containing the signatures of all parties joining in the document;
 - (b) a recitation in the document that all such parties consent or stipulate to the document; or
 - (c) identifying in the document the signatures that are required and submitting each such party’s written confirmation no later than three (3) days after the filing.

21.100 ELECTRONIC SERVICE

- (1) Filers who are registered with the electronic filing system and who have appeared in the action and not withdrawn are deemed to consent to electronic service of all documents filed by the court or other registered filers in an action, except for any document that requires service under ORCP 7 or that requires personal service.
- (2) When a filer submits a document through the electronic filing system, the electronic filing system transmits a notice of filing to the e-mail address of each party who is registered with the system to be served for the purpose of effecting service. The notice of filing contains a hyperlink to access a document that is filed electronically. Transmission of the notice of the filing by the electronic filing system constitutes service.
- (3) Completion and Time of Electronic Service
- Electronic service is complete when the electronic filing system transmits the notice of filing.
- (4) Electronic service performed in accordance with this chapter is equivalent to service by mail as provided in ORCP 10C.
- (5) Proof of Electronic Service
- A filer must attach at the end of any document submitted electronically a list of names and addresses of all parties requiring conventional paper service, followed by a clearly identified list of the names of all parties requiring service that will be served electronically by the electronic filing system.

(6) Service Other Than By Electronic Means

The filing party is responsible for perfecting service in any manner permitted by the Oregon Rules of Civil Procedure and for filing a proof of service with the court for the following documents:

- (a) documents required to be filed conventionally under this chapter;**
- (b) documents that cannot be served electronically on a party who appeared in the action; and**
- (c) documents subject to a protective order.**

21.110 HYPERLINKS

- (1) A document that is filed electronically may contain hyperlinks to other portions of the same document or hyperlinks to a location on the Internet that contains a source document for a citation or both.**
- (2) A hyperlink to cited authority does not replace standard citation format. A filer must include the complete citation within the text of the document. Neither a hyperlink, nor any site to which it refers, is part of the record. A hyperlink is simply a convenient mechanism for accessing material cited in a document filed electronically.**
- (3) The Oregon Judicial Department neither endorses nor accepts responsibility for any product, organization, or content at any hyperlinked site, or to any site to which that site refers.**

21.120 RETENTION OF DOCUMENTS BY FILERS

- (1) Unless the court orders otherwise, if a filer electronically files a document that contains the original signature of a person other than the filer, the filer must retain the document in its original paper form for ten (10) years.**
- (2) On reasonable notice, the filer must provide a paper copy for inspection by another party, the clerk, or the court.**

21.130 PROTECTED INFORMATION

The use of information contained in a document filed electronically or information accessed through the electronic filing system must be consistent with state and federal law.}

2008 UNIFORM TRIAL COURT RULES

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