

In the Matter of Out-of-Cycle) CHIEF JUSTICE ORDER
Amendment of UTCR 1.050, 2.100,) No. 12-039
2.110, 5.060, 5.090, 9.030, and)
Form 2.100.4b) ORDER OF OUT-OF-CYCLE AMENDMENT OF
) UTCR 1.050, 2.100, 2.110, 5.060, 5.090, 9.030,
) AND FORM 2.100.4b

I HEREBY ORDER, pursuant to ORS 1.002 and UTCR 1.020, that:

1. Good cause has been shown and the effective date, requirements, and time limits established by UTCR 1.020(2), (3), and (4) are waived to make changes to the UTCR necessary for the Oregon eCourt Program implementation process.
2. The following UTCR, as shown in Attachment A to this order, are amended effective immediately: 1.050, 2.100, 2.110, 5.060, 5.090, 9.030, and Form 2.100.4b. For the convenience of the reader, deleted wording is shown in *[brackets and italics]* and new wording is shown in **{braces, underline, and bold}**. When these rules and the form, as amended, are posted and published as part of the UTCR, these highlights will not be shown.
3. Pursuant to UTCR 1.020(5), the UTCR changes implemented by this order shall be posted for public comment as soon as is practicable and shall be placed on the agenda of the next UTCR Committee meeting.
4. This order takes effect immediately.

Dated this 15 day of May, 2012.



Thomas A. Balmer
Chief Justice

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

(1) Promulgation of SLR

- (a) Pursuant to ORS 3.220, a court may make and enforce local rules consistent with and supplementary to these rules for the purpose of giving full effect to these rules and for the prompt and orderly dispatch of the business of the court.
- (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. **{Except as provided in paragraph (e),}** [A] **{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 do not create requirements or have potential consequences for parties or attorneys.
- (c) Every court must promulgate an SLR governing the scheduling and notification of parties for criminal trials, show cause hearings{,} and motions. A temporary rule may be issued for a specified period of time with Chief Justice approval if the procedures are under revision or study by the affected court.
- (d) All forms required by SLR must be submitted as part of the SLR. Such forms shall be placed in an appendix and organized by chapter and SLR number. SLR and related forms shall contain cross-references to one another.

{(e) For the sole purpose of facilitating the Oregon eCourt Program, a court may adopt a Chief Justice-approved, standardized series of SLR to implement the Oregon eCourt Program in that court, even though some of those SLR may conflict with the UTCR in certain respect. Those SLR take precedence over any conflicting UTCR.}

(2) * * *

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2.100 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION,
REQUIREMENTS AND PROCEDURES TO SEGREGATE WHEN SUBMITTING

(1) * * *

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(4) Procedure to follow. A person may only request protected personal information be segregated and protected under this rule when submitting it to a court in a case. The procedures under this rule may be used to identify and separately present protected personal information from any submitted document or form that is used to give information to a court. To do so, a person must do the following:

- (a) Place in the document from which the protected personal information is being segregated a written notation to the effect that the information is being separately submitted under UTCR 2.100.
- (b) Complete an affidavit in substantially the form provided in UTCR Form 2.100.4a. The affidavit:
 - (i) Need not be notarized but must be signed by the requestor and contain language that the person knowingly gives the information under an oath or affirmation attesting to the truth of what is stated and subject to sanction by law if the person provides false information to the court.
 - (ii) Must describe generally the protected personal information and set out the legal authority for protecting the information.
- (c) Complete an information sheet in substantially the form provided in UTCR Form 2.100.4b to duplicate the protected personal information sought to be segregated [*and attach the information sheet to the affidavit*]. **{The information sheet must be submitted as a separate document, not as an attachment to the affidavit prepared under UTCR 2.100(4)(b).}**
- (d) File the completed forms and attachments with the court along with, but not attached to, the document from which the protected personal information is segregated.
- (e) For purposes of UTCR 2.080, mail or deliver to parties a copy of the affidavit only, and not the information sheet or **{any}** attachments to the information sheet.

(5) * * *

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2.110 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION,
PROCEDURES TO SEGREGATE WHEN INFORMATION ALREADY EXISTS IN A
CASE FILE

(1) * * *

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(4) Procedure to Follow. A person may only request protected personal information be segregated under this rule when the information is already in a document that has become part of a court case file. To do so, a person must do all the following:

(a) Complete an affidavit in substantially the form provided in UTCR Form 2.110.4a. The affidavit:

- (i) Need not be notarized but must be signed by the requestor and contain language that the person knowingly gives the information under an oath or affirmation attesting to the truth of what is stated and subject to sanction by law if the person provides false information to the court.
- (ii) Must describe generally the protected personal information and set out the legal authority for protecting the information.
- (iii) Must specifically identify the case file, document in the case file, and the page number of the page that is sought to be redacted.
- (iv) Must be accompanied by a copy of that page sought to be redacted showing specifically the protected personal information to be redacted.

(b) Complete an information sheet in substantially the form provided in UTCR Form 2.100.4b to duplicate the protected personal information sought to be segregated [*and attach the information sheet to the affidavit*]. **{The information sheet must be submitted as a separate document, not as an attachment to the affidavit prepared under UTCR 2.110(4)(a).}**

(c) File the completed forms and attachments with the court.

(d) Pay the required fee set by Chief Justice Order.

(e) For purposes of UTCR 2.080, mail or deliver to parties a copy of the affidavit only and not the information sheet or **{any}** attachments to the information sheet.

(5) * * *

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5.060 STIPULATED AND *EX PARTE* MATTERS

- (1) Any stipulated or *ex parte* matter may be delivered by mail or messenger to the trial court administrator for distribution to a judge for signature. An *ex parte* default, a stipulated order{ } or a stipulated judgment also may be personally presented to a judge by the attorney or the attorney's agent. Other types of *ex parte* matters personally presented to a judge must be presented by the attorney.
- (2) A motion for an *ex parte* order must contain the term "*ex parte*" in the caption and must be accompanied by a proposed order.
- (3) *Ex parte* matters shall be presented anytime during court hours, except as modified by SLR promulgated pursuant to UTCR 1.050 **{and except as provided in UTCR 21.080}**. Until such local rules are adopted, stipulated and *ex parte* matters may be personally presented anytime during court hours.

5.090 NOTICE TO COURT IN WATER RIGHTS CASES

If at any time during a case a party asserts a disputed water right, the party must give notice to the court that the case involves water rights. If not stated in the caption of the original complaint that begins the court case, the notice shall be in the following form:

- (1) Be [on] **{filed as}** a separate [piece of paper] **{document}**.
- (2) Include the caption of the case and the case number.
- (3) Include a statement that the case involves water rights.
- (4) Be signed by the attorney or party.

9.030 ADDRESSES AND TELEPHONE NUMBERS REQUIRED

- (1) The name, address, telephone number, fax number, [e-mail] **{email}** address, and bar number of the attorney of record must be typed or printed on the last page of every petition, motion{ } and order.
- (2) The name, address{ } and telephone number of the guardian, conservator{ } or personal representative must be typed or printed on the last page of every order.
- (3) The trial court administrator must be promptly notified by separate [letter] **{document}** of any change in address or telephone number of any attorney of record, unrepresented party, guardian, conservator{ } or personal representative.

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

_____ Division - _____
(court's address and phone number)

Case name: _____) _____) Plaintiff Name _____) v. _____) _____) 1 ST Defendant Name _____)	CASE No. _____) _____) UTCR 2.100 SEGREGATED INFORMATION SHEET
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ATTENTION COURT STAFF: Except as your trial court administrator tells you otherwise, this sheet and its attachments are:

- **to be [separated] {maintained separately} from the attached request, and**
- **NOT [to be] placed in any court file where they can be seen by the public, and**
- **NOT [to be] provided to any member of the public to see or copy.**

PLEASE follow UTCR and Judicial Department instructions for protecting information on this form. Ask your trial court administrator if you have questions.

The requestor MUST complete all of the following information:

1. Requestor information:

- Name: _____
- Address: _____
- Telephone number: _____
- Other contact information: _____
- Relationship to case: _____

2. Protected personal information that is segregated:

Row number used to identify on request	General description of the protected personal information (<i>same as on request</i>)	Relates to (<i>Person's name</i>)	The following is the specific Protected Personal Information to be segregated (<i>give the specific fact, e.g. social security number, that is being protected</i>). This can be a reference to an attachment. <u>Do not use for contact information</u> (<i>addresses, telephone numbers, employer identification, and similar information that can be used to contact someone</i>) unless specifically ordered by a court. The type of information that can be protected by this form is limited to what is listed in UTCR 2.100. Add rows as necessary.

3. There are attachments to this information sheet: ___ Yes ___ No
If so, how many pages _____

For Office use: