

UNIFORM TRIAL COURT RULES

Including Amendments

**Effective
August 1, 2013**

This document has no copyright and may be reproduced.

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

) CHIEF JUSTICE ORDER
) No. 13-029
)

) ADOPTION OF 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, 2013, 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, 2013, 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 Those local rules that are not amended or repealed and are not disapproved on review under UTCR 1.050 remain in effect until so amended, repealed, or disapproved.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 22nd day of May, 2013.



Thomas A. Balmer
Chief Justice

IN THE SUPREME COURT OF THE STATE OF OREGON

In the Matter of the Adoption of)
Amendments to Uniform Trial Court) No. 13-030
Rules 3.180 and 19.020)
) ADOPTION OF AMENDMENTS TO UNIFORM
) TRIAL COURT RULES 3.180 AND 19.020

The Oregon Supreme Court has approved amendment of Uniform Trial Court Rules 3.180 and 19.020; therefore, I HEREBY ORDER the following:

1. Uniform Trial Court Rules 3.180 and 19.020, as shown below, are amended effective August 1, 2013.
2. All current local rules inconsistent with Uniform Trial Court Rules 3.180 and 19.020 as amended will be deemed ineffective on August 1, 2013, pursuant to UTCR 1.030.
3. Local rules that are consistent with Uniform Trial Court Rules 3.180 and 19.020 as amended remain in effect and are subject to review as provided under UTCR 1.050.

Dated this 22nd day of May, 2013.



Thomas A. Balmer
Chief Justice

**AMENDED UNIFORM TRIAL COURT RULES
(Effective August 1, 2013)
AND SUMMARY OF OTHER UTCR COMMITTEE ACTIONS**

I. INTRODUCTION

The amended Uniform Trial Court Rules (UTCR) take effect on August 1, 2013. 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 to invite public comment. Additional information on the UTCR can be viewed at: <http://courts.oregon.gov/OJD/programs/utcr/index.page?>.

II. FUTURE MEETINGS

The next meeting of the UTCR Committee is scheduled for October 18, 2013, at the Office of the State Court Administrator, Salem, Oregon. The meeting will be carried over to the following day, October 19, 2013, 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 (SLR). 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, 2014. Meeting dates for the following year will be scheduled at this meeting.

III. BRIEF DESCRIPTIONS OF SPRING 2013 ACTIONS

See Section IV for detailed explanations.

A. APPROVED CHANGES

These changes have been approved by the Chief Justice and the Supreme Court. They will go into effect on August 1, 2013.

1. 1.080(2) – FORMAT AND LOCATION OF COURT RULES
Amend to clarify that the rule applies to electronic versions of the SLR.
2. 2.010(9) – FORM OF DOCUMENTS
Amend to add former UTCR 21.070(4)(a) regarding content of exhibits.
3. 2.010(11) – FORM OF DOCUMENTS
Amend to clarify the elements of a caption.
4. 2.010(14) – FORM OF DOCUMENTS
Amend to change “unrepresented” to “self-represented.”
5. 3.040 – ADVICE TO CLIENTS AND WITNESSES OF COURTROOM FORMALITIES
Amend to change “unrepresented” to “self-represented.”
6. 3.180(2)(c) – MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS
Amend to change “mental commitment” to “civil commitment.”

7. 3.180 – MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS
Amend to make various changes regarding media access.
8. 4.060(2) – MOTION TO SUPPRESS EVIDENCE
Amend to allow, upon a showing of good cause, a written response more than 7 days after a motion to suppress is filed.
9. 5.100(1)(c) – SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS
Amend to change “unrepresented” to “self-represented.”
10. 5.160 – SEALED DOCUMENTS
Adopt a new rule for filing documents under seal.
11. 6.050 – SUBMISSION OF TRIAL MEMORANDA
Amend to add a requirement regarding trial exhibits.
12. 6.060(2) – PROPOSED JURY INSTRUCTIONS AND VERDICT FORMS
Amend to eliminate the requirement that a party must submit to the court an extra copy of requested jury instructions and verdict forms.
13. 6.080(6) – MARKING EXHIBITS
Amend to cite to the applicable ORS, rather than to Oregon Laws.
14. 6.120(1) – DISPOSITION OF EXHIBITS
Amend to cite to the applicable ORS, rather than to Oregon Laws.
15. 7.020 – SETTING TRIAL DATE IN CIVIL CASES
Amend to require submission of a proposed order with a motion to continue.
16. 9.030(3) – ADDRESSES AND TELEPHONE NUMBERS REQUIRED
Amend to change “unrepresented” to “self-represented.”
17. 9.180 – VOUCHERS AND DEPOSITORY STATEMENTS
Amend to create a requirement that courts statewide accept a form to disclose accounts and other assets held by a depository in situations where periodic account statements are not issued (for example, a certificate of deposit).
18. Form 9.180.3 – DEPOSITORY CERTIFICATION OF FUNDS ON DEPOSIT
Adopt a new form to disclose accounts and other assets held by a depository in situations where periodic account statements are not issued (for example, a certificate of deposit).
19. Form 9.410.1 – ORDER REGARDING CONFIDENTIAL INFORMATION
Amend to change “unrepresented” to “self-represented” in paragraphs 7, 8, and 9.
20. 11.050 – TIME REQUIRED FOR HOLDING DISPOSITIONAL HEARING
Repeal the rule because it is inconsistent with statute.
21. Form 15.010.1a – SMALL CLAIM AND NOTICE OF SMALL CLAIM
Amend to add a request for an interpreter to the caption.
22. Form 15.010.1e – DEFENDANT’S RESPONSE
Amend to add a request for an interpreter to the caption.

23. 15.020 – TIME REQUIRED FOR HOLDING DISPOSITIONAL HEARING
Adopt a new rule establishing timing requirements for dismissals for want of prosecution in small claims actions.
24. 19.020 – INITIATING INSTRUMENT REQUIREMENTS
Amend for clarity and to require additional information in the caption and in the body of the instrument.
25. 21.010(7) – DEFINITIONS
Amend to delete section (7).
26. 21.070(4) – SPECIAL FILING REQUIREMENTS
Amend to clarify requirements regarding trial exhibits.

B. OUT-OF-CYCLE CHANGES

These changes to the 2012 UTCR became effective after August 1, 2012, and before August 1, 2013. They will be incorporated into the 2013 UTCR.

1. 5.140 and Form 5.140.1c – INTERSTATE DEPOSITION INSTRUMENTS
Out-of-cycle amendment of 5.140 and adoption of Form 5.140.1c (effective 9/10/12).
2. 5.150 – EXPEDITED CIVIL JURY CASES
Out-of-cycle amendment of 5.150 (effective 6/11/13).
3. Chapter 21 – FILING AND SERVICE BY ELECTRONIC MEANS
Out-of-cycle amendment of 21.040, 21.050, 21.070, 21.080, 21.090, and 21.120 (effective 3/26/13).

C. COMMITTEE RECOMMENDATIONS OF DISAPPROVAL

1. 9.160(1)(a) – FORM OF ACCOUNTINGS
Amend to change “30 days” to “60 days.”

D. OTHER COMMITTEE ACTIONS

1. 4.060 – MOTION TO SUPPRESS EVIDENCE
Amend to create new requirements in instances when the burden of proof shifts to the prosecution.
2. 9.160(1)(b)(ii) – FORM OF ACCOUNTINGS
Amend to clarify whether estimated income means net or gross income.
3. Forms 15.010.1a and 15.010.1e – SMALL CLAIM
Amend to include consent for notice by email at the October 18, 2013, meeting.
4. CJO 12-039
Review of public comment on out-of-cycle changes to 1.050, 2.100, 2.110, 5.060, 5.090, 9.030, and Form 2.100.4b.

5. CJO 12-050
Review of public comment on out-of-cycle rule changes to 21.010, 21.020, 21.030, 21.040, 21.050, 21.060, 21.070, 21.080, 21.090, 21.100, 21.110, and 21.120.
6. Oregon eCourt Program
Update on status of proposal to adopt new rules, adopt new forms, and make conforming amendments to current rules regarding remote electronic access to court documents under the Oregon eCourt Program.
7. Committee Membership
Update on membership status and selection of new chair.
8. Committee Meeting Schedule
Reminder of fall meeting on October 18 (and 19, if necessary), 2013.

IV. DETAILED DESCRIPTIONS OF SPRING 2013 ACTIONS

A. APPROVED CHANGES

These changes have been approved by the Chief Justice and the Supreme Court. They will go into effect on August 1, 2013.

Deletions are shown in [*brackets and italics*]. Additions are shown in {**braces, underline, and bold**}. A proposed revision (in lieu of a simpler amendment) consists of a complete rewriting of a rule or form so there is no use of [*brackets and italics*] or {**braces, underline, and bold**}. The same is true of a new rule or form.

1. 1.080(2) – FORMAT AND LOCATION OF COURT RULES

PROPOSAL

Amend to clarify that the rule applies to electronic versions of the SLR.

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 12, 2012, preliminary recommendation of approval becomes the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by the UTCR Reporter on June 21, 2012. The proposed amendment makes clear that the rule applies to the SLR in all formats printed and electronic.

APPROVED AMENDMENT (effective August 1, 2013)

1.080 FORMAT AND LOCATION OF COURT RULES

(1) * * *

(2) [*When SLR are printed, e*]{**E**}ach page of the [*rules*] {**SLR**} must include a footer that shows the following: the page number, the revision date

applicable to the set of SLR, the judicial district number, and the name of the court.

2. 2.010(9) – FORM OF DOCUMENTS

PROPOSAL

Amend to add former UTCR 21.070(4)(a) regarding content of exhibits.

ACTION TAKEN

Motion 3, to add “except where otherwise required by statute” to subsection (c) and to issue a final recommendation of approval, passed by consensus.

EXPLANATION

This proposal was submitted by Lisa J. Norris-Lampe, on behalf of the Oregon eCourt Law and Policy Work Group, on July 16, 2012. The proposal moves current UTCR 21.070(4)(a) to UTCR 2.010(9)(c), which is a more appropriate location for this requirement. The committee amended subsection (c) to account for circumstances where statute may require an exhibit that does not fit within the rule.

APPROVED AMENDMENT (effective August 1, 2013)

2.010 FORM OF DOCUMENTS

The form of all documents, including pleadings and motions, except where a different procedure is specified by statute or rule, must be:

(1) * * *

* * * * *

(9) Exhibits

(a) When an exhibit is appended to a filed document, each page of the exhibit must be identified by the word "Exhibit" or "Ex" to appear at the bottom right-hand side of the exhibit, followed by an Arabic numeral identifying the exhibit. Each page number of the exhibit must appear in Arabic numerals immediately below the exhibit number;
e.g.: "Exhibit 2
Page 10"

(b) Exhibits appended to a pleading may be incorporated by reference in a later pleading.

{(c) Except where otherwise required by statute, an exhibit appended to a document must be limited to only material, including an excerpt from another document, that is directly and specifically related to the subject of, and referred to in, the document. A responding party may timely file an additional excerpt or the complete document that the party believes is directly and specifically related. The court may require a party to file an additional excerpt or the complete document.}

(10) * * *

* * * * *

3. 2.010(11) – FORM OF DOCUMENTS

PROPOSAL

Amend to clarify the elements of a caption.

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 12, 2012, preliminary recommendation of approval becomes the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Lisa J. Norris-Lampe, on behalf of the Oregon eCourt Law and Policy Work Group, on August 23, 2012. The proposal more clearly outlines the rule's title and caption requirements. The terms are sometimes used inconsistently and interchangeably under the current rule.

APPROVED AMENDMENT (effective August 1, 2013)

2.010 FORM OF DOCUMENTS

(1) * * *

* * * * *

(11) **{Caption}** [*Document Title*]

- (a) **{Each document submitted to the court for filing must include a caption located near the top of the first page that identifies the following:}** [*The title of each document filed with the court must include an identification of the filing party, such as "Plaintiff" or "Defendant." When there are multiple parties on a side, the party submitting the document must be suitably identified, such as "Plaintiff Smith" or "Defendant MegaCorp."*]

{(i) the court to which the document is being submitted for filing;

(ii) the names of the parties;

(iii) an identification of the parties' roles;

(iv) the case number; and

(v) a document title that identifies the document being filed, for example, "complaint," "answer," or "motion for stay." Except for the complaint or petition initiating the case, or the initial answer or response, the document title must identify the filing party, for example, "Defendant's Motion for Summary Judgment." When there are multiple parties on a side, the

document title must suitably identify the party submitting the document, for example, "Plaintiff Smith's Motion for Stay" or "Defendant MegaCorp.'s Motion to Dismiss."

(b) [In] {T}[f]he {document} title of each complaint or petition [and at the beginning of each claim for relief, in the body of the pleading, there] must {indicate} [be indicated] the type of claim, such as "personal injury," "breach of contract," "specific performance{,}" or "reformation of contract." **{If more than one claim for relief is requested, then the body of the pleading also must indicate the type of claim, at the beginning of each claim for relief.}** [The court case number must appear in the caption of every document.]

{(c)} Every motion {directed at a pleading} must show in the {document} title the name of the pleading against which it is directed.

(12) * * *

* * * * *

4. 2.010(14) – FORM OF DOCUMENTS

PROPOSAL

Amend to change “unrepresented” to “self-represented.”

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee’s October 12, 2012, preliminary recommendation of approval becomes the committee’s final recommendation of approval.

EXPLANATION

This proposal was submitted by the UTCR Reporter on June 21, 2012. This change adopts accepted terminology for identifying pro se parties.

APPROVED AMENDMENT (effective August 1, 2013)

2.010 FORM OF DOCUMENTS

The form of all documents, including pleadings and motions, except where a different procedure is specified by statute or rule, must be:

(1) * * *

* * * * *

(14) Notice of Address or Telephone Number Change

An attorney or [unrepresented] {self-represented} party whose address or telephone number changes must immediately mail or deliver notification of such change to the trial court administrator and all other parties.

(15)* * *

5. **3.040 – ADVICE TO CLIENTS AND WITNESSES OF COURTROOM FORMALITIES**

PROPOSAL

Amend to change “unrepresented” to “self-represented.”

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee’s October 12, 2012, preliminary recommendation of approval becomes the committee’s final recommendation of approval.

EXPLANATION

This proposal was submitted by the UTCR Reporter on June 21, 2012. This change adopts accepted terminology for identifying pro se parties.

APPROVED AMENDMENT (effective August 1, 2013)

3.040 ADVICE TO CLIENTS AND WITNESSES OF COURTROOM FORMALITIES

Attorneys must advise their clients and witnesses of the formalities of the court and must encourage their cooperation. [*Unrepresented*] **Self-represented** parties must similarly advise their witnesses and encourage their cooperation.

6. **3.180(2)(c) – MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS**

PROPOSAL

Amend to change “mental commitment” to “civil commitment.”

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee’s October 12, 2012, preliminary recommendation of approval becomes the committee’s final recommendation of approval.

EXPLANATION

This proposal was submitted by Lora Keenan, Court of Appeals Staff Attorney, on February 1, 2012. Current usage favors the term “civil commitment.” In addition, ORS chapter 426 does not use the term “mental commitment.” Similar changes have been proposed for the Oregon Rules of Appellate Procedure. Any changes to this rule must be approved by the Oregon Supreme Court. The court has approved this amendment.

APPROVED AMENDMENT (effective August 1, 2013)

3.180 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

- (1) Courtrooms. Upon request or on the court’s own motion, after notice to all parties, public access coverage shall be allowed in any courtroom, except as provided under this rule.

- (2) There shall be no public access coverage of the following:
- (a) Proceedings in chambers.
 - (b) Any notes or conversations intended to be private including, but not limited to, counsel and judges at the bench and conferences involving counsel and their clients.
 - (c) Dissolution, juvenile, paternity, adoption, custody, visitation, support, [mental] {civil} commitment, trade secrets, and abuse, restraining and stalking order proceedings.
 - (d) At a victim's request, sex offense proceedings.
 - (e) *Voir dire*.
 - (f) Any juror anywhere during the course of the trial in which he or she sits.
 - (g) Recesses.

(3) * * *

* * * * *

NOTE: UTCR 3.180 was adopted by the entire Oregon Supreme Court, and any changes to the rule will be made only with the consent of the Supreme Court.

7. 3.180 – MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

PROPOSAL

Amend to make various changes regarding media access.

ACTION TAKEN

Motion 1, to make a final recommendation of approval of the proposal except for the proposed amendment of section (2)(d), passed 12-1.

EXPLANATION

This proposal was submitted by Therese Bottomly, on behalf of the Bar Press Broadcasters Council, on March 5, 2012.

- The changes to section (2)(d) would allow for more expanded coverage of sex offense proceedings. The committee was concerned that the proposal did not offer enough protection for victims. At the meeting on October 12, 2012, the committee modified the proposal to prohibit public access coverage, upon a victim's request, of a victim's in-court statements so that the reading of a victim's impact statement would be protected from public access coverage, in addition to a victim's testimony or likeness.
- The changes to section (3) are meant to clarify the actions that are available to the court in limiting or denying a request for public access coverage.

- The changes to section (7) are meant to give judges the discretion to allow additional equipment in the courtroom.
- The changes to section (8) are meant to make the section consistent with media shield statutes (ORS 44.510 - 44.540) while allowing, in appropriate circumstances, in camera review by the court of materials protected by statute. The current section is in conflict with those statutes because it allows anyone to obtain materials that have been recorded, but not broadcast. At the meeting on October 12, 2012, the committee modified the proposal to add requirements that materials subject to in camera review must be provided to the court promptly and in a format accessible to the court.
- The proposal included a new section (12) stating that nothing in the rule constitutes a waiver of the media shield statutes. At the meeting on October 12, 2012, this proposal became section (11) after the committee deleted current section (11) pertaining to a defunct video trial project as the section is no longer relevant nor needed.

At the meeting on October 12, 2012, two committee members voted against the preliminary recommendation of approval. One was concerned that section (2)(d) does not offer adequate protection for a victim as it does not prohibit public access coverage when a victim's statements are presented through the testimony of other witnesses. One disagreed with the policy of allowing news agencies to have a monopoly on materials recorded, but not broadcast.

The proponents presented this proposal to the Oregon Supreme Court on November 15, 2012.

At the meeting on March 1, 2013, the committee considered written public comment in opposition to expanded coverage of sex offense proceedings as well as testimony on the proposal. The committee concluded that section (2)(d) should not be amended.

The proponents again presented this proposal to the Oregon Supreme Court on April 2, 2013. They withdrew the proposed amendment of section (2)(d) but requested approval for the other amendments to the rule.

Any changes to this rule must be approved by the Oregon Supreme Court. The court accepted the withdrawal of the amendment to section (2)(d) and approved the remaining amendments.

APPROVED AMENDMENT (effective August 1, 2013)

3.180 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

- (1) Courtrooms. Upon request or on the court's own motion, after notice to all parties, public access coverage shall be allowed in any courtroom, except as provided under this rule.
- (2) There shall be no public access coverage of the following:
 - (a) Proceedings in chambers.

- (b) Any notes or conversations intended to be private including, but not limited to, counsel and judges at the bench and conferences involving counsel and their clients.
 - (c) Dissolution, juvenile, paternity, adoption, custody, visitation, support, mental commitment, trade secrets, and abuse, restraining and stalking order proceedings.
 - (d) At a victim's request, sex offense proceedings.
 - (e) *Voir dire*.
 - (f) Any juror anywhere during the course of the trial in which he or she sits.
 - (g) Recesses.
- (3) Limitations on Denial of Public Access Coverage in Courtrooms. A judge may **{limit or}** deny a request for or terminate public access coverage only if the judge makes findings of fact on the record setting forth substantial reasons for the [*denial*] **{ruling}**. The judge may prohibit public access coverage if there is a reasonable likelihood of any of the following:
- (a) The public access coverage would interfere with the rights of the parties to a fair trial or would affect the presentation of evidence or outcome of the trial.
 - (b) Any cost or increased burden resulting from the public access coverage would interfere with the efficient administration of justice.
- (4) A judge may summarily prohibit public access coverage of a particular witness only if the judge finds on the record that public access coverage would endanger the welfare of the witness or materially hamper the witness' testimony.
- (5) Areas Outside of Courtrooms. The presiding judge may allow public access coverage in any area outside the courtroom that is on the courthouse premises and under the control and supervision of the court. Courts are encouraged to designate an area or areas outside the courtroom that is on the courthouse premises for public access coverage. For areas subject to this subsection, each judicial district, by SLR, may establish, for any court location, procedures for obtaining permission for public access coverage that differ from this subsection or may designate locations where public access coverage is allowed or prohibited. SLR 3.181 is reserved for SLR adopted under this subsection.
- (6) Public Access Coverage Defined. As used in this rule:
- (a) "Public access coverage" means coverage by means of any public access coverage equipment.
 - (b) "Public access coverage equipment" means any of the following in the possession of persons other than the court or the court's staff:

television equipment; still photography equipment; audio, video, or other electronic recording equipment.

- (7) Equipment and Personnel for Public Access Coverage. The court may limit the location of public access coverage equipment. One pool video camera and one pool still camera and one pool tape recorder shall be permitted. **{The court, at its discretion, may permit additional public access coverage equipment, consistent with the considerations in subsections (3)(a) and (b).}**
- (a) No public access coverage device shall be operated by more than one person.
- (b) No person shall use public access coverage equipment that interferes or distracts from proceedings in the courtroom.
- (c) The video camera must be mounted on a tripod or other device or installed in the courtroom. The tripod or other device must not be moved while the proceedings are in session. Video equipment must be screened where practicable or located and operated as directed by the court.
- (d) No artificial lighting devices of any kind shall be allowed.
- (e) Any pooling arrangement required by limitations on equipment and personnel imposed by the judge or by this rule must be the sole responsibility of the persons seeking public access coverage, without calling upon the judge to mediate any disputes involved therein. In the absence of agreement on such issues by persons seeking public access coverage, the judge may exclude any or all public access coverage.
- (8) Upon request **{by the court for the purpose of determining whether there has been a violation of this rule, or to assure the effective administration of justice}**, any person engaging in public access coverage of a court event or in a courtroom, courthouse, its premises, or environs under the control and supervision of the court must **{promptly}** provide to the court, without expense, **{for the court's in camera review,}** [or to any other person, if the requestor pays actual copying expense,] a copy of any public access coverage the person performed **{in a format accessible to the court}**. **{Said copy may be retained by the court, subject to sealing, if necessary for the further administration of justice.}**
- (9) A judge may impose other restrictions or limitations necessary to preserve the solemnity, decorum, and dignity of the court and to protect the parties, witnesses, and jurors. A judge may terminate any or all public access coverage at any point upon finding, based on substantial reasons in the record, that this UTCR or other rules imposed by the judge have been violated.
- (10) Nothing in this rule is intended to limit the court's contempt powers.
- (11) [Nothing in this rule shall alter or affect the rules of the Supreme Court promulgated under "Video-Trial Project No. 88-38." Under that project, the

audio-video coverage constitutes the entire record. In all other courts, the record shall be preserved with court reporters or audiotape. Restrictions on releasing audio-video coverage in courts participating in the Video-Trial Project shall be set forth in separate rules. **{Nothing in this rule constitutes a waiver of ORS 44.510 - 44.540 (media shield law).}**

NOTE: UTCR 3.180 was adopted by the entire Oregon Supreme Court, and any changes to the rule will be made only with the consent of the Supreme Court.

8. 4.060(2) – MOTION TO SUPPRESS EVIDENCE

PROPOSAL

Amend to allow, upon a showing of good cause, a written response more than 7 days after a motion to suppress is filed.

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 12, 2012, preliminary recommendation of approval becomes the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by The Honorable Brian C. Dretke and The Honorable Russell B. West, Tenth Judicial District, on August 9, 2012. The committee concluded that the current 7-day requirement for the state to file a response to a motion to suppress can be an unreasonably short time frame. The proposal would allow the court to extend the time upon a showing of good cause.

APPROVED AMENDMENT (effective August 1, 2013)

4.060 MOTION TO SUPPRESS EVIDENCE

(1) All motions to suppress evidence:

- (a) must make specific reference to any constitutional provision, statute, rule, case, or other authority upon which it is based; and
- (b) must be accompanied by the moving party's brief which must be adequate reasonably to apprise the court and the adverse party of the arguments and authorities relied upon.

(2) Any response to a motion to suppress:

- (a) together with opposing affidavits, if any, upon which it is based must be in writing and must be served and filed **{, absent a showing of good cause,}** not more than 7 days after the motion to suppress has been filed;
- (b) must state the grounds thereof and, if the relief or order requested is not opposed, wholly or in part, a specific statement of the extent to which it is not opposed; and

- (c) must make specific reference to any affidavits relied on and must be accompanied by an opposition brief adequate reasonably to apprise the court and moving party of the arguments and authorities relied upon.
- (3) When averments in an affidavit are made upon information and belief, the affidavit must indicate the basis thereof.
- (4) Failure to file a written response shall not preclude a hearing on the merits.

1991 Commentary:

The Committee proposes these amendments to clarify its intent in originally adopting this rule that a written response not be required.

9. 5.100(1)(c) – SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS

PROPOSAL

Amend to change “unrepresented” to “self-represented.”

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee’s October 12, 2012, preliminary recommendation of approval becomes the committee’s final recommendation of approval.

EXPLANATION

This proposal was submitted by the UTCR Reporter on June 21, 2012. This change adopts accepted terminology for identifying pro se parties.

APPROVED AMENDMENT (effective August 1, 2013)

5.100 SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS

- (1) Any proposed judgment or proposed order submitted in response to a ruling of the court must be:
 - (a) served on opposing counsel not less than 3 days prior to submission to the court, or
 - (b) accompanied by a stipulation by opposing counsel that no objection exists as to the form of the judgment or order, or
 - (c) mailed to a[n] [*unrepresented*] {**self-represented**} party at the party's last known address not less than 7 days prior to submission to the court, or
 - (d) presented in open court with the parties present.

(2) * * *

* * * * *

10. 5.160 – SEALED DOCUMENTS

PROPOSAL

Adopt a new rule for filing documents under seal.

ACTION TAKEN

Motion 7, to make a final recommendation of approval of the version of the proposal set forth on page 95 of the agenda materials, passed by consensus.

EXPLANATION

This proposal was submitted by Bert Krages, a Portland attorney, on July 10, 2009. The committee formed a work group to study the issue. Work on the proposal was suspended pending a ruling from the Oregon Supreme Court regarding the open courts doctrine. The work group presented a proposed rule to the committee at the October 12, 2012, meeting. The committee discussed the status of current case law on sealing documents. While it seems clear that documents can be sealed, that authority may be subject to express statutory authority for sealing. There is statutory authority, for example, to seal juvenile court records, search warrants, adoption records, trade secret documents, and Department of Human Services documents. In addition, ORCP 36 C allows the court to place limits on discovery. The proposed rule requires the moving party to identify supporting statutory authority. The committee discussed concerns over whether there is adequate court staff to ensure that documents are properly sealed. They also discussed concerns over the status of documents when a court denies a request to seal. They discussed whether the rule needs to include a mechanism for a party to withdraw those documents if the request is denied. The committee concluded that there may be a need for a rule, but that it requires additional study.

The work group presented another version of the rule at the March 1, 2013, meeting. The committee discussed whether to include a section on access to sealed documents. They decided that such a section was unnecessary. Once a document has been sealed by the court, there can be no access to the document absent an order allowing access.

APPROVED RULE (effective August 1, 2013)

5.160 SEALED DOCUMENTS

- (1) A party seeking an order to file documents or materials under seal must file a motion with the court that specifies all of the following:
 - (a) The statutory authority for sealing the documents or materials.
 - (b) The reasons for protecting the documents or materials from public inspection.
 - (c) A description of the documents or materials to be sealed.
- (2) At the direction of the judge hearing the motion, the moving party must submit the documents to the court for in camera review.
- (3) The court's order on the motion may include directions to the clerk's office to do one of the following:

- (a) File the documents or materials, unsealed, in the court file.
 - (b) File the documents or materials under seal in the court file.
 - (c) Return the documents, unfiled, to the moving party.
- (4) When documents or materials are filed under seal, the filing party must present the clerk with a copy of the signed court order and submit the documents or materials in a sealed envelope marked "SEALED DOCUMENTS OR MATERIALS" and with a notation that identifies the case caption and the party making the submission. In addition, all documents ordered to be filed under seal must have the words "FILED UNDER SEAL BY COURT ORDER" located directly below the document title.

11. 6.050 – SUBMISSION OF TRIAL MEMORANDA

PROPOSAL

Amend to add a requirement regarding trial exhibits.

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 12, 2012, preliminary recommendation of approval becomes the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Lisa J. Norris-Lampe, on behalf of the Oregon eCourt Law and Policy Work Group, on July 16, 2012. This change is related to a similar requirement to be deleted from UTCR 21.070(4)(c). Trial exhibits should be presented to the trial judge and should not be electronically filed.

APPROVED AMENDMENT (effective August 1, 2013)

6.050 SUBMISSION OF TRIAL MEMORANDA **{AND TRIAL EXHIBITS}**

{(1)} Trial memoranda, if any, must be filed with the trial court administrator, and copies must be delivered concurrently to the court and to opposing parties.

{(2) Trial exhibits must be delivered or submitted as ordered by the assigned judge and not filed with the clerk of court.}

12. 6.060(2) – PROPOSED JURY INSTRUCTIONS AND VERDICT FORMS

PROPOSAL

Amend to eliminate the requirement that a party must submit to the court an extra copy of requested jury instructions and verdict forms.

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 12, 2012, preliminary recommendation of approval becomes the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Lisa J. Norris-Lampe, on behalf of the Oregon eCourt Law and Policy Work Group, on March 28, 2012. Courts that implement the Oregon eCourt Program will not need paper copies because parties will submit electronic versions. It does not make sense to require parties to file an original and a copy of an electronic submission. In addition, paper copies of an electronic submission can be made as needed. Even courts that use paper files do not necessarily need an extra copy, but the proposed rule does allow a court to require parties to submit extra paper copies.

APPROVED AMENDMENT (effective August 1, 2013)

6.060 PROPOSED JURY INSTRUCTIONS AND VERDICT FORMS

- (1) All requested jury instructions and verdict forms must be in writing and delivered concurrently to the trial judge and to opposing parties.
- (2) The original [*and one copy*] of the requested jury instructions and verdict forms must be submitted to the court. **{The court also may require that a party submit a copy of the jury instructions and verdict forms, in the manner and time that the court specifies.}**

(3) * * *

* * * * *

13. 6.080(6) – MARKING EXHIBITS

PROPOSAL

Amend to cite to the applicable ORS, rather than to Oregon Laws.

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 12, 2012, preliminary recommendation of approval becomes the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by the UTCR Reporter on October 9, 2012. Only the Oregon Laws citation was available when the rule was last amended. The ORS citation has since become available.

APPROVED AMENDMENT (effective August 1, 2013)

6.080 MARKING EXHIBITS

(1) * * *

* * * * *

- (5) At the time of trial or hearing involving a covered offense, a party introducing an exhibit that contains biological evidence must provide the court in writing with the name, agency, mailing address, and telephone number for the custodian responsible for each exhibit that contains biological evidence. Counsel also must indicate whether the biological evidence was collected by the defense. For a trial, this information must be submitted with the list of premarked exhibits required under subsection (3) of this rule.
- (6) For purposes of this rule, the following definitions apply:
 - (a) "Biological evidence" has the meaning given in [*Oregon Laws 2011, chapter 275, section 2 (SB 731)*] {**ORS 133.705**}.
 - (b) "Covered offense" has the meaning given in [*Oregon Laws 2011, chapter 275, section 2 (SB 731)*] {**ORS 133.705**}.
 - (c) "Custodian" has the meaning given in [*Oregon Laws 2011, chapter 275, section 2 (SB 731)*] {**ORS 133.705**}.

14. 6.120(1) – DISPOSITION OF EXHIBITS

PROPOSAL

Amend to cite to the applicable ORS, rather than to Oregon Laws.

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 12, 2012, preliminary recommendation of approval becomes the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by the UTCR Reporter on October 9, 2012. Only the Oregon Laws citation was available when the rule was last amended. The ORS citation has since become available.

APPROVED AMENDMENT (effective August 1, 2013)

6.120 DISPOSITION OF EXHIBITS

- (1) Unless otherwise ordered or except as otherwise provided in [*Oregon Laws 2011, chapter 275, section 1 (SB 731)*] {**ORS 133.707**}, all exhibits shall be returned to the custody of counsel for the submitting parties upon conclusion of the trial or hearing. Such counsel must sign an acknowledgment of receipt for the exhibits returned. Counsel to whom any exhibits have been returned must retain custody and control until final disposition of the case unless the exhibits are returned to the trial court pursuant to subsections (2) or (3) of this rule. Both documentary and nondocumentary exhibits submitted by parties not represented by counsel shall be retained by the trial court, subject to subsection (4) of this rule.

(2) * * *

* * * * *

15. 7.020 – SETTING TRIAL DATE IN CIVIL CASES

PROPOSAL

Amend to require submission of a proposed order with a motion to continue.

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 12, 2012, preliminary recommendation of approval becomes the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Linda Hukari, Benton County Trial Court Administrator, on August 29, 2012. The proposal makes clear that a proposed order must be submitted with a motion to continue a case.

APPROVED AMENDMENT (effective August 1, 2013)

7.020 SETTING TRIAL DATE IN CIVIL CASES

- (1) After service is made, the serving party must forthwith file the return or acceptance of service with the trial court administrator.
- (2) If no return or acceptance of service has been filed by the 63rd day after the filing of the complaint, written notice shall be given to the plaintiff that the case will be dismissed for want of prosecution 28 days from the date of mailing of the notice unless proof of service is filed within the time period, good cause to continue the case is shown to the court on motion supported by affidavit **{and accompanied by a proposed order,}** or the defendant has appeared.
- (3) If proof of service has been filed and any defendant has not appeared by the 91st day from the filing of the complaint, the case shall be deemed not at issue and written notice shall be given to the plaintiff that the case will be dismissed against each nonappearing defendant for want of prosecution 28 days from the date of mailing of the notice unless one of the following occurs:
 - (a) An order of default has been filed and entry of judgment has been applied for.
 - (b) Good cause to continue the case is shown to the court on motion supported by affidavit **{and accompanied by a proposed order,}**
 - (c) The defendant has appeared.

(4) * * *

* * * * *

16. 9.030(3) – ADDRESSES AND TELEPHONE NUMBERS REQUIRED

PROPOSAL

Amend to change “unrepresented” to “self-represented.”

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee’s October 12, 2012, preliminary recommendation of approval becomes the committee’s final recommendation of approval.

EXPLANATION

This proposal was submitted by the UTCR Reporter on June 21, 2012. This change adopts accepted terminology for identifying pro se parties.

APPROVED AMENDMENT (effective August 1, 2013)

9.030 ADDRESSES AND TELEPHONE NUMBERS REQUIRED

(1) * * *

* * * * *

(3) The trial court administrator must be promptly notified by separate document of any change in address or telephone number of any attorney of record, [*unrepresented*] {**self-represented**} party, guardian, conservator, or personal representative.

17. 9.180 – VOUCHERS AND DEPOSITORY STATEMENTS

PROPOSAL

Amend to create a requirement that courts statewide accept a form to disclose accounts and other assets held by a depository in situations where periodic account statements are not issued (for example, a certificate of deposit).

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee’s October 12, 2012, preliminary recommendation of approval becomes the committee’s final recommendation of approval.

EXPLANATION

This proposal was submitted by Matt Whitman, UTCR Committee member, on March 21, 2012. The concept was the result of work done by The Honorable Claudia Burton, Marion County Circuit Court, and representatives of bankers’ groups to establish a form for use in situations where periodic account statements are not issued.

APPROVED AMENDMENT (effective August 1, 2013)

9.180 VOUCHERS AND DEPOSITORY STATEMENTS

- (1) Unless otherwise provided by statute, SLR, or order of the court, a voucher for each disbursement reported in the accounting must accompany the accounting as a separate exhibit or shall be attached to a cover page showing the case caption. Vouchers required by statute or order of the court must be documents evidencing each disbursement and showing the name of the payee, date, and amount.
- (2) Unless the fiduciary is excused from the requirement of filing vouchers, the accounting shall include depository statements for each account. An opening depository statement must evidence the account beginning balance, unless one was submitted with a previous accounting. A closing depository statement must evidence the balance in the account within 30 days of the close of the accounting period or on the date of closing of an account closed during the accounting period.
- {3} In a proceeding involving fiduciary accounts for which the depository does not issue regular statements, the court must accept a Depository Certification of Funds on Deposit that is substantially in the form specified in Form 9.180.3 in the UTCR Appendix of Forms.}**
- ~~{3}{4}~~ For purposes of this rule, a "depository" is an entity holding assets of the estate or conservatorship, including a bank, stock and bond broker, mutual fund, or similar entity.
- ~~{4}{5}~~ Copies of vouchers and depository statements need not be served on persons entitled to copies of the accountings or on persons who have requested notice in the proceedings.

18. Form 9.180.3 – DEPOSITORY CERTIFICATION OF FUNDS ON DEPOSIT

PROPOSAL

Adopt a new form to disclose accounts and other assets held by a depository in situations where periodic account statements are not issued (for example, a certificate of deposit).

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 12, 2012, preliminary recommendation of approval becomes the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Matt Whitman, UTCR Committee member, on March 21, 2012. The concept was the result of work done by The Honorable Claudia Burton, Marion County Circuit Court, and representatives of bankers' groups to establish a form for use in situations where periodic account statements are not issued.

APPROVED FORM (effective August 1, 2013)

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

In the matter of the Guardianship Estate)
of:) Case No _____
)
) **DEPOSITORY CERTIFICATION OF**
) **FUNDS ON DEPOSIT**
)
 A Protected Person Deceased)

I hereby certify that the following funds were on deposit in the name of this conservatorship/
estate as of _____ (date):

Account # (last 4 digits)	Type of Account	Balance	Maturity

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

DATE SIGNED: _____

Signature

Print Name and Title

Name of Financial Institution

Address and Telephone Number

***Note: This document must be signed by an officer or person authorized to certify the
accounts at the institution.***

**19. Form 9.410.1 – ORDER REGARDING CONFIDENTIAL INFORMATION
DISCLOSED BY DEPARTMENT OF HUMAN RESOURCES OR THE OREGON
HEALTH AUTHORITY**

PROPOSAL

Amend to change “unrepresented” to “self-represented” in paragraphs 7, 8, and 9.

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee’s October 12, 2012, preliminary recommendation of approval becomes the committee’s final recommendation of approval.

EXPLANATION

This proposal was submitted by the UTCR Reporter on June 21, 2012. This change adopts accepted terminology for identifying pro se parties.

APPROVED AMENDMENT (effective August 1, 2013) [see next page]

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

In the matter of the Guardianship of: _____,) Case No _____
Respondent.)
) **ORDER REGARDING CONFIDENTIAL**
) **INFORMATION DISCLOSED BY**
) **DEPARTMENT OF HUMAN SERVICES OR**
) **THE OREGON HEALTH AUTHORITY**

This matter came before the court on the Petition for Appointment of _____ as Fiduciary for _____. Confidential information from the Department of Human Services or the Oregon Health Authority, hereinafter referred to as "the information", has been submitted in accordance with ORS 125.012.

IT IS HEREBY ORDERED

1. * * *

* * * * *

7. At the time of hearing, the [*unrepresented*] {**self-represented**} Petitioner, Respondent, Objector, and any nominated or appointed fiduciary may have a copy of the information in the courtroom for purposes of the hearing.
8. The [*unrepresented*] {**self-represented**} party must return the copy of the information to the clerk of the court at the conclusion of the proceeding.
9. The [*unrepresented*] {**self-represented**} party shall not remove any copy of the information from the courtroom without prior permission of the court.

Dated this _____ day of _____, 20____.

Circuit Court Judge

20. 11.050 – TIME REQUIRED FOR HOLDING DISPOSITIONAL HEARING

PROPOSAL

Repeal the rule because it is inconsistent with statute.

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 12, 2012, preliminary recommendation of approval becomes the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Michael C. Livingston, Oregon Judicial Department Juvenile Law Staff Counsel, on January 6, 2012. This rule addresses timelines to disposition in dependency cases. Pursuant to ORS 419B.305(1) (which was amended sometime after this rule was adopted), adjudication and disposition in dependency cases must occur within 60 days. The rule extends that time beyond 80 days. The rule conflicts with statute and is no longer needed.

APPROVED REPEAL (effective August 1, 2013)

[11.050 TIME REQUIRED FOR HOLDING DISPOSITIONAL HEARING

A dispositional hearing shall be held within 28 days after the court assumes jurisdiction, except as ordered by the court on a showing of good cause.]

21. Form 15.010.1a – SMALL CLAIM AND NOTICE OF SMALL CLAIM

PROPOSAL

Amend to add a request for an interpreter to the caption.

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 12, 2012, preliminary recommendation of approval becomes the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Andrea K. Nofziger, Marion County Circuit Court administrative analyst, on August 7, 2012. The proposal adds a section to the caption on each form to allow a party to request an interpreter.

APPROVED AMENDMENT (effective August 1, 2013) [see next page]

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

Small Claims Department

_____))
_____))
_____)) **Case No:** _____
Plaintiff))
(Inmate ID #, if applicable, _____)))
v.)) **SMALL CLAIM AND**
_____)) **NOTICE OF SMALL CLAIM**
_____))
_____)) Filing fee at ORS 46.570
Defendant) **{Interpreter needed: Spanish Russian**
 Defendant is a public body) **other: _____}**

PLAINTIFF (Additional on attached page)

DEFENDANT (Additional on attached page)

Name

Name (enter Registered Agent, if necessary, on next page)

Street

Street (do not use a P.O. Box)

City / State / Zip

City / State / Zip

Phone

County

Phone

County

I, Plaintiff, claim that on or about (date) _____, the above-named defendants owed me the sum of \$ _____ because _____

_____, and this amount is still due.

I have paid (or will pay):
filing fees of \$ _____
and service costs of \$ _____

Claim	\$ _____
+ Fees	\$ _____
+Costs	\$ _____
TOTAL	\$ _____

DECLARATION OF BONA FIDE EFFORT

I, Plaintiff, have made a bona fide effort to collect this claim from the defendants before filing this claim with the court clerk.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use in court and I am subject to penalty for perjury.

Date

Plaintiff Signature

Plaintiff Name (print)

DEFENDANT'S REGISTERED AGENT:

Name

Street (do not use a P.O. Box)

City / State / Zip

Phone

County

**NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!**

Within **14 DAYS*** after receiving this notice you **MUST** do **ONE** of the following things in writing:

- Pay the claim plus filing fees and service expenses paid by plaintiff (send payment directly to the plaintiff, not to the court) **OR**
- Demand a hearing and pay the fee required (below) **OR**
- Demand a jury trial and pay the fee required (below). This option is available **only** if amount claimed is more than \$750.

If you fail to do one of the above within 14 DAYS* after you get this notice, the plaintiff may ask the court to enter a judgment against you. The judgment will be for the amount of the claim, plus filing fees and service costs paid by the plaintiff, plus a prevailing party fee. If you are not able to respond in time because you are in active military service of the United States, talk to a legal advisor about the Servicemembers Civil Relief Act.

COURT NAME / ADDRESS / PHONE #

>
>
>

Defendant's Filing Fees *(must be filled in by the PLAINTIFF):*

- | | |
|--------------------------------------------------------------------|----------|
| (1) To demand a hearing if the amount claimed is \$2,500 or less | \$ _____ |
| (2) To demand a hearing if the amount claimed is more than \$2,500 | \$ _____ |
| (3) To demand a jury trial (only if amount claimed is over \$750) | \$ _____ |

If you have questions about filing procedures, go to www.courts.oregon.gov for information and instructions, or you may contact the court clerk. The clerk *cannot* give you legal advice about the claim.

***NOTE:** If the plaintiff is an inmate (ORS 30.642) AND the defendant is a government agency or other public body (ORS 30.260), the defendant must respond within **30 days** after receiving this Notice.

22. Form 15.010.1e – DEFENDANT’S RESPONSE

PROPOSAL

Amend to add a request for an interpreter to the caption.

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee’s October 12, 2012, preliminary recommendation of approval becomes the committee’s final recommendation of approval.

EXPLANATION

This proposal was submitted by Andrea K. Nofziger, Marion County Circuit Court administrative analyst, on August 7, 2012. The proposal adds a section to the caption on each form to allow a party to request an interpreter.

APPROVED AMENDMENT (effective August 1, 2013) [see next page]

IN THE CIRCUIT COURT OF THE STATE OF OREGON
 FOR _____ COUNTY
Small Claims Department

)	
)	
)	Case No: _____
v.)	
Plaintiff)	DEFENDANT'S RESPONSE
)	
)	{Interpreter needed: <input type="checkbox"/> Spanish <input type="checkbox"/> Russian
)	<input type="checkbox"/> other: _____}
Defendant)	

EACH Defendant must file a separate response (spouses and Registered Domestic Partners may file a joint response)

PAYMENT OF CLAIM:
 Proof of payment (including fees and costs) to Plaintiff is attached (or proof that the requested property was returned to Plaintiff).

Total Amount Paid: \$ _____ (or) Describe property and method of return:

DENIAL OF CLAIM

I deny the plaintiff's claim and demand a hearing (or) jury trial.*
 *The claim must be for more than \$750 (without fees and costs) to request a jury trial.

COUNTERCLAIM:

I make the following counterclaim* against the plaintiff for \$_____.
 *Counterclaims must arise out of the same transaction or event as the plaintiff's claim.

I, Defendant, claim that on or about (date) _____, the above-named plaintiff owed me the amount claimed because _____

_____, and this amount is still due.

If the amount is the value of property that you believe should be given to you, describe the property: _____

Date	Signature
	Name (Print)

Street	City/State/ZIP	Phone
--------	----------------	-------

23. 15.020 – TIME REQUIRED FOR HOLDING DISPOSITIONAL HEARING

PROPOSAL

Adopt a new rule establishing timing requirements for dismissals for want of prosecution in small claims actions.

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 12, 2012, preliminary recommendation of approval becomes the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Lisa J. Norris-Lampe, on behalf of the Oregon eCourt Law and Policy Work Group, on September 2, 2011. The committee discussed a draft rule that was submitted by Liz Rambo, Lane County Trial Court Administrator, on August 22, 2012. The rule is needed to establish statewide uniformity for the Oregon eCourt Program to aid in automating certain court processes. The Oregon Collectors Association expressed concern that a short time limit could not be met in a significant number of small claims actions, especially those with two or more defendants where it is difficult to accomplish service. They felt that this could result in more requests for continuances, which would increase workload for the courts. They requested a time limit of 63 days, the same as in a regular civil action. The committee discussed that a 63-day limit could cause a conflict with the timely disposition standards. They discussed that the general incentive of collectors and finance companies is to resolve these cases as quickly as possible. The collectors also requested wording to specifically allow a request for continuance. The committee felt that addition was unnecessary because a continuance can already be requested. The committee invited the collectors to bring this issue back to the committee if the collectors begin to have trouble getting continuances. The committee adopted the 63-day limit and declined to add wording for continuances.

APPROVED RULE (effective August 1, 2013)

15.020 DISMISSAL OF SMALL CLAIMS FOR WANT OF PROSECUTION

- (1) After service is made, the serving party must forthwith file the return or acceptance of service with the trial court administrator.
- (2) If no return or acceptance of service is filed by the 63rd day after the filing of the complaint, the court may dismiss the case for want of prosecution.
- (3) If proof of service is filed and any defendant does not appear by the 35th day after the proof of service is filed, the court may dismiss the complaint against each nonappearing defendant for want of prosecution unless the plaintiff has applied for a default judgment.

24. 19.020 – INITIATING INSTRUMENT REQUIREMENTS

PROPOSAL

Amend for clarity and to require additional information in the caption and in the body of the instrument.

ACTION TAKEN

Motion 2, to make a final recommendation of approval of the updated draft of the proposal that appears on pages 62-64 of the agenda materials, passed by consensus.

EXPLANATION

This proposal was submitted by Lisa J. Norris-Lampe, on behalf of the Oregon eCourt Law and Policy Work Group, on March 26, 2012. The proponent explained that it is difficult to tell whether the applicable statutes require opening a new case file or the use of an existing case file in contempt proceedings. The proposal is not meant to correct conflicts in statute regarding the new case versus existing case issue. The proposal does require parties to put more information in the caption regarding the underlying case, if it exists, and whether they are seeking remedial or punitive contempt. It requires parties to list the related court or administrative case number. The proponent anticipates that the Oregon eCourt Program will be able to capture the underlying case to give the judge more information.

At the March 1, 2013, meeting the proponent presented an updated draft of the proposal to include juvenile proceedings from an "agency" (such as Oregon Youth Authority or the Department of Human Services) or from a "department" (such as a juvenile department), as well as from a juvenile court case.

Any changes to this rule must be approved by the Oregon Supreme Court. The court has approved this amendment.

APPROVED AMENDMENT (effective August 1, 2013)

19.020 INITIATING INSTRUMENT REQUIREMENTS **{AND MAXIMUM SANCTIONS}**

(1) In addition to any other requirements for initiating instruments, the initiating instrument in a contempt proceeding under ORS 33.055 (remedial) or ORS 33.065 (punitive), must state:

(a) **{in the caption, the word "remedial" or "punitive," as appropriate, and the words "violation of restraining order," if appropriate.}** [*the maximum sanction(s) that the party seeks;*]

(b) **{in the instrument:}** [*whether the party seeks a sanction of confinement; and*]

{(i) the maximum sanction(s) that the party seeks;}

{(ii) whether the party seeks a sanction of confinement; and}

([c]{iii}) as to each sanction sought, whether **{the party seeking the sanction}** [*plaintiff*] considers the sanction remedial or punitive.

{(2) If a party is initiating a contempt proceeding under ORS 33.055 (remedial) and a related circuit court case exists, the party must initiate the contempt proceeding by filing a motion in the related case.}

{(3) An initiating instrument in a contempt proceeding under ORS 33.055 (remedial) that initiates a new circuit court case must state, in the first paragraph:

(a) if arising from a justice court or municipal court proceeding, the court name, the case name and number, and a description of the nature of that proceeding;

(b) if arising from an agency proceeding other than a child support proceeding, the agency name, the agency case name and number, and a description of the nature of that proceeding; or

(c) if arising from an agency proceeding that is a juvenile proceeding, the information required in paragraph (b) of this section as to any applicable agency or department, and any applicable juvenile department petition number.}

{(4) An accusatory instrument in a contempt proceeding under ORS 33.065 (punitive) must state, as applicable:

(a) in the caption, if arising from an existing circuit court case, the words "Related to [Court Name] Case No. [Case Number]."

(b) in the first paragraph:

(i) if arising from an existing circuit court case, the court name, the case name and number, and the nature of that case;

(ii) if arising from an existing juvenile court case, the court name, the case name and number, the juvenile department petition number, if any, and the nature of that case.

(iii) if arising from a justice court or municipal court proceeding, the court name, the court case name and number, and a description of the nature of that proceeding;

(iv) if arising from an agency proceeding, the agency name, the agency case name and number, and a description of the nature of that proceeding; or

(v) if arising from a juvenile proceeding, the information required in paragraph (b)(iv) of this section as to any applicable agency or department, and any applicable juvenile department petition number.}

{(5)} Maximum {Sanction} [Penalty] Imposed

The court shall not impose a sanction greater than the sanction sought. A punitive sanction is presumed greater than a remedial sanction. A punitive sanction of confinement is presumed greater than other punitive sanctions. A remedial sanction of confinement is presumed greater than other remedial sanctions.

25. 21.010(7) – DEFINITIONS

PROPOSAL

Amend to delete section (7).

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 12, 2012, preliminary recommendation of approval becomes the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by the UTCR Reporter on June 21, 2012. Several rules were amended to change "unrepresented" to "self-represented." In light of those changes, UTCR 21.010(7) is deleted as unnecessary.

APPROVED AMENDMENT (effective August 1, 2013)

21.010 DEFINITIONS

The following definitions apply to this chapter:

(1) * * *

* * * * *

[(7) *Unrepresented party means a person who appears in an action without a lawyer.*]

[(8){7}] "Service contact" means any party to be served electronically by the electronic filing system, through email notification.

[(9){8}] "Other service contact" means any person associated with the filer for purposes of an action whom the filer wishes to receive email notification from the electronic filing system of documents electronically served in the action. An "other service contact" includes another lawyer, administrator, or staff from the filer's place of business, or another person who is associated with the filer regarding the action or otherwise has a legitimate connection to the action.

26. 21.070(4) – SPECIAL FILING REQUIREMENTS

PROPOSAL

Amend to clarify requirements regarding trial exhibits.

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 12, 2012, preliminary recommendation of approval becomes the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Lisa J. Norris-Lampe, on behalf of the Oregon eCourt Law and Policy Work Group, on July 16, 2012. The proposal conforms the rule to similar changes to UTCR 2.010(9) and 6.050(2).

APPROVED AMENDMENT (effective August 1, 2013)

21.070 SPECIAL FILING REQUIREMENTS

(1) * * *

* * * * *

(4) Limits on [*Attachments and*] Exhibits

[(a) A filer who electronically submits for filing a document that includes one or more exhibits or attachments must limit the exhibits or attachments to only material, including an excerpt from another document, that is directly and specifically related to the subject of, and referred to in, the document being submitted for electronic filing. A responding party may timely file an additional excerpt or the complete document that the party believes is directly and specifically related. The court may require a party to file an additional excerpt or the complete document.]

[(a)[b] A demonstrative or oversized exhibit must be filed conventionally.

*[(b)[c] Trial exhibits may not be filed electronically **and must be submitted or delivered as provided in UTCR 6.050(2)** [or conventionally with the court and must be delivered or submitted as ordered by the assigned judge].*

(5) * * *

B. OUT-OF-CYCLE CHANGES

These changes to the 2012 UTCR became effective after August 1, 2012, and before August 1, 2013. They will be incorporated into the 2013 UTCR.

1. 5.140 and Form 5.140.1c – INTERSTATE DEPOSITION INSTRUMENTS

EXPLANATION

UTCR 5.140 and Form 5.140.1c were amended out-of-cycle by way of Chief Justice Order 12-062, effective September 10, 2012. Chief Justice Order 12-062 can be found [here](#).

2. 5.150 – EXPEDITED CIVIL JURY CASES

UTCR 5.150 was amended out-of-cycle by way of chief Justice Order 13.036; effective June 11, 2013. Chief Justice Order 13.036 can be found [here](#).

3. Chapter 21 – FILING AND SERVICE BY ELECTRONIC MEANS

EXPLANATION

UTCR 21.040, 21.050, 21.070, 21.080, 21.090, and 21.120 were amended out-of-cycle by way of Chief Justice Order 13-014, effective March 26, 2013. Chief Justice Order 13-014 can be found [here](#).

C. COMMITTEE RECOMMENDATIONS OF DISAPPROVAL

1. 9.160(1)(a) – FORM OF ACCOUNTINGS

PROPOSAL

Amend to change “30 days” to “60 days.”

ACTION TAKEN

No public comment received. No motions were made to change the preliminary recommendation of disapproval. Therefore, by committee convention, the committee’s October 12, 2012, preliminary recommendation of disapproval becomes the committee’s final recommendation of disapproval.

EXPLANATION

This proposal was submitted by Cheryl McCord, Oregon State Bar Legal Publications, on July 16, 2012. The proponent was concerned that the rule conflicts with ORS 116.083. The rule establishes the period of time the accounting must cover. The statute establishes when an accounting must be filed and so addresses a different issue. Committee member Miner discussed this with the proponent before the meeting. Both agreed that there is no conflict between the rule and the statute and so there is no reason to change the rule.

D. OTHER COMMITTEE ACTIONS

1. 4.060(2) – MOTION TO SUPPRESS EVIDENCE

PROPOSAL

Amend to create new requirements in instances when the burden of proof shifts to the prosecution.

ACTION TAKEN

Motion 6, to continue the work group and bring an updated proposal to the October 18, 2013, meeting, passed by consensus.

EXPLANATION

This proposal was submitted by committee member Guy Greco on October 9, 2012. The purpose of the proposal is to require the prosecution to file a written response in cases involving a warrantless search where the burden of proof shifts to the prosecution. The prosecution may be relieved of this requirement upon a showing of good cause. The proposal changes the trigger for the 7-day requirement from the date the motion was filed to the date of the scheduled hearing. Failure to file a response may be grounds for a continuance of the hearing and is within the discretion of the court (the committee changed the wording of section (4) of the proposal to make continuance discretionary). The court may allow further briefing after the hearing. The proponent stated that

defense counsel needs to know the exception, and related evidence, asserted by the prosecution to properly focus on relevant arguments without wasting resources on issues not in dispute. The intent of the proposal is that defense counsel must identify in the motion the evidence to be suppressed, and the prosecution must identify in the response the applicable exception and related evidence. The work group consists of committee members Gerking, Greco, Parosa, and West. The proposal needs additional work to consider objections raised by the Union County District Attorney.

2. 9.160(1)(b)(ii) – FORM OF ACCOUNTINGS

PROPOSAL

Amend to clarify whether estimated income means net or gross income.

ACTION TAKEN

Motion 5, to add this proposal to the agenda for the October 18, 2013, meeting, passed by consensus.

EXPLANATION

This proposal was submitted by Harold A. Snow, a lawyer in Astoria, on February 5, 2013, as public comment on a different proposal that was before the committee. The committee decided to place this new proposal on the agenda for the October 18, 2013, meeting so that it could be considered in the normal rule cycle.

3. Forms 15.010.1a and 15.010.1e – SMALL CLAIM FORMS

PROPOSAL

Amend to include consent for notice by email at the October 18, 2013, meeting.

ACTION TAKEN

Motion 4, to add this proposal to the agenda for the October 18, 2013, meeting, passed by consensus.

EXPLANATION

This proposal was submitted by The Honorable Russell B. West, Tenth Judicial District, on April 20, 2012. The proposal adds a line to the forms allowing a party to list an email address for receiving notices from the court. The party must notify the court of any change in the address or if the party has withdrawn consent for the court to use the email address. The committee received information that additional work must be done in the Oregon eCourt Program to determine whether this change can be accommodated in the program. In light of that, the committee added this item to the agenda for the meeting on October 18, 2013.

4. CJO 12-039

PROPOSAL

Review of public comment on out-of-cycle changes to 1.050, 2.100, 2.110, 5.060, 5.090, 9.030, and Form 2.100.4b.

ACTION TAKEN

No action needed nor taken.

EXPLANATION

These rules were amended out-of-cycle by way of Chief Justice Order 12-039, effective May 15, 2012, in anticipation of implementation of the Oregon eCourt Program in Yamhill County. They were posted for public comment. No public comment was received. Chief Justice Order 12-039 can be found [here](#).

5. CJO 12-050

PROPOSAL

Review of public comment on out-of-cycle changes to 21.010, 21.020, 21.030, 21.040, 21.050, 21.060, 21.070, 21.080, 21.090, 21.100, 21.110, and 21.120.

ACTION TAKEN

No action needed nor taken.

EXPLANATION

These rules were amended out-of-cycle by way of Chief Justice Order 12-050, effective July 16, 2012, in anticipation of implementation of the Oregon eCourt Program in Yamhill County. They were posted for public comment. No public comment was received. Chief Justice Order 12-050 can be found [here](#).

6. Oregon eCourt Program

PROPOSAL

Receive update on status of proposal to adopt new rules, adopt new forms, and make conforming amendments to current rules regarding remote electronic access to court documents under the Oregon eCourt Program.

ACTION TAKEN

No action needed nor taken.

EXPLANATION

This proposal was submitted by Lisa J. Norris-Lampe, on behalf of the OJD eCourt Law and Policy Work Group, on September 2, 2011. It contemplates adoption of a new UTCR Chapter 22 (remote electronic access) as well as companion amendments to other UTCR. Ms. Norris-Lampe gave an update on the status of this proposal. Work continues on this proposal.

7. Committee Membership

PROPOSAL

Discussion of selection of a new chair.

ACTION TAKEN

This discussion was deferred to the October 18, 2013, meeting.

EXPLANATION

The current committee chair, Guy Greco, will end his tenure with the committee on December 31, 2013. The committee will select his replacement at the October 18, 2013, meeting.

8. Committee Meeting Schedule

PROPOSAL

Reminder of the fall meeting on October 18 (and 19, if necessary), 2013.

ACTION TAKEN

No action needed nor taken.

2013 UNIFORM TRIAL COURT RULES

CONTENTS

	<u>Page</u>
CHAPTER 1 —General Provisions.....	1.1
1.010 SCOPE OF THESE RULES.....	1.1
1.020 AMENDMENT OF THESE RULES; EFFECTIVE DATE.....	1.1
1.030 TRANSITION TO THESE RULES.....	1.2
1.040 LOCAL RULES OF COURT NOT PERMITTED; EXCEPTION.....	1.2
1.050 PROMULGATION OF SLR; REVIEW OF SLR; ENFORCEABILITY OF LOCAL PRACTICES.....	1.2
1.060 NUMBERING OF COURT RULES.....	1.4
1.070 CITATION OF COURT RULES.....	1.4
1.080 FORMAT AND LOCATION OF COURT RULES.....	1.4
1.090 SANCTIONS.....	1.5
1.100 RELIEF FROM APPLICATION OF COURT RULES.....	1.5
1.110 DEFINITIONS.....	1.5
1.120 DISBURSING MONIES; MOTION AND ORDER.....	1.6
1.130 TIME COMPUTATION.....	1.7
1.140 REQUESTS FOR EXTENDED RETENTION OF COURT RECORDS.....	1.7
1.150 HOURS OF COURT OPERATION.....	1.9
1.160 FILING OF DOCUMENTS IN COURTS; LOCAL SLR.....	1.9
1.170 COURT WEBSITES.....	1.9
1.200 INFORMATION ON FREE OR LOW-COST LOCAL LEGAL SERVICES.....	1.9
CHAPTER 2 —Standards for Pleadings and Documents.....	2.1
2.010 FORM OF DOCUMENTS.....	2.1
2.020 CERTIFICATE OF SERVICE.....	2.4
2.030 MATTERS UNDER ADVISEMENT MORE THAN 60 DAYS.....	2.4
2.050 ATTORNEY FEES ON WRITTEN INSTRUMENTS.....	2.5
2.060 ENTERING JUDGMENT ON FACE OF NEGOTIABLE INSTRUMENT.....	2.5
2.070 NOTICE OF ARBITRATION IN PLEADINGS.....	2.5
2.080 COMMUNICATION WITH COURT.....	2.5
2.090 FILINGS FOR CONSOLIDATED CASES.....	2.5
2.100 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, REQUIREMENTS AND PROCEDURES TO SEGREGATE WHEN SUBMITTING.....	2.6
2.110 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, PROCEDURES TO SEGREGATE WHEN INFORMATION ALREADY EXISTS IN A CASE FILE.....	2.10
2.120 AFFIDAVITS.....	2.12
2.130 FAMILY LAW CONFIDENTIAL PERSONAL INFORMATION.....	2.13
CHAPTER 3 —Decorum In Proceedings.....	3.1
3.010 PROPER APPAREL.....	3.1
3.020 PROPER APPAREL FOR INCARCERATED WITNESSES AND DEFENDANTS APPEARING IN CRIMINAL PROCEEDINGS.....	3.1
3.030 MANNER OF ADDRESS.....	3.1
3.040 ADVICE TO CLIENTS AND WITNESSES OF COURTROOM FORMALITIES.....	3.1
3.050 PROPER POSITION OF PARTIES BEFORE COURT.....	3.1
3.060 DEFENDANT IN CRIMINAL TRIAL.....	3.2
3.070 PERSONS PERMITTED WITHIN BAR OF COURT.....	3.2
3.080 PROCEDURE FOR SWEARING WITNESSES.....	3.2

CHAPTER 3 —Decorum In Proceedings (continued)

3.090	UNDUE RECOGNITION OR FAMILIARITY BY JUDGE	3.2
3.100	PROPER USE OF COURT CHAMBERS	3.2
3.110	CONFERENCES IN CHAMBERS	3.2
3.120	COMMUNICATION WITH JURORS	3.3
3.130	DISCLOSURE OF RELATED MATTERS WHEN SEEKING COURT ORDER	3.3
3.140	RESIGNATION OF ATTORNEYS	3.3
3.150	NO REACTION TO JURY VERDICT	3.4
3.160	EXPLANATION OF PROCEEDINGS TO JURORS	3.4
3.170	ASSOCIATION OF OUT-OF-STATE COUNSEL (<i>PRO HAC VICE</i>)	3.4
3.180	MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS	3.6

CHAPTER 4 —Proceedings in Criminal Cases4.1

4.010	TIME FOR FILING PRETRIAL MOTIONS IN CRIMINAL CASES	4.1
4.030	PROCEDURE FOR ORDER OF TRANSPORTATION	4.1
4.050	ORAL ARGUMENT ON MOTIONS IN CRIMINAL CASES	4.1
4.060	MOTION TO SUPPRESS EVIDENCE	4.2
4.070	DISMISSAL OF CHARGES FOLLOWING SUCCESSFUL COMPLETION OF DIVERSION	4.2
4.080	APPEARANCE AT CRIMINAL PROCEEDINGS BY MEANS OF SIMULTANEOUS ELECTRONIC TRANSMISSION	4.2
4.090	ELECTRONIC CITATIONS	4.3
4.100	CRIME VICTIMS' RIGHTS – PROSECUTOR'S NOTIFICATION AND CRIME VICTIMS' RIGHTS VIOLATION CLAIM	4.5

CHAPTER 5 —Proceedings in Civil Cases5.1

5.010	CONFERRING ON MOTIONS UNDER ORCP 21, 23 and 36-46	5.1
5.020	POINTS AND AUTHORITIES TO ACCOMPANY MOTION AND OTHER REQUIREMENTS	5.1
5.030	OPPOSING PARTY'S RESPONSE; TIME FOR FILING RESPONSE AND REPLY ..	5.1
5.040	MOTIONS TO BE DETERMINED BY THE PRESIDING JUDGE OR DESIGNEE	5.1
5.050	ORAL ARGUMENT ON MOTIONS IN CIVIL CASES; APPEARANCE AT NONEVIDENTIARY HEARINGS AND MOTIONS BY TELECOMMUNICATION	5.2
5.060	STIPULATED AND <i>EX PARTE</i> MATTERS	5.2
5.070	MOTION FOR LEAVE TO AMEND PLEADING	5.2
5.080	STATEMENT FOR ATTORNEY FEES, COSTS, AND DISBURSEMENTS	5.3
5.090	NOTICE TO COURT IN WATER RIGHTS CASES	5.3
5.100	SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS	5.3
5.110	CLASS ACTIONS	5.4
5.120	NOTICE TO THE DEPARTMENT OF JUSTICE, CRIME VICTIMS' ASSISTANCE SECTION, OF PUNITIVE DAMAGES	5.4
5.130	INTERSTATE DEPOSITION INSTRUMENTS—OBTAINING AN OREGON COMMISSION	5.4
5.140	OREGON DISCOVERY IN FOREIGN PROCEEDINGS	5.5
5.150	EXPEDITED CIVIL JURY CASES	5.6
5.160	SEALED DOCUMENTS	5.7

CHAPTER 6 —Trials6.1

6.010	CONFERENCES IN CIVIL PROCEEDINGS	6.1
6.020	COURT NOTIFICATION ON SETTLEMENT OR CHANGE OF PLEA	6.1
6.030	POSTPONEMENT OF TRIAL	6.2
6.040	RESOLVING SCHEDULING CONFLICTS	6.3
6.050	SUBMISSION OF TRIAL MEMORANDA AND TRIAL EXHIBITS	6.3
6.060	PROPOSED JURY INSTRUCTIONS AND VERDICT FORMS	6.3

CHAPTER 6 —Trials (continued)

6.070	JURY INSTRUCTIONS.....	6.4
6.080	MARKING EXHIBITS.....	6.4
6.090	PEREMPTORY CHALLENGES IN CIVIL CASES.....	6.5
6.100	EXAMINATION OF WITNESSES	6.5
6.110	SPECIAL AND GENERAL FINDINGS IN SEPARATE DOCUMENT	6.5
6.120	DISPOSITION OF EXHIBITS.....	6.6
6.130	WAIVER OF JURY TRIAL IN CIVIL CASES	6.6
6.140	PROCEDURES FOR USE OF HAZARDOUS SUBSTANCE	6.7
6.150	WEAPONS AND DANGEROUS INSTRUMENTS IN THE COURTROOM.....	6.7
6.160	CONTROLLED SUBSTANCES IN THE COURTROOM	6.8
6.170	JUROR HANDLING OF CONTROLLED, HAZARDOUS, OR INFECTIOUS SUBSTANCES AND CHEMICALS	6.8
6.180	WEAPONS AND HAZARDOUS SUBSTANCES IN THE COURT FACILITIES	6.8
6.190	EVIDENCE SUBMITTED IN AN ELECTRONIC FORMAT	6.9
6.200	PRETRIAL SETTLEMENT CONFERENCES.....	6.9

CHAPTER 7 —Case Management and Calendaring7.1

7.010	PLEAS, NEGOTIATIONS, DISCOVERY AND TRIAL DATES IN CRIMINAL CASES	7.1
7.020	SETTING TRIAL DATE IN CIVIL CASES	7.1
7.030	COMPLEX CASES	7.3
7.040	NOTIFY COURT OF SETTLEMENTS AND OTHER MATTERS.....	7.3
7.050	EFFECT OF BANKRUPTCY PETITION	7.3
7.060	AMERICANS WITH DISABILITIES ACT (ADA) ACCOMMODATION	7.4
7.070	FOREIGN LANGUAGE INTERPRETERS	7.4
7.080	INTERPRETERS' REQUESTS FOR INFORMATION.....	7.5

CHAPTER 8 —Domestic Relations Proceedings8.1

8.010	ACTIONS FOR DISSOLUTION OF MARRIAGE, SEPARATE MAINTENANCE AND ANNULMENT, AND CHILD SUPPORT	8.1
8.020	SUPPORT ORDERS	8.3
8.040	PREJUDGMENT RELIEF UNDER ORS 107.095(1)	8.3
8.050	JUDGMENT MODIFICATION PROCEEDINGS	8.3
8.060	FILING DCS WORK SHEETS REQUIRED IN CHILD SUPPORT CASES.....	8.4
8.070	STANDARDIZED PARENTING PLANS.....	8.4
8.080	STATUTORY RESTRAINING ORDER TO PREVENT DISSIPATION OF ASSETS IN CERTAIN DOMESTIC RELATIONS ACTIONS	8.5
8.090	CERTIFICATE REGARDING PENDING CHILD SUPPORT PROCEEDINGS AND/OR EXISTING CHILD SUPPORT ORDERS AND/OR JUDGMENTS.....	8.5
8.100	PROCEDURE FOR WAIVER OF MARRIAGE FEE UNDER ORS 106.120	8.5

CHAPTER 9 —Probate and Adoption Proceedings9.1

9.010	MAILING PROBATE MATERIALS TO THE COURT.....	9.1
9.020	APPROVAL OF BONDS.....	9.1
9.030	ADDRESSES AND TELEPHONE NUMBERS REQUIRED.....	9.1
9.040	SETTLEMENT OF PERSONAL INJURY CLAIMS IN PROBATE CASES.....	9.1
9.050	RESTRICTED ACCOUNTS	9.1
9.060	FEES IN ESTATES, GUARDIANSHIPS AND CONSERVATORSHIPS	9.1
9.070	SUMMARY DETERMINATION OF CLAIM UNDER ORS 115.145(1)(a) AND 115.165.....	9.2
9.080	ORAL OBJECTIONS IN PROTECTIVE PROCEEDINGS AND NOTICE OF FREE AND LOW-COST LEGAL SERVICES	9.2
9.160	FORM OF ACCOUNTINGS.....	9.2

CHAPTER 9 —Probate and Adoption Proceedings (continued)

9.170	FIDUCIARY DISCLOSURE IN ACCOUNTINGS	9.5
9.180	VOUCHERS AND DEPOSITORY STATEMENTS	9.5
9.190	RETURN OF VOUCHERS AND DEPOSITORY STATEMENTS.....	9.6
9.300	APPOINTMENT OF GUARDIANS IN ADOPTIONS	9.6
9.310	PRESENTATION OF ADOPTION JUDGMENTS.....	9.6
9.320	CHANGE OF NAME AND CHANGE OF SEX PROCEEDINGS.....	9.6
9.400	COURT VISITOR'S REPORT	9.6
9.410	PROTECTIVE PROCEEDING – CONFIDENTIAL INFORMATION ORDER	9.6

CHAPTER 10 —Proceedings Relating to Vehicle Laws and Driving Privilege

	Suspensions.....	10.1
10.010	PETITION FOR REVIEW OF ORDER OF SUSPENSION UNDER ORS 813.410 ...	10.1
10.020	PREPARATION AND DELIVERY OF THE RECORD ON REVIEW	10.1
10.030	FORM OF TRANSCRIPT OF ORAL PROCEEDINGS	10.1
10.040	SETTLEMENT OF THE RECORD	10.2
10.050	PETITIONER'S MEMORANDUM OF POINTS AND AUTHORITIES.....	10.2
10.060	OPPOSING PARTY'S RESPONSE	10.2
10.070	SETTING HEARING DATE.....	10.2
10.080	ORAL ARGUMENT AT HEARING	10.3
10.090	ENTRY OF JUDGMENT	10.3

CHAPTER 11 —Juvenile Court Proceedings **11.1**

11.010	APPLICATION FOR COURT APPOINTED COUNSEL.....	11.1
11.020	COMPENSATION AND APPOINTMENT OF COURT APPOINTED COUNSEL	11.1
11.040	ADMISSION OR STIPULATION TO JURISDICTION; DISMISSAL.....	11.1
11.060	PREDISPOSITION INVESTIGATION	11.1
11.070	TEMPORARY SUSPENSION OF VISITATION RIGHTS WHEN TERMINATION PETITION FILED	11.2

CHAPTER 12 —Mediation..... **12.1**

REPORTER'S NOTE	12.1
-----------------------	------

CHAPTER 13 —Arbitration **13.1**

13.010	APPLICATION OF CHAPTER	13.1
13.030	ARBITRATION COMMISSION.....	13.1
13.040	RELATIONSHIP TO COURT JURISDICTION AND APPLICABLE RULES.....	13.1
13.050	ARBITRATION WHEN CASE ALREADY SET FOR TRIAL.....	13.1
13.060	PLEADINGS IN CASES SUBJECT OR NOT SUBJECT TO ARBITRATION	13.2
13.070	EXEMPTION FROM ARBITRATION.....	13.2
13.080	ASSIGNMENT TO ARBITRATOR	13.2
13.090	ARBITRATORS	13.3
13.100	AUTHORITY OF ARBITRATORS	13.3
13.110	ARBITRATOR'S OATH.....	13.4
13.120	COMPENSATION OF ARBITRATOR	13.4
13.130	RESTRICTIONS ON COMMUNICATION BETWEEN ARBITRATOR, PARTIES AND ATTORNEYS	13.4
13.140	DISCOVERY.....	13.4
13.150	SUBPOENA.....	13.5
13.160	SCHEDULING OF THE HEARING	13.5
13.170	PREHEARING STATEMENT OF PROOF	13.5
13.180	CONDUCT OF HEARING.....	13.6
13.190	CERTAIN DOCUMENTS ADMISSIBLE	13.6
13.200	ABSENCE OF PARTY AT HEARING	13.7

CHAPTER 13 —Arbitration (continued)	
13.210 FORM AND CONTENT OF AWARD.....	13.7
13.220 FILING OF AN AWARD	13.8
13.240 JUDGMENT ON AWARD	13.9
13.250 REQUEST FOR TRIAL <i>DE NOVO</i>	13.9
13.260 PROCEDURE AT TRIAL <i>DE NOVO</i>	13.9
13.280 TRIAL DOCKET.....	13.10
13.300 PRETRIAL SETTLEMENT CONFERENCES AND ARBITRATION.....	13.10
CHAPTER 14 —Reference Judges.....	14.1
This chapter reserved for future use.....	14.1
CHAPTER 15 —Small Claims	15.1
15.010 SMALL CLAIMS FORMS.....	15.1
15.020 DISMISSAL OF SMALL CLAIMS FOR WANT OF PROSECUTION.....	15.1
CHAPTER 16 —Violations	16.1
This chapter reserved for future use.....	16.1
CHAPTER 17 —Local Parking Violations	17.1
Reporter’s Note	17.1
CHAPTER 18 —Forcible Entry and Detainer (FED) Actions.....	18.1
This chapter reserved for future use.....	18.1
CHAPTER 19 —Contempt Proceedings	19.1
19.010 SCOPE, CONSTRUCTION, APPLICATION	19.1
19.020 INITIATING INSTRUMENT REQUIREMENTS AND MAXIMUM SANCTIONS	19.1
19.030 ALLOWING REMEDIAL SANCTIONS	19.2
19.040 APPLICABILITY OF ORCP AND OTHER UTCR	19.2
19.050 EXCEPTIONS TO AND LIMITATIONS ON APPLICABLE ORCP IN REMEDIAL PROCEEDINGS	19.3
CHAPTER 20 —Voluntary Arbitration.....	20.1
This chapter reserved for future use.....	20.1
CHAPTER 21 —Filing and Service by Electronic Means.....	21.1
21.010 DEFINITIONS	21.1
21.020 APPLICABILITY; LOCAL RULES OF COURT NOT PERMITTED	21.1
21.030 FILERS.....	21.2
21.040 FORMAT OF DOCUMENTS TO BE FILED ELECTRONICALLY	21.2
21.050 PAYMENT OF FEES	21.3
21.060 FILES OF THE COURT	21.3
21.070 SPECIAL FILING REQUIREMENTS.....	21.3
21.080 ELECTRONIC FILING DEADLINES	21.5
21.090 ELECTRONIC SIGNATURES.....	21.6
21.100 ELECTRONIC SERVICE	21.7
21.110 HYPERLINKS.....	21.9
21.120 RETENTION OF DOCUMENTS BY FILERS	21.9
21.130 PROTECTED INFORMATION.....	21.9
CHAPTER 22 – Enterprise Content Management System.....	22.1
This chapter reserved for future use.....	22.1

CHAPTER 23 – Oregon Complex Litigation Court	23.1
23.010 OREGON COMPLEX LITIGATION COURT	23.1
23.020 ASSIGNMENT OF CASES TO THE OCLC.....	23.1
23.030 REMOVAL OF CASES FROM THE OCLC	23.2
23.040 CASE MANAGEMENT	23.2
23.050 CASE MANAGEMENT CONFERENCE; CASE MANAGEMENT ORDER	23.3
23.060 SETTLEMENTS AND DISCONTINUANCES	23.4

Appendix of Forms

Form 2.010.7	CERTIFICATE OF DOCUMENT PREPARATION
Form 2.100.4a	REQUEST TO SEGREGATE PROTECTED PERSONAL INFORMATION FROM CONCURRENTLY FILED DOCUMENT
Form 2.100.4b	UTCR 2.100 SEGREGATED INFORMATION SHEET
Form 2.100.8	REQUEST TO INSPECT UTCR 2.100 SEGREGATED INFORMATION SHEET
Form 2.110.4a	REQUEST TO REDACT PROTECTED PERSONAL INFORMATION FROM EXISTING CASE FILE
Form 2.130.1	FAMILY LAW CONFIDENTIAL INFORMATION FORM (CIF)
Form 2.130.2	NOTICE RE: FILING OF CONFIDENTIAL INFORMATION FORM (CIF)
Form 4.100.1a	PROSECUTING ATTORNEY'S NOTIFICATION OF COMPLIANCE WITH CRIME VICTIMS' CONSTITUTIONAL RIGHTS
Form 4.100.1b	PROSECUTING ATTORNEY'S NOTIFICATION OF COMPLIANCE WITH CRIME VICTIMS' CONSTITUTIONAL RIGHTS
Form 4.100.2a	CLAIM OF VIOLATION OF CRIME VICTIM'S RIGHT(S) UNDER ARTICLE I, SECTION 42(1)(a) TO (g) OR 43, OF THE OREGON CONSTITUTION
Form 4.100.2b	CLAIM OF VIOLATION OF CRIME VICTIM'S RIGHT(S) UNDER ARTICLE I, SECTION 42(1)(a) TO (g) OR 43, OF THE OREGON CONSTITUTION
Form 5.080	STATEMENT FOR ATTORNEY FEES, COSTS, AND DISBURSEMENTS
Form 5.120.1	UNIFORM NOTICE OF ENTRY OF VERDICT/ENTRY OF JUDGMENT INCLUDING AN AWARD OF PUNITIVE DAMAGES
Form 5.130.1a	DECLARATION, MOTION, AND ORDER FOR COMMISSION TO TAKE FOREIGN DEPOSITION
Form 5.130.1b	COMMISSION TO TAKE FOREIGN DEPOSITION
Form 5.140.2	PETITION AND ORDER TO REGISTER FOREIGN DEPOSITION INSTRUMENT AND ISSUE SUBPOENAS
Form 5.140.1c	DECLARATION AND REQUEST FOR ISSUANCE OF A SUBPOENA PURSUANT TO ORCP 38 C
Form 5.150.1a	MOTION FOR AN EXPEDITED CIVIL JURY CASE DESIGNATION
Form 5.150.1b	ORDER DESIGNATING AN EXPEDITED CIVIL JURY CASE
Form 8.010.5	UNIFORM SUPPORT DECLARATION
Form 8.080.1	NOTICE OF STATUTORY RESTRAINING ORDER PREVENTING THE DISSIPATION OF ASSETS IN DOMESTIC RELATIONS ACTIONS
Form 8.080.2	REQUEST FOR HEARING RE: STATUTORY RESTRAINING ORDER
Form 8.090	CERTIFICATE RE: PENDING CHILD SUPPORT PROCEEDINGS AND/OR EXISTING CHILD SUPPORT ORDERS/JUDGMENTS
Form 8.100.1a	FORM TO REQUEST WAIVER OF FEE (ORS 106.120) WHEN MARRIAGE HANDLED BY A COURT
Form 9.160	UTCR 9.160 ACCOUNTING FORM
Form 9.180.3	DEPOSITORY CERTIFICATION OF FUNDS ON DEPOSIT

Form 9.400.1 COURT VISITOR'S REPORT ADULT GUARDIANSHIP
Form 9.410.1 ORDER REGARDING CONFIDENTIAL INFORMATION DISCLOSED BY
DEPARTMENT OF HUMAN SERVICES OR THE OREGON HEALTH
AUTHORITY
Form 10.010.a PETITION FOR JUDICIAL REVIEW OF ORDER OF DMV
Form 10.010.b CERTIFICATE OF SERVICE FOR PETITION OF JUDICIAL REVIEW OF
ORDER OF DMV
Form 15.010.1a SMALL CLAIM AND NOTICE OF SMALL CLAIM
Form 15.010.1b MOTION FOR DEFAULT JUDGMENT AND DEFENDANT STATUS
DECLARATION
Form 15.010.1c DECLARATION OF NONCOMPLIANCE AND REQUEST FOR JUDGMENT
Form 15.010.1d SMALL CLAIMS JUDGMENT AND MONEY AWARD
Form 15.010.1e DEFENDANT'S RESPONSE
Form 15.010.1f SMALL CLAIMS AGREEMENT