

# UNIFORM TRIAL COURT RULES

Including Amendments

**Effective  
August 1, 2015**

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In the Matter of the Adoption of ) CHIEF JUSTICE ORDER  
Amendments to the Uniform Trial ) No. 15-023  
Court Rules )  
) 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, 2015, 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, 2015, 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 Those local rules that are not amended or repealed and are not disapproved on review under UTCR 1.050 remain in effect until so amended, repealed, or disapproved.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 20 day of June, 2015.

  
\_\_\_\_\_  
Thomas A. Balmer  
Chief Justice

**AMENDED UNIFORM TRIAL COURT RULES  
(Effective August 1, 2015)  
AND SUMMARY OF OTHER UTCR COMMITTEE ACTIONS**

**I. INTRODUCTION**

The amended Uniform Trial Court Rules (UTCR) take effect on August 1, 2015. 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/pages/index.aspx>.

**II. FUTURE MEETINGS**

The next meeting of the UTCR Committee is scheduled for October 16, 2015, at the Office of the State Court Administrator, Salem, Oregon. The committee will review proposed changes to the UTCR and the Supplementary Local Rules. They will make recommendations to the Chief Justice on those proposals. This is the only meeting in the next UTCR cycle at which the committee intends to accept proposals for UTCR changes that would take effect August 1, 2016. Meeting dates for the following year will be scheduled at this meeting.

**III. BRIEF DESCRIPTIONS OF SPRING 2015 ACTIONS**

See Section IV for detailed explanations.

**A. APPROVED CHANGES**

These changes have been approved by the Chief Justice. They become effective on August 1, 2015.

1. 1.020 – AMENDMENT OF THESE RULES; EFFECTIVE DATE  
Delete Reporter's Note.
2. 1.110 – DEFINITIONS  
Amend to correct grammar and to create a definition of “court contact information.”
3. 1.160 – FILING OF DOCUMENTS IN COURTS; LOCAL SLR  
Amend to require judicial district to accept filing that is substantially in the form of documents made available on Oregon Judicial Department website, when filing is otherwise tendered in accordance with law.
4. 2.010 – FORM OF DOCUMENTS  
Amend subsections (7) and (14) to conform to the proposed addition of a definition for “court contact information” to UTCR 1.110.
5. 2.060 – ENTERING JUDGMENT ON FACE OF NEGOTIABLE INSTRUMENT  
Amend subsection (1) to clarify the requirements consistent with applicable negotiable instruments law.
6. 2.130 – FAMILY LAW CONFIDENTIAL PERSONAL INFORMATION  
Amend to exempt adoption proceedings from scope of rule.

7. 2.140 – APPLICATION FOR WAIVER OR DEFERRAL OF FEES OR COURT COSTS  
Adopt rule addressing confidentiality of application for waiver or deferral of court fees or costs.
8. 3.180 – MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS  
Delete Reporter's Note.
9. 8.060 – FILING DCS WORK SHEETS REQUIRED IN CHILD SUPPORT CASES  
Amend to update location of child support calculation work sheets.
10. 11.060 – PREDISPOSITION INVESTIGATION  
Amend to update statutory citations.
11. 13.010 – APPLICATION OF CHAPTER  
Amend to authorize judicial district to adopt rules governing arbitration under ORS 742.505 and 742.521.
12. 13.100 – AUTHORITY OF ARBITRATORS  
Amend to update statutory citation.
13. 13.130 – RESTRICTIONS ON COMMUNICATION BETWEEN ARBITRATOR, PARTIES AND ATTORNEYS  
Amend to update citations to Judicial Code of Conduct.
14. 15.010 – SMALL CLAIMS FORMS  
Amend to move the related forms from the UTCR Appendix to the OJD website.
15. FORM 15.010.1a – SMALL CLAIM AND NOTICE OF SMALL CLAIM  
Delete Form.
16. FORM 15.010.1b – MOTION FOR DEFAULT JUDGMENT AND DEFENDANT STATUS DECLARATION  
Delete Form.
17. FORM 15.010.1c – DECLARATION OF NONCOMPLIANCE AND REQUEST FOR JUDGMENT  
Delete Form.
18. FORM 15.010.1d – SMALL CLAIMS JUDGMENT AND MONEY AWARD  
Delete Form.
19. FORM 15.010.1e – DEFENDANT'S RESPONSE  
Delete Form.
20. FORM 15.010.1f – SMALL CLAIMS AGREEMENT  
Delete Form.
21. 21.020 – APPLICABILITY; LOCAL RULES OF COURT NOT PERMITTED  
Amend to include cross reference.

## **B. OUT-OF-CYCLE CHANGES**

These changes to the 2014 UTCR became effective after August 1, 2014, and before August 1, 2015. They will be incorporated into the 2015 UTCR.

1. 2.070 – NOTICE IN PLEADINGS  
Amendment adopted pursuant to Chief Justice Order 14-063, effective December 1, 2014.
2. 5.090 – NOTICE TO COURT IN WATER RIGHTS CASES; NOTICE TO COURT IN CASES SUBJECT TO SECTIONS 7, 13, 21 AND 23, CHAPTER 5, OREGON LAWS 2013, REGARDING COMMENCING AN ACTION AGAINST A HEALTH CARE PROVIDER OR A HEALTH CARE FACILITY  
Amendment adopted pursuant to Chief Justice Order 14-063, effective December 1, 2014.
3. FORM 8.010.5 – UNIFORM SUPPORT DECLARATION  
Amendment adopted pursuant to Chief Justice Order 14-064, effective December 1, 2014.
4. 21.040 – FORMAT OF DOCUMENTS TO BE FILED ELECTRONICALLY  
Amendment adopted pursuant to Chief Justice Order 14-049, effective September 29, 2014.
5. 21.050 – PAYMENT OF FEES  
Amendment adopted pursuant to Chief Justice Order 14-049, effective September 29, 2014
6. 21.070 – SPECIAL FILING REQUIREMENTS  
Amendment adopted pursuant to Chief Justice Order 14-049, effective September 29, 2014.
7. 21.080 – ELECTRONIC FILING AND ELECTRONIC FILING DEADLINES  
Amendment adopted pursuant to Chief Justice Order 14-049, effective September 29, 2014.
8. 21.090 – ELECTRONIC SIGNATURES  
Amendment adopted pursuant to Chief Justice Order 14-049, effective September 29, 2014.
9. 21.100 – ELECTRONIC SERVICE  
Amendment adopted pursuant to Chief Justice Order 14-049, effective September 29, 2014.
10. 21.120 – RETENTION OF DOCUMENTS BY FILERS AND CERTIFICATION OF ORIGINAL SIGNATURES  
Amendment adopted pursuant to Chief Justice Order 14-049, effective September 29, 2014.
11. 21.140 – MANDATORY ELECTRONIC FILING  
Rule adopted pursuant to Chief Justice Order 14-050, effective December 1, 2014.

### **C. COMMITTEE RECOMMENDATIONS OF DISAPPROVAL**

1. 5.070 – MOTION FOR LEAVE TO AMEND PLEADING  
Amend to allow edits to proposed amended pleading to be shown in margin and to make rule optional when amendments are uncontested.
2. 6.050 – SUBMISSION OF TRIAL MEMORANDA AND TRIAL EXHIBITS  
Amend to require submission of standard-size copy of oversized exhibit.
3. 7.020 – SETTING TRIAL DATES IN CIVIL CASES  
Amend to account for defendants that have been defaulted.

### **D. REVIEW PUBLIC COMMENT ON OTHER ACTIONS**

1. 1.020 – AMENDMENT OF THESE RULES; EFFECTIVE DATE  
Review public comment on out-of-cycle correction.
2. 1.170 – COURT WEBSITES  
Review public comment on out-of-cycle correction.
3. 2.100 – PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, REQUIREMENTS AND PROCEDURES TO SEGREGATE WHEN SUBMITTING  
Amend to clarify relationship with 2.130.
4. 3.140 – RESIGNATION OF ATTORNEYS  
Review potential proposal to amend the rule and adopt a new rule if ORS 9.380 and 9.390 are amended or repealed in 2015.
5. 3.170 – ASSOCIATION OF OUT-OF-STATE COUNSEL (*PRO HAC VICE*)  
Review public comment on out-of-cycle amendment adopted in Supreme Court Order 14-023.
6. FORM 8.010.5 – UNIFORM SUPPORT DECLARATION  
Review public comment on out-of-cycle correction.
7. 8.020 – SUPPORT ORDERS  
Review public comment on out-of-cycle amendment adopted in CJO 14-018.
8. FORM 10.010.b – CERTIFICATE OF SERVICE FOR PETITION OF JUDICIAL REVIEW OF ORDER OF DMV – UTCR 10.010  
Review public comment on out-of-cycle correction.
9. 21.010 – DEFINITIONS  
Review public comment on out-of-cycle correction.
10. 21.020 – APPLICABILITY; LOCAL RULES OF COURT NOT PERMITTED  
Review public comment on out-of-cycle correction.
11. 21.040 – FORMAT OF DOCUMENTS TO BE FILED ELECTRONICALLY  
Review public comment on out-of-cycle amendment adopted in CJO 14-012.

12. 21.040 – FORMAT OF DOCUMENTS TO BE FILED ELECTRONICALLY  
Review public comment on out-of-cycle amendment adopted in CJO 14-049.
13. 21.050 – PAYMENT OF FEES  
Review public comment on out-of-cycle amendment adopted in CJO 14-049.
14. 21.070 – SPECIAL FILING REQUIREMENTS  
Review public comment on out-of-cycle amendment adopted in CJO 14-012.
15. 21.070 – SPECIAL FILING REQUIREMENTS  
Review public comment on out-of-cycle amendment adopted in CJO 14-049.
16. 21.080 – ELECTRONIC FILING AND ELECTRONIC FILING DEADLINES  
Review public comment on out-of-cycle amendment adopted in CJO 14-012.
17. 21.080 – ELECTRONIC FILING AND ELECTRONIC FILING DEADLINES  
Review public comment on out-of-cycle amendment adopted in CJO 14-049.
18. 21.090 – ELECTRONIC SIGNATURES  
Review public comment on out-of-cycle amendment adopted in CJO 14-049.
19. 21.100 – ELECTRONIC SERVICE  
Review public comment on out-of-cycle amendment adopted in CJO 14-012.
20. 21.100 – ELECTRONIC SERVICE  
Review public comment on out-of-cycle correction.
21. 21.100 – ELECTRONIC SERVICE  
Review public comment on out-of-cycle amendment adopted in CJO 14-049.
22. 21.120 – RETENTION OF DOCUMENTS BY FILERS AND CERTIFICATION OF ORIGINAL SIGNATURES  
Review public comment on out-of-cycle amendment adopted in CJO 14-012.
23. 21.120 – RETENTION OF DOCUMENTS BY FILERS AND CERTIFICATION OF ORIGINAL SIGNATURES  
Review public comment on out-of-cycle amendment adopted in CJO 14-049.
24. 21.140 – MANDATORY ELECTRONIC FILING  
Review public comment on out-of-cycle adoption in amended CJO 14-050.

## **E. OTHER**

1. 5.100 – SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS  
Review proposal to amend, out-of-cycle, to modify requirements applicable to submission of proposed judgments and orders.
2. Committee Membership  
Update
3. Fall Meeting Schedule  
Update

#### IV. DETAILED DESCRIPTIONS OF SPRING 2015 ACTIONS

##### A. APPROVED CHANGES

These changes have been approved by the Chief Justice. They will go into effect on August 1, 2015.

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. 1.020 – AMENDMENT OF THESE RULES; EFFECTIVE DATE

###### PROPOSAL

Delete Reporter's Note.

###### ACTION TAKEN

The committee received no public comment. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 17, 2014, preliminary recommendation of approval became the committee's final recommendation of approval.

###### EXPLANATION

This proposal was submitted by the UTCR Reporter, Bruce C. Miller, on September 2, 2014. The proposal deletes a Reporter's Note indicating that proposed amendments and final rules are published in the Oregon Appellate Courts Advance Sheets. The deletion reflects the discontinuance of this practice and the requirement under UTCR 1.020 that proposed changes, requests for public comment, and finalized rules be posted on the Oregon Judicial Department website.

###### APPROVED AMENDMENT

1.020 AMENDMENT OF THESE RULES; EFFECTIVE DATE

(1) \* \* \*

\* \* \* \* \*

*[REPORTER'S NOTE (8-1-04): Proposed amendments and final rules will continue to be published in the Oregon Appellate Courts Advance Sheets, but official notice will be posted on the Oregon Judicial Department website.]*

##### 2. 1.110 – DEFINITIONS

###### PROPOSAL

Amend to correct grammar and to create a definition of "court contact information."

## ACTION TAKEN

The committee received public comment suggesting grammatical improvements to the proposed rule. Motion 1, to adopt the grammatical improvements and a final recommendation of approval, passed by consensus.

## EXPLANATION

This proposal was submitted by Lisa Norris-Lampe, on behalf of the Oregon eCourt Law and Policy Work Group, on August 20, 2014. The proposal authorizes a person to use other than an actual address, telephone number or fax number, provided that the court and adverse parties are able to contact the person. The proposal is related to the below proposal to amend UTCR 2.010.

The original proposal inadvertently omitted an existing definition of "Party" and substituted "person" for "party" in one location. Those errors have been corrected and the amendment approved by the Chief Justice is reproduced below.

## APPROVED AMENDMENT

### 1.110 DEFINITIONS

**{(1) "Court contact information" means the following information about a person submitting a document: the person's name, a mailing address, a telephone number, and an email address and a facsimile transmission number, if any, sufficient to enable the court to communicate with the person and to enable any other party to the case to serve the person under UTCR 2.080(1). Court contact information can be other than the person's actual address or telephone or fax number, such as a post office box or message number, provided that the court and adverse parties can contact the person with that information.}**

~~{(2)}~~[5) "Days" mean calendar days, unless otherwise specified in these rules.

~~{(3)}~~[4) "Defendant" [*and*] ~~{or}~~ "Respondent" [*mean*] **means** any party against whom a claim for relief is asserted.

~~{(4)}~~[1) "Party" means a litigant or the litigant's attorney.

~~{(5)}~~[3) "Plaintiff" [*and*] ~~{or}~~ "Petitioner" [*mean*] **means** any party asserting a claim for relief, whether by way of claim, third-party claim, crossclaim, or counterclaim.

~~{(6)}~~[2) "Trial Court Administrator" means the court administrator, the administrative officer of the records section of the court, and where appropriate, [*means*] ~~{the}~~ trial court clerk.

### 3. 1.160 – FILING OF DOCUMENTS IN COURTS; LOCAL SLR

#### PROPOSAL

Amend to require judicial district to accept filing that is substantially in the form of documents made available on Oregon Judicial Department website, when filing is otherwise tendered in accordance with law.

## ACTION TAKEN

The committee received no public comment. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 17, 2014, preliminary recommendation of approval became the committee's final recommendation of approval.

## EXPLANATION

This proposal was submitted by Lisa Norris-Lampe, on behalf of the Oregon eCourt Law and Policy Work Group, on August 20, 2014. The proposal is intended to allow the Oregon Judicial Department to better manage printable forms and, if applicable, interactive electronic forms. The proposal facilitates moving existing small claims forms from the UTCR to the Oregon Judicial Department website and is related to the below proposals to amend UTCR 15.010 and to delete UTCR Forms 15.010.1a to 15.010.1f.

The proposed rule was the subject of substantial discussion at the October 17, 2014, committee meeting. One committee member supported the proposal as a means of ensuring statewide uniformity. Another committee member supported the proposal because it was likely to increase the speed with which the Oregon Judicial Department can react to changes in the law and business processes. One committee member was concerned about losing local control of certain forms. Several committee members emphasized the importance of public discussion. The committee ultimately reached consensus after a description of the form change process and the associated opportunities for both internal and external feedback.

## APPROVED AMENDMENT

### 1.160 FILING OF DOCUMENTS IN COURTS; LOCAL SLR

- (1) Except as provided in subsection (2) of this rule, a document to be filed with the court or the clerk of court or the trial court administrator must be filed with the office of the local trial court administrator or designee. No document delivered to a judge, judge's staff, judge's mailbox, courtroom, or chambers is filed until it is received by the office of the trial court administrator or designee. For every document to be filed, other than an order or judgment submitted to a judge for signature, the original is to be delivered to the trial court administrator's office.
- (2) Notwithstanding subsection (1) of this rule, local courts may adopt SLRs to allow filing of documents in places other than required by subsection (1). Such SLRs may allow such filing generally or in specific circumstances as convenient to the court adopting the SLR. SLR number 1.161 is reserved for the purposes of such SLRs.

**{(3) A judicial district must accept a filing that is substantially in the form of the corresponding document made available to the public on <http://courts.oregon.gov/OJD/forms>, if the proper fee is tendered when required and the document is filed in compliance with all applicable statutes and rules.}**

#### 4. 2.010 – FORM OF DOCUMENTS

##### PROPOSAL

Amend subsections (7) and (14) to conform to the proposed addition of a definition for “court contact information” to UTCR 1.110.

##### ACTION TAKEN

The committee received no public comment. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee’s October 17, 2014, preliminary recommendation of approval became the committee’s final recommendation of approval.

##### EXPLANATION

This proposal was submitted by Lisa Norris-Lampe, on behalf of the Oregon eCourt Law and Policy Work Group, on August 20, 2014. The proposal authorizes a person to use other than an actual address, telephone number or fax number on court documents, provided that the court and adverse parties are able to contact the person. The proposal is related to the above proposal to amend UTCR 1.110.

##### APPROVED AMENDMENT

#### 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:

\* \* \* \* \*

##### (7) Attorney or Litigant Information

All documents must include the author's [*name, address, telephone number, fax number, if any,*] **{court contact information under UTCR 1.110(1)}** and, if prepared by an attorney, the name, email address, and the Bar number of the author and the trial attorney assigned to try the case. Any document not bearing the name and Bar number of an attorney as the author or preparer of the document must bear or be accompanied by a certificate in substantially the form as set out in Form 2.010.7 in the UTCR Appendix of Forms.

\* \* \* \* \*

##### (14) Notice of Address or Telephone Number Change

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

## 5. 2.060 – ENTERING JUDGMENT ON FACE OF NEGOTIABLE INSTRUMENT

### PROPOSAL

Amend subsection (1) to clarify the requirements consistent with applicable negotiable instruments law.

### ACTION TAKEN

The committee received public comment from a number of practitioners indicating that the original proposal was overbroad and had the potential to result in unintended consequences. The proponent submitted a modified proposal that was approved by the Executive Committee of the Consumer Law Section of the Oregon State Bar. Motion 2, to adopt the modified proposal and a final recommendation of approval, passed by consensus.

### EXPLANATION

The proposal was submitted by Lisa Norris-Lampe, on behalf of the Oregon eCourt Law and Policy Work Group, on August 20, 2014. Although the eCourt Law and Policy Work Group determined that a paper-based process must be retained in this context, the proposal was offered to bring clarity to the existing rule.

The proposed rule was the subject of substantial discussion at the October 17, 2014, committee meeting. One member of the committee expressed a belief that litigants were regularly able to obtain a judgment without the original instrument, based on a copy and an accompanying affidavit. Another committee member noted that the rule had the feel of an evidentiary provision of law.

### APPROVED AMENDMENT

#### 2.060 ENTERING JUDGMENT ON FACE OF NEGOTIABLE INSTRUMENT

- (1) In all cases when a judgment is to be based on a negotiable instrument, **{as defined in ORS 73.0104,}** the party **{obtaining judgment}** [*with custody of the original instrument*] must tender **{the original}**[*such*] instrument to the court before the entry of judgment, **{unless the court has found that such party is entitled to enforce the instrument under ORS 73.0309,}** and the court must enter a notation of the judgment on the face of the instrument.
- (2) The trial court administrator shall return the original instrument only after filing a certified copy of the instrument.

## 6. 2.130 – FAMILY LAW CONFIDENTIAL PERSONAL INFORMATION

### PROPOSAL

Amend to exempt adoption proceedings from scope of rule.

### ACTION TAKEN

The committee received no public comment. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 17, 2014, preliminary recommendation of approval became the committee's final recommendation of approval.

## EXPLANATION

This proposal was submitted by Joshua Nasbe, Oregon Judicial Department Staff Counsel, on September 10, 2014. The proposal exempts adoption proceedings from the requirement that litigants utilize a Confidential Information Form because documents filed in those proceedings are required by statute to be sealed.

## APPROVED AMENDMENT

### 2.130 FAMILY LAW CONFIDENTIAL PERSONAL INFORMATION

#### (1) Definitions. As used in this rule:

- (a) “Confidential personal information” means a party’s or a party’s child’s Social Security number; date of birth; driver license number; former legal names; and employer’s name, address, and telephone number.
- (b) “Confidential Information Form” (CIF) means a document substantially in the form provided in UTCR Form 2.130.1.
- (c) “Inspect” means the ability to review and copy a CIF to the same extent as any other document contained in a court file.
- (d) “Document” has the same meaning as used in UTCR 21.010(2).

#### (2) Mandatory Use of the CIF

- (a) When confidential personal information is required by statute or rule to be included in any document filed in a proceeding initiated under ORS chapters 25, 106, 107, 108, 109, 110, or 416, the party providing the information:
  - (i) must file the information in a CIF,
  - (ii) must not include the information in any document filed with the court, and
  - (iii) must redact the information from any exhibit or attachment to a document filed with the court, but must not redact the information from a court-certified document required to be filed by statute or rule.
- (b) This rule does not apply to:
  - (i) the information required in a money award under ORS 18.042, [or]
  - (ii) the former legal name of a party pursuant to a name change request under ORS 107.105(1)(h)[.]{, **or**
  - (iii) **a document filed in an adoption proceeding initiated under ORS 109.309.**
- (c) Documents filed in a contempt action filed in a proceeding under ORS chapters 25, 106, 107, 108, 109, 110, or 416 are also subject to this rule.

- (d) A party must file a separate CIF for each person about whom the party is required to provide confidential personal information.
- (e) The confidential personal information of a minor child must be included in the CIF of the party providing the information.

(3) \* \* \*

\* \* \* \* \*

**7. 2.140 – APPLICATION FOR WAIVER OR DEFERRAL OF FEES OR COURT COSTS**

**PROPOSAL**

Adopt rule addressing confidentiality of application for waiver or deferral of court fees or costs.

**ACTION TAKEN**

The committee received comment suggesting grammatical improvements to the proposed rule. Motion 3, to adopt the grammatical improvements and a final recommendation of approval, passed by consensus.

**EXPLANATION**

This proposal was submitted by Lisa Norris-Lampe, on behalf of the Oregon eCourt Law and Policy Work Group, on August 20, 2014. The proposal requires the court to segregate applications for waiver or deferral of court fees or costs from documents that are subject to public inspection.

Prior to approval by the Chief Justice, the original proposal was renumbered from 2.150 to 2.140 to conform to the UTCR numbering convention.

**APPROVED AMENDMENT**

**2.140 APPLICATION FOR WAIVER OR DEFERRAL OF FEES OR COURT COSTS**

- (1) The court must segregate an application for waiver or deferral of fees or court costs filed under ORS 21.698 from documents that are subject to public inspection. Public inspection of an application for waiver or deferral of fees or court costs is prohibited except as authorized by this rule or other provision of law.
- (2) Access and Confidentiality
  - (a) A party may inspect an application described in subsection (1) that was filed by that party.
  - (b) No other party to a proceeding may inspect an application described in subsection (1) filed by another party.
  - (c) This rule does not limit a person's legal right to inspect an application described in subsection (1) as otherwise allowed by ORS 21.698 or other provision of law.

- (d) Oregon Judicial Department personnel may have access to an application described in subsection (1) when required for court business.

**8. 3.180 – MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS**

**PROPOSAL**

Delete Reporter's Note.

**ACTION TAKEN**

The committee received no public comment. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 17, 2014, preliminary recommendation of approval became the committee's final recommendation of approval.

**EXPLANATION**

This proposal was submitted by the UTCR Reporter, Bruce C. Miller, on August 26, 2014. The proposal deletes a Reporter's Note describing an outdated change to the rule.

**APPROVED AMENDMENT**

*[NOTE: As modified by Supreme Court Order #99-081 dated July 15, 1999.]*

**3.180 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS**

(1) \* \* \*

\* \* \* \* \*

**9. 8.060 – FILING DCS WORK SHEETS REQUIRED IN CHILD SUPPORT CASES**

**PROPOSAL**

Amend to update location of child support calculation work sheets.

**ACTION TAKEN**

The committee received no public comment. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 17, 2014, preliminary recommendation of approval became the committee's final recommendation of approval.

**EXPLANATION**

This proposal was submitted by Mike B. McKay, Senior Editor, Office of Legislative Counsel, on March 18, 2014. The proposal deletes a reference to administrative rules that have been renumbered and inserts a website address where child support calculation worksheets are made available.

## APPROVED AMENDMENT

### 8.060 FILING DCS WORK SHEETS REQUIRED IN CHILD SUPPORT CASES

Parties must submit the completed Division of Child Support (DCS) child support [computation] {**calculation**} work sheets that are [appended to OAR 137-050-0320 to 137-050-0490] {**available at** <http://oregonchildsupport.gov/forms/pages/index.aspx>} as required by the following:

- (1) If child support is an issue at the time of trial, the UTCR 8.010 statement of each party must include the work sheets.
- (2) If child support is awarded, the judgment must incorporate the work sheet as an exhibit evidencing the basis for the court's award.
- (3) In cases involving temporary child support, the moving party must serve the adverse party with the work sheets, and financial affidavits filed by parties with the court must include the work sheets.
- (4) If child support is an issue at the time of hearing, each party must submit the work sheets to the court.
- (5) If an award of child support is modified, the amending judgment must incorporate the work sheet as an exhibit evidencing the basis for the court's award.

## 10. 11.060 – PREDISPOSITION INVESTIGATION

### PROPOSAL

Amend to update statutory citations.

### ACTION TAKEN

The committee received no public comment. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 17, 2014, preliminary recommendation of approval became the committee's final recommendation of approval.

### EXPLANATION

This proposal was submitted by Meghan S. Bishop, Attorney, on January 16, 2014, and Mike B. McKay, Senior Editor, Office of Legislative Counsel, on March 18, 2014. The proposal updates an outdated statutory citation.

## APPROVED AMENDMENT

### 11.060 PREDISPOSITION INVESTIGATION

- (1) If an investigation report is prepared under ORS 419A.012, [419B.265] {**419B.112(2)(a)**}, and 419C.300, it shall be made available to the parties at least 7 days before the dispositional hearing, unless the parties stipulate to a shorter time.

- (2) If jurisdiction is contested, the court shall not read the report until after jurisdiction has been established.
- (3) If the investigation produces information which the Juvenile Department or other agency preparing the report concludes should not be divulged to the child, parents or counsel, that information must, on notice to the parties, be separated from the predisposition reports and must be divulged only pursuant to court order. If the court does not issue an order to divulge such information, the court shall set forth the reasons for its action.

## 11. 13.010 – APPLICATION OF CHAPTER

### PROPOSAL

Amend to authorize judicial district to adopt rules governing arbitration under ORS 742.505 and 742.521.

### ACTION TAKEN

The committee received no public comment. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 17, 2014, preliminary recommendation of approval became the committee's final recommendation of approval.

### EXPLANATION

This proposal was submitted by The Honorable Timothy C. Gerking, committee member, on September 10, 2014. The proposal authorizes a judicial district to adopt a rule that requires arbitration proceedings under ORS 742.505 (UM/UIM) and 742.521 (PIP) to be conducted in accordance with specified provisions of the UTCR.

Prior to approval by the Chief Justice, a grammatical error in the amendment was corrected by replacing "pursuant UTCR" with "pursuant to UTCR."

### APPROVED AMENDMENT

#### 13.010 APPLICATION OF CHAPTER

- (1) This UTCR chapter applies to arbitration under ORS 36.400 to 36.425 and Acts amendatory thereof but, except as therein provided, does not apply to any of the following:
  - (a) Arbitration by private agreement.
  - (b) Arbitration under any other statute.
  - (c) Matters exempt by ORS 36.400.
  - (d) Any civil action exempt from arbitration by action of a presiding judge under ORS 36.405.
- (2) **{Notwithstanding subsection (1), each judicial district may adopt an SLR requiring arbitration proceedings under ORS 742.505 and ORS 742.521 to be conducted pursuant to UTCR 13.140, 13.150, 13.170, 13.180, and 13.190.}**

**{3}** This UTCR chapter on arbitration is not designed to address every question that may arise during the arbitration hearing. These rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to exercise that discretion.

## 12. 13.100 – AUTHORITY OF ARBITRATORS

### PROPOSAL

Amend to update statutory citation.

### ACTION TAKEN

The committee received no public comment. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 17, 2014, preliminary recommendation of approval became the committee's final recommendation of approval.

### EXPLANATION

The proposal was submitted by Mike McKay, Senior Editor, Office of Legislative Counsel, on March 18, 2014. The proposal updates an outdated statutory citation.

### APPROVED AMENDMENT

#### 13.100 AUTHORITY OF ARBITRATORS

An arbitrator has the authority to do all of the following, but may exercise the authority conferred only after the case is assigned to a specific arbitrator and any disputes over the assignment have been settled:

- (1) Decide procedural issues arising before or during the arbitration hearing, except issues relating to arbitrability or the qualification of an arbitrator. The court may entertain a challenge to the qualification of an arbitrator on grounds that could not be discovered prior to assignment of the arbitrator to the case.
- (2) Invite, with reasonable notice, the parties to submit trial briefs.
- (3) After notice to the parties, examine any site or object relevant to the case.
- (4) Issue a subpoena, enforceable in the manner described in ORS [36.340] **{36.675}**.
- (5) Administer oath or affirmations to witnesses.
- (6) Rule on the admissibility of evidence in accordance with these rules.
- (7) Determine the facts, apply the law and make an award; perform other acts as authorized by these rules.
- (8) Determine the place, time and procedure to present a motion before the arbitrator, including motions for Summary Award (known as Summary Judgment under ORCP).

- (9) Require a party, an attorney advising each party, or both, to pay the reasonable expenses, including attorney fees, caused by the failure of such party or attorney or both, to obey an order of the arbitrator.
- (10) Award attorney fees as authorized by these rules, by contract or by law.

**13. 13.130 – RESTRICTIONS ON COMMUNICATION BETWEEN ARBITRATOR, PARTIES AND ATTORNEYS**

PROPOSAL

Amend to update citations to Judicial Code of Conduct.

ACTION TAKEN

The committee received public comment suggesting that the text of the rule be modified by replacing “offers or settlement” with “offers of settlement.” The comment addressed longstanding text in the rule that was unrelated to the proposed amendment. The committee discussed the effect the change would have in cases involving more than two parties. The committee declined to make this change. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee’s October 17, 2014, preliminary recommendation of approval became the committee’s final recommendation of approval.

EXPLANATION

The proposal was submitted by Joshua Nasbe, Oregon Judicial Department Staff Counsel, on September 10, 2014. The proposal conforms to the adoption of a new Judicial Code of Conduct.

APPROVED AMENDMENT

**13.130 RESTRICTIONS ON COMMUNICATION BETWEEN ARBITRATOR, PARTIES AND ATTORNEYS**

Unless all parties otherwise agree, no disclosure of any offers or settlement made by any party shall be made to the arbitrator prior to the announcement of the award. Neither counsel nor a party may communicate with the arbitrator, regarding the merits of the case, except in the presence of, or on reasonable notice to, all other parties.

Except for [*Judicial*] Rules [3]{1}, 4{.1 to 4.3, 4.5 to 4.10}, and 5 of the Code of Judicial Conduct, all rules of professional conduct concerning Bench and Bar apply in the arbitration process.

**14. 15.010 – SMALL CLAIMS FORMS**

PROPOSAL

Amend to move the related forms from the UTCR Appendix to the OJD website.

ACTION TAKEN

The committee received an amended proposal from the proponent intended to more clearly implement the intent of the original proposal. Motion 4, to adopt the

amended proposal and a final recommendation of approval, passed by consensus.

#### EXPLANATION

This proposal was submitted by Lisa Norris-Lampe, on behalf of the eCourt Law and Policy Work Group on August 20, 2014. The proposal facilitates moving existing small claims forms from the UTCR to the Oregon Judicial Department website and is related to the above proposal to amend UTCR 1.160 and the below proposals to delete Forms 15.010.1a to 15.010.1f.

#### APPROVED AMENDMENT

##### 15.010 SMALL CLAIMS FORMS

- (1) The following small claims documents shall be accepted, when the proper fee is tendered, by all judicial districts that accept small claims filings:
  - (a) Small Claim and Notice of Small Claim substantially in the form **{of the corresponding document made available to the public on <http://courts.oregon.gov/OJD/forms>}***[specified in Form 15.010.1a in the UTCR Appendix of Forms]*, to commence a small claims action pursuant to ORS 46.425 and 46.445 or 30.642 – 30.650. In an action by an inmate, the inmate must include the inmate’s identification number in the caption.
  - (b) Motion for Default Judgment and Defendant Status Declaration substantially in the form **{of the corresponding document made available to the public on <http://courts.oregon.gov/OJD/forms>}***[specified in Form 15.010.1b in the UTCR Appendix of Forms]*, to request a default judgment pursuant to ORS 46.475(2).
  - (c) Declaration of Noncompliance and Request for Judgment substantially in the form **{of the corresponding document made available to the public on <http://courts.oregon.gov/OJD/forms>}***[specified in Form 15.010.1c in the UTCR Appendix of Forms]*, to request a judgment for failure to comply with a Small Claims Agreement.
  - (d) Small Claims Judgment and Money Award substantially in the form **{of the corresponding document made available to the public on <http://courts.oregon.gov/OJD/forms>}***[specified in Form 15.010.1d in the UTCR Appendix of Forms]*, as a form for use to enter judgment in a small claims action under ORS 46.475(2), 46.485, and 46.488.
  - (e) Defendant’s Response substantially in the form **{of the corresponding document made available to the public on <http://courts.oregon.gov/OJD/forms>}***[specified in Form 15.010.1e in the UTCR Appendix of Forms]*, as a form for use to respond to a claim and notice of claim in a small claims action pursuant to ORS 46.455.
  - (f) Small Claims Agreement substantially in the form **{of the corresponding document made available to the public on**

<http://courts.oregon.gov/OJD/forms>}[specified in Form 15.010.1f in the UTCR Appendix of Forms]{↓} as a form for use when the parties agree to resolve a small claims action.

- (2) Forms in these formats may be made mandatory by SLR. SLR 15.011 is reserved for making such formats mandatory in the judicial district.

**15. FORM 15.010.1a – SMALL CLAIM AND NOTICE OF SMALL CLAIM**

PROPOSAL  
Delete Form.

ACTION TAKEN  
The committee received no public comment. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 17, 2014, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION  
This proposal was submitted by Lisa Norris-Lampe, on behalf of the eCourt Law and Policy Work Group on August 20, 2014. The proposal facilitates moving existing small claims forms from the UTCR to the Oregon Judicial Department website and is related to the above proposals to amend UTCR 1.160 and 15.010.

APPROVED AMENDMENT  
Delete Form 15.010.1a, Small Claim and Notice of Small Claim.

**16. FORM 15.010.1b – MOTION FOR DEFAULT JUDGMENT AND DEFENDANT STATUS DECLARATION**

PROPOSAL  
Delete Form.

ACTION TAKEN  
The committee received no public comment. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 17, 2014, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION  
This proposal was submitted by Lisa Norris-Lampe, on behalf of the eCourt Law and Policy Work Group on August 20, 2014. The proposal facilitates moving existing small claims forms from the UTCR to the Oregon Judicial Department website and is related to the above proposals to amend UTCR 1.160 and 15.010.

APPROVED AMENDMENT  
Delete Form 15.010.1b, Motion for Default Judgment and Defendant Status Declaration.

**17. FORM 15.010.1c – DECLARATION OF NONCOMPLIANCE AND REQUEST FOR JUDGMENT**

PROPOSAL  
Delete Form.

**ACTION TAKEN**

The committee received no public comment. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 17, 2014, preliminary recommendation of approval became the committee's final recommendation of approval.

**EXPLANATION**

This proposal was submitted by Lisa Norris-Lampe, on behalf of the eCourt Law and Policy Work Group on August 20, 2014. The proposal facilitates moving existing small claims forms from the UTCR to the Oregon Judicial Department website and is related to the above proposals to amend UTCR 1.160 and 15.010.

**APPROVED AMENDMENT**

Delete Form 15.010.1c, Declaration of Noncompliance and Request for Judgment.

**18. FORM 15.010.1d – SMALL CLAIMS JUDGMENT AND MONEY AWARD**

PROPOSAL  
Delete Form.

**ACTION TAKEN**

The committee received no public comment. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 17, 2014, preliminary recommendation of approval became the committee's final recommendation of approval.

**EXPLANATION**

This proposal was submitted by Lisa Norris-Lampe, on behalf of the eCourt Law and Policy Work Group on August 20, 2014. The proposal facilitates moving existing small claims forms from the UTCR to the Oregon Judicial Department website and is related to the above proposals to amend UTCR 1.160 and 15.010.

**APPROVED AMENDMENT**

Delete Form 15.010.1d, Small Claims Judgment and Money Award.

**19. FORM 15.010.1e – DEFENDANT'S RESPONSE**

PROPOSAL  
Delete Form.

**ACTION TAKEN**

The committee received no public comment. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 17, 2014, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Lisa Norris-Lampe, on behalf of the eCourt Law and Policy Work Group on August 20, 2014. The proposal facilitates moving existing small claims forms from the UTCR to the Oregon Judicial Department website and is related to the above proposals to amend UTCR 1.160 and 15.010.

APPROVED AMENDMENT

Delete Form 15.010.1e, Defendant's Response.

**20. FORM 15.010.1f – SMALL CLAIMS AGREEMENT**

PROPOSAL

Delete Form.

ACTION TAKEN

The committee received no public comment. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 17, 2014, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Lisa Norris-Lampe, on behalf of the eCourt Law and Policy Work Group on August 20, 2014. The proposal facilitates moving existing small claims forms from the UTCR to the Oregon Judicial Department website and is related to the above proposals to amend UTCR 1.160 and 15.010.

APPROVED AMENDMENT

Delete Form 15.010.1f, Small Claims Agreement.

**21. 21.020 – APPLICABILITY; LOCAL RULES OF COURT NOT PERMITTED**

PROPOSAL

Amend to include cross reference.

ACTION TAKEN

The committee received no public comment. No motions were made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 17, 2014, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Joshua Nasbe, Oregon Judicial Department Staff Counsel on August 29, 2014. The proposal includes a citation to UTCR 1.050 (1)(e) to reflect court's ability to adopt and enforce rules in SLR Chapter 24 regarding Oregon eCourt implementation.

APPROVED AMENDMENT

21.020 APPLICABILITY; LOCAL RULES OF COURT NOT PERMITTED

- (1) As authorized by ORS 1.002, this chapter applies to those circuit courts that have approval from the State Court Administrator to accept filings

electronically for designated case types and filers. The Oregon Judicial Department's website lists the circuit courts approved to accept filing electronically for designated case types and filers (<http://courts.oregon.gov/OJD/Pages/index.aspx>).

- (2) No circuit court may make or enforce any local rule, other than those local rules authorized by UTCR {**1.050(1)(e) or**} 4.090, governing the electronic filing and electronic service of documents.

## B. OUT-OF-CYCLE CHANGES

These changes to the UTCR became effective after August 1, 2014, and before August 1, 2015. They will be incorporated into the 2015 UTCR.

### 1. 2.070 – NOTICE IN PLEADINGS

#### EXPLANATION

UTCR 2.070 was amended by [Chief Justice Order 14-063](#), effective December 1, 2014, to collect, in one location, notice requirements imposed by two existing provisions of the UTCR, in addition to a third, newly proposed notice requirement.

#### AMENDMENT

#### 2.070 NOTICE [OF ARBITRATION] IN PLEADINGS

The title of a pleading, including a claim, counterclaim, cross claim, or third-party claim, must comply with UTCR 13.060 {**regarding Arbitration; UTCR 5.090 (1) regarding Water Rights Cases; and, UTCR 5.090 (2) regarding claims subject to sections 7, 13, 21 and 23, chapter 5 Oregon Laws 2013 – actions against a health care practitioner or health care facility**}.

### 2. 5.090 – NOTICE TO COURT IN WATER RIGHTS CASES; NOTICE TO COURT IN CASES SUBJECT TO SECTIONS 7, 13, 21 AND 23, CHAPTER 5, OREGON LAWS 2013, REGARDING COMMENCING AN ACTION AGAINST A HEALTH CARE PROVIDER OR A HEALTH CARE FACILITY

#### EXPLANATION

UTCR 5.090 was amended by [Chief Justice Order 14-063](#), effective December 1, 2014, to require a party to include a notice in the title of certain pleadings.

#### AMENDMENT

5.090 NOTICE TO COURT IN WATER RIGHTS CASES{; **NOTICE TO COURT IN CASES SUBJECT TO SECTIONS 7, 13, 21 and 23, CHAPTER 5 OREGON LAWS 2013, REGARDING COMMENCING AN ACTION AGAINST A HEALTH CARE PROVIDER OR A HEALTH CARE FACILITY**}

**{(1) 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)]{(a)} Be filed as a separate document.

[(2)]{(b)} Include the caption of the case and the case number.

[(3)]{(c)} Include a statement that the case involves water rights.

[(4)]{(d)} Be signed by the attorney or party.

**{(2) Notice to court in cases subject to sections 7, 13, 21 and 23, chapter 5 Oregon Laws 2013, Regarding Actions Against A Health Care Provider Or A Health Care Facility.**

**A party must place the following in the title of a pleading in the case if the pleading contains a claim which creates a duty upon the court to provide notice to the parties under sections 7, 13, 21, and 23, chapter 5 Oregon Laws 2013 (including any claim, counterclaim, cross claim, or third-party claim): "ADVERSE HEALTH CARE INCIDENT SUBJECT TO COURT NOTICE". This language must not be in the title of a pleading for any other purpose. A party's signature on pleadings constitutes the party's certificate under ORCP 17 that the pleading contains a claim which requires notice by the court under section 7, chapter 5 Oregon Laws 2013 if the language is present and does not contain any such claim if the language is omitted.**

**3. FORM 8.010.5 – UNIFORM SUPPORT DECLARATION**

**EXPLANATION**

UTCR Form 8.010.5 was amended by [Chief Justice Order 14-064](#), effective December 1, 2014, to reflect a change in the Child Support Guidelines.

AMENDMENT (see next page)



#### 4. 21.040 – FORMAT OF DOCUMENTS TO BE FILED ELECTRONICALLY

##### EXPLANATION

UTCR 21.040 was amended by [Chief Justice Order 14-049](#), effective September 29, 2014, to facilitate implementation of the Oregon eCourt Program.

##### AMENDMENT

#### 21.040 FORMAT OF DOCUMENTS TO BE FILED ELECTRONICALLY

- (1) A document submitted electronically to the court must be in the form of a text-searchable Portable Document Format (PDF) or a text-searchable Portable Document Format/A (PDF/A) file that does not exceed 25 megabytes. A document that exceeds the size limit must be broken down and submitted as separate files that do not exceed 25 megabytes each. A filer submitting separate files under this section must include in the [e]Filing Comment{s} field for each submission a description that clearly identifies the part of the document that the file represents, for example, "Motion for Summary Judgment, part 1 of 2."
- (2) Except as provided in subsections (a) through ({c}[d]) of this section, when a document to be electronically filed includes one or more attachments, including but not limited to a documentary exhibit, an affidavit, or a declaration, **the electronic filing must be submitted as a unified single PDF file, rather than as separate electronically filed documents, to the extent practicable***[each attachment must be submitted through the electronic filing system as a separate electronically filed document. A filer submitting separate documents under this section must include in the eFiling Comment field for each submission a description that clearly identifies the filing, for example, "Affidavit of Jane Smith (Attachment to motion for summary judgment)."]* **An electronic filing submitted under this section***[An attachment file]* that exceeds 25 megabytes must comply with section (1) of this rule.
  - (a) **If an electronic filing consists of a motion or similar document and a corresponding proposed order, judgment, or any other document that requires court signature, the filer must submit the document requiring court signature through the electronic filing system as a separate electronically filed document from the motion. A filer submitting separate documents under this subsection must include in the Filing Comments field for each submission a description that clearly identifies the filing, for example, "Motion for Summary Judgment" and "Proposed Order Granting Motion for Summary Judgment."***[An attachment to a motion to strike filed under UTCR 5.020(2) must be submitted together with the motion as a single, unified PDF or PDF/A file.]*
  - (b) **If an electronic filing is not confidential but includes an attachment that is confidential or otherwise exempt from disclosure, the filer must submit the attachment through the electronic filing system as a separate electronically filed document. A filer submitting a confidential document under this subsection must select the confidential check box after attaching the confidential document. A filer submitting separate**

**documents under this subsection must include in the Filing Comments field for each submission a description that clearly identifies the filing, for example, "Motion for Stay" and "Confidential Attachment to Motion for Stay."***[An attachment to a motion for leave to amend a pleading filed under UTCR 5.070 must be submitted together with the motion as a single, unified PDF or PDF/A file.]*

(c) **{The reference in section (2) to an affidavit and a declaration applies to only an affidavit or a declaration that is an attachment to another document.}***[Attachments to a petition for post-conviction relief filed under ORS 138.580 must be submitted together as a single, unified PDF or PDF/A file. The attachment file must be submitted separately from the petition document.]*

*[(d) Attachments to a Uniform Support Declaration filed under UTCR 8.010(4) must be submitted together with the declaration as a single, unified PDF or PDF/A file.]*

(3) **{A proposed order or judgment, or any other document that requires court signature that is submitted electronically, must include, for the purpose of affixing a signature and signature date, a blank space of not less than 1.5 inches and a blank line following the last line of text.}**

**Example:**

**Petitioner's motion for a stay is granted. The proceedings in this action are held in abeyance pending further notification from petitioner of completion of the conditions set out in this order.**

**(at least 1.5 inches of blank space following last line of text)**

\_\_\_\_\_ }

~~(4)~~[3] When viewed in an electronic format and when printed, a submitted document must comply with the requirements of ORCP 9 E and UTCR 2.010 except as to any requirement that a document bear a physical signature when filed.

~~(5)~~[4] When submitting an electronic filing that creates a new case or adds a party to an existing case,

(a) A filer must enter into the "Add Party" screen the names of all known parties or all parties being added; and

(b) A filer must enter party names in proper case, for example, "John Doe" and not "JOHN DOE."

~~(6)~~[5] The court may reject submitted documents that do not comply with these provisions as provided in UTCR 21.080(5).

## 5. 21.050 – PAYMENT OF FEES

### EXPLANATION

UTCR 21.050 was amended by [Chief Justice Order 14-049](#), effective September 29, 2014, to facilitate implementation of the Oregon eCourt Program.

### AMENDMENT

#### 21.050 PAYMENT OF FEES

##### (1) Payment Due on Filing

A filer must pay the filing fees for filing a document electronically at the time of electronic filing. *[As provided in UTCR 21.070(3)(h), a filer may not electronically file an amended civil complaint that, as a result of the amendment, requires payment of an additional filing fee.]*

##### (2) Fee Waivers and Deferrals

(a) Except as provided in subsection (b) of this rule, a filer may apply for a waiver or deferral of court fees and costs, as provided in ORS 21.682 and ORS 21.685, when submitting for electronic filing a document that constitutes an appearance, motion, or pleading for which a fee is required, with an accompanying application for a waiver or deferral of a required fee. The document will not be accepted for filing unless the court grants the fee waiver or deferral.

(b) A filer may not electronically apply for a waiver or deferral of court fees when submitting a document that initiates an action, as provided in UTCR 21.070(3)(~~f~~[b]).

## 6. 21.070 – SPECIAL FILING REQUIREMENTS

### EXPLANATION

UTCR 21.070 was amended by [Chief Justice Order 14-049](#), effective September 29, 2014, to facilitate implementation of the Oregon eCourt Program. After the order was adopted, the UTCR Reporter corrected a typographical error in subsections (3)(h)(ii) and (iii) replacing "paragraph (i)(i)" with "paragraph (h)(i)."

### AMENDMENT

#### 21.070 SPECIAL FILING REQUIREMENTS

##### (1) Courtesy Copies and Other Copies

(a) The court may require that a filer submit, in the manner and time specified by the court, a copy of the document that was filed electronically and a copy of the submission or acceptance email from the electronic filing system.

(b) When a filer submits a document for conventional filing or electronic filing, the filer need not submit for filing additional copies of that document unless otherwise required by the court.

- (c) In a post-conviction relief proceeding filed under ORS 138.510 as limited by paragraphs (i) and (ii) of this subsection, if the petitioner intends to rely on the contents of the underlying circuit court criminal case file to support the allegations in the petition filed under ORS 138.580, then the petitioner must so state in the petition. If the petitioner intends to rely on some, but not all, of the contents of the underlying case file, then the petitioner must identify with reasonable specificity the materials on which the petitioner intends to rely. The petitioner need not attach to the petition, as part of evidence supporting the allegations, any document from the underlying case file. This subsection applies only if:
- (i) Both the post-conviction court and the circuit court on the underlying criminal case are using the Oregon eCourt Case Information system; and
  - (ii) The underlying criminal case was filed on or after the date that the circuit court began using the Oregon eCourt Case Information system. The date that each Oregon eCourt Case Information circuit court began using that system is available at <http://courts.oregon.gov/Oregonecourt/pages/oregoneCourtMap.aspx>.

(2) Court Order Requiring Electronic Filing and Electronic Service

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

(3) Documents that Must be Filed Conventionally

The following documents must be filed conventionally:

- (a) An accusatory instrument that initiates a criminal action, except as otherwise provided by ORS 133.073.
- (b) A petition that initiates a juvenile delinquency proceeding under ORS 419C.250.
- (c) A document that initiates an extradition proceeding under ORS 133.743 to 133.857.
- (d) An initiating instrument in a contempt proceeding, **{including for purposes of this rule}***[other than]* a motion **{and supporting documentation filed contemporaneously with the motion}***[,]* under ORS 33.055 (remedial) or an accusatory instrument that initiates a contempt proceeding **{and supporting documentation filed contemporaneously with the initiating instrument}** under ORS 33.065 (punitive).

- (e) A notice of appeal from a justice court or municipal court judgment under ORS 138.057 or ORS 157.020(1), a justice court order under ORS 157.020(2), or a municipal court conviction under ORS 221.359.
- (f) A document that initiates an action that is accompanied by an application for a waiver or deferral of a required fee.
- [(g) *An amended pleading that, as a result of the amendment, requires payment of an additional filing fee.*]
- (({g})[h]) A document filed under seal or subject to in camera inspection, including a motion requesting that a simultaneously filed document be filed under seal or subject to in camera inspection, except that a document may be electronically filed in an adoption case.
- (({h})[l]) Except as provided in UTCR 21.090(4), a document that is required by law to be filed in original form, such as, but not limited to, an original will, a certified document, or a document under official seal.
  - (i) If applicable law requires an original document to be filed simultaneously with another document that is electronically filed, the filer must electronically file an image of the original document with the other electronically filed document and then conventionally file the original document within 7 business days after submitting the electronic filing. An original document conventionally filed under this paragraph is deemed filed on the date of filing of the electronically filed image of the same document.
  - (ii) If the filer elects to electronically file an image of an original document as set out in paragraph (h)(i) of this subsection, the filer must include in the [e]Filing Comment{s} field a statement that the electronic filing submission includes an image of an original document and that the filer will conventionally file the original document within 7 business days.
  - (iii) If the filer elects to electronically file an image of an original document as set out in paragraph (h)(i) of this subsection, when conventionally filing the original document, the filer must include a notification to the court that the image was previously electronically filed.
- (({i})[l]) A negotiable instrument tendered under UTCR 2.060 for entry of notation of judgment.
- (({j})[k]) A document delivered to the court under ORCP 55 (H)(2)(c).
- (({k})[l]) A Driver and Motor Vehicle Services Branch of the Oregon Department of Transportation (DMV) record, as defined in UTCR 10.020(1).
- (({l}) A petition or motion for waiver of the mandatory eFiling requirement, as set out in UTCR 21.140(3).)**

**{(m) Any stipulated or ex parte matter listed in SLR 2.501 in a Judicial District's Supplementary Local Rules.}**

- (4) Limits on Exhibits
  - (a) A demonstrative or oversized exhibit must be filed conventionally.
  - (b) Trial exhibits may not be filed electronically and must be submitted or delivered as provided in UTCR 6.050(2).

- (5) Expedited Filings

A filer must include the words "EXPEDITED CONSIDERATION REQUESTED" in the Filing Comments field when preparing an expedited filing for submission through the electronic filing system.

## 7. 21.080 – ELECTRONIC FILING AND ELECTRONIC FILING DEADLINES

### EXPLANATION

UTCR 21.080 was amended by [Chief Justice Order 14-049](#), effective September 29, 2014, to facilitate implementation of the Oregon eCourt Program.

### AMENDMENT

#### 21.080 **{ELECTRONIC FILING AND}** ELECTRONIC FILING DEADLINES

- (1) A filer may use the electronic filing system at any time, except when the electronic filing system is temporarily unavailable.
- (2) The filing deadline for any document filed electronically is 11:59:59 p.m. in the time zone where the court is located on the day the document must be filed.
- (3) The court considers a document submitted for an electronic filing when the electronic filing system receives the document. The electronic filing system will send an email to the filer that includes the date and time of receipt, unless the filer has elected through system settings not to receive the email.
- (4) If the court accepts the document for filing, the date and time of filing entered in the register relate back to the date and time the electronic filing system received the document. When the court accepts the document, the electronic filing system will affix the date and time of submission on the document, thereby indicating the date and time of filing of the document. When the court accepts a document for filing, the electronic filing system sends an email to the filer, unless the filer has elected through system settings not to receive the email.
  - (a) The provisions of this subsection do not apply to a proposed order or judgment, or to any other document that requires court signature, that is electronically filed.

- (b) When the court accepts a proposed order or judgment or any other document that requires court signature through the electronic filing system, the document is deemed submitted for judge review.
- (5) If the court rejects a document submitted electronically for filing, the electronic filing system will send an email to the filer that explains why the court rejected the document, unless the filer has elected through system settings not to receive the email. The email will include a hyperlink to the document.
- (a) A filer who resubmits a document within 3 days of the date of rejection under this section may request, as part of the resubmission, that the date of filing of the resubmitted document relate back to the date of submission of the original document to meet filing requirements. If the third day following rejection is not a judicial day, then the filer may resubmit the filing with a request under this subsection on the next judicial day. For purposes of this subsection, resubmission means submission of the document through the electronic filing system under section (3) of this rule or physical delivery of the document to the court. A filer who resubmits a document under this subsection must include:
    - (i) a cover letter that sets out the date of the original submission and the date of rejection and that explains the reason for requesting that the date of filing relate back to the original submission, with the words "RESUBMISSION OF REJECTED FILING, RELATION-BACK DATE OF FILING REQUESTED" in the subject line of the cover letter; and
    - (ii) if an electronic resubmission, the words "RESUBMISSION OF REJECTED FILING, RELATION-BACK DATE OF FILING REQUESTED" in the Filing Comments {f}[F]ield.
  - (b) A responding party may object to a request under subsection (a) of this section within the time limits as provided by law for the type of document being filed. For the purpose of calculating the time for objection provided by law under this subsection, if applicable, the date of filing is the date that the document was resubmitted to the court under subsection (a) of this section.

**{(6) If the eFiling system is temporarily unavailable or if an error in the transmission of the document or other technical problem prevents the eFiling system from receiving a document, the court may, upon satisfactory proof, permit the filing date of the document to relate back to the date that the eFiler first attempted to file the document to meet filing requirements. Technical problems with the filer's equipment or attempted transmission within the filer's control will not generally excuse an untimely filing.**

**(a) A filer seeking relation-back of the filing date due to system unavailability or transmission error described in this section must comply with the requirements in subsection (5)(a) of this rule.**

**(i) The cover letter described in subsection (5)(a)(i) must include the date of the original attempted submission and the date**

**that the filer was notified that the submission was not successful, and explain the reason for requesting that the date of filing relate back to the original submission, with the words "RESUBMISSION OF FILING, SUBMISSION UNSUCCESSFUL, RELATION-BACK DATE OF FILING REQUESTED" in the subject line of the cover letter.**

**(ii) The Filing Comment field notification for an electronic resubmission described in subsection (5)(a)(ii) must include the words "RESUBMISSION OF FILING, SUBMISSION UNSUCCESSFUL, RELATION-BACK DATE OF FILING REQUESTED."**

**(iii) The filer may include supporting exhibits that substantiate the system malfunction together with the filer's cover letter.**

**(b) A responding party may object in the same manner and subject to the same time calculations as in subsection (5)(b) of this rule.**

## **8. 21.090 – ELECTRONIC SIGNATURES**

### EXPLANATION

UTCR 21.090 was amended by [Chief Justice Order 14-049](#), effective September 29, 2014, to facilitate implementation of the Oregon eCourt Program.

### AMENDMENT

#### 21.090 ELECTRONIC SIGNATURES

- (1) The use of a filer's login constitutes the signature of the filer for purposes of these rules and for any other purpose for which a signature is required.
- (2) In addition to information that law or rule requires to be in the document, a document filed electronically must include an electronic symbol intended to substitute for a signature, such as a scan of the filer's handwritten signature or a signature block that includes the typed name of the filer preceded by an "s/" in the space where the signature would otherwise appear.

Example of a signature block with "s/":

s/ John Q. Attorney  
JOHN Q. ATTORNEY  
OSB #  
Email address  
Attorney for Plaintiff Smith Corporation, Inc.

- (3) When more than one party joins in filing a document, the filer must show all of the parties who join by one of the following:
  - (a) submitting an imaged document containing the signatures of all parties joining in the document;
  - (b) a recitation in the document that all such parties consent or stipulate to the document; or

- (c) identifying in the document the signatures that are required and submitting each such party's written confirmation no later than 3 days after the filing.
- (4) Except as provided in [sub]section (5) of this section, when a document to be electronically filed requires a signature under penalty of perjury, or the signature of a notary public, the declarant or notary public shall sign a printed form of the document. The printed document bearing the original signatures must be imaged and electronically filed in a format that accurately reproduces the original signatures and contents of the document. The original document containing the original signatures and content must be retained as required in UTCR 21.120.
- (5) When the filer is the same person as the declarant named in an electronically filed document for purposes of ORCP 1 E, the filer must include in the declaration an electronic symbol intended to substitute for a signature, such as a scan of the filer's handwritten signature or a signature block that includes the typed name of the filer preceded by an "s/" in the space where the signature would otherwise appear.

Example of a signature block with "s/":

s/ John Q. Attorney  
JOHN Q. ATTORNEY

## 9. 21.100 – ELECTRONIC SERVICE

### EXPLANATION

UTCR 21.100 was amended by [Chief Justice Order 14-049](#), effective September 29, 2014, to facilitate implementation of the Oregon eCourt Program.

### AMENDMENT

#### 21.100 ELECTRONIC SERVICE

- (1) Consent to Electronic Service and Withdrawal of Consent
  - (a) A filer who electronically appears in the action by filing a document through the electronic filing system that the court has accepted is deemed to consent to accept electronic service of any document filed by any other registered filer in an action, except for any document that requires service under ORCP 7 or that requires personal service.
  - (b) A filer who is dismissed as a party from the action or withdraws as a lawyer of record in the action may withdraw consent to electronic service by removing the filer's contact information as provided in subsection (2)(a) of this rule.
  - (c) Except as provided in subsection (b) of this section, a filer may withdraw consent to electronic service only upon court approval based on good cause shown.

(2) Contact Information

- (a) At the time of preparing the filer's first electronic filing in the action, a filer described in [sub]section (1) of this rule must enter in the electronic filing system the name and service email address of the filer, designated as a service contact on behalf of an identified party in the action. If the filer withdraws consent to electronic service under subsection (1)(b) or (1)(c) of this rule, then the filer must remove the filer's name and service email address as a designated service contact for a party.
- (b) A filer described in subsection (1)(a) of this rule may enter in the electronic filing system, as an other service contact in the action:
  - (i) an alternative email address for the filer; and
  - (ii) the name and email address of any additional person whom the filer wishes to receive electronic notification of documents electronically served in the action, as defined in UTCR 21.010(8). If a lawyer enters a client's name and contact information as an other service contact under this subsection, then the lawyer is deemed to have consented for purposes of Rule of Professional Conduct 4.2 to delivery to the client of documents electronically served by other filers in the action.
- (c) A filer is responsible for updating any contact information for any person whom the filer has entered in the electronic filing system as either a service contact for a party or as an other service contact in an action.
- (d) A filer may seek court approval to remove a person entered by another filer as an other service contact in an action if the person does not qualify as an other service contact under UTCR 21.010(8).

(3) Selecting Service Contacts and Other Service Contacts

When preparing an electronic filing submission with electronic service, a filer is responsible for selecting:

- (a) the appropriate service contacts in the action, for the purpose of accomplishing electronic service as required by law of any document being electronically filed; and
- (b) the appropriate other service contacts in the action, if any, for the purpose of delivering an electronic copy of any document being electronically filed.

(4) Court Notification and Transmission Constituting Service

When the court accepts an electronic document for filing under UTCR 21.060(1)(a), the electronic filing system sends an email to the email address of each person whom the filer selected as a service contact or other service contact under [sub]section (3) of this rule. The email contains a hyperlink to access the document or documents that have been filed

electronically. Transmission of the email by the electronic filing system to the selected service contacts in the action constitutes service.

(5) Completion and Time of Electronic Service

Electronic service is complete when the electronic filing system sends the email to the selected service contacts in the action.

(6) Applicability of ORCP 10 C

Electronic service performed in accordance with this chapter is equivalent to service by mail as provided in ORCP 10 C.

(7) Proof of Electronic Service

A filer must attach at the end of any document submitted electronically a list of names of all parties requiring conventional paper service, followed by a clearly identified list of the names of all parties requiring service that will be served electronically by the electronic filing system.

(8) Service Other than by Electronic Means

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

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

**10. 21.120 – RETENTION OF DOCUMENTS BY FILERS AND CERTIFICATION OF ORIGINAL SIGNATURES**

EXPLANATION

UTCRC 21.120 was amended by [Chief Justice Order 14-049](#), effective September 29, 2014, to facilitate implementation of the Oregon eCourt Program.

AMENDMENT

21.120 RETENTION OF DOCUMENTS BY FILERS **{AND CERTIFICATION OF ORIGINAL SIGNATURES}**

- (1) Unless the court orders otherwise, if a filer electronically files an image of a document that contains the original signature of a person other than the filer, the filer must retain the document **{in the filer's possession}** in its original paper form for **{no less than 30 days}***[ 10 years]*.
- (2) **{When a filer electronically files a document described in section (1) of this rule, the filer certifies by filing that, to the best of the filer's knowledge after appropriate inquiry, the signature purporting to be that**

**of the signer is in fact that of the signer***[On reasonable notice, the filer must provide a paper copy of the original for inspection by another party, the clerk, or the court].*

## 11. 21.140 – MANDATORY ELECTRONIC FILING

### EXPLANATION

UTCRC 21.140 was adopted by amended [Chief Justice Order 14-050](#), effective December 1, 2014, to facilitate implementation of the Oregon eCourt Program.

### AMENDMENT

#### 21.140 MANDATORY ELECTRONIC FILING

- (1) An active member of the Oregon State Bar must file a document using the electronic filing system, instead of using conventional filing, if the document is not required to be conventionally filed under UTCRC 21.070(3) and if it
  - (a) is filed in any of the following circuit courts: Benton, Clatsop, Columbia, Crook, Jackson, Jefferson, Linn, Multnomah, Polk, Tillamook, or Yamhill; or
  - (b) is filed in a circuit court not listed in subsection (a) of this section on or after the mandatory electronic filing date applicable to that court, as set out in section (2) of this rule.
- (2) For purposes of subsection (1)(b), the “mandatory electronic filing date” of a circuit court is 30 business days after the date on which the court began using the electronic filing system. The mandatory electronic filing date is available, once the court begins using the electronic filing system, at: <http://courts.oregon.gov/Oregonecourt/pages/oregoneCourtMap.aspx>.
- (3) A person may seek a waiver of the requirement in section (1) of this rule as follows:
  - (a) The person must file one of the following:
    - (i) A petition for waiver in all cases in a specific judicial district for a specific period of time.
    - (ii) A motion in an existing case for waiver in that specific case.
  - (b) A petition or motion must include an explanation describing good cause for the waiver.
  - (c) A separate petition for waiver under subsection (a)(i) of this section must be filed in each judicial district in which the person desires a waiver.
  - (d) If the court grants a petition filed under subsection (a)(i) of this section, the person obtaining the waiver must

- (i) file a copy of the court's order in each case subject to the waiver; and
    - (ii) include the words "Exempt from eFiling per Waiver Granted [DATE]" in the caption of all documents conventionally filed during the duration of the waiver.
  - (e) If the court grants a motion filed under subsection (a)(ii) of this section, the person obtaining the waiver must include the words "Exempt from eFiling per Waiver Granted [DATE]" in the caption of all documents conventionally filed in the case.
- (4) If the electronic filing system is continuously unavailable for a period of more than 24 hours, an active member of the Oregon State Bar may file documents using conventional filing until the end of the first full business day after the day on which the electronic filing system becomes available.
- (5) If a filer submits a document for conventional filing in contravention of section (1) of this rule and the filer has not obtained a waiver pursuant to section (3) of this rule nor is the electronic system unavailable as described in section (4) of this rule, then court staff may, to the extent allowed by policy adopted by the presiding judge, take any of the following actions:
- (a) Direct the filer to the court's kiosk to complete the filing electronically.
  - (b) Refuse to accept the document for filing.
  - (c) Return the document to the filer as unfiled.
  - (d) Refer the filing to a judge for consideration of sanctions under UTCR 1.090.

## **C. COMMITTEE RECOMMENDATIONS OF DISAPPROVAL**

### **1. 5.070 – MOTION FOR LEAVE TO AMEND PLEADING**

#### **PROPOSAL**

Amend to allow edits to proposed amended pleading to be shown in margin and to make rule optional when amendments are uncontested.

#### **ACTION TAKEN**

The committee received no public comment. No motions were made to change the preliminary recommendation of disapproval. Therefore, by committee convention, the committee's October 17, 2014, preliminary recommendation of disapproval becomes the committee's final recommendation of disapproval.

#### **EXPLANATION**

This proposal was submitted by Daniel R. Reitman, Attorney, on March 11, 2014. The proposal was originally submitted based on the belief that the process could not be automated in certain word processing environments. The proponent subsequently indicated that partial automation was possible, but full compliance required manual entry. The committee discussed the genesis of the current rule,

which was adopted to ensure that software utilized by persons with a visual impairment could identify alterations to the original pleading. Comment in opposition to the proposal was submitted by a circuit court judge who believes the proposal frustrates the intent of the rule, which is to allow a judge to easily review how a pleading would be or has been changed.

#### PROPOSED AMENDMENT

The proponent did not submit a proposed amendment.

## 2. 6.050 – SUBMISSION OF TRIAL MEMORANDA AND TRIAL EXHIBITS

#### PROPOSAL

Amend to require submission of standard-size copy of oversize exhibit.

#### ACTION TAKEN

The committee received no public comment. No motions were made to change the preliminary recommendation of disapproval. Therefore, by committee convention, the committee's October 17, 2014, preliminary recommendation of disapproval becomes the committee's final recommendation of disapproval.

#### EXPLANATION

This proposal was submitted by Michelle Leonard, Trial Court Administrator, Union and Willowa Circuit Courts, on September 2, 2014. The committee reviewed the Oregon Rules of Appellate Procedure (ORAP) and considered practical concerns with the proposed amendment, including: the ORAP do not require submission of oversized exhibits; an oversize exhibit may contain a great deal of information that would be unreadable if reduced to 8.5" x 11"; the appellate courts rarely want oversized exhibits; circuit courts do not retain exhibits; and the possibility of a discrepancy between the copy and the original, if the original were written on during trial.

#### PROPOSED AMENDMENT

##### 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.

**{(3) A party that delivers or submits a trial exhibit that is a text document, photo, poster, or map that is larger than standard letter size or legal size must also deliver or submit with the exhibit a standard letter size copy of the exhibit unless otherwise ordered by the court.}**

## 3. 7.020 – SETTING TRIAL DATES IN CIVIL CASES

#### PROPOSAL

Amend to account for defendants that have been defaulted.

#### ACTION TAKEN

The committee received further explanation from the proponent. While the committee believed that the proponent's interpretation of the rule was correct, the committee did not believe that a rule change was warranted. No motions were made to change the preliminary recommendation of disapproval. Therefore, by committee convention, the committee's October 17, 2014, preliminary recommendation of disapproval becomes the committee's final recommendation of disapproval.

#### EXPLANATION

This proposal was submitted by The Honorable Charles D. Carlson, Lane County Circuit Court, on February 17, 2014. The committee reviewed the proposal in context, and concluded that the proposed amendment was not necessary.

#### PROPOSED AMENDMENT

##### 7.020 SETTING TRIAL DATE IN CIVIL CASES

(1) \* \* \*

\* \* \* \* \*

(4) If all defendants have made an appearance {or been defaulted}, the case will be deemed at issue 91 days after the filing of the complaint or when the pleadings are complete, whichever is earlier.

(5) \* \* \*

\* \* \* \* \*

#### D. PUBLIC COMMENT ON OTHER ACTIONS

##### 1. 1.020 – AMENDMENT OF THESE RULES; EFFECTIVE DATE

###### PROPOSAL

Review public comment on out-of-cycle correction.

###### ACTION TAKEN

The committee did not receive public comment. No action was taken.

###### EXPLANATION

This item was submitted by the UTCR Reporter, Bruce C. Miller, on September 5, 2014. Pursuant to UTCR 1.020(6), website addresses in the rule were updated.

##### 2. 1.170 – COURT WEBSITES

###### PROPOSAL

Review public comment on out-of-cycle correction.

ACTION TAKEN

The committee did not receive public comment. No action was taken.

EXPLANATION

This item was submitted by the UTCR Reporter, Bruce C. Miller, on September 5, 2014. Pursuant to UTCR 1.020(6), a website address in the rule was updated.

3. **2.100 – PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, REQUIREMENTS AND PROCEDURES TO SEGREGATE WHEN SUBMITTING**

PROPOSAL

Review public comment on proposal to amend rule to clarify relationship with 2.130.

ACTION TAKEN

The committee did not receive public comment. One member of the committee expressed an interest in examining the rule in more detail. No action was taken.

EXPLANATION

The proposal was submitted by Joshua Nasbe, Oregon Judicial Department Staff Counsel, on September 10, 2014. The proponent felt that there is some ambiguity in how the rules interact, which this proposal is meant to address. The committee discussed the possibility that confusion over the effect of the amendments might leave litigants hesitant to use UTCR 2.100. One member was concerned that both rules are necessary since more information can be protected under UTCR 2.100 than under UTCR 2.130. The committee took no action on the proposal.

PROPOSED AMENDMENT

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

(1) Purpose

\* \* \* \* \*

- (c) UTCR 2.130 establishes [*separate*] **mandatory** procedures [*and processes*] for protecting **specific types of** personal information in proceedings [*brought*] **initiated** under ORS chapters 25, 106, 107, 108, 109, 110, and 416. **This rule may not be used to protect confidential personal information subject to UTCR 2.130.**

\* \* \* \* \*

(3) Relationship to Other Law. [*The following all apply to this rule:*]

- [(a) *Parties to proceedings under ORS 107.085 or 107.485 must segregate all Social Security numbers from all documents they submit related to the proceedings in the manner provided by UTCR 2.130. These Social*

*Security numbers are confidential in the custody of the court as ORS 107.840 provides. Other than as this paragraph, UTCR 2.130, or SLR 2.101 of a court provides, this rule is not the exclusive means for a court to protect personal information from public inspection.]*

[(b)] All judicial districts must allow requests to segregate protected personal information under this rule as a way to keep it separate from information subject to public inspection. However, courts may use SLR to establish other procedures related to identifying and protecting information courts are allowed or required to keep confidential. But, SLR 2.101 is preserved for purposes of a court to:

[(i)]{(a)} require use of forms or procedures under this rule as the exclusive way to identify specific protected personal information so a court can segregate the information and protect it from public inspection; and

[(ii)]{(b)} establish requirements supplemental to this rule as necessary to help administer this rule.

#### **4. 3.140 – RESIGNATION OF ATTORNEYS**

##### PROPOSAL

Review public comment on potential proposal to amend the rule and adopt a new rule if ORS 9.380 and 9.390 are amended or repealed in 2015.

##### ACTION TAKEN

A legislative proposal to amend or repeal ORS 9.380 and 9.390 was not introduced. No public comment was received. No action was taken.

##### EXPLANATION

The June 27, 2014, Oregon State Bar Report of the SB 799 Task Force included a proposal to amend or repeal ORS 9.380 and 9.390 and to adopt UTCR requirements applicable to the withdrawal of representation by an attorney.

#### **5. 3.170 – ASSOCIATION OF OUT-OF-STATE COUNSEL (*PRO HAC VICE*)**

##### PROPOSAL

Review public comment on out-of-cycle amendments adopted in Supreme Court Order 14-023.

##### ACTION TAKEN

The committee did not receive additional public comment. No action was taken.

##### EXPLANATION

This item was submitted by the UTCR Reporter, Bruce C. Miller, on August 26, 2014. The rule was amended out-of-cycle by Supreme Court Order 14-023 to increase the pro hac vice application fee. The proposal was posted for public comment before the amendment was adopted and the comments received, pro and con, were relayed to the Supreme Court. It was again posted for public comment after the amendment went into effect.

**6. FORM 8.010.5 – UNIFORM SUPPORT DECLARATION**

PROPOSAL

Review public comment on out-of-cycle correction.

ACTION TAKEN

The committee did not receive public comment. No action was taken.

EXPLANATION

This item was submitted by the UTCR Reporter, Bruce C. Miller, on September 5, 2014. Pursuant to UTCR 1.020(6), a website address in the form was updated.

**7. 8.020 – SUPPORT ORDERS**

PROPOSAL

Review public comment on out-of-cycle amendment adopted in CJO 14-018.

ACTION TAKEN

The committee did not receive public comment. No action was taken.

EXPLANATION

This item was submitted by the UTCR Reporter, Bruce C. Miller, on September 5, 2014.

**8. FORM 10.010.b – CERTIFICATE OF SERVICE FOR PETITION OF JUDICIAL REVIEW OF ORDER OF DMV – UTCR 10.010**

PROPOSAL

Review public comment on out-of-cycle correction.

ACTION TAKEN

The committee did not receive public comment. No action was taken.

EXPLANATION

This item was submitted by the UTCR Reporter, Bruce C. Miller, on September 5, 2014. Pursuant to UTCR 1.020(6), mailing addresses in the form were updated.

**9. 21.010 – DEFINITIONS**

PROPOSAL

Review public comment on out-of-cycle correction.

ACTION TAKEN

The committee did not receive public comment. No action was taken.

EXPLANATION

This item was submitted by the UTCR Reporter, Bruce C. Miller, on September 5, 2014. Pursuant to UTCR 1.020(6), a website address in the rule was updated.

**10. 21.020 – APPLICABILITY; LOCAL RULES OF COURT NOT PERMITTED**

PROPOSAL

Review public comment on out-of-cycle correction.

ACTION TAKEN

The committee did not receive public comment. No action was taken.

EXPLANATION

This item was submitted by the UTCR Reporter, Bruce C. Miller, on September 5, 2014. Pursuant to UTCR 1.020(6), a website address in the rule was updated.

**11. 21.040 – FORMAT OF DOCUMENTS TO BE FILED ELECTRONICALLY**

PROPOSAL

Review public comment on out-of-cycle amendment adopted in CJO 14-012.

ACTION TAKEN

The committee did not receive public comment. No action was taken.

EXPLANATION

This item was submitted by the UTCR Reporter, Bruce C. Miller, on September 5, 2014. The rule was amended out-of-cycle by CJO 14-012.

**12. 21.040 – FORMAT OF DOCUMENTS TO BE FILED ELECTRONICALLY**

PROPOSAL

Review public comment on out-of-cycle amendment adopted in CJO 14-049.

ACTION TAKEN

The committee did not receive public comment. No action was taken.

EXPLANATION

This item was submitted by the UTCR Reporter, Bruce C. Miller, on September 5, 2014. The rule was amended out-of-cycle by CJO 14-049.

**13. 21.050 – PAYMENT OF FEES**

PROPOSAL

Review public comment on out-of-cycle amendment adopted in CJO 14-049.

ACTION TAKEN

The committee did not receive public comment. No action was taken.

EXPLANATION

This item was submitted by the UTCR Reporter, Bruce C. Miller, on October 9, 2014. The rule was amended out-of-cycle by CJO 14-049.

**14. 21.070 – SPECIAL FILING REQUIREMENTS**

PROPOSAL

Review public comment on out-of-cycle amendment adopted in CJO 14-012.

ACTION TAKEN

The committee did not receive public comment. No action was taken.

EXPLANATION

This item was submitted by the UTCR Reporter, Bruce C. Miller, on September 5, 2014. The rule was amended out-of-cycle by CJO 14-012.

**15. 21.070 – SPECIAL FILING REQUIREMENTS**

PROPOSAL

Review public comment on out-of-cycle amendment adopted in CJO 14-049.

ACTION TAKEN

The committee did not receive public comment. No action was taken.

EXPLANATION

This item was submitted by the UTCR Reporter, Bruce C. Miller, on September 5, 2014. The rule was amended out-of-cycle by CJO 14-049.

**16. 21.080 – ELECTRONIC FILING AND ELECTRONIC FILING DEADLINES**

PROPOSAL

Review public comment on out-of-cycle amendment adopted in CJO 14-012.

ACTION TAKEN

The committee did not receive public comment. No action was taken.

EXPLANATION

This item was submitted by the UTCR Reporter, Bruce C. Miller, on September 5, 2014. The rule was amended out-of-cycle by CJO 14-012.

**17. 21.080 – ELECTRONIC FILING AND ELECTRONIC FILING DEADLINES**

PROPOSAL

Review public comment on out-of-cycle amendment adopted in CJO 14-049.

ACTION TAKEN

The committee did not receive public comment. No action was taken.

EXPLANATION

This item was submitted by UTCR Reporter, Bruce C. Miller, on September 5, 2014. The rule was amended out-of-cycle by CJO 14-049.

**18. 21.090 – ELECTRONIC SIGNATURES**

PROPOSAL

Review public comment on out-of-cycle amendment adopted in CJO 14-049.

ACTION TAKEN

The committee did not receive public comment. No action was taken.

EXPLANATION

This item was submitted by the UTCR Reporter, Bruce C. Miller, on October 9, 2014. The rule was amended out-of-cycle by CJO 14-049.

**19. 21.100 – ELECTRONIC SERVICE**

PROPOSAL

Review public comment on out-of-cycle amendment adopted in CJO 14-012.

ACTION TAKEN

The committee did not receive public comment. No action was taken.

EXPLANATION

This item was submitted by the UTCR Reporter, Bruce C. Miller, on September 5, 2014. The rule was amended out-of-cycle by CJO 14-012.

**20. 21.100 – ELECTRONIC SERVICE**

PROPOSAL

Review public comment on out-of-cycle correction.

ACTION TAKEN

The committee did not receive public comment. No action was taken.

EXPLANATION

This item was submitted by the UTCR Reporter, Bruce C. Miller, on September 5, 2014. Pursuant to UTCR 1.020(6), typographical errors in the rule were corrected.

**21. 21.100 – ELECTRONIC SERVICE**

PROPOSAL

Review public comment on out-of-cycle amendment adopted in CJO 14-049.

ACTION TAKEN

The committee did not receive public comment. No action was taken.

EXPLANATION

This item was submitted by the UTCR Reporter, Bruce C. Miller, on October 9, 2014. The rule was amended out-of-cycle by CJO 14-049.

**22. 21.120 – RETENTION OF DOCUMENTS BY FILERS AND CERTIFICATION OF ORIGINAL SIGNATURES**

**PROPOSAL**

Review public comment on out-of-cycle amendment adopted in CJO 14-012.

**ACTION TAKEN**

The committee did not receive public comment. No action was taken.

**EXPLANATION**

This item was submitted by the UTCR Reporter, Bruce C. Miller, on September 5, 2014. The rule was amended out-of-cycle by CJO 14-012.

**23. 21.120 – RETENTION OF DOCUMENTS BY FILERS AND CERTIFICATION OF ORIGINAL SIGNATURES**

**PROPOSAL**

Review public comment on out-of-cycle amendment adopted in CJO 14-049.

**ACTION TAKEN**

The committee did not receive public comment. No action was taken.

**EXPLANATION**

This item was submitted by the UTCR Reporter, Bruce C. Miller, on September 5, 2014. The rule was amended out-of-cycle by CJO 14-049.

**24. 21.140 – MANDATORY ELECTRONIC FILING**

**PROPOSAL**

Review public comment on out-of-cycle adoption in amended CJO 14-050.

**ACTION TAKEN**

The committee did not receive additional public comment. No action was taken.

**EXPLANATION**

This item was submitted by the UTCR Reporter, Bruce C. Miller, on September 5, 2014. The rule was adopted out-of-cycle by amended CJO 14-050. The proposal was posted for public comment before the rule was adopted and the comments received, pro and con, were relayed to the Chief Justice. It was again posted for public comment after the amendment went into effect.

**E. OTHER**

**1. 5.100 – SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS**

**PROPOSAL**

Review proposal to amend, out-of-cycle, to modify requirements applicable to submission of proposed judgments and orders.

#### ACTION TAKEN

The committee discussed a proposal to amend rule out-of-cycle. No action was taken.

#### EXPLANATION

The proposal was submitted by Lisa Norris-Lampe on behalf of the Oregon eCourt Law and Policy Work Group, on March 11, 2015. The proposal is intended to identify for the court those proposed orders and judgments that the parties agree are ready for judicial signature or, if objections to the form or terms of the order are outstanding, the substance of objections requiring judicial resolution. The proposal requires the parties to serve proposed orders, judgments and related objections within specified time periods, requires reasonable efforts to resolve outstanding objections and requires the submitting party to include a certificate of readiness.

### 2. Committee Membership

#### PROPOSAL

Update

#### ACTION TAKEN

Motion 5, to nominate committee member William D. Miner as incoming committee chair, passed by consensus. Mr. Miner accepted the nomination.

#### EXPLANATION

The Reporter posted a recruitment for new members to replace Bryant Baehr, Larry Coady, and Richard Weill. The new members chosen by Chief Justice Balmer are Linda Hukari, Janet Schroer and Katharine von Ter Stegge. The term of outgoing committee chair, Matthew Whitman, ends on December 31, 2015. The Reporter will recruit a replacement for this position on the committee.

### 3. Fall Meeting Schedule

#### PROPOSAL

Schedule the Fall meeting.

#### ACTION TAKEN

The committee scheduled the fall meeting for October 16, 2015.

#### EXPLANATION

The committee's fall meeting will be held on October 16, 2015. Please submit proposed UTCR changes to the UTCE Reporter by August 31, 2015, so that they may be included in the fall meeting agenda. You may submit proposals by email or tradition mail: [utcr@ojd.state.or.us](mailto:utcr@ojd.state.or.us) or UTCR Reporter, Supreme Court Building, 1163 State Street, Salem, Oregon 97301-2563.