

In the Matter of Notice and Comment	)	CHIEF JUSTICE ORDER
on Fees for Use of the Oregon Judicial	)	No. 22-004
Case Information Network (OJCIN)	)	
	)	ORDER PROVIDING NOTICE AND
	)	ESTABLISHING COMMENT PROCESS FOR
	)	FEE CHANGES AND PRELIMINARY ORDER
	)	FOR PERMANENT FEES FOR USE OF
	)	OREGON JUDICIAL CASE INFORMATION
	)	NETWORK SYSTEM

I HEREBY FIND THAT:

1. ORS 1.002(7) authorizes the Chief Justice to establish reasonable fees for use of the Oregon Judicial Case Information Network (OJCIN), including fees for electronic access to documents, as follows:
  - a. Before permanently adopting or increasing fees, the Chief Justice shall provide notice to interested persons and allow a reasonable opportunity for comment;
  - b. Before temporarily adopting or increasing fees, the Chief Justice shall provide notice to interested persons;
  - c. The Chief Justice shall by order establish a process for notice and comment; and
  - d. Any fees adopted must be reasonably calculated to recover or offset costs of developing, maintaining, supporting, or providing access to or use of the state court electronic applications and systems.
2. Chief Justice Order (CJO) 17-036 (June 29, 2017), established the notice and comment process for the OJCIN fees described in paragraph 1 that are currently in effect. CJO 17-048 (August 31, 2017) established those fees, effective September 1, 2017.
3. OJCIN fees were last adjusted in September 2017 and have not increased since that time.
4. The purpose of this order is to provide the notice and establish the comment process described in paragraph 1.a., regarding proposed permanent OJCIN fee changes.

I HEREBY ORDER AS FOLLOWS:

1. This order provides notice and establishes the comment process for proposed permanent OJCIN fee changes, as set out below.

**Notice and Comment Process for Permanent OJCIN Fee Change**

ORS 1.002(7) authorizes the Chief Justice to establish reasonable fees for use of the Oregon Judicial Case Information Network (OJCIN), including fees for electronic access to documents. Before permanently adopting or increasing fees, the Chief Justice is required to provide notice to interested persons and allow a reasonable opportunity for comment on the proposed fees.

Notice shall be provided by posting information to the public and interested persons about the fee proposal as a media release on the Oregon Judicial Department (OJD)

website, and by sending information about the proposed fee by letter or email to the “interested persons” as defined in this order.

The public comment period for interested persons on the preliminary fees described below closes at 5:00 p.m. on April 15, 2022. The final order will be issued subsequently, and the permanent fees will take effect on May 1, 2022. The means of providing comment is set out in the definitions section below.

### **Definitions**

- a. “Background company” means a person or entity who accesses or uses the OJCIN system for the purpose of obtaining OJD data to provide criminal record checks, pre-employment screenings, tenant applicant screenings, identity verification, or credit history exclusively to end users, and who does not meet the definition of data reseller.
- b. “Comment” means a written or electronic communication delivered to OJD. If in writing, the comment shall be sent addressed to “OJCIN Fee Comment, c/o Business and Fiscal Services Division, Oregon Judicial Department, 1163 State Street, Salem, Oregon 97301.” If by email, the comment shall be sent to [OJCIN@ojd.state.or.us](mailto:OJCIN@ojd.state.or.us) and have “OJCIN Fee Comment” in the subject line. Comments on a proposed fee action must be received by OJD no later than 5:00 p.m. on April 15, 2022.
- c. “Data reseller” means a subscriber who accesses or uses the OJCIN system for purposes of obtaining OJD data to provide all or part of that OJD data:
  - (1) To third parties as part of its business as a data broker, which means an individual or entity, other than a title company, whose business is collecting and aggregating personal information and data on individuals and entities, then reselling or licensing such collected or aggregated information and data to third parties;
  - (2) For inclusion in a database that is accessible by third parties; or
  - (3) To third parties who are not the end users of the data, which means the ultimate consumers of the data, who use the data solely for their own internal purposes and who do not further redistribute the data.
- d. “Interested person” includes a paid subscriber to OJCIN, the Oregon State Bar, the Oregon Trial Lawyers Association, the Oregon Land Title Association, and other persons or organizations who have requested to be notified.
- e. “News media organization” means a person or entity engaged in disseminating information to the general public through a medium of mass communication such as a newspaper or magazine (whether in print or online), radio, or television.

### **Proposed Permanent Fees for Use of OJCIN**


The following fees are proposed to be charged by the State Court Administrator:

- a. For OJCIN subscriptions initiated on or after the effective date of this order, a one-time, non-refundable fee of \$160 will be required to establish an OJCIN account.

- b. For OJCIN subscriptions initiated before, on, or after the effective date of this order, the fees shall be:
- (1) For sole practitioner attorneys, entities designated by the State Court Administrator as a legal-aid organization or legal non-profit organization, and private investigators for whom a majority of their work is done for attorneys who are subject to the fee waiver in paragraph 1.h. of this order, a recurring fee of \$27 per month plus \$16 per month for each user profile established under an account. Document access, at levels authorized, is included at no additional charge.
  - (2) For small law firms with two to ten attorneys, a recurring fee of \$54 per month plus \$16 per month for each user profile established under an account. Document access, at levels authorized, is included at no additional charge.
  - (3) For medium law firms with eleven to fifty attorneys, a recurring fee of \$108 per month plus \$16 per month for each user profile established under an account. Document access, at levels authorized, is included at no additional charge.
  - (4) For large law firms with more than fifty attorneys, a recurring fee of \$216 per month plus \$16 per month for each user profile established under an account. Document access, at levels authorized, is included at no additional charge.
  - (5) For news media organizations, a recurring fee of \$54 per month plus \$16 per month for each user profile established under an account. Document access, at levels authorized, is included at no additional charge.
  - (6) For title companies or background companies, a recurring fee of \$216 per month plus \$16 per month for each user profile established under an account. Document access, at levels authorized, is included at no additional charge.
  - (7) For data resellers, a recurring fee of \$1620 per month for the first three user profiles established under an account. A recurring fee of \$270 per month shall be imposed for each additional user profile. Monthly bulk data downloads may be added for an additional \$575 per month (requires approval and an executed Bulk Data Transfer Agreement). Document access, at levels authorized, is included at no additional charge.
  - (8) For all other individuals or organizations, a general access user account may be established for a recurring fee of \$33 per month plus \$16 per month for each user profile established under an account. Document access, at levels authorized, can be added for an additional \$75 per month (requires approval).
- c. An optional report package may be added on to a subscription for an additional \$27 per month (standard report package includes criminal judgment index, civil judgment index, and case index).
- d. A \$1,200 administrative fee will apply to the initial bulk data transfer for any approved monthly or one-time bulk data accounts.

- e. A \$70 account reactivation fee will be assessed to any account that is disabled for nonpayment, and later reactivated after all outstanding fees are paid.
  - f. A \$35 non-sufficient funds check fee will be assessed to any account where a check has been returned for insufficient funds.
  - g. Payment of the fees set out in subparagraphs 1.a. and 1.b. shall allow the subscriber access to the public case information and registers of action contained in the OJCIN, which includes the Appellate Case Management System (ACMS) and the Oregon eCourt Case Information network (OECI). Payment of the fees also may allow an authorized user to access public documents online contained in the OECI and ACMS systems, consistent with access privileges granted to that user and subscription type. Access also may include information and documents in certain non-public cases for subscribers who are so authorized to receive such access by law and OJD electronic access policies.
  - h. OJCIN subscription user fees will not be charged to entities identified by OJD as designated government users. With State Court Administrator approval, user fee charges may be waived for other Oregon government users, or to attorneys, who are independent contractors, but have current provider contracts with the Office of Public Defense Services and for whom the majority of their legal practice is conducted under cases assigned to them pursuant to those contracts.
  - i. All subscribers must complete and meet OJD subscriber agreement requirements in order to have a subscription and to be subject to these fees.
- 2. This order supersedes CJO 17-036 (June 29, 2017) (Order Establishing Notice and Comment Process for Fee Changes Proposed for Use of OJCIN, for changes effective September 1, 2017).
  - 3. This order takes effect immediately. After the public comment period described in paragraph 1, a final order establishing permanent fees for use of OJCIN will be issued and will supersede CJO 17-048, to be effective May 1, 2022.

Dated this 14<sup>th</sup> day of March, 2022.

  
\_\_\_\_\_  
Martha L. Walters  
Chief Justice