

In the Matter of Approving Out-of-  
Cycle Adoption of Supplementary  
Local Rules 2.501, 8.051, 24.201,  
24.202, 24.203, 24.205, 24.501,  
24.601, 24.801, and 24.901 and Out-  
of-Cycle Amendment of  
Supplementary Local Rule 5.061 for  
the Fifth Judicial District (Clackamas  
County)

) CHIEF JUSTICE ORDER  
) No. 15-041  
)  
) ORDER TO APPROVE OUT-OF-CYCLE  
) ADOPTION OF SUPPLEMENTARY LOCAL  
) RULES 2.501, 8.051, 24.201, 24.202, 24.203,  
) 24.205, 24.501, 24.601, 24.801, and 24.901  
) AND OUT-OF-CYCLE AMENDMENT OF  
) SUPPLEMENTARY LOCAL RULE 5.061 FOR  
) THE FIFTH JUDICIAL DISTRICT (CLACKAMAS  
) COUNTY)

I HEREBY ORDER, pursuant to ORS 1.002, ORS 3.220(2)(b), and UTCR 1.050(2)(f), that:

1. Good cause has been shown and the time limits established by UTCR 1.050(2) are waived for adoption and amendment of the rules approved by this order as necessary for the Oregon eCourt Program implementation process. These rules are the basis for a standardized set of rules that will be adopted by judicial districts as they implement the Oregon eCourt Program.
2. Out-of-cycle adoption of Supplementary Local Rules 2.501, 8.051, 24.201, 24.202, 24.203, 24.205, 24.501, 24.601, 24.801, and 24.901, as shown in Attachment A to this order, is approved for the Fifth Judicial District (Clackamas County).
3. Out-of-cycle amendment of Supplementary Local Rule 5.061, as shown in Attachment A to this order, is approved for the Fifth Judicial District. For the convenience of the reader, deleted wording is shown in *[brackets and italics]* and new wording is show in **braces, underline, and bold**.
3. The Fifth Judicial District shall provide notice of adoption and amendment of these rules to state and local bar organizations, appropriate state and local agencies, and appropriate business partners in a manner that their presiding judge determines will give sufficient notice.
4. Pursuant to ORS 3.220(2)(b), these rules take effect 30 days after a certified copy of the rules is filed by the judicial district in the Office of the State Court Administrator.
5. This order takes effect immediately.

Dated this 7<sup>th</sup> day of October, 2015.



Thomas A. Balmer  
Chief Justice

**ATTACHMENT A  
To CJO No. 15-041**

SLR 2.501: STIPULATED OR EX PARTE MATTERS FOR WHICH THE DOCUMENTS MUST BE PRESENTED CONVENTIONALLY AND MAY NOT BE ELECTRONICALLY FILED.

In the following subject matter areas, the listed stipulated or ex parte documents, and any documents that will be served simultaneously with a document listed in this rule, must be presented conventionally and may not be electronically filed.

- (1) Family Case Matters. To be presented pursuant to SLR 5.061:
  - (a) Contempt Order to Show Cause
  - (b) Emergency Custody and Parenting Relief based on Immediate Danger
  - (c) Guardian ad Litem Appointment
  - (d) Family Abuse Prevention Act
  - (e) Elderly Persons and Persons with Disabilities Abuse Prevention Act
  - (f) Sexual Abuse Prevention Act
  - (g) Orders of Assistance
  - (h) Parenting Time Enforcement Order to Show Cause
  - (i) Post Judgment Status Quo Order to Show Cause
  - (j) Pre-Judgment Temporary Protective Orders of Restraint (Status Quo)
  - (k) Orders to Show Cause for Temporary Relief (Pendente Lite)
  - (l) Fee Deferral and Waiver
  
- (2) Civil Case Matters. To be presented pursuant to SLR 5.061:
  - (a) Assurance of Voluntary Compliance
  - (b) Commission for Out-of-State Deposition
  - (c) Distrain Warrant
  - (d) Exoneration of Undertaking on Appeal
  - (e) Guardian ad Litem Appointment
  - (f) Preliminary Injunction Show Cause / Temporary Restraining Order
  - (g) Provisional Process Show Cause

- (h) Receivership Show Cause
- (i) Registration of a Foreign Writ, Mandate, Commission, Letter Rogatory, or Order to Complete Discovery in Oregon pursuant to ORCP 38 and UTCR 5.140
- (j) Writ of Assistance
- (k) Writ of Mandamus
- (l) Writ of Review
- (m) Fee Deferral and Waiver

SLR 5.061: EX PARTE MATTERS

(1) Ex parte matters will be heard Monday through Friday, excluding legal state holidays, at [8:30 A.M. and] 1:00 P.M.

**{(2) An in person ex parte appearance may be required in those stipulated and ex parte matters for which the documents must be presented conventionally and may not be electronically filed as designated in SLR 2.501. An in person ex parte appearance is not required for Orders to Show Cause. If an Order to Show Cause is being filed in conjunction with documents that require an in person ex parte appearance, all documents may be presented at ex parte.**

**{(3) Except as provided in subsection (2) of this rule, any stipulated or ex parte matter may be electronically filed for purpose of submitting to a judge for signature. No appearance is required.**

**{(4) Motions for ex parte order must be accompanied by a separate proposed order.}**

**{(2)}{(5)}** When service is required by law, any motion that is to be presented ex parte shall have attached to it a certificate of service, which shall include the date, time, manner of service upon the opposing party, and the name of the person served. If no service was made, the moving party shall submit a statement documenting the reasons that no service was made.

**{(3)}{(6)}** Family Abuse Prevention Act, **{Sexual Abuse Prevention Order,}** and Elderly Persons and Persons with Disabilities Abuse Prevention Act petitions filed pursuant to ORS 107.718, **{ORS 163.760}** or ORS 124.010 through ORS 124.020 shall be heard Monday through Friday at 1:00 P.M. in the courtroom designated. All required documents must be filed in the Civil Case Unit, Room 104, 807 Main Street, Oregon City, Oregon, 97045 no later than 11:00 A.M. on the day of the ex parte.

**{(7) Matters that may not be submitted ex parte are as follows:**

**(a) Motion to Continue Trial or Hearing Date**

**(b) Motion to Continue UTCR 7 Dismissal Date**

- (c) Motion to Reinstate, except in domestic relations cases if accompanied by a general judgment and opposing party has been notified**
- (d) Motion for Attorney Withdrawal, except in domestic relations cases if accompanied by a general judgment**
- (e) Civil Default Judgments**
- (f) Motion for Telephonic Testimony**
- (g) Motion for Alternative Service**
- (h) Motion for In Camera Review**
- (i) All foreclosure matters**
- (j) All probate matters, unless prior approval has been given**

**SLR 8.051: POST JUDGMENT ORDER TO SHOW CAUSE FOR MODIFICATION OF THE JUDGMENT**

- (1) The Order to Show Cause shall require the opposing party to file a written response in answer to the Motion and Affidavit, with a responding Uniform Support Declaration if the issue of support is to be contested, within the time prescribed by ORS 107.135(14). The court will schedule a hearing on the motion at the time a written response is filed by the opposing party.
- (2) The Order to Show Cause shall include the Notice about a Written Response to a Petition or Motion to Modify Filed in Clackamas County Circuit Court. This notice is available on the Court's Website at <http://courts.oregon.gov/Clackamas/Pages/formsFamilyLaw.aspx>.
- (3) If the opposing party fails to file the written response in opposition within the time allowed in ORS 107.135(14), the moving party shall forthwith submit a motion, declaration, and order for default with supplemental judgment allowing the relief requested in the order to show cause. The court reserves the right to require the taking of testimony of the moving party in such default matters.

**CHAPTER 24 – OREGON eCOURT IMPLEMENTATION**

**24.201. ELECTRONIC DOCUMENTS**

- (1) Depending on the context, as used in these rules, "document" refers to an instrument in either paper or electronic form.
- (2) Documents that are electronically filed or manually imaged, including those to which judicial signatures have been added, and documents generated in electronic format by the court are the official court record.

24.202 ELECTRONIC COURT SIGNATURES

The court may issue judicial decisions electronically and may affix a signature by electronic means.

- (1) The trial court administrator must maintain the security and control of the methods for affixing electronic signatures.
- (2) Only the judge and the trial court administrator, or the judge's or trial court administrator's designee, may access the methods for affixing electronic signatures.

24.203 COMBINED MOTION AND ORDER DOCUMENT NOT PERMITTED

Notwithstanding UTCR 2.010(12)(c) or any other Supplementary Local Rule, a motion and order may not be submitted as a single document. If a motion and corresponding proposed order are electronically filed, the order must be submitted as a separate document from the motion.

24.205 BINDING DOCUMENTS; USE OF STAPLES PROHIBITED

- (1) Pleadings and documents submitted to the court for filing that are not electronically filed must be bound by paperclip or binder clip and must not contain staples.
- (2) If a document to be filed includes one or more attachments, including but not limited to a documentary exhibit, an affidavit, or a declaration, then
  - (a) the document and each attachment must be separately bound by paperclip or binder clip, and
  - (b) the attachment or attachments must be bound in one packet to the document being filed by paperclip or binder clip.
- (3) Subsection (2)(a) does not apply to an attachment to a motion to strike filed under UTCR 5.020(2) or an attachment to a motion for leave to amend a pleading filed under UTCR 5.070. An attachment of either type must be bound in one packet to the document being filed by paperclip or binder clip.

24.501 STIPULATED OR *EX PARTE* MATTERS MAY BE ELECTRONICALLY FILED

- (1) Except as provided in subsection (2) of this rule, any stipulated or *ex parte* matter may be electronically filed for purposes of submitting to a judge for signature.
- (2) SLR 2.501 is reserved for judicial districts to adopt a local rule regarding specific stipulated or *ex parte* matters for which the documents must be presented conventionally and may not be electronically filed.

24.601 SUBMISSION OF REQUESTED JURY INSTRUCTIONS AND VERDICT FORMS

The original of the requested jury instructions and verdict forms must be submitted to the court. The court also may require that a party submit a copy of the jury instructions and verdict forms, in the manner and time that the court specifies.

24.801           ACTIONS FOR DISSOLUTION OF MARRIAGE, SEPARATE MAINTENANCE  
AND ANNULMENT, AND CHILD SUPPORT; DOCUMENTATION FOR  
DEPARTMENT OF JUSTICE, DIVISION OF CHILD SUPPORT

Notwithstanding UTCR 8.010(8), parties who have been requested to submit a proposed judgment need not submit a copy of the proposed judgment and the most current confidential information form(s) to the court.

24.901           DELIVERING PROBATE MATERIALS TO THE COURT, NO SELF-  
ADDRESSED, STAMPED ENVELOPE OR POSTCARD IF DOCUMENT  
ELECTRONICALLY FILED

UTCR 9.010 does not apply to an electronically filed document.