

2018 Lane County Circuit Court Proposed SLR – Summary of Changes

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Rule	Change
1.002	<p>Clarification of phone requirement</p> <p>1.002 ADDRESSES AND TELEPHONE NUMBERS</p> <p>(1) Defendants in criminal and violation cases.</p> <p>During the pendency of any case charging an offense, including traffic, boating, game violation and criminal cases, or while any monetary or other obligation imposed by the court in such case remains unsatisfied, defendant must keep the court advised in writing of defendant’s current name, mailing address[,] and telephone [<i>or message telephone</i>] number.</p>
1.161	<p>Inclusion of new subsection suggested by UTCR Committee (November 2016).</p> <p>1.161 FILING OF DOCUMENTS</p> <p><u>{(6) Mandatory Electronic Filing is required for members of the Oregon State Bar per UTCR 21.140. SLR 2.501 details which documents must be filed conventionally by attorneys.}</u></p>
3.141	<p>Clarification: Title of 35 Day Call proceedings.</p> <p>3.141 RESIGNATION OF COUNSEL</p> <p>(1) Criminal Cases</p> <p>(a) In criminal cases, including appeals from Justice and Municipal Courts, application for withdrawal or discharge of counsel shall be in open court at [2:30 call/]{ 35 day call,} or at an arraignment, after notice to opposing counsel, and with the defendant present unless the defendant's whereabouts are unknown.</p>
3.142	<p>Clarification that statements made in any court proceeding are not sufficient for designation of representation.</p> <p>3.142 ATTORNEY OF RECORD IN PENDING CASES</p> <p>(1) Telephone calls or statements by a litigant [<i>at arraignment or otherwise</i>] { made in court} are not sufficient to designate an attorney of record.</p>

5.021	<p>Deleted. Restatement of UTCR.</p> <p style="text-align: center;"><i>[5.021 POINTS AND AUTHORITIES</i></p> <p style="text-align: center;"><i>Subject to UTCR 1.100, any motion not accompanied by a written statement of points and authorities or memorandum of law shall be stricken at the time such motion comes on for consideration. Points are concise statements of the arguments supporting the motion. Each point shall be followed by citation of authorities for that point.]</i></p>
5.061	<p>Clarification of ex parte process in eFiling environment</p> <p style="text-align: center;">5.061 PRESENTATION OF EX PARTE ORDERS</p> <p>(1) <i>[All e]{E}x parte orders [not specifically otherwise provided for in these rules shall be presented by an attorney of record having knowledge of the subject matter] <u>{presented by an attorney must be filed via mandatory electronic filing unless excepted from electronic filing under SLR 2.501. If excepted from electronic filing, the order must be presented by an attorney with knowledge of the subject matter}</u> in the designated courtroom Monday through Friday <i>[of each week]</i> between 8:30 a.m. and 8:50 a.m., and not otherwise except in case of emergency.</i></p> <p><u>{(2) Ex parte orders presented by a self-represented litigant may be presented in the designated courtroom Monday through Friday between 8:30 a.m. and 8:50 a.m., or may be presented by electronic filing unless excepted from electronic filing under SLR 2.501.}</u></p> <p style="text-align: center;"><i>[(2) All ex parte orders in non-domestic civil cases where the amount in controversy is \$10,000 or less shall be submitted to the court clerk.]</i></p> <p>(3) Ex parte orders postponing trials (including stipulations), shall be presented only to the presiding judge, unless the presiding judge otherwise directs.</p> <p style="text-align: center;"><i>[(4) Paragraph (3) of this rule applies to ex parte orders postponing trials in decedents' estates, guardianships and conservatorships, as well as to all other ex parte orders postponing trials. The other paragraphs of this rule do not apply to ex parte orders in decedents' estates, guardianships and conservatorships.]</i></p> <p><u>{(4)}{(5)}</u> Except where otherwise authorized by statute, all motions and affidavits seeking an ex parte order and/or judgment of default shall state the method of service and date and time service was made and perfected. In addition to a declaration in the affidavit this information shall be set forth in the first line of the motion.</p> <p><u>{(5)}{(6)}</u> All motions to continue filed in response to a UTCR 7.020 Notice to Dismiss shall include the date of the original case filing, whether service has been made and, if so, the date and method of service, and whether any previous motions to continue have been filed. This information is in addition to the facts in each case needed to establish good cause for the continuance.</p>

6.031	<p>Clarification: Requirements for motion to postpone.</p> <p>6.031 MOTION TO POSTPONE</p> <p>(1) All motions for postponement including stipulations must be filed more than one week prior to the trial date. The presiding judge may allow a motion or stipulation for postponement filed within one week of the trial date upon good cause shown and provided the Court is satisfied with the cause.</p> <p>(2) <u>{In addition to the requirements of UTCR 6.030(2), all motions to postpone must also state whether or not a party is in custody.}</u> [<i>The first sentence of the motion must state the current trial or hearing date and in criminal cases whether or not defendant is in custody.</i>]</p> <p>(3) All motions and stipulations for postponement must include a proposed new trial date agreeable to all parties and <u>{pre-}</u>approved by the court calendar clerk’s office.</p>
7.011	<p>Consistent title for proceeding: 35 Day Call</p> <p>7.011 <u>{35 DAY}</u> [<i>CRIMINAL</i>] CALL</p> <p>Defendants and their attorneys must appear in person for [<i>criminal</i>] <u>{35 day}</u> call at 2:30 p.m. on the date assigned at arraignment for the purpose of making the report required by UTCR 7.010(3). At the proceeding, the parties will report the status of the case to the presiding judge. If a settlement has not been reached, the case will be assigned to a judge for a settlement conference to be held that day. Prior to reporting for the settlement conference, the defendant and the defendant’s attorney must go to the calendar clerk’s office for a trial date if one has not already been scheduled. A bench warrant will be issued for any defendant who fails to appear.</p>
9.003	<p>Rule unnecessary in eCourt environment.</p> <p>9.003 EX PARTE ORDERS IN DECEDENTS' ESTATES, GUARDIANSHIPS AND CONSERVATORSHIPS</p> <p>All ex parte orders and judgments in decedents' estates, guardianships and conservatorships may be <i>submitted to the court clerk’s office</i> filed <i>presented</i> at any time without the necessity of the appearance of attorney for the fiduciary.</p>

9.111	<p>Deleted: Obsolete requirement</p> <p style="text-align: center;"><i>[9.111 ADOPTIONS</i></p> <p><i>(1) The petition for adoption shall be submitted with payment for the required filing fees only. Payment for the amended birth certificate is to be tendered with the proposed judgment in accordance with subparagraph 2 (below).</i></p> <p><i>(2) The proposed judgment for an adoptee who was born in Oregon shall be accompanied by an attorney check or money order payable to the Center for Health Statistics in the amount required by the Center with the issuance of an amended birth certificate for each such adoptee. Judgments submitted without the required check or money order will be returned to the presenter.]</i></p>