In the Matter of Approving Out-of-Cycle Amendment of UTCR 5.100	)	CHIEF JUSTICE ORDER
	)	No. 015-058
	)	
	)	ORDER TO APPROVE OUT-OF-CYCLE
	)	AMENDMENT OF UTCR 5.100

I HEREBY ORDER, pursuant to ORS 1.002 and UTCR 1.020, that:

1. Good cause has been shown and the time limits established by UTCR 1.020(2), (3), and (4) are waived for the amendment approved by this order.

2. The proposed amendment of UTCR 5.100 has previously been posted for public comment and the proposed amendment has been modified in consideration of public comments received.

3. UTCR 5.100, as shown in Attachment A to this order, is amended effective January 1, 2016. For the convenience of the reader, deleted wording is shown in [*italics and brackets*] and new wording is shown in {**underlined bold and braces**}.

4. Pursuant to UTCR 1.020(5), the UTCR Reporter shall take the steps necessary to post this UTCR change for public comment as soon as practicable and shall place this UTCR change on the agenda of the next UTCR Committee meeting.

5. This order takes effect immediately.

Dated this 26th day of October 2015.

Thomas A. Balmer
Chief Justice

ATTACHMENT A
To CJO No. 015-058

5.100 SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS

(1) {**Except as provided in subsection (3) of this rule, a**}[*A*]ny proposed judgment or proposed order submitted {**to**} [*in response to a ruling of*] the court must be:

(a) {**S**}[*s*]erved on opposing counsel not less than 3 days prior to submission to the court, or

(b) {**A**}[*a*]ccompanied by a stipulation by opposing counsel that no objection exists as to the [*form of the*] judgment or order, or

(c) {**M**}[*m*]ailed to a self-represented party at the party's last known address not less than 7 days prior to submission to the court {**and be accompanied by notice of the time period to object.**}[, *or*]

[*(d) presented in open court with the parties present.*]

(2) {**The drafting party must attach to any proposed judgment or order a dated and signed certificate that describes:**}[*A certificate describing the manner of compliance with subsection (1)(a) or (1)(c) of this rule must be attached to a proposed judgment or order submitted to the court.*]

{**(a) The manner of compliance with any applicable service requirement under this rule; and**

(b) The reason that the submission is ready for judicial signature or otherwise states that any objection is ready for resolution, in substantially the following form:

"This proposed order or judgment is ready for judicial signature because:
"1. [ ] Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
"2. [ ] Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.
"3. [ ] I have served a copy of this order or judgment on all parties entitled to service and:
"a. [ ] No objection has been served on me.
"b. [ ] I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
"c. [ ] After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.

"4. [ ] The relief sought is against an opposing party who has been found in default.
"5. [ ] An order of default is being requested with this proposed judgment.
"6. [ ] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
"7. [ ] This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (4) of this rule."}

(3) The requirements of subsection (1) of this rule do not apply to:

{(a) A proposed order or judgment presented in open court with the parties present;

(b) A proposed order or judgment that may be presented *ex parte* by law or rule and is so submitted;

(c) A proposed judgment when an order of default already has been entered or is simultaneously being requested against the opposing party;}

[*(a)*]{**(d)**} {**A**} proposed judgment[*s*] subject to UTCR 10.090{**;**}[, *and*]

[*(b)*]{**(e)**} {**U**}[*u*]ncontested probate and protective proceedings{**; and**}[.]

{(f) Matters certified to the court under ORS 416.422, ORS 416.430, ORS 416.435, and ORS 416.448.}

(4) Any proposed judgment containing an award of punitive damages shall be served on the Director of the Crime Victims' Assistance Section, Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301, not less than 3 days prior to submission to the court.