

TO: Trial Court Administrators

FR: Rebecca J. Osborne, Appellate Court Administrator
Appellate Court Services Division

RE: Electronic Transmission of Trial Court Files, Exhibits and Transcripts

DT: August 26, 2010

We are pleased to announce that the electronic transmission of trial court records and transcripts, which was described in a [Memorandum of July 23, 2010](#), is now operational. Chief Justice De Muniz and Chief Judge Brewer have signed two Chief Justice Orders (CJOs) ([10-043/10-04](#), [10-044/10-05](#)) implementing the new procedures and amending or waiving certain provisions of the Oregon Rules of Appellate Procedure.

What follows is more detail about the new procedures for electronically transmitting trial court record documents to the Appellate Court Records Section (ACRS). Any trial court staff employee or transcriber/court reporter who electronically transmits documents to ACRS should review both the applicable CJO and this document prior to transmission.

Transcripts:

Effective for cases in which the notice of appeal is filed on or after August 30, 2010, transcribers and court reporters will be required to submit transcripts directly to ACRS in portable document format (PDF) on a CD or DVD, or via email if the entire document is fewer than 250 total pages. Transcript coordinators should distribute this information to all transcriptionists/court reporters.

Regarding email submission of smaller transcripts that are fewer than 250 total pages: (1) OJD decided to permit the emailing of smaller transcripts after the temporary amendments to the ORAP were adopted and the Chief Justice and Chief Judge signed the transcripts CJO. The applicable Oregon Rules of Appellate Procedure and the transcript CJO eventually will be amended to reflect that transcribers/court reporters are permitted to email of smaller transcripts; (2) the limit of 250 pages includes the title page, table of contents, indexes, appendices, certificates, etc.; (3) OJD will scan emailed transcripts for viruses and malware, and it is possible that an emailed transcript will be rejected for security reasons. In that event, the transcript must be submitted by CD or DVD.

The transcriber/court reporter will prepare the transcript as designated in the notice of appeal, convert the transcript to PDF, and serve a copy of the PDF version on each party. The transcriber will also file a "Certificate of Preparation and Service of Transcript" with the Appellate Court Administrator, and serve a copy of the certificate on the transcript coordinator, the trial court administrator, and the parties. Other provisions of the Oregon Rules of Appellate Procedure regarding the preparation and service of transcript on the parties continue to apply.

If a party moves to correct or add to the transcript and the trial court grants the motion, after correcting or adding to the transcript, the transcriber/court reporter will convert the final version of the transcript to PDF.

ACRS will notify the transcriber/court reporter when the transcript has settled. Transcribers/court reporters must use the naming convention described in the step-by-step instructions below.

The transcriber/court reporter will file with the Appellate Court Administrator the final electronic version of the transcript, in PDF, on CD or DVD, or via email if the transcript is fewer than 250 total pages. The transcriber/court reporter will also file a "Certificate of Filing of Transcript" with the Appellate Court Administrator and serve a copy on the certificate on the parties.

Upon receipt of the CD or DVD, and presuming it satisfies formatting requirement and passes virus inspection, or upon receipt of the transcript via email, ACRS will upload the transcript to a shared drive, segregating it first by either confidential or public status, then by county designation, and then by Court of Appeals case number, or Supreme Court case number for cases that are on direct appeal to the Supreme Court.

Regarding service of the transcript on parties, the appellate courts leave to transcribers/court reporters and parties to negotiate whether the transcriber/court reporter serves a copy on a party by CD or DVD as provided in ORAP 4.33(4)(d), or by email, either along with, or in lieu of, conventional service of a paper copy.

For transcripts filed with the appellate courts on or after August 30, 2010, the Appellate Case Management System case register will reflect the form of transcript. The docket entry will indicate either "Shared Drive" or "ECM", depending on the location to which the transcript is stored.

Each transcript coordinator must provide ACRS with the names and email addresses of all transcribers and court reporters with whom transcript coordinators currently are arranging for preparation of transcripts. Thereafter, each transcript coordinator is expected to notify ACRS of the name and email address of any new transcriber/court reporter with whom the transcript coordinator arranges for preparation of a transcript.

Transcripts must continue to conform to applicable ORAPs, including ORAP 3.33. Please carefully review the ORAP changes, and note that you must produce the document in PDF format. Also, please note that you must be sure that the pagination in the electronic PDF version corresponds to the pagination of the printed transcript that is served on the parties.

In step-by-step form:

- The transcriptionist/court reporter will complete the transcript as designated in the notice of appeal and serve a copy on the parties. He/she will also file a "Certificate of Preparation and Service of Transcript" with the Appellate Court Administrator and serve

a copy on the transcript coordinator, the trial court administrator, and the parties;

- ACRS will notify the transcriptionist/court reporter that the transcript has settled and will request that the transcriptionist/court reporter forward a PDF version of the transcript on CD, DVD, or via email to the following address:
appealsclerk@ojd.state.or.us;
- The transcriptionist/court reporter will name the electronic file in accordance with the following naming convention:

- **Nonconfidential Case:**

[Appellate Case Number]_transcript-[year-month-day, of hearing-am/pm if appropriate]_[transcriber last, first name]_[year-month-day, of date that transcript was filed with the Appellate Court Administrator]

Example: CA123456_transcript-2002-02-15-am_johnsonerin_2010-07-01

If the transcript spans dates, then the date span should be indicated, such as:

SC012345_transcript-2002-02-15to2002-02-20_johnsonerin_2010-07-01

- **Confidential Case:**

[Appellate Case Number]_transcript -confidentialcase-[year-month-day, of hearing-am/pm if appropriate]_[transcriber last, first name]_[year-month-day, of date that transcript was filed with the Appellate Court Administrator]

Example: CA123456_transcript-confidentialcase-2002-02-15-am_johnsonerin_2010-07-01

- The transcriptionist/court reporter will also directly label the CD (or DVD), by writing on the CD with a permanent marker, the same naming convention information described above.
- The transcriptionist/court reporter will file an electronic version of the transcript with the Appellate Court Administrator. He/she will also file a “Certificate of Filing of Transcript” with the Administrator, and serve a copy on the parties;
- Upon receipt of the transcript in electronic form, ACRS will inspect it to assure compliance with formatting requirements. ACRS will upload the transcript to a shared drive, segregating it first by county designation and then numerically, by case number.
- For transcripts filed on or after August 30, 2010, the ACMS register will reflect the form of transcript. The docket entry will indicate either “Shared Drive” or “ECM”, depending on the type of record received.

Trial court files and exhibits:

This portion of the document describes the procedures for a trial court that opts to electronically transmit the trial court file and/or exhibits in a case on appeal, for retention in the OJD Statewide Trial Court Record Shared Folder. (Electronic transmission of trial court files and exhibits is preferred, but not required.) ACRS will be able to receive either trial court files or exhibits in electronic form, or both. But ACRS cannot receive partial submissions—such as receiving some of the exhibits in electronic form and the remainder in hard copy. Also, although contemplated by the CJO, until we are able to resolve remaining computer-related security challenges, do not provide sealed records in electronic form; please provide those in the traditional, printed copy format. We will provide new instructions to address electronically transmitted sealed documents when security issues have been addressed.

These procedures apply regardless of whether the trial court scans documents as they are filed and exhibits as the case develops, or whether the trial court scans the documents after the case has concluded, or in a group after a notice of appeal has been filed in a case.

For ACRS to create the appropriate permissions within its system, trial court administrators must advise ACRS of the user names of the court staff members who will be uploading the PDF files into the shared folders. We suggest that you designate two people from each court—a primary and a back up. Please provide that information to Monica.R.Waldroop@ojd.state.or.us at least one week before beginning to electronically transmit trial court files and exhibits.

Upon the filing of a notice of appeal, trial courts may accept exhibits by the parties in electronic form, provided that they are in a format that permits text searching and copying/pasting. However, please be aware that any document or exhibit received in electronic form from outside OJD must be scanned separately, for viruses and malware, before submitting the documents for retention in the shared folder. Also, we reiterate that, if a trial court opts to electronically transmit exhibits, then it must submit all exhibits in that format, with the exception of sealed exhibits.

If you have difficulty with any of the technical aspects of these procedures, your TSS should be able to help. ETSD has trained TSS personnel related to the technical aspects of the electronic transmissions process.

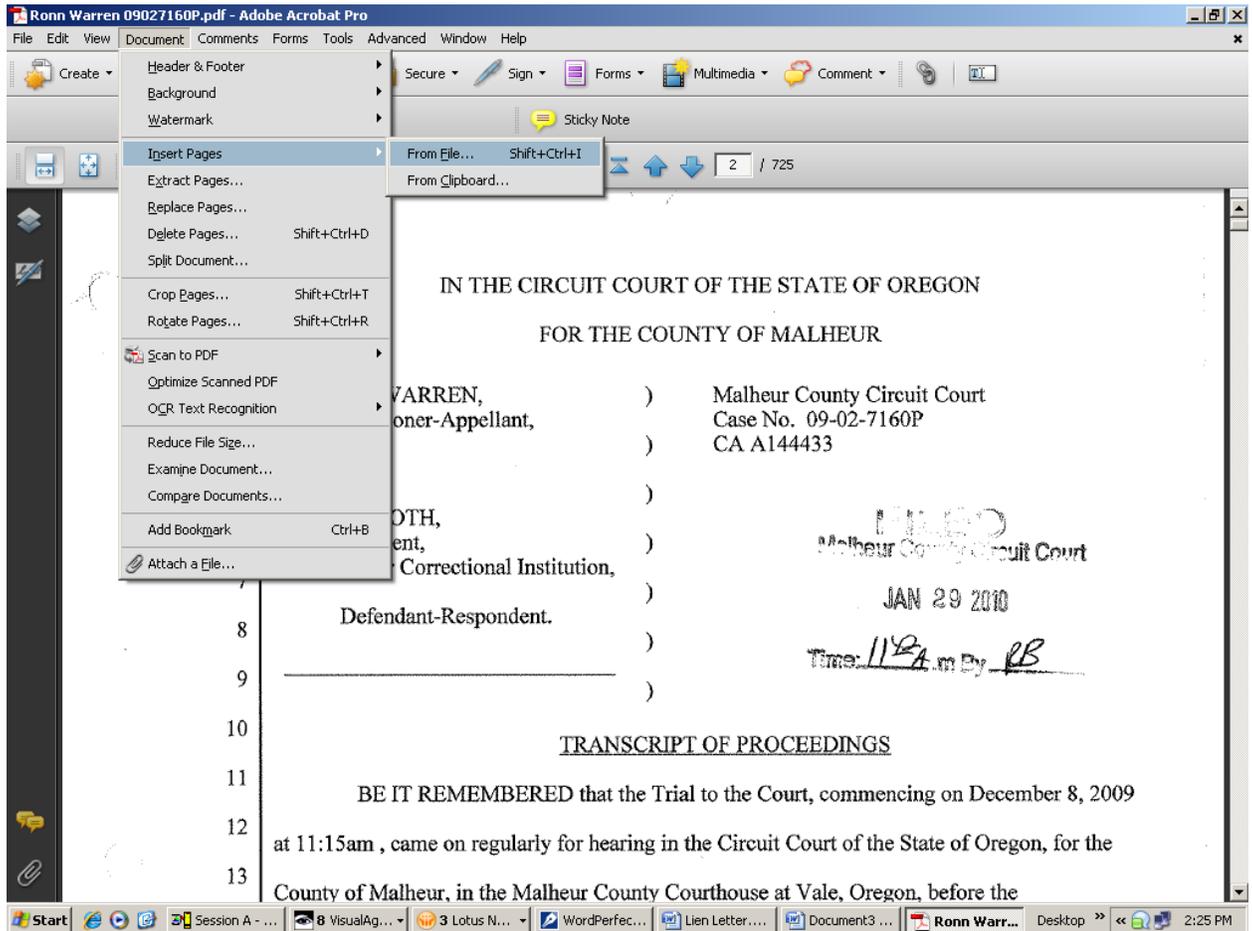
We also encourage each trial court to retain a copy of the scanned/indexed file that you submit to the ACRS. While ACRS will be retaining the transcripts as part of the permanent record of the case, ACRS will not retain trial court files and exhibits. At some point after issuance of the appellate judgment, ACRS will purge the trial court file and exhibits from the shared folder. Therefore, if the case is reactivated or returns on appeal as part of another case, we will request that the trial court submit it again. Therefore, please preserve your work.

To the ECM pilot courts: When ACRS and the appellate courts are able to view records in OnBase, ACRS will send a notice that you are able to use that method rather than uploading records into the shared folder. Until then, please follow the procedures set out in this document if you opt for electronic transmission of the trial court file in a case on appeal.

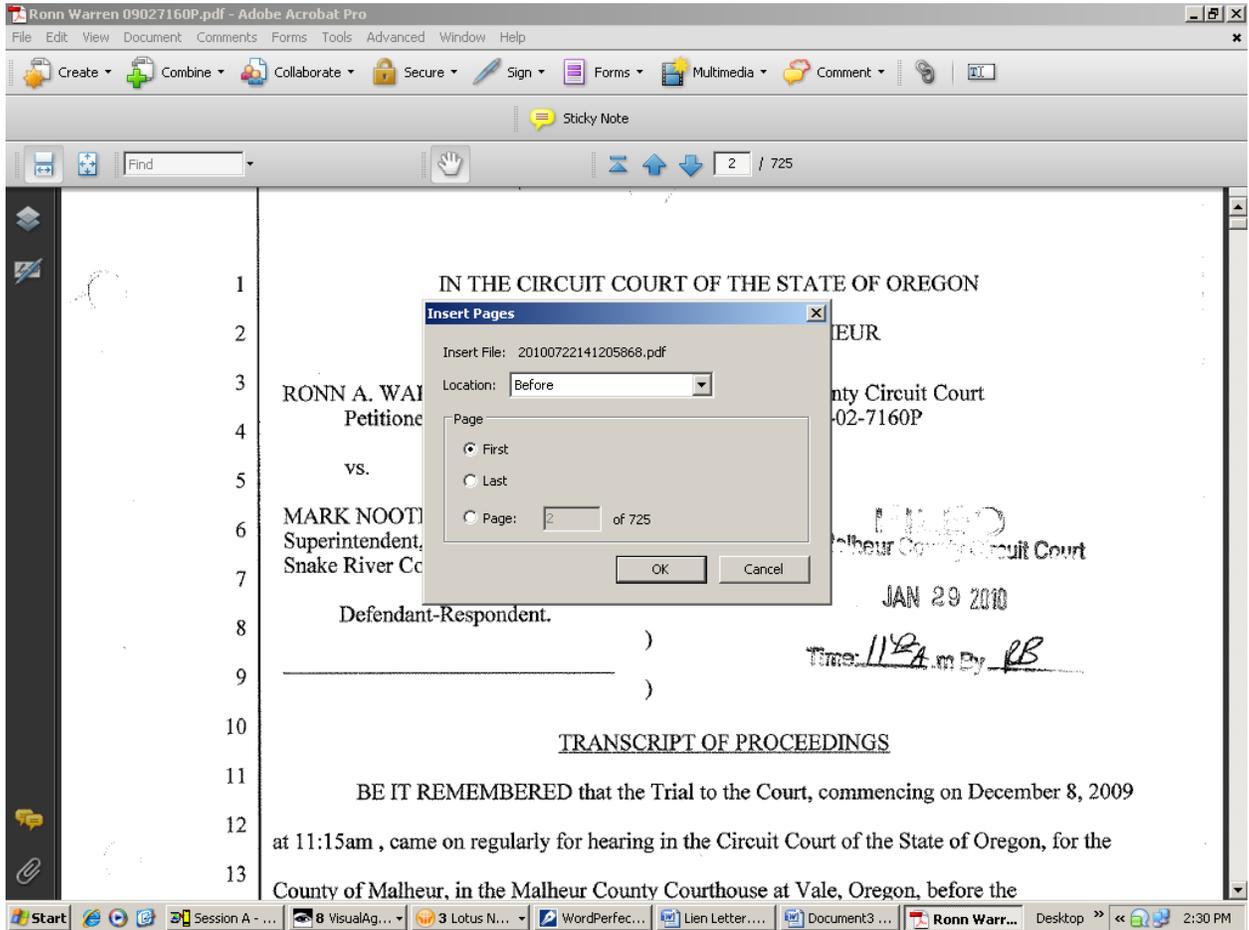
We would like to acknowledge and thank Pam Barton and Vicki Applegate of the Malheur County Court, as well as Monica Waldroop in the Appellate Court Records Office for their help in developing the following instructions that detail creation of the electronic index of the OJIN register:

STEP 1: CREATE AN ELECTRONIC INDEX OF THE OJIN REGISTER

- 1) Scan the printed OJIN case register as a PDF document and save.
- 2) Open the PDF version of the case file and insert the scanned OJIN case register (from step 1) at the beginning of the file. As shown below, select Document → Insert Pages → From File

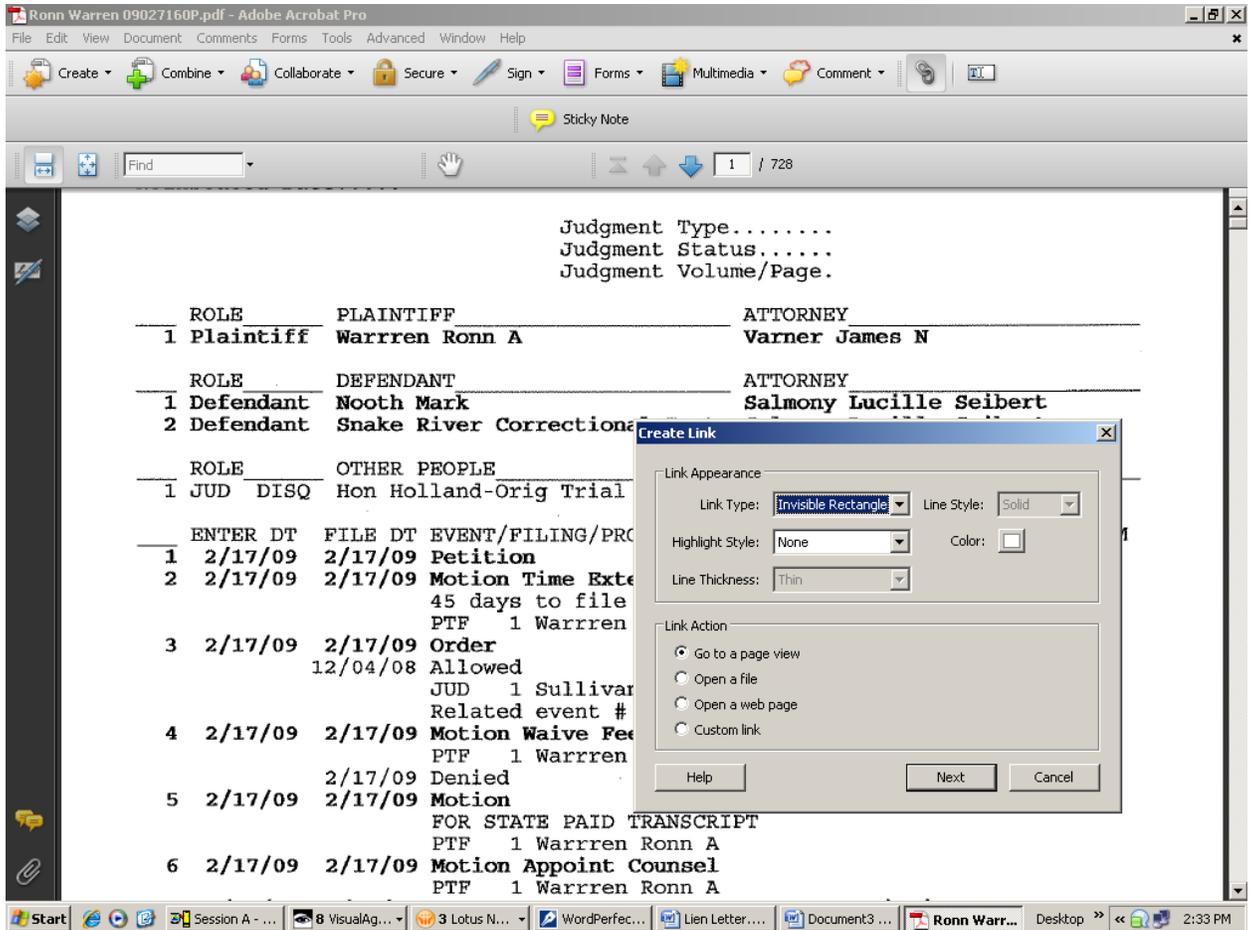


- 3) When the Insert Pages dialogue box pops up, select "Before" the "First" page as the location to insert the OJIN register. Click OK.

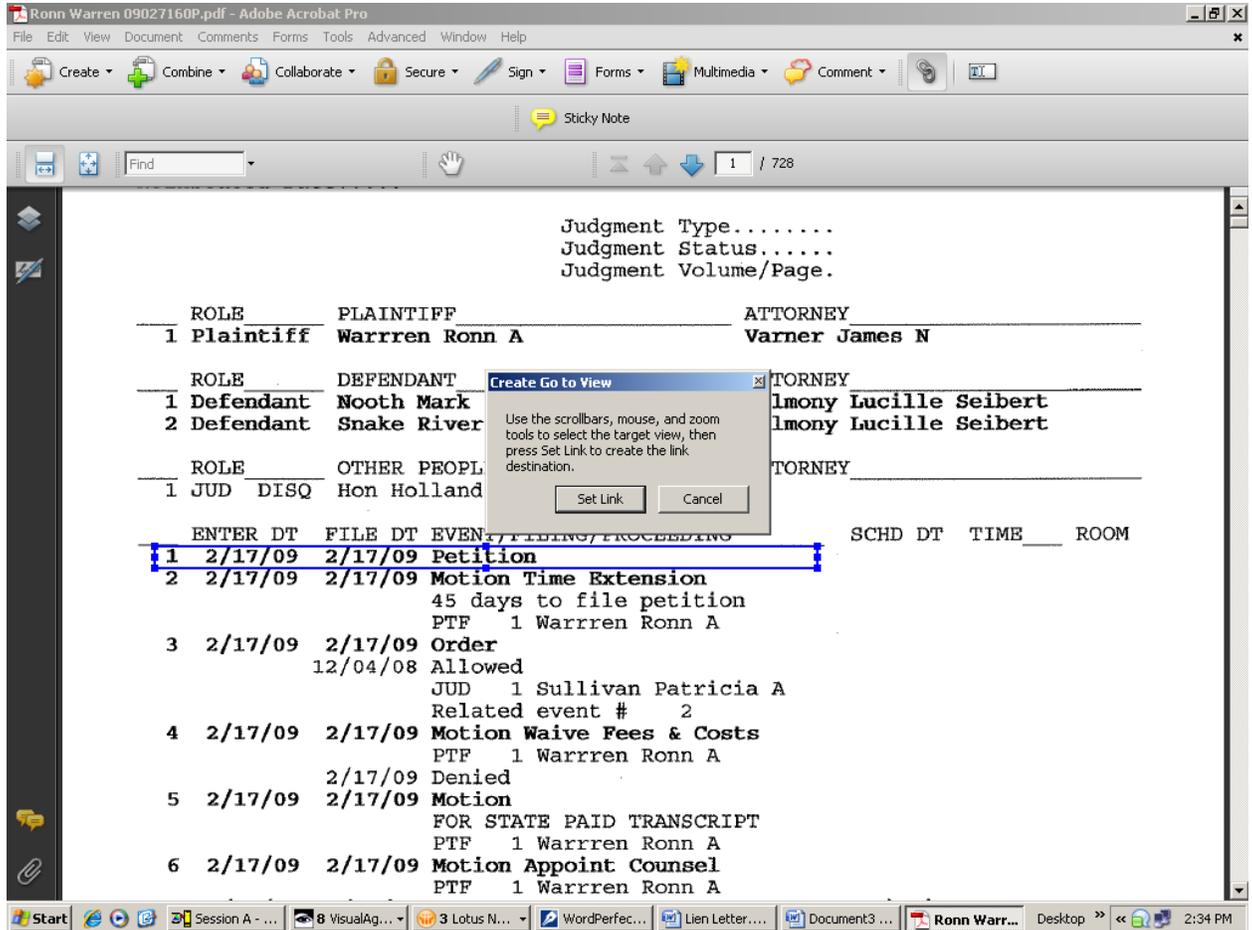


- 4) You are now ready to link the docket entries in your OJIN register to the corresponding document contained within the PDF case file. To access the link tool, select Tools → Advanced Editing → Link Tool. Using your mouse, highlight the docket entry that you wish to link.

- 5) The Create Link dialogue box will appear. The link type should be “Invisible Rectangle,” the Highlight Style should be “None,” and the Link Action should be “Go to a page view.” Click Next.



- 6) The Create Go to View dialogue box will pop up. While the box is open, scroll to the corresponding document, and click Set Link. (Note: the example below is for illustrative purposes—please be sure to link the appropriate document with its corresponding docket entry).



To confirm that your document link works correctly, click on the Hand Tool in the tool bar, navigate back to the OJIN register at the beginning of the file, and click on the docket entry that you just linked. The link should take you to the exact location in the file that you set at the beginning of this step.

Continue this process with all of the file documents or exhibits that you intend to transmit electronically for this particular file. When you have completed the process, name the file according to the naming convention that is outlined in step 2.

STEP 2: ASSIGN APPROPRIATE NAME TO THE ELECTRONIC FILE

The following convention is for a Trial Court File:

[Appellate Case Number]_trialcourtfile_public_[initials of trial court staff who uploaded document]_[year-month-day, of date that record was filed with the Appellate Court Administrator]

Example: CA123456_trialcourtfile_public_rn_2010-07-01

If multiple files, for some reason, then add a numbering indicator as follows:

CA123456_trialcourtfile1_public_rn_2010-07-01

The following convention is for ALL Confidential Documents (whether trial court file documents or exhibits):

[Appellate Case Number]_confidential_[initials of trial court staff who uploaded document]_[year-month-day, of date that record was filed with the Appellate Court Administrator]

Example: CA123456_confidential_gn_2010-07-01

The following convention is for Exhibits:

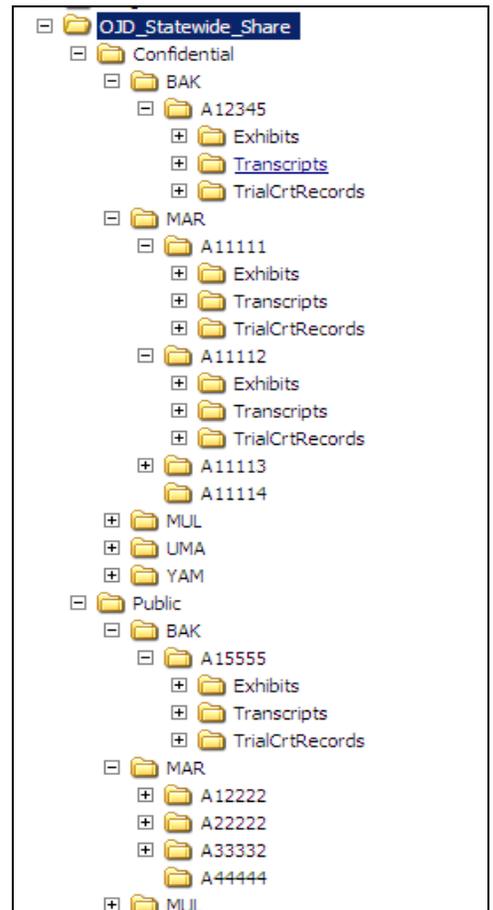
[Appellate Case Number]_exhibits-public_[initials of trial court staff who uploaded document]_[year-month-day, of date that record was filed with the Appellate Court Administrator]

Example: CA123456_exhibits_gn_2010-07-01

If multiple files, then add a numbering indicator similar to above (“exhibits1”).

STEP 3: UPLOAD THE FILE TO THE SHARED DIRECTORY

Navigate to the OJD Case Files directory (\\ojddm\ojddfs\OJD_Statewide_Share\OJD_eTransmission), and first determine if the case documents you are uploading are CONFIDENTIAL documents or documents for PUBLIC viewing. Then locate the COUNTY of the trial court and then the APPELLATE CASE NUMBER (in numeric sequence). Please reference the example to the right.



If you cannot locate the appellate case number, call ACRS at 503-986-5543.

Upload the completed scanned/indexed trial court file or exhibits by saving the file into the appropriate subfolder for either file/exhibits/confidential. PLEASE NOTE THAT YOU MUST PLACE ALL CONFIDENTIAL DOCUMENTS RELATED TO THIS CASE INTO THE APPROPRIATE "CONFIDENTIAL" SUBFOLDER. If the transcript is confidential, it may already be located in that file. If you have any questions, again please call ACRS at 503-986-5543. ACRS will be making the electronic documents available on a public access terminal, and therefore must prevent public access to confidential documents and otherwise limit access to the parties or other persons entitled to see those documents.

When the upload is complete, send an email to ACRS at appealsclerk@ojd.state.or.us to indicate that files have been installed into the appropriate subfolder. Please provide the following information in the subject line of the email: File #A[Court of Appeals case number], ELECTRONIC TRANSMISSION OF TRIAL COURT FILE/EXHIBITS. ACRS will rely on correct labeling of the subject line to process these files. In addition, if only the file is being submitted electronically and the exhibits are to follow via conventional submission, or vice versa, the body of the email should so state. The date of the email transmission serves as the ACRS "filed date" for receipt of the electronically transmitted record.

STEP 4: MISCELLANEOUS

If you have shared trial court files/exhibits (applicable to more than one appellate case): Please upload the exhibits or trial court file in the first case as described above. Then, for the related cases, please email to ACRS at appealsclerk@ojd.state.or.us to indicate that related files are being filed with another case number. To do so, please provide the following information in the subject line of the email: File #A_____RELATES TO File # A_____, ELECTRONIC TRANSMISSION OF TRIAL COURT FILE/EXHIBITS. ACRS will rely on correct labeling of the subject line to process these files.

We invite questions, in telephone form to 503-986-5868, or via email to appealsclerk@ojd.state.or.us. Answers to frequently-asked questions will be posted on the website.