CHAPTER 2—Standards for Pleadings and Documents

2.010 FORM OF DOCUMENTS

The form of all documents, including pleadings and motions, except where a different procedure is specified by statute or rule, must be:

(1) Definitions

(a) Document, as used in this rule, means every paper filed in any type of proceeding.

(b) Printed document means documents wholly or partially printed.

(2) Size of Documents

All documents, except exhibits and wills, must be prepared on letter-size (8-1/2 x 11 inches) paper, except that smaller size paper may be used for bench warrants, commitments, uniform citations and complaints and other documents otherwise designated by the court.

(3) Documents Must be Printed or Typed

All documents must be printed or typed, except that blanks in preprinted forms may be completed in handwriting and notations by the trial court administrator or judge may be made in handwriting.

(4) Spacing, Paging and Numbered Lines

(a) All pleadings, motions and requested instructions must be double-spaced and prepared on paper with numbered lines.

(b) All other documents may be single-spaced and the lines need not be numbered.

(c) On the first page of each pleading or similar document, not less than two inches or more than four inches at the top of the page shall be left blank.

(d) All documents, except exhibits and wills, shall be prepared with at least a one-inch binding margin. The binding margin shall be at the edge of each sheet of paper in the document corresponding to the top of the first page printed on the sheet of paper, unless a different location is specified by SLR. All documents containing printing on the back side of a sheet shall be printed in such a manner so that when the page is turned on the binding edge, print on the back side is oriented in the same direction as the print on the front side of the following sheet.

(5) Backing Sheets

The use of backing sheets is discouraged. If used, they must be 8-1/2 x 11 inches, no heavier than 16-pound weight and not folded over at the top.

(6) Signature

The name of the party or attorney signing any pleading or motion must be typed or printed immediately below the signature. All signatures must be dated.

(7) Attorney or Litigant Information

All documents must include the author's name, address, telephone number, fax number, if any, and, if prepared by an attorney, the name, e-mail address, and the Bar number of the author and the trial attorney assigned to try the case. Any document not bearing the name and Bar number of an attorney as the author or preparer of the document must bear or be accompanied by a certificate in substantially the form as set out in Form 2.010.7 in the UTCR Appendix of Forms.

(8) Distinct Paragraphs

All paragraphs in a pleading or motion must be numbered consecutively in the center of the page with Arabic numerals, beginning with the first paragraph of the document and continuing through the last. Subdivisions within a paragraph must be designated by lower case letters, enclosed in parentheses, placed at the left margin of each subdivision.

(9) Exhibits

(a) When an exhibit is appended to a filed document, each page of the exhibit must be identified by the word "Exhibit" or "Ex" to appear at the bottom right-hand side of the exhibit, followed by an Arabic numeral identifying the exhibit. Each page number of the exhibit must appear in Arabic numerals immediately below the exhibit number; e.g.: "Exhibit 2
Page 10"

(b) Exhibits appended to a pleading may be incorporated by reference in a later pleading.

(10) Information at Bottom of Each Page

The name of the document, and the page number expressed in Arabic numerals, must appear at the bottom left-hand side of each page of each document.

(11) Document Title

(a) The title of each document filed with the court must include an identification of the filing party, such as "Plaintiff" or "Defendant." When there are multiple parties on a side, the party submitting the document must be suitably identified, such as "Plaintiff Smith" or "Defendant MegaCorp."

(b) In the title of each complaint or petition and at the beginning of each claim for relief, in the body of the pleading, there must be indicated the type of claim, such as "personal injury," "breach of contract," "specific performance" or "reformation of contract." The court case number must appear in the caption of every document. Every motion must show in the title the name of the pleading against which it is directed.

(12) Orders, Judgments or Writs

(a) The judge's signature portion of any order, judgment or writ prepared for the court must appear on a page containing at least two lines of the text. Orders, judgments or writs embodying the ruling of a particular judge must have the name of the judge typed, stamped or printed under the signature line.

(b) If the order, judgment or writ is prepared by a party, the name and identity of the party submitting the order must appear therein, preceded by the words "submitted by."

(c) Motions and orders may be submitted as a single document only if the motion is stipulated, subject to *ex parte* ruling, not contested or otherwise specifically allowed by SLR. Any other motion must be submitted as a separate document from any proposed form of order deciding the motion. A motion submitted as a single document with an order may not be filed unless the order has been ruled upon and signed by a judge.

(d) When allowed to be submitted as a single document under paragraph (c) of this subsection, motions and orders submitted as a single document must contain a double solid line across the page separating the motion portion of the document from the order portion. The caption of the document must be labeled "Motion xxxxxxxx and Order" in the upper right-hand corner of the document. The full description of the motion must be included in the title. The order portion must be clearly labeled "Order" in the upper left-hand corner of the order portion of the document. A 2-inch by 2-inch space must be provided below the double solid line in the upper right-hand corner of the order portion for the file/date stamp of the order. The order portions must be written as clearly and simply as possible. Where appropriate, the order must consist of only two check boxes as follows: one for allowed, the other for denied. Where such check boxes are used in the order portion, they must be placed above the standard date and signature lines.

1993 Commentary:

Subsection (b) of Section (12) requires that the information include the author's name (signature not required), followed by an identification of party being represented, plaintiff or defendant.

Example: Submitted by:
A. B. Smith
Attorney for Plaintiff (or Defendant)

An exception to this style would be in cases where there is more than one plaintiff or one defendant. In those situations, the author representing one defendant or plaintiff, but not all, should include the last name (full name when necessary for proper identification) after the designation of plaintiff or defendant.

Example: Submitted by:
A. B. Smith
Attorney for Plaintiff Clarke

(13) Citation of Oregon Cases

In all matters submitted to the circuit courts, Oregon cases must be cited by reference to the Oregon Reports as: Blank v. Blank, ___ Or ___ (year) or as State v. Blank, _____ Or App _____ (year). Parallel citations may be added.

(14) Notice of Address or Telephone Number Change

An attorney or unrepresented party whose address or telephone number changes must immediately mail or deliver notification of such change to the trial court administrator and all other parties.

(15) Application to Court Forms

Forms created by the Oregon Judicial Department are not required to comply with the provisions of UTCR 2.010(4) or (8) where the Oregon Judicial Department determines variation from those provisions will promote administrative convenience for courts or parties. Such forms and exact copies of such forms may be used and submitted to courts without challenge under UTCR 2.010(4) or (8).

1996 Commentary:

The UTCR Committee strongly encourages the use of recycled paper and strongly recommends that all original pleadings, motions, requested instructions, copies, and service copies be on recycled paper having the highest available content of postconsumer waste.

2.020 CERTIFICATE OF SERVICE

When a summons or other civil process is served by one other than a sheriff or deputy sheriff, the certificate of service must include the name, telephone number and address of the person who served the summons or process.

2.030 MATTERS UNDER ADVISEMENT MORE THAN 60 DAYS

(1) If any judge shall have any matter under advisement for a period of more than 60 days, it shall be the duty of all parties to call the matter to the court's attention forthwith, in writing.

(2) If the matter remains under advisement for 90 days, all parties are required again to call the matter to the judge's attention forthwith, in writing, with copies to the presiding judge, if any, and the Chief Justice.

2.050 ATTORNEY FEES ON WRITTEN INSTRUMENTS

When attorney fees are based on a written instrument, the original or a true copy of the instrument must be submitted to the court with the requested judgment, unless a true copy is attached to or set out in the pleadings. This rule also applies to reciprocal fees claimed under ORS 20.096. If an original or copy is not available, the court may require proof by affidavit or testimony.

2.060 ENTERING JUDGMENT ON FACE OF NEGOTIABLE INSTRUMENT

(1) In all cases when a judgment is to be based on a negotiable instrument, the party with custody of the original instrument must tender such instrument to the court before the entry of judgment, and the court must enter a notation of the judgment on the face of the instrument.

(2) The trial court administrator shall return the original instrument only after filing a certified copy of the instrument.

1987 Commentary:

The rule is silent on the time when the judgment notation is to be entered on the face of the instrument. The rule permits the holding of documents submitted at the time the decree is entered while delaying endorsement until after the court receives confirmation of the sheriff's sale.

2.070 NOTICE OF ARBITRATION IN PLEADINGS

The title of a pleading, including a claim, counterclaim, cross claim, or third-party claim, must comply with UTCR 13.060.

2.080 COMMUNICATION WITH COURT

(1) Except as exempted by statute, UTCR 2.100, or UTCR 2.110, when written communication is made to the court, copies must simultaneously be mailed or delivered to all other parties and indication made on the original of such mailing or delivery.

(2) All written communication to the court shall refer to the title of the cause and the case number.

2.090 FILINGS FOR CONSOLIDATED CASES

Cases that are consolidated are consolidated for purposes of hearing or trial only. All pleadings, memoranda, and other documents applicable to more than one file will be filed in each case under existing captions and case numbers unless otherwise ordered by the court. Unless otherwise ordered by the court, any document applicable to only a single file will be singly filed. It is the duty of counsel to provide the trial court administrator with sufficient documents to allow filings consistent with this rule or a court order pursuant to this rule.

2.100 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, REQUIREMENTS AND PROCEDURES TO SEGREGATE WHEN SUBMITTING

(1) Purpose. This rule establishes:

(a) Procedures for a person to identify and segregate protected personal information when submitting a document to a court in a case and to request the information be kept from inspection by the general public.

(b) A process for a court, when it grants a request under this rule, to protect the segregated, protected personal information from nonprotected information in a uniform way with an appropriate record.

(2) Information covered. As used in this rule:

(a) “Protected personal information” means specific individual facts that, unless segregated, would otherwise be in a submitted document to identify a person submitting the document or another person beyond that person’s name or to identify the financial activities of either and which the court is allowed or required by law to keep confidential.

(b) "Protected personal information" includes, but is not limited to:

(i) Social security numbers, credit card numbers, bank or other financial account numbers, bank or other financial account locations, driver license numbers, financial account access numbers, or similar information that is used for financial transactions and can be kept confidential under ORS 107.840 or ORS 192.502(2).

(ii) Maiden names, birth dates, and places of birth that can be kept confidential under ORS 192.502(2).

(iii) Facts about a person's identity or the identity of the person's financial activities that is other than contact information and that can be exempt from public inspection under the Oregon Public Records Law (OPRL, ORS 192.410 to 192.505).

(iv) Facts other than contact information that can otherwise be protected under specific law, including, but not limited to, information protected by existing court orders.

(c) "Protected personal information" does not include entire documents, contact information, or, except as ordered by a court, information that is not both personal and related to a person's identity beyond their name or their financial activities.

(d) "Contact information" means: the name of a person submitting a document or of a person on whose behalf a document is being submitted; telephone numbers; personal or business addresses; e-mail addresses; employer identification and address; or similar facts that make it possible for another to contact a person who is named in a document.

(3) Relationship to other law. The following all apply to this rule:

(a) Parties to proceedings under ORS 107.085 or 107.485 must segregate all social security numbers from all documents they submit related to the proceedings in the manner provided by this rule. These social security numbers are confidential in the custody of the court as ORS 107.840 provides. Other than as this paragraph or SLR 2.101 of a court provides, this rule is not the exclusive means for a court to protect personal information from public inspection.

(b) All judicial districts must allow requests to segregate protected personal information under this rule as a way to keep it separate from information subject to public inspection. However, courts may use SLR to establish other procedures related to identifying and protecting information courts are allowed or required to keep confidential. But, SLR 2.101 is preserved for purposes of a court to:

(i) require use of forms or procedures under this rule as the exclusive way to identify specific protected personal information so a court can segregate the information and protect it from public inspection; and

(ii) establish requirements supplemental to this rule as necessary to help administer this rule.

(c) Nothing in this rule precludes a court from protecting information by appropriate court order.

(d) Nothing in this rule affects or applies to procedures for identifying and protecting contact information:

(i) Of crime victims that is submitted to courts for processing restitution payments when restitution is sought and the information about a crime victim is kept confidential under ORS 18.048(2)(b).

(ii) That can be made confidential under ORS 25.020(8)(d), 109.767(5), 110.375, or 192.445.

(4) Procedure to follow. A person may only request protected personal information be segregated and protected under this rule when submitting it to a court in a case. The procedures under this rule may be used to identify and separately present protected personal information from any submitted document or form that is used to give information to a court. To do so, a person must do the following:

(a) Place in the document from which the protected personal information is being segregated a written notation to the effect that the information is being separately submitted under UTCR 2.100.

(b) Complete an affidavit in substantially the form provided in UTCR Form 2.100.4a. If the person is requesting segregation of only social security numbers, the person may use the alternative form of affidavit provided in UTCR Form 2.100.4c. The affidavit:

(i) Need not be notarized but must be signed by the requestor and contain language that the person knowingly gives the information under an oath or affirmation attesting to the truth of what is stated and subject to sanction by law if the person provides false information to the court.

(ii) Must describe generally the protected personal information and set out the legal authority for protecting the information.

(c) Complete an information sheet in substantially the form provided in UTCR Form 2.100.4b to duplicate the protected personal information sought to be segregated and attach the information sheet to the affidavit. If the person is requesting segregation of only social security numbers, the person may use the alternative information sheet form provided in UTCR Form 2.100.4d.

(d) File the completed forms and attachments with the court along with, but not attached to, the document from which the protected personal information is segregated.

(e) For purposes of UTCR 2.080, mail or deliver to parties a copy of the affidavit only, and not the information sheet or attachments to the information sheet.

(5) More than once in a case. If a court segregates specific protected personal information from a specific document under this rule:

(a) The court is under no obligation to look for or segregate the same protected personal information from other documents in the file for that case or other cases that were not specifically addressed by a request under this rule or from any documents subsequently submitted to the court except when procedures under this rule to segregate from the specific document are again used.

(b) As long as the specific protected personal information remains current, a person need not submit an affidavit and information sheet under this rule each subsequent time the already segregated information would be submitted in that case. The

person may simply add a written notation to any document subsequently submitted to the effect that the information has already been submitted in that case under UTCR 2.100.

(6) Court response. When a completed request is filed under this rule and the court grants the request to segregate, the court will do the following:

(a) Separate the UTCR Form 2.100.4b from the affidavit and maintain that form and any attachments to it as not subject to public inspection unless there is a question about the court's legal authority to keep the specific information from public inspection. The requestor need not obtain the signature of a judge. As official custodian of the case file under the OPRL, the trial court administrator will resolve any question about whether, or the extent to which, information may be kept from disclosure under this rule unless statute or court order expressly provides otherwise. A request under this rule to keep information confidential, segregated, or exempt from public inspection is not subject to challenge and hearing except as specifically required by law.

(b) Keep the affidavit in the case file.

(c) Send notice confirming that a request is granted or denied only if the person includes a self-addressed, postage prepaid postcard that the court can use for that task. The postcard must also include the following text, to be filled in as indicated for the court to mail:

"Dear _____ *(person requesting print your name here*), Your request of _____ (*insert date of request*) to segregate specific protected personal information from information the general public can inspect in the case file for case number _____ (*insert case number*) in the Circuit Court for _____ (*insert county*) County (*the court will check and complete the appropriate following response before mailing*):

☐ Was granted on _____ *(court will insert date)* and the segregated information sheet you submitted will be maintained separately from information available for public inspection. _____ (*initial of appropriate court employee*)

☐ Was denied in part or entirely because *(court will explain and provide contact information for further action)*: _____ _____."

(7) Limits on protection. When the court grants a request under this rule, the court will protect the submitted Form 2.100.4b from being placed where the general public can inspect it. However, the following limits apply to this confidentiality:

(a) A person may inspect the information sheet or attachments that person submitted.

(b) A person other than the person who submitted the information sheet or attachments may inspect the information sheet or attachments with a currently effective release by the person whose information is protected. The release must be signed by the person giving the release, dated, and establish a period during which the release will be effective.

(c) Any person who has a right by law to inspect the information sheet or attachments may do so. This includes Oregon Judicial Department personnel who require the information for their work.

(d) Courts will share the information sheets and attachments with other government agencies as required or allowed by law, without court order or application under subsection (8) of this rule, for purposes of the business of those agencies. Those agencies are required to maintain the information as confidential as provided under ORS 192.502(10).

(e) Courts will share the information sheets and attachments with the entity primarily responsible for providing support enforcement services under ORS 25.080 and under the requirements of 42 USC 666 without application under subsection (8) of this rule in any case in which spouse or child support is ordered.

(8) Inspecting or copying protected personal information. Except as specifically provided in subsection (7) of this rule, any person who seeks to inspect or copy information segregated and kept from public inspection under this rule must make the request by using a form substantially like UTCR Form 2.100.8 and copy the requestor shown on the affidavit and parties to the case as required by UTCR 2.080. A court will only grant a request if the person requesting has a right by law, including this rule, to see the information. The court will indicate on the form its response to the request and maintain a copy of all the request forms, with its response, in the case file as a public record.

(9) Denied requests. If a court denies a request under this rule:

(a) For every piece of personal information on a UTCR Form 2.100.4b, the court will attach the affidavit and form to the document from which the information was segregated and place all in the case file.

(b) For only some of the personal information on a UTCR Form 2.100.4b, the court will:

(i) create a copy of the form where the information to be protected is redacted,

(ii) protect the original form as otherwise provided in this rule, and

(iii) attach the affidavit and the redacted copy of the form to the document from which the information was segregated and place the affidavit and redacted copy of the form in the case file.

2.110 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, PROCEDURES TO SEGREGATE WHEN INFORMATION ALREADY EXISTS IN A CASE FILE

(1) Purpose. This rule establishes:

(a) Procedures for a person to identify and segregate protected personal information when that information already exists in a document in a court case file and to request the information be kept from inspection by the general public.

(b) A process for a court, when it grants a request under this rule, to segregate and protect personal information from nonprotected information in the case file in a uniform way with an appropriate record.

(2) Information Covered. This rule may be followed to segregate and protect the same information already existing in a case file that could be segregated and protected at the time of submission under UTCR 2.100. The definitions in UTCR 2.100 apply to this rule.

(3) Relationship to Other Law. The following all apply to this rule:

(a) This rule is not the exclusive means for a court to protect personal information in case files from public inspection.

(b) Courts may use SLR to establish other procedures related to identifying and protecting information courts are allowed or required to keep confidential. But, SLR 2.111 is preserved for purposes of a court to:

(i) require use of forms or procedures under this rule to identify specific protected personal information so that a court can segregate the information and protect it from public inspection; and

(ii) establish requirements supplemental to this rule as necessary to help administer this rule.

(c) Nothing in this rule affects or applies to procedures for identifying and protecting contact information:

(i) Of crime victims that is submitted to courts for processing restitution payments when restitution is sought and the information about a crime victim is kept confidential under ORS 18.048(2)(b).

(ii) That can be made confidential under ORS 25.020(8)(d), 109.767(5), 110.375, or 192.445.

(4) Procedure to Follow. A person may only request protected personal information be segregated under this rule when the information is already in a document that has become part of a court case file. To do so, a person must do all the following:

(a) Complete an affidavit in substantially the form provided in UTCR Form 2.110.4a. The affidavit:

(i) Need not be notarized but must be signed by the requestor and contain language that the person knowingly gives the information under an oath or affirmation attesting to the truth of what is stated and subject to sanction by law if the person provides false information to the court.

(ii) Must describe generally the protected personal information and set out the legal authority for protecting the information.

(iii) Must specifically identify the case file, document in the case file, and the page number of the page that is sought to be redacted.

(iv) Must be accompanied by a copy of that page sought to be redacted showing specifically the protected personal information to be redacted.

(b) Complete an information sheet in substantially the form provided in UTCR Form 2.100.4b to duplicate the protected personal information sought to be segregated and attach the information sheet to the affidavit.

(c) File the completed forms and attachments with the court.

(d) Pay the required fee set by Chief Justice Order.

(e) For purposes of UTCR 2.080, mail or deliver to parties a copy of the affidavit only and not the information sheet or attachments to the information sheet.

(5) Court Response. When a completed request is filed under this rule and granted by the court, the court will do the following:

(a) Segregate and protect the specifically identified protected personal information from the specific location in the specific document that is the object of the request unless there is a question about the court's legal authority to keep the specific information from public inspection. The requestor need not obtain the signature of a judge. As official custodian of the case file under the OPRL, the trial court administrator will resolve any question about whether, or the extent to which, information may be kept from disclosure under this rule unless statute or court order expressly provides otherwise. A request under this rule to keep information confidential, segregated, or exempt from public inspection is not subject to challenge and hearing except as specifically provided by law.

(b) Separate and maintain the information sheet and any attachments as not subject to public inspection. Once the information sheet is separated, place the affidavit in the case file.

(c) Replace any page from which the specific information is removed with a redacted copy of the page and keep the original, unmodified page with the information sheet and its attachments. Any substitute page from which the specific information is removed will include a notation of the date and responsible individual and that the redacting was done under this rule. Courts will separate information and redact documents under this rule according to the State Court Administrator's direction, or as otherwise specifically provided by law.

(d) Send a notice confirming completion of work, that work cannot be completed for some reason, or that a request is denied only if the person includes a self-addressed, postage prepaid postcard that the court can use for that task. The postcard must also include the following text to be filled in as indicated for the court to mail:

"Dear _____ *(person requesting print your name here*), Your request of _____ (*insert date of request*) to segregate specific personal information from information the general public can inspect in the case file for case number _____ (*insert case number*) in the Circuit Court for ____ _____ (*insert county*) County (*court will check and complete the appropriate following response*):

☐ Was completed on _____ *(insert date)*. _____ (*initials of appropriate court employee*)

☐ Could not be completed because (*explain and provide contact information for further action*): _____
_____
_____.

☐ Was denied because *(explain and provide contact information for further action)*:
_____
_____
_____."

(6) Time Limits, Court Authority to Refuse Request Based on Resources. This rule sets no time limit for courts to segregate information from existing court records when requested under this rule. Courts have a reasonable time given their ordinary workload and resources available. And, notwithstanding other parts of this rule, a court is not required to segregate information from existing court records based on a request under this rule if the workload created would adversely affect the resources available for a court to perform its ordinary duties.

(7) Parts of UTCR 2.100 that apply to this rule. The following subsections of UTCR 2.100 are applicable to this rule: (2), (5), (7), (8), and (9).

2.120 AFFIDAVITS

Unless otherwise mandated by statute, an affidavit required by the UTCR need not be notarized, but it must be signed by the affiant and must include a sentence, in prominent letters immediately above the signature of the affiant, that is in substantially the same form as the sentence for a declaration under penalty of perjury as specified in ORCP 1E.