

In the Matter of Establishing	)	CHIEF JUSTICE ORDER
Updated Procedures Relating to	)	*CORRECTED ORDER
Certified and Exemplified Copies of	)	No. 23-015
Court Records, Including Those)	
Maintained in Digital Form, and	)	ORDER ESTABLISHING UPDATED
Electronic Transmission; and	)	PROCEDURES RELATING TO CERTIFIED
Requiring Use of Form for all Court	)	AND EXEMPLIFIED COPIES OF COURT
Records Requests	)	RECORDS, INCLUDING THOSE MAINTAINED
	)	IN DIGITAL FORM, AND ELECTRONIC
	)	TRANSMISSION OF SUCH RECORDS; AND
	)	REQUIRING USE OF FORM FOR ALL COURT
	)	RECORD REQUESTS

I HEREBY FIND as follows:

1. ORS 1.002(1) and (2) provide that the Chief Justice is the administrative head of the judicial department of government of this state and, to facilitate the exercise of that administrative authority, may make rules for the use of electronic applications in the courts, including but not limited to rules relating to any of the following:
 - a. Per paragraph (2)(b), the use of an electronic document, or use of an electronic image of a paper document in lieu of the original paper copy, for any record of the courts maintained under ORS 7.095 and for any document, process, or paper that is served, delivered, received, filed, entered, or retained in any action or proceeding;
 - b. Per paragraph (2)(c), the use of electronic signatures or another form of identification for any document, process, or paper that is required by any law or rule to be signed and that is served, delivered, received, filed, entered, or retained in any action or proceeding; or maintained under ORS 7.095;
 - c. Per paragraph (2)(d), the use of electronic transmission for providing certified electronic copies of court documents and other Oregon Judicial Department (OJD) records to another person or public body; and
 - d. Per paragraph (2)(f), the electronic storage of court documents.

2. Uniform Trial Court Rule (UTCR) 21.060(2) and Oregon Appellate Rule of Procedure (ORAP) 16.25(5) provide that a circuit court or an appellate court may (1) digitize, microfilm, record, scan, or otherwise reproduce a document that was filed in paper form into an electronic record, document, or image; and subsequently, (2) destroy a document filed in paper form, in accordance with the protocols established by the State Court Administrator under ORS 8.125(11) and ORS 7.124. See also Tax Court Rule (Regular Division) 9(A) (UTCR chapter 21 applies in the Regular Division of the Tax Court unless a conflicting rule exists); Tax Court Rule (Magistrate Division) 1(A)(3) (to same effect in that division).

*Corrected to provide updated verification stamp wording in paragraph 2.b.(2) (order).

3. On May 4, 2010, then-Chief Justice Paul J. De Muniz issued Chief Justice Order (CJO) 10-024, which:
 - a. Prescribed policy and procedures for ensuring that state courts would be able, in an electronic court environment, to verify the authenticity of scanned court records and provide certified and exemplified copies of court records maintained in digital form, in a manner compliant with Oregon law;
 - b. Authorized the electronic transmission of certified and exemplified copies of court records maintained in digital form; and
 - c. Authorized each Oregon state court to receive from any other Oregon state court electronically transmitted certified and exemplified copies of court records.

CJO 10-024 set out requirements based on technological expectations and other circumstances in place in 2010, and it incorporated statutory requirements, *former* ORS 194.565 (2009) and *former* ORS 194.575 (2009), that since have been repealed and replaced, see ORS 194.280 (certificate of notarial acts); ORS 194.285 (short form certificates); Or Laws 2003, chapter 219, §§ 14, 15, 61.

4. In January 2011, the Oregon appellate courts implemented an electronic content management system, as an interface with its appellate case management system, and began maintaining appellate case records – including those initially filed in paper form – in digital form.
5. In June 2016, OJD completed a statewide implementation of Oregon eCourt for the circuit courts and the Oregon Tax Court, which also included an electronic content management component and a transition to maintaining court records – again including those initially filed in paper form – in digital form.
6. Since the completed implementation of Oregon eCourt described in paragraphs 4 and 5, all Oregon state courts have, in the course of ordinary business, regularly conducted transactions by electronic means and created, sent, accepted, generated, communicated, stored, possessed, used, and relied on electronic records of transactions, within the meaning of ORS 84.014 (no consent required for governmental agency electronic transactions if the agency satisfies the “ordinary business” standard just described).
7. In late 2022 and early 2023, and in light of current available technologies, the requirements set out in CJO 10-024 were reviewed and re-evaluated, resulting in a recommendation that certain updates be made.

This order is based on the foregoing, including the authority set out in paragraph 1, above.

I HEREBY ORDER that the following updated procedures are established relating to court records, including the verification-of-authenticity process for court-created digital images of court records; the inclusion of signee information on all certified and exemplified copies of court records; the creation of certified and exemplified copies of court records maintained in digital form; and the electronic transmission of such records; as well as the development of a request form for all court records and a related request-tracking process. The provisions of this order become effective as described in paragraph 11, below.

1. Definitions

- a. "Case management system" means the electronic content management component of a state court's electronic case management system, or any similar system, as reflected in UTCR 21.060(2).
- b. "Court Administrator" means,
 - (1) In a circuit court, the Trial Court Administrator, ORS 8.185;
 - (2) In the Oregon Tax Court, the State Court Administrator or the Administrator's Designee, ORS 305.480(1), (5), and the Tax Court Clerk, ORS 305.480(4); and
 - (3) In the Supreme Court and the Court of Appeals, the State Court Administrator or the Administrator's Designee, ORS 8.120(1), (3).

2. Verifying Authenticity of Scanned Court Records in the First Instance

- a. The process of authenticating a paper document for the purpose of later being able to destroy the paper document, ORS 7.124, also serves as the basis for a court administrator's ability to provide, and electronically transmit, certified and exemplified copies of paper court records converted into digital form and maintained in digital form in the court's case management system.
- b. For the purposes described in subparagraph 2.a., the process of scanning into the court's case management system any document filed with a court in paper form shall include, under the court administrator's direction and control:
 - (1) A court staff person reviewing the digital version of each page; comparing the digital page to the original paper page; and confirming that the digital copy is a true, correct, and complete copy of each page and the document, including the correct number of pages, and, thereafter;
 - (2) The court staff person activating the function of the case management system that will affix to each scanned page the following statement (with the space indicated by the blank identifying the date on which the authentication of the page took place): "Verified correct copy of original _____ [date]."

3. Certifications and Exemplifications Generally, Printed Name of Signee

- a. This paragraph applies to any certification or exemplification of a court record, whether completed using a manual process involving paper documents or an electronic process as described in paragraphs 4 through 6.
- b. A court seal used to create a certified court record must include, in addition to the signature of the court administrator or designee ("signee"), the printed name of the signee. This requirement also applies the certification of a case file or any exemplification certificate.

4. Providing Certified Copies of Court Records Maintained in Digital Form

- a. When a court administrator is asked, pursuant to ORS 7.130, to provide a certified copy of a court record, as provided in ORS 194.280(4) and ORS 194.285(5), maintained in digital form in the court's case management system, the court administrator shall ensure that a court staff person reviews the copy and the record to determine that the copy is true, correct, and complete, and, if so, shall affix to the copy a certificate, with the seal of that court, in the form shown below. The spaces in the form indicate where variable information will be inserted in the course of preparing the certificate. The layout of the digital version of the certification form may differ from the form prescribed below, as necessary to accommodate the use of electronic signature technology and affixing the form to the margin of a document, provided that the layout includes all the information prescribed in the form.

State of Oregon
County of _____

[court seal] I certify that this is a true and correct copy of a document in the possession of the court administrator for _____
[identify court].

Dated: _____

Court Administrator for _____ [identify court] or designee

_____ [electronic signature]

(Printed Name)

- b. The certification shall be prepared in a manner that the certification form itself, or at least the seal of the court, appears on screen in red or blue color and is capable of being printed by a printer with color printing capacity in red or blue color.
- c. The court administrator may delegate the authority to certify a document pursuant to ORS 7.130, as provided in ORS 8.120(3) (Supreme Court and the Court of Appeals); ORS 305.480(5) (Tax Court); and ORS 8.225(4) (circuit courts).
- d. The court administrator must use a separate page substantially in the form designated in the attachment to this order marked as Exhibit A for certifying:
- (1) A document the size or layout of which does not afford sufficient space to allow the court administrator to digitally affix the certification form on the document;
 - (2) A redacted document (the version of a document from which information has been redacted), when the court record includes the full version of the document, but the court may not disclose the full version of the document to the person requesting the copy; or

(3) A complete court file.

5. Providing Exemplified Copies of Court Records Maintained in Digital Form

- a. When a court administrator is asked to provide an exemplified copy of a court record maintained in digital form in the court's case management system, the court administrator shall ensure that a court staff person reviews the copy and the record to determine that the copy is true, correct, and complete and, if so, shall affix to the copy the form designated in the attachment to this order marked as Exhibit B (for a circuit court) or Exhibit C (for the Tax Court or an appellate court). The spaces in the forms indicate where the person preparing the form will insert variable information in the course of preparing the exemplification. The layout of the digital version of the certification form may differ from the form prescribed in Exhibit B or Exhibit C, as necessary to accommodate the use of electronic signature technology and affixing the form to the margin of a document, provided that the layout includes all the information prescribed in the form.
- b. The parts of the exemplification form that require the court administrator to affix the seal of the court shall be prepared in a manner that the seal of the court appears on screen in red or blue color, and is capable of being printed by a printer with color printing capacity in red or blue color.
- c. The court administrator may delegate the authority to provide an exemplified copy of a document pursuant to ORS 7.130, as provided in ORS 8.120(3) (Supreme Court and the Court of Appeals); ORS 305.480(5) (Tax Court); and ORS 8.225(4) (circuit courts).


6. Authorizing Use of Electronic Signatures and Electronic Transmission of Certified or Exemplified Documents Pursuant to ORS 84.052

- a. As used in this paragraph, "person" means a natural person, a corporation, a government agency, or any other entity with the legal authority to transact business.
- b. Signatures
 - (1) The court administrator may affix an electronic signature to a certification or an exemplification of a court record maintained by the administrator in the court's case management system; and
 - (2) A judge similarly may affix an electronic signature to an exemplification document.
- c. Transmission
 - (1) The court administrator may electronically transmit a certified or exemplified court record.
 - (2) The court administrator must transmit the certified or exemplified copy of the record in a manner that is capable of being stored electronically and printed by the recipient.

- (3) If a person requests electronic transmission of a certified or exemplified copy, the administrator may assume that the person making the request has the ability to store and print the transmitted document, unless the person informs the administrator otherwise.
 - d. Any Oregon state court may receive from another Oregon state court, in digital form, any certified or exemplified copy of a court record containing an electronic signature, and also may receive such a copy by electronic transmission, provided that any such copy is prepared and transmitted in the manner described in this order.
7. Mandatory Implementation of Electronic Certification, Exemplification, and Transmission Processes
 - a. Each court administrator shall implement a process for the electronic certification and exemplification of court records of that administrator's court, as described in paragraphs 4 and 5 of this order, and for electronically transmitting such documents, as described in paragraph 6. Each court's implementation shall include the use of a request form, as described in paragraph 8.
 - b. If a requestor asks for an electronic certification or exemplification, or an electronic transmission, the court administrator or the administrator's designee shall provide the requested service in that manner, as described in paragraphs 4, 5, and 6 of this order.
 - c. Nothing in this order prevents a court from printing a digital court record and providing a requestor with a paper-based certification or exemplification of a court record, if the requestor requests the record in that form.
8. Request Form and Tracking System for all Court Record Requests
 - a. The State Court Administrator shall develop and distribute to the courts a request form for use in processing all court record requests, whether electronic or not, and whether to be electronically transmitted or not.
 - (1) Each court shall use either the State Court Administrator's request form or a substantially similar form that collects the same information as on the State Court Administrator's form, together with additional information determined necessary by the court administrator.
 - (2) A court that uses its own form may not reject a request submitted using the Administrator's request form, for the reason that the court's form was not used.
 - (3) Each court shall make the request form used in that court available on the court's website.
 - (4) The State Court Administrator shall make the Administrator's form available on OJD's website, as a form that may be used in any state court.

- (5) The State Court Administrator may develop an alternative form or process to be used for requests for public records made at public counters and may permit each court to develop its own such form or process, collecting at least the same information as the Administrator's form or process.
 - b. The State Court Administrator shall develop, distribute to, and instruct the courts in the use of a mandatory tracking system, for all submitted requests for public records, as described in subparagraph a. of this section.
9. This order does not apply to digital conversion processes implemented in any state court for archival purposes only.
10. This order supersedes CJO 10-024 (Order Re: Providing and Electronically Transmitting Certified and Exemplified Copies of Court Records Maintained in Digital Form) (May 4, 2010).
11. This order is effective as follows:
 - a. Paragraphs 1 through 6 and paragraphs 9, 10, and 11 are effective immediately; and
 - b. Paragraphs 7 and 8 become effective on June 20, 2023.

Dated this 21st day of June, 2023, *nunc pro tunc* May 30, 2023.



Meagan A. Flynn
Chief Justice

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF [(click here to enter text)]

[(click here to enter text)]

Plaintiff/Petitioner

Case No. [(click here to enter text)]

vs.

[(click here to enter text)],

Defendant/Respondent

EXEMPLIFICATION CERTIFICATE

I, [(click here to enter text)], court administrator for the circuit court of this county, certify that the document attached is a true and correct copy of [(click here to enter text)], a record in the possession of this court. In testimony of this statement, I sign my name and affix the seal of this court on this date: [(click here to enter text)].

[court seal]

Court Administrator (or designee)

(Print Name)

I, [(click here to enter text)], judge of the circuit court for this county, certify that the person who certified the attached document is the court administrator, or designee, on the date the certificate was signed.

Date

Judge of the Circuit Court

I, [(click here to enter text)], court administrator for the circuit court of this county, certify that the Honorable [(click here to enter text)] is a judge of this court, duly sworn, and that I am well acquainted with this official signature and certify the signature written above to be that of the judge. In testimony of this statement, I sign my name and affix the seal of the court on this date: [(click here to enter text)].

[court seal]

Court Administrator (or designee)

(Print Name)

IN THE [(click here to enter text)] COURT OF THE STATE OF OREGON

[(click here to enter text)],

Lower Tribunal No. [(click here to enter text)]

Plaintiff/Petitioner

vs.

Case No. [(click here to enter text)]

[(click here to enter text)],

Defendant/Respondent

EXEMPLIFICATION CERTIFICATE

I, [(click here to enter text)], court administrator for the [(click here to enter text)] Court of the State of Oregon, certify that the document attached is a true and correct copy of [(click here to enter text)], a record in the possession of this court. In testimony of this statement, I sign my name and affix the seal of this court on this date: [(click here to enter text)].

[court seal]

Court Administrator (or designee)

(Print Name)

I, [(click here to enter text)], judge of the [(click here to enter text)] Court of the State of Oregon, certify that the person who certified the attached document is the court administrator, or authorized designee, on the date the certificate was signed.

Date

Judge of the [(click here to enter text)]

I, [(click here to enter text)], court administrator of the [(click here to enter text)] Court of the State of Oregon, certify that the Honorable [(click here to enter text)] is a judge of this court, duly sworn, and that I am well acquainted with this official signature and certify the signature written above to be that of the judge. In testimony of this statement, I sign my name and affix the seal of the court on this date: [(click here to enter text)].

[court seal]

Court Administrator (or designee)

(Print Name)