

IN THE SUPREME COURT OF THE STATE OF OREGON  
IN THE COURT OF APPEALS OF THE STATE OF OREGON

In the Matter of Adoption of Criteria )  
for Redaction of Names of Parties, ) Chief Justice Order 10-060  
Witnesses, Victims, and Others from ) Chief Judge Order 10-06  
Published Opinions )

**ORDER ADOPTING CRITERIA FOR REDACTION  
OF NAMES OF PERSONS  
FROM PUBLISHED APPELLATE COURT DECISIONS**

By this order, the Supreme Court and Court of Appeals set out criteria that the courts may use to determine whether the names of parties to cases, witnesses who have testified in proceedings, victims of criminal conduct, and other persons mentioned by name in a published decision of either court should be redacted from the title of the case, the body of the opinion, or both in the version of the court's decision as published on the Oregon Judicial Department's website. The court may make a redaction determination in response to the motion of a party, on the court's own motion, or on a request from a person whose name appears in a published opinion but is not a party to the case, such as a witness or victim.

See ORAP 2.25(4). This order applies only to decisions of the Supreme Court and Court of Appeals as published on the Oregon Judicial Department (OJD) website.

This order is effective the date the order is signed by both the Chief Justice and the Chief Judge.

A. Definitions. As used in this policy statement:

1. "Court" means the court that rendered the decision in which redaction is sought.
2. "Initiating party" refers to the party who initiated a case in the Supreme Court or Court of Appeals, including, but not necessarily limited to, an appellant on appeal, a petitioner on judicial review of a state agency decision, a petitioner on review of a Court of Appeals decision, and, with respect to the original proceedings in the Supreme Court, a relator in a mandamus proceeding and a plaintiff in a habeas corpus proceeding.
3. "Redaction" of a person's name means replacement of that person's name with initials, a pseudonym, or use of any other convention that conceals the identity of the person.

B. Adoption, Juvenile, and Civil Commitment Cases

Pursuant to statute (ORS 7.211 for adoption cases, ORS 419A.255 and ORS 419.256 for juvenile court cases, and ORS 426.160 and ORS 427.293 for civil commitment cases), the court record in adoption, juvenile, and civil commitment cases is confidential. Any natural person whose name appears in a published decision, including a witness or any other person mentioned by name, may request that his or her name be redacted from the version of the court's decision published on the OJD website.

C. FAPA, EPDAPPA, and SPO Cases

In a Family Abuse Prevention Act (FAPA), ORS 107.700 to 107.735, Elderly Persons and Persons With Disabilities Abuse (EPDAPPA), ORS 124.005 to 124.040, stalking protective order (SPO), ORS 30.866 or ORS 163.738, or dissolution of marriage, ORS 107.005 to 107.500, case, or in any other case in which the trial court has entered a protective order within the meaning of the Violence Against Women Act (WAVA), 18 USC section 2265(d)(3), the court may consider:

1. Whether the person seeking redaction is the person against whom relief was sought and the final determination on appeal is that a protective order should not have issued.

2. Whether the person seeking redaction is the person seeking the protective order and the final determination on appeal is that a protective order should have issued.

D. Criminal Cases

In a criminal case, the court may consider:

1. Whether the person seeking redaction is a victim of the crime at issue in the case.

2. Whether the person seeking redaction is the defendant and the final determination in the appellate court is in favor of the defendant.

E. All Case Types

In determining whether to redact a person's name from the version of a decision of the Supreme Court or Court of Appeals published on the OJD website, the court may consider:

1. As to a party to the case:

- a. Whether the case in the appellate court is resolved in favor of that party.

b. Whether the party (1) was the initiating party in the Supreme Court or Court of Appeals; (2) should have been aware that the case could result in a published opinion; and (3) took steps, such as filing a redacted brief under ORAP 5.95, relating to briefs containing confidential information, to protect against public disclosure of the person's name or information about the person.

2. Whether the court's decision contains information about the person requesting redaction that is either protectable or previously has been protected under UTCR 2.100, UTCR 2.110, or UTCR 2.130, the Public Records Law (ORS chapter 192), or other provision of federal or state law. The person's request for redaction should identify the law that the person believes protects the information against public disclosure.


3. Whether the person, other than a public figure or a public official identified in the court's decision in the person's official capacity, is a witness in the case, the victim of criminal conduct mentioned in the decision, or a person otherwise mentioned in a published decision of the court, and the context in which the person is mentioned reasonably causes the person to fear for the person's safety or reasonably may result in significant negative implications relating to the person's ability to transact business, gain employment, obtain housing, or the like.

The criteria identified in this order are not exclusive, and the court may consider any factor that the court or the party considers important.

DATED this 1<sup>st</sup> day of November, 2010.

  
\_\_\_\_\_  
Paul J. De Muniz, Chief Justice

DATED this 18<sup>th</sup> day of November, 2010.

  
\_\_\_\_\_  
David V. Brewer, Chief Judge