



Oregon Judicial Department
Appellate Court Services Division

Instructions for Transmission and Service of Agency
Record by Electronic Means: Optical Disk or Secure File
Transfer Protocol (SFTP)

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INSTRUCTIONS
(for transmission of agency record by electronic means
pursuant to ORAP 4.20)

INTRODUCTION

Purpose of Instructions

As provided in ORAP 4.20, a state agency may transmit the agency record on judicial review of a state agency order to the Court of Appeals or the Supreme Court is by optical disk or Secure File Transfer Protocol (SFTP). The primary purposes of these instructions are to:

- Guide state agencies in preparing and transmitting the record for optimal use of optical disk and SFTP technology;
- Guide state agencies in uploading agency records to the OJD's SFTP site, and
- Guide attorneys and self-represented parties being served with the agency record by SFTP in downloading the agency record from the SFTP site.

NOTE REGARDING SEALED AND CONFIDENTIAL DOCUMENTS: These instructions do not apply to documents in the agency record that the state agency or the court has ordered sealed. (A sealed document is a document that neither the public nor the parties to the case may view.) The agency must separately submit to the court any sealed exhibit either in conventional paper form or on an optical disk or, with the consent of the appellate court, other similar digital medium, as provided in ORAP 5.20(5). The agency must not serve a sealed document on any party to the judicial review.

A confidential document is a document that the public may not view but the parties may. A confidential document should be transmitted to the appellate court and served on the parties, but in a separate file as provided in ORAP 4.20(5).

I. REQUIREMENTS FOR AGENCY RECORDS

- General Requirements The record must be in portable document format (PDF) that allows text searching and copying and inserting into another document
- Each part of the record (the agency file, each party's exhibits, and the transcript) must be a separate PDF document, except that if the record is small (for instance, about 100 pages) and includes only the agency file and the parties exhibits, the agency file and party exhibits may be one PDF document
- The pages of agency record must be numbered. However, when individual documents are combined in to a single PDF document, the PDF application should automatically count the pages and display the page count on the computer screen when PDF document is open. The agency may rely on the PDF page-counting function to indicate the page numbers of the individual documents. And, if the pages of the transcript are numbered, the agency may rely on those page numbers rather than the PDF page count function.
- The record must include an index of contents. Each document identified in the index of contents must be bookmarked to its place in the record. The bookmark should succinctly describe each document.

A state agency already may have its agency record in a form that complies with ORAP 4.20 or the agency may have its own process for preparing the agency record in a form that complies with the rule. However, if a state agency's record is not in the required format and the agency lacks a process for putting the agency record in the required format, Section II of these instructions, beginning at page 15, provide guidance for doing so). A state agency is not required to use the record-preparation instructions in Section II; rather, OJD is making the instructions available for the voluntary use and convenience of any state agency.

A. Requirements Facilitating Filing by Electronic Means

1. Naming Convention Using Appellate "Short Case" Title.

- a. The agency must identify the agency record using this convention <appellate court case number>_<appellate court "short case" title> or <appellate court case number> _<appellate court case title> <agency initials>, depending on whether the state agency is the identified in the appellate court "short case" title. See examples below.
- b. The appellate court "short" case title is the petitioner's last name (if a natural person) or the petitioner's corporate name, versus the only respondent or the lead respondent.

- 1) Where State Agency is Lead or Only Respondent on Judicial Review. If the state agency is the lead or only respondent on judicial review, use this naming convention: <appellate court case number>_<appellate court "short case" title>

Example: The agency record for Court of Appeals No. A123456 in a Department of Human Services case in which Jane Doe is the petitioner would be:

A123456_Doe v Department of Human Services

- 2) Where State Agency is Not Lead or Only Respondent on Judicial Review. If the agency name is not included in the appellate court "short case" title, use this naming convention: <appellate court case number>_<appellate court "short case" title>_<agency initials>.

Example: The agency record for Court of Appeals No. A234567 in a Workers' Compensation case in which John Roe is the petitioner and State Accident Insurance Fund is the only or the lead respondent:

A234567_Roe v SAIF_WCB

- 3) Naming Convention for Confidential or Sealed Document. If the agency record includes one or more confidential documents in a separate file, use this naming convention for each such file: <appellate court case number>_<appellate court "short case" title>_<confidential document(s) <#>. If the agency record includes one or more sealed documents, use this naming convention for each file containing a sealed document: <appellate court case number>_<appellate court "short case" title>_<sealed document <#>.

B. Transmitting the Record by Optical Disk

The agency must download the agency record to one or more optical disks. Each disk must be identified using the naming conventions described above.

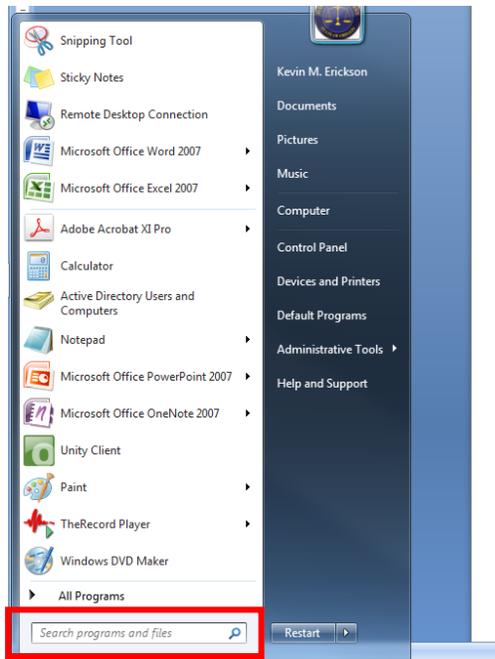
The agency must deliver the optical disk(s) containing the agency record to the Administrator and serve each party to the judicial review.

C. Transmitting the Record by SFTP

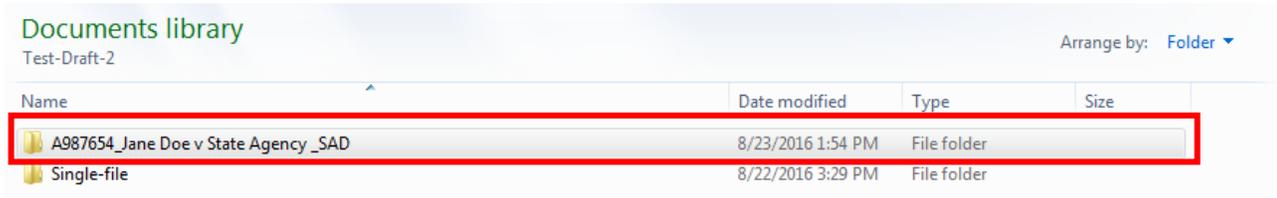
1. Single Electronic Folder. The agency record, including any index, the agency file, exhibits, and the transcript, must be combined in a single electronic folder identified using the naming conventions described above.
2. Compressing Agency Record into "Zip" Folder

After the state agency prepares the record in the required format, the agency must "compress" the folder containing the agency record into a "zip" folder before uploading the record to the SFTP site.

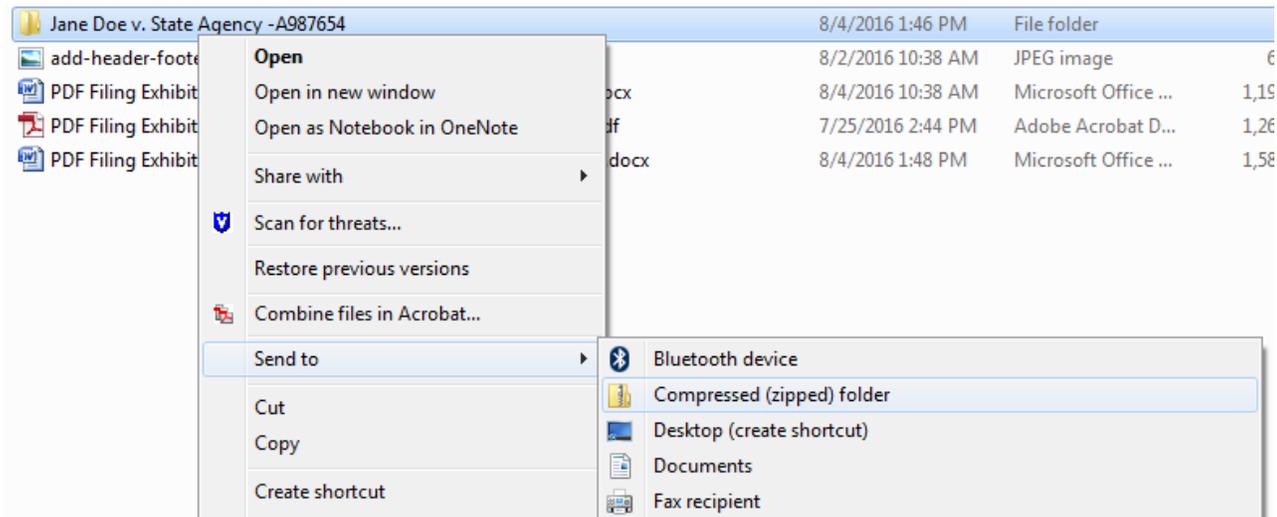
- a. Click on the Windows button and type "Windows Explorer" in the box at the bottom of the menu (if using Microsoft Operating System) and hit the "Enter" key.



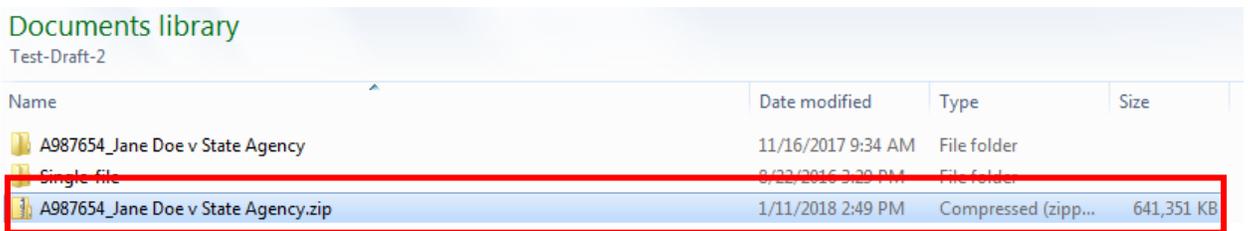
- b. A "Windows Explorer" window will display. Find and select the electronic folder containing the agency record.



- c. Right mouse click on the folder to bring up the menu. Click on **Send to > Compressed (zipped) folder**



- d. The system will create a new folder identified as <appellate court case number>_<appellate court "short case" title>.zip or <appellate court case number>_<appellate court "short case" title>_<agency initials>.zip.

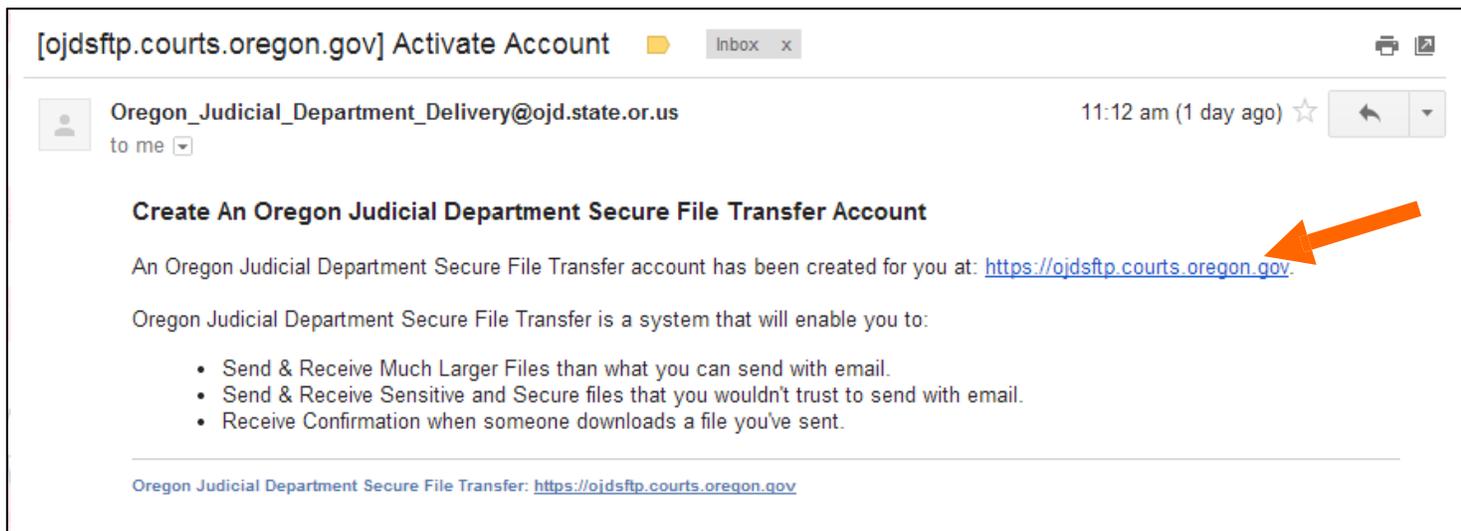


- e. Click on the "Enter" key.
- f. Repeat the process for any confidential document being filed as part of the agency record.
- g. The agency record is now ready to be uploaded to the OJD SFTP site.

3. Uploading Agency Record to the OJD SFTP Site

a. Establishing State Agency Account on the OJD SFTP Site

- i. Before a state agency may upload an agency record to the SFTP site, the agency must create an agency account. To create an agency account, the agency must send an email to appealsclerk@ojd.state.or.us and request initiation of the agency account creation procedure.
- ii. The agency will receive an email from this email address containing a link to instructions on how to activate the account:
Oregon_Judicial_Department_Delivery@ojd.state.or.us
- iii. Click the link in the email to go to the SFTP Site



- iv. When the page loads, add the site (ojdsftp.courts.oregon.gov) to your "Favorites" tab.

(v) Click the "Password Reset" button.

Oregon Judicial Department Secure File Transfer



The seal features a golden scale of justice in the center, surrounded by a blue circular border with the text "JUDICIAL DEPARTMENT STATE OF OREGON" in gold.

kevin.m.erickson@SAD.state.or.us Password Login

Remember me

Password Reset



(vi) A window will pop up. Enter your email address and click "Send"

Oregon Judicial Department Secure File Transfer

Password Reset

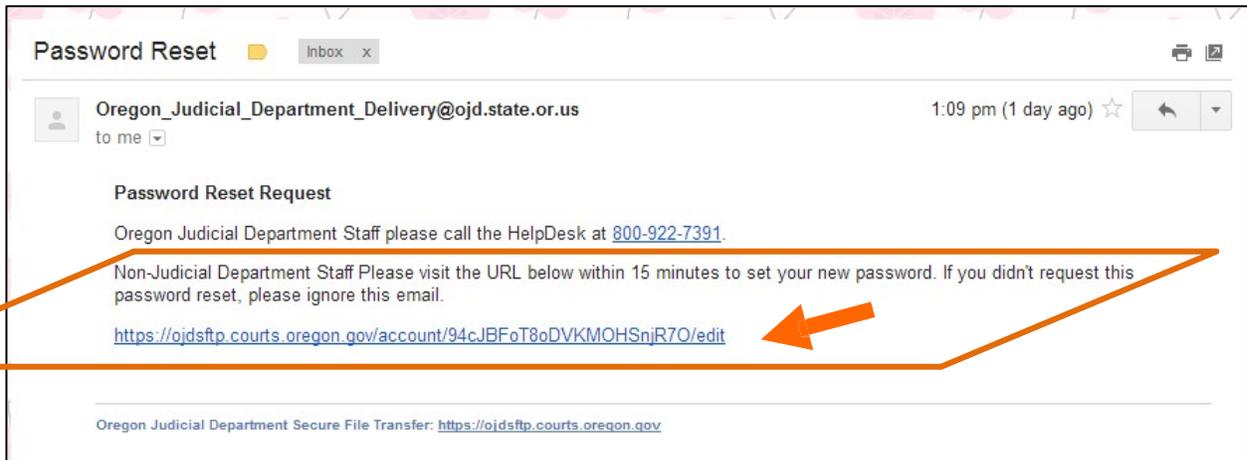
Email

Please enter your email address to reset the password. A confirmation email will be sent to this address.

Send



- (vii) You will receive another email stating that **you must set your password within 15 minutes**. Click the link in that email.



- (viii) You will be taken to a page to create a password. Follow the criteria for creating a password as set out in the text box.

Oregon Judicial Department Secure File Transfer

Password Reset

Change Password

Password

Password Confirmation

Password Complexity

You need at least 3 out of

- At least 8 characters
- At least 11 characters
- At least 15 characters
- At least 1 lower case and 1 upper case character
- At least 1 digit (0-9)
- At least one out of: !, @, #, \$, %, ^, &, *, ?, _ ~, -, (,)

4. Uploading Folder to SFTP Site

These instructions assume that you have compressed the agency record into a "zip folder" (see Part II, Section D, page 5, of these instructions) and created an OJD SFTP agency account (see Part III, Section A, page 7, of these instructions).

- a. Log into the OJD SFTP site: <https://ojdsftp.courts.oregon.gov/>. The message box at the bottom of this page will appear.
- b. In the "**To**" line, enter the email addresses of the appellate court (appealsclerk@ojd.state.or.us).
- c. Click the "Add CC" button (red circle below) then, using the CC field, enter the email address of each person to be served electronically (all attorneys and each self-represented person who has consented to being served with the agency record electronically.)
- d. In the **Subject** line enter: <appellate case number> electronic transmission of agency record.
- e. In the body of the email key in this message: "*The agency record will be available on the OJD Secure File Transfer Protocol (SFTP) system for a maximum of 14 days. Follow the instructions to access the agency record*"
- f. Select "**+Add Files**". Find and highlight the folder containing the agency record, making sure it's the "zip" compressed folder, and select "**Open**". **Repeat the process for any confidential document that is part of the agency record.**

The screenshot shows the Oregon Judicial Department Secure File Transfer web interface. At the top, there is a navigation bar with 'Compose', 'Inbox', 'Sent', and 'Download Log' on the left, and 'Account', 'Logout', and 'Help' on the right. A blue notification banner at the top left reads 'Password Reset Successfully'. The main content area is titled 'Message' and contains the following fields:

- To:** A text input field containing 'user@example.com'.
- Buttons:** Two buttons, 'add cc' and 'add bcc', are located below the 'To' field. The 'add cc' button is circled in red.
- Subject:** A text input field with the placeholder text 'Subject'.
- Message:** A large text area with the placeholder text 'Message'. An orange arrow points to the bottom of this area.
- Buttons:** A green button labeled '+ Add Files...' is located below the message body. Below it is a blue 'Send' button and a checkbox labeled 'Auto-send when current uploads are complete'.

On the right side of the form, there is a sidebar with a checked checkbox labeled 'Send a copy to myself'. Below this, a 'Limitations' section lists: 'Max size: 124 GB (Limited by disk space)' and 'Blocked Extensions'.

- g. Click "**Send**".

D. Downloading Agency Record from SFTP Site

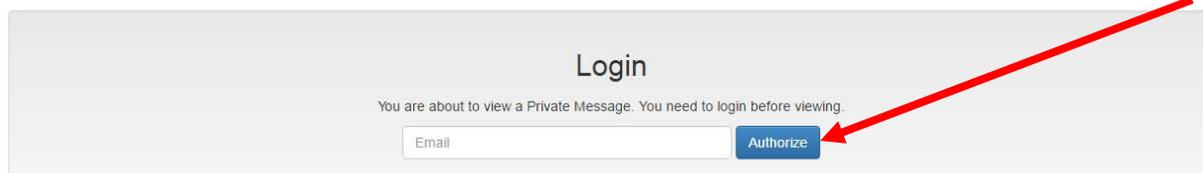
1. Establishing User Account on OJD SFTP Site

- a) If you are an attorney or a self-represented person who has consented to electronic service of the agency record, you will receive an email notifying you that an agency has uploaded the agency record.
- b) If you have not previously accessed the OJD SFTP site, you can follow one of two procedures to access the record. The first is a one-time access to retrieve the record. The second creates an account on the OJD SFTP site to retrieve the agency record for ongoing use.

i. One Time Access

- a. Select the link to the record in the email
- b. Enter your email address in the internet browser login, click "Authorize"

Oregon Judicial Department Secure File Transfer



Login

You are about to view a Private Message. You need to login before viewing.

Email

Authorize

- c. Another email will be sent to you with a validation code. Enter the code into the box with "Validation code" displayed in gray in your internet browser, then click on "Validate Email."

[ojdsftp.courts.oregon.gov] Validate Email

Kevin.M.Erickson@ojd.state.or.us
Today, 9:46 AM
You

Validate Email Address

This email contains information to validation your email address to access a secure message or attachment at ojd.sftp.courts.oregon.gov.

To validate your email address, please click on the following link:

<https://ojdsftp.courts.oregon.gov/validate/dBTOB8bSyCjEnfkMxayO4YfoeA8U6yKkDm0sXIHebuQ>

Or alternatively, enter this validation code in the browser window where you entered your email address:

YfoeA8U6yKkDm0sXIHebuQ

This code and link is valid for 1 hour from the request, until 10:46. Please click on the original link in the message email if the link has expired to request a new validation email.

Oregon Judicial Department Secure File Transfer <https://ojdsftp.courts.oregon.gov>

Login

You are about to view a Private Message. You need to login before viewing.

kimje@msn.com

Thank you. To verify that this is your email address, an email has been sent with a validation code. Enter the validation code below or alternatively click on the link in the email to be taken to the message.

Validation code

Validate Email

- d. Follow Section B, step 3 below to access the record.

2. Create OJD SFTP user account.

- a) Follow the process described in UPLOADING AGENCY RECORD TO THE OJD SFTP SITE, Part III, Section A, on page 7 of these instructions.
- b) Access and download the agency record as described in Section B below.

NOTE: If you have questions or need assistance, call the Appellate Court Records Section telephone: 503-986-5555 and select option #8.

E. Accessing & Downloading Folder from SFTP Site

1. Each party being served by SFTP will receive an email from the agency identifying the appellate case to which the agency record relates and how to access it. Click on the link in the email which will take you to the OJD SFTP site.
2. After establishing an OJD SFTP user account or using the one-time access code, login to the SFTP site (ojdsftp.courts.oregon.gov).
3. Download the agency record and save it to your computer by clicking on the "Attached files" zip folder (the zip folder name similar to the one shown by the arrow below).

NOTE: The agency record will remain on the OJD SFTP site for 14 days after the agency originally placed it there, then it will be removed.

4. To complete the record download, follow the instructions as displayed in your internet browser.

Oregon Judicial Department Secure File Transfer Compose Inbox Sent Download Log FileLink

Kevin.M.Eric

Message

Message ID 5grUxZaU
From kevin.m.erickson@ojd.state.or.us
To kevin.m.erickson@ojd.state.or.us
Subject test case
Access Restriction Only Specified Recipients can access
Message Expires November 14, 2016

Attached files Jane Doe v. State Agency -A987654.zip (630 MB) Checksum (SHA1): e6e183fd33c85d3454c575b6db4fd2a621e06de3

Message See attached



II. Preparing Agency Record for Uploading to SFTP Site

NOTE: These instructions apply only to documents that have not been sealed. The agency must separately submit to the court any sealed exhibit either in conventional paper form or on an optical disk or, with the consent of the appellate court, other similar digital medium. If the exhibits include multiple sealed documents, the agency must submit each sealed document separately.

A. Required Software and Assumptions

1. All documents in the agency record to be uploaded to the SFTP site must be in Portable Document File (PDF) format.
2. These instructions assume you are using Microsoft Windows 7 operating system and Adobe Acrobat XI Pro. If you are using a different operation system or version of Adobe, check with your Information Technology specialist to find equivalent menu items or commands.

B. Naming Convention

See Section II, Part B, page 5, of these instructions for a description of the naming conventions used to identify the agency record, including any confidential document that is part of the agency record, for filing with the appellate court and service on the parties.

C. Preparing the Record

1. Combining Documents into Single PDF Document

a. Agency File

The documents constituting the agency file should be combined into a single PDF document of up to approximately 100 pages. Create as many combined PDF documents as necessary. Name each PDF document consistent with this convention:

A123456_Doe v Department of Human Services_file 1
A234567_Roe v SAIF_WCB_file 2

b. Parties' Exhibits

The documents constituting each party's exhibits should be combined into a single PDF document of up to approximately 100 pages. Create as many combined PDF documents as necessary. Name each PDF document consistent with this convention:

A123456_Doe v Department of Human Services_pet exh 1
A234567_Roe v SAIF_WCB_agency exh 2

Note: If the agency file and the parties' exhibits together are approximately 100 pages or less, the agency may combine all the documents into a single PDF document.

c. Transcript

Each volume of the transcript should constitute a file, named consistent with this convention:

A123456_Doe v Department of Human Services_Tr Vol 1
A234567_Roe v SAIF_WCB_Tr Vol 2

2. Pagination, Index of Contents, and Bookmarking Documents within Each PDF Document

a. Generally

When documents are combined into a single PDF document, the Adobe PDF application counts the pages and, when the PDF document is open, displays the page number on the computer screen. Each PDF document containing the agency file and each PDF document containing each party's exhibits should contain an index of contents. The index of contents for each PDF document containing the agency file and each party's exhibits should identify the page number using the PDF page count number where the document will be found. Each individual document listed in the index should be bookmarked to where in the PDF document the individual document will be found.

Note: Create the index of contents without page numbers and bookmarks and add it to the PDF document first, because adding the index of contents will affect the PDF page count.

If the transcript already contains its own index of contents and page numbers, the agency need not prepare a separate index of contents for the transcript.

b. Creating an Index of Contents

1) Prepare an index of contents for each combined PDF document that:

- a) Includes at the top of the first page the appellate short case title and the appellate case number.
- b) Shows the first page number of each individual document in the combined PDF document.

Note: Create the index of contents without page numbers or bookmarks and save it to the combined PDF document first as described in the next part, because adding the index will affect the PDF page count.

See the example at subpart E of this section below.

2) Saving the Index of Contents

Save the index of contents in PDF format. The system will prompt for a file name. Move the index of Contents to the combined PDF document as the first document.

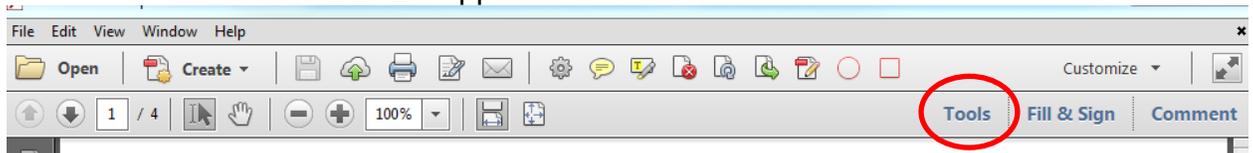
c. Creating Bookmarks

Follow these instructions to create a bookmark for each individual document in the Index of Contents for each combined PDF document.

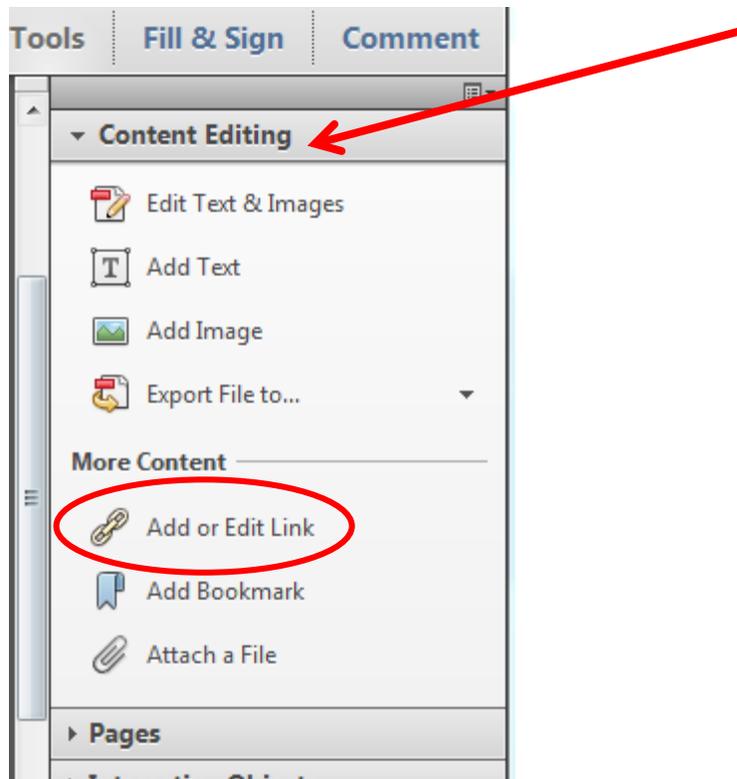
Note: If you used Adobe Acrobat Pro to combine individual documents, including the Index of Contents, into one PDF, then Adobe Acrobat Pro will have created the bookmarks for each document included into the PDF document. The next step is to complete the bookmarks in the Index of Contents, but skip step 8 below.

1. Open the document that contains the Index of Contents.

2. Select the item "Tools" from the Tool Bar. A task pane will display on the left side of the application window.

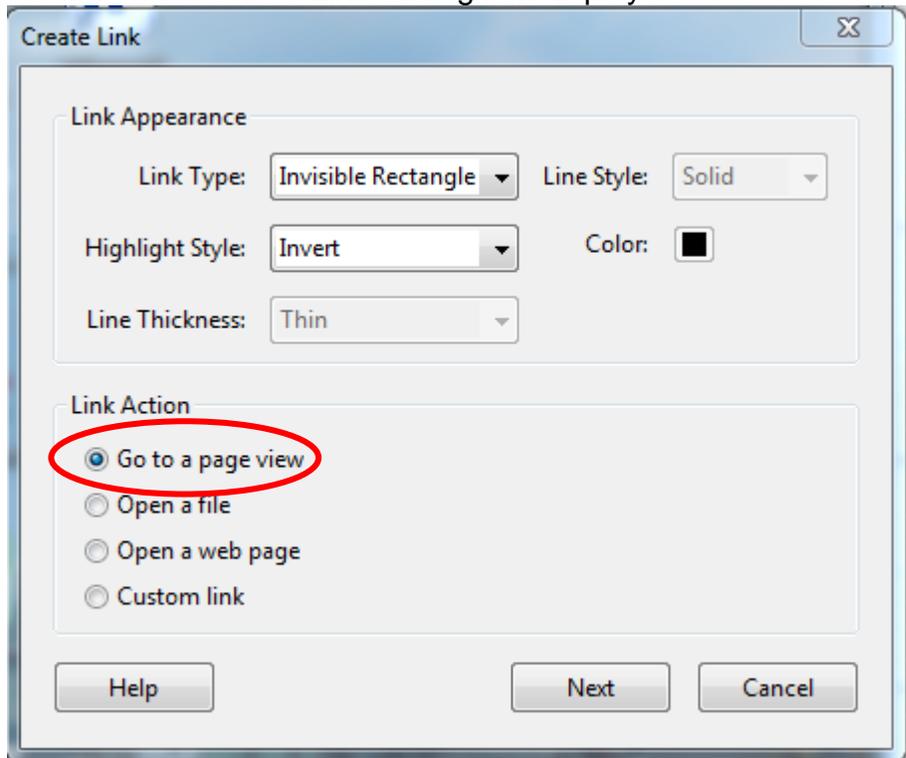


3. Select "Content Editing" to display available commands.

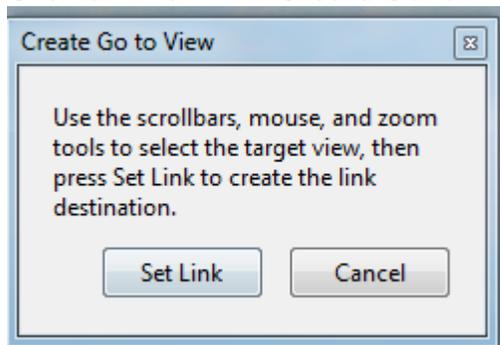


4. Select "Add or Edit Link" under the "More Content" section. (The cursor changes to crosshairs.)

5. Position your cursor on the first agency record document listed in the Index of Contents and highlight the word you want to use as the bookmark. A "Create Link" dialog box displays.



6. Under "Link Action" make sure "Go to a page view" is selected.
7. Click on "Next". A "Create Go to View" dialog box displays.



8. Open the document you want to connect the bookmark to. (Skip this step if you have consolidated all the documents into a single pdf.)
9. Navigate to the document page you want displayed when you select the bookmark in the Index of Contents.
10. Click on "Set Link."
11. Repeat steps 4 through 10 for all remaining items in your Index of Contents.
12. Save the Index of Contents.

3. Single Electronic Folder

Combine all of the PDF documents into a single electronic folder identified using the naming conventions described in these Instructions.

D. Compressing Agency Record into “Zip” Folder

Return to Part II, Part C (Compressing Agency Record into “Zip” Folder), at page 6 of these instructions.

E. Example of Index of Contents for an Agency Record

Company A, Petitioner vs. Jane Doe, Respondent, Court of Appeals No. A123456

DOCUMENTS	PAGE
PETITION FOR JUDICIAL REVIEW	2
ORDER ON REVIEW	5
Reply Brief	13
Respondent's Brief	17
Appellant's Brief	31
Notice of Briefing	33
Acknowledgment of Request for Review	34
Request for Board Review	35
OPINION AND ORDER ON RECONSIDERATION	38
Letter from Atty Bob to ALJ Mary	45
Reply to Motion for Abatement and Reconsideration	46
Response to Motion for Abatement and Reconsideration	48
ORDER OF ABATEMENT	49
Request for Reconsideration and Motion for Abatement	51
MOTION FOR ORDER OF ABATEMENT	54
OPINION AND ORDER	56
Declaration in Support of Attorney's Fees	63
Notice of Hearing-Amended	67
Letter from Atty Frank to ALJ Mary	68
Response to Issues	69
Notice of Hearing	71
Request for Hearing	72
CLAIMANT’S EXHIBITS	
Dr. Jones’ Report	73
EMPLOYER’S EXHIBITS	77
Personal Services Contract	
TRANSCRIPTS	

Note: Sealed documents submitted separately.

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