

**AMENDED UNIFORM TRIAL COURT RULES
(Effective August 1, 2019)
AND SUMMARY OF OTHER UTCR COMMITTEE ACTIONS**

I. INTRODUCTION

The amended Uniform Trial Court Rules (UTCR) take effect on August 1, 2019. The amendments are the result of suggestions and comments received from the public, bench, bar, and interested agencies. The proposed amendments were posted on the Oregon Judicial Department website to invite public comment. Additional information on the UTCR can be viewed at: <http://www.courts.oregon.gov/programs/utcr/Pages/default.aspx>.

II. FUTURE MEETINGS

The next meeting of the UTCR Committee is scheduled for October 18, 2019. The committee will review proposed changes to the UTCR and the Supplementary Local Rules. They will make recommendations to the Chief Justice on those proposals. This is the only meeting in the next UTCR cycle at which the committee intends to accept proposals for UTCR changes that would take effect August 1, 2020. Meeting dates for the following year will be scheduled at this meeting.

III. BRIEF DESCRIPTIONS OF SPRING 2019 ACTIONS

See Section IV for detailed explanations. Related changes have been grouped together for the convenience of the reader. Thus, related items are not listed in rule number order.

A. APPROVED CHANGES

These changes have been approved by the Chief Justice. They become effective on August 1, 2019.

1. 1.050 – PROMULGATION OF SLR; REVIEW OF SLR; ENFORCEABILITY OF LOCAL PRACTICES
Amended section (1)(b) to remove superfluous wording.
2. 1.160 – FILING OF DOCUMENTS WITH COURTS; LOCAL SLR
Amended to use consistent terminology and to make clear it is applicable to both electronically filed and conventionally filed documents.
3. 21.010 – DEFINITIONS
Amended section (1) regarding definition of “conventional filing.”
4. 2.010 – FORM OF DOCUMENTS
Amended section (7) to remove the Certificate of Document Preparation requirement.
5. Form 2.010.7 – CERTIFICATE OF DOCUMENT PREPARATION
Repealed the Certificate of Document Preparation form.
6. Form 2.100.4a – REQUEST TO SEGREGATE PROTECTED PERSONAL INFORMATION FROM CONCURRENTLY FILED DOCUMENT
Amended to conform to the amendment of UTCR 2.010(7).

7. Form 2.100.8 – REQUEST TO INSPECT UTCR 2.100 SEGREGATED INFORMATION SHEET
Amended to conform to the amendment of UTCR 2.010(7).
8. Form 2.110.4a – REQUEST TO REDACT PROTECTED PERSONAL INFORMATION FROM EXISTING CASE FILE
Amended to conform to the amendment of UTCR 2.010(7).
9. Form 8.080.3 – REQUEST FOR HEARING RE: STATUTORY RESTRAINING ORDER
Amended to conform to the amendment of UTCR 2.010(7).
10. 2.010 – FORM OF DOCUMENTS
Amended section (13) to change the case name citation requirement from underlined to *italicized*, consistent with the Oregon Appellate Courts Style Manual.
11. 2.100 – PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, REQUIREMENTS AND PROCEDURES TO SEGREGATE WHEN SUBMITTING
Amended sections (2)(b)(i), (2)(b)(ii), (2)(b)(iii), (3)(c)(ii), (3)(d)(ii), and (7)(d) to update citations to the public record statutes.
12. 2.110 – PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, PROCEDURES TO SEGREGATE WHEN INFORMATION ALREADY EXISTS IN A CASE FILE
Amended section (3)(c)(ii) to update citation to the public record statutes.
13. 2.130 – CONFIDENTIAL PERSONAL INFORMATION IN FAMILY LAW AND CERTAIN PROTECTIVE ORDER PROCEEDINGS
Amended sections (6)(g), (6)(h), and (11)(b)(iii) to update citations to the public record statutes.
14. 2.100 – PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, REQUIREMENTS AND PROCEDURES TO SEGREGATE WHEN SUBMITTING
Amended sections (4)(b), (4)(c), (4)(e), (5)(b), (6)(b), (8)(a), (9)(a), and (9)(b)(ii), to replace “affidavit” with “request” for consistency with the related forms.
15. 2.110 – PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, PROCEDURES TO SEGREGATE WHEN INFORMATION ALREADY EXISTS IN A CASE FILE
Amended sections (4)(a), (4)(b), (4)(e), and (5)(b) to replace “affidavit” with “request” for consistency with the related forms.
16. 2.130 – CONFIDENTIAL PERSONAL INFORMATION IN FAMILY LAW AND CERTAIN PROTECTIVE ORDER PROCEEDINGS
Amended section (1)(a) to conform to related forms.
17. 5.150 – STREAMLINED CIVIL JURY CASES
Amended the rule to make changes regarding the rule name, time to trial, pretrial conferences, written discovery agreements, limitations on discovery, deadline for completion of discovery, discovery disputes, trial stipulations, and the related forms.

18. Form 5.150.1a – MOTION FOR A STREAMLINED CIVIL JURY CASE DESIGNATION
Amended the form to conform to the amendment to UTCR 5.150 and move the form from the UTCR Appendix to the Oregon Judicial Department website.
19. Form 5.150.1b – ORDER DESIGNATING A STREAMLINED CIVIL JURY CASE
Amended the form to conform to the amendment to UTCR 5.150 and move the form from the UTCR Appendix to the Oregon Judicial Department website.
20. 5.180 – CONSUMER DEBT COLLECTION
Adopted a new rule governing consumer debt collection cases.
21. 15.030 – CONSUMER DEBT COLLECTION – SMALL CLAIMS
Adopted a new rule governing small claims consumer debt collection cases.
22. 6.050 – SUBMISSION OF TRIAL MEMORANDA AND TRIAL EXHIBITS
Amended section (3) to exempt exhibits in juvenile cases.
23. 6.120 – DISPOSITION OF EXHIBITS
Amended to exempt exhibits in juvenile cases.
24. 11.110 – SUBMISSION OF EXHIBITS
Adopted a rule regarding local rules on the submission of exhibits in juvenile cases.
25. 11.120 – MAINTENANCE OF EXHIBITS
Adopted a rule governing maintenance of exhibits in juvenile cases.
26. 21.020 – LOCAL RULES OF COURT NOT PERMITTED
Amended to allow an exception for UTCR 11.110.
27. 21.070 – SPECIAL FILING REQUIREMENTS
Amended section (3)(p) to conform to UTCR 11.110.
28. 8.010 – ACTIONS FOR DISSOLUTION OF MARRIAGE, SEPARATE MAINTENANCE AND ANNULMENT, AND CHILD SUPPORT
Amended sections (5), (7)(a), (7)(b), and (7)(c) to allow use of a declaration in lieu of an affidavit.
29. 8.040 – PREJUDGMENT RELIEF UNDER ORS 107.095(1)
Amended sections (1) and (2) to allow use of a declaration in lieu of an affidavit.
Amended sections (3) and (4) to clarify when a Uniform Support Declaration must be filed.
30. 8.090 – CERTIFICATE REGARDING PENDING CHILD SUPPORT PROCEEDINGS AND/OR EXISTING CHILD SUPPORT ORDERS AND/OR JUDGMENTS
Amended to change the location of the certificate and related information.
31. 10.020 – PREPARATION AND DELIVERY OF THE RECORD ON REVIEW
Amended to require electronic filing of the DMV record.

32. 21.070 – SPECIAL FILING REQUIREMENTS
Amended section (3)(k) to remove DMV records from the list of documents that must be conventionally filed.
33. 21.020 – LOCAL RULES OF COURT NOT PERMITTED
Amended to allow an exception for supplementary local rules adopted pursuant to the amendment to UTCR 10.020.
34. 21.070 – SPECIAL FILING REQUIREMENTS
Amended section (3) to add extreme risk protection order (ERPO) petitions, and supporting affidavits, to the list of documents that must be conventionally filed, when submitted by a family or household member.
35. 21.070 – SPECIAL FILING REQUIREMENTS
Amended section (5) to allow judicial districts to adopt SLR requiring electronic filers to notify the court when an expedited matter has been filed electronically.
36. 23.020 – ASSIGNMENT OF CASES TO THE OCLC
Amended section (5) to eliminate the requirement that parties provide copies of the court file to the assigned Oregon Complex Litigation Court (OCLC) judge.
37. Chapter 24 – POST-CONVICTION RELIEF
Adopted statewide rules for post-conviction relief (PCR) cases.

B. PROPOSALS NOT ADOPTED

1. 1.160 – FILING OF DOCUMENTS WITH COURTS; LOCAL SLR
Amend to require submission of original, signed documents for conventional filing.
2. 1.170 – COURT WEBSITES; HOURS OF COURT OPERATION
Amend section (2) to require courts to post a contact phone number or email address on the court's website.
3. 2.010 – FORM OF DOCUMENTS
Amend section (9) to add a provision requiring English translations of exhibits that are in a foreign language.
4. 21.090 – ELECTRONIC SIGNATURES
Amend section (4) to allow electronic signatures on declarations.
5. 24.240 – FILING OF DOCUMENTS WHEN PETITIONER IS REPRESENTED BY COUNSEL
Adopt a rule addressing the process for *Church v. Gladden/Bogle v. State* claims.

C. OTHER

1. 21.080 – ELECTRONIC FILING AND ELECTRONIC FILING DEADLINES
Reviewed section (5) for conflict with ORS 21.100 considering the Appellate Commissioner's ruling in *Otnes v. PCC Structural, Inc.*, A167525.
2. 21.100 – ELECTRONIC SERVICE
Discussed electronic service issues.

3. Committee Membership Update.
4. Fall 2019 Meeting
October 18, 2019.

IV. DETAILED DESCRIPTIONS OF SPRING 2019 ACTIONS

A. APPROVED CHANGES

These changes have been approved by the Chief Justice. They are effective on August 1, 2019.

Deletions are shown in [*brackets and italics*]. Additions are shown in {**braces, underline, and bold**}. A proposed revision (in lieu of a simpler amendment) consists of a complete rewriting of a rule or form so there is no use of [*brackets and italics*] or {**braces, underline, and bold**}. The same is true of a new rule or form.

1. **1.050** – PROMULGATION OF SLR; REVIEW OF SLR; ENFORCEABILITY OF LOCAL PRACTICES

PROPOSAL

Amend section (1)(b) to remove superfluous wording.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Bruce Miller, UTCR Reporter, on August 1, 2018. The purpose of this proposal is to eliminate an unnecessary cross reference in 1.050(1)(b) to 1.050(1)(e). Subsection (e) allowed a special set of SLR that were necessary during the implementation phase of the Oregon eCourt Program. Subsection (e) was deleted effective August 1, 2016, upon completion of that implementation. Therefore, reference to subsection (e) is no longer necessary or appropriate.

APPROVED AMENDMENT

1.050 PROMULGATION OF SLR; REVIEW OF SLR; ENFORCEABILITY OF LOCAL PRACTICES

(1) Promulgation of SLR

(a) * * *

(b) A court must incorporate into its SLR any local practice, procedure, form, or other requirement ("local practice") with which the court expects or requires parties and attorneys to comply. [*Except as provided in paragraph (e), a*]{**A**} court may not adopt SLR that duplicate or conflict with the constitutions, statutes, ORCP, UTCR,

Chief Justice Orders, Supreme Court Orders, disciplinary rules for lawyers, judicial canons, or ORAP. A court may not adopt SLR that establish internal operating procedures of the court or trial court administrator that do not create requirements or have potential consequences for parties or attorneys.

(c) * * *

* * * * *

2. 1.160 – FILING OF DOCUMENTS WITH COURTS; LOCAL SLR

PROPOSAL

Amend to use consistent terminology and to make clear it is applicable to both electronically filed and conventionally filed documents.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Lisa Norris-Lampe, on behalf of the OJD Law and Policy Work Group, on August 30, 2018. The purpose of this proposal is to update the wording in the rule to more accurately and clearly apply to both electronically and conventionally filed documents. Item A.3. amends similar wording in UTCR 21.010 in conformance with this proposal.

APPROVED AMENDMENT

1.160 {SUBMITTING DOCUMENTS FOR} FILING [OF DOCUMENTS] WITH COURTS; LOCAL SLR

- (1) A document {submitted for filing}[to be filed] with the court, including any document submitted to a judge or judicial staff, is not considered filed until it is accepted by court staff designated by the trial court administrator to accept court filings.
- (2) A local court may adopt an SLR to designate where a {document}[filing] may be submitted{for filing}. SLR 1.161 is reserved for {that purpose}[courts to designate where filings may be submitted].
- (3) Proposed orders and judgments {submitted for}[awaiting] judicial signature may be delivered to a judge or judicial staff as otherwise permitted or required under these rules.
- (4) A {court}[judicial district] must accept a {document submitted for} filing that is substantially in the form of the corresponding document made available to the public on <http://www.courts.oregon.gov/forms/Pages/default.aspx>, if the proper fee is tendered when required and the document is {submitted for filing}[filed] in compliance with all applicable statutes and rules.

3. 21.010 – DEFINITIONS

PROPOSAL

Amend section (1) regarding definition of “conventional filing.”

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee’s October 5, 2018, preliminary recommendation of approval became the committee’s final recommendation of approval.

EXPLANATION

Please see the explanation for amendment of UTCR 1.160 above (Item IV.A.2.).

APPROVED AMENDMENT

21.010 DEFINITIONS

The following definitions apply to this chapter:

- (1) “Conventional filing” means a process whereby a filer **submits***[files]* a paper document **for filing** with the court.

* * * * *

4. 2.010 – FORM OF DOCUMENTS

PROPOSAL

Amend section (7) to remove the Certificate of Document Preparation requirement.

ACTION TAKEN

The committee received two public comments. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee’s October 5, 2018, preliminary recommendation of approval became the committee’s final recommendation of approval.

EXPLANATION

This proposal was submitted by Lisa Norris-Lampe, on behalf of the OJD Law and Policy Work Group, on August 30, 2018. The purpose of this proposal is to remove the certificate of document preparation, which indicates whether a litigant received assistance in completing the document and whether they paid for that assistance. The proponent noted that the certificate of document preparation was originally intended to deter the unauthorized practice of law. However, the data included in the certificate has never been compiled or analyzed for this purpose, and the certificate has been a source of confusion and additional workload for some self-represented litigants and legal aid providers.

At the March 8, 2019, UTCR committee meeting the committee discussed the public comments received. One public comment supported the removal of the form while the other public comment suggested that the form should be retained to track the unauthorized practice of law. The committee discussed that even without the form, the court may reach out to a litigant to inquire whether the litigant

received assistance in completing the form and to follow up regarding any problems. The committee felt that these circumstances were rare and did not merit the retention of the form.

Items A.5. through A.9. are conforming amendments that remove the certificate of document preparation from various forms.

APPROVED AMENDMENT

2.010 FORM OF DOCUMENTS

Except where a different form is specified by statute or rule, the form of any document, including pleadings and motions, filed in any type of proceeding must be as prescribed in this rule.

* * * * *

(7) Attorney or Litigant Information

All documents must include the author's court contact information under UTCR 1.110(1) and, if prepared by an attorney, the name, email 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.*]

* * * * *

5. Form 2.010.7 – CERTIFICATE OF DOCUMENT PREPARATION

PROPOSAL

Repeal the Certificate of Document Preparation form.

ACTION TAKEN

No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

Please see the explanation for amendment of UTCR 2.010 above (Item IV.A.4.).

APPROVED DELETION (see next page)

Certificate of Document Preparation. I certify that (check all boxes and complete all blanks that apply):

- A. I chose this document for myself, and I completed it without paid help.
- B. A court facilitator helped me choose or complete this document.
- C. A free legal help organization helped me choose or complete this document.
- D. I paid or will pay _____ for help to complete this document.
- E. I used the court's interactive online form system to choose and complete this document, and I did not pay anyone to review the completed document.

(Signature)

6. Form 2.100.4a – REQUEST TO SEGREGATE PROTECTED PERSONAL INFORMATION FROM CONCURRENTLY FILED DOCUMENT

PROPOSAL

Amend to conform to the amendment of UTCR 2.010(7).

ACTION TAKEN

No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

Please see the explanation for amendment of UTCR 2.010 above (Item IV.A.4.).

APPROVED AMENDMENT (see next page)

PERSON MAKING REQUEST MUST COMPLETE ALL THE FOLLOWING AS INDICATED:

1. *(Initial to confirm)* _____ The specific protected personal information described above is provided on the attached UTCR 2.100 segregated information sheet.
2. *(Initial to confirm)* _____ I have segregated the information described above from another document or form that I am submitting at the same time, *(describe document or form)* _____, to keep the protected information from being available to the general public. I appropriately noted in that other document the places where information has been provided in the attached information sheet rather than in that document. *(No fee is charged when information is segregated at time of submission.)*
3. I *(initial one)* _____ have OR _____ have not attached a self-addressed, stamped postcard with language required by UTCR 2.100 so that the court can inform me of its response to this request.
4. *(Initial to confirm)* _____ I understand that while the protected personal information may be withheld from the general public if this request is granted, it may still be available to some persons and government agencies as described in UTCR 2.100.
- [5. *(Initial to confirm, "na" if not applicable)* _____ *If this document was prepared by someone who is not an attorney, I have attached a completed document preparation certification that applies to both this request and the attached form as required by UTCR 2.010(7).]*
- {5}[6]. *(Initial to confirm)* _____ I have mailed or delivered copies of this request *(not including the attached UTCR Form 2.100.4b and its attachments)* to the persons required by UTCR 2.080.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Date _____
OSB# *(if applicable)* _____

Signature _____
Type or print name _____

For office use:

Request _____ granted OR _____ denied *(state reason)* _____

Date: _____

TRIAL COURT ADMINISTRATOR
By _____

7. Form 2.100.8 – REQUEST TO INSPECT UTCR 2.100 SEGREGATED INFORMATION SHEET

PROPOSAL

Amend to conform to the amendment of UTCR 2.010(7).

ACTION TAKEN

No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

Please see the explanation for amendment of UTCR 2.010 above (Item IV.A.4.).

APPROVED AMENDMENT (see next page)

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

_____ Division - _____
(court's address and phone number)

Case name: _____)
Plaintiff Name _____)
 v. _____)
1st Defendant Name _____)

CASE No. _____

**REQUEST TO INSPECT UTCR 2.100
SEGREGATED INFORMATION SHEET**

By this form, I request to see or obtain a copy of part or all of a UTCR 2.100 Segregated Information Sheet (SIS) that is being withheld from the public. I have completed this form to provide the information the court requires of me to make this request. I understand the court will not automatically grant this request but will use applicable law to decide whether I have a right to see or copy the information I request. I understand this request will be a public record whether or not granted.

1. Information about me:

- a. My Name: _____
- b. My Address: _____
- c. My Telephone number: _____
- d. Other contact information for me: _____
- e. I believe I have a legal right to see the information because (*explain reasons*): _____

2. To identify the UTCR 2.100 Segregated Information Sheet (SIS) I am requesting:

- a. Name of person who submitted request for SIS: _____
- b. Date request submitted: _____
- c. Description of document from which information is segregated: _____
- d. General description(s) of protected personal information I am requesting to see (*use same general description as on request in file*): _____
- e. Row number(s) of description of this information on request: _____
- f. Name of person to whom information relates (*if known*): _____
- g. The request for the SIS shows that the SIS includes other information I am not requesting to inspect or copy (*check one*) ____ Yes OR ____ No. (*If Yes, this other information will be redacted*)

3. Confirming additional requirements completed:

[a. (Initial to confirm, "na" if not applicable) _____ If this document was prepared by someone who is not an attorney, I have attached a completed document preparation certification that applies to both this request and the attached form as required by UTCR 2.010(7).]

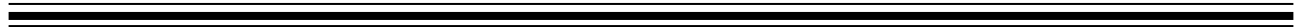
{a}[b]. (Initial to confirm) _____ I have mailed or delivered copies of this request to the following persons required by UTCR 2.080 (list names): _____.

{b}[c]. (Initial to confirm) _____ I understand that I will be responsible for any costs resulting from the court responding to this request except those costs for which I have obtained a waiver, and will advance money to cover those costs if requested by the court.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Date _____
OSB# (if applicable) _____

Signature _____
Type or print name _____



For Office use:

Request to inspect _____ granted OR _____ denied (state reason) _____

Related comments: _____

Date: _____

TRIAL COURT ADMINISTRATOR
By _____

8. Form 2.110.4a – REQUEST TO REDACT PROTECTED PERSONAL INFORMATION FROM EXISTING CASE FILE

PROPOSAL

Amend to conform to the amendment of UTCR 2.010(7).

ACTION TAKEN

No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

Please see the explanation for amendment of UTCR 2.010 above (Item IV.A.4.).

APPROVED AMENDMENT (see next page)

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

_____ Division - _____
(court's address and phone number)

Case name: _____)
 _____)
 Plaintiff Name _____)
 V. _____)
 _____)
 1ST Defendant Name _____)

CASE No. _____

**UTCR 2.110 REQUEST TO REDACT
PROTECTED PERSONAL INFORMATION
FROM DOCUMENT EXISTING IN CASE FILE**

IMPORTANT NOTE TO PERSON COMPLETING THIS REQUEST: Except as specifically ordered by a court, this request and UTCR Form 2.100.4b **cannot be used for contact information** (addresses, telephone numbers, employer identification, and similar information that can be used to contact someone, see *UTCR 2.110*). The type of information that can be protected by this form is limited to what is listed in UTCR 2.100.

To the court: Pursuant to UTCR 2.110, I request that the protected personal information in the form attached to this request be redacted from a document in the case file for the case noted above that the general public can see.

The protected personal information I request to be segregated is as follows:

A. The following is a general description of the protected personal information (<i>example description: "my Social Security number" or "father's bank account number"</i>). <u>Do not include specific protected personal information here.</u>	B. The following is the legal authority by which I believe this information may be exempt from public inspection (<i>cite to statute, rule, case, etc.</i>). <i>Row numbers correspond to those in column A. Add rows in both columns as necessary.</i>
1.	1.
2.	2.
3.	3.
4.	4.

PERSON MAKING REQUEST MUST COMPLETE ALL THE FOLLOWING AS INDICATED:

1. *(Initial to confirm)* _____. The specific protected personal information described above is provided on the attached UTCR 2.100 segregated information sheet.
2. The specific protected personal information is in the document in the case file that the following identifies:
 - a. Case file number where found: _____.
 - b. Description of document containing the information: _____.
 - c. Page number (*identification*) of the page(s) containing the information: _____.
 - d. A copy of the object page(s) showing specifically the information to be redacted is attached (*required*):
__ Yes __ No
3. I have attached the required fee of \$_____ per page for all of the _____ (*number of pages*) pages I have requested be redacted for a total amount of \$_____ (*total amount of check or money order attached*).
__ Yes __ No
4. I (*initial one*) _____ have OR _____ have not attached a self-addressed, stamped postcard with language required by UTCR 2.110 so that the court can inform me of its response to this request.
5. *(Initial to confirm)* _____. I understand that while the protected personal information may be withheld from the general public if this request is granted, it may still be available to some persons and government agencies for purposes described in UTCR 2.100.
- [6. *(Initial to confirm, write "na" if not applicable)* _____. *If this document was prepared by someone who is not an attorney, I have attached a completed document preparation certification that applies to both this request and the attached form as required by UTCR 2.010(7).*]
- {6}[7]. *(Initial to confirm)* _____. I have mailed or delivered copies of this request (*not including the attached UTCR Form 2.100.4b and its attachments*) to the persons required by UTCR 2.080.

I hereby declare that the above statement, the attached information sheet, and any attachments to the information sheet are true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Date _____
OSB# (*if applicable*) _____

Signature _____
Type or print name _____

For office use:

Segregation ____ granted OR ____ denied (*state reason*) _____

Date: _____

TRIAL COURT ADMINISTRATOR
By _____

9. Form 8.080.3 – REQUEST FOR HEARING RE: STATUTORY RESTRAINING ORDER

PROPOSAL

Amend to conform to the amendment of UTCR 2.010(7).

ACTION TAKEN

No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

Please see the explanation for amendment of UTCR 2.010 above (Item IV.A.4.).

APPROVED AMENDMENT (see next page)

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

_____)
Petitioner)
and)
_____)
Respondent)

Case No: _____

**REQUEST FOR HEARING RE:
STATUTORY RESTRAINING
ORDER**

Marriage
 Registered Domestic
Partnership (RDP)
 Unmarried Parents

I, Petitioner Respondent, request a hearing to terminate or modify the following terms of the Statutory Restraining Order (*explain*):

- a. Paragraph 1 Terminate (or) Modify : _____

- b. Paragraph 2 Terminate (or) Modify : _____

- c. Paragraph 3 Terminate (or) Modify : _____

- d. Paragraph 4 Terminate (or) Modify : _____

Additional pages attached, titled "Termination or Modification requests, continued"

I will will not be represented by a lawyer at the hearing.

Certificate of Document Preparation. Check all that apply:

- I chose this form for myself and completed it without paid help.
 A legal help organization helped me choose or complete this form, but I did not pay money to anyone.
 I paid (or will pay) _____ for help choosing, completing, or reviewing this form.

Date

Signature

Name (printed)

Contact Address

City / State / ZIP

Contact Phone]

Certificate of Mailing

I certify that on (date): _____ I placed a true and complete copy of this request in the United States mail to Petitioner Respondent at (address): _____

Date

Signature

Print Name

10. 2.010 – FORM OF DOCUMENTS

PROPOSAL

Amend section (13) to change the case name citation requirement from underlined to *italicized*, consistent with the Oregon Appellate Courts Style Manual.

ACTION TAKEN

The committee received two public comments. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Bruce Miller, UTCR Reporter, on August 1, 2018. The purpose of this proposal is to change the required format for case name citations from underlined to italicized to align trial court citations with the citation format used in the appellate courts. One committee member noted that many attorneys already italicize case citations in the trial courts and that this change will conform the rule to current practice.

At the March 8, 2019, spring UTCR committee meeting, the committee discussed the public comments received. Both comments were generally supportive of the change but one of the comments suggested broadening the rule to allow the case name citation to be either underlined or italicized. The committee discussed the intent to align the UTCR with the appellate rule, which allows only italicization, and retained the original proposal without amendment.

APPROVED AMENDMENT

2.010 FORM OF DOCUMENTS

Except where a different form is specified by statute or rule, the form of any document, including pleadings and motions, filed in any type of proceeding must be as prescribed in this rule.

(1) * * *

* * * * *

(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]{***Blank v. Blank***}, ___ Or ___ (year) or as [State v. Blank]{***State v. Blank***}, ___ Or App ___ (year). Parallel citations may be added.

(14) * * *

* * * * *

11. 2.100 – PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, REQUIREMENTS AND PROCEDURES TO SEGREGATE WHEN SUBMITTING

PROPOSAL

Amend sections (2)(b)(i), (2)(b)(ii), (2)(b)(iii), (3)(c)(ii), (3)(d)(ii), and (7)(d) to update citations to the public record statutes.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Bruce Miller, UTCR Reporter, on August 1, 2018. The purpose of the proposal is to update citations to public record statutes where the statutes have been renumbered. The substance of the rule remains unchanged. Items A.12. and A.13. update citations to public record statutes in UTCR 2.110 and 2.130.

APPROVED AMENDMENT

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

(1) * * *

* * * * *

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

(a) * * *

(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 [192.502(2)]{**192.355(2)(a)**}.
- (ii) Maiden names, birth dates, and places of birth that can be kept confidential under ORS [192.502(2)]{**192.355(2)(a)**}.
- (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]{**192.311**} to [192.505]{**192.431**}).
- (iv) * * *

* * * * *

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

(a) * * *

* * * * *

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

(i) * * *

(ii) That can be made confidential under ORS 25.020(8)(d), 109.767(5), 110.575, or [192.445]{**192.368**}.

(4) * * *

* * * * *

(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) * * *

* * * * *

(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)]{**192.355(10)**}.

(e) * * *

* * * * *

12. 2.110 – PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, PROCEDURES TO SEGREGATE WHEN INFORMATION ALREADY EXISTS IN A CASE FILE

PROPOSAL

Amend section (3)(c)(ii) to update citation to the public record statutes.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

Please see the explanation for amendment of UTCR 2.100 above (Item IV.A.11.).

APPROVED AMENDMENT

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

(1) * * *

* * * * *

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

(a) * * *

* * * * *

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

(i) * * *

(ii) That can be made confidential under ORS 25.020(8)(d), 109.767(5), 110.575, or [192.445]{192.368}.

(4) * * *

* * * * *

13. 2.130 – CONFIDENTIAL PERSONAL INFORMATION IN FAMILY LAW AND CERTAIN PROTECTIVE ORDER PROCEEDINGS

PROPOSAL

Amend sections (6)(g), (6)(h), and (11)(b)(iii) to update citations to the public record statutes.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

Please see the explanation for amendment of UTCR 2.100 above (Item IV.A.11.).

APPROVED AMENDMENT

2.130 CONFIDENTIAL PERSONAL INFORMATION IN FAMILY LAW AND CERTAIN PROTECTIVE ORDER PROCEEDINGS

(1) * * *

* * * * *

(6) Access and Confidentiality

(a) * * *

* * * * *

(g) Courts will share a CIF with the entity primarily responsible for providing support enforcement services under ORS 25.080 or 42 USC 666. A person receiving information under this section must maintain its confidentiality as required by ORS 25.260(2) and [192.502(10)]{**192.355(10)**}.

(h) Courts will share a CIF with other government agencies as required or allowed by law for agency business. Those agencies must maintain the confidentiality of the information as required by ORS [192.502(10)]{**192.355(10)**}.

(i) * * *

* * * * *

(11) Other Court Orders

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

(b) Nothing in this rule:

(i) Precludes a court from protecting information by appropriate court order.

(ii) Limits procedures for identifying and protecting contact information 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).

(iii) Limits the availability of procedures for protecting information, other than confidential personal information protected by this rule, under ORS 25.020(8)(d), 109.767(5), 110.575, [192.445]{**192.368**}, or any other rule or law.

14. 2.100 – PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, REQUIREMENTS AND PROCEDURES TO SEGREGATE WHEN SUBMITTING

PROPOSAL

Amend sections (4)(b), (4)(c), (4)(e), (5)(b), (6)(b), (8)(a), (9)(a), and (9)(b)(ii), to replace “affidavit” with “request” for consistency with the related forms.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Michelle Leonard, Trial Court Administrator for Union and Wallowa County Circuit Courts, on April 30, 2018. UTCR 2.100 currently requires an "affidavit" whereas the related forms refer to a "request." The purpose of this proposal is to align the wording in the rule with the titles of the forms. Item A.15. amends 2.110 in conformance with this proposal.

APPROVED AMENDMENT

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

(1) * * *

* * * * *

- (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*]{**a request**} in substantially the form provided in UTCR Form 2.100.4a. The [*affidavit*]{**request**} must describe generally the protected personal information and set out the legal authority for protecting the information. {**The request must include a declaration under penalty of perjury, in substantially the same form as specified in ORCP 1E.**}
 - (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. The information sheet must be submitted as a separate document, not as an attachment to the [*affidavit*]{**request**} prepared under UTCR 2.100(4)(b).
 - (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*]{**request**} only, and not the information sheet or any 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) * * *
 - (b) As long as the specific protected personal information remains current, a person need not submit [*an affidavit*]{**a request**} 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) * * *
 - (b) Keep the [*affidavit*]{**request**} in the case file.
 - (c) * * *
- (7) * * *
- (8) Inspecting or Copying Protected Personal Information.
- (a) 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*]{**request**} and parties to the case as required by UTCR 2.080.{ **UTCR Form 2.100.8 must include a declaration under penalty of perjury, in substantially the same form as specified in ORCP 1E.**} 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.
 - (b) * * *
- * * * * *
- (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*]{**request**} 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]{**request**} and the redacted copy of the form to the document from which the information was segregated and place the [affidavit]{**request**} and redacted copy of the form in the case file.

15. 2.110 – PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, PROCEDURES TO SEGREGATE WHEN INFORMATION ALREADY EXISTS IN A CASE FILE

PROPOSAL

Amend sections (4)(a), (4)(b), (4)(e), and (5)(b) to replace “affidavit” with “request” for consistency with the related forms.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee’s October 5, 2018, preliminary recommendation of approval became the committee’s final recommendation of approval.

EXPLANATION

Please see the explanation for amendment of UTCR 2.100 above (Item IV.A.14.).

APPROVED AMENDMENT

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

(1) * * *

* * * * *

(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]{**a request**} in substantially the form provided in UTCR Form 2.110.4a. The [affidavit]{**request**} must:
 - (i) Describe generally the protected personal information and set out the legal authority for protecting the information.
 - (ii) Specifically identify the case file, document in the case file, and the page number of the page that is sought to be redacted.

{(iii) Include a declaration under penalty of perjury, in substantially the same form as specified in ORCP 1E.}

(~~iii~~**iv**) 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. The information sheet must be submitted as a separate document, not as an attachment to the [*affidavit*]{**request**} prepared under UTCR 2.110(4)(a).
 - (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*]{**request**} only and not the information sheet or any 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) * * *
 - (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*]{**request**} in the case file.
 - (c) * * *
- * * * * *

16. 2.130 – CONFIDENTIAL PERSONAL INFORMATION IN FAMILY LAW AND CERTAIN PROTECTIVE ORDER PROCEEDINGS

PROPOSAL

Amend section (1)(a) to conform to related forms.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

The purpose of this proposal is to conform the wording in 2.130 to Forms 2.130.1 and 2.130.2. Effective August 1, 2017, these forms were amended to require entry of "Any other names used, now or in the past," instead of "Former Legal Name(s)." Although both forms were moved from the UTCR Appendix to the OJD Forms Center webpage effective August 1, 2018, the committee expressed a desire to continue to align the wording of the rule with the wording of the forms.

APPROVED AMENDMENT

2.130 CONFIDENTIAL PERSONAL INFORMATION IN FAMILY LAW AND CERTAIN PROTECTIVE ORDER PROCEEDINGS

(1) Definitions. As used in this rule:

(a) “Confidential personal information” means a party’s or a party’s child’s Social Security number; date of birth; driver license number; [*former legal names*]{**any other names used, now or in the past**}; and employer’s name, address, and telephone number.

(b) * * *

* * * * *

(2) * * *

* * * * *

17. 5.150 – STREAMLINED CIVIL JURY CASES

PROPOSAL

Amend the rule to make changes regarding the rule name, time to trial, pretrial conferences, written discovery agreements, limitations on discovery, deadline for completion of discovery, discovery disputes, trial stipulations, and the related forms.

ACTION TAKEN

The committee received one public comment on the rule, which included a proposed change to Form 5.150.1a, discussed in A.18. below. The comment suggested clarifying the event that triggers the 30-day timeline in the rule by replacing the reference to the case “designation” in UTCR 5.150(3)(a) with the “date of the Order Designating a Streamlined Civil Jury Case.” The committee adopted the suggested amendment to the rule and removed an errant comma from proposed UTCR 5.150(3)(d). The committee recommended final approval of the rule as amended.

EXPLANATION

This proposal was submitted by the Civil Justice Improvements Task Force, on behalf of Chief Justice Martha L. Walters, on August 30, 2018. The purpose of this proposal is to amend the expedited trial rule to encourage utilization of the streamlined civil jury trial process. The committee discussed:

- The goal to improve the rule so that it is used more;
- The process name change from “expedited” to “streamlined,” consistent with recommendations from the Conference of Chief Justices;
- Litigant complaints about the expedited civil jury trial pilot programs, including that the restrictions on discovery were too rigid.

Items A.18. and A.19. amend Forms 5.150.1a and 5.150.1b in conformance with this amendment.

APPROVED AMENDMENT

5.150 [EXPEDITED]{**STREAMLINED**} CIVIL JURY CASES

- (1) A civil case eligible for jury trial may be designated as [*an expedited*]{**a streamlined**} case. The availability of the designation may vary by judicial district and is dependent on the availability of staff, judges, and courtrooms. A party seeking the designation must confer with the court to determine whether the designation is available. If it is available, a party seeking the designation must do all of the following:
 - (a) Obtain the agreement of all other parties to designate the case as [*an expedited*]{**a streamlined**} civil jury case.
 - (b) Submit a joint motion and an order to the presiding judge in substantially the form [*of UTCR Forms 5.150.1a and 5.150.1b*]{**as set out on the Oregon Judicial Department website (<http://www.courts.oregon.gov/Pages/default.aspx>)**}.
- (2) The decision to accept or reject a case for designation as [*an expedited*]{**a streamlined**} case is within the sole discretion of the presiding judge or designee. The judge will consider the request on an expedited basis, when possible, and enter an order granting or denying the motion. If the judge grants the motion and designates the case as [*an expedited*]{**a streamlined**} case, the judge will:
 - (a) Exempt or remove the case from mandatory arbitration, pursuant to ORS 36.405(2)(a) and (b), and from all court rules requiring mediation, arbitration, and other forms of alternative dispute resolution.
 - (b) Set a trial date certain no later than [*four months*]{**180 days**} from the date of the order [*with a pretrial conference to be set no later than 14 days before trial*].
- (3) [*The parties in an expedited case may file a written agreement with the court, in substantially the form of UTCR Form 5.150.1a, section 4, stating all of the following:*]
 - (a) [*The scope, nature, and timing of discovery.*]{**Within 30 days of the date of the Order Designating a Streamlined Civil Jury Case, each party must provide to all other parties:**
 - (i) **The names and, if known, addresses and telephone numbers of all persons, other than expert witnesses, likely to have knowledge that the party may use to support its claims or defenses, unless the use would be solely for impeachment;**
 - (ii) **A copy of all unprivileged ORCP 43 A(1) documents and tangible things that the party has in its possession, custody or control and may use to support its claims or defenses, unless the use would be solely for impeachment; and**
 - (iii) **A copy of all insurance agreements and policies discoverable pursuant to ORCP 36 B(2).**

(b) The [date by which discovery will be complete, which must be not later than 21 days before trial]{**parties may, and are encouraged to, file stipulations regarding the scope, nature, and timing of discovery**}.

(c) [Stipulations regarding the conduct of the trial, which may include stipulations for the admission of exhibits and the manner of submission of expert testimony]{**The parties must complete discovery no later than 14 days before trial**}.

{(d) The parties may request and the court may utilize streamlined procedures for resolving any discovery dispute.}

(4) **{No later than 3 days before trial, the parties must file stipulations regarding the admission of exhibits, the manner for submitting expert testimony, the use of deposition excerpts (if any), and the conduct of the trial.}**[If the parties in an expedited case do not file a discovery agreement pursuant to subsection (3) of this rule, then each party must do all of the following:

(a) Provide to all other parties within four weeks of the expedited case designation:

(i) The names and, if known, addresses and telephone numbers of all persons, other than expert witnesses, likely to have knowledge that the party may use to support its claims or defenses, unless the use would be solely for impeachment.

(ii) A copy of all unprivileged ORCP 43 A(1) documents and tangible things that the party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

(iii) A copy of all insurance agreements and policies discoverable pursuant to ORCP 36 B(2).

(b) Take no more than two depositions after a party has requested an expedited case designation.

(c) Serve no more than one set of requests for production after a party has requested an expedited case designation.

(d) Serve no more than one set of requests for admission after a party has requested an expedited case designation.

(e) Serve all discovery requests no later than 60 days before the trial date.

(f) Complete all discovery no later than 21 days before trial.]

(5) After an order designating the case as [an expedited]{**a streamlined**} case, a party shall not file a pretrial motion without prior leave of the court.

(6) A party's failure to request or respond to discovery is not a basis for that party to seek postponement of the [expedited]{**streamlined**} case trial date.

18. Form 5.150.1a – MOTION FOR A STREAMLINED CIVIL JURY CASE DESIGNATION

PROPOSAL

Amend the form to conform to the amendment to UTCR 5.150 and move the form from the UTCR Appendix to the Oregon Judicial Department website.

ACTION TAKEN

The committee received one public comment on Form 5.150.1a. The comment suggested replacing the reference to “this order” in Form 5.150.1a with a reference to “the Order Designating a Streamlined Civil Jury Case.” The commenter pointed out that the reference to “this order” was improper because Form 5.150.1a is the motion form, not the order form. The committee adopted the suggested amendment to the form and removed the references to witness categories in Form 5.150.1a.3.d & e to refer the filer back to the disclosure requirements in the rule. The committee recommended final approval of the form as amended.

EXPLANATION

Please see the explanation for amendment of UTCR 5.150 above (Item IV.A.17.).

APPROVED AMENDMENT (see next page)

- b. Depositions
 _____ Depositions per party
 Complete by _____ (date)
- c. Requests for admissions
 _____ Sets of Requests for Admission per party
 Serve by _____ (date)
 Serve response by _____ (date)
- d. Exchange names, and if known, the addresses and phone numbers, of witnesses
 [Describe categories of witnesses _____ (e.g., those] described
 in UTCR 5.150([4]{3})(a)(i)[, percipient, lay, expert, all]
 Exchange by _____ (date)
- e. Exchange existing witness statements
 [Describe categories] of witnesses[_____ (e.g., those] described
 in UTCR 5.150([4]{3})(a)(i)[, percipient, lay, expert, all]
 Exchange by _____ (date)
- f. Insurance agreements and policies discoverable pursuant to ORCP 36 B(2)
 Produce by _____ (date)
- g. Other, if any:
 _____ (describe)
 Produce by _____ (date)

[5. The parties agree that expert testimony will be submitted at trial by (specify all that apply):

- Report (specify date for exchange) _____
- An alternative to in-person testimony _____ (describe)
- In-person testimony

6.]{4.} To expedite the trial, the parties further agree as follows (describe stipulations such as those concerning marking and admissibility of exhibits, damages, and other evidentiary issues):

DATED this _____ day of _____, 20_____.

 Attorney for _____

 Attorney for _____

 Attorney for _____

19. Form 5.150.1b – ORDER DESIGNATING A STREAMLINED CIVIL JURY CASE

PROPOSAL

Amend the form to conform to the amendment to UTCR 5.150 and move the form from the UTCR Appendix to the Oregon Judicial Department website.

ACTION TAKEN

The committee received one public comment on Form 5.150.1b. The comment suggested that all order forms should follow a format that aids the judge in attaching an electronic signature. The committee agreed and adopted an amendment to the judicial signature bloc that aligns with the format used in other forms. The committee recommended final approval of the form as amended.

EXPLANATION

Please see the explanation for amendment of UTCR 5.150 above (Item IV.A.17.).

APPROVED AMENDMENT (see next page)

20. 5.180 – CONSUMER DEBT COLLECTION

PROPOSAL

Adopt a new rule governing consumer debt collection cases.

ACTION TAKEN

The committee received five public comments. The committee adopted the changes to the new rule and the form proposed by the UTCR Consumer Debt Collection Workgroup. The committee issued a final recommendation of approval of the rule as amended.

EXPLANATION

This proposal was submitted by the Civil Justice Improvements Task Force (CJI) on behalf of Chief Justice Martha L. Walters, on August 23, 2018. The CJI, and this proposal, arose from a 2016 report to the national Conference of Chief Justices.

The CJI grouped consumer debt collection cases into two categories: those filed by debt buyers (and debt collectors acting on their behalf); and those filed by debt collectors. The CJI studied House Bill 2356 (2017), which established requirements for legal actions filed by debt buyers (or by debt collectors acting on their behalf) to collect on purchased debt. This UTCR proposal is meant to provide consumers and the court with necessary information about the claim. This is particularly important if a default judgment is sought by the plaintiff.

At the fall UTCR committee meeting on October 5, 2018, the committee considered the original proposed version of UTCR 5.180 that:

- Applied to those consumer debt collection cases filed by debt buyers (and debt collectors acting on their behalf) and those filed by debt collectors;
- Required the plaintiff to include in the action title certain identifying information to aid the courts in identifying these case types;
- Required the plaintiff to include in the body of the initiating pleading a reference to debt collection case information on the OJD website;
- Required the plaintiff to include with the initiating pleading a completed Consumer Debt Collection Disclosure Statement (to be made available by OJD);
- Directed the court to issue a notice of dismissal to the plaintiff if the Consumer Debt Collection Disclosure Statement requirement is not met;
- Provided the plaintiff 30 days from the date of mailing of the notice of dismissal to meet that requirement; and
- Required the plaintiff, when seeking a default judgment, to include a declaration under penalty of perjury that the plaintiff has complied with certain pleading requirements.

Interested persons present to discuss this proposal included Chris Bevans (attorney, Professional Credit), Thomas Cuomo (lobbyist, Oregon Collectors Association), Cheryl Hiemstra (attorney, Department of Justice, Consumer Protection), and Brian Watkins (collector, Southern Oregon Credit Service).

The committee discussed whether:

- The rule and the form should apply to debt collectors or only to debt buyers;
- The rule should be amended to apply to small claims cases;
- The form should be changed;
- Debt collector and debt buyer plaintiffs should be required to fill out a form in addition to including the information in the pleadings;
- The initial pleading screening requirements would increase workload for court staff;
- OJD should provide informational assistance to defendant debtors;
- The additional workload for plaintiffs in debt collection cases would increase the cost of credit or decrease the availability of credit for economically disadvantaged individuals.

The committee

- Heard testimony on the
 - nature of work done by debt collectors;
 - impact of this proposal on actions filed by debt collectors;
 - differences between debt buyers and debt collectors; and
 - history of HB 2356 (2017);
- Expressed a desire to receive public comment before issuing a recommendation; and
- Established a workgroup to study the issues and to propose amendments to the rule and the form.

At the spring UTCR committee meeting on March 8, 2019, the UTCR Debt Collection Workgroup presented its recommendations for amendments to proposed UTCR 5.180. The workgroup considered the UTCR committee's recommendations and discussion from the fall meeting and the public comments received. The workgroup evaluated whether the requirements in the original proposal:

- Were duplicative of the pleading requirements in the complaint;
- Would unnecessarily increase workload for court staff;
- Should provide informational assistance to litigants, given the creditor's obligations under the Fair Debt Collections Practices Act (FDCPA);
- Conformed to the legislature's intent in enacting HB 2356 (2017), which specifically left out debt collectors.

Based on these discussions, the workgroup recommended amending proposed UTCR 5.180 to:

- Remove actions by debt collectors from the pleading, notice and form requirements;
- Require all actions for collection of consumer debt to include the words "SUBJECT TO UTCR 5.180(3)" in the case title. The workgroup noted that

the CJI Task Force's goal of counting all consumer collection cases is worthwhile, and OJD should consider using the case title requirement to track these cases.

The committee issued a final recommendation of approval of UTCR 5.180, as amended to add the recommendations of the workgroup, and with some additional changes to internal citation and punctuation.

APPROVED NEW RULE

5.180 CONSUMER DEBT COLLECTION

- (1) Definitions. As used in this rule, unless otherwise indicated:
 - (a) "Consumer" means a natural person who purchases or acquires property, services or credit for personal, family, or household purposes.
 - (b) "Debt" means an obligation or alleged obligation that arises out of a consumer transaction.
- (2) Debt-Buyer Collection Actions
 - (a) This subsection applies to an action for collection of a debt under ORS 646A.670, when the plaintiff is either a debt-buyer as defined in ORS 646.639(1)(g) or is a debt collector as defined in ORS 646.639(1)(h) bringing the action on a debt-buyer's behalf.
 - (b) The initiating pleading in an action described in subsection (a) must:
 - (i) In the title, contain the words, "SUBJECT TO ORS 646A.670(1) and UTCR 5.180(2)";
 - (ii) In the body, include a statement to the following effect: "See the Oregon Judicial Department's website for information about debt-collection cases"; and
 - (iii) Attach and incorporate by reference a completed Consumer Debt Collection Disclosure Statement in substantially the form as set out on the Oregon Judicial Department website (<http://www.courts.oregon.gov/Pages/default.aspx>), including a statement that the plaintiff has complied with ORS 646A.670(1).
 - (c) If the initiating pleading does not comply with subsection (2)(b)(iii) of this rule, written notice shall be given to the plaintiff that the case will be dismissed 30 days from the date of mailing of the notice, unless the plaintiff complies with subsection (2)(b)(iii) by that time.
 - (d) If the plaintiff moves for entry of a judgment of default, the motion must include a declaration, under penalty of perjury, that the initial pleading complied with ORS 646A.670(1).

(3) Other Consumer Debt Collection Actions

- (a) This subsection applies to an action for collection of a consumer debt, when the action otherwise does not satisfy the requirements of subsection (2)(a).
- (b) The initiating pleading must, in the title, contain the words, "SUBJECT TO UTCR 5.180(3)".

APPROVED NEW FORM (see next page)

Pursuant to UTCR 5.180(2)(b)(iii), this form will be made available on the Oregon Judicial Department website (<http://www.courts.oregon.gov/Pages/default.aspx>). It will not be included in the UTCR Appendix.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

Plaintiff
v.

Defendant

Case No: _____

**CONSUMER DEBT COLLECTION
DISCLOSURE**

UTCRC 5.180(2)

This action seek collection on a debt under ORS 646A.670. I, Plaintiff, have complied with ORS 646A.670(1).

I am a:

- debt buyer
- debt collector. This is an action on a debt buyer's behalf.

Information about the debt I am seeking to collect:

➤ **Creditor and Debtor Information:**

- Original creditor's name, as used in dealings with debtor:

- Name, address, and telephone number of the person who owns the debt:

➤ **Account Information:**

- Last four digits of the original creditor's account number for the debt, if the account had four or more digits: _____
- The date on which the debt buyer purchased the debt: _____

➤ **Debt Information:**

See the attached detailed and itemized statement that shows the information listed below (*if not checked, complete all information below*)

○ **Payment Information**

- The debtor made no payment
- The debtor made at least one payment
 - *Amount debtor last paid: _____
 - * Date of last payment: _____
 - *Amount and date of debtor's last payment before debtor's default or before debt was charged-off: _____

○ **Balance Information:**

- * Balance due on the date the debt was charged-off: _____

○ *Other Information (check all that apply):*

Imposed by original creditor, if known to plaintiff:

Amount and rate of interest: _____

Fees, if any: _____

Charges: _____

Imposed by debt buyer (or any prior owner), if known to plaintiff:

Amount and rate of interest: _____

Fees, if any: _____

Charges, if any: _____

Fees sought by plaintiff, if any: _____

Any other fee, cost, or charge that the debt buyer seeks to recover:

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Date

Signature

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

21. 15.030 – CONSUMER DEBT COLLECTION – SMALL CLAIMS

PROPOSAL

Adopt a rule governing small claims consumer debt collection cases.

ACTION TAKEN

The committee adopted the rule proposed by the UTCR Consumer Debt Collection Workgroup and recommended final approval of the rule.

EXPLANATION

The Consumer Debt Collection Workgroup recommended the adoption of a parallel rule to new UTCR 5.180, covering small claims debt collection actions, given that a large number of debt collection actions are filed in small claims court. The committee accepted that recommendation and recommended final approval of the proposed rule.

APPROVED NEW RULE

15.030 CONSUMER DEBT COLLECTION – SMALL CLAIMS

- (1) If a small claims action qualifies as a debt-buyer collection action under UTCR 5.180(2)(a), then the requirements set out in UTCR 5.180(2) apply.
- (2) If a small claims action qualifies as a consumer debt collection action under UTCR 5.180(3)(a), then the requirement set out in UTCR 5.180(3)(b) applies.

22. 6.050 – SUBMISSION OF TRIAL MEMORANDA AND TRIAL EXHIBITS

PROPOSAL

Amend section (3) to exempt exhibits in juvenile cases.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Megan Hassen on behalf of the Juvenile Exhibits Work Group, on August 24, 2018. The purpose of this proposal is to develop statewide rules to aid litigants and the circuit courts in complying with changes to ORS 419A.255 that require trial courts to maintain a "record of the case" and a "supplemental confidential file," including hearing and trial exhibits, for each juvenile case. The proponent explained that the Oregon Department of Justice, the Office of Public Defense Services, and Appellate Commissioner Jim Nass have continued to report issues in the appellate process caused by delay in the transmission of exhibits from the trial courts to the Court of Appeals. The rule requires each judicial district to establish a process by SLR or presiding judge order for the submission of exhibits in juvenile proceedings. The committee discussed the possibility of implementing one statewide rule but determined that courts need flexibility according to their budget and staffing availability. Therefore, the rule allows counties to choose whether to require attorneys in juvenile cases

to electronically file exhibits, or to require court staff to scan the exhibits and return the hardcopies to litigants. Items A.23. through A.27. exempt juvenile cases from general rules regarding exhibits and set out new rules governing the submission and maintenance of exhibits in juvenile cases.

APPROVED AMENDMENT

6.050 SUBMISSION OF TRIAL MEMORANDA AND TRIAL EXHIBITS

- (1) A party must file any trial memorandum. The court also may require that a party submit a copy of the trial memo, in the manner and time that the court specifies.
- (2) All trial memoranda must be served on the opposing party.
- (3) Trial exhibits must be delivered or submitted as ordered by the assigned judge and not filed with the court{ **except as required by UTCR 11.110**}.

23. 6.120 – DISPOSITION OF EXHIBITS

PROPOSAL

Amend to exempt exhibits in juvenile cases.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

Please see the explanation for amendment of UTCR 6.050 above (Item IV.A.22.).

APPROVED AMENDMENT

6.120 DISPOSITION OF EXHIBITS

- (1) Unless otherwise ordered or except as otherwise provided in ORS 133.707{ **and 419A.255(1)(a)**}, all exhibits shall be returned to the custody of counsel for the submitting parties upon conclusion of the trial or hearing. Such counsel must sign an acknowledgment of receipt for the exhibits returned. Counsel to whom any exhibits have been returned must retain custody and control until final disposition of the case unless the exhibits are returned to the trial court pursuant to subsections (2) or (3) of this rule. Both documentary and nondocumentary exhibits submitted by parties not represented by counsel shall be retained by the trial court, subject to subsection (4) of this rule.
- (2) Upon the filing of a notice of appeal by any party, the trial court administrator promptly shall notify all counsel that they are required to return all documentary exhibits in their custody to the trial court within 21 days of receipt of the trial court's request. All counsel are required to comply with the notice. The trial court promptly will transmit the documentary exhibits to

the appellate court, when requested to do so by the appellate court, under ORAP 3.25.

- (3) Upon request by an appellate court for transmission of nondocumentary exhibits, under ORAP 3.25, the trial court shall notify the party in whose custody the nondocumentary exhibits have been placed. The party must resubmit the designated exhibits to the custody of the trial court for transmittal to the appellate court.
- (4) Exhibits not returned to the parties shall be processed as follows:
 - (a) Such exhibits shall be retained by the trial court until the appeal period has elapsed and there is a final disposition of the case.
 - (b) After final disposition of the case, a notice shall be sent to the parties of record that, unless they withdraw their respective exhibits within 30 days, the exhibits will be disposed of by the court.
- (5) Nothing contained in this rule shall prevent parties to any matter before the court from seeking the release or return of exhibits before the times specified in this rule.
- (6) Exhibits in the court's custody shall not be removed from the trial court administrator's control except by stipulation or by order of the court.
- (7) For purposes of this rule, "documentary exhibits" include text documents, photos and maps, if not oversized, and audio and video [tapes]{recordings}. An oversized document is one larger than standard letter size or legal size.

{(8) Exhibits submitted in juvenile cases are subject to the requirements in UTCR 11.120 and are exempted from the requirements of this rule.}

24. 11.110 – SUBMISSION OF EXHIBITS

PROPOSAL

Adopt a rule regarding local rules on the submission of exhibits in juvenile cases.

ACTION TAKEN

The committee received public comment indicating that the acknowledgment in proposed UTCR 11.110(2)(c) was unnecessary because, regardless of whether the attorney acknowledges the requirement, the rule requires filing of the juvenile exhibits by the end of the next judicial day. The committee agreed that the acknowledgement would increase court staff workload required to collect and retain the acknowledgment, but it would not result in any additional sanction or remedy against an attorney who violates the rule.

The committee also discussed the potential for litigants and attorneys to misinterpret the rule to require only the filing of exhibits that have been admitted into evidence. The committee amended the rule to clarify that all exhibits *offered* must be filed, whether or not they are ultimately admitted into evidence. This change aligns the rule with the definition of the record of the juvenile case in ORS 419A.252(4)(h). The committee recommended final approval of the rule as amended.

EXPLANATION

Please see the explanation for amendment of UTCR 6.050 above (Item IV.A.22.).

APPROVED NEW RULE

11.110 SUBMISSION OF EXHIBITS

- (1) The trial court shall establish a process by supplementary local rule or presiding judge order by which all exhibits offered in juvenile cases will be submitted to the court.
- (2) If the trial court requires counsel to submit exhibits through electronic filing under subsection (1), the following requirements apply:
 - (a) The court shall maintain an exhibit log for each hearing or trial listing each exhibit offered and whether or not it was received. The log shall be maintained in the record of the case.
 - (b) Each exhibit that is electronically filed must comply with the format requirements of UTCR 21.040. The filer shall provide the party role, hearing or trial date and exhibit number or numbers in the comment field. A party may comply with the requirement in UTCR 21.040(4) that certain information be contained in the document filed by including a cover page that provides the required information with each electronic filing of an exhibit or group of exhibits, if they are filed together.
 - (c) Exhibits shall be electronically filed on the day of the hearing or trial or by the end of the next judicial day.

25. 11.120 – MAINTENANCE OF EXHIBITS

PROPOSAL

Adopt a rule governing maintenance of exhibits in juvenile cases.

ACTION TAKEN

The committee discussed minor changes to the wording of the rule in 11.120 (1) and (2) to clarify the exception and remove an unnecessary word. The committee adopted the proposed amendment and recommended final approval of the rule as amended.

EXPLANATION

Please see the explanation for amendment of UTCR 6.050 above (Item IV.A.22.).

APPROVED NEW RULE

11.120 MAINTENANCE OF EXHIBITS

- (1) For purposes of maintaining exhibits pursuant to ORS 419A.255(1)(a), the trial court shall maintain in the record of the case all documentary and nondocumentary exhibits offered at a hearing or trial in accordance with Oregon Judicial Department policy and any order entered under ORS 7.120.

- (2) Exhibits in the court's custody shall not be removed from the trial court's control except by stipulation or order of the court, or as otherwise provided in this rule.
- (3) Nothing in this rule shall prevent parties from seeking the release or return of exhibits before the times specified in this rule.
- (4) Upon the filing of a notice of appeal by any party, the trial court will promptly transmit the documentary and nondocumentary exhibits to the appellate court, when requested to do so by the appellate court under ORAP 3.25.
- (5) For purposes of this rule, "documentary exhibits" includes text documents, photos and maps, if not oversized, and audio and video recordings. An oversized document is one larger than standard letter size or legal size.

26. 21.020 – LOCAL RULES OF COURT NOT PERMITTED

PROPOSAL

Amend to allow an exception for UTCR 11.110.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

Please see the explanation for amendment of UTCR 6.050 above (Item IV.A.22.).

APPROVED AMENDMENT

21.020 LOCAL RULES OF COURT NOT PERMITTED

No circuit court may make or enforce any local rule, other than those local rules authorized by UTCR 4.090 **{and 11.110}**, governing the electronic filing and electronic service of documents.

27. 21.070 – SPECIAL FILING REQUIREMENTS

PROPOSAL

Amend section (3)(p) to conform with UTCR 11.110.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

Please see the explanation for amendment of UTCR 6.050 above (Item IV.A.22.).

APPROVED AMENDMENT

21.070 SPECIAL FILING REQUIREMENTS

(1) * * *

* * * * *

(3) Documents that Must be Filed Conventionally

The following documents must be filed conventionally:

- (a) An accusatory instrument that initiates a criminal action, except as otherwise provided by ORS 133.073.
- (b) A petition that initiates a juvenile delinquency proceeding under ORS 419C.250.
- (c) A document that initiates an extradition proceeding under ORS 133.743 to 133.857.
- (d) An initiating instrument in a contempt proceeding, including for purposes of this rule a motion and supporting documentation filed contemporaneously with the motion under ORS 33.055 (remedial) or an accusatory instrument that initiates a contempt proceeding and supporting documentation filed contemporaneously with the initiating instrument under ORS 33.065 (punitive).
- (e) A notice of appeal from a justice court or municipal court judgment under ORS 138.057 or ORS 157.020(1), a justice court order under ORS 157.020(2), or a municipal court conviction under ORS 221.359.
- (f) A document that initiates an action that is accompanied by an application for a waiver or deferral of a required fee.
- (g) A document filed under seal or subject to *in camera* inspection, including a motion requesting that a simultaneously filed document be filed under seal or subject to *in camera* inspection, except that a document may be electronically filed in an adoption case.
- (h) Except as provided in UTCR 21.090(4), a document that is required by law to be filed in original form, such as, but not limited to, an original will, a certified document, or a document under official seal.
 - (i) If applicable law requires an original document to be filed simultaneously with another document that is electronically filed, the filer must electronically file an image of the original document with the other electronically filed document and then conventionally file the original document within 7 business days after submitting the electronic filing. An original document conventionally filed under this paragraph is deemed filed on the date of filing of the electronically filed image of the same document.

- (ii) If the filer elects to electronically file an image of an original document as set out in paragraph (h)(i) of this subsection, the filer must include in the Filing Comments field a statement that the electronic filing submission includes an image of an original document and that the filer will conventionally file the original document within 7 business days.
 - (iii) If the filer elects to electronically file an image of an original document as set out in paragraph (h)(i) of this subsection, when conventionally filing the original document, the filer must include a notification to the court that the image was previously electronically filed.
- (i) A negotiable instrument tendered under UTCR 2.060 for entry of notation of judgment.
 - (j) A document delivered to the court under ORCP 55 (H)(2)(c).
 - (k) A Driver and Motor Vehicle Services Branch of the Oregon Department of Transportation (DMV) record, as defined in UTCR 10.020(1).
 - (l) A petition or motion for waiver of the mandatory eFiling requirement, as set out in UTCR 21.140(3).
 - (m) Any stipulated or *ex parte* matter listed in SLR 2.501 in a Judicial District's Supplementary Local Rules.
 - (n) An undertaking that is accompanied by a deposit as security for the undertaking.
 - (o) A demonstrative or oversized exhibit.
 - (p) Trial exhibits, which must be submitted or delivered as provided in UTCR 6.050{, **except as provided in UTCR 11.110**}.
 - (q) A non-documentary exhibit filed pursuant to UTCR 2.010(9)(d).

28. 8.010 – ACTIONS FOR DISSOLUTION OF MARRIAGE, SEPARATE MAINTENANCE AND ANNULMENT, AND CHILD SUPPORT

PROPOSAL

Amend sections (5), (7)(a), (7)(b), and (7)(c) to allow use of a declaration in lieu of an affidavit.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Lisa Norris-Lampe, on behalf of the OJD Law and Policy Work Group, on August 30, 2018. The purpose of this proposal is to allow

the use of a declaration as an alternative to an affidavit for filings in certain family law proceedings. In recent years, the committee has moved away from affidavit requirements in favor of declarations. Affidavit requirements make it difficult for litigants to complete and use the electronic interactive forms offered on the OJD website. Use of a declaration in place of an affidavit allows a filer to use the online forms without taking a hard copy of the form to a notary.

APPROVED AMENDMENT

8.010 ACTIONS FOR DISSOLUTION OF MARRIAGE, SEPARATE MAINTENANCE AND ANNULMENT, AND CHILD SUPPORT

(1) * * *

* * * * *

- (4) In all proceedings under ORS chapter 107, 108, or 109 wherein child support or spousal support is contested, each party must file with the trial court administrator and serve on the other party a Uniform Support Declaration in the form specified at <http://www.courts.oregon.gov/forms/Pages/default.aspx>. A Uniform Support Declaration required by this subsection must be completed as follows:
- (a) In all such cases, the parties must complete the declaration and required attachments.
 - (b) In all such cases, the parties must also complete the schedules and the attachments required by the schedules if:
 - (i) Spousal support is requested by either party, or
 - (ii) Child support is requested by either party in an amount that deviates from the uniform support guidelines.
- (5) If the Division of Child Support (DCS) of the Department of Justice or a district attorney child support office (DA) either initiates or responds to a proceeding [*falling*] under section (4) of this rule, the DCS or DA must be allowed to file and serve, in lieu of the Uniform Support Declaration, an affidavit **or a declaration under penalty of perjury that** [*which*] sets out the following information:
- (a) The name of the legal or physical custodian of the child(ren).
 - (b) The name and date of birth of each child for whom support services is being sought.
 - (c) A statement of the amount of public assistance being provided.
 - (d) A statement of the value of food stamp benefits being provided.
 - (e) A statement of whether medical insurance (Medicaid) is being provided.
 - (f) A statement of any other known income of the physical custodian.

- (g) A statement concerning any special circumstances ~~{that}~~*[which]* might affect the determination of support.

* * * * *

- (7) No judgment under this chapter shall be signed, filed or entered without the filing with the trial court administrator of all relevant documents, including all of the following:
 - (a) An affidavit **{or a declaration under penalty of perjury}** of completed service.
 - (b) An affidavit **{or a declaration under penalty of perjury}** of nonmilitary service and the proposed order of default, if the respondent is in default.
 - (c) The affidavit **{or declaration under penalty of perjury}** described in ORS 107.095(4) if the matter is uncontested.
 - (d) A completed Oregon State Health Division Record of Dissolution of Marriage form.
 - (e) If child support or spousal support is an issue, a Uniform Support Declaration for each party, except where that issue is resolved by stipulation or default. A Uniform Support Declaration required by this paragraph must be completed as provided under subsection (4) of this rule.
 - (f) If child support is an issue, the Division of Child Support (DCS) work sheets described under UTCR 8.060.
 - (g) A proposed judgment.

* * * * *

29. 8.040 – PREJUDGMENT RELIEF UNDER ORS 107.095(1)

PROPOSAL

Amend sections (1) and (2) to allow use of a declaration in lieu of an affidavit. Amend sections (3) and (4) to clarify when a Uniform Support Declaration must be filed.

ACTION TAKEN

The committee received thirty-six public comments. In response to the public comments received, the committee amended the proposal regarding the timeline for filing a USD in UTCR 8.040(3)(b) to oppose a request for temporary support under ORS 107.095(1). The amendment reinstates the rule from current UTCR 8.040(4), which provides that the party opposing the motion for temporary support must file and serve the USD within 14 days of service of the motion, unless SLR provides to the contrary. The committee issued final recommendation of approval of the rule as amended.

EXPLANATION

This proposal was submitted by Lisa Norris-Lampe, on behalf of the OJD Law and Policy Work Group, on August 30, 2018. One purpose of this proposal is to allow a party seeking prejudgment relief under ORS 107.095(1) to file a declaration as an alternative to an affidavit. Another purpose is to reduce the filing of duplicative Uniform Support Declarations (USD). The proposal amends the rule to no longer require a party filing a motion seeking temporary support to file a USD with the motion if the same party is simultaneously filing a pleading under UTCR 8.010(4) that attaches a USD, or filed such a pleading within the prior 30 days and the circumstances have not changed.

At the fall UTCR meeting on October 5, 2018, the UTCR committee preliminarily recommended eliminating the provision allowing Supplementary Local Rules (SLR) to establish a time requirement different from the requirement in current UTCR 8.040(4). The committee received many public comments opposing the change. The comments were concerned that the time requirement in the original proposal would:

- Be too short to allow a party opposing the motion to obtain an attorney to respond;
- Make it too easy to obtain a default in the event that the opposing party does not adhere to the time requirement in UTCR 8.040(3)(b) for filing the USD;
- Be prejudicial to self-represented litigants, who are often simultaneously served with both a request for temporary support and an order to show cause. Commenters were concerned that the documents have different deadlines for submission of the USD (14 days for filing a USD under UTCR 8.040(3)(b) and 30 days for filing a USD under UTCR 8.050, in the absence of SLR to the contrary) and that this discrepancy could cause confusion for self-represented litigants.

At the spring UTCR committee meeting on March 8, 2019, the committee discussed:

- Expanding the time to file the USD in response to a request for temporary support in UTCR 8.040(3)(b) to 30 days to match the time for responding to a motion to show cause under UTCR 8.050;
- Approximately half of circuit courts have no SLR regarding the time for filing a USD in response to a request for temporary support;
- No feedback has been solicited or received from Trial Court Administrators about the impact of extending the timeline for filing a USD in response to a request for temporary support to 30 days.

The committee decided to retain the current time requirement under UTCR 8.040(3)(b) (14 days in the absence of SLR to the contrary) while the OJD Law & Policy Workgroup considers alternative statewide timelines and solicits feedback from courts and practitioners.

APPROVED AMENDMENT

8.040 PREJUDGMENT RELIEF UNDER ORS 107.095(1)

- (1) An order for relief authorized by ORS 107.095(1) may be granted on motion supported by {an} affidavit {or a declaration under penalty of perjury} setting forth sufficient facts to establish a right to the requested relief.
- (2) Any motion regarding temporary custody of a minor child must be supported by an affidavit {or declaration under penalty of perjury, } which must state the present location of the minor child, the person with whom the child presently resides, the persons with whom and the places where the child has resided for the last 6 months, including the length of time with each person and at each residence, and the reasons why a temporary custody order is sought.
- (3) *[Any motion regarding temporary support must be accompanied by a Uniform Support Declaration in the form specified at <http://www.courts.oregon.gov/forms/Pages/default.aspx>. A Uniform Support Declaration required by this subsection must be completed as provided under subsection (4) of UTCR 8.010.]* **{Except as provided in subsection (4), when a party seeks temporary support under ORS 107.095(1), each party must file a Uniform Support Declaration (USD), as follows:**
 - (a) The party seeking temporary support must include a USD as a documentary exhibit to the motion.**
 - (b) When support is to be an issue, the opposing party must file and serve a USD on the moving party. Unless an SLR provides to the contrary, the opposing party must file and serve the USD within 14 days of service of the motion seeking temporary support.**
 - (c) Any USD must be completed as provided under UTCR 8.010(4), in the form specified at <http://www.courts.oregon.gov/forms/Pages/default.aspx>.**
- (4) *[The opposing party also must serve and file a Uniform Support Declaration on the moving party, when support is to be an issue. The Uniform Support Declaration required by this subsection must be completed in the form specified at <http://www.courts.oregon.gov/forms/Pages/default.aspx> and as provided for completion of the declaration under subsection (4) of UTCR 8.010. The Uniform Support Declaration must be filed and served at the time designated in the relevant SLR. In the absence of an SLR to the contrary, the Uniform Support Declaration must be filed and served within 14 days of service of the motion regarding temporary support.]* **{Exceptions to USD requirement:**
 - (a) A party filing a motion for temporary support, or the opposing party, need not file a USD under subsection (3) if**
 - (i) The party is simultaneously filing a pleading under UTCR 8.010(4) that incorporates a USD; or**

(ii) Within the prior 30 days, the party already filed a pleading under UTCR 8.010(4) that incorporated a USD and the information therein has not changed.

(b) If an exception applies, the motion must:

(i) Under subsection (4)(a)(i), identify the accompanying pleading and state that it includes a USD; or

(ii) Under subsection (4)(a)(ii), identify the earlier pleading and state that it included a USD, that it was filed within the prior 30 days, and that the information therein has not changed.}

30. 8.090 – CERTIFICATE REGARDING PENDING CHILD SUPPORT PROCEEDINGS AND/OR EXISTING CHILD SUPPORT ORDERS AND/OR JUDGMENTS

PROPOSAL

Amend to change the location of the certificate and related information.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Lisa Norris-Lampe, on behalf of the OJD Law and Policy Work Group, on August 30, 2018. The purpose of this proposal is to restructure and streamline 8.090 to make it more readable, and to address difficulties that judges may have in locating additional detail about existing proceedings in the body of a motion or petition. The proposal also moves the certificate above the declaration to clarify that the declaration applies to the certificate and the motion or petition.

At the fall UTCR meeting on October 5, 2018, the committee discussed whether to adopt alternative B, that would have changed the "certificate" to a "statement." However, the committee determined that because that change would also require a change to the statute, the committee should wait to see if the legislature effects that change before recommending a conforming amendment to the rule. At the spring UTCR committee meeting on March 8, 2019, the committee noted that a legislative change from "certificate" to "statement" is unlikely, given the ubiquitous nature of references to "certificate" in the ORS.

APPROVED AMENDMENT

8.090 CERTIFICATE REGARDING PENDING CHILD SUPPORT PROCEEDINGS AND/OR EXISTING CHILD SUPPORT ORDERS AND/OR JUDGMENTS

[A certificate regarding other pending child support proceedings and existing orders or judgments shall be placed at the end, immediately before the signature line, of any motion or petition filed pursuant to ORS 107.085, 107.135, 107.431,

108.110, 109.100, 109.103, 109.165, and 125.025, as required by ORS 107.085(3), 107.135(2)(b), 107.431(2)(b), 108.110(4), 109.100(3), 109.103(3), 109.165(3), and 125.025(4)(b). The certificate must indicate whether any pending child support proceeding, or any child support order or judgment, exists between the parties. The pleading also must include the name of the court or agency handling a pending proceeding, the case number, and date of any existing order or judgment, but that information need not be included in the certificate. A model form containing the information required by this rule is available on OJD's website (<http://www.courts.oregon.gov/forms/Pages/default.aspx>.)]

{(1) This rule applies to information about other pending child support orders, judgments, or proceedings, as required by ORS 107.085(3), 107.135(2)(b), 107.431(2)(b), 108.110(4), 109.100(3), 109.103(3), 109.165(3), and 125.025(4)(b), in any motion or petition filed pursuant to ORS 107.085, 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, and 125.025.

(2) In any motion or petition described in subsection (1), a filer must include a certificate stating whether any pending child support proceeding, or child support order or judgment, exists between the parties. The certificate must be placed at the end of the motion or petition, immediately above the declaration line.

(3) The motion or petition also must include the name of the court or agency handling a pending proceeding, the case number, and date of any existing order or judgment. That information may be included in the certificate described in subsection (2) or may be set out elsewhere in the motion or petition. If set out elsewhere, the filer must specifically identify the information provided as involving a pending child support proceeding, or an existing order or judgment.

(4) A model form containing the information required by this rule is available on OJD's website (<http://www.courts.oregon.gov/forms/Pages/default.aspx>).

31. 10.020 – PREPARATION AND DELIVERY OF THE RECORD ON REVIEW

PROPOSAL

Amend to require electronic filing of the DMV record.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by Hon. Stephen K. Bushong, Multnomah County Circuit Court, on July 10, 2018, and analyzed by the Law and Policy Work Group (LPWG), on August 30, 2018. Currently, the DMV record is exempt from electronic filing requirements and must be filed conventionally. The purpose of Item A.31. is to require DMV to electronically file the record when a final order of suspension is appealed to a circuit court. The proposal allows each circuit court

to adopt its own Supplementary Local Rule (SLR) describing how and in what form the DMV record must be submitted. Item A.32. removes the DMV record from the list of documents that must be conventionally filed. Item A.33. amends UTCR 21.020 to create an exception to the general rule that circuit courts are not allowed to make or enforce a rule governing the electronic filing of documents.

The committee discussed:

- The workload associated with court staff scanning conventional filings;
- Whether one statewide rule would be preferable to allowing each county to adopt its own SLR;
- Whether the committee should approve additional exceptions to UTCR 21.020 (which generally prohibits local rules governing electronic filing of documents);
- Whether the record is filed by DMV or DOJ; and
- Whether the DMV record should be electronically filed without redaction given the personal information that is often included.

At the spring UTCR committee meeting on March 8, 2019, Ms. Norris-Lampe stated that she had discussed the proposed change with DMV and they said they had no objection, but that they would monitor for issues if local practice varies too widely.

APPROVED AMENDMENT

10.020 PREPARATION AND DELIVERY OF THE RECORD ON REVIEW

- (1) When a petition is served on the DMV, the DMV must prepare the record of the proceeding, including a transcription of the oral proceedings, or the agreed portion thereof if the parties have stipulated to shorten the record, and all exhibits introduced and made a part of the record at the hearing. The DMV must serve certified true copies of the record on the petitioner and the Attorney General.
- ~~(2)~~ The DMV must *[file]***{submit}** the *[original]* record *[with]***{to}** the trial court administrator within 30 days of service of the petition for review. The record must be accompanied by proof of service. On good cause shown, the court may extend the time for filing of the record.**{ A court may adopt a supplementary local rule describing how and in what form the DMV record must be submitted. If submitted in paper form, the record must be the original record.}**
- ~~(2)~~**{3}** The record**{ must be}**[,] preceded by an index of its contents[, *must be securely fastened in a suitable cover or folder showing on the outside the title and agency number of the case, the name of the administrative law judge, and the date and location of the hearing.* T]**{, and t}**he pages of the record must be consecutively numbered at the bottom center of each page.**{If submitted in paper form, the record must be securely fastened in a suitable cover or folder that shows on the outside the title and agency number of the case, the name of the administrative law judge, and the date and location of the hearing. If electronically filed, the record must include a cover sheet that shows that same information.}**

([3]{4}) When the court has entered its judgment and the period for appeal has elapsed without an appeal being taken, the **{court will return the}** record [will be returned] to the agency, **{if submitted in paper form,}** unless the court otherwise directs.

32. 21.070 – SPECIAL FILING REQUIREMENTS

PROPOSAL

Delete section (3)(k) to remove DMV records from the list of documents that must be conventionally filed.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

Please see the explanation for amendment of UTCR 10.020 above (Item IV.A.31.).

APPROVED DELETION

21.070 SPECIAL FILING REQUIREMENTS

(1) * * *

* * * * *

(3) Documents that Must be Filed Conventionally

The following documents must be filed conventionally:

(a) * * *

* * * * *

(k) [A Driver and Motor Vehicle Services Branch of the Oregon Department of Transportation (DMV) record, as defined in UTCR 10.020(1).]

(l) * * *

* * * * *

33. 21.020 – LOCAL RULES OF COURT NOT PERMITTED

PROPOSAL

Amend to allow an exception for supplementary local rules adopted pursuant to the amendment to UTCR 10.020.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

Please see the explanation for amendment of UTCR 10.020 above (Item IV.A.31.).

APPROVED AMENDMENT

21.020 LOCAL RULES OF COURT NOT PERMITTED

No circuit court may make or enforce any local rule, other than those local rules authorized by UTCR 4.090{ and 10.020}, governing the electronic filing and electronic service of documents.

34. 21.070 – SPECIAL FILING REQUIREMENTS

PROPOSAL

Amend section (3) to add extreme risk protection order (ERPO) petitions, and supporting affidavits, to the list of documents that must be conventionally filed.

ACTION TAKEN

The committee moved to amend the rule to clarify that only ERPO petitions filed by family or household members must be conventionally filed. This amendment clarifies that law enforcement officers may continue to file ERPO petitions electronically or through the search warrant process.

EXPLANATION

This proposal was submitted by Lisa Norris-Lampe on behalf of the Law & Policy Work Group, on August 30, 2018. The proposal adds extreme risk protection order (ERPO) petitions to the list of documents that must be conventionally filed. The proponent explained that ORS 166.527(2) requires circuit courts to issue or deny ERPO orders on the day the petition is filed or on the judicial day immediately following. This proposal aids the circuit courts in compliance because courts can often respond more quickly to emergency requests that are conventionally filed.

At the fall UTCR committee meeting on October 5, 2018, the committee discussed the fact that many law enforcement agencies are filing ERPO petitions using the search warrant process. This process allows the affidavit and request to be received by the judge on a mobile electronic device, at all hours of the day or night. The judge has the ability grant the petition immediately, if appropriate. The committee expressed a desire to approve the proposal as long as law enforcement agencies can continue to submit ERPO petitions using the existing electronic filing method for search warrants.

At the spring UTCR committee meeting on March 8, 2019, the committee approved an amendment clarifying that only ERPO petitions filed by household or family members must be conventionally filed. This amendment allows law enforcement to continue to file ERPO petitions electronically or by other means.

APPROVED AMENDMENT

21.070 SPECIAL FILING REQUIREMENTS

(1) * * *

* * * * *

(3) Documents that Must be Filed Conventionally

The following documents must be filed conventionally:

(a) * * *

* * * * *

(k) **{A petition filed by a family or household member that requests an extreme risk protection order under ORS 166.527(1) and any supporting affidavit.}**

(l) * * *

* * * * *

35. 21.070 – SPECIAL FILING REQUIREMENTS

PROPOSAL

Amend section (5) to allow judicial districts to adopt SLR requiring electronic filers to notify the court when an expedited matter has been filed electronically.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of approval became the committee's final recommendation of approval.

EXPLANATION

This proposal was submitted by the Hon. Kirsten E. Thompson, Washington County Circuit Court, on June 1, 2018, and analyzed by the Law and Policy Work Group (LPWG), on August 30, 2018. The purpose of the original proposal was to require an electronic filer to notify the court via phone or email when an expedited matter has been electronically filed. The proponent noted that unlike in the appellate court filing system, there is no mechanism in Odyssey to allow the flagging or marking of an expedited filing so the court may not be aware that the matter must be expedited. The committee discussed:

- Concerns that this change could result in additional workload for court staff; some smaller courts do not fully monitor phone lines from 8:00 a.m. to 5:00 p.m. due to limited staffing;
- Whether a pending new version of Odyssey can be configured to allow expedited matters to be flagged;

- Whether to allow circuit courts to adopt their own SLRs in lieu of adopting a statewide rule requiring notification to the court; the committee ultimately adopted this approach to give courts flexibility.

APPROVED AMENDMENT

21.070 SPECIAL FILING REQUIREMENTS

(1) * * *

* * * * *

(5) Expedited Filings

{(a)} A filer who submits an expedited filing through the eFiling system:

{[a]{i}} Must include the words “EXPEDITED CONSIDERATION REQUESTED” in the Filing Comments field when submitting the filing; and

{[b]{ii}} May notify the court by email or telephone, as designated on the court’s judicial district website, that an expedited filing has been eFiled in the case.

{(b) A judicial district may adopt a Supplementary Local Rule that requires a filer submitting an expedited filing through the eFiling system to separately notify the court that an expedited filing has been submitted.}

(6) * * *

* * * * *

36. 23.020 – ASSIGNMENT OF CASES TO THE OCLC

PROPOSAL

Amend section (5) to eliminate the requirement that parties provide copies of the court file to the assigned Oregon Complex Litigation Court (OCLC) judge.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of approval. Therefore, by committee convention, the committee’s October 5, 2018, preliminary recommendation of approval became the committee’s final recommendation of approval.

EXPLANATION

This proposal was submitted by Lisa Norris-Lampe on behalf of the Law and Policy Work Group, on August 30, 2018. The purpose of this proposal is to remove the requirement that parties to a case assigned to the Oregon Complex Litigation Court (OCLC) must share the cost of copying and providing the trial court file to the assigned OCLC judge. The proponent noted that this provision is no longer needed because the OCLC judge can access the pre-existing electronic

file. The proposal allows the OCLC judge to, if necessary, direct the parties to provide copies of documents, in a manner the judge specifies.

APPROVED AMENDMENT

23.020 ASSIGNMENT OF CASES TO THE OCLC

- (1) Assignment of a case to the OCLC requires agreement of the parties, the presiding judge or designee of the court with venue, and the managing panel of the OCLC.
- (2) The following must occur for a case to be considered for assignment to the OCLC:
 - (a) The parties and the presiding judge or designee of the court with venue must confer to determine whether there is agreement to assign the case to the OCLC and to determine the special needs, facts, and issues of the case.
 - (b) The presiding judge or designee of the court with venue and the managing panel of the OCLC must confer to discuss whether the case is appropriate for assignment to the OCLC and to discuss the special needs, facts, and issues of the case.
- (3) If the agreement required by UTCR 23.020(1) is reached and the managing panel accepts a case into the OCLC, the parties must submit a stipulated order for assignment of the case to the OCLC to the presiding judge or designee of the court with venue over the case and to the managing panel of the OCLC.
- (4) Once a case is accepted into the OCLC, the managing panel of the OCLC will assign the case to a single OCLC judge.
- (5) **{After assignment of the case to the OCLC judge, t}**^[7]he parties must:
 - (a) **{File all documents in the court with venue; and}**^[Share equally, unless otherwise agreed, the cost of copying and providing the entire court file to the OCLC judge assigned to the case.]
 - (b) **{If directed by the OCLC judge, provide copies of all filed documents to that judge in the manner that the judge directs.}**^[Make all necessary arrangements to have a copy of the entire court file delivered to the OCLC judge within 14 days of assignment of the case to the OCLC judge.]
 - (c) *Continue, after assignment of the case to the OCLC judge, to file all documents in the court with venue and provide copies of all filed documents to the OCLC judge.]*

37. Chapter 24 – POST-CONVICTION RELIEF

PROPOSAL

Adopt statewide rules for post-conviction relief (PCR) cases.

ACTION TAKEN

The committee moved to adopt several clarifying grammatical and stylistic changes to the proposed rules. The committee issued a final recommendation of approval of the rules as amended.

EXPLANATION

This proposal was submitted by a UTCR committee workgroup consisting of Hon. Lung Hung, Malheur County Circuit Court, Hon. Charles M. Zennaché, Lane County Circuit Court, and Deputy Public Defender Zachary L. Mazer (OPDS). The purpose of this proposal is to create statewide rules for post-conviction relief (PCR) cases that would replace current Supplementary Local Rules (SLR) on post-conviction relief. Other goals of the proposal include filling in gaps in the current SLR and reducing both internal and external redundancy.

Representatives from the Department of Justice, who regularly represent the state in post-conviction relief cases, were present to discuss the proposals.

At the UTCR committee meeting on October 5, 2018, the committee discussed:

- Whether to extend the deadline to file an amended petition from 120 days to 150-180 days, as preferred by Oregon Post-Conviction Consortium;
- That PCR attorneys tend to practice in multiple judicial districts;
- Whether this should be addressed by the Legislative Assembly and whether it is better suited for the Oregon Law Commission;
- The number of litigants who request an extension to amend the petition;
- Whether it is appropriate to require that only relevant portions of the record be attached given that the standard practice is to submit the entire record;
- Concerns that the proposed PCR rules don't contain any wording relating to appearance at, or viewing of, PCR proceedings by victims.

After the March 8, 2019, committee meeting, the UTCR Reporter was informed of issues with proposed 24.210 (renumbered to 24.030) regarding the filing of exhibits. The issues are significant enough to warrant delay of implementation of the rule so that it can be studied in more detail. A workgroup will study the rule and make recommendations to the committee, to be added to the agenda for the October 18, 2019, committee meeting.

APPROVED NEW RULES (Please note that the following new rules were renumbered from the versions posted for public comment to be consistent with UTCR rule numbering convention.)

24.010 POST-CONVICTION RELIEF – CASE INITIATION; DEFENDANT'S MOTION, DEMURRER, OR ANSWER

- (1) (a) Counsel appointed for petitioner has 120 days from the date of appointment to file an amended petition, a notice that petitioner will proceed on the original petition, or, if unable to plead a viable claim for relief or proceed on the original petition, an affidavit pursuant to ORS 138.590(5).
- (b) A motion for extension of time to file an amended petition, a notice that petitioner will proceed on the original petition, or an affidavit pursuant

to ORS 138.590(5) shall be granted only upon demonstrated good cause.

- (c) Counsel's written notification to the court that the case will proceed on the original petition constitutes counsel's ORCP 17 C certification of the original petition filed by petitioner when petitioner was self-represented.
 - (d) Counsel must attach to the filing of an amended petition, an affidavit pursuant to ORS 138.590(5), or a notice that petitioner will proceed on the original petition proof of mailing demonstrating that said filing was mailed to petitioner prior to or concurrent with the filing of such document with the court.
- (2) (a) (i) For cases with court-appointed counsel, defendant shall not file an answer, demurrer, or motion until petitioner has filed a notice that petitioner will proceed on the original petition, an amended petition, or an affidavit pursuant to ORS 138.590(5), or the time for filing has expired.
- (ii) Defendant has 30 days after the notice, amended petition, or affidavit is entered in the court register, or from the expiration of the time for filing, to file an answer, demurrer, or motion against the pleadings.
- (iii) Defendant may file a motion to dismiss as time-barred or successive at any time after appointed counsel has appeared on the case.
- (b) If the petition is filed by counsel, or if petitioner files the petition *pro se* and does not seek appointment of counsel, defendant has 30 days from the date the petition is entered in the court register to file an answer, demurrer, or motion against the pleadings.
- (c) A motion for extension of time to file an answer, any other motion, or demurrer shall be granted only upon demonstrated good cause.
- (3) If defendant files a demurrer or motion against the pleadings, petitioner has 30 days to file a response.
- (4) If petitioner files a response to defendant's demurrer or motion against the pleadings, defendant has 20 days to file a reply.
- (5) If the court grants defendant's demurrer or motion against the pleadings and if it appears to the court that there is a reasonable expectation that petitioner will be able to cure the defect, the court shall grant petitioner 30 days to file an amended petition. The court may allow additional time to file the amended petition with good cause shown.
- (6) If the court denies defendant's motion against the pleadings, defendant has 14 days to file an answer.
- (7) Any motion for an extension of any filing deadline under this subsection must reflect in the caption the number of extensions that have been requested,

including the current request. If filed by petitioner's counsel, a motion for an extension of a filing deadline must state that petitioner has been informed of the motion.

24.020 SCHEDULING IN COMPLEX CASES WITH APPOINTED COUNSEL

In a post-conviction case that involves a complex underlying case, including, but not limited to, criminal homicide as defined in ORS 163.005 or aggravated murder as defined in ORS 163.095, counsel for either party may request a scheduling conference within 60 days of appointed counsel's appearance. At the conference, the court, in its discretion, may issue an order modifying any deadlines set forth in these rules.

24.030 [THIS RULE INTENTIONALLY LEFT BLANK]

24.040 ADDITIONAL MOTIONS, BRIEFING, AND EXHIBITS

Unless otherwise ordered by the court:

- (1) All substantive pretrial motions must be filed at least 60 days before trial. The court may allow a late filing for good cause shown.
- (2) Petitioner's trial memoranda, including legal memoranda, and any additional exhibits not already filed with the court, must be filed not later than 30 days before trial.
- (3) Defendant's trial memoranda, including any legal memoranda, and any additional exhibits not already filed with the court must be filed not later than 20 days prior to trial.
- (4) Not later than 10 days before trial, petitioner may respond to defendant's memoranda and exhibits with a further memorandum and additional exhibits.

24.050 DISCLOSURE OF WITNESSES PURSUANT TO ORS 138.615

Unless otherwise ordered by the court for good cause shown, the disclosure of witness information required under ORS 138.615 must be made no later than 60 days before trial.

24.060 [THIS RULE INTENTIONALLY LEFT BLANK]

24.070 APPEARANCE AT HEARINGS AND TRIAL

- (1) Unless the court orders otherwise, a petitioner in custody shall appear by simultaneous electronic transmission.
- (2) Unless the court orders otherwise, if petitioner is not in custody, or is released from custody while the petition is pending, petitioner shall

immediately notify the court, and petitioner shall appear in person at scheduled hearings and trial.

- (3) Counsel may appear in person or by simultaneous electronic transmission in accordance with ORS 138.622.
- (4) Public access to the proceedings shall be provided at the circuit court in which the petition is pending, and the proceeding shall be deemed to take place at that location.
- (5) Unless otherwise ordered by the court, all witnesses, except original trial counsel, appellate counsel, and law enforcement officers, must appear at the circuit court in which the petition is pending.
- (6) Any party requiring the services of a court interpreter for a hearing or trial must request a court interpreter in accordance with UTCR 7.070 and any supplementary local rule enacted pursuant to that section. If a party fails to comply with UTCR 7.070 or any supplementary local rule enacted pursuant to that section, the party is responsible for obtaining court-certified interpreter services at the party's own expense.

24.080 CONTINUANCES

- (1) Motions to continue a hearing or trial may be made to the judge presiding over the hearing or trial, or such other judge as may be designated by supplementary local rules. The judge may allow a continuance for good cause shown.
- (2) Any motion for continuance by a represented party must include a certification by the moving counsel that:
 - (a) Counsel has conferred with opposing counsel and whether opposing counsel objects or agrees to the motion; and
 - (b) If the motion is filed by petitioner's counsel and is beyond one year from the filing of the original petition, a statement that petitioner's counsel has conferred with petitioner and has authorization to request the continuance. If petitioner does not authorize the request, counsel must note petitioner's objections together with counsel's reason for requesting the continuance despite petitioner's objections.

24.090 PRESIDING POST-CONVICTION JUDGE

By supplementary local rule, a judicial district may assign a judge to serve as Presiding Post-Conviction Judge for purposes of pretrial case management. The Presiding Post-Conviction Judge may conduct status conferences, hear pretrial motions, and engage in other duties as provided by local rules enacted under this section.

24.100 TRIALS

- (1) Trials will be scheduled as soon as possible after defendant's answer is filed or after the date for filing an answer has passed but, unless the parties consent, trial shall not be scheduled sooner than 90 days after the date the answer is filed or the date for filing an answer has passed.
- (2) Trials will be scheduled for 30 minutes and without the expectation of live witness testimony other than petitioner. If the trial will take longer than 30 minutes, or if witnesses other than petitioner will be called, the party requesting additional time must notify the court no later than 45 days before the trial date.

B. PROPOSALS NOT ADOPTED

1. 1.160 – FILING OF DOCUMENTS WITH COURTS; LOCAL SLR

PROPOSAL

Amend to require submission of original, signed documents for conventional filing.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of disapproval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of disapproval became the committee's final recommendation of disapproval.

EXPLANATION

This proposal was submitted by Richard Moellmer, Washington County Circuit Court Trial Administrator, on April 23, 2018. Mr. Moellmer suggested amendment of UTCR 1.160 to require all conventionally filed documents to be originals, signed in blue ink. The committee noted that this proposal seems designed to rectify an issue with one particular litigant and does not appear to address a widespread problem. The committee expressed a general preference to allow judges to deal with this issue on a case-by-case, or document-by-document, basis when there is a bona fide reason for requiring an original document.

PROPOSED AMENDMENT

The proponent did not submit specific wording for amendment of the rule.

2. 1.170 – COURT WEBSITES; HOURS OF COURT OPERATION

PROPOSAL

Amend section (2) to require courts to post a contact phone number or email address on the court's website.

ACTION TAKEN

The committee received no public comment. No motion was made to change the preliminary recommendation of disapproval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of disapproval became the committee's final recommendation of disapproval.

EXPLANATION

This proposal was submitted by Lisa Norris-Lampe on behalf of the Law and Policy Work Group on August 30, 2018. The purpose of this proposal is to ensure that litigants have convenient access to court contact information in light of the amendment to 21.070 (Item A.35.), which would allow a circuit court to adopt an SLR requiring a litigant to notify the court by phone or email when filing a document that is designated "expedited." The committee discussed the possibility that courts could receive a lot of spam, or even harassing or threatening emails, that the proposal could result in additional workload for court staff, and that some courts monitor phones for only part of the day due to lack of staff. The committee noted that each court's phone number is now readily available online, as the court websites were recently revamped and reorganized.

PROPOSED AMENDMENT

1.170 COURT WEBSITES; HOURS OF COURT OPERATION; CONTACT INFORMATION

- (1) SLR 1.171 is reserved for each judicial district to identify the website addresses of its court. Links to these websites may also be found at the Oregon Judicial Department website:
<http://www.courts.oregon.gov/Pages/default.aspx>.
- (2) Each judicial district must announce on its website the following information: when each court location in the judicial district is open to conduct business; the hours when documents will be received for filing at each location, if different from when the court location is open to conduct business; and special arrangements, if any exist or may be made, for delivery of documents for filing at times when the court location is not open to conduct business, other than by electronic filing.

{(3) Each judicial district also must announce on its website a phone number or email address to serve as contact information about case filings.}

3. 2.010 – FORM OF DOCUMENTS

PROPOSAL

Amend section (9) to add a provision requiring English translations of exhibits that are in a foreign language.

ACTION TAKEN

The committee received three public comments. The committee moved to change its preliminary recommendation of approval to a final recommendation of disapproval. The motion to issue a final recommendation of disapproval was adopted by consensus.

EXPLANATION

This proposal was submitted by Kelly Mills, Program Manager of the Oregon Judicial Department Court Language Services (CLAS), on November 7, 2017. This proposal requires a person submitting a foreign language exhibit to simultaneously submit an English translation with a declaration signed by the translator. During a court proceeding, interpreters are often asked to transcribe

foreign language exhibits into English and to translate foreign language audio exhibits such as 911 recordings.

At the UTCR committee meeting on October 5, 2018, the proponent explained that these tasks pose the following difficulties for interpreters:

- Interpreters are trained to interpret spoken word, not written word;
- Transcription often requires additional resources that are not available during a court proceeding due to lack of time, the prevalence of slang and abbreviations in offered documents, and the inability of the interpreter to ask for clarification from the maker of the document;
- Audio recordings are often of poor quality, making it difficult to translate them “on the fly” without the opportunity to rewind and replay;
- Interpreters are often asked to perform these tasks during court breaks, resulting in the deprivation of a needed rest period;
- When an interpreter is asked to provide a transcription for one party, the interpreter loses the appearance of neutrality, which conflicts with the interpreter’s ethical obligations and makes them a potential witness.

The committee discussed many aspects of the proposal including:

- A potential solution currently used in many counties that allows the party offering the exhibit to read the exhibit into the court record while the interpreter simultaneously interprets the oral testimony. One committee member expressed concern that this approach will not work for audio recordings. Another was concerned that this would prevent verification of the document;
- The potential increased expense to self-represented and indigent litigants and the Public Defense Services Commission;
- Concern that some relevant evidence could be excluded if parties are unaware of the translation requirement prior to the date of the hearing or are unable to comply;
- Limiting the proposal to a simple prohibition stating that interpreters are prohibited from transcribing documents;
- Concern that some exhibits offered for an ancillary purpose (such as to show that a contract was signed or notarized) could be excluded from evidence or from jury view.

At the fall UTCR committee meeting on October 5, 2018, the committee preliminarily recommended approval of the proposal.

At the spring UTCR committee meeting on March 8, 2019, the committee discussed the public comments received from Adrian Arias, a certified court interpreter, and from attorneys Joshua Hunking and Bert Krages. The public comments expressed concerns that the proposed rule:

- Would wholly eliminate sight translations, when some sight translations of exhibits can be performed accurately within the ethical limitations and skill of a certified interpreter;

- Should allow for some exceptions to increase access to justice for litigants while allowing a court interpreter to voice any concerns regarding the length or difficulty of the translation on the record;
- Could unfairly exclude exculpatory evidence in criminal cases in the event of newly discovered evidence or where the attorney was unaware of the evidence until the eve of trial;
- Should allow attorneys to submit the declaration attesting to the veracity of the translation and the qualifications of the translator.

In response to the written comments, Kelly Mills, Program Manager of the Oregon Judicial Department Court Language Services (CLAS), prepared an alternate proposal that would have allowed courts to order sight translation of exhibits under limited circumstances.

The committee carefully considered the original proposal, the written public comments, the testimony of Adrian Arias at the spring UTCR committee meeting, and the alternative proposal presented by Kelly Mills. Ultimately, the committee expressed a reluctance to either bar all sight translations or to allow a wide array of exceptions to the requirement that a party submit an English translation with the non-English exhibit at this time. The committee felt that this issue could be better dealt with through additional judicial education and attorney continuing legal education events. The committee encouraged Ms. Mills to conduct educational outreach on this issue. The committee advised that it may consider adopting a rule in the future if it appears that one is still needed after further educational outreach to the bench and bar.

PROPOSED AMENDMENT

2.010 FORM OF DOCUMENTS

Except where a different form is specified by statute or rule, the form of any document, including pleadings and motions, filed in any type of proceeding must be as prescribed in this rule.

(1) * * *

* * * * *

(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.

- (c) Except where otherwise required by statute, an exhibit appended to a document must be limited to only material, including an excerpt from another document, that is directly and specifically related to the subject of, and referred to in, the document. A responding party may timely file an additional excerpt or the complete document that the party believes is directly and specifically related. The court may require a party to file an additional excerpt or the complete document.
- (d) A party shall not file a non-documentary exhibit without prior leave of the court. A non-documentary exhibit consisting of an electronic recording may be transcribed and filed in documentary format consistent with this rule. If the court grants leave to file a non-documentary exhibit, the exhibit must be conventionally filed on a medium, including appropriate software where necessary, that allows the exhibit to be played or viewed on existing court equipment. Non-documentary exhibits may be returned to the custody of counsel for the submitting party pursuant to UTCR 6.120. The court may charge a reasonable fee to restore or clean, pursuant to Judicial Department policy and standards, court equipment used to play or view a non-documentary electronic exhibit. This rule does not apply to evidence submitted in electronic format pursuant to UTCR 6.190.

{(e) A court interpreter shall not translate or interpret an exhibit during the course of a proceeding. An interpreter may interpret oral testimony regarding the content of an exhibit. A person submitting an exhibit, including a non-documentary exhibit or electronic recording, that is in a language other than English must submit at the same time an English translation and a declaration under penalty of perjury from the translator:

(i) certifying that the translation is accurate and true; and

(ii) describing the translator's qualifications.}

(10) * * *

* * * * *

4. 21.090 – ELECTRONIC SIGNATURES

PROPOSAL

Amend section (4) to eliminate applicability to declarations to allow electronic signatures on declarations.

ACTION TAKEN

The committee received sixteen public comments. No motion was made to change the preliminary recommendation of disapproval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of disapproval became the committee's final recommendation of disapproval. The committee requested the eSignature Workgroup continue its work on this proposal.

EXPLANATION

This proposal was submitted by Kristin LaMont, Salem attorney, on August 31, 2018. The purpose of this proposal is to allow the use of electronic signatures on declarations.

At the fall UTCR committee meeting on October 5, 2018, the proponent discussed the following issues:

- Many other professions and industries such as banking and real estate now allow or even require electronic signatures;
- The proponent's desire to align the process for signing declarations with the process for signing other documents in her practice, such as retainer agreements;
- The availability of metadata that can be used to verify the authenticity of an electronic signature;
- Electronic signatures are more convenient for clients who work or live out of state, or who have busy schedules;
- Electronic signatures allow law firms to go paperless, and to save the time and expense of mailing hard copies.

The committee discussed the following issues regarding the proposal:

- Some litigants and witnesses may not appreciate the seriousness of signing a declaration absent the formalities associated with paper copies;
- Electronic signatures may make it more difficult to verify the authenticity of the signature, as they can be easily replicated;
- The possible need to require an attorney certification of the signature;
- Concerns regarding the expense and availability of electronic signature software;
- Potential issues regarding the compatibility of electronic signature software with Odyssey.

At the fall UTCR committee meeting on October 5, 2018, the committee formed the UTCR eSignature Workgroup to study electronic signatures and tasked the workgroup with developing an eSignature proposal. The workgroup met several times between the fall and spring meetings.

At the spring meeting on March 8, 2019, the eSignature Workgroup recommended two potential options to the committee. The first option would have allowed the use of electronic signatures for parties and witnesses in the same manner as currently allowed for filers under UTCR 21.090. UTCR 21.090 allows a filer to sign a document using an s/ followed by an electronic signature that may be typed or may be an electronically reproduced written signature. The workgroup also presented a second option that would allow the use of electronic signatures if the declarant uses an electronic signature program that tracks and retains an audit trail. The committee expressed a preference for requiring an audit trail and asked the workgroup to continue its work on the proposal. The committee discussed:

- A preference for treating all types of litigants similarly under the rule, whether attorney represented or self-represented;

- The need for an audit trail in the event of a suspected forgery or the need to refer a case for potential prosecution;
- The type of information to be retained in the audit trail;
- The retention period for electronic signatures and how that retention period may correspond to or differ from the 30-day retention period for documents containing original wet ink signatures. Several committee members expressed a preference for a longer retention period for electronically signed documents given that the arguments for a shorter retention period, mainly lack of physical storage space, do not apply to electronically signed documents; other committee members expressed a preference for uniformity.

The workgroup will continue its work on the proposal, with a focus on an audit trail system, and will report to the full committee at the October 18, 2019 UTCR committee meeting.

PROPOSED AMENDMENT

21.090 ELECTRONIC SIGNATURES

(1) * * *

* * * * *

- (4) Except as provided in section (5) of this section, when a document to be electronically filed requires a signature [*under penalty of perjury, or the signature*] of a notary public, the [*declarant or*] notary public shall sign a printed form of the document. The printed document bearing the original signatures must be imaged and electronically filed in a format that accurately reproduces the original signatures and contents of the document. The original document containing the original signatures and content must be retained as required in UTCR 21.120.
- (5) When the filer is the same person as the declarant named in an electronically filed document for purposes of ORCP 1 E, the filer must include in the declaration an electronic symbol intended to substitute for a signature, such as a scan of the filer’s handwritten signature or a signature block that includes the typed name of the filer preceded by an “s/” in the space where the signature would otherwise appear.

Example of a signature block with “s/”:
s/ John Q. Attorney
JOHN Q. ATTORNEY

5. 24.240 – FILING OF DOCUMENTS WHEN PETITIONER IS REPRESENTED BY COUNSEL

PROPOSAL

Adopt a rule addressing the process for *Church v. Gladden/Bogle v. State* claims.

ACTION TAKEN

The committee received one public comment. No motion was made to change the preliminary recommendation of disapproval. Therefore, by committee convention, the committee's October 5, 2018, preliminary recommendation of disapproval became the committee's final recommendation of disapproval.

EXPLANATION

This proposal was submitted by a UTCR committee workgroup consisting of Hon. Lung Hung, Malheur County Circuit Court, Hon. Charles M. Zennaché, Lane County Circuit Court, and Deputy Public Defender Zachary L. Mazer (OPDS). Representatives from the Department of Justice, who regularly represent the state in post-conviction relief cases, were present to discuss the proposal. The purpose of this proposal is to specifically address the procedures a PCR court must afford to a petitioner who disagrees with counsel's decision(s) about what claims to assert in the PCR case. These procedures are outlined in part in *Church v. Gladden*, 244 Or 308 (1966), and *Bogle v. Nooth*, 363 Or 455 (2018). The committee discussed concerns that proposed 24.240 may oversimplify the court's holding in *Bogle*, and that it does not fully encompass the court's ruling. Some concern was expressed over the procedures that the phrase "reasonable professional skill and judgment" may trigger. There was also discussion about the fact that *Bogle* is a fairly recent Supreme Court opinion, and forthcoming appellate opinions in PCR cases are likely to shed more light on application of *Bogle*. The majority of the committee felt that it was too soon to move forward on this issue without public comment and additional discussion with attorneys and judges who regularly work with these rules.

PROPOSED AMENDMENT

24.240 FILING OF DOCUMENTS WHEN PETITIONER IS REPRESENTED BY COUNSEL

- (1) Except as otherwise provided in this rule, counsel is the sole representative of the petitioner and all documents filed in the case must be signed and filed by counsel.
- (2) When the petitioner is represented by court-appointed counsel, a petitioner may personally file a motion requesting substitution of counsel or an order that appointed counsel include particular claims in the petition.
 - (a) The purpose of a motion under this section is to determine whether appointed counsel has exercised reasonable professional skill and judgment in declining to raise particular claims in the case.
 - (b) A motion under this section must identify the claims that appointed counsel has not included in the petition and the legal and factual basis for each claim.
 - (c) The petitioner bears the burden of demonstrating that appointed counsel has failed to exercise reasonable professional skill and judgment in declining to raise the claim or claims.
 - (d) A motion under this section is the petitioner's personal work product. If the petitioner requests the assistance of counsel in preparing the motion, counsel's obligation shall be limited to correcting obvious

typographical errors, preparing copies of the motion, serving the appropriate parties, and filing the motion with the court. If the petitioner prepares and files the motion without the assistance of counsel, in addition to serving all other parties to the case, the petitioner shall serve a copy of the motion on counsel.

- (3) The court may hold a hearing on the petitioner's motion in any case where the court believes a hearing would benefit its resolution of the motion.
- (4) After considering the motion, if the court finds that appointed counsel has failed to exercise reasonable professional skill and judgment in declining to raise one or more claims set out in the motion, the court may order substitution of counsel or may order that appointed counsel include the particular claim or claims in an amended petition.
- (5) A motion under this section must be filed within 60 days of the filing of the first amended petition or the notice that the petitioner will proceed on the original petition filed under UTCR 24.200(1). A motion filed after the time limit established in this section, or a second or subsequent motion filed under this section, must demonstrate good cause as to why the motion could not reasonably have been timely filed.

C. OTHER

1. 21.080 – ELECTRONIC FILING AND ELECTRONIC FILING DEADLINES

PROPOSAL

Review section (5) for conflict with ORS 21.100 considering the Appellate Commissioner's ruling in *Otnes v. PCC Structural, Inc.*, A167525.

ACTION TAKEN

No action was needed nor taken.

EXPLANATION

Review of 21.080(5)(a) was requested by committee member Janet Schroer on behalf of Matthew Kalmanson, attorney, on October 4, 2018. The UTCR committee discussed the rule and the Appellate Commissioner's ruling in *Otnes v. PCC Structural, Inc.*, A167525. In that case, the Appellate Commissioner ruled that the trial court did not err when it refused to allow relation back of a document for which the filing fee had not been paid. Mr. Kalmanson felt that this ruling identified a conflict between ORS 21.100 and UTCR 21.080(5) and that some amendment to UTCR 21.080(5) might be necessary to notify litigants that relation back may not be granted if the filing fee has not been paid. The committee discussed these issues and felt that there is no clear conflict between UTCR 21.080(5) and ORS 21.100 because UTCR 21.080(5) does not guarantee that a request for relation back will be granted.

At the spring UTCR committee meeting on March 8, 2019, the committee noted that the Court of Appeals has granted *en banc* reconsideration of the Appellate Commissioner's ruling in *Otnes v. PCC Structural, Inc.*, A167525. This topic may be revisited by the Committee in the fall, or after reconsideration by the Court of Appeals is complete.

PROPOSED AMENDMENT

The proponent did not submit specific wording for amendment of the rule.

2. **21.100 – ELECTRONIC SERVICE**

PROPOSAL

Discuss electronic service issues.

ACTION TAKEN

The committee received one public comment. No action was needed nor taken.

EXPLANATION

This issue was submitted for discussion by committee member Gene Hallman, on July 10, 2018, and analyzed by the Law and Policy Work Group (LPWG), on August 30, 2018. The proponent noted that his law firm frequently runs into the issue that other attorneys have not entered their service information in the electronic filing system as required by 21.100(2)(a). The committee discussed that this is a known and common issue; filers may believe that their service information is automatically added to the system and they may not realize that additional action is required for each new case.

At the spring UTCR committee meeting on March 8, 2019, the committee discussed new changes that will be coming to File and Serve once the new version of the software is in place. The committee discussed the need for continuing attorney education and training on issues regarding electronic filing, which should include specific information on the requirement to sign up for electronic service and instructions for how to do so. The committee also discussed the need to align the UTCR with the ORCP given that some attorneys are reluctant to sign up for eFiling because they believe that eFiling requires a forfeit of the three-day grace period for mailing in the ORCP.

One committee member expressed a preference for the federal eFiling system, PACER, which automatically matches an attorney's eFiling contact information with each associated case. Sam Dupree, OJD eServices Legal Liaison, explained that that feature is not currently available, but may be available in a future update to Odyssey.

PROPOSED AMENDMENT

The proponent did not submit specific wording for amendment of the rule.

3. **Committee Membership**

ACTION TAKEN

No action was needed nor taken by the committee.

EXPLANATION

The committee received an update on membership. Committee members Hon. Wells Ashby, Hon. Tracy Prall and Craig Cowley will complete their service on the committee on December 31, 2019. Next fall, OJD will advertise for experienced applicants to fill these positions. Members are appointed by the Chief Justice.

4. Fall 2019 Meeting

ACTION TAKEN

No action was needed nor taken by the committee.

EXPLANATION

The fall meeting of the UTCR Committee will be held on October 18, 2019. Please submit proposed UTCR changes to the UTCR Reporter by August 31, 2019, so that they may be included in the fall meeting agenda. You may submit proposals by email or tradition mail: utcr@ojd.state.or.us or UTCR Reporter, Supreme Court Building, 1163 State Street, Salem, Oregon 97301-2563.