

## CHAPTER 21—Filing and Service by Electronic Means; Electronic Files of the Court

### 21.010 DEFINITIONS

The following definitions apply to this chapter:

- (1) “Conventional filing” means a process whereby a filer submits a paper document for filing with the court.
- (2) “Electronic filing” means the process whereby a filer electronically transmits to a court a document in an electronic form to initiate an action or to be included in the court file for an action.
- (3) “Electronic filing system” means the system provided by the Oregon Judicial Department for the electronic filing and the electronic service of a document via the Internet, excluding the electronic filing of a criminal citation under ORS 133.073. A filer may access the system through the Oregon Judicial Department’s website (<http://www.courts.oregon.gov/Pages/default.aspx>).
- (4) “Electronic service” means the electronic transmission of a notice of filing by the electronic filing system to the electronic mail (email) address of a party who has consented to electronic service under UTCR 21.100(1). The notice will contain a hyperlink to access a document that was filed electronically for the purpose of accomplishing service.
- (5) “Filer” means a person registered with the electronic filing system who submits a document for filing with the court.
- (6) “Service contact” means any party to be served electronically by the electronic filing system, through email notification.
- (7) “Other service contact” means any person associated with the filer for purposes of an action whom the filer wishes to receive email notification from the electronic filing system of documents electronically served in the action. An “other service contact” includes another lawyer, administrator, or staff from the filer’s place of business, or another person who is associated with the filer regarding the action or otherwise has a legitimate connection to the action.

### 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, 10.020, and 11.110, governing the electronic filing and electronic service of documents.

### 21.030 FILERS

- (1) Authorized Filers
  - (a) Any person who completes an online registration form and obtains a login under subsection (b) of this section is an authorized filer in the electronic filing system.
  - (b) A filer must complete an online registration form to request a login for access to the electronic filing system and must execute a user agreement. The filer must provide

information sufficient to establish the filer's technical capacity to send and receive electronic filings and court notices. On receipt of the required information, the electronic filing system will send an email to the filer with an activation link and login information.

(2) Conditions of Electronic Filing

To have access to the electronic filing system, each filer agrees to, and must:

- (a) Register for access to the electronic filing system;
- (b) Comply with the registration conditions when using the electronic filing system;
- (c) Maintain one or more operative email addresses at which the filer agrees to accept email notifications from the electronic filing system and electronic service of documents, provided that the filer has consented to electronic service in an action as provided in UTCR 21.100(2); and
- (d) Furnish required information for case processing.

21.040 FORMAT OF DOCUMENTS TO BE FILED ELECTRONICALLY

- (1) A document submitted electronically to the court must be in the form of a text-searchable Portable Document Format (PDF) or a text-searchable Portable Document Format/A (PDF/A) file that does not exceed 25 megabytes. The PDF or PDF/A document must allow copying and pasting text into another document, as much as practicable. A document that exceeds the size limit must be broken down and submitted as separate files that do not exceed 25 megabytes each. A filer submitting separate files under this section must include in the Filing Comments field for each submission a description that clearly identifies the part of the document that the file represents, for example, "Motion for Summary Judgment, part 1 of 2."
- (2) Except as provided in subsections (a) or (b) of this section, or in UTCR 24.040(3)(a) when a document to be electronically filed incorporates a documentary exhibit, an affidavit, a declaration, a certificate of service, or another document, the electronic filing must be submitted as a unified single PDF file, rather than as separate electronically filed documents, to the extent practicable. An electronic filing submitted under this section that exceeds 25 megabytes must comply with section (1) of this rule.
  - (a) If an electronic filing consists of a motion or similar document and a corresponding proposed order, judgment, or any other document that requires court signature, the filer must submit the document requiring court signature through the eFiling system as a separate electronically filed document from the motion. A filer submitting separate documents under this subsection must include in the Filing Comments field for each submission a description that clearly identifies the filing, for example, "Motion for Summary Judgment" and "Proposed Order Granting Motion for Summary Judgment."
  - (b) If an electronic filing is filed in a case that is not confidential by statute or rule, but includes an incorporated document that is confidential or otherwise exempt from disclosure, the filer must submit the incorporated document through the eFiling system as a separate electronically filed document. When submitting a confidential document through the eFiling system under this subsection, a filer must designate

the document as confidential. A filer submitting separate documents under this subsection must include in the Filing Comments field for each submission a description that clearly identifies the filing, for example, "Motion for Stay" and "Confidential Attachment to Motion for Stay." A filer otherwise eFiling any confidential document, or any document in a case that is confidential by statute or rule, also must comply with UTCR 21.070(6) and (7).

- (c) The reference in section (2) to an affidavit and a declaration applies to only an affidavit or a declaration that is an incorporated document.
- (3) A proposed order or judgment, or any other document that requires court signature that is submitted electronically, must include, for the purpose of affixing a signature and signature date, a blank space of not less than 1.5 inches and a blank line following the last line of text.

Example:

Petitioner's motion for a stay is granted. The proceedings in this action are held in abeyance pending further notification from petitioner of completion of the conditions set out in this order.

*(at least 1.5 inches of blank space following last line of text)*

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- (4) When viewed in an electronic format and when printed, a submitted document must comply with the requirements of ORCP 9 E and UTCR 2.010 except as to any requirement that a document bear a physical signature when filed.
  - (5) When submitting an electronic filing that creates a new case or adds a party to an existing case,
    - (a) A filer must enter into the "Add Party" screen the names of all known parties or all parties being added; and
    - (b) A filer must enter party names in proper case, for example, "John Doe" and not "JOHN DOE."
  - (6) The court may reject submitted documents that do not comply with these provisions as provided in UTCR 21.080(5).

#### 21.050 PAYMENT OF FEES

- (1) Payment Due on Filing

A filer must pay the filing fees for filing a document electronically at the time of electronic filing.

(2) Fee Waivers and Deferrals

- (a) Except as provided in subsection (b) of this rule, a filer may apply for a waiver or deferral of court fees and costs, as provided in ORS 21.682 and ORS 21.685, when submitting for electronic filing a document that constitutes an appearance, motion, or pleading for which a fee is required, with an accompanying application for a waiver or deferral of a required fee. The document will not be accepted for filing unless the court grants the fee waiver or deferral.
- (b) A filer may not electronically apply for a waiver or deferral of court fees when submitting a document that initiates an action, as provided in UTCR 21.070(3)(f).

21.060 FILES OF THE COURT

(1) Electronic Filing

- (a) The electronic filing of a document is accomplished when a filer submits a document electronically to the court, the electronic filing system receives the document, and the court accepts the document for filing.
- (b) When the court accepts the electronic document for filing, the electronic document constitutes the court's record of the document.

(2) Converting a Conventional Filing into an Electronic Format

The court may digitize, microfilm, record, scan, or otherwise reproduce a document that is filed conventionally into an electronic record, document, or image. The court subsequently may destroy a document that is filed conventionally in accordance with the protocols established by the State Court Administrator under ORS 8.125(11) and ORS 7.124.

(3) Register of Actions

The following apply whether or not a document is electronically filed with the court:

- (a) For the purpose of ORS 7.020(1) and (2), the date that a document was filed displays in the date column of the register of actions for the case in the court's electronic case management system.
- (b) For the purpose of ORS 7.020(2), entry occurs on the date an event is created in the register of actions.

21.070 SPECIAL FILING REQUIREMENTS

(1) Courtesy Copies and Other Copies

- (a) The court may require that a filer submit, in the manner and time specified by the court, a copy of the document that was filed electronically and a copy of the submission or acceptance email from the electronic filing system.
- (b) When a filer submits a document for conventional filing or electronic filing, the filer need not submit for filing additional copies of that document unless otherwise required by the court.

(2) Court Order Requiring Electronic Filing and Electronic Service

Except for any document that requires service under ORCP 7 or that requires personal service, the court may, on the motion of any party or on its own motion, order any party not already otherwise so required to file or serve all documents electronically, after finding that such an order would not cause undue hardship or significant prejudice to any party.

(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 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) 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 or UTCR 24.040(3)(a).
- (q) A non-documentary exhibit filed pursuant to UTCR 2.010(9)(d).
- (r) A victim's request for a United States Citizenship and Immigration Services certification, and related documents, authorized by Oregon Laws 2019, chapter 472, section 1 (2019 Senate Bill 962).

(4) Consolidated Cases

Unless provided otherwise by court order or SLR adopted under UTCR 2.090, a party electronically filing a document that is applicable to more than one case file must electronically file the document in each case using existing case numbers and captions.

(5) Expedited Filings

- (a) A filer who submits an expedited filing through the eFiling system:
  - (i) Must include the words "EXPEDITED CONSIDERATION REQUESTED" in the Filing Comments field when submitting the filing; and
  - (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) Filings in Confidential Cases Made Confidential by Statute or Rule, and Other Confidential Filings

- (a) Except as provided in subsection (b) of this section, if a case is confidential by statute or rule, a filer submitting a document in the case through the eFiling system must not designate the document as confidential, because the case itself already is designated as confidential.
  - (b) Notwithstanding subsection (a) of this section, and as additionally provided in section (7) of this rule, if a particular document type is deemed confidential by statute or rule within a case type deemed confidential by statute or rule, a filer submitting such a document through the eFiling system must designate the document as confidential.
  - (c) If a confidential document is being submitted in a case that is not confidential by statute or rule, a filer submitting such a document through the eFiling system must designate the document as confidential.
- (7) Filings in Adoption Cases
- (a) Initiating documentation in an adoption case must be submitted as a unified single PDF file, rather than as separate electronically filed documents, to the extent practicable and except as otherwise provided in subsection (c) of this section. An electronic filing submitted under this subsection that exceeds 25 megabytes must comply with UTCR 21.040(1).
  - (b) The petition and related exhibits required under ORS 109.315(3) and 109.385(9) must be filed as a unified single PDF. Filers in adoption proceedings initiated under ORS 419B.529 must submit the initiating document and related exhibits as a unified single PDF. When submitting a filing identified in this subsection through the eFiling system, a filer must not designate the filing as confidential, because the case type “adoption” already is designated as confidential.
  - (c) An Adoption Summary and Segregated Information Statement (ASSIS) and related exhibits filed under ORS 109.317(2), ORS 109.385(10), and ORS 419B.529(2) must be filed separately from the petition or initiating document and related exhibits as a unified single PDF that includes both the ASSIS and any ASSIS exhibit. When submitting a filing identified in this subsection through the eFiling system, a filer must designate the document as confidential because the unified document containing the ASSIS and any ASSIS exhibit is segregated from other documents in the case file.

## 21.080 ELECTRONIC FILING AND ELECTRONIC FILING DEADLINES

- (1) A filer may use the electronic filing system at any time, except when the electronic filing system is temporarily unavailable.
- (2) The filing deadline for any document filed electronically is 11:59:59 p.m. in the time zone where the court is located on the day the document must be filed.
- (3) The court considers a document submitted for an electronic filing when the electronic filing system receives the document. The electronic filing system will send an email to the filer that includes the date and time of receipt, unless the filer has elected through system settings not to receive the email.
- (4) If the court accepts the document for filing, the date and time of filing entered in the register relate back to the date and time the electronic filing system received the document. When the court accepts the document, the electronic filing system will affix the

date and time of submission on the document, thereby indicating the date and time of filing of the document. When the court accepts a document for filing, the electronic filing system sends an email to the filer, unless the filer has elected through system settings not to receive the email.

- (a) The provisions of this subsection do not apply to a proposed order or judgment, or to any other document that requires court signature, that is electronically filed.
  - (b) When the court accepts a proposed order or judgment or any other document that requires court signature through the electronic filing system, the document is deemed submitted for judge review.
- (5) If the court rejects a document submitted electronically for filing, the electronic filing system will send an email to the filer that explains why the court rejected the document, unless the filer has elected through system settings not to receive the email. The email will include a hyperlink to the document.
- (a) A filer who resubmits a document within 3 days of the date of rejection under this section may request, as part of the resubmission, that the date of filing of the resubmitted document relate back to the date of submission of the original document to meet filing requirements. If the third day following rejection is not a judicial day, then the filer may resubmit the filing with a request under this subsection on the next judicial day. For purposes of this subsection, resubmission means submission of the document through the electronic filing system under section (3) of this rule or physical delivery of the document to the court. A filer who resubmits a document under this subsection must include:
    - (i) A cover letter that sets out the date of the original submission and the date of rejection and that explains the reason for requesting that the date of filing relate back to the original submission, with the words “RESUBMISSION OF REJECTED FILING, RELATION-BACK DATE OF FILING REQUESTED” in the subject line of the cover letter; and
    - (ii) If an electronic resubmission, the words “RESUBMISSION OF REJECTED FILING, RELATION-BACK DATE OF FILING REQUESTED” in the Filing Comments field.
  - (b) A responding party may object to a request under subsection (a) of this section within the time limits as provided by law for the type of document being filed. For the purpose of calculating the time for objection provided by law under this subsection, if applicable, the date of filing is the date that the document was resubmitted to the court under subsection (a) of this section.
- (6) If the eFiling system is temporarily unavailable or if an error in the transmission of the document or other technical problem prevents the eFiling system from receiving a document, the court may, upon satisfactory proof, permit the filing date of the document to relate back to the date that the eFiler first attempted to file the document to meet filing requirements. Technical problems with the filer’s equipment or attempted transmission within the filer’s control will not generally excuse an untimely filing.
- (a) A filer seeking relation-back of the filing date due to system unavailability or transmission error described in this section must comply with the requirements in subsection (5)(a) of this rule.



- (i) The cover letter described in subsection (5)(a)(i) must include the date of the original attempted submission and the date that the filer was notified that the submission was not successful, and explain the reason for requesting that the date of filing relate back to the original submission, with the words “RESUBMISSION OF FILING, SUBMISSION UNSUCCESSFUL, RELATION-BACK DATE OF FILING REQUESTED” in the subject line of the cover letter.
  - (ii) The Filing Comment field notification for an electronic resubmission described in subsection (5)(a)(ii) must include the words “RESUBMISSION OF FILING, SUBMISSION UNSUCCESSFUL, RELATION-BACK DATE OF FILING REQUESTED.”
  - (iii) The filer may include supporting exhibits that substantiate the system malfunction together with the filer’s cover letter.
- (b) A responding party may object in the same manner and subject to the same time calculations as in subsection (5)(b) of this rule.

## 21.090 ELECTRONIC SIGNATURES

- (1) The use of a filer’s login constitutes the signature of the filer for purposes of these rules and for any other purpose for which a signature is required.
- (2) In addition to information that law or rule requires to be in the document, a document filed electronically must include 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  
OSB #  
Email address  
Attorney for Plaintiff Smith Corporation, Inc.

- (3) When more than one party joins in filing a document, the filer must show all of the parties who join by one of the following:
  - (a) Submitting an imaged document containing the signatures of all parties joining in the document;
  - (b) A recitation in the document that all such parties consent or stipulate to the document; or
  - (c) Identifying in the document the signatures that are required and submitting each such party’s written confirmation no later than 3 days after the filing.
- (4) When a document to be electronically filed requires the signature of a notary public, the 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.

- (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

- (6) When the filer is not the same person as the declarant named in an electronically filed document for purposes of ORCP 1E, the document may be signed using either:
- (a) Electronic signature software that includes a security procedure designed to verify that an electronic signature is that of a specific person. A security procedure is sufficient if it complies with the definition of "security procedure" in ORS ch. 84; or
  - (b) An original signature on a printed document. The printed document bearing the original signature must be imaged and electronically filed in a format that accurately reproduces the original signature and contents of the document.
- (7) When a filer electronically files a document described in subsection (6) of this rule, the filer certifies by filing that, to the best of the filer's knowledge after appropriate inquiry, the signature purporting to be that of the signer is in fact that of the signer.
- (8) Unless the court orders otherwise, if a filer electronically files:
- (a) A declaration that contains an electronic signature of a person other than the filer, the filer must retain the electronic document until entry of a general judgment or other judgment or order that conclusively disposes of the action.
  - (b) An image of a document that contains the original signature of a person other than the filer, the filer must retain the document in the filer's possession in its original paper form for no less than 30 days.

#### 2011 Commentary:

The Committee does not intend the requirement to include an email address in a signature block to constitute consent to receipt of service of documents by email. Electronic service of documents may only be accomplished as specified in UTCR 21.100.

#### 21.100 ELECTRONIC SERVICE

- (1) Consent to Electronic Service and Withdrawal of Consent
- (a) A filer who electronically appears in the action by filing a document through the electronic filing system that the court has accepted is deemed to consent to accept electronic service of any document filed by any other registered filer in an action, except for any document that requires service under ORCP 7 or that requires personal service.

- (b) A filer who is dismissed as a party from the action or withdraws as a lawyer of record in the action may withdraw consent to electronic service by removing the filer's contact information as provided in subsection (2)(a) of this rule.
- (c) Except as provided in subsection (b) of this section, a filer may withdraw consent to electronic service only upon court approval based on good cause shown.

(2) Contact Information

- (a) At the time of preparing the filer's first electronic filing in the action, a filer described in section (1) of this rule must enter in the electronic filing system the name and service email address of the filer, designated as a service contact on behalf of an identified party in the action. If the filer withdraws consent to electronic service under subsection (1)(b) or (1)(c) of this rule, then the filer must remove the filer's name and service email address as a designated service contact for a party.
- (b) A filer described in subsection (1)(a) of this rule may enter in the electronic filing system, as an other service contact in the action:
  - (i) An alternative email address for the filer; and
  - (ii) The name and email address of any additional person whom the filer wishes to receive electronic notification of documents electronically served in the action, as defined in UTCR 21.010(7). If a lawyer enters a client's name and contact information as an other service contact under this subsection, then the lawyer is deemed to have consented for purposes of Rule of Professional Conduct 4.2 to delivery to the client of documents electronically served by other filers in the action.
- (c) A filer is responsible for updating any contact information for any person whom the filer has entered in the electronic filing system as either a service contact for a party or as an other service contact in an action.
- (d) A filer may seek court approval to remove a person entered by another filer as an other service contact in an action if the person does not qualify as an other service contact under UTCR 21.010(7).

(3) Selecting Service Contacts and Other Service Contacts

When preparing an electronic filing submission with electronic service, a filer is responsible for selecting:

- (a) The appropriate service contacts in the action, for the purpose of accomplishing electronic service as required by law of any document being electronically filed; and
- (b) The appropriate other service contacts in the action, if any, for the purpose of delivering an electronic copy of any document being electronically filed.

(4) Court Notification and Transmission Constituting Service

When the court accepts an electronic document for filing under UTCR 21.060(1)(a), the electronic filing system sends an email to the email address of each person whom the filer selected as a service contact or other service contact under section (3) of this rule. The email contains a hyperlink to access the document or documents that have been filed

electronically. Transmission of the email by the electronic filing system to the selected service contacts in the action constitutes service.

(5) Completion and Time of Electronic Service

Electronic service is complete when the electronic filing system sends the email to the selected service contacts in the action.

(6) Service Other than by Electronic Means

The filing party is responsible for accomplishing service in any manner permitted by the Oregon Rules of Civil Procedure and for filing a proof of service with the court for the following documents:

- (a) A document required to be filed conventionally under this chapter;
- (b) A document that cannot be served electronically on a party who appeared in the action; and
- (c) A document subject to a protective order.

21.110 HYPERLINKS

- (1) A document that is filed electronically may contain hyperlinks to other parts of the same document or hyperlinks to a location on the Internet that contains a source document for a citation or both.
- (2) A hyperlink to cited authority does not replace standard citation format. A filer must include the complete citation within the text of the document. Neither a hyperlink, nor any site to which it refers, is part of the record. A hyperlink is simply a convenient mechanism for accessing material cited in a document filed electronically.
- (3) The Oregon Judicial Department neither endorses nor accepts responsibility for any product, organization, or content at any hyperlinked site, or to any site to which that site refers.

21.120 RETENTION OF DOCUMENTS BY FILERS AND CERTIFICATION OF ORIGINAL SIGNATURES (Repealed)

REPORTER's NOTE: UTCR 21.120 was repealed effective March 27, 2020. See UTCR 21.090 for retention and certification requirements.

21.130 PROTECTED INFORMATION

The use of information contained in a document filed electronically or information accessed through the electronic filing system must be consistent with state and federal law.

## 21.140 MANDATORY ELECTRONIC FILING

- (1) An active member of the Oregon State Bar must file a document using the electronic filing system, instead of using conventional filing, unless:
  - (a) The document is required to be conventionally filed under UTCR 21.070(3); or
  - (b) The filer has obtained a waiver under subsection (2) of this rule.
- (2) An active member of the Oregon State Bar may seek a waiver of the requirement in section (1) of this rule as follows:
  - (a) The Bar member must file one of the following:
    - (i) A petition for waiver in all cases in a specific judicial district for a specific period of time.
    - (ii) A motion in an existing case for waiver in that specific case.
  - (b) A petition or motion must include an explanation describing good cause for the waiver.
  - (c) A separate petition for waiver must be filed in each judicial district in which the person desires a waiver.
  - (d) If the court grants a petition for waiver, the Bar member obtaining the waiver must
    - (i) File a copy of the court's order in each case subject to the waiver; and
    - (ii) Include the words "Exempt from eFiling per Waiver Granted [DATE]" in the caption of all documents conventionally filed during the duration of the waiver.
  - (e) If the court grants a motion for waiver, the Bar member obtaining the waiver must include the words "Exempt from eFiling per Waiver Granted [DATE]" in the caption of all documents conventionally filed in the case.
- (3) If the electronic filing system is continuously unavailable for a period of more than 24 hours, an active member of the Oregon State Bar may file documents using conventional filing until the end of the first full business day after the day on which the electronic filing system becomes available.
- (4) If a filer submits a document for conventional filing in contravention of section (1) of this rule and the filer has not obtained a waiver pursuant to section (2) of this rule nor is the electronic system unavailable as described in section (3) of this rule, then court staff may, to the extent allowed by policy adopted by the presiding judge, take any of the following actions:
  - (a) Direct the filer to the court's kiosk to complete the filing electronically.
  - (b) Refuse to accept the document for filing.
  - (c) Return the document to the filer as unfiled.
  - (d) Refer the filing to a judge for consideration of sanctions under UTCR 1.090.