

In the Matter of Out-of-Cycle  
Amendment of Uniform Trial Court  
Rule 1.050

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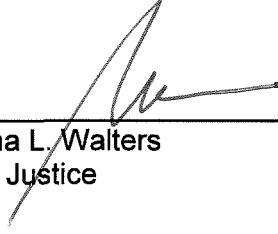
CHIEF JUSTICE ORDER  
No. 19-096

ORDER APPROVING OUT-OF-CYCLE  
AMENDMENT OF UNIFORM TRIAL  
COURT RULE 1.050

I HEREBY ORDER, pursuant to ORS 1.002 and UTCR 1.020, that:

1. Good cause has been shown and the time limits established by UTCR 1.020(2), (3), and (4) are waived for the amendment of UTCR 1.050.
2. UTCR 1.050, as shown in Attachment A to this order, is amended effective immediately. For the convenience of the reader, deleted wording is shown in [*brackets and italics*] and new wording is shown in {**braces, underline, and bold**}.
3. Pursuant to UTCR 1.020(5), the UTCR Reporter shall take the steps necessary to post the amended rule for public comment as soon as practicable and shall place it on the agenda for the April 3, 2020, UTCR Committee meeting for review of public comment.

Dated this 18<sup>th</sup> day of November, 2019.

  
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Martha L. Walters  
Chief Justice

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

(1) Promulgation of SLR

- (a) Pursuant to ORS 3.220, a court may make and enforce local rules consistent with and supplementary to these rules for the purpose of giving full effect to these rules and for the prompt and orderly dispatch of the business of the court.
- (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. 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) Every court must promulgate an SLR governing the scheduling and notification of parties for criminal trials, show cause hearings, and motions. A temporary rule may be issued for a specified period of time with Chief Justice approval if the procedures are under revision or study by the affected court.
- (d) All forms required by SLR must be submitted as part of the SLR. Such forms shall be placed in an appendix and organized by chapter and SLR number. SLR and related forms shall contain cross-references to one another.

(2) Review of SLR

- (a) The presiding judge must give written notice of any new rules and changes to existing rules to the president(s) of the bar association(s) in the affected district and allow the bar association(s) at least 49 days before the date of submission of the rules to the Office of the State Court Administrator (OSCA) to provide the presiding judge with public comment. Subsequent changes made to those SLR in response to recommendations from the UTCR Committee do not need to be submitted to the president(s) of the bar association(s) in the affected district.
- (b) Proposed local rules will be considered by the Chief Justice or designee not more often than once each year. To be considered, the proposed rules and a written explanation of each proposed new rule and change to an existing rule must be received by OSCA on or before September 1.
- (c) The Chief Justice or designee shall issue any disapprovals on or before December 15 of the same year.

- (d) Judicial districts shall file with OSCA a final certified **{electronic}** copy [*and a final electronic copy*] in PDF which must be received by OSCA no later than January 1 of the next year. Those SLR shall become effective on February 1 of the next year.
  - (e) Proposed local rules submitted to the Chief Justice for review under subsection (2)(b) of this rule must show the proposed changes to the local rule as follows: proposed new wording in the SLR and proposed new SLR will be in bold and underlined and have braces placed before and after the new wording (**{...}**), wording proposed to be deleted and SLR proposed to be repealed will be in italics and have brackets placed before and after the deleted wording (*[...]*). When final SLR are submitted to the State Court Administrator after review under subsection (2)(b) of this rule, changes shall not be indicated as required by this subsection.
  - (f) The Chief Justice may waive the time limits in this section upon a showing of good cause.
  - (g) If a local rule is disapproved, notice of that action shall be given to the presiding judge of the court submitting the rule.
- (3) Enforceability of Local Practices Not Contained in SLR

When any local practice is not contained in a court's SLR, the court may not enforce such local practice or impose any sanction therefore, unless the court has first afforded the party or attorney a reasonable opportunity to cure the violation by complying with the local practice.

1987 Commentary:

Subsection (2) renumbered as paragraph (1)(c) as of August 1, 1994: This subsection requires a court to promulgate local rules governing the scheduling and notification of counsel for trials, show cause hearings, and for motions. The purpose of this subsection is to give counsel, everywhere in the state, notice of how critical case events are scheduled by each local court. The purpose of this subsection, therefore, is not to promote any particular calendaring procedure, but rather to eliminate unwritten rules of court.