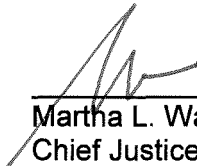


In the Matter of Out-of-Cycle Amendment)	CHIEF JUSTICE ORDER
of Uniform Trial Court Rules (UTCRC) 6.050,)	No. 19-098
21.040, 21.070, 24.030, 24.040, 24.050,)	
24.060, and 24.110)	ORDER APPROVING OUT-OF-CYCLE
)	AMENDMENT OF UNIFORM TRIAL
)	COURT RULES 6.050, 21.040, 21.070,
)	24.030, 24.040, 24.050, 24.060, and
)	24.110

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

1. Good cause has been shown and the time limits established by UTCRC 1.020(2), (3), and (4) are waived for the amendment of UTCRC 6.050, 21.040, 21.070, 24.030, 24.040, 24.050, 24.060, and 24.110.
2. UTCRC 6.050, 21.040, 21.070, 24.030, 24.040, 24.050, 24.060, and 24.110, as shown in Attachment A to this order, are amended effective February 1, 2020. 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 UTCRC 1.020(5), the UTCRC 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, UTCRC Committee meeting for review of public comment.

Dated this 2nd day of December, 2019.



 Martha L. Walters
 Chief Justice

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{ **or UTCR 24.040(3)(a)**}.

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.

* * * * *

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.
 - [(c) *If the petitioner in a post-conviction relief proceeding filed under ORS 138.510 intends to rely on the contents of the underlying circuit court criminal case file to*

support the allegations in the petition filed under ORS 138.580, then the petitioner must so state in the petition. If the petitioner intends to rely on some, but not all, of the contents of the underlying case file, then the petitioner must identify with reasonable specificity the materials on which the petitioner intends to rely. The petitioner need not attach to the petition, as part of evidence supporting the allegations, any document from the underlying case file.

- (i) This subsection applies only if the underlying criminal case was filed on or after the date that the circuit court in which the conviction was entered began using the Oregon eCourt Case Information system.
- (ii) The date that each circuit court began using the Oregon eCourt Case Information system is available at <http://www.courts.oregon.gov/programs/ecourt/Pages/Implementation-Map-2011-2016.aspx>.]

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(3) Documents that Must be Filed Conventionally

The following documents must be filed conventionally:

(a) * * *

* * * * *

(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)**}.

* * * * *

24.030 [THIS RULE INTENTIONALLY LEFT BLANK]{**RELIANCE ON UNDERLYING CIRCUIT COURT CRIMINAL CASE**}

(1) If petitioner intends to rely on the contents of the underlying circuit court criminal case file to support the allegations in the petition, then petitioner must so state in the petition. If petitioner intends to rely on some, but not all, of the contents of the underlying case file, then petitioner must identify with reasonable specificity the materials on which petitioner intends to rely. Petitioner need not attach to the petition, as part of evidence supporting the allegations, any document from the underlying case file.

(a) This subsection applies only if the underlying criminal case was filed on or after the date that the circuit court in which the conviction was entered began using the Oregon eCourt Case Information system.

(b) The date that each circuit court began using the Oregon eCourt Case Information system is available at <http://www.courts.oregon.gov/programs/ecourt/Pages/Implementation-Map2011-2016.aspx>.

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.]

{(1) Only the portions of the trial transcript or other documents that are directly relevant to petitioner's claims must be attached to the petition or amended petition as an exhibit, or, if UTCR 24.030 applies, identified in the petition.

(2) (a) A pleading that relies on a previously filed exhibit must expressly describe the exhibit, the earlier pleading with which it was filed, and the date that earlier pleading was filed.

(b) Each exhibit submitted must be numbered sequentially with no duplication, regardless of when the exhibit is submitted or what document the exhibit relates to.

(c) An exhibit may not be submitted more than one time unless the filer is submitting a corrected exhibit.

(3) Unless UTCR 24.030 or UTCR 21.070(3)(g) apply, all documentary exhibits must be submitted as follows:

(a) If the filer is an authorized eFiler under UTCR 21.030(1)(a), the filer must submit the exhibits electronically unless the exhibit is an audio or video recording or the court orders otherwise. UTCR 21.040 applies to this subsection, except that each exhibit must be submitted as a separate electronically filed document.

(b) If the filer is not an authorized eFiler under UTCR 21.030(1)(a), the filer must submit the documentary exhibits pursuant to UTCR 6.050(3).}

24.050 [DISCLOSURE OF WITNESSES PURSUANT TO ORS 138.615]{**ADDITIONAL MOTIONS, BRIEFING, AND EXHIBITS**}

[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.]

{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.**

24.060 [THIS RULE INTENTIONALLY LEFT BLANK]{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.

{24.110 CHALLENGES TO COURT APPOINTED COUNSEL

SLR 24.111 is reserved for judicial districts to adopt a local rule regarding challenges to court appointed counsel (*Church v. Gladden* claims).