

In the Matter of Approving Out-of-
Cycle Amendment of Uniform Trial
Court Rules (UTCRC) 21.050 and
21.070)
)
)
)
)
)
)

CHIEF JUSTICE ORDER
No. 21-051

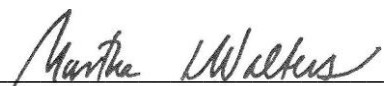
ORDER APPROVING OUT-OF-CYCLE
AMENDMENT OF UNIFORM TRIAL
COURT RULES (UTCRC) 21.050 and
21.070

I issue this ORDER, pursuant to my authority under ORS 1.002 and UTCRC 1.020 to make rules for the use of electronic transmission for filing documents with a court and to allow court users to electronically file applications for fee waiver or deferral. Chief Justice Order (CJO) 14-036, which prohibited the electronic filing of applications for fee waiver or deferral, is superseded by this order.

I HEREBY ORDER 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 21.050 and 21.070.
2. UTCRC 21.050 and 21.070 are amended, as shown in Attachment A to this order. 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 amendment of UTCRC 21.050 and 21.070 for public comment as soon as practicable and shall place them on the agenda for the April 1, 2022, UTCRC Committee meeting for review of public comment.
4. CJO 14-036 is superseded by this order.
5. This order takes effect on February 1, 2022.

Dated this 20th day of December, 2021.



Martha L. Walters
Chief Justice

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*{**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{, **or the required fee is paid**}.

[(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).*]

21.070 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]{**Reserved for future use**}.
- (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 (D)(8)(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) 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, except that documents submitted under the Family Abuse Prevention Act, the Elderly Persons and Persons with Disabilities Abuse Prevention Act, and the sexual abuse restraining order statutes (ORS 163.760 to 163.777) may be electronically submitted through the electronic forms system, when those forms are available in that system.
- (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 ORS 147.620.

(4) * * *

* * * * *