



OREGON JUDICIAL DEPARTMENT

POLICY AND STANDARDS FOR ACCEPTANCE OF ELECTRONIC FILINGS IN THE OREGON CIRCUIT COURTS

Version 1.0 5/22/2015

PURPOSE

Statewide standards for the acceptance of electronic filings are intended to provide clear consistent guidance to practitioners and courts on the proper use of the OJD eFiling system (File and Serve). The standards are grouped into two broad categories: (1) how to properly use the system from a technical perspective to ensure acceptance of eFiled documents, and (2) compliance with Uniform Trial Court Rules (UTCRC) Chapter 21 or ORCP 9E.

These standards will help educate efilers on the correct usage of File and Serve to provide them with a high quality experience, support consistent statewide messages to accompany returned electronic filings with instructions on how to cure the error, and allow the Oregon Judicial Department (OJD) and efilers to achieve the full benefits of an electronic filing system.

These Standards were drafted with the following principles in mind:

- Ensure an open and efficient court system
- Reasons for acceptance and return should be clear and consistent statewide
- Reasons for acceptance and return should remove legal decision making from front line court staff
- Reasons for acceptance and return should provide guidance on how to use the system consistent with UTCRC Chapter 21

BACKGROUND

OJD first launched Odyssey File and Serve, a Tyler Technologies product, on April 1, 2013, in Yamhill County, followed by seven additional circuit courts between May 2013 and October 2013 (in order): Crook, Jefferson, Linn, Jackson, Clatsop, Columbia, and Tillamook. Between March 2014 and July 2014 Benton, Polk, and Multnomah successfully implemented File and Serve.

Effective December 1, 2014, the Chief Justice signed an order directing mandatory eFiling for active members of the Oregon State Bar in the 11 counties that were then utilizing the File and Serve system.

As each circuit court “goes live” with the Odyssey case management system, the implementation process provides for permissive eFiling to begin 30 business days after a court

implements Odyssey, and mandatory eFiling to begin 60 business days after implementation of Odyssey. For example, Douglas, Josephine, and Marion Counties implemented Odyssey on December 8, 2014, permissive eFiling began January 20, 2015, and mandatory eFiling commenced on March 2, 2015. Mandatory eFiling for active members of the Oregon State Bar will be in place in all Oregon circuit courts by the fall of 2016.

As the first courts began utilizing the File and Serve system, inconsistencies appeared in court practices concerning the acceptance and return of electronic filings. The Oregon eCourt Executive Team identified the need for consistency across all courts in the implementation of File and Serve and subsequently identified an interim policy with six reasons to return an electronic filing.

The Office of the State Court Administrator (OSCA) continued to collect feedback from courts and efilers related to inconsistencies surrounding the acceptance and return of electronic filings. OSCA used this information along with electronic filing statistics, to develop these statewide standards for the consistent practice of acceptance and return of electronic filings in the circuit courts statewide. The courts initially vetted the proposed standards and the OJD Court Reengineering and Efficiencies Workgroup reviewed and recommended the final draft standards. The Chief Justice adopted the standards as part of his policy for the statewide use of the OJD eFiling system. (CJO 15-026).

STANDARDS POLICY (CJO 15-026)

As provided by the Chief Justice Order, the policy is:

- 1) The Oregon Circuit Courts shall accept filings electronically submitted through the OJD eFiling System (File and Serve) unless such filing fails to comply with these Standards.
- 2) Electronic filings that fail to comply with these Standards will be returned by electronic notice to the efiler to cure the problem(s) and resubmit to the court. The OJD eFiling system term that identifies the return of a document or filing to the efiler is labeled a “rejection”.
- 3) The court will notify the efiler of the reason for the return of the filing by using the proper return code and provide any applicable information to the efiler to assist with resubmittal. Notifications will be sent automatically by the electronic filing system unless the efiler user has opted out of receiving such notifications. Users who opt-out will not receive a notification from the court regarding the returned electronic filing.
- 4) Electronic filings returned (“rejected”) through the OJD eFiling system are not considered filed with the circuit court. An efiler must correctly resubmit the electronic filing to the circuit court and have it accepted by the court, in order to be considered successfully filed. An efiler can affirmatively request relation-back on the filed date of a returned (and corrected) filing by following the process and procedure outlined in Uniform Trial Court Rule 21.080(5).
- 5) To maintain currency, these Standards may be amended on an as-needed basis by the State Court Administrator for changes as approved by the Chief Justice.

STANDARDS MAINTENANCE

The Office of Education, Training, and Outreach (OETO) will monitor statistics on eFiling acceptance and returns and provide quarterly reports to the courts and leadership for review. Once all courts have implemented eFiling, these reports will be reduced to yearly. Mandatory eFiling for Oregon attorneys will be in place in all Oregon circuit courts by the fall of 2016.

OETO, ETSD, and Tyler Technologies, with input from courts and eFiling users, will work together on any necessary changes to these Standards, as well as technical issues and configuration changes to File and Serve. All changes to these Standards and the File and Serve system will be communicated with the courts and efilers through multiple mediums to enhance and ensure the efficiency of the system for all users.

OJD eFILING STANDARDS FOR ACCEPTANCE AND NON-ACCEPTANCE (REJECTION¹) IN FILE AND SERVE

OJD eFilings shall only be returned (rejected) to a filer for failure to comply with any one of three broad categories:

- 1) The filing fails to comply with an OJD eFiling process requirement,
- 2) The filing fails to comply with a UTCR requirement or ORCP 9E; or
- 3) The filing includes or has encountered a technical error.

Below are detailed reasons the circuit courts will reject a filing in each of the three broad categories:

1. Failure to Comply with an eFiling Process

If the filer fails to follow a required eFiling process, use the below reason(s):

a. A Filer Initiates a New Case When a Case Already Exists

Filer selects *New Case* and files the document(s) when the case already exists; acceptance of this type of filing would result in the creation of a new case.

- File and Serve Description: This case already exists, please file through the existing case.

b. Wrong Case Type Selected When Initiating A Case

Filer selected the incorrect case type when filing their initial pleadings.

- File and Serve Description: The wrong case type was selected, please use the following case type: [Court Input]

c. Wrong Filing Code Selected

Filer selects an incorrect filing code; acceptance of this type of filing results in court staff determining the correct code, changing the code, fixing time standards, and/or resolving other data entry issues in File and Serve and/or Odyssey.

- File and Serve Description: The wrong filing code was selected, please use the following code: [Court Input].

d. Document Must Be Submitted as a Proposed Order – PPOR

Filer attempts to file a proposed order using another code.

- File and Serve Description: Document must be submitted as Order – Proposed – PPOR.

¹ The OJD eFiling System (File and Serve) allows court staff to take two actions on eFiled documents; documents can either be accepted or rejected. When court staff rejects a document or filing, they select a rejection reason code. OJD uses the term rejection here for consistency purposes with the technical aspects of the system.

e. Document must be submitted as a Proposed Judgment – PPJG

Filer attempts to file a proposed judgment using another code.

- File and Serve Description: Document must be submitted as Judgment – Proposed – PPJG.

f. Document Must Be Submitted as a Proposed Writ – PPWR

Filer attempts to file a proposed writ using another code.

- File and Serve Description: Document must be submitted as Writ – Proposed – PPWR.

g. Duplicate Filing

Filer has already submitted these documents through File and Serve or by conventional filing.

- File and Serve Description: This is a duplicate filing, please check your records.

h. The Filer Selected the Wrong Court Location

Filer selects the wrong court location.

- File and Serve Description: This filing was submitted to the wrong court location, please check your records.

i. The Filer Selected the Wrong Case Number or Submitted a Document Without a Case Number

Filer selects the wrong case number or fails to place the case number on the document.

- File and Serve Description: This filing was submitted into the wrong case number or the document does not have a case number.

2. Failure to Comply with a UTCR

To ensure compliance with UTCR Chapter 21, use the below reason(s):

a. The Filer Submitted a Document that Does Not Meet ORCP/UTCR Requirements (UTCR 21.040(4))

A document fails to meet basic ORCP/UTCR requirements if the document were to be printed.

- File and Serve Description: Document does not meet ORCP/UTCR Requirements. See UTCR 21.040(4).

b. The Filer Submitted a Document that Must Be Presented at Ex Parte (UTCR 21.070(3)(m))

The filing is required to be filed at Ex Parte pursuant to an SLR.

- File and Serve Description: Ex Parte Filing: Please submit this document at Ex Parte. See UTCR 21.070(3)(m).

c. Parties Entered Incorrectly (UTCR 21.040(5))

Party fails to use: proper case; adds a 'dba' or 'aka'; 'c/o' in an address field; or fails to include all parties.

The court will also use this rejection reason when a filer does any of the following: enters an additional defendant on a criminal case, enters a victim on a criminal case, adds an attorney as a party, adds a redacted party to a case, or fails to correctly add a new party such as a third-party defendant or plaintiff.

- File and Serve Description: Parties entered incorrectly. See UTCR 21.040(5).

d. The Filer Submitted a Document that Must Be Filed Conventionally (UTCR 21.070(3))

The filing must be filed conventionally under the rule even though the system may permit it.

- File and Serve Description: This document must be filed conventionally. See UTCR 21.070(3).

e. A Proposed Order or Judgment that Contains an Invalid Date Line (UTCR 21.040(3))

A proposed order or judgment contains an invalid date line.

- File and Serve Description: The proposed order or judgment contains an invalid date line. See UTCR 21.040(3).

f. A Filing or Document Submitted without a Proper Filing Fee (UTCR 21.050(1))

Party fails to pay any fee for a filing that requires a specific statutory filing fee.

- File and Serve Description: No payment for filing fee included (See UTCR 21.050(1)), please resubmit with fee: [Court Input].

g. A Filing or Document with the Wrong Fee or Wrong Responsible Party Selected (UTCR 21.050(1))

Filer selects an incorrect fee or selects the wrong responsible party.

- File and Serve Description: Incorrect filing fee or incorrect responsible party was selected (See UTCR 21.050(1)): [Court Input].

h. An Attachment Filed as a Separate Document (UTCR 21.040(2))

Filer attempts to file an attachment (exhibit, supporting affidavit, declaration, or uncaptioned certificate of service) as a separate document from the primary pleading.

- File and Serve Description: Documents not submitted as a single unified PDF. See UTCR 21.040(2).

i. A Document Contains a Proposed Order or Judgment and a Motion as a Single PDF (UTCR 21.040(2)(a))

Filer attaches a proposed document to a motion or other document or files the motion and order in separate File and Serve envelopes.

- File and Serve Description: Proposed documents must be submitted as separate documents in the same envelope. See UTCR 21.040(2)(a).

j. A Document that Fails to Meet the Signature Requirements of UTCR 21.090

Document is not notarized or does not contain a proper original or electronic signature, depending on the type of filing.

- File and Serve Description: Document fails to meet signature requirements. See UTCR 21.090.

k. A PDF Document With a Confidential Attachment Included in the Document (UTCR 21.040(2)(b))

A single PDF document contains a document, such as a CIF, that should be a separate PDF document marked as confidential.

- File and Serve Description: A PDF document contains a confidential document that must be a separate PDF. See UTCR 21.040(2)(b).

l. A Proposed Order or Judgment Without a Certificate of Readiness (UTCR 5.100)

A proposed order or judgment that falls under UTCR 5.100 must include a Certificate of Readiness as detailed in that rule.

- File and Serve Description: A proposed order or judgment must include a Certificate of Readiness attached to the proposed order or judgment. See UTCR 5.100.

3. Technical Errors (Either by the Filer or the System)

a. A Document Submitted with One or More Illegible Pages

Document in the review queue is not legible for any reason.

- File and Serve Description: One or more of the pages is illegible.

b. A Document Submitted with One or More Upside-down or Sideways Pages

Document contains an upside-down or sideways page or pages.

- File and Serve Description: One or more of the pages is upside down and/or sideways.

c. Filer Requested Rejection

Filer requests the court reject a filing to make correction(s).

- File and Serve Description: Filer requested rejection.

d. The PDF Document has or has Encountered a PDF Conversion Error

Technical error with the PDF, and either ETSD Help Desk or Tyler Technologies has instructed the court it cannot accept the PDF document into the filing so the court will return it.

- File and Serve Description: PDF document conversion error; please contact Tyler Technologies at 1-800-297-5377.

e. A PDF Document that is Not Text Searchable

Filer files a PDF document that has not gone through Optical Character Recognition (OCR).

- File and Serve Description: The PDF document submitted is not text searchable.

f. Rejected (UNIQUE)

This category code should be used sparingly when the filing must be rejected as determined by the trial court administrator and no other appropriate reason is available as identified in this policy.

- File and Serve Description: Rejected: [Court Description].

Note: If a court finds that the Unique Code is used as an ongoing reason for non-acceptance because a recurring reason is not covered in this policy that issue should be sent in as an ETSD HELP TICKET (ETSDhelp@ojd.state.or.us) with suggestion for its addition/consideration. It is not the intent of OJD to have recurring reasons for non-acceptance that are not documented and handled in compliance with this policy.