

Amendments to Uniform Trial Court Rules – Effective August 1, 2016

UTCRC 5.100 – Submission of Proposed Orders or Judgments: The amendments, adopted by Chief Justice Order 16-029, make the following changes to UTCRC 5.100:

- **Service Requirement:** In paragraph (1)(c), the amendment replaces the current requirement that a proposed order or judgment be “mailed to” a self-represented party at the party’s last known address with a requirement that the document must be “served on” such a party. Service is generally governed by the Oregon Rules of Civil Procedure (ORCP).

- **Certificates of Service and Readiness, Placement:** In paragraph (2), the amendment clarifies that the required certificates of service and readiness should be included in the proposed order or judgment document (not as an attachment).

- **Certificate of Readiness, Reasons:** In paragraph (2)(b), the amendment clarifies that the purpose of the certificate of readiness is to identify the reason that the proposed order or judgment is ready for judicial action. The amendment also eliminates the “default” reasons from the model certificate, which had been based on concepts of ex parte service and are subsumed by the “service not required” reason. The amendment also adds a new reason (“other”) why the proposed order or judgment is ready for judicial action.

- **Service Requirement, Exceptions:** In paragraph (3), the amendment rewords the current service exception for proposed orders or

judgments submitted “ex parte by law or rule” to state that the service requirement does not apply when “service is not required by statute, rule, or otherwise.”

- **Service Requirement, Exceptions:** In paragraph (3)(e) (renumbered from (3)(f)), there is an exception to the service requirement under paragraph (1) for certain support and paternity proceedings where a mostly blank template order or judgment is submitted to the court in anticipation of a certification hearing attended by the parties. The amendment is meant to clarify that the service exception does not apply to a proposed order or judgment that is ready for judicial signature without a hearing.

- **Certificate of Readiness Requirement, Exceptions:** In paragraph (4), the amendment creates an exception to the certificate of readiness requirement for a proposed order or judgment that is both submitted and signed in open court with the parties present. The punitive damages provision was renumbered to paragraph (5) but is otherwise unchanged.

- **New Reporter’s Note:** The proposed amendment adds a Reporter’s Note that clarifies the types of cases to which the rule does not apply and further notes that the computation of UTCRC time requirements is subject to ORCP 10.

UTCRC 21.040 – Format of Documents to Be Filed Electronically: The amendments were approved out-of-cycle by CJO 16-027, effective

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tive August 1, 2016. They were part of a number of UTCR Chapter 21 changes meant to provide clarification and to respond to issues and questions that have arisen in connection with eFiling and eService.

Paragraph (2) removes the reference to attachments but retains the general requirement that a lead document, together with “incorporated” other documents, must be eFiled as a single PDF. Certificate of service is added to the list of incorporated documents.

Paragraph (2)(b) clarifies the procedures for filing nonconfidential and confidential documents. This change is meant to reduce confusion in adoption case filings and otherwise clarify how to file documents with confidential attachments.

UTCR 21.060 – Files of the Court: The changes are meant to reduce confusion for parties in determining the “filed” date and the “entry” date for orders and judgments filed and entered in the Oregon eCourt system.

UTCR 21.070 – Special Filing Requirements:

The change to paragraph (5) (expedited filings) allows a party to notify the court by email or telephone that an expedited filing has been eFiled.

The changes to paragraphs (6) and (7) are meant to reduce confusion in determining when to designate a document for filing as confidential (this has been problematic in adoption cases).

The changes to paragraph (7) also address unified PDF filings in adoption cases.

UTCR 21.100 – Electronic Service: The changes to paragraph (6) clarify the information that must be included in the certificate describing proof of service, based on the method of service employed.

The comment period for these amendments closes at 5:00 p.m. on September 1, 2016. You may submit comments by email (utcr@ojd.state.or.us), by mail (UTCR Reporter, Supreme Court Building, 1163 State Street, Salem, OR 97301-2563), or on the website (<http://courts.oregon.gov/OJD/programs/utcr/pages/utcrrules.aspx>). Comments will be reviewed by the UTCR committee at its next meeting, currently scheduled for October 14, 2016.

Resources – UTCR 5.100

Frequently Asked Questions Re UTCR 5.100 in Multnomah County Family Court, courtesy of Family Court Judge Maureen McKnight. www.osbplf.org>Practice Management>Publications>In Brief>August 2016