

**NOTICE SEEKING PUBLIC COMMENT ON
PROPOSED UTCR CHANGES FOR 2010**

I. INTRODUCTION

This notice is made pursuant to UTCR 1.020(3) which requires official notice of proposed rule changes to be posted on the Oregon Judicial Department website (<http://courts.oregon.gov/OJD>) for at least 49 days to allow submission of public comment. The proposed changes will also be published in the Oregon Appellate Courts Advance Sheets No. 2 on January 11, 2010.

The Uniform Trial Court Rules (UTCR) Committee makes UTCR recommendations to the Chief Justice of the Oregon Supreme Court. At its fall meeting on October 16, 2009, the committee made preliminary recommendations on several proposed changes. The committee will make final recommendations at its next meeting on April 9, 2010.

The committee encourages you to submit comments on these proposals, the recommendations (whether for approval or disapproval), and any other action taken by the committee. In order to be considered by the committee, public comment must be received by the UTCR Reporter before the start of the committee's spring meeting.

PLEASE SUBMIT YOUR WRITTEN COMMENTS TO:

If you are viewing this notice online, you can submit your written comments by clicking on the button next to the item of interest.

You may also submit written comments by email or traditional mail:

utcr@ojd.state.or.us

or

UTCR Reporter
Supreme Court Building
1163 State Street
Salem, Oregon 97301-2563

If you wish to appear at the spring meeting, you can deliver your comments in person. Please contact the UTCR Reporter at utcr@ojd.state.or.us or Bruce C. Miller at 503-986-5500 to schedule a time for your appearance.

Recommendations that are adopted by the Chief Justice will take effect August 1, 2010. They will be posted on the Oregon Judicial Department website (<http://courts.oregon.gov/OJD>) and published in the Oregon Appellate Courts Advance Sheets. Additional information on the UTCR process can be found at: <http://courts.oregon.gov/OJD/programs/utcr/index.page>.

II. FUTURE MEETINGS

The committee plans to meet twice in 2010.

SPRING MEETING: April 9, 2010, 9:00 a.m., at the Office of the Oregon State Court Administrator, Salem. The committee will review public comment on the proposals and recommendations described in this notice and will make final recommendations to the Chief Justice on changes to the UTCR to take effect August 1, 2010. The committee may also reconsider any and all of these proposals, the corresponding recommendations, and the other committee actions.

FALL MEETING: October 15 and 16, 2010, 9:00 a.m., at the Office of the State Court Administrator, Salem. The committee will review existing and proposed Supplementary Local Rules (SLR) and may make recommendations to the Chief Justice on disapproval of SLR pursuant to UTCR 1.050. The committee will also consider proposals for changes to the UTCR to take effect August 1, 2011. This is the only meeting at which the committee intends to accept proposals for that cycle. Committee meeting dates for the following year will be scheduled at this meeting.

III. SYNOPSIS OF FALL 2009 ACTIONS

A. RECOMMENDATIONS OF APPROVAL

These are brief descriptions of UTCR changes the committee has preliminarily recommended for approval (see Section IV.A. for detailed explanations).

1. 1.080(3) Amend to allow SLR to designate Chapter 12 as dedicated to alternative dispute resolution.
2. 4.050 Amend to expand appearance at hearings by telecommunication.
3. 5.050 Amend to expand appearance at hearings by telecommunication.
4. Chapter 5 Adopt a new rule and form for expedited civil jury cases.
5. 6.200(1) Amend to allow SLR on settlement conferences to be included in a chapter dedicated to alternative dispute resolution.
6. Form 8.010.5 Revise the Uniform Support Affidavit.
7. 21.080 Amend to clarify procedures for acceptance of a document submitted for filing.
8. 21.090 Amend to require attorneys to list email addresses.
9. Appendix Revise the following forms to conform them to the current practice of allowing declarations under the penalty of perjury: Form 2.100.4a, Form 2.100.4b, Form 2.100.8, Form 2.110.4a, Form 5.130.1a, Form 15.010.1b, and Form 15.010.1c. Revise Form 15.010.1a to conform to ORS 46.425(2).

B. RECOMMENDATIONS OF DISAPPROVAL

These are brief descriptions of the UTCR proposals the committee has preliminarily recommended for disapproval (see Item IV.B. for detailed explanations).

1. General Renumber the UTCR to correspond to Oregon Rules of Civil Procedure numbers.
2. Chapter 5 Adopt a new rule for filing documents under seal.

3. 5.070 Amend to allow a party to show additions and deletions to a pleading by using word processing “compare” or “redline” functions.
4. Chapter 6 Adopt a new rule requiring parties to present electronic exhibits in a format compatible with equipment available in the applicable courtroom and jury room.
5. Chapter 8 Amend Chapter 8 to clarify that it applies to domestic partnerships.
6. Form 15.010.1a Revise the form to include a claim for prejudgment interest.

C. OTHER ACTIONS

These are brief descriptions of other committee actions (see Item IV.C. for detailed explanations).

1. 2.130 Referral of proposal to amend the rule to allow service of the form by mail to avoid disclosure of confidential information to process servers.
2. Chapter 4 Discussion of out-of-cycle changes to crime victims’ rights rules and forms.
3. 5.140 Discussion of a Council on Court Procedures proposal to amend Oregon Rule of Civil Procedure 38 to address foreign commissions.
4. Chapter 8 Amend certain rules to require that UTCR Form 8.010.5 (Uniform Support Affidavit) be presented as an exhibit at hearing rather than filed as a document in the court file.
5. New Chapter Discussion of conceptual rules governing a statewide commercial court.
6. General Discussion of a proposal to conduct a sustainability review of the UTCR to identify rules for amendment to reduce use of paper.
7. Committee Membership Discussion of an open attorney position and preferred subject-matter expertise.
8. Committee Agenda Materials Discussion of a suggestion to distribute agenda materials by thumb drive.

IV. DESCRIPTION OF FALL 2009 ACTIONS

Proposed deletions are in [*brackets and italics*]. Proposed additions are in {**braces, underlined, and in bold**}. In some cases, no draft wording was submitted to the committee and so none is set out in the explanation.

A. RECOMMENDATIONS OF APPROVAL

1. 1.080(3) Amend to allow SLR to designate Chapter 12 as dedicated to alternative dispute Resolution.

ACTION TAKEN

Motion 37, to preliminarily recommend approval, passed by consensus.

EXPLANATION

The original proposal, to consider whether to create an Alternative Dispute Resolution (ADR) chapter combining UTCR 6.200 on settlement conferences,

Chapter 12 on mediation, Chapter 13 on mandatory arbitration, and other ADR provisions, was presented by Tracey Cordes, former committee member, at the October 10, 2008, meeting. The committee felt that this issue should be explored after they reviewed proposals from Douglas County Circuit Court to create a combined ADR chapter in their Supplementary Local Rules (SLR). An issue for such SLR is that UTCR 1.080(3) requires numbering of SLR as closely as possible to and in the same chapter as related UTCR. A work group was formed to study the concept and make a report at the meeting on March 6, 2009. At that meeting, the committee concluded that there was no compelling reason to consolidate UTCR 6.200, Chapter 12, and Chapter 13. The item was carried over to the meeting on October 16, 2009. The Hon. Randolph L. Garrison, Douglas County Circuit Court, explained to the committee that the pilot project that allowed his court to create a combined ADR chapter in their SLR has been very successful. The committee concluded that amending UTCR 1.080(3) and 6.200(1) was the most efficient way to allow other courts to amend their SLR in a similar manner.

PROPOSED AMENDMENT

1.080 FORMAT AND LOCATION OF COURT RULES

(1) * * *

* * * * *

(3) **{A court that wishes to have a chapter dedicated to alternative dispute resolution (ADR) must use Chapter 12 for all rules pertaining to the court's ADR program. All other}** SLR must be numbered as closely as possible to and in the same chapter as related UTCR, without using numbers reserved for UTCR. The following chapter numbers are reserved for the placement of SLR related to the subjects described for the chapter numbers:

- (a) Chapter 12, SLR relating to mediation.
- (b) Chapter 14, SLR relating to reference judges.
- (c) Chapter 15, SLR relating to small claims.
- (d) Chapter 16, SLR relating to violations.
- (e) Chapter 17, SLR relating to local parking violations.
- (f) Chapter 18, SLR relating to Forcible Entry and Detainer (FED) actions.
- (g) Chapter 20, SLR relating to voluntary arbitration.

2. 4.050
Amend to expand appearance at hearings by telecommunication.

ACTION TAKEN

Motion 30, to preliminarily recommend approval, passed 11-2.

EXPLANATION

This issue was raised by Danny Lang, a Sutherlin lawyer, on March 4, 2008, and January 19, 2009; Brian Cox, a Eugene lawyer, on March 3, 2009; and Mike Bloom, a Lake Oswego lawyer, on June 11, 2009. This concept was considered by the

committee on October 10, 2008, at which time the committee recommended disapproval for a variety of reasons, including a lack of specific wording from Mr. Lang. He later provided specific wording, and the proposal was again considered on March 6, 2009, at which time the committee formed a work group to further study the concept. At the meeting on October 16, 2009, the committee noted that problems could arise with written waivers of nonappearance in felony cases. The counterargument was that this is already an issue in the current rule. They discussed poor quality of transmission when someone appears by cell phone. The committee also noted the following: the current 25-mile requirement is archaic; many courts do not have a general problem with this concept (bolstered by a survey of several counties conducted by committee member Baehr); some courts already allow this; and a party should be able to appear in person even if another party asked to appear by telephone.

PROPOSED AMENDMENT

4.050 ORAL ARGUMENT ON MOTIONS IN CRIMINAL CASES

- (1) There must be oral argument if requested by the moving party in the caption of the motion or by a responding party in the caption of a response, except that the court is not required to grant oral argument on a motion to postpone trial. The first paragraph of the motion or response must include an estimate of the time required for argument and a statement whether official court reporting services are requested.
- (2) Counsel for either the state or the defense may request that a motion not requiring testimony be heard by telecommunication. The following apply to a request for oral argument by telecommunication:
 - (a) A request must be in the caption of the motion or response. If oral argument by telecommunication is requested, the first paragraph of the motion or response must include the names and telephone numbers of all parties served with the request, [*a statement whether the office of the requesting person is more than 25 miles from the courthouse,*] the position of opposing counsel, and [*if*] **{whether}** the defendant has waived in writing the right to appear at the hearing.
 - (b) A request by counsel for defense must be granted if counsel for defense represents that the defendant agrees to the procedure and provides a signed waiver of personal appearance[, *and if counsel for the defendant is located more than 25 miles from the courthouse*].
 - (c) A request by the state must be granted if both parties agree and counsel for the defense provides a written waiver from the defendant.
 - [(d) *In the event telecommunication is allowed, all parties must appear by telecommunications with no party personally appearing.*]
- {(d)}**[(e)] The party requesting telecommunication must initiate the conference call at its expense unless the court directs otherwise.
- (3) "Telecommunication" must be by telephone or other electronic device that permits all participants to hear and speak with each other.

3. 5.050
Amend to expand appearance at hearings by telecommunication.

ACTION TAKEN

Motion 31, to preliminarily recommend approval, passed 13-0.

EXPLANATION

This issue was raised by Danny Lang, a Sutherlin lawyer, on March 4, 2008, and January 19, 2009; Brian Cox, a Eugene lawyer, on March 3, 2009; and Mike Bloom, a Lake Oswego lawyer, on June 11, 2009. This concept was considered by the committee on October 10, 2008, at which time the committee recommended disapproval for a variety of reasons, including a lack of specific wording from Mr. Lang. He later provided specific wording, and the proposal was again considered on March 6, 2009, at which time the committee formed a work group to further study the concept. At the meeting on October 16, 2009, the committee discussed poor quality of transmission when someone appears by cell phone. The committee also noted the following: the current 25-mile requirement is archaic; many courts do not have a general problem with this concept (bolstered by a survey of several counties conducted by committee member Baehr); some courts already allow this; a party should be able to appear in person even if another party asked to appear by telephone; and the rule should apply to other types of nonevidentiary hearings in addition to those for motions.

PROPOSED AMENDMENT

5.050 **ORAL ARGUMENT ON MOTIONS IN CIVIL CASES{; APPEARANCE AT NONEVIDENTIARY HEARINGS AND MOTIONS BY TELECOMMUNICATION}**

(1) There must be oral argument if requested by the moving party in the caption of the motion or by a responding party in the caption of a response. The first paragraph of the motion or response must include an estimate of the time required for argument and a statement whether official court reporting services are requested.

(2) A party may request that a {**nonevidentiary hearing or a**} motion not requiring testimony be heard by telecommunication.

{**(a)**} A request for {**a nonevidentiary hearing or**} oral argument by telecommunication must be in the caption of the {**pleading,**} motion{,} [or] response{, **or other initiating document**}.

{**(b)**} If {**appearance or**} argument by telecommunication is requested, the first paragraph of the {**pleading,**} motion{,} [or] response{, **or other initiating document**} must include the names and telephone numbers of all parties served with the request [*and a statement whether the office of the requesting person is more than 25 miles from the courthouse*]. The request must be granted [*if the office of the attorney making the request is located more than 25 miles from the courthouse*].

{**(c)**} The first party requesting telecommunication must initiate the conference call at its expense unless the court directs otherwise.

(3) "Telecommunication" must be by telephone or other electronic device that permits all participants to hear and speak with each other and permits official court reporting when requested. When recording is requested,

telecommunications hearings must be recorded by the court if suitable equipment is available; otherwise, it will be provided at the expense of the party requesting recording.

[1987 Commentary:

In subsection (2), a request for oral argument by telecommunication may be granted if the office of the requesting person is 25 miles or less from the courthouse; however, it is not mandatory upon the court to grant it in these circumstances.]

4. Chapter 5
Adopt a new rule and form for expedited civil jury cases.

ACTION TAKEN

Motion 1, to preliminarily recommend approval, passed 13-0.

EXPLANATION

This proposal was submitted by the Hon. Martha L. Walters and the Hon. David V. Brewer on behalf of the American College of Trial Lawyers on September 3, 2009. The rule is intended to encourage use of jury trials for a number of purposes. Jury trials involve citizens in the judicial system, which can give them a positive impression of the system. The rule would give lawyers and judges more opportunities to develop civil trial skills as it would provide a training ground that disappeared with the elimination of district courts. It is crafted to help litigants resolve cases more quickly and with less expense.

All parties must agree to seek an expedited case designation, and it is purely voluntary. It would be available for cases of any size, though the proponents assume that it would be used mostly for smaller cases. An expedited case would be scheduled for a six-person jury trial within four months of assignment. Discovery would be limited by the rule, but parties can agree to a different discovery plan. A case designated as an expedited case would be exempted from mandatory arbitration. Pretrial motions would not be allowed absent leave of the court, and failure to complete discovery would not be allowed as an excuse to postpone trial. Each judicial district would have the discretion to decide whether to offer the fast-track option. Those judicial districts that offer it would have discretion to deny assignment of a case to fast track.

The committee discussed various issues raised by the proposal. Increasing jury trials may not be a desirable goal. The courts may lack adequate resources to offer this service, and there may be an inadequate number of jurors in some locations. There could be tension between this proposal and the current system of alternative dispute resolution (ADR). The proponents responded that this adds another tool for resolving cases and that it is not meant to be in conflict with ADR. The proponents stated that this rule will help eliminate manipulation of prayer amounts, which is done to avoid mandatory arbitration. They also pointed out that more trials will also be helpful for identifying settlement values. A committee member suggested that it might be preferable to raise arbitration limits (these limits are set by statute) and that the problem is that it takes too long to get a trial.

One member suggested that liberal evidentiary rules should be allowed, similar to UTCR 13.190 regarding mandatory arbitration. The proponents believe parties could agree to this through section 5 (regarding stipulations) on the proposed motion form. A committee member stated that there is no need for a specific rule

on evidence since the expedited case designation is voluntary. The committee added a new section (3)(c) to the proposed rule to state that stipulations for conduct of the trial may address admission of exhibits. The proponents hope that public comment will be submitted on whether to make evidentiary rules similar to those in UTCR 13.190 the default for this rule.

PROPOSED NEW RULE

5.150 EXPEDITED CIVIL JURY CASES

- (1) A civil case eligible for jury trial may be designated as an expedited case. The availability of the designation may vary by judicial district and is dependent on the availability of staff, judges, and courtrooms. A party seeking the designation must confer with the court to determine whether the designation is available. If it is available, a party seeking the designation must do all of the following:**

 - (a) Obtain the agreement of all other parties to designate the case as an expedited civil jury case.**
 - (b) Submit a motion and an order to the presiding judge in substantially the form of UTCR Forms 5.150.1a and 5.150.1b.**
- (2) The decision to accept or reject a case for designation as an expedited case is within the sole discretion of the presiding judge or designee. The judge will consider the request on an expedited basis, when possible, and enter an order granting or denying the motion. If the judge grants the motion and designates the case as an expedited case, the judge will:**

 - (a) Exempt or remove the case from mandatory arbitration, pursuant to ORS 36.405(2)(a) and (b), and from all court rules requiring mediation, arbitration, and other forms of alternative dispute resolution.**
 - (b) Set a trial date no later than four months from the date of the order with a pretrial conference to be set no later than 14 days before trial.**
- (3) The parties in an expedited case may file a written agreement with the court, in substantially the form of UTCR Form 5.150.1, section 4, stating all of the following:**

 - (a) The scope, nature, and timing of discovery.**
 - (b) The date by which discovery will be complete, which must be not later than 21 days before trial.**
 - (c) Stipulations regarding the conduct of the trial, which may include stipulations for the admission of exhibits.**
- (4) If the parties in an expedited case do not file a discovery agreement pursuant to subsection (3) of this rule, then each party must do all of the following:**

 - (a) Provide to all other parties within four weeks of the expedited case designation:**

- (i) The names and, if known, addresses and telephone numbers of all persons, other than expert witnesses, likely to have knowledge that the party may use to support its claims or defenses, unless the use would be solely for impeachment.**
- (ii) A copy of all unprivileged ORCP 43 A(1) documents and tangible things that the party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.**
- (iii) A copy of all insurance agreements and policies discoverable pursuant to ORCP 36 B(2).**
- (b) Take no more than two depositions after a party has requested an expedited case designation.**
- (c) Serve no more than one set of requests for production after a party has requested an expedited case designation.**
- (d) Serve no more than one set of requests for admission after a party has requested an expedited case designation.**
- (e) Serve all discovery requests no later than 60 days before the trial date.**
- (f) Complete all discovery no later than 21 days before trial.**
- (5) After an order designating the case as an expedited case, a party shall not file a pretrial motion without prior leave of the court.**
- (6) A party's failure to request or respond to discovery is not a basis for that party to seek postponement of the expedited case trial date.**
- (7) All expedited case jury trials will use six jurors, plus alternate(s), if any.}**

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

Plaintiff)
 v.) Case No. _____

Defendant)

**MOTION FOR AN EXPEDITED CIVIL
JURY CASE DESIGNATION**

1. The parties move the court for an order designating this case as an expedited civil jury case and exempting or removing it from mandatory arbitration, pursuant to ORS 36.405(2)(a) and (b), and from all court rules requiring mediation, arbitration, and other forms of alternative dispute resolution.
2. Each party agrees:
 - a. To fully comply with any agreements set forth in section 4 of this motion as to the scope, nature, and timing of discovery or, if there are no such agreements, to fully comply with the requirements of UTCR 5.150(4).
 - b. That all discovery will be completed by _____ (which must be no later than 21 days before the trial date).
 - c. That they have consulted with the office of the trial court administrator and have agreed on a trial date of _____. (The trial date must be no later than 120 days from the date of this request and is based on the understanding that ECJC designation will occur expeditiously.)
3. The parties agree: (Check one)
 - To conduct discovery in accordance with section 4 of this motion. The terms of section 4 supersede UTCR 5.150(4).
 - To conduct discovery in accordance with the requirements of UTCR 5.150(4).
4. If the parties agree to the scope, nature, and timing of discovery pursuant to UTCR 5.150(3), those discovery provisions are stated here and supersede UTCR 5.150(4).
 - a. Document discovery
 ____ Set(s) of Requests for Production per party
 Serve by _____ (date)
 Produce by _____ (date)
 - b. Depositions
 ____ Depositions per party
 Complete by _____ (date)

- c. Requests for admissions
 _____ Sets of Requests for Admission per party
 Serve by _____ (date)
 Serve response by _____ (date)
- d. Exchange names, and if known, the addresses and phone numbers, of witnesses
 Describe categories of witnesses _____ (e.g., those described in
 UTCR 5.150(4)(a)(i), percipient, lay, expert, all)
 Exchange by _____ (date)
- e. Exchange existing witness statements
 Describe categories of witnesses _____ (e.g., those described in
 UTCR 5.150(4)(a)(i), percipient, lay, expert, all)
 Exchange by _____ (date)
- f. Insurance agreements and policies discoverable pursuant to ORCP 36 B(2)
 Produce by _____ (date)
- g. Other, if any:
 _____ (describe)
 Produce by _____ (date)

5. To expedite the trial, the parties further agree as follows (describe stipulations such as those concerning marking and admissibility of exhibits, damages, and other evidentiary issues):

DATED this _____ day of _____, 20_____.

 Attorney for _____

 Attorney for _____

 Attorney for _____

5. 6.200(1)
Amend to allow SLR on settlement conferences to be included in a chapter dedicated to alternative dispute resolution.

ACTION TAKEN

Motion 38, to preliminarily recommend approval, passed by consensus.

EXPLANATION

The original proposal, to consider whether to create an Alternative Dispute Resolution (ADR) chapter combining UTCR 6.200 on settlement conferences, Chapter 12 on mediation, Chapter 13 on mandatory arbitration, and other ADR provisions, was presented by Tracey Cordes, former committee member, at the October 10, 2008, meeting. The committee felt that this issue should be explored after they reviewed proposals from Douglas County Circuit Court to create a combined ADR chapter in their Supplementary Local Rules (SLR). An issue for such SLR is that UTCR 1.080(3) requires numbering of SLR as closely as possible to and in the same chapter as related UTCR. A work group was formed to study the concept and make a report at the meeting on March 6, 2009. At that meeting, the committee concluded that there was no compelling reason to consolidate UTCR 6.200, Chapter 12, and Chapter 13. This item was then carried over to the meeting on October 16, 2009. At that meeting, the Hon. Randolph L. Garrison, Douglas County Circuit Court, explained to the committee that the pilot project that allowed his court to create a combined ADR chapter in their SLR has been very successful. The committee concluded that amending UTCR 1.080(3) and 6.200(1) was the most efficient way to allow other courts to amend their SLR in a similar manner.

PROPOSED AMENDMENT

6.200 PRETRIAL SETTLEMENT CONFERENCES

- (1) Each judicial district may adopt an SLR 6.012{, **or an SLR in Chapter 12 if that chapter is dedicated to alternative dispute resolution,**} providing for a uniform pretrial settlement conference procedure for use in all circuit court civil cases, including dissolution of marriage and postjudgment modification proceedings. The SLR shall be designed to most effectively meet the needs of the judges, lawyers, and litigants in each district and to promote early pretrial settlements.

- (2) * * *

* * * * *

6. Form 8.010.5
Revise the Uniform Support Affidavit.

ACTION TAKEN

Motion 26, to preliminarily recommend approval, passed 12-0.

EXPLANATION

An earlier version of this proposal was submitted by the Oregon State Bar Family Law Section's Workgroup on the Uniform Support Affidavit on August 15, 2008, and August 21, 2009. At the October 10, 2008, meeting the proponents proposed a long form and a short form, but the committee did not recommend either form for approval. At the March 6, 2009, meeting the committee moved this item to the October 16, 2009, agenda to give the proponents additional time to submit a new

draft form. The committee was supportive of the draft form that the proponents presented at the meeting on October 16, 2009.

The proponents summarized the various changes embodied in the draft form. Page 1 is a summary page. The Schedule 1 expense questions were modified to eliminate questions about children in order to make it specific to spousal support. Section 1 seeks the same information about children as the current form, but questions about other people in the house were eliminated. Section 2 remains essentially the same except for the removal of some unnecessary parts. Section 3 was updated to reflect federal law changes. Section 4 on child care remains essentially the same. Section 5 is new and focuses on parenting time reflecting child support guidelines. Section 6 is a rebuttal section where a party can show why the child support guidelines should not apply. The proponents pointed out that the form is also meant to be used in a request for modification where there is an existing parenting plan.

A committee member was concerned that the numbers in the form do not easily show total monthly income. The proponents said they had focused on getting the factors that go into calculating monthly income, but that this issue could be further addressed through the public comment process.

PROPOSED REVISION TO THE FORM is on the following pages.

This form is a DECLARATION under penalty of perjury required for support determinations. It must be completed in its entirety, signed, filed with the court or appropriate administrative agency, and served upon the other party (or their attorney).

INSTRUCTIONS: Answer all questions. *Items marked with an * should be transferred to Page 1.* If you are seeking spousal support, you need to complete Schedule 1. Attach additional page if needed.

IMPORTANT: This information will be disclosed to the other party and may be subject to public access. Protections are available using the court’s “Confidential Information Form” process.

1. CHILDREN

A. *List all JOINT CHILDREN (children under the age of 21 born or adopted during this relationship):

Name of Child	Age	Children Living With:			Over 18 & Under 21 Attending School	
		Me	Other Parent	Other	Yes	No

B. *List all NONJOINT ADDITIONAL CHILDREN (children under the age of 21 born to or adopted by you but not of this relationship).

Name	Age

2. YOUR GROSS INCOME

A. From Your Employment:

Description				Monthly Amount
1	Gross Hourly Wage			
2	Average Number of Hours Worked Per Pay Period	x		
3	Multiplier: If paid monthly, enter “1.” If paid twice monthly, enter “2.” Every two weeks, enter “2.16.” Weekly, enter “4.33.”	x		
4	Gross Monthly Income (1)x(2)x(3)	=		
5	Gross Monthly Tips/Commissions/Bonuses (identify):			
Subtotal of Monthly Income From Employment (4)+(5)				SUBTOTAL: 2.A.

B. Other Sources of Your Monthly Income: (Attach verification of your gross monthly income as listed below):

Description	Monthly Amount
Self-Employment	
Dividends	
Interest Income	
Trust Income	
Annuity Income	
Social Security Income	
Workers' Compensation Benefits per week multiplied by 4.33	
Unemployment Benefits per week multiplied by 4.33	
Disability Income	
Expense Reimbursements and/or Per Diem Allowance not listed in item A. above	
Other (specify source/type)	
Other (specify source/type):	
SUBTOTAL: 2.B.	
*Total of 2A + 2B Enter here and on Page 1, #4	TOTAL:

C. *Do you receive Temporary Assistance for Needy Families? Yes, \$ _____ monthly No

D. *Do you receive Social Security or Veteran's benefits for any joint child due to parent's disability?

Name of Beneficiary Child(ren) _____ Yes, \$ _____ monthly No

Name of Disabled Parent _____ **Source** _____

E. *Do you receive Social Security or Veteran's benefits for any joint child due to child's disability?

Yes, \$ _____ monthly No

Name of Child(ren) _____ **Source** _____

F. *Is there an order for you to RECEIVE spousal support from your spouse involved in this proceeding?

Yes, \$ _____ monthly No

G. *Is there an order for you to RECEIVE spousal support from a former/subsequent spouse?

Yes, \$ _____ monthly No

H. *Are you ordered to PAY spousal support?

Yes, \$ _____ monthly No

If Yes, to whom? _____

I. *Do you pay mandatory union dues?

Yes, \$ _____ monthly No

J. ATTACH A COPY OF YOUR FOUR MOST RECENT PAY STUB(S), BENEFIT STATEMENTS, AND COPIES OF YOUR MOST RECENTLY FILED STATE AND FEDERAL TAX RETURNS.

ATTACH COPIES OF SPOUSAL SUPPORT ORDERS AND ANY CHILD SUPPORT ORDERS FOR NONJOINT CHILDREN NOT LIVING WITH YOU.

3. HEALTH CARE COVERAGE AND MEDICAL EXPENSES

- A. *Is there a cost to insure just yourself if you provide insurance for the child(ren)? Yes No
- B. Do you provide health care coverage for your joint child(ren)? Yes No
- C. Does someone else provide health care coverage for your joint children? Yes No

Name of person, or entity, providing, if other than you: _____

- D. Are you or any member of your household:
 - i. Enrolled in the Oregon Health Plan, Healthy Kids, or any other public health care coverage? Yes No
 - ii. Receiving a state subsidy for public or private health care coverage? Yes No
- E. Are any of the joint children enrolled in public health care coverage (Healthy Kids/Oregon Health Plan)?
Name of child(ren) enrolled? _____ Yes No

If you answered "YES" to A, B, C, D, or E above:

- i. Name **all** persons covered: _____
Relationship to you: _____
- ii. What is the source of the insurance? (such as through your employer, spouse, other): _____

- iii. Insurance Co.: _____ Phone Number: _____
- iv. Monthly amount of any state subsidy received by your household for public or private health-care coverage \$_____.
- v. Policy Number: _____ Group Number: _____
- vi. Address for submission of claims: _____

- vii. Your total monthly premium cost: (A)\$_____ ; Cost to cover only you: (B)*\$_____ ;
Total number of people enrolled (not counting yourself): (C)\$_____ ; Number of joint children enrolled: (D)_____

*The cost for the joint children only is $(A - B) \div C = \$$ _____ x D = *\$_____

viii. ATTACH PROOF OF INSURANCE PREMIUMS.

- F. *Do you pay any out-of-pocket medical expenses (not covered by insurance) for any joint child(ren) on a monthly basis? Yes No

If yes, list the name of the child, the reason for the cost(s), and the amount per month:

- i. _____ ; \$ _____
- ii. _____ ; \$ _____
- iii. _____ ; \$ _____
- iv. _____ ; \$ _____

- G. Does anyone pay a share of the monthly out-of-pocket medical costs for the children? Yes No

If yes, who? _____ ; amount they pay? \$ _____

H. ATTACH PROOF OF MONTHLY MEDICAL EXPENSES.

4. YOUR CHILDCARE EXPENSES

A. *Do you pay for childcare for joint children so you can work, train, or look for work? Yes No

If yes,:

Paid to:	Name of Child	Age	Average Monthly Payment

B. *Does anyone else share the cost of childcare for the joint children? Yes No

If yes, name: _____ Average Monthly Amount \$ _____

C. *City where childcare is provided: _____

D. ATTACH COPIES OF PROOF OF CHILDCARE EXPENSES.

5. *YOUR PARENTING TIME

PROPOSED OCCURRING EXISTING PLAN OR WRITTEN AGREEMENT

A. How many ANNUAL overnights does each joint child spend with YOU?

i. Name of Child: _____ # of overnights: _____

ii. Name of Child: _____ # of overnights: _____

iii. Name of Child: _____ # of overnights: _____

iv. Name of Child: _____ # of overnights: _____

B. ATTACH COPY OF MOST RECENT PARENTING PLAN OR WRITTEN AGREEMENT.

6. YOUR REBUTTAL FACTORS

A. The amount of child support to be paid may be rebutted under OAR 137-050-0333/137-050-0760.
http://www.dcs.state.or.us/oregon_admin_rules/default.htm

i. Are you seeking a rebuttal (an adjustment to the support amount)? Yes No

ii. Explain briefly: _____

B. ATTACH SUPPORTING EVIDENCE/ADDITIONAL INFORMATION.

I HEREBY DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND THEY ARE MADE FOR USE AS EVIDENCE IN COURT AND ARE SUBJECT TO PENALTY FOR PERJURY.

DATED this _____ day of _____, 20____.

My (printed) Name Is _____

I am:

PETITIONER RESPONDENT CO-PETITIONER

OTHER: _____

SIGNATURE

ATTACHMENT CHECKLIST. Check the box and include the appropriate attachment(s).

- | | |
|--|--|
| <input type="checkbox"/> Four most recent pay stubs or benefit statements | <input type="checkbox"/> Most recent parenting plan or written agreement |
| <input type="checkbox"/> Most recent state and federal tax returns
(including all applicable schedules) | <input type="checkbox"/> Proof of childcare costs |
| <input type="checkbox"/> Proof of insurance premiums | <input type="checkbox"/> Copies of Spousal and Child Support Orders |
| <input type="checkbox"/> Proof of medical costs | <input type="checkbox"/> Additional Page: Number items to correspond,
include your name and case number |
| | <input type="checkbox"/> Other: _____ |

CERTIFICATE OF MAILING

I hereby certify that I served a true and complete copy of this Uniform Support Declaration and all attachments by mailing it first class mail, with postage prepaid, on _____ (date) to the following people:

1. _____ (Other Party/Attorney name)
Address: _____

2. _____ (name)
Address: _____

SIGNATURE

7. 21.080
Amend to clarify procedures for acceptance and rejection of a document submitted for filing.

ACTION TAKEN

Motion 29, to preliminarily recommend approval, passed by consensus.

EXPLANATION

This proposal was submitted by the Oregon State Bar Judicial Administration Committee on September 8, 2009. Under the current rule, if a document is filed just before a deadline and the clerk rejects the document (for instance, because it is not in Portable Document Format (PDF), it does not comply with ORCP 9 E, or it does not comply with UTCR 2.010) after the deadline, then the party can file an amended document (curing the defect) that relates back to the time the original document was filed. The Judicial Administration Committee heard from paralegals and legal secretaries who were concerned that the rule did not address whether the opposing party would get an equivalent amount of extra time to file a reply or response to the corrected document. This proposal is meant to address that issue by extending the time for the opposing party to file a reply or response. A member was concerned that the UTCR were not the appropriate avenue to address this issue. The proponents stated that ORS 1.002 gives the Chief Justice statutory authority to address this issue.

PROPOSED AMENDMENTS

21.080 ELECTRONIC FILING DEADLINES

- (1) Electronic filing is permitted at all times, except when the electronic filing system is temporarily unavailable.
- (2) The filing deadline for any document filed electronically is 11:59:59 p.m. in the time zone where the court is located on the day the document must be filed.
- (3) The court considers a document submitted for **{an electronic}** filing when the electronic filing system receives the document and sends a confirmation receipt to the filer. The electronic filing system will affix to each document the time of day, day of the month, month, and year that the document is received and will issue [a] **{an electronic}** confirmation receipt to the filer that includes the date and time of receipt.
- (4) If the court accepts the document for filing, the date and time of filing entered in the register relates back to the date and time the electronic filing system received the document. The electronic filing system will affix the date and time of acceptance on the document. **{When the court accepts a document for filing, the court sends an electronic notice to the filer.}**
- (5) If the court rejects a document submitted electronically for filing, the court will affix the date and time of rejection on the document and **{electronically}** return the document to the filer with a notice **{to all parties who have been provided notice of filing under UTCR 21.100(2)}** that explains why the court rejected the document. The court may require a filer to resubmit the document to meet the filing requirements. If the court requires a filer to resubmit the document, the date and time of filing of the resubmitted document relates back to the date and time of the filing of the original document **{and the time to respond is extended by the number of full or partial elapsed days from the time of the rejection notice to the time of the resubmission of the document to**

the court). The court may, by order, strike the document from the court's file in the action if the filer receives notice from the court and does not resubmit the document within the time period specified by the court.

8. 21.090
Amend to require attorneys to list email addresses.

ACTION TAKEN

Motion 29, to preliminarily recommend approval, passed by consensus.

EXPLANATION

This proposal was submitted by the Oregon State Bar Judicial Administration Committee on September 8, 2009. It is meant to make 21.090 consistent with the email address requirement contained in 2.010(7).

PROPOSED AMENDMENT

21.090 ELECTRONIC SIGNATURES

- (1) The use of a filer's login constitutes the signature of the filer for purposes of these rules and for any other purpose for which a signature is required.
- (2) In addition to information that law or rule requires to be in the document, a document filed electronically must have a signature block that includes the typed name of the filer preceded by an "s/" in the space where the signature would otherwise appear.

Example:

s/ John Q. Attorney
JOHN Q. ATTORNEY
OSB #
{**Email address**}
Attorney for Plaintiff Smith Corporation, Inc.

- (3) When more than one party joins in filing a document, the filer must show all of the parties who join by one of the following:
 - (a) submitting a scanned document containing the signatures of all parties joining in the document;
 - (b) a recitation in the document that all such parties consent or stipulate to the document; or
 - (c) identifying in the document the signatures that are required and submitting each such party's written confirmation no later than three (3) days after the filing.
9. Appendix
Revise the following forms to conform them to the current practice of allowing declarations under the penalty of perjury: Form 2.100.4a, Form 2.100.4b, Form 2.100.8, Form 2.110.4a, Form 5.130.1a, Form 15.010.1b, and Form 15.010.1c. Revise Form 15.010.1a to conform to ORS 46.425(2).

ACTION TAKEN

Motion 39, to preliminarily recommend approval, passed by consensus.

EXPLANATION

This proposal was submitted by Liz Rambo, Lane County Trial Court Administrator, on July 14, 2009. Effective August 1, 2005, several UTCR forms were revised to include a declaration under penalty of perjury in place of a notarized affidavit. UTCR 2.120 allows the use of a declaration under penalty of perjury as specified in ORCP 1 E in lieu of a notarized affidavit. Many of those forms need further updating to make them consistent with the use of a declaration under penalty of perjury. This proposal revises those UTCR forms to conform the wording to reflect the use of declarations. It also amends Form 15.010.1a to add a statement that plaintiff made a bona fide effort to collect the claim from the defendant before filing the small claims action, as required by ORS 46.425(2).

PROPOSED REVISION TO THE FORMS are on the following pages.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

_____ Division - _____
(court's address and phone number)

Case name:)	CASE No. _____
Plaintiff Name)	UTCR 2.100 [AFFIDAVIT,] REQUEST TO SEGREGATE PROTECTED PERSONAL INFORMATION FROM CONCURRENTLY FILED DOCUMENT
v.)	
1 st Defendant Name)	
)	

IMPORTANT NOTE TO PERSON COMPLETING THIS [AFFIDAVIT] {REQUEST}: Except as specifically ordered by a court, this [affidavit] {request} and UTCR form 2.100.4b **cannot be used for contact information** (addresses, telephone numbers, employer identification, and similar information that can be used to contact someone, see UTCR 2.100). The type of information that can be protected by this form is limited to what is listed in UTCR 2.100.

To the court: [By this affidavit under] {Pursuant to} UTCR 2.100, I request that the protected personal information in the form attached to this [affidavit] {request} be segregated from information that the general public can see in the case noted above.

The protected personal information I request to be segregated is as follows:

A. The following is a general description of the protected personal information (<i>example description: "my social security number" or "parent's bank account number"</i>). <u>Do not include specific protected personal information here.</u>	B. The following is the legal authority by which I believe this information may be exempt from public inspection (<i>cite to statute, rule, case, etc.</i>). Row numbers correspond to those in column A. Add rows in both columns as necessary.
1.	1.
2.	2.
3.	3.
4.	4.

PERSON MAKING REQUEST MUST COMPLETE ALL THE FOLLOWING AS INDICATED:

1. *(Initial to confirm)* _____ The specific protected personal information described above is provided on the attached UTCR 2.100 segregated information sheet.
2. *(Initial to confirm)* _____ I have segregated the information described above from another document or form that I am submitting at the same time, *(describe document or form)* _____, to keep the protected information from being available to the general public. I appropriately noted in that other document the places where information has been provided in the attached information sheet rather than in that document. *(No fee is charged when information is segregated at time of submission.)*
3. I *(initial one)* _____ have OR _____ have not attached a self-addressed, stamped postcard with language required by UTCR 2.100 so that the court can inform me of its response to this request.
4. *(Initial to confirm)* _____ I understand that while the protected personal information may be withheld from the general public if this request is granted, it may still be available to some persons and government agencies as described in UTCR 2.100.
5. *(Initial to confirm, "na" if not applicable)* _____ If this document was prepared by someone who is not an attorney, I have attached a completed document preparation certification that applies to both this [affidavit] {request} and the attached form as required by UTCR 2.010(7).
6. *(Initial to confirm)* _____ I have mailed or delivered copies of this request *(not including the attached UTCR Form 2.100.4b and its attachments)* to the persons required by UTCR 2.080.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Date _____
OSB# *(if applicable)* _____

Signature _____
Type or print name _____

For office use:

Request _____ granted OR _____ denied *(state reason)* _____

Date: _____

TRIAL COURT ADMINISTRATOR
By _____

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

_____ Division - _____
(court's address and phone number)

Case name: _____)	CASE No. _____)
Plaintiff Name _____)	UTCR 2.100 SEGREGATED)
v. _____)	INFORMATION SHEET)
_____))
1 ST Defendant Name _____))

ATTENTION COURT STAFF: Except as your trial court administrator tells you otherwise, this sheet and its attachments are:

- **to be separated from the attached [affidavit] {request}, and**
- **NOT to be placed in any court file where they can be seen by the public, and**
- **NOT to be provided to any member of the public to see or copy.**

PLEASE follow UTCR and Judicial Department instructions for protecting information on this form. Ask your trial court administrator if you have questions.

The requestor MUST complete all of the following information:

1. Requestor information:
 - Name:
 - Address:
 - Telephone number:
 - Other contact information:
 - Relationship to case:

2. Protected personal information that is segregated:

Row number used to identify on [affidavit] {request}	General description of the protected personal information (same as on [affidavit] {request})	Relates to (Person's name)	The following is the specific Protected Personal Information to be segregated (give the specific fact, e.g. social security number, that is being protected). This can be a reference to an attachment. <u>Do not use for contact information</u> (addresses, telephone numbers, employer identification, and similar information that can be used to contact someone) unless specifically ordered by a court. The type of information that can be protected by this form is limited to what is listed in UTCR 2.100. Add rows as necessary.

3. There are attachments to this information sheet: ___ Yes ___ No
If so, how many pages

For Office use:

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

_____ Division - _____
(court's address and phone number)

Case name: _____) CASE No. _____
Plaintiff Name _____)
 v. _____) **REQUEST TO INSPECT UTCR 2.100**
1st Defendant Name _____) **SEGREGATED INFORMATION SHEET**

By this form, I request to see or obtain a copy of part or all of a UTCR 2.100 Segregated Information Sheet (SIS) that is being withheld from the public. I have completed this form to provide the information the court requires of me to make this request. I understand the court will not automatically grant this request but will use applicable law to decide whether I have a right to see or copy the information I request. I understand this request will be a public record whether or not granted.

1. Information about me:

- a. My Name: _____
- b. My Address: _____
- c. My Telephone number: _____
- d. Other contact information for me: _____
- e. I believe I have a legal right to see the information because (*explain reasons*): _____

2. To identify the UTCR 2.100 Segregated Information Sheet (SIS) I am requesting:

- a. Name of person who submitted [*affidavit*] {**request**} for SIS: _____
- b. Date [*affidavit*] {**request**} submitted: _____
- c. Description of document from which information is segregated: _____
- d. General description(s) of protected personal information I am requesting to see (*use same general description as on [affidavit] {request} in file*): _____
- e. Row number(s) of description of this information on [*affidavit*] {**request**}: _____
- f. Name of person to whom information relates (*if known*): _____
- g. The [*affidavit*] {**request**} for the SIS shows that the SIS includes other information I am not requesting to inspect or copy (*check one*) ____ Yes OR ____ No. (*If Yes, this other information will be redacted*)

3. Confirming additional requirements completed:

- a. *(Initial to confirm, "na" if not applicable)* ____ If this document was prepared by someone who is not an attorney, I have attached a completed document preparation certification that applies to both this [affidavit] {request} and the attached form as required by UTCR 2.010(7).
- b. *(Initial to confirm)* ____ I have mailed or delivered copies of this request to the following persons required by UTCR 2.080 *(list names)*: _____.
- c. *(Initial to confirm)* ____ I understand that I will be responsible for any costs resulting from the court responding to this request except those costs for which I have obtained a waiver, and will advance money to cover those costs if requested by the court.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Date _____
OSB# *(if applicable)* _____

Signature _____
Type or print name _____

For Office use:

Request to inspect ____ granted OR ____ denied *(state reason)* _____
Related comments: _____

Date: _____

TRIAL COURT ADMINISTRATOR
By _____

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

_____ Division - _____
(court's address and phone number)

Case name: _____)
Plaintiff Name _____)
 V. _____)
1ST Defendant Name _____)

CASE No. _____

UTCR 2.110 [AFFIDAVIT,] REQUEST TO REDACT PROTECTED PERSONAL INFORMATION FROM DOCUMENT EXISTING IN CASE FILE

IMPORTANT NOTE TO PERSON COMPLETING THIS [AFFIDAVIT] {REQUEST}: Except as specifically ordered by a court, this [affidavit] {request} and UTCR Form 2.100.4b **cannot be used for contact information** (addresses, telephone numbers, employer identification, and similar information that can be used to contact someone, see *UTCR 2.110*). The type of information that can be protected by this form is limited to what is listed in UTCR 2.100.

To the court: [By this affidavit under] {Pursuant to} UTCR 2.110, I request that the protected personal information in the form attached to this [affidavit] {request} be redacted from a document in the case file for the case noted above that the general public can see.

The protected personal information I request to be segregated is as follows:

A. The following is a general description of the protected personal information (<i>example description: "my social security number" or "father's bank account number"</i>). <u>Do not include specific protected personal information here.</u>	B. The following is the legal authority by which I believe this information may be exempt from public inspection (<i>cite to statute, rule, case, etc.</i>). Row numbers correspond to those in column A. Add rows in both columns as necessary.
1.	1.
2.	2.
3.	3.
4.	4.

PERSON MAKING REQUEST MUST COMPLETE ALL THE FOLLOWING AS INDICATED:

1. *(Initial to confirm)* _____. The specific protected personal information described above is provided on the attached UTCR 2.100 segregated information sheet.
2. The specific protected personal information is in the document in the case file that the following identifies:
 - a. Case file number where found: _____.
 - b. Description of document containing the information: _____.
 - c. Page number (*identification*) of the page(s) containing the information: _____.
 - d. A copy of the object page(s) showing specifically the information to be redacted is attached (*required*):
 Yes No
3. I have attached the required fee of \$_____ per page for all of the _____ (*number of pages*) pages I have requested be redacted for a total amount of \$_____ (*total amount of check or money order attached*).
 Yes No
4. I (*initial one*) _____ have OR _____ have not attached a self-addressed, stamped postcard with language required by UTCR 2.110 so that the court can inform me of its response to this request.
5. *(Initial to confirm)* _____. I understand that while the protected personal information may be withheld from the general public if this request is granted, it may still be available to some persons and government agencies for purposes described in UTCR 2.100.
6. *(Initial to confirm, write "na" if not applicable)* _____. If this document was prepared by someone who is not an attorney, I have attached a completed document preparation certification that applies to both this [*affidavit*] {**request**} and the attached form as required by UTCR 2.010(7).
7. *(Initial to confirm)* _____. I have mailed or delivered copies of this request (*not including the attached UTCR Form 2.100.4b and its attachments*) to the persons required by UTCR 2.080.

I hereby declare that the above statement, the attached information sheet, and any attachments to the information sheet are true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Date _____
OSB# (*if applicable*) _____

Signature _____
Type or print name _____

For office use:

Segregation _____ granted OR _____ denied (*state reason*) _____

Date: _____

TRIAL COURT ADMINISTRATOR
By _____

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

_____,)
Plaintiff,) No. _____
v.)
_____,)
Defendant.)

[AFFIDAVIT] {**DECLARATION**}, MOTION,
AND ORDER FOR COMMISSION TO
TAKE FOREIGN DEPOSITION

I, _____, attorney for _____, state it is
necessary in the above-entitled case to take the depositions of the following people in the state or
country of _____:

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I
understand it is made for use as evidence in court and is subject to penalty for perjury.

Date _____
OSB# (if applicable) _____

Signature _____
Type or print name _____

Pursuant to ORCP 38 and based on the above [*affidavit*] {**declaration**}, _____ moves
this court for an order issuing a commission for depositions to be taken in the state or country
of _____, and that the commission be effective for _____ day(s) from the date of signing
by the clerk.

Signature

Name of Attorney Typed or Printed OSB No.

IT IS ORDERED that the requested commission be issued and that the commission shall be effective
for _____ day(s) from the date of signing by the clerk.

Signed this _____ day of _____, _____.

Signature

Judge's Name Typed or Printed

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

Small Claims Division - _____
(court's address and phone number)

Plaintiff)

Address)

City State Zip)

County)
V.)

Defendant Defendant)

A.K.A. A.K.A.)

CASE No. _____

**CLAIM AND
NOTICE OF CLAIM**

Name, Title (if applicable) and Address for Service on Defendant(s):

Defendant

A.K.A.

Address

City State Zip

County

Defendant

A.K.A.

Address

City State Zip

County

I, Plaintiff, claim that on or about _____, _____, the above-named defendant(s) owed me the sum of \$ _____, and this sum is still owing for (reason) _____

I have incurred fees of \$ _____ and service expense of \$ _____. Claim Amt: _____
Filing Fee: _____
Service Fee: _____

{ I have made a bona fide effort to collect the claim from the defendant before filing the claim with the clerk. }

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED: _____

Plaintiff

NOTICE TO DEFENDANT: I certify that the foregoing is a true copy of the claim filed against you.

TRIAL COURT ADMINISTRATOR

By _____

NOTICE TO DEFENDANT — READ REVERSE SIDE

NOTICE TO DEFENDANT

READ THESE PAPERS CAREFULLY!

Within 14 DAYS after receiving this notice you MUST do ONE of the following things:

- Pay the claim plus filing and service expenses paid by the plaintiff; OR
- Demand a hearing; OR
- Demand a jury trial.

If you fail to do one of the following things within 14 DAYS after receiving this notice, then upon written request from the plaintiff, the clerk of the court will enter a judgment against you for the amount claimed plus filing fees and service expenses paid by the plaintiff, plus a prevailing party fee.

If you have any questions about the small claims court filing procedures after this notice, you may contact the clerk of the court; however, the clerk cannot give you legal advice on this claim.

Defendant filing fees (to be filled in by plaintiff with fees for specific county where filed):

To Demand a Hearing if the amount claimed is \$1500.00 or less \$ _____

To Demand a Hearing if the amount claimed is over \$1500.00 \$ _____

To Demand a Jury Trial (Only if the amount claimed is over \$750.00) \$ _____

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

Small Claims Division - _____
(court's address and phone number)

Plaintiff)
)
 v.)
)

)
)

Defendant(s))

CASE No. _____

**REQUEST FOR DEFAULT JUDGMENT;
DEFENDANT STATUS [AFFIDAVIT]
{DECLARATION}**

(NOTE: Complete this and attach a completed Judgment you propose)

I, _____ request default judgment against _____
Name Other Party's Name
for the following :

- A total judgment award of \$_____, which total includes:
1. Money awarded in the amount of \$_____ ,
 2. Prejudgment interest of \$_____ ,
 3. Accrued arrearages of \$_____ , if any,
 4. Costs and service expenses of \$_____ ,
 5. A prevailing party fee under ORS 20.190 of \$_____

I request judgment include postjudgment interest at a rate of _____% per _____ based on _____
(authority for interest)

And, I request the following terms in addition to or in lieu of a money award: NONE, or _____

I have attached a completed proposed small claims judgment for purposes of this request.

In furtherance of this request, I state that:

1. The above-named defendant(s) was duly and regularly served with a copy of the claim and failed to pay the claim or demand a hearing or trial within 14 days;
2. The person against whom I seek judgment by this request:
 - (a) is not one of the following defined by ORS 125.005 and protected by ORCP 69 B: a minor, incapacitated, a protected person, or a respondent;
 - (b) is is not I am unable to determine whether this person is a person protected by the Servicemembers Civil Relief Act (50 U.S.C. App. 501 to 596). The facts that support this statement are: _____

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Plaintiff's Name (print)

DATED: _____

Authorized Signature

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

Small Claims Division - _____
(court's address and phone number)

Plaintiff)
)
 v.)
)

)
)

Defendant(s))

CASE No. _____

**REQUEST FOR JUDGMENT;
NONCOMPLIANCE [AFFIDAVIT]
{DECLARATION}**

(NOTE: Complete this and attach a completed Judgment you propose)

I, _____ request judgment against _____
Name Other Party's Name
for the following :

- A total judgment award of \$_____, which total includes:
1. Money awarded in the amount of \$_____ ,
 2. Prejudgment interest of \$_____ ,
 3. Accrued arrearages of \$_____ , if any,
 4. Costs and service expenses of \$_____ ,
 5. A prevailing party fee under ORS 20.190 of \$_____

I request judgment include postjudgment interest at a rate of _____% per _____ based on _____
(authority for interest)

And, I request the following terms in addition to or in lieu of a money award: NONE, or _____

I have attached a completed proposed small claims judgment for purposes of this request.

I, _____, hereby swear or affirm that on _____
(date agreement signed)

_____ and I signed a Mediation Agreement which has been entered
(Print other party's name)
in this case and which contained the following terms. _____

_____ has not complied with the agreement by failing to do the following:
(print other party's name)

I did not keep the other party from following the agreement. I certify that on _____ I mailed a copy
(date)
of this request to the party against whom I request judgment at _____
(address)

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Plaintiff's Name (print)

Dated: _____

Authorized Signature

B. RECOMMENDATIONS OF DISAPPROVAL

1. General

Renumber the UTCR to correspond to Oregon Rules of Civil Procedure numbers.

ACTION TAKEN

Motion 32, to preliminarily recommend disapproval, passed by consensus.

EXPLANATION

This proposal was submitted by Jenifer Johnston, Portland deputy city attorney, to the Council on Court Procedures (CCP) on June 19, 2009. The CCP forwarded the proposal to the UTCR Committee. The committee noted that the UTCR do not readily dovetail with the Oregon Rules of Civil Procedure (ORCP). The ORCP are devoted to civil procedure matters, while the UTCR are much broader. For example, the UTCR address decorum, criminal law, juvenile law, case management, and Department of Motor Vehicle hearings. In addition, a change to the numbering of the UTCR would also require a change to the numbering of all Supplementary Local Rules. That would create a significant and difficult task for each judicial district to undertake, especially given current budgetary uncertainties.

PROPOSED AMENDMENT

The proponent did not submit specific wording for the amendment.

2. Chapter 5

Adopt a new rule for filing documents under seal.

ACTION TAKEN

Motion 34, to preliminary recommend disapproval, passed by consensus.

EXPLANATION

This proposal was submitted by Bert Krages, a Portland attorney, on July 10, 2009. The proposal would allow records to be sealed to protect a party from annoyance, embarrassment, or oppression. The committee was concerned that this would raise issues under the open courts provision of the Oregon Constitution. While the federal courts have a process for filing documents under seal, the Oregon Supreme Court has expressed concerns about sealing documents. The committee noted that there is a lack of uniformity throughout the state on how this issue is addressed. They concluded that the proposal should be studied further. They formed a work group consisting of committee members Gruetter, Hughes, and Litzenberger. This issue will be placed on the agenda for the meeting to be held on April 9, 2010.

PROPOSED AMENDMENT

{UTCR 5. FILING DOCUMENTS UNDER SEAL

(1) Upon motion by a party or person, and for good cause shown, the court in which the action is pending may grant leave to file under seal motions, exhibits, affidavits, declarations, and other documents when justice requires to protect a party or person from annoyance, embarrassment, or oppression. If leave is granted, such documents shall be filed pursuant to subsection (3).

(2) A party or person who is filing a document containing protected matter covered by a protective order or material which is covered by a law

mandating confidentiality may file such documents under seal without leave of court. Such filings shall be done pursuant to subsection (3).

- (3) Documents filed under seal shall be filed in a sealed envelope in which a statement in substantially the following form shall be prominently placed:**

Sealed Documents

This envelope contains documents that are filed under seal.

- (4) Concurrent with a filing under seal, redacted versions of the documents filed under seal shall be filed with the court and maintained in the public records of the action. Redactions shall be limited to the matter deemed in good faith to be protected from public disclosure according to the criteria set forth in subsections (1) and (2). In the event an entire document is deemed in good faith by the filer to qualify for filing under seal, a sheet describing the general nature of the document shall be filed to be maintained in the public records.**
- (5) The court shall maintain all documents filed under seal separate from the public records in the action. In the event that the court determines that documents filed under seal do not qualify for such filing, it may request that the party or person who filed the documents to exercise the option of withdrawing the documents filed under seal or allowing the court to unseal the documents and maintain them in the public records of the action.}**

3. 5.070

Amend to allow a party to show additions and deletions to a pleading by using word processing “compare” or “redline” functions.

ACTION TAKEN

Motion 35, to preliminary recommend disapproval, passed by consensus.

EXPLANATION

This proposal was submitted by Bert Krages, a Portland attorney, on July 10, 2009. Mr. Krages pointed out that it would be more convenient for attorneys if these functions could be used to highlight changes in an amended pleading. The committee discussed three objections to the proposal. First, attorneys and parties with vision problems often use software to “read” electronic documents. Typically, this software cannot “read” compare or redline functions. This software can “read” brackets and braces, which is one of the reasons this rule requires their use to show changes in amended pleadings. Second, the changes are not always easy to see when the proposed functions are used. Third, it is not uncommon for errors to be generated by the proposed functions.

PROPOSED AMENDMENT

The proponent did not submit specific wording for the amendment.

4. Chapter 6
Adopt a new rule requiring parties to present electronic exhibits in a format compatible with equipment available in the applicable court and jury room.

ACTION TAKEN

Motion 27, to preliminarily recommend disapproval, passed with consensus.

EXPLANATION

This proposal was submitted by Pam Barton, Malheur County Trial Court Administrator, on February 10, 2009. Ms. Barton explained that the courts struggle when a party does not warn the court and comes to trial with an electronic exhibit or equipment that is not compatible with the court's equipment. Their court has a particular problem with store surveillance tapes and evidence on laptops that cannot be left with the jury. Some committee members opposed the proposal because it should be up to the party to make sure the exhibit can be displayed in the court. Some committee members were concerned that the proposal would prohibit a party from bringing their own equipment to the court, which can be beneficial to the court. Some committee members felt that there is a need for some kind of statewide rule on this topic and that this should be studied by a work group.. They formed a work group consisting of committee members Baehr, Barron, Hull, and Mejia. This issue will be placed on the agendas for the meetings to be held on April 9, 2010, and October 15 and 16, 2010.

PROPOSED AMENDMENT

{6. Exhibits in Electronic Format

A party who wishes to introduce an exhibit in electronic format must present the exhibit in a format that is compatible with the equipment that is available in that courtroom and jury room.}

5. Chapter 8
Amend Chapter 8 to clarify that it applies to domestic partnerships.

ACTION TAKEN

Motion 36, to preliminarily recommend disapproval, passed by consensus.

EXPLANATION

This proposal was submitted by Amy Bonkosky, Crook and Jefferson Counties Trial Court Administrator, on August 4, 2009. Ms. Bonkosky was concerned because UTCR Chapter 8 does not specifically address dissolutions of domestic partnerships. The committee concluded that an amendment is not needed because Oregon Laws 2007, chapter 99 (2007 HB 2007) states that the domestic relations rights and responsibilities contained in the Oregon Revised Statutes (ORS) and any other law apply to domestic partnerships. In light of this, the rules in Chapter 8, which cite the ORS, do apply to domestic partnerships.

PROPOSED AMENDMENT

The proponent did not submit specific wording for the amendment.

6. Form 15.010.1a
Revise the form to include a claim for prejudgment interest.

ACTION TAKEN

Motion 40, to preliminarily recommend disapproval, passed by consensus.

EXPLANATION

This proposal was submitted by Liz Rambo, Lane County Trial Court Administrator, on July 14, 2009. The committee noted that the statutes governing small claims in circuit courts are unclear in this area. Because of this, the committee was concerned that the proposal could result in unintended consequences affecting the jurisdictional amount of the claim.

PROPOSED REVISION

Form 15.010.1a – CLAIM AND NOTICE OF CLAIM – UTCR 15.010(1)(a) (small claims)

Revise form to add the following regarding a claim for prejudgment interest:

{I claim prejudgment interest at the annual rate of _____ % beginning on _____, 20____. I am entitled to prejudgment interest because: _____.}

C. OTHER ACTIONS

1. 2.130
Referral of a proposal to amend the rule to allow service of the form by mail to avoid disclosure of confidential information to process servers.

ACTION TAKEN

Motion 33, to refer this proposal to the State Law Family Advisory Committee (SFLAC) work group on UTCR 2.130, passed by consensus.

EXPLANATION

This proposal was submitted by Debbie Steiner Lohman, a West Linn legal assistant, on September 13, 2009. The committee reporter described current efforts by an SFLAC work group to identify, review, and address issues that have arisen with UTCR 2.130 (family law confidential information forms) and its associated forms. That work group hopes to propose out-of-cycle amendments to the Chief Justice in the next few months. The committee felt that the work group was the appropriate forum to consider this proposal in light of their overall review of the rule. The reporter forwarded the proposal to the chairs of the work group on October 22, 2009.

PROPOSED AMENDMENT

The proponent did not submit specific wording for the amendment.

2. Chapter 4
Discussion of out-of-cycle changes to crime victims' rights rules and forms.

ACTION TAKEN

None. This was an informational presentation to the committee.

EXPLANATION

UTCR 4.110, 4.120, 4.130, Form 4.120.1, and Form 4.130.1 have been repealed. UTCR 4.100 has been amended. UTCR Form 4.100.1a, Form 4.100.1b, Form 4.100.2a, and Form 4.100.2b have been adopted. These changes were made out-of-cycle pursuant to Chief Justice Order 09-058 in response to Oregon Laws 2009, chapter 178 (2009 SB 233). These changes were developed and reviewed by the Chief Justice's Criminal Justice Advisory Committee (CJAC) and CJAC's Uniform Script Workgroup. The membership of those groups included trial court, district attorney, defense attorney, Department of Justice, and victims' rights advocate representatives. Because of the legislation, much that was in the old rules and forms was no longer needed. There was still a need, however, for a rule and forms addressing a prosecuting attorney's notice of compliance with a crime victim's rights and a crime victim's claim of violation of rights.

RULES AND FORMS ADOPTED OUT-OF-CYCLE

4.100 CRIME VICTIMS' RIGHTS – PROSECUTOR'S NOTIFICATION AND CRIME VICTIMS' RIGHTS VIOLATION CLAIM

- (1) The prosecuting attorney must file a notification of compliance as provided in Oregon Laws 2009, chapter 178, section 3, in substantially the form set out in Form 4.100.1a or 4.100.1b in the UTCR Appendix of Forms.
- (2) To allege a violation of a right granted by Article I, section 42 or 43, of the Oregon Constitution, a victim may file a claim in substantially the form set out in Form 4.100.2a or 4.100.2b in the UTCR Appendix of Forms. The claim must be filed with the court clerk's office in the court in which the criminal case is pending.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

STATE,) Case No. _____
)
v.) PROSECUTING ATTORNEY'S NOTIFICATION
) OF COMPLIANCE WITH CRIME VICTIMS'
_____,) CONSTITUTIONAL RIGHTS
Defendant)

The charging instrument does does not include the name or pseudonym of each victim known to the prosecuting attorney.

- The additional victim(s) name(s) or pseudonym(s) known to this prosecutor is listed on this form or on the attached "Supplemental Victim Information Page."
- The listing of all victims in this case would be impractical for the prosecuting attorney.

My file indicates that I or a person known to me made a reasonable effort to give the following victim(s) information about the rights granted to victims by Article I, sections 42(1)(a) to (f) and 43, of the Oregon Constitution.

Victim's Name: _____

- Victims' rights information: Received Not received Unconfirmed
- Requested to be informed in advance of the following critical stages of the proceeding:
 All None Release Hearing(s) Plea Sentencing Other: _____.
- Did Did not request that the prosecuting attorney assert and enforce the victim's constitutional rights, and the prosecuting attorney:
 - did not agree to assert or enforce any rights.
 - agreed to assert and enforce the following rights: _____.
- The victim expressed intent to assert the victim's constitutional rights independently.
- The court suspended the victim's constitutional rights pursuant to Article I, section 42(5), of the Oregon Constitution.

Victim's Name: _____

- Victims' rights information: Received Not received Unconfirmed
- Requested to be informed in advance of the following critical stages of the proceeding:
 All None Release Hearing(s) Plea Sentencing Other: _____.
- Did Did not request that the prosecuting attorney assert and enforce the victim's constitutional rights, and the prosecuting attorney:
 - did not agree to assert or enforce any rights.
 - agreed to assert and enforce the following rights: _____.
- The victim expressed intent to assert the victim's constitutional rights independently.
- The court suspended the victim's constitutional rights pursuant to Article I, section 42(5), of the Oregon Constitution.

Submitted this _____ day of _____, 20____.

Prosecuting Attorney
OSB No. _____

My file indicates that I or a person known to me made a reasonable effort to give the following victim(s) information about the rights granted to victims by Article I, sections 42(1)(a) to (f) and 43, of the Oregon Constitution.

Victim's Name: _____

- Victims' rights information: Received Not received Unconfirmed
- Requested to be informed in advance of the following critical stages of the proceeding:
 All None Release Hearing(s) Plea Sentencing Other: _____.
- Did Did not request that the prosecuting attorney assert and enforce the victim's constitutional rights, and the prosecuting attorney:
 did not agree to assert or enforce any rights.
 agreed to assert and enforce the following rights: _____.
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 did not agree to assert or enforce any rights.
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Victim's Name: _____

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 All None Release Hearing(s) Plea Sentencing Other: _____.
- Did Did not request that the prosecuting attorney assert and enforce the victim's constitutional rights, and the prosecuting attorney:
 did not agree to assert or enforce any rights.
 agreed to assert and enforce the following rights: _____.
- The victim expressed intent to assert the victim's constitutional rights independently.
- The court suspended the victim's constitutional rights pursuant to Article I, section 42(5), of the Oregon Constitution.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

In the Matter of: _____) Case No. _____
)
) PROSECUTING ATTORNEY'S NOTIFICATION
) OF COMPLIANCE WITH CRIME VICTIMS'
_____,) CONSTITUTIONAL RIGHTS
A Youth / Youth Offender.)

The charging instrument does does not include the name or pseudonym of each victim known to the prosecuting attorney.

- The additional victim(s) name(s) or pseudonym(s) known to this prosecutor is listed on this form or on the attached "Supplemental Victim Information Page."
- The listing of all victims in this case would be impractical for the prosecuting attorney.

My file indicates that I or a person known to me made a reasonable effort to give the following victim(s) information about the rights granted to victims by Article I, sections 42(1)(a) to (f) and 43, of the Oregon Constitution.

Victim's Name: _____

- Victims' rights information: Received Not received Unconfirmed
- Requested to be informed in advance of the following critical stages of the proceeding:
 All None Release Hearing(s) Plea Disposition Other: _____.
- Did Did not request that the prosecuting attorney assert and enforce the victim's constitutional rights, and the prosecuting attorney:
 - did not agree to assert or enforce any rights.
 - agreed to assert and enforce the following rights: _____.
- The victim expressed intent to assert the victim's constitutional rights independently.
- The court suspended the victim's constitutional rights pursuant to Article I, section 42(5), of the Oregon Constitution.

Victim's Name: _____

- Victims' rights information: Received Not received Unconfirmed
- Requested to be informed in advance of the following critical stages of the proceeding:
 All None Release Hearing(s) Plea Disposition Other: _____.
- Did Did not request that the prosecuting attorney assert and enforce the victim's constitutional rights, and the prosecuting attorney:
 - did not agree to assert or enforce any rights.
 - agreed to assert and enforce the following rights: _____.
- The victim expressed intent to assert the victim's constitutional rights independently.
- The court suspended the victim's constitutional rights pursuant to Article I, section 42(5), of the Oregon Constitution.

Submitted this _____ day of _____, 20____.

Prosecuting Attorney
OSB No. _____

My file indicates that I or a person known to me made a reasonable effort to give the following victim(s) information about the rights granted to victims by Article I, sections 42(1)(a) to (f) and 43, of the Oregon Constitution.

Victim's Name: _____

- Victims' rights information: Received Not received Unconfirmed
- Requested to be informed in advance of the following critical stages of the proceeding:
 All None Release Hearing(s) Plea Disposition Other: _____.
- Did Did not request that the prosecuting attorney assert and enforce the victim's constitutional rights, and the prosecuting attorney:
 did not agree to assert or enforce any rights.
 agreed to assert and enforce the following rights: _____.
- The victim expressed intent to assert the victim's constitutional rights independently.
- The court suspended the victim's constitutional rights pursuant to Article I, section 42(5), of the Oregon Constitution.

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 All None Release Hearing(s) Plea Disposition Other: _____.
- Did Did not request that the prosecuting attorney assert and enforce the victim's constitutional rights, and the prosecuting attorney:
 did not agree to assert or enforce any rights.
 agreed to assert and enforce the following rights: _____.
- The victim expressed intent to assert the victim's constitutional rights independently.
- The court suspended the victim's constitutional rights pursuant to Article I, section 42(5), of the Oregon Constitution.

Victim's Name: _____

- Victims' rights information: Received Not received Unconfirmed
- Requested to be informed in advance of the following critical stages of the proceeding:
 All None Release Hearing(s) Plea Disposition Other: _____.
- Did Did not request that the prosecuting attorney assert and enforce the victim's constitutional rights, and the prosecuting attorney:
 did not agree to assert or enforce any rights.
 agreed to assert and enforce the following rights: _____.
- The victim expressed intent to assert the victim's constitutional rights independently.
- The court suspended the victim's constitutional rights pursuant to Article I, section 42(5), of the Oregon Constitution.

4. I believe this conduct violated the following right(s) granted by Article I, sections 42(1)(a) to (g) and 43, of the Oregon Constitution:

- To be present at and, upon specific request, to be informed in advance of any critical stage of the proceedings held in open court when the defendant is present, and to be heard at the pretrial release hearing and the sentencing.
- Upon request, to obtain information about the conviction, sentence, imprisonment, criminal history, and future release from physical custody of the criminal defendant or convicted criminal.
- To refuse an interview, deposition, or other discovery request by the criminal defendant or other person acting on behalf of the criminal defendant.
- To receive prompt restitution from the convicted criminal who caused the victim's loss or injury.
- To have a copy of a transcript of any court proceeding held in open court, if one is otherwise prepared.
- Upon request, to be consulted regarding plea negotiations involving any violent felony.
- To be informed of the above-listed rights as soon as practicable.
- To be reasonably protected from the criminal defendant or the convicted criminal throughout the criminal justice process.
- To have decisions by the court regarding the pretrial release of a criminal defendant based upon the principle of reasonable protection of the victim and the public, as well as the likelihood that the criminal defendant will appear for trial.

5. In accordance with the rights provided in Article I, sections 42 and 43, of the Oregon Constitution, I request the following remedy:

6. I hereby request that the court grant an appropriate remedy or schedule a hearing to determine whether the victim's right(s) was violated.

Submitted this _____ day of _____, 20____.

Victim, Prosecuting Attorney or Private Attorney
OSB No. _____

Note: You must file this claim with the court clerk's office.
Supplemental Form – Victim Contact Information

Case Name: _____
Case No. _____

Please list your residential address or an alternate contact address at which you would like to receive information from the court regarding court hearings and court decisions. Until your claim is resolved, you must provide updated contact information to the court if your contact information changes. If you fail to keep the court informed, the court may dismiss your claim.

Name

Street Address or PO Box (Contact address may be used)

City

State

Zip Code

Telephone Number

Note: You must provide this page to the court and the prosecuting attorney; you do not need to provide this page to the defendant.

THIS INFORMATION MUST BE KEPT UNDER SEAL BY THE COURT.

4. I believe this conduct violated the following right(s) granted by Article I, section 42(1)(a) to (g) and 43, of the Oregon Constitution:

5.

- To be present at and, upon specific request, to be informed in advance of any critical stage of the proceedings held in open court when the youth/youth offender is present, and to be heard at any detention hearings and disposition.
- Upon request, to obtain information about the adjudication, disposition, imprisonment, criminal history, and future release from physical custody of the youth/youth offender.
- To refuse an interview, deposition, or other discovery request by the youth/youth offender or other person acting on behalf of the youth/youth offender.
- To receive prompt restitution from the adjudicated youth who caused the victim's loss or injury.
- To have a copy of a transcript of any court proceeding held in open court, if one is otherwise prepared.
- Upon request, to be consulted regarding plea negotiations involving any violent felony.
- To be informed of the above-listed rights as soon as practicable.
- To be reasonably protected from the youth/youth offender throughout the juvenile justice process.
- To have decisions by the court regarding the preadjudication release of a youth/youth offender based upon the principle of reasonable protection of the victim and the public, as well as the likelihood that the youth/youth offender will appear for adjudication.

6. In accordance with the rights provided in Article I, sections 42 and 43, of the Oregon Constitution, I request the following remedy:

7. I hereby request that the court grant an appropriate remedy or schedule a hearing to determine whether the victim's right(s) was violated.

Submitted this _____ day of _____, 20____.

Victim, Prosecuting Attorney or Private Attorney
OSB No. _____

Note: You must file this claim with the court clerk's office.
Supplemental Form - Victim Contact Information

Case Name: _____
Case No. _____

Please list your residential address or an alternate contact address at which you would like to receive information from the court regarding court hearings and court decisions. Until your claim is resolved, you must provide updated contact information to the court if your contact information changes. If you fail to keep the court informed, the court may dismiss your claim.

Name

Street Address or PO Box (Contact address may be used)

City State Zip Code

Telephone Number

Note: You must provide this page to the court and the prosecuting attorney; you do not need to provide this page to the defendant.

THIS INFORMATION MUST BE KEPT UNDER SEAL BY THE COURT.

3. 5.140
Discussion of a Council on Court Procedures proposal to amend Oregon Rule of Civil Procedure (ORCP) 38 to address foreign commissions.

ACTION TAKEN

None. This was an informational presentation to the committee.

EXPLANATION

The Council on Court Procedures is considering an amendment to ORCP 38 to address foreign commissions for interstate deposition instruments. UTCR 5.140 and UTCR Form 5.140.1 currently address this issue. If ORCP 38 is amended, UTCR 5.140 and UTCR Form 5.140.1 may need to be amended or deleted.

PROPOSED AMENDMENT

None.

4. Chapter 8
Amend certain rules to require parties to present UTCR Form 8.010.5 (Uniform Support Affidavit) as an exhibit at hearing rather than file it as a document in the court file.

ACTION TAKEN

None. This item was pulled from the agenda by the proponents.

EXPLANATION

This proposal was submitted by the Hon. Paula Brownhill, on behalf of the State Family Law Advisory Committee, on September 18, 2009. The proponents asked the committee to pull this item from the agenda. They were concerned that if the Uniform Support Affidavit (USA) was required to be submitted as an exhibit, then those courts that do not have a hearing process for these types of cases would not have the benefit of the USA.

PROPOSED AMENDMENT

8.010 ACTIONS FOR DISSOLUTION OF MARRIAGE, SEPARATE MAINTENANCE AND ANNULMENT, AND CHILD SUPPORT

(1) * * *

* * * * *

- (5) In all proceedings under ORS chapter 107, 108, or 109 wherein child support or spousal support is contested, each party must [*file with the trial court administrator and*] serve on the other party **and offer as an exhibit at the time of hearing** a Uniform Support Affidavit in the form specified in Form 8.010.5 in the UTCR Appendix of Forms. A Uniform Support Affidavit required by this subsection must be completed as follows:

(a) * * *

* * * * *

(6) * * *

- (7) **{By the deadline set out below, the Uniform Support Affidavit required under subsection (5) must be served and t}**[7]he documents required to be filed under subsections (4)[, (5),] and (6) above must be filed and served:
- (a) at the time designated in the relevant SLR;
 - (b) in the absence of an SLR to the contrary, not less than 14 days before the hearing on the merits unless both parties stipulate otherwise, but in any event before the beginning of trial.
- (8) No judgment under this chapter shall be signed, filed or entered without the filing with the trial court administrator of all relevant documents, including all of the following:
- (a) An affidavit of completed service.
 - (b) An affidavit of nonmilitary service and the proposed order of default, if the respondent is in default.
 - (c) The affidavit described in ORS 107.095(4) if the matter is uncontested.
 - (d) A completed Oregon State Health Division Record of Dissolution of Marriage form.
 - [(e) If child support or spousal support is an issue, a Uniform Support Affidavit for each party, except where that issue is resolved by stipulation or default. A Uniform Support Affidavit required by this paragraph must be completed in the form specified in Form 8.010.5 in the UTCR Appendix of Forms and as provided under subsection (5) of this rule.]*
- [(f)] **{e}** If child support is an issue, the Division of Child Support (DCS) work sheets described under UTCR 8.060.
- [(g)] **{f}** A proposed judgment.
- (9) * * *
- * * * * *
- 8.040 PREJUDGMENT RELIEF UNDER ORS 107.095(1)
- (1) * * *
- * * * * *
- (3) Any motion regarding temporary support must be [accompanied] **{supported}** by a Uniform Support Affidavit in the form specified in Form 8.010.5 in the UTCR Appendix of Forms. **{The Uniform Support Affidavit must be served on the opposing party along with the motion and offered as an exhibit at the time of hearing.}** A Uniform Support Affidavit required by this subsection must be completed as provided under subsection (5) of UTCR 8.010. **{The motion must include a certificate that the moving party has completed and will serve the Uniform Support Affidavit on the opposing party.}**

- (4) [At least 7 days before the hearing,] **{When support is an issue,}** the opposing party [also] must serve [and file] a Uniform Support Affidavit on the moving party **{at least 7 days before the hearing and also must offer it as an exhibit at the time of hearing}** [when support is to be an issue]. A Uniform Support Affidavit required by this subsection must be completed in the form specified in Form 8.010.5 in the UTCR Appendix of Forms and as provided for completion of the affidavit under subsection (5) of UTCR 8.010.

8.050 JUDGMENT MODIFICATION PROCEEDINGS

- (1) Modification proceedings must be initiated by an order to show cause based on a motion supported by an affidavit setting forth the factual basis for the motion or by other procedure established by SLR. When support is to be an issue, a Uniform Support Affidavit, as set out in Form 8.010.5 in the UTCR Appendix of Forms, must [also be filed with the motion and] **{be served on the opposing party as set forth in subsection (2) and offered as an exhibit at the time of hearing. A Uniform Support Affidavit required by this subsection must be}** [and] completed as provided under subsection (5) of UTCR 8.010. **{The order to show cause must include a certificate that the moving party has completed and will serve the Uniform Support Affidavit on the opposing party.}**
- (2) The order to show cause must be served by delivering a certified copy thereof, together with a certified copy of the motion, affidavit and Uniform Support Affidavit, if applicable, in the manner necessary to obtain jurisdiction.
- (3) [At least 7 days before the hearing,] **{When support is an issue,}** the opposing party [also] must serve [and file] a Uniform Support Affidavit on the moving party **{at least 7 days before the hearing and also must offer it as an exhibit at the time of hearing}** [when support is to be an issue]. The Uniform Support Affidavit must be completed in the form specified in Form 8.010.5 in the UTCR Appendix of Forms and as provided under subsection (5) of UTCR 8.010.

(4) * * *

* * * * *

5. New Chapter
Discussion of conceptual rules governing a statewide commercial court.

ACTION TAKEN

None. This was an informational presentation to the committee.

EXPLANATION

This concept is being developed by a workgroup formed by Chief Justice Paul J. De Muniz and chaired by the Hon. Karsten H. Rasmussen, Lane County Circuit Court. The goal is to create a statewide commercial court consisting of judges with experience in managing and trying complex commercial cases. The court could be used by parties seeking judges with this type of experience and by judicial districts where the docket would be overwhelmed by a large case. The committee discussed various concerns with the concept. It could conflict with the expedited civil jury case proposal (see Item IV.A.4 above) if it takes experienced judges away

from general dockets. A proposed 180-day time limit to seek assignment to the commercial court is too long and should be shortened to 90 days. Smaller courts could have the most interesting cases taken away from them. To avoid that circumstance, a motion for assignment to the court should be filed with the original court so that the presiding judge of that court would have discretion over whether to refer the case to the commercial court. At that point the presiding judge of the commercial court could then decide whether to accept the case.

PROPOSED AMENDMENT

None.

6. General

Discussion of a proposal to conduct a sustainability review of the UTCR to identify rules for amendment to reduce use of paper.

ACTION TAKEN

Motion 42, to ask Mr. Lang to submit specific proposed amendments to specific rules, passed by consensus.

EXPLANATION

This proposal was submitted by Danny Lang, a Sutherlin lawyer, on the morning of October 16, 2009, the day of the fall UTCR meeting. Mr. Lang also submitted this proposal to the Council on Court Procedures for a similar review of the Oregon Rules of Civil Procedure. The committee felt that Mr. Lang should submit specific proposed amendments to specific UTCR. The committee asked the reporter to forward that suggestion to Mr. Lang. As the Oregon Judicial Department moves toward eFiling and an electronic content management system, the sustainability concerns raised by Mr. Lang may be addressed in a different manner. The reporter forwarded this information to Mr. Lang on December 2, 2009.

PROPOSED AMENDMENT

The proponent did not submit specific wording for an amendment.

7. Committee Membership

Discussion of an upcoming open attorney position and preferred subject matter expertise.

ACTION TAKEN

Motion 48, to recruit a probate attorney for committee membership, passed by consensus.

EXPLANATION

Committee member Sam Friedenbergh will retire from the committee when his second term ends on December 31, 2009. Probate is his area of practice, and the committee would like to recruit a probate attorney to fill that opening. Probate attorneys who are interested in this voluntary position should send a resume and cover letter (describing your law practice, areas of expertise, qualifications, rulemaking experience, and involvement in similar groups) to: utcr@ojd.state.or.us or Bruce C. Miller, Office of the State Court Administrator, Supreme Court Building, 1163 State Street, Salem, Oregon 97301.

PROPOSED AMENDMENT

None.

8. Committee Agenda Materials

Discussion of a suggestion to distribute agenda materials by thumb drive.

ACTION TAKEN

Motion 41, to implement a pilot program to distribute UTCR agendas and materials to the committee members by thumb drive, passed by consensus.

EXPLANATION

The committee would like to try a pilot program in which agendas and materials are delivered to them by thumb drive starting with the meeting on April 9, 2010. Initially, they would like paper copies delivered as well as a backup. The fall meeting materials present a bigger challenge because they typically exceed 1300 pages (with inclusion of all SLR), which may make organization of the thumb drive difficult. If the pilot is workable, the result will be a savings in time, copying, paper, and expense.

PROPOSED AMENDMENT

None.

BCM:sh/Proposed UTCR Changes for 2010
12/11/09