

Oregon eCourt

Questions and Answers from the Oregon eCourt Update CLE | November 19, 2014

Questions and Answers from the Webcast

Q: Will process servers be able to open an account with eFile/eCourt to file Proofs of Service?

A: Yes, anyone can open an account.

Q: Can process servers file their proofs of service through the electronic filing system?

A: Also yes, OJD allows non attorneys to log into the system and file documents. [NOTE: The PLF recommends that attorneys arrange to have the process server return the proof of service to the attorney's office for eFiling. This permits the attorney to review the proof of service personally and determine if any additional steps must be taken to complete service – as in the case of substituted or office service where the rules require a mailing. See ORCP 7D.]

Q: Conventional Filing List: Documents under seal: This does NOT include Notarized documents, correct?

A: Correct.

Q: Can self-represented clients use File & Serve?

A: Yes, although the OJD does not necessarily encourage it. The mandatory rule only covers OSB members.

Q: Is a conformed signature acceptable for an affidavit executed by a client and signed by a Notary?

A: No, conformed signatures are only accepted from attorneys.

Q: Regarding proposed orders and judgments – how do you confirm receipt by the court?

A: When you get the acceptance email, you know your filing is now in the case management system. This does not mean the order has been signed or acted upon by the court, only that the document is in the system. This should happen immediately.

Q: When filing a petition to probate a will, should you conventionally file both the petition and will, or e-file the petition and conventionally file the will?

A: You should eFile the petition and a copy of the will. Then, within 7 days, you will need to conventionally file the will. Please note the case number associated with the will when it is conventionally filed. [Practice Tip from the PLF: When conventionally filing a will or any other document initially submitted as an attachment to an eFiling, provide the clerk with a cover note that provides the case name and case number.]

Q: Are there any requirements regarding the file names of documents submitted to the court?

A: No. The file names of documents will be overwritten after they are uploaded, so it does not matter what you name the file that you are uploading.

The captions used on documents should be the same as they have been when conventionally filed. The rules regarding captions have not changed under eCourt. Caption requirements are detailed in UTCR 2.010 (11).

Q: What is the best way to submit multiple documents within a single file? Should supporting documentation be filed separately?

A: The preferred practice is to submit all documents in a filing as a single PDF. This may mean combining multiple PDFs into a single document for filing. However, a document may not be submitted if it is over 25 MB. If a document would exceed that size, then it is permissible to break it into multiple documents as needed.

Q: When is the court going to create searchable PDFs of signed orders and judgments?

A: These should become available at some point during 2015.

Q: In Multnomah County I used to pay for the sheriff to serve the summons at the same time I paid the court filing fee. Now, I can file and pay for the complaint online, but I have to go to the courthouse to pay to have the sheriff serve. Is this going to change to allow payment of the sheriff's fee online?

A: This is something that the OJD is working on.

Q: My email account was down [on November 7] for about 15 hours and anyone who sent me an email received a Message Send Failure notice. What happened to email/notices that were sent to me through eCourt? The court clerks said there was nothing they could do and there was no way to resend the notice. What can I do?

A: For court notices, these are sent to the case as well as to your email. This means that if you go to the case in File & Serve, you will be able to view the notices. You can also do a calendar search by bar number to view all scheduled events associated with an attorney.

Q: What operating systems and software programs are required to use File & Serve?

Both Macs and PCs work fine. Internet Explorer, Safari, Google Chrome, and Mozilla Firefox are all supported. Your system currently needs to run Microsoft Silverlight, which is available for Macs and PCs. Tyler support staff can help walk you through installing this on your computer. At some point in 2015 the courts will be upgrading to the HTML5 version of File & Serve, which will make it usable on any device, including smart phones and tablets.

If you have difficulties, contact Tyler technical support.

Q: Will service through Odyssey be sufficient for the purpose of service on opposing counsel, even if opposing counsel has not yet filed any documents through Odyssey in a particular case? Odyssey gives you the opportunity to add a party, but currently e-mail service requires agreement between the parties under ORCP 9G. Does the requirement that Odyssey be used in Multnomah County act as this agreement?

A: When you eFile into a case, you are consenting to also receive electronic service in that case. At that point you should add yourself as a service contact. You should not add other parties in this manner. Therefore if you do not see another party as already accepting electronic service when you file, then you will need to serve them conventionally for this filing. Also note that you are never required to use e-service, unless it has been ordered by the court.

Q: Should an assistant be the Administrator and then the Attorney be under that same registration? Or should a legal assistant have a separate account?

A: In general this decision is up to you. Your group should register as a firm or as a unit on the system, even if you are a solo practitioner. You can choose who to assign as a firm administrator, and this can be multiple individuals. Some firms have chosen to have staff log into attorney accounts, and other firms have chosen to have the staff set up accounts directly.

Q: Are there any ethical issues with having non-attorney staff handle filings?

A: Staff are permitted to assist with this process, and non-attorney staff are already eFiling on behalf of attorneys. Obviously it is up to the attorney to review and supervise any work done by non-attorneys, and the attorney is responsible for the result.

Q: Can you provide a quick laundry list of what is needed to make this work?

A: A scanner will be necessary along with optical character recognition (OCR) and PDF conversion software. OCR software is used to make scanned PDFs text searchable. (This software often is included with newer scanners). You will also need the ability to create and manipulate PDFs. Adobe Acrobat Pro and Nuance are good options for PDF software.

You will then need to create an account at Oregon.tylerhost.net

Q: If I understand correctly, only one email address can be used for a filing. So if an opposing party has multiple attorneys that need to be served, is it the case that one will automatically served but everyone else needs to be served manually?

A: eService does not restrict the number of individuals that can be served. When you add yourself as a service contact on a specific case, you are free to add other individuals in your firm who you would like to receive service as well.

Note however that when eFiling a single email address will be associated with each user, and for lawyers this should be the same email address you have on file with the Oregon State Bar.

Questions Submitted to Speakers After the CLE

Q: Do you still file a certificate service when all the parties to be served are in the case?

A: The answer to this can be found in UTCR 21.100(7): the “filer must attach at the end of any document submitted electronically a list of names to all parties requiring conventional paper service, followed by a clearly identified list of the names of all parties requiring service that will be served electronically by the electronic filing system.”

Q: Follow up question to the message send failure question. The calendar search on Oregon eCourt by bar number only shows if hearings are scheduled during that time. What about Oregon eCourt notices on judgments entered, future hearings scheduled, continuances granted, motions granted?

A: Accessing this information would require a subscription to OJCIN (which gives access to Oregon eCourt (OECL) case records). A subscriber can check their cases for this

information. OJD continues to enhance the functionality of its systems including the OEI system.

Q: Occasionally I send a cover letter to the court accompanying a document to explain what is being submitted and what is being asked for to facilitate the judge's quick review of the matter. Can this still be done?

A: Generally, the courts no longer want or need cover letters. All documents are scanned into the system for a judge to review so the electronic review process is different than sifting through a stack of papers.

Q: How do you eServe a document on another attorney through the Oregon eCourt filing system?

A: In order for an attorney to be electronically served they must consent to eService. An attorney consents to eService when they eFile into the case and add themselves as a service contact. When eFiling documents on subsequent filings, there is an option (by checking the Service box on the Filing Details Screen) to electronically serve those documents on parties that have consented to eService.

Q: What is the timeline for the pro se forms/program to be available online?

A: OJD is currently working through options and availability for electronic / interactive forms. More details will be announced in the near future.

***Prepared courtesy of Matt Shields, Oregon State Bar Public Affairs
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