

In the Matter of Out-of-Cycle)
Amendment of UTCR 21.090 and)
Repeal of UTCR 21.120)
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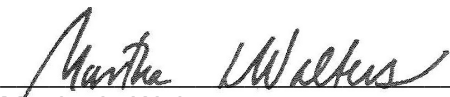
CHIEF JUSTICE ORDER
No. 20-008

ORDER APPROVING OUT-OF-CYCLE
AMENDMENT OF UTCR 21.090 AND
REPEAL OF UTCR 21.120

I HEREBY ORDER, pursuant to ORS 1.002 and UTCR 1.020, that:

1. Good cause has been shown and the time limits established by Uniform Trial Court Rule (UTCRC) 1.020(2), (3), and (4) are waived for the amendment of UTCR 21.090 and the repeal of UTCR 21.120.
2. UTCR 21.090, as shown in Attachment A to this order, is amended effective immediately. UTCR 21.120, as shown in Attachment A to this order, is repealed effective immediately. For the convenience of the reader, deleted wording is shown in [*brackets and italics*] and new wording is shown in {**braces, underline, and bold**}.
3. Pursuant to UTCR 1.020(5), the UTCR Reporter shall take the steps necessary to post these changes for public comment as soon as practicable and shall place it on the agenda for the October 2, 2020, UTCR Committee meeting for review of public comment.

Dated this 27th day of March, 2020.



Martha L. Walters
Chief Justice

21.090 ELECTRONIC SIGNATURES

(1) * * *

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(4) *[Except as provided in section (5) of this section, w}hen a document to be electronically filed requires [a signature under penalty of perjury, or] the signature of a notary public, the [declarant or]notary public shall sign a printed form of the document. The printed document bearing the original signatures must be imaged and electronically filed in a format that accurately reproduces the original signatures and contents of the document. [The original document containing the original signatures and content must be retained as required in UTCR 21.120.]*

(5) When the filer is the same person as the declarant named in an electronically filed document for purposes of ORCP 1 E, the filer must include in the declaration an electronic symbol intended to substitute for a signature, such as a scan of the filer's handwritten signature or 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 of a signature block with "s/":

s/ John Q. Attorney
JOHN Q. ATTORNEY

(6) When the filer is not the same person as the declarant named in an electronically filed document for purposes of ORCP 1E, the document may be signed using either:

(a) Electronic signature software that includes a security procedure designed to verify that an electronic signature is that of a specific person. A security procedure is sufficient if it complies with the definition of "security procedure" in ORS ch. 84; or

(b) An original signature on a printed document. The printed document bearing the original signature must be imaged and electronically filed in a format that accurately reproduces the original signature and contents of the document.

(7) When a filer electronically files a document described in subsection (6) of this rule, the filer certifies by filing that, to the best of the filer's knowledge after appropriate inquiry, the signature purporting to be that of the signer is in fact that of the signer.

(8) Unless the court orders otherwise, if a filer electronically files:

(a) A declaration that contains an electronic signature of a person other than the filer, the filer must retain the electronic document until entry of a general judgment or other judgment or order that conclusively disposes of the action.

(b) An image of a document that contains the original signature of a person other than the filer, the filer must retain the document in the filer's possession in its original paper form for no less than 30 days.

21.120 RETENTION OF DOCUMENTS BY FILERS AND CERTIFICATION OF ORIGINAL SIGNATURES **{(Repealed)}**

[(1) Unless the court orders otherwise, if a filer electronically files an image of a document that contains the original signature of a person other than the filer, the filer must retain the document in the filer's possession in its original paper form for no less than 30 days.

[(2) When a filer electronically files a document described in section (1) of this rule, the filer certifies by filing that, to the best of the filer's knowledge after appropriate inquiry, the signature purporting to be that of the signer is in fact that of the signer.]

{REPORTER's NOTE: UTCR 21.120 was repealed effective March 27, 2020. See UTCR 21.090 for retention and certification requirements.}