



OREGON JUDICIAL DEPARTMENT
Office of the State Court Administrator

January 27, 2022

MEMORANDUM

FROM: Sam Dupree, Assistant General Counsel
Oregon Judicial Department

RE: Electronic Submission of Fee Waiver and Deferral Applications

On February 1, 2022, filers will be able to electronically submit fee waiver and deferral applications to Oregon's circuit courts and the Oregon Tax Court through File & Serve. [Chief Justice Order 21-051](#) amends UTCR 21.050(2)(b) and UTCR 21.070(f), to remove the prohibition against filers electronically submitting fee waiver and deferral applications with a document that initiates an action. Once this change goes into effect on February 1, 2022, fee waiver and deferral applications may be submitted electronically. Attorneys will be required to electronically submit fee waiver and deferral applications. The electronic submission process outlined below was created to comply with ORS 21.100, which requires all statutory filing fees to be paid, waived, or deferred before a pleading can be filed, and allows accepted filings to be filed on the date they are submitted for statute of limitations purposes.

Filers must submit the application, proposed order, and pleadings in the same envelope. The "Application – Fee Deferral/Waiver (AEFD)" filing code must be used for the application. The "Motion – Fee Waiver (MOWF)" and "Motion – Fee Deferral (MOFD)" filing codes may be used if a motion is filed. Using these specific filing codes ensures that court staff will be able to easily identify the envelope in File & Serve. The eFiling process will otherwise be the same. If the pleadings would create a new case, filers should submit the documents into a new case. If the pleadings would be filed into an existing case, filers should submit the documents into the existing case.

Once the envelope has been submitted, court staff will accept the application and proposed order, leaving the pleadings in the File & Serve queue while the application is reviewed. If a waiver or deferral is granted, the pleadings will be accepted. The court filing date will be the date the documents were submitted to the court. Unless a filer has opted out of receiving File & Serve communications, the filer will receive an email notification for each document that is submitted, accepted, or rejected. Filers will need to monitor their emails to determine whether their pleadings have been accepted. The email notification will indicate whether a waiver or deferral was granted. Please note that it is possible for a court to grant a fee waiver or deferral

and reject the pleadings. If this happens, follow the court's instructions for resubmitting the pleadings.

If the request for a fee waiver or deferral is denied, court staff will contact the filer and provide an opportunity for the filer to pay the filing fee. If the fee is paid, the pleadings will be accepted. If the fee is not paid, the pleadings will be rejected. When the pleadings are rejected, the File & Serve email notification will indicate that the request for a fee waiver or deferral was denied and state that the fee that must be paid in order to file the pleadings. A filer whose application has been denied and whose pleading has been rejected may request relation-back under UTCR 21.080(5)(a) even if the filer was contacted and did not pay the filing fee.

The Oregon Judicial Department is in the process of developing interactive Guide & File forms to make the electronic submission process easier for self-represented litigants. In the meantime, anyone will be able to submit fee waiver or deferral applications through File & Serve starting on February 1, 2022. I have attached a document that provides step-by-step instructions on how to create a File & Serve account and electronically submit fee waiver and deferral applications.

Please reach out if you have any questions ((971) 283-1133; L.S.Dupree@ojd.state.or.us).