

OWLS Contract Lawyers

eCourt Essentials

December 6, 2016

Presented by
Hong Dao
Practice Management Advisor | Attorney
OSB Professional Liability Fund

Handouts:

- PowerPoint Slides
- eCourt Filing Fees and IOLTA
- How to Auto-Forward Oregon eCourt Messages in Outlook

Additional PLF practice aids on eCourt are available at www.osbplf.org.



eCOURT ESSENTIALS

Presented by:
 Hong Dao
 Practice Management Advisor | Attorney
 OSB Professional Liability Fund
 hongd@osbplf.org

AGENDA:

1. OJCIN and Odyssey
2. Basic UTCR requirements
3. What can and can't be eFiled
4. Getting relation back
5. eCourt tips
6. Resources

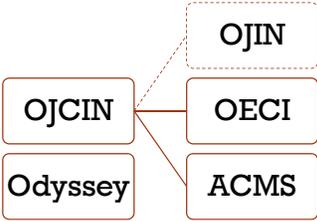
OJCIN = Oregon Judicial Case Information Network
 Official website for register of actions and judgment records for Oregon Judicial Department

OJIN = no longer exists
 Case management system for pre-eCourt counties

OECI = Oregon eCourt Case Information
 Case management database for counties on eCourt

ACMS = Appellate Case Management System
 Supreme Court and Court of Appeals

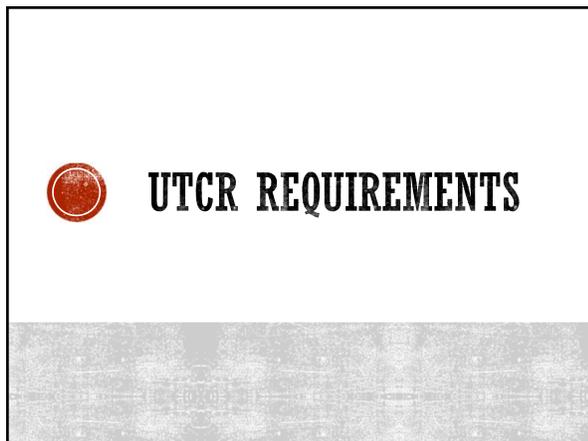
Odyssey = Oregon eFile & Serve System



STEPS:

1. Go to: <https://oregon.tylerhost.net/>
2. Create an account
3. Set up payment account
4. eFile & Serve





Text-searchable PDF

Limit size to 25 MB

TECHNICAL REQUIREMENTS:

Split larger files

Label “....., part 1 of 2” in Comments field

UTCR 21.040(1) 

MAKING PDF TEXT-SEARCHABLE



Print to PDF:
Word processing documents

Scan:
Documents containing ink signature
Attachment to pleadings



Text-searchable PDF

Limit size to 25 MB

TECHNICAL REQUIREMENTS:

Split larger files

Label “....., part 1 of 2” in Comments field

UTCR 21.040(1)



FILE AS A SINGLE DOCUMENT

As a general rule:
All filings are now unified by default

The document + all attachments

- documentary exhibit
- affidavit
- declaration
- certificate of service
- or another document

Submit
as single
PDF



UTCR 21.040(2)(a)



FILE SEPARATE DOCUMENTS

1. Documents requiring court signature

proposed order | judgment
any other document requiring court signature

Identify clearly in comments field

2. Confidential attachments

If filing is not confidential, but includes
confidential attachment

*Must designate as "confidential"
Identify clearly in comments field*

UTCRC 21.040(2) 

WHAT NOT TO eFILE

For
conventional
filing:

- Fee waiver/deferral requests
- Original will
- Document under seal
- Negotiable instruments
- Waiver of mandatory eFiling
- ...more at UTCRC 21.070(3)
- ...and check SLR



WHAT CAN HAPPEN

Filing is accepted ✓

Filing is rejected ✗

Filing is unsuccessful ✗



IF FILING IS REJECTED

Steps to apply for relation back:



1. Fix the filing error
2. Resubmit the document within 3 days
3. Include a cover letter
4. Add required text

UTCRC 21.080(5)



Cover letter must include:

Date of original submission

Date of rejection

Explanation for requesting relation back

Subject line:

RESUBMISSION OF REJECTED FILING,
RELATION-BACK DATE OF FILING
REQUESTED



If resubmitting electronically

Add to eFiling comments field:

RESUBMISSION OF REJECTED FILING,
RELATION-BACK DATE OF FILING
REQUESTED



AVOID REJECTED FILING

1. Enter correct codes
2. Select correct case/location
3. Correctly associate lawyer
4. Separate documents
5. Include correct signature or party



6. Provide correct caption information
7. Submit documents right side up
8. Pay correct fees
9. eFile only when permitted
10. Properly redact



IF FILING IS UNSUCCESSFUL DUE TO:

eFiling system is temporarily unavailable

Error in transmission

Other technical problems



Ask for relation back

UTCRC 21.080(6) 

Unsuccessful submission

Steps for getting relation back :

1. Resubmit within 3 days
2. Include a cover letter
3. Attach supporting exhibits

UTCRC 21.080(6) 

Cover letter must include:

Date of original submission

Date of rejection

Explanation for requesting relation back

Subject line:

RESUBMISSION OF FILING, SUBMISSION UNSUCCESSFUL, RELATION-BACK DATE OF FILING REQUESTED



If resubmitting electronically

Add to eFiling comments field:

RESUBMISSION OF FILING, SUBMISSION UNSUCCESSFUL, RELATION-BACK DATE OF FILING REQUESTED



HOWEVER....

21.080(6):

Technical problems with the **filer's equipment or attempted transmission within filer's control** will not generally excuse an untimely filing.



Getting relation back is not an automatic right



Practice Tips

1. Leave default system settings alone
2. Don't eFile last minute
3. eFile during regular business hours



**eCOURT
TIPS:**

- eService
- Accessing court information
- Register of actions
- eCourt notices
- File retention
- Court signature
- Proof of electronic service
- Expedited filing



ELECTRONIC SERVICE

Not automatic upon eFiling

Not mandatory

Requires additional affirmative steps





- Must be service contact to be served
- eFiling = consent to eService
- Add self as service contact
- Before eFile, make sure opposing party added self, if not, contact OP
- Do not add another party as service contact
- Select appropriate service contact for party to be served
- Select "eFileandServe"

UTCRC 21.100 

WHEN IS eSERVICE NOT AVAILABLE

- Opposing party (OP) has not eFiled into case
- Document requires service under ORPC 7 or personal service
- OP has permission to file conventionally
- OP is pro se and not registered in Odyssey
- OP eFiled into case, but did not designate self as service contact

 **Tip**: Be prepared to serve conventionally

ACCESSING COURT INFORMATION

OJCIN: OECI & ACMS

 **Tip** Free Access:

Courthouse Public Access Terminals
Court Records/Information Counters

REGISTER OF ACTIONS

21.060(3)

EVENTS & ORDERS OF THE COURT

| | |
|------------|---|
| 10/14/2016 | Order – Appeal (Judicial Officer: Last Name, First Name) Signed: 10/14/2016 Created: 10/14/2016 3:35 PM |
|------------|---|

Column date

Signed date: date court signed document
Created date: date and time court added event to register. **Also entry date for purposes of ORS 7.020(2).**

eCOURT NOTICES

Hearing date
Trial date
Entry of judgment

Submitted filing
Accepted filing
Rejected filing



Come from OJCIN
(not Odyssey)

Come from Odyssey
(not OJCIN)

@ojd.state.or.us

@tylerhost.net





- Keep email address w/ OSB up to date
- Add to safe sender list in email program:

Court_Notification@ojd.state.or.us
 Hearing_Rescheduled@ojd.state.or.us
 Hearing_CANCELED@ojd.state.or.us
 Hearing_scheduled@ojd.state.or.us
 Judgment@ojd.state.or.us
 efilngmail@tylerhost.net



RETENTION OF eFILED DOCUMENTS

Document that contains original signature



Retain for no less than 30 days

UTCRC 21.120



Check other statutes or rules that may apply



COURT SIGNATURE

(at least 1.5 inches of blank space following last line of text)



Tips

- Leave signature line blank
- Update pleading templates
- If assigned judge, include name in case caption

UTCRC 21.040(3)

PROOF OF ELECTRONIC SERVICE

Certificate of eService:

must state that service was accomplished at the party's email address; need not include party's email address or postal address.

Attach at end of eFiled document as a "single unified PDF."

UTCRC 21.100(6)

EXPEDITED FILINGS



Tips

- 1) Include "EXPEDITED CONSIDERATION REQUESTED" in comments field
- 2) Call or email court of expedited filing

UTCRC 21.070(5)

LOCAL eCOURT RULES?

“No circuit court may make or enforce any local rule, other than those local rules authorized by UTCR 4.090, governing electronic filing and electronic service of documents.”

UTCR 21.020

 **Tip** : Check Supplemental Local Rules



RESOURCES



1) Self help at eFiling website

<https://oregon.tylerhost.net>



Oregon Judicial Department File & Serve

Court Information

Welcome to OJD HTML 5 eFiling Site

UTCIR updates:
The Chief Justice has adopted out of cycle changes to UTCR Chapter 21. These changes go into effect August 1, 2016. Chapter 21 can be accessed here: http://courts.oregon.gov/COURTS/programs/utcir/Cat_20160227.pdf

IMPORTANT REMINDER: The electronic filing system DOES NOT automatically serve opposing parties when you efile a document with the court. You must take specific steps to ensure you are properly serving opposing parties. For details on how this works, consult the eFiling Quick Reference Guide and UTCR Chapter 21.100. The UTCR can be accessed here: <http://courts.oregon.gov/COURTS/programs/utcir/utcir.htm#enact>

Actions

- Sign In
- Register

Self Help

- Need Help?
- FAQ's
- Web Training Sessions
- Training Videos



Finding User Guides

- <https://oregon.tylerhost.net>
- > User Guides
- > [Filing Codes List](#)
- [Filing Codes Quick Reference Guide](#)
- [eService Quick Reference Guide](#)
- [Quick Reference Guide](#)
- > click on PDF attachment



2) OJD website:

<http://courts.oregon.gov/OJD/OnlineServices/OJDeFiling/Pages/index.aspx>



3) PLF Website | CLEs | Practice Aids www.osbbplf.org



5) Useful Phone Numbers

Oregon Judicial Department Help Desk

Mon-Fri 7:00 am to 6:00 pm
503-986-5582 or 1-800-922-7391
ETSDHelp@ojd.state.or.us

eFiling User Support – Tyler Technologies

Mon-Fri 9:00 am to 9:00 pm [CT]
1-800-297-5377
Efiling.support@tylertech.com





OREGON ECOURT FILING FEES AND IOLTA

Using debit or credit cards to pay eCourt filing fees raises a number of potential concerns – some ethical, others practical. For example, is it permissible to obtain a debit card connected to the IOLTA account? If yes, what can practitioners do to protect client funds? Alternatively, if a firm decides that an IOLTA debit card is too risky, what are the logistics for getting reimbursed if the firm advances eCourt filing fees? Is a credit card a better alternative?

Here is some guidance on these issues.

Are IOLTA Debit Cards Permissible?

The [Oregon Rules of Professional Conduct](#) do not prohibit lawyers from using a debit card to advance client costs. Lawyers are free to obtain debit cards tied to their business account or their IOLTA account as needed.

Managing the Risk of Using IOLTA Debit Cards

Connecting a debit card to an IOLTA account increases the risk of theft – internally and externally. Follow these suggested steps to protect client funds:

- Keep scrupulous documentation. Every charge must be traceable to a specific client and matter.
- When [eFiling documents in the Oregon eCourt system](#), print the “Envelope Details” screen and retain it as a receipt. On the “Filings” tab, click the icon to view the filing details. The “Envelope Detail” screen includes several lines devoted to communication from the bank, including a total amount and the status of the financial transaction.
- Secure all debit card documentation. Records can be kept in paper form or electronically as PDFs. If kept in paper form, lock the records in a filing cabinet or drawer. If kept electronically, use encryption. Encryption can be applied to individual documents, file folders, a specific computer, mobile devices, or an entire system. See the following resources for assistance:
 - [Encryption: Enabling Basic Client File Security](#)
 - [Layering Security in the Cloud: Client-Side Encryption](#)
 - [FYI: Playing it Safe With Encryption](#)
- Use your IOLTA debit card exclusively for the purpose of paying eCourt filing fees. This will make it easier to detect theft or data breach.
- Review your debit card statement when it arrives. Match receipts captured from the eCourt system to your debit card statement. If you find eCourt charges on your statement which are not supported by a matching receipt, investigate immediately. If there are non eCourt charges on your statement and you are using the card exclusively to pay eCourt filing fees, contact your bank immediately. In this instance, non eCourt charges would be indicative of theft or data breach.
- Keep the physical debit card in the law firm safe deposit box or under lock and key in the office. If the card is dedicated to paying eCourt filing fees, there is no reason for a firm member to carry it. Briefcases, wallets, and purses can be stolen or lost; a firm member

could mistakenly (or intentionally) use the IOLTA debit card for an unauthorized purchase. Minimize these risks by locking up the card.

- Ensure that adequate security measures are in place to protect the firm's computer system – antivirus software, firewall protection, strong passwords, and ideally encryption – since all card payment activity occurs online. In the event of an unauthorized debit card charge, it may be necessary to bring in experienced IT personnel to evaluate whether an external data breach occurred.
- Talk to your bank. If you anticipate a high volume of transactions, alert your bank professional to avoid a hold being placed on your account due to suspicious activity. Make sure the bank understands this is not a typical debit card account. Inquire whether any risk management or loss prevention measures are offered in connection with your IOLTA debit card.
- Determine how many IOLTA debit cards are needed. If you maintain separate IOLTA accounts for specific clients, each IOLTA account may require its own debit card. In some respects, this will simplify recordkeeping, because transactions will be segregated by client. On the downside, multiple cards result in greater exposure to loss and can lead to increased human error – such as mistakenly using Client A's debit card to pay Client B's filing fee.

Alternatives to Using IOLTA Debit Cards

If you are risk averse to exposing IOLTA funds to theft or loss, consider one of these alternatives:

- Obtain a *business* debit card tied to your *business account*. Use it to pay filing fees and treat the expense like any other cost advanced on a client's behalf. [See the discussion below.]
- Obtain a business credit card. Use it to pay filing fees. When the credit card statement arrives, pay the balance due from your IOLTA account – if you have the funds on deposit – or pay the balance from your business account and treat the expense like any other cost advanced on a client's behalf. [See the discussion below.]
- If you choose one of these alternatives, take care to keep your business debit or credit card safe and secure.

The Logistics of Getting Reimbursed When Using a Business Credit Card

At the moment a law firm uses its own credit card to pay an eCourt filing fee, it is advancing a cost on the client's behalf. The firm can post the cost advanced immediately to the client's account and bill the client according to the terms of its fee agreement. It is not necessary to wait for the business credit card statement to arrive before posting the advanced cost, nor is it necessary to pay the business credit card statement before billing the client. The same holds true if a law firm uses a business debit card tied to its business account.

When the client reimburses the firm for the eCourt filing fee, the client's payment should be deposited directly into the firm's business account. This will always be true if the client remits a discrete reimbursement specifically for the advanced cost. If the client writes a check to reimburse the firm for costs *and replenish the client's retainer*, the client's payment would be handled differently. Contact your friendly practice management advisors at the [PLF](#) for advice, or consult [rules](#) or other [resources](#) such as [PLF practice aids](#) and forms, or our book, *A Guide to Setting Up and Using Your Lawyer Trust Account*.

ACH, Oregon eCourt and IOLTA

At the present time, eCourt filing fees can only be paid using standard debit/credit cards. ACH transactions - deducting fees directly from your business or IOLTA account - *may* be permitted in the future.

Our appreciation is extended to the Oregon State Bar General Counsel's office for their input.

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IMPORTANT NOTICES

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HOW TO AUTO-FORWARD OREGON ECOURT MESSAGES AND MARK THEM AS HIGH IN IMPORTANCE USING OUTLOOK 2010 AS AN EXAMPLE

In the Oregon eCourt system, court notices (hearings, trial dates, entry of judgment) are sent from the Oregon Judicial Department using the domain @ojd.state.or.us. Notices regarding submitted, accepted, or rejected filings are sent from the Tyler Technologies File and Service system using the domain @tylerhost.net. **In order to copy staff or other lawyers on all eCourt notices, create rules for both domains.**

Here are step-by-step instructions for creating a rule in Outlook 2010 to mark all messages sent from @ojd.state.or.us as important and auto forward copies to specific people (staff, other lawyers). **Repeat these steps to create a second rule for messages sent from @tylerhost.net.**

The concepts for rule creation set out in this example will apply when auto-forwarding e-mail in other versions of Outlook, in Gmail, or in other e-mail programs such as Windows Live Mail, Thunderbird or Apple Mail.

1. Click the Home tab in the ribbon.
2. From the toolbar, select Rules ▼ Manage Rules & Alerts ...
3. Select the New Rule... button.
4. The Rules Wizard launches.
5. Locate the heading **"Start from a blank rule."**
6. Select "Apply rule to messages I receive."
7. Click Next ►
8. In Step 1 - Select condition(s) find the condition "with [specific words](#) in the sender's address" and check the box.
9. In Step 2 - Edit the rule description by clicking on the [specific words](#) link.
10. The Search Text box appears. In the top line, enter @ojd.state.or.us. (without the period)
11. Click Add, click OK, then click Next ►
12. In Step 1 – Select conditions(s) find the condition "mark it as [importance](#)" and check the box.
13. In Step 1 – Select conditions(s) find the condition "forward it to [people or public group](#)" and check the box.
14. In Step 2, Edit the rule description. Click first on the [importance](#) link. "Specify the importance to set" appears. Select "High" from the pull-down menu and click OK.
17. Next, click on the [people or public group](#). In the To► box, type the e-mail address(es) of the person(s) to whom you wish to forward the e-mail. Separate multiple e-mail addresses by semi-colons. Tip: you can also select e-mail addresses from your Address Book list.
18. At this stage, you can also elect to move eCourt messages "to a [specified folder](#)." If you choose this condition, be sure to edit the rule description to select the folder destination.
19. When done adding e-mail addresses, click OK, and then click Next.
20. The next step in the Rule allows you to set exceptions. There are none. Click Next.
21. In Step 1 – Specify a name for this rule, such as "Forwarding Oregon eCourt messages."
22. In Step 2 – Setup rule options. "Turn on this rule" is checked by default. Check other boxes as desired.
23. In Step 3 – Review the rule description and edit if necessary. Select Finish to complete the rule. Click OK to close the Rules and Alerts box.
24. **REPEAT THESE STEPS TO CREATE A SECOND RULE FOR @tylerhost.net. Notices from File and Serve (submitted, accepted, and rejected filings) come from Tyler Technologies @tylerhost.net. Court notices (hearings, trial dates, entry of judgment) are sent from @ojd.state.or.us.**

Tips

- If using Microsoft Exchange Server or Exchange Online set up rules only when you are connected to your Exchange server, not when you are offline.
- It should not be necessary at Step 8 to choose the conditions "sent only to me" or "where my name is in the To box." The rule will automatically mark all messages received from @ojd.state.or.us or @tylerhost.net as important and auto-forward them to the persons specified.

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