

House Bill 2690

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Judicial Department)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows Chief Justice of Supreme Court to adopt rules governing use of electronic applications for all records of courts and for transmission of jury information to circuit courts. Allows Chief Justice to establish reasonable subscription fees, and other user and transaction fees, for remote access to case information and other Judicial Department forms, reports and services that are available in electronic form.

Provides that master jury list for county may be composed of all names on source lists or group of randomly selected names from source lists.

Allows State Court Administrator to establish procedures for destruction of state court records, not just circuit court records.

Modifies laws on filing of transcript on appeal to allow electronic filing of transcript.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to courts; creating new provisions; amending ORS 1.002, 7.124, 10.215, 19.250, 19.365, 19.370
3 and 21.470; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

RULES FOR ELECTRONIC APPLICATIONS

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8 **SECTION 1.** ORS 1.002 is amended to read:

9 1.002. (1) The Supreme Court is the highest judicial tribunal of the judicial department of gov-
10 ernment in this state. The Chief Justice of the Supreme Court is the presiding judge of the court
11 and the administrative head of the judicial department of government in this state. The Chief Justice
12 shall exercise administrative authority and supervision over the courts of this state consistent with
13 applicable provisions of law and the Oregon Rules of Civil Procedure. The Chief Justice, to facilitate
14 exercise of that administrative authority and supervision, may:

15 (a) Make rules and issue orders appropriate to that exercise.

16 (b) Require appropriate reports from the judges, other officers and employees of the courts of
17 this state and municipal courts.

18 (c) Pursuant to policies approved by the Judicial Conference of the State of Oregon, assign or
19 reassign on a temporary basis all judges of the courts of this state to serve in designated locations
20 within or without the county or judicial district for which the judge was elected.

21 (d) Set staffing levels for all courts of the state operating under the Judicial Department and for
22 all operations in the Judicial Department.

23 (e) Establish time standards for disposition of cases.

24 (f) Establish budgets for the Judicial Department and all courts operating under the Judicial
25 Department.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (g) Assign or reassign all court staff of courts operating under the Judicial Department.
- 2 (h) Pursuant to policies approved by the Judicial Conference of the State of Oregon, establish
- 3 personnel rules and policies for judges of courts operating under the Judicial Department.
- 4 (i) Establish procedures for closing courts in emergencies.
- 5 (j) Establish standards for determining when courts are closed for purposes of ORCP 10, ORS
- 6 174.120 and other rules and laws that refer to periods of time when courts are closed.
- 7 (k) Take any other action appropriate to the exercise of the powers specified in this section and
- 8 other law, and appropriate to the exercise of administrative authority and supervision by the Chief
- 9 Justice over the courts of this state.
- 10 (2) The Chief Justice may make rules for the use of electronic applications in the courts, in-
- 11 cluding but not limited to rules relating to **any of the following**:
- 12 (a) Applications based on the use of the Internet and other similar technologies[;].
- 13 (b) The use of an electronic document, or use of an electronic image of a paper document in lieu
- 14 of the original paper copy, for [a] **any record of the courts maintained under ORS 7.095 and for**
- 15 **any** document, process or paper that is served, delivered, received, filed, entered or retained in any
- 16 action or proceeding[;].
- 17 (c) The use of electronic signatures or another form of identification for any document, process
- 18 or paper that is [*served, delivered, received, filed, entered or retained in any action or proceeding and*
- 19 *that is*] required by any law or rule to be signed[;] **and that is**:
- 20 **(A) Served, delivered, received, filed, entered or retained in any action or proceeding;**
- 21 **(B) Maintained under ORS 7.095; or**
- 22 **(C) Transmitted to or from a circuit court under the provisions of ORS chapter 10.**
- 23 (d) The use of electronic transmission for:
- 24 **(A) [*The service of*] Serving** documents in [a] **an action or** proceeding, other than [*service of*]
- 25 a summons or [*service of*] an initial complaint or petition;
- 26 **(B) Filing documents with a court;**
- 27 **(C) Transmitting documents to or from a circuit court under the provisions of ORS**
- 28 **chapter 10; and**
- 29 **(D) Providing certified electronic copies of court documents and other Judicial Depart-**
- 30 **ment records to another person or public body.**
- 31 (e) Payment of statutory or court-ordered monetary obligations through electronic media[;].
- 32 (f) Electronic storage of court documents[;].
- 33 (g) Use of electronic citations in lieu of the paper citation forms as allowed under ORS 153.770,
- 34 including use of electronic citations for parking ordinance violations that are subject to ORS 221.333
- 35 or 810.425[;].
- 36 (h) Public access through electronic means to court documents that are required or authorized
- 37 to be made available to the public by law[; *and*].
- 38 (i) Transmission of open court proceedings through electronic media.
- 39 (3) The Chief Justice may make rules relating to the data that state courts may require parties
- 40 and other persons to submit for the purpose of distinguishing particular persons from other persons.
- 41 If the rules require the submission of data that state or federal law does not require that the courts
- 42 make public, the rules may also require courts to keep the data confidential and not release the data
- 43 except pursuant to a court order issued for good cause shown. Data that is made confidential under
- 44 the rules is not subject to disclosure under ORS 192.410 to 192.505.
- 45 (4) Rules adopted by the Chief Justice under subsection (2) of this section must be consistent

1 with the laws governing courts and court procedures, but any person who serves, delivers, receives,
 2 files, enters or retains an electronic document, or an electronic image of a paper document in lieu
 3 of the original paper copy, in the manner provided by a rule of the Chief Justice under subsection
 4 (2) of this section shall be considered to have complied with any rule or law governing service, de-
 5 livery, reception, filing, entry or retention of a paper document.

6 (5) Rules made and orders issued by the Chief Justice under this section shall permit as much
 7 variation and flexibility in the administration of the courts of this state as are appropriate to the
 8 most efficient manner of administering each court, considering the particular needs and circum-
 9 stances of the court, and consistent with the sound and efficient administration of the judicial de-
 10 partment of government in this state.

11 [(6) *The Chief Justice may establish fees for the use of the Oregon Judicial Information*
 12 *Network.*]

13 **(6) The Chief Justice may establish reasonable subscription fees, and other user and**
 14 **transaction fees, for remote access to case information and other Judicial Department**
 15 **forms, reports and services that are available in electronic form.**

16 (7) The judges, other officers and employees of the courts of this state shall comply with rules
 17 made and orders issued by the Chief Justice. Rules and orders of a court of this state, or a judge
 18 thereof, relating to the conduct of the business of the court shall be consistent with applicable rules
 19 made and orders issued by the Chief Justice.

20 (8) The Chief Judge of the Court of Appeals and the presiding judge of each judicial district of
 21 this state are the administrative heads of their respective courts. They are responsible and ac-
 22 countable to the Chief Justice of the Supreme Court in the exercise of their administrative authority
 23 and supervision over their respective courts. Other judges of the Court of Appeals or court under
 24 a presiding judge are responsible and accountable to the Chief Judge or presiding judge, and to the
 25 Chief Justice, in respect to exercise by the Chief Justice, Chief Judge or presiding judge of admin-
 26 istrative authority and supervision.

27 (9) The Chief Justice may delegate the exercise of any of the powers specified by this section
 28 to the presiding judge of a court, and may delegate the exercise of any of the administrative powers
 29 specified by this section to the State Court Administrator, as may be appropriate.

30 (10) This section applies to justices of the peace and the justice courts of this state solely for
 31 the purpose of disciplining of justices of the peace and for the purpose of continuing legal education
 32 of justices of the peace.

33
 34 **JURY LISTS**
 35

36 **SECTION 2.** ORS 10.215 is amended to read:

37 10.215. (1) The State Court Administrator shall cause to be prepared at least once each year a
 38 master jury list containing names [*selected at random*] from [*the*] source lists. The source lists are
 39 the most recent list of electors of the county, the records furnished by the Department of Trans-
 40 portation as provided in ORS 802.260 (2) and any other sources approved by the Chief Justice of the
 41 Supreme Court that will furnish a fair cross section of the citizens of the county. The State Court
 42 Administrator and circuit courts may use source lists obtained from any person or public body, and
 43 jury lists containing names selected from a source list, only for purposes consistent with adminis-
 44 tering the selection and summoning of persons for service as jurors, the drawing of names of jurors,
 45 and other tasks necessary to accomplish those functions. Source lists may not contain and the State

1 Court Administrator is not required to obtain information about individuals who are participants in
 2 the Address Confidentiality Program under ORS 192.820 to 192.868. Except as specifically provided
 3 by law, the State Court Administrator and circuit courts may not disclose source lists obtained from
 4 any person or public body, and jury lists containing names selected from a source list, to any other
 5 person or public body.

6 (2) A public body having custody, possession or control of any list that may be used as a source
 7 list for preparation of a master jury list, upon written request by the State Court Administrator,
 8 shall make its list available at any reasonable time and, except as otherwise provided in ORS
 9 802.260, without charge to the State Court Administrator for inspection or copying. The public
 10 body, upon written request by the State Court Administrator, shall provide a copy of its list for the
 11 date and in the form requested to the State Court Administrator. Except as otherwise provided in
 12 ORS 802.260, the copy shall be provided without charge.

13 (3) The number of names placed on a master jury list shall be sufficient to meet the projected
 14 need for grand jurors and trial jurors in the circuit court in the county[, *but the total number may*
 15 *not be less than two percent of the population of the county according to the latest federal decennial*
 16 *census*]. **The master jury list for a county may be composed of all names on the source lists**
 17 **for the county, or a group of randomly selected names from the source lists for the county.**
 18 **If the master jury list for a county is a group of randomly selected names from the source**
 19 **lists, the number of names in the group may not be less than two percent of the population**
 20 **of the county according to the latest federal decennial census.**

21 (4) A master jury list shall contain the first name, the surname, the place of residence and, if
 22 assigned, the juror identification number of each person whose name is placed thereon.

23 (5) A master jury list **for a county** shall be certified by the [*trial*] **State** Court Administrator
 24 [*and placed on file in the circuit court as soon as possible after it is prepared.*] **to have been prepared**
 25 **in compliance with the requirements of this section. A certified copy of the master jury list**
 26 **shall be provided to the circuit court for the county as soon as possible after the list is**
 27 **prepared.**

28 (6) A newly filed master jury list shall be maintained separately from the previously filed master
 29 jury list. The presiding judge shall designate when a newly filed master jury list becomes
 30 effective[, *after which time names of persons may not be selected from the previously filed master jury*
 31 *list for a term jury list*]. When a newly filed master jury list becomes effective, all orders, records
 32 and papers prepared in connection with the selection process based on the previously filed master
 33 jury list shall be preserved by the trial court administrator and State Court Administrator for the
 34 period prescribed by the State Court Administrator under ORS 8.125.

35 (7) **After a master jury list becomes effective under subsection (6) of this section, the**
 36 **names appearing on the previously filed master jury list may not be used to prepare a term**
 37 **jury list. The provisions of this subsection do not affect the ability of the court to summon**
 38 **persons whose names appeared on a previously filed master jury list and whose jury service**
 39 **was deferred.**

40 [(7)] (8) The State Court Administrator may make adjustments to the master jury list, and may
 41 authorize the presiding judge of a judicial district to make adjustments to a term jury list, for the
 42 purpose of updating the addresses of persons appearing on the lists and removing the names of
 43 persons who are deceased, permanently ineligible for jury service or permanently excused from jury
 44 service. The State Court Administrator shall ensure that a record is maintained of all adjustments
 45 to jury lists made under this subsection.

1 [(8)] (9) For the purposes of this section, “public body” has the meaning given that term in ORS
 2 174.109.

3
 4 **DESTRUCTION OF COURT RECORDS**

5
 6 **SECTION 3.** ORS 7.124 is amended to read:

7 7.124. (1) Pursuant to ORS 8.125 (11), the State Court Administrator may establish procedures
 8 that provide for the destruction of records, instruments, books, papers, transcripts and other docu-
 9 ments filed in a [circuit] **state** court after making a photographic film, microphotographic film,
 10 electronic image or other photographic or electronic copy of each document that is destroyed.

11 (2) A [circuit] **state** court may use procedures established under subsection (1) of this section
 12 only if, at the time of making the copy **of the document or group of documents**, the [trial] court
 13 administrator [for the court] attaches to the copy, attaches to the sealed container in which the copy
 14 is placed or incorporates **or causes to be incorporated** into the copy:

15 (a) A [certification] **statement** that the copy is a correct copy of the original, or of a specified
 16 part of the original **document or group of documents; and**

17 (b) The date on which the copy **of the document or group of documents** was made.]; and]

18 [(c) A certification that the copy was made under the trial court administrator’s direction and
 19 control.]

20 (3) A [trial] court administrator using film for copies under this section must promptly seal and
 21 store at least one original or negative copy of the film in a manner and place that will ensure that
 22 the film will not be lost, stolen or destroyed.

23 (4) A [trial] court administrator using electronic images for copies under procedures established
 24 under subsection (1) of this section must ensure that the electronic images are continuously updated
 25 into commonly used formats and, if necessary, transferred to media necessary to ensure that [they]
 26 **the electronic images** are accessible through commonly used electronic or computerized systems.

27 (5) **If** copies of documents created under this section [must be] **are** retained in lieu of the ori-
 28 ginal documents, **the copies are the court record for all purposes and must be retained** for the
 29 period established by the schedule prescribed in ORS 8.125 (11).

30
 31 **ELECTRONIC FILING OF TRANSCRIPTS ON APPEAL**

32
 33 **SECTION 4.** ORS 19.250 is amended to read:

34 19.250. (1) The notice of appeal [shall] **must** contain the following:

35 (a) The title of the cause. The party appealing a judgment [shall] **must** be designated the
 36 appellant and the adverse party the respondent, but the title of the action or proceeding is not
 37 otherwise changed by reason of the appeal.

38 (b) The names of the parties and their attorneys.

39 (c) **If a party is not represented by an attorney, a postal mailing address for the party,**
 40 **and either an electronic mail address for the party or a statement that the party does not**
 41 **have an electronic mail address. If the party is represented by an attorney, a postal mailing**
 42 **address and electronic mail address for the attorney.**

43 [(c)] (d) A notice to all parties or their attorneys as have appeared in the action or proceedings
 44 that an appeal is taken from the judgment or some specified part thereof and designating who are
 45 the adverse parties to the appeal.

1 [(d)] (e) A designation of those portions of the proceedings and exhibits to be included in the
 2 record in addition to the trial court file. The appellant may amend the designation of record at any
 3 time after filing the notice of appeal until 35 days after the *[transcript is filed]* **filing of a certificate**
 4 **of preparation for the transcript under ORS 19.370 (3). The amendment must be made** by fil-
 5 ing and serving in the same manner as a notice of appeal a notice of amended designation of record.
 6 The amended *[notice shall]* **designation must** clearly indicate those portions of the proceedings and
 7 exhibits being added to or deleted from the original designation of record. The designation may not
 8 be later amended by the appellant unless the appellate court so orders.

9 [(e)] (f) A plain and concise statement of the points on which the appellant intends to rely. On
 10 appeal, the appellant may rely on no other points than those set forth in such statement. If the
 11 appellant has designated for inclusion in the record all the testimony and all the instructions given
 12 and requested, no statement of points is necessary. Not later than the 15th day following the filing
 13 of the **certificate of preparation for the transcript under ORS 19.370 (3)**, the appellant may serve
 14 and file an amended statement of points. Except by approval of the court, the appellant may then
 15 rely on no other points than those set forth in such amended statement.

16 [(f)] (g) The signature of the appellant or attorney for the appellant.

17 (2) Within 14 days after the filing of the notice of appeal or *[notice of]* amended designation of
 18 record any other party may serve and file a designation of additional parts of the proceedings and
 19 exhibits to be included in the record. Such designation *[shall]* **must** be served and filed as provided
 20 for the serving and filing of a notice of appeal under ORS 19.240 and 19.260. If such party also ap-
 21 peals, the designation *[shall]* **must** be included in the notice of appeal of the party and *[shall]* **may**
 22 not be served and filed separately.

23 [(3) *The reporter shall prepare a transcript of such parts of the proceedings as are designated*
 24 *pursuant to subsection (1)(d) of this section and subsection (2) of this section.*]

25 **SECTION 5.** ORS 19.365 is amended to read:

26 19.365. (1) The record of the case *[shall]* **must** be prepared and transmitted to the court to which
 27 the appeal is made in the manner provided in this chapter.

28 (2) The record on appeal *[shall consist]* **consists** of those parts of the trial court file, exhibits
 29 and record of oral proceedings in the trial court that are designated under ORS 19.250. The record
 30 of oral proceedings *[shall be]* **is** the transcript prepared under ORS 19.370, an agreed narrative
 31 statement prepared under ORS 19.380 or the audio record if the appellate court has waived prepa-
 32 ration of a transcript under ORS 19.385.

33 (3) *[The trial court administrator shall, upon request of the State Court Administrator, deliver the*
 34 *record of the case to the appellate court.]* **The trial court administrator shall make the trial court**
 35 **record available to the State Court Administrator in the manner specified by rules of the**
 36 **appellate court.**

37 (4) When it appears to the appellate court that the record on appeal is erroneous or that the
 38 record does not contain material that should have been part of the trial court file, and the erroneous
 39 or incomplete record substantially affects the merits of the appeal, on motion of a party or on its
 40 own motion the court may make such order to correct or supplement the record as may be just.

41 (5) If the record on appeal is not sufficient to allow the appellate court to review an assignment
 42 of error, the court may decline to review the assignment of error and may dismiss the appeal if there
 43 are no other assignments of error that may be reviewed.

44 (6) *[Unless otherwise ordered by the appellate court,]* **Except as provided by rules of the ap-**
 45 **pellate court,** the State Court Administrator shall return the trial court file and the exhibits to the

1 trial court administrator upon issuance of the appellate judgment disposing of the appeal.

2 **SECTION 6.** ORS 19.370 is amended to read:

3 19.370. *[(1) If a transcript is prepared from audio records by a person other than the reporter, then*
 4 *the reporter shall certify the audio records and the transcript shall be certified by the person preparing*
 5 *it. In all other cases the transcript shall be certified by the reporter or the trial judge.]*

6 *[(2) Except as provided in subsection (3) of this section, the person preparing the transcript shall*
 7 *file the transcript with the trial court administrator within 30 days after the filing of the notice of ap-*
 8 *peal. The person preparing the transcript shall give immediate notice in writing to the parties that the*
 9 *transcript has been filed. Except as provided in subsection (4) of this section, the person preparing the*
 10 *transcript shall serve the respondent with a copy of the transcript and shall, at the time of filing the*
 11 *original transcript, file proof of such service with the trial court administrator, and with the State*
 12 *Court Administrator.]*

13 *[(3) If an appeal is referred to mediation under the rules of the appellate mediation program es-*
 14 *tablished by the Court of Appeals pursuant to ORS 2.560, the transcript must be filed within 30 days*
 15 *after expiration of the period of time specified in the rules during which the appeal is held in abeyance,*
 16 *or within 30 days after the court directs that the appeal no longer be held in abeyance, whichever oc-*
 17 *curs first.]*

18 *[(4) If there are two or more parties in addition to the appellant who have appeared in the trial*
 19 *court and who are represented by different attorneys, the person preparing the transcript shall at the*
 20 *time of filing the original transcript deposit a copy thereof with the trial court administrator for use*
 21 *by all such other parties. The person preparing the transcript shall serve notice of such deposit upon*
 22 *all such parties and file proof of such service with the trial court administrator and with the State*
 23 *Court Administrator.]*

24 *[(5) Except as provided in subsection (6) of this section, within 15 days after the transcript is filed,*
 25 *any party may move the trial court for an order to correct any errors appearing in the transcript or,*
 26 *where the interests of justice require, to have additional parts of the proceedings included in the tran-*
 27 *script. If two or more persons are preparing parts of the transcript, the motion must be filed within*
 28 *15 days after the last part of the transcript is filed. A copy of any such motion shall be filed with the*
 29 *court to which the appeal is made. The trial court shall direct the making of such corrections and the*
 30 *adding of such matter as may be appropriate and shall fix the time within which such corrections or*
 31 *additions shall be made.]*

32 *[(6) If an appeal is referred to mediation under the rules of the appellate mediation program es-*
 33 *tablished by the Court of Appeals pursuant to ORS 2.560, and the transcript is filed during any period*
 34 *of time specified in the rules during which the appeal is held in abeyance, a motion under subsection*
 35 *(5) of this section must be filed within 15 days after expiration of the period of time the appeal is held*
 36 *in abeyance, or within 15 days after the court directs that the appeal no longer be held in abeyance,*
 37 *whichever occurs first.]*

38 *[(7) Upon the denial of a motion to correct or add to the transcript under subsection (5) of this*
 39 *section, or upon the making of such corrections or additions as may be ordered, whichever last occurs,*
 40 *the trial court shall enter an order settling the transcript and send copies thereof to each of the parties*
 41 *or their attorneys and to the State Court Administrator. In the absence of a motion to correct or add*
 42 *to the transcript, the transcript shall be deemed automatically settled 15 days after it is filed.]*

43 **(1) If a transcript is prepared from audio records by a person other than the reporter,**
 44 **the reporter shall certify the records and the transcriber shall certify the transcript. In all**
 45 **other cases the transcript must be certified by the reporter or the trial judge.**

1 **(2) A transcriber shall prepare a transcript in the format prescribed by the court by the**
 2 **later of:**

3 **(a) 30 days after the filing of the notice of appeal; or**

4 **(b) 30 days after the expiration of any abeyance of the appeal imposed by reason of the**
 5 **referral of the appeal to mediation under the rules of the appellate mediation program es-**
 6 **tablished by the Court of Appeals pursuant to ORS 2.560.**

7 **(3) Immediately after preparing a transcript, the transcriber shall:**

8 **(a) Serve a copy of the transcript on the parties to the appeal in the manner prescribed**
 9 **by subsection (4) of this section; and**

10 **(b) File a certificate of preparation for the transcript with the State Court Administra-**
 11 **tor. The certificate must indicate that the transcript has been served in the manner required**
 12 **by subsection (4) of this section. A copy of the certificate must be served on the trial court**
 13 **administrator, the transcript coordinator and the parties.**

14 **(4) A transcriber shall serve a transcript in the following manner:**

15 **(a) If a party is not represented by an attorney, the transcriber shall serve an electronic**
 16 **copy of the transcript on the party at the electronic mail address provided by the party un-**
 17 **less the party specifically requests that a paper copy of the transcript be mailed to the party**
 18 **at the address indicated in the notice of appeal. If an electronic mail address for the party**
 19 **does not appear in the notice of appeal, the transcriber shall mail a paper copy of the tran-**
 20 **script to the party at the address indicated in the notice of appeal.**

21 **(b) If a party is represented by an attorney, the transcriber and the attorney may agree**
 22 **to the manner in which service of the transcript is made. If there is not an agreement, the**
 23 **transcriber shall serve an electronic copy of the transcript on the attorney at the electronic**
 24 **mail address provided for the attorney in the notice of appeal.**

25 **(c) If more than two unrepresented parties to an appeal request paper copies of a tran-**
 26 **script under paragraph (a) of this subsection, the transcriber shall deposit a paper copy of**
 27 **the transcript with the trial court administrator for the use of the unrepresented parties.**
 28 **If requested by the trial court administrator, the transcriber shall also transmit an elec-**
 29 **tronic copy of the transcript to the trial court administrator. The transcriber shall serve**
 30 **notice on the unrepresented parties that the transcript has been deposited with the trial**
 31 **court administrator, and file proof of that service with the trial court administrator and with**
 32 **the State Court Administrator. Deposit of a paper copy of a transcript with the trial court**
 33 **administrator under this paragraph constitutes service of the transcript on the unrepre-**
 34 **sented parties to the appeal.**

35 **(5) If two or more transcribers are preparing parts of the transcript, the certificate of**
 36 **preparation is considered filed under subsection (3) of this section when the final certificate**
 37 **of preparation is filed with the State Court Administrator.**

38 **(6)(a) Within 15 days after a certificate of preparation is filed under subsection (3) of this**
 39 **section, any party may file a motion with the trial court for correction of errors appearing**
 40 **in the transcript or to have additional parts of the proceedings included in the transcript.**
 41 **If a certificate of preparation is filed with the State Court Administrator during any period**
 42 **that the appeal is in abeyance by reason of the referral of the appeal to mediation under the**
 43 **rules of the appellate mediation program established by the Court of Appeals pursuant to**
 44 **ORS 2.560, a motion under this subsection must be filed within 15 days after the expiration**
 45 **of the abeyance.**

1 (b) A copy of a motion to correct or add to the transcript made under this subsection
 2 must be served on the State Court Administrator. If the motion is denied, the court shall
 3 enter an order settling the transcript and transmit a copy of the order to the State Court
 4 Administrator.

5 (c) If a motion is granted under this subsection, the trial court shall direct the making
 6 of such corrections and the adding of such matter as may be appropriate and shall fix the
 7 time within which such corrections or additions must be made. Immediately after preparing
 8 the corrected or additional transcript, the transcriber shall serve a copy of the transcript
 9 on the parties in the manner prescribed by subsection (4) of this section, and file proof of
 10 that service with the trial court administrator and the transcript coordinator. Upon receiv-
 11 ing the proof of service, the court shall enter an order settling the transcript and transmit
 12 a copy of the order to the State Court Administrator.

13 (7) Unless a motion to correct or add to the transcript is made under subsection (6) of
 14 this section, a transcript is automatically settled 15 days after a certificate of preparation
 15 is filed under subsection (3) of this section. If a motion to correct or add to the transcript
 16 is made, the transcript is settled on the date that an order settling the transcript is entered.

17 (8) When a transcript is settled, the State Court Administrator shall notify each
 18 transcriber who filed a certificate of preparation. Upon receiving the notice, a transcriber
 19 shall file an electronic copy of the transcript with the State Court Administrator in such
 20 manner and format as may be prescribed by rules of the appellate court.

21 **SECTION 7.** ORS 21.470 is amended to read:

22 21.470. (1)(a) A [reporter appointed under ORS 8.340 (2)] **transcriber** may not charge more than
 23 [\$2.50] **\$3** per page for **preparation of a transcript**. [the original transcript, or more than 25 cents
 24 per page for each additional copy, for preparing transcripts on appeal as provided in ORS 8.350.]

25 (b) A transcriber may not charge the fee established under this subsection for a paper
 26 copy required to be served on an unrepresented party under ORS 19.370 (4)(a), or a paper
 27 copy required to be filed with the trial court under ORS 19.370 (4)(c).

28 (2) Except as provided in subsection (3) of this section, a reporter employed by one of the parties
 29 may charge fees as agreed to between the reporter and all of the parties to the proceeding for pre-
 30 paring transcripts on appeal [as provided in ORS 8.350]. The reporter and the parties [shall] **must**
 31 agree to the fees to be charged [prior to] **before** the commencement of the proceeding to be re-
 32 corded. A **share** of any fees agreed upon shall be charged to parties joining the proceeding after
 33 the commencement of the proceeding [for preparing transcripts on appeal as provided in ORS
 34 8.350].

35 (3) A reporter employed by one of the parties may not charge a public body, as defined by ORS
 36 174.109, fees for preparing transcripts on appeal [as provided in ORS 8.350] that exceed the fees
 37 established by subsection (1) of this section.

38 (4) Each page of the original transcript on appeal prepared [by a reporter] under this section
 39 must be prepared as specified by rules for transcripts on appeal adopted by the Supreme Court **and**
 40 **the Court of Appeals**.

41 (5) Except as otherwise provided by law, the fees for preparing a transcript requested by a party
 42 shall be paid forthwith by the party, and when paid shall be taxable as disbursements in the case.
 43 The fees for preparing a transcript requested by the court, and not by a party, shall be paid by the
 44 state from funds available for the purpose.

45 (6) When the court provides personnel to prepare transcripts from audio records of court pro-

1 ceedings, the transcript fees provided in subsection (1) of this section to be paid by a party shall
2 be paid to the clerk of the court.

3 **(7) For purposes of this section, “transcript” has the meaning given that term in ORS**
4 **19.005.**

5 **SECTION 8. The amendments to ORS 19.250, 19.365, 19.370 and 21.470 by sections 4 to 7**
6 **of this 2011 Act apply only to transcripts requested on or after the effective date of this 2011**
7 **Act.**

8
9 **CAPTIONS**

10
11 **SECTION 9. The unit captions used in this 2011 Act are provided only for the convenience**
12 **of the reader and do not become part of the statutory law of this state or express any leg-**
13 **islative intent in the enactment of this 2011 Act.**

14
15 **EMERGENCY CLAUSE**

16
17 **SECTION 10. This 2011 Act being necessary for the immediate preservation of the public**
18 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
19 **on its passage.**

20
