



OREGON JUDICIAL DEPARTMENT
LANE COUNTY CIRCUIT COURT

October 6, 2009

MEMORANDUM

TO: Members of the Lane County Bar

FROM: Liz Rambo, Trial Court Administrator

RE: Implementation of Temporary Filing Fees, Additional Party Fees, Ex Parte Order Fees, and Judgment Fees – Effective October 1, 2009. HB 2287.

In response to Oregon's budget crisis, the 2009 Legislative Assembly approved temporary new fees and fee increases for the state court system.

The fees discussed in this memorandum apply to civil actions filed on or after October 1, 2009, and before July 1, 2011. They are the product of House Bill 2287 as modified by House Bill 3199. Chief justice order 09-052 further clarifies the implementation process, and sets out the exceptions as allowed in HB 2287.

This memo sets out basic information about the civil filing fees only. Information regarding changes in criminal/violation fees and assessments will be sent out separately.

TEMPORARY FILING FEE AND ADDITIONAL PARTY FEE

Changes to circuit court filing fees took effect on October 1, 2009, (subject to the existing waiver and deferral process). To calculate filing fees and response fees, please see the calculator on the OJD web page at: <http://courts.oregon.gov> .

Pleadings received without the proper filing fee will not be filed. Due to the complexity of the new fee structure, **a best practice for civil filings will be to place the prayer amount in the title of the complaint.**

These filing fees and additional party fees apply to a civil action, suit, or proceeding filed in circuit court, but they do not apply to:

- Protective proceedings under ORS chapter 125.
- Proceedings for dissolution of marriage, annulment of marriage, or separation.
- Filiation proceedings under ORS 109.124 to 109.230.
- Proceedings to determine custody or support of a child under ORS 109.103.
- Probate, adoption, or change of name proceedings.
- Proceedings involving dwelling units to which ORS chapter 90 applies and for which the fee is provided by ORS 105.130.

The following exemptions to these fees have been established by Chief Justice Order 09-052:

- Actions identified in Oregon Laws 2009, chapter 885, section 37b(2), (ORS 21.110(2) actions in which the amount claimed does not exceed \$10,000) are exempt from these fees.
- Actions identified in Oregon Laws 2009, chapter 885, section 37b(4), (ORS 21.110(4) proceedings for relief from sex offender reporting under ORS 181.823 or 181.826) are exempt from these fees.
- A party may request from the presiding judge an exemption from the filing fee for more than five parties named in the pleading. A party may request from the presiding judge an exemption from the additional party filing fee for more than five additional parties named in the pleading. In determining whether to grant such exemptions, the presiding judge shall consider
 - 1) The severity of the hardship the fees impose on the requesting party, and
 - 2) Whether the number of parties named in the pleading will require additional judicial resources to process the case.

EX PARTE ORDER FEE AND JUDGMENT FEE - \$10

The ex parte order fee and the judgment fee apply in any civil proceeding subject to a fee under ORS 21.110 – civil, 21.111 – domestic relations, 21.114 adoption and name change; and 21.310 probate.

An ex parte order fee of \$10 is due to the court on all non-contested orders. The \$10 fee must be paid by the time the party submits the order to the court for signature by the judge, whether in person or by mail.

A work group convened by the Chief Justice has defined ex parte orders as “every order submitted to the court for signature by a judge and entry except for those orders associated with contested motions because in many instances a motion fee is already required.”

Beginning October 12, 2009, any order received via mail without the appropriate fee will be returned to the party without filing.

The following are exceptions to this rule and no fee is due on orders submitted as follows:

- Orders in small claims cases (HB 2287 section 38(2))
- Orders in FED cases.
- If there are no filing fees due to case type (example FAPA). (HB 2287 section 38(1))
- The order is submitted by a party who has already been granted a fee waiver in the case (CJO 09-052)
- Order for appointment for guardian ad litem (CJO 09-052)
- Motions with attached orders that are scheduled on the motion docket (not ex parte - contested)
- Orders on ORCP motions –for which a motion fee is already paid or waived.
- Orders on motions presented during or following a hearing or trial where parties are present.

JUDGMENT FEE - \$10

The judgment fee of \$10 is due on all judgments submitted to the court. The \$10 fee must be paid by the time the party submits the judgment to the court for signature by the judge, whether in person or by mail.

Beginning October 12, 2009, any judgment received via mail without the appropriate fee will be returned to the party without filing.

The following are exceptions to this rule and no fee is due on judgments as follows:

- Judgments in small claims cases (HB 2287 section 38(2))
- Judgments in FED cases .
- Default judgments (Chief Justice order 09-052)
- If there are no filing fees due to case type (example FAPA). (HB 2287 section 38(1))
- The judgment is submitted by a party who has already been granted a fee waiver in the case (CJO 09-052).

SETTLEMENT CONFERENCE FEE - \$50 for each party participating

The settlement conference fee applies to civil proceedings subject to a filing fee under ORS 21.110 – civil, 21.111 – domestic relations, 21.114 adoption and name change; and 21.310 – probate. Each party participating in the conference must pay the fee to the court before the conference is conducted. The judicial assistant will verify receipt of the settlement conference fee prior to commencement of the conference.