

A Brave New World: eFiling in Oregon State Courts

Willamette Valley Inns of Court

Team 3

March 2008

A Brave New World

- State Court eCourt and eFiling Initiatives
 - OJD Special Task Force on Future Technology-2004
 - OJD Technology Committee-2005
 - OSB Task Force Report eFiling in State Courts-November 2006
 - <https://www.osbar.org/docs/resources/EFnov2006.pdf>

A Brave New World

- Federal Model
 - US Court of Appeals-Ninth Circuit
 - US District Court of Oregon—September 2006
 - US Bankruptcy Court of Oregon
 - Pilot Program ----- 2003
 - Permissible filing 5/2005
 - Required filing by attorneys 8/2007

SPLIT, CLOSED

**U.S. Bankruptcy Court
District of Oregon
Bankruptcy Petition #: 06-60552-fra13**

Assigned to: Judge Frank R Alley III

[Associated Cases](#)

Chapter 13

Voluntary

Asset

Debtor

Daniel Allen Doyle
524 Creekside Dr SE

Salem, OR 97306

SSN: xxx-xx-7448

aka

Daniel A. Doyle, P.C.

aka

Dan Doyle

Trustee

Fred Long

POB 467

Eugene, OR 97440

(541) 343-1555

U.S. Trustee

US Trustee, Eugene

405 E 8th Ave #1100

Eugene, OR 97401-2706

Date Filed: 10/12/2005

Date Split: 10/12/2005

Date Terminated: 04/11/2006

Date Dismissed: 04/11/2006

represented by **ALAN G SELIGSON**

142 W 8th Ave

Eugene, OR 97401

(541) 338-8500

Email: aseligson@scslaw.org

02/15/2006	23	State of Oregon's Post-Hearing Brief Re: Eligibility Filed By Creditor OR Secretary of State, Elections Div.(krw,) (Entered: 02/15/2006)
02/15/2006	24	Debtor's Memorandum of Law In Support Of Confirmation Filed By Debtor Daniel Allen Doyle, Joint Debtor Victoria Lynn Doyle. (krw,) (Entered: 02/15/2006)
02/17/2006	25	Receipt of Relief from Stay Filing Fee - .00 by KS. Receipt Number 00183467. (admin) (Entered: 02/17/2006)
02/17/2006	26	Notice and Motion for Relief from Co-Debtor Stay. Filed by Creditor Pioneer Trust Bank NA (smg,) (Entered: 02/21/2006)
03/10/2006	27	Memo Re: Proof of Claim By Debtor/Trustee for Creditor Pioneer Trust Bank (krw,) (Entered: 03/10/2006)
03/12/2006	28	Certificate of Service Re: 27 Memo Re: Proof of Claim By Debtor/Trustee. (Admin.) (Entered: 03/12/2006)
03/20/2006	29	Order Re: 26 Notice and Motion for Relief from Co-Debtor Stay. Filed by Creditor Pioneer Trust Bank NA (smg,) (krw,) (Entered: 03/20/2006)
03/21/2006	30	Memorandum Opinion Re: Confirmation. (krw,) (Entered: 03/21/2006)
03/21/2006	31	Order Re: Confirmation (krw,) (Entered: 03/21/2006)
03/22/2006	32	Certificate of Service Re: 29 Order Re: Relief from Stay (All Motions). (Admin.) (Entered: 03/22/2006)
03/23/2006	33	Certificate of Service Re: 30 Opinion. (Admin.) (Entered: 03/23/2006)
03/23/2006	34	Certificate of Service Re: 31 Order (Miscellaneous). (Admin.) (Entered: 03/23/2006)
04/10/2006	35	Motion to Dismiss Case Filed by Debtor Daniel Allen Doyle. (krw,) (Entered: 04/10/2006)
04/11/2006	36	Order of Administrative Severance of Case; and, Regarding Only the Debtor, Daniel Allen Doyle, Assignment of New

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6 Attorneys for State of Oregon
7

CLERK U.S. BANKRUPTCY COURT
DISTRICT OF OREGON

FEB 15 2006

LOGGED _____ REC'D _____
PAID _____ CHECKED _____

8 UNITED STATES BANKRUPTCY COURT
9 FOR THE DISTRICT OF OREGON

10 In re

11 DANIEL ALLEN DOYLE and VICTORIA
LYNN DOYLE,

12 Debtors.

Chapter No. 13

Case No. 05-71238-fra13

STATE OF OREGON'S POST-HEARING
BRIEF RE: ELIGIBILITY

13
14
15 The Oregon Secretary of State, Elections Division ("Elections"), submits this Post-
16 Hearing brief as requested by the court.

17 Basis of State's Objection

18 Elections objects to confirmation of the debtors' Chapter 13 plan upon the grounds that
19 on the date of the petition, debtors had noncontingent, liquidated unsecured debt in excess of the
20 figure of \$307,675.00 permitted by 11 USC § 109(e).

21 Specifically, the claim of the Elections Division for civil penalties in the total sum of
22 \$128,789.79¹ (\$127,185.32 for Daniel Doyle and \$1,604.47 for Victoria Doyle) should be treated
23 as noncontingent, liquidated debt, placing the debtors well in excess of the debt limits. The civil
24 penalties are itemized in Exhibits 1 and 2 to the Affidavit of Nancy Ferry, Compliance
25 Specialist.

26 ¹ This figure is slightly reduced from the figure stated in Elections' original Objection due to the withdrawal of the
"Personal Use" Penalties against Victoria Doyle in the sum of \$1,475.00

**U.S. District Court
District of Oregon (Portland)
CIVIL DOCKET FOR CASE #: 3:07-cv-01443-JE**

Derse v. Bank of America, N.A. et al
Assigned to: Magistrate Judge John Jelderks
Demand: \$4,000
Cause: 15:1692 Fair Debt Collection Act

Date Filed: 09/27/2007
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Plaintiff

Ronald Scott Derse

represented by **Danny H. Gerlt**
8600 SW 30th Avenue
Portland, OR 97219
(503)293-3886
Fax: (503) 768-9693
Email: dangerlt@imagina.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Bank of America, N.A.
a national association

represented by **Abraham J. Colman**
Reed Smith LLP
355 S. Grand Avenue
Suite 2900
Los Angeles, CA 90017
(213) 457-8075
Fax: (213) 457-8080
Email: acolman@reedsmith.com
LEAD ATTORNEY
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ATTORNEY TO BE NOTICED

Mark B. Comstock
Garrett Hemann Robertson Jennings Comstock
& Trethewey, PC
1011 Commercial Street, NE

(See above for address)

Defendant

Matthew R. Aylworth, Esq

represented by Peter D. Stutheit
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

FIA CARD SERVICES, NA

represented by Veronica Kuimundjian
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/27/2007	1	Complaint. Filing Fee in amount of \$350 collected. Receipt No. 17652 issued. Summons issued as to Daniel N. Gordon, Esq, Daniel N. Gordon, P.C., Zwicker & Associates, P.C, Bank of America, N.A., Matthew R. Aylworth, Esq Filed by Ronald Scott Derse against Bank of America, N.A., Zwicker & Associates, P.C., Daniel N. Gordon, PC, Daniel N. Gordon, Esq, Matthew R. Aylworth, Esq. (ljc) (Entered: 09/27/2007)
09/27/2007	2	Discovery and Pretrial Scheduling Order and Notice of Case Assignment to the Honorable John Jelderks. Discovery is to be completed by 1/25/2008. Joint Alternate Dispute Resolution Report is due by 2/25/2008. Pretrial Order is due by 2/25/2008. Ordered by Judge John Jelderks. (ljc) (Entered: 09/27/2007)
10/11/2007	3	Summons Returned Executed. as to Bank of America, N.A. served on 10/3/2007 Filed by Ronald Scott Derse. (Gerlt, Danny) (Entered: 10/11/2007)
10/11/2007	4	Summons Returned Executed. as to Zwicker & Associates, P.C. served on 10/3/2007 Filed by Ronald Scott Derse. (Gerlt, Danny) (Entered: 10/11/2007)
10/16/2007	5	Summons Returned Executed. as to Matthew R. Aylworth, Esq served on 10/16/2007 Filed by Ronald Scott Derse. (Gerlt, Danny) (Entered: 10/16/2007)
10/16/2007	6	Summons Returned Executed. as to Daniel N. Gordon, PC served on 10/3/2007 Filed by Ronald Scott Derse. (Gerlt, Danny) (Entered: 10/16/2007)
10/16/2007	7	Summons Returned Executed. as to Daniel N. Gordon, Esq served on 10/3/2007 Filed by Ronald Scott Derse. (Gerlt, Danny) (Entered: 10/16/2007)
10/24/2007	8	Unopposed Motion for Extension of Time for Bank of America to Appear. Filed by Ronald Scott Derse. (Gerlt, Danny) (Entered: 10/24/2007)
10/25/2007	9	RECORD OF ORDER by Judge John Jelderks: GRANTING Plaintiff's Unopposed Motion for Extension of Time for Bank of America to Appear (#8). (eo) (Entered: 10/25/2007)
10/26/2007	10	Stipulated Acknowledgement of Service of Summons Returned Executed 6 . Summons Returned Executed 5 . Summons Returned Executed 7 on Daniel N. Gordon, PC served on

From: info@ord.uscourts.gov
To: nobody@ord.uscourts.gov
Subject: Activity in Case 6:07-cv-01488-
TC Burton v. Capitol One Bank et al Answer to Amended Complaint
Date: Monday, February 25, 2008 3:11:15 PM

**This is an automatic e-mail message generated by the CM/ECF system.
Please DO NOT RESPOND to this e-mail because the mail box is
unattended.**

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documents once without charge. To avoid later charges, download a
copy of each document during this first viewing.**

U.S. District Court

District of Oregon

Notice of Electronic Filing

The following transaction was entered by Comstock, Mark on 2/25/2008 at 3:07
PM PST and filed on 2/25/2008

Case Name: Burton v. Capitol One Bank et al

Case Number: [6:07-cv-1488](#)

Filer: Capitol One Bank
Capitol One Services Inc

Document Number: [19](#)

Docket Text:

Answer to Amended Complaint. Filed by Capitol One Bank, Capitol One Services
Inc. (Comstock, Mark)

6:07-cv-1488 Notice has been electronically mailed to:

Justin M. Baxter justin@baxterlaw.com, kachelle@baxterlaw.com

Mark B. Comstock mcomstock@ghrlawyers.com, kwilliams@ghrlawyers.com

Robert E. Sabido rsabido@cvk-law.com, jsouth@cvk-law.com

6:07-cv-1488 Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

A Brave New World

- State Court Rules of Practice for eFiling
- UTCR Proposed Chapter 21
 - http://www.ojd.state.or.us/programs/utcr/documents/Proposed_UTCR_Changes_for_2008.pdf
 - Explanation of Proposed Rules for eFiling
 - In Packet

A Brave New World

- Timeline for Introduction
 - Oregon Supreme Court and Court of Appeals
 - Current Case Management System
 - Current Rule for filing electronic briefs
 - Electronic Registry

A Brave New World

- Oregon Circuit Courts
 - Initial Funding
 - Certificate of Participation funding for initial development during 2008-2009 Biennium
 - Approved by Special Session Ways and Means Committee
 - Sales to be staged as needed in biennium.
 - Pilot Courts
 - Multnomah, Jackson, Yamhill, Crook-Jefferson
 - June 2009
 - Large, Medium and Smaller size Court
 - Solving operational issues for Judges, Court Staff and all stakeholders—attorneys, sheriffs, District Attorneys, Juvenile Departments, State Agencies—Dept of Corrections, Dept Human Services and others.

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- Oregon Circuit Courts
 - Single Web Portal
 - Selection of appropriate jurisdiction.
 - Selection of appropriate judicial district/county.
 - Roll Out
 - Quarterly to three or four courts.
 - State-wide coverage by 2013 (or earlier).

A Brave New World

- Access by the Public and Stakeholders
 - Levels of Access
 - Court Personnel
 - Attorneys of Record in Proceeding.
 - Attorneys.
 - Pro Se litigants in own cases.
 - Stakeholder and Agency Personnel.
 - Public

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- Confidentiality and Privacy Protection
 - Appellate Opinions
 - Current conventions
 - ORAP
 - Minor children
 - Financial information
 - Criminal

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- Confidentiality and Privacy Protection
 - CIVIL/BUSINESS IMPACT OF E-FILING
 - Act Early to protect trade secret or confidential business information
 - (1) During Discovery
 - A.) ORCP 36C(7)(8)
 - B.) Protective Order In the Discovery Process
 - C.) Trade Mark Information

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- Confidentiality and Privacy Protection
 - Civil/Business Filings
 - D.) UTCR protects personal and private information, but no mention of confidential/business information.
 - (2) Record Filings
 - A.) Motion For Leave to File Under Seal
 - B.) Opposing Party Introduced Information

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- Confidentiality and Privacy Protection
 - Family Law Cases
 - ORS 107.840
 - UTCR 2.100
 - UTCR 2.110
 - ORCP 36C
 - UCCJEA
 - FAPA

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- **E-filing and Government Efficiencies:**
 - "Night and Day." (Hardcopy vs. Digital ---- Private sector and government experiences.)
 - "Never Leave Your Desk." (*Ex parte* matters at the click of a button.)
 - "Limiting the Limitations." (Keeping the exceptions to a minimum and maximizing the potential.)

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- Administrative Agency eFiling Structures
 - Dissemination of Information
 - Oregon DEQ Forms.
 - Interactive Transactions
 - Oregon DMV online vehicle registration with mailing of document.
 - Interactive Transactions in Real Time
 - Internal Revenue Service filing system.

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- Criminal Proceedings
 - A. What persons need to be protected in a criminal trial?
 - 1. The accused
 - 2. Victims
 - 3. Witnesses
 - B. What documents need to be protected in a criminal trial?
 - 1. Motions to allow hearsay of child victim
 - 2. Business document in white collar crimes
 - 3. Victim ID in ID theft cases

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- Contacting the Court by eMail
 - Ex Parte Contact Rules
 - Pro Se Litigants
 - Judges uses and preferences are many and varied.
 - Not a substitute for filing.

Team 3 Personnel

Hon. Virginia Linder

Hon. Don Dickey

Hon. Joseph Ochoa

Mark Comstock

James Nelson

Andrew Shull

Matthew Barber

Matthew Mohill

Sean Armstrong

Wes Raborn