

State Trial Court Records

Section 2.4—*Exhibits, Evidence, and Similar Records*

Concepts Behind the Schedule for Exhibits, Evidence, and Similar Records

- These records directly relate to specific cases but are generally stored separately from the case files (sometimes to ensure confidentiality).
 - Most of these records are of little or no value to the court after the appeal or right to appeal has ended and, therefore, are not needed as long as the associated case file.
 - Many of these records are potentially subject to return to the submitting party/agency.
 - For many of these records, the court can obtain a subsequent copy from the place of origin.
 - These records may never be used in a court proceeding.
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Rules Regarding Exhibits, Evidence, and Similar Records

2.400

- The following general rules apply:
 - 1.100 (Implementation responsibility)
 - 1.101 (Rules, procedures, schedules apply to Oregon Judicial Department records)
 - 1.102 (State Court Administrator's authority to suspend or revise)
 - 1.103 (Retention periods are **minimum** requirements)
 - 1.104 (Records that fit in multiple categories or no category)
 - 1.105 (Retention periods apply to “record copy” only, unless otherwise specified)
 - 1.106 (Description does not dictate custody, name or media, or how maintained)
 - 1.107 (Descriptions do not imply paper records)
 - 1.108 (Descriptions do not indicate whether record is subject to disclosure)
 - 1.109 (Reproduction of records and their evidentiary effect)
 - 1.110 (Recreatable electronic record printouts)
 - 1.111 (Records destruction methods)
 - 1.112 (Suspending disposal of records)
 - 1.113 (Records created in 1920 or earlier)
 - 1.114 (Documentation required when records relinquished to another repository)
 - 1.115 (Discard orders)
 - 1.116 (Working drafts, notes, queries, data files)
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2.410

Depositions & Other Exhibit-Like Records Not Offered into Evidence

Description	Records subpoenaed, ordered, or otherwise held by the court for potential use as an exhibit but never actually introduced into evidence and not required as part of the record. (If introduced as evidence or required as part of the record, treat as exhibits.) <i>Does not apply to records described elsewhere in section 2.4.</i>
Related Laws	ORCP 39G
Retention	Retention requirement runs until entry of final judgment or final order on the related case(s). May be returned to the custodian of the records that submitted them (not considered a relinquishment under rule 1.114).

2.411

Exhibits/Evidence

Description	A document or other physical evidence offered at trial or hearing that is marked for identification and either received into evidence or rejected. <i>Does not apply to documents attached to complaints, motions, or other pleadings.</i>
Related Laws	ORCP 39G, ORS 7.120, UTCR 6.120
Retention	Water Rights Cases: Permanent. All Others: Retention requirement runs until: <ul style="list-style-type: none">• 1 day after expiration of time period stated in the exhibit withdrawal notice required by UTCR 6.120(3), OR• Filing of a discard order if parties cannot be identified or located. (Note: Return of exhibits under UTCR 6.120 is not considered a relinquishment under rule 1.114.)

2.412

Medical Records Not Offered into Evidence

Description	Medical and hospital records subpoenaed (e.g., those submitted under ORCP 55H) but not introduced into evidence and not required as part of the record. (If introduced as evidence or required as part of the record, treat as exhibits.)
Related Laws	ORCP 55H and 55I, ORS 136.447
Retention	Retention requirement runs until entry of judgment or final order on the related case(s). Records must be returned to the custodian of the records that submitted them (not considered a relinquishment under rule 1.114).

2.413

Presentence Investigation (PSI)

Description	A court-ordered report about the defendant that the Department of Corrections prepares and the court may consider in imposing sentence.
Related Laws	ORS 137.077, 137.079, 138.071 (criminal appeal period), 144.791
Retention	Retention requirement runs until: <ul style="list-style-type: none">• 90 days after entry of the judgment for which the presentence investigation was created unless a notice of appeal is filed, OR• Return of the records from the appellate courts.

2.414

Psychiatric Evaluation

Description	A court-ordered report that a psychiatrist/psychologist prepares.
Related Laws	ORCP 44, ORS 19.255 (civil appeal period), 107.425, 138.071 (criminal appeal period), 161.290 to 161.400, Chapter 426
Retention	Treat as a non-WOLFE record in the corresponding case file.
