

AMENDMENTS

TO ORCP 10

promulgated by

COUNCIL ON COURT PROCEDURES

1982 to 2006

**TIME
RULE 10**

A. Computation. In computing any period of time prescribed or allowed by these rules, by the local rules of any court, by order of court or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or a legal holiday, including Sunday, in which event the period runs until the end of the next day which is not a Saturday or a legal holiday. If the period so computed relates to serving a public officer or filing a document at a public office, and if the last day falls on a day when that particular office is closed before the end of or for all of the normal work day, the last day shall be excluded in computing the period of time within which service is to be made or the document is to be filed, in which event the period runs until the close of office hours on the next day the office is open for business. When the period of time prescribed or allowed (without regard to section C of this rule) is less than seven days, intermediate Saturdays[, Sundays,] and legal holidays, including Sundays, shall be excluded in the computation. As used in this rule, "legal holiday" means legal holiday as defined in ORS 187.010 and 187.020.

COMMENT

The new third sentence of ORCP 10 A was added by the Council as a result of a suggestion by the Oregon State Bar Procedure and Practice Committee. The concern expressed was inability to file documents within specified time periods due to closure of the courthouse or clerk's office because of weather conditions or other unusual circumstances. The language used was taken directly from ORS 174.125. While that statute apparently would extend a time period, if a public office was closed during regular working hours, the Council felt it would be better to have all rules for computing time explicitly set out in Rule 10. The statute is also somewhat difficult to find and, on first reading, seems to relate only to serving documents on public officials rather than filing documents in civil cases.

The parenthetical material in the fourth sentence of ORCP 10 A has been added to make it clear that the time period referred to is the time period originally prescribed and not the original time period with three days added because mail service is involved.