

Clackamas County Circuit Court Supplementary Local Rules

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SUPPLEMENTARY LOCAL COURT RULES OF THE CIRCUIT COURT OF CLACKAMAS COUNTY – FIFTH JUDICIAL DISTRICT OF OREGON

SLR 1.151: HOURS OF OPERATION

The main courthouse is located at 807 Main Street, Oregon City, Oregon 97045. The Juvenile Court Building is located at 2123 Kaen Road, Oregon City, Oregon 97045. The Clackamas County Courthouse and administrative offices are open to the public from 8:00 A.M. to 5:00 P.M. on the business days prescribed by state statute. Court operations will be open for document filing, receipting and for other Court business from 8:00 A.M. to 5:00 P.M., Monday through Friday with the exception of the Calendaring Department, which will be closed from 12:00 P.M. to 1:00 P.M. Monday through Friday. Occasional exceptions to the court hours will be posted as far in advance as possible.

SLR 1.155: REQUEST FOR DIGITAL RECORDING OF COURT PROCEEDINGS

Request for Digital Recording of Court Proceedings

- (1) A request for a copy of a digital recording of a court proceeding must be made in writing. A request form is contained in Appendix A. Pursuant to Chief Justice Order 02-067, effective August 1, 2002, the fee is \$10 per compact disc for each proceeding. Allow 10-14 days for the request to be processed. For more information, please call 503-722-2719.
- (2) The request must include all of the following information:
 - (a) The case number;
 - (b) The case name;
 - (c) The date of the proceeding;
 - (d) The name of the judge who heard the matter;
 - (e) The name, address, and telephone number of the person making the request; and
 - (f) Instructions on whether, once the recording becomes available, to call the requestor or mail the recording.
- (3) The request must be delivered:
 - (a) By mail to FTR Coordinator, 807 Main St., Room 304, Oregon City, Oregon 97045; or
 - (b) By hand to the court cashier's office, 807 Main St., Room 104, Oregon City, Oregon.

SLR 1.171: COURT WEBSITE

The court's website is [http://www.ojd.state.or.us\[courts/circuit/clackamas.htm\]](http://www.ojd.state.or.us[courts/circuit/clackamas.htm]) **/CLA.**

SLR 1.201: INFORMATION ON FREE OR LOW-COST SERVICES

There may be free or low-cost legal services or other relevant services available in Clackamas County that may be helpful to the parties in a case. Information about these services is posted on the bulletin board in the Records Center, Room 12, on the ground floor of the courthouse.

SLR 2.011: STANDARDS FOR PLEADINGS AND DOCUMENTS

Each pleading or similar document submitted for filing with the court shall be pre-punched with two (2) holes (approximately ¼" diameter) centered 2-3/4" apart and ½" to 5/8" from the top of the paper.

SLR 2.025: FEE WAIVERS AND DEFERRALS

Fee waiver and deferral requests in civil, small claims, and FED cases shall be submitted to the Accounting, Traffic, and Collections Department, Room 104 by 12:30 P.M. on the day of filing for the request to be decided on the same day.

SLR 3.181: PUBLIC ACCESS COVERAGE IN AREAS OUTSIDE OF COURTROOM

No public access coverage is allowed in any area outside the courtroom that is on the courthouse premises and under the supervision and control of the Courts without the written permission of the presiding judge. Requests to conduct public access coverage in such areas may be made to the Office of the Presiding Judge at any time during the business day.

SLR 3.185: PERSONAL COMMUNICATION DEVICES JURY ROOMS DURING DELIBERATIONS AND IN COURTROOMS DURING PROCEEDINGS

- (1) Unless otherwise permitted by the judge presiding over the trial, personal communication devices (any electronic or other equipment capable of communication with others outside a jury room, including, but not limited to cell phones and pagers) are not allowed in a jury room during jury deliberations.
- (2) After a jury has been instructed and charged to commence deliberations the courtroom

clerk will collect all such devices and retain them in a secure place during deliberations.

- (3) Unless otherwise permitted by the judge presiding over the proceeding, personal communication devices (any electronic equipment capable of communicating with others outside a courtroom by transmission of sound or images, including, but not limited to cell phones and pagers) taken into a courtroom by any person shall be turned off upon entering the courtroom and shall remain off until after the person has departed from the courtroom.

SLR 4.021: CASE MANAGER APPEARANCE

- (1) Excluding Ballot Measure 11 offenses and homicide cases, all criminal cases will be given a case manager date.
- (2) The defendant shall appear with counsel and this mandatory appearance cannot be waived.

SLR 4.091: ELECTRONIC FILING OF VIOLATION, MISDEMEANOR AND FELONY CITATIONS, WITH OR WITHOUT COMPLAINTS

- (1) Pursuant to ORS 153.770 and 133.073 and UTCR 4.090, violation complaints and criminal citations (herein after collectively referred to as citations for purposes of this rule) may be filed electronically by law enforcement agencies. Citations filed electronically must meet the following criteria:
 - (a) The data transmitted to the circuit court by the filing agency contains all information required by ORS 153.770(2)(a) and 133.073, to be included in an electronically filed citation;
 - (b) The electronically filed citation contains a unique identification number of the law enforcement officer issuing the citation, the officer's name, and the identity of the agency employing the officer;
 - (c) If the citation is a criminal citation with a form of complaint, then no complaint may be filed in the circuit court until the review required by ORS 133.069(2) has been conducted by the district attorney;
 - (d) An image of the citation issued by the law enforcement officer must be transmitted to the circuit court by the issuing agency to be available to the public under ORS 153.770(2)(c) and 133.073;

- (e) Each citation submitted for filing must be numbered by the issuing agency using a number series approved by the Trial Court Administrator, and the number assigned to the citation by the agency must be unique and not duplicate any number previously submitted to be filed; and
 - (f) The transmission of data and images as provided in this rule has been tested and meets completely the system requirements for electronically uploading data and images into the Oregon Judicial Department's automated information systems. Testing of data for electronic filing shall be administered by Oregon Judicial Department staff. No citations may be filed electronically until written approval for electronic filing is provided to the agency by the Trial Court Administrator. This standard for testing and approval applies only to agencies requesting to implement electronic filing on or after the effective date of this rule.
- (2) Subject to the limits regarding the type of offenses which may be included in a criminal citation, set out in ORS 133.066, a citation filed electronically, as provided by this rule, may contain up to 10 offenses on a single citation.
 - (3) Citations submitted by a law enforcement agency which do not comply with this rule may not be filed electronically.
 - (4) Members of the public may obtain from the circuit court a printed image of a citation filed electronically by a law enforcement agency by requesting a copy of the image in Room 104A of the courthouse or by mailing to the Traffic Lead Clerk at the address listed in SLR 1.151. Fees applicable to court records apply to requests for images of electronically filed citations.

SLR 5.025: A MOTION FOR LEAVE TO AMEND A PLEADING

- (1) Except as provided in sub section (2) of this rule, whenever a motion for leave to amend a pleading is submitted to the court, it must include as an attached exhibit to the affidavit the entire text of the proposed amended pleading. The text of the pleading must be formatted as required by this rule. Any material to be added to the pleading by the requested amendment must be inserted and set out in bold and underlined and any material to be deleted must be bracketed and italicized.
- (2) If the motion to amend is for a pleading which was composed using preprinted forms which have been completed by filling in the blanks, the moving party may comply with

this rule by making a copy of the filed pleading and inserting brackets around the material to be deleted and by interlineating and underlining the material to be inserted in the proposed amended pleading.

SLR 5.045: INTERSTATE DEPOSITION INSTRUMENT, OBTAINING AND REGISTERING COMMISSIONS

- (1) To obtain an Oregon Commission, submit a motion, affidavit and order for consideration by the designated judicial officer. If the motion is allowed, the documents must be filed in the pending civil action in the Case Processing Department, Room 104. When the order granting the commission is filed, the clerk of the court will issue the commission.
- (2) Pursuant to ORCP 1(E), a declaration under penalty of perjury may be used in lieu of the affidavit required under 5.045(1) of this rule.
- (3) To register a Foreign Commission in Oregon, submit a certified copy of the foreign commission together with a Petition and Order to Register. If approved by the designated judicial officer, the documents must be filed in the Case Processing Department, Room 104. The matter will be assigned a circuit court case number, and thereafter appropriate process may be issued.

SLR 5.055: STAMPED, SELF-ADDRESSED CONFIRMATION CARDS REQUIRED

- (1) Any party desiring information on any filing, (e.g. date of filing, date of signature, costs and attorney fees awarded, or name of judge) shall attach a stamped, self-addressed confirmation card. On orders or judgments, confirmation cards shall be attached for all parties. Unless required by law or rule, conformed copies of the order or judgment will not be provided by the Trial Court Administrator's Office as further proof of signing. Copies of signed orders and judgments may be obtained from the circuit court's Records Center.
- (2) The moving party of an *ex parte* motion and order for trial set over shall attach a separate confirmation card for each party.

SLR 5.061: *EX PARTE* MATTERS

- (1) *Ex parte* matters will be heard Monday through Friday, excluding legal state holidays, at 8:45 A.M. and 1:15 P.M.

- (2) When service is required by law, any motion that is to be presented *ex parte* shall have attached to it a certificate of service which shall include the date, time, manner of service upon the opposing party, and the name of the person served. If no service was made, the moving party shall submit a statement documenting the reasons that no service was made.
- (2) Family Abuse Prevention Act and Elderly Persons and Persons with Disabilities Abuse Prevention Act petitions filed pursuant to ORS 107.718 or ORS 124.010 through ORS 124.020 shall be heard Monday through Friday at 1:00 P.M. in the courtroom designated. All required documents must be filed in Case Processing, Room 104 no later than 12:00 P.M. on the day of the *ex parte*.

SLR 6.012: CONFERENCES IN CIVIL PROCEEDINGS

- (1) Settlement Conferences are required prior to trial on all civil cases except domestic relations, FEDs, and small claims. The pretrial settlement conference will be held unless the court finds good cause why the settlement conference should not be held. The court may order a settlement conference in selected domestic relations matters.
- (2) A trial-setting conference is not held prior to the pre-trial settlement conference.
- (3) Without the consent of both parties, the settlement conference judge shall not be permitted to act as the trial judge if the case does not settle.
- (4) The following must be personally present at the settlement conference, unless excused in advance by the Court for good cause:
 - (a) The parties;
 - (b) The trial attorneys;
 - (c) The insurance company representatives who have the authority to settle the case.
- (5) When appropriate, an insured party may appear by such party's trial counsel and insurance carrier.
- (6) Notwithstanding the information required in subsection (7) of this rule, pretrial statements are not required in civil cases. Upon the request of either party, any pretrial statements and supporting documents that are voluntarily submitted by the parties are maintained in a separate confidential file, except for those documents required to be filed in Domestic Relations cases.
- (7) In Domestic Relations cases, information and documents required under UTCR 8.010 (4) and (5), regarding distribution of assets and support, must be filed and served at the time

of the pretrial conference.

- (8) In the event the case settles, the judge reports the settlement to the Docketing Unit. The Docketing Unit removes the matter from the active trial docket, and the Court sends out an administrative Notice of Dismissal. If the court does not receive an appropriate order or judgment within 30 days of the Notice, the case will be dismissed for want of prosecution in accordance with UTCR 6.020(2).
- (9) The materials and notes prepared by the pretrial settlement judge are not placed in the trial court file and are maintained as separate confidential records.
- (10) Failure to comply with any of the above could result in sanctions being imposed, including, but not limited to: striking of a party's pleadings, dismissal of the case, default judgment, and an award of attorney fees.

SLR 7.015: CRIMINAL TRIALS

- (1) Felony and misdemeanor criminal trials in which the defendant is in custody are set at arraignment. Notices are given directly to the defendant and counsel who acknowledge receipt thereof by signature.
- (2) Felony and misdemeanor criminal trials in which the defendant is out of custody are set at a pre-plea conference (titled Case Manager Hearings). The pre-plea conference (Case Manager Hearing) is held approximately forty-five days following defendant's arraignment.
- (3) Criminal motions in Circuit Court are heard prior to the beginning of trial and must be filed in accordance with UTCR 4.010. Parties are notified by mail.

SLR 7.025: CIVIL TRIALS, MOTIONS AND SHOW CAUSE HEARINGS

Civil motion oral argument is heard on Monday morning. Notices are mailed.

SLR 8.015: EDUCATION FOR DIVORCING PARENTS

- (1) The following cases are subject to this rule: Annulment or dissolution of marriage actions, legal separation actions, petitions to establish custody or visitation, and post-judgment litigation involving custody or visitation.

- (2) All parties, where the interest of a child under the age of 18 years is involved, shall successfully complete the education for divorcing parents program offered by the court designated providers or a pre-approved alternative education program. Parties shall register for the program or make application for approval of an alternate program within 15 days of receiving notice of this education requirement. All parties shall complete the program before trial or entry of judgment.
- (3) Notice and instructions to the petitioner of the requirement that the parties complete the education program or alternative education program will be provided by the trial court administrator when the petition is filed. Petitioner, when serving the respondent with the petition, shall also include a copy of the trial court administrator's notice. The petitioner's return of service on the respondent shall indicate service of the notice with the summons and petition.
- (4) Each party shall pay a fee determined by the program provider to cover program costs. The fee may be waived if the party presents a verified affidavit of indigency to the Court and the party meets indigency guidelines.
- (5) Each person who successfully completes the Court's program or the pre-approved alternative program shall present a certificate of completion to the judge before trial or entry of judgment.
- (6) Upon a showing of good cause, a party may request a waiver of this rule. The request must be made by motion, supported by affidavit, and filed within 15 days of receipt of the trial court administrator's notice.
- (7) Court action on a petition shall not be delayed by a party's refusal or delay in completing the program unless the non-complying party is the petitioner or the moving party. Upon a party's failure to successfully complete the education program pursuant to this rule, the assigned judge may take appropriate action including, but not limited to, proceedings for contempt.

SLR 9.075: GUARDIANSHIP OF A MINOR

Within 30 days after each anniversary of appointment, a guardian of a minor shall file with the court a verified written report. Copies of the guardian's report must be given to those persons specified in ORS 125.060 (3). The report shall be in substantially the same form as that described in ORS 125.325.

SLR 9.081: OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN/
CONSERVATOR

- (1) Any interested person, as described in ORS 125.075(1), may make an oral objection to a petition in a protective proceeding by appearing in person in Room 104, Clackamas County Courthouse, 807 Main Street, Oregon City, OR 97045 during normal business hours. Upon receipt of the objection and payment of the applicable fee required by ORS 21.310, the Court clerk shall reduce the objection to a writing, signed by the objector.
- (2) If the objecting party wishes to file a written objection, the court clerk will provide the objection form contained in APPENDIX B.
- (3) Objections must be received by the Court at the clerk's office in Room 104, Oregon City, Oregon within the time line specified in ORS 125.075(2).

SLR 11.005 APPEARANCE IN JUVENILE COURT DEPENDENCY CASES

- (1) A parent who is served with a summons in a child dependency case shall appear personally in court at the time and place specified in the summons for a hearing on the allegations of the petition.
- (2) A parent who fails to appear shall be subject to entry of a default order and/or judgment granting the relief sought by the petitioner.

SLR 13.005 ARBITRATION

Clackamas Circuit Court maintains an arbitration program in accordance with UTCR Chapter 13.

SLR 13.031 ARBITRATION COMMISSION

To ensure continuity, the attorney Arbitration Commission Board Members currently appointed will serve one, two and three year terms so that their terms will expire in alternate years. Thereafter, appointments will be staggered so that a new attorney board member is appointed yearly for a three year term. The presiding judge will replace the judicial representative(s) as needed and the trial court administrator is a standing ex officio member.

SLR 13.051 TRIAL DATE

In all cases subject to mandatory arbitration a trial date will be set in accordance with the court's regular trial setting procedure and UTCR 7.020(5). All requests to reset a trial date must comply with UTCR 6.030.

SLR 13.091 ARBITRATORS

- (1) In addition to the requirements set forth in UTCR 13.090, to qualify as an arbitrator, a person must sign and file an application to be placed on the list of arbitrators. The Arbitration Commission may adopt additional requirements for inclusion or retention on the list of arbitrators, including experience, training and continuing education.
- (2) The parties may stipulate to any arbitrator, including a non-lawyer arbitrator or a lawyer arbitrator who practices outside of Clackamas County.
- (3) An arbitrator who is no longer willing or able to serve as an arbitrator shall immediately notify the arbitration clerk.
- (4) An arbitrator may refuse to serve on an individual case, but must notify the arbitration clerk immediately.
- (5) If such disqualification or refusal occurs, the arbitrator must immediately notify all parties and return all appointment materials in the case to the court.

SLR 13.121 COMPENSATION OF ARBITRATOR¹

Within 14 days of the appointment of the arbitrator, each party must tender to the arbitrator the sum of \$350.00 as preliminary payment unless a party has secured a fee waiver or deferral, in which case the party must submit a copy of the order waiving or deferring arbitration fees to the arbitrator.

¹ The Arbitration Commission has set the arbitrator's fee at a rate of \$125.00 per hour, not to exceed \$1,000.00 except upon a showing of extraordinary conditions and with the approval of the Presiding Judge of the Clackamas County Circuit Court.

SLR 13.122 INDIGENT PARTIES

- (1) In the event funds are available under ORS 36.420, indigent parties may seek deferral or waiver of arbitration fees by applying within 14 days from the date the case is transferred to arbitration. Applications are available at the Clackamas County Circuit Court, Accounting and Traffic Unit, Room 104 A. The fee deferral application and order must be submitted to the Clackamas County Circuit Court, Accounting and Traffic Unit, Room 104A for review and submission to the assigned judicial officer.
- (2) In the event funds are available under ORS 36.420 and a fee deferral or waiver has been granted by the court, the arbitrator shall be reimbursed after completion of the arbitration, filing of the arbitration award, and submission of a request for payment to the Trial Court Administrator for Clackamas County Circuit Court.
- (3) The arbitrator must submit a copy of the order deferring or waiving fees of the indigent party with the request for payment, which must be in the form of a certificate and include the following:
 - Case identifying information
 - Total hours of service the arbitrator provided
 - The share of those hours chargeable to the indigent party

SLR 13.161 LOCATION OF ARBITRATION PROCEEDINGS

Unless otherwise stipulated by all parties, arbitration proceedings shall be scheduled at a location in Clackamas County, Oregon. The arbitrator may schedule telephone conference calls to deal with scheduling and procedural issues.

APPENDIX A TO SLR 1.155

REQUEST FOR COPY OF FTR RECORDING OF COURT PROCEEDINGS

*You must have computer access to listen to this recording. Instructions will be provided.

Cost: \$10.00 per CD (1 hearing per CD)

**Make all checks payable to The State of Oregon

Please mail request and payment to:

Court Cashier
807 Main Street, Room 104
Oregon City, Oregon 97045

Your request was rejected due to:

- No hearing was held
Request had incorrect or missing information.
Information recorded by a Court Reporter
Record not available:

Questions should be directed to:

Karen Anderson, FTR Coordinator
503-722-2719

Today's Date:

Allow 10-14 judicial days for request to be processed.

All information with an * asterisk is required. If you do not include ALL required information your request will not be processed.

*Date of Proceeding:

*Judge's Name:

*Courtroom Number:

*Case Name and Number(s):

*Ordered By: *Phone #: Cell #:

*Address: *City *State *Zip:

Your copy of the FTR recording will be mailed to the address provided unless you check one of the following boxes:

- YES, I would like to pick up my copy of the FTR recording. (You must provide proof of payment to the clerk in Room 104 to receive your copy. The court will notify you when the FTR copy is available for pickup in Room 104.)
CIDC and DA copies may be picked up in Room 104.

THE COURTS DO NOT PROVIDE WRITTEN TRANSCRIPTS:

If you need a written transcript, take your recording to a certified transcriber.

You should be able to find a list of transcribers or court reporters in the yellow-pages of the phone book or the on-line yellow pages.

Amount Due: Receipt #: Refund Ck#: Date Completed:

If we are unable to process your request, you will receive a full refund from the Accounting Department. (Rev. 10-9-07)

APPENDIX B (SLR 9.081(2))

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR CLACKAMAS COUNTY
Probate Department

IN THE MATTER OF _____) CASE NO. _____
)
)
)
_____,)
a Protected Person.) OBJECTION TO PETITION
AND REQUEST FOR HEARING (SLR
9.081(2))

I _____ am objecting to the Petition/Motion in the above
stated matter. My reasons are as follows:

Objector's Signature: _____

SUBSCRIBED AND SWORN TO before me this _____ day of _____ 200_____.

NOTARY PUBLIC FOR OREGON/CLERK

My commission expires: _____

A copy of this objection has been sent to (adverse party or their attorney):
_____ last known address.

**A filing fee of \$73.00 needs to be included when you file this objection. File at Clackamas County
Courthouse, Room 104, 807 Main Street, Oregon City, Oregon 97045. At the time of hearing there
will be a \$41.00 hearing fee.**

=====

CERTIFICATE OF DOCUMENT PREPARATION: You are required to truthfully complete this
certificate regarding the document you are filing with the court. Check all boxes and complete all blanks
that apply:

- A. () The clerk prepared this form from my oral dictation. It was read to me and it accurately reflects my
oral statement.
- B. () I completed this form myself without paid assistance.
- C. () I paid or will pay money to _____ for assistance in preparing this
form

Objector's Signature: _____

Objector's Address: _____

Phone: _____