

RULES
OF THE
14TH JUDICIAL DISTRICT
OF THE STATE OF OREGON
FOR
JOSEPHINE COUNTY

**CERTIFICATE OF SUPPLEMENTARY LOCAL COURT RULES
OF THE CIRCUIT COURT OF JOSEPHINE COUNTY,
FOURTEENTH JUDICIAL DISTRICT OF THE STATE OF OREGON**

I, Lindi L. Baker, Presiding Judge of the Fourteenth Judicial District of the State of Oregon, hereby certify that attached hereto is a complete, true, and correct copy of the Supplemental Rules for the Circuit Court of the State of Oregon for Josephine County, effective February 1, 2008.

Dated this 18th day of December, 2007.

/s/ Lindi L. Baker
Lindi L. Baker
Presiding Judge
Fourteenth Judicial District
State of Oregon

**SUPPLEMENTARY LOCAL RULES OF THE CIRCUIT COURT
OF THE STATE OF OREGON FOR JOSEPHINE COUNTY
TABLE OF CONTENTS**

	PAGE
CHAPTER 1	
HOURS OF OPERATION	
1.151 Hours of Operation	1
1.171 Court Website	1
1.175 Mailing Address	1
CHAPTER 3	
MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS	
3.181 Media or Other Public Access Coverage of Court Events	2
CHAPTER 4	
PROCEEDINGS IN CRIMINAL CASES	
4.005 Motions to Withdraw	3
4.015 Motions to Consolidate.....	3
CHAPTER 5	
PROCEEDINGS IN CIVIL CASES	
5.051 Motion Hearings	4
CHAPTER 6	
TRIAL PROCEDURES	
6.012 Pre-Trial Settlement Conference Procedures	5
CHAPTER 7	
CASE MANAGEMENT AND CALENDARING	
7.011 Court Notification of Pleas or Stipulations	6
7.012 Status Hearing in Criminal Cases	6
7.013 Pretrial Conferences	6
CHAPTER 8	
DOMESTIC RELATIONS PROCEEDINGS	
8.015 Domestic Relations Education Program.....	7
8.025 Division or Valuation of Personal Property	9
CHAPTER 9	
PROBATE AND ADOPTION PROCEEDINGS	
9.081 Objection To Petition For Appointment Of Guardian/Conservator	10
9.091 Visitor’s Appointment and Fees.....	10
CHAPTER 11	
JUVENILE COURT PROCEEDINGS	
11.005 Appearance In Juvenile Court Dependency Cases	11
11.021 Juvenile Docket Call.....	11
CHAPTER 12	
MEDIATION	
12.015 Matters Subject to Mediation.....	12
12.021 Mandatory Mediation.....	12
12.025 Scope of Authority	12
12.031 Mediation	12
12.035 Independent Mediators	13
12.041 Litigation of Unresolved Conflict	14
12.045 Mediation for Matters Otherwise Subject to Arbitration.....	15
12.051 Community Dispute Resolution Advisory Committee.....	15
12.055 Mediation Panel Established	15
12.061 Appointment of Mediation Panel.....	15
12.065 Removal From Mediation Panel	15
12.071 Motions	16
12.075 Referral to Mediation.....	16

CHAPTER 12 continued	
12.081	Exemption from Mediation 16
12.085	Assignment of Mediator and Scheduling..... 16
12.091	Compensation of Mediators 16
12.095	Completing Mediation 17
12.101	Good Faith Mediation..... 17
CHAPTER 13	
ARBITRATION	
13.011	Procedures Established for Mediation..... 18
13.021	Compensation of Arbitrators..... 18
CHAPTER 15	
SMALL CLAIMS	
15.005	Small Claims Mediation 19
CHAPTER 16	
VIOLATIONS	
16.015	Violations Bureau 20

APPENDIX OF FORMS

Petition to Enter Plea of Guilty or No Contest Without Aid of An Attorney and Order Permitting Same	Appendix 1
Petition to Enter Plea of Guilty or No Contest and Order Permitting Same	Appendix 2
State Status Report.....	Appendix 3
Defense Status Report.....	Appendix 4
Notice of Parenting Classes.....	Appendix 5
Objection To Petition For Appointment of Guardian/Conservator	Appendix 6
Stipulated Request For Mediation and Order	Appendix 7
Request For Mediation By One Parent and Order.....	Appendix 8

**CHAPTER 1
GENERAL PROVISIONS**

1.151 HOURS OF COURT OPERATION

- (1)
 - (a) Courthouse - 500 N.W. 6th Street, Grants Pass, Oregon 97526 - open to the public from 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding legal holidays.
 - (b) Family Court - 301 N.W. 'F' Street, Grants Pass, Oregon 97526 - open to the public from 8:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 5:00 p.m. Monday through Friday, excluding legal holidays.
- (2) Customer Service Windows
 - (a) Civil and Criminal - open to the public from 8:00 a.m. to 5:00 p.m. Monday through Friday unless otherwise posted at the service window and excluding legal holidays.
 - (b) Accounting - open to the public from 8:00 a.m. to 5:00 p.m. Monday through Friday, unless otherwise posted at the service window, excluding legal holidays.
- (3) Filing of Court Documents

When the civil and criminal customer service windows are closed, documents can be filed at the accounting customer service window. Between 12:00 p.m. and 1:00 p.m. Monday through Friday, Family Court documents can be filed at the Juvenile Department reception window.

1.171 COURT WEBSITE

Josephine County Courts has a website which lists information about our court. The website address is:
<http://www.ojd.state.or.us/jos/home.nsf/home.htm>

1.175 MAILING ADDRESS

The mailing address for Josephine County Circuit Court is 500 NW 6th Street, Department 17, Grants Pass, Oregon 97526

CHAPTER 3

3.181 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

Media or public access coverage is prohibited in the public hallways outside of any courtroom or court office. Upon request, on a case by case basis, the court will consider designating an area outside courtrooms and prohibited court areas for media and public access coverage.

**CHAPTER 4
PROCEEDINGS IN CRIMINAL CASES**

4.005 MOTIONS TO WITHDRAW

When a motion is brought before the court requesting that an attorney be allowed to withdraw from representation of a defendant prior to disposition and the effect of the withdrawal will leave the defendant in pro se status, the court will require the following:

- (1) Both the attorney and the defendant must appear before the court for determination of the motion, regardless of whether the request to withdraw was filed by the defendant or by counsel. The only exception will be if the defendant is in abscond status. A hearing notice for a Monday morning Motion Docket appearance will be sent to counsel by the Calendar Clerk.
- (2) A current mailing address for defendant must be provided to the court at this appearance.

4.015 MOTIONS TO CONSOLIDATE

- (1) Motions to Consolidate will be held for objections for three (3) court days with a ruling by the court on the fourth (4th) day or thereafter. If the proof of service attached to the motion indicates that service was done by mail, an additional three (3) days will be added to the holding period.
- (2) If opposing counsel objects, the objection shall be in writing and submitted to the court within the three (3) day review period. Upon receipt of a written objection, the file will be set on the next available Motion Docket.
- (3) If the motion indicates all parties are in agreement to the consolidation, the three (3) day review period will be waived.

**CHAPTER 5
PROCEEDINGS IN CIVIL CASES**

5.051 MOTION HEARINGS

If oral argument is requested by either party, the matter shall be heard on the first Monday following the time for response and reply has elapsed. The hearing will be scheduled by the court and set on the motion calendar.

**CHAPTER 6
TRIAL PROCEDURES**

6.012 PRE-TRIAL SETTLEMENT CONFERENCE PROCEDURES

The following procedures shall apply to pre-trial conferences in all pending civil and domestic relations cases, when ordered by the court pursuant to UTCR 6.010, 6.200, or requested by a party or the party's attorney:

- (1) If one party requests a pre-trial settlement conference, the settlement conference shall be held unless the opposing party demonstrates good cause why the settlement conference should not be held.
- (2) Each trial attorney and party or representative of a corporation or insurance company who has full authority to settle and compromise the litigation shall personally appear at the pre-trial settlement conference. However, the assigned judge may permit telephone appearances in lieu of personal appearance for good cause.
- (3) Each pre-trial settlement conference shall be scheduled to allow adequate time for meaningful settlement discussions. Additional settlement conferences may be scheduled by the assigned judge or by agreement of all attorneys and parties.
- (4) The pre-trial settlement conference shall not delay the trial scheduling.
- (5) Pre-trial settlement conferences shall be conducted by a judge other than the assigned trial judge, unless all parties stipulate in writing that the trial judge may also conduct the settlement conference.
- (6) If a settlement is reached, the parties shall place notice of the settlement on the record before the scheduled trial date, unless otherwise ordered by the court, in accordance with UTCR 6.020.

**CHAPTER 7
CASE MANAGEMENT AND CALENDARING**

7.011 COURT NOTIFICATION OF PLEAS OR STIPULATIONS

No agreement or stipulation between the parties and their attorneys concerning any proceeding before the court or disposition thereof, will be regarded or enforced unless the same be made in open court in the presence of the parties and reported or reduced in writing and subscribed by the party or attorney to be bound thereby, unless otherwise ordered by the court. Parties shall submit pleas using the Plea Petition Form supplied by the court and attached hereto as Appendices 1 and 2.

7.012 STATUS HEARING IN CRIMINAL CASES

- (1) A status hearing will be held in advance of the trial date. The date and time of the status conference will be set at arraignment.
- (2) All investigations, discovery, negotiations and plea agreements shall be completed by the status hearing.
- (3) The attorney for each party and defendant shall appear at the status hearing.
- (4) Unless the case is resolved, the parties shall provide the court with a completed Status Report Form, bearing the signatures of each attorney. The form will be furnished by the court and is attached hereto as Appendices 3 and 4.
- (5) The parties shall report to the court the status of the case. In the absence of settlement, the parties shall appear in court and report:
 - (a) Whether the case is complex, subject to UTCR 7.030;
 - (b) Whether a jury trial is desired;
 - (c) Probable length of trial;
 - (d) The need for a pretrial hearing;
 - (e) Whether the parties will file any motions; and,
 - (f) Identify areas remaining at issue or any other matter affecting the case.

7.013 PRETRIAL CONFERENCES

- (1) Pretrial conferences will be set for individual cases upon written request of either party, using the State/Defense Status Report Form supplied by the court and attached hereto as Appendices 3 and 4.
- (2) All criminal defendants will be required to be present for the pretrial conference unless prior approval is granted by the court excusing defendant's presence.

**CHAPTER 8
DOMESTIC RELATIONS PROCEEDINGS**

8.015 DOMESTIC RELATIONS EDUCATION PROGRAMS

- (1) Josephine County Circuit Court has established domestic relations education programs as authorized by ORS 3.425.
- (2) The following cases are subject to these programs:
 - (a) annulment or dissolution of marriage actions;
 - (b) legal separation actions;
 - (c) petitions to establish paternity, custody or parenting time by unmarried parents; and
 - (d) post-judgment litigation involving changes in custody or parenting time in which the parties have not previously completed these programs.
- (3) Co-Parenting Education Program
 - (a) All parents of a child under the age of 17 years shall successfully complete the Josephine County Family Court Co-Parenting Education Program or a court-approved out-of-county education program. The name of this program is "*Families in Transition: Helping Children Succeed After Divorce.*"
 - (b) Court action in these cases will not be delayed by a party's refusal, failure or delay in registering for or completing this program or the failure to comply with the requirements of this program, unless the noncomplying party is the moving party in the action.
 - (i) Upon a party's failure to successfully complete the education program or failure to comply with the requirements of this program, the court may take appropriate action, including but not limited to denial of the relief sought by that party, or proceedings for contempt, assessment of costs and attorney fees.
 - (ii) Failure or refusal to complete the program in a timely manner will be considered by the court when making its ruling on issues which are in dispute and in determining the best interest of a child.
 - (iii) A party who knowingly fails to comply with the provision of this program may have their pleading stricken and/or a default entered.

- (c) The party initiating the proceeding shall register for the program within 15 days after filing the initiating pleading with the court. A statement of the requirements of the program and instructions on how to register for the program (Appendix 5) shall be served by the initiating party on all parties against whom relief is sought. Service shall be accomplished as provided in ORCP 7 at the time the initiating documents are served. All parties other than the initiating party shall register for the program within 30 days after service of the notice upon them.
- (d) The program provider shall issue a Certificate of Completion which includes the date of completion, to the court when the participant has completed the program.
- (e) Upon a showing of good cause, a party may request waiver of the requirement of this program. The request must be made by written motion, supported by affidavit, and filed within 15 days of receipt of the notice of requirements of this program.
 - (i) “Good cause” includes that the party lives more than 100 miles from Grants Pass, Oregon and a court-approved program is not within their area, or is in poor health and a doctor states, in writing, that they should not attend. A copy of that writing must be provided to the provider.
 - (ii) Mere inconvenience is not good cause.

(4) Service Provider

- (a) This program is provided by Options for Southern Oregon. A party can schedule to attend by calling (541) 472-9953 or sending an e-mail to tcox@optionsonline.org.
- (b) Each party shall pay a fee at the time of registration for the Co-Parenting Education Program as determined by the program provider to cover the costs for the Co-Parenting Education Program.
- (c) The fee may be deferred by the Service Provider. A party seeking deferral must contact the Service Provider directly. In cases of extreme hardship, and after attempting to resolve the issue with the Service Provider, a party may request the court to waive the requirement to attend the Co-Parenting Education Program.

DIVISION OR VALUATION OF PERSONAL PROPERTY

- (1) Parties to all contested dissolution of marriage and dissolution of domestic partnerships must prepare a joint exhibit list if there is any dispute as to the division or valuation of personal property.
- (2) The exhibit list is to contain:
 - (a) each item of property
 - (b) in columns to the right of the property list there is to be
 - (i) each party's estimate of fair-market value
 - (ii) each party's proposed distribution
 - (iii) any claim as to pre-marital or inherited property
 - (c) at the bottom of each page there is to be a subtotal for each party's claimed fair-market value of the property
 - (d) the last page is to have a total for each party based upon their claim for the item and their estimated fair-market value
- (3) Each party must provide the other party with their exhibit list at least seven (7) days prior to the final hearing.
- (4) The joint property exhibit list is to be prepared pre-trial and submitted to the court at the beginning of the final hearing.

**CHAPTER 9
PROBATE AND ADOPTION PROCEEDINGS**

9.081 OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN /
CONSERVATOR

- (1) Any interested person, as described in ORS 125.075(1), who has an objection to a petition in a protective proceeding should contact a court clerk at (541) 476-2309, ext. 210, or appear in person at Room 256 in the Josephine County Courthouse, 500 Northwest 6th Street, Grants Pass, Oregon 97526 during normal business hours. The objecting party should advise the court clerk that the objecting party wishes to make oral objections to the petition and would like to speak to the judicial assistant of the judge assigned to the case. Upon receipt of the objection and payment of the applicable fee required by ORS 21.310, the court will schedule a hearing at Josephine County Courthouse and notify the appropriate parties.
- (2) The objecting party shall be provided a written objection form as contained in Appendix 6.

9.091 VISITOR'S APPOINTMENT AND FEES

- (1) The Visitor shall not be appointed, nor undertake an investigation until the Visitor's fee has been paid to the court. The fee is payable at the time of filing. The only exception is if the court approves an affidavit of indigency.
- (2) The Visitor shall be compensated as provided in ORS 125.170 and the Court's order. The Visitor is not required to begin an investigation until the fee has been paid or waived by the court.

**CHAPTER 11
JUVENILE COURT PROCEEDINGS**

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.

11.021 JUVENILE DOCKET CALL

Juvenile docket call is held Mondays at 9:00 a.m. at Family Court. It is expected that all attorneys will appear for docket call, irrespective of case type or party representation. Parents in dependency cases must be present. Juveniles in delinquency cases must be present.

CHAPTER 12 MEDIATION

12.015 MATTERS SUBJECT TO MEDIATION

- (1) SLR 12.015 through 12.041 apply to Domestic Relations cases.
- (2) SLR 12.045 through 12.101 apply to all other mediation matters.

12.021 MANDATORY MEDIATION

- (1) Any petition (except those matters filed pursuant to the Family Abuse Prevention Act, ORS 107.700 through 107.730) filed in Circuit Court involving a controversy over custody or parenting time of minor children shall be subject to mediation.
- (2) The mediator shall not consider issues of property division or spousal or child support in connection with the mediation of a dispute concerning child custody or parenting time. No referrals to arbitration shall be made after a parenting time order is approved or mediation is terminated pursuant to Court Rules.

12.025 SCOPE OF AUTHORITY

A domestic relations case filed in the Circuit Court remains under the scope of authority of that court in all phases of the proceedings, including mediation. The court which refers a case to mediation may set in its referral order the limits of the mediator's scope of authority in the case. Any agreement of the parties reached as a result of mediation for which court enforcement may be sought must be presented to the court, and the court shall retain final authority to accept, modify or reject the agreement.

12.031 MEDIATION

- (1) Commencement of Mediation by Stipulated Request for Mediation

If there is a disagreement between the parties concerning custody or parenting time at any stage of a domestic relations proceeding, both parents, or their attorneys, may sign and file with the court a Stipulated Request for Mediation, in substantially the form as of that attached to these rules as Appendix 7. The parents will be referred by the court for mediation in accordance with these rules, or the parents may agree and stipulate to an independent mediator in their Stipulated Request for Mediation.

12.031 Continued

(2) Commencement of Mediation by Request for Mediation by One Parent

If there is a disagreement between the parents concerning custody or parenting time at any stage of a dissolution of marriage proceeding, either parent seeking to resolve the matter must file with the court and serve upon the other parent, or his/her attorney, a Request for Mediation in substantially the form as attached hereto as Appendix 8.

Both parents appearing for mediation orientation shall report to the Josephine County Juvenile Department, 301 N.W. 'F' Street, Grants Pass, Oregon 97526 at 8:15 A.M. on the second Monday following the day that the other party is personally served, or has been mailed a copy of the Request for Mediation.

In the event of a Stipulated Request for Mediation, both parents may appear at the next scheduled Monday mediation orientation.

(3) Temporary Custody and Parenting Time Orders

At any point during the mediation, the court may approve a Temporary Custody and Parenting Time Order reflecting the parents' agreement as to the issues.

(4) Good Faith Required

Mediation shall not be used by any parent in bad faith for the purpose of delaying resolution of other issues. If the court finds at any time that the mediation process is being misused in violation of this rule, it may determine that mediation has been unsuccessful.

12.035

INDEPENDENT MEDIATORS

(1) The parties may select by stipulation a mediator independent of the court system. The parties shall directly contract with the independent mediator and be responsible for payment of any agreed-upon fee for mediation.

(2) If an independent mediator is selected, the parties or their attorneys shall file with the court a written stipulation indicating the name of the mediator and the date set for the first mediation session.

(3) If a stipulation for independent mediation is not filed by the time set for the hearing on any child custody or parenting time dispute, the parties will be required to enter into mediation pursuant to Rule 12.031 herein.

Rule 12.035 continued

- (4) If the parties select an independent mediator pursuant to Rule 12.035(1) after a referral has been made to mediation, they shall then comply with Rule 12.035(2) and send a copy of the stipulation to the court.

12.041 LITIGATION OF UNRESOLVED CONFLICT

- (1) Notice of Unsuccessful Mediation

The mediator shall notify the court in writing of mandatory mediation cases in which further attempts at mediation will prove unsuccessful or detrimental to the interest of either party.

- (2) Order of Evaluation

The court may order the Juvenile Department to conduct an evaluation of the parties and child or children at issue in a custody decision. The court may order the Juvenile Department to conduct an evaluation of the parties and child or children at issue in a parenting time decision.

- (3) Counselor

The counselor assigned to a custody or parenting time evaluation shall not be the same individual who served as mediator unless both parties request assignment of the mediator to conduct a custody or parenting time evaluation.

Requests for the same individual who served as mediator to conduct a custody or parenting time evaluation shall be in writing, signed by both parties and received by the Juvenile Department within seven (7) calendar days of the Court Evaluation Order.

- (4) Completion of the Evaluation

The evaluation shall be made available by the court to the parties prior to the court hearing.

12.045 MEDIATION FOR MATTERS OTHERWISE SUBJECT TO ARBITRATION

Litigants may satisfy the requirements for mandatory arbitration pursuant to ORS 36.405 by participating in court mediation.

12.051 COMMUNITY DISPUTE RESOLUTION ADVISORY COMMITTEE

In addition to its other duties, the Community Dispute Resolution Advisory Committee shall monitor the court mediation program, advise the court regarding mediation services and review qualifications and training of mediators.

12.055 MEDIATION PANEL ESTABLISHED

There shall be a panel of mediators comprised of individuals who satisfy qualifications and training standards prescribed in OAR Chapter 718, Division 40, and have been appointed by the presiding judge.

12.061 APPOINTMENT OF MEDIATION PANEL

- (1) To apply for inclusion on the Josephine County panel of mediators, a person must file a letter with the court outlining mediation training and other qualifications.
- (2) The Community Dispute Resolution Advisory Committee shall review each letter and make a recommendation to the presiding judge.
- (3) The decision as to whether an individual is qualified to be on the panel of mediators and the number of mediators which comprises the panel shall be made by the presiding judge.

12.065 REMOVAL FROM MEDIATION PANEL

- (1) The Community Dispute Resolution Advisory Committee shall monitor the performance of mediators and report to the presiding judge as appropriate.
- (2) The presiding judge may remove a mediator from the court panel at his/her discretion.

12.071 MOTIONS

- (1) If the first appearance of a defendant is not an answer but is a motion directed to the complaint or a dispositive motion, the motion shall be decided by the court before the case is assigned to mediation.
- (2) Any motion, other than a Motion for Summary Judgment, filed after assignment of a mediator shall be stayed pending disposition of mediation.

12.075 REFERRAL TO MEDIATION

- (1) Upon appearance of the parties and determination of the case, the clerk of the court will notify the parties of SLR 12.021 requiring participation in an alternative dispute resolution program.
- (2) The case shall be assigned to mediation unless a request for arbitration is made by one of the parties.

12.081 EXEMPTION FROM MEDIATION

A party may file a written objection to mediation with the court, the action shall remove the case from mediation and the matter will be referred to arbitration.

12.085 ASSIGNMENT OF MEDIATOR AND SCHEDULING

- (1) The court shall exercise its authority under ORS 36.200(2) to assign cases subject to SLR 12.021 to a mediator.
- (2) The mediator will assign the date, time and place of the initial mediation session and any additional sessions.
- (3) The parties may choose, at their option and expense, mediation services other than those suggested by the court, and entering into such private mediation services shall be subject to the same provisions of ORS 36.180 to 36.210.

12.091 COMPENSATION OF MEDIATORS

- (1) Mediation fees shall be the same as those paid to arbitrators appointed in Josephine County.
- (2) Payment of the mediation fee is due within 14 calendar days of notice of assignment of a mediator. Each party shall pay the mediator directly.

12.091 Continued

- (3) If any party fails to pay the prescribed fee within 14 calendar days of assignment, the court will exercise its authority under UTCR 1.090 to impose an appropriate sanction.
- (4) If arbitration is requested subsequent to the appointment of a mediator, but prior to any mediation occurring, the parties shall be required to pay the mediator a fee of \$25 each.

12.095 COMPLETING MEDIATION

All cases assigned to mediation must complete mediation within 90 days of assignment, unless otherwise ordered by the court.

- (1) In all cases assigned to mediation in which a settlement is reached, the parties shall report the settlement to the mediator and the mediator shall file a notice of the settlement with the court.
- (2) The result of mediation hearings shall be reported to the court as either “settled” or “not settled.”
- (3) If a case is reported as “settled,” the terms of the agreement, including a date of final compliance, shall be signed by the parties and within 10 judicial days filed by the mediator with the clerk of the court.
 - (a) The mediator shall provide the creditor with a form to report compliance or non-compliance with the terms of the settlement agreement.
 - (b) In the event the creditor fails to file a report of compliance or non-compliance within 30 days after the final date for compliance, or reports the terms of the settlement have been met, the clerk of the court shall dismiss the case.
 - (c) Upon notice by a creditor of non-compliance with the terms of the settlement agreement, the clerk of the court shall refer the case to a judge for disposition.
- (4) If the parties are not able to settle a mediated case, the case will be set for trial and not be required to arbitrate.

12.101 GOOD FAITH MEDIATION

In the event a party fails to mediate in good faith, the court may exercise its authority under UTCR 1.090 to assess as costs, any party’s costs necessarily incurred in mediation in any subsequent judgment.

**CHAPTER 13
ARBITRATION**

13.011 PROCEDURES ESTABLISHED FOR MEDIATION

Upon the agreement of the parties, civil actions otherwise subject to arbitration may be assigned to the court's mediation program (SLR 12).

13.021 COMPENSATION OF ARBITRATORS

Each party in a case subject to arbitration shall pay the arbitration fee within fourteen (14) calendar days of receipt of Notice of Assignment of Arbitrator. Each party must pay the assigned arbitrator directly.

**CHAPTER 15
SMALL CLAIMS**

15.005 SMALL CLAIMS MEDIATION

- (1) All contested small claims cases shall be subject to mediation, pursuant to ORS 36.185. A case will be removed from mediation and proceed in the normal fashion if either party makes the request to the mediator following the orientation session.
- (2) Mediation services shall be provided by the court without cost to the litigants.
- (3) An authorized representative may appear on behalf of a business but must be familiar with the facts of the case and must have full authority to settle.
- (4) Agreements reached while in mediation shall be signed by the parties and filed with the court.
- (5) Failure to either party to abide by the agreement will be grounds for the opposing party to file an Affidavit of Non-Compliance and obtain a judgment on the original claim.
- (6) Parties of cases subject to the small claims mediation program must attend an orientation session prior to participation in mediation. The court shall notify all parties through written notice of their scheduled session date.

**CHAPTER 16
VIOLATIONS**

16.015 VIOLATIONS BUREAU

- (1) Pursuant to ORS 153.800, the Fourteenth Judicial District establishes a Violations Bureau.
- (2) The Violations Clerk shall accept written appearance, waiver of trial, plea of not guilty, guilty and no contest, payment of fines, costs and assessments, and change of plea.
- (3) A person may appear at the Violations Bureau or may pay the Violations Bureau fine and assessment by mail.