

**12.095****COMPENSATION OF MEDIATORS (Custody and Parenting Issues)**

- (1) In issues subject to mandatory mediation under these rules (custody and parenting plan), Marion County shall compensate the mediator at an hourly rate set by order of the Presiding Judge, up to a maximum of eight (8) hours per case, including time allocated to no shows. A maximum of one (1) hour of this time may be allocated to administrative time setting appointments and corresponding with parties and attorneys, and one (1) hour may be charged for time spent drafting the parties' agreement. The court expects that eighty (80) percent of cases will be concluded in a maximum of six (6) hours. The funding source shall be fees collected pursuant to ORS 107.615 and 21.112.
- (2) Marion County shall not pay for any mediation expenses beyond the eight (8) hours authorized under subsection (1) without a signed court order in the court file authorizing the additional time. After the mediator has filed a report with the court indicating whether the case has settled, further mediation expenses shall be paid by the parties in the absence of a court order authorizing additional payment. If the parties wish to use any remaining balance of the initial eight (8) hours within a year of the judgment, the mediator shall notify the mediation coordinator in advance of conducting further mediation.
- (3) In the event both parties do not appear at a scheduled mediation session without at least 24 hours advance notice to the mediator, the mediator may request a cancellation fee, set by order of the Presiding Judge. Alternatively, the mediator may mediate with one party if shuttle mediation would be helpful in resolving the case, and charge the regular hourly rate. The party canceling must provide advance notice on a regular business day to avoid imposition of the cancellation fee.  
  
In order to charge the cancellation fee, the mediator must send a written notification identifying the responsible parent and the amount charged to the assigned judge and both parties, through their attorneys if they are represented. The mediator shall refer the case back to the court after two no shows. Marion County shall not pay for more than two no shows on any one case. The assigned judge will allocate the cost of any no shows to the responsible party, in the absence of good cause shown.
- (4) In issues not involved in mandatory mediation, the parties may agree to mediate with the court-appointed mediator; but the compensation arrangement shall be between the parties and the mediator, as they may

agree in writing, and the compensation rate shall be negotiated by and between the parties and the mediator, unless the Court has entered an order allowing payment pursuant to SLR 12.105(2).

If the parties select a mediator who is not on the court-approved list, the compensation shall be fixed by agreement between the parties and the mediator, and shall be the responsibility of the parties.