

2002

COLUMBIA COUNTY  
CIRCUIT COURT

SUPPLEMENTAL LOCAL RULES

Effective February 1, 2002

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**COLUMBIA COUNTY CIRCUIT COURT  
SUPPLEMENTARY LOCAL RULES**

The following supplementary rules are established pursuant to UTCR 1.030 and apply to operations in the Circuit Court.

**Chapter 1    General Provisions**

**1.151        HOURS OF COURT OPERATION**

- (1)    The office of the Trial Court Administrator shall remain open to receive and file all papers delivered for that purpose in accordance with ORS 8.225(2)(d) between the hours of 8:00 a.m. and 5:00 p.m. on each judicial business day pursuant to ORS 1.060.
- (2)    The office of the Trial Court Administrator will be closed to the public for all other business between the hours of 8:00 a.m. and 8:30 am for staff meetings, training, and preparing for the day.

**1.201        INFORMATION ON FREE OR LOW-COST SERVICES**

There may be free or low-cost legal services or other relevant services in Columbia County that may be helpful to the parties in a case. Information about these services is posted on the bulletin board in the Trial Court Administrators Office.

**Chapter 2    Standards for Pleadings and Documents**

**2.085    REMOVAL OF RECORDS AND FILES**

- (1)    All court records will remain in the custody of the Trial Court Administrator, except as noted in subparagraph 2 below.
- (2)    The attorney of record may check-out records and files from the Trial Court Administrator's Office only for the purpose of delivering the records and files to the judge for signature by the judge on Orders, Judgments and Decrees therein, and shall then return the records to the Trial Court Administrator's Office. If the party is pro se, a court clerk will deliver the court record or file to the judge. No records of the court shall be removed from the Columbia County Courthouse unless specifically ordered by the Court.

**Chapter 5    Proceedings in Civil Cases**

**5.065 EX PARTE MATTERS**

All ex parte matters will be heard at 8:30 A.M. or by arrangement with the individual judge's judicial assistant. The file must accompany any ex-parte orders and it is the responsibility of the attorney of record to sign out the file and deliver the file to the court .

**Chapter 6    Trials**

## **6.085 EXHIBITS**

In order for the Trial Court Administrator to comply with Oregon Judicial Department Policy pertaining to the listing and valuing of exhibits received as evidence, the exhibits will be assigned a value of zero, unless the party submitting the exhibit supplies a written opinion as to their value to the Trial Court Administrator.

### **6.125 DISPOSITIONS OF EXHIBITS IN CRIMINAL CASES**

- (1) In cases where the parties request that an exhibit remain in the custody of the court, the court may require that the party requesting custody provide the court with a storage facility or safe deposit box, depending on the circumstances.
- (2) Upon request by an appellate court for transmission of exhibits pursuant to Rules of Appellate Procedure, Rule 3.25, the party in which custody the exhibit has been placed, shall immediately resubmit the exhibit to the Trial Court Administrator for transmission pursuant to the Rule.
- (3) Thirty (30) days following judgment if the court retained the exhibits, or conclusion of appeal, a notice will be sent to the attorneys of record requesting that they recover their respective exhibits within thirty (30) days or they will be disposed of by the Court in accordance with Judicial Department Policy.
- (4) In the interests of victims, exhibits which are their personal property shall be returned as expeditiously as possible. The District Attorney shall seek such returns on their behalf as soon as is practicable.

### **6.196 TRIAL FEES PAYABLE BEFORE TRIAL**

No court or jury trial will proceed to trial until the fees under this Rule are paid to the Trial Court Administrator. The receipt given for payment of said fees shall be shown to the Courtroom Clerk at the time of trial before said hearing will proceed.

## **Chapter 7 Case Management and Calendaring**

### **7.015 CRIMINAL CASE GUILTY OR NO CONTEST PLEAS**

Dates for guilty or no contest pleas will be scheduled by the Judicial Assistant for the Judge having jurisdiction of the case. The Court will not accept guilty or no contest pleas unless the defendant has first read and completed a Petition to Enter a Plea of Guilty or No Contest.

### **7.035 SCHEDULING AND NOTIFICATION**

Hearings, trials, show cause hearings and motions will be set by the Judicial Assistant. The court will notify the parties of the date and time of the hearing or trial.

### **7.036 CRIMINAL AND CIVIL TRIAL STATUS REPORT**

- (1) A Trial Status Report must be given by each attorney, or if unrepresented, by each party to the Judicial Assistant of the Judge assigned to try the case.

The Trial Status Report must be made by noon on the Thursday 14 days before the week the trial is set. If the Thursday is a non-judicial day, then the report shall be made by noon the Wednesday 14 days before the week the trial is set. The Judicial Assistant will notify the attorneys/parties by noon of the next judicial day following the reporting day, if the case will be tried or if the case will be required to remain ready as an alternate.

- (2) The Trial Status Report must be given by telephone, FAX, in person or by letter delivered prior to noon the day of reporting. The Trial Status Report shall not be given sooner than forty-eight (48) hours before noon of the reporting date.
- (3) The Trial Status Report shall provide the following information:
  - (a) Whether the case is ready for trial, has been settled or a plea will be entered; and
    - (I) Trial - How much time is needed for trial.
    - (II) Civil Settlement - How much time is needed for any dispositional hearing or Judgment of Decree will be presented to the Court. The Judicial Assistant will notify the attorneys/parties by noon on the judicial day following the final reporting day whether the dispositional hearing will be held on the trial setting day or set for another day.
    - (III) Criminal Plea - How much time will be needed for plea and sentencing or other dispositional hearing. The Judicial Assistant will notify the attorneys/parties by noon on the judicial day following the final reporting day whether the plea and/or sentencing or other dispositional hearing will be done on the trial setting day or some other day.
  - (b) Whether the attorney/party is requesting a continuance. If a continuance is requested, the moving party shall file their written motion in proper form and order by 4:00 p.m. on the reporting day. The motion will be heard at 8:30 a.m. on the next judicial day following the reporting day unless otherwise set by the Court. The attorneys/parties shall appear before the Judge in person or by telephone. If a conference call is needed, the moving party shall initiate the telephone conference call.

## **Chapter 8 - Domestic Relations Proceedings**

### **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-decree litigation involving custody or parenting time.
- (2) All parties, where the interest of a child under the age of 18 years of age is involved, shall successfully complete the education for divorcing parents program offered by 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 the initial pre-trial conference.
- (3) Notice and information 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. The party initiating the proceeding shall register for the program within 15 days after filing the initiating pleading with the Court. A copy of this local rule and instructions on how to register for the program shall be served by the initiating party on all parties against whom relief is

sought. Service shall be completed in the manner provided in ORCP 7 at the time the initiating documents are served. All other parties shall have 30 days after service of the notice upon them to register for the program.

- (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 indigence to the court, and the party meets indigence 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 at the pre-trial conference.
- (6) Upon 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.

#### **8.045 PREJUDGMENT RELIEF**

- (1) Hearings requested as provided for in ORS 107.097 (4) will be held every Monday, or, if Monday is a holiday, on the first judicial day of the week at 4:00 p.m.
- (2) Each hearing shall be limited to 20 minutes, unless the judge finds good reason to extend the hearing.
- (3) When support is an issue, a blank Uniform Support Affidavit shall be served upon the adverse party along with a notice of hearing and support documents. In such cases, the notice of hearing shall contain a statement that the adverse party is required by UTCR 8.040(4) to serve a copy of the Uniform Support Affidavit upon the moving party and file the original with the court at least seven (7) days before the hearing. In addition, the notice of hearing shall contain a warning that if the adverse party fails to serve and file the Uniform Support Affidavit no later than noon on the last judicial day before the hearing, the court, in its discretion, may not consider the Uniform Support Affidavit or any other evidence which the adverse party intends to present at the hearing.
- (4) Pre-judgment custody and visitation orders are controlled by ORS 107.095 through 107.097.

#### **8.075 CHILD PARENTING TIME**

In the absence of a court order regarding parenting time the following parenting time schedule shall apply:

- (1) Except when a specified parenting period is set forth hereafter, every other weekend of each month. A weekend is defined as commencing at 7:00 p.m. on Friday and ending 7:00 p.m. the following Sunday; and

- (2) Whether or not the child(ren) are in school, during the period of Christmas school vacation from 9:00 a.m. the day after school adjourns until 9:00 a.m. on Christmas morning in even-numbered years, and from 9:00 a.m. on Christmas morning until 7:00 p.m. on the day before school resumes in odd-numbered years; and
- (3) Whether or not the child(ren) are in school, for a period of thirty-five (35) days during the period of school summer vacation. Before May 1 of each year, the non-custodial parent shall select and notify the custodial parent in writing of the inclusive dates of the thirty-five (35) day parenting time period with the child(ren). If the non-custodial parent fails to give such written notice to the custodial parent before May 1 of the year of the summer parenting time, the non-custodial parent nevertheless shall have the right to such summer parenting time with the child(ren) after giving two (2) weeks' written notice to the custodial parent, if and to the extent that the time remains for such parenting time; provided, however, that the custodial parent shall have the right to choose the inclusive dates for such parenting time. When the non-custodial parent exercises his or her right to a summer parenting time period of more than nineteen (19) days with the child(ren), the custodial parent shall have the right to a weekend parenting time with the child(ren), on the third weekend after commencement of the extended parenting time by the non-custodial parent. Such interim visitation/parenting time by the custodial parent shall not lengthen the thirty-five (35) day parenting time period allowed to the non-custodial parent; and
- (4) Parenting time, in even-numbered years, on the following holidays or during the following holiday periods:
  - (a) The birthdays of the child(ren), from 9:00 a.m. to 7:00 p.m. if the birthday falls on a weekend, or from 5:00 p.m. to 8:30 p.m. if the birthday falls on a school day;
  - (b) Thanksgiving holiday, commencing on Wednesday at 7:00 p.m. and ending on the following Friday at 7:00 p.m.;
  - (c) The Fourth of July from 9:00 a.m. to 11:00 p.m.; and
  - (d) Whether or not the child(ren) is(are) in school, during the period of school spring vacation (measured from the day after school adjourns through the day before school resumes), commencing at 9:00 a.m. and ending at 7:00 p.m. and
- (5) Parenting time, in odd-numbered years, on the following holidays or during the following holiday periods:
  - (a) Memorial Day weekend, commencing on the Friday preceding Memorial Day at 7:00 p.m. and ending on the following Monday at 7:00 p.m.; and
  - (b) Labor Day, commencing on the Friday preceding Labor Day at 7:00 p.m. and ending on Monday, Labor Day, at 7:00 p.m.

In each year, the mother shall have the child(ren) on Mother's Day, and the father shall have the child(ren) on Father's Day, from 9:00 a.m. to 7:00 p.m.

The custodial parent shall have the right to designate one weekend each summer when the non-custodial parent's weekend parenting will not occur in order that the custodial parent can have the child(ren) for an uninterrupted two (2) week period. Before May 15 of each year, the custodial parent shall inform the non-custodial parent of which weekend has been selected. The weekend shall not be on a holiday, birthday or during the non-custodial parent's summer parenting time.

Periods of visitation/parenting time are given the following priority: (1) Holiday; (2) Summer parenting time period; and (3) normal weekend parenting. In other words, if it is the non-custodial parent's Fourth of July holiday and that falls on a period when the custodial parent has the child(ren), the holiday parenting time will prevail, etc. There will not be normal weekend parenting time for the non-custodial parent during the summer school vacation except as specifically set forth above.

All parenting time periods shall be exercised in a prompt manner so that both parties can make their plans accordingly. The non-custodial parent shall pick the child(ren) up from the front steps of the custodial parent's residence no earlier than fifteen (15) minutes before and not later than fifteen (15) minutes after the parenting time period commences. Return of the child(ren) to the front steps of the custodial parent's residence shall also be subject to the fifteen (15) minute rule. The custodial parent shall have the child(ren) fed and ready on time for parenting, with sufficient and proper clothing packed and ready for the parenting time period which the non-custodial parent shall return. In the event the child(ren) are ill and unable to visit, a makeup parenting time will be allowed to the non-custodial parent on the next succeeding weekend. However, if the non-custodial parent fails to exercise his or her parenting time, for reasons of health or any other reason, there will be no makeup parenting time period. The child(ren) will not be permitted to determine whether they wish to visit with the non-custodial parent.

Personal plans of the custodial parent or child(ren), school activities, church activities, and other considerations **will not** be reasons for failing to adhere to this parenting time schedule. Only substantial medical reasons will be considered sufficient for postponement of parenting time. Both parties will provide addresses and contact telephone numbers to the other party and of any emergency circumstances or substantial changes in the health of the child(ren).

The non-custodial parent shall, in addition to the parenting time set forth in this order, have the unlimited right to correspond with the minor child(ren) of the parties, and to telephone the minor child(ren) during reasonable hours without interference or monitoring by the custodial parent or anyone else in any way.

Both parties are restrained and enjoined from making derogatory comments about the other party in the presence of the child(ren) or in any way diminishing the love, respect and affection that the child(ren) have for the other party.

In addition to the parenting time specified above, the non-custodial parent shall have the right to visit with the child(ren) at school, attend the child(ren)'s school activities, and have full access to school teachers and administrators for complete information about the child(ren) in school.

## **Chapter 9 Probate and Adoption Proceedings**

### **9.015 PROTECTIVE PROCEEDINGS/OBJECTIONS**

If a person or an agency of business that provides guardianship services has asked a judge for the power to make decisions for a respondent who is alleged to be financially incapable or for a respondent who is a minor, and the respondent opposes having someone else make these decisions for the respondent, the respondent must make his/her objections in writing to the judge.

### **9.065 STATEMENTS AND DISBURSEMENTS**

Vouchers for disbursements made during the period covered by the account shall be retained by the personal representative. The personal representative shall maintain custody of the vouchers in compliance with ORS 116.083 (2) (d).

### **9.115 ADOPTIONS**

- (1) The petition for adoption shall be submitted with payment for the required filing fees only. Payment for the amended birth certificate is to be tendered with the proposed decree in accordance with subparagraph 2 (below)
- (2) The proposed decree for an adoptee who was born in Oregon shall be accompanied by an attorney check or money order payable to the Center for Health Statistics in the amount required by the center with the issuance of an amended birth certificate for each such adoptee. Decrees submitted without the required check or money order will be returned to the presenter.

## **Chapter 12 Mediation**

### **12.005 MANDATORY MEDIATION**

- (1) Any dispute involving custody and/or visitation and/or parenting time arising from any of the following types of cases shall be subject to mediation under this rule:
  - (a) Any domestic relations case, as defined in ORS 107.510(3)
  - (b) Any filiation proceeding pursuant to ORS 109.124 to 109.230.
  - (c) Proceedings to determine custody or support of a child under ORS 109.103.
  - (d) Any proceeding to modify custody and/or visitation/parenting time previously determined in one of the above types of cases.
  - (e) Any other matter involving a dispute over custody and/or visitation and/or parenting time upon request of the court.
- (2) 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. In order to preserve and promote the integrity of mediation as a dispute-resolution technique, the court will endeavor to include all reasonable agreements reached by the parties in formulating its order in the case.
- (3) A party subject to these rules may be excused from mandatory mediation upon application by the party to the Court with service upon the opposing party and after being given the opportunity to be heard in objection and upon showing good cause.

### **12.010 APPLICATION OF RULES**

- (1) These rules do not apply to mediation by private agreement.
- (2) These rules shall not be applied to restrict the process, but rather to grant considerable discretion to the mediator and mediating parties.

### **12.015 COURT JURISDICTION**

- (1) A case filed in the Circuit Court remains under the jurisdiction of that court in all phases of the proceeding, including mediation.
- (2) 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.
- (3) At any point during the mediation, the court may approve a temporary custody and visitation order reflecting the parties' agreement as to those issues.

#### **12.020 MEDIATION ORIENTATION**

- (1) When a proceeding under SLR 12.005 is filed with the court, the parties shall be ordered to appear at mediation orientation. The parents will be given the opportunity to choose a mediator from those on the court-approved mediator list at orientation or consult with their counsel and report their choice of mediator to the court within ten (10) days. If the parties are unable to agree upon a mediator within ten (10) days, the court will appoint a mediator and notify the parties of the appointment.
- (2) Mediation shall consist of an orientation session and a maximum of six hours involving the parties and the mediator. Additional time may be provided at the parties' expense.
- (3) Once assigned to mediation, the parties are required to attend the scheduled orientation session, unless by 5:00 P.M. the day of orientation, the parties through their attorneys or personally, request in writing, signed by both parties or their attorneys, excuse from attendance due to settlement or unforeseen emergency. If excused, the parties are required to attend the next mediation orientation unless the court has received a signed, Stipulated Order of Judgment by 5:00 P.M. of that day.

#### **12.025 MEDIATORS**

- (1) To qualify as a court-approved mediator, a person must:
  - (a) Sign and file an application with the court; and
  - (b) Receive approval of the Presiding Judge, upon recommendation of the Local Family Law Advisory Committee.
- (2) The Presiding Judge may remove a mediator from the court-approved list at any time at the Presiding Judge's discretion.

#### **12.030 CASE ASSIGNMENT OF MEDIATORS**

- (1) The parties may select a mediator of their own choosing; however, if the mediator is not on the list of court approved mediators, the expense of the mediator shall be the responsibility of the parties.
- (2) In the absence of a mediator selected by the parties, the court will appoint a mediator from the court approved list of mediators.

### **12.035 AUTHORITY OF MEDIATORS**

- (1) A mediator has the authority and control over the mediation process; but a mediator has no control or authority over the parties or their decisions in the case.
- (2) A mediator has the authority to include and exclude attorneys from the mediation sessions unless otherwise agreed to by the mediator and the parties, in writing.
- (3) A mediator shall encourage disputing parties to obtain individual legal advice and individual legal review of any mediation agreement before signing the agreement.
- (4) A mediator shall not act as a lawyer for either party.

### **12.040 SCHEDULING OF MEDIATION SESSIONS**

- (1) Upon notification of a mediation assignment, the mediator shall immediately notify the parties of a reasonable date and time for the initial mediation session which shall take place in Columbia County unless another location is agreed upon by the parties. The initial mediation session should occur within fifteen (15) days of the mediator's first notice of assignment.
- (2) Mediation shall be completed in a prompt manner as to not unduly delay the court and in no event later than any deadline date which may be ordered by the court.

### **12.045 MEDIATOR'S REPORT TO THE COURT**

- (1) In all cases which have been referred to a court appointed mediator, the mediator shall make a final report to the court describing the conclusion of the mediation, whether successful or unsuccessful.

#### **(a) Successful Mediation**

The mediator shall prepare a written memorandum of any agreement which the parties have reached as a result of mediation. The unsigned, proposed form of the memorandum of agreement shall be distributed to the parties and their counsel by the mediator. If the parties choose to sign a memorandum of agreement after having had the opportunity to review with an attorney, the document may then be incorporated into a court judgment or order.

#### **(b) Unsuccessful Mediation**

The mediator may notify the court at any time following the initial mediation session involving the parties and the mediator that mediation has been unsuccessful, in which case the proceeding will be scheduled for hearing in the same course and with the same priority as if there had been no mediation. The mediator may determine that the mediation has been unsuccessful if the parties are unable to resolve the custody or parenting time controversy; or, if one or both parties are unwilling to participate in mediation; or, if the mediator determines that either party is using the mediation process in bad faith for the delay of resolution of other issues.

### **12.050 COMPENSATION OF MEDIATORS**

- (1) In issues subject to mandatory mediation under these rules (custody and visitation), Columbia County shall compensate the mediator at the rate of \$60.00 per hour up to a maximum of six (6) hours per case, including one (1) hour for time spent preparing written memoranda or agreements. The funding source shall be fees collected pursuant to ORS 107.615 and 21.112.
- (2) In issues not involved in mandatory mediation, the parties may agree to mediate with the court-appointed mediator; but the compensation arrangements 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.
- (3) 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.

## **Chapter 13 Arbitration**

### **13.005 ARBITRATION PROGRAM**

Effective June 15, 1996, the Columbia County Courts adopted an arbitration program for Circuit Court civil money cases. All Circuit Court civil money cases wherein the only relief claimed is recovery of money or damages in the amount less than \$50,000 will be referred to arbitration unless otherwise ordered by the Court. These rules apply to cases filed on or after September 9, 1995 for which a trial date has not yet been set.

### **13.035 ARBITRATION COMMISSION**

The Arbitration Program shall function under the direction of an Arbitration Commission, appointed by the Presiding Judge.

### **13.045 REFERRING CASES TO ARBITRATION**

Cases which are otherwise subject to arbitration will be referred to arbitration as follows:

- (1) Within twenty (20) days of the date on which the Answer is filed, or
- (2) If no Answer has been filed, but the return of service has been received, within ninety (90) days of the date the Complaint is filed, or
- (3) At any time as specifically directed by the Presiding Judge.

### **13.085 ASSIGNMENT TO ARBITRATOR**

- (1) When a case is transferred to arbitration, the arbitration clerk will send the names of three (3) proposed arbitrators to the parties, along with notice transferring the case to arbitration.
- (2) Upon receipt of the proposed arbitrator listing, the parties will delete one proposed arbitrator and return the listing to the Arbitration Clerk within fourteen (14) days of its issue date. The Arbitration Clerk will appoint an arbitrator from those individuals remaining on the returned lists and send a copy of the appointment documentation to all parties and the arbitrator. The Arbitration Clerk will assign arbitrators to cases in a manner to ensure random selection.

- (3) Additional arbitrators for additional parties: If there are more than two (2) adverse parties, at least two (2) additional arbitrators shall be added to the list with the above principles of selection to be applied. The number of adverse parties shall be determined by the Arbitration Clerk.
- (4) When an otherwise eligible case is referred to arbitration, the parties may select, by agreement, a person to arbitrate the case who is not on the arbitration panel. The parties and the selected arbitrator may agree upon an arbitration fee which is different from the one provided in the rules. The arbitration procedure will, however, be subject to these rules unless modifications are authorized by the Presiding Judge.
- (5) The arbitration will take place in Columbia County unless another location is agreed upon by the parties.

### **13.095 ARBITRATION PANEL**

- (1) The Columbia County Arbitration Panel will consist of individuals selected by the Arbitration Commission and having the following qualifications:
  - (a) An attorney with at least five (5) years continuous practice of law in Oregon including significant experience in civil litigation, with a present emphasis in his or her practice of law on civil litigation; or
  - (b) State of Oregon retired or senior judge.
- (2) The parties may stipulate to any arbitrator.
- (3) The panel will be selected by the Arbitration Commission subject to approval of the Presiding Judge.
- (4) A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the Court. A list showing the names of the members of the Arbitration Panel will be available for public inspection in the Arbitration Clerk's office. Execution of the form, oath and agreement to serve must be completed and filed before an applicant is eligible to arbitrate a case.
- (5) Refusal and Disqualification - The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Arbitration Clerk immediately if refusing to serve, or if any cause exists for the arbitrator's disqualification from the case upon any grounds of interest, relationship, bias or prejudice governing the disqualification of judges.
- (6) If disqualified, the arbitrator must immediately return all materials in the case to the Arbitration Clerk and the assignment of the case to arbitration will be repeated in compliance with 13.085.
- (7) No arbitrator shall have pending at any given time more than three (3) arbitration cases.

### **13.125 COMPENSATION OF ARBITRATORS - CIRCUIT COURT CASES**

- (1) The Arbitration Commission shall establish a compensation schedule for arbitrators.\* The fee will be paid in equal shares by the parties within fourteen (14) days after the assignment of the arbitrator and will be deposited in the arbitrator's trust account until final disposition of the action. After final disposition, any refunds then owing will be paid within seven (7) business days.

\*The maximum fee per case established by the Arbitration Commission is \$500.00 except under extraordinary conditions when the procedural or substantive "complexity\*\*" of the matter justifies a higher fee.

\*\* For the purpose of this rule, "complexity" refers to the multiplicity of parties and their representative claims, but may include other factors. If the arbitrator suggests that such extraordinary conditions justify a larger fee, and the parties concur, the fee will be adjusted accordingly and will be paid in full by the respective parties prior to the commencement of the arbitration hearing. If the parties do not concur with the higher fee, the arbitrator will bring the matter to the attention of the Presiding Judge before the commencement of the arbitration hearing. In such circumstances, the Presiding Judge may authorize a higher arbitrator's fee which must be paid before the commencement of the arbitration hearing, but in no event more than fourteen (14) days following the Court's written approval.

- (2) If the plaintiff fails to pay the prescribed fee within fourteen (14) calendar days of assignment, the court may exercise its authority under UTCR 1.090 to strike the complaint which constitutes dismissal of the proceedings, absent relief prescribed by ORS 36.420(3).
- (3) If the defendant fails to pay the prescribed fee within fourteen (14) calendar days of assignment, the Court may exercise its authority under UTCR 1.090 to impose an appropriate sanction.

### **13.127 INDIGENT PARTIES**

- (1) In the event that funds are available under ORS 36.420 for the payment of fees that are waived or deferred, 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. Such request shall be in the form of a certificate stating the identity of the case, the total hours of service the arbitrator provided, and the share of those hours chargeable to the indigent party. If funds are available, reimbursement will be provided for up to three (3) hours for each indigent party. The certificate must be accompanied by a copy of the order waiving or deferring fees of indigent party.
- (2) In the event funds are not available under ORS 36.420 for the payment of fees that are waived or deferred by court order, a party may request that the clerk provide to the parties a list of arbitrators who have agreed to serve for no compensation, for compensation from one (1) party only, or at a reduced rate.
- (3) The clerk shall provide names of available arbitrators, but no arbitrator is required to serve unless he or she has agreed to such alternate fee arrangement. The parties shall select an arbitrator from such list in the same manner as required in SLR 13.085.

### **13.285 TRIAL SETTINGS ON ARBITRATION CASES WHERE A REQUEST FOR DE NOVO TRIAL IS FILED**

Every case in which a request for a trial de novo is filed will be set for trial within sixty (60) days of the date that the request for a trial de novo is filed.