

**22ND JUDICIAL DISTRICT
LOCAL CIRCUIT COURT RULES
CROOK/JEFFERSON**

1.151 LOCATIONS AND HOURS OPEN FOR BUSINESS

- (1) All offices of the Twenty-second Judicial District are open to conduct court business and receive and file court related paperwork from 8:00 AM to 5:00 PM Monday through Friday except as follows:
 - (a) All legal holidays
 - (b) In Crook County:
 - (1) 12:00 noon to 1:00 PM on Wednesday of the 2nd full week of each month;
 - (c) In Jefferson County:
 - (1) 12:00 noon to 1:00 PM on the 3rd Tuesday of each month;
 - (d) any other hour of closure as directed by the Presiding Judge due to a bona fide emergency.
- (2) All offices of the Twenty-second Judicial District are located as follows:
 - (a) In Crook County:
 - (1) 300 NE 3rd Street
Prineville, OR 97754
 - (b) In Jefferson County:
 - (2) 75 SE C Street
Madras, OR 97741

3.181 PUBLIC ACCESS COVERAGE IN AREAS OUTSIDE OF THE COURTROOM

- (1) Public Access Coverage is defined by UTCR 3.180(6).
- (2) This rule governs public access coverage in public areas outside of the courtrooms under UTCR 3.180(5).
- (3) For the purpose of this rule a Public Area is defined as any area within 30 feet of any point of ingress or egress to the courthouse and any hallway, elevator or other area used by the public for access to public offices or facilities within the external walls of the courthouse.

- (4) In Jefferson County, Oregon, all public areas are within the control and supervision of the court.
- (5) In Crook County, Oregon, all public areas are within the control and supervision of the court.
- (6) Subject to UTR 3.180, no public access coverage shall be permitted in any public area except as provided herein:
 - (a) Any party seeking to provide public access coverage in any area shall file with the clerk of the court a certificate (Appendix 1) in advance of commencing the coverage.
 - (b) Upon filing of the certificate described in sub-section (a) above, the clerk shall present the certificate(s) to the judge presiding in the case related to the coverage request.
 - (c) Upon receiving a request for public access coverage in any area the judge shall promptly:
 - (1) Permit or deny the public access coverage;
 - (2) If public access coverage is denied at any location, the judge must make findings of fact on the record setting forth the substantial reasons for the denial.
 - (3) The judge may prohibit public access coverage in public areas if there is any likelihood that the coverage would:
 - (A) constitute a material security risk to the public, jurors, witnesses or parties;
 - (B) interfere with the rights of the parties to a fair trial or would affect the presentation of evidence or outcome of the trial; or
 - (C) cause any cost or increased burden from the coverage that would interfere with the efficient administration of justice.
 - (4) When public access coverage is permitted, the judge shall, subject to the requirements of this rule, establish the restrictions that apply to the coverage.
 - (A) Public Access coverage restrictions may include:
 - (i) pooling coverage as described in UTR 3.180(2); and

- (ii) any restrictions reasonably necessary to preserve the solemnity, decorum and dignity of the court and to protect the parties, witnesses and jurors;
- (B) Public Access coverage restrictions shall include:
 - (i) a prohibition of any coverage of matters described in UTCR 3.180(2)
- (C) If Public Access Coverage for public areas is requested, coverage restrictions may include:
 - (i) the designation of reasonable location no closer than 15 feet from the courtroom where the case related to the request will be heard; and
 - (ii) a requirement that public access coverage representatives will be required to physically stay within the designated areas.

6.012 (A) OPTIONAL SETTLEMENT CONFERENCE

- (1) Any civil case assigned a time and place for trial shall be calendared for a settlement conference approximately twenty-one (21) days before the trial if requested by a party or required by the Court. Such request must be made in writing and filed in the case with a copy to the other parties at least forty-two (42) days prior to the scheduled trial date. The purpose of the settlement conference is to provide a forum to resolve disputes before trial through the active participation of counsel and the Court.
- (2) At the settlement conference the Court shall require the attendance of all parties and their trial attorneys. When a party is insured, a representative of the insurance company who has full authority to settle the case shall be in attendance or readily available by telephone.

An out-of-county or out-of-state party may apply to be excused from appearing at the settlement conference by initiating a conference call to the presiding judge in advance of the scheduled settlement conference. The presiding judge or his designee shall rule on said request and, if appropriate, excuse the party from appearing.

- (3) Settlement conferences shall be held informally before a judge at a time and place provided by the presiding judge. The conference may be continued as part of a continuing settlement conference to another day before trial by the judge. Each case on the settlement conference calendar shall retain its place on the civil active list. If the case does not settle at such conference, no reference shall thereafter be made to any settlement discussion had under this rule except in subsequent settlement proceedings.

In the event that a settlement is not reached at the settlement conference, a judge other than the one who participated in the settlement proceeding shall be assigned to try the case.

- (4) For a meaningful settlement conference to take place, all attorneys and parties must participate in good faith.
- (5) In the event settlement negotiations are not successful, counsel should expect and be prepared to proceed to trial on the date scheduled. Every effort will be made by the Court to insure that the case proceeds to trial on the date scheduled. This Court will deny all requests for continuance except in case of emergency or highly unusual circumstances.

6.012 (B) SETTLEMENT CONFERENCE STATEMENT

- (1) In a civil case in which a settlement conference is scheduled, the parties shall file, not less than seven (7) days prior to the date of the settlement conference, a detailed settlement conference statement with the Court and serve a copy on opposing counsel. The date and time of hearing shall be typed on the face sheet of the statement.
 - (a) In the case of personal injury/property damage litigation, the plaintiff is directed to prepare a summary of facts, a summary of the injuries and/or damages, a summary of any special legal issues involved, and a settlement demand. Plaintiff shall attach a copy of the most recent medical report(s).
 - (b) The defendant is directed to prepare a similar statement setting forth Defendant's version of the facts, the injuries, legal issues, settlement offer, and a copy of the most recent defense medical report(s).
 - (c) In other classifications of cases, each side shall prepare an appropriate settlement statement setting forth a summary of the facts, legal issues, damages and relief demanded together with plaintiff's settlement demand or defendant's settlement offer.

6.012 (C) VOLUNTARY SETTLEMENT CONFERENCE

A voluntary settlement conference may be requested by all parties for an action at any stage of the proceeding by filing a request for a voluntary settlement conference with the calendar clerk. The presiding judge, or designee, shall rule on said request and, if appropriate, calendar the matter for a voluntary settlement conference.

6.101 ARGUMENTS ON OBJECTIONS OR MOTIONS

During the course of the trial no argument will be allowed on an objection or motion except when the trial judge desires to hear counsel.

7.005 ENTRY OF GUILTY PLEA BY ATTORNEY IN MISDEMEANOR CASES IN DEFENDANT'S ABSENCE

When any attorney enters a guilty plea for a non-appearing defendant charged with a misdemeanor, violation or major traffic offense, the attorney shall submit a guilty plea in writing, signed by the defendant, acknowledging an itemized waiver of appropriate constitutional and statutory rights.

7.015 PRETRIAL CONFERENCES IN CRIMINAL PROCEEDINGS

- (1) At arraignment all cases will be set for pretrial conference to allow for plea agreement negotiations and the completion of discovery and investigation. Pretrial conferences for in custody cases shall be set within twenty-one (21) days and out of custody within thirty-five (35) days.
- (2) A district attorney, the defense attorney and the defendant must appear at the pretrial conference, unless appearance is waived by the Court.
- (3) At the pretrial conference, in addition to the information required by UTCR 7.010, counsel shall be prepared to relate:
 - (a) the status of the plea agreement negotiations, if any;
 - (b) whether any scheduling or attorney conflicts exist; and,
 - (c) whether there are any discovery problems.

7.016 SETTLEMENT CONFERENCES IN CRIMINAL PROCEEDINGS

- (1) After pretrial conference, at the discretion of the Court, a settlement conference may be held at the request of either party on the record or in writing. The settlement conference shall be held no later than fourteen (14) days prior to trial. The purpose of the settlement conference is to provide an opportunity for the early resolution of the case, if appropriate.
- (2) No later than the date of the settlement conference, the district attorney or his assigned deputy shall submit, where appropriate, a proposed negotiated disposition to defense counsel. Defense counsel shall inform his client of the offer. The same attorneys shall attend the settlement conference. The prosecuting attorney shall have at all stages of the proceeding full authority to dispose of the case.
- (3) The defendant shall be personally available at the settlement conference and remain present and available for discussion with counsel. If a negotiated disposition has been offered to the defendant, the defendant shall inform the Court of the defendant's decision.

- (4) If negotiated disposition has not been offered to the defendant, or the defendant declines to enter a plea of guilty to a negotiated disposition, the defendant should be prepared to proceed to trial.

7.025 SETTING TRIAL IN CIVIL CASES

- (1) Civil trials are set during pretrial conferences in court or in chambers with counsel being required to appear with their calendars either in person or by conference call, and it is customary for the Court to provide written confirmation of the date.
- (2) Civil trials are reset by telephone and it is customary for the Court to provide written confirmation of the date.
- (3) When counsel participates in the setting of the date in court or by telephone, a continuance will not be granted if the ground relied upon is that the Court failed to provide written confirmation.

7.026 SETTING MOTIONS IN CIVIL CASES

- (1) Civil motions are set by telephone, but are sometimes set in court or in chambers during a pretrial conference. When being set, counsel are required to appear with their calendars either in person or by conference call. In both instances it is customary for the Court to provide written confirmation of the date. On occasion a date will be set at the convenience of the Court and counsel advised only by written notice.
- (2) Civil motions are reset by telephone and the Court customarily provides written confirmation of the date. On occasion civil motions shall be reset by the Court. At any reset conference, counsel shall be prepared with their respective calendars.
- (3) When counsel participates in the setting of the date in court or by telephone, a continuance will not be granted if the ground relied upon is that the Court failed to provide written confirmation.

7.027 SETTING MOTION AND TRIAL DATE IN CRIMINAL CASES

- (1) Criminal motions are set in Court during pretrial conference, at which time counsel are required to be present with their calendars. Criminal motions are also occasionally set by telephone. In both instances the Court customarily provides written confirmation of the date.
- (2) Criminal motions are reset by telephone and the Court customarily provides written confirmation of the date. On occasion a date is set at the convenience of the Court and counsel advised only by written notice.
- (3) Criminal trials are set during pretrial conferences, at which time counsel are required to be present with their calendars, and the Court customarily provides written

confirmation of the date. On rare occasions a trial will be set on a date at the convenience of the Court with counsel receiving only a written notice.

- (4) Criminal trials are reset by telephone, but are occasionally reset in court. If reset in court, counsel are required to be present with their calendars and in both cases it is customary for the Court to provide written confirmation of the date.
- (5) When counsel participates in the setting of the date in court or by telephone, a continuance will not be granted if the ground relied upon is that the Court failed to provide written confirmation.

7.031 TRIAL CALL

- (1) A trial call conference shall be scheduled for every case set on the trial docket;
- (2)
 - (a) The trial call conference shall be held upon a judicial day and time set by the Presiding Judge in the week immediately preceding the week of trial unless the case under consideration involves complex issues.
 - (b) Any complex case may, at the discretion of the presiding judge, be set up to 21 days prior to the date set for trial;
- (3) Counsel and client who practice or reside within 25 miles of the courthouse where the case is scheduled shall be personally present at trial call;
- (4) If counsel or client practice or reside more than 25 miles from the courthouse where the case is scheduled, either or both may participate by telephone. If a telephonic conference is conducted, then both client and counsel shall participate in the telephone conference at the time of trial call;
- (5) If the case has been concluded by negotiation at or prior to the trial call, then the parties should be prepared to tender the paperwork necessary to effectuate the settlement at the trial call. If a settlement has been reached in a criminal case, the plea will be taken at the time of the trial call unless the court directs otherwise;
- (6) If the parties have settled the case and the paperwork has been tendered to the court or proceedings have been conducted to conclude the case prior to the trial call, then the trial call appearance shall be waived;
- (7) Any party may move the court to waive personal appearance provided elements of subparagraphs 4, 5 and 8 have been met prior to trial call;
- (8) If the case is not resolved, counsel shall be prepared to provide the court with the following information and materials:
 - (a) the length of trial;
 - (b) the number of witnesses;

- (c) whether witnesses have been subpoenaed;
 - (d) the nature of any pre-trial issues and the expected duration of any necessary hearings related to pre-trial issues;
 - (e) the time and date of last client contact;
 - (f) proposed jury instructions if a jury trial is required;
 - (g) UTCR 8.010 statement if it is a domestic relations case; or
 - (h) any trial memorandum the parties intend to present for trial.
- (9) At the conclusion of the trial call session, the court will prioritize and set the time and date of the trial;

DOMESTIC RELATIONS PROCEEDINGS

8.001 The following types of cases shall be subject to the supplementary local rules contained in Chapter 8: Dissolution and annulment of marriages, separation, child and spousal support, filiation, dissolution of domestic partnerships, family abuse prevention, adoption, habeas corpus of children and such other cases as shall be assigned by the presiding judge.

8.002 DOCKETING DOMESTIC RELATIONS PROCEEDINGS

(1) MATTERS REQUIRING THIRTY MINUTES OR LESS OF HEARING TIME

Unless otherwise ordered by the presiding judge all matters requiring thirty minutes or less of hearing time shall be specially set and shall be heard on a day designated by the presiding judge.

(2) CASES INVOLVING MORE THAN THIRTY MINUTES OF HEARING TIME

Cases requiring more than thirty minutes of hearing time will be docketed and assigned in accordance with the current docketing and assignment rules of UTCR.

(3) Domestic relations matters may be removed from hearing schedules by order of the Court.

8.041 TEMPORARY ORDERS, ORDER REGARDING CUSTODY AND PARENTING TIME ORDERS

- (1) All prejudgment and post-judgment custody, parenting time and temporary status quo orders are controlled by ORS 107.097 or ORS 107.138. Any hearings set to consider the entry of such orders must be set in a fashion consistent with ORS 107.097 or ORS 107.138.

(2) Temporary Custody and Parenting Time Orders

At any point during the proceeding the Court may approve a temporary custody and parenting time order reflecting the party's agreement as to the issues.

8.042 ORDERS TO SHOW CAUSE

- (1) The procedures outlined in this rule are limited to domestic relations cases. Domestic relations cases shall include legal separations, annulment of marriage, dissolution of marriage and filiations. This rule is not applicable to contempt proceedings related to such actions.
- (2) Except for proceedings governed by ORS 107.097, ORS 107.135(12) or ORS 107.138, this rule shall apply to all orders to show cause in domestic relations matters whether or not the issues are pre-trial or post-judgment.
- (3) An order to show cause will be allowed only upon the motion of a party supported by sufficient affidavit. The order to show cause will not contain a date for hearing. It shall provide as follows:
 - (a) The adverse party must file and serve an answering affidavit within twenty-one (21) days from the date of service of the order and initiating affidavit. The Court may allow additional time upon a showing of good cause;
 - (b) If the answering affidavit is not filed and served within the twenty-one (21) days or such other time as allowed by the Court, the Order requested by the Motion and Order to Show Cause may be granted and entered by the Court;
 - (c) If the child support or spousal support is an issue then the answering affidavit must include a sworn Uniform Support Affidavit in the form approved by the Uniform Trial Court Rules with a true copy provided for the moving party;
 - (d) If the Uniform Support Affidavit is not completely filled out with all necessary exhibits, it may not be considered by the court and the party will be required to submit a completed form.
- (4)
 - (a) If the opposing party fails to file an answering affidavit within the time allowed, the moving party shall forthwith submit an order allowing the relief requested in the order to show cause.
 - (b) The Court may:
 - (1) Require the taking of testimony of the moving party in such default matters;
 - (2) Enter the order requested if the opposing party does not file the required affidavit; and,

- (3) Enter the order upon its own motion if the moving party fails to present an order.
- (5) If the opposing party files an answering affidavit, the docket clerk shall set a hearing date to determine the issues raised by the order to show cause and the affidavits. A notice of the hearing date shall be mailed to both parties.

8.075 PARENTING SCHEDULE

Unless otherwise directed by the Court, or the parties stipulate to a different schedule of parenting time which is approved by the Court, a non-residential parent shall have the right to have parenting time with the minor child(ren) of the parties according to the schedule and guidelines which are set forth in Appendix 2 or 2A.

8.101 EDUCATION FOR DIVORCING PARENTS - ORS 3.425

- (1) The following cases are subject to this rule: annulment or dissolution of marriage actions, legal separation actions, petitions to establish custody or parenting time, and post-judgment litigation involving custody or parenting time.
- (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 14 days of receiving notice of this education requirement. All parties shall complete the program before the initial pretrial conference.
- (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 at the pretrial conference.
- (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 14 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.

9.061 FEES IN ESTATES, GUARDIANSHIPS AND CONSERVATORSHIPS

The attorney for the personal representative shall maintain time records for twelve (12) month and, upon request of the Court, shall furnish a copy of that record to the Court to assist the Court in fixing a reasonable attorney's fee as provided by ORS 116.183.

9.081 OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN/CONSERVATOR

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 by telephone at:

- Jefferson County Trial Court (541)475-3317
- Crook County Trial Court (541)447-5116

or in person at:

- Jefferson County Trial Court Office
75 SE C Street, Madras, OR 97741
- Crook County Trial Court Office
300 NE 3rd Street, Prineville, OR 97754.

The objecting party should advise the court clerk that the objecting party wishes to make oral objections to the Petition. The Clerk shall make contact with the judicial assistant of the judge assigned to the case. Upon contact the judicial assistant shall immediately:

- (1) Determine the name, address and telephone number of the objecting party;
- (2) Write out the nature of the oral objection upon the form provided in Appendix 3; and
- (3) Unless waived by order of a judge, collect the filing fee required by ORS 21.310. File the original written material with the court file; and
- (4) Immediately send a copy to: a) the opposing party or counsel, if represented; b) any party who has appeared; and c) the judge assigned to the case.

The docketing clerk will schedule a hearing and notify the appropriate parties.

11.051 PERSONAL APPEARANCE REQUIRED

In all termination and dependency cases, parent(s) and any guardian(s) shall be served a Summons to personally appear at a time and place specified to answer the Petition. The parent(s) and any guardian(s) must personally appear in court at the time and date specified in the Summons. A written appearance shall not be permitted. A parent or guardian may make written application to the Court for their personal appearance by

telephone in extraordinary circumstances; however, the written application must be filed with the Court two (2) days prior to the time scheduled for the parent's or guardian's personal appearance. The written application must include the person's current residence address, mailing address, telephone number, and the person's acknowledgment that it is their obligation to initiate/place the telephone call to the Court at the time scheduled for their appearance.

12.011 MEDIATION IN CHILD CUSTODY/PARENTING TIME ISSUES

(1) COMMENCEMENT OF MEDIATION BY STIPULATED REQUEST FOR MEDIATION

Mediation may be commenced by the stipulation of the parties or by Court order. Court orders may be granted in the discretion of the Court, on the motion of either party or on the Court's own motion. 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.

(2) MEDIATION AND CUSTODY/PARENTING TIME STUDY BEFORE HEARING

Subject to the provisions of ORS 107.755, the Court may decline to hear a custody or parenting time dispute until and unless the parties have participated in mediation in order to resolve the issues between them. The Court may order mediation and require the parties to participate in the study upon its own motion even in the absence of a request from one or both of the parties.

(3) GOOD FAITH REQUIRED

Mediation shall not be used by any parent in bad faith for the purposes of delay or 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.

(4) UNSUCCESSFUL MEDIATION

In the event the parents are not successful in mediating the custody or parenting time controversy, the mediator shall notify the Court. The matter will be scheduled for a hearing in the same course and with the same priority on the docket as though there had been no mediation.

12.025 MEDIATION OF CIVIL DISPUTES

The 22nd Judicial District has a mediation referral program pursuant to ORS 36.180 to 36.210. These rules are effective upon the presiding judges' approval of a mediation panel consistent with SLR 12.065. On the effective date, the rules apply to new cases and pending cases which are subject to mandatory arbitration but have not yet been referred to the program.

12.035 APPLICATION OF CHAPTER

This SLR chapter applies to mediation by court referral or stipulation under ORS 36.180 to 36.210 but does not apply to any of the following:

- (1) Proceedings in child custody and parenting time as provided in ORS 107.510 to 107.610.
- (2) Proceedings in small claims court as provided in ORS 46.405 to 46.485.
- (3) Proceedings in forcible entry and detainer cases as provided in ORS 105.105 to 105.165.

12.045 MEDIATION COMMISSION

- (1) There is established a mediation commission which includes judges, attorneys, non-attorneys, and the court administrator, at least some of whom have experience as a mediator.
- (2) All members shall be appointed by, and serve at the pleasure of, the presiding judge for two year terms.
- (3) The function of the mediation commission is to monitor the mediation program, review the qualifications and training of mediator, and advise the court on other functioning of the mediation program.

12.055 MEDIATION PANEL ESTABLISHED

There shall be a panel of mediators made up of persons who have the minimum qualifications and training prescribed in UTCR Chapter 12, and have been appointed at the discretion of the presiding judge.

12.065 APPOINTMENT TO MEDIATION PANEL

- (1) To apply to be listed on the panel of mediators, a person must sign and file an application as provided by the court.
- (2) The mediation commission shall review each applicant 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 shall be made the presiding judge.
- (4) Failure to submit a confirmation of address and intent to remain on the list shall be cause for removal from the list.

12.075 REMOVAL FROM MEDIATION PANEL

- (1) The presiding judge may remove a listed mediator at the presiding judges's discretion.

12.085 ASSIGNMENT, SELECTION, AND COMPENSATION OF MEDIATOR

- (1) A mediator shall be assigned by the presiding judge or selected by the parties within 21 days after the referral to mediation.
- (2) The mediation commission may establish a compensation schedule which shall apply only when a mediator is assigned by the court. If a mediator is selected by the parties, then compensation shall be determined by the parties and the mediator.

12.095 COMPLETING THE MEDIATION

Any mediation under these rules must be completed within 90 days after the entry of an order referring the case to mediation, unless otherwise ordered by the court.

13.005 MANDATORY ARBITRATION PROGRAM

- (1) The following civil matters are subject to mandatory arbitration: a) All civil actions where the only relief claimed is recovery of money or damages and no party asserts a claim in matters involving less than \$25,000 in the Circuit Court costs and disbursements and interest on judgments; b) All domestic relations actions, as defined in ORS 107.510, in which the only contested issue is the division or other disposition of property between the parties;
- (2) Other matters may be referred to arbitration pursuant to ORS 36.400 to 36.425. Only matters mediated by private mediation or mediated under SLR 12.025 through SLR 12.095 or upon order of the Presiding Judge, or his designee, may exempt or remove from arbitration civil actions that would otherwise be subject to mandatory arbitration.

13.048 INDIGENT PARTIES

- (1) In the event funds are available under ORS 36.420 for the payment of fees that are waived, the arbitrator shall be reimbursed after completion of the arbitration, filing of the Arbitration Award, and submission of the form approved by the State Court Administrator for such purpose.

13.055 REFERRING CASES TO ARBITRATION

Cases subject to arbitration will be referred to arbitration as follows:

- (A) Within 30 days when the case is at issue unless otherwise ordered by the court;

(B) At any time as specifically directed by the judge to whom the case is assigned, or by the Presiding Judge.

16.005 TRIAL BY AFFIDAVIT

If the appropriate statutory section allows for an infraction or violation trial to be conducted by affidavit, then the following must occur:

- (1) The alleged violator must file the waiver form contained in Appendix 4 at least twenty-one (21) days in advance of the date of trial; and,
- (2) Any witness affidavit (including, but not limited to, the affidavit of the alleged violator or officer) must be filed with the court and served upon the opposing party seven (7) days in advance of the trial;
- (3) Failure to file the affidavit as required herein without good cause shown may result in the affidavit not being considered by the Court.