

TILLAMOOK COUNTY CIRCUIT COURT SUPPLEMENTARY LOCAL RULES **OSCA****CHAPTER 1****1.151 COURT HOURS FOR CONDUCTING BUSINESS**

The Courts are located in Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon, 97141.

Court hours for conducting business and the filing of documents are 8:00 A.M. to 12:00 noon and 1:00 P.M. to 5:00 P.M., Monday through Friday, excluding State observed holidays.

CHAPTER 7**7.011 SCHEDULING OF CRIMINAL TRIALS**

Criminal trials shall be set in open court in the presence of the defendant, defense attorney and prosecutor so that all interested persons will have actual notice thereof. This will ordinarily occur at the time of a plea entry. Attorneys will be expected to have their personal calendars available for discussion.

7.015 SCHEDULING AND NOTIFICATION OF PARTIES FOR TRIAL AND MOTIONS

- (1) Scheduling of civil and domestic relations trials shall be as follows: When a civil or domestic relations case is at issue, the docket clerk will forward to the attorney for each of the parties, a Trial Setting Order, substantially in the form set forth on Appendix 1, attached hereto and incorporated herein by this reference. Each attorney shall accurately complete each provision of the questionnaire and return it to the Court by the date shown on the questionnaire. The docket clerk will schedule a trial based on the information obtained and give written notice to counsel for each party in accordance with (3) of this rule.
- (2) Upon the filing of a motion or response requesting oral argument, in accordance with UTCR 5.050(1), the docket clerk shall schedule the matter for argument. All motions will be scheduled for the time estimated in the request, but not more than 30 minutes. An attorney receiving a notice scheduling an amount of time for argument which the attorney believes is insufficient shall advise the docket clerk of that insufficiency immediately.
- (3) Notification of the dates for trial and motions shall be given as follows:
 - (a) Notice of the date set for trial in a criminal, civil or domestic relations case shall be sent to counsel for each party. The written notice shall inform counsel of the date and hour trial is scheduled to commence, the number of days scheduled and whether it is before the Court or to a Jury.
 - (b) When a motion is scheduled for argument the docket clerk shall send to counsel for each party a written notice stating the date, the hour and the amount of time scheduled for argument. Unless counsel makes arrangements for a conference call, all arguments will be heard in person in the courtroom. The Court has a speaker phone system which can be set up in the courtroom so the court reporter can make a record of argument made by counsel appearing by conference call. Counsel desiring to proceed in that manner shall advise the docket clerk of their need for a court reporter at least one hour prior to the time for argument.

CHAPTER 8 - DOMESTIC PROCEEDINGS

8.015 PARENTING EDUCATION PROGRAM

- (1) The following cases are subject to this rule; annulment, legal separation or dissolution of marriage actions where the parties have a child under the age of 18 years, petitions to establish custody or visitation and post-judgment litigation involving custody or visitation.
- (2) All parties to proceedings identified above, shall successfully complete the parenting program offered by the Court designated providers. Parties shall register for the program within 15 days of receiving notice of this education requirement. All parties shall complete the program before trial or entry of judgment.
- (3) Notice and instructions to the petitioner of the requirement that the parties complete the education program will be provided by the Trial Court Administrator when the petition[er] is filed. Petitioner, when serving the respondent with the petition[er] 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 indigence to the Court, and the party meets indigence guidelines.
- (5) Each person who successfully completes the Court's program shall present a certificate of completion to the Judge before trial or entry of judgment.
- (6) Upon a showing of good cause, a party may request a waiver of this rule. The request must be made by motion, supported by affidavit and filed within 15 days of receipt of the Trial Court Administrator's Notice.
- (7) Court action on a petition or request for post judgment relief shall not be delayed by a party's refusal or delay in completing the program unless the non-complying party is a 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 PRE-JUDGMENT OR PENDENTE LITE RELIEF PURSUANT TO ORS 107.095(1)

- (1) All applications for pre-judgment relief under ORS 107.095(1) must be by motion for a show cause order and the said order must state separately each item of relief requested by the moving party. Such orders may not state the requested relief by references to a supporting affidavit.
- (2) All such show cause orders shall specify a response time not less than twenty-one (21) days from the date of service thereof upon the opposing party. Such orders shall require the opposing party to respond by filing a response in writing together with opposing affidavits (and requesting affirmative relief, if any) and serving a copy thereof upon the moving party within the aforesaid response time. The said motion, order and supporting affidavits must be served upon the opposing party and the order must have attached thereto a notice substantially in conformity with the form notice set forth in Appendix I to these rules. However, use of such notice may be dispensed with if such service is made upon an attorney known to be representing the opposing party.

- (3) If the opposing party fails to respond to the show cause order as aforesaid, at any time following the response time, and while the opposing party is in default, the moving party may present an order granting the relief sought, provided that proper return of service for the show cause order has been filed.
- (4) If the opposing party responds to the show cause order in due course, the moving party shall have seven days from the date of the Courts receipt of the response to file a reply with supporting affidavits. The reply shall be limited to addressing matters or contentions in the response. Seven days from the date of the Court's receipt of the response the Court shall assume the matter is ripe for disposition and shall then in ordinary course decide the matter on the record by reference to the filed materials and promptly notify the parties of any decision by mail or by telephone conference call, whichever seems necessary or expedient.
- (5) However, for good cause shown or upon its own motion, the Court may set such show cause proceedings for determination in open court at a time certain and give notice thereof to both parties.
- (6) The Court may consider applications for ex parte temporary custody and/or parenting time orders pursuant to ORS 107.097(3) at 1:00 p.m. each judicial day, subject to the moving party scheduling such application with the Court's Calendar Coordinator not later than 4:00 p.m. of the previous judicial day. The Court may consider application for ex parte immediate temporary orders for such things as support, restraint, etc., if sufficiently supported by affidavit or other appropriate documentation establishing a bona-fide emergency need therefore. Such applications shall be allowed only if done in conjunction with show cause proceedings as provided herein above touching upon the same issues as are contained in the temporary order so that the opposing party is provided an opportunity to respond. An application for a Temporary Protective Order of Restraint shall be in conformance with ORS 107.097(2).

8.070. Parenting Time Guidelines

Attached as Appendix II is a recommended schedule for parenting time for proceedings where there are minor children. The schedule is a guideline only and may be modified based upon appropriate circumstances in individual cases.

CHAPTER 8 - APPENDIX I

You must file a response in writing to this Order within twenty-one (21) days from the date this order is served upon you. If you do not file a written response within such time, the other side may automatically be given the relief against you which the other side is requesting in the attached motion.

In order to file a response in writing, you must do the following things:

- (1) Your written response must contain the title and number of this case.
- (2) Your written response must specify the item or items of relief requested by the other side which you oppose. In addition, you will need to file supporting affidavits setting forth the reasons you oppose the requested relief and facts supporting your position.
- (3) Your written response must be signed by you and must contain your current mailing address. All future notices and documents in this case will be sent to you at the address listed on your written response unless and until you file in this case a written notice of a change of such address, and the court will proceed on the assumption that you have received all communications and documents mailed to you at your most current address on file in this case.
- (4) Your written response together with supporting affidavits must be mailed or presented to the clerk of the Court so as to actually reach the clerk of the Court within the time stated above.
- (5) Your written response must be accompanied by payment of any filing fee required by law for the filing of the response, or you must obtain a Court order waiving or deferring such filing fee (you should contact the clerk of the Court if you have any questions concerning a filing fee).
- (6) At or before the time you file your written response with the clerk of the Court, you must mail a copy of the response together with a copy of supporting affidavits to the attorney for the other side, or to the other side personally if the other side is not represented by an attorney, and you must attach to the response which you file with the clerk a certificate showing that you have mailed a copy of the response to the attorney for the other side or to the other side personally. If you file a written response in the manner and within the time stated above, the Court will decide whether or not to grant the relief requested by the other side, and you will be notified by mail of the Court's decision.

However, you will not be entitled to seek any relief for yourself against the other side. If you wish to seek affirmative relief for yourself against the other side, you must file an appropriate motion or motions for such relief, and you must mail a copy of such motion or motions to the attorney for the other side or to the other side personally if the other side is not represented by an attorney.

If you have any questions, you should see an attorney immediately.

CHAPTER 8 - APPENDIX II
GUIDELINES FOR PARENTING TIME WITH MINOR CHILDREN
IN DOMESTIC RELATIONS CASES

1. DEFINITIONS:

- 1.1 Weekends: A weekend is defined as commencing at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday. The first weekend of the month is defined as the first one that has both a Saturday and a Sunday within the same calendar month.
- 1.2 Vacation and Holiday Periods: These are the dates set by the public school district in which the child resides whether or not the child is attending school or the dates enrolled in that school.

2. PARENTING TIME: The non-custodial parent shall have not less than the following parenting time with the minor child(ren) unless agreed upon by the parents:

2.1 Children 0 - 1 years.

- a) Weekends: First, third, and fifth Saturdays of each month from 9:00 A.M. to 6:00 P.M.
- b) Mother's Day/Father's Day: 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 6:00 P.M.
- c) Christmas: Christmas Eve from 9:00 A.M. to 9:00 P.M. in odd numbered years and Christmas Day from 9:00 A.M. to 9:00 P.M. in even numbered years.
- d) Midweek: Each Wednesday from 5:00 P.M. to 8:00 P.M.

2.2 Children 1 - 2 years.

- a) Weekends. The first, third, and fifth weekends of each month from 9:00 A.M. Saturday to 9:00 A.M. the following Sunday.
- b) Mother's Day/Father's Day. 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 6:00 P.M.
- c) Christmas: Christmas Eve from 9:00 A.M. to 9:00 P.M. in odd numbered years and Christmas Day from 9:00 A.M. to 9:00 P.M. in even numbered years.
- d) Summer: In lieu of summer parenting time, there shall be five (5) consecutive days each calendar year quarter upon thirty (30) days advance written notice to the primary custodial parent.
- e) Midweek: Each Wednesday from 5:00 P.M. to 8:00 P.M.

2.3 Children over 2.

- a) Weekends: The first, third and fifth weekends of each month.
- b) Inservice/Conference Days: In addition to weekend parenting time, if the child(ren) has a day out of school on either or both the Monday following and/or the Friday preceding the non-custodial parent's weekend parenting time, the non-custodial parent shall also have parenting time with the child(ren) on said extra day(s) commencing either 24 hours before and/or ending 24 hours after the scheduled parenting time.

- c) Summer: Thirty-five consecutive 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 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) if and to the extent that the time remains for such parenting time after the custodial parent's parenting time plans of up to two consecutive weeks.

1. When the non-custodial parent exercises his or her right to a summer parenting time period of more than 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 parenting time by the custodial parent shall not lengthen the thirty-five day parenting time period allowed to the non-custodial parent.

2. The custodial parent shall have the right to designate one weekend each summer when the non-custodial parent's weekend parenting time 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 period.

d) Holidays:

1. **Even numbered years:**

- a) Christmas: From 6:00 P.M. the day school lets out for Christmas vacation until 10:00 A.M. on December 26.
- b) Child's Birthday: The birthdays of the child(ren), from 9:00 A.M. to 6:00 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 weekday.
- c) Thanksgiving holiday: Commencing on the Wednesday prior to Thanksgiving, at 6:00 P.M. and ending on the Sunday following Thanksgiving at 6:00 P.M.
- d) The Fourth of July: If this holiday does not fall on Friday, Saturday, Sunday or Monday, parenting time shall commence at 9:00 A.M. and shall end at 10:00 P.M. on July 4th. If this holiday falls on a Saturday, Sunday or Monday, parenting time shall commence at 6:00 P.M. on the Friday preceding the Fourth of July, and shall end on Sunday the 4th, or Monday the 4th, as the case may be, at 6:00 P.M. If this holiday falls on a Friday, parenting time shall commence at 6:00 P.M. on Thursday and shall end at 6:00 P.M. on the following Sunday.
- e) Spring Break: The school spring vacation from 9:00 A.M. the day after school adjourns to 6:00 P.M. the day before school resumes.

2. **Odd-numbered years:**

- a) Christmas: From 10:00 A.M. on December 26 until 6:00 P.M. on the day before school resumes.

2. Odd numbered years cont. . . .

- b) Child's Birthday: The day before the child(ren) birthday, from 9:00 A.M. to 6:00 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 weekday.
- c) Memorial Day Weekend: Commencing on the Friday preceding Memorial Day at 6:00 P.M. and ending on the following Monday at 6:00 P.M.
- d) Labor Day Weekend: Commencing on the Friday preceding Labor Day at 6:00 P.M. and ending on the following Monday at 6:00 P.M.
- e) Mother's Day/Father's Day. 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 6:00 P.M.
- f) Parent's Birthday: Each parent shall have parenting time with the child(ren) on that parent's birthday from 9:00 A.M. to 6:00 P.M.

3. RULES OF PARENTING TIME:

- 3.1 Holiday Parenting Time Supersedes: Holiday and summer parenting time supersedes weekend parenting time in the event there is a conflict of dates.
- 3.2 Exchange Times: 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 30 minutes before and no later than 30 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 30 minute rule. The custodial parent shall have the child(ren) fed and ready on time for parenting time, with sufficient and proper clothing packed and ready for the parenting time period.
- 3.3 Makeup parenting time: 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 any reason other than health, 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 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 schedule. Both parties will provide addresses and contact telephone numbers to the other parent and of any emergency circumstances or substantial changes in the health of the child(ren).

- 3.4 Correspondence and Telephone Contact: 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. Unless otherwise agreed to between the parties, telephone conferences between the non-custodial parent and the child(ren) shall be limited to no more than 2 per week and shall be limited, each call, to 10 minutes or less in duration.

- 3.5 Inappropriate Remarks: Both parents are restrained and enjoined from making derogatory comments about the other parent or in any way diminishing the love, respect and affection that the child(ren) have for the other parents.
- 3.6 School Activities: 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 12 - MEDIATION

12.001 MATTERS SUBJECT TO MEDIATION

(a) Mandatory Mediation

Any matter identified in ORS 107.755 or described in ORS 107.765 shall be subject to mediation. The Court will not consider any contested custody or parenting time issue in a proceeding that results in a final judgment or order, and the Court may decline to consider any contested custody or parenting time issue in a proceeding that results in a temporary order under ORS 107.095, unless it is notified by the mediator that the matter has proceeded through mediation in accordance with these rules.

(b) Exclusion from Mediation

A matter may be excluded from mandatory mediation upon application by a party and upon a showing of good cause to the Court with service upon the opposing party and after being given the opportunity to be heard in objection.

(C) Other Matters

A mediator may consider issues of property division or spousal or child support in connection with the mediation of a dispute concerning child custody or parenting time with the written approval of both parties or their counsel.

12.002 CONTROL, AGREEMENTS

A domestic relations case filed in the Circuit Court remains subject to the control of that Court during 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 agreements 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. In order to preserve and promote the integrity of mediation as a dispute resolution technique, the Court shall consider and may include all reasonable agreements reached by the parties in formulating its order in the case.

12.003 MEDIATION PROCESS

(a) Commencement of Mediation by Stipulated Request for Mediation

If there is a disagreement between the parents 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. A mediator will be available to the parents in accordance with these rules or the parents may agree and stipulate to an independent mediator in their stipulated request for mediation. If the parties choose an independent mediator the costs for the mediator will be paid by the parties jointly.

(b) 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 domestic relations proceeding, either parent seeking to resolve the matter may file with the Court and serve upon the other parent or his or her attorney a request for mediation.

(c) **Commencement of Mediation When Custody or Parenting Time Appears at Issue**
Whenever a respondent generally appears in a domestic relations suit by filing answer such as "Respondent Appears" or the like, the respondent shall in addition state whether there is any disagreement over child custody and/or parenting time in the case, or alternatively, whether child custody or parenting time is not an issue in the case.

(d) **Referral by Court to Mediation**

When the parties have not requested mediation but it appears that custody and/or parenting time are issues in a proceeding that results in final judgment or order, the Court shall refer the matter to mediation, and in a proceeding that results in a temporary order, the Court may refer the matter to mediation.

12.004 AUTHORITY OF MEDIATORS

(a) A mediator has authority and control over the mediation process; but a mediator has no control or authority over the parties or over their decisions in this case.

(b) Unless otherwise agreed in writing by the parties, the parties' legal counsel shall not be present at mediation sessions.

(c) A mediator shall encourage disputing parties to obtain individual legal advice and individual legal review of any mediated agreement before signing any agreement.

(d) A mediator shall not act as a lawyer for either party.

12.005 MEDIATION ORIENTATION

(a) Whenever mediation is requested as in Rule 12.003 or whenever any pleadings indicate that child custody or parenting time is at issue, the parties shall be ordered to appear at mediation orientation. The parents will be given an opportunity to choose a mediator from those under contract or agreement with Tillamook County at the 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 pursuant to Rule 12.006(b) and notify the parties of the appointment.

(b) 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.

(c) 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 or Judgment by 5:00 P.M. of that day.

12.006 ASSIGNMENT TO MEDIATOR

(a) The parties may select a mediator of their own choosing; however, if the mediator is not on the list of mediators approved by the court, the expense of the mediator shall be the responsibility of the parties.

12.006 cont. . .

(b) Court-appointed Mediator - In the absence of a mediator selected by the parties, the mediation clerk shall select at least three individuals from the Court's panel of mediators and shall send their names to legal counsel for the parties, or to a party directly if not represented, with a request that each party strike one name and notify the court within five (5) judicial days. The mediation clerk, under direction of the court, shall select as mediator one of the three individuals about whom no timely objection was made. For good cause shown, a party may object to more than one name. In the event there is good cause objection to all of the individual's names, the Court will appoint a mediator from the list of court-approved mediators.

12.007 SCHEDULING OF MEDIATION SESSIONS

(a) Upon receipt of a mediation assignment, a mediator shall immediately notify the parties of a reasonable date and time for the initial mediation session which shall occur in the mediator's office, unless otherwise agreed upon between the mediator and the parties. The initial mediation session should occur within fifteen (15) days of the mediator's receipt of first notice of assignment.

(b) Mediation shall be completed in a prompt manner and so as to not unduly delay the Court and in no event later than any deadline date ordered by the assigned trial judge.

12.008 MEDIATION COMPLETION

It is the responsibility of the parties and their attorneys to see that mediation is completed within such time as to not delay the trial of the case. Failure to do so may result in dismissal of the case or postponement under such conditions as the Court may require.

12.009 UNSUCCESSFUL MEDIATION

The mediator may notify the Court at any time following the initial mediation sessions 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 parents are unable to resolve the custody or parenting time controversy, if one or both parents are unwilling to participate in mediation or if the mediator determines that either parent is using the mediation process in bad faith for the delay of resolution of other issues.

12.010 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.

12.011 TEMPORARY SUPPORT

If the parents cannot agree on the amount of temporary support to be paid by one to the other and they are also in dispute as to custody and/or parenting time, the mediator may assist upon the request of the parents and the consent of the mediator in resolving the support issue as well.

12.012 CUSTODY AND PARENTING TIME MEDIATION COMMISSION

A Custody and Parenting Time Mediation Commission is established. The Presiding Judge shall appoint the commission members who shall serve at the Presiding Judge's pleasure.

(a) Function - The commission's function shall be to supervise the mediation program to render advisory opinions at the request of a judge and to recommend rule changes to the judges.

(b) Composition - The composition of the Commission shall be two judges and two attorneys whose practices include domestic relations work. Ex officio members shall be the Presiding Judge of the Eighteenth Judicial District and a court mediation coordinator. The Presiding Judge may appoint additional members.

(c) Quorum - Two members of the Commission including at least one attorney and one judge shall constitute a quorum.

12.013 MEDIATOR QUALIFICATIONS

To qualify as a Court-approved mediator, a person must:

1. Sign and file an application with the Court; and
2. Receive approval by the Presiding Judge, upon recommendation of the Commission.

NOTE: The privacy of records and confidentiality of communications in mediation are governed by ORS 107.785

CHAPTER 13 - ARBITRATION

13.005 ARBITRATION PROGRAM

The Tillamook County Circuit has a mandatory arbitration program under ORS 36.400 to 36.425 and UTCR Chapter 13. Pursuant to ORS 36.400(3), arbitration is required in matters involving less than \$50,000.00.

13.041 REFERRAL TO ARBITRATION; MOTIONS

(a) A case subject to arbitration will be assigned to arbitration when the case is at issue or 90 days have elapsed since its filing, whichever occurs first.

(b) In the event a motion to file an amended pleading is allowed by the arbitrator which causes the case no longer to be subject to mandatory arbitration, the party filing such a pleading must so notify the Arbitration Clerk. Unless the parties stipulate otherwise, the clerk will then remove the case from arbitration.

13.081 SELECTION OF ARBITRATOR

(a) When a subject case is ready for assignment to arbitration, the Arbitration Clerk will furnish a randomly selected list of three (3) arbitrators to the parties. In the event there are more than two adverse parties, two additional proposed arbitrators will be added to the list for each additional party separately represented by an attorney or appearing pro se.

(b) The parties may stipulate to an arbitrator who is on the list or to another arbitrator, whether or not that person is on the Tillamook County Arbitration Panel. The parties and their selected arbitrator may agree upon a fee which varies from the one established by the Tillamook County Arbitration Commission, but the arbitration itself will continue to be governed by the relevant statutes and rules.

(c) If the parties are unable to stipulate to an arbitrator, each party may delete one proposed arbitrator whom they find unacceptable and return the list to the clerk within fourteen (14) days of its issue date. The clerk will appoint an arbitrator from those remaining on the returned lists and send appropriate notices to all parties and the arbitrator.