Clackamas County Circuit Court
Supplementary Local Rules

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SUPPLEMENTARY LOCAL COURT RULES OF THE CIRCUIT COURT OF CLACKAMAS COUNTY – FIFTH JUDICIAL DISTRICT OF OREGON

CHAPTER 1 – GENERAL PROVISIONS

SLR 1.151: LOCATIONS AND HOURS OF OPERATION

(1) The main courthouse is located at 807 Main Street, Oregon City, Oregon 97045. The Juvenile Court Building is located at 2123 Kaen Road, Oregon City, Oregon 97045. The Jury Assembly Room is in the Ralph M. Holman Law Center located at 821 Main Street, Oregon City, Oregon 97045.

(2) The Clackamas County Courthouse is open to the public from 8:00 A.M. to 5:00 P.M. on the business days prescribed by state statute.

(3) Court operations may have limited public service hours for document filing, paying of fees and fines and for other Court business. Current public service hours and any exceptions will be published on the Court's website at **www.courts.oregon.gov/Clackamas.**

(4) The Civil Case Unit and the Traffic Accounting and Collection Unit have a drop box located outside of Room 104 for civil case filings, making payments, entering pleas on violation cases and for submitting payment plans. The drop box is available from 8:00 A.M. to 5:00 P.M. Monday through Friday on the business days prescribed by state statute.

SLR 1.155: REQUEST FOR DIGITAL RECORDING OF COURT PROCEEDINGS

(1) A request for a copy of a digital recording of a court proceeding must be made in writing. A request form can be obtained from the Court or on the Court's website at www.courts.oregon.gov/Clackamas on the Forms page. Pursuant to Chief Justice Order 02-067, effective August 1, 2002, the fee is $10 per compact disc for each proceeding. Allow 21-28 judicial days for the request to be processed. For more information, please call 503-722-2719.

(2) The request must include all of the following information:
- (a) The case number;
- (b) The case name;
- (c) The date of the proceeding;
- (d) The name of the judge who heard the matter;
- (e) The name, address, and telephone number of the person making the request; and
- (f) Instructions on whether, once the recording becomes available, to call the requestor or mail the recording.

(3) The request must be delivered by mail or by hand to the court cashier, in the Accounting, Traffic and Collections Unit, Room 104, 807 Main Street, Oregon City, Oregon, 97045.

SLR 1.171: COURT WEBSITE

The court's website is http://www.courts.oregon.gov/Clackamas.

SLR 1.201: INFORMATION ON FREE OR LOW-COST SERVICES

There are free or low-cost legal services or other relevant services available in Clackamas County that may be helpful to the parties in a case. Information about these services is available at the public service counters and the information center on the first floor as well as on the ground floor near the elevator of the courthouse, 807 Main Street, Oregon City, Oregon.

CHAPTER 2 - STANDARDS FOR PLEADINGS AND DOCUMENTS

SLR 2.011: STANDARDS FOR PLEADINGS AND DOCUMENTS

(1) Each pleading or similar document submitted for filing with the court shall be pre-punched with two (2) holes (approximately ¼" diameter) centered 2-3/4" apart and ½" to 5/8" from the top of the paper.

(2) Each pleading or similar document submitted for filing with the court shall be stapled separately in the upper left hand corner.

(3) Pleadings and documents that do not conform to section (1) and (2) above may be returned to the party who submitted them, without being filed by the court.

SLR 2.015: RETURN OF DOCUMENT TO PARTY

In addition to the authority to decline to receive or file a document under ORCP 9E and UTCR 2.010(12)(c), in certain limited situations, a document may be returned to the party who submitted it, without being filed by the court. Those situations include:

(1) A document with an existing case number and case caption from another jurisdiction, unless filed pursuant to an order signed by a judge allowing a change of venue or authorizing the filing on some other basis;

(2) A document which requires a fee but the fee or an order to waive or defer such fee is not provided and the fee requirement has not been satisfied;

(3) A document without sufficient identifying information to determine in which case it should be filed or entered;

(4) A document which requires court action, but the court action cannot be taken without the filing of statutorily-required preceding documents;

(5) A document with a case caption from a jurisdiction not recognized by the Oregon Constitution or established by the Oregon Legislature, or a judgment purportedly issued by a nonexistent court; and

(6) A document submitted for filing by facsimile transmission (FAX), unless expressly authorized by the court.

SLR 2.025: FEE WAIVERS AND DEFERRALS

Waiver and deferral requests for all civil court fees and costs shall be submitted to the Collections Unit, Room 104, 807 Main Street, Oregon City, Oregon 97045, not later than 11:30 A.M. on the day of filing for the request to be decided on the same day.

SLR 2.095: FILINGS FOR CONSOLIDATED CASES

(1) Pleadings, memoranda or other documents filed pursuant to UTCR 2.090, which affect each of the consolidated cases, must include:

(a) Complete case captions listing all parties and case numbers; and

(b) An original pleading, memoranda or other document for each case that highlights the case number in which the pleading, memoranda or other document should be filed.

(2) Pleadings, memoranda and other documents that do not apply to each of the consolidated cases shall contain only the case caption and case number for the case to which they apply.

CHAPTER 3 - DECORUM IN PROCEEDINGS

SLR 3.181: PUBLIC ACCESS COVERAGE IN AREAS OUTSIDE OF COURTROOM

No public access coverage is allowed in any area outside the courtroom that is on the courthouse premises and under the supervision and control of the Courts without the written permission of the presiding judge. Requests to conduct public access coverage in such areas may be made to the Office of the Presiding Judge at any time during the business day.

SLR 3.185: PERSONAL COMMUNICATION DEVICES IN JURY ROOMS DURING DELIBERATIONS AND IN COURTROOMS DURING PROCEEDINGS

(1) Unless otherwise permitted by the judge presiding over the trial, personal communication devices (any electronic or other equipment capable of communication with others outside a jury room, including, but not limited to cell phones and pagers) are not allowed in a jury room during jury deliberations.

(2) After a jury has been instructed and charged to commence deliberations the courtroom clerk will collect all such devices and retain them in a secure place during deliberations.

(3) Unless otherwise permitted by the judge presiding over the proceeding, personal communication devices (any electronic equipment capable of communicating with others outside a courtroom by transmission of sound or images, including, but not limited to cell phones and pagers) taken into a courtroom by any person shall be turned off upon entering the courtroom and shall remain off until after the person has departed from the courtroom.

CHAPTER 4 - PROCEEDINGS IN CRIMINAL CASES

SLR 4.021: CASE MANAGER APPEARANCE

(1) Excluding Ballot Measure 11 offenses and homicide cases, all criminal cases will be given a case manager date.

(2) The defendant shall appear with counsel and this mandatory appearance cannot be waived.

SLR 4.091: ELECTRONIC FILING OF VIOLATION, MISDEMEANOR AND FELONY CITATIONS, WITH OR WITHOUT COMPLAINTS

(1) Pursuant to ORS 153.770 and 133.073 and UTCR 4.090, violation complaints and criminal citations (herein after collectively referred to as citations for purposes of this rule) may be filed electronically by law enforcement agencies. Citations filed electronically must meet the following criteria:

(a) The data transmitted to the circuit court by the filing agency contains all information required by ORS 153.770(2)(a) and 133.073, to be included in an electronically filed citation;

(b) The electronically filed citation contains a unique identification number of the law enforcement officer issuing the citation, the officer's name, and the identity of the agency employing the officer;

(c) If the citation is a criminal citation with a form of complaint, then no complaint may be filed in the circuit court until the review required by ORS 133.069(2) has been conducted by the district attorney;

(d) An image of the citation issued by the law enforcement officer must be transmitted to the circuit court by the issuing agency to be available to the public under ORS 153.770(2)(c) and 133.073;

(e) Each citation submitted for filing must be numbered by the issuing agency using a number series approved by the Trial Court Administrator, and the number assigned to the citation by the agency must be unique and not duplicate any number previously submitted to be filed; and

(f) The transmission of data and images as provided in this rule has been tested and meets completely the system requirements for electronically uploading data and images into the Oregon Judicial Department's automated information systems. Testing of data for electronic filing shall be administered by Oregon Judicial Department staff. No citations may be filed electronically until written approval for electronic filing is provided to the agency by the Trial Court Administrator. This standard for testing and approval applies only to agencies requesting to implement electronic filing on or after the effective date of this rule.

(2) Subject to the limits regarding the type of offenses which may be included in a criminal citation, set out in ORS 133.066, a citation filed electronically, as provided by this rule, may contain up to 10 offenses on a single citation.

(3) Citations submitted by a law enforcement agency which do not comply with this rule may not be filed electronically.

(4) Members of the public may obtain from the circuit court a printed image of a citation filed electronically by a law enforcement agency by requesting a copy of the image in Room 104 of the courthouse or by mailing to the Traffic Unit at the address listed in SLR 1.151. Fees applicable to court records apply to requests for images of electronically filed citations.

CHAPTER 5 - PROCEEDINGS IN CIVIL CASES

SLR 5.015: SUMMARY JUDGMENT MOTIONS

Motions for summary judgment (ORCP 47 motions) are heard twice a month on Thursdays, unless a case is in arbitration and the motion will be heard by the arbitrator, or there is a time constraint and the motion cannot be set prior to the trial on the regular summary judgment docket, at which time, the motion will be set as a special set on a Monday. A copy of the motion, exhibits and any supporting documents must be provided with the original at the time of filing. All required documents must be filed in the Civil Case Unit, Room 104, 807 Main Street,

Oregon City, Oregon, 97045. A motion is not considered filed if the motion fee is not paid. Once filed, the motion will be scheduled and parties will be notified. It is not necessary to file a motion to continue a summary judgment hearing if all parties agree to a reset.

SLR 5.055: STAMPED, SELF-ADDRESSED CONFIRMATION CARDS REQUIRED

(1) Any party desiring information on any filing, (e.g. date of filing, date of signature, costs and attorney fees awarded, or name of judge) shall attach a stamped, self-addressed confirmation card. On orders or judgments, confirmation cards shall be attached for all parties. Unless required by law or rule, conformed copies of the order or judgment will not be provided by the Trial Court Administrator's Office as further proof of signing. Copies of signed orders and judgments may be obtained from the circuit court's Records Center, Room 12, 807 Main Street, Oregon City, Oregon 97045.

(2) The moving party of an *ex parte* motion and order for trial set over shall attach a separate confirmation card for each party.

SLR 5.061: *EX PARTE* MATTERS

(1) *Ex parte* matters will be heard Monday through Friday, excluding legal state holidays, at 8:30 A.M. and 1:00 P.M.

(2) When service is required by law, any motion that is to be presented *ex parte* shall have attached to it a certificate of service which shall include the date, time, manner of service upon the opposing party, and the name of the person served. If no service was made, the moving party shall submit a statement documenting the reasons that no service was made.

(3) Family Abuse Prevention Act and Elderly Persons and Persons with Disabilities Abuse Prevention Act petitions filed pursuant to ORS 107.718 or ORS 124.010 through ORS 124.020 shall be heard Monday through Friday at 1:00 P.M. in the courtroom designated. All required documents must be filed in the Civil Case Unit, Room 104, 807 Main Street, Oregon City, Oregon, 97045 no later than 11:00 A.M. on the day of the *ex parte*.

SLR 5.105 JUDGMENT IN CIVIL ACTION THAT INCLUDES MONEY AWARD

(1) Pursuant to ORS 18.042, civil judgments that contain a money award must contain a separate section clearly identified as a money award. This statute sets forth information that is required to be included and information that is required to be included to the extent known by the judgment creditor. Any information that is required to be provided to the extent known by the judgment creditor must either be provided or the separate section must state affirmatively that the information required by the statute is unknown.

(2) Any judgment in a civil action that includes a money award, but does not contain all required information, including stating where such information is unknown, will be returned to the judgment submitter for compliance with this rule.

CHAPTER 6 - TRIALS

SLR 6.012: CONFERENCES IN CIVIL PROCEEDINGS

(1) Settlement Conferences are required prior to trial on all civil cases except domestic relations, FEDs, and small claims. The pretrial settlement conference will be held unless the court finds good cause why the settlement conference should not be held. The court may order a settlement conference in selected domestic relations matters.

(2) A trial-setting conference is not held prior to the pre-trial settlement conference.

(3) Without the consent of both parties, the settlement conference judge shall not be permitted to act as the trial judge if the case does not settle.

(4) The following must be personally present at the settlement conference, unless excused in advance by the Court for good cause:

(a) The parties;
(b) The trial attorneys; and
(c) The insurance company representatives who have the authority to settle the case.

(5) When appropriate, an insured party may appear by such party's trial counsel and insurance carrier.

(6) Notwithstanding the information required in subsection (7) of this rule, pretrial statements are not required in civil cases. Upon the request of either party, any pretrial statements and supporting documents that are voluntarily submitted by the parties are maintained in a separate confidential file, except for those documents required to be filed in Domestic Relations cases.

(7) In Domestic Relations cases, information and documents required under UTCR 8.010 (4) and (5), regarding distribution of assets and support, must be filed and served at the time of the pretrial conference.

(8) In the event the case settles, the judge reports the settlement to the Docketing Unit. The Docketing Unit removes the matter from the active trial docket, and the Court sends out an administrative Notice of Dismissal. If the court does not receive an appropriate order or judgment within 28 days of the Notice, the case will be dismissed for want of prosecution in accordance with UTCR 6.020(2).

(9) The materials and notes prepared by the pretrial settlement judge are not placed in the trial court file and are maintained as separate confidential records.

(10) Failure to comply with any of the above could result in sanctions being imposed by the court as provided by UTCR 1.090.

SLR 6.025: PAYMENT OF TRIAL FEES AND HEARING FEES

(1) The Court shall verify that payment has been made or that fees have been waived or deferred prior to the commencement of trial or hearing where a fee is required to be paid under ORS 21.114, 21.270, 21.275, 21.310 or 105.130. If the court is unable to verify that payment has been made, a fee receipt, fee waiver or fee deferral must be presented to the courtroom clerk prior to the commencement of a trial or hearing.

(2) Fees payable at the conclusion of the trial shall be paid by 5:00 P.M. on the day trial concludes unless the fee is waived or deferred. If the trial concludes after the close of business, the fees shall be paid the morning of the first court day thereafter. For purposes of this rule, a jury trial shall be deemed concluded when the jury returns a verdict.

(3) The trial judge may elect to delay commencement of the case until the fees are paid, but failure to pay the fees as stated in SLR 6.025(1) shall not be grounds for a postponement.

SLR 6.031: POSTPONEMENT OF TRIAL

A request to postpone trial must be made by filing a motion, affidavit and order with the appropriate processing unit. Faxes will not be accepted. All requests to postpone trial will be forwarded to the Presiding Judge for a decision, and a hearing will be held only at the direction of the Presiding Judge. Requests to postpone trial will not be accepted at *ex parte.*

CHAPTER 7 - CASE MANAGEMENT AND CALENDARING

SLR 7.015: CRIMINAL TRIALS

(1) Felony and misdemeanor criminal trials in which the defendant is in custody are set at arraignment. Notices are given directly to the defendant and counsel who acknowledge receipt thereof by signature.

(2) Felony and misdemeanor criminal trials in which the defendant is out of custody are set at a pre-plea conference (titled Case Manager Hearing). The pre-plea conference (Case Manager Hearing) is held approximately forty-five days following defendant's arraignment.

(3) Criminal motions in Circuit Court are heard prior to the beginning of trial and must be filed in accordance with UTCR 4.010. Parties are notified by mail.

SLR 7.025: CIVIL TRIALS, MOTIONS AND SHOW CAUSE HEARINGS

Civil motion oral argument is heard on Monday morning. Notices are mailed.

SLR 7.061: NOTICE TO THE COURT FOR SPECIAL ACCOMMODATION UNDER THE AMERICANS WITH DISABILITIES ACT (ADA)

(1) Parties requesting special accommodations under the Americans with Disabilities Act (ADA) must comply with UTCR 7.060. All requests for special accommodation must be made no later than four (4) judicial days prior to each proceeding in the action and must be made to the Trial Court Administrator's Office.

(2) The Trial Court Administrator's Office in Clackamas County may be contacted by calling (503) 655-8627 or (503) 655-8451 (TTY). Requests may be made in person or in writing to: ADA Coordinator, Clackamas County Circuit Court, 807 Main Street, Room 310, Oregon City, Oregon, 97045. The Trial Court Administrator's Office is open each business day from 8:00 a.m. to 5:00 p.m.

CHAPTER 8 - DOMESTIC RELATIONS PROCEEDINGS

SLR 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-judgment litigation involving custody or visitation.

(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 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 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 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 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 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.

SLR 8.016 STATEMENT OF ASSETS AND LIABILITIES

(1) Prior to filing statements of assets and liabilities pursuant to UTCR 8.010(4), the parties shall confer in an effort to agree on the following:

(a) Terminology to be used to describe each asset and liability;
(b) Values of each asset and liability;
(c) The order in which each asset and liability is to be listed; and
(d) Which assets and liabilities are part of the marital estate.

(2) In lieu of filing separate statements of assets and liabilities, the parties may file one joint statement of assets and liabilities which either or both parties claim to be subject to distribution by the court.

(3) In the event parties file separate statements, such statements must include all assets and liabilities which either or both parties claim to be subject to distribution by the court. Each party's statement of assets and liabilities shall use the agreed-upon terminology for each asset and liability. If the parties are unable to agree on terminology for any particular asset or liability, each party shall refer to each such asset or liability with their own preferred terminology, followed immediately by the opposing party's terminology for that item in parentheses.

(4) Assets and liabilities shall be listed in the same order. If the parties are unable to agree upon the listing order, petitioner's listing order shall prevail and respondent's statement and any other party's statement shall follow petitioner's listing order.

(5) Each party's statement of assets and liabilities shall first list all items the parties agree are part of the marital estate. Any assets or liabilities that the parties do not agree are part of the marital estate shall be separately listed at the end of the statement.

CHAPTER 9 - PROBATE AND ADOPTION PROCEEDINGS

SLR 9.035: DELINQUENCIES OR DEFICIENCY IN PROBATE FILINGS

(1) The attorney and fiduciary will be sent a Courtesy Notice and given thirty (30) days to rectify any delinquency or deficiency in filing a document required by statute or Court order.

(2) After thirty (30) days have passed if the defect has not been corrected the attorney and the fiduciary will be sent a Citation for removal of the fiduciary or a finding of contempt.

(3) The personal representative, conservator or guardian, together with counsel of record, must appear unless the matter has been corrected at least three (3) judicial days prior to the Citation hearing. If the delinquency or defect has not been corrected by the time of the hearing, sanctions may be imposed.

SLR 9.041: SETTLEMENT OF PERSONAL INJURY OR WRONGFUL DEATH CLAIMS: REQUIREMENTS WHEN MINOR CHILD OR INCAPACITATED PERSON APPEARS BY GUARDIAN AD LITEM

(1) Except as permitted by ORS 126.725 for a minor child, a petition for approval of a settlement of a personal injury or wrongful death claim on behalf of a minor child, incapacitated person or decedent shall be accompanied by an affidavit which sets forth the following:

(a) A description of the incident causing the injury or death;

(b) A description of the injuries;

(c) The amount of the prayer and settlement. (If a structured settlement is requested, the present value of the future payments should be indicated);

(d) The amount of the attorney fees and costs;

(e) The proposed disposition of the settlement proceeds;

(f) A concise statement explaining the reasons for the settlement and the efforts to maximize recovery;

(g) A statement explaining that the attorney has independently evaluated the interests of the injured party;

(h) A statement explaining that the attorney has examined every medical record; and

(i) A statement explaining why it is necessary and proper to settle the case at the present time.

(2) If a civil action has been filed in this circuit court on behalf of a minor child, incapacitated person or decedent for the loss, injury or death which is the basis of the proposed settlement, the original petition and affidavit must be filed in the civil action. A copy of the petition with a form of proposed order for approval of the settlement shall be delivered to the Probate Section.

(3) A conservatorship on behalf of the minor child or incapacitated person generally will be required for any case where personal injury or wrongful death settlement proceeds are at issue.

(a) Bond and standard annual accounting requirements may be waived if the funds are restricted until the minor attains the age of majority. In lieu of such accountings the court will require Annual Report of Restricted Funds.

(b) Restricted accounts on behalf of a minor child or incapacitated person must be confirmed by a signed acknowledgment from the bank or brokerage firm which discloses the account number, type and account balance as required by UTCR 9.050 and 9.080. Exceptions for diminutive amounts may be requested.

(c) Approval of damage settlement amounts for the benefit of a minor child or incapacitated person appearing by a guardian ad litem in a lawsuit, except those cases assigned for trial to a trial department, are a basic responsibility of the Probate Court. The allocation of funds and the structuring of such funds is likewise the Court's responsibility.

(d) Minors and incapacitated persons should be provided with independent counsel for such issues and most commonly when a minor's funds are proposed to be withheld from them after age 18.

(4) A fiduciary appointed by the Probate Court is required to comply with paragraph (1) of this rule and must file a motion for an order approving a settlement of a personal injury or wrongful death claim on behalf of a protected person. The motion must be supported by an affidavit setting out the required information.

SLR 9.045: RESIGNATION OF COUNSEL IN PROBATE MATTERS; NOTIFICATION REQUIREMENTS

If a bond has been posted, resigning counsel must notify the insurer or surety of the resignation and substitution of counsel.

SLR 9.055: BONDS IN ESTATES WHERE PERSONAL REPRESENTATIVE OF INTESTATE ESTATE IS SOLE HEIR OR DEVISEE

Notwithstanding ORS 113.105, the personal representative of an intestate estate may be required to file a bond if the court is not satisfied that the creditors will be paid.

SLR 9.065: CONFERENCES IN PROBATE PROCEEDINGS

(1) Settlement conferences are required prior to trial in all trust litigation and will contest cases. The pretrial settlement conference will be held unless the court finds good cause why the settlement conference should not be held.

(2) Without the consent of both parties, the settlement conference judge shall not be permitted to act as the trial judge if the case does not settle.

(3) The following must be personally present at the settlement conference, unless excused in advance by the Court for good cause:

    (a) the parties; and
    (b) the attorneys.

SLR 9.075: GUARDIANSHIP

(1) A Petition for Guardianship shall designate, in the caption, that it is for guardianship of an adult, whether it is for a temporary or indefinite time (or both), and whether a conservatorship is also being requested.

(2) Petitions for Appointment of a Temporary Guardian should be accompanied by appropriate affidavits and medical reports. The Petition should be filed with the Probate Section of the Civil Case Unit.

(3) Within 30 days after each anniversary of appointment, a guardian of a minor shall file with the court a verified written report. Copies of the guardian's report must be given to those persons specified in ORS 125.060 (3). The report shall be in substantially the same form as that described in ORS 125.325.

SLR 9.081: OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN/ CONSERVATOR

(1) Any interested person, as described in ORS 125.075(1), may make an oral objection to a petition in a protective proceeding by appearing in person in the Civil Case Unit, Room 104, 807 Main Street, Oregon City, Oregon 97045 during normal business hours. Upon receipt of the objection and payment of the applicable fee required by ORS 21.310, the Court clerk shall reduce the objection to writing, signed by the objector.

(2) If the objecting party wishes to file a written objection to a petition or motion, the court clerk will provide the objection form or it may be obtained on the Court's website at www.courts.oregon.gov/Clackamas on the Forms page.

(3) Objections must be received by the Court in the Civil Case Unit, Room 104, 807 Main Street, Oregon City, Oregon 97045 within the time line specified in ORS 125.075(2).

SLR 9.085: SELF REPRESENTED PARTIES APPEARANCE IN PROBATE COURT; APPROVAL

(1) If a personal representative or conservator intends to appear without an attorney in any matter assigned to the Probate Court, that person must provide to the Court notice of such intent and demonstrate competency in such matters. The Court shall take appropriate action if at any time during the administration of the action the demonstration of competency is not sufficient to assure the Court that the estate or interest will be protected.

(2) A person other than a personal representative, conservator or corporation may appear in person without counsel in any matter before the Probate Court as authorized or allowed by law. The person appearing and counsel for the personal representative shall notify the Probate Court if any party to a proceeding is appearing without representation. The Judge or designee shall decide whether further hearings shall be required.

SLR 9.091: ATTORNEY FEES AND FIDUCIARY FEES IN PROBATE MATTERS; APPROVAL

(1) Attorney fee and fiduciary expenses under ORS 116.183 and 125.095 must be approved by the court. All attorney fee and fiduciary expenses under ORS 116.183 and 125.095 which are to be paid out of the decedent's or protected person's estate, must so state and be pre-approved by the Court.

(a) Such requests must be accompanied by an itemized affidavit for attorney fees and fiduciary fees, filed in the form required by UTCR 5.080, showing the number of hours expended, the hourly rate charged and a designation of title for each person performing work.

(b) In addition to the information required by UTCR 5.080 for a civil action, under this rule the statement also must include a description of normal attorney tasks with hours expended. For extraordinary activities, the statement must also concisely address the following issues to be resolved and the process and time spent on each:

(i) For establishing and funding trusts, a brief narrative must identify complexities involved;

(ii) For tax planning, describe objectives and activities required;

(iii) For tax returns, indicate the number filed and the nature of the returns;

(iv) For tax audits and hearings, describe the issues addressed;

(v) For disclaimers, describe the circumstances and complexities;

(vi) For real estate management problems, include issues regarding compliance with local, state and federal authorities;

(vii) Discuss sales of real property;

(viii) Discuss operation or sale of business interests;

(ix) Discuss management of family-owned corporation or closely held stock;

(x) For contested matters, indicate whether they were of benefit to or in defense of the estate;

(xi) Discuss election of spouse/marital share;

(xii) Discuss disputed creditor's claims.

(c) If tasks performed appear to be the duties of a personal representative, the Court will question and possibly reduce attorney fee payments for such activities.

(2) Consent by the parties to the attorney fee requests shall not waive the requirements of this rule.

(3) Corporate Fiduciary Fees: Any request for approval of corporate fiduciary fees in addition to the basic percentage fee allowed pursuant to applicable statute, must be accompanied by an affidavit in compliance with 9.095(1)(A), above.

(4) Private Fiduciary Fees: All requests for fiduciary fees (except those from a Personal Representative) shall be supported by an affidavit which details the services provided, the purpose of the services rendered, the results (if applicable), the hourly rate charged by the fiduciary and the reasons that hourly rate is deemed fair and reasonable.

SLR 9.165 FORM OF ACCOUNTINGS

Accounting in estates and conservatorships must be submitted in the format specified in UTCR 9.160.

CHAPTER 11- JUVENILE COURT PROCEEDINGS

SLR 11.005: APPEARANCE IN JUVENILE COURT DEPENDENCY CASES

(1) A parent who is served with a summons in a child dependency case shall appear personally in court at the time and place specified in the summons for a hearing on the allegations of the petition.

(2) A parent who fails to appear shall be subject to entry of a default order and/or judgment granting the relief sought by the petitioner.

CHAPTER 13 - ARBITRATION

SLR 13.005: ARBITRATION

Clackamas Circuit Court maintains an arbitration program in accordance with UTCR Chapter 13.

SLR 13.031: ARBITRATION COMMISSION

To ensure continuity, the attorney Arbitration Commission Board Members currently appointed will serve one, two and three year terms so that their terms will expire in alternate years. Thereafter, appointments will be staggered so that a new attorney board member is appointed yearly for a three year term. The presiding judge will replace the judicial representative(s) as needed and the trial court administrator is a standing ex officio member.

SLR 13.051: TRIAL DATE

In all cases subject to mandatory arbitration a trial date will be set in accordance with the court's regular trial setting procedure and UTCR 7.020(5). All requests to reset a trial date must comply with UTCR 6.030 and SLR 6.031.

SLR 13.091: ARBITRATORS

(1) In addition to the requirements set forth in UTCR 13.090, to qualify as an arbitrator, a person must sign and file an application to be placed on the list of arbitrators. The

Arbitration Commission may adopt additional requirements for inclusion or retention on the list of arbitrators, including experience, training and continuing education.

(2) The parties may stipulate to any arbitrator, including a non-lawyer arbitrator or a lawyer arbitrator who practices outside of Clackamas County.

(3) An arbitrator who is no longer willing or able to serve as an arbitrator shall immediately notify the arbitration clerk.

(4) An arbitrator may refuse to serve on an individual case, but must notify the arbitration clerk immediately.

(5) If such disqualification or refusal occurs, the arbitrator must immediately notify all parties and return all appointment materials in the case to the court.

SLR 13.121: COMPENSATION OF ARBITRATOR[1]

Within 14 days of the appointment of the arbitrator, each party must tender to the arbitrator the sum of $350.00 as preliminary payment unless a party has secured a fee waiver or deferral, in which case the party must submit a copy of the order waiving or deferring arbitration fees to the arbitrator.

SLR 13.122: INDIGENT PARTIES

(1) In the event funds are available under ORS 36.420, indigent parties may seek deferral or waiver of arbitration fees by applying within 14 days from the date the case is transferred to arbitration. Applications are available at the Clackamas County Circuit Court, Collections Unit, Room 104, 807 Main St., Oregon City, Oregon 97045. The fee deferral/waiver application, declaration and order must be submitted to the Clackamas County Circuit Court, Collections Unit, Room 104 in accordance with SLR 2.025.

(2) In the event funds are available under ORS 36.420 and a fee deferral or waiver has been granted by the court, 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 for Clackamas County Circuit Court.

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1 The Arbitration Commission has set the arbitrator's fee at a rate of $125.00 per hour, not to exceed $1,000.00 except upon a showing of extraordinary conditions and with the approval of the Presiding Judge of the Clackamas County Circuit Court.

(3) The arbitrator must submit a copy of the order deferring or waiving fees of the indigent party with the request for payment, which must be in the form of a certificate and include the following:

(a) Case identifying information;
(b) Total hours of service the arbitrator provided; and
(c) The share of those hours chargeable to the indigent party.

SLR 13.161: LOCATION OF ARBITRATION PROCEEDINGS

Unless otherwise stipulated by all parties, arbitration proceedings shall be scheduled at a location in Clackamas County, Oregon. The arbitrator may schedule telephone conference calls to deal with scheduling and procedural issues.

CHAPTER 15 – SMALL CLAIMS

SLR 15.015: DISMISSAL OF SMALL CLAIMS CASE FOR FAILURE TO PURSUE CLAIM

(1) Written notice may be given to the plaintiff that the case will be dismissed for failure to pursue claim 35 days after the filing of the claim if the following occurs:

(a) No proof of service has been filed; or
(b) Proof of service has been filed and any defendant has not filed an appearance.

(2) The Court will provide written notice to the plaintiff that the case will be dismissed, or if proof of service has been filed, that the claim will be dismissed as to each non-appearing defendant for failure to pursue claim 28 days from the date of mailing of the notice unless one of the following occurs:

(a) An order of default has been filed and entry of judgment has been applied for;

(b) Good cause to continue the case is shown to the court on motion supported by affidavit; or

(c) The defendant has appeared.

CHAPTER 16 – VIOLATIONS

SLR 16.005: VIOLATIONS BUREAU

(1) Pursuant to ORS 153.800 the Fifth Judicial District has established a Violation Bureau.

(2) The Trial Court Administrator is appointed as Violations Clerk, and duly appointed deputies of the Administrator are further appointed as Deputy Violations Clerks.

(3) The Violation Bureau may exercise authority over traffic and non-traffic violations as defined in ORS 153.008.

(4) A person may appear in person or by mail to pay the Violations Bureau fine, costs and assessments.

(5) The fine(s) and applicable assessment(s) shall be paid immediately and in full unless the court approves a deferred payment plan.

SLR 16.015: DEFENDANT REQUESTING VIOLATION TRIAL, BASE FINE REQUIRED

Pursuant to ORS 153.061(4) the defendant requesting a trial shall be required to deposit the base fine amount listed on the citation if the defendant has failed to appear in any court on one or more charges in the past. The amount deposited shall be applied against any fine imposed by the court.

SLR 16.021: TRIAL BY AFFIDAVIT, VIOLATION

Trial by affidavit, as provided in ORS 153.080 is authorized for all violations. If the defendant chooses to waive the right to have testimony presented orally in court or waive the right to a hearing in court the defendant must make this request by completing a signed written waiver and filing it with the court. A sample Waiver form and a sample Testimony by Affidavit/Declaration form is available on the Court's website at www.courts.oregon.gov/clackamas.

SLR 16.025: POSTPONEMENTS, VIOLATION TRIAL

(1) Each party may request a single postponement of a scheduled court trial with a showing of good cause.

(2) A party's request for a postponement of a court trial must be made in written form, signed by the party and received by the court not less than five (5) judicial days prior to the scheduled trial date.

(3) Subsequent requests for a postponement of a court trial must be made in written form signed by the party. The motion will only be granted upon a showing of extraordinary circumstances.

(4) When the court grants a postponement, the court will notify all parties to the action.

SLR 16.031: SETTING ASIDE DEFAULT JUDGMENTS FOR VIOLATIONS

A defendant against who a default judgment is entered may file a motion for relief from default judgment, within a reasonable time, not to exceed one year. The court requires a written motion for relief, accompanied by an affidavit setting forth facts which demonstrate that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. At the time the motion for relief is filed, the defendant must pay to the court the amount of the fine imposed in the judgment. The payment requirement may be waived by the Court for good cause. A motion for relief cannot be filed until the payment is made or waived. The court may rule on the motion without a hearing or may require the defendant to appear and present oral argument.

CHAPTER 18 – FORCIBLE ENTRY AND DETAINER (FED)

SLR 18.015: FORCIBLE ENTRY AND DETAINER (FED) TRIAL; APPEARANCE REQUIRED

Parties must appear at trial in all Forcible Entry and Detainer (FED) cases to avoid dismissal of the case. Appearance of all parties at trial is required regardless of whether a Stipulated Agreement has been fully executed.