JACKSON COUNTY CIRCUIT COURT
SUPPLEMENTARY LOCAL RULES

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JACKSON COUNTY CIRCUIT COURT
SUPPLEMENTARY LOCAL RULES
FEBRUARY 1, 2012

CHAPTER 1 - HOURS AND TIMES OF COURT OPERATION

1.151 Hours Open for Business

Unless otherwise ordered due to emergency conditions, information regarding business hours for the First Judicial District can be found at: http://courts.oregon.gov/Jackson/.

1.171 Web Site

The Jackson County Courts website can be found at http://courts.oregon.gov/Jackson**.**

CHAPTER 2 - STANDARDS FOR PLEADINGS AND DOCUMENTS

2.081 Removal of Records and Files

Officers of the court may remove the records and files from the clerk's office for the purpose of delivering the records and files to the judge for signature by the judge of Orders and Judgments therein, and shall return the records to the clerk's office.

2.101 Way of Necessity

(1) In addition to the service of the petition, as required by law, petitioner shall cause a copy of the petition to be served on the county engineer by certified mail, return receipt requested.

(2) Upon receipt of the petition, the county engineer (or any licensed civil engineer or registered surveyor designated by him) shall, within thirty (30) days, prepare and file with the clerk of the court the report required by ORS 376.160.

(3) Upon receipt of the engineer's report, the clerk shall cause copies thereof to be forthwith mailed to petitioner and any persons upon whom the original petition was served. If the engineer's report includes any alternative route over land owned by persons other than those served by the original petition, petitioner shall forthwith cause a copy of the petition, a summons, and the engineer's report to be served upon such owner in the manner provided for the service of the original petition.

(4) Petitioner shall, at the time of filing the original petition, deposit with the clerk $750.00 cash as a deposit on expenses to be incurred by the county or other persons as the result of the petition and action thereon. The $750.00 cash deposit may, in the exercise of the court's legal discretion, be refunded to the depositor in the event no expenses are incurred. Any filing fee required by law shall not be subject to return.

CHAPTER 3 - PUBLIC ACCESS

3.181 Public Access Coverage

(1) Public access coverage is allowed in the public areas of the first floor of the Jackson County Justice Building. Special effort should be made to reduce any disruption caused by the media coverage on the public and/or proceedings.

(2) All requests for access coverage in facilities occupied by the court, excluding the public areas of the first floor of the Justice Building, require prior approval. Requests for access coverage shall be directed to the Trial Court Administrator's Office:

Trial Court Administrator's Office
Jackson County Justice Building
100 South Oakdale
Medford, OR 97501
Phone: (541) 776-7171
Fax: (541) 776-7057

CHAPTER 4 - PROCEEDINGS IN CRIMINAL CASES

4.011 Pretrial Motions

All pretrial motions not covered by UTCR 4.010 shall be filed with the court at or before the time of the pretrial conference. The court shall set the matter for hearing and notify the parties in writing of the date of said hearing. Unless for good cause shown, no such hearing shall be set in less than 14 days of the filing of said motion.

4.012 Authority in Support of Motions

Every motion shall be accompanied by, or include, a memorandum of law or a statement of points and authorities explaining how any relevant authorities support the contentions of the moving party.

4.013 Form of Order

All motions with only one element or particular, and all demurrers, shall be accompanied by a form of order upon which the court may either allow or deny the motion or sustain or overrule the demurrer.

4.081 Appearance at Criminal Proceedings by Simultaneous Electronic Transmission

(1) Unless otherwise authorized by the Court, all arraignments, pre-trial conferences, pleas, pre-trial motions and sentencings involving a defendant incarcerated at an Oregon

Department of Corrections Institution may be held by simultaneous electronic transmission.

(2) Unless otherwise authorized by the Court, all arraignments, security hearings and sentencings involving a defendant incarcerated in the Jackson County Jail may be held by simultaneous electronic transmission.

(3) Defendants, other than those specified in subsection (1) and (2) above, and all other witnesses in a criminal proceeding, shall be allowed to testify by simultaneous electronic transmission provided that it is with the parties' consent and the approval of the Court; however, the parties' written consent and Court approval is required for such testimony in criminal jury trials.

(4) Whenever testimony by simultaneous electronic transmission is allowed under this rule, it shall be the responsibility of the party calling said witness to coordinate with the opposing party, the Court and the witness the manner and time of simultaneous electronic transmission sufficiently in advance of the criminal proceeding so as not to cause undue disruption or delay.

(5) "Criminal proceeding" and "simultaneous electronic transmission" shall have the same meaning as those terms are defined in ORS 131.045.

CHAPTER 5 - PROCEEDINGS IN CIVIL CASES

5.061 Civil Motions

(1) There are three types of civil motions: evidentiary, non-evidentiary and ex parte.

(a) Evidentiary motions are motions in which it is contemplated that testimony will be taken.

(b) Non-evidentiary motions, including any motion for summary judgment**,** shall be heard without the taking of testimony.

(c) Ex parte motions may or may not require the taking of testimony.

(2) Evidentiary motions shall be commenced by the filing of a motion asking for specific relief. They shall be supported by an affidavit and/or an ORCP 17 certified statement setting forth the factual and/or legal grounds for the relief sought. The documents filed shall reasonably apprise the opposing party(ies) of the issues sought to be determined.

(a) Evidentiary motions shall be accompanied by a completed "Civil Evidentiary Motion Notice of Hearing" form. Service of the motion, the form, and any supporting documents shall be made pursuant to ORCP 7 or ORCP 9, as determined by the status of the case. Attached hereto as Appendix A is a sample form for use as a "Civil Evidentiary Motion Notice of Hearing" form.

(b) Evidentiary motions shall be heard at 9:00 a.m. on any Monday by the judge to whom the case or motion is assigned. If Monday is a holiday, evidentiary motions shall be heard on the following Tuesday at 9:00 a.m., or as otherwise set by the clerk. Evidentiary motions shall be scheduled seven (7) or more days after service if the opposing party is served in Jackson County, and fourteen (14) or more days after service if the opposing party is served outside Jackson County.

(c) Evidentiary motions shall not be accompanied by an order to show cause unless such an order is required by statute or rule. If a show cause order is utilized, the statute or rule requiring said order shall be noted on the face of the order.

(3) Non-evidentiary motions shall be heard at 2:00 p.m. on Monday of each week. If Monday is a holiday, non-evidentiary motions shall be heard on the following Tuesday at 2:00 p.m., or as otherwise set by the clerk.

(a) The clerk shall set the time for hearing non-evidentiary motions.

(b) When oral argument is requested pursuant to UTCR 5.050, the motion shall be heard on the first Monday after the expiration of twenty-one (21) days from the filing of the motion, except for summary judgment motions which shall be scheduled by the court in conformance with ORCP 67C.

(c) If a party served with a non-evidentiary motion has a legal basis for presenting evidence, and so desires, said party may reschedule the motion as an evidentiary motion by utilizing the procedures concerning evidentiary motions.

(4) Any party filing a response, reply, objection or memorandum relating to a previously filed motion must state in the caption of their filing the date, if any, of any scheduled hearing. If the scheduled hearing is one week or less from the date of said filing, the party must simultaneously submit a courtesy copy to the office of the judge assigned to hear the motion.

(5) Whenever a party submits a motion and order pursuant to ORS 293.293(2) requesting that funds held in trust by the court be placed in an interest bearing account, the motion and order shall be submitted as a single document without reference to any other request or issue.

5.062 Stipulated or Ex Parte Orders

(1) A stipulated or ex parte matter may be presented to the judge to whom the case is assigned; or, if unassigned, then to any individual judge with that judge's permission. The presentation may be made in person by the moving party or attorney. The movant or attorney shall present the file of the case to the court prior to the execution of the order.

(2) Emergency matters may be presented to a judge at any time, except as prohibited by 5.062 (4).

(3) Stipulated or ex parte matters may also be left with the court clerk or any individual judge's judicial assistant for presentation to the judge in due course.

(4) The court will not entertain ex parte matters while on the bench other than the matter before the court for hearing.

(5) Ex parte matters include, but are not limited to, the following: default dissolution judgments, petitions for restraining orders under the provision of any Oregon law, motions for show cause orders, waivers of marriage license waiting periods, waivers of waiting periods in domestic relations cases, default orders, and probate or guardianship orders.

(6) No ex parte motion to continue shall be granted by the court unless the motion includes a statement setting forth the position of the opposing parties.

CHAPTER 6 - TRIALS

6.011 Pretrial Conferences in Civil Cases

(1) A pretrial conference may be set by the court in any civil case to address the items set out in UTCR 6.010. If the Court does not set a pretrial conference, any party may request a setting.

(2) The trial attorney or another attorney familiar with all aspects of the case shall appear at the pretrial conference. If unrepresented, the pro se litigant shall appear. Appearance by telecommunication may be requested; and, if the office of the requesting person is located more than 25 miles from the courthouse, the request shall be granted.

(3) The persons appearing at the pretrial conference shall be prepared to discuss the status of settlement discussions and the possibility of settlement.

(4) The court may enter a pretrial order based on the issues addressed in the pretrial conference. The pretrial order may provide for deadlines for the following:

(a) Amendments or additions to pleadings.

(b) Motions.

(c) Discovery.

(d) Trial Memoranda.

(e) Marking and exchange of all trial exhibits, except those to be used solely for impeachment purposes.

(f) Submission of jury instructions.

(g) Any other matter that may aid in the disposition of the action.

(5) The provisions of a pretrial order shall be enforced by the court, except on motion and for good cause shown.

6.012 Settlement Conferences

(1) If one party requests a pretrial settlement conference, or in cases designated by the court, a mandatory settlement conference shall be held. However, scheduling of a settlement conference is subject to judicial availability and a settlement conference shall not be scheduled so as to delay trial of the case. The pretrial settlement conference will not be required if the opposing party demonstrates good cause why the settlement conference should not be held.

(2) 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. The attendance of all parties and their trial attorneys is required. When a party is insured, a representative of the insurance company with authority to settle the case shall be in attendance. Upon a showing of good cause, the judge conducting the settlement conference may excuse a party or insurance representative from personally appearing, but may require him or her to participate by telecommunication.

(3) Pretrial settlement conferences shall be conducted by a judge other than the assigned trial judge, unless all parties stipulate that the trial judge may also conduct the settlement conference.

(4) For a meaningful settlement conference to occur, all attorneys and parties must participate in good faith. The failure of any person to comply with these rules, appear at, or participate in, a settlement conference, unless good cause is shown for any such failure, may result in the court imposing appropriate sanctions as described in UTCR 1.090. Cases set for a settlement conference shall retain their place on the trial docket.

(5) If settlement negotiations are not successful, counsel should be prepared to proceed to trial on the date scheduled. The court will make every effort to ensure the case proceeds to trial on the date scheduled.

(6) If a settlement is reached, the parties shall place notice of the settlement on the record before the scheduled trial date, in accordance with UTCR 6.020.

(7) Parties are required to file a detailed confidential settlement conference statement with the court, in the form prescribed by the settlement judge.

6.211 Docket Call and Jury Trial Settings

Attorneys and parties on all criminal cases set for jury trial shall appear at Docket Call at 8:00 a.m. on the scheduled trial date. The purpose is to determine the final status of the case and to be assigned to a trial court. All jury trials shall commence on a Tuesday, Wednesday, or Thursday.

CHAPTER 7 - CASE MANAGEMENT AND CALENDARING

7.011 Guilty Pleas

After an entry of a not guilty plea, the court must be notified of the intent to withdraw the not guilty plea and to enter a guilty plea before 3:00 p.m. on the day preceding the plea, except felony reductions, which must be filed before 3:00 p.m. two working days preceding the plea. Guilty pleas in criminal matters may be entered any court day at 8:30 a.m. for out-of-custody defendants, at 1:30 p.m. for in-custody defendants, or at any regularly scheduled docket call.

7.012 Order on Arraignment

In misdemeanor cases, and major traffic offenses when a jury trial is requested, the defendant's attorney may file an "Order on Arraignment" setting the matter for a pretrial conference. Said pretrial conference shall be scheduled in accordance with UTCR 7.010 (2). The "Order on Arraignment" shall waive formal arraignment and shall set forth that the attorney has advised the defendant of his/her right to remain silent, right to an attorney, and right to a jury trial. It shall further state that the attorney has explained to the defendant what he/she is charged with and the maximum penalty. Attached hereto as Appendix B is a sample form for use as an "Order on Arraignment".

7.013 Release of Defendant Upon Order on Arraignment

When a bail decision has not already been made by the court, and the defendant's attorney files an order on arraignment, the defendant shall report to the release assistance office at least one week prior to the pretrial date for purposes of participating in a release decision.

7.014 Pretrial Conference Settings in Criminal Cases

All criminal cases in which a jury trial has been requested shall first be set for a pretrial conference within 35 days of the date of first appearance. Pretrial conferences shall be each Monday at 1:30 p.m. If a Monday is a holiday, there shall be no pretrials set for that week.

7.015 Appearance at Criminal Case Pretrial Conference

All parties and counsel of record shall appear at the pretrial conference for the purpose of setting a date certain for trial, except as provided in 7.016.

7.016 Pretrial Report

Appearance at the pretrial conference shall be waived if all parties to the case have signed a pretrial report setting forth an agreed upon trial date. Said pretrial report must be filed with the Trial Court Administrator by 3:00 p.m. on the last judicial day prior to the pretrial conference. The filing of said report constitutes a representation to the court by each signee that all witnesses have been contacted and subpoenaed if necessary and that the parties are ready for trial or that a plea will be entered on a date and at a time specified in said report. All trial dates and pleas must be scheduled for a date certain within six (6) weeks of the scheduled pretrial conference, unless approval of a judge has been received which extends the date of trial or plea. Attached hereto as Appendix C is a sample form for use as a "Pretrial Report".

7.017 Alternative Methods of Jail Service

Defendants who are scheduled to jail terms may be allowed work release, home detention, or other alternative methods of jail service only upon proper completion and court authorization of appropriate application forms provided to the defendant by the court.

7.018 Motion Days

Evidentiary and non-evidentiary motions filed in criminal cases shall be heard on Tuesday, Wednesday or Thursday at 2:30 p.m.

7.019 Initial Appearance on Other Matters

The initial appearance on all other matters (i.e., FED's, Judgment Debtor Hearings, Garnishment Hearings, Claims of Exemption) shall be at 1:00 p.m. on Mondays and Wednesdays.

7.021 Jury Trial Request After Trial Set

Except as set forth herein, when one party makes a proper written application for a jury trial after a non-jury trial has been set, the case shall proceed to trial on the original date scheduled as provided in SLR 6.211. If said trial date is scheduled on Monday or Friday, the trial will then proceed as provided in SLR 6.211 on the first Tuesday following the original trial date.

7.022 Mental Hearings

All hearings required by the provisions of Chapter 426 and 427 of the Oregon Revised Statutes, unless otherwise ordered by the court, shall be held at 7:30 a.m. any day the court may fix.

7.023 Status Check Conference in Criminal Jury Trials

(1) All attorneys and defendants in criminal jury cases must personally appear at a status check conference to advise the court as to the trial status of the case. The conference will be held at 10:30 a.m. Monday of the week during which the trial is set. If that Monday is

a holiday, the following rules will apply; all cases set for Tuesday shall have their status check conference on Monday of the preceding week; all cases for Wednesday and Thursday shall have their status check conference on Tuesday at 10:30 a.m. of the week of trial.

(2) If a case will be resolved by a plea, a Plea Notice may be filed and personal appearance will not be required. Attached hereto as Appendix D is a sample form for use as a "Plea Notice".

CHAPTER 8 - DOMESTIC RELATIONS PROCEEDINGS

8.011 Mediation of Child Custody and Parenting Time

(1) In any domestic relations suit involving a contest over custody or parenting time of children, the parties shall make themselves available to the court's mediation service. A notice from the mediation service must be filed with the court stating that the parties have cooperated and the mediation has been unsuccessful before a trial or hearing on the merits is to be held.

(2) The parties may select, by stipulation, a private mediator. The parties shall directly contract with the private mediator and be responsible for payment of the mediator's fees. If independent mediation is selected, a written stipulation indicating the name of the mediator shall be filled with the court.

(3) A case filed in the Circuit Court remains under the jurisdiction of that court in all phases of the proceedings, including mediation. Any agreement of the parties reached as a result of mediation for which court enforcement may be sought must be presented to the court and the court shall retain final authority to accept, modify, or reject the agreement. At any point during the mediation, the court may approve a temporary custody and parenting time order reflecting the parties' agreement as to those issues.

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

(a) Meet the requirements of the Oregon Judicial Department Court-Connected Mediator Qualifications Rules;

(b) Sign and file an application with the Court; and

(c) Receive approval by the Presiding Judge, upon recommendation of the Domestic Relations Mediation Screening Committee.

(5) Upon a showing of good cause, the Presiding Judge may allow appropriate substitutions, or allow a waiver, of the minimum requirements consistent with the Oregon Judicial Department Court-Connected Mediator Qualification Rules.

(6) The Presiding Judge may remove a mediator from the court-approved list at any time at the Presiding Judge's discretion.

(7) 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 the case. A mediator shall encourage disputing parties to obtain individual legal review and advice of any mediated agreement before signing any agreement. Further, the mediator shall not act as a lawyer for either party.

(8) 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 within twenty one (21) days of the mediator's receipt of the first notice of assignment. Mediation shall be completed in a prompt manner so as to not unduly delay the Court and in no event later than a deadline date ordered by the Court. Ninety percent of cases shall be mediated within 49 days of the date of referral.

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

(10) The mediator shall prepare a written memorandum of any agreement which the parties reach as a result of the mediation. The unsigned, proposed memorandum of agreement shall be distributed to the parties and to their attorneys by the mediator. If the parties choose to sign the memorandum of agreement after having had an opportunity to review it with a lawyer, the document may then be incorporated into a Court Order of Judgment

(11) The mediator may notify the Court at any time following the initial mediation session involving the parties and the mediator that the mediation was unsuccessful, in which case the proceeding will be scheduled for hearing. The mediator may determine that the mediation has been unsuccessful if the parties are unable to resolve the custody or parenting plan controversy; or, if one or both parties are unwilling to participate in mediation; or, if the mediator determines that either party is using the mediation process in bad faith for the delay of resolution of other issues.

(12) In issues subject to mandatory mediation under these rules (custody and parenting plan), Jackson County shall compensate the mediator at a per case rate set by the Presiding Judge. Mediators will be credited for each case assigned. All meetings surrounding the case, from the time of appointment for a period of four (4) months will constitute one (1) case. Each case includes time for administrative requirements including setting appointments, corresponding with parties and attorneys, mediation sessions, and for time spent drafting the parties' agreements.

(13) In the event both parties do not appear at a scheduled mediation session without at least 24 hours advanced notice to the mediator, the mediator may request a cancellation fee, set by the Presiding Judge. Alternatively, the mediator may mediate with one party if shuttle mediation would be helpful in resolving the case, and charge the set per case rate. The

party canceling must provide advance notice on a regular business day to avoid imposition of the cancellation fee. In order to charge the cancellation fee, the mediator must send a written notification identifying the responsible parent and the amount charged, to the assigned judge and both parties, through their attorneys if they are represented. The mediator shall refer the case back to the court after two no shows on any one case. The assigned judge will allocate the cost of any no shows to the responsible party, in the absence of good cause.

(14) The parties may agree to mediate the financial issues, including, but not limited to, property and debt division, and support. The court may also refer matters to mediate on the motion of one (1) party, or on the court's own motion. In the event the parties agree to mediate financial issues, the mediator is to be compensated at a rate set by and directly paid by the parties to the mediator.

(15) Regarding issues not involving mandatory mediation, the parties may agree to mediate with the court-appointed mediator; but the compensation arrangement shall be between the parties and mediator, as they may agree in writing, and the compensation rate shall be negotiated between the parties and mediator, unless the court has entered an order allowing for payment.

8.012 Dismissal of Dissolution Cases

Dissolution cases will not be continued as active cases beyond their trial dates where the parties have reconciled. If no motion to dismiss is filed, the court may, on its own motion, enter a judgment of dismissal.

8.013 Mandatory Parent Education Program

(1) Jackson County has established a Parent Education program of the type authorized by ORS 3.425. The program provides information on the impact of family restructuring on children to each person named as a party in the following types of proceedings involving minor children:

(a) annulment or dissolution;

(b) legal separation;

(c) petition to establish custody or parenting time; and

(d) post-judgment litigation involving custody or parenting time.

(2) Each party who files an appearance in a proceeding of the types described above shall complete the Parent Education program prior to any court hearing and prior to attending mediation unless otherwise waived by the court.

(3) A final judgment shall not be entered in the proceeding until each party who has filed an appearance has attended the Parent Education program and has filed a Certificate of Completion with the court unless otherwise waived by the court.

(4) A statement of the requirements of this local rule and instructions on how to attend the program shall be served by the initiating party on all parties against whom relief is sought. Service shall be completed in the manner provided in ORCP 7 at the time the initiating documents are served.

(5) The clerk shall provide a statement of the requirements of this rule to the initiating party for service upon all parties against whom relief is sought, together with a statement describing the program, including contact telephone numbers and addresses.

(6) The program provider shall issue a certificate of completion to the court when the participant has completed the program.

(7) The court may exempt one or both parties from the program if, after reviewing the requesting party's motion and supporting affidavit(s), the court determines that the participation is unnecessary or inappropriate or the parties select and participate in comparable education programs with prior approval of the court.

(8) The court shall actively promote each party's completion of the program. Failure or refusal to complete the program in a timely manner shall be considered by the court in making its ruling on issues which are in dispute.

(9) A party who has completed the program shall have the right, as set forth in UTCR 1.090(2), to:

(a) request the pleadings of a party who has appeared be stricken if that party has not completed the program in a timely manner without good reason; and

(b) request entry of an order from the court to compel the non-complying party's completion of the program should the non-complying party have appeared and not completed the program in a timely manner without good reason. The court may enter an award of attorney fees in favor of the complying party who utilizes this option to force the non-complying party's compliance with this rule.

(10) 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 has appeared in the proceeding.

<u>8.071 Restraining Orders</u>

If the respondent requests a court hearing pursuant to ORS 107.716, the clerk of the court shall notify the petitioner of the date and time of such hearing. The petitioner shall give the clerk of the court information sufficient to allow such notification.
(ORS 107.718 (6)).

8.072 Domestic Relations Motions

All motions shall be filed and heard as set forth in SLR 5.061.

CHAPTER 9 - PROBATE AND ADOPTION PROCEEDINGS

9.081 Place of Oral Objections

In accordance with ORS 125.075(2), the court designates the probate counter as the place where oral objections shall be filed. The phone number is (541) 776-7171, ext. 130.

9.161 Probate Proceedings

In accordance with ORS 125.475(3) and ORS 116.083(2)(d), in lieu of actual vouchers, a list of expenditures as reflected by the actual vouchers shall accompany all accountings.

9.162 Protective Proceedings

(1) When a petition seeks appointment of a guardian for an adult respondent, the petitioner shall select a visitor from the court-approved list. If the visitor agrees to the appointment, the petitioner shall provide the visitor's fee directly to the visitor. The visitor will not undertake the investigation until the fee has been paid or unless the fee has been waived by an order of the court.

(2) The petitioner shall provide a proposed order to the court with the name of the selected visitor.

(3) In accordance with ORS 125.155 (5), reasonable compensation for a visitor at any hearing on any objection of a fiduciary shall be $25.00. The compensation is to be paid by the objecting party prior to any hearing being set regarding the objection.

CHAPTER 12 - CIVIL MEDIATION

12.001 Child Custody Mediation

Jackson County Circuit Court has a mandatory child custody and parenting time mediation program. See SLR 8.011.

12.002 Matters Subject to Mediation

(1) Jackson County Circuit Court has a mandatory Alternative Dispute Resolution (ADR) program pursuant to ORS 36.400 to 36.425, UTCR Chapter 13, and ORS 36.180 to 36.210. Litigants may satisfy this requirement by participating in court annexed mediation or arbitration.

(2) All small claims cases in which a jury trial has been requested, and in which a formal complaint has been filed, shall be subject to the Alternative Dispute Resolution program rules.

12.003 Alternative Dispute Resolution Commission

In addition to its other duties, the Alternative Dispute Resolution Commission shall monitor the court mediation programs, advise the court regarding mediation services, review qualifications and training of mediators, and establish a compensation schedule for court mediators.

12.004 Mediation Panel Established

There shall be a panel of mediators comprised of mediators who satisfy qualifications and training standards prescribed in the OJD Court-Connected Mediator Qualification Rules and have been appointed by the presiding judge.

12.005 Appointment of Mediation Panel

(1) To apply for inclusion on the Jackson County panel of mediators, a person must sign and file an application provided by the court.

(2) The Alternative Dispute Resolution Commission shall review each application 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, and the number of mediators which comprise the panel, shall be made by the presiding judge.

(4) The term of appointment to the mediation panel shall not exceed two years. The presiding judge may reappoint a mediator.

12.006 Removal from Mediation Panel

(1) The Alternative Dispute Resolution Commission shall monitor the performance of mediators and report to the presiding judge as appropriate.

(2) The presiding judge may remove a mediator from the court panel at the presiding judge's discretion.

12.007 Motions

(1) If the first appearance of a defendant is not an answer but is a motion directed to the complaint or a dispositive motion, the motion shall be decided by the court before the case is assigned to mediation.

(2) Any motion, other than a Motion for Summary Judgment, filed after assignment of a mediator shall be stayed pending disposition of mediation.

12.008 Referral to Mediation

(1) Upon appearance of the parties and determination of the case at issue, the clerk of the court will notify the parties of the SLR 12.002 and 13.021 requiring participation in an ADR program.

(2) The case shall be assigned to arbitration unless a request for mediation is made by one of the parties.

12.009 Exemption from Mediation

The parties may request exemption from ADR requirements by filing an affidavit within 14 days of receipt of the notice of ADR requirements wherein the parties state they have attempted to settle all issues in dispute by participating in mediation prior to filing the case.

12.010 Assignment of Mediator and Scheduling

(1) The court shall exercise its authority under ORS 36.200(2) to assign cases subject to SLR 12.008(2) to a mediator.

(2) The mediator will assign the date, time, and meeting place of the initial mediation session and any additional sessions.

(3) The parties may choose, at their option and expense, mediation services other than those suggested by the court, and entering into such private mediation services shall be subject to the same provisions of ORS 36.180 to 36.210.

(4) Providing a party objects to the court-appointed mediator, the party may request reassignment of another mediator by filing an affidavit with the court setting forth good cause for the request.

12.011 Compensation of Mediators

(1) Payment of the mediation fee is due within 14 calendar days of notice of assignment of a mediator. Each party shall pay the mediator directly.

(2) If any party fails to pay the prescribed fee within 14 calendar days of assignment, the court will exercise its authority under UTCR 1.090 to impose an appropriate sanction.

(3) If arbitration is requested subsequently to the appointment of a mediator, but prior to any mediation occurring, the parties shall nevertheless be required to pay the mediator a fee of $25.00 each.

12.012 Completing Mediation

Any case assigned to mediation must complete mediation within 90 days of assignment, unless otherwise ordered by the court.

(1) In all cases assigned to mediation in which a settlement is reached, the parties shall report such settlement to the mediator and the mediator shall file a notice of such settlement with the court.

(2) The results of mediation hearings shall be reported to the court as either "settled" or "not settled".

(3) If a case is reported as "settled", the terms of the agreement, including a date of final compliance, shall be signed by the parties and filed by the mediator with the clerk of the court within 10 judicial days.

(a) The mediator shall provide the creditor with a form to report compliance or non-compliance with the terms of the settlement agreement.

(b) Should the creditor fail to file a report of compliance or non-compliance within 30 days after the final date for compliance, or report the terms of the settlement have been met, the clerk of the court shall dismiss the case.

(c) Upon notice by a creditor of non-compliance with the terms of the settlement agreement, the clerk of the court shall refer the case to a judge for disposition.

(4) If the parties are not able to settle a mediated case, the case will be set for trial and not be required to arbitrate.

12.013 Good Faith Mediation

In the event a party fails to mediate in good faith, the court may exercise its authority under UTCR 1.090 to assess as costs any party's costs necessarily incurred in mediation in any subsequent judgment.

CHAPTER 13 - CIVIL ARBITRATION

13.003 Alternative Dispute Resolution Commission

In addition to its other duties, the Alternative Dispute Resolution Commission shall monitor the court arbitration programs, advise the court regarding arbitration services, review qualifications of arbitrators, and establish a compensation schedule for court arbitrators.

13.021 Matters Subject to Arbitration

Jackson County Circuit Court has a mandatory Alternative Dispute Resolution (ADR) program pursuant to ORS 36.400 to 36.425, UTCR Chapter 13, and ORS 36.185 to 36.210. Litigants may satisfy this requirement by participating in either court annexed arbitration or mediation.

13.022 Referral to Arbitration

(1) Upon appearance of the parties and determination that the case is at issue, the court clerk will notify the parties of the SLR 12.002 and 13.021 requiring participation in an ADR program.

(2) Unless one of the parties requests mediation, the case shall be assigned to arbitration pursuant to SLR 12.008.

(3) All cases assigned to arbitration shall be subject to this chapter of the Supplementary Local Rules.

13.023 Compensation of Arbitrators

(1) Payment of the arbitration fee is due within 14 calendar days of notice of assignment of an arbitrator. Each party must pay the assigned arbitrator directly.

(2) If the plaintiff fails to pay the prescribed fee within 14 calendar days of assignment, the court may exercise its authority under UTCR 1.090 to impose an appropriate sanction, absent relief prescribed by ORS 36.420(3).

(3) If the defendant fails to pay the prescribed fee within 14 calendar days of assignment, the court may exercise its authority under UTCR 1.090 to impose an appropriate sanction.

13.024 Arbitration Date

The date for the arbitration hearing will be no more than six months from the date the case is assigned to an arbitrator.

APPENDIX
OF
FORMS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY

	)	
	)	
Petitioner/Plaintiff,	)	CASE NO. _____
	)	
vs.	)	CIVIL EVIDENTIARY MOTION
	)	NOTICE OF HEARING
	)	
	)	
Respondent/Defendant.	)	
_____	)	

Reporting Requested:_____No_____Yes Estimated Length _____
(Reporting fees are due at the time your motion is filed. ORS 21.275 (4) and (5).)

TO THE CLERK OF THE COURT AND TO: _____

The undersigned has scheduled for hearing the following motion:

_____ _____, a copy of which is attached. The

evidentiary hearing is scheduled at 9:00 a.m. on _____, in Courtroom No.

_____.

YOU SHOULD APPEAR AT THE TIME AND PLACE DESIGNATED.

Failure to appear, unless good cause is established, may result in relief being granted in accord with the

motion filed, if consistent with Oregon law.

Signed: _____ Dated: _____

Name: _____ Bar No. _____

Address: _____

City, State, Zip: _____

Appendix A
(Per SLR 5.061(2)(a))

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY

STATE OF OREGON,	)	
	)	
Plaintiff,	)	Case No. _____
	)	
vs.	)	NOTICE OF REPRESENTATION
	)	AND ORDER ON ARRAIGNMENT
	)	
	)	
Defendant.	)	
_____	)	

TO THE CIRCUIT COURT:

You are hereby notified that the above named defendant will be represented in the above entitled matter by _____ _____ attorney.

The defendant waives arraignment and the undersigned has advised the above-named defendant of the following rights:

1. The right to remain silent;
2. The right to an attorney; and
3. The right to a jury trial.

I have explained to the defendant what he/she is charged with and he/she understands same.

Demand is hereby made upon the Jackson County District Attorney's Office for disclosure of all information required under the discovery statutes ORS 135.805 to 135.873.

The undersigned will disclose to the Jackson County District Attorney's Office all information required under the discovery statutes ORS 135.805 to 135.873, at least ten (10) days prior to entry of plea.

It is requested that the defendant be released on his/her own recognizance. At least one week prior to the Pretrial date the defendant shall go to the Release Assistant Office to be interviewed for purposes of participating in a release decision.

The defendant will appear in the above entitled court on Monday, _____, 20__, at the hour of 1:30 P.M. for entry of plea.

DATED: _____

_____
ATTORNEY FOR DEFENDANT
BAR NO. _____

ORDER

Based upon the foregoing

IT IS HEREBY ORDERED that the Defendant appear on Monday, _____, 20 ___, at 1:30 P.M. for entry of plea.

IT IS FURTHER ORDERED that the District Attorney of Jackson County, Oregon, and the attorney for the Defendant mutually disclose all information required under the discovery statutes ORS 135.805 to 135.873 at least ten (10) days prior to the date to which this case is continued by this order.

DATED: _____.

_____
CIRCUIT JUDGE

I hereby certify that I served the foregoing Notice of Representation and Order on Arraignment on the Jackson County District Attorney's Office, located at 715 W. 10th Street, Medford, Oregon 97501, on the ____day of _____, 20 ___, by mailing him a true copy thereof.

_____
ATTORNEY FOR DEFENDANT

Appendix B
(Per SLR 7.012)

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY

State of Oregon,	)	
	)	
Plaintiff,	)	Case No. _____
	)	
vs.	)	PRETRIAL REPORT
	)	
	)	
	)	
Defendant.	)	
_____	)	

1. PRETRIAL DATE: _____

2. ATTORNEY: _____

3. DEPUTY DISTRICT ATTORNEY _____

4. DEFENDANT WILL CHANGE PLEA
   TO GUILTY ON: _____, 20__, ___ .M.

The plea time must have been arranged through the Criminal Clerk, and if that has been done, the rest of this report need not be executed.

5. DEFENDANT IS READY FOR TRIAL AND:
   A. All necessary witnesses have been contacted and subpoenaed as necessary.
   B. Has been in contact with attorney within 10 days prior to Pretrial:
   Indicate type: ( ) letter ( ) telephone ( ) personal contact

6. Pretrial matter or motions to be resolved:

_____

7. DISCOVERY: Complete _____ Incomplete _____

8. JURY: 6 person ____ 12 person _____ Waived _____

9. TRIAL DATE: _____STATUS CHECK DATE _____
   (Monday of Trial Week)

10. TRIAL TIME: _____day(s) LODGED Yes ___ No ___

YOU ARE TO FILE A PRETRIAL REPORT ON OR BEFORE 3:00 PM ON THE FRIDAY BEFORE THE PRETRIAL DATE OR APPEAR FOR PRETRIAL

Dated: _____

_____
Defendant

_____
Deputy District Attorney
Bar No. _____

_____
Attorney for Defendant
Bar No. _____

Appendix C
(Per SLR 7.016)

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY

STATE OF OREGON,	)	
	)	
Plaintiff,	)	No.
	)	
vs.	)	PLEA NOTICE*
	)	
_____,	)	
	)	
Defendant.	)	
_____	)	

1. Trial Readiness Hearing Date (Status) _____

2. Trial Date _____

3. Attorney _____

4. Deputy District Attorney _____

5. Defendant will enter pleas of Guilty or No contest to the following charges or counts:

On _____,_____, at ____.M.

_____
_____
_____
_____

And the following charges or counts will be Dismissed.

_____
_____
_____
_____

Dated _____

Attorney Signature _____

* This form is not to be used for defendants who are in custody without prior judicial approval.

Appendix D
(Per SLR 7.023(2))